
TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 3 MARCH 2020

(15th 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 UPON RESUMING AT 2.08 PM:

2 COMMISSIONER: Yes, Mr Tovey.

3 <MEGAN ANN SCHUTZ, recalled:

4 MR TOVEY: Ms Schutz, you have produced today a tax invoice
5 dated 17 November 2017 relating to the fees of Emily
6 Porter?---Yes.

7 And those fees were for \$28,798?---Yes.

8 And that was for her acting for SCWRAG in respect of the C219
9 application going on before Planning Panels
10 Victoria?---Yes, the amendment C219 before Planning
11 Panels.

12 There is a part of that document that has been filled in which
13 is, as we've already said, the Emily Porter invoice from
14 List A barristers' clerk to yourself, Leighton Properties,
15 as solicitor?---No, I acted for Leighton Properties as a
16 planning consultant. I was engaged by Leighton Properties
17 as a planning consultant.

18 In any event, you will agree that the invoice itself lists you
19 as - sorry, lists under the heading "Solicitor", "Megan
20 Schutz, Leighton Properties"?---Yes, I can see that under
21 the pro forma.

22 We've heard now some evidence from Mr Walker. He's indicated
23 that he has never had control of any of SCWRAG's money,
24 that all payments were made by you; is that correct?---So
25 SCWRAG didn't have a bank account or - I didn't make the
26 payments. I sent invoices for SCWRAG related matters to
27 Leighton Properties or Watsons for payment.

28 I understand there has been released today from privileged
29 proceedings all the emails and documentation that was

1 seized from you; was that your understanding?---I haven't
2 been advised that, but - - -

3 All right. In any event, did you keep a separate ledger or
4 account relating to expenditures made for or on behalf of
5 or invoices issued for or on behalf of or in respect of
6 SCWRAG? Was there a separate file for SCWRAG
7 expenses?---There's invoices, but there's no separate
8 folder for them. But I can locate them in my folder,
9 file.

10 Mr Walker said he never saw the original \$15,000 from Leightons
11 and his understanding was that it went to you?---What's
12 the \$15,000?

13 That's \$15,000 which was allegedly contributed by Leightons as
14 seed money for SCWRAG?---I would have to look at my file.
15 I can't recall. I can't recall that at the moment.

16 Did you keep any separate bank account relating to
17 SCWRAG?---No.

18 As of early 2018 when you first engaged with Mr Walker relating
19 to his being involved in doing consulting work relating to
20 H3 or getting involved in the H3 issue - I'll just make it
21 wider. I'll rephrase that. Was it in early 2018 - we've
22 already been to a document, exhibit 116 - where H3 is
23 raised with Mr Walker for the first time; do you recall
24 going to that yesterday?---The instructions I provided to
25 him on 23 April?

26 Yes?---Of 2018?

27 What I'm putting to you is that there was some discussion and
28 engagement between you in respect of H3 as early as
29 January of 2018 and then ultimately he was given the H3

1 brief, which we've discussed?---Yes. It was our Hall Road
2 brief, yes.

3 Yes. He was asked the question what was he to do in respect of
4 that, and he was asked the question, "What were you asked
5 to do as a consultant in respect of Hall Road which
6 Watsons couldn't do for themselves?" His answer was,
7 look, the only thing he can remember doing is going to
8 councillors or communicating with councillors or people of
9 that ilk. Is that in fact the case? Is that the full
10 extent of what he was able to do by way of fulfilling his
11 obligations under his contract with you or with
12 Watsons?---That was part of it, but he also was involved
13 in writing correspondence. He met with one of Luke
14 Donnellan's staff members with me. He wrote
15 correspondence.

16 He ultimately agreed that the effect of what he had committed
17 to was to sell his name as the leader of SCWRAG,
18 basically, for the purposes of promoting the outcomes that
19 you were seeking. Would you agree with that?

20 COMMISSIONER: Perhaps you ought to ask the question again,
21 Mr Tovey.

22 MR TOVEY: Yes. He said that the effect of his commitment was
23 to lend his name as the leader of SCWRAG to assist you in
24 getting the outcomes you were after in respect of H3?---My
25 personal view is that he was also very committed to making
26 sure - - -

27 No, I'm not suggesting that he wasn't?---That the outcomes were
28 community - - -

29 You see, I'm not talking about - - -

1 MR LEWIS: With respect, the witness is answering the question
2 directly and she should be given the opportunity to
3 finish.

4 MR TOVEY: I will allow the witness to finish. I'm sorry,
5 I did interrupt you?---My personal view is that he was
6 also concerned in the way he carried out his role to
7 ensure the community's interests were - - -

8 I'm not suggesting he didn't personally have an interest in
9 community safety. But what you were paying him for, as he
10 saw it, was lending his name to your campaign. The fact
11 that part of your campaign was also his campaign is
12 neither here nor there?---Yes, there was a - - -

13 Do you understand what I'm putting - - -?---Yes, like, my
14 client was paying his consultancy fee.

15 Yes?---So, yes. Yes.

16 You're paying for his name; is that true?---I was asked to
17 engage him to be the representative for the
18 community - - -

19 But all he could provide for you was the use of his
20 position?---As a lead person in the community, yes.

21 You've indicated that at one stage in - I'll just have to check
22 the exact date - I think it was July 2016, there were
23 payments started to Mr Walker from Watsons?---Was this the
24 Swan Bay Developments consultancy?

25 Yes?---Yes.

26 And at that stage Mr Woodman was the face of Watsons so far as
27 you were concerned?---Yes.

28 At that stage were you being employed by Watsons?---There were
29 various matters which John had engaged my services on, but

1 I wasn't an employee of Watsons.

2 One of the services you were providing was engagement with
3 SCWRAG?---Leighton Properties was my client in relation to
4 my services associated with SCWRAG, but John Woodman was
5 instructing the planning strategy in relation to the
6 matter I was working on for Leighton Properties.

7 To what extent had you discussed those dynamics with Mr Walker?

8 COMMISSIONER: I think you need to explain, Mr Tovey, what you
9 mean by the dynamics.

10 MR TOVEY: Did you explain to Mr Walker your association with
11 Mr Woodman and that he was involved in devising strategy
12 in respect of C219?---I can't recall.

13 I think clearly and he says he was aware that you were employed
14 by Leightons, and that was the case?---Yes.

15 When it was Watsons who gave him employment collecting data,
16 real estate data, et cetera, the obvious reason for
17 Watsons doing that was to get leverage with SCWRAG; you'd
18 agree with that?---Ray had come to me and said, "I need
19 work. Do you know anyone? Otherwise I'm not going to be
20 able to have such a large role in SCWRAG because I need to
21 get some employment." And so - - -

22 Yes, but look, I'm just asking you - - -?---So I went to John
23 and Heath and I said, "Have either of you got employment
24 for Ray?" And that's when - - -

25 That was discussed. It would have been said, would it not, "Of
26 course we've got employment for him"?---So John came up
27 with the role of him doing research on the south-east
28 growth corridor.

29 But it was apparent to all, was it not, either explicit or

1 implicit, that this was an opportunity to gain leverage?

2 COMMISSIONER: With Mr Walker.

3 MR TOVEY: With Mr Walker?---I think from my perspective at the
4 time my mind set was, "He needs a job." Without Ray and
5 Verlie Walker's involvement in SCWRAG, like, they were
6 just such - they were so enthusiastic about the cause,
7 it's likely to lose momentum.

8 I'm not talking about their perspective; I'm talking about
9 Mr Woodman and Heath Woodman's perspective. From your
10 perspective it was absolutely apparent that the reason
11 that they agreed to do what they did was to get leverage
12 over Mr Walker?---Can you just explain what you mean by
13 "leverage"?

14 Yes, they thought by paying him - it was apparent to you that
15 they must have thought that by paying him to do what
16 they - by giving him the job that they gave him, they were
17 going to have influence over him or they would be in a
18 position to exert influence?---I think in 2016 I didn't
19 join the dots. I can see on reflection that that's been
20 the effect, yes.

21 That must have been the case. Look, you would have known that
22 if Joe Blow had gone off the street and knocked on
23 Mr Woodman's door or Heath Woodman's door and said, "Look,
24 can I have a \$60,000 a year job collecting real estate
25 data," do you think Joe Blow from the street would have
26 had any chance of getting a job like that? No. That's
27 the case, isn't it? The only reason that Mr Walker got
28 the job was because he was somebody over whom they wanted
29 to exert influence; simple. It had to be the case. What

1 I'm putting to you, I suggest, is self-evident?---To my
2 mind Ray Walker wanted - needed a job. I went to them and
3 asked them if they had a job for him, and then I put him
4 in touch with - I think John asked me to put him in touch
5 with David Newman at Watsons and they organised a job for
6 him, and he continued in his role with SCWRAG, which was
7 what Leighton Properties wanted me to work with the
8 community and strengthen community support, facilitate the
9 strengthening of community support for the rezoning.

10 COMMISSIONER: We've looked, Ms Schutz, during the time you've
11 been in the witness box, at countless documents, records
12 of conversations involving you, all concerned with how you
13 were implementing Mr Woodman's strategies directed towards
14 Mr Woodman's planning objectives being achieved?---Yes.

15 And might I suggest to you that what those documents show is
16 that you are extremely or were extremely astute in
17 recognising the multiple ways in which people could be
18 influenced to support those objectives. In that light,
19 I just wonder are you being completely honest when you say
20 it never occurred to you that by offering Mr Walker this
21 form of employment, that that was one way of influencing
22 outcomes in relation to Mr Woodman's objectives?---I agree
23 that it was ensuring that Ray and Verlie maintained their
24 enthusiasm in relation to the community lobbying, which
25 John Woodman wanted them to do, yes, and my experience
26 over - he retained them employed for a long period of time
27 and, yes, the loyalty increased.

