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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 MONDAY 29 APRIL, 2019

AT 9.30AM

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

MR BUCHANAN: Good morning, Commissioner. There are no administrative matters of which I'm aware.

THE COMMISSIONER: All right.

MR BUCHANAN: Thank you.

MR BUCHANAN: Mr Hawatt, if we could show you, please, volume 9, in Exhibit 52, page 182. This is an email from Mr Stavis to an Alex Jelcic, J-e-l-a-c-i-c [sic], of Aleksandar, A-l-e-x – sorry, A-l-e-k-s-a-n-d-e-r Design. And Aleksandar Design was a designer of buildings retained by Mr Faker. ---Yeah.

10 In this – this is an email that’s sent to Mr Aleksandar, and cc’d – oh, sorry, blind carbon-copied to Gillian Dawson and to yourself. Do you recognise this email?---I, I don’t know the company. I, I don’t see it, no.

Have you read it?---No.

Could you read it, please?---It’s not here. It’s not there on the screen.

We’ll see if we can do something about that. Could we have the hard copy, please, in volume 9, of Exhibit 52?

20

THE COMMISSIONER: It’s not working?---It’s up there now.

MR BUCHANAN: It’s up there now?---Yeah, yeah.

Good, thank you. You’ll see that it has a number of attachments, and I’ll take you to them in a moment, and it refers to “our meeting last Friday,” which would have been 2 October, 2015, because this is an email on Tuesday, 6 October, 2015. And it says, “I refer to our meeting last Friday with the owner.” So that would have been Mr Faker.---Yep.

30

“Please find attached as requested a note that council’s urban designer has concerns with your proposal,” and he indicates a couple of them. And then, “I note that we agreed that you’ll be given some time to have the proposal peer reviewed by a reputable urban design firm. I also agreed to allow your project, you, your project team the opportunity to present this peer review report and findings to council’s urban designer in due course.” The attachments, I can tell you, were the correspondence from the department and the Gateway Determination of 19 March, 2015. Were you at that meeting with Mr Faker and Mr Aleksandar and Mr Stavis apparently on 2 October, 2015?---I don’t recall. I, I don’t recall this email as well.

40

Were you present at any meeting between Mr Stavis and Mr Faker?---Yes. There’s a few meetings I attended with him and his representation.

And did you attend a few such meetings where there was also one of Mr Faker’s planners or architects present?---Oh, look, I don’t recall because I didn’t attend all the meetings that he was involved in. I, I don’t recall that one.

If you could assist us, please, what's your understanding as to why you were sent this email?---Because I'm making representation on behalf of Mr Faker.

And what's the representations?---Well, I'm the one doing the enquiries on his behalf through, to council as a councillor.

10 Well, what were the enquiries that led to this email being received by you as you understood it?---Well, always councillors – sorry, council staff always sends us copies of emails if we make enquiries on behalf of people who seek our support.

20 I take it there was some sort of issue or problem, was there, that Mr Faker had raised with you?---Well, the issues, as I said the other day, is that, it's something to do with the design, I think design of his, the building and, and I think from, from memory, that Mr Stavis was not happy with some of the designs there and he was making some, his own recommendations what should be done and that kind of – that's the thing I remember from that.

And so was it usual for Mr Stavis to copy you in on correspondence with the private planners or architects that had been retained by the developers on whose behalf, as you say, you were making representations?---Yeah, it's not unusual, no.

30 There is a quantity of evidence, if I can take you please to volume 9, page 180, there's text message on 25 November, 2015, number 11, where you texted Mr Faker to say, "I am told you have 'til March. You need to complete your proposal quickly." And then on 26 November, 2015, another text message that you sent to Mr Faker, this is item 12, "You got 'til March. Try to complete ASAP." Can you assist us as to why you sent those text messages to Mr Faker?---I might have been told that he's running out of time.

This appears to be, though, not a response to representations but you actively trying to ensure that Mr Faker's planning proposal, the planning proposal for his site, wasn't rejected.---Well, that's your opinion. I'm just making normal representation.

40 Well, what was the representation?---I was asked to, to seek assistance and I, I'll give my assistance as a councillor.

THE COMMISSIONER: But assistance to do what?---To follow up on some of the issues that they're having. He had a lot of problems with, with council in regard to design and regards to some other issues and I'm making representation on his behalf.

But that doesn't really answer Mr Buchanan's question.---I, I don't understand what, I don't understand what his question is.

Well, you're answering that you were making representations.---Correct.

Were you talking, what, to Mr Stavis?---Correct.

10 And what were you saying to Mr Stavis?---Just an enquiry like I normally ask for, what is the, the current progress, what is the enquiry, what's happening, why is there a delay and he tells me, well this is, there's, they, they need to finish it off, otherwise we can't do anything about it. So I passed that on to, to Mr Faker. That's normal. I, we do this all the time.

MR BUCHANAN: You're saying it's normal for you to communicate with the development proponent in order to ensure success of the proponent's proposal?---I take, whenever someone asks me for assistance, I go and help. I go out of my way to help. I don't care who they are, I will go out of my way to help from A to Z until the completion of the enquiry, that will keep us informed.

20

But it's with a view to ensuring that their proposal is successful, isn't it? ---Every person who sends me an inquiry and I make sure that I fulfil that obligation to the person who calls me. That's my job.

THE COMMISSIONER: So you do agree it was with a view to see that Mr Faker's proposal was successful?---I, I always help people to, for them to achieve what they want. I always help. I help everybody. That's the way, that's, that's our job as a councillor, to assist to the people. We are, we are elected by the people to help the people, not the, not the council staff. We represent the people.

30

MR BUCHANAN: I wonder if we can play, please, the audio file in Exhibit 71. This is a recording of a telephone conversation on 14 December, Monday, 14 December, 2015, at 6.03pm.

**AUDIO RECORDING PLAYED**

**[9.46am]**

40 MR BUCHANAN: Mr Hawatt, you recognise the voices of yourself and Mr Faker in that recording?---Correct.

The recording has you sounding as if you are Mr Faker's advocate in council for his project, indeed his projects.---Well, firstly, by the sounds of this one I wasn't at that meeting that they had with the consultants because he's telling me other, something else what they told him to do. Secondly, I always, this is something that I do all the time, I call people on their behalf

and I get information in regards to their project or their proposals and, and I, and I pass on their message on to them. That's, that's, that is our job.

Looking at the second page of the transcript you said to Mr Faker, the first entry attributed to you, "I didn't know it was going to be all that much. I would have had a talk to him again."---Correct.

10 You're clearly an advocate for Mr Faker, you're not taking into account the public interest, are you?---I'm taking account of public interest. I'm representing the public, the people who call me for assistance and help. That's my job. What do you want me to do, say no to them because of I'm going to sit on my hands and do nothing? My job is to help people and I go out of my way to help people. That's the way I am. That's why people call me all the time because I go out and help them.

20 And so irrespective of the public interest in relation to the planning proposal for Mr Faker's property, you would be prepared, you were telling Mr Faker, to have a talk to Stavis to reduce the additional effort that Mr Faker had, he thought, to go to, to get a new planning report. Is that right?---What - - -

Is that a fair reading of this?---Well, no. What he's saying there is they're asking him to redo everything which doesn't sound right to me. They're asking him, I mean I wasn't at that meeting by the sounds of it and he's telling me what the outcome of the meeting was and what they're requesting for him to do, to start all over again, which doesn't sound right.

And so what did you do?---Well, probably would have called or sent messages to Mr Stavis to say what's going on.

30 And what were you told?---Told? I can't remember. I can't remember this situation but I'm talking from what I'm reading here and what I'm hearing, I'm just speaking out what I think would have happened logically.

Well, tell us your memory of what you did in relation to the planning proposal for Mr Faker's property at Homer Street.---Look, I made representation, firstly this - - -

In respect of what?---In respect of his property in Homer Street.

40 Yes, but in respect of what in relation to that property?---He asked for help, assistance.

What sort of help?---Asked for assistance in regards to his planning proposal.

To do what?---To make, to make representation on his behalf.

About what?---About his, about his site.

With a view to achieving what outcome?---Whatever, whatever his issues are he tells me about it. Whatever, whatever issue he has he talks to me about it because I representing him.

You're not telling us anything, Mr Hawatt, that we can't see from the documents and having regard to what you say in the witness box now, do you not have any memory at all of what it was Mr Faker asked you to do?  
---Well, just listening to this he's got some issues with his design, they want  
10 him to redesign everything, he's got issues with his, originally with the, with the planning proposals.

That's not an answer to my question. You said according to this. I'm asking you what is your memory of what Mr Faker asked you to do in relation to the planning proposal for Homer Street?---Whatever issues he has any, any issue he faced he would have called me and spoke to me about it.

So that you were to be, as it were, on a retainer for him?---Oh, come on, you  
20 and this retainer business, where do you get that from?

THE COMMISSIONER: Mr Hawatt.

THE WITNESS: We represent people.

THE COMMISSIONER: Mr Hawatt, stop.

THE WITNESS: Retainer, that's wrong.

30 THE COMMISSIONER: Mr Hawatt, please stop. You are being asked questions. Making comments like that does not assist me in any way.

THE WITNESS: He's making accusations, Commissioner.

THE COMMISSIONER: Now, would you please be quiet while I'm speaking. Now, will you please listen to Mr Buchanan's question and answer it and not waste my time by making gratuitous little comments. Please continue, Mr Buchanan.

40 MR BUCHANAN: Mr Hawatt, in your answers you're making it sound as if you entered into an agreement with Mr Faker to be of whatever assistance to him you could in respect of his planning proposal for Homer Street. Now, is that the case?---All I did, just normal representation like I do with everybody else.

Is it the case - - -?---It's not the case.

- - - that you entered into an agreement - - -?---There's no agreement.

- - - with Mr Faker to do whatever he needed you to do to help him in relation to the planning proposal for Homer Street?---There's no agreement with anything except just to help him.

What was your agreement then with Mr Faker?---There was no agreement, just representation, just look at the correspondence and just see the type of representation I made on his behalf.

- 10 To intervene with council staff, is that what you understood your task to be on Mr Faker's behalf in respect of any matter he drew to your attention? Is that right?---Any issue he had, I followed it up to make an inquiry on his behalf and I relayed it back to him.

So the nature of the relationship you had with Mr Faker in relation to this property was to intervene with council staff on Mr Faker's behalf in respect of any matter he drew to your attention or which council staff drew to your attention. Is that right?---That's correct, yes, like anyone else that does.

- 20 And was Mr Faker paying you for this?---Never.

Was there an agreement that he would pay you for this?---Never.

So when Mr Faker, in this conversation, said to you, page 3 of the transcript, "Okay, that's great. Anyway now, I'll talk to you anyway and we'll come down and have a chat," what did you understand him to mean?---I mean, he's always, he always comes to my office. We have a coffee and we talk about it.

- 30 What was the need for him to do that, given that he was talking to you, it appeared, without any difficulty in communication in this telephone conversation about his issue?---Because he's always in Lakemba and he wants to talk face-to-face. It's not unusual.

What was it, though, as you understood it, that could be achieved by him being in Lakemba and talking to you face-to-face that couldn't be achieved by the two of you talking on the phone?---Absolutely no difference.

- 40 And so there was nothing to be achieved?---No, he just wants to, to come in and, and talk about it, relay his concerns and people, people sometimes like to see the assurance, some sort of a, a comfort, assurance that, yeah, it would be looked at, it will be checked out. That's all it is. It's more, it's more to do with assurance and comfort.

Why was there a need for you to give a development proponent comfort and assurance?---Because I was representing him. If, if somebody feels better when somebody's representing them - - -

But there's representation on the one hand, and giving comfort and assurance to a development proponent seems to be a service of a quite different and, arguably, unnecessary order.---Well, you know, do you want me to explain to you how I feel about it?

You wanted to give comfort and assurance to this development proponent. ---Correct, yeah, yeah.

10 Quite apart from actually understanding his issues or conveying to him what council staff were telling you. Is that right?---Correct because many years ago - - -

Why did you want to give comfort and assurance to Mr Faker?---Okay. I'll give an example.

20 No, no. Please, could you please tell us why you did you want to give comfort and assurance to Mr Faker? What was it about Mr Faker that made you think, I want to spend my time giving this man face to face comfort and assurance?---Because after a person committed suicide years ago with, over council matter and issue, and I was the only one who gave him some support and assurance, and after that I said to myself I will always respect anyone needs assistance and help and I will always give them assurance and assistance no matter what.

And was that person who committed suicide a relative of Mr Faker's? ---No, just generally.

30 Was it in relation to the Homer Street development?---No, nothing to do with it but it's to do with general, us helping people and respecting people and taking him serious, not, not as a joke. I take people very serious no matter who they are.

Can I take you please to volume 9, page 180. Oh, I'm sorry, I apologise. First of all – I withdraw that. If I could show you, please, the transcript of a telephone call, which – I'm sorry, exhibit 72, thank you, and I wonder if we could show Mr Hawatt, please, the hard copy of this because I think it's a number of pages. It's two pages only, Commissioner.

