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19/12/2018

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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 2.00PM

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

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

MR BUCHANAN: If we can resume with Mr Azzi.

THE COMMISSIONER: Yes, Mr Azzi.

MR BUCHANAN: Mr Azzi, can I show you a document on the screen in front of you, please, the first page of the Canterbury City Council Code of Conduct, as it was in August 2013. That's the cover sheet and if I could
10 take you then to page 41, this is – sorry, Commissioner, we're looking at volume 2, page 39, now page 41. It had a table of contents and do you remember seeing this document at all when you were at Canterbury?
---Yeah.

And what were the circumstances or when was it that you first saw it?---I don't remember, I don't remember when, which, the date, but been handed to us at one stage, some stage.

20 Were you given any training?---No.

So, there wasn't a time when you and other councillors went into a room and someone stood out the front and said okay and then started taking you through the code of conduct?---I don't remember we did that.

You were given it at one stage or some stage, is that right?---Yeah, been given to us, yeah.

And who gave it to you?---Well, I think it's been delivered by the courier.
30 I, I don't remember how but could be handed at the council or deliver it by the council courier.

Did anyone suggest that you should read it?---Yeah. We were meant to read it.

Who told you that?---Could be, could be the GM. I don't know. I'm, I, I can't remember.

40 Did you read it?---Part of it, yeah.

And which part of it did you read?---Look, most of it, about the code of conduct, the conflict of interest, personal benefit. Most of it.

Did you read about disclosing when you had an interest in a case or in an item?---Disclose, you mean when we have a pecuniary interest?

Yes.---Yes.

You read about that?---Yes.

And I'll just take you to the bottom right hand corner of page 41 of volume 2. Can you see that it says that - - -?---I haven't got the - - -

I'm sorry, could we just enlarge it a little bit. Code of conduct and then it had a policy number and then it says, "Adopted 22 August, 2013," and then it gives the council minutes number at which that resolution would appear. So, does that refresh your recollection that you would have been involved in a vote to adopt the code of conduct?---I don't remember. It could be, could be, sir.

You accept that you would have been involved, is that right?---Well, possible if I, I was at the council, I must have voted on it but I don't recall, you know, the, the date or whatever, when we vote.

How often did you fail to attend or miss a council meeting?---I never missed a council meeting.

20 Thank you. You would have, in that case, you would have at least looked at this document for the purpose of deciding how you would vote on a motion to adopt it, wouldn't you?---Yes.

Thank you. You understood, did you, that the way you conducted yourself as a councillor was governed by provisions of this code of conduct?---Can, can you explain more to me that question?

30 Yes, certainly. Did you believe that the code of conduct had rules in it which you had to follow in doing whatever you did as a councillor?---Yes.

Can I go back to the subject I was asking you about before lunch, which was about your dealings with Councillor Hawatt in relation to how agenda items would be handled. Do you remember I was asking you those questions? ---Yes.

Now, the councillors who were elected in 2012 as Labor councillors were Mark Adler. Is that right?---Yes.

40 Karl Saleh?---Yes.

Fadwa Kebbe?---Yes.

Con Vasiliades?---He's not Labor.

No, sorry, my mistake. Liberal councillor?---Vasiliades - - -

Liberal Party councillor?---Yeah, Liberal.

My mistake. Thank you for picking me up on that. And Ken Nam also a Liberal councillor?---Yes.

Ms Paschalidis-Chilas, was she elected as an ALP councillor?---Yeah, Labor, yeah.

And was the mayor elected on a Labor ticket?---Yes.

10 Now, Mr Hawatt obviously was elected as a Liberal Party councillor.---Yes.

Am I right in saying that Mr Hawatt was the senior and most active Liberal party councillor on Canterbury Council when you were there?---Yes.

And would it be right that Councillors Nam and Vasiliades followed Councillor Hawatt in the way they voted?---I don't know about this.

20 Did you notice any falling out between Vasiliades and Nam on the one hand and Hawatt on the other hand, any big disagreement?---No, I don't know. I never been between them when they discuss things.

But you saw how they voted on council, didn't you?---Yes.

And they voted the same way as Mr Hawatt did?---Most of the time.

The Commission has heard evidence that you and Councillor Hawatt in the period 2014/2016 controlled the numbers on council. Do you understand that?---Control the numbers?

30 Yes. How people would vote.---No, I don't control nobody.

You and Councillor Hawatt certainly in planning decisions controlled how the council decided to handle a particular agenda item, didn't you?---No.

The two of you.---No, no.

Did you ever hear anyone – I withdraw that. Did you ever hear that anyone referred to you and Councillor Hawatt on council as the junta?---I heard this.

40 When did you first hear that?---I don't remember when but I heard this.

Whilst you were still on council?---I think so.

Did you understand that that was – sorry, did you understand that that was an opinion that Mr Montague held at least sometimes?---Mr Montague, he never say it in front of me.

But did you hear that that's what he said behind your back?---I heard about this, yeah. Him and somebody else.

Who was this somebody else?---I think at one stage he's saying the mayor was going off the junta.

Mr Robson?---Yeah.

10 Did you hear that the grouping of councillors consisting of yourself and Mr Hawatt, Mr Adler, Mr Saleh, Ms Kebbe, Mr Vasiliades and Mr Nam also were sometimes described as the junta?---You mean, can you repeat the question, please.

Yes, sure. Did you hear that anyone described seven councillors – yourself, Hawatt, Adler, Saleh, Kebbe, Vasiliades and Nam – as the junta?---I believe when they mention it or I heard about this, they never specify, like, me or Mr Hawatt only. Like, I didn't take it as personal like me. I thought all of us. I don't know what they mean by junta. I didn't understand it.

20 And who did you understand by "all of us"?---Like, the, the councillors you named.

Thank you. And did you and those councillors that I've named form in 2014 a voting bloc, a bloc of councillors who consistently voted together?---Most of the time voted together.

And would it be right to say that the people who decided how the seven of you would vote when you voted together was you and Councillor Hawatt?
---No.

30 Was there any involvement that you had in deciding how that grouping of seven councillors would vote together most of the time?---No.

Did Councillor Hawatt have any involvement in deciding how that group of seven would vote together most of the time?

40 MR PULLINGER: I object to that. Unless it's something that he received in some communication, otherwise how can he comment on what might have been in Councillor Hawatt's mind at the time?

MR BUCHANAN: I'm not after Councillor Hawatt's mind. It's who it was who was making the decision as to how the grouping of seven should vote, and I'm simply asking the witness, did he know whether Councillor Hawatt contributed to that decision? He might know from all sorts of different sources.

THE COMMISSIONER: I'll allow the question. Do you remember the question?

THE WITNESS: Yeah, the, the question I'll, I, I don't know if Councillor Hawatt, what, what he speak, what he – I have no idea. But everybody has his right to vote the way he likes.

MR BUCHANAN: But the way the voting usually occurred, on planning issues at least, was that that group of seven usually voted together, didn't it?
---Yes.

10 How did that happen? What caused it to happen that way?---I can't answer on everybody's mind. I answer on myself. They believe they're voting on the right issue. If you seen something right, you vote in it yes.

And you've told us that the ALP councillors would caucus, but not in a binding way after that wasn't allowed anymore. How did the Liberal councillors find out how to vote?---No idea.

20 Did you expect them to vote the same way as the other members of the grouping of seven councillors?---I said before, both of the item, we all follow recommendation. That's mean if it's recommended, we all vote and move on as recommended, you know?

THE COMMISSIONER: And when you say the recommendation, are you referring to the recommendation contained in the business papers - - -?
---Yeah, yeah.

- - - or a report to council?---Yeah, recommendations, recommended to go this way, and you can go, yeah, move as recommended. That's it.

