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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 WEDNESDAY 10 OCTOBER, 2018

AT 2.00PM

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

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

MR BUCHANAN: Mr Stavis, in Exhibit 232 if you could, just to re-establish where we were, have a look at page 184 where at the top of the page there's an email from Mr Zreika to his architect, asking for changes to be made as per plans attached to the email chain, and if I could just take you then to page 188, which has got version G dated 7 October, 2015, and in the plan view it's got, "Privacy masonry wall 3,000 millimetres high." Do you see that?---Yes, sir.

You then at page 193 – I'm sorry, I do apologise. Yes, no, at page 193 you sent an email the same day at 3.16pm to Mr Zreika's architect, calling him Alex, "Please make the final changes/notations highlighted in red the attachment and re-send a complete architectural set so we can finalise our report." You see that?---Yes, sir.

And that was a message that the report won't be finalised unless the final changes/notations highlighted in red in the attachment were made. That's correct, isn't it?---Yeah, yes.

Then on page 197 to 198 are notations on the ground floor plan and the southern elevation. Do you see that?---Yes.

And by this stage, this is version H, also dated 7 October, 2015, and could I just draw your – your notations are obvious, they're in the red ink.---Yes, sir.

That's correct, isn't it?---Yes, sir.

On page 197 is the ground floor plan, and if I can just draw your attention to the additional printed notation underneath, "Privacy masonry wall 3,000 millimetres high," the words, "Top of wall RL59." Do you see that?---Yes.

Can I then take you to page 198. You indicated a change you wanted to be that the wall would be 3.3 metres high. That's what you indicated there, isn't it?---Yes, ah, yes, it is, sir.

And that's confirmed by the additional notation, a crossing out of 59 as the RL for the top of the wall and the substitution of an RL of 59.3.---Yes.

That is to say, adding 0.3 of a metre to the proposed masonry wall. ---I believe so, yes.

Why did you – I withdraw that. What were the circumstances which caused you to seek that increase in the height of the wall?---I think I said before the break that I think it was Fadi who expressed concern about the, the

adjustment or the lowering of the building for drainage purposes, so this was a way of a compromise, I guess.

But that was your explanation as to why the height of the wall increased to three metres from 2.5, now we've got a further increase to 3.3.---I thought, I thought they were one and the same, I'm sorry. I don't, that was, my recollection at the time was because of his concern about the feeding or having a gravity-fed drainage system, this was a way of, of I guess a compromise between us.

10

Then at 5.10pm on 17 October, this is page 199, you sent an email forwarding to Michael Hawatt your email that you had sent to Mr Zreika's architect.---Yes, yes, sir.

And why did you send this email to Mr Hawatt?---Because he was, he was obviously talking with Fadi as well, so I guess I just wanted to keep him in the loop, to be honest with you.

20

Well, you were talking to Mr Zreika's architect and Mr Hawatt was talking to the owner. Is that the reason you sent it?---No. I, again, at some point I did engage with Mr Fadi direct. I, I'm not sure if, when that was but, as I said, it was very late in the sort of assessment process, well, right, right towards the end. The only explanation I can offer here was that I just wanted him to be kept in the loop, I guess.

30

Well, except that there are two sentences in your email to Mr Hawatt, I mean, first I'm not overlooking the fact that you did in fact send him a copy of the email that had been sent to the architect with the notations on version H of the drawings which are at pages 197 to 198, but in addition you said, "Once I receive, I will finalise the report." Why did you say that to Mr Hawatt?---Just to keep him in the loop, I guess. That's the only thing I can think of.

And can you explain to us, at this stage the report was being prepared by the external consultant?---That I can't be sure, I'm sorry. I believe so.

Yes.---Yeah.

40

And why did you say to Mr Hawatt in that case that once you received the changes that you had sought you would finalise the report?---Well, I don't know why.

The report that you referred to in that email is the officers' report that would go to the person exercising the power of determination?---Yeah, the assessment report, yes.

You were plainly saying that you would exercise your powers as director of city planning to finalise the assessment report if you got what you wanted in

respect of this DA and how it affected your own property, correct?---I'm not sure, I'm not, I don't know if I can infer that from that, that, from this email that I was of a mind to determine the application but certainly, finalise the application, sorry, the, the report itself.

10 Well, can I just, at the risk of over-parsing it, "Once I receive, I will finalise the report." You made it very clear to Mr Hawatt, didn't you, you were signalling to him very clearly that the message that he should convey to Mr Zreika was that you'd exercise your powers as director of city planning once you got what you wanted.---I, I think that was a bad choice of words. I mean, I wasn't responsible for writing the report.

Why then did you say that to Mr Hawatt?---I, I don't know, sir. I, I, in all honesty, I don't know. I mean, maybe it was just the wrong terminology that I used, but - - -

20 Well, if you look down the page at the email you'd sent only a little while earlier, on 7 October, 2015, to the architect, you said, "Re-sent to complete architectural sets, so we can finalise out report," didn't you?---Yes.

You were representing to the owner and his architect, so far as the owner is concerned, via Mr Hawatt, that you would exercise your powers as director of city planning if you got what you wanted.---I don't draw that inference from, from that statement, sir. I, I, I was referring to the actual report itself, the assessment report being finalised.

What finalisation of the report did you contemplate making on 7 October at 5.10pm?---Just that. The, the report itself being finalised.

30 Yes. What would be done, what would be involved in you finalising the report?---Ordinarily, it would go to the assessing officer – in this case I assume it was still the external consultant – so they could finalise their report, their assessment report.

40 But you here are saying that you will finalise the report. You're making it very plain that you proposed to exercise power over the DA in respect of the determination of the DA once you got what you wanted, didn't you? ---That's not what I, I meant. I, I think it was a bad choice of words on my part.

These emails indicate plainly that you were abusing your office, don't they?---I don't think so. Look, I, I, I've already conceded the fact that I probably should have distanced myself and if I had my time again I would have done things differently. You know - - -

Why were you representing, in particular in the email to Mr Hawatt on 7 October, 2015, at 5.10, that you would finalise the report rather than the assessment officer can finalise the report or the external consultant can

finalise the report? Why were you representing that you will finalise the report?---As I said, I, I think it was just probably bad choice of words on my part. I, I don't know I didn't insert the words "external consultant" to be honest with you, as I sit here today.

Did you know at that stage whether Mr Zreika even knew that an external consultant had been retained?---I'm not sure if I knew but I think you showed me some, I'm not sure if they were emails or whatever, correspondence between council staff, Fran in particular, I believe.

