
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

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: Could Mr Walker be recalled, please,
3 Mr Commissioner.

4 <RAYMOND JAMES WALKER, recalled:

5 COMMISSIONER: Good morning, Mr Walker. I just remind you are
6 you still on oath?---Sorry?
7 You are still on oath?---Yes, I understand totally.
8 Mr Walker, I understand you might have some difficulty hearing
9 questions?---Yes.

10 If at any stage you want to use the hearing facilities you may,
11 or just let us know if you want the question - - -?---Yes,
12 I will do. Thank you for that.

13 Or if you want a question repeated?---Yes. Thank you.

14 Yes, Mr Tovey.

15 MR TOVEY: Thank you. Mr Walker, as we adjourned your evidence
16 yesterday - - -?---Yes.

17 I think we were at 22 January 2018 and we had brought up court
18 book 3620, which is exhibit 116. Could you just have a
19 look at that document. That document is a document, as
20 I understand it, which was recovered from your premises.
21 Is that a file note by you of a meeting with Megan Schutz
22 on 22 January of 2018?---Look, since you visited our
23 premises I put together files, which I've gone through
24 those files extensively. I could not find a copy of that.

25 All right. In any event, can we just work on the basis that
26 that is something that, if evidence ever becomes
27 necessary, was recovered?

28 COMMISSIONER: Mr Tovey, do we have a hard copy of it? It
29 might assist Mr Walker if he has the hard copy?---That is

1 my numbering system, the 1, 2 and 3.

2 I don't want you to agree to something unless you are certain
3 about it. Are you confident that this is a note of
4 yours?---Yes, I'm confident it's a note of mine, yes.

5 Very good.

6 MR TOVEY: That's January of 2018. You are conscious of the
7 fact that later in 2018 matters relating to the H3
8 intersection and Hall Road started coming up before the
9 council?---Yes, yes, absolutely.

10 It would seem that this document seems to be created only a
11 couple of months before you were briefed by Megan Schutz,
12 that is when I say a couple of months it's three months,
13 I think it was about 23 April that you were briefed by
14 Megan Schutz to accept to be employed to promote the
15 developer's interests in respect of H3?---Yes.

16 Is it your recollection that it would have been about three
17 months before that arrangement came about that you and she
18 first started discussing H3?---I have to say that there's
19 a huge amount on the files and I don't recollect this.
20 I know it's written in my name, but I don't recollect
21 anything about this at all, and the first time I only
22 started talking about H3 was in April when she offered me
23 the consultancy in respect of that.

24 Whether it was April or January probably doesn't really
25 matter?---No.

26 But did you have any appreciation of the issues that Megan
27 Schutz was concerned about in respect of H3 before she
28 raised them with you?---Not so much from her. It was a
29 concern of mine as President of SCWRAG, is that we were

1 aware of some accidents occurring at Evans Road.

2 Yes?---And Evans Road is an unsignalised intersection and there

3 was no signalised intersection south of Hall Road.

4 Yes?---So that was when I started to - certainly by April

5 I really wanted to do something about that.

6 Yes. In any event, so you were conscious of accidents

7 occurring at the Evans Road intersection?---Yes.

8 Was Evans Road signalised at that stage?---It had never been

9 signalised, and it has been a problem for a lot of

10 residents for some time.

11 Is it a roundabout at Evans Road?---Sorry?

12 Is there a roundabout at Evans Road?---No, it was listed as an

13 interim step by the Victorian government to put an interim

14 roundabout.

15 Was Evans Road intersection west of the proposed H3 signalised

16 intersection?---Yes.

17 All right?---Sorry, east.

18 Sorry, east?---East.

19 Yes, I'm sorry. So it was only as a result of conversations

20 with Megan Schutz that you became conscious of proposals

21 and contentions relating to the H3 intersection?---Yes,

22 yes.

23 All right. If you look at that document, although you have

24 some difficulties recalling the document itself, if you

25 look at the notations under 2?---Yes.

26 And it there says, "Ray to say he found out there is

27 \$15 million in the DCP fund. Ray to tell Gary Rowe that

28 we want to know what funds are available in the DCP fund

29 which was allocated for Hall Road and what's happening

1 with the money." Then it goes on and there's a notation
2 in pencil or in pen, "3. We request that Gary Rowe ask
3 his officers why they are not proceeding with Hall Road.
4 Hall Road is not on the priority list. This is a real
5 community safety issue with us." So at that stage it
6 would appear, would it not, that you and she are
7 discussing a strategy to try and access the DCP fund to
8 have work done on Hall Road?---Yes, yes.

9 And that coincides with your actual recollection?---Well, it
10 doesn't because of the fact I never spoke to Gary Rowe
11 until much later on. I never proceeded with any of this
12 work.

13 So as of 22 January 2018 any suggestion that you speak to Gary
14 Rowe or try to access the DCP fund or create waves in
15 respect of what was happening with that was not something
16 that would have come from you?---No, definitely not.

17 Okay. That means that if this was a note of the meeting with
18 Megan Schutz you would accept that it must have come from
19 her?---Definitely. Oh, yes, definitely from her.

20 All right. Thank you. Gary Rowe; when did you start having
21 communication with Gary Rowe?---When we went to the - in
22 2015, in February, when we first became aware of
23 the rezoning - sorry, of the industrial land.

24 Yes?---We were invited along to a meeting at Quarters Estate,
25 and that's where my wife and I met with the landowners.

26 Yes?---We met with Megan Schutz, who said that she was a lawyer
27 for the landowners; Tom Kenessey from Leighton Holdings;
28 and also Councillor Gary Rowe, who was voting or was in
29 the process of putting a motion forward. That was the

1 first time I met him.

2 That's the community day we have already discussed?---Yes,
3 that's right.

4 Okay. Can I just ask one question?---Yes.

5 You recall that you have already given evidence about Megan
6 Schutz setting up your website?---Yes.

7 And your understanding is that Leightons paid for that?---Yes.

8 Did you know - did you come across a man called Phil Staindl
9 from - - -?---Never heard the name, no.

10 At the time that your website was set up did you realise that
11 he was in the background with a number of people who
12 were - sorry, he was in the background with Schutz and
13 Kenessey discussing the setting up of your website?---No.

14 Did you know of him or his existence - - -?---No, no, it's only
15 since this.

16 So you didn't know that there was Mr Woodman's political
17 lobbyist - - -?---No.

18 Was involved even at that early stage?---No. No idea.

19 All right. So could we now go to exhibit 117, which was tab
20 3578, I think, and this is 23 April of 2018. Just have a
21 look at that document?---Yes, I'm aware of that, Mr Tovey.

22 All right. Is that the document which basically you see as
23 constituting your appointment - - -?---Yes.

24 To lobby in respect of Hall Road?---Yes, yes.

25 You are familiar with the contents of that document?---Yes,
26 I am, yes.

27 We have already been through this with Megan Schutz, and
28 I don't propose to do any more, but from that point on you
29 saw yourself as being employed by Watsons to lobby on

1 their behalf in respect of that issue?---Well, Schutz
2 Consulting.

3 You knew Schutz Consulting was acting for Watsons?---At that
4 stage, yes.

5 I take it you had never been a registered lobbyist or anything
6 of - - -?---Not at all, no, no. It was a very new field,
7 I would have to say.

8 Could we please go to 27 June of 2018, 3572?

9 COMMISSIONER: Do you want that enlarged at all,

10 Mr Walker?---No, that's okay. Oh, fine. Thank you.

11 MR TOVEY: Can we just scroll through. So that's a newsletter
12 being sent out to people who - - -?---Our members.

13 Who were on your email list?---My email list, yes. Sorry, our
14 email list.

15 If we can just keep on scrolling down, thank you. You look
16 there at the top of page 3573?---Yes.

17 "Our new campaign", and then in the newsletter it explained
18 what was being proposed in respect of the Hall Road
19 lobbying campaign?---Yes.