28 Yes, and as you recognised yesterday, that put Mr Walker in a
29 conflict situation, didn't it?---Yes.

1 What steps did you take to see that he discharged his
2 obligation of revealing that conflict?---I didn't take any
3 steps because I considered it his responsibility.
4 Indeed we can go further, can't we, Ms Schutz? We can say you
5 must have appreciated that he didn't reveal the conflict,
6 otherwise he would have had to remove himself from his
7 role as the head of SCWRAG?---So, under the constitution,
8 the model rules for an incorporated association, there's
9 conflict of interest provisions. My understanding is a
10 committee of an incorporated association are
11 self-regulating and, yes, I'm not sure how it would have
12 played out, whether the committee would have said, "We
13 want you removed".
14 What committee?---So my understanding is that there were other
15 people on the committee of SCWRAG. There was Ray and
16 Verlie and there were a number of other community members.
17 Did you ever deal with any of the other members?---Yes.
18 In what capacity?---As the planning consultant for Leighton
19 Properties.
20 No, no, in what capacity did you deal with them, though? Were
21 they responding to requests you were making of them to do
22 things? How were you dealing with them?---So, I assisted
23 them with setting up the legal body, the association.
24 I briefed them about what was going on with the rezoning.
25 I made suggestions to them about ways in which the
26 community could be active in relation to the rezoning, and
27 those suggestions were suggestions that had come from my
28 client's planning strategy.
29 When you say you made suggestions to "them", who did you

1 communicate with?---So there were a number of people.
2 They used to have meetings. On a week night there would
3 be a meeting and I would attend that meeting and discuss
4 the amendment and we would discuss actions that could be
5 taken.

6 And how often did you do that?---I would have to go back and
7 consult my diary, but they were reasonably regular for a
8 period of time before the amendment went to Panels.

9 MR TOVEY: Are you able to name any of those people?---I can
10 name the people.

11 Yes?---So there was Eric and Pam Day. There was Sepal Patel.

12 There was another guy, Manoush, and there were a few other
13 people that came in and out. There was quite a - they
14 were the people that were mainly involved, and I know
15 after - during Panels and after Panels, you know,
16 Ray - I'd stepped away completely from attending meetings.

17 To your knowledge, though, there had never been an AGM, had
18 there, of SCWRAG?---So I had informed - - -

19 No, just - - -?---Sorry.

20 Had there ever been an AGM at SCWRAG?---I'm not sure.

21 Had there ever been an election of a committee, to your
22 knowledge?---I'm not sure, but I had given Ray the
23 templates for how to carry out the procedures of an
24 incorporated association.

25 Was there a membership list?---Yes.

26 Did you have a copy of that?---Yes.

27 Did you provide a copy of that to Wolfdene?---I can't recall.

28 COMMISSIONER: Mr Patel - is it Mr or Mrs?---Mr Patel.

29 Yes. Was he the person who then stood for candidacy at an

1 election and to whom Watson contributed campaign
2 donations?---Yes.
3 How did that come about?---Well, in the email correspondence
4 yesterday that you were looking at dated 22 September when
5 John Woodman circulated the list, Sepal Patel was on that
6 list and I identified to John Woodman in a return email
7 that he was a member of SCWRAG.

8 Yes?---And then from there, yes, John offered to support his
9 campaign.

10 Presumably you provided some information to Mr Woodman that
11 would have suggested he would be a good person to support
12 to further Mr Woodman's interest?---I let him know that
13 Sepal was a big supporter of SCWRAG, yes.

14 MR TOVEY: Before we move on, Mr Commissioner, can I just
15 tender a physical document which is a tax invoice to Emily
16 Porter dated 17 November 2017.

17 #EXHIBIT 133 - Tax invoice to Emily Porter dated 17/11/17.

18 MR TOVEY: While I'm asking you, how many contracts can you
19 recall, different contracts can you recall Mr Walker had
20 through you with Watsons?---John had asked me, like, if
21 Ray was concerned about his work, the ongoing contract
22 with Watsons, he would come to me and ask me whether there
23 was more work and I would go to John and say to John, "Is
24 there anything you've got for Ray and Verlie to work on?"
25 So, there was a community consultation exercise on
26 Strathtulloh out in Melton that he asked them to do.
27 There was the continuation of the south-east growth
28 corridor collection of data. He asked him to - - -

29 That's two contracts?---Two contracts. There was the Hall Road

1 one. He asked - he recommended to his son-in-law at the
2 time that he use Ray to collect data out in Cardinia to
3 inform a sale that his son-in-law was working on.
4 Sorry, whose son-in-law?---John Woodman's son-in-law.
5 Yes?---So he worked for John Woodman's son-in-law to collect
6 data out in Cardinia to help verify the contractual price.
7 And he was paid for that?---Yes.
8 How do you know that?---Because I put his son-in-law in contact
9 with Ray directly.
10 Yes?---Yes.
11 Any others?---I can't recall any others at this point in time.
12 There was a contract in relation to overlooking the removal of
13 Aboriginal relics?---Sorry, yes, sorry. So we had a - we
14 were doing a cultural heritage management plan on a
15 project. I was working for Blueways and their site was
16 out in Donnybrook and we - my client wanted an independent
17 observer and I suggested Ray would be a good person to be
18 an independent observer, and he, yes, I think he worked
19 for two or three weeks in that role at an hourly rate.
20 I think his hourly rate was \$45 per hour plus, you know,
21 transport costs, yes.
22 Who was the client?---It was Blueways.
23 Who was behind Blueways?---So it was a client named 805
24 Blueways and the client is the Blueways Group - - -
25 Unrelated to Mr Woodman?---No, Wolfdene is the development
26 manager on most of Blueways' projects.
27 Right.
28 MR TOVEY: And Blueways were involved in the Alarah/Elysian
29 area; is that right?---No. No, Blueways were not involved

1 in the Alarah/Elysian Estate, no.

2 No, in that area?---They had - Blueways - - -

3 Were they involved - perhaps if I can stop you - in the Morison

4 Road issue?---Pavilion Estate was a Blueways estate, yes.

5 COMMISSIONER: So when you said yesterday, Ms Schutz, that you

6 couldn't understand why you had been interposed as the

7 conduit of payments from Watsons to Mr Walker, were you

8 then speaking about all of those contracts or did you have

9 one in particular that you were speaking about?---I always

10 preferred, when a client wanted to engage another

11 consultant, that they directly engage with them

12 themselves, so I wasn't the invoicing entity because - - -

13 No, I understand. We know that. I'm just trying to understand

14 what you expressed as a mystery from your perspective as

15 to why Mr Woodman/Watson's was using you as the mechanism

16 through which payments were made to Mr Walker. Does that

17 mystery apply to all five of those contracts, does

18 it?---No. So, with Ray's engagement on the Donnybrook

19 estate, I'm pretty sure the invoices were forwarded

20 directly to Blueways. I'd have to go back and have a

21 look.

22 All right, put that one aside?---Yes.

23 The other four?---So Swan Bay Developments was a direct

24 engagement. Strathtulloh, the planning - I had nothing to

25 do with the planning on that.

26 No, I'm just asking you, you were the conduit for the payments,

27 though?---Yes, I would invoice Watsons, forward a copy of

28 Ray's invoice to Watsons, yes.

29 And I'm just asking you whether or not the statement you made

1 yesterday that you couldn't understand why Mr Woodman used
2 you as the means of invoicing for the payments, did that
3 apply to all four of those contracts, that you could never
4 understand why that was being done?---I think where
5 I was - I was just forwarding them to Watsons for payment
6 and I think my comment yesterday, my response yesterday
7 was, "Well, Watsons were paying the money to them,
8 I wasn't," so it made sense for Watsons to engage them
9 directly rather than have me engage them.

10 Yes. Did you not say yesterday that you couldn't understand
11 why that mechanism had been employed?---I think
12 I understand on reflection why the mechanism was employed,
13 yes. It was employed because Watsons didn't want to be
14 seen to be having a direct relationship with Ray Walker.

15 Why? Why wouldn't they want that to be seen?---Because Watsons
16 had a conflict of interest with council laws.

17 What did that have to do with Mr Walker?---Well, for example,
18 on the H3 intersection matter SCWRAG was the main party
19 that was used by my client to lobby council.

20 And you say you didn't appreciate at the time that that was the
21 strategic reason for using Schutz Consulting as the
22 mechanism for payment?---I understood at the time that
23 where there was a Watsons matter and I was the planning
24 consultant, that the conflict of interest equally applied
25 to me because I was a subconsultant of the client, Elysian
26 Group, and Watsons were working for Elysian Group as well.

27 Is that all you want to say?---I don't have a clear mind on it,
28 to be honest, and I need to think about your question
29 more.

