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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 FRIDAY 5 APRIL, 2019

AT 2.00PM

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THE COMMISSIONER: All right, Mr Moses.

MR MOSES: Yes, thank you, Commissioner. Mr Azzi, I asked you before the adjournment what is it that Mr Maroun wanted from you and Mr Hawatt, that is what did he want you to do. Do you remember I asked you some questions about that?---Yes.

10

Yes. And you said that what Mr Maroun was after was, in order to, these are my words, see if you agree with it, my paraphrasing of what you said, he wanted you to deal with delays in having his application dealt with, is that right?---Yeah, he wanted to know, yeah, about the process.

About processing, is that right?---Yeah.

20

He also wanted the support, didn't he, of you and Mr Hawatt for his section 96 application in Earlwood and the site on Canterbury Road, correct?---He want the council to support his section 96, yeah.

And the development application on Canterbury Road, correct?---Which one? The - - -

The Robbo site.---The Robbo, I haven't discuss it with Hawatt before, but yeah.

30

Did you discuss it with Mr Maroun?---No, what I said when I met with the, with him it was the early days.

The old Robbo site was 445-459 Canterbury Road, correct?---I think so.

And Mr Maroun wanted the council to send a letter about that site, correct? ---Excuse me? Letter?

Yes.---Letter?

40

You know nothing about that?---I knew, which letter, I don't know. I have no idea what you're talking about.

Do you ever recall Mr Maroun asking you and Mr Hawatt for a letter from council for the old Robbo site?---I can't remember this.

You don't remember.---No, letter.

Did Mr Maroun ask you to have the council help him push through the development application for the old Robbo site?---It's, Mr Maroun, well, he did ask in the early days. It was, once through the council that the matter is

held in the Planning Department, the Gateway and he always, when he ask, he ask about what's going on. Nothing to do - - -

Mr Maroun wanted you to help him, correct?---To help him, no, he was asking questions but we can't offer him any help.

Well, Mr Maroun asked you for help with the application concerning the Robbo site, didn't he?---He didn't ask for help. He was questioning.

10 He didn't – questioning.---What's happening about the outcome, what's going on.

Well, Mr Maroun has given evidence in this inquiry that he went to either you or Mr Hawatt to help him.---When he asked a question to find out what's happen. That's the help.

To find out what's happening?---Yeah, with the application.

20 And that's your answer to my question?---Yes.

I'm going to ask you the question then about Mr Maroun, did he tell you that he wanted you to speak to Mr Stavris about supporting his development application for the Robbo site?---I had no idea for the DA for Robbo site, sir.

When did you first become aware that the IHAP were recommending the refusal of the application for the Robbo site?---There was no application for Robbo site.

30 No application, okay. Can the witness be shown on the screen, Exhibit 69, volume 17, page 273. Do you know what this is in relation to?---Yeah.

Counsel Assisting showed you this. Do you know what this is in relation to? What is this in relation to, Mr Azzi?---The City Development Committee resolution, 10 March, that's the one you're talking about?

Yes.---Yeah, it's 538-546 Canterbury Road, Campsie construction.

40 Who owns the property? Who owns the property, Mr Azzi?---I don't know.

You don't know.---I don't know the number you told me. I don't know, I don't recognise the number, sir.

Has this got anything to do with Mr Maroun?---I have no idea about this.

You have no idea?---No.

Did you vote on this?---Pardon me?

Did you vote on this?---I think so.

Are you telling the Commissioner that when you voted on this you weren't aware that it was a property owned by Mr Maroun?

MR PULLINGER: I object to that question. The question's being posed as to what his knowledge is now and it's not appropriate.

10 MR MOSES: I'll rephrase the question.

MR PULLINGER: Thank you.

MR MOSES: Save my friend having to press that further. Page 278, if that can be shown to the witness. That has you voting in favour, correct?---Yes.

When you voted on this, do you remember who owned it? Do you know who owned it, when you voted on this?---I think so.

20 Who?---The applicant.

Yes, who?---(No Audible Reply)

Who was the applicant?---I don't know.

You don't know?---I don't know at the time now. Maybe Mr Maroun, maybe somebody else. I don't, I, I, I can't recall the numbers.

30 You can't remember?---The numbers. I, I can't recall the numbers. You show me, I'll tell you.

Numbers 538-546 Canterbury Road.---Yes.

And I want to suggest to you that was Mr Maroun's property.---That, Mr Maroun's property, yeah.

And that was the property that you'd been having discussions with him about, with Mr Hawatt at the gym, correct?---Possible.

40 Well, was there any other property you were talking to Mr Maroun about, about delays?---No, I have no idea, only one. Well, you - - -

Only one?---You said, you were, you confused me, Mr Moses. You, you were talking about Robbo's site. Now you come up with this. I get a bit confused. There's a different between this and the other one.

There are two different sites, are there, in your mind?---Yes.

So when you spoke to Mr Maroun, what was the property you were speaking to him about dealing with delays?---The both of them.

Both of them?---The early ones, yeah, at the early stage.

And this property, at page 273, of Exhibit 69, volume 17, you now know do you, or you knew back then that IHAP had recommended refusal of the application, correct?---Yes.

10 But the council still resolved to approve it.---Yeah, we followed recommendation of the director.

Were any reasons given for refusing to follow IHAP's recommendation?---I don't know at the time being what the debate was all about.

Did you speak to Mr Stavis before he prepared his report recommending approval for this property?---I have always speak with Mr Stavis before each meeting, ask what his opinion.

20 Did you speak to him before he provided the council with his report recommending approval for this property?---I can't recall, I can't remember what I, when, what, what time I spoke to him.

You can't remember?---Yeah. Maybe I did, maybe I not.

Well, he provided his report on 29 February, which was about 10 days before this meeting of council. If this witness could just be shown page 237, of Exhibit 69, volume 17. This recommendation by Mr Stavis - - -?
---Yes.

30 - - - did you see this before the meeting, on 10 March?---When been delivered by the council.

When did – do you know when you first saw it?---Mmm, I can't remember the date, sir, maybe - - -

Did you tell Mr Maroun before the meeting on 10 March that Mr Stavis was going to recommend the approval of the property?---I, I can't remember I discuss it with Mr Maroun.

40 You can't remember?---I did, did discuss it with Mr Maroun, no, I can't remember.

You didn't or you can't remember you discussed it?---I can't remember I discuss it with Mr Maroun.

Do you think there would have been any problem with you telling Mr Maroun before the meeting on 10 March that Mr Stavis has recommended approval of the property?---Wait, can you repeat the question, please?

Well, if you received a report from Mr Stavis recommending approval of the property, would you have seen any problem with telling Mr Maroun about that report?---Well, I don't know, sir, any problem, I didn't, shouldn't be. I don't remember anything, and I didn't, oh, I don't normally discuss it.

10 THE COMMISSIONER: No, I think what you're being asked is, not being asked whether you did or did not tell Mr Maroun, but in a sense theoretically if you had had some contact with a property developer before the council meeting when they're going to vote on the DA of that property developer, you see that Mr Stavis has recommended approval for that DA, do you see anything wrong in telling the property developer before the council meeting that that's what Mr Stavis recommended? Anything wrong with that?---I don't think anything wrong because (not transcribable)

So nothing wrong with that?---I, I, I don't think so.

20

MR MOSES: Because you say you can't remember whether you told Mr Maroun about it, correct? That's your evidence?---I, I said I didn't remember I spoke with Mr Maroun about it.

Now, can the witness just have up on the screen Exhibit 149, page 124. This is a deposit into your account on 7 March, 2016, three days before the council meeting. I just want to show you Exhibit 149, page 124. This deposit that's highlighted of \$4,000 into the Roselands branch, you have told the Commissioner that that is an amount that you deposited into that account, a cash deposit, correct?---Yes.

30

And that cash deposit you say came from you cashing in vouchers at a service station from your taxi earnings, correct?---I didn't say I, it's from taxi.

So where did the money come from?---It's from my savings.

From your savings?---Yeah.

40 Where did the savings come from?---From my work.

Well, in cash, correct?---Yeah, of course.

Where did that cash come from?---From my business, taxi business.

From people giving you cash?---People give me cash and I get it from my business, my credit card, EFTPOS machine.

You told Mr Buchanan, and I'll be corrected if I'm wrong, you told Mr Buchanan that you would cash vouchers in at a service station from time to time, correct?---Yes, from my credit card machine.

Do you remember that evidence?---Yes.

And you said the reason you would do that is because there would be delay in the money being transferred into your account, correct?---I didn't say that, I said, not delay.

10

Yes, you did, sir.

MR PULLINGER: Well, I object. That's not an appropriate way to contradict a witness in the middle of his answer.

MR MOSES: I'm not sure what that objection is from my learned friend. That's nonsensical with all due respect. I press the question.

THE WITNESS: I'm happy to explain it again, the third time.

20

MR MOSES: Yes, please, sir.

