

INDEPENDENT COMMISSION AGAINST CORRUPTION

RECORD OF INTERVIEW BETWEEN INVESTIGATOR SIMON BERRY AND JIM MONTAGUE AT SYDNEY ON 3 NOVEMBER 2016

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- TIME:** 14:10
- PRESENT:** SIMON BERRY
LISA STOCKLEY
JIM MONTAGUE
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- BERRY: Okay this is an electronically recorded interview. For the purposes of transcription my name is Simon Berry. I'm an Investigator, with the Independent Commission Against Corruption. This is an electronically recorded interview between myself and Mr Jim Montague at the offices of
- 15
- the Independent Commission Against Corruption in Sydney. Also present seated to my right is Ms Lisa Stockley, who's an Investigator with the Commission as well.
- Lisa, for the purpose of transcription, can you state your full name?
- STOCKLEY: Lisa Stockley [spells] S-T-O-C-K-L-E-Y.
- 20 BERRY: And Jim Montague, please stay, say your full name for the transcription purposes.
- MONTAGUE: James Cleland Montague.
- BERRY: And do you mind if I call you Jim today?
- MONTAGUE: No not at all.
- 25 BERRY: Is that okay, great. Do you agree that prior to commencement of this electronically recorded interview I told you you did not have to participate in, in this interview and that it's a voluntary process?
- MONTAGUE: Yes.
- BERRY: Do you also agree that I told you you're not obliged to say anything as
- 30
- anything you say will be recorded and may later be used in evidence?
- MONTAGUE: Yes.

BERRY: Do you also agree that I explained that that evidence relates to Commission inquiries or any other inquiries such as criminal matters later down the track?

MONTAGUE: Yes.

5 BERRY: Do you also agree that I told you that if you provide, deliberately provide false or misleading information to the officers of the Commission, which both Lisa and I are, exercising our functions under the Act may be an offence and any information you provide in this interview must be true and correct to the best of your knowledge and belief. Do you –

10 MONTAGUE: Yes.

BERRY: - understand all that? In fairness to you Jim, you should be advised that at this time it's suspected you may have partially exercised your official functions and recruitment process of Spiro Stavis in 2014 onwards to the position of Director City Planning in Canterbury Council. Do you
15 understand that?

MONTAGUE: I understand it but I don't agree with it.

BERRY: That's okay. In fairness to you I have to put that to you so you know where we're at.

MONTAGUE: Yeah, fine.

20 BERRY: Alright. And part of this investigation is delving into the matters okay so, as you would appreciate, we look at some paperwork, we speak to some people and we come and ask you some questions and it's your opportunity to tell us. I'll also reiterate if at any time you feel uncomfortable throughout the interview or don't wish to answer any questions, you're
25 entitled to do that. Okay, I make that perfectly clear to you.

Some background on yourself please. Jim I believe you've been the General Manager at Canterbury Council for some time.

MONTAGUE: That's correct, until the 3rd of June. Oh actually it was early July but, sorry.

30 BERRY: Okay. When did you start at the Council?

MONTAGUE: 18th of October 1982.

BERRY: And in what position did you start at Council?

- MONTAGUE: I was Town Clerk then.
- BERRY: Are you able to give us a brief history of your progression through the Council ranks?
- 5 MONTAGUE: Well there is no history. I, I became General Manager when the Local Government Act changed in 1993.
- BERRY: Okay.
- MONTAGUE: I was appointed as the first General Manager of the then City of Canterbury.
- 10 BERRY: And can you briefly describe your roles and responsibilities as General Manager?
- MONTAGUE: Well as General Manager under the Act I'm responsible for the day-to-day operations of the entire Council, all staff report to me.
- BERRY: And does that, part of your role and responsibility include the recruitment and engagement of staff at that location?
- 15 MONTAGUE: Only in certain cases.
- BERRY: And what would that be?
- MONTAGUE: Senior staff, the ones that I'm obliged to consult with the Council over.
- BERRY: I understand.
- MONTAGUE: By that I mean managers and above, like directors.
- 20 BERRY: Okay. And as part of your role when you liaise with Councillors, what does that involve?
- MONTAGUE: Well that's a difficult question to answer because there's no definition. It just says consult with the Council. People can interpret that in various ways, and most people at least advise the Council that they're about to or they have appointed somebody to a senior position, a contracted position that is.
- 25 BERRY: Uh-hmm, okay.
- MONTAGUE: That varies from council to council I would imagine.

- BERRY: And can you give me a brief description and on your experience in, in engaging senior staff to Council, have you engaged in that process prior to the recruitment of Spiro Stavis.
- 5 MONTAGUE: Yes there were numerous senior staff appointments, mostly internal but not always, but the Council, to the best of my knowledge, was always advised of who was being appointed and that was the person I considered or the, or the interview panel considered was the best candidate.
- BERRY: And in your experience did Council have a say, or Councillors have a say in the recruitment of staff at that location?
- 10 MONTAGUE: Generally speaking no.
- BERRY: Okay. Prior to 1982 were you engaged in other roles or, or work?
- MONTAGUE: Yes I was the Deputy Town Clerk at Leichhardt Council between 19, between 1979 and 1982 and prior to that I was in various positions at both Leichhardt and Burwood Councils.
- 15 BERRY: Sorry I missed the 19 –
- MONTAGUE: 1979 to 1982 -
- BERRY: '79, '82 okay.
- MONTAGUE: - I was Deputy Town Clerk at Leichardt.
- BERRY: Were you engaged in work prior to 1979?
- 20 MONTAGUE: Yes at Leichardt and also at Burwood Council.
- BERRY: In a similar role or a different role?
- MONTAGUE: Different role. I was Accountant and Chief Clerk Accountant at Leichardt, Accountant at Burwood and prior to that more junior positions.
- BERRY: I see. When did you begin your working career?
- 25 MONTAGUE: 1965, August 1965.
- BERRY: Was it always in council or did you have other roles in different organisations?

- MONTAGUE: No, I, I worked for the Commonwealth Bank for a short time straight after school and then I worked in an accounting office in Burwood for a short time and then went into local government.
- BERRY: When did you go into local government?
- 5 MONTAGUE: August 1965.
- BERRY: Okay. Would you consider your knowledge and experience in local government to be superior?
- MONTAGUE: I don't know about superior, superior to what? I mean I have a pretty good understanding of local government.
- 10 BERRY: Do you have it under, a good understanding of how it all functions?
- MONTAGUE: Yes.
- BERRY: Okay, and, and of the relevant Acts that –
- MONTAGUE: Yes.
- BERRY: Okay, alright. What I'd like to do is also explore what or if any
15 qualifications you may have gained throughout your working career?
- MONTAGUE: Well the qual, the primary qualification I have is the old, what they used to call the old Ordinance IV Certificate, which is a certificate or certification as a town clerk. That's, that's the primary qualification I, I had and still have.
- 20 BERRY: Okay. Would it be incorrect of me to imagine that throughout your career you would've engaged in some in-house training from –
- MONTAGUE: Oh of course.
- BERRY: - time to time?
- MONTAGUE: Yeah.
- 25 BERRY: Okay. What I'd like to do is explore the events leading up to the recruitment of Spiro Stavis. If I could take you to a point in time when Marcello Occhiuzzi was in that position, could you walk me forward through the events and what happened and, and why they happened?
- MONTAGUE: What do you mean, in relation to the appointment of Mr Stavis?

BERRY: Yes.

5 MONTAGUE: Well Marcello Occhiuzzi retired, or resigned from Canterbury. I believe he went to North Sydney - I'm not sure about that now – of his own freewill. He just decided he didn't want to stay at Canterbury any longer so he, he resigned. We then commenced a recruitment process to appoint his replacement.

BERRY: Can you recall when that recruitment process started?

MONTAGUE: Oh not precisely -

BERRY: Okay.

10 MONTAGUE: - no look I can't no. I don't have the records in front of me.

BERRY: Alright. We have the information that it started in or around about October 2014.

MONTAGUE: Yeah that's -

BERRY: Does that account with your recollection?

15 MONTAGUE: - that, that probably sounds pretty right.

BERRY: Okay, alright. What was the, what was the steps that you undertook to you know, your involvement in this recruitment process?

20 MONTAGUE: Well I engaged a firm of consultants or, or a woman actually who – her name was Judith Carpenter. She was formerly Judith Carpenter & Associates, but I believe she stepped out on her own.

BERRY: I see.

MONTAGUE: I don't know whether she was on her own at that point.

BERRY: Okay.

25 MONTAGUE: I can't recall that. I engaged her - we'd had experience with her before for senior appointments – I engaged her to undertake the recruitment.

BERRY: You say you've, you've had some dealings with her in the past.

MONTAGUE: Hmm.

BERRY: How long had that dealing, dealings with her, how long had that been in the previous –

- MONTAGUE: Oh over a period of time when I needed her services or the services of her company.
- BERRY: Period of time of months, years?
- MONTAGUE: Oh now, more than that. I've known Judith probably for several years.
- 5 BERRY: And how did you find her work in recruitment?
- MONTAGUE: Very professional, very efficient. However there were some aspects of the Stavis appointment that concerned me a little.
- BERRY: And what were those concerns?
- 10 MONTAGUE: Well I think we're sort of getting a bit far ahead now. What it boiled down to was that I asked Judith to undertake some reference checks. My view is, and I can't prove it, my view is that reference checking could've been done better.
- BERRY: Alright well we'll, we'll get down to that, that stage. The reason I asked that question, so I wasn't aware of what the issue was, whether it was at 15 the early point of the recruitment or sometime later, okay. Alright so you asked Judith Carpenter to help you with the recruitment.
- MONTAGUE: Yeah.
- BERRY: Then can you walk me through what happened after that initial contact?
- MONTAGUE: Well the usual process. I mean Judith – just trying to think back now, run, 20 ran an ad, advertisement for the position. There was a job spec developed which ran with the ad of course -
- BERRY: Okay.
- MONTAGUE: - inviting people to apply for the position of Director of City Planning.
- BERRY: Okay. What happened after the advertisement?
- 25 MONTAGUE: Well advertisements went – if memory serves me correctly – the applications went to her in the first instance.
- BERRY: Yes.
- MONTAGUE: I think I'm correct here. She culled them in accordance with the job spec and the person spec we were looking for, which is normal procedure with 30 recruitment -

- BERRY: Yep, yep.
- MONTAGUE: - and she presented me with a shortlisted, a list of, a shortlist of candidates for interview.
- BERRY: Can you recall how she presented you that shortlist of candidates?
- 5 MONTAGUE: I believe it was in writing.
- BERRY: Okay. Was – can you recall who was shortlisted in that very first occasion?
- MONTAGUE: Oh Simon Manoski was one of them, I remember that.
- BERRY: Yes.
- 10 MONTAGUE: Karen Jones was another one.
- BERRY: Yes.
- MONTAGUE: I can't remember any of the others I'm afraid.
- BERRY: Was Spiro Stavis included on that shortlist in the very first occasion?
- MONTAGUE: I can't remember that either.
- 15 BERRY: Okay. Did you –
- MONTAGUE: I, I could say yes but I'm not certain that it was.
- BERRY: I understand, fair enough. Did you have a conversation with her in that early stage about Spiro Stavis being shortlisted?
- MONTAGUE: No I don't want to answer that question. I can't remember.
- 20 BERRY: Okay. Can you describe what she did to achieve that shortlist?
- MONTAGUE: I've got no idea. She –
- BERRY: Okay.
- MONTAGUE: - used her own experience to do that.
- BERRY: I understand. Was it, is it to your recollection – or we have some
25 information that she reviewed the potential candidates on paper only on that first occasion. Does that strike a recollection with you?
- MONTAGUE: No, but it doesn't surprise me.

- BERRY: Alright. I believe the information provided to us is that there was a second face-to-face interview between Judith Carpenter and some of the candidates. Is that something that recollects with you?
- 5 MONTAGUE: The only thing that I can recall vividly is that there were, there were interviews conducted on the second floor of the administration building in Campsie which, and the people involved in those interviews was myself and the Mayor of the day, Brian Robson, and two other Councillors, I think there were two other Councillors in the room, and Judith -
- BERRY: Okay so -
- 10 MONTAGUE: - from what I can remember.
- BERRY: - are you referring to the formal interview -
- MONTAGUE: Yes, yes.
- BERRY: - with the panel members?
- MONTAGUE: Yes.
- 15 BERRY: Okay. To your recollection was there any other short listing procedure prior to that formal interview?
- MONTAGUE: Not that I recall.
- BERRY: Did you have any other discussions prior to the formal interview with Judith Carpenter -
- 20 MONTAGUE: Oh -
- BERRY: - about short listing Spiro Stavis?
- MONTAGUE: No I never specifically asked - or not, not that I can recall any way to, to shortlist him. I can't, I honestly can't remember.
- BERRY: Okay.
- 25 MONTAGUE: It's two years ago.
- BERRY: Fair enough.
- MONTAGUE: It was a very, very difficult period as I told you at -
- BERRY: Yep.

