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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 FRIDAY 21 DECEMBER, 2018

AT 10.00AM

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

MR BUCHANAN: Ready for Mr Azzi.

THE COMMISSIONER: Mr Azzi, please.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Thank you, Commissioner. Mr Azzi, when was the last time you had contact with Mr Hawatt?---Well, I can't remember exactly the time. It's been few months ago. Yeah, I don't recall the date. It's been a, it's been a while.

10

It wasn't in recent weeks? You haven't had contact with him recently?---I can't remember. Had, recently, I can't remember when was the last time, sir.

Do you remain good friends with Mr Hawatt?---Mr Hawatt it was good colleague but it's nothing to do anymore, like, don't have anything to share, you know. We're not councillors anymore.

Do you have him over to your place on social occasions?---No, not anymore.

20

Have you had any contact with Mr Hawatt since you were a councillor about this inquiry, about the Independent Commission Against Corruption's inquiry into these matters?---No, no, sir.

No.---Not that I remember, no.

Not that you remember?---I don't remember I discuss anything with Hawatt on this inquiry.

30

You weren't interested to know what Mr Hawatt would be saying to the Commission?---No, I'm not.

And he didn't approach to see what you would be saying?---No. I won't tell anybody what I say.

Have you had any contact with Con Vasiliades about this inquiry?---No, sir.

Have you have any contact with George Vasil about this inquiry?---Not about this inquiry, no.

40

When was the last time you had contact with George Vasil?---Oh, it's a while ago. I don't remember when. It's a while ago, sir.

Have you had contact since you were a councillor, since you were last a councillor, with Bechara Khouri?---I suppose I can't remember when was the last time but after I been – can you repeat again, please?

Certainly. You ceased being a councillor upon amalgamation.---Yes.

That was on 12 May, 2016.---Yes.

Have you had any contact with Bechara Khouri since then?---Yes. He did visit me.

And was that because you were friends and keep up with each other?---Just he visit me as a, like, a family friend, yeah. Nothing else.

10 Did you visit him?---No. I don't remember when, I can't remember I visited him.

And have you had any contact with Mr Khouri about this inquiry?---No.

When was the last contact you had with Mr Khouri?---Oh, I can't remember, sir, when was the last time. I can't remember. It's been, it's been a while ago.

20 Have you had any contact with Mr Khouri during or after a time when you understood he was giving evidence to the inquiry?---No, no. I haven't, I can't remember, no. I do not recall any.

Do you know where Mr Khouri is now?---I understand he's overseas.

Have you had any contact with Mr Khouri while, as you understand it, he has been overseas?---No.

30 He hasn't had any contact with you while, as you understand it, he has been overseas?---No, sir.

THE COMMISSIONER: You said you understand that Mr Khouri is overseas.---Yeah.

Why do you say that?---Because his son come, is a friend with my - - -

Sorry, his son is a friend of yours?---His son, yeah, not with me. His son is a friend with my daughter and he said his father is sick and he's overseas at the moment.

40 So Mr Khouri's son told either you or your daughter?---My daughter.

MR BUCHANAN: And your daughter told you.---Yes.

Is that right?---Yes.

But you yourself haven't had any contact at all either way with Mr Khouri? ---I can't remember. No. When he's away, no.

Was there any contact, if I can just go back to it, between you and Mr Khouri around the time that he was giving evidence here in this inquiry or shortly afterwards?---I don't remember I had discussed anything with Mr Khouri. I don't discuss it. I never discuss it.

10 If we could show Mr Azzi, please, volume 3, page 111. This is in Exhibit 52. You remember I showed you yesterday the front page and the second page of a bundle of papers that were bound in black plastic ring binding that had the suggested questions in them for the interview panel. Do you remember I showed you that yesterday?---Yes.

Did you get your copy of those papers along with this document, a memo from the mayor to you and Councillor Hawatt dated 13 November, 2014? ---Well, I don't remember about this one, sir, but I had the document of the shortlist.

You had the ringbound documents?---Yeah, the interview documents.

20 Interview questions and the rest of the papers that came in that ring binding?---Yes.

Thank you. And did you have a look at those papers when you received them?---Yes.

And you saw that there was a list of suggested interview questions amongst those papers?---Yes (not transcribable)

30 THE COMMISSIONER: I think you've given evidence that council papers would be couriered to your house.---Council paper always couriered to my house, yeah.

Was this memo with the attached documents also couriered to your house? ---Madam Commissioner, I don't remember if we've been handed it at the council at the time or been couriered. I can't remember. But normally the courier deliver, but I can't remember this document been handed to us during council meeting or - - -

40 Would you occasionally pop in to the council?---Every meeting. On the meetings day.

What about non-meeting days, you'd occasionally pop in?---No, no, no. Only this happen once because I work during the daytime. If I have something special I have to attend I come by my taxi and stop and leave back again.

MR BUCHANAN: Now, you remember that we looked at the photographs on Mr Stavis's phone of the suggested interview questions yesterday.

That's at page, the photographs themselves are at pages 177 to 179 of volume 3. Do you remember I showed you those yesterday?---Yes.

And do you remember I also showed you the report under cover of which those photos were provided when the JPEG files, the image files comprising those photos, were extracted by the Commission from Mr Hawatt's telephone, from his mobile phone? Do you remember I showed you those, that metadata?

10 MR PULLINGER: Mr Hawatt's?

MR BUCHANAN: Yes, with the - - -

THE COMMISSIONER: No, Mr Stavis's.

MR BUCHANAN: I'm sorry, Mr Stavis's phone. Thank you very much. Thank you, Mr Pullinger, I appreciate it. Can I just take you back to page 176, please. And emphasising again that this was extracted from Mr Stavis's phone, and can you see that the data as to the time when these
20 photos were created is 6.37pm? This is where the hand is.---Yes.

Thank you. Can I take you to page 158 in volume 3. This is data extracted, and I think I have it right this time, Mr Hawatt's mobile phone, and it is in respect of a calendar entry. Do you understand? And it reads that an event was scheduled to occur on 16 November, 2014, commencing at 6 o'clock and concluding at 7 o'clock in the evening, and going over to the next column to the right, the calendar entry reads, "Subject: Meet Pierre. Location: Earlwood gym." Do you see that?---Yeah. Who this one?
Hawatt?

30

Mr Hawatt's. Now in November 2014, did you ever go to or know about a gym that anyone ran in Earlwood?---Earlwood gym, I know one gym, it's - -
-

Which gym is that?---Con Vasiliades' gym.

Thank you. And where was that in relation to Mr Vasil's real estate agency office?---The gym, it's, it's across the road about 200 or 100 metre from Mr Vasiliades' office.

40

And was that the case in November 2014?---I can't remember, sir. I can't remember.

Did Con Vasiliades ever move his gym?---Move where?

THE COMMISSIONER: To another location.

MR BUCHANAN: If you don't know you just tell us. I'm just asking, do you know whether Con Vasiliades ever moved the location of his gym?---I don't know.

THE COMMISSIONER: Was it always, to your knowledge, always in the same place, the same building?---Yeah, always the same building, yes.

MR BUCHANAN: Thank you.---And that's what I do understand. It's there. Weightlifting gym.

10

Well, had you, as at 16 November, 2014, which is the date on which you and Mr Hawatt went to the Victoria Yeeros café in Marrickville and met Mr Stavis there, you knew about the Earlwood gym? It was a place you knew of, is that right?---That's what I do understand. Earlwood gym, it's, my understanding, it's a, the Con Vasil's gym.

Yes. And that was your understanding as at 16 November, 2014, is that right?---During that time, yes.

20

And you had been there before 16 November, 2014, had you? Con Vasiliades's gym?---Yeah, I been in the café opposite, yeah, yeah.

Had you been to the gym itself before 16 November, 2014?---I, I don't remember, sir, at that time. It's too, I don't remember if I been there, but I know the gym there. I don't remember - - -

Did you ever see Michael Hawatt at that gym?---Yeah, few times.

30

And had you seen him there before the date when you and Mr Hawatt met Mr Stavis at the Victoria Yeeros café in Marrickville on 16 November, 2014?---Can you repeat the question, specify, please?

Sure. Thinking of the time when you went to the café in Marrickville and met up with Mr Stavis, before you went to that café had you seen Mr Hawatt at the gym at any time at all, ever?---No. I, I can't remember. Mr Hawatt picked me from home and we drove, I don't know if we passed the gym at that time. I can't remember. I can't remember. It's four years ago.

40

THE COMMISSIONER: In 2014-15, did you regularly go to a gym to work out?---You mean frequently, madam?

Well, let's start with 2014-15. Did you go to a gym to exercise?---No, no.

So not at all?---I don't exercise, like, regularly, no.

Like, one-off?---No, madam, we go to the gym, in front of gym is a café.

All right. So go to the gym is to go and have coffee at the café?---Outside. Coffee outside the, the café next door. It's in the same complex.

MR BUCHANAN: You see, is it possible that on 16 November, 2014, when you met with Mr Stavis at the Marrickville café, you had been picked up or collected by Mr Hawatt from the Earlwood gym?---I don't remember if I been picked. I, I thought I went with Mr Hawatt, what I could remember, I went with him and I, what I remember, he, he picked me up. I can't remember exact what's happened because it's out of my memory. I
10 can't guess, sir. I can't remember that I was being picked up by him. I have no idea. I can't remember actually what, what happened.

Can I take you to the next day, Monday 7 November, 2014, when then interview panel took place at council chambers. Do you remember that day?---Yeah, of course. I've been, I was there.

Had you ever been on an interview panel before?---No.

Did you ask anyone what you were required to do on an interview panel
20 before you took part in this interview panel?---I can't remember if, I can't, I'm not a hundred per cent sure if we were briefed by the general manager the way we have to conduct the panel. But I could been told we have a few questions to ask and that's all our duty, to interview with those question and any question we like to ask, and based our view on these question. Like, that's all. That's what I do understand. Nothing else.

And are you saying that it's possible that Mr Montague gave you and Mr Robson, Mr Hawatt, a briefing on what was required to conduct the panel?
---It could be because I have no clue. I, at the time, it could be, I did ask
30 how, what we have to do.