THE WITNESS: When you got a taxi business, Cabcharge machine goes into (not transcribable) and goes through bank account and the company pays. The private provider machine is a different one. It's a cordless machine. You can take (not transcribable) cash it out straight away at any provider (not transcribable) being provided by the provider. That's mean you can take the docket, go to the provider, cash it out straight away on the spot.

30

MR MOSES: And where did you do that?---When?

Yes, in this year, 2016, where were you going to the provider to get the cash?---When?

Where.---Oh, where.

Where were you getting, where were you going to cash it in?---You go to the airport, you go to - - -

40

No, no, don't worry, no, in 2016 where were you doing it?

THE COMMISSIONER: I thought you mentioned it was at a petrol station.---Yeah, it's too many providers. You have - - -

So is it a number of petrol stations?---Yeah, number of petrol stations being provided by the (not transcribable) provider. That's mean you have to give the machine and that guy got too many different petrol station connected to

him, you present and (not transcribable) present that one, you cash it out, and you go.

MR MOSES: And who's the guy?---Who's the guy?

Yes, who's the guy with all - - -?---Who provide the machine?

Yes, who was that?---GM Cab.

10 Who?---GM Cabs.

Thank you. And can you remember in 2016 which service stations you went to to cash the vouchers?---It's a few ones, a few (not transcribable)

Do you want to give us some examples?---Yeah, a few one along Canterbury Road and the main one at the airport and - - -

Do you know the name of it?---What?

20 The one at the airport?---It's the GM Cabs.

GM Cabs. And did you sign a piece of paper when they hand over the cash to you?---No, no, you don't sign anything.

No, you just give them the voucher, they give you cash.---They give you reply to, to the terminal amount of each, like, day when you finish your day working, you get terminal, you go and collect it whenever you like in cash and, another one used to be at Croydon Park as well.

30 Okay, thank you. And have you kept a copy of those vouchers for your tax records? The ones that you cashed in, did you keep a copy of them for your tax records?---They don't, no, give a copy, no.

No. And then how do you record that in your tax returns as to the income you're getting?---I add them in my tax return.

You add them.---And, and to my books every day, working day. I have my, how much I make money, every day by day.

40 THE COMMISSIONER: What, you keep a ledger, do you or - - -?---I keep, I keep a record for all business work and expenses, everything to lodge it at the end of the year.

MR MOSES: Have you still got that ledger?---Hmm?

Have you still got that ledger?---The, the book?

Yes.---Yes, of this.

And does it show when you got cash from these - - -?---No, no. I wrote how much I make weekly, on weekly basis.

Now, I just want to ask you this question about 7 March, 2016, deposit, ask you this direct question. Did Mr Hawatt give you that money?---No. No, no, sir.

Did Mr Maroun give you that money?---No, sir.

10

No. Is it your evidence that you never received money from Mr Hawatt whilst you were a councillor?---No, sir.

So Mr Hawatt never gave you any money while you were a councillor?
---No, sir.

No. Did Mr Hawatt ever give you money on behalf of Mr Maroun while you were a councillor?---No, sir.

20 Did Mr Maroun ever give you money?---No, sir.

Are you sure about that?---A hundred per cent.

Hundred per cent, okay. Did Mr Maroun ever borrow you money, did he lend you money?---No.

Never?---No. I don't remember I borrowed money from Mr Maroun.

30 No, do you want to look at me while you're answering the question, sir?
Did you, did you borrow money from Mr Maroun while you were a councillor?---No.

I'm sorry?---No, no.

What about Mr Hawatt?---No.

Do you know whether any other councillors were given money by Mr Maroun?---I have no idea, sir.

40 No idea?---No, sir. No.

Now, you've told us that you've had meetings with Mr Maroun, correct yes?---Yeah.

And you say you did this because it was your duty to answer the phone and answer any questions, correct?---Yes.

And you went to Mr Maroun's house because it was your duty to discuss matters with people who needed help, correct?---Yes.

Apart from Mr Maroun, which other residents or ratepayers of Canterbury Council did you visit at home?---Oh, too many, sir.

Too many.---Too many.

10 Too many. Did you visit other developers at their home to discuss their development applications?---Maybe yes, maybe no, I can't remember.

You can't remember.---I can't recall. Maybe.

When you went to visit Mr Maroun at his home, why didn't you take council staff with you to the meetings?---Because it's being after hours and council staff not available and I wanted by myself.

20 After you attended the meetings with Mr Maroun, did you report to anyone at the council that you had had a meeting with him?---Oh, we always, I remember always briefing the other councillor about the going or always brief the sometimes needs, if it's any, if any enquiry, legitimate enquiry, we report it, yeah.

Well, what do you mean by "legitimate enquiry"?---Like if you, if like, sometime Mr Maroun calls and ask, "What's happen?" Mmm, we don't know. It's not an enquiry.

30 So after you attended meetings at his house where he asked you questions about delays, you say - - -?---Yeah.

- - - did you raise that with anybody at the council?---If it need be raised, yeah, always raise it to - - -

Well, who did you raise it with?---Sometime if you have to raise it with the director, or with the general manager.

Did you?---Yeah, always, I have to ask the question, what's going on?

40 Why were you having meetings at the gym, and not at the council?---It's a request after-hours, and when it's needs to be at the council to discuss any major issue, we'll, we'll go for the council.

But were you trying to hide that you were having meetings with Mr Maroun?---Hide?

Yes.---I didn't hide, no, sir.

So, you're the councillor, aren't you, yes?---Yes.

And you're there to represent the citizens of Canterbury, correct?---Yes.

So why didn't you request that Mr Maroun come to the council office to have a meeting with you and the staff?---Yeah, well, if he need to have a meeting, and if he ask for it I was, it's a, should be a meeting, well, we'll ask.

10 But the way the evidence came out when Mr Buchanan was asking you questions, it was like Mr Maroun was your client, you were trying to keep him happy. Is that the case?---No, no. Never been happy.

Did you keep any notes of the meetings you had with Mr Maroun?---No, because not, like, official meeting. I just - - -

It wasn't an official meeting?---No, because I reported it verbally to everyone. I don't keep record of this.

20 Oh, so you reported it verbally to everyone, who?---Yeah.

Who's "everyone"?---Like when I discuss it with the director, with the, Mr Montague, if we had any, we have to raise and address a situation, they will be aware of it.

30 THE COMMISSIONER: So every time you saw Mr Maroun at the gym, you would report back the next day verbally to Mr Stavis, Mr Montague? ---No, Madam Chair, I seen Mr Maroun about like, two, three times. But if any issue has to be raised from the discussion, because Mr Maroun sometime call - - -

But I'm just interested in who - - -?---Yeah. Yeah.

You said in an answer to Mr Moses' question that you would report it verbally, I think you said, "to everyone," and Mr Moses pressed you and you said, "Mr Stavis, Mr Montague." So you would tell them if you had met with Mr Maroun?---Mmm, when I met with Mr Maroun, if he has an issue, I always address it to the director, and the, yeah.

40 And did you tell – so you told Mr Stavis, Mr Montague, anybody else? ---Oh, sometime when it's come to, to briefing the councillor, mmm, we told them. That's why I can't remember. But always when Mr Maroun had an issue, we always used to raise it with, with the director, to, to get the, the answers.

MR MOSES: Thank you, Commissioner. Did you provide Mr Maroun with information about how you were going to vote on his development when it came before the council on 10 March, 2016?---Oh, I don't remember.

Did you tell him how you were going to vote?---I don't remember if I told -- why I have to tell him? I don't remember this.

You don't remember?---No.

Can the witness just be shown again -- I apologise to the Commission staff -- volume 17, page 278? It's Exhibit 69. You'll see the councillors who voted in favour of this application, and the one against was the mayor.---Mmm.

10

Did you discuss with any of those councillors before the meeting that you wanted them to vote in favour of Mr Maroun's application?---No.

No, you didn't?---I don't think so.

You - - -?---If, oh, well - - -

You don't think so?---We discuss it, we discuss the matter sometime, but we never ask any councillor the way he wants to vote.

20

So - - -?---Yeah, each councillor has his own.

So your evidence is that you never discussed with Councillor Kebbe as to how she should vote?---I never told him how, the way she votes.

On this application?---I said, we normally follow the recommendation of the officer.

30

That's what you told her?---No, no, I never told her. She knew.

Did you discuss with Councillor Hawatt before this meeting that you should vote in favour of the application?---I remember I did, yeah.

That you would both support it?---I said I want to support the officer's recommendation.

40

You wanted to support the officer's recommendation because that's what Mr Maroun wanted, correct?---No, because our director, he want it, he's happy with it.

Your director wanted?---Yeah. He's happy with it.

And your evidence is you never spoke to the director about this application going through, that you wanted it to go through?---I didn't say (not transcribable) I always ask my director before each meeting. I always call the director and ask for advice from him and what he think.

Did you tell the director that you wanted this to go through?---No. I always trust his opinion.

Just before I move on to the last topic, just about some evidence that Counsel Assisting took you to. You had a number of deposits in your account in respect of the TAB, correct?---Yeah.

Withdrawals from the TAB, correct? Withdrawals from the TAB? Where did the money come from for those?---For what?