20 And that's the campaign which you had already - that you just
21 told us you contracted with Watsons to lobby in relation
22 to?---Yes. This was my - sorry, our first foray into
23 political lobbying. Megan Schutz just wanted to look at a
24 particular section of Hall Road, and I said, "No," what
25 I said, "What I'd like to do is to look at the entire Hall
26 Road network as part of that program. I want to be there
27 for the residents." So I dreamt up the name "Fix the Hall
28 Road network" on the basis that it was the whole network
29 from Eastlink all the way through to Carrum Downs, Western

1 Port Highway critical, Hall Road between Western Port
2 Highway and the Frankston-Cranbourne Road, but
3 particularly the unsignalised intersection at Evans Road.
4 So the situation was that Megan Schutz came to you wanting to
5 get a result in respect of the construction of the H3
6 intersection. You indicated that from your point of view
7 and from the community's point of view you thought it more
8 appropriate to wrap that into a redevelopment relating to
9 a large section of Hall Road?---Absolutely. And it was
10 really - she was really focusing on the urbanisation of
11 Hall Road.
12 Yes. And that was a win/win, was it not, because, as you saw
13 it, you could accommodate her particular interest?---Yes.
14 But also wrap that in the community interest?---Well, even her
15 interest, really the parts of the road at that stage
16 hadn't been changed for 30 years. They were two-lane
17 carriageways, particularly some sections of - - -
18 But we understand that it's no doubt beyond argument that the
19 community would have benefited from an improvement of Hall
20 Road?---Yes. Yes, that's right. To make it a four-lane
21 road, yes.
22 But with these things it's always a matter of council and
23 government priorities, isn't it?---Yes, very much so.
24 Getting one project ahead of another?---Yes, yes.
25 And getting it done now rather than later?---Yes.
26 But the situation was, as you have told us, she came to you
27 with H3. As a result of that, you started to consider how
28 that could be wrapped in a much larger community safety
29 envelope?---Yes.

1 And that's the way in which the map campaign proceeded, and
2 this is where you first notified your members - -
3 -?---Yes, that's - yes.
4 Of what was then being proposed?---Yes. Well, I discussed them
5 with her before, before I put this out, yes, I did.
6 Okay. I tender that newsletter dated 27 June 2018,
7 Mr Commissioner.
8 COMMISSIONER: It's to be described as a newsletter by SCWRAG?
9 MR TOVEY: Yes.
10 COMMISSIONER: That will be exhibit 138.
11 #EXHIBIT 138 - Newsletter by SCWRAG dated 27 June 2018.
12 MR TOVEY: On 30 July 2018 - sorry, before that I just want to
13 go to 28 July. Could we please look at 3459?---Yes.
14 Is that a note by you?---Yes, that's a note by me, yes.
15 So that relates to a phone call you have had with Geoff
16 Ablett?---Yes.
17 And he was going to speak to Peter Ficher. Who was Peter
18 Ficher?---Peter Ficher I think was the head planner within
19 the City of Casey Council.
20 And so what was it that you wanted him to speak to Mr Ficher
21 about?---Well, it goes back to I think the email of June,
22 the 10th, which I discussed with Megan Schutz in respect
23 of the fact that - let me just think about that exactly -
24 is that there were representations made to council to get
25 the Hall Road underway. Hall Road was regarded - and
26 I was told this by Luke Donnellan and council, that Hall
27 Road was regarded and agreed with council in September
28 2016 to be a long-term project.
29 Yes?---Also, there was some confusion in the fact that the

1 council believed that the Hall Road upgrade was a VicRoads
2 issue.

3 Yes?---And Megan Schutz had insisted that, and since
4 retrospectively or later on proved that the Hall Road
5 upgrade, it was in fact a council issue and they had
6 developed contribution funds. So it was in respect of
7 those issues to get council moving on that.

8 All right.

9 COMMISSIONER: What was the council approval, Mr Walker, of
10 25 May?---25 May? I can't recall that.

11 Because what you are saying here is, if I have followed the
12 note correctly, council approved something on 25 May and
13 you are trying to ascertain why at a ministerial level
14 that hasn't then been implemented. Is that not the thrust
15 of your note?---I think the thrust initially, and this was
16 with Megan Schutz, was the issue that there was buck
17 passing between the State Government and council in
18 respect of issues regarding Hall Road and also the
19 urbanisation, and, you know, I quoted that in terms of an
20 email that - sorry, in conversation, and I put that in a
21 letter to Geoff Ablett on 10 June.

22 The urbanisation is - - -?---That's that small section of Hall
23 Road which is the last 600 metres up and to the Evans Road
24 intersection. Now, either side of that is Wolfdene,
25 which is my estate, on the northern side - the southern
26 side, and the opposite side was Dacland, and that's where
27 the H3 intersection fitted on the south side on Dacland's
28 land.

29 And what does Pauline Richards have to do with that?---Well,

1 they wanted to get the support of Pauline Richards to help
2 facilitate that as the new potential member coming in.
3 And one of the things that Pauline Richards said to me is
4 that she had no knowledge of planning and if I had any
5 issues or any points, and that became - a couple of times
6 I mentioned that to her she handed me over to one of her
7 senior advisers who was there with Jude Perera.

8 MR TOVEY: At the bottom there you say, "In the absence of you
9 and Megan I did not take it any further as I have no
10 connections higher up"?---Yes, well - - -

11 Can you expand on that? You felt your connections petered out
12 at a certain level of access?---Yes, look, I never had any
13 direct dealings with council, except for Geoff Ablett.
14 And from a point onwards in July right through to about
15 September that's when I got heavily involved in meeting
16 with council officers. So prior to that really I had no
17 intimate knowledge of the internal planning process.

18 And you were aware that Megan Schutz was in constant contact
19 virtually with Geoff Ablett?---Yes.

20 And you were aware - I mean, did you go to council meetings or
21 follow council meetings and look at the minutes?---I did.
22 I did up around about September. That's when I went
23 to - - -

24 Yes. Well, in any event, you would be aware - you would have
25 been keenly aware, would you not, that Mr Ablett declared
26 a conflict in respect of matters concerning C219 and
27 H3?---Yes, I was aware of that.

28 Did you ask yourself or ask Megan Schutz how it is that Ablett
29 came to be on what Megan Schutz has described as the H3

1 working party involving you, Ablett, Jolene Rohm, Megan
2 Schutz when he was conflicted in respect of Woodman
3 matters?---No, I didn't.

4 Did it occur to you at the time that he was showing a great
5 degree of enthusiasm to accommodate the wishes of Megan
6 Schutz?---Yes, I did. Yes, I did. He was the mayor at
7 the time too, and obviously in subsequent events, you
8 know, I can certainly understand it.

9 I mean, it got to the stage, did it not, where you and - the
10 four of you who I've just named, and I will take you to it
11 in a minute, where you had at one stage arranged with
12 Geoff Ablett at one of your meetings, that is one of your
13 work party or work group meetings, that you would be
14 sending him a letter in certain terms?---Yes, yes.

15 Which he could then bring before the council?---Yes,
16 absolutely, yes.

17 So how did that work if he was conflicted in respect of
18 Woodman? I mean, at the time did it occur to you that
19 there was something off about that and about the
20 relationship between he and Megan Schutz?---Look, I was
21 just trying to think again of the conflict - awareness of
22 a conflict. I don't necessarily recall exactly when
23 I heard that, because I didn't attend any council meetings
24 nor observe any council meetings early on.

