
TRANSCRIPT OF MORNING PROCEEDINGS

WARNING - CONTAINS LAWFULLY INTERCEPTED INFORMATION AND INTERCEPTION WARRANT INFORMATION.

These documents contain information as defined within ss 6E and s 6EA of the Telecommunications (Interception and Access) Act 1979 (Cth) (TIA Act). It is an offence to communicate to another person, make use of, or make a record of this information except as permitted by the TIA Act. Recipients should be aware of the provisions of the TIA Act.

WARNING - CONTAINS PROTECTED INFORMATION.

These documents contain 'protected information' within the meaning of s 30D of the Surveillance Devices Act 1999 (Vic) (SD Act). It is an offence to use, communicate or publish this information except as permitted by the SD Act. Recipients should be aware of the provisions of the SD Act.

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 COMMISSIONER: Yes, Mr Tovey.

2 MR TOVEY: Yes, I call Mr Ray Walker, Mr Chairman.

3 COMMISSIONER: Mr Walker, would you come into the witness box.

4 Mr Lawrence, I understand you appear for Mr Walker.

5 MR LAWRENCE: Yes, Commissioner.

6 COMMISSIONER: Very good. Mr Walker, as will be evident, this
7 is a public examination by the Commission. Although we
8 are not strictly bound by the rules of evidence, we
9 generally are guided by those rules. Mr Lawrence appears
10 on your behalf and he will have an opportunity at the
11 conclusion of your evidence, once examined by Mr Tovey, to
12 ask you any further questions, have you elucidate on
13 anything that you feel that you want to add or there are
14 additional matters that haven't been explored that you
15 feel that you should refer to.

16 If at any stage during the examination,
17 Mr Walker, you feel you want to have a break, just
18 indicate to me that you would like to. If there are
19 things that concern you that you would like to speak to
20 Mr Lawrence about, you should also indicate you would like
21 an opportunity to do that. Do you follow?

22 MR WALKER: Good. Thank you.

23 <RAYMOND JAMES WALKER, sworn and examined:

24 COMMISSIONER: I'm required to advise you, Mr Walker, of the
25 nature of the matters in respect of which you will be
26 questioned by Counsel Assisting, Mr Tovey. Firstly, you
27 are to give evidence concerning (a) your knowledge of City
28 of Casey Council in relation to consideration of
29 development applications and other planning matters within

1 the City of Casey; the transparency of planning and
2 property development decision making within Victoria,
3 including but not limited to local government; whether
4 public officers involved in planning and property
5 development decision making have been improperly
6 influenced through donations, gifts or other hospitality;
7 the circumstances surrounding any actual and potential
8 financial benefits obtained by any public officer, their
9 families or their associates resulting from or otherwise
10 in connection with planning and property development
11 decision making within Victoria; and, finally, the systems
12 and controls in place within public bodies concerning
13 planning, with particular focus on the existence and
14 adequacy of systems and controls for ensuring the
15 integrity of the planning process, including by detecting
16 instances of public officers providing benefits to
17 themselves, their family, friends or associates. You
18 understand from the fact that Mr Lawrence is here that you
19 are entitled to be represented. You were served with a
20 summons to attend here?---Yes.

21 And at the same time did you receive a statement setting out
22 your rights and obligations?---Yes, yes, I did.

23 And has Mr Lawrence gone through those rights and
24 obligations?---Yes, he has.

25 And you feel you understand them?---Yes.

26 Would you like me to repeat them?---No, that's fine.

27 Very good. Yes, Mr Tovey.

28 MR TOVEY: What's your full name, please, Mr Walker?---Raymond
29 James Walker.

1 Did you attend here today in response to a summons served on
2 you?---Yes.

3 And that summons is numbered SE3193?---Sorry, where is that
4 shown? All right, I can see it now. Yes, that's correct.
5 It has attached to it and had attached to it a section
6 121(3)(c) statement of rights and obligations?---Yes.

7 And along with that you received a covering letter dated
8 18 October 2019?---Yes, I did.

9 And those are in front of you now, the copies of documents that
10 you received?---Yes.

11 Other than with your legal representatives, have you discussed
12 the existence of the summons or the subject matter of the
13 investigation with any person at any time before coming to
14 court?---Sorry, Mr Lawrence are you talking about?
15 Yes?---Yes, I discussed it with him.

16 Have you discussed it with anybody else?---Yes, I have.

17 The fact that you were coming here. And who have you discussed
18 it with?---Well, I did meet with Megan Schutz twice prior
19 to coming here.

20 When was that?---That was - that was soon after the - soon
21 after the IBAC representatives came to our home. I was
22 shattered. I was really - I couldn't believe it and I met
23 with her more in terms of a, you know, being in the same
24 boat.

25 And so that was at the time that a search warrant was executed
26 on your premises, was it?---Yes, soon after, yes.

27 And then you met her a second time. When was that?---That was
28 probably about two weeks after that.

29 Yes, and what occurred on that occasion?---Well, I asked her

1 about one item that I didn't have a record of.

2 Yes, and what was that?---That was the matter with Sam Aziz,
3 the legal letter with Sam Aziz.

4 When you talk about a legal letter with Sam Aziz, what letter
5 was that?---In the report by The Age reporter he mentioned
6 to me - mentioned a legal letter in respect of Sam Aziz,
7 that he got it from me, and I did speak to The Age
8 reporter defending ourselves and I asked her about that
9 information to get more information if it came up.

10 Did you get more information back from her?---She just
11 mentioned that, "You probably more than likely have it,"
12 and at that stage I was going through all my files, a
13 massive number of files, and I did have that information,
14 I found.

15 And what did that information disclose?---Well, it disclosed
16 the full background of that - how that occurred.

17 And what was the background to it?---Okay. On September 4,
18 2018, Sam Aziz put a proposal at council to request that
19 Dacland have to initiate the H3 intersection prior before
20 the statements of compliance were released for stages 9
21 and 10.

22 Yes?---And one of the - what came out of that is that Gary
23 Rowe, who was working for Dacland, he was going to form
24 a - he was going to introduce a rescission notice in a
25 council meeting of September the 18th.

26 COMMISSIONER: What do you mean "Gary Rowe was working for
27 Dacland"?---In council he was supporting Dacland.

28 The word "working" then is a rather unfortunate choice of
29 words?---Yes, sorry, my terminology. He was - I don't

1 quite know the term - but he was bringing the rescission
2 notice on behalf of Dacland.

3 MR TOVEY: And the advice, was it, was in respect of the
4 rescission notice?---It was advice in respect of the
5 rescission notice.

6 And how did Mr Aziz come to get his hands on that
7 advice?---Okay. I have to say it was a very uncomfortable
8 situation I was put in, is that Megan Schutz approached me
9 with an amended resolution that she believed would
10 satisfy the situation that the rescission notice would be
11 put aside, set aside, and the revised amendment would go
12 through.

13 Yes, and is that what happened?---Well, what actually happened
14 is she asked me to notify a solicitor with the amended
15 resolution, a lawyer of her choosing, to put a letter
16 through to him to say, "Is this amended resolution
17 correct? Would this satisfy natural justice and would
18 this" - - -

19 And what was the name of that lawyer?---Paul Chiappi.

20 And then did you produce the result of that to Mr Aziz?---What
21 actually - he came back to me and said - with a letter, in
22 a formal letter, this is what Megan Schutz asked me to do,
23 and with that letter I asked him to put it in his own
24 writing, his letterhead, and I sent that through to - - -

25 And did Mr Aziz provide that?---Yes, that was submitted on
26 September 18th.

27 As independent advice, or independent legal advice, was
28 it?---Yes.

29 And what made you feel uncomfortable about it?---Well, I was

1 being used in that situation. The only reason I did agree
2 to it, reluctantly, was because of the fact that we were,
3 SCWRAG, were wanting to get the H3 intersection put
4 through as fast as possible.

5 We understand that SCWRAG was set up in order to oppose
6 the - sorry, in order to support the rezoning of
7 industrial land in your district to residential; is that
8 right?---Yes, absolutely. That was our philosophy, our
9 belief from day one.

10 And in order to do that you were supported by Leightons and by
11 Megan Schutz and Watsons, were you not, financially and in
12 other ways?---Well, let's put it into context. For the
13 first 15 months I worked voluntarily for SCWRAG. I was
14 the acting chairman and we established our full ground
15 rules of operation that we were committed as residents
16 opposing the fact that that land was two and a half
17 kilometres by 800 metres. We were appalled, so we were
18 committed to getting that land rezoned as residents.

19 But what I was asking you was were you supported by Megan
20 Schutz, Leighton and John Woodman? That's simple, isn't
21 it, to answer?

22 COMMISSIONER: You mean financially supported.

23 MR TOVEY: Financially supported?---Initially we were supported
24 by Leighton Holdings and they supplied funding to Megan
25 Schutz and we didn't have a bank account, we received no
26 money, and what was put up was a website, it was quite
27 often some posters, newsletters to go out and the like.

28 Did you at any stage - did SCWRAG at any stage have a bank
29 account after - - -?---No, never. Never had a bank

1 account.

2 And SCWRAG never had any income other than Watsons or

3 Leightons?---Sorry, SCWRAG?

4 SCWRAG never had any income?---SCWRAG never received any income

5 at all.

6 Never got a cent in subscriptions?---No, nothing.

7 COMMISSIONER: Mr Tovey, do you want to tender the summons and

8 the letter?

9 MR TOVEY: Thank you.

10 #EXHIBIT 130 - Summons and covering letter to Mr Walker.

11 COMMISSIONER: Mr Walker, can I just ask you in relation to the

12 first matter you referred to when Mr Chiappi was

13 engaged?---Yes.

14 Did Ms Schutz tell you why she didn't feel she could act on

15 your behalf?---No, she didn't.

16 Do you know now?---Yes, I do know now, yes.

17 What's your understanding as to why she couldn't act for

18 you?---I was always of the view for quite some time that

19 all that was involved with us was Leighton Holdings. Even

20 when I started consulting for Watsons - well, take it back

21 in context. I knew that I was working - consulting for

22 Watsons. But at that stage there was nothing untowards

23 about Watsons or John Woodman until in 2018. So I never

24 had - felt any influence from Watsons in terms of anything

25 I did with SCWRAG. But I believe, I realised later, that

26 she worked very closely with Watsons and that wasn't until

27 around 2018.

