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10/04/2019

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INDEPENDENT COMMISSION AGAINST CORRUPTION

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PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 10 APRIL, 2019

AT 2.00PM

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

MR BUCHANAN: Mr Hawatt, can I ask you to have a look, please, at part of the minutes of the meeting of council held on 31 October, 2013 at page 131. And if you could just go to where it says Officers' Reports. Do you see there that the first agenda item was amendments to the Canterbury Development Control Plan and you move, Mr Azzi seconded that the matter be deferred?---Yep.

10

Then there was an adjournment, and the adjournment occurred before the second item on the agenda, the draft Canterbury Residential Development Strategy. Do you see that?---Yep.

The meeting was adjourned on your motion, seconded Mr Azzi.---Yep.

Why did you want the meeting to be adjourned?---I think the council wanted to discuss the amendments and we had a meeting, I think it's in the mayor's office or in the general manager's office with all the councillors to discuss the changes.

20

Whose changes?---The amendment changes.

Sorry, the?---The changes, the amendment.

Yes. Whose changes, Mr Occhiuzzi's or yours?---Well, the one that was going up to council.

Well, they both went to council. Didn't you want the councillors to be briefed on the changes you wanted made to the recommended changes in the officers' report?---The councillors wanted to understand what the changes were entailed.

30

Whose changes, your changes?---The amendment changes. They're not mine, they're the council's, council changes.

Well - - -?---I didn't, I, they're not all mine. I mean you say mine, I moved them, yes, but they're not my changes. I didn't make those changes, it's all supported by, by the council.

40

And what happened during the adjournment?---We went through each, each amendment and discussed it and we made a decision, the whole council made a decision what we're going to do.

So obviously somebody had a list of changes to the recommendations in the officers' report?---Yes, I think the mayor had it.

You had that list?---I might have had the list, yeah.

You created one.---I might have created, yeah. So?

And you wanted, did you, to brief the councillors about those changes?  
---Well, the mayor wanted to do it, yeah.

It doesn't say that the mayor moved the motion.---The mayor cannot move a motion, we have to move the motion on behalf of the mayor.

10 Are you saying that's what happened here, that you wouldn't have done this except that Mr Robson asked you to do it?---I think Mr Robson wanted to have, and we had a meeting with the GM, Mr Robson and all the councillors, yes.

Then when the meeting resumed, the officers' recommendation was moved, Councillors Kebbe, seconded Azzi. Do you see that at the bottom of page 131 going over to page 132?---Yeah.

20 And can you see there that there, on pages 131-132 there is no reference to 998 Canterbury Road, Punchbowl?---Which is - - -

Start again, my mistake. I apologise, Mr Hawatt, I'm misleading you. 1499 Canterbury Road, also known as 998 Punchbowl Road, Punchbowl.---Oh, yes, the petrol station, yeah.

There's no reference to it in the recommendation. Do you see that?---I, I don't think so.

30 Well, take it from me, there is none.---Yeah.

Understand?---So what - - -

And then if I can take you to page 134, one of the changes you wanted made was to insert a reference to that property, that's the amendment that's second from the bottom on page 134. Do you see that?---Yeah.

How did it come to be that you moved that motion for amendment?---I don't ever recall, not unless I was asked by the council, I just can't recall that one.

40 It's a property of Mr Demian's.---Yeah.

Yes. Does that ring a bell?---Correct, but I didn't know him then.

Yes. And you knew at the time it was a property of Mr Demian's?---No.

You didn't?---No. I didn't know him.

You didn't know Mr Demian?---I didn't know Mr Demian at that time.

And so where did the information that is in that motion that you moved come from?---Well, somebody must have gave it to me in council.

He must have given it to you?---No, I didn't know him. Someone in council might have gave it to me during the discussion we had.

When you say in council are you talking about - - -?---One of the councillors.

10

- - - a councillor or a staff member?---Could be the mayor, I don't know, or it could be anyone. I just can't remember who, who gave it to me.

Well, you moved a lot of these changes, if not all of them. The question is, where did you get the information from in each of these changes?---The information that was supplied through either Marcelo or through the meeting we had at the council between all the councillors and, and that's how we got all that information.

20

But how did you work out that it was desirable that a particular height be used instead of the existing height?---Generally on main roads other councils have much, much higher height than we have and 18 metres to 24 metres is really not that high, and it's quite, it's equivalent to someone's front yard, so it's not really that, that high and that was general, just a general thing that council supported.

30

If I can ask you have a look, please, at page 137 and if we could just blow up, please, about the middle of the page, enlarge it so that we can see item 313. So I can see item 131 more clearly. "Rezone land at 1499 Canterbury Road, Punchbowl, also known as 998 Punchbowl Road, to R4, FSR 1.8:1 and height to 15 metres." Do you see that?---Yep.

40

Where did you get the idea from that it would be good if it was rezoned to R4?---Well, everybody know that site, sorry, everybody knows that site, it's an industrial site, petrol station between, sitting in between residential homes. So I think, and it's, and it's a gateway to Canterbury, it's on the border of Bankstown and, and Canterbury and would be a gateway and I think any gateway position is normally accepted as the height and the FSR and I think it's, it's good to get rid of - - -

No, I asked you about the zoning.---Yeah, the zoning as well. I'm not sure what the zoning was, whether it's industrial or an old R2 zone, I don't know.

And where did you get the value of 1.8 for the FSR that you proposed?---Well, it's not my, it was given from, probably from Marcelo.

Well, except that Marcelo had nothing in relation to this property, no change.---Well, I don't know what, I don't know where that came from because I didn't do it. I mean, didn't even know anything about that, I don't know what the, how the, the, the 1.1 was calculated, I wouldn't have a clue.

Did Mr Demian give it to you?---I didn't know him, I never met him at that time.

10 Where did you get the height of 15 metres from for that site?---Presumably from Marcelo. I, I, I can't recall.

Well, except that Marcelo didn't have that in his recommendations.---I, I did not create it, so I didn't, I don't know the guy, don't know where I got the information from. What do you want me to do, lie?

THE COMMISSIONER: Oh, Mr Hawatt, please just - - -?---Yeah, but I'm, I'm giving him an answer.

20 Mr Hawatt let me finish what I am saying. You are being very rude. You listen to the question and you answer that question. These other gratuitous comments are not helping me in any way. Do you understand?---Yes, ma'am, Commissioner.

Thank you.

30 MR BUCHANAN: Mr Hawatt, if I can take you back to page 94, please, in volume 11, you can see that a version of the changes you proposed to Mr Occhiuzzi's recommendation included item 5 at dot point 3.14, "Rezone the land at 1499 Canterbury Road, Punchbowl – also known as 998 Punchbowl road – to R4, FSR to 1.6:1 and height to 15 metres." Where did you, this is your document, get 1.6:1? This is a change you want made to Mr Occhiuzzi's recommendation.---Again, it's the same, I didn't, I didn't make those changes. It was given to me and I moved them.

But why did you move it?---Because I, I personally, because they know I'm, I'm pretty much pro-development and I wanted to see some changes along Canterbury Road.

40 And what's the significance of that to the fact that you were suggesting in this case an increase of the FSR to 1.6?---Well, it's probably, it's probably needed that 1.6 to make it work. You've got to remember, you've got to calculate the size of the land and the building envelope and then you've got to work out exactly what, what needs to be done.

Well, that means you talk to the developer or the developer's planner or architect, doesn't it?---Well, well at the time, I didn't have much, I didn't know much about planning. I, I picked up planning way, way down the track.

How could you find out what the FSR would be that would allow a developer's plans for development to use your words to work unless you spoke to the developer or the developer's planner or architect?---I don't know the developer. Never met him.

Had you talked with him?---I haven't spoken to him.

Had you had any communication with him?---No.

10

I wonder if we could have a look, please, at Exhibit 122. This is another collection of data that the Commission has assembled, Mr Hawatt. I assume you are by now familiar with it. It is a set of call charge records.---Yeah.

And it shows in items 3 and 4, the numbers are on the left-hand side, that you sent SMSs to Mr Demian on 16 November, 2013. Do you see that? ---Mmm.

20

That means that the evidence that you have given that you hadn't had any prior contact with Mr Demian before 31 October, 2013 isn't correct, doesn't it?---I don't remember talking to him. I didn't know what he looks like at the time.

But you obviously had his number in order to send him an SMS in November 2013.---I don't know how I got it because I don't know the guy.

30

But you were communicating with him.---Again, I don't know the bloke. I only started knowing him after he started putting the development in, on Canterbury Road in the Harrison, Harrison Road one.

Well, this evidence, if that's true this - - -?---I don't know how this came through. I don't know. Honest, I don't know.

This evidence suggests that you had a non-business relationship, that is to say, you weren't talking about development you were talking about something else with Mr Demian.---No. No way. There's nothing I had in common with him.

40

You weren't a friend of his?---No. I didn't know him.

Can you explain then these - - -?---I don't know. This is a surprise. This is a surprise to me.

- - - these text messages?---This is quite a surprise to me. I didn't know the guy.

It does throw into question the evidence you've given, doesn't it?---It does because I didn't know the guy.

And you can't give us any explanation at all?---At all. I don't know him. I wouldn't have, if I looked at him I would have probably fell over him and I wouldn't know who he was.

If we can go back, please, to the outcomes of 31 October, 2013. Excuse me a moment. Now, in the meeting – I'm sorry, page 134, volume 11. It's on the screen in front of you now. I'm focussing again on this motion to amend the recommendations of Mr Occhiuzzi in this case in respect of 998  
10 Punchbowl Road because your original proposed change was to insert in the planning controls an FSR of 1.6. We've seen that. Here however we can see that a few days later you had increased what you were proposing to 1.8. ---I don't know.

Can you assist us as to - - -?---I don't recall. Honest, I don't recall that.

Well, yes, okay, you don't recall, but from what you know of your involvement in the Residential Development Strategy being turned into a planning proposal, can you give us a bit of assistance as to how come you  
20 changed the value of 1.6 to 1.8 for the FSR for 998 Punchbowl Road?--- Unless, unless Mr Demian's spoken to somebody in council and again came back through, because I didn't know the guy, really, I didn't know him. I don't know how, he might have called me but I don't, I wouldn't recognise who he was so - - -

In the case of the changes you originally proposed, they would have advantaged Mr Demian, wouldn't they?---The changes, of course, because it's, it's - - -

30 It allows him to build something that's bigger.---Yes, yes, of course.

And this change yet again that you moved on 31 October, 2013, would have advantaged him to an even greater extent than the original change you had proposed?---That's, that's correct.

And so the inference is that someone has spoken to you with a view to achieving that advantage to Mr Demian.---Look, could have been. As far as I'm concerned when, when I was given all those motions to move I didn't question what they were, all I knew is they were what, what the council  
40 supported and I moved them. Now, if Mr Demian called me, I didn't have his number, wouldn't have, I probably wouldn't have a clue who was at the other end of the line.

You obviously had his number. That's a silly thing to say, Mr Hawatt. ---But I had it new, this is a new number, I'm not sure whether he would have called me and you registered it after the name was – I mean you've got to check to see at that time whether I had his number. I don't think I had his

number. He might have called but I wouldn't have a clue who was at the end of that line.

Did you know Matt Daniels?---Matt Daniel, yeah, through the Liberal Party met him.