1 What I'm suggesting is, given the depth of your understanding
2 about Mr Woodman's strategic objectives - - -?---Yes.
3 It's very hard not to draw the inference that you must have
4 appreciated why you were being utilised in that way?---And
5 I actively intended to - - -
6 You had a robust relationship with Mr Woodman?---Yes.
7 We listened to the phone calls and you gave as good as you got.
8 You weren't a submissive responder, were you?---No,
9 I wasn't a submissive respondent, no. But I should have
10 appreciated that I was being used for the purpose of
11 hiding Watsons. I should have appreciated I was being
12 used for that purpose.
13 Yes, Mr Tovey.
14 MR TOVEY: Could the witness please be taken to a conversation
15 on 21 December 2018, which is tab 74.
16 COMMISSIONER: This is a new conversation, is it, Mr Tovey?
17 MR TOVEY: Sorry?
18 COMMISSIONER: This is not a previous exhibit?
19 MR TOVEY: This is clip A. I understood that there was a
20 previous exhibit, clip B, which was exhibit 48. I'm not
21 sure whether clip A has been exhibited. Could it be
22 played, please.
23 (Audio recording played to the Commission.)
24 MR TOVEY: Now, is that a conversation which you and Mr Woodman
25 had on 21 December 2018?---Yes.
26 I tender that conversation.
27 #EXHIBIT 134 - Recorded conversation between Ms Schutz and
28 Mr Woodman on 21/12/18.
29 MR TOVEY: In the course of that you indicated you had been to

1 "the Premier's function last night". What function was
2 that?---It was the Progressive Business Christmas drinks.
3 And were there an array of Labor Party senior members
4 there?---Yes.
5 COMMISSIONER: How did you come to be there, Ms Schutz?---I was
6 asked to go to the function.
7 By?---John Woodman.
8 Does he have an automatic entree to that particular business
9 group?---He's a platinum member and he's been a member for
10 a very long period of time.
11 MR TOVEY: And then you said, "I saw Timmy, Timmy Tom, Tim
12 Pallas." Was there any significance in using the name
13 "Timmy" or "Timmy Tom" or was he somebody - - -?---No, it
14 was the humour - humour - that John Woodman and
15 I participated in.
16 Anyway, you congratulated him on his win and then you thanked
17 him for providing you with an introduction to the
18 secretary of the department, Barrow, who has now reached
19 an agreement with your client "which is just fantastic".
20 What was that about?---So that was about a development out
21 in Donnybrook.
22 Yes, and who was your client?---Blueways and the Donnybrook
23 joint venture.
24 And who owned the Donnybrook joint venture?---So it was a joint
25 venture between CVC and Villa World at the time.
26 Sorry, between who?---Villa World and CVC at the time.
27 Did Mr Woodman or any of the entities associated with him have
28 any interest in that, either as owners or as people who
29 were going to be doing work on the project?---Wolfdene was

1 the development manager.

2 Who was?---Wolfdene was the development manager for Blueways.

3 So what happened? Mr Pallas gave you a personal introduction,

4 did he, or lent his name to you being introduced to the

5 secretary of the department?---So we briefed Tim on the

6 planning issue.

7 Yes?---Which we - - -

8 When you say "we", who was "we"?---Heath Woodman and I briefed

9 him on the planning issue at a Progressive Business forum.

10 And when had you done that?---It would have been in October or

11 November 2018, around that time.

12 Who was present apart from yourself and Heath Woodman?---One of

13 Tim Pallas's staff members, senior staff members, and he

14 provided us with a connection in the department so that we

15 could brief the department on the planning issue.

16 And when you went to see the secretary of the department, did

17 that put you in a position where you could say - where the

18 secretary knew you were being introduced by the minister

19 or the minister's chief of staff?---He would have realised

20 that the ministerial office had asked him to meet with us,

21 yes.

22 And you thought that was a good thing, no doubt? It gave you a

23 little bit of hand, a little - - -?---Well, it was helpful

24 because it was a complicated issue and it involved

25 across-department issues where the earth resources needed

26 to communicate. Often government departments work in

27 silos and there needed to be coordination between a number

28 of government departments on the issue.

29 And you saw this, did you, as part and parcel of the sort of

1 access and advantage one might get from being a large
2 political contributor to a political party?---I knew that
3 it was access that was facilitated through the Progressive
4 Business forum and I knew that Watsons was a platinum
5 member of that forum and I think the membership was around
6 50 or \$60,000 a year.

7 But you also knew that Watsons had made large contributions to
8 politicians in your area and to Labor generally, and
9 indeed to the Liberal Party when they were in
10 power?---I knew that John Woodman made donations to both
11 sides of government, yes.

12 And they were large donations, to your knowledge? I'm not
13 saying you were familiar intimately with the amount, but
14 you knew they were large donations?---I knew that he
15 donated amounts around the 10,000, you know, five, 10,000,
16 \$15,000 mark, yes.

17 And you knew that it was those donations that in fact gave you
18 the access that you got to a minister. You wouldn't have
19 had it otherwise?

20 COMMISSIONER: Why are you hesitating, Ms Schutz?---Because I'm
21 just - - -

22 Do you have any - you are not suggesting that there was any
23 corrupt arrangement that enabled you to have this access.
24 You know why you got that access, don't you?---Well, the
25 platinum membership.

26 Correct?---We got preferential treatment in terms of meetings.

27 Correct?---Yes.

28 And that's because of the level at which Mr Woodman was
29 prepared to support particular campaigns?---In relation to

1 that meeting I thought it was because Watsons was a
2 platinum member of Progressive Business.

3 Yes?---And that was the way the meetings were facilitated, yes.

4 MR TOVEY: And as a result of that you knew and you were
5 grateful for the fact that you were in a position to go to
6 a senior public servant, apparently with a tap on the head
7 from the minister himself?---No, it was from - I think the
8 ministerial staffer had been asked to organise a meeting.
9 Like, we were all in the meeting together and - - -

10 In any event, if I can just take you back?---Yes.

11 If that's the case, with the apparent support of the minister's
12 office?---Yes.

13 COMMISSIONER: Is there any doubt in your mind that, had it not
14 been for the level at which Mr Woodman made contributions,
15 political contributions, that you would have had this
16 level of access to Mr Pallas or to the secretary of the
17 department?---I'm just not sure what other - where other
18 participants in Progressive Business that had a lesser
19 membership, I'm not sure what type of access they got.

20 I'm not asking you about that. I'm asking you what you
21 understood and knew to be the reason why you as
22 Mr Woodman's representative were getting that
23 access?---I understood that we were getting that access
24 because we were a platinum member of - not we, but Watsons
25 was a platinum member of Progressive Business.

26 And in the electoral campaign which had just been completed - -
27 -?---Yes.

28 You were aware, were you not, that Mr Woodman had made very
29 substantial contribution to the Labor Party?---I knew from

1 my monthly meetings that I had with Phil Staindl and John
2 Woodman that John had made a number of substantial
3 contributions to Labor candidates and existing, yes.

4 And did you have any doubt that that also played a part in the
5 access that you were getting?---At the time I didn't put
6 those two things together.

7 What do you mean?---If I go back to my knowledge at the time,
8 I believed at the time that we were getting access of that
9 nature because of John Woodman's longstanding membership
10 of Progressive Business, but I can see the logic in the
11 fact that he donated to, you know, he donated on other
12 bases to the Labor Party, that it provided access.

13 I thought there was some reference in this conversation you
14 were relaying to Mr Woodman to some specific
15 acknowledgment by one of the people you were speaking to
16 of the contribution Mr Woodman had been making. Am
17 I mistaken?---Sorry, where is that?

18 Could you just go - it wasn't in the conversation with the
19 Premier. I'm sorry, just go back up there. There's
20 "Thanks for everything". What was that a reference to,
21 Ms Schutz?---That was me saying to Tim, "Thank you very
22 much for facilitating the connection with the department".

23 Yes, thank you.

24 MR TOVEY: Just before I ask the next question, I know we have
25 Mr Walker waiting in the wings, Commissioner.

26 COMMISSIONER: Yes.

27 MR TOVEY: I think we have now got to the stage where I would
28 suggest that perhaps Mr Walker could be released to return
29 tomorrow.

1 COMMISSIONER: Yes. You feel you'll take the rest of the day,
2 do you, Mr Tovey?

3 MR TOVEY: Yes.

4 COMMISSIONER: Perhaps you might ask Mr Walker to come in for
5 just a moment, please.

6 MR LAWRENCE: I'm sure not sure if he's in the building,
7 Your Honour. I asked him to be back by quarter past 3.
8 If he is, I'll bring him in.

9 COMMISSIONER: Thank you.

10 MR TOVEY: All right. Was Barrow, Lucy Barrow, the secretary
11 of the department?---No. That was not referring to a
12 public official. That was referring to the extractive
13 resources operator next to my client's site.
14 Then you went on to speak in the course of that conversation
15 about the Premier and him acknowledging you and saying,
16 "Say hi to John"?---Yes.

17 Had you spoken, or is it right to take it from that that you
18 had met the Premier before?---Yes.

19 On how many occasions?---Numerous occasions at Progressive
20 Business functions.

21 In the course of those functions, you have already told us
22 about how it was accepted for people to raise business
23 matters with ministers?---Yes.

24 Did the same thing apply to dealings with the Premier?---The
25 Premier didn't attend Progressive Business forums. He did
26 hold some boardroom lunches.

27 So what's a boardroom lunch?---A boardroom lunch is a lunch
28 that's put on by Progressive Business or sometimes a
29 lobbyist might organise one as well and tickets are sold

1 to stakeholders and they attend the lunch. The relevant
2 minister attends the lunch with a staff member from his
3 office. He usually provides an up-to-date sort of what's
4 news in relation to his portfolio, and then there's
5 usually an ability to ask him questions. So anyone at the
6 lunch, there might be 20 or 30 people around the table,
7 can ask questions and he can provide a response.

8 Sometimes he says, you know, "Contact my staff member and
9 we can arrange for you to see the relevant person within
10 my department."

11 Yes?---Yes.

12 So for these boardroom lunches, normally would you need to be a
13 member of Progressive Business to be able to go to one of
14 those?---Yes, so if you're a Progressive Business member
15 I think you still have to pay for lunches.

16 And how much do you pay?---I think tickets are around the 1500,
17 \$2,000 mark.

18 And so in any event I just want to ask you, without trying to
19 make any suggestion to you, as to how this played out in
20 terms of the Premier attending these boardroom lunches.

21 Did it work the same way with him as it did with other
22 ministers?---Yes.

23 COMMISSIONER: The process that was followed with Mr Pallas
24 when you had a briefing with him where you've indicated he
25 had an adviser present - - -?---Yes.

26 Is it your understanding that that was a protocol that was
27 required, that if you wanted to give a senior member of
28 government a briefing, whether it was the minister
29 directly involved with having to make the decision or some

1 other senior member of government, that they would have an
2 adviser or a third party present when you briefed
3 them?---They would always have an adviser present, and in
4 the case of Minister Wynne he had round tables with a lot
5 of people there, but he would never have one-on-one
6 meetings and he would always have both an adviser and a
7 probity auditor - officer in the room, yes.

8 Did you ever have a one-on-one with a minister or someone at
9 that level?---The Progressive Business forums - sorry, as
10 in one-on-one without an adviser?

