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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 30 JANUARY, 2019

AT 10.00AM

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

MR BUCHANAN: No administration this morning.

THE COMMISSIONER: Right. Mr Azzi.

MR BUCHANAN: Mr Azzi, your counsel tells me this morning that there is something you would like to say today about something that you said yesterday.

10 THE WITNESS: Yes, sir. Firstly, Madam Chair, I would like to apologise for yesterday. I broke a protocol. I was aware of it when I walked out (not transcribable). I would like you to accept my apology, please.

THE COMMISSIONER: That's fine, Mr Azzi.

THE WITNESS: I'm sorry.

THE COMMISSIONER: I think we were just a little bit taken by surprise when you bolted, but don't worry at all.

20 THE WITNESS: That's the first time. I was aware about the protocol. I, I'm apologising.

THE COMMISSIONER: That's fine. Don't worry about it.

30 THE WITNESS: Thank you. First thing. The second matter, I want to correct. Yesterday I've been asked this question about the timing about when I heard, I knew about Il Buco, and I went online just refreshing my memory, and I notice, I find out the first time I heard about Il Buco that day (not transcribable) been taken by Mr Montague. And he called me the day and he said he want to talk to me and see me, and he let me know what's happened at Il Buco, and shots been taken by some media representative, and to be informed. That's what I want to clarify because I said before (not transcribable) media, I didn't know the timing, but way before been published. Today, the day the photo been taken, Mr Montague told me about it.

THE COMMISSIONER: That was before the article was published.  
---Before.

40 I think it was 12 January.---It's before this time. Before when was this started, you know. Still have a connection with Mr Montague and he came and to my office, said, "I want to see you," and he informed me about this photo being taken when he was lunching, him and some other people, at Il Buco. That's the first time I heard about it.

MR BUCHANAN: And so – I'm sorry.

THE COMMISSIONER: No, no, no. Go on.

MR BUCHANAN: And how long before 12 January, when that article appeared in The Sydney Morning Herald, was it that Mr Montague told you about the photograph being taken?---That day the shots been taken at the, at the restaurant, it's been way before. It's in beginning of December some time, like before all these things happened. We still have (not transcribable) about, like, what we've been discussing about Spiro or the director. Before.

10 So Mr Montague gave a letter, an offer of employment to Mr Stavis on 8 December, and then he started backtracking around 16 December. Was it before then that you heard, that he told you that these photographs had been taken?---I can let you know I have, don't remember actually the date, but we wasn't in any dispute with Mr Montague at this time.

At the time. Thank you.---Yeah, at the time.

THE COMMISSIONER: Mr Buchanan, are you going to resume your questions?

20 MR BUCHANAN: I was but to ask about the solicitors.

THE COMMISSIONER: Thank you.

MR BUCHANAN: You mentioned yesterday that there was a solicitor you went to see at Kingsgrove along with other councillors.---Yes.

Have you had an opportunity to find out who the solicitor was?---Yes. Mr Danny, Danny Eid.

30 How do you spell that surname?

THE COMMISSIONER: E-i-d?---E-i-d.

MR BUCHANAN: E-i-d?---Yeah.

Thank you.

40 THE COMMISSIONER: And it's his law firm? Like, is it known as Eid Solicitors or Danny Eid or - - -?---It must be under his, his law firm because he had an office, two offices, yeah.

MR BUCHANAN: Thank you. Mr Azzi, I'd like to show you some text messages extracted from Mr Hawatt's mobile phone. If we could have a look, please, at Exhibit 245. And if we could go over the page, and the second page of this exhibit, at the top of the page, the first entry is a, sorry, I'm going to take you to the second entry, which is a text message from Mr Hawatt to Mr Montague on 20 September, 2014, at 10.10am, and it reads, "Hi, Jim. The games have restarted again. Where are the LEP amendments? Where are all the reports? Where is the RMS letter? If

developments along busy roads are subject to RMS, which we have addressed, so why can't we finish the Gateway Determinations and let them approve each individual DA? Our lane access changes addresses their concerns. If main roads are not being used, so what is the problem? We need to urgently meet to discuss further. Michael." You see that?---Yes.

10 Can I take you then to item 3, and it's a text message by Mr Hawatt to Mr Khouri at 10.13am on 20 September, and it reads, "We need to urgently meet," signed Michael. And then he sent the same message to you at the same time. That is item 4. Do you see that?---Yes.

And then he sent the same message to Mr Montague at the same time. That's item 5. Do you see that?---Yes.

Item 6 is a text message from you to Mr Hawatt a minute later, 10.14am.

THE COMMISSIONER: Sorry, from whom?

20 THE WITNESS: From me?

MR BUCHANAN: From Mr Khouri, I apologise. From Mr Khouri to Mr Hawatt a minute later, at 10.14am, which read, "Where are you?" Mr Hawatt responded, item 7, with the word, "Earlwood." Item 8 was a text message from Mr Khouri to Mr Hawatt at 10.14am and it read, "30 minutes." Item 9 was a text message to Mr Khouri from Mr Hawatt at 10.26am that read, "Okay." Item 10 was a text message from you to Mr Hawatt at 10.30am which read, "Come. I'm home." Item 11 was from Mr Khouri at 11.07am to Mr Hawatt and it read, "Mate, where are you?" Item 12, text message from Mr Hawatt to Mr Khouri at 11.10am that read, "Here. 30 Earlwood." Item 13 was a text message from Mr Hawatt to Mr Montague at 11.49am that read, "Are you coming? Pierre and et cetera are waiting in Earlwood for you." And I'll just pause there. Do you remember these messages?---I don't remember them, sir.

Do you remember a delay that occurred in a planning proposal for a number of properties on Canterbury Road because the RMS objected?---The RMS objected?

40 Yes. And it caused a delay to the rezoning of a number of properties on Canterbury Road.---Yes.

Do you remember whether there was a meeting that you were involved in to respond to the news that that had happened?---Look, I, I, I don't remember when this meeting occurred or what happened. It could be happen but I can't remember.

And when at item 13 Mr Hawatt said to Mr Montague, at 11.49am on 20 September, "Pierre and et cetera are waiting in Earlwood for you," you

would understand that as being a reference to Mr Khouri, would you?---I don't remember, sir. I don't know what's Jim, it's from, from Montague?

No, it's from Hawatt to Montague saying, "Pierre and et cetera are waiting in Earlwood for you."---Yes.

That's likely in the circumstances of these texts to have been a reference to Bechara Khouri.---I don't know if it mean Bechara Khouri. I don't know.

10 Then item 14, from Mr Montague to Mr Hawatt at 12.03pm, "Later. I am at the opening of Rotary Park in Riverwood. I'll call." Item 15, text message to Mr Montague from Mr Hawatt at 12.04pm, "We are waiting." Item 16, from Mr Montague to Mr Hawatt at 12.37pm, "On my way." Item 17, to Mr Montague from Mr Hawatt at 12.39pm, reading, "Come to Salvatores café in Homer Street, opposite Minnamorra Avenue, just past service station." Do you see that?---Yeah.

20 So do you recall a meeting to discuss the objection by the RMS to the rezoning of a number of properties on Canterbury Road in, around September 2014 that involved yourself, Bechara Khouri, Mr Hawatt and Mr Montague?---I don't remember anything about this meeting. I can't recall anything, sir.

You accept that from these text messages it would appear that you attended it?---Well, I can't remember if I attend this meeting. Maybe yes, maybe no. I can't remember. And (not transcribable) I don't remember what the purpose of the meeting for.

30 You don't remember a meeting to, as I've suggested to you, discuss the RMS objection to a planning proposal to rezone a number of properties on Canterbury Road perhaps as part of the Residential Development Strategy? ---I don't remember this, sir. If we want to discuss it, we'll discuss it at the council.

Would it be fair to say that these text messages was a typical transaction involving you and Mr Hawatt and Bechara Khouri and Jim Montague about a planning issue?---No.

40 Why wouldn't that be fair?---Because we have nothing to do, like we have, we have nothing to discuss outside what we did it a the council.

But you can see that as far as Mr Hawatt was concerned he thought that there was a need for a meeting. Mr Khouri was on his way. It would be 30 minutes before he arrived. You were prepared to take part. You said, "Come, I'm home." And then Mr Hawatt told Mr Montague that Pierre, that's you, was waiting in Earlwood. So it would appear that this meeting did take place and what I'm asking you is it's plainly a meeting that occurred outside the framework of council meetings, isn't it?---Yeah, but I,

I can't remember I went there or I stayed at home. I can't remember what happened. Like, I don't remember about, anything about this meeting.

But you accept that it appears to have been arranged by Mr Hawatt and that you were prepared to take part as was Mr Khouri and Mr Montague. You accept that. That's what this, that's the conclusion that a reasonable observer would reach reading these text messages?---It could be happening.

10 Why would Mr Hawatt on your understanding have asked Mr Khouri to attend?---I don't know.

Did Mr Khouri ever attend meetings at which you were present to discuss council matters?---I can't remember he attend. I don't discuss with Mr Khouri any council's issue.

20 Are you sure you didn't sometimes discuss council issues with Mr Khouri?  
---Sometimes if he ask a question like, outside the (not transcribable) I said it's none of your business. He's not allowed to discuss private council business with me.

But Mr Khouri was very interested in council business, wasn't he?---Well, I don't know his job.

You frequently talked with Mr Khouri on the phone, didn't you?---Yeah, sometimes.

And what did you talk about if it wasn't council business?---We have too many things to discuss, mostly politics.

30 Politics of what kind?---In the Labor Party.

And you were part of a Labor team on council?---Yes.

And so that was one of the levels of politics in the hierarchy of political organisations, you know, local government level, state government level, federal government level, in which the Labor Party was involved?---I don't understand your question.

40 The Labor Party was involved in all levels of politics, wasn't it?---Yes.

Mr Khouri was interested and involved in all levels of politics, wasn't he?  
---Yes.