25 But by 2018 there had been numerous votes on C219. Every one
26 of those he excluded himself on the basis of conflict. So
27 I suggest to you that by the beginning of 2018 you would
28 have had to have been aware of that?---Look, I didn't
29 really - I didn't really look - this was new to me with

1 council. I didn't necessarily focus on that area, have an
2 awareness of that area.

3 COMMISSIONER: But, Mr Walker, did it not occur to you to be a
4 strange thing that Ms Schutz, who you understood was the
5 consultancy planner for Leightons, was preparing a letter
6 for the mayor?---I have to say I was fairly naive at that
7 stage. You know, this was all new to me in terms of this
8 sort of work, I have to say.

9 So is the answer to my question you didn't at the time think it
10 odd?---No, I didn't.

11 MR TOVEY: I tender that document, Mr Commissioner.

12 COMMISSIONER: Yes. Can you give me the detail of it again?

13 MR TOVEY: Yes. Can we flash it back up again, please. That
14 is Walker file note of phone call with Ablett, 28 July
15 2018.

16 COMMISSIONER: Thank you. That will be exhibit 139.

17 #EXHIBIT 139 - Walker file note of phone call with Ablett,
18 28 July 2018.

19 MR TOVEY: I was just raising with you what's been referred to
20 as the H3 work group. That's the way Megan Schutz has
21 described it here in evidence, and I now want to take you
22 to a file note of yours relating to a meeting involving
23 yourself, Mr Ablett, Jolene Rohm from the office of John
24 Woodman and Mr - sorry, and yourself. That's on 27 August
25 of 2018?---Yes, yes.

26 And that is exhibit 96, tab 3639?---Could you enlarge that,
27 please?

28 You will see that's a note of a meeting?---Yes.

29 You have "Jolene Ray" - - -?---Jolene Rohm. No, "Jolene, Ray

1 and Verlie," sorry.

2 In fact, that's Jolene Rohm, is it not, R-O-H-M?---R-O-H-M,

3 yes.

4 And you knew her to be the personal assistant of John

5 Woodman?---Yes.

6 All right. So this was a meeting between yourself - this is of

7 course a meeting after you have taken on the lobbying

8 job?---Yes.

9 So you've got there Megan Schutz, who's employed by Woodmans.

10 You've got Geoff Ablett, who is the mayor; is that

11 right?---Yes.

12 And at that stage, whether you knew it or not, he was

13 expressing that he was conflicted in respect of Woodman

14 matters. You had Jolene Ray, who was

15 Mr Woodman's - sorry, Jolene Rohm, who was Mr Woodman's

16 PA; and your wife, who I take it was aware of your

17 contract or your agreement?---Yes, yes.

18 Okay. If we could just scroll through. The second line, if we

19 just go back up a bit, "Ray to call Pauline Richards today

20 to ask Pauline where does the Hall Road network now sit."

21 Did you in fact contact Pauline Richards in respect of - -

22 -?---Yes, I'm pretty sure I did, yes.

23 Were you told that John Woodman had provided \$20,000 for her

24 election campaign?---No, no.

25 Were you told by Megan Schutz that she's somebody who was

26 expected to lend you a kind ear?---No, I wasn't aware of

27 that.

28 Did you know her before you were pointed in her direction by

29 Megan Schutz?---We had a meeting, Megan Schutz and I, with

1 Jude Perera and Pauline Richards just prior to the
2 community information day, where right in the middle of
3 the election lobbying was underway.

4 So this is back in 2015?---No, no, 2018. But this was the
5 election year. So she was a new candidate. So we met
6 with Jude Perera and Pauline Richards in Jude Perera's
7 office, probably about late May - I think it was late May.
8 And who organised that?---Megan Schutz.

9 COMMISSIONER: I take it, Mr Walker, when it's said you are to
10 call Pauline to find out where the Hall Road network now
11 sits you didn't understand Ms Richards to be able to make
12 decisions about that; you wanted her, that is Ms Richards,
13 to find out for you what was happening at a government
14 level?---Yes, yes.

15 And what did you understand Ms Richards' connections were at a
16 higher level in order to answer your enquiry?---I didn't
17 even think - I didn't even think of any connections - - -
18 You don't know what - - -?---I have no idea. In fact, you
19 know, I didn't think she had any connections at all, to be
20 quite honest.

21 So you were just carrying out a suggestion from - - -?---Yes.
22 From, what, Ms Schutz, were you?---Yes, and trying to build a
23 relationship with her, you know, a connection, if you
24 like.

25 Yes, I see.

26 MR TOVEY: "Geoff," that's Geoff Ablett, "said he had spoken to
27 Luke Donnellan about eight days ago on the Hall Road
28 agenda, and Luke is now on board." Now, Luke Donnellan
29 was a minister at that stage, was he?---Yes.

1 What was he?---I did have some dealings with Luke Donnellan.

2 Part of my - - -

3 Sorry, what ministry did he have?---Minister for Roads.

4 Yes. What was Geoff Ablett doing lobbying him, to your

5 knowledge?---I have no idea. I don't know.

6 Sorry, and you've had - - -?---Well, part of my strategy of

7 "Fix the Hall Road network", we did meet with his staff on

8 May 1, his staff here in Spring Street.

9 May 1?---Luke Donnellan's staff.

10 Yes, on May 1, 2018?---May 1. What I realised was Luke

11 Donnellan was the local member for Narre Warren, and he

12 also has a meet and greet on a regular basis with his

13 electorate, and Verlie, my wife, and I had met him at

14 Fountain Gate, and that was part of my strategy, is to

15 have the opportunity to meet with him one on one because

16 it's very hard to get close to ministers, to meet with

17 them. And my wife and I had 10 to 15 minutes with him to

18 be able to talk to him directly about Hall Road.

19 All right. And was that something that you organised off your

20 own bat or - - -?---I organised that as part of my

21 strategy, yes.

22 The rest of it - I think if we just scroll down, what's being

23 discussed is fairly self-evident. We have already been

24 through it with Megan Schutz. "Council meeting is on

25 11 September." That's a meeting anticipated in respect of

26 the H3 intersection; is that right?---I can't recall that

27 meeting. Yes, sorry, it would have come up at that stage,

28 yes.

29 If we just go down.

1 COMMISSIONER: Billboards were to go up. Who was going to pay
2 for the billboards, Mr Walker?---That would have been
3 Megan Schutz would have paid for that.

4 MR TOVEY: And did those billboards go up?---No, they didn't.
5 At the time you spoke to Mr Donnellan did you tell him that at
6 that stage you were a lobbyist being employed by
7 Watsons?---No, I did that as the President of SCWRAG.
8 And, look, you understood that that was what was expected of
9 you, to use your name as the President of SCWRAG to give
10 you access?---Yes.

11 If we go down to the middle of the page you are now looking at,
12 "Ray to write a letter from SCWRAG to Geoff, the mayor,
13 with our concerns. He needs to sight a letter with our
14 concerns. A letter must be sent/delivered to Geoff before
15 next Wednesday." So this is you at a meeting with Watsons
16 people, including Geoff Ablett, arranging for a letter to
17 be sent to him?---Yes.

18 In terms which he is explaining to you?---Yes.
19 Is that right?---Yes.

20 All right. Thank you. Following this there were further
21 meetings, were there not, which went along somewhat
22 similar lines to that one?---I can't recall meeting him
23 after that date.

