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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 2.00PM

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THE COMMISSIONER: Mr Pullinger.

MR PULLINGER: Just before we resume, Commissioner, it's a matter I'd like to raise. Just before the break there was a time when Counsel Assisting appeared to admonish the witness by saying words to the effect that "I don't want to hear that answer again." Now, my submission is that if it becomes
10 necessary to give either a direction or to admonish the witness, then that should come from you at the request of Counsel Assisting or otherwise as you see fit, but in my submission it's not appropriate for Counsel Assisting to do that. Thank you.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Well, Commissioner, in one sense, of course, my friend is absolutely right. It's the role of the Commissioner, if need arises, for
20 admonishment to be administered, but on the other hand I do play a role in trying to ensure that we finish this inquiry within a reasonable amount of time, and when a witness is continually providing evidence which is simply incredible and contradicted by what the witness himself has said on other places or on other occasions, then I do think – with the greatest respect to my friend – that I do have a role in trying to ensure that the witness understands that his evidence is not accepted and we seek to have truthful
30 evidence given by the witness rather than a repetition of that which is not an answer to the question. In that particular instance, I was asking whether something was possible, having regard to what he knew was the relationship between him and Stavis and him and Demian, and for the witness to say I don't remember is not an answer to the question. The question was whether something was possible.

THE COMMISSIONER: Mr Pullinger, my interpretation of that comment by Mr Buchanan was frustration that there have been many occasions where a question has been asked, as Mr Buchanan's just described, where Mr Azzi does not respond to the question. I think if we proceed now but if Mr Azzi can remember that you are to listen to the question and answer the question, and often a response of "I don't remember, I don't recall" actually isn't
40 responding to the particular question that Mr Buchanan has asked.

MR PULLINGER: It should perhaps be noted that quite obviously English is not this witness's language.

THE COMMISSIONER: Oh, yes.

MR PULLINGER: Thank you, Commissioner.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Thank you, Commissioner. Did you ever attend a meeting that Mr Demian had with Mr Montague?---At the council?

Yes.---I don't remember. I don't think so.

Was there a time when you and Mr Hawatt attended a meeting that Mr Demian had with Mr Montague about a property, namely 998 Punchbowl Road, the service station property?---Yeah. I can't, I'm sorry - - -

10

No, no. This time I'm asking you whether it happened. If you say you don't remember that is a permissible answer, so long as it is true.---I'm sorry, Mr Buchanan, believe me, I don't remember.

Was there a meeting that you and Mr Hawatt attended in about 9 November, 2015, in Mr Montague's office with Mr Demian to talk with him and Mr Stavis about 998 Punchbowl Road?---Well, if it's happened but it could be happened, happened but I can't remember. It it's happened, it's happened but I can't remember all these meetings.

20

If I could show the witness, please, Exhibit 52, volume 13, page 199. Now in this hearing, we're all familiar with this document but you might not be. But having listened to Mr Demian, having listened to Mr Montague, having listened to Mr Stavis, it would appear, I can inform you, that this is a piece of paper with that writing on it, or that the writing got on it during the meeting, which was handed around, which was the focus of a meeting that took place in Mr Montague's office, apparently on 9 November, 2015, between Mr Demian and Mr Montague and Mr Stavis with you and Mr Hawatt sitting there in the room, present.---We were there?

30

Yes.---Well, yes. If, if it's been recorded I have been, like, I was there, I was there. I can't say no but I can't remember.

Well, I'll just take you a little further if I can. Can you see that the shape of the grey rectangle is similar to the shape of the service station site at 998 Punchbowl Road in the plans that I showed you earlier?---Yes.

And what I want to suggest to you – I withdraw that. Can I draw your attention to the writing at the bottom right-hand corner, "FSR 2.8."---Yes.

40

Do you remember a meeting – I withdraw that, I withdraw that. You know how in October 2014 when you seconded a motion of Mr Hawatt's to amend the recommended planning proposal that would go forward to the department and in respect of 998 Punchbowl Road it said FSR to be 2.2:1? ---Yes.

Now, I told you that that was sought, asked for, by Mr Demian and that it was not recommended by Mr Occhiuzzi but that Mr Hawatt and you moved

an amendment to have that FSR as part of the planning proposal that went forward in respect of that property.---Yes.

And that amendment was approved.---Yes.

10 And what the Commission has been told is that later in late October 2015, Mr Demian applied for the FSR to be increased even further, this time to 2.8:1. So I'll just ask you to assume that on a date which happens to be 26 October, remember I've been asking you about 9 November, so reasonably shortly before 9 November, on 26 October, 2015, Mr Demian's design company wrote to council saying, we would like an increase in the FSR for that site, please, of 2.8:1. And the evidence that's before us is that, before the Commission, I should say, is that on a date which appears to have been 9 November, 2015, there was this meeting at which Mr Demian was promoting or proposing or asking for an increased FSR of 2.8:1.---Yes.

And you can see that on this piece of paper that's the FSR that's written. ---Yes.

20 And so the issue at this meeting appears to have been should that request be granted, how could it be achieved, what would be the effect of it being achieved. That would appear to be the evidence before the Commission or the effect of the evidence before the Commission at the moment.---Of the meeting.

Yes.---Yeah.

Correct.---Yeah.

30 And you know what FSR is, don't you, floor space ratio?---Yeah, floor space ratio.

And it means you increase the density of a development.---Yeah.

Do you remember being present at such a meeting?---I told you before I don't remember that meeting but - - -

40 But I've given you a whole lot more information.---Yeah. I'm sorry, sir, you asked me if I, believe me, I don't remember I was in this meeting but my memory is always like this, but if I was there, I was there.

Okay. Now, there's evidence that's been given that speaking of this piece of paper, Mr Montague said to Mr Stavis, "Go away and have a look at it." Or words to that effect. There's evidence that's been given that speaking of this piece of paper, Mr Montague said to Mr Stavis, "Look, we have to find a solution to this."---Yes.

There's evidence that's been given that Mr Demian and Mr Stavis both wrote on this piece of paper the writing that appears there, that Mr Stavis wrote some of these things too, particularly the writing on the bottom left-hand side and that he did that at this meeting in front of you and Mr Hawatt.---Yeah, all right.

Does any of that ring a bell with you?---It's nothing but because, sir, I don't ring a bell because I don't involve. I - - -

10 Well, that's the question I, that's the reason I'm - - -?---Yeah, I'm sorry. I'm sorry. I'm sorry.

- - - I'm raising all of this.---I can't, yeah, I told you, believe me I can't remember about this meeting but what I can say if I was there I was there.

Yes.---But what you've been talking about, what they've been writing here, I don't remember anything of it because I didn't involve in it. I don't know.

20 Well - - -?---I can, I was at, my attendance was there just to witness but I never get involved with how to design or how to work or how to do this. I have no idea. I can, I can try but I don't understand anything about planning.

Why would you have been there just to witness?---If, possibly I have been asked by the general manager to attend this meeting.

30 Is it possible that Mr Demian asked you to attend?---Mr Demian has no right to ask me to attend. The general manager he must ask me. I don't remember Mr Demian ask me to present, to present there for the meeting.

Did Mr Hawatt ask you to attend?---I don't remember. There must be, there must be, in the office of the general manager it must come from the GM.

40 Why would anyone have asked you to attend? Why would any of those three people have wanted you to be there to witness it as you understand your involvement in these sorts of matters, understanding your relationship with these people as at late 2015?---Well, I'm a councillor. I have a request to attend the meeting because I'm an active councillor. I'm, I follow every footstep for everything about the design and the properties and they want me to be there to witness what's going on but I don't get involved with the design with these things. I can't, I don't understand it.

THE COMMISSIONER: I don't understand what you've got to witness. ---Like, when they have a meeting, I'm a councillor. Always you have to sit in the, what I do understand, ma'am, from the code of conduct, when you have to meet, what I've been told, if you want to meet with developers with anybody outside you need a witness to be with you. Like, that's what I

understand. You can't be alone or, somebody has to be with you. The general manager has to be attending, other councillors. That's the law.

But at this meeting Mr Montague and Mr Stavis were attending.---Yes.

They would be the witnesses. Why did you need to be there as a witness?
---The GM, the GM ask and call if I could attend I could attend. He must, he must, if the meeting is going to be in the general manager and he's organising the meeting he must ask. We can't - - -

10

Yes, I understand that but I still don't understand, it's not like Mr Montague is meeting Mr Demian by himself and thought gee, I need a witness. I'll call Mr Azzi. Mr Montague is there and Mr Stavis is there being witnesses - - -?---It could be - - -

MR ANDRONOS: Commissioner, can I - - -

THE COMMISSIONER: Oh, I'm sorry.

20

MR ANDRONOS: Can I be heard on this line of questioning. Commissioner, this whole line of questioning has proceeded on the assumption that there has been in effect unanimity amongst other witnesses that Mr Azzi was present at the meeting. Mr Montague's account is that he was not. So far as I can tell and I've been trying to find in my notes what Mr Demian's account was but I think Mr Demian's account is also that he was not. Mr Stavis's account is that he was. The assumption inherent in this line of questioning is, and it's plain from the nature of the witness's answers when he says if I was there I was there, that's been treated as if it was a matter of incontestable fact and it's not. It's a live issue and now the proceeding, now the question is, questioning, sorry, is proceeding one step further to say well, you were there. Why were you there. And it hasn't been established that he was there in the first place and these are in effect hypothetical questions and I agree with the premises of your questioning, Commissioner, it would make no sense and that perhaps is the answer to all of this. But perhaps it ought be made clear to the witness who is answering questions on the basis that there is an incontestable factual proposition that he was present at the meeting is in fact in my submission a live issue in this proceeding.