40 THE COMMISSIONER: I've got two but down the bottom, it's page 1 of 4 and then 2 of 4. Only 2?

MR BUCHANAN: It is. It must be an extract. We'll just check. I think the Commission edited this extract, Mr Hawatt, in order to keep the material to the subject matter that's relevant to the inquiry. What this is, is a telephone conversation between you and Mr Faker on 17 December, 2015, commencing at 2.00pm, in which the two of you make arrangements to meet at a particular venue. Do you see that, at a coffee shop?---Yep.

What was that meeting about?---I don't even remember talking to him about that meeting. I don't recall, but probably just to discuss his issues, I don't know.

And what were his issues as at 17 December, 2015? What issues did he have?---Oh, there's, I don't know, there's always people got issues, I don't know what it is. I don't remember this, this discussion here, I, but I, I, oh, has to be some issues he wanted to talk to me about.

10 And if I could show you, please, in Exhibit 52, volume 9, page 180, item 14, this is the same day, at 2.15pm. You've texted Mr Faker with a particular address, the corner of North Parade and London Street, waiting outside. Do you see that? That's the bottom of page 180.---Yep.

Was that a coffee shop?---Could be, yeah. Could be, I don't know, I just can't, I don't remember this.

20 And does that assist you in recalling which coffee shop it was?---No, it doesn't, because I don't know which – I'm just trying to work out which coffee shop that is.

You obviously were there, though, because you're sending him the address. You accept that?---Yeah. Well, I, I just don't remember which coffee shop it is. North Parade.

How long were you there with Mr Faker on that occasion?---I, I don't even remember the meeting with him. (not transcribable) I, I don't recall it.

30 So how many meetings did you have with Mr Faker in coffee shops?  
---Whenever I'm available, whenever he wants to talk about something, yeah, I meet up with him.

I understand your evidence, yes. But how many meetings did you have with him in coffee shops?---I don't remember how many. Maybe – oh, I just can't remember. A lot, there was a few in, in Lakemba.

Well, was it - - -?---Next door.

40 Was it – so it was more than one, there was a few in Lakemba?---There was a few, I've met with him, yeah, over coffee, yeah.

Were there ten? Twenty?---I, I don't remember. You're asking me to guess. I, I don't remember. Just, you have to go through the records.

Numerous - - -?---You've probably got the records.

Numerous meetings - - -?---I, I, I've had a number of meetings.

- - - in coffee shops with Mr Faker?---I've had a number of meetings with him, yeah.

Why did you have a number of meetings with Mr Faker, at the - - -?  
---Because he had, because he had a number of issues.

What were the issues apart from him having to prepare another planner's report, or pay for another planner's report?---He wanted to talk.

10 About what?---He wants assurance, to talk - - -

About what?--- - - - somebody's there representing him.

What was the issue? What was the problem? What was the problem?  
What were you required to do with Mr Faker?---Just make representation on his behalf, find out what the issues are with the, with the staff, that's all.

20 And what were the issues, apart from what we've seen, that Mr - - -?  
---Design, delays, time. All these number of things. From the time delays, the redesigning. The, the, the, the, the planning proposals. The, the delays. I mean, just all these things.

Did Mr Faker ever discuss with you what his attitude was to the 17 metre building height limit that was the crux of the amendment to the LEP sought by the planning proposal?---Look, I don't remember discussing it with him, but I remember one thing, he didn't, he didn't really care about it, and he wanted it like next door, from memory.

30 Did you ever have a discussion with him about the fact that the planning proposal sought something that was wrong?---Look, I don't – from my understanding, the planning proposal that came back from Gateway. Was some issues with it. I don't remember what the real issues were. All I, all I remember, there was a number of things he needed addressed. He had his consultants working on it. And, and, and then there was some issues in regards to designs, and I made representation on his behalf. And that's, that's the thing I remember.

The issue - - -?---And that's an ongoing, it was ongoing.

40 But we – you know a bit more now, because last Friday, you saw the planning proposal itself – oh, I'm sorry, the, the Gateway Determination itself, and you saw that the crux of it was seeking further justification for the additional height sought in the planning proposal.---I, oh, what, what I, what I - - -

And it was that further justification and further report - - -?---Yes, correct, yeah, yeah, correct.

- - - that was the thing which held up the planning proposal from going forward.---Well, I, from what I saw from that is, I wasn't aware of exactly what, what other issues that the Department of Planning had in regards to whatever he was doing, and there was a, an ongoing between council and, and his consultants.

10 But I'm trying to understand, Mr Hawatt, you became quite deeply involved in trying to progress the planning proposal from the point of view of Mr Faker, didn't you?---I get deeply involved with everyone who calls me for assistance.

Please, could you answer my question. Did you or did you not become deeply involved in trying to progress the planning proposal from the point of view of Mr Faker?---I'm, I'm involved with everybody from A to Z.

THE COMMISSIONER: So the answer is yes.

20 MR BUCHANAN: And you're not going to answer my question?---Yes, A to Z, yes, that's my, that's the way I do things.

THE COMMISSIONER: So the answer is yes?---Yes, correct. Always.

MR BUCHANAN: And you believed, did you, that the planning proposal was fundamentally flawed in that it sought 17-metre building height increase across the site?---That's what I believed, yes.

And did you not ever have a conversation with Mr Faker about that?  
---Look, there wasn't, he didn't care, from memory he doesn't care about it.

30 No, no, please, can you answer my question?---From memory - - -

Did you ever have a conversation - - -?---I don't recall.

- - - with Mr Faker about your believe that the change that the planning proposal sought was fundamentally flawed?---I don't recall. All I recall is there were some issues he had to resolve with staff. I didn't get too much involved in, in this area except making representation in regards to delays and time.

40 Mr Hawatt, it is very difficult to understand how you could have had all these dealings with Mr Faker to try to progress the planning proposal without having discussed with him your view, if it was your view, that the amendment being sought by the planning proposal to increase the building height limit to 17 metres was fundamentally flawed. How could you not have discussed it with him?---I had my opinion. My opinion, I would not support 17 across the whole site. As I said to you before, that's my opinion. However, there were some issues with the Department of Planning

regarding their concerns and I don't know what they were doing behind the scene in that regard.

So let me get this right. As a councillor you thought 17 metres across the site was a fundamental error?---Correct.

But as an advocate for Mr Faker you were prepared to pursue a planning proposal that would implement that fundamental error?---It never came back to council from memory to fix it up.

10

Mr Hawatt, you're not answering my question.---Yeah, but nothing came back to council for us to fix that and - - -

Why don't you want to answer my question?---Because that's what I'm saying, there's nothing for me to do unless it came back to council.

But you, we have seen that you did a lot and you told us that you did a lot. ---I made representations.

20

And you were doing it, you've told us, to assist Mr Faker to get this planning proposal through. What I'm trying to understand is, why were you trying to do that when as far as you were concerned the public interest was contrary to what Mr Faker was trying to achieve. Do you understand?---No, I don't understand what you're saying, no.

You say that as a councillor you thought it would be contrary to the public interest, don't you, for 17 metres to be implemented as a building height limit across the site?---I wasn't for that, yes, correct, I didn't support that 17 metres across, that was incorrect.

30

But as an advocate for Mr Faker you were trying to achieve that outcome? ---No.

You weren't?---No. I was making representations on his behalf regarding the planning and design and, and other issues associated with it.

You could see that Mr Faker was trying to get the planning proposal through, couldn't you?---It's to do with the plan design.

40

Please, please. You could see that Mr Faker was trying to get the planning proposal through. Correct?---I don't know what planning he's trying to get through. He had contacts between his staff and council or his consultants. I didn't give that, be involved in it, just, I just made representation on what the issues came up.

You see on the evidence you've given us there was a plain conflict of interest in which you were involved.---Incorrect.

What is incorrect about that?---There's no conflict of interest, what a conflict to every person I represented for 20 years, I have a conflict of interest with? What are you talking about? I made representations like I do with every person that calls me. It's simple as that. And you could twist it to the, to the way whatever you like.

THE COMMISSIONER: It's not simple, Mr Hawatt.---It is simple, Commissioner.

10 It is very confusing that you gave evidence on Friday that you didn't support the 17 metre - - -?---I don't support it.

- - - across - - -?---I still don't support it.

- - - the site, that you thought it was ridiculous, that it would be this huge building, but then you seem to be, as Mr Buchanan has put to you, supporting without, in a way, acknowledging that inconsistency, supporting Mr Faker's planning proposal which was the 17 metres across the site.---No, no, Commissioner. They were addressing the issues that the, the Gateway came back with and then there was consultants between the Gateway and that, it wasn't back on the - I never looked at the 17 metres across. The issues that he raised with me was based on design issues - the, the, the balconies issues if I remember and, and these things - but never got, got in to the, back to the, I never supported, I never said to, it's been going for, for years. I never said to, to Mr Stavis, listen, get it approved because we need to have 17 across. No, that's why I kept going back and forward. That's why it never got through.

30 MR BUCHANAN: The issue, I pointed out to you and you saw, that the department raised was that the 17 metres in height needed justification. ---Correct and it was, that's what he was working on with his, with his staff and I understand just asked just, what, what, we have to address what the Gateway wanted.

40 So the very issue that you were trying to help Mr Faker pursue and achieve was the issue you thought was a fundamental error?---I gave it to, I told my, what I think it was. It was became an issue, they've got to address what the Gateway wanted. It became between, not, not what council wanted, between what Gateway wanted and what he, what his consultants wanted.

So the question for the Commission, you see, is would it be, what was in it for you, that you would be pursuing Mr Faker's interest in achieving an amendment for a 17 metre building height limit on that site when you as a councillor thought that that was wrong?---That was, I still say it's wrong.

What was in it for you?---Absolutely nothing.

Well, can you give us an explanation as to why you were pursuing something that you've told us you thought was wrong?---Because when someone calls me and says I've got, want to talk to you about my issues, I have designs, I made representation on their designs, I go back and forward but nothing to do with this 17 metres. As far as I was concerned, it's to do with the design of the building. That's, from memory, what I've got and that's, I'll continue saying the same thing because that's exactly what the situation was.

- 10 If we could play, please, Exhibit 73. This is a telephone conversation on 17 February, we're in 2016 now, 17 February, 2016, commencing at 1.16pm.

**AUDIO RECORDING PLAYED**

**[10.13am]**

MR BUCHANAN: Did you recognise the voices of yourself and Mr Faker in that recording, Mr Hawatt?---Yep, yep.

- 20 Did the meeting at Jobel's café take place?---Well, it must have, if he came, if I told him I was there.

And what happened on that occasion?---I don't remember meeting him on that occasion.

- 30 The Commission's got evidence that, at 1.42pm, you texted Mr Stavis. So this is shortly after the telephone conversation, "I spoke with Assad about Homer Street. They spoke to the department for an extension. They said it's okay as long as council supports this. Can you ask for this proposal to be extended with the department?"---That's probably what he wanted to find out, if they can, he's running out of time.

If we could have a look at Exhibit 81, please. If we could go to the next page, page 2 of the exhibit. This is a page from a statement of your account with the last four numerals of the account number being 9-9-9-5, and the account's in your name. There's a transaction on 17 February, 2016, a transfer being, sorry, there are two transactions, three transactions, the third one is a cash deposit, \$2,500. Do you see that?---Ah hmm.

- 40 And if we could go to the next page of the exhibit, please, that's the deposit slip, it's in your handwriting.---Yeah.

And we can see that the \$2,500 was in \$100 bills. And if we go to the next page we can see the bank trace shows in the bottom right-hand corner that the transaction was at the Lakemba branch of your bank at 2.17, I'm sorry, 2.17pm. If I can take you, please, to the next page of the exhibit. This is a page from a statement of your Ozsecure Home Loan account with the last four numerals of the account number being 2-2-1-8. There's a transaction

again on 17 February, 2016 for a cash deposit of \$4,800, and if we go to the bank trace on the next page it can be seen that the transaction occurred again at 2.17pm. These cash transactions that you made within the hour of having met with Mr Faker at Jobel's Café. Did you get any of that cash from Mr Faker?---Absolutely not.

Where did the cash come from?---These, these are mortgage payment and expenses. I don't know. I can't remember where I got it from. I would have had the cash, I would have had it anyway. Definitely not from him.

10

Mr Faker wasn't paying you for the services you were providing him in intervening on his behalf with council to progress his planning proposal? ---Absolutely not.

Now, did you see the planning report that Mr Faker complained about having to pay for, the additional planning report?---No, I don't remember.