24 There was a meeting in the botanic gardens, wasn't there, a
25 couple of days later?---That was the
26 botanic - I understand that was botanic gardens. That was
27 August 27th; was that correct?
28 That was the 27th. There was - - -?---That was the
29 botanic - - -

1 The botanic gardens meeting was the 31st?---I have a feeling it
2 was one and the same meeting. I don't remember meeting
3 separately. When I met with Jolene Rohm that was the
4 botanic gardens meeting.

5 All right. Was there only one occasion - - -?---Only one
6 occasion, yes.

7 You recall meeting with her?---Yes. The date I think may have
8 been changed, but there was only the one meeting.

9 So the date of the 27th you think might be wrong?---Well,
10 there - thereabouts, that either - the one meeting.

11 Could you just bear with me and I'll check on that?---Okay.

12 Thank you. The note I get is that on further analysis it may
13 be that the documents support what you are saying. So
14 it's not something we need to go into at this
15 stage?---Right, okay.

16 COMMISSIONER: Can I just clarify with you, Mr Walker, at some
17 stage do you recall speaking to Councillor Rowe about Hall
18 Road and what his position on that issue was?---No,
19 I never spoke to him regarding his position on Hall Road.
20 I did meet with him - I'm just trying to think - on one
21 occasion, and I hadn't spoken to him much at all. In a
22 conversation he said "Geoff Ablett told me that you met up
23 with him," and I said, "Yes, that is correct," because
24 Gary Rowe was my local councillor, and I said, "Yes, we
25 have got some concerns that appears to be that some of the
26 money on the DCP funding for the industrial area was drawn
27 from the Cranbourne West DCP funds; in other words, the
28 residential development funds," and he got very upset at
29 that comment and didn't agree with it.

1 Perhaps the witness could be shown document 256,
2 please?---Sorry, I did meet with him at the community
3 information day too. He came along to the community
4 information on 10 June.

5 Do you have a recollection of Mr Rowe ever saying to you that
6 the work on the road was outside the jurisdiction of the
7 council?---I don't remember those comments.

8 Document 256, could you bring that up, please?

9 MR TOVEY: If I could just go backwards - - -

10 COMMISSIONER: Yes, certainly.

11 MR TOVEY: In 2017?---Yes.

12 There was a point at which Wolfdene sought from council
13 permission to change the sequencing of their release of
14 land in the Elysian/Alarah Estates?---Yes.

15 Is that something that you were conscious of?---Yes, I was as a
16 resident quite critical of Wolfdene, even as far back as
17 2016. Our only access in and out of our estate was John
18 Russell Road, which was effectively a court, so traffic
19 banked up either side. So I did meet with Jon Atchison of
20 Wolfdene and made my views known that we were not happy
21 with this, it was regarded as a temporary road, and this
22 was two years later and what are they going to do about
23 it. So I did speak to him twice with other residents, but
24 also later on as a resident I spoke with [REDACTED]
25 [REDACTED], and I had never met him - - -

26 Perhaps if I could just stop there. [REDACTED] is a
27 council officer; is that right?---Yes. I spoke to him as
28 a resident, you know, finding out - - -

29 No, I understand that, yes?---Yes, so I was wanting to know

1 whether Hayton Park Boulevard, which was the other side of
2 the H3, when was that being developed, and I understood
3 from him that it was supposed to be introduced after stage
4 3 was released and found - this was earlier on, and
5 I found that Wolfdene had had that switched and deferred
6 that, deferred the intersection.

7 All right. And did you do anything about that? Did you write
8 to council or?---No, I didn't take it any further because
9 what actually happened in the interim, they opened up
10 Alarah Boulevard and also the access on the other end. So
11 we didn't - we had other exits outside of the estate.

12 On 4 September there was a motion before council moved by
13 Mr Aziz - - -?---Yes.

14 And you recall 4 September?--Yes.

15 A famous day in H3 history?---Yes, yes.

16 All right. Then a question arose as to whether or not that
17 motion, which was requiring Dacland to build the H3
18 intersection, was legal or not?---Yes, yes.

19 So I just wanted to focus your attention. Now, in the lead-up
20 to that you sent correspondence to Mr Ablett, did you not,
21 including a Traffix report - that is
22 T-R-A-F-F-I-X?---I can't recall that.

23 All right?---He may well have been copied on some other
24 information, but I can't necessarily recall that exactly.

25 Are you aware of letters and reports provided by you being used
26 by Mr Aziz in the course of his presentations to council
27 during that period?---Yes, I did mention that the other
28 day, yes.

29 Part of the strategy was that there would be a letter or

1 letters from SCWRAG - sorry, it's SCWRAG; is that the way
2 it's pronounced?---Some people say SCWRAG. We are a bunch
3 a SCWRAGers. SCWRAG we prefer to be - or did prefer.
4 In any event, there was letters from SCWRAG with back-up
5 information relating to community safety?---That letter,
6 that was to Sam Aziz, that had a copy of Paul Chiappi's
7 legal letter saying that the amended resolution gave
8 Dacland natural justice and it would be acceptable.
9 Yes. We have already discussed this?---Sorry.
10 We have already discussed, I think, your concerns about the
11 Chiappi advice?---Yes.
12 And the way in which it was portrayed?---Yes, yes.
13 I don't want to go back to that?---Oh, sorry, yes, okay.
14 But what I'm talking about is the decision which was then
15 shortly thereafter the subject of the Chiappi legal
16 advice; do you understand?---Yes.
17 I'm talking about the council decision of 4 September. In the
18 course of that Mr Aziz moved to impose requirements on
19 Dacland to construct an interim signalised intersection;
20 you are aware that that's what occurred as part of
21 that - as a motion that was being put forward on - -
22 -?---I don't recall that.
23 And there was some controversy at that time because Aziz
24 purported to be acting on legal advice?---Yes.
25 And in fact you had at some subsequent stage, I take it,
26 discussed with Megan Schutz whether there had been such
27 legal advice?---Sorry, is that separate to the Chiappi - -
28 -
29 This is before, yes. Ablett, in council, said that he had

1 material from SCWRAG as to safety, et cetera, Traffix
2 report and also that he had legal advice as to the
3 legality of what he was doing. He didn't disclose
4 that?---I don't recall that. I didn't necessarily follow
5 continuously the council meetings.

6 If you look at - I will just take you, to refresh your memory,
7 to 3570, which I understand is a letter to Mr Ablett on
8 31 August of 2018.

9 COMMISSIONER: Is that currently an exhibit, Mr Tovey?

10 MR TOVEY: It doesn't have an exhibit number. I'm sorry, it
11 does. No, I take it back, it doesn't. So this is
12 only - if you just stop there, thank you. Do you see that
13 document?---Yes, I do.

14 Does that refresh your memory?---Yes, it does refresh my
15 memory, yes.

16 All right. So in anticipation of the H3 motion before council
17 you had provided that letter to Mr Ablett?---Yes.

18 And a Traffix report?---Yes.

19 And Traffix was a form of - some organisation which, I take it,
20 provided engineering and road safety information?---Yes,
21 yes.

22 Did you pay for the Traffix report?---No, Megan Schutz gave me
23 that, that document. So it would have been paid through
24 her connections.

25 I tender that document.

26 COMMISSIONER: Exhibit 140, 31 August 2018 letter from SCWRAG
27 to Ablett.

28 #EXHIBIT 140 - 31 August 2018 letter from SCWRAG to Mr Ablett.

29 MR TOVEY: Subsequent then - so what happened after that was

1 you then got the - sorry, excuse me. You got the Chiappi
2 advice as to the legality of the resolution which was
3 passed on 4 September?---Yes.

4 You have already told us that that advice was not solicited by
5 you or paid for by you?---Yes, that's right.

6 I think I have already taken you to a letter that was sent to
7 councillors suggesting how SCWRAG thought things should
8 progress following the issue of rescission being
9 considered?---Yes.

