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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 THURSDAY 11 OCTOBER, 2018

AT 2.05PM

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

MR BUCHANAN: Commissioner, just before Mr Stavis returns to the witness box, in relation to the matters that Mr Andronos raised immediately before we rose at lunchtime, we're conducting research into those matters. There is certainly something to the phenomena that Mr Andronos raised. It is quite detailed and so we're preparing material on that and we'll be coming back to the Commission, to you, Commissioner, as soon as we can with details on it.

10 THE COMMISSIONER: All right. Now, just before Mr Moses resumes, can I indicate two things. The public inquiry will not be sitting next Friday so this session of the public inquiry will finish on Thursday afternoon and then we're resuming in December, and I understand those dates have been advised.

MR BUCHANAN: 10 December.

20 THE COMMISSIONER: 10 December. And then also there will be a witness list placed on the website shortly for next week. Right. Mr Moses.

MR MOSES: Yes, Commissioner. I should just indicate in terms of estimates, I said 25 minutes, I think I may be closer to 35 minutes.

THE COMMISSIONER: All right.

MR MOSES: I just wanted to let you know.

30 Can I go to page 212 of volume 2.

THE COMMISSIONER: I'm sorry, could you repeat where we're going to again?

MR MOSES: I apologise. Volume 2, that the code of conduct.

THE COMMISSIONER: Right.

40 MR MOSES: Page 212. And it's part 3. I'm sorry, Commissioner. Do you have that, sir?---Yes, sir.

And the code of conduct, I just want to ask you this question by reference to the code of conduct. You were aware, weren't you, whilst you were director of planning at the council, that you must not conduct yourself in carrying out your functions in a manner that was likely to bring the council or holders of civic office into disrepute. Correct?---Yes, sir.

And specifically you were aware that you must not act in a way that was improper or unethical?---Yes, sir.

Correct?---Yes, sir.

To act in a manner that may give rise to the reasonable suspicion or appearance of improper conduct or partial performance of your public or professional duties. Correct, you were aware of that?---Yes, sir.

10 Yes?---Yes, sir.

Okay. Can I ask you this. Do you accept that whilst you were director of planning you breached the code of conduct in relation to 3.1(c)? Do you accept that?---(No Audible Reply)

Mr Stavis?---I don't believe so, sorry.

20 Okay. Okay. I'll come back to that. What about J, not to act in a way that gives rise to the reasonable suspicion or appearance of improper conduct or partial performance of your public or professional duties. During the course of your employment - - -?---Um - - -

- - - did you breach that, sir?---I don't believe so.

You don't believe so. Okay. And then if you go to 3.4, you must consider issues consistently, promptly and fairly. You were aware of that obligation whilst you were director of planning?---Yes, sir.

30 And do you agree that you breached that provision of the code of conduct whilst director of planning?---I don't believe so.

You don't believe so. Well, you've told us that you were prioritising the unwritten KPIs of Messrs Khouri, Vasil, Montague, Hawatt and Azzi. Do you remember agreeing with that proposition to Counsel Assisting? Correct?---I'm not - - -

Yes or no?--- - - - sure if I said that.

40 Okay. Commissioner, could that be put up on the screen? It's page 4363 of the transcript, lines 40 to 46 of the transcript. Counsel Assisting very fairly asked you questions about your dealings with these individuals and he put to you a proposition at the end of a line of questioning, and it's going to come up in a moment. I just want you to have a look at it, sir.---Okay.

The transcript of 9 October, 2018. So, it's coming up on the screen now, line 40, Counsel Assisting asked you this, "You had a specified KPI to reduce processing times. There's no specified KPI for finding solutions for non-complying development proposals and yet at the end of the day you

prioritised the unwritten KPI of Messrs Khouri, Vasil, Montague, Hawatt and Azzi of finding solutions for non-complying development proposals over your expressed KPI.” “(not transcribable) with, yes, yes. I accept that.” Do you see that?---Yes, sir.

Do you recall now you said that?---Yes, sir.

10 And you, of course, were not, were you, providing the same treatment to other proponents of development applications that were before council that you were providing to Messrs Khouri and Vasil, correct?---I don't accept that.

You don't accept that?---No, sir.

No. Are you telling the Commissioner that you want the Commissioner to believe that at no times whilst you were director of planning you gave preferential treatment to Mr Khouri or those who he acted for? Is that what you want the Commissioner to believe, sir?---No. I was acting on instructions in relation to timing of applications, yes.

20 You were giving preferential treatment, weren't you, to Mr Khouri and those for whom he was acting, correct?---No.

Do you accept that proposition?---I, I, I don't accept that.

You don't?---No.

What about Mr Vasil? Were you giving preferential treatment to Mr Vasil and those interests that he was acting for?---No, I don't believe I was.

30 What about Mr Demian? Were you giving preferential treatment to Mr Demian?---No, sir. I don't believe I was.

To the Chanines?---No, sir.

No. That's your evidence, sir?---Yes, sir.

Thank you. Now, can you go to development decisions, this is going back to the code of conduct, page 213. Read 3.11 to yourself. Have you read that?---Yes, sir.

40 Were you aware that that was an obligation that you had whilst director of planning? Yes or no?---As I sit here before you, no.

You weren't aware of that?---At the time I probably wasn't, no.

No. So, you weren't aware whilst you were director of planning that in determining applications you must ensure that no action, statement or

communication between yourself and applicants or objectors conveyed any suggestion of willingness to provide improper concessions or preferential treatment?---Oh, sorry. Look, I, I, was aware of it.

You were.---I'm sorry, yes.

And do you accept that the evidence you've given to this Commission in response to questions from Counsel Assisting that in fact you did breach that provision of the code of conduct. Do you accept that?---No.

10

No. So, is this your position, you're not willing to accept that at no time did you have any discussions with Mr Vasil, I'll start with him, that conveyed any suggestion of willingness by you to provide improper concessions or preferential treatment to him or those that he was acting on behalf?

MR NEIL: I object. There's no evidence of Mr Vasil, of being involved in any development application or acting for any person on any development application that's the subject of this inquiry.

20

THE COMMISSIONER: I thought, at least the latter, that Mr Vasil was acting on behalf or as an advocate for certain applicants. My recollections is there's evidence of that. Is that the basis that you - - -

MR MOSES: That's correct, Commissioner. As I understood, as I understood the evidence of the witness he has accepted that he had meetings at which Mr Vasil was present in which discussions were taking place in respect of particular development applications.

30

MR NEIL: That does not involve any development application by or on behalf of Mr Vasil.

MR MOSES: That is correct.

MR NEIL: Or ones in which Mr Vasil was advocating for people.

MR MOSES: Well, I don't agree with the second part of that.

40

THE COMMISSIONER: Yes. I must admit, Mr Neil, I take issue with that second part. I would agree with you, my recollection of the evidence is there's no evidence of Mr Vasil as the actual applicant or developer, but my recollection is that there is evidence in respect of applications by other people that he was attending meetings in the position of some kind of advocate or supporter or some form of advisor or providing assistance to particular developments. Mr Buchanan, have - - -

MR BUCHANAN: I'm sorry, Commissioner, I'm not sure if I'm providing assistance to you, but as I stand here I can't recall evidence to that effect in respect of a particular matter. Yes, there is evidence that Mr Vasil attended

meetings in relation to council meetings, yes, there is evidence of Mr Vasil being involved with Mr Hawatt and Mr Azzi in relation to the potential purchase of a property. As I stand here I would need to be reminded of what the evidence would be that Mr Vasil was involved as an advocate or an advocate in respect of a particular application.

THE COMMISSIONER: Wasn't there attendance at meetings at Parramatta?

10 MR BUCHANAN: That I think was the purchase of 548 Canterbury Road.

THE COMMISSIONER: All right.

MR MOSES: Can I withdraw the question and put it this way so we don't take up the time, Commissioner.

THE COMMISSIONER: All right.

20 MR MOSES: I'll just ask the witness this open question in respect of Mr Vasil. Is it your evidence, sir, that Mr Vasil did not have any meetings with you whilst you were director of planning in relation to any development applications that were before council?---Only the ones that he was, he was directly involved with.

And which ones were they, sir?---I'm just trying to think. There was one in Kingsgrove - - -

30 MR NEIL: Commissioner, in my submission, I object. If they're part of this inquiry then they should be specified. If they're not part of this inquiry then any suggestion of any impropriety would be unavailable.

THE COMMISSIONER: Well, what I propose is to allow Mr Stavis to answer it and if the properties he mentions are not subject to this public inquiry, then we'll move on, but I think at a minimum just Mr Stavis has agreed with the proposition, if he can identify the properties we can then take the next step.

MR NEIL: Thank you, Commissioner.

40 MR MOSES: Mr Stavis?---I can only recall one from memory, one in Kingsgrove. I don't know the address.

Okay. Thank you. I'll move on.

THE COMMISSIONER: Can I just ask him, he was questioned about being directly involved, is your interpretation of that, that he was either the – or sorry, what did you understand by directly involved?---I'm not sure if he

was the owner but he was an applicant of sorts because he was, he came to the meetings for that one.

All right. Thank you.

MR MOSES: Thank you, Commissioner. Finally on the code of conduct, page 216. Conflicts of interest and the code of conduct. You were aware whilst you were director of planning, were you not, that a conflict of interest exists where a reasonable informed person would perceive that you could be 10 influenced by a private interest when carrying out your public duty? You were aware that that is what a conflict of interest could be taken to be whilst director of planning?---At the time, sir, I wasn't, and in relation to my, or my property, sorry - - -

I'm sorry?---At the time it really didn't occur to me.

It didn't? Okay.---No.

20 And what about the issue of pecuniary interest in 4.6? Were you aware of that? "A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person", it continues, "has a pecuniary interest in the matter." So you see that?---Yes, sir.