20

The expert evidence before the Commission – I'm sorry, if I could just tell you this, perhaps if we can just put the front page up of volume 10, page 36 in Exhibit 52. This is the front page of evidence in the Commission called the JBA Report. This was a planning justification report obtained by Mr Faker or Mr Faker's designer from a firm called JBA to meet the requirement of the Gateway Determination of further justification for the additional height of 17 metres sought on the Homer Street site. The report, according to the comment of staff of the planning division of council who reviewed it, was that it proposed a scheme which was even greater in terms of height, bulk and scale to that originally submitted by Mr Faker. That's pages 77-79 in volume 10. That opinion went on, "The heights proposal on the Cooks River had increased significantly from what was submitted in the original planning proposal." Was your attention drawn to the fact that the report that Mr Faker's designer obtained was one which went even further than Mr Faker's own designers had originally put forward to council in support of council asking for a, oh, putting forward a planning proposal to the department?---This, oh, it sounds as like is his, his, his planners or his architects is responding to the Gateway enquiry that they have, and they're trying to justify it to, to Gateway, and I had no input into this. I have no input into what they're doing. The only input as I said I had was based on an enquiry and the issues, but nothing in regards to, to this 18 metres across the, across the whole site, 17 metres across the whole site.

30

40

The inference to be drawn from the fact that this report was prepared on Mr Faker's behalf is that he was trying to ensure that he could in fact build a structure that would be 17 metres high from Homer Street down to the boundary of that site with the river.---To me, that's wrong, but that's his, his architect and himself working with, with council to justify their position to Gateway, and to me that's wrong.

And you had no idea that that was what was occurring?---No. I wasn't even thinking about it. The only issues they faced, he didn't say anything about helping him in regards to get 17 metres across. As I said, the only issues I recall making on behalf of, to, to Stavis was to do with the design and the balconies, I remember that very well.

Well, we also know, don't we, that Mr Faker was complaining to you about having to prepare at council's request a further planning report to meet the Gateway Determination condition, namely - - -?---Well, there was, yeah - - -

10 - - - to justify the 17 metres across the site.---He, he was just complaining. I, he wasn't talking about the 17 metres across the site. He was complaining about redesigning. He didn't say to justify the 17 metres across the site. I wasn't, I wasn't really that involved after that. It was just on a very light contacts in regards to any, just general issues that he had. That's all.

If we could show you the transcript, please, of Exhibit 211. This is a telephone conversation recorded on 25 April, 2016, between yourself and Mr Stavis. Oh, yes, could we show the hard copy, please, to the witness?

20 Mr Hawatt, when you get to page 5, if you have - - -?---Yeah, I'm past it, yeah.

Sorry, if you can just go back to page 5, there's an error a bit over halfway down. Can you see that there's three Hawatts in a row?---In page 5?

And the middle one should be Stavis. So it's a misattribution to you. That's Mr Stavis talking there commencing, "Absolutely, mate."---Sorry, on page 5?

30 Yes.

THE COMMISSIONER: No.

MR BUCHANAN: No. Ah, thank you very much, page 3. It's on the screen in front of you now and so there where it says, "Absolutely, mate," that's not you.---That's Stavis, yeah.

It's clearly Mr Stavis. Okay.---Do I have to go back?

40 If you wouldn't mind.---Yeah.

In the middle of the page do you see where it says, "Stavis. You can do that, Michael?"---Which, sorry, which page?

Sorry, page 10, in the middle of the page where it says, "Stavis. You can do that, Michael."---Yeah.

Can you see that?---Yeah.

In fact Mr Stavis says, “You can’t do that, Michael.”---Okay. Yep.

Mr Hawatt, in this conversation you’d just come back from China and Mr Stavis was giving a report to you on what had happened in his division while you were away. Is that a fair summary of what was happening?  
---Yep, yep.

10 And although Mr Stavis rang you on page 3, you said to him, “I thought you might have some issues when you mentioned to call you back when I arrived.” So would it be fair to say that the relationship you had with Mr Stavis when he was director of planning was such that he reported to you, that is to say he reported up to you and you managed down to him in hierarchical terms, in terms of organising the business of the planning division?---No. There’s no organising - - -

20 What’s wrong with that?---He just, he’s just responding to, these are the ones that I made enquiries on and he’s keeping me in the loop of what’s going on. That’s all it is.

And would it be fair to say that were all large commercial sites?---Well, all the ones I made enquiries on, yeah, they’re in the loop, just keeping them in the loop, yeah.

There are no, you know, mum-and-dad backyard DAs that he’s talking to you about or you’re talking to him about, are there?---Well, on, well, on this one, it concerns, of course, concerns the, the CBD in, in Campsie. It concerns Charlie Demian.

30 Well, can you just answer my question? The answer is that’s correct.  
---Yeah, that’s right, it happened to be those, yeah.

Which tends to suggest that when you say that you would intervene in the same way on behalf of anyone, in reality the type of proponent on whose behalf you intervened with Mr Stavis were proponents of large commercial developments, rather than ordinary rate payers?---That’s incorrect.

40 And certainly no objectors.---No, that’s, that’s, I, I have, I’ve met a lot of objectors as well, meetings with them regarding objectors.

But certainly this report, if we take it as an illustration, as a window into the relationship that the two of you had as at April 2016, is one where Mr Stavis thought you would be interested in projects in his division which concerned large or potential large commercial developments?---He’s just, he’s just keeping me in the loop in regards to the enquiries that I made and they’re all the enquiries that I made on, on the applicant’s behalf.

Excuse me, please. Now, there are two occasions in the conversation where Mr Stavis referred to – excuse me – doing things for developers which was not right, I want to suggest to you and I'll take you to what I mean. First of all, page 5 in the middle of the page, the long paragraph attributed to Mr Stavis, which commences, "So my guy's presenting, I'm there and we're showing him." He's referring to Mr Demian. And he said, "I spent like fuckin' 10 grand of council's money, mate, just to do this, all right, just to try and help him getting it, getting it over the line." And then he goes on to complain about Mr Demian's behaviour. There's no protest by you that that is a terrible thing for you to have done, to have spent \$10,000 of council's money to help a developer get their proposal approved. Why did you not say, that's a terrible thing for you to have done, Mr Stavis, why would you do a thing like that?---I would have, he's just talking and I'm listening.

It seems to suggest that you didn't think there was anything wrong with Mr Stavis having spent 10 grand of council's money just to try to help Mr Demian get a proposal over the line.---How do you know I haven't 'cause I haven't, I'm met Mr Stavis and he mentioned that before and I probably would have said that as well, yes, too much. I've complained before about money being spent, many times. Just on this particular time I'm listening to him.

Excuse me a moment. And then if I can take you to page 8 of the transcript, in the long paragraph there that is attributed to Mr Stavis he says, "This guy, mate, I don't know what he, he wants and I, and I said to Jim, I said, "Jim, mate, if he's, if he's over-extended himself and he's expecting us as a council to save him, mate, I can't, I can't do this anymore," I go. I said, "I cannot do unreasonable things just because Charlie might have financial problems." And Jim goes, "Yeah, yeah, you're right, you're right, you're right, just go home." Again there's no protest by you in this conversation that that is the wrong thing for Stavis to do, is there?---I'm, I'm, I'm listening to what he's telling me and I said, "Yeah, yeah, yeah, yeah." It's just, I'm listening to him, I'm agreeing with him actually, I'm not disagreeing with him.

Excuse me a moment. If I could take you, please, to another page, page 12. I might have to take you back. If I can take you then to page 13, a bit above halfway down the page where Mr Stavis says, "And Homer Street, hallelujah." You asked, "Yeah. What happened with that one, it was going." Mr Stavis said, "Right, jump up and down, go up on your roof and say hallelujah Spiro." You asked, "It's all finished, is it?" Stavis, "I fuckin' come." Hawatt, "Oh, fuck." Stavis, "I've come to an agreement so it's going to happen." Hawatt, "And they were happy with it?" Stavis, "They're going to be, of course they are, of course they are." Hawatt, "I'm glad all these old ones really I just want to get them out of the way." Stavis – and this is going over to page 14 – "I know, mate, but mate, I need your support with this one." Hawatt, "No, no. Don't worry about that. I, look, you, you know my position." Stavis, "I know, mate, and I really appreciate

it.” Hawatt, “Spiro, I won’t, I won’t go, look, you know something, I’m like, you, you can support and negotiate and come back to some sort of reasonable decision.” What was it that you understood Mr Stavis was talking about there?---Oh, I don’t recall it, but it sounds like he had his own, he wanted his own ideas in regards, and I said, you know my position is to support you. Whatever you think is right, you do it. That’s basically what I’m saying to him. Whatever you feel is, is reasonable and it’s good, and it works, and it’s right, I, you got my support.

10 But when Mr Stavis said, “I’ve come to an agreement,” and you said, “And they were happy with it,” this is page 13 - - -?---I’m asking him, are they, I had never spoken to them, so I’m saying, are they happy with it?

You mean Mr Faker?---Yeah. Like, have they, like his people, his, his people that he’s dealing with, are they happy with it? That means I, I, I’m not sure what’s going on.

20 So the importance, as far as you were concerned, was keeping Mr Faker happy?---No, I just said, are they happy with it, because I’ve been getting all the calls and going back and forward. Are they happy with it? And I said, I want to get, get, get rid of these old ones. I’ve just had enough of people calling me. That’s, that’s the conversation we’re having here.

What did you understand the agreement was that Mr Stavis was talking about?---I think just whatever he negotiated with his, his planners and - - -

30 With his, Faker’s planners?---Faker’s planners and – I, I just don’t know. He’s just telling me that they will come to some conclusion, I don’t know. That’s something you’ll have to ask Mr Stavis. I just don’t recall.

And then if I can take you, please, to page 15, bit over halfway down the page, you asked, “How’s the masterplan for Campsie coming along?”  
---Yep.

40 Stavis said, “Yeah, it’s good, it’s good.” And there’s a bit more conversation about it. And – this is on page 16 – when Stavis said he was concentrating within the 400 metre range, you agreed that “We should do that,” to use your words, and Stavis said, “I haven’t touched the rest.” What was it that you understood he was saying there, from your knowledge of the draft masterplan?---Well, the, the round the 400 metres were, I think to do with the club as well, the RSL Club, and - - -

400 metres from what?---From the railway station.

And just continuing what Mr Stavis said there – this is about three quarters of the way down page 16 – “I haven’t touched the rest, and you know, we’re looking at extra heights here and there, you know,” and you said, “Yeah, I, I agree with you on that,” and Stavis said, “I’ve gone, I’ve gone with Joe’s

one on the corner there, 22 metres in part.” That would have been a reference to Joe Alha’s proposed development?---Yeah, because, yeah, because he had one that’s in that vicinity.

And that he would benefit from that aspect of the draft masterplan?---Well, he would have, if he’s a property owner in that vicinity, everybody would benefit.

10 And the reason Mr Stavis said that to you, as you understood it, would have been because you had indicated to Mr Stavis an interest on Mr Alha’s behalf in there being a draft masterplan and the draft masterplan allowing for an increased in building height in the area that included his site.---Well, there was an enquiry - - -

Is that right?---There was an enquiry from Alha in, in this regards to, to find out what the, what the progress is.

Excuse me a moment. That’s all in relation to that conversation, thank you. If we could show you the transcript, please, of Exhibit 76. This is a  
20 telephone conversation between you and Mr Faker on 27 April, 2016, commencing at 12.06pm. And can you see there on the first page of the transcript, you had rung him. He said that he was actually about to call you, something in relation to his architect, “To see where you are about.” You said, “Yeah, yeah. Would you believe that I am just going to meet up with Spiro and he told me the other day that he met with you and everything was good and I wanted, I wanted to confirm that before I met up with him.” So you were just checking that Mr Faker was content with progress on his project to get this planning proposal progressed?---Correct. If I had a  
30 meeting with Spiro that means I needed to know to ensure there’s no more call-backs and no more inquiries and everything, everyone’s happy with it, yeah.

Your interest as this calls shows, and it continues on page 2 of the transcript for example, is, your concern was his interests, not council’s interests. The interest of the development proponent. Was the development proponent happy with what council was doing. That was all you were concerned with, wasn’t it?---When someone rings me for an inquiry or assistance, that becomes my concern in regards to that assistance from A to Z and I want to make sure it’s completed. That’s the way I represent people. I represent the  
40 people, not the council.

Now, on the third page of the transcript, the third entry, you said, “Okay, I’ll, I’ll talk to him now about pushing it because you’ve been waiting too long, it’s just ridiculous.” So you propose again to intervene in the work of the planning division by getting Mr Stavis to do something that wouldn’t

occur unless you intervened on Mr Faker's behalf. Is that fair to say?---No, there's delays and we always ask why there's delays and, and that's how we  
- - -

That's not what you've said here. You said - - -?---Well, to push it because of the delay.

- - - "I'll talk to him now about pushing it."---Correct, to find out what's the delays is, that's what pushing it.

10

That's not an inquiry as to finding out what the delay is, is it, Mr Hawatt?  
---Yes, it is, when you push it, it's - - -

It's quite a different thing altogether.---No, because the whole issue is the delay and to, to speed up the delay, to speed up the progress when you push it.