Were you given a sheet of paper on which to make notes about what you thought about the candidates?---We give a sheet, I don't know if was in the file, I don't remember. I, but I remember we did give in a sheet at the end to write the names, shortlisted, but I, I, I don't, I don't, I can't remember if we have, like, the sheet to, to numbers, the rating, you know?

Yes, that's what I'm asking, that you weren't given a sheet of paper perhaps by Ms Carpenter, the recruitment consultant, to rank the candidates on
40 different topics according to your opinion of how they performed?---No, I can't recall we have this sheet. Only I can recall we've been given a sheet to write the names. That's all.

Were you given anything which led you to understand what the general manager was looking for in a director of planning, what the criteria were that he had set for a successful candidate for the position?---No, we haven't got this information.

You weren't given it by Mr Montague either verbally?---No. He didn't, never, he didn't discuss what he want us to expect from the, how, how to do his job, his job to select but our duty is to have shortlisted candidate.

Did you give the mayor or the general manager a declaration of a conflict of interest before you started the interview panel process?---No.

10 Did you tell either the mayor or the general manager that you had had contact with one of the candidates the day before?---I don't remember if I told him that. Could be. I don't remember.

Did Mr Hawatt within your hearing tell the mayor or the general manager that you and he had met with one of the candidates the day before?---I don't remember, sir.

It's likely that if you had told the mayor or the general manager you would now remember that, wouldn't you?---I don't remember if I told them or - - -

20 There would have been some discussion about, well, what sort of contact did you have, what happened, if you had told the mayor or the general manager about that, wouldn't there?---No. I have no clue. I don't remember what I said because I didn't take it as a point of interest. It's nothing mean to me.

Would it be fair to say that you kept secret from the rest of the members of the panel your contact with Mr Stavis the day before?---No, I don't mean to do this, no. I don't keep secrets.

30 You did at that stage have an interest, didn't you, in the success of Mr Stavis's candidature?---No.

And you were not intending, were you, to perform your duties as a councillor or as a member of the panel in the public interest, were you? ---Can you repeat that.

Yes, I'll put it another way.---Please.

40 It was your duty as a panel member and as a councillor to act in the public interest in the duties you were performing, wasn't it?---Yes.

Is it possible that you were not intending to do that at all in respect of what you were doing on this panel but instead you intended to prefer Mr Stavis from the outset, is that possible?---It's very complicated this question. Can you say it in a different way, please.

Is it possible that you intended to go through the motions of having interviews but at the end of the day your preference was for Mr Stavis even before you had started?---No, no, it's not true.

And after you spoke with Mr Stavis the day before, had you formed an impression about him?---What I said before, I didn't form any conversation with Mr Stavis.

THE COMMISSIONER: No, but you said you sat there and listened.---I sat there. I listened. I didn't have any conversation.

10 But you sat there and listened and you observed Mr Stavis talking to Mr Hawatt?---I - - -

You watched and you listened.---I watch. I knew he was saying something but, believe me, it's out of my memory this meeting at all.

But Mr Buchanan's asking you, after you sat there, watched, listened, did you form an impression? Did you think that Mr Stavis is an interesting person or an impressive person or anything like that? Any view of Mr Stavis from that?---No, no. I didn't take any notice of this, no.

20 Even though you were interviewing him the next day?---Yes.

MR BUCHANAN: When the meeting at the coffee shop in Marrickville was over, who left first?---I, I, Mr Buchanan, I, sorry, I can't remember. It's a long way ago. I can't guess.

But eventually you and Mr Hawatt were left by yourselves and Mr Stavis had gone away.---Yeah, we went the same car.

30 And what did you and Mr Hawatt do after meeting Mr Stavis at the coffee shop?---Look, I did ask Mr Hawatt if, what's going on. Said, we did nothing. And it's a question I couldn't answer it to myself if it's right or wrong. I couldn't get, I couldn't get the answer to myself (not transcribable) at the moment, and I said, "What's going on?" Said, "I don't know." Said, he said, "I don't know. It's nothing. We didn't do anything. We didn't promise him anything. We didn't say anything. And by law," he said to me, "we have the right to inquiry or investigate about the candidates."

THE COMMISSIONER: Sorry, Mr Hawatt said that to you?---He said if - - -

40 We have the right to - - -?---Normally the panel, we have the right, he said, generally said you can go and search for records and investigate and said we have to investigate if we, there's nothing, we did nothing wrong and - - -

Mr Hawatt said this on the Sunday at the coffee shop, was it?---I, I, not at the shop.

After you left?---I think at one stage when we left I ask Councillor, Mr Hawatt just, "What this?" Said, "We didn't do anything to break the law. That's it. We have the right to investigate. Simple as that." Said, "All right."

MR BUCHANAN: And for how long did Mr Stavis talk to you and Mr Hawatt on that occasion?---Mr, it was, I can't remember. It was short, short period. It was not long.

10 Did Mr Stavis – I withdraw that. What did Mr Stavis talk about on that occasion?---I can't remember. Because what I heard from (not transcribable) that's what I heard from him, he introduce himself, I'm willing to, I'm, he said, "I'm a candidate." (not transcribable) short, he didn't say much. That's it.

Did he say anything about the job of director of planning at Canterbury?
---He, he said, "I'm applying for a job, the role."

20 Yes. Did he say anything about what he could bring to the job, the - - -?
---No, we didn't go that far. No.

Did he say anything about himself and what sort of planner he was?---I, I can't remember anything what, what's happened there.

Did he say anything to indicate why he should be chosen?---I never heard. I can't remember, sir.

30 Was anything said which indicated that you and Mr Hawatt were going to be members of the panel the next day?---I can't remember what's, what's happened in this short conversation. I can't recall anything. I can't remember anything. Because what I said before, I, I decide not to listen and not to - - -

THE COMMISSIONER: I thought you listened.---I decide to, between me and myself - - -

Not talk.---I don't want to talk. I don't want to, like, I, I, I don't want to say any word. I want to - - -

40 MR BUCHANAN: And why did you take that approach?---That's what I, my brain told me. Shut, shut down.

Yes, but why?---I don't know why.

How did the meeting end?---Just we stand up, said, and we walked away.

But before you stood up, what was being talked about, what was said to cause the meeting to come to an end?---Well, we went off and said, I said,

we walked a bit, to pay for the coffee and I just said, "We're going," and we left.

But was anything said before you stood up and before you paid for the coffee? Was anything said about the job or the future or about Mr Stavis or about yourselves?---I, I can't remember what's happened in that short period at all. Believe me, I because I didn't record it.

10 Yes, I understand you didn't make a record of it, but how many times in your life have you met a candidate for a job the day before you're going to be on an interview panel interviewing that candidate? How many times in your life has that happened?---It didn't happen.

So is it the only time in your life this has happened?---Like, so that's first time I've been in the panel.

And the last time as well?---No.

20 You were on a panel after that?---Yes.

At Canterbury Council?---No.

At another institution?---Yes.

And did you meet candidates who were applying for the job, who you were going to interview, in that case?---No. I used to know one of the candidate but I can't remember I met with them.

30 THE COMMISSIONER: What was the institution?---When, about the Commission, the Planning Commission.

The Planning Commission.---Yeah, I remember those Planning Commissions, they been performed recently by the planning, by the government. Yes. The South, Southern Planning Commission.

40 So, getting back to the coffee shop, Mr Stavis sat down at the same table as the two of you. There was a discussion between Mr Stavis and Mr Hawatt which you didn't participate in but you sat back and listened and watched? ---Yeah, I was there.

And then the three of you stood up and you went and paid for the coffee, is that right? Or did - -?---Madam Chair, I am trying to refresh my memory about this. It's very hard to explain and tell you when something is wiped off your (not transcribable), and I don't want to pretend I'm just making stories because I don't remember exactly as what's happened at that day and because I didn't do any record even in my memory about it, I didn't take notice, and even at the moment, I'm telling you, I didn't take notice Mr Stavis was there. Is not interested, I wasn't interested at all about that

meeting. That's why it's, you know, I heard now about it in the, in the investigation what was happening. I had no clue at all what's been happening there.

MR BUCHANAN: Why did the meeting finish when it did? That is to say, why didn't it go on for longer?---What for? We don't need to stay for longer.

10 But did someone say anything as to the fact that the meeting was over?
---No, no. I said let's go. We had our coffee, let's go.

So as far as you could see, Mr Hawatt was satisfied with what had occurred? He wasn't saying, no, no, I want to ask you some questions? Nothing like that?---No. At, at the time, later on, I'm, later on Mr Hawatt, he wasn't, like (not transcribable) with, what I understand what was happening there. He said, "I don't care."

20 So after you left the coffee shop with Mr Hawatt, the two of you, what, went back to Mr Hawatt's car?---Yes.

And went where?---I don't know. I don't remember where we went, we go. I - - -

But you definitely went back to Mr Hawatt's car, did you?---Oh, yeah.

How far away from the café was Mr Hawatt's car parked?---I don't know. I don't remember where he parked his vehicle. Maybe across the road, maybe in the front. I can't remember.

30 Did Mr Hawatt say anything about what he thought of Mr Stavis after the two of you left the café?---I didn't say any word. That's what he said, "We have to do an investigation, more investigation, and, about the candidates." What the, the, the, what the candidates, not investigation, their back, what they call it - - -

Background?---Their background, what they, like, they be good for the job, they fit in. Like, their experience, like, background and something like that, you know.

40 And were you of the opinion that that sort of information was important in choosing the right candidate?---Of course.

And you wouldn't want a director of planning to be chosen or appointed who had a poor background or a background where people who supervised him thought that he was no good, would you?---Yes, sir, I prefer always we have the top, the top candidates.

Yes. But the point of that is to find out whether they have a background which indicates they would be a good director of planning or whether they have a background that indicates they would not be a good director of planning. That's the whole point of doing that, getting that information, isn't it?---Yes, sir. We need - - -

You agree with that?---I agree have the one with a good planning and vision. The top.

10 THE COMMISSIONER: A good planning vision, did you say?---Good planning, like, we need the top - - -

The top planner?---The top planner, yeah, top for the job. The best, the best. Like say they're the best.