10

Correct.---Where she advised, I believe, the architect.

Quite correct, Mr Stavis.

THE COMMISSIONER: Yes.

MR BUCHANAN: Which is why I'm asking whether you were indicating that, no matter what Mr Zreika had previously understood, this was a matter over which you had control.---I, I, I don't think so.

20

Can I take you then to a further email, the same day, 7 October. This is a chase up of Mr Mahdi at A2 Concepts at 10.04pm, correct?---What page, what page is that on, sir?

Have I got that wrong?

THE COMMISSIONER: Page.

MR BUCHANAN: I apologise, 202.---Yes

30

"Can you please advise when you are able to provide the info as per my email below, so we can finalise?" It's unusual to engage in council correspondence at 10.04pm at night, isn't it?---Not, not in my experience at Canterbury Council. There were many occasions where I used to play catch up, I guess, but in the normal course of councils, yes, it probably was.

You weren't even waiting for 24 hours to elapse from your request to make what you call final changes, a request you made all right 3.15, before chasing it up at 10.04pm. I just want to ask why, what appears to be some sort of urgency or pressure that you were exerting?---As I said, I, I don't recall thinking that at the time.

40

Why did you say in that email, "So we can finalise?"---Well, the report I guess, I was referring to the assessment report.

But why did you add that at all? Why refer to, consistently we've seen now in the correspondence, either with the architect or with Mr Hawatt, that you obviously wanted conveyed to Mr Zreika that the outcome of you getting

the changes you sought would be finalisation of the development application?---I thought I was referring, as I sit here today, in regards to the actual assessment report, that finalisation, because at some point in time I did receive, had a conversation with Mr Zreika about, you know, he was concerned about, about the length of time his application had been in council and so forth. I guess I was trying to assist him in that way.

10 It looks as if you were homing in on a vulnerability on the part of the other side by your frequent reference to what you understood the other side wanted, namely an early determination.---No, sir, no. I, I mean that thought didn't cross my mind, I don't believe.

Can you explain to us why more than once you had been using terminology which indicated that Mr Zreika would get an earlier determination if he made the changes you sought, if it wasn't in order to exploit a vulnerability you perceived in his calculations?---No, I don't believe that was the case. I was merely trying to assist him.

20 Now, at this stage can I ask you, on 7 October, 2015 you were aware or unaware that the decision had been made to refer out to an external consultant the assessment of the DA with the agreement of Mr Montague? ---I'm not sure. I don't recall.

As at 7 October, 2015, what did you understand was the status in the organisation, the status in council of the decision that it be, assessment be referred out to an external consultant? Whose decision was it?---I, I really don't remember on that date, what the significance of that date is.

30 Well, no, sorry, I'm simply selecting 7 October as a date on which you were more than once referring to the finalisation using the first person, "I," "We," "Our."---Sure.

And what I'm trying to understand is, at this stage the matter to your knowledge had still been, still had the status of being referred out to an external consultant?---Yes, I believe so.

40 So what I'm trying to understand is, how did you feel entitled, how come you felt entitled to communicate with the other side indicating that you were the one who had the final say?---I, I don't believe I meant that in that, in those emails. I meant finalisation of the assessment report, and ordinarily we would, as I said before, refer and instruct the external consultants to prepare an assessment report and most often than not they tend to do things in a very expeditious manner.

And what were you saying, you're saying, if you do what I want you to do, I'll then get the external consultant to finalise the report. Is that what you were saying?---Well, finalise their assessment report, yes.

Why didn't you say that, then?---I don't know. I mean I really don't know.
I mean - - -

10 Because it's more than once that you implied that you would be the person who would be finalising the report. I refer you to page 199, your email to Mr Hawatt at 3.10pm, the top of page 199. It's not consistent, is it, with communicating a message that you would get onto the external consultant and hurry him or her up, is it, for you to say that you would finalise the report?---In all honesty, sir, the way I remember it, it wasn't, I wasn't going to finalise anything, it was a matter of finalising the assessment report through the external consultant. I mean it's a bad choice of words, and like you pointed out, the last email was at, you know, almost 10.05 on 7 October, so, you know, I mean - - -

You just simply put it down to a bad choice of words, do you, rather than an intention to convey to the other side that you would provide the service of finalising the report on the DA?---As I sit here today, that's, that's what I remember I guess.

20 Yes.---But, you know, I mean this was a long time ago so I really, I guess I really can't be really detailed in that regard what was going on in my mind.

Mr Stavis, I want to suggest to you that you're not being frank with the Commission in the evidence that you're giving.---Sure.

30 That the evidence is plain as a pikestaff that you were promising an exercise of power by you to finalise the assessment report, finalise determination of the DA, if you got what you wanted, weren't you?---I didn't think of it that way, I'm sorry.

THE COMMISSIONER: Other than your personal assistant, why haven't you emailed anybody else from the council like Andrew Hargreaves or Fran in these communications?---Again, I don't know, Commissioner, I'm sorry.

40 MR BUCHANAN: Can I take you to page 205, and it's an email conversation that commences on earlier pages, but at the top of page 205 is an email on 8 October at 10.50 from Mr Zreika to the architect and to you, cc to Michael Hawatt, reading, "Final architectural plans attached." And you can see that there's a PDF titled Architectural Plans with that day's date in the title.---Yes, sir.

You looked at those plans when you received them, I take it?---In all likelihood I probably did.

And that's version I of the plans which bear the date 8 October, 2015. I just refer you for example to page 216 which is the southern elevation. And do you see that?---Yes, sir.

And your 3.3-metre-high wall is represented there?---It's probably, yeah, 3.30 metres from my side of the, the boundary I guess, yes.

Right. This version, version I, ended up being the stamped plans, didn't it? I'll just refer you to page 354. That's the southern elevation in the stamped plans.---Yes.

And that's version I.---Yes.

10 And it included everything you had asked for. All the changes that you had asked be made were made and incorporated in these plans. You can look at the plan at page 212 or the southern elevation at page 216.---I believe so, yes.

And if you could go to page 217, please. The same day, at 1.08pm, you email those plans to Andrew Hargreaves and the heading, after reference to a few forwards, is ■ Ridgewell Street Amended Plans. Do you see that? ---Yes, sir.

20 Why did you send them to Andrew Hargreaves?---I guess so he can instigate finalisation of the assessment report, I would imagine.

