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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 19 DECEMBER, 2018

AT 10.00AM

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THE COMMISSIONER: Yes, Ms Mitchelmore.

MS MITCHELMORE: Commissioner, there's no administrative matters, so the first witness this morning is Mr George Vasil.

THE COMMISSIONER: Mr Vasil. Now, Mr Neil, on the last occasion I made an order under section 38. Are you content for that to continue?

10 MR NEIL: Yes. It was explained previously and if that's continued, that would be adequate.

THE COMMISSIONER: Yes. Thanks.

MR NEIL: Thank you.

**COMMISSIONER'S ORDER MADE PREVIOUSLY TO CONTINUE
PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT**

20

THE COMMISSIONER: Mr Vasil, oath you took?

MR VASILIADES: Oath.

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MS MITCHELMORE: Yes, Just for the record, you're named Mr George Vasiliades, is that right?---Yes, yes.

But you're also known as Mr Vasil?---Correct.

10 Are you content for me to call you Mr Vasil in your evidence?---Yes, yes.

If I can just ask you, Mr Vasil, you keep your voice up when you're answering questions.---Which microphone shall I grab?

That one's convenient, if that's - - -

THE COMMISSIONER: And that's comfortable for you?---Yes, yes, yes.

20 MS MITCHELMORE: Now, Mr Vasil, one of the topics that you were asked questions about when you last gave your evidence was your involvement with Mr Stavis and Mr Khouri, Mr Hawatt and Mr Azzi in relation to the employment of Mr Stavis in the role of the director of city planning and the events that occurred after that offer of employment was withdrawn. Do you remember that topic?---Yes, yes.

And you gave evidence that you were overseas for part of the period in November-December, you left Australia on 6 November, 2014, is that right?---Yes.

30 And you returned on 2 December, 2014?---From my passport.

Yes, from your passport. That's right. And you've given evidence that Mr Stavis came to you at some point after he received a letter withdrawing the offer of appointment.---Yes.

And came to see you and you tried to assist Mr Stavis with some legal and union referrals, is that right?---Correct.

40 Since you gave your evidence, Mr Vasil, a set of call charge records has been tendered before the Commission and this is Exhibit 233, which I wanted to ask you some questions about. Now, we might bring that up on the screen. Would you prefer a paper copy, Mr Vasil, or are you content to look at the document on the screen?---I can, okay, I can look at it on the screen.

Look at it on the screen, all right.

THE COMMISSIONER: If you prefer the paper version at any time, just speak up, all right?---Yes, okay.

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MS MITCHELMORE: All right. Now, Mr Vasil, you see that that document is titled CCR records for Bechara Khouri, yourself, Mr Montague, Mr Hawatt, Mr Azzi and Mr Stavis and it's between the period 1 February, 2015 and 28 February, 2015.---Yes.

Have you reviewed this document since it was tendered, Mr Vasil?---Yes, I had a look at it very briefly, yes.

10 Just to orient you as to time, this document starts on 1 February, and on 27 January there was an extraordinary meeting of council that was held at the request of Councillors Hawatt and Azzi. Do you recall that meeting?---Yes.

Were you at that meeting?---Yes.

All right. And the meeting of course was closed by the mayor, after he made a short statement, is that right?---Correct.

20 And some members of the council, including Councillors Hawatt and Azzi, continued the meeting, is that right?---Yes.

And were you there for the continuation of the meeting?---I didn't even know there was, they were having a meeting. It was just chaos in there.

I see. It was difficult to tell that a meeting was being held, is that right?---I don't remember. There was just so much chaos in there. I, I, it didn't look like a, a meeting, a normal meeting, that's what I'm saying.

30 It didn't look like a normal meeting of council that you had previously attended, is that right?---That's, that's, yes.

All right. Now, just looking at Exhibit 233 - - -?---It's not on here.

Oh, I'm sorry, it'll come back up.---Okay.

Now, do you recognise the format of that document? I think Mr Buchanan, in your evidence on the last occasion, took you to a similar document, which was Exhibit 60.---Yes.

40 So I won't take you through each of the columns but you understand the general operation of the document, is that right?---Yes.

All right. Now, you'll see, Mr Vasil, that a number of entries on page 1, so just looking at that page that's before you, are highlighted.---Yes.

And you'll see that each of those entries are highlighted indicating that Mr Stavis was either a maker of a call or sender of a text message or the recipient of a call or text message. Do you see that?---Yes.

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And such entries are highlighted. If we can just go through the document just to show that, just going through by page. So that's page 1. So you'll see page 2. You'll see, for example, on page 2 that item 46 there's a contact between Mr Montague and Mr Stavis and some further at 77 and, sorry, 75 to 78.---Yes.

But the other contacts are between Mr Stavis and you. Do you see that?
---Yes.

10

And that's the same on page 3.---Yes.

The contacts again are between you and Mr Stavis.---Yes.

Page 4, I think they're all between you and Mr Stavis.---Yes.

Page 5.---Yes.

Page 6, page 7, page 8, there are, at 303 there's a contact with Mr Montague
20 and Mr Stavis but otherwise they're you and Mr Stavis. Do you see that?
---Yes.

Page 9, again there's some contact with Mr Montague at 343, but otherwise it's between you and Mr Stavis. Page 10, again at 401 there's contact with Mr Montague, and 402, but otherwise it's you and Mr Stavis.---Yes.

And page 11, again some contact at 415 to 417, 422, 423 and 426 with Mr Montague, but otherwise it's you and Mr Stavis. Do you agree?---Yes.

30 Now, Mr Vasil, I think - - -

MR NEIL: Commissioner, could I just, with respect, just before we now move on ask it be noted that where my learned friend uses the word "contact", in those that are for example two seconds or three seconds, and there are a number of them, it should not be assumed there was any contact. There may have been an attempt at contact but one or two or three seconds couldn't necessarily be an actual discussion.

40 THE COMMISSIONER: Look, I'm content with the use of the word "contact". I take your point that there are short, relatively short – it could have been just a message "ring me" or something like that. But obviously the duration time will be taken into account I assume with any questioning and ultimately with any submissions.

MS MITCHELMORE: And certainly I take my friend's point. When I say contact obviously that, my friend is quite right, where there is only a two second call it may be in fact that that is a missed call.

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MR NEIL: Yes.

MS MITCHELMORE: So there's an attempt to call but not necessarily speaking as between Mr Stavlis and Mr Vasil on those occasions.

MR NEIL: Well, I'm obliged to my learned friend and to you, Commissioner.

10 MS MITCHELMORE: Yes. Thank you. Mr Vasil, someone, not me, has done the counting but it's the case that there are some 78 highlighted entries in this document that show if I can refer to it as a line being open.---Yes.

Not necessarily contact but a line being open between you and Mr Stavlis in the period of this document 1 February to 28 February. Can you recall what you were speaking to Mr Stavlis about in general terms in February of 2015?---Yes.

20 And can you perhaps tell the Commissioner.---Yes. I can't recall each specific call and the time but I can tell you the subjects that I was speaking to Mr Stavlis about. The first one was what Mr Katris has sent him to talk to me about, which was planning issues.

THE COMMISSIONER: Can I - - -?---Yes.

Sorry, are you now speaking about - - -?---Generally.

- - - all of your contact with Mr Stavlis from the time that - - -?---Correct.

30 - - - the job was advertised?---Correct.

All right.---Yes.

MS MITCHELMORE: Mr Vasil, I'm just asking you about February. If you can turn your mind to February.

THE COMMISSIONER: Can you limit yourself to that?---Yes, yes, but it's also related to previous discussions.

40 MS MITCHELMORE: Okay. All right.

THE COMMISSIONER: All right. You proceed the way you intend and maybe if you can just first identify - - -?---It can overlap. It overlaps.

- - - generally those topics.---Yes. The second topic was about his legal position and the third topic, which I'll speak about now, [REDACTED] Those were the three subjects generally that I was speaking to him about.

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MS MITCHELMORE: And, Mr Vasil, that was including through the period of February?---Including through the period of February. Generally in February it would have been all those subjects as well, but my understanding is that I did suggest to him that he goes and sees the union, and after the union got involved I think things were starting to get resolved.

THE COMMISSIONER: Was that suggestion to see the union in either late December or January?---I think it was middle of January, late January, because it came to his attention that in fact he did have a contract, but then
10 what does he do with it? The council doesn't want to honour the contract. He's got to go and see a solicitor.

I think we've got some evidence that he did see a solicitor maybe late December.

MS MITCHELMORE: Yes.

THE COMMISSIONER: Mr Boatswain was involved.---Yes, yes. Sorry, what I meant was to go and spend money for a solicitor to try and enforce
20 the contract. So that's when I suggested to him it's best that he goes and sees his union.

MS MITCHELMORE: Yes. And that, Mr Vasil, was after you took him to see Mr Laliotis, is that right?---That's, yes, correct, of course.

And Mr Laliotis said he wasn't an employment lawyer.---That's right.

And so you suggested that he spend some money and go and see an employment solicitor.---No, what he, no, what he did, Mr Laliotis sent him
30 to a, an employment lawyer, and he saw the employment lawyer and he came back to me and said that the employment lawyer told him it was – and I remember the word now – a repudiation of contract. And I said to him, look, from my little experience I don't see that because it's an attempt to withdraw your offer. You've already accepted the offer. So for a while he went to somebody else.

I see. And is it the case that through January and February Mr Stavis kept you informed as to communications he was having with his solicitor about the state of play between him and the council about this contract?---That is
40 correct. And he brought me this email that he had, which was communications between Mr Montague and, and, and Mr, I think, Ian Robertson. So as at the 6th he knew that he had the job.

I see.---Yeah.

I'm sorry, when you say as at the 6th - -?---6th of February.

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THE COMMISSIONER: Well, he knew he had a contract, and there was an indication, wasn't there, by 6 February that the council was paying him - - - ?---That's correct.

- - - I think starting from back pay till about 19 January.---Looking at the evidence here, it was the 19th, yes.

10 MS MITCHELMORE: Mr Vasil, is it possible that you were also keeping Mr Stavis up to date or telling him what you knew of the situation that was evolving between Mr Montague and other councillors, Councillors Hawatt and Azzi, about the termination of Mr Stavis's employment and the attempted termination of Mr Montague's employment?---Not in February because that attempt for termination was in January.

But in terms of February there was still, at least in early February, that matter was still ongoing, wasn't it?---As far as I can see and remember now, he was in contact with the union at the end of January and he felt comfortable early February
20 [REDACTED] and I think he saw me like his uncle, just, just general conversations. There was nothing that I could relay to him from the general manager or from the councillors because there was nothing that they could do. It was, it was up to the general manager at that stage. That's - - -

All right. You'll - - -?---There was nothing that I had to, to pass on to him.

All right. You'll see, Mr Vasil, looking at this document, that there are a number of entries, and perhaps I'll go to some directly, where your contact with Mr Stavis is preceded by or followed by a call between you and Mr Hawatt or Mr Azzi. So perhaps if we can look at the first page.---Yes.
30

You'll see at items 17 to 19 there were calls from Mr Stavis to you. This is 1 February, 2015. Do you see that?---Sorry, which - - -

17 to 19. 17, 18, and 19, where the hand, the cursor is pointing.---Yes. Yes.

And you'll see that there was contact from Mr Stavis to you and there were three calls. The first was a duration of 9 minutes and 39 seconds. That's number 17. Do you see that?---Yes. Yes.

40 The second was only three seconds, so that may be that it was a missed call and the next call was shortly after that, three minutes later, and that went for 8 minutes and 34 seconds. Do you see that?---Yes, yes.

Now, at item 20, and again this is sort of shortly after perhaps the call at 19 finished, you made contact again with Mr Stavis at 7.02pm and that was a short call of 36 seconds. Do you see that?---Yes, yes.

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(MITCHELMORE)

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So there were two quite lengthy exchanges between you and Mr Stavis there, and a shorter exchange. Are you able to recall what you discussed in those calls? So this is 1 February, 2015.---No, that's, that's impossible for me to recall. As I said, those were the three general topics that I was discussing with him.

So the topics you've identified may have been topics of discussion?---Yes, yes.

10 So it's possible that Mr Stavis was continuing to confide in you in relation to the issues that you've identified, including his employment?---Yes, and even after the 18th, I can see here, I think Mr Neil said they, I can't remember his words, they, they were at the leagues club having a - - -

Smoking a peace pipe, I think was the terminology.---That's correct. So, even after that date, I was in contact with him.