10 And that was done basically by Megan Schutz, who understood
11 those issues?---Yes, yes.

12 Then the matter came up before on 16 October - came up again on
13 16 October; is that right? That's when Mr Aziz moved an
14 alternative motion?---Yes, it would have been, yes.

15 And I'd suggest to you that was basically the same day that the
16 minister announced that he was deferring his decision on
17 C219?---Yes, yes.

18 At the time that H3 came back, so you have had the first vote
19 on the 4th, you had the rescission issue and then it came
20 back on and Aziz moved again another motion on 16 October,
21 on that date he provided - he referred to crash data which
22 had been provided by I think Victoria Police to you which
23 you had sent on to him; is that right?---Yes. Take a step
24 back, is that the Commit to Casey meeting was held on
25 27 August.

26 Yes?---Now, I was quite upset that Hall Road was not on list of
27 roads by Casey Council.

28 Yes?---So at that meeting there was Luke Donnellan, there was
29 David Davis and a whole lot of dignitaries in the area,

1 councillors. So I was the first person from the audience
2 to raise the question to Luke Donnellan, because the first
3 time they were doing nothing about Hall Road or anything,
4 and I explained the Hall Road network. I also said, "We
5 have obtained independently" - SCWRAG - "crash data from
6 the Victoria Police statistics branch that showed there
7 were a serious number of accidents on Evans Road. I think
8 there were something like seven to nine accidents within
9 six months," so more than one a month. And then I said,
10 "What are you going to do about it," and that was probably
11 the first time that the government - sorry, and he said,
12 "Well, we're doing something shortly," and I said, "When,"
13 and he said, "The next two to three months." So that was
14 the first time that the government, the Victorian
15 government, had indicated they were taking that on board,
16 and at the end of October the government announced a
17 \$169 million package.

18 The matter that I was concerned to ask you about, though, was
19 whether in the lead-up to 16 October you sent an email to
20 Mr Aziz - that is, you acting for SCWRAG or purporting to
21 act for SCWRAG - containing a letter dated 16 October of
22 2018 to Aziz from SCWRAG, and those documents provided
23 inter alia collision data to be used in the debate that
24 day?---Yes, I wanted it to be included as a black spot.
25 Black spots, normally you have to have a five-year review
26 of it, but anything that was very high risk you could put
27 that forward.

28 Now, following all this and after the minister had announced
29 deferring his decision - - -?---Yes.

1 Discussion between yourself and Megan Schutz and others led you
2 to believe that there was an Age investigation going on
3 which had spooked the minister?---I can't recall a
4 discussion that there was an Age investigation. I can't
5 recall that.

6 Ms Schutz has told us that they became aware some time before
7 that there was an Age investigation going on. It would
8 seem to make sense that she would have told you about
9 that - - -

10 COMMISSIONER: Mr Tovey, you mean some time before the
11 publication.

12 MR TOVEY: Before the publication of the article?---I can't
13 recall that.

14 But you would see no reason for her not raising that with you
15 it was coming?---I don't know. I can't answer that.

16 Well, did The Age call you seeking comment in respect of
17 certain matters?---Yes, yes.

18 And that was before the - - -?---No, no, that was subsequent to
19 the - well, it might have been - I think it was after the
20 article was published, he was wanting feedback.

21 On 19 October there is a phone call, which I won't tax you
22 with, between Ms Schutz and Mr Woodman discussing The Age
23 investigation and whether or not they, that is Megan
24 Schutz and John Woodman, could be linked back to SCWRAG.
25 There's no doubt, because we have a copy of that
26 conversation, that it took place. Are you saying
27 positively that you had no knowledge of The Age
28 investigation in advance?---To be honest, I can't recall.
29 I really just can't recall that.

1 COMMISSIONER: Do you remember, Mr Walker, meeting at the
2 Coffee Barn Bistro with Mr Woodman and Ms Schutz the day
3 before, on 18 October?---Coffee Barn Bistro?
4 Do you remember a meeting with John Woodman and
5 Ms Schutz?---I can't remember that meeting.
6 At Thompsons Road?---With John Woodman?
7 Coffee Barn Bistro?---I can't recall meeting John Woodman
8 there.
9 That was two days after the minister's decision was made to
10 defer the amendment to C219?---No, I honestly
11 can't - I honestly can't recall that.
12 Do you remember the meeting on 30 October at Ms Schutz's
13 residence?---Yes, I certainly remember that, yes.
14 And what was discussed at that meeting?---One of the - well, it
15 was to do with the H3 intersection. There was a lot
16 of - and - well, there was attempts made to bring both
17 Dacland and Wolfdene to get together to agree on the terms
18 of the H3 intersection, and John Dwyer of Dacland, he made
19 overtures to Wolfdene, and they just could never come to a
20 resolution, and because they had been knocked back a
21 couple of times, Dacland, in terms of what they were
22 trying to do, is defer the statement of compliance for
23 stage 10 - sorry, they wanted to get the stage 10 through
24 before the H3 intersection was built. Sorry, I'm a bit
25 roundabout here. Ultimately they wanted to go to VCAT
26 because nothing seemed to be resolved, there seemed to be
27 a standoff, and I felt a bit threatened as the President
28 of SCWRAG, so I told this to Megan Schutz and she arranged
29 a meeting at her home with me and John Woodman. She

1 arranged that. So I put that to him, and he then went and
2 held discussions with John Dwyer.

3 And do you say that The Age article was not discussed at that
4 meeting?---I can't recall.

5 MR TOVEY: That meeting was only a couple of days after the
6 article came out. It would have been, wouldn't
7 it?---Possibly was, but I can't recall that.

8 COMMISSIONER: Did you see The Age article when it came
9 out?---Yes, I did, yes.

10 So as I have followed your evidence, Mr Walker, this would all
11 have come as a surprise to you, the things that were being
12 alleged in that article about councillors?---Well,
13 certainly I knew that Amanda Stapledon and Geoff Ablett at
14 that stage were excused from - that's the stage I really
15 learnt that they were excused from any involvement where
16 it's relating to the H3 intersection. You know, certainly
17 at that late stage, so - and the only thing I knew at that
18 stage, what I heard, is that Geoff Ablett had a racehorse
19 in conjunction with John Woodman. I didn't know what had
20 come out in the paper.

21 So what did you do as a result of reading that article?---Well,
22 I discussed it with Megan Schutz, and she said that she
23 and John Woodman were going to sue the paper, and
24 I obviously didn't have the resources to do that, but
25 Royce Millar of The Age had tried to contact me and I in
26 fact took his call because he was casting aspersions on
27 SCWRAG, you know, that we had a legitimate number of a
28 thousand members, that we were strongly opposed to the
29 rezoning, and so that's why I wanted to speak to The Age

1 reporter, which I did.

2 What did you do? Did you dismiss The Age's allegations, did
3 you, as factually unfounded?---Well, sometimes you do get
4 a bit suspicious of newspapers, sometimes for just
5 publicity.

6 I just want a clear answer from you?---Yes, sure.

7 Did the allegations cause you to reconsider your relationship
8 with councillors and Ms Schutz and Mr Woodman?---Well,
9 part of me wanted to continue to - because we had gone so
10 far in the rezoning and Richard Wynne had gone on record
11 when he said that on 16 October that they were doing a new
12 study into the available economic land in the south-east,
13 that they would complete that study by
14 March - February/March of 2019, part of me still had a
15 strong pull to want to be around when that came through,
16 and we wrote a letter to Richard Wynne at that stage, and
17 Jenny Williams - when I finished - not Jenny
18 Williams - when I finished my last report for that year
19 Jenny Little came back to me and said, "What we would like
20 you to do is to" - "in the New Year we would like to meet
21 with you and your report to include the new estates of
22 Exford Waters in Melton South and also Wyndham Vale." So
23 there was a bit of a pull for me to continue with that
24 view and with the rezoning. So I lent more to that side.