And if I can take you, please, to Exhibit 78. This is a transcript of a telephone conversation, Mr Faker rang you on 28 April, 2016.

20

THE COMMISSIONER: Is it? Or is it 2 May?

MR BUCHANAN: I'm sorry, oh, I do apologise. 2 May, my mistake. Thank you, Commissioner. Mr Faker rang you at 10.57am on 2 May, 2016. You told Mr Faker you were very good, you checked with Spiro. You said, "He said it doesn't need to come back to council." And then Faker said, "Are you, are you around or - - -" You said, "Yeah, yeah. I'll be around, yeah." Faker said, "Maybe I'll just pop in for a coffee or something. Maybe about 12.30 or about 12.30/quarter to 1.00." And you made that arrangement for him to meet you in your office. This is the second page of the transcript.---Yep.

30

Did Mr Faker come around to your office?---Well, if he said he's coming, most likely he would have come, yeah.

And what happened on that occasion?---We had a cup of coffee and just probably spoke to us about, again, this is from memory, we spoke about his, his, his project and progress.

40

What was the need for him – what was the need for you to give him your time in having a face-to-face meeting with him, you having told him that Spiro said, "It doesn't need to come back to council"?---There was no need, it's up to him. He wanted to come and, and have a coffee.

Yes, but why were you prepared to give him your time?---I give, I give people my time all the time. I always give people, I respect people, I give them all the time in the world.

Did you receive any payment from Mr - - -?---Absolutely not.

- - - Faker on that occasion?---Absolutely not.

Now, what happened in relation to your dealings with Mr Faker after amalgamation?---I don't recall after that what happened. Just, just died out. I, I don't recall. I just don't, I don't remember, we might have had a couple of discussions with each other. We might have met for coffee again. I just don't recall.

10

Why was there a need, though, for you to give him your time once you no longer had a representative role to perform at council?---We, we still, we still respect, people respect each other. It's just because of, just because there's, they're not on council, doesn't mean they can't have a coffee together and have a, have a chat together. That's, that's the way friends are. People become, people becomes friends and they, they, they want to have coffee and, and meet up if they're in, in, if I was in a, in an area that I knew there was a friend of mine there, I would ring him up and have coffee with him. That's the way it is.

20

So Mr Faker was your friend?---Well, he became a, a person who liked to, when he's in Lakemba, wants to have a coffee, we have coffee together.

He became your friend, just to use your word?---But not a – look, you can term it as a friend. Not as a friend as friend but as a person who wants to sit down and meet up and have coffee. That's, but, as a friend, not to go out together and, and socialise together, no, but as a friend to come and have coffee.

30 To socialise together but at your place?---As a respect. As a respect. At my place? He's never been at my place.

Okay, your office.---At the office, yeah. I have an - - -

And in cafés in the district?---I have an open office. I have cafes, it's open, there's people there. There's, it's, it's, there's nothing sinister that goes on. No, it's just straight coffee, sit down and have a chat. As honest as, as you can imagine.

40 Were you trying to progress Mr Faker's project at Homer Street after you were no longer a councillor?---I'd make enquiries on behalf of people I – even if I'm not a councillor, I still will, will make, if somebody requests, I will make, if I can still make a request, I will do it.

Why?---Because I do it to other council, other people, different councils, why not somebody - - -

Why, Mr Hawatt?---That's the way I help people. I help people. I enjoy helping people. It's always been, always been my weakness, helping people if that's the case.

Well, did you feel that you were obliged to Mr Faker?---I, I have no obligation to anyone. Absolutely no obligation, I don't mind assisting people. I used to assist them for immigration, I assist them for other things that you wouldn't even dream of. I used to spend hours and, and, and months and times for people without getting a cent just for helping people because I had some, someone I connected with. That's the way I am.

So what did you do for Mr Faker after amalgamation in relation to the Homer property?---What he asked for. Whatever enquiry I made on his behalf, just enquiries. If I made - - -

What, do you think that there might be some evidence of it that will be shown to you, is that what you - - -?---I don't know, I don't know. I might have made enquiries because that's the way I am. I follow up, I continue making enquiries.

What did you do in relation to Mr Faker's project at Homer Street after amalgamation?---I can't remember. All I, if I would have made enquiries, I would have made enquiries.

Well, you know you had contact with Mr Stavis, don't you, after amalgamation?---Well, if I, if, if I did, I did.

No, no, I'm sorry, you know you did, don't you?---Can, I can't recall, but if I did, I have not, I'm not hiding the fact that I'm not going to do it. All I'm saying is, yes, I could do it. I do it all the time.

Are you giving an honest answer to the Commission when you say you can't recall whether you had any contact with Mr Stavis after you were no longer a councillor?---I'm giving you an honest answer, yes.

You can't recall?---I don't recall, but most likely, I would have done it.

Most likely?---Yes.

Why most likely?---Because people ask me, I do it. And, and if people ring me to follow-up on something that after, after the council amalgamation, I will follow it up on.

Did you follow on, up with any other director?---Whoever - - -

Mr Sammut, did you follow-up anything with Mr Sammut?---Depend, I would have if it's to do with them, yes, I would have.

How many times did you follow-up anything after amalgamation with Mr Sammut?---If somebody called me regarding something that associated with Sammut, I would have called him - - -

Why?--- - - - if someone called me. That's the way it is.

Why?---Because if somebody rings me up for assistance and help, I still do it.

10 Wouldn't you be telling them, "Oh, there's a, an administrator there now, that you go and talk to for - - -?---Doesn't matter, doesn't - - -

- - - for this sort of thing"?---Look, you don't have to be a councillor to represent people. People always represents others. It's not necessarily you got to be a councillor. You can, you can, I can now go and make representation on behalf of anybody you like, in regards to council. I don't have to be a councillor to make representation.

Do you?---That's correct.

20

You do, do you, you contact the Canterbury-Bankstown Council on behalf of development proponents?---Oh, anyone who, look, you - - -

This year, have you done that?---If any, I, I - - -

Please - - -?---Yes, I have.

- - - have you done that this year?---Yes, I have. I've gave advice - - -

30 On behalf of whom?---I've gave advice to a number of people, regarding - - -

On behalf of whom have you contacted Canterbury-Bankstown Council - - - ?---Residents. Residents.

- - - on behalf of development proponents?---Residents.

On behalf of whom?---Just, I can give you two people I, from memory.

40 Yes.---One is in Lakemba, he had issues with his shop. And another one had a house, he had issue with his house. And you can talk to them, and they made representation, and I gave them advice, and I still do that.

All right, and - - -

THE COMMISSIONER: The one in Lakemba with the shop, who was that?---The guy, Mr Saffa, Safta. Abdul Safta. He's always calling me. And the other one is, is a mechanic. He's got a, what's his name, oh, he's

got a house in Riverwood (not transcribable) he's building, he's had some issues as well, and I gave him advice, yeah. I still do it.

But hold on, you gave advice – I think Mr Buchanan's asking you about actually contacting somebody at the council. Did you do that in respect of - - -?---For Abdul, I did. Abdul I did, definitely.

Sorry, for who, Mr Safta?---The one in Lakemba. Safta, yeah.

10 MR BUCHANAN: Who did you contact at council?---Oh, I, I would have either made, before I was making contacts straight with the, the planners or, or, or the general manager, I can't remember the, the, the dates and time. And also some of the councillors, I passed it on, information through some of the councillors, with my advice – because I made representation, I have record of the representation I made before we were sacked. And the issues still prolonged and I made representation after that as well. You can - - -

So you have been contacting Mr Stewart, have you, to make representations - - -?---Look, I can't remember. I can't remember - - -

20

- - - on behalf of developers this year?---not developers. These are people, individual people who have issues. Shopkeepers, and, and others with general simple stuff that they need advice on.

So, when was the last time you made representations to Canterbury-Bankstown Council on behalf of a development proponent in respect of a large commercial site?---A large commercial sites, I haven't done any large commercial.

30 When was the last time you did?---Oh, I don't recall. I don't recall.

Have you made representations to Mr Manoski on behalf of development proponents in respect of a large commercial site at all?---Oh, look, since, since - - -

Is the answer no?---I can't recall.

Is the answer no?---I don't recall, is my answer.

40 Have you made any representations to Mr Stewart on behalf of development proponents in respect of large commercial sites?---I don't recall. I don't - - -

Is the answer no?---I don't recall.

You can't recall any, is that fair to say?---I can recall those small ones, yes. But I can't recall the other ones.

So, after you stopped being a councillor at Canterbury Council, your interventions with the planning division at the amalgamated council died away - - -?---Yeah, but I still give - - -

- - - over time, did they, they dropped off?---Correct, yes. But I still give advice to people.

10 But whilst Mr Stavis was there, because he remained there until August 2016, you continued to intervene on behalf of development proponents for large commercial sites with him, didn't you?---I made some inquiries, yes, I kept going.

Because you have a personal relationship with Mr Stavis which is quite different from your relationship with any other director at the council before amalgamation or any other director in the council after amalgamation. That would be fair to say, wouldn't it?---I'm making continuation representations for people, whether I was a councillor or not councillor, I had the right to do it and I've done it.

20 What was it about your relationship with Mr Stavis that meant that you continued to discuss projects that development proponents had in council for as long as he was the director of planning?---We just had respect, it's just a respect for each other, it's a respect, it's a hospitable, it's a person, we're not rude to each other, if somebody rings me and if I call him there's a respect, we don't have to be rude, say listen, because you're no longer a councillor I can't talk to you. We don't have that, what do you call it, disrespect for one another. We're from, you know, if, my background has a cultural background that has a high regards for respecting people and I presume Mr Stavis would have the same and if we talk to each other we  
30 respect each other. We don't just rude to each other and say get lost, we don't do that.

And you attempted, did you, to intervene with Matthew Stewart, the acting general manager - - -?---Look, I don't, I - - -

- - - on behalf of some of your developer, the developers on whose behalf you had intervened before amalgamation. Is that right?---I don't, I don't recall, I don't recall.

40 If we could play, please, Exhibit 80. This is a recording of a telephone conversation on 20 May, 2016. I apologise, can I make it a transcript, please. We can show you a transcript in this case, of a telephone conversation on 20 May, 2016. And it's a call you made to Mr Faker at 3.51pm that day and you said to Mr Faker, "Listen, everything's okay for Homer. It's going in on Monday to department for final approval and that's the end of it. It doesn't need to go anywhere." You said after Faker referred to Spiro, "No, he told me, he told me, I told him." Do you see that?

If we could go to the second page, thank you. And you said, "But after that it's finished, no more, no more, finished." Do you see that?---Yeah.

And Mr Faker then said, "Okay, anyway we'll catch up next week and have a chat." You were this shows certainly talking to Spiro Stavis after amalgamation to find out how Mr Faker's planning proposal, sorry, the council's planning proposal in respect of Mr Faker's proposed development was going and what stage it was at, and then you conveyed that information to Mr Faker. Is that fair to say?---Yeah, that's fair to say, yeah.

10

Excuse me. Just excuse me a moment. Can I change the subject now, please, Mr Hawatt, to Marwan Chanine. Mr Marwan Chanine had a number of projects before council whilst you were a councillor there in the period 2014-2016. Is that your recollection too?---Yeah.

Six projects altogether, including 212-220 Canterbury Road, Canterbury, and 4 Close Street, the one close to the station.---Yeah.

20 Six projects, does that sound about right?---I don't, I don't know how many projects.

And what involvement did you have in trying to progress any of them?---I mean if, if he made an inquiry, the only, the only involvement I would have got is to follow up on inquiries as he made inquiries to me.

And you were doing that because he was your friend, weren't you?---No, I was doing it because he was a ratepayer who needs assistance.

30 But he was your friend, wasn't he?---He's not my friend, I only met him during the progress of calling me for assistance.

You socialised with Mr Marwan Chanine, didn't you?---Yeah? Where did I socialise?

And with Ziad Chanine, didn't you?---I don't socialise with them, no. I might have met them at some functions but by accident. I don't socialise with them.

40 Well, can I take you, please, to volume 25 in Exhibit 69, page 254. If I could ask you to have a look, please, at item – excuse me a moment – 43 at the bottom of page 254. It's a text message extracted from your phone of a text you received from Marwan Chanine on 18 December, 2015, and it reads, "Hi Michael, are we definitely meeting tonight?" Do you see that? ---Yeah.

And can I just ask you to, can you see the text messages number 37 through to 42 that are above that on the screen at the moment?---Yeah.

Just whilst they're in front of you, you can see that number 37 on 13 December, 2015, is from Mr Marwan Chanine to you about meeting at Canterbury Leagues Club for coffee, "No need for Ziad at the moment, we can also discuss Kingswood." We had a look at this before, do you remember this?---Yeah.

And then you said that you asked Godfrey to come, that was Mr Vella. Correct?---Yeah.