10

At the TAB. You were taking money out at the TAB facilities of the Lantern Club, correct?---TAB facility?

You were taking cash out.---From the teller machine.

Yes.---From my account.

Yes. What was that for?---What?

20

Yeah, what were you using the money for?---I take some money for myself sometimes and for, to have cash, sometimes I need cash.

Do you gamble?---Yeah, sometimes.

Sometimes?---Yeah.

30

THE COMMISSIONER: So is the TAB account - - -?---Not the TAB account. He is mixing up, at the Lantern Club, ma'am, I'll explain it to you. It's not TAB. He is getting mixed up between the teller machine and the TAB account at the club. I don't know what's - - -

All right. So - - -?---I don't take cash from TAB account.

So you don't have like a TAB betting account?---I have TAB betting account but I don't take cash. Transfer between account to my own account.

40

MR MOSES: Thank you. I'm going to take you then to a document that Mr Buchanan took you to on Tuesday. It's Exhibit 69, volume 28, page 179. This is the Doorsmart project.---Yes.

If that could be shown to the witness. It's page 179. Did you discuss this development application, the Doorsmart project, with the Chanines before you voted on it?---I, I don't remember I had discussion on the voting, no.

Did you discuss the project, though, with the Chanines, the Doorsmart project?---Yeah, before it come up in the council.

And they wanted you to support it, correct?---No, they, I don't remember what the cause of it. And they seeking - - -

But why were you having meetings with them?---Yeah, they meeting with us to seeking support.

Yes.---Yeah.

10 They wanted your support, correct?---They're seeking our support, yeah.

And did you discuss their request with any of the councillors before the vote took place on that application?---No.

You didn't?---No.

No. So who - - -?---I don't remember.

20 Was Councillor Hawatt the only person you spoke to about the property?---I think, I think we had the discussion with Councillor Hawatt and the rest, but not the way we were going to vote. I don't remember.

Did you ever tell a councillor how to vote on this motion?---No.

Did you ask any of them to vote in favour of the motion?---No, sir.

Just two final questions, Commissioner. I apologise for taking more time than I said I would. When was the last time you had contact with Mr Hawatt, sir? When's the last time you spoke to Mr Hawatt?---Months ago.

30 When?---Months ago. I can't - - -

When?---Months ago. I can't, I don't know.

THE COMMISSIONER: So months ago.

MR MOSES: Months, months.---Months, months ago. A few months ago.

When?---I don't know. I can't remember.

40 December 2018?---Sir, I can't remember.

Can't remember.---I'm sorry but it's way before, way - - -

Do you know what you were speaking to him about the last time you spoke to him?---No, nothing to do with, I think was the short, short hello, we get, that's it.

THE COMMISSIONER: What, over the phone or in person?---No, no, I see him in person the last time, like, months ago, he was across in, visiting neighbours from across, somebody to see across the road from my, where I live and it's happened to cross and say hello.

MR MOSES: Only the both of you present?---Pardon?

Just the both of you together had the conversation?---Yeah, was my wife, his wife as well, they were across the road.

10

Across the road from your house.---And we been outside and we spoke outside. I don't think, or - - -

Thank you. And when was the last time you had contact with Mr Khouri, sir?---Oh, long time ago.

When's the last time you spoke to him?---A long time ago, I can't remember. It's over - - -

20

THE COMMISSIONER: What, last year?---Yeah, yeah, yeah. Definitely last year, not this year. It was way, last year.

And did you speak to him after he gave evidence at the Commission?---No. I haven't seen him before, even before he gave evidence.

MR MOSES: On the phone or in person?---No, no. I can't remember. No, I always talk with him on the phone.

30

I'm sorry?---I haven't I haven't, I can't remember when I last time I spoke to him or see him, you know, it was long time ago.

Can you remember what you spoke to him about last time you spoke to him?---Oh, it's nothing. About his family, he had, I remember he was going out from court cases with his wife and something like that, family matters, yeah.

40

THE COMMISSIONER: Do you know where Mr Khouri is now?---Well, I heard, the last time I heard about, I knew, when I received any information he is, he is overseas, doing his medical, medical - - -

And from whom did you hear that?---I think the last time, it's way before - - -

Who told you that?---Yeah, my daughter.

Oh, your daughter.

MR MOSES: Thank you. I have no further questions. Thank you, Commissioner.

THE COMMISSIONER: Thanks, Mr Moses. Mr Andronos.

MR ANDRONOS: Thank you, Commissioner. Mr Azzi, I'd like to ask you some questions about the decision to hire Mr Stavris as director of planning.
10 ---Can you, I can't hear you properly, please.

Yes. Is that any better?---Yeah, a little bit better.

Now, you've given some evidence that in November and December 2014 you regarded it as Mr Montague's job to decide who to hire as director of planning.---Correct.

That's right. And you saw your role as limited to a few specific things and I'll give them to you. Firstly, participating in the interview panel that was
20 convened on 17 November, that was part of your role?---Yes.

And secondly, giving Mr Montague the benefit of your views?---Yes.

As to the different candidates?---Yes.

But in your view at the time, ultimately it was for Mr Montague to decide who was going to be offered the role of director of planning?---That's what I do understand.

30 Yes. Now, you've given some evidence that you and Mr Hawatt met with Mr Montague on about 24 November, now that's a week after the interviews. Do you recall giving that evidence?---I can't remember. I could be, I can't remember what I say.

Well, do you recall - - -?---We, we met with Mr Montague occasionally but I don't recall the dates.

Well, do you recall having a meeting with Mr Montague and Mr Hawatt shortly after the interviews, where you discussed your views as to the
40 different candidates going forward? Do you recall a meeting like that?
---Could be happen but I, I can't recall it, yeah. Could be happen because we met, we meet with Mr Montague on regular basis.

So is it your evidence that you don't have any actual recollection of a meeting like that?---I can't remember at the time, now. Maybe it could happen.

Do you recall meeting with Mr Montague after the interviews – and I don't mean on the same day as the interviews, I mean later than the interviews – and telling Mr Montague that you would have preferred Mr Manoski to be the new director of planning?---It was my first choice.

Do you recall saying that to Mr Montague?---Yeah, Mr Montague knew about it, I said to him.

10 And you think that might have been in a meeting with you and Mr Hawatt and Mr Montague together?---I can't recall how it's happened but Mr Montague knew from the first day after the panel. When we wrote the, when we wrote the names, I select Mr Manoski and maybe we discuss it later, I can't recall.

I'm not asking whether Mr Montague knew. I'm saying whether you remember having a meeting where you said that to him.---Well, believe me, I can't remember. It's a long time ago. I can't remember. But I'm sure we told Mr Montague, like, I, I told Mr Montague my preferred candidate.

20

Do you remember if Mr Montague told you that he was talking to Mr Robson about this issue as well?---Well, he always, I, I can't recall it but always he, Mr Montague, whatever he does, he consult the mayor.

And you were aware, weren't you, that as well as getting your views and Mr Hawatt's views, he was getting Mr Robson's views at the same time as to who Mr Robson thought would be the best director of planning.---I believe Mr Robson and Mr Montague, they were too close.

30 When you say too close, you mean they were very close?---Yeah, they, they always, they very close to each other.

Yes. Now, could I just ask that Mr Azzi be shown volume 3 of the bundle, page 239.

THE COMMISSIONER: Sorry, which page again?

40 MR ANDRONOS: 239. Now, Mr Azzi, just let me explain what this document is. You'll see it's an email from Mr Robson to Mr Montague on the 26th of November, 2014, and there Mr Robson sets out his thoughts on the appointment of a new director of city planning. Can you see that?
---Yes, yes.

And he has candidates ranked one, two and three – Karen Jones, Simon Manoski, Spiro Stavis. You see that? Do you see that?---Yes, yes.

And you see he says, "Ultimately it's your responsibility, taking advice from councillors when necessary." You see all that?---Yes.

Were you aware, well, have you seen this email prior to being here in the Commission?---No.

No. But you see from the date of that email that that's at about the same time that you would have been consulting with Mr Montague in relation to who your preferred candidates would be. Do you accept that?---Well, I'm, I can't recall the date.

10 But this is - - -?---Can't recall the date.

This is about a - - -?---Same day.

- - - about a week and a half after the interviews.---Could, could be on that period.

Yes, yes.---Yeah, about.

20 Now, you accept, don't you, that it was Mr Montague who ultimately did make the decision as to whether or not Mr Stavis was going to be appointed director of planning? Do you agree with that, that it was ultimately Mr Montague who made that decision?---Yes.

Yes. And it wasn't Mr Montague and you and Mr Hawatt, was it?---No, we gave, what, can, can you, can you reframe your question, please?

Yes. What I'm saying is that the decision to hire Mr Stavis was not a decision that you and Mr Hawatt and Mr Montague made together, was it? ---No.

