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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 31 JANUARY, 2019

AT 10.30AM

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

THE COMMISSIONER: Mr Buchanan, any administrative matters?

MR BUCHANAN: Only to inquire, Commissioner, having regard to the fact that we've started late this morning, as to whether and if so we might break before lunch briefly.

THE COMMISSIONER: Maybe about 20 to 12.00, and then we'll take about a 15-minute break.

10 MR BUCHANAN: Very good, Commissioner.

THE COMMISSIONER: Now, Mr Pullinger.

MR STEWART: He's running slightly late but he will be here.

THE COMMISSIONER: Now, what would you like me to do?

MR STEWART: Proceed.

20 THE COMMISSIONER: All right then. Mr Azzi, you've probably been told Mr Pullinger is on his way. Are you all right if Mr Buchanan starts asking some questions?

MR AZZI: Yes.

THE COMMISSIONER: All right. And we'll just administer the oath again.

MR AZZI: Thank you.

MR BUCHANAN: Mr Azzi, after council was amalgamated with Bankstown Council by the proclamation of the State Government on 12 May, 2016, you were no longer a councillor, we've established that?---Yes.

But you continued to have contact with Mr Stavis. Is that right?---I'm not 100 per cent sure if I did called him or I don't.

10

I'm sorry, could you say that again?---I'm not, I'm not, I can't remember if I made any contact with him afterward, I can't remember if I made any contact with him.

Right.---For any other purpose.

Well, I think we did cover this briefly before. You thought that you still had a role to play in relation to Canterbury Council, even though you were no longer a councillor after 12 May, 2016. Isn't that your evidence?---A role?

20

A role, you still had things to do in relation to Canterbury Council, even though you were no longer a councillor. Wasn't that the evidence that you have given earlier in these proceedings?---Things like what, like?

Well, that's what I'm asking you.---No, things like what, sir? I don't understand.

Very good. Well, we'll start again. Did you see yourself as having a role to play in relation to Canterbury Council after amalgamation on 12 May, 2016?---Not an official role, but we still have an official role as in the committee, some of the committees in the new council. I've been a member of one of the committees.

30

And what committee was that, sir?---I can't remember what the name of the committee but it's a committee established by the local government and under Canterbury-Bankstown Council and I was still one of the member of one of the committees and still getting paid by the, my like, allowances.

And that was an advisory committee - - -?---Yeah, well - - -

40

- - - established by the State Government?---Correct, yes.

Comprising former councillors.---Yes, correct.

And did you have any contact with Mr Stavis as a result of being a member of that advisory committee?---Well, I don't recall like, if I did contacted him. I can't remember, maybe yes, maybe no, but I can't remember at that time, it's (not transcribable)

The advisory committee did not perform any role of determining development applications, did it?---No.

The administrator did that, sitting as - - -?---Is the council.

- - - the amalgamated council.---Is the council, yes, administrator.

10 Can I ask that the witness please be shown Exhibit 252. On the screen in front of you is a series of call charge records you might recall that I showed you previously which are records of contacts between you and Mr Stavis with Mr Stavis using his private mobile phone.---Yes.

And if I can take you, please, to the second page. If you have a look at item 73, that is on 7 May, 2016.---Yes.

And item 73 is on 13 May, 2016. Do you see that?---Yes.

20 That's the day after amalgamation occurred.---Yes.

Now, if you look down the page you'll see that there is a series of calls that you made to Mr Stavis's private mobile phone - - -?---Yes.

- - - on days after 12 May. On one occasion, item 86 on 20 May, you had a conversation that you initiated that lasted for 3 minutes and 13 seconds. Do you see that?---Yes.

30 On the 90th, I do apologise, item 90 Mr Stavis rang you and very shortly afterwards you responded and rang him back, that's item 91, and you spoke with him for more than 5 minutes. Do you see that?---Yes.

What was it that you were talking to Mr Stavis about in these calls that you were making to him?---No, I don't remember what was the issue.

40 Can you remember the type of issue?---No. Look, what I said before, maybe it's issue related or somebody called me as a private citizen, he thought I'm still a councillor and maybe he had an issue before when I was a councillor, I have no idea what the matter of the calls, just I call him as a private, like, citizen or get some back, feedback when I was a councillor about any issue or situation or resident called me, I can't tell, I don't know what the purpose of the call, you know, of this conversation was.

Were those conversations I've taken you to that lasted for longer than a minute in May 2016 related to any development application?---I don't know, sir what was the calls.

Were you acting on behalf of any applicant for a large commercial mixed-use development at that stage?---I, I, I'm not a councillor at this time. I don't act on behalf for anyone, sir. I represent the community only.

Looking over the page to page 3, item 93 on 24 May, 2016, you spoke to Mr Stavis on his private mobile for more than 8 minutes.---Yes.

10 That wouldn't have been just an inquiry, would it? It was a discussion that you were having with him to last that long.---Well, I don't know what was that, what we're talking about, I have no idea, don't remember.

Were you discussing – I'm sorry, I interrupted you.---I don't remember what was the situation.

Were you discussing with Mr Stavis what he was doing in relation to various matters as he and you had discussed before you were sacked as a councillor?---I can't remember what, what we said, what all about.

20 Would it be fair to say that what happened after amalgamation was that you continued to have with Mr Stavis the same sort of communications with him that you had had before amalgamation?---No, doesn't really say that.

Why, why would that be - - -?---Because I'm not a councillor anymore and I have nothing to do with Mr Stavis outside the council role and if I called him, must be, I can't tell, I don't remember what the cause of the call was.

30 You see during your time as a councillor, you advocated to Mr Stavis and to Mr Montague, amongst others, on behalf of various developers, didn't you? ---No. What do you mean, advocate? No.

You took their case to them and argued on the developers' behalf - - -? ---No.

- - - for their position to be adopted by council, for their argument, for their application to be approved by council.---No.

And did you keep on doing that after you were no longer a councillor?

40 MR PULLINGER: Well, I object to that. He said he didn't do it so the question is just inappropriate because it's prefaced on adopting a situation that's he's already said - - -

MR BUCHANAN: I take on Mr Pullinger's point. I withdraw the question. Thank you.

Did you after you were no longer a councillor advocate on various developers' behalf to Mr Stavis to get him to progress applications of developers that you were speaking on behalf of?---No.

You see that on item 94 is another telephone conversation very shortly after the 8-minute call where you spoke with Mr Stavis again for more than a minute? Do you see that?---Yes.

And do you see that item 100 on 28 May you spoke with Mr Stavis for more than a minute?---Item, on the - - -

I'm sorry, did I get the number wrong? Item 100.

10

THE COMMISSIONER: No, 1 minute 20 seconds.

MR BUCHANAN: I'll see if I've got the, yes, item 100.---Yes.

Item 106 on 7 June you spoke with Mr Stavis for 2 and a half minutes. Do you see that?---Yes.

Item 118 on 20 June you spoke to Mr Stavis for more than 4 minutes? ---Yes.

20

Did you discover at some stage that Mr Stavis was no longer there at council?---I did discover no longer what, I don't - - -

That Mr Stavis was no longer at Canterbury Council. Was there a time when you discovered that?---I can't remember when the time he's been dismissed. I can't, I can't recall the date, I don't know.

I'm not asking you to recall the date, I'm just asking do you remember that there was a time when you've discovered that Mr Stavis was no longer director of planning at Canterbury-Bankstown Council?---I don't remember when. I don't remember about when he was terminated, no.

30

Do you remember that he was terminated?---Well, everybody knew. No, I don't remember the date, I know - - -

How did you find out?---How did I find out?

Yes.---When, I can't remember, announced, like, the new director's been, like (not transcribable) publicly because the new director's going to be when I think announced by the, the new council.

