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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 20 DECEMBER, 2018

AT 10.00AM

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

THE COMMISSIONER: All right.

MR BUCHANAN: No administrative matters, Commissioner.

THE COMMISSIONER: Mr Azzi.

THE COMMISSIONER: Thank you, Mr Azzi.

MR BUCHANAN: Mr Azzi, can I ask you, please, about your relationship with Mr Stavis. After Mr Stavis started work – I withdraw that. Mr Stavis started work, if I can ask you to assume the date, on 2 March, 2015. Once he had started work, what sort of relationship did you have with him?---It's a normal relationship.

And what do you mean by that?---It's a, he's s director, I'm a councillor, so normal.

Yes. What does that mean?---It mean, it's good relationship.

Yes. Did you have any contact with him after he started work?---Yes.

How often did you have contact with him?---Well, I can't remember how many times. Every times I need to ask a question or make an enquiry, I contact him.

And how did you contact him?---By the phone.

And what phone of Mr Stavis's did you use for that purpose?---The, the number been provided by the council.

And was that number, as you understood it, a landline or a mobile phone or what?---Sometime, yeah, sometime I contact through his PA, sometime direct to his mobile.

To his mobile.---Yes.

And had you been provided with that mobile number by council?---Of course, yes.

And were all of your contacts with Mr Stavis by way of questions and enquiries or were any of the contacts to ask him to do something or to try to persuade him to do something?---Always enquiry about request.

Did you request him to do things, like include things in any of his reports, or to do something in the assessment process for any particular DA?---No.

From your evidence that you had a good relationship with him, I take it you didn't have arguments with him?---No. No, I, I don't remember I had argument with Mr Stavis.

Did he come over to your place?---Yes.

How many times?---I can remember only once.

And what was that occasion?---I arrange for this meeting to discuss the request and I, I request him and ask him if we can meet after hours at my place because I, that's what it's all about and he agreed.

And what was that request about?---The request came from Mr Demian and through me, to discuss this Harrison site and a I, I - - -

10

I'm sorry. I didn't quite hear that word?

THE COMMISSIONER: Harrison's site.

MR BUCHANAN: Oh, the Harrison's site, thank you.---Yes.

Yes. I interrupted you.---And I ask both party if they'd be able to meet at my office because I'm be working all day and they both agreed to work, to meet after hours.

20

THE COMMISSIONER: You just said, "I asked both parties to meet at my office because I was working all day".---Yes. I ask him if it's possible to meet after hours.

And when you say my office - - -?---It's my place.

MR BUCHANAN: And when you say both parties, do you mean Mr Demian and Mr Stavis?---Yes.

30 And was there, did that meeting happen?---Yes.

And who was there?---Only three of us.

And what was discussed?---I was, my intention was to discuss between the two and me which way we have to go to discuss how we can provide the laneway at the back.

And was there anything else discussed at that meeting?---No. My, my request was about this subject only.

40

And how long did that meeting last?---I can't remember how long it lasted.

And had you had any discussion with Mr Stavis before that meeting about what you wanted, about the request?---I did ask Mr Stavis to meet and discuss this issue and that the request happened.

And so I just want to understand, when you say request my note is that you said a request from Mr Demian, but I might have misunderstood you.

---Yeah, Mr Demian and me and Stavlis. It's been talk about how, which way we have to, how we can (not transcribable) to provide a laneway after Mr Demian got the approval, and we have to find a way to discuss it and to find a solution for it.

And so this meeting occurred after Mr Demian had received approval for the six-storey development?--- Yes.

10 Was the meeting during the time that there was a DA lodged by Mr Demian to add two storeys to that development?---I don't, I didn't discuss that. I don't remember. I didn't know about the other one.

But you did know about a DA to add two storeys to the approved development at the Harrison's site, didn't you?---I don't remember when it was lodged. I didn't remember the date. My intention was just to want Mr Demian to provide us with a laneway. That's my interest that's all about.

20 Can I just understand this. Are you saying to us you wanted Mr Demian to change the development, to lodge an application to modify an existing approved development which would have the effect of reducing his lot yield?---Yeah, well, I don't know, I don't know about the process, but my request say if it's possible we can have a laneway but I have no idea which way we have to go. That's why I asked Mr Spiro Stavlis to provide us with which way we can provide it and if Mr Demian agree. He must agree.

30 The DA to add two storeys to the approved development was lodged on 16 December, 2014. The JRPP had approved the six-storey development on 2 October, 2014. So the application to add two storeys was about a bit over two months later after the approval of the initial DA. Do you understand? ---Yeah.

And is it possible that you were having a meeting with Mr Demian and Mr Stavlis to talk about what should be done about Mr Demian's application to add two storeys to the six-storey approved development?---No.

Why isn't that possible?---Because, no, it's not.

40 Yes, but why isn't it possible? Why couldn't that have happened given that there was only a two-month difference between the approval of - - -?---I don't know. I didn't - - -

- - - six storeys and Mr Demian lodging the application for an additional two storeys?---I don't know. I didn't get into this one.

And what was the outcome of that meeting?---Mr Demian and Mr Spiro agreed to go on, and that's the main outcome of the meeting.

THE COMMISSIONER: Sorry, Mr Stavis and Mr Demian agreed - - -?
---To go, Mr Demian agreed to provide a laneway and Mr Spiro said, yeah,
it can happen, but it need a lot of work and discussion between both parties.
And my involvement stopped here. That means I left everything to the
professional people to deal with it.

MR BUCHANAN: And was there a decision made by council which
involved the provision of a laneway behind the Harrison's site?---I don't
think we get to this stage because something happened before it, you know.
10 It stopped. It didn't go through.

And do you know why it didn't go through?---I don't know. Because
amalgamations, and the administrator I think later stage he, it didn't go
through or stopped it, I don't know. I don't know.

THE COMMISSIONER: You started off by saying, I thought,
amalgamations.---Yeah, I remember I heard a report from the Newcastle,
under the administration he's stopping all the changes on Canterbury Road.
20 But the amalgamations were post-May 2016.---Yeah, but it was still going.
We didn't get to point to approve it or disapprove it.

You had this agreement by Mr Demian at your house to build a laneway,
and then by May '16 it still hadn't been done and you had the
amalgamation.---Yes.

MR BUCHANAN: You see, on 3 December, 2015, council resolved that
the general manager be given delegated authority to approve the additional
two storeys DA subject to a satisfactory RMS report. That didn't involve
30 the provision of a laneway.---Well, the RMS report, I don't know what's in
that report. I forget all about it. I don't remember what's in the, this item.

You see, what I'm just asking you to think about is, are you sure that the
subject that was discussed between Mr Demian, Mr Stavis and you, in
which Mr Stavis and Mr Demian came over to your house on that occasion,
was laneway behind Harrison's? Or could it have been something else?
---No, definitely my interest was we need the laneway.

Did Mr Demian ever raise with you concerns about any of his
40 developments?---Mr Demian once said, that's what he said once to me, "It's
took me so long to determine this site. I don't want to be delayed anymore.
It's took me two years." And he was complain about, "I won't to be
delayed anymore."

Which site was this, sir?---It's on Harrison. That's what he's complain.

Yes. Did you do anything about that?---I can't do anything about it. Only I
can take advice from what's from the officers, what can be done.

Couldn't you ring Mr Montague and talk to him about it?---I don't remember. I can, myself and the council, we can ask to speed the process, what the delay, we can ask the officers. That's only limited. I can ask the officers to speed the process and we have the right to ask the officers what's all the delays about.

10 Did you ever contact Mr Stavis or Mr Montague in relation to any of Mr Demian's projects and put pressure on either of them for deadlines to be set for the submission of the officer's report with a recommendation to the CDC in relation to Mr Demian's DAs?---No. I never put pressure to anybody.

Did you ever say this has to come before the CDC or the council quickly?
---No, I never do. I can't interfere with this process.

20 Are you sure that you didn't interfere with the process by which DAs were assessed to try to quicken things up a bit?---No. I always advise people to do their best.

30 Could I take you, please, to Exhibit 244. Mr Azzi, this is a 50-page document which sets out what's called metadata – that's to say information about calls made from your phones – and what it does is it, in this case, sets out the data about calls you made from your phones to, as the heading says, Mr Hawatt, Mr Montague, Mr Stavis, Mr Maroun, Mr Khouri, Mr Demian and Mr Vasil, and it sets it out in chronological order, and if I can take you through the columns on the table. The first column on the left simply gives a number so that we can find it on the table. Then under the heading Phone User 2 is a name given to a particular telephone, and in this case on the first page the telephone is a mobile phone which is called Pierre Azzi (Council). Can you see that?---Yes.

You were given a phone by Canterbury Council to use when you were a councillor?---Yes.

And that was the phone number, was it, 0-4-2-7-2-6-5-6-8-1?---Yes.

40 And if I can take you then to the fifth column, under the heading Phone User 2, that is the name given to the phone number which was rung by your phone, and so in the case of the first item there, Jim Montague (Office). You can assume that that is a phone number which has been assigned that name, and the phone number is in the next column under the heading Phone Service 2. Under the heading Start Date, is the date on which the call started, and almost invariably that means the date on which it was made. I wonder if we can just enlarge it. Mr Azzi, if at any time you have difficulty seeing what's on the screen, can you just say and we'll try and enlarge it for you.---Yeah. I'm all right.

Is that okay?---Yes.