- MONTAGUE: - the outset.
- BERRY: That's completely understandable. Alright so prior to the formal interview taking place where you've described Brian Robson, some Councillors, yourself and Judith being on the panel, did you have any interaction with any of the candidates whatsoever?
- 5
- MONTAGUE: Yes I spoke to – I remember speaking to Karen Jones on one occasion. She was the only one that I spoke to.
- BERRY: Can you recall the circumstances in which you spoke to Karen Jones?
- MONTAGUE: No not, not in any detail.
- 10 BERRY: Do you recall if it was face-to-face or on the telephone?
- MONTAGUE: Face-to-face.
- BERRY: Okay. Can you recall what the discussion was about?
- MONTAGUE: I just wanted to get to know her. I mean I –
- BERRY: Okay.
- 15 MONTAGUE: - I didn't think that was unusual.
- BERRY: Had you not known her prior?
- MONTAGUE: No, no. No.
- BERRY: Okay. So apart from Karen Jones there were no other meetings or communications with any other candidates prior to the panel, to the best of your recollection.
- 20
- MONTAGUE: Not, not that I recall.
- BERRY: Okay, alright. Let's go forward to the actual day of the interviews. From our information it took place on or around the 17th of November, 20 –
- MONTAGUE: Sounds about right.
- 25 BERRY: Sound's about right?
- MONTAGUE: Yeah.

- BERRY: Okay. Did you have conversations with Judith Carpenter in the way that the interview was to be run, you know your – the questions that were to be provided to you and –
- MONTAGUE: Oh –
- 5 BERRY: - you know the, the rudimentary process?
- MONTAGUE: Yeah our usual process is to develop sample questions or questions that can be asked of the candidates. I may have even asked her to put some together for me.
- BERRY: I understand.
- 10 MONTAGUE: I can't recall that either, but there were certainly prepared questions.
- BERRY: Is it your normal practice to read those questions to the candidates in the formal interviews?
- MONTAGUE: Well not to rea – to ask the questions, but those questions might be shared around. Depending on the position, how many people on the panel, those
15 questions might be shared around to the various panellists.
- BERRY: And was that done on this occasion?
- MONTAGUE: I believe so.
- BERRY: Okay. Do you have a good recollection of that day, that interview panel –
- MONTAGUE: Oh –
- 20 BERRY: - and the questions they asked?
- MONTAGUE: - I wouldn't say good recollection, it's nearly two years ago. I, I remember the interviews definitely.
- BERRY: Okay. Were the – out of the, the interviews that were conducted, can you recall who was the best candidate for that position?
- 25 MONTAGUE: I was leaning towards Karen Jones and there was another fellow, I think he was Simon Manoski.
- BERRY: Okay.
- MONTAGUE: Yeah.
- BERRY: You indicated that Simon Manoski and Karen Jones you were leaning too.

- MONTAGUE: Mmm.
- BERRY: Was Spiro Stavis part of that interview process?
- MONTAGUE: Yes.
- BERRY: Can you tell me why you weren't leaning towards him?
- 5 MONTAGUE: Oh, no look I, I can't remember the exact details of the interview. No, can't answer that.
- BERRY: I see. Why did you lean towards Karen Jones and Simon Manoski? What did they possess?
- 10 MONTAGUE: Look I, I thought based on the, the review that Judith did they were, they were the best candidates. Different sorts of experiences, different background. I felt Canterbury needed some new blood in the planning division. Trial that with, with Marcello. None of the intern – well in fact none of the internal staffers applied for that job at the time, nor did they the second time, which is interesting in itself.
- 15 BERRY: Okay.
- MONTAGUE: And I felt that we needed somebody with the necessary background and experience and either Karen or Simon, in my opinion, would've been suitable.
- 20 BERRY: Alright. You were just talking about doing some review, were you provided some information by Judith Carpenter as a result of her doing her recruitment process?
- MONTAGUE: I was later, much later in the process and that's what led to me withdrawing the offer to Spiro.
- 25 BERRY: Did you have available written references of Karen Jones or Simon Manoski prior to the interview, or even Spiro?
- MONTAGUE: Not that I recall no.
- BERRY: Okay. The previous person holding that position at Canterbury Council was Marcello Occhiuzzi.
- MONTAGUE: That's right.
- 30 BERRY: Do you know why he left?

- MONTAGUE: No.
- BERRY: Were you aware if you'd clashed with councils, Councillors over planning decisions?
- MONTAGUE: That role of Director of City Planning was extremely volatile at that time.
5 I can only imagine that Marcello, who was a gentle soul, possibly didn't manage that terribly well in his own heart and decided to move on. That's the only conclusion I can come to. There were, there were certainly no, as far as I can remember, any overt attack on Marcello. Canterbury City Council has always conducted itself in relation to senior staff in a very fair
10 way. You don't see them being attacked in open meetings or anything like that, never have in my long experience. But I think Marcello felt that maybe Canterbury wasn't for him. I don't know but you'd have to ask him that.
- BERRY: Had any Councillors come to you and spoken to you about their
15 displeasure with Marcello's –
- MONTAGUE: No -
- BERRY: - behaviour or, or –
- MONTAGUE: - not, not directly –
- BERRY: - issues?
- 20 MONTAGUE: - but of course as you can imagine you hear things, you hear things at Council meetings. People say things, it's not uncommon. I think there was some concern about the performance of the City Planning Division and he heard it.
- BERRY: Okay. What was the concerns about the City Planning Division?
- 25 MONTAGUE: Well you know delays in processing, processing times that are too long. We weren't hitting the, you know the targets for processing -
- BERRY: Okay.
- MONTAGUE: - that sort of stuff. You know there, there was just this view that City
30 Planning wasn't processing the applications quickly enough, the ones that they looked at and others went elsewhere to, to other bodies of course, like our Independent Hearing and Assessment Panel. But generally I think there was some dissatisfaction with the way the division performed.

- BERRY: Okay.
- MONTAGUE: That was my, my take on it.
- BERRY: Alright. In respects to Spiro Stavis, were you ever aware he was not making the shortlist in those initial processes?
- 5 MONTAGUE: What do you mean?
- BERRY: We have information he did not make the shortlist.
- MONTAGUE: For what?
- BERRY: The position that we're, we're discussing.
- MONTAGUE: Well he didn't apply for it. He'd left by that stage.
- 10 BERRY: No, Spiro Stavis.
- MONTAGUE: Oh beg your pardon, I'm sorry. Can you repeat the question.
- BERRY: Were you aware that Spiro Stavis did not make the shortlist for the interview on the 17th –
- MONTAGUE: With Judith, with Judith –
- 15 BERRY: Yes.
- MONTAGUE: - Carpenter you mean.
- BERRY: Yes.
- MONTAGUE: Oh look I can't remember that either.
- BERRY: Okay.
- 20 MONTAGUE: Maybe he did. I don't know.
- BERRY: Alright. So the interview took place and what happened after that?
- MONTAGUE: Well the Councillors who were there expressed their opinion.
- BERRY: And, and just for the record, who were the Councillors you're referring to?
- MONTAGUE: The two Councillors were there were Councillor – apart from the Mayor –
25 Councillor Pierre Azzi and Councillor Michael Hawatt right. They expressed the view that they had a preference for someone other than Karen Jones.

- BERRY: Can you tell me why they expressed that view or what –
- MONTAGUE: No idea.
- BERRY: - was the purpose?
- 5 MONTAGUE: No idea, no idea. You've got to put yourself in the position of sitting in one of these interviews with Councillors. It, it's not a process that happens very often, senior staff like this, and you'd only involve Councillors in the appointment of very senior staff. I have to consult.
- BERRY: The Council – the, the inclusion of Councillors in an interview panel in your experience is that a usual or an unusual circumstance?
- 10 MONTAGUE: Well it depends. Canterbury unusual.
- BERRY: Okay. Had it ever occurred at Canterbury prior to –
- MONTAGUE: Yes, because when I was appointed way back in '82 the whole Council sat in on the interview.
- BERRY: Can you tell me why Hawatt and Azzi were included on this panel?
- 15 MONTAGUE: Look they probably were the most strident critics of the performance of the Planning Division and they took more of an interest in planning issues than other Councillors did. It was necessary to find a person in that role who, I thought who could fulfil that role to the satisfaction of the Council.
- BERRY: Okay. Did they ask questions of the candidates on the 17th of November?
- 20 MONTAGUE: I believe so. I can't remember exactly what the questions were though of course.
- BERRY: Can you recall the nature of those questions?
- MONTAGUE: No.
- BERRY: Did you have any rec, recollection of whether or not the questions were appropriate or not?
- 25 MONTAGUE: Well from what I can recall I don't think any questions that were asked were inappropriate.
- BERRY: Okay. Did they ask questions from the predetermined set of, the, the list of questions that was predetermined?

- MONTAGUE: From what I can recall we tended to stray off that list and that's, that's not uncommon either.
- BERRY: Did they ask questions of the candidates of whether or not they were able to get along or comply with the General Manager's requests? Did they ask questions of -
- 5
- MONTAGUE: Not that I recall, no -
- BERRY: - that nature?
- MONTAGUE: - no.
- BERRY: Did you find any of the questions aggressive or the tone of the Councillors aggressive toward candidates?
- 10
- MONTAGUE: No, not particularly no.
- BERRY: Okay. I'd like to take your mind to the questioning of Spiro Stavis for that position. To the best of your recollection, were the questions asked of Spiro Stavis in the similar vein or nature of the questions asked of the other candidates?
- 15
- MONTAGUE: Well look I can't recall that. I imagine so. I mean there was a list of the questions we wanted, we were trying to illicit certain information.
- BERRY: Were the questions asked of Spiro Stavis less robust than perhaps other candidates?
- 20
- MONTAGUE: I don't believe so.
- BERRY: Okay. At the conclusion of this interview process, and I, and I touched on it a little bit ago, that you guys had a discussion. Who was the most vocal in, in the discussion about who should be appointed and not, or not should I say?
- 25
- MONTAGUE: Well the Mayor had a fair bit to say.
- BERRY: What was his preference?
- MONTAGUE: Well he, he was going along with what I wanted.
- BERRY: Right.

- MONTAGUE: He, he was supportive of Karen Jones, and that's not uncommon either. I mean I, I'd done the – I'd been involved in the recruitment process from the get go and Brian was happy to accept my judgment.
- BERRY: Alright
- 5 MONTAGUE: I believe that.
- BERRY: And who, and who wasn't happy to accept your judgment?
- MONTAGUE: Well the other Councillors had another view, that she wasn't the best candidate and there's nothing wrong with that either. That's, that's their prerogative.
- 10 BERRY: And I know I, I touched on this before, but I just wanted to cross, cross over it once more. Did they give you a reason why they didn't want Karen Jones?
- MONTAGUE: Look one of the things that I do recall is they were a little bit concerned about her background, her political background coming from Leichardt Council. I don't know whether you know much about Leichardt but it has a reputation. I worked there for a long time and like I understand Leichardt. I think the Councillors may have thought that she wasn't the right person for Canterbury, but they didn't articulate that in so many words.
- 15
- 20 BERRY: Did they ever raise an issue of her being a woman?
- MONTAGUE: No.
- BERRY: Did they ever say they didn't want a leftie greenie in Council?
- MONTAGUE: I told you they were concerned about her politics.
- BERRY: Did they use those words?
- 25 MONTAGUE: I believe the word greenie was used yes.
- BERRY: I see. Did they have any view on Simon Manoski?
- MONTAGUE: No other than he'd be their second choice.
- BERRY: Just before I do go on, I apologise, just –
- MONTAGUE: Or first choice in some case – I mean I think they would've been happy with Simon.
- 30

- BERRY: Okay. Who – just, just – I failed to ask another question on the comment of Karen Jones. Who made that comment?
- MONTAGUE: I can't recall, it was said.
- BERRY: It was said, alright. When you heard that what was your reaction?
- 5 MONTAGUE: I didn't like it.
- BERRY: Did you say anything about that?
- MONTAGUE: You'd have to be there to understand the dynamic of the meeting.
- BERRY: Okay. And what was the dynamic of the meeting?
- MONTAGUE: Well it was fairly tense –
- 10 BERRY: I see.
- MONTAGUE: - at that stage.
- BERRY: Alright. And what was the catalyst for all the tension? What was the cause of it?
- MONTAGUE: Well I don't know. I mean you've, you've got to understand the
15 personalities involved. It was just a situation where people had fairly strong views.
- BERRY: Who was the person who had a strong view?
- MONTAGUE: Well apart from myself, the two, the other two Councillors.
- BERRY: Okay. The impression I'm getting from what you're telling me is that
20 Brian Robson, who's the Mayor, was happy to go along with you.
- MONTAGUE: Yes.
- BERRY: You had a viewpoint and Councillors Hawatt and Azzi had a different viewpoint.
- MONTAGUE: I think it's fair enough to say that.
- 25 BERRY: What did Judith Carpenter say, if anything?
- MONTAGUE: Oh, the only thing I can really recall is that Judith didn't favour Spiro's appointment.

- BERRY: Okay. Let's get onto the discussion that day about Spiro Stavis. What if anything did you say about his performance or ability to fill that position?
- MONTAGUE: I didn't, no I can't answer that either. I don't, I can't remember exactly what transpired. It was after the interviews were concluded.
- 5 BERRY: I understand. Insofar as what either Hawatt or Azzi said, do you have a recollection of what their viewpoint or position was regarding Stavis?
- MONTAGUE: As I said I, I got the impression that they would've been, they would've been satisfied to appoint anyone except, except Karen.
- 10 BERRY: Did they – to your recollection was there any terms used by any persons in that discussion calling him the greek?
- MONTAGUE: No I don't recall that.
- BERRY: Okay. Ultimately can you tell me what happened with the decision?
- MONTAGUE: Well I, ultimately the decision, I made the decision in discussions, brief discussions with the Mayor that I'd offer the role to Stavis and that's what happened. He received a letter of offer. I can't remember the exact date and, subsequent to that, I asked Judith Carpenter to undertake reference checks for me because I'd heard, I'd heard things in the office, people in the office saying oh why, why you going for him blah, blah, blah right. No one in particular, just scuttlebutt if you like.
- 15
- 20 BERRY: Okay.
- MONTAGUE: So I asked Judith to conduct further reference checks. She did that and those reference checks weren't satisfactory. So on the basis of that I withdrew the offer to Mr Stavis.
- BERRY: Why did you make the offer in the first place without the reference checks?
- 25
- MONTAGUE: Well it's easy to say that now, it's easy to say that now. I, I don't want to go any further with that.
- BERRY: What was the discussion on between –
- MONTAGUE: Well no I'll answer that question.
- 30 BERRY: Okay.