- 10 Mr Chanine said, "Okay. Great." He then said where he was, and item 41 Mr Chanine asks you to have Godfrey email him documents today and he would organise a meeting that week. Do you see that?---Yeah.

And Mr Chanine said to you, this is on 14 December, "I have a meeting with Khal." That would be Khal Asfour. "On Thursday. I'll let you know how I went when we catch up on Friday. Please let Godfrey know."---Ah hmm.

- 20 You were involved in trying to get some property deal together in relation to property in which Mr Vella had an interest at Bankstown, is that fair to say?---No. The, Mr Vella or actually Godfrey asked me to try to meet up with Marwan and Ziad because he wanted some advice in regards to this site and, and Bankstown and I coordinated the meeting between the two parties.

But this seems to be going further than that because Mr Chanine seems to be telling you what he's doing to try to find out what the chances are of the site that Mr Vella had been developed in a way that would meet his satisfaction?---No. Godfrey Vella had a lot of issues with his site in Greenacre.

- 30 Yes but why is he talking, why is Mr Chanine talking to you about the Bankstown site and - - -?---Because he's giving him advice. He's giving, he's got some advice for, for Godfrey Vella and - - -

Yes. Why is he telling you about this, though?---Because I coordinated the meeting between the two, two, two, two people. That's why, he's telling me to pass on the information to Godfrey Vella.

- 40 Well, you having coordinated the meeting, he seemed to think that you should be kept in the loop, indeed he asked you to get Godfrey to email documents today and he would organise a meeting later that week. That's item 41 on page 254.---Yeah, he's trying to help Godfrey because Godfrey has some issues and was giving some advice.

Yes, but you're the intermediary.---I'm, I'm, because I know both, I know Godfrey's a friend of mine and I knew Marwan and I tried to put them together.

Well, Marwan was a friend of yours as well?---Marwan was a, became, when you say friend, but as a, as a, a local friend, I don't know, you call them coffee friend but anyway, I put them together because I know both of them and I would coordinate it together.

When did you first meet Mr Chanine?---I've met him, when did I meet him, God, I don't know, when he, when he called me, first time he called me regarding some issues he had. I don't, I don't remember.

10 So did you meet him as a developer, not outside of council business?---No, I met him as a, as a, when he, through council. He had some issues with council.

And how long before? Was it before the 2012 election when Mr Azzi came on to council?---I'm not sure. I think, I didn't know him then. I don't remember actually how I met him. Probably after, I think, yeah, I would have met him after.

20 Why do you think it was after 2012?---Oh, I'm just guessing. I, I don't know.

Did you meet Mr Chanine through Mr Azzi?---Mr Azzi?

Yes.---Maybe, I don't know, maybe, I don't know. Maybe.

Did Mr Azzi introduce you to Mr Chanine as a, he was a friend of his? ---Look, I don't recall. Maybe, I just don't, I don't remember.

30 You can't recall the circumstances in which you first came to meet Mr Chanine or - - -?---No, I can't.

- - - in which you had dealings with him?---I don't recall, no.

What's the first dealings with him that you have any recollection of at all? ---I think maybe to do with the Campsie site he had in, in, what's the name, in Railway Parade or something. I'm not sure. He had something, he was doing something there and there were some issues. I, I can't remember. Something to do with Campsie.

40 418-426 Canterbury Road, Campsie?---No. Not Canterbury Road, no. It wasn't Canterbury Road. It's to do with, in Campsie, inside - - -

45 South Parade?---That's the one, South Parade, yeah, maybe that one.

The Campsie car park?---Maybe that one, yeah.

And was Mr Azzi working on that issue with Mr Chanine and did he bring you in to help?---I don't, I don't remember. All I remember, there was some, a couple of meetings or enquiries. I don't remember.

Was Marwan Chanine interested in buying the property?---Which one?

The car park site.---I think they showed interest in the – yes, they did.

45 South Parade?---Yeah.

10

Was it owned by council?---No. He had, he was building next door and I think it's to do, because they were building next door under the policy of council that if there's a, a neighbouring person, they'd had, next door to the car park and they showed interest in, in the, acquiring the car park and, and developing it right next door, from memory,

And the car park was owned by council?---Yeah.

20

So, I'm sorry, I got diverted. If we could go back to the text messages, please. If we could go to page 254. You responded to message 43, as to whether tonight was still on, by saying, "Yes, everything is okay. Let me know who is coming." That was at 1.20pm on the 18<sup>th</sup> of December. Do you see that?---Yeah, yeah, yeah.

30

And then item 45, Mr Chanine texted you at 1.38pm, "Myself and Ziad. Please push the other guys to come." You said, "Okay." What was this about?---I think it's to do with Godfrey. This is to do with going to level 6 (not transcribable) date, same date, yeah. I think Godfrey Vella wanted to meet up with him on level 6.

Level 6 of - - -?---This is the Ivy, whatever, the Ivy tower. I think Godfrey Vella is a member there.

You're looking at item 48, are you, which is a text by you - - -?---Yeah, I'm just looking - - -

40

- - - to Marwan Chanine that day at 2.48pm.---Yeah, presumably that's the meeting, because if you're saying the meeting, that sounds like Friday at the, at the, at level 6.

Level 6 of Ivy. What is Ivy?---This is, this is a membership, they're a member. You have to be a member to get in. I think Godfrey Vella is a member there.

Yes, but what is it you have to be a member of to get in?---Just a member, I don't know - - -

THE COMMISSIONER: It's a nightclub, isn't it?---No, it's not. Just a social area they have. They have - - -

But the Ivy is that place down in Martin Place.---Downstairs, but this is upstairs. It's level 6. It's a private, it's a private members, members, guests.

MR BUCHANAN: I think, Commissioner, you can take Commissioner's notice of the nature of the venue.

10

MALE SPEAKER: It's in George Street.

THE WITNESS: It's not a strip club. It's just a straight, normal - - -

THE COMMISSIONER: No, no.

MR BUCHANAN: No, it's a nightclub. I was trying to find out whether you would tell us that, and you weren't prepared to tell us that. And what I'm trying to work out is why you weren't prepared to tell us that.---Tell you what?

20

That it was a nightclub.---It's a member, it's a members' club. It's, I told you, it's a member, you've got to be a member. You can't just get in. You have to be a member, and Godfrey Vella is a member there, and that's why he, he's the one coordinated the, the meeting there.

So if we go on then to that item that you're looking at, item 48, 2.48pm, where you texted Mr Chanine, you said, you identified the address and a time, Ivy level 6 at 9.00pm, and then you said Jim Daniel. Who was Jim Daniel?---Oh, Jim is, he's, he's doing, he was doing – was he a councillor? No, he was, can't remember if he was doing – he was a councillor at that time.

30

On which council?---Bankstown, Bankstown, Bankstown.

Was he a councillor at the time at Bankstown Council?---I can't remember if he was a councillor then or not. He, I think he would have been around that period, yes.

40

And then you identified Pierre, Pierre Azzi, and Bechara, Bechara Khouri. ---Yeah.

“Plus others are attending,” your words.---Correct.

So this sounds like a friendship network.---No, this is Godfrey Vella wanted to meet up. He had an open invitation to, to come up to level 6, and he had some issues with his site, and it's like he wanted to talk to some people who could look, look, look at it for him in regards to Chanine, in regards to Ziad,

to do some architect planning for Greenacre site. And it became a meeting that became more social, and I'm not sure if Pierre went there. I don't recall Pierre being there or Bechara Khouri. I don't remember them being there.

But the plan was for Pierre and Bechara to be there.---Yeah, but I don't think they turned up.

10 What was it about this business that was going to be transacted at level 6 at Ivy at 9.00pm involving Mr Vella – although he's not mentioned – involving Jim Daniel, a councillor at Bankstown - - -?---He can't get in.

- - - Pierre Azzi, a councillor at Canterbury, and Bechara Khouri, a lobbyist for various developers? What was the business that was going to be transacted at the nightclub?---Well, it became social, social discussion over a drink, and these guys are telling me that Godfrey was interested in, for them to look at his site to see what they can do with it.

20 Who ended up going?---I don't remember who was there but it could have been Marwan and his brother, Ziad.

How many people were there in the group?---I don't remember who else turned up for that.

How many people were in the group who actually attended?---I don't remember. I mean I - - -

30 Well, was there, you've told us there's two others. Was it just three of you?---Could have been, look, I don't remember who turned up. I really don't.

So was it more than three people?---I don't remember who turned up. I was there definitely.

I'm not asking you that. I'm asking how many people were in your group that were there at the nightclub that was starting at 9.00pm?---Look, I don't remember but it, it probably most likely would be Ziad and, and Chanine and Marwan, most likely but the rest, I'm not sure.

40 Was Jim Daniel there?---I, I can't recall. I don't recall having Jim there. He probably couldn't make it. I don't recall.

And how long were you there for?---Oh, maybe an hour. Look, I, I don't stay, I don't stay there long. Maybe, I normally leave around 10.00/10.30.

And what was the outcome of the meeting?---Oh, we became social. It's, look, it became, started off introduction. It's more of, of an introduction for Godfrey Vella to meet up with Ziad, who is an architect. He was more interested in Ziad to look at his site to see what he can do with it, in

Greenacre and to see how he can work with him and became more social. It got to, they got to know each other and then afterwards, they have, they got each other's phone number and they can communicate with each other. That's, that's all there is.

Are you sure it wasn't a social occasion in the first place?---No, no.

10 It started and ended as a social occasion?---No, no. It became, it's purely, you talk to us, Godfrey Vella, it's purely to do with Godfrey Vella's site in Greenacre and he wanted to meet up with this bloke and he asked me to invite them. You've got to come is as, he, he's the member and he asked me to invite them on his behalf because I knew them. That's all it was.

So where did the occasion start, geographically, where did it start?---Which occasion?

20 This meeting. Did it start at level 6 at Ivy at 9.00pm on 18 December, 2015, which I just draw your attention to is the last Friday before Christmas in the year?---Yeah, correct. That's the, the place is where Godfrey and, and I used to go there quite often, yeah.

So where did this meeting start?---What do you mean? I don't understand what you're saying. What do you mean? I don't understand your question.

30 Whereabouts did this meeting start? Did it start at Ivy or did it start somewhere else beforehand?---I don't recall. All I recall is that meeting being organised to go to Ivy. That's, there, there must have been discussions before that and a follow up and followed up on, on, on Friday at the Ivy, at the level 6.

Can we have a look, please, at a telephone conversation, Exhibit 250, if the audio file could be played please.

**AUDIO RECORDING PLAYED**

**[11.28am]**

40 MR BUCHANAN: Mr Hawatt, did you recognise the voices of yourself and Mr Azzi in that recording being played?---Yes, correct.

When Mr Azzi said to you, looking at the first page of the transcript, "All the boys going," what did you understand him to mean?---Oh, the, Ziad and his brother and, and, and whoever, whoever mentioned. Bechara, I don't know.

You understood him to refer to a friendship network, didn't you?---No, this was arranged for Godfrey Vella and because everybody knew each other and it became, Godfrey said, "Invite, invite the people who know each

other,” and it became a, a, a get-together based on what really Godfrey Vella wanted in regards to his site in Greenacre.

It sounds like it was a get-together based on what Marwan wanted.---No, no, it's ah - - -

10 Would you go to the second page, please. You said to Azzi, second entry from the top, “Well, could you chase them up because Marwan mentioned if you can chase the boys up, so if you can ask him if he wants to come.” This is a reference to Bechara.---Yeah, because Godfrey Vella wanted to meet up with, with the team who could look after his site in Greenacre.

I'll just point out to you, this is not what you said at the time.---No, no, that's the reason for the whole meeting.

20 Why didn't you say that instead of saying to Pierre Azzi, “Because Marwan mentioned if you can chase the boys up.”---I can't remember the discussion for all, all there is, is based on, look, the whole thing of this is based on Godfrey Vella wanted to meet up with Ziad Chanine and, and his brother and get some ideas in regards to his site, what they can do for him in regards to his site in Greenacre and he suggested why don't they meet and Godfrey loves having meeting over social drink and he's a member of Level 6, he always invites people there, and it happened to be those boys who were there and I don't know who even turned up. I don't recall who turned up.

Do you know what the Bulldogs event was at 5.30 that Mr Azzi spoke to you about?---What, it's Christmas, is it?

30 Yes.---It's probably the, because they invite us before Christmas for social drink from the board of the Bulldogs, it sounds like that.

And would it be fair to say that this was a Christmas get-together of a friendship network involving you, Mr Azzi, Bechara Khouri, Jim Daniel, Godfrey Vella, Ziad Chanine, Marwan Chanine?---No, it's, I'll repeat what I was saying and I'll, because I know for a fact it's to do with Godfrey Vella, he wanted to meet up with these guys, he's the member of that place and he's the one who made the suggest to, to meet and made it into a social working, working meeting.

40 Are you sure that there wasn't an occasion before that, before the 9.00pm attendance at the nightclub, like a dinner?---At the club? I don't, could have been then, I don't recall.