From the Labor side?---Yes.

Mr Khouri I want to suggest and you frequently discussed Canterbury Council politics.---If it's, we discuss council politics if involved Labor issues.

And would it be right to say that being a close friend of Mr – I withdraw that. You knew that Mr Khouri was a close friend of Mr Montague?---Yes.

And would it be right to say that you and Mr Khouri from time to time would discuss what Mr Montague was thinking or doing in relation to council business?---No.

10 There was no discussion ever by you with Mr Khouri about what Mr Montague was thinking or doing in relation to council business?---I can't recall anything.

It would appear though that on this occasion, 20 September, 2014, Mr Khouri was participating in a discussions about council business with you and Mr Hawatt and Mr Montague. A very specific item of council business.---I can't remember, I can't remember which one.

20 My question to you is on your understanding of Mr Khouri's relationship with you other three gentlemen - - -?---Yeah.

- - - yourself, Mr Hawatt and Mr Montague, why would Mr Khouri be involved in this particular discussion?---There's too many issue. Which - - -

Why would he be - - -?---What the matter?

Why would he be involved in a discussion about a hold-up in the implementation of the planning proposal that arose from the Residential Development Strategy caused by the RMS objecting?---I have no idea, sir.

30 You can't assist us at all even though you frequently were in contact with Mr Khouri and from time to time discussed council business with him? ---Mr Buchanan, I said before my relationship with Mr Khouri, it's my, my position with him we can talk anything but not involving my career in the council and don't interfere with my business in the council. It's, it's the deal between me and him. You can talk about anything else but not in the council business.

40 I want to suggest to you that that answer isn't likely to be correct. Certainly this is an illustration of Mr Khouri participating in discussions involving the four of you about council business outside meetings of council. That's what this illustrates.---No, sir. Me and Mr Khouri we understand each other. No discussion (not transcribable)

And the fact that you can't remember it might suggest, mightn't it, that this was not unusual?---Unusual for what?

Well, you see, if this meeting had been a one-off it would have been unusual and it would have been more likely to stick in your memory. But if in fact

there had been meetings from time to time and discussions from time to time involving the four of you, Montague, Khouri, Hawatt and yourself, about council business outside of council meetings then it would be understandable that you mightn't remember a particular meeting or discussion.---No.

That's what I mean.---There's never, I can't recall and I don't accept any interference from Mr Khouri in my business in the council.

10 Can I ask you does it come to you as a surprise to read in these texts a, what I want to suggest to you is a demand made Mr Hawatt of Mr Montague while he's attending council business somewhere else in Sydney that he drop whatever he's doing and come and attend a meeting of the three others of you, you, Khouri and Hawatt, to discuss a matter that Hawatt thinks is a matter of great concern?---No. No.

That doesn't come to you as a surprise - - -?---No.

20 - - - that Hawatt would demand the attendance of the general manager at this meeting outside of a meeting of council?---We had, I think Mr Hawatt had the right or Montague to meet anywhere they liked.

And as far as you were concerned, Mr Hawatt had the right, did he, to demand that the general manager attend this meeting?---Well, if anything (not transcribable) yes, he has the right to ask him.

30 It tends to suggest, doesn't it, that Mr Hawatt thought that Mr Montague was subordinate to him, Mr Hawatt. That Mr Montague was a person who was to do what he, Mr Hawatt, wanted him to do.---No.

That's what this text exchanges, series of text exchanges, tends to suggest, doesn't it?---No, sir.

40 What sort of relationship do you understand from these text messages was it that Mr Hawatt had with Mr Montague? I've suggested one, that is to say that Hawatt thought that Montague was subordinate to Hawatt, that Montague had to do what Hawatt told him to do. What do you suggest is the inference we should draw from this series of text messages?---I don't believe Mr Montague will listen and will do anything he doesn't want to do it. Like, he, I don't think it's, Mr Montague will do whatever, anything Hawatt wants him to do. No way.

If I tell you that 20 September, 2014 was a Saturday, then the meeting that was being organised through these text messages was not only being conducted – it was being conducted outside business hours and on the weekend.---Yeah. So?

It suggests that Mr Hawatt thought that Mr Montague was at his, Mr Hawatt's, beck and call at any time of the week if Mr Hawatt was sufficiently upset about something.---No. No. Mr Montague said, "I'm available 24/7 for you guys. You can contact me any time you like. I'm available."

That's what he said in your presence, did he?---No, before at the council. "When you need me, you can call me."

10 Can you tell us a little bit more about that, please?---What?

When was this?---I understand, you know, at the council when we started, the council being elected.

2012.---Yes. I can remember he said, "I'm available for you any time. Call me day and night."

Thank you. You were a good friend of Mr Khouri's in the period 2014-15-16, apart from the short period when you were in dispute with Mr  
20 Montague, is that fair to say?---Yeah.

What I'd like to do is ask you to listen to a recording of a telephone call that we will play for you, and at the same time we will show you a transcript on the screen in front of you. And the call, I'm going to be suggesting, is by you to Mr Hawatt, and I'll be asking you after we play it whether you recognise your voice and Mr Hawatt's voice. And in the transcript because sometimes you and Mr Hawatt speak in Arabic, the transcript shows that the Arabic has been translated into English, and those translations will appear in square brackets in the transcript. Do you understand that?---Yes.

30 Commissioner, if we could play, please, recording LII 00645, recorded on Friday, 18 December, 2015, commencing at 1.48pm. And it's an extract. Thank you. So, Mr Azzi, this is part of the recording that we're going to be playing you. It's not the whole lot, okay?---Yes, sir.

Thank you.

40 **AUDIO RECORDING PLAYED** **[10.36am]**

MR BUCHANAN: Commissioner, I tender the audio file and the transcript of that extract from recording number 00645.

THE COMMISSIONER: The audio file and transcript of the extract of the recording LII 00645, recorded on 18 December, 2015, at 1.48pm, will be Exhibit 250.

**#EXH-250 – EXTRACT OF TRANSCRIPT SESSION 00645**

MR BUCHANAN: Mr Azzi, did you hear that recording being played?  
---Yeah.

And were you able to read the transcript as you listened to the recording?  
---Mmm.

10

Did you recognise your voice?---Yes.

Did you recognise Mr Hawatt's voice?---Yes.

On the first page of the transcript, after halfway down on the first page, it records that in relation to the event that Mr Hawatt was talking to you about that was to happen that night, you said, "All the boys going." Who were the boys you were referring to?---I don't remember which event we were talking about.

20

It was a gathering of people at Ivy nightclub on the Friday before Christmas in 2015, in the city.---Yeah.

THE COMMISSIONER: Do you remember that?---I remember I went once, yeah, to the Ivy restaurant but I don't remember the date.

MR BUCHANAN: Can I just ask you to pause there. Please don't misunderstand. I'm actually not suggesting you went on this occasion. I know you talked about it, and it seems like there was an arrangement that you go, but I'm actually going to suggest that ultimately you didn't go. I don't want to mislead you about that. But you might, you're telling us, are you that you believe you went on another occasion with people to Ivy nightclub?---No, I went, I went once to Ivy nightclub.

30

Right.---The once I went only, no one from the boys there. Me and Michael only.

Okay.

40 THE COMMISSIONER: It was only you and Mr Hawatt?---Yes, only.

MR BUCHANAN: And so when you refer to "the boys", who are you talking about?---I can't remember which boys. I can't remember what the occasion or what the boys.

What does "the boys" refer to? What type or grouping of people in your network or social circle does the words "the boys" refer to?---I can't remember which, what the circumstances was and who we're talking about

and what the occasion's being to know which boys. But we don't have, like, I don't remember what, what was that, you know, what the event was.

Well, if I can take you to the second page of the transcript, towards the top of that page, Mr Hawatt is recorded as saying, "Well, could you chase 'em up? 'Cause Marwan mentioned if you can chase the boys up." You see that?---Yeah.

Now, Marwan would be Marwan Chanine.---Yes.

10

Does that assist you in understanding who Mr Hawatt was referring to and who you were referring to when you used the words "the boys"?---I can't remember anything about this event, sir. I can't tell you what, what, which boys (not transcribable)

You were in a social circle that involved friends who were Michael Hawatt and Marwan Chanine, correct?---Yeah, I have too many friends. I don't have to be. I have too many friends.

20

Too many, did you say?---I have too many friends. Doesn't mean I met Marwan's and, I don't know, another boys, what he mean, another boys. I have too many friends. But at this occasion I can't remember which boys is being, I been, like, talking about.

Who were the people who you and Marwan Chanine and Michael Hawatt had as friends in common?---Me, I know Marwan Chanine is not my friend. A person I know. I don't have friends in common with Chanine except, except I know Bechara knows Chanine. That's all.

30

Was George Vasil one of the boys?---No, I don't know if Vasil and Marwan Chanine are friends.

But when you said that Marwan Chanine wasn't your friend, he was just a person you know, that's not an honest answer, is it?---No, person I know, look, is, is professional friend. Is not my friend I go out with. I don't know anything about, like, except him.

He was a person you would have coffee with from time to time.---Oh, just once or twice, that's all.

40

And why? Why did you have coffee once or twice with Marwan Chanine? ---Look, Marwan Chanine asked to meet with me and when we have a coffee at, at the Lantern Club once, we met during one of the event, and when he called me he said he want to talk to me and we catch up a second time.

And what did you talk about on that second occasion?---He had an issue.

With what? Was what?---With his DA in Canterbury Road.

And was that the DA at 212-222 Canterbury Road and 4 Close Street?---I know he has one. I don't remember the number, but he have one in Canterbury.

Is it one that he called Doorsmart?---Yeah, I think so.

10 And what was the issue that he talked to you about on that occasion?---He was complain about council delays in processing his DA.

Any particular problem with the DA?---Yeah, it was a problem with the DA.