30 MR BUCHANAN: And when the grouping of seven voted against the recommendation, how did that happen?---It's happen, if you move, if you move against the recommendation, you have to debate the issue and give explanation and the debate has started.

But when you say "have to", that wasn't mandatory, was it?---Yes.

40 It was mandatory in the case of not following an IHAP recommendation to provide reasons for not following an IHAP recommendation, but it wasn't mandatory to give reasons why you wanted to vote against an officer's recommendation, was it?---No, the same, the same, I believe the same rules, but you have to, you can choose which, the mover has to choose which recommendation to, like, we have the choice to go with IHAP recommendation or officer's recommendation. The mover, he will pick which recommendation he wants and the debate start from there. If you move officer's recommendation, you have to follow the recommendation of the officer. If you move IHAP recommendation, you have to follow what's in the IHAP recommendation.

What did you understand was the reason why the general manager and the mayor from time to time referred to you and Mr Hawatt as the junta?---I can't, I don't know.

What did you understand them to mean by referring to you and Councillor Hawatt as the junta?---I don't know what they, what they mean by this. I have no idea.

10 MR PULLINGER: Can I just raise an objection there. His answer previously was that he always understood the junta referred to the seven.

THE COMMISSIONER: I don't know if that's correct, Mr Pullinger. My note was that Mr Buchanan started with a proposition that Mr Hawatt and Mr Azzi had been referred to as the junta, and again my note was that he agreed with that, and then the alternative proposition was put that the group of seven councillors were also, he had heard them referred to as the junta. Is your note different to that?

20 MR PULLINGER: If I can just – I'm relying on my notes. My notes are often not completely reliable. But in answer to Counsel Assisting's question, "Did you hear the seven councillors referred to as the junta?" his response was, "I believe it was always all of us."

THE COMMISSIONER: Mr Buchanan, anybody is - - -

MR BUCHANAN: I'm focussing on the witness's first answer.

THE COMMISSIONER: Which was when you did refer to - - -

30 MR BUCHANAN: The two councillors Hawatt and Azzi. And, yes, he did hear or did understand that the mayor and the general manager had referred to him and Mr Hawatt as the junta.

40 THE COMMISSIONER: Yes. My note is, "I heard this. I don't remember when." Then it was put to Mr Azzi, "Did you hear it when you were still on council as a councillor?" and he said, "I think so," and then it was a reference to Mr Montague saying it and he said, "He never said it in front of me," but agreed that it was something Mr Montague and Mr Robson said, in substance, behind his back. So my notes were that he did agree with that initial proposition, that it was Mr Hawatt and himself, and then we moved to a different topic, the grouping of the particular councillors, and he agreed, again my note is, "I believe so," that they described you and the other councillors as the junta, "I believe so." So, look, I'm going to allow Mr Buchanan to continue because I think we do have the basis with that two series of questions.

MR BUCHANAN: What did you understand junta to mean in the context of which we've just been discussing?---I don't understand what this word meant. I didn't take notice of it.

You didn't understand it to be drawing on an analogy of a group of military generals running a country?---I'm just a soldier. I'm not a general. They are the general.

10 No, it's your understanding of it that I am asking you about. Didn't you understand the word junta to refer to or be an analogy based on a group of generals running a country?---After, I did some research after last few questions about what they mean, and it comes out like, like, they said we are like, like a gangster or something like that. That's what I come up with. I don't know if I been given the right explanation.

If you were to understand the word as being an analogy with a group of generals running a country, would that have been a fair way to describe how you and Mr Hawatt dealt with council, dealt with Canterbury Council?
---(No Audible Reply)

20

Would it have been fair to describe the way that you and Mr Hawatt dealt with council as being like a group of generals running a country?---No, no.

Why not?---First thing, I'm not the leader or I'm a general to lead. We are the councillors, discussion, and everybody has (not transcribable) for his opinion. I never said to anybody like I'm ordering. I never order anyone like as described I'm a junta. I never give order to anybody to follow my, what I can say, my direction.

30 The Commissioner has heard that you have a forceful personality.---What do you mean forceful?

A person who relates to other people forcefully.---Oh, maybe it's the way I operate. I don't mean to be forcefully to anybody but it's the way I speak, and everybody has (not transcribable) for his opinion. I'm not a general. I don't carry guns.

Were you forceful sometimes in the way that planning matters were dealt with by the council or the CDC?---It's not true.

40

I'm sorry?---It's not, it's not true. Only on planning I only put my, what I can say, my opinion on the table and that's it.

Did Councillor Hawatt play the role – I withdraw that. Did Councillor Hawatt play a role of indicating to the other councillors in the group of seven the way that they were asked to vote on any particular issue?---No.

So can you assist us as to how it came to be that that group of seven councillors, consisting of four Labor and three Liberal councillors, consistently voted with each other, particularly on planning issues relating to large and expensive proposed developments? How did that happen?
---Well, they must all agree and they think it's the right way.

10 And was there anything, any communications that occurred between you or Councillor Hawatt or you and Councillor Hawatt and those other councillors, to bring them to the position where they thought that that would be the right way to vote, the same way as you and Councillor Hawatt proposed to vote?---We always, we discuss all the items always when we need to discuss it. We discuss all the time between councillors.

And would it be right to say that Councillor Hawatt also had a forceful personality?---It's my opinion, on me, no.

20 From time to time you would yell at people when you were at Canterbury Council, didn't you, whether you were on the phone or dealing with them face to face?---Mr Buchanan, it's my, it's my, it's the way I speak and I never meant to undermine anybody. It's the way I speak. It's my, I never meant to yell or say anything to just abuse or anything anybody. It's my, it's the way I speak.

But did you yell sometimes at officers of council or other councillors in order to persuade them to do what you wanted them to do?---That, it never happened. I never - - -

30 Did you ever threaten any councillor or any officer of Canterbury Council to get them to do what you wanted them to do?---That never happened.

And would it be – just to finish on this particular subject, would it be right to say that you and Mr Hawatt were effectively in charge from 2014 onwards of how council dealt with planning and development in Canterbury?---No.

In the Canterbury local government area, I mean. Not just the suburb, the whole local government area.---We are not in charge.

40 But were you effectively in charge of the planning and development decisions made at Canterbury?---We were part of it.

THE COMMISSIONER: So you were part of- - -?---Yeah, I'm in the council, yeah.

MR BUCHANAN: Now, you know that one of the matters that the Commission is looking at in this inquiry is the recruitment of Mr Stavits as director of city planning?---Yes.

And you know that one of the aspects of that is a falling out that occurred between you and Mr Hawatt on the one hand and Mr Montague on the other hand when he decided he would not honour the offer of employment he made to Mr Stavis on 8 December, 2014? You know that the Commission is looking at that?---Well, I know the Commission look at that, but what the, the question?

10 Is it right to say that your relationship with Mr Montague as the general manager changed in December 2014 when you found out that he was not going to honour the offer of employment to Mr Stavis as the director of planning?---The relationship between me and the GM hasn't changed because he is hiring or withdrawing the offer. It's changed because they neglected the council for consultation and that's it. Not personally.

THE COMMISSIONER: Sorry, he neglected consulting with council?
---Yes.

MR BUCHANAN: Over the appointment of the director of planning?
---Yes. And withdrawing.

20

THE COMMISSIONER: And, sorry, I missed that?---Sorry, sorry, ma'am. The pulling the offer, yeah.

And pulling the offer.

MR BUCHANAN: So are you saying that you thought that he should have consulted more with council about deciding to appoint Mr Stavis in the first place?---Mr Montague, he said, I heard he is offering Mr Stavis the job, and I heard from him he is withdrawing the offer and that's it.