Can I take you to page 204. This is an email from you to Mr Hargreaves that you sent from your private email account on 8 October, 2015. Do you see that?---Yes, sir.

And you headed it Amended Plans, ■ Ridgewell Street, Roselands, and said, "The amended plans have addressed both Viv's and my concerns, hence we withdraw our objection." Do you see that?---Yes, sir.

30 This was doing what you had contemplated doing in exchange for the changes to the plans that you sought being implemented, wasn't it, that your objection would be withdrawn?---I, I believe I had been at some point in time – look, it wasn't that calculated, sir. I believe that, to the best of my recollection, the knowledge of the withdrawal of a letter of objection came way earlier than this and the policy, you know, I believe that may have been relayed to the, the applicant or the owner at some point prior to this. So, you know, it's not as, I don't believe it's as, I guess, calculated as the way you're putting it forward to me.

40 You had referred, hadn't you, at some stage to the council policy as to the matters that were required to be referred to the IHAP and then determined by the CDC or council, hadn't you?---Yes, at some stage.

And you had seen that it was relevantly in the case of a development application where an objector was a council employee or like.---Yes.

And so you decided, did you, that if you withdrew your objection then that policy did not apply?---I don't know if I decided but it was , it was ultimately - - -

Did anyone else decide?---Well, it was relayed to me.

By whom?---I'm just trying to think.

Mr Hawatt?---No, I don't believe it was him, no, no.

10

By whom?---One of the staff, perhaps, or I read it, perhaps, or it was read out to me. Normally these things were pointed to me by staff, like senior staff, so either George Gouvatsos or Andrew Hargreaves.

Can you assist us as to who the staff member or members were with whom you had these communications?---Well, in relation to this application, look, staff members that I communicated with were Andrew Hargreaves, George Gouvatsos and Fran, sorry, I forget her - - -

20

Dargaville.---Yes. So they, they were the, the ones that I would have consulted about this one.

And are you saying that one of those people suggested to you that there wouldn't be a need for the application to be determined by council after being considered by the IHAP if the objection was withdrawn? Are you, is that what you're telling us?---I'm not, I'm not saying that, I, I'm telling you what the, sorry, the normal process was with policies. I would normally get, not, advice is the wrong word but information in regards to policies from senior staff in that regard. Now, I'm not discounting the fact that I read that policy at some stage as well but I'm just trying to give you some insight in terms of the practice that went on at the time within the department.

30

That might have been the practice but this was a very – sorry, I withdraw that. This was a unique circumstance because you were personally affected.---It was unique, yes.

And so I'm - - -?---I accept that.

40

- - - just asking, then, can you recall who you had any conversation with as to what the consequence might be for decision-making in the determination of this DA if you withdrew your objection, given that it affected you personally? Can you not recall who you spoke to or was it nobody?---No, well, I can't discount either of those scenarios. I'm sorry.

Did you have a conversation with Andrew Hargreaves about the question of who would be deciding whether the consent should be granted for the DA or not?---It's possible. I just don't recall if I did but it is possible.

Well, who had carriage of the matter as at 8 October?---I, I believe it was Andrew Hargreaves.

All right. And so he had to know, didn't he, whether he was responsible for the preparation of a report to the IHAP and thence to council or the CDC or whether it was going to be determined under delegation, didn't he?---I, I'd say so.

10 So, you must have had a discussion with him, even if it was simply you telling him what was to happen?---I may have had a conversation with him. I just don't recall the conversation prior to this about, about that but I, I just don't remember.

How did the decision-making process change from being a decision-making process involving a report to the IHAP and thence to the council or the CDC and a determination by council on the one hand to a report to a person exercising a power of determination under delegation? How did that happen?---With the withdrawal of the objection, I would say.

20 You say that that was the trigger for it, though, don't you?---Yes.

I'm asking what were the transactions that occurred between human beings that caused that change to occur.---I, I, I don't remember but it's likely that I would have had a conversation with Mr Andrew Hargreaves about, about the fact that, that we were, my wife and I were thinking of withdrawing the objection. So, I mean, that's probably the more likely scenario at the time.

30 But there has to be more that you were telling him than your wife and you would withdraw your objection. There had to have been something conveyed to him as to how the decision-making process was consequently going to change.---I don't remember having that discussion with him about how.

Someone must have told him, mustn't they?---I, I thought I just explained how it was likely that I probably said to him we're, we're going, we're thinking of withdrawing the objection. So, I mean, that by virtue would enable the application to be, I guess, determined under delegation.

40 Did you tell him that latter part?---I, I don't, I don't remember telling him that, to be honest with you. I may have but I just don't remember.

Was a record created of this change in the decision-making process as to the locus of decision-making, the body that would make the decision? Was any record kept of this change occurring?---I'm not sure.

You didn't cause a record to be created, did you?---I'm not sure. I really don't remember.

Well, you've read the papers, haven't you?---You're talking what we've just seen?

Yes.---Yes, yes.

Yes. And there's no record in there, is there?---Well, from what you've shown me so far, no.

10 Why did you not cause a record to be created of the fact that the decision-making process for this DA was to be changed?---I don't know. I didn't think I had to. I'm not sure, to be honest with you.

Were you ashamed of it?---No, sir, no. I wasn't thinking that way at that time.

Was it something that you wanted to not attract attention?---No, sir. No, sir.

20 Because what I have to suggest to you is that your failure to ensure that record was created of this process is at least consistent with the fact that you didn't want attention drawn to it.---That's not the case. I mean, my staff were aware of what was going on in terms of concerns that we, we as a family had about the proposal. So it's, it shouldn't have been news to them about that or - - -

Is that the only reason you create a record of something occurring in relation to decision-making under a statute?---Sorry, I'm not sure I quite understand the question.

30 Well, you create records for reasons other than ensuring that the staff know what is going on, don't you, generally speaking?---Yeah, sure.

You create records so that other people can understand what went on and when and why, don't you?---Sure.

And particularly where statutory power is being exercised, don't you?
---Sure, yes, yes.

Isn't that the case?---Yes.

40 So it does seem quite strange that you would not cause a record to be created of the fact that the decision-making process was to change or had changed in this particular case, and the fact that your interests were directly affected would seem to be the most logical explanation.---As I sit here I can honestly say to the best of my recollection I never, it never entered my mind that way. I mean, that's the best way I can explain it.

