
TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 3 DECEMBER 2019

(10th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH QC

Counsel Assisting: Mr Michael Tovey QC
Ms Amber Harris

OPERATION SANDON INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

*Every effort is made to ensure the accuracy of transcripts.
Any inaccuracies will be corrected as soon as possible.*

1 <GEOFFREY NORMAN ABLETT, recalled:

2 COMMISSIONER: Mr Ablett, I just remind you that you are still
3 on oath?---Yes, sir.

4 Yes, Mr Tovey.

5 MR TOVEY: Thank you, Mr Commissioner. When you gave evidence
6 yesterday, sir, at pages 798 and 799, I just want to take
7 you to what you said. You were asked, "Did you ever share
8 information with Councillor Aziz about matters with which
9 Mr Woodman was involved which he had coming before
10 council?" And you said, "I knew - Mr Woodman had spoken
11 to me, I don't know the exact date, about - then
12 I realised he had an interest in Cranbourne West and I had
13 a chat to him and I said, 'There's no way known I'm
14 involved,' and Megan Schutz was there as well and I said,
15 'I can't work for Watsons or you,' and they said, 'It's
16 okay, we've spoken to Councillor Aziz.'" Now, you recall
17 giving that evidence?---Yes, sir.

18 And you went on to say that was in John's office at.

19 Mornington?---I believe so, yes, sir.

20 So was this a meeting involving just the three of you: Megan
21 Schutz, yourself and John Woodman?---I believe so, sir,
22 yes.

23 This is a meeting in which you said to him, "I cannot work for
24 Watsons or you"; is that right?---Yes, sir.

25 So you were making it clear to him that when you said, "I can't
26 work for Watsons," you were making it clear to him that
27 you couldn't intercede to promote his interests at
28 council?---Yes, sir.

29 And that's what you were being asked to do?---I wasn't asked to

1 do it. I was just saying I couldn't get involved
2 in - I also said yesterday I made the mistake of being in
3 some meetings that I should have been aware of.

4 Something was said at that meeting which made you say, "I'm
5 not - there's no way I'm going to get involved. I can't
6 work for Watsons." What was said at that meeting which
7 led you to say those words?---I remember saying, "I can't
8 work for Watsons." That was in regards to a Devon Meadows
9 issue and I had spoken to the CEO about that saying
10 anything to do with - - -

11 Sir, you have an amazing penchant for - - -

12 COMMISSIONER: Mr Tovey. (To witness.) Had you finished your
13 answer?---Not quite. There was a time when I also
14 remember saying to Megan Schutz and a member, not
15 Mr Woodman, from Watsons, "I can't work for you," and that
16 was in regards to a Devon Meadows issue, "and I've already
17 spoken to the CEO about that, that I'll be declaring a
18 conflict of interest and Megan Schutz is more than welcome
19 to talk to officers about the Devon Meadows urban growth
20 area PSP." Sorry if that - I took the wrong message
21 there, but I remember saying that clearly also at that
22 meeting.

23 MR TOVEY: Sir, what you said there - let me remind you of what
24 you said yesterday. You said this was a meeting relating
25 to Cranbourne West?---Sorry.

26 All right?---Yes, and I also said - - -

27 So let's just stick with the point?---All right.

28 This was a meeting relating to Cranbourne West. "I realised he
29 had an interest in Cranbourne West and I had a chat to him

1 and I said, 'There's no way known I'm involved.'" What
2 did he say that made you respond like that?---He was
3 obviously talking about Cranbourne West and other issues
4 that he may be involved in.

5 COMMISSIONER: Mr Tovey, did the evidence yesterday identify
6 the time, the approximate time of this meeting?

7 MR TOVEY: No, I'm going back to that. (To witness.) So you
8 say to him, "There's no way I can be involved in
9 Cranbourne West. I can't work for Watsons or you." What
10 was said to you which led you to respond in that way in
11 respect to Cranbourne West?---I can't remember it all, but
12 it would have been along the lines of something he had in
13 mind that would involve him.

14 It had to be something that involved you for you to say,
15 "I can't work for you and I'm not going to be
16 involved"?---I would have said - - -

17 Something must have been proposed to you. Now what was it?

18 Are you going to tell us the truth or - I mean - -
19 -?---I am going to tell you the truth.

20 You understand that if you are saying, "I don't want to be
21 involved and I can't work for Watsons," there must be some
22 proposal being put to you. What was it?---I can't
23 remember what the proposal was. It may have been
24 something to do with Cranbourne West. It may have been
25 something to do with something else. I can't honestly
26 remember, sir.

27 You remember saying, "There's no way known I can be involved,
28 and I'm not going to work for you," but you can't remember
29 why you - - -?---I said that - - -

1 Just listen to the rest of the question. You can't remember
2 why you said it; is that right?---No, sir.
3 All right. When was this conversation?
4 COMMISSIONER: Just a moment, Mr Tovey. Yesterday twice during
5 your evidence you were quite explicit in saying that you
6 heard Mr Woodman say various things which you talked to
7 him about but you used the expression "I was never going
8 to walk the walk"?---Yes, sir.
9 Or at another time you used the expression "I only paid lip
10 service to what he was wanting me to do"?---I did, yes.
11 So what Counsel Assisting is really directing your attention to
12 is what things was it Mr Woodman was - - -?---Okay.
13 Just let me finish. What things was it that Mr Woodman was
14 asking of you that you wouldn't be party to?---I now
15 understand. There were a number of issues that were
16 coming up that he was explaining what he would like to
17 happen and that was Cranbourne West and further on down
18 the line, sir, there was Hall Road, and further on down
19 the line there was an estate called Pavilion.
20 And what was it Mr Woodman was asking of you that you wouldn't
21 be a party to?---He was explaining that in Hall Road that
22 he believed that Dacland should pay for the culverts or
23 the H3 intersection and in Pavilion I believe it was to do
24 with the width of a road. That was one. Two, there was a
25 running track that was going around Casey Fields which was
26 going to go on the outside of Casey Fields, but he wanted
27 it to go on the inside. Then there was the payment of a
28 road called Morison Road, and I believe I was out of the
29 room for both of those, I believe so, sir.

1 Don't worry about that for the moment?---Okay. They were the
2 three things - - -
3 I'm trying to get you to focus on what it was Mr Woodman said
4 to you that he wanted you to do in relation to those
5 matters?---He wasn't asking me to do anything. He was
6 telling me what he wanted to achieve with those projects.
7 Yes?---And I said, "I can't be of help to you," just to let him
8 know within his conversation that I couldn't help him.
9 That would hardly explain you saying, "I gave lip service."
10 You're telling me the contrary now, that you made it clear
11 to him that you wouldn't participate in any way. That's
12 hardly saying, "I talked the talk but I didn't walk the
13 walk," or "I gave lip service to what he wanted." You're
14 telling me you made clear to him you wouldn't be party to
15 those things?---I said to him I wouldn't be involved in
16 them and I made a mistake with some of the Cranbourne West
17 meetings. The other ones I made sure I was out of the
18 room.
19 I'm not worried about in or out of the room, Mr Ablett. I'm
20 trying to understand your evidence that he said things to
21 you that you wouldn't be party to. You left me with
22 the clear impression yesterday that he said those things,
23 you went along with it, but you never had any intention -
24 - -?---That's right.
25 Of giving effect to those things?---And I still say that, sir.
26 But you're telling me now that you made clear to him in your
27 conversation that you wouldn't be party to those
28 things?---He never asked me to be party to them. I just
29 jumped in and said, to let him know that I wouldn't - with

1 him explaining what he hoped to achieve, that I wouldn't
2 be part of it.

3 So again can I emphasise to you that you really need to be
4 careful about how you express yourself because, as I say,
5 you left me with the impression yesterday that Mr Woodman
6 said various things to you about how he expected you to
7 become involved that you wouldn't be party to, but you
8 didn't make a point of it with him, you just had no
9 intention of giving effect to those things. But you are
10 saying that when he did raise those things you made clear
11 to him you wouldn't be a party to them; is that your
12 position now?---Yes, it's still the same position, just
13 saying to him, reminding him that I couldn't be involved
14 with it.

15 Yes, Mr Tovey.

16 MR TOVEY: The passage that the Commissioner is referring to is
17 at page 820 where you indicated this: "I would not do a
18 favour for him in council." Then you were asked, "Would
19 you do it for him outside the meeting room? Would you
20 have promoted the objective he was wanting to pursue in
21 relation to - - -? Answer, "No - - -" Question, "Just
22 bear with me." You say, "Sorry". "Would you have
23 promoted what he wanted outside the hearing room with
24 other councillors?" And then you said, "No, I gave him
25 lip service when he spoke to me about it and it went in
26 one ear and out the other and I thought, 'I'm not going to
27 get involved.'"?---Yes, sir, I did say that.

28 Now, the impression you left us with yesterday was when you
29 said, "I gave him lip service," was that you were

1 indicating there that you went along with him or you tried
2 to make it look like you were going along with him but
3 then you walked away saying to yourself, "I'm not going to
4 get involved"?---That's right.

5 That's just the opposite of what you told the
6 Commissioner?---Well, I didn't mean it to sound the
7 opposite. I just gently reminded him of my position and
8 I gave him lip service that I wasn't going to be involved
9 and that's where it sat.

10 Your lip service was that you were not going to be involved,
11 and that you knew in those conversations from the context
12 of the conversations he was looking for your support, was
13 he, in respect of those - - -?---He was explaining what he
14 hoped to achieve.

