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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 30 JULY, 2018

AT 9.30AM

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THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Commissioner, could I just raise three administrative matters if I may.

THE COMMISSIONER: Yes.

10 MR PARARAJASINGHAM: I appreciate it. First, Commissioner, some time ago, at the beginning of the year I agreed to lecture in evidence law at Sydney University commencing this week, Mondays and Wednesdays, from about 4.15 to 6.15. That was of course before the proceedings were extended. Commissioner, I'm asking, and I've checked this with learned Counsel Assisting and I understand there's no objection to this, just while Mr Stavis is in the box, could we perhaps rise at 4 o'clock on Mondays and Wednesdays to accommodate my obligation?

20 THE COMMISSIONER: No, look, it has been raised with me. That's perfectly fine, so at least for this week on Monday and Wednesday instead of going through to 4.30 we'll finish at 4.00pm.

30 MR PARARAJASINGHAM: I'm grateful, Commissioner. Commissioner, the second administrative matter is this. It concerns what is really some errata. Now, I appreciate we haven't been doing transcription corrections but I came across one from Thursday that in my submission is quite significant and, Commissioner, if you agreed with me, I understand from learned Counsel Assisting that there is a way that it can be rectified. It's at transcript page 3343, line 35. So page 3343, line 35. This was in the context of Counsel Assisting asking questions about things that Mr Stavis perhaps knew and did not know. At line 35 Mr Stavis's answer reads in the transcript, "I did know that at the time." My recollection of the evidence is that he said, "I did not know that at the time." It is in my submission a significant transcription - - -

THE COMMISSIONER: Now, I understand we can actually listen to the tape and just confirm that and I understand that will be undertaken today at some time. So we'll get that done and then raise it again.

MR PARARAJASINGHAM: Yes.

40 THE COMMISSIONER: And if there is any issue we can discuss it further or I can make that amendment to be recorded on the transcript.

MR PARARAJASINGHAM: I thank the Commissioner. And, Commissioner, the final administrative matter is this. On Friday an article was published in the Sydney Morning Herald by Ms Megan Gorey. It purported to summarise the effect of Mr Stavis's evidence from Thursday. At one point in the article the following appears, and I printed off a copy, so it's page 2 of the article I printed off the Internet. "It is also examining",

that is ICAC, “how the unqualified Mr Stavis came to land the role of planning chief at the council and what he did once in the role.” Commissioner, that in my submission is erroneous. That is not the allegation nor is it the effect of the evidence to date and I simply note that that is an erroneous summary of that aspect of the evidence. I have raised this with my friend as well.

THE COMMISSIONER: Mr Buchanan?

10 MR BUCHANAN: Commissioner, I with respect agree with my friend that there’s no evidence that the witness was unqualified. He did not have qualifications in a particular area, namely, urban design strategic planning but that’s not the only area of course for which Mr Stavis was responsible as director of city planning at Canterbury Council.

THE COMMISSIONER: All right. Well, thank you for raising that. Now, before Mr Stavis resumes his evidence, I have some administrative information to give to you. As you know, next week we’re sitting on 6, 9  
20 and 10 August and then the following week we’ve got a full week. We will not be sitting here. We will be sitting at the LEC offices which is the Law Enforcement Conduct Commission located at Level 3, 111 Elizabeth Street. I understand they have a hearing room there and we will be occupying that hearing room. On Monday – I’m sorry, I’ll start again. Because we propose to sit here at ICAC all of this week including Friday up till 4.30, we need some time to transport folders and other material up to the LEC hearing room, so on Monday, 6 August instead of commencing at 9.30 we’ll be commencing at 11.00am. However, after that later start on the Monday we’ll resume our normal sitting hours – sorry, again I have to change that.  
30 Because of certain requirements at LEC, after that Monday we’ll be sitting 9.30am to 4.00pm. We have to vacate the hearing room at a certain time and that will not really facilitate sitting through to 4.30. So I probably confused everybody but if I can just reiterate this week Monday and Wednesday we are here and Monday and Wednesday we will finish at 4.00pm. Next week we will be at the LEC hearing room on Monday, 6 August commencing at 11.00am and going through to 4.00pm and thereafter sitting 9.30 to 4.00pm when we’re at LEC. All right, then. Mr Stavis. We’ll just have you sworn again.

THE COMMISSIONER: Thank you, Mr Stavis.

MR BUCHANAN: Mr Stavis, I was asking you questions last Thursday when we finished about the period of time when you had an application for appointment as director of city planning before Canterbury Council, and you went before an interview panel on 17 November, 2015, and I had introduced you to the subject of contacts that you had with Mr Hawatt on his mobile telephone, that is to say text messages, and he with you. Can I take you to a schedule of text messages extracted from Mr Hawatt's phone in volume 3, page 224 on 24 November, 2014, and it's shown on the screen in front of you. We probably don't need the volume at this stage, but just say so if you prefer the hard copy volume. The first text message in this table is at 7.25am from you to Mr Hawatt, and it reads, "She still hasn't checked my references, just so you know. Speak soon. Cheers." Why did you send that to Mr Hawatt?---I, I, at that point in time, as I said last week, I, you know, I was, I guess quite anxious to progress my application. That's probably the reason why.

And why did you send it to Mr Hawatt as against making contact with someone else or anyone else?---I think at that, at that point in time he was, as I said last week, he was, you know, quite keen in discussions with me about showing a considerable interest in my application. That's probably the main reason why.

And what did he say to you to indicate that he was quite keen and showed considerable interest in your application?---Look, I really don't remember exactly what he said to me, but as you no doubt know from what we saw last week with all the text messages that obviously there was a lot of communication in that regard. But as to exactly what he said to me, you know, I couldn't really tell you.

Had you had any contact with Mr Hawatt between the time that you saw him and Mr Azzi at the interview panel on 17 November and the time when you sent this text on 24 November, 2014?---I probably did. It's likely that I did.

And what contact did you have?---It's likely it would either be phone calls or SMSs very similar to the one you've just pointed me to.

In the contact that you had with Mr Hawatt between the date of the interview panel and this date, 24 November, would it be fair to say that Mr Hawatt had used words which indicated to you that he intended to do whatever he could to make sure that you were selected for appointment?---I think that's a fair comment.

THE COMMISSIONER: Can I just check, the reference to “she” in your text message, was that a reference to Judith Carpenter?---I believe so. I believe so.

MR BUCHANAN: And how did you know that Ms Carpenter had not checked your references?---I think, from memory, to the best of my recollection, I checked with my referees, yeah.

10 THE COMMISSIONER: Who were your referees at that point? Because the application we saw last week, your written application, you didn't include referees. You made a comment “to be supplied if required”. Do you recall who they were?---One of them was Julie Bindon from JBA Urban Planning, yeah.

MR BUCHANAN: How do you spell that surname, sir?---B-i-n-d-o-n.

Thank you.---Yeah.

20 Anyone else?---Can't recall.

There was more than one, obviously.---Yeah, there would have been. Just trying to - - -

Anyone from the public sector?---Oh, maybe Kerry Kyriacou from, who's a manager of development assessment over at Randwick Council.

30 Anyone from Strathfield or Botany Councils that you nominated as a referee?---Look, I, I don't recall exactly, but if it was anyone from those two organisations it would have been either Silvio Falato.

At?---At Strathfield Council.

Yes.---Or, and – just trying to think.

Elizabeth Warton?---Sorry?

Elizabeth Warton at Botany?---Heather, Heather Warton.

40 Thank you.---Yes.

I stand corrected.---Yeah, Heather Warton.

At Botany Council?---Yes.

Was she director of planning there?---Correct.

THE COMMISSIONER: I'm sorry, where did you say Julie Bindon was from?---It's a private, a private consultancy called, well, it used to be called JBA Urban Planning Consultants.

MR BUCHANAN: Did you nominate a Sandhya Davidson, S-a-n-d-h-y-a Davidson, who was a planner at Liverpool Council, as a referee by any chance?---I don't believe so, no.

10 Was that a person you knew to be a planner at Liverpool Council as at the time you were applying for this job?---She used to work pretty much under me when I was at Strathfield Council and I, I believe she did move to Liverpool Council, yes.

Is she a person that you could have nominated to Ms Carpenter as a referee?---In all honesty, I don't remember.

20 My attention's been drawn to the fact – volume 3, commencing at page 230 – that there are in the Judith Carpenter & Associates' papers reference checks for you dated 24 November, 2014, from Julie Bindon at JBA consultants; Sandhya Davidson, a planner at Liverpool Council at that stage; and Kerry Kyriacou, manager (development assessment) at Randwick City Council. Was there any reason you didn't supply Ms Carpenter with the names of referees from Strathfield or Botany Councils?---Not that I can think of, no.

They had been the more recent of your employers, would that be right to say?---It is correct, yes.

30 Had you had any problems at Strathfield Council or Botany Council as at the time you were applying for the job at Canterbury Council which caused you to prefer not to provide a referee to Ms Carpenter from either of those councils?---No.

Can I take you, please, to a text message – still on page 224 of volume 3 – number 4, at 9.03am, to Mr Hawatt. “Do you know when you'll be meeting to finalise?” I take it you don't have a particular memory of sending that text message?---I don't, I'm sorry.

40 All right. That's okay. But you'd agree that it assumes that Mr Hawatt knows that he will be taking part in a meeting to finalise the selection of the director of city planning doesn't it?---It appears so, yes.

Do you know what meeting it was that you had in mind?---No. Sorry, no.

You see there was no formal meeting on the evidence before the Commission, there was no formal meeting in which Mr Hawatt was involved or scheduled to be involved in relation to the selection process after the meeting of the selection panel – sorry, the interview panel on 17

November, 2014. This must have been a reference, this text must have been a reference to information you've been given by Mr Hawatt that he would be meeting with Mr Montague to finalise the selection. Correct?---In all honestly I, I really don't remember the context of that SMS.