30

But did you think that he neglected consultation with council in making the offer to Mr Stavis in the first place?---By the code of conduct (not transcribable) GM must consult the council before hire and fire.

Certainly.---And at this stage Mr Montague hasn't made this consultation.

Well, if I can – I'm sorry, Commissioner.

THE COMMISSIONER: Sorry, before making the offer, your view was he didn't consult properly?---Yes and after, yeah.

40

And also after, all right.

MR BUCHANAN: What was the failure to consult which occurred before the offer was made on 8 December?---Look, Mr Buchanan, I don't know, like, what's, what's going on between Mr Montague and the mayor and the process. It's, my involvement came, it's after because I didn't, look, I was on the panel, I don't know what was going in between. I have no idea why

and how. I did ask, and at one stage we arrived at the, one of the Labor caucus meeting, and I believe that one former councillor was asking at the caucus, the former mayor, who's going to be the, and it's been debated about GM, the general manager must consult the council before hiring and firing, and it was a debate (not transcribable). And at this stage Councillor Robson refused (not transcribable) said that this matter is up to the general manager to discuss it and said, "It's not the point. The point is, under the code of conduct (not transcribable) he must consult the council. We're not asking him who's going to be the director." And the debate stopped there because we went into, like, I think it was the last meeting, and that's what happened.

When was this, sir?---I, I can't recall the date when was the last meeting at the council.

Was it before or after 8 December, when - - -?---No, no. Before, before. The last meeting of, held before, before the Christmas break.

Before 8 December?---Before the Christmas break.

So did you say to someone that you were not happy with Mr Montague's appointment of Mr Stavis? Did you say that to anyone at the time?---Look, I, I didn't say that. I said it's up to general - - -

Why not?---Because it's my intention was to have a director. I don't care who it's going to be. And it's up to the GM to, to select who's going to be the director, not me. But that's it, stopped, I didn't involved until later.

After the GM indicated he wasn't going to honour the offer of employment?---No, I reacted after I receive he's going to pay him money, not, I don't care if he appoint him or withdrawing the offer or get results. What my intention was, I didn't accept the payment for no one didn't do anything. That's why I interfere. I didn't discuss it like who's going to be the director and who he must appoint. It's up to him.

And what you're talking about there is, tell me if I've got this wrong, you read a memo in which Mr Montague said he proposed not to proceed with the appointment of Mr Stavis and that might have some consequences, and one of those consequences might be that some money might have to be paid to Mr Stavis as compensation?---Correct.

Thank you. And was it after that that your relationship with Mr Montague changed?---No, it hasn't changed because I haven't, I didn't spoke with him, I didn't have any contact with him since.

But you had contact with him before that.---Yes, he did (not transcribable)

And you had contact with Mr Montague.---Yes, yes, before that.

And you and Mr Montague got on fairly well, didn't you, until he indicated that he wasn't going to proceed with Mr Stavis's appointment.---No, I said - - -

10 What's wrong with that? I'm sorry, what's wrong with what I've just put to you?---My relationship didn't fall in because he said I'm pulling the offer. He discuss it with me. He called me. I, I remember his PA called me and said, "The GM wants to talk to you." It was on Christmas Eve, on the 23rd, something. You know, on Christmas Eve, I believe, and it was midday. Mr Montague called me. I said, "Yes, Mr Montague?" He said, "I'm not giving, I'm going to give the job to Mr Stavis." (not transcribable) I said to him clearly, said, "You want us to go down to discuss? You want to say anything urgent?" He said, "No, I made up my decision." I said, "All right. It's your call. What do you want me to say?" I'm preparing for Christmas Eve party, my place. I said, "I'm busy. If you want anything else, just let me know." And I said, "Mate, it's your call." That's it. I hang up.

20 And were you happy with Mr Montague at that time?---Yeah, yeah, I didn't say, I said, "Mate, it's your call. What do you want from me?"

Is it possible that that phone conversation occurred a bit earlier than Christmas Eve, perhaps a week and a half earlier?---No, no, no (not transcribable)

Or a week earlier or - - -?---No, no, no.

30 - - - a few days earlier?---Look, I don't remember. It's happened on a Christmas Day or day before. It's just, I can't, I can't remember the date, actually.

Mr Montague has told the Commission that he had this period in late December 2014 through to January and February, late February 2015 in which he had this big dispute with you and Mr Hawatt, and you had that big dispute with him, and he called it "the war". Now, I'm just telling you that. Was there a big dispute between you and Mr Hawatt on the one hand and Mr Montague on the other hand in that period?---That period, they call it a war but it wasn't a war.

40 What was it?---They declare war - - -

Sorry, what was it?---It was like conflict between me trying to do the right thing, the process, and between other parties trying to make a conflict.

THE COMMISSIONER: So you tried to do the right thing and other parties created a conflict?---Madam Commissioner, I asked both of them, the GM and the mayor at that time, please call for a meeting later, after, after all this happened, they withdrawn the offer and this memo. Call for a meeting. I'm

not, because if Pierre Azzi on the panel and Michael Hawatt on the panel and Brian Robson on the panel, we can't make decision on behalf of the council if you can pay money. Please call for a meeting to discuss these things and that's it, and this create war for the, they call it a war, when we ask for a meeting.

MR BUCHANAN: And who was "we"?---Like, me and Councillor Hawatt, we signed the - - -

10 And when did you call for the meeting? When did you make that call?---I think at the Christmas Eve.

And was that a call that was written down on a piece of paper?---Yes.

And that you and Councillor Hawatt presented to the mayor at his house? ---Yes, was we went to the mayor at his house to ask to call for a meeting.

And in that same piece of paper you indicated what the agenda for the meeting should be.---No, after. Now, first call to the mayor to call for
20 extraordinary meeting to discuss the memo, the, the payment. He refuse and he said to me clearly "It's up to the general manager. I'm not going to call for a meeting."

Sorry, who said that? The mayor?---Yes. He said to me clearly (not transcribable) Councillor Hawatt, and I said the next council meeting is going to be on, sometime two months, 27, I don't know, 27, it's going to be, like, two months later. I said it's not wise to stay without a director or with this, what you create. There must be some solution. We're not, I'm not going to accept for a payment for no reason, and please can you call for
30 extraordinary meeting, let the council discuss the payment. Not discussing the appointment, it's the compensation. We're not going to discuss who we can hire because it's up to the general manager to discuss the hiring and firing, but it's not up to the general manager to discuss to pay money or make resolution to pay compensation for no reason. We didn't get to vote, the council. The mayor at this stage he reject the call and he said it's up to the general manager to decide. I said, no, it's not acceptable. He can decide who can I hire and who can I fire, but he can't decide on our behalf to pay \$1 compensation for no one, for anybody. We have to, the council must make this decision. And he throw everything on the GM. We being left
40 without no option. We want to call for a meeting and we decide to go ahead with this motion.

And the motion was to terminate the position of Mr Montague as general manager?---Yes.

That doesn't sound like the first step you would take if you simply wanted to have a meeting to discuss the payment of money to Mr Stavis because he wasn't going to be appointed as director of planning, does it?---Pardon?

That is not, is it, calling a meeting to discuss the payment of money to Mr Stavis because he wouldn't be appointed as director, is it?---Oh, we - - -

It's to get rid of the general manager?---At this point because the mayor at this stage he was blaming the general manager for this action and it's the only way to call for a meeting. No other, no other way.

10 Why were you including in the call for the meeting a motion to terminate the position of Mr Montague as general manager?---Because we tried to force for a meeting.