Were you aware of that concept of pecuniary interest while you were director of planning?---Not at the time, I'm sorry.

Not at the time.---No.

30 So your evidence is you received this code of conduct before you were employed as director of planning, correct?---Um - - -

Yes?----I'm not sure if it was before or, or while - - -

Or whilst you were employed?---Whilst I was, yep.

And you signed off as having been trained in it?---Yes, sir.

40 And you now say, I think contrary to what you said on 26 July, that you skimmed it, correct?---I'm not what I said on 26 July.

26 of July, you said, "I haven't read it but I'd say so", when the question was put to you by Counsel Assisting, "I always adhere to the requirements of the Canterbury City Council Code of Conduct." Your response was, "I haven't read it but I'd say so."

MR PARARAJASINGHAM: Sorry, can I get a transcript reference, please?

MR MOSES: Transcript page 3304, line 16, the same one I gave before the luncheon adjournment. Do you recall that?---I, I'd like to see what I said.

Well, did you read it, can you recall now, sitting here at 2.25pm today, did you read this code of conduct whilst you were director of planning?---Not in any detail, sir, I'm sorry.

Not in any detail.---No.

10

No. Were you paying attention when you were being trained on it?---I can't remember.

You can't remember. Well, let's talk about conflicts of interest. The Chanines, you told us you did work for them whilst you were a private town planning consultant, correct?---Yes, sir.

20

And you also then as director of planning dealt with development applications by the Chanines whilst at Canterbury Council, correct?---Yes, sir.

And you didn't disclose to anybody, did you, that you had previously undertaken private consultancy work for them, correct?---That I'm not sure about.

I'm sorry?---I said, I'm not, I can't recall whether I did or not, disclose to anyone about it.

30

Well, what makes you think that you may have. Why can't you answer that question no?---Because I don't recall if I did or not.

You don't recall.---Yes.

Well, do you think it's a matter you should have disclosed?---The way I looked at it was, as I sit here today, I mean, I wasn't employed by, by the council at the time that I did the work for them.

40

Right, so you don't think it was matter that you needed to disclose?---Well - - -

I'm just trying to understand your evidence.---Yeah, sure.

What's your evidence?---I, I still don't, to be honest with you.

Thank you. Now, I'm just going to ask you, I'm going to go through some topics and I'll try and get through them very quickly because a lot of this has been very well and truly covered by Counsel Assisting. Just on the question if your employment by the council, do you accept this proposition

that you should not have received the questions for the selection committee meeting from Councillor Hawatt and Azzi? Do you accept that, sitting here today now?---Yes.

Yes. And do you accept that you shouldn't have had contact with them in relation to the employment for that position whilst the selection process was being carried out by Mr Montague? Do you accept that, sitting here today? ---Sitting here today, probably yes.

- 10 And you'll accept that by participating in the selection process in the way that you did, by receiving the questions and having discussions with them, that you became potentially compromised in terms of being able to carry out your role of director of planning. Do you accept that, sitting here today?---I don't think so.

You don't?---No.

- So you don't accept that those two individuals, Councillors Hawatt and Azzi, could have gained a perception that you were in their pocket by  
20 having been given this advantage to get the job, sir?---What, what they perceived you mean?

Yes.---It's possible, yes.

And you knew for a fact, didn't you, at the time that you accepted the job, that you'd got the job because Mr Montague had been pressured to provide you with the letter of offer. Do you accept that?---No.

- 30 You knew that. At the time you got the job, you knew that Councillors Hawatt and Azzi had intervened in relation to getting you the job, correct?  
---I think that's a matter of public record that that was the case, yes.

Yes. And in fact you accept, don't you – and we can go through it but there's no need to, I would have thought – you were practically begging Councillor Hawatt for the job, weren't you?---No, sir.

You don't?---No, sir.

- 40 No. So those text messages you were sending him in the lead-up to the job being offered, they weren't attempts by you to persuade him to get the job?  
---I don't - - -

No?---- - recall any - - -

No? Okay. Did you have any discussions with Mr Hawatt prior to you getting the job?---I believe I said that when he approached me.

And you were really, really keen to get the job?---Of course.

And you needed the job?---Well, like anyone else, yes.

And in fact you knew that you were fortunate to be given this job because you had unsuccessfully applied for a job back in August 2013 with the council, correct?---No, I don't agree with that.

What, you didn't unsuccessfully apply for a job back in 2013?---Yes, I did.

- 10 And that was for the position of team leader (development assessment operations)?---Yes.

And that position reported to manager (development assessment)?---That's correct.

George Gouvatsos, correct?---That's correct.

Who in turn reported to the director of city planning, correct?---Correct, sir.

- 20 So what made you think less than two years away from having being unsuccessful in getting that employment that you were all of a sudden in with a shot to become director of planning less than two years ago, less than two years after that?---I had the experience.

Was it because you had been told by Councillor Hawatt that you should apply for the role?---No.

No. Because you had been told by the Chanines that you should apply for the role?---No, sir.

- 30 That you were told by Mr Khouri that you should apply for the role?---No, sir.

So it was off your own bat that you applied for the position?---No, I, I became, yes, it was, and I became aware of it through Mr Katris. I've already given that evidence.

- 40 Thank you. Okay. I'm just going to go on to another topic. In respect of involving yourself with other applications whilst director of planning, you took it upon yourself, didn't you, to get involved in applications concerning properties owned by Charlie Demian. Do you agree with that?---I didn't take it upon myself. I didn't seek it, no.

Well, you didn't seek it, is that right?---Correct.

What about Jimmy Maroun?---No.

No. What about the Chanines?---No.

Could we be shown, Commissioner, volume 17, page 189. Have you got that in front of you?---Yes, sir.

Do you know what this email's about, sitting here today? Do you know whose property this is referring to?---Yeah, I think it was Mr Demian's.

And why were you getting yourself involved in relation to this property?  
---Well, this one, well, this was through the general manager, actually.

10

Are you saying the general manager asked you to get involved in this?  
---Well, the general manager asked me on numerous occasions about this property, yes.

Are you saying where there's a reference to "change of instructions" that that is coming from the general manager, not you?---No, I'm not saying that at all. That's probably come from me.

20

Do you accept that ordinarily as the director of planning you would not be involved at this stage of a proposal being considered?---No, I don't accept that.

You don't accept that.---No.

Okay. Thank you. Now, what about the Chanines? They had two applications for properties located at 212-220 Canterbury Road and 4 Close Street. Correct?---Yes, sir.

30

And you involved yourself in the assessment of these applications?---Yes, sir.

And there was an independent consultant engaged to undertake that assessment. Was that right?---Correct.

Why did you feel that you needed to involve yourself with his assessment, that is Benjamin Black's assessment, by marking up his assessment report?  
---I don't know why but it was something that I had been told to take carriage of and to - - -

40

By whom?---Well, I believe by the general manager at the time.

When you say you believe, do you have an independent recollection sitting here today that Mr Montague told you to do that or - - -?---No, not, not told me to change the report, no.

No.---No, no, no. I got myself involved I think your question was.

Yes---For that, for that reason obviously, and obviously inquiries from the councillors.

But why were you marking up the assessment report? This is at volume 27 of the ICAC brief, page 3, Commissioner, just for reference. I don't want to take the witness back to this, I just want to ask you the question. Why were you marking up and independent external consultant's report?---That's not unusual, sir, for that to occur.

- 10 Well, you did this, did you, to ensure a better outcome for the Chanines. Correct?

MR PARARAJASINGHAM: I object.

MR MOSES: Well - - -

- 20 MR PARARAJASINGHAM: Well, perhaps my objection can be heard. Commissioner, can I draw your attention to the standard directions 12, 13 and 19. Where ground has been covered, call upon the cross-examiner, at your request, Commissioner, to identify or demonstrate what is to be additionally gained by this. We've been through this. This man has been in the witness box for 17 days, I'm told 18 by someone else. In fairness to him I'm calling on you, Commissioner, pursuant to those sections I referred to, to, to make the inquiry.

- 30 MR MOSES: Commissioner, this goes, I think it comes as no surprise to my learned friend that I act for the council and a number of officials of the council. This man was employed by the council. This man betrayed the duties that he owed to the council. I'm entitled to put, in the very short question that I've got, time that I've got, a number of propositions that go to our code of conduct and the breaches of it, because at the end of the day, we, like others, will need to put submissions to the council, to the Commission in respect of this matter. So I've been very brief with what I want to be putting to the witness. I've got two minutes to go on this topic before moving on. But the question is this. I put the proposition earlier about him not informing, on our understanding, the council that these were former clients of his, yet there were alterations being done to an external report which it would appear were to benefit them. Now, that should have been disclosed as a public official to people within the council so that that was taken away from him, because this is about the future to ensure that – because we're not sitting here for 18 weeks at public expense to do nothing, we're here to look at how this can be managed for the future.

40 THE COMMISSIONER: Mr Moses, I'm sorry, Mr Buchanan, no, no, no.

MR BUCHANAN: If I could just briefly make a submission in response.

THE COMMISSIONER: Yes.

MR BUCHANAN: Commissioner, the interest of council in the subject matter of the question is not a relevant consideration, with the greatest respect. The relevant consideration is the relationship between the subject matter of the question and the subject matter of the inquiry, and council might have its own interest that it wishes to pursue, but unless they coincide with the interests of the Commission into the subject matter of the inquiry, then it's not a matter that should be pursued, in my respectful submission.

10       The evidence has clearly been given by the witness that he made the changes he made, he's been taken through them in detail, and the fact that he made no disclosure about his relationship with the Chanines or prior work for the Chanines is a matter of evidence. So it's not readily apparent how this question takes the matter any further so far as concerns pursuing the Commission's interests in the subject matter of the inquiry.