20 Yes. Mr Vasil, did you indicate at all to Mr Stavis that you could take concerns that he had, for example about his employment, to Mr Hawatt or Mr Azzi?---No. Definitely not and I can explain why not. I made sure that the confidential documents that he was giving me were not seen by anybody and the only person I showed them to was Barbara Coorey, so they had no idea that Mr Stavis was seeing me in relation to those items.

THE COMMISSIONER: Sorry, so you showed them to Mr Khouri, did you?---Barbara Coorey.

MS MITCHELMORE: Ms Coorey.---Barbara Coorey.

30 THE COMMISSIONER: Oh, Ms Coorey, sorry.---She, she, she is a lawyer, yep.

But she wasn't Mr Stavis's lawyer?---No, no, no, no. She, she was - - -

She used to be a councillor?---She used to be a councillor and I did get permission from Mr Stavis, when he first brought me the documents, "Do you mind if I show them to another solicitor?"

40 What documents are these?---These are the documents that, the exchanges between himself and the council and, and his solicitor.

MS MITCHELMORE: Mr Vasil, notwithstanding that you didn't show Mr Azzi or Mr Hawatt the correspondence, did you keep them informed in general terms of where the negotiations were at, as between Mr Stavis and the council?---No, no. That was all confidential.

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Can I go back to the document. I've just taken you to item, I think it was item 20, where at 7.02 there was a 36 second call between you and Mr Stavis. Do you see that?---Yes, yes.

And then you'll see at 7.03 you placed a call, this is a minute after, you placed a call to Mr Hawatt, can you see that?---Yes.

10 So it's possible that you didn't speak with him because it's a very short call, but can you recall the purpose for which you placed that call?---No. I used to talk to Michael Hawatt all the time. He, he was a friend.

Given the immediacy in time between your call with Mr Stavis and your call to Mr Hawatt, it's possible, isn't it, that you wanted to speak to Mr Hawatt about something that arose in the course of your conversation with Mr Stavis?---As I said, all the documents that Mr Stavis gave me, they were all confidential, and I was not relaying any of his information to anybody else other than Barbara Coorey.

■ [REDACTED]

All right. So, you say that there's no connection between your completing calls with Mr Stavis at 7.02 and then placing a call to Mr Hawatt at 7.03? ---I don't believe there was anything, no.

30 You will see at item 22, that you, at 7.09pm, placed another call to Mr Stavis and that was 2 minutes and 51 seconds, and then at 7.35 – this is item 23 – you attempted to place another call to Mr Hawatt and again it's only 3 seconds, so it may be that again you didn't get through. And then immediately thereafter, still at 7.35, you placed a call to Mr Azzi. Do you see that?---Yes.

And that call was for a duration of 1 minute.---Yes.

40 Is it possible that you were ringing Mr Azzi to communicate to him information you'd received from Mr Stavis or issues he'd raised in his calls with you, in circumstances where you hadn't been able to reach Mr Hawatt?---Again, with Mr Stavis, the information I had, nobody saw those documents and I did not speak to anybody about Mr Stavis's legal issues.

THE COMMISSIONER: Mr Vasil, we've got to emphasise, I know you've mentioned documents that Mr Stavis may have shown you and you're adamant that you didn't show those to anybody, but that's fine.---Except (not transcribable)

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(MITCHELMORE)

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But there are other matters, information that Mr Stavis might have discussed with you, some of which was known to councillors or might not have been known. That sort of information, did you discuss or inform either Mr Hawatt or Mr Azzi of that? We're just not concentrating on either privileged or confidential documents between Mr Stavis and his lawyer. I think Ms Mitchelmore's questions go more, I'm sorry, go wider than that. Do you understand that?---Yes, yes, yes, I understand.

10 MS MITCHELMORE: And with that understanding are you able to indicate, in answer to my question, whether it is possible that you were ringing Mr Azzi to communicate to him information, general or otherwise, that you'd received from Mr Stavis or issues he'd raised in circumstances where you hadn't been able to contact Mr Hawatt?---Yes, look, not being able to remember any of these phone calls, I, I can't say what I was discussing with, with all these people.

Looking at item 25, Mr Vasil, you'll see that at 7.35 Mr Hawatt appears to have tried to contact you. You'll see that's a three-second call.---Yes.

20 So again it may be that he didn't reach you. And at item 26 you have contacted him at 7.38 and it's a 25-second call. Do you see that?---Yes. Yes.

So a short call.---Yes.

And then at item 27, Mr Hawatt rang you again at 7.40.---Yes.

30 He appears again. It's a two-second call, so he may not have got through. And then at item 29, at 7.43, you've rung Mr Hawatt and there's been a 38-second call. Do you see that?---Yeah, yes, yes.

7.43, 38-second call. Do you see that?---Yes.

Now, looking at the timing of these calls, do you recall wishing to convey to Mr Hawatt and/or Mr Azzi anything of your communications with Mr Stavis that evening?---No, no.

40 Is it possible that that was at least a purpose of your calls to Mr Hawatt and Mr Azzi that evening?---No, I don't believe so. I don't believe so.

See, to your knowledge, certainly in early February of 2015, the issue of Mr Stavis's employment was a matter of significant interest to Mr Hawatt and Mr Azzi, wasn't it?---I don't know what their interest was at that point in time because I can see that they were in contact with the general manager early February, so - - -

I'm just asking, Mr Vasil, about your knowledge. So to your knowledge, the issue of Mr Stavis's employment was in early February a matter of

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significant interest to Mr Hawatt and Mr Azzi, wasn't it?---I think it was, from my understanding it was of significant interest to them, of course.

And it's possible, isn't it, that you wished to keep Mr Hawatt and Mr Azzi informed of your communications with Mr Stavis and what Mr Stavis was telling you?---No, I don't believe so because they were already in contact with the general manager, so there was no information that I could provide.

10 THE COMMISSIONER: They were, sorry, I didn't hear that.---They were already in contact with the general manager. Mr Hawatt, I can see, he was already in contact with the general manager around the 1st, 2nd of - - -

MS MITCHELMORE: And are you basing that, Mr Vasil, on this document?---On this document, yes, certainly.

I see. But your knowledge at the time? Did you know that they were in contact with Mr Montague? Or are you looking at this after the fact with the benefit of this document?---About that time I don't remember having discussions with them about this, these issues, no.

20

Had Mr Hawatt or Mr Azzi asked you to be a point of contact for Mr Stavis in relation to this ongoing issue about his employment and to keep them informed of your discussions?---No, definitely not, I don't think so. I don't think that was the case, no.

Was keeping them informed that you were talking to Mr Stavis and what Mr Stavis was telling you something that you did of your own volition?---Sorry, the question again?

30 Communicating to Mr Hawatt and Mr Azzi information that you received from Mr Stavis, is that something that you might have done of your own volition, so without them asking you to do it?---No, again, because I remember very clearly, I wasn't going to relay any information to them from, information that I got from Mr Stavis. I wasn't going to relay any information to anybody. It was all confidential. Whatever I was discussing with Mr Stavis was between him and me.

40 Can I move to the following day, Mr Vasil. This is 2 February. You'll see at item 33 that you rang, at 11.32am you rang Mr Hawatt and there was a duration of three minutes and 12 seconds. Do you see that?---Yes.

And at item 34 you placed a call to Mr Stavis at 12.04pm and that was a call of three minutes and two seconds.---Yes.

And is it the case with the passage of time you can't recall the specific content of that call?---There's no way that I can recall.

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(MITCHELMORE)

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Is it possible that you were relaying to Mr Stavis information you've discussed with Mr Hawatt in your call at 11.32am?---Well, I can't see what information I could be relaying because Mr Stavis already knew. He was an employee.

10 But the situation at this time, this is 2 February, in the morning of 2 February, the situation with Mr Stavis's employment and indeed with Mr Montague's employment was still evolving. Isn't that right?---I don't know because I can see here there's a call from Mr Hawatt to Jim Montague so - - -

I'm just talking about what you knew at the time. So leaving what this document indicates - - -?---Sorry. Yes. Yes, sorry. The question again?

At the time, so as at 2 February the situation with Mr Stavis and indeed Mr Montague's position were still evolving. Isn't that right?---I don't know. I can't remember how that - - -

20 And it may be that what Mr Hawatt told you would be material that you thought might be of interest to Mr Stavis?---No, I don't believe so.

And it's possible, isn't it, that you communicated to Mr Stavis information that you were receiving from Mr Hawatt about the general state of play in relation to these issues with the council?---No, I don't remember anything like that.

30 If I can take you down to item, actually over the page, Mr Vasil, to item 44. It's on page 2 so I think it's the second entry. You will see that Mr Stavis rang you at 6.03pm and it was a very short call, three seconds, which indicates perhaps he didn't reach you.---Yes.

And at 6.03, so the same minute you've returned, perhaps returned his call. Do you see that? And that's a call of four minutes and 19 seconds duration. Do you see that?---Ah hmm.

And can you recall anything of what Mr Stavis said to you in that call? ---No, there's no way I can recall.

40 At item 47, so this is at, I'm sorry, there was another call, sorry, at item 47, just to skip over 46 for the moment, you'll see that there was a call from you to Mr Hawatt at 6.34. Do you see that? Again it was a very short call. ---Yes.

So it may be that you didn't get through to him. And then at item 48 you'll see that you again contacted Mr Stavis and there was a call, this is at 6.37, a call of one minute and 26 seconds. Do you see that?---Yes.

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Just focusing on item 47 for a moment. Can you recall the purpose for which you were contacting Mr Hawatt?---I was contacting Mr Hawatt all the time. We used to go training. We used to go for a walk. We used to go lunches. It was more of a social thing with Michael Hawatt.

10 All right. But looking, Mr Vasil, at the fact that you'd spoken to Mr Stavis just after 6.00pm and your call to Mr Hawatt was at 6.30, is it possible that one purpose for which you rang Mr Hawatt was to tell him about your conversations with Mr Stavis and perhaps raise with him something that Mr Stavis raised with you?---Well, again, I don't recall any of this information, and as I said, anything that Mr Stavis told me in confidence I did not relay any of that to anybody else. I remember that very, very clearly. That's my recollection.

Mr Vasil, looking at your further call with Mr Stavis at item 48 you'll see that before you had that conversation with him at item 46 Mr Montague had placed a call to Mr Stavis at 6.27pm. Do you see that?---Yes.

20 And the call duration was a minute 14.---Yes.

Do you have any recollection of Mr Stavis telling you in the call that is recorded at item 48 about a conversation he'd recently had with Mr Montague?---No, I don't. I don't, no.

30 Given your interactions with Mr Stavis about his employment it's likely, isn't it, that he would have told you of any communications he had with Mr Montague. Is that right?---He possibly could have mentioned it but I don't recall him saying to me Mr Montague rang him. Just having a look at this. It's one minute and 14.

So you don't have a specific recollection, Mr Vasil?---No, I don't have a specific recollection?

But it's possible that Mr Stavis may have indicated what occurred in the course of his call with Mr Montague just shortly before you spoke again? ---Well, it, it is possible but I don't remember the, the call, the conversation or anything like that. I can't remember specific phone calls four years ago,

40 Yes, I understand. Can I ask you, Mr Vasil, when you learned that Mr Montague had offered Mr Stavis the job?

THE COMMISSIONER: Sorry, can I - - -

MS MITCHELMORE: I'm sorry, the second time around. So - - -

THE COMMISSIONER: When - yes.

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G. VASILIADES
(MITCHELMORE)

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MS MITCHELMORE: So when Mr Montague indicated, having withdrawn the offer, that he was going to honour the offer or honour the contract?

THE COMMISSIONER: And actually allow Mr Stavis to start work?

---Yes, okay. The first documentary information - - -

No.

10 MS MITCHELMORE: No, no, no. Just your recollection.---Okay. My recollection, I think it, it was after he got the email from, from the union guy, he came to see me and I think it's, it's about that time that I knew, maybe a few days before. I don't know. I don't remember.

I'm asking when, so when you learned that Mr Montague had contacted Mr Stavis and said to him, "I'm going to honour the contract"?---No, I don't remember that.

You have no recollection of that?--- No, no recollection. No.

20

Given the direct contact you had with Mr Stavis, is it possible that he told you himself?---Mr Stavis?

Yes.---I, I don't remember, you know, four years ago.

Is it possible?---It could be possible but the first document - - -

THE COMMISSIONER: Mr - - -?---I, I don't know, four year ago. Sorry.

30 I'm sorry, I interrupted you.

[REDACTED]

40

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

MR PARARAJASINGHAM: Commissioner, can I just raise an objection back here.

THE COMMISSIONER: Oh, yes.

10

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■

[REDACTED]

[REDACTED]

■

[REDACTED]

MR PARARAJASINGHAM: Thank you, Commissioner,

THE COMMISSIONER: Ms Mitchelmore.

