
TRANSCRIPT OF PROCEEDINGS

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 19 NOVEMBER 2019

(2nd 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: Thanks, Mr Commissioner. Could we recall

3 Mr Woodman, please.

4 <JOHN CHARLES WOODMAN, recalled:

5 COMMISSIONER: Good morning, Mr Woodman. I just remind you you

6 are still on oath. Mr Woodman, I just wanted to try and

7 summarise what I think you've explained is your

8 understanding of the obligations of a developer in the

9 situation where you have private arrangements with

10 councillors which create a conflict of interest for them.

11 Do you follow?---Yes.

12 In relation to both Mr Ablett and Mr Aziz, it was your

13 evidence, was it not, yesterday that at some point of time

14 you entered into private arrangements with them that would

15 therefore create a conflict of interest for them in

16 dealing with a development in which you would be

17 interested either in the sense that you had an interest in

18 the development itself or you had a consultancy associated

19 with the development?---Yes, sir.

20 Is that correct?---Yes, sir.

21 And if I followed you correctly, you understand that the

22 obligations of a developer in that situation was that the

23 councillor would have to excuse themselves from

24 participating in any motion of the council in which you

25 had a direct or indirect benefit that would flow from that

26 motion?---Correct, sir.

27 Yes. And in relation to Mr Ablett, when was it that you say

28 that you commenced a private relationship with him that

29 would have given rise to that sort of conflict?---2014.

1 I'm sorry?---Formally 2014.

2 Yes, and is that in relation to the horses; is that where it
3 commenced?---No, the donation to his State campaign.
4 Yes?---Which I believe was in 2014.

5 Yes. When did the relationship in relation to the horses
6 commence?---2015.

7 Thank you. And in relation to Mr Aziz, when do you say that a
8 private relationship commenced with him that would require
9 him to recuse himself as having a conflict?---May of 2017.
10 2017. And is that arising out of the loan that he gave you and
11 the arrangement for repayment?---Correct, sir.

12 Just one matter in relation to that loan. It was for the
13 purpose of you then at your discretion investing those
14 funds to produce interest for him?---My recommendation to
15 him in relation to where the funds should be lent, yes,
16 sir.

17 And is that what happened then? Did he follow your
18 recommendations?---Yes.

19 So were the moneys then used for different sorts of
20 development, were they?---No, they weren't, sir.

21 What were they used for?---They were retained within my
22 company.

23 So how did those funds generate a profit that was then to be
24 given to him?---They were paid - the interest paid was
25 paid by my company to Mr Aziz.

26 And how was that interest determined?---It was written into the
27 loan agreement.

28 I see. So you simply had the funds and it mattered not what
29 use was made of those funds; there was just a monthly fee

1 to be paid to Mr Aziz. Is that the position?---Correct,
2 sir.

3 Thank you. Yes, Mr Tovey. I'm sorry, forgive me, just one
4 last matter. I think you indicated yesterday that once a
5 councillor had a conflict of interest you understood that
6 that would preclude the councillor not only from voting on
7 a motion, but it would also preclude the councillor from
8 seeking to influence other councillors as to how they
9 should vote on the motion?---Correct, sir.

10 And I think you went so far as to suggest that neither you nor
11 anyone else at your direction would seek to have a
12 councillor who had a conflict try to influence other
13 councillors?---Correct, sir.

14 MR TOVEY: Over recent years you have in respect of State
15 elections made very significant contributions to political
16 candidates; is that the case?---To parties, sir, yes, sir.

17 Well, have you ever directed funds to particular
18 candidates?---Yes, sir.

19 At the State level, what have been the rules in respect of
20 declaring, first of all, in respect of making
21 contributions? Is there a limit as to your
22 knowledge?---No, sir.

23 Have you ever sought to structure payments to political parties
24 to get around contribution limits?---No, sir.

25 Have you sought to have funds directed to particular candidates
26 when you've made contributions to parties?---Yes, sir.

27 And how is that done?---At the 2014 election I had a meeting
28 with the manager of the Liberal Party and indicated to him
29 that in Narre Warren North and in Cranbourne - - -

1 We now have the opposite problem to that which we had
2 yesterday. Could you put the microphone a bit closer,
3 please? Could you put the microphone a little closer to
4 you?---Closer?

5 Yes, still closer. I'm not sure if we are getting any
6 amplification.

7 COMMISSIONER: Yes, I'm not sure that we are?---Is that clear,
8 sir?

9 MR TOVEY: No. Can you just bring the microphone closer to
10 yourself?

11 COMMISSIONER: No, there's no amplification, Mr Tovey. Sorry,
12 we might just break for five minutes.

13 (Short adjournment.)

14 COMMISSIONER: Yes, Mr Tovey.

15 MR TOVEY: Thank you. Going to your process of donations, did
16 you ever find yourself structuring multiple payments
17 through different companies to seek an aggregate result of
18 contributions which was individually - sorry, which was in
19 respect of individual payments less than campaign
20 limits?---Yes, sir.

21 Did you receive any assistance in the way in which you did this
22 from people involved in the political process, party
23 people?---Yes, sir.

24 So how did that work? Assume you want to make a \$100,000
25 contribution and you are only allowed to make - and there
26 is a limit of 10,000, just for argument's sake, how would
27 it work?---We would donate 10,000 on behalf of individual
28 companies.

29 And were you assisted in how to structure that

1 process?---Assisted?

2 Did you receive any assistance from people involved with

3 political parties?---Yes, sir.

4 And what was the nature of that assistance?---Recommendations

5 as to how that should occur.

6 Was it your understanding that contributions were supposed to

7 be to parties rather than to independent - sorry, rather

8 than to individual candidates?---No, sir.

9 Would you when you made, if just for argument's sake, your

10 \$100,000 contribution, make recommendations to the party

11 as to whom the contribution should go, that is to which

12 candidate?---Only on request, sir.

13 Sorry, only on request?---Yes, sir.

14 Whose request are we talking about?---The candidate's request.

15 All right. So if the candidate requests that you, when you are

16 making a contribution to a party, earmark part of your

17 contribution to the candidate, you would alert the party

18 to the fact that your contribution was being provided on

19 that basis?---It was being provided to the party with my

20 wishes that it be directed to a particular candidate, yes,

21 sir.

22 So Lorraine Wreford - - -

23 COMMISSIONER: How would you find out, Mr Woodman, that the

24 candidate wanted you to donate to their campaign?---Sir,

25 the election of a candidate is conducted by each of the

26 parties in different manners and at a time when you are

27 applying to be a candidate, if it is possible for you to

28 show, my understanding is, some financial support, then

29 your candidacy is improved.

1 Yes, I understand why they might therefore want campaign funds
2 from you. How would you find out that they wanted you to
3 contribute to their campaign?---They would normally either
4 ring me or meet with me, yes, sir.
5 Personally?---Yes, sir.
6 MR TOVEY: In addition to making contributions to the campaigns
7 of either parties or candidates, did you run
8 fundraisings?---Yes, sir.
9 And would that involve you through one of your companies paying
10 for the costs of a dinner - - -?---Yes.
11 Or something of that nature?---Yes, sir.
12 And then what would happen? Would you retrieve your costs from
13 what you collected or would that just be part of - or
14 would the totality of what you collected be passed on as
15 political contributions?---Part of the contribution, sir.
16 So the cost to you of the fundraising was part of your
17 contribution?---Yes, sir.
18 And how regularly would you do that?---I have supported Federal
19 and State government elections since the early 90s.
20 In recent years, say in the last 10 years, have you conducted
21 fundraises?---Yes, sir.
22 And would they be big and lavish affairs?---I apologise, sir.
23 Would they be big and lavish affairs or - - -?---Normally 20 to
24 30 people.
25 Where would you conduct these?---Normally at Crown Casino.
26 And what would be the cost to you or your company of any one of
27 these?---In the vicinity of \$3,000.
28 And was the point of that to get some politicians there, to get
29 some other people who were interested in meeting those

1 politicians, and to get those people to make
2 contributions?---Correct, sir, and to conduct a Q and A
3 with the politician to understand where he or his
4 political party stood on particular issues that were of
5 interest to the people who were attending the fundraiser.
6 Did that same process operate at local government level? Did
7 you run fundraisers for people standing for council?---To
8 my recollection, sir, I've only run one fundraiser for
9 local government.
10 When was that?---The precise date I cannot recall, sir.
11 What was it? Sorry, where was it that you - - -?---At Crown
12 Casino.
13 And how many people did you have there?---It would have been 20
14 to 30, yes.
15 And for whom was that?---The candidate, sir?
16 Yes?---Gary Rowe.
17 And when was that?---Before the last council election. I'm not
18 sure the exact date, sir.
19 And as a result of that did you raise funds?---Yes, sir.
20 How much?---It would have - I'm not precisely sure, sir.
21 Are we talking about \$10,000, 50,000, 100,000?---I think it
22 would have been in excess of 10,000, yes, sir.
23 COMMISSIONER: Was it your understanding, Mr Woodman, that the
24 candidate would have to declare the fact that you had
25 financed that function?---Yes, sir.
26 That was your expectation, that they would do that?---Yes, sir.
27 Just one other matter while I'm asking you questions. Coming
28 back to your evidence earlier that you would get
29 assistance from the individuals within the political

1 parties that were responsible for allocating campaign
2 funds and that you got their assistance in how you could
3 distribute campaign funds and through whom you could
4 distribute it so as to avoid the legal limitations which
5 would otherwise apply; correct?---Could you just repeat
6 that last part, sir?

7 As I understood your evidence earlier, you got assistance from
8 persons within the major political parties that you were
9 donating to that would assist you in working out how you
10 could arrange the donations so that it brought them within
11 the legal limits that were prescribed?---Yes, sir.

12 Did that not trouble you, that you were in effect defeating the
13 objectives of the law in doing that?---In the State, sir,
14 my understanding is there is no restriction, and in the
15 Federal sphere I think it's \$13,000 that is the maximum
16 that you can contribute to - from a company to the party.

17 So what do you mean when you say there's no restriction in the
18 State? Do you mean that you can donate as much as you
19 like to a party or to an individual candidate?---Prior to
20 the last - yes, prior to the latter part of 2018 that was
21 my understanding. We contributed \$40,000 to Amanda
22 Stapledon's candidacy and were not required to supply that
23 information to any authority, as my understanding.

24 Which election was that?---That was the State election of 2014.

25 Was that one of the matters the ombudsman looked at in her
26 report?---Yes, sir.

27 When you say you contributed to her, what you mean is you gave
28 the relevant party - that was the Liberal Party?---Yes,
29 sir.

1 You gave them a larger amount of money?---Yes, sir.

2 And you specified in relation to that larger amount of money

3 that a portion of it should go to her campaign and a

4 portion of it should go to Mr Ablett's campaign; is that

5 correct?---Sir, there was a - I believe there were \$80,000

6 in total and I had expressed in a letter to the president

7 of the Liberal Party that it was my wishes that if

8 possible \$40,000 would go to the campaign of Amanda

9 Stapledon.

10 And - - -?---And \$40,000 to the campaign of Geoff Ablett.

11 Yes. And in terms of what you've already said to the

12 Commission, you learned that because each of them

13 approached you and made that request of you?---Correct,

14 sir.

15 Is that the position?---Correct, sir.

16 MR TOVEY: So that was in the election year of 2014, was

17 it?---Yes, sir.

18 Before I do that, I just want to ask you some questions about

19 what you say was a fundraiser for Mr Rowe, you

20 understand?---Yes, sir.

21 So you say that there was a fundraising for Mr Rowe at Crown

22 Casino?---Yes, sir.

23 You were there?---Yes, sir.

24 Who else was there?---Sir, I can't recall, sir.

25 You say there were 20 or 30 people there. You invited them.

26 You must be able to recall at least five or six of them

27 who were there - - -?---Yes.

28 Other than your own employees, I'm asking?---Yes. I know

29 Councillor Rowe's wife was there because I had never met

1 her before. Tom Kenessey from CIMIC. Some of my staff
2 were there. A gentleman who - Sam - and I can't think of
3 his surname, and I apologise, sir. I'm afraid I can't
4 recall more than that, sir.

5 Mr Kenessey was a consultant or a lobbyist, was he, employed by
6 Leightons in respect of the C219?---Yes, sir.

7 All right. And you've got you, your staff. So, other than
8 your assertion that Mr Rowe's wife was there, who was
9 there that we might - who was independent of your
10 organisation or of the issues in this case who we might go
11 to to confirm that that meeting actually took place and
12 where?---I apologise, sir. The names will not come to me.
13 I can see their faces, but I can't - I'm not in a position
14 to be able to give you the exact names.

15 And can you give us a date, a precise date?---I apologise, sir?

16 Can you give us a precise date?---No, I don't know, sir.

17 Can you tell us what room it was in at the Crown Casino?---What
18 room, sir?

19 Yes?---No, sir.

20 Was it in a room there or in a restaurant there?---It was in a
21 function room they call them, yes, function room.

22 One of the casino function rooms or a function room operated by
23 some other organisation?---No, it's a function room
24 operated by Crown Towers.

25 And which entity paid for this?---Yes, sir.

26 Which entity of yours paid for this?---I believe it was
27 Watsons, sir.

28 And so that would have been in the books of account of Watsons
29 as a dinner for Mr Rowe?---Yes, sir.

1 Now that you've had a bit more time to think about it, can you
2 think of one independent person who could confirm that
3 this happened?---Yes, sir. If I could, I know - I can't
4 think of Sam's surname, but if you give me enough time
5 I will be able to give it to you, sir.

6 So getting back to donations, ultimately you came to use the
7 abilities of Lorraine Wreford as a lobbyist or consultant,
8 did you?---Yes, sir.

9 When did you start that?---After the 2014 election, Lorraine
10 lost her seat at Mordialloc and - - -

11 Had you - - -?---Sorry?

12 Had you known her before then?---Yes, sir.

13 For how long?---She had been a councillor for I think at least
14 two terms, so over 10 years, sir.

15 And where had she been a councillor?---At Casey.

16 So you got to know her when she was a Casey Councillor?---Yes,
17 sir.

18 And did you support her in those times when she was a
19 councillor?---No, sir.

20 Do you make contributions to persons standing for council
21 elections?

22 COMMISSIONER: Do you mean campaign contributions, Mr Tovey?

23 MR TOVEY: Yes?---Normally, sir, to the Liberal or Labor Party,
24 yes, sir.

25 And at the last Casey Council election how much did you
26 contribute towards the campaigns of councillors?---For
27 both the Labor and the Liberal Party, in total I believe
28 in excess of \$70,000.