- MONTAGUE: The reason why is because I hadn't heard the concerns expressed by some of the staff with whom Mr Stavis would have to work prior to that. They made – once, once it was on the grapevine that he was gonna be appointed, people started to talk and it got back to me –
- 5 BERRY: Okay.
- MONTAGUE: - and I thought well I'm duty bound to check this out and that's what I did. And on the basis of, of Judith's checks – and I think I might've had one brief discussion with her about it on the phone, I withdrew the offer.
- 10 BERRY: Alright. Just so I can understand, between the time the panel convened to conduct the interview to the 8th of December, which from our information the offer was made –
- MONTAGUE: Mmm about then yeah.
- BERRY: - you had no written references to rely on. Is that my understanding? For Spiro Stavis I'm, I'm referring.
- 15 MONTAGUE: There may of well been references with his application. I can't recall. But Judith would've, would've looked at them if they existed.
- BERRY: Did she ever indicate to you that there was a problem prior to the 8th of December that his references were either not up to scratch, too old –
- MONTAGUE: No.
- 20 BERRY: - not relevant?
- MONTAGUE: No. She may've – look she expressed a concern about him. I don't think she wanted to appoint him.
- BERRY: Okay.
- MONTAGUE: She didn't think he was the best candidate. That's just my take on her attitude at the time.
- 25 BERRY: Ultimately as the General Manager from my understanding you're the man that's got the ability to hire –
- MONTAGUE: Yes.
- BERRY: - this position.
- 30 MONTAGUE: Yes.

- BERRY: Is that correct?
- MONTAGUE: Or any sen – or any position.
- BERRY: Sure so –
- MONTAGUE: But with the senior staff I'm required to consult with the Council.
- 5 BERRY: Do you agree or not that you're the man ultimately responsible to hire that person? You're the one that signs off on that position.
- MONTAGUE: Well notionally that's true.
- BERRY: Okay. What led – what was the situation which led you to go away from Karen Jones to Spiro Stavis? What was the crux of it all?
- 10 MONTAGUE: Well when I withdrew the offer to Stavis, a guy I'd never known, never met before and knew nothing of him. The – I just can't think of the date now, but it was over the Christmas, New Year period. The Councillors visited the Mayor's home and produced for him – I think they wanted to meet with him and talk about things, I don't know what exactly.
- 15 BERRY: Alright.
- MONTAGUE: Maybe it was about this, could've been anything. You know the, the politics out there and the dynamic of that time was, was very, very bad. There, there wasn't much of a relationship between the Mayor and most of the other Councillors. So the upshot of that meeting as I understand is that they presented him with a motion that they wanted to be resolved at an
- 20 extraordinary council meeting in January to terminate my employment.
- BERRY: Okay but prior to that, let me take you back. The, the interview panel convened on the 17th of November to my understanding.
- MONTAGUE: Yeah well I can't be certain of that date.
- 25 BERRY: And the offer to Spiro took place on or around the 8th of December, the formal offer.
- MONTAGUE: Sounds reasonable.
- BERRY: As of the 17th of November you had a point of view that Karen Jones was the most suitable candidate for that position. There was some discussion
- 30 between yourself and Councillors.
- MONTAGUE: Yes.

- BERRY: I'm trying to explore what happened after that interview panel finished for that day to change your mind from Karen to Spiro. I want to exp –
- 5 MONTAGUE: I've already explained that. It was, it was – an offer went to him. There was talk in the office that he, background that I wasn't aware of. I asked her to conduct further reference checks, which she did, and they were unsatisfactory so I withdrew the offer.
- BERRY: I think we're a little bit cross purposes here. I want to explore what changed your mind from Karen to Spiro in that first instance.
- 10 MONTAGUE: Oh well it was clear to me that the, the Councillors wanted to appoint Stavis and the Mayor was indifferent.
- BERRY: Okay. That's, that's what I was trying to get at. What was clear about it? What did they say to you?
- 15 MONTAGUE: Look I, I told you when I came in Simon that I don't really want to revisit that period of my life, my career. That was the worst thing I've ever been through and I reported, as you know, I reported to this office bullying on behalf of some of the Councillors. I'll leave it at that.
- BERRY: Okay. Did you – I'll, I'll ask the question –
- MONTAGUE: And they did move to terminate my employment over this.
- BERRY: Yeah that, that was certainly around that Christmas period I –
- 20 MONTAGUE: Yes.
- BERRY: - believe wasn't it? Okay. I'd like to ask this question, and don't feel like you have to answer the question. Did you feel like you were compromised in that situation?
- MONTAGUE: Yes.
- 25 BERRY: Do you want to explain what you were compromised about?
- MONTAGUE: Well I'll tell you this, I regretted setting up the interview panel. I didn't have to do that but I saw that as the best way to, to consult with the Council about this appointment, which was a critical appointment at Canterbury at the time, absolutely critical. All councillors think they're planners as soon as they arrive on a council, they all know about planning. These people were no exception and they wanted to have an input into this
- 30

appointment and I saw that as being wise because the Marcello thing had been a failure.

5 We had a long serving employee there for many, many years who understood the Council, been there almost as long as I had. Understood the Council, understood the dynamic, the politics of it. He left, he retired. Now that was unfortunate. We had a Council election in 2012, we got a whole new Council – or not whole new, there was quite a few new ones. They had a different view about planning and about how the area should be developing and how it should be growing, and I share that view because Canterbury was stultified for way too long and I felt they needed to move on –

BERRY: Okay.

15 MONTAGUE: - with developments. I supported that notion that the Council should respond and do something about providing affordable housing in the area, which is 15km from where we're sitting now.

BERRY: Right.

MONTAGUE: So they were very interested in who go this job. Was it a person who was going to be progressive and –

BERRY: Okay.

20 MONTAGUE: - not how the old mould. And I, I get that that, I've got no issue with that at all. And their preference, they felt based on what they knew about Spiro, whatever that was 'cause they certainly didn't take me into their confidence was to, that he could do the job and so could Simon. I have to say that. If Simon had got the job they probably would've accepted that.

25 BERRY: I want to explore once again the question I raised to you about you being compromised. Are you able to explain what the issue was, what compromise do you, what the crux of it was?

30 MONTAGUE: Well I think the events explain that. Because I, because I offered the job to Spiro and then withdrew the offer they moved to sack me for no other reason than that. I mean I'd been in that Council 30 odd years at that stage. I had an exemplary record.

BERRY: How did your relationship with Hawatt and – how, how was your relationship with Hawatt and Azzi prior to this?

- MONTAGUE: Cordial, I got on well with the Councillors. I never had any issue like that. That's why it surprised me so much when they did what they did.
- BERRY: I'm going to ask you a question, and I don't mean to offend you in any way, but it's probably something I should ask. Did Hawatt and Azzi have
5 some information or some bearing over you that could put you in a difficult position?
- MONTAGUE: Not that I know of.
- BERRY: Okay. Do you understand what I mean by that? Did they have something on you that –
- 10 MONTAGUE: What some dirt?
- BERRY: Yes.
- MONTAGUE: No, not that I know of.
- BERRY: Okay. Alright so after the initial offer to Stavris was made, you retracted that I believe, is that correct?
- 15 MONTAGUE: Yes.
- BERRY: And that was as a result of some information being provided to you by various persons, is that correct?
- MONTAGUE: Well mainly Judith Carpenter. When I – the reference checks that she did that I'd asked her to do.
- 20 BERRY: What was the issue with the reference checks, do you remember?
- MONTAGUE: People – well I can't remember precisely but you know he, he didn't have the experience that – and there was a lot of scuttlebutt in the office. People knew him, or knew of him. He'd been in his own consultancy for I think about 15 years at one stage. They just turned their nose up and that
25 worried me. So I asked Judith to, to get some more information about him.
- BERRY: And did she write to you with –
- MONTAGUE: Yes.
- BERRY: - information about that?
- 30 MONTAGUE: I believe so yep.

- BERRY: Okay. And as a result of that information what did you do then?
- MONTAGUE: I withdrew the offer.
- BERRY: I see.
- MONTAGUE: Unilaterally. I didn't discuss that with them.
- 5 BERRY: What happened after that?
- MONTAGUE: They, they moved to sack me.
- BERRY: Alright. And did you attempt to speak to Hawatt and Azzi about this?
- MONTAGUE: Yes, of course.
- BERRY: And what was the outcome?
- 10 MONTAGUE: I wanted to know what, you know wanted to know from them what, what their reasons were and I tried to reason it through with them but to no avail. They proceeded with that motion, which they wanted debated at an extraordinary Council meeting I think on the 27th of January, which took place.
- 15 BERRY: Alright. Well, I know, we'll jump forward a bit just so in broad terms what happened and that –
- MONTAGUE: Well the meeting collapsed –
- BERRY: Okay.
- MONTAGUE: - because the you know, it was a technical point on how the meeting was
20 being conducted and I left the meeting along with the Mayor and most of my support staff, and the meeting collapsed.
- BERRY: And you remained in that position until 3rd June 2016.
- MONTAGUE: Yes.
- BERRY: Is that correct?
- 25 MONTAGUE: Well I was there until July actually but yeah that was, I was there into the new financial year.
- BERRY: Into the new financial year, alright. [To Stockley] Do you want to cover off anything at this stage?

- STOCKLEY: Yeah I'll just go back and make a few clarifications here and there. At the beginning of the interview you said that you were engaged at Canterbury in '82 as the Town Clerk. Is that really the equivalent to the General Manager?
- 5 MONTAGUE: Yes.
- STOCKLEY: Yeah, it's just a change –
- MONTAGUE: Yes.
- STOCKLEY: - in the Act –
- MONTAGUE: That's all, yeah.
- 10 STOCKLEY: - which caused the change in your title.
- MONTAGUE: That's right.
- STOCKLEY: Okay. Now in regards to Judith Carpenter, you mentioned that you had used her on a number of occasions over several years in terms of recruitment of senior staff.
- 15 MONTAGUE: Yeah.
- STOCKLEY: Would you say that you relied on her on her – or you, you were comfortable enough in her ability to rely on her –
- MONTAGUE: Yes.
- STOCKLEY: - advice in those appointments?
- 20 MONTAGUE: Yes.
- STOCKLEY: Okay. And in terms of her advice about appointments did you, was it the case that you needed to balance that with other needs in the Council or, or even political issues in the Council –
- MONTAGUE: Of course.
- 25 STOCKLEY: - to make that work?
- MONTAGUE: Well look anyone that thinks my job is not political –
- STOCKLEY: Yeah.
- MONTAGUE: - doesn't understand local government very well.

- STOCKLEY: Right, so –
- MONTAGUE: You know local government's littered with general managers who thought they could, they could, they could defy the council.
- STOCKLEY: Yep.
- 5 MONTAGUE: They didn't last very long.
- STOCKLEY: So is it the case that although a recruitment consultant might have a view to who's the best candidate in a merit selection process, that the, that you as the General Manager has to make the appointment, has to also balance that –
- 10 MONTAGUE: Of course.
- STOCKLEY: - with these other.
- MONTAGUE: All, all she's doing is offering me advice. I don't have to accept it.
- STOCKLEY: Sure, okay. Now in, when you engaged her did you give her – as you mentioned it was a very volatile time at Council and you were looking to affect some change in terms of the way that the planning area operated. Did you give her any briefing about the sort of attributes that you would like to see in the new appointee?
- 15
- MONTAGUE: I think though, I mean I'm not certain sorry, I haven't got the documentation, but I think they were –
- 20 STOCKLEY: Yeah.
- MONTAGUE: - contained in the job spec and certainly –
- STOCKLEY: Yep.
- MONTAGUE: - in my discussions with her I made it clear that we wanted somebody who had the right sort of skill sets to do this job. It's a very, very difficult job -
- 25 STOCKLEY: Yep.
- MONTAGUE: - and particularly with that particular Council from September 12 when they were elected.
- STOCKLEY: I think you mentioned that elsewhere in the interview that there was a view that there needed to be more responsive attitude to development

needs in the area, you know that Canterbury had stagnated a bit and there
–

MONTAGUE: Yeah.

STOCKLEY: - was a view of the new Council that they wanted to –

5 MONTAGUE: Yes.

STOCKLEY: - sort of get on with development.

MONTAGUE: Yes.

STOCKLEY: Was that communicated to her in terms of the type of candidate that you were looking for, for the role?

10 MONTAGUE: Not specifically I don't think, no.

STOCKLEY: Okay. In terms of the discussions with the Councillors following the interview, the formal interview process about the preferred candidates and you mentioned that Karen, Karen Jones was your first choice, or you were leaning towards her.

15 MONTAGUE: Yep.

STOCKLEY: And the Councillors were, were not of that view and there was concerns about her, her coming, perhaps her political views in coming from Leichardt Council. Would it be fair to say that they, they were concerned that she wasn't pro-development? Is that, is that the issue?