And then if I can skip the column which has greyed-out numerals in it and go to the next column on the right, it's Start Time Adjusted for Daylight Savings Time, and the numerals underneath that heading are the time on the 24-hour clock that the call started, and then under the heading Duration is the length of time that the line was open between the two phones, or in the case of an SMS – if you go to item 11, for example – you'll see that that records a text message sent by your phone to a phone designated at Michael
10 Hawatt. You might recognise the number, 0-4-1-9-2-5-9-2-1-6. Can you see that? This is item 11.---Yes, yeah.

And then you can see that the, under the heading Duration, the type of call – and can you see there's a hand that's sort of moving up and down on the right-hand side?---Yeah, yeah.

That's the cursor, and we're trying to do that just to help you find data in this table. And that says SMS, so that tells us that it was a text message. So that's how this table works. Do you understand that?---Yes.
20

And what I would like to do is if I can just ask you about items on page 33. I appreciate I'm jumping ahead in time, but at the moment I'm still talking about your relationship with Mr Stavis once he started work, and he started work on 2 March, 2015. And if you can look at item 1477 – that's the item on the left-hand side where the hand is.---Yeah.

You can see that it's a call to the number designated Spiro Stavis (Office). The call is on 2 March, 2015, the day Mr Stavis started, and the call started at 12.02pm, and the duration of the call, the line was open 3 minutes and 33
30 seconds, and from that we assume that there was an actual conversation that lasted 3 minutes and 33 seconds. Do you understand?---Yeah.

And can I take you to item 1479. That's the two items below 1477. Can you see there's a second call by you on this day to Spiro Stavis's office phone, and that the call started at 2.42pm and the duration of the call was 1 minute and 40 seconds. Can you see that?---Yeah.

Why did you call Mr Stavis and speak with him for that length of time on those two occasions on the day he started work?---It's Spiro Stavis office,
40 Mr Buchanan, and Spiro Stavis office is run by Spiro. I, I don't understand. I don't remember what I made the call for, but definitely, maybe I was talking to, speaking to his staff or his office regarding anything. I can't remember what was the call made for.

Well, you wouldn't have been talking to his PA for more than three minutes, would you?---It looks like.

Do you think it's possible that you rang his office and his PA or secretary put you through to Mr Stavis and you spoke to him during that time?---I don't remember. You ask me about few years ago.

But you must be able to remember the first time that you spoke to Mr Stavis when he had started work as director of planning at Canterbury.---No, I don't remember, sir.

10 Were you asking Mr Stavis to do something on those two occasions?---I don't remember.

Were you indicating to him what you expected him to do?---No, I don't remember anything (not transcribable).

It seems very unusual that a councillor would ring a brand-new director of planning so soon after they had started work, and I just want to ask whether that suggests in your case that you had some pre-existing relationship with Mr Stavis.---No.

20 You didn't have any relationship with Mr Stavis before he started work?---No.

You're quite sure about that?---Yes.

You hadn't been talking to him before he started work, apart from at the interview on 17 November?---No, I spoke to him once.

And when was that?---It was at the café.

30 On 16 November?---I can't remember date, sir.

The day before the interview panel convened.---I can't remember the date, but before, before.

Was it the day before the interview panel?---It's before.

Was it the day before the interview panel?---I don't remember the date, but it was before.

40 You must be able to remember that it was the day before the interview panel, Mr Azzi.---I can't remember what was the date, sir.

When was the first time you ever saw Mr Stavis face-to-face?---At the, the café.

And the information before the Commission says that that was on 16 November starting at about 6 o'clock in the evening. You saw him the very next day when he was a candidate presenting to you amongst other members

of the interview panel on 17 November, didn't you?---It was on the panel, yes. I was on the panel.

How could you forget that the very first time that you saw Mr Stavis was really only hours before you saw him presenting to the interview panel? How could you forget that?---I did because I don't take any notice of, of these meetings. I don't recall it.

10 The alternative is that you are not telling the truth to the Commission.---No, I'm telling the truth. I said I met Mr Stavis but I don't remember the date.

That's not the question I asked you. I asked you about the relationship in time between when you saw Mr Stavis at the café at Marrickville and the time that you saw Mr Stavis at the interview panel, which was I suggest to you less than a day later.---I had no relationship with Mr Stavis at all before.

20 Now, can I go to – excuse me a moment. If we can just skim through some of these pages. You can see that the colour blue has been given to Spiro Stavis' office as we go through these pages. Can you see that?---Yes.

And that the colour yellow has been given to Mr Hawatt.---Yes.

And that the colour green has been given to Mr Montague.---Yes.

And you can see that there are very few pages where you aren't talking to or trying to contact Mr Stavis. Do you accept that?---Yeah, I can see it, yeah.

30 What the evidence shows is that you were in contact with Mr Stavis or trying to contact him regularly whilst he was acting as director of planning. ---Yes.

Why was that?---Because when I had a request from any resident or any issue, the proper way to find an answer to call the person who can give you the answer. He's the one in charge. As a councillor I have to contact. If I have a question or have inquiry, I have to contact. If it was Mr Stavis, I have to contact Mr Stavis.

40 You wouldn't have been contacting – I withdraw that. Other councillors, apart from Mr Hawatt, as you understood it, didn't contact Mr Stavis anything like you and Mr Hawatt, did they?---I don't know about the others, sir.

Another possible explanation for the degree of contact that you had with Mr Stavis while he was director of planning is that you were organising how Mr Stavis did his job with him?---No. No.

Can I take you to page 48 of Exhibit 244, please, and on this page you can see at item 2165 that you have rung a mobile number of Mr Stavis's. That's the second row on that page.---Yeah, the white one.

I'm sorry? The white, that's correct. Yes, the white row. And that was on 18 March, 2016 and that the duration of the line being open was 23 seconds. Do you see that? Can you see that?---Yes, yeah.

10 And then two rows below that, item 2167, you contact Mr Stavis on the mobile phone again. The duration of the line being open is only 3 seconds and so that's likely to simply be you leaving a message of some sort, and then you sent him immediately after that, in the same minute, this is at 4.07 that day, on 18 March, an SMS. Do you see that?---Yes.

Do you know why you would have been contacting Mr Stavis at around 4 o'clock on what I can tell you is a Friday, using his mobile?---No. I don't remember, sir.

20 Did you have a relationship with Mr Stavis whereby you contacted him on your mobile because you had a very close relationship with Mr Stavis?
---Only professional relationship. Not close.

And a relationship whereby, or wherein you and he organised how matters that you raised with him would be dealt with at council?---Unfortunately, the matter we always raised – it's, this question, it's, can, can you repeat this question, please?

30 You ringing the director of planning on his mobile phone suggests you had a closeness of a relationship with him which is consistent with you and Mr Stavis organising how he would handle planning matters that you discussed with him.---No, I never interfered with his process.

40 Excuse me a moment. If I can take you to page 49, please, and if we could go to row 2241. Row 2241 and then subsequently 2244 and 2245, you contacted Mr Stavis on his mobile phone on a Sunday, 1 May, 2016. I can tell you that 1 May, 2016 according to the calendar was a Sunday. How often did you contact Mr Stavis on a Sunday?---Oh, not very often. I don't know. I could contact him but I don't remember why because he said, Mr Stavis said, "I'll be available 24/7 if you need me", and must be a reason I contact him, but I don't know, I don't remember what the reason for.

And did you only contact him because you were a councillor?---Yes.

And so you didn't contact him after you were no longer a councillor?---No. I don't remember.

THE COMMISSIONER: But you no longer contacted him?---I don't remember I called him after. I don't remember, I don't have any - - -

MR BUCHANAN: Well, is it possible you did?---I don't remember, sir.
But - - -

No, but is it possible you did?---I don't remember.

That's not the question I asked you. Is it possible that you talked to Mr
Stavis when you weren't a councillor after amalgamation?---It may be
possible but I don't remember I contact him. I have nothing to do with him.

10

Why would you have anything to do with Mr Stavis after you were no
longer a councillor?

MR PULLINGER: I object to that. He can't reasonably answer that. He
says he doesn't remember having contact with him after amalgamation.

MR BUCHANAN: But the witness admits that it is possible, and if he is
admitting of the possibility, there must be a reason for it, and so I press the
question.

20

THE COMMISSIONER: Yes, I'll allow it.

MR BUCHANAN: If it is possible that you contacted Mr Stavis after you
were no longer a councillor, why would that have been?---I don't remember
I contact him. As I said, I don't remember. I have no reason to contact Mr
Stavis when I'm no longer the councillor. I don't, I don't remember I
contact him.

30

Can I take you to page 50, the last page of Exhibit 244. The amalgamation
occurred on 12 May, 2016. Can you see that there are four times that you're
recorded here as calling Mr Stavis's office after 12 May, 2016? Item 2269,
2272, 2273 and 2274.---Yes.

And can you see that certainly on a couple of occasions the line was open –
I withdraw that. On one occasion the line was open for more than a minute.
That's item 2273. This is on 14 June, 2016.---Yes. I can see it.

40

See, obviously you did attempt to contact and have contact with Mr Stavis
after you were no longer a councillor. You can see that, can't you?---Yeah,
but I might calling the office of Mr Stavis, not Mr Stavis.

But why would you contact his office, let alone speak for more than a
minute with his office - - -?---I can't - - -

- - - after you're no longer a councillor and have no duties in respect of
Canterbury or planning in Canterbury?---I don't remember what was the call
about, but everybody has the right to call. I don't remember what, what was
the call about.

What these records of calls made or attempted after the amalgamation tend to suggest is that you had a relationship with the director of planning which was more than simply the fact that you were a councillor.---No.