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MR BUCHANAN: I'll take on board what my friend says, and if I may, reframe my question.

THE COMMISSIONER: All right. Thanks, Mr Buchanan.

MR PULLINGER: I'm indebted to my friend. Thank you, Commissioner.

MR BUCHANAN: Did you ever attend meetings at which the general manager and Mr Demian were present?---I can't say that I can't tell you

again, I can't remember I arranged for one of these meetings. I can't remember. I said could be possible, could be not, but I have no record of it in my brain.

Sorry, when you said, "I arranged for one of these meetings," are you saying you did, you do remember arranging for one such meeting?---I didn't say that.

10 No, rightio, I misunderstood.---I'm sorry, I said if I didn't arrange, record any of these meetings in the books I can't remember it, I didn't, I didn't arrange to be a meeting between me and Mr Demian and Mr Montague at the council, I can't remember, and I can't remember if I been at any of these meetings.

Did you ever arrange a meeting for Mr Demian at council?---Was my (not transcribable) or I did arrange?

20 Did you ever arrange for it, did you ever ring Mr Montague and say, Mr Demian would like to have a meeting with you, or I would like you to have a meeting with Mr Demian, did you ever arrange?---No, I never arrange one, I don't remember I did that.

Did Mr Hawatt to your knowledge ever arrange a meeting between Demian and Montague?---I, I don't know.

Mr Hawatt never told you that he wanted you to come along to a meeting between Montague and Demian?---No, I don't remember he said that.

30 Did you ever act in a way which was to be present at a meeting at council in order to give Mr Demian support for what he was seeking?---I don't understand the question.

Yeah, sure. Did you ever attend a meeting at council where Mr Demian was present?---I don't remember, no (not transcribable)

Did you ever attend a meeting at council at which any developer was present, other than a full meeting of council or the CDC?---Yes.

40 What such meeting did you attend?---With other people, with just, I was meeting with Spiro and another developer.

Who was that?---Jimmy Maroun.

Did you organise that meeting?---Ah, no.

Who organised that?---Michael.

Michael Hawatt. And was he at that meeting too?---No.

And do you know why that meeting was held?---Why it was held?

Why was the meeting held, what was the purpose of the meeting as you understood it?---About the, his section 96, the one we're discussing yesterday.

For Mr Maroun. Is that right?---Yes.

10 And what was the purpose of you being at that meeting?---It's, Mr Hawatt arranged this meeting for to discuss with Mr, with Spiro to have, to discuss the car wash section 96 and he asked me if I can attend the meeting later because Mr Hawatt is going overseas, he can't be at this meeting, can't go and be there.

20 What was the purpose of you or Mr Hawatt being at any such meeting?
---Mr Maroun complain to Mr Hawatt about the section 96 hasn't been processed and suddenly I was at the council and Mr Hawatt asked me if it possible to ask Spiro why this section 96 hasn't been processed and in three months the applicant never heard anything. Mr Stavis told me what you hear in the transcript about the applicant is not providing him with more information, and when we replied to the applicant, I said, he said, no, we did, that mean Mr Maroun said to Mr Hawatt he did provide the information but the council not processing the DA, the section 96. At this time Mr Hawatt told me he is going to arrange, he arranging meeting between him and his architect, I believe. But what he said to me, to attend a meeting with Spiro to clarify who's, who's lying and who's not lying, like, to find the truth about it. When the date's been set up, it happening to Mr Hawatt, he said he's going overseas and he asked me if it was possible to attend this meeting instead of me.

30 Why did either of you need to be there, though?---Because we need to be, because there are, there are, Mr Maroun is saying he admitted be, like, he deliver and he gave the council all the document they need and Mr Stavis said they don't and we, being the councillor, we have to find out the truth.

Why?---Because we are, he, he request, he complain to Mr Hawatt, he complained and as councillor - - -

40 Why isn't that a matter for the general manager? Why did you or Mr Hawatt have to be involved in that?---Well, we are councillor, he called Mr Hawatt to complain.

That doesn't mean that you do whatever a developer asks, does it?---No, he's not asking me to do things for him. We have to find out the truth, as a councillor, we have to report and to have respond to the, any complaint that came in. Doesn't matter if a developer or is a resident of Canterbury. If he

made the complain to us, we have to answer the complaint and look what's happened.

Thank you.---It's the meeting I met with developer there.

Can I take you please to volume 14, page 182 in Exhibit 52. This is the first page of part of the business papers for a meeting of council on 17 March, 2016, with a report about the planning proposal for 998 Punchbowl Road. Can you see that at the top of the page?---Yes.

10

And the director of planning has given a summary of his report. You can see that in dot point form. And just so that you can understand for the purpose of my next question, the recommendation as recorded in the summary was that the scheme, as amended, that is to say instead of it being 2.2, the FSR would be 2.8. The second last dot point, Mr Stavis said, "The amended scheme has been assessed by our external urban design consultant who has recommended approval of this amended scheme from an urban design perspective." And then he says, "It is recommended that it be referred for Gateway Determination for the site to be rezoned with, amongst other things, the FSR being at 2.8:1." Do you see that?---Yes.

20

Can I take you then please to page 197 in the same volume. Can I ask you to just have a look at the bottom of that page, it is part of the minutes of the meeting of council held on 17 March.---Yeah.

It's a resolution in relation to 998 Punchbowl Road, moved Hawatt, seconded you and it starts off by saying that the alternative proposal option contained in the urban design report be adopted, and secondly the current planning proposal for the site at 998 Punchbowl Road, Punchbowl, to change the proposed development standards to a maximum building height of 25 metres and maximum floor space ratio of 2.8:1 be amended. Do you see that?---Yes.

30

Adopted, does it? No, I think it's amended. Now, there's no record here that you declared a conflict of interest or a non-pecuniary interest by reason of your friendship with Mr Demian. Is that because you didn't declare such an interest?---Why I should declare?

Well, you were a friend of Mr Demian's, weren't you?---A professional friend.

40

You were certainly a friend of his by 17 March, 2016, weren't you?---I said it's a professional friend.

And the professional nature, the professional character of the friendship was to do with his development, progressing his proposal for the change to the planning controls of that site.---No, that's not correct.

You I suggest had been an advocate for Mr Demian in respect of his proposal.---No, I'm not.

And you didn't declare that, did you?---What, advocate?

Yes, that you were an advocate.---I'm not.

10 And Mr Demian and Mr Stavis had discussed Mr Demian's projects at your house?---Mr Stavis and Mr Demian I mentioned Mr Stavis (not transcribable) to discuss, yeah, once, yeah, the proposal, the, what do you call it, the Harrison site laneway.

And the object of the conversations that you had Stavis in there at your house to talk to Demian about was to find solutions to Demian's issues with his planning proposals, with his applications in respect of his properties. ---No, I never discuss this with him and Spiro.

20 Well, you invited Spiro to be there.---I asked Spiro to arrange a meeting but because I'm can't be happening on during daytime, he said he will be happy to meet anytime when he's free and we arrange this meeting to meet at my office.

But he'd been there during one of your occasions of hospitality when a number of people were there, including Mr Demian, hadn't he?---I said I can't remember if he was there, I can remember one night, one night Mr Montague spoke with him on the phone. I have no idea if he attend, he came in, or he discuss it on the phone when Mr Demian was there.

30 Can I just take you to the Harrison's property now. I just want to give you a couple of dates to assist you so that you understand where everything sits chronologically. On 26 November, 2014, Mr Demian's company lodged a section 96 application to modify the consent for the development of Harrison's. It sought additional car parking for extra units. On 16 December, 2014, he lodged a development application for two additional storeys, which would mean there would be these additional units which would need car parking. You understand?---Yeah.

40 So the DA itself for the additional two storeys was lodged on 16 December, 2014. Now, on 3 December, 2015, so almost a year later, council resolved, amongst other things, that the general manager be authorised to issue the consent for the section 96 application and the DA for the additional two storeys once concurrence had been received from the RMS because there was a questioning about standing, a referral to RMS at that stage. ---Yes.

Do you recall, generally speaking, that was the outcome of those two applications?---Could be, yes, must, yeah, it was.

Did you have any contact with Mr Demian about his DA to add two storeys to the already approved six-storey development at the Harrison's site?---No, I never discuss except I was interested about the laneway. That's the discussion I had with him about his site. I never discuss or make any approach or anything. My interest was about his site.

Did you have a discussion with Mr Demian about any of his properties whilst you were a councillor?---Not a private discussion, no.

10 And you only had a professional relationship or a professional friendship with Mr Demian. It concerned his business before council.---He was inquiring once in the presence of the general manager, but it's not only, it's not to me. He mentioned one of the many things about his property, but he's been asking the GM about it, not me.

Well, can I ask that we have a look again, please, at the call charge records, Exhibit 123, starting at page 5. They appear as brown on the screen, Mr Demian, I do apologise, Mr Azzi.---Ah - - -

20 That is to say your contacts with Mr Demian, starting in June 2015. And you can see that there's quite a few calls or attempted calls or SMS messages just on that page, page 5.---Yeah.

We go through to page 6 if we could, please. And you see there's contacts by you with Mr Demian in July 2015, and on 1 August, 2015. Mr Demian contacts you on 8 August, 2015. And although, for example, on 1 August, 2015 – that's to say the ones commencing item 245 – some of them are just no contact, the line's not open at all, but there is subsequent contact. If we go through to page 7, now we're in August-September 2015. You can see that you were contacting Mr Demian in September 2015, then in October 2015. Mr Demian was contacting you from item 308 down the page. Page 8. There from the top of that page, item 317, this is in November 2015, there's a series of contacts between you and Mr Demian. Some of them, a couple of them initiated by you, most of them initiated by Mr Demian, going through then to January 2016. So we've reached the stage where, just confining ourselves to the Harrison's site, the DA has been lodged and the section 96 application had been lodged for the extra two storeys on the Harrison's site. I'm looking at item 337, you contact Mr Demian and then you send him, on 2 March, a text, then he contacts you and you have a telephone conversation. Item 344, in March 2016 through to April 2016, there's a series of contacts Mr Demian makes to you. Do you see this?--- Yes.

We're not even halfway through the year yet and there are all these contacts.---Most of the contacts, Mr Buchanan, he have to call 10 times to reach me or to reach Mr Demian, to contact one of us, to have, to make a phone call.

And what's the one contact about?---Well, I said it must be enquiry about his process and his progress to provide what he wants it to provide. That's my interest about Mr Demian.

So Mr Demian was asking you to do things for him in relation to his business before council?---No. I want him to do something.

Well, how do you explain his contacts to you?---He is maybe replying because he can't get in touch with me on, on one occasion.

10

Page 10, there's more contacts with you, initiated by Mr Demian, item 410 and following, down to 414 and then 10 June, 2016, contact initiated by Mr Demian. Item 425 and following.---Yeah.

We get down then to October 2016, and on 19 October, 2016, this is item 439, Mr Demian calls you and the line is open for 3 minutes and 37 seconds. What is there for him to talk to you about on your account of your dealings with him? Nothing. So why is he talking to you for 3 minutes and 37 seconds in October, 2016?---2016. It's, I wasn't in the council anymore. I don't know what he calls for.

20

But he continues to call you, doesn't he?---Well, yeah.

As you can see on page 10, through November 2016.---Yes.

What was the cause or reason or need for Mr Demian to be contacting you, given that the friendship that you had with him was confined to professional matters?---Yeah, but all these, all these calls made from Mr Demian to me, it only seems that once he spoke to me.

30

I'm sorry, it's only?---Once. I don't know what this, only once, all his 10 calls in the 2016 - - -

But why was he trying so hard to contact you?---I have no idea. I mean, I can't tell, I don't know.

Now, going back to 2015. Excuse me a moment. The resolution of his DA to add two storeys and the accompanying section 96 application was on 3 December, 2015. There is a series of contacts that you have with Mr Demian on page 8. In November, going back to page 7, 2015, was there any contact that he was having with you or you with him about his section 96 application and DA to add two storeys to the Harrison's site?---All, all my interest, what I said before, I don't know, I didn't involve in any, I have no idea, I didn't involve with any of his planning proposal, you know like, his request to the council except to provide a laneway and that's the only matter I involved in this situation. Just provide a laneway, to discuss, that's the laneway, if this include, involve, like, section 96, the laneway involve in it,

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it could be involved. That's what my interest is in Mr Demian providing, not other things.

10 Mr Stavis has told the Commission, page 5705 of the transcript, that there was a meeting or meetings that he was called to at your house where Mr Demian was present, that they weren't Friday evening meetings, they were very short meetings and that Mr Demian discussed the Harrison's site with him there, with you there, and sometimes Mr Hawatt there.---What I remember, sir, I told you. Mr Stavis was at my house when I arranged this meeting with Mr Demian. The second one I can't remember but I can remember Mr Montague gave him a call. I have no idea he attend that night, and the second one, what I did find out he is having coffee, I didn't remember he was there, and that's all I can remember. That's what I know. But to be a few times at my place, I don't think so with Mr Demian. There's no reason.

Excuse me a moment.

20 Sorry, I think I might have given the wrong transcript reference. I understand it's 3422.

Mr Stavis told the Commission that he would explain his concerns at these meetings with Mr Demian about the Harrison's site and the 998 Punchbowl Road site, and that you and Mr Hawatt on those occasions, the approach that you took with Mr Stavis was, why are you giving these guys a hard time. ---No, that's not right.

30 And Mr Stavis told the Commission that he understood from what was being said by you or Mr Hawatt on those occasions was that he should back down, he, Mr Stavis, should back down.---It's not correct.

Excuse me a moment.

40 I'll show you the text message, volume 20, page 260. It's a very short text message that I'd like to show you that was extracted from Mr Hawatt's phone, and it's to Mr Demian, in other words, from Mr Hawatt to Mr Demian on 7 August, 2015, whilst that DA and section 96 application were before council. And the message reads, "10.00am at Pierre." 7 August was a Friday. This message was sent at 9.37pm on that Friday which would tend to suggest that what was being organised was a meeting at 10.00am the next day, a Saturday, on 8 August, 2015. Now, I appreciate you didn't send that text and that it wasn't sent to you, but the person reading that would be entitled to assume, I want to suggest to you, that what was being organised was a meeting between you and Mr Demian and Mr Hawatt at your place, to be held in the morning of 8 August, 2015. Did that happen?---I don't know.

Could it have happened? Is it possible that there was a meeting that Mr Hawatt organised to have with Mr Demian at your place one Saturday?---I

can't recall this possible or not possible. Mr Hawatt, he can come, he can come and speak to me any time he likes.

But why would he organise - - -?---(not transcribable) have to call me.

I'm sorry. I interrupted you.---I'm sorry.

10 You continue.---It's going to be meeting being held, they must at least tell me. They can't, Mr Hawatt (not transcribable) organise something, I been aware of it.

Of course. We would assume - - - ?---I have no idea. I have no idea it's happen.

- - - that you agreed to it.---Well - - -

20 We would assume they wouldn't just turn up on your doorstep without you knowing, so - - -?---Well, I can't say no, I can't say yes. It's happened, it will happen (not transcribable)

Yes. But why would you have agreed to a meeting for Mr Hawatt to have at your place – presumably with you present as well – with Mr Demian at a time when the Harrison's additional two storeys DA was before council?---I said I didn't agree. It could be happen. I haven't been consulted. I didn't, I didn't, I didn't know it's happen, this meeting has happen. I said could be happening.

30 I'm sorry, I don't understand your answer, Mr Azzi.---You asked me a question. I don't understand your question. You show me the, you show me this email, this (not transcribable) text between - - -

THE COMMISSIONER: Yes, what the email, sorry, what the text message suggests is that a meeting had been organised at your place on Saturday, which you would attend, Mr Hawatt would attend and Mr Demian would attend, okay? So this is what this text message and some other evidence suggests, right? What Mr Buchanan is asking you first, do you recall such a meeting occurring at your house on Saturday, the 8th of August, at about 10.00am?---I said no, I can't remember, yeah.

40 Then Mr Buchanan says to you, "Look, is it possible that it occurred?" When he asks "is it possible", what he's asking you is sometimes we don't remember things, right? And that's fine. And sometimes you can sit back and think, look, I don't remember it occurring but it definitely didn't occur because – and this is just an example – I remember in August 2015 I was overseas because I went on an overseas trip with my wife because it was our 40th wedding anniversary. So if that was your recollection, when Mr Buchanan says to you "is it possible", you might think, no, it can't be possible. I wasn't in the country or I was elsewhere or I was in hospital

having my appendix out. It couldn't have happened. So that's the series of questions he's asking you. Number one, here's all the information, putting some of the information he's got about it. "Do you recall that meeting happened?" You might think, yeah, I can now, or you might sit back and, look, I can't. Then he asks you, "Is it possible that it occurred?" and that's really asking you to think back as to whether there is some reason, as I said, the hypothetical examples of being overseas or being in hospital for an operation, where you could say, look, it couldn't have happened because of this reason. So do you see that?---Yeah.

10

So taking all that into account, you can't recall a meeting on a Saturday morning, 8 August, with Mr Hawatt and Mr Demian?---No, no.

Is it possible that they came over and had a meeting with you?---Could be possible.

Okay.---But can I keep going?

20 Yes, no, no, go on.---Mr Buchanan asked me, I agree about this meeting to be happen. That's what he said to me. That's why it make me confused.

All right.---I didn't agree. I don't know if it's happening, yes or no. But you said to me, I'm sorry to clarify something, you asked me, "You agree to this meeting to be happen?" I didn't agree. I didn't know it's happen yes or no.

MR BUCHANAN: I understand what you're saying. I had assumed earlier you were basically saying that, well, a meeting wouldn't happen at my place without my permission. I might have misunderstood you.---I'm sorry.

30 That's okay. Can I take you to some more evidence about meetings involving you, I would suggest. Volume 19, page 161. Still in Exhibit 52. This is a text message extracted from Mr Hawatt's phone to Mr Stavis on 20 June, 2015, at 4.35pm, at a time when this DA and section 96 application in respect of Harrison's was before council. Mr Hawatt said to Mr Stavis, "Hi, Jim/Spiro. Can we meet with myself, Pierre and Charlie Demian on Tuesday to discuss Charlie's developments along Canterbury Road. Please let me know. Thanks, Michael Hawatt." Do you see that?
---Yes.

40 Now, does that come to you as a surprise?---Yeah, I never seen this before.

You never, yes, okay, you haven't see this text message before, but is the information in it a surprise, that Mr Hawatt was organising a meeting with Stavis and yourself and Charlie Demian and Jim Montague about Mr Demian's developments along Canterbury Road?---Can you repeat the question.

Yes, certainly. Did you ever take part in a meeting involving Montague, Hawatt, Demian and Stavis about Mr Demian's developments along Canterbury Road?---I can't remember now we have this meeting at my place. I can't remember.

No, I'm not suggesting it was at your place.---That's what he saying here. That what, he's not saying Pierre's place?

10 No. Venue unknown at this stage. So it's just that you're a party to it, you're going to be part of the meeting, that's what's being organised, and my question is, does that come as a surprise to you, that you were to be involved in a meeting involving all these people about Mr Demian's developments along Canterbury Road?---I, I, I, I don't remember this, ah, just, this meeting occurred or happened. Maybe it's, we had, I don't remember if we have this meeting.

But is this the sort of meeting that you had, that you took part in?---I don't recall I had part of this meeting, no.

20 Did you ever take part in any meeting involving Demian, Hawatt, Stavis and Montague about Demian's developments along Canterbury Road?---I, I can't recall any one of them between the four of us.

But it appears that was being organised, you would accept that?---Yeah, it's being, looks like being, asking.

30 Why would it have been organised? According to your understanding, you knew your relationship - - -?---Mr Buchanan, it's not aware, all these people have a problems. They try to organise meetings and I said to you before if meeting happened, I can't recall it. If I was there, I was there and I can't say, I can't, I could be meeting with people. I meet with people, I'm not afraid to meeting with people but I don't recall this meeting is carried on.

40 But you know your relationship with Mr Stavis, you know your relationship with Mr Montague, you know what your relationship was at this time with Mr Demian, you know what your relationship was at this time with Mr Hawatt. Knowing, as you do, about those relationships that you had with those men at that time, why would you have been being involved in the arrangements for such a meeting?---Mr Montague is the general manager, Mr Hawatt is a councillor, Spiro is a director, Mr Demian is a developer and he has an issue and I'm a councillor as well. If - - -

Why are you and Mr Hawatt the only two councillors mentioned?---Because we are, we respond, we are interest in Canterbury, we are a councillor, I am active councillor. I want to know everything what was going on. If I been invited, I don't, if I been invited on this meeting would be happening, I don't mind to be there. It's part of my job.

Are you sure that the reason wasn't a combination of two things? One was that you and Mr Hawatt were friends with Charlie Demian and helping him progress his applications, and the other was that you had a relationship with Stavits and with Montague that was different from any other councillor, a relationship where you had considerable influence over what they did?
---No. All these meeting not for to help anyone. Just to understand and listen and do what the best for Canterbury. Not helping anyone if he doesn't deserve.

10 Looking then at page 165, still in volume 19. Thank you. I've misspoken when I say this is part of Exhibit 52, it's part of Exhibit 69, for the record.

Mr Stavits, in this text message extracted from Mr Hawatt's phone on the next day, 21 June, 2015 at 7.12pm, gives Mr Hawatt a small report re Charlie Demian's jobs. And I'd just ask you to read down a little bit. Can you see the words, "Re the Harrison's site?"---(No Audible Reply)

20 He says, "Re the Harrison's site, we're waiting for RMS as discussed but he agreed to submit further supporting info."---Yeah.

Can you see where the hand is?---Yeah, yeah, yeah.

30 Sorry, the hand, that's the passage that I was just reading to you. So you can see that this was, amongst other things, about the Harrison's site and because it was at this period of time, the additional two storeys, we know that it was about the DA for the additional two storeys and the accompanying section 96 application. Does that assist you at all in recalling that you had meetings from time to time with the council officers and Mr Demian and Mr Hawatt to progress Mr Demian's applications?---No, no, no, I didn't get involved with that one. I don't, I have no idea what, I never discuss it.

Well, it says here, sorry, page 167, if we could go over to that, on the next day, 22 June, Mr Hawatt said to Mr Montague, "I have confirmed meeting on Thursday 4.00pm with Charlie Demian at council. Pierre and I will be attending as well. Michael Hawatt." So you must have obviously told Mr Hawatt you would attend.---This meeting has happened?

40 Well, that's not what I'm asking at the moment, I'm asking about - - -?
---I don't understand.

- - - from what you read here, plainly you had indicated to Mr Hawatt you will attend this meeting that Mr Hawatt is organising.---If it's, this meeting has happened, I attend this meeting, could be it, but I don't remember. I could be there but I can't remember.

What was it that you could contribute to a meeting about the stage that that DA was at, at the time?---(not transcribable) they're talking about this DA.

In June 2015 whilst the DA for the additional two storeys on the Harrison's site was being considered, or sorry, was before council, was being assessed, what could you contribute to a meeting between the general manager, the developer and the director of planning?---What we discuss, I don't know what, what we discuss. I have no idea about this meeting or I'll be attending this meeting, I said before, if somebody ask me to attend a meeting I will, sometime I go as an observer, you know, I'm a councillor.

- 10 It's likely, isn't it, that Mr Demian had asked for the meeting and that the purpose of you and Mr Hawatt attending, as you understood it, was to advocate for Mr Demian, to show that the political muscle of council was on Mr Demian's side.---Ah, no, I never be on Mr Demian's side and Spiro knows that and Jim knows that.

- If we go over to page 169, there are more text messages on 22 June, 2015, to and from Mr Hawatt and Mr Stavis. Excuse me a moment. Now, was there a meeting that you had, like that meeting, that was apparently organised there that considered, amongst other things, the Harrison's site DA that
20 involved Mr Stavis and Mr Montague, yourself and Mr Hawatt and Mr Demian, where something went wrong in the meeting and someone perhaps got upset?---Where?

Well, you can't see it there but I can show you in page 172 some text messages that are on 25 June, 2015, the day of the meeting, but they're at a time which I'd suggest to you is after the meeting has finished. And Mr Demian asks Mr Hawatt to please call when possible. Do you see that? It's at 5.53pm on 25 June.---Yes.

- 30 Mr Hawatt texts Mr Demian, "Everything is okay. Jim will call you," and Mr Demian says, "Thanks," which would suggest that something went wrong at the meeting and that Mr Demian might have thought that there was a problem but was being reassured by Mr Hawatt that everything was okay. ---I don't know what they been talking about. Even if I don't recall I been in this meeting or I attend this meeting, I have no idea what Michael and Demian been talking about or whatever. No idea. But sometimes Michael's sent messages. I'm not sure if I attend the meeting. I'm not, I can't recall it. I don't know what they're talking about.

- 40 If I can take you to – just make sure I've got the right reference first, if you'll excuse me, Commissioner. Can I ask you about another occasion later in 2015, volume 21, in Exhibit 69, page 199. This is in September, 22 September, 2015. It's an email from Mr Stavis to his staff, but the title is "Charlie Demian". Do you see that? Do you see that much? At the top it says "Charlie Demian".---Oh, yeah.

That's the subject matter, I should say - - -?---Yeah.

- - - of the email according to the person who wrote it, Spiro Stavis. He's writing it to his PA and to one of his staff members, and it says, "Eva," the name of his PA, "rearrange the meeting for mid-to-end of next week. I've spoken to Councillor Azzi and all okay."---Yeah.

Can you assist us as to why Mr Stavis would have thought that a meeting either with Mr Demian or about Mr Demian could not be rearranged unless he checked with you first?---He checked with me?

10 Yes. "I've spoken to Councillor Azzi and all okay."---Yeah, he spoke to me and all okay because I said, I referred to Spiro. It's been work between me, Spiro and Mr Demian about only one issue. It's about Harrison site.

But what we're seeing now is that there's multiple meetings.---Where?

I'm sorry?---Multiple meetings where?

Multiple meetings, yes. At least two in 2015 that we've seen that are involving you and Stavis in relation to, if not including, Mr Demian. And
20 the question is, why were you having meetings with Mr Stavis with or about Mr Demian at a time when this particular DA was before council?---Where we met? I don't remember we met. Oh, well, we met once - - -

We don't need to know the answer to that question for you to give me an answer to my question, which is why would you have been meeting? It doesn't matter where the meeting occurs.---No, no.

Why would you have been having these meetings?---Can you repeat the
30 question?

Yes, certainly. Why would you have been having these meetings with at least Mr Stavis about or with, as well, Mr Demian?---I had one meeting with Mr Stavis and Mr Demian. One I can recall.

But we've seen that there was another one that was organised for earlier in 2015, in June 2015, that involved a number of other people, Hawatt, Montague - - -?---Yeah, but I can't recall I attend this meeting, me and Stavis and Demian. It's only one meeting between me and Stavis and Demian and the rest between Demian and Spiro. I don't, I don't get into it.
40 It's what involved in the Harrison's site. I was involved in it just about the laneway, that's all, and the design.

Commissioner, my attention's been drawn to the time. This might be a convenient moment to have a very short break.

THE COMMISSIONER: All right. Because we're going through to half past, aren't we?

MR BUCHANAN: We are.

THE COMMISSIONER: All right. We'll take just a five minute break.

SHORT ADJOURNMENT

[3.12pm]

MR BUCHANAN: Mr Azzi, could I show you, please part of the business
10 papers for the meeting of the City Development Committee held on 3
December, 2015. 3 December, 2015 was the date on which the CDC gave
approval or authorised the GM to give approval to the development
application for the additional two storeys on the Harrison's site and the
accompanying section 96 application. You understand?---Yeah.

Volume 22, page 168, this is part of the report, or perhaps if I could just take
you back just so that you can see it, page 167, thank you, you can see the
heading is 548-568 Canterbury Road, Campsie, Modification. And that was
the address of the Harrison's site. Okay?---Yes.

20

This is Mr Stavis's report and he has a summary at the beginning of the
report. Going over to page 168, can you see that at the dot point at the
bottom there, which is a bit above halfway down the page, it says, "The
Independent Hearing and Assessment Panel deferred the matter until the
application has been referred to the RMS." So do you recall that there was
an issue in this case that the RMS had not been consulted and it was a
situation where arguably they should have been consulted about the impact
of having these extra units put on the top of the existing six-storey
development which had been approved? Do you recall that issue?---It's
30 been in the council, I don't, I can't recall but it's one or the other.

But you can see that there?---Yeah.

Right. Now can I take you please to page 224 in volume 22 and this is that
part, this is the end of Mr Stavis's report in which he sets out what the report
from the IHAP was.---Yeah.

And it starts towards the top of that page, and a bit over, well, sorry, the
second-last paragraph on the page, it starts, "The panel." "The panel is of
40 the opinion that the traffic impacts raised by the RMS should be fully
investigated and considered." And then it goes over the page, page 225, "In
addition, the panel said, the panel is of the opinion that the council cannot
legally determine the development application until both the development
application and the section 96 modification application have been referred
to RMS under clause 104 of the SEPP." And that's a particular planning
instrument. And it also goes on to say, "The panel also notes that it was not
satisfied with the justification for a variation of the height under clause 4.6.
Do you see that?---Yes.

And then can you see underneath the heading IHAP Recommendation that the recommendation of the IHAP was that the development application be deferred until it has been referred to the RMS?---Yes.

Now, the effect of that report, if accepted, would have been to delay approval of Mr Demian's applications in relation to the Harrison's site.---It seems like it deferred to another council - - -

10 You understand that?---Yes. The report comes back.

And possibly, depending upon what the report would say, it could prevent the applications being granted at all, there was always that possibility?
---Yes, always, yeah.

Yes. Now, did you have any contact about that situation with Mr Demian?
---I don't remember I discuss it with Mr Demian, this, these applications.

20 Did you have any discussion with Mr Hawatt about it?---Maybe when it comes to, at the council meeting?

Yes.---We, maybe I did ask Spiro and Mr Hawatt, get an idea what they mean because I don't understand. Maybe I don't, I did ask question normally when it's, things come into the council and the planning, or an issue. I get advised from the director, from any councillor that had knowledge. Could be, yes.

30 You got the business papers usually about a week before a meeting of council or the CDC?---Yes.

And do you would have been aware of this IHAP report about a week before the 3 December scheduled meeting of the CDC?---Yes.

Did you discuss the IHAP report with Mr Montague?---I can't, I don't remember. Normally Mr Montague, but normally when I discuss a report, I discuss it with the, the director because I don't think Mr Montague will, will assist me if he doesn't involve, like, if I need assistance, it would be. I can't say, no, I have no idea, I don't remember if I did.

40 Were you concerned about the report of the IHAP? Was that something that worried you in anyway or concerned you in any way that made you think you had to do something about it?---No. I follow, normally I follow recommendation. It's no issue.

Well, in the meeting of the CDC, page 228 of volume 22 and going over to page 229. Looking at the bottom of that page, this is the minutes of the meeting of the CDC, of the 3 December, 2015. You moved that the general manager be authorised to issue the consent for the DA, the section 96

application and if we go over to page 229, we can see that you moved that the committee decided not to accept the IHAP recommendation, given that the application has now been referred to the RMS and resolved to accept the officer's recommendation. You see that?---Yes.

10 That was in respect of the section 96 application, and then the very next item in the minutes was the same outcome, the same motion, the same resolution in respect of the DA itself, to add two storeys to the existing approved development on the Harrison's site. Do you see that?---I moved the recommendation.

Well, that's interesting. Whose recommendation was it?---Supposed to be, must be a recommendation of the (not transcribable) the recommendation of the director.

Excuse me a moment. The director's recommendation, page 212 of volume 22, was that the development application be approved. That's not what you moved. You moved something else entirely.---Well, I didn't make it. It must be, I moved - - -

20

You moved that the general manager be authorised to issue the consent for the DA once suitable concurrence is received from the RMS. This is page 229.---What this recommendation coming from? Must be - - -

Well, that's my question to you. Where did you get this motion from? Given that it's not what the officer recommended, it's not what the IHAP recommended, where did you get it from?---Must be, it has to be distributed at the time of the meeting by the, the general manager.

30 Right.---Because I, I don't - - -

Did you have any discussion with the general manager about that beforehand?---I don't remember. But the discussion happened at the, at, around (not transcribable) because all the council agreed on it. That's why I moved it. They, somebody has to move it.

40 Can I ask that you be shown Exhibit 244, call charge records of contacts between you and Mr Hawatt, Mr Montague, Mr Stavis, Mr Maroun, Mr Khouri, Mr Demian and Mr Vasil. And if we can go to page 46 of Exhibit 244. And on that page you can see item 2087. You see that? Where the hand is?---Yeah. Yeah.

Is a call by you to Mr Montague's office on 27 November, 2015 that lasted 3 minutes and 52 seconds, and that date was the first day that is recorded here after 23 November, the day of the IHAP report.---This the day after?

No, no. The first day after. Sorry, if you look at 2086, item 2086 is a record of a contact between you and Mr Stavis's office on the 19th. That's before

the IHAP. The very next entry, 27 November, is after the IHAP report. And so the first contact you have that is recorded here after that report is item 2087 on 27 November, 2015, at 11.21, where you speak with Mr Montague's office for 3 minutes and 52 seconds. Do you see that?---Yes.

And then subsequently, item 2090, is a contact on 30 November, 2015. You contact Mr Montague's office and the line is open for 1 minute and 32 seconds.---Yeah.

10 The same day, very shortly afterwards, you rang Mr Stavis's office.---Yes.

And the line was open for 1 minute and 6 seconds. Do you see that?
---Yeah.

And ultimately you ended up sending him an SMS as well on 1 December. Do you see that?---Yes.

Then 2 December, 2 December is the day before this CDC meeting, okay?
---Yeah.

20

And so it's the day before you move a motion that isn't the recommendation of the officer and isn't the report of the IHAP and that you have said, well, it must have come from, must have been circulated by Mr Montague.---Yes.

Rightio. So the day before, item 2095, you're talking with Mr Montague on his mobile phone for 10 minutes and 23 seconds.---Yes.

30 Why did you call Mr Montague and talk to him for more than 10 minutes at 7.48pm, the day before this meeting where you move that motion at the CDC?---Why I did talk to him?

Yes, why did you call him?---No, I don't remember what the cause of the call, I normally call Montague if I need any information, I call everybody. I normally usually call him if I need any, I said, information or any advice, I call Spiro, the general manager, if I have any issue related to the business, council business, I have to call his office and him, it's - - -

40 Did anyone communicate to your knowledge to Mr Stavis or to Mr Montague, Mr Demian's reaction to learning about the IHAP recommendation from its meeting of 23 November, 2015?---I, I have no idea what was the circumstance of this day, what was happen.

Mr Demian would have been very unhappy about it, wouldn't he?
---I don't know.

Well, you know Mr Demian well enough and you've had enough contact with him to understand that he would not be happy about a further delay in

his development application, don't you?---Generally, Mr Buchanan, any developer he won't be happy if there is going to be a delay.

Yes. And Mr Demian was your friend.---Oh, he's a professional friend.

Can we assume that pursuant to that professional friendship, Mr Demian had a talk to you about what he thought about the outcome of that IHAP meeting on 23 November, 2015?---No, he didn't talk to me because I can't help.

10

He didn't talk to you?---He won't talk to me because I can't help.

How do you know? Oh, sorry, you're about to tell me.---Because I can't, because I can't help him. I have, I have no idea anyway. I give him advice to help him. I can't help him.

Mr Azzi, you know that's a lie.---I'm telling - - -

20 You know it's not just wrong, it's not just incorrect, you know that that's a lie, you know that you could help developers by talking to the director of planning, by talking to the general manager, didn't you?---Mr Buchanan - - -

No, no, just if you could answer my question.---I can help everybody.

Could you answer my question - - -?---Yes, yes.

- - - please, Mr Azzi.---Yes.

30 You knew you could help developers - - -?---I can help - - -

- - - by talking to the director of planning and by talking to the general manager, didn't you?---I can help everybody - - -

Yes. And you know - - -?--- - - - and developer if they have the right request.

40 - - - furthermore from page 212 in volume 22 that you did do something that helped Mr Demian on this occasion, because you moved a motion that ensured that his development application could be approved.---I moved the, I moved a motion been circulated by the general manager with the agreement of all the council. I didn't move it without all the councillor agreed on this. When - - -

The question is – I'm sorry, go on, you answer.---Because, Mr Buchanan, when this, you have to move another, if it's a recommendation by the officer and a recommendation by IHAP, Mr Buchanan. If the general manager

want to, want something to be moved on, he must circulate it to all the councillors.

Yes.---All the councillor has to agree before and he has to explain himself why he's doing this. When all the councillor agreed, doesn't matter who moved the motion or not.

10 So did Mr Montague discuss with you the day before this meeting that motion?---No, I have no idea, I never recall that he discuss it. I don't understand.

What did you talk about for more than 10 minutes - - -?---I don't know.

- - - at 7 o'clock the day before?---Could be discussing it but I don't tell Mr Montague what he has to do. I have no idea his job. I never recommend anything to Mr Montague because Mr Montague, he do what he believe is right, what he believes he can do. Don't take - - -

20 Did you move that motion because you wanted to help Mr Demian get approval for his DA as quickly as possible?---No.

You didn't declare a nonpecuniary interest, namely your friendship with Mr Demian, at that meeting, did you?---I enquiry my relationship with Mr Demian is a professional, no interest, I'm not doing any favour to Mr Demian. I discuss it with the general manager and I been told it's nothing interest in this one.

30 Are you saying that you raised with Mr Montague before this meeting of 3 December, 2015 whether you should declare a nonpecuniary interest in respect of your friendship with Mr Demian and he told you, no, you don't need to?---I discussed it generally, how I have to declare interest. When I have no interest, I have too many friends in Canterbury and everyone who calls me, it's my friend. If I want to discuss issues with the people, I would have a problem.

40 But they don't all come over to your place and leave drunk late at night, do they?---There's too many people come to my place, Mr Buchanan, and when I said they leave pissed, this mean happy, not drunk, because they can't drive if they are drunk.

You knew at the time, in December 2015, that the code of conduct required you to disclose a nonpecuniary interest that conflicted with your public duty?---Yes.

And you knew that the code of conduct – I'm looking at volume 2 in Exhibit 52, page 54 – the code of conduct said that, as a general rule, a nonpecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest but involves other relationships that are

particularly close, such as friendships and business relationships?---I don't have any business relationship with Mr - - -

But you had a friendship with him, didn't you?---Professional friendship. I was (not transcribable) with everybody. I don't, I have no private relationship with Mr Demian.

10 Can I take you to a different subject. Earlier in this inquiry, you told the Commission, page 5699 to 5701, that you had had contact with George Vasil about real estate work, like introducing purchasers of a development site to a developer.---Yes.

But that that occurred after amalgamation, that's what you told us.---Yeah, when he discuss it with me, like, he offer me to work with him after amalgamation, yes.

And that offer, you say, was made after amalgamation?---Yes.

20 You told us that George Vasil offered you a job about joining real estate, is that right?---Yeah, that's right, yes.

Yes. You told us, at page 5700, "He asked me if I can ask Mr Demian if he is willing to sell his site and he can be part of it."---Yes.

And when you said that, you meant, you were referring to the Harrison's site?---Yes.

Now you at the time had no experience in real estate, is that fair?---None.

30 You had no experience in sales or in marketing?---No.

And were you at the time aware of anyone trying to get an agency agreement from Mr Demian in relation to the Harrison's site?---I don't understand the question.

40 Thinking of the time that Mr Vasil asked you did you want a job in real estate and whether you could ask Mr Demian if he's willing to sell his site and he, Mr Vasil, could be part it, were you aware that anyone had approached Mr Demian to try to introduce purchasers to him?---No. Like, can you change the question?

Yes, sure. I just - - -?---Make it a bit simpler.

I want to make sure I'm not confusing you.---Yeah, please.

When I talk about, I'm talking on the one hand about the time. The time I'm asking about is the time that you say was after amalgamation, when Mr Vasil approached you and asked you did you want to be involved and

whether you could ask Mr Demian if he's willing to sell his site, et cetera. So that's the time I'm talking about.---No, no. Mister - - -

All I'm doing - - -?---No, you make me confused.

All I'm doing, Mr Azzi, at the moment is setting the scene.---Yeah.

I'm talking about the time you told us about.---Yeah, I told you about the time when I been offered to work with him.

10

Yes. And what I'm now asking is a different question. At that time, I'm now asking about your knowledge at that time.---Yeah.

At that time were you aware of anyone having tried to get an agency agreement from Mr Demian for the Harrison's site?---No, I, I ask him before.

Were you - - -?---He ask me, Mr Vasil ask me before to ask the question but he didn't offer me the job. He offered me the job after. It's two - - -

20

Thank you.---That's make me confused (not transcribable)

That's important. When was it before?---I don't remember the date but it's been asked way before (not transcribable) when I see Mr Demian if it's possible to ask him if he want to sell his site.

So there's two separate things here.---Yes.

30

I understand what you're saying. And both of them are approaches to you by George Vasil.---Yes.

One is an approach after amalgamation about whether you want a job in real estate, and the other is an approach before amalgamation in which he asks you to ask Mr Demian if he's willing to sell his site and whether George could be part of it.---Yeah, it, it, yeah, the question has been asked before amalgamation and I, I did ask him before the amalgamation.

40

And thinking of that occasion, was it face-to-face that you were talking to Mr Vasil or was it on the phone?---I don't remember what was, the request was on the phone or face-to-face.

When was it that he made that request of you to approach Mr Demian?---I can't recall the date.

When was it in relation to, say, Christmas 2015 or - - -?---No, no, no.

- - - amalgamation in May 2016?---It's not long before the - I can't, I can't (not transcribable) but not long before the amalgamation.

Not long before?---I, I can't - - -

Do you think it was in 2016, then?---Mr Buchanan, I'm sorry, I can't, I can't say the date. I can't remember what, what the date, how long.

10 What was going on in your career at that time? Was there anything in particular that was happening that can help us fix when it was that Mr Vasil made that request to you?---No (not transcribable) Mr Vasil when he said to me, said he heard Harrison's for sale.

Yes.---And he ask me, he said possible if you had a, if you made a contact with Mr Demian, can you please ask him if it's right this site, this site for sale.

Did you ever have a contact with Mr Demian about introducing purchasers for the Harrison's site to him or getting an agency agreement from him?
---No. That's the question.

20 You never had such a conversation?---That's the question and answer.

To whom?---This question, I said I, I ask him the question.

Who? Who's "him"? Demian?---Yes.

30 Right. Yes, what was the question?---I ask him if his site for sale and he said to me yes, and I said to him George request. He said, I, no, sorry, I can't do it because I signed with another agency. Said all right. I delivered the message to George.

I didn't hear the second bit. He said he can't do it because - - -?---He already signed with other agency.

Already signed with other agent, thank you. Now, did you make that approach to Mr Demian because Mr Vasil had asked you to?---Yeah, he did ask me.

40 How long after Mr Vasil asked you to was it that you asked Mr Demian?
---No, I can't, I can't remember, sir. When I had a chance when I spoke to him, I don't know, I don't know.

What's your understanding as to why Mr Vasil asked you to make that approach to Mr Demian rather than somebody else?---I don't know, he asked me the question.

Or why he didn't make it himself?---Well, he hasn't got, he said ah, "I haven't got a contact with Mr Demian," said, "When you see him just ask him this question."

I see. He, as far as you knew, Mr Vasil did know that you had contact with Mr Demian.---Because of what's going on in the council. He always there, and - - -

10 So could you just explain that a little bit more. How would Mr Vasil have known that you had contact with Mr Demian because of what was going on in the council?---I know because he always at the council meeting and he know what is going on in the council about, he knew I was pushing for laneway at the site because I spoke to it in the council and everywhere. He knows, he's always there.

THE COMMISSIONER: And when you say he, you're talking about Mr Vasil?---Yes, ma'am.

20 MR BUCHANAN: And you can't tell us when it was that Mr Vasil made that request. Can you tell us when was it that you asked that question of Mr Demian?---I can't remember, Mr Buchanan, where, where and when, but I did ask.

Was anyone else there when you spoke to Mr Demian?---I said I don't remember if I spoke to him face-to-face or on the phone.

But that was Mr Vasil.---No, Mr Vasil, no, wasn't there.

Okay.---No.

You don't remember - - -?---No, Mr - - -

30 - - - whether you spoke to Mr Vasil face-to-face or on the phone and you don't remember whether you spoke to Mr Demian face-to-face or on the phone. Is that right?---What, what was your question, Mr Buchanan?

I apologise if I confused you. I'm trying to find out a little bit more, if you can tell us, about the circumstances of Mr Vasil's request to you and your contact with Mr Demian asking him whether the site was for sale.---Yeah.

So firstly, Mr Vasil, his request to you - - -?---When - - -

40 - - - to go and talk to Mr Demian, was that face-to-face or on the phone?
---I don't remember if face-to-face or on the phone.

Right.---I can't remember that.

Your approach to Mr Demian, was that face-to-face or on the phone?
---That's why I can't answer, I don't know if face-to-face or on the phone, but I did approach him, I get his answer. I can't remember how.

Did you ever go to his, Mr Demian's office at Parramatta?---I don't remember I was there. I know his office in Parramatta.

Yes. Did you ever go there?---I don't recall I went there. I don't remember.

There was never a meeting with Mr Demian there that you were part of?
---I can't recall such a meeting. Why I have to meet there, I don't know.

10 Did you ever have a contact with Mr Hawatt about introducing purchasers to Mr Demian or obtaining an agency agreement from Mr Demian?---(No Audible Reply)

Did you talk to Mr Hawatt about this?---Me?

Yes.---Talking to Hawatt?

Yes.---I tell you, I don't understand the question, Mr Buchanan. I spoke to Mr Hawatt to tell him I have sales? I don't understand the question.

20 You told us that you had these two conversations, one with Mr Vasil - - -?
---Yes.

- - - where he made a request of you, and one with Mr Demian where you made a request of him.---Yes.

30 Did you talk to Mr Hawatt about this subject of introducing purchasers to Mr Demian or obtaining an agency agreement from him?---No, I did not, I didn't spoke to Hawatt. I did ask question and that's it. I never spoke anything about it except to, what I said, I did ask the question, I refer to Mr Vasil, I said, "Mr Vasil, that's the answer, if you want to deal with it, you deal, you talk with Mr Demian, you discuss it between themselves." That's that.

Did you ever talk to Mr Hawatt about this business, about introducing purchasers to Mr Demian or obtaining an agency agreement for George Vasil?---No, mate, I wasn't interested anyway. I wasn't, like, I didn't take it as I'm an agent. I did ask the question and deliver an answer and I stopped there. I didn't continue with, I didn't know what's happened later on.

40 You didn't consult Mr Hawatt as to whether he could help in seeing whether purchasers could be introduced to Mr Demian or see whether an agency agreement could be obtained from Mr Demian?---No, no.

Why wouldn't you talk to Mr Hawatt about these things?---Why do I have to talk to him? No.

He was your friend, wasn't he?---He's a, I talk to him, I speak with Mr Hawatt if anything related to the council or if I needed to talk to him. I don't discuss everything with Mr Hawatt.

Well, you certainly were being asked to, essentially, assist a business deal by Mr Vasil, weren't you?---Ah, no, sir. I don't - - -

Well, didn't you understand that Mr Vasil was trying to set up a business relationship between him and Mr Demian in relation to the sale of
10 Harrison's? Isn't that what you understood?---Yeah. It, it can be a yes or no.

Right. And didn't you understand that when you approached Mr Demian, you were engaging in business on behalf of Mr Vasil?---No, no. Because I didn't do anything.

You were trying to help Mr Vasil do a business deal with Mr Demian, weren't you?---It was a question and answer, that's it.

20 But you know it was for a business deal where people make money.---Oh, well, I didn't make any deals, mate. I just asked the question - - -

No, no, no. No, no. I'm not saying you made a deal. I'm simply asking about your understanding at the time, you understood, didn't you that you were trying to facilitate a business deal?---No, I didn't take it this, this way.

How could you take it any other way?---It's just, I didn't take it this way because I didn't do anything, just a question. I didn't do anything to make, like, I'm a business man.
30

What did you think was Mr Vasil's reason for wanting you to ask Mr Demian if he's willing to sell his site and that George could be part of it? ---I don't know. He just ask me when I see him to ask him, or when I speak to him to ask him because he said I have no contact. I said when I have a chance, I will.

A contact.---He doesn't have the contact.

40 But if there was to be a sale by Mr Demian, then if Mr Vasil was to be part of it, plainly Mr Vasil would get money.---He's a real estate.

Yes. That's his business.---Yes.

Where people make money out of real estate transactions. You understood that at the time, didn't you?---Yeah, yeah.

And therefore, you understood, you were being asked to help George Vasil make money out of Mr Demian selling the Harrison's site.---No. I - - -

How could you not understand that?---I, I don't understand this because I did ask the question, like everybody's - - -

No, no. I'm not asking you about what you did. I'm asking about your understanding of what you were getting involved in. What you understood was you were getting involved in George Vasil's business deal.---No. No business deal happened.

10 And that you were being asked to assist him make money by setting up or helped to set up a business deal with Charlie Demian.---No, it's not correct.

How could that be, how can that not be correct? What's incorrect about it? ---Because, Mr Buchanan, Mr Vasil asked me is this site, ask him is this site for sale. Yes or no.

How can that not be a business deal? How can that now - - -?---Because I did ask question, is this site for sale. Yes or no.

20 But it was more than that. You told us that George Vasil asked you whether he can ask Mr Demian if he's willing to sell him the site and he, George Vasil, can be part of it.---Yeah, I said is, is site for sale. Yes or no.

To get George Vasil and agency agreement.---I said to him, George Vasil asked me to ask you.

No, no, no.---Yeah (not transcribable)

30 You understood – please listen to my question.---Yeah, I know, I know. I understood.

You understood when Mr Vasil was asking you to do this that he was asking you to help him be part of Demian's sale of the Harrison's property.---No, he, I didn't ask him to help him. I misunderstood - - -

40 I'm not saying that you did. I'm talking about your understanding of what was going on.---Well, I did understand, Mr Buchanan, at the same time at that day. Mr Vasil asked me a question. I deliver the question. Nothing else. That's what I did understand that day. I did ask the question, "This site for sale, Mr Demian? George ask me. He had an interest." And that's it. I understand nothing that day. (not transcribable) understand I don't know. That's my limit. I stopped here. I no further involved (not transcribable). It's a question.

I need to make it clear to you, Mr Azzi, that your answers are deliberately avoiding the truth, aren't they?---That's what's happened, Mr Buchanan.

I'm not talking about what happened. I'm talking about what you understood was going on - - -?---That's what - - -

- - - and what you were doing - - -?---That's what I didn't understand.

- - - and why you were doing it.---That's what I did understand at the time.

10 Yes.---It has been a question. I did ask it and I stopped there. I didn't mean to involve any discussion of any sales or anything to do (not transcribable) question and answer. That's what I did understand at that day, and that's what I did. I have no other future (not transcribable) what they say or any future things to do.

20 Why can you not accept that if George Vasil was a real estate agent and he was asking you to see whether Demian would agree to give him an agency agreement so that he could make money out of Demian's sale of the property, that that involved George trying to get you to help him make a business deal? Why can't you agree to that?---Because it's not the right, it's not the truth.

20

What is wrong with that?---No, because - - -

Did you know, did you, you knew that George Vasil made money out of real estate, didn't you?---If, if he sales, yeah.

Yes. Right. He's trying to set up his involvement in a sale. You knew he was doing that.---I don't know what he's proposing to do.

30 Yes, you did.---(not transcribable)

30

He told you.---He said, yeah - - -

He told you he wanted you to ask Demian whether he, Vasil, could be part of the sale by Demian of the Harrison's site. In other words, that he, Vasil, would get money out of it. How could you possibly believe otherwise? ---Yeah, well, that's what I did. But I didn't believe I have any interest about it. I don't mean to do anything to, to benefit. For my knowledge I did ask the question and I did it, but that's all.

40 Did you have any involvement in any proposal to introduce a potential purchaser of the Harrison's site to Charlie Demian?---No, no.

Did you have any involvement in trying to arrange negotiations with Charlie Demian to introduce a potential purchaser of the Harrison's site to him, Charlie Demian?---It's my, it's, no.

Commissioner, could we – would you just excuse me a moment. Can we play exhibit – sorry, Commissioner.

THE COMMISSIONER: Mr Azzi, you don't have a phone there, do you?
---Oh, yeah, here.

Just there. Okay. If you can, yes, don't look at it or - - -?---No, no, no.

All right. Okay.

10 MR BUCHANAN: Exhibit 92 is a recording of a telephone conversation on 3 March, 2016, Commissioner, commencing at 7.22pm. Could it please be played so that Mr Azzi can listen to it. Mr Azzi, again it's I suggest a conversation between you and Mr Hawatt, this is on 3 March, 2016, partially in Arabic, and again on the transcript that you'll see on the screen, the Arabic has been translated and the translation into English language is in square brackets. Thank you.

AUDIO RECORDING PLAYED

[4.16pm]

20

MR BUCHANAN: Now, Mr Azzi, you recognise the voice of yourself and Mr Hawatt in that telephone call recording?---Yes.

The second part of the conversation was about you trying to obtain the report of the IHAP or find out what the IHAP had decided on Mr Maroun's DA for the car wash site. So it was about two different things, there were two different subjects being discussed in the telephone conversation. You understand that?---Yeah, yeah.

30

I'd like to ask you at the moment about the first part of the conversation, and the transcript is on the screen in front of you. Now, you were talking to Mr Hawatt about George Vasil and the relationship he had with Mr Demian in relation to an agency agreement, possibly for Mr Vasil in relation to the site, weren't you?---Yeah, that's what I said, I talked to him, yes.

No, it's not. You were conveying to us that you had no reason to talk to Mr Hawatt at all about this.---Oh, I didn't remember I talked to him about it during that conversation.

40

Well, the question is, why did you bother talking to Mr Hawatt about it on this occasion?---(No Audible Reply)

We can go to another page, page 2, if it assists.---Yeah. I don't remember why I spoke to him, he's been asking me if I know about it before.

It does seem as if Mr Hawatt already knew about the subject matter.---It could be.

This issue between Vasil and Demian in relation to and agency agreement for the Harrison's site, doesn't it?---Yes, it could, yeah.

And it does seem as if you knew that he knew and that you were bringing him up to date - - -?---He knew?

10 - - - on something that you knew Mr Hawatt was interested in.---Oh, I don't know had an interest but he must know definitely because he knows everything, Michael and George, they're too friendly. He knows everything what - - -

And when you explained the outcome to Mr Hawatt, he expressed satisfaction. This is at page 3, "All right. That's fine."---That's what I asking Mr Demian, I did ask Mr Demian is his site for sale but he said to me he signed with other agency and I deliver a message to Mr Vasil and what I said I could remember I told Hawatt, I told him what's happening, everything been all right, I spoke to the guy and I delivered the message.

20 So the evidence you gave about not talking to Hawatt about this was wrong? ---No, I said, yeah, it was, I spoke with him.

Yes. And it was false and misleading because you knew that you had a number of dealings with Hawatt about this, didn't you?---Mr Buchanan, I didn't mean, I didn't remember I spoke with Mr Hawatt about it, I didn't mean.

30 You knew that you were involved closely with Mr Hawatt in trying to set up some sort of agency agreement or introduction of purchasers to Mr Demian for the Harrison's site. You knew that all along, didn't you?---I didn't have any interest, sir, I don't want to be part of it, just I, my part was here, I missed, I can apologise, I didn't know I spoke, I discussed this with Mr Hawatt at the time being and I apology, I didn't mean to mislead the Commissioner, but - - -

You did want to be part of it though, that's not true either, isn't it, when you said you didn't want to be part of it, you did want to be part of it.---No, Mr Buchanan, I refused to be part of it. I reject the call later on. I don't want to be part of it.

40 And I want to suggest to you there's a third thing that you've told us before we listened to this recording that is also wrong. You told us, didn't you, that Mr Demian told you when you approached him on Mr Vasil's behalf that he couldn't do it, he's already signed with another agent?---That's what I said.

Yes. If we look at page 2 of the transcript of Exhibit 92, we can see that you told – at about the middle of the page – you told Mr Hawatt, "What he's

promised in the early days through CBRE, it's going to be happening."
---Same, he said the same as the other agency.

Can I take you then to page 3, in the middle of the page again. You said to Mr Hawatt, "I will make, make sure George will be involved in the, in the, in the sale," didn't you?---That's what I said to Michael?

10 Yes. Now, were you telling us that you would make – I'm sorry, were you telling Mr Hawatt that you would make sure George would be involved in the sale, or are you telling Mr Hawatt that Charlie told you he would make sure George was involved in the sale? Which was it?---I don't remember who say this. Charlie said to me he will do, like, he will do things like developing if he can.

Yes.---And to make it happen.

So it was Mr Demian you were - - -?---Yeah.

20 The word "I" is you recounting to Mr Hawatt what Mr Demian had said to you.---Yeah, he said to me I will make sure he will be involved.

So that part of the evidence that you gave before we listened to this tape being played was also wrong, wasn't it?---I don't understand.

30 You gave untrue evidence about what Mr Demian said when you approached him, pursuant to Mr Vasil's request that you approach him. ---Mr Buchanan, I said, my evidence was that I can't recall and remember. If I miss something, doesn't mean I denied I did make the contact. If I miss someone words, it's been like three years, four years happen. I don't know what each word I said or what he said. But the main purpose, I did contact Mr Demian and ask him about this. I can't remember bit by bit what I did say to Mr Demian or what he said to me.

40 And can I just go back to the subject of why you called Mr Hawatt in the first place that day, 3 March, 2016. Can you tell us, why did you speak to Mr Hawatt about what George Vasil had told you and what Demian had told you on this? Why did you ring him to tell him that?---I don't know. It must be a request by him or he called me before or it's happen to, to call him and discuss another things.

You knew that Mr Hawatt was very interested in the subject of Mr Demian selling the Harrison's site and who would get part of the money involved for selling it, didn't you?---I wasn't sure at that time if he knew. It must be, must be at this time.

Yes.---Because I knew everything Hawatt knows. It could be. Could be.

Now, were you hoping or aiming go position yourself to get a commission from the sale of the Harrison's site?---No, no, sir.

Were you hoping to put yourself in a position where you could get a share of a commission for introducing a purchaser of the Harrison's site to Mr Demian?---No, sir.

10 Excuse me, Commissioner. Could we play, please, Exhibit 126. This is another telephone recording, Mr Azzi, of a call that you made to Mr Hawatt the next day, the day after the one that we just heard. This is on 4 March, 2016, commencing at 8.30pm.

AUDIO RECORDING PLAYED **[4.30pm]**

MR BUCHANAN: Mr Azzi, you recognised your voice at the outset of that conversation?---Mine?

20 Yes.---Where is it?

The first words. I wonder if we could just play the first words again, with your permission, Commissioner?

THE COMMISSIONER: Yeah.

30 **AUDIO RECORDING PLAYED** **[4.32pm]**

MR BUCHANAN: That's your voice. This is an extract of a call that you made to Mr Hawatt and there was a whole lot of irrelevant material before that, irrelevant to this, it might have been relevant to you but irrelevant to this inquiry, that's been cut out to save time, but the call was made by you. ---To?

To Mr Hawatt.---Telephone.

40 On the telephone. And you said, "Look, you talk to him." And Mr Hawatt said, "Okay." And then, in Arabic, "Put him on." And then you must have put Mr Demian on because his voice then came into the recording where he said, "How are you, stranger?"---It's from my telephone to Councillor Hawatt?

Yes, yes.---Yeah.

And did you recognise Mr Hawatt's voice?---Yes.

Do you recognise Mr Demian's voice?---Yes.

Now, where were you when you called Mr Hawatt?---I don't remember where I was.

Well, you were with Mr Demian, and so the question is, where were you with Mr Demian?---I don't remember where I was. If Mr Demian was with me I don't know where we were. The telephone - - -

10

Could he have been at your place?---Could be, or at the club or anywhere outside. I don't, I don't know.

And why did you call Mr Hawatt on that occasion?---I don't remember why I did make the call, but maybe, I don't know, because I didn't talk to Hawatt, must be Mr Demian want to talk to him or Mr Hawatt asked me if you see Mr Demian let him talk to me. I can't remember what made the request, must be a request from some, one of them.

20 You put Mr Demian onto Mr Hawatt knowing that Mr Hawatt was very interested in the subject of an agency agreement for the sale of the Harrison's property - - -?---(not transcribable)

- - - and the introduction of purchasers - - -?---Yeah.

- - - to Mr Demian.---Yeah.

30 Didn't you? And in this conversation Mr Hawatt spoke to Mr Demian about a group of them, that is to say, potential purchasers. Going over to page 2, he gives their background. They're involved in hospitals. And then he goes on to say, "It originally started off with George," this is about halfway down, "It originally started off with George, he knows. Remember," Mr Hawatt said, "when George originally was talking to you about investors." And he went on, "The purchasers, he purchases, the original, they're the original. The ones he's got now are different people, all right? So it's the original people who are, they want to go direct to meet up with you." You understand that Mr Hawatt was identifying particular people who, he said to Mr Demian, George Vasil had as potential purchasers.---Yeah.

40 And, secondly, that they were people who had been historically, in the past, people that Mr Vasil was acting for who were expressing interest in that same property.---Yeah.

So there's a history of Mr Hawatt's interest in the potential sale of the property and the question of who can be involved in that sale.---It looks like.

And you knew that, didn't you?---Not until later.

How could you not have known?

THE COMMISSIONER: Sorry, you didn't know until later?---Yeah, I didn't know about it until later about their interest about. My involvement was the question and answer, and I said from the first day that's my, it's been the question and answer to start it was me. And later I been asked to be involved and I washed my hand from there, said I can't be involved in such dealing with real estate. (not transcribable) maybe this conversation happened from my phone but I don't know what he's talking about. I have
10 no idea.

MR BUCHANAN: Well, except that you do because the previous day you had given Mr Hawatt an update. So you knew Mr Hawatt had an interest in this subject.---(not transcribable) I know he had an interest when he asked me. Maybe he did ask me before because I said to him, but I didn't know I was talking to him the same day when I made the contact. But I knew Mr Hawatt had an interest later on in the sale.

And Mr Hawatt being your friend and being your collaborator, you knew
20 back when he was dealing with George Vasil about the original purchasers that Mr Hawatt had an interest in the introduction of George Vasil's original purchasers to Mr Demian, didn't you?---I don't have an idea who's the original and who's the second. I have no idea what he talking about. My involvement, it stopped when I, it stopped.

When Mr Demian stopped talking with Mr Hawatt on that occasion, what did you do?---What I did? What do you mean what - - -

Well, did you and Mr Demian have a conversation about what Mr Demian
30 had been talking to Mr Hawatt about?---Mr Demian said to me, "I can't go on with this." Simple as that.

He said on that particular occasion?---To me, because he said, that's what he said to me, yeah. And when I heard (not transcribable) understand from Mr Demian, said I don't like to deal this way. Said I don't know you, I don't know nothing about real estate and I said it won't work this way.

He said that?---That's what I remember, he mention it to me at one stage,
40 maybe here, maybe later, he said, "It won't work this way."

You see you called Mr Hawatt on that occasion because you were talking with Charlie Demian about the sale of Harrison's and how it might be organised.---No ah - - -

That's right, isn't it?---Well, could be or could be not, because - - -

How could it be otherwise? You had been talking to him and on this occasion you put him through to Hawatt to talk directly to him on that

subject.---Because maybe it was like a request from Hawatt said you see Demian, let me speak to him, but I, Mr Buchanan, I didn't get involved in the sale or this circumstance, that's all what's happened. If, if I missed something I didn't mean to (not transcribable) it because I wasn't interested about this, just I knew about it after amalgamation professionally when I've been approached and I knew a few people have interest in it and I've been asked to be, have an interest, I said I declined, that I don't want to deal with it, I don't want to be part of it, and that's it, that's what I know. I have no idea who's the purchaser, who's the previous one and who's the existing one.

But you knew that Mr Hawatt was trying to help George Vasil introduce purchasers to Charlie Demian.---That's what it looks like, yes.

And you were providing information to Mr Hawatt in the course of him doing that about the very subject of Mr Demian and what he was prepared to do in involving other people in the sale of the property.---No, it's not like, it's not this way because Mr Hawatt, he can, he has his own way to contact Mr Demian.

I note the time, Commissioner.

THE COMMISSIONER: Okay.

MR BUCHANAN: This would be an appropriate time to adjourn, if it's convenient.

THE COMMISSIONER: All right. We'll adjourn for the day and resume tomorrow morning at 10.00am.

THE WITNESS STOOD DOWN

[4.42pm]

AT 4.42PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.42pm]