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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 17 APRIL, 2019

AT 2.30PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, Mr Buchanan.

MR BUCHANAN: Mr Hawatt, before the luncheon adjournment, I was taking you through records which indicate that you made cash deposits on 28 September, 2015. I was looking at Exhibit 149, which is an assembly of, an assemblage of copies of financial records, and we'd finished page 26.
10 Can I take you to page 27, please? And can you see that that is a copy of a statement of account in respect of an account with the numerals ending 5-3-7-9, in your name?---Correct.

It's with Citigroup. If we could go over the page, please. And you can see that it records that on September 28, you made two deposits, each in the sum of \$3,000 cash via Australia Post into that account.---Correct. Correct.

If we could go to the next page, please. Can you see there that the bank trace data confirms that there were two deposits made, each of \$3,000, into
20 this account but that you made them at two different places, one being in a post office shop in Lakemba, and the other being a post office shop in Mortdale, can you see that?---Correct.

Can you also see that they were made at different – oh, as they would, if they were made by you, they would have be – at different times? The first one was made at Mortdale at 12.19pm, and the second one above that was made at Lakemba at 1.52.---Correct.

Can I just pause there – there are some further records that I'd like to take
30 you to around this period of time, but can you assist us as to why on that occasion you made two separate cash deposits and each in the sum of \$3,000 to the same account but you, first of all, went to one place in Lakemba to do it and then you went to another place in Mortdale to do the same thing again?---Correct.

Why?---Because there's a limit on the machine of payment at the post office.

You say you made these via a machine did you?---No, the post office has a
40 limit of cash payments. Their system is limited to \$3,000 max each.

THE COMMISSIONER: Deposit?---Yes, there's a limit. That's why the guy says look I can't accept more than that because the machine doesn't allow it.

MR BUCHANAN: First I've heard of a financial institution saying I don't want your money.---You should check it, that's where I got it from, that's why I couldn't do it.

Can I then take you, please, to page 30 in Exhibit 149. You can see that that is a statement of account for an account that was in your wife's name with the account number ending in the numerals 5-1-5-5?---Yes.

Can you see that lower down on that page there's a record of a transaction which is a deposit of \$4,000 and it's on 29 September, the day after the transactions we'd been looking at.---Correct.

- 10 Can I ask if we can go to the next page, please. Then there are some records provide information about it, this record that's on page 31, you can see that the account that ends in the numerals 5-1-5-5 and that the transaction where the cursor is in the middle of the page, is that two-row table indicating a date of 29 September, 2015.---Correct.

\$4,000.---Yep.

The information provided is it is a cash transaction.---Correct.

- 20 If we could go over the page, please. I'm not sure that we're going to need much more of the information that's available on the succeeding pages but it was a cash deposit by your wife on that occasion. So that indicates, if the sums are correct, deposits in the order of \$19,400 by you and your wife on 28 September and 29 September, 2015.---Correct.

Where did the money come from?---As I said, I have, I do a lot of cash transactions so if my daughter could have gave me the money at that particular incident - - -

- 30 She never gave you money in the order of \$19,000 did she?---No, over a period of time it build up and I don't like to have any money coming in to be built up anywhere. I pay all the bills with it or deposit into the accounts.

What would have been the maximum amount of money your daughter ever gave you - - -?---On an average, on an average it would have been around \$2,000 to \$3,000 a month on an average.

So, we've accounted for - - -

- 40 THE COMMISSIONER: Sorry, how much per month?---Around \$2,000 to \$3,000 on an average.

MR BUCHANAN: Accounting then for \$2,000 to \$3,000, where did the balance of the \$19,400 come from?---Well, it depends on the period. I've had loans given out to my other daughter, she owes me money and I collected all my money because I was doing a renovation on my home and I collected the money that they owed me. I gave my daughter Laila when she was working for me and I took her to Lebanon and I lent her around

\$20,000 at one stage. I paid for her airfares, expenses and, and I asked for the money back because I needed money. So, any money that's outstanding owing to me I've recalled on it and I was collecting money from overseas and locally.

Did any of this money come from your business?---Some of it.

10 You received cash in the course of conducting your financial broking business?---Well, if I had, sometimes I get cash from that, sometimes the short-term loans that I give out, sometimes I get those as well, it depends. I just can't recall the exact moment but generally this is what happens with the transaction and I've, I can cover every transaction because I've, I've got some of them written down in regards to how much money I've collected from the loans I gave out.

20 Can I ask you this, why was it that for those – you've given us an account as to why \$3,000 was deposited into the Citi account ending in 5-3-7-9 at two different branches on the same day. Why were you distributing money to these three different accounts on 28 September, 2015?---Which, which, we're talking about the credit card account?

Well, there's a NAB account ending in 7-2-8-9, and an NAB account ending in 2-2-1-8 - - -?---Mmm, was probably paying out - - -

30 - - - to which you've deposited funds.--- - - - paying out my bills in different, different accounts. I have mortgage payments, I have credit card payments. And I just distributed whatever I have that I collected over that period of time, I, I, I distribute it to, to pay out the bills and, and any other expense that I have.

So had any of that cash been received by you from Mr Maroun, say, on the occasion when you and Mr Azzi went to Mr Maroun's house late on 24 September, 2015?---Absolutely not.

Why did you and Mr Azzi go there?---As I said, he, he always rings us up and, "Come and see me," so we, we got a council meeting, "Oh, come after council, I've got some arak maybe to," and Pierre loves socialise, and, and try his, his arak that he makes at home, and, oh, he just - - -

40 THE COMMISSIONER: And is that an alcoholic drink? I'm sorry.---It is, yeah, yeah. It's, special, he makes it at home, and (not transcribable)

MR BUCHANAN: You mean Mr Maroun?---Yeah.

So are you saying that this was a social call?---Most likely, yes.

And why did Pierre Azzi go with you?---Because he's the one who wants his arak (not transcribable) socialise or try it.

So, what did you understand to be Pierre Azzi's relationship with Mr Maroun in, say, August, September, 2015?---I think, I think they belong to the same church, and the same organisation that they, they meet with each other, they, they know each other from that.

10 Was he as close, as you understood it, to Mr Maroun as you were, or was it the other way around?---Oh, I think I knew Jimmy Maroun way before, before he did, because I was, I've been on council longer. So, Mr Maroun would have called me way back in the time when I got into council, so presumably I must have known Mr Maroun much earlier.

So did you have any conversations with Mr Azzi about Mr Maroun's applications he had before council?---Oh, look, I, I, all I recall, if the type of character that Mr Maroun is, and - - -

20 I'm sorry, the?---He, the type of character Mr Maroun is to, to, to Pierre Azzi, I think he knew him from, as I said, from the church, and he had no issues in meeting up with him to socialise with him.

30 Yes, but did you have any conversations with Pierre Azzi about Mr Maroun's applications before council?---I might have, if he complained to me about something, I might have mentioned it to Pierre, say, "Look, I've received a, a complaint in regards to this matter," so, to find out whether he called him as well. Sometimes we'd get calls from the same person to different councils. Sometimes one person gets the same complaint, you know, to, for other councils. So we all send the same complaint or the same enquiry to the director, and then you find out later that four other councillors made the same request or enquiry. So that's normal.

40 Did you ever have any discussions with Mr Azzi as to what should be done in response to a contact that either of you had received from Mr Maroun? ---I don't Mr Azzi knew much, much about planning and, and, and the issues associated with planning. I, I, I have a, a very strong knowledge and understanding of planning issues. So most likely that I wouldn't have spoken to him, because he wouldn't have understood, or most likely Mr Maroun wouldn't have spoken to him, because he probably would have spoken to me about it knowing that I have some, at least some knowledge and understanding of planning.

Excuse me, please. Can I ask that we play to you, please, a recording of a telephone conversation which is Exhibit 150. This recording was made on 10 December, 2015, commencing at 4.00pm. We'll show you the transcript on the screen.

AUDIO RECORDING PLAYED

[2.50pm]

MR BUCHANAN: Mr Hawatt, you heard that recording being played?
---Correct.

Did you recognise the voices of yourself and Mr Maroun?---That's correct.

10 When you said to Mr Maroun, "Okay, I'll come see you now, pick up the
stuff," what were you referring to by the word stuff?---From, from what I
read here, it's either two things. One is, is once when he visited my home, I
had some samples in regards to building materials that I brought back from,
China and I just gave it to him and I said, "Have you see these before," and
he took it to, to look at. And the other one could be the heater that, he had a
heater to give us. He had two heaters because I, I commented on one he had
when, when we were, when I was at his house, where it, for the mosquitoes
and the flies. So there was a couple of heaters that he had there, so I, to pick
up as well. So I can't remember exactly which one it was.