THE COMMISSIONER: Mr Moses, I'm not going to allow you to put

- - -

20       MR MOSES: Commissioner, I'm not going to, I'm not going to ask any more questions of the witness. I don't intend to engage in a debate. We're here to assist the Commission. If Counsel Assisting takes that view, that's a matter for Counsel Assisting. I will ask no further - - -

THE COMMISSIONER: Well, hold on, Mr Moses.

MR MOSES: Yes.

THE COMMISSIONER: What I was going to say - - -

30       MR MOSES: Yeah.

THE COMMISSIONER: - - - I was interested in, sorry, if I can, the issue that you foreshadowed of whether the fact that Mr Stavis had a pre-employment relationship with the Chanines, whether that should have been revealed or disclosed in any way when he was looking at the development application that they had an interest in.

MR MOSES: Yes.

40       THE COMMISSIONER: Now, if you have another question on that particular topic or that particular issue, I'm fine with you pursuing that at the moment.

MR MOSES: No. We don't have any further questions of the witness. I note the approach that Counsel Assisting is taking so we won't ask any further questions. Thank you.

THE COMMISSIONER: All right, Mr Moses. Mr Andronos.

MR ANDRONOS: Mr Stavis, I act for Mr Montague.---Yes, sir.

- Mr Stavis, in the course of evidence that you've already given, you've had to answer a lot of questions about providing solutions in the course of your work as a planner, and you've described yourself from time to time as a solutions-oriented planner. Now, I want to address some questions first to getting a proper understanding of what you mean by that, and what the Commission should infer from that term, whether it's your personal
- 10      understanding or perhaps more generally. Now, can I first put this proposition to you, and you can tell me whether you agree with this as a matter of principle, that one of the things that is implicit in solutions-oriented planning is adopting a constructive and creative approach in engaging with proponents of development applications.---Yes.

Yes, please speak up a little.---Sorry, the microphones are a bit - - -

Yeah, I know.---Yes.

- 20      Perhaps you can be given a little extension the way I was given a little extension. Now, creative and constructive engagement by a council town planner with proponents is not of itself bad policy or good policy, it is simply an approach. Is that right?---Correct.

And it's an approach which is certainly consistent with being good policy, isn't it?---I believe so.

- As a slightly, we'll explore this a little bit more if we're allowed to, but before I come to that I'll just ask a question about the concept of good
- 30      development. Now, you regard good development as an objective of sound planning policy?---Yes, sir.

Yes. And you believe that good development should not unnecessarily be frustrated by the conduct of council town planners?---Yes, sir.

- Yes. Now, can we unpack that a little bit further, the concept of unnecessary frustration. By that I'm suggesting to you, and you can tell me whether you agree with this or whether there is something you want to add, unnecessary frustration can mean the conduct of town planners in the way they interact with proponents?---I agree.

And that can include conduct like being confrontational, unresponsive, lazy, hostile, all of those things?---I agree.

There may be others. Can you think of any others?---Not being vigilant with returning calls and, and so forth.

Going on holidays without leaving the file on somebody else's desk?---Yes.

It can also mean the way in which they apply and statutory controls, and by that I'm referring to their approach to the content of the obligation, rather than the process by which they exercise it.---Correct.

So is it your understanding that the controls can be applied in such a way as might impede, rather than enhance, good development?---In some cases.

- 10 Is it your view that an overly strict insistence on compliance with numerical standards could frustrate good design outcomes?---Yes. My belief is that it's, it's not necessarily a one size fits all, and you've got to take each case on its merit.

THE COMMISSIONER: Mr Andronos, can I just ask you, you've been using the terminology "good development". You just then developed it to that equates with "good design outcome", does it?

- 20 MR ANDRONOS: Well, I'll perhaps explain or ask the witness to explain if there's a link and what there is. Good development in your view, well, tell me if this is your view, good development means contributions to the built environment which enhance public amenity?---Yes.

Please feel free to correct me if I am misstating these propositions.---Sure.

And good design is an element of good development, isn't it?---Yes, sir.

- 30 Because good design looks at the particular structure in question and whether or not it complies with certain design principles, which may be appropriate or inappropriate for that particular built environment.---That's correct.

Skyscrapers are not appropriate in country towns.---Correct.

But they're perfectly appropriate in Manhattan.---Yes.

Now, what constitutes good development is a matter of professional assessment, isn't it?---I believe so.

- 40 And professional town planners can disagree in their professional judgement as to whether or not any particular project constitutes good design and/or good development?---Yes, sir.

Can that include subjective factors or is that something which is frowned upon in the town planning community?---No, quite often, not what I consider as good development may be different to what some, another planner might consider not.

And planners disagree all the time?---Absolutely.

And that's one of the reasons that processes normally involve multiple planners looking at the same set of drawings.---That's, that's true.

Now, the criteria that one engages with when assessing whether a particular project is good development, well, I think we might have just covered this, but that will vary depending on the circumstances of a particular project?  
---Correct.

- 10 So physical context is relevant?---Correct.

That's the example we just described. The legal context is relevant?  
---Correct.

There are planning controls which are subject to a discretion?---Correct.

This is the clause 4.6 debate. And legislative framework may mandate certain criteria be taken into account?---Yes, sir.

- 20 Now, there's another layer, which is the policy framework, correct?---Yes, sir.

Now, the policy framework is set firstly at State Government level, well probably at Commonwealth Government level, isn't it?---Correct.

And then there's a State Government level.---Correct

And then there's finally local government level.---That's right.

- 30 And at each of these levels, you can have statutory controls, the interface between legal and policy.---Yes.

But can also have things like strategic plans.---Correct.

And they have to be taken into account as well.---Correct.

And there'll be policy objectives which need to be taken into account.  
---That's right.

- 40 And those policy objectives, may include things like taking account of population growth?---Yes.

Beautification of notorious eyesores?---Yes.

Particular transport corridors which need to be taken into account?---Yes, sir.

And these are all relevant to the decisions that town planners need to make as to whether or not to approve or disapprove a particular development.  
---Correct.

Now, these contexts all change over time, don't they?---They certainly do, yes.

And they can change at the stroke of a pen.---That's true.

- 10 And what can be a – sorry, I withdraw that. What might be the floor space ratio or height limit in a particular locality can be changed by somebody in the town planning department or at State Government level to be much higher.---It's called the derogation of planning controls.

The derogation of planning controls.---Yeah.

And so a particular development might be egregiously non-compliant on day one but well within the parameters set at the State Government level on day two.---Correct.

- 20 And some of the other parameters can change as well, like the built environment can change.---That's right.

So an example which might be relevant to the situation we all find ourselves in today, an eight-storey building might be poor design if it's sat down next to a row of single-storey bungalows, but if it's in an environment surrounded by other eight-storey buildings, it would be perfectly fine.

---That's true. And in particular cases along Canterbury Road, for example, there's a conflicting planning controls by virtue of the zoning of the land.

- 30 So where inevitably you find five, six, seven-storey buildings along Canterbury Road, hard up against two-storey bungalows.

Yes. And planners need to take account of the likely development, sorry, the likely – I withdraw that. Planners would do well to be cognisant of likely changes in the built environment not affected by the particular decisions they make.---Yes.

- 40 Yes. Now, I want to ask you a few questions about benefits to stakeholders as a consequence of decisions and a consequence of policy. The concept of stakeholder is one which is used in town planning circles.---Yes, sir.

And a stakeholder is anyone who has an interest in the outcome of a particular decision.---Correct.

Now, stakeholders would include the proponent, obviously.---Yes, sir.

Neighbours.---Yes.

Council.---Yes.

Perhaps other utilities.---Yes.

There might be a general public interest which doesn't fall within any of those categories.---Yes. Yes, sir.

Now, in any particular development there might be a benefit to council through increased revenue from statutory contributions.---Yes, sir.

10

Where the development results in an increase of residence, there will be more ratepayers.---Yes, sir.

It might mean that there are, it builds up community which attracts and retains business.---Yes.

Yes. I left out higher levels of government in this question of benefits, but we might just note that and move on. Now, for neighbours, for neighbours it's not strictly a public interest, it's a private interest, isn't it?---Affected neighbours?

20

Yes, affected neighbours.---Yes, yes.

Because they could be affected by loss of amenity.---Yes, sir.

They could be affected by diminution in the value of their property.---Yes.

Conversely if a derelict structure is removed, they could obtain a benefit.  
---Correct.

30

THE COMMISSIONER: Mr Andronos, can I just stop you, where is this going?

40

MR ANDRONOS: Commissioner, one of the perhaps assumptions which underlies a lot of the evidence in this Commission is that the benefit to a developer – I withdraw that. One of the assumptions is that there is in effect a binary decision which needs to be made by a town planner to either advance the interests of the developer or to advance the public interest, and there is a binary decision which needs to be made, in effect a zero sum game, that if the developer is advantaged the public is not. Now, that appears to underlie a lot of the evidence and a number of the questions which have been directed to this witness, particularly in relation to whether or not he preferred the interest of developers over the interest of the public in certain decisions that he made. Now, this line of questioning is directed to querying that particular assumption and to establish whether or not there are public interests and private interests on both sides of any particular development application. So that's where this is going, and Mr Stavis is plainly somebody who has firm views on this and he is plainly somebody

who would have had those views at the time these decisions were made. So it is relevant both to his state of mind and it's also relevant to the underlying theory in the Commission as to what the purpose of particular decisions can be and whether or not it is a permissible purpose.

THE COMMISSIONER: It just seems, I know you've really only started this line of questioning, but it seems to suggest that the Commission is interested in whether particular decisions were good planning decisions. We're not really looking at that. We're looking at a different aspect of the 10 decisions. I've just got a question about whether this is going to be of any use to me eventually.