29 In respect of the council campaign?---Correct.

1 Did you have any of those types of discussions we've already
2 adverted to where there was an indication by you as to
3 whom you wanted the funds to go, to which campaign?---No,
4 sir. And, sir, if I could just correct myself.
5 I apologise. That didn't include the fundraiser for
6 Councillor Rowe.
7 For?---The money that I just expressed to you didn't include
8 the fundraiser for Councillor Rowe.
9 How long before the election was the fundraiser for Councillor
10 Rowe?---Sir, I can't recall.
11 How were the funds which you say you collected transmitted to
12 Councillor Rowe?---How were the funds?
13 You collected funds from various attendees?---Yes.
14 These were in the form of contributions?---Two forms: one,
15 cash, and one people paid via - my understanding is they
16 paid via bank - - -
17 Transfer?---Visa card or - yes.
18 All right. Where did those funds go? Where did those funds
19 go?---To Councillor Rowe.
20 So there wasn't any intermediary? They went directly to his
21 accounts as you say?---I believe so, sir, yes.
22 Are you sure this happened? Had you had difficulties with
23 Councillor Rowe making decisions of which you or to your
24 knowledge Ms Wreford or Ms Schutz did not
25 approve?---Sorry, sir, could you repeat that question?
26 Yes. Was there any stage where you thought or to your
27 knowledge Ms Schutz or Ms Wreford thought and expressed to
28 you anything to the effect that Mr Rowe was a thorn in
29 your side?---No, sir.

1 Was there any time where you felt any displeasure in respect of
2 the way in which Mr Rowe had conducted himself in respect
3 of council votes on issues that you were concerned
4 about?---No, sir.

5 COMMISSIONER: So you have no memory, Mr Woodman, of being
6 dissatisfied with the way in which Mr Rowe was voting on
7 council issues that affected matters in which you had an
8 interest?---That's correct, sir.

9 MR TOVEY: Back to Lorraine Wreford, so she had been a
10 councillor. Did you support her when she stood as a
11 Liberal candidate for the Mordialloc district in
12 2010?---Yes, sir.

13 And did you make contributions to her campaign?---Yes, sir.

14 How much?---Sir, I'm not sure, sir. I think it was \$15,000,
15 but I'm not 100 per cent sure, sir.

16 And was that directly to her campaign or was it through the
17 Liberal Party?---It was to the - each campaign - each
18 candidate has a campaign bank account that normally - and
19 I can't remember the exact name of the accounts, but each
20 candidate has an account and the money is paid into that
21 account.

22 In 2014 you - now, you understand that the political parties do
23 returns each year of what contributions they got from
24 whom; is that your understanding?---My understanding is,
25 sir, at a Federal level there is a requirement for
26 reporting your contributions to the party.

27 I suggest to you that in 2014 you made a combined - a total of
28 approximately \$80,000 in contributions to the Liberal
29 Party; does that sound right?---Yes, sir.

1 And of that \$80,000 you were concerned - sorry. Before I ask
2 that question, I think you told us yesterday that your
3 only concern was about governance. When you made
4 contributions to political parties, you wanted to promote
5 good governance?---Correct, sir.

6 And it wasn't to solicit favours or favourable treatment for
7 the issues in which you had an interest?---Correct, sir.

8 And that's not something that - I think you told us yesterday
9 that's not something that ever influenced you in any way
10 at all?---That's correct, sir.

11 In 2014, from what you've already told us, you were involved in
12 promoting various rezonings and other schemes involving
13 profits of many tens of millions of dollars in the Casey
14 area? That's in 2014?---For clients of mine, sir, yes.

15 And could I suggest to you that the totality of your political
16 contributions to the Liberal Party in 2014 went to
17 Councillor Amanda Stapledon, Councillor Geoff Ablett and
18 ex-councillor Lorraine Wreford, who at that stage was the
19 incumbent member for Mordialloc?---Correct, sir.

20 All right. And that at that stage Amanda Stapledon and Geoff
21 Ablett were standing for the seats of Narre Warren North
22 and Cranbourne?---Correct, sir.

23 Both within the Casey area where you had a very significant
24 interest; is that right?---Correct, sir.

25 And in totality you pledged \$80,000 towards their
26 campaigns?---Correct, sir.

27 And you didn't, you say, expect the slightest bit of favourable
28 treatment from them in respect of - sorry, in reciprocity
29 for those generous contributions?---Sir, at the time that

1 those contributions were made, I believe that I met with
2 the president of the Liberal Party. From that moment on
3 my understanding was that those people could no longer
4 participate in decision making in relation to my company
5 or my clients.

6 COMMISSIONER: You mean, having made the donation to them, they
7 would be obliged to declare a conflict of
8 interest?---Correct, sir.

9 That was your understanding?---Correct, sir.

10 MR TOVEY: All right. Were they prohibited from speaking to
11 other politicians or lobbying for the political interests
12 that were being considered by the party or by the
13 government?---That is my understanding, sir.

14 So similarly in 2018 when you donated \$20,000 towards the
15 campaign of Ms Richards, the Labor candidate - do you
16 remember doing that?---Yes, sir.

17 Was it your expectation that by paying that amount it made it
18 impossible for her ever to lobby on your behalf?---As a
19 State politician, sir, I'm not aware of the rules.

20 The thing is that you anticipated that Geoff Ablett and Amanda
21 Stapledon, when you were supporting their candidacy, might
22 become State politicians?---Yes, sir.

23 So if they became State politicians, was there anything to your
24 knowledge preventing them from lobbying or advocating for
25 your interest in respect of matters which were coming
26 before parliament or government?---I'm not aware of that,
27 sir.

28 All right. I think we are at cross-purposes.

29 COMMISSIONER: What do you mean when you are not aware?---I'm

1 not aware of the rules in relation to State government
2 politicians and declaring conflict of interest resulting
3 from political donations, sir.

4 Mr Woodman, one of the three developments that Mr Tovey
5 indicated in opening, and you were present here for the
6 opening, that we are looking at is the C219 issue and you
7 would be acutely aware, I take it, that at this point of
8 time the matter has progressed to the minister's office
9 and the question now is a question for the Minister of
10 Planning and Development; correct?---Correct, sir.

11 Are you seriously saying that, having engaged consultants to
12 work on the C219 issue, you have no understanding of what
13 the limitations might be in terms of seeking support from
14 either the minister or people in the minister's office who
15 would possibly be able to influence the outcome of any
16 decision? Do you understand my question?---Not really,
17 sir.

18 I'm asking you given your expertise - - -?---Yes.

19 As you described it, strategic expertise in seeking to achieve
20 the outcome you want in relation to C219, are you
21 seriously saying you did not understand and still do not
22 understand the limitations that exist on people who might
23 have received contributions from you that would be capable
24 of influencing decisions at a ministerial level?---I'm not
25 aware of any limitation, sir.

26 MR TOVEY: In that same year, 2014, did you make contributions
27 to the Labor Party?---Yes, sir. I believe, sir.

28 And did those contributions include contributions to the
29 campaign of Mr Jude Perera, who was the incumbent and

1 Labor candidate for Cranbourne?---Yes, sir.

2 Did that include a contribution of \$20,000 to the campaign of
3 Judith Graley, who was the incumbent member and Labor
4 candidate for Narre Warren South?---I'm afraid, sir,
5 I can't - I can't clearly remember making.

6 Did you direct funds to the campaign of Judith Graley in
7 Cranbourne South?---Yes, sir.

8 And did you direct funds to the campaign of Martin
9 Pakula?---Yes, sir.

10 Did Mr Pakula have any shadow portfolio at that stage or any
11 portfolio?---I believe he was the racing minister, sir.

12 What about Mr Perera? At that stage did he have any portfolio
13 or shadow portfolio? This is in 2014?---I don't believe
14 so, sir.

15 Did you donate a total of 15,000 to Mr Perera?---I'm not
16 100 per cent sure of the amount, sir.

17 COMMISSIONER: If you did make any of those donations, again
18 was it because you were personally approached by the
19 individual and asked to make such a contribution?---Yes,
20 sir.

21 MR TOVEY: In any event, being concerned about the integrity of
22 the political process, are you saying that you attempted
23 year by year to give a fairly balanced contribution to the
24 two major political parties?---It depended, sir, on my
25 perception of their ability to promote our State.

26 Did you try to back winners?---No, sir.

27 Would you agree that in 2018 the Andrews Labor government was
28 odds on to win; that's true, isn't it? We all know that?
29 It was well ahead in the - - -?---I would agree with you,

1 sir.

2 All right. And what I suggest is that in 2018 your

3 contributions to Labor increased from \$94,500 to \$157,900;

4 is that right?---I wouldn't know the exact amount, sir.

5 Does that sound right? Would you disagree with

6 that?---I couldn't agree or disagree. I'm not familiar

7 with the exact amount, sir.

8 If I say that this is an analysis based on analysis of your

9 books of account and of party declarations, would you

10 accept that that is close to the right amount?---If that

11 is where you've obtained the information, sir, I would

12 agree.

13 All right. So in 2018 was it the case that your total

14 contributions to the Liberal Party dropped from \$80,000 to

15 \$63,000?

16 MR JUEBNER: Sir, can I just raise one issue. When there's a

17 comparison between something rising and dropping, the time

18 period is not specified by my learned friend. Is he

19 suggesting it's rising from a particular point in time to

20 2018? I think it should be made clear.

21 COMMISSIONER: He can indicate that, Mr Juebner. Thank you.

22 Yes, Mr Tovey.

23 MR TOVEY: You understand, don't you, that I'm talking about

24 the difference between 2014 and 2018? You've understood

25 that, haven't you? In any event, if you didn't, I would

26 ask you to take that on board. So, just looking at your

27 2018 donations, did you contribute to the campaign of

28 Martin Pakula \$20,800 or thereabouts?---In 2018?

29 In 2018, 20,800 from Watsons?---I could not answer that, sir,

1 I'm not - - -

2 Would you disagree with that as something which has come from

3 Watsons' accounts?---Sir, I'm not - I'm unfortunately not

4 familiar with the day to day Watsons accounts.

5 Did you provide \$20,000 to the account of - to the candidacy of

6 Pauline Richards?---I believe so, sir.

7 And she was at that stage the candidate for the Cranbourne

8 district?---The seat of Cranbourne, yes, sir.

9 And were those the two largest individual contributions that

10 you made? In fact were they more than double the

11 contribution you made to any other candidate?---Sir,

12 I question Martin Pakula. I don't recall. But Pauline

13 Richards I do recall.

14 COMMISSIONER: And what would your reason be, Mr Woodman, for

15 singling out any of those candidates as meriting

16 particular contribution by you?---I had supported the

17 member for Cranbourne, both Liberal and Labor, for many

18 years and Pauline Richards was now the candidate for the

19 Labor Party. Previously, the year before, the candidate

20 for the seat of Cranbourne was Councillor Ablett and the

21 sitting member was Mr Perera. On those occasions, I think

22 as has been indicated, I supported both of those

23 candidates in donating for their campaign.

24 At the time of the 2018 election, where was Ms Richards

25 working?---She was the chief adviser for the Minister for

26 Health, sir, I believe. I stand to be corrected.

27 MR TOVEY: I now want to ask you about people whose services

28 you or your companies used to promote the interests of

29 yourself or your clients. Did you use the services of

1 Ms Schutz?---Yes. Yes, sir.

2 What's her Christian name?---Megan Schutz.

3 All right. Over what period of time have you used her

4 services?---She ceased work for the State government in

5 2013, I believe, sir, and in 2012, I believe. But I stand

6 to be corrected there, sir.

7 What did she do for the State government?---She was their - my

8 understanding was she was their chief legal adviser.

9 And so how did you come to meet her and know her?

10 COMMISSIONER: Do you have a difficulty with something,

11 Mr Woodman?---Yes, sir. She had represented the

12 government against myself and a company I represented at

13 the time at a development in Portarlington called Port

14 Bellarine and she had assembled a legal team to react

15 against an application I had made in conjunction with an

16 agreement set up by the Premier, Hamer, in the 80s and the

17 legal argument went for some considerable time where

18 fortunately we were able to under arbitration obtain a

19 positive result. Eventually both the Liberal and Labor

20 government decided that even though arbitration had

21 supported - - -

22 MR TOVEY: I don't think we need to go through the whole

23 details of what was happening then. So you first came

24 across her when she was involved in a legal case against

25 you?---Correct.

26 And you were impressed by her, were you?---No.

27 So did you come to use her as a lawyer or consultant or - -

28 -?---She moved to the Mornington Peninsula.

29 Yes?---And she contacted me to see if she could come and work

1 on some of our cases.

2 On some of your cases, which were planning related cases, were
3 they?---Yes, planning related.

4 And when you talk about cases you are talking about
5 applications before VCAT, before tribunals, planning
6 authorities, those sorts of things?---Yes, yes, sir.

7 Planning panels?---Yes, sir.

8 So she was doing the legal work for you?---More planning work,
9 sir, than legal.

10 And when you say "planning work", what do you mean by
11 that?---She's a planning lawyer, sir. So she has vast
12 experience in Victorian planning law.

13 COMMISSIONER: So you engaged her, Mr Woodman, despite your
14 poor view of her?---I gave her - Mr Commissioner, I gave
15 her a brief to obtain a liquor licence for a shopping
16 centre and she performed extremely well, and my opinion
17 altered as a consequence.

18 MR TOVEY: And so did you continue to use her over a period of
19 time?---Yes, sir.

20 And what did she do for you?---She conducted planning work and
21 where necessary legal brief for our, what I would consider
22 to be challenging projects, because we had in-house town
23 planners that had vast experience as well.

24 So when you talk about planning work, what does that
25 involve?---I apologise, sir.

26 When you speak about planning work, what do you mean by
27 that?---Preparation of planning applications, preparation
28 of rezoning applications, preparation I think as you
29 mentioned for appearances at VCAT, at independent panels

1 that review any rezoning that's undertaken.
2 Would she formulate planning submissions to council or to State
3 government?---I'm not familiar with the word
4 "submissions", sir. Applications is my knowledge of - - -
5 Whatever. They probably mean the same thing. Would she
6 prepare planning applications?---Yes, sir.
7 COMMISSIONER: Did she have a role to play in what you
8 described yesterday as strategic
9 matters?---Mr Commissioner, we certainly discussed
10 strategy, but it was my role to direct the strategy after
11 that discussion.
12 Yes, but a lawyer normally does things on the basis of
13 instructions from clients; correct?---Correct, sir.
14 And did you at times instruct her to engage in strategic
15 activity?
16 MR JUEBNER: Commissioner, can I just rise to indicate this?
17 COMMISSIONER: Yes.
18 MR JUEBNER: Because she was providing legal advice and because
19 my client - - -
20 COMMISSIONER: I'm sorry?
21 MR JUEBNER: Because she was, as I understand it and based on
22 the evidence, acting as a lawyer, as I understand it
23 Watsons would claim the privilege in respect of - that's
24 client legal privilege, in respect of advice received. So
25 therefore we are getting into territory where we might
26 need to tread carefully.
27 COMMISSIONER: You have instructions, Mr Juebner, to appear on
28 behalf of Watsons, do you?
29 MR JUEBNER: My instructors, as I understand it, also act for

1 Watsons and I've been asked to communicate the fact that
2 Watsons does claim privilege in respect of communications
3 between Ms Schutz and Watsons.

4 COMMISSIONER: Yes. When a specific question is asked that
5 requires a claim of privilege, I'll hear that objection.

6 MR JUEBNER: Yes.

7 COMMISSIONER: If you are the person briefed to appear on
8 behalf of Watsons to make that application, I will hear
9 from you.