40

MS MITCHELMORE: Yes, thank you, Commissioner. Mr Vasil, can I take you back to the document that we're looking at. So, we're on page 2, and item 49. So we dealt with item 48, which was your call with Mr Stavis of a minute and 26 seconds, and you'll see that at 18.41, so 6.41pm, so this is shortly after your call with Mr Stavis, you had a call with Mr Hawatt. Do you see that?---Yes.

For a minute and 55 seconds. Do you see that?---(No Audible Reply)

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And given your recent contact with Mr Stavis, is it possible that you communicated to Mr Hawatt something of what had passed between you and Mr Stavis in that call?---Again, I can't recall. I can't recall.

It's possible, though, isn't it, that that happened, given the timing?---Again, any confidential information that Mr Stavis gave me I wasn't passing to anyone.

10 But leaving aside, as the Commissioner said to you earlier, the confidential information, just information that Mr Stavis had passed on which might have been already to the knowledge of the councillors, it's possible that you were communicating with Mr Hawatt. In the course of your communications you were telling him something of what had passed between you and Mr Stavis.---Again, I do not recall discussing the issues with Mr Hawatt about Mr Stavis. I don't recall that.

20 And given, Mr Vasil, looking at the calls here where Mr Stavis had had a call from Mr Montague and you subsequently spoke to Mr Stavis, and I think you've acknowledged it's possible that Mr Stavis might have told you what had passed between him and Mr Montague, it's likely, isn't it, that in this call with Mr Hawatt you may have passed on what Mr Stavis told you to him, to Mr Hawatt.---Again, I remember very, very clearly in my mind. I was not discussing the issues with Mr Stavis or anyone else, legal issues or, or any issues.

30 All right.---That's my recollection. And I, I remember that very clearly. I, people could be talking about things but I was very conscious of not discussing anything that Mr Stavis told me in confidence, discussing with anyone else.

Can I take you then, Mr Vasil, down to item 60. This is 3 February now, and you'll see at item 60, at 8.14am, there was a call from Mr Stavis to you at 8.14 of 3 minutes and 31 seconds. And then at 8.26 and 8.39 you placed two calls to Mr Stavis, the first of 3 minutes and 28 seconds at 8.26, and then at 8.39, 1 minute and 33 seconds. Do you see that?---Is that item 61?

Yes, 61 and 62. You see those two calls there?---Yes. Yes, yes, yes.

40 All right. And then you'll see - - -?---Sometimes calls used to drop out, so if it was straight after, that's what would have happened.

I see. So it was an ongoing conversation. Sometimes the calls dropped out.---Yeah, yeah. There were many times the, the, the calls would just drop out and - - -

I see. All right, thank you for that.--- - - - and one would ring the other one back, things like that.

Sensitive

Thank you. And then at item 66 you'll see, Mr Vasil, that there was a call with Mr Hawatt at 12.14pm for 5 minutes and 10 seconds. Do you see that?---Yes.

And a very short 23-second call at 12.20. Again, that might have been the phone dropping out potentially.---Yeah, look, all these things, yeah, just dropping off and ringing back.

10 Yes. And then similarly at 12.21 a short 30-second call, so again that might have been picking up the phone and dropping out, is that right?---Yes.

Given your contact with Mr Stavis that morning, is it possible that in the course of those calls with Mr Hawatt you communicated to Mr Hawatt the content of your conversations with Mr Stavis that morning?---I, I don't believe so and I don't remember any of these calls. Again, I was in contact with Michael Hawatt all the time as a social friend.

20 Dropping down, then, Mr Vasil, to item 75-76, you'll see there are some text messages between Mr Montague and Mr Stavis at 1.26pm. Do you see those two messages?---So that's on the 3rd, the 3rd?

Yes, we're still on the 3rd, yes.---3rd of February, yes.

Do you see that? And then at 77 and 78 there are text messages from Mr Stavis to Mr Montague at 1.48pm. And you'll see the same minute that Mr Stavis has sent the text message to Mr Montague, he has attempted – actually, no, he's contacted you, 1.48pm, and the duration of the call is 1 minute and 21 seconds. Do you see that?---Yes.

30 Now, given the timing, it's likely, isn't it, that Mr Stavis rang you to tell you about the content of his message exchange with Mr Montague, isn't it?---It's possible. Again, don't remember the conversation. It's possible.

It's likely, isn't it, Mr Vasil?---Well, I don't understand the difference between possible and likely, but - - -

40 It's more than a possibility given the timing.---Mr Stavis sends a message to Jim Montague. Again, Stavis sends a message to Jim Montague, and Stavis rings me, contacts me.

The same minute, he contacts you.---Obviously with that he would not have received anything back from Mr Montague so there would have been nothing that he would be relaying back in any – I don't remember this - - -

But there's been an exchange, Mr Vasil, between Mr Montague and Mr Stavis, immediately following which he contacts you. Do you see that?---Yes.

Sensitive

MR NEIL: Commissioner, I object to the word “exchange”. It’s not an exchange. It’s one-way.

MS MITCHELMORE: I'm sorry, I'm looking at the messages at 75 and 76, and then 77 and 78.

MR NEIL: Thank you.

THE COMMISSIONER: Yes.

10

MS MITCHELMORE: So I'm looking at that, those messages as a whole.

THE COMMISSIONER: Globally, in a sense.

MS MITCHELMORE: Yes.

THE COMMISSIONER: So you've got Mr Montague. It’s an exchange of texts from Mr Montague to Mr Stavis, and Mr Stavis to Mr Montague.

20

MS MITCHELMORE: Yes, that’s what – so between 75 and 78.

MR NEIL: Well, if it’s expanded, I don’t object.

MS MITCHELMORE: Yes, I'm sorry. I'm sorry for not – I take my friend’s point. So, Mr Vasil, it’s likely, isn't it, that when Mr Stavis contacted you at 1.48pm he informed you of the message exchange that he had had with Mr Montague starting at 1.26pm?---Sorry, the question?

30

Yes, I'm just - - -?---I'm sorry, I was just looking at these things.

No, no, no. Of course. No, no. So it’s likely, isn't it, Mr Vasil, that when Mr Stavis rang you at 1.48pm it was to tell you about the exchange of messages or the messages he’d received at 1.26 from Mr Montague and his reply to Mr Montague at 1.48, isn’t that right?---I don't know. I, I can’t speculate what they were doing, what, what his - - -

40

And then at 2.01pm, if you look at item 80, you attempt to ring Mr Hawatt, do you see that? It’s a short call so it may be that you didn't reach him. Do you see that?---Yes, I see that, yes.

Now, looking at the timing of that call or the attempted call with Mr Stavis, so it’s about 10 minutes later, was it a purpose of your call to inform Mr Hawatt of what you’ve discussed with Mr Stavis in the call at item 79?---I don’t believe so.

You accept that it’s possible?---Mr Hawatt knew at that time that Mr Stavis was going to be, there’s consideration for him being employed or whatever.

Sensitive

THE COMMISSIONER: Sorry, say that again.---On the, I saw some, and then again I'm only looking at this thing here, there was contact between Michael Hawatt and Jim Montague on the, I think it was the 2nd. So there was nothing that I could relay to Michael Hawatt that he didn't know.

MS MITCHELMORE: But, Mr Vasil, you understand you're reconstructing from this document what Mr Hawatt knew.---Yes. Yes.

10 You weren't aware of what Mr Hawatt and Mr Montague were discussing, were you?---No, I'm not, no.

So you weren't aware of what Mr Hawatt knew, is that right, at this time, as to his discussions with Mr Montague?---No, no.

So what you had to communicate you might have considered to be of some value to Mr Hawatt, isn't that right?---I don't remember. I don't know.

20 Mr Vasil, can you see at item 82, still on page 2, you've made a very short call to Mr Stavis. Do you see that? That's at, sorry, 2.02pm.---Yes.

And then again at 3.29 you've attempted to call Mr Hawatt. Do you see again it's a five-second call so it may be that you didn't reach him.---Yes. Yes. Yes.

And then at item 85, over the page, you've contacted him again at 4.46pm and that time the line was open for a minute and 45 seconds. Do you see that?---Yes.

30 Now, is it possible that in the course of that call you informed Mr Hawatt of your communications with Mr Stavis that afternoon, having not been able to get through to him earlier?---Don't remember the conversation, so I can't say it's possible or not possible. Not remembering any conversations about this.

Can I move then to items 91 and 92, Mr Vasil. This is 4 February. You'll see that at, this is at 1.04pm you had a call with Mr Hawatt which was, the line was open, item 91, for three minutes and 49 seconds. Do you see that? ---Sorry, which item is that, please?

40 Sorry, item 91.---Yes.

And then at item 92 you had another call with him at 1.42 for a minute and 55 seconds. Do you see that?---Yes.

And then at 2.02pm you placed a call to Mr Stavis and the line was open for three minutes and 46 seconds.---Yes.

Sensitive

Now, again looking at the timing of items 91 and 92, so your calls with Mr Hawatt, and then item 93, it's possible, isn't it, that you rang Mr Stavis with a view of updating him with information that Mr Hawatt had given you in the course of your calls with him, isn't it?---No. I don't remember anything like this, and again if Mr Stavis, by that date he knew what was going on. There was nothing that Mr Hawatt could have provided.

10 THE COMMISSIONER: Sorry, what do you - - -?---Mr Stavis, at that time he already knew what was going on. Mr Stavis, yes. He already knew that he was - - -

What?---On the payroll, if you put it that way.

Yes, but that doesn't mean he was going to get the job. At that stage he was directed not to attend work.---On the 6th I think. Yes, correct?

Yes.---Yes, yes, yes.

20 So he was in limbo. On the 6th there's a direction not to attend work but he will be getting a wage.---Right, right. Okay.

That doesn't mean he's actually going to get a direction to start work. ---Right, right.

So he's still in a sense in limbo.---Okay. I understand, yes.

So was he discussing that with you?---I do not remember Michael Hawatt discussing that with me, no. No.

30 MS MITCHELMORE: Can you think of any other explanation, Mr Vasil, as to why you would be calling Mr Stavis reasonably shortly after your calls with Mr Hawatt?---No, I can't give an explanation for that. As I said, we were in contact with Spiro Stavis generally all the time about that time, yeah.

40 If I can drop down then to items 98 to 99. You will see that there are calls from Mr Stavis to you first at 4.58pm for six minutes and four seconds and then at 5.29pm for four minutes and 29 seconds. Do you see that?---Yes, yes.

And then that evening, item 100, at 7.09pm Mr Hawatt has called you and the line was open for three minutes and 59 seconds. Do you see that?---I'm sorry, something came on the screen just now and I missed that.

I'm sorry, the screen jumped I think. So I'm looking, Mr Vasil, at 98, 99 and 100.---Yes.

So two calls from Mr Stavis to you.---Yes, yes.

Sensitive

And then a call from Mr Hawatt to you for three minutes and 59 seconds. Do you see that?---Yes.

And again, given the lengthy calls with Mr Stavis in the course of the afternoon, it's likely, isn't it, that a purpose, that in the course of this call you've passed on to Mr Hawatt information from your communication with Mr Stavis?---Sorry, Michael Hawatt rings me.

10 Yes, I know.---Right. Okay.

In the course of that call, given you've had two reasonably lengthy conversations with Mr Stavis in the course of the afternoon, isn't it possible that you have passed on in that call with Mr Hawatt information that you've received from Mr Stavis?---First, I don't remember the call and I don't think so because, again, I was not passing information to anybody received from Mr Stavis. That's my recollection. That's what I remember. I'm making a conscious effort not to pass on anything from Mr Stavis to anyone.

20 Can I take you then, Mr Vasil, to items 118 and 119.---118.

So on the same page and this is 5 February, 2015.---Yes, yes, yes.

You'll see at 118 Mr Stavis I think perhaps attempts to call you. You'll see it's only a five second call so it might be a missed call.---Yes.

And then at 5.34 there's a call, he makes a call to you and the line is open for four minutes and 52 seconds. Do you see that?---Yes.

30 And item 120 Mr Hawatt has called you at 6.25 and the line is open for eight minutes and 13 seconds. Can you recall what you discussed on that call?---No, because again, on that day I can see there were other calls from me to Michael and from Michael to myself before that.

Given that you'd spoken to Mr Stavis just under an hour before you spoke to Mr Hawatt, looking at the times of the calls at 119 and 120, is it possible that you updated Mr Hawatt as to your conversations with Mr Stavis?---No, I don't remember it like that, no.