MR BUCHANAN: And the person who is the best manager of planning staff? They need to be able to look after a large number of staff in a big organisation?---I, I, what, what you mean by this, mister? I don't understand the question.

20

Did you think that it was important that the person who was employed as director of planning be a person who would be able to direct a division of the council which had a large number of people in it and make sure they did a good job?---Of course, yes.

And what were your criteria for the planning vision that you thought a successful candidate for the job should have?---I have no criteria. Like, experience in planning – what the question, sir? Criteria?

30 What sort of planning vision did you think at the time that was needed by the person who would be appointed director of planning? What sort of planning vision?---Yeah. We need director he can move on and make the, the department and the council more functional and keep up with a lot of work that's on the desk, and clear, have a lot of (not transcribable). At once Canterbury was named in the media in the top of the five council delaying the process and about processing DAs, and one of the worst five council in New South Wales. And I mentioned this in the council, and my, my vision is we need a top man, he can do the best, the best he can to remove this negative publicity from Canterbury, from the reports why we have to be on
40 the top five negative councils in processing DAs. And what I heard reports from the council and the GM, the general manager and department, we have backlog delays in months and months and months. As a councillor, my duty is to just recommend for the GM to employ the top person for the job.

Now, at the time you had a vision for the Canterbury local government area, didn't you, that involved increasing the amount of development that could occur in that area, bigger buildings, taller buildings, that sort of thing?---It's not my vision. My vision is - - -

Was it your belief that that was what was needed?---I believe, my vision is to have, it's already existing. My vision is to have the better design and the better outcome for the community to make it a lot, to ease the pressure, and everybody has a vision how it's going to be the design and development and the, the way it should be. And I gave example before why that was my intention to change the design of the submission and the DAs has been approved along Canterbury Road before I've been a councillor. And every councillor has his own vision when he get some information from the public what they want and I address my view from when I receive, from the people of Canterbury and what I can see is right. That's my vision.

Mr Azzi, we have seen in the business papers of the extraordinary general meetings of council held in October 2013 and October 2014 that you were actively involved in trying to loosen planning controls so that people could build bigger, taller buildings in the local government area. We've seen that with our own eyes. You saw it.---Yes.

So that was your vision, wasn't it, to achieve development within the new planning controls that you had moved and seconded - - -?---Yeah, I was - - - - - to go forward as a planning proposal?---Sir, I was a part of the team that's been doing the changes.

So that was part of your vision, wasn't it?---It's a part of my vision but, sir - - -

Now, just pause here.---Yes, yes, yes, yes.

Thank you for accepting that. Did you think after you left the Marrickville café with Mr Hawatt that it looked as if Mr Stavis might be able to assist in achieving that goal, that vision of yours?---I didn't, no.

Mr Stavis didn't say anything to indicate that he was pro-development?---I never take, I said, I can't remember anything. I never took any, I have no attention what, I can't remember what he did say.

Do you think it's possible that he indicated he was pro-development and in favour of trying to find solutions for developers who ran up against planning controls?---No, I don't know anything happened there, no.

Is it possible he said those things?---I can't remember, sir. I can't guess.

That's not what I'm asking you. I'm asking you is it possible he said those things?---I don't know. Could be. I can't recall anything.

And did you get the impression from that meeting with Mr Stavis that he was very anxious to get the job?---I didn't take any notice from his meeting, sir.

Did you get the impression from Mr Stavis at that meeting that he would do whatever you wanted him to do?---I said before I never ask him anything. I didn't ask him anything and I didn't take any notice, no.

10 Now, during the interview panel you had five candidates present one after the other and Mr Stavis was the last one. Do you recall that?---Yeah, could be the last one. I can't remember. But there are a few.

And you were very rude and aggressive to candidates other than Mr Stavis during that interview panel process, weren't you?---No.

And you were particularly rude and aggressive toward Ms Karen Jones. ---No.

20 Mr Hawatt was particularly rude and aggressive towards Ms Karen Jones. ---I don't remember. I don't know.

Did you ask questions of candidates about whether they would do what the general manager told them to do?---Yeah, that was part of my, not the general manager, part of that question I did ask, yes.

30 When you say not the general manager, what did you ask on that subject? ---Yeah. My question was, if a council resolution, if council has a resolution and it's been passed through you as a director via the general manager, that's how I understand, and the council resolution passed the council, it's a council resolution, and it went into your desk and you were, you were not happy with the council resolution but it's lawful, what do you do? This was my question.

Would it be fair to say that you wanted a director of planning who would do as they were told even if they disagreed with what they were told to do? ---Not by the council, sir.

40 And the interviews came to a conclusion after Mr Stavis finished late in the afternoon or during the afternoon of 17 November, 2014. You recall it coming to a conclusion?---Conclusion, like, what do you - - -

End, coming to an end.---Coming, after the - - -

I'm sorry, I'll reframe the question. You sat there as the candidates came in, one after the other, and they were asked questions and the candidates responded.---Yes.

Mr Stavis was the last one.--- Yes.

After Mr Stavis had gone, what happened next?---You mean when the panel finished (not transcribable) interview?

Yes.---Yeah. We been asked by, one by one, who's going to be in the shortlisted.

And who asked?---At this stage, I don't remember if the, the, the consultant or the GM. I have no idea who asked the question, who - - -

10

The consultant to the GM?---Yes.

And did you express an opinion?---Yes.

What did you say?---About the names?

THE COMMISSIONER: Yes, who would you shortlist?

20

MR BUCHANAN: What did you say?---Oh, mine was, my, my first candidate was Simon Manoski.

Yes. Your second candidate?---Spiro Stavis.

And your third candidate?---I wasn't sure who was going to be the third. I wasn't made up my mind in total. I been asked later.

Did you consult with Mr Hawatt before you gave your opinion on that occasion?---No. We was, we was in the, in the room.

30

Yes, in the room.---We have no chance, we have no chance to, to consult, it couldn't be.

What did Mr Hawatt say in terms of his opinion?---Yeah, Mr Hawatt named Simon Manoski as well, number one.

Yes. His number two?---Spiro Stavis.

His number three?---He named Karen Jones but I, I heard him saying that because we been asked.

40

Did the general manager indicate at that time what his opinion was?---Yes.

What did he say at that time?---He said to me?

Yes.---Because I didn't put Karen Jones as number 3, I was being asked to add her, because as a number three and - - -

So who asked you to do that?---The GM.

Yes. When did he ask you to do that?---The same, same, when, when been asked, at the same time, because they need three shortlisted candidate and the panel, what I do understand at the time, they must agree on all the names, like a jury, you know? And all the panels I remember, they all name the same, they agree on the same names. Except me, I said I had, when I been asked where's your third shortlisted candidate, I said I haven't made my mind yet and they said you have to add Karen Jones (not transcribable). I said, all right, I'll have her as number three.

10

Now, whether it was on that day or later, did you ever say to Mr Montague that you didn't want a woman appointed?---No, I didn't say that.

Did you ever say to Mr Montague, "I don't want a Greek appointed," or words to that effect that you didn't want a Greek?---Look, I can't remember what I said to Mr Montague but I'm, I'm, what maybe I could say I don't want local to be on this job.

You don't want - - -?---A local.

20

Local. And Mr Stavis was a local?---Yes.

And so you said to Mr Montague you didn't want Mr Stavis, is that right?---I said, not I don't want him, I prefer. I can't, I can't say I don't want this guy. My, my preference, my, what I believe, that's what I said, my opinion, I prefer to be outsider than local.

You told Mr Montague that, did you?---Yeah, I prefer to be outsider.

30

Do you remember when it was you said that to Mr Montague?---I can't remember when it is. It's maybe at the day or later or before, you know, or before. I can't remember, sir.

Whether it was on 17 November or some later time, did you indicate that you didn't want Jones appointed because she came from Leichhardt Council or she had a background with Leichhardt Council?---Look, it's, it's my opinion, not because she was from Leichhardt Council. My opinion is being based, I have a question to ask, I base my opinion on the, the answer. She didn't answer my question and I didn't just select her because she didn't answer my question. I - - -

40

THE COMMISSIONER: Sorry, and was your question the question that "If the council made a resolution and it arrived on your desk but you weren't happy with it, would you still implement it?" Was that the question? ---Yeah, you proceed, yeah, you proceed, yeah.

But that's your question?---Yeah, that's what my question.

And you're saying you asked Karen Jones that question?---Yes.

And she didn't answer it?---No.

MR BUCHANAN: Did you say anything to Mr Montague at any time about the fact that Jones had a background which included Leichhardt Council?---Look, I can't remember if I did say that. Well, I can't remember if I did it.

- 10 Did you hold an opinion about Leichhardt Council and the planning decisions it made?---Look, not about planning. I always look, I, I don't know about planning. I never discuss planning or whatever. We, as, maybe I look at it from political side. Now, maybe it's that, it's politics things. General, you know. I don't, I didn't look at Leichhardt Council from, I have no idea what the planning, what they do in their planning.

Did you say to Mr Montague at any stage that you thought that Ms Jones might be a greenie?---Well, I can't remember. Could be.

- 20 Did you think that Leichhardt Council was a green council?---Yes, it's a green council.

THE COMMISSIONER: I thought it would be dominated by the ALP, Leichhardt Council, back in 2014?---It was, I, it was, it's like coalition. It's not like dominated.

Oh, a coalition?---Yeah, mixed between Liberal, Greens and the Labor I think. It's, the mayor was Labor at that time.

- 30 MR BUCHANAN: Now, did you think at the time – we're talking about the day of the interview panel, being 17 November, and, you know, the weeks or so after that – did you think at the time that Ms Jones would be unlikely to be pro-development?---No.

Did you think that she would be more conservative in her application of planning controls? That is to say, apply them strictly and not try to find solutions.---I didn't make a decision about Ms Karen. I have, I never discuss anything, I never, like, have a discussion. I didn't, I didn't say any comment about her.

40

Did you have any discussion with Mr Hawatt about Ms Jones?---No, I don't remember what, I didn't discuss anything about Ms Jones with anything. That's what I was discussing. I said, I gave my, my pick and I said my first selection is Simon Manoski, I don't want to discuss anyone else. Like, that's not my duty. That's my, and I stopped there.