10 MR JUEBNER: Thank you, sir.

11 COMMISSIONER: Yes, Mr Tovey.

12 MR TOVEY: Thank you. (To witness.) Did she have any role
13 other than a legal role? Did she have a role as an
14 advocate on your behalf as a lobbyist?---No, sir.

15 Did she have any role to communicate with Casey
16 councillors?---Yes, sir.

17 And what was that role?---On a Thursday or Friday a report
18 would appear on the Casey website and normally a
19 recommendation and a review of a particular issue which
20 would be reviewed by either our planning team or Ms Schutz
21 and if it required to be explained to a councillor, then
22 that would be undertaken by Ms Schutz.

23 So her role then involved speaking to councillors about issues
24 with which you were involved?---Correct, sir.

25 And do you say this occurred after you had analysed the minutes
26 of meetings?---If required, sir. Yes, sir.

27 Was it any part of her role to initiate communication with
28 councillors promoting your interests?---No, sir.

29 COMMISSIONER: And I take it, Mr Woodman, from what you told me

1 earlier this morning, she would not have been instructed
2 to engage with councillors who had a conflict of interest
3 arising out of their relationship with you?---That
4 shouldn't have occurred, sir, yes.

5 Do you believe it did?---Sir?

6 Do you believe it did? Do you believe that, contrary to the
7 principles that you espoused earlier today, do you believe
8 that Ms Schutz did engage with councillors who had a
9 conflict of interest in relation to their relations with
10 you?---On the evidence, yes, sir.

11 Yes, Mr Tovey.

12 MR TOVEY: What evidence do you have in mind?---Sir, the loan
13 of Mr Aziz I believe is what you are referring to.

14 Don't worry about what I'm referring to. I'm asking you what
15 you had in mind? You said the evidence would tend to
16 indicate that she was in communication with councillors
17 who you thought were embargoed because of conflict of
18 interest, and you said that's what the evidence shows.

19 What I'm asking you is what evidence is that?---The loan,
20 sir.

21 And what did Ms Schutz have to do with the loan?---I understood
22 that you questioned whether there was a conflict of
23 interest.

24 Did Ms Schutz have something to do with the \$600,000
25 loan?---No, sir.

26 I don't understand what was the evidence then which makes you
27 think that she was having communications with councillors,
28 which communications should not have taken place because
29 of conflicts of interest in respect of you?---My

1 understanding is that the loan is considered a
2 commercial - I can't think of the correct word, sir - and
3 if she was aware of the loan or it was obvious or was
4 aware or the councillor had considered a conflict of
5 interest and declared it, then under those circumstances
6 no communication should occur.

7 I don't understand where you say Megan Schutz it's said was
8 affected by that. Did you tell her about the loan?---No.

9 Did she know about the loan?---No.

10 Well, how could that affect her communications with councillors
11 who were embargoed?---You are correct, sir. If she was
12 unaware of the loan and he had not declared it, then she
13 would have been in a position to make contact with him,
14 being unaware of a commercial position.

15 COMMISSIONER: Sorry, just to be clear, what you're saying,
16 Mr Woodman, is, as I have understood it, that it might be
17 that she did have communications with a councillor who had
18 a conflict of interest arising out of their relationship
19 with you, but she may not have been aware of that
20 conflict?---Correct, sir.

21 But presumably you would be aware of the fact that she was
22 having communications with councillors?---Yes, sir.

23 And presumably then according to your own - the principles you
24 espoused this morning, you would make clear to her, if you
25 learned that she was proposing to meet or discuss an issue
26 with a councillor that did have a conflict of interest,
27 that she couldn't do so?---Sir, at the time it was not
28 considered that the loan was a conflict of interest.

29 By? By you, is that what you mean?---Yes, sir.

1 So why did you say to me this morning and in confirmation, as
2 I understood it, of evidence that you gave yesterday, that
3 from May 2017, which is the time of that loan, Mr Aziz had
4 a conflict of interest in relation to you and matters
5 about which you had an interest?---Sir, at the time of
6 the loan it was not considered a conflict of interest.
7 So you mean you were wrong this morning in saying Mr Aziz had a
8 conflict of interest from May 2017?---Well, it's a
9 question that I am not, I don't believe, politically -
10 legally able to answer, sir.
11 Do I also take it from your evidence now that you were aware
12 that Ms Schutz was having communications with Mr Aziz
13 after May 2017?---Sir, I would have to check the dates of
14 the particular applications we're talking about. I'm not
15 100 per cent sure.
16 Yes, Mr Tovey.
17 MR TOVEY: Did she discuss with you the matters relating to the
18 structure of the council as to who was going to get
19 elected and who wasn't?---No, sir.
20 Did she discuss with you anything to do with the way Councillor
21 Aziz was performing in council meetings?---Yes, sir.
22 What did she tell you about that?---Normally following a
23 council meeting a discussion would occur as to the
24 performance, ability for the argument in relation to a
25 particular matter, how had it been enunciated.
26 Was she preparing councillors to advocate in council for the
27 issues that you were interested in?---No, my understanding
28 is she would brief the council if it was necessary because
29 of either it wasn't clear or we had an alternative

1 position.

2 How would you know it wasn't clear? Did you expect the
3 councillors to come to you and say, "We're not sure what
4 your position on the thing is," or did you approach
5 them?---No. The lobbyist would make contact and would
6 determine if it was clear for the councillors as to the
7 report or the position that we or our clients were taking
8 on a particular issue.

9 Did she on your behalf seek to have councillors who supported
10 your position line up other councillors to vote in your
11 favour?---No, sir.

12 COMMISSIONER: Mr Woodman, I'm trying to understand why you're
13 now saying that you're not sure that the loan of 2017
14 created a conflict of interest. It was money which
15 Mr Aziz, according to you, was invested with you and an
16 agreed interest rate was to be paid on it; is that not
17 correct?---Correct, sir.

18 Why isn't that the clearest form of conflict of interest that
19 would require him to disqualify himself from voting on any
20 motion that affected your interests?---I can only say,
21 sir, at the time he believed - my understanding was he
22 believed there was no conflict of interest.

23 I'm asking about your opinion, Mr Woodman?---A commercial
24 operation or a commercial between an individual and myself
25 in relation to loan moneys I didn't think at the time was
26 a conflict of interest.

27 But when you said to me this morning, and I think I was
28 summarising your position from yesterday afternoon, when
29 you said to me this morning that Mr Aziz was in a conflict

1 of interest position from May 2017, does that mean you now
2 recognise that it was a conflict? Is that what you're
3 saying?---Yes, sir.

4 Is this a convenient time?

5 MR TOVEY: Commissioner, did you anticipate taking a - - -

6 COMMISSIONER: Yes. We will adjourn for quarter of an hour.

7 Have a break, Mr Woodman, and we will resume at 20 to 12.

8 (Short adjournment.)

9 COMMISSIONER: Yes, Mr Juebner.

10 MR JUEBNER: Mr Commissioner, could I just indicate this. We

11 had a concern for Mr Woodman's health. I've been

12 instructed just in the course of the break that in the

13 last two weeks Mr Woodman was diagnosed with diabetes.

14 He's been prescribed oral medication presently, but he's

15 not presently learned to manage that condition as well as

16 probably he should. In addition to that, which has

17 compounded I think the problem, is that Mr Woodman didn't

18 have breakfast this morning, probably because of a level

19 of - - -

20 COMMISSIONER: Nervousness.

21 MR JUEBNER: Stress and nervousness.

22 COMMISSIONER: Sure.

23 MR JUEBNER: That happens to all of us. But I did notice

24 earlier on two occasions when Mr Woodman was trying to

25 answer questions and there was in fact like a stammer both

26 in terms of his voice and his hand movement, so we will

27 keep an eye on that. But I just wanted to point out that

28 we have that concern and we've asked him and in the break

29 he has eaten something and drunk something, which

1 hopefully will now improve the situation.

2 COMMISSIONER: Yes. Thank you, Mr Juebner. Before you sit

3 down, do you think there should be someone present with

4 medical qualifications that might need to assist him if it

5 becomes more acute?

6 MR JUEBNER: Can I just - - -

7 COMMISSIONER: Perhaps you might think of - - -

8 MR JUEBNER: Can I monitor that over of the lunch period rather

9 than - - -

10 COMMISSIONER: Yes, certainly. You might give that some

11 thought.

12 MR JUEBNER: Yes, we will.

13 COMMISSIONER: But we'll assist in any way that we can,

14 Mr Juebner.

15 MR JUEBNER: Certainly, sir, thank you

16 COMMISSIONER: Mr Woodman, you need to tell us immediately if

17 you have any concerns about how you're coping; do you

18 follow?---Apologies, sir.

19 Because there's still a considerable way to go?---Yes.

20 And you need to feel that you're able to do justice to your

21 position; do you follow?---Yes, sir.

22 So please let us know if at any stage you want to have a break

23 or you'd like to stop?---Thank you, sir.

24 Yes, Mr Tovey.

25 MR TOVEY: Thank you, Mr Commissioner. (To witness.) Before

26 we adjourned, at one stage you referred to Megan Schutz

27 being a lobbyist or lobbying for you. What was that

28 about?---No, she has never been a lobbyist. She has been

29 a communicator of planning issues between ourselves and

1 our clients.

2 Was it part of her function to alert councillors as to issues
3 concerning you that were coming up on council?---At the
4 time of release of a council report which was the Thursday
5 before the Tuesday, she would read the report, analyse it,
6 and if it was felt that it did not communicate our
7 position, our lobbyist would contact councillors to see if
8 they needed clarification and under those circumstances
9 then Ms Schutz would contact the councillors if
10 appropriate and put our position if it was needing
11 clarification.

12 And when you said "our lobbyist would contact councillors", who
13 was that?---We have two lobbyists. We have the Liberal
14 Party, which is Ms Wreford, and we have a Labor Party
15 lobbyist, Mr Phil Staindl.

16 And Mr Staindl lobbied councillors?---Mr Staindl is, my
17 understanding, in communication with only one councillor.
18 His surname has left me for the moment, but Tim is his
19 first name, yes.

20 And in respect of what issues did you have Mr Staindl
21 communicating with councillor Tim?---Sir, I don't believe
22 any in recent times, in the last two or three years.

23 What about before then?---The councillor was only elected at
24 the last election. So prior to that, no, no
25 communication.

26 You told me that Mr Staindl communicated with councillor Tim on
27 your behalf; is that right?---Look, I can't be precise as
28 to - if it was required, he did. I can't be precise as to
29 if that has occurred recently.

1 But has it occurred ever?---I can't answer that question, sir.

2 Is that Councillor Tim Jackson?---Yes, sir.

3 COMMISSIONER: Was Mr Staindl's role confined to lobbying in
4 relation to the local council or did he have a broader
5 role?---A much broader role, sir. He was more involved in
6 State and Federal than local government.

7 MR TOVEY: And he was a Labor Party specialist, was he?---He
8 was. He stood for the seat of Lilydale, I think, many
9 years ago.

10 And was his job to do what he could to promote your interests
11 with politicians?---His job was basically to arrange
12 meetings if we had an issue with a particular portfolio,
13 example roads. He would arrange or attempt to arrange it
14 with an adviser of the minister for roads for us to talk
15 to him about a particular issue that we may have.

16 Would he arrange for functions to get you access to people who
17 were decision makers in government?---Yes, he assisted in
18 the arranging of fundraising functions and would be the
19 go-between ourselves and the politicians to invite them.

20 And when the politicians came, did you take that opportunity to
21 promote the issues that you were interested in at that
22 point in time?---Not at fundraisers, sir.

23 Well, how did fundraisers work? You met politicians. What,
24 you'd try to arrange meetings, would you?---In difference
25 to a fundraiser, if we had a particular issue, a lobbyist
26 would arrange a meeting with the relevant adviser or
27 senior adviser and in rare occasions with the minister to
28 talk to him about the issue and explain our position.

29 As you understood it, that was in Mr Staindl's case because he

1 had a special relationship with the Labor Party and knew
2 the people concerned?---Correct, sir.

3 So were you retaining him on a paid basis or was he invoicing
4 you per introduction? How did it work?---Yes, sir, it was
5 a retainer on a monthly basis.

6 How much were you paying him?---I believe it was \$3,000, sir.
7 3,000 a month?---Yes, sir. In addition, if he worked on a
8 particular project, then it was hours on top of the
9 retainer.

10 And was he offered a success fee in respect of any of
11 the matters in which you had an interest?---He had a
12 success fee initially at Cranbourne West, but at some
13 point - - -

14 Sorry, that's C219, is it?---Yes, sir.

15 And how much was that going to be?---\$250,000. At some point
16 that became banned by the State Government and that
17 success fee was withdrawn.

18 So in any event you have this man who is being paid by you and
19 at one stage at least getting a quarter of a million
20 dollar success fee, and his job basically is to get you
21 access to government?---Correct, sir.

22 And what about the guy who hasn't got the quarter of a million
23 or the 3,000 a month? Do those people not get the same
24 access that you get?---Correct, sir.

25 And given your concerns about good governance, do you think
26 that's a good thing?---No, sir.

27 But you feel that the system is such that unless you pay up
28 you're not going to get the access you need to promote
29 your business?---My experience since the early 90s has

1 been that supporting political parties during an election
2 campaign will promote the opportunity during the elected
3 time to meet with people and discuss a particular issue.

4 COMMISSIONER: That's a sophisticated way of saying, isn't it,
5 Mr Woodman, that your contributions to electoral campaigns
6 give you an entree or access to politicians that you
7 mightn't otherwise have?---Correct, sir.

8 And do you think that the law is currently sufficiently
9 explicit about controlling the way in which that access
10 should occur?---No, sir.

11 So as someone interested in good governance, have you
12 ever - this might be contrary to your interests - but have
13 you ever made suggestions to government that the law needs
14 to be changed to ensure that this is properly
15 controlled?---I have, sir, with Mr Staindl in particular,
16 because at times it appears to me that there are community
17 issues which the community should have greater access to
18 the people who make decisions.

19 MR TOVEY: Your other lobbyist was Lorraine Wreford?---Correct.

20 And on what basis was she retained by you or companies
21 associated with you?---She was on a retainer fee, a
22 monthly retainer fee.

23 How much?---My recollection is, sir, it was \$3,000 a month and
24 increased to \$5,000 recently.

25 And was she given any success fees or top-ups - - -?---No, sir.

26 For particularly good performances?---No, sir. With the
27 exception of an informal understanding that if C219 was
28 successful, that I would shout her and her boyfriend to a
29 trip to Europe.

1 COMMISSIONER: How was the role of Megan Schutz and Ms Wreford
2 managed? That is, you explained that Ms Schutz had your
3 authority to communicate with councillors, the way you put
4 it, to ensure that there was clarity about your position,
5 which some might have thought was really a lobbyist's role
6 rather than Ms Schutz. So how did Ms Wreford fit into
7 that scheme of things if Ms Wreford was the
8 lobbyist?---Ms Wreford had close relationships with a
9 number of councillors at Casey because of her previous
10 role as a councillor and she would communicate with some
11 of those councillors to ascertain whether it was clear for
12 Ms Schutz's a necessity to talk to councillors who were
13 not unaware of our position, but were not clear with our
14 position. So, Ms Wreford would speak to Ms Schutz, and
15 Ms Schutz would where necessary contact the particular
16 councillor and put forward our position on a particular
17 issue.