30 It was a decision that Mr Montague made himself.---Correct.

Yes. That's all I have that document up for. If that could be taken down. Mr Azzi, I wonder if Exhibit 282 could be brought up on the screen. Now, Mr Azzi, you've already seen this document today. It's a transcript of a telephone conversation, or an extract of a telephone conversation between you and Mr Hawatt on 26 March, 2016. You'll see, and it commences at 5.16pm. You see that?---Yeah.

40 Now, if you could turn to page 2, the last part of the extract, the last five lines, which are attributed to you, you say, "Again Michael, we talk, because it's clear that they are all, all doing the interpretation of it," then something unintelligible, "if you don't fill out the form, all the councillors will go home, and the ones that fill out will remain." Now, just pausing there, do you recall having an understanding in March 2016 that in order to remain involved in the affairs of the amalgamated council, everybody would need to fill in a form in order to have a role as an advisor on some panel?

Do you recall that's how it worked?---Yes, yes, I remember it, we filled out the forms.

And is it fair to say that's what you were referring to there?---So I'm talking here, yeah, I would be talking about the amalgamation forms.

And you were talking about how individual councillors could remain involved in an amalgamated council, is that correct?---Yeah, yes.

10 Now then you go on to say, "I'll talk to you when you get back. I spoke with Khal" – now we'll just leave that there. When you said "Khal", that was Khal Asfour, wasn't it?---Yes.

And he was the Mayor of Bankstown Council, is that correct?---Correct.

20 "And he said to me, when Michael comes back, we have to talk to him to make sure, because the minister, that bastard the minister wants people to stay in council." So, just pausing there for a moment. When Mr Asfour said to you, "We have to talk to him," who did you think the "we" was he was referring to?---Like, I was (not transcribable) we, like, Khal and me and the councillors - - -

And councillors?---Yeah.

So it would certainly include Mr Asfour?---Yes.

It would - - ?---But Mr Asfour talking.

30 It would have included Mr Stewart as well, wouldn't it?---Always Khal and Mr Stewart, they together.

They together. And you understood from your conversations with both of them that they always shared information about council business, didn't they?---No, of course. The mayor - - -

THE COMMISSIONER: Sorry, who shared information?

MR ANDRONOS: Mr Asfour and Mr Stewart.

40 THE COMMISSIONER: Stewart.---Yeah, because Asfour is the mayor, and the general manager is the general manager. Of course they have to be combination.

MR ANDRONOS: So, I wonder if Exhibit 253 – oh, sorry, before we get to that, can I just ask you some questions about your meeting with Mr Asfour. You did meet with him, didn't you?---Yeah, I met with him a few times.

And you met with him in March of 2016, didn't you?---Well, don't ask me, I don't remember dates, sir. I can't recall dates.

Well, rather than just refer to it by date, in the period leading up to amalgamations, you did have meetings with Mr Asfour.---Oh, yes, yes.

And you met with Mr Stewart.---Yes.

10 And you met with them separately and privately.---Mmm, not, mmm, not privately. I met with Mr Stewart as well and Asfour, yeah, that, like, "privately" mean only us?

Just the two of you.---Yeah, yes.

THE COMMISSIONER: Sorry, did you meet only the two of you?---Yeah, sometime I meet with Khal Asfour by myself. I met I think once with Matt Stewart, the general manager, as well.

20 MR ANDRONOS: Now, your meeting with Mr Asfour, just talk about that for a moment. Do you recall who initiated that meeting? Was it Mr Asfour who contacted you?---Oh, well, me and Mr Asfour, yeah, we always contact each other. We have, like, it's, like we can say it's a political relationship. We always in the contact, regularly.

He was a Labor man.---I is, I'm a Labor as well.

And you're Labor as well. Now, when you met with him in the period, when you met with him just the two of you - - -?---Yeah.

30 - - - in the period leading up to amalgamation, you recall having a lengthy meeting with him.---Oh, sometimes take five minutes, depends on how, how, how, how, how we have time, you know, it's not - - -

But I'm talking about a particular meeting where you met with him for over an hour.---Yeah, it takes, it takes, like, half an hour plus sometimes.

Yes. And that was to discuss amalgamation, wasn't it?---Yes, yes.

40 And the reason you were discussing amalgamation with him was that you and he both knew that amalgamation was coming whatever the councillors wanted. That's correct, isn't it?---That's what we do understand, we have no say, yeah.

And so far as you were aware, in the weeks leading up to the proclamation, everybody knew that, is that correct?---Yes.

Now, when you meeting with Ms Asfour to talk about amalgamations, you weren't just talking about the fact that amalgamations were coming, you

were talking about what was going to happen on the amalgamated council, weren't you?---Yes.

Who was going to be the staff?---Yeah, we discuss all of these things.

Yes. Who was going to be the general manager?---Yes.

Who was going to be the director of planning?---We discuss all the staff, you know, at once.

10

Yes. All of the staff.---Who's going to be here and there, yeah.

Yes. Now, did he tell you that Bankstown Council didn't want to amalgamate?---Like, the position of the Bankstown Council publically, yes.

By he knew that it was coming anyway, didn't he?---He has no, yeah, we all knew whatever everybody say, it's not going to happen, it's up to the minister, the decision being made, yeah.

20

So no matter what people were saying, it was coming anyway?---Decision being made, that's what we know at the time.

Now, I wonder, Commissioner, whether Exhibit 235 can be played for the Commission and for the witness.

THE COMMISSIONER: So this is a telephone call on 26 March, 2016 at 5.19.

30

MR ANDRONOS: Yes, it's an extract.

THE COMMISSIONER: Sorry, extract.

AUDIO RECORDING PLAYED

[2.57pm]

40

MR ANDRONOS: Thank you, Commissioner. Now, Mr Azzi, perhaps if page 1 can be up on the screen. You'll see that Mr Hawatt, sorry, that you say that the line was disconnected in the second line of the recording.

---Yeah.

You see? This followed straight on from the call which is recorded in Exhibit 282, which I took you to a little while ago. Let me know if you need to see it again, but you see the call at Exhibit 282 commenced at 5.16pm. A call is then disconnected and this call starts at 5.19pm on the same day. So you accept that this was in effect two calls very close together but one conversation?---I can see the time when it start. The day, the session, 17.19.46 - - -

You see the cursor is there at the time in the second line, in the box at the top?---The time when the, the call date/time, yes, 17.20. That's - - -

Yes.---That's five, so that's 5.20.

Yes, it's 5.20.---Yeah.

And Exhibit 282 is 5.16.---Yeah.

10

So these calls are, in effect, one conversation that was interrupted by the line dropping out. Do you agree with that?---Yeah, it looks like.

Yes. Yes. Thank you. Now, you'll see on page 1, in the bottom paragraph which is attributed to you, you say, "I was talking with Khal Asfour and Khal said to me we should now talk." So what you're telling Mr Hawatt is that Mr Asfour told you that the Canterbury and Bankstown people should get together to discuss something, is that right?---Yes.

20

And what you had to talk about was amalgamation, that's right, isn't?
---Yes.

So then if you go over the page you will see, maybe to the fourth entry and following, you're saying to Mr Hawatt in Arabic, "That thing you should have a look," and then he says, "Okay, let's." And then you say, "From Bankstown and from Canterbury," and then Mr Hawatt says, "Okay, let's, let's," something inaudible, "yeah, let's meet on Tuesday. All right, let's meet Tuesday." So is this correct, that what you and Mr Hawatt were talking about was a meeting that Mr Asfour had mentioned to you between

30

the Bankstown and the Canterbury people to take place a few days later?
---Yes.

Now, the Tuesday was the 29th and what I'm going to suggest to you is that you didn't meet on the Tuesday, you met on the Wednesday instead and you met at Mr Khouri's house. Do you recall that?---Yes, yeah.

And that was a meeting with you and Mr Hawatt and Mr Montague and Mr Asfour and Mr Stewart, is that correct?---Yes.

40

And that was a meeting that Ms Asfour had suggested to you, wasn't it?
---Yes.

Yes, yes. So at the bottom of that page, you're talking about a different meeting, I think, with Mr Hawatt and you say, "Anyway, let's meet Tuesday, we'll see how we go," and that Tuesday was the meeting at Mr Khouri's house which took place on the Wednesday not the Tuesday. So if you go to page 3, Mr Azzi, in the fourth entry, this is attributed to you. You say, "We'll talk. I'll try and give you a call plus I had a meeting with, when

you come, I'll talk to you with, with Matt Stewart." So you had had a meeting with Matt Stewart prior to this conversation with Mr Hawatt, is that correct?---Yeah.

THE COMMISSIONER: Can you recall that?---Well, I recall I had a meeting, a few meetings with Mr Stewart, one, once, but I can't, I can't recall it's going to be before or after that meeting.

10 MR ANDRONOS: Well, here you were telling Mr Hawatt that you had a meeting with Mr Stewart.---I had a meeting. It must be it's happened, yes.

Yes. So, "Matt Stewart said that he wants to speak with me and we had a, we had a cocktail on Thursday afternoon." So that would be Thursday the 24th, because that was the Thursday of that week. Do you recall meeting with Mr Stewart and having a cocktail with him?---Yeah, I can remember we had a meeting.