15 And you're a councillor?---I'm a councillor, yes.

16 And did you expect that he wanted you to be involved?---No,
17 sir.

18 COMMISSIONER: Mr Ablett, at another point in your evidence on
19 this theme when you were telling Counsel Assisting that
20 Mr Woodman had discussed with you the hope that you would
21 both make money out of the completion of C219, the
22 rezoning, and you said at 834 of the transcript, "I don't
23 think there was anything sinister in what he said and
24 I just let it go in one ear and out the other because
25 while I was talking to him, when I found out he had
26 financial business, I talked the talk but I certainly
27 wasn't going to walk the walk when I found out he had a
28 financial interest ... I gave him lip service."?---Yes,
29 sir.

1 So you understand the impression you left us with was that it
2 wasn't you telling him, "I won't do it." It was you
3 talked to him about it, but you walked away saying to
4 yourself, "I won't be party to that"?---Yes.
5 Now, which was it? Did you make clear to him you would not be
6 involved in the way in which he was suggesting or
7 not?---Well, both, sir.
8 Both?---At the end of it all I said, "You know I can't be
9 involved," and left. So, in other words, it went in one
10 ear and out the other and he knew where I stood.
11 MR TOVEY: When was that? Was that when C219 first came
12 up?---I can't remember the exact date, sir, but it would
13 have been around that time.
14 So this is about the time that C219 - was this about the time
15 you first started declaring conflicts of interest in
16 respect of C219?---I think yesterday it was revealed I sat
17 in some meetings I shouldn't have and when the penny
18 dropped that he really had a financial interest I never
19 went to any more meetings.
20 So at one stage you stopped going to meetings?---Yes, I did.
21 All right. You stopped voting on C219 issues; true?---Yes.
22 And you stopped voting on the intersection H3 issues?---Yes.
23 And you stopped voting on Pavilion Estate issues?---Yes, I was
24 more aware of his involvement.
25 Because he explained to you, as you've just told us in some
26 detail, what his financial interests and what his goals
27 were in respect of those?---I knew Hall Road and I knew
28 Pavilion. I wasn't 100 per cent sure of 219.
29 In 219 you told us yesterday that he wanted the rezoning

1 completed and there was money in it for both of you if
2 that happened. That's what he told you?---That's why
3 I said I let it go in one ear and out the other. I wasn't
4 going to get involved with money. I thought he meant he
5 might get a horse or something like that.

6 That's okay, I understand that. But that's what he said to
7 you, there was money in it for both of you if C219 got
8 completed?---Yes, but - - -

9 Yes?---He made that comment. He made that comment.

10 COMMISSIONER: Mr Ablett, again you said yesterday that after
11 the penny dropped in relation to C219 - - -?---Yes.

12 Meaning when you realised his financial interest, you said,

13 "I said to him when the penny dropped, 'I'm not in the
14 room. I'm out.'" Question, "So you refused to speak to
15 him about anything to do with Cranbourne West zoning?"

16 Answer, "We might have spoken about it, but again I gave
17 Mr Woodman at the end of the day a lot of lip service a
18 lot of time because we had horses together" - - -?---Yes.

19 "And I walked away thinking 'I'm not doing that' and we spoke,
20 I had conversations with him, but I talked the talk, but
21 I didn't walk the walk, as I said before. I was only
22 prepared to go so far. Once I found out the real
23 nitty-gritty of what was going on, I wasn't going to be in
24 that room," and that's at page 837-8?---Yes, sir.

25 What did you mean by all that?---When the penny finally dropped
26 he had a financial interest in Cranbourne West, I got out
27 of the room and never went back in.

28 What was the "nitty-gritty" that you found out about?---That he
29 had a financial interest in it.

1 Is that all?---Yes, sir.

2 Well, nothing wrong with him having a financial interest.

3 Surely you were making reference there, weren't you, about
4 what he was going to try and get the council to do to
5 advantage him; isn't that the nitty-gritty that you're
6 talking about?---The nitty-gritty was that I knew he had a
7 financial interest in it and that, yes, sir, he would
8 obviously want council to do that.

9 So you understood your ethical obligations as a councillor.

10 They didn't end with not being in the room when a vote was
11 taken. You surely understood your obligations extended,
12 once you knew that he had a financial interest in a
13 planning issue that the council was dealing with, you
14 shouldn't be in conversations with him. Did you not
15 understand that?---Not as much as I should have, sir, no.

16 What's your understanding now about your

17 obligation?---I shouldn't have spoken to him about it.

18 And what about your obligation to your fellow councillors in
19 relation to those issues where he had an interest? What
20 did you understand was your obligation there?---Well,
21 I only found out in our policy that I should have - if
22 I felt someone else was in a similar situation, that
23 I should have had a word to them, given that I read the
24 code of conduct only just very recently.

25 What do you mean by that?---It was only a couple of days before
26 we started, sir, that I went and got from governance a
27 copy of our code of conduct and I went through it and
28 I went through it and it clearly says there that if
29 I believed somebody else had a conflict of interest or

1 something I was concerned about in regard to an issue
2 I should have said something to them, and I didn't realise
3 that before because in the briefings that we'd had it was
4 basically up to - we were told it's up to the individual,
5 "If in doubt, get out."

6 And when you say "briefings" - - -?---That was from Mr Mark
7 Hayes.

8 Yes, and when did that briefing occur?---It would be a couple
9 of years before.

10 And how many times had there been any focus by councillors on
11 the code of conduct?---Not a lot.

12 Were there periodic seminars, lectures, discussions about what
13 the code of conduct required of you?---We had a review
14 I think at some stage of the code of conduct which is more
15 about - it was more centred on how we work together, not
16 so much conflict of interest, and if you felt someone was
17 doing the wrong thing that you should go and have a talk
18 to them.

19 What about the provisions of the Local Government Act in
20 relation to integrity and impartiality and the obligation
21 that a councillor must not misuse their position? Were
22 there ever discussions at council level about what that
23 meant and how that was to be applied day to day?---Yes,
24 I think Mr Hayes mentioned that and it was mentioned by
25 Ms De Kretser one night, in governance.

26 Who was Mr Hayes?---Mark Hayes from Maddocks.

27 That's the council's solicitor, is it?---He was hired to give a
28 briefing on conflict of interest and Ms De Kretser was
29 talking about our code of conduct.

1 And when did that occur, that briefing?---Mr Hayes was a few
2 years ago, and I think Ms De Kretser was two or three
3 years ago.

4 Thank you. Yes, Mr Tovey.

5 MR TOVEY: Did you on 4 June 2019 move a recommendation in
6 council in respect of the Devon Meadows issue?---I believe
7 that was in regard to supporting an officer's report on
8 the whole area, including the southern Casey employment
9 land, the residential land and Devon Meadows was a blank
10 canvas that our officers had prepared to write to the
11 State government to accept what the officers had come up
12 with.

13 On 17 March of 2015 you declared a conflict for the first time
14 in respect of the C219 issue. You accept that is the
15 case?---If it's the date you've got there, sir.

16 And you obviously declared a conflict because by that time,
17 that is in January of 2015, you had the horse memorandum
18 which made special reference to you needing to declare a
19 conflict?---Yes, that is true.

20 And at that stage I take it there had been the meeting with
21 Schutz and Woodman where they had explained what they
22 wanted you to do?---I'm not sure what that date was, sir.
23 But, as I said, as soon as I realised the financial bit
24 I got out of the room.

25 On how many occasions did you have meetings with Ms Schutz and
26 Mr Woodman together?---About once.

27 Once, all right?---That's not often, no. My recollection is it
28 was once.

29 We're talking about a time period from the beginning of 2015 to

1 2019. Where in that spectrum did this meeting

2 occur?---Sorry, sir, did you say where?

3 Sorry, when?

4 COMMISSIONER: If it's the period after you declared the

5 conflict, you still had a meeting with Mr Woodman and

6 Ms Schutz, when was it in that period between 2015 and

7 2019?---I can't tell you exactly, sir, I don't remember.

8 MR TOVEY: Why did you meet with them if you were

9 conflicted?---Because I always had a coffee with

10 Mr Woodman and we spoke about horses.

11 So are you seriously saying you can't remember anywhere - this

12 could have been anywhere between this year and 2015 that

13 this meeting occurred?---I can't remember the exact date,

14 sir, no.

15 I'm not asking you the exact date, I'm asking you - - -?---Or

16 even around about.

17 When over a period of five years when it occurred?---It would

18 have been some time before, I think, the two thousand

19 and - C219 was discussed, I think.

20 All right. That was first discussed back in - that first came

21 up before council back in 2014. That was in February

22 2014. So was this meeting at some stage before

23 then?---I'm not sure, sir.

24 But H3 didn't come up until 2018. So if H3 was discussed at

25 this meeting it had to be at some stage approaching the

26 middle of 2018, didn't it?---Around about that time, sir,

27 I would think.

28 And are you saying that Pavilion Estate was discussed at this

29 meeting as well?---He mentioned what his company was

1 looking at doing and - - -

2 No, if you just listen to the question. Was Pavilion Estate
3 discussed at the Mornington office meeting between
4 yourself and Woodman and Schutz?---Yes, I think it was
5 just Mr Woodman and I.

6 Well, then was there a discussion between yourself and Woodman
7 and Schutz at some point at the Mornington office?---Yes,
8 I think I said that.

9 When was that?---I'm not sure whether it was before Hall Road.
10 Hall Road came up, I think I suggested to you, mid-2018; is
11 that right?---Yes, sir.

12 And what occurred at that meeting?---It was just a discussion
13 of what they - where Dacland was as far as building went
14 and - - -

15 You said they hoped to achieve certain things. What did they
16 hope to achieve? What were the aims? I think you said
17 one was to get Dacland to pay for the intersection?---Yes,
18 sir.