28 So your understanding now is that because she was engaged by

29 Watsons or had a connection to Watsons, she couldn't act

1 for you?---Well, I think in respect of Sam Aziz's
2 situation - look, I haven't read a lot of the information,
3 but having known Sam Aziz, what's come out about him, it
4 could have been that connection between Watsons, Megan
5 Schutz and Sam Aziz.

6 You never asked her why she was asking you to engage an
7 independent solicitor to act for you?---Look, I can't
8 recall, but obviously I felt there was a connection there
9 with Sam, Sam Aziz. But, you know, I was still very green
10 in terms of with councillors, we really didn't get
11 involved with councillors until beyond that stage. Until
12 later on, I should say.

13 MR TOVEY: When you say you felt uncomfortable and that you
14 were being used, who was it you thought you were being
15 used by?---Well, that was September 2018.

16 Yes?---So that was a long time after I started with SCWRAG.

17 I felt there was some connection, pressure to bear brought
18 on Sam Aziz by Megan Schutz, but what that connection was
19 and how it worked I wasn't too sure.

20 But up until that time you were closely associated with Megan
21 Schutz, were you not?---Yes, all through as part of
22 SCWRAG, yes.

23 And you assumed that she was being - you knew she was a
24 planner?---Yes, a property lawyer, a planner.

25 And you knew she was employed by Watsons and acting for
26 Leightons?---No, I never knew that she was being employed
27 by Watsons, acting for Leightons, no. Had no knowledge of
28 that.

29 So are you saying you thought she was just acting totally off

1 her own bat up until - from between 2015 and 2018?---No,
2 no, no. I was led to believe and she told me she was
3 acting for Leighton Holdings and the Kelly family, until
4 she had a falling out with the Kelly family.
5 All right. So Ms Schutz has given evidence and will be
6 continuing to give evidence?---Right.
7 But she's given evidence and been taken to numerous documents
8 which are letters to ministers, to council and so forth
9 where she has either drafted those documents and then sent
10 them back to you for your input and they have been sent on
11 or vice-versa where you have drafted documents - -
12 -?---Yes, that's correct.
13 And given them back to her?---Yes.
14 For her to send on?---Yes.
15 Some of the documents she's composed initially, some of them
16 you have composed?---Yes.
17 And was that the case over that period of 2015 through to 2018
18 that wherever there was a document of that nature going
19 out officially or purportedly officially to ministers, to
20 politicians, to councillors, they would be a joint
21 effort?---Yes, that is true. But I made sure that I was
22 acting for SCWRAG in the interests of the residents.
23 I made that sure because I was committed to getting that
24 land rezoned for residents.
25 But you understand the problem, don't you, that you see at no
26 stage up until The Age article in late 2018 had SCWRAG
27 ever published to its members or to anybody else
28 information alerting people to the fact that it had been
29 set up with the assistance of Leightons?---No, that's not

1 correct. We put out early on that we were being assisted
2 by Leighton Holdings.

3 And when was that?---That was early in 2016.

4 And by what means did you do that?---I did a community Facebook
5 page, in my local community Facebook page.

6 Do you have a copy of that still available?---Absolutely, yes.

7 Without a doubt. In fact we did that several times
8 because there was a lot of criticism locally. We said we
9 were supported by the developers. When I say developers,
10 Leighton Holdings.

11 And is your Facebook account still up and running?---Look,
12 unfortunately - - -

13 When I say "your" - - -?---I use my wife's. I don't use
14 Facebook. My wife still does have that.

15 COMMISSIONER: So Leightons, Mr Walker, had an interest in both
16 C219 and H3, both of those planning issues?---Leightons,
17 not H3, no.

18 So that's what I'm not following then?---Sorry.

19 If your understanding was that Ms Schutz conveyed to you at all
20 times that the only developer that she was acting for was
21 Leightons, what interest did you understand she was
22 representing when she was dealing with you over
23 H3?---Well, she said to me at the time that - well, H3 -
24 at the time that she was working for two developers and my
25 understanding that was H3 - sorry, the urbanisation of
26 Hall Road, which was a dual carriageway, and H3 was for
27 Wolfdene and Dacland.

28 So, Mr Walker, it seems to me you have thus already given some
29 evidence that was incorrect because you have now

1 acknowledged that at some point you did learn that she
2 wasn't just acting for Leightons?---Yes, I did, yes.
3 Sorry, that wasn't deliberate.

4 No. Can I just make clear to you the only way your evidence
5 can ever be used against you - - -?---Yes.

6 In a court of law is if you deliberately say something which is
7 untruthful. So it's really important that you give
8 accurate and truthful evidence and then you are at no
9 risk; do you follow?---Yes, okay. I understand. Okay.

10 MR TOVEY: The situation is that on numerous occasions you
11 spoke, throughout this period, you spoke to Mr Woodman on
12 the phone?---I had - first of all, I didn't meet John
13 Woodman until May 2018. I hadn't had any contact with him
14 whatsoever and the first time we met was at a project, and
15 I actually mistook him for someone else. I did have some
16 telephone calls in late 2018 because I was concerned when
17 I was talking to Megan Schutz that Dacland were going to
18 go to VCAT in respect to the H3 intersection.

19 Did you meet with him?---I met with him at Megan Schutz's home
20 in about October, September/October 2018.

21 Is that the only meeting you had?---No, I met with him in
22 January 2019 when my consultancy agreement was renewed.

23 Other than that?---Probably one other time. Sorry, there was
24 one other time at the Botanic Gardens. I actually arrived
25 there for a meeting with Megan Schutz, Jolene Rome, my
26 wife Verlie and Geoff Ablett and prior to getting there
27 Geoff Ablett was talking to John Woodman and John Woodman
28 left that meeting.

29 Did you, as a matter of what you had been doing with SCWRAG

1 over the years up to 2018, did you seek any appreciation
2 from Mr Woodman about your assistance?

3 MR LAWRENCE: Sorry, Commissioner, "appreciation". Can that be
4 explained?

5 WITNESS: Yes, could you explain that?

6 MR TOVEY: Any expressions of appreciation from Mr Woodman for
7 your assistance?---I'm not sure. I can't recollect that.
8 Had you sought to assist him over the years?---Okay, sorry,
9 I'll take a step back. In January 2019 - sorry, December,
10 late December, Jenny Little said, "We would like to
11 continue your consultancy agreement. We would like to
12 include or to add to your agreement Exford Waters and also
13 Jubilee out west.

14 Yes?---So I subsequently met with Jenny Little and John Woodman
15 in Jenny Little's office, in Watsons' office, and he
16 started off by saying, "Your information that you're
17 giving is quite valuable to us. The market information is
18 quite valuable."

19 Did he ever speak to you about his interests or your
20 performance in respect of Hall Road or the C219
21 rezoning?---No, he didn't, no, not that I can recollect.

22 All right. You are aware - I want you to understand that when
23 I ask you these questions, these are just preliminary
24 questions?---Yes, okay.

25 There are a lot of recorded telephone conversations, there was
26 lots of other material out there. Now, the only way you
27 can do yourself damage is if you don't tell us the truth;
28 do you understand that?---Yes.

29 Now, do you want to rethink whether or not you ever spoke to

1 Mr Woodman about H3?---Sorry, yes, with H3 I did, yes.

2 That was why I met with him at Megan Schutz's home, sorry.

3 Sorry, I thought I answered that before. Did I not?

4 Was that the only time you spoke to him about H3 or anything to
5 do with H3?---He sent an email to John Dwyer of Dacland
6 trying to broker an agreement with that together and I was
7 included on that correspondence.

8 COMMISSIONER: So when did you, Mr Walker, become aware that
9 Ms Schutz was not merely working for Leightons, but was
10 also working for Mr Woodman or Wolfdene or
11 Watsons?---Well, I think certainly I was aware in 2018.
12 She had an office there. And also I started to do some
13 projects for her, separate projects, which turned out to
14 be for Watsons.

15 Yes. So when's the earliest that you can pinpoint that you
16 realised that she was representing Watsons, Woodman,
17 Wolfdene as well as Leightons?---Look, to be honest,
18 I can't be exact. It was some time later. Because when
19 I took the contract with Watsons, as I said before, there
20 was nothing that appeared untoward. Sorry, I guess when
21 I think about it at that stage it was one of her clients
22 because I spoke to her and I said, "Look, our income is
23 going down," just put it very briefly, and I said, "Do you
24 have any consulting work that I could do?" Sorry,
25 I'm correct on this. I gave my resume to her and it
26 turned out to be with Watsons. So, I apologise for that.
27 That's all right?---That was a client, obviously was a client.
28 I'm sorry, did I follow you: you raised with her whether or not
29 there was any consulting work you could do?---Yes, look,

1 in 2016 our business income started to decline, my wife
2 and I, and my wife had developed breast cancer, and we had
3 a daughter who was bedridden at home from a WorkCover
4 accident. So I was doing top-up income, but that was few
5 and far between. We had developed a professional
6 relationship, because we'd worked in connection over that
7 time, the early time, and I just casually asked her, "Do
8 you have any consulting work?" And that's what I said.
9 I gave her my resume and she came back and said, "You are
10 going to be interviewed by David Newman, the CEO of
11 Watsons, and also Jenny Little."

12 This might assist you then. When she told you that, did you
13 already know that she had a connection?---No, I didn't
14 know.

15 So was that the first time?---That was the first time as
16 I recall, yes.

17 I see. Yes, thank you.

18 MR TOVEY: When was it that - sorry, I will ask you this. You
19 had a residence, did you, somewhere in the Alarah
20 Estate?---Yes.

21 Can you just spell Alarah for us? It's been spelt a number of
22 different ways?---A-L-A-R-A-H.

23 And when was it that you moved into that estate?---October
24 2014.

25 All right. What was your background at that stage? What
26 business - what type of business had you been involved in,
27 what qualifications do you have?---My wife and I had a
28 direct sales business, a very, very successful direct
29 sales business.

