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TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 12 MARCH 2020

(21st day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH QC

Counsel Assisting: Mr Michael Tovey QC  
Ms Amber Harris  
Mr Tam McLaughlin

OPERATION SANDON INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

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

1 MS HARRIS: Mr Commissioner, if we could call Gary Rowe,  
2 please.

3 COMMISSIONER: Yes. Mr Bongiorno, you appear for Mr Rowe?

4 MR BONGIORNO: That's correct, Commissioner. Thank you.

5 COMMISSIONER: Have a seat, Mr Rowe. So as you are no doubt  
6 aware, Mr Rowe, I'm conducting these public hearings as  
7 part of Operation Sandon. Mr Bongiorno appears on your  
8 behalf. I authorise Ms Harris to ask you questions.  
9 I may ask some questions. At the conclusion of your  
10 evidence Mr Bongiorno will have an opportunity to ask you  
11 further questions, have you elucidate on anything that you  
12 feel you want to add. You should make clear if you are  
13 asked questions if those questions are not as evident or  
14 clear to you as they should be that you would like them  
15 repeated or explained to you. Feel free to add any  
16 information that you feel is relevant in answering a  
17 question.

18 <GARY JAMES ROWE, sworn and examined:

19 COMMISSIONER: Firstly, just to touch on the matters about  
20 which you may be questioned, these were all set out in the  
21 summons which was served on you, but I'm obliged to remind  
22 you about what those matters are. Your knowledge of the  
23 City of Casey Council in relation to consideration of  
24 development applications and other planning matters within  
25 the City of Casey; the transparency of planning and  
26 property development decision making within Victoria,  
27 including but not limited to local government; whether  
28 public officers involved in planning and property  
29 development decision making have been improperly

1 influenced through donations, gifts or other hospitality;  
2 the circumstances surrounding any actual and potential  
3 financial benefits obtained by any public officer, their  
4 families or their associates resulting from or otherwise  
5 in connection with planning and property development  
6 decision making within Victoria; and the systems and  
7 controls in place within public bodies concerning planning  
8 with particular focus on the existence and adequacy of  
9 systems and controls for ensuring the integrity of the  
10 planning process, including by detecting instances of  
11 public officers providing benefits to themselves, their  
12 families, friends or associates. At the time that you  
13 were served with a summons were you also given a document  
14 headed, "Rights and obligations"?---I was.

15 And has Mr Bongiorno been through those rights and obligations  
16 with you?---He has.

17 And do you feel you understand them?---I believe so.

18 Would you like me to repeat any of them?---No, thank you.

19 Very good. Yes, Ms Harris.

20 <EXAMINED BY MS HARRIS:

21 Are you Gary James Rowe?---I am.

22 And do you attend here in answer to a summons served on  
23 you?---I do.

24 If you just have a look at the documents provided to you,  
25 please, just to confirm that they are copies of the  
26 documents served on you?---Yes.

27 Was that summons numbered SE3188?---Yes.

28 You indicated to the Commissioner that you also received a  
29 document titled, "Statement of rights and

1 obligations"?---I did.

2 And did you also receive a cover letter dated 18 October - -

3 -?---The date I'm unsure of, but yes.

4 If you just check on the - - -?---On this one?

5 Yes, the cover letter. Is it 18 October 2019?---Yes.

6 And are they copies of documents that were served on

7 you?---I assume so.

8 I tender those, sir.

9 COMMISSIONER: That will be exhibit 174, Mr Rowe's summons and

10 letter and "Rights and obligations". We didn't tender the

11 document being the report of council officers on Pavilion

12 Estate of 20 March '18. That will be exhibit 173.

13 #EXHIBIT 173 - Report of council officers on Pavilion Estate of

14 20 March 2018

15 #EXHIBIT 174 - Mr Rowe's summons and letter and "Rights and

16 obligations".

17 MS HARRIS: Mr Rowe, other than with your legal

18 representatives, have you discussed the existence of your

19 summons with anybody?---No.

20 Or the subject matter of the IBAC investigation?---Only those

21 people that knew about it, yes.

22 And who were those people?---Just people that were there at the

23 time.

24 When you were served?---Yes, before - yes, yes.

25 Do I take that to be family members?---Yes.

26 And anyone outside the family that you have discussed the

27 investigation with?---Not the investigation, no.

28 Mr Rowe, I just want to canvas in the time we have remaining

29 this afternoon how you came to be on council at Casey.