10 It suggests or it's consistent with, sorry, it's consistent with you having a relationship with Mr Stavis whereby you were helping organise how matters were handled by him.---I don't interfere with Mr Stavis' process. Only as a councillor I'll ask a question and I get answer and advice from him. I don't tell him how to do his job.

Is this another possibility? That in the calls that you made to his office after amalgamation, you were trying to find out how particular developers' applications or planning proposals were proceeding?---No.

Why wouldn't it be possible that that was something you were doing when you were no longer a councillor?---I don't remember I ask any question once I no longer a councillor. It's not my job anymore.

20 Can I ask you about another developer, an Assad Faker?---I don't know him.

You didn't have any contact with Assad Faker in relation to any matter he had before council when you were there?---No.

Jimmy Maroun, did you know him?---Yeah, yes.

When did you first know Mr Maroun?---Oh, a while ago. I don't, don't know. During the time when I was a councillor.

30 And before the time you were a councillor?---Yeah. He used to be taxi driver but I had no contact with him. I heard about him.

THE COMMISSIONER: Sorry, you only heard about him?---Yeah. I, I used to know him but just I know he was on the board of the, the company I, Legion Cabs and I know him as a director in the Legion Cabs.

Sorry, so he was a - - -?---He was a Legion Cab director.

40 Sorry, oh Legion Cabs, thank you.---Legion Cabs. Yeah, he was on the board at once.

MR BUCHANAN: Did you – I withdraw that. Were you friends with Mr Maroun at any time?---Well, I, I know Mr Maroun and, like, because I know him, we called, I called him, you know, as a friend. But our relationship is not (not transcribable). We know each other recently.

Did you have any involvement in any of his projects being processed by Canterbury Council?---Yes.

And which projects?---I, I have no. I don't, I don't know the numbers but it's in, next site with Harrison's site, yes.

538 Canterbury Road?---I don't know what the, the address is it.

I understand.---Yeah, just the, the corner there.

It was a car wash site previously?---Used to be.

10

And any other site?---Well, he is, I believe he has got another one, but I don't know the number as well, in, been in the submission for, for rezoning I think, when we did the rezoning.

For a planning proposal?---Yeah, planning proposal.

And it was held up because of RMS wanting more information about that planning proposal generally?---Yeah. Well, all these proposal been held by RMS. Yeah.

20

So if I can just ask you to have a look again at Exhibit 244, please, at page 3 and if you can see item 106 there. It's a call by you to Mr Maroun on 18 July, 2013, with the line being open for 6 minutes and 41 seconds. Do you see that?---Yes.

And what I want to suggest to you is that there are regular contacts between you and Mr Maroun. If I could go to item 118 on 30 July. That's at least an attempt at contact for 22 seconds. Item 119, again on 30 July, the line is open for 2 minutes and 8 seconds, suggesting a conversation of that length.

30

Going over to page 4, item 157 on 24 September, 2013, the line is open for a minute. Item 159 on 30 September, item 170 and 171 on 8 October. Going over the page, item 201. On page 5 on 17 October, item 212. On 22 October, item 219. On 23 October, this is still in 2013. Item 252 on 30 October, 2013 and can you see that it continues on. There's regular contacts or attempted contacts that you have with Mr Maroun in 2013 that these pages show. What were the contacts that you were having with Mr Maroun in that time, 2013, late 2013?---Well, I don't remember exactly what was the conversation about. It could be about one of his site, inquiry about what's going on, but I don't remember what, what it was.

40

An inquiry of him, asking him how is it going, how is your site going? Is that what you mean?---No, he must be, he must be calling for inquiry. I have to answer to him what, what's happened.

I see. So - - -?---If he called, made a call I have to, normally when a resident call you have to get him the answer.

So he would have – I withdraw that. So the calls that are recorded here that you made to him, you are suggesting to us, were made after he contacted you asking you to contact him. Is that fair?---It looks here, sir, I didn't contacted him. Maybe I've been calling him, calling him to answer his call or whatever. I can't remember, I can't remember what the call all about. It could be about one of his request or, it must be.

And thinking of the period 2014 to 2016, did Mr Maroun come over to your house?---I don't remember if he in my house now.

10

And what was your opinion of Mr Maroun as a person?---He was all right. I have, like, it's personality with Mr Maroun is limited, you know.

Sorry, what was limited?---My, my like, relationship with Mr Maroun it's, it's, it's small. It's not like a regularly based one. As a person I haven't seen anything from him. He's all right. He's a good guy. I never had a problem with him.

And can I ask you about Marwan and Ziad Chanine. Did you know them during the time that you were a councillor at Canterbury?---Yes.

20

Can I ask you about Marwan Chanine. Was he a friend of yours?---He is a, he is a person I know.

But was he a friend?---He's not a friend-friend. I know him. He is a person I know. Normally our - - -

Did you have any dealings with him in relation to any development project?---Mr Chanine asked me once or twice about the process of his development, yes.

30

And was that the development proposed at 212-222 Canterbury Road and 4 Close Street?---Yes.

Close to the railway station?---Yes.

And how did you get on with Mr Chanine, Mr Marwan Chanine?---All right.

And did you have meetings with him?---I, I met him once or twice. That's all I can remember.

40

Where did you meet with him?---I met with him once, one of the function when I met him the first time, and the second time he come to my, my place.

Did you ever meet him in Mr Montague's office?---No.

Did you ever meet Mr Demian in Mr Montague's office?---I don't remember now. I don't remember I met there, no. I don't remember.

Did you ever meet Marwan Chanine alone?---No.

Did you meet with him at the Lantern Club?---It was a function at the Lantern Club.

10 Right. And what was the function?---It's woman cancer. It's woman fundraiser.

Mr Demian, did you meet him at the Lantern Club?---I, yeah, I've seen him at the Lantern Club, yes.

Did you meet him there to have a drink?---We had a coffee.

And when was it?---Oh, I don't remember. It's a while ago.

20 Were you a councillor at that time?---No.

Was it after you were a councillor?---I believe so.

Did you speak with Mr Marwan Chanine about any issues that he was having with his development applications for 212-222 Canterbury Road and 4 Close Street?---Yes.

How often did you speak with him about such issues?---I think once. I don't remember. Once or twice. It's once or twice.

30 And what were the issues?---It's regarding the process and it's one day he made the request to me to find out what was going on, what the delays, and I spoke with Mr Stavis about it and I said, "Mr Stavis, what's all about? What's going on with this site?" And Mr Stavis said, "The, the issue is not the council issue. It's a (not transcribable) issue." And I said to Mr Stavis, "That's it. This is not a council issue. Move on. Do your job and let it go." Like, clear the deck, let them (not transcribable)

40 I'm sorry, what did you mean by that?---I said, "Move on and tell them what they should. Why they keep blaming us for the delays?"

Tell who?---Chanines. Tell the applicant the delay is not the council problem. Let them stop accusing the council for the delays.

Were there any other issues that were discussed between you and Marwan Chanine in relation to 212 Canterbury Road?---No, I don't remember any other issue. That's it.

Do you remember any issue relating to a rear setback?---Well, I never discuss this with him.

With who? With - - -?---With Chanines.

10 I see. Did you discuss it with anyone else?---I think the director said you used to have a problem. When he answer to me, yeah, the director said we used to have a council problem and it's been solved. That's what he said to me. I didn't go through all the details. My request for, for him, it's what was going on.

What was the rear setback issue as you understood it?---I, I can't recall. He said to me once about the rear setback was bowling club.

Yes. And what did you understand the problem to be?---Well, as I said, my belief is, well, I did ask him, I said if you have open space you don't need, you don't need to have a setback. That is answer.

20 Is that what you said to him or he said to you?---He said to me.

He said that to you?---Yeah.

But can I just understand, how did you first find out that this was an issue or a problem?---Oh, Mr Chanine said, he called me and I asked Mr Stavis what was the problem, why the delays, because the request from applicant and I have to inquire and respond to the applicant. It's my job.

30 And what did the applicant, Mr Marwan Chanine, say to you on that subject?---Nothing. I said that's my answer, that I can't give you an answer and you have to speak with the council and deal with them. I can't help you with any other issue. So if he had any problem, he contact the council and, and then can, they know better than me.

So Marwan Chanine contacted you about the rear setback issue, and that's the first you heard of it?---No.

40 What's the first you understood about the issue?---He contacted me. Mr Chanine said the council still are in the process. I said, well, I said all right, I will make an enquiry, I get back to you. That enquiry, I made it with Mr Stavis and I get this answer and I deliver it to Mr Chanine. I said if you have another further question or problem, you can deal with them, that's what I know. That's it.

And why, as you understood it – I withdraw that. Did Mr Marwan Chanine ring you about this issue?---Look, I, I don't remember how he did contact me, by phone or when we, when he saw me. I can't remember.

And do you have an understanding of why Mr Marwan Chanine would raise it with you rather than contacting Mr Stavis directly?---Well, I'm a councillor and everybody allowed to contact me if they had an issue.

Well, the Commissioner's heard evidence that Mr Marwan Chanine was in regular contact with Mr Stavis before this issue arose. There's nothing to suggest that there was a problem with Mr Marwan Chanine talking to Mr Stavis. What I'm trying to understand is, what was it, as you understood it, that Mr Chanine hoped to get by contacting you rather than talking directly to Mr Stavis?---This question is too long. Is it one question or too many?