And what did Mr Daniels do for a living?---From my understanding he's a planner.

10 And did he work for, a private planner?---A, no, he used to work as a director for, for Liverpool Council.

And after he left he was a private planner?---Yes.

He worked for Statewide Planning?---That's what he told me, yeah.

And they worked for Mr Demian?---Well, towards the end, yeah, I think that's what I heard, yes.

20 Did you have any conversations with Mr Daniel about the FSR that should be assigned to the site at 998 Punchbowl Road during this Residential Development Strategy process in 2013?---I can't recall.

You were having conversations with Mr Daniels at that time?---Yeah, but not on, in anything specific. No, the only time he called me, he wants his, he had a site in, on Canterbury Road but it wasn't Demian's site, it was his own site, and he called me regarding that and that - - -

30 When did Mr Daniels first start talking to you about Mr Demian's projects?  
---Oh, I think way down the, way down the track, towards when, when the Harrison development was going through, I think.

Going through?---When, yeah, we're putting the DA and they're putting a proposal, planning proposal for the extra two levels that he wanted.

Is that the first time you spoke to Mr Daniels about any property of Mr Demian's?---That's correct, yes. I spoke to him before about his, but not, he never mentioned Mr Demian until he said he works for him.

40 Excuse me a moment. Now, can I take you to October 2014. You remember that we talked earlier about how the planning proposal that was the outcome of the meeting of council on 31 October, 2013 was prepared and then put on, sorry, it was submitted for Gateway and then was put on public exhibition and then came back to council after public exhibition in October 2014?---Yeah.

Can I take you to page 209, please, in volume 11. You can see there that - I withdraw that. This is part of Mr Occhiuzzi's report to council in relation to

the Residential Development Strategy planning proposal, if I can call it that, and I'll just take you back to page 208 just so you can get the context. Can you see at the bottom, there's the word Recommendation?

---Yep.

10 And then it talks about the planning proposal to amend the LEP be progressed and submitted in relation the sites identified, and then if we go over the page, we can see that in the fourth dot point from the top of page 209, Mr Occhiuzzi recommended that, in respect of 998 Punchbowl Road, that the rezoning be as decided by council in 2013, R4, the height as decided by council in 2013 of 15 metres, but that the FSR be reduced from the exhibited 1.8 to 1.5, subject to no issue being raised by the department. Do you see that?---Yep.

Do you remember being aware of that or becoming aware of the change that Mr Occhiuzzi proposed, which would have had an adverse impact on Mr Demian's project on that site?---I don't recall it, I don't recall it.

20 Do you recall being concerned that Mr Occhiuzzi was proposing something that would result in smaller development?---No. I, I don't recall that either.

Excuse me. Can I take you then to page 222. Here you can see that before they were voted on separately, you moved that the planning proposal for the Residential Development Strategy be progressed and submitted with the details set out against each of the dot points there, and in the middle of the page is 998 Punchbowl Road, Punchbowl. Do you see that?---Yep.

30 And it talks about rezoning to R4, height of 15 metres and the FSR increased – Mr Occhiuzzi had recommended to decrease from what council had decided – increased to 2.2:1. Do you see that?---Yep.

Why did you move that the FSR on that site be increased from what even council, from what even you had sought previously in 2013 to, in this case, 2.2?---Unless he submitted some consultant reports or something happened in between, I, I, I don't recall that one.

40 Did you have any contact with Mr Demian or Mr Daniels about that site? ---No, no. I, I don't, look, I might, if, if he called me, it's registered that he called me, it doesn't mean that I know who is on the other end of the phone. So people call me all the time but I did not know him really that, that well until that Harrison came up.

When you say all that, well, you're conceding, are you, that you did know him marginally well?---No, I didn't know him until I met him from, from the Harrison's site. I don't even know who he was if he called me on the phone.

When you found out that Mr Occhiuzzi was resigning, did you have any discussions with anyone about that?---No.

Why not?---I mean, everybody knew, the general manager would have told people that he's going to resign so that was it. Everybody knew.

Yes. And what did you think was likely to happen next?---Well, he had to hire someone else.

10 Yes. Did you think that that was something that interested you?---Well, we wanted somebody with, with good ideas and somebody who could move forward.

Sorry, some who could?---Someone who could do some good, good job for, for council, move forward and start getting things done.

When you're saying move forward, what do you mean?---Well, there's a lot of planning proposals been sitting there, as I've said, that were sabotaged, not moved forward by the staff, strategic planning, and we needed  
20 somebody to clean that up, clean the act up.

So did you talk to Mr Vasil or Mr Khouri or Councillor Azzi about what might be done now that there was an opportunity to get a director of city planning with perhaps a different approach to the approach that Mr Occhiuzzi had brought to the job?---No. It's up to the general manager to, to make a decision and he had consultants working on it and it's up to see who came forward.

30 Yes, but you knew Mr Montague well enough to demand that he meet you about planning matters on a Saturday out of council. We've established that. Didn't you?---Well, that's normal.

Yes, and therefore your views about what should occur in the planning and development sphere in council where you thought there ought to be changes were something that you would have communicated to Mr Montague.

---Look, I'm pro, pro-development and I want to see changes in Canterbury at the time. Canterbury was neglected. Nothing was moving forward. Our roads are, if you, if you were to drive down Canterbury Road you'll see how badly it was. Our shopping, shopping precinct again neglected. So yes, I'm  
40 very pro-development. I wanted to see some changes similar to other councils.

And did you do anything about that now that you had this opportunity to have a different mind, a different pair of hands in the job?---Well, I think that's why, I think that's why Mr Montague put me on the, on the panel, the interview panel.

Did you say anything, though, beforehand to Mr Montague about what needed to be done in filling the position?---Mr Montague knows, has always knew my position in regards to development and the neglect. We spoke about it many, many times during, during the period of Stavris and, and way before that, even before Marcelo.

THE COMMISSIONER: So your answer to Mr Buchanan's question was no, I didn't discuss it with Mr Montague?---No, just, we just, because we had an understanding what was required.

10

MR BUCHANAN: Did you talk to Mr Vasil or did he talk to you about filling the vacancy?---No. It was, there's nothing to talk about with him.

Mr Vasil was very interested in planning and development in Canterbury, wasn't he?---Absolutely.

And you did understand the position falling vacant provided an opportunity to have a change in the way that planning and development was handled at Canterbury, didn't you?---Correct, yeah.

20

And you had no discussion with Mr Vasil about that?---Look, Mr Vasil, Jim Montague, lots of the councillors, everybody knew my position in regards to the planning in Canterbury.

But that's not the point. What I'm asking you is this was an opportunity. It just doesn't, it defies belief that you had no discussions with anyone about what could or should be done to seize this opportunity and make changes. ---We've had general discussions.

30

No, no, no, no, no. I'm asking you about specific discussions about what should be done to fill this vacancy in order for changes to be made.---I didn't talk to him about vacancies, no. We just, as I said, we always spoke about general things in regards to Canterbury but nothing specific in regard to the appointment. He never got involved.

Why? Why not?---Because he didn't want to. Because his son was a councillor and I don't think he wanted to stick his neck out.

40

But why wouldn't you have had such discussions with say Pierre Azzi? ---Because look, George Vasil knew my, my, he knew what I wanted to see happen in Canterbury. There's really, so there was a conception that everybody knows what needs to be done so there was no need to talk about it.

Did you have a discussion with Bechara Khouri about - - -?---No.

- - - the filling of the vacancy?---No.

Or any aspect of the filling of the vacancy?---No.

Why not?---What for?

Well, because something might be able to be done.---Like what?

Influencing the filling of the position. Influencing - - -?---No one - - -

10 - - - the process of filling the position.---No one influences me to do the wrong thing. Whether, as I said before, whether it's my own daughter, my mother, no one. I will make the right decision.

You consistently tried to influence Mr Montague, didn't you, in relation to business and planning?---That's incorrect.

I'm sorry, in relation to development and planning.---Mr Montague got his own mind.

20 That doesn't mean to say that you didn't try to influence him.---You can't. He, he would put immediately a complaint against, code of conduct against us.

Did you discuss with any developer the fact that the position had fallen vacant?---I don't recall discussing it with anyone.

30 Did you however, even though you don't have a recollection of discussing it with anyone, did you have a discussion with any developer about the fact that the position had fallen vacant and there might be a candidate perhaps? ---No, no, no.

Did anyone tell you about Spiro Stavis?---His name came up, as I said, probably a day before the interview.

How did his name come up?---Somebody suggested that we should meet him and I don't, I don't recall who it was. Even the whole meeting was vague for me.

40 The Commission knows that you were a person who dealt regularly with George Vasil and with Bechara Khouri. The Commission knows that Bechara Khouri and George Vasil had a meeting with Mr Stavis before the occasion when you met Mr Stavis in Marrickville. Are you telling us that there was no communication between Bechara Khouri or George Vasil on the one hand and you about Spiro Stavis before the occasion you met him at Marrickville?---Somebody suggested to meet, so therefore someone must have asked to, to have a look at him and see what we think of him.

Yes.---That was it.

THE COMMISSIONER: So that could have been Mr Vasil - - -?---Or could be, or, or Khouri - - -

- - - or Mr Khouri?--- - - - or, or anyone, I don't know, I really can't recall.

It could have been.---I can't recall.

10 MR BUCHANAN: And do you, did you ever get – I withdraw that. Were you ever informed by George Vasil that he had had a telephone conversation with Mr Stavis in which Mr Stavis had expressed interest in applying for the job?---No. I don't think George would do that, he'll compromise, compromise me in that position.

And you think it would be the wrong thing to do, do you, to discuss with George Vasil an approach that had been made to him by a potential candidate for the job?---Yes, and even, even - - -

20 Why is that?---Because the decision that I'm going to make will be based on what I believe is the merit of the person and - - -

But at this time - - -?--- - - - and I don't want to embarrass him if he wants to support someone else.

30 If you assume that the contact was on 25 October, 2014, that's long before there was any thought of having an interview panel, there was no role for you to play. Why would it have been wrong for you and George Vasil to discuss an approach that had been made to George Vasil by Spiro Stavis expressing interest in applying for the job?---I don't think George would put me in that predicament.

But why? Don't you understand, you had no role to play formally, you would have been in no predicament had he raised it with you.---But George did not raise it with me and he's got his own opinion, I mean, and he knows, he knows my, my position, it's always been I'll make my own decisions. George always knows that.

40 What decision were you going to make as at 25 October, 2014, about the employment of Mr Stavis?---I didn't support him on that, this is the day of the committee - - -

No, no, no.---Sorry, I'm not sure.

It's back when - - -

THE COMMISSIONER: This is before you were even appointed to the committee.---Oh, before.

MR BUCHANAN: It's back when Mr, before the committee was thought of. It's however on the day that - - -?---Oh, sorry, when there was acting  
- - -

- - - Spiro Stavis spoke to George Vasil - - -?---Yeah, sorry.

- - - and they had a conversation.---Sorry, we had an acting, acting director at the time, yes.

10 And what the call charge records, Exhibit 60, show is that on that day shortly after George Vasil spoke with Spiro Stavis about the position, you and he had a conversation that went for 2 minutes and 3 seconds.---Look, I don't recall. All I - - -

It is simply inconceivable, given that it was within the same hour, that Mr Vasil would have said nothing to you about this man who had just spoken to him expressing interest in the position.---Look, I talk to George like sometimes three, four times a day, it's, we talk about everything.