Well, you told us that you gave a second choice of Stavis on that occasion. ---Yeah, yeah. Yes, Stavis and, and Karen but I deliver this to Mr

Montague, I said, I believe, like all the panel believe, Simon Manoski should get the job. He's the top and he's the best man for the job and I didn't discuss any about the other candidate after all, and that's not my job. I did my job and I stopped here.

Did you hear Mr Hawatt say anything about Ms Jones, either on that day or in the weeks afterwards?---No.

10 He didn't express an opinion about what he thought of Ms Jones within your hearing?---I don't remember anything, what happened later after. I don't know how long it taking after. I never, look, never comment about her. I never heard any comment.

Well, we know that - - -?---I don't remember.

20 We know that Mr Stavis was offered the job by a letter from Mr Montague, dated 8 December, 2014. So thinking about the time between the interview panel sitting on 17 November and you finding out that Mr Montague was going to appoint Mr Stavis, did you hear Mr Hawatt express an opinion about Ms Jones?---No.

Did you hear him express an opinion during that period about Mr Stavis? ---No. Like, what I discussed after, I can't remember. Like, Mr Hawatt said to me one, said Simon is the best candidate.

He said that to you, did he?---Yeah, as well.

30 Did he say that on the day of 17 November when the panel sat or some later time?---Later, after we walked out from the panel. He say it, I don't remember when, but Mr Hawatt said that Simon is the best candidate for the job.

Now, just thinking about your own opinion. What I want to ask you now is, you've told us that you gave a ranking of Manoski first, Stavis second as at 17 November.---Yes.

40 Why did you rank Manoski as better than Stavis?---Manoski, like, Simon Manoski was, he was a planner in a planning department and he was a manager. Well, I, I can't remember. And when the planning department employ the guy like Simon Manoski, with all these skills, and he knows everything around what's going on in planning, and who else who can have the job? He's expert and he got a lot of experience and he can manage better and direct better and, and to say I was right, he is the director now and he is the top, must be he's the top. We should have him a long time ago.

Can the witness be shown Exhibit 60, please, page 6. Mr Azzi, this is a list of records of telephone contacts that I showed you earlier that is in the period October/November, 2014.---Yeah.

And I'm going to take you to a contact at 5.34pm on 17 November. And do you see the hand is moving along a row there? It's on the right-hand side at the moment of the screen.---Yes.

It's that particular call. If you could look at that row of data and you can see that it's a call that is identified as coming from your phone to Mr Montague's phone commencing at 5.34pm on 17 November, and the duration of the line being open is two minutes and 18 seconds. Do you see that?---Yes.

Now, 5.34 is very close to the time that the interview panel had been sitting.---It's - - -

Do you understand that?---Not, not yet. Yeah.

Just thinking of the interview panel.---Yes.

Do you remember that it concluded around 4 o'clock or so in the afternoon?
20 ---At the same 17 of (not transcribable) panel.

On 17 November.---Yeah.

You remember it concluded about 4 o'clock?---Yes.

And then the four of you and the consultant sat around and had a talk about the rankings that you would give to the candidates. You've told us about that.---Now I get confused, sir.

30 That's all right. That's okay.---Yeah, the telephone conversation between me at around 5 - - -

Yes, that's what I'm asking you to look at, but all I'm doing at the moment is drawing your attention to the fact that the time is shortly after the interview panel had finished.---It's after - - -

It's shortly after.---After, yeah.

40 And you told us that there was a discussion after the last candidate had gone and that must have occupied a little bit of time at least.---Do you mean I told you a discussion in the panel?

Yes.---Not discussion, the names.

I'm sorry?---Discussion about what? I said they ask us about names.

About which candidate the panel members ranked as one, two and three.
---Yes.

That occurred, didn't it?---Occur in the panel, yeah.

Yes. And then shortly after that you're recorded as ringing Mr Montague and having a chat to him.---Well, I don't remember I called him the day.

Well, you wouldn't have called him whilst you were in the same room as him, would you?---No.

10 You must have called him after the two of you had separated.---Yes.

And so the question is, what did you talk to Mr Montague about for two minutes and 18 seconds commencing at 5.34pm on Monday, 17 November, 2014?---I don't remember what I said to him.

But it must have been about what happened to the panel, mustn't it?---I don't know, sir. I can't remember what I said. It's a long, it's what, years ago.

20 But you accept that it's highly likely that it was about what you and Mr Montague had just been doing and what you thought about that?---It could be let's have a coffee. I don't know. I can't remember. Maybe it's, I can't remember what was the call. And if I made the calls, look, I don't know, I can't remember, sir.

What was your next contact with Mr Stavis?---My next?

30 Did you have any – I withdraw that. You must have spoken to Mr Stavis or tried to contact him or he might have tried to contact you at some stage after 17 November, 2014.---No, I don't, I can't recall or I can't remember any conversation happen or any contact. I can't remember any.

When was the next time you spoke to him?---After he become officially director.

That is to say, he actually started work?---Yes. That's what I can remember.

40 Do you know whether Mr Hawatt had any contact with Mr Stavis after 17 November and before Mr Stavis officially started work?---I don't know. He never said anything to me.

Are you quite sure about that?---Well, I can't remember.

He said nothing to you - - -?---I can't remember if he said anything to me.

What did you – I withdraw that. After 17 November, when the panel sat, did you do anything or go anywhere or talk to anyone about the process of appointment of a director of planning or who should be appointed?
---Officially, I can't remember if I did but I, I discussed it with the general manager. I can't remember. We have discussion later on but I can't remember.

10 And where did that discussion take place?---Well, take place, it's like, before, between what's happened after, well, I can remember Mr Montague when he contacted me was, I had, but I can't remember the date but I said - -
-

So you do recall that Mr Montague contacted you?---Yes.

And what was it that happened in that contact?---Mr Montague just, after, I can't, I don't know how long after the, the panel, he said to me, "Councillor Azzi, we can't have Simon Manoski. I can't give the job to Simon Manoski." That's what he said to me.

20 THE COMMISSIONER: Sorry, who said that?---Mr Montague

Mr Montague, right.---He said, "I can't offer the job to Mr Manoski." I said, "Why?" I said, I don't know, I said can we, well, I said, it's all right, go to number two. I said, "I can't say anything else to you. It's your job to appoint anybody. Let's go to number two."

Hold on, you said to Mr Montague, "Why?" and what was his reply?---Said, "I have got something." I don't know what it is, he didn't tell us.

30 "I've got something".---Yeah, but he never tell, tell me what, what is it and I said clearly, "Now, mate, go to number two and it's up to you. I don't care." That's my answer.

MR BUCHANAN: And during that contact were you on the phone with the general manager or was this a face-to-face conversation?---Well, I, I can't remember if the first contract was face-to-face or on the phone, but that I can't remember this happen between me and the GM where he said I can - -
-

40 And was Mr Hawatt there at the time?---If it's, I don't remember but he said he would contact Mr Hawatt, that's mean if he did – no, I don't think so. I can't remember exactly how it was then, but that's what's happened and I receive that notice from him.

And was there anything else said in that conversation?---That's all. I said, mate - - -

And what was the next thing that happened of which you are aware? Whether you took part in it or not, what was the next thing that happened in relation to the appointment of a director of planning?---I lost interest, I didn't care. I didn't get involved, that's it, stopped here. This is Jim Montague job.

What was the next thing that happened after you lost interest?---That's, later we start asking who's going to be our new director. Like, every councillor ask and I heard, said he offered a job to Spiro Stavis.

10

And who told you that?---Mr Montague but I don't know how.

Did he say that he had appointed Spiro or that he was going to appoint Spiro?---No, I think, I don't, I don't remember what happened but what I do understand, he offered a job, offered a job to Mr Stavis.

20

Offered it, thank you. And was there any other discussion involving, for example, you and Mr Hawatt and Mr Montague in a face-to-face meeting about who should be appointed?---I don't remember it's any discussion was going on during that period. I can't remember anything happen. It's process going and everything was going that way.

Did you have any conversation with Mr Montague in which you expressed an opinion that Mr Stavis should be appointed?---Oh, my, my expression was, said that's it, it's yours, it's your opinion. I didn't, I lost, when he said, "I don't want Simon Manoski," I lost interest. I don't care who you appoint. It's your, his job.

30

Are you quite sure that you lost interest, Mr Azzi?---Well, I, I, I, I, it's my duty to stop here. I don't want to interfere with his job. But everybody got interest who's going to be the planner, the planning director, but I can't direct Mr Montague which way he has to go. I can't keep going, keep going. And every councillor around that council was asking this question.

You did in fact pressure Mr Montague to appoint Spiro Stavis before he actually did, didn't you?---No. Never happened.

40

Now, you know about the code of conduct complaint that was drafted and addressed to the Minister of Local Government, Mr O'Toole?---From who?

Councillors.---Yes.

And if we could have a look, please, at volume 4, page 148. I misspoke. The name of the minister was Toole, T-o-o-l-e, not O'Toole, Commissioner. You see this document that is on the screen now? We can probably enlarge it a little bit so that it's easier for you to have a look at. I'm not asking you to read the whole document, but can you see enough of that first page there to recognise it?---The top? The general, which one? Yeah.

The document that's on the screen in front of you now.---Yeah, I can see it.

And going over to the next page, I'll show you the second page of it. The second page, this is page 149 in volume 4, is headed Chronology of Events. Do you see that? Do you see the Chronology of Events that starts on the second page of that document?---Yeah.

10 Turning over to the next page, page 150 in volume 4, the third page of the document continued on with that chronology. Do you see that? And referred to annexures.---Yeah.

And the fourth page continued on with that and talked about what needed to be done and what was important. Do you see that?---Mmm.

20 And that there was a conclusion at the bottom asking for a code of conduct investigation to be undertaken in regard to the conduct of the general manager. And then going over to the fifth page of the document, there were a series of other requests in relation to a code of conduct investigation and that the actions of the general manager in relation to the recruitment of director of planning be suspended. And then if we go to the sixth page of the document, page 153 in volume 4, do you see a series of signatures? ---Yeah.

Do you recognise your signature?---Yeah, that's (not transcribable)

And it's dated 7 January, 2015. Was that the date when you signed it? ---Yeah.