11 Yes?---No, not in my recollection, no.

12 MR TOVEY: But from what you're saying, Mr Wynne didn't allow
13 one-on-ones at all?---No, not on my understanding.

14 Did other ministers allow one-on-ones?---So, the Progressive
15 Business forum that was held on a quarterly basis was for
16 the purpose of allowing these - you could meet with
17 various ministers with an adviser there and you could have
18 15 minutes to brief them on an issue as a Progressive
19 Business member.

20 And at the boardroom lunches were you given the opportunity of
21 speaking individually with the host?---Yes, but there was
22 usually - you could speak to them, but there was - any
23 conversation was referred to a staff member.

24 All right. Was there any embargo on the types of topics that
25 could be raised?---Not to my knowledge.

26 So was it as a matter of practicality?---You had to provide an
27 agenda. You had to provide what you'd like to talk about
28 before the Progressive Business forums and then those
29 matters were run past the ministerial officers before the

1 meeting, is my understanding.

2 And what about boardroom lunches? Were they more

3 informal?---I was still asked to provide - usually Phil

4 Staindl was there as well and I was asked to

5 provide - like, Phil would know the topic and he had

6 already spoken to the ministerial office usually, on my

7 recollection, before we came to the boardroom lunch, if

8 there was a particular topic.

9 Presumably you'd be there wanting to raise topics of interest

10 to Mr Woodman?---There were topics of interest to

11 Mr Woodman. There were topics of interest to Wolfdene and

12 Blueways.

13 All right.

14 COMMISSIONER: Do you agree, Ms Schutz, this has provided you

15 or Mr Woodman or his interests with an extraordinary

16 opportunity to influence?---It provides an opportunity to

17 brief.

18 What's the purpose of briefing, if it's not to influence - -

19 -?---To put the issue on the radar of the relevant

20 minister.

21 But not to influence the minister; is that what you're

22 saying?---I'm just trying to think of an example where we

23 did influence the minister. For example, with the example

24 up on the screen here - - -

25 I'm not asking you whether you were successful in achieving

26 your objective?---Yes.

27 I'm asking you what the purpose is of a briefing. Presumably

28 it's not a colourless narrative of facts. The briefing

29 contains argument as to why a particular course is the

1 desired outcome?---Yes.

2 So it's to - - -?---It's to advocate.

3 It's to advocate or influence, is it not?---Yes, it's to
4 advocate for my client's case, yes.

5 MR TOVEY: Over the years when C219 was an issue, what
6 ministers were lobbied in your presence on a one-on-one
7 basis in respect of that issue or indeed H3?---I'd like to
8 go back for a moment because there was an instance when
9 I was with John Woodman and we briefed Jude Perera. He
10 had his chief of staff there, but that was in the actual
11 office.

12 Sorry, that was in your office?---No, in the Cranbourne office.
13 Of?---Outside of Progressive Business.

14 Sorry, when you say in the Cranbourne office, Mr Perera's
15 office?---Mr Perera's office.

16 Yes?---So that was an instance where we briefed Mr Perera in
17 relation to Cranbourne West, the rezoning.

18 And what office did Mr Perera have at that stage?---It was an
19 office in the Cranbourne town centre.

20 Sorry, was he a minister at the time?---No.

21 What was he briefed about?---About the Cranbourne West
22 rezoning.

23 Yes?---And I was asked to brief his office on numerous
24 occasions.

25 Yes. I'll go back to the individual non-ministerial
26 politicians, if I might.

27 COMMISSIONER: Before we do that, you mentioned yesterday that
28 the Liberal Coalition had a similar fundraising
29 organisation to the Progressive Business organisation.

1 What was that called?---It's called Enterprise 500.
2 Yes?---So they had the same setup with - - -
3 I was going to ask you were the same opportunities available
4 when they were in government, were the same opportunities
5 available to have access to ministers?---I haven't - I've
6 been to a couple of Liberal Party boardroom lunches, but
7 they haven't been in government. Sorry, I have been when
8 Matthew Guy was the planning minister. I have been to a
9 boardroom lunch that he - that I believe my client paid
10 for, yes, one of my clients paid for that lunch and
11 tickets were sold in the run-up to the 2014 election, yes.
12 A similar type of process available?---Yes, a similar type of
13 process available.
14 And do you know whether or not they also had a protocol that
15 for the purpose of a briefing an adviser should be
16 present?---My experience was though on that particular
17 lunch that there was an adviser, a staff member of
18 Minister Guy's office present.
19 And what was it that enabled you to have access to that
20 boardroom meeting?---Their lunch?
21 Yes. You were representing Mr Woodman's interests?---I had
22 been invited. No, it was a lunch that had been - I'm not
23 sure whether it was organised by Watsons, but I think
24 Phil - no, it would have been Geoff Leigh who had
25 organised it, who was a - - -
26 Lobbyist?---A lobbyist, a registered lobbyist, I think, and
27 tickets were - I think there were other people at that
28 boardroom lunch as well who were not associated with the
29 client, so tickets were sold to other people as well.

1 But again access was the result of contributions of some
2 sort?---Yes.

3 To the political party?---Yes. So the lunch raised a certain
4 amount of money for the purpose of campaigning in the
5 run-up to the election, yes.

6 And again, to use your language, to enable you to
7 advocate?---Yes.

8 For a particular planning outcome?---Yes.

9 MR TOVEY: Do you recall what issue was raised with
10 Mr Guy?---It related to a rezoning at the time which has
11 never been approved.

12 So we've discussed dealing with Mr Pallas in respect of the
13 matter that was raised on the phone call?---Yes.

14 Were there other occasions where briefings of Mr Pallas were
15 undertaken?---My recollection right now is all briefings
16 with Mr Pallas were through Progressive Business, through
17 either a boardroom lunch organised through Progressive
18 Business or through his attendance at a Progressive
19 Business forum, quarterly forum.

20 And on how many occasions was it that Mr Pallas was
21 briefed?---I can't recall the exact number, but I remember
22 meeting with Tim Pallas on a number of occasions to talk
23 about various issues.

24 Were they all planning issues?---Yes, but sometimes John
25 Woodman would want to go along with an issue like
26 affordable housing and how it should be dealt with by the
27 State Government, so not really to do specifically with
28 his interests.

29 And were these briefings with yourself and John Woodman and

1 yourself?---So John often took me along with him because
2 he had wanted me to do the research and prepare the
3 briefing note.

4 So was it the fact that normally or invariably, other than the
5 one that we've just spoken about, the boardroom lunch, you
6 would be with Mr Woodman?---Not always. I'm just thinking
7 to 2018. I think on most occasions Heath Woodman attended
8 with me.

9 Yes. And what about Phil Staindl?---Phil Staindl always
10 attended as well, yes. But Phil Staindl had a number of
11 clients, so he wouldn't necessarily always be with us.

12 All right. I now want to ask you about ministers other than
13 Mr Pallas. Who other than Mr Pallas did you have the
14 one-on-one briefings with?---So the briefings where they
15 had a ministerial staffer with them?

16 Yes?---So there was the Minister for Transport, the minister
17 for roads, the Minister for Housing - - -

18 So who was the Minister for Transport?---The Minister for
19 Public Transport, that was Jacinta Allan. The Minister
20 for Roads at the time was Luke Donnellan. I've been
21 present in meetings with Martin Pakula at Progressive
22 Business forums. I've met with the Minister for Suburban
23 Development.

24 Did Martin Pakula have any portfolio at that stage?---I think
25 he was the Attorney-General, and Lily D'Ambrosio was the
26 Minister for Suburban Development. I'm just trying to
27 think of - Pulford, I can't remember her first name, the
28 Minister for Rural. Sorry, I can't remember. There are a
29 number of - there are a lot of - you got a list of

1 the - before a Progressive Business quarterly function you
2 got a list of which ministers would be attending or which
3 MPs would be. Like, there might be cabinet secretaries
4 there as well and you would be able to say, "Look, I'd
5 like to meet with these people," and if you wanted to meet
6 with those people you had to provide a brief on the
7 matters you would like to speak to them about before you
8 met with them.

9 All right, so they are the ministers. What about the Premier?

10 On how many occasions were there meetings with
11 the Premier?---So, I attended larger functions where the
12 Premier was present. So, they would have a Premier's
13 dinner each year. They would have the Christmas drinks at
14 the end of the year.

15 And were you given one-on-one opportunities at any of those
16 functions?---Because Watsons was a platinum member, there
17 would usually be the opportunity for a seat at the
18 Premier's table or the Treasurer's table or a senior
19 minister's table, yes.

20 On those occasions was it structured in the same way where you
21 would have an agenda and have a member of the minister's
22 office present?---No. So it was more of a social - it's a
23 large - you know, I mean, the Premier and Treasurer
24 constantly, like, those sort of events had 200 or 300
25 people at them and the Premier and Treasurer would
26 constantly have people approaching them.

27 COMMISSIONER: Mr Tovey, I might just interrupt. Mr Walker,
28 regrettably we won't complete Ms Schutz until the end of
29 the day. So could I ask you to return at 10 am tomorrow

1 morning?

2 MR WALKER: Yes, sir.

3 COMMISSIONER: Hopefully we won't be too much longer with you.

4 Mr Tovey, was there anything that you were wanting

5 Mr Walker to produce tomorrow?

6 MR TOVEY: No, I think we have everything we need, thank you,

7 sir.

8 COMMISSIONER: Thank you. I will excuse you until 10 am

9 tomorrow morning, Mr Walker. Thank you.

10 MR TOVEY: I'm sorry, Mr Commissioner, could I speak for

11 a moment - - -

12 COMMISSIONER: Yes, certainly. Perhaps while Mr Tovey is doing

13 that, Ms Schutz, at the very end of that conversation

14 Mr Woodman recounts a conversation he had with someone

15 named "Tom". Is that Tom Kenessey?---Yes.

16 And, according to Mr Woodman, Tom was suggesting to Mr Woodman

17 that maybe he, Mr Woodman, "should go up the line with

18 this past Wynne," past the Minister for Planning?---Yes.