Can I take you to page 239, please. Do you see that that is an email from you to Mr Zreika on 8 October. Now it's 7.26pm. You write, "Fadi. All

good. I have instructed the planner to finalise as soon as possible under delegated authority. Andrew will advise you shortly when the DA will be finalised.” Do you see that?---Yes, sir.

That would tend to suggest that you had instructed Andrew Hargreaves that that was to occur, wouldn't it?---Based on this email I think so, yes.

Did you send an email to Andrew Hargreaves instructing him to finalise the DA under delegated authority?---I may have. I just don't remember.

10

If you didn't, if there's no record of an email, then it would suggest that you had instructed him verbally?---Yes.

You wrote this email to Mr Zreika as the director of city planning?---Yes.

Obviously?---Yes, sir.

And you were talking about the powers you were exercising as director of city planning, weren't you?---Yes, sir.

20

You were assuring Mr Zreika that he would get what he wanted, but using your powers as director of city planning?---Yes, sir.

Now, I'm going to just skip ahead slightly. However, we're still on the subject of conversations with Andrew Hargreaves about the change in the decision-making. It's at page 246 if we could, please. Can you see that on 9 October, 2015 at 1.38pm Mr Hargreaves wrote to Mr Layman providing a stack of attachments, including amended architectural plans. He said, "Hi, Steven. I understand you've been engaged to prepare a report and conditions of consent for a dual occupancy at [REDACTED] Ridgewell Street." He provides the DA number. "Attached are amended plans for you to complete your assessment." And I just ask you to focus on this third paragraph. "There was a submission on this matter but this has now, by virtue of the amended plans, been withdrawn. The DA can now be determined under delegated authority. Can you please prepare a report and conditions of consent for approval by our acting team leader (planning) Rita Nakhle." So does that indicate that you told Mr Hargreaves that the DA could be determined under delegated authority because you'd withdrawn your objection?---I'm not sure if was an instruction to him or it was just him inferring that that could now happen.

30

40

Well, no. We know it was an instruction that it should happen because that's what you said in your email to Andrew, I'm sorry, to Fadi Zreika on 8 October at page 239. It's the reason that Mr Hargreaves assigns for this occurring, that is to say the submission on this matter having now by virtue of the amended plans been withdrawn, that I'm asking about. Where did Mr Hargreaves get the idea from that consequent upon that occurring the DA could now be determined under delegated authority, if not from you?

---Correct me if I'm wrong but if, didn't, what date was it that my wife and I withdrew our objection?

8 October.---Okay, so he would have had, presumably that email at the time when he wrote this email.

Yes.---So, I mean, he's, he, he knew the, I guess the policy. I, I, I just don't recall if I instructed him or it was just Andrew exercising his, I guess, his, his knowledge of the, the policy. I, I just can't remember.

10

Yes, I just need to draw your attention, though, you told Mr Zreika that you instructed the planner to finalise as soon as possible under delegated authority. That's on page 239. The question I'm asking is, where did Mr Hargreaves get the idea from that the finalisation under delegated authority could occur because, by virtue of amended plans, the submission on this matter had been withdrawn, if it wasn't from you?---Like I said, I mean, maybe he, please, and I'm just getting confused with the times the emails were sent, but maybe it was because of, of my email. I, I just don't remember instructing him to do that. I'm not saying I didn't.

20

Why did you tell Mr Zreika you did?---Well, when did I send that email to, withdrawing?

Well, I, I'm sorry, if I'm wrong I'll apologise, but that's when I thought that was - - -

THE COMMISSIONER: It's page 204.---204.

MR BUCHANAN: Thank you.

30

THE COMMISSIONER: It's on 8 October.---Yep.

MR BUCHANAN: 8 October.

THE COMMISSIONER: But it's from your private email address and there doesn't seem to be a time on the date.---Sure.

And then Mr Buchanan's been taking you to, on the same day, 8 October at 5.26, page 239, when you email Mr Zreika saying, "I've instructed the planner".---Sorry, that's at, at 7.26pm.

40

Oh, goodness, it's contagious, is it?

MR BUCHANAN: Yes. Page 239, that's correct.

THE COMMISSIONER: Sorry.

MR BUCHANAN: That's correct, Mr Stavis, 239.---Yep.

You see, there's no doubt about it, is it, from that email you sent to Mr Zreika, it was you who made the decision and conveyed instructions that the DA was to be finalised under delegated authority.---That's what it says, sir, yes.

Well, no, no, no.---No, no. I, I, I agree.

10 Mr Stavis, you were the one who gave that instruction, weren't you?---Yes, yes.

Yes. Now, excuse me a moment. Can I just ask you this, you yourself thought, did you, that because the objection had been withdrawn, the policy no longer applied and therefore it didn't have to, the report didn't have to be written by an external planner and it didn't have to go to IHAP or to the CDC?---I believe it was me and (not transcribable) was at the very least - - -

20 I'm sorry, if you could keep your voice up. I'm having difficulty hearing. ---I'm sorry. I, I believe it was me, yes, but I also believe Andrew understood that or knew that as well.

But it would be wrong to say, wouldn't it, that because the objection had been withdrawn, there was no potential for a conflict of interest because you were still the person in charge of the person who exercised the power of determination under delegation and you were an affected party and had a pecuniary interest that was affected by that determination, didn't you?---I realise that now, yes.

30 It didn't occur to you at the time?---No, sir.

How could it have not occurred to you at the time? There was a plain conflict of interest.---Like I said, I was, it was a very, it was very emotional and, like, the, the lines between being an owner and, and a, my roles and responsibilities as a director at that time I believe looking back now, were blurred. So, I wasn't thinking straight to be honest with you.

40 An alternative explanation is that you well appreciated that there was a conflict of interest but decided that you would provide this instruction to Mr Hargreaves because you had to deliver on what you had promised you would provide if the changes to the plans were made that you had sought, namely an earlier determination than would otherwise be the case. Isn't that - - -?---No, I don't believe that's the case.

- - - a possibility?---No, I don't believe that was my thinking at the time.

Certainly you did have to deliver, didn't you, on an earlier determination than would otherwise have been the case, because you've been promising it?---I think that's fair, yes.

And this did deliver it, that instruction did deliver an earlier determination than would otherwise have been the case.---Yes, I accept that.

Can I, just so that you're appreciating what the evidence is as we go along, take you to page 246. I apologise – I withdraw that. I've already taken you to that email by Mr Hargreaves to Mr Layman. On 9 October you're aware that Mr Hargreaves asked Mr Layman to finalise his report, providing the additional material?---Yeah, yes, sir.