40

And who was the new director?---I don't remember at the time but I know who's the director now. I don't know, I can't remember who has been appointed at that, at that time.

So you at some stage discovered there was a new director.---Yeah.

What did you do then in respect of the people who were approaching you and asking you questions about planning at council?---Nothing.

You didn't approach the new director and say, look, I've got some questions that I need to ask you?---No.

Why not?---It's not my role. I don't know.

10 What had you been doing with Mr Stavis after 12 May when you were no longer a councillor?---I can't remember because, I can't remember what was because we had, we've been, I'd been a councillor and he was a director, I have no idea, we had contact with, that's all.

But we do know what you did, because in these call charge records there is a record that you were contacting Mr Stavis and talking with him.---Yes.

20 We know that. So the question is, did you do that in respect of the new director?---I don't have any issue. I never contact, like, I don't, I don't act on behalf for anyone when I wasn't a councillor.

You don't, do you see my point, Mr Azzi? The question is, did you continue to do, with the new director of planning at the amalgamated council, what you had been doing after 12 May with Mr Stavis by way of communication?---No.

Why did you stop doing it when Mr Stavis left and there was someone else in that job?---Because as I said, everybody who used to contact me I said I'm no longer the councillor and I told a lot of people.

30 But you were no longer the councillor at the time you were talking to Mr Stavis - - -?---Yes.

- - - after 12 May, so that isn't the reason, is it?---But I don't know what I was talking with Mr Stavis for. I know Mr Stavis but I don't know the new director, I don't know what the issue was.

40 So you're quite certain that you didn't contact the new director in the way that you had been contacting Mr Stavis after you were no longer a councillor?---Yeah.

That suggest, doesn't it, that the reason that you were talking to Mr Stavis was because you had a pre-existing relationship with him?---Pre-existing relationship?

Yes.---He was a director when I was a councillor.

Yes. And he was willing to provide you with information and to listen to you and to take your guidance and to accept your directions before you were no longer a councillor.---No.

The reason I suggest that you stopped ringing the director of planning after the person who held that position was no longer Mr Stavis, was that you didn't think or you weren't certain anyway that the new director of planning would be as amenable, as willing as Mr Stavis had been to listen to you and to do what you asked him to do.---No, that's not correct.

10

Well, can you give us any other explanation?---I have not, I wasn't, I'm not a councillor anymore who has to keep searching people, like, asking questions.

Excuse me a moment, Mr Azzi.

Now, I have asked you a number of times about meetings held and social occasions that occurred at your house whilst you were a councillor.---Yes.

20

I'd like to come back to that subject, please. There were regular social occasions on Friday nights at your house involving Labor Party identities and Canterbury Council people such as Jim Montague and Spiro Stavis from time to time. Is that right?---No, not - - -

What's wrong with that?---Not regularly. Spiro Stavis, no.

When you say Spiro Stavis no, what do you mean by that?---Like, you mentioned Spiro Stavis regular, not regular, I don't have regular.

30

Spiro - I'm sorry?---I'm not having a regular Friday meetings.

THE COMMISSIONER: Sorry, you did have regular Friday - - -?
---Meetings. I don't have regular Friday meetings.

MR BUCHANAN: Did you have regular Friday night hospitality that you and your wife provided to the people you invited?---No.

40

Did Mr Stavis come to an occasion at your house one Friday in the company of Mr Montague?---What I said before, like I recall, I said only Mr Stavis attend one meeting at my place. I can't remember he's been at my place before, but could be. At one stage (not transcribable) my memory, Mr Montague gave Mr Stavis to meet at my office at night. I have no idea if Mr Stavis attend that meeting yes or no, I can't remember if he arrived, yes or no.

And was that on a Friday night?---I don't know what was the night.

Was it a time you were providing hospitality to others?---I don't provide hospitality.

Mr Khouri often attended the nights, Friday nights where you extended hospitality, didn't he?---Not every night, no.

He regularly attended, didn't he?---Time to time, not every time.

10 He was a family friend of yours, wasn't he?---Yeah, normally he came afternoon.

And he was also a Labor Party identity, wasn't he?---Yes.

And he was interested in the politics of the local government areas represented by people who attended your functions, wasn't he, he was interested in local government politics?---I don't understand what you mean by functions, Mr Buchanan.

20 Hospitality provided by you and your wife at your house.---Normally we have good hospitality when I have a meeting, we're going to have (not transcribable) after, you're going to offer people a drink. I don't have nightclub (not transcribable) function, I have office at my place and I respect people that come to my place.

Now, we've established that Charlie Demian attended these functions from time to time.---It's not a function, sir.

30 Marwan Chanine attended sometimes.---I believe he was once at my place, yes.

Now, sometimes when you were at your house on a Friday night, Mr Demian would speak with Mr Montague and you would be present. ---Yes.

And there would be discussion about Mr Demian's projects that were in the Canterbury area. Isn't that right?---It's happened, yeah.

40 And sometimes Mr Montague would make a phone call from your house to, as you understood it, Mr Stavis to find out information in order to provide that information to Mr Demian.---Yeah, it's happened, yeah.

Mr Stavis was there on one such an occasion, wasn't he?---I said Mr Montague called Mr Stavis and I have no idea if he attend or not.

Well, I want to put this to you. The Commission has been told that Mr Stavis went to your house six or seven times. Transcript page 3368.---No.

And if we take in to account the times that he visited your house before being appointed director of planning, that he went to your house as many as nine times.---No.

The evidence that is before the Commission is that Mr Stavis went to your house and met there, you and Mr Hawatt numerous times. Page 4348. What do you say to that?---No.

10 And that he talked with you and Mr Hawatt at your house about applications. Page 4349 to 4355.---No. I never met with Mr Stavis before we met at the café.

And Mr Stavis came over to your house after work to have a drink with you and sometimes with Mr Hawatt as well, whether it was a Friday or not, simply after work.---Well, I can't, but why can, it's happened when I see it yesterday on the transcript, that means it could be happen but I can't remember to be happen once or twice.

20 And on those occasions, you discussed planning business of council with Mr Stavis, didn't you?

MR PULLINGER: Well, I object to that again. It's prefaced on - - -

MR BUCHANAN: I can reframe the question.

MR PULLINGER: Thank you.

30 MR BUCHANAN: On numerous occasions, Mr Stavis, at your house, discussed planning business with you?---What do you mean numerous occasions?

On numerous occasions, many.---Only, no, there's been, I said I can't remember he's being there more than once. It's been once or twice but I can't see it on the transcript, he arrived, that's it and he came to my office. I had an office at my house and afterhours, must be because I work all day. When he arrive to my, afterhours.

40 Do you remember yesterday, we played you a recording of a phone call made my Mr Khouri to you in which you and Mr Khouri discussed various matters?---Yes.

And Mr Khouri asked what you were doing and this is at page 3 of the transcript. It's on the screen in front of you a bit above halfway down. You said, "Yeah, I am here meeting up with Michael and Spiro," and Mr Khouri said, "Where are you? So are you at home?" And you said, "If you can come over." Which was an invitation to Mr Khouri to come over, wasn't it?---Yeah, I asked him if he want to over after.

THE COMMISSIONER: Mr Buchanan, could you just confirm which exhibit number that was?

MR BUCHANAN: 229.

THE COMMISSIONER: Thank you.

MR BUCHANAN: This occurred on 1 February, 2016 and 1 February, 2016 was a Monday.---Yes.

10

So, why were you meeting up with Michael and Spiro at your house after 5 o'clock on a Monday in February, 2016?---Because I work all day and we have to arrange to meet with Spiro and when, afterhours, I can't come in to the council, could be possible he agreed to meet at my office.

Why did you have to meet up with Spiro?---Well, I can't remember what was the occasion why. It must be something we had to talk about or he wants to talk about, discuss council matter.