1 What was it?---A network marketing business model, which we
2 earned a significant amount of income, but my income had
3 declined. I'm an accountant business consultant by
4 background and I worked at MYOB, employed just a couple of
5 years prior for introducing their new cloud accounting.
6 Before I go on and before I forget, your Facebook page, is that
7 a private account that needs to be logged into or is it
8 open for all to see?---This is my wife's?
9 Yes?---You'd have to ask my wife.
10 Is it an account that you log into to - - -?---No, I don't.
11 I have an account but I don't use it.
12 Do you know what the password is for the Facebook account which
13 involved H3? Sorry, which involved SCWRAG?---No, I don't.
14 All right. It is something you are readily able to find
15 out?---Possibly, yes.
16 Perhaps you could ask during the morning break what that
17 password is?---I don't know that I would necessarily get
18 that, actually, because I have wanted - we did set it up
19 as a private page because I wanted to use that to talk to
20 members as an efficient way, but I didn't have the skills
21 and the person that I did appoint, she backed down, so we
22 didn't use that Facebook page after that time.
23 So when was it that it was set up?---It was set up very early
24 days when we first started off having quite big meetings
25 in February 2015.
26 And for how long did it last?---Not very long.
27 Are we talking six months?---Probably six months at that stage,
28 yes.
29 So you said it was February '15, was it?---February 2015. We

1 already had a member of SCWRAG that was starting to use
2 that.

3 I'll come back to that. At that time in 2015, that Facebook
4 page made it apparent that Leightons had provided
5 financial support?---Leightons provided financial support
6 for - - -

7 That was on the Facebook page, was it?---I don't think the
8 Facebook page, no.

9 Where was it?---Pardon?

10 Was it anywhere or - - -?---Sorry, I don't understand your
11 question.

12 Is it anywhere that it was recorded; that is, was it on some
13 newsletter or some other notification platform where that
14 information appeared? That is, that you were being
15 financed by Leightons?---Absolutely, as I said, and
16 I think I've also brought it out in some later newsletters
17 as well, but certainly my - locally in my community, the
18 Alarah community, it went out to quite a few people
19 through my wife's Facebook page that we were being
20 supported by Leighton Holdings.

21 I'm sorry, I'm not with you. Was there any notification on
22 Facebook, this is over the time that the SCWRAG Facebook
23 page existed or was active in 2015, about the relationship
24 with Leightons?---I can't recall, but I don't think so.

25 All right. Was there any newsletter during that period of time
26 which laid out the relationship with Leightons?---No.

27 Was there any email during that period of time which laid that
28 out?---Look, I can't recall. I can't recall that.

29 Is there any other communication device whereby that

1 information was conveyed during that period of time?---It
2 may have been later on, but I can't recall.

3 I want to be fair to you. What I'm suggesting to you from the
4 documentation we have, it appears that it wasn't until
5 after The Age suggested there was a relationship between
6 yourselves and Leighton in 2018 that there was any
7 communication of that fact through a newsletter or any
8 other device; does that sound correct to you?---Well, it
9 was certainly the community Facebook page, the Alarah
10 community Facebook page, I did come out and say that.
11 I don't know that I put it out on a newsletter. There
12 might have been one, but I can't recall exactly.

13 Sorry, there was an Alarah community Facebook page?---Yes.
14 And does that still exist?---It's a consolidated Facebook page
15 now, I understand, between Alarah, Ambrosia and Casiana
16 Estates which are pretty well in the same area.

17 And who administers that?---I'm not too sure.

18 Anyway, just going back to your background and your history in
19 the area, in some time around mid-2015 was there - sorry,
20 in February 2015 was there a community day which you
21 attended?---Yes, that's correct.

22 And was that your first involvement in the issue of C219, that
23 is the rezoning issue?---No, in early February we had
24 doorknockers that came to our place and asked us are we
25 aware that the land on Hall Road and Western Port Highway
26 was zoned industrial.

27 Yes, okay?---So that's first time I was aware and I was
28 absolutely horrified to know the extent of that land.

29 And who sent those doorknockers around?---That was paid by

1 Leighton Holdings as I've since found out.

2 When did you find that out?---I only found out recently when

3 I went on to the - our Facebook - sorry, our website,
4 actually. It was done by KREAB, who were consultants.

5 But I did know prior to that it would have been done by
6 Leighton Holdings.

7 I just want to go through generally. I'll go back to more

8 detail very shortly?---Sure. Okay.

9 But was it the case then that you responded to the doorknocking
10 and checked in with the people who were conducting it on
11 the - who had been responsible for the doorknocking on the
12 day before the community meeting and then caught up with
13 them at the community meeting?---My wife and I went along
14 to - sorry, they invited us along to a community
15 information day at Quarters Park later in February 2015
16 and that's where I met the landowners. I met Megan
17 Schutz, who told us she was acting for both parties.

18 Yes?---I met Tom Kenessey, who was connected with Leightons,
19 now CIMIC, and Councillor Gary Rowe, who told me that he
20 was for the rezoning.

21 Yes. Anybody else there?

22 COMMISSIONER: Sorry, what date was that, Mr Walker?---That was
23 about mid-February 2015.

24 MR TOVEY: It's 7 February, Mr Commissioner.

25 WITNESS: Was it the 7th?

26 COMMISSIONER: And you said Ms Schutz said she was acting for
27 both parties?---Yes.

28 Which parties were they?---That was the Kelly family and
29 Leighton Holdings and the - yes, okay.

1 MR TOVEY: All right. Was it on that day that there was
2 discussion about setting up a community group?---I said to
3 Megan Schutz and Tom Kenessey that if there's a residents
4 group I'd certainly like to be involved.
5 Did they raise with you the possibility of setting up a
6 residents group?---Yes, they did.
7 So that was Megan Schutz and Tom Kenessey?---Principally Megan
8 Schutz.
9 And did she then follow through with that?---Yes.
10 By contacting you in the period immediately following
11 7 February?---Yes.
12 And ultimately the name SCWRAG was devised?---Yes.
13 And who suggested that name? Was it her?---Megan Schutz would
14 have done that through her contact - - -
15 There are a number of emails about that. I just want your
16 recollection at this stage. Was it she who devised the
17 name, set up the website?---Yes.
18 All right. So SCWRAG didn't ever have a bank account?---No,
19 never.
20 So if anything needed to be paid for, it was paid for by Megan
21 Schutz, was it?---Yes.
22 How much funding was there initially put in by Leightons to
23 your knowledge at that time?---No idea.
24 Was there ever any proposal that you would raise funds
25 yourself?---Yes, there was. Just prior to the planning
26 panel I had a - Megan Schutz couldn't make the meeting - a
27 committee meeting where one of her associates attended
28 that meeting and said, "We believe you should have a
29 lawyer at a planning panel" and I said, "No, we don't want

1 a lawyer." In fact - - -
2 You didn't want a lawyer, yes?---Sorry, no disrespect to the
3 people here.
4 No, I can understand. That's a very rational decision in most
5 situations?---I did talk to other groups, particularly the
6 Brookland Community Centre, which was well established.
7 They had a lot of issues with industry, closeness of
8 industry, and they just - they did their own advocacy and
9 I was quite prepared to do that myself. And he took me
10 aside, this guy, and said, insisted, "You need to do
11 this." I was reluctant. Then Megan Schutz said, "Can you
12 do this? Can you get the residents to donate to that?"
13 I said, "No, I'm not prepared to do that."
14 All right. So what happened? You ended up being represented
15 at Planning Panels Victoria by - what was the lady's
16 name?---Emily Porter.
17 Emily Porter?---Emily Porter.
18 Yes. So you didn't want to do it. How did you become
19 involved?---In what sense?
20 You didn't want to employ a lawyer before PPV and you were
21 happy to appear personally?---Yes, which I did.
22 But then you say Ms Schutz suggested that you should be
23 represented. How is it that she overrode your wish not to
24 be represented or, if you were, to do it yourself?---Well,
25 the view was that you wouldn't win without a lawyer.
26 But there were already lawyers there, were there not, being
27 paid for, no doubt handsomely, by other persons who had an
28 interest, including Leightons?---Well, I guess
29 I reluctantly agreed at the time because we had different

1 reasons, we had totally different reasons why we wanted
2 the rezoning.

3 When you say "we", that's you and Megan Schutz?---No, no, the
4 residents.

5 When you say you had different reasons, different reasons from
6 whom?---From Leighton Holdings and the Kelly family.

7 All right. So in any event how long did the planning panels
8 hearings go?---I think it was about two weeks. It might
9 have even been three weeks.

10 And so you had a barrister who had to prepare for a two or
11 three week hearing?---I don't know how often she attended.
12 Were you there the whole time?---No.

13 Were you there from time to time?---Yes.

14 Did you provide a brief to Ms Porter?---I didn't provide the
15 brief, no. She did ask me questions.

16 Who provided the brief?---Pardon?

17 Who provided the brief?---I don't know. I'm not too sure.

18 Megan Schutz has given evidence that she provided it?---That's
19 probably exactly right. I did give her - I had done a lot
20 of research in the area. I showed her there was a
21 B-Double trucking business there on the industrial estate
22 which shouldn't have been there, in my view, to show the
23 potential of B-Double trucks driving through the estates.

24 For how long did you confer with Ms Porter before this - -
25 -?---I had a meeting. Megan Schutz brought her around to
26 my wife and my place. Then I met with her once - - -

27 Was Megan Schutz present?---Megan Schutz was present at the
28 first time. She introduced us. The second time I met
29 with Emily Porter separately.