MR ANDRONOS: Well, I'll be making a submission on it. Whether, Commissioner, you find it useful or not is not something I can - - -

THE COMMISSIONER: Mmm.

MR ANDRONOS: So I must say I'm pretty close to the end of this section.

20 THE COMMISSIONER: All right. Well, keep on going.

MR ANDRONOS: But it does go to the subjective purpose of the witness and it does go to the availability of particular decisions to be explained or, sorry, the ability of particular decisions to be explained on public policy grounds rather than as the outcome of an attempt to do favours for particular developers.

THE COMMISSIONER: All right. If you can finish this section of your questioning quickly I'd be grateful.

30 MR ANDRONOS: Yes, yes. Mr Stavis, if you need a break, you just let the Commission or me - - -

THE COMMISSIONER: I was going to suggest our back-stretching break probably about quarter past 3.00.

MR ANDRONOS: Seventh innings stretch at quarter past 3.00? Yes, Commissioner.

40 So, Mr Stavis, I think we got to the question of the interests of council and the interests of neighbours. Now, a public interest is the ability of local government area to meet housing targets which might be imposed on it? ---That's correct.

So providing more people with places to live.---Yes.

And as we've already heard in this Commission, Canterbury in particular is a locality which is convenient to the city, has good public transport, and that would be a public benefit.---Yes, sir.

Yes. And construction itself can provide employment opportunities to people in the local area.---Yes, sir.

And these would be benefits that would flow, even if height and FSR and other controls are exceeded.---That's right.

10

Yes. Now, obviously there's a private benefit to developers, that's a given, if the person can turn a profit from the development, and is it your view that good planning includes a balancing of all these factors and circumstances? ---Yes, sir.

Yes. Now, I think you already told us your view of the numerical application of planning controls and you've told us that that's not in your view a conclusive measure - - -?---Correct.

20

- - - of whether or not a particular development is good or not. And you've given evidence already on the occasion at Liverpool Road, Strathfield where you as a council planner - - -?---Yes.

- - - were able to come up with a solution - - -?---Yes.

- - - which in your view improved the design of the building?---Yes.

Enhanced the amenity of neighbours?---Yes.

30

Over and above what it would have been had a design which was otherwise compliant gone onto the site.---That's correct.

But in doing so exceeded the height limit permissible in that locality.---In part, yes.

In part. And so in doing that, what you had done, and correct me if this is not the way to express it, you had employed a creative solution to a problem which was trying to balance the interests of stakeholders.---That's, that's exactly right.

40

And when you talk about creative solutions and solutions oriented, am I correct in, in understanding that that's what you mean?---Yes.

And when you and other people in the council environment, including Mr Montague, ever discussed solutions-oriented planning, this is what you're referring to?---Correct.

And this is what you understand Mr Montague was referring to?---Correct.

And when you describe yourself as a solutions kind of guy, this is what you meant?---That's exactly right.

Now, the extent to which a developer might get a benefit out of this, am I correct in saying that that is not necessarily the concern of a solutions-oriented planner?---No, it's, it's not a head of consideration in planning terms, no.

- 10 Now, I want to come back to the question of process. Now, process is a different question to the outcome of a policy, obviously.---Yes.

And the process at council level operates through a number of levels, obviously.---Yes, sir.

We start with the proponent showing up at the customer services desk with a plan?---Yes.

- 20 Then where does it go?---Yeah, assuming that they're making an application, is that where you're going?

Yes, let's talk about applications.---Yeah. So, they'll put an application in, it gets registered, it then gets given to a, a person who looks after a central pool of applications received for the day, those applications get allocated by, ordinarily in, in Canterbury Council's case was the, the team leader, and they, and they assigned it to various planners and then this, the actual assessment process begins.

- 30 Now, how does the, who conducts the assessment?---It's a town planner. There is some preliminary assessments that is, was carried out by the person who was a qualified town planner who allocated the applications to, ultimately, what would be the, the town planner in charge, will have carriage over an application. So, effectively, it's a town planner that assesses.

- 40 It's a town planner. Then once the town planner has assessed the application, does it then land on your desk or the desk of Mr Gouvatsos or another senior town planner?---Yeah, ordinarily it would go to a team leader who would be above the ordinary, let's call the town planner who would review, and there would be continuous dialogue prior to the point where a report was referred to the team leader by the planner. So, you could be rest assured that by the time it got to the team leader, the final version or the, the guts of the report, certainly in terms of recommendation, would have already been discussed with the team leader.

And there will have likely to have been disagreements along the way, which get ironed out?---Correct. Disagreements between applicants, in-house disagreements, planner to planner.

Is the applicant involved in that process?---The applicant is involved in, I guess, during the assessment process but doesn't get involved at the end of that process when the, normally when the team leader or manager has carriage over, and is ready to sign off on a report.

So who signs off the report?---Depends. There are, if it was within our delegations, in other, and there are a number of criteria for that. It would get signed off by, the delegations were split up between the team leader, the manager of development assessment, and myself.  
10

When the report is signed off, that represents the considered view of the planning department?---Yes, sir.

Yes. And then where does it go?

THE COMMISSIONER: Sorry, can I just ask, if it was a matter where it could be signed off by the team leader and the team leader did sign it off, you have no input into it?---No, no. Ordinarily, no.

20 And the same thing if it's within the delegation of the manager.  
---Ordinarily, no.

MR ANDRONOS: So once it's been signed off, once the report had been signed off by the planning department, where does it go?---Okay. If it's the scenario that I just put to you, it goes to a typing pool where a notice of determination is generated and sent out to the applicant.

Right. Then what happens?---That's the, that's the end of the process - - -  
30 That's the end of the process.---- - - where it involves applications that can be dealt with under delegation.

Under delegation. Now I'm talking about how matters get to IHAP and the CDC.---Yes. Okay. Over a certain value in terms of construction costs and the like, as we've seen today, where there is potential conflicts of interests, if there is a, if it exceeds a planning control of more than 10 per cent I don't, I did not have delegation to approve. So those matters, that report from the, ordinarily it would go to the manager first.

40 The manager being - - -?---Development assessment, of development assessment.

Yes.---In this case it was George Gouvatsos. He would then give to me and, and, you know, there would have been a lot of sort of discussion and communication before it had actually, I had a draft report, and then - - -

THE COMMISSIONER: Sorry, communication between whom?

---Planners, team leaders, George Gouvatsos and myself, yeah. Once I was happy with the recommendation, then it would go to IHAP if it needed to or it would go straight to a CDC.

MR ANDRONOS: Before it goes to IHAP or the CDC, does it go through something called a coordination meeting and a mayor ex meeting?---Sorry, yes.

Yes.---I forgot about that.

10

What's the coordination meeting?---Okay. So some, a lot, applications that were ultimately going to be referred to a committee meeting, we had – and I forget whether it was fortnightly or weekly – we had meetings with the Mayor, myself, the three directors and the general manager where we discussed the various, the business paper, and in my case it was inevitably anything that fell within my portfolio.

20

Now, sorry, I might have just frankly zoned out for a second there. Is there firstly a coordination meeting and then a mayor ex meeting the following day?---Yes.

Is that right?---That's right.

THE COMMISSIONER: Sorry, did you say a mayor ex?

MR ANDRONOS: M-a-y-o-r e-x, which is the mayor plus the executive.

THE COMMISSIONER: Okay.

30

MR ANDRONOS: Plus the executive, that's right, isn't it?---Yeah, that's right. Sorry, I, I stepped, skipped the, a step in the process. Normally the general manager and the directors would get involved at the coordination meeting prior to the mayor ex meeting.

Now, the general manager and directors outside any particular portfolio did not get engaged in re-writing the content of another director's business papers.---No. No.

And the mayor doesn't get involved in doing that either.---No.

40

This is literally to coordinate, and perhaps if there are overarching political issues, the mayor can get involved to deal with that.---Correct.

But the business papers go up to either IHAP or the CDC, reflecting only the views of the department as you are prepared to put them forward?---Yes, yes.

Yes, yes.---Sometimes it's an and/or situation, so it goes to IHAP and the CDC, yes.

Yes, yes. So however a planning matter gets before the councillors, either directly to the CDC or indirectly via IHAP or both at once, it reflects the view of the planning department?---Yes, sir.

Yes. And they are expert views prepared by and on behalf of professional town planners.---Yes, sir.

10

And they are the outcome of layers of discussion and analysis.---Yes, sir.

Yes. Now, when we get to the council level, the CDC level, the council isn't compelled to take your views into account?---No.

No. And in the case where there are conflicting IHAP and officer recommendations, the council can't take everybody's view into account. ---That's correct.

20

The council will make its own decision based, one expects, on the information before it.---That's correct.

It may decide to reject everything, might it not?---Yes, sir.

And that is something which you as a council employee have no control over?---None whatsoever.

And something that Mr Montague, also as an employee, has no control over?---That's right.

30

MR BUCHANAN: I object.

THE WITNESS: Sorry.

MR ANDRONOS: Well, he's answered the question.

THE COMMISSIONER: Well, no. What's the objection, Mr Buchanan?

40

MR BUCHANAN: Well, I'm reconsidering my objection as I stand here because I suppose what I'm just doing is considering certain evidence. I'm just wondering how useful this is going to be. We are being given a textbook theoretical construct and at no stage is the witness being taken to the evidence of what occurred on any particular occasion, and if weight is to be given to this sort of material then it's going to be outweighed by the evidence, to the extent that it's accepted, of what occurred in particular instances.

MR ANDRONOS: Well, I didn't think the proposition that council makes up its own mind is a controversial one.

