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TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 4 MARCH 2020

(16th 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

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

1 MR LAWRENCE: May I also be excused?

2 COMMISSIONER: Yes, certainly. Thank you very much,  
3 Mr Lawrence. Ms Harris?

4 MS HARRIS: Mr Commissioner, if I could indicate the next  
5 witness will be Mr Glenn Patterson.

6 COMMISSIONER: Yes. And, Mr Woinarski, you appear for  
7 Mr Patterson?

8 MR WOINARSKI: I seek to appear for Mr Patterson with  
9 Ms Boston.

10 COMMISSIONER: Very good.

11 MR WOINARSKI: And if, Mr Commissioner, you could just wait for  
12 him to come and also for my junior to make herself  
13 comfortable with her current problem, if I may.

14 COMMISSIONER: Yes. Mr Tovey, it just occurs to me that  
15 although there are no other interested parties currently  
16 represented at the Bar table, I have simply assumed in  
17 relation to the last two witnesses that none of the other  
18 parties have indicated an interest in cross-examining. Is  
19 that a valid assumption or do we not know what - - -

20 MR TOVEY: As far as I'm aware, nobody has approached me  
21 indicating that they had an interest in cross-examining.

22 COMMISSIONER: Yes. I think it would be helpful for future  
23 purposes if before we finally excuse the witness we try  
24 and ascertain whether or not any of the parties that have  
25 already been called do have such an interest because  
26 otherwise we run into difficulties in that we have then  
27 discharged the witness from the summons.

28 MR TOVEY: Yes. Thank you.

29 COMMISSIONER: Reasonable though the assumption is that if you

1 haven't been told they want to cross-examine we could  
2 proceed on that basis, but it might at least be as well to  
3 let the legal representatives know that we will proceed on  
4 that basis unless we hear otherwise.

5 Mr Patterson, would you come forward to the  
6 witness box, please. Have a seat. So, Mr Patterson, this  
7 is a public examination. Mr Woinarski appears on your  
8 behalf. Counsel Assisting Ms Harris will ask you some  
9 questions. I may also ask you some questions. At the  
10 conclusion of that questioning Mr Woinarski will have an  
11 opportunity to elucidate any further information that you  
12 might want to provide the Commission with or to further  
13 clarify any of your answers. If at any stage you are not  
14 clear about the questions, please indicate. If you want  
15 time to have a break or if you want to consult with  
16 Mr Woinarski, I will allow you to do so. You should just  
17 indicate that you would like to do that.

18 MR PATTERSON: Thank you.

19 <GLENN ANDREW PATTERSON, affirmed and examined:

20 COMMISSIONER: There are some formal matters that I need to put  
21 to you. Firstly, in relation to the matters that are the  
22 subject of your examination I need to advise you as to  
23 what they are. You will be questioned as to your  
24 knowledge of the City of Casey Council in relation to  
25 consideration of development applications and other  
26 planning matters within the City of Casey; the  
27 transparency of planning and property development decision  
28 making within Victoria, including but not limited to local  
29 government; whether public officers involved in planning

1 and property development decision making have been  
2 improperly influenced through donations, gifts or other  
3 hospitality; the circumstances surrounding any actual and  
4 potential financial benefits obtained by any public  
5 officer, their families or their associates resulting from  
6 or otherwise in connection with planning and property  
7 development decision making within Victoria; and, finally,  
8 the systems and controls in place within public bodies  
9 concerning planning, with particular focus on the  
10 existence and adequacy of systems and controls for  
11 ensuring the integrity of the planning process, including  
12 by detecting instances of public officers providing  
13 benefits to themselves, their family, friends or  
14 associates. You would have recognised those matters  
15 because they appear in your summons. When you were served  
16 with a summons you also received a document entitled,  
17 "Rights and obligations"?---Yes.

18 And Mr Woinarski and Ms Boston discussed with you those rights  
19 and obligations?---They have, Mr Commissioner, yes.

20 Would you like me to go over them again with you or are you  
21 satisfied you understand them?---I'm satisfied  
22 I understand them, thank you.

23 Very good. Now, just for clarity, Mr Patterson, what's  
24 important is that you answer the questions truthfully and  
25 accurately and, so long as you do so, your evidence can't  
26 be used against you in a court of law; you understand  
27 that?---I do.