20 MONTAGUE: I think look you, you, you could, I guess you could argue that.

STOCKLEY: Yeah.

MONTAGUE: It, it wasn't articulated in –

STOCKLEY: No.

MONTAGUE: - in so many words.

25 STOCKLEY: But is that what you understood to be their concerns?

MONTAGUE: I, look knowing Leichardt, pardon me, particularly in recent times, there may've been a concern that she may've been a little bit conservative.

STOCKLEY: Right.

- MONTAGUE: Put it that way.
- STOCKLEY: Yeah.
- MONTAGUE: I don't know. They didn't as I said articulate that -
- STOCKLEY: Yeah.
- 5 MONTAGUE: - but that's, that's in the back of my mind is probably why they were less enamoured with her.
- STOCKLEY: And you said that you were, you were leaning towards Karen Jones or Simon Manoski -
- MONTAGUE: Yep either of them.
- 10 STOCKLEY: - and, and you felt that Council would've basically accepted anyone apart from Karen Jones.
- MONTAGUE: Well look it came as a surprise to me. Look if I had my time over I wouldn't have the panel because I, I misread it entirely. I made my life much more difficult by -
- 15 STOCKLEY: Yeah.
- MONTAGUE: - by setting up that panel.
- STOCKLEY: Yeah.
- MONTAGUE: If I'd simply gone ahead, conducted the interviews, appointed Karen, which I've got the legal right to do -
- 20 STOCKLEY: Yeah.
- MONTAGUE: - all I had to do was put a report up to Council to say I've appointed Karen Jones. Now it would be extraordinary if any Council overturned that -
- STOCKLEY: Yeah.
- MONTAGUE: - although in this case it may well have happened.
- 25 STOCKLEY: Oh, sounds like it.
- MONTAGUE: Right.
- STOCKLEY: Yeah.

MONTAGUE: So I didn't want to take that risk.

STOCKLEY: Yeah.

MONTAGUE: I thought no in fairness, in deference to the Council I will tell them what I'm thinking of.

5 STOCKLEY: Yeah.

MONTAGUE: I'll set up this panel, they'll have an input right from day one. That was, that was – in my view that was a poor decision on my part. I should've just moved ahead as I always did with the appointment of senior staff and advised the Council by way of consultation who I had appointed and why.
10 And that's what I, I should've done this time but I didn't.

STOCKLEY: In regards to - okay obviously it was clear that you wanted to engage someone that the Councillors were going to –

MONTAGUE: Well –

STOCKLEY: - accept -

15 MONTAGUE: Yeah.

STOCKLEY: - so that you know, that person would be able to work with Council to achieve its objectives, so Karen was not that person. But you mentioned that Simon Manoski performed well, or you felt he was an acceptable candidate. So what happened to him in the process whereby it went from
20 you know, Karen is, is probably the, your pick to Spiro? Where was Simon in that mix?

MONTAGUE: Well he would've been the fallback position. I, I still think he would've been –

STOCKLEY: Okay.

25 MONTAGUE: - had Spiro not been appointed, or had he declined the offer of appointment.

STOCKLEY: Okay. So you – but in, in your, in your view finishing up with the interviews you, you said that Karen or Simon would've been what you, who you were leaning towards, how, how did the other Councillors feel
30 about Simon?

- MONTAGUE: Oh there was no, you know overt criticism of him. I think they would've accepted him. I, but, but I – I got the sense that they, they strongly supported Spiro -
- STOCKLEY: Okay.
- 5 MONTAGUE: - and I knew that there'd be, potentially if I, or certainly if I'd appointed Karen that would've been just a red rag at a bull. They, they, they wouldn't have done that and that's when I was, I was cursing myself for setting the panel up in the first place.
- 10 STOCKLEY: Wouldn't it, wouldn't it have been an option you could've considered to appoint Simon rather than Stavis given that you know, you felt that Simon was a good candidate?
- MONTAGUE: I thought, I thought Stavis was a good candidate too.
- STOCKLEY: Did you?
- MONTAGUE: He interviewed well.
- 15 STOCKLEY: Yeah.
- MONTAGUE: His background was, was varied. He'd been in his own consultancy, he'd been at Leichardt Council interestingly enough -
- STOCKLEY: Right.
- 20 MONTAGUE: - and others and he was pretty well rounded. And look I've got to say, that after he got the job in 2015, from what I know and, and my own interaction with him, he was a very good candidate. He was, he was a very good senior planner, or Director of City Planning. When the Councils merged he expected to get a gig at Bankstown, he didn't. For what reason I don't know, but he moved on. He's left the Council now
- 25 and I believe he's working for St Basil's Homes.
- STOCKLEY: Yeah.
- MONTAGUE: So that was Spiro's decision. I, throughout that two years he was with us I developed a very good – I developed respect for him. He, he did the job extremely well.
- 30 STOCKLEY: Yep.

- MONTAGUE: Better than most people expected, me included. So I, I felt then well look we've got the right person here -
- STOCKLEY: Okay.
- MONTAGUE: - and no, he did nothing to dissuade me from that thinking.
- 5 STOCKLEY: You mentioned going in this process that, so the posit, the position was offered to Stavis and then, as a result of some concerns expressed by a staff within the planning area, you decided to conduct some additional -
- MONTAGUE: Mmm.
- 10 STOCKLEY: - reference checks. Who were the staff that expressed those concerns to you?
- MONTAGUE: Peo - mainly the, mainly the, the strategic - not the strategic planners, the development assessment planners, people -
- STOCKLEY: Right.
- MONTAGUE: - that deal with the applications.
- 15 STOCKLEY: Right.
- MONTAGUE: I, I can't think of anyone in particular now, but numerous people. They didn't come directly to me but it got -
- STOCKLEY: Right.
- MONTAGUE: - back to me -
- 20 STOCKLEY: Filtered back to you.
- MONTAGUE: - that they were concerned about this.
- STOCKLEY: Yeah.
- MONTAGUE: And I didn't know what that concern was based on, whether they had any personal knowledge or understanding of Spiro or not, or whether they were just listening to what other people said. I mean the place is like most big organisations it's rife with rumour and you know, how do you know.
- 25 STOCKLEY: Yeah.
- MONTAGUE: So I, I wouldn't have judged him on the basis of that -

- STOCKLEY: No.
- MONTAGUE: - but it certainly caused me to –
- STOCKLEY: It prompted you to do more checks.
- MONTAGUE: Yeah, yeah.
- 5 STOCKLEY: Yeah. No that's all I wanted to clarify.
- BERRY: Okay. I believe this year you spoke to investigators of the Office of Local Government in March.
- MONTAGUE: Yes, Richard -
- BERRY: Sorry, I beg your pardon, last year.
- 10 MONTAGUE: - Richard somebody. I can't think of his surname.
- BERRY: Alright, okay. Do you recall a conversation with Azzi and Hawatt where they were happy for you to offer the job to Simon but another job needed to be found for Spiro?
- MONTAGUE: Yes.
- 15 BERRY: Okay. Can you tell me what happened there?
- MONTAGUE: Nothing happened. I just let it go over my head.
- BERRY: Okay. Did you respond to their –
- MONTAGUE: No.
- BERRY: - demand or request?
- 20 MONTAGUE: You, you've got to understand the, the nature of the people you're dealing with. I mean it was, it was a very volatile time and I, I said fine, but I had no intention of finding a job for Spiro. The budget didn't allow for it. If he didn't get the Director of City Planning job he wouldn't be working for Canterbury.
- 25 BERRY: I'm going to take you back to the part where we were discussing the interview in relation to the question I asked you of whether or not you thought, or you thought or observed either Hawatt or Azzi acting in a manner that was either inappropriate or aggressive or anything of that nature.

- MONTAGUE: Pierre's a very excitable person at the best of times.
- BERRY: Okay. For the benefit of this interview, can you describe what excitable is?
- 5 MONTAGUE: Well he's [laughs] wouldn't call him – well he, he gets excited pretty easily.
- BERRY: What I'd like to do is show you an email between yourself and Judith Carpenter. It's dated the 17th of November at 19:02, that's 7:02pm. I'll give you an opportunity to look at that document. And it starts from the bottom and works its way up.
- 10 MONTAGUE: Oh yeah.
- BERRY: Maybe not so much on that one but.
- MONTAGUE: Oh yeah. [Reads email] Yep, I remember that now I see it again. What date was that? November 17, 2014. Yep.
- BERRY: From my understanding that would've been on the day of the interview.
- 15 MONTAGUE: Oh, was it? Could've been.
- BERRY: Well to help your memory I now have a schedule, an interview schedule of the persons to be interviewed and the date, it's November the 17th.
- MONTAGUE: Yeah that's fine.
- BERRY: Okay.
- 20 MONTAGUE: Oh that's right, mayoral bit – now I remember, Vince Connell. He was pretty impressive too actually.
- BERRY: Okay.
- MONTAGUE: Yeah.
- 25 BERRY: So looking at this email it says "Hi Judith, thank you for your assistance. Off the record my choice is Karen. I am concerned however that she may be put off by the behaviour of Councillors at the interview."
- MONTAGUE: Mmm.

- BERRY: "I would be grateful if you could explain to her she'll be reporting to me, not Council, and not take the interview too much to heart. By the way my second choice would be Simon. Regards Jim".
- MONTAGUE: Yep.
- 5 BERRY: Is that an email you wrote?
- MONTAGUE: Yes.
- BERRY: Okay. Are you able to determine now or recall now what the behaviour of the Councillor was at the interview?
- 10 MONTAGUE: Well no I, I can't – but the, the questioning I thought was probably a little, would've or could've been taken by her as to be a little bit aggressive, a, a little bit too robust.
- BERRY: Yeah.
- MONTAGUE: Right, and that fits with the personality of Pierre in particular, and he doesn't mean anything by it, it's just how he is.
- 15 BERRY: So was it Pierre that was asking the questions, that was aggressive?
- MONTAGUE: Well they both did, they, they both did but Pierre mainly -
- BERRY: Pierre mainly.
- MONTAGUE: - from what I can recall.
- 20 BERRY: Were the questions he asked, were they off the script or was this when he you know –
- MONTAGUE: Oh much, off the script yeah.
- BERRY: Off the script?
- MONTAGUE: Yeah.
- 25 BERRY: Did he go and ask his own questions about certain things that wasn't on script?
- MONTAGUE: Nothing that was too way out. I think it was generally around what she'd done, what her background was, you know how she performed at Leichardt blah, blah, blah, things like that. Nothing that I can recall that,

that was too far out there. But I, if I was in her situation I would've thought gee you know, what am I getting myself into.

5 BERRY: I'd like to refer you to another email dated the 25th of November. This is between yourself and Judith again. It starts back on the earlier part of that day at 11:30 and it finishes at 12:10. I'll give you an opportunity to look at that particular email.

MONTAGUE: [Reads email]. Yep.

BERRY: Do you recall that email?

MONTAGUE: It's there. I don't recall it but it's there so.

10 BERRY: Okay.

MONTAGUE: Yeah. It's not, it's not a, something you made up.

BERRY: Alright.

MONTAGUE: I, I believe that though.

15 BERRY: In this email back at the time of 11:33 Judith is talking to you about having conducted the referee reports for Spiro Stavis and later on says that her "gut feeling is that Karen's leading the pack and Simon's second", but she outlines "Spiro is okay but hasn't managed at this level and you might get internal resistance at least".

MONTAGUE: Yep.

20 BERRY: And also "I just realised one of his referees has not responded up so we'll follow up this afternoon". So given the context of this email, does that jog your memory about the issues surrounding Spiro's referees?

25 MONTAGUE: My concern was based mainly on what I was hearing around the office, not so much on what Judith had – that only corroborated – that, that just made me think well look out, there's a problem or could be a problem here.

30 BERRY: Considering this is the 25th of November and the job wasn't offered until the 8th of December, this is some weeks prior. Was there a development in the information provided to you over a period of time? How did that all work? What was the situation there?

- MONTAGUE: Well there was. I mean Judith did the reference checks and nothing changed. You know she felt that, that he, that he wasn't the best candidate.
- 5 BERRY: On the 26th of November you, I'll show you an email to you from Judith Carpenter. In fact there's two of them and they attach reference checks.
- MONTAGUE: [Reads emails] I don't – these names, that's not familiar.
- BERRY: That's what I was going to ask you.
- MONTAGUE: Yeah.
- BERRY: Have you read those or seen those before?
- 10 MONTAGUE: Well I would've but I don't, you know, I don't – this is from Julie Bot, Binden is it?
- BERRY: It appears that way.
- MONTAGUE: Yeah. Yeah, I mean.
- 15 BERRY: I suppose what I'd like to ask you, do you agree the email that's been sent to your email address on the, as what you see in front of you?
- MONTAGUE: Yep.
- BERRY: Do you have a recollection of reading these particular –
- MONTAGUE: No not, not –
- BERRY: - reference checks?
- 20 MONTAGUE: - specifically but I'm sure I did.
- BERRY: Do you remember of any issues about the referees being old or?
- MONTAGUE: What do you mean, the people?
- BERRY: The, the, the – in particular the referee with all the reference checks provided by Julie Binden indicates that it was over 10 years since she'd
- 25 worked with Spiro. Does that –
- MONTAGUE: Oh.
- BERRY: - recollect with you?