20 Why would you use the word stuff to refer to either of those?---Well, I
would, instead of saying the two heaters, I would have, the stuff or the, the
material, the building materials that I had. I just, I don't recall why I would
have used that word.

Are you sure you didn't meant money?---I definitely, I never collected
anything from Mr Maroun, so - - -

But, did you, on this occasion, make an arrangement to collect money from
him?---I never collected any money from him.

30 On this occasion what the evidence shows is that you rang Mr Maroun.
---Yes.

You, having established that he was at home, then said that you would come
and see him and pick up the stuff. Why did you ring him at all?---Oh, he
must have, he, he was expecting my call so he must have left a message to
call him back by the sounds of it, just looking at this transcript or the, this
message. It says, "Are you back?" So he must have said, "I'll be away, I'll
be back. Call me when I get back." So sounds like he must have told me to
call him on that particular date.

40 But why would you want to go over to his place at all?---Well, I'm always,
I'm always, he always rings me and I, whenever I'm in Earlwood or around
the area.

On this occasion, however, there's no reference to a preceding call, there's
no reference to a prior request. It's simply you establishing that Mr Maroun
was back and at home and then announcing that you would go over and see
him and pick up the stuff.---I must have made the pre-appointment with him
for, for that to happen. So he must have been expecting, expecting me to

give him a call. I might have put it in my diary. I just can't recall exactly but it, it seems like he was expecting my call.

THE COMMISSIONER: Can I just return to the post office. You said there was a limit on the machine. I assumed you'd go up to a person behind the counter to make the payment.---Correct, correct, that is.

And so are you saying that the person behind the counter told you that there was a limit - - -?---Of 3,000.

10

Of 3,000 on - - -?---On, on credit card payments.

MR BUCHANAN: Can I ask you to assume, for the record the evidence is in Exhibit 149, pages 37 to 44 and as summarised in the spreadsheet, Exhibit 179, that on the day that you arranged to go and see Mr Maroun and pick up the stuff, 10 December, 2015, that was after Mr Maroun had made cash withdrawals totalling \$9,500 comprising a variety of \$100 and \$50 notes. Do you understand?---Sorry, I don't understand, you said - - -

20

Okay.---Is it when he came back or before? I mean I just - - -

No, no, fair enough. I've been asking you about a telephone conversation you had with Mr Maroun on 10 December, 2015.---Correct.

You made an arrangement to go and see him, that was the purpose of your call.---Correct.

30

When you went to see him, what the evidence shows is he had reasonably shortly beforehand taken out quantities of \$50 and \$100 notes which total \$9,500.---This was on the same day he took it, you're saying - - -

No, reasonably shortly beforehand, 24 November, 2015 and 2 December, 2015, that's pages 37 to 44 of Exhibit 149.---It sounds like he was away so if he would have taken it out he must have gone somewhere. I mean I can't work that out.

40

Why couldn't it have meant that he had available to him cash in the sum of \$9,500 in a quantity of \$50 and \$100 bills?---Well, that's his business, I mean, he's gone, it sounds like he's gone away somewhere, took some money out and it would make sense.

But you're, he told you that did he?---Told me what?

What you've just told us?---No, he just said, I said, are you back, must be back because he goes down the South Coast or something from my understanding, he's got a place that he travels down a lot. I don't know I don't understand, I can't work it out.

Well, you see, what we also know is that collection of whatever the stuff was on 10 December, was followed the next day by a deposit. If we can go to page 45 of Exhibit 149 please. Can you see a copy of statement in the name of your company Ozsecure Home Loan Pty Limited.---Yes.

With the last four numerals of the account being 2-2-1-8.---Yes.

Can you see that it records on that page a cash deposit of \$5,000 on 11 December, 2015.---Yes.

10

Who would have made that deposit?---It would have been me.

If we could go to subsequent pages, please. You can see there that the \$5,000 was deposited in \$100 bills, sorry, the cursor's reminding me that the account number ended in the numerals 2-2-1-8 and here the teller has indicated that the \$5,000 was provided to you in \$100 notes.---Yes.

Are you sure that none of those notes were \$100 notes that had been given to you by Mr Maroun the previous day?---Absolutely - - -

20

When you'd gone over to his place?---Absolutely.

And can I take you to page 48, please. Can you see that this is a statement of a different account, still with the NAB, but it's in the name of you and your wife with the account number ending in the numerals 7-2-8-9. ---Correct.

Can you see that that highlighted is a transaction that that day, 11 December, being a deposit of \$7,000 cash.---Correct.

30

If we, here is a bank trace and can you see that it says that the deposit was made in \$100 bills as to \$5,700 worth and in \$50 bills as to \$1,300 worth. ---Correct.

Now, was that received by you the previous day from Mr Maroun when you went over to his house?---Absolutely not.

Can I ask that we play Exhibit 270, a recording made on 11 December, 2015, the day you made these deposits, commencing at 3.50pm.

40

AUDIO RECORDING PLAYED

[3.01pm]

MR BUCHANAN: You recognised your voice and that of Mr Azzi?
---Correct.

Does it surprise you that Mr Azzi was, to use his words, sitting with Marwan?---Oh, I don't, I don't recall why he was there, no, I don't.

No, but does it surprise you that Pierre Azzi would, when you called him at 3.50pm on 11 December, have been sitting with Marwan?---No, that doesn't surprise me. He knows him.

He was, they were friends with each other, weren't they?---Well, they knew each other.

10

And you were friends with Marwan.---Oh, not, not that well, no. Not that well.

You thought that it was funny that you were at the bank paying your mortgage or that the purpose of you being at the bank was to pay your mortgage.---That's, that's where I was, at the bank. That's what I said. So presumably (not transcribable) I was paying some mortgage.

20 Yes, but the question is, most people would think paying a mortgage is not terribly funny at all.---No.

Sad, if anything.---Well - - -

30 Why did you think it was funny?---Of course it's sad. But probably because he said, like, whenever you say I'm at the bank, everybody says bring, bring us some money with you. It's like a, it's a, it's a, it's a comment that we normally make with people, say, look, you're at the bank, yeah, make sure bring you some money. It's like a joke. That's, I mean, we say this all the time to each other. Like, you know, if you're somewhere, oh, bring some food with you if you're at the restaurant, or if you're at the bank, bring some money with you. It just, it, it's a, it's a cultural saying that we do amongst ourselves. It doesn't mean it's actually, it's, it's an accurate statement. It is, it's a passing statement as a, as a funny statement that we do.

40 Were you sharing, at the time you laughed with Pierre about this, the knowledge that the money you were using to pay the mortgage had, as you knew and he knew, been received the previous day from Mr Maroun?---No, what's it got to do with me paying the mortgage with, with Pierre? It's just like saying I'm at the bank paying the mortgage, bring some money with you, and just, and we laugh at it. It's - - -

It could mean that you're both doing quite well because you're receiving money from Mr Maroun. This is how you're spending your share.---That's incorrect. I have more debts than you can poke a stick at.

THE COMMISSIONER: Which mortgage was it?---My home mortgage (not transcribable)

MR BUCHANAN: Can we play, please, Exhibit 271, please. This is a telephone conversation on 13 December, 2015, commencing at 8.25pm.

AUDIO RECORDING PLAYED

[3.05pm]

MR BUCHANAN: Did you recognise the voices of yourself and Mr Azzi?
---Correct.

10

If we can go to the second page of the transcript, please, Mr Azzi said in Arabic to you what's been translated here as, "I was going to ask you, did you see that idiot at all?" Did you hear that said in Arabic?---Correct.

And he, Mr Azzi, told you he meant Jimmy, as in Jimmy Maroun, would that be right?---Yep, correct.

20

And then you say, "No, no, no. I didn't see him. We must see this one." And the you say, if I can suggest, in an unhappy tone, "We must, it's true. Must see him."---Correct.

30

And then Mr Azzi responded, "We have to talk to him." What was the imperative? Why was it necessary for you and Mr Azzi to talk to Jimmy Maroun on this occasion?---I think from, from memory, and again, it's just from what I recall, there was, there was, like, some argument between Pierre and Jimmy. They had some sort of a, an argument. I can't recall what the argument was all about, but there was a lot of misunderstanding between the two and there was tension. I think Pierre was getting sick of his complaints and continuous hassling over things and, and I'm a friend of, of, of Maroun and it was in the back of my mind. Let's go and see him to solve, solve these issues with you and, and Jimmy Maroun because it's not, it's not right, he's a good guy.