19 That's what you understood?---Yes.

20 Did you know that was something that had been

21 considered?---Yes, Mr Woodman referred to it in this

22 conversation to me.

23 Then Mr Woodman says, "Well, I won't be talking to the Premier.

24 Two million bucks to me is not worthy of calling in

25 favourites with the Premier." Is the "two million bucks"

26 a throw-away line by Mr Woodman about the sort of money he

27 had spent on the campaign generally?---No, I believe the

28 \$2 million was John Woodman's success fee in relation to

29 the Cranbourne West rezoning if it was approved by

1 government.

2 So you understood Mr Woodman to be saying to you that sort of
3 money is "not worthy calling in favourites"?---Yes.

4 Yes, Mr Tovey.

5 MR TOVEY: I would now like to refer the witness to a
6 conversation between herself and John Woodman on
7 17 October 2018, being tab 14.

8 COMMISSIONER: I'm sorry, the date again, Mr Tovey?

9 MR TOVEY: 17 October 2018. Could I tender that, please.

10 COMMISSIONER: Yes. The previous conversation, 21 December
11 '18, is exhibit 134. This will be exhibit 135.

12 #EXHIBIT 135 - Recorded conversation between Ms Schutz and
13 Mr Woodman dated 17/10/18.

14 (Audio recording played to the Commission.)

15 MR TOVEY: Had you been to a function where the Planning
16 Minister, Mr Wynne, had been a guest?---So that was the
17 function I was referring to earlier where it was a
18 Progressive Business forum and the Minister for Planning
19 had had a round table.

20 Yes, and what does that mean?---It means he talks about
21 planning issues. He doesn't have one-on-one sort of
22 meetings. He has a probity auditor, one of his
23 ministerial advisers and himself and I think he can have
24 up to sort of 20 or 30 people attend, and you can ask him
25 questions after he makes a presentation.

26 Is what you told Mr Woodman a true account of the way in which
27 you reacted with the minister on that day?---Yes, I raised
28 the issue about the planning scheme amendment because
29 I couldn't understand as a planner how it could go through

1 an independent panel and then a letter deferring the
2 amendment could be issued.

3 After it, did it appear to you that you got into his face to
4 the extent to which he was saying, "Keep that girl away
5 from me"?---Yes, he was very, very angry and I, you know.
6 You were quite aggressive towards him?---I was just straight
7 up.

8 Insistent?---Straight up. I called a spade a spade and stated
9 my opinion on the matter and asked him the question.

10 And this was in front of other people?---Yes.

11 And this was in circumstances where it would have been apparent
12 to all who were around that you were getting stuck into
13 him, that you were attacking him?---I didn't intend it
14 that way at the time and maybe I didn't have a good gauge
15 of - maybe in retrospect I'm naive and I shouldn't have
16 approached it that way.

17 You see, the question that arises is what was there about the
18 way these things were set up and Mr Woodman's political
19 power that made you feel entitled, in circumstances where
20 you've got a minister of the Crown at a table of
21 businessmen, to rip into him in that way?---I don't think
22 I ripped into him. I asked him a question about if
23 there's a planning panel and the findings are positive on
24 the particular issue, why is he providing a second
25 opportunity for his department to make an assessment in
26 relation to that issue.

27 COMMISSIONER: Leaving aside Mr Tovey's description of how you
28 did it, what he's really asking you, Ms Schutz, is what
29 was it about this sort of meeting that led you to think,

1 "It's okay for me to raise this issue with
2 the minister"?---It was a planning issue and I thought
3 I was entitled to raise it, and following the meeting Phil
4 Staindl made it clear in no uncertain terms that it was
5 completely inappropriate for me to raise it and
6 I shouldn't have raised it.

7 But what Counsel Assisting is getting at is you had some sense
8 of entitlement; that is, that you thought the environment
9 permitted you to advocate?---I was a proponent for a
10 rezoning that had been in the system for four years, which
11 I thought on planning grounds, through a statutory
12 process, like the minister's own panel had said that the
13 rezoning should be supported.

14 We understand that?---Yes.

15 I'm really looking at the much broader question, not this
16 planning decision, but this process by which you or
17 Mr Woodman or some representative of Mr Woodman is able to
18 get the ear of a minister in this way?---I don't think
19 I should have done what I did. Like, after I did what
20 I did, and I think I did it completely independently and
21 off my own bat, it was made clear to me by Phil Staindl
22 that it was not appropriate behaviour. But I think it was
23 a case of me being too simplistic and just asking the
24 straightforward question, you know, "Why when a panel that
25 you've appointed, independent panel, recommends" - - -

26 I think we understand your reasoning, Ms Schutz. I'm much more
27 concerned about the fact that there was an environment in
28 which such an exchange could occur?---Well, Mr Wynne made
29 it clear to me in no uncertain terms that it was not an

1 environment in which that exchange could occur. He was
2 very unhappy about what I did.

3 Yes. But the environment did permit, if the appropriate
4 arrangements had been made, the environment did permit
5 someone like you to advocate on behalf of your
6 client?---I was shut down.

7 I understand you were in that case and, as you recognise,
8 probably because of the way that you approached the
9 matter. But the environment allowed for briefing or
10 advocacy, did it not?---It allowed me to ask a question
11 which I turned into a question that was more advocating.

12 So what I would like to understand is this. Under the Local
13 Government Act and the planning laws, it's the minister's
14 ultimate decision whether or not the rezoning sought by
15 the C219 application should be allowed?---Yes, it's the
16 Minister for Planning's discretion.

17 In your experience, then, what was the role which other
18 ministers of the Crown might play in effecting the
19 relevant minister's decision?---My understanding was that
20 other members in the same faction as the Minister for
21 Planning had talked to him about the rezoning and said
22 they supported it. I understand that Jude Perera had
23 talked to him about it and said he supported it, and also
24 Judith Graley.

25 And Ms Richards?---I don't know about Ms Richards.

26 But is that your understanding of the process, that although a
27 minister is designated under the Act as having the
28 responsibility for making the decision, that the process
29 permits other members of parliament, other ministers to

1 advocate their views to the minister who has to make the
2 decision?---I believe that's part of the process - that
3 was part of the process that went on in relation to
4 amendment C219.

5 Yes. Does that also operate when the Liberal Coalition is in
6 government?---I haven't got firsthand experience I can
7 refer to at the moment.

8 MR TOVEY: In respect of Mr Pakula, how regularly were you in
9 contact with him?---I attended I think at least one
10 Progressive Business forum with a meeting with John
11 Woodman and Martin Pakula. I can't remember the topic
12 that was discussed.

13 Did you have any other dealings in providing information to him
14 or his office?---No, my recollection at this point in time
15 is no. I have attended a boardroom lunch where he has
16 been the person holding that boardroom lunch.

17 There are, you might recall, a number of notes in conversations
18 between - sorry, in relation to meetings which you have
19 attended where Mr Walker has been present?---Yes.

20 Where there have been conversations about contacting various
21 politicians. Ms Graley's name comes up from time to time.
22 Is she somebody with whom you were in regular
23 contact?---I wasn't in regular contact with her unless
24 John Woodman asked me to contact her, which he did on a
25 couple of occasions. It might have been more than a
26 couple of occasions. But I wouldn't contact her off my
27 own bat.

28 And Pauline Richards?---I have met Pauline Richards a couple of
29 times, yes. I met her once with Ray Walker and once for a

1 fundraiser at the Seaford Hotel.

2 Were you familiar with the fact that Mr Woodman had made a
3 contribution of \$20,000 to her election campaign on the
4 basis that she had committed to support C219?---I can't
5 recall specifically right now.

6 In the course of that conversation you referred in
7 uncomplimentary terms to Mr Wynne from time to time, is
8 that the case?---Yes, I did in the way I spoke to John
9 Woodman and, you know, I am - - -

10 I'm not asking for your explanation?---I'm very apologetic
11 for my - - -

12 But was it apparent to you and Mr Woodman at that stage from
13 your perspective that, so long as Mr Wynne remained
14 Minister for Planning, C219 looked like it might be dead
15 in the water?---Yes.

16 You indicated having spoken in those terms about the Planning
17 Minister at page 4, "We could have brought this up with
18 the Treasurer. This could have been brought up numerous
19 times, this proposed rezoning. We could have brought it
20 up numerous times up the tree, but we haven't done that
21 because you've always said the prize isn't big
22 enough"?---Yes.

23 What was all that about?---So I think, you know, my experience
24 of John's relationship with Tim Pallas was that he had a
25 very good rapport with Tim Pallas and Tim Pallas would
26 always be, you know, the voice of reason and pragmatic in
27 relation to economic issues. He would have given the
28 rezoning a fair hearing and would have - if he was
29 agreeable to supporting it on the basis that we thought we

1 had, that there were good merits for the rezoning, that he
2 might speak to the Minister for Planning's office, the
3 Minister for Planning himself.

4 COMMISSIONER: So that's what you meant by elevating the matter
5 above the minister?---Yes, like my understanding was there
6 were more senior members of cabinet to the Minister for
7 Planning, yes, and my understanding was that, you know,
8 certain rezonings ended up in cabinet.

9 Do you have any actual experience of an occasion where you know
10 that somebody more senior than the Minister for Planning
11 has put pressure on the minister to make a decision that
12 they otherwise wouldn't have?---I don't have firsthand
13 knowledge that I can recall, no.

14 MR TOVEY: Was the effect of what you were saying there about
15 the Treasurer and so forth, as you understood it, that you
16 could have leaned - sorry, Mr Woodman could have leaned
17 more heavily on the Treasurer to take a bigger role in the
18 matter, but the prize wasn't worth that degree of
19 influence being exercised?---My recollection is he never
20 mentioned this rezoning to the Treasurer and the reason
21 was because he was getting a success fee of \$2 million and
22 he didn't have any sort of ownership in terms of the land
23 or, you know, the ultimate profit of the rezoning.