I understand that but if you take as a premise - - -?---Sure.

10 - - - that there was no formal meeting after 17 November, 2014 in which Mr Hawatt was involved or scheduled to be involved in the selection process then your reference to a meeting in which Mr Hawatt would be involved to finalise the appointment could only be a reference to something you were told by Mr Hawatt about a meeting that he was going to have with Mr Montague to finalise the appointment. You'd agree with that?---I would.

And just to make sure I'm not misleading you, had Mr Montague at that stage, 24 November, 2014, indicated that he would be meeting with Mr Hawatt to finalise the selection process?---I don't believe so.

20 Certainly in his response at item 5 on page 224 of volume 3, the text he sent you at 9.10am, Mr Hawatt seemed to understand what you meant and indicated that the meeting would be definitely that week. You accept that? ---I, I do.

30 Can I take you to page 162 of volume 3. Excuse me a moment. You're looking at a screenshot of SMS messages between you and Mr Montague taken from your phone and can you see that – I'm sorry, if I can take you to the bottom of page 162. On Monday 24 at 10.28am you said to Mr Montague, "Hi, Jim. Hope you had a good break." Do you see that? ---Yes.

You knew that he had taken a holiday, a short holiday did you?---I believe so, yes, at the time.

How did you know that?---I think at that point in time I was, Mr Montague and I were conversing. There was contact obviously so that's probably why, how I know.

40 And you said, "Please feel free to ask me anything if you're unsure about my application." And if you go over the page, 163, the full message is set out there. "FYI, I am extremely confident I can achieve your objectives and really excited about the prospect of working with you. Cheers. Spiro." So you were advocating directly with the decision maker to promote your application. Is that fair to say?---Yes.

What were the objectives that you were speaking of in that text message?--- As I said last week in my evidence, when I had met a few times with Jim he had pointed out a few things that he was looking at in a director of planning.

Things like loyalty, I guess fixing up the issues that were around the department itself. And so, I mean, they're the sort of, that was the, the spirit, I guess, of what I referred to as the objectives.

At 10.14pm on Tuesday, the 25<sup>th</sup> of November, we can see this is the bottom of page 163, and if we go over to page 164, it's set out again. Mr Montague sent you an email, I do apologise, a text message, "Call me now if you can." Do you see that?---"Call you later if you can?" "Spiro, call you later. Jim"? Is that the one? Oh, sorry - - -

10

No, no.---I was looking at the bottom. I'm sorry.

That's okay. At the top of page 164, "Call me now if you can. Jim." ---Yeah.

Do you see that's at 10.14 at night?---Yes, I do.

Were you surprised to get a text message from Mr Montague at 10.14 at night?---In all honesty, I really didn't think much of it at that point.

20

You responded, "Hi, Jim. Have a councillors' briefing meeting at around 7.00pm tomorrow, which will go for an hour, but I will meet you any time convenient for you. Spiro."---Yeah.

THE COMMISSIONER: Just while Mr Buchanan is looking for that, your communications with Mr Hawatt post the interview, did he ever indicate that there was another candidate who was competition for you for the role or anything like that?---No.

30

MR BUCHANAN: So for those of us who have paper copies, if we could sort of keep a finger on page 164 of volume 3, but otherwise if we turn to page 228 of volume 3. And the message here at number 1 is to you from Mr Hawatt at 9.41pm. So it's shortly before Mr Montague texted you to say, "Call me now if you can," at 10.14pm. 9.41 the same night, Mr Hawatt texted you to say, "Good!" Item number 2 on that schedule is a text from you at 10.45pm, which is after the text from Mr Montague, to say, "Hi, Mike. Is it what I think?" And number 3, at 10.46pm, Mr Hawatt responded, "Yes." Can you give us any insight into what otherwise might be described as cryptic communications?---I think what that refers to was in relation to, I guess, my application and whether or not I was going to be successful, I believe.

40

In saying to Mr Hawatt, after the message from him, "Good", and then the message from Mr Montague, saying, "Call me now if you can," and saying to Mr Hawatt, "Hi Mike, is it what I think?" Were you asking Mr Hawatt whether you correctly understood that a combination of Mr Hawatt's communication, "Good", and Mr Montague's communication, "Call me now if you can," was indication that you were about to be offered the job?

---Can I just take a step back, the communication in terms of the time, I just want to make sure I get the time line right.

Of course.---Where, in terms of the time line, where was the communication with Mr Montague asking - - -

At 10.14pm.---Okay, yes.

10 So in between.---Okay got you, okay. Um, in answer to your question, I believe so, yes.

And yet it seemed to you that – I withdraw that. Mr Hawatt text message 9.41pm on 25 November with the word, “Good!”, would indicate that he is responding to an enquiry from you that could have been by telephone or in some other fashion or a text message that hasn’t been captured in the evidence before the Commission. Do you see what I mean?---I do and it is quite possible yes.

20 And is it possible that you had enquired of Mr Hawatt, how did your meeting go with Mr Montague about my job?---That’s, it’s not the way, the way I remember it, I didn’t really, was specific about it in that regard but in terms of I guess the outline and the chronology and the spirit of what you said before, I tend to agree with that.

You can’t provide an alternative explanation for what otherwise would appear to be an inexplicable text message from Mr Hawatt, “Good”?  
---That’s correct.

30 If I can take you then please to page 164, back to page 164 in volume 3 – page 165 in fact, please. If we can go back, I do apologise, page 164, I shouldn’t omit the texts from you to Mr Montague at 11.32am on 26 November, telling him that your councillors’ meeting had been brought forward and you were available from 6.30pm onwards. Do you see that?  
---Yes.

40 And Mr Montague said in a text that he would call you later. On page 165 he sent you a text at 6.03pm on 26 November, “Hi Spiro, met at Giorgios on Kingsgrove Road at 7.00-ish? Jim.” And you said, “Leaving Botany now, see you there.” Do you see that?---Yes.

Then below that on page 165 is a text from you to Mr Montague, “Hi, thank you so much for meeting me, much appreciated, it reinforced we’re on the same page, look forward to speaking soon. Cheers Spiro.” You appear to have had the meeting at Giorgios at Kingsgrove with Mr Montague as he had proposed?---Yes.

Can you recall that particular meeting?---Again, all those meetings were very, very similar in the sense that Jim, it was like a mini-interview with Jim

at that point in time. It was always about, you know, "This is what I'm looking for as a director. These are the things that we need to fix up." And, and I think, to be fair, I think he was trying to ascertain whether I was a good fit for the organisation, yeah. But there was nothing really specific that was discussed. It was all very general around those, that was the nature of the conversations.

10 And so when you said in your text message at 10.10pm, "It reinforced," that is to say the meeting, "reinforced that we are on the same page," what was that a reference to?---Just in terms of ensuring that he had my loyalty and that, that I would be proactive in addressing the issues that the department had at the time, according to Jim. Things like processing times and addressing councillor issues and so forth in a timely manner. But it was all very general in that regard.

20 Did he give you any indication at that meeting that what he was looking for was a director who would facilitate development in the local government area?---Look, I, he certainly expressed that he was after someone who would be facilitative in terms of ensuring that applications were churned over in a timely manner because he, I remember him making reference to the processing times being unacceptable and that there were issues around how the applications were being dealt with.

THE COMMISSIONER: You keep on referring to assuring him that he had my loyalty.---Yeah.

What was meant by that?---Just that I took it as, you know, he would be, he's my boss or potential boss and, you know, to do what he, what he asked.

30 MR BUCHANAN: Is this along the same lines as you told us Mr Montague was asking at the interview panel?---Very similar, yes, yes.

Did it seem strange to you that that sort of criterion was being identified by the general manager?---In all honesty, no, because I, you know, when I was running my business, I, I expected the same from my staff. So from that perspective loyalty is, you know, I guess a bit of a given when you're a boss.

40 But it's not the sort of quality which is usually stipulated in contracts of employment, is it?---No.

Or key performance indicators.---No.

So to that extent it seemed like a quality that Mr Montague was requiring over and above the qualities that would normally be required in the relationship between a director and a general manager, would you accept that?---I would.

And did you have any understanding then as to why it was being required?

---No. No, no.

Do you have any understanding now, after you worked for Mr Montague in 2015-2016 as to why it was that in canvassing the position with you before your appointment he indicated that he wanted loyalty?---Yes. It became obvious to me during my tenure that it was issues that he had and others had with the former director in terms of what they perceived as getting the job done, and I think that's probably the extent of it from my perspective anyway.

10

THE COMMISSIONER: But that's not a matter of loyalty. That's more a matter of efficiency or doing your job. As Mr Buchanan's question posed, this emphasis on loyalty, as he said, an emphasis on the quality above that usually in a contracted employment relationship, your answer of getting the job done doesn't seem to meet that description of loyalty and something above what is usually expected in that relationship.---Well, if I can clarify. The way I interpreted that was that at the time, you know, from what Jim had told me, he had put, you know, had certain criteria that he expected of a director around the efficiencies and so forth and how you would deal with applications and so forth and that message wasn't being I guess accepted by the former director. Now, loyalty may be a bit of a, a bit of a wrong sort of expression I guess in that regard but that's the way I interpreted it at the time.

20

MR BUCHANAN: I mean we'll come to specific development sites later but looking back on it weren't there instances where you were asked to do things by Mr Montague which were against your better judgement and you did them because he asked you to?---I think that's fair.

30

Can I ask you to have a look, please, at the text message in the screenshot on page 166 of volume 3 and it's a text message about the Canterbury Bowling Club redevelopment to which when we go to page 167 we can see that Mr Montague responded, "A brewing issue we are working through. Talk soon. Jim." Just looking at your text at 9.35am on Friday 28, in the context of the texts you had been sending it seems a bit of an unusual text to send to the person you understand to be making the decision as to whether or not you'll be selected for appointment as director of city planning don't you think?---I guess in isolation you, one would think that.