28 Very good. Yes, Ms Harris.

29 MS HARRIS: Thank you, Mr Commissioner. Are you Glenn Andrew

1 Patterson?---I am.

2 And do you attend here today in answer to a summons served on  
3 you?---I do.

4 I will just have shown to you a bundle of documents to identify  
5 they are copies of documents served on you. First of all,  
6 do you attend here today in response to summons number  
7 SE3190?---I do.

8 And you have indicated to the Commissioner already that you  
9 have received with that summons a document titled,  
10 "Statement of rights and obligations"?---Yes, that's  
11 correct.

12 And did you also receive a covering letter?---I did.

13 I tender the bundle of documents.

14 COMMISSIONER: Exhibit 141.

15 #EXHIBIT 141 - Bundle of documents served on Mr Patterson

16 MS HARRIS: Mr Patterson, I just want to take you through the  
17 background to what brought you to Casey Council. When did  
18 you commence as the CEO with the council?---I commenced as  
19 the CEO of the City of Casey on 17 September 2018.

20 Was that your first involvement with the council?---Yes.

21 And what was the recruitment process?---The council had engaged  
22 a national firm by the name of Davidson to undertake the  
23 executive recruitment, and they had also engaged a local  
24 government consultant, a Ms McGowan, to ensure probity in  
25 the process and to ensure that the council met its  
26 statutory obligations throughout that recruitment.

27 Were you interviewed by a panel?---Yes, I was.

28 Who was on that panel?---The entire council. My recollection  
29 is that one councillor was absent. So 10 of the 11

1           councillors were present at that first interview.

2   And was there any subsequent interviews?---There was.

3   Who was that with?---The same people.   So there would have been  
4           again 10 of the 11 councillors present at the second  
5           interview, and those consultants that I mentioned earlier  
6           were also present but didn't participate actively in the  
7           interview process.

8   Were there only two interviews?---There was some on-line  
9           material that needed to be presented as well.   So the  
10          first interview was just with the consultants.   That was  
11          myself with the consultant from Davidson.   The second  
12          stage was a series of, I think recalling, three videos  
13          that needed to be submitted on subjects which the  
14          consultant had provided to all the applicants.   And then  
15          there was the first interview with the full council that  
16          I mentioned before, and then a subsequent presentation and  
17          interviews.   So it was really a four-stage process.

18   And over what period of time did that take place?---I'm not  
19          sure exactly, but I would imagine it was probably over  
20          about a six-week period.

21   And prior to being employed at Casey Council where were you  
22          working?---I was previously the CEO of the Shire of Yarra  
23          Ranges for 10 years from 2008 until 2018.

24   And prior to that?---Prior to that I was the chief executive  
25          officer of the Shire of Baw Baw from 2005 to 2008.

26   COMMISSIONER:   So you have had extensive experience as a chief  
27          executive officer in local government?---I have,  
28          Mr Commissioner, yes.   I have been in local government for  
29          a total of 31 years, and I have been a CEO of various

1 councils for 19 of those 31 years.

2 MS HARRIS: So would it be fair to say that when you commenced  
3 with Casey Council you had a sound understanding of the  
4 obligations of the CEO under the Local Government  
5 Act?---Yes.

6 And you had been operating under those obligations for quite  
7 some time?---Yes.

8 Did you have any pre-existing relationship with any councillors  
9 on council at the time you commenced?---No.

10 Did you receive a briefing at all when you commenced as  
11 CEO?---Not from the council but from staff, yes.

12 Who briefed you?---The interim CEO, Steve Dalton.

13 And what form did that briefing take?---It was an information  
14 pack. So he collected information from the various  
15 divisions within the council about key issues, challenges,  
16 and current issues, and he presented that to me in a  
17 written form, in an information pack.

18 And did you meet with him also?---Yes.

19 What were the nature of the issues that he was highlighting in  
20 that information pack?---It was really an update on the  
21 key strategic directions of the council, their priorities,  
22 what plans they had in place, some of the challenges right  
23 across the business, some current and emerging issues, a  
24 profile of the municipality just in terms of its  
25 composition and growth, and internally also I think as  
26 well as community issues there was quite a bit of emphasis  
27 on some of the organisational challenges that the  
28 organisation faced.

29 COMMISSIONER: Were any of the matters that he raised in that

1 briefing to you matters with which the Commission has been  
2 concerned? I take it you have been following as best you  
3 could the process of the Commission in recent  
4 months?---Yes, within the constraints that apply to me as  
5 a witness, Mr Commissioner. Yes, only one, and that was a  
6 three-month ban that had been placed on Mr Woodman, which  
7 was in place - put in place prior to my arrival but which  
8 spanned the first part of my period of employment at the  
9 City of Casey. That was the only matter on which I was  
10 briefed at that stage.