25 Tell me if I've - - -?---Sorry?

26 Tell me if I've correctly understood your position, Mr Walker;
27 that you are saying to me that, regardless of the
28 allegations that were raised in The Age and whether they
29 were true or not, you felt at the time there was

1 sufficient reasons why you should continue in that
2 relationship?---Well, I didn't think they were - the
3 seriousness of what it's since turned out to be, and
4 I have to say also financially, you know, it was an
5 important source of income as well.

6 Yes. So we have heard evidence that Mr Woodman and Ms Schutz
7 determined that a good strategy would be to sue The Age
8 for defamation and thus cause The Age to try - to try to
9 get The Age to back away from their allegations. Did they
10 make you privy to that strategy?---No, not at all. No, no
11 idea.

12 And did it occur to you that the new contractual arrangement
13 that they were asking you to enter into where you would do
14 some investigation and research into residential sales in
15 other areas, that that was being done in order to conceal
16 your true relationship with them?---Well, it did surprise
17 me with the fact that the future invoicing was through
18 Schutz Consulting, whereas previously the residential
19 sales data, the market research reporting was previously
20 with Watsons.

21 Yes. Because the format of the invoicing changed. Until the
22 time of The Age article Ms Schutz had always recorded on
23 the invoices - you may not have seen them, but recorded on
24 the invoices that were then forwarded to Watsons that it
25 was for campaign work that you were doing for them. Did
26 you have any discussion about how your role was to be
27 represented formally after The Age article?---No.

28 So that was something she did without your knowledge?---Yes,
29 yes.

1 Yes. Yes, Mr Tovey.

2 MR TOVEY: So it was the case then, was it, that you came to
3 realise that - first of all, if I could ask you this. The
4 Age article of 28 October is an article which is in
5 evidence and I will take you to it perhaps?---Yes.

6 But it was headed up "Casey Council, where riches are made with
7 the stroke of a pen"?---Yes.

8 That was the headline?---Yes.

9 So far as it related to you, it made allegations that your
10 relationship with developers constituted astroturfing. Do
11 you remember that - - -?---Yes, I absolutely remember
12 that - - -

13 At that stage did you know what astroturfing was?---I didn't,
14 until I looked it up.

15 And what did you understand it to be? What does it
16 mean?---Well, that they set up a dummy residents group to
17 forward their proposal, to have a residents group as a
18 front, if you like, to assist them in terms of to get the
19 rezoning. Look, I did look that up, and my understanding
20 it wasn't illegal. That's my reading of it.

21 I'm not suggesting it was; I'm just - - -?---No, I'm just
22 saying that's when I looked at it and said it wasn't
23 illegal, and again it comes back to my point of view, and,
24 you know, naively at the start, is how do residents get a
25 voice - - -

26 Look, if I can just stop you there?---Okay.

27 I understand your justification for your position. But
28 nevertheless you were being paid by Watsons for a number
29 of things, one of which was to be a consultant, or, sorry,

1 a lobbyist in respect of Hall Road?---Hall Road, yes, but
2 not the rezoning.

3 At that stage you are used to - if it came out that that was
4 the case, your use to Watsons would have disappeared,
5 wouldn't it?---Yes.

6 And you were conscious of that?---Yes, yes.

7 And so you and Megan Schutz discussed whether or not it was
8 going to be possible to stop people finding out about that
9 association and that agreement?---No, I didn't do that,
10 no. I don't recall that, no. I didn't know that she was
11 going to be the invoicing party for the 2019 year.

12 I'm not talking about the invoicing. I'm just talking about
13 the reaction to The Age paper. You see, we have a number
14 of phone calls between her and Mr Woodman where they are
15 talking about trying to ensure that The Age is not in a
16 position to "connect the dots" between them and
17 you?---Right.

18 Now, as a matter of commonsense it must have been the case that
19 Megan Schutz at least discussed with you what the chances
20 were of keeping the relationship under the table; that is,
21 the consultation relationship, the lobbying relationship
22 that you had?---Look, I can't recall a conversation about
23 that.

24 COMMISSIONER: Just think about it, Mr Walker. If The Age
25 publishes an article, the strategy of Mr Woodman and
26 Ms Schutz is that they have got to try and conceal your
27 relationship, your true relationship with them, and the
28 risk is high and indeed it eventuated that The Age
29 journalist would want to speak to you?---Yes.

1 And if you weren't privy to the strategy that your true
2 relationship with them was to be concealed you would
3 destroy that strategy with the stroke of a pen. Did they
4 not say anything at all to you about what you should say
5 to The Age?---No, they didn't.

6 Did you tell The Age that you had been engaged on four
7 different contracts?---No, I didn't.

8 Why not?---Well, I wanted to - what I did say to them, that
9 SCWRAG has a thousand members and it - - -

10 You have told us - - -?---That's what I said to them.

11 You have told us what you said, which was to simply represent
12 SCWRAG's interest?---Yes.

13 But the thrust of The Age article, Mr Walker, was that there
14 was an inappropriate connection between SCWRAG and
15 Mr Woodman and the companies he represented. You didn't
16 say anything to The Age about that?---No, well, he had to
17 take another call, and I just stopped the conversation.

18 MR TOVEY: So this is a matter that on reflection had to have
19 been discussed in anticipation of the article, because the
20 article reported that you had in fact agreed that there
21 was some contribution to the setup of SCWRAG by a
22 development - sorry, by Leightons?---In The Age article?
23 Yes. I will take you to it if - - -?---Yes. I have forgotten
24 that.

25 Could we bring up, please - - -?---Sorry, yes, I do recall.
26 Sorry, it's just coming through. My apologies, yes,
27 I did.

28 And that is something that, given your relationship with Megan
29 Schutz, it's inconceivable, is it not, that you wouldn't

1 have discussed with her the fact that The Age has been
2 asking questions about your relationship?---I don't recall
3 any formal discussions about that.

4 There was a conversation between Megan Schutz and Mr Woodman
5 wherein Megan Schutz indicated that she was confident that
6 you would keep, to use a neutral term, confidential the
7 relationship between you. Is that not something that you
8 two discussed?---Sorry, could you repeat that? I couldn't
9 quite hear that.

10 Yes. Ms Schutz told Mr Woodman that she had been speaking to
11 you and that she was assured that the nature of your
12 relationship would remain confidential. Now, in the light
13 of that, do you contend that you didn't discuss it with
14 her?---Well, if there was a conversation, then, yes,
15 I did.

16 COMMISSIONER: No, no, it's not a - the conversation is between
17 Ms Schutz and Mr Woodman in which Ms Schutz assures
18 Mr Woodman that she has spoken to you and you will keep
19 the nature of your relationship with Mr Woodman or his
20 entities secret, confidential?---I can't recall the
21 conversation. I can't recall that conversation.

22 But do you doubt that you had such a conversation?---Possibly
23 I did, but I can't recall that.

24 MR TOVEY: As to your members, you will recall yesterday I was
25 asking you questions about how many people you had who - -
26 -?---Yes.

27 And you indicated each member was somebody who had filled out a
28 membership application?---Yes.

29 And you kept those applications. Going through them, did it

1 appear to you that some of them were in the same
2 handwriting or seemed to have the same
3 details?---Sometimes - sometimes - well, I'll give an
4 example. I went into - I did part of that, and sometimes
5 I went into a house and I might have - I can recall
6 I spoke to a person in the house and then there was
7 another person there, so I signed that there - you know,
8 put the details down, it was signed by the person.