1 Was that in her chambers?---No, that was in Bunjil Place, which
2 is where the planning panel hearing took place.
3 So that was just before the hearing kicked off, was it?---Yes,
4 before she did her submission.
5 And for how long did you meet with her on that
6 morning?---Probably 15, 20 minutes, possibly.
7 And was Megan Schutz previously at your home?---That was
8 probably about an hour, possibly.
9 Did you provide her with any documentation?---Yes, I gave a
10 copy of what I was going to say.
11 So had it got to the stage then when you were actually prepared
12 to make your own presentation to the planning
13 panels?---Sorry, say that again?
14 Had it got to the stage where, before Emily Porter was briefed,
15 you were going to do your own presentation?---Absolutely,
16 yes.
17 And indeed you had prepared a presentation?---Yes.
18 Who paid for Emily Porter?---I don't know. I've got no idea.
19 I would presume Leightons, but I don't know. To be
20 honest, I don't know.
21 Were you present during the hearings when Ms Porter was making
22 submissions?---Yes.
23 And was it the case that Ms Porter was representing herself as
24 putting forward the independent view of residents?---The
25 independent view? The legal view, I guess, of the
26 residents.
27 She referred to you, according to the PPV report, as the
28 "independent voice of the community". Was that the way in
29 which the matter was put before the panel?---I can't

1 recall.

2 The report refers to the submission that your involvement
3 reflected "participatory democracy at work". Do you
4 remember that being said?---To be honest, I can't recall
5 any of the submission.

6 COMMISSIONER: Was it ever your understanding, Mr Walker, that
7 the tribunal was told that a developer was funding all of
8 the costs associated with the court proceeding?---No,
9 I wasn't there the whole time.

10 No, that's not my question?---Sorry.

11 Did you understand - was it your understanding that at any
12 point of time the tribunal was informed that a developer
13 was funding the entire costs of the proceeding?---No, I'm
14 not aware of that.

15 You realised that the way it would be presented to the tribunal
16 was that this was an independent application made by your
17 organisation and the tribunal was left with
18 the impression that your organisation was funding the
19 process?---Um, again - - -

20 It is what it is, Mr Walker?---Yes, well, I guess - yes.

21 That is the case, is it?---Yes.

22 MR TOVEY: Going now back to the development of SCWRAG, did you
23 set up a committee?---Yes.

24 And who was on that committee?---Well, it varied. Certainly it
25 was very strong at the start. We had, you know, sometimes
26 at meetings - it wasn't so much a committee, but people
27 had turned up, probably 20 to 30 people initially.

28 So you didn't really have a committee; there was sort of a core
29 group who - - -?---A core group who turned up initially at

1 the meetings until we incorporated in 2017.

2 Yes, and what happened once you incorporated?---Well, we had a
3 formal committee then.

4 And who was on that committee?---They were residents.

5 And what were their names?---Eric and Pam Day, Sepal Patel, Jan
6 Campbell, Carol Klinger, my wife and myself.

7 And how often would you meet?---And Sophiya Singh, sorry.

8 And how often would you meet?---Probably every three months and
9 later probably a little bit more spread.

10 And you would submit, would you, annual returns?---We did in
11 2018. 2019 we didn't and I asked - that was when IBAC
12 came in and so I approached the Consumer Affairs to say,
13 "Look, we are subject to an independent investigation.
14 Can this be held over?"

15 In 2018 was that process completed by you, your committee
16 independently, or was Megan Schutz involved in that?---No,
17 she wasn't involved in that.

18 Did you have a membership list?---Yes.

19 Was that membership list something that you were - how many
20 people did you have on the list at your peak?---It varied
21 anywhere between a thousand - well, over a thousand.
22 I think the peak was 1100.

23 How did you communicate with them?---By email.

24 Did you have emails for all of them?---Pardon? Not for all of
25 them, no.

26 Was it the case that there were some 600 or so that you didn't
27 have emails for?---I don't think it was 600. I think we
28 had 600 for emails. But one of the - - -
29 Sorry, you had 600 that you were able to contact by

1 email?---Yes.

2 Did these members rejoin every year?---No.

3 So how would a member join?---They could join online or they
4 could send me an email and that.

5 So if there were 600 for whom you didn't have emails, how did
6 you determine that they remained members?---This was a
7 challenge, to be quite frank. As time went on, people
8 fell away. I canvassed to get extra people on the
9 committee that had the capability to assist, to help be
10 involved in getting up the Facebook page, but also the
11 list. We had a lady for a very brief length of time who
12 went through the list and was able to split it into
13 manageable portions we could send out, and she started to
14 go through and contact people as well as myself, but - - -
15 I just want to work through this. So you start off in
16 2015?---Yes.

17 You get a web page?---Yes.

18 In March 2015. This follows upon the community day where at
19 this point the rezoning is getting plenty of
20 publicity?---Yes.

21 And has become a community hot potato to some extent?---Yes.

22 So it was in that period that you attained the vast majority of
23 your members?---The biggest thing that gave us the
24 greatest membership was the incorporation. We did have
25 names of people from day one, the 500. We also had 739
26 people who signed the petition in about April/May 2015.

27 But did they sign membership forms?---No, not at that stage,
28 no.

29 So you had 500 plus 700. You claimed the petition people as

1 members, did you?---No, no, we didn't sign them up
2 necessarily as members at that stage.
3 No, but you were counting them as supporters?---Yes,
4 supporters, absolutely.
5 And if you wrote to councillors or anybody else, you'd be
6 claiming, would you not, to have both the 500 plus the 700
7 as - - -?---Not plus the 700.
8 Well, you see - okay, you start off with 500. They are people
9 who have actually made out membership forms or joined up
10 online?---No, we didn't at that stage.
11 You didn't?---No.
12 So, I just need to know about this?---Sorry?
13 I need to know about this?---Sure.
14 You've got 500 people you've mentioned who came along early in
15 the piece. They hadn't filled in membership forms?---No.
16 Or signed up online?---No.
17 So they were just names that you had, were they?---Yes, yes.
18 And some of them you had emails for, some of them you
19 didn't?---Yes, that's correct. I did have a list on a
20 spreadsheet, but it certainly wasn't the total number.
21 All right. Then you run a petition where there are another
22 700, or a petition - - -?---Of 700.
23 Yes. Did you ever compare that petition, the names on that
24 petition with the list of 500 to see how many were
25 repeated?---No, I didn't.
26 All right. So in terms of numbers, was there any process
27 whereby your formal membership became more readily
28 identifiable or was there a new and better
29 registration?---2017 when they signed as members, they

1 signed forms and they were put into a database, a
2 spreadsheet database.

3 And how many signed forms?---Pardon?

4 How many signed forms in 2017?---There would have been 1050
5 forms.

6 And some of those you had names for? Sorry, emails for?---Some
7 we would have had emails for, yes.

8 But many you didn't?---Yes.

9 So from that point onwards is it fair to say you really didn't
10 have any idea of how many active members you had because
11 you had no process for determining that?---Well, it was a
12 shortage of resources.

13 No, I'm just asking - - -?---Yes, it did - - -
14 I'm not blaming you?---No, no, I'm trying to say it did - we
15 didn't have the resources to be able to do what you're
16 saying, no. I would have liked to.

17 Now, in respect of the 1050?---Yes.

18 Were there actual membership applications made out by those
19 people or were these people who through other processes
20 had been identified as people who identified with your
21 cause?---Yes.

22 It was the second; these were people who had not necessarily
23 filled out application forms, but people who had been
24 identified on one list or another as people who identified
25 with your cause?---The bulk of those people would have
26 signed forms because we did a door-to-door campaign across
27 the Cranbourne West estates. Some people would have
28 signed online to add to that process.

29 Were you able to count exactly how many signed online and how

1 many just had names from other sources?---I don't know.
2 No, all right. So is it fair to say then that by 2017 you had
3 a list of names, some of whom were people who had actually
4 signed up, many were people whose names you had from
5 various contacts just as supporters; is that right?---Yes.
6 Some of those people you just had addresses for?---Yes.
7 Some of them you had addresses and phone numbers?---Yes.
8 And some of them you had addresses and phone numbers and/or
9 email addresses?---Yes.
10 And there was never any process by which you could really
11 determine how many members you had as opposed to a guess
12 as to the number of supporters you had; is that a fair
13 estimate of the situation?---Well, there was a listing.
14 The spreadsheet listing was around 1050 because I did a
15 lot of collating on that.
16 But there was no way of checking which one of those people had
17 actually signed up or not signed up, which were members,
18 which were supporters; true?---Well, the 1050 would have
19 been members.
20 You call them members, but you had no way of checking how many
21 of those had actually signed up - - -?---They were
22 directly off the forms. They were directly off signed
23 forms which your people took away.
24 All right?---They would have signed a form, quite often ideally
25 with their name, their address, their email and a
26 telephone number, but some didn't.
27 Excuse me, Mr Commissioner. There was just a document that's
28 not part of the court book, unfortunately, and having been
29 given it physically I have managed to lose it.

1 COMMISSIONER: That's all right.

2 MR TOVEY: Could you have a look at this document, please?

3 This is a bundle of documents relating to the 2018 return
4 of SCWRAG; okay?---Yes.

5 The first is a notice from Consumer Affairs dated 30 August of
6 2018 indicating that your annual statement is overdue; is
7 that correct?---Yes.

8 All right. Could we then just scroll down. If you can see
9 there is a series of emails and I think we need to start
10 at the bottom and move up. Now, I'm just trying to work
11 out which of those on the screen comes first. That's
12 5 September at 3.21. Can we go up to the next one,
13 please. Keep on going up, and keep on going up. Thank
14 you. Just go down to the next one, please. So this is an
15 email on 31 August at 10.17 am?---Yes.

16 From Megan Schutz to Dan at Schutz Consulting about your
17 overdue annual statement. Then you'll see there, "Dan,
18 the SCWRAGers are incorporated. We need to sort out their
19 annual financial statement. Not sure what's required.
20 It's overdue according to Ray. Can you investigate and
21 can we discuss in the next fortnight to ensure that they
22 are compliant? May require a call to Consumer Affairs."
23 Is that right?---Yes.

24 So what's happened is that you have had a notice from Consumer
25 Affairs about the requirement to put in an annual return
26 and what you've done with that is you've referred it to
27 Megan Schutz?---Yes.