That doesn't make any sense, Mr Azzi. Would you care to consider your answer to that question again. Why in the call for the meeting that you delivered to Mayor Robson on Christmas Eve 2014 did you give notice of a motion to terminate the position of Mr Montague as general manager if all you wanted to do was have a meeting to talk about whether money should be paid to Mr Stavis?---Yes.

20 Why did you have to get rid of the general manager in order to call for a meeting?---Well, I believe at this stage because the mayor he was throwing all the blame on the general manager, and when you have someone who's not managing and he's causing disruption to the council with no reason - - -

Well, that sounds like a different reason from the reason you've told us about a moment ago, that you simply wanted to have a meeting to talk about money being paid to Mr Stavis.---Yeah.

30 You're giving us a different answer now.---No. He (not transcribable) explain because the motion, the motion we carry to get rid of him because he did this issue, and everybody know because the employment of Mr Stavis and the compensation, and that's why we have to give a reason why. The reason why because he's disrupting it has to be a reason. The reason why because Mr Montague he didn't manage properly and it has to be a reason to sack him, and when we go for this meeting it has to be a reason why and it's one of the reason has to be debated. It's not for no reason. Has to be a reason.

40 THE COMMISSIONER: And, sorry, one of the reasons is whether the general manager should be sacked or not?---Yeah, it has to be a reason, Madam Commissioner, why we have to sack the general manager. There had to be a reason. The reason why, this memo and the employment of the director must be debated in the council.

MR BUCHANAN: You didn't think that you had the power, together with Mr Hawatt, to call for a meeting to discuss whether money should be paid to Mr Stavis and nothing else?---No. Nothing else because - - -

No, no, no. You had that power didn't you?---No.

Why didn't you and Mr Hawatt have the power to call for an extraordinary general meeting to discuss whether money should be paid to Mr Stavis?---I said before, the only two who can call for extraordinary meeting is the mayor and the general manager. The mayor refused to accept any motion to discuss this memo.

10 I'm going to interrupt you, Mr Azzi. The fact of the matter is that you and Councillor Hawatt delivered to Mr Robson, on Christmas Eve 2014, a call for an extraordinary general meeting and you set out the motions of which notice was being given, didn't you?---Before he refused, I set the other one.

Please, please. That's what you did on Christmas Eve, isn't it?

MR PULLINGER: I object. He should be allowed to answer the question and not interrupt his - - -

20 MR BUCHANAN: Not if he's not answering the question, Mr Pullinger.

THE COMMISSIONER: You were asked that you and Mr Hawatt, on Christmas Eve, went to the mayor's house and delivered to him a request or a demand for an extraordinary general meeting. Now, did you do that? ---Yes.

MR BUCHANAN: And you had the power to put anything you liked in as motions to be considered at that extraordinary meeting, didn't you?---Yes.

30 On the story you've given us, you could have simply said we want to have a general meeting, an extraordinary general meeting to discuss whether money should be paid to Spiro Stavis, couldn't you?---No. I said before, he didn't accept.

No, no, no. You could have done that, couldn't you?---Yeah, I - - -

MR PULLINGER: Again, I object. He's not being allowed to answer the questions and is being interrupted when he is in the process of answering.

40 THE COMMISSIONER: I think the frustration is, Mr Azzi starts answering and it would appear that he's not answering the question, but I take your point. Mr Buchanan's just asked, you had the power, the ability if you wanted to, to include a motion at the extraordinary general meeting whether Mr Stavis should receive compensation. You had that ability?---Madam Commissioner, what I said before, we ask the mayor and we try to ask him take the other one, to discuss this memo. He refused to call the meeting under the first one.

But what we're asking you and what Mr Buchanan's asking you is that you had the ability, didn't you, to include in the motion, at an extraordinary general meeting that you and Mr Hawatt were asking for, whether compensation should be paid to Mr Stavis?---Yes, but he, he didn't accept it.

Oh, yes, that's another issue, but we're just doing the first step.---Yeah, yeah, yeah, we could.

10 You had the ability to do that?---We had the right under the code.

Sorry?---Yeah, yeah, we had.

Yes. And then your complaint is that the mayor didn't want to call the extraordinary general meeting, is that correct?---Yes.

MR BUCHANAN: And so therefore you delivered this notice calling for an EGM to the mayor, didn't you? Didn't you go to Mayor Robson's house on Christmas Eve 2014 with Mr Hawatt?---Yes.

20

Didn't you and Mr Hawatt give to Mayor Robson a document?

THE COMMISSIONER: On Christmas Eve, when you went to his house, both of you or one of you handed him a document?---Yeah, yeah, yeah.

MR BUCHANAN: And that document was a document you knew was a call for an extraordinary general meeting, wasn't it?---Not, not, not straight away. We gave him, we have two option.

30 Did you see the document that was given to the mayor?---Yes.

When did you first see it?---At the time we wrote it down. At the same, same time.

Who put the document together?---I think Michael wrote it down.

Did Michael let you read it before it was given to Mayor Robson?---Yeah, it was in my pocket.

40 And you then gave it to Mayor Robson?---Yes.

And you knew what was in it?---Yes.

And you know that it had, it called for an extraordinary general meeting?---Yes.

And you knew that the effect of giving that to Mayor Robson was that he was obliged to call an extraordinary general meeting?---Yes.

So why did you include in that notice a motion, a notice of a motion to terminate Mr Montague as the general manager?---We ask for two options and we have two motion. The first one, he rejected it.

THE COMMISSIONER: When you say “he”, you're talking about the mayor?---Yes, ma'am.

10 All right. So you're saying, “We asked for two options and he rejected the first option.” What was the first option you asked the mayor for?---I had, Madam Commissioner, I went with a memo - - -

20 This is on Christmas Eve?---Yes. To the mayor, I called him. Said, “Can you meet us outside?” We said, “Can you please call for extraordinary meeting?” And just we need answer because in the memo it's being said, the general manager said clearly, “After consultation with the mayor I decide to do this, this, this and that.” I went, we went to him to find out what was going on. I said, “Can you please, we want to call for extraordinary meeting to discuss this memo.” Then the mayor said, “No, I'm not calling for a meeting. It's up to the GM and you deal with him.”

Hold on for a sec. So you went to the mayor and you said we want an extraordinary general meeting to discuss the GM's memo?---Yes.

And the mayor said no.---No.

You take it up with the GM.---Yes.

30 Now, you're still standing outside the mayor's house?---Yes. Yes.

Did you then pursue your second option?---Yes.

And what was the second option?---This motion.

And that was to call an extraordinary general meeting which demanded or sought the sacking of Mr Montague?---Yes.

40 And that extraordinary general meeting the mayor agreed to call?---He agreed on this one, yes.

MR BUCHANAN: Can the witness be shown Exhibit, I'm sorry, it's Exhibit 53, volume 4, page 63.

THE COMMISSIONER: Now, Mr Azzi, the document will come up on the screen, but would you like a paper copy in addition or are you happy to look at the screen?---No, can I have a paper (not transcribable)

MR BUCHANAN: Exhibit 52. I misspoke.

THE COMMISSIONER: So it's Exhibit 52, volume 4, page 63. Now, have you had a chance to read that page, Mr Azzi?---Yeah. Yeah, the motion.

So that's page 63.---Yeah.

Good.

10 MR BUCHANAN: And do you recognise that as being the document or a copy of it that you gave to Mayor Robson on Christmas Eve?---Yes.

Now, why couldn't you have just included in this document 1(a) that an extraordinary general meeting of council be convened to discuss the payment of money to Mr Stavis?---Because he make, he said the mayor at this time definitely won't accept any discussion. He won't discuss it. He refuse.

20 Yes, but the point of handing the document to the mayor is that he was obliged then to call the meeting the subject of the document, wasn't he?
---Yes, he must.