20

The only purpose of such a visit would be to give him an opportunity to report to you and Mr Hawatt what he was doing and for you and Mr Hawatt to discuss with him what he, Mr Stavis was doing as director of planning, wouldn't it?---No. Doesn't have to be necessarily, no.

I want to suggest to you that it was not unusual for Mr Stavis to come over to your house for a drink after work and to have a discussion with you or with you and Mr Hawatt about planning and development issues.---I don't understand this question.

30

It wasn't unusual for Mr Stavis to come over to your house and talk to you or talk to you and Mr Hawatt about planning and development issues, was it? That wasn't unusual.---He can meet with us anywhere he likes if he can.

Commissioner, can I make an application please to vary a nonpublication order in respect of evidence given by the witness on 2 December, 2016.

THE COMMISSIONER: Could you just hold on?

MR BUCHANAN: Certainly.

40

THE COMMISSIONER: Right.

MR BUCHANAN: The application is in respect of evidence given by the witness recorded in the transcript for that day on page 694, line 44 through to page 695, line 7. And, Commissioner, if can extend the application, if it's convenient, to a passage recorded in the transcript of the evidence given by Mr Azzi on that day also at page 697, line 4 to line 10.

THE COMMISSIONER: I vary the nonpublication order made on 2 December, 2016 to exclude the evidence of this witness, recorded in the transcript. First, the section commencing at transcript page 694, line 44 and finishing on page 695, line 7 and also page 697, line 4 and finishing on page 697, line 10.

10 **VARIATION OF SUPPRESSION ORDER: I VARY THE
NONPUBLICATION ORDER MADE ON 2 DECEMBER, 2016 TO
EXCLUDE THE EVIDENCE OF THIS WITNESS, RECORDED IN
THE TRANSCRIPT. FIRST, THE SECTION COMMENCING AT
TRANSCRIPT PAGE 694, LINE 44 AND FINISHING ON PAGE 695,
LINE 7 AND ALSO PAGE 697, LINE 4 AND FINISHING ON PAGE
697, LINE 10.**

MR BUCHANAN: Mr Azzi, I'm going to read to you from the transcript of evidence you gave to the Commission on 2 December, 2016. It is evidence that you gave to the Commission on that occasion and I'm then going to ask
20 you some questions about that evidence. Question, "Never? Did you ever discuss specific development applications with Mr Stavis at your house?" Answer, "No. Only Mr Stavis, I think he want to visit me once when he heard I've been sick was once in the morning. I had a coffee and that's it." Question, "Is that the only occasion on which Mr Stavis - - -" Answer, "Yeah." Question, "- - - has visited your house?" Answer, "Only one visit, yeah." Question, "Who else was there?" Answer, "No one." Question, "There was nobody else there?" Answer, "No." And then a little bit after that. Question, "Was Mr Demian ever there at the same time as Mr Stavis?" Answer, "No, no. I haven't, I haven't recalled anyone." Question,
30 "Never?" Answer, "I only meet Mr Stavis at the council." Question, "You said he came to your place one time when you were sick." Answer, "No, I said he came to my place to have a coffee with me not Mr Stavis." The evidence that I have just read that you gave to the Commission on 2 December, 2016 was incorrect, wasn't it?---I don't mean it's incorrect. Maybe I forget and I admit it. I said I met Mr Stavis, I met with Mr Stavis and Mr Demian at my place. Maybe I, I don't mean to, to, I correct myself but I, I admit it. I met with Mr Stavis and Mr Demian at my place once.

40 You also told the Commission on 2 December, 2016 that nobody else was there. That was incorrect, wasn't it?---Maybe at this visit, I can't remember at this visit when he said he want to, I'm sick, he want to come over to see me when I was sick I don't remember he was there, nobody was here. I don't believe anyone was there.

The evidence that you gave on this subject to the Commission on 2 December, 2016 was – I withdraw that. You knew that that evidence was untrue, didn't you?---Well, at that time no, I wasn't meant to, to hide but that's what I did remember, I recall from this visit.

When was the last time, as you sit there in the witness box today, that you had contact with Mr Hawatt?---Two/three, three or four months ago. Something like that.

And what was the occasion?---Nothing. I dial Mr Hawatt number by, when I'm trying to dial on my favourite I press Mr Hawatt number by mistake and it was like, I switch it off again. Mr Hawatt called me back or something and I said, "Oh, sorry. I dialled you by, incorrectly." And I said, "Oh, hi. How are you? How are you doing?" That's it. A short conversation.

Have you ever had a contact with Mr Hawatt about the inquiries being made by this Commission?---No, I didn't discuss it.

Ever?---No. At the early stages when, it's a while ago when, we didn't discuss it recently, no. It's a couple of years, three years. I never discuss evidence with him. I never made contact like, discussing any evidence with Mr Hawatt.

20 When was the last time you had contact with Mr Khouri?---Oh, that's been a year, more than a year, two years.

What was the circumstances of the last contact you had with Mr Khouri?---I can't remember.

Who contacted whom?---I don't remember if he came over and visited. I never talk to him on the phone. I don't remember when the last time I spoke to him on the phone. It's a while ago. Ages.

30 Were you aware of Mr Khouri giving evidence in this public inquiry?---I've seen in the transcript.

Were you aware of it at the time or shortly afterwards?---Well, I, I hear it here.

Did you have any contact with Mr Khouri about the evidence he was giving or the questions he was being asked at this public inquiry?---No, I don't remember I discuss it with him or I've seen him after.

40 Did he attempt to contact you?---I haven't, no, because I haven't seen him since when he gave evidence because he, he left, he flew for, I don't know where he went. Said he's sick, medical reason and I never seen him again.

How do you know it was for a medical reason?---His son contacted my daughter on the Facebook and he said his father is sick and my daughter deliver the message.

There was no contact between you and Mr Khouri between the time that he gave his evidence here and the time that as you understood it he went overseas?---No, I don't remember I have discussed with him any evidence, sir.

When you say you don't remember, do you mean that it's possible that you did but you just don't remember?---No, I didn't discuss the evidence with him, no way.

10 You can remember that, can you?---No, no, I, I never discuss it with him because he left after, before he see me.

Yes, but I'm asking you about the short period between the end of his evidence here and the time that he left. In that short period did he attempt to contact you or did he in fact contact you?---No, I don't remember he did contact me. I didn't discuss evidence with him.

20 You never had any contact with Mr Khouri about the evidence he was giving or the questions he was being asked?---No.

Did you have any – I'm sorry, I've asked that question. Excuse me a moment. If I could show the witness, please, Exhibit 210 and if we could go to page 12, thank you, in that exhibit. On the screen in front of you, Mr Azzi, is a page from an exercise book that Mr Stavis kept and Mr Stavis made these entries in the book. Can you see that at a little above halfway down, there is an entry commencing, "Hawatt and Azzi (meeting) 2/2/16"? ---Yes.

30 And this entry goes from that part of page 12 down to the bottom of page 12 and then through to page 13. Can you see that?---Yes.

Now, how many times did you have meetings with Mr Stavis altogether? ---I can't remember how many times I met. Look, I never, my meeting with Mr Stavis was, like, it's only, like, a few times, it's not too many because all my request to Mr Stavis used to be on, on the phones and I met Mr Stavis just, I can't remember. Like, normally, I, when I need something to him, I meet him before, at council meeting or for, for short period or I meet at a request but personally, face to face, it's only not too many times.

40 I'm sorry, I didn't - - ?---Not too many times.

Not too many times. And by that you mean not a lot of times?---No, only on, because I work all day, I don't have time to go and meet with him face to face. All my requests used to be on the phone.