Okay. I'll put it another way. Just assume Mr Marwan Chanine was in regular contact with Mr Stavis. Why would Mr Marwan Chanine, if you can assist us with this, as you understand it, contact you on the subject rather than contacting Mr Stavis directly?---I don't know.

You were, however, a person who was in regular contact with Mr Stavis about planning issues, weren't you?---I contact Mr Stavis all the time when I need to contact him, not only about planning issue but he's the director of planning.

Did you understand that you had some influence with Mr Stavis that an ordinary developer might not have?---No.

You had lengthy history of contacting Mr Stavis about planning issues, didn't you?---Mr Stavis is the director of planning. If I contacted Mr Stavis, it must be about planning or other, other matter.

And you assisted him, didn't you, in deciding how particular applications should be processed?---No.

And do you think that it's possible that Marwan Chanine contacted you on this particular occasion that you've told us about because he thought that you had influence with Mr Stavis which was greater than the influence he had?---I don't know.

Well, that would be a logical explanation, wouldn't it?---I don't know.

Can you suggest any other explanation?---No. I don't know. I can't answer this.

Ziad Chanine, the architect of the two, did he have contact with you?---I don't remember having any contact with him, no.

You weren't present at any presentation that Ziad and Marwan Chanine made to Mr Montague about any development?---No.

And did Bechara Khouri talk to you in relation to any Chanine development?---No.

Did he talk to you about either Ziad or Marwan Chanine?---Not about development but he know them.

And how did you know that he knew them?---He told me.

10 And how did it arise that he told you that he knew them?---Can you repeat this question? What you mean?

Yes, sure. What was being discussed at the time that Bechara Khouri told you that he knew the Chanines?---When I met them the first time at the function, he said, "I know them."

The first time that you met the Chanines, Mr Khouri told you that he knew them, is that right?---Yeah, after I met Chanines.

20 Yes.---I don't recall when was that, but it could be.

Did you understand Mr Khouri to have any financial interest in the 212-222 Canterbury Road and 4 Close Street DAs?---No.

So he never told you that he had an interest?---No.

Is that right?---Yes. No.

And did you find out that he had an interest?---Just now.

30 Today?---Not today. During the - - -

In this inquiry.---In this inquiry.

You've been following the evidence in the inquiry - - -?---Yes, yes.

- - - and you found out that way.---Yes.

And that was a surprise to you, was it?---Yes.

40 You had no idea beforehand?---No.

Now, when you were making inquiries of council staff, did you – I withdraw that. Start that question again. When you were making inquiries of Mr Stavis on behalf of developers or in relation to developments, did you disclose to him any relationship you had with those developers?---Me?

Yes.---No.

Did you contact managers underneath Mr Stavis in his division to talk about planning or development issues?---No, I don't remember I called anybody (not transcribable) I can't remember I called anyone.

Your memory is that you spoke to Mr Stavis, not to his staff?---Yes.

Can I show you this document, please. Do you see at the bottom of the first page your signature?---Yeah.

10 And at the top of the page it says Local Government Act 1993, Disclosure of Interests Return. And at the bottom, underneath your signature, the date 24/9/15, 24 September, 2015.---Yes.

And if we could just go over the page, please. Is this your handwriting on each of the pages?---Yeah.

And was your disclosure of interests true and complete in this document?
---Yeah.

20 And so on the second page, under Sources of Income, you did not indicate that you reasonably expected to receive from an occupation during the relevant period any income from a source other than taxi driving, is that right?---Yes.

Commissioner, I tender Mr Azzi's disclosure of interests return dated 24 September, 2015.

30 THE COMMISSIONER: Pierre Azzi's disclosure of interest returns under the Local Government Act for the period 1 July, 2014 to 30 June, 2015, signed on 24 September, 2015, will be Exhibit 248.

#EXH-248 – DISCLOSURE OF INTERESTS RETURN FORM FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015, SIGNED BY MR PIERRE AZZI ON THE 24 SEPTEMBER 2015

40 MR BUCHANAN: And just whilst you have the document still in front of you, if you were meant to complete one of these every year after the last one, then you obviously weren't a councillor in September 2016 so there was no occasion there to complete such a return.---Yes.

Do you know whether you completed a return in 2014?---I don't remember.

Or was this the only return you completed whilst you were a councillor?---I don't know. I don't remember if I did one before.

Excuse me a moment. Can I ask you now about a different subject, the Residential Development Strategy at Canterbury. Yes, I'm sorry, I've finished with that document. Do you remember that there was a process in 2013 and 2014 whereby various submissions that had been made to change the development controls – like zoning, building height limit, FSR requirements – were considered by council in a report that was prepared for council and presented by Mr Occhiuzzi in October 2013?---Yes.

10 You took part in a meeting, which I suggest was on 31 October, 2013, where the consultant's recommendations and Mr Occhiuzzi's recommendations were considered by council. Do you remember that?---At the council meeting?

Yes.---Yeah, it could be because I never miss a council meeting.

What happened at that meeting in relation to the recommendations that were made?---I don't remember what, what was in the meeting. What items was on the agenda I don't remember. Are you asking me about all the meeting what's happened?

20

Yes, that's what I'm asking.---I don't know. I don't remember.

Do you remember that Mr Occhiuzzi had provided council with recommendations as to what should be done with the submissions as to changes to be made to planning controls in respect of particular sites? ---Possible, yeah. Could be.

30 Were those recommendations accepted or rejected or changed or what, what happened?---Look, I don't remember what's in the business paper was. It could be changed, it could be rejected, it could be approved. I have no idea. I don't remember, you know, what was in the business paper.

You don't remember that Mr Hawatt had prepared a list of changes to the recommendations that had been made to council?---Yeah, it's been, it's a big list of changes, yeah.

40 That Mr Hawatt had prepared a list of changes to the recommendations? ---Not Mr Hawatt prepared. We had, we had a workshop before and we agree about, most of the council agree about the changes before it been, come to the meeting. That's what I remember.

Do you remember that there was a recess during the meeting when you and Mr Hawatt went into an adjoining room with other councillors?---Yeah, I remember when one of the councillor or the general manager that day say, he ask for they stop the meeting to, for recess before continuing, yeah.

And what happened in that adjoining room during that recess?---Oh, I don't remember exactly what's happened, it's a while ago, but it's been some

misunderstanding between councillors and other, it's been like a negotiation about something. I don't remember exactly what's happened. There was more listen and involving, involvement, you know, involving of this. I, I, I, was there but I don't understand what, like, like a small workshop and discussion about the, those changes.

Excuse me a moment. Could we have a look, please, at volume 11, page 219. Oh, I'm sorry. I do apologise, wrong page. Volume 11, page 131, and do you see that I'm showing you the first page of the minutes of an
10 extraordinary meeting of council held on 31 October, 2013. Do you see that? It's the first page.---Yeah.

And do you see over halfway down "adjournment"?---Yes.

And then it records that you and Councillor Hawatt sought an adjournment and that occurred from 7.37 until 8.30 that night?---Yeah.

Why did you seek that adjournment?---We been asked by the chair. The
20 chair suggest to have five minutes, five minutes of what you call it (not transcribable) and somebody has to move.

Was anything said during the adjournment in the adjoining room about how the recommendations that had been made by Mr Occhiuzzi about the Residential Development Strategy should be handled in the council meeting that night?---Well, I don't remember exactly what's happened, sir. It's a while ago. But what I, I, I, I now can recall, yes, about the adjournment because it's, I remember it's been asked by a few councillor to review.

THE COMMISSIONER: To what, review?---To review all these items
30 before them come back and make decision.

So the adjournment was to allow councillors to review the recommendations before resume the meeting?---Yes.

MR BUCHANAN: Excuse me a moment. And was there any discussion during that adjournment about changes that you and Mr Hawatt proposed be made to the recommendations?---All the discussion been about what the change is going to be because a few councillors, that all was said, they said they want to see the changes before they make decision. They have no
40 chance to look at them properly.

So this is Councillor Hawatt's changes you're talking about?---It's a proposal what's been made by, it's been made by I think, I don't know who, Councillor Hawatt must be because it's moved (not transcribable) him, he moved them, and he put the, it's amendment, it's, it's amendment. Has to be voted by the council. The councillor said we need to see this amendment before we go on and vote. We have to need about five, 10 minutes to just look at them to vote on this amendment.

And did you help, did you say anything during the adjournment to help councillors understand the amendments proposed by Councillor Hawatt?---I was part of the (not transcribable) council. I don't remember what I said, something. It's all, all the councillor just kept amendment and read them and then that what's happened. We had no other, if they had a question, I don't remember they did have a question, they write it on the, around the table to us, "What this mean? What do you mean by this?" They must ask the, the mover what this mean by this. They have the right to ask the question and understand before they go and vote.

And you know what happened, what the outcome was when the matter went back to council sitting in the chamber to consider these matters, don't you? ---Yeah.

If I can show you page 132. Indeed, starting at page 131, going over to page 132. You seconded a motion for the strategy to be endorsed subject to changes outlined in the report. That was the changes proposed by Mr Occhiuzzi.---Yes.

20

And then that, at page 133, there was a series of changes to those recommendations that were proposed by Councillor Hawatt.---Yes.

And do you see there on page 133, page 134, 135, going over to the top of page 136.---Yes.

And then the resolution was seconded by you and it was for those changes proposed by Councillor Hawatt to be made to the recommendations, wasn't it?---Yeah. Looks like.

30

And the effect of these changes was to have a planning proposal prepared to have those changes made to the relevant planning controls in the LEP, is that right?---Yes.

