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08/04/2019

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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 8 APRIL, 2019

AT 9.30AM

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

THE COMMISSIONER: Mr Drewett, we're having difficulty hearing you.

MR DREWETT: I'm sorry, can you hear me now, Commissioner?

THE COMMISSIONER: Yes, that's good.

MR DREWETT: Just before Mr Azzi recommences his evidence, I'd like to bring the court up to date with a medical situation in relation to my client, Mr Hawatt, who is the next witness to give evidence in relation to the
10 matter.

THE COMMISSIONER: No, I'm going to stop you there, Mr Drewett. We're going to deal with Mr Hawatt when we finish Mr Azzi's evidence.

MR DREWETT: Well - - -

THE COMMISSIONER: Do you see any difficulty with that?

MR DREWETT: I see a potential difficulty in that, insofar as to a
20 layperson's eyes, that being through the eyes of this counsel this morning, Mr Hawatt is here, he's in a conference room. My instructing solicitor is sitting with him and feels so alarmed that he feels that Mr Hawatt cannot be left alone in that conference room.

THE COMMISSIONER: Right.

MR DREWETT: Such is our concerns for his health as it sits at the moment, I would ask the court to deal with my application first this morning because if the application is ultimately successful, and the application is, is
30 that the matter be adjourned either till tomorrow or Wednesday to allow my client to recuperate from heart surgery that he had some 60 hours ago or so.

THE COMMISSIONER: All right. Mr Drewett, could you just take a seat for the moment.

MR DREWETT: Thank you.

THE COMMISSIONER: Could we just close the door. Thank you very much for that. Now, excuse me for a moment. Mr Azzi, we're up to Mr
40 Pullinger, you're going to ask some questions of - - -

MR BUCHANAN: Do we need to turn off the streaming feed to the public area?

THE COMMISSIONER: Yes, thank you, Mr Buchanan. Now, Mr Pullinger, we're up to you asking questions of Mr Azzi.

MR PULLINGER: Yes, we are.

THE COMMISSIONER: And how long did you anticipate you will be?

MR PULLINGER: 10 seconds. I have no questions.

THE COMMISSIONER: 10 seconds. Right. I'll just make an inquiry of Mr Buchanan.

10 MR BUCHANAN: I had one, two, three, four questions, related questions.

THE COMMISSIONER: Right. Mr Drewett, in those circumstances I take on board your comments that Mr Hawatt is outside with your solicitor, but given I think we're looking at a very short period of time - - -

MR DREWETT: I understand, Commissioner, yes.

THE COMMISSIONER: - - - I would like to finish Mr Azzi so we can then concentrate on Mr Hawatt's application.

20 MR DREWETT: Thank you.

THE COMMISSIONER: All right. Mr Pullinger. Oh, I'm sorry.

MR PULLINGER: I've done my bit, thank you, Commissioner.

THE COMMISSIONER: Right. Mr Pullinger.

MR PULLINGER: Commissioner, just to confirm, I have no questions in re-examination of Mr Azzi.

THE COMMISSIONER: Thank you very much. Mr Buchanan.

10

MR BUCHANAN: Thank you, Commissioner. Can I ask some questions of Mr Azzi arising from cross-examination of Mr Azzi by Mr Pararajasingham, page 6336. Mr Azzi, we've established that you, during the time that you were a councillor and after Mr Stavis commenced work at council in March 2015, were having private meetings with Mr Stavis, weren't you?---I can't understand, private meeting?

20

Yes. Meetings where there was no one else present except either you and a developer or Mr Hawatt or no one else?---Yeah, well, I can't remember. I had one meeting it's happened on my place or what, what, maybe one or two that's all.

And did you tell Mr Montague that you were having private meetings with Mr Stavis?---It's always Mr Montague aware of what was going on.

How was he, Mr Montague, aware of the fact that you were having private meetings with Mr Stavis?---Oh, when it involved any, with any developer, I always, like, let him aware. I tell him, he know.

30

You tell Mr - - -?---Montague.

So in every case that you had a private meeting with Mr Stavis, you told Mr Montague beforehand, did you, that you were having such a meeting?---I can't remember because what I can remember, Mr Buchanan, I had one official meeting discuss it, one issue and Mr Montague was aware of what we, I was talking about.

40

Is it possible that you in fact did not tell Mr Montague that you were having, from time to time, private meetings with Mr Stavis?---I, the one I had, I can remember, Mr Montague was aware of it.

Did you tell Mr Montague that you were telling Mr Stavis what to do in his assessment of any development application?---Can you repeat that question, please?

Yes, sure. You were telling Mr Stavis what to do in his assessment of a development application, weren't you?---No, sir.

Did you tell Mr Montague that you were telling Mr Stavis what to do in his assessment of a development application?

MR PULLINGER: I object to that question. He's already denied that he told him what to do.