24 COMMISSIONER: I'm sorry, and there's a reference there to Tom
25 or Leightons - - -?---Yes, Tom Kenessey.

26 Implying really that was their call. If you were going to go
27 above the minister, it would have been in their interests
28 given they would be making the windfall out of the
29 rezoning?---Dacland and Leighton Properties would be

1 making the windfall out of the rezoning.

2 MR TOVEY: So when you said at page 6 that the issue wouldn't
3 have stalled, "but we've had to put up with stupid Tom,"
4 was that in respect of what the Commissioner has just
5 raised and that is that Leightons didn't go in hard enough
6 at the right stage?---I think there was a - I think that
7 is the case. There was, you know, something going on
8 with - like, instructions came out of Sydney for Leighton
9 Properties. Tom was the development manager on the ground
10 here.

11 Is there anything else that would explain the reference to
12 "stupid Tom"? Anything else that he had done that was - -
13 -?---He was always - everyone was - I don't know, he
14 probably talked about me in derogatory terms at times too.
15 I'm not sure.

16 Could the witness please be shown - I just want to ask you
17 without going to the document, if we can. On 11 November
18 2018 there was a communication between yourself and
19 Mr Kenessey about a mailout of 9,000 envelopes for Susan
20 Serey. Do you remember being involved in that?---I can't
21 recall. It may have been because I had contractors I used
22 for mailouts Tom was asking me that question.

23 Were you generally aware that Leightons were doing a mailout
24 for her?---For Susan Serey?

25 Yes?---I can't recall right now.

26 As part of her election campaign?---I can't recall right now.

27 I would have to go and have a look at my emails.

28 The email speaks for itself. I now want to take you to a
29 discussion which is recorded on 24 November 2018, tab

1 167A. This is a discussion between Mr Staindl and
2 Mr Woodman, Mr Commissioner.

3 (Audio recording played to the Commission.)

4 MR TOVEY: We can stop that there, thank you. In the course of
5 that conversation there's talk about Ringwood, Ferntree
6 Gully and the "Ringwood guy". Was there any Woodman
7 interest operating in the areas of Ringwood and Ferntree
8 Gully, to your knowledge?---What council areas are they?
9 Ferntree Gully? Not to my knowledge. Not something I was
10 working on.

11 All right?---That I can recall.

12 You mentioned yesterday something in relation to Hume having
13 dealt with a development or a zoning proposal there. Is
14 that something that you were involved in?---Not directly
15 in terms of the lobbying.

16 Direct or indirect, you were familiar with something that had
17 gone on in Hume. What was that?---Just I was aware of the
18 same sort of lobbying of, you know, briefings with
19 councillors, lobbying the local members in relation to a
20 rezoning.

21 Were you involved in that yourself?---I wasn't lobbying, no.

22 Were you involved in the issue in respect of which these
23 councillors or locals had been lobbied?---Yes, I wasn't
24 the main planning advocate. The main planning advocate
25 was a different company to myself.

26 And who was the builder involved? Sorry, who was the developer
27 involved?---So, at the time it was I think Brookfield,
28 which are a Sydney developer.

29 And who was it that was operating in a similar way in respect

1 of councillors? Was it Brookfield or some other
2 entity?---I think it was their planning consultant or one
3 of their development managers was working with lobbyists
4 and - yes, working with lobbyists in a similar fashion.
5 And what was the project?---It was a rezoning of land in Hume.
6 What was the name of the rezoning?---It never came to
7 become - it never became a rezoning amendment number.
8 Were you aware of any process by which people came to lobby
9 either councillors or politicians in respect of the
10 Wyndham development?---The Wyndham development? Are you
11 talking about - - -
12 Were you involved in putting forward - putting together any
13 material in respect of developments in Wyndham?---Yes.
14 And which were they?---I was involved in land at Point Cook
15 South in the Aviator Fields PSP area.
16 And were you involved in advocating to have certain results
17 obtained in respect of that?---Yes, I was involved in
18 advocating for getting the commencement of the PSP going.
19 So the land was zoned urban growth zoned, but the PSP
20 hadn't been commenced, the precinct structure plan, and
21 you can't develop land for urban development until you've
22 got a precinct structure plan approved and gazetted on the
23 land.
24 So were there councillors at Wyndham who were - sorry, in
25 respect of whom you had reason to believe they were
26 approachable?---It was a while ago, so it was back in
27 2015/16. I can't - my recollection at this point in time
28 is that I didn't approach councillors directly. It was
29 more trying to get the PSP on the VPA's work list, because

1 the VPA was the planning authority for the PSP.

2 Did you have any discussions with Mr Woodman about what had
3 gone on in terms of planning at Martha Cove?---I think a
4 long time ago in sort of 2013.

5 And what were you told about Martha Cove?---I think I said to
6 John Woodman a Martha Cove title is like this massive
7 volume of about 100 pages of covenants and I just asked
8 him why was it so complicated and that was about - at the
9 moment that's sort of my recollection of it, my
10 discussions with him.

11 What about Yarra Ranges? Any discussions - - -?---Yarra
12 Ranges?

13 Yarra Ranges Council or operations at Yarra Ranges?---Not to my
14 knowledge.

15 What about Strathulloh?---So Strathulloh was out in the city
16 of Melton, yes.

17 And what was being done there?---That was a proposed - well,
18 the initial work was canvassing whether the owners of the
19 land supported a rezoning of the land for smaller lots.

20 All right. So it was another rezoning?---Yes.

21 Were you involved in that?---Not directly with the planning,
22 other than asking Ray and Verlie to do some community
23 consultation work because that's what John Woodman had
24 asked me to do.

25 So when you talk about community consultation work, was that
26 the first step in a process to set up a SCWRAG like
27 organisation in that area?---Yes, my understanding of the
28 approach John took with most rezonings is you go out and
29 doorknock to see if the stakeholders whose land would be

1 affected or the community that would be directly affected
2 would support it or not, and if they - I think the outcome
3 of the Strathtulloh one, if I recall correctly, is the
4 feedback was not sort of much above 50 per cent. Most
5 people didn't support it. They didn't want it.

6 I now wanted to take you to another area. Could we please have
7 played tab 182.

8 COMMISSIONER: I'll mark the conversation of 24 November 2018
9 between Mr Woodman and Mr Staindl exhibit 136 for
10 identification.

11 MR TOVEY: Thank you, Mr Commissioner.

12 #EXHIBIT 136 - (For identification) Recorded conversation of
13 24/11/18 between Mr Woodman and Mr Staindl.

14 COMMISSIONER: What is the date of this conversation?

15 MR TOVEY: This is a conversation on 8 October 2018 between
16 this witness and Mr Woodman.

17 (Audio recording played to the Commission.)

18 MR TOVEY: Could I have that stopped, please. It was tab 182.
19 Was that tab 182? Could you just scroll down to the top
20 of the transcript you have up there, please? I'm sorry,
21 there's confusion as to the label. I apologise. Thank
22 you, Commissioner, this was originally a smaller extract
23 that's been expanded. Thank you. Could we continue on,
24 please, from the bottom of page 1?

25 (Audio recording played to the Commission.)

26 MR TOVEY: All right. I tender that, Mr Commissioner.

27 COMMISSIONER: That's a conversation, Ms Schutz, between you
28 and Mr Woodman?---Yes.

29 #EXHIBIT 137 - Recorded conversation between Ms Schutz and

1 Mr Woodman on 8/10/18.

2 MR TOVEY: This is in October '18. You are suggesting to

3 Mr Woodman he should go back to Ray and say to Ray, "Why
4 don't you write to Kathryn Seirlis"; is that right?---Yes.

5 And that was in relation to a Hall Road issue because that's
6 what he was involved in at the time?---Yes.

7 And why did you pick Kathryn Seirlis? Was she somebody with
8 whom you had a particular relationship?---Because when the
9 new CEO came on board, she has always been a senior
10 officer at the City of Casey, but she was very
11 approachable to go to for development interests. Major
12 developers would go to Kathryn Seirlis because she
13 was - I think her role was the executive adviser to the
14 CEO. That was her title.

15 At line 21 on the second page, Woodman says - - -

16 COMMISSIONER: Just a moment. When you say she was
17 approachable, Ms Schutz?---Yes.

18 Did you also mean to indicate you could get information from
19 her that it might be difficult to get from
20 others?---I think the experience with a lot of the other
21 officers at council was just a brick wall. They didn't
22 want to be helpful. They weren't client facing. They
23 weren't customer focused. They were more blockade. There
24 was a lot of hostility and I think the hostility at that
25 time really was around, you know, at that particular time
26 there had been - you know, John Woodman had received a
27 letter from the acting CEO of council alleging that he had
28 been a bully. The Age, there had obviously been a leak by
29 council officers of materials to The Age, and I think

1 there was a general hostility, really, to - - -
2 To Woodman interests?---Yes.
3 But you were still getting cooperation from Seirlis?---Well,
4 Kathryn would just be even-handed. I haven't ever
5 experienced her not being even-handed with different
6 developers.
7 MR TOVEY: In the middle of the second page at line 29 there's
8 talk about council officers and then, "If you were a
9 council officer unaware of the strong connection between
10 Glenn and you and Andrew Wyatt and Heath", do you see that
11 there?---Yes.
12 Who was Andrew Wyatt?---He is a senior officer at Blueways.
13 And is he somebody who regularly worked in projects with Heath
14 Woodman?---Yes, on behalf of Blueways.
15 And what about John Woodman?---John Woodman didn't know Glenn
16 Patterson. He didn't have a personal relation with Glenn
17 Patterson, but Heath Woodman knew Glenn through Andrew
18 Wyatt.
19 And when you say a personal relationship, is that a social
20 relationship?---A social relationship is my understanding.
21 And how did that manifest itself? They'd go out together, go
22 to the footy together; what happened?---I'm not sure of
23 the details.
24 What was your understanding?---My understanding was that
25 previously Glenn Patterson had been the CEO at Yarra
26 Ranges and that Andrew Wyatt had had projects in Yarra
27 Ranges and that's how he'd met Glenn Patterson.
28 And what about the close association between you and Glenn
29 Patterson?---My association with Glenn Patterson was

1 simply that I was a planning consultant for Blueways and
2 Wolfdene.