40

Were the issues about a matter that Mr Maroun had before council?---No, there was, look, there was one time, I remember Pierre was really annoyed with him, he was complaining, complaining and, and he was, he was, I have to say honestly he was drunk and Pierre really got annoyed and he said, "You're wasting my time."

Well, I'm not talking about that occasion, I'm talking about this occasion.
---No, this could be, this is the one that's led to, to the argument.

But there's no reference to someone being drunk.---No. But when I was there once, there was an argument based on, Maroun was complaining, complaining.

About what?---About his, his, his site, about the RMS, about everything and he got annoyed with him and told him off and, and there was some

argument based on, the guy just didn't understand what was, what's happening. He was, he was not all there and he just got up and walked away and there was an argument so that followed up between the two. There was tension and they just didn't like each other. And I, to me, I was the, the neutral guy trying to solve, solve the problem.

10 What is notable about this conversation is that neither of you refer to what it is that is the reason why you both think that the two of you must see Jimmy Maroun. You don't refer to a prior event, you don't refer to a falling-out. You don't refer to an unhappiness, except on your own part about having to do it.---Well, he, he said, "the idiot", and I don't know who he's talking about, something, when, when he told me it was Maroun, I thought, oh, the, that's the idiot he's talking about, is based on that tension and the, and the argument and I, I must have spoken to him about it before, saying, look, you shouldn't, shouldn't have to be arguing with people, especially like Maroun, who's, sometimes he's not all there, that's - - -

20 Was the reason that neither of you referred to what the reason was why you thought you needed to see Mr Maroun that you both knew what the reason was, and it was related to a matter he had before council, or his concerns - - -?---No, that's, it's - - -

- - - related to a matter he had before council?---No, that's incorrect, because there was an argument between the two, I remember that. Nothing to do with council.

You say you remember there was an argument and that was what you were talking about - - -?---And, and that's - - -

30 - - - but you don't remember what the argument was about?---It could have been to do with the (not transcribable) or the church (not transcribable) I, I don't recall.

No, no, do you say that you do remember that there had been an argument between the two, this is in 13 December, 2015, but that you don't remember what the argument had been about?---Because it, it led on from there, and then they had a, another continuation of the argument. I, I don't recall exactly what the argument was, but I remember seeing when, when it started, basically.

40 Well, if there had been an argument, why was it necessary or even desirable to go and see him?---Because, because - - -

Wouldn't that make you want to think, I don't want to see this man, I certainly don't want to go and talk to him?---The, the, the guy's always been a, a, a friend of mine, and, and I think, as far as I'm concerned, I would prefer to have Pierre present as, as a, as a backup for me to, to, to watch

each other's back. I've always believed in having backups. Then, then visiting him on my own. That's, this is, this is the way I prefer.

10 THE COMMISSIONER: Sorry, he's a friend, but then you need somebody to look after your back?---No, what, what I always believe, and when I go to Pierre's place, and even he's my friend, I've, whenever he says, I've got people coming, Mr Montague's coming or whoever, we always have a, an understanding that we always watch each other's back to ensure nobody could say the wrong thing about any one of us. That's, this is the, the back of our mind has always been like that.

MR BUCHANAN: Because you didn't trust each other?---No, to watch out for each other, not trust, mistrust each other. It's watch out. Because we're all from the same, same council.

20 Why did you think that it was necessary to recruit Mr Azzi into this task? Why couldn't some other councillor have gone with you?---Because I couldn't, I couldn't handle the, the amount of drinking that Mr Maroun does and, and Pierre could, and he can sit down and, and have his arak with him, and, and, and whatever. I, I just, I just couldn't do it. So, it, it became too much of a burden for me to sit down - - -

But why not someone else? Why Mr Azzi?---Because he knew him, he was from the church. He, they knew each other.

30 And just to be clear about this, you were friends, longstanding friends with Mr Maroun, but Mr Azzi was not to the same degree?---Well, he knew him, as I said, from the church, and then he became more involved and just knowing him more, as, as he started making complaints to him as well. I just, that's from memory.

Was it the case then that you and to your knowledge, Pierre Azzi, but no other councillor were looking after Mr Maroun's concerns that he expressed from time to time about his matters in council?---I, I don't know if he called anyone else, I don't know, but - - -

But as far as you know - - -?---He only called me and Pierre, as far as I know. He might have called someone else.

40 And your, can you give us an explanation as to, as you understand it, why he called you and Pierre on that subject, those subjects?---Because I've always helped him. He's, I, I have a track record with him, helping him. And he has respect for me and he knows I have good knowledge of and understanding of planning.

And so are those things that applied generally speaking as between you and other councillors, that you had a, perhaps, better record of helping

development proponents than other councillors and you were more across planning and development issues that were other councillors?---Most likely.

And the same would apply to Pierre Azzi, except to perhaps not the same degree of understanding of planning and development issues?---Well, he doesn't have, that's correct.

10 It does tend to suggest that there would be a reason why you and Pierre Azzi would effectively control the numbers on council in respect of planning and development issues?---No. It's, it's, we put our point of view across. Look, if there's an argument, there's a debate on, in, in council and I put up a good argument and, to justify my argument and it's up to the councillors to support that argument or not.

Yes, but generally speaking, they did.---Because I used to put up a, a good argument and I understood what I was talking about. I don't, I don't just go and support something blindly without understanding it.

20 But the effect of that was, can you see, just placing yourself on the outside of the box called Canterbury City Council, the effect of that was that you controlled, you and Mr Azzi, controlled the numbers on council in respect of planning and development matters? You put up an argument and the councillors, at least on the A Team, usually went along with you and Pierre Azzi?---I don't, I don't agree with that.

30 What wrong with that analysis?---Because you're underestimating the intelligence of the other councillors and as far as I'm concerned, it's up to each individual councillor to make their mind up to see, based on an argument that's put forward to them.

I'm not asking you about the reason they accepted your arguments and voted with you, I'm just asking you, looking at Canterbury Council in 2014-16 in respect of planning and development matters, wasn't it the case that you would put a position and that you would be joined in that position or supported in that position by the councillors, at least on the A Team, if not the other councillors as well? And when I say you, I really mean you and Mr Azzi.---Well that's incorrect. I'll explain. It's incorrect again.

40 Yes.---I'm the deputy chair of the City Planning Committee. If you look at the motions that comes up to the City Planning Committee, 90, probably 99 per cent of the time, I move the motions as recommended and it's seconded by whoever seconds it. The only time there's a real debate, and this is like, out of, say, the hundred applications that were sitting there, if there's one or two that have issues and they're debated and the argument is put forward to see whether the rest of the councillors support it or not, but 99 per cent of the time, it's moved as recommended, it's supported by every councillor, unless there is some, some issues and somebody pulls it out. But that's normal. I move them, I, I move nearly every motion in the City Planning,

while Mark Adler, who's the chair, chairs it. It's become my responsibility to move those motions and I move every motion and every councillor from the A Team and others support it unless there's a, an issue and there's a debate on it.

And – I withdraw that. Can I take you then please to Exhibit 151. Can I ask that we have a look at the transcript on this occasion. This is a transcript of a telephone conversation between you and Mr Maroun on 14 December, 2015, commencing at 1.39pm. You initiated the call and you asked Mr
10 Maroun whether he was in the gym. He said he would be in about 20 minutes. You said that, good or, okay, because Pierre was in the area. He just wanted to drop in and you thought you would drop in with him for half an hour. Sorry, within half an hour. Do you see that?---Yep.

And Maroun agreed.---Correct.

Why did you arrange for you and Pierre to drop in on Mr Maroun, if I can point out, in roughly the middle of the day or early afternoon on 14 December, 2015?---I, I don't recall the particular meeting or the time but
20 Pierre might want to tell him something. I just, I don't recall. Pierre might want to meet up with him or tell him something or, I, I don't - - -

Why would you be there as well?---Well, if I was in the area. Did I say I was in the area? If I was in the area I might have dropped in.

No, you said Pierre was in the area.---Yeah. I might have been in Earlwood – because I'm always there – at the time. I don't recall. I don't recall this one, I have to say.

30 And when you say you're always there, you mean in George Vasil's office?
---At the gym, yeah, where, we, we meet there a lot.