30 Thank you. Was this letter sent to the minister?---Supposed to be, yeah.

And who was meant to do that?---I can't remember if Michael or Mr Adler sent it.

Not you?---No, no.

And did you believe the contents of this document that you signed to be true at the time you signed it?---Yes.

40 Can I take you to the chronology on page 149 of volume 4 and to item 4. And can you see item 4 that reads, "The panel met November 17, 2014"? ---Yeah.

And the next item says, "The shortlisted candidates were interviewed and a further recommendation by the committee shortlisted the list to only three candidates at the panel meeting of November 17, 2104." Can you see that? ---Yes.

And can you see that the next item 6 says, “We are advised that the general manager instructed Judith Carpenter (independent consultant) to undertake reference checks on the three shortlisted candidates, which were Mr Simon Manoski, Ms Karen Jones and Mr Spiro Stavis.” Do you see that?---Yes.

Who was the source of the advice that was referred to using the words “we are advised that”?---Who the source of advice?

10 When you say you were advised, who advised you?---When we went on the panel. Like, I don't know. They just, I can't remember advice. I've been told in the panel who's going to be the shortlisted. Maybe - - -

Well, except that it doesn't talk about the panel. It says the general manager instructed the consultant to undertake reference checks on the three shortlisted candidates. So my question is, who told you that?---This letter we advise. It's more, more councillors. It's not only me.

20 Yes, I understand that. And so my question is, who told you what you signed when you said we are advised? Who told you that?---Who told me?

THE COMMISSIONER: Have a look at paragraph 6.---Yes. “We are advised that the general manager instructed Judith Carpenter, independent” - - -

30 In substance what that's saying is we are told that the general manager instructed Judith Carpenter to undertake reference checks. Who told you and/or the other councillors that the general manager instructed Judith Carpenter to undertake reference checks?---I don't remember who told me. Must be the GM. I don't remember. It's a while ago.

MR BUCHANAN: Is it possible that the GM told you?---I don't remember. It's possible. Maybe.

Can I just point out that item 4 and 5 you knew that of your own knowledge because you were there.---Yeah.

Whereas item 6 and 7 and other items as well talks about things that might have happened in the absence of you or other signatories.---No.

40 And so the question is, then, where did this information come from? That's what I'm asking.---I have no idea. I can't remember but I know (not transcribable) shortlisted.

Right. So if we could then go to item 7, “We are advised that the general manager met approximately a week later with Councillor Hawatt and Councillor Azzi.” This is a week after, sorry, approximately a week after 17 November, 2014. That must be true, mustn't it, because you signed it? ---Yeah, yeah. It must be true. I said I don't know how we get contact with

the GM, it's by phone or by meeting, when he advised me if he doesn't want Mr Manoski.

And then that paragraph continues on. "The three shortlisted candidates' reference checks were discussed by the general manager with Councillor Azzi and Councillor Hawatt." Was that true?---Yeah, could be.

10 Well, can you tell us about that discussion, please?---What I said before, the mayor discussed, the general manager said, he informed me he doesn't want Mr Manoski, but I can't remember by the phone or face-to-face. And what, what the discussion it was, I said clearly, "Go to number two. It's your job. I don't care." When he said, "I don't want Mr Manoski," that's what I said.

But what you've said here is "The three shortlisted candidates' reference checks were discussed by the general manager with you and Councillor Hawatt."---Yeah, only we discuss this.

20 And do you remember those reference checks that Mr Montague discussed with you and Councillor Hawatt?---No, no, I, I don't remember what happened on this time. What's happened between us on this time, I don't remember.

The next paragraph, paragraph 8, reads, "Based upon these discussions, it was decided by the general manager, Councillor Azzi and Councillor Hawatt that the most appropriate candidate should be Mr Simon Manoski." Was that correct?---That's what I said. The preferred candidate would supposed to be Simon Manoski.

30 But it was you three who made that decision?---No, the panel. When we're in the panel (not transcribable)

That's not what you've said here. You see, you, in paragraph 17, referred to discussions with the general manager about the three shortlisted candidates' reference checks, and you said "based upon these discussions".---Yeah.

Looking at those reference checks "it was decided by the general manager, Councillor Azzi and Councillor Hawatt that the most appropriate candidate should be Mr Simon Manoski".---Yes.

40 That's correct?---Yes.

So Mr Robson was not involved in that discussion, is that right?---He wasn't in this meeting.

And was Mr Robson consulted to see what his opinion was as to who the most appropriate candidate was?---I don't know. That's the job of the GM.

Do you know why Mr Robson wasn't present at the meeting between you and Mr Hawatt and Mr Montague?---No.

Did you ask for him to be present so that the full panel could participate?---I didn't ask. I don't remember.

10 Why didn't you ask for the full panel to be together to discuss what the general manager had with him, these candidates' reference checks?---I didn't ask for it because it's the job of the general manager to, to decide who he has, he has to call.

You didn't say this is not proper to have this discussion in the absence of the mayor?---I don't remember. I didn't say it.

Did you think it was inappropriate for the mayor to be excluded from this discussion?---No, I didn't, I didn't ask for any exclude of anyone. It's the general manager. He must call him, not me.

20 Now, you read Karen Jones's reference checks, did you?---Yes.

And you read Simon Manoski's reference checks?---Yes.

You read Spiro Stavis's reference checks?---Yes.

They were all, the reference checks by – sorry, I'll start the question again. The reference checks for all three candidates were provided to you and Mr Hawatt to read?---Yes.

30 And thinking of Karen Jones's reference checks, did you think that they appeared to be by appropriate referees?---What I can say on her reference check, what I could remember – it's a while ago – my opinion at that time should be selected, I could write her name. I can't answer the question now because I forget what is preference.

You don't remember thinking, oh, these referees of Karen Jones are not appropriate, you know, they should be from more appropriate referees?---I didn't do any referee check by myself. I read what's on the - - -

40 No, I understand that. I'm simply asking for your impression and conclusions upon reviewing Ms Karen Jones's reference checks. Did you think there was nothing wrong with these reference checks or did you think there was something wrong with them?---I, I can't, I can't remember what I was thinking at the time.

Were Ms Jones's reference checks favourable to her?---Well, I can't answer, I don't remember what was in the - - -

Do you remember thinking that any of Ms Jones's reference checks were unfavourable to her?---I can't answer, I can't, I can't remember what, what her reference is.

You understand the difference between a favourable and an unfavourable reference check, don't you, Mr Azzi?---Yeah,

10 A favourable one is one that makes you think the candidate would be good. An unfavourable one is the sort of reference that would make you think that this person should not be appointed. You understand that?---Yes.

And certainly, so far as Ms Jones was concerned, you don't have a memory of thinking that he should not be appointed because of anything in her reference checks?---Nothing personal, I don't know, I don't know, sir. I can't, I can't remember what's in her personal, but I said why I didn't choose her, because she didn't answer my questions. That's my opinion.

20 THE COMMISSIONER: Did you think reference checks were important? ---Well, I will answer this question on my knowledge. I read, I have, look, I can't judge people on their reference, me as a, I'm not qualified to judge what's good and what's bad and how's the reference. They must be choose on their reference and their qualifications, yes, you're right, madam.

So it's important for a candidate to be able to nominate people who will say, as Mr Buchanan said to you, good things or favourable things about the candidate, so you'll sit back and think, yes, they should be a good person to do the job?---You mean if we get some reference from outsiders?

30 Yes.---Yeah. What I do understand, when you do security checks, you have to go and get reference from outsiders, yeah. And these outsiders give reference, they can be taken in consideration.

And it's important that the outsiders that you get the reference check from, that they've worked with the person recently?---Look, doesn't have to be a recently or they know them or they been working with another constitution, another council, something like that, and what he's been like, where he's coming from, department, you know, it's, all this helps. That's why I do understand now.

40 MR BUCHANAN: Commissioner, I note the time.

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

SHORT ADJOURNMENT

[11.34am]

MR BUCHANAN: Mr Azzi, I've been trying to proceed chronologically in the order in which things happened but I just need to take you back in time, if I can, please, to October 2014. So long before the interview panel and my question is about when you first heard of Mr Stavis?---When I read his name in the, when I see his name in the, in the list of candidate.

To be interviewed?---Yes.

10 Thank you. If we could have a look at Exhibit 60, please, page 1. I wonder if I could just ask you to have a look at this first page, the list of call charge records in October and November 2014 that we've been looking at before, and the Commission has got evidence that, can you see – I withdraw that. Can you see the third line down and the fourth line down, where Mr Stavis attempts to contact Mr Vasil and the line is open on the second occasion at 12.25pm for 19 seconds?---Yes.

Can you see that?---Yes.

20 The evidence before the Commission indicates that that is Mr Stavis talking to Mr Vasil or attempting to talk to Mr Vasil about the job of director of planning at Canterbury, and 25 October was a Saturday and it was the date which is written on Mr Stavis's application for the job, his document that was the application for the job. I'm just providing you with that information. And can you see that after the highlighted entry for George Vasil talking to Bechara Khouri for five minutes, at 12.28pm Michael Hawatt spoke to George Vasil for 2 minutes and 3 seconds, starting at 4.20pm, and then Michael Hawatt attempted to contact you, and can you see that there are three entries there, where, starting at 4.23, Michael Hawatt was contacting your phone. First of all, the line was open for only 6
30 seconds, so there wouldn't have been a long conversation if any at all. It might have been just leaving you a message. You'd accept that?---6 seconds, must be, yeah.

Yes, it's not long at all, is it?---Yeah.

And then can you see that the next contact by Mr Hawatt, in the same minutes, at 23 minutes past 4.00, is a text message that he sent you?
---Yeah.

40 And can you see that the third contact at that time is at 4.24pm and that the line was open between your phone and his phone for 1 minute and 17 seconds?---Yeah.

Now, did you, at around the Saturday, 25 October, 2014, find out from Michael Hawatt that there was a man called Spiro Stavis who was considering applying for the position of director of planning at Canterbury?
---I don't remember what's in this conversation.

Do you remember – I withdraw that. Did Michael Hawatt indicate to you that George Vasil had told him that there was this man Spiro Stavis who was interested in the job or who was applying for the job?---I don't remember what's happened in this conversation.