20 What was the problem?---Well, when I did find out the problem when I made an inquiry and asked the director about what was going on with this DA, he mentioned to me and he advised me the problem is not a council problem. It's railway. It was in the railway, the railway issue, between him and the railway. That's what the problem.

Yes. And did you talk to Marwan Chanine about the railway problem? ---Yeah, I, I, I answer his demand, request, and I told him, mate, it has nothing to do with the council. It's your issue with the, with the railway.

Now, you can see that on, if we have a look, sorry, at the third page of the transcript of this telephone conversation, that Mr Hawatt said, "I'll see you at the club. I'll see you at the club anyway later." And you indicated basically that you intended to be there at that stage.---I'm every night there.

30 Yes. Which club are you referring to?---I am always goes to Lantern Club.

Is it possible that on this occasion it was another club called Ivy?---I don't remember what, I, I said I never go to Ivy. I remember I went once and that's all.

40 Now, what I want to suggest to you is that what actually happened is that, because of other contacts that you had, you ended up not going to the club and instead you stayed at home and you hosted a number of people. This, bear in mind, is a Friday and it's the last Friday before Christmas in 2015. Do you understand?---The date again.

The date is, it's the top of the transcript, the 18<sup>th</sup> - - ?---18/12/2015.

Yes, Friday, 18 December, 2015.---Yeah.

Can I ask, Commissioner, that we play another recording, and if you could listen to it, please, Mr Azzi. LII 00731, being a recording of a telephone

conversation that occurred on Saturday, 19 December, 2015, the next day, commencing at 10.46am.

**AUDIO RECORDING PLAYED**

**[10.49am]**

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

10

THE COMMISSIONER: The audio file and transcript of LII 00731 recorded on 19 December, 2015 at 10.46am will be Exhibit 251.

**#EXH-251 – TRANSCRIPT SESSION 00731**

MR BUCHANAN: Excuse me a moment.

20

Mr Azzi, you heard that recording being played?---Yeah.

Did you recognise your voice and that of Michael Hawatt?---Yeah.

30

Can I take you to a couple of aspects of it and ask you some questions about those aspects. Looking at the transcript on the first page that's on the screen in front of you, at about the middle of the page Mr Hawatt had said to you that he thought you might have some news, that there may be some big problems, and you appeared to know what he was referring to and you said, "Well, you know we can't discuss that." What was it that you couldn't discuss?---This meeting was about amalgamation.

What meeting?---What's occurred here when we met, we've been discussing the amalgamation situation between us and Canterbury and Bankstown.

Yes, well, I'll come to that in a moment.---Yes.

40

But that wasn't something that you couldn't discuss because you did proceed to discuss it. So what you're referring to that Mr Hawatt described as being your news that may involve some big problems must be something else.---It's nothing to do, it's all political. Maybe something we've been discussing between us and Bankstown.

But what was it that you said, "We can't discuss that?"---I can't remember what we've been talking about. We've been talking about amalgamation situation, maybe - - -

Was there – I'm sorry?---Amalgamation between us and Bankstown.

Yes, but you knew that you could discuss that because you proceeded to discuss it.---I - - -

So when you said that, “We can’t discuss that,” and that Mr Hawatt knew that you couldn’t discuss that, obviously the topic was something other than amalgamation.---I don’t think, I don’t know.

10 So my question is, what is that other topic?---I don’t know what we’ve been referring about but we’ve been talking about in that meeting.

Was there anything that you couldn’t discuss with Mr Hawatt - - -?---About - - -

- - - at this time, around this time?---I can’t, I can’t remember what we were talking about and what the issue we can’t discuss it.

20 Was there anything that you thought you didn’t want to discuss with Mr Hawatt on the phone in case someone was listening?---I can’t remember what I was referring, if we can’t discuss it on the phone I wouldn’t discuss it at the meeting. I can’t remember what it was like referring to. I don’t know.

Going over to the second page of the transcript, in the middle of the page you refer to Charlie and say that he ended up coming, this is to your place. ---Yeah.

30 Now that you’ve heard this call being played, do you recall the night at your place when these men came to your house?---I, I can remember we had a few meetings but I can’t recall the dates.

Well - - -?---But the date is here.

They were, they would have been interesting meetings because you described the people whom you identified as leaving late in the piece as, page 3 of the transcript, “Bloody pissed.” So they must have been meetings that involved the consumption of a lot of alcohol. Would that be fair to say? ---Well, I don’t know what I meant, it was alcohol or was - - -

40 THE COMMISSIONER: But they’re leaving late, at about 12.00, 12.30 in the morning - - -?---What I said - - -

- - - and as you described, what was it, “Bloody pissed,” so it seems as if it was a good party.---They always have a good parties, ma’am.

All right. A long party.---It was a long meeting, not partying, we had a meeting.

It was a meeting.---Yeah.

With alcohol.---That's on the side, after the meeting maybe we had some alcohol.

Okay.

10 MR BUCHANAN: You see, you laughed after you described them as leaving, "Bloody pissed," indicating that they were drunk, rather than pissed off, didn't you?---I didn't test them but could be.

This was a party that had occurred on the night of 18 December - - -?---No, it wasn't a - - -

- - - and instead of going to Ivy's with Mr Hawatt, you hosted the people that you've identified at the very least, if not other people as well. That's what happened, isn't it?---It happened.

20 And they were your friends, weren't they?---What, all of them?

Yes.---Yeah.

You don't invite your enemies to a party, do you?---It wasn't a party, it was a meeting.

And can I go back to page 2 of the transcript, the people you identified as attending were, in the middle of the page, Charlie, that's Charlie Demian, isn't it?---Yes.

30 Further down, Morris, that's Morris Iemma. Is that right?---Yes.

Further down you refer to Morris leaving at 11.30. Bechara, that is Bechara Khouri?---Yes.

So, Bechara and Charlie left at 12.00.---Yeah.

And then Jim and Bechara left at 12.30.---Yeah.

40 And Jim is Jim Montague?---Yes.

And can I take you to page 4 of the transcript. Looking just a bit over halfway down, where you started by saying, "No, listen, listen." Do you see where the hand is in the margin? It's moving around.---Yeah.

That paragraph there. You were referring, were you, to an offer that had been made by Canterbury City Council to the government to amalgamate with Bankstown Council, is that right?---Yes.

And were you – I withdraw that. When had that offer been made as far as you understood it?---I can't recall the dates. We, we did at one of the council meeting. We'd been, I can't remember all the dates, Mr Buchanan, but we'd been through long procedures. I don't know.

It would have been late in 2015, though, wouldn't it? Because people were getting concerned about amalgamation and the Fit for Future reforms that the State Government was proposing at around late 2015, early 2016, isn't that right?---I can't recall the dates.

10

THE COMMISSIONER: And when you said it was discussed at a council meeting, was that a resolution at a council meeting?---Yeah. Could be resolution because it's all prepared by the, the council and Jim Montague, I don't know, because we lodged too many reform application and Fit for the Future later and this amalgamation procedure took too many steps.

MR BUCHANAN: And can I take you to page 5 of the transcript. Mr Hawatt, in the middle of the page, referred to seeing Jim Daniel the previous night.---Yes.

20

Who was Jim Daniel?---He was a, I believe he was a councillor from Bankstown.

Was he one of the boys? Remember we talked about what the words "the boys" meant when you used that expression and when Mr Hawatt used that expression in the phone calls leading up to the evening, to the night of 18 December, 2015. Was Jim Daniel, given that he was apparently at the venue that Mr Hawatt was arranging for you to attend, was Jim Daniel one of the people that you knew as one of the boys?---I don't know. I have no connection with Jim.

30

Was he one of the boys?---I don't know.

THE COMMISSIONER: You said he was a councillor at Bankstown Council.---Yes.

Was he aligned with a political party?---Yes, Liberal.

Liberal.

40

MR BUCHANAN: So it would be fair to say, wouldn't it, that having regard to what we can see occurred the previous night and your description of these individuals, that you invited Bechara Khouri and Charlie Demian and Jim Montague to your house, correct?---I don't remember if I did invite them or they called but this meeting has happened.

And what was the meeting about?---What I said, we discussed amalgamation, so as in politics.

And was alcohol consumed?---Oh, it's after the meeting finished.

And what was Charlie Demian's interest, as you understood it, in the amalgamation of Canterbury City Council?---Oh, he had no interest. Charlie called and asked if he could come and he came later after, I think, halfway, like, when we finished the meeting.

10 Are you sure you didn't invite him in the first place?---No, I don't him. He called, he had, said can, can I see you? I said, yeah, come over. Are you at home? I said, yeah, come over.

But he ended up leaving pissed?---Look, it's word we can say just means happy. Doesn't mean he's drunk. Like, when everybody leaves happy, you can have one drink or two drink and you, you feel like happy. Doesn't mean you are drunk.

20 You had those three people over because they were your friends, didn't you?---Professional friends.

Well, they were friends who were each associated with politics, certainly at Canterbury City Council level, weren't they?---Not necessarily.

30 Well, the three of them were, weren't they? Jim Montague obviously because he's the general manager. Bechara Khouri because he's the close friend of Jim Montague and is interested in Canterbury City Council politics and Charlie Demian because he's a developer with interests in the Canterbury Local Government area.---Jim Montague, he has the right to discuss these things. Bechara Khouri is observer, he's just political advisor in the Labor Party and when we discussed politics, and involve politics matter and they can share but we didn't discuss anything about Canterbury Council, like, not publically about to be discuss because everybody is entitled his own vision and he can say whatever he can say in the amalgamation situation.

You see, this wasn't the first time or the last time that Bechara Khouri came over to your place and enjoyed the hospitality of you and your wife, was it? ---Yeah. He can come, yeah.

40 It wasn't the first time or last time that Charlie Demian came over to your place and enjoyed your hospitality, was it?---No. He came - - -

And it wasn't the first or last time that Jim Montague came over to your place and enjoyed your hospitality, was it?---No. Yes.