20 You'd accept, would you, that it is highly likely that if Spiro Stavis had spoken to George Vasil expressing interest in the position at around 12.24, 12.25 on 25 October and that you then spoke with George Vasil, I apologise, not within the hour, at 4.20 that George Vasil would have said something to you about this conversation he had with Spiro Stavis?---I don't recall it.

You accept that it's highly likely, though, don't you?---I can't recall it, not highly likely or highly unlikely, I just don't recall.

30 Did George Vasil at any stage give you an opinion as to the suitability of Mr Stavis for appointment as director of city planning?---No, he hasn't.

In this period, 25 October to 6 November, 2014, the call charge records show all together 40 contacts made or attempted between you and George Vasil. So that's some 12, maybe 13 days, some 40 contacts made or attempted between you and George Vasil. Can you assist is as to what you would have been talking about with George Vasil?---With George, we socialise a lot, we talk about politics, we talk about planning, we talk about anything possible. Training in the gym, weightlifts. We talk about  
40 everything.

If you talk about planning, you must talk about what he knew at the time and that is that there was this candidate for the position of director of city planning called Spiro Stavis, mustn't you?---I, I don't recall.

It was inevitable.---Look, it's not inevitable because we, we talk about general things all the time but in regards to Stavis, I do not recall.

Did you find out anything about Spiro Stavis and his relationship with the Chanines?---I, I didn't know they had a relationship, I didn't know they knew each other.

Bechara Khouri didn't indicate there was a relationship?---No. No one spoke to me about it. I was shocked when I read it in the transcript. I only found out through the ICAC investigation.

10 Why did it shock you?---Because I thought somebody would have raised it but nothing happened because, you know, it's, it's like, a surprise. I didn't realised they worked in the same building and I was reading the transcript for this.

And so you accept that logically, it's likely to have been raised by, say, Marwan Chanine or Bechara Khouri with you?---Raised, Stavis?

20 Raising Stavis and his relationship with the Chanines, for example, that he had worked for the Chanines.---I, I only found out about their relationship through the transcript I read here.

But you were shocked you told us.---Yeah, because I, I didn't know they knew each other.

And you thought that you should have been aware of the fact that they had a, a relationship?---Yes. Because my, my decision would have been different, completely different.

30 Why would that be?---Because I don't like anybody using me, if someone's going to use me for their own purpose.

And do you think that on the evidence that you've been acquainted with about the pre-existing relationship between Stavis and the Chanines, that you were used in what you did in relation to his employment?---Well, no the decision that I made had nothing to do with Chanine, not, I didn't even know anything about Chanine.

40 How were you used?---I, if, if somebody tries to take advantage of my position as a councillor or to employ someone, that's something I would not, not tolerate or accept. So if Chanine tried it, I would not accept it, especially knowing that they have a relationship.

So it came as a surprise to you to learn that they had had - - -?---Absolutely.

- - - at least a working relationship and a lunching relationship?---Yeah, I didn't know that. Very surprised.

And Bechara Khouri never told you that?---No.

And Marwan Chanine, of course, was a mate of yours. He never told you that?---He's not a, he's not a mate of mine. He's just a, he, he's a person who calls me for problems and issues. He's not a mate. I don't socialise with him.

THE COMMISSIONER: You said, "My decision would be different because I won't be used." The decision that you were referring to was the decision to appoint Mr Stavis?---Correct.

10 So if you knew that he had this relationship with the Chanines, you wouldn't have recommended him?---Most likely, most likely I would not have even, look, I, the decision that I made, can I, can I elaborate on this, Commissioner?

Yes.---The decision I made was based on what I believe was the best candidate at the time, it wasn't Stavis. Now, because he was, and he was appointed not because of the decisions we made on the, on the panel, he was appointed and after being appointed as a member, as a, as a staff member, then he was, the contract withdrawn. Then - - -

20

We'll get to that in a minute.---If that was the case I probably most likely would not have, I would have supported Jim Montague on that basis, even though council was going to lose a lot of money.

All right.---That's what I'm saying now, Commissioner.

MR BUCHANAN: And so in all your dealings with Bechara Khouri, he never told you that, he never told you anything about Stavis?---No. He didn't say anything unless there was a general discussion, from my memory.

30

What sort of general discussion?---Complaining about the staff, complaining about, you know, the, the, the director, we need a better director, just general discussions that everybody's complaining about, that's all.

40

Well, if the witness could be shown Exhibit 60 again, please. There is in this set of call charge records a few patterns that are obvious, but the one that is a standout is the number of contacts between Spiro Stavis and Bechara Khouri through to the end of the day of the sitting of the interview panel. And so perhaps if we can just go to page 4 as an illustration, this is on 6 November, so it's 10 days before your Marrickville meeting, and 11 days before the interview panel, and can you see the highlighted rows of data?---Yeah.

And can you see that they're all contacts between Stavis and Khouri?  
---Yep.

There is a similar pattern on the other pages, for example, page 5, 12 November, you can see that there's a series of SMSs exchanged between Stavis and Khouri?---Yep.

Does it come to you as a surprise that there was this degree of contact - - -?  
---Yes.

- - - between Stavis and Khouri and yet Khouri said nothing to you about Stavis?---I'm surprised. I have to say yes.

10

And you're surprised because you would have expected him to have told you.---To, to mention it, yes.

And he concealed it from you, did he?---Correct.

That doesn't sound right, knowing the relationship you had with Mr Khouri, which was one of friendship, wasn't it?---There's still, there could be a friendship but there's still, there's no trust, he doesn't trust me, I don't trust him.

20

Why did you invite him to the meeting that was being held at Salvatores on 25 October, 2013 when you were demanding the attendance of Mr Montague?---Well, again - - -

Why did you want Khouri there?---Again I wasn't demanding the attendance of Mr Montague. We had, again I'm going to repeat that we probably had a complaint made to us or to myself and there was an issue that we needed to talk about and that was it. I mean you're going to have to ask, I mean I don't recall exactly what the reason for, you'd have to ask him or the general manager why we were there. I just can't recall.

30

But it seems inconceivable that Mr Khouri didn't convey to you anything about Mr Stavis having regard to the degree of contact that he was having with Mr Stavis.---I, I, this is, again this is surprising, I didn't realise he had that understanding or, or communicating each, with each other, it just surprised me.

And the evidence that we've got is that Mr Khouri was in effect tutoring Stavis, he was supporting him, he was prepping him for his interview. Do you understand that?---I understand it.

40

Why, can you, what's your understanding as to why Khouri would conceal from you the degree of contact he's having with Stavis?---Because we don't, we don't make the, it's a staffing decision that we don't make, we can just make recommendation. As I said, we did not support Stavis. On that, on that meeting we did not support him.

But that's at the moment not the point.---Yeah, but the point - - -

10 The point is we know that Vasil and you spoke shortly after Stavis spoke to Vasil in the first instance and then we know that there is this extensive contact between Khouri and Stavis through and up to the end of the day when the interview panel sat.---I don't know what the mind of Khouri is. I'm not sure whether he was hiding anything for his own reasons or, or he wasn't, but as far as I'm concerned if somebody would have said to me that you should support this particular person I think I would, I will be, I would think twice. So maybe that's the reason he hasn't said anything to us or to myself.

There's indications during the interview panel day itself, which is on page 6.---Yeah.

20 That there was contact between you and Khouri on that day, and you can see there at 17.45, for example, an SMS exchanged. You return the SMSs and so on down to 17.51 and then Khouri starts tictacking with Stavis and then Khouri returns to talk to you at 17.57. Do you see those exchanges?  
---Yeah, yeah, yeah.

What was happening there?---You'll have to ask what, what, what was discussed between Stavis and Khouri as far as I'm concerned. If he would have called me to ask me questions or ask me things, I don't know.

He was texting you, you were texting him back. What were the two of you talking about?---Well, I don't recall.

30 Well, we know that that afternoon you had been sitting on the interview panel and we know that it finished around 5.00-ish. Mr Stavis was the last candidate who was interviewed.---Correct.

What is it that you and Mr Khouri were talking about so shortly after the interview panel concluded sitting?---Well, there's nothing to talk about because our decision was Simon Manoski was our choice.

What then were you and Mr Khouri talking about - - -?---I don't recall.

- - - in those SMSs?---I don't recall. I don't recall.

40 Can you assist us with your best estimate as to what you could have been talking about given what you had been doing all afternoon and given what we know Mr Khouri had been doing for the days previously in preparing Mr Stavis?---Could have been asking who, who we selected. I don't recall.

Excuse me a moment. Did you have any discussion with Mr Montague which would assist in understanding

~~in those SMSs? I don't recall. I don't recall.~~

~~Can you assist us with your best estimate as to what you could have been talking about given what you had been doing all afternoon and given what we know Mr Khouri had been doing for the days previously in preparing Mr Stavis?—Could have been asking who we sele~~ why you were appointed by Mr Montague to the interview panel?---He knew I was interested in planning.

No, no, no.---Sorry.

- 10 Did you have any discussion with Mr Montague which would assist in understanding why he appointed you to the interview panel?---No. I was just told - - -

Did he tell you why?---He told us because we were interested in planning.

Was there nobody else who was interested in planning?---Well, I think he had to limit the, the size of the panel and that's why he selected, he saw me as a pro-development councillor and he appointed me.

- 20 You would understand, wouldn't you, that you and Mr Azzi were appointed to the panel because the two of you controlled planning and development decisions on council?---We don't control planning. That's up to the council democratic right to make the decision. We do not, it all goes back to council to vote on it and I was the, the deputy chair of the planning committee and as the deputy chair of the planning committee I generally move every motion through the planning.

Do you mean the City Development Committee?---City Development.

- 30 Did you and Mr Azzi discuss the suitability of Mr Stavis for appointment as director of planning?---What, during the panel?

At any stage?---He did, I don't think he's, he doesn't like, he said he doesn't like Greeks. He didn't want a Greek as, on that position. That's - - -

He said that to you, did he?---He said it, yes.

To you?---To me, yes.

- 40 Where were you when that was said?---Look, it's either it was on the, on the committee meeting or, or before that. I, I just don't recall.

When you say before, you mean on the same day?---No, I think it could have been after we, we met Stavis, he wasn't really, that's where we, both him and I walked away from that meeting we had there.

Was there anyone else present when Azzi said that to you?---No, just him and I.

Have you noticed that Pierre Azzi doesn't like Greek people?---I didn't know it until he mentioned it and I thought, oh, that's a bit, bit racist but anyway, I couldn't say anything.

And you hadn't noticed it before, is that right?---No. As I said, he, he only showed it when we met Stavis the, the day before the, the, the meeting.

10 And did he show it in any other way?---And then he showed it on the, at the day of the meeting.

Did you tell Mr Montague that you wanted Stavis to get an interview?---No.

Did you understand that there was a short-listing process?---Correct. We had nothing to do with that short-list.

Are you sure you didn't tell Mr Montague that you wanted Stavis to be in the short-list, you wanted to make sure he got an interview?---No, no.