MR BUCHANAN: The two are not necessarily related. I do press the question.

10 THE COMMISSIONER: No, I'll allow it.

MR BUCHANAN: Did you tell Mr Montague that you were telling Mr Stavis what to do in his assessment of a development application?---I never told Mr Spiro Stavis or Mr Montague the way they have to perform their duty.

Now, just to cover it off, as you understand it, did Mr Montague know, apart from what you told him, of your private dealings with Mr Stavis in relation to development applications?---I don't understand the question, Mr
20 Buchanan.

You were having private dealings with Mr Stavis in relation to development applications, weren't you?---No, private dealings, sir.

That's my examination of the witness, may it please the Commission, for my part, Mr Azzi can be excused.

THE COMMISSIONER: All right. Mr Azzi, thank you for coming to give evidence. You are excused.---It's a pleasure. Thank you, ma'am. Can I
30 walk now?

Yes.

THE WITNESS EXCUSED

[9.49am]

THE COMMISSIONER: All right. Now, we need to have some shifting of positions. Do I need to go off the bench or can that be done rather
40 seamlessly?

MR DREWETT: No, I can come straight down, Commissioner.

MR PULLINGER: I'll go back to my rightful place.

THE COMMISSIONER: Thanks, Mr Pullinger. How's your jury? Still out or is - - -

MR PULLINGER: No. They haven't gone out yet.

THE COMMISSIONER: Judge Weinstein's - - -

MR PULLINGER: No, he hasn't even commenced summing up yet.

THE COMMISSIONER: Oh, right. There were a couple of other accused?

10 MR PULLINGER: There was a couple of other co-accused.

THE COMMISSIONER: All right.

MR PULLINGER: Thank you, Commissioner. Yes. I think the third of the co-accused counsel may be addressing today.

THE COMMISSIONER: All right. And you must have been one of the first trials before Judge Weinstein?

20 MR PULLINGER: He made mention of training wheels at one stage.

THE COMMISSIONER: Oh, did he?

MR BUCHANAN: Commissioner, Mr Drewett has foreshadowed an application, he has indicated the grounds of the application. Can I respectfully myself make a preliminary application that Mr Drewett's application be entertained and determined in private, pursuant to section 31(9) of the Commission's Act?

30 THE COMMISSIONER: That allows me to hold part of an inquiry in private if I consider it to be in the public interest.

MR BUCHANAN: And in my submission it would be in the public interest to do so having regard to the, if I might refer to it, private nature of the grounds that are relied upon, they're personal to Mr Hawatt and it would not be appropriate to air them in public. In addition however, in my respectful submission, it would be preferable that the application be made and entertained and determined in the absence of Mr Hawatt.

40 THE COMMISSIONER: Right. The first thing I should ask Mr Drewett, I understand the basis for Mr Buchanan's application, but I think to assist everybody, without going into the details of why or the grounds of the basis, maybe could you just state to me what your application is this morning.

MR DREWETT: My application is, is that the matter be adjourned until Wednesday of this week to, in the anticipation that my client will be fit and able to give evidence at 9.30 on Wednesday morning. Can I just say something about the application of my friend as well?

THE COMMISSIONER: Yes.

MR DREWETT: I would support my friend's application in relation for a private hearing on this matter, but I would ask for perhaps some further explanation or details in terms of why the application should be heard in the absence of Mr Hawatt, who, at the end of the day, is a key player I would have thought, more or less.

10 MR BUCHANAN: I withdraw the second ground of my application for the 31(9) order. That is to say I concede that Mr Hawatt should be present during the making of the application.

THE COMMISSIONER: And, Mr Buchanan, can I just clarify, when you say a private hearing, that obviously means that the streaming outside would be stopped, members of the public in the gallery would have to leave, what about other counsel solicitors?

20 MR BUCHANAN: In my submission the legal representatives who have leave to appear can remain during a private hearing in the circumstances of this case.

THE COMMISSIONER: All right. Now, so everybody else, can we deal first with Mr Buchanan's application. As you've heard described it would be a private hearing. If you have been granted leave as counsel of solicitor you can remain, otherwise any other, putting to one side Mr Hawatt, any other affected persons or members of the public who are in attendance, you will have to leave. Does anybody want to be here against the application? All right. Well, I am minded to grant the application pursuant to section 30 31(9) that this part of the public inquiry dealing with an application by Mr Drewett that the public inquiry should be adjourned until Wednesday of this week, and I assume also, Mr Drewett, that the summons that has been addressed to Mr Hawatt be stood over until that Wednesday as well?

MR DREWETT: Yes, sorry, Commissioner.

40 THE COMMISSIONER: Will be heard in private and private means that the live feed to outside will be stopped, members of the public will have to leave, but the legal representatives who have been given leave to attend may remain.

AT 9.55AM THE MATTER WAS ADJOURNED ACCORDINGLY
[9.55am]