10

And asked for the report and conditions of consent to be for approval by his acting team leader?---Yes, sir.

Can I take you to page 249. On 15 October you wrote to Mr Hargreaves, cc'd to Mr Gouvatsos, "Andrew, can you please follow up urgently with Steven?" And the heading, the subject heading is, "█ Ridgewell Street." Do you see that?---Yes, yeah.

20

Why did you send that?---Well, to I guess expedite the matter, to remind him.

Why did you want to expedite the matter?---I really don't know, other than it was perhaps something, or I was aware that Mr Fadi was, obviously he had expressed to me in, in previous conversations of, of how long the applications will take and so this was just a way of I guess kicking it along.

You were trying to deliver what you had promised, weren't you?---Well, looking back now, yes.

30

And four days after that, page 250 – I'm sorry, yes, four days after that, on 19 October, Mr Zreika emailed you, cc to Mr Hawatt and to his architect and to Andrew Hargreaves and to Ms Nakhle, "Is there any update/ETA on when we will receive this approval? Many thanks in advance." Do you see that?---Yes, sir.

So you were well aware that Mr Zreika was pressing you for an early determination?---Yeah, I, I believe so, yes.

40

And he thought Mr Hawatt was still a person who should be kept informed of this?---I, I, I believe so, otherwise he wouldn't have cc'd him in on the email.

That's consistent with Mr Zreika believing that Mr Hawatt, or having heard Mr Hawatt indicate that there would be an earlier determination if the changes you sought were made?---It's most likely, yes.

Because otherwise Mr Hawatt was out of the picture. He had no role to play, did he?---Not one that I can think of, no.

Can I take you, please, to page 251. On 19 October – halfway down the page – on 19 October you emailed Mr Hargreaves, “Can you please find out when the report will be received. I want to review it prior to finalisation. Ideally I want this finalised by week’s end. Let me know tomorrow if this timeline cannot be met.” Do you see that?---Yes, sir.

And that’s after you’d received another chase-up from Mr Zreika. Do you see at the bottom of page 251?---Yes.

10

Why did you tell Mr Hargreaves you wanted to review the report prior to finalisation?---Probably just to make sure that it was consistent that what, I guess, solution that was found between Fadi and, and us as a family, yes.

That it contained the changes that you had – I withdraw that. That you wanted to make sure that it implemented the changes that you had sought. Is that fair to say?---I think that’s fair, yes.

20

And you wanted to ensure that there weren't any provisions in it that disadvantaged you.---Oh, no, I just wanted to make sure that it was consistent with what Mr Zreika and, and, and us had agreed to.

And that was an instruction that you gave to Mr Hargreaves as director of city planning, wasn't it?---Yes.

Another abuse of your position, wasn't it?---I didn't think of it like that at the time, sir. That's the explanation I can give you.

30

Then at the top of page 251, your email to Mr Hargreaves on 20 October, at 3.58, cc'ing Mr Gouvatsos and Ms Nakhle, “Please let me review the final draft.” You had some anxiety, didn't you, to ensure that you weren't disadvantaged by any aspect of the report, including the conditions it recommended?---I wouldn't say anxiety. I wasn't, as I said, I think it was more a case of making sure that it was consistent with what we'd agreed to. That was it.

40

But it's the very next day.---Yeah. Yeah, I mean, Mr, Mr Zreika had expressed concerns about the delays he had experienced so I was merely trying to expedite it.

Page 253, at the bottom of the page, on 27 October, the matter was still delayed. You told Andrew Hargreaves you'd been expecting the draft report the previous Friday, asking him to follow up with Layman. Do you see that?---Yes, sir. Yeah.

And then in the middle of the page Mr Hargreaves responded, conveying what apparently Mr Layman had told him about when it'll be received, and then at the top of the page you emailed Mr Hargreaves at 11.28am on 28

October, "Thank you. I'd like to review the report beforehand as well."
You were anxious, weren't you, to make sure that that report would not be filed, would not go forward to the delegate with anything in it that disadvantaged you.---No, I didn't think of it that way.

Why were you constantly saying you wanted to review the report when this – I do apologise, why were you saying that you wanted to review the report when the decision-maker was not you, it was a person subordinate to you?
---To make sure that it, we, the, the, I guess the solutions or the agreement
10 that Mr Zreika and I had agreed to were reflected in the report.

Now, we can skip over the further chase-ups that occurred, and complaints, but going to page 256 on 17 November at 8.01, Mr Hargreaves sent you what he called the draft report from Steven Layman for [REDACTED] Ridgewell Street and saying that the files and the different formats with the draft report hadn't been proof read. Do you see that?---Yes.

And that report itself, as attached to the emails, is pages 258 to 280 in Exhibit 232. Do you see that?---Yes, sir.
20

Now, can I ask you about the version of the same document that appears commencing on page 281 of this exhibit. And from page 281 through to page 303, it's the same document but with handwritten annotations. That's right, isn't it?---Yes, sir.

And the document, just for reference purposes, page 303, says that the date of it is 9 November, 2015, but obviously you didn't even receive it until the 17th, I'm sorry, 10 November, my mistake. I, I apologise, I withdraw that question.---Sure.
30

You didn't receive it until 17 November, page 256. All I'm doing is establishing that the date that the report bears is not reliable, that's all I'm establishing.---Yep. I accept that.

So, then if we can go through to the content of the document, you made a number of changes. There are all your handwritten annotations, aren't they?---Yep. I believe so, yes.

Excuse me a moment. And just putting aside, or not as the case may be,
40 page 282, there's a Post-it note, someone's written, "Spiro", handwritten. Is that yours?---No.

Thank you. But otherwise, all the notations are yours, aren't they?---Yes, sir.

And the ticks are where the content of the report can stay as drafted, correct, that you were satisfied with those contents?---Most likely, yes.

That's how you annotated reports you were reviewing that came from external consultants, isn't it, like Mr Black's reports for 212 Canterbury Road?---Yeah. It's consistent, yes.

Then you made changes. Can I just ask you to go to page 288. In respect of the southern elevation, you wanted the sill for the window, referred to in the third column, to be raised from 1.6 metres to 1.7 metres, is that correct?

---Yes, sir.

10 And you made that change to advantage you and your property, didn't you?

---I think that was an agreement that Mr Zreika and I had had in the previous discussions but in answer to your question, yes.