- MONTAGUE: No.
- BERRY: In particular the reference checks provided by Sandhya Davidson, and when they worked together at Strathfield Council, which is in 2012, she was actually a junior employee to Spiro.
- 5 MONTAGUE: Alright yeah. There was an issue with, with somebody at Strathfield. I, I can't recall, no.
- BERRY: Does any of that recollect with you?
- MONTAGUE: Oh vaguely.
- BERRY: Okay.
- 10 MONTAGUE: It started, a picture started to emerge.
- BERRY: Alright. So by the 26th of November you had some information provided to you, a picture started to emerge, some scuttlebutt around the –
- MONTAGUE: Yeah.
- BERRY: - the office. Did that cause you some concern –
- 15 MONTAGUE: Yes.
- BERRY: - about Spiro?
- MONTAGUE: Yes.
- BERRY: Yet again on the 26th of November another email sent to you by Judith Carpenter and you've replied "Many thanks". And I'll give you an opportunity to look at that document. It's a summary of the, the reference checks and the persons or the candidates being Karen Jones and Spiro Stavis.
- 20 MONTAGUE: Yes.
- BERRY: Do you remember receiving that email Jim?
- 25 MONTAGUE: [Reads email]. Hmm. Again a picture's emerging.
- BERRY: Okay.
- MONTAGUE: I've got no, no issue with the comments.

- BERRY: When, when you say a picture's emerging is that something that's emerging now or you have –
- MONTAGUE: No then.
- BERRY: - a recollection?
- 5 MONTAGUE: When I read that I would've been as concerned. I mean I haven't read it for a long time and I don't remember it, but there it is.
- BERRY: So in summary do you agree that Judith has outlined the strengths of Karen Jones versus Spiro Stavis?
- MONTAGUE: Yes, seems that way.
- 10 BERRY: And from your reading is it clear to you that Spiro Stavis is not a suitable candidate for that position?
- MONTAGUE: Well not on, not on that.
- BERRY: Not on this email?
- MONTAGUE: No.
- 15 BERRY: Okay. And this, at that time you had –
- MONTAGUE: Well that's her opinion of course.
- BERRY: Of course, of course but you've been friends with her, or you've known –
- MONTAGUE: Not friends.
- BERRY: - her, sorry no.
- 20 MONTAGUE: She's a business partner, we've – I've used, we're not friends.
- BERRY: You, you have known her for some –
- MONTAGUE: Yep.
- BERRY: - period of time.
- MONTAGUE: In a professional sense.
- 25 BERRY: You had trust in her capabilities in recruitment.
- MONTAGUE: Yes.

- BERRY: You had no issues with her prior to this.
- MONTAGUE: No.
- BERRY: Then is it not reasonable to take that advice onboard?
- 5 MONTAGUE: Oh of course, and I did. And it – I was a bit disappointed as I said earlier that I don't think she did the job thoroughly enough on the reference checks in the first place.
- BERRY: Well taken that you've been given reference checks on the 26th of November in a number of emails, plus the summary of the events, do you think that not was – what else could she have done?
- 10 MONTAGUE: Well that's a good question. I, I mean I don't know.
- BERRY: Okay. I'll now provide you a document dated the 8th of December, a letter to Spiro Stavis from yourself or under your signature. Can you confirm that's the letter you wrote?
- MONTAGUE: [Reads letter]. Yep, that's my signature alright.
- 15 BERRY: Is that the letter of offer to Spiro Stavis?
- MONTAGUE: Yes.
- BERRY: And do you agree it's dated the 8th of December 2014?
- MONTAGUE: Yep, I do.
- 20 BERRY: Do you agree that's after you've been advised in a number of emails about Spiro's –
- MONTAGUE: Yes.
- BERRY: Are you able to determine or recollect a cause prompting you to write to Spiro Stavis offering him the position –
- MONTAGUE: Well –
- 25 BERRY: - considering the issues?
- MONTAGUE: Yeah but those – that's – I don't think those enquiries were, were necessarily exhaustive. I'd already made up my mind given the dynamics out there and given the pressure that was being applied that, based on what

I knew, he was as good a choice as any of the others and I decided to put him on. I don't deny that.

BERRY: Okay. I think we –

5 MONTAGUE: But that was before all the scuttlebutt started up and then they, then I, then I got really concerned that –

BERRY: Well when did the scuttlebutt start up?

MONTAGUE: Oh, virtually after it was, got around that he was going to be offered the position.

BERRY: When did that happen, do you remember?

10 MONTAGUE: I don't know exactly, way things –

BERRY: Do you remember having conversations with Spiro Stavis after the 17th of November? Were there any -

MONTAGUE: I could've, I could've.

BERRY: - were there any telephone calls or text messages?

15 MONTAGUE: I can't recall that. I could've had a conversation with him. That's nothing un, unusual about that.

BERRY: Do you have any recollection of promising him the job prior to being formally off –

MONTAGUE: No.

20 BERRY: - offered?

MONTAGUE: No.

BERRY: Would that strike you as something that you would or would not do?

25 MONTAGUE: Oh I, I wouldn't say I wouldn't do it. If I felt that he was the right person I, I wouldn't be at all concerned about saying look you, you'll get a letter of offer. I mean there's nothing –

BERRY: No that's okay.

MONTAGUE: - clandestine about that.

BERRY: Sure.

- MONTAGUE: I have the authority to make these appointments.
- BERRY: Absolutely.
- MONTAGUE: I set the panel up –
- BERRY: Sure.
- 5 MONTAGUE: - not the Council.
- BERRY: I'd like to show you a document dated the 14th of January 2015. Is this the document you wrote to the Independent Commission Against Corruption or to a, to a body? Is that your writing, is that your document?
- MONTAGUE: [Reads document]. Yep.
- 10 BERRY: Thank you. That document, do you recall for the, for the purposes of this interview, was that a document you provided to the Commission?
- MONTAGUE: No I can't recall.
- BERRY: Can't recall?
- MONTAGUE: No. It could've been part of my, my referral to the Commission.
- 15 BERRY: Okay. In that document you write that on the 13th of January an offer had been made to you and that is attached, and that is as a result of discussions between yourself and Hawatt I believe. Is that correct? Are you – I'll give you an opportunity to read -
- MONTAGUE: Well I –
- 20 BERRY: - that document.
- MONTAGUE: It's a bit hazy now.
- BERRY: Sure.
- MONTAGUE: [Reads document]. Yep.
- BERRY: Do you remember a, a meeting taking place on or around either the 13th or
25 14th of January 2015 with Michael Hawatt or others?
- MONTAGUE: Oh look I had discussions with Councillors all the time.
- BERRY: I'd imagine it's a fairly busy time for you.

- MONTAGUE: Well that time of the year it isn't actually because the Council's in recess, but I have, I had discussions with Councillors all the time.
- BERRY: Okay.
- 5 MONTAGUE: About all sorts of things as you'd expect. Yeah that – the Mayor received a request from Councillors Hawatt and Azzi on 24th of December that, terminate my contract. That's what I told you. [Reads document aloud] “On the 27th of December – verbal offer which was very similar to the one described in the email attached and supplied to me, to me via email. I declined the offer. Both Councillors may be construed as reportable under
- 10 section 11” and that's what I did because I thought they were engaging in bullying activities.
- BERRY: In the email from Michael Hawatt to you on the 13th of January 2015, this is the offer you refer to –
- MONTAGUE: Mmm.
- 15 BERRY: - that you believe is, you refer to the Commission as bullying behaviour. They talk about conducting a full audit of the Il Buco and other executive expense.
- MONTAGUE: Yep.
- BERRY: Was that part of something that they spoke to you about in private?
- 20 MONTAGUE: The Il Buco stuff?
- BERRY: Yes.
- MONTAGUE: No the Il Buco stuff was public. It went on the front page of The Herald.
- BERRY: I understand that, but prior to that had they spoken to you about the –
- MONTAGUE: No.
- 25 BERRY: - Il Buco stuff?
- MONTAGUE: No. They didn't know until it hit the papers.
- BERRY: Do you know how it got to the papers?
- MONTAGUE: I've got my suspicions.
- BERRY: What are your suspicions?

- MONTAGUE: An internal leak. A staff member that I, whose employment was terminated, not by me but by one of the senior managers. I, I don't know any of this for certain.
- BERRY: Who was that?
- 5 MONTAGUE: I, I'm not going to put a name to it because I might be you know accusing her wrongly, but it just was very mysterious that all of a sudden all this stuff was in the possession of the Sydney Morning Herald, and –
- BERRY: And it coincides at –
- MONTAGUE: It was a perfect storm.
- 10 BERRY: Do you believe the media concerning yourself was as a result of the Spiro Stavis recruitment issues?
- MONTAGUE: I don't know, I don't know. I said it was a perfect storm. I think it was more about Il Buco, I think that's what hit the front page of the Telegraph, not anything to do with this, but they both happened virtually at the same
- 15 BERRY: Well I mean there's obviously cause and effect in everything, and as you describe it, the perfect storm. Was there some other critical event that happened at or about this time that potentially led to this information being provided to the media?
- 20 MONTAGUE: No I can only assume, and this is an assumption, I've got nothing to back it up, is that somebody in the organisation who had access to our accounts payable files lodged a formal complaint with the Sydney Morning Herald and Kate McClymont was only too happy to follow it up. That happ, was happening, I knew that. She reported on the oh, 12th, was it the 12th of
- 25 January, can't remember now, but it hit the front page of the, of the, The Herald, not the Telegraph, The Herald, and –
- BERRY: I think there were a number of articles -
- MONTAGUE: Well there were.
- BERRY: - and I think they were probably from mid to late January.
- 30 MONTAGUE: Yeah, that's about right –
- BERRY: Alright.

- MONTAGUE: - that's about right. That was, you know it was riddled with errors though and of course no, no one bothered to really investigate it thoroughly to find out exactly what happened.
- BERRY: Can I ask you this Jim, were you ever threatened?
- 5 MONTAGUE: By, by whom?
- BERRY: Any of the Councillors?
- MONTAGUE: In what respect?
- BERRY: In respect to not complying with their requests or their desires for Spiro Stavis –
- 10 MONTAGUE: No.
- BERRY: - to be appointed.
- MONTAGUE: Only what's in that email, that, that I was told I could go and that's, that happened.
- BERRY: Yep, let's explore that for a moment. Who told you you can go?
- 15 MONTAGUE: Pierre Azzi.
- BERRY: And what was that in relation to?
- MONTAGUE: Well he, he wanted Spiro.
- BERRY: Okay, so that's what I'm getting at. So be, because he –
- MONTAGUE: But he would've accepted –
- 20 BERRY: - wanted Spiro, he said –
- MONTAGUE: - he would've accepted –
- BERRY: - if you don't do –
- MONTAGUE: - Simon.
- BERRY: - as you're told you could go.
- 25 MONTAGUE: Well more or less.
- BERRY: Yeah.

MONTAGUE: Yeah.

BERRY: Okay. Did he then go on to explain what he or others would do to facilitate that approach?

5 MONTAGUE: No, I mean what he did was put that motion in and that's a lawful motion and had to be considered by the Council, and there was a meeting held on the 27th of January for that purpose.

BERRY: Did he tell you prior to putting in the motion that if you didn't do what he requested –

10 MONTAGUE: No. That, that, that motion came completely out of the blue. It shocked me to the boots –

BERRY: Right.

MONTAGUE: - and when the meeting was held on the 27th it was a packed house, it was standing room only and Kate McClymont took centre stage.

BERRY: When did you find out about the motion?

15 MONTAGUE: Now that's a good question. I got a tip I think the day before from another Councillor that there was something happening. I didn't know what, but I heard about it from the Mayor, who accepted the motion on a bit of paper and he rang me I think or came into the office and said look they've, you know, this is what they're doing. I was, I was stunned, I couldn't believe it.

20

BERRY: Okay. When did the motion –

STOCKLEY: Can I just have a look at that?

BERRY: - when did the motion take place? When was the motion lodged I should say –

25 MONTAGUE: Well –

BERRY: - or, or, or discussed?

MONTAGUE: I think early, hang on, I think it was Christmas Eve, 24th of December I think they went around to the Mayor's home and presented him with this so he stonewalled for a while. He had to call a meeting, legally he had to call a meeting but we managed to delay that until the 27th of January, and

30

that was a tactical approach to this. And as I said the meeting collapsed on the night.

BERRY: Did you have conversations – oh sorry. So on or around about the 24th, or Christmas Eve we should say –

5 MONTAGUE: Mmm.

BERRY: - there were some information. Had you found out about it by that stage?

MONTAGUE: Some information?

BERRY: About the motion. Had you – were you aware of the motion –

MONTAGUE: Not, not, not –

10 BERRY: - Brian Robson being spoken to –

MONTAGUE: Yeah, no.

BERRY: - at that stage?

15 MONTAGUE: No, no. He didn't tell me until he had the motion in his hands and I wasn't aware of what was in it. I didn't think – when I saw it I was, as I said I was just shocked, I couldn't believe it.

BERRY: Why were you shocked?

20 MONTAGUE: Because I think I done nothing to warrant dismissal in those circumstances, after 30 odd years of service with exempl – you know with every performance review I had was, was outstanding. I mean I'd never had any trouble with the Council in the past. I rang the joint for 30 odd years and I think very successfully, but this – the action I took in relation to Spiro triggered something in, in them which was foreign to me and I didn't expect.

25 BERRY: Do you have any information about any of the relationships between Spiro, Hawatt and Azzi?

MONTAGUE: I've got no reason to believe that they had any relationships before. He is a local, he lives within the City of Canterbury, but I had no reason to believe he had any and formed any relationships with any of the Councillors prior to his appointment no.