9 In any event, there were 639 forms?---Yes.

10 Some of which appear to be duplicated in one way or another; do
11 you accept that that was the number of people you did in
12 fact have as members at one stage?---Well, I believe we
13 had over a thousand. I can't recall the number of forms,
14 but the list - because a lot of people signed online. We
15 also had people that came to the community information day
16 as well, as well as the - we did the doorknocking at a
17 particular - two particular weekends.

18 I thought you told me yesterday that all members, whether they
19 were online or not, had to complete an
20 application?---Certainly online they did. Certainly - - -

21 And those are the documents you've had and you'd kept?---Yes,
22 which you took away.

23 So that's the 639?---I can't recall the exact numbers.

24 Is it the fact that, insofar as you claim members over and
25 above 639, you are really simply relying on people who had
26 signed petitions or done things which had indicated
27 support rather than people who were formally
28 members?---I'm not sure on that.

29 COMMISSIONER: Just to be clear, Mr Walker, both at the Casey

1 Council when the council was considering its position on
2 whether or not C219 should be amended to allow for a
3 rezoning - - -?---Yes, yes.

4 Over half of the submissions that the council received were
5 opposed to the amendment; is that not correct?---Yes. The
6 point is that there were only something like 70 - probably
7 around 70 personal submissions, which is a pretty poor
8 number, and one of the problems I believe in terms of
9 residents submitting. So they were virtually 50:50 in
10 terms of that. But, you know, like, for instance, I take
11 back - the survey even from day one was 549, 733 people
12 signed the petition in May 2015, and we had significant
13 numbers on the incorporation date.

14 I'm not suggesting, Mr Walker, that there wasn't a significant
15 group within the community that wanted the
16 amendment?---Yes.

17 Only I wanted it to be clear that it was far from the entirety
18 of the community that supported that amendment, and that
19 was again reflected, was it not, in the planning panel the
20 following year, in 2018, when again the submissions for
21 and against the proposal were evenly divided?---Yes, they
22 were. The individual submissions were evenly divided.
23 But I also think and I recall that - and I may be wrong,
24 but when reading that that they felt the submissions for
25 had more weight or more argument than the submissions
26 against.

27 It may not be apparent to you, but the Commission is not
28 concerned with the rights or wrongs of the amendment. We
29 are concerned of course with the process. But it's

1 I think important to make clear for the record that there
2 was heated division within the community about whether the
3 rezoning should take place?---There was certainly
4 disagreements. I had that response on some of the
5 Facebook articles that - following the articles I did put
6 out. Look, I accept that.

7 Yes. Yes, Mr Tovey.

8 MR TOVEY: Just one final thing. There is a conversation in
9 2018 between Mr Ablett and Mr Woodman where they discuss
10 getting you to talk to Mr Patterson about the Hall Road
11 issue, the CEO. Were you approached by them to speak to
12 Mr Patterson?---No, I never spoke to the CEO at all.

13 All right. Nothing further. Could we just have a break,
14 Mr Commissioner ?

15 COMMISSIONER: Yes, certainly.

16 MR TOVEY: I figure we are at the end of the questioning but
17 I just want to check with those instructing me.

18 COMMISSIONER: Yes, certainly. Can you then clarify with
19 counsel whether there are matters that he wishes to pursue
20 and also whether Mr Patterson will then be ready to
21 proceed.

22 MR TOVEY: Yes.

23 COMMISSIONER: Very good. We will adjourn for 10 minutes.

24 (Short adjournment.)

25 MR TOVEY: Mr Commissioner, could Mr Walker be recalled? There
26 are a couple more questions.

27 COMMISSIONER: Yes.

28 MR TOVEY: Mr Walker, in the course of your evidence you
29 indicated that there was a gentleman by the name of Sepal

1 Patel?---Yes.

2 Who was involved in SCWRAG?---Yes.

3 What was his involvement over a period of time?---He was an

4 important part of the initial group from day one.

5 Yes?---He was a leader within the Indian community,

6 particularly in the Quarters Estate, because that's where

7 the original meeting was. We did have a protest there

8 where quite a few members of the Indian community were

9 there, and some of the early meetings there were quite a

10 number of Indian residents, connections with him as part

11 of that.

12 He was also, to your knowledge, seeking to be elected, was he,

13 as a politician?---No, I don't think he was. His friend

14 was.

15 And who was his friend?---Manoj Kumar, I think.

16 And was Mr Kumar involved in SCWRAG?---He came to a couple of

17 meetings, and I think that was, from my understanding,

18 well before that I think he was put forward or put forward

19 by the Labor Party, I believe, in Forrest Hill, is my

20 understanding.

21 Was Mr Patel involved in political campaigning whilst he was a

22 member of SCWRAG?---He was, but I'm not too sure from what

23 date.

24 And did that relate to issues in your area or was it in

25 relation to issues somewhere else?---Look, I'm not sure.

26 I'm not 100 per cent sure of that. He did introduce me to

27 Anthony Byrne, the Federal member for Holt, I believe, but

28 that was quite towards the end. And I think now he is a

29 member of staff of I think the first Indian MP, I think

1 for Werribee in the state parliament. But he did resign
2 as a member of SCWRAG.

3 When did that occur? When did he resign from SCWRAG?---That
4 was probably around about September, maybe August some
5 time.

6 Of 2018, was it?---2018, yes.

7 You have indicated that during that period in 2018, in
8 particular when you were contracted as a lobbyist in
9 respect of Hall Road, you spoke to a number of politicians
10 and to a number of councillors?---Yes.

11 But was it the case that none of them were told about the job
12 you had?---Sorry, say that again?

13 None of them were told that you were in fact employed as a
14 lobbyist for Watsons?---No, no.

15 COMMISSIONER: Are you familiar with the code of conduct that
16 relates to lobbyists, Mr Walker?---No, I'm not. No.

17 Whose idea was it that you should take on a position as a
18 lobbyist?---Well, it was probably my naivety in terms of
19 politics.

20 No, where did the idea originate that you should become a
21 lobbyist for the H3 issues?---Well, where it came out was
22 through my own activities, is that it was following my
23 meetings with Luke Donnellan, which, as I said, I met him
24 at Fountain Gate on June the 16th, and that was the first
25 time I approached him with respect to what are they doing
26 around Hall Road. I also spoke at the transport forum on
27 August the 27th, and in the interim I had obtained those
28 independent crash statistics and then I put that
29 information up with respect to saying that the Evans Road

1 intersection is a really dangerous black spot, and that
2 was just my activities to fulfil my part of the Hall Road
3 obligation. I believe that's where my skills were to be -
4 - -

5 Yes, but there was nothing to stop you doing any of that in
6 your capacity as President of SCWRAG, was there?---No,
7 I don't think so, not in that, no.

8 No. So I'm trying to understand why it was thought by someone
9 that you should actually also enter into a contractual
10 arrangement and describe yourself as a lobbyist when you
11 are able to do precisely those things as the President of
12 SCWRAG?---I don't recall any of that conversation
13 occurring.

14 Where did the idea come from to not just do it as President of
15 SCWRAG but to become a lobbyist and enter into a
16 contract?---No, I don't even recall that. I don't even
17 remember anything to do with entering into a contract as a
18 lobbyist.

19 Weren't you paid? Didn't you become paid for making
20 representations in relation to H3?---Yes, I was.

21 And when did that contractual arrangement start?---It started
22 in April of 2018.

23 And who came up with the idea that not only should you be able
24 to do that as the president of SCWRAG but you should enter
25 into a contractual arrangement as a lobbyist and get paid
26 for it?---Those terms never came up.