MR BUCHANAN: Oh, it certainly is. The whole investigation is about that.

THE COMMISSIONER: On a wider point, a lot of this, maybe with the exception of the mayor ex meeting, we have been through. Again I'm just wondering about the utility of this without, as Mr Buchanan has raised, 10 without going into the specifics of matters.

MR ANDRONOS: Well, in fairness, Commissioner, this witness has been in the box 18 days and I've been on my feet for 30 minutes. I would ask for sufficient latitude to develop the propositions rather than having to rush straight in to deal with the conclusory points. In any event, there is one more question on this area which again is something which I would have thought is not controversial, and then I would ask that we break for the short adjournment.

20 THE COMMISSIONER: All right.

MR ANDRONOS: And that last question is this. While the council makes up its own mind in theory, the council will be accountable to the electors of the local government area once every four years.---That's correct.

And that is the control in the structure on the conduct of council.

MR BUCHANAN: Well - - -

30 MR ANDRONOS: Well, that's a submission I can make. I don't press the question.

THE COMMISSIONER: Thank you.

MR ANDRONOS: Yes. Perhaps now it would be an appropriate time?

THE COMMISSIONER: Is that an appropriate time? All right. We'll take a very short adjournment for five minutes.

40

**SHORT ADJOURNMENT**

**[3.14pm]**

MR ANDRONOS: Mr Stavis, we've heard a bit of evidence from you about the meeting that you took with Mr Vasil and Mr Khouri before submitting your application and I think we have settled on 26 October as the likely date of that meeting, which was a Sunday.

MR BUCHANAN: November, I think. Sorry - - -

MR ANDRONOS: No, October.

MR NEIL: Commissioner, it may have been that day but we haven't, for our part, settled on it and it may have been the 25<sup>th</sup> or it may, certainly around about that time but I'm not necessarily saying that we've settled on the precise day.

10 THE COMMISSIONER: All right.

MR ANDRONOS: All right. I take that on board.

MR BUCHANAN: In fairness, I think it's a suggestion I had made to Mr - it's Exhibit 60, arises from Exhibit 60 and it's because of two particular calls or SMSs by the witness to Mr Vasil and the call location is Homer Street - - -

MR ANDRONOS: Yes, Homer Street.

20

MR BUCHANAN: - - - Earlwood. And all that happened was that the witness agreed that that would be consistent with him sort of ringing George Vasil and saying, "I'm here", or, "Have we got the right address?"

MR ANDRONOS: Yes, certainly that's how I understood it and how I understood the evidence.

MR BUCHANAN: But I think it was 16 November.

30 MR ANDRONOS: No, it was the - - -

MR BUCHANAN: Oh, okay.

MR ANDRONOS: It was, if you look at - - -

MR BUCHANAN: Okay, no, okay. I'll stand corrected.

MR ANDRONOS: - - - page 1 of - oh, no don't take my word for it. Page 1 of Exhibit 60, about halfway down the page.

40

MR BUCHANAN: Correct.

MR ANDRONOS: Two consecutive - - -

MR BUCHANAN: Mr Andronos is quite correct. Thank you.

MR ANDRONOS: Mark that in your calendar. Although that is subject to the outstanding question of whether a four second or fourteen second

telephone line being open is a – but anyway, it does serve Mr Stavis to place you probably in the vicinity of Homer Street at about 3.00 in the afternoon on that Sunday and whether it's the Sunday or the Saturday, your recollection is that you had a meeting with Mr Vasil and Mr Khouri probably on the weekend before you submitted your application?---I, I'm not, I don't think it was a weekend. I think it was after work from memory that I met, I'm not sure of the date but - - -

10 THE COMMISSIONER: But before you put in your application?---Yes,  
yes. Yes.

MR ANDRONOS: And you accept that you can't have out in your application any later than 27 October, which was the closing date?---I believe so, yes.

So, I want to take you to the meeting you had with Mr Vasil and Mr Khouri. Now, your purpose in attending that meeting was to find out what you could about the Canterbury local government area, wasn't it?---It, it was also, it was, I'm just trying to think how, what actually the conversation was but - -  
20 -

Well, perhaps, rather than look at the conversation itself, although that may inform your answer. My question is directed to why you went to the meeting. What did you expect the meeting was going to achieve for you? ---Well, to find out about the area, yes, and about the, about any issues. I guess getting some intel.

Some intel. So understand the planning issues that were relevant?---Yes.

30 And you did this, really, as due diligence for your application for the job.  
---Yes.

Because you had really been out of touch with the Canterbury local government scene, for want of a better word, for at least two years and possibly longer.---Yes, sir.

THE COMMISSIONER: Sorry, why?---Well, I wasn't employed.

40 Didn't you live in the area?---Yes, but I didn't have any direct involvement with planning matters, I guess.

And the reference to the two years is when you applied for that other job, is that it or - - -?---I, I, I'm assuming - - -

MR ANDRONOS: No, that's - - -?---Sorry.

Sorry. Perhaps I can explain my question. August 2014 is when you went to work at Strathfield.---Yes, sir.

And August, sorry, August 2012 you went to Strathfield.---'12. Yes.

And August 2014 you moved from Strathfield to Botany.---Yes.

So your experience dealing with planning issues would have been particular to those two local government areas.---Yes, sir.

- 10 And in the time that you were in private practice over the course of, I think, 14 or 16 years or something, you may have had some work in the Canterbury local government area, but if you did it wasn't exclusively in that area.---No, my exclusive clientele was the Eastern Suburbs, really.

So you were, if I put it in these terms, tell me if I'm characterising it in a way which doesn't reflect your recollection, but you were doing due diligence on the planning issues in Canterbury Council and you understood that Mr Vasil in particular was somebody who could educate you on those issues?---Yes.

- 20 Yes. Now, you made use of the information he gave you?---Yes.

Yes. For example, and we can turn to this if it would assist, in your job application you actually refer to some – perhaps we should get it up. If Mr Stavis could be provided with volume 3 if he doesn't already have it. Page 52 is your application. Page 52 and following, I should say.---Yes, sir.

- Now, I'll just take you to the two bullet points about three-quarters of the way down the page, and just the prefatory sentence. You say, "In my opinion there are inherent issues within the department that relate to," bullet point, "council's LEP and DCP, both from a structural and content point of view," and second bullet point, "general staff-related issues."---Yes.

Now, that information was something that had been provided to you by Mr Vasil, is that right?---That's correct.

And that had the effect, didn't it – I withdraw that. You intended that to have the effect of demonstrating to whoever the reader was going to be that you were a man with your finger on the pulse of Canterbury.---Yes, sir.

- 40 Now, you've also given evidence that between submitting your application no later than 27 October and the interview that you participated in with the panel on 17 November, you met with Mr Vasil again.---Yes, sir.

Was it Mr Vasil and Mr Khouri or just Mr Vasil?---I think it was just Mr Vasil, from memory.

And were these meetings also, from your point of view, for the purpose of picking Mr Vasil's brains?---Yes, sir.

Now, I'm not suggesting there's necessarily anything wrong with this, but you were getting him to tutor you in preparation for the forthcoming interview.---Yes.

And you found his knowledge useful?---I did.

And in the interview itself you were able to deploy some of that knowledge in answers to questions?---I, I did, yes.

10

And is this a fair summation? That as a result of the preparation that you did with Mr Vasil, it would have seemed to any objective observer at the interview that you had a greater depth of experience and independent understanding of the issues affecting Canterbury than you in fact really had at that time.

MR BUCHANAN: I object. Weightless.

20

MR ANDRONOS: Well, I press the question because it goes to the purpose of the meetings. There is a question which has been - - -

MR BUCHANAN: You haven't asked about his mind, you've asked about the mind of the panel.

MR ANDRONOS: Well, I'm asking an objective question, I'm not asking a subjective understanding of any particular member of the panel. I'm saying that the information he presented, how did he, or perhaps how did he intend it to be understood.

30

THE COMMISSIONER: Isn't all this – I don't quite see the point of it, Mr Andronos, especially as we've got evidence that Mr Stavis saw the interview questions beforehand.

40

MR ANDRONOS: Well, with respect, Commissioner, that's the next point. There are two distinct stages in, well, there are three distinct stages in support of a question that was put to Mr Stavis by Counsel Assisting in the last session, in the last sittings in August, which was whether or not Mr Stavis understood that he was part of a corrupt process – involving Mr Vasil, Mr Khouri, Mr Hawatt, Mr Azzi and, relevantly from my point of view, Mr Montague – designed to subvert the process of the interview. Now, if any part of that question is going to find its way into a submission I must be permitted to establish what was in this witness's mind, what steps he took and whether or not that particular assertion can be contested.

MR NEIL: Commissioner, could I just say something about what my learned friend has just said. I had thought that, and we'll seek to deal with it and due course, that my learned friend, Counsel Assisting, was putting forward a proposition that in some way or another Mr Vasil had been

involved in some so-called informal KPI to deal with otherwise non-complying developments, but I hadn't thought it was put by Counsel Assisting that Mr Vasil had anything to do with some wrongful interview process. Indeed that's never been put.

MR BUCHANAN: The selection, I think it was the selection process, the whole selection process as this witness understood it involved him being tapped on the shoulder by a real estate agent and Mr Khouri, whatever his role was perceived to be, at the request of the general manager.

10

MR NEIL: Well, the actual - - -

MR BUCHANAN: And then he was approached by the councillors and provided with the questions and all of that occurred before the interview panel, and what I think I put, without having consult of the transcript, was that it was clear to you that you were involved in a corrupt selection process and my recollection is that - - -

20

MR ANDRONOS: And that he, and that he was being groomed. I think you actually used the word, I think my friend actually used the word groomed.