So where did you have your meetings with Mr Hawatt and Mr Stavis? ---Between me and Mr Hawatt and Mr Stavis, only, what this shows, we met only, I don't remember how many times but - - -

Yes, I'm sorry.---One or two. I don't remember how many times.

I'll reframe the question. What was the place where you met with Mr Stavis and Mr Hawatt?---I don't remember. It, it shows here, one at my place but I don't remember any, I can't remember any other places because it's, like, didn't happen, like, regularly, if we met once, I can't remember where but I don't remember we met outside the council, both of us or both of us with Mr Stavis, I can't recall any meeting between the three of us.

10

So, is it possible that this meeting occurred at your place?---No. On this date, I can't remember, that's the one maybe on the transcript when we arranged for, to meet. It's only one meeting, it has to be afterhours.

And did you meet with Mr Hawatt and Mr Stavis at council chambers and discuss various issues like these two pages showed you discussed?---I don't remember with Mr Stavis I need to, I can't remember we met at the council, his office, the three of us.

20

Or in a meeting room at council?---And, I can't remember any meeting between, could be happen outside the council chamber but I can't recall any.

Now, I'll just be clear on this, did you meet with Mr Hawatt and Mr Stavis in a meeting room at council chambers?---I can't remember one.

Now, you've had an opportunity, have you, to look at the contents of the notes that Mr Stavis made about this particular meeting?---Yes.

30

Can you see that it's about numerous property sites?---Yeah.

Why did you have a meeting with Mr Stavis about these numerous property sites and - - -?---I don't remember what we discussed because most of these site, I, I don't know them. I see in the, the meeting here, what I can see here, Mr Buchanan, he has a note to meet with us but I have no idea what he's talking about of these sites, to discuss this site with us. I don't know, maybe he has a note because I don't know most of them. I don't know a lot of them.

40

We know what you talked about. Because Mr Stavis made this list.---Yeah, made this list. It's for his list.

And so the question is, why were you talking with Mr Hawatt and Mr Stavis on 2 February about all these different property sites?---Because they might be on his list to, they have an issue with them and he must include them, he must have a question about them or anything, I can't tell you what the issue. It's one, if any issues, should be clearly shown. I have no idea why he listed them to discuss it, if he have a request or anything. I don't remember what was the request because all this, all this here, it looks like sites. There must

be an issue with these sites, he wants to talk about it with us as a councillor or he has an issue and has problem. I can't tell you what was the problem.

So was it often the case that you would discuss with Mr Stavis problems that he took to you and Mr Hawatt about particular sites?---It could be problems. We are the council, as a director you want to inform the council what he wants to do. If we have a question or request - - -

10 But you and Mr Hawatt were not the council.---Yeah, but we are a part of the council and if, if anybody asks a request or a question, you must answer it but I have no idea what was the issue and what sort of problem would be to him to ask or requesting any advice from him.

Well, I can tell you that to the knowledge of the Commission, almost all of the sites identified in these two pages are sites which were the subject of applications before council or planning proposals, one or the other.---Yeah, it has to be they are.

20 So, all of them were part and parcel of Mr Stavis's work.---That's his job, yeah, his work.

He was discussing with you or you and Mr Hawatt were discussing with him, his work.---Discuss it, he discussing with us his job, his work.

Plainly, you were interfering in Mr Stavis work - - -?---No.

- - - when you had these meetings.---No.

30 And these two pages are illustrative, aren't they, of the type of thing that went on between you and Mr Hawatt on the one hand and Mr Stavis on the other, that you and he would talk about various applications and planning proposals that were part of Mr Stavis's work. Whether he brought the matter to you or you brought the matter to him.---He must be discussing it with us, yes.

40 It's as if you were, Mr Hawatt and you were the director of planning and he was an assistant director of planning and he wanted guidance or needed guidance or you thought he needed guidance on the work that he was doing.---No.

That was the nature of the relationship, wasn't it?---No. Not correct.

Would it be fair to say that if Mr Stavis brought a matter to a meeting that he was having between him and you and Mr Hawatt, it would be because he understood that that was an application or a planning proposal in which you and Mr Hawatt, one or the other of you, were interested?---Mr Buchanan, we have interest about all issues related to Canterbury Council, not about this. Our job to make things happen and these matters, all this, yeah, it must

be something about them. They have been there in the council for ages and ages and ages and must be Mr Stavis, when he got the job, he want to respond to request from early ages, what's going on with this proposal, what's happening for that and not direction, we never give, I don't give direction to Mr Stavis or any director how to do his job.

10 Did you give him an indication that some matters were taking too long to be processed?---We express our view from the first day, we have a lot of problems and that publicity and bad reports about Canterbury Council processing DAs and my request to Mr Stavis or any directors to go on and clear the deck and move on with all this problems and clear the deck and move on and make the process, like we don't, we don't want this bad publicity about Canterbury Council takes ages to process DAs, I want for Mr Stavis, only my direction to him to clear his deck and move on. Never give him direction how to do his job, that's what I can tell him as a councillor, move on, just clear the deck and let everybody take responsibility about his action. If any, any DAs we need decision on it, doesn't matter what the decision you can base, make a decision under your responsibility, refusal, courts, refer, just make a decision, clear the deck and
20 let people make their own decisions. That's my, my role and my advice to everyone, just do your job properly, move on. I don't give any direction because I'm not professional planner, I can't tell Mr Stavis how to do his job because I'm not planner, I'm a taxi-driver, if you ask me about direction on the road I give you because I know. I'm not a planner, I can't give anyone direction because I have no idea to tell him how to do his job, I don't know about planning, I'm not architect or a planner (not transcribable). I can't tell anyone how to do is job if I have no idea.

30 Thank you, Mr Azzi, I think you've made your point clear. What you tell us that if there was anything that you ensured that Mr Stavis knew it was that in respect of the applications and planning proposals that you discussed with him, it was necessary to move on quickly and move on more quickly. ---Just move on and clear the deck. I never tell him which way you have, you have to, I don't - - -

40 You don't think that was the general manager's job rather than a councillor's job?---It's a request of the council as well to the general manager and to everyone, it's our job and we are the people responsible to make sure and we are the one have to be accountable to the ratepayers to make sure the council running smoothly.

Mr Azzi, the evidence that Mr Stavis gave to the Commission about these two pages is that they were notes he made during the meeting that he had with you and Mr Hawatt, and that he made the notes in order to follow issues up afterwards. Do you understand what that means?---No, I don't understand.

What that means is, in Mr Stavis's mind the result of the meeting was that where he made a note about an application or a planning proposal, that was something that he had to do in his job after the meeting as a result of it being discussed by him with you and Mr Hawatt.---Mr Buchanan, I made myself clear. I told you what was my position and I never hide it. My position is I want Mr Stavis to clear the deck and do whatever he want to do, make decision, the way he will see it is right. That's it. It's my, it's my request to him and my advice.

10 You also made clear to him, didn't you, when you supported an application or a planning proposal?---What do you mean I supported?

Yes. That what you wanted to see as an outcome was approval.---No, I never direct him to approve or disapprove.

No, no, I'm asking you a different question now. You made clear in respect of particular planning proposals and development applications that you wanted to see an outcome which was favourable to the developer.

---Oh, no, no, sir, I never give him directions.

20

Now, after amalgamation – I withdraw that. I want to just talk, come back to the question of amalgamation as a political issue at Canterbury Council. Now, plainly it was a political issue at Canterbury Council, you've told us that it was. There were meetings, were there, at your house about how to deal with that political issue, firstly when it was a proposal, the proposal to amalgamate councils and how to deal with that, is that right?---The proposal?

Yes.---Yes.

30

And there were meetings at your house after amalgamation to deal with the consequences of the amalgamation which had occurred and your loss of your positions as councillors, Mr Montague's loss of his position as general manager. Is that right?---After, after amalgamation.