18 So they were both then involved in communications with
19 councillors and when Ms Wreford realised that a councillor
20 may not be entirely appreciative of the position you were
21 wanting to adopt, Ms Schutz might be called in?---Correct,
22 sir.

23 MR TOVEY: Did Ms Wreford have a company?---I believe so, sir.
24 Do you know what the name of that company was?---No, I don't,
25 sir.

26 Are you familiar with a company called Hatrim, H-A-T-R-I-M, Pty
27 Ltd?---I apologise, sir. No, I'm not.

28 All right. Did you make payments to her to a company or to her
29 personally?---To her company.

1 All right. Was there anybody else involved in her
2 company?---No, sir.

3 Do you know her partner, Mr Lee?---Yes, sir.

4 Was he involved in any way in promoting your interests?---He
5 was - my interest in horses, yes.

6 And what was that?---He part owns - my understanding is he part
7 owns Spicer Racing that I have had two horses with over
8 the last nine years, and Mr Lee at times communicates with
9 me in relation to the performance of those horses, yes,
10 sir.

11 Is Mr Lee still with Spicer Racing, to your knowledge?---Yes,
12 sir.

13 Do you know Mr Spicer, who's the principal of Spicer
14 Racing?---Yes. Yes, sir.

15 Did you funnel funds through Spicer Racing to Mr Aziz?---Spicer
16 Racing - - -

17 No, that's a simple question. Did you funnel funds through
18 Spicer Racing to Mr Aziz, yes or no?---Yes, sir.

19 COMMISSIONER: You have used the word "racing". Is it Spicer
20 Racing or Spicer Thoroughbreds?

21 MR TOVEY: Spicer Thoroughbreds. Thank you, sir.

22 COMMISSIONER: Yes.

23 MR TOVEY: (To witness.) And over what period did you do
24 that?---I'm not 100 per cent sure, sir.

25 Did that continue up until the time where Mr Lee got sacked by
26 Mr Spicer following financial irregularities?---I was
27 unaware of that.

28 Why did those payments stop?---My understanding was that there
29 was - Mr Aziz was working for Spicer Racing to find

1 clients to buy horses, and Spicer Racing asked if I would
2 participate in part payment of that venture.

3 Was it the case that you would pay a monthly fee through
4 Spicers which Mr Lee would funnel on to Mr Aziz?---My
5 understanding is - - -

6 No, is that your understanding?

7 MR JUEBNER: He's trying to answer the question.

8 COMMISSIONER: Perhaps you might repeat it, Mr Tovey. Perhaps
9 you might repeat the question, please.

10 MR TOVEY: Yes. (To witness.) Was your understanding - yes or
11 no - that you would pay a monthly amount to Spicer Racing
12 which would be funneled on to Mr Aziz? I thought that's
13 just what you told us before had happened?---Yes, sir.

14 All right. So if the money is going from you to Mr Aziz, it
15 can't, can it, have any legitimate relationship to any
16 supposed work that Mr Aziz is doing for Spicer Racing?
17 That's a matter of logic, is it not?---Sir, the
18 arrangement that was explained to me by Mr Lee after
19 meeting Mr Aziz and at a meeting with Mr Spicer was that
20 he was attempting through his connections with the Chinese
21 fraternity to obtain people who would be interested in
22 buying horses from Spicer Racing and for that he was paid
23 a retainer of which we were invoiced and which we paid
24 Spicer Racing.

25 But Mr Spicer has provided information to the Commission. He
26 says he knows nothing about such payments or such an
27 arrangement. You just said he was party to this. Is what
28 he has told us incorrect?---I believe so, sir.

29 And when was it? Just tell us what conversations you say you

1 had with Mr Spicer about this so-called
2 arrangement?---I have never had a conversation with him
3 about it.

4 COMMISSIONER: At some stage Mr Aziz was the chairman of Spicer
5 Thoroughbreds?---No, sir.

6 He's told us in private examination that he was.

7 MR TOVEY: I think, Mr Chairman, you're speaking about some
8 other alleged partnership or organisation relating to
9 thoroughbreds. Rather than Spicer Racing, it's Spicer
10 Thoroughbreds itself.

11 COMMISSIONER: Well, his examination constantly refers to
12 Spicer Thoroughbreds, does it not?

13 MR TOVEY: It does, yes.

14 COMMISSIONER: That's an error, is it?

15 MR TOVEY: No, I think Mr Aziz spoke about an arrangement he
16 had with Mr Lee allegedly - - -

17 COMMISSIONER: Yes, Bernard Lee.

18 MR TOVEY: To set up some organisation with horse racing
19 interests of which he was a director.

20 COMMISSIONER: That's not this issue?

21 MR TOVEY: Other than Mr Aziz saying so, there's no information
22 so far that that actually existed. I hesitated to
23 interrupt, but - - -

24 COMMISSIONER: No, no. I'm sorry. So it is your position,
25 Mr Tovey, that that information is incorrect?

26 MR TOVEY: Certainly at this stage it will be subject to
27 further investigations, Mr Commissioner. It certainly
28 gives the impression of that being the case because in the
29 meantime Mr Spicer has given evidence. Mr Spicer has

1 informed the Commission that these arrangements with
2 Spicer Thoroughbreds, that is the payments in and out,
3 were totally unauthorised and he knew nothing about them.

4 COMMISSIONER: Yes.

5 MR TOVEY: And that insofar as it was being suggested that
6 Mr Aziz performed some consultancy function for Spicer
7 Thoroughbreds, he wasn't required and that wasn't the
8 case.

9 COMMISSIONER: Yes.

10 MR TOVEY: Sorry, did I say - Mr Aziz, yes.

11 COMMISSIONER: Yes. (To witness.) So, Mr Woodman, whatever
12 Mr Aziz's role, if any, at Spicer Thoroughbreds was, you
13 understood that you were providing the funding to pay
14 Mr Aziz?---Correct, sir.

15 And did that give rise to a conflict of interest?---Correct,
16 sir.

17 So, I don't want to have a repeat of this morning's episode in
18 relation to the loan. Did you recognise at the time, as
19 distinct from now, did you recognise at the time that you
20 were providing that funding that that created a conflict
21 of interest situation for Mr Aziz?---No, sir.

22 Do you recognise it now ?---Yes, sir.

23 What's changed?---Over the two months of investigation and
24 discussion with my legal team, I have become aware that
25 Spicer Racing and the employment of Mr Aziz and myself
26 contributing to part finding horses was seen as a conflict
27 of interest.

28 And should have been so seen by you?---Yes, sir.

29 Did you really need your legal team to point that out to

1 you?---In hindsight, no, sir.

2 Yes, Mr Tovey.

3 MR TOVEY: Do you remember I was asking you questions

4 yesterday, sir, about your investment in Prima

5 Facie?---Yes, sir.

6 And as a result of that investment you say that there was a

7 contract drawn up?---Yes, sir.

8 And you've told us that it was a specific term of that

9 contract, was it not, that Councillor Ablett would declare

10 a conflict of interest on the basis that he part owned a

11 race horse with you?---Correct, sir.

12 Are you saying that the mere fact - sorry. So from your

13 perspective then at the time of that arrangement, you

14 understood that the concept of conflict of interest was so

15 important that it had to be included as a significant part

16 of that agreement?---Included in the agreement, yes, sir.

17 And you insisted on that?---Yes, sir.

18 But you saw the fact that you had a 30 per cent interest in a

19 horse with him as a conflict at the time?---Yes, sir.

20 But the fact that you were paying him money through Spicer

21 Thoroughbreds, that didn't occur to you as creating a

22 conflict?

23 COMMISSIONER: Paying Mr Aziz money.

24 MR TOVEY: Paying Mr Aziz money?---My understanding was that he

25 was working for Spicer Racing and that I was in part

26 paying for his work that he was doing for Spicer Racing in

27 an attempt to find thoroughbreds, people of Chinese

28 interest who would be keen to participate in horse

29 ownership.

1 Did he ever put you in touch with a Chinese

2 person?---Apologise, sir?

3 Did he ever put you in touch with a Chinese person?---Well,

4 I was not in direct contact with him in relation to this
5 particular business arrangement.

6 Who was the arrangement with?---My understanding was that it
7 was with Mr Spicer.

8 What gave you that understanding?---That's what I was advised
9 by Mr Lee and by Ms Wreford, that the business arrangement
10 was between Mr Spicer, his partner Mr Lee and a third
11 party whose name escapes me at the moment and that there
12 was a formal agreement that Mr Aziz would be in the
13 marketplace attempting to connect Spicer Racing with
14 influential people with money who would participate in
15 Spicer Racing and purchase of horses. My part would be
16 that I would, if we were successful, I would also
17 participate in the racing arrangement.

18 COMMISSIONER: Mr Lee was Ms Wreford's partner?---Yes, sir.

19 You knew that at the time?---Yes, sir.

20 MR TOVEY: And what was Ms Wreford's involvement in this?---No
21 financial involvement, sir.

22 And what gave you the impression that Mr Spicer was
23 involved?---Only that Mr Lee and Ms Wreford had advised me
24 of the meetings that had taken place with Mr Aziz in
25 relation to this matter.

26 And did those meetings involve Mr Spicer? Did those meetings
27 according to Ms Wreford involve Mr Spicer?---Yes, sir.

28 COMMISSIONER: And how were the payments made to Mr Aziz? What
29 was the actual methodology?---We were invoiced by Spicer

1 Racing, Watsons were invoiced by Spicer Racing, and
2 I believe under the heading of "horse purchase" and we
3 would then pay Spicer Racing the fee that was invoiced.
4 How did it get from Spicer Thoroughbreds to Mr Aziz?---I cannot
5 answer that question, sir.

6 MR TOVEY: What was Mr Aziz - Mr Aziz is something of a man of
7 all seasons. So he's an expert on smart cities worth
8 600,000 over two years; is that true? Is that
9 right?---Yes, sir.

10 And he also has expertise in respect of thoroughbreds that
11 leads you to pay him how much? 5,000 a month, was
12 it?---I'm not sure the exact amount, sir, but he was not
13 an expert in thoroughbreds. He was accessing Asian and
14 Chinese clients who would in turn join Spicer
15 Thoroughbreds in the purchase of race horses, which is
16 basically their core business is to entice clients to
17 participate in the purchase of horses and racing.

18 Did you ever see any document which established that there was
19 any real communication between Mr Aziz and any potential
20 client?---No, sir.

21 And over what period of time was this?---I'm not - I'm not
22 precisely sure of that, sir.

23 COMMISSIONER: Counsel assisting has put to you Mr Spicer's
24 position, that he knows nothing of this arrangement. If
25 that's so, do you now see what lay behind the arrangement
26 which Mr Lee and Ms Wreford invited you to participate in?
27 Do you now see what the real purpose of it was?---Yes,
28 sir.

29 What was it?---If Mr Spicer had no involvement and no meetings,

1 it would appear to be a method of payment to Mr Aziz via
2 Spicer Racing.

3 Which would conceal its real purpose?---Yes.

4 When did it first become apparent to you that that's what in
5 fact was happening?---Sir, only in the last 15 minutes
6 if - up until now I believed that Mr Lee was a part owner
7 of Spicer Racing.

8 MR TOVEY: You understand, do you not, what the Commissioner is
9 saying? If the whole thing was a sham and Mr Spicer is
10 right and the arrangement that you're talking about didn't
11 exist, what reason would there be for money to be funneled
12 out of your company to Mr Aziz? So, we know it's not the
13 arrangement if we accept what Mr Spicer says. Can you
14 think of any other reason?---No, sir.

15 Did you say there was an agreement; is that right?---Yes, sir.

16 And no doubt you've had the opportunity of looking for that
17 agreement?---No, sir.

18 Haven't you been asked about that agreement by way of
19 preparation for coming?---Have I been asked?

20 In terms of preparation - I see my friend moving and I'll move
21 away from that sensitive area. (To witness.) Whether
22 there's an agreement or not, was it not your
23 modus operandi to get involved in processes whereby you
24 could pay people off like Mr Aziz by creating contracts
25 about consultancies and things of that nature which didn't
26 really exist, they were just excuses?---Yes, sir.

27 You agree with what I'm putting?---Yes, sir.

28 The contracts that you had for these people with Mr Aziz for
29 consultancies were really just an excuse to pay money that

1 he was insisting on getting because of his role as a
2 councillor?---Yes, sir. But I was advised by Mr Lee that
3 there was in fact an agreement and that Mr Aziz was in
4 fact seeking people to participate in the purchase of race
5 horses.

6 COMMISSIONER: Your relationship with Ms Wreford was such that
7 you would talk very frankly with her about strategic
8 issues, about how to get councillors on side, what needed
9 to be done in terms of lobbying?---Yes, sir.

10 Was your relationship such that you would expect her to conceal
11 from you that this arrangement with Spicer Thoroughbreds
12 was a sham?---No, sir.

13 Did she ever make that clear to you, that this was merely a
14 vehicle that enabled money to get to Mr Aziz?---No, sir.

15 So she did this without - she did this with her partner without
16 telling you?---Yes, sir.

17 MR TOVEY: Can you think of any reason as to why she might do
18 that? You're the one who is paying the money?---No, sir.

19 Are you suggesting that she was part of a scam to trick you out
20 of money which she shared with Mr Aziz?---No, sir.

21 Other than to promote a system whereby you could funnel money
22 to Aziz, what rational explanation might there be for that
23 behaviour?---Yes, sir, as I explained, my understanding
24 was that he was in fact undertaking the work that she had
25 explained to me, which was seeking people to participate
26 in horse racing with Spicer Racing under the understanding
27 of Mr Spicer and Mr Lee and a third party who had had a
28 number of meetings in relation to this matter.

29 When you purchased your share in the racehorse from Councillor

1 Ablett, was that the first time in which you had any
2 relationship with him involving the passing over of
3 money?---Yes, sir. To my knowledge, sir.

4 COMMISSIONER: When was that, Mr Tovey?

5 MR TOVEY: When was that, do you remember?---Sir, I'm not
6 familiar with the exact date. But again it's 2012,
7 I think, sir.

8 COMMISSIONER: Yes, I'm not sure if you heard the witness,
9 Mr Tovey. Mr Woodman thought it was 2012. Is that
10 correct, Mr Woodman?---Yes, sir.

11 MR TOVEY: It was 2012 when you first got involved with
12 Mr Ablett in a racehorse, was it?---I believe so, sir, but
13 I'm not 100 per cent sure, sir.

14 And what was the name of that racehorse?---I cannot recall,
15 sir.

16 It wasn't Prima Facie, was it?---I believe so, sir.

17 Do you have a recollection it was 2012 when you first got
18 involved or was it some time after that or some time
19 before it?---No, I'm not 100 per cent sure, sir.

20 While I'm having somebody look for that date, I will just move
21 on. In respect of Ms Wreford, she was a lobbyist, you've
22 told us, employed by you on a retainer?---Yes, sir.