Well, hang on a sec. You've told us there are two gyms.---The one in, Olympic, because we used to do some weights in there.

You saw George at Con's gym from time to time?---Yes.

And you also visited George in his office, didn't you?---Yeah.

40 And discussed matters there?---We had a lot of social discussions as well.

And a lot of political discussions.---A lot of political, social and general discussions.

And business discussions.---Well, what business George has with me? Business, he's a man on his own. He doesn't talk business with anyone else.

George never had any business with you?---No.

You never had any business with George?---No business, no, no.

Did George never discuss with you any business he was involved in?
---George discussed, the only thing he discussed with me is if someone came and complained to him, to talk to him about some council matter, and he used to relay that message on to me. Like, especially if his son can't help him. So he used to pass it on and, because again Con was new, and I used to sort of help him out on, on his behalf.

10

So going back to the conversation with Mr Maroun on 14 December, at 1.39pm, where you arranged for you and Pierre to drop in, did you make that arrangement in order to collect a payment?---No.

Did you collect a payment? Did you receive any cash from Mr Maroun on that occasion?---No. No, no.

20

Excuse me a moment. If we could have a look, please, at page 52 in Exhibit 149. So on that occasion you had arranged at 1.39pm to meet with Mr Maroun shortly after 2.00pm, would that be right?---Yeah.

You said about half an hour.---Yeah.

This is a deposit by you into account with the last four digits being 3-4-2-7 - - -?---Yeah.

30

- - - being in the name of you and your wife, which records a transaction, being a cash deposit of \$5,000 on 14 December, that day. Do you see that?
---Yeah.

Where did that money come from?---That's the money that I had.

Had you had it from Mr Maroun?---Definitely not Mr Maroun.

Can we have a look at the next page, please. This is a bank trace for this deposit. You can see that the account number is the same, where the cursor is, and the deposit amount is \$5,000. Can you see that?---Correct.

40

Up on the top right-hand side, can you see the date and a time, 14 December, at - I'm sorry, I'm sorry, on the left-hand side, the time of 2.24pm? Do you see that?---Yeah.

So this is at a branch in Lakemba. You can see that from the top left-hand side.---Correct.

It wouldn't have been difficult, would it, to have collected cash of Mr Maroun after you and Mr Azzi had left, had visited him at Earlwood and for

you then to have travelled to Lakemba and made this deposit, would it?
---No, it's not correct.

What's incorrect about it?---Because I could have picked it up from my daughter on the way back to the office, I mean, that's because she owes me money and she gives me money whenever I need it or I could have had it before that.

10 Can we see please the transcript for Exhibit 272. This is an extract so there was some conversation beforehand that isn't relevant to the subject matter of the enquiry. The call was made commencing at 1.25pm on 16 December by Mr Azzi to you. Do you see that, just at the top there or a bit over a third of the way down?---Yeah.

Mr Azzi made the call to you.---Yeah.

If you could read the extract to yourself please, tell us when you'd like to see page two and then page three.---Yes, yes.

20 So, it didn't seem as if the relationship between you and Mr Maroun, so far as you were concerned on your side, was very congenial at this stage?
---Yep.

You didn't want to spend time with him.---Because I've reached my maximum with the whinging and complaints. Sometimes you can listen and listen and listen and then, especially when a person you talk to who is normal but when they're drinking and they're talking to you it becomes too much of a burden.

30 Are you saying that Mr Maroun was always drunk?---Every time I saw him, yes, every time.

Including the middle of the day?---Whenever he's home, once I walked into his, during the middle of the day there was like 20 bottles of wine on the table.

But you enjoyed spending time with him you told us.---Yes, because he's the type, he will, when he drinks he just wants to talk to someone and talks and complains.

40 But you enjoyed spending time with him.---At first, yes.

You told us - - -?---At first and then after a while it wears off, it's just the way it is.

So why did you, why did you decide you'd inflict this upon, this fate upon Mr Azzi?---Because I've, as I said, I've had enough of his whinging and I've just remembering what I - - -

But why inflict it on Azzi?---I don't know just because - - -

THE COMMISSIONER: Because a couple of days beforehand you said Mr Azzi was really annoyed with him and they had a little tiff.---Correct.

10 And you seem to be the one trying reconcile them and now a couple of days later you're - - -?---Yes, I've probably have, I might have spoken to him and drove me crazy because once, I was talking to him, talking to him, talking to him and he was like sitting there and he looked at you like this, just like, it just wasn't listen. I thought, that's it, I think that could have been the time and I just walked out.

MR BUCHANAN: So why spend any time with him? Why respond to his requests, if he made them, to see him?---At first, look, as I said he's a nice, he's a nice guy he's a – but he has some issues and after a while it becomes a burden on anyone. So, to me I was just reached my maximum and I thought that was it.

20 But what you're telling us is a reason for Mr Azzi not to go as well as for you not to go, and yet you seem to think – and this is the basis of the discussion you were having with Mr Azzi – that you two were obliged to ensure that someone, one of you two, went to see him.---Pierre and him had issues, and I told them to resolve the issue with him. Don't have an argument with people like Maroun, who is an applicant, who is a person, part of your church. You should not - - -

30 What's wrong with having an argument with an applicant?---Because it's just, it's not, it's not, it's not good. To me it's not, it's not good to have, to, that reason to have an argument with somebody who's got, who's part of your church and, and a person who puts application to council. Just, look, just be, if you're going to walk away, walk away in a nice, mutual understanding without having this tension.

THE COMMISSIONER: But isn't the solution that you deal with them in a more professional manner? If he's putting applications before council, you deal with him by either saying we'll meet at council property. You don't go round to his house where he's got 20 bottles of wine on a table, drinking. ---It just, yeah, it just became, I just, unfortunate it became that way because
40 he kept on hounding, come over, come over, and you can't – the problem with him, he can't come and see you. He can't drive. It's too much. So we had to go see him because it was too dangerous for him to hop in the car. It just – that was, that was an obligation.

MR BUCHANAN: But why did you have to go and see him at all?
---Because he rings up and whinges. Just became after a while - - -

But why does that mean that you have to go and see him?---Because I knew the guy. I, I knew he was a nice person, he's a friendly person, and I was in the area, just dropped in. That's, that's, it became, and then after a while of course things, it becomes, you can put up with so much sometimes, and that's, to me that was the, the last thing was to do with when I was talking to him and (not transcribable) wasn't there.

10 You see, the only explanation, I want to suggest, that this evidence of Exhibit 272 bears is that you felt obliged to ensure that either you or Azzi went to see Mr Maroun at an appointed time at his house.---No. Just it was a, it was a tension and just resolve the tension and sort it out and just walk away.

And the question is, what is the nature of the obligation that you felt you had to Mr Maroun?---Mr Maroun was a nice, a nice person, and as far as I'm concerned the tension he had with, with Pierre at the time, I can't recall what the reason was, but there was an argument based on to do with the church, maybe, to do with something social, something personal, and, and I didn't want to get involved in that, get stuck in the middle where one person
20 complains about the other. I mean, he was complaining about Pierre. Pierre was complaining about him. I didn't want to get, reach that level, if it's, if it's going to come, start compromising an argument, I wasn't, wasn't interested.

You and - - ?---Towards the end I walked away.

You and Pierre Azzi, by December 2015, had a relationship with Mr Maroun of obligation to him, didn't you?---There was no obligation, no, there was no obligation. It's just a friendly - - -

30 To service him.---No.

To - - ?---He's a friendly, bubbly person.

To provide him with a service which you and Pierre Azzi were able to provide of being councillors at Canterbury Council and, at the same time, having a relationship with the director of planning and with the general manager which allowed you to influence what council did in relation to his matters. Isn't that right?---That's incorrect. Because what have we done in
40 regards to his site on Canterbury Road, the Robbo site? It's been sitting there waiting some outcome from RMS. We didn't do anything for that. Only told him inquiries based on progress. The other one I hardly done any work or any assistance for the one on the corner of Canterbury Road, the old car wash. I don't see, we haven't done that much for him in regards to, to, to Mr Maroun.

But did he think that you were obliged to him because you had been taking his money to provide him with a service?---No way. I mean, if you know

Mr Maroun, the guy, it's like walking on eggshell with him. You think you can ask him for anything as silly as that? He's go off his bananas. No way. He's not, he's not the type, he'd not the type. That's why he likes to, to be, that's why he leaves his planners and his architect to do the work for him.