There could have been a dinner?---There could have been dinner, yeah.

What could there have been, tell us about that.---The dinner could be based on ah, this is the night before, we're talking about Friday, Thursday, is it?

No, I'm talking about the same evening, before the 9.00pm attendance at the nightclub.---Godfrey Vella could have invited them for dinner actually, it's  
- - -

Yes. Where could that have been?---That could be at the Mr Wong.

You don't think it was downstairs at Felix restaurant?---Oh, could be, could be Felix, yeah, could be, yeah.

10 And who was there?---I don't, I don't remember who turned up, I don't remember, unless you've got photos everybody was there, I can't remember.

How many, how many people were there?---I don't remember who turned up. I don't recall.

How many people were there at the dinner, at the table, sitting at the table?  
---I can, I can count at least probably four people max, but there could be more, but I don't, that's all I, I remember there's myself and Godfrey and, and, I don't know, I'm just guessing. I, I can't remember who was there.

20

THE COMMISSIONER: You said four.---I'm just, because I'm talking about Ziad and his brother, if they turned up I'm assuming they were there.

So you assume they were there.---That's all.

MR BUCHANAN: And you were having dinner with these people because they were your friends.---No, Godfrey Vella organised it, that's his restaurant. This is Godfrey Vella's restaurant. He goes there all the time and he's the one who made the invitation. He's the one who made the  
30 invitation, not me, and it's not social, Godfrey doesn't even know them as well. So it's just, it's a social business meeting. He wanted to discuss his site. That's all it was, and he invited this group.

And so when did the dinner start?---Probably 7.00.

I note the time, Commissioner.

THE COMMISSIONER: Look, just before we break for morning tea, at  
40 1.30 today another public inquiry is having a short directions hearing that will be finished by 2 o'clock, so what we'll do at lunch, we'll go through to 5 past 1.00 and we'll resume at 5 past 2.00, but when we adjourn at lunch if people can just close folders and just leave a little bit of space for the legal reps who will be arriving at 1.30. So we will adjourn until 12 o'clock.

**SHORT ADJOURNMENT**

**[11.36am]**

MR BUCHANAN: If we could show to the witness, please, in Exhibit 69, volume 25, page 255. This, Mr Hawatt, if we can go to the bottom of the page is a list of text messages exchanged between you and Mr Chanine, Mr Marwan Chanine. If I can take you, please, to number 59, towards the bottom of the page.---Yeah.

10 And you can see that it's a text message, this time on 22 December, 2015, from Mr Chanine to you. "Hi, mate, when are you going overseas? Just want to catch up before you leave." You responded at 3.10pm the same day with the message, "6 January." And then at 3.23pm you said, "Let me know when you are free." Going over the page 256 in volume 25, Mr Chanine responded at item 62, "If not tomorrow with boys, just after Christmas, if that's okay with you, mate." And you responded at 3.47pm, item 63, "No problem. Keep me informed of when." What did you understand Mr Chanine to mean by, "If not tomorrow with boys?" What was the reference to, "with boys?"---I don't, I don't recall this.

20 Yes, I understand that, but you've seen – I withdraw that. You know the relationship you had with Mr Chanine, he's used the word, "the boys," you've told Pierre Azzi that Chanine used the words, "the boys." What was that expression, what did that expression mean in the relationship you had with Mr Chanine as at December 2015?---I don't, I don't, I can't comment on it because I'm not sure who he's referring to as the boys. I mean it's a, it's a time before Christmas, maybe a Christmas get-together, I just, I can't work out who the boys are.

A social get-together of a Christmas, I apologise, a social get-together of a friendship network?---Well, no, no, not - - -

30 What else could it be?---Because he said, he asked me if, when, when we can catch up, I mean if we look it back, and I said, when he said, "When are you going overseas," so he wanted to catch up over something and he's saying if not tomorrow could have been, could have been that Pierre's there and, and maybe Khouri, I don't know, might be mentioning, mentioning the boys could be Pierre and Khouri, I don't know, he wants to meet up over something.

40 What else could it be than a gathering of members of a friendship network? ---Well, no, sometimes you say the boys, I mean people say the boys, it doesn't mean a friendship. The other day I, I heard whatsaname, I read something about - - -

On this occasion what could it have meant other than a getting together of members of a friendship network?---I don't know. Look, I'm just confused at the date. Is this before the, the meeting with Godfrey Vella? This is round the period, I'm just a bit confused now with it. Could be, is that, is that what he's talking about?

Item 64 is a text you sent to Marwan Chanine on the next day, 23 December, at 5.34pm, "Are you coming to Pierre's today?"---Okay, so that's at Pierre's.

So you were checking on that occasion to find out whether Mr Chanine was going to come to Pierre Azzi's place. Is that fair to say?---Yeah, could be, yeah.

10 And that was a Wednesday. Was it to be a meeting that you were going to be having, a business meeting with Mr Chanine or was it to be a social get-together? It was a Wednesday.---Oh, it wouldn't be social, I don't think, if he was to have something but he, he's, we're talking about Bankstown LEP, so it must be to do with Godfrey Vella, I don't know. I can't work it out. I just - - -

Item 68, you sent Mr Chanine Christmas greetings on 24 December, 2015. Do you see that?---Yep.

20 It wasn't uncommon, was it, for you to meet up with Mr Chanine at Pierre Azzi's house when Pierre hosted his get-togethers?---Sometimes he turned up, yeah.

And you also had a commercial relationship with Mr Chanine, didn't you? ---The, the only commercial is to do with him interested in buying my property in Kingswood.

If we could play, please, LII 2210, that is to say 2210, recorded on Sunday 31 January, 2016 at 7.21pm.

30

**AUDIO RECORDING PLAYED** **[12.17pm]**

MR BUCHANAN: I tender the audio file and transcript of that recording.

THE COMMISSIONER: The audio file and transcript of the recording LII 2210, recorded on 31 January, 2016 at 7.21pm will be Exhibit 296.

40 **#EXH-296 – TRANSCRIPT SESSION 02210**

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

Did you recognise the voices of yourself and Pierre Azzi?---Yep.

When, looking at the first page of the transcript, a bit over halfway down, you said, "I met up with that Godfrey and Marwan," you were referring to Godfrey Vella and Marwan Chanine, is that right?---That's correct. That would be it.

And what was the meeting about?---It's to do with his site in Greenacre. That's the only thing that they would be involved in.

10 What about the site in Bankstown?---No, I think it's Greenacre, they're not interested in Bankstown.

I'm not suggesting you're wrong, but can I just ask why you think it would have been Greenacre rather than Bankstown?---Because that's the one he had issues with. He didn't care about the Bankstown at the, at that time.

You're talking about Marwan Chanine?---No, no, Godfrey Vella.

20 But wasn't Godfrey Vella trying to interest Marwan Chanine in a property in Bankstown?---No, it's to do more with the one in Greenacre, from memory, because he had issues with that one, and he wanted advice on that particular site.

I'm having difficulty understanding what you're referring to. Are you referring to the Greenacre site or the Bankstown site?---The Greenacre site, the Greenacre site.

30 And what was it, as you understood it, was the connection between Godfrey Vella and Marwan Chanine in relation to a site in Bankstown?---Oh, just advice. I think he just wanted advice, because he wanted Ziad - - -

Who is "he"?---Godfrey Vella wanted advice from Marwan, who seemed to understand what's, DAs and what needs to be done to help assist Godfrey Vella, and he also wanted his brother to do the architect for it.

In relation to a site in Bankstown?---In Greenacre. Bankstown Council, but Greenacre.

40 Oh, I see. So are you saying that when Marwan was talking about meeting with or having a contact with Khal Asfour, that was in respect of the Greenacre site?---Correct.

Thank you. Would that not have been with a view to finding out whether Bankstown Council would look favourably on development by Mr Chanine of Mr Vella's site - - -?---No, he just - - -

- - - if he purchased it?---No, no, he just, Godfrey felt Marwan – because what, what happened, Godfrey looks at DAs and, and what approvals are going through in the systems, and he just saw Ziad as being a, a smart

architect, and he thought he wanted to meet up with him to see if he can look at his site as well. That's, that's from memory.

I'm sorry, I'd just like, if you wouldn't mind, if you could focus on the evidence that we saw before morning tea that Marwan Chanine indicated that he was arranging contact with Khal Asfour.---Yeah, probably to find out about Godfrey Vella's Greenacre site.

10 Yes, but find out what?---To find out what the problems with, because, and find out what the, what the issue is with that.

The issues with what?---Well, Godfrey Vella, he has an issue with council regarding his Greenacre site.

An issue in relation to - - -?---Planning, planning - - -

- - - its potential for development.---Yeah, planning and whatever issue he had (not transcribable)

20 An issue for its, with its potential for development.---For, for future development, yeah.

Now, why were you involved?---I'm just getting the two guys to meet each other, because they didn't know each other.

30 But you knew that they'd already met each other?---No, Godfrey's a friend of mine, and he always keeps me in the loop, and if he's meeting with him, he'll just, they let me know. That's, that's the way it is. If you arrange a meeting, you become in, in that loop to, to coordinate it when they're meeting.

Well - - -?---It's, it's up to the individuals to ask if they're going to come or not.

Either these guys were your friends, or they were business associates, or a combination of the two. Do you - - -?---Nah, we're friends.

That's fair, isn't it?---There's no business associates (not transcribable)

40 No business associates?---Even with Godfrey, no.

No. So in that case, you were meeting up with them to, by way of introducing one friend to another?---Yes.

You then continued to take part in meetings with them, in relation to this Greenacre property. Is that right?---Yes. When, whenever Godfrey wanted, continued to do the meeting, if they had any issues, they still called me through, to get to Godfrey and, and vice versa.

But what function were you performing after you had introduced them to each other - - -?---Not much.

- - - why did they need you?---Not much. They don't need me.

Had you put yourself in a position where you had an expectation of an introducer's fee?---No. I was helping Godfrey Vella. I was assisting.

10 Well, what help were you providing by being present at a meeting with them after they had already been introduced to each other?---I give, I give him my own advice. I give him advice and what I think.

What was the advice?---What I think we should be, my, just any personal advice that I have, any ideas that I have, I'll put it forward to Godfrey.

Why?---Because he's a friend of mine, Godfrey.

20 So Marwan was not a friend, are you saying, but Godfrey was?---Well, at, at - look, Godfrey was the friend, yes, he, I would say Godfrey is a friend, and I was assisting him as well.

Well, it's obvious from the evidence you've seen that Marwan was a friend of yours at this stage.---Well - - -

This is January now, 2016.---Correct. We just, we call each other, and, for, for assistance and enquiries and that's, that's what it is.

30 Excuse me a moment. Can I take you to a telephone conversation between you and Mr Azzi on 28 February, 2016, Exhibit 820. If we could play, I'm sorry, 280, 280, if we could play it, please.

**AUDIO RECORDING PLAYED**

**[12.25am]**

40 MR BUCHANAN: Commissioner, there's two changes that I propose that we make to our copies of the transcript of this exhibit. The first is on page 2. The attribution to Mr Azzi, "What was I going to say to you. He came to my place, sent you a message," and I propose the word, "Marwan" - - -

THE COMMISSIONER: Yes, I heard that.

MR BUCHANAN: - - - between "Message" and "With him."

THE COMMISSIONER: Yes.

MR BUCHANAN: Secondly, on the same, sorry, on page 3 of the transcript, a bit over halfway down the attribution to Mr Hawatt, “They don’t” unintelligible, “direct.” I propose that instead of unintelligible it reads, “pay me.” “They don’t pay me direct.”

MR DREWETT: I didn’t hear that. I don’t doubt the keenness of my friend’s ears, but I wonder, given that it might be an important matter, Commissioner, maybe that should just be played again.

10 MR BUCHANAN: I have no objection to that.

THE COMMISSIONER: No, I agree with that.

MR BUCHANAN: I wonder can we try and drop in halfway through? So we’re trying to line up to start about a third of the way down page 3, or quarter of the way down page 3.

THE COMMISSIONER: Where the cursor - - -

20

**AUDIO RECORDING PLAYED**

**[12.30pm]**

MR BUCHANAN: So my suggestion is that the annotation be to have that line read, “They don’t pay me directly.”

THE COMMISSIONER: Mr Drewett, that’s what I heard.

MR DREWETT: Yes, I agree. Not direct but directly, yes.

30

THE COMMISSIONER: And also, “Pay me”?

MR DREWETT: Yes. Oh, yes.

THE COMMISSIONER: Okay, thank you.

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

40 And you recognise the voices of yourself and Mr Azzi, is that right?---Yep.

What was that conversation about?---Look, I don’t know. It just sounds, I don’t recall this conversation but it just, I don’t know, I don’t know, I don’t recall it. It just sounds like, to do with my site and I said to keep it transparent. I don’t want to have any, any issues and just do it correctly. That’s basically what we’re saying.

THE COMMISSIONER: And sorry, "My site," is your - - -?---In Kingswood. I'm just, from, from memory.