Yes, I understand that. My question is, did Michael Hawatt ever tell you that George Vasil had told him that there was a man called Spiro Stavis who was applying for the job?---I don't remember he said this to me.

10 Thank you. That's all in relation to Exhibit 60. If I could take you back now to the time that you spoke of in the code of conduct complaint at volume 4, page 149, where at paragraph 7 you said, "We're advised that the general manager met approximately a week later," that is to say, after the interviews on 17 November, "with Councillor Hawatt and Councillor Azzi. The three shortlisted candidates' reference checks were discussed by the general manager with Councillor Azzi and Councillor Hawatt," and you've told us that's what happened.---That's what's in the - - -

20 Do you recall that?---That's what's, what's in the written.

Now, could you have a look, please, at volume 3, commencing page 230, because what we have is the reference cheques that Mr Montague had for Spiro Stavis at this time and the first one commences at page 230. It's from a woman called Julie Bindon, B-i-n-d-o-n, who was a person who worked for a private firm called JBA Consultants for whom Mr Stavis worked. Do you see that?---Yes.

30 That reference check went for two pages. Then page 232, and we'll come back to that in a moment. The second one that we've got here, I'm not saying it was in this order at the time you looked at them, but the second one we've got here commences at page 232 and is from a Sandhya, S-a-n-d-h-y-a, if I pronounce her name correctly, Davidson and she was a planner at Liverpool Council. Do you see that?---Yes.

And the third one commences at page 235 and it was from a Kerry Kyriacou who was manager (development assessment) at Randwick City Council. Do you see that?---Yes.

40 So going back then to Ms Bindon's reference at page 230, she indicated, this is the fourth line of the material under the heading What was your Relationship with the Applicant During His Employment? You see the fourth line has in inverted commas "that their acquaintance was well over 10 years ago. I can't remember exactly." Do you see that?---Yes.

You would have read that at the time Mr Montague showed you these reference checks.---I haven't seen this one.

Well, you told us that you saw the reference checks and these are the only reference checks.---I've seen the reference check what's been on the, on the, the one we've been delivered. On the reference, I mean reference check what's in, they put it in the first folder.

Yes, I understand what you're saying. You're talking about, are you, the folder of documents that were bound with black plastic spiral ring binding?
---Yes. That's the only reference I, I've said. Not anything else.

10 Well, I just need to take you back, then, to the code of conduct complaint, paragraph 7, because in it you say that approximately a week after the interview panel the general manager met with you and Mr Hawatt.---Yes.

Did that happen?---Yeah. What's been written here.

Now, you then go on to say, "The three shortlisted candidates' reference checks were discussed by the general manager with Councillor Azzi and Councillor Hawatt."---Yes.

20 And you have told us that you saw them and what we have here is documents entitled Reference Checks, and furthermore from the information before the Commission, page 229, volume 3, Mr Montague had them by Wednesday, 26 November, which is approximately a week later.---It's a bit mixed. I didn't say I've seen the reference. What I meant, what I meant I read the reference for beginning. Let me clarify myself. This reference I haven't been seeing them in the meeting. I've been told about them. We haven't been shown to us. I haven't seen them.

30 So, sorry, who were you told about them by?---No, now you ask me a question about this reference.

No, no, no. You just said a moment ago we were told about them. My question is, by whom were you told about them?---Mr Montague said I got reference. I can't, I can't employ from the first day Simon Manoski. I've got something on him verbally. I didn't see any.

Yes, I understand that. I understand that. What I'm asking you about is the discussion that you had with Mr Montague and Councillor Hawatt about the reference checks for another candidate, Spiro Stavis.---Yeah.

40 And my question is, what happened in relation to Mr Spiro Stavis's reference checks when you discussed them with the general manager approximately a week after the interview panel sat?---I haven't discussed, I haven't, we discuss, said he's doing reference check but I haven't seen any of them. Like, but this document I've seen here, the first time I've seen this reference.

Well, I'm just asking, why did you sign a document that said the three shortlisted candidates' reference checks were discussed by the general manager?---Discussed.

Yes, what was discussed about Spiro Stavis's reference checks?---Well, I don't remember what's been discussed, but he hasn't show us any of the material.

Did you - - -?---I - - -

10

I'm sorry. What was the impression you got from the general manager about the reference checks for Spiro Stavis?---Well, I wasn't interested about (not transcribable) and - - -

THE COMMISSIONER: Sorry, you weren't interested in - - -?---Like, I met with him. Wasn't interested about to see. I, I take his words and I don't want to get involved more deeper with his, like, with this situation. So when he said, "I don't want Simon Manoski" - - -

20

No, no, no, no. We're not at that stage.

MR BUCHANAN: We'll come to that.---Yeah, I haven't seen, I haven't seen the document.

THE COMMISSIONER: Can I just stop you just in case you're confused. What Mr Buchanan's taking you to is that you had the panel interviews, then according to the code of conduct complaint, you and Mr Hawatt and the general manager meet, you discuss the reference checks, and based on those discussions it was decided by the three of you that the most
30 appropriate candidate would be Mr Simon Manoski. So we're limiting our questions at the moment to that stage.---Yes. Yes. Yes.

30

MR BUCHANAN: And at that stage you were told things, were you, by the general manager about the reference checks for Mr Stavis?---I don't remember I been told, but everything been verbally. I haven't seen anything material.

What were you told by the general manager about the reference checks for Mr Manoski?---Mr Montague said, why I can't remember. He said - - -

40

I'm sorry. I do apologise. Can I ask that question again to make it clear? ---Yes, please.

I'm just talking about the meeting that occurred about a week after 17 November between you, Mr Hawatt and the general manager that you speak of in paragraph 7 of the code of conduct. That's all I'm talking about. And what I'm asking is, when you say there was a discussion by the general manager with you and Mr Hawatt about the reference checks for the three

candidates, I'm asking you what was discussed in relation to Mr Manoski's reference checks on that occasion?---I don't remember at all what the discussion was.

To your mind, when it was decided by you on that occasion that the most appropriate candidate should be Mr Simon Manoski, were you taking into account what the general manager had told you about the reference checks for any of the candidates?---No, hasn't told us any, I haven't, I didn't remember we've got any information to my knowledge. Different (not transcribable) see in the folder and I based, that's all. I haven't seen any reference material, reference like what showed me before.

Well, can I just put this to you. On the evidence before the Commission, at the very time you're talking about there, paragraph 7 in the code of conduct complaint, the general manager had these three documents called Reference Check, and you signed a document which also called them Reference Check, and so the conclusion is inevitable that when you say the general manager discussed the reference checks with you and Mr Hawatt, that he was discussing these reference checks because there were no other that he had at the time.---They could be, yeah.

And these are different documents, quite different documents from the documents that you had seen in the ringbound folder.---Yes.

So what I'm trying to find out from you is, what was your impression of what was in the reference checks that you say, in paragraph 7 of the code of conduct complaint, were discussed? What was in them for any of those three candidates?---I, I, I don't know, I haven't seen any but I don't remember what he's been telling us. I haven't seen the reference but I don't remember what he's been telling us at this date, but he's been talking about reference but I didn't see, I didn't look at it, I didn't receive, receive any or anything like, to just go ahead and, excuse me, and discuss it. And that's what's happened. I don't remember him giving anything. It was just discussion.

Did Mr Montague indicate that there was anything wrong with Mr Stavis's reference checks?---I don't remember he said that before. Why, why he offer him the job then?

Well, we'll come to that. He didn't indicate – I'll withdraw that. You don't remember Mr Montague indicating that the reference checks for Mr Stavis had anything wrong with them, is that right?---At this stage, I can't remember if there anything like this.

Did he say anything about who the referees for Mr Stavis were?---I don't remember if I heard it at this meeting or later on. I heard they, later on, I heard they get some reference from Strathfield. That's all I can remember and I have no idea where else as well.

You're talking about the reference checks that Mr Montague indicated he'd received which were adverse, were unfavourable to Mr Stavis, aren't you?
---No. He had assured me but I, but I said Mr Hawatt said to me he got reference from Strathfield about him but I didn't see them.

10 Well, it's just that one of these reference checks that Mr Montague had on 26 November – the date, Commissioner, is page 229 of volume 3 – is at page 232 and it's from this person, Sandhya Davidson, who worked at Strathfield Council and was one of two planners who reported to Mr Stavis and who'd known him for a bit over a year. Was this a reference check that Mr Montague talked about to you?---I don't know which one. I haven't seen this one, it's the first time. He's talked verbally. He said - - -

Did he indicate to you that – I withdraw that. He would have talked to you, though, about who the referees were and where they came from at that time, wouldn't he?---I don't remember he said this to me. I didn't see them,

20 At the time Mr Stavis applied for the job, who did you understand he was working for?---I had no idea.

But you read the papers you received from Mr Montague about each of the candidates?---Yes.

30 And you didn't understand that Mr Montague, I do apologise, Mr Stavis was working as a senior planner at Botany Bay City Council?---Yeah, what's been written on the résumé, of course I read it, but I can't remember where he was working now. He must, he did some work and, like I said, Strathfield, maybe, Council and he was - - -

Yes, correct, correct.--- - - - senior planner in Botany and somewhere else, but I can't recall where at the moment.

So his two most recent employers at the time he applied for the job at Canterbury were Strathfield and Botany councils.---(not transcribable) yeah.

40 Did you understand from what Mr Montague told you at the time that he was having this discussion with you and Councillor Hawatt about the candidates' reference checks that he didn't have a referee from Botany Council?---I don't know if he said that. I can't remember.

And that he didn't have a referee who had supervised Mr Stavis at Strathfield Council?---I don't remember if he say it in this meeting because later on I knew some reference coming out, but I have no idea when I heard about it first time. I don't remember if it's happened in this meeting particularly or before or after. But later on, after, I did, I, I knew they got some reference, but I didn't see any of them.