So, I thank you for that answer, but was a purpose of you reviewing this report and making changes to ensure that it complied with the agreement that you'd reached, as you understood it anyway, with Mr Zreika?---Yes, sir. I believe so.

20 Just to just confirm that, Mr Layman, had Mr Layman been provided by you with – I won't say you, you via Mr Hargreaves – with anything more than the amended plans?---Um - - -

By way of indicating the outcomes of your negotiations with Mr Zreika.

---Not that I can recall.

There was no written document embodying the agreement between you and Mr Zreika.---Not that I can recall, sorry.

30 Thank you. Then if I can take you, please, to page 293.---Yes.

You were going to change 2.5 to 3.3 and then you decided that, to leave in what Mr Layman had written and to add the paragraph, sorry, add the sentence, "However, further discussions between the owner of the adjoining property and the applicant has led to a 3.3-metre-high masonry fence being provided." Is that right?---Yes, sir.

Your annotation on the left-hand side, "Condition to be imposed requiring tree retention?" Is that right?---Yes, sir.

40 Now, what I just want to suggest to you – because it'll save a bit of time, but we can take a little longer and go from one report to the other to see how it occurred – is that all of these changes that you made in this draft report were made in the final report, weren't they?---I can't confirm that, to be honest with you, I'm sorry.

Well, what happened to this document after you'd made the changes to it? I withdraw that. What happened to this document after you'd made the

annotations to it?---It, I would have probably given it back to Andrew Hargreaves.

With what instruction?---“These are my comments,” I believe or - - -

Yes.---Yeah. And - - -

With a view to what occurring?---Finalising the assessment report.

10 With a view to who finalising it?---I'm not sure. I would have imagined actually Mr Layman to finalise because he was the one who has actually drafted the report.

Did you understand that perhaps Mr Hargreaves was going to make the changes himself?---Don't recall that, no.

Did you ask Mr Hargreaves to make the changes himself?---I don't remember saying that to him, sorry.

20 And page 295, you made the changes of 1.8-metre-high boundary fence, which is, what, a timber or Colorbond boundary fence, which is what Mr Layman recommended, to read 3.3-metre masonry fence. That correct?
---Yes. Yes, sir.

And then at page 296, there are a number of changes that you required be made to the report, is that right?---Yes, sir.

30 All of these are changes which advantaged you as the, as a co-owner of [REDACTED], isn't that right?---Not, I'm just reading the first one, notation. Talks about a dilapidation report for adjoining properties to the north and south. So that - - -

Didn't it advantage you?---It did, but not entirely me in that regard. But the rest, the rest, the rest I agree with what you said.

Are exclusively to advantage you.---Sorry, what was the question?

The rest of them are to exclusively advantage you.---I, I accept that, yes.

40 Now, you saw the final report, didn't you?---I can't remember if I did, to be honest.

Weren't you anxious to ensure that the changes you sought were implemented? I'm talking now about the report.---Yep. I, no, I don't remember feeling that, I just would have assumed that changes would have been implemented.

And you see at page 304 to Mr Hargreaves on 24 November at 5.15, "Make sure we issue notice of determination ASAP, this week if possible." Is that right?---Yes, sir.

And it took a big longer than that. We have the report and the determination on page 305 and the date in each case is 27 November, 2015. Do you see that?---Yes.

10 And the final report commences at page 306 and goes through to page 327. Do you agree with that?---Yes, sir. Even though the date is still 9 November.

Correct.---Yeah.

Correct. And then the notice of determination is at page 336. Is that right? Is that a printout of council's records of the notice of determination?---It's an unsigned version but it, yeah, it looks like it, yes.

20 Thank you. Can I ask you about this. Going back to 26 October, 2015, if I can ask you to go to page, volume 5, page 286. And can you see text number 372 from Mr Hawatt to you on 26 October at 7.32pm?---Yes, sir.

Mr Hawatt's saying, "Hi, Spiro. I am back from China. The owner of Ridgewell Street called. I did not take his call before I heard from you re his site. What's the latest?" Do you see that?---Yes, sir.

30 Did you talk to – I'm sorry, I do apologise. Your response, item 373, is a reply at one minute later. "Welcome back, mate. The consultant should have finalised the report last Friday. I'll follow up tomorrow." Can you see that?---Yes.

On the next page, 287, can you see item 376 is a text from Mr Hawatt to you, still on 26 October at 7.38pm. "Okay. Can we have Ridgewell for the November meeting?" Do you see that?---Yes, sir.

And you responded at item 377 at 8.33pm, "No meeting for Ridgewell. Doing under delegate authority, mate. George will sign off."---Yes.

40 Do you see that?---Yes.
Excuse me a moment.

THE COMMISSIONER: Mr Stavis, can I just ask, the assessment report was prepared by an external consultant.---I believe so, yes.

And I'm sorry, would you go back to volume 31.---Yes.

Page 306.---Yes.

So this is the final assessment report and it's got, "Officer, external consultant," and that's confirmed on page 327 that the assessing officer's name was an external consultant.---Yes.

10 But we've seen that your suggested annotations or changes were incorporated into this report. What was the procedure if an external consultant had been engaged? Because it's been put forward that they've prepared it. Should have any proposed changes by any council officer have gone back to the external consultant or was the policy that it was okay for changes to be made by council officers without the approval of the external consultant?---I, I would have thought, in my tenure there, ordinarily it, when any application that was given to an external consultant, any changes, you would ask the external consultant to make. So, in this particular case I just assumed that that was the case here as well but that was the normal practice, yeah, in experience.

Sorry, Mr Buchanan.

20 MR BUCHANAN: No, Commissioner. Thank you. I'll just pause a moment. In the case of the reports in relation to 212-218 and 220-222 Canterbury Road, you had, not alone, I'm suggesting, but you had been involved in making a lot of changes to those reports, hadn't you?---I, I made changes, yeah.

Yes.---Yes.

30 And you didn't cause to be changed what was left in the final draft about the fact that the report had been prepared by an external consultant, did you?
---Yes, we did.

You left that there.---Normally we would, yes, yes.

That was your practice, wasn't it, that where you made changes to an external consultant's report, you left the reader under the impression that the report had been prepared by an external consultant without any qualification?---Can you explain what you mean by that?

Yes, sure.

40 MR PARARAJASINGHAM: Sorry, can I just raise, this might be an example, Commissioner, of where the witness might need to be taken to the report that he's being asked about. I'm just not sure that the witness fully appreciates.