20 Now, can you tell us please again about the meeting the day before the interview panel sat, that is to say the meeting on 16 November, 2014, at Marrickville with Mr Azzi and Mr Stavis?---Yeah, we just, we, we saw, we saw him in front of the coffee shop, I think it was, and after we, we had a look at the development and we walked across the road and then we had a quick chat and he told us what he wanted and we said, look, you know, that's, you know, we, we can't give you a commitment to support you but we'll look at your position and just see how you go and just tell us something about your background, what you want to do in regards to  
30 Canterbury and he just briefed himself on, about his being a planner blah, blah, blah and then Pierre and I said let's have a chat. We walked, Pierre and I went for a, a private walk and just said, look, you know, this is something that we should not be talking to him about. We don't want to give him the wrong idea and I think we should just cut the meeting short and go and that's what we did.

What did he tell you, Mr Stavis tell you that he wanted?---Oh, just, he was interested in, in the position and he's, and he can do a good job.

40 And what did he say to you – I withdraw that. Did he say anything to try and persuade you he could do a good job?---No, no. He just gave his background and he had experience and we said we can't, we can't make a commitment.

And you say that you and Mr Azzi walked away and we said it was something we couldn't be involved in, is that right?---Yeah, we didn't want him to get the wrong impression that we're going to support him. Like, we don't want him to get the wrong idea just because he, he's spoken to us. You know, so we thought it's best to cut the meeting short and go.

And just taking a step back, if you wouldn't mind, please. What was the arrangement to go to the meeting? Between whom was the arrangement made, what was the arrangement?---I, I don't recall who called. Someone, someone said could you meet, meet him. I said, oh, you know, okay, we'll, we'll meet up with him. It's no problem but, yeah, that's why we went to look at that site in, in Marrickville so we went and saw him but I can't remember who.

10 But it could have been Mr Khouri or Mr Vasil?---Look, I, I can't, could be anyone. I just can't recall, honest. I, just like, that, that meeting was really vague for me. It's, just reading - - -

Well, no you've given us actually quite a bit of detail.---Reading, yeah because, because of the transcript, it sort of brought some memories back. If I wasn't reading the transcripts completely, it went out of my mind but I did read the transcripts of the last time, from the, from the, from here.

20 From whom?---From the ICAC transcripts and there were - - -

Yes, transcript of whose evidence?---This is the one that, Stavis, when he was talking about it and, and then the other one was Pierre.

So you've read the transcript of the evidence that Mr Stavis and Mr Azzi have given?---Yeah, and sort of it brought, it brought some – correct and it brought some memory back, yes.

30 And why was it that you read them?---Oh, because I want to know what's going on.

THE COMMISSIONER: Who suggested Marrickville?---Because we were going to Marrickville.

No, no, no. So - - -?---I can't remember, honest, I don't remember who called us. Someone called and said, "Can you meet with him?"

And so you suggested Marrickville - - -?---Well, because we're going to be there.

40 - - - to this person now that you can't remember?---Yeah, yeah, correct.

MR BUCHANAN: And so three people met, you, Mr Azzi and this third person who you can't remember?---No, no. There's myself, no, no, there's only three of us in total.

Sorry, who called this meeting?---Someone told us to meet with him, but he wasn't there, that person.

I see.---He wasn't there.

And did you ask this other person why you should meet with him, why you should meet with Stavis?---Oh, "Could you just see what he's like?" It's like, I thought, yeah, just for respect, yeah, we'll have a, we'll have a talk to him.

10 What was it, as you understood it, was the pre-existing relationship between that unknown person and Stavis?---I don't, all I, all I did was, yeah, we'll have a chat to him as a respect for that person, whoever called us.

But why, as you understand it, was this other person recommending that you meet Stavis?---Because they probably think he's a good guy and he's, he needs to be looked at favourably. But besides, we're concerned, we do not make a decision based on what a person tells me.

So you went to Marrickville with Mr Azzi expecting to meet Mr Stavis there, is that right?---No, we went to look at that site.

20 No, no, no.---And then we went and saw him.

Yes, you went to Marrickville and you expected to meet Mr Stavis at Marrickville?---Yes.

And where did you expect to meet Mr Stavis at Marrickville?---It was a coffee shop.

Yes.---It's a, it's a coffee shop that's been there for many, many years.

30 Yes. How had that arrangement been made?---Because we said we're going to be in Marrickville. Okay, there's a coffee shop. We said, yeah, we know where that is.

Who said this?---Whoever organised the meeting from, from memory.

Was it a male person?---It's a male, yeah, of course.

40 Are they of a particular extraction? Are they perhaps Lebanese?---Oh (not transcribable) I can't recall, honest. You can try and go around the world. It's not going to happen because I can't recall.

And so was a time fixed at which you would meet Mr Stavis?---Yes, because we're going to the particular site and we said we'd be there at that particular time and probably he, I think if we said we're going to the moon he probably would have met us because he was keen to, to get some, to talk so someone. He seemed to be nervous and he wanted support.

THE COMMISSIONER: So your recollection, this was a phone call from this man?---I think it's a phone call, yes. I think it's a phone call.

And at that time you knew that you were going to be sitting on the selection committee and you also knew that Mr Stavis was a candidate who was going to be interviewed by them?---Correct. Correct. And that's why we made the decision to walk away.

10 MR BUCHANAN: Did you think it would have been preferable to have not gone to the meeting?---Yes, I agree. I, we shouldn't have even met him.

Why didn't that occur to you before you went there?---Oh, because we were there and it just, like, because of respect for the person we thought, you know, that we have nothing to lose, let's see what he's like, and we'll make our decision. Not because we met him, we'll make our decision on, on, the, like - - -

20 What was it about this person who had organised the meeting that caused you to want to have respect for them?---I, look, I, I always respect people who call me. I always go out of my way to assist people. And, and that's, that's my, that's probably my habit or my fault is that I go and help people as much as I can, and I think it's, sometimes it's good, sometimes it's bad but that's the way I am.

THE COMMISSIONER: So in meeting Mr Stavis, was your aim just to have a look at him, see that he looked presentable? Was that about the extent of it?---Yeah, that's all. Yes, yeah.

30 MR BUCHANAN: Did you take anything with you to the meeting?---I had a folder with me. It was in the car and I just grabbed everything and I - - -

Why?---Because I didn't want to leave it in the car, especially sometimes in Marrickville I just feel uncomfortable to leave any documents in the car.

And what was in the folder?---This is the meeting the next day.

Yes, I see. They were papers for the meeting the next day?---Yeah, yeah.

40 So they were – if we can show Mr Hawatt, please, volume 3, page 111. Do you see that memo? It's addressed, amongst others, to you, dated 13 November, 2014.---Yeah.

From Mr Montague.---Yeah.

And if we go over the pages we'll see that there's a series of printed documents. See there an interview schedule? This is on page 113.---(No Audible Reply)

At page 114, suggested interview questions, and then shortlist reports on each of the candidates who were to be interviewed.---Yeah.

Can I just take you back, please, to this page, page 114. Do you recognise that handwriting?---It looks like mine.

And if I could take you back, please, to I think page 112. Do you recognise that handwriting?---Yeah, that looks like mine too.

10 Thank you. And if I tell you that this set of documents was located at your residence on the execution of a warrant by the Commission, does that satisfy you that this is a copy of the memo and papers that were provided for the interview panel that you had and kept?---Yep.

Now, the Commission's been told that you showed to Mr Stavis the suggested interview questions which on something like the third page, page 114. You know that evidence has been given because you've read the transcript?---Yeah.

20 And what do you say about that?---I didn't give him the questions.

Was anything done in respect of the questions?---No, I just, I was surprised to even know that he had it.

I'm sorry, you were?---I was surprised to know that Mr Stavis had those questions.

Well, he had on his phone three photographs which are the top, the middle and the bottom of this page, without your handwriting on it though.

30 THE COMMISSIONER: I think it's 178.

MR BUCHANAN: And the metadata for those photographs shows that they were taken on 16 November, 2014 at the Victoria Yeeros Marrickville. Was that where the meeting was?---Yeah, I think so, yeah.

Are you able to assist us as to how those photos would have come to be on Mr Stavis's phone?---I wouldn't have a clue, because I don't know where he got them from.

40 Well, you know that Mr Stavis alleges that you showed them to him and he then asked you and Mr Azzi whether he could take a photograph of them and you indicated something to the effect of, sure, go ahead, and he then took those photographs?---I didn't, I didn't give him permission.

Was anything said at the meeting about the – I withdraw that. I should just cover that off. Did you provide him with access to the suggested interview questions that were in those papers?---No, I didn't.

But you acknowledge you took them with you to the meeting?---I, I took the whole file with me so they were in there and ah - - -

THE COMMISSIONER: Sorry, when you say the whole file - - -?---The file of the meetings and the whole thing.

10 The whole – our understanding is you got – and if you look at, can we look at page 177, sorry volume 3. There’s evidence that the interview panel got a kind of a bound book.---Yeah, this is the bound, yeah, the file.

So when you said the file or the folder, you’re talking about - - -?---This, yes.

- - - this bound - - -?---Correct, yeah.

20 All right. And you had that in your car?---I had it with me. It was in the car for the next day because there was a meeting the next day and I took it with me.

And when you - - -?---I took it with me.

- - - got off to have the cup of coffee, you didn’t put it in the boot but you took it with you?---I took it with me just in case I needed it and, and safer.

30 Why would you need it?---Just in case I want to verify if, you know, just want to have a quick look to see if it’s the same person, you know, like, I just wanted to have a look, but I didn’t sort of go through it with him because we decided not, not to move forward.

MR BUCHANAN: You can see that it appears in this photograph that the suggested interview questions page in those papers is sitting on what looks like a metal café table. Do you see that?---Yeah.

How did the set of ring-bound papers open at suggested interview questions come to be sitting on a café table at the place where you were meeting with Mr Stavis?---I don’t know. I was, I just - - -

40 Did you show them to him?---No, I didn’t. I mean, I, why should I show it to him? Because I wasn’t intending on even using those questions at the, at the committee.

You wanted to help him, didn’t you?---If I wanted to help him, I would have supported him. I didn’t support him on that, on that, for the position.

And that’s important to you, isn’t it, to try to persuade the Commission that you didn’t support Mr Stavis at the interview panel and thereafter?---It’s just not that it’s important to me, it’s, it’s facts. We didn’t support him.

THE COMMISSIONER: You drove to this, to Marrickville, and you picked up Mr Azzi, did you, and you went together in your car?---I'm not sure whether I met him, might have met him at Earlwood and then went from Earlwood. I just can't recall.

But at some stage you and Mr Azzi - - -?---Would have met him, yeah, yeah.

10 - - - were in your car?---Yes, yeah.

And Mr Azzi knew that the third man had contacted you and said, "Would you meet Mr Stavis?" So Mr Azzi knew that's where - - -?---Well, he must have, I must have told him we're going to meet him, yes, he would have, yeah.

MR BUCHANAN: And so you took these papers out of your car knowing that you were going to meet Mr Stavis?---I had them out of my car when we were walking around as well.

20

But you didn't need them while you were walking around, did you? You only needed them for - - -?---No, I did.

- - - the purpose of meeting with Mr Stavis.---No, because I was walking across, didn't go back to the car. Just kept going.

But why did you need to have these papers with you - - -?---Because I had a meeting the next day, the thing, that's why I had - - -

30 No, sorry, why did you need to take them out of the car at Marrickville?---I just didn't want, I didn't want to leave it there because just the issue of someone breaking into the car, you just don't like the idea.