Did you, at the time you were talking with Mr Montague and Mr Hawatt at this meeting where the candidates' reference checks were being discussed, did you not care about the references? You didn't care about Mr Stavis's background? Is it the case that you just wanted to have him appointed irrespective of his background?---At this point I lost, like, interest. I said I, what has happened, I lost interest and I did my duty. At that point I was, the situation, I don't want to get, like, get more involved. I did my, what I've been told, my duty in the panel, and I select these guys. And - - -

- 10 It's difficult to understand why you would lose interest given your interest in planning matters at council and your involvement in them.---Mr Buchanan, I'm a person with just the view or decision. I, what I can see when I see this guy, I thought the first preference and the best nominated person supposed to be this person. When this person passed, I didn't care. I didn't want to be involved anymore. That's it. I do my job but I don't want to get involved. I did my job and that's it, and I, I said clearly just I want the best person to run this department and I didn't get involved heavily. Like, I do my duty and my job. I've been asked question. I answer it. If they want to show me, said all right, I took everything lightly afterward. I
20 don't want to, you know, I'm not interested. It's his job, his, he's going to work for it, he's getting paid for it. I don't want to get involved.

This evidence you're giving is not true, Mr Azzi, to your knowledge, is it? You did remain involved and interested.---Involved because I'm a councillor, Mr Buchanan, and I must be involved, but not like take an interest. Can't, I been in the panel, the panel has finished, and we deliver our, the names, and it's up to the management and up to him to decide what he has to do.

- 30 But you had contact subsequently to the meeting with Mr Montague that you've described in paragraph 70 of the code of conduct complaint about who should be appointed as director of planning, didn't you?---From the point is, we have to know who's going to be the director. I never said I want this person. We want a director and he must have a director, and we have, I want to know, we want to know – not only me – who's going to be the director.

- 40 So the evidence you've given that you weren't caring about who was appointed is not true, is it?---No, I, it's not true. I don't care at all. It's not, I, I don't care about doing somebody else job. It's not my job to appoint the director. That's it. I did my duty and stopped here. I get consulted. I answer the question. If they want my help, they will ask for it. That's my view to the general manager.

Now, you told us in the code of conduct, I'm sorry, you said in the code of conduct complaint, this is page 149, volume 4. If we could have a look, please, at paragraph 7 and 8. I think you might have already seen these. That based on these discussions, paragraph 8, it was decided by the general

manager, Councillor Azzi and Councillor Hawatt that the most appropriate candidate should be Mr Simon Manoski.---Yes.

So you contributed to the decision that Mr Manoski should be the person who was appointed?---Yeah, I believe so. That's what my first pick was.

So you continued to maintain an interest in who was appointed, didn't you?
---After he, Mr Montague declined but Mr Manoski can't take the job, well, I've been involved as a councillor like everybody else.

10

Well, you weren't. You were involved with Mr Hawatt. You know the other councillors weren't involved. It was you and Mr Hawatt who were talking with Mr Montague about who should be appointed. To your knowledge.---Yes, he must have advised we have to be involved.

It wasn't like any other councillor, it was you and Mr Hawatt - - -?
---Because we were in the panel.

20

- - - who were talking to the general manager about who should be appointed and you knew that other councillors were not involved.---Me and Councillor Hawatt were still member and he's general manager (not transcribable) were in the panel and that's why he's consulting with us, but we didn't involve the director, general manager didn't involve, the director, general manager who's going to appoint as a director. We there to listen to him what he has in his mind and he, technically he must let us aware where he's heading.

30

And if we could go to paragraph 9 of the code of conduct complaint. "The general manager approximately three days later advised Councillor Azzi and Councillor Hawatt by telephone and separately that due to further information obtained by the general manager that Mr Manoski was not suitable for the position and that the general manager will not offer him the position of the director of planning." I'll just pause there. Was that correct?---Yes, that's what he told me.

And did the general manager tell you what it was about Mr Manoski that made him unsuitable?---No.

40

Did you ask?---I did.

And what was the response you got?---He said, "I've got something on him. I can't give him the job."

Yes. Did you say what have you got on him?---He didn't, he didn't show me anything.

Did you try to find out?---Well, I tried.

What did you do?---I asked to show the council evidence but - - -

So were you unhappy that the person you had given number 1 to was, in Mr Montague's position, not suitable for the job?---Deeply, yes.

And what did you do about that?---Nothing.

10 That doesn't sound right that you would do nothing.---It's what, I can't do nothing. I didn't do anything because his role to appoint. What I can do? His job.

You go on to say in this paragraph, "As the general manager had advised Councillor Hawatt and Councillor Azzi that the appointment of any employee is his decision and his alone, Councillor Azzi and Councillor Hawatt accepted the general manager's decision and no further action was taken."---That's what happened.

20 And so, at the end of that contact with the general manager, you didn't know who was going to be appointed, is that right?---It's, can, can you repeat this question, please?

Yes, sure. So, looking at paragraph 9, your description there of the contact that you and Councillor Hawatt had with the general manager in which you found out that Mr Manoski wasn't suitable and that Mr Montague wouldn't offer him the position of director of planning, what did you think was going to happen next?---Next. I, when he informed me, I said to him, "All right, go to the next level, number two." It's, technically, you, you move on.

30 And who was number two?---Well, I believe and I remember on the shortlist was Mr Stavis.

And that was the ranking that you had given Mr Stavis that you've told us about on 17 November. What ranking had the general manager given Mr Stavis, as far as you understood it, on 17 November?---Well, I understand what's happened in that panel, they all gave Mr Stavis number two.

All four people?---Yes.

40 Did that ever change?---No, because I can't remember it clearly because I been asked to add Ms Karen Jones as a third, because everybody add her as a third. That's why I can certainly, because they been, we been asked one by one, there's going to be one, two and three and you all must agree.

And is it possible that your evidence is not correct on the rank that the general manager or Mr Robson had given to the candidates?---Well, I can remember, I said clearly, I don't know if they are all different names on the, the list but we been asked one by one. That's why I can definitely remember, because I been asked who's going to be your selection,

Councillor Azzi. Because I remember this, they want me to add the third person.

Now, I'd ask you to accept that the date on which Mr Montague offered the appointment of director of planning to Mr Stavis was 8 December, 2014. I'm just providing you with that information, if you could just keep that in your mind.---8?

10 8 December. So were there any other contacts that you and Mr Hawatt had with the general manager after these contacts in which you tell us that the general manager said Mr Manoski was not suitable and won't be appointed?---Yes. Could be because - - -

But what were they?---Me, I don't remember what, I normally always call the GM and the council. Maybe on daily basis, sometime in two days, always call.

20 What to talk about?---Too many things in the council. I, I can't remember what was the subject but I can remember my, like, my open line to the council and the GM, it's always open during daytime and I'll call him sometime once every day, sometime twice, sometime once a week. It's normal between councillors and the GM but I, I don't remember what the discussion was.

30 Well, my question is, thinking of the time that you had the meeting with Mr Montague and Mr Hawatt in which the candidacy of Mr Manoski was discarded, was there any further contact that you had with the general manager about the appointment of a director of planning before he offered the job to Mr Stavis on 8 December, 2015?---Maybe, I can't, I can't be definitely remember, it could be because it's got, line still open.

And was any such contact initiated by you or by Mr Hawatt or the two of you together?---I don't remember. Could be.

40 Why would you and Mr Hawatt have initiated contact with Mr Montague about who should be appointed director of planning at this point of time, between the time that he said not Mr Manoski and the time when he offered the job to Mr Stavis?---I never said to the GM at one stage who should be recommendation, and that's it. I never said to the GM I want Mr (not transcribable) to be the director.

And what were the circumstances of this contact that you're talking about now?---Excuse me?

What were the circumstances of that contact? Were you on the phone? Were you in a meeting?---Mr Buchanan, I said conversation between me and the GM that could happen every day, twice a day, three times a day. I have no idea what was sort of issue discussing. But generally I didn't told

the GM I want to appoint or interfere in his job. I didn't, discussion, might be we discussed what he's got, his view. I can't tell. I can't remember. Any discussion happened, it should be about what's going on, how it's going to be, what's it going to be.

And if you met Mr Montague face-to-face, that usually would have been in his office, would that be right?---Yeah, mostly in his office or in my office, but most of the time after work when he's available, and if, if not at council meetings or any workshop - - -

10

Leaving council meetings aside.---Yeah, yeah, like, after council or after work it's happen sometimes, you know, Fridays, what he said, you know, can we catch up after work or finish, you know, after he finish and I finish.

And if you met Mr Montague after work, would that be either at your place or a club somewhere usually?---Like, most of the time he, we met not in the council, at my place, and I can't remember we been, we met somewhere else.

20

Now, I'd like to show you, if I can, please, some text messages. Volume 3, page 245. These are text messages extracted from Mr Hawatt's mobile phone and they are between him and Mr Stavis, and they are on 1 December, 2014, so it's before Mr Stavis was appointed. Do you understand?---Yes.

30

The first one is at 8.50pm. Mr Hawatt texted Mr Stavis to say, "Can we catch up tonight?" Do you see that? I wonder if we can enlarge slightly, please. Thank you. Do you see that first text message, "Can we catch up tonight?" from Mr Hawatt? If you just read the first one, we'll go through them.---Yes, yes.

And then the second one is at 8.53pm and it's from Mr Stavis, saying, "Sorry, Michael. I'm out at dinner with family at Drummoyne. What about tomorrow? Is everything okay?" Can I just pause there. I appreciate this is not a text sent to you, but can you assist us with any knowledge you have or any understanding you have as to why Mr Stavis would have been asking Mr Hawatt on 1 December, 2014, "Is everything okay?"---I have no idea, sir.

40

The possibility has to be, doesn't it, that Mr Stavis thought Mr Hawatt was advocating for Mr Stavis to be appointed as director of planning and that in this message Mr Stavis was trying to check to make sure that everything was still on the rails for him to be appointed as director of planning.---I don't know.

That's one construction it could be given. Does it come back to mind now that around 1 December, 2014 there was a plan by you and Mr Hawatt and

Mr Stavis to get him appointed as director of planning?---No, it's not, wasn't my plan.