40

No, I'm saying in the context of all the other texts.---Oh, sorry.

These texts you're sending essentially were trying to ingratiate yourself with Mr Montague. Would that be fair to say?---That's fair, yes.

Now, going to – excuse me a moment – page 167 on volume 3. On 28 November, 2014 at 7.46pm you text Mr Montague to say, "Sorry to bother you but wanted to tell you Judith called today to reinforce what we

discussed. Bottom line I know what's expected and I will not let you down if I get the job, sir. Cheers. Spiro." Why did you send that text message? ---Really at that point in time I was keen for the position and I just wanted to keep him informed of, of any communication that I had around, around my application.

But in essence you were ingratiating yourself with the man again, weren't you?---That's correct. Yes, I was, yes.

- 10 Can I just ask you about the information in it, "Judith called today to reinforce what we discussed." What was it that Ms Carpenter said in that telephone conversation?---To the best of my recollection it was around all the things that Jim had spoken to me about before.

So when you said "we discussed", that's a reference to your discussions with Mr Montague, and it appeared that Ms Carpenter understood those concerns on Mr Montague's part and she rang you and talked about them to you, is that right?---That's right.

- 20 Now, can I take you to page 249 in volume 3. On 2 December, 2014, at 4.19pm. Could we pull out the hard copy volume, please, from Exhibit 52, volume 3, and provide it to the witness? And just while we're trying to pull these up on the screen, if you could consult the hard copy volume, please. Page 249.---Yeah.

And do you see that's a couple of text messages on 2 December, 2014. The first one is to Mr Hawatt from you at 4.19pm and you say, "Running late. We'll be there 4.45pm," to which Mr Hawatt, at 4.23pm, responded, "No problem." It sounds as if you were meeting Mr Hawatt, is that right?

- 30 ---Yeah, it does, yes.

Do you remember meeting Mr Hawatt during the period between the interview panel on 7 November and you receiving a letter of appointment on about 8 December?---No, I don't recall.

But you'd accept that this indicates almost certainly that you did?---I think that's fair, yeah.

By agreement.---Yes.

- 40 What would you have been meeting Mr Hawatt about at this time?---I'd say it would be around my application of employment.

Yes. But were you trying to find out information from him or was he trying to find out information from you or were you discussing strategies or what? ---Like I said before, it really, I really don't recall the specifics.

Can you assist us as to why you thought it worth your while to meet Mr Hawatt during this period?---Look, as I said before, I think obviously he was someone who was part of the, it seemed to me, part of the decision making of who was going to be employed, and I believe that, you know, it, it, it couldn't hurt to actually meet with him and to put my case forward and to, in terms of whether I was successful or not.

10 But there wasn't any doubt, was there, in Mr Hawatt's mind, as you understood it, certainly by December 2014, that you were the preferred candidate, was there?---No, I don't think so.

He'd always indicated to you a preference for your candidature, hadn't he?  
---I'd say for the majority of the time, yes.

And that would tend to suggest that either you were trying to obtain information from him about what was happening with the decision that Mr Montague was making or that the two of you were having a meeting for some other purpose?---I think the former is probably more likely.

20 But you were in contact with Mr Montague, weren't you?---Correct.

Fairly regular contact, do you agree?---Yes.

30 So why did you need to talk to Mr Hawatt to find out about the decision or the decision making process?---Look, it was all, it seemed all intertwined, I guess, in the sense that, you know, Mr Hawatt seemed to be someone who would have some sort of influence in the decision and I also had regular contact with Jim Montague in that regard. So, I mean, I was just trying to I guess cement my position in terms of being successful.

There was no doubt in your mind at this time, though, was there, that it was Mr Montague who had the legal power to appoint you?---No, that's correct, that's correct.

Did you have an understanding at this time that the legal power was subject to a condition and that was that the general manager had to consult council about the appointment?---At that point in time?

40 At that point in time?---No.

Now, I want to put a proposition to you and invite you to consider it, the nature of your communications with Mr Montague were more by way of endeavouring to persuade him that you were the candidate who should be selected – and I've used the word that you've accepted, ingratiating yourself with him – on the one hand, whereas Mr Hawatt I want to suggest to you is a person with whom you're communicating about the selection process itself and what Mr Montague's thinking was and so, for example, he was

having a meeting with Mr Montague and you wanted to find out what the result of that was. Do you understand what I'm suggesting to you?---I do.

The difference between the two sets of communication?---I do.

Is that a reasonable characterisation?---I do, yes.

10 Can I take you to volume 3, page 251, text message from you, this is number one at 9.18am to Mr Hawatt, "Hi Michael, I didn't sleep last night thinking about all this, I really, really want this job but I'm okay to compromise as discussed. I want help make change in the department, sorry to rant but just frustrated. Cheers Spiro." Can I ask you about that message, it suggests that there was a communication or an understanding that you thought he shared that you mightn't necessarily get the job at that stage? ---Yeah, look in terms of that SMS, I really don't recall exactly what that is in reference to.

Do you mind if I interrupt and ask - - -?---Yes, please.

20 Did Mr Hawatt ever give you to indicate look, Jim is vacillating. He might not appoint you or he might be thinking of not appointing you. Did you ever get that impression from Mr Hawatt?---In terms of that, I'm not sure if it was around that time exactly so I can't really answer that with any sort of certainty, yeah.

30 Was there any discussion to which you were party around this time, whether it was with Mr Hawatt or Mr Azzi, that you might not be appointed as director of city planning but you would get some other job in the planning department, that you would be looked after?---Can I ask a question if possible?

Yes, please.---Was that time frame around the time when there was, there was a lot of I guess in the media problems with - - -

No, no, it's not.---Okay.

That's later.---Okay. Sorry.

40 So that's after you received your letter of offer of employment and the date of that letter is 8 December.---Okay.

So this is earlier.---Okay.

So what I'm exploring is what was it that you understood when you said to Mr Hawatt, "I'm okay to compromise as discussed"?---Look, in all honesty I can't really provide any insight into that but knowing myself, it may have been a way in which I would try and make it a bit more palatable for them to employ - - -

Make what a bit more palatable?---Just in terms of my willingness to compromise, I don't know - - -

Compromising what though, sir?---In terms of financial capacity or whatever, but I'll be only speculating to be honest with you. I really don't - - -

You don't have a memory?---No, not at all.

10

You don't. Okay. The only subject though that you and Mr Hawatt were talking about at this time was ensuring that you were appointed as director of city planning wasn't it?---Yes.

20

And so if in that context you said I really, really want this job but I'm okay to compromise as discussed, that would be consistent with someone having put to you look, if you can't be appointed director of city planning we'll see that you get a decent position in the department somewhere. Would that be a fair conclusion for the Commission to draw?---Look, it would be unfair of me to say yes because I don't recall the actual conversation or text message as discussed as I refer to in there.

But is there anything else that you can suggest notwithstanding your lack of memory?---Yeah, yeah. No, no.

Excuse me. Can I take you back a little bit to page 245 and it's back on the screen now. This particular page will be in a moment. This is a set of text messages on 1 December, so two days earlier.---Yeah.

30

And the first one is from Mr Hawatt to you at 8.50pm, "Can we catch up tonight?" And you responded that you couldn't for family reasons and asking whether everything was okay. Mr Hawatt then proposed the next day at 4.00pm. You responded at 8.56pm, "4.30?" And then in item number 6, at 9.07pm, Mr Hawatt said, "Okay. At Pierre. Roselands." Do you see that?---Yes.

40

You can see that it seems that in that last text message, at 9.07pm, Mr Hawatt was providing you with a venue for the meeting that he had been asking whether you could attend.---Yes.

And he seemed to think that you knew the address.---I think so, yes.

So thinking about this now, did you meet up with Mr Hawatt and Mr Azzi on 2 December, 2014? That was a Tuesday.---So, the 2<sup>nd</sup> or - - -

The 2<sup>nd</sup> was a Tuesday.---Well, that text, these text messages relate to the - oh, "tomorrow", sorry. I don't recall, to be honest.

Well, you went to Pierre Azzi's house a number of times, is that right to say?---Correct. That's fair.

About how many altogether?---Oh, I'd say six or seven.

And when was the first of those in relation to the time you were applying for the job?---I didn't realise that I met up with him, well, sorry, what was the question again?

10 When was the first time you went to Mr Azzi's house in relation to when you were applying for the job?---I don't believe I went to his house when I was applying for the job. It was probably after I applied for the job. To the best of my recollection, anyway.

Did you go to his house before you got the letter of 8 December appointing you or offering you the job?---Well, that text message would suggest I did. But I - - -

20 It not only suggests you did. It suggests that you knew what the address was without having to be told.---Oh, no, I, I would have probably have been told.

When in relation to this text message at 9.07pm on 1 December?---It would have been obviously before that at some point but I don't know exactly when.

30 So can you just think back, if you wouldn't mind. Was there a time when you visited Mr Azzi's house when you had not been offered the job and you were discussing your candidature for the job with Mr Azzi and Mr Hawatt? ---I don't remember.

I mean, it can't have been many times in your life. And I'm not trying to be sarcastic, sir, but there can't have been many times in your life where you'd been to the house of a couple of councillors with a view to seeing whether you'd be appointed to a position of employment at a council, could there? ---No, that's true. That's fair.

40 So ordinarily that would tend to suggest that you would recall that because it would have been unusual.---Sir, look, the way you've put it, yes, I would agree. But I, I really have no recollection of when I actually, when that first time was, whether it was before, but the text message would suggest that it was.

And it's not only that text message but the text messages we were looking at a moment ago on page 249, I'm sorry, page 251, where on 3 December, so the next day, you said at 9.18am, "Hi, Michael. I didn't sleep last night thinking about all this. I really, really want this job but I'm okay to compromise as discussed. I want to help make change in the department.