And the effect of those changes was to loosen the controls. That is to say, to allow taller, bigger buildings than had previously or was at that time allowed by the controls applicable to those sites in the LEP, wasn't it?---It, it seems like this, yeah, changes (not transcribable) changes in height, changes in FSR, change everything, yes.

40

Well, none of the changes were to make it more difficult to develop sites. The changes were to make it easier to develop sites, weren't they?---Well, I don't know about this.

You don't know about it?---I don't know about make it difficult or easy, sir.

Why did you second the motion that Councillor Hawatt's changes to the recommendations be made?---Because I agree about the changes.

And why did you agree?---Because it's my job to agree or disagree.

Yes. And why did you think that it was a good thing if those changes were made to the recommendations.---Because we've been asked to change the LEP and we have to change the LEP for the better.

10 But in what way did it become better as a result of those changes being made to the recommendations?---Well, when, make it better to increase development site, more residential that we're being asked to by the government to increase our residential. And how to increase if you don't give more densities? You have to.

So these changes were made with a view to making it easier to have bigger, taller buildings on the sites identified in the paragraphs in the resolution?
---Yes.

20 Now, that planning proposal went to public exhibition and then came back to council at its meeting on 2 October, 2014, and again there was a report with recommendations that was made by Mr Occhiuzzi. Do you recall that?---No, I don't recall it.

But you would accept that that is likely to have been the case?---(No Audible Reply)

Can I take you to page 152 of volume 11. Do you see that there's a report there to the extraordinary meeting of council held on 2 October, 2014 by the director of city planning?---Yes.

30 And at that stage Mr Occhiuzzi was still the director of city planning?---2 October?

I'm sorry?---I can't - - -

Do you want to make it – sorry, if we can enlarge it a little bit. Thank you.
---Yes.

THE COMMISSIONER: Top right-hand corner.---Yes. 2 October - - -

40 MR BUCHANAN: If I tell you Mr Occhiuzzi didn't resign until a few days later.---I don't know when he resigned. He still, he was the director. What's the question, sir?

All I'm doing is you weren't sure about whether there was a report and whether it was Mr Occhiuzzi's. I'm showing it to you. Do you see that?
---(No Audible Reply)

And do you see that there was a series of recommendations that Mr Occhiuzzi made, page 208-209?---(No Audible Reply)

We'll just bring it up on the screen for you, Mr Azzi. That's page 208. It's the first page of the recommendations in the business papers, and then going over to page 209. Do you see that?---Mmm.

10 And then if I can take you to the minutes of the meeting. They commence at page 219 of volume 11. Do you see that? This is the minutes of the EGM held 2 October, 2014.---Yes.

And if I can take you then to page 220. Can you see that you moved the recommendations proposed by Mr Occhiuzzi, starting at the bottom of page 220, going through to page 221 to the top of page 222. Do you see that? ---Yeah.

And then you moved – I'm sorry, Councillor Hawatt moved and you seconded amendments to your own motion.---Yes.

20 And these amendments were again to loosen controls, weren't they, to provide a greater opportunity for bigger and taller development? At the sites nominated, of course.---Yes.

And again can I ask you, why did you join with Councillor Hawatt in moving those changes?---I'm a part of the council.

30 Yes, but why did you decide that these changes needed to be made? ---Because we've been asked, sir. Submission been, the submission been already in the council before I been a councillor. They been waiting to deal with and we made these changes.

Yes, but these are changes to what the officer recommended. Why did you think it would be a good thing for changes to be made to what the director of planning had recommended?---It's my opinion.

Yes, but why did you hold that opinion? On what grounds, what's the reason?---Because I believe we need more densities and we need more, I think, development because Canterbury was way behind in development.

40 And did you discuss this, along with Councillor Hawatt, with other councillors at the time?---Yeah, all the, all the councillor been aware of it. That's why it was workshopped before and everything. Not only me.

And do you recall that the amendments that you proposed, page 227, were made? In the middle of page 227, your motion that the changes be made, and it goes over to page 228. That's your recollection of what occurred? ---Can you enlarge it, please?

Yes, sure. This is page 228 and that's part of the changes and then I think that actually finishes at the bottom of page 228. If we could go to page 228 as well. Does this come back to you as a result of reading these minutes?
---Yeah.

And these are changes that you were instrumental in bringing about?---Yes.

Along with Councillor Hawatt.---Yeah.

10 And did you have discussions with Councillor Hawatt beforehand about the changes that should be made?---Only when we had workshop and, no, actually I was aware of it until we seeing it before the meeting, when the session when we had the paper.

And how was it arrived at that particular changes would be made in respect of particular sites?---I have to check. Which site?

Well, do you see that the way that they're arranged is by site?---Yeah, because all these already been submitted.
20

So where did the data come from that suggested that, for example, on page 228, at the top of page 228, do you see the second dot point, 548-568 Canterbury Road, Campsie, to increase the height limit to 25 metres?
---Yeah.

Where did that figure of 25 metres come from? Why did you choose 25 metres instead of, say, 20 metres or 17 metres or why didn't you say 30 metres? Why did you decide on 25?---Because it's fair. 27's going to be high, that's what came out at 25 metre. Most of the council agreed.
30

But why 25 metres?---Because already been 21 metre.

Are you sure of that?---Because that you have, I believe in the DCP it was 21 metre before.

THE COMMISSIONER: Sorry, could you say that again?---What I believe and what our, in our DCP is was 21 metre before.

MR BUCHANAN: You're sure it wasn't 18?---Oh, look, I'm not hundred per cent sure but - - -
40

And not in the DCP but in the LEP.---Oh, it was around 18 or 21 metre.

Yes. But why did you – and I understand what you tell us about why you think things should change and the way they should change to allow for greater development, I understand that, but where did you come across the particular figures? How did you arrive at the particular figures of, in this case, 25 metres, as an example?---Well, first thing, residential, they don't

like, they always complain about the height and we don't want to increase more, like, I, I, I don't support, like, have, my own opinion, I don't like to support to have, like, towers on Canterbury Road. I think it's a 25 metre on certain points (not transcribable) it cannot be fair if the block is too big. And more than 25 metre, I think it's going to be eyesore.

Eyesore?---That's what I believe. It's too big and, and make damage to the residents behind. It's more residential on Canterbury Road than business because Canterbury Road was quiet. It's a 25 metre, it's fair enough.

10

Did the figure of 25 metres come from the owner or the developer?---No, no. The owners always want more. They can have 50 metres, they won't say no.

Commissioner, I've gone a bit over time. I apologise.

THE COMMISSIONER: We'll take the morning tea adjournment and resume at five to 12.00.

20

SHORT ADJOURNMENT

[11.37am]

MR BUCHANAN: Mr Azzi, can I ask that we have a look at volume 11, page 227. This is another page of the resolution of council at its extraordinary meeting on 2 October, 2014. The first page, and if we could enlarge the bottom half of the page, and if you could take in the bottom part of the page as well, thank you. You can see there that this is the first part of the motion that you moved?---Yes.

30

And can I ask you about the second last dot point. It reads, "998 Punchbowl Road, Punchbowl, also known as 1499 Canterbury Road, to rezone to R4, a height of 15 and the FSR increased to 2.2:1." So you see that?---Yes.

Where did you get the figure of 2.2:1 from for the increase of the FSR in that instance?---I can't remember where I get this figure from. Maybe – I don't remember.

40

Did you get it as a result of anything that you understood the developer proposed?---I didn't know the developer at the time, no.

Well, if I tell you it was Mr Demian. You knew Mr Demian in 2014, didn't you?---Yeah, but I didn't know him at this time.

So you didn't get the figure of 2.2:1 from him or as a response to anything that he had indicated?---No.

So can I just take you to the item above that. It's an address at Narwee and it's an FSR of 0.9:1. Where did you get the FSR from for that property?
---Narwee. I can't remember. Which one? I'm still looking at - - -

The one immediately above 998 Punchbowl Road.---Oh, Graham Road, Narwee.

10 Is 56 Graham Road, Narwee. And can you see that the amendment – I'm sorry, that the FSR proposed on your resolution is 0.9:1.---Yeah. Oh, it's my - - -

And that was the result, if we go to 224, of a change that you proposed. At the bottom of page 224 you can see that it's part of an amendment by you, and we can see that it's by you because at page 223 it's the beginning of all of those motions and you moved it.---So this motion must be prepared by, doesn't mean if I move them, it, it must be recommended by somebody. And I moved the motion. And might be some agreement because during that workshop, and I moved this motion recommended by someone or being preferred and recommended to move. And - - -

20 And when – I'm sorry, go on. Do finish.---Yes. It must be recommended or prepared to be in the items and we move them.

Yes. So if we go up to page 222 you can see that that's a series of amendments for different properties moved by Mr Hawatt, seconded by you.---Yes.

30 And that you and Mr Hawatt proposed in respect of 56 Graham Road, Narwee where the hand is, was. Thank you. Where the hand is that FSR of 0.9:1, but in respect of 998 Punchbowl Road you and Mr Hawatt proposed an increase of FSR to 2.2:1. Do you see that?---Yeah, well, I can see it, yeah.

And can you see that there's different FSR figures in all of those dot points in your resolution, sorry, in your motion?---Yeah, it's my motion or some, I move this motion?

40 Well, it's Mr Hawatt's motion that you second.---Yeah, well, it must be prepared and during that workshop, but I can see here like the height is different. Why, when we asked the question and when we made the workshop must be all agreed on this, most of the councillors agreed when we had this workshop to move this - - -

When was the workshop?---At the council.