23 And was her work as a lobbyist to revolve around promoting your
24 business interests?---No, sir.

25 What was it?---She was a communicator between ourselves and
26 political people who we were attempting to obtain
27 approvals from and she at times assisted me with a charity
28 function, a golf day, and I think as discussed yesterday
29 she acted as a courier from time to time.

1 So her job was political in nature?---Correct, sir.
2 And it was to do what was necessary to look after your
3 interests insofar as they were being considered either at
4 the government level or at council level?---Yes, sir.
5 And that she was a courier?---Yes, sir.
6 And was she couriating only in respect of payments which were
7 connected with her political role?---From time to time,
8 sir, she would deliver plans if that was part of an
9 explanation to a political person, plans and report, sir.
10 Was she involved in your private affairs?---Not that I'm aware
11 of, sir.
12 You hired her as a political lobbyist and consultant; is that
13 right?---Yes, sir.
14 You use her as a courier in respect of that employment?---Yes,
15 sir.
16 And she couriers many, many thousands of dollars of
17 cash?---Yes, sir.
18 To Mr Aziz?---Yes, sir.
19 And that was in relation to her political role, was it
20 not?---I'm terribly, sorry, sir, could you ask that - - -
21 That was in relation to her role as a political lobbyist for
22 you?---Correct, sir.
23 COMMISSIONER: But I think you said at the conclusion of your
24 evidence yesterday that that's not a normal role that a
25 lobbyist would play?---Correct, sir.
26 MR TOVEY: I mean, did you have her paying your accounts
27 for - in respect of matters other than those relating to
28 Mr Aziz?---Not that I'm aware of, sir.
29 So her payments - the payments that she took to Mr Aziz

1 related, you have told us, to her political

2 role?---Correct, sir.

3 All right. So if that's the case it must be, must it not, that
4 she has couriered well over \$100,000 in cash to Mr Aziz
5 for political purposes, because she had no private role,
6 did she?---I apologise, sir, the interest payments that we
7 are talking about obviously are not associated with
8 political payments.

9 Why did she get involved with those if she was working for you
10 as a political lobbyist? That was, you told us, a totally
11 personal matter between you and Aziz?---Yes.

12 Why would you have her couriating bags of cash?---Apologies,
13 sir, yes, she couriered the interest payment on a monthly
14 basis to Mr Aziz.

15 And why was she doing that?---Under my instruction, sir.

16 Yes, but why? What was the purpose of this arrangement whereby
17 she would pick up cash from you and take it to Mr Aziz
18 rather than just pay it into his bank account or get
19 picked up by Mr Aziz? Why use her as an
20 intermediary?---That was the arrangement, sir.

21 Why did you use her as an intermediary? Why not just have him
22 come and pick up the money?---I had no direct association
23 with Mr Aziz and from time to time Ms Wreford would be
24 talking to Mr Aziz about our applications. It was a dual
25 role, sir.

26 COMMISSIONER: Do you mean by that, Mr Woodman, that the
27 proposal that you should pay in cash to Mr Aziz via
28 Ms Wreford was not something that you orchestrated, that
29 it was something that you were told Mr Aziz wanted you to

1 do?---Correct, sir.

2 And you just went along with it?---Yes, correct, sir.

3 Not understanding why he would want a cash payment?---As part
4 of the loan payment that was my understanding of his
5 request.

6 But not understanding why he wanted a cash payment?---No, sir.

7 Did it occur to you, Mr Woodman, that apart from anything else
8 there might be tax implications involved in such an
9 arrangement?---Not at the time, sir.

10 When did it first occur to you?---Sir, not really until now.

11 Yes, sir.

12 Do you have many other arrangements, Mr Woodman, where you make
13 recurring payments by way of a cash payment?---Only the
14 miscellaneous expenditure associated with the Little River
15 contract, which has now been terminated, sir.

16 Yes, Mr Tovey.

17 MR TOVEY: Mr Commissioner, that date was April 2014. That's
18 the date relating to the Prima Facie purchase.

19 COMMISSIONER: Perhaps you might put that to Mr Woodman.

20 MR TOVEY: Yes. (To witness.) Is that right, that the Prima
21 Facie purchase took place in April 2014?---I'm not sure of
22 that, sir, but if that is the records - - -

23 And is that the time that a contract was executed with
24 Mr Ablett?---Right.

25 Before then had you had any financial dealings with him at
26 all?---I'm not - I don't believe so, sir.

27 Well, think carefully about it. Did you or not; that's before
28 you became involved in the horse Prima Facie?---I don't
29 believe so, sir, but there was an election - I don't

1 believe so, sir, but it's some years ago and I'm not
2 100 per cent sure.

3 Did you make any payments to him personally?---Over the period
4 of - - -

5 This is before April 2014?---I cannot remember, sir.

6 Did you make any cash payments to him?---I cannot remember,
7 sir.

8 So the situation is then that from your point of view is there
9 a real chance that you were making cash payments to
10 Councillor Ablett before 2014?---I don't believe so, sir,
11 but my memory isn't that good, sir.

12 Was there any basis before 2014 on which you now think there
13 might have been a financial relationship between you and
14 Councillor Ablett?---Not that I can recall, sir.

15 Did you ever make cash payments into his bank account?---If
16 I did, sir, I thought it was - the only time would have
17 been for the purchase of a horse. But I stand to be
18 corrected, sir.

19 And in respect of the purchase of Prima Facie was that cash or
20 was it a cheque?---I cannot recall, sir. I thought it was
21 a cheque.

22 Do you know where the cheque came from?---It would have come
23 from Elwood Drafting, I believe, sir.

24 And if there is no - if there is no transaction in Elwood
25 Drafting which would reflect such a payment does that make
26 you think it might have been cash you paid
27 Mr Ablett?---Sir, I cannot - I cannot recall.

28 So the situation is as you now sit there you might have been
29 paying him cash for horses before 2014?---I don't believe

1 so, sir, but I'm not 100 per cent sure, sir.

2 Was there ever an occasion where you took \$5,000 out of one of
3 your accounts in cash and then went to another bank and
4 made a deposit, a cash deposit, in Mr Ablett's
5 favour?---Not that I'm aware of, sir, but if you could
6 give me a date maybe - - -

7 You see, what I'm talking to you about is something which you
8 would surely agree would be very unusual, would it
9 not?---Yes, sir.

10 For you to go to a bank, withdraw 5,000, go to another bank,
11 pay in 5,000 to Mr Ablett?---Correct, sir.

12 And the only reason one would do it that way would be to
13 conceal the source of the cash, otherwise you would just -
14 otherwise you would just do a bank transfer, wouldn't
15 you?---Yes, sir.

16 So what I'm asking you is have you ever been done that?---Not
17 that I can recall, sir.

18 Would this be an appropriate time?

19 COMMISSIONER: Yes. Mr Woodman, we will adjourn for lunch.

20 You go and have a meal and come back at 2 o'clock, if you
21 would?---Thank you, sir.

22 <(THE WITNESS WITHDREW)

23 LUNCHEON ADJOURNMENT

24

25

26

27

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29

1 UPON RESUMING AT 2.07 PM:

2 <JOHN CHARLES WOODMAN, recalled:

3 COMMISSIONER: Yes, Mr Tovey.

4 MR TOVEY: Mr Woodman, did you in the course of your work on
5 C219 come in contact with Mr Kenessey?---Yes, I did, sir.

6 And what role did he play?---He's from Leighton Properties.

7 And what was his - was he an employee of Leightons or is he a
8 lobbyist, consultant?---He's project manager of

9 the Cranbourne West land for Leighton Properties.

10 And what about - there's another person, Mr Ray Walker. Do you
11 know him?---Yes, I do, sir.

12 When did you first meet Mr Walker?---The council conducted
13 a - I'm terribly sorry, sir, I can't give you an exact
14 date, but I could I think get there. The council
15 conducted an informal circulation of the people in
16 Cranbourne West asking for their opinion, and I think it
17 was in 2014, and out of the 800 submissions Ray Walker was
18 one of them. I actually didn't meet him at the time.
19 I met him probably some two years later, so that's
20 probably 2016.

21 And in what circumstances did you meet him in 2016?---In
22 relation to C219, I believe, but I'm not 100 per cent
23 sure.

24 And what was the situation then in respect of your
25 relationship? I mean, why were you talking to him about
26 it? At that stage he was a person who you knew had made a
27 submission in respect of a matter in which you were
28 interested in 2016; is that right?---We - - -

29 No, we'll just take it a step at a time. Sorry, you had met

1 him in 2014 and he had made a submission?---Correct.
2 And then had you spoken to him then about matters other than
3 the submission he had made in 2014?---No, I hadn't.
4 So then you next meet him in 2016 in respect of C219?---Yes.
5 And where did you meet him?---I'm not - I'm not 100 per cent
6 sure, sir.
7 Where did you meet him?---No, I'm not - I'm not - I'm not
8 100 per cent sure where exactly I met him.
9 Were you with anybody else at the time?---I believe, yes,
10 I think Megan Schutz was there.
11 And what was discussed?---The progress of C219.
12 Yes, and what was discussed about it?---Just the process that
13 we would undertake in an attempt to have it rezoned to
14 residential from industrial. But, sir, could I please
15 correct myself. I believe it was 2014 and 2016. I'm not
16 100 per cent sure as to when the rezoning of 219 started,
17 but after it had started, about two years into it was the
18 first time that I encountered personally Mr Walker.
19 Had you been aware of his involvement in issues at any stage
20 before then?---Yes, I had.
21 And what was his involvement in issues with which you were
22 concerned?---He, as a consequence of the council informal
23 submission to the residents, a committee was formed under
24 the name of the SCWRAGers and he became the informal
25 chairperson or spokesperson and I became aware of that
26 through Ms Schutz.
27 COMMISSIONER: Through who, sorry?
28 MR TOVEY: Through Ms Schutz.
29 COMMISSIONER: Schutz?---Yes, Ms Schutz.

1 MR TOVEY: And when was that?---As I say, sir, I'm
2 not - I believe it would have been 2016, but I'm not
3 100 per cent sure as to when 2014 started. So two years
4 after it started, yes.

5 Were you aware of anything to do with SCWRAG at the time that
6 it started?---Only that after receiving 800 responses and
7 having a database, as part of my strategy was to keep the
8 local community informed of the process that would be
9 undertaken by council subject to the community continuing
10 to support the process.

11 When was SCWRAG set up?---I cannot answer that, sir.

12 Did you have any part in it being set up or were you aware of
13 when its website was registered?---No, sir.

14 Was Ms Schutz employed by you in 2015 as a consultant in
15 respect of C219?---No. No, sir.

16 When was she employed - was she ever employed by you as a
17 consultant or a lobbyist in respect of C219?---No, sir.

18 Was she paid by Wolfdene?---No, sir.

19 Was she interested at all to your knowledge in C219?---She was
20 the town planner acting for Leighton Properties.

21 In respect of C219 did you ever discuss matters relating
22 to - sorry, did you ever discuss any matters relating to
23 C219 with Ms Schutz?---Yes.

24 And how did that come about if she was Leightons'
25 consultant?---I was also being paid by Leightons at the
26 same time to conduct or to visualise the strategy to be
27 employed by the consultant team to have the land change
28 implemented by government.

29 Did you provide any finance to SCWRAG or to Mr Walker?---No,

1 not directly, no, sir.

2 What do you mean by that?---I recall that some of our - in the
3 initial circulation of documents, some of our people
4 assisted in doorknocking the residents to ascertain their
5 support or otherwise for the proposed land change.

6 So you met Mr Walker in 2016; is that right?---I believe so,
7 yes, sir. I'm not 100 per cent sure of the exact time.
8 But, yes.

9 Was that the first time you had met him?---Yes, I believe so,
10 sir.

11 All right. In 2016 when you first met him, what did you know
12 about him other than the fact that he was involved in
13 SCWRAG?---I knew that he was retired.

14 Retired what?---From work.

15 Doing what?---I'm not familiar with what his previous
16 employment was.

17 You didn't ever ask him?---No, sir.

18 Yes?---I knew he was married to a woman called Valerie and
19 I believed that he had a daughter who was unwell.

20 Is that all you knew about him?---Yes, sir. And
21 that - I apologise, sir - and that he lived in an estate
22 called Alara.

23 Did you ever ask Ms Schutz to arrange for Mr Walker or for
24 SCWRAG to provide information which would assist you?---In
25 relation to 219, sir?

26 Yes, or H3 or anything else that was going on at the time?---In
27 relation to 219 we requested that SCWRAG provide us with
28 feedback as to what the community were thinking about a
29 proposed change.

1 And who is "we"?---Sorry, Watsons.
2 Why did you do that? Did you do this through Ms Schutz or did
3 you do it - - -?---Yes, through Ms Schutz.
4 But Ms Schutz wasn't working for you?---No. But she was part
5 of the team that was being employed by Leighton Properties
6 to bring about a change from industrial to residential,
7 so - - -
8 So you were part of that team yourself?---Yes, sir.
9 And were you getting a retainer?---Yes, sir.
10 How much?---I could not tell you the exact amount, sir. 400,
11 \$500,000.
12 Were you getting monthly payments?---No, sir.
13 Were you getting monthly payments?---No, sir. Over a period of
14 some years, I believe, sir.
15 No, I was asking were you getting monthly payments?---Yes, we
16 would invoice, we would invoice Leighton Properties for
17 work that had been undertaken by us during the previous
18 month.
19 COMMISSIONER: Because Leightons were the principal beneficiary
20 if the planning proposal went through?---Yes,
21 Mr Commissioner, yes.
22 MR TOVEY: In any event, did you - so you never made, you or
23 Walkers or your companies you say didn't ever make any
24 contributions, financial contributions to SCWRAG?---Not
25 financial contribution that I'm aware of, sir.
26 Did Leightons to your knowledge make financial contributions to
27 SCWRAG?---Yes, sir.
28 And how did you know that?---I read about it in the newspaper,
29 sir.

1 Is that the only source of your knowledge?---Yes, sir.

2 To your knowledge did Leightons fully disclose the nature of
3 their financial contribution to SCWRAG?---I believe so,
4 sir.

5 COMMISSIONER: That would be pretty important, wouldn't it,
6 Mr Woodman, because if there wasn't transparency, then
7 people who would be in the position to make decisions and
8 that might be influenced by what on the face of it was a
9 community group who was taking an impartial position
10 reflecting the community's thinking might be
11 misled?---Mr Commissioner, yes, sir. The norm with
12 community groups is for funding to be provided by normally
13 the beneficiary to commence their process of understanding
14 of what the community wanted. Without that understanding
15 it is very difficult for the proponent to properly prepare
16 his case, I guess, as best, yes.

17 So your experience was nothing wrong with Leightons, the
18 principal beneficiary, funding the community group, so
19 long as it was transparent and there was no underhand
20 attempt to influence the way the community group's
21 position was being represented?---Correct, sir.

22 MR TOVEY: Did you have any financial relationship yourself or
23 your companies with SCWRAG?---Sir, I may have, and I'm not
24 100 per cent sure, provided at some stage printing. So,
25 if a circular was to be produced, that would be then
26 posted and/or emailed. We may have produced a concept of
27 what that would look like to assist SCWRAGers. But I'm
28 not 100 per cent sure, sir.