40 So you don't acknowledge that that's - - -?---And if you go backwards you can see that there were other calls from me to Michael and from Michael to me so - - -

You see, Mr Vasil, I'd ask you to accept from me for the purposes of these questions that this document doesn't contain or record any direct contact between Mr Hawatt and Mr Stavis in this period. So there's no direct contact between Mr Hawatt and Mr Stavis and there's no direct contact

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between Mr Stavis and Mr Azzi. So if you can accept that from me.---Yes, yes, yes.

That is why, contrast with evidence before the Commission that indicates reasonably frequent phone contact between Mr Hawatt and Mr Stavis, certainly in December of 2014, and a possible explanation for the absence of any record in February is that by that time you were communicating with Mr Stavis and keeping him informed about what was happening at council and you were also keeping Mr Hawatt up to date about what was happening at Mr Stavis's end. I want to ask you for your response to that possible explanation.---No. I don't remember anything like this. And Mr Stavis was in contact with Mr Montague, Michael Hawatt was in contact with Mr Montague, so he would have known what was going on through Mr Montague. There was no need for me to be passing anything to anybody.

THE COMMISSIONER: But why, Mr Vasil, I think you've been outside for a lot of the evidence?---Yes, yes, yes, yes, yes.

And you've been listening.---Yes, yes.

Do you recall Mr Montague described his relationship with Mr Hawatt and Mr Azzi as "the war"?---Yes.

The war was still continuing at the beginning of February, so why do you assume, if they are at war, that Mr Montague is necessarily telling either Mr Hawatt or Mr Azzi everything? If you were at war with somebody, would you be telling them everything?---Well, from what I can see and what I understand now is that Michael Hawatt was communicating with Mr Montague to sort out their issues, from what I see now.

Sort out is different from telling somebody everything that may be part of your strategy to continue as general manager.---Commissioner, again, what I say – and I know Mr Stavis's barrister has, you know, made some comments about – Mr Stavis at that time I felt, to me I felt a little bit uncomfortable that he was talking to me like an uncle.

All right. So he's talking to you like an uncle, but Ms Mitchelmore's raising with you re the coincidence between things are still happening with Mr Stavis's employment, the war is continuing, you seem to speak or get a text message from Mr Stavis, and then the coincidence is either shortly after or within a reasonable time frame there's contact between either you and Mr Hawatt and Mr Azzi, and what Ms Mitchelmore is exploring is really that coincidence of a pattern of contact and, as she put to you, whether it's a matter of you became the conduit of communications or passing on information between Mr Stavis and the two councillors.---No. I don't believe that's the case, Commissioner, because I remember my feelings about Mr Stavis. I wasn't going to reveal any of his confidential information to anyone. I remember that very clearly.

Sensitive

MS MITCHELMORE: Mr Vasil, I just wanted to ask you about a couple of further examples. Can I take you to page 4, item 147. You'll see that this is 9 February at 10.00am, you've placed a call to Mr Stavis. Do you see that's a 57 second call, so a little under a minute.---That's correct, yes.

And then at 10.06am, you've called Mr Hawatt for a duration of 5 minutes. ---Yes.

10 So, in view of the timing, again it's likely, isn't it, that you rang Mr Hawatt perhaps for a number of purposes, but one of your purposes was to discuss the communication you'd had with Mr Stavis five minutes before, isn't that right?---No, I don't believe so. I don't remember these conversations. So, I, I know my, I know my interaction with Spiro Stavis. So - - -

Can I take you, Mr Vasil, to page 5, this is 11 February, and items 184 to 188. If I can just get you to look at those.---Yes.

20 You'll see that again this might be an issue with the phone, phone dropping out, perhaps, but you'll see at 8.00, starting at 8.02pm there was a call from Mr Stavis to you of 2 minutes and 33 seconds, and at 2.05 there was a short call from you to him, sorry, 8.05, 19 seconds. And then at 8.30pm you've attempted to ring him and that may not have gone through because it's only a four-second call, and he's returned your call apparently that same minute, looking at 188, and that was a call of 2 minutes and 35 seconds. Do you see that?---Yes. Yes.

30 And that's at 8.30. And then if you look at item 189, at 8.40 you've attempted to ring Mr Hawatt. Do you see that?---Yes. Yes.

And again it's four seconds, so that may not have been a call where you actually spoke with, with Mr Hawatt, but do you have any recollection as to why you rang Mr Hawatt less than 10 minutes after your call to Mr Stavis? ---No (not transcribable) I have no recollection of this and - - -

40 Well, again, in terms of the timing, Mr Vasil, it's quite likely, isn't it, that one of your purposes was to update Mr Hawatt as to your call with Mr Stavis?---On the 11th, no, I don't believe so, and I don't remember the call, so I can't - - -

195, this is the same day, this is the 11th, you'll see that you placed a call to Mr Hawatt. This is at 9.11pm, 2 minutes and 43 seconds. Do you see that? ---Ah hmm.

And then at 9.35pm you place a call to Mr Stavis, which might not have gone through. You'll see it's a very short call.---Yes.

Sensitive

Can you recall why you rang Mr Stavis back that evening, having last spoken to him at 8.30pm?---No, no, no.

Again, given the timing, it's likely, isn't it, that at least one reason why you rang him back was to update him with information you'd received in the course of your call to Mr Hawatt, isn't it?---Again, I don't remember that.

10 And then at the bottom of the page, and this is now 12 February, at item 205 you'll see at 2.35 you've rung Mr Hawatt at 2.35 and the call was a duration of 3 minutes and 39 seconds. Do you see that?---Yes.

And then at 3.16pm, so this is within the hour, same day, you've rung Mr Stavis and the call is open for 3.26pm. Do you see that?---Yes.

20 And again, Mr Vasil, this is forming part of a pattern, isn't it, of contact between you and Mr Hawatt in one direction, Mr Stavis, and then you and Mr Stavis feeding back to Mr Hawatt, isn't it?---I can only say that I remember what I was discussing with Spiro Stavis and I remember not divulging any of the information that I received from Spiro Stavis to anyone else. Didn't matter who it was, I never divulged that information. That's what I remember.

Mr - - -?---And obviously I've made other calls in between. All these calls I made, they're calls to other people. I, I don't remember.

Mr Vasil, can I jump to page 8.---Page?

8.---Yes.

30 And this is 18 December, 2015.---Yes.

Sorry, 18 February. Sorry, I said December.---Yes, yes, yes.

Mr Vasil, are you aware that there was a meeting that afternoon between Mr Montague, Mr Azzi and Mr Hawatt?---I don't recall any, no.

Do you know if you were aware of that at the time?---No, no, I don't recall that.

40 Is it likely that you were aware of that at the time?---Again, I don't recall. I don't remember any meetings that I was told about (not transcribable). Don't remember.

It's possible that Mr Hawatt told you, given your close relationship with him, that he was meeting with Mr Montague?---If this was council meetings, things like that, no. No, no. Where was this meeting anyway? I don't know.

Sensitive

And Mr Stavis, this is 18 February, he still hadn't started at the council at that stage, had he? 18 February.---That's correct, yes, yes. Yes (not transcribable)

Now you'll see at item 325 there is a call from Mr Hawatt to you.---Sorry, 325?

Item 325.---Yes.

10 There's a call from Mr Hawatt to you at 8.13pm. Do you see that? For 16 seconds.---Yes, yes, yes, yes.

Now, if you take it from me that the meeting was at 5.30pm between Mr Hawatt and Mr Montague.---Sorry, was this at the leagues club or the - - -

It was at the leagues club, yes.---All right, okay.

20 Yes, that's right. Is it possible that Mr Hawatt was telling you of the outcome of the meeting earlier that afternoon?---I don't remember anything like that, no.

But is it possible that he was doing that?---Well, we were discussing things with Mr Hawatt but I don't remember him discussing any meeting at the leagues club.

He didn't ring to tell you that he and Mr Montague and Mr Azzi had sorted things out?---I can't remember anything like that, no.

30 You don't have any recollection of him telling you that?---No recollection of, of that, no.

Notwithstanding your close relationship with him?---I wasn't, he, he wasn't tell me everything that was going on. We were social friends. He used to come over, we used to go for walks. We used to go for, you know, you know, functions, things like that. Mr Hawatt wasn't telling me every single thing he was doing. No.

40 You'll see, Mr Vasil, that at 9.52pm, you attempted to ring Mr Stavis, and I say attempted again because it was a very short call. Do you see that? ---Yes, yes, yes.

Of 4 seconds. And at that same minute it appears that you did get onto him at 9.52 and there was a 22 second call. Do you see that?---Yes.

And then over the page, at 9.53, there was a further call of 54 seconds. Do you see that? That's at 9.53. So again it might have been the call dropped out, so having a further call.---Yes, yes.

Sensitive

And then at item 333 you'll see there was a call, and again this might be sort of the phone dropping out incident or an incident of that, where at 9.55, you were having a call of 46 seconds.---Yes.

Mr Vasil, it's possible, isn't it, that in those calls you were updating Mr Stavlis of the positive nature of the meeting that had occurred between Mr Montague and Mr Hawatt and Azzi that afternoon, isn't that right?---I have no recollection of the meeting, sorry. I have no recollection of this.

10 For what other purpose would you have been ringing Mr Stavlis at 9.52 in the evening on 18 February?---At times he would ring me and I would ring him back and, and I remember the issues that he was discussing with me.

But these were calls that you've placed to him, Mr Vasil.---Yes.

Can you recall - - -?---No, I don't recall.

Give any explanation as to why you were ringing him - - -?---No, no. No, I don't recall that.

20

- - - at this time?---No.

Mr Vasil, I want to move on to another topic. I just have a couple of further questions for you. Can I ask you to be shown Exhibit 208. Now, Mr Vasil, this document was located within your office when a search warrant was executed, and it was located in a file titled Suspension File and Folder, sorry, the folder was titled T P Documents and Emails, I'm sorry. Do you recognise the document?---Yeah, yes, now I do, yes.

30 Do you know who prepared it?---No.

Can you recall, do you know how it came to be in your office?---Yes.

How?---Michael Hawatt gave it to me.

Can you recall when he gave it to you?---It was sometime after they had a – when I say “they”, council – had a meeting with Spiro Stavlis.

40 So when you say it was sometime after the council had a meeting with Mr Stavlis - - -?---From what I understand, he gave me, he didn't explain details. Spiro Stavlis gave this to them and gave it to me.

THE COMMISSIONER: Sorry, Mr Hawatt said to you that at a meeting with Mr Stavlis, Mr Stavlis gave this to Mr Hawatt?---That's correct, yes.

MS MITCHELMORE: And why was Mr Hawatt giving it to you, did he say?---Sorry?

Sensitive

Did Mr Hawatt say to you why he was giving it to you?---No, he, he didn't, no.

Did he say anything else about the meeting that he had with Mr Stavis?
---No. No. Because he, he used to come in in a hurry, give something or ask for something, and then he used to walk in. So on this occasion, he didn't sit down to explain what this was all about, no.

10 Did you ask him subsequently about the document?---No, because I had a look at it, there was nothing new here. It's all council paper issues. A lot of this stuff came from, because I used to follow the planning issues closely. It was just a transcript of, I think they're called the quarterly review panel.

You can see, Mr Vasil, that there appears to be colour coding in the margins of the document.---Yes, I saw that, yes.

Did you ask Mr Hawatt to explain the colour coding at all?---No, no.

20 Did you understand the colour coding at all?---No.

Can I then just ask you finally, Mr Vasil, just one question in relation to 548 Canterbury Road.---Yes.

30 So that's the Harrison's site. In relation to that site and your involvement in it, did you ever ask Mr Azzi to be involved in the marketing of that project on a commission basis?---There was a time, I believe it was at the, at the Lantern Club, and I remember him expressing that there's not much money in taxis because of these other companies that came in, and I remember saying to him why don't you try and get a licence in real estate because people know you. And that night I think I did express that now he's out of council could it be some sort of an introductory fee, he would get some sort of introductory fee if he was able to get Mr Demian to give an agency to John Dabassis.

I see.---Yeah, but I think that was the end of it. He didn't want to get involved.

40 THE COMMISSIONER: Sorry, who was going to get the introductory fee?---Pierre Azzi, yeah, but I think he just dismissed that.

MS MITCHELMORE: So just so I understand it, Mr Vasil, you indicated to Mr Azzi that if he could make an introduction between Mr Demian and Mr Dabassis - - -?---Yes, yes, because - - -

- - - you would give him an introduction fee?---I don't know. If John Dabassis eventually sold the property then he would get an introductory fee.

Sensitive

He would get some kind of fee?---Introductory fee, yes, but he wasn't interested in that. That's what I remember now.