MR BUCHANAN: Yes, I'm sure I did, that's part and parcel as it were, but not as significant as the fact that the whole process started, as this witness understood it, by him being interviewed, subjected to a mini interview first by a real estate agent and this other man who said they were friends of the general manager, and then he was provided with material he could use in the interview panel by two members of the interview panel.

30

MR NEIL: Well, we'll deal with that in due course, as we have to, but it seems to be, and maybe Mr Andronos is picking up something that he doesn't, that he's got from Counsel Assisting which we say is not available, a suggestion that Mr Vasil was in somehow involved in the perversion of the interview panel process, in our submission is not available on the evidence.

THE COMMISSIONER: All right. I didn't think Mr Andronos was going that far, but - - -

40

MR ANDRONOS: With respect, my friend Counsel Assisting's submission demonstrates the relevance of my question, because my friend Counsel Assisting accepts and seems to advance as an incontrovertible factual proposition that what took place was a mini interview. Now, if that's going to be advanced, we are entitled to explore whether or not the mini interview was that or whether it had some other purpose and, if so, what those purposes are. In my submission that is an unanswerable proposition.

THE COMMISSIONER: I think the problem with your question, and I must admit I'm kind of losing track of what it was, if it was, if you restricted it to the purpose of Mr Stavis's participation in these meetings, then I've got no problem with it. But my recollection, I'm sorry, Mr Andronos, we've had several interventions. If you restrict - - -

MR ANDRONOS: That was my question.

10 THE COMMISSIONER: All right. Can you repeat the question in more narrow terms. My recollection is it was broader.

MR ANDRONOS: Okay. We'll all find out tonight. I think we moved on to the next – that was a previous question now. You had – I'll just take you back so we can put the question as I ask it again in its proper context. You've agreed with me that Mr Vasil in effect tutored you, provided you with some tutoring for the upcoming interview, that you found his knowledge useful and you were able to deploy some of that knowledge in answer to questions at the interview.---Yes, sir.

20 Yes. And my suggestion to you is that – I'll put it in a slightly different form. Perhaps this will address the (not transcribable) of my friend's objection. The effect of that preparation made you appear at the interview more knowledgeable on the basis of your own experience than you in fact were.---The only thing I would add is that I, I did my own intel as well, but certainly the information that I was provided by Mr Vasil was useful in me formulating my application, yes.

It helped.---It did help, yes.

30 Now, you've also given some evidence we have just been debating about the meeting you had with Councillors Azzi and Hawatt on the 16<sup>th</sup>. That was of course the night before the interview. Now, we've established that this was the occasion on which you were provided access to certain questions that you photographed on your phone. Perhaps – no, not at this stage. Now, you've also given evidence that access to the questions was also of some assistance to you in the interview that took place the next day.---Yeah. Can I just say that they were, from the best of my recollection, had the words "suggested interview questions", I think.

40 Yes.---So at the time I was not aware that they were the actual questions, but they did help me, yes.

Well, we'll come back to that issue. Now, this was another occasion where you attended a meeting hoping to get some information that would assist you in the interview process.---Well, I think they called the meeting but it was for that purpose that I went, yes.

Now you were aware, of course, that the application process was competitive and other candidates were involved.---At the time?

Yes.---Yeah, I'm pretty sure they were, yes, absolutely.

And did you know who the other applicants were?---Um - - -

THE COMMISSIONER: Sorry, at what point? When he arrived for the interview?

10

MR ANDRONOS: Yes. Sorry, I should have specified. By the time you actually got to the interview the next day, I'm taking this out of sequence, but by the time you got to the interview the next day did you know who any of the other applicants were?---That I can't remember, to be honest with you.

Do you remember when you first found out that Mr Manoski was a candidate?---No, sir, I'm sorry, I can't remember exactly.

20

Do you recall whether or not you saw the interview list at the meeting at the Yeeros Café on the 16<sup>th</sup>?---I don't believe I did.

Now, you've already described in your evidence the meeting at the Yeeros Café as being like a mini interview.---Yes, sir.

Do you recall how long it went?---It wasn't very long. I'd say, if I had to put a figure on it, maybe 20 minutes, 30 minutes. Yeah.

30

The only people there were the three of you? Yourself, Mr Hawatt and Mr Azzi?---That's correct.

And you said in your evidence already to my friend Counsel Assisting's questions that they gave you some pointers.---Yes, sir.

40

What were the pointers?---They, they were telling me about what they perceived the problems with the planning department were. That they expected a solutions kind of person. I remember the, and there were problems, in particular Mr Hawatt said that there were problems with the LEP and DCP and applications that had stalled. So, generally that sort of time.

Did they give you any pointers on how to handle the interview?---Not that I can recall, no.

They didn't say anything about Mr Montague or Mr Robson or Ms Carpenter?---No. Not to the best of my recollection.

Mr Stavis, if you've got volume 3 there, could you please turn to page 177.  
---Yes, sir.

Now, these are, 177 to 179 were the photos that were extracted from your phone.--Yes, sir. I believe so.

Which are the photos you took at the Yeeros Café.--I, I believe so, yes.

- 10 Now, first I want to ask you some questions about the content of these questions and I want you to assume that these questions were formulated either by or with the assistance of Ms Carpenter.--Okay.

Can you first look at question 5 on page 178. Do you recall giving some thought to the answer that you were going to give to this question if it was asked?--Yes.

- 20 Do you recall what your thoughts were?--At the time, I was of the view that there were issues pertaining to general, a general way in which the planning department was actually responding and, and to proponents, applicants and, and that involved things like not promptly retuning phone calls or answering emails and just being, there were issues pertaining to that leading to bad customer service, effectively.

Who did you understand the customers to be?--Everyone. Applicants, residents and the like.

Can I ask you another question of the issue of the evidence you gave about the meaning of suggested interview questions.--Yes, sir.

- 30 Now, you understand that as a matter of ordinary language suggested means proposed or recommended, don't you?--At the time I didn't think of it in that way I'm sorry but I do - - -

I'm not asking - - -?--Yeah.

I'm not asking you to try and explain what you might have been thinking at the time.--Sure.

- 40 I'm just asking you as a matter of language, you understand that suggested in this context means proposed or recommended?--Yes, sir.

And in this context it can't mean anything else, can it?--Not in that context, no.

Now, you understand by it being the heading of this document it is a communication by the author of this document to its intended audience of these are the questions I think you should ask?--Yes.

And I'm suggesting to you – and I think you've probably already attempted to answer this question – but I suggest to you it must have been obviously to you simply as a matter of language that these were the questions likely to be asked the next day?---Or very similar, yes.

Or very similar. So similar that preparation of answers to these questions would do as preparation for the questions you actually get?---Yes, I accept that.

- 10 Now, the fact that you were provided with these questions at a café in Marrickville less than 24 hours before the interview by a subset of the members of the panel must have raised alarm bells in your mind, mustn't it?---In all honesty, no.

You can't have thought that this was normal?---I didn't think it was normal, no.

THE COMMISSIONER: Sorry, you didn't think it was - - -?---I didn't think it was normal, no.

- 20 MR ANDRONOS: You must have understood that there was something outside the regular process in two members of the panel coming along with a copy of the questions and allowing you to take a copy. You must have known that.---At the time, sir, no. It didn't, I guess, I think sitting back here now it didn't really occur to me that way.

- 30 Do you have a clear recollection of what you thought?---I actually thought they were sample questions. I didn't actually think that they were going to be the actual questions to be perfectly honest with you because that's the way, that's the way it was expressed to me.

THE COMMISSIONER: Sorry, what do you mean by sample? Sorry, the word sample was used to you?---Yeah, just the, the type of questions that I'd be asked. Not necessarily the questions I guess is what I meant by that.

And, sorry, did you say that either Mr Hawatt or Mr Azzi said to you, "These are sample questions" or was that your construction?---That was my interpretation of what they said.

- 40 Interpretation.---Yeah, yes.

MR ANDRONOS: So your evidence is that you thought sample really meant indicative of the types of questions - - -?---Yes, sir.

- - - instead of the questions which the author was recommending be asked? ---Yes, sir, at the time.

You actually have a positive recollection of that or are you reconstructing?  
---No, sir, I do. That's, that's what I thought.

Mr Stavis, I have to put this to you. That cannot be correct.

MR PARARAJASINGHAM: I object. The basis is the same basis I made earlier today, which is the repetition - - -

THE COMMISSIONER: We've been here.

10

MR PARARAJASINGHAM: We have been. And - - -

MR ANDRONOS: Well, that, that is - - -

THE COMMISSIONER: We have been here.

MR ANDRONOS: Well - - -

THE COMMISSIONER: Is it - - -

20

MR ANDRONOS: The context - - -

THE COMMISSIONER: And – I'm sorry.

30

MR ANDRONOS: The context is different. The context is different. The basis for the conclusion which I am putting is different because it's based on an analysis of the text, which my friend's questions was not, and I'm giving the witness the opportunity to reconsider his evidence in light of an analysis of the text as well as the circumstances. My friend Counsel Assisting's questions were directed to the circumstances in which the questions were made available.

THE COMMISSIONER: All right. Mr Buchanan, have you got anything to add or - - -

MR BUCHANAN: No, Commissioner.

THE COMMISSIONER: All right. Can I, just on another aspect, it's not suggested that your client was party to the provision of these questions.

40

What is your interest in pursuing this particular line?

MR ANDRONOS: Well, there's two answers to that. Firstly, unless I misunderstood my friend's submission, my friend Counsel Assisting's submission in relation to the question put by my friend, Mr Moses, if the question is relevant it's admissible, no matter who asks it, in accordance with the guidelines. Put that to one side. My interest in this particular issue is the extent to which it is alleged that Mr Montague was party to some kind of corrupt process up to and including this point, the extent to which any

deceptive conduct was in fact directed against him mitigates against the possibility of that being true, and that's where this goes.