Sorry to rant but just frustrated. Cheers, Spiro.” It’s really quite clear, isn’t it, from the combination of the messages on 1 December and 3 December, 2014 that you did go and discuss getting the job with Councillors Azzi and Hawatt at Councillor Azzi’s house on 2 December, 2014?---Sir, in all honesty the only, to the best of my recollection the only time that I actually remember meeting for the first time Pierre Azzi and Michael Hawatt was when we went to that café place which was before in Marrickville. I really cannot as I’m sitting here today think of when the first time was that I went to Pierre Azzi’s house, whether it was before the application was being considered, my application, certainly after that but I can’t with any certainty tell you that that was the date.

And it would seem from these texts that at a meeting at Councillor Azzi’s house on 2 December, 2014 it was canvassed with you by these two men that they might not be able to get you the job of director but if they couldn’t you might have to compromise with a lower position in the hierarchy of the planning department in council. You’d accept that?---Can you repeat that, sorry.

20 Yes, sure. It would seem from these texts on 1 December and 3 December that you’ve met with Councillors Azzi and Hawatt at Councillor Azzi’s house and that at Councillor Azzi’s house they had canvassed with you the possibility that they might not be able to get you the job of director of city planning and that in that event you might have to compromise with a position lower in the hierarchy in the planning department at council? ---Look, as I said, I don’t recall but in the context of your question, yes, I think so.

30 Well, in the context of the evidence of these text messages, yes?---Yeah, yeah, yeah.

The third text message on page 251 at 10.02am says, “Please let me know what happens after you guys speak with him.” That would tend to suggest that you understood from the meeting you’d had with them the previous night or the previous afternoon at Councillor Azzi’s house that they were going to speak with Jim Montague about the job?---Again I don’t recall but, yes.

40 And certainly it would have seemed to you that Councillors Azzi and Hawatt had a good deal of influence with Mr Montague when it came to exercising his power to select the candidate to be appointed as director of city planning?---Yes.

Now, can I take you then, please, to page 253 in volume 3. This is 4 December, 2014 at 10.22pm where you text Mr Hawatt to say, “Hi, Mike. Just so you know he rang me before your meeting and pretty much said I have it. Bechara confirmed shortly thereafter. Call if you want.” So do you have a recollection of a phone call on 4 December, 2014 from Mr Montague

to you pretty much saying that you had the job, and that phone call being at a time before, as you understood it, Mr Montague was going to meet with Hawatt and Azzi about the appointment?---Not, not exactly that time line but I do remember receiving a phone call from Jim.

And where were you when you received the call?---Probably at home.

10 When you say you have a memory of it, what is your memory?---I have a memory of Jim ringing me and telling me that he basically, I had the job, but as to the date I wasn't clear but obviously this suggests that, you know, it was around 4 December.

Now in the second sentence of your text you use the word Bechara. You seem to have understood when you used that word that Mr Hawatt would know what or who you were talking about?---Yes.

20 How did you know that Mr Hawatt would know who you were talking about?---Because at that point in time there was a fair bit of communication between myself, Michael Hawatt, Bechara, George Vasil, Jim Montague and in terms of who actually, whether it was Michael Hawatt, how I related Michael Hawatt with Bechara, I'm not exactly sure but it, yes, I just don't want to speculate because I don't remember exactly.

30 All right. Just thinking if you would, how was it that the arrangement had been made for you to go to the Yeeros Café at Marrickville to meet up with Councillors Azzi and Hawatt the day before the interview panel? Had that – and I just offer you this as a suggestion – been something that had been initiated by Bechara Khouri?---My recollection was that it was Michael Hawatt who instigated that meeting.

How then were you introduced to Mr Hawatt in the first place? Was it via Mr Khouri?---That's a good question. I can't recall exactly, sorry, I, yeah.

But you told us there were all these calls going on with these various people. Thinking back on it now, is the likelihood that it was a Bechara Khouri who introduced you to Mr Hawatt or George Vasil who introduced you to Mr Hawatt?---It was probably George if I had to - - -

40 Why do you say probably George rather than probably Bechara?---Only because I had more contact with George than Bechara. Other than that, I can't give you any more insight.

Did Bechara Khouri ever indicate that he knew Mr Hawatt or had any sort of friendship with him?---At that time?

Any time?---Any time. Well, I don't know whether he actually came out and said it per se but obviously I had a few meetings, as I said before, at

Pierre Azzi's house where Hawatt was there and Bechara Khouri was there and, you know, so I assumed that they had a friendship of some sort.

10 And can I just take a step back from all of this and ask, so thinking back to those meetings, thinking back to the telephone conversations, was it your understanding from what you could see and from what you could hear, from what you heard from these men, that George Vasil, Bechara Khouri, Michael Hawatt and Pierre Azzi were all working with each other to try to get you appointed as director of city planning at Canterbury?---I think that's a fair comment.

Now, that must have been apparent to you at the time in November-December 2014, mustn't it?---Towards the later part, yes, yes.

20 Well, I want to suggest to you unquestionably by 4 December, 2014, when you're talking to Michael Hawatt about a call from Jim Montague and saying, and talking about Bechara. It must have been very clear to you that those four men were working to have you appointed as director of city planning.---I think that's a fair comment.

30 Yes. So did it ever occur to you to question why it was that these men were working to have you appointed as director of city planning?---No. Only because anything that was ever portrayed to me was all about problems that were being faced with the department up until that time. So they all, every single one of them, to a T, were complaining about the previous director and how, you know, he wasn't getting the job done. In other words there, the applications were – in their view anyway – stagnant. There were inconsistencies with planning controls. There were problems with processing times and all that sort of stuff. So it was all around that subject that was conveyed to me by all those individuals, including Jim.

And was anything ever said in your presence that would have explained why, of all the candidates who were shortlisted for interview, these four men were supporting you?---Not in my presence, no.

You must have been aware of who the other candidates were if only from the process of being at the interview panel, is that fair to say?---Yes.

40 And you would have understood that a couple of those candidates were very strong candidates for the position by reason of their experience and qualifications, is that fair to say?---Yes.

And did you ever get an understanding – I withdraw that. And did you understand that, for example, just by the end of the interview process, that Ms Jones and Mr Manoski were people who were quite senior, had a much broader experience in planning and assessment than you did, and who would seem to have been better qualified for the position than you were?---I disagree.

So by the end of the interview process, so we're talking of 17 November, why was that not apparent to you, that they were more senior, that they had a greater breadth of experience and would appear to have been stronger candidates for the job than you were? Why was that not apparent to you?  
---Because I, I, I know Karen. I assume you're talking about Karen Jones?

10 Yes.---I've dealt with her over the years and, you know, she's a very good town planner but I, I think I'm just as equally qualified as she would, she is. So I really didn't think about it in those terms that you're putting to me.

It never occurred to you to wonder why these four men were choosing to throw their weight behind your candidature when there were what would seem objectively speaking to have been stronger candidates for them to have supported had they chosen to do so?---No.

20 Can I go back to the text message of 4 December at 10.22pm. This is page 253 of volume 3. Your second sentence in that text was, "Bechara confirmed shortly thereafter." What was that a reference to?---Well, in the context of that SMS, I don't recall but it seems to me that it was in relation to probably a phone conversation that either Bechara instigated or I instigated confirming that I had the, or I was a strong candidate for the position, yeah.

Well, that's not what you said. What you said was that Bechara confirmed the information you got from Jim and that is that you pretty much had the job.---Yeah.

30 So what was it that Bechara said to you to indicate that?---That, that being in reference to my job or - - -

Yes.---Like I said, I don't recall exactly but just the way it seems to me is that it would have been he would have said that, you know, that I would have had, I was likely to get the job.

And as you understood it, how would Bechara Khouri have known that?---I assume he would have had some communication with either Jim or whoever but I'm - - -

40 And when you say whoever, who apart from Mr Montague?---Well, the only people around that time that had showed, that I had communication with around my job were obviously George Vasil, Michael Hawatt, Pierre Azzi to a lesser extent, and Jim Montague and Bechara Khouri.

But what was the relationship as you understood it between Bechara Khouri and Mr Montague?---At that time really I didn't know what the relationship was and if you recall what I said last time was, you know, Bechara purported to in that interview, what I call a mini interview in Earlwood

where I met with him and George Vasil, they disclosed to me that Jim had asked them to put the feelers out around my position, so I assume they had some relationship.

Did you ever get – in the many phone calls you had and SMSs you had with Mr Khouri that we saw in those call charge records, Exhibit 60, last week – the impression that Bechara Khouri had a special relationship with Mr Montague?---When you say special, can you - - -

10 A closer relationship with Mr Montague than George Vasil did for example?---It's probably likely, yes.

And what's the basis for that answer?---He seemed to have more communication with Jim during my tenure at Canterbury Council.

But are you taking into account now all your communications with Mr Khouri in 2015/16 as well?---Yes, yeah.

20 Was it your understanding that Bechara Khouri was using his influence with Mr Montague to get you appointed to the position of director of planning at Canterbury?---I think that's probably a fair comment.

And you would have got that impression from what he told you in his communications with you from the time of the mini-interview at Earlwood to the end of the day on 17 November after the exchanges of SMSs on that day about the interview, would that be fair to say?---Yes.

30 If I can take you, please, to page 168 in volume 3. At the top of that page is a text message you sent to Mr Montague at 7.55am on 5 December, so this is the morning after the call from Mr Montague the previous night, "Morning Jim, just following up on our conversations yesterday. I want to make it clear that my loyalty is and always will be with you. Have a great day. Cheers Spiro." Why did you say, "I want to make it clear to you that my loyalty is and always will be with you"?---Because that was made abundantly clear by Jim during my previous meetings with him that was number one on his priority list.

Was there any question, I'm just trying to explore here - - -?---Sure.