Sorry, my mistake. When was the workshop?---I, I don't remember when but before, when we, when this amendment been prepared we had a few workshop - - -

Was it the same day?---It's been, it's been at the same day or the same night. I don't remember when these, when we had these workshops. I don't recall the dates, but all this amendment and this been, we had a few workshop to get through this and I don't recall the dates. And what I believe when I did ask the question because I have not too many knowledge at that time about planning, but they said they follow, when you have the FSR they follow how high, the heights and the size of the building.

- 10 Well, can you see at the beginning of the officer's report at page 152 and following that there's pages and pages and pages of descriptions of the situation with each particular property and what the issue is that has been raised and what the officer's report, sorry, response is and then in each case the officer's, or rather the director of planning made a recommendation. Was there a workshop on this report?---About the planning proposal?

Yes.---We had a workshop about this planning proposal, yeah. We had a workshop.

- 20 And who conducted it?---It was the general manager and director of city planning and (not transcribable) I don't know how many councillor was there. All of them, I suppose.

And you understand, don't you, that by definition the amendments you proposed were changes to the recommendations that the director of planning recommended?---Yes.

- 30 And so the question is, where did the figures come from for the changes that you proposed to FSR in the case of each of the properties in your amending motion, yours and Mr Hawatt's amending motion? It's on page 222 of volume 11.---At I believe after, there's a lot of consultation between councillors and this amendment came out of the consultation with the councillors, most of the councillors.

With whom?---Look, I was like, I was working, you know. The council was still, most of the councillor discuss it. The mayor was involved in it, Councillor Hawatt, councillors, most of the councillors be involved and we came out after negotiation with this amendment.

- 40 Yes, but that doesn't explain where the numerals for the changes to FSR in respect of the properties nominated in the amendment moved by you and Councillor Hawatt, page 222-223, came from. Where did the data come from for those changes?---I don't know.

Did it come from developer in any of those cases?---No. I don't know. I never spoke to any developer.

You never - - ?---I never spoke any developer about this. Never discuss it.

So did you just pluck these figures out of the air, you and Councillor Hawatt? That's not likely, is it?---Maybe is Councillor Hawatt opinion and the rest of the council. Everybody has - - -

Why did you agree with Councillor Hawatt?---Because we support the changes.

10 What made you think that those were good changes and not bad changes when the FSR was for a particular figure, particularly given that the FSR for the next property was different in your proposed amendment?---This, this my opinion. I, I follow instruction and what consultation, which all the councillors agreed, and I believe the FSR should increase what I said. If the block is too big, the FSR must increase. And I don't have any proper, like, I'm not a planner or anything to just find out. It's all discuss it between ourselves.

20 What instruction did you receive?---Well, I followed what's in the amendment and I agree with it. I didn't ask anybody.

So do you say that Councillor Hawatt came up with all these figures?---I suppose I can say Councillor Hawatt. Councillor Hawatt wrote the, the amendment, but he put it in the hands of the councillors to agree and disagree.

Where did Councillor Hawatt get the figures from for the FSR changes?---I don't know. I have no idea.

30 Why did you agree with them given that they were different figures for each property? Why did you agree to particular figures for a particular property?---That was what's in the amendment.

And are you telling us that you agreed with them and seconded the motion simply because they were proposed by Councillor Hawatt and you were going to second anything that he proposed?---No.

40 What are you telling us, then, as to why you seconded the motion to make these changes so far as concerned the different changes to FSRs for different properties?---Because I've seen this, I've seen it. It's right.

THE COMMISSIONER: Sorry, you saw it and it was right?---Yeah, saw it. I said there's nothing wrong with it. Why don't support it? All the councillors, most of the council agreed.

MR BUCHANAN: How did you know that it was all right when you saw it?---Because I, that's what I think, it's all right. It's my opinion.

What did you base your opinion on?---On myself.

Yes, but on the basis of what information?---I didn't get any information from no one.

Well, you had information from Mr Occhiuzzi, who wrote a report which detailed what he proposed and considered and analysed in respect of each of the properties, and yet you didn't accept a number of the amendments proposed by Mr Occhiuzzi. Instead, you and Mr Hawatt came up with your own proposals, didn't you?---I agreed with the changes.

10

You see, Mr Azzi, you've told us that you didn't know very much about planning.---Yes.

Did you know how a particular figure for a floor space ratio was calculated?---I don't know.

20

You either, I want to suggest to you, seconded the motion simply because it was Councillor Hawatt who was moving it and you were going to second anything that he proposed in this regard, or because you had access to information which justified the particular FSR figures proposed by Councillor Hawatt in the case of each property. It's one or the other, isn't it?---Can you ask one question at a time, please?

Yes, sure. Okay, I will. I'm suggesting to you that there's only two logical explanations for your conduct in seconding that motion on 2 October, 2014. One explanation is you seconded Councillor Hawatt's motion because it was moved by Councillor Hawatt and you were going to support anything that Councillor Hawatt proposed on this topic.---No.

30

The only other explanation is, then, that you agreed with the particular figures for FSRs that were proposed for the individual properties on the basis of information you got from somewhere.---No. All the information I get when I consult with my other colleagues, and my colleagues said we cannot support this, and I moved on.

40

Did you second the motion to support Councillor Hawatt's proposals for those particular FSR figures because you either saw or were aware that developers in at least some of those cases wanted FSRs of those magnitudes with those figures?---No, sir.

Thank you. Can I ask you about Mr Occhiuzzi. How did you get on with Mr Occhiuzzi while he was the director of planning at Canterbury?---It was a relationship between councillor and a director, it's normal.

Was there any unhappiness on your part about how Mr Occhiuzzi did his job?---No.

And what was your opinion about how he did his job as director of planning?---My opinion was he was doing his job all right.

I'd like to show you some notes that are a transcript of notes by Mr Occhiuzzi in a notebook, which is evidence before the Commission, Exhibit 54. If we could enlarge the printing of the first item. There you are. Can you see that this is an entry made by Mr Occhiuzzi in a notebook and he has told us that, with an exception that's not relevant to the questions I'm asking you, these notes were made soon after the events that he described in the notebook. And I just emphasise, this is a transcript of handwritten notes that he made. So the first entry is for 24 October, 2013 and it reads, "Met with Councillor Azzi, Hawatt, Robson and the GM to discuss the RDS report on the council agenda." So, this is shortly before the extraordinary meeting of 13 October, 2013 that we were talking about before morning tea. I continue on, "There was a lot of discussion regarding the site at 443-457 Canterbury Road." Excuse me a moment. "And Councillor Azzi insisted on increased height limit of 25 metres." Do you see that?---Yes.

Is that right, that that's what you did at that meeting?---Yeah. I, I, I suggest to be 25 metre at certain points if under condition.

And what do you mean by if under condition?---If it's a way, can be a way to deliver the laneway at the back. There has to be certain condition. It's not the site, the corner.

Excuse me a moment. Excuse me a moment, Commissioner. I just want to check something if I can, please. Was that a site that was owned by Mr Maroun?---Yes.

Why did you insist on an increased height limit for Mr Maroun's site, 443-457 Canterbury Road?---Oh, it was a misunderstanding between us and Mr Occhiuzzi. Mr Occhiuzzi want to have the site – it's a disagree about the, it's not the height, it was like discussion about design. Now, Mr Occhiuzzi was suggesting to have all the blocks to be bulky, the same level. I was suggesting before, like, let's have a good design. Like, 25 metre here at the corner, 18 here, 14 somewhere else. Let's change the design. That's where my comment are, and during discussion that's what I suggested. And after that, you know, I had a motion I moved to correct council decision because I never asked I need 25 metre on all the block, but I decide, I discuss with Mr Occhiuzzi at this time, I remember that meeting it was held, it's all about discussion about everybody has (not transcribable) his own opinion. My opinion was, instead of have a bulky and, like, 4,000 or 5,000 or 10,000 square metre bulky design building, let's have a design we can have open space, high here, low here, have open space in the middle. Like, work it out on design, that's all. It's, it's like, it's my suggestion to Mr Occhiuzzi to go for. It's my entitle as a councillor to provide, it's my vision. And it's, everybody has his own opinion. Like, that's what I said. I don't want a 20-metre with all the block to be like a bulky on Canterbury Road, it's my

vision, and if we can have better design. It's, you have to agree and disagree and have, like, that sort of conversation. I didn't ask I didn't want 25 metre and all the, it was like misunderstanding or it's like a negotiation for something for the better. And on this side, that's what I was, you know, meant to be.

Well, can I just ask you this, did you keep records of what you did as a councillor?---No.

10 So the only records of what you did as a councillor, as far as you understand it, are those which were either created by the council by way of minutes of meetings - - -?---Yeah.

- - - or notes that anyone kept of events?---Yeah, that's the record I have, what I received from the council.

Do you see that at the bottom of that paragraph in this notebook transcript, Mr Occhiuzzi recorded, "Councillors Hawatt and Azzi requested that I come up with a better way of achieving a 25-metre height limit on the site." Is that what happened?---No. I explain what's happened.
20

And can I ask you a different question about what Councillor Occhiuzzi recorded there. How come that meeting occurred in the first place? I'll just help you if I can. If you could just have a look at the first line of that entry, "Met with Councillor Azzi, Hawatt, Robson and the GM to discuss the RDS report."---I can't remember who's called for that meeting, the mayor or the GM or – I don't remember who's called for the meeting.