19 And wasn't the other aim to get the intersection finished
20 quickly so land could be released?---Not that one, sir.
21 It was more the payment of the - if I could just explain,
22 Mr Chairman. The council policy which we all disagree
23 with, after this, this could have all been avoided, if
24 there are two companies on each side of the road, one was
25 I think called Alara - - -

26 I can tell you, sir, we can't go into the politics of it and we
27 are not concerned about the rights and wrongs of whose
28 position. I just want to know what was discussed at that
29 meeting?---It was the development of that whole area,

1 Alara and Dacland.

2 Did Mr Woodman or Ms Schutz tell you that they wanted the
3 intersection completed quickly? Sorry, they wanted it not
4 to be deferred as Dacland wanted?---They said that the way
5 things were going that Dacland would be finished their
6 allotments and under current policy it would be up to
7 Dacland to pay for it.

8 And what are you doing attending this meeting in circumstances
9 where you've known for years you were
10 conflicted?---I didn't go down there to talk about that.
11 He brought it up after we spoke about what we were doing
12 with the horses.

13 Did you ever speak about these issues again with him or Megan
14 Schutz?---No, because I said - it went in one ear and out
15 the ear other and then I think you'll find I didn't go in
16 the room and didn't have any more to do with it.

17 I didn't ask you about whether you'd voted. What I'm asking is
18 after this meeting before H3 became an issue in council,
19 did you again discuss it with either Mr Woodman or Megan
20 Schutz?---I don't believe so, sir, because I understood it
21 pretty much what the situation was about the whole area.

22 COMMISSIONER: But the reason presumably they were talking to
23 you about H3, the intersection, was because they wanted
24 council to do something in relation to that issue; is that
25 the reason they were talking to you?---Yes.

26 What was it they wanted the council to do, specifically?---It
27 was in relation to who paid for the intersection.

28 There was a motion presumably that they were considering that
29 they wanted the council to pass. What was it they wanted

1 the council to do?---That Dacland pay for the H3
2 intersection.

3 MR TOVEY: And so at some stage when you had this meeting then
4 before H3 started, you from that moment on you say wanted
5 to have nothing to do with it?---I didn't, sir, no.

6 And was it the case then that you didn't speak any further with
7 Mr Woodman about it?---No, I spoke to - I remember having
8 a conversation with Mr Walker, the president of
9 the Cranbourne West, and we discussed the whole safety of
10 Hall Road because he was concerned about traffic - - -

11 Did you tell him that you were in any way interested in seeing
12 the intersection completed by Dacland - - -?---No.

13 And completed quickly?---No, no, it didn't get to that, no.

14 Anyway, other than having a discussion with Mr Walker, did you
15 have any discussion with Mr Woodman or Ms Schutz who
16 you've indicated to you didn't want anything to do with in
17 respect of this issue?---No, not after that first
18 discussion.

19 All right. In respect of H3, from the time of that discussion
20 onwards, which was before H3 was introduced to council,
21 you've told us, you were thoroughly aware that you were
22 conflicted in respect of that matter?---Yes, and that's
23 why I didn't go in the room.

24 And did you discuss it with other councillors?---No, sir.

25 So that was an issue from which you totally excluded yourself
26 in dealing with other councillors or with council
27 officers?---Yes, sir. I think I was approached by Megan
28 Schutz at some stage near - before it went to council.

29 She was well aware that I was going to declare a conflict

1 of interest and not be a part of it.

2 And what did Ms Schutz want?---She was just talking about the
3 chances of it happening, and I said, "I don't know."

4 So in order to maintain your lack of conflict in the matter you
5 gave her no information about what was going on?---No, but
6 she said that Sam Aziz would be leading the
7 recommendation.

8 And is that all that was said?---To my knowledge, sir.

9 And you had no interest in the recommendation yourself?---She
10 asked me what I thought a good recommendation would be,
11 but she basically wrote some notes down herself.

12 So tell us about that? So she starts giving you notes, does
13 she, even though - - -?---No, she never gave me notes,
14 sir, no.

15 Did she ever give you anything by the way of informational
16 material to be passed on to other councillors?---No, sir.
17 I believe she spoke directly to Councillor Aziz.

18 COMMISSIONER: Mr Ablett, can I remind you again of something
19 I've cautioned you about. Do not think because counsel
20 asks you an open-ended question that counsel doesn't
21 already know the answer?---Yes, sir.

22 So that question you need to rethink the answer. Did Ms Schutz
23 ever give you documents that you were then to use in your
24 capacity as a councillor?---She did write out some
25 recommendations and to my knowledge she then gave them to
26 Councillor Aziz. That's to the best of my knowledge, sir.

27 MR TOVEY: What recommendations were these?---That the H3 be
28 paid for by Dacland.

29 Rather than Wolddene; that's what you understood?---I believe

1 Wolfdene were Alara, the other side of the road, yes.
2 If you've already said, "I don't want to be involved in this at
3 all," what's she doing coming to you with
4 recommendations?---She approached me and showed me and
5 then I said, "You better talk to someone else," and she
6 went and spoke to Sam Aziz after that and they then
7 liaised together.

8 Are you saying that was it?---To my knowledge it is, sir.

9 COMMISSIONER: What is your understanding as to why Mr Woodman
10 and Ms Schutz thought that Mr Aziz would do their
11 bidding?---I wasn't privy to the conversations she and
12 Mr Woodman had with Mr Aziz, but I don't know why.
13 You mean you never had any discussion with Mr Woodman or
14 Ms Schutz in which they explained to you in any way why
15 they thought they would have Mr Aziz's support in relation
16 to any of the planning issues in which Mr Woodman had an
17 interest?---They said they had his support, but they
18 didn't exactly explain why they had that support to me
19 from my memory.

20 MR TOVEY: I just want to go briefly, if I might, to some of
21 your declarations of conflict. This is on 4 December of
22 2018. Council records, I'm instructed, indicate that one
23 of the matters up for consideration by - - -?---Sorry,
24 sir, could you just speak up a little bit?

25 Sorry. On 4 December 2018 council was voting on 195S Alisma
26 Boulevard, Cranbourne North, which is the Tulliallan
27 active open space, and on that date you declared a
28 conflict in these terms. "I would like to declare an
29 indirect conflict of interest in item 6.7 in tonight's

1 agenda as Megan Schutz does some consulting work for
2 Watsons planners who donated \$40,000 to the Liberal Party
3 campaign in 2014 when I was the candidate for Cranbourne."
4 Now, that we are instructed is what the council records
5 shows. Do you agree that you made a declaration of that
6 nature?---At that time she was consulting for Watsons, so
7 I thought I'd declare that.

8 So your position was that certainly in December of 2018 any
9 involvement with Megan Schutz was something in respect of
10 which you had a conflict?---Not right across the board.
11 I realised she was doing some consulting work with
12 Mr Woodman at the time, and that's why I declared that
13 then.

14 The H3 matter first came up on 4 September 2018 and that was a
15 motion, you may recall, basically reflecting what you
16 understood to be Mr Woodman's aims in respect of the H3
17 intersection introduced by Mr Aziz. You became aware of
18 that?---Yes.

19 And you declared a conflict?---Yes, I believe so, sir.

20 No, I'm suggesting that you did in fact declare a conflict and
21 indeed you've been declaring a conflict for a couple of
22 years in respect of all Woodman matters, hadn't
23 you?---With the C129 when I realised the financials fully,
24 I did, and hopefully I did all through Hall Road and
25 Pavilion.

26 On 27 March of 2018 there was a briefing to council in respect
27 of the Casey Fields plan which involved the Pavilion
28 Estate issue, didn't it?---Was it the running track or
29 Morison Road aspect of it, sir?

1 Yes?---Okay.

2 There was a council briefing on that day and you declared a

3 conflict, I would suggest, in these terms: "I'm

4 officially informing you I have a direct conflict of

5 interest in the rugby part of Casey Fields plan as it

6 involves an issue with planning over land acquisition.

7 The Wolfdene company engaged Pattersons planners to assist

8 in planning their housing developments" - sorry - "in

9 their housing development. Watsons donated money to

10 the Australian Liberal Party, Victoria division, in 2014

11 when I was a candidate for Cranbourne. That money could

12 quite easily have been part of my campaign funds. The

13 fact that Watsons are involved here, I am declaring this

14 direct conflict of interest." Is that right?---Yes, sir.

15 COMMISSIONER: Mr Tovey, was that a conflict declared at the

16 meeting by way of recorded minutes or was that given to

17 the CEO?

18 MR TOVEY: No, it was an email to the CEO prior to the meeting.

19 COMMISSIONER: Thank you.

20 MR TOVEY: But what you were there doing was expressing a

21 conflict not only in respect of voting but also in respect

22 of receiving information in respect of that matter; is

23 that right?---That specific one was in regard to - - -

24 In regard to a briefing?---A briefing, yes.

25 So you saw your position to be, where you had a conflict of

26 interest involving Mr Woodman's interest, to have nothing

27 whatsoever to do with those issues?---Yes, sir. That's

28 the aim.

29 COMMISSIONER: Is that because, Mr Ablett, the Local Government

1 Act had a provision in it which said that a councillor
2 must not misuse his position to gain or attempt to gain
3 either directly or indirectly an advantage for themselves
4 or for any other person? Did you understand that if you,
5 having a conflict of interest, nonetheless actively either
6 by way of voting or by way of encouraging others to vote
7 where you had a conflict, that you would be misusing your
8 position?---Yes, I knew I shouldn't be voting or
9 influencing any other councillor.

10 But I'm just trying to understand what the basis was for you
11 thinking that. Was it because you understood that would
12 be contrary to the Local Government Act?---No, sir, it was
13 because I knew Watsons had something to do with that
14 vicinity and I didn't want to have anything to do with it.

15 Yes, but that's the factual reason. But what did you
16 understand was the law - - -?---Well, if I was - - -

17 What did you understand was the law which lay behind you not
18 doing that?---That if I knew someone is involved in that
19 that may be making money out of it through a development,
20 that I should not be involved in it.