The three of them were your friends, weren't they?---You can say that. They professional except, you know like, Jim Montague was our general manager, he's my friend. Bechara Khouri is a friend, yes, and everybody

come in to my place and ask to see me as a friend. That's what we call people, friends, not enemies.

And were there any other developers there that night?---No developers, no.

Charlie Demian was the only developer that was there that night?---I believe there was only one who was there.

10 That suggests that perhaps, certainly as at December 2015, you regarded him as more of a friend than the other developers with whom you had contacts.---I didn't contact him. He came over, he contact me and said we at home, yeah, I'm at home, you can come. I didn't invite - - -

THE COMMISSIONER: You said he rang and said can I see you.---Yeah.

Which suggests - - -?---I said I'm at home.

20 Which suggests he wants to come and discuss something with you.---I said, but, I, I don't know what he wants but we end up discussing nothing. We been talking about amalgamation, he come later and he stayed, had one or two drinks and that's it.

MR BUCHANAN: And why did he stay, as far as you understood it, unless he was enjoying the company of these other men and yourself and the hospitality that you were providing? That was why he was there as you understood it, wasn't it?---Yeah, if, if he's enjoying his stay, he can stay. Why not? I don't kick people out.

30 There was a - I want to change the subject now to a - - -

THE COMMISSIONER: Can I just ask you to stop?

MR BUCHANAN: Oh, I'm sorry, Commissioner.

THE COMMISSIONER: Could we go back, I think it's to page 3 for a minute, please. The reference to Tania, who's that?---Tania Mihailuk.

And who's she?---She is a member - - -

40 At this stage in - - -?---Yes, state member, Bankstown state member.

In 2015?---Yes.

MR BUCHANAN: Labor Party?---Yes.

THE COMMISSIONER: And you invited her to come?---No, well, I don't know if I invited her or it's been arranged, to talk about amalgamation because they all have interest to discuss it because Morris was there to

discuss the situation of amalgamation. It wasn't a party. It was all the meeting. It's like more than Labor issues, all about politics. Like, it's a Labor, mostly Labor politicians.

MR BUCHANAN: And just while we're on that page there's a reference, I'm not suggesting he was there that night, there's a reference to Karl Asfour.---Yeah.

He was the mayor at Bankstown at that time?---Bankstown. Yeah.

10

And was he aligned with a political party?---Labor.

Thank you. Can I take you to another event, a different event that occurred at Bechara Khouri's house on 30 March, 2016, Wednesday, 30 March, 2016 which involved yourself, Mr Hawatt, Mr Montague, Mr Asfour and Mr Stewart, Matthew Stewart. Do you recall that occasion?---Yes. Yes.

Late afternoon/evening at Mr Khouri's house?---Yeah, it was that evening, yeah.

20

And there was a discussion there, wasn't there, about what might occur under an amalgamated Bankstown and Canterbury Council, in particular on the assumption that Matthew Stewart was the CEO or general manager? ---Yes, we discuss, it was a meeting about amalgamation situation as well.

Can I ask you how was that meeting organised?---Well, it's, it's been organised by, I can't remember how it is. Said we have to meet somewhere independent like, I have no idea how it's been organised but it's been organised to discuss amalgamation issue and the situation is to be not in my office and they don't want to be in like, or Bankstown side. We independent place and Mr Khouri offer because he got big type room said you can meet at my place. Both party agreed.

30

Were you involved in organising it?---I, I can't, well, I'm in it. It has to be I'm part of the, like organise it (not transcribable) I was part in it.

And as far as you were concerned why did the meeting happen, what needed to be achieved, what was the outcome that you were hoping to achieve?

---Oh yeah, well, the meeting it's all about make sure the amalgamation goes swiftly, like both, like to ensure both councils going to be operate and no like, in amalgamated situation not take over. Like we have to make sure I said if amalgamation happen we are not sure it's going to be the interim general manager, we're not sure if it's going to be the administrator and it's more the, it's more it's been between Montague and Stewart to organise and make them agree if anyone of them take the top job to look after the other council. Like respect about we don't want any workers or any staffer to be sacked or, you know, just to look after the management of the council not, not like, respect each other. That's all.

40

Well, didn't the meeting proceed on the premise, the assumption that Mr Stewart would be the GM? There was no premise or assumption that Mr Montague would be the GM of an amalgamated council.---Well, we didn't know anything about this, who it's going to be because they both - - -

Yes, but I'm asking you whether the discussion which you can recall occurring proceeded on the basis that the person who would be the GM of the new council would be Matthew Stewart?---No (not transcribable)

10

How were the arrangements made for Stewart and Asfour to attend?---It's been, I have no idea. It's been - - -

How was the arrangement made for Montague to attend?---Montague is one of the, is a master planner for all this amalgamation. It's all most of the work, look, it's been combination between him and Mr Stewart. They used to work, they been working together every day, every day, every day on this talking to you.

20

Who talked to Montague to get him to attend?---I think it's between him and Stewart. I have no idea. I can't remember who did but it's arrangement, always talk to each other and they, they are the most leading figures in the amalgamation Stewart and Montague. They are the one who been taking care of this.

Before the meeting took place did you have any contact with Mr Hawatt about the meeting?---I don't remember. Could be, sir.

30

Was there any contact between you and Mr Hawatt before the meeting took place about what should be said at the meeting?---I can't remember what we discuss but the main, always, I can't remember what, if we discuss it before or after or during the time or, because discussion has been happening every day. I can't recall, sir. I can't. I can't say, I can't deny we didn't discuss it because we've been talking about amalgamation every day not only about this meeting. It's been about two months the only thing we can talk with the councillors about amalgamation.

40

And what was your concern about the proposal for or the risk that Canterbury would be amalgamated with another council such as Bankstown, what was your concern about that?---I wasn't have any concern. Once I suggest to amalgamate with, but I have too many proposal. I didn't have any like, fear to amalgamate with another council. I made one proposal once as well if we can't have a talk with Hurstville but Hurstville denied and the fear, I don't want any of the council especially Canterbury to make sure all the services and everything been protected. That's what I'm caring about, you know, the services and (not transcribable) the council.

Didn't you have a fear that you and Mr Hawatt would lose the power that you exercised at Canterbury Council once Canterbury amalgamated with another council such as Bankstown?---Not at all, sir, otherwise we could reject the call.

See, in relation to planning matters you exercised power through Mr Montague and Mr Stavis, didn't you?---No.

10 Commissioner, if we could take the witness, please, to Mr Stewart's statement at paragraphs 15 to 52.

THE COMMISSIONER: Just for the transcript, can you recall the exhibit?

MR BUCHANAN: It is to be Exhibit 53.

THE COMMISSIONER: Thank you.

MR BUCHANAN: And it's a statement dated 28 March, 2017. Do you see at the bottom of the page that I'm showing you, page 6, there's a reference  
20 by Mr Stewart in this statement he's made to the Commission that he and Mayor Asfour left Bankstown offices and they went to Enfield where Mr Khouri lived. Do you see that? Paragraph 15. Do you see that?---Yes, yes.

And he says that when he – this is the next page, paragraph 16 – when he arrived there, present were Asfour, Khouri, Montague, Azzi and Hawatt. He says, paragraph 17, that he bantered a little bit with Mr Montague about Mayor Robson, and then paragraph 19 he says that Hawatt initially  
30 dominated the conversation about the Liberal Government's decision making in relation to amalgamations, and he said that high-level contacts in the Liberal Party had told him, Mr Hawatt, they were going to amalgamate Bankstown City Council and Canterbury City Council. Do you see that?---Yes.

And I'm taking you to this so that you can appreciate the context or the background in which there are particular allegations that Mr Stewart makes about what happened at the meeting, and I'm going to ask you to respond to those allegations. Okay? Now, can I go then to paragraph 20, where Mr  
40 Stewart says that he reiterated the process which had been undertaken by Bankstown, its councillors and the community, and that Bankstown Council had a standalone position and this had not changed. Stewart says he said, "Whatever the government does, it's out of our hands," and he asked, "What are we here for?" So it would seem that Stewart didn't understand what the meeting was to be, what the outcome was that was to be achieved at the meeting. You see that?---Yes.

Now, he says in paragraph 21 that you and Mr Hawatt praised Mr Montague as being the greatest general manager and but that he was at the end of his

career and that Mr Stewart would be the future when Mr Montague is gone, and the amalgamation of council was implemented. Did Mr Hawatt say anything like that?---I can't remember about this.

10 Was anything said to promote Mr Montague to Mr Stewart as being a person who would be worthy of being taken on by Mr Stewart if he were general manager of the amalgamated council? Taken on as, let's say, a consultant.---Well, nobody said this, but I don't remember at this meeting something being said about this, but later on I heard, yeah, I know about this being offered, Mr Montague offered himself. He said after amalgamation, if amalgamation happening and I'm leaving, I can be helpful to be because I knew a lot about Canterbury, I know too many things, I can be helpful to help the two councils amalgamate in a swiftly manner, and I'll make myself available, I can be available to be a consultant.

Before this meeting at Mr Khouri's house on 13 March, 2016, had you and Councillor Hawatt and Mr Montague had discussions about what Mr Montague might do after amalgamation?---No, not my, not my job.

20 Had there been discussions before this meeting at Mr Khouri's house on 13 March, 2016 about the idea of Mr Montague being retained by an amalgamated council as a consultant?---Well, what I said before, I said if Mr Montague he offered himself to this position, not us. He offered himself, if he can be helpful, to be a consultant to, to finish the amalgamation if it's happen.

30 And Mr Montague having offered that, was that something that you and Mr Hawatt took up as something that you were trying to persuade Mr Stewart to do, to take on Mr Montague as a consultant after amalgamation?---We didn't come to this at this stage because we won't be there at the time, and we can't, I can't, no, I can't force anybody or tell anybody which job he have to take.