1           When did you first become a member of the Casey  
2           Council?---I decided to stand in 2012, I think.  
3   And you were elected at that time?---I was.  
4   And have you been a councillor ever since 2012?---No, I have  
5           not.  
6   So what was your trajectory?---I was defeated in the 2016  
7           election, and some time later, I think within six months,  
8           the person that had defeated me resigned from council.  
9           There was a compulsory count-back, I think it's called, at  
10           which I subsequently won the election and resumed as a  
11           councillor. It must have been six months or more. It  
12           would have been, yes, more than six months, seven months  
13           maybe after the election.  
14   So there's just been essentially a six month or so gap?---Yes.  
15   And prior to being a councillor at Casey were you a councillor  
16           at the Shire of Cranbourne?---I was.  
17   During what period of time?---Do I have to tell you the dates?  
18   Just roughly?---1988 to 1991.  
19   And were you involved in local council in between 1991 and  
20           2012?---I was a member of the Victorian Parliament from  
21           1992 to 2002.  
22   During your time on the Casey Council, if we can focus on that  
23           for the time being, have you ever held the position of  
24           mayor or deputy mayor?---Deputy mayor up until two weeks  
25           ago.  
26   From what period of time?---From October of last year.  
27   So given you have been in council for a number of years is it  
28           fair to say that you are very familiar with the  
29           obligations and responsibilities imposed on a

1           councillor?---Yes, I am.

2   In your time at Casey what kind of training were you given  
3           around those obligations and responsibilities?---In 2012  
4           we received a briefing as to rights and responsibilities  
5           of councillors from the council legal firm as well as the  
6           head of governance.

7   And what kind of topics did that cover?---Look, a range of  
8           topics, you know, to do with the council code of conduct,  
9           the behaviour of councillors, responsibilities in relation  
10          to what occurred in council in camera meetings, that type  
11          of thing.

12   Your responsibilities and obligations in terms of conflict of  
13          interests?---Yes.

14   And anything arising under the Local Government Act?---Look,  
15          there would have been, but exactly what it was  
16          I couldn't - you know, there was a number of items covered  
17          in that respect, and that wasn't done when I was  
18          re-elected after six months. So things have changed.  
19          I don't recall 100 per cent what.

20   So when you returned to council in 2016 did you not receive any  
21          further training?---It was actually 2017 after the  
22          election.

23   I'm sorry, 2017?---No.

24   So your recollection is you have only received one lot of  
25          formal training in that time?---Yes. It would be fair to  
26          say that we had regular discussions about things, but no  
27          formal training.

28   When you say "we", who is "we"?---Councillors.

29   And were governance part of those discussions?---Yes.

1 And what did those discussions canvas?---Behaviour to each  
2 other. Responsibilities. Just general responsibilities.  
3 In terms of policies or protocols that governed decision making  
4 or behaviour, were they readily available to  
5 councillors?---The councillor code of conduct?  
6 Yes, or policies relating to planning decisions or gifts and  
7 benefits?---Pretty much it was covered under the  
8 councillor code of conduct and only other things which  
9 were part of the process, delegation of authorities and  
10 what we could and couldn't do and who we could and  
11 couldn't speak to.  
12 You indicated that one of the matters that was canvassed were  
13 the relationships and communicating with each other. Was  
14 that an issue in the Casey Council, communication between  
15 councillors?---No, it wasn't. Personalities conflict and  
16 it was more a "it should be avoided" type conversation  
17 rather than "you shouldn't have done that" conversation.  
18 Given your time at Casey there would have been many  
19 applications in the planning realm associated with John  
20 Woodman; is that correct?---Not that I was aware of as far  
21 as Woodman himself.  
22 How would a councillor become aware of who had an involvement  
23 in a planning matter?---You wouldn't, unless - you were  
24 never told. The reports don't cover that.  
25 So if, for example, Mr Woodman or any of his entities had an  
26 involvement in a planning matter, if that wasn't in a  
27 council report you wouldn't know of his involvement; is  
28 that correct?---That's correct. But it would have the  
29 name of the developer, but not necessarily do you know

1 that that developer is in fact - who the directors are,  
2 who the shareholders are. In fact it's a big hole in  
3 planning matters. Councillors are not told who owns the  
4 company. You might get a name and, unless you have had  
5 dealings directly with that company, you just don't know  
6 who the directors are, and that should I think - am  
7 I allowed to give you advice?