Then if you could go to item 3. It's a text message sent to Mr Stavis by Mr Hawatt at 8.55pm on 1 December and it reads, "Tomorrow at 4.00pm. Is that okay?" Text message number 4 from Mr Stavis at 8.56pm on the same day, "4.30 as I finish work at 4.00. Is that okay?" Text message number 5 from Mr Stavis to Mr Hawatt at 9.00pm, "Is 4.30pm okay?" And then text message number 6 at 9.07pm Mr Hawatt says to Mr Stavis, "Okay. At Pierre, Roselands." Do you see that?---Yes.

Can you assist us, you lived at Roselands at the time?---Yes.

At that time did, as you understand it, Mr Stavis know where you lived?---I don't know, sir.

How would he have known where you lived as at 1 December, 2014?---I don't know. Maybe from council website. I don't know. I have no idea.

20 Do you know why Mr Hawatt would have seemed to have assumed that Mr Stavis did not need the name of the street or the number of the street in Roselands where you lived in order to get Mr Stavis to this meeting at your place? Can you explain that to us?---I don't know. I have no idea.

Could it be that you had provided your address to Mr Stavis before 1 December?---No, no.

Had Mr Stavis been to your place already by 1 December, 2014?---I don't remember now.

30 Is it possible that he had been to your place but you've now forgotten?---I can't remember. No, I don't, I didn't have any contact. I don't know. Maybe he's been outside my house. I, I never have any contact with him.

Now, can I just check, are you saying that the council website gave the personal addresses of councillors, did it?---Sometimes, yeah, I give the, if I have the mail address, I'm not sure what's in the website of my council. I have no idea what, yeah, sometimes they, they give the mailing address.

40 Why would they give out to the public a mailing address for a councillor at their home when obviously you could collect mail at council?---No, some, depends on the councillor whether he give his address, mailing address.

Did you give your, did you authorise anyone at Canterbury Council to put your personal address on the Canterbury Council website?---I don't remember which address I have on my web, on the council website.

Did you authorise Canterbury Council to put your personal address on the Canterbury Council website?---If they did ask authorisation, yeah, you have to authorise that, to give them authorisation (not transcribable)

Yes, of course you'd have to authorise it.---Yeah.

Did you authorise Canterbury Council to put your personal address on the Canterbury Council website?---I don't remember if I give them the authorisation. If, if it's in there they must have my, my authorisation.

10

But you don't remember providing that authorisation to Canterbury?---No, I don't remember what, which address it's on the website. I never checked it. It could be there. They must ask for my authority which address you want because they will ask you which address you want to put for reference.

20

Can I then take you, please, to page 249 in volume 3, and this is a couple more text messages extracted from Mr Hawatt's mobile phone. This time it's on 2 December, the next day, and the first message is from Mr Stavis to Mr Hawatt at 4.19pm. So, it's close to 4.30, you can see that? Can you see the time of 4.19? Can you see the heading, the column heading time?
---Yeah, 4.19.

And can you see the date, 2 December?---Yes.

Can you see the time as 4.19pm?---Yes.

So this is close to 4.30pm, isn't it?---Yeah.

30

And 4.30pm was the time it had been agreed between Councillor Hawatt and Mr Stavis the previous day to meet at your place?---Yes.

Now, in this text message Mr Stavis says, "Running late. Will be there 4.45pm." Do you see that?---Yes.

And then Councillor Hawatt responded at 4.23pm, "No problem." Do you see that?---Yes.

40

So, the meeting happened, didn't it, at your place?---I can't remember any meeting happened.

Yes, but you can see from the evidence that it did, can't you? That you and Mr Stavis and Mr Hawatt met at your place, commencing at about 4.45pm on 2 December, 2014, a time before he was appointed or offered the appointment of director of planning?---No. I can't recall this meeting happened.

You can see that that is what the evidence shows, thought, can't you?---I can see what's in the evidence here.

Can you tell us about your memory of the first time Mr Stavis came to your place and you were there?---I remember only once, when he came, I can't remember what, Mr Stavis come to my place when I ask him to come over, when I said, to discuss, that's what I can remember about that meeting where we had him and Mr Demian.

And that was - - -?---That's, I can recall this one only.

10 And that was at a time when Mr Stavis was the director of planning?
---Yeah.

Can I take you to another text message, please. Volume 3, page 251. So, we've looked at 1 December, we've looked at 2 December, when it appears that the meeting is taking place. Now, I can take you to text messages on 3 December, from Mr Stavis to Mr Hawatt on 3 December, at 9.18am. Do you see that?---Yes.

20 And the message reads, "Hi Michael. I didn't sleep last night thinking about all this. I really, really want this job but I'm okay to compromise as discussed. I want to help make change in the department. Sorry to rant but just frustrated. Cheers, Spiro." Do you see that?---Yeah.

So, obviously, Mr Stavis thought he had had a discussion recently with Mr Hawatt about the job or director of planning in that message, didn't he?
---What it's been, what you can read here, it seems like this, yeah.

30 Yes. And so taking all the messages together, it's quite clear, isn't it, that there was a meeting of the three of you at your place, sometime around 4.45pm on 2 December, 2014, to discuss the candidacy of Mr Stavis as director of planning, wasn't there?---No, no.

Why not?---Because I didn't get involved any meeting with Mr, I don't remember I had a meeting with Mr Stavis before.

But you can see that the evidence shows that you did?---Not me. The evidence shows - - -

40 Can you assist us with any other construction that could be given to this evidence than that you and Mr Hawatt had a meeting with Mr Stavis at your house on 2 December, commencing at about 4.45pm? Is there any other way to look at this evidence and work out what was happening?---I have no answer for this. I, I don't remember.

And furthermore - - -?---Yeah, well, the evidence shows, like, I didn't, I haven't been involved in any meeting with him. Well, maybe they met, I don't know, I can't answer that. I have no answer.

Why did, can you assist us - - -?---I can't remember have a meeting.

Can you assist us as to why Mr Stavis would have thought that he should say to Mr Hawatt, "I want to help make change in the department"? Can you assist us as to why you think Mr Stavis would have said that in that text message?---I have no, no idea.

10 Do you think it could have been because there was discussions at your place the previous evening about whether he could, as director of planning, make changes in the department?---No.

Why not?---Because I don't recall we have a meeting.

When Mr Stavis said in this text message to Mr Hawatt, "I really, really want this job but I'm okay to compromise as discussed," can you assist us as to your understanding of what that was a reference to?---I don't know, sir. I don't know.

20 Well, the discussion would have been between you and him and Mr Hawatt, the previous evening, we know that much, you'd agree?---Agree on what? Discussion?

You'd agree that the only construction that you can give to these text messages is that there had been a discussion - - -?---No.

- - - about Mr Stavis being appointed as director of planning.---Not with me.

30 And can I just ask you, you're not seriously trying to tell us that you don't think this happened now, are you?---Well, I, I can't remember. I don't recall this happened.

Yes, but you can see the evidence shows that it did, can't you?---What I can see here is the evidence.

Yes.---But the reality, no, it didn't happen.

And so if the evidence showed - - -

40 THE COMMISSIONER: Hold on. The reality is it didn't happen or you - - -?---I, I haven't had a meeting.

So you're now positively saying you didn't have a meeting?---I don't, look, I don't remember I had the meeting, Madam Commissioner, and, no, because I didn't have a contact with Mr Stavis. What I could remember, I didn't have any meeting with Mr Stavis before. Maybe I heard some news of what was going on after, but I never had a meeting with him.

Your evidence seems to be changing from “I don't remember” to then a positive assertion that you didn't have a meeting.---Like - - -

Is it the case that you can't remember, you don't remember?---I don't remember I had a meeting with him. All this evidence is new for me. I didn't know about them. What I can say, I'm not, I can't remember I had a meeting with him.

10 MR BUCHANAN: Yes, but you accept that you, the evidence shows that you did have a meeting, can't you? You can accept that?---No, no, I don't accept that.

And my question is about another part of that sentence that reads, “I really, really want this job but I'm okay to compromise as discussed.” When Mr Stavis said that in this text message to Mr Hawatt, “I'm okay to compromise,” can you assist us as to your understanding as to what he meant by that in this text message?---I don't understand what is mean compromise.

20 Compromise means go halfway between two disagreeing parties. You know? Find a solution. Find a solution.---I don't know. Find a solution, you can't find a solution if there's no solution. Anyway, I don't know.

Compromise, a compromise might be if Mr Stavis was, even though he had applied to be director of planning, was not appointed director of planning but instead was appointed, say, manager of planning. You know, a position underneath the director of planning. That would be a compromise.---Well, I don't know. I don't know what he means by this.

30 Well, if you accept that that would be a compromise, was there discussion in which you were involved that if Mr Stavis was not to be appointed director of planning, that some job needed to be found for him?---We didn't have this discussion with him, I didn't have this discussion with him, no.

Did you have that discussion with anyone else?---Well, maybe later, after he's been appointed, later. Not, not on this, what you're telling me now. I didn't have any discussion with him.

40 Thinking about later, was there a discussion that you had with anyone about if Mr Stavis wasn't given the job or director of planning, he should be given another job instead?---Not at this time, no.

Any other time?---This, later. Much, much later.

Yes, what happened later that you're thinking of?---Oh, when we had, after the, the problem create, after all this meeting in, in the end of December. Yeah, I did discuss it with, with the GM.

And what was said on that occasion?---Well, during that discussion with the general manager, at one stage I said to him, if you, instead, I, I gave him an option. I said, an option to get away from this situation. I said, "If you don't want Mr Stavis as a director, instead of pay him all this compensation for nothing, we need to plan, find a job for him as a planner. Let him work for the money we going to pay him and if you don't like him, we can show him the door instead of he get all this money without doing anything." Let him work for the money, that's what, what I discussed with the GM. That's about - - -

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And where were you when you discussed that with the GM?---I believe when we had this meeting with him at leagues club.

Between Christmas and New Year of 2014?---Well, when he had this meeting, yeah. We had this meeting there.

And did you say that to the GM on that occasion because you knew that Mr Stavis was agreeable to that sort of compromise?---Pardon?

20 Did you say that to the GM because you knew that Mr Stavis would accept a lower position if he wasn't going to get the top job?---No, no. Not because of this, no.

Thank you, Commissioner. I apologise for going a bit over time.

THE COMMISSIONER: All right. We'll resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.03pm]