Do you recall where you met him?---I believe it was at the Lantern Club.

20 At the Lantern Club. And it was his idea for you to meet?---I believe so. He - - -

And he didn't suggest to you that you should meet at Bankstown Council Chambers, did he?---No.

He was quite happy to meet you - - -?---Yeah, after work,

After work, alone?---Oh, yes.

30 At the Lantern Club, is that correct?---Yes.

Now, do you recall what you talked to him about?---Amalgamation situation and that's what I can remember. It's all about amalgamation. It's, I have no idea what we, but it's all about amalgamation and how it's going to be, the staff between the two, about the staffing issues of the council and its matter, I remember he discuss once with me. It's what him and Jim Montague, like, staff, getting in connection with the staff. I don't know, something about the amalgamation situation.

40 Yes, so it was something to do with amalgamation.---Yes.

And you were both assuming that amalgamation was going to happen, is that correct?---Yes, after, I think we received information that one of the interim general manager going to be, who's going to be between them two, or something like that, yeah.

And was he asking for your support to be general manager after amalgamation?---No, because at, at that time we knew it's not up to the councillors.

Yes. But was he assuming that he was going to be in a position to decide who the staff were going to be?---No.

10 Why was he talking to you about it?---Oh, he's been discussing, you know, because (not transcribable) one stage him or Jim Montague it's going to be. We have no idea who's the government going to put. And, like, it start like, what I can tell, misunderstanding between the two GMs, and everyone try to – it's something I don't understand between how to merge the councils. Something (not transcribable) but try to let me know what was going on between him and the general, and Jim Montague (not transcribable). Like, everybody start talking about the other one, you know?

20 Yes. Well, did you know why he wanted to talk to you about these issues? ---Because I'm, you know, I was involved, you know, in the amalgamation situation, we have to, and the discussion from the early days. No idea. Just to let me know, just maybe to just, to let me aware of what's going on because as a Canterbury side I always, you know, feeling like everybody's, like, support his own staff. Like, in favour, you know, they thought, Jim Montague, it's like to make me aware, like maybe he's asking me to support him with any future.

He already had an idea of who he wanted to be the staff on the amalgamated council, didn't he?---That's what we didn't understand from, like, sources behind the scenes, like already planned it before and what they do.

30 Can you have a look at page 3, and this is in the fourth-last paragraph, which starts with you saying in Arabic, "Yeah, I saw the email." So you say to Mr Hawatt, "Yeah, I saw the email and he sent email to," something unintelligible, "but Jim, he wasn't happy with that. I said to Jim you have to bloody be happy. Doesn't matter to you. You're going to be, we discussed and you told me. I told you that I was going to meet with him and you said to me talk about Spiro." So is that you telling Mr Hawatt about the conversation you had with Mr Montague? Or is that you just talking to Mr Hawatt about your own views? Can you work that out?---Could be. I can't recall it. It could be because everything happened, I always used to discuss
40 it with Jim (not transcribable) inform what's going on. We're not hiding anything, you know, from - - -

So I suggest that this is you talking to Mr Hawatt about something you and Mr Hawatt had talked about before. Does that make sense?---Yeah, well, could be.

Now we go on. So, "We confirm," something, "agree," something, "he confirmed to me he won't be one of our directors after transition." Now, I'll

just pause there. What you're telling Mr Hawatt is that Mr Stewart told you that Mr Stavis wouldn't be a director after transition. That's right, isn't it?
---I think so.

And that's a conversation you had with Mr Stewart on 24 March, wasn't it?
---No, not specifically about the Spiro. We were discussing (not transcribable)

10 That was a conversation you had with Mr Stewart over a cocktail on the Thursday afternoon, wasn't it?---Maybe he mentioned, yeah.

Yes. And then you go on to say, "I wasn't, like, I didn't speak to him because I didn't like to argue with him about what he put in the transition because I wasn't happy hundred per cent." So that's, you're telling Mr Hawatt you didn't want to argue with Mr Stewart about Mr Stewart's plans for the post-amalgamation council. That's right, isn't it?---Yes.

20 Yes. And you go on to say, over the page, if you go down to the third entry, "I didn't like to argue with him, with that thing I said to him. Look, look, Matt, in the whole of Canterbury, all of them are hopeless. I'm with you. I agree." So, do you think you were telling Mr Hawatt that you had said to Mr Stewart, "I agree they're all hopeless and we shouldn't keep them on"? That's what you're saying, isn't it?---That's what I, that's what's written here, yes.

30 And the you go on to say, "I don't want, we don't want anyone from Canterbury, only one person we're interested about and I will go all the way behind him and push." Now, that was Mr Stavis, wasn't it?---I don't think so.

THE COMMISSIONER: Sorry, you don't think so?---Well, I don't think I been talking about Mr Stavis.

MR ANDRONOS: "You don't have to upset, and you know when you upset me, I get very bad." Now, that was you telling Mr Hawatt that you were being a bit threatening to Mr Stewart, weren't you?---No. I didn't threaten.

40 Is that you were saying, "Don't make me angry. You wouldn't like me when I'm angry," that's usually the type of threat, isn't it?---Nobody likes me when I get angry because I start swearing. That's what everybody told me. Don't get angry.

Thank you. "You take care of this one. I don't care about the rest." So who was this one?---Look, I, I, I can't recall this. I don't remember what I, what meant about this person.

Well, it wasn't Jim, was it?---Well, I can't tell. I don't know.

Well, in the next sentence you say, "He said what about Jim and I said you have to work it out with him." So it obviously wasn't Jim, was it?---Yeah.

And you say he's got 12 months. Now, you had already agreed with Mr Hawatt that you weren't going to support Mr Montague for the role of general manager after amalgamation, hadn't you?---No, doesn't mean that way because it's not up to us to support Mr Montague.

10 Well, you didn't care if he was general manager or not, did you?---Well, it's, it's not up to me, no.

But saying, so far as you were concerned it didn't make any difference to you whether he was there or not?---No.

When you say no, you're agreeing with me, it didn't matter to you?---No, it didn't matter to me.

20 It didn't matter to you. So we'll go down further to the third last paragraph where you're saying to Mr Hawatt, "Yeah, like, Khal Asfour and I were sitting down." Now, this is the same meeting I think you were talking about earlier in the conversation in the other exhibit that we looked at. "We sat for an hour, two hours, three hours. They were all talking that the amalgamation is happening. He said to me," now, I think this is Mr Asfour, correct me if I'm wrong, "that's it Pierre, it's been done." Now, actually, I withdraw that. Who did say, "That's it Pierre, it's been done"? Somebody said that to you. Could it have been Mr Asfour?---What I can see here, I'm referring to Mr Asfour, isn't it?

30 Well, could it have been - - -?---I can't tell anything else. I, I can't see, I can't tell but I can see. I can't remember what's happened.

Could it have been Mr Stewart?---Well, I, I can't confirm. All I was talking about here, what I can read here, I, like, sitting down for an hour, they are talking, amalgamation's happening. He said to me - I think I was talking about Khal Asfour, referring to Khal Asfour. That's what I can see here. I can't remember what was happening but what I can read here, it's, you can come as - - -

40 But is it fair to say it must have been one of those two, Mr Asfour or Mr Stewart?---I can't, I can't I can't say Mr Stewart either but I, what I can read in front of me, I can, like, I was talking to Mr Asfour.

So then you go on and say, the last three lines of that page, "Yeah, he said to me now, he said to me, now we're going to start work on the names." Now, that would have been Mr Asfour or Mr Stewart telling you who they were going to put forward as employees of the amalgamated council, wasn't it? ---Yes. It's been discussed.

“He said to me he’s working out on the names and that’s it.” Now, if we can go back to the higher entry on that same page after you say, “All of them are hopeless.” That was your view in March of 2016, wasn’t it, that all of the senior staff apart from Mr Stavis were hopeless? That’s right, isn’t it?---What I can read here.

But that’s what you thought about the senior staff at the time, is that correct?---Yes.

10

THE COMMISSIONER: So you thought at that time that everybody employed by council with the exception of Mr Stavis was hopeless?---Well, like (not transcribable) here, that’s it, that’s what I meant. But I didn’t reflect that Mr Stavis as well, like, I didn’t, I didn’t, I didn’t, I have no idea what I meant and how many and who’s left. Like, generally, generally, I’m talking about.

Generally.---But I didn’t specify, Madam Chair.

20 MR ANDRONOS: But you thought the senior staff were hopeless except for Mr Stavis.---I did say it here.

THE COMMISSIONER: Putting to one side that conversation, Mr Azzi. Mr Azzi?---Yeah. That’s, oh, sorry, Madam.

Just think back to March, 2016.---Yes.

30 Were you of the view that the staff at the council were pretty hopeless?
---I believe this is (not transcribable) wasn’t going like supposed to be as a, as a good council. Like, there’s too many, no, like, there’s too many, the, all the departments, they were, like, un-functional [sic] and nobody know what the other person doing and everybody, oh, like, what I can say it, but I don’t want to be hardy, I, I wasn’t happy.