40 - - - why you expressed it the way you did. Was there any question in what Mr Montague said to you, either the previous night or at any of the meetings that you'd had with him, as to whether he thought you might have divided loyalties if you were appointed director of city planning and you might become captured, as it were, by other interests and he wanted you to always be loyal to him over and above any competing interests?---It was never suggested to me in that context, no.

Now can I take you to page 255 in volume 3 and to a set of text messages on Mr Hawatt's phone on 5 December, 2014. The first one is from you to Mr Hawatt at 10.01am reading, "He just offered me the job. Waiting for paperwork to come through before I announce. Thanks for everything, cheers." You see that text message?---I do, yes.

What did you mean by "thanks for everything" in that text to Mr Hawatt?  
---As you know, it's no secret, I had a lot of communication with him prior so I'm just merely thanking him for his efforts, I guess, in assisting me to,  
10 what I believe, he assisted me obviously to be a successful candidate.

What were the efforts you understood that he had made?---Um - - -

Or what was the nature of the efforts that you understood he had made?  
---Okay, the nature of the efforts would be around communications with decision makers, so obviously Jim.

In response Mr Hawatt texted you at 10.04am, "Finally we achieved results. Congratulations on your appointment. You have much work to do to fix the  
20 serious problems facing planning. Regards." When Mr Hawatt said to you finally, "we" achieve results, what did you understand him to mean by the use of the word "we"?---I don't think it was in reference to me that's for sure, probably others.

Yes. But having regard to your interaction with everyone that you've been dealing with in the, your candidature for the position, who did you think he meant by "we achieve results"?---I'd say Pierre Azzi, George Vasil, all those people that we spoke about before - - -

30 Bechara Khouri?---Bechara Khouri, yes.

Were there any others apart from those three whom he, as you understood it at the time, could have been referring to?---No.

So it's really just those three and him?---Yeah. Could I also just say this, that, you know, I agree and I stand by my comment, but the "we" could also be something like "we as a council". But I think it's more likely that the "we" refers to Bechara Khouri, Vasil, obviously Michael Hawatt and Pierre  
40 Azzi, yeah.

Now, just so that you can see it, can I take you to page 259. That is, and going over the page, the letter of offer of employment, and it's on the second page, so page 260, dated 8 December. Can you see that?---Yes.

And you have signed at the bottom, accepting the offer, on 9 December, 2014, is that right?---Sorry, is that - it's a bit unclear.

Page 260.---Yeah.

If we could turn to that.---It's just the date's a bit - - -

If you could have a look at the hard copy just to - - -?---It's the same.

What's your concern? I'm sorry, I - - -?---Well, is that the date? You, you -  
- -

10 Yes.--- - - - referred to the 9<sup>th</sup> of, but that doesn't say – that's got J-i-u - - -

Could I have a look, please, at the exhibit.

THE COMMISSIONER: Mine doesn't say that.

MR BUCHANAN: No. Oh, goodness me. We're just trying to sort out an  
artefact, I think it's called, of technology. Commissioner, if I could show  
you the hard copy of volume 3 in Exhibit 52. And on the screen,  
Commissioner, can now be seen the same artefact on that page as it's shown  
electronically. However, Commissioner, you would seem to have the same  
20 as I have got in my copy of the exhibit, which is no such artefact at all but a  
very clear handwritten 9/12/14.

THE COMMISSIONER: Yes. Which you can see underneath the artefact.

MR BUCHANAN: Yes. Yes. What we'll do over the morning tea  
adjournment, with your leave, Commissioner, is substitute a copy of page  
260 without the artefact for the copy that does have the artefact, and that  
will be loaded into the copy of the exhibit on the Commission's website. Is  
that satisfactory? Excuse me a moment. Mr Boatswain's just drawn my  
30 attention to the fact that his copy, which is taken from the Commission's  
website, does not have the artefact on it, and so it might be just a glitch in  
the system. We will attend to it over the morning tea adjournment and  
hopefully it won't be a problem any longer.

THE COMMISSIONER: Thank you.

MR BUCHANAN: But in any event, could - - -

40 THE COMMISSIONER: Do you want - - -

MR BUCHANAN: Excuse me. A clean copy is now on the screen.---It's  
fixed, yeah.

So I do apologise for that hiatus.---Okay.

You can see that on the screen is a signature by you and the numeral  
9/12/14.---Yes.

And that was you accepting the offer of employment.---Yes.

Is that right?---Yes.

Thank you. Thank you for drawing our attention to that. Now, can I take you, please, to page 263 of this volume, again just so that you can see it. This is an email from you to Heather Warton, W-a-r-t-o-n, amongst other people at Botany Council.---That's correct.

10 With attachments and you indicate that you formally tendered your resignation and one of the attachments is at page 266 which was a letter of resignation dated 8 December. Can you see that?---Yes.

And you indicated that the final date of employment would be Monday, 5 January, 2015 in that letter. Is that right?---Yes.

Now, I just want to check, the effect of your leave entitlements being taken though was that you wouldn't have to return to work, is that right, and your employment would cease on 5 January, 2015. Is that a correct appreciation  
20 of your position?---I think that's, that's correct, yes.

Can I take you, please, to 12 December - - -

THE COMMISSIONER: Just before we leave page 263. In the first sentence you say, "As discussed last week I wish to formally tender my resignation." That suggests that you knew the offer was coming.---Yes.

And you had had a word with either Heather and Phoebe along those lines?  
---Yes.  
30

MR BUCHANAN: If I could take you to page 171 and on Friday, 12 December, 2014 at 1.08pm you texted Mr Montague to say, "Sorry, Jim. I haven't been able to get back to you. I've been playing phone tag – sorry, we've been playing phone tag. I have a few thoughts. Can we please meet sooner rather than later. Cheers. Spiro." And Mr Montague texted you back at 2.21pm, "Call you later. Sorry." And then at 4.58 you indicated you were free on the weekend but you couldn't meet up with him that afternoon. Can I take you to volume 3, page 173. On Saturday at 4.08pm  
40 Mr Montague texted you, "Hi, Spiro. How are you placed later this evening? Thought we might catch up for a chat." And you texted back saying that you had commitments and Mr Montague said, "Okay. Catch up Monday. I'll call." Then on Sunday, if I could go to page 174, "Hi Jim, I'm going early to work tomorrow to wrap things up so can we meet, can we please meet around 4.30pm." Did you, you understand that these texts span a Friday and a weekend?---From the 12<sup>th</sup>?

Yes.---Yes.

Did you get any indication at all during that period that there was a question that had arisen as to whether Mr Montague would honour the offer of employment at that stage?---No.

10 Can I change the subject now. You told us in relation to Ziad and Marwan Chanine that you were offered a consultancy which turned out to be for the project at Kanoona Avenue, Homebush and that offer was initiated by Ziad Chanine by emails to you on the Saturday, 25 October, 2014, the day, the date on your application for the position of director of city planning. The emails culminated with an agreement to have lunch at the Tennyson Hotel, Botany on Tuesday 28 October, 2014, do you recall that?---Yes.

Now, how many meetings did you have with Ziad or Marwan Chanine before you started work at Canterbury Council between 25 October, 2014 and the date you started which I want to suggested is 2 March, 2015?---I don't think many.

Right.---Yes.

20 How many do you recall?---I don't recall to be honest with you but - - -

Do you recall more than the lunch on Tuesday 28 October, 2014 at the Tennyson Hotel, Botany?---I do recall there was another meeting that we had where both Ziad and Marwan were present and that was at The Frappe Café in Earlwood. Apart from that, in that time line I really can't be certain, yes.

30 Now thinking of the meeting at The Frappe Café, Earlwood, was that day time or night time?---It was definitely lunch time.

And what was the purpose of that meeting?---I'm not sure whether it had to do, if that time line had to do with the actual application that they wanted me to put in - - -

In relation to Kanoona Avenue, Homebush?---Yes, but as to the specifics of it, I really can't recall.

40 Was there any other topic that was canvassed by you at a meeting at lunchtime with Messrs Chanine before you started work at Canterbury, such as you being appointed the director of city planning or director of city planning position at Canterbury?---I don't think I, it was, that I had been appointed but I do remember that, that the subject did come up, yes.

And what was said on the subject? By whom?---Well, both of them were actually quite positive in terms of, and they pointed out things like the problems with the, the council to that date, problems that I've indicated before, and they felt that I would be someone who would be a good candidate to actually find solutions.

Were they happy that you had applied for the position?---I think that's a fair comment.

10 And was the meeting at Frappe Café at Earlwood at lunchtime, was that for the purpose of discussing the position of director of city planning?---I don't believe it was that, no. I think the main thrust of that was probably the application that they were looking at with Homebush. But certainly the conversation changed pretty quickly to talk about generally the, the position of director of planning and, as I said before, the problems that they foresaw previously.

And your memory of that meeting at Frappe Café at Earlwood, I take it no-one else was there? It was just you and Ziad and Marwan Chanine?  
---Correct.

Was that you had not at that stage learned that you would be appointed? Or had you learned that?---No. I, I hadn't learned, no.

20 Just thinking forward in time from when we've been talking about in 2014, you know that there was this hiatus from some point in December 2014, when, as you understood it, Mr Montague was thinking of re-advertising the position, is that right?---I didn't know whether he thought that. All I know is that around that time he had withdrawn in either a text message or phone number conversation – I think it was a phone number conversation around, just before Christmas, from memory – saying that there were issues that he wanted to talk to me about, yeah. But I'm not sure exactly what the actual date was.

30 And then there was a time when you learned that the offer of employment would be honoured, is that right?---Yes.

Can you think of that latter time, please. What was it you learned and when?---Okay. I, I learnt that I'd been, I guess, that was around the time that I had employed a lawyer to actually look at my, the status of my employment, status of the contract, so, and there was a lot of toing and froing between the lawyers. So, and then eventually I actually got the union involved as well and I guess at that point in time I was offered the, oh, well, basically said I've got the job.