8 COMMISSIONER: Please do?---It should be - I would think any  
9 developer operating within any municipality should have to  
10 give a declaration of shareholdings and directorships and  
11 that be registered with council, and unless it's  
12 registered with council the application doesn't proceed so  
13 that there's an easy way for councillors to become  
14 informed.

15 MS HARRIS: I'm jumping ahead a bit, but I want to ask you off  
16 the back of that question how does that then interact with  
17 councillors' obligations in terms of their duties to  
18 declare conflicts of interest?---Well, it would make it  
19 very difficult if you don't know who owns the company, and  
20 if there's - especially, you know, with a bit of the  
21 knowledge that I have that where there's a silent  
22 partnership or where there's, you know,  
23 moneys - shareholdings taken up by a blind trust which has  
24 got different shareholders and beneficiaries, if that's  
25 not disclosed you just don't know.

26 COMMISSIONER: So when you answered Ms Harris that you didn't  
27 know about Woodman being involved in many of  
28 the planning - did you know that Watsons or Wolfdene, any  
29 of the companies in which he had an interest or a

1 connection, that they were involved?---I knew of Woodman's  
2 relationship to Watsons because he founded that company.  
3 Yes?---And Watsons undertook work for council by way of being  
4 consultants reporting to council on somebody else's  
5 applications. As far as Wolfdene, I had no knowledge  
6 until - get my years right - probably 2018 that Woodman  
7 may have been involved; in fact his son was a director,  
8 and I had no knowledge of that.

9 So when you were answering Ms Harris before about your lack of  
10 knowledge about Mr Woodman you meant that quite literally;  
11 you were not saying you weren't aware of the companies or  
12 some of the companies in which he had an  
13 interest?---That's correct. I knew of Watsons because  
14 that was a longstanding consultant.

15 Yes?---And had been whilst I was in State parliament. And  
16 Wolfdene, they were a new player on the block and I had no  
17 knowledge of Wolfdene's ownership until 2018.

18 MS HARRIS: Did you know John Woodman personally?---I had met  
19 John Woodman - I think he came to my - he certainly came  
20 to my parliamentary office on one occasion with I'm not  
21 sure whether it was a landowner or another consultant  
22 seeking my support as an MP for a subdivision that he  
23 wanted to do. That wasn't a very long conversation  
24 because I indicated to him that I wasn't interested in  
25 supporting it, it was not what my community needed and  
26 that was that. Of course you bumped into people  
27 occasionally, but that was the only time he came to my  
28 parliamentary office - - -

29 Was that the first time you met him?---I have no recollection

1 of meeting him when I was at Cranbourne Council. So, yes,  
2 it would have been the first time.

3 And when was that?---Sorry?

4 When was that?---It would have been - I was elected in '92. So  
5 it's likely to be in '93.

6 And since that time that you first met him have you had much to  
7 do with Mr Woodman?---Not a lot, no.

8 How would you describe your relationship with him?---Recently  
9 or in the time I have been back on council?

10 In the time you have been back on council?---Tense.

11 Are you friends?---No.

12 Why do you describe it as tense?---Because I'm my own man.

13 Is that to say that you clash?---Yes.

14 Over planning matters?---Look, we didn't clash directly. We  
15 clashed through other people.

16 Can you explain what you mean by that?---Other people that  
17 worked for him or he was working for.

18 Who in particular are you referring to?---Well, particularly  
19 through Leightons in the short-term, and I never really  
20 communicated with him if I saw him at a function or  
21 anything like that prior to that when I was in parliament.  
22 I was out of parliament from 2002. It's been - I didn't -  
23 for another 10 years didn't get back into public life.

24 What did you understand his relationship with Leightons to  
25 be?---An employee. A paid consultant.

26 In that Mr Woodman was employed by Leightons was your  
27 understanding?---Yes.

28 And did you clash over any particular matter?---It was in  
29 relation to - C219, is it?

1 COMMISSIONER: Yes?---Cranbourne West.

2 MS HARRIS: The rezoning application?---The rezoning of  
3 Cranbourne West. Yes.

4 Was it that you shared different views?---A difference of  
5 opinion as to how things should be done. Initially it  
6 wasn't there, but also initially he had very little to do  
7 with me apart from one meeting with the Kelly family.