And can you indicate, Mr Vasil, when that was, what the timing of that conversation was, perhaps by reference to other events?---Yes. It would have been after, after, from what I remember now and recollecting, it would have been after the, the council amalgamations simply because he mentioned that he was going to be running for Canterbury-Bankstown Council, and as a real estate agent the Labor Party had a policy that, that he
10 couldn't, if you had a real estate licence you couldn't be a councillor. So that's the only thing that I can think of in sort of placing some sort of time.

So is it possible that it was before amalgamation or - - -?---No, no, I don't think so. I don't believe so, no.

And just so I make sure I understand your evidence, Mr Vasil, is it the case that after sale it would be Mr Azzi getting the introducer's fee?---Well, it would be Mr Azzi, and I think this proposal was put to Mr Hawatt by, by Laki Konistis and (not transcribable) discussing things with Laki Konistis.
20 Possibly these guys know Mr Demian. You know, you can approach them if they're interested in doing that because I couldn't convince Mr Demian to give an, to give an agency to John Dabassis. We couldn't do it so we just thought of that.

Commissioner, that's all the questions I have for Mr Vasil.

THE COMMISSIONER: Mr Vasil, you've been speaking about, you've been taken to the contact, in the way we've described that use of that word, with Mr Stavis during February and you've described that you were an
30 uncle to him or it felt like you were an uncle to him during that period. ---The way he was treating me, you know, just - - -

In addition did he regularly pop in to see you at your office during February?---Mr Stavis?

Yes.---Yes, yes.

How often did he pop in?---Oh, look, I remember on one occasion he was looking for - - -
40

Well, there was one occasion.---Yes.

Was there more than one occasion in February?---I don't recall. I recall the particular one occasion when he was looking for a property for his father.

He was what? Looking - - -?---Looking for a house for his father.

Sensitive

All right. But - - -?---Because his father had health issues and he had to get a single-storey house.

All right. But I'm focusing more on the contact that you had with him in February when, as you said, there were the issues about [REDACTED] and the legal position with his job.---I, I just - - -

During that period, was he popping in to see you?---Oh, in February?

10 Yes.---Oh, yes, yes, yes.

So he would regularly pop in to see you in February?---Well, when he came in in February to give me that, he gave me that email from Mr Montague and, and the union, he came in on that occasion.

When did he do that? Is that the - - -?---Oh, it would have been obviously after 6 February. I don't know exactly.

20 But on the 6th or the next day?---I had a look at that. Apparently there were, that was going on until night-time, so it could have been on that day.

No, no, no. What's your recollection of when he came in that - - -?---It was after, after.

What, the day after?---Could have been the day after, two days after. I don't recall.

30 You just don't remember?---Don't remember when but I know he gave it to me. And, Commissioner, if I could say this, I have even forgotten about that, that piece of paper until I saw it in, in, in the, in the evidence, then I remembered there was something that's, yeah - - -

40 Putting that to one side, you remember that occasion when Mr Stavis came to see you in February. Were there other occasions? Do you have a recollection now that, you know, he was popping in every second day, third day or - - -?---Oh, not every second day. Occasionally. He, obviously he came in after he got the letter from Mr, from, from Mr Belling on the 23rd. I recollect now. It was the morning, he got it in the mail on the, in the morning and he came to see me, and I think it was about the 23rd. That's the closest date I could put on it.

On the 23rd?---23rd.

So there would have been the day he popped in with that email exchange, and then you can recall on about the 23rd with a letter that he'd received from Mr Belling?---Yes, yes. And also when he was looking for a property for his father. I remember those two occasions, yes.

Sensitive

Mr Moses.

MR MOSES: Yes, thank you, Commissioner. Could Exhibit 208 be shown to the witness again. Counsel Assisting asked you some questions in respect of - - -

MR DREWETT: Sorry, Commissioner, I'd ask Mr Moses (not transcribable)

10

MR MOSES: (not transcribable) microphone again. Counsel Assisting asked you some questions in relation to this document. I thought you said when you were answering one question that there was nothing new in this document. Do you recall saying that?---When I first saw it?

THE COMMISSIONER: No, no, no. You said you had a look at it but there was nothing new in the document, and then you said it was derived from the quarterly review panel.

20 MR MOSES: Thank you, Commissioner. You're right.

THE WITNESS: Yes, yes.

THE COMMISSIONER: Yes. You just gave that evidence.---Right, okay.

Yes. And Mr Moses is about to ask you something.---Yes, yes.

30 MR MOSES: When you gave that evidence in response to a question that was asked of you, are you meaning to suggest that the information contained in this document was something that you'd seen previously in another form?---Yes.

And what was that document?---It was all in, it was called, some of these were in the quarterly planning review schedule, which is coming out every three months, which was public, and a lot of, all these other items, they were in council, public council papers, so I didn't see anything here that is confidential or anything like that.

40 Thank you. That's your evidence, correct? Nothing that you regarded to be confidential, correct?---Nothing that I regarded as confidential here, no.

Thank you. And you may have answered this question. I apologise if this was asked, and if it was asked then I withdraw the question. In relation to this document, did you ask for it?---No.

No. And did Mr Hawatt just provide it to you, did he?---Just came in the office. I can't remember if it was night, day or whatever. He just - - -

Sensitive

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(MOSES)

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And he gave it to you?---He just said, look, I can't remember exactly four years ago what (not transcribable) but I remember him just giving it to me, yeah.

Did he tell you what it was when he gave it to you?---Obviously he, he, well, I don't remember what he said to me. Don't want to, don't want to be making things up. I don't want to speculate what he may have said to me.

10 Thank you. I have no further questions of the witness. Thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Moses. Where am I up to? Mr Andronos.

MR ANDRONOS: Nothing, Commissioner.

THE COMMISSIONER: Mr O'Gorman-Hughes?

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

THE COMMISSIONER: Mr Drewett?

MR DREWETT: No, Commissioner.

THE COMMISSIONER: Mr Pararajasingham?

MR PARARAJASINGHAM: Commissioner, I don't have any questions but I have an application if I may.

■ [REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

Sensitive

[REDACTED]

[REDACTED]

[REDACTED]

10 THE COMMISSIONER: All right. Mr Pullinger?

MR PULLINGER: I have no questions, thank you, Commissioner.

MR PARARAJASINGHAM: Sorry, Commissioner, to just - - -

THE COMMISSIONER: Oh, I'm terribly sorry.

20 MR PARARAJASINGHAM: No, no, no. Commissioner, are you minded to impose say, an interim order, just to prevent the publication prior to us receiving the transcript?

THE COMMISSIONER: Oh, I'm sorry.

MS MITCHELMORE: We'll just hold off publication of the – just pardon me. Yes. I'm reminded that this is presently being streamed, so it may be appropriate to make some kind of interim order.

THE COMMISSIONER: It could be somebody outside.

30 MS MITCHELMORE: Yes.

[REDACTED]

SUPPRESSION ORDER: [REDACTED]

[REDACTED]

MR PARARAJASINGHAM: That's suitable, thank you, Commissioner.

THE COMMISSIONER: And then we'll review the transcript and see how we can accommodate it.

Sensitive

MR PARARAJASINGHAM: Yes. Thank you, Commissioner,

THE COMMISSIONER: Can I just ask you, before Mr Neil asks you any questions he may have, could the witness be shown Exhibit 237, please. And can I also warn if we can have 233 at the ready as well. Now, looking at this document, this was the email exchange, your evidence being that Mr Stavis brought it to your office and left you a copy.---That's what I remember. Correct, yes.

10

And we can see that this is the final message in the email exchange at the top of the page, with Mr Robinson emailing Mr Stavis on 6 February, at 5.49pm.---Yes.

So you must have received a copy of it after that date and time?---Correct.

But have you looked at the document recently?---Yes, yes.

20 You'll recall that it's a communication between Mr Montague and Mr Robertson, where Mr Montague acknowledges that the offer and acceptance of employment constitutes a contract?---Yes.

And should the appointment not go ahead, Mr Stavis would be entitled to some monetary compensation?---Correct, yes.

So in a way for Mr Stavis it's some good news?---Yes.

At a minimum he's going to get some compensation?---Yes.

30 And then there's further communication where Mr Robertson says, "Spiro told me yesterday the council accepts he is currently an employee since 19 January," and one of the options is that he might remain employed and carry out the job?---Yes.

So again we're in this kind of limbo period where he's given a direction not to attend work but he's going to get some back pay and continual pay. ---Yes.

40 And Mr Stavis I would – and then Mr Montague says he's unfortunately, sorry, "He's a pawn in a very messy political power play. Got nothing against him personally."---Yes.

Now, from Mr Stavis's point of view, he must have been quite happy about this.---When he brought this thing, I remember him being a little bit confused because the impression I got from him is that he already had the job, so what's this about?

Sensitive

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(COMMISSIONER)

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Well, he's got a direction not to attend work and he hasn't been being paid.
---Yes. It's a, yes, it was (not transcribable) and I said to him, look, one of your options is, because you do have a contract, if they're going to terminate your employment, you've got 38 weeks and just move on, just go somewhere else.

Now, if you look, if we can then jump to Exhibit 233.---Yes.

10 You can, sorry, Mr Robertson emails the email chain to Mr Stavis at 3.51pm.---I'm sorry, this is (not transcribable)

If you can take it from me.---Sorry, Commissioner.

So Mr Stavis gets that email exchange at 3.51pm and then if we look at item 133 on page 4, 4.02pm he rings you and you have a 5 minute 49 second conversation.---Yes.

20 And I want to suggest to you that what Mr Stavis was contacting you about and discussing was the email exchange that he got from Mr Robertson.
---Sorry, what, what's this time?

MS MITCHELMORE: Sorry, Commissioner, we might just need, item 133 is the call from Mr Stavis.

THE COMMISSIONER: To Mr Vasil?

MS MITCHELMORE: Yes. It's actually a 14 minute and 42 second call.

30 THE COMMISSIONER: I'm terribly sorry, yes. Yes, I'm terribly sorry. Thank you for that. At item 133 you actually have a discussion for just under 15 minutes.---Yes.

So I would, that, I would suggest that what you're discussing is the email exchange.---Well, I, I don't know what time he received the email.

40 Well, he received it at, well, it was sent at 3.51pm.---Right. Okay. Again, Commissioner, I don't remember the conversation there but I do remember him – I don't think he emailed it to me. I think he gave it to me because we were discussing it, yeah.

No, I'm not suggesting he emailed it to you.---Yes.

I'm looking at a telephone discussion with him that lasted just under 15 minutes.---Yes. Yes. Look, with that it's possible that we were talking about his options, yes, because I do remember him basically understanding that he had a contract.

Sensitive

And then on the same day you contact Mr Azzi. Can you see that? Item 134.---Yes, that was later on, yes.

Now, were you discussing with Mr Azzi the information that Mr Stavis had gathered from Ian Robertson about Montague?---No, Commissioner, no. No, no. Not that.

And on that day, as I said to you, the email, you must have got a copy of it after 6 February, at 5.49pm.---Yes.

10

Now, that was a Friday. Was your office open on a Saturday?---Yes, yes.

And you worked on a Saturday usually? Were you in the office on a Saturday?---Yes. Sometimes I'm in the office, yes.

And could have Mr Stavis have popped in on the Saturday with a copy of this?---Could have. Could have, yes, yes. I don't remember exactly when, but, but, Commissioner, with that information that I got from Mr Stavis, never discussed anything with anybody, and I remember that very, very
20 clearly.

Even though on 7 February there's contact between you and Mr Hawatt?
---There might be but, there could be but - - -

Again you're saying that you never mentioned.---Again, I don't discuss, no, because, Commissioner, from what I understood - - -

No, I don't, I'm just putting to you - - -?---Yes, yes.

30

- - - that again, with this kind of, from Mr Stavis' perspective some good news at last, and then you have that long conversation with him and then contact on that day and the next day with Mr Azzi and Mr Hawatt, I'm saying to you, you didn't say to them Stavis got some good news or there's some information that Mr Stavis received by the union - - -?---No, nothing like that.

- - - by the union?---Again, I - - -

40

All right. Your position is that you didn't.---Yes.

Why did you keep a copy of it?---Okay, I just, whatever was related to Mr Stavis I put in the drawer with the intention of sometime just giving it all back to him. It's no use to me.

Which you never did?---Which I never did and I had them in my drawer so that nobody else has access to them.

Before I turn, Mr Neil, any questions?

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(COMMISSIONER)

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MR MOSES: Can I just ask one question arising out of that?

THE COMMISSIONER: Oh, yes, sorry Mr Moses.