27 Sorry - - - ?---I'm not trying to be evasive.

28 No, but where did the idea come from being a
29 lobbyist?---I don't know. I don't recall.

1 Do you understand that the inference arises, Mr Walker, that
2 the sole reason for doing that was so that money could be
3 put in your pocket?---Yes, I understand that, yes.
4 Is there any other reason why you would need to become a
5 lobbyist?---I don't know.
6 Yes, Mr Tovey.
7 MR TOVEY: Who initiated that financial arrangement?---Megan
8 Schutz.
9 COMMISSIONER: All right. You had more success than me,
10 Mr Tovey.
11 MR TOVEY: Well, that's the first time.
12 WITNESS: Sorry, what was that?
13 MR TOVEY: That's the first time, Mr Commissioner. Mr Patel,
14 did he have any relationship with Pauline Richards of
15 which you were aware?---He may have campaigned on her
16 behalf. I don't know.
17 Did you ever meet Pauline Richards in his company?---No.
18 No further questions.
19 COMMISSIONER: Very good. Mr Lawrence, do you have some
20 matters you want to explore?
21 MR LAWRENCE: Yes, just a couple.
22 COMMISSIONER: Please proceed.
23 <EXAMINED BY MR LAWRENCE:
24 Mr Walker, yesterday you gave some evidence about posting a
25 number of things on Facebook?---Yes.
26 In relation to support from Leightons?---Yes.
27 Do you remember giving that evidence? Is it correct that you
28 accessed Facebook by using your wife's Facebook log-in
29 details?---Yes, that's correct, yes.

1 You then went to the Alarah community page?---Yes.

2 And you put some posts on that page; is that correct?---Yes, on
3 that page, yes.

4 And what was the reason for you putting though posts on the
5 page? What led you to do that?---Because I didn't
6 actively use Facebook in my own right. I had one but
7 I don't know how to use it.

8 All right. Had there been something posted on that community
9 page that led you to respond?---Yes, there was - there was
10 some negative comment from other people that were
11 residents on the estate.

12 Right. There were some comments from another group; is that
13 right?---Yes, that's correct.

14 A group that was in favour of the block of land remaining as
15 industrial land?---Yes, that's right, yes.

16 And what was it that you posted on the page?---Well, what
17 I wanted to do was to talk about Save Cranbourne West, why
18 it was set up and the reasons we supported the rezoning.
19 So it was an extensive letter. So basically who I was.

20 In those posts did you say anything relating to the support
21 that SCWRAG had received from landholders, companies or
22 anything - - -?---Yes, I did put that in, yes.

23 What did you put in in that respect?---I can't remember the
24 exact terminology, but basically we did receive support
25 from the landowners in helping set up.

26 And how many times did you make a post to that
27 effect?---I think the first time was just a normal
28 comment, a similar comment; but the second one was
29 actually talking about the support that we did receive,

1 that we did receive support.

2 COMMISSIONER: Mr Lawrence, what were the dates of those
3 Facebook entries?

4 MR LAWRENCE: I can ask, your Honour. I know what the answer
5 will be. Do you know when it was that you put those posts
6 up?---One was I think in August 2016, quite early.
7 I can't remember when the first one was put up. But I can
8 get those.

9 COMMISSIONER: Just forgive me. And when you put up those
10 posters on Facebook you were talking about multiple
11 landowners or developers who - - -?---I just talked to the
12 landowners.

13 In the plural?---Yes. Well, the Kelly family and the Leighton
14 Holdings. They were the landowners.

15 Were you getting any support from the Kellys?---Probably
16 more - I don't think so. I don't think it would be. If I
17 think about it, it would be Leighton Holdings had the
18 financial clout and the biggest amount of land potential.

19 MR LAWRENCE: Am I right, though, that in the posts you didn't
20 expressly name either Leighton Holdings or the Kelly
21 family but referred only to landholders?---I'm pretty sure
22 as landowners.

23 You gave some evidence this morning with respect to your
24 conversations with Megan Schutz regarding The Age
25 article?---Yes.

26 You said that you had a conversation with Megan Schutz in which
27 she informed you that she and John Woodman intended to sue
28 The Age?---Yes.

29 But then you said not long after that you weren't privy to the

1 strategy, to any strategy relating to suing The Age. What
2 did you mean by that answer?---When you said that,
3 I thought there was a strategy behind the process of suing
4 The Age. That's the way I interpreted that comment.

5 Did you have any discussions relating to The Age article with
6 Mr Woodman?---No.

7 Also in some questions from Mr Commissioner in references to
8 exhibit 139, the file note that you made with respect to a
9 telephone call you had with Mr Ablett, you were asked
10 about a reference to a council decision having been made
11 on 25 May. Do you now know what that reference related
12 to?---Yes, that was when council formally agreed to the
13 amendment, the panel hearing, the government planning
14 panel decision which was handed down in January 2019, the
15 council formally adopted that rezoning or their decision.

16 COMMISSIONER: In relation to C219?---C219, yes.

17 That's what I thought. I think most of the questions that was
18 directed to that exhibit assumed you were dealing there
19 with H3?---Yes, that's right. My confusion. I have
20 developed a timeline of the entire events and thought back
21 that's exactly the time that the council actually formally
22 adopted the Planning Panels' result.

23 Forgive me again, Mr Lawrence, but now that we understand that
24 you were addressing C2119 you will recall that the
25 notation referred to approaching Ms Richards. What was it
26 that you thought Ms Richards could do in relation to
27 C219?---Well, one of the things is that we honestly felt
28 that the fact that the decision was granted in 2019 in
29 January, and someone had informed me that there are very

1 few independent planning panel decisions that are
2 overruled, and I guess as residents we're not too sure of
3 the process, that was already close to four months and it
4 was like that was in the background, but it was a very
5 important decision to us. So it was purely an approach to
6 Pauline Richards as potential member to approach Jude
7 Perera to say, "Can you tell us at what stage the decision
8 is at? When can we expect that?"

9 So you were hoping your enquiry would be escalated up the line
10 to more senior people; is that what you - - -?---No, it
11 was more the other way; that I didn't know the process how
12 this is disseminated, you know, whether they are speaking
13 regularly to DELWP or DELWP are corresponding with the
14 local members. So it was more about that; not in terms of
15 escalating, no.

16 But Jude Perera had no formal role to play in relation to the
17 adoption of the panel's conclusions?---Certainly, yes.

18 Did Perera have some role to play?---No, I don't know. It was
19 just - and Pauline Richards came back to me and said,
20 "Look, I have no knowledge of the planning process," and
21 that's when I spoke to Jamie, who was Jude Perera's - one
22 of his senior advisers who was quite up to speed with
23 that, and I think that's what happened. She referred me
24 to him.

25 I see. Thank you.

26 MR LAWRENCE: Lastly, Mr Walker, just a moment ago

27 Mr Commissioner was asking you about your contractual
28 agreement you entered into with Ms Schutz in relation to
29 your work on the H3 intersection?---Yes.

1 In your discussions with Ms Schutz about that was the term
2 "lobbyist" used to describe the position that you would
3 take up?---I can't recall that.

4 Thank you, Mr Commissioner.

5 COMMISSIONER: Thank you. Mr Tovey, may Mr Walker now be
6 discharged from his summons?

7 MR TOVEY: Yes, Commissioner.

8 COMMISSIONER: So, Mr Walker, I will now release you from your
9 summons to attend here. You are free to go. I thank you
10 for your assistance?---Yes, thank you very much. Thank
11 you.

12 <(THE WITNESS WITHDREW)

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