So why hadn't you prepared a document which said we require you to call an extraordinary general meeting to discuss whether the council should pay money to Spiro Stavis?---We had this on a different one. He reject it. He won't accept it.

You didn't give him a different document, did you?---We gave him the memo and we sign and said we need an extraordinary meeting.

30 You're talking about the general manager's memo?---Yes.

But the only call for a meeting that you gave him is this one here, volume 4, page 63, wasn't it?---Yes. The one he accepted.

THE COMMISSIONER: And that's option number 2, isn't it?---Yes.

At page 63. So you went to see Mr Robson already with option number 2 typed up?---With option 2 you have to - - -

40 You said page - - -?---Yeah, we have to - - -

Sorry. You said page 63 was option number 2, so you must have, both of you must have arrived with this typed up and printed, as you said, in your pocket.---Yeah.

MR BUCHANAN: And so you intended to ask for an extraordinary general meeting. At the time you went to the mayor's house, you intended to ask for an extraordinary general meeting to discuss the termination of

Mr Montague's contract of employment, didn't you?---My intention wasn't this.

I'm sorry, what was that answer? What did you say?

THE COMMISSIONER: I think he said, "My intention was not this."

MR BUCHANAN: Or "wasn't this"?

10 THE COMMISSIONER: "Wasn't this".

MR BUCHANAN: Sorry, what did you just say?---That, you're talking about this memo?

Yes. No, we're talking about this call for an extraordinary meeting.---Yeah, my intention to call for a meeting. It's my purpose. I said I want, we want a meeting to discuss this memo. That's - - -

20 No. Well, that's not what this says. It says you want to discuss terminating Mr Montague's contract of employment. That's the first item.---It's on the second option.

The second option doesn't talk about a memo at all, does it?---No, no, I'm talking about this memo all together. The extraordinary meeting, that's my second option.

Well, can I just point out to you nowhere does it say to talk about paying money to Mr Stavis, does it?---It's not here.

30 No.---No.

So this document doesn't support your evidence to us that your concern was being told in a memo from the general manager that some money might have to be paid to Mr Stavis as compensation for not having his appointment as director of planning.---No, it's not here.

No.---It's not in the paper.

40 And that suggests that the version you've given us isn't correct, doesn't it?
---No. My version is correct. That's what I said verbally to the mayor, it's my intention to be this.

Commissioner, I note the time.

THE COMMISSIONER: Yes. Mr Azzi, what we do around this time is we have, I call it a back-stretching break. We only break for just less than five minutes to kind of stretch and then come back for the final just less than an hour. All right?---Thank you, Commissioner. Thanks.

All right. We'll adjourn just for about five minutes.

SHORT ADJOURNMENT

[3.05pm]

10 MR BUCHANAN: Mr Azzi, just looking again at volume 4, page 63, the copy of the call for the EGM given to Mr Robson on Christmas Eve 2014. I don't know that I got an answer from you as to – the fact is this document doesn't say that you want to have a meeting about paying compensation to Mr Stavis, does it?---What's be written here, no.

Why doesn't it have that, given what you've told us was your concern?
---Because the mayor won't accept to discuss this, this issue. He doesn't want to discuss it. He won't accept the motion.

20 Can I show you what the mayor has told the Commission happened on that day. Exhibit 53, a statement of Brian Robson dated 9 May, 2017, page 13, paragraph 45. If we could just enlarge the bottom part. If you could read that to yourself, please, Mr Azzi.---“At 3.05pm on” - - -

No, no, I'm sorry, read it to yourself in your head.---Oh.

I can read it out aloud if you'd like.---No.

It's a matter for you.---(not transcribable) I'm all right. Yes.

30 Do you see that Mr Robson has said that you, the first thing that happened when he saw you and Mr Hawatt outside his house that day was that you demanded that he call an extraordinary meeting to dismiss the general manager.---No.

And he says that he said, “I cannot call a meeting without a call notice in writing detailing the reasons for the meeting.” You see that he said that?---I can read it.

Is that what happened?---No.

40 Is it right to say that between the period December 2014, around late December 2014 to roughly the end of February 2015, there was a dispute between you and Mr Hawatt on the one hand and Mr Montague on the other hand? A conflict?---Not with Mr Montague only.

Well, just for the moment focus on Mr Montague.---Yes, yes.

And it wasn't with Mr Montague only. What do you mean by that?---The conflict because they declined to go ahead with the meeting with the people (not transcribable).

And who are you thinking of there?---It's between the only two. It's the mayor and the general manager.

10 Thank you. And is it right to say that you and Mr Hawatt were already not politically aligned with Mr Robson? You weren't on the same side as Mr Robson's side, were you, politically at council?---In the council?

Yes.---No.

And the same with Mr Hawatt, he wasn't politically on the same side as Mr Robson in the council, was he?---No.

So that had been the case for a long time by December 2014, is that right? ---By December, do you mean – what's the question?

20 By the time of December '14 it was already the case that there was conflict between you and Hawatt on the one hand and Robson on the other hand, wasn't it?---On, on the December, you mean?

Up to December.---From the beginning of the council, you mean?

No. I'm saying from, going back in time from Christmas Eve 2014, there had already been conflict between you and Robson, hadn't there?---From the date we went to ask - - -

30 Don't worry about that. It wasn't the first time that there'd been conflict, was it, in Christmas 2014, between you and Robson?---From the Christmas Day, I, I don't take the question, please. From the date, which date?

By the time you went to Mr Robson's house on Christmas Eve 2014, you had for some time been in political conflict with him on council, hadn't you?---Since that date, yeah.

No, before that date.---Before?

40 Yes.---What do you mean by conflict? Like - - -

Not politically aligned. He wasn't part of the group of seven.---Oh, yes, yes.

But you had, is it right to say, got on fairly well with the general manager, Mr Montague, up until the time he indicated he wasn't going to appoint Mr Stavis?---Yeah, yes.

Is that fair to say?---Yes.

And then there was this period of conflict that concluded at the end of February 2015, is that right?---Yes.

And then you got on well again with Mr Montague, is that right?---Yes.

And the same applied, as far as you could see, to Mr Hawatt.---Yes.

10 Did you understand that Mr Montague – I withdraw that. Was there a time when you understood that Mr Montague wanted to have his service in local government for 50 years, for a period of 50 years, recognised?---Yeah, he want, he mention this.

Yes. When did you first understand that from Mr Montague?---He did, he did raise it when we met - - -

When was the first time he raised it?---Yeah, he raise it to me when we had, when we met with him at the Canterbury Club. He said, I don't know, it's
20 50 years or 32 years or whatever. He said, "I want to stay until August and I want to finish my", whatever, 50 years or 32 years in council and stay, leave. 50 years.

And was Mr Hawatt present when - - -?---Yes.

And was it just the three of you on that occasion at Canterbury Club?---Yes.

And was that on 27 December, 2014?---It's, I, I don't remember, I don't
30 remember the date, but, when the meeting happened. I don't remember which date.

Was it about three days after you had delivered the call for the EGM to Mayor Robson on Christmas Eve?---It happened sometime after, sir, but I, I can't remember the date that this happened.

Now, can I change the subject to another person, Bechara Khouri. In 2014, how long had you known Mr Khouri?---Not for long. Since, I met, I've known Bechara Khouri since, when I was running for the council.

40 THE COMMISSIONER: So in 2012?---Yes.

MR BUCHANAN: And how did you get to meet him at the time you were running for council?---We was in the same political party and we had a lot to, to share – before council was Labor Party, his colleague - - -

THE COMMISSIONER: Was he a member of the – oh, I'm sorry. Go on. ---No, no. Go ahead.

Was he a member of the same branch?---No, it's a, it's a different branch.