Yes.---Just, I don't remember this one, just if you have any – you can refresh my memory?

40

Well, Mr Montague has told us that he went to meetings at your house after amalgamation to talk about the consequences of amalgamation having occurred.---Well, it's going to be an unofficial meeting. I don't know if it's happened but Mr Montague, he visited me a few times after amalgamation but I have no idea. We, we talk about what's happened most of the time but it's - - -

With a view to achieving what?---Just discussing what's happened and just everybody review what's going on, we're being, like, if we did the right

thing or the government did the right, we've been discussing like, reviewing.

We've seen that as late as March, 30 March, 2016, you and Mr Hawatt were interested in Mr Montague retaining a position of influence at council when he was no longer general manager. What I want to ask you is, after amalgamation occurred and he was no longer general manager, were there discussions held at your place which considered amongst other things ways of trying to ensure Mr Montague retained influence at the amalgamated council?---How it could happen?

Well, that's what I'm asking. Were there discussions about how that could happen?---No way.

Different ways?---No, no, we didn't discuss how bring him back, no.

Were there discussions about how to keep Stavis in his position of director of planning?---No.

20 Were there discussion about whether Matthew Stewart would look favourably on Mr Stavis or whether Mr Stavis might be at risk of being made redundant?---I have no interest to discuss it, I didn't discuss it, I wasn't worried about it because I, I believe I knew the answer from what I seen yesterday from the transcript, I didn't discuss it with Mr Stewart as well about his position, I'm not interested, but maybe they been talk around just what's happened in the past, but we have no role, I didn't push for anyone to be anywhere.

30 Bechara Khouri took part, didn't he, in discussions held at your place after amalgamation about what to do as a result of amalgamation?---It's all too late, we've been talking about what happened in the past - - -

That's not the question I asked. I asked Mr Khouri was there taking part in these discussions at your place after amalgamation?---I don't remember if he's there, was once. He normally came over but - - -

40 Was there any discussion involving you and Mr Hawatt, whether it occurred at your place or not, about how to try to ensure that Mr Stavis remained a person who was in control of planning decisions at the amalgamated council?---No, sir, because, no, we don't discuss things can't be done.

Once Mr Montague was put in an inactive position, he was no longer general manager - - -?---Yes.

- - - Mr Stavis was the only person left at council that you could contact, wasn't he?---Mr Stavis still at the council, there were others, I don't remember how many, yes.

Did you contact Mr Stewart after amalgamation?---Yes.

What did you talk to Mr Stewart about?---I don't remember what I talk to him - - -

10 Why did you ring him after amalgamation?---(not transcribable) any issue or help from, to help with any issue with resident calling me, and because I said people keep calling me and they want a referral, they think still I'm a councillor, I'm still contacted with Mr Stewart because I told you I was on the advisory committee as well, and there's a reason, yes. I was still contacting Mr Stewart after amalgamation, a few times I contacted him, as a member of the, one of the committee and sometime I refer him and ask him about how, the way we can refer any people, any ratepayers calling me for help, which way I have to refer them, any contact, because everything was lost about Canterbury, and Canterbury they are lost and cannot go back to and who they're going to talk to.

Thank you. I note the time, Commissioner. Is this a convenient moment?

20 THE COMMISSIONER: We'll have a morning tea adjournment and resume at 5 to 12.00.

SHORT ADJOURNMENT

[11.43am]

30 MR BUCHANAN: Mr Azzi, can you think back, please, about Mr Demian. And what I want to ask you is, what were the circumstances of your first contact with Mr Demian?---I was, the first contact with Mr Demian was after he's got his approval, and I was interested about the design of his building, and (not transcribable) if we can do some changes and create some like, I did approach him if he'd be, if can be possible to have a laneway and change the design of his project.

Thank you. And when was that approach? It was after he got his approval for the design of the building at the Harrison site?---Yes.

40 Was that an approval for a six storey building or was it an approval for an addition to that building comprising two storeys? What sort of approval?---I think that, I don't remember which approval, but the first approval he got from, after, after it, I think when the JRPP - - -

Well, the first approval he got was on the - - -

THE COMMISSIONER: Sorry?---From the - - -

MR BUCHANAN: The JRPP, that's right.---The JRPP approved his site first.

That's right. And that was on 2 October, 2014.---I can't recall the date sir.

But it was after that that you had your first contact with him?---I believe so.

How long after that?---I don't know how long after this but, I can't remember but my first I think official contact with him it started from there, I believe, sir.

10 The evidence before the Commission shows that on 6 December, 2014, Mr Demian lodged an application for approval to add two storeys to the existing approved six storey development. When I say existing, the approval existed.---Yes. So?

That was on 16 December, 2014 and so I suppose my question is, was your first contact with Mr Demian before or after he had lodged his application with council for the approval to add two storeys to the Harrison site?---I don't remember when was that, but that's why I can't remember my first discussion with Mr Demian. My interest about his development was to
20 discuss the laneway.

And did he ever incorporate a laneway in that development or the plans for that development?---I don't understand the question - - -

Did you succeed in getting him to incorporate a laneway in the Harrison's development?---At first stage, yes, I agree.

Can you simply say yes or no? Did you succeed or not?---Succeed with what? No laneway, it didn't happen.
30

It didn't happen. Can I take, Commissioner, can I seek a variation of a non-publication order, the non-publication order is with respect of evidence given by the witness on 2 December, 2016 and I would seek the variation in respect of the evidence recorded in the transcript page 706, line 12 to page 707, line 47.

THE COMMISSIONER: 47, did you say?

MR BUCHANAN: Yes, the last line on that page.
40

THE COMMISSIONER: If you just excuse me for a minute. I vary the non-publication order made on 2 December, 2016 to exclude the evidence given by this witness which is recorded at the transcript of the examination commencing at page 706 line 12 and finishing at page 707 at line 47.

VARIATION OF SUPPRESSION ORDER: I VARY THE NON-PUBLICATION ORDER MADE ON 2 DECEMBER, 2016 TO

**EXCLUDE THE EVIDENCE GIVEN BY THIS WITNESS WHICH IS
RECORDED AT THE TRANSCRIPT OF THE EXAMINATION
COMMENCING AT PAGE 706 LINE 12 AND FINISHING AT PAGE
707 AT LINE 47**

MR BUCHANAN: Mr Azzi, I'm going to read to you from the transcript of evidence that you gave to the Commission on 2 December, 2016 if you could listen to my reading of it and I'll ask you some questions about it afterwards. Question. "Did you ever declare that you had a friendship with Mr Demian at council?" Answer. "It wasn't, I haven't got a friendship with him." Question. "You said he regularly came to your place as a friend." Answer. "This is before. Came later when things happened. He got, Mr Demian got his approval a year ago." Question. "So you didn't become friends with him until after he - - -" Answer. "No, look became friend but we didn't discuss any business outside the council." Question. "When did you become friends?" Answer. "Friends like not hundred per cent friends. We've been friends like in our way. Everybody who come and drink in your house, coffee, is a friend." Question. "And did you tell anybody at council that you had that relationship with Mr Demian?" Answer. "Jim know, and I ask him. It wasn't a conflict." Question. "You asked Mr Montague whether it was a conflict?" Answer. "Yeah, because I need to see him." Question. "When did you ask him that?" Answer. "Because what you said, because it's a friend or not." Question. "Yeah, when did you ask him, Mr Montague, whether it was a conflict?" Answer. "I can't remember when." Question. "Was it this year?" Answer. "Maybe, I don't know." Question. "Last year?" Answer. "I don't know." Question. "When did you become friends with Mr Demian? Was it this year?" Answer. "Yes." Question. "Were you also friends last year?" Answer. "Look the friendship, the friendship, what do you mean the friendship? Friendship like - - -" Question. "You were the one who used the word friend, Mr Azzi. That's why I'm using that word." Answer. "Yeah, well, friend, that's been in our community and our culture when you know someone you call him a friend. Doesn't mean a friend you're together every day." Question. "No, but - - -" Answer. "I have to specify on him." Question. "Yes?" Answer. "When I know someone and I say hello to him, he's a friend." Question. "Okay, well you did say that Mr Demian was coming to your house to have drinks with you?" Answer. "Yeah." Question. "Is that right? That's a little bit different from somebody you just met on the street?" Answer. "Yeah." Question. "So did you?" Answer. "He used to come to have a drink few times, not all the time." Question. "Doesn't matter what word we use." Answer. "Yeah." Question. "Did you ever tell anyone at council about that relationship you had with Mr Demian?" Answer. "Yes." Question. "Who did you tell?" Answer. "The general manager, no." Question. "Well, the general manager was also there, wasn't he?" Answer. "Yeah, he was there once." Question. "Did you ever make a declaration on the council record that you had a relationship with Mr Demian?" Answer. "No, because we didn't discuss