Can you help us understand, why were no other councillors there than you three?---Well, I, I don't know.
30

Was it because you and Councillor Hawatt took an active role in relation to planning matters at council?---On this time, I was acting, I wasn't like, have good like, a hundred per cent relationship with Councillor Hawatt. We were working with the mayor, I was one of his councillors.

And this was at a time, this is October 2013, before Councillor Hawatt and Councillor Robson, the mayor, fell out. Is that fair to say?---Yes.

40 Do you know who called that meeting?---Can't remember who called this meeting, sir.

Can I ask you about the next item, it's 28 October, 2013, so this is three days before the 31 October extraordinary general meeting of council to consider the RDS report, and it reads, "Councillor Azzi rang me at midday to thank me for the response to the RDS draft resolution. He went on to say that he remained unhappy about some of my staff, especially strategic planning and reg", I think that means regulatory, reg services. "He said that

the operator at Bonds Road would lodge a DA next week. We were not to take action until then.” So, I’ll take you to the next paragraph in a moment. Just the first line, is that right, that you rang Mr Occhiuzzi four days after that meeting on 24 October that we looked at earlier to thank Mr Occhiuzzi for the response to the RDS draft resolution? Is that right?---Well, I don't remember I made this call or I thank him.

10 Did you go on to tell Mr Occhiuzzi you were unhappy about some of his staff, particularly strategic planning and regulatory services?---I don't remember if I said this.

Were you unhappy about some of his staff as at October 2013?---Well, I never made a claim like I wasn't happy. I was just, I was enquiring about what was going on because we ask Mr Occhiuzzi about something in his department he had, he said he doesn't know. I made the claim to Mr Occhiuzzi, Marcelo, I said, “You're supposed to be the director of this department. You should know what everybody's doing and I don't have to go and we have to ask at the council when, how the council resolution hasn't been dealt with and we have to ask you.” And you have to answer - -
20 -

Can I just interrupt you. That's not what Mr Occhiuzzi's recorded there. He's recorded you telling him you're unhappy with some of his staff and then you identified where they worked. Did you tell Mr Occhiuzzi that you were unhappy with some of his staff?---Well, I said to Mr Occhiuzzi, “If you be in control, you have to answer to the council, you, not your staff and you have to, if you have a problem, we have to go through you.” I don't, I don't know his staff. I never had any conversation with any of the department, of, of his department and I don't know them.
30

Can I take you to the fourth sentence in that paragraph. “He”, meaning you, “said that the operator at Bonds Road would lodge a DA next week. We were not to take action until then.” Did you tell Mr Occhiuzzi that?---No. Sir, I don't, I don't remember.

See, if that's true, it would tend to suggest that you were throwing your weight around a little bit in relation to planning at Canterbury as at October 2013, wouldn't it?---It wasn't any DA planning or any – I don't remember this, any, any DAs or any buildings going there on Bonds Road. It's all
40 industrial there. I don't, I, I don't, I don't remember which DA he is talking about in Bonds Road. No, no, development was carried on, no development in Bonds Road. Only all industrial area.

But were you talking to a proponent of development at Bonds Road and then conveying to Mr Occhiuzzi your opinion that until a DA was lodged he, Mr Occhiuzzi, should take no action in respect of the site?---No. I don't, I don't remember which site he's talking about and what DAs about.

Was there a problem of compliance at Bonds Road? The development was under way but there hadn't been a development consent. Was that what happened?---What I, what I said, sir, I don't remember what, what's the, the nature of the DA. I have no idea at all. I can't remember what's the nature of the DA. It must be the driveway. I have no idea what, what he's talking about. I have no, I don't remember what he's talking about.

10 Can I take you to the next paragraph. "He", meaning you, "further said that my name", meaning Occhiuzzi's name, "had come up in various discussions but that I was under 'his'" – sorry, I'll start that again. "But that I was 'under his protection'. He said that he was prepared to give me one more chance or two but that I need to be careful. The very strong inference was that I was running out of chances." Did you tell Mr Occhiuzzi that his name had come up in various discussions that you'd been party to?---No.

Did you tell him that you were under his protection?---I always used to tell

20 I apologise. I've been corrected by Mr Pullinger. I misspoke. Did you tell Mr Occhiuzzi that he was under your protection?---I told, not my protection, sir. I always told Mr Marcelo he's got my support in the council, not protection.

This note however would suggest that that evidence is wrong that you've just given. It goes on to say, "He", meaning you, "said that he was prepared to give me one more chance or two but that I need to be careful." Did you tell him that?---No.

30 Did you tell him anything like that?---No.

Did you ever say anything to him to indicate to him that he, Mr Occhiuzzi, was running out of chances?---No.

That would suggest that to him?---No.

Can you help us as to why Mr Occhiuzzi might have got it into his head that you were telling him that he was running out of chances?---I don't know. I was surprised when I hear this and seen this.

40 Were you surprised when he resigned?---Yes. I didn't know until we've been told.

You didn't take part in a series of actions that were intended to, I'm sorry, that undermined him?---No. I always speak to him clearly. Never undermined him. We were good, we had a good relationship between us. Some disagreement sometimes, that's all.

Did you think that he might have been a little bit strict in his application of the planning controls and didn't loosen up to allow developers a bit more latitude in what they were proposing?---No.

The next note is for a meeting on 30 October, 2013, so the day before the 31 October EGM, and he records, "Meeting with Councillor Robson, Azzi, Hawatt for GM." We can probably read that as meaning meeting with Councillor Robson, Azzi, Hawatt and GM. Do you see that?---The same as
- - -

10

At the bottom of page - - -?---Yeah, yeah, I can see it.

The first page.---The same date as the first, the same meeting.

Well, the same meeting as what?---That's what's been written here is it? Oh, the 30. I'm sorry. I can't see it properly.

That's okay. It's just the first line of this entry is the last line of that page, that's all.---Yeah.

20

So it's an new entry. An entry 30 October, 2013. It's about a meeting between you, the mayor, Mr Hawatt and Mr Montague. Do you see that? ---I can read it, yeah.

30

Now, we go over the page to the second page of Exhibit 54. Mr Occhiuzzi recorded this, "The purpose of the meeting was to go through Councillor Hawatt's amended motion for the RDS item on the extraordinary council meeting. Councillor Hawatt went through each individual item. Councillor Robson raised concern about the Harp/Alfred Road proposal and Councillor Azzi lost his temper stating that Canterbury is getting left behind and our controls were not facilitating development. He said, 'I don't care about consultants' reports or officers' reports. I was elected to make decisions and that's what to do.' He said that if the people didn't like it, they should kick him out in three years' time." Now, did that happen? I'm talking about Mr Occhiuzzi attributing to you a statement that Canterbury was getting left behind and that Canterbury's controls were not facilitating development.--- Well, I think part of it is right.

40

Is that what you said?---I said I was believing Canterbury was left behind.

And did you lose your temper?---Oh, I don't lose my temper. People understand when I speak the way I speak. They don't, they thought I'm losing my temper. That's the way I speak. They, they seem like, from the beginning they thought I'm losing my temper but it's, it's the way I present myself. I don't mean to, to be aggressive but it's the way I speak.

Were you angry at the time?---What I said before, it's what I mean about the proposal because I said I don't want this proposal to be, like, bulky. It's, it's

my, that's what I explained to you before, sir (not transcribable) I said I don't want this, this site to be bulky. The disagreement was about, it's about the design. I said I don't want to be 25 metre on all the block or 20 metre on all the block. I want the design. 25, 18, 14.

Thank you.---And it's my expression, but - - -

Thank you, Mr Azzi.---Yeah.

10 The purpose of the meeting, however, according to Mr Occhiuzzi's note, was to go through the motion of amendments for Residential Design Strategy item on the agenda of the EGM the next day, and that Councillor Hawatt went through each individual item. Is that what happened, that Councillor Hawatt went through each individual item?---Where about, sorry?

This the third line. I'm sorry, it's not. It's – yes, third line. "Councillor Hawatt went through each individual item."---I don't remember, I don't remember this, sir.

20

Is this the councillor workshop that you were telling us about earlier? Was this a workshop as far as you were concerned? It's a meeting, sorry, I'll just remind you, that was on 30 October, 2013, between you, Mr Hawatt, Mr Robson and Mr Montague.---I don't, I don't remember at all. You know, it's a while ago. There's too many meetings happen.

You see, you told us already that what you understood Councillor Hawatt's motion to amend the recommendations by Mr Occhiuzzi was intended to achieve was to allow greater development. Taller buildings, bigger buildings.---Yes.

30

And Mr Occhiuzzi recording that you lost your temper and said "that Canterbury is getting left behind and that our controls were not facilitating development" is consistent with that view you've told us about in relation to Mr Occhiuzzi's report about the RDS, the Residential Design Strategy. Do you understand that?---It's the - - -

This record here is consistent with what you have told us was your approach to the Residential Design Strategy at that meeting, the meeting of council. ---Yeah, well, what, what the question?

40

That suggests that Mr Occhiuzzi's account is correct.---Not all of it.

And that your evidence is not correct to the extent that it's different.---Not all what he said is correct.

And it's correct, isn't it, that you said, "I don't care about consultants' reports or officers' reports. I was elected to make decisions et cetera.

People can kick me out I'm three years' time if they want to"?---I, I didn't say I, I don't care about reports. What I said, it might be what I said (not transcribable) I will say it, the councillor has to make decision and I'm responsible for my decision.

Can I take you then to - - -?---I didn't say which way.

I'm sorry. Thank you. Can I take you then to two paragraphs down, commencing the last item on the list. Do you see that paragraph?---Yeah.