Same area?---It's not in the – he lives in Burwood, that's, I mean there's a close bond, you know. It comes in some area like, the influence, it depends on the boundaries, you know, in the state level or federal level or local level, it's changed, the boundaries.

10 MR BUCHANAN: So, he didn't live in the Canterbury local government area?---No.

And what were the circumstances in which you came to meet Mr Khouri when you were running as a candidate for the Canterbury City Council?
---He always help the polling booths before, you know, like he managed to help in the polling booth and help Labor candidates.

For the Canterbury local government area?---Yeah.

20 Even though he didn't live in that area?---No, but because he's under the Labor, and they always share, the Labor Party send the members to help and other (not transcribable) where they needed it.

And in 2014, what was your relationship, how would you describe your relationship with Mr Khouri?---That's, that's a colleague in the Labor Party and our relationship was all right, good.

30 Would it be right to say that he was a good friend, a family friend?---He's a, he's become a family friend later on and he's one of the good people I know, yeah.

When did he become a family friend?---Oh, later. During the part, you know, period, his, his kids and he had become like, friend with my kids and they become like family friend.

But when was that? When did that start?---Started in 2012 or '13, something like that.

2012 or '13?---Or '13, yeah. That period.

40 Thank you. And what did Mr Khouri do for a living, as you understood it?
---What I do understand, Mr Khouri is a, he's a consultant, I heard, he, what he, what he used to say to me, he's a consultant and he used to have a, takeaway shops. That's what I know.

And in what industry was he a consultant, as you understood it, when you first met him?---He, he said to me he tried aluminium, something like that.

Did you ever discover that he was a consultant in any other industry?
---Yeah, he, at one stage he used to know a bit about, what I can say, development and construction because, yeah, he said he deal with aluminium and sort of (not transcribable) connection with construction people.

Did you understand his expertise in development to extend to the process by which development applications were approved?---No.

10 You didn't ever understand that he had experience and an understanding of the process by which development applications were approved?---He never discuss this with me because I have no idea about planning. I can't help anybody with a planning decision. I have no, he never discuss with me because I can't help him. I know nothing. I don't know nothing about planning. I have no idea.

Did you understand Mr Khouri to know anything about planning?---I said I know he has some knowledge in planning because he's a consultant and something like that. He's involved in construction, I know.

20

Did you ever talk to him about planning and development issues, development in the sense of processing development applications?---No.

Never had any discussions with Mr Khouri about anything like that or any particular planning issue?---No, I never discuss it.

Any particular property the subject of a development application?---No.

Or a planning proposal?---No, he never - - -

30

No discussion with Mr Khouri about anything like that ever?---No.

Now, you said you had no expertise, is that right, in planning?---Pardon?

I might have misheard you. Did you tell us a moment ago that you had no expertise in planning?---Yeah.

THE COMMISSIONER: You said, "I know nothing about planning."
---Yeah, I, I don't know nothing about planning.

40

MR BUCHANAN: But you were involved in planning.---Generally.

Well, specifically, weren't you, when it came to decisions that council made about planning and development in relation to particular properties?
---Generally. I take, like, about height or how big the site, that's all, you know. I never, I never had the knowledge how to plan, how to do things, you know, how to work, you know, how it works. I know if you ask me how high it's going to be, I said, all right, you go a certain height. I

understand. Or how big, how wide a house going to be, the design. But that's all I know generally.

Well, you knew more than that, didn't you? You knew about the process by which a planning proposal was made and submitted to the department.

---Yeah, I know the process, how it's going to be.

10 Because you were involved in it.---Yeah, I know the process, how you're going to submit it, what you have to do, when I brought it into the council, how it's going to be. But how it's going to be planned, I have no idea.

And you knew about the process for assessing development applications at council, didn't you?---Assessing?

Yes.---Just can you explain what you mean assessing?

Certainly. When you read business papers for the CDC, for example, did you sometimes find in them reports by the director of city planning?---Yes.

20 And were they sometimes about development applications?---Yes.

And did they sometimes have recommendations at the end of them as to how council could approach a particular development application?---Yeah, I read the recommendation.

And did you read the material in between in which the director of planning set out the process by which the development application had been assessed by his division?---No.

30 You never read that?---I don't read the, I don't read this particular. I just read what the recommendation is.

I just want to be clear about that. When it came to planning and development decisions at Canterbury Council, are you saying you only ever read the recommendations in the officer's report? You never read anything else?---Yeah, just the recommendation. Recommended it for no issue. We don't go for it, yeah. I read the recommendation.

40 Were there any circumstances in which you read more of an officer's report than just the recommendation when it came to planning?---Yeah, if it's on the recommendation any condition, we read the condition.

But you never read the material which came before the recommendation - - - ?---No.

- - - about what the director of planning thought about the application?---No.

Was it something that you thought you should be doing as a councillor, to read the material behind a director of planning's recommendation?---No. There's no issue and no problem with it now.

Do you mean by that that if you had an issue or a problem with the recommendation that you might read what was behind it, is that what you mean?---Yeah, if there's any issue with the recommendation we read what's behind it.

10 And is that what you did sometimes?---Yeah, if any issue, yeah.

Were there times that you had an issue with the recommendation?---I can't remember any time I had an issue.

Was there any particular type of subject or topic where you didn't agree with the recommendation by the director of planning?---I don't remember.

You don't remember any particular - - -?---I don't remember.

20 - - - subject or topic where you didn't agree with the recommendation?
---Maybe sometime but I can't remember specific ones.

Now, did you ever have a discussion with Mr Khouri about any of the recommendations in the director of planning's reports to council or the CDC?---No.

And did he have a discussion with you about any of those recommendations?---No.

30 Did you have any contact with Mr Khouri about the recruitment of Mr Stavis as director of planning?---No.

None at all. Is that right?---Yes.

No telephone call?---No.

No face-to-face conversation?---We, I don't, I don't recall. I don't remember I discuss the appointment of Spiro Stavis with him.

40 And did you have any discussion with Mr Khouri about the appointment of Mr Stavis after the general manager indicated that he proposed not to proceed with the Mr Stavis's appointment?---No. I didn't let anybody to interfere because I wasn't interested until later. I don't listen to no none and they know me. They don't discuss it with me.

Who is they?---Like you're talking about Mr Khouri.

I am.---And he knows my position. It's not for discussion. It's not his role, no.

THE COMMISSIONER: You said you wouldn't interfere until later.---Yes.

So what are you talking about there?---(not transcribable) one, one, they refuse it and Mr Buchanan is asking a question between the appointment of Mr Spiro and the withdrawal of - - -

10 He asked you whether there was a discussion after the GM said that he wouldn't proceed with the appointment and you said I did not interfere until later.---Yeah, later. I explain when later. When, on 24 December.

Oh, that's when you interfered?---Yes.

Okay.

MR BUCHANAN: Did you have any discussions with Mr Khouri or did he have any discussions with you about the non-appointment of Mr Stavis after
20 Christmas Eve 2014?---Not about Mr Spiro, no.

About Mr Montague?---He tried to, yeah, once. He tried to, to come out with, tried to talk to just solve these issues and get the council back on track. I said, my question I said to him, "Please don't interfere. It's not your call."

Did Mr Khouri ever indicate to you what his opinion was as to whether Mr Stavis was a suitable appointment or a suitable person to appoint as director of planning?---No.

30 In 2014, you knew George Vasil, is that right?---Sorry, yes.

And was Mr Vasil the person who ran Ray White Real Estate Earlwood?
---Yes.

Did you know Mr Vasil for any other reason apart from the fact that he ran that real estate agency?---No.