MR ANDRONOS: You knew that wasn’t Mr Montague’s view, didn’t you? You knew that Mr Montague thought very highly of his senior staff. ---Look, it’s my view, sir. I didn’t talk about anybody’s view.

40 I’m not talking about what you talked about. I’m saying at the time - - -?
---Yeah.

- - - back in March, 2016, you knew that Jim Montague thought very highly of his senior staff.---They always Mr Montague, he speak very highly about his staff. He, they, they, they always used to say to me is like a family to me, because he’s been there for 32 years. And that’s what he always said.

Now, you recall you attended a meeting at about this time, a few days later, at Bechara Khouri's house, with Mr Stewart, Mr Asfour, Mr Hawatt, and Mr Montague.---Yes.

You recall that, you recall attending that meeting?---Yes, yes.

And at that meeting, amalgamation was discussed again, wasn't it?---Yes.

10 Now, was this the meeting that you thought Mr Asfour was talking about - -
-?---Yeah.

- - - in your conversation with him?---Well, look, I, I, I, I don't know, if it's this, this conversation happened after the meeting, because Mr Hawatt was attending this meeting.

Yes, no, I'm saying, you had a conversation with Mr Hawatt on the Saturday?---Yeah.

20 And you told him about meetings you had with Mr Stewart on the Thursday before, and another meeting with Mr Asfour sometime before – you reported all this to Mr Hawatt on the phone.---Yeah, must be before that meeting when we met at the Mr Khouri.

Exactly. And then about a week later, the Canterbury people and the Bankstown people met at Mr Khouri's house.---Yes.

Does that sound right to you?---Yes.

30 And that meeting at Mr Khouri's house was the meeting that Mr Asfour had suggested to you, wasn't it?---Yes.

Now, that was another discussion about who would be the senior staff in the amalgamated council, wasn't it?---Is part of the meeting, yeah.

I'm sorry, just a moment, Mr, I'll just be a moment, Mr Azzi. Now, at that meeting - - -?---Madam Chair, I need two minutes break.

Oh.

40 THE COMMISSIONER: You need a break?---Please.

All right.

MR ANDRONOS: I might be another five to ten minutes maximum, Commissioner.

THE COMMISSIONER: All right.---Yeah, I have to (not transcribable)

We'll adjourn for five minutes.

SHORT ADJOURNMENT

[3.25pm]

MR ANDRONOS: Mr Azzi, I just started asking you about the meeting with the Bankstown people at Mr Khouri's house.---Yeah.

10 In about March 2016. You didn't change your view about who was a good employee and who was not a good employee between your cocktail meeting with Mr Stewart and the meeting at Mr Khouri's house a week later, did you? You still thought the same thing, that Mr Stavis was good and all the other senior people at Canterbury were hopeless. Is that right?---No, we, I, we didn't discuss specification about the staff.

I'm not asking that. I'm asking you still had the same view about the staff on the last Wednesday in March that you had the previous week, didn't you?---It's my personal view.

20

Your personal view.---Yes.

Yes. So if Mr Stewart at that meeting heard someone say something like the amalgamated council would need to get rid of all the senior staff except for Spiro Stavis, that would fit in with your views as to what should happen, wouldn't it?---If it, can you repeat the question, please?

30 If somebody said the amalgamated council would need to get rid of all the senior staff except for Spiro Stavis, you would have agreed with that, wouldn't you?---If it's being said?

If someone had said that, that would be what you thought, wouldn't it?
---Well, I can't, it's, my personal view is different. I won't, I won't - - -

No, I'm just asking about - - -?---I won't accept it. Maybe I'll be happy, maybe.

You would be happy with that?---If, by myself, yes.

40 I'm just asking about your personal view.---Yes, yeah.

And you knew that was not Mr Montague's personal view, didn't you?
---No. Not anybody's view.

You think Mr Montague disagreed with that view?---Yes.

Yes. So if Mr Stewart heard someone say that at that meeting, it's likely he heard it from you and not from Mr Montague, isn't it?---Yeah, but I didn't say it.

You didn't hear Mr Montague say it either, did you?---I can't recall or remember Mr Montague said that.

Right, right. Now, do you recall whether Mr Montague said he wanted his people looked after?---Yes.

10

And you recall that – sorry, I'll withdraw that. His only personal staff at that time was whoever was his executive assistant at the time, wasn't it?---I don't understand what you mean. Only - - -

Well, the only person who worked directly and personally for him was his executive assistant, his secretary, his PA.---All, all, all the staff work for him.

20

Yes, but he didn't have a driver, he didn't have a butler, he didn't have a cook. He only had a secretary.---Oh, no, no, no. No (not transcribable) no, no.

Yes.---Yeah, only his PA.

His PA, yes. And he only had one PA at a time, right?---Yes, he got one or two, yeah, one, one for him.

30

One. And so if he's talking about looking after his people, he must have meant someone other than his PA, wouldn't he?---Yeah, it could be.

So if he said something along the lines of "I want to look after, I want the, I want," sorry, I withdraw that, "I want my people looked after," he is talking about Canterbury Council employees generally, isn't he?---That's why I remember we did raise it at the meeting.

Yes.---Both, all of us, both of us.

Yes. Yes.---Canterbury side.

40

Yes. Thank you, Mr Azzi. I have no more questions, Commissioner.

THE COMMISSIONER: Thank you. Mr O'Gorman-Hughes.

MR O'GORMAN-HUGHES: No questions, Commissioner.

THE COMMISSIONER: Mr Drewett.

MR DREWETT: No, Commissioner.

THE COMMISSIONER: Mr Pararajasingham.

MR PARARAJASINGHAM: Thank you, Commissioner. Mr Azzi, can you hear me all right?---Yes.

I appear for Mr Stavis. Do you understand that?---Yes.

10 I just have a few short topics to ask you about. Can I first just take you to something you said earlier in these proceedings at transcript page 5739, and this was in the context of a discussion you had with Mr Occhiuzzi about a site at 443-457 Canterbury Road. So, you can hear me all right?---Yeah, I can hear you, yeah, yeah.

You're just looking at me like you can't.---Yeah, yeah, go ahead.

20 And you gave this evidence, this is at transcript page 5739 from about line 46 onwards, "It's, it's, like, it's my suggestion to Mr Occhiuzzi to go for, it's my entitle as a councillor to provide, it's my vision and it's everybody has his own opinion. Like, that's what I said. I don't want a 20 metre with all the block to be, like, a bulky on Canterbury Road. It's my," going over to the next page, "vision and if we can have better design, it's you have to agree and disagree and have, like, that sort of conversation." I'll ask you about that in one moment. Just taking a step back, Mr Azzi, what was it that motivated you to become a councillor?---To become a councillor?

Yes. Why did you become a councillor?---First thing just to, to drive things better for the community and for Canterbury, for my council.

30 And once you were a councillor, you understood that part of your job was to see Canterbury grow, correct?---Correct.

For example, by the creation of affordable housing, for example?---Yes.

The provision of amenities, for example?---Yeah.

And you certainly were of the view that Canterbury Council had fallen behind other councils?---Correct.

40 And you were aware that Canterbury had received unfavourable reports in the press, for example?---Yeah, about, yeah, about, complaining about delays in processing.

And it is the case that you had a vision for development for Canterbury, correct?---Yeah.

And in a nutshell, what was that vision?---Just, I like Canterbury to be one of the good cities because we need employment, we need, we need good

parks, we need lifestyle, there's no café in Canterbury, you have to go to club to have a café. That's, well, that's one part of this.

And you understood that as a councillor, as someone elected by the ratepayers, you were entitled to give voice to that vision?---Correct.

And can I suggest that the ways you expressed your vision included the way you voted when matters came before you at council meetings?---Yeah.

10 Specifically the way you voted on certain resolutions to amend planning proposals, for example?---Yes.

The way you voted to approve certain DAs is another example?---Yes.

And you also expressed your vision directly, from time to time, to council staff, correct?---Yeah, that's the only, that's the only way to get information.

20 And coming back to the transcript that I just read out to you, that's what you were doing on this occasion, wasn't it? You were expressing your vision to Mr Occhiuzzi?---Yes.

And just going back to line, I think about 47. You say, "It's my entitle as a councillor to provide, it's my vision." You see that?---Yes.

And just to kind of tie it all up here, you saw it as a legitimate function of being a councillor to express your vision for Canterbury Council to the director of city planning?---Yes.

30 That can be taken down. Can I now just take you to volume 5, page 170 of the material. So just to assist you, we're looking at some of the KPIs that appeared in Mr Stavis's contract of employment. Do you understand?
---Yes.

40 And can I just direct your attention to what appears at the bottom of that page where it reads this in the middle column, "Respond to mayoral and councillor enquiries in an appropriate and timely manner." And then if we go over to the third column it reads, "Nil substantiated and validated complaints from the mayor or councillors regarding the director's professional conduct," and then beneath that it reads, "All mayoral, general manager and councillor inquiries are appropriately responded to within five working days." Do you see that?---Yes.