21 MR TOVEY: I now want to move along a bit more quickly. In
22 October 2016 there were council elections, were
23 there?---Yes.

24 We have seen through Ms Wreford a number of documents involving
25 calculations relating to assistance to candidates during
26 that election?---Yes.

27 Was it the case that through Ms Wreford and Mr Woodman you
28 received some thousands of dollars of assistance with your
29 campaign in 2016?---Mr Woodman - - -

1 No, was that the case: yes or no?---No, because the way I did
2 it was there were a number of months in 2016 where
3 I didn't invoice Mr Woodman anything and I did mention
4 that to him. It was four or five months in that year,
5 June, July, August and a number of other months, and
6 I said to him that would cover my money that would go to
7 my campaign.

8 And what money went to your campaign?---I worked it out to be
9 around the \$6,000 mark. But instead of invoicing
10 him - I went to him and he said, "I'm just giving a heap
11 of money to the Liberals and I'm giving a heap of money to
12 Labor, and it went to Sam Aziz" and later when he did that
13 I went to Mr Aziz and I said, "Did you get my money from
14 Mr Woodman," and he said, "Yes, and I'm running your
15 campaign. You don't have to worry. It's all under
16 control."

17 And so how much was the amount?---I estimated it at about
18 \$6,000 that I didn't invoice him over about three or four
19 months of that year.

20 Did you declare that?---I didn't declare that I didn't invoice
21 him. These are at the time because he just said, "This is
22 what I'm doing," so that's the way - looking back,
23 I should have done it a completely different way.

24 We've heard from Ms Wreford and to some extent from Mr Woodman
25 that Mr Tyler, the CEO, was something of a thorn in their
26 side in respect of the Cranbourne West rezoning. Is that
27 something that you were aware of?---No, sir.

28 Did you play any part in trying to get Mr Tyler sacked or
29 removed?---No, sir. There were some - when Mr Tyler left,

1 he left on his own terms. Lawyers worked that out. But
2 at that time there were - all 11 councillors had some
3 concerns with Mr Tyler. The first one was we weren't
4 allowed access to the building that we'd just moved into
5 and - - -

6 I just want to know whether you personally - - -?---No, sir.

7 Mr Woodman played no role in Mr Tyler leaving.

8 I'm not asking whether he did. I'm asking whether you

9 did?---I did play a role representing the group after we
10 went to governance and went through a really rigorous
11 process of trying to patch up some differences that the
12 group of councillors had with the CEO.

13 COMMISSIONER: So you had no discussions with Mr Woodman - -

14 -?---No, no.

15 Just let me finish?---Sorry.

16 You had no discussion with Mr Woodman or Ms Schutz or anyone

17 else connected to Mr Woodman that you knew of about the
18 process you should follow in forcing Mr Tyler to

19 retire?---He did ask me about Mr Tyler and I did say,

20 "We're having talks to see if we can iron out some

21 differences with Mr Tyler," and that's what the group had
22 asked me to do.

23 Sorry, why did you say a moment ago that it had nothing to do

24 with Mr Woodman?---He wasn't involved in the process of

25 trying to patch things up with Mr Tyler. He had nothing
26 to do with it at all.

27 MR TOVEY: Did Mr Woodman express to you happiness at the fact

28 that either Mr Tyler was going or Mr Tyler was

29 gone - sorry, Mr Tyler was being the subject of a campaign

1 to get rid of him? Did he express any view about that to
2 you?---Mr Woodman - - -

3 No, look, did he express a view about it: yes or no?---Yes, he
4 did. When he went he was happy about that.

5 COMMISSIONER: Before he went, before Mr Tyler retired, did
6 Mr Woodman tell you what his preference was about
7 Mr Tyler?---Mr Woodman expressed ever since I first knew
8 him that he didn't get along with Mr Tyler. That's going
9 way back. So the answer is, yes, he had a view on him all
10 the way through, but that didn't instigate what happened.

11 MR TOVEY: Just to put this in time, could the witness, please,
12 be shown page 4434? Carol Smith is your secretary; is
13 that right?---Was at that time, sir.

14 And this is an email from Carol Smith to you and Sam Aziz dated
15 12 February 2018; is that right?---Yes.

16 The attachment I'll show you in a second relates to Mr Tyler
17 and the need to get rid of him. Is it the fact that you
18 and Sam Aziz were working together to achieve that
19 goal?---No, sir. I never worked closely with Sam. He
20 actually got on quite well with Mr Tyler, but also
21 recognises there were issues.

22 Could we just then go over to the next page. Can we just
23 scroll down, please? Is that the draft of something that
24 you proposed to send to Mr Tyler?---Yes, and it was
25 followed by a number of meetings with Mr Tyler to try and
26 resolve issues.

27 Can we just scroll down. And you were proposing that,
28 following a litany of complaints by you, he should enter
29 into an agreement that - and he sign a deed of release; is

1 that right?---After a number of meetings that we went
2 through with governance.

3 "And if your departure can't be agreed to by noon on Wednesday,
4 14 February 2018, then an item will be added to the next
5 council meeting agenda for our meeting on 20 February '18.
6 The item will be listed as a personal matter which will be
7 considered in a closed meeting. A notice of motion will
8 be passed for the workplace review to commence the
9 following day."?---That was lawyers' advice, sir.

10 Who had given you the advice as to how to couch that?---Sorry,
11 sir, could you repeat that?

12 Yes. Who had given you those words?---I forget the name of the
13 lawyer we hired. It was a lawyer put that together,
14 helped put that together.

15 Who put it together?---The lawyer that we had, Sarah from
16 Justitia Lawyers.

17 Yes, and who organised - - -?---She works with the whole
18 process, the whole council group.

19 All right. So you as councillors then were in a position of
20 hiring and firing the CEO?---No, sir. We went through the
21 proper process of sitting with Mr Tyler - - -

22 I'm not asking you about what you did. You had the power to
23 hire and fire CEOs?---Only if situations can't be
24 resolved.

25 And unfortunately in this case the CEO happened to be somebody
26 who was antithetical towards C219 which - - -?---No, that
27 had nothing to do with this, sir.

28 But that was in fact the fact, was it not?---I can't remember
29 if Mr Tyler was against C219, but it had nothing to do

1 with him leaving.

2 And you and Mr Woodman had discussed you getting a financial
3 windfall - - -?---No.

4 If C219 went through. You've already told us that?---With that
5 conversation, yes.

6 Did you tell Mr Tyler that you were conflicted in respect of
7 matters relating to getting rid of him in view of the fact
8 that he was against C219 and you were going to make a
9 financial windfall if it went through?---I wasn't going to
10 make a financial windfall because I wasn't going to take
11 one - - -

12 Well, that's what you said?---And Mr Woodman had nothing to do
13 with the process that we finished up with with lawyers'
14 advice all the way through that process.

15 Didn't you say yesterday that you were going to get a
16 financial - you expected a financial reward which would be
17 an improvement to your business with more investment from
18 Mr Woodman if C219 went through?---He said if it went
19 through - - -

20 No, is that what you said yesterday?---Yes, that I expected he
21 would buy some horses.

22 All right. So that was the case then that, whatever it was and
23 however you characterise it, you were expecting a benefit
24 if C219 went through?---I'm failing to get the connection
25 between 219 and Mr Tyler because there isn't one there.

26 COMMISSIONER: That's a legitimate question,
27 Mr Ablett?---Sorry, sir?

28 That's a legitimate question you raise. You are clear, are
29 you, that you never at any stage knew that Mr Tyler had a

1 strong view that there should not be a rezoning of the
2 C219 from employer industrial to residential? Are you
3 telling us that you never knew that Mr Tyler had a very
4 strong position about that?---Now that you mention that,
5 sir, there was a time in his office where he did say to me
6 he believed - and I've just remembered it - that he
7 believed it should stay industrial. Yes, sir, he did say
8 that to me in his office.

9 And what was the position of the planning officers in the
10 council? What was their position on C219?---I honestly
11 can't remember, sir. The best thing that ever happened
12 was I was told it was going to a hearing and I thought,
13 "Terrific, because now a judge can make a decision and
14 I don't have to" - - -

15 Yes?---Yes. I don't know at that time, but eventually it
16 finished up that the position of the councillors and the
17 officers was that it should be residential. That was
18 their position.

19 At the end?---At the end.

20 But for a long time you were getting reports, were you not,
21 from the planning department opposed to that
22 rezoning?---I really can't remember, sir.

23 Yes, Mr Tovey.

24 MR TOVEY: I tender those two documents.

25 COMMISSIONER: Yes. That will be exhibit 93.

26 #EXHIBIT 93 - Email dated 12 February 2018 from Ms Smith to
27 Mr Ablett and Mr Aziz containing a draft letter.

28 MR TOVEY: Mr Commissioner, in view of the early adjournment
29 today - - -

1 COMMISSIONER: We will have a break now and we will resume at
2 20 past 11. Have a break, Mr Ablett?---Thank you.

3 (Short adjournment.)

4 COMMISSIONER: Yes, Mr Tovey.

5 MR TOVEY: Thank you. Now, Mr Ablett, this is again just some
6 information for you. We are now moving on to that period
7 in around March, April, May 2018. This is the period
8 during which the Pavilion Estate issues start to come
9 before council. Now, on 20 March of 2018 the Pavilion
10 Estate matter came before council - - -?---Sorry to
11 interrupt. Was that the running track or was that the
12 Morison Road or the widening of the road? There were a
13 few issues - - -

14 Yes, so there's a road widening?---Okay.

15 And a change to the provision of open space next to Casey
16 Fields?---Okay.

17 You understand?---Yes.

18 So the idea was that, from what Mr Woodman had previously told
19 you, that he wanted to get more developable land as a
20 result of the Pavilion Estate issues. That's the bottom
21 line, isn't it?---He wanted the road wider, yes, sir.