MR MOSES: Why did you keep it in your drawer?---So no one else, I think I put it in my file - - -

10 Why did you keep it in your drawer so nobody else could have access to it?
---Because it was all confidential.

It was confidential?---Between me and Mr Stavis.

Okay, thank you.

THE COMMISSIONER: Did you note on it, I'm sorry, could we get 237 up again and the first page. If you need to look at it, you'll remember it's exchanges between Mr Montague and Mr Robertson.---Yes.

20 And then right down the bottom Mr Robertson at 3.51pm emails Mr Stavis saying, "Action from DEPA." That's the union, isn't it?---Yes.

"How could have you thought otherwise?" And then "This is a," in capital letters, "confidential communication, remember."---Yes.

You've been given a copy of it. Do you think that's appropriate?---Again, Mr Stavis gave it to me, I didn't ask for it. Again, I was assisting him with his legal issue and - - -

30 But you're not a lawyer?---No, I'm not a lawyer.

You're not going to provide him with legal advice?---From my real estate I understand what offer and acceptance is and he was just coming back for some support, he was just getting - - -

But you weren't concerned by the fact that in capital it says, "This is a confidential communication, remember"?---This is the first time I'm seeing this, taking any notice of that, coming to my attention, confidential.

40 Okay Mr Neil.

MR NEIL: If we just have a look again at Exhibit 237, do you see there that the email from Mr Robertson towards the end of the page to Mr Stavis is 3.51pm, do you see that?---Yes.

Mr Stavis' response is in an email at 17.26, 5.26pm, do you see that?---Yes.

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(MOSES)/(NEIL)

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Maybe he didn't read the email that he got until 5.26 or thereabouts?---Who didn't read it? Myself or - - -

No, no, Mr Stavis.---Well, correct - - -

THE COMMISSIONER: You don't know, do you?---Well, I don't know. From looking at the information, there's no way he could have read that before.

10

But he might have. You just don't know.---No.

MR NEIL: It could be any time. We don't know. Correct? No one knows at this stage.

THE COMMISSIONER: Well, we know it's before 5.26.

MR NEIL: 5.26, yes, I accept that, Commissioner. Now, the Commissioner asked you some questions about Mr Stavis calling into your office, and you mentioned one date, the 23rd.---Yes.

20

Was that 23 December?---23 of December, that's what I remember.

Not February. That's when he first came to see you with his concerns?
---Correct.

THE COMMISSIONER: You said 23 February because he got a letter from Mr Belling?---Yes.

30 And Mr Belling was the lawyer representing the council?---Council. Sorry, Commissioner, you see - - -

Your recollection is it's now December?---It's definitely December. Did I say February?

Yes.---I'm sorry, I apologise, thank you.

MR NEIL: The Belling letter's 18 December?---Yes, address on the 18th and he got it in the post on the 23rd, that's what I remember.

40

Could the witness, Commissioner, be shown page 9 of Exhibit 233. Now, my learned friend Ms Mitchelmore asked you questions that, in terms of the sequence of this exhibit, the questions finished on 18 February, line 333, it being suggested to you that you may have been provided some information about the 18 February peace pipe meeting between Mr Montague and Mr Hawatt and others.---Yes.

Sensitive

Now, I just want to go a little further. If you look a little further down the page at 335 and 336, they're on 19 February. 335 is you talking to Spiro Stavis. Do you see that?---Yes.

336 is you talking to Pierre Azzi. Do you see that?---Yes.

This, on any view of it, is after this war is over. Correct?---Yes.

10 But you talk to Stavis and then shortly after you talk to Azzi.---Yes.

On that same day.---The same day, yes.

An hour or so later. If we look a little further down 339 you speak at 13.07 to Mr Hawatt. Do you see that?---Yes.

13.34 your next call on this page to Mr Stavis. Do you see that?---Yes.

20 The same pattern I would suggest but we'll go on. If you look a little further down at 346 you speak in response to a call, sorry, there's an SMS Hawatt to you.---Yes.

Then there's an attempted contact, it's only nought-nought at 347 and then at 348 you speak to Mr Stavis or you try to contact him. Its only 0-5 seconds. Do you see that?---Yes, yes.

And Mr Stavis gets back to you at 19.39 for two minutes 33 seconds. Do you see that?---Yes.

30 And then shortly thereafter there's an attempted call Hawatt to you and then 351 there's Hawatt to you for 28 seconds. Do you see that?---Yes.

At 153 there's you to Stavis. Do you see that?---Yes.

At 8 o'clock.---Yes.

And 356 there's you to Hawatt on the 19th at 23.11. Do you see that?---Yes.

The next morning 9 o'clock there's you to Stavis. Do you see that?---Yes.

40 And then Stavis to you. Do you see that?---Yes.

If we go over the page, page 10, towards the end of the page 21 February 402, I'm sorry, 403 there's Stavis to you for 12 minutes. Do you see that?---Yes.

404 Stavis to you a short time later one minute 11 seconds. Do you see that?---Yes.

Sensitive

And within a few, about half an hour or less there's you to Hawatt, line 405. Correct?---Yes.

Then there's Azzi to you the next line 406.---Yes.

There's you to Hawatt at 407.---Yes.

There's Stavis to you at 408.---Yes.

10 There's you to Stavis at 409. There's Stavis to you at 410.---Yes.

Now, on the 22nd the same pattern I'd suggest. Page 11, 413 Stavis to you at 9.33 15, sorry, 19 seconds. 414 Azzi to you the same morning very short though.---Yes.

Further down 428 there's you to Stavis, 23 February, one minute 14 seconds followed three minutes later you to Azzi for 33 seconds. Do you see that? ---Yes.

20 At 433 there's you to Stavis on 23 February, 9 minutes. Do you see that? ---Yes, yes.

434. About maybe three-quarters of an hour later, you to Hawatt. 11 seconds. Do you see that?---Yes.

If we go to page 12, 453, 24 February, there's Hawatt to you. Do you see that?---Yes.

30 Then there's you to Hawatt, then there's you to Hawatt, then there's you to Stavis. Do you see that?---Yes.

That's the next day, 25th. And at 458 entry there's two of Stavis to you on the 25th. Do you see that?---Yes.

And at 454 there's you to Stavis on 25 February at 19.07, 1 minute 11 seconds. Do you see that?---Yes.

40 The next entry, second entry after that is you to Stavis at 10.54. Do you see that?---Yes.

Yes. I've got no further questions, Commissioner.

THE COMMISSIONER: The council confirmed – I'm sorry, Ms Mitchelmore.

MS MITCHELMORE: No, no. No, no. No, I'm sorry. Sorry, Commissioner.

Sensitive

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G. VASILIADES
(NEIL)

5651T

THE COMMISSIONER: No, no. You go.

MS MITCHELMORE: No, no, no. No. I don't have any questions for Mr Vasil.

THE COMMISSIONER: Mr Stavis's employment was eventually confirmed by council on the 26th?---That's what I think, yeah (not transcribable)

10

You recall that?---Well, I don't recall it, but looking at the evidence, that's what I, 26th - - -

Did you attend the meeting? Sorry, 26 February.---26 February, yes.

So up until that time were you still acting as the uncle to Mr Stavis? Is that why he's contacting you?---He was contacting me in February.

20 The latter part of February.---Yes, yes, as well. But after he was confirmed, I felt uncomfortable in terms of - - -

No, no, no. I'm not asking you that.---Sorry.

He continued, Mr Neil's just taken you through these other entries leading up to towards the end of February, and I said to you it was at a meeting of the council on 26 February that confirmed his appointment. In the lead-up to that meeting, were you still acting as an uncle or a shoulder for him to speak to?---Well, yes, and even after the 26th.

30 All right.---Even after the 26th, yes.

Ms Mitchelmore?

MS MITCHELMORE: No, Commissioner, I don't have any questions of Mr Vasil. Could he be excused?

THE COMMISSIONER: All right. Mr Vasil, thank you very much. You're excused. And we'll take a morning tea adjournment and return at about five minutes past 12.00

40

THE WITNESS EXCUSED [11.43am]

SHORT ADJOURNMENT [11.43am]

THE COMMISSIONER: All right, Mr Buchanan.

Sensitive

MR BUCHANAN: Commissioner, can Mr Azzi be called, please?

THE COMMISSIONER: Mr Azzi.

MR AZZI: Good afternoon.

MR PULLINGER: Mr Azzi will take an oath, Commissioner.

10 THE COMMISSIONER: Right.

Sensitive

THE COMMISSIONER: Mr Pullinger, have you explained section 38 of the Act?

MR PULLINGER: I have Commissioner, and Mr Azzi would invite you to make such a declaration, thank you.

10 THE COMMISSIONER: All right. Now, Mr Azzi, I understand Mr Pullinger has explained to you section 38 of the Act. It means that you object to giving the evidence and I make an order that, with one very important exception, any of your answers can't be used in any subsequent legal proceedings against you. The very important exception is if you give false or misleading evidence during this public inquiry. That is an offence under the ICAC Act, you may be subject to a criminal prosecution, it's a form of perjury. It's a very serious offence and brings with it a maximum penalty of a term of imprisonment.

20 So pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

40 THE COMMISSIONER: All right, Mr Buchanan.

MR BUCHANAN: Thank you, Commissioner. Mr Azzi your name is Pierre Azzi, is that right?---Yes, sir.

And in 2012 to 2016, you were a councillor on Canterbury City Council?
---Yes.

Sensitive

Thinking of the period 2013 to 2016, were you living in Roselands?---Yes.

And were you living in a house there with your wife?---Yes.

And were you a taxi driver by occupation?---Yes.

Can I ask you about that work. Did you own a taxi in 2013 to '16?---I'm operator, lessee. You know, I, the licence is leased, I own the vehicle, I am operator.

10

THE COMMISSIONER: You owned the vehicle? You used the vehicle and you owned the plates? Did you own the plates?---No, no. No. No, Commissioner. I owned the car but the plate is leased.

MR BUCHANAN: And how frequently in 2013/16 were you actually driving the taxi?---Every day.

Was it five days a week or seven days a week, what was it?---Sometimes five. No, not seven. Five or six.

20

Did you usually have one particular day when you didn't work on the taxi, for example, Sunday?---Sunday. Sunday.

It was Sunday. And how did you receive your income from taxi driving? That is to say, did you receive a cheque from the person who owned the licence plate, did you receive cash, how did you receive your income from taxi driving?---All the income come to the taxi it's mine, like you pay me, the money, it's mine.

30

THE COMMISSIONER: So I'm a passenger in the taxi.---Yes. You pay me - - -

It's going to cost \$30. I pay you 30.---I get the money.

And that's your income.---All, all the money from the day work it's mine but at the end of the month you pay all the cost, like the lease, radio fee and the, all the other costs it's, it's (not transcribable) rego, the green slip, insurance like on, as normal vehicle one year base, but each month we pay for the lease on weekly basis but they take the money on monthly. They took the money on monthly.

40

MR BUCHANAN: You had to pay your costs?---I have to pay, yeah, but the lease, the plate lease plus the radio fee I have to pay them.

Every month?---Every month.

I understand. Now, just in terms of the income you received from taxi, driving, you received it, did you, largely in cash or partly in cash?---It's

Sensitive

very hard to tell. Some days you work all, now everybody now pay it on plastic but like, we have the option, like I use like a machine, a credit card machine. I can cash it out straight away. There's another machine goes to the base, like I work it out to make the payment, you know, the balance, you know, I work on balance like, sometime you get 70 per cent cash, sometime you get 80 per cent on the machine cash charge. You can't tell. You have to work it out. I used two, two different EFTPOS machines. One I can cash it out because I want to make living. The other one goes like, to cover all the payment and everything. I can balance it out.

10

And how did you receive the income you received that flowed from EFTPOS payments, did you receive a cheque or did - - -?---No, no, it goes to the - - -

- - - the bank put money in your account?---The company I work with, once over they direct debit it, and the other one I can cash it out on the daily basis. You take, you take the entire day, you know, at the shift, you know, at the end of the shift and shift payment you receive and you go and cash it out from any petrol station like other companies work, you know, or from
20 somewhere, you know, when I took the other, you know, like from the banks or from the bases where the machine belong to they pay me on cash straight away transfer.

20

And what did you do with the cash? And I appreciate that's a very large question, but did you put it all somewhere in your house or did you put any of it into a bank account or a credit union account?---Look, if, all goes to my house and when I'm short with some payment I have to transfer money. You know, like if I want to pay a bill I have to put it in my account again, you know. It's, the money first thing goes in my house. I put the cash in
30 the house, you know. My wife actually. At the end of the day it's the cash. You've got a house. You have to spend. You have bills. You have everything, you know, and when I need to put money in the bank I have to put money in the bank, what's, what's left over. But not every day of every week.

