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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 15 OCTOBER, 2018

AT 2.00PM

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

THE COMMISSIONER: Mr Pullinger.

MR PULLINGER: Thank you. Mr Stavis, I'm returning to the meeting you had in the coffee shop with Councillors Hawatt and Azzi shortly before you attended the interview panel.---Yes.

10 I suggest there was a time during that short meeting when Mr Azzi said to Mr Hawatt, "Can you come outside, I've got something private I want to talk to you about."---No, that's not true.

And I suggest not only did he say that, but indeed both Michael Hawatt and Peter Azzi stepped outside and left you alone in the coffee shop for some time.---That's not true because we were actually sitting outside.

Well, they went away from where you were sitting and engaged in private conversation out of your hearing, didn't they?---No.

20

At no time in that meeting did Mr Azzi do or say anything in connection with the list of questions.---Well, he saw the questions and I asked for permission to actually photograph those questions, so he knew the questions were there.

Well, I'm suggesting to you that that is just incorrect, either intentionally incorrect or because you have no recollection of what occurred.---Yes, I do.

30 He neither saw nor spoke about those questions in your presence at the coffee shop.---That's not true.

In the course of giving evidence before the Commissioner you've mentioned from time to time that Mr Azzi had little understanding of planning matters.---Yeah, he had very limited understanding, that's right.

And in connection with any matters where he was making an inquiry it was essentially in the nature of hurry up and deal with whatever has to be dealt with?---That and find a solution.

40 Sir, in respect of any application where he had shown an interest, he said to you on occasions words to this effect, "You're the planner, it's your job, do what you have to to clear the decks."---I don't recall him using those words, no.

Well, words that conveyed a message to get the applications dealt with in a timely manner.---That was an aspect of it, yes, I agree.

And indeed I suggest to you there was no other aspect to any conversation that Mr Azzi had with you relating to any development applications that you were dealing with.---No, that's not true.

You're not suggesting, are you, that he invited you to deal with an application in a manner that you saw as improper or corrupt, are you?
---No, sir.

10 That's my questions, thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Pullinger.

Now, Mr Pararajasingham.

MR PARARAJASINGHAM: Commissioner, as foreshadowed on Friday I have an application to make. Commissioner, as you appreciate, my client has been in the box for many days. We have been adhering to the ordinary rule that he is under cross-examination and have not discussed, with the
20 exception of the 27 Ridgewell matter, for which we put our friend on notice
- - -

THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: - - - have not discussed any aspect of his evidence. As I stand here now, in my mind there are perhaps two or three topics that I would consider asking Mr Stavis about arising out of the examination, but I'm seeking, Commissioner, your permission for an opportunity to confer with Mr Stavis. That may have the effect of limiting
30 any questioning on my behalf. There is a possibility it might lengthen things.

THE COMMISSIONER: Mr Pararajasingham, given the length of time Mr Stavis has been in the witness box and also the fact that, putting to one side Ridgewell Street, you have not conferred with your client, I am willing to give you some more time. Now, and I also know that this afternoon you've got your lecturing obligation. Now if we pull up stumps around now and, sorry, Mr Buchanan, you can't see any reason why we can't?

40 MR BUCHANAN: In my respectful submission, the application should be given very serious consideration, though the question of how long and - - -

THE COMMISSIONER: And also, if after I deal with Mr Pararajasingham's application in five or ten minutes, there's nothing else to do today?

MR BUCHANAN: No, Commissioner.

THE COMMISSIONER: All right. So, that would give you roughly, say about, you get back to chamber say about half past, about an hour and a half. You've then got to get out to uni lecture. Do you need time tomorrow morning?

MR PARARAJASINGHAM: I do, Commissioner.

10 THE COMMISSIONER: What is your application? When would you apply for us to resume tomorrow?

MR PARARAJASINGHAM: Perhaps at around the 11 o'clock mark, Commissioner, which would give me, starting early, a good couple of hours in the morning as well.

20 THE COMMISSIONER: All right. I was going to suggest this, and this does involve other counsel. What I was going to suggest, if we say 11 o'clock tomorrow morning but if by 10 o'clock you need a small amount of additional time, for example to 11.30 or 12.00, is it possible for you, by 10 o'clock, to notify either Mr Buchanan or Ms Ellis and we would then get an email out to everybody with we're starting at 11.30 or 12.00? Now, if I put that into operation, does that create difficulties for anybody? So prima facie, it's 11 o'clock but it might be, if you get an email at 10.00, 11.30 or 12.00.

MR ANDRONOS: Perhaps there'd be just a little bit of administrative difficulty in getting the trolleys down here.

THE COMMISSIONER: Oh, okay.

30 MR ANDRONOS: Wouldn't it be safer just to go for 11.30 and treat that as a hard commencement time?

MR PARARAJASINGHAM: I was going to suggest, Commissioner, perhaps maybe we just start at 12.00.

THE COMMISSIONER: I shouldn't have opened the bidding, should I?

MR NEIL: Could I just say, Commissioner, we'd prefer a specified time.

40 THE COMMISSIONER: You would, okay. All right. I'll take that on board.

MR MOSES: You've got the engines running of Senior Counsel. It's very expensive having engines running of Senior Counsel. If we could have a definite time, Commissioner, thank you.

THE COMMISSIONER: All right. It's been about 20 days in the witness box?

MR PARARAJASINGHAM: I think 21, but yes, I'll say 20.

THE COMMISSIONER: All right. 12 o'clock.

MR PARARAJASINGHAM: Thank you, Commissioner.

THE COMMISSIONER: So, and I'm not keeping you to any estimate but how long do you think you will be?

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MR PARARAJASINGHAM: Less than an hour I think.

THE COMMISSIONER: All right. So, if that took us around to lunchtime, that would mean Mr Montague would start around 2.00.

MR BUCHANAN: No, Commissioner.

THE COMMISSIONER: No, it's not because - - -

20

MR BUCHANAN: That's right.

THE COMMISSIONER: Counsel Assisting, I completely forgot.

MR BUCHANAN: I'm sorry about that.

THE COMMISSIONER: I'm terribly sorry. All right. Forget that, Mr Andronos.

30

MR ANDRONOS: We'd be happy for Counsel Assisting to forgo his re-examination and - - -

THE COMMISSIONER: All right. We'll play it by ear about, but Mr Montague obviously knows that he's next in.

MR ANDRONOS: Yes, Commissioner,

THE COMMISSIONER: Will be called next. All right. On that basis, we'll adjourn until 12 o'clock tomorrow morning, sorry 12.00pm.

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THE WITNESS STOOD DOWN [2.14pm]

AT 2.14PM THE MATTER WAS ADJOURNED ACCORDINGLY [2.14pm]