THE COMMISSIONER: But there's no suggestion Mr Montague was involved with handing over the questions, is there?

MR ANDRONOS: No. There is a suggestion that in a course of conduct, including that engaged in by Mr Montague, up to and including 17 November, which I treat as a different issue to the allegations which were made against Mr Montague subsequent to 17 November – I've lost where I started that sentence. The suggestion that he was party to a corrupt process cannot stand if the conduct which was going to be misleading or deceptive or otherwise corrupt was directed towards misleading Mr Montague at the interview, and that's where this goes.

THE COMMISSIONER: Putting that to one side, Mr Pararajasingham, have you got anything?

MR PARARAJASINGHAM: No, Commissioner, mine is on that, and I'm just looking now at the standard directions, paragraph 19 refers to a particular issue that in my submission is broad enough to cover this issue that has been raised. That's all.

THE COMMISSIONER: Mr Andronos, I'm not going to allow you to ask the question. I think you've made the point about context, the witness has answered that sitting there today he can see that it's a recommended question, his view is at the time it didn't occur to him, it was put to him that it was a sample question. I can't really see how your questions are going to take it any further.

MR ANDRONOS: Well, this might be the last submission I make on this point, Commissioner. If having seen, having been taken to the content of the questions and having been asked to reflect on the content and putting, and putting the question of what was in his mind at the time in the context of what he actually saw and what he actually reviewed, that complies with direction 19 because it is taking the issue a step beyond where my friend, Counsel Assisting, took it. And if the, if this is all directed towards saving time, Commissioner, we have spent five times longer debating the question than we would have if I just asked the question and there was an answer.

THE COMMISSIONER: You raise that often, Mr Andronos, but the problem is that we've had quite an extensive examination by Counsel Assisting. I understand that other counsel have particular issues that they have to raise, but my frustration is becoming, and I'm not aiming it just at you, but there has been even so far some duplication and I would really stress with people if we can avoid that duplication. Look, no, I'm against you. Can you move on.

MR ANDRONOS: As the Commission pleases. Mr Stavis, you found out no later than the next day that some of the questions which had been provided to you on the 16<sup>th</sup> were, in fact, asked in the interview panel, didn't you?---If, if the next day was the interview, yes.

Yes.---Yes.

The next day being the interview. And when you heard the questions being asked, what was your state of mind in relation to those questions? Perhaps I  
10 can put that into a little bit greater context. Did you think to yourself something along these lines, "My God, these are the same questions. Something must be wrong here"? Do you recall thinking that?---I don't remember thinking that but I do remember thinking that there was, they were very, very similar to what I thought, what I had seen, yes.

And were you pleased by that?---Look, if I'm honest, yes.

THE COMMISSIONER: Were you alarmed by it, or concerned?---I didn't, I don't, and I stand to be corrected, but I don't recall the actual questions  
20 being physically given to me at the interview in written form but they were asking and that, I don't know whether they asked everything on that list because it, the interview questions we diverted a lot and they were just what this, what was given to me. In fact, I think we, it was a very informal discussion, where I was getting asked questions from everyone but they weren't necessarily just the, these questions.

MR ANDRONOS: See, Mr Stavis, assuming that you alone among the candidates got the questions prior to the interview, the particular advantage you got was the ability to prepare answers in advance, wasn't it?---Yes, sir.  
30 And those answers would appear to be off the cuff, even though they'd been prepared?---A, a lot of the answers, I, I probably would have been able to articulate myself to be perfectly honest with you.

But you've accepted that you got an advantage from having the questions?  
---I, I, I, I do. As I sit here today, yes.

It was cheating, wasn't it?---Sorry?

40 It was cheating, wasn't it?---On, on my part, I didn't agree with that, no. I didn't think of it that way.

Well, it's like getting the examination questions the night before the exam, isn't it?---But as I said, Mr Andronos, the, the actual questions that were asked in the interview itself were not directly those questions.

Are you sure?---I am. I am. There were a number of questions that were asked that were, from the best of my recollection, certainly the councillors asked different types of questions, as best as I can recall anyway.

Well, a moment ago you told us, Mr Stavis, that you remember that the questions were very similar to what you had been shown.---There were a number of them that were very similar, yes.

- 10 And similar enough, the preparation for the questions you had seen did well as preparation for the questions you were asked?---They, they assisted, yes. I accept that.

THE COMMISSIONER: Just a broader question. Did it alert or concern you as to what you were going to get yourself into? And I suppose that's difficult to answer now because you'd be answering it with hindsight, but I think, as Mr Andronos has said, one perspective of it is it was cheating, and I know you didn't initiate it, but you did benefit from it.---Yes.

- 20 And whether at that stage it alerted you to, my goodness, what am I getting myself into?---I think I was more clouded by the fact that it was a, you know, a dream job, yeah.

MR ANDRONOS: Well, that made it worth cheating, didn't it?---I didn't see it that way, Mr Andronos, I didn't see it as cheating at the time, I really didn't.

- Now, you might recall, because we've discussed it in the course of the debate over the objections, that you had been, it had been put to you earlier in the Commission that by the time of the interview you had been part of a corrupt process aimed at subverting the selection process. Do you recall being asked that question by my friend, Counsel Assisting?---I do, yeah, yeah.

And the way in which that question was put to you included Mr Montague in that process. Do you recall that?---Are we talking about, is there a specific time frame or - - -

Up to and including the interview.---Yes, I do, yes.

- 40 Now, I suggest to you that it would have been abundantly clear to you by no later than the interview that Mr Montague hadn't been involved in any kind of attempt to give you a leg-up in the selection process?---I can't recall Mr Montague giving me a leg-up in that regard. In, sorry.

MR PARARAJASINGHAM: Can my friend make it clear whether we're talking about the provision of the questions or more generally?

MR ANDRONOS: The entire period. I'll just say the entire period up to and including the interview which includes - - -

THE COMMISSIONER: So not restricted just to the provision of the questions.

10 MR ANDRONOS: Not restricted just to the provisions of the questions, but the entire period from when you first became aware of the existence of the opportunity at Canterbury to walking out the door at 4.30 or 5 o'clock on 17 November. And my suggestion to you is that Mr Montague had not done or said anything to give you the impression that he was giving you unfair preferential treatment.---I would agree with that. There was not a discussion where he said that – the discussions that I had with Mr Montague to the best of my recollection, and I'm a bit hazy with the timeline, but were always why I wanted the job. He was always like sussing me out. Not that I would ultimately get the job. I don't think those impressions were given to me anyway.

20 Now, do you recall that Counsel Assisting suggested to you that you had been tick-tacking with Mr Montague prior to the interview. Do you recall that?---Prior to when, sorry?

Prior to the interview. Prior to the 17 November interview.---Yeah, I'm just not sure about the date, but I recall that, the tick-tacking conversation.

Yes, tick-tacking.---Yes.

30 Now, I'm going to suggest to you that there were only two attempts at communication between you and Mr Montague in that period, the first being a telephone call on 12 November. Now, before you answer that, do you have Exhibit 60 there?---No.

Now, Mr Stavis, can you please turn to page 5, but feel free to look at the preceding pages - - -?---Okay.

- - - if you want to satisfy yourself of the context.---Okay.

Just let me know when you're ready.---I'm ready, sir.

40 Thank you. Now, the relevant, the entry I want to take you to, Mr Stavis, is two entries above the yellow highlighting in the middle of the page. You'll see there - - -?---Yes.

- - - what's recorded is a telephone contact from Mr Montague to you - - -?  
---Yes.

- - - at 7.30pm on 12 November, 2014 and the line is open for 34 seconds.  
---Yes, sir.

Now, what follows is a call from, a contact from you to Mr Montague maybe one minute and 13 seconds later, and the line is open for one minute 53.--Yes, sir.

Now, it stands to reason, and I'm not putting this to you as an affirmative proposition, but it stands to reason that no two sensible people have two consecutive phone calls a minute apart unless the first is either leaving a message or the parties get cut off in some way. Does that make sense?---It does.  
10

So this would be consistent with Mr Montague calling and leaving a message. Let's just assume that the 34 seconds includes the voicemail message that you have recorded and then him leaving a message afterwards. So we'll just make that assumption for the moment.---Okay.

Then you listen to the message, or perhaps you don't listen to the message, but you see who the call is from and then you call him back.---Sure.

20 So you're on the phone with each other for somewhere between one minute 53 seconds and two and a half minutes. Now, what I suggest is an inference that can be drawn from this is this. Mr Montague called you, you spoke briefly, and that was the only communication you had with each other, that was the first communication you had with each other. That's the first proposition. Now, what I'm going to suggest to you is you don't have any positive recollection of any earlier communication with Mr Montague.  
---Not as I sit here, no.

30 And if there had been telephone calls between you and Mr Montague in the period 25 October to 12 November, we as people who are here in the Commission, but not Commission staff, would expect that they would be recorded here, wouldn't they?---Yes.

Now, if you had had a meeting with Mr Montague any time before 12 November, you would expect, wouldn't you, that there would be some communications between you and him setting it up.---Certainly from my phone at least, yes.

40 And it was your practice when you were taking a meeting – sorry, I withdraw that. I withdraw that. Now, what I want to suggest to you occurred on the 12<sup>th</sup>, Mr Stavis, is essentially Mr Montague was making a courtesy call to thank you for your interest.---I can't recall, to be honest with you, exactly on that date.

And I suggest that if he ever said to you the words, "I hear you're interested in the position," this is when he said it.---It's possible, sir. It is possible.

It's possible.---It is.

You can't point to any objective evidence in the records that the Commission has made available which shows any prior communication. ---Not based on what I've seen, and I would have thought that I would have, there would have been some record of something.