THE COMMISSIONER: Could have put them in the boot.---Document. I just, look, I just picked them up and grabbed them with me just to maybe use it as a reference at the time, I don't know, you know.

40 And when you and Mr Azzi walked away and had that little chat, you took that with you?---Again, I, I don't recall we've left it on the table because I remember we walked away and came back and, and we said we're going.

You wouldn't have been that stupid to leave the - - -?---Because when you're discussing - - -

You wouldn't have been that silly to have left this ring-bound material, which is all about the interview committee that you're sitting on tomorrow, with a candidate there. You would have taken it with you, surely.  
---Commissioner, I don't recall. That particular meeting is very vague to

me, honest, and it's only coming back based on what I read. And, and whether I left it there through my stupid action or took it with me, I don't recall.

MR BUCHANAN: Commissioner, I note the time. We're sitting till 4.30.

THE COMMISSIONER: We're sitting through till 4.30. We might just take a five-minute break.---Okay.

10

**SHORT ADJOURNMENT**

**[3.13pm]**

THE COMMISSIONER: Now, Mr Buchanan, just before you resume and we'll wait for team Vasil to return. Now, Mr Drewett, I've taken into account what you've said to me about travel times and I think, I won't say judicial notice, maybe Commission notice about specialists. What I intend to do is tomorrow we will start at 9 o'clock but only sit until about 11.30.

20 MR DREWETT: Thank you, Commissioner.

THE COMMISSIONER: We won't take any break tomorrow morning. We will then resume on Friday at 9.00am, sit through to 4.30 and I'll work out appropriate breaks. Subsequently, we will be sitting 9.30 to 4.30 and also we're looking at putting in some additional days, taking into account a matter that you had raised with the Commission.

MR DREWETT: Very grateful for that consideration.

30 THE COMMISSIONER: But we're just, again, working out the logistics of that and I'll let everybody know as soon as possible.

MR DREWETT: Thank you, Commissioner. I'm grateful.

THE COMMISSIONER: All right, Mr Buchanan.

40 MR BUCHANAN: Can you provide any explanation for Mr Stavis having on his phone, photographs of the suggested interview questions from your papers for the interview panel which the evidence shows were taken at the time that he met you at Marrickville on 16 November, 2014?---Look, I, I can't make a judgement on that. I don't know what happened, how he did it. I can't, I can't comment, I, I just can't make that decision. I don't recall giving to him and I don't, I wouldn't have given it to him but how he got it, I, I don't know. I, I just, I don't know.

Did you meet any candidate before the interview panel on 17 November apart from Mr Stavis?---No.

Did you provide any candidate other than Mr Stavis with access to the suggested interview questions?---No.

The meeting that you had with Mr Stavis involved him in, what he has described as a mini interview of him by you and Mr Azzi. What do you say?---I, I don't, I don't recall that, that particular meeting but we might have asked him a couple of questions and that was it but it was a short meeting. It wasn't, like - - -

10 What did you ask him?---Like, about planning, what do you know about Canterbury, for example. Questions like that.

You asked him, didn't you, you and Mr Azzi, about Mr Stavis's planning philosophies, his approach to planning, what he thought about planning generally?---No, we wouldn't, we wouldn't have went that deep into questioning him, no. It was just a very, very vague and general, quick, quick discussion.

20 Did you understand from what Mr Stavis told you that he considered himself to be a solutions kind of guy?---Yes, I understand that.

Did he tell you that at the meeting at Marrickville on 16 November, 2014? ---I don't recall that.

Did you and Councillor Azzi tell Mr Stavis that you had heard good things about him?---I didn't recall that. I don't, I don't recall saying that, no.

30 You had heard good things about him by that stage, though, hadn't you? ---Whoever said to go and meet him must have been positive in support of him, so that's the only thing I heard is, you know, meet him. So if somebody said meet him, that means they support him.

Well, the most logical person would have been Mr Khouri with a possibility that it could have been Mr Vasil.---I, I can't recall.

40 But you accept that Mr Khouri, on all the information you've got available to you now, would have been the most logical person to have organised that meeting?---Could be. He, I mean seems to know him but I, I, just, again, I can't make a comment because I can't recall.

Now, in what you did at the meeting with Mr Stavis on 16 November, 2014, was you were trying to skew the process of selecting the DCP to favour Mr Stavis, weren't you?---That's, that's incorrect.

And you abused your position as a councillor by providing him with access to the suggested interview questions, didn't you?---I did not give him the questions.

You were trying to improve Mr Stavis's chances of performing well at the interview panel?---I never used those questions. If I did give it to him, why would I, why wouldn't I use the questions at the interview panel?

10 And by showing him the questions and indeed providing him with – no, I withdraw that, it's not fair. By giving him a chance to make a presentation to you and Councillor Azzi on 16 November, you were placing him, Mr Stavis, under obligation to you should he be successful in his candidacy? ---That's, that's incorrect. We never made any commitment and he knew, he knows that.

But he had one over all the other candidates, he had had a private meeting about his candidacy with two of the members of the interview panel, hadn't he?---It didn't, it didn't help him because we didn't support him.

But he had that advantage?---He had, he had an advantage but it was up to us to be making a decision based on, on the merit and the fairness of, of the interview.

20 And that advantage was a secret between you and Stavis and Azzi, wasn't it?---It was no secret because we didn't support him.

Who did you tell that you had this meeting with Mr Stavis on 16 November?---I haven't told anybody. He's the person who organised it so he's the only one who knew.

So it was confidential to the four of you?---Confidential, yeah.

30 Did you tell Mr Montague about the meeting?---I, I can't recall if we told him or not. I can't recall.

Did Mr Montague say anything to you as to how the panel should behave itself, as to how it should conduct the interviews?---We had a list of questions and process to follow.

Were you given any information as to what you needed to take into account or not take into account as a member of the interview panel?---Well, as I said, the list of questions we were going to ask and, and that was it.

40 Was there no other discussion involving say Mr Montague or Judith Carpenter involving how you were to go about performing your task as a member of the interview panel?---I don't recall. All I recall is they gave us a list of question to ask and that was it.

Did Ms Carpenter not distribute a document which allowed you to score each candidate on particular subjects?---I think there was a piece of paper that we, we, we gave to her at the end of the, at the meeting.

Did she ask that you fill it in for each candidate?---All, all I recall is that we gave, Manoski was our number 1 choice, it was down to a shortlist of three people.

What was the purpose of this piece of paper that you were given that you just spoke about a moment ago?---Just to see who's, who's the best, at the end who's the best choice out of the shortlist.

10 Did you give to the mayor or to the general manager a declaration of conflict of interest?---For what?

For your relationship with Mr Stavis?---I didn't have any, I didn't know him.

And did Mr Azzi give a declaration of conflict of interest to the mayor or the general manager?---I don't recall, I don't know.

20 You proposed didn't you to simply go through the motions of taking part in the panel but with a view to ensuring that Mr Stavis was selected as the preferred candidate?---That's incorrect.

You wanted to advance Mr Stavis's candidature because you wanted to have a DCP who would find solutions for developers' non-complying development proposals and who would favour the loosening of development controls, didn't you?---No, that's, that's incorrect.

30 At the time you favoured a number of developers, didn't you?---I believe in, I'm a pro development, it's not that I favour any particular one, I just do what I believe is correct.

And you wanted to have a director of planning who would assist developers whom you favoured?---No, that's in correct. Who would assist people, people who have, applicants who have issues, not developers I favoured.

And by the time the interview panel occurred on 17 November, 2014, you believed, didn't you, that if he was appointed director of planning you would be able to control Spiro Stavis.---That's incorrect. We didn't support him.

40 During the interview panel you and Mr Azzi were rude and aggressive to candidates other than Mr Stavis. That's right, isn't it?---No, that's, that's incorrect.

Did you ask any questions along these lines, what would you do if the general manager directed you to do something that you disagreed with? ---I didn't ask that question, no.

Did anyone else?---Someone else could have asked it but I didn't ask it.

Dud Mr Azzi ask it?---He could have. I don't know, I don't, ask him, I don't know.

Did you want a director of planning who would do as they were told, even if they disagreed with what they were being told to do?---We have, we have a code of conduct and we need to follow that. We can't pressure anybody to do the wrong thing and there's never been a complaint against me via this code of conduct.

10

Now, after the interviews were finished on that day, so thinking about Mr Azzi walks out, the panel is sitting there with Judith Carpenter, was there then a discussion involving the members of the panel with Judith Carpenter still being present?---Yes, that is correct.

Did you move to another part of the building for that discussion or - - -?  
---No, no, the same, same.

20

And what room were you in?---I can't remember. One of the rooms, probably the meeting room, one of the meetings room.

And you said your preference was for Spiro Stavis, didn't you?---No, it was Simon Manoski.

And Mr Azzi said his preference was for Spiro Stavis, didn't he?---I don't think so because he was, he didn't want the Greek. That's what he was saying.

30

Could we have a look again, please, at the papers that were found at your residence, being the interview panel papers that we looked at a moment ago, underneath the general manager's memo of 13 November, 2014, which is volume 3, page 112? You see this is page 112, the bottom right-hand corner?---Yeah.

You've agreed that's your handwriting?---Yeah.

40

And it shows that you didn't think that any candidate should be appointed except Spiro Stavis, doesn't it?---This was just a scribbled piece of paper that was, that I was writing on during the, the, the interview panel, the interview, interview.

Just listen to my question.---Yeah.

What this shows is that you thought during this panel that no candidate should be appointed except Spiro Stavis.---No, that's, that's incorrect. That's scribble paper, just scribble. It doesn't mean anything.

You scribbled against the words “Simon Manoski” the word “no”.---The important paper is the one we gave, what’s her name (not transcribable)

Why did you scribble the word “no” against Simon Manoski’s name as written by you?---I could have been scribbling, no, no, no because others were saying no. I don’t know. I can’t recall. But, but that’s not, that’s not the paper that we made the decision on. We, we made a decision as a panel, not as individuals.

10 Well, what happened in the making of that decision?---Well, we said that Simon Manoski, number one. Number two, Spiro Stavis, and number three, what’s her name, the lady, sorry, anyway, there was a, the third one was a, Robin or, anyway, some, it was another candidate, number three.

When you say “we said”, who said?---The committee. We made a decision. This is the choice.

20 Well, are you saying that without moving from the room, the general manager said he chose Spiro, sorry, Simon Manoski?---The general manager gave the list to – oh, God, what’s her name, the consultant.

Judith Carpenter.---Yeah, Judith, and to just do some final checks, and then he made the decision to appoint Stavis. And, but we wanted Simon Manoski and I think in Simon Manoski statement it states that Judith did call him and, but she never followed it up, so - - -

30 THE COMMISSIONER: Sorry, so in this meeting immediately after the last interview, you’re saying the general manager said, “I want to appoint Stavis”?---No, no. He appointed him without telling us. He sent the memo saying he’s going to, he’s going to appoint - - -

All right. But I think Mr Buchanan is asking you about what happened at this meeting immediately after the last interview.---Because we gave a list of the points one, two, three of, of who, who we had, the choices were.

And your list was Mr Manoski first?---Manoski number one, Stavis two, and, I just can’t remember her name.