8 Sorry, when you say "initially it wasn't there" what do you  
9 mean by that?---I never had anything to do with him and  
10 there were processes being undertaken that were just  
11 happening.

12 What processes were they?---The enabling motions to enable the  
13 council to or the minister to consider the possibility of  
14 rezoning.

15 So when did that occur? What period of time are you talking  
16 about?---That would have been 2012 - 2014/2015.

17 Was that when Mr Aziz introduced an urgent motion?---Mr Aziz  
18 did that in my bailiwick, which was not appreciated, and  
19 I was on leave at the time. Shall we say a very strong  
20 message was passed on and he ceased to be involved in that  
21 part of it.

22 Sorry, ceased to be?---Involved in C219.

23 That is Mr Aziz?---Yes, directly.

24 Is that your understanding, that Mr Aziz wasn't  
25 involved?---Well, I was - it was my ward.

26 Yes?---And as far as I was concerned I was representing my  
27 community and ensuring that the best was done for the  
28 community that I knew about. You can't go and do  
29 something in somebody's electorate or ward and not tell

1           them about it, not consult them about it, because we are  
2           elected by those people.

3   Why was it then or what explanation was provided to you as to  
4           why Mr Aziz moved that motion?---Sorry, why?

5   Why Mr Aziz moved that motion?---I wasn't given an explanation.

6   Did you seek one?---Probably not. I just said how it wasn't  
7           going to continue and that it was the wrong thing to do  
8           and that it never should have been done in closed council.

9   COMMISSIONER: So assist me, Mr Rowe. Is there a practice that  
10           in relation to a motion at council that concerned a  
11           particular bailiwick that the motion should be brought by  
12           one of the council representatives of that bailiwick?---It  
13           should be.

14   Is that the normal practice?---That's the normal practice.

15   And that's your experience not only from Casey but  
16           elsewhere?---Casey, Cranbourne, yes.

17   But presumably once the motion is before council each  
18           councillor has to make an independent judgment - -

19           -?---Yes.

20   About whether or not the motion should be supported?---Yes.

21   Irrespective of the fact that it's not their bailiwick; is that  
22           correct?---Absolutely.

23   You are only talking then about the protocol of bringing the  
24           matter to council?---Yes.

25   Presumably a councillor who wasn't in the bailiwick could bring  
26           such a motion but the protocol would be they should  
27           consult first with those within the bailiwick?---Yes.

28   Is that a fair summary?---That's it.

29   MS HARRIS: Is it fair to say that you supported the

1 rezoning?---I had supported Cranbourne West not being  
2 industrial land since 1988. That land was nominated in  
3 1988 by the Cranbourne Council, by Tony Hogan, who was the  
4 town planner at the time, and carried on by Halvard  
5 Dalheim, I think who was one of the senior ones in  
6 the - ended up in State Government, not in the government  
7 but in the public service. And it's a piece of land that  
8 is beautiful, and when I was the member of parliament  
9 I didn't support it being industrial. And when I ceased  
10 being a member of parliament I didn't really have much to  
11 say about it because I wasn't in public life. But when  
12 I got back into council and it was there and you could see  
13 more of Melbourne's skyline than you could back in 1988  
14 and it was still a beautiful piece of land that should go  
15 to residential and should become public open space with  
16 appropriate parks and facilities, so that was where I was  
17 coming from and took that up.

18 So you did support the rezoning?---Sorry?

19 So you did support the rezoning?---Yes, I did.

20 That was also Mr Woodman's position, wasn't it, albeit through  
21 the people he was acting for?---I don't know what  
22 Woodman's position was. I'm assuming that he was employed  
23 to do that.

24 It was Leighton - - -

25 COMMISSIONER: Just pause a moment. Mr Rowe, am I right in  
26 understanding from Mr Kenessey, who was here earlier in  
27 the week, that you and he had a very close  
28 relationship?---Not in the beginning. It was something  
29 that developed over the years, like people liking like