29 Excuse me, please, Mr Commissioner. (To witness.) When you

1 met Mr Walker, other than discussing matters of mutual
2 interest in respect of C219, was there anything else that
3 was discussed?---At the initial meeting I'm not sure, sir.
4 Did you have another meeting shortly after that?---At some
5 point, and I can't give the exact time or date,
6 I discussed with Ms Schutz Mr Walker working for us in a
7 role of attempting to provide feedback as to the sales
8 information from estates in the south-east corridor.
9 And what expertise did he have in that regard? He had been a
10 salesman of a pyramid scheme, hadn't he, before you came
11 to meet him and before he retired?---Sir, I believe that
12 we negotiated a fee of \$2,500 per month for him to produce
13 a report which would indicate the amount of lots that had
14 been sold in the entire south-east corridor.
15 But he didn't have any expertise in that regard, did he?
16 I mean, you may as well have got your mother to do
17 it?---Well, sir, he was on a monthly - - -
18 Look, I know you paid him money. What I'm saying is you
19 paid - once again you had paid somebody money who had no
20 expertise; that's true, is it not? He had not the
21 slightest bit of expertise in real estate, town planning,
22 the accumulation of real estate data. That's not
23 something that he had the slightest bit of expertise, is
24 it, to your knowledge? No?---My qualification to that
25 answer is, sir, that in visiting estates looking at a
26 sales board and seeing 14 lots sold one month and then 12,
27 18 the next month, is not something that one has to have a
28 great deal of expertise in, but it's a matter of having
29 the time and a computer to be able to record that

1 information and then provide it to our company for
2 assistance in us forward planning.

3 COMMISSIONER: So you were paying him, Mr Walker?---Yes, sir.
4 You were paying him how much a month?---2,500, I believe, sir.
5 And that was from Watsons, was it?---It was Ms Schutz was
6 paying him and we were paying Ms Schutz for the
7 information.

8 MR TOVEY: But Ms Schutz wasn't working for you?---He was - - -
9 No, Ms Schutz was not working for you?---In that instance she
10 was working for us.

11 COMMISSIONER: Can we just explore that a bit?---Yes.
12 First, I want to understand. I think for the last 20 minutes
13 counsel must have asked you half a dozen times,
14 Mr Woodman, whether or not you had paid Mr Walker any
15 money and you'd said "no", and now you are acknowledging
16 that you did pay him a monthly fee. Is that not how
17 things went in the last 20 minutes?---I apologise, sir.
18 I thought we were talking about C129. Now we are talking
19 about the accumulation of information in relation to sales
20 in the south-east corridor, two separate matters.

21 I apologise if that appears - - -
22 Yes, and did it occur to you, Mr Woodman, that if you were
23 paying Mr Walker a monthly fee for the service you've just
24 explained, that that might put him in a difficult position
25 in terms of his role as head of the SCWRAG, the community
26 representative group? Did that occur to you?---No, sir.
27 And thinking about it now, is it apparent to you that if he was
28 on your payroll and he was at the same time purporting to
29 be reflecting a community view about the desirability of

1 this particular planning proposal, that might put him in a
2 position of a conflict or the appearance of a
3 conflict?---I didn't believe so, sir, because of
4 the separation between the two jobs.

5 What's your thought about it now, Mr Woodman?---In the last two
6 months, honestly, sir, I still believe that the separation
7 between working for a community group and providing
8 information for me in addition to commencing other
9 community groups for me and knowing Mr Walker, no, sir,
10 I didn't believe that it was a conflict of interest that
11 would affect the way in which he would conduct himself in
12 relation to C219. So, even no matter which position he
13 was working for me, 219 he had a position on, he had a
14 view on, a very strong view, and it was my belief that
15 working for me would not vary or change that view.

16 Was that disclosed publicly? Was it disclosed publicly that
17 Mr Walker was on your payroll at the same time as he,
18 representing SCWRAG, was advocating to the council and
19 then to government that the planning proposal you wanted
20 to implement should be supported?---I don't believe so,
21 sir.

22 MR TOVEY: What was the population of the City of Casey at that
23 time?---I couldn't tell you exactly, sir, but for some
24 reason or other 380,000.

25 Assuming that a third of those are adults, you've got 100,000
26 unqualified people in the Casey area to choose from to go
27 and look at real estate. How did you come to choose
28 Mr Walker?---Basically because of the feedback that I had
29 received from Ms Schutz about his ability or abilities,

1 the fact that he didn't have a job, and that I perceived
2 that someone giving us the information that I required
3 independently was an important job. Even though I had not
4 met the man extensively or at that stage met him,
5 I trusted him to be someone that I could rely upon in
6 providing this information.

7 This man who you've just told us you hadn't met, you ended up
8 paying him, did you not, \$5,500 per month?---I think that
9 we started - I stand to be corrected, sir - - -

10 Watsons' accounts demonstrate that from July 2016 you were
11 paying him \$5,500 a month; is that right?---Okay, sir,
12 I apologise. I thought it was \$2,500 per month.

13 So that's 66,000 - this is my arithmetic working again, so
14 I say this with caution - but that's \$66,000 a year you're
15 paying him, and this is to drive around and look at real
16 estate signs and tell you what's being sold?---Sir - - -

17 No, were you paying him \$66,000 a year to drive round and look
18 at real estate signs and see what had been sold that
19 hadn't been sold the week before?---Yes, sir.

20 How much of his time do you think that might have taken? A day
21 a week?---Sorry, could you - - -

22 I said how much of his time do you think that might have taken?
23 A day a week?---No, sir. The south-east corridor is a
24 very large corridor. There would be many, many estates.
25 I would have thought somewhere between 50 and 100. To
26 visit those estates and analyse the sales associated with
27 them, I would have thought it would have been a two or
28 three day a week job.

29 Okay. So your understanding is that he would have been driving

1 his car looking at real estate signs for you full-time
2 three days a week. Are you serious?---Sir, if I could
3 please clarify that.

4 Is that the process that you have in mind, that he was going to
5 be driving around looking at signs?---It's more than
6 looking at signs. I explained that probably a little bit
7 too simplistically. It's a matter of calling in to the
8 sales office and verifying with the sales teams that you
9 get to know over a period of time as to the sales that
10 have occurred, the foot traffic that has been experienced
11 at each estate.

12 You're kidding me, aren't you? Couldn't you have got Lorraine
13 Wreford just to ring up the sales offices of each of the
14 people involved and ask them for the information? Isn't
15 that all you needed to do?---No, sir.

16 Is that what - sorry, was he actually going around looking at
17 the signs or was he going to the sales offices and getting
18 the information from them?---It was a combination of both,
19 sir.

20 All right.

21 COMMISSIONER: Is there not something online, Mr Woodman?

22 Aren't there sites online that enable you to see what
23 properties have been sold and for what price they have
24 been sold?---Mr Commissioner, you are correct, there
25 are - that information on site, online, but unfortunately
26 in real estate the information that is provided in such
27 manners is not normally a true indication of what's
28 happening in the field. We - I particularly - felt it was
29 important for us to forward planning our employment to

1 understand at a grassroots level, hands-on, exactly what
2 was transpiring on these estates. So you can look online,
3 but rightly or wrongly some real estate agents and some
4 developers will increase the number of sales shown online
5 which doesn't necessarily lead to a true indication.
6 Who was it that first suggested you should employ Mr Walker in
7 that way?---Myself.
8 That was your decision?---Yes.
9 No-one else suggested it to you?---No.
10 So can I just for a moment explore with you you explain now you
11 had the overarching responsibility for the strategy in
12 relation to C219. Leightons, a principal beneficiary, was
13 funding a large part of the expenditure in that
14 strategy?---Yes, sir.
15 And Ms Schutz was playing a role in which she was in part your
16 legal planner, in part Leighton's consultant?---Correct.
17 And she played some role in relation to Mr Walker?---Yes, sir.
18 And for that purpose who paid her for that service?---She paid
19 Mr Walker for that service, yes.
20 And who reimbursed her?---I did, sir.
21 Right. So how did you determine in relation to each piece of
22 conduct by her in relation to C219 who was the party that
23 would have to cover her expenses for work done?---She had
24 a contract with Leighton Properties which set out what her
25 work increment would be on a month by month basis. In
26 relation to our matters that she was dealing personally
27 with Watsons, people in my employ would work out what was
28 to be her recompense, yes.
29 So I'm just trying to understand then why in relation to the

1 employment of Mr Walker to perform a function that was to
2 give you foresight in relation to planning for the C219,
3 particularly in an area where Leightons would be the most
4 interested party in the information, how did it come about
5 that you assumed the financial burden of paying Ms Schutz
6 for that work and paying Mr Walker?---I can't answer that
7 question, sir. It was - it evolved. It evolved that she
8 was submitting invoices to us. We had a discussion in
9 relation to Walker and I had indicated to her that
10 I needed someone to do this work and I think that's how
11 the relationship evolved. But in relation to that matter
12 he was sending his reports directly to our senior staff
13 who were communicating with him in relation to the results
14 that were being conveyed. So, it was by no means an
15 unknown fact that he was in fact working and his results
16 were being assessed and utilised by our company.

17 And Leightons understood he was doing that?---Yes, sir. My
18 understanding is yes, sir.

19 MR TOVEY: I want to take you back to the days of Brompton
20 Lodge just to fill in the history. At the time that
21 Brompton Lodge was first considered by the council,
22 Lorraine Wreford was the mayor, was she not?---Sir, if you
23 could tell me the date.

24 August 2010. She was elected in November 2010 in that State
25 election?---Yes.

26 All right. So in August 2010 the council considered a report
27 on Brompton Lodge and that report recommended that
28 Brompton Lodge be included in the urban growth boundary
29 and council voted in favour of having it so included; is

1 that right?---I believe so, sir.

2 And then after that there was a motion to write to the minister

3 and follow it through. Is that your understanding?---My

4 understanding, sir. I'm not - - -

5 If it is consistent with your understanding - - -?---Yes.

6 I'll ask it that way?---Yes.

7 At that stage did any councillor to your knowledge declare any

8 conflict in respect of their association with you?---Not

9 that I'm aware of, sir.

10 All right. When was the first time you were aware of a

11 councillor declaring a conflict in respect to an

12 association with you?---I'm not aware of that, sir.

13 So, in any event, after that in 2011 was there an advisory

14 committee set up to advise on the Brompton Lodge rezoning

15 set up by the minister?---I believe so, sir.

16 And then in August of that year was there an article in The Age

17 linking your election contributions to candidates Wreford

18 and Ablett in the State elections which had recently taken

19 place in November 2010 with decisions relating to Brompton

20 Lodge?---I'm apologetic, sir, I would have to see those

21 dates in front of me. Could you - - -

22 I'll ask a different way. At some stage around 2011 there was

23 an Age article which was expressing concern about the

24 provision of - sorry, the rezoning of Brompton Lodge.

25 Would you agree that was the case?---In 2011?

26 Yes, late 2011 or mid-2011?---An article in The Age, did you

27 say, sir?

28 Yes?---Look, I'm not that familiar with the article

29 you're - there have been many articles in The Age, but

1 yes.

2 All right.

3 COMMISSIONER: It's all right for you to say you don't
4 remember, Mr Woodman?---I'm sorry.

5 MR TOVEY: In any event, there was consideration given to
6 various issues relating to Brompton Lodge both by the
7 minister and by the council over a period following
8 that?---Yes, sir.

9 In November 2012 Councillor Stapledon was voted mayor; is that
10 right?---Councillor?

11 COMMISSIONER: Stapledon?---Stapledon, yes.

12 MR TOVEY: And you know Councillor Stapledon?---Yes, sir.
13 Have you met with Councillor Stapledon?---Yes, I have.
14 Have you met with her away from the environment of the council
15 itself, that is other than in the council
16 chambers?---Outside of the council chambers I have met
17 her, yes, sir.

18 On how many occasions?---I went to her holiday house in Phillip
19 Island once. Other than that, I have accompanied her to
20 two charity functions on I think two occasions. But other
21 than that - she is also mixed up with the Casey football
22 team and I have met her at football games, sir.

23 Have you ever met with her at restaurants, any places like
24 that?---I went to a fundraiser at Beaconsfield that she
25 had - when she was running for State Government. I don't
26 believe so, sir.

27 Have you ever met her privately in circumstances where matters
28 relating to council business have been discussed?---Yes,
29 sir.

1 When and where?---I couldn't tell you the exact date, sir.
2 Are we talking about last year, the year before, 10 years
3 ago?---It would be four or five years, I would think, my
4 recollection is, sir.
5 What was the circumstance of that meeting?---Under which
6 circumstances?
7 What was the circumstance of that meeting where you discussed
8 council business?---I in 2014 organised a fundraiser for
9 her.
10 Was this for council?---For State Government.
11 Yes?---And at that meeting she indicated to me that from that
12 time on she couldn't vote for me.
13 Yes. When was the meeting?---I think it was in June of 2014.
14 Sir, I apologise if my memory is not 100 per cent.
15 COMMISSIONER: What did you mean she couldn't vote for
16 you?---I apologise, sir, I mean that she couldn't
17 participate as a Casey Councillor in any developments that
18 our company were involved in.
19 MR TOVEY: Are you aware of her involvement with a facility
20 known as Blairlogie?---Yes, sir.
21 Have you been involved with that facility?---Yes, sir.
22 In what way have you been involved?---Ms Stapledon was advised
23 to contact me by council officers to complete some pro
24 bono planning work for her in relation to attempting to
25 accommodate some of the mentally ill people, of which her
26 son was one, at Blairlogie. I apologise, sir,
27 I omitted - if you'd asked me before, I omitted to mention
28 that. That's where I had initially met Amanda Stapledon.
29 So Blairlogie was - her son has some sort of intellectual

1 difficulty. Is he autistic or something like that?---Yes,
2 her son has intellectual - he is an aged intellectual
3 youth around about - at the time he was I think 17 and we
4 were asked - I was asked to undertake some pro bono work
5 in an attempt to find a way in which Blairlogie could
6 house children of that age group permanently.

7 And when were you asked to do that? When did you first become
8 involved at all with Blairlogie?---Sir, I can't recall the
9 exact time.

10 I'm not asking you exact times, I'm asking you
11 approximately?---Now, look, I can't tell you the year,
12 sir. I apologise.

13 Was it 10 years ago?---No, it was not 10.

14 Five years ago?---It would be between five and seven years,
15 I believe, sir.

16 And did you make any contributions to Blairgowrie?---In kind,
17 sir, we undertook a survey of the property as a precursor
18 to providing an application for some permanent residences
19 to be located on the property for these aged
20 intellectually handicapped children.

21 And so as a result of that are you and Wolfdene involved in the
22 remodelling or the redevelopment of the Blairgowrie
23 facility?---I am not familiar with the Wolfdene
24 involvement other than I know that since the NDIS
25 introduction that there has been a proposal to house these
26 intellectually handicapped aged children permanently
27 outside of the Blairlogie premises.

28 And are houses being built? Are houses being built for that
29 purpose?---I'm not 100 per cent sure of the answer to

1 that, sir.

2 At any stage was to your knowledge the vote of Amanda Stapledon
3 sought by lobbyists or consultants employed by you to
4 support projects in which you were interested?---No, sir.