40

Do you remember who told you?---Who told me I got the job?

Yes.---I think it was Jim. I think it was Jim.

You had an understanding, I take it, of the processes – I withdraw that question. You came to have an understanding, I take it, of the processes by which business papers for meetings of council were distributed so that councillors could consider them before the meeting occurred, is that right?

---Yes.

What was your understanding as to how long it was that between when business papers were distributed and when a meeting of council occurred in the ordinary course?---Normally about, memory, it's going back a while, about a week.

10 Did you hear from either Michael Hawatt or Pierre Azzi that Jim Montague intended to proceed with the appointment?---Yes, I certainly did, but I don't recall if it was after the conversation I had or I was notified by Jim or before that, but I certainly did, yes.

Can I ask if we can go to volume of Exhibit 69 page 137 and page 138 volume 25 of Exhibit 69. It should be on the screen now, if we could just blow it up a little bit, thank you. This is an extract from your telephone of a calendar entry. It seems to be two calendar entries. The first one is for a lunch with Marwan at Frappe on 3 February, 2015 and starting at 12.30pm, do you see that?---Yes.

20 And the second one is for entry for lunch at Frappe with Marwan 23 February, 2015 starting at 12.00pm. Do you see that?---Yes.

Does that assist you in recalling how many lunches you had with Ziad or Marwan Chanine after the lunch at the Tennyson Hotel, Botany on 28 October, 2014 and before you started work at Canterbury?---No, not really sorry.

And why not?---I don't know.

30 Okay. Is it likely that those lunches were, luncheon appointments were kept?---It's likely, yes.

Can you think of the, the last time you had lunch with Marwan Chanine at Frappe Café before you started work.---Yes.

Is it possible that by then you knew that you were going to be appointed, that the offer of employment was going to be honoured?---Can you ask the question again sorry, I've just - - -

40 I'll put it another way.---Okay.

The second of those calendar entries for a lunch with Marwan Chanine on 23 February, 2015 is more than a fortnight after, on evidence before the Commission, Mr Montague provided a memo to the mayor of Canterbury saying that he intended to proceed with your appointment.---Right.

And it's a number of days after, on evidence before the Commission, Mr Montague arranged to meet with Mr Hawatt and Mr Azzi and the

evidence would tend to suggest that after that meeting the dispute between them was settled.---Right.

Do you see that?---Yes.

10 So just assuming that that evidence is before the Commission, that would then suggest if Mr Montague had rung you to say look, you'd be appointed, the chances are that you knew that by the time you were meeting with Marwan Chanine on 23 February, 2015. Do you understand that?---I do and I think that's likely, yes.

Do you recall having discussions with Marwan Chanine about what you might be doing as director of city planning?---At that time?

Yes.---At that day?

Yes.---No.

20 Do you recall him discussing with you any of his development projects in the Canterbury area?---No.

Would you accept that the likelihood is that both of those subjects were discussed by the two of you?---As I said, I can't remember but I mean it's possible but I just don't remember.

30 I just want to canvass an alternative hypothesis. Did you at any luncheon with Marwan or Ziad Chanine after 28 October, 2014 and before you started work on 2 March, 2015 have a discussion with either of them about going to work for them?---No, no.

And they didn't canvass that with you?---No, no.

Commissioner, I note the time.

THE COMMISSIONER: We'll take the morning tea adjournment and resume just after 10 to 12.00.

40 **SHORT ADJOURNMENT**

**[11.33am]**

MR BUCHANAN: Mr Stavis, what contact did you have with Mr Khouri between the time of the interview panel and the time that you started work in March 2015?---It would have been phone discussions. That's to the best of my recollection, yeah.

No meetings?---Just trying to think. Not that I can recall, sorry.

If the witness could be shown volume 4, page 22 in Exhibit 52, please. You received a letter from a firm of solicitors called K&L Gates dated 18 December, 2014, telling you that council had decided to withdraw its offer of employment to you.---Yes.

Do you remember receiving that letter?---Yes.

Do you remember when you received it in relation to the date it bears, 18 December?---That I can't be a hundred per cent sure.

10

You received a hard copy?---Yes.

And was it couriered to you, was it emailed to you?---No - - -

I'm sorry.---Sorry.

Was it posted to you, do you remember?---I remember receiving it in the mail, yeah.

20

And did you learn before you received it that there was a chance or a prospect that the offer of employment might be withdrawn?---Yes.

And was that from Mr Montague?---I had a conversation with Mr Montague that he had concerns, yes.

And can you tell us what he said in that conversation, please?---It was very brief, very, very brief. Basically I've got concerns, I've got some issues to sort out and that was pretty much the extent of it.

30

Did he say anything about the offer of employment?---It was, I, I asked him about the offer of employment when he rang and he said, oh, we've got certain issues that I need to sort out.

And that it wasn't proceeding?---Well, I took it from the, sorry, I took it from the tone that it, it was negative.

40

If we can go to page 14 in volume 4, there's a text, it's recorded as a text message on Mr Hawatt's telephone that on 16 December – so that's two days before that letter from K&L Gates – at 8.58pm his phone registered that you had contacted his phone but did not leave a message.---I see that, yes.

Did you try and talk to Mr Hawatt after Mr Montague spoke to you?---I'd say that was likely, yes.

And what is it likely to have been for?---Around the terms of, of, sorry, around the terms of my employment, yeah. So it's probably asking to

express, express concern that I had with the conversation that I had with Jim.

Did you ask Mr Hawatt whether there was anything he could do to intervene?---I don't think, I don't, well, I certainly asked for his assistance, I remember that, yes.

10 Was there any other contact that you had with anyone to try to get your job back or the offer of the job back?---It was, it was a pretty chaotic time but I'm confident in, in my, in that I had contact with obviously Mr Hawatt, Mr Khouri and George Vasil as well.

With a view to trying to get the offer of the job honoured?---Well, at that point in time I had no real idea why it was going to be, well, why it was the negative, I guess with being withdrawn. So I, I wanted to get some answers more than anything else.

20 And did you get answers?---It, and I'm not sure if it was around this time, but I, I had, there was a lot of media hype around Mr Montague. But they, they, all of them were in constant contact with me. I can't recall anything specifically that they told me about that.

Told you about what?---About, about why the job was going to be withdrawn or, yeah.

30 What were you told about why the job was going to be withdrawn?  
---Nothing, really, to be honest with you. Nothing, really. I just believed what I was reading in the papers more than anything else, you know, that there was obviously some sort of conflict between certain councillors and Mr Montague.

So did you learn of that conflict other than through the media? That is to say, through contact with any of Mr Hawatt, Mr Azzi, Mr Vasil or Mr Khouri?---No, not really.

Did you learn of it from Mr Montague, your contact with Mr Montague?  
---No, no.

40 Did you have communications with Mr Hawatt or Mr Azzi about the conflict with Mr Montague?---Just trying to think. I don't believe so.

Now the Commission has evidence before it that a quantity of your legal correspondence was found when a search warrant was executed on the office of Ray White Real Estate Earlwood. How did that correspondence come to be there?---Is there anything specific like - - -

Well, yes, certainly, certainly. If I could take you to the letter of advising of intention to withdraw the offer of employment, volume 4 page 22, that was found. Well, if we can show - - -?---I've got it now, thank you, yes.

Did you send that to Ray White Real Estate Earlwood?---I probably did, yes.

10 If I can ask that you be shown page 92 in volume 4. You see that this has, is an original email dated 24 December, 2014, and it's from you to Stephen Boatswain, cc John Cox and it's forwarding scan data from Ray White. Then over the page is correspondence from Stephen Boatswain to you in which Mr Boatswain says he attached a draft letter. This is on page 93. ---Yes.

20 If I could take you to the original in that email conversation, page 96 on volume 4, this is the email on 24 December at 11.34am to Mr Boatswain forwarding scanned data from Ray White, and the data appears to be on the next page, page 97. It's a Word document, letter to R&L Gates [sic], 30 December, '14, but it's not necessarily, that's not necessarily the attachment to that email because this is an email conversation that goes back to – I can show it to you – page 91 ending on 31 December, 2014, which is to George Vasil from you.---Yes.

See below from my lawyer.---Yes.

So that's, if you could have a look at the hard copies, it might be easier, it's just pages 91 through to 97 in volume 4.---Yes.

30 And so even though it's an email to George Vasil on page 91 on 31 December forwarding correspondence from your lawyer, it actually starts with an email from you to your solicitor forwarding scanned data from Ray White. Do you see that? That's on page 96.---Yes.

And then if we go over to page 98.---Yes.

40 This would appear to again be material that you're providing to George Vasil on 31 December but at a later time. Compared to page 91, which is at 6.28am, the time on the email at page 98 is 3.30pm and it's pages 98 through to 102, by way of legal correspondence. So if you assume if you would for the purposes of my question that these emails were found by Commission investigators at Ray White Real Estate Earlwood, why were you sending this material to George Vasil?---If I recall correctly he was one who referred me to another lawyer prior to Mr Boatswain and so I guess an answer to your question was he was, I felt he was, I was keeping in communication with him about my employment and I wanted him to see what his thoughts were in relation to what was happening at the time. As to why I sent it to him I think it's mainly for that reason, seek his assistance on this.

Did you expect him to pass the emails on to anyone?---No.

Or the documents on to anyone?---No, no.

So did you have conversations with him in which he told you what his thoughts were?---Yes, I did, yes.

10 Where were you when you had those conversations with him?---It was either over the phone or in his office.

So you were having telephone communications with George Vasil at this time?---Yes.

And you also saw him in his office at this time. Is that right?---Yes.

How many times did you see him in his office at this time?---Maybe three or four.