In 2014, thinking if you wouldn't mind about, say, Christmas or Christmas
40 Eve 2014, for how long have you known Mr Vasil?---I don't remember how long but I, I don't remember how long ago. I used to see him at the council.

THE COMMISSIONER: Did you know him before you were appointed a councillor?---No, no, not before.

MR BUCHANAN: Did you meet him because he was coming to council meetings?---No. I used to see him there.

Did you go to Mr Vasil's office ever?---Yeah. I've been, I've been there.

How many times have you been there?---I can't remember how many times.

More than once?---Yes.

More than six times?---I, I can't remember how many times.

When was the last time you went to Mr Vasil's office?---I don't remember as well. It was a while ago.

10

Are you able to say whether it was last week or month ago or a year ago?
---No, no, no. A year, a year, yeah. Before that.

Two years ago?---I don't remember but it was a while ago. Not months, more, more than that.

More than months ago.---Yeah, more, more but I can't remember how long.

20 And why did you go to Mr – I withdraw that question. When did you first go to Mr Vasil's office in Earlwood?---I don't know. I don't remember. I don't know the dates.

Was it before Christmas Eve 2014?---I don't remember if I've been there before. I, I don't remember if I've been in there before.

And did you go to Mr Vasil's office during the time that there was this dispute between you and Mr Hawatt on the one hand and Mr Montague on the other hand?---Yeah, I believe, we went once or twice to, not to, there's two Vasils. Which Vasil do you mean?

30

Well, George Vasil is the one I've been asking you questions about.---No, when I went, when I went during that period, to Con Vasil's office.

And was that in the Ray White Real Estate agency office?---Yes.

And why did you go to Con Vasil's office during that time?---To, the councillors agreed to meet there when we decide to, to meet and discuss what was going on, six of us, we went to Con's office.

40 Including Mr Vasiliades?---Con, Con.

Yes, Con.---Yeah.

Including Con, six of you.---Yeah.

Of the seven that I mentioned earlier, who was the one who didn't go?---I think (not transcribable)

Ken Nam or Fadwa Kebbe or Karl Saleh?---Yeah, Karl Saleh. Karl Saleh, yeah.

Karl Saleh.

THE COMMISSIONER: And you said you went there to discuss what was going on.---Yeah, what we did, yeah, discuss and to complain. We made a statement. We met there and Con - - -

10 Is this – sorry, go on.---We met there to made a statement to the Local Government Minister.

So this is around the time that Mr Stavis wasn't appointed?---Yeah, yeah.

You gathered to discuss making, what, a complaint to the Minister or the Local Government Office?---Yes.

MR BUCHANAN: Did you have any contact or did George Vasil have any contact – I'll start that question again. I apologise. Did you have any
20 contact with George Vasil? Did George Vasil have any contact with you about the recruitment of Mr Stavis to the position of director of planning?
---I don't know. I don't think so. I don't remember. He didn't, he didn't talk to me about Spiro.

Did he ever say what his opinion was as to whether Mr Stavis would be a suitable person to appoint?---They didn't discuss it with me because - - -

Did you have any contact with Mr Vasil about real estate work like
30 introducing any purchasers of development sites to a developer?---Yes.

How many times did you have contact with Mr Vasil about that?---Once.

And when was that time?---Oh, again I can't call the date, but it's after, after amalgamation, I believe.

After amalgamation?---Yes.

If I tell you that that was on 12 May, 2016, you mean after that date?---After
40 the amalgamation, yeah.

And how long after the amalgamation was this contact?---Oh, I don't remember when.

Was it days or months or years after?---No, I don't remember, sorry.

Was it recently?---Not recently, no. Not, not recently.

Was it months ago or years ago?---Oh, it's before, but I don't remember when the date. It's been a while ago.

And what happened in that contact with Mr Vasil about introducing purchasers to a developer? What happened?---Yeah, Mr Vasil offer me a job.

Yes?---About joining real estate.

10 His real estate agency?---Yeah, well, yeah, his, his one, yeah, his. Of course, not other one. I didn't know nobody.

And what was the job?---If I can work inside with him and be part in sales team.

Part of the sales team, did you say?---Yeah. Yeah, I can work with him as part of the sales team.

20 Yes. Any particular project?---Yeah, he mentioned one, can be part of it.

Which project?---Oh, it's Harrison's site.

Harrison's?---Yes.

30 And what did he say to you about what you could do as part of the sales team?---He did ask me a question too if I be aware if the owner of the, Mr, what's his name, Mr Demian, he want to sell his site, if I could ask. And firstly, straight away I said to George, "Look, George, I decline. I can't be part of any real estate. I don't want to be involved in real estate or any discussions of sales." And that's it. Stopped here.

And as you understood it, why did Mr Vasil offer you that job?---Mr Vasil, he said to me because I know you are struggling in your job and now you lost council contribution, whatever, and if you like to have a better job and you can earn more money, you can involve in sales, you can make better life.

And you declined?---Yes.

40 Was there a reason why you declined?---Well, yeah, it's, it's a reason because I was planning to run again.

As councillor?---As a councillor and under Labor policy, you can't be candidate if you want to be, like, if you are a real estate or developer or anything.

Now, did Mr Vasil – I take it was just one conversation, is that right?
---Yeah. That's it. I declined and I said George, I can't be. Simple as that.

And was it face to face or on the phone?---Look, I, I don't remember how, but, believe me, I don't remember.

Was there anyone else there at the time?---No, me only.

Where was it that this conversation occurred?---I said I don't remember if it on the phone or face to face.

10 And did Mr Vasil mention any other project, apart from the Harrison's site, on which he suggested you might be able to perform that role?---No. It's the only one.

And he specifically asked you, did he, whether you could perform this role in relation to Mr Demian?---He asked me if I can ask Mr Demian if he's willing to sell his site and he can be part of it.

And who be part of it?---Like, his real estate.

20 Oh, Mr Vasil's real estate agency be part of a sale by Mr Demian of the Harrison's site?---Yeah. If he's willing to.

Or of units in the Harrison's site.---No, no, no. The block.

The whole block?---Yes.

Did that include 570, the block to the – 570 Canterbury Road, the block to the west of the Harrison's site?---I don't know, it's the Harrison. I don't know how many blocks. I know the Harrison site.

30 THE COMMISSIONER: So your role was to ask Mr Demian whether he wanted to sell his site?---Yeah, yeah. George ask me if, if, by the way, if you can ask Mr Demian if you're willing to, he want to sell the, his site (not transcribable)

And for Mr Vasil's real estate agency to, what, act for Mr Demian in the sale?---He said he's got a client and if they can, he can, they can be involved in the sale.

40 And if George Vasil real estate can be involved in the sale?---Yes.

MR BUCHANAN: Now, is it right that more than – I withdraw that. It's not really a job he was offering you, it was a particular project. He wasn't offering you a 9.00 to 5.00, five day a week job in his agency, staffing his agency, he was asking you to perform a role in relation to this particular project, is that right?---Look, I didn't, I didn't go with – no. I didn't, I didn't go with him and specify what, what he wants me to do.

Well, except that you've told us what he told you he wanted you to do and it's a very specific project, isn't it?---Yeah. That's what he mentioned, this one.

Yes. So, when you say he offered you a job, was he really asking you to undertake a particular project specific to Mr Demian and the Harrison's site?---Yes. His part with this one.

10 And he wasn't offering you a 9.00 to 5.00, five day a week job at his real estate agency, staffing his agency and selling all sorts of different sites?
---No, no, no, no.

I understand. How did you understand, from what Mr Vasil said to you, you would be paid if you accepted that offer?---Believe me, I didn't go that far.

When he said to you that you could earn some – was it easy money? Did I hear you say that?---Easy money? Easy money?