any matter in my house that related to council issue. Only once I discuss it when we reported it to the council, and we discuss it in the council. I couldn't do anything for him." Question. "How long has Mr Demian been coming to your house?" Answer. "How long in years?" Question. "Years." Answer. "No, no, how long in years, you mean?" Question. "How long in any period of time?" Answer. "Last year, I think, this year, this year." Question. "It's only this year?" Answer. "Yeah, I don't remember asking him. I don't know." Question. "No times last year?" Answer. "I can't remember. I don't know if he come last year or this year, but his visit only, not regular." Question. "Not regularly?" Answer. "No, not regular." Question. "How often?" Answer. "I said he's been a few times, that's all." Did you hear me read that evidence to you Mr Azzi?
---Yes.

Was it correct?---Look, what I said at this time could be somewhat incorrect. Yes, I don't remember the times, yeah. That's what I said.

THE COMMISSIONER: So, it is correct?---What I said there, he visited me but I can't recall how many times and the dates or, yeah, he visited but about, it's, I was but confused our friendship. Sometime, that's what I said, I expressed my view about friendship, our culture, I said, doesn't mean I know everything about him. It's, it's normal, like, professional friendship and that's what I meant about it.

MR BUCHANAN: Well, it was a bit more than a professional friendship, wasn't it?---No.

Mr Azzi, we heard evidence yesterday, I than it was exhibit 251, if we could show that on the screen. This is a transcript of a telephone conversation that you and Mr Hawatt had on 19 December, 2015.---Yes.

Where you were describing, on page 2, how people had come over to your place and had attended and left late. Do you remember that?---Yeah.

And you said on page 3, "Bloody pissed." Do you remember that?---But it been translated.

I'm sorry?---It's mean, I said in English or in Arabic?

In English.---Oh.

Do you remember that phone call and you saying that?---Yes.

And you told that to Mr Hawatt because it was true, didn't you?---Yeah.

And going back to page 2, the people you were talking about were Morris, Bechara, Charlie, Jim, weren't you?---Yes.

And Charlie was Charlie Demian?---Yes.

So, you were certainly very good friend with Mr Demian by December of 2015, weren't you?---No, not good friend. Friend, yeah, at time.

And that's more than a professional relationship, isn't it, what you described to Mr Hawatt there as being what Mr Demian ended up doing at your place on 18 December, 2015?---No. Not more than normal friend, professional.

10 Excuse me a moment. Can I take you please to Exhibit 123. As the heading shows, this is a set of call charge records for contact between Charbel Demian and Spiro Stavis, Michael Hawatt, Pierre Azzi, Jim Montague and Matt Daniels. Do you see that heading? The top of the screen.---Yes.

And if I can take you please to page 4. What this record shows is that looking at item 158, there was contact between you and Mr Demian on 6 June, 2015, with the line open between the two of you for 46 seconds at 8.43am, after which you sent him a text message, that's item 159. Do you see that?---Yes.

20

Can you assist us as to – I withdraw that. I can tell you that that is the first contact that is recorded here between you and Mr Demian. Can you assist us as to why you contacted Mr Demian on that occasion?---No, I, I can't remember why, what was the case. 2015. I can't remember why I called him.

And if we go over to page 5, we can see numerous contacts between you and Mr Demian, most of them initiated by you. In what's on the screen, you can see that you name has been highlighted in a sort of brownish colour.

30 ---Yes.

And you can see the patten that appears on that page of contacts usually initiated by you but sometimes with a response by Mr Demian to you. ---Yes.

Why were you contacting Mr Demian by phone and my text message in June and July of 2015?---I said I did contact Mr Demian, I was in discussion with him how we can provide, that's what my answers, about the laneway at his property, if he can provide that with a laneway and what, that's what I discussed with him.

40

THE COMMISSIONER: What - - -?---The laneway.

Whether he could provide a laneway?---Yes.

MR BUCHANAN: Can I ask you this, you remember the Harrison's site? ---Yes.

Did you ever see it?---Yes.

You remember on one side there was a car wash and on the other side of the Harrison's site, there was a carpet shop?---Yes.

Well, the carpet shop was at 570 Canterbury Road.---Yes.

10 And that, together with some houses next to it, was owned by Mr Demian and was the subject of a development application to build an identical building to the building he got permission to build on 548 Canterbury Road, namely the Harrison's site.--- Yes.

And do you remember that there were two sets of development applications and two sets of applications to build an extra two storeys on an approved six storey development in that area?---I don't remember what, what was going on and what, I don't remember what, how, how many levels he's got, what application he's providing.

20 Is it possible that if you spoke to Mr Demian about a laneway, providing a laneway, it was in respect of the carpet shop site at 570 Canterbury Road?
---I said to provide a lane - - -

And not the Harrison's site?---No, no. I discussed the Harrison's site, to see he can provide a laneway from one street to other street.

30 Did you ever discuss with Mr Demian, or did he discuss with you there properties in which he had an interest?---Oh, yeah. At the moment thought we discussed this and Mr Demian has few properties in the area but my main - - -

THE COMMISSIONER: But did he discuss those with you, those other properties?---No, not with me, like, not with me, like, personally, no, but he discuss it at the council with the, with the directors and he made inquiries, but my interest was about this site only with him.

MR BUCHANAN: You see, Mr Demian had a property at the corner of Punchbowl Road and Canterbury Road that is called 998 Punchbowl Road that was a service station.---Yeah.

40 Do you remember that?---Yes, I know that one.

Did you have discussions with Mr Demian about that site?---Oh, no, not specified on this site because this site's been, it's between him and the, the Gateway. I don't know. I never discuss it with him personally because I have no idea the response and I mention it's between him and the council and the director, they can solve it.

If I can ask that the witness be shown volume 11, page 222. This is part of the minutes of an extraordinary meeting that council held on 2 October, 2014, when the Residential Development Strategy planning proposal came back from public exhibition.---Yes.

Do you remember that happening?---Yes.

And this records that there was a recommendation as to what should be done, but that you and Councillor Hawatt moved an amendment.---Yes.

10

Do you see that? And it records, if I can ask you to look about the middle of the page, if you cast your eye down the list of properties there, in about the middle of the page, 998 Punchbowl Road.---Yes.

To rezone to R4 with a height of 15 metres and the FSR increased to 2.2:1. ---Yes.

And that was to change what was recommended to you by Mr Occhiuzzi in respect of that property.---Yes.

20

Why did you second that?---It was part of all the amendments and seconded it because it's recommended.

No, no, this isn't what was recommended, this is to change what was recommended. Do you see it's headed "Amendment?"---(No Audible Reply)

Just take it from me that this is to change what was recommended - - -? ---Yeah.