20 And why did you go to George Vasil in the first place?---Because he was, again thinking back to my previous evidence, he was part of the, I guess the, one of the first people to give me that mini interview if you like at the café in Earlwood and he expressed that he had the GM's permission to seek suitable candidates so I just felt that, you know, he was one person I could turn to to provide some assistance on which was happening or advice at least.

30 Did you in that case ask him why is the GM not honouring his offer of employment?---I think by that stage, in answer to your question probably I don't recall asking him that specific question but at that stage I think a lot of the publicity had been out there in terms of surrounding the conflicts that Jim was having with councillors. So really the source of information for that was mainly around the media more than anything else.

40 I'm sorry, I'm just trying to understand though what was the connection in your mind between the material you were reading in the media about the conflict between the GM and councillors on the one hand and the reasons why Mr Montague was not honouring his offer of employment to you on the other hand, as you understood it?---And I, I can't be exact in terms of the dates but I, I remember it became evident to me that there was some sort of complaint about me in terms of I guess my experience and in terms of where that information, I got that information I can't be 100 per cent sure so, yeah.

Were you shown any document that appeared to be a printout of an email from Mr Montague to councillors about you?---Not that I can recall, no.

So did George Vasil or Bechara Khouri or Mr Hawatt or Mr Azzi tell you that there'd been some sort of complaint about you and that was the reason

why Jim Montague didn't go ahead with it?---As I've said before, I, I just can't recall who – I, in my mind, looking, thinking back, I think I got that information from the media, but I can't be a hundred per cent sure.

Was there a reason why you took your legal correspondence to Mr Vasil rather than taking it to, say, Mr Hawatt or Mr Azzi?---Look, I, I, I've said before that I think – no, the reason probably was that I had at that stage had more of a relationship with Mr Vasil. I saw him as a bit of a, like, a mentor, I guess, in terms of his knowledge of council. So I can only think that that would be the reason why.

I take it you had a computer at home at this time?---Yes.

With an email account?---Yes.

And a scanner?---No. No scanners.

Were you using Mr Vasil's office facilities to communicate with your lawyer?---No. No.

Can I take you to page 96 in volume 4. The email of 4 December, sorry, 24 December, 2014. There's an email to your lawyers forwarding scanned data from Ray White.---Yes.

You're sure you weren't using Mr Vasil's - - -?---No, I wasn't.

- - - facilities to communicate with your lawyer?---No.

How do you explain that email?---I'm just unsure of the context of this page.

Well, it's the initiating email at least as far as appears, but page 97 might be the last page of it, of a set of two sets of emails. The first one in terms of chronology appears at page 96 and concludes on page 91, and the second one, second set of communications, also on 31 December but later in the day, chronologically starts on page 102 and concludes on page 98. And can you see that at the top of the page on page 91 and at the top of the page on page 98 there's a header that is being used that is Ray White and George Vasil's email address.---I have never sent any emails to my solicitor from Ray White's office. I, I, this - - -

All right.---Yeah.

Thank you.---Yeah.

So you were sending your emails, were you, from a computer located at your home?---Well, it was mainly from my phone.

Your phone?---Yeah, yeah.

Thank you. Can I take you, please to an email to Mr Vasil on page 92 of volume 4 going over to page 97.---Yes.

In which you say, looking at the bottom of page 92.---Yes.

You say to Mr Vasil at 11.49am on 31 December, 2014, "See attached draft letter."---Yes.

10 And was that a letter that had been drafted by your solicitor that had been sent to you for your consideration?---I believe so, yes.

And why did you want Mr Vasil to see it?---Because I recall him having some strong views about the, around the legalities of the withdrawal of the offer and he had some, as I said before we have gone to see one of his solicitors so the reason why I guess was to get his I guess thoughts on it.

20 Are you sure that you were consulting Mr Vasil because he had legal views or whether he had tactical advice to give?---No, it was mainly around the legalities I guess of the, of the, of a withdrawal of an offer that had already been made as part of a contract.

But is that the reason why you sent the draft letter to George Vasil, on other words, do you mean to tell us that you surely knew George Vasil was not a lawyer?---Of course.

30 And you were asking him to check that the legal advice you were being given was correct were you?---Not to check whether, not to second guess my lawyer but it was more a, it was more I guess seeking his advice.

It's the nature of the advice I'm asking you about.---Sure, sure.

Surely what you were seeking from George was his tactical and strategic insights into the operation of Canterbury Council and that's why you were consulting him not because you thought that he knew more about the law than your solicitor did?---If, if I've got to answer that truthfully it didn't occur to me that way at the time, no.

40 Well, page 94 of volume 4 in the middle of the page you said to your solicitor on 31 December, 2014 at 6.50pm, "Please prepare it in draft for my review. I'd like to have it ready but please don't send until I instruct."  
---Yes.

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

And then you pass that on to George Vasil. Is that right?---Yes.

Can I ask you to have a look, please, at page 100 in volume 4. This is on 31 December, 2014 at 12.03pm where you said going over to page 101 commenting on his draft of the letter as to a couple of matters and then you concluded, “Anyway, I want to hold off until I get feedback from a contact before we send. Is it too late if we send it say on 5 January if not sooner?” Do you see that?---Yes, I do.

10 If I can take you to a later email within the hour at page 99, still on 31 December but now at a minute to one in the afternoon, you ask your lawyer to amend and resend the draft to him, to you and then you say, “I think we wait until we hear from my contact.”---Yes.

So is your contact George Vasil?---Yes.

Was there any reason you didn’t identify your contact to your lawyer?---I don’t know that I didn’t to be honest with you.

20 But it does, I suggest to you, reading more as if you were regarding your contact as a person from whom you were receiving advice or seeking advice as to when you should send the letter rather than what its contents should be?---I - - -

In other words tactical advice rather than legal advice.---If you had to categorise it I’d say the former would be more the truth, yes.

30 And just while we’re on page 99, you see that paragraph there in the email at 12.59pm on 31 December, that the GM called you on Christmas Eve, undertook to call you sometime that week to discuss your position and he apologised for all that’s happened and said to you that that you were collateral damage in some big picture issue he is having and you got caught in the cross-fire.---Yes.

Was that the conversation that you had in mind that you told us about earlier when you said that Mr Montague rang you or was that a different conversation?---Oh, no, Mr Montague didn’t get into the specifics previously about that, about why I was you know, the negative feedback that I got from him, I think that after, yes.

40 So this is a separate conversation that you retell to your solicitor on page 99.---Yes, I believe so, yes.

Thank you. Can I take you please to page 205 of volume 4. This page and the next page, 205 and 206, are pages that were found on a search of Ray White Real Estate Earlwood, and you might or might not have seen them before but can I ask you to have a look, please, at the material that is in handwriting down the right-hand side of the page.---Yes.

And on page 206 as well.---Yes.

These would appear to be arguments that someone has written supporting your position as at the time that the dispute between the councillors and Mr Montague was going on and your job offer had been withdrawn. Do you see that?---It appears so, yes.

And if I ask you to accept that the evidence is that this is the handwriting of George Vasil, do you recognise any of those arguments?---Obviously the, being the pawn I recognise but the rest of it not really.

10

Were any of these arguments or statements or questions something you heard Mr Vasil say on the occasions that you visited him in his office at this time or spoke to him on the phone?---I think that's fair.

And you'd accept, wouldn't you, that a number of them would appear to be political arguments? I don't mean party political, I mean endeavouring to persuade as to the lack of merit of what had occurred to you and the merit in a decision to appoint you and describing what had happened to you.---I think that's fair, yeah.

20

Excuse me for a moment. Excuse me, sir. If the witness could be shown volume 5 in Exhibit 52, please. Page 21. Volume 5. There's a copy on the screen there, sir.---Yeah.

It's a two-page email conversation between Mr Montague and Mr Robertson, Ian Robertson, of DEPA, D-E-P-A, the acronym for Development and Environment Professionals Association. You had raised what had happened to you with your union, is that right?---Correct.

30 This was your union?---Correct.

And had you spoken to Mr Robertson?---I did, yes.

And can I ask you, can you see that Mr Montague on page 21 has, at about a third of the way down the page, in an email on 6 February, 2015, at 3.49pm, said to Mr Robertson, "Unfortunately Spiro is a pawn in a very messy political power play," which is the words that Mr Vasil recorded in his handwritten notes that you noted a moment ago, which are on page 205 of volume 4. Does it surprise you that Mr Montague used those words in communicating with your union representative that George Vasil had written down on a piece of paper that was in his office?---No.

40

And why does it not surprise you?---Because at that point in time I did feel like a pawn I guess but both Jim and George relayed those sorts of messages to me, yeah.

Was a reason that you approached Mr Vasil in relation to what had happened to you that you knew he had a line of communication to

Mr Montague?---I certainly, he certainly did have a line of communication, yes, yes.

And was that a reason you approached Mr Vasil?---Not really, no. It was more, with, with Mr Vasil it was more seeking his advice given how long he'd been in the area and how much dealings he had with council so it was more getting his take on the situation not - - -

10 In the - - -?---Yeah, sorry, I was just going to say not specifically to I guess influence Mr Montague.

In your dealings with Mr Vasil as this time, around this time, did you learn that he was talking with Mr Montague?---No, not directly, no.

He never indicated to you?---No.

And you never found out indirectly that Mr Vasil was talking to Mr Montague?---No, not that, not that I can recall.

20 Is the expression that you were a pawn in a very messy political power play an expression that you took on and used yourself after it had been coined by Mr Vasil?

MR NEIL: Well, I object to that. That's inconsistent with the entry at the, at least the second half and the first half of page 206 of volume 4.

THE COMMISSIONER: Sorry, which entries, Mr Neil?

30 MR NEIL: Well, the two entries "why pawn I am" and then it goes on. Then the second one, "How am I a pawn?" That reads as if clearly they're notes taken by Mr Vasil of something said to him not something he coined.

THE COMMISSIONER: What about the bottom of page 205?