28 Why was it referred to her? Was that because she's the person
29 who had total control of the finances of the association

1 and was the only one who really knew what was going
2 on?---No, it would have been set up through her. They
3 would have set up the incorporated body.
4 But you had no control at all over finances, did you?---We had
5 no funding, we had no assets, and we had no bank account.
6 So, insofar as expenses were required for signage, advertising,
7 letterboxing or any of the other things which we'll go to
8 which have been discussed, or lawyers, they're all things
9 that were being paid for by Megan Schutz?---Yes, that's
10 correct.

11 From funds and you really had no idea where they came from
12 other than the fact that you knew you were initially
13 seeded by Leightons?---Yes, that's correct, yes.

14 Did you ever ask her where the money was coming from, for
15 instance - - -?---Yes, Leighton Holdings. I asked her,
16 "Who's funding that?" And she said, "Leighton Holdings."

17 All right. In any event, is it the case that you simply handed
18 it over to her to take care of that?---No, look, it was -
19 - -

20 That's the long and the short of it, is it not?

21 COMMISSIONER: The only reason, Mr Walker, that Ms Schutz could
22 "sort out" SCWRAG's financial statements is because she
23 had been the entity - it was through her that all of your
24 expenditure was paid for and you had no income of your
25 own, did you?---None at all. I paid some expenses out of
26 my own pocket.

27 So far as SCWRAG's expenses were concerned, she was the person
28 through whom you worked to have those things met?---Yes.

29 MR TOVEY: If we could just scroll down, please. So this is at

1 31 August at 10.09 am and this is an email from yourself
2 to Megan Schutz and if we can just scroll down you can see
3 there that you indicate that the reason - sorry, stop
4 there. You indicate the reason that you incorporated, the
5 fact that you hoped to crowd fund to pay for a lawyer, you
6 said you have a board in place, but operated rather
7 loosely?---Yes.

8 Due to time constraints on your part, and by "loosely" you
9 really meant there was in fact in no formal sense any
10 board at all, but just a core of people who would normally
11 turn up?---Yes.

12 All right. You went on to say, "We have no finances within the
13 structure and I have to say members who just make up the
14 numbers." What do you mean by that?---What actually
15 happened is over time, because it was five years we still
16 hadn't had a decision by Richard Wynne, and that's a long
17 time for people to say, you know, "When is it going to
18 happen, if ever it's going to happen?" So, they became
19 apathetic. I regularly in my emails to members asked
20 for - we'd like to invite people to come along and join
21 the board who have skill sets and the capability to assist
22 us, assist us with what we do. I must have done that
23 three times. Never had any result.

24 So I just want to understand this. How many people could you
25 email?---Probably about - probably about five or six
26 hundred.

27 And those were the only people you could contact because it
28 wouldn't be practical to contact people by ringing them,
29 if you're ringing them in their homes?---We didn't have

1 the resources and that was the real problem towards the
2 end. Even at the panel hearing people didn't turn up. We
3 wanted people to come along and support.
4 I understand that. So here you are, you have five or six
5 hundred people you are capable of contacting and they are
6 largely apathetic?---Yes.
7 So after the initial rush everybody just dropped off?---Yes.
8 So the truth of the situation was that the best you could make
9 out was that there was very little interest in the issue
10 after a period of time, that is on the rezoning issue.
11 Isn't that what you've just told us?---I don't know about
12 interest. It's like resignation more than anything else.
13 That was the thing. You know, we went back four times,
14 Richard Wynne knocked us back. He raised the bar, changed
15 the goalposts and - - -
16 I just want to confirm what you've already - what I understood
17 you've already said, and that is that you were able to
18 email five or six hundred of your members?---Yes.
19 That was the only way you could contact them?---Yes.
20 Hardly anybody responded to provide any indication of support
21 for your ongoing campaign?---Yes, well, I actually - - -
22 No, is that a fair summation of the way things were?---Yes.
23 I actually phoned - - -
24 But the trouble is this, is it not - - -?---Sorry?
25 That you then were going to the minister time and again, either
26 in writing in documents prepared by yourself and Megan
27 Schutz; that was one of the ways you would approach the
28 minister?---Yes.
29 And invariably you'd claim to be acting for 1100 people who

1 were passionate supporters of your proposal; that's the
2 way in which it was pitched, wasn't it?---Yes, it was.
3 That just wasn't true because the best you could work out was
4 that of those 500 you contact, most of them didn't
5 indicate they could care less at the time?---Well, they
6 did sign a form as members that they were - again, they
7 wanted the land rezoned to residential.
8 In any event, we go on further down. "Our meetings have not
9 been formally organised." You have not held an AGM. So
10 was it the case you didn't hold board meetings as such.
11 You didn't hold an AGM?---No, no.
12 And then you indicate, "The annual return is principally for
13 lodgment for financial statements. It would be helpful to
14 get the advice of a lawyer to review and advise us on this
15 issue." All right. That's what you sent to Megan
16 Schutz?---Yes, I did.
17 And insofar as you sent that to her it was in the expectation
18 that she would do what was necessary?---Yes, yes.
19 And you did that understanding, did you not, that so far as it
20 came to the structure and financial affairs of SCWRAG, she
21 basically had the whole organisation in her hand;
22 true?---No, I object to that - well - - -
23 Sorry? You yourself and your board had - you yourself had no
24 input, did you?---In what?
25 Into the structure or the financing of SCWRAG?---Certainly
26 I didn't on that.
27 She did. That was something that was totally controlled by
28 her?---Yes.
29 All right. I'm not saying that you didn't stand up for your

1 own views if they conflicted with hers. I'm not saying
2 that you were totally supine - - -?---No way known.

3 Or would subject to her directions?---That's right.

4 But the thing is, is it not, that over a period of time you had
5 to become aware, did you not, that although you saw it as
6 you achieving your results, she was there to achieve her
7 results with your help?---Yes, certainly I understand
8 that, yes.

9 COMMISSIONER: And you weren't troubled about that so long as
10 your interest coincided with her?---Yes.

11 Is that your position?---Yes. Look, one of the biggest
12 disappointments I have to say, as I said, four times we
13 were knocked back, changed the goalpost, and even in
14 January 2018 when the planning panel, the government's
15 planning panel voted in favour of the rezoning, so that
16 was about the third time he appointed a planning panel and
17 everyone was really positive at that point in time. That
18 was probably the real strength at that time because we had
19 appointed - the incorporation was only five months
20 previous and people had told me that planning panels
21 normally don't get overridden.

22 MR TOVEY: The trouble was that there was an Age article,
23 wasn't there, about that time?---That was in November, but
24 I mean that's quite a bit later.

25 But you were aware that The Age article was coming?---No,
26 I wasn't aware The Age article - I had no idea The Age
27 article was coming.

28 Wasn't there discussions? Weren't there discussions between
29 you and Megan Schutz about the fact that The Age was

1 poking around and whether or not you should speak to
2 them?---I can't recall that.

3 And what you should - - -?---No, that was after it was
4 published and we discussed it and they were - she said
5 they were silly. I said to myself, "I want to talk to the
6 reporter," which I did, but I didn't hear anything prior
7 to that.

8 And after it was published, and I'll take you to the calls, but
9 do you agree that it was sought to create a distance
10 between yourself, that is between SCWRAG and the
11 developers as much as possible?---Yes, I believe that was,
12 yes.

13 COMMISSIONER: Mr Tovey, I see the time. Did you want to - is
14 it your objective to try to finish Mr Walker this morning?

15 MR TOVEY: No, it's not, Mr Commissioner. However, I was going
16 to take Mr Walker in detail through a number of documents.
17 The nature of his answers are such that I might be able to
18 put the import of those documents to him and be able to
19 cover the same territory in a less discursive fashion if
20 I'm given the opportunity of 20 minutes of just looking at
21 where I was going from now.

22 COMMISSIONER: Yes.

23 MR TOVEY: Because we've had the opportunity during this
24 introductory phase of generally getting a sense of where
25 Mr Walker is in respect of the things that I was going to
26 go into detail about.

27 COMMISSIONER: Yes. So, I'm sorry, what are you proposing?

28 MR TOVEY: I propose about 20 minutes, a break for about
29 20 minutes.

1 COMMISSIONER: All right. So, Mr Walker, we'll have a break.

2 You are welcome to leave the building. I suggest you get
3 some refreshments, have a chat to your counsel. We will
4 see you back here at about five to 12?---Thank you.

5 (Short adjournment.)

6 COMMISSIONER: Yes, Mr Tovey.

7 MR TOVEY: Thank you, Commissioner. On 19 July 2016 financial
8 records indicate that Watsons started regular payments to
9 you of \$5,500 a month?---Yes.

10 Is that right?---Yes.

11 At that stage had you entered into any written agreement or
12 contract or memorandum of understanding with
13 Watsons?---Yes.

14 Was it then or at some later stage that that occurred?---It
15 would have been prior to me starting.

16 Do you have a copy of that?---I'm not sure of that one.

17 So at that stage was DCT Consulting, this is in January 2016,
18 was DCT Consulting conducting any business at all before
19 this came along?---Yes.

20 Had that been an ongoing business?---A direct sales business,
21 my wife and I had a direct sales business through that,
22 plus certain consulting work that I had done as well.

23 Had that had any income in the period leading up to 19 July
24 2016?---Yes, yes.

25 And did it continue to have income from sources other than
26 Watsons?---Yes.

27 So was it the case then that as of July 2016 you understood
28 that you were to be paid by Watsons or you and your wife
29 through DCT Consulting were to be paid by Watsons a sum of

1 approximately \$60,000 a year?---It was never spoken in
2 those terms. It was always a six-monthly agreement,
3 arrangement.

4 COMMISSIONER: Just describe, would you, Mr Walker, for me in
5 your own terms what did you understand the arrangement
6 was?---The arrangement was to prepare four weekly reports,
7 four reports a month, and I was to be paid \$5,500, and
8 that was to be for a six month period which would be
9 reviewed in 2017 calendar year.

10 MR TOVEY: Was your wife involved in obtaining the data or the
11 compilation of those reports?---Not in the early days
12 because she was working full-time. She did on some
13 weekends when she had time, but principally at that early
14 stage it was me.