MR BUCHANAN: I'll withdraw the question, I'll save time. We can all go back to that document in the course of time if we want to. In this case, you

left it as, "Officer: External consultant".---Sir, I didn't, it wasn't me who left it.

Page 281, you were the one who was finalising the report, weren't you?
---Oh, sorry.

Page 218.---Sorry. Okay, let me have a look. I think by virtue of the tick, it says, "Officer: External report."

10 External consultant.

THE COMMISSIONER: Sorry, which page are you - - -

THE WITNESS: Yeah.

MR BUCHANAN: Yes. You didn't change that - - -?---No.

- - - to indicate that you had been involved in preparing the report.---I see, sorry, I didn't understand the question, sorry. No, I didn't, no.

20

And that was misleading, wasn't it? It misled the reader.---Well, not necessarily. I mean the, the essence of the report itself was, was the same. I mean, yes, I granted the, some of the, I guess what do you call them, conditions in terms of increasing heights there, lowering heights there were, were different but the spirit of the report's the same.

"A 1.8-high lapped and capped timber or Colorbond boundary fence," I'm reading from page 295, "turns into a 3.3 masonry fence."---Yeah, but - - -

30 That's a minor change?---Well, I mean, in, in, in the overall scheme and the context of the report and what's being proposed, yes.

It misled the reader, though, didn't it, as to who had input into preparing this document.---I see where you're going with that and I, look, perhaps I should have written that it was council as well as the external consultant. But I didn't, in all honesty I don't think it changes the spirit of the report itself.

40 As to who you expected would implement the changes you made in the draft with your annotations commencing at page 281, you expected that those changes be implemented in your department, in your division, didn't you?
---Not that I recall, no.

Can I take you to page 328. Can you see that there's an email there in the middle of the page from you to Andrew Hargreaves on the 2nd of December, 2015, "Hi, Andrew. I know you're busy with Canterbury Road. I have the owner chasing." Sorry, the subject heading is Ridgewell Street. "I have the owner chasing. Can Eva help by making the changes to the report. I

promise the consent will be issued this Friday or early next week.”---Okay. I, I stand to be corrected. I apologise. I just didn't recall.

So this didn't go back to Mr Layman and you didn't expect that it would go back to Mr Layman. You expected these changes be made in-house by your subordinates.---The only reason I can – yes is the answer, but the only reason I can think of is that I didn't believe that it, and I still don't believe it changed the spirit of the report. Perhaps I should have, with the benefit of hindsight. I, I just was trying to expedite the matter, to be honest with you.

10

THE COMMISSIONER: When Mr Hargreaves forwarded you the report, he said it's in Word and PDF. Sorry, this is on page 256 if you want to have a quick look.---Sure, sure.

Was it the usual procedure that you would get a consultant report in a Word format which allows changes? Or was it always provided just in PDF?

---There were occasions where that occurred, yes, but - - -

Did you specifically have to request it?---No, no. Some consultants used to provide both versions, yes.

20

MR BUCHANAN: Do you remember in the case of Mr Black, in the reports for 212 Canterbury Road, sent you versions that you and your managers annotated that were then sent back to Mr Black for him to implement?---I, I remember that being the case.

That's not what occurred here, though.---I, I just can't recall whether the final report that ultimately we received from Mr Black did not have some, was minor changes from us in relation to his report. So I can't confirm that, to be honest with you, but in terms of this case it appears as though the changes were made in-house, yes.

30

Can you have a look, please, at pages, the photographs at pages 391-394. These show the wall in place, erected, finished and in place, don't they? ---From the adjoining owners' perspective, yes.

And did Mr Zreika ever tell you how much it cost to build that wall?---Not that I can recall, no.

It would, however, being as high as it is, it would have required some work to go into it, if not structural engineering work, to ensure its stability in both design and construction, you'd agree?---I would, yes.

40

And then we know the extent of it. We can see the height of it. It wouldn't have been a cheap piece of work for Mr Zreika, would it?---I, I couldn't imagine that it would have been, no.

No. You obtained as a result of your efforts in this case a significant pecuniary advantage, not only in terms of the other changes made to the amended plans but by reason of the substitution for the original boundary fence proposed with this 3.3-metre-high masonry wall, didn't you?---I didn't see it like that and I don't see it like that to be honest with you.

Well, no, you - - -?---I disagree.

10 You persistently said you didn't see it like that, but you know, don't you, the rough cost of buildings, ballpark figures?---Yes, of course.

And you know now that that would have been a not cheap piece of work. It would have cost a bit of money to put it up.---On its own probably but in terms of the overall development itself, maybe not.

You certainly could calculate at the time this was going to cost Mr Zreika a significant amount of money to comply with your requests for changes to his plans, didn't you?---Sir, it was, it was – no, I didn't think like that at all.

20 Can I change the subject, please. I want to ask you some questions about a matter that I asked you about before, and what I want to ask you about is the question of thinking of the time that you were a candidate for appointment to the position of director of city planning in 2014.---Yes, sir.

30 Think back to the date that is borne by your written application, 25 October, 2014. Think forward from that time to 8 December, 2014, which is the date on the offer of employment from Mr Montague. The subject I want to ask you about is meetings that you had with Mr Montague in between or at least meetings that you had with Mr Montague before 8 December, 2014.---Yes, sir.

And just for the record, on 2 August, 2018, transcript pages 343 to 3438, I asked you questions about meetings that you'd said you'd had with Mr Montague during the process of recruitment, your candidacy for the DCP position. Your evidence is – please tell me if I've got it wrong – you met Mr Montague in 2014 in relation to you applying for the job of director of city planning. Is that right?---I believe so. Yes, I believe so, yes.

40 When you say you believe so, are you saying that there is some doubt in your mind that you met him in the process?---No, no. No, no, no. There's no doubt.

There's no doubt in your mind?---No.

Now, the only purpose of meeting Mr Montague in 2014 was to discuss the director of city planning position. Is that right?---Yes, sir.

There was no other business that you had with him?---No.

How many times did you meet Mr Montague in 2014?---It would have been between three and six times from memory. I'm not sure the exact number but it was, it was a number of times.

Now, I want to ask you a question. Please don't misunderstand what I'm going to ask. I'm not putting to you this is what occurred I'm just asking.
---Sure.

10 Is it possible that you only had one meeting with Mr Montague in 2014?
---No.

And can I just for the record say that you gave that answer with a fair degree of confidence?---Correct.