Can we – oh, I'm sorry, I note the time, Commissioner.

THE COMMISSIONER: Do you want as short break, Mr Hawatt?---It's okay. I can, I can keep going.

10

MR BUCHANAN: Thank you. Could we show the witness, please, the transcript in Exhibit 152. This is a transcript of a telephone conversation on 17 December, 2015, where you rang Mr Maroun at 1.28pm. Could you read it to yourself, please.---Yep.

When you said to Mr Maroun, "I spoke to whatshisname yesterday," was that a reference to Pierre Azzi?---I, I don't recall this, this thing at all. I have no memory of this one.

20

Are you able to assist us as to who you would have been referring to?---I wouldn't have a clue.

Well, we do know that the previous day, there had been an appointment for you meet with Mr Maroun. We know this from Exhibit 272 that you just saw and that you had asked Pierre Azzi to go in your place and Pierre had agreed to do so. This is the next day and you're saying, "I spoke to whatshisname yesterday. He aid you had some ideas you want to talk about."---But I would have mentioned Pierre. I would have spoken to Pierre, not whatshisname. I mean, it doesn't make sense to me. I wouldn't say that.

30

So who else could it have been?---Well, I don't know, I can't even recall this. I don't even recall discussion.

Yes, I know you can't recall it but knowing what you know about your relationship with all the various people at Canterbury Council, with Mr Maroun, with the other developers, with any associate of Mr Maroun, who could whatshisname refer to, other than the man you had sent the previous day to go and be your delegate to meet with him at his place, his, Mr Maroun's place?---Why would I mention his name? I don't recall it but why would I mentioned it being Pierre. I don't recall it.

40

You're changing the subject.---No, but I don't - - -

What I'm asking you is, on everything you know, why wouldn't it be the man you had sent to go and see him?---It doesn't make sense, no.

Why wouldn't it make sense?---Because the name, it's, I would not say, I mean, to, to a person who knows Pierre very well, I would mention Pierre. It's like, it must have been, someone must have spoken to me about something. It doesn't make sense.

So what, in that case, can you assist us, who could it possibly have been?
---I, I have no idea.

10 You spoke to somebody.---I have no idea. I can't remember this.

No, no, no. You said, "I spoke to."---Correct, but I have no idea.

So you spoke to somebody.---I can't recall this discussion.

Yes, I understand you say that, but you accept that you had spoken to somebody and that person told you that Mr Maroun had some ideas that he wanted to talk to you about. Now, who could that be?---I don't recall. I really don't recall this.

20 Any suggestions at all?---I, I can't, I can't make any - - -

MR DREWETT: I object. Commissioner, that same question has been asked not once or twice, maybe as many as 10, 12 or more times. My client has given his answer. It may not be satisfactory, it may be a matter for submissions, that's his answer. He doesn't recall. It is oppressive and burdensome for him to be asked the same question over and over again in circumstances where he has given an answer and that is his answer, "I don't recall."

30 MR BUCHANAN: Commissioner, I don't propose to visit the subject any further but I do point out that the words, "I don't recall," are not an answer to the question as to who it could be.---I can't guess.

Now, you knew that Pierre Azzi did meet from time to time with Mr Maroun?---Oh, sometimes.

Did you get a report from Pierre Azzi about the meeting the previous day?
---I don't recall.

40 Would you have got a report from Pierre Azzi about his meeting with Mr Maroun that you'd sent him to the previous day?---If I met Pierre and we had a discussion, I might have, but I can't recall if I met Pierre after that or not.

So when Mr Maroun said, I'm sorry, "Meet me at the pub," was that a reference to the Earlwood pub?---Look, it could be. I, I just don't recall that meeting. Could be. I mean, the pub, there's only one pub in Earlwood, so presumably the pub in Earlwood.

And you met Mr Maroun from time to time at the Earlwood pub?---I don't, look, I don't recall meeting him at that club, actually, at the pub.

THE COMMISSIONER: Ever?---I don't recall, honest. I don't recall meeting him there.

10 MR BUCHANAN: You don't recall ever meeting him at the Earlwood pub?---I might have but I don't recall it. I, I might have, but from my memory I don't recall meeting him there. I recall meeting him at the RSL club, yes, maybe once, but I don't, I don't remember the pub.

Do you accept that this conversation tends to suggest that you did meet him at the pub?---I might have, but I don't recall. I can't recall that discussion.

You accept that it does tend to suggest that's what you did?---It, yes.

20 Can we have a look at the transcript, please, for Exhibit 153. Moving forward now to 23 December, 2015, Mr Hawatt, this is a recording of a conversation on that day, commencing at 12.21pm. So it's just on that one page, if you could read it to yourself, please.---Yeah, I've read it.

And you see that you initiated the call?---Looks like, yeah.

And you asked Mr Maroun whether he was still around, and he, Mr Maroun, said, "No, I'm still waiting." You ascertained that he was in the gym and then you said to him, "Okay, I'll see you soon. All right."---Yeah.

30 Why did you make an arrangement to see Mr Maroun on that occasion?---I don't recall even talking to him about this. I, I don't recall this one either.

Can you see that there is a pattern here of very regular meetings with Mr Maroun, mostly by you and mostly initiated by you?---Well, if there's meetings, most of them could be social meetings. Doesn't have to be anything to do with his developments because his developments were at a standstill. So I don't, I don't see what we can talk to him about unless it's something, it became more social than anything else.

40 So at 12.21, in the middle of the day, you would go and see Mr Maroun at his gym shortly thereafter?---If I, if I was in the area and he rings me or made an appointment, I'd drop in and see him. Just like, it's - - -

Because he was your friend?---Well, I dropped in. It became a, a habit with him.

But you don't drop in on people unless usually they're business associates or they're a friend.---He's a friend.

THE COMMISSIONER: So you got over your view on 16 December that you'd had him?---Look, to me if someone rings me, I always have respect for them. It doesn't matter if I had enough.

But you're ringing him.---Yeah, but - - -

10 Sorry, you're ringing Mr Maroun.---Yeah, but he, he was expecting. By reading the transcript, "Are you still around?" that means he's waiting for me. He must have said, you know, let's catch up. It's not that I'm ringing him. I must have rang him because I was running late or he was waiting for me. That's why I said, "Are you still around?" That means I'm running late. I'm, that's, that's what, that's how I'm reading it.

MR BUCHANAN: So that was Exhibit 153. And that was at 12.21pm on 23 December. Can we have a look, please, at the transcript for Exhibit 273. This is another telephone conversation, this time between you and Mr Azzi on the same day, at 12.24pm. If you could say when you - - -?---Yeah, yeah, I'm ready.

20 You're ready to see page 2?---Yeah.

Page 2, please.---Yep.

Why was it after having established that Mr Maroun was available to receive you at his gym that you arranged for Mr Azzi to meet you there too?---Because I'm in Earlwood at the, and you can see I had another meeting with Fadwa. And it's not far where she lives, not far from Earlwood.

30 But should Mr Azzi go too?---Oh, I don't, I don't recall, unless Mr, unless Jimmy wanted him there, I don't, I don't recall.

You told Mr Azzi – this is page 2 – "Okay, he's there now, waiting for you."---Correct. He was, he's probably, he probably wanted to see him, most likely.

And Azzi said, "Okay, all right, he's waiting now?", and you said, "Yeah."---Yep.

40 I'm sorry, I don't understand why you arranged for Mr Azzi to go too.---Jimmy must have asked, asked, asked me to, to get him to, to meet him. He might, he might have wanted to talk to him over something. I don't know.

Sorry, who are you talking about now?---Mr Maroun would have asked me to contact Pierre, he, as he probably wanted to catch up with him.

No mention of that in the conversation you had with Mr Maroun.---Well, why would I say, “He’s waiting for you”?

Well, that’s a good question. Can you help us on that?---No (not transcribable) to me, like, if I said that, that means he’s expecting him.

10 It tends to suggest, doesn’t it, that there was a pattern whereby you and Mr Azzi saw Mr Maroun together.---No, there was, there was a, as I said before, there was some, it’s a, a, an on-and-off tension between the two. I mean, I, I don’t know what, there’s, there’s some sort of a, an issue between them, I think based on their, on the association with the, with the church. That’s, there was some, some issues with that. I, I don’t recall.

20 None of that explains why it appears that the two of you felt under some obligation to provide him with a service.---It became, it became more social with, with Mr Maroun. It became really more, like, it was rarely times where we spoke about any developments, because he had no developments, except for the one that he had his planner working on, and that one he’s sitting waiting on. There’s nothing we can do for him. So, it’s, it’s more like social, more than anything else.