40 So on your list you had Mr Manoski, Mr Stavis and then a female candidate?---That’s correct, yeah.

MR BUCHANAN: And you tell us, do you, that Councillor Azzi expressed the same opinion?---Well, he, he said it, he didn’t want a Greek, and I think it was backed up by the general manager.

And are you saying that Mr Montague said in the discussion after the interview panel had interviewed all the candidates that he preferred Simon Manoski as well?---Well, we all selected Simon Manoski as the best - - -

No, no, no, that's not my question. My question is, what did you hear the general manager say as to his preference?---I, I, I don't recall what he said, but all I know is that we, our final decision as, as the panel was that 1, 2, 3.

How was that decision arrived at? All you've told us about is it accorded with your view but you haven't told us anything that explains how it came to be that the others came to the same view.---Because we felt that Simon was the best candidate. We discussed it.

10

Who is we?---The panel, the, Montague, myself, the mayor and, and, and Azzi.

Well, are you saying that you heard Mr Montague say that he thought Mr Manoski was the best candidate?---Correct, all of us.

That's what you heard him say?---We all said it.

20 And you're saying, do you, that you heard the mayor say at this discussion that his preferred candidate was Mr Manoski?---I just, I can't recall hearing it, all I know is he was our choice, that's all.

The truth of the matter though is, Mr Hawatt, that your choice as expressed that afternoon/evening was as per your notes on the paper that you'd written, no candidate other than Spiro Stavis, wasn't it?---That's, that's your incorrect assumptions.

Well, it's your written record - - -?---That's a scribbled piece of paper.

30 - - - on the very pieces of paper that you were using during the meeting. ---That's a scribble and it didn't mean anything. The decision was made at the end.

The Commission has evidence from a number of sources that after the interview panel sat, you expressed a preference for Spiro Stavis. Are you saying all of those sources are wrong?---100 per cent.

40 I want to suggest that your evidence that you expressed preference for Manoski is false to your knowledge.---Sorry, but that's correct what I said.

And it's also false to say that that's what the panel decided.---False? I mean that's, that's, that's an insult. It's not false. I made that decision and if you can read the statement from the inspector from the local government who interviewed the general manager and you can see that it all points to Simon Manoski and Stavis was the second choice. And Mr Montague investigated Mr Manoski and said, "I found something on him and I can't appoint him," so he went to the second one which is Stavis and he appointed him. That's exactly what happened.

The Commission has evidence that you told Mr Montague that you wanted Stavlis shortlisted for interview.---No, I did not.

The Commission has evidence corroborated by the data from his photos that you provided Mr Stavlis with access to the suggested questions.---That's incorrect.

10 All the evidence is pointing, including your own handwriting, to the fact that you preferred Stavlis as a candidate.---See, that's incorrect.

Excuse me a moment. After the interview panel had been held on 17 November, 2014 and you had had as a panel that discussion where Ms Carpenter had been present, what did you do, what did you do that, where did you go, what did you do?---After the panel?

20 Yes.---Well, we just left it to the general manager to come back to us and then he said, he rang me, Mr Montague called me, and this is like maybe a week later or four days later, I can't recall, and he said, "Look, I want to see you, I've got something on Manoski that I can't hire him." And I said, "Well, it's up to you," because at that time he hasn't employed anyone. I said, "It's up to you, Jim, you're the, you're the, you're the general manager, it's up to you to appoint the staff."

I think you mean Stavlis, don't you?---Sorry?

Montague said he had something on Stavlis.---No, on someone, Manoski.

30 I see. At 7.50pm, you've seen the evidence that you sent an SMS to Mr Stavlis that evening. Why were you in contact with Mr Stavlis that evening? ---He might have called me and I had to tell him that we haven't supported him. I mean, that's, 'cause he was eager, he was keen, he was nervous, and he might have called and I called him back. I just, I can't recall.

There's no record that you called him, that he called you, sorry, before you sent that text.---Well, he must have, I wouldn't have called him for the sake of it. He must have asked for something.

40 Well - - -?---But I don't remember.

- - - you might have sent him a text message to tell him how you thought his candidacy was going at that stage.---I don't recall.

You had a relationship with him by that stage already where you were trying to promote him - - -?---No, that's, that's rubbish.

- - - as a candidate for the job.---That's rubbish. No relationship with him. I didn't know him.

Now, between 21 November, 2014 and 8 December, 2014, when Mr Montague offered Mr Stavis the job, the evidence shows, this is in volume 5, sorry, Exhibit 52, volume 5, pages 259-261, that you and Stavis exchanged 34 text messages.---When was that, sorry?

10 Between 21 November – so shortly after the 17<sup>th</sup> – and 8 December, when Montague appoints or purports to offer an appointment to Stavis. 34 text messages exchanged between the two of you. Do you want to see them?  
---Yes.

If we could have a look, please, Exhibit 52, volume 5, pages 259-261.

THE COMMISSIONER: And, Mr Buchanan, how many text messages?

MR BUCHANAN: 34. These are messages extracted from your phone. And can you see it's a series?---Yeah, yeah, from Stavis. Sorry, I thought you said Azzi. That's why I'm confused. Well, this is when we took action against Montague, I presume, is it, sorry?

20 No, no, no. There was no need to take action against Montague because until he made a decision there was always a possibility Mr Montague would appoint Mr Stavis.---Well, well, you can see from that that the guy was nervous and eager to get a job. But I never made a commitment to support him here. Show me where I said, yeah, you've got the job.

30 Why did you correspond with him at all at this point?---Because the guy is, like, he was nervous and eager and just, just wanted assurance. I don't know what it is. He wants assurance.

40 So if you have a look at the second one, on page 259, it's a message on 21 November, so four days after the interview panel, and you're saying to Mr Stavis, "If she does the wrong thing, she will not succeed," being a reference to Judith Carpenter.---Mrs Carpenter or Ms Carpenter was, made a decision at that meeting that she wanted the third person that we chose and, and I felt like she was playing a game, that she did not going to do her job, and she made her mind up to support that, a third person that she had. And, and based on the transcript that I read, and I believe that she, in her transcript she left, she spoke about Stavis and, and, and, and, just can't remember her name, the female candidate, but she left out Manoski. The most important one, she completely left him out. He was on, he was number one on the ticket. Why did she leave him, leave him out? So she was playing a game, yes.

What was it that you had heard Ms Carpenter say which made you suspicious about her as at 21 November, 2014?---Because she, she just, she, she was insistent on, on having the third person there.

How did you know that as at the 21<sup>st</sup> - - -?---Because she made, she made her mind up. She was talking about it.

But how did you know that?---She, well, I was there at the meeting.

Yes. What was it you heard said?---That she wanted that, that person to be the - - -

10 THE COMMISSIONER: The person's name is Ms Jones.---Ms Jones, yes, yes.

Could we use Ms Jones' name?---Yes, Ms Jones, sorry. Yeah, I couldn't, I couldn't remember her name, Ms Jones.

Thank you.

MR BUCHANAN: She said, did she, that she wanted Ms Jones to be appointed?---Ms Jones, correct. Yes, she was determined to have her.

20 Do you think you could be mistaken about that?---No.

You responded, you said the words, "If she does the wrong thing, she will not succeed," as a response to Mr Stavis saying to you, "Just so you know, she still hasn't contacted my referees yet," didn't you?---Correct, because she was supposed to ringing, she was supposed to be calling all the referees and, and, and Stavis was, as I said, he was, he was after assurance, he would have called me a thousand times if he had the opportunity.

30 And what were you able to do? What was it within your power to do - - -?  
---Nothing, there's nothing.

- - - to ensure that she would not succeed?---I didn't do anything. All I - - -

No, no what was it with your power to do?---What, like, complain to the GM that she hasn't done her job. That's all I can say.

40 You thought at the time that you could prevent her from doing the wrong thing. What was it at the time you thought she could do?---She could do? I, I'm not clear on what your question - - -

Well, "If she does the wrong thing, she will not succeed." What was it within your power to do to prevent her from doing the wrong thing?  
---Complain to the GM that she hasn't called the, check up on the referees.

And do you know how Mr Stavis knew that his referees had not been contacted by Ms Carpenter?---He must have, he must have gave them to the GM or something, I don't know.

Mr Stavis called you, in his email, Mike. Not councillor, not Michael, but Mike.---Yeah, also called me a, a Greek name so it doesn't - - -

Yes, but we're talking about as at 21 November, 2014, not when you and he are working together when he's appointed as director of planning. We're talking about him being a candidate for the job. Can you assist us to why it was that Mr Stavis appeared to think he could be sufficiently familiar with you at this stage to call you Mike?---Probably wanted to be nice to me, I don't know. That's, that's, I can't control how he thinks but it's, it's  
10 unusual but, I mean he made that decision, not myself.

It's suggestive that he thought you were his friend.---I think he, he wanted to, to be, he probably wanted me to be his friend but I, I don't, he's not, he's not a friend that I knew.

Can you assist us, before this text message at 11.29am on 21 November, 2014, how was it that Mr Stavis was able to contact you?---I obviously gave him my number at that meeting we had.

20 Why did you give him his number? Sorry, why did you give him your number?---Because everybody who lives in, in Canterbury has my number, he's a resident of, of, of my ward so I, I gave it to him. If he needs any assistance like anyone else.

And at that stage, the assistance he was seeking was to be appointed as director of planning?---He wanted to be the director, of course. He was dying to become the director.

30 And it was in the context of him making it clear to you that he wanted to be appointed as director of planning, that you have him your mobile telephone number?---No. I gave him my mobile telephone number like I give to everybody else. I had my card, whenever I meet someone, I give them my card.

Excuse me. Now, message number 5 at 8.57am on 24 November, you sent to Mr Stavis reads, "I will keep an eye on this and find out why." Did you do that?---I, I could have. I might have said that to him just to appease him.

40 No, I'm not after what you might have done. What I'm after is did you find out why?---No, I didn't.

Why did you say to Mr Stavis that you would?---Just to appease him, shut him up.

Then on the message number 7 on 24 November at 9.03am, Mr Stavis asks you, "Do you know when you'll be meeting to finalise?" And you responded, "No. This week, definitely."---That's correct because the GM said he'll have it finished this week.

But Mr Stavis had it in his mind that you would be involved in a meeting obviously with Mr Montague to finalise the appointment.---No, I did not finalise anything. Mr Montague made his decision.

Yes, I'm not saying Mr Montague didn't make the decision, but what I'm asking you about is, where did Mr Stavis get the idea from that the decision would be finalised in the context of you having a meeting?---I wouldn't have a clue.

10

Well, for a start it seems to be that you conveyed to Mr Stavis that you would be meeting with Mr Montague, doesn't it?---I might have told him to appease him.

And it seems that you told Mr Montague, I'm sorry, you told Mr Stavis that you would be meeting with Mr Montague to finalise the selection of the candidate to be appointed, doesn't it?---Might have, yeah. That doesn't mean I finalise it for him.

20

And so why did you tell Mr Stavis that you would be meeting with the general manager to finalise the selection of the successful candidate?  
---Just to appease him.

I'm sorry, what do you mean by that?---Appease him, just to, the guy is nervous and he's eager to, to hear whatever assurance, so I just tell him something just to make him happy. It doesn't mean they're going to do what he wants.