20 I might have misquoted you.---No, no.

THE COMMISSIONER: No, I think he said he knew he was struggling in his job, he'd lost council contribution, and a better job made for a better life.

MR BUCHANAN: A better job, thank you. Yes. And how did you understand you would get a better life if you agreed to Mr Vasil's proposal?---Better life?

30 How would you benefit?---Look, everybody who earns more money, he can have better life.

But how would you earn money? What - - -?---You work for it.

Who would pay you the money in this particular case, as you understood it?---I didn't go that far to know who's going to pay me money because I didn't get interest about how can I get the money.

Was there any discussion about how much money you could possibly earn?
---No, no.

40 You weren't interested?---No, because I cut it off straight away.

Did Mr Vasil – I withdraw that. Did you know Mr Demian?---Yes.

And how did you know Mr Demian?---Since, well, Mr Demian, I don't know when, but the first time I spoke to Mr Demian when we decide to talk to him about if we can improve the site, the Harrison's site.

THE COMMISSIONER: About improvement to the - - -?---Yeah, the site.

MR BUCHANAN: Approve or improve?---No, no, improving the site.

Improve.---Yes.

THE COMMISSIONER: The Harrison's site.---Yes.

MR BUCHANAN: And what was the occasion? Were you at a, was he at
council chambers or were you somewhere where you met him or did you
10 talk to him on the phone? What was the occasion when you came across
him?---I met Mr Demian first. I think we have, we spoke on the phone once
and we agree, said we have to talk. We, after he get his approval from, to
discuss few things about this site, if we can approve the site, improve the
site, like, the way it's been approved at first thing, you know, from the
JRPP. And I said it's, to just change, have some changes in this site.

Changes like adding two storeys to it?---Not adding two storeys. My, I was,
this, on discussion was most interest in discuss with him about we want him
to provide a laneway at the back of his site, and it's my interest was in the
20 council and for all, all development being approved on Canterbury Road,
they've been approved, and in my opinion should be better. And we have to
start somewhere and that's why my involvement start with Mr Demian, start
talking to him if he can provide us with a laneway.

And was this at a stage when the development application for the first six
storeys on that site were being considered? Or was it the, was it during the
time that the development application was before council for an additional
two storeys on that site? When was this?---Look, it just started after, what I
said, I believe, when I started this, after he got the first approval.
30

After he got the first approval, right.---Because he has been approved by the
JRPP, not with the council, and that's when it started.

And – sorry, Commissioner.

THE COMMISSIONER: Why did you want him to provide a laneway?
---Ma'am, it's, as a professional driver on Canterbury Road, his side – Mr
Demian's side, Harrison's side – is around 200 metre along Canterbury
Road. It's been discussion before in the council if you can provide a
40 laneway for each property that's being built on Canterbury Road, and
because it wasn't in the DCP, what I believe, when I did my research and
with my consultants with the planners. The laneway along Canterbury
Road, it's very important.

What, to allow another avenue for traffic?---Yes. First thing, if you allow
me to explain. I am professional driver, I drive every day up and down
Canterbury Road. All this building on Canterbury Road being provided
without the laneway out the back and they are all top-shop [sic] housing,

and already neighbours behind complaining about the height and the block. It's the only way to give this first thing, the three major benefit. The first thing, when you have a nine-metre laneway at the back, it ease the pressure from resident behind this blocks, the gap. The second thing, it's for the traffic matter. The third thing, the shops, if all those blocks on Canterbury Road being built with top-shop [sic] housing and too many shops, if me or anybody else want to go shopping and no parking, and no back lane, it's un-useable. The third thing for the service now, the services. I driving every Wednesday on Canterbury Road, when I see all the garbage truck on
10 Canterbury Road, every Wednesday morning holding all the traffic to just collect all the garbage bins. Imagine when you have 300 units on Canterbury Road with so many garbage bins. How they going to be collected out the front Canterbury Road? Anyway, it's my vision.

That's fine, I can understand.---It just started from there with Mr Demian.

MR BUCHANAN: And if it affected traffic it would hopefully reduce the amount of traffic out the front of the building?---Correct.

20 And you knew that the RMS could put a halt to the development or planning for development if it was concerned that a development or a planned development would generate too much traffic, didn't you?---It's not only RMS concern. Everybody, it's my concern.

But you knew that the RMS had the power to call a halt to a development application or a planning proposal if it thought that too much traffic would be generated by the proposed development?---Yes.

30 It reduced the risk that the RMS could be an obstacle to development if you required developers to put a laneway in behind their proposed development, is that right?---The RMS could stop it but it could let it go. That's what happened. It's up to them.

Did Mr Demian become your friend?---Mr Demian is a person I know in the community. It's like everybody's my friend if you do the right thing.

And did he become your friend?---A person I know, yeah, I can say that.

40 You invited him to your house, didn't you?---Oh, my house - - -

I'm not saying it's the wrong thing to do, I'm just asking you to tell us, isn't that the truth?---Mr Buchanan, I'm not trying to hide (not transcribable). I did invite – the first thing, I want to clarify something. It's my house, it's my office. Everybody used to come to my, they call it my house, it's my office, and when I have to invite to discuss something outside, I have to invite them to my office to clarify this. My house is my office. And Mr Demian, yes, he'd been called a few times to discuss those issue. He came to my house, yes.

You were allowed, weren't you, to book meeting rooms at council chambers if you wanted to hold a meeting at council chambers?---I can.

Did you ever do that?---No.

Why didn't you do that?---Because I'm working through the day, mate.

10 Council chambers were often open at night.---No. 5 o'clock.

They weren't often open at night?---5 o'clock they close. Only they open I believe when we have any workshop or a council meeting or whenever any meetings. They close 5 o'clock.

Now, did you invite Mr Demian to your house?---Yes.

How many times did he come to your house?---I don't remember how many times. He's been to my house a few times.

20

Many times?---Not many-many. It's a few times.

Six to eight times?---I can't, I can't give you an exact number. I don't remember how many times he's been at my house.

And how many times did he come to your house when other people were there, apart from your wife?---Oh, he's been there when Mr Montague has been there a few times.

30 Yes.---Yeah.

Anyone else?---Sometime, not all the time, Michael show up, Michael.

Anyone else?---No, I don't remember anybody.

Spiro Stavis?---Spiro, no. Spiro Stavis once.

When Mr Demian was at your house?---Yes.

40 And a number of these occasions were social occasions that you convened at your house often on a Friday after work. Isn't that right?---It's happened most like, on a Friday afternoon, yeah.

And they were social occasions?---Not a social occasion, no.

Weren't - - -

THE COMMISSIONER: Sorry, you said no, not social occasions?
---Pardon. No, not every Friday.

MR BUCHANAN: I'm not suggesting it was every Friday, but did you not have social occasions regularly in 2014/16 at your house to which you invited various people?---What do you mean social event, social - - -

Yes.---Every Friday?

10 No, I said regularly.---Regularly, no.

Occasionally?---Yeah.

And where the Commission's been told that your wife is a very good cook.
---Would they like to be invited?

You accept the proposition that she was a very good cook?---Yes.

20 And a number of people who were friends of yours enjoyed your hospitality there, including that of your wife, isn't that right?---Yeah.

Including Mr Demian?---Yeah, everybody.

Mr Montague.---Everyone stepped into my place.

And once, Mr Stavis?---Yes.

And occasionally Mr Hawatt?---That's our tradition.

30 And number of people who were associated with the Australian Labor Party?---Yes.

Thank you. I note the time, Commissioner.

THE COMMISSIONER: All right. We'll adjourn and resume tomorrow morning at 10 o'clock.

40 **THE WITNESS STOOD DOWN** [4.03pm]

AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.03pm]