You were councillors who were going to have to vote on his development application in respect of the car wash site, weren’t you?---Well, I, I don’t recall whether, what, what we’ve done for him in regards to the car wash site. And we had - - -

But you were councillors who would have to vote - - -?---Yeah, but we wouldn’t have - - -

30 - - - on his application.---But we voted on whatever is recommended by the staff. Not (not transcribable)

Well, that wasn’t always the case, was it?---Oh, there’s, there’s one, I mean, from, to me, that’s always been the case. There might have been an incident where that wasn’t the case.

40 There was more than an incident. In respect of the whole of the Residential Development Strategy, you didn’t follow the recommendation of the staff, did you?---Oh, we, no, no, we weren’t that, this is the beginning of the, the, the, the planning, the planning proposal that went through 2012, is it, that you’re talking about? ‘13, ‘12, I can’t remember.

‘13/14.---With Maroun then it was just like a, and an on-and-off calls. And then later, he started making – because he knew Pierre was a social person, and we became closer, more social with him. But before that, no, there was no, there wasn’t that close working contacts with him.

THE COMMISSIONER: So this is occurring during the day. The evidence of Mr Azzi was that he was driving taxis during the day.---Correct, yeah, that was true quite often.

So he would have to stop his employment or his work driving taxis to go either with you or by himself to see Mr Maroun.---No, that's, that's incorrect, Commissioner, because we, Pierre finishes early. He has a shift. He has another person who comes in around that period of time.

10 That's usually around 3.00pm.---Yeah. So Pierre always comes earlier to, to - - -

This is now at 12.24.---Yeah. So sometimes the day is not, not good for him. As a taxi driver, some times of day is good, sometimes it's not good. Sometimes he's not working. It's, as a taxi driver, it's not, it's not a thing that they're working. Sometimes he's sitting there in the car waiting and if you get a call, come around, oh yeah, he's bored, I'll come around. So he's not, it's not a 9.00 to 5.00 job for him. It's, it's a, it's a job that entails driving someone, sometimes if somebody says I want to go up the North
20 Shore - - -

Yes, I think I understand how taxis work.---You know, that's all. It's, it's hard.

MR BUCHANAN: Mr Hawatt, you weren't, on this occasion, were you, making an arrangement, as you understood it, to collect money for you and Pierre from Mr Maroun?---No.

30 Because you see the evidence before the Commission – I'm looking at Exhibit 179, but the original documents are in Exhibit 149 – is that Mr Maroun had, a couple of hours before you made these arrangements, gone to financial institutions and taken out \$30,000 in cash. A couple of hours before.---Would have been his business. It could have been, I mean, I can't comment. Ask him, don't ask me why he took it out.

And then it's not going to surprise you to know, is it, that you, over that and succeeding days, made a series of deposits?---I've always made deposits because I'm always continually collecting money from various people that owed me money.
40

If I can just get you to assist us, please, with the identification of the documents. Exhibit 149, page 59, and this is what's described as an account summary for an account in your name with the last four numerals of the account number being 3-2-6-7. Do you see that?---Yep.

And if we go to the next page, do you see the highlighted transaction on 23 December, being a payment of \$4,500?---This is the credit card, is it?

It would see so, doesn't it?---Yep, yep.

And if we could go to the next page, please. And can you see that the amount is a cash amount of \$4,500?---Correct.

I need to draw your attention to the fact that the time in which this transaction is recorded is 12.18pm. Do you see that?---Correct.

10 You had made the deposit before you went to Mr Maroun's place, pursuant to the arrangement that you'd made with Pierre Azzi and Mr Maroun earlier that day.---Yep, could be. Well, that's, if that's what it says, yeah.

Could we have a look, please, at page 64. Do you see that this is a statement of transactions for an account with the last four numerals being 3-4-2-7 and it seems to be in your name and the transaction that's highlighted is on 24 December, being a cash deposit of \$3,500?---Yep.

20 Can I take you to page 68, please. This is, again, I think your Visa account with the last four numerals being 3-2-6-7. Do you see that?---Yep.

And then if I can take you to the next page, please. And the highlighted transaction is another transfer, this time of \$5,000. Same day, 24 December, 2015.---Yeah.

So that's a second payment into this account in two days.---Yeah.

Of cash.---Ah hmm.

30 Why were you making successive cash payments into your credit card account, your Visa card account, at this time if you hadn't received cash from Mr Maroun?---I don't recall when I paid them and why I paid them, but one thing I can tell you, I never received any cash from Mr Maroun.

I'm going to take you to page 73, please. This is a statement from [REDACTED] and it's in respect of a transaction for \$2,475. Can you see the cash printout, the register printout?---Yeah.

Made at an Australia Post branch at Oatley.---Correct.

40 And from the fact that the statement of account is addressed to Mrs Khettouch, is that the name of your wife?---Correct.

Thank you. I missed the word "cash" on the register printout. \$2,500 from which change was given to her. Can you see that?---Yeah.

Where did your wife get that cash from?---Well, definitely not from Mr Maroun.

Or from you having got it from Mr Maroun?---Definitely not from me getting it from Mr Maroun.

And if I could take you, please, to page 75. I'm sorry, my mistake, 74. This is a transaction on 29 December, 2015, at the Kingsgrove Australia Post office, being an insurance premium payment from the looks of it. Can you see that cash was tendered of \$900?---Yes.

And that the account's in your name?---Correct.

10

Looking at page 75, please. Again, still on 29 December, payment made at the same place but this time being a Tax Office payment in the sum of \$1,500. Do you see that?---Yeah.

And that the payment was made in cash.---Yeah.

20

Can I take you to page 79, please. On 4 January, a transaction is recorded on your Ozsecure Home Loan Pty Ltd account with the NAB, with the account number ending in 2-2-1-8. The transaction is on 4 January. It's a cash deposit of \$4,900. Do you see that?---Yeah.

Page 82, please. Again on 4 January to another account with the NAB, this time with the account number ending in the numerals 3-4-2-7, and the deposit is in the sum of \$4,000.---Yeah.

And it's a cash deposit.---Yeah.

30

Page 86, please. On the same day you made a cash deposit to the Tax Office at the Oatley branch of Australia Post in the sum of \$2,100.---Yeah.

That's a lot of cash that you're disbursing in the period after your meeting with Mr Maroun that you'd arranged for Mr Azzi to attend also on 23 December, 2015.---None of these payments have come from anywhere from Mr Maroun or anyone associated with Mr Maroun, directly or indirectly.

40

And \$25,500 of it was deposited after that meeting that you'd had with Mr Maroun and Mr Azzi on 23 December. 25,500.---I had, don't forget I had over, I had a lot of cash coming in from loans and I had money coming in from Morocco, and there's money that I brought in through the airport and I declared it. So, yes, I had cash to pay my bills with and I borrowed money from, from my brother, I borrowed money also from other sources, and I paid my bills with it.

Where did the cash that you deposited between 24 December and 4 January come from?---I have to go through the dates and times, but none of it come from Mr Maroun or from any other source associated with Canterbury Council or any developer.

THE COMMISSIONER: The money from Morocco, I thought you only picked that up when you went over and visited and bought - - -?---Correct.

- - - the money back.---(not transcribable)

Are you suggesting that in addition there was some kind of transfer of, bank transfer of funds?---No, no. No, I had - - -

10 So it was purely when you'd go over you'd pick up cash - - -?---Correct, correct, correct.

- - - and bring it through the airport?---Correct. And the ones that over the limit, we've declared it at the airport.

MR BUCHANAN: Why wouldn't you deposit those funds straight away in a financial institution?---Sometimes we just leave it to pay bills with later on. It's, it's the way people use cash. I mean, I prefer to have cash to, to pay bills whenever I want.

20 Lying around the house?---Well, that's, that's the way, that's the way I do it. A lot of people have money in cash around their houses. Some people have it in the, under the beds, some people have it – people just like cash.

Excuse me a moment.

THE COMMISSIONER: And, sorry, the money you'd bring from Morocco, that was actually in Australian currency?---We, we converted it in, at the airport, at Dubai airport or Abu Dhabi.

30 So what were you actually paid in?---US dollars.

In US dollars.---US dollars.

MR BUCHANAN: Can I take you to volume 17 in Exhibit 69. The day after this meeting on 23 December, that is to say Christmas Eve 2015 – this is page 305 in volume 17, text message number 99.---Yeah.