30

Did the fact that he appeared to be nervous make you think that this would be an even more suitable candidate for appointment - - -?---No.

- - - because you'd be able to control him?---No, no. He just, he's just keen for the job, that's all, that's normal, that's normal.

And therefore if he was appointed that he would be indebted to you?  
---I don't do anything or put pressure on any director or any staff member to do the wrong thing, so please, don't twist the truth.

40

So can you, were there any other candidates that you were corresponding with like this, or any other candidates you were corresponding with at all?  
---No, no one.

Only Mr Stavis?---As I said, he's a nervous person and he's a person who, he just probably can't sleep at night and he rings you and sends you message to give him assurance, you give him assurance. It doesn't mean that he's got the, he's got the support.

It's difficult to understand why you would have told Mr Stavis that you would be meeting with the director, with the general manager to finalise selection of the successful candidate when you have told us that the panel wound up on 17 November deciding that Mr Manoski would be appointed. ---Correct, but Montague rejected Manoski. Sorry, Mr Montague rejected Mr Manoski.

At what stage?---As I said, three days, two days later he said, he called me, I remember very well, and he said, "Look, I" - - -

10

Tell us about the call that you remember very well.---Mr Montague called me and said, "Look, I found something on Manoski, I can't appoint him." And at that - - -

THE COMMISSIONER: And you must have said, "What is it?"---Well, at that time he was, we felt he is the - - -

No, no, no, no. That's why I assume you said to Mr Montague, "What have you found on him," and what did Mr Montague reply?---I think it's to do with his brother being at Bankstown Council. That's what I think it is from memory.

20

MR BUCHANAN: Did you explain to Mr Stavis what the decision of the interview panel had been?---No, no, I haven't.

You've never told him?---No, no, never told him what we did in the panel. He doesn't know.

30

But you did tell him that the decision would be finalised, the choice would be finalised by you and Montague?---No, by Mr Montague.

Well, that you'd be involved in the decision?---I wasn't involved in that decision.

No, no, no, you told Stavis that though.---I told him. It doesn't mean it's correct.

40

So were you trying to mislead Stavis?---No, no, just trying to appease him just to get rid of him 'cause he's nervous. He was calling me all the time. I just didn't want that.

Isn't the thing to do to say, stop contacting me?---I, I have a lot of respect for people and I don't like to be rude to people.

Did you indicate to Mr Stavis that he was in the top three?---He might have found out (not transcribable)

How would he have found that out?---Through, through other people who, who are, who know the people, I don't know. He, he must have found out. I didn't tell him.

Well, we can see that the one person who would have known that he was talking to was you.---But before that - - -

Aren't you the most likely source?---I'm not the most likely source because he knew other people there.

10

THE COMMISSIONER: On the panel?---Well, no, after the panel. We're talking about after the panel meeting. After the decision was made, it become public, open. Everybody knew there was a selection of three people.

MR BUCHANAN: How did everyone know?---Just spread the word from council.

20 Who spread the word?---People on council. They want to know who's, who's been selected. It's up to the general manager (not transcribable)

Where was that published?---It's word of mouth.

Who was passing that around?---Well, in council everybody knows what's going on. Same here, everybody knows what's going on. It's just general. People talk.

30 THE COMMISSIONER: So when you say everyone knew, you're talking about everyone within council?---Within council, yeah. Just a general thing. Because all the staff were talking about it and everyone, everybody just interested in it.

MR BUCHANAN: So you didn't provide that information to anyone? ---No, it's, everybody knew that's what's - - -

Did Mr Azzi provide that information to anyone, to your knowledge?---No, everybody knew.

40 But how did they find out? We've only got five people who knew, and we've eliminated you and Mr Azzi, so are you saying that the mayor would have provided that information or the - - -?---Could be, could be anybody you talk to, it might have came out and then that person goes to that person and so on. This is how, how words spread, rumours spread. It's something we can't control.

What about your text message to Mr Stavis at 7.50pm on the 17<sup>th</sup>? Could that have been a way in which information about what the panel was thinking was conveyed to Mr Stavis?---We didn't, we didn't finalise a

decision because we said Manoski, he was our choice, and that's, and that's how it is. I couldn't tell him Manoski was our choice.

Well, did you tell Stavis when he sent you his text of 11.29am on 21 November, don't bother trying anymore. Don't bother with your references, your referees. You're not going to get the appointment?---Why should I do that? Nothing to do with me.

10 Well, wasn't that the understanding you had from the meeting of the panel?  
---No, it's, it's up to the general manager to make a decision, not me.

Excuse me a moment. Now, can I take you, please, to text messages recorded later down in the schedule of messages extracted. Can you see a message on 25 November, number 11, 9.41pm, that you sent to Stavis?  
---Yeah (not transcribable)

20 The word "Good!"---Yeah, but then he goes up, if you look, it's got, "Thanks, Michael, and sorry to keep bothering you. Just anxious." And that confirms what I'm telling you. And then he just continues.

No, no, no.

THE COMMISSIONER: Let's look at item number 11 on 25 November. That's the question. ---It says, "Good!"

MR BUCHANAN: 25 November is a different day.---That says, "Good!"

30 Yes.---Yeah, but then, what I'm saying, this is a follow-up to all the other messages he's sending me.

What does it mean?---No problem, good.

But you'd already said that in the last message you'd sent on 24 November, when you said, "No problem." That's message number 10.---No problem, good. It's just the way I respond. Good, okay.

40 A day later, after saying, "No problem," you say, "Good."---If you'd like to check all my text messages, you'll see a lot of, "Good", "Good," "Okay." That's, that's my way of responding.

Item 12 is again on 25 November at 10.45pm and Mr Stavis asks, "Hi, Mike. Is it what I think?" To which you responded, "Yes."---I think that's when the GM made the decision to appoint him.

Well, it's actually quite a few days before that. This is on 25 November and we know that the appointment wasn't offered until 8 December. So my question is, what did you understand Mr Stavis to be asking when he said, "Hi, Mike. Is it what I think?"---I don't know. The GM might be saying,

“I’m, I’m considering it.” I don’t know, he, he might have spoken to Jim and said, “I’m considering exactly what I think.” Is he considering me? Maybe yes.

And can you see that Mr Stavis is responding in that message, message number 12, to what you’d said in message number 11, when you’ve said out of the blue the word, “Good.”---Yeah, good, maybe yeah, that’s a response to his messages. It’s, I mean, I, I, I can’t recall what, what the good is but that’s my general way of communicating.

10

You responded to Mr Stavis’s message, “Is it what I think?” by saying message number 13, “Yes.” So why did you say yes?---This is what I think. Like, in other words is he, is he on the short-list, I don’t know. I just can’t recall. It’s, it’s something that he seemed to be eager and, and he’s, from his messages you can see he’s anxious.

You see, what in fact was the case, was that you were having other contacts with Mr Stavis that aren’t recorded on this page, isn’t that the case?---That’s not the case, no.

20

And that from time to time on this particular occasion, message number 11, you were responding to communications that you’d already been having with Stavis.---That’s, that’s not correct.

Discussing the filling of the position and whether he would be appointed. ---That’s not correct.

That the news was good.---It’s not correct. It’s up to the GM and the GM made the final decision, not myself.

30

Why did you send the message number 14 on 26 November at 8.35pm, “Did the GM have coffee with you today?”---Probably because the GM wanted to find – that’s right, yeah. Actually that’s, that brings back a little bit of memory. I think the GM wanted to have a second interview him to find out if he’s suitable. That’s probably why he said he wanted to talk to him again, to make sure.

And how did you know that the GM was doing that?---Because, I think, if I recall, I think the GM might have said that he needs to check, check him out again.

40

So if you were just trying to appease Mr Stavis, why did you initiate that conversation on 26 November, asking the question, “Did you the GM have coffee with you today?”---In other words, he was going to meet him to find out if he’s okay, like, he wants to assess him again.

But why send it at all if you have no interest in whether or not he’s appointed and you had been responding to him, Mr Stavis, only to appease

him? Here, you're not responding to him only to appease him, you are initiating an enquiry about the progress of his candidacy, from his perspective?---This is how you're interpreting it, but that's not the case. As far as I'm concerned, the GM, I'm just following up on, on his anxiousness and text messages, just to make sure that he's okay because the guy is anxious.

10 Did it concern you, Mr Stavis's anxiety, that it might call into question whether he was the best candidate for the job?---Well, at first no because I thought like any other person, everybody wants the job and they're eager to, to get the job. So that's pretty normal for people to be eager to, to get a job when they apply for it.

It didn't worry you that it might indicate that Mr Stavis was perhaps malleable, he could be influenced - - -?---Never thought of it.

- - - reasonably easily, vulnerable to influence?---Never, never even came through, crossed my mind.

20 You had a meeting with Montague about the appointment of Mr Stavis?  
---No, Mr Montague called me in regards to his assessments and he kept me in the loop, telling me what's, what's happening.

But you had a meeting with Montague as well on the subject?---I must have. I don't recall exactly but I did talk to him about it.

Well, what happened at that meeting?---He called me to his office.

30 Yes. Was Mr - - -?---He told me about Manoski.

Was Pierre Azzi there?---No. He told me about Manoski, he found something on him, he doesn't want to employ him, and he's assessing the second candidate, which is Stavis.

Did you tell Mr Azzi?---I think Jim Montague would have spoken to him. I don't know.

40 You didn't tell Mr Azzi what you'd been told by Mr Montague?---No, because I think Jim and Pierre were communicating with each other quite often.

And the fact of the matter is that you and Councillor Azzi were communicating with Mr Montague to your knowledge much more frequently about this matter than any other councillor was, weren't you?  
---Yeah, because we were on the panel.

You were in fact working as Mr Stavis's patron, working to get him the job, weren't you?---Oh, come on. That's incorrect. We didn't, I didn't support him, so how could that be?

Now, I'd just like you to bear in mind the job wasn't offered to Mr Stavis until 8 December, 2014. You understand? Can I ask you to have a look, please, at some messages, starting with number 18 on page 260 of volume 5. And at 8.50pm on 1 December, you texted Stavis, "Can we catch up tonight?" Can you see that?---This is the 1<sup>st</sup> of the 12<sup>th</sup>?

10

Yes.---This is after he was appointed?

No, it's message number 18. It's on the 1<sup>st</sup> of the 12<sup>th</sup>. I did remind you a moment ago - - -?---Oh, yeah, sorry, yeah, yeah, I just - - -

- - - that the offer of employment wasn't provided to him until seven days later. So this is seven days before the offer of employment. What were you doing wanting to catch up with Mr Stavis on 1 December, 2014, if you weren't his patron in this exercise of getting him the job of director of planning?---I'm not his patron. I'm not anyone's patron. If I felt after the discussions I had with Mr Montague that he didn't have the choice, he didn't support Manoski as the candidate and he went to, to Stavis, well, so be it, but it doesn't mean I'm, I'm anyone's person or trying to control anyone.

20

Message number 18. Why did you want to catch up with Mr Stavis?---I, I can't recall. I don't recall on that one.

Well, can you assist us as to what is likely to have been the reason?

30

---Maybe because of his, again he wanted to, wanted to talk, wanted to meet. I don't know.

Well - - -?---He might - - -

- - - is that what happened, that you received a request from Mr Stavis, which wasn't by text message, saying that he wanted to meet you?---Maybe, I can't recall. I don't recall.