30 BERRY: Have you come to hear any information about Spiro's relationship with Hawatt, Azzi or any others after this event?

- MONTAGUE: No, nothing, no nothing, certainly nothing of a derogatory nature. He did his job. It wasn't easy for him. It was a difficult role and I, as I said to you, I think he discharged his responsibilities very efficiently and very professionally in the, in the time that he worked with me.
- 5 BERRY: Earlier you mentioned that councils are very political.
- MONTAGUE: Yes, this one in particular.
- BERRY: Do you have a party al, alignment –
- MONTAGUE: No.
- BERRY: Okay.
- 10 MONTAGUE: I'm not a member of any political party. I'll tell you my, my – I do align up with the Labor Party, I have Labor values, but I've never been a member of a political party.
- BERRY: Okay. To your knowledge was there any influence or inducements by other persons to have Spiro Stavis appointed to this position?
- 15 MONTAGUE: No, not that I'm aware of 'cause no one, no one approached me.
- BERRY: Okay.
- STOCKLEY: While you're looking through there –
- BERRY: Sure, go for it.
- 20 STOCKLEY: - I'm might just – sorry I just hadn't had an opportunity to read that. Jim there's a reference there in the letter that you wrote to the Commission stating that you met with Hawatt and Azzi in a public place -
- MONTAGUE: Yes.
- STOCKLEY: - on the 27th of December.
- MONTAGUE: Yes.
- 25 STOCKLEY: Can you recall where that was?
- MONTAGUE: Yes I think it was at the Bulldogs Leagues Club in Belmore.
- STOCKLEY: Okay and was it only Mr Azzi and Mr Hawatt that were there?
- MONTAGUE: I can't recall. No I think it was just the two of them.

- STOCKLEY: Just the two of them.
- MONTAGUE: To the best of my recollection.
- STOCKLEY: And it was at that meeting that the, that they offered you an opportunity to resign -
- 5 MONTAGUE: Yes.
- STOCKLEY: - and, and in that resignation you would receive a gratuity payment but you also had to agree to certain conditions.
- MONTAGUE: Yes.
- STOCKLEY: And that, the attachment to that document that Simon showed you was, is a fairly accurate description of what had been offered to you –
- 10 MONTAGUE: Well yeah.
- STOCKLEY: - at that meeting.
- MONTAGUE: In, in effect it was like a redundancy.
- STOCKLEY: Right, okay.
- 15 MONTAGUE: Which I didn't think I was entitled to.
- STOCKLEY: Did – is that the only time you met with anyone about off, accept, being offered or accepting the offer of a resignation?
- MONTAGUE: I also met with Councillor Hawatt once in his offices in Lakemba and I think, yeah it, it was a meeting I, I don't think there was anybody else present, I can't remember and it was the same thing. It was just a discussion, how can we find a way through this. You know Michael was saying things like "yeah, you know we'll give you a payment to go". But I, at that stage I'd had some fairly animated discussions with Michael because he said he had the numbers to get rid of me. I didn't think he did.
- 20 He was right, I was wrong.
- STOCKLEY: Right.
- MONTAGUE: He, he did a good job on me.
- STOCKLEY: Did he involve anyone else as far as you're aware, any other people in the community that you know, developers or you know prominent people in the community to try and persuade you to accept the offer?
- 30

- MONTAGUE: I had – no not, I, I wouldn't say prominent people in the community. There, there was a lot of interest in this because of my position and the length of time I'd been there and obviously you develop a lot of relationships –
- 5 STOCKLEY: Yep.
- MONTAGUE: - and those people were, were concerned about what was happening. Now I don't want to name anybody, I don't think it's relevant, but they, they were definitely concerned. I mean I had federal members approach me and say "what the hell's going on Jim –
- 10 STOCKLEY: Yeah.
- MONTAGUE: - what have you done?"
- STOCKLEY: Yeah I guess my question's aimed at more were you approached by anyone on, on the behalf of Hawatt, Azzi or other Councillors trying to persuade you to accept their offer?
- 15 MONTAGUE: Not specifically to accept their offer no. There was one fellow who is a prominent businessman in Earlwood who tried to provide some sort of a, if you like a, an intermediary service to try and resolve it. That didn't work.
- STOCKLEY: Is that prominent bus – did – are you able to provide us with the name?
- 20 MONTAGUE: No, I'm not going to name anybody.
- STOCKLEY: Would it be George Vasil?
- MONTAGUE: Yes.
- STOCKLEY: Okay. I'll let, I'll, I'll –
- BERRY: No you're alright.
- 25 STOCKLEY: - later – I'll come –
- BERRY: Go on.
- STOCKLEY: - back at the end of the interview.
- BERRY: Okay.

- STOCKLEY: I just wanted to ask some questions about Mr Vasil but I'll, let's deal with the issues at hand first.
- BERRY: Alright. I believe a memo was produced under your signature dated the 23rd of December 2014 concerning the appointment of the new Director of City Planning. There are a number of headings on that document, and explaining the situation. I'll give you an opportunity to look at that. Is that a document you wrote?
- 5
- MONTAGUE: [Reads document]. Yeah that went to all the Mayor, it went to the Mayor and all the Councillors yep. And as you can see I took the view it was, I was going to appoint a new Director, which is my prerogative under the Act.
- 10
- BERRY: Okay. Did you get much kickback that day, after that memo was released?
- MONTAGUE: Kickback?
- 15 BERRY: Not kickback –
- MONTAGUE: poor choice of words.
- BERRY: - yeah sorry.
- STOCKLEY: [Laughs]. Pushback.
- BERRY: What can you say, pushback.
- 20 MONTAGUE: Pushback?
- STOCKLEY: Mmm.
- BERRY: Yes.
- MONTAGUE: No, the, typical of Canterbury Council was they, they don't get really involved in things. I, I just informed them out of courtesy and they had to know. I didn't expect much pushback and I didn't get any.
- 25
- BERRY: I wanted to take you back to something I just wanted to cover with you quickly. Do you recall meeting Stavis after the interview panel and prior to him being appointed? So between the 17th November and the 8th of December.

- MONTAGUE: Oh, do I recall? I, I just can't reckon the dates. I mean I did have a couple of face-to-faces with him, but I don't know when now, what stage in the process.
- 5 BERRY: We have information that you met him on the 26th of November at Giorgios at Kingsford Road. Do you remember that?
- MONTAGUE: Yes.
- BERRY: Giorgios Cafe.
- MONTAGUE: Yes.
- BERRY: What was that meeting about?
- 10 MONTAGUE: Oh just to talk it over.
- BERRY: And can you recall what you discussed?
- MONTAGUE: No, no. I wanted to just reassure myself that you know, I, I would've probably put some questions to him about, about his background and that but I'd never met the guy. I mean I didn't know him and I think it was, I
- 15 was just trying to find out what sort of a guy he was.
- BERRY: And you said you were trying to reassure yourself, is that right?
- MONTAGUE: Yeah well I can say that now. I mean I, I can't recall exactly what was in the back of my mind then.
- BERRY: Just bear with me. On the 26th of November, that's the same day you
- 20 received the emails concerning the reference checks and the information provided to you by Judith Carpenter, was that something playing on your mind?
- MONTAGUE: Yes.
- BERRY: And did you discuss with him about his reference checks or his potential
- 25 issues at the time?
- MONTAGUE: No I don't recall that.
- BERRY: Wasn't in –
- MONTAGUE: I –
- BERRY: - firstly in your mind?

- MONTAGUE: No it wasn't the first thing in my mind. As I said I didn't know him. I wanted to meet him and find out what made him tick and I wanted to try and find out a bit more about his background, his professional background.
- 5 BERRY: But that this stage you'd already met him through the interview panel.
- MONTAGUE: Yeah, but you just want a meeting, I mean you sit there. They're very stilted affairs. I, I'd never laid eyes on him before then.
- BERRY: You'd never met him before the –
- MONTAGUE: No.
- 10 BERRY: - 17th of November?
- MONTAGUE: No, I'd never –
- BERRY: Okay.
- MONTAGUE: - met him before the interviews no.
- BERRY: Alright.
- 15 MONTAGUE: Not to my recollection anyway.
- BERRY: Okay.
- STOCKLEY: In regards to that meeting that Simon just mentioned at Giorgios Cafe, were you asked by anyone to attend that meeting with Mr Stavis?
- MONTAGUE: No I don't think so.
- 20 STOCKLEY: So it –
- MONTAGUE: I think it was at my own initiative.
- STOCKLEY: Okay. Now just going back to –
- MONTAGUE: There were a lot of people saying to me you've got to sort this out Jim. This has to be resolved.
- 25 STOCKLEY: Right.
- MONTAGUE: They were concerned about the, the fact that the vacancy hadn't been filled. The time was getting by, the DAs were mounting up, there was a lot of pressure –

- STOCKLEY: Yep.
- MONTAGUE: - and the staff needed some reassurance about what was going to happen, even though none of them applied for the role –
- STOCKLEY: Yep.
- 5 MONTAGUE: - which surprised me at that time. And I needed to get it clear in my head what I was going to do, and thinking – the Councillors provided no guidance or leadership at all. It was in recess –
- STOCKLEY: Yeah.
- 10 MONTAGUE: - there was no one I could – the Mayor had a position and that was to agree with me and I was, I, I felt that I had to do something. I couldn't just let it drag on interminably.
- STOCKLEY: So that meeting was to assist you in your decis, decision making process?
- MONTAGUE: Yeah, I just wanted –
- STOCKLEY: And to your recollection it was initiated by you.
- 15 MONTAGUE: Yes.
- STOCKLEY: Okay. Just going back to Mr Vasil, you mentioned before who you said had attempted to be an intermediary in this situation.
- MONTAGUE: Mmm.
- STOCKLEY: Was that the first time you'd dealt with George Vasil?
- 20 MONTAGUE: No, of course not.
- STOCKLEY: No.
- MONTAGUE: I mean I've known the guy 30 years.
- STOCKLEY: Right and you –
- MONTAGUE: I – when I say dealt with him, George is a local luminary and real estate agent.
- 25 STOCKLEY: Yeah.
- MONTAGUE: Very well known in the area, takes a lot of interest in Council affairs, always has.

- STOCKLEY: Yep.
- MONTAGUE: Did he try to pressure me, did he put any pressure on me? No.
- STOCKLEY: Okay. So was he, what was his role as an intermediary then?
- 5 MONTAGUE: Well Ge – because I, I guess because of the amount of time I'd been there I'm thinking that perhaps he had some respect for me. He was trying to resolve it. He didn't articulate what his reasons were. I saw no harm in trying to reach some sort of compromise or an understanding. I was ready to go. At that stage I'd made up my mind that's it's over, I can't survive this and – but I was resentful of the fact that I, I thought I'd been bullied, that there's been interference that was not – interference by the, by the Council and it wasn't acceptable. I could've resign – I could've retired then.
- 10 STOCKLEY: Yeah.
- MONTAGUE: I wish I had in a way.
- 15 STOCKLEY: With Mr Vasil, are you aware of whether he has any relationship, obviously apart from his son Con Vasiliadies, any relationship with the Councillors at the time?
- MONTAGUE: I'm sure he did, you know certainly with his own son but with, with –
- STOCKLEY: No, well notwithstanding his son
- 20 MONTAGUE: - with others I, I, I imagine he did, I imagine.
- STOCKLEY: Do you know whether he had a, a good working relationship with Councillors Hawatt and Azzi –
- MONTAGUE: No.
- STOCKLEY: - who were on the panel?
- 25 MONTAGUE: No, no.
- STOCKLEY: You weren't aware –
- MONTAGUE: No.
- STOCKLEY: - of any? Okay. And he, Mr Vasil is he, he's a real estate agent –
- MONTAGUE: Yes.

- STOCKLEY: - you mentioned. Does he have a lot of developments in the area also?
- MONTAGUE: Look he had one or two on, on, in Homer Street many years ago where his office is. Apart from that I can't recall, certainly not recently, not in the last five or 10 years I, I don't know of any particular developments he's got going.
- 5 STOCKLEY: Okay.
- MONTAGUE: He was very active in Earlwood -
- STOCKLEY: Yeah.
- MONTAGUE: - years ago.
- 10 STOCKLEY: Yep. That's all the questions I have about that.
- BERRY: Are you aware if Karen Jones had a friendship with any of your family members?
- MONTAGUE: Yes my daughter.
- BERRY: Okay. Did you -
- 15 MONTAGUE: And it had absolutely nothing to do with my decision to offer her the position. And if anyone suggests otherwise they're just lying. I didn't know Karen from a bar of soap until I met her when she came in for the interview.
- BERRY: When - that's fine - when were you aware of her friendship with your daughter?
- 20 MONTAGUE: Well, I can't put a timeframe on it. [REDACTED] used to talk about her.
- BERRY: And -
- MONTAGUE: I don't want my, my daughter dragged into this.
- BERRY: No, that's fine. I'm just trying to ascertain when you were aware of that.
- 25 MONTAGUE: Well I, you know it just, you've having dinner, you're talking. Oh, Karen Jones you know, she's a friend of [REDACTED]'s.
- BERRY: Was it -
- MONTAGUE: She's getting married. I was invited to the wedding, you know, what -

- BERRY: No that's alright. I, I'm just trying to understand that, was that prior to the interview panel convening?
- MONTAGUE: What that I knew about Karen? Yes. I knew that she was friendly with [REDACTED], of course.
- 5 BERRY: Did you mention that to any of the panel members?
- MONTAGUE: No.
- BERRY: Declare any of that?
- MONTAGUE: No.
- BERRY: Okay.
- 10 MONTAGUE: And, and I wouldn't – look I mean that Simon, I do not want my daughter dragged into this.
- BERRY: I understand that.
- STOCKLEY: There's, there's not – the only, I guess it's not relevant to the matters that we're investigating. I guess what we're trying to understand is what the, whether there's any requirement to declare any even perceived conflict of interest or any association you might have with a candidate. We're not suggesting that it influenced your decision, but was that, would you have expected –
- 15
- MONTAGUE: Never –
- 20 STOCKLEY: - panel members to make –
- MONTAGUE: - never –
- STOCKLEY: - a declaration?
- MONTAGUE: They may have – I don't, I don't know whether they knew that there was some connection between my daughter and Karen Jones. I don't know. It certainly didn't influence me -
- 25
- STOCKLEY: No.
- MONTAGUE: - and, and I wouldn't have appointed her because of that under no circumstances.