In evidence that you gave on 26 July this year, page 3338, you looked at screen shots of texts between you and Mr Montague on 26 November, 2014, and I'll just show you those. That's Exhibit 52, volume 3 and if you could go to page 165. Have you got that?---Yes, sir.
20

And can you see that under discussion between you and Mr Montague on 26 November, commencing at 6.03pm, was a meeting between you and him at Giorgios on Kingsgrove Road, 7.00-ish that night?---Yes, sir.

And you left work at Botany Council to go and meet him?---Yes, sir.

Can you see that?---Yes.

30 You, you had a meeting with Mr Montague on that occasion.---I believe so, yes.

Well, I want to clarify - - -?---I'm sorry, I, I - - -

You sent him a text saying, "Leaving Botany now, see you there." That would tend to suggest that the meeting did in all likelihood happen, but do you have a recollection of it not happening for any reason?---No, it did happen and it's actually followed up in the subsequent SMS where I'm thanking him.

40 "Thank you", on that same page, page 165?---Yep, correct.

When you met Mr Montague on that occasion, what happened? What was said on that occasion?---It was almost like a, an interview. He expressed his expectations of, of the roles and the main focus of that was he did highlight that the previous director there were issues with. I remember the words loyalty being used to him. So, anyone who would be successful would have to show, sorry, would have to show - it's been a long day, I'm sorry.

Would have to show loyalty to him, Mr Montague?---Loyalty to him, yep.

Yes.---I, I remember him asking about concerns of the council had with the former director. I also recall him saying that he had concerns with the actual processes within the department and also concerns about the performance of the department.

10 Now, on that occasion was there discussion about solutions being provided to development proponents, rather than them just being told that their applications didn't comply with controls?---Yeah, yeah. It, it, I don't think the word solution was used but it was more a case of wanted actions, wanted pro-development type attitudes in terms of, in terms of how the department should move forward.

Did you tell him something that you've indicated a few times, that you told people that you were a solutions kind of guy?---Absolutely.

20 Now, at any meeting did Mr Montague say anything to you, any meeting in 2014, did Mr Montague say anything to you about if I ask you to jump, you say how high? Does that ring a bell?---Not, no, I don't, I don't believe he ever said that to me in that time.

Now, my question, thinking if I can about dates, 25 October is the date on your application. 17 November is the date that the interview panel sat, Monday the 17th, and you went along in the afternoon and presented to the panel. Do you remember that?---I do, yes.

30 How many times did you meet with Mr Montague, if at all, between the time of – sorry, I withdraw that question. How many times did you meet with Mr Montague, if at all, before that interview panel, 17 November?---I believe there was at least one meeting before, but I, I just can't be certain in terms of the - - -

When was that one meeting you believe there was but you're not certain about - - -?---Yeah.

- - - in relation to the time when you sent your application in?---Sorry, what was the time - - -

40 Was the meeting that you believe occurred with Mr Montague before the interview panel, before or after you lodged your application?---Oh, no, it would have been, I believe it, I believe it was after I had lodged the application.

Was there a meeting that you had with Mr Montague before you lodged your application?---Not that I can recall.

And just to take a step to one side, we're still talking the same period, thinking of the interview panel, how many times did you meet with Mr Azzi and Mr Hawatt before the interview panel on 17 November, 2014?---Up till 17 November?

Yes.---I don't think it was many times, maybe two, three times at best.

Was it before or after you lodged your application that you had a meeting with Mr Hawatt and Mr Azzi?---I believe it was after.

10

Commissioner, if I could make an application to vary a section 112 order made on 1 December, 2016 in respect of evidence given by the witness that day at page 557, and I'll give you line numbers in a moment.

THE COMMISSIONER: Yes.

20

MR BUCHANAN: Sorry, Commissioner, starting at page 554 at line 8 – no, I do apologise, I withdraw that. Commissioner, sorry, the reason I'm toing and froing a little bit is that on 28 August, Commissioner, you on my application varied the non-publication order in respect of the material commencing at line 8 on page 554, that variation is at page 3435.

THE COMMISSIONER: And did it finish at page 555, line 7?

MR BUCHANAN: Yes. What I seek to do is to add to that material the material extending to page 557, line 23, and if, Commissioner you'd accede to the application it would be necessary for me to take the witness back - - -

30

THE COMMISSIONER: Yes.

MR BUCHANAN: - - - to the evidence commencing at 554, line 8, so that he has the whole of it.

THE COMMISSIONER: So it's really an application now to vary the non-publication order from page 555, line 9 to 557, line 23.

MR BUCHANAN: Yes.

40

THE COMMISSIONER: Just let me read it. I vary the non-publication order made on 1 September, 2016 to exclude the evidence of Mr Stavis which is recorded on the transcript commencing at page 555, line 9 and finishing at page 557, line 23.

VARIATION OF SUPPRESSION ORDER: I VARY THE NON-PUBLICATION ORDER MADE ON 1 SEPTEMBER, 2016 TO EXCLUDE THE EVIDENCE OF MR STAVIS WHICH IS

RECORDED ON THE TRANSCRIPT COMMENCING AT PAGE 555, LINE 9 AND FINISHING AT PAGE 557, LINE 23.

MR BUCHANAN: Commissioner, thank you for that ruling. I note the time. I would be asking that we rise a touch before 4 o'clock to accommodate my learned friend. I don't think I can – I can't take the witness to all of this in that time so as to allow him to absorb it and understand it and then ask him questions about it, and I can't expect him tomorrow morning to remember it if I spend from now until a couple of minutes before 4.00 reading it onto the record.

THE COMMISSIONER: You'd have to repeat it. And I suspect you're coming to the end of your examination?

MR BUCHANAN: I am. There is another topic but it's longer than this.

THE COMMISSIONER: Mr Stavis, I think we will pull up stumps now. Yes.

MR BUCHANAN: I apologise.

THE COMMISSIONER: No, no, no. That's fine. It's - - -

MR BUCHANAN: I don't know of any other way of doing it in fairness to the witness.

THE COMMISSIONER: No, no. And as you said, it's been a long day. I think to listen to Mr Buchanan read out about four or five pages of transcript again, it will probably be quite onerous for you at this stage of the day, so we will conclude and we'll adjourn and resume at 9.30 tomorrow morning.

THE WITNESS EXCUSED

[3.49pm]

AT 3.49PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.49pm]