11 And who had imposed that ban, Mr Patterson?---The previous  
12 CEO - the interim CEO, Mr Dalton.

13 Mr Dalton?---Yes.

14 Did he explain to you why that ban was in place?---Yes, he  
15 referenced a meeting that had taken place where a number  
16 of senior planning staff particularly had felt their  
17 health and safety had been compromised. At that meeting  
18 there was representation I believe from Mr Woodman and a  
19 number of his associates, and it was on the basis of  
20 complaints lodged from staff to the interim CEO as a  
21 result of that meeting that that ban was put in place to  
22 protect the health and safety of those staff.

23 And after that three-month period expired what  
24 happened?---There was a review undertaken. I didn't  
25 participate in that review, but my director of corporate  
26 services, who had the full history and knowledge of that  
27 issue, made a determination to lift that ban at the  
28 expiration of the three months.

29 Was there any qualification or condition attached to



1 Mr Woodman's ability to deal with council officers after  
2 that time?---I'm not aware of any particular requirements  
3 or conditions placed on Mr Woodman, apart from there being  
4 some correspondence with him that reiterated our  
5 expectations of how he and people associated with him  
6 would engage with the organisation, which is really  
7 underpinned by mutual respect.

8 Thank you.

9 MS HARRIS: Did Mr Dalton raise with you any issues with any  
10 particular departments within council?---Yes.

11 Which departments were they?---All of them. I mean, I think  
12 the summary I was given was really, as I said earlier, a  
13 summary of the opportunities, the risks, the challenges  
14 and how things could be improved and the ways in which  
15 that was occurring already right across the business.

16 Did he raise with you any issues with the relationships between  
17 councillors and council officers?---Yes.

18 What did he say about that?---He characterised that  
19 relationship in a very similar way to that that had been  
20 put to me by the councillors; that there was quite a  
21 degree of separation between the views of the council and  
22 the organisation; there was a very poor relationship, lack  
23 of engagement was certainly a key component of that; and  
24 he had taken strides in the short time he had been interim  
25 CEO to address those concerns post the conclusion of the  
26 longstanding CEO's employment at the City of Casey.

27 Was anything said to you about why that CEO left?---Yes.

28 What were you told about that?---I heard that from a number of  
29 sources, but the essence of that was that that

1 functional - that relationship between the council and the  
2 former CEO had become untenable and dysfunctional, and  
3 I think both parties came to that view and that there had  
4 been some form of a separation as a result of that.

5 COMMISSIONER: When you say "both parties", you mean the former  
6 CEO and the council or individual councillors?---The  
7 former CEO and the council as a whole, the whole group.

8 MS HARRIS: You indicated that you heard that from different  
9 sources. Who were those sources?---I heard that from the  
10 council, and I think all applicants for my role had been  
11 given a view about that because one of the performance  
12 expectations on the incoming CEO was to address that, and  
13 certainly it was a key requirement in my performance plan  
14 for that initial period to address that and that was a key  
15 focus within the interview and presentation process as  
16 well. I had also caught up with the former CEO as part of  
17 my dealings or engagement with a whole range of people,  
18 hundreds of people in fact, to get a sense of the City of  
19 Casey and I obviously heard his version of that as well.  
20 Did it align with the version you heard from  
21 councillors?---Yes.

22 COMMISSIONER: You use the phrase "lack of engagement". Who  
23 was not engaging as might be expected to be  
24 appropriate?---I think all parties towards the end of the  
25 previous CEO's term. I can't speak for what happened  
26 prior to that, and speaking with a whole range of people  
27 as I worked my way around the organisation soon after  
28 starting there became a clear view that there was lack of  
29 engagement around significant strategic issues between the

1 council and the executive, and also a lack of engagement  
2 I think just at an operational practical level. There  
3 wasn't a sense of collaborative work being undertaken  
4 between the two groups. The two were really quite  
5 mutually exclusive and working independently rather than  
6 working together.

7 So you've now moved from just the CEO and the council to the  
8 executive. Were the problems you have just adverted a  
9 moment or two ago not confined to the relationship between  
10 the CEO and the council but the executive staff as  
11 well?---Well, to clarify, I think up until early 2018 -  
12 I think the former CEO might have finished up in around  
13 about February or March of that year. My comments would  
14 have been particularly between him and the council group.  
15 I think in the interim phase from that time, early 2018,  
16 until I started in September 2018 there had been great  
17 efforts put in place by the interim CEO and the executive  
18 to address that situation. But there had been some  
19 difficulties in implementing some of those changes.