MR BUCHANAN: So do you remember, from memory, an issue with whether the dealings that you would have with Mr Chanine in relation to that site would be direct to indirect, was that the issue?---No, they'd have to be transparent, that's what I'm saying here, and has to be done through the legal, because he's talking about, "Your lawyer is not responding," and that's what I'm saying, it has to go straight through my lawyer, not, not  
10 through me directly. It has to go to the lawyer.

Why should it go through the lawyer rather than you?---Because it's a, it's a transaction, it's a legal transaction, needs to go through the lawyer, my lawyer.

Was there any other reason why it shouldn't, why you shouldn't be involved in the communication?---No, no. Just saying, I mean that's why he's saying we're calling your lawyer before that and I, and he's saying that I, then I spoke to my lawyer and he said, no, he's got the contract and I need this to  
20 be transparent to make sure things are done properly.

Well, can I take you to the second half of page 2 of the transcript, please, where Mr Azzi said in the third last entry, "Yeah, yeah. Everything is okay but he said to me that Marwan doesn't want to, you'll have to, to stop calling Marwan, you know, this time, you know, because - - -" and you said, "No, I agree, I agree." Why did you agree with what Mr Azzi told you Bechara told him that Marwan didn't want you to call him?---He probably doesn't want to get involved this after, after the complaint made against council and everybody just, basically is saying, oh look, you know, we don't  
30 want to have any dealing. That's why I mentioned it has to be transparent and it's got to be done correctly. So everybody is getting cold feet so that's, that's what it is.

What do you mean by complaint and what do you mean by cold feet?  
---Cold feet since there was that issue about the ICAC investigation in, in regards to Canterbury Council and people were just having cold feet, they don't want to have anything to do with anyone anymore.

What investigation are you talking about? This is 28 February, 2016. What  
40 are you talking about?---Well, just whatever's been rumoured, I don't know. It's just, and to me that's why he was saying he's - - -

What rumour was there about an ICAC investigation into Canterbury Council as at 28 February, 2016?---I don't know, that's, that's what everybody's talking about.

What, you heard people talk about that, did you?---Everybody, yeah. People were talking about that.

Everybody was talking about it?---Yeah. Just like, Canterbury's under investigation and, and people, people want to do it - - -

Yes, who mentioned this to you the first time? What was the first you heard of it?---Just like lots of people talking about from councils. Look, a lot of it was coming from Bankstown Council.

10 I'm sorry, a lot of it was coming from?---A lot of the information was coming out of Bankstown Council.

THE COMMISSIONER: What, that ICAC was investigating Canterbury?  
---Yeah, yeah.

MR BUCHANAN: And what was it about the fact that there were rumours that ICAC was investigating Canterbury Council that made you agree that you should stop calling Marwan?---Because he's buying a, he's buying a property through his, I don't know whether him or his friend, but him getting involved in, in a transaction that belongs to me.

20 Yes.---And that's why, and they're trying to get, get the lawyers involved.

Yes.---And that's why I kept talking about it has to be transparent, you've got to make sure there's nothing, nothing, it has to be straight, a hundred per cent.

But why did you agree that you should stop calling Marwan?---Because he's not, he's, he's helping indirectly to, to get his buyer, to get somebody he knows to, to buy my property, that's why.

30 But why should you stop calling Marwan? It sounds as if there's something else that was involved.---No, there's no, that's to do with that, it's to do with the rumours that's floating around from coming out of Bankstown, every day was coming.

What was wrong as far as you were concerned at that time, 28 February, 2016, with you calling Marwan about the proposed purchase by him of your property at Kingswood?---To me it's absolutely nothing.

40 So why did you agree with what Mr Azzi told you Marwan wanted?  
---Because everybody's getting cold - do you know how many friends I've lost from this rumours? You know how many people that I had good friendship with all don't even return my calls or, or don't want to talk to me because of that? Yeah, that's normal, everybody has cold feet. Yeah, I, yeah, it's wrong, I believe it's wrong, that shouldn't be the case, but that's what happens, that's the circumstances.

So it sounds though as if you thought there was something wrong with, or tainted about the transaction between you and Marwan Chanine whereby he was buying your property at Kingswood.---No, absolutely not. Absolutely not. It's a hundred per cent.

Well, that would explain why you agreed that you should no longer call Marwan about it.---Because I just explained it to you. You're not listening. I just said, I just said, it's to do with the rumours is floating, everybody's running, nobody wants to deal with you anymore, thanks to the ICAC  
10 investigation that's going through. I can't help it. I mean the rumours has been spreading for, for quite a while since then.

When did they start?---Oh, you'd better ask all the people who's been spreading it.

THE COMMISSIONER: No, when did they start, when did you first hear of them?---Well, when, when we were having the issue with the GM at the time and then from there - - -

20 That was a year before.---Yeah, I know, but then it started building onto that, people were saying there going to be public hearing, there going to be a public inquiry, there going to be lots of stuff, so - - -

But who? Name names.

MR BUCHANAN: Who said that? I'm sorry, Commissioner.

THE COMMISSIONER: No, sorry.

30 MR BUCHANAN: I do apologise.

THE WITNESS: It's coming out of Bankstown.

THE COMMISSIONER: We're on the same plan, on the same page. Who told you?---It's coming out of Bankstown.

Yes, who?---Khal Asfour is one.

40 Sorry?---Mr Khal Asfour is one coming through.

Did you hear that?

MR BUCHANAN: No. It might have been Khal Asfour.

THE COMMISSIONER: Did you say that?---Yes.

MR BUCHANAN: Right. So what was Khal Asfour saying in this regard?

---Saying there's going to be public hearing, there going to be inquiries, it's coming from Bankstown and I don't know who's feeding him, other people are feeding him with information, I don't know.

And Mr Asfour said that to you?---Well, no, no, he said it to a lot of people like Pierre and others that he knew.

Did he say it to you?---I don't recall. He might have. I don't remember.

10 Does that mean he did but you don't want to tell us?---I don't recall. I remember he was from Bankstown.

You do recall though, you're telling us about something that you've been hinting at, now you've given us a bit more detail to say that Khal Asfour was the source of these rumours as far as you were concerned. Is that right? ---Well, as far as I was concerned it's coming from Bankstown, yeah.

Yes.---But I don't know.

20 And where did you get that idea from, that it was coming from Khal Asfour?---People are saying it, people are talking about it.

Did Mr Asfour say anything to you about an ICAC investigation in the period before 28 February, 2016?---I don't recall. All I recall is they're saying there going to be public hearing and there going to be investigation into Canterbury and that's it.

MR MOSES: Can we make it clear who said this, whether it was the mayor who told this witness that or somebody else so this just doesn't get sprayed  
30 out. Can we have some specificity as to where this individual - - -

THE WITNESS: I'm not a hundred per cent.

MR MOSES: - - - is getting this information from.

THE WITNESS: It's definitely coming from Bankstown, a hundred per cent, that's for sure, but I'm not sure exactly how or via third party or direct, I don't remember.

40 THE COMMISSIONER: But you're saying a hundred per cent.---Yes.

Mr Moses's point is a good point, and Mr Buchanan's been pursuing it. You've identified Mr Asfour. Do you have a recollection of him telling you directly?---I'm not a hundred per cent. I can't remember a hundred - - -

So might have, but not a hundred per cent?---Might have been, yes. I'm not a hundred per cent.

And who else from Bankstown have you - - -?---Well, I think through Pierre also has been, it was probably told.

All right, so Pierre's told you things. What about, did Mr Stewart say anything to you?---I, I don't recall. I don't recall. I don't recall.

But this seems to be, you became quite emotional a couple of minutes ago about losing friends and people not returning calls - - -?---We have, I did, yes, yes.

10

- - - about these terrible rumours.---Correct.

And now you can't recall who was spreading them. That's a little bit hard to - - -?---Well, even, even, even to the extent, like, I went, I went overseas and when I came back, they said, oh, you came back. I said, yes, I came back. Oh, but, oh, we thought, everybody, there was rumours being spread that you, you're hiding overseas. I said, hiding from what?

20

So you're confirming my point, Mr Hawatt, that - - -?---Yes, correct.

Your evidence is this is quite traumatic. But you cannot recall who was spreading these rumours, who was saying these things.---It's - - -

And that seems rather incredible.---It's coming from Bankstown, Commissioner, but I'm not - - -

Yes, you keep on – that's a bit of mantra. But other than Mr Asfour, who you're not a hundred per cent, but he might have told you. Who else?---Oh.

30

Aren't there, are there - - -?---Other people.

- - - Liberal councillors at Bankstown, at that time?---No, none of the Liberal councillors, no.

So you can't give, tell me any more names.---No, I'm serious, no, none, none of the, none of the Liberal councillors, no.

40

So there were Liberal councillors, but they weren't spreading the rumours? ---No, no, no.

MR BUCHANAN: Can I just take you to page 3 of the transcript in Exhibit 280? You've said yourself that you said, "I agree with you a hundred per cent. Just let everything be transparent, and be at arms-length. That's the best thing." Do you see that?---Yeah.

You were in fact proposing that things not be transparent, that is to say that the dealings between you and Marwan be concealed by ensuring that there

was no direct telephone contact between you and Marwan Chanine about this transaction.---What, what's - - -

Weren't you?---What is there to hide? It's a straight legal transaction with a legal contract with a legal option.

But you're the one who agreed with Mr Azzi, who told you that Marwan Chanine wanted you to stop calling him about it.---Correct, because I - - -

10 The question is, why did you agree that there should be no further communications about this subject with Marwan Chanine unless you were trying to conceal - - -?---No, because I - - -

- - - the fact that there was to be this transaction - - -?---No.

- - - with Mr Chanine?---No, that's not the case. I just agreed that if there's something in the air that's regarding Canterbury, then it should be transparent, and I agree with you, he doesn't want to talk to me, that's fine, so be it.

20

You don't say in here anywhere in this conversation, or indeed in any other conversation, that there was any odour about Canterbury - - -?---Oh, there's a lot - - -

- - - at this time or any other time.---Oh, there's a lot of odours around Canterbury (not transcribable) it's been going for - - -

THE COMMISSIONER: Sorry?---There's a lot of odour around Canterbury for quite a while.

30

MR BUCHANAN: Before the search warrants were executed.---Oh, no - - -

Is that right?---No, not before. I can remember the, the, the search warrant, what days were they? I can't remember.

This is in February, 2016. The search warrants weren't executed until June, 2016. Are you saying that there was an odour about Canterbury Council?  
---Yeah, there was an odour, yeah, before that, there was an odour.

40 And do you think you contributed to that?---To what?

The odour.---How?

Well, that's what I'm asking you to - - -?---Oh, how, I mean, it, the odour is what is floating around - it started from the, I think to me it started when the mayor raised the issue in regards to ICAC enquiry at the, at the public meeting. And then, that's, that's when it became toxic. And, and then from

then on, there was lots of talk and rumours going on in between that time and, and all the way up.

Did you do anything to contribute to the fact that there was rumours going around that ICAC was going to have an investigation or public inquiries in to Canterbury Council?---No. I felt, I felt personally comfortable. I had no issues, they can have all their inquiries.

10 So why did you think that you should cease direct contact with Marwan Chanine about this purchase?---Because it's, he wanted to, so, so, so be it for him.

No, no, You agreed.---Yeah, I agreed because of the rumours that's been floating around. Nobody wants to, to even talk to me anymore at one stage.

20 And when you said, this is page 3 of the transcript still, "I agree with you a hundred per cent. Just let everything be transparent and be at arm's length. that's the best thing," you in fact meant exactly the opposite, didn't you? You meant what is seen should not be what is actually going on.---What is there to hide from you? What we doing is a legal transaction. Legal transaction.

And so the question is - - -?---Transparent.

- - - why did you think that it was a good idea, Marwan Chanine's idea was a good idea, that there should no longer be direct communication between the two of you about your sale of this property to him?---Look, I've already explained it, I've already just said it.

30 You went on to say, "That's the way, I agree. Don't, if people ring you asking you to follow this up especially, they don't pay me direct." I'm sorry, directly. Why did you say to Mr Azzi that you agreed, if people ring you asking you to follow this up especially, that they, which can only be Marwan Chanine, don't pay you directly?---I, I don't, I don't, I can't understand why the comment, or it doesn't, it's like very, very vague. It's a very vague comment and I just, doesn't make sense to me. I, I can't work out why that would have came up, the reason behind it. I can't work it out.

40 Well, certainly if we – even though you use the word they, it meant at least Marwan Chanine, didn't it? You didn't want Marwan Chanine to be paying you directly.---No. no, no. Pay me directly for what?

The property at Kingswood.---He's got to go through the lawyer, it's an option.

Well, what ended up happening of course was that he didn't pay you directly, did he?---What do you mean? He's never paid me directly for anything except for the, for the option he, whoever bought the option,

whoever bought it that he, he introduced, well, it's got nothing to do with him after that.