15 And what did you do?---Okay. The consultancy agreement was for
16 the collection of residential land sales data for the
17 cities of Casey and Cardinia and specifically to obtain
18 lot sales, land sales, plus pricing on an estate by estate
19 basis.

20 So what did you actually do? How did you perform that
21 function?---Okay. Well, what I did was I first of all set
22 up a database obtaining all the current estates in the
23 cities of Casey and Cardinia. So I set up the database
24 who the companies were, who the owners were and that's
25 what really started me off to find out who was currently
26 selling land in those areas.

27 And what else did you do?---Okay. From that point that gave me
28 a reference point. Then what I did was to see if some of
29 the information was available online because some

1 developers actually have a comprehensive list of
2 sales - not sales data - lots on hand, so they identify
3 releases by lots on hand. So what I needed to do was get
4 a point of the available lots on hand at a certain point.
5 I also visited a lot of estates that didn't have that
6 information, got price lists which listed out the prices
7 and also the lot sales at a certain point in time.

8 And so how often would you go and visit estates to update the
9 information that was available?---Certainly on a weekly
10 basis. So it was quite a regular process through most of
11 that week so that I would be in a position that I could
12 have - taking the available lots at two points in time,
13 one at the start of the week and one at the end of the
14 week, and by a process of analysis I was able to obtain
15 the sales.

16 And so how many different - sorry. When you were getting the
17 sales data, you were going to the developers onsite or - -
18 -?---Yes.

19 To anybody else?---Well, certainly early days it was
20 principally obtaining that sales data.

21 All right. So you needed to get that from either developers
22 onsite or off the net?---Online, on the internet, yes.
23 I also made a point of visiting the area just to get a
24 feeling and an understanding of where they are located so
25 I could build that into my background knowledge.

26 COMMISSIONER: When did this arrangement commence,
27 Mr Walker?---In July 2016.

28 And prior to that time had you been paid any money - I don't
29 mean now for SCWRAG, I mean for you - had you been paid

1 any money by Ms Schutz on behalf of any
2 developer?---Nothing. Nothing at all. For the first
3 15 months from February 2015 to May 2016 or July, I was
4 paid no money. I was purely a volunteer.
5 And how long thereafter, that is from July '16, for how long
6 thereafter did that arrangement remain in place?---It was
7 pretty well continuous for three and a half years.
8 And the amount that you were paid, did that change?---It did.
9 For those first six months I was paid on a weekly
10 reporting basis. In the second six months it was on a two
11 reports a month in 2017.
12 But did the amount that you were paid change?---I negotiated a
13 slightly higher rate per report.
14 I see. And you mentioned earlier in your evidence that you
15 raised with Ms Schutz whether there was any consulting
16 work that she would know was available for you to
17 undertake. Is this the arrangement - - -?---This is the
18 arrangement that I met with - - -
19 That came as a result of your enquiry?---Came as a result of my
20 enquiry, yes.
21 MR TOVEY: So you made enquiries of her. Had you been making
22 enquiries of anybody else at that stage?---Well, as you
23 get older, jobs are harder to find. I was doing some
24 short-term roles and when I found my wife had breast
25 cancer, that really concerned us and that's when our
26 income started to go down in 2016 from our business income
27 which was very successful. So, I'd been working with
28 Megan Schutz, got to know her quite well professionally,
29 so it was just an open question to say, "Do you have any

1 clients that might be interested in some consulting work?"
2 And once you raised it, how long did it take her to get back to
3 you?---I think it was fairly quick.
4 And then once she got back to you quickly, you realised that it
5 was John Woodman and Watsons who were providing you with
6 the work?---Yes.
7 And you knew who John Woodman was?---That was the first time
8 I was aware of John Woodman. When I knew it was Watsons,
9 I went on to the website and it looked very impressive,
10 what they'd done, but nothing untoward I could see at that
11 stage, and the fact that I was being interviewed by the
12 CEO and the senior manager, I thought, "This must be
13 something important they want me to do."
14 But you were aware at that stage that Watsons were involved in
15 the C219 rezoning?---No, not at all.
16 When did you become aware of that?---Well, not for some time
17 quite later, actually, to be quite honest.
18 Then at some stage whilst this arrangement was in place, Megan
19 Schutz came to you, did she not, with seeking some support
20 in respect of H3, the H3 Intersection and Hall Road
21 generally?---I initiated a lot of that.
22 No, I'm asking you did she come to you at some stage indicating
23 that she had an interest in H3?---Yes, she did.
24 And at that stage you were aware that that interest was because
25 of Mr Woodman's interest? She came to you with a brief,
26 did she?---Look, I didn't see it immediately and I didn't
27 question it immediately. But it was I think Elysian and
28 Watsons.
29 COMMISSIONER: You see, this is where we got into - - -?---Yes,

1 I needed to clarify that. I spoke to the lawyer about
2 that, yes.

3 Yes. Because from the moment you were being funded for any of
4 SCWRAG's expenses for H3, you must have known that wasn't
5 coming from Leightons, that had to be coming from another
6 source?---Yes, it was. Yes, it was, yes.

7 MR TOVEY: Did you ever ask where the funding was coming from
8 as expenses occurred?---For which?

9 After H3 started?---Well, I suspected it was Elysian and
10 Watsons.

11 All right.

12 COMMISSIONER: Let's try and be a little more precise,
13 Mr Walker. When did you first understand that it was
14 Elysian and Watsons that were funding SCWRAG's expenses
15 for H3?---Probably sooner. Not long after.

16 Not long after?---Yes.

17 Not long after what?---After when she put the proposal to me.

18 What proposal was that?---She put a proposal to me for what she
19 called the Hall Road project.

20 Yes?---Which was in April 2018. What she was really wanting to
21 do was to - it was called the urbanisation of Hall Road.

22 That was the section of road between the Western Port
23 Highway and Frankston-Cranbourne Road, that stretch.

24 There was a stretch that was opposite two estates which
25 was only a two lane reminiscent of 30 years ago, and they
26 wanted that to be urbanised, in other words a four
27 carriageway.

28 So it's your evidence that between mid-2016 and April 2018 you
29 had no idea that Watsons or Woodman had any interest that

1 was resulting in Ms Schutz acting on their behalf?---Look,
2 it might have been earlier because she - I did find out
3 that she actually had an office in their building.
4 When did you find that out?---That would have been - I can't
5 remember exactly. Possibly some time in 2017.
6 So let me ask you directly: why have you been hesitant here to
7 disclose the fact that you knew that Ms Schutz was also
8 acting for Watsons and Woodman? It has been a rather
9 difficult process in getting the evidence from you about
10 that. What is it that is concerning you, Mr Walker?---I'm
11 sorry, you're quite right. The fact that she did - she
12 introduced me to Watsons. It was at that stage, yes.
13 But I'm trying to understand what it is that has been troubling
14 you about why you couldn't just say that from the
15 outset?---Well, my view always had been that I knew it was
16 Watsons, but at that stage, certainly at that stage, what
17 shall I say, I didn't necessarily know they'd be involved
18 in trying to apply, I didn't know necessarily its
19 connections straight away in that area. Sorry, I'm not
20 answering myself quite well. I knew she was working for
21 Watsons, but I didn't necessarily know they'd be directly
22 involved in the rezoning straight away.
23 When do you think you first realised that Mr Woodman and
24 Watsons had an interest in not just H3, but C219? When do
25 you think you first realised that?---Well, H3 when soon
26 after she - I was working with her on the Hall Road
27 project.
28 Yes, and what about C219?---Well, that was some time after.
29 I don't recall knowing - I'm not 100 per cent sure when

1 that time was. I'd have to be honest and say that.
2 No doubt you are going to explore that a bit more fully,
3 Mr Tovey. But I'm mindful of the evidence that Ms Schutz
4 gave yesterday about giving Mr Walker certain advice and
5 her expectations about what Mr Walker would have to do in
6 relation to the financial arrangement which Mr Walker had
7 with Watsons.

8 MR TOVEY: Yes.

9 COMMISSIONER: Perhaps while Mr Tovey is contemplating where to
10 go with that, I'm just looking at some invoices that were
11 raised by Ms Schutz for the fees that you were being paid.
12 These are invoices not to you; these are invoices by her
13 as Schutz Consulting that were going to Watsons because
14 she was getting the money from Watsons to pay you, do you
15 follow? And this is exhibit 109. May/June 2018, the
16 invoice is headed "External consultant fees town planning
17 'Schutz Consulting/Ray Walker community campaign fees for
18 May and June 2018'". Now, were there any fees you were
19 being paid for other than the consulting work that you
20 just explained to us a few moments ago?---In 2018 was the
21 first time Megan Schutz engaged me on some projects
22 through her. That was the first time that normally
23 I would invoice Watsons purely for the residential land
24 sales, but from February 2018 I did a number of projects
25 for her separate to the residential land sales.
26 And what were those projects, Mr Walker?---Okay. The first one
27 was in February 2018 where she engaged me as a passive
28 observer for a removal of Aboriginal artefacts in a
29 development in Donnybrook.

1 Yes, and did you have to provide a report or - - -?---Yes, what
2 I did was I physically went to the estate. I had to
3 observe the process because they wanted to make sure costs
4 didn't blow out and I actually got physically involved in
5 the process of sifting and sorting to separate the
6 artefacts from the soil.

7 Yes. And was that a separate agreement to your consulting
8 agreement in relation to land sales?---Yes, absolutely.

9 And were you paid separately for that?---Yes, through Schutz
10 Consulting.

11 And how much were you paid for that?---That was \$55 an hour and
12 I worked there for eight and a half days for 10 hours a
13 day.

14 I see. So that was a one-off - - -?---That was a very - that's
15 a short-term thing.

16 Yes, and was there some other project?---I also did a project
17 at Strathtulloh. Strathtulloh was a development, a green
18 wedge development near Melton South, and that role which
19 Verlie and I, my wife and I, were involved with was to go
20 around and talk to the landowners in that estate to see if
21 they were interested in moving from green wedge to a lower
22 level development, and that's what we did, is doorknock
23 and then to produce a report at the end of that time.