40 Mr Maroun texted you at 12.47pm to say, "Hello, Michael. How did you go? Thanks."---I don't, I don't recall that message. I don't recall what the message meant.

Well, it's obvious that Mr Maroun had an expectation that you were going to do something in which he had an interest.---What day is that?

24 December, 2015.---I, I don't know. I just can't see what I would have done the night before Christmas. I mean, I, I just, "How did you go? Thanks." I don't know.

Well, can I take you down to item 102. You texted Mr Maroun to say, at 7.06pm, "Okay, JM is going on leave, and on his return we can catch up with him. I will be OS from 6 January until the end of January."---Oh, he might have wanted to meet up with Jim Montague, maybe.

10 Yes. Why?---Well, I don't, I don't remember even sending, talk, I don't, I don't even recall this. He might wanted to meet up with Jim to complain about something, I don't know. If, if he wanted to meet up with Jim, that mean, to me that would say that we haven't really done much to help him with and he wanted to relay his message to him. That's, that's all I can think of.

20 But what this does mean, doesn't it, is that you created an expectation in Mr Maroun that you would arrange something with Mr Montague in which Mr Maroun had an interest.---I, I think, can I recall something? I'm just thinking about it. I think there was a, a function that the council attended in Chinatown. I think there was some event, community event and, again, I, I, I can't recall the dates and the times but there was, Mr Maroun was there and we just saw him there by accident and, and I think he met Mr Montague then and maybe from that discussion, he might have said, oh let's catch up and asked me to follow it up. Just from memory but there was, that's where he met Mr Montague was at that event, most likely and he might have spoken to him about catching up with him.

30 Well, the only reason that Mr Maroun would have had for wanting to catch up with a person that he had only encountered briefly, but who was the general manager of the council in which he had at least two matters at that time, would have been to try to influence the general manager to assist him or to help him in some way in relation to his matters.---No, I don't think so. That's - - -

Why not?---Because he asked – it could have been, look, from, from what I know of Mr Maroun, he probably would just want to socialise with Mr Montague because he, that's his character. He might have met him at that functions, let's catch up for a drink Mr Montague, let's, you know, do something like that. That's, that's the way he is.

40 Why wouldn't that have been an attempt by you to arrange a meeting between Maroun and Montague- - - ?---No, I think it's a - - -
- - - at Maroun's request?---I think it's a follow-up on that, most likely that meeting we had at the function.

That's not an answer to my question. Why wouldn't it have been an attempt by you to arrange a meeting with Mr Montague at Mr Maroun's request?
---He might have asked me to follow it up because he met with him and I might have said, yes, I'll speak to Mr Montague and, when he comes back. It's just general discussion.

You see, you arranged meeting between development proponents and Mr Montague, didn't you, multiple times?---If there was an issue that they wanted to resolve - - -

Is the answer yes?---Depends, depends if there was an issue or not.

10 You're saying the circumstance – the answer is yes and the circumstances would have been the following. So the answer's yes, isn't it?---Sometimes. Sometimes.

20 Why wouldn't you have attempted to arrange a meeting between Mr Maroun and Mr Maroun if there had been something which Mr Maroun had expected you to do?---Well, as I said before, Mr Maroun, he's, he's too, too sides, one was sitting there waiting for an outcome from State Planning, and the other one, I'm not sure where the, where the progress is on the dates because as far as I'm concerned, his planner and architect did all the work and, and the council made the recommendation and we really didn't do that much on his behalf at all. And if he wanted to meet up with Mr Montague, I couldn't imagine what Mr Montague could do for him.

Did you have any contact with Spiro Stavis about what should be the recommendation in respect of Mr Maroun's matter that was before council in respect of the car wash site?---His, his, his planners, Mr Maroun's planner and architect has been doing all the, the work with the planners, with Mr Stavis and, and co. So I, I don't, I don't recall having to do too much on behalf of Mr Maroun.

30 Commissioner, I note the time.

THE COMMISSIONER: How are you going, Mr Hawatt?---I, I, I seem to be okay.

MR BUCHANAN: Chirpy.

THE WITNESS: It gave me a lot of energy.

THE COMMISSIONER: Bubbly.

40 THE WITNESS: Keep going, you give me more energy.

MR BUCHANAN: If that's convenient - - -

MR DREWETT: I would ask for there to be a – I'm sorry, I didn't mean to interrupt my friend there but given what he has communicated to his lawyer this morning about him not having slept more than an hour last night and the days leading up, notwithstanding the fact that Mr Hawatt appears to be in

free-flow at the moment, I think as a matter of fairness, perhaps he should be allowed to go home and get some rest.

THE WITNESS: I must say, honestly Mr Buchanan has energised me.

THE COMMISSIONER: Oh, has he?

MR BUCHANAN: How about we keep going - - -

10 THE WITNESS: He, he is doing me, he is doing me a lot of good.

MR BUCHANAN: - - - for just another 20 minutes?

MR DREWETT: Well, I'd ask that we don't keep going for another 20 minutes. I would ask, given his medical conditions and what he's told us, I think that it would be very prudent for this Commission to not be sitting beyond what would normally be expected during normal court hours. I would think that 9.30 to 10 past 4.00 and beyond is more than sufficient in the circumstances.---I, I, I, I do feel tired.

20

THE COMMISSIONER: You, you - - -?---But I, even though I'm energised, but I'm still drained.

I'm very pleased you're more energised. Mr Buchanan, were you moving to a new topic, or what were you going to - - -

MR BUCHANAN: No, just proceeding through. We dealt with Christmas Eve. I was going to move to Christmas Day, 2015.

30 THE COMMISSIONER: And is that relatively discrete, or - - -

MR BUCHANAN: Oh, there's numerous discrete encounters that are the subject of evidence that I'd like the, Mr Hawatt to assist us on.---Oh, we can, we can keep going till, till, if you want, we've got 10 minutes?

THE COMMISSIONER: All right, let's go for another 10 minutes.

40 MR BUCHANAN: Thank you. Exhibit 274, please. You can see that that is a, an extract of a transcript of a call between Mr Azzi and yourself, initiated by Mr Azzi, at 6.47pm, on 25 December, 2015. Yes, I've been, it's apparent, it's goes for nine pages, this transcript.---Oh my God.

It might be easier for Mr Hawatt if he has the hard copy in front of him, if that is possible?

THE COMMISSIONER: It's Exhibit 274.---Thanks. Do you want me to read it all, Mr Buchanan, or - - -

MR BUCHANAN: If you wouldn't mind, please. But we can always play it if, particularly if you're concerned about the, the content of the transcript, if you'd like to hear it.---It's a, it's a bit confusing just quickly reading this, because I just - - -

Well, can you tell me, what's the aspect that's confusing? I might be able to help you.---I mean, if I could, can I hear it, the, the, the recording (not transcribable)

10 No, no, no. It's fair enough, it's quite fair enough, Mr Hawatt. I understand. What I'll do is I'll ask if we can play the audio file, and I'll ask you if you could follow the conversation - - -?---On the, yeah.

- - - as you hear it in the audio file - - -?---Yeah, yeah, I can do that.

- - - on the, in the transcript.---Yeah, I can do that.

And it's an extract that starts after some irrelevant material.

20

AUDIO RECORDING PLAYED

[4.14pm]

MR BUCHANAN: You recognise the voices of yourself and Pierre Azzi?
---Yes.

30 You and Pierre Azzi, this recording shows, were having to try to push Mr Maroun to get his application for the additional two storeys on the car wash site through in compliance of the requirements, which in that case were clause 4.6, weren't you?---Well, I mean, what Pierre was saying in the thing, he's talking about council must have asked him for, for some community benefit or something where, there seemed to be some discussions between him and planning, and we were laughing at his actions and what Maroun is doing. It's - - -

But my question to you is different.---What is the issue with this?

40 I'm asking you to take a step back from the detail of this. The tenor of all of this is that your, you and Azzi think that Maroun is hopeless at trying to ensure that his DA, his own DA for the extra two storeys gets approval.
---No, we're just laughing at his, he drinks too much and the guy doesn't know half the time what he's doing. We're just making, we're making - - -

Whatever the reason – no, you both thought he was hopeless at complying with what you both understood to be the requirements for him to get his DA for two extra storeys on the car wash site up at council, weren't you?---I think, I think you're misinterpreting it. That's incorrect.