22 So he wanted the roadway and also the public space next to the
23 Casey Fields and to put up nets there and to obviate the
24 need for open space to give people protection from balls
25 and so forth?---That would be right, yes.

26 All right. In any event, when that first came up on 20 March
27 2018 it was deferred for two weeks; do you recall
28 that?---No, I don't, sir, to be frank.

29 Now, about this time we have heard evidence that Ms Schutz set

1 up SCWRAG and Mr Walker was put into the role of leading
2 SCWRAG. Were you aware that Ms Schutz had set up
3 SCWRAG?---No, sir.

4 All right?---I thought Mr Walker had set up SCWRAG.

5 Well there you go. In any event, on 3 April of 2018 the matter
6 came back - this is Pavilion Estate came back before
7 council?---Yes, sir.

8 And Mr Aziz moved motions basically seeking to provide the
9 extra developable land that Mr Woodman was after. Now,
10 were you aware that a motion of that nature came before
11 council at about that time, even though you didn't vote on
12 it yourself?---Yes, sir. Yes, sir.

13 All right.

14 COMMISSIONER: Is this a motion that Mr Ablett absented himself
15 from or where he declared a conflict, Mr Tovey?

16 MR TOVEY: No, he declared a conflict. At this time Mr Ablett
17 is declaring a conflict on every Woodman related matter
18 and has been for some time since 2015. Insofar as
19 I indicated 2018 that SCWRAG was set up, in fact SCWRAG
20 had been set up in 2015 ?---I didn't know.

21 But you didn't know - - -?---No.

22 You say of the involvement of Ms Schutz?---No.

23 Were you aware of any involvement between Ms Schutz and
24 Mr Walker?---None whatsoever, sir. I read that in the
25 paper somewhere.

26 At this time, this is at the time the Pavilion Estate has come
27 up, Ms Schutz has invoiced Watsons for attendances upon
28 you and the preparation of a briefing note. Do you know
29 anything about any of those things?---I'm trying to

1 remember, sir. She might have said something to me about
2 what they wanted to achieve, but I was sitting right back
3 off everything.

4 All right. I now want you to have a look at this document,
5 which is page - - -

6 COMMISSIONER: What do you mean by that last answer, "I was
7 sitting off everything"?---Sorry, sir, I didn't want to
8 get involved in it.

9 MR TOVEY: And you told her that?---Yes. I said, "I can't help
10 you."

11 And after that did she leave you alone?---Yes.

12 On 23 June of 2018 there was a meeting, was there not, between
13 yourself and Mr Walker?---I do remember having several
14 meetings with Mr Walker before and after to discuss the
15 whole of - sorry, can I just go back a bit. Are we
16 talking about Hall Road or Pavilion now?

17 I'm just asking whether you met on that day?---I spoke to
18 Mr Walker about Hall Road and the whole aspect of it, but
19 I don't recall talking to him about Pavilion.

20 Did you talk to him about the Cranbourne West rezoning?---Yes .
21 He had his views that he told me.

22 But I mean that wasn't an issue that you were buying into at
23 that stage in any way because you were conflicted?---Once
24 I found out - once, as I said sir, once the penny dropped
25 I didn't vote on that.

26 And the penny dropped at about that time in 2015 where you
27 first declared a conflict?---If it was when I first
28 declared a conflict on 219 it would be around about that
29 time.

1 Could you have a look at this, please? This is Mr Walker's
2 notes of the meeting with you, 3585 and 3586. This is a
3 meeting of 23 June of 2018. Mr Richards - sorry,
4 Mr Walker notes that you had rung him on the previous
5 Friday and wanted to bring Pauline Richards along, and he
6 said "no"; is that right?---Sorry, sir, could you repeat
7 that?

8 Had you wanted to bring Pauline Richards along to this
9 meeting?---I didn't want to - I recollect talking to her
10 about trying to find out what her view of the area would
11 be.

12 COMMISSIONER: The answer is yes?---Yes.

13 You did want to bring Pauline Richards with you?---Yes, to
14 discuss that and Hall Road, the whole of Hall Road, the
15 Evans Road intersection, the safety of Hall Road.

16 MR TOVEY: Was the purpose of bringing her along to try and
17 seek her support in respect of C219?---No, it was just
18 to - because the State had the authority, to try and
19 figure out what the State felt about that particular area.

20 What position did Ms Richards occupy as at this date, June
21 '18?---Was she the elected MP then, sir, for the area?

22 She may have been the newly elected MP, sir.

23 For Cranbourne?---For Cranbourne, yes.

24 MR TOVEY: He notes that you wanted to discuss the land
25 rezoning at the start of the meeting. Why did you want to
26 discuss that if it was something which you were conflicted
27 on?---My area abuts up to that area and a lot of people
28 were asking me about what's going on, and if she had
29 turned around and said, "The government's view is this,"

1 then fine, then I'd be able to tell people, "This is the
2 government's view," because at the end of the day all we
3 do is advocate and the State government makes or the
4 Minister for Planning makes the decision.

5 He noted that you were "very forthright about the opposition of
6 council headed by Mike Tyler CEO and members of his team
7 who vehemently opposed the land being rezoned, remarking
8 that it would have to be over his dead body"?---Well,
9 they're his notes, not mine. I don't believe being as
10 harsh as that or saying that.

11 He's going to give evidence. Presumably he's going to say that
12 those notes reflect in quotes what you in fact said. Do
13 you deny saying that?---I can't deny saying it, but
14 they're his notes. I can't remember, sir.

15 Isn't that totally contrary to what you told the Commissioner
16 earlier on about your understanding as to Mr Tyler's
17 position?---I think I said Mr Tyler wanted it industrial.

18 You went on to tell him, according to him, that the council
19 "sees some remnants of the old guard in council and
20 they're going to be weeded out"?---I don't know how I was
21 going to do that.

22 So the effect of what you were telling him was that Mike Tyler
23 and his team vehemently oppose C219 - - -?---No.

24 And you're going to have them weeded out?---No.

25 And that's what you were about, wasn't it?---No, I didn't have
26 the agenda with Mike Tyler. That was a whole group - we
27 actually tried to patch things up with Mr Tyler over
28 several meetings with governance. We bent over backwards
29 to try and overcome the issues we had with Mr Tyler.

1 I did not want him just gone out the door. We went
2 through a whole range of proper governance procedures to
3 try to patch up the difference with Mr Tyler.
4 But the issue about Mr Tyler that you are here ranting about,
5 I would suggest, has nothing to do with his ability. The
6 issue you identified was him wanting to rezone
7 C219 - sorry, wanting not to rezone C219 over your dead
8 body. That was what you told - - -?---That had - - -
9 Just let me finish the question. That's what you told
10 Mr Walker on 23 June of 2018?---Allegedly told Mr Walker,
11 but Mr Tyler's decision to leave had nothing to do with
12 219. If you look at the process we went through, 219, our
13 whole group didn't discuss 219 at all in regard to the
14 behaviour or practices of Mr Tyler.
15 Well, that's because you didn't want it known that that's the
16 reason you were doing it?---No, that's not true. If you
17 talk to all the individual councillors there were a number
18 of issues of access to buildings, refusing to talk to us,
19 and we had a number of meetings where I even asked
20 Mr Tyler, "Would you ring every councillor once a month
21 just to say 'How are you going'", and he refused to do so,
22 and there were a number of meetings we took to try to
23 patch things up with Mr Tyler and keep him at Casey.
24 I suggest to you because you were obligated to Mr Woodman and
25 as you've admitted expecting a reward if C219 succeeded,
26 you set out to do a hatchet job on Mike Tyler?---No,
27 absolutely refute that, sir. Absolutely refute that. If
28 you go back through the records of our governance you will
29 be able to see the whole record of how we tried to work

1 things out with Mr Tyler amicably over a long, long period
2 of time, over a number of issues that we shared and they
3 would be on record with governance because we always had a
4 governance person in taking minutes.

5 COMMISSIONER: When you were asked this morning about whether
6 Mr Tyler had a position in relation to C219 - - -?---Yes.
7 Do you remember what your initial answer was?---I didn't know
8 and then I thought about it and then I remembered the
9 meeting I had in his office, sir, and that's when I said
10 to you he wanted it to remain industrial.

11 Leaving aside the precise language Mr Walker has utilised in
12 this record of your meeting, is he right in saying that
13 you expressed a strong view about Tyler being obstructive
14 and opposed to the rezoning?---My recollection with
15 Mr Walker was that he believed that the residents of
16 SCWRAG when I didn't know - - -

17 No, I'm asking you - - -?---I did say to him that Mr Tyler was
18 in disagreement with it. I don't know if that was as
19 strong as what he has said there. But it was just the
20 truth of the matter was Mr Tyler was against 219 and what
21 we all thought as representing all the residents of
22 Cranbourne West.

23 MR TOVEY: Can we just scroll down further, please. He noted
24 there, "Geoff, himself, when he first saw the land, he was
25 in no doubt that the right decision had been made to get
26 the land rezoned. He didn't vote on it because of a
27 perceived conflict of interest, but talking amongst other
28 councillors they were for it." So you did talk to other
29 councillors about it?---Other councillors mentioned to me

1 their thoughts and that's what I passed on to Mr Walker.
2 But, again, I wasn't voting on the matter and we actually
3 spoke a lot more about 219 - we actually spoke about - he
4 produced statistics on the number of accidents on Hall
5 Road, how it should be - - -

6 Let's just go - - -?---Okay.

7 Let's just stick with what he's noted for the time being. Then
8 he went on to say you then went on to discuss what the
9 government and bureaucrats were doing in respect of C219;
10 is that right?---I just need time to finish reading it,
11 please, sir. I'm not sure whether I said to him it was
12 just a matter of time, sir.