10

The last item on the list related to property at Campsie Street/Asset Street, "Councillor Hawatt said he wasn't aware who had included this on the list but he thought it was the GM. The GM denied this. After a brief discussion, Councillor Azzi whispered to the GM and the GM said to Councillor Hawatt that he owed him an apology as this item was indeed brought up by him, the GM." Is that what happened?---Oh, I don't remember. I don't know, sir. Whispered. I don't know what's happened. I don't know.

20

Can I take you to the next date on the page. It is 31 October, 2013, the date of the EGM that considered Mr Occhiuzzi's report in relation to the RDS, and it says in the second paragraph, "During the early p.m.", afternoon, "Councillor Azzi phoned me and asked what I meant by my statement on the previous night's meeting that I did not agree with the amendment as circulated. I said that my position is on the public record and I would defend it if asked publically. He accepted this." Did that happen?---Well, I don't remember this. I don't remember. I don't remember, I, I can't remember what I said.

30

It's right, though, isn't it, that Mr Occhiuzzi made it clear he didn't agree with the amendments proposed by Councillor Hawatt?---Well, I don't remember this, if he agree or didn't agree. I, I, I wouldn't take any notice because, I don't know. I haven't, you know, I haven't been this, I haven't, I haven't heard what's going on and what he said. I have, I have no record.

Now, the next entry I'm going to take you to is at the bottom of the third page and it's for 18 December, 2013, and there are various items that are recorded there, but then can I take you to page 4. So we're still on 18 December, 2013. Page 4. I'm sorry, I need to take you back to make it clear what this is about. Page 3. Can you see, "GM has kept a close interest in the DA for 45 South Parade, Campsie"? Can you see that paragraph?---Yeah, yeah.

40

So the subject matter is the DA for 45 South Parade, Campsie. Taking you over to page 4, and can you see a paragraph commencing, "At the council meeting", where the cursor is?---Yes.

“At the council meeting, council resolved to approve the DA without two key conditions, which are intended to approve amenity/impacts, that compliance with which would reduce yield. There was a recess called during debate and Councillor Azzi was critical of my handling of the DA and Councillor Hawatt ‘took the floor’ in describing the development and the reasons why it should be approved without these two conditions. I felt I was on a hiding to nothing, knowing that both Councillor Azzi and Hawatt were supportive of the proposal. Councillor Azzi said to me that I hadn’t done my job properly and he glared at me and shot me dirty looks.” Now, 10 can you recall a council meeting at which a DA for 45 South Parade, Campsie was being considered?---No, I can’t, sir.

Was there an occasion when you indicated that you were critical of Mr Occhiuzzi’s handling of a DA?---I don’t recall this, sir, no.

Was there an occasion where you had – I withdraw that. You said to Mr Occhiuzzi that he hadn’t done his job properly and you glared at him and shot him dirty looks?---No, I don’t accept this, sir. I never - - -

20 Why don’t you accept it?---Because he never, ever complained to me and I never, ever seen any official complaint from Mr Marcelo complaining about, about all this. I was surprised when I see them here.

Is it possible that you intimidated him and that might have been a reason why he didn’t?---Why I have to? Why? If I did, he should complain. If I did do anything wrong, he should complain.

And so the only reason that you don’t accept that this account is accurate is that he didn’t lodge a complaint in respect of your conduct, is that right? 30 ---No. I didn’t do it.

Well, what other reason is there?---I didn’t do it. If I did it, he should complain. If not him, somebody else if they see me doing this dirty look.

Can I take you to the next paragraph, and it indicates that Mr Montague, before the meeting, rang Mr Occhiuzzi and spoke about the DA for that property and said that the Chanines were meeting with him and Councillors Azzi and Hawatt to discuss the proposal. Did you meet with the Chanines and Mr Montague and Mr Hawatt to discuss the DA for 45 South Parade, 40 Campsie?---No, I never, we never met, I never met with them at the council, no.

Did you meet with those people outside council to discuss that proposal? ---No.

And so are you saying that if Mr Montague said that to Mr Occhiuzzi, it in fact never happened?---I wasn’t aware. I have no record it’s happened. Can’t remember.

No, no, I'm asking you is it possible that it happened - - -?---I don't know, sir.

- - - that there was a meeting between the Chanines and you and Mr Hawatt and Mr Montague?---I don't know, sir.

It's possible that it did, is that right?---I, I don't know.

10 And did you ever have a meeting with a developer and Mr Montague at which there was no staff member present?---It's, it's happen when he be in my, at my place. Might happen.

With, that is to say, Mr Montague and developer? Mr Montague, the general manager, and a developer?---Yes.

And no staff member?---No.

20 That might happen when Mr Montague is attending - - -?---After hours.
- - - after hours drinks at your place on a Friday.---Some Fridays, yeah.

Were there any meetings in council chambers, the building, involving yourself and Councillor Hawatt and a developer and Mr Montague but no staff member?---No, I, I can't remember any one happened. I don't, I don't know.

Is it possible that it ever happened?---What I can remember, I never been.

30 Did you ever try to arrange a meeting between yourself and Hawatt and Montague and developer?---If it's been requested - - -

Yes, assuming it's been requested.---If it been requested by anyone, yeah, I can arrange.

40 Did you ever arrange such meetings? That is to say, between a developer, yourself and Mr Hawatt and Mr Montague but without a staff member being there?---No, always the council staff member has to be attended. But never had one.

And why do you say that it was always the case that a staff member had to attend?---Because the GM is a staff.

Oh, I see. So what I'm – I understand what you're saying. What I'm asking, though, is whether you ever arranged a meeting or, as far as you understand it, Mr Hawatt arranged a meeting where you were present, Mr Hawatt was present, a developer was present, Mr Montague was present and no other

staff member was present?---No, I, I don't remember we have such a meeting.

Were you ever involved in presentations by developers to Mr Montague about their proposed plans?---What do you mean?

Have you heard the expression pre-DA meeting?---Yeah.

10 Were you ever present at a pre-DA meeting - - -?---I'm aware - - -

- - - involving Mr Montague and a developer?---I, I can't, no, I didn't have anyone, I don't remember I have anyone.

Thank you. That's all in relation to that exhibit. Can we have a look, please, at a statement by Mr Occhiuzzi dated 28 March, 2018. Excuse me a moment, Mr Occhiuzzi – I do apologise – Mr Azzi, if I could ask you to just start reading that while I find my copy. Can you see that Mr Occhiuzzi in the third paragraph is talking about an application to modify a development consent for a property at 23 Oatley Street, Kingsgrove?---Yes.

20

Do you remember that property?---Yes.

Can you tell us what happened?---You want tell you what happened?

Please.---This application been, I believe it's been going through the council and it's been deferred for site inspection. The applicant, that's what I can recall, the applicant made a call during the council presentation or before, I can't remember, and what I think we decide to defer it for a site inspection and I went to the site inspection.

30

Did Mr Hawatt go too?---Yes. And - - -

Did any other councillor go?---No, they all busy but who can come who can come. We went there to see - - -

Is this the daytime?---Yes.

You were able to take the time off from taxi driving?---Yes. Sometime you have to.

40

Yes.---I did. And we went there to have a look what's the issue when this applicant, the resident was complaining and couldn't modify and what the problem. Anyway, site inspection and we went there - - -

Can I stop you. Had you had any contact with the applicant?---Well, sir, I can't, I can't recall and I remember if he called me, asked for my, to just visit and have a look or he came to the council during the item when it being discussed. I can't recall when the contact happened. But a decision - - -

But you did have contact with him before the site inspection?---I believe so.

Yes.---And he's a resident. I'm a councillor on his ward. Well, I had no idea what the consequences is, the main issue and the problem. We went there for a site inspection and as observer we listen to the applicant why he need his modification, why, as a councillor to understand why we have to upheld or change. It's a property what, 23 Oatley Street, Kingsgrove, duplex being built, and what the modification is, is two by two metre concrete slab instead of grass. Okay. We been, I was listening to the applicant. Said yes, we're here to listen because our representative. Yeah, tell us what, why you want to change, why you want to do the concrete. He explained himself - - -

Well, he'd already done the concrete, hadn't he?---Yes. Already done the concrete.

Instead of landscaping, he'd concreted.---Yes, yes. The concrete's been done. I said, "Why you did it? Tell us why?" He said, you can see it's about two metre below the road surface, his property. Got around four metre setback or five metre, I don't know from the gutter but is (not transcribable). I said, yes, like two metres (not transcribable) a short distance and he got a drain (not transcribable) what, why, why you need this concrete? He said, "I put the grass before. When it rains, all the dirt and the grass come inside house and to the drain." I said all right and we ask Mr Occhiuzzi, he said why, what was going on, why the, he can't do any changes. He said he need, he need greens, plants but, okay, why, why you don't put the trees down on the side. That what the director wants.

No, that's what the plan required. Sorry, it's what the consent required. ---Sir, the consent, the DCP. The DCP required this.

No, the consent required. This was for amendment of a consent.---Well, I didn't know that was a consent. I was listening to the, what, to solve this issue. I'm telling you what's happened.

So you didn't know that it was a section 96 application for modification of a consent?---It's modification for residential approval. It's already been there. Just the final one.

Mr Azzi, thank you for that introduction. I'm going to ask the Commissioner, however, because of the time, whether we can interrupt your explanation and if we could resume it after lunch.

THE COMMISSIONER: All right. We'll break for lunch and resume at 2.00pm.

LUNCHEON ADJOURNMENT

[1.02pm]