40 But we've already seen that Mr Montague was a person who Mr Hawatt certainly thought was at his beck and call in relation to council matters that Mr Hawatt was concerned about. Can I suggest to you that what was occurring on this occasion was that you and Mr Hawatt were trying to ensure that you and he, Mr Hawatt, would have some avenue of exercising control at the amalgamated council – after amalgamation, obviously - - -? ---Not correct, no.

- - - through firstly Mr Montague and secondly Mr Stavis.---It's not correct, sir.

Can I go back, then, to Mr Stewart's account of this particular meeting. Paragraph 22. "Councillor Hawatt and Councillor Azzi said that they wanted to work with me and that they expected Mr Montague would be treated with the respect that he deserved." Is that something that you and

Mr Hawatt said to Mr Stewart on that occasion?---Well, it could be that because, yeah, I mentioned all the stuff has to be done with respect, include Montague.

Paragraph 23. Mr Stewart said, “Councillor Hawatt and Councillor Azzi agreed with each other that Mr Montague will retire, and that when the government appoints to me,” that is to say Mr Stewart, “that I should bring Mr Montague back as a consultant on the same pay and conditions as he’s on now.”---No, no.

10

What's your understanding as to where Mr Stewart go that idea from if it’s not correct what he says there in the first sentence of paragraph 23? Why would he say that if it’s not true?---Because, because I know. I didn’t tell Mr Stewart these words because I know, Mr Stewart know.

Did Mr Hawatt tell Mr Stewart that in your presence?---That’s what I said I know when the offer being made by Mr Montague and stop there. And I knew the relationship between Montague and Stewart is not, not going to be happy.

20

Mr Stewart continued in that paragraph to say this, “I tried to reiterate during this conversation that the process was out of our hands and that there was no guarantee that either Mr Montague or myself would be the general manager. I also stated that I was not going to commit to doing anything in a role that I may or may not be appointed to in circumstances where I was not aware of the needs of any amalgamated council. I reiterated that proper processes would need to be followed regardless of who was the general manager.” He, Mr Stewart, says, “I said it could be any of us or it could be none of us. This was a reference to Mr Montague and myself.” Paragraph 24. “Councillor Hawatt and Councillor Azzi then advised that they had agreed that a new aquatic centre should be built at Wiley Park on the corner of King George and Canterbury Roads.” Was that a proposal that was being considered at the time?---This proposal been, the motion been passed through the council, like, years before that.

30

Thank you. And Mr Stewart continues his account, “And that aquatic centre was to be named the Jim Montague Aquatic Centre.” Was that something that you and/or Mr Hawatt said to Mr Stewart in Mr Khouri’s house on 30 March, 2016?---There’s a question being asked because we discuss it before. Not before the amalgamation situation when I put a motion, like a year before, to build new aquatic centre.

40

Yes, but the - - -?---But the name hasn’t been decided yet.

- - - the point here is what its name would be.---Well, we haven't been decision about the name. There’s a few names going to be - - -

So did you and Mr Hawatt propose to Mr Stewart that the aquatic centre be named after Mr Montague?---It's one of the discussion (not transcribable)

Is that something you said to Mr Stewart on this occasion?---I don't remember if I say it there, but we discuss it way before about the name. Not, not in this, but I (not transcribable) I did ask Mr Stewart in the meeting, I did ask this question. You cannot proceed with a decision made by the council to build the new aquatic centre (not transcribable) and I didn't discuss (not transcribable). I requested both after we leave to make sure all the decisions being made to proceed, but I didn't discuss the name.

Going over the page of Mr Stewart's statement he says, paragraph 25, "Mr Montague took over the conversation at this point and spoke of his long career and that he was closer to the end than the beginning." Paragraph 26. "I recall saying to them words to the effect of, 'This is all very interesting,' and then asking, 'How do you think this is all going to happen?'" Paragraph 27. "Mr Montague advised that he still had a lot to offer in local government and wanted to look after his people." Which Mr Stewart understood as being Canterbury employees. "Mr Montague also noted that he would like to be a consultant with the amalgamated council." So Mr Stewart is saying that the three of you, Montague, Hawatt and Azzi, were trying to persuade him that if Mr Stewart was the general manager of the amalgamated council, then Montague should be taken on as a consultant. ---What I said before, no, said when he made an offer, said it's up to him. I didn't, I can't persuade anyone, no, I didn't.

Did Mr Montague ask that his personal staff be looked after by Mr Stewart? ---That's what the meeting about, said he want his, all his personal staff and workers to be looked after, yes.

Now, paragraph 30. "Mr Montague advised he would have a letter of resignation in his pocket and the moment the New South Wales Government announced it would amalgamate the councils, he would tender it to his mayor a week before the amalgamation became effective." Paragraph 31. "I advised Mr Montague that the history of amalgamations demonstrated that amalgamations usually occurred by instantaneous proclamation without notice." Is that something that Mr Stewart said at that meeting?---I can't recall all this what he said.

Well, he goes on to say, paragraph 32, "Mr Montague, Councillor Hawatt and Councillor Azzi appeared to me to be surprised that an amalgamation could occur without notice once the minister had made his decision." Was that right, that you were surprised by this when Mr Stewart raised it at this meeting?---I didn't understand what he means by this.

That you had previously assumed that there would be a period of time between a government announcement of an intention to amalgamate certain councils and the amalgamations actually taking place, which would then

allow people like you, Mr Hawatt and Mr Montague to organise your affairs, to put yourself to best advantage before the amalgamations actually took place.---No, we knew when - - -

Was that something you were assuming?---No, no, sir, because I know very well when amalgamation is happening we're going to be all go home.

Excuse me a moment. Commissioner, I note the time. I haven't finished taking the witness through this statement and there's a bit more to go.

10

THE COMMISSIONER: Is that an appropriate point for your questions?

MR BUCHANAN: Yes, it is, yes.

THE COMMISSIONER: All right. We'll take the morning tea adjournment and resume at 5 to 12.00.

#### SHORT ADJOURNMENT

[11.34am]

20

MR BUCHANAN: Commissioner, if we could return with Mr Azzi and taking him through the statement of Mr Stewart of 28 March, 2017 in Exhibit 53. This is at page 10. Towards the bottom of the page, in paragraph 35, Mr Azzi, Mr Stewart said this, looking at the second sentence, "My recollection is that Mr Montague said he was concerned that he be paid all his entitlements, especially his accrued sick leave." Do you recall that being indicated at that meeting by Mr Montague?---I can't recall all this individual thing, no.

30

Can I take you to page 11 of Mr Stewart's statement, paragraph 37. Mr Montague responded that, "Mate, we need to talk about the future, this is an opportunity to clean out the cupboard." Paragraph 38. "I asked Mr Montague what this was supposed to mean." Paragraph 39. "Mr Montague said the amalgamated council would need to get rid of all the senior staff except for Spiro Stavis." Paragraph 40. "I looked at Mr Montague and I said, 'You didn't want him. What happened to that?'" And then paragraph 41, Mr Stewart explained what he meant by that. And paragraph 42, "Mr Montague told me I was wrong. I know I didn't want him at the start but I was wrong and he's doing really well fixing everything up and making changes." Do you remember Mr Stewart and Mr Montague having an exchange about Spiro Stavis at the meeting at Mr Khouri's house on 30 March?---No, I didn't discuss, I don't remember we discuss names.

40

Was there no discussion about what director or directors would be retained under an amalgamated council?---Not at this stage, sir, we discuss it, all staff as it, it has to be looked after from both sides. We didn't go into individual.

Well, wouldn't that necessarily mean you'd have a very large body of staff on the amalgamated council if the staff from both sides had to be looked after?---Yeah, had to be looked after, we didn't give any names to take any position, to be looked after.

I suggest to you, it wouldn't have been a very practical approach to consider that the staff from both councils would have to be looked after under an amalgamated council, and that you - - -?---All that - - -

10

I'm sorry, go on.---It's a matter for the new council to discuss it, but generally Mr Montague was concerned, I remember, I want my staff to be looked after or if I left the council, that's what he said, I'm worried about my council staff.

Well, his personal staff?---I don't know what he mean, he said, about the Canterbury workers and staff because the workers are being protected and the resolution workers but the staff and senior managers, the managers and the other staff - - -

20

Senior staff.---The senior staff they're not protected by the law and he just said, I want my staff to be looked after, I don't know what he means by his staff.

So was there discussion about the senior staff and who should be kept on and who should be got rid of?---No, not at this meeting.

Mr Stewart seemed to think there was, paragraph 43, I'm sorry. Mr Stewart said, "Mr Montague said to me he thought that Andy Sammut, Canterbury director, should retire, that Wayne Cooper, Canterbury director, was useless and that Spiro Stavis was clearly the best planner and that all the Bankstown people should go and that the councils have an opportunity to have a modern first-class organisation."---Well, I can't remember recall this, heard this discussion.

30

How could you forget if it was the case that there was a very distinct attempt on the part of the Canterbury people there to sell Mr Stavis to Mr Stewart, to keep Mr Stavis on?---I didn't understand, can you repeat that.

40

Well, according to Mr Stewart, there was a very distinct attempt on the part of you and Mr Hawatt and Mr Montague to have Mr Stavis kept on in an amalgamated council but that other Canterbury senior staff could go.---No, I didn't discuss it at this meeting.

According to Mr Stewart, paragraph 44, Councillor Hawatt added, "That Spiro Stavis has to be there because he is forward thinking and gets results." Did Mr Hawatt say that?---I didn't hear it, I don't remember it.

Was Mr Stavis' name mentioned at all?---No, we mention all the staff.

But did Mr Stavis' name get mentioned at this meeting?---Could be yes, could be no, I don't remember, or may be, all the senior staff be mentioned I can't remember.