1           wines, getting on, you know, as you make friends in life.  
2 Did Mr Kenessey ever talk to you about the role that he and  
3           Mr Woodman were playing in seeking to secure the  
4           rezoning?---Not everything, no.  
5 No, not everything - - -?---He and I, yes, we - - -  
6 It's hard to imagine that he wouldn't have confided in you on a  
7           range of issues concerning the objective of getting the  
8           rezoning through?---Yes, that's right.  
9 And you must surely then have known that Mr Woodman was also  
10          working on the same project for the same  
11          objective?---I would say that's correct.  
12 You gave an answer a moment ago that didn't quite reflect  
13          that?---Not knowing, sorry. My apologies, Commissioner.  
14 MS HARRIS: Following on then from what the Commissioner was  
15          asking, was it through the C219 rezoning application that  
16          you met Mr Kenessey?---Yes, it was.  
17 And what period of time was that?---I'm thinking 2015. I think  
18          that was the date when I got back from holidays.  
19 Returning then to what you said earlier that you and Mr Woodman  
20          clashed over the C219, what in particular was it about  
21          that application that you clashed on?---It wasn't so much  
22          we clashed over the C219. We clashed - not physically  
23          clashed or personally face-to-face clashed. It was just  
24          I didn't believe certain things needed or should have been  
25          done.  
26 Apart from the motion being moved by Mr Aziz, what else  
27          occurred that you thought shouldn't have been done?---Just  
28          little things, and also the way staff were treated. I'm  
29          very protective of my council staff and - - -

1 I'll just stop you there. If we can deal with those two things  
2 separately. What little things shouldn't have been  
3 done?---Just attitude.  
4 Mr Woodman's attitude?---Probably more Ms Schutz.  
5 Right?---And it progressed very smoothly for a period of time  
6 and then it started not to.  
7 At what time period was that?---I don't think it was before  
8 I was defeated. It was more afterwards. So you are  
9 probably looking at 2017 onwards.  
10 I take it then from the second part of the answer you had some  
11 issues with how Mr Woodman was dealing with council  
12 staff?---Well, more particularly - yes, in the way that  
13 was being handled, in the way - yes, the way it  
14 was - what's the word - the aggressive presentation at  
15 what should have been cooperative meetings between staff  
16 and representatives of Leightons which were particularly  
17 Ms Schutz.  
18 When did you first meet Ms Schutz?---It would have been - and  
19 I can't give you the exact date. It was around the time  
20 that we had the informal public exhibition of C219.  
21 What year was that?---That would have been towards the - in  
22 2015/16.  
23 All right. Did you have a lot to do with Ms Schutz?---No.  
24 So I take from what you said about Mr Woodman you wouldn't  
25 classify him as a friend?---No.  
26 You wouldn't use that word to describe him?---No.  
27 Did he seem to spend a lot of time at the council  
28 offices?---Not to my knowledge.  
29 Did Ms Schutz?---Well, I don't know. I don't know how many

1 times she visited or anything like that.

2 I should say I'm just asking from your observation?---Look, the  
3 way the council offices are set up you wouldn't see  
4 anybody going into appointments with planners, even if we  
5 were there given that councillors are all part-time.

6 Did you have occasion to observe Mr Woodman's interaction with  
7 other councillors?---No.

8 Do you know if he had a friendship with any  
9 councillors?---Directly by seeing it happen? No.

10 That's something you have heard?---Yes.

11 What have you heard?---That he had racehorse interests with  
12 Councillor Ablett. I'm not sure - and I can't comment  
13 about Aziz because I wasn't sure, to be honest, until  
14 everything else came out just recently.

15 So when did you become aware of Mr Ablett's interest with  
16 Mr Woodman?---Mr Ablett was declaring conflicts in council  
17 because of racehorses.

18 So that was the first time you knew that to be the case?---Yes.

19 This Commission has also heard evidence about business  
20 arrangements, if I could use that term, between Mr Woodman  
21 and Mr Ablett and Mr Woodman and Mr Aziz. Have you heard  
22 about that?---I have only heard what you have allowed to  
23 be public.

24 So when was the first time you became aware of that? Through  
25 the IBAC investigation, was it?---Yes.

26 In relation to Mr Kenessey he's described in his evidence that  
27 the two of you worked effectively hand in glove together  
28 in relation to the C219 rezoning; is that a fair  
29 categorisation of your interactions together?---Yes.