20 When you use the term "executive" what sort of positions are  
21 encompassed by that, Mr Patterson?---Mr Commissioner, I'm  
22 just referring to what we call our executive leadership  
23 team. So that would be the CEO and the four directors of  
24 each of the four divisions.

25 Thank you.

26 MS HARRIS: Did you consult quite widely within the  
27 organisation in terms of what the - I think you have  
28 characterised it as - opportunities and challenges might  
29 be?---Yes.

1 Did you seek the opinion of anybody in terms of which areas  
2 might be a particular problem?---Yes.

3 And which areas were nominated?---A whole range of areas,  
4 I think. What I inherited was an organisation that hadn't  
5 seen a lot of change in terms of its organisation  
6 structure, processes, culture and systems for some period  
7 of time and which had grown enormously over that period  
8 from something like 120,000 population in the mid-1990s to  
9 360,000, the biggest council in Victoria. So it was very  
10 much clearly part of my brief, and that's how I presented  
11 and how I put forward my credentials to the council, was  
12 to be a reforming CEO who was seeking higher performance  
13 for the organisation. So as a result of that I spoke to  
14 literally hundreds of people internally and externally in  
15 order to get a full view about where the opportunities for  
16 improvement were.

17 Did you ever ask for specific names of people that might be  
18 causing any issues?---Not so much that, but I'm always  
19 open with all sorts of stakeholders to get feedback on the  
20 performance of our processes and systems, but also the  
21 performance of particular officers.

22 Did anyone communicate with you and provide you with names of  
23 people that they considered to be under-performing?---Yes,  
24 many did.

25 Any councillors?---Yes.

26 Just to be clear, not councillors under-performing but did  
27 councillors approach you about people  
28 under-performing?---Yes.

29 And which councillors were they?---I can't recall which

1           councillors, but I can recall all of them - and I provided  
2           this opportunity for them, to give me their - once I had  
3           been appointed to give me their insights into and their  
4           perspective on the organisation's performance, and that's  
5           an opportunity that I provided to all stakeholders, State  
6           Government, media, community representatives, the  
7           development community, a whole range of stakeholders, as  
8           well as a lot of people internally so that I could get a  
9           full view of the performance of the organisation and  
10          individuals within it.

11       Did all councillors take up that opportunity?---I provided the  
12          opportunity for one-on-one meetings with the councillors  
13          and also offered to come out into their wards to get  
14          familiar with the issues and the key people within their  
15          wards, and the minority of the councillors took up that  
16          opportunity.

17       COMMISSIONER: You say a minority?---Minority.

18       And what's the explanation for that, do you think,

19          Mr Patterson?---I don't know. I would be speculating.

20          But I would have thought it was a good opportunity for  
21          councillors with an incoming CEO to appraise that person  
22          of the key attributes, characteristics, challenges,  
23          opportunities within their particular parts of the  
24          municipality that they represented. But, as I say, some  
25          chose to do that just as we went along issue by issue and  
26          only a couple took up the opportunity to do that  
27          one-on-one in a more intensive way.

28       MS HARRIS: Did Mr Ablett provide you with names of people he  
29          considered to be a problem?---I don't recall that, but

1 I do recall Mr Ablett, who was the mayor when I was  
2 appointed, highlighting certain parts of the organisation  
3 where he thought the performance could be improved.

4 And what parts of the organisation?---Particularly statutory  
5 planning and growth area planning.

6 You indicated that you consulted also with external  
7 stakeholders. Did that include anyone with an interest in  
8 planning matters before the council?---Yes.

9 Who in particular?---I, from my director of planning, received  
10 a list of all of the key stakeholders to the development  
11 industry that he thought I needed to meet, engage with,  
12 and I worked my way through those people over the course  
13 of about a three- or four-month period along with a whole  
14 range of other people. As I said, I would have probably  
15 consulted with between four and 500 people, and the key  
16 developers and their associates who did business in the  
17 City of Casey were part of that engagement process.

18 How many people were on that list that you have just referred  
19 to?

20 COMMISSIONER: I'm sorry, I didn't catch that, Ms Harris.

21 MS HARRIS: I just asked how many people were on the list that  
22 you just referred to?---The developers list?

23 Yes?---I don't recall. But it would be in the order of 20 to  
24 30 firms, and a larger number of individuals. So for many  
25 of those firms I would meet with, you know, two or three  
26 of their relevant senior people.