3 You then went on to explain how you had arranged - there had
4 been a conference arranged with Bill Howarth, a council
5 officer?---Yes. I had asked for a - - -

6 I will just ask you some questions?---Yes. I'm not sure his
7 name is Bill Howarth. I'm just not sure of that name.

8 It doesn't matter?---Yes.

9 COMMISSIONER: You had a relationship with Mr Patterson,
10 though, before he came to Casey?---No.

11 So you only came to know him after he arrived at Casey?---Yes.

12 MR TOVEY: In any event, the situation with Mr Howard was that
13 he had cancelled an arranged meeting and he had
14 invited - he had set up - so you say the meeting was to
15 happen at 11; he rearranged the meeting so no longer were
16 there any senior officers going; and he had [REDACTED]
17 invited to observe; so you cancelled, is that right?---So
18 the people that were relevant to the meeting were just not
19 there anymore.

20 No, no, just listen to the question?---Yes, I did cancel the
21 meeting.

22 Is that the way it went down?---Yes.

23 Thank you?---Yes.

24 All right. Then you went to Glenn Patterson because you didn't
25 like the arrangement that had been set up without your
26 knowledge ?---Well, I thought I was entitled to a
27 pre-application meeting with the right people in it.

28 And then you say Glenn Patterson obviously intervened and
29 bashed Bill over the head. That's the guy who had

1 cancelled the meeting?---Yes - - -

2 And as a result of that you were saying to Mr Woodman, "Well,
3 my close association with Glenn Patterson will now be out
4 there and known because of the fact that he's intervened
5 on my behalf with Howard;" that's what you
6 said?---I haven't got a close association with Glenn,
7 though. I think the reason why Glenn assisted was
8 because - I think he assisted because it made sense, my
9 request, and also he knew of me through Andrew Wyatt and
10 Heath Woodman.

11 You indicated there that "he has already told us that [REDACTED]
12 [REDACTED] going and [REDACTED] is on the list"?---So I hadn't
13 been told first hand, but I had been told via I assume
14 Andrew and Heath that, yes, there were officers that he
15 was going to be - yes, didn't think were positive to the
16 organisation going forward.

17 And what was it about the relationship between him and Andrew
18 Wyatt or Heath Woodman that enabled him on your
19 understanding to presume to give them prospective career
20 details of council employees?---I'm not sure.

21 COMMISSIONER: It's quite clear that's the source of your
22 information is Andrew or Heath, is it, that - -
23 -?---I think so, yes. I think that's correct. My
24 recollection from looking at that conversation is that's
25 where I had got the information from.

26 You don't recall any communications between Mr Patterson and
27 yourself?---No.

28 Or between Mr Patterson and Mr Woodman that you became aware of
29 in which Mr Patterson referred to what he had done and

1 what he was proposing to do in relation to staff?---No, my
2 recollection is I haven't had a direct conversation with
3 Glenn Patterson about what he was proposing to do in
4 relation to his staff.

5 Does the term "dead wood", "getting rid of dead wood" ring any
6 bells for you?---Possibly. It was 2018. I'm just not
7 sure right now.

8 Very good.

9 MR TOVEY: What happened to those two officers, to [REDACTED] and
10 [REDACTED]? Did they last?---No.

11 How long after this was it that they were dismissed?---I can't
12 remember the exact details.

13 There was an occasion on 12 December where there was a
14 communication between you and Mr Ablett, seeking Mr Ablett
15 to set up a meeting between you and Mr Patterson. Do you
16 have any recollection about that?---Not right now.

17 Do you recall occasions where Ablett set up any meetings
18 between you?---If I had asked for a meeting to be set up
19 it was usually because John had asked me to have the
20 meeting set up. No, I don't think - I've met Glenn on a
21 couple of occasions, but I don't think I have ever sat
22 down with him one-on-one to have a conversation with him.

23 I just want to take you finally to a conversation on
24 21 December 2018, which I think is exhibit 48, tab 75,
25 clip B.

26 (Audio recording played to the Commission.).

27 COMMISSIONER: Is that, Mr Tovey, where the reference is to "he
28 got the chop"? Is that a misstatement? Is it "chop" or
29 "job"?

1 MR TOVEY: I think it is "the job", Mr Commissioner.
2 COMMISSIONER: Yes.
3 MR TOVEY: So is that a conversation which took place between
4 you two on 21 December 2018?---Yes.
5 I tender that, Mr Commissioner.
6 COMMISSIONER: Yes. Did we tender the previous exhibit?
7 MR TOVEY: No. Perhaps it could be added to exhibit 48.
8 COMMISSIONER: The previous conversation, 8 October 2018 is
9 exhibit 137.
10 #EXHIBIT 137 - Phone call between Ms Schutz and Mr John Woodman
11 on 8 October 2018
12 COMMISSIONER: This is exhibit 138.
13 MR TOVEY: Could it be added to exhibit 48?
14 COMMISSIONER: This conversation?
15 MR TOVEY: Yes.
16 COMMISSIONER: I will make that exhibit 48, part B.
17 #EXHIBIT 48B - Phone call between Ms Schutz and Mr John Woodman
18 on 21 December 2018.
19 MR TOVEY: You are reporting back having had a cup of coffee
20 with Glenn Patterson?---I hadn't had the cup of coffee.
21 Andrew Wyatt had had the cup of coffee.
22 All right. Sorry. So Andrew Wyatt has reported back to you
23 that Glenn Patterson was going to look at the FOI matter
24 and send it to somebody's personal account?---No, Andrew
25 Wyatt asked me to send the FOI matter to him and he would
26 send it to Glenn Patterson, to his personal account.
27 All right. Did you do that?---Yes.
28 And what was the FOI matter?---The FOI matter was we were
29 seeking documents that had been reported in The Age

1 alleging that not only John but also I had been accused of
2 bullying council officers.

3 And were you running a defamation action or anticipating a
4 defamation action against the council?---I wasn't running
5 a defamation action against the council. John had decided
6 to run a defamation action against the council.

7 And was that the purpose of the FOI, to get material to run
8 that action?---Yes, I believe - as time went on
9 I understood that was the case and I had engaged - he had
10 asked me to engage barristers to represent him.

11 So you had sent details of that to Andrew?---Yes.

12 That's Andrew Wyatt?---Yes. I mean, that wasn't - that was my
13 personal - I had a different view. There was no way
14 I wanted to - - -

15 Look, I'm not - - -?---No, no, but it was to do with my own FOI
16 question that I wanted documents related to - I wanted to
17 see the documents that had been leaked to The Age about
18 me.

19 All right?---But Glenn had come back and said, you know, "You
20 need to pursue VCAT."

21 So Wyatt had approached Glenn to try and get Glenn to give you
22 the documents, but Glenn had said, "No, you have to go to
23 VCAT"?---Yes. Not for Glenn to give me the documents but
24 to revisit the council process that had gone on.

25 And there was reference then to Geoff Ablett blowing air in a
26 certain direction. Was that to smooth your entree with
27 Mr Patterson?---No, that was about John wanting to meet
28 the new CEO. That was separate from - I wasn't involved
29 in that.

1 Did Ablett in fact arrange that?---I understood that a date had
2 been arranged for 7 January.

3 Over the page you indicate that Andy has told you that
4 Patterson has told him that "if his officers have leaked
5 and if he finds out about it they'll be fired"?---Yes.

6 And that is what in fact you were told?---I assume so from the
7 information - the content I've told John Woodman.

8 Then John Woodman says to you, "He's only got the job because
9 of us. Fucking shape up or fuck off." What did you
10 understand that to refer to?---I'm assuming it referred to
11 the fact that when - my knowledge is that when Geoff
12 Ablett was mayor in 2018 he had been involved in choosing
13 a new CEO, and John Woodman and Geoff Ablett had discussed
14 who should be the next CEO.

15 And you assumed that they were working hand in hand in that
16 pursuit?---I assumed that Geoff Ablett was consulting
17 closely with John Woodman about who should be the next
18 CEO, yes.

19 COMMISSIONER: But I think you have previously acknowledged,
20 have you not, Ms Schutz, that you assisted in the drafting
21 of the letter which Mr Ablett then sent to the former CEO
22 setting out all the things that it was alleged he had done
23 that were inappropriate? Were you not involved in
24 formulating Mr Ablett's letter to go to the CEO?---To Mike
25 Tyler?

26 Yes?---I can't recall being involved in that.

27 Yes, Mr Tovey.

28 MR TOVEY: And then over the remainder of that conversation you
29 speak about your difficulties which you have had dealing

1 with council officers in respect of Pavilion and

2 H3?---Yes.

3 And John Woodman is talking about losing millions of dollars

4 because of the way in which things have turned out?---Yes.

5 And rejoices in the fact that it seems that Mr Patterson was

6 undertaking to sack those who had made life difficult. If

7 you go to page 3, line 128?---So it seems that John's

8 saying there that it seems that Glenn Patterson will be

9 willing to remove council officers who, you know, are not

10 doing their job.

11 COMMISSIONER: Who were obstructive to the planning objectives

12 of Mr Woodman?---I think it was more just - not think;

13 probably John Woodman was talking about obstructive to his

14 own objectives.

15 That's what I'm suggesting?---I would say that it was also a

16 question of officers complying with their requirements

17 under section 95 of the Local Government Act. That was

18 not happening.