5 All right. As of November 2013 UDIA had become involved, had
6 they not, in the proposal to rezone Brompton Lodge?---Sir,
7 I'm not familiar with the exact date, but - - -

8 Does that sound right?---That sounds - - -

9 All right. In October of 2013 Mr Ablett became mayor. Shortly
10 after that did you provide any cash money to him?---Not
11 that I'm aware of, sir.

12 In November of 2013 were you in Port Douglas?---I apologise,
13 sir, I'm not that familiar - I've been to Port Douglas on
14 many, many occasions.

15 All right. So Port Douglas is somewhere that you regularly
16 attend?---Two or three times a year, sir.

17 Could you have a look at financial book page 98? Could we have
18 that up on the screen, please?

19 COMMISSIONER: Which book is that in, Mr Tovey?

20 MR TOVEY: Financial book 1, Mr Commissioner. (To witness.)

21 That is a withdrawal voucher on one of your accounts.
22 That's the account of Elwood Drafting at Port Douglas.
23 Sorry, that's the account of Elwood Drafting. The
24 withdrawal voucher has been lodged at Port Douglas and
25 you'll see that the amount is \$5,000; is that
26 right?---Yes, sir.

27 And then there is a signature there. Whose signature is that,
28 do you know?---Yes, that is my signature, sir.

29 All right. So that's at 3.40 pm on 25 November 2013; right?

1 Do you agree with that?---Yes, sir.

2 I now want to take you to a deposit slip which is at page 97.

3 Could we just have that deposit slip both sides, thank

4 you, mid-screen and enlarge it a bit more. All right. So

5 that's some five minutes later at the ANZ in Port Douglas

6 and there is a deposit to the account of Geoff Ablett; is

7 that right?---Yes, sir.

8 And the depositor name is G Williams. That's your writing,

9 isn't it?---Yes, sir. I believe so, sir.

10 So what you've done is you've taken 5,000 cash out of one bank,

11 walked it to another bank and then deposited in cash in

12 that bank in a false name; true?---Sir, I cannot recall.

13 I'm not asking you can you recall. I'm asking you to admit the

14 obvious. You admitted that you took it out of one bank,

15 you've taken it to the other bank five minutes later and

16 you've deposited it in a false name. That's what you have

17 done, have you not?---I cannot recall, sir.

18 I'm not asking you whether you can recall. You have seen the

19 evidence of your own eyes that you personally have signed

20 a withdrawal form, got cash. Five minutes later a

21 withdrawal form - sorry, a deposit form signed by you in a

22 false name has been used to deposit cash. Now, that is

23 clearly what occurred. The only reason you are not

24 admitting it, I suggest to you, is because you're

25 conscious of the fact that that is clear evidence of

26 corruption?---I cannot recall doing that, sir.

27 Do you admit it happened, having seen that?---I cannot recall,

28 sir. I cannot recall doing that, sir.

29 I'm not asking you whether you can recall. I'm simply asking

1 you whether you admit it.

2 COMMISSIONER: Mr Woodman, counsel assisting has explicitly
3 suggested a very serious thing to you, namely that this is
4 evidence of a corrupt payment. Can you offer any
5 explanation for why you would sign a deposit slip for
6 \$5,000 to be paid into Mr Ablett's account and that you
7 would use a false name for the purpose of depositing the
8 funds?---No, I have no explanation, sir.

9 MR TOVEY: I now want to move to 17 January of 2014.

10 #EXHIBIT 2 - Withdrawal for \$5,000 signed by Mr Woodman dated
11 25 November 2013.

12 #EXHIBIT 3 - Deposit slip for \$5,000 dated 25 November 2013.

13 MR TOVEY: I now want you to look at documents relating to
14 17 January 2014 and I would like you to look at financial
15 book 1, page 99. So, 420 St Kilda Road is very close to
16 where you live, is it not?---Yes, sir.

17 You'll see there that that is a deposit slip dated 17 January
18 2014; you agree with that?---Yes, sir.

19 And it's for \$5,000?---Yes, sir.

20 And that is to the account of Joy E Ablett and - sorry, Joy Eve
21 Ablett and Geoffrey Norman Ablett?---Yes, sir.

22 And it's signed by you?---Yes, sir.

23 In your own name this time?---That is my name, sir, yes, sir.

24 And there is a phone number also provided. Is that your phone
25 number?---Yes, it is, sir.

26 Do you agree that on 17 January - do you agree, having seen
27 that, that on 17 January 2014, before you had any
28 financial relationship that you've told us about with
29 Mr Ablett, you paid \$5,000 cash into his account?---Yes,

1 sir.

2 Why did you do that?---I don't recall, sir.

3 Is there any reason that you can think of, other than the fact
4 that you were paying for his favour, that you would have
5 at that stage deposited \$5,000 cash into his
6 account?---I can only think that it was to do with the
7 equine relationship that we had.

8 Why cash? Why cash?---I have no answer, sir.

9 Where did the cash come from?---I have no answer, sir. I don't
10 know.

11 Could the witness - I now want to take you to - so here we've
12 got November, January. Were you paying him cash amounts
13 monthly at that stage of around \$5,000?---Not that I was
14 aware of, sir.

15 I want to take you to 17 February of 2014.

16 COMMISSIONER: Exhibit 4 will be 17 January 2014, deposit slip
17 of 5,000.

18 #EXHIBIT 4 - Deposit slip for \$5,000 dated 17 January 2014.

19 MR TOVEY: Yes, financial book 1, page 11. Do you see, sir,
20 where the yellow marker is, that shows a withdrawal
21 from - if we can scroll up, take it from me, perhaps, that
22 that's the Allwood Drafting account of \$8,000 and that is
23 on 17 February; is that right?---Yes, sir.

24 COMMISSIONER: Do you want to see the title to the document,
25 Mr Woodman?---Yes, sir. Yes, sir.

26 MR TOVEY: All right.

27 MR JUEBNER: Commissioner, could I just ask a question. The
28 document that we are currently looking at says the
29 statement ends on 30 November 2013 on the top right-hand

1 side of the page, but I think the transaction that is
2 supposed to have occurred on 17 February, I'm not sure
3 that that's the same document.

4 COMMISSIONER: We'll explore that, Mr Juebner. Can you just
5 scroll back, please, to the entry for 17 February.

6 MR TOVEY: Could we have a look at page 12, please, and see
7 what that says? Mr Commissioner, I just want to get this
8 straight before I go on. I understand some irrelevant
9 pages have been taken from that document that we saw
10 previously. Could we go back to page 11, please. (To
11 witness.) So, if you look at the left-hand column there,
12 you will see that that's 17 February of 2014; is that
13 right?

14 COMMISSIONER: Mr Tovey, you are asking the witness to assume
15 for present purposes that this is a continuation of the
16 Allwood Drafting bank statement?

17 MR TOVEY: Yes. (To witness.) So that shows that 17 February
18 of 2014 there's a withdrawal from the Royal Branch, Domain
19 Melbourne, of \$8,000; right?---Correct, sir.

20 Is that the bank that we have previously spoken about in
21 St Kilda Road, do you know? This is the Allwood account?
22 It doesn't matter. If you look - so that's a withdrawal
23 on that day of \$8,000. Could you look then at page 100 of
24 the financial book 1? You'll see there the date 17/2/14
25 and the figure 7,500 and the name "Geoffrey Ablett". Is
26 that your writing?---I'm not sure, sir. I believe so,
27 sir. I believe so, sir.

28 Now, there's no name on that deposit slip, is there, but that
29 shows that on the day that \$8,000 is withdrawn from the

1 Allwood Drafting account, there is a deposit of 7,500 into
2 Mr Ablett's account?

3 COMMISSIONER: That's a cash deposit.

4 MR TOVEY: And that's a cash deposit?---Yes, sir.

5 All right. So the question is, assuming that you're right and
6 that is your handwriting, what were you doing taking out
7 cash and then putting it back in in cash form in
8 Mr Ablett's account at that time?---I'm unaware, sir.

9 COMMISSIONER: You mean you can't now recall why you did
10 that?---No, sir.

11 MR TOVEY: But you agree, do you, that over a period between
12 25 November of 2013 and 17 February 2014 there have been
13 \$17,500 in cash payments which were made by you to
14 Mr Ablett?---It would appear so, but I have no
15 recollection.

16 So the fact that you have no recollection indicates that you
17 can give no innocent explanation for any of those?---No,
18 I have no recollection, sir.

19 COMMISSIONER: Exhibit 5 will be the bank statement of Allwood
20 Drafting, withdrawal of \$8,000.

21 #EXHIBIT 5 - Bank statement of Allwood Drafting, withdrawal of
22 \$8,000.

23 COMMISSIONER: Presumably, Mr Tovey, you can see if you can
24 find the header for that particular page of the bank
25 statement.

26 MR TOVEY: Yes, I'll have those instructing me prepare it in
27 that form.

28 COMMISSIONER: And exhibit 6 will be 17 February 2014 deposit
29 slip of \$7,500 into Mr G Ablett's account.

1 #EXHIBIT 6 - 17 February 2014 deposit slip of \$7,500 into
2 Mr G Ablett's account.

3 MR TOVEY: In January and February of 2014 there were cash
4 deposits in Mr Aziz's account in the vicinity of \$80,000.

5 I just wanted to tell you that. I assume you say you know
6 nothing about that?---Excuse me, sir, the date?

7 2014?---No, sir.

8 All right. In any event, as of 4 February 2014 there was a
9 meeting of the Casey Council in which Mr Ablett introduced
10 an item of urgent business to introduce the rezoning of a
11 parcel of land in Cranbourne which came to be amendment
12 C219. Do you have any awareness of Mr Ablett having
13 introduced such an item of - sorry, Mr Aziz having
14 introduced such an item of urgent business?---No, sir.

15 Did you have any part in preparing Mr Aziz to introduce that
16 item of urgent business seeking the rezoning of Cranbourne
17 land?---I had a discussion with Mr Aziz in relation to the
18 potential of rezoning.

19 And when was that?---I can't recall, sir. The date of the
20 motion was, sir?

21 Where did you have that discussion?---I can't recall, sir.

22 Was anybody else present when you had the discussion?---Sorry,
23 sir?

24 Was anybody else present when you had that
25 discussion?---I believe Mr Ablett and Ms Stapledon.

26 And have you - - -

27 COMMISSIONER: So you have a memory of that meeting, do
28 you?---I do, sir.

29 Where was it?---I can't remember exactly, sir, the location.

1 And how did it come about?---I think that - look, I can't
2 remember, sir.

3 MR TOVEY: Your memory comes about, does it not, because you
4 have recently looked at an email retrieved from your
5 systems relating to - - -

6 COMMISSIONER: You have to keep your voice up, Mr Tovey.

7 MR TOVEY: I'm sorry. Your recollection comes about, does it
8 not, because you have recently seen an email retrieved
9 from your collection - sorry, retrieved from your business
10 resources dealing with a chain of emails commencing with
11 you going to Mr Aziz, Mr Ablett and Ms Stapledon attaching
12 a briefing note in respect of C219? Have you seen - -
13 -?---No, I have not seen that, sir.

14 Have you retrieved emails to look at to refresh your
15 memory?---I have not re - - -

16 Have you retrieved emails to look at to refresh your memory
17 before giving evidence today?---No, sir.

18 That would be an elementary thing to do, would it not? You've
19 already told us you spent a month in preparation. The
20 very first thing you would do would be see whether there
21 were any emails. Do you want to stick by that?---No.

22 Have you not seen one email relating to any issue in this case
23 in preparation for giving your evidence?

24 MR JUEBNER: That's a different question.

25 MR TOVEY: He can answer without my friend helping him out.

26 COMMISSIONER: I think counsel is entitled to ask a different
27 question, Mr Juebner, as long as it's understood that it's
28 a different question.

29 MR JUEBNER: Yes.

1 COMMISSIONER: Yes.

2 MR JUEBNER: I understood it as the premise of re-affirming an
3 answer that had been given, your Honour.

4 COMMISSIONER: Yes, just make it clear that you're asking him
5 generally, Mr Tovey.

6 MR TOVEY: So in preparing for giving evidence, have you pulled
7 out all the emails that you can get your hands on relating
8 to the issues that you thought you might be giving
9 evidence about?---No, sir.

10 Have you looked at any emails at all?---I have looked at some
11 emails, sir.

12 How many?

13 COMMISSIONER: Mr Woodman, can we just follow something here.

14 Have you known for some time the three specific planning
15 issues that the Commission would want to look at with
16 you?---Yes, sir.

17 And how did you know that?---Because of the warrant.

18 Yes. So the search warrant - - -?---Yes.

19 Identified the three areas that the Commission was specifically
20 interested in?---Yes.

21 So have you made it your business in the past two months in
22 preparing for the evidence to look at whatever material
23 you could to refresh your memory as to what you did in
24 relation to those three planning issues?---No, sir. No,
25 I have not looked at - I have been shown maybe 10, 20
26 emails, but I have not gone through every email that
27 I have either sent, received, and certainly the email
28 referred to I have not - I have not seen that.

29 No, I'm sorry, I'm just asking you have you attempted to

1 refresh your memory about the role you played in those
2 three planning issues? You haven't?---No.

3 And how long have you been preparing for?---Since 17 September.

4 MR TOVEY: Could the witness please be shown tab 174, page
5 3313. Just scrolling through the first one, that would
6 appear to be - could you just go back up again, please?
7 So this is 3 February 2014. This is an email from you to
8 "Sam, Amanda, Geoff, as discussed"; is that right? Do you
9 see that?---Yes, sir.

10 We can take it down, further down, please, and that was a
11 briefing note headed "Cranbourne West PSP" and it's a
12 briefing note relating to voting on the planning scheme
13 amendment which was moved by Councillor Aziz as an urgent
14 motion of business of the council in a closed meeting on
15 4 February 2014; is that right?

16 COMMISSIONER: I think you might need to split that question
17 up, Mr Tovey.

18 MR TOVEY: Yes. Can we just scroll it down to look at it?
19 Just go back up again, please.

20 COMMISSIONER: You need to give the witness an opportunity to
21 read it, Mr Tovey.

22 MR TOVEY: Yes?---Yes, sir.

23 So what you've done there is sent to Aziz and Ablett and
24 Amanda, Amanda Stapledon, the motion which you have
25 prepared to be moved in the next council meeting, and
26 that's what Mr Aziz did?---Sir, could we please - - -

27 COMMISSIONER: What is it you want to do, Mr Woodman?---I just
28 want to see if it's my statement, my signature.

29 Go down to the bottom of that briefing note?---Yes, sir, that's

1 my statement - my signature.

2 MR TOVEY: That document, I suggest to you, self-evidently is a
3 direction to move the motion and a provision of all the
4 arguments one would need to support the motion?---Yes,
5 sir.

6 And that was because Mr Aziz was in your pocket and you
7 considered Mr Ablett to be in your pocket and you thought
8 Ms Stapledon would at least follow them?---No, sir.

9 Why didn't you send it to all the councillors?---Because these
10 are the three councillors that I had spoken to about C219.
11 Were they in your team?---No, sir.