24 And so what council did the Strathtulloh green wedge - -
25 -?---I think the City of Melton.

26 Yes. And who was Ms Schutz's client for the purpose of that
27 exercise?---That was Watsons and I think a guy called
28 Bill.

29 Green?---Pardon?

1 Green?---Bill Green, who was the developer of Exford Waters.

2 They had some sort of arrangement.

3 Yes, Mr Tovey.

4 MR TOVEY: From March 2018 you also were on a retainer, were
5 you not, where you were getting paid by Megan Schutz on
6 behalf of Watsons to provide consultancy services relating
7 to the Hall Road urbanisation?---Yes, yes.

8 Which also involved H3.

9 COMMISSIONER: I'm sorry, I should have clarified. The first
10 project you mentioned of the one-offs for the Indigenous
11 artefacts?---Yes.

12 Who was the client that Ms Schutz was acting for when you were
13 engaged on that?---I believe that was a Wolfdene project.

14 So, from what you've told us there were at least three - well,
15 now that Mr Tovey has elicited that further agreement,
16 four different contractual arrangements in which you were
17 being paid via Ms Schutz for which Watsons and Wolfdene or
18 Wolfdene were the client?---Yes, and there was also a
19 one-off project at Officer, so that was another small
20 project.

21 Yes. And this would have been - these projects were during a
22 time then where you had come to understand that
23 Watsons/Woodman had an interest in both C219 and
24 H3?---Yes, yes.

25 Did you ever turn your mind, Mr Walker, to the fact that as a
26 president of SCWRAG you were thus in a conflict of
27 interest situation?---Well, I thought those projects were
28 separate to SCWRAG. I was doing that, the first project,
29 separate to the Donnybrook project, separate to SCWRAG.

1 Also the Strathtulloh project separate to my activities as
2 SCWRAG.

3 But, putting it simply, you were being paid by the developer or
4 a party connected to the developer in relation to both H3
5 and C219. You were being paid for separate contractual
6 arrangements by Watsons and Woodman, who had an interest
7 in the development which SCWRAG was wanting to see
8 implemented?---My understanding was when C219 as at May
9 2019, that that was bought by - Dacland bought the land
10 from Leighton Holdings. So it was effectively that land
11 moved over to - sorry, Dacland won the deal and Watsons
12 were no longer - they missed out, on my understanding.

13 Sorry, you came to understand Watson no longer had an interest
14 in C219?---Yes, my understanding at that point - - -

15 What time was that, Mr Walker?---In June - we had a community
16 information day at Quarters Park in June 2018 where
17 Jonathon Fetterplace, who was a planning manager for
18 Dacland, he had a presentation of a pro forma of the
19 potential development, and my understanding, and I think
20 I found this out, that they had won the land. Leighton
21 Holdings had sold the land to Dacland.

22 Yes, but what was Mr Woodman/Watson's interest?---I have no
23 idea.

24 So you never at any stage - - -?---Well, I would have thought
25 he - Woldene would have made a bid for, amongst probably
26 a group of other developers, in terms of wanting to buy
27 that land.

28 Yes, Mr Tovey.

29 MR TOVEY: Could you look, please, at page 3664 of the court

1 book?---Yes, I'm familiar with that, yes.

2 Now, is that the agreement that you've been speaking about that

3 set up the relationship between yourself and Watsons in

4 respect of the - - -?---Yes, that's correct, yes.

5 And is that the document that you have in mind as the

6 agreement?---That's pretty well the template. They

7 developed this template, yes, that's what they did.

8 That's a document dated February 13, 2017?---Yes.

9 COMMISSIONER: Is that an exhibit, Mr Tovey?

10 MR TOVEY: It is not. I tender that, Mr Commissioner. Sorry,

11 that's exhibit 18, I apologise.

12 COMMISSIONER: It is?

13 MR TOVEY: Yes.

14 COMMISSIONER: I thought it might be. Mr Tovey, you will need

15 to return at some date to what parts of the 2018 return of

16 SCWRAG and the email that you referred to earlier, what

17 part of that you want to tender.

18 MR TOVEY: I wanted to tender the totality of those documents,

19 thank you.

20 COMMISSIONER: Can you at some point give me a list of those

21 documents?

22 MR TOVEY: I will do so.

23 COMMISSIONER: Thank you. I'll make those documents exhibit

24 131 once the list is complete.

25 MR TOVEY: Let me explain to you that an analysis has been done

26 of the metadata of this document?---Yes.

27 All right. And the analysis of the metadata indicates that

28 that document was created on 16 January 2019?---Yes.

29 Is that the case?---Yes, let me explain that. What actually

1 happened in January 2019 when we wanted to renew the
2 agreement, Jenny Little said to me, "I don't have a Word
3 copy of the document." She didn't have a Word copy of the
4 agreement.

5 Yes?---So what I did, I then sent her a copy of the pro forma
6 of that one there as the template.

7 Yes?---That's where I think the confusion reigned. So it was
8 purely to give her a pro forma of the Word - I sent her a
9 Word document.

10 So the document has been recreated virtually - - -?---It's been
11 recreated, yes. It was just used as a template so they
12 could adapt that.

13 But, in any event, that's the document which was a draft
14 agreement on 13 February 2017 on your evidence?---Yes.

15 But, as you are already aware, the payments started in July of
16 2016?---Yes.

17 So if that's the case there was no agreement until at least six
18 months after the payments to you started as to what they
19 related to; is that the case?---Well, I don't believe it
20 would be.

21 Why would you have a draft agreement in February '17 if there
22 is already a full agreement in respect of payments that
23 started six months earlier?---I can't answer that, but
24 I don't believe, and I'd have to recall, that they'd be
25 paying me purely on a verbal discussion.

26 The concern is, Mr Walker, that what's happened is that there
27 is some device been found to justify paying you and that
28 as a result of that there is no contract drawn up at the
29 time payments start, but a contract is created in the

1 fullness of time to try and reflect a legitimate purpose.
2 What do you say to that?---Well, I had a very good working
3 relationship with Jenny Little. It was very professional.
4 And I can't recall, but I can't believe that I didn't
5 have - that we had a formal arrangement at that time.
6 But on your own evidence you didn't?---Well, I can't recall it,
7 to be quite honest.
8 It's not possible, is it, that you had a contract and then
9 proposed another draft - a different or another draft
10 contract six months later?---I can't explain that.
11 COMMISSIONER: Mr Tovey, you said that's exhibit 15.
12 MR TOVEY: Exhibit 18.
13 COMMISSIONER: 18, and there was an earlier draft agreement
14 which appears at 3666. Is that an exhibit?
15 MR TOVEY: I'm just about to take the witness to that.
16 COMMISSIONER: Very good.
17 MR TOVEY: Thank you. Could the witness be taken, please, to
18 3666. That's a subsequent agreement, Mr Commissioner.
19 This is an agreement dated January 18, 2019, is it
20 not?---Yes.
21 Mr Walker?---Yes. If you could just go further down.
22 And this is a document which, as you've said, uses the same
23 template which appeared in the previous document of
24 February 2017?---Yes.
25 And that replicated in part something of what had been
26 previously part of the contract?---Yes.
27 And added Jubilee Estate at Wyndham and Exford Waters at Melton
28 South?---Yes, that's correct.
29 And so at that stage the agreed consulting fee was \$5,000

1 excluding GST?---Yes.

2 And you've got, "My understanding is that I'll be submitting my
3 own invoice to Schutz Consulting"?---Yes.

4 Comprising \$2,500 for the Hall Road project, is that right, and
5 \$2,500 for market research?---Well, what actually
6 happened - - -

7 No, if we can just take it a step at a time?---Yes, okay.

8 So that was what was being proposed by you in that draft
9 contract which was sent to Watsons' office, Jenny Little,
10 in January 2019?---Yes.

11 If you look at the work that is to be done as indicated in that
12 project, you've got the "as before", which was reporting
13 back on Casey and Cardinia sales?---Yes.

14 And the way in which that was to occur. That's "as before 1
15 and 2"; you understand that?---Yes.

16 And then you have got additional requirements, and there you
17 have reporting to include two additional estates, which
18 are Wyndham and Exford Waters at Melton South?---Yes.

19 And increased on the ground investigation relating to the -
20 billed as Tradesey's residence et cetera?---Yes.

21 Again that relates to marketplace conditions?---Yes.

22 Then you do an executive summary?---Yes.

23 And a meeting with John Woodman at the end of each
24 month?---Yes.

25 And after that there were monthly meetings with Mr Woodman,
26 were there?---No. I expected him to call me when he
27 wanted a meeting, and it never eventuated.

28 All right. So then at the end your understanding was you would
29 be submitting an invoice to Schutz Consulting for \$2,500

1 for the Hall Road project and \$2,500 for market research.
2 Now, what I want to ask you is there is nothing in that
3 document relating to the Hall Road project, is
4 there?---Sorry, which document?
5 There is nothing in this document dated 18 January 2019
6 relating to Hall Road?---No, well, when I discussed this
7 with Megan Schutz and she was - I was working and paying
8 for Megan Schutz, it was all consolidated into - under
9 market research. She instructed me to put it under market
10 research.
11 But did you after this submit invoices - - -?---Yes, I did.
12 In respect of Hall Road and - - -?---?---No, no, invoices
13 purely for market research.
14 All right.
15 COMMISSIONER: Did she explain to you why that terminology
16 should be used rather than you identifying that you were
17 being paid for work on the H3?---No. I just accepted what
18 she said, that it would be for market research.
19 MR TOVEY: And what work were you able to do on H3 that Watsons
20 couldn't do themselves?---Basically what I did was
21 arranging meetings with councillors to find out what the
22 status is in relation to H3.
23 All right?---Because there was - sorry.
24 So when you went to those meetings with councillors you went as
25 the person who was the head of SCWRAG?---Yes.
26 So what you were doing was basically selling your label as the
27 head of SCWRAG to Mr Woodman, were you not?---Yes, because
28 we - our view was there was no signalised
29 intersection - - -

1 I'm not asking you that?---Okay.

2 The question is why are you getting paid for allowing him to
3 use your name, and that was simply to accommodate his
4 interest, was it not? That's the only reason he would be
5 paying you to do that?---Sorry, who would be paying me?
6 Woodmans. Sorry, Mr Woodman's enterprises, Watsons. I will
7 take you back. Your consultancy involves going to
8 councillors or such like as the head of SCWRAG?---Yes.