MR NEIL: Yeah, well, that, why is he having been informed or the question raised with him by this witness.

40 MR BUCHANAN: I'm happy to take on board my friend's objection. I'll withdraw the question. Did you ever hear Mr Vasil use the expression referring to you that you were a pawn in a very messy political power play? ---Not those exact words, no.

Anything like them?---Yeah, certainly something similar, yeah, but I, in terms of the exact words I couldn't be sure.

Did you take on that expression and use it yourself subsequently in advocating for yourself?---Well, I'm sure I did, yes.

And do you know where Mr Vasil got that expression from?---No.

Did he tell you that he'd got it from someone else?---No.

But Mr Vasil did convey to you did he arguments that you could use in advocating for your position?---After it was withdrawn?

10 Yes.---Yeah. Yeah, look, I, as I said before and I've admitted to, I sought his advice on things but at that point in time I was more reliant on my lawyer because it became more legal than anything else.

Well, could you tell us, please, what was the advice that Mr Vasil gave you? ---It was very, it's very general. It was, you know, it was, it was almost like, he was like a sounding board for me with concerns, because it was a very volatile time in my life, obviously, because of the fact that, you know, I think at that point in time I had resigned from where I was and no place of employment had, you know, a family to feed so I needed someone with a bit of insight to bounce ideas from and just keep informed and he seemed like, he seemed like a genuine person to me to do that.

20

Did he seem to be supporting you in your - - -?---Yes, I think that - - -

- - - attempt to get the job back, as it were?---I think that's a fair comment, yes.

And what was the advice he gave you as a sounding board? You ran ideas past him, did you, and he then told you whether it would fly or not?---It wasn't that strategic. I mean, his advice I remember was basically make sure you get a good lawyer, which I did - - -

30

But having done that you were then in regular communication with him. ---Sure.

So what happened after you got a good lawyer so far as between you and Mr Vasil was concerned?---Yeah, sure. There were, you know, discussions around what was happening, I guess, the power play and the troubles that certain councillors and the council in general were having with Jim Montague, but I really don't recall anything really specific about, you know, it was more general than anything else.

40

But there's nothing you've told us so far that sounds like advice that he gave you or response that he gave you as a sounding board to ideas that you ran past him.---Look I can't be any more specific. It's like when you seek, it was almost like someone, he became a person that I could bounce, not bounce ideas, it wasn't that, it was more of an emotional support network or relationship between me and him. He was someone that I would basically confide in what I was going through emotionally at the time. So, it wasn't

as, it wasn't as a strategic sort of relationship per se, it's the best way I can put it.

Well, can you help us then with why, on page 206, Mr Vasil wrote in the first person plainly referring to you, the fourth line of writing, "I'm not a politician," then in the next paragraph "How am I a pawn?" and "I am just a planner." He wasn't talking about himself, was he? He was using phrases for you to use, isn't that correct?---I really don't recall, no, sorry.

10 Was he providing you with a script for what you could say in advocating for yourself?---I think, I think he was certainly providing with advice in that regard, yes.

And this is the sort of advice, that is to say the sort of arguments that could be deployed to support your position, is that how you read it?---I think that's fair, yes.

20 And is that what Mr Vasil actually told you in the times that you were dealing with him?---Again, as I said before, I, the spirit of that, yes certainly, but those exact words I can't be certain.

Excuse me. Did you get – I withdraw that. What impression did you get from Mr Vasil about his thinking about Mr Hawatt and Mr Azzi's attempt to have Mr Montague sacked as general manager?---Sorry, can you repeat the question again?

30 Yes. There was a dispute going on – that you read about in the media and you heard about from George Vasil – between Mr Montague on the one hand and Mr Azzi and Mr Hawatt on the other hand, is that right?---Say it again. So who - - -

A dispute.---Yes, yeah.

Did you understand there was a dispute?---Yes.

And it was at council?---Yes.

That it involved councillors on the one hand - - -?---Yes.

40 - - - and Mr Montague on the other hand, is that right? You understood that?---Yes.

Did you understand Mr Hawatt and Mr Azzi to be the leaders in the attempt to have Mr Montague sacked?---Yes.

Did Mr Vasil express an opinion to you as to what he thought about that? ---Not that I can recall but, no, I really can't recall with any certainty.

You don't recall any opinion being expressed by Mr Vasil as to whether he thought the man that you understood he was in communication with, Mr Montague, should be sacked?---I don't believe that Mr Vasil expressed that to me. Sorry, yeah, Mr Vasil expressed that to me. Whether or not Jim Montague should be sacked, I can't recall having a conversation around that with him. I certainly remember that he was, I guess, on the side of the councillors.

10 Councillors?---Yeah. But as I said earlier it was mainly, at that point in time in my life it was more a case of me focusing on getting a job, and I really wasn't interested in any of the politics that was going on, so - - -

But you understood, didn't you, that this dispute that you understood was occurring was to try on the part of the councillors to have Mr Montague sacked because he'd withdrawn the offer of employment and to, as it were, reinstate you?---At that point in time?

Yes.---Yes.

20 And so as far as you would have been concerned at that time, the councillors would have been on the side of the angels.---Yeah.

If they succeeded, as you understood it you had a better chance of getting your job back than if Mr Montague stayed, who was the person who decided you wouldn't get your job.---Well, look, not necessarily, because the advice that I got from my lawyers at the time was that I had a pretty strong position contractually. So I, I was confident based on the legal advice that I would get my job back. Now, obviously with Jim there it would have made it a lot easier, you know, a relationship point of view, but, yeah, no, yeah.

30 And you did understand, didn't you, though, that certainly so far as the councillors were concerned, part of what they wanted was for the offer of employment to you to be honoured?---Yeah, and that's what I read as well. I think it was in the media, yes.

And so if that succeeded, as you understood it, you'd be likely to be appointed?---As I said to you before, I think contractually I was confident. So whether or not they succeeded and how that would have potentially affected my employment, I don't know. All I knew is that the advice that I  
40 was getting from my legal people was that we were in a strong position.

If I could just take you to volume 5 in Exhibit 52 and page 135.

THE COMMISSIONER: Sorry, which page?

MR BUCHANAN: 135, Commissioner. Do you remember you started work on a Monday?---I believe so, yes.

And this is an email which I'll take you to in a little bit more detail, but it is a, the text, the body text from Michael Hawatt and addressed to you and it talks about issues that we would like to discuss tomorrow night. Do you see that?---Yes.

Do you have a memory of having a meeting with Jim Montague and Mr Azzi and Mr Hawatt and Councillor Vasiliades shortly after you commenced work?---Yes, and I believe, yes, the simple answer is yes.

10 And where was that meeting held?---I believe it was at Canterbury Leagues.

And what was the first you knew that such a meeting was to occur or was proposed?---I believe it was Jim Montague who arranged it.

How do you know that?---Um - - -

I'm not suggesting you're wrong I'm just asking because you're - - -?---I'm just trying to - - -

20 What was it that happened that leads you to say that?---I believe Jim told me that he wanted to introduce me to the councillors so that we could, or I could articulate and they could provide me feedback with concerns that had been ongoing for, previously.

How soon after you started work was it, on the Monday – the Monday in that week that has Wednesday 4 March as the date of that email that I'm showing you for the moment was 2 March. So how soon after you started work was it that you had this contact with Mr Montague about such a meeting?---Probably a week, two weeks, three weeks, I'm not sure exactly  
30 but yes.

How was it that Mr Montague conveyed it to you?---I think verbally.

Sorry, verbally on the phone or verbally face to face?---Face to face, yeah, yeah.

And you were given details of where and when the meeting would be, is that right?---Yes.

40 If I tell you that the meeting was on 5 March, Thursday 5 March, 2015, so that's three days after you started.---Okay.

Does that sound plausible in your recollection?---Well, I remember it was pretty close to when I started, yes, yes,

And do you know why it was held at the Canterbury Leagues Club?---No.

Do you know who's decision it was that it be held at the Canterbury Leagues Club?---No.

What you – I withdraw that. And you think that from the conversation that you had with Mr Montague that it was Mr Montague that arranged the meeting? Again, I'm not suggesting you're wrong I'm just simply clarifying, is that your evidence?---That's what I'm trying to ascertain, as I sit here I can't honestly say whether it was Jim that the organised but I believe so, more likely that Jim would have organised the meeting, yes.

10

Now, you see the email on page 135 and it's, the body text addressed to you, are you able to assist us as to whether you received a text, sorry. I withdraw the question. Are you able to assist us as to whether you received an email with that text in it? So forget about the header, just looking at the body text.---No, I don't recall receiving it but a lot of the issues that it raised here have been raised with me before, yeah, or after that I should say.

20

Were those issues that are identified in the body text of that email issues that were raised at the meeting at the Canterbury Leagues Club?---Yeah, they were, yeah.

Excuse me a moment. If I can take you to page 137. You can see that that's an email from you to Mr Hawatt at his private email address cc'd to Mr Montague dated 5 March at 12.25pm reading, "Dear Michael, thank you for your email below and your well wishes. I'll be attending tonight's meeting with Jim and have noted the issues like to discuss. Regards." And then your signature underneath.---Okay. Yeah.

30

Do you recall looking at that sending that email?---I don't recall but it's likely that I did obviously, yeah.

And do you see the email to which you respond which is the email below which is dated 4 March, 2015 at 8.01pm?---Yeah.

And it's not the same as the body text of the email commencing "Hi, Spiro" in the body text on page 135 but there is an overlap in subject matter. Can you see that?---Yes, yes.

40

Now, the email from Mr Hawatt says, "Not sure if Jim Montague has told you" – I'm sorry, Commissioner, I note the time.

THE COMMISSIONER: All right. We'll adjourn for the luncheon break and resume at 2 o'clock.

**LUNCHEON ADJOURNMENT**

**[1.03pm]**