30

- - - in respect of each of those properties, to make a change to what was recommended.---Yes.

And so what I'm asking you about is, so far as concerns the site 998 Punchbowl Road, why did you move, why did you second Councillor Hawatt's motion to make that change?---It was a decision I made.

Yes. Why?---Because I believe should be changed.

40

Why did you believe it should be changed, sir?---Because it's my decision.

THE COMMISSIONER: That's not answering the question, Mr Azzi? ---Yeah, why I believe - - -

You're being asked why you thought that was a good idea.---Because, I can't tell you why, it's an amendment for, to many properties and they've been lodging amendment to be changed and they were discussed at the council and I made my decision at the time should be changed for the, for

the better because it have to change, like, said some of the circumstances are just, this date I don't know what the circumstances was, maybe some about the FSR or anything, and I seconded the motion because, I don't know what the circumstances of this day, why I seconded, it's 2014 and it's a decision I made, I believe it was right to change.

10 MR BUCHANAN: What the report that you were proposing an amendment to shows, this is page 175 in volume 11, is that the owner made a submission for the FSR, the floor space ratio to be changed from 1.8 to 2.2, and if we look at the motion of Mr Hawatt's that you seconded in respect of 998 Punchbowl Road, that FSR that was sought by the proponent is what you and Mr Hawatt proposed be adopted, 2.2.---Yes.

Why did you decide to adopt what the proponent recommended, sorry, what the proponent asked for?---It's not only him, it's a bunch of, I didn't know him before that time.

20 Well, that's my next question.---Yeah. I, I seconded because I believed should be changed.

Why did you think it should be changed to what the proponent, Mr Demian, was asking for?---I didn't know Mr Demian was asking, I didn't know him, I didn't change because of Mr Demian.

Did you ask Mr Hawatt about any of the details of that motion to amend the recommended report?---No, I don't remember what happened that day.

30 Did you simply agree to support anything Mr Hawatt put forward - - -?
---No.

- - - by way of changes to the planning proposal?---It wasn't me who agreed, it was all the, I think it was at this day, I didn't have any like, have to agree with Mr Hawatt or not on this day, it was like the council been, we have a decision been made during the caucus I think and the mayor was, and decision's been made to support this amendment.

40 Well, my question is, did you provide any of the details, were you the source of any of these numerals, the figures that are in those dot points that are on the screen in front of you?---Well, I don't understand, what do you mean, like?

Where did the material, 2.2:1, come from?---I don't remember where it's come from on this day.

Was it proposed by Mr Hawatt and you simply agreed?---It was in the, in the amendment in the business paper, yeah, seems I agreed, yeah.

Well, it wasn't in the business paper. What was in the business paper was what the proponents wanted and then you and Mr Hawatt moved an amendment to what was recommended. And my question to you is, where did the data that is contained in this very lengthy complex amendment come from? Where did the data as to what the changes should be come from?
---I don't know, I don't know where it's come from.

Did you provide any of it?---Me?

10 Yes.---No.

Well, that means, doesn't it, that you agreed to someone else suggesting that these changes be made?---I agreed what I see here.

Yes.---I didn't have any, nobody asked me to support it. I made my own decision.

20 Well, the question is, why did you decide to support it, if it wasn't because Mr Hawatt presented it to you and you agreed to support it because it was proposed by Mr Hawatt?---Mr Hawatt made his presentation at the council and I agree with his presentation, when he have to move an amendment, he have to explain himself why he's moving it at the time being and I seconded it and was supported other councillors as well.

Did you disagree or question any of the changes that he proposed?
---I don't remember I made any comment or I can't remember what I said at this time, if we, what's happened that day.

30 You seconded that motion simply because it was moved by Mr Hawatt and you were supporting what Mr Hawatt was doing, is that fair to say?---No, because we, I'm sure hundred per cent it's been discussed before with the mayor and caucus at that time, and they all agree about the changes, and we have to move on at the council to support it.

40 THE COMMISSIONER: Can I just ask you, when you say you're a hundred per cent sure that you discussed it with the mayor and the caucus, are you speaking about the ALP councillors?---Yeah, normally before each meeting we discuss, when we used to have a caucus we discuss all the business paper and we explained what was going on in it, and each councillor have to go out make his own decision. But - - -

But this discussion was, you're saying, was only with the mayor, who was Labor - - -?---Yeah, Labor.

- - - and the other Labor-aligned councillors?---Yeah, yeah.

MR BUCHANAN: And where was the, where had the proposed amendment that you were considering in the caucus come from?---Always

the, normally for each meeting everyone has to, to do something (not transcribable) any councillor, he has to do, normally distribute it to the rest.

So you would have had, would you, or Mayor Robson would have had - - - ?---Yes.

- - - a list of changes that Councillor Hawatt was proposing?---Yes.

10 And why did you think that the caucus should support it?---Well, we been asking for changes, and the changes have been (not transcribable), and I don't know the circumstances at that day, but the caucus weren't able to support this amendment, and I'm one of them, and, well, we moved on to support it.

Now, that amendment was passed, you recall that? And it became the motion and then the motion was passed.---Well, I don't know what the, if it's passed, yes or no. Maybe. (not transcribable) I don't know (not transcribable) - - -

20 Well, take it from me that it was, and that was a planning proposal that was in respect of many properties.---Yeah.

All of those listed there. What I can tell you happened after that is that the property 998 Punchbowl Road, Punchbowl was separated off from the big planning proposal and became a planning proposal on its own.---I have no idea what's happened.

30 Well, my question to you is, did you have discussions with Mr Demian about that site and what he wanted to achieve there?---Not at this time, sir, no.

Did you at any later time?---No, I said, I never, I didn't knew Mr Demian on this time when he proposed for the changes. I didn't know him.

Did you have any discussions with Mr Hawatt about that site or what Mr Demian wanted to achieve there?---We didn't discuss, I didn't know Demian, neither him or me discussing this one separately. I didn't know.

40 I understand you say that. What I'm asking you now is a different question. I'll ask it, change my question.---Yeah.

Did you have any discussions with Mr Hawatt or Mr Montague about that site, 998 Punchbowl Road?---Not at this time.

Did you at a later time?---I don't remember if it been discussed at the council. I don't, I don't know.

Was this a site in which you were interested, 998 Punchbowl Road?---No, I have no interest in that site.

Could we see Exhibit 210 again, please. Do you see in front of you the handwritten notes made by Mr Stavis that you saw earlier this morning, dated 1 February, 2016, in respect of a meeting that he had with you and Mr Hawatt?

10 THE COMMISSIONER: I think it was on the 2nd.

MR BUCHANAN: Maybe. I apologise. The 2nd. Thank you, Commissioner. If we can go to page 13 of that exhibit. Can you see that at the top of that page Mr Stavis wrote "998 Punchbowl Road"?---Yeah.

And Mr Stavis tells us that these all were properties or applications in which you and Mr Hawatt were interested and wanted to discuss with him. My question to you is - - -?---Yes.

20 - - - you obviously were interested in 998 Punchbowl Road at least by 2 February, 2016, weren't you?---No. In this one I said, I made myself clear I'm interested about Mr Spiro Stavis to clear the deck, and if he had any issues, he should write it with the applicant and make decision about it.

Yes, and why - - -?---Clear the deck.

- - - why did you or Mr Hawatt or both of you raise 998 Punchbowl Road with him?---It's been, it's been raised with him, with Mr Stavis, not with us. Mr Stavis had an issue with it, not me.

30 And are you saying Mr Stavis brought it up with you because he sought your guidance?---Mr Stavis always, when he started he always call me, ask advice, and he was writing - - -

Ask advice as to what he should do, how he should do his job?---No, no. Advice, politically advise if, my advice was (not transcribable) when he ask a question, he had issues with all his problem, and I said, "My advice to you, do your job and don't worry about the consequences. Do what you can and clear the deck." That's it.