19 MR TOVEY: Insofar as Mr Rowe had a conflict of interest

20 relating to Woodman issues, are you aware of what that

21 conflict of interest was?---I understood - and I can't

22 recall exactly, but I understood I think it was a

23 telephone conversation with John Woodman that during the

24 H3 intersection that John had donated \$20,000 to a

25 campaign when Gary Rowe had stood as a candidate for the

26 Liberal Party.

27 And what about Amanda Stapledon? Was there any discussion with

28 Mr Woodman about what her conflict was?---It was just that

29 he had referred to giving her \$15,000 while she was

1 seeking employment. And I also knew - had knowledge that
2 he had donated to her when she was a candidate for the
3 Liberal Party.

4 COMMISSIONER: These were for State elections, were
5 they?---Yes.

6 MR TOVEY: To your knowledge there was no time at which she
7 actually declared or in any way made public the \$15,000
8 gift?---I think didn't - I would have to have a look at
9 the council meeting. I think we covered this yesterday.
10 But I think her interest was an undisclosed interest.
11 I think in the council minutes it says the nature of her
12 interest that she's declared.

13 An undisclosed interest is not a \$15,000 gift, is it?---No.

14 Thank you. I have no further questions.

15 COMMISSIONER: Yes. Are you ready to proceed now?

16 MR LEWIS: Yes.

17 COMMISSIONER: I understand you want to examine the witness on
18 a few things.

19 MR LEWIS: Yes, I do, Commissioner. It won't be lengthy. It
20 will be short.

21 COMMISSIONER: I'm sure Ms Schutz does not want to come back
22 again.

23 MR LEWIS: Yes, that's the preference.

24 COMMISSIONER: So you want to proceed now?

25 MR LEWIS: Yes, if I could, with the hope that this will cover
26 all matters.

27 COMMISSIONER: Yes, very good.

28 MR LEWIS: Subject to review of her transcript from yesterday
29 and today which we haven't had the chance - - -

1 COMMISSIONER: Yes.

2 <EXAMINED BY MR LEWIS:

3 Ms Schutz, could I ask you about the period mid-2015 to
4 mid-2019 and in relation to the topic generally of the
5 capacity with which you were acting - in which you were
6 acting for the different clients relating to the three
7 issues that you have predominantly been asked about: C219,
8 the H3 intersection and the Pavilion Estate?---Yes.

9 That's the topic?---Yes.

10 And can I remind you that you said this in evidence on
11 4 December last year at page 965, Commissioner, line 1, in
12 response to a question from the Commissioner, which was,
13 "In what capacity were you acting for Mr Woodman?---So
14 during the - between early 2015 and 30 June 2019 Schutz
15 Consulting was a planning - practising as a planning
16 consultancy, and I had a separate business called Schutz
17 Legal where - in which I gave legal advice. So during the
18 period when I was acting for the Elysian Group in relation
19 to the - related to the intersection I was practising as a
20 planning consultant"?---Yes.

21 I have read to you your answer from line 1 to line 8 of the
22 transcript?---Yes.

23 In relation to your client Elysian Group that related to the
24 work that you were doing concerning the H3 intersection
25 and Hall Road generally; is that right?---Yes.

26 And you refer there to having been engaged and been practising
27 as a planning consultant; is that right?---Yes.

28 In relation to C219 you have given evidence your client was
29 Leighton Properties?---Yes.

1 And the work that you did in relation to the C219 proposal in
2 the period I have asked you about, was that as a planning
3 consultant or in some other capacity?---As a planning
4 consultant.

5 And in relation to the Pavilion Estate - - -?---Yes.

6 Can you remind us who was your client in relation to Pavilion
7 Estate?---1425 Blueways Pty Ltd.

8 And the work that you did for that company, were you performing
9 that work in your capacity as a planning consultant or
10 some other capacity?---As a planning consultant.

11 During that period, as you indicated in evidence last year and
12 you have done, you had a legal practice at the same time;
13 is that right?---Yes.

14 And was that legal practice kept separate from your planning
15 business or not?---Yes. When a client engaged my legal
16 practice they engaged Schutz Legal and I provided them
17 with a costs agreement and they received an invoice for
18 the services I delivered in accordance with the uniform
19 law.

20 Now, Ms Schutz, before recommencing evidence yesterday you had
21 the opportunity to read through your transcript from last
22 year and pick up a couple of matters that you would like
23 to clarify; is that right?---Yes.

24 Mr Commissioner, could I hand these pages which are pages from
25 the transcript?

26 COMMISSIONER: Why don't you lead the witness, Mr Lewis?

27 MR LEWIS: Yes.

28 COMMISSIONER: You know what the matters are.

29 MR LEWIS: I can do that. Page 989. I will read you the

1 answers so that you can - - -?---Would I be able to have a
2 copy in front of me?

3 COMMISSIONER: Yes, of course?---Thank you.

4 MR LEWIS: Mr Commissioner, the first page is 989 and it's the
5 last question and answer. I will just read into the
6 record, Ms Schutz, the question. "What is it that led you
7 to understand that he was the go-to person for planning
8 issues concerning Mr Woodman?---I was asked to instruct
9 him." You remember at least from the transcript being
10 asked that question and giving that answer?---Yes.

11 And is there something about that answer that you wish to
12 clarify with the Commission?---Yes. I think it should say
13 "I was asked to brief him", not "instruct him". I was
14 asked to brief him.

15 And a little further up there's a reference to Mr Ablett and it
16 seems that question relates to Mr Ablett; is that
17 right?---Yes.

18 Is the next page you have there 995 of the transcript?---Yes.

19 And at line 25 does the transcript record your answer as
20 including "between 2015 and 2019 I tried to separate my
21 businesses out"?---Yes.

22 Being a reference to the planning consulting work on the one
23 hand and the legal services on the other hand?---Yes.

24 Is there something about that you wish to clarify?---I didn't
25 try. I had separated my businesses out. When Schutz
26 Legal was acting for a client it was clear that Schutz
27 Legal was acting for a client. When Schutz Consulting was
28 acting for a client it was clear that Schutz Consulting
29 was acting for a client. They were subject to different

1 insurance policies and subject to different costs
2 agreements in the case of a legal practice.

3 Can I take you to page 1001 from the transcript, line 18, the
4 question, "Look, you expected that he wouldn't because
5 that would blow the whole community driven plan, would it
6 not?" Answer, which reads, "I don't think - I don't
7 think - the community safety position in relation to the
8 planning decision was completely legitimate." Is there
9 something about that answer, the way those words have been
10 transcribed, that you wish to clarify?---I did think the
11 community safety position was legitimate in relation to
12 the planning decision.

13 Page 1039, Ms Schutz is part of a - - -

14 COMMISSIONER: Sorry, what page was that?

15 MR LEWIS: The previous one or this one?

16 COMMISSIONER: This one. 1039?

17 MR LEWIS: 1039, line 1, Commissioner, is a question from
18 Mr Tovey relating to a telephone call which includes as it
19 was put to Ms Schutz, "Why is Ray nailing you"?
20 Commissioner, from a couple of pages back, from memory,
21 this is a call around October 2018. What is it that you
22 want to raise about that particular portion of the
23 transcript from the phone call that you were questioned
24 about?---It has been transcribed not quite correctly.
25 I think it should have - the transcript should have read,
26 "Why is Rowe nailing you?"

27 Rowe as in R-O-W-E?---Yes.

28 Not Ray?---Yes.

29 COMMISSIONER: I'm sorry, I don't follow that, Mr Lewis.

1 MR LEWIS: The question was put from the transcript, which was
2 a telephone intercept.

3 COMMISSIONER: Yes.

4 MR LEWIS: Which included, as I understand it, as a portion
5 - I don't have it in front of me, "Why is Ray nailing
6 you", and the question went on as to relate to Mr Walker.
7 The clarification the witness is seeking to put before the
8 Commission is that that may well have in fact been a
9 reference to Rowe, R-O-W-E.

10 COMMISSIONER: I see.

11 MR LEWIS: Councillor Rowe.

12 COMMISSIONER: Very good. Thank you.

13 MR TOVEY: She went on to explain that, didn't she?

14 MR LEWIS: She may have.

15 WITNESS: I did explain that later in the transcript, yes.

16 MR LEWIS: The last one, Commissioner, page 1097, line 22 and
17 following, is there a clarification you wish to make about
18 that portion of the transcript?---Yes. So line - I just
19 want to read it first. So line 25, "Geoff" should
20 actually read "Councillor Aziz".

21 All right. So that makes some sense for the Commission your
22 answer reads - - -

23 COMMISSIONER: It should be not "Geoff", "Aziz".

24 MR LEWIS: Yes, if the Commissioner has it in front of you,
25 that's right. It should be - you were intending to refer
26 to Aziz?---Councillor Aziz, yes.

27 Commissioner, those are the matters, thank you.

28 COMMISSIONER: Thank you, Mr Lewis. Mr Tovey, there's no
29 reason why Ms Schutz should not now be finally discharged

1 from her summons?

2 MR TOVEY: No, Commissioner.

3 COMMISSIONER: You will be pleased to hear that, Ms Schutz, I'm
4 sure. So, as with your previous transcript, if at any
5 time you want to look at transcript that you can't
6 otherwise get access to, although I think now you will be
7 able to without coming in to the Commission, you need only
8 ask and you can see that transcript or a video of your
9 evidence if that's what you would like to see. In due
10 course there will be further communication with you by the
11 Commission following the finalisation of the
12 investigation. But I now release you from your summons
13 and you are excused. Thank you for your
14 assistance?---Thank you.

15 <(THE WITNESS WITHDREW)

16 COMMISSIONER: Mr Tovey, 10 o'clock tomorrow morning?

17 MR TOVEY: Yes, please, Commissioner.

18 COMMISSIONER: And we will continue with Mr Walker?

19 MR TOVEY: Yes.

20 COMMISSIONER: And what's your estimate as to how long he will
21 be?

22 MR TOVEY: Another two hours.

23 COMMISSIONER: And then?

24 MR TOVEY: And then Mr Patterson.

25 COMMISSIONER: Very good. Adjourn until 10 am tomorrow
26 morning, please.

27 ADJOURNED UNTIL WEDNESDAY, 4 MARCH 2020 AT 10.00 AM

28

29