1 Would you consider Mr Kenessey to be a friend?---Yes.  
2 And does that friendship extend beyond seeing each other in  
3 terms of council matters?---It does now, or it did up  
4 until IBAC.  
5 When was the last time you saw Mr Kenessey?---I guess when he  
6 got his summons, or just after.  
7 So you knew that he had been summonsed at IBAC? You knew he  
8 had been summonsed?---Yes.  
9 Following on from what you have said earlier about Mr Woodman,  
10 do you think it was perceived that you were a thorn in  
11 Mr Woodman's side?  
12 COMMISSIONER: Perceived by who?  
13 MS HARRIS: By Mr Woodman?---I believe so.  
14 Is that something you have heard or just something you - -  
15 -?---A couple of things. One thing I heard, and at one  
16 time Mr Kenessey, Tom, said, "John would like to meet with  
17 you to straighten you out." And I said, "What do you mean  
18 'straighten me out'?" We went and met with Woodman. The  
19 only thing he spoke about was the Essendon Football Club,  
20 going to the Monaco Grand Prix and the - I think, where  
21 was he, he went to another grand prix, and there was no  
22 straightening out or whatever he had in his mind. So  
23 I don't know what he wanted. But there was an SMS to  
24 Mr Woodman which was observed by Mr Kenessey from  
25 Mr Ablett saying, "Have you sorted him out yet?"  
26 Referring to you?---Referring to me.  
27 When was that?---It would have been 2018, and it would have  
28 been around - to do with a couple of issues in relation  
29 to - and I can't be certain of which issues; not to do

1 with C219.

2 To do with any other matter before council?---It would have  
3 been to do with initially Morison Road in Cranbourne which  
4 was - I can't think of the Wolfdene estate name.

5 Is that the H3 intersection?---No, no. H3 is a different  
6 matter. And/or H3. So there was an issue in relation to  
7 another development.

8 When you say "issue" was it that you had a different view to  
9 Mr Ablett or Mr Woodman's interests?---Probably. Well,  
10 yes.

11 COMMISSIONER: So when you were working hand in glove with  
12 Mr Kenessey in relation to the rezoning, C219, from time  
13 to time Mr Kenessey shared with you the strategy that he  
14 and Woodman were seeking to implement to get this across  
15 the line?---Commissioner, he sought my advice on a number  
16 of things and was it the right way to go. And my advice  
17 in relation to some of those things was "no".

18 What are the things that you advised him against doing?---It's  
19 more - they say a dripping tap wears away the stone.  
20 Well, sometimes the dripping tap becomes a nuisance and  
21 you don't need to constantly remind people of things or  
22 ask for things to be done; they are being done. I was  
23 confident of that in relation to C219. It was being  
24 processed in the way it should. It had been enabled and,  
25 you know, it was going through a legal process, and there  
26 was no need to keep asking questions and trying to push  
27 people.

28 So presumably Mr Kenessey told you who it was thought they were  
29 considering pushing?---It was more what I think was a

1           bureaucratic push to keep pressure on to keep people's  
2           minds on the job.

3   Are you going to be any more specific than that?---Well,  
4           because it was handled by a number of different people and  
5           there were things that they - I can't be specific because  
6           I'm not 100 per cent recalling specific issues. Alls  
7           I know is I said, "No" or, no, I wouldn't agree with any  
8           motions occurring; that it needed to be allowed to run its  
9           course and the officers were doing the job that they were  
10          paid to do and make sure that the 219 application was  
11          processed within the regulations.

12   And how did Mr Kenessey react to that advice?---He was pretty  
13          good. Yes, he was good. He understood. I think he  
14          respected me and what I was saying.

15   What about Mr Woodman? How did he feel about

16          Mr Woodman?---I never had the discussion with him, and he  
17          was never - - -

18   No, no, how did Mr Kenessey feel about

19          Mr Woodman?---I think - you probably really have to ask  
20          him how he really felt . Alls I know is later in the  
21          process the relationship appeared to deteriorate and that  
22          was just by comments made when we were together about not  
23          being happy, demands were being made on him and he was not  
24          happy with Mr Woodman nor Ms Schutz.

25   MS HARRIS: And you referred just in your answer to the  
26          Commissioner about they were trying to push people. Who  
27          were they trying to push?---As I said, I couldn't say  
28          who - it wasn't anybody. It was a bureaucratic type  
29          thing. It's not pushing someone as such as putting

1 pressure on to get the process happening.

2 At what point in the process was this?---At a point - at a time  
3 when it didn't need to be done. It was flowing nicely and  
4 what caused it, I don't know. It was going nicely. There  
5 was no reason to get anybody to put pressure on any  
6 officers; they were doing their job.

7 So the pressure you are referring to or trying to push, it was  
8 pressure on council officers, was it?---Yes. But  
9 "pushing" is possibly harsh. When I say, you know -  
10 corrected and said "bureaucratic", it was, I don