27 Was Watsons on that list?---No.

28 Leightons?---Yes.

29 Who from Leightons did you meet with?---I can't recall all of

1           them, but there was a group that I met with once which  
2           would have been a group of about six Leightons  
3           representatives from both their Melbourne and Sydney  
4           office. Tom Kenessey I know was one of those people. The  
5           others, the names escape me at the moment. I haven't had  
6           a lot of contact with them since, but certainly Leightons  
7           were one of those.

8   COMMISSIONER: These were all landowners, were they?---No,  
9           Mr Commissioner, they were a mix of landowners and  
10          consultants or other development representatives. So it  
11          could be land development companies, and it was the major  
12          firms that did business in the City of Casey, the likes of  
13          Mirvac, Stockland, Balcon, Moremac, those kinds of firms.

14   MS HARRIS: Was Wolfdene on that list?---No.

15   Dacland?---Yes.

16   Did you meet with anyone from Dacland?---Yes.

17   Who did you meet with from there?---I don't recall. You are  
18          testing my memory. I don't recall. But there  
19          was - I think a couple of times I met people from their  
20          Melbourne office, from Dacland. I definitely did do that.

21   Following your initial review and conversations with people  
22          within council, did you form the view that there were  
23          cultural issues within the City of Casey more  
24          broadly?---Within the organisation?

25   Yes?---Yes.

26   And what did you endeavour to do about that?---As I said, a key  
27          component of my reason for being appointed was to improve  
28          the culture of the organisation and the relationship  
29          between the elected members and the executive, but also

1 the rest of the organisation as well. So we embarked  
2 on - I embarked on a whole change program, which is in  
3 train now, and there's been a number of significant  
4 initiatives undertaken in order to improve that with a new  
5 philosophy, new leadership direction, new sense of shared  
6 leadership all underpinned by the need to have a higher  
7 performing organisation that provides greater value for  
8 the customer and the community.

9 When did you commence the roll-out of that?---Within about six  
10 to eight weeks of commencing in the role.

11 Did you form the view that there were issues within the  
12 planning department?---There were certainly performance  
13 issues in the planning department, yes, and that was  
14 recognised by the council and also the senior leaders  
15 within the planning teams.

16 And what steps did you take to address that?---There was a  
17 service review that was already on foot by the time I had  
18 arrived. I think that had been going for around about  
19 four months. So that was a process to review the service  
20 that was being provided, how it was being provided, what  
21 the process improvement opportunities were, and what  
22 systemic change could be made to improve the culture,  
23 performance and output of all of the planning related  
24 functions.

25 Was the department restructured as a result of that  
26 review?---Yes.

27 Were jobs lost either through redundancy or through firing of  
28 staff?---Yes.

29 Approximately how many staff left?---Approximately half a



1 dozen.

2 And did you recruit to that department also?---Yes.

3 Was Megan Schutz one of the people you consulted with in terms  
4 of your external stakeholder consultation?---She wasn't on  
5 that list that I referred to previously. So, no, she  
6 wasn't part of that initial consultation phase.

7 Was she part of any consultation with you?---I was introduced  
8 to her and met with her, yes.

9 When was that?---It would have been late 2018, maybe around  
10 December 2018.

11 And what was the purpose of you meeting with her?---The purpose  
12 of the meeting was that she again wanted to meet me. We  
13 hadn't had any contact previously. She also used that  
14 meeting as an opportunity to put forward her views about a  
15 whole range of matters to do with issues and to do with  
16 our planning teams' performance.

17 And what were those issues that she highlighted to you?---She  
18 very assertively put to me that the performance of the  
19 planning teams in her opinion needed to improve and that  
20 was something on which we agreed. As I say, both the  
21 councillors and the senior executive had already embarked  
22 on an improvement program for the planning teams. I say  
23 "planning teams" because there are really three of them.  
24 And she identified some of the inadequacies that she saw  
25 in terms of our responsiveness, timeliness and  
26 reasonableness in terms of the expectations and  
27 requirements that we were placing on developers in the  
28 City of Casey.

29 Did she provide any names to you of people she considered to be

1           difficult or problematic?---She did, yes.

2   Approximately how many people did she nominate?---I don't

3           recall exactly, but I would estimate it would be between

4           six and 10 people.

5   And did any of those people subsequently lose their

6           jobs?---Yes.