10 Mr Stewart says that at this point, paragraph 45, I became quite agitated about the issues, sorry at the issues being raised. What I'm suggesting is that Mr Stewart is using polite words to suggest he got angry and became forceful during the meeting. Do you remember that occurring?---I don't remember this. All I remember this meeting was about the transfer the two councils mostly. We didn't discuss individual things.

But was there any pushback on the part of Mr Stewart to what we being proposed to him by the Canterbury people at this meeting?---No, because anybody was sure it's going to be proposed, we didn't discuss names, generally we had, we discuss only the staff on both council to be looked after.

20 Paragraph 46 Mr Stewart says, "I said, look, the government is going to decide who the GM is and there will be a process to sort the senior team out, the GM might not be either me or Jim, you have no control over that. I won't have Spiro as my director of planning in my council. If I'm appointed to any new council I will go through a process and I will recruit my team. I won't be told who I have in my team." Paragraph 47. "I said, I know how it works. If I'm the GM and you get on council and if you have the numbers and you don't like the way I do things or the results, then you fuck me off." Paragraph 48, "I said there's one thing I can tell you, I'm not like him." Pointing to Mr Montague, "Where I will concrete my feet to the desk and do anything to stay there. I won't have Spiro as my director of  
30 planning." Do you remember anything like that being said by Mr Stewart at this meeting on 30 March at Mr Khouri's house?---I miss something here. I didn't understand it, who he was talking to?

He was talking to you and Mr Hawatt and Mr Montague.---What I said, I don't remember we discuss individual positions in this meeting.

40 In around the period December 2016, did you want Mr Montague to be retained in some capacity if Canterbury Council was amalgamated with another council?---No, I didn't, can you repeat the question please.

Thinking of the period December 2016, I'm sorry, my mistake, 2015, December 2015, I would have thrown you there, I understand. So December 2015, did you want Mr Montague to be retained in some capacity if there was an amalgamation?

MR ANDRONOS: Objection. I think my friend he's corrected the date in one respect but wasn't, aren't we talking about, if we're talking about this meeting, wasn't this the end of March 2016 not December, 2015.

MR BUCHANAN: Yes, but I've moved on, I'm asking about an earlier period, I'm talking about December 2015.

THE COMMISSIONER: I think it's not associated.

10 MR ANDRONOS: We're moving back in time to a different period.

MR BUCHANAN: Yes.

THE COMMISSIONER: Yes.

MR BUCHANAN: But I'm happy to make it, let's call it this. I'll change the question. In 2015/2016, so we'll make it that broad period, did you want Mr Montague to be retained, kept on, in some capacity if amalgamation occurred?---Me, I proposed, that's why I didn't understand your question, I  
20 propose to anyone to have Mr Montague have a position?

I'm asking you whether that was what you wanted, I'm not asking whether you proposed it, I'm asking what your desires were, your political ambition?  
---My political ambition?

To have, was it to have Mr Montague retained in some capacity if council were to amalgamate?---No, I never for anyone, no.

30 THE COMMISSIONER: No, not whether you asked it.---What I want?

Whether you saw the amalgamation was coming up, you didn't quite know when but it was clear from Mr Hawatt was telling you from his contacts within the Liberal Party that the amalgamations were going to occur?---Yes.

Now given that background, as Mr Buchanan's asked you, say from December 2015 until March 2016, did you want Mr Montague to be retained in some way working for the council after it was amalgamated?  
---No, I didn't.

40 You didn't want that?---I didn't ask for it - - -

No, not whether you asked for it.---If I want it to be.

Whether you wanted it?---Personally, no.

Okay.

MR BUCHANAN: Mr Montague had made you aware however that he would like to be kept on as a consultant. Is that right?---That's what I heard from him after.

And how did you, what did you think about that idea?---Oh, no comment from me, as I said.

10 What did you think about that idea?---Well, what he propose I have no qualification to judge what I think, it's good for the council or not good. I can't, I didn't make any decision for myself.

But did you think it would be good for you - - -?---No.

- - - and Mr Hawatt - - -?---No.

- - - if Mr Montague was kept on in some capacity after amalgamation?  
---No.

20 But it would have been good for you and Mr Hawatt if Mr Montague had been kept on in some capacity after amalgamation, wouldn't it?---For myself, no.

And for Mr Hawatt.---No, myself, no.

For the two of you.---No.

30 Why not?---Because I, no. Mr Montague, he does not listen to anybody. Whatever you say he do what he do and what he's believing. Never listen and do whatever anybody ask him to do. He doesn't.

40 Well, that's not true evidence, is it, Mr Azzi? Mr Montague many times in the period 2014/2015/2016 demonstrated that he was prepared to accommodate you and Mr Hawatt, that he was prepared to do what you and Mr Hawatt wanted or to achieve the outcomes that you and Mr Hawatt wanted to achieve. Isn't that right?---As he's the general manager and we are a councillor, for him he must work with us. He's the general manager, we are the council. He must work with us. If he believes, Mr Montague, what we're asking him is legitimate and correct and right and he believe it's right, he would cooperate, if he doesn't believe, he doesn't like it or doesn't feel he likes it, he never, he never did it.

You knew, didn't you, in this period 2014/16 that Mr Montague knew that you and Hawatt controlled the numbers on council?---He is the general manager and of course he must know like we have the numbers in the councils and he must work with the council. He's the general manager, he must.

And so he had no choice if he was going to stay on but to accommodate your wishes and Mr Hawatt's wishes, particularly in relation to planning matters, I want to suggest to you.---It's in relation to everything, if it's we made the right approach, like his job to understand and do what council resolution, he must.

But his job became, didn't it, to do what you indicated to him you wanted done.---Not necessary.

10 You see you were regularly on the phone to Mr Montague during the period 2014/16 except when you were in dispute with him in December '14 through to February '15, weren't you?---Yes.

And you would have lengthy telephone calls that you made to him, didn't you?---Yes, all the time if I need information I have to contact him.

But lengthy telephone calls suggest that you are trying to convey a message to him, particularly when you initiate the call.---Not, I have, I'm a active councillor, I receive calls every day, I have to refer it to the general manager if I have any issue he must deal with it.  
20

And so you would ring him and convey to him the issues and the way you wanted those issues dealt with by the general manager or by council.---No, I never.

Is that fair to say?---No, I never direct him.

And you were trying to help Mr Montague after amalgamation because of the risk that he would not be the general manager. Is that fair to say?---Help  
30 him?

Help him.---No.

Help him get a job?---Me?

Yes.---No, no.

You and Mr Hawatt.---No.

40 Did you ever discuss with Mr Hawatt the type of job that Mr Montague might get in relation to council after amalgamation?---I don't remember what we discussed, too many meetings and what we discussed, I don't remember we discussed only Montague position, no.

Did there, was there any discussion you ever had with Mr Hawatt about Mr Montague being kept on as administrator?---Well, it's been not discussion ah, Mr Hawatt said, we've been talking about who might be the administrator, it's one of the (not transcribable) said, "What about if Mr

Montague happen to be the administrator?" No, we want him to be the administrator. There's been a lot of talk he's going to be, been like, coming off from sources like the administrator can be chose between general managers or former mayors or whatever, it's part of the discussion, but we have no power and no, I have no, no involvement like, pushing for Mr Montague to be administrator.

10 Well, Mr Hawatt had contacts in the Liberal Party and the Liberal Party was in government, wasn't it, and the Liberal Party would appoint the administrator. Wasn't that right, the State Government?---(No Audible Reply)

As you understood it?---Yeah, yeah, of course.

And of course if Mr Montague was kept on in some executive or consultative capacity, that would mean that you would have him as a way of trying to influence the things that were done by council, particularly in relation to planning matters, wouldn't you?---No.

20 Mr Montague, by the time amalgamation did occur, had been of help to you and Mr Hawatt in relation to getting planning and development decisions made for certain developers, certain developers of large mixed-use commercial developments which you supported, hadn't he?---He did his job, not help, well, I never ask him to help, just, to just doing his job.

You didn't need to ask him to help if he knew what your position was, that you supported a particular development proposal, if he knew that you supported a particular development proposal then he knew, didn't he, as far as you were concerned, that it was his job to progress that proposal?  
30 ---I don't know about that.

There were occasions, weren't there, when there were obstacles to development applications being approved by developers you supported, posed by certain decisions of the IHAP, the Independent Hearing Assessment Panel?---(No Audible Reply)

Do you remember those occurring in 2015/16?---Can you repeat this question?

40 Yes, sure. There were some development applications in 2015/16 - - -?  
---Yeah.

- - - by people like Demian, Chanine, where the IHAP had reported unfavourably about the development applications. You know that happened, don't you?---Yeah, it happens though, yeah.

And ordinarily that would be a problem for the development application being progressed, wouldn't it?---Doesn't have to be.

And weren't there occasions that you were aware of where Mr Montague organised the way that the development applications were considered at council so that it was possible for councillors to vote in favour of the applications in those cases?---Oh, it never happen this way. We follow - - -

10 You see, I want to suggest that you were well aware that Mr Montague was of considerable assistance to you and Mr Hawatt in achieving the results you wanted to achieve on behalf of the developers you supported and that was a very good reason why you wanted to keep Mr Montague in place in some way, in a position of power or influence, at Canterbury after amalgamation.---No.

20 Can I ask you some questions about Mr Stavis. He started work, I can inform you, on 2 March, 2015. He started work at Canterbury as director of planning on 2 March, 2015. After he has started work or once he started work at Canterbury, was the nature of your relationship with him?---It was professional, he's a director and I don't understand what you mean, the relation, the normal, like, between councillor and director.

And he wasn't the only director, was he?---Yeah.

There were other directors?---Yes.

You had Mr Stavis over to your place, didn't you, on a number of occasions?---No, I can't remember. I remember only once. I don't remember anyone, any, any time he's been there.