13 What you there discuss is the fact that your belief that
14 bureaucrats are fighting a rearguard action to have the
15 rezoning amendment overturned and that's why the planning
16 minister, Richard Wynne, has delayed signing off and in
17 the end you think the best way to tackle all this was to
18 put the heavies on Pauline Richards, the local
19 members?---No, I disagree with what he said there.

20 You didn't suggest putting the heavies on Pauline
21 Richards?---No, way. No, sir. No, sir.

22 And you had no interest in what the - - -?---I wasn't going to
23 put the heavies on Pauline Richards or anyone.

24 COMMISSIONER: What made you think that if the bureaucrats
25 weren't fighting a rearguard action to stop the rezoning
26 that the minister would have approved it?---I can't
27 remember the conversation, sir, but I don't know why
28 I would have said there's a rearguard action on it.
29 I gave my opinion that I thought it would be good to be

1 residential, but as it's turned out it's not and it is
2 what it is.

3 But where did that information come from that you're telling
4 Mr Walker about? Where did you get the idea from as to
5 what was happening at Spring Street about this rezoning
6 issue?---I can't remember, sir.

7 Other than Mr Woodman and Ms Schutz and the consultants that
8 Mr Woodman is engaging, did you have access to anyone else
9 that was - - -?---No, it was probably Ms Schutz.

10 Just let me finish?---Sorry.

11 That was likely to be privy to what was happening with
12 bureaucrats or the minister?---It might have been
13 Ms Schutz, sir.

14 Do you remember talking to Ms Schutz about it?---No, but it
15 would have been probably either Ms Schutz or Mr Woodman,
16 I think.

17 So, again, without getting bogged down in the precise language
18 that Mr Walker has used, doesn't this suggest that you are
19 taking quite a strong position on the rezoning issue in
20 circumstances where you knew you had a conflict of
21 interest?---I didn't realise the conflict of interest just
22 talking about it. I thought the voting part was the main
23 bit. But Mr Walker was the one who was pushing the
24 residential side of things more than myself.

25 MR TOVEY: Can we scroll down further, please? Thank you.

26 Just leave it there. Referring to you, Mr Walker noted
27 your strategy was "to put a casual question to Pauline and
28 tell her the council approved the rezoning, the panel
29 approved it, all the boxes have been ticked off and

1 Richard Wynne should have signed it off by now. What's
2 the holdup? 'Pauline, can you please explain why there is
3 a delay in Richard Wynne giving a final approval for the
4 amendment to be passed?' So you're discussing with him,
5 are you not, the precise way in which Pauline Richards
6 might be used and induced to go to the minister?---No,
7 I never asked Pauline to go to the minister.

8 So these notes are wrong, are they?---I never asked Pauline
9 Richards to go and see the minister, to my knowledge, no.

10 You are talking to him about the tactic that was going to be
11 involved?---Was this after the panel hearing, sir?

12 I just want to know whether you agree with his notes or not.

13 He says to you - - -?---Not entirely. No, we did talk
14 about - - -

15 Okay, we'll take it a step at a time so we don't get lost. He
16 said that your strategy was "to put questions to Pauline
17 and tell her that the council approved the rezoning,
18 everybody else approved it and Richard Wynne should have
19 signed it off. What's the holdup?" Is that something
20 that you said to Mr Walker?---When I was talking to
21 Mr Walker - - -

22 Did you say that to Mr Walker?---I don't recollect saying that
23 to Mr Walker in those terms, sir, no. I don't remember
24 that.

25 Did you say anything like that?---We spoke about it being
26 residential and what the process was and I never put
27 any - never rang Pauline Richards and put pressure on her
28 to talk to the minister.

29 I'm not saying you did. What I'm saying is you're there

1 telling Mr Walker what your strategy was?---No, I never
2 put a strategy to him that I would go and see Ms Richards
3 and we just spoke about - - -

4 It couldn't be, could it, that you were working out a strategy
5 to push this to government if it was an area in which you
6 were conflicted?---I don't think - recollect saying to him
7 that we would push it to government.

8 No, I'm just asking you - - -?---He wanted to be - - -

9 Can you just listen to the question. Your position is that you
10 could not have been involved in developing a strategy to
11 get the minister to approve because it is a matter in
12 which you are conflicted; is that your position?---I never
13 spoke to the minister. We just had a general talk
14 about - - -

15 No, I'm just asking you what you - - -?---We had a general chat
16 about what it should be.

17 Look, Mr Ablett, you are a champion at not answering
18 questions?---I'm sorry, sir.

19 COMMISSIONER: Mr Ablett, just listen carefully to the
20 question?---Okay.

21 And try and answer it, please?---Yes. Could you repeat the
22 question, please, sir?

23 MR TOVEY: Mr Walker has noted you putting forward a strategy
24 to convince the minister to give final approval. You say
25 that you didn't propose any strategy?---To the minister,
26 no.

27 To Mr Walker?---No.

28 COMMISSIONER: Did you have a conversation along these lines
29 with Mr Walker?---Yes, we both agreed that - my own

1 observation was that it would make residential and he
2 as - I believed him to be representing the majority of
3 Cranbourne people and he agreed with that, and he was
4 lobbying people to make it residential and I never put
5 forward a strategy to try to get to ministers to do stuff.

6 I'm sorry, this last section under the heading "Pauline
7 Richards", did you have a conversation along those lines
8 with Mr Walker? Did you have a discussion of that sort
9 with Mr Walker?---I did mention Pauline Richards and
10 I think at one time I spoke to Pauline Richards and
11 I said - - -

12 No, I don't want to know what you spoke to Pauline about.

13 I just want to know whether you had that discussion with
14 Mr Walker?---Yes.

15 Where did the idea that you - the idea you were raising here,
16 right, as in terms of a strategy, where did it come
17 from?---It was just my own strategy, sir, driving around
18 the area with all the other houses matching up to it
19 and - - -

20 No, no, no. This specific strategy of perhaps going to Pauline
21 Richards and having Pauline Richards perhaps speak to the
22 minister, where did that strategy come from?---I spoke to
23 Pauline Richards not about a strategy about going to the
24 minister - - -

25 No, I'm not - - -?---I said, "Let's have a chat with Pauline
26 and see where it sits."

27 Where did the idea come from? You mentioned earlier that you
28 had spoken to Ms Schutz?---Yes.

29 Did that idea come from her about this strategy?---I was

1 actually supporting Mr Walker who wanted it residential
2 and my ward abuts up to that and I thought the way he
3 explained it to me was a huge majority of people in the
4 area wanted it residential. But I don't recollect
5 Ms Schutz saying, "I think you should do this, this and
6 this".

7 So this was your idea? It didn't come from Ms Schutz or anyone
8 else?---I don't believe so, no, sir.

9 MR TOVEY: Can we scroll down, please. So more about the way
10 in which Pauline Schutz - sorry, that Pauline Richards
11 should be used to approach the minister. Then you told
12 Mr Walker that, "If Richard Wynne doesn't sign off on the
13 rezoning to residential, then we will put together a
14 massive campaign against Labor with Cranbourne being a
15 marginal seat." Is that something that you discussed with
16 Mr Walker?---No, not to my knowledge discussing a major
17 thing against Labor, no.

18 All right?---And I wasn't holding Pauline Richards to any
19 threat at all.

20 And then if you go down . "If she can get this signed off,
21 then we will help promote her and give her assistance with
22 her Labor campaign." Did you say that?---No. I never
23 offered to offer her assistance in her campaign at all.

24 I'm not saying you did. I'm saying that that was the strategy
25 that you told Mr Walker should be adopted?---No, I didn't
26 say that we should support - - -

27 Okay. So these notes then are just totally wrong about all
28 this?---Not entirely wrong. We did have a talk about the
29 area and I did say "Why don't see where it sits with

1 Pauline," but not to lobby ministers and have campaigns
2 for Pauline Richards.

3 Can we just scroll down further. I'd suggest to you that those
4 notes are true and that it's apparent to anybody who reads
5 them, including you, that they demonstrate that you were
6 actively trying to promote C219. Do you agree that the
7 notes are true?---Not all of them. We did discuss - - -
8 Do you agree at that stage you were trying with Mr Walker to
9 actively promote C219 both at council and government
10 level?---On his advice that most of the - the majority of
11 people in the ward which abuts up to mine would like to
12 see it residential.

13 You were also at that stage trying to put the skids under
14 Mr Tyler because Mr Tyler was opposed to C219?---C219 had
15 absolutely nothing to do with Mr Tyler leaving.

16 But that's not what you said to Mr Walker, is it?---I said
17 Mr Tyler might have been against it, but that had nothing
18 to do with him leaving.

19 What you told him was that Mr Tyler would rezone it over your
20 dead body and you're going to "weed out the dead wood",
21 being him and his supporters?---No, I don't recollect
22 saying anything as harsh as that.

23 If those things are true, sir - I won't put to you the
24 hypothetical. I suggest to you those things are true and
25 that you were at that stage totally in the thrall of
26 Mr Woodman?---No, I was talking to Mr Walker about getting
27 an idea of what the local people thought and he suggested
28 that the majority of people in Cranbourne West wanted to
29 see it residential. I wasn't sent there by Mr Woodman to

1 do that. I had heard about SCWRAG and I had no idea that
2 Megan Schutz was tied up with SCWRAG.

3 Did you ever have any idea that Megan Schutz was tied up with
4 SCWRAG?---Absolutely not, sir, until I read it in the
5 paper and I didn't realise that Mr Walker was being paid.
6 No idea.