30

Are you saying you gave the cash to your wife to look after?---Yes, yeah.

And was it she who put the money into the bank account when it went into the account?---Yeah, most of the day when she, she goes to the bank
40 because I'll be working. She goes to the bank.

40

So you didn't put any cash from your business into a bank account? If anyone did, your wife did that, is that right?---Yeah, yes, most of the time, yeah, my wife or my daughter.

And how many bank accounts, or accounts into which you paid money, did you have in the period 2013-2016?---Well, I have one saving account and another credit, credit account, like, credit. That's all.

Sensitive

A credit card account?---Yes.

So two accounts. One a savings account with a financial institution, and the other a credit card account, is that right?---Yeah, yeah.

And the account with the financial institution, which financial institution was it?---Do you mean the bank?

10 Yes. What brand of bank?---CommBank. Commonwealth Bank.

Commonwealth Bank. And was the account in your name or a joint account with your wife?---No, it's my name.

And so you didn't hold a joint account with your wife?---No, like, on the same bank account, no, no.

And so are you saying that if money that your wife received from you from your taxi driving or any other source was to be banked, she would bank it
20 into your savings account, is that right?---Yeah.

You also received fees as a councillor, is that right?---Correct, yes.

And was that directly paid into your savings account?---Yes.

Did your wife receive any income?---She's, like, from a job? Oh, she's, my wife, she's a, she receive income from, she's a carer.

She's a carer. Yes. Are you saying she received a benefit because she was
30 a carer?---Yeah.

And was that from a Commonwealth, some sort of Commonwealth benefit?
---Commonwealth benefit, yeah.

And did she have any employment by which she gained income?---No.

Now, did you receive any income apart from taxi driving and apart from
councillors' fees in the period 2013-2016?---Like payment anybody, I don't

40

Any sort of money at all.---Look, I have only investment, I don't know if you're aware of it, investment in shares. That's the only sources I haven't said.

THE COMMISSIONER: So you get dividends from your shares?---Yeah (not transcribable) yes.

Sensitive

MR BUCHANAN: And would they be paid directly into your savings account?---Into my, yes.

Now, did you handle any other cash that came your way apart from taxi driving and apart from councillors' fees?---Can you specify? I don't understand.

Well, was there any other source of cash that you had in the period 2013-16 apart from taxi driving?---No, sir.

10

Did you play poker machines? Did you gamble at all?---Yes.

Could you tell us about that, please, in the period 2013-16.---Tell you what?

Yes, what gambling did you do in 2013-2016?---I normally go to the pub, like, to the club and sometimes I play the pokies.

20

How often did you play the pokies at the club in 2013-16?---Oh, I don't remember how many times I've been there but I go, like, occasionally, like once a week, twice, three times a week, depends. You know, sometimes I go - - -

So, at least weekly, are you saying?---Hmm?

Are you saying that you gambled at least weekly?---Sometimes I don't gamble.

30

Or are you saying you went to the club - - -?---Sometimes I go to the club, most of the time to have a coffee, sit and sometimes I gamble, sometimes I don't. Depends, you know.

And this is on poker machines?---Yes.

Any other type of gambling?---At that period, no. Excuse me, what do you mean other gambling?

Apart from poker machines.

40

THE COMMISSIONER: Like, putting money on horses or going to the casino?---Yeah. Well, sometimes, yeah. Sometimes I, I play, yeah, yeah, I love horses.

MR BUCHANAN: Sorry, you love horses, did you say?---Yeah, I love horses.

You love horses, yes.---But I don't put a lot of, you know, I love them, yeah.

Sensitive

But you didn't put a lot of money - - -?---Sometimes I put money on horses.

How often?---Well, sometimes I bet once a week, sometimes once every two weeks, sometimes I check every day but only on, I don't go up to the race courses.

You don't go to the race track?---No.

10 And did you win any money from gambling in either poker machines or horses?---Yes. I, I recall I won, yes. Sometimes.

How many times did you win from gambling on poker machines at the club in 2013-2016?---How many times. Twice, once, I, twice I think I had, I won 50,000 on the jackpot and members, the members were, I don't know what they call it. It was a spin, wheels that spin, you know, twice me and my wife, or four times, I don't know, it was something like that.

In 2013-2016, we're talking about now.---Yeah, yeah.

20 And so you were a councillor at the time you had these winnings, is that right?---Yeah, yeah.

And did you keep any record of those winnings?---Oh, the winnings go straight into my bank account from the club.

30 Did you get a ticket, though, or a piece of paper from the club to say what the payout was, and the date?---I think so. I don't, I don't remember if I keep it but it's in the docket of the club. When you win the jackpot, the club has a record because they can pay you only - - -

THE COMMISSIONER: They don't pay you in cash, it's got to go into - - - ?---They pay you, they have a limit of how much, I think up to \$5,000 in cash and rest goes to your bank account.

You've got to nominate a bank account?---Yes, yes. It's in the club record.

40 MR BUCHANAN: So, how many jackpots did you win in the period 2013-2016?---One, two and my wife twice, I think. That's why I can't remember. It's, we trade between five times, 16/17,000 each time I think.

THE COMMISSIONER: And which club is this?---Lantern.

MR BUCHANAN: So can you just give us your best memory, what was the smallest jackpot you won, how much was the smallest jackpot you won at the club, and this is the Lantern Club, is it?---Yes.

In the period 2013-16, how much was the smallest one?---I can't remember. What do you mean the smallest one?

Sensitive

Okay. How much was the biggest jackpot that you won when playing poker machines at the Lantern Club in 2013-16?---Yeah, I won around 16, 17,000 maybe.

You don't remember - - -?---Between 16 and 17,000 I think it was, the jackpot.

10 Thank you. And so there was at least two jackpots that you won in that period?---I won, yeah, I won one, two and three on the member's wheel. I think it's three.

So you won one on the member's wheel as well. And how much was that? ---Yeah. Member's wheel, 10,000, I think.

Now, you mentioned your wife won jackpots twice, is that right?---Yes.

In the period 2013-16?---Yes.

20 On poker machines?---Yes.

Each time?---Yeah.

And how much were those winnings?---Around, that same as always, like between 16 and 17,000.

Each time?---Yes.

30 And what happened to that money that your wife won?---All the money goes to my bank account and the cash, like, always take \$5,000 cash and the rest goes to my bank account.

And did you put any of the \$5,000 cash into your bank account?---Well - - -

On any of those occasions?---Not me. I don't know. My, I don't know, my wife took the money and she managed.

40 So your wife took the \$5,000 cash on the occasions you won a jackpot and - - -?---Yeah, most of the time, yeah, she always keep the, keep, she always keep the cash with her.

When your wife received the carer's benefit, where did it go? By which I mean did it go into an account anywhere?---Her - - -

Carer's benefit. You said that your wife got - - -?---Carer's - - -

- - - some money from the Commonwealth because she was a carer.---Yes.

Sensitive

Is that right?---Yes.

Where did that money go? Into an account?---Her account.

Was it paid into her account?---Yes.

So your wife had a separate account, is that right, of her own?---Yes.

10 So would it be right to say that when your wife won money on the jackpots, she put that into her account?---When she won the money goes, when the transfer to the bank, goes to my account.

Even when your wife won?---Yes.

It went into your account?---Yes.

You're quite sure of that?---Yeah.

20 And it was transferred by the club electronically?---Yes.

But the cash, a component of your wife's winnings, if they went into an account, they would have gone into your wife's account if she had won them, is that fair to say?---The cash, my wife took the cash and she take care of it.

30 Yes, but if she put any of it into an account, if she had won it, you'd expect her to put it into her bank account, wouldn't you?---Well, she, my account and her account (not transcribable). She decide if we need, if I need money in my account, she would put it in my account if we have to pay some bills. If she wants to put it in her account, she can put it in her account.

Were any of your - - -?---We're not split.

I'm sorry. Go on.---We're not split.

Were any of your household expenses paid from your wife's account or were they all paid from your account?---Bills, you mean?

40 Yes.---No, I, sometimes I pay the bills from my account, credit account, and when sometimes some bills going to be paid, if she cannot, if she, if she can't pay them, you know, she pay them from her account. I think, I don't remember, I think the telephone, no, it's BPAY account pay from her, bills from, paid from her account. Some bills, few bills, I don't know. Like, she can manage to pay. If, if, if she can't pay it, I'll pay it. We split, we share.

THE COMMISSIONER: And was her accountant with the Commonwealth Bank?---Yes, ma'am.

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MR BUCHANAN: And did your wife have any other accounts that you knew of?---I know only she has one account.

THE COMMISSIONER: And what is your wife's name?---Norima.

Norima.---Yeah.

MR BUCHANAN: N-o-r-e-m-a?---Norima.

10 Thank you, sir. Now I just want to make sure I've covered all your sources of income. There was income from taxi driving, fees paid by reason of being a councillor, but that was paid into your account, is that right?---Yes.

You have to say something for the record, sir.---Ah, ah - - -

That's correct.---What's the question?

Your wife received the carer's benefit but that would have been paid into her - sorry, that was paid into your account, is that right?---No.

20

That was paid into her account.---The carer's benefit goes to her account.

Thank you. There was income from winnings on poker machines that went into your account.---Yeah.

And you also got cash, and on those occasions you'd give the cash to your wife.---Yes.

30 Now, have I missed out any other source of cash you've received in the period 2013-16?

THE COMMISSIONER: You occasionally won on the horses?---Well - - -

Or not really, you weren't a very good punter?---Yeah, I win on the horses but it goes to, sometimes, I collect cashes, yeah, but I can't recall or remember how many times I won. I win on the horses, you know, every time somebody win and lose but I win cash on the horses but I, I don't keep record for the cash.

40 MR BUCHANAN: And what did you do with the cash that you won on the horses when you won it?---I keep it in my pocket.

THE COMMISSIONER: So, were you betting on the horses at the TAB? ---Yes, ma'am.

And was TAB part of the club or was it a separate - - -?---No, no, separate, ma'am. No TAB in the pub, in the club.

Sensitive

MR BUCHANAN: Did you gave an account at the TAB?---Yes.

And did winnings on horses at the TAB go in to that account?---Yeah.
When I bet through the account, goes back into the account.

And did you ever draw money from that account? Cash, I mean.---I transfer
– cash, oh, only on once or twice. I don't normally withdraw, I transfer to
my account. If I win, I transfer it to my, in to my account.

10 From your TAB account in to your savings account?---Yes.

Thank you. Am I right, the impression you're giving is that you had greater
success on the poker machines than you did on the horses?---Nobody has,
look, I, I play on the poker machines just to, but I'm not a gambler like, bad
gambler, just for fun. Just one here, \$30, you know, one, I can't tell you,
nobody can win in the club or the horses. Just, I use it just for, like, sport,
for fun. I'm not a, like, a mad gambler.

20 You didn't win between 16 and \$17,000 at a time on the horses, is that
correct?---No, no. No, it was \$5 bet, you can't win \$15,000 on the horses.

So your bets were in the order of \$5 at a time?---Yeah, well, \$5, \$10, yeah.

Thank you. Now, can I change the subject and ask you about your political
history, please. You were elected in 2012 to the West ward for Canterbury
City Council as an ALP candidate, is that right?---Yes.

Had you before that time been a candidate for any election?---Yes.

30 And how many times had you been a candidate before then?---Once.

And when was that?---The, the previous election. I don't know, let's say
'12, 2012, what, four years back, let's say from, 2008.

Thank you. And again, you were an ALP candidate on that occasion, were
you?---Yes.

For a council election?---Yes.

40 And did you join the ALP at any stage?---Join the ALP?

Did you become a paid-up member of the Australia Labor Party?---Paid-up
member, what do you mean paid-up member? I had to pay for membership.

Did you ever, as you understood it, become a member of the Labor Party?
---Yeah, I'm a member of the Labor Party.

Sensitive

When did you become a member of the Labor Party?---Oh, 15 years ago or 20 years ago, I don't remember.

And did you remain a member of the Labor Party continuously between 15 to 20 years ago until 2012?---Yes.

And how active in the Labor Party were you, before 2012, and apart from standing for election to the council four years before?---Mr Buchanan, it has too many answer. What do you mean by active? A local role or - - -

10

Did you attend branch meetings?---Yes.

Did you do anything else for the Labor Party apart from attending branch meetings and standing as a candidate twice?---No, no. Only like, like active as a member, that's all, not as professional.