12 Did you ever refer to having a team of councillors?---The word
13 "team" I recall is used at election time, but this is not
14 considered to be a reflection of a team as in, I think as
15 you put it, people who felt that they should support
16 something that wasn't otherwise supportable.

17 So at election time you would have a team, would you?---At a?
18 At a council election time you would have a team?---No, no,
19 sir.

20 But when you said "at election time there would be a team",
21 what did you mean by that?---It means that if at election
22 time we have a group of people who are like-minded who
23 have been elected, you may call them in a loose fashion a
24 team.

25 And you do what you do, what you can, to get those people
26 elected. That's the name of the game, isn't it?---No.

27 Well, having recognised that there are a team of like-minded
28 people like yourself, are you saying that you'd make no
29 special effort to get those people elected as opposed to

1 others who might not be like-minded?---The term "team" is
2 a very loose word, sir, and not one that I would use in
3 relation to the email that you have shown me.

4 COMMISSIONER: What are you doing here, Mr Woodman, when you
5 send three of the councillors an email informing them as
6 to the form of motion that you want them to put before the
7 council and support? What are you actually doing?---I'm
8 attempting to outline to them the reason why the
9 Cranbourne West land zoned industrial should be changed to
10 residential.

11 Yes, but just picking up the theme that you've now expressed
12 numerous times in your evidence that your strategic role
13 was to ensure there was clarity about the position that
14 you were wanting to advocate, is this part of the clarity,
15 is it?---Yes, sir.

16 And that clarity about the position that you were advocating
17 includes informing councillors as to the form of the
18 motion that you want council to pass?---Yes, sir.

19 Does it?---Yes, sir.

20 So whenever you've used the word "clarity" before, we should
21 understand that as extending to instructing councillors as
22 to how you want them to vote and the form of the motion
23 that you want?---No, sir. Sir, this is the first time
24 I have ever witnessed a document that I have prepared
25 where I have suggested a motion. It is most unusual and
26 I stand to be corrected, but it's - I'm - yes, I'm taken
27 back by the fact that I had suggested that motion.

28 Why are you taken back by it?---Because, sir, it is not my - it
29 is not my strategy to suggest to councillors a motion that

1 shall be put to a formal council meeting.

2 And that's because it would be quite improper, wouldn't

3 it?---Correct, sir.

4 You said earlier, I think yesterday, that you went so far as to

5 agree with Mr Aziz's evidence to the Commission that

6 developers should not be dealing with councillors in

7 relation to council issues without the presence of the

8 council officer, and here you are engaging in an email

9 directive to three councillors in private?---I wasn't

10 sure, sir, that it was in private, but - - -

11 Go back to the heading of the email to see to whom you directed

12 it?---Yes.

13 I'm curious, Mr Woodman: what happens to the notion of

14 transparency here? If these three councillors carried out

15 your instruction, what knowledge would the other

16 members - what other council members, what would they know

17 about the process that you'd followed with these three

18 councillors?---I see that Councillor Aziz has sent this to

19 himself. I don't believe - I don't - I cannot answer that

20 question.

21 But I take it the corollary of your acknowledgment that this

22 was an inappropriate and improper thing to do, part of the

23 reason that makes it improper is that your representations

24 to these three councillors is secret from the other

25 councillors?---Is my opinion on a particular parcel of

26 land and that it should be rezoned, in isolation of the

27 other councillors, it would be their decision as to

28 whether my proposition, taken up by the three councillors

29 if they did, was a correct proposition, sir.

1 But what you understand, Mr Woodman, is that Mr Aziz was not
2 going to stand up in front of the council to advocate for
3 this motion and say, "The material I'm relying upon in
4 order to persuade you all to support this motion is
5 material that Mr Woodman has provided me and Mr Ablett and
6 Ms Stapledon." You weren't expecting him to do that, were
7 you?---No, sir.

8 No. So there would be no transparency in the process when you
9 have individual councillors who move a motion based upon
10 information and don't disclose the source of that
11 information to the other councillors; agreed?---Correct,
12 sir.

13 And fairness would dictate, if you're going to make sound
14 decisions as a councillor, one of the things you always
15 want to know is what's the source of the information that
16 someone else is relying upon to advocate for a
17 position?---True, sir, but all councillors when making
18 motions rely upon information from a source and I would
19 anticipate it would not necessarily be their own thought
20 processes; it would be a source from an external party who
21 had provided them with sufficient information that they
22 thought that it was worthy of their support.

23 Yes, Mr Tovey.

24 MR TOVEY: When that email was sent, you sent it to the private
25 email addresses of the councillors, didn't you, not their
26 council email addresses?---Yes, sir.

27 And you did that so nobody would discover what you'd been
28 doing?---Apologise, sir?

29 Did you do that so what you were doing would not be

1 discovered?---One would assume so, sir.

2 COMMISSIONER: That will be exhibit 7, email chain of

3 3 February 2014 including briefing note in relation to
4 Cranbourne West PSP.

5 #EXHIBIT 7 - Email chain of 3 February 2014 including briefing
6 note in relation to Cranbourne West PSP.

7 MR TOVEY: You would forgive people who have read the document
8 we've just been looking at as thinking that you were
9 treating councillors just like puppets. You wouldn't be
10 surprised if people got that impression, would
11 you?---I don't believe so, sir. The information that was
12 conveyed to them, while - - -

13 If you don't agree with me, I'll accept that. When you saw
14 that document you were flabbergasted, weren't you? You
15 couldn't believe that you actually had your name on a
16 document like that?---I could not recall writing the
17 document, sir.

18 But you - - -

19 COMMISSIONER: Counsel is putting to you - I think you used
20 different words - but you were shocked when you saw this
21 now, weren't you?---Yes, sir.

22 MR TOVEY: And that's because this has been your modus operandi
23 except that you have normally executed it through other
24 people. What you were shocked about was that your name
25 got on the document this time.

26 COMMISSIONER: Well, there are a number of assumptions in that
27 question, Mr Tovey.

28 MR TOVEY: Yes, what you were shocked about was that this
29 time - sorry, I will ask you another question. Was it

1 your strategy that other people would provide the talking
2 points?---No, sir.

3 Did you have other people providing talking points and draft
4 motions to councillors?---No, sir.

5 Never?

6 COMMISSIONER: What counsel assisting is putting to you,
7 Mr Woodman, is that what this exhibit discloses is a
8 pattern that we will find in later communications, not by
9 you, but by other persons authorised or acting on your
10 behalf that were doing the same thing with councillors.
11 What do you say as to that?---I only know of one other
12 occasion, sir, that that has happened in all the time that
13 I have dealt with the Casey Council, but I stand to be
14 corrected.

15 MR TOVEY: Do you know of another occasion where a script has
16 been provided to the councillors?---A motion.

17 No, a script? Was there another occasion on which a script was
18 provided to councillors?

19 COMMISSIONER: What counsel is putting to you, Mr Woodman, is
20 this was not just a motion; you prepared the argument that
21 you were expecting the councillors to advance in support
22 of the motion?---Yes, sir. Yes, sir. It would be unusual
23 if we had a contrary view on a proposal not to provide
24 background and supporting information as to why we think
25 that the motion that has been recommended is not one that
26 should be supported.

27 MR TOVEY: Is it simply a coincidence that at around the time
28 of this meeting Mr Ablett has had a mysterious \$17,500 of
29 cash paid into his account apparently by you? Is that

1 just a coincidence?---I believe so, sir.

2 And is it just a coincidence that during a similar period

3 Mr Aziz appears to have been of benefit by about \$80,000

4 in cash?---Sir, I'm not aware of the \$80,000 that you

5 refer to.

6 All right. Let's just move on.

7 COMMISSIONER: Just before you do, Mr Woodman, you said that

8 you can recall another occasion where this process might

9 have been followed, that is a motion drafted for

10 councillors together with a supporting argument. What was

11 that other occasion?---I believe that the council rejected

12 a suggestion at H3 that a motion had been provided to

13 Mr Aziz in relation to a change to a planning permit.

14 MR TOVEY: Sorry, I didn't catch what you said. "In respect

15 of"?---H3.

16 Yes, and did you say in respect of a change to a planning

17 permit?---Yes, sir.

18 COMMISSIONER: And your memory is that you or someone on your

19 behalf provided a proposed motion to Mr Aziz with a

20 supporting argument?---Yes. It was not on my behalf but

21 on behalf of the team that he was - that she was working

22 for at the time.

23 Who's "she", I'm sorry?---Ms Schutz.

24 So you understood she prepared the document, did she?---In

25 part, sir.

26 Yes, but with your authority?---Not with my authority, no, sir.

27 How did you come to find out about it?---In the council minutes

28 it was - at the next council meeting it was rejected on

29 the basis that it was seen to be - - -

1 MR TOVEY: Illegal?---Unlawful, sir.

2 COMMISSIONER: But how did you find out that Ms Schutz had
3 prepared a draft motion and supporting argument?---She had
4 advised me, sir.

5 And did you agree with that process?---It was after the
6 process, sir.

7 You didn't know before?---No.

8 MR TOVEY: All right. Moving on, on 4 April - sorry, on
9 1 April 2014 the council considered an officer's report
10 which responded to the item of urgent business introduced
11 previously by Mr Aziz seeking to change the planning
12 around the West Cranbourne PSP, and on that day, on
13 1 April, there was an officer's report responding to a
14 request by Mr Ablett and at that stage it was resolved to
15 conduct a review of the Cranbourne West PSP to identify
16 opportunities for alternative forms of development. Do
17 you recall that happening?---No, sir.

18 In any event, do you recall the C219 matter coming back before
19 the council on many occasions?---Yes, sir.

20 I want to take you to June of 2014. There are a series of
21 emails, and perhaps I won't take you to the details of
22 those emails because we are restricted for time and you
23 might be able to confirm the general effect of emails that
24 were going at that time, but I would suggest to you
25 between 19 and 26 June '19 there were a series of emails,
26 including an email from you to Mr Kenessey telling him
27 that it looked like the council are edging closer to the
28 edge in respect of the Cranbourne West rezoning with each
29 workshop. Was that the case, that there was an email of

1 that nature?---In two thousand and?

2 2014?---I can't clearly recall, sir.

3 And then I suggest to you that email was forwarded by you to

4 Ms Schutz and there was an exchange between you about

5 sending the application to the Metropolitan Planning

6 Authority; do you recall there being such a

7 communication?---I can't recall, sir.

8 And I suggest to you that ultimately on 26 June 2014 the chain

9 moved forward with Ms Schutz forwarding the email to you

10 with a note that there will be a report to be handed to

11 Councillor Rowe to help answering negative questions; do

12 you have any recollection of those?---No, sir.

13 Mr Chairman, it's going to be impossible to put every document

14 to the witness. Unless the documents are important, I'm

15 not anticipating taking the witness through them because

16 we just don't have the time to do that. But I will do

17 what I can to bring his attention to the documents that we

18 have as part of our database.

19 COMMISSIONER: Perhaps, Mr Tovey, a slightly different

20 approach: you tell the witness what you say the document

21 reflects and if the witness's sense is that's not

22 something he would accept he can indicate that to you.

23 MR TOVEY: Yes.

24 COMMISSIONER: And then you can consider your position.

25 MR TOVEY: Thank you. (To witness.) On 8 July 2014, this is

26 in the lead-up to the 2014 elections, I suggest to you

27 that it was 8 July that you made the political

28 contributions that we have already spoken about to in

29 particular the election campaigns of Councillor Ablett and

1 Councillor Stapledon; does that sound about right?---Yes,
2 sir.

3 On 25 July 2014 a motion was considered by the council with the
4 proponent being UDIA Pty Ltd, about which you have spoken,
5 progressing the Brompton Lodge PSP and ultimately in
6 August that matter had come up before the Metropolitan
7 Planning Authority, who refused to accede to accelerating
8 the process because of lack of consultation. Does that
9 ring a bell with you? Does that sound right?---No, sir.

10 What's your recollection as to what was happening at that
11 time?---I have no recollection of those emails, sir.

12 No, these aren't emails. I'm just telling you these are events
13 which are recorded as having happened - - -?---Right.

14 In the minutes of the council or otherwise as objective
15 events?---Yes.

16 That is that there was a motion to accelerate the process, that
17 ended up going before the Metropolitan Planning Authority,
18 this is in respect of Brompton Lodge, who refused to
19 endorse accelerating the policy - sorry, the PSP because
20 of the lack of consultation. Is that something of which -
21 - -?---I don't recall that, sir.

22 Could you have a look at this document, please? Could I have
23 the document which appears at pages 3387 and 3388?

24 COMMISSIONER: Do you want the witness to absorb 3387 first,
25 Mr Tovey?

26 MR TOVEY: Yes. Could the witness be shown 3388? (To
27 witness.) Now, you have already told us about this,
28 I think. You said that at one stage it became the case
29 that Ms Schutz was no longer acting for the Kelly family

1 and you were no longer acting for them. Is that the
2 letter which records that fact?---Yes, sir.

3 So that is a document sent by Megan Schutz; is that
4 right?---Yes, sir.

5 And so that would indicate to up until the time that document
6 was delivered that you had been acting for the Kelly
7 family?---Yes, sir.

8 And so had she? Sorry, she continued to act for the Kelly
9 family, you didn't; is that right?

10 COMMISSIONER: I think the letter is self-explanatory,
11 Mr Tovey.

12 MR TOVEY: Yes. (To witness.) But was that the case, that at
13 about that time you stopped - Ms Schutz continued to act
14 for the Kelly family, but you didn't; you just acted for
15 Leightons?---Correct, sir.

16 And Ms Schutz is writing this letter on your behalf?---Yes,
17 sir.

18 And so up until that time she had been employed by
19 you?---Employed by?

20 In respect of C219, otherwise she couldn't be writing letters
21 on your behalf, could she?---Sir, I cannot answer as to
22 who she was working for at the time.

23 There are documents indicating that the council wasn't notified
24 of this until 11 February 2015. Are you able to
25 say - throw any light on that?---No.

26 Could I tender that document, please.

27 #EXHIBIT 8 - Letter from Ms Schutz dated 7 October 2014.

28 MR TOVEY: As of - I'm sorry, is that an appropriate time?

29 COMMISSIONER: Were you going to finish something off there,

1 Mr - - -

2 MR TOVEY: If it suits you, Mr Commissioner.

3 COMMISSIONER: You were going to something else now, were you?

4 MR TOVEY: Yes.

5 COMMISSIONER: Very good. We'll see you in the morning,

6 Mr Woodman. 10 o'clock?---Thank you, sir.

7 Make sure you have some breakfast before you arrive

8 tomorrow?---Thank you, sir.

9 MR TOVEY: I'm sorry, Mr Commissioner, just before you adjourn.

10 COMMISSIONER: Yes.

11 MR TOVEY: Lest I forget, exhibits 2 and 3 were marked I'm told

12 as 15 November but should have been 25 November 2013.

13 COMMISSIONER: That's my note, 25 November. Yes, thank you.

14 MR TOVEY: Thank you.

15 <(THE WITNESS WITHDREW)

16 ADJOURNED UNTIL WEDNESDAY, 20 NOVEMBER 2019 AT 10.00 AM

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