7   How many of them?---Two to three.

8   Did you only have one conversation with Ms Schutz about staff,

9           planning staff?---Yes. I've only met her once, which was

10          that occasion that I referenced, and that was the only

11          occasion on which we spoke about staff and more generally

12          improvement opportunities.

13   COMMISSIONER: You said she was introduced to you. Who

14          introduced her?---A fellow by the name of Andrew Wyatt,

15          who is a developer that I knew from my time at the Shire

16          of Yarra Ranges, and she was aware that he and I knew each

17          other. So he was the one that introduced me to her.

18   Sorry, what's Mr Wyatt's position?---Mr Wyatt is a development

19          manager or consultant for a number of businesses and there

20          was at least two that I'm aware of in my previous

21          employment at the Shire of Yarra Ranges where he was

22          involved with various partners on different developments

23          and through that I got to know him in that period 2008 to

24          2018.

25   MS HARRIS: Would you describe your relationship with Mr Wyatt

26          as friendly? Are you friends?---No, I describe my

27          relationship with him as one of being an acquaintance.

28   Have you had any association with Mr Wyatt, professional

29          association, with him whilst you have been the CEO of

1 Casey?---I'm just seeking some clarification there,  
2 Mr Commissioner. In terms of professional association,  
3 what is meant by that?

4 COMMISSIONER: I'm sorry, what was the question, Ms Harris?

5 MS HARRIS: Whether the witness has had any professional  
6 association with Mr Wyatt since he's been the CEO of  
7 Casey.

8 COMMISSIONER: Is there some difficulty with that?---Well,  
9 I could answer the question; assuming that you mean have  
10 I had any dealings with him since being in the role at the  
11 City of Casey the answer is yes.

12 MS HARRIS: In relation to City of Casey matters?---Yes.  
13 What matters were they?---Well, he was representing a number of  
14 different interests at the City of Casey and again had met  
15 with me a couple of times in relation to those, again a  
16 similar sort of theme, to ensure that there was timeliness  
17 and responsiveness in our decision making around planning.  
18 Were they interests in relation to planning and  
19 development?---Yes.

20 And who did he work for?

21 COMMISSIONER: Do you mean in relation to those matters - was  
22 he acting as a developer or owner or as a  
23 consultant?---I'm unsure as to that. I got the impression  
24 that he was acting as a consultant to some of those  
25 developers.

26 Are they issues that you understand have been explored here at  
27 the Commission or are they different matters?---A bit of  
28 each, Mr Commissioner, yes.

29 We will perhaps need to tease that out then,

1 Mr Patterson?---Sure.

2 MS HARRIS: Which matters then do you understand Mr Wyatt to  
3 have been involved in?---As I say, I was unclear what his  
4 role was. Given our previous professional relationship  
5 from the Shire of Yarra Ranges and the kind of reforms  
6 that I had introduced to planning there, his interests  
7 I think in maintaining contact with me initially appeared  
8 to be about understanding what my strategic direction was  
9 going to be and the organisation's priorities around  
10 improving the planning system at the City of Casey. That  
11 was the nature of the first meeting that I had with him.  
12 You may be aware that some of the developments that we have  
13 been focusing on include the C219, H3 and Pavilion. Did  
14 Mr Wyatt have any involvement with any of those  
15 developments, to the best of your knowledge?---He didn't  
16 raise any of those matters with me and to the best of my  
17 knowledge the answer is no. Sorry, in relation to the H3  
18 Hall Road intersection and C219, that's my answer. The  
19 Pavilion issue was years before my arriving at the City of  
20 Casey and I really don't have any knowledge of that. But  
21 certainly none of those three matters were raised with me  
22 by Mr Wyatt.

23 COMMISSIONER: So what developments was he concerned about that  
24 you understand have been looked at at all by the  
25 Commission?---Mr Wyatt didn't make any specific requests  
26 of me to intervene or to take action or to investigate or  
27 to follow up any matters, which usually is the case, and  
28 I can explain subsequently if you are interested how  
29 I normally react or respond to those kind of requests. As

1 I say, more it was a matter of welcoming me to the City of  
2 Casey and being curious about, you know, what my  
3 philosophy was in relation to improving planning outcomes  
4 at the city given my previous history of being able to do  
5 that I think quite effectively at the Shire of Yarra  
6 Ranges.

7 I'm just confused. When you said some of the matters he raised  
8 have been touched on by the Commission, do you mean you  
9 were referring to particular developments or planning  
10 issues?---Sorry, I thought you meant, Mr Commissioner - my  
11 understanding was I thought whether he was connected into  
12 any of those issues, and the one touch point that I can  
13 see is a relationship that I learned of late last year  
14 that the firm that he's now associated with has a  
15 relationship with Wolfdene. So certainly that's the  
16 connection.