In 2012 you stood as an ALP candidate. You were chosen by your branch, were you, to stand as an ALP candidate for that West ward?---Yeah, the Labor Party, yeah.

20

And was there a pre-selection process where you had to beat other people who wanted to be the ALP candidate or an ALP candidate for that ward? ---No, I don't remember we have any like, like a challenge.

Now, in 2012 there were – sorry, as a result of the 2012 election for councillors for the Canterbury Council you were elected for the West ward. Is that right?---Yes.

30

Karl Saleh was elected for the West ward. Is that right?---Yes.

And he was Labor Party?---Yes.

And Michael Hawatt was elected as councillor for the West ward for the Liberal Party. Is that right?---Yes.

Now, did you know Mr Hawatt before the election in 2012?---No.

40

And did you start talking to him as a result of him being elected as councillor in 2012?---We start like, knowing each other when I became a councillor. Like hello, hello not like, just as a councillor.

And usually the Liberal Party is opposed to the Labor Party and the Labor Party is opposed to the Liberal Party. That's how it usually works in Australia.---How, yeah, how it works in Australia they always opposition in the government.

Yes, to each other.---Yeah.

Sensitive

And the same thing applied on councils.---Well, I don't, it sometime apply on the council but the council is different.

Yes.---Sometime you have to forget who you, which party you are in because local governments are different than state and federal. It's the people. Sometime you have, you have to work, you have to work together to, to make things happen for the best, the benefit of the community. You can't go and split the council and make it unfunctional and sometime you have to, to work together, that's it, for the benefit of the community.

10

When you attended your first meetings were they in 2012, sorry, your first council meetings were they in 2012?---Oh, I don't remember all that. Sorry.

What was the month in 2012 in which the election for Canterbury Council occurred?---Election normally held on September but I don't remember when the first meeting was.

And when the, can you remember the first meeting when you were a councillor?---No, I can't remember the first meeting.

20

Can you think of the meetings that you had after being elected in say the six months after you were elected and assist us as to how you voted, that is to say, how you made a decision as to how you would vote on any particular proposition before council?---I don't understand what's the question.

Well, did you vote at meetings of council?---Yes.

30

How did you make up your mind which way to vote in the first six months of being a councillor?---The first six months as a councillor we used to, like as a Labor councillor we used to have a caucus meeting and we'd discuss it in the caucus and we start sharing and asking questions what's going on and we base our voting on what's happened in the caucus meeting, yeah.

Did that change?---Oh, basically the government changed the rules after, when we can bound by caucus meeting on decisions, and, but we're still caucusing but you're not binding by the rules of caucusing.

And when you say you were still caucusing, this is the Labor councillors?
---Yes, yes, yes.

40

Or the councillors elected on a Labor ticket.---The, yeah, the councillors.

Do you know whether the Liberal councillors also caucused - - -?---No, I don't know.

- - - before the rules were changed?---I have no idea. I don't know.

Sensitive

Do you remember the first – I withdraw that. You ended up voting with Michael Hawatt most of the time in the period 2013-16, when you were a councillor on Canterbury Council, didn't you?---That question is I've been voting with Councillor Hawatt?

Correct. That's the question.---No, I'm not voting with Councillor Hawatt.

THE COMMISSIONER: I'm sorry, what did you say?---He's asking me the question if I'm voting with Councillor Hawatt.

10

He asked you eventually you ended up voting with Mr Hawatt during the period 2013-2016. Do you agree with that?---No, I vote on the items, not with Councillor Hawatt. Follow recommendation. I vote what's in the items, not support him.

MR BUCHANAN: All right. I'll put the question a different way. Did you in the period 2013-16 ever vote the same way as Councillor Hawatt?---Ever vote the same way?

20

Yes.---I don't remember if I voted, so I don't know, I don't remember. It's too many, too many (not transcribable) and too many items. I can't remember.

Mr Azzi, you know as you sit there, don't you, that you frequently voted the same way as Councillor Hawatt in the period 2013-2016, don't you?
---Could be.

Well, why did you say you don't know?---You're asking me if I always voted with him.

30

THE COMMISSIONER: No, you were asked whether you ever voted the same way as Mr Hawatt and you said, "I don't remember. There were too many items." And now it seems, Mr - - -?---Yeah, can you, can you – I'm sorry, Madam Commissioner. I get confused little bit.

MR BUCHANAN: Well, I'll ask the question again. In 2013-16, you frequently voted the same way as Councillor Hawatt voted on Canterbury Council, didn't you?---You mean frequently like most of the time?

40

Yes.---Yes.

When did that start happening?---Normally at all council meetings Councillor Hawatt move all the items. He's, he's always the mover and we have to vote with, with the mover. Doesn't mean we're voting with Mr Hawatt because Councillor Hawatt, former councillor Hawatt, he used to move 99 per cent of the items on the business paper.

Sensitive

Why did you have to vote with the mover?---Because we have to vote with the mover if it's be recommend. And if you, you want to vote, you can go and said I'm against the mover, but you have to explain yourself if any issue. It's not (not transcribable) you have, you have to vote, somebody move. If no issue with it, you have to vote with the mover.

10 You could always vote against the mover without giving any reason at all, couldn't you?---No. In our code if you want to vote against the mover, against the recommendation, you have to go and jump and debate it and explain why. It's, it's no issue to explain why no problem why you have to vote against it. You have to explain yourself.

In 2013-16, you sometimes moved motions, didn't you?---Yes.

Why didn't you just let Councillor Hawatt move the motions, which you in fact ended up moving? Why did you do it yourself? Why did you move the motion yourself?---I'm a councillor, I'm a, I have the right to move.

20 But it doesn't sound as if it quite explains the way you voted the same way as Councillor Hawatt all the time if sometimes you didn't vote the same way as him simply because he was the mover. It sounds as if there might have been something else that explains why you frequently voted the same way as Councillor Hawatt.---What the question? I - - -

Well, you have told us that you sometimes moved motions.---Yes.

30 Why did you bother moving a motion if you've told us you voted the same way as Councillor Hawatt because he was the mover of, what was it, 99 per cent of the motions?---Yeah. Yeah. He moved more of the motion. If the motion is no issue to go against it, why you have to go against it?

40 Can I make this suggestion to you, that it would appear, on a review of the minutes of meetings of the council and of the City Development Committee, in the period 2014 to 2016, that almost all the time you and Councillor Hawatt voted together, and that between you the two of you moved almost all the motions, certainly on planning issues. Now, I've asked you really three questions there, which might not be fair. I'll withdraw that question, I'll break it up for you. On planning issues, a person just reading the minutes of Canterbury Council to the City Development Committee in the period 2014 to 2016 would get the impression that you and Councillor Hawatt moved most of the motions. You'd agree with that?---Could be.

And that invariably, almost all the time, you voted the same way with each other?---Maybe. I don't know, mostly.

Was there any discussion in the ALP caucus at council at all in the period 2013-2016, about whether people would follow Councillor Hawatt on any particularly issue or not? Was there discussion about this in caucus?

Sensitive

---Yeah, most of the time we just, all the time when we used to caucus, we would discuss all the items.

And were you aware, when you discussed those items, of the way Councillor Hawatt proposed that the matter be dealt with, that the item be dealt with?---Most of the time – can you repeat that question, please?

10 Yes, sure. Did you have some idea about how Councillor Hawatt was going to vote at the times when you considered those items in the business paper, when you were sitting in the room in which the caucus was sitting?---No, no. Most of the time, all the items, like, all the time, we follow recommendation.

And when you say - - -?---It's been recommended - - -

10 I'm sorry. I interrupted you.---When it's, always, most of the councillors follow the recommendation. That's mean, it's not like, it's like, what I'm going to say, if it's recommended and everybody move as recommended, what the issue if all the vote as recommended. But situation change if you going to change the recommendation. Now, it's a, they start counting the vote, you know.

30 I'm sorry, I didn't quite hear what you just said there.---When it's recommended, like, I don't have to ask Councillor Hawatt or Councillor, any councillor, what, which way I have to vote. I never asked them. We discuss the issue. When it's been recommended, both of the items be moved as recommended, and all the councillor they follow the recommendation. That's why you see all we voting at recommended. Don't ask. If you want to go against the recommendation, you have to explain yourself and councillor has to explain.

And was there any consideration in the ALP caucus of what Councillor Hawatt wanted to do when it was against the recommendation?---Well, we, well, sometimes, I don't know, I don't remember. Sometimes we discuss what the other side going to do and what our decision going to be, be based on, yeah.

40 Did you start at any stage having your own caucus meeting, as it were, with Councillor Hawatt on how planning issues in particular should be decided? ---No, no, not between me and him, no.

You didn't meet with him or talk with him at any time in 2013-16 about how issues should be decided?---No, we normally always talk and change, sometimes change, like, ask a question what the situation, but not only between me and him. We used to discuss it with all the councillors. I'm not the council, only me, we are 10, and decisions being made by the, the numbers, not by person, by councillor. And all decision, all, all, all

Sensitive

discussion has to be (not transcribable) and, like, discussed with all of, all the councillors.

THE COMMISSIONER: During a council meeting or would you meet outside a council meeting?---No, sometimes during a council meeting, but sometimes the discussion (not transcribable) you have a workshop, you go through workshop, you discuss it through the phone with each councillor, because every council, every councillor has his own work. It's very hard to catch up and meet at once during that time. Like, I work all day. I'm only, 10 I'm only available after 5 o'clock. Some, some councillor work till 7 o'clock and it's very hard to communicate face-to-face all the time. You have to - - -

MR BUCHANAN: And so would you use the telephone to communicate with other councillors as to how people should vote on particular agenda items?---No, not with, we only discuss if any issues to be discussed, not only how to vote. We, we don't (not transcribable) councillor how to vote. If, it's happened only if any big situation and every councillor start asking their opinion what's the right and what's the wrong, you know? It's not 20 happening all the time. It's a discussion like general discussion and to find out if any issue, what's the issue, not with each item - - -

But did you use the telephone yourself to discuss with any councillor how an agenda item in the business papers should be approached?---No, no, look, I use the telephone only not too many times, only if I need to, to ask a question, that's all. I never discuss, like, I don't discuss it if any issue. I use the phone to ask a question and normally I, I meet if I have an issue, address it, and mostly later when we have the caucus we discuss it. But if 30 we have a question to ask each other, we'll go on, but we don't make decision on the phone or between two or whoever.

Did you ever have discussions on the phone with Councillor Hawatt about how an agenda item on the business paper should be handled in council or the CDC meeting?---I, I do have a conversation with Councillor Hawatt sometimes but we don't direct each other which way we have to go.

But you reached an agreement, didn't you, on the phone quite often with Councillor Hawatt about how an agenda item in the business paper for council or the CDC should be handled, didn't you?---Not all the time (not 40 transcribable)

Are you agreeing that, yes, you did talk on the phone a lot of the time with Councillor Hawatt about how agenda items should be handles?---No, sir, not a lot of time.

A lot of the time?---No.

Sensitive

How much would you say?---Oh, I don't know. When I need to speak I'll talk to him. We'll have a meeting once a month or maybe we'll discuss it sometime once a month I'll go a meeting if I need to, sometime we don't talk.

Did Mr Hawatt ever ring you to discuss how an agenda item should be handled?---He never give me direction how it should be handled.

10 THE COMMISSIONER: No, you weren't asked that. It was whether Mr Hawatt ever rang you to discuss an item.---Oh, he, no, excuse me. He said, can you repeat your question, please.

MR BUCHANAN: Yes. Did you ever get a call from Councillor Hawatt and then the two of you discussed how an agenda item should be handled? ---No.

Never happened?---No. I don't accept anyone telling me how I should handle this.

20 No, discuss how it should be handled, that is to say, reach an agreement between the two of you as to how it should be handled?---I don't remember this.

You don't remember that ever happening?---Maybe. It could be possible.

It's likely, isn't it, I'm sorry, it was the case you know, don't you, that you and Mr Hawatt frequently discussed including on the telephone how planning items should be handled when they were considered by council and by the CDC?---Not frequently, sir.

30 Not frequently. How often would you say that happened?---I don't remember.

How often would you say it happened? If it didn't happen frequently how often did it happen?---I don't remember how many times.

So you can't deny that it happened frequently?---No. Maybe it happened but I, I don't remember how many times. It's normal we talk to each other at councils.

40 It's normal that you and Mr Hawatt spoke to each other. Is that right?---We speak but I speak, all the councillors speak, yeah. I spoke, I speak with Mr Hawatt.

I note the time, Commissioner.

THE COMMISSIONER: We'll have the lunch break and we'll resume at 2.00pm.

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LUNCHEON ADJOURNMENT

[1.02pm]

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