- STOCKLEY: No I know. I'm not suggesting that, but okay so I guess I'll put it in another hypothetical. If say for example Councillor Azzi or Councillor Hawatt had some sort of relationship with Spiro Stavis –
- MONTAGUE: Yeah.
- 5 STOCKLEY: - would you have expected them to declare that if they were going to sit on the panel that interviewed him?
- MONTAGUE: Yes I would.
- STOCKLEY: Okay. So I guess similarly we're asking –
- MONTAGUE: Yeah but –
- 10 STOCKLEY: - because you had some knowledge of Karen.
- MONTAGUE: But Lisa – Lisa isn't it?
- STOCKLEY: Yes.
- MONTAGUE: Lisa look, I was the General Manager of the Council.
- STOCKLEY: Yep.
- 15 MONTAGUE: No one else was gonna do this.
- STOCKLEY: No.
- MONTAGUE: I had to do it.
- STOCKLEY: That's right.
- MONTAGUE: There was no one I could delegate it to and, as I said to you, honestly the
20 biggest mistake I made was convening that bloody panel in the first place. I – if Karen had got the job she'd have got the job on her merit –
- STOCKLEY: Yeah.
- MONTAGUE: - and that's why I engaged Judith Carpenter –
- STOCKLEY: Yep.
- 25 MONTAGUE: - who I trusted to go out there and get me the best possible candidate available.
- STOCKLEY: Yeah.

- MONTAGUE: I had no idea that the Councillors would develop this view where she's a female from Leichhardt, let's, let's get rid of her. She's not gonna get the job -
- STOCKLEY: Yeah.
- 5 MONTAGUE: - right which is how it evolved. And I realised that there was no chance they were gonna support Karen.
- STOCKLEY: Yeah.
- MONTAGUE: And if I'd put a report up or I'd appointed her like I did with Spiro and sent her a letter of offer that would've been worse.
- 10 STOCKLEY: Yeah.
- MONTAGUE: Right, they brought, brought up issues about oh it's gonna cost us all this money to terminate the contract. Yes and I said that's the cost of doing business.
- STOCKLEY: Yeah.
- 15 MONTAGUE: That's you know, I, I accept responsibility for that.
- STOCKLEY: Yeah, yeah.
- MONTAGUE: But you know, it was just, you had to be there to understand the, the interaction between the people on the panel and, and the interviewees.
- STOCKLEY: It sounds like including the Councillors on the, the panel caused you to be
20 under a great deal of pressure.
- MONTAGUE: Yes and I regret doing it -
- STOCKLEY: Yeah.
- MONTAGUE: - because as I said under the Act I'm required to consult. All I had to do was formulate a view that who the best candidate was and say to the
25 Council it's my intention to appoint this person as the Director of City Planning. Now if they overturned that decision that's their god given right because they do need to be consulted, but it's never happened in the history of the City of Canterbury and I doubt very other, very few other councils.
- 30 STOCKLEY: Was it your, your idea to include them in on the panel in the first place?

- MONTAGUE: Yes, yes.
- STOCKLEY: Did that – it wasn't the case that they asked to be included in?
- MONTAGUE: No, no.
- STOCKLEY: Okay.
- 5 MONTAGUE: I remember ringing them I think or I might've sent them an email, and you haven't got this one Simon but –
- STOCKLEY: [Laughs].
- MONTAGUE: - asking them to sit on the panel for, for reasons of transparency.
- STOCKLEY: Yeah.
- 10 MONTAGUE: For – to, to get the, to get them to understand the process and to make it clear to them that I, like them, wanted the best person in that role because we knew there was gonna be a lot of development happening around the area. You've only got to look at Canterbury now compared to what it was
15 relation to the provision of housing and the Cant, Canterbury Council's done that. Now the LEP was designed to encourage development on Canterbury Road and in the town centres particularly. And we're talking about heights of six to eight metres –
- STOCKLEY: Yeah.
- 20 MONTAGUE: - of six to eight floors, not, not high-rise.
- STOCKLEY: Yeah.
- MONTAGUE: And the highest one would be eight storeys right.
- STOCKLEY: Yep.
- 25 MONTAGUE: And all that was starting to happen and over all the years I was there the place was so stultified. Campsie looked exactly the same as it did when I was eight years of age walking up the main street with mum. It hadn't changed in all that time and finally we got a bit of interest, we got a bit of inertia. Developers were around trying to get to invest in Canterbury and I thought it was great and I still think it's great.
- 30 STOCKLEY: Yep.

- MONTAGUE: And at one stage we had more DAs before the Planning Division than, than anyone else, any other council except the City of Sydney. Now that says something. There was a lot of interest –
- STOCKLEY: Yes.
- 5 MONTAGUE: - and a lot of money pouring into Canterbury and Marcello simply couldn't cope with the volumes. And he had his own views about things and he made a decision to move on. My job was to replace him with somebody who I thought, and the Council hopefully would've thought could do the job, and Spiro did. He did in the end after all of this kerfuffle
10 he did a bloody good job for us.
- BERRY: Do you think Spiro is pro-development?
- MONTAGUE: I, I think Spiro is, is pro good planning outcomes.
- BERRY: Okay.
- STOCKLEY: I don't have anything else.
- 15 BERRY: Alright.
- MONTAGUE: You, you said – can you turn that off now?
- BERRY: Oh I can or I can leave it on. I, –
- MONTAGUE: I'd rather you turn –
- BERRY: - I'm about to, I'm about to wrap it up.
- 20 MONTAGUE: Yeah rather you, you turn it off if I asked you before. I'll ask you this question if you don't mind Simon.
- STOCKLEY: That's okay.
- BERRY: That's well –
- STOCKLEY: What we do is we've got to do a formal process to close the interview and
25 then if you want to have an off –
- MONTAGUE: Yeah.
- STOCKLEY: - a, a discussion off the record.
- MONTAGUE: I just want to ask Simon a couple of questions.

STOCKLEY: Sure.

BERRY: What I want to do now is give you the opportunity considering what we've discussed today, to raise any further matters or information that we might not have covered with you at this early stage that you think would be pertinent or important for our investigation.

MONTAGUE: Well not knowing exactly what is at the, the root of the investigation, what it is you're trying to find out, it's difficult for me to answer that. What –

BERRY: Well we're looking at the recruitment of Spiro Stavis.

STOCKLEY: I might just clarify. The investigation in fact is about allegations that Councillors Hawatt and Azzi and also Spiro Stavis exercised their official functions dishonestly in relation to a number of development applications in the Canterbury, City of Canterbury area and also that Councillor Azzi and Hawatt had received corrupt payments in relation for exercising their official functions dishonestly. That's actually what the investigation's about but during the course of the investigation issues surrounding Spiro Stavis' engagement have arisen –

MONTAGUE: Of course.

STOCKLEY: - and so this is the line of enquiry that we're asking –

MONTAGUE: No I understand that.

STOCKLEY: - you about today.

MONTAGUE: I understand that.

STOCKLEY: But that's the context of it –

MONTAGUE: Good, I'm glad you –

STOCKLEY: - within the whole –

MONTAGUE: - clarified that for me.

STOCKLEY: - investigation.

MONTAGUE: That's very helpful.

STOCKLEY: Yeah.

- 5 MONTAGUE: Thanks Lisa. Look when the, when I made my complaint to this office I was told in writing finally, I thought the matter had been extinguished, it'd been resolved right. I got a letter saying that's it. We've referred it to the Office of Local Government. And when that guy came out from the Office of Local Government, whose name escapes me right now –
- BERRY: Richard Murphy?
- MONTAGUE: Murphy.
- BERRY: Yeah.
- 10 MONTAGUE: That's right. I thought – I said to him “what is this about? I've put a formal complaint into ICAC about the way I was treated at Canterbury City Council by certain Councillors after all my years of service, the way they behaved was appalling. And now you're asking me about our recruitment procedures, give me a break”. And it just didn't add up. I said “I made a complaint to ICAC, not to the Office of Local Government.
- 15 It seems to me that ICAC with respect has just unloaded onto you guys. If you want to check our recruitment procedures I'm quite happy to lay them open for you to have a look at”, and I did that subsequently. Richard said I need this, this and this. I got the HR people, gave him everything he wanted. I said “this is how we do business at Canterbury in recruiting
- 20 senior staff. I've always done it this way, why am I gonna change my habits now”. Now maybe it won't stand scrutiny out there in the, you know the big wide world now, 20 years later but what I did, always did was what I thought was in the best interests of that Council.
- 25 And even though I was amazed by what happened during the interview process, I had to see it through and that's what I did. And I made a decision to appoint Spiro because it wasn't worth the aggravation in the end to say look – because I didn't know Karen could do it any better than him, or Simon for that matter and I've heard stories about all of them and, and rumours and things that go on. So put yourself in my place. In the
- 30 end to keep the – to get the Council back on track with these planning decisions that are vital to the area, I decided to give Spiro a go for 12 months and if he didn't perform in that 12 months, I would've terminated his contract like that, no hesitation. And I would've been able to get the blessing of the Council then because they would've seen in their own, in
- 35 their own time that he wasn't the right man for the job, and I thought that was – rather than bear the cost of paying out the contract, which would've

been a significant cost to the ratepayers. So I thought no, why do it. Put him on for 12 months, see how we go.

And then when I got the reference checks done I withdrew the offer.

5 That's when the proverbial hit the fan. If I hadn't done that there
would've been no issue as far as the Councillors were concerned to be fair
to them and they thought I defied them. They thought that I just thumbed
my nose at them, and one of them in particular doesn't react well when,
when that happens. He's, he's very excitable as I said and he went off like
10 Mount Vesuvius and I had to deal with that. It was happening here and
now and it was a terrible, terrible period of my career where I could see
everything going up in smoke you know, after all those years and I, I just,
I was, I was numbed by it all so I made decisions. Some were good, some
weren't so good, I admit that, but my only interest, my overriding and
15 abiding interest was if I could just settle things down, get him in the job
for 12 months and see how good he is or isn't.

And I know that at the end of the 12 months if he hadn't panned out, if our
processing times hadn't improved or if there were issues with individual
applicants, or there'd been corruption allegations raised that he would've
20 been out, out the door and I would've got the full support of the majority
of the Council then. I've got no doubt about it. So that's what I did and
I'd, and I'd do it again tomorrow in the same circumstances.

BERRY: Anything you want to finalise?

25 STOCKLEY: No just, just finally so now that I've given you the context of the actual
overall investigation, have you ever received any allegations in relation to
Councillors Azzi and Hawatt?

MONTAGUE: No I haven't received any formal allegations but I've certainly heard a lot
of rumours, definitely. And the Mayor, you'd know the Mayor's lodged a
complaint of his own.

STOCKLEY: Yes.

30 MONTAGUE: It must be nearly two years ago now.

STOCKLEY: Yeah.

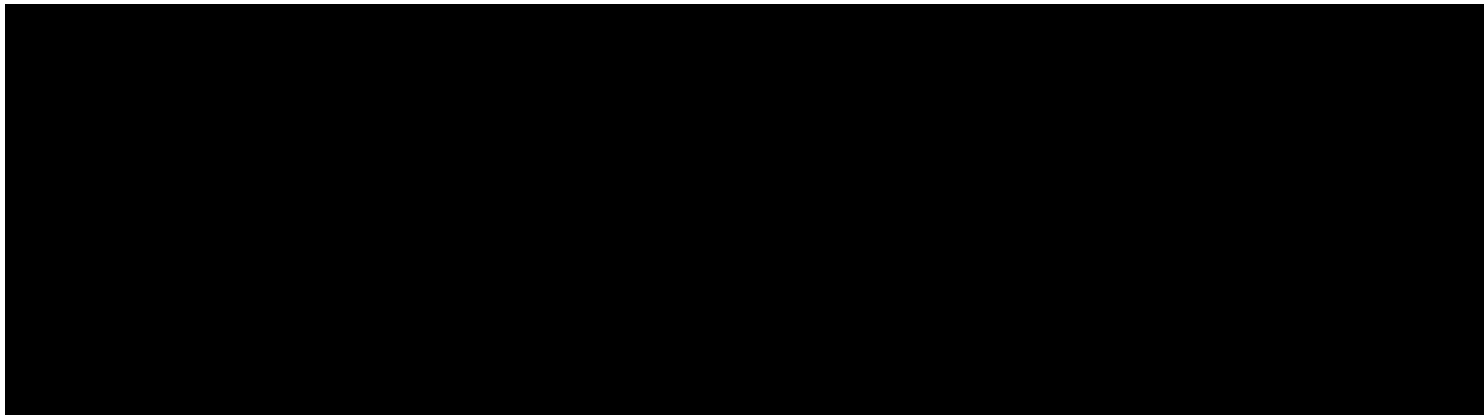
MONTAGUE: I came in with him that day when -

STOCKLEY: Yeah.