17 So he was a consultant in a development which involved  
18 Wolfdene?---I think. I'm not entirely sure of the nature  
19 of the arrangement, but my understanding is it has some  
20 sort of partnership or relationship with Wolfdene.

21 MS HARRIS: Did you have any communication with Mr Wyatt then  
22 about how you intended to deal with the issues that you  
23 had identified at Casey?---Yes.

24 What was the nature of that?---I recall meeting him two or  
25 three times over that initial, say, six-month period and,  
26 as I say, it was more about getting some input from him  
27 along with a whole range of other people, which is what  
28 I do and what other CEOs do when you come into a role  
29 especially to get that sort of insight and perspective, as

1 I say, from various stakeholders, and that was a valuable  
2 input along with hundreds of other people's input into my  
3 thinking about the changes that needed to be made.

4 Did you report back to him at any stage about changes that you  
5 had made?---In broad terms I shared with him my approach  
6 and some of the actions that I intended to take or had  
7 taken, yes.

8 What do you mean by "broad terms"?---Well, I would talk to him  
9 about, as I do with a whole range of other people, around  
10 the sort of improvements we were going to make in terms of  
11 structure, processes and systems in order to make our  
12 planning system more effective.

13 Did you talk with him about specific individuals?---He raised  
14 specific individuals with me, yes.

15 What did he say?---He expressed an opinion, as I say as many  
16 others do to me all the time, about the performance of  
17 particular senior planning officers.

18 And did you report back to him as to the outcome of your  
19 enquiries in relation to those people?---Not specifically,  
20 but through subsequent conversations some of those  
21 decisions that I had taken were made known to him, yes.

22 COMMISSIONER: What was the basis on which he was conveying  
23 concerns about individual officers? Had he been dealing  
24 with them himself or was he passing on information he had  
25 acquired from others?---A little of each, I believe. Both  
26 of those.

27 MS HARRIS: And what information did you pass back to him?---As  
28 I said, my intentions were very clear. Once I had made  
29 announcements - my priority is always to make sure that

1 affected individuals within the organisation get priority,  
2 and I was engaging very intensively with my exec team and  
3 people within the city planning and infrastructure  
4 division about the kind of changes that were proposed and  
5 we were going to be making. So, with being forthright  
6 with them firstly, I recall having conversations with him  
7 after those announcements had been made about some of  
8 those changes that were being put in place.

9 And how individual staff may be affected?---In some cases, yes.

10 COMMISSIONER: You said earlier that once you settled into your  
11 position it was clear to you that there were both issues  
12 with process that the planning department was following in  
13 terms of their efficiency, timeliness, and I think you  
14 also indicated in some cases you were concerned with the  
15 quality of the advice and recommendations they were  
16 making; is that correct?---Not so much the quality of the  
17 advice. More - there were two main issues. One was the  
18 backlog of planning applications. So when I arrived there  
19 was a backlog of about 550 applications, whereas now  
20 that's down to, like, 280 to 300, which is considered  
21 current workload. So that was one issue.

22 Yes?---And the second measure that we use to in a broad sense  
23 measure the performance of planning around is how many  
24 days it's taking to make a decision and how many decisions  
25 are made in that 60-day statutory period. And again that  
26 was below 50 per cent when I arrived, and with the service  
27 review that was in train when I arrived and the changes  
28 that came from that that's now consistently around  
29 80 per cent.

1 I see?---So they were the two sort of improvements that have  
2 been made.

3 So it wasn't really then the quality of decision making but the  
4 cumbersome and laborious nature of the process?---Yes.

5 I think what had happened was, because of the significant  
6 growth, the organisation hadn't taken the time to reassess  
7 how it was structuring up around a much bigger workload,  
8 and that workload is around 1,200 planning applications a  
9 year as well as all the other developer contributions and  
10 those other things which are complexities in the system.  
11 So there was an opportunity for a reset and to make sure  
12 we had the right calibre people, the right leadership most  
13 importantly and mind set to get the sort of outcomes that  
14 we were seeking.

15 You indicated that only two of the councillors took up your  
16 invitation for a briefing. Who were those  
17 councillors?---I recall having the best part of a day out  
18 with Councillor Stapledon and Councillor Rowe, who are  
19 ward partners, and I believe they were the only two from  
20 my recollection that actually took up that opportunity.