If he said those words to you, your recollection is that it was a phone call. ---No. In the initial meeting, yes. Well, sorry, initial contact, yes.

- 10 Now, the next communication that we have between you and Mr Montague is a text message on, I think on the 16<sup>th</sup>. It's in volume 3, page 162.---Yes, sir.

Now, we have here, and you've been asked questions about this before anyone jumps in, you see Mr Montague leaves you a message saying, "Sorry, hi, Spiro, sorry, couldn't get back to you. See you tomorrow. Jim." And then you respond, "Hi, Jim, no problem. Looking forward to seeing you tomorrow. Spiro." Now, can you assist us in this regard. This would suggest that there was an attempted contact but there was no contact that 20 was actually made beyond these two quite perfunctory text messages?--- Well, if I look at Mr Montague's text, "Sorry, couldn't get back to you. See you tomorrow." I assume there may have been some contact between us - - -

Yes.--- - - - prior to that.

But it appears to refer to some kind of communication you tried to have with Mr Montague but that communication failed for whatever reason. ---I can't confirm that, I'm sorry.

- 30 But that is an explanation for what that text says, which would make sense, isn't it?---I, actually reading it I think it's, it's more likely that it's either, either of us are making contact or at the very least myself making contact with him - - -

Yes.--- - - - about teeing up a, some sort of, and having a discussion with him about meeting.

40 Perhaps leaving a message for him or - - -?---Maybe. - - - communicating in some way you want to get in touch with him.---Yeah.

And he couldn't get in touch with you so he's apologising.---It's possible, it's possible.

It's possible. Can you think of any other explanation for those words? ---In the absence of any records prior to that, no.

And then you respond with, "No problem. Looking forward to seeing you tomorrow," and that I suggest to you together with the call of 12 November, is the sum total of your communication with Mr Montague prior to the interview panel.---Well, look, on the evidence that I've been shown it's possible, yes.

THE COMMISSIONER: Can I just ask, those two text messages, have you still got Exhibit 60 in front of you?---Yes.

- 10 They're the ones on page 6, and this is going to be awkward. If you look at the last two entries of 16 November - - -?---My entries or - - -

If you go to 16 November, the last one is you to Mr Montague, the one immediately before that is Mr Montague to you.---Sorry, I'm not, what page is that on, can you – sorry.

Page 6 of Exhibit 60.---Yes.

- 20 And you see how the start date, we've got 13 November, 14 November, 15 November and there are two entries on the 16th?---Yes, yes, yes.

And they would seem to correspond with those two text messages that are on page 162?---Yes.

Just your – sorry, Mr Montague's text message, "Sorry, couldn't get back to you. See you tomorrow." I think as you've agreed that suggests that you've attempted to contact him in some way which doesn't appear to be in the call charge records.---Well, that's, that's, yes. To me that's the way that reads.

- 30 And do you have any recollection how you tried to contact him?---Well, I assume it would have been either, well, by phone but obviously, I'm not sure if it was on my phone or from my house phone maybe, I'm not sure, to be honest with you.

All right.---Yeah.

Okay. Sorry, Mr Andronos. At this stage, the way you contacted Mr Montague was on that number, his mobile ending in, is it 9-5-6-5?  
---Yes.

- 40 All right.---Yes.

MR ANDRONOS: That was the only number for him that you had, apart perhaps from the council chambers number?---Other than the general council number, yes.

Now, I'm not sure if I've actually put the proposition. So, just to complete the questioning on the question of whether or not you and Mr Montague

were both is a tick-tacking relationship prior to the interview, on the basis of the objective evidence that the Commissioner and I have asked you questions about, that would appear to be the sum total of the communications which the Commission can be confident actually took place. Do you accept that?---In terms of the evidence that's been shown to me?

Yes.---Yes.

- 10 And you don't have a positive recollection placing any other communication with Mr Montague prior to 17 November, is that correct? ---No. I mean the dates were always hazy for me but I do remember meeting him twice, physically meeting him, but, but as to whether it was prior, I'm relying on the information that's been provided to me, and based on that it doesn't appear to be the case, no.

So just for the sake of clarity, when you say "no" you are agreeing with the proposition I put?---Yes.

- 20 Thank you. Now, I want to take you to the communications you had with Mr Montague after the formal interview that took place on 17 November. Now, you're aware, if you still have volume 3 in front of you, and if it's still open at page 162.---Yes, sir.

That might be a big ask, but if it is.---Yes.

- You sent Mr Montague a text on the morning of Monday the 24<sup>th</sup> at 10.28 and you say, "Hi Jim, hope you had a good break." Now, just pausing there. You recall now, don't you, that following the interview on 17 November, 30 Mr Montague took some time off?---Yeah, because I, yes. I, I believe he did, he was on leave, yes.

And his first day back was Monday the 24<sup>th</sup>.---I assume so. Yeah, I have no reason to, that that's not the case.

- So, it follows, and this is consistent with Exhibit 60, you wouldn't have had any contact with him between 17 and 24?---Well, no, but I'm obviously, I recall having a meeting with him because I've obviously, been said in the SMS on Sunday, 16 November, "Looking forward to seeing you tomorrow", 40 and that was on the 16<sup>th</sup>.

And the 17<sup>th</sup> was the interview panel.---Yes. So, I don't, yeah.

So, following the interview with the panel, Mr Montague was away until the 24<sup>th</sup>, so he was away for a week or perhaps just under week.---I don't know exactly how long he was. Do you know, can I ask when he left?

Well, just on the basis of the evidence before the Commission.---Okay, yes.

Certainly in the period immediately prior to you sending this third text on the page of, "Hope you had a good break." Your understanding at the time was that he was away and he'd only just come back.---Oh, yes, that he was away, yes.

Yes. He was away.---Yes.

- 10 He'd only just come back. So, this is your first communication with him since before he left because you enquire about how his break was.---Yes.

So, you haven't spoken to him while he was on his break.---No, not while he was on his break.

Not while he was on his break.---Not, not that I can recall.

- You say, "Feel free to ask me anything if you're unsure about my application." So, in sending this, now Counsel Assisting had put to you that some of your conduct was trying to ingratiate yourself and different people  
20 might take a different approach to whether that pejorative or not but you were trying to sell yourself, weren't you?---Yes.

You were trying to demonstrate to Mr Montague that you were keen as mustard to get this job.---Yes, sir.

And one of the reasons you were doing that is that you hoped to persuade him that your enthusiasm for the job made you a better candidate.---I accept that.

- 30 To make you the best candidate because you were the one who wanted it the most.---I accept that.

And you were enthusiastic and you knew that Mr Montague responded well to enthusiasm.---Yes.

And the communications you had with him in the period between 24 November and the offer being made were all directed to you trying to persuade Mr Montague that you were the person for the job.---Absolutely.

- 40 Not just that you could do the job but you would be the best person for the job.---From my point of view, yes, but a lot of it had to do with him providing me with the feedback in terms of what his expectations of a suitable candidate would be.

At the time you sent the 24 November text, you hadn't received any feedback at all from Mr Montague, had you?---What was the date, sorry, sir?

That was the Monday after the interview.---Not that I can recall.

THE COMMISSIONER: What, so feedback from the interview?

MR ANDRONOS: From Mr Montague. The witness's evidence was that - - -

THE COMMISSIONER: Sorry, feedback from Mr - - -

10 MR ANDRONOS: From Mr Montague - - -

THE COMMISSIONER: About anything to do with it.

MR ANDRONOS: - - - about your candidacy generally. You hadn't heard anything back from Mr Montague himself after the 17<sup>th</sup> when you sent this text message on the 24<sup>th</sup>, had you?---Not that I can recall.

Well, he was away so it's very unlikely.---Yeah, yeah.

20 Now, you can turn over the page. You'll see that Mr Montague sends you a text. This is at the bottom of page 163. Sorry, before we get to that, on page 163 you can see the rest of the text that you sent on Monday, the 24<sup>th</sup>, which had been cut off on page 162.---Yes, sir.

You say, "Please feel free to ask me anything if you're unsure about my application. For your information, I'm extremely confident I can achieve your objectives. I'm really excited about the prospect of working with you. Cheers, Spiro." Now, this is part of the process that we just discussed of you trying to persuade Mr Montague on the basis of your enthusiasm that 30 you are the person for the job.---Yes, sir.

Now, when you talk about your objective, the objectives - - -

THE COMMISSIONER: Well, no "your objectives".

MR ANDRONOS: "Your objectives". When you say to Mr Montague "Can achieve your," meaning his, "objectives," you were referring, weren't you, to communications you had had in the interview itself, weren't you? Sorry, I should withdraw that. You were referring to the objectives as you understood them, as they had been communicated to you in these ways. Firstly, you received or downloaded an information pack from council 40 setting out criteria for the job, correct?---Correct.

And when you completed your application, you had reference to those criteria.---Yes, sir.

Yes. And you drew from those criteria that council had certain objectives that it wanted its director of planning to be able to achieve.---Yes, sir.

And these were reinforced to you in the interview, weren't they?---They were, yes.

And when you're referring to the objectives here in your Monday 24 November text on page 163 of volume 3, is that what you're referring to?  
---Most likely.

10 There wasn't some secret other communication you had with Mr Montague in which he communicated a different set of objectives to you, was there?  
---No, it was only in those, in, in two meetings that I had that I, about, in that café, where he reiterated issues of loyalty and things like that. But apart from that, no.

Commissioner, I note the time.

THE COMMISSIONER: All right. Okay, we'll adjourn for the day and resume tomorrow morning at 9.30.

20

**THE WITNESS STOOD DOWN**

[4.30pm]

**AT 4.30PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[4.30pm]