9 That is the only thing you are doing in respect of Hall
10 Road?---Yes.

11 And you are getting paid for doing that by Mr Woodman; all
12 those things are correct, are they not?---Well - - -
13 Are those things correct?---Well, I believe - well, I know that
14 came up there, but I believe it was the additional work
15 that I was doing over - for the market research data. All
16 that extra work I was doing was for market research.

17 But your contract and your understanding was that \$2,500 a
18 month was for Hall Road research, and indeed I suggest and
19 I will take you to it after lunch if necessary that
20 invoices were referred to of 2,500 a month at this stage
21 going to Hall Road. Now, it was the situation that at
22 that stage you understood yourself to be receiving
23 consultancy fees relating to Hall Road from Megan Schutz;
24 that's the truth of the matter?---Well, it says there,
25 yes.

26 Okay. The only thing you were doing to earn those fees was
27 going to councillors or people of that ilk and you were
28 going to them as the head of SCWRAG?---Yes.

29 So basically you were selling your position. There is no other

1 explanation, is there; true?---Yes.

2 COMMISSIONER: And Ms Schutz has given sworn testimony,
3 Mr Walker, that she assumed that you would have declared
4 to SCWRAG that you were in a conflict of interest
5 situation. Did you do that?---I did that to the senior
6 person in SCWRAG, the longest-serving member. I did
7 disclose that to them.

8 And when did you do that, Mr Walker?---As soon as the Hall Road
9 project was - I was given that consultancy.

10 You told him, did you? Who was that person?---Eric Day.

11 And you told him that you had the four different contractual
12 arrangements with Watsons?---Just Hall Road.

13 What about the others?---No, I didn't mention those; no.

14 So you didn't think it was necessary for you to disclose that
15 you were also being paid in relation to other contracts by
16 a party that was interested in H3 or C219?---Well,
17 I always felt that C219, that I was doing market research.
18 I was getting paid to do market research for C219. I was
19 not getting paid for C219. So therefore I didn't believe
20 it necessary to tell the committee.

21 And, having realised that you were in a conflict situation in
22 the limited way you have stated, was there anything else
23 that you were then obliged to do as a result of being in
24 that conflict situation?---Probably to notify the
25 community.

26 To notify the members generally?---The members generally.

27 But I'm really thinking about what's the consequence. Did you
28 think through what's the consequence of you being in a
29 conflict situation?---Yes, serious, I guess.

1 I'm sorry?---Serious, I guess.

2 Well, concerned about that as if someone is in a conflict
3 situation that conflict has to be managed, doesn't
4 it?---Yes.

5 What did you do to manage that conflict?---Well, I tried to
6 keep - I tried to - the challenge was a lot of the work
7 that I still did for the residents, the community, and
8 that was the same with - when I started out with
9 the residential development I believed that we couldn't do
10 it on our own; that we did with outside support.
11 Communities as a rule don't have a voice. You know,
12 collectively they do. So I took the view early on that
13 they needed us, we needed them.

14 Yes?---And the understanding there I was working for the
15 community. I didn't care - we didn't care who won the
16 contract at that stage, we didn't care less, as long as
17 the land was rezoned. Now, I had no influence over the
18 result of whoever won the right to buy that land, whatever
19 developer. I felt I was totally independent of that. And
20 also the community - sorry, the committee, I always had
21 their confidence with what I did, and they have said that
22 to me. One of the committee said to me just recently,
23 "I would like to acknowledge you for the work that you
24 have done for the community."

25 I'm not sure that that's really an answer to my question,
26 Mr Walker, which is: what did you do to manage the
27 conflict which you recognised you were in? Is the answer
28 "nothing"?---No, I didn't really do anything; no.

29 Apart from telling a senior person there, you did nothing to

1 manage that conflict?---No, I didn't.

2 And so the community that you were representing did not know at
3 any material time that, whilst you were representing their
4 interests, you were also being paid on a number of
5 different contracts by a party that had a direct interest
6 in those planning issues?---Okay, yes.

7 I understand, Mr Walker, you would say you can justify
8 everything you did on the basis that you had a common
9 interest with the developer and parties associated with
10 the developer in seeing particular planning outcomes. But
11 do you appreciate that that can't explain away your
12 situation; you understand that now, don't you?---Yes,
13 I do; yes. Can I have some water, please?

14 Certainly. Are you okay to go on, Mr Walker?---Yes.

15 MR TOVEY: When it came to the projects that SCWRAG was
16 involved in it was set up to promote the rezoning
17 C219?---Yes.

18 It ultimately got involved in advocating to council and others
19 in respect of the Hall Road redevelopment and the H3
20 intersection?---Yes.

21 Did it involve itself in any other projects?---Probably the
22 widening of Hall Road, the urbanisation of Hall Road.
23 Hall Road, H3, they are really the same issue, are they not,
24 because if Hall Road is urbanised it means that the H3
25 intersection is going to be completed?---Yes.

26 So the only projects then - there were no other campaigns which
27 you ran through SCWRAG?---No. It was C219 and Hall Road,
28 and I developed the Hall Road network campaign because one
29 of my concerns, which I spoke to Luke Donnellan about and

1 the forum, that Hall Road was narrow, congested and
2 dangerous and that it wasn't even on a - it was a
3 long-term project and lives were being lost, there were
4 some serious accidents, and I took that on on behalf of
5 the community separate to anything else.

6 And Megan Schutz had briefed you in relation to the H3
7 intersection relevance to the development of Hall
8 Road?---Yes.

9 And you knew how that fitted in with the possibility of land
10 releases by Dacland, their land being Lochaven, or by
11 Elysian?---Yes, but I also looked at it on the basis that
12 it was improving the safety of the road.

13 Look, I understand it and I'm not suggesting for a minute that
14 you didn't legitimately think that it was worthwhile doing
15 things which you thought were justified on the basis of
16 promoting community safety. However, the other side of
17 the coin is at the same time you were doing this you knew
18 that this was what Megan Schutz was doing because her
19 masters, that is Watsons, had an interest in it; that's
20 true?---Yes, yes.

21 Looking back on it now, it's really impossible to manage such a
22 conflict, isn't it, if somebody is in your position as the
23 leader of a community group?---Yes, yes.

24 Because nobody can ever know what your true motivations were;
25 and that's the problem, isn't it?---Well, I started out
26 day one purely for the community.

27 I understand what you say they are. But, looking at it
28 objectively, once you are in a position where you are
29 receiving instructions and money from the other side of

1 the fence - sorry, from a developer who has the same
2 interests as yourself, it becomes impossible then for you
3 to objectively justify your own position; there's always
4 the appearance of conflict, isn't there?---Yes, yes.

5 Yes?---Yes.

6 COMMISSIONER: The solution, Mr Walker, once you were able to
7 obtain a consultancy agreement from Watsons, it didn't
8 occur to you that the right course for you to adopt was to
9 then withdraw from the position as president of the
10 community group or chair of the community group?---Look,
11 if I had outside income I certainly would have done that.
12 But I didn't because, you know, we're not kids anymore and
13 I did need the income.

14 I perfectly understand the motivation, Mr Walker. But
15 regrettably your explanation is part of an all too
16 familiar account now of a succession of witnesses in
17 relation to whom Mr Woodman made payments, all of whom had
18 a financial need which was being satisfied by Mr Woodman.
19 That can never be enough, can it?---Yes, okay.

20 MR TOVEY: Could the witness please be taken to page 3620,
21 which I think already has an exhibit number. That's a
22 document dated 22 January. I think it is exhibit 116,
23 Mr Chairman.

24 COMMISSIONER: The consultancy agreement, Mr Tovey, of
25 18 January 2019, that's not an exhibit?

26 MR TOVEY: No, it's not.

27 COMMISSIONER: So I will make that exhibit 132.

28 #EXHIBIT 132 - Consultancy agreement dated 18 January 2019.

29 MR TOVEY: Could I also while you are doing that, sir, indicate

1 that exhibit 131 would be emails between Walker and Schutz
2 regarding SCWRAG's overdue annual statement 2018.

3 COMMISSIONER: There are a number, are there?

4 MR TOVEY: Yes, there are emails backwards and forwards, plus a
5 copy of the Consumer Affairs demand is embedded in it.

6 COMMISSIONER: Very good.

7 #EXHIBIT 131 - Emails between Mr Walker and Ms Schutz regarding
8 SCWRAG's overdue annual statement 2018.

9 COMMISSIONER: I'm sorry, I interrupted you, Mr Tovey.

10 MR TOVEY: I notice the time, Mr Commissioner.

11 COMMISSIONER: Yes. Mr Tovey, how long do you think you will
12 be with Ms Schutz this afternoon?

13 MR TOVEY: I think I will be somewhere in excess of an hour,
14 but I'm not exactly sure. It depends how matters unfold.

15 COMMISSIONER: Yes. What is your submission as to what we
16 should ask Mr Walker to do?

17 MR TOVEY: I would ask Mr Walker to come back after that
18 evidence.

19 COMMISSIONER: At what time?

20 MR TOVEY: I would ask him to make himself available from 3.30.

21 COMMISSIONER: Very good.

22 MR TOVEY: And I would anticipate, if matters go as they have
23 gone today, that we will complete Mr Walker's evidence
24 tomorrow morning.

25 COMMISSIONER: Yes. Mr Walker, you go and have some lunch and
26 have a good break and we will see you back here at 3.30.
27 I should say for the record that I propose to now lift the
28 order that I made at the commencement of the proceedings
29 in which I ordered all witnesses to be out of court until

1 they are called upon to give their evidence. As matters
2 have progressed, it is clear that there is no further need
3 for such an order to be in place. So witnesses from this
4 time on, either past or future, will be at liberty to
5 converse as they see fit without regard to any
6 constraints. Adjourn until 2 o'clock, please.

7 <(THE WITNESS WITHDREW)

8 LUNCHEON ADJOURNMENT