My question is this, did you have any input into the creation of that particular KPI?---No.

Did anyone talk to you about this particular KPI?---No, I haven't seen it. I, I'm, I'm aware of it. I haven't, can't recall being involved in it or discuss it.

But you were aware of it at around the time that certainly Mr Stavis started his employment?---Believe me, I have no idea I've seen this before.

You said a moment ago that you were aware of it.---Yeah, aware about, we can talk to the, like, I heard about that KPIs exist and reference to director, we have the right to speak, but I have no idea about the time being set up. I haven't seen the timing and the condition.

10 Sure. So is your position this, that you were generally aware of the substance of this KPI?---Yeah, yeah, we can talk and speak and discuss.

And you understood that part of the job of the director of city planning was to service the councillors, correct?---That's what I, yeah, to answer the requirement.

And certainly whilst Mr Stavis was the director of city planning and you were a councillor, you were operating on the understanding that the DCP was required to service the councillors, correct?---DCP?

20 Sorry the director of city planning.---Oh, the director of – not, not required to service us. The director of city planning, what, he must answer requests from councillors. That's what I - - -

Sure. Thank you. That can be taken down. And, Mr Azzi, are you aware that in this inquiry we've heard evidence from a Mr Andy Sammut?---Yes.

Yes. And he was the director of corporate services at Canterbury City Council.---Yes.

30 And just accept from me or assume that Mr Sammut gave evidence to the effect that Mr Montague told the directors at a meeting something along the lines of, "Whatever they," meaning councillors, "want, get it for them or give it to them." Something along those lines. Just accept that from me. ---Yeah, yeah.

I'm going to ask you something about that shortly. Throughout your tenure as councillor, and whilst Mr Stavis was the director of city planning, there was no occasion when Mr Montague criticised you for the way you were interacting with Mr Stavis, was there?---No.

40 There was never any dispute or any disagreement between you and Mr Montague about the way you treated Mr Stavis, correct?---No. No.

But you agree with what I'm saying?---Yes, yes.

Mr Montague never intervened in any exchange or any interaction that you had with Mr Stavis, correct?---Between me and Mr Stavis?

Yes.---No, had no interaction, no.

And you understand that Counsel Assisting has on occasion questioned you about the way you interacted with Stavis, with Mr Stavis, right?---Yes.

It's the case that nobody at council, and certainly not Jim Montague, ever pulled you up for the way you were conducting yourself with Mr Stavis, correct?---Mmm, no, no complaint been raised by Mr Stavis against me.

10 But - - -?---Mr Jim, no, no.

So - - -?---Never happened.

I'll just – so just that we're clear, nobody at council, and certainly Jim Montague, ever pulled you up for the way you were dealing with Mr Stavis.---No.

20 And so just coming back to the evidence that Mr Sammut gave to this inquiry, that I read out to you a couple of minutes ago, does that evidence, does what Mr Sammut say, does that come to you as a surprise, that on his account Mr Montague told the directors words to the effect, whatever they, the councillors want, get it for them or give it to them? Does that come to you as a surprise that Mr Sammut would say that?---No.

Mr Azzi, I'm going to suggest to you the, what was in fact the true nature of your relationship with Mr Stavis whilst he was the director of city planning. Understand?---(No Audible Reply)

30 It is the case that you took advantage of a power imbalance in your relationship with Mr Stavis, didn't you?---I don't understand your question.

Well, you were a councillor, correct?---(No Audible Reply)

Mr Stavis was a newly minted director of city planning, correct?---Yeah.

And can I suggest that you used that difference in your status to get Mr Stavis to do things that you wanted done?---Mmm, no.

40 To pursue your agenda, whatever that was?---No.

You exercised control over Mr Stavis whilst he was the director of city planning, didn't you?---Mmm, can you repeat this question, please?

Certainly. You exercised control over Mr Stavis whilst he was the director of city planning.---No, sir.

In the course of his employment, you've threatened to terminate Mr Stavis's employment at the council, didn't you?---No.

Really?---No.

10 Just one moment. Do you recall a conversation with Mr Stavis concerning the property at 212 Canterbury Road, where you called Mr Stavis on the phone very late at night, and you said something to the effect of, “You better pull your finger out, find a solution. I don’t want to see you end up like the other director.” Did you say that?---No, I said to Mr Stavis, to do his job, and find a solution. But I never, and he knew, Mr Stavis, I never threatened him.

Say that last bit?---I never, never threatened Mr Stavis. I said, “Do your job, and don’t worry.”

So - - -?---That’s what I said to him.

20 So your evidence, on oath, is that you never words to the effect of, “I don’t want to see you end up like the other director”?---I never threatened Mr Stavis, no.

I need you just to focus your mind on the question that I’m asking you. I’m going to – I’ll try it again. Did you ever say words to the effect of, “I don’t want to see you end up like the other director”?---I don’t remember I said that to Mr Stavis.

Oh, so now you don’t remember that you said it?---I, I don’t remember I say it.

30 So that means that you might have said it.---No. I, I, I won’t say, because it comes to surprise to me.

THE COMMISSIONER: It comes what?

MR PARARAJASINGHAM: It comes what, sorry?---To surprise that’s I’m threaten Mr Stavis.

THE COMMISSIONER: Oh, a surprise. Sorry, it come - - -?---I never threaten - - -

40 Hold on. It comes, you’re now saying it comes as a surprise to you?---To hear, like - - -

To hear that.--- - - - I threaten Mr Stavis, yeah.

All right.

MR PARARAJASINGHAM: But that doesn’t mean you didn’t say it though, does it?---Pardon?

That doesn't mean you didn't say it.---No, I don't remember I say it and I won't say it.

You said two things there. You said you don't remember you said it and then you said you won't say it.---No, I never threaten Mr Stavis.

But did you say words to the effect of what I just read out to you 25 seconds ago?---No, I didn't say it.

10

So now you're saying no.---No, I didn't, I don't remember I say it. I didn't say it, I didn't say it.

You, from time to time, mocked and belittled Mr Stavis in his absence, didn't you?---What do you mean?

You mocked him in his absence. Like, when he wasn't around, you said nasty things about him, didn't you?---I don't know if I say anything but I won't say this.

20

THE COMMISSIONER: You called him a donkey, didn't you?---Oh, I, no, I called him - - -

I'm sorry, I've jumped in.

MR PARARAJASINGHAM: No, no. By all means, Commissioner. You called him a donkey, didn't you?---Yeah, I did.

30

You did.---But not mean the donkey, the donkey because he did something, he was, I was protecting him.

Oh, you called him a donkey because you were protecting him?---No, I called him a donkey, yeah.

That's not a nice thing to say, is it?---Well, I did say it.

Okay, but you were insulting him?---No, I mean donkey, he (not transcribable) as a donkey, but when I say it in Arabic, when you say this (not transcribable) you do, you do something without thinking.

40

What's the word that you used?---I used name the, I don't remember, was the - - -

No, you just said it.---(not transcribable)

Right, and what's the translation for that word?---It's you do something, you don't think what you been doing.

So like a stupid person? Is that a fair translation?---I, I said what he did act on that things, he is not stupid, he is not a donkey, but when you act on something, you act on one issue, but generally he's not a donkey.

You see, Mr Azzi, can I suggest that that exchange in Exhibit 253 – you've just heard it so there's no need to play it again – can I suggest that gives us a very good insight into how you truly regarded the man?---No, not generally.

10 It's the case that you had no regard for Mr Stavis, did you?---Me? I always respect Mr Stavis.

You're the only person that I'm asking questions of. What was your answer to that?---I have no regard to - - -

You had no regard.---Can you repeat the question, please?

Certainly. You had no regard for Mr Stavis, did you?---No.

20 Because we heard you, you and your buddy Hawatt cackling away. Stavis wasn't part of any team, was he?---I don't understand what you're talking about.

I'll come back to that. It's also the case that you directed Mr Stavis to act in a manner that you knew was contrary to Mr Stavis's own professional judgement.---No, I never put pressure on him.

30 Well, can we just get up Exhibit 216, please, but it doesn't need to be played. And if we just go to page 4 of that exhibit. Now, sir, this was in the context of a conversation between you and Mr Hawatt and you're recounting an interaction that you had with Mr Stavis and this concerns the car wash site. And you say this at page 4, the second entry. Azzi, "If they don't want, if he doesn't get back to me, I want to refuse it. I said to him, Spiro, wait, hang on. Don't go anything until we get back to you. He said to me, all right." In that exchange, Mr Stavis indicated to you that he wanted to take a specific course of action, didn't he?---If you can read the question what he's forwarded, it says if he doesn't get back to me, he's asking me - - -

40 I'm going to interrupt you there. You've just got to answer my questions and then we'll be done here. Just focus your mind on what I'm asking, your mind on what I'm asking you. Mr Stavis indicated to you that he was minded to take some particular course of action, correct?---Yes.

And what you did is you advised him to take some other course of action, correct?---No. He is asking for it.

Sorry?---He asked the question. He want the guy to get, get back to him. I said all right, wait to send him the message.