7 Did she ever alert you to - - -?---No, never told me.

8 Any matters relating to SCWRAG?---No.

9 Did she ever - - -?---She mentioned Ray Walker and SCWRAG, but
10 I had no idea that she was tied in with Mr Walker and the
11 fact that he was - I read somewhere he was being paid and
12 I had no idea of that. I thought he was just a normal
13 resident representing a whole lot of people and I was
14 trying to get an idea of how they felt because my ward
15 butted up to theirs.

16 Did she ever provide you with or promise to provide you with
17 documents from SCWRAG?---No, not to my recollection.

18 I don't - I had several meetings with Mr Walker about the
19 whole - and then we went from that about the safety
20 aspects of Hall Road, not just H3 but Evans Road, the
21 intersection at Westernport Highway and Hall Road, the
22 duplication of Hall Road, the whole lot because of the
23 residents in the area.

24 COMMISSIONER: Had you ever talked at this period of time with
25 Mr Woodman or Ms Schutz about the possibility of a
26 campaign against the government if - - -?---No.

27 You never had any discussion like that?---Not to my
28 recollection, sir, no.

29 Did you have the resources to engage in a massive campaign if

1 the government was opposed to the rezoning?---No, sir.
2 I'm not sure what you're talking about.
3 You saw the reference there to Mr Walker says - -
4 -?---Government resources, no, sir - - -
5 Mr Walker sets out what you told him you might do?---I would
6 have no access to resources like that, no.
7 Did you say anything like that to him?---No, I never said that
8 I would gather all the resources and out a government or
9 whatever like that, no. Not to my knowledge.
10 Was your relationship with Mr Walker - - -?---No, I didn't know
11 him very well.
12 Verley is his wife?---Yes, I - - -
13 Was she present at that meeting?---No, it was just Mr Walker
14 and I, from my recollection. I met his wife.
15 Do you see at the foot of the note it's got "Ray and
16 Verley"?---Yes.
17 What's your recollection?---Well, I sat with Mr Walker.
18 I don't remember seeing Verley around. I did meet her
19 when I first walked in, and I had two or three meetings
20 with him which were quite - and we basically started
21 talking about Evans Road, how could we get VicRoads to fix
22 it up and all that sort of stuff, so we went away from
23 219.
24 But you had a common purpose? You weren't in any sense
25 enemies, were you, you and Mr Walker?---And Mr Walker, no.
26 I don't know him very well.
27 No, no, but you had a common purpose here in relation to C219,
28 did you not?---In relation to - yes.
29 What you wanted - you had a common purpose as to the outcome in

1 relation to C219?---And that was my own view with him,
2 yes. I wanted to gauge his view on - because I thought he
3 was in control of a whole lot of people of that area, of
4 what his view was.

5 And did anything happen after this date, after 23 June 2018,
6 that might have caused you to have any falling out with
7 Mr Walker, that he might insert into what purports to be
8 contemporaneous notes things that are false?---No, I never
9 had a falling out with him.

10 MR TOVEY: I now want to take you to 4 August. We are now
11 getting closer to 4 September - - -

12 COMMISSIONER: That last document will be exhibit 94,
13 Mr Walker's record of meeting with Mr Ablett on
14 23 June '18.

15 #EXHIBIT 94 - Mr Walker's record of meeting with Mr Ablett on
16 23 June 2018.

17 MR TOVEY: Thank you. So on 4 September 2018 the first and
18 very significant H3 vote goes through, but in the lead-up
19 to that on 4 August were you briefed by Mr Woodman or
20 Ms Schutz about that vote?---Sorry, sir, can you
21 repeat - - -

22 Yes. In the lead-up to the vote on H3 in September of 2018
23 were you briefed by Megan Schutz - - -?---Yes.

24 About the issue?---She said - from memory she said that
25 Councillor Aziz would be putting forward a recommendation
26 for that H3.

27 And did you discuss with her or correspond with her in any way
28 about what the details of the H3 proposals were and what
29 the arguments to be used in favour of H3 were?---She wrote

1 down a recommendation and asked me what I thought of it.
2 Then she went off and changed it completely and did her
3 own thing with that recommendation, and I was pleased
4 about that.

5 But this is after you told her you didn't want anything to do
6 with it. You have told us that you had a conversation
7 previously with her and Mr Woodman where you said you want
8 nothing to do with this?---Well - - -

9 Is that true?---I listened to her knowing I wasn't voting and
10 I wasn't going to be in the room. So my perception was
11 that I had no impact on that decision.

12 COMMISSIONER: So this is an example of you paying lip service
13 or talking the talk but not walking the walk?---Yes,
14 and not understanding what - - -

15 Is that an example of it?---Yes, and not understanding that the
16 conflict is more association, that I should have realised.

17 And my memory might be failing me, Mr Ablett, but did you not
18 say yesterday or on the first day of your evidence without
19 qualification that once you had a conflict of interest on
20 an issue not only would you not vote on it but you would
21 not discuss such issues with anyone else who had an
22 interest, whether it was - - -?---Yes.

23 Or with councillors?---Particularly councillors, yes, sir,
24 I did say that.

25 But plainly you were, weren't you?---She approached me and had
26 a quick look at it and that was it.

27 MR TOVEY: And where did that take place?---I can't remember
28 where it took place, but I know it happened.

29 Did it take place at the council chambers or - - -?---No, look,

1 it might have been Mornington. I'm not sure. But I know
2 I had that conversation with her.

3 I thought you told me you only had one meeting with
4 her?---Well, I've just remembered as you've been talking
5 that we did discuss the - or she put forward something
6 towards what Sam Aziz would say.

7 What I want to suggest to you is that on 3 August of 2018 there
8 was sent to you by Ms Schutz an email relating to the
9 urbanisation of Hall Road and you were one in a chain of
10 people on that email and that you forwarded it - and that
11 that email was forwarded ultimately to you; do you recall
12 that occurring?---No, but if you say - if that's correct,
13 that's correct.

14 All right. So then on 4 August of 2018, the next day, I want
15 you to have a look at 3502?---Okay.

16 And you'll see you have emailed from your private email to
17 yourself at your council email on 5 August 2018 a briefing
18 note in respect of Hall Road, which is H3, isn't it, and
19 that's a briefing note being sent to you by Megan Schutz;
20 is that correct?---That would have been the one that she
21 devised.

22 And then if we just scroll down. So she sends you two briefs
23 with a recommendation to council in respect of Hall Road;
24 is that right?---Yes, sir.

25 This is somebody you have otherwise declared as a conflict of
26 interest and somebody you have told you want nothing to do
27 with?---And she has sent that to me.

28 And she just sent it to you?---Yes.

29 And - - -?---I don't know what she wanted me to do with it

1 because I never passed that to Sam or anyone else that was
2 involved.

3 Didn't you?---No, I never passed anything to Sam Aziz.

4 You never passed anything to Sam?---Not to my recollection,
5 sir.

6 Why did you say it? Is that your position or isn't it?---My
7 position is I never spoke about recommendations to Sam
8 Aziz. Megan Schutz did.

9 So if we can just scroll through. So she's sending to you, is
10 she - just scroll through to the bottom of the document,
11 please, just slowly so Mr Ablett can see what it's about.
12 So this is something she's sending to you and Mr Aziz.
13 She's copying in you on something she's sent to Mr Aziz.
14 If we just scroll down, please.

15 COMMISSIONER: Do you want to go on to 3504, Mr Tovey?

16 MR TOVEY: Yes, I do, thank you. I'm sorry, I'm told they are
17 not related.

18 COMMISSIONER: I'm sorry?

19 MR TOVEY: I'm told 3504 is not a continuation.

20 COMMISSIONER: Right.

21 MR TOVEY: So in any event you were, do you, receiving that
22 email and recommendations as to - can we just scroll up
23 again, please? Keep on going. Sorry, so you are getting
24 briefed on the H3 intersection and the Hall Road
25 urbanisation project by Megan Schutz representing John
26 Woodman and you have got recommendations for council as
27 well?---Yes.

28 And they are sent to you for what reason, do you say?---I don't
29 know because I didn't give them to Sam Aziz. They are the

1 ones she went away and came up with, obviously.

2 Your understanding is that Megan Schutz could not possibly, in

3 view of what had been going on, expect any assistance from

4 you in respect of this?---She was - I was not going to be

5 in the room.

6 Could you look, please, at 3639. This is a little bit later.

7 COMMISSIONER: I will mark the email of 5 August 2018

8 exhibit 95 from Ms Schutz to Mr Ablett.

9 #EXHIBIT 95 - Email of 5 August 2018 from Ms Schutz to

10 Mr Ablett.

11 MR TOVEY: 3639, thank you. All right. This is another

12 meeting that Mr Walker has made notes about. This is a

13 meeting involving yourself, Megan Schutz, Jolene

14 Ray - that should be Jolene Rome. Do you know who she

15 is?---No, sir, I don't remember who she is.

16 She's Mr Woodman's PA; all right? And Ray Walker and his wife.

17 Did such a meeting take place or is this wrong?---Well, it

18 must have if you've got the notes.

19 27 August 2018.

20 COMMISSIONER: Let Mr Ablett read it, Mr Tovey.

21 MR TOVEY: Yes. All right. Do you see that document?---Yes,

22 sir.

23 Does that accurately record what was discussed during a meeting

24 on that day?---Generally all of the safety features of

25 Hall Road.

26 No, I'm simply asking you is there some part of that with which

27 you disagree?---No, we were talking about the black spots

28 and the danger of Hall Road.

29 Let's then go back to the beginning?---Yes, I - - -

1 So this is your third meeting we now know about with Megan
2 Schutz?---Yes.

3 I thought there had only ever been one. So here we are up to
4 three already and we have hardly started?---I apologise.
5 I couldn't remember them. But I remember the discussion
6 with Luke Donnellan, who was Minister for Roads.