Well, it had a lot to do with him, didn't it?---It's his friend. I don't know, he's, he's the one who organised the, the option.

He organised a friend to have their name or their company's name put on the transaction as the purchaser?---Look, all I know, he introduced the person and there was an option and there was an exchange of the option.  
10 That's all I can tell you.

And why did that happen, as you understand it, in the context that you said that they shouldn't say you directly?---I don't, I don't understand this, it's a vague, it's a very vague discussion. I just can't work it out. I just, I can't work out why, unless there's something, I, I don't know. I can't work that one out.

Mr Chanine has, as we've established, a number of projects that were before council in the period 2014-16 and he still had a number before council as at  
20 February, 2016, didn't he?---He, he might have. I, I don't, I don't, he's always had something in the system, yeah.

Had you had any discussion with Mr Chanine about the risk that his paying you for the Kingswood property might be seen as trying to disguise a payment he was making to you for your intervention on his behalf in respect of any of his projects before council?---A hundred per cent not.

You agreed with Mr Azzi, bottom of page 2 going to page 3, that it would be problematic if that bastard, Brad McPherson, was involved in some way. Why did you agree with Mr Azzi about that?---Because I think there was, at the time there was, there was an issue between, between him, the GM - - -  
30

Between who?---Between Brad McPherson, because that was, I'm sure that's the time when they were trying to buy the car, the car park and I think there was an issue.

Marwan Chanine was trying to buy the car park?---Him and, yeah, whatever were buying it, and ah, I think there was an issue between Brad McPherson and, and, and the council and the GM, there was some issues in regards to their, each one's position, so that's, I remember there was something to do with Brad McPherson in regards to, to Marwan which I think he was against the sale of it from, from memory.  
40

Was Marwan Chanine involved in a consortium in that proposed sale?---I, I don't, I don't remember, I don't remember.

Was he doing it in his own name or the name of some other entity?---I don't know. He could be representing someone, I don't know. I don't recall.

So Mr McPherson's job was to manage governance at council.---Yeah.

10 So was there concern as you understood it when Mr Azzi referred to being scared from that bastard, Brad McPherson, that there might be some ethical or corruption issue involved if you were seen to be receiving money directly from Marwan Chanine in respect of the sale of your property?---That's incorrect, a hundred per cent incorrect. Nothing to do with that.

And did you have any conversation with Mr Chanine about a third party being brought in to purchase the property instead?---No, he said, he said he, he found someone and a friend, somebody he introduced me to.

20 What was the need, as you understood it, for Mr Chanine to find somebody, why couldn't he have just gone ahead with the - - -?---He might have, he might have been going ahead and changed his mind because of all these issues that's coming up, maybe, I don't, I don't recall.

Well, you're the one who had these dealings with Mr Chanine, can't you tell us what Mr Chanine said to you as to what it was that was the reason why he didn't end up going through with the project but that someone else did that he introduced?---He might have felt uncomfortable - - -

30 No, no, no, I'm not asking you about what he might have done, what contact was there between you and Mr Chanine which explained to you why all of a sudden it was no longer Marwan Chanine who was purchasing it, but instead a man called John Christou?---Look, from, from this message, I'm just reading the message, there was already, he doesn't want to get involved as a third, as the middleman and the contracts by the looks of it has already been sent to the lawyer with the option and he, after that he doesn't want to get involved in it as the third person.

40 Mr Hawatt, all you're trying to do is construct an answer in the witness box. My question is, what contact did you have with Mr Chanine that explained to you why it was that Marwan Chanine didn't go through with the sale by you to him of your Kingswood property and instead it was this man who Marwan introduced called John Christou?---Well, there's no contact - - -

What contact explained it to you?---There's no, there's no contact. The only contact is Pierre's telling me. Pierre's the one who's telling me and I say I agree with you.

Except that this conversation isn't about substituting purchasers, this is about contact, indeed it's about calling Marwan Chanine, for you to no longer call Marwan Chanine.---Because he's a, because he's a third party involved in this, he's introducing the guy.

It doesn't say that. Sorry, that was not said in the conversation, Mr Hawatt.  
---Well, that's what in the back of my - - -

There's no point in trying to construct - - -?---But that's what - - -

10 - - - something out of the conversation which isn't in there.---That's, that's what's in the back of, when you, when somebody talks about something if, if there's an understanding about something then you don't have to explain it clearly.

20 So where did you get the understanding from that this third party would be introduced as the purchaser rather than Mr Chanine going through with it in his own name?---I, look, when I saw the contract, when I saw the contract with my lawyer there was a company. I don't know who was behind that company, and as far as I'm concerned, it could have been anyone. I didn't know at the time. But when, when Pierre said don't talk to, to Marwan, it's just because of the rumours and he doesn't want to be as the third party as, as he was before.

Is that what Pierre Azzi said to you in some other conversation? Because he didn't say it in this one?---For him to tell me this, I'm just going by what he's telling me.

30 No, no, no. Did Pierre Azzi say to you in some other conversation – apart from this one, part of the transcript of which is on the screen at the moment, Exhibit 280 – that you shouldn't be talking directly to Marwan Chanine because of all the rumours going around?---No, I don't, look, I don't even recall this. I'm just reading through this and remembering a couple of things from there, but I don't even recall this one. How could I recall what I spoke to Pierre about?

Well, you've indicated to us that Pierre had said something to you about that and I'm just trying to explore what was it that occurred that caused you to give that answer?---From what I'm reading, what he says, what I'm reading here. I'm just going by what I'm reading.

40 Did Mr Azzi ever talk to you about rumours going around about you or him and corruption at Canterbury Council?---He spoke to me about it, yes.

How many times did Pierre Azzi talk to you about that?---Whenever he heard rumours, he tells me.

How many times did you have a conversation with Pierre Azzi about rumours about corruption on the part of you or him at Canterbury Council? ---We're not talking about corruption (not transcribable) him and I. Rumours we're talking about, not the corruption.

Yes, yes, yes. I understand.---We're talking about rumours in regard to Canterbury.

I understand. I understand. How many times did the two of you talk about those rumours?---I don't know. I just can't recall.

Was it once or more than once?---It was probably more than once.

10 And when did you start talking to Pierre about those rumours or when did he start talking to you about those rumours?---When he started hearing, when he hears things - - -

No, no, no. When. Just thinking about the year, for example. Was it 2015, 2016?---Around this period. This, around this period.

Around the period of February 2016?---Yeah, around this.

20 Why do you say around the period of February 2016?---Because he mentioned, I mean, he mentioned something about not to talk to, to Marwan. Presumably it's around that period.

Well, you're going off the transcript of this conversation again, are you?  
---Correct.

30 The only problem with that is that according to what we've heard Pierre say to you, he said Bechara brought that to him. It wasn't Azzi volunteering it. It wasn't Azzi saying this is my thinking. It wasn't Azzi saying you ought to be careful. He was saying Bechara brought a message to Azzi for you.  
---He might have - - -

And he brought that message from Marwan Chanine.---Maybe.

Well, no, not maybe.---Well, if he (not transcribable)

We've heard the voices ourselves. You've heard the voices yourself.  
---Yeah, yeah, that's fine, yeah. So he, it's not a problem.

40 And the question is, why is there no reference in there to rumours about involvement in corruption when you say that that was the reason for this?  
---I don't even remember this discussion. You're asking me a reason. I don't even recall these discussions. How could I give you reasons when I don't even remember what discussion was?

So did you have other conversations – for example, with Bechara Khouri or Marwan Chanine – about not talking directly to Marwan Chanine about the negotiated purchase of your property at Kingswood?---No, no. This was a request made, a discussion, and I accepted the, the discussion. I said, yeah, fine. To me I had no issues with that.

Were there any other contacts that you had, such as with Marwan Chanine himself or Bechara Khouri himself, about not having direct contacts with Marwan Chanine - - -?---No, I don't recall.

It's possible that you did, is that what you mean?---I don't recall. I don't, I - - -

10 But you're not saying, no, they didn't happen. You're saying I don't recall. It's possible that I did. Because if it was impossible for that to have occurred, you would have told us that, wouldn't you?---I don't recall. I don't recall.

Was it your experience that Bechara Khouri with some regularity – often, for example – conveyed messages to you and Pierre Azzi from Marwan Chanine?---No, no. I mean, Marwan can talk to Pierre any time he likes, and he can call me if he wants, any time he likes.

20 Well, except that on this occasion, it seems Marwan is getting a bit shy about talking to you directly, at least about this particularly transaction. ---Well this is towards the end and he's getting cold feet, that's all I can say. I can't force him to - - -

He didn't say he was getting cold feet, he just simply said in relation to that transaction, don't call him. That was the message from Bechara.---I don't recall this conversation. All I can say to you is he's getting cold feet based on the rumours and that's all I can, that's, that's all I can say, that's the only reason.

30 Now just think about my original question, if you wouldn't mind, please. How often did Bechara Khouri convey messages to you from Marwan Chanine?---I don't remember any, him passing messages from Marwan Chanine. I mean, I had, I had the direct line, line with him, if I need to talk to him before that as well.

So was this unusual for Bechara to convey a message from Marwan to you? ---Well, to me it's not unusual after what the rumours I'd been hearing, no.

40 So it wasn't – are you saying it wasn't inexplicable or are you saying it happened often?---Not that I, not often. This is - - -

I'm just trying to understand that last answer you gave.---I just said based on the rumours I'd been hearing, it's not that difficult for people, as I, as I, as I said before, I lost many friends who, who don't, who don't even respond to my text messages sometimes.

Did you start losing the friends before or after the search warrants were executed in June, 2016? I'm just wondering whether what you're in fact

telling us about is what you have experienced since you became directly aware of the Commission's investigation?---Well, it got worse after the, the warrants were issues, yeah, it got worse.

THE COMMISSIONER: Well, who are the friends who don't return your text messages?---Oh, look, I've sent, a lot of people I've sent - - -

No, who are they, what are their names?---God, just people I deal with in council.

10

Yeah, what are their names?---Con Hindi is one comes to mind. The fallout with Joe Tannous, fallout with him as well.

Joe Tannous?---Yeah. Fallout with him. People from, from council, from, from Bankstown, from, other councillors. It just, just anyone generally. Yeah.

MR BUCHANAN: And was that before or after the search warrants were executed and the Commission's interest - - -?---It got worse after the - - -

20

- - - became public?---It got worse after the search warrants.

Yes. I'm asking you about those two people, were they still talking to you before June?---Yeah, I was still talking to them before that, yeah.

Did Bechara talk to you about the rumours around Canterbury Council? ---He heard it as well.

30

What did he say to you he had heard?---He heard rumours there going to be public inquiry.

What did he say?---"There going to be public inquiry."

What did he say to you, sir?---That's what he's saying, he heard rumours there going to be a public inquiry in regards to Canterbury.

And when was the first time you heard Bechara say that?---I, I don't recall the first time or second time I heard this and I don't remember the dates.

40

Where, was it a face-to-face occasion where Bechara was talking to you - - - ?---Most likely.

- - - or was it on the phone or - - -?---No, no.

- - - was it a text message?---Most likely face-to-face.

I'm sorry?---Most likely face-to-face.

And was anyone else present?---Could have been at the time, could have been, could have been Pierre, I just, from memory I don't recall exactly. It could have been Pierre.

So is it possible that you and Mr Khouri and Mr Azzi spoke to each other on an occasion or occasions when you were together about the rumours around your involvement at Canterbury Council with various developers and whether there was going to be an ICAC inquiry into it?---I had no issue with

---

10

Is that right?---No, that's not correct.

Is that what happened?---No, it's not what happened.

What happened then?---I have no issues and I kept dealing with whoever I dealt with - - -

No, no, no, no, no, no.

20 THE COMMISSIONER: No.

MR BUCHANAN: I'm talking about the conversation, likely to be face-to-face, with Azzi and Khouri about the ICAC's interest - - -?---We never spoke - - -

- - - in your dealings with property developers - - -?---No.

30 - - - at Canterbury Council.---We never spoke about anything specific, it was general, a general thing that I believed truly that it was baseless and I had no issues in regards to continuing doing whatever I had to do.

THE COMMISSIONER: But the rumours must have had something, like it just mustn't have been a public inquiry into Canterbury Council, there must have been some subject matter with the rumours.---No, no, it was just, it was a very open general about, about Canterbury.

What, there's just going to be a public inquiry in Canterbury?---Yeah, yeah, yeah, yeah.

40 MR BUCHANAN: Commissioner, I note the time.

THE COMMISSIONER: Is that a convenient time?

MR BUCHANAN: Yes, it is.

THE COMMISSIONER: All right, everybody. As I informed you before we broke for morning tea, we're going to resume at 5 minutes past 2.00, but

there is another public inquiry having a directions hearing from about 1.30, so if you could just clear some space. We'll resume at 5 past 2.00.

**LUNCHEON ADJOURNMENT**

**[1.06pm]**