You say that – I withdraw that. Did you have a meeting with Mr Stavis?

40

---I don't recall meeting him, no, I don't recall.

Can you have a look then at message number 19. Mr Stavis responded that he couldn't do that. "What about tomorrow? Is everything okay?" Do you see that?---Yeah.

What did you understand Mr Stavis to mean when he said is everything okay?---He was probably nervous is, is his job secured or not, I don't know, maybe.

Message number 20 at 8.55pm. You propose a meeting at 4.00pm the next day, 2 December.---Yeah.

“Is that okay?” Do you see that?---Yeah.

And then message number 21, Mr Stavis proposed 4.30, and then at 9.07pm, message number 23, you said, “Okay.” Do you see that?---Yeah.

10 And do you see that you provided an address for a venue for the meeting?  
---Yeah.

At Pierre Roselands?---Yeah.

Why did you suggest at Pierre Roselands?---Because he lives in Roselands, probably because Stavis lives at Roselands, close by, convenient.

20 Why shouldn't the meeting have been at Mr Stavis's place?---Never been to his place.

Why shouldn't the meeting have been at council?---Why shouldn't it have been anywhere, at the club, I mean just the way it was selected.

Can you now think, we've gone through a few messages where the meeting has been teed up, why it was that you wanted to meet with Mr Stavis at this point?---I don't, I don't recall. I don't recall. Unless, unless something that Mr Montague asked me or spoke to me about. I can't recall.

30 It's plainly to discuss Stavis's candidacy for the job of director of planning, isn't it?---I don't recall.

What else could it have been?---It could be anything, I just, you can see from his messages he's quite an eager nervous person and he wants assurance. I don't know.

There is nothing to suggest that there could have been any other topic of conversation or purpose for the meeting than to discuss Stavis's candidacy for director of planning.---And maybe talk - - -

40 It wouldn't have been about anything.---Maybe could be talking about some issues that, that maybe planning with council. I don't know. I really don't know.

You were the one however who asked whether he could catch up with you. ---Because of all the calls that he made to me and all the messages. As you can see from there he's, and he's even apologised for all the messages he's sending me so - - -

You're not just making evidence up as you go along, are you, Mr Hawatt?  
---I'm not making evidence, I just can't recall. You expect me to, to remember years ago, I don't recall.

Now, Pierre Azzi lived at Roselands but he lived at a street, didn't he, he lived at an address in Roselands?---Yes, correct.

You did not provide it. Message number 23.---I didn't provide it, no.

10 How was Mr Stavis to your knowledge to know where to go?---He might have, Pierre might have sent him a message, I don't know, saying this is my address.

But are you just making evidence up as you go?---I just can't recall. What I'm saying is if I didn't put an address so he must, he must know the address or somebody must have gave him the address.

20 Yes. How did Stavis, to your knowledge, how did Stavis know Councillor Azzi's address as at 1 December, 2014?---I don't know. I don't even know if his address, the name of the street. I know how to get there but the name of the street or his number I don't even know.

So how would Mr Stavis work out how to get there?---Well, correct, so somebody must have sent it to him, maybe Pierre sent it to him, I don't know.

Alternatively Mr Stavis knew it because he had been there before.---I don't know. Unless he's, as I said, unless Pierre sent it to him, I don't know.

30 Had, to your knowledge, Mr Stavis been to Pierre Azzi's place before 1 December, 2014?---He might have been there once, I don't know. I can't recall.

Had you met Mr Stavis during the course of his candidacy for the director of planning job at Canterbury before 1 December, 2014 at Pierre Azzi's house?  
---As I said, the first time I met him, this is, this is after that. I can't recall. I remember his meeting at the Marrickville and then during the process of, of the interviewing issues. That's all I remember.

40 And what's the next meeting you had with him?---After he was appointed.

So can you assist us then as to why it looks as if this meeting did in fact occur? If you have a look at message number 24 Mr Stavis says at 4.19pm, which is shortly before 4.30, "Running late. Will be there at 4.45pm." You responded, "No problem."---I can't remember what the topic was we discussed, I just don't recall.

So you accept that there was a meeting involving the three of you at Pierre's house whilst Mr Stavis's candidacy was being considered by Mr Montague?  
---Well, it seemed that way.

Yes. And what happened at that meeting?---I, I can't remember the topic we spoke about. I don't remember.

10 Well, you'd accept, wouldn't you, that you must have been talking about Mr Stavis's appointment as director of planning?---I can't recall. I don't know what we spoke about.

Well, there is some indication of what you talked about in message number 26. On 3 December, 2014, the next day, at 9.18am, Mr Stavis says, "Hi, Michael. I didn't sleep last night thinking about all this." That's consistent with having a long conversation with you and Mr Azzi about it the previous evening. He went on, "I really, really want this job but I'm okay to compromise as discussed. I want to help make change in the department." Do you see that?---Yeah.

20 So what was the compromise that had been discussed the previous night at Pierre Azzi's house?---Look, I don't recall but I remember there was a, there was a discussion regarding him being employed maybe, if he doesn't get the director position, as a, just as a planner. That's probably the compromise he's talking about.

30 So did you and Mr Azzi suggest to Mr Stavis that, look, worse comes to worse, we'll get you in there somehow but it mightn't be in the director's position?---Maybe. I can't recall. I didn't say we're going to, it's up to the GM to make the decision. I don't think the GM will accept that.

40 Why would you have – or Mr Azzi, the two of you – have proposed a compromise which would entail him coming into the planning department in some way, shape or form?---No, he's, he's a guy who's looking for a job, that's all it is, and he's a planner, he's an experienced planner. We, we have, we don't deal with, directly with planners and staff planners. We only go with the managers or the directors. So even if he was in there, which I don't think the GM would have employed him, but even if he was in there we had no deal, we don't have any dealings with him.

Was there perhaps a hope on your part that Mr Stavis, if he couldn't be made director of planning, could be made manager of planning?---No, no, he's, look, we, we just - - -

Ms Dawson's job.---We just felt sorry for him. Just the guy wanted a job and that's all it was. There's no, no conspiracies behind it. Just felt sorry for him.

Well, the next part of the message, though, that I read out to you was, “I want to help make change in the department.”---Because I - - -

That flowed from the meeting that you had with him.---No, because I told him we have issues in, in, in planning, there needs to be a lot of work to be done to fix it all up.

10 What are the changes that he would have understood from your meeting with him the preceding night that should be made?---From, from what I know, our problems in council. There’s our, our staffing, there’s a lot of staffing issue. They’re behind in, in, in delivering DAs on time. They were sitting on planning proposals. There’s lots of, lots of issues. And I said, look, we have a lot of issues that needs to be resolved and we’re short of staff maybe. Maybe the GM could deploy you as a, as a planner. That’s basically, it’s just a general discussion and there’s no commitments because we cannot employ anyone or make commitments in regards to anyone. Just trying to be nice to him, that’s all.

20 You didn’t mention a change, though, that you did seek at this time, which was to inculcate a culture of providing solutions in relation to planning controls for developers.---The solutions we’re talking about is solutions where a planner, sorry, a developer or an applicant on behalf of a developer can actually come in, get things done without having to call, and this is what we discussed with Spiro Stavis, without having to call the councillors to, to fix their problems. And he understood we get a lot of calls and it’s just too much to, to, to handle, and we prefer that the staff deal directly with the developers or their applicants to sort out these issues, and he said that’s exactly what he was planning to doing, and that’s a good, that’s a good thing.

30 You had indicated that you wanted the planning department – I withdraw that. You had indicated to Mr Stavis, hadn’t you, that you wanted the planning department to provide solutions. Of course they’ve got to provide solutions because they need to help the applicants. There’s always a solution. And the solution is objectives of the controls, which the staff do not use. They totally ignore the objectives. And that’s what’s important.

40 Now, can you see message number 28, the same day but at 10.02am, where Mr Stavis says, “Okay, please let me know what happens after you guys speak with him.” Where did Mr Stavis get the idea from, at 10.00am on 3 December, that you were going to be meeting, you and Mr Azzi would be meeting with Mr Montague?---Look, this is where he, this is what he’s looking for, a compromise and trying to appease him and say, look, you know, we’ll, we’ll talk to him about maybe that second opportunity as a, as a planner. We weren’t talking to him about he’s a director anything like that. Mr Montague made that decision, not us. And again, Mr Montague, would not accept it from any councillor to come in and make suggestions like this. So it’s basically hollow discussions with him.

Now, can you see that message number 29 is on 4 December at 10.22pm. Mr Stavis says, "Hi, Mike. Just so you know, he rang me before your meeting and pretty much said I have it, Bechara confirmed shortly thereafter. Call if you want." Do you see that?---That's correct. So, the, the GM, that's what it sounds like, had made a decision, made his mind up and I didn't even know that. So he's telling me.

10 Except that at item 31, you responded at 11.52pm, "We know."---Well, Mr Montague must have called us and told us after that.

Can you assist us in relation to that part of message number 29 that Mr Stavis sent you as to when he said, "Bechara confirmed shortly thereafter," that's Bechara Khouri, you understood that to mean?---Yeah, yeah, yeah.

How would it be, as you understand it, that Bechara Khouri would have been in a position shortly thereafter to confirm that Mr Stavis pretty much had the job?---Well, he must have been active in the background without us knowing. I don't know, it's like - - -  
20

Active with whom in the background?---Could, could be talking to, communicating with Mr Montague, I don't know. It's, it's something that we don't control because he has direct communications with him so I don't know what he's thinking or what they, they, they discuss. All I know is, if he's sending that message that means he knows.

And is it consistent with your understanding of the nature of the relationship that Khouri and Montague had, that the two of them would be discussing the decision that Mr Montague needed to make and then ultimately did make, that Mr Stavis should be appointed?---Look, I can't speak on behalf of the  
30 two because they have their own amiable discussions and - - -

But didn't Bechara ever talk to you, indicating that he knew what was in Mr Montague's mind about all sorts of different issues?---No, they have, they've known each other way before I even know them so they - - -

That's not an answer to what I'm asking you.---No, he hasn't, no, no.

40 He never indicated to you that he had an insight into Mr Montague's thinking about any issue before Canterbury Council?---No, he hasn't.

Never ever?---Because he talks to him and keeps it private.

So in that case it must have come to you as a surprise that Bechara confirmed to Mr Stavis shortly after Mr Montague's contact - - -?---Well, yes, yes.

- - - that Stavris pretty much had the job. You must have thought to yourself, how on earth did Bechara know that?---Because he's, he's close, has a close working relationship with, with Mr Montague.

Even though Bechara had never indicated to you anything like that before?  
---No, but we know that they have a close relationship. It's, everybody knows that.

10 THE COMMISSIONER: You just described it as a close working relationship.---Well, like, they've an amiable, like friends, they go out, dinners and lunches.

But you said "working" relationship.---Well, I just, wrong word, I used the wrong word. I think it's an amiable relationship, social, social type of relationship.

MR BUCHANAN: I've got a little bit more to go, but perhaps this would be a suitable time, Commissioner.

20 THE COMMISSIONER: All right. We'll adjourn and resume tomorrow morning at 9.00am.

**THE WITNESS STOOD DOWN** [4.29pm]

**AT 4.29PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[4.29pm]