21 And the issues you have now described in relation to the  
22 planning department, those two primary matters, were they  
23 matters about which the councillors complained to  
24 you?---It was one of many issues that they put to me  
25 during the recruitment process and it was part of my  
26 initial period performance plan as well to report to make  
27 sure I implemented the service review outcomes and  
28 reported back to them within that first year around that.

29 MS HARRIS: Just picking up something you said to the



1 Commissioner about ensuring that there was the right  
2 leadership, did you recruit to any leadership  
3 positions?---Yes.

4 What positions and who did you recruit?---Well, I made some  
5 decisions, having done that initial consultation and  
6 engagement and forming views about senior people. My  
7 belief as a leader is that if we are going to provide or  
8 produce a capable organisation one of the key ingredients  
9 into that is to making sure we have the right leadership  
10 team, and my assessment was that that wasn't in place when  
11 I arrived at the City of Casey and it had been fairly  
12 static for a long period of time. So I set about making  
13 some changes in a phased way, and the upshot of that was  
14 that two of the four directors departed - one early in the  
15 piece; one last year, 2019 - and then my memory is that  
16 probably around about five to six managers at the next  
17 level were also replaced or departed and weren't replaced  
18 at all.

19 COMMISSIONER: I think you said two or three left. So some of  
20 them were simply moved to other positions, were  
21 they?---Sorry, that was planning that I was referencing  
22 previously, whereas my most recent answer was the whole  
23 organisation.

24 I see?---So again to give you the sense of the scale of that,  
25 Mr Commissioner, we have four divisions. We have got  
26 nearly 2,000 staff, and there's 23 people in what we call  
27 our CLT, our corporate leadership team, which is myself,  
28 the four directors and then managers. So the numbers  
29 I was referencing there relate to that group.

1 Thank you.

2 MS HARRIS: And just so I understand your answer, so two of  
3 those four directors left; is that correct?---That's  
4 correct, yes.

5 Have you since recruited to those positions?---Yes, I have.

6 Who did you recruit into those positions?---I recruited - in  
7 late 2018 we redefined the divisional structures and  
8 I recruited into a new role, which was called customer and  
9 business transformation, a woman by the name of Jen  
10 Bednar, and then in late 2019 recruited into the city  
11 planning and infrastructure director role. So they were  
12 the two director changes that I made: one late 2018, one  
13 further change late 2019.

14 You indicated that Ms Bednar was recruited into a new role.

15 Did you make a role redundant in order to create that  
16 role?---No.

17 And did you have an association with either of those people  
18 prior to them joining Casey?---Yes.

19 Who?---Those two people. So Jen Bednar, who came in as the  
20 director of customer and business transformation, was a  
21 former colleague of mine at the Shire of Yarra Ranges; and  
22 James Collins, likewise, was a director at the Shire of  
23 Yarra Ranges, who came into the director city planning and  
24 infrastructure role late last year.

25 You have indicated that there were complaints made to you about  
26 officers within the planning department. Did people  
27 within or staff within the planning department make any  
28 complaints to you about developers or planning  
29 consultants?---Yes.

1 And who did they complain about?---In terms of behaviour and  
2 style and poor method of engagement certainly Mr John  
3 Woodman, given that three-month ban had been in place, was  
4 prominent in that conversation around those that were  
5 creating difficulties, and also Ms Schutz, who was his  
6 legal and planning consultant. They were the two that  
7 were identified as being the most difficult people for the  
8 organisation to deal with.

9 Anyone other than those two?---No. I mean, there was obviously  
10 assessments made of a whole range of people, but generally  
11 the development community at the City of Casey is  
12 extremely professional and mostly is represented by large  
13 private firms or large listed companies who are highly  
14 professional and capable and a pleasure to deal with.

15 COMMISSIONER: I see the time. Mr Patterson, I want after we  
16 resume at some point to ask you some questions about the  
17 monitor's final report?---Yes.

18 Have you read that?---I have, yes.

19 So you are familiar with it?---I am.

20 I should say for the record it 's not part of our task to  
21 review the monitor's decision or the government's  
22 decision. We won't be going there. But there are some  
23 matters that she raises in the report that are relevant to  
24 issues that we are looking at. Is it convenient to  
25 adjourn now until 2 o'clock?

26 MS HARRIS: Thank you, Mr Commissioner.

27 <(THE WITNESS WITHDREW)

28 LUNCHEON ADJOURNMENT

29