That's right. Because Mr Stavis wanted to do something. He wanted to refuse the application.---All right, yeah, but he's asking me to, he wants the guy to get back to him. He's asking me, "I want the guy to get back to me."

Right.---I said, wait, I'll send a message to him and he will get back to you.

Right.---And do whatever you want to want, what he do.

10 But you were telling him how to do his job.---No.

You don't see how that exchange is a clear example of you telling Mr Stavis to hang on, that is stop and wait till I get back to you? You don't see how that's interfering with his job?---Excuse me. Mr Stavis asking this question. He want the guy to get back to him.

Can I get an answer to my question, please? Do you see how this is an example of you interfering with his job? Yes or no?---No, I'm not interfering with his job.

20

And can I suggest that this was, this is one example of a recurring pattern in your dealings with Mr Stavis? Do you agree or disagree with that?---No, I, we agree I will have discussion all the time with Mr Stavis on and off.

I take it from that answer that you disagree with what I'm suggesting to you.---Yes.

30

Now, just finally, you gave some evidence early in the inquiry about a meeting that occurred at a café in Marrickville the day before the panel interviews.---Yeah.

Do you remember you were asked those questions?---Yes.

And that was a meeting that occurred on 16 November, 2014. Just accept that from me. You were asked a number of questions about what occurred at this meeting. I'm not going to – it was covered thoroughly, with respect, but can I just raise this matter or bring this matter to your attention, are you aware that as at November 2014, Mr Stavis was living in Roselands? Are you aware of that fact?---I know Mr Stavis live in Roselands, yeah.

40

So on your account of what occurred at this café on 16 November, 2014, without any preplanning to your knowledge, Mr Stavis has driven from Roselands to Marrickville, some 20 minutes, I'd suggest, before 6.00pm and, of all the cafes in Marrickville, he walked into yours. Now - - -

MR MOSES: That sounds like a movie.

MR PARARAJASINGHAM: That's a reference to Casablanca, Mr Azzi and Mr Moses. Mr Azzi, do you see how your account is absurd? I mean, you must see that, that the account you gave of the circumstances around and what occurred at this café meeting is sheer nonsense. You see that, don't you?---(No Audible Reply)

You're shaking your head.---I don't agree with you, no.

10 So you're sticking with that, with the account that you've given us about that meeting?---Yes.

Okay. You're just not prepared to tell us the truth about that - - -?---I already said, tell, told the truth.

THE COMMISSIONER: This is the meeting where you and Mr Hawatt are sitting outside having a coffee because you wanted to look at some new building.---Yeah. Yeah, that's part of it.

20 And, sorry, just out of the blue Mr Stavis walked up to you.---Look - - -

No, that's the meeting.---That's the meeting. It happened there. I have no idea, Madam Commissioner, how the circumstances happened, but it's happened there.

And your evidence was that you had no idea how Mr Stavis got there?---No, me personally I have no idea.

30 So does that suggest it might have been Mr Hawatt who could have organised it?---Somebody did, but I - - -

Somebody organised it but you don't know who organised it?---No, I do not ma'am.

MR PARARAJASINGHAM: Well, if I can just pick up on that, that's not what you told the Commission earlier, Mr Azzi, when you were giving evidence about this meeting. I stand to be corrected, but the effect of your evidence was that this was pure coincidence.

40 MR PULLINGER: I object. If he's going to be challenged on what he's said previously, then it should be put precisely and accurately.

MR PARARAJASINGHAM: Well, I'm suggesting, Mr Azzi, that on the account you gave in answer to questions from Counsel Assisting, this was a coincidental meeting between yourself, Hawatt and Mr Stavis.---I was talking about myself. I was, I wasn't aware about this meeting. It was like surprise to me. Talking about myself, not anybody else.

So you're saying it was a surprise to you that Mr Stavis came up to the table that you and Mr Hawatt were at?---Yes.

Right. And your evidence on the earlier occasion was that Mr Hawatt didn't tell you, didn't give you any notice that Mr Stavis was going to attend, did he?---I don't remember, no, I heard anything from him. I can't remember what happened at that time.

10 So on your account, this was just pure coincidence that the day before the panel interview Mr Stavis approached you or you had a meeting or an interaction with Mr Stavis, correct?---I don't understand what you're meaning, what, can you repeat the question, please?

I can. Your evidence is that you had no idea that there was a meeting arranged, correct?---I had no clue, yeah.

20 Yes. So on your account it was a pure coincidence that Mr Stavis approached you and Mr Hawatt the day before the panel interviews?---I don't know.

Do you not know because you're plainly lying about this episode?---No, I'm not lying.

Just finally, Mr Azzi, can I suggest that to the extent that there was any circle of influence at Canterbury Council, Mr Stavis was no part of that, do you agree with that?---I don't understand your question. What do you mean?

30 Okay, I'll go at it another way. Mr Stavis wasn't part of any circle of influence at Canterbury Council, was he?---I don't understand the question, what you, what you're after.

THE COMMISSIONER: Do you understand what circle of influence means?---I understand influence, but influence on who?

MR PARARAJASINGHAM: On the decision-making.---He's the director of city planning.

40 I understand that.---Yeah, well - - -

But can I suggest that the people making the decisions were yourself and Mr Hawatt and, from time to time, Mr Montague? Do you agree or disagree with that?---I don't understand what you, what the question.

You understand full well what I'm asking, don't you, Mr Azzi?---I don't understand what you're asking.

Can I suggest that Mr Stavis was at no point part of your scheming little team?---Mr Stavis is part of the council.

Precisely. Those are my questions, Commissioner.

THE COMMISSIONER: Thank you. Mr Pullinger.

MR PULLINGER: I need time, thank you, Commissioner,

10 THE COMMISSIONER: All right.

MR PULLINGER: I think even Counsel Assisting suggested I could have half an hour.

THE COMMISSIONER: All right, then. What we'll do, Mr Buchanan, first thing I am minded to - - -

MR BUCHANAN: Reconvene at 4.35 and we'll have any questions, Mr Pullinger has.

20

THE COMMISSIONER: What I was minded to do was adjourn but resume at 9.30 on Monday morning and as soon as – sorry, you may have some re-examination.

MR BUCHANAN: I may.

THE COMMISSIONER: And then we'll progress Mr Hawatt's evidence. Mr Drewett, so Mr Hawatt will be here on Monday morning?

30 MR DREWETT: Commissioner, as the Commission was forewarned, my client went in for some exploratory surgery or testings rather this afternoon in relation to a heart condition. I understand those testings are ongoing as we speak. As information is being drip-fed to my instructing solicitor, that's been immediately passed on to Counsel Assisting. Just before you came on the bench at 2 o'clock, there was some second/third-hand hearsay type of information being filtered through that may not, of its own, be that useful but it has been communicated to Counsel Assisting. My instructing solicitor has undertaken to keep the Commission staff and Counsel
40 Assisting, through his instructing solicitor, appraised as to any movement in relation to that. He is aware of his obligation to be here on Monday morning and I fully hope and expect that he will be but there are things that are going on that are simply outside of my ken and I just don't know at this stage whether or not he will have a clearance from his cardiologist as to whether to not he will be able to attend on Monday. As I say I hope he is and I hope he will be but I simply don't know.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Well, I have, Commissioner, asked Mr Drewett whether the Commission could be provided as soon as possible with a detailed report by any medical practitioner to support any application that might be contemplated, and that we would appreciate receiving it as soon as it could become available – that is to say, tonight, or as soon as it could become available on the weekend. We would like not to be provided with any – we would like there to not be an application supported by material that we haven't seen before at 9.30 on Monday.

10 THE COMMISSIONER: No, definitely. And, Mr Drewett, I'll just echo what Mr Buchanan said, and this is – my expectation is there'll be no such application. The notification that we received concerning Mr Hawatt's availability today was described, as you put it, "a test", and I didn't think there was any ongoing issue. So my expectation is Mr Hawatt will be here Monday morning, but can I just echo what Mr Buchanan said – if something different arises, a very detailed medical report would have to be provided.

MR DREWETT: Commissioner, my instructing solicitor Dr Accoto has communicated just that to the cardiologist after my discussions with
20 Counsel Assisting at 2 o'clock. The cardiologist is on notice that it would need to be a detailed report, prognosis, diagnosis, and we have also communicated to Counsel Assisting and the Commission staff that we have an authorisation for the Commission staff themselves to communicate directly with my client's cardiologist, the name and phone number of which they have. Now, absolutely, as soon as we hear something, if we hear something, the Commission will be advised very soon after that. I too am hopeful that this matter will progress in the way that we all in this room would want it to progress, at 9.30 on Monday morning. But I have to say, Commissioner, I just don't know what will be outcoming and forthcoming
30 either this afternoon, this evening, or sometime on the weekend. I just don't know.

THE COMMISSIONER: We'll adjourn until 9.30 Monday morning.

THE WITNESS STOOD DOWN [4.08pm]

40 **AT 4.08PM THE MATTER WAS ADJOURNED ACCORDINGLY** [4.08pm]