- 5 MONTAGUE: - when he put it in. And, and it was, it was, it was pretty, pretty difficult out there. I mean the relationships between the Councillors was very bad, particularly the Mayor and you know it was, it was just chaotic to be honest with you and Brian felt that there were, [REDACTED] and I said “well look if you, if you believe there’s anything happening here Brian you’ve got a duty to report it -
- STOCKLEY: Yep.
- 10 MONTAGUE: - and that’s what you should do”. I – they didn’t come to me, they came to him. And I’d heard the rumours about you know this, that and the other but I had no evidence of that, nothing to corroborate it and, and, and I don’t think it pays to go – I know, I know what Part 11 say –
- STOCKLEY: Yep.
- MONTAGUE: - but I had, I didn’t even have reasonable suspicion.
- 15 STOCKLEY: Yeah sure.
- MONTAGUE: Right
- STOCKLEY: Yep.
- MONTAGUE: And we’re talking about Councillors and we’re talking about relationships, and to run the Council you need solid relationships between the senior staff, the leadership team which I head and the Councillors.
- 20 STOCKLEY: Yeah.
- MONTAGUE: And I wasn’t about to put all that on the line, be based on some rumour.
- STOCKLEY: No, I’m not suggesting that you should have, I’m just asking before we close the interview in case there’s anything that you thought would be relevant to our investigation in –
- 25 MONTAGUE: Well look –
- STOCKLEY: - regards to those two Councillors.
- MONTAGUE: - I can only repeat what I just said Lisa. There were rumours about it, particularly a couple of sites on Canterbury Road - I just can’t think – one, one of them I think was oh, I can’t think of the name of the street now but Canterbury Road not far from Canterbury Hospital –
- 30

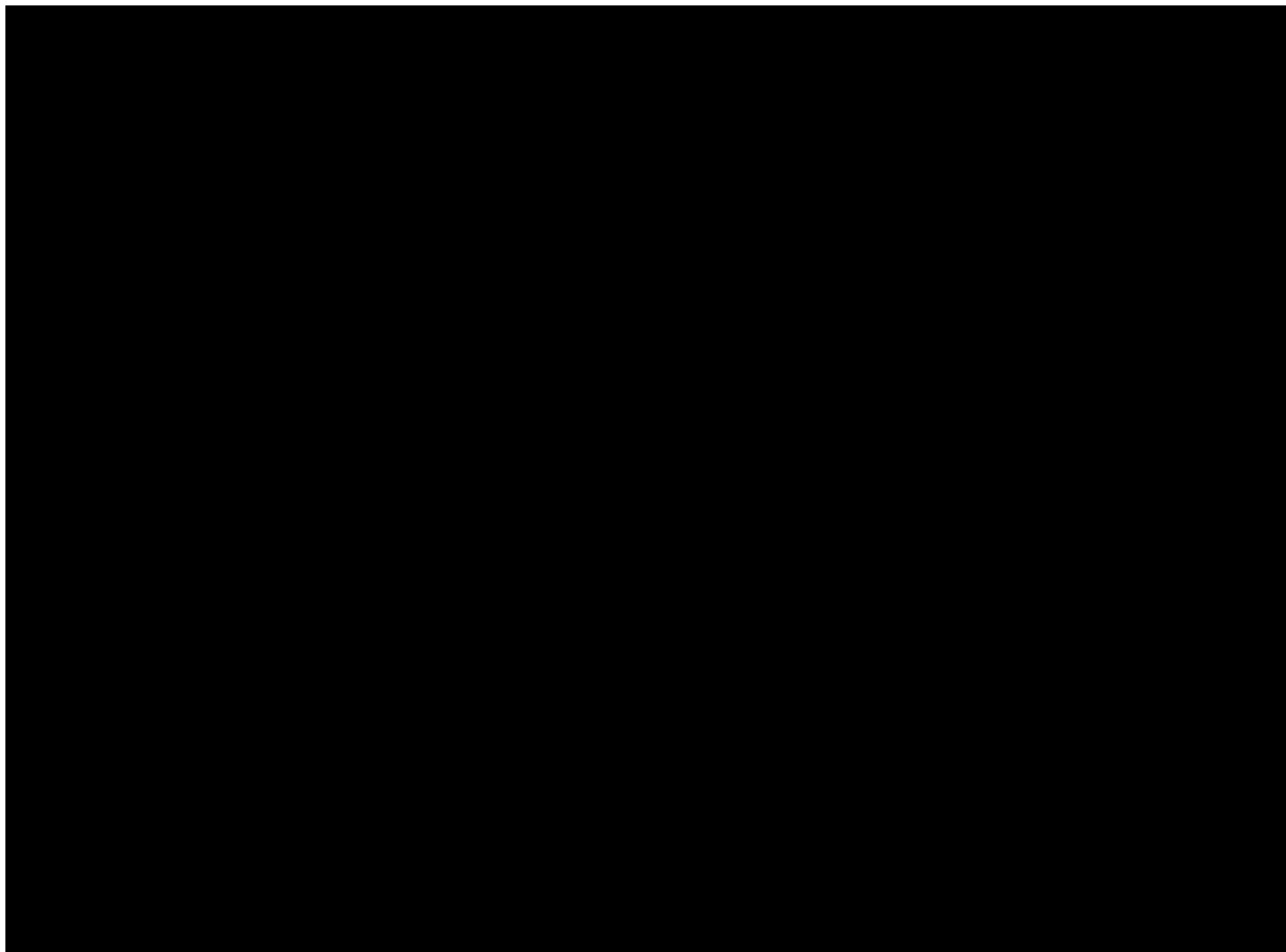
STOCKLEY: Yep.

MONTAGUE: - on Canterbury Road [REDACTED]

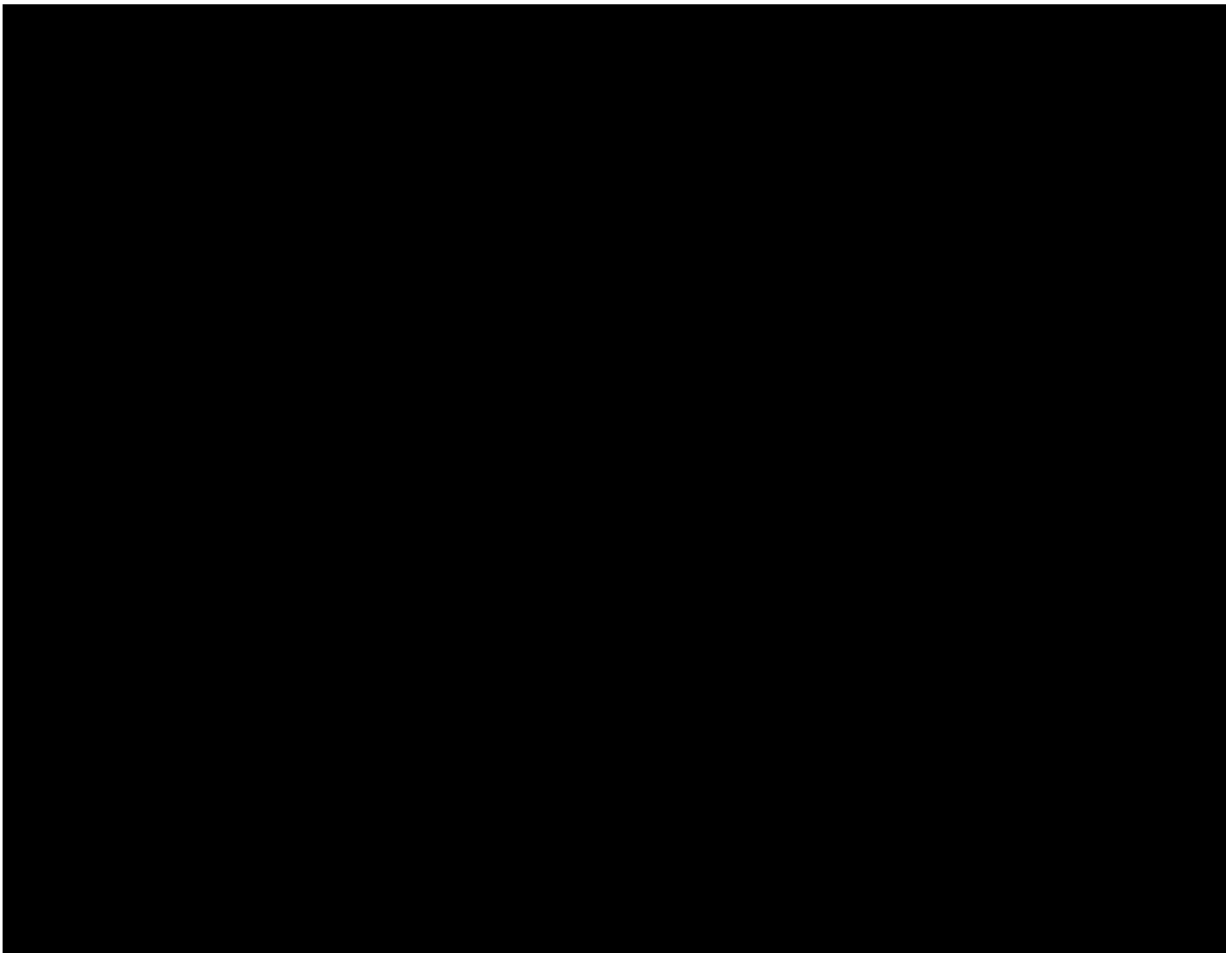


10 MONTAGUE: [REDACTED] There were all sorts of rumours flying around. Brian must've felt that as Mayor he had an obligation to bring this to the attention of your office and that's what he did. If I was asked under oath do you have any evidence of this, I'd have to say no.

STOCKLEY: Okay.



15 MONTAGUE: - people calling me or coming into see me about oh why is this DA taking
so long to process. I know what the, I know what the statutory timings
are. We're not hitting them, we're not getting there in 40 days or 80 days
or 180 days often, and you've got to – and these people expect an
20 explanation. Well why is my DA held up so long? I've, I've jumped all
the hurdles, I've, I've you know, it complies with the, with the LEP, why
don't you approve it? So that was Spiro's job. I never interfered in what
he did day-to-day but you know it was, it was an extremely you know,
volatile situation where the Councillors' expectations I guess weren't
25 being met. They felt that, that something was wrong with the way the
Planning Division, Division performed and I think it was that way when,
when Marcello was there. We brought some new blood in to try and help
that situation and, and in the circumstances I don't think anyone could've
done much more.



[REDACTED]

[REDACTED]

MONTAGUE:

[REDACTED] You've got to keep in mind there was a massive increase in the amount of activity in Canterbury from, from the 2012 election. The new Council had a totally different view about it and they wanted certain planning outcomes and that's their, their right as long as it's lawful and it complies with the LEP and their own, their own planning controls and I've got no reason to believe they didn't. There were variations yes but there were, there were always – the DCP's only a guide anyway and, and most, and where there were variations there were considerations about solar access and all these things to get a better planning outcome and not just to comply with (unintelligible) standards and I've got no issue with that.

BERRY:

Okay.

30 MONTAGUE:

People have to live in these things after all.

STOCKLEY:

That's right.

- BERRY: Alright. Look I, I don't propose to ask you any further questions about this matter Jim okay. Are you happy in the manner the way the –
- MONTAGUE: Yes.
- BERRY: - interview's been conducted today?
- 5 MONTAGUE: Yes.
- BERRY: Have the answers you've –
- MONTAGUE: I've probably said too much and you – I, I took in, on, onboard what you said to me that I didn't have to be here. It was voluntary but I took the view that you know I should participate, as much for me as for the Council given the current circumstances particularly. And I you know, I've got no, no qualms about –
- 10 BERRY: So the answers you've provided here today have been of your own freewill?
- MONTAGUE: Yes.
- 15 BERRY: Okay.
- MONTAGUE: And to the best of my knowledge –
- BERRY: Yep.
- MONTAGUE: - complete. I – there –
- BERRY: Alright okay.
- 20 MONTAGUE: - could be things that I've –
- BERRY: And look I, I'll make this clear to you now, if at a later stage you go home and you think about it and you think maybe I answered that no quite correctly or there was a –
- MONTAGUE: Mmm.
- 25 BERRY: - misunderstanding, I invite you to call me –
- MONTAGUE: Absolutely.
- BERRY: - or email me back –
- MONTAGUE: I'm happy to do that.

BERRY: - at any time –

MONTAGUE: Yep.

BERRY: - and I'll happy entertain that.

5 MONTAGUE: No you've been very good and, and – but I just ask in closing to think
about what, what it was like two years ago. A person like me who's old
school, I admit that. Fifty years in local government, 34 at Canterbury,
exemplary record to turn around and, and receive a notice like that to sack
me because of the appointment of a senior staffer. And no opportunity to
10 sit down and talk it over with these people. They just whoosh, the, the
barrier went up, you've got to go and I said we'll see about that. And I
fought and I won in the end.

BERRY: Okay. And the final question, have any inducements, threats or offer of
advantage been held out to you to participate in today's interview?

MONTAGUE: No.

15 BERRY: Alright. The time is now –

STOCKLEY: 3:55.

BERRY: - and I'll cease the interview.

MONTAGUE: And where do we go from here then?