30 Did you have any of the other directors over to your place in 2015-16?  
---No.

Mr Stavis was the only one you had over to your place, wasn't he?---Yes.

You drank with him at your place, didn't you?---Well, I don't remember we had a drink.

40 But it's right to say that you did drink with him at your place, didn't you?  
---No, I don't remember we had a drink. I had him once I can remember, when we had an issue with one of the applicants.

And which applicant was that?---It's Mr Demian.

And after he started work, 2 March, 2015, what were the contacts that you had with Mr Stavis generally speaking?---Yeah. Every time when I have to refer him or I have a call about, to investigate anything issue or complaint from president related to his department. I had to contact him to get answer.

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

And what was the nature of the issues that you raised with him?---Any concern about what I requested.

A request by you or request to you by someone else?---No, request by resident or, resident - - -

Ratepayer?---Ratepayers. If they request, I ask him about it.

10 And did you also ask him about issues where it wasn't a ratepayer, but someone, for example, who was a development proponent?---If any developer request me to, for a question or for an issue, I have to refer it to the director.

Why do you have to refer it to the director?---Well, I have to get the answer from.

20 Why do you have to get the answer for a developer who asked you - - -?  
---When somebody request from me and I'm a councillor, I have to answer everyone for his request.

So, that was what you did in the period March 2015 through to May 2016, 12 May, 2016, when amalgamation took place, is that right? The nature of your relationship with Mr Stavis and your contacts with Mr Stavis.---Yeah, it's about business, his job.

After amalgamation, did you have contacts with Mr Stavis?---I don't recall any contact. I don't remember, no.

30 Well, you didn't have any ratepayers that you were representing at that stage, did you?---Yeah.

That's correct, you're agreeing, are you?---I still, I still have, what you mean? I still have ratepayers calling me, they kept calling me.

THE COMMISSIONER: Even though you're not a councillor?---Yeah, they still calling me until now.

40 MR BUCHANAN: And what do you do when the ratepayers call you?---  
Well, I said we no more in the, in the, on the job and I refer them to, to the way they should, like, I said if I can make, I can help. I don't remember. If I can help you, I can make contact. If I can't help you, I can't do anything because we out of, we not councillors anymore.

But you did think you could be of help, did you, after amalgamation, even though you weren't a councillor?---If I can help them, I would.

Why?---Because they are my people, they still asking, you know, asking for help. I can refer them to the way they can get the answers from.

When you say refer them, you would give them the contact details of a person in council?---Yeah, could be give them contact detail, how they can contact council, which way they have to go, who's in charge. You'd be surprised how, how many people call me about rubbish bins have to picked up, and I had to call.

10 You had to call?---Yeah, they ask me to call for them. It's, it's too many requests from ratepayers going - - -

Was there no one at council that they could be referred to in order to get their rubbish picked up?---There was - - -

Why was it necessary for you to do something about it?

MR PULLINGER: He was about to answer when you interrupted him. I object to that. He was in the process of answering when he was spoken over.  
20

THE COMMISSIONER: Did you complete your answer, Mr Azzi?

MR BUCHANAN: I don't think he started his answer. I'm sorry.---What was the question first I was trying to answer because he kept coming, which one?

THE COMMISSIONER: Maybe if we start again, Mr Buchanan.

30 MR BUCHANAN: Yes, Commissioner. So, someone after amalgamation rings you up and says their rubbish hasn't been picked up. What do you say to them?---Well, I'm no longer the councillor but I try to direct them but people, I'm sorry to say that, too many people have no, they can't get their way so let's go the easiest way. Because they know me, I'm a councillor, they have my number. Please can you arrange, we didn't be picked up. Well, they don't know. In, in our society they can't, there are too many people who are, like, multicultural, not speaking English or whatever, they need help. If I'm able to help them, I will.

40 How?---To, to contact or direct them to the right way. If I can make the contact, I will contact and ask to help these people if you, if could. I will still, like, doing the goodwill to the ratepayer.

And what about developers?---Developers, they know they can call, we sorry, we're not councillors anymore, I can't represent or make any enquiries.

So, you didn't, for example, contact Mr Stavis after amalgamation to enquire in relation to a proposed development by any developer, is that right?---I, I can't remember I made any call. I can't remember. Mr, I, I can't remember I made any call to Mr Stavis.

Are you saying, therefore, it's possible that you did ring Mr Stavis after amalgamation, making representations on behalf of a developer?---I can't remember I did that.

10 Are you saying it's possible that you did?---No. I, I don't remember, I don't know, I don't know. I don't know. I, I have no power to, to make a request.

You had no power except the informal power of the relationship you had with Mr Stavis at the time.---No. Mr Stavis was a good planner, was a good director. We had to, after, we had a good relationship when I was in the council and stop here. If I want to call him later, after amalgamation, I called him as a resident.

20 Was he a good friend of yours by the time amalgamation had occurred?---It is after?

Yes.---We have no, I don't know we have any contact after amalgamation.

Before amalgamation occurred would it be right to say that the two of you were good friends?---Not friends, professional friend. He's a director and I'm a councillor. Our relationship (not transcribable) like respect each other.

30 If I can take you to Exhibit 244, please. This is a record of calls, a call charge record for you to the people identified at the top of the first page, namely Hawatt, Montague, Stavis, Maroun, Khouri, Demian and Vasil. You see that? Do you see the top of the page, the first page, sir?---Yes.

And if I can take you to 2 March, 2015, the day Mr Stavis started work. This is page 33 of Exhibit 244. And can you see that item 1477, the fourth from the top - - -?---Yes.

- - - is a call you placed to Mr Stavis's office - - -?---Yeah.

40 - - - on 2 March, 2015, at 12.02, commencing at 12.02pm. Can you see that?---Yes.

And that the call lasted for 3 minutes and 33 seconds.---Correct.

You weren't talking to Mr Stavis's PA for 3 minutes and 33 seconds, were you? You were talking to Mr Stavis.---I don't know. Could be either.

Why would you talk to Mr Stavis's PA for 3 minutes and 33 seconds?---No, must be a reason what I made the call.

Why did you make the call?---I can't remember why I made the call at this time but could be a request, something I want to have support or an issue. Must be something. I can't recall what it was.

And then item 1479 is another call, at 2.42pm. The line was open for 1 minute and 40 seconds. Do you see that?---Yes.

10 So you were contacting Mr Stavis from an early stage in his working career at Canterbury, weren't you?---I made a call and I can't remember why, what reason for it.

And if I can take you to, excuse me a moment, to the same page, item 1504. On this occasion you had called Mr Stavis's council-issued mobile phone. Do you see the call commencing at 10.49am on 10 March?---Yeah.

And the call lasted for 30 seconds.---Yeah.

20 You see that? Can I show you another set of call charge records. This is a shorter document and it sets out contacts between particular telephone numbers and they're particular mobile telephone numbers. And what you can see just by going down the page is that they're calls from two of mobile numbers that you were associated with. And I'll just pause there. Can you see item 2 here? It's 0-4-1-4 and it ends in 6-3-6-7.---Yeah.

That was your private mobile number, is that right?---Yes.

30 And at the same item it's to a Mr Stavis but it's not his council mobile. It's to a number 0-4-3-9 and ending in 8-9-2. Can you see that?---Which one, sorry?

Item number 2.---Yeah.

So you made the call and it's to a call, a phone user described as Spiro Stavis 2.---Yeah.

In other words, different from the council-issued mobile number of Mr Stavis's.---Yeah.

40 It's to a number that, if we go to the last page, you can see if registered in the name of Mr Stavis's wife.---Yes.

Now, I'm not expecting you to necessarily know that. I'm just drawing that to your attention at the bottom of page 3. Do you see that?---Yeah.

So on 10 March, Mr Stavis called you, and I'm looking now at item 1, on your mobile number from his private mobile, and thereafter there were many, many calls that the two of you made to each other using, where one

of you, I'm sorry, where Mr Stavis used his private number, his private mobile number. Can you see that?---Yes.

And so what we have here is, in Exhibit 244, we have a record of calls made by you to, amongst others, Mr Stavis on his office landline and his council-issued mobile phone, and then in this new document we have a record of calls made by you and by Mr Stavis to each other, where Mr Stavis used his private mobile number. Do you understand?---Yes.

10 Commissioner, I tender the call charge record table headed Contact Between Azzi – and then it identifies two numbers – and Stavis. And the number identified commences with 0-4-3-9 and ends in 8-9-2.

THE COMMISSIONER: The call charge records recording contact between Mr Azzi on two mobile numbers and Mr Stavis on one mobile number ending in 8-9-2, covering the period 10 March, 2015 to 30 June, 2016, will be Exhibit 252.

20 **#EXH-252 – CALL CHARGE RECORDS OF CONTACT BETWEEN PIERRE AZZI AND SPIRO STAVIS COMMENCING 10 MARCH 2015 AND FINISHING 30 JUNE 2016**

THE COMMISSIONER: Can I just check, Mr Buchanan. Is this, in a sense, a subset of Exhibit 244? Or does it contain additional - - -

MR BUCHANAN: I'll stand corrected if I'm wrong, but I don't understand it to be.

30 THE COMMISSIONER: All right.

MR BUCHANAN: That is to say, if my understanding of it is correct, it is in addition because it involves Mr Stavis's - - -

THE COMMISSIONER: The private number.

MR BUCHANAN: - - - private number, which is not a number which is recorded anywhere, I think, in Exhibit 244.

40 THE COMMISSIONER: Right. Thank you.

MR BUCHANAN: And so – I withdraw that. We'll come back to Exhibit 252 and Exhibit 244 later. Thank you. Mr Azzi, can I ask you now about a meeting, and the meeting I want to suggest to you occurred on 5 March, 2015 at Canterbury Leagues Club and it involved Mr Montague and Mr Stavis and Mr Hawatt and possibly a couple of other people. The 5<sup>th</sup> of March is the same week that, it's Mr Stavis' first week at work. He starts

on 2 March, so the 5<sup>th</sup> is the Thursday. Can I take you to Exhibit 52, volume 5, page 139. At the top of this page you can see that the conversations that are recorded on two pages 130 to 140 that are underneath the email header at the top of page 139 were forwarded to you by Mr Hawatt. Can you see that the address is Michael with Mr Hawatt private email address?---Yes.

And that it's sent to you at Canterbury?---Yes.

10 This is on 5 March, 2015, Thursday, 5 March.---Yes.

This is the day of the meeting I am asking you about and it's at 3.40pm. ---Yes.

The heading is "Fwd: Re: Fwd: Issues to consider prior to our meeting." Do you see that?---Yes.

The heading at the top of the page.---Yes, prior to our meeting.

20 So you received this email from Mr Hawatt.---Yes.

If we go then to half way down page 139 you can see that first of all there is an email from Mr Hawatt to Spiro Stavis on 4 March, 2015 at 8.01pm. It commences, "Hi Spiro, not sure if Jim Montague has told you but some of us would like to meet up with you to discuss issues of concerns. The meeting is scheduled for tomorrow afternoon however some of the issues we want to discuss as are as follows." And then there are a number of dot points which go over the page to page 140 and Mr Hawatt finishes off, Welcome to Canterbury and signs it Michael Hawatt. Do you see that?

30 ---Yes.

Then in the middle of page 139 there is an email from Spiro Stavis to Michael Hawatt dated 5 March at 12.25pm, Dear Michael, it's cc'd by the way, by Mr Stavis to Mr Montague, note that, it says, "Dear Michael, thank you for your email below and your well wishes, I will be attending tonight's meeting with Jim and have noted the issues you would like to discuss." So that is the email conversation between Stavis and Hawatt which Mr Hawatt forwarded to you.---Yes.

40 Now can you just have a read to yourself of the issues or maybe I can assist you. The issues that are the dot points on page 139 to 140 in Mr Hawatt's email of 4 March to Mr Stavis, but the sort of issues that he identifies staff with, resolutions of council which seem to take a long time to attend to by planning. He identifies a Gateway Determination of October 2014, a lanes policy for access to developments along Canterbury Road, RMS requirements as per an extraordinary meeting in October 2014, review of the LEP to include transition zones, the residential zones in the LEP planning matrix, a complaint that some of them don't work, reviewing the DCP

controls, then going over to page 140. Mark Adler's motion in December, 2014 in relation to the LEP/DCP review and forming a planning panel, council resolution about simplification of our DCP, creation of a CBD in Campsie and a master plan for Canterbury, a plan for a new all-purpose aquatic and fitness centre. Then Mr Hawatt said this, "I know the above is a big ask and you've only been in the job for a very short time. However, we need to start planning now for the future, we need to consistent and to create an even playing field for everyone." Then he had a well-wishing P.S. Now when you got this email did you have any understanding why Mr Hawatt sent it to you?---Yeah, well, what I, not at that time, like it's been discussion between, what I've got to do is stand between the GM and Spiro and the rest of the councillor like, he want us to meet with the new director - - -

THE COMMISSIONER: Sorry, Mr Montague wanted you to meet with the new director.---He's aware of this because he knew because he'd been to see for him as well, to see, to let us, to introduce us as a new director and just to, he want us to ask too many question and see and let the new director given us his plan for the future and when he's got his timetable and how things going to be like preparing himself to go on with the job he's taken.

MR BUCHANAN: You'd agree however, the email seems to suggest that it's concerns of Mr Hawatt that he was proposing be canvassed, discussed? ---Not only Mr Hawatt be discussed with all the rest of the council, the GM aware of it.

Can you explain then, what was your understanding as to why this email conversation was sent to you but not apparently copied, at least in this email, to anyone else?---I have no idea why, may be because he want me to be here, Mr Hawatt want me to be known about this, all the email, I have no idea why he sent it to me only, not the rest.

The two of you were collaborators weren't you? You worked together to achieve your political goals, your common political goals?---No, not political goals, we worked together to ensure the council running the way it should be run, like make it, make it work.

And you were closer to Mr Hawatt than to any of the other councillors in the period 2014/16 weren't you?---I have the same relationship with all the councillors, most of the councillors we have the same relationship but Mr Hawatt represent one side of the council and I represent the other side of the council, like we working together as a group.

You were the leader of your faction and he was the leader of his faction?---I can't say the leader but like most of the Labor council we working like, working together, I'm not the leader but - - -

You took a leading role?---I didn't put myself as a leader, I'm one of the councillor and they're happy, we happy to do it together but I can't lead Mr Adler or Karl, we work together and Mr Hawatt is from the other party.

You know don't you that during the period 2014/2016 you worked very closely with Mr Hawatt on a number of issues in council, particularly planning issues?---I work with him as everything, we help each other to make the council make resolution, not only me.

- 10 In this email that he sent to you on 5 March at 3.40pm there is no body text, that is to say, there is no message that Mr Hawatt typed in to explain to you why he was sending this to you. We'll just show it to you. Can you see it?  
---Yeah, yeah, I can see it.

And so that would tend to suggest that Mr Hawatt expected that you would understand exactly what was going on.---Well, it's been discussion I heard between us I, I can't recall but the GM he was requesting this meeting as well.

- 20 Well, let's just slow down there. Let's be clear about this. Are you saying that Jim Montague requested this meeting?---He's been aware of it.

But who requested the meeting?---I can't, I can't recall who asked for this meeting at this time.

Would it be fair to say Mr Hawatt did?---I don't know if he, he requested. If he did he has the right to ask for it.

- 30 And looking at the email from Mr Hawatt to Mr Stavis he says, "Not sure if Jim Montague has told you that some of us would like to meet up with you to discuss issues of concerns." Now, that suggests that on the one hand Mr Hawatt thinks that Mr Montague knows what's going on and on the other hand it's not just him who wants this meeting, it's him and some of us.---Yeah.

Who were the some of us?---Like, the councillors.

- 40 Who were the councillors?---I believe Fadwa she's been asked to attend the meeting, Mark Adler. All the councillor. Karl Saleh, Con Vasil, Vasiliades, Ken Nam. They've all been invited to attend the meeting. That's my - - -

THE COMMISSIONER: All the councillors?---Yeah, most of the councillors, yeah.

All of them?---I don't know if this went to all the councillors but they're supposed to be attending this meeting. All them are supposed to be attending this meeting.

Your assumption was that all the councillors would attend the meeting?  
---My assumption this meeting been available for all the council.

MR BUCHANAN: Why do you assume that?---Because the, because he, the general manager wants (not transcribable) to meet with the new director.

Well, you're again making it sound as if this was organised or initiated by Mr Montague.---He's been involved in it.

10 And I'm just questioning whether that's correct.---Yeah, Mr Montague is aware of this meeting.

Yes, that's a different thing, isn't it, than Mr Montague initiated the meeting?---Well, I don't know who, who can meet. Mr Stavis he won't go without the approval of the general manager. He must - - -

Yes, but that's a different thing from who initiated the meeting.---I don't know. I don't remember who called for the meeting in the first place.

20 Well, it says here some of us would like to meet up with you and the question I'm asking you is given that Mr Montague was spoken of separately in that sentence, it sounds like Mr Hawatt is meaning himself and some others and the question is who were those others?---The rest of the councillors.

Do they not include you?---Yeah, of course.

30 So what contact had you had with Mr Hawatt before he sent that email at 8.01pm on 4 March, 2015 to Mr Stavis about having this meeting?---I don't remember what I discussed with Mr Hawatt but we must be some discussion and with the general manager me and Hawatt and other councillor when we approach. This mean I've been aware of Mr Montague is aware and he's the one he can arrange for this meeting. We discuss it with the general manager not with Mr Stavis.

Was Councillor Paschalidis-Chilas approached?---I don't know.

Was Councillor Eisler approached?---I don't know.

40 Highly unlikely, wouldn't you agree, that either of them were approached, particularly Councillor Eisler?---I don't know.

Mr Hawatt and you despised Councillor Eisler, didn't you?---Well, we have not such good relationship in the council.

And secondly, the words used by Mr Hawatt here are "some of us" not the council. He suggests that it's a select few.---Yeah, well, I can't comment on this. It's not a matter who is sending the invitation.

Well, you can comment on it, can't you, because the question is what sort of meeting was this. Was it a select few and if so what were the criteria that were used to choose those select few. Were they people who in your experience would vote the same way as you and Mr Hawatt on council. Were those the "some of us" that Mr Hawatt you understood were referring to?---Some of the councillor they didn't like to attend (not transcribable) believe. I don't know who's been invited to this meeting.

10 Mr Hawatt despised Mr Robson, didn't he?---It's not up to Mr Hawatt to make an invitation.

THE COMMISSIONER: Well, it's up to the person organising the meeting.---Yeah, well, I mean we discuss it with the general manager. He must, he must send the invitation to every councillor.

MR BUCHANAN: You say, do you, that you and Councillor Hawatt discussed with the general manager having a meeting which would include all the councillors and you expected the general manager to organise those  
20 other councillors to attend or at least notify them. Is that right, is that what you're telling us?---Yes, we discussed with the general manager. We said we want to know, we want to meet and catch up with the new director.

Did you say that you wanted it to be a meeting of the powerbrokers, the people who - - -?---No. No, I said the councillors.

- - - made the decision in council or that it should be of all the council?  
---We approached and said we have to meet with the new director to know what his plan and it's up to him to arrange, send the invitation to all the  
30 councillor. I speak on my behalf only and we request a meeting.

I note the time, Commissioner. I haven't finished this topic but it would be a convenient time.

THE COMMISSIONER: All right. We'll adjourn for lunch and resume at 5 past 2.00.

40 **LUNCHEON ADJOURNMENT** **[1.07pm]**