7 COMMISSIONER: Yes, Mr Ablett - - -?---I'm sorry.

8 When someone asks you how many times have you met someone - -
9 -?---I honestly couldn't remember, sir.

10 Just bear with me. When someone asks you how many times have
11 you met someone, right, nobody expects you to remember the
12 precise name. But your memory surely would prompt you to
13 be able to say, "I know I've met this person on numerous
14 occasions" or "I've only met them once." Now, why did you
15 say you had only met her once?---I was actually answering
16 truthfully, sir, because I couldn't remember. That's the
17 dead set truth. My memory's failing me a bit.

18 Your memory?---Isn't as good as what it used to be. I'm not
19 making excuses; I'm actually answering truthfully. And
20 I tried to get Luke Donnellan, Minister for Roads, to
21 channel some money over to duplicate Hall Road and to fix
22 up the Evans Road intersection and to make it the safest
23 road possible. And that road now is being duplicated
24 thanks to some of that work.

25 MR TOVEY: Did the widening of Hall Road involve also the
26 completion of the H3 intersection?---It would have been
27 discussed, sir, yes, to make the complete road duplicated
28 as it is now.

29 You intervened with Luke Donnellan then to advance the

1 construction of the H3 intersection?---We spoke about the
2 duplication of the road, sir.

3 Which advanced the intersection?---Yes, sir. It had to because
4 if that wasn't done you wouldn't be able to duplicate the
5 road.

6 COMMISSIONER: Did you tell Mr Donnellan that you were in a
7 conflict situation?---No, I did not, sir, because I saw
8 the duplication for some reason as - I was looking at a
9 holistic view of road safety, which Ray was talking about
10 as well, as not being a conflict with just the H3 because
11 it was the whole area. So that was a fault on my part.

12 Yes, because you would agree, would you not - - -?---Yes,
13 I would agree with you, sir.

14 That if you were transparent he needed to know that?---I should
15 have told him, sir, yes.

16 MR TOVEY: If you go further down - if we just scroll up a bit
17 - so we know the council meeting dealing with this was to
18 be on 4 September. This is on 27 August. Did you discuss
19 billboards were to go up a few days before the council
20 meeting?---The billboards that were on - what billboards
21 were they, sir?

22 I don't know. You were at the meeting?---I don't know - - -
23 Presumably these were billboards supporting the construction of
24 the intersection and the widening of Hall Road?---I don't
25 recollect any knowledge of billboards, sir.

26 And you are going to get a letter from SCWRAG, do you see
27 further down the page towards the bottom, "Ray to write a
28 letter from SCWRAG to Geoff, the mayor, with our concerns.
29 He needs to cite the letter with our concerns. The letter

1 must be sent before next Wednesday"?---Yes, that would
2 have been a letter about the whole safety of the roads.
3 That's why I rang Luke Donnellan.
4 And of course that was the letter that was used by Mr Aziz in
5 the council meeting to promote - - -?---Was it?
6 Yes, and you gave it to him, didn't you?---I don't remember
7 giving it to him, but - - -
8 I mean, I can go through the - you did. Okay?---Okay. That
9 would have been about the whole road, yes.
10 COMMISSIONER: I'm sorry, you did or you didn't give it to
11 him?---I can't remember giving it to him, sir. That's the
12 dead set truth.
13 You were then the mayor?---2014 I think I was, yes.
14 No, this is - - -?---Is that the year we are talking about?
15 No, '18?---I was mayor 17/18, I think. So, yes, I think so.
16 So is it fair to say, Mr Ablett, that so far as your colleague
17 councillors were concerned there was a complete lack of
18 transparency in terms of the role that you were playing at
19 that time; that here was Mr Aziz moving a motion as a
20 result of discussions you had had in private with the
21 Walkers, Ms Schutz representing the interests of
22 Mr Woodman, Mr Aziz then putting forward a motion relying
23 upon a letter that you had in conjunction with Mr Walker
24 devised, and your colleagues on the council who were going
25 to then vote on the issue were none the wiser about the
26 role that you had played?---Yes, I thought I was talking
27 about the whole road. So you are correct. I naively
28 thought the fact that I wasn't voting, that I wouldn't be
29 involved in it, but seeing the letter I did play a role in

1 the road safety of the whole road.

2 MR TOVEY: After this, after 27 August did you have any more
3 meetings with Megan Schutz?---I can't remember, sir.

4 COMMISSIONER: I'll mark the notes of meeting of 27 August '18
5 exhibit 96.

6 #EXHIBIT 96 - Notes of meeting of 27 August 2018.

7 MR TOVEY: Did you have any meetings with her away from the
8 Cranbourne area after this?---I can't remember, sir,
9 after - was this after the H3 was voted on?

10 No, this is in the lead-up. So you have had a meeting on
11 27 August with Ms Schutz representing Woodmans, with
12 Jolene Rome representing Woodmans, and Mr Walker from
13 SCWRAG. Did you have another meeting with any of those
14 people or all of them at some time shortly after
15 that?---I saw Mr Walker a number of times. I'm not sure
16 who else would have been in attendance.

17 What about Ms Schutz? Did you see her shortly after
18 that?---I can't remember, sir, but you've probably got
19 something there.

20 Could you look at 3449, please. That's a notification relating
21 to a proposed meeting between Megan Schutz, Jolene Rome,
22 Ray Walker and his wife and yourself at the Royal Botanic
23 Gardens at Cranbourne on Friday, August 31. Did that
24 meeting take place?---I can't remember, sir. I don't
25 remember it, but I'm not saying it didn't happen.

26 COMMISSIONER: And Ms Rome is Watsons' representative, as is
27 Ms Schutz?---Sorry, are you asking me?

28 Yes?---I would say that Megan Schutz would be acting on behalf
29 of Watsons at that time. And I do know Jolene - I have

1 met Jolene Rome. I think it was spelt slightly
2 differently in the last letter. So I have met her two or
3 three times.

4 And she's from Watsons?---I've only met her recently, over the
5 last couple of years, a couple of times. She's not a
6 planner or anything like that. She just drives Mr Woodman
7 around.

8 MR TOVEY: Could you look at 3583, please? Sorry,

9 I tender - - -

10 COMMISSIONER: That will be exhibit 97, the note of meeting on
11 31 August 2018 re Hall Road.

12 MR TOVEY: This is the agenda for the meeting at the Cranbourne
13 Gardens Cafe. Does that assist you at all in
14 remembering whether - - -?---It assists me that I had a
15 number of meetings with Ray Walker about the overall
16 traffic of Hall Road, the black spot. He was concerned
17 about the black spot on Evans Road and we were all talking
18 about - - -

19 And was Megan Schutz at those meetings?---I can't remember her
20 being there, but if the note - I actually can't remember
21 the meeting. But I remember the - - -

22 It looks like that you have met again on August 31. So that's
23 your fourth meeting with Ms Schutz?---I apologise for not
24 remembering, sir, but I'm being truthful.

25 Could you look at 3638? I tender that document.

26 COMMISSIONER: Just before you move on, what was discussed at
27 that meeting about Pauline Richards?---I can't remember,
28 sir.

29 That was item 4 on the list?---I can't remember, sir.

1 MR TOVEY: I tender that document.

2 COMMISSIONER: What I'll do is I'll mark the note of proposed
3 meeting part A of exhibit 97 and the points of discussion
4 for that meeting will be 97B.

5 #EXHIBIT 97A - Note of proposed meeting on 31 August 2018 re
6 Hall Road.

7 #EXHIBIT 97B - Points of discussion of meeting on 31 August
8 2018 re Hall Road.

9 MR TOVEY: Could we go to 3638, please. Now that would seem to
10 be - this was found at Watsons; all right? So I suggest
11 to you that that's Jolene Rome's notes of that meeting of
12 31 August of 2018. So you will see "31 August 2018". It
13 notes the council meeting is going to be on 4 September,
14 and that's when it was. That's when H3 was introduced.
15 If we just scroll down. Just go up a bit, please.
16 Reference to "accident data". Reference to "Megan having
17 sent some information". "Signage"?---For the whole of
18 Hall Road.

19 "Megan and Geoff to meet with Sam. Sam to be briefed on this."
20 Remember we were talking about signage before, discussed
21 in a previous meeting? In any event we'll just go on.
22 Then there seems to be discussion of the arguments that
23 might be used. Could we just scroll down? You indicate
24 that you can't ask for everything at once. At the next
25 council meeting you would ask for more?---That would
26 be - - -

27 Then there is a reference to a dual carriageway to Carrum

28 Downs?---Yes, we discussed a whole - - -

29 Hall Road to junction number 1?---So that we could get Vic

1 funding to fix up the whole of Hall Road.

2 Okay. So you agree now that there clearly was a meeting on
3 31 August of 2018?---I don't remember the meeting, but
4 I remember all the items that we discussed,
5 including - - -

6 Having seen these notes do you agree that there was such a
7 meeting?---There would have been a meeting, yes, sir.

8 And Jolene on behalf of John Woodmans made notes, detailed
9 notes, and this is a meeting which has taken place between
10 you and Megan Schutz. So this is your fourth Schutz
11 meeting. You had three of them or you have had two
12 meetings and email contact with her leading up to H3;
13 true?---According to that, yes, sir.

14 Mmm?---Yes, sir.

15 And in the course - I'm sorry, sir, I understand it's right on
16 12.30.

17 COMMISSIONER: Yes, we will need to adjourn early. We will
18 resume at 2. Mr Ablett, I want you to go away and have a
19 good break; have some lunch?---Yes, sir.

20 We will see you at 2 o'clock?---Yes, sir.

21 <(THE WITNESS WITHDREW)

22 LUNCHEON ADJOURNMENT

23

24

25

26

27

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29