40 Did you say a moment ago that he sought your political advice?---Yeah, political advice as a politician.

As to what sort of - - -?---My position.

- - - matter or aspect?---Mr Buchanan, Mr Stavis asked as a councillor my political advice to him as a councillor.

Yes. What sort of thing? Can you give us an illustration?---Let me finish, please.

No, I'm asking you to answer my question.

MR PULLINGER: Well, with respect, he's - - -

THE COMMISSIONER: No, no, look - - -

10 THE WITNESS: I'm, I'm, I've explained - - -

THE COMMISSIONER: Can you just stop for a minute. You've given an answer that you provided political advice to Mr Stavis.---As, as a politician.

As a politician. And Mr Buchanan, I'm interested in this, Mr Buchanan has asked you now, and I want you to answer this, an example of when Mr Stavis asked you such a question and your advice.---Yeah. My advice to Mr Stavis as a councillor. He always (not transcribable) from political reaction. My advice to him, I said to Mr Stavis, "Do your job properly under the
20 codes and don't worry about anything else. Do your job and don't listen to anybody else." That's it. That's my advice to him as a councillor politically. And don't be frightened from any reaction from the council or from the management, if anybody going to, like (not transcribable) - - -

MR BUCHANAN: Yes, I think we understand. Thank you. Mr Stavis must have learnt very early in the piece, when he sought your political advice about an application, that you were not going to give him any and that he was just to do his job. So the question is, why did you and he keep on having meetings? Why did you and he keep on having many, many,
30 many lengthy contacts about applications and proposals?---Mr Buchanan, I'm a very active councillor. If somebody call me and request an advice or question, if this related to Mr Spiro's professional job, I have to ask Mr Stavis to answer (not transcribable) the caller and the request. I always ask Mr Spiro Stavis if anybody refer, I want to ask him advice to reply to the request.

Thank you very much. Now, 998 Punchbowl Road is in 2016 it's, sorry, this meeting on 2 February, 2016 is a fair while after the party that had been at your place where everyone had left late on 18 December, 2015. Do you
40 think it's possible that you and/or Mr Hawatt raised with Mr Stavis at the meeting on 2 March, 2016 998 Punchbowl Road yourselves?---I don't remember what, what we discuss in that meeting, what is the issue.

And that you raised it with him because Mr Demian was your friend and you wanted to help him with the matters he had before council?---No, it's not, it's not right, sir.

Can you give us any other explanation as to why 998 Punchbowl Road appears there in that minute as it were that Mr Stavis took of the meeting with you on 2 February, 2016?---I have no idea. It was an issue in this one but I don't know what he wants from (not transcribable). I don't remember what, it's an issue between him and it's been in the council for two or three years, and I don't know what's the problem with it. I have no idea.

10 Excuse me a moment. Can I take you, please, to an email in volume 12, page 279 to 280. Do you see that it's from Ms Dawson, Ms Gillian Dawson, you knew who she was. That's right, isn't it?---Yes.

She wrote this email on 22 June, 2015 to Mr Stavis saying, "Spiro, the attached map" – I do apologise, I'll start the question again. You can see that the topic, the subject is "Map – 998 Punchbowl Road land acquisition". Do you see that?---Yes.

20 And Ms Dawson said that the map that she attached to that email showed the land to be acquired by the RMS for road widening in the vicinity of 998 Punchbowl Road and over the page at page 280 there was a map headed Road Widening Canterbury Road. Land to be Acquired by RMS. And in yellow, the oblong in yellow is the service station site on the corner of Punchbowl Road and Canterbury Road. Do you see that?---Yes.

If I can take you then to page 281, please. Do you see that on the same day very shortly after Ms Dawson sent that to Spiro Stavis, Spiro Stavis sent it to you?---Yeah.

30 That's page 281 and then the map again on page 282 and Mr Stavis said, "Dear Pierre, please see below and attached as discussed." Do you see that?---Yes.

So what was the discussion you had had with Spiro Stavis to which Mr Stavis was referring in that email?---I can't remember what, what I discuss. I, I couldn't remember what I discuss with him about this one but it's a RMS problem.

Well, we can see, can't we, that the discussion was before 5.41pm on 22 June, 2015?---Yes.

40 So that's at a time I can inform you when a problem had arisen for Mr Demian in the planning proposal to change the planning controls for that site and the problem was that there wasn't as much land for him to develop as he had thought because those who advised him had failed to take account of plans by the RMS to take some of that land away off the site and use it to widen the corner of Punchbowl Road and Canterbury Road. You understand?---Yes.

So did Mr Demian approach you and talk to you about having been told that council had discovered or that someone had discovered that there wasn't as much land for him to use for development as he had thought and he was trying to find out the reasons why?---I don't understand. What do you mean by this, what do you say?

10 Well, the question is why did you have a discussion with Spiro Stavis that he refers to in that email of 22 June at 5.41pm?---I can't remember what, what the issue about this until I've seen this. It must be some, he raise the question and I ask for this information.

Yes, you say you can't remember. All right.---I can't remember.

20 But you do know about the nature of the relationship you had with Mr Demian, you do know about the nature of the relationship you had with Mr Stavis and is it possible that you had had some discussion with Mr Demian about a problem for him, Mr Demian, in losing some of the land he had hoped to develop and you were trying to understand what he was talking about or trying to find out what it was all about?---I don't remember what I say. I did understand something - - -

I understand you say that. I don't want to hear you say that again. I want the answer to the question.

MR PULLINGER: Well, I object. I object.

30 MR BUCHANAN: I want to my question, not a question do you remember. Is it possible having regard to the nature of the relationship you had with Demian and the nature of the relationship you had with Stavis that there had been some contact between you and Demian in which Demian had spoken to you about learning that he didn't have as much land to develop on that site as he had thought?---No, I don't, I don't remember I discuss this with Mr Demian.

You don't want to answer the question, do you?---Well, sir, if I know the answer I will answer it.

40 Well, you see if you do answer the question that yes, it is possible that I had such a discussion with Mr Demian then what it suggests is that the evidence you've previously given about your interest in this property and contact with Mr Demian in relation to this property is wrong. Do you understand that?
---No.

The evidence that you have given about your interest in the property or lack of it and your lack of contact with Mr Demian about the property is plainly wrong, isn't it?---No.

How otherwise can you explain that email of 22 June, 2015 by Mr Stavis to you?: Have you got any other explanation other than that the evidence you've been giving us about your lack of interest in the property and your lack of contact with Mr Demian is wrong? You must have had some contact.---No, I can give you an answer. I can answer this question. It could be, I don't know. I, I have no idea what we discuss about this because
- - -

10 What was your interest in the property?---I have no interest, sir, in the property.

Surely your interest was Mr Demian was the development proponent.---No. My interest - - -

Why would that not be an explanation?---Mr Buchanan, it's my interest as a councillor to look after everyone in Canterbury.

20 That's not an answer to my question. What I'm asking you is you know that this was a property that Mr Demian was trying to develop. You know that you had spoken to Mr Stavis about this and I've told you that this was a problem for Mr Demian in developing that property. Why can't you tell us that your interest in the property was because Mr Demian had spoken to you about it? What other possible reason could there be?---It's nothing. He never talked to me. I never did anything to Mr Demian (not transcribable) -
- -

Can you give us any other explanation though for that email?---No.

30 I'm going to move onto another event in relation to the same property. It will take a little bit of time to develop.

THE COMMISSIONER: We have a two minute early break. All right. We'll adjourn for lunch but if we can recommence at 2.00pm.

LUNCHEON ADJOURNMENT

[1.01pm]