Why is that a misinterpretation?---Because it's, we're, we're, we're making fun of, of, of his, his actions. He doesn't know, someone who doesn't know what he's doing. It's up to, that's why he leaves it to his planners to, to make those decisions. It's not, he's not all there half of the time. That's why - - -

10 So why in that case was Pierre having this conversation with him in which he's trying to find out whether Mr Maroun has been told by council that he needs to comply with the requirements of clause 4.6 and whether he has in fact complied?---Well, as you can read from what Mr Azzi was saying, that he must have made an inquiry on his behalf, and what Maroun is telling Pierre is different to what the council is saying, so it seems to be a bit, a bit lost.

20 Yes, that's right. What interest was it that you had in ensuring that Mr Maroun complied with requirements that you understood applied if his development application for an additional two storeys on the car wash site was to be approved? What interest did you have in that?---We had no interest in that. I mean, he - - -

20 You had a relationship with him in which you seem to be trying to save Maroun from himself.---No, that's - - -

30 That is to say he was not doing what you understood needed to be done, he was balling it up, and you're trying to put him back on the straight and narrow and make sure that he does comply with the requirements that you understood applied.---I don't, I don't read it like that. I think you, you've interpreted your way. I will interpret completely different. We, we look at it in a light-hearted manner as far as his drinking habit, as far as the things he does and says, and it, it (not transcribable) I've been telling you all along in regards to the way Mr Maroun acts.

40 Mr Hawatt, the subject matter of your conversation here with Mr Azzi is his conversation largely with Mr Maroun, secondly with his daughter, and thirdly with Spiro Stavis, all about what was Maroun doing to comply with, as Mr Azzi had understood it from Spiro Stavis, council's request for Mr Maroun to comply with the requirements of clause 4.6. That's what it's all about, isn't it?---It's a light-hearted discussions based on what Mr Azzi found out of what Mr Maroun was doing from Spiro Stavis, and it became a joke between us as a light-hearted discussion for Christmas. That's all it was. And I don't know – you're, you're, you're, you're, you're making it into a, from a mole into a mountain, so I, I don't see any issues with – I, I was ready to laugh on this one, more than anything else.

Can I take you to, sorry, Commissioner. I'm, for my sins, working off a different version of the document from the copy that's in evidence, and I apologise for that. Page 6. I went one page too far. Thank you. Can you see, this is page 6 of the transcript where, about, a bit over halfway down,

Mr Azzi says, "I'm doing like you told me to. What can I do?", and he went on to say, "We have to go along with him like you told me."---Yeah, not, not the - - -

And you responded, "Yeah, yeah, now we have no choice. We have to go along with him." What's that about?---Because we didn't want to antagonise him. The guy is, walks - - -

10 Why? What's wrong with - - -?---He walk, he - - -

- - - antagonising a development proponent?---He walks, this guy walks on eggshell. He's, he - - -

What does it matter - - -?---Sometimes - - -

- - - if you antagonise a development proponent?---Oh, we're talking about social here. If you sit down, if you would sit down with him, the guy is like walking, any, anything that's, you say one word slightly different to what he's thinking, he gets aggressive and, and acts – because he's got too much
20 alcohol in his head. And I said, don't antagonise him. I don't want any arguments. Just, just follow, follow with him in order to appease him without having to go back and forward, as we, he normally does. As you can see he's a hardball and he keeps pushing and even when he doesn't understand anything, he will keep pushing. I said, "Don't, just follow it, follow him, without having to antagonise him and argue with him." That's basically (not transcribable)

30 This is what makes all the more difficult to understand why you and Mr Azzi spent any time with him at all, let alone as this transcript shows, trying to help him get his development application up.---He became a social friend, and we liked him to, to accompany him, but when he starts on his specific projects, it becomes, he just, it drives you crazy. But when he sits down socially, talks about social issues and having a drink with, with Pierre, and having coffee, it's, the guy is a fun guy.

Did you, when - - -?---But anything else, he's not.

40 When's the last time you had a drink with Mr Maroun?---Well, I would have, I, as I said, most of the time I had coffee, but sometimes I have a, I mean, I said the other day, I had a drink. Sometimes I have a glass of red wine for the heart, and I, I know that every now and again - - -

When was the last time you spent socially with Mr Maroun?---Oh, it's a while back. I can't remember the, the date. I, I went - - -

Would it be fair to say that you haven't had time with him socially since you stopped being a councillor?---No, not really, since I went overseas, and he became, as you can see, he became a hardball and difficult to deal with.

And I came back and, and Pierre said, “I’ve had enough of him,” and I said, okay, let’s just slow down, just silly (not transcribable)

THE COMMISSIONER: So this is when - - -

MR BUCHANAN: But you continued to have dealings with him after having worked out, if that’s the right word, that he was a hardball. This is – we’ve now established that you were continuing to have dealings with him notwithstanding the difficulties that he presented trying to interact with
10 him.---Well, it became difficult because socially, he’s a great guy.

No, no, no. The question is why did you continue to spend time with him, let alone try and help him get his development application up?---Oh, he’s just, he’s a, he’s a friendly, nice person, and I don’t like to – look, my, my personal position, I always respect people. If somebody rings me and says, look, even if I don’t like the person, yes, I’ll, I’ll talk to them, I’ll discuss it with them, I’ll meet up with them, I’ll have coffee with them. But that’s the way I am. I deal with people in the - - -

20 Why did you want to help him get his development application for two extra storeys on the car wash site approved?---We’re just going through the same process as anyone else. No different. The same process.

Excuse me a moment. You said to Mr Azzi, where the cursor is at the bottom of page 6, “We have no choice, we have to go along with him and strong him along like he drags us along, drag him along.” You’re clearly indicating that there was some peculiar relationship that the two of you had with Mr Maroun that would be explained as being, you felt obliged to him, you felt obliged to help him.---No, no. We just had a friendly – look, we
30 respected him as a, as a person, we had a, a good relationship - - -

So why was it necessary to say we have to go along with him?---Yeah, because he, we just, the guy, he drinks heavily and he says some funny things. You can’t argue with him, you just toe the line with him. You just follow, follow with him to, to finish off.

Was the reason that you had to go along with him and continue to try and help him get his DA approved because you were under obligation to him because he was paying you?---No. That’s, that’s incorrect.
40

What other obligation did you have?---Oh, there’s no obligation. It was just a friendly person, look, to the extent even Pierre was laughing at, at the way he was, he was drinking or was arguing. He was going on and on and on.

But the language you use in this conversation clearly shows you thought you were under an obligation to him.---No, respect for him.

You had no choice.---We had respect for him and I said, “Don’t argue, don’t antagonise him. Don’t, just let it flow along with him. Agree with him, just so he won’t go into argument with you.”

10 Well, except that Pierre Azzi, on his account to you, did go into argument with him because he was trying to get out of him whether he understood he had been asked by council to provide a submission, a plausible submission as to why the planning control shouldn’t apply, the height of the building planning control shouldn’t apply and at first it appears that, according to Mr Azzi, Mr Maroun said, no, he hadn’t been asked about it and then Mr Azzi said, he turned around and said, yes, he had been asked about it, which caused the two of you some mirth.---Because he’s confused. I, I, don’t. I’m just, I’m just reading - - -

20 But why is Mr Azzi bothering to engage with him to that degree, to ensure that he gets his, he complies with the requirements to get his application up?---The guy complains and asks for help and sometimes he doesn’t know what he’s talking about and Pierre would have followed up on, on an issue that he complained about and, by the sounds of it, Pierre found out he didn’t know what he was talking about because he, Mr Stavis didn’t meet him. So
- - -

He wasn’t helping himself get his own DA up. That was what you and Azzi thought.---No, no. We were laughing at it because he says, says something and he does, and he hasn’t done anything else because his mind wasn’t there. That’s what we’re laughing at.

30 THE COMMISSIONER: But Azzi was interested enough to start interrogating his daughter.---No, because, it’s like, his daughter seems to be the one who understands because he keeps talking to him, the guy keeps arguing and, and he doesn’t know what he’s talking about. He’s got, he’s always drinking. He’s good when he’s not but he socialises, but otherwise it’s very difficult to, to deal with him.

MR BUCHANAN: I note the time, Commissioner.

THE COMMISSIONER: All right. Thank you for sitting on, Mr Hawatt. All right. We’ll adjourn until 9.30 tomorrow morning.---Thank you.

40

THE WITNESS STOOD DOWN [4.34pm]

AT 4.34PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.34pm]