


**INDEPENDENT COMMISSION AGAINST CORRUPTION**

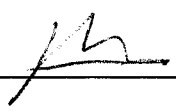
**STATEMENT IN THE MATTER OF: Operation Dasha**

**PLACE:** ICAC  
**NAME:** Joanne Gamble  
**ADDRESS:** ICAC  
**OCCUPATION:** Deputy Manager Assessments  
**DATE:** 5-4-2018

**States: -**

- 
1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
  2. I am 48 years of age.
  3. I am currently employed at the Independent Commission against Corruption in NSW as Deputy Manager Assessments. I supervise a team of officers managing the handling of complaints and reports of suspected corrupt conduct. I assist the Manager Assessments in the coordination of the day-to-day operation of the section and manage and assess a small number of complex complaints and reports of suspected corrupt conduct, including reviewing matters where the complainant has raised concerns about its management.

Signature 

Witness 

STATEMENT IN THE MATTER OF: **Operation Dasha**  
NAME: **Joanne Gamble**

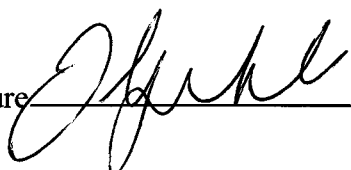
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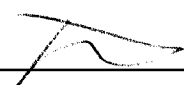
**Exhibit 1: I produce and here to attach Resolve Case note dated 19 January 2015 concerning the meeting with Mr James Montague.**

4. On 16 January 2015, I had a meeting with a person now known to me as James Montague (“Montague”). This is the first time I met Montague. In attendance was the Acting Manager Assessments Peter Thorne and Janelle McIntosh who introduced herself as a Strategic Adviser for Canterbury Council. The meeting had not been prearranged, with the parties essentially showing up at the Commission’s premises on that day. As a result of the conversation I made a case note.

**Exhibit 2: I produce and hereto attach a typed document undated concerning the complaint made by James Montague.**

5. Montague handed me a document at the start of the meeting which is attached as Exhibit 2 and he spoke to the document at certain points during the meeting. I scanned the document during the meeting but did not have a detailed read of the document nor ask any further questions in relation to the document. Montague appeared selective in the information he provided, when questioned about Spiro Stavros’s suitability for the Director of Planning post at Council he did not elaborate. Montague referred to a deal being made to him to leave Council and that he had decided not to accept it as he didn’t want to leave Council in that way.

Signature 

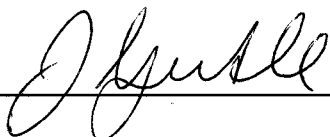
Witness 

**STATEMENT IN THE MATTER OF: Operation Dasha**  
**NAME: Joanne Gamble**

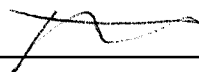
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6. He did not describe the deal in any detail but referred to an email from Michael Hawatt contained in the document he handed over at the start of the meeting.
  
7. After the meeting I registered the matter on the Commission's database and wrote a case note of the meeting. The matter was then assessed according to the Commission's processes.

Signature



Witness



## E15/0081 Case Note

### Action Details

Case Number:	E15/0081	Assigned By:	Joanne Gamble
Assigned Date:	19-Jan-2015 3:49 PM		
Assigned To:	Joanne Gamble		
Location:	Unknown		
Status:	Closed		

### Comments

#### IN ATTENDENCE

Peter Thorne - A/Manager Assessments

Joanne Gamble - Assessment Officer

Jim Montague - GM Canterbury Council

Janelle McIntosh - Strategic Adviser

(Jim Montague handed over a 4 page document.) He then explained that he wanted to report some concerns that he had in relation to the recent recruitment exercise regarding a senior officer within Council. He explained that the planning division needed restructured and reviewed as it was not operating well. He said that they recently went through a recruitment process for a new Director of City Planning as they hadn't been happy with the existing one - Marcello. He said that it was unusual as 2 councillors, Azzi and Hawatt asked to be on the panel and this doesn't normally happen. He said that these 2 councillors are particularly interested in planning. He said that the panel didn't ask the candidates all the same questions. I asked if they scored the candidates and he said they didn't. They just wrote comments and then discussed at the end. He and the mayor preferred a female candidate and the councillors preferred a male candidate, Stavros. He referred to heated discussions and they decided to go with Stavros. However after they had offered Stavros the job in writing they received unsatisfactory references. A recruitment consultant, Judith Carpenter, who had helped them with the recruitment also sent in her concerns in writing. Montague then decided to withdraw the offer and this sparked much controversy. Azzi and Hawatt called for an extraordinary meeting of Council. Montague then met with the councillors and then offered him a deal if he would reinstate Stavros. Montague told them that he couldn't and that it was have to be a full resolution of Council and that he had concerns about Stavros. I asked what the concerns were and Montague did not elaborate but said he would send a copy of the letter he received from the recruitment consultant. He then referred to the restaurant bills and the media and said that he wasn't concerned about those allegations as he had done nothing wrong however he was concerned about the recruitment as it could be the end of his career and he did not want to leave in that way.

I asked why the councillors were so keen to appoint Stavros particularly if he may not have relevant experience and poor work history. Again Montague did not elaborate but said that there have been a number of decisions taken in rezoning applications which have been contrary to Council officers recommendations. He said the current mayor does not get involved in planning and he's a bit out of his depth. He said that there is no political leadership and the Council is dysfunctional and a "basket case" in relation to planning. Montague said that he has been helping Marcello as much as he can and that's why he has been to meetings with developers which he would not normally attend but he has had to get involved as there is not sufficient expertise within Council. He said they currently have over \$9 billion in developments so it is very busy and its important to get the right person. He said there is too much pressure from within Council and too much threatening behaviour. I asked if he had contacted anyone else and he mentioned he contacted Steve Orr and told him what has happened and he said it was between him and Council. He said that if the meeting goes ahead on 27 January he will be out of a job. He asked when he could expect to receive something from the ICAC. I said we would send out an acknowledgment letter. We discussed whether the matter was a section 11 or a PID. He said he was reporting it under section 11 and had received legal advice to that effect. We said we would decide on the classification and then write out to him. He said that if he received sth from the ICAC then he would be able to show it to other councillors and they wouldn't go ahead with the meeting. We said that was a matter for Council to determine. He referred to Ryde Council and GM John Nash and said that it was similar. He said that Azzi and Hawatt and the Mayor were aware of the offer made to him.

### Due Dates

Due Date:	Joanne Gamble (Action Owner)
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### Closure

Completed By:	Joanne Gamble
Completed Date:	19-Jan-2015 3:49 PM
Outcome:	



# *City of Canterbury*

*City of Cultural Diversity*

I make the following report to the ICAC based upon the 'offer' that has been made to me by Councillor Michael Hawatt, by email, on Tuesday 13 January at 6:39pm which is attached.

I am currently employed as the General Manager of the City of Canterbury, a role I have held either as Town Clerk or as General Manager since October 1982.

I was awarded the Public Service Medal in 2006 for outstanding service to Local Government. I have never had an adverse performance review in my entire time of employment at Canterbury.

In addition in August 2014, the Council unanimously extended my contract of employment for a further two years, terminating in April 2017.

I am concerned that the offer outlined here comprises a 'benefit' and triggers my obligation for reporting under Section 11 of the ICAC Act.

The offer comes as a result of the process of employment for a new Director of City Planning for the City of Canterbury, the details of which are outlined in the following pages.

## **Appointment of Mr Stavis**

Council advertised for a new Director of City Planning following the resignation of Mr Marcelo Occhiuzzi on 7 November 2014.

To assist our search, we utilised the services of Judith Carpenter and Associates, who are experienced employment agents with significant specialist local government experience. Ms Carpenter is a highly regarded professional of many years standing and she most recently worked for us in the successful appointment of a new General Manager for the Southern Sydney Regional Organisation of Councils (SSROC).

Ms Carpenter provided us with a list of thirteen candidates for the role of Director, City Planning, which was reduced to a short list of five candidates for interview.

On this occasion, in response to concerns expressed by Councillors regarding planning issues, I included both the Mayor and two Councillors: Cr Michael Hawatt and Cr Pierre Azzi on the four person interview panel. Ms Carpenter attended all of the interviews as an observer.

This is not usual practice in the appointment of Directors or contracted staff and is not usual practice across local government but in this instance, these two Councillors showed particular interest. Examples of typical practice would be where the Mayor is delegated by Council to sit on an interview panel, or where Council is provided with the detailed background, appointment recommendation and the opportunity to meet a potential new Director following selection by the GM and an internal or external interview panel.

Following the interview process, the panel member were divided as to their preferred candidate. I state here that my preference and the Mayor's, was for Ms Karen Jones, based upon her extensive

senior management experience in similar roles within local government and the NSW Department of Planning.

Following protracted and extensive discussions amongst the panel members the Mayor and I relented and it was resolved that Mr Spiro Stavis be offered appointment for a limited period of twelve months.

Mr Stavis was not the most experienced person interviewed; he has not held a Director's position in the past and has limited experience in senior management roles and organisational change. His experience lies specifically in project management and in developing responses to individual development proposals. The short contract was offered as a means to ensure that Mr Stavis was suitable for this significant role on a long term basis. This would enable re-evaluation of his suitability after assessing his success in completing a number of specific strategic projects of vital importance to Council and our community by the end of his first year in the Director's role.

A letter of offer was provided to Mr Stavis in this regard, which was accepted by him.

### **Emerging Issues**

Following the decision to offer the role to Mr Stavis and his subsequent acceptance of the role, a number of concerns regarding his appointment were raised directly with me from various sources.

The most critical concerns came from Ms Carpenter, who outlined her specific issues in writing. I followed up this directly to confirm the nature of her concerns which were all confirmed by independent sources.

After my announcement of Mr Stavis's appointment to the Planning staff, experienced staff from within the Planning Department also expressed their concerns to me regarding Mr Stavis's appointment which highlighted to me the difficulties which would be faced both by Council generally and by Mr Stavis specifically were his appointment to proceed.

### **Withdrawal of the offer**

Following my investigation of these concerns and in consultation with our Mayor Cr Brian Robson, I took the decision that the contract offer to Mr Stavis should be withdrawn. No response has yet been received from Mr Stavis in response to this withdrawal of the offer.

### **Actions by Councillors re aborted Appointment**

At a meeting attended by Cr Hawatt and Cr Azzi after the December 17 withdrawal of the offer of employment to Mr Stavis, and before the notice of the Extraordinary meeting (see discussion below), Cr Azzi stated the following or words to this effect "Fix this up, appoint Mr Stavis or you can go." They also stated if Mr Stavis wasn't appointed Director, then another role should be found for him in the Planning Division. When I asked what job did he (Cr Azzi) have in mind, he stated I should sack the Manager of Strategic Planning, Ms Gillian Dawson, and appoint Mr Stavis to that vacant position. I regarded this as intimidatory and threatening behaviour, and an interference with the operation of the Council for which the General Manager has carriage.

Following my withdrawal of the offer, the Mayor received a request from Cr Hawatt and Cr Azzi on 24 December for an Extraordinary Council meeting as follows:

1.
  - a) The General Manager's contract of employment be terminated immediately
  - b) Council comply with a range of matters as outlined in a confidential motion

- c) The General Manager's position (now vacant) be filled immediately by an acting General Manager determined at the meeting, and
- d) A selection panel be formed to interview and recommend a person to fill the position of General Manager

2.

We discuss our position in respect of the new Director of City Planning, Mr Stavis and the subsequent withdrawal of his appointment by the General Manager and take necessary actions.

An Extraordinary Council meeting has been called for Tuesday 27 January 2015 in our Council chambers located at 137 Beamish Street Campsie.

On the 27<sup>th</sup> of December at the request of Cr Azzi and Cr Hawatt I met with them in a public place to discuss a way forward in relation to this matter. They put to me a verbal offer which was very similar to the offer described in the email attached and supplied to me via email on 13 January 2015.

I declined the offer on Wednesday 14 January, in writing in the terms attached.

I am concerned that the behaviour of both councillors may be construed as reportable under s. 11 of the ICAC Act and in particular the offer made to me on both 27 December 2014 and 13 January 2015 as unlawful and corrupt.

#### **Attachments**

Copy of email sent to me by Cr Michael Hawatt on Tuesday 13 January.  
Copy of my response sent Wednesday 14 January.

From: michael [REDACTED]  
To: <jmontague@canterbury.nsw.gov.au>  
Date: 13/01/2015 6:39 PM

Without Prejudice

Hi Jim

See the following points as discussed.

1 legally binding contract for the GM to cease employment with Canterbury City Council at end of August 2015.

2 A gratuity payout of 20 weeks for 32 years of service to Canterbury.

3. Either party may give notice at anytime for GM to leave with a payout of the balance value of the contract to be calculated from date of leaving to end of August.

. Mid June 2015 the process to appoint a new GM shall start with the formation of a panel of councillors to be appointed at the start of June.

. Council to take appropriate steps to streamline the planning process to include a panel consisting of the Director of Planning and Councillors to look at the major DA submissions for comments.

. Council to conduct a full audit of the Il Buco and any other executive expense for the past 5 years and a report to come back to council with recommendation of the findings.

. All executive expenditures must be budgeted for and itemized for approval by council and reported to council on a monthly basis.

. Close Il Buco account.

. Honour the employment contract of Mr Stavis to avoid any legal action against this council.

The above points 1 to 3 must be legally binding and withing the act.

The dot points to be used for a press release including the Department of Local Government.

The extraordinary meeting will be withdrawn.

Cr Michael Hawatt on behalf of a number of Councillors.

Sent from my Samsung GALAXY S5 on the Telstra mobile network



**From:** Jim Montague  
**To:** Michael Hawatt  
**Date:** 14/01/2015 1:51 PM  
**Subject:** Proposal  
**Attachments:** Jim Montague.vcf

Hi Michael

Thanks for your time yesterday afternoon to discuss matters of common concern. Having discussed your offer, made on behalf of other unnamed Councillors, with my family and our Mayor, Brian Robson, I have to advise that I cannot accept this or any other offer of this nature in the absence of a formal resolution of the full Council, following its consideration of a detailed report on the legal, practical and financial issues involved.

Like you I am eager to get the Council back on an even keel so that we can get on with the business of delivering services to our community, without the current media attention and the distraction this inevitably causes. Moreover, I agree there are important matters in our Planning Division that require immediate attention, including the appointment of a highly experienced and suitably qualified Director to lead the Planning Division in achieving Council's planning objectives and thereby encourage investment and growth across the City of Canterbury.

However, to achieve this objective, there needs to be urgent bi-partisan discussions involving all Councillors to agree on a suitable way forward for the good of all concerned. As the popularly Leader of the Council, the Mayor must be included in all discussions that occur.

Thanks again for your time yesterday.

Jim

Jim Montague PSM  
GENERAL MANAGER