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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 WEDNESDAY 30 JANUARY, 2019

AT 2.00PM

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

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

MR BUCHANAN: Mr Azzi, before the luncheon adjournment I was asking you questions about the meeting which occurred at the Canterbury Leagues Club on 5 March, 2015, the subject of the emails that were forwarded to you on 5 March at 3.40. This is page 139 in volume 5 in Exhibit 52. If I can ask you some more questions about that meeting. You agreed that that meeting should occur, did you?---I agreed, yeah, I ask as well the manager.

10

You, did you talk to him on the phone or did you talk to him face-to-face? ---I can't remember how the request be made, during a council meeting or after or before, but we request, we request, I remember I did request as well the meeting to know who is our new director to represent - - -

Did you indicate that Mr Hawatt also wanted the meeting?---Well, it's most of the councillor request for that meeting and I speak, I remember I request the meeting as well. I asked the general manager to know and meet with the new director.

20

And whose decision was it that it should occur at the leagues club?---Well, I can't remember whose decision because it's been made, I don't know why, because it's been made after hours and I didn't suggest was going to be anywhere but I have no idea who's requested to be at the Canterbury Leagues Club.

And did you intend that this meeting be a first step in setting clear planning directions for council?---It wasn't like us to have any demand and I can remember the general manager said he wants the new director to tell us about his forecast and what he's planning to do and what he's going to be achieve with his new role.

30

To tell who?---The councillors.

Right. Why then did the meeting that in fact occurred at the leagues club not occur as a meeting of council itself or the City Development Committee?---I have no idea why the decision being made like this.

Well, the difference between the two meetings was that the City Development Committee or council when they met were meetings that were open to the public, that's correct, isn't it?---Yeah, all - - -

40

This meeting was not open to the public, was it?---What, this one at the Bulldogs?

Yes.---No.

And the meetings of the City Development Committee and of council are the subject of notice to councillors, they're informed of when and where they're going to take place and what the agenda will be.---Each - - -

That's what happens, isn't it?---For each meeting, yeah.

Yes. That's not what happened in respect of this meeting at the leagues club, was it?---Not an agenda.

10 And who was present at the meeting?---It was me, I remember Councillor Hawatt, general manager, director of city planning ah, Councillor, I don't remember the other councillor, Councillor Vasiliades, he's been there, some of the councillors they sent like, they could get, come to the meeting at the time because of work duty, they sent their like (not transcribable) like - - -

I'm sorry, I didn't quite catch that.---They sent a message they be late or they can't be on time.

20 Who sent that message?---I can't recall the rest of the councillor, like Councillor Adler and Councillor Kebbe and the others, they sent apology because they can't be there on time or some other duty.

THE COMMISSIONER: And you said that was because they were at work, did you?---Because they couldn't, I don't know, some of them said they are late because they can't come at the time because work duty and even some excuses, I don't remember what was that.

30 MR BUCHANAN: Now, the mayor, Councillor Robson, wasn't given notice of this meeting, was he?---I have no idea. It's been - - -

You didn't intend that he be given notice, did you?---No, it's not, I didn't ask or ask and request.

And Councillor Eisler wasn't given notice of this meeting, was she?---I have no idea.

You didn't intend that she be given notice either, did you?---No.

40 Councillor Paschalidis-Chilas, was she given notice of the meeting?  
---I don't know.

Did you give her notice?---Me?

Yes.---I heard by the email and the meetings going to be occurred - - -

Yes.--- - - - but not invitation. I didn't get an invitation.

But you organised for the general manager to attend, didn't you?---Not me organised, we request he organise the meeting, we did.

If you wanted the councillors to attend, it was your duty to ask the mayor to arrange that, wasn't it?---No.

It was the mayor who called meetings, wasn't it?---No, the general manager as well, about staff, not talking about council meetings. The staff is the duty of the GM.

10

So I interrupted you. You attended, Mr Hawatt, Mr Montague, Mr Stavis and Mr Vasiliades. Anyone else?---I can't remember. I don't remember if anybody else that meeting, I can't recall.

Mr Nam, did he attend?---I'm not sure.

You don't remember him attending?---I don't remember if he was there.

Why was the public not invited?---It's an interior matter.

20

THE COMMISSIONER: It was a what?---It's, it's a council matter, it's, it's a, it's not public meeting.

MR BUCHANAN: Yes, I understand that, but why was it not a public meeting?---It's a matter of council's like business. It's between the staff and the councillors.

30

But you did not arrange for this to be a meeting of the City Development Committee, even though that was the business of the City Development Committee?---No, I didn't ask, I request we have to meet with the, to know who's the new director, made the request of the GM, it's up to him to decide (not transcribable) the meeting.

Were any minutes taken of the meeting?---I don't know.

Who spoke at the meeting?---Mostly the director.

Did Mr Hawatt speak?---If, just to allow to ask question.

40

And were the dot point items in Mr Hawatt's email of 4 March, 2015, page 139 of volume 5, remember you saw those in the email that you were sent? ---Yeah.

Were those items discussed or any of them?---Most of the were listening because this, all these items, what his job is in planning, all involved in his department and all these items, we want to hear from him what, how he going to provide his job, what he's planning to do, what he's, like, how he's

going to achieve the target and how, what he wants to do. All this list is his, it's his what he's employed for to do, we want to know what his forecast.

Did Mr Stavis have a document with him?---Yes.

What sort of document?---I don't know, it's just some, too many lists of document had had by himself, like backlog and what on his desk and what his forecast, how he's planning to do.

10 And what was the outcome of the meeting?---Yeah, well, it was like, it's a positive meeting (not transcribable) about what he present to himself he wants to do, he wants, you know, positive way and what we said at the end of the meeting, said the council will assure you you can have all the support you need from the council and whatever you need then support staff, whatever, assure you you can have, like, like, you know, support, like, in the council, if you need the staff, if you need anything, you know.

Wasn't that a decision for the general manager to make - - -?---Yeah, but  
- - -

20

- - - as to what resources would be allocated?---Yeah, all the resources, but we, it's our duty as well to give the general manager, we are supporting anything he needs for resources, anything to move on for his job.

So would it be fair to say that you were satisfied with what Mr Stavis said about the subjects that were raised with him, such as those that are listed in Mr Hawatt's email of 4 March, 2015?---Yeah. I was satisfied. Yeah, he present himself very well.

30 This was more than making inquiries of a director, wasn't it?---Yeah.

This was designing the content of the director of city planning's work plan, wasn't it?---It's (not transcribable) presentation to himself (not transcribable) present himself what he wants to do.

You were involved in an exercise which involved designing the director of planning's work plan in a way that avoided the scrutiny of other councillors.---I don't understand this question.

40 What occurred there avoided the scrutiny of other councillors not present, didn't it?---No, sir.

How did other councillors find out?---I don't know.

You didn't do anything to ensure they found out?---Well, we, the councillor who missed the meeting, we informed them what happened in the meeting and (not transcribable) ask the question.

THE COMMISSIONER: And what did you do - - -

MR BUCHANAN: I'm sorry.

THE COMMISSIONER: Sorry?

THE WITNESS: The councillor who asked what's happened in that meeting, I don't remember if me or the general manager informed them what's happening.

10

THE COMMISSIONER: Right. Which councillors asked what happened at the meeting?---I don't remember, ma'am, like, which councillor asked me. The councillor been invited to attend the meeting.

All right. So only certain councillors were invited, weren't they?---I don't know how many (not transcribable) but the councillors supposed to come in and they sent apology they're not coming. They (not transcribable) if any councillor (not transcribable) they ask us what happened in that meeting, we told them.

20

MR BUCHANAN: No public report of the meeting was made, was there? ---No.

So in doing what you did with Mr Stavis and the councillors who attended and the general manager, you were avoiding public scrutiny as well, weren't you?---No.

You had participated, hadn't you, at council-organised strategic planning sessions or workshops. I'm talking about different types of exercises.

30

---Council workshops?

Yes.---Yeah.

You had attended those in 2015-16?---Yes. I attend workshops all the time, yeah.

This was different, wasn't it? It was a private meeting.---No, it's not a private meeting.

40

And it was a meeting in which you and Mr Hawatt were directing or influencing or attempting to direct or influence the general manager and the director of planning in the exercise of their functions.---No.

By being involved in organising this meeting and participating in it on 5 March, 2015, you were not acting honestly in the discharge of your functions and duties as a councillor, were you?---No, sir.

Can I take you back to the call charge records. Excuse me. If I can take you again to the call charge records. There's two sets that we have and there's two different exhibits. One is Exhibit 244 and the other is Exhibit 252. If I can take you first to Exhibit 244. If we could just have that up on the screen. This is a lengthy document, Mr Azzi. It's 50 pages long. Have you reviewed this at all before giving evidence?---No.

You have seen it, have you?---I've seen it.

10 What I want to do is put this to you and invite your response, that I myself have tried to make a count of the number of calls that you made to Mr Stavis over that period 2 March, 2015 to 30 June, 2016 where the calls lasted longer than one minute, and my count is that there were 118 such calls. And in addition there were a number of text messages that you sent to Mr Stavis's council mobile, council-issued mobile phone, over that period and the number on my count is 27. Now, we also have the call charge records that went into evidence today, Exhibit 252, and they are calls that, where you made them, were to Mr Stavis's personal mobile phone. You remember that?---Yeah.

20

And on my count the number of calls that you made to that number over the period 10 March, 2015 to 30 June, 2016 where the call lasted more than one minute was 18, and the number of SMS messages you sent to that number over the same period was 13. And by my count, when we add those figures up, in the period 2 March, 2015 to 30 June, 2016, the total number of calls that are recorded in these two documents as being made by you to Mr Stavis's numbers where the call lasted for longer than a minute was 136, and the number of SMS messages that you sent to Mr Stavis's council and his private mobile phones was 40. And what I want to suggest to you is that that's a very large amount of contact that you initiated with Mr Stavis over a period that was slightly more than 15 months.---Yeah.

30

And what it raises is a question about what was going on between you and Mr Stavis that you had such a, what I suggest was a large degree of contact with the director of planning over what is really, at the end of the day, only 15 and a bit months. As to whether you were genuinely just making inquiries on behalf of ratepayers, or whether there was something else happening and whether you were perhaps assisting Mr Stavis to do his job the way you wanted it to be done by Mr Stavis.---No. All the requests has to be on behalf of ratepayers. I never told Mr Stavis how to do his job because (not transcribable)

40

If it was a request, then it would be something that could be conveyed to him usually within a short space of time. You would be able to do that in, say, 30 seconds.---30 seconds? I can't, I don't know. Maybe take more than two seconds.

But what is notable is the high number of contacts that were for more than one minute, where it's consistent with you having a discussion with Mr Stavis about what he should do in respect of a particular matter or matters.  
---No.

Now, on 20 December last year, page 5710, line 25, you told the Commissioner that you contacted Mr Stavis on his mobile using a number that was supplied by council.---Yeah.

10 That was not correct, was it?---No (not transcribable) this council number as well.

Because we've seen in Exhibit 252 that you also contacted him on his private mobile phone.---Yeah, he, he gave me two numbers.

That's not what you told us on 20 December, 2018, is what I'm trying to point out to you.---Well - - -

20 You told us that you contacted him on his mobile, a number that was supplied by council.---Yeah, I did.

You didn't tell us that the number was also a number supplied by Mr Stavis.  
---Well - - -

His phone.---Well, I could, I can't remember if I been asked this question, but I contacted him on his numbers and I don't meant to hide anything. Everything shown on the, in here. But I didn't mean to mislead anything.

30 Over the period that he was director of planning, you were frequently discussing with Mr Stavis how he should do his job, weren't you?---No, sir.

Did you ever discuss with Mr Stavis while he was director of planning how he should do his job?---No.

Did Mr Stavis ever renew or discuss with you face-to-face how he should do his job?---No.

40 Mr Stavis was in debt to you and Mr Hawatt for having his job in the first place, wasn't he?---That's not correct.

Well, he wouldn't have had his job unless you and Mr Hawatt had intervened with the general manager at the very least to cause him to ultimately honour his offer of employment in the first place, isn't that correct?---No, sir.

And certainly you and Mr Hawatt had a number of discussions with Mr Montague with a view to ensuring that Mr Stavis was the person he appointed as director of planning in the first place.---No.

You had power over Mr Stavis is what I want to suggest to you. While he was director of planning, you had power over him because he owed you his job.---No.

Did you use your relationship with Mr Stavis to influence Mr Stavis in how he did his job?---Excuse me?

10 Did you use your relationship with – I withdraw that. You had a relationship with Mr Stavis, didn't you?---When? Before?

You had a relationship, when he was director of planning, you had a relationship with him.---No, as a councillor and director, that's all.

Did you use the relationship that you had with him to influence him as to how he should do his job?---No, sir.

20 Can I ask you to have a look at a text message that is volume 5 in Exhibit 52, page 287. Number 379. Item 379 on that page. Thank you. Can you see there where the hand is next to, item 379? This is a text message extracted from Mr Hawatt's telephone. The date of the message is 26 October, 2015. So we're well into Mr Stavis's tenure as director of planning at Canterbury Council. Do you see this?---379?

Yes.---Yes.

And it's from Mr Stavis to Mr Hawatt at 9.49pm on 26 October, 2015. Can you see that?---Yes.

30 And it reads, "Hi, Mike. Sorry for sending you this message so late. I'm really worried, mate. Can't I sign the contract extension this week or next at the latest? Please help me, mate. I've busted my arse to do everything I've been asked. I just need peace of mind. Anyway, please let me know. Cheers, mate." You see that?---Yes. Yes.

40 Now, I appreciate that you weren't sent that text message, but I do want to ask you some questions about it, because can you understand at all why by late October 2015 Mr Hawatt would be saying to Mr, I do apologise, Mr Stavis would be saying to Mr Hawatt, "I've busted my arse to do everything I've been asked"? Do you understand why he would be saying that to Mr Hawatt?---No.

Is it possible that you had been, and to your knowledge Mr Hawatt had been, frequently in touch with Mr Stavis with a view to influencing how he did his job in relation to particular projects or applications?---I don't know, sir.

Well, is it possible that you did?---I don't know. I can't - - -

Where would Mr Stavis have got the idea from that he was being asked to do things and that Mr Hawatt was directly involved in that? Where would Mr Stavis have got that idea from?---I don't know what you meant by this. I don't know.

You can't think of what he might have meant?---I don't know. I can just suggest. I can't - - -

10 He was a lot more amenable, he was a lot more open to doing what you and Mr Hawatt asked him to do than Mr Occhiuzzi had been, wasn't he?---I never had a clue. I don't remember I did ask him how to do his job.

See, Mr Occhiuzzi would not provide solutions to land owners and applicants. That was one of the problems that you had with Mr Occhiuzzi, wasn't it?---No. He was, Mr Occhiuzzi and me, we had good professional relationship as well, and I never told him how to do his job.

20 Whereas Mr Stavis was a person who was prepared to find solutions where he was asked to when land owners and developers had difficulties with the planning rules.---Well, his job to find a solution. I, I never told him or I tell anybody how to do his job.

And, you see, I want to suggest to you it wasn't his job to find solutions but that you made it clear to him that that was his job.---No.

Did Mr Stavis contact you about getting his contract extended beyond 12 months?---I don't know what you mean by contract extension.

30 Did Mr Stavis contact you about getting a pay rise?---I don't remember. I don't remember now. Don't remember it (not transcribable) no.

Did you talk to Mr Montague about getting Mr Stavis's contract extended or getting Mr Stavis a pay rise?---I never asked Mr Montague to do anything or push him to do anything.

40 Thank you. Can I ask you to have a look, please, volume 5, page 300. Item 586. Can you see that this is a text message extracted from Mr Hawatt's phone from Mr Stavis to Mr Hawatt on 17 March, 2016, at 10.27pm? This is the bottom of the page. Do you see that item?---Yeah.

And then the message reads, "Hi mate. Can you please talk to Jim about the pay rise he promised. He said he would do ages ago. Please don't say that I said anything. Cheers, Spiro." Do you see that? Do you see that, sir?---Yes, yes.

And then if I can ask you to go to page 301, item 588. After item 587, Mr Hawatt said to Mr Stavis, "No problems. I will do it subtly." At item 588,

Mr Stavis sent a text message to Mr Hawatt, still on 17 March, 2016, now at 10.30pm and it read, "Thanks mate. I also mentioned it to Pierre, just so you know." Does that refresh your recollection?---I don't remember I, I don't remember I, about this. I never asked Montague how to his job or what he had to do.

But did Mr Stavis ask you to intervene with Mr Montague to get him a pay rise?---I don't remember this, sir.

10 Why would Mr Stavis think that he should talk to you and to Mr Hawatt in order to get himself a pay rise, as you understand it?---I don't know.

It would be consistent with Mr Stavis thinking that you and Mr Hawatt had influence with the general manager over Mr Stavis's terms and conditions, his contract of employment, wouldn't it?---I don't know.

And you did have influence with Mr Montague in respect of Mr Stavis's terms and conditions, his contract of employment, didn't you?---No. Nobody influence Jim Montague.

20

So, did you say anything to Mr Stavis about him getting a pay rise or not getting a pay rise as the case may be?---Look, sir, I don't remember if he asked me or, I don't remember anything about this.

There's no reason to think that Mr Stavis – I'm sorry. Given the text message that you're read, item 586 and 588, there's no reason to think Mr Stavis would be leading Mr Hawatt up the garden path, is there? He would have, in fact, been seeking a pay rise, been seeking Hawatt's assistance and had told you as well.---I don't remember what's happened in this situation, sir. I don't interfere with Jim Montague business with the staff.

30

Did you ever talk to Montague about Stavis's work contract or his terms and conditions like his salary?---I don't remember, I never, we discuss, I don't remember we discuss, like, Spiro's, anything about, I don't remember anything, anything about Spiro, specified what he has to do with him, Normally the general manager inform the council what his plan and if you have raise any question, we raise it according what he's reported.

40 You see, from the combination of text messages that I've taken you to, it would see that Mr Stavis thought that you could, you and Mr Hawatt could do him a favour, intervening with his boss, the general manager, to help him improve his terms and conditions, his salary, the length of his contract of employment. It would seem that that's what Mr Stavis thought you could do.---I don't know.

Can you assist us as to where Mr Stavis would have got the idea from, that you and Mr Hawatt could help him in this regard?---I don't know what Mr Stavis was thinking at this time, that time.

Do you know whether Mr Hawatt did intervene on Mr Stavis's behalf with the general manager?---I don't know.

In relation to either the contract of employment or the pay rise?---I have no idea, sir.

Mr Hawatt never mentioned anything to you about it?---I can't remember if he did.

10

Now, when you talked with Mr Stavis, you never gave him directions as to how he should do his job, is that right?---Not like direction or tell him how to do his job, just I ask him general question. You know how to do your job and you know better than me, I have no clue. I always enquire about things and that's what I ask him about.

Well, I'd ask you to listen to this telephone conversation recording. It's Exhibit 216. It's a conversation that was recorded on 4 January, 2016.

20

**AUDIO RECORDING PLAYED**

**[2.46pm]**

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

Do you remember this conversation?---Yes.

30

The car wash was a development site that was next to the Harrison's site, wasn't it?---(not transcribable)

And the car wash was a site that was owned by Jimmy Maroun?---Yep.

Can I ask you about Danny Arrage. Who was he?---I think Danny Arrage is architect. He - - -

Thank you. An architect working for Mr Maroun?---That's what I believe, yeah.

40

Thank you. Now, can I just take you back to page 92, sorry, page 2. Is it right that Spiro, in this call that you were talking to Mr Hawatt about, called you and sought your guidance? Is that - - -?---What do you mean?

Is that what we should understand you were telling Mr Hawatt had occurred?---What was the question, sorry?

Sorry, okay. I'll start again. You were telling Mr Hawatt in this conversation that today, Spiro called you. This is page 2 of the transcript, a bit over halfway down. Do you see that?---Yes, yes.

And is it right to describe what you were telling Mr Hawatt occurred, that Spiro sought your guidance?---About the - - -

How he should deal with the matter.---Yes.

10 Now, can I just ask, before going on to the content of the conversation, if I tell you there is in fact no record of a call at this time in Exhibit 244 transcription Exhibit 252, and so my question is, had you received this call from Spiro Stavis on a landline at your house perhaps?---I don't remember when, how it's, I don't, I can't recall how I did contact.

You had a landline at your house?---Yes.

Did Mr Stavis from time to time call you at the landline at your house?  
---No, I don't remember because always I'm outside. I was working.

20

Yeah, but sometimes you weren't working.---I don't remember he called me.

Like, you might be at home at night-time, for example.---I can't recall. I can't remember.

And you told Mr Stavis – I'm sorry, you told Mr Hawatt that firstly, looking at the bottom of page 2, that you had said to Mr Stavis that you wanted him, that you would call him and he would come over to your place and the two of you would have a drink.---That's what I said at the time.

30

And you told Mr Hawatt that you said to Mr Stavis that Michael was traveling and let's catch up before he goes.---Yes.

All of that was true, that you did have that conversation with Mr Stavis?---It looks like - - -

You weren't misleading Mr Hawatt, were you- - -?---No, no - - -

- - - about what happened?---It could be because listen, I, I did say it.

40

And you said to Mr Hawatt that you had said to Mr Stavis, we're going to sit down and have a drink together.---Yeah.

That's more than a professional relationship between a councillor and a director of planning, isn't it?---Could be a business meeting.

Which involved a drink?---We drink everywhere. In the council we drink.

But you didn't tell Mr Hawatt that you had arranged a business meeting or that there was to be a discussion about any particular subject, simply, that you were going to have the director of planning over to your place for a drink.---Well, I don't remember what was the invitation about, to discuss.

And that you wanted to do it before Mr Hawatt left overseas so that Mr Hawatt could be part of it. The three of you at your place having a drink.  
---Yes.

10 Now, why would you and the director of planning and another councillor, Councillor Hawatt, why would you be arranging for the three of you to meet at your place to have a drink together?---I don't remember why. I don't remember why. Yeah.

It shows that here was a different relationship that you had with Mr Stavis, both you and Mr Hawatt, had with Mr Stavis that the picture you've painted in the evidence you've given so far in the Commission, doesn't it?---There's not any, like you can't have a special relationship. It's happen with everyone.

20

You had quite a congenial relationship with Mr Stavis that involved hospitality and intoxication and doing business, namely planning business that related to Canterbury Council, would that be fair to say?---No, no. Not necessarily.

Now, on page 3 of the transcript, you say that Mr Stavis, in this conversation, opened up the subject of the car wash and there was a development application that was before council for the addition of two storeys to an already approved six storey development at that site at that  
30 time, wasn't there?---Yeah, we had an issue there.

You knew that you would be called upon to vote upon it at some stage as a member of the City Development Committee?---Will be a big part to vote on it.

You knew that you would be involved in voting on that application at some stage.---It's gonna be, it's, it's going to be in the front of the council. I have to vote for it, yeah.

40 And when you said, and this is page 3 of the transcript, two entries down, you said in Arabic, "Do you speak to anyone, did you speak to him?", you were referring to Jimmy Maroun, weren't you?---I can't remember I refer to the applicant or the Jimmy Maroun.

Well, the applicant was Jimmy Maroun.---Well, Jimmy Maroun or Arrage, I don't know who the applicant was. Yeah, one of them.

Well, you had dealings with Jimmy Maroun in relation to the car wash site, didn't you?---Yeah. That's the request about this one.

Well, you've heard that you used the English words, "The car wash".---Yes.

So you're telling Mr Hawatt that it was a conversation between you and Stavis about the car wash development application and section 96 application that was then before council that Mr Stavis raised with you?  
---Yes.

10

And you knew that the applicant was Jimmy Maroun, didn't you?---Yes.

And so when you said, "Did you speak to him?", you meant, did you, Mr Hawatt, speak to him, Jimmy Maroun, didn't you?---Yeah, Jimmy or both of them, Arrage, the applicant, the architect or Maroun. I don't remember who I was referring to but one of them.

20

And then Mr Azzi, you said to Mr Hawatt that Stavis said to you, "Pierre, I want to do a review on it but I've been waiting two months and I spoke with that Danny Arrage and they spoke to him about the clause about the 4.6."  
And you went on to say, "But he told them, you have to do something that is community benefit or at least improve the unit, you understand how."  
You're talking about the 4.6. And you went on to say, "He said to me," Stavis said to you, "I spoke to them and they haven't replied to me yet."  
And you said to Mr Hawatt, "He," Stavis, "said to me, but don't forget, Spiro," going over to page 4 of the transcript, "if they don't want, if he doesn't get back to me I want to refuse it." That's Stavis talking, that you're telling Mr Hawatt about.---Yeah.

30

You went on to say to Hawatt, I said to him, "Spiro, wait, hang on, don't do anything until we get back to you." He said to me, "All right." You see that? "We", you used the word "we". That was a reference to you and Mr Hawatt, wasn't it?---Yes.

40

And you were giving Mr Stavis, according to your account of the conversation, you were giving to Mr Hawatt a direction not to do what he was inclined to do, which is to refuse it because they hadn't supplied him with the information he sought.---Yes, I said to him, wait because I get you the answer and you can make your own decision because - - -

That's what you said.---Yeah, I said - - -

You told Hawatt nothing about you can make your own decision. You say, you said to Spiro, "Spiro, wait hang on, don't do anything until we get back to you." And he agreed.---Yes, he said he was going to refuse it.

I'm sorry.---He said he was going to refuse it.

Yes.---And I said, "Give me a chance." I said to Spiro, I remember, give me a chance to speak to the applicant because he made the request and he's blaming the council.

The problem is we've got the recording here, you've heard it.---Yes.

We've got a transcript of it, that's not what you told Hawatt.--- Yes, I said, "Hang on."

10 That's not what you told Hawatt.---Yes, I told Hawatt but I, between us maybe I forget to tell Hawatt this I said to Spiro, let me get to the applicant and told them what's happened.

Whichever way the situation was you gave him a direction, didn't you?  
---No, I said to him, wait, because a refusal was going to happen today.

You told him don't do anything until we get back to you.---Yes.

20 You didn't tell Mr Hawatt that you told Mr Stavis that you were going to contact Mr Maroun or Mr Arrage. You simply left up in the air what might happen before you got back to him. You were simply telling him, don't do anything, don't do what you're inclined to do until you and Hawatt get back to him.---Yes.

30 It's a very clear direction you were giving to Mr Stavis as to how to do his job, wasn't it?---(not transcribable) how to do his job, I didn't ask him to change your recommendation. I said wait, we are allowed to ask him to wait to get some response from the applicant who requested the enquiry. We can demand waiting period.

Who said that you can demand a waiting period?---As a councillor I am allowed to ask for a waiting period to get reply from the applicant.

Where did you get that power from?---I thought I could, if it's not, he could say I can't accept your request.

40 So we can summarise the effect of this communication between you and Hawatt as being an account that you gave to Hawatt of Stavis saying what he proposed to do in the detail of a particular application, you disagreeing with what Stavis told you he proposed to do and directing him not to do it - -  
-?---No, it's the same - - -

- - - until something else had happened, namely, you and Hawatt talked to him.---No, before the conversation is a request from the applicant. It's circumstances I made myself clear on this one.

What's the request from the applicant?---The request from the applicant that the council is not processing with his DA. I made that enquiry with Mr

Stavis about it. Mr Stavis replied (not transcribable). I get contacted with his architect and his architect is not giving me the right details, and if they're not going to get back to me and provide me with those details, I'm going to refuse it. I said to Mr Stavis, "Hang on, let me contact the applicant (not transcribable) what our reply as a councillors." But his architect not complying. That's what's happened, it's all the truth, after this when we met. I ask for a meeting and to tell the applicant that your architect is the one who is causing all these delay. It's not the council. Simple as that. Want to clear ourselves as a council because we've been  
10 blamed.

And the third thing that we can draw from this account that you're giving to Mr Hawatt is that you having given Mr Stavis a direction, he obeyed it.---I don't understand this.

You say at the top of page 4 on the transcript, after you said, "I said to him, 'Spiro, wait, hang on don't do anything until we get back to you.' He said to me, 'All right.'"---Yes.

20 He agreed to do what you directed him to do.---No, I said I need to time, just I need the time to reply and get answer and you can make your own decision.

Now why were you intervening on behalf of this applicant?---He made the request and call and he called Mr Hawatt, and Mr Hawatt because it was one of his, said to me can you ask Spiro and find out and arrange a meeting. I was consulting over, make this when the request be made by applicant or anybody else, I said, your council is not processing, it's been two months waiting or three months waiting. I never get any answer from the council  
30 about my section 96. That was his request and complaint.

But why is this your business?---I'm a councillor.

Isn't that the commercial business of the applicant? Why is it your business as a councillor?---He's not getting any response he said, and - - -

But why isn't that the general manager's problem, if anyone's problem? Why is it a councillor's problem?---When the resident of Canterbury (not transcribable) councillor, we have to respond for each call. If somebody  
40 call me and said I have the request, and I have to request and comply. I have to follow the complaint and represent him to the council.

Why didn't you tell the applicant, "Talk to the general manager. He controls what the director of planning does. I don't"?---Well, I do my representation. It's part of my job to do representation and ask the question as well who want to know. Anyone, it doesn't matter if it's developer or householder, if he request a call to me and ask me to do and find out what's going on, I have to find out. But I, I didn't interfere here. It can be shown

clearly. Just I attend a meeting to clarify and tell the applicant the council is not neglected on this issue. It's your architect, not the council.

This contact that you were giving Mr Hawatt an account of that you had had with Mr Stavis, would this be a typical contact that you had had with Mr Stavis? Would it be the sort of contact that you had with Mr Stavis on a regular basis?---I contact Mr Stavis on request. I have any request from any resident or any applicant or anyone, I call Mr Stavis or anyone to ask him about the specified question.

10

What I just want to point out is, we have these elements in this conversation with Stavis that you're telling Mr Hawatt about that there is this contact with, that you have with Stavis and there's an agreement that he will come over and socialise at your place, and you say to discuss business, and that it will involve alcohol. We have him talking to you about the detail of part of his work. We have you giving him a direction as to what he should do. We have him agreeing to do what you wanted him to do not what he was inclined to do.---No, that's not right.

20

So what I'm asking is how typical of your dealings with Mr Stavis was this conversation, was it the sort of thing that happened regularly?---No, not regularly. If have a request - - -

How often did it happen?---No, it happen if have a request I have to call him and find out what was going on.

It does seem as if the evidence that you've given us about the nature of your relationship with Mr Stavis has been to say the least misleading, doesn't it? ---Excuse me?

30

The evidence you've given us about the nature of your relationship with Mr Stavis certainly as concerned him coming to your house is concerned was misleading, wasn't it?---No.

Because what we have here is you telling Mr Hawatt that you were arranging with Mr Stavis for him to come over to your place to have a drink with you and Hawatt before Hawatt went away and you tell us it was to discuss Stavis's business.---Discuss business, council business and - - -

40

This is quite different from the one visit you told us that you had when you had a cup of coffee with him at your place.---But we didn't catch up.

And Demian.--- We didn't catch up. Didn't arrive.

What, you didn't succeed in arranging this visit?---Well, I asked but didn't happen.

I see. Why were you trying to arrange it then?---Well, I ask him because if he's free, I don't remember what was the occasion and it didn't happen.

Would simply be a catch-up wouldn't it, you hadn't seen him perhaps for a little while, there's quite a bit of business that you want to talk to him about and it's nice to do it over a drink on your deck or your back yard?---No. Normally we, it doesn't have to be alcohol. We always, I always, everybody comes to my place and we shout him with soft drink, coffee and, but this meeting never been, never happen.

10

So are you saying Mr Stavis never came over to your place and had a meeting with you and Mr Hawatt and discussed his business?---I don't remember.

His work?---I don't remember if this happen, no.

So how do we know – sorry, I withdraw that. How did it come to pass that you having arranged for that to occur it didn't occur, what went wrong?---I have no idea.

20

Well, how do you know it didn't occur?---Because I can't recall it. Can't remember it happen.

I think we've established, if I can take the liberty of saying this from the bar table, that when you say you don't recall something it doesn't mean it didn't happen.---I don't remember it happened.

30

THE COMMISSIONER: So it could have happened and you just can't recall it?---I don't think it happened. I don't remember. I didn't go. No, I don't, I don't remember it happened.

MR BUCHANAN: I just note the time. If anyone would like a back stretch at this stage, a short break.

THE COMMISSIONER: A quick break, Mr Azzi?---Yes, please.

All right. Very quick.---I wait for you.

40

Right. We'll adjourn. Well done, Mr Pullinger.

MR PULLINGER: Thank you.

### SHORT ADJOURNMENT

[3.13pm]

MR BUCHANAN: Commissioner, I would ask that we play Exhibit 229. Mr Azzi, we're going to play you another telephone conversation recording.

It's largely in Arabic and can I just – excuse me a moment – and my suggestion is that it is a conversation that occurred between you and Mr Khouri on Monday, 1 February, 2016, commencing at 5.20pm.

**AUDIO RECORDING PLAYED**

**[3.23pm]**

10 MR BUCHANAN: Mr Azzi, did you recognise your voice and that of Mr Khouri?---Yes.

Now, this conversation is an illustration of Mr Khouri telling you what Mr Montague was doing, or not doing as the case may be, isn't it?---Excuse me?

This conversation shows Mr Khouri telling you what Mr Montague is doing, or not going to do, as the case may be, doesn't it?---Yeah.

20 And on page 1 of the transcript Mr Khouri was complaining to you about calling Jim Montague and telling him about Brad McPherson because Khouri says he told you not to talk to Montague. Do you see that?  
---Yeah.

And so it illustrates, doesn't it, a relationship you had with Mr Khouri whereby you were organising with Mr Khouri what Mr Montague would do or not do or what he would be told in particular, doesn't it?---No.

30 It illustrates you telling Marwan Chanine not to meet up with people, we're still on page 1 of the transcript, doesn't it?---What, which one are you - - -

The second-last entry in your name.---Yeah.

And the third-last entry. "I spoke to him about something else and I told Marwan, I told him not to ring, not to meet up with them, I told him not to meet up with them."---I told Marwan not to meet up with them?

Yes.---Well, I don't remember about which subject we were talking about.

40 No, but it shows the nature of your relationship firstly with Mr Khouri, secondly with Mr Montague and thirdly with Marwan Chanine, doesn't it?  
---Yeah.

It shows that you had a relationship with Marwan Chanine where you felt you could tell him what he should not do in terms of having a meeting with, I'd suggest, Montague and McPherson.---Well, I don't know what the nature of the conversation, Mr Chanine asked me to do and I say, I suggest to him or maybe tell him, not tell him, maybe suggest him don't, don't meet.

Well, except that you did say to Khouri that you had told him not to meet.  
---Maybe. I don't know what the sort of conversation would be (not transcribable). It's not like I - - -

It suggests that you were working very closely with this developer, Marwan Chanine, about how he should behave in his relations with Canterbury Council.---Well, I can't tell what is happen and what about this conversation about, what I told him don't meet.

10 And secondly on page 2 we can see the transcription of the conversation where you told – I withdraw that – where Khouri told you Jim told him, Jim told him, “Meet up with them and see what they want.” And you said, “I told Jim, I told Jim don't go to the meeting.” And Khouri said, “Yeah, no, Jim is not going to the meeting, the other one, Marwan, is going.” Do you see that?---Look, I don't know what the circumstances about this suggestion (not transcribable)

Do we need to know the circumstances though?---I don't know what the subject about.

20

But why do we need to know the subject? What we've got is you saying to Mr Khouri on 1 February, 2016, that you were telling Marwan Chanine what to do and you were telling Jim Montague what to do, namely not go to this particular meeting that you were talking about.---I don't know what we talking about at that time, what sort of meeting. Maybe it's no good at, at this meeting.

It shows that the relationship you had with these two men was a relationship where you had some influence or power with them.---No, I don't, no. It's a request maybe.

30

You had some influence with Marwan Chanine because he depended upon you to assist in progressing his development applications, didn't you?---No.

And you had influence over Jim Montague because Mr Montague owed his job to you, you didn't proceed with him getting sacked.---Oh, no.

And you and Mr Hawatt controlled the numbers on council. Those are the two ways in which you had influence over Mr Montague at this time, aren't they?---No. Nobody influenced Jim.

40

Turning to page 3 of the transcript, after Mr Khouri said, a bit above halfway down, Mr Khouri said, “I have to do, all right?” You said, “Yeah, I'm here meeting up with Michael and Spiro.” Do you see that?---Yes.

And you heard that, you heard you saying that on that recording to Mr Khouri?---Yes.

And Khouri asked you where you were, whether you were at home and you said, "If you can come over," didn't you?---Yeah.

And so this is another illustration, isn't it, of the way you and Mr Hawatt worked with Spiro Stavis, that you would have meeting with him at your place.---Oh, it looked like the meeting has happened. I can't remember.

And indeed, you were inviting Khouri to come over and join the three of you.---Just come over, doesn't mean join us. Later.

10

Are you sure you weren't inviting Khouri to take part in the conversation between you, Hawatt and Stavis?---Well, I don't know the circumstances of this meeting but I ask him to come over, doesn't mean at the time.

And this phone call, going back to page 2, is also an illustration, isn't it, of Mr Khouri providing you with intelligence, information about what his close friend, Mr Montague, was doing or not going to do as the case may be between, isn't it?---I, I don't know what he meant by this.

20

Can we play you another recording, please. LII 06302, a telephone conversation recorded on 26 March, 2016, commencing at 5.19pm.

**AUDIO RECORDING PLAYED**

**[3.34pm]**

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

30

THE COMMISSIONER: The audio file and transcript of the recording LII 06302 recorded on 26 March, 2016 at 5.19pm will be Exhibit 253.

**#EXH-253 – TELEPHONE INTERCEPT TRANSCRIPT SESSION  
06302 G00322\_01\_00 ON 26/03/2016 AT 17:19:46 (AZZI TO  
HAWATT)**

40

MR BUCHANAN: Mr Azzi, did you recognise the voices of yourself and Mr Hawatt when that recording was played?---Yes.

Yes?---Yes.

Can I ask you some questions about it, please. The subject matter of the conversation you had with Mr Hawatt on that occasion was the transition to an amalgamated council, wasn't it? You were talking about the transition to an amalgamated council.---Yes.

And 26 March was a Saturday I can inform you and 30 March was the Wednesday that you had the meeting at Mr Khouri's house involving Mr Stewart, Mr Asfour, Mr Montague and Mr Hawatt.---What, what was the date again, sorry?

30 March was the meeting at Mr Khouri's house. So this is 26 March, four days before.---Yeah.

10 Now, you made it clear in the first page of the transcript looking at the last entry for you that you were pushing for people you wanted to be in the transition but that you thought it was going to be very tough and hard to do that. You agree?---I was, I agree I was pushing.

You said that you were pushing for people that you wanted to be in the transition, you know how, the councillors. That's what you said.---I wasn't saying I want pushing.

20 Well, are you saying that you didn't hear you using the English words, "It's going to be very tough and hard to push for people we want to be in the transition"?---It's hard and be tough to be, to be pushed but I didn't push for anyone. It's very hard to push.

But you were talking to Mr Hawatt saying that it was going to be very hard and tough to push for the people you wanted. That's what you were saying, wasn't it?---Yeah. It mean it's very hard to push for people if you want people. Very hard.

30 See, this conversation throws light, doesn't it, upon the evidence of Mr Stewart about that meeting that you had with him and Mr Asfour and Mr Montague and Mr Hawatt at Mr Khouri's place four days later, doesn't it?---Yeah, but - - -

It shows what you were trying to achieve.---No, because I, what I explained to Mr Hawatt, I said it's very hard to push for people if you want people. That mean that's why I didn't push for them.

40 But what you meant was that was what you wanted to do but it's going to be hard.---No. I said, I said clearly, I said to understand, to everybody to understand it's very hard to push for people if you want people. It's very hard to push for them. That mean I don't want to push for them.

Page 2 of the transcript. In the middle of the page Mr Hawatt and you discussed a meeting on the Tuesday, "Let's meet on the Tuesday." This is after the two of you had discussed about having a look at something from Bankstown and from Canterbury. So the Tuesday is the 29<sup>th</sup>. That's the day before the meeting that did occur.---Yes.

So you were agreeing with Mr Hawatt that you and he would meet up to organise this meeting the next day.---No, the meeting had been organised.

Except that the meeting occurred on the Wednesday and you're here talking about a Tuesday.---Yeah, well, we discuss, yeah, we have to discuss things before we go to the meeting.

10 Yes, we being you and Mr Hawatt. You had to organise what you were going to do at this meeting. You had to organise tactics, didn't you?---No, no. No.

Now, can I take you to the bottom of page 2. You said to Mr Hawatt, "Let's meet on Tuesday." That's plainly an indication that you and Mr Hawatt were to meet on Tuesday as far as you were concerned?---Yes.

Now, then you in Arabic said, "He was saying that Marwan, me and Ziad, Marwan and Ziad are going to come and have a coffee. They are going to have coffee at my place." Do you see that?---Yeah.

20 Why were they coming over to your place to have coffee?---I don't remember what was the occasion.

It suggests though that you had a social relationship with them at the very least. They were your friends.---No, they always call if they, they don't come, they don't come to my place regularly. They might call they want to see me and we'll have a coffee.

30 THE COMMISSIONER: Down the bottom of that page 2 of 6, after you say Marwan and Ziad are going to come and have a coffee, "We were talking about," and then I think it's got, "Sounds like Saravinovski." Do you see that?---Yeah.

You listened to the recording, what were you saying, what did you say there, "We were talking about"?--- Bill Saravinovski.

Yes. Do you know what that is?---There's someone, I know Bill Saravinovski, the mayor of Rockdale.

40 Mayor of Rockdale.---Yeah. That's why I know Saravinovski. I don't know what was the matter we're talking about here.

MR BUCHANAN: Did Marwan and Ziad Chanine have a development project in the Rockdale municipality?---I have no idea.

What party did Mr Saravinovski belong to?---The Labor Party.

Did Marwan and Ziad Chanine want your assistance to lobby Mr Saravinovski in relation to a project they had in his local government area?

---No. I have no, no. No.

Have you got any other explanation as to explain part of the conversation where you talked about the fact that Marwan and Ziad were going to come over to your place and have coffee and that you were talking about Saravinovski? Any other explanation?---Well, I, I don't know. Sounds like Saravinovski but I can't remember and recall that time, what subject was all about but I never made any call to Mr Bill and ask for any request for anything in his shire. I never represent anyone and ask about anything.

10

Page 3 of the transcript. The second entry against your name, you said that, "Matt Stewart said he wants to speak to me and we had a cocktail on Thursday afternoon." Do you see that?---Yes.

Why were you talking to Mr Stewart?---He called me and he said he emailed to me to meet.

And why did he call you, as you understood it?---Yeah. Mr Stewart sent me an email. He wants to meet me to discuss the behaviour of Mr Montague, about the staff.

20

About the?---I remember he called me meet with me about Jim Montague's behaviour.

Relating to?---Canterbury-Bankstown staff.

Oh, about the prospective amalgamation?---Yeah. That's, yeah, it's a complaint.

30 About Jim's approach?---Jim's, he - - -

You don't have to give us the details. I just want to make sure I understand you.---Yeah. He want to tell me about Jim's, complain about Jim.

What's your understand as to why Matt Stewart wanted to talk to you about that, rather than say, Councillor Eisler or Mayor Robson? Why, as you understand it, did Matt Stewart want to talk to you?---I don't know.

40 Did he think that, together with Mr Hawatt, you controlled the council?---I don't know.

Do you think that, as you understood it, he thought you had influence with Mr Montague?---No.

Can you give us any other explanation as to why Matt Stewart would choose you to be the person that he would have this talk to, to complain about what Mr Montague was doing in relation the proposed amalgamation?---Will you excuse me.

Certainly.---I (not transcribable). Here said Matt Stewart sent email to Jim asking to meet.

That's what you said.---I thought you're talking about me meeting with him.

THE COMMISSIONER: What about before that? "Matt Stewart said he wants to speak to me."---Well - - -

10 MR BUCHANAN: And then later you say, "Matt Stewart sent email to Jim asking to meet." Is it possible that Matt Stewart was saying, I want to talk about the proposed amalgamation, I'm not getting very far with Jim, I'll talk to the person who really counts - - -?---No.

- - - Pierre Azzi over at Canterbury?---I don't recall what was the purpose of this email but it all been going through, it's the amalgamation situation, maybe he wants to talk about the, arranging this meeting. I have no idea, because it's been about three days before and he contacted me, he contacted Jim and they might be referring about the meeting.

20

Now, you say in a passage below halfway down, "Yeah, I saw the email and he sent the email to, but Jim, he wasn't happy with that."---Yeah.

And then you went on to say what you said to Jim. How did you come to see that email?---Huh?

How did you come to see that email, did Mr Montague show it to you?  
---I have no idea but I've seen the email, that's been, I received the same email, but I have no idea how must be. I've seen the email, I don't know what all about.

30

Well, it sounds as if it's Mr Stewart trying to communicate with Mr Montague about the proposed amalgamation and not being happy with Mr Montague's response, possibly lack of response.---Could be. I don't know what was the issue. Something happened and Stewart want to talk to us about it.

40 And you then went and spoke to Jim, telling him, according to you, "You have to be bloody be happy, doesn't matter you, you're going to be, we discussed, and you told me, I told you that I was going to meet with him and you said to me, 'Talk about Spiro,' we confirm, agree, he confirmed it to me, he won't be one of the directors after transition.---(not transcribable)

Now, this is a conversation that you're telling Mr Hawatt about - - -?  
---Yeah.

- - - that you had had with Matt Stewart at a cocktail on the Thursday afternoon previously, wasn't it?---Could be happening as conversation between me and ah, about Matt Stewart when - - -

No. I'm sorry, yes, you were telling Mr Hawatt about a conversation with Matt Stewart, correct.---What the, what Matt Stewart told me.

Mmm.---Spiro, he won't be, like, Matt Stewart, what he told me I told Mr Hawatt that Spiro, he won't be a director, so - - -

10

How did Spiro being a director or not come up with Matt Stewart, how did that subject come up between you and Mr Stewart?---It's, the directors in the Canterbury Council, all the staff has to be, like be considered and it's up to Stewart or who's it going to be and who was the general manager, who's going to be the general manager, decide if you're going to employ him and keep on with the job.

20

This is very similar, isn't it, to Mr Stewart's account to the Commission that I took you through this morning in his statement of what happened at the meeting four days later, that again the subject of Spiro being a director came up and again Mr Stewart indicated, well, Spiro wasn't going to be a director as far as he was concerned.---Yeah, but he's, Stewart's, like, will have three directors, one of them Spiro, he won't be a director in this council. His decision and he said, "I want him, I don't want him to be a director."

30

And you then said, "I wasn't like, I didn't speak to him because I didn't like to argue with him about what he put in the transition because I wasn't happy 100 per cent."---I wasn't happy to argue with him. I don't, I don't like to argue with him (not transcribable)

But you were inclined to argue with him, weren't you, to try to preserve Spiro Stavis as director of planning after amalgamation. That's what you're saying?---No, it's not correct (not transcribable)

You just didn't do it because you didn't like to argue with him.---Well, I don't like to argue, yeah, I don't want to do it.

40

And you weren't happy for him to tell you that Spiro wouldn't be a director if he had anything to do with it after the transition. You weren't happy about that.---My feeling maybe I wasn't happy but I have no ground to argue and I don't want to argue, that's me, I don't want to push for anyone.

And then page 4 there's a long passage attributed to you which commences, "I didn't like to argue with him, with that thing. I said to him, 'Look, look, Matt, in the whole of Canterbury all of them are hopeless. I'm with you, I agree. I don't want, we don't want anyone from Canterbury, only one person we're interested about and I will go all the way behind him and

push.” That’s Spiro Stavis you’re talking about there, isn’t it?---I don’t know, I don’t remember which one I be pushing for.

You went on to say, “You don’t have to upset and you know when you upset me I get angry very bad.” Just pausing there, that is a characteristic you have, isn’t it, that when you get upset you get angry?---Well, if I get upset and angry people understand I don’t want to be upset, everybody when I get upset, they’ll say something sometime doesn’t regret but I don’t like to be upset, I don’t like to be upset.

10

And indeed what you said to Mr Hawatt was that, I got angry, sorry, “You know when you upset me I get angry very bad.”---Yeah.

Sorry, you were telling Mr Hawatt that you told this to Mr Stewart.---Yeah.

That Stewart knew from his past acquaintance with you that if he upset you that you get angry very bad. That is one of your characteristics, isn’t it? ---Could be if I get angry.

20

And you went on to say to Mr Hawatt that you said to Mr Stewart, “You take care of this one,” meaning this person, “I don’t care about the rest.” That’s, again that’s Mr Stavis, isn’t it?---I have no idea who was I talking about.

Who else could it possibly be, Mr Azzi?---I don’t remember which one I was talking about.

30

No, no, no. Thinking about your relationship with Mr Stavis at the time, you never had any other directors over to your place, Mr Stavis was a person that you did have over to your place, Mr Stavis was a person you worked closely with, that you rang many, many times and had long conversations with, that you sent texts.---But I - - -

40

It was Mr Stavis, you, you didn’t think very much about the other directors at all, according certainly to Mr – I withdraw that. So we know, don’t we, that when you say to Mr Hawatt that you were talking to Mr Stewart about only one person we’re interested about and that you would go all the way behind and push, that can only be Stavis, can’t it?---No (not transcribable) before, I don’t want to push for anybody. I don’t know what I was talking about, because I made myself to Stewart that I’m not pushing for anybody very hard.

Well, that’s not what you said. We’ve got, we’ve heard it, we can see it in black and white.---Yeah, but I don’t know what I was talking about.

You’ve said that you would push for him all the way.---Yeah, but I don’t mean, I don’t, it doesn’t mean have to be Stavis.

THE COMMISSIONER: But who else could it be? It's definitely not Jim? ---Hang on, no, I don't remember. It's been three, four years ago. Because I said to Stewart, "Stewart," I said, "he doesn't want Spiro." And I said, "I don't want to push, I don't want to push for him." (not transcribable) I told Hawatt I don't want to push for him. I don't know what I was talking about, which one, you know. I don't remember, you know. I don't remember anyway much about all this conversation just now seeing it here.

10 MR BUCHANAN: The account of the conversation you were giving to Mr Hawatt of your conversation with Mr Stewart continued. "He said, 'What about Jim?' I said, 'You have to work it out with him about, fucking, he got 12 months, mate. He get a, but now is a big problem now if they want the general manager to send a submission because maybe both of them will fly, you know.'" So we know that the one person you would push for was not Jim Montague, don't we? From what you said there.---Well, I don't know sir. I don't recall this conversation at all. I can see it here but I don't know what I'm been after - - -

20 So there's no point in asking you why you would say to Mr Stewart that the one person you were interested about and you wanted to go all the way behind and push, you didn't care about the rest, that that one person was Stavis? There's no point me asking you, is there, why you wanted to push for him?---I didn't push for him. I told Mr Stewart before and I told Mr Hawatt, I said I don't want to push for anybody. But I don't know about this conversation what we've been talking about. It's out of my head.

30 Now, can I take you to the bottom of page 4. At the last line on the transcript on that page, you say, "I have a meeting with Spiro tomorrow as well because he's done something, the donkey." Over to page 5. "He is a donkey." Hawatt asked, "Who, Spiro?" You said, "Yes, he's a donkey." That's a word that you used to mean "stupid person", isn't it?---Not mean a donkey, a donkey.

What do you mean when you use the word donkey if you don't mean, that the person that you're talking about, that you're giving that name to is stupid?---Yeah, well, you don't like what I call him, I don't recall what it means, like someone that does something without thinking.

40 What was it that he had done without thinking, as far as you were concerned?---I can't recall here. He did something. I don't remember what. Now I just refreshing my memory, he signed, he sent something towards the JRPP without consulting the council, a report by the council, and people start complaining and community problems and council hasn't finalised.

This is the Joint Regional Planning Panel?---Yes.

Right. So, this is another illustration, isn't it, of you not so much making a request of Mr Stavis but wanting to intervene in the work that he did to tell

him that he shouldn't have done something?---Yeah, because we have a complaint, too many complaints, and we have to meet with him and discuss it why he sent it without the council being discussing it and, like, make some approval to send it.

Can I just pause there.---Yes.

In that answer you said, we have too many complaints. When you say too many like that, do you mean we have lots, we have lots of complaints?

10 ---Yeah, people asking the question about community, it's being sent without consultation – like, what I can remember, something hasn't been finalised at the council and people knew about it being already there and start complaining. I want to ask him why it could be sent without the council, to find out what's happen with this, why.

Now, when you talked about Tradelink, that was the name of a company that was the developer, was it, of a site a 717 Canterbury Road, Belmore?  
---I know Tradelink, it's a, I don't know if it's a company or the place name Tradelink, I'm not sure.

20

Right, okay.---The site, the corner of Canterbury Road and Belmore Road.

Fair enough. That was an DA that was determined by the planning panel later in 2016?---Yes.

So that was the - - -?---I don't know what was the date.

That was the particular problem that you were talking to Mr Hawatt about, was it?---About this one. I don't know what the issue. I had the complaint.  
30 I have to enquiry about what's happened, why it's being sent, that's all.

And why were you doing that?---Because people ask me why it's being sent  
- - -

Who asked you?---I don't remember it was a request, community and people start asking question. I don't remember who did ask the question, but I have the request and people telling me it's been sent without proper consultation with the community. The general situation was what I didn't understand, this DA or this shouldn't been sent without proper consultation  
40 from the council. It shouldn't be sent before council approval or proper consultation.

Thank you, I understand. Excuse me a moment Commissioner. Yes this would be a convenient time, Commissioner.

THE COMMISSIONER: Now, Mr Buchanan, now can you remind me, we've got the later start tomorrow.

MR BUCHANAN: Yes, at my request if we could have a late start tomorrow 10.30.

THE COMMISSIONER: 10.30. And we'll go through to 4.30 tomorrow afternoon.

MR BUCHANAN: Maybe a little later if we're going.

10 THE COMMISSIONER: If everybody can take that into account. So we're adjourned until tomorrow morning until 10.30am.

**THE WITNESS STOOD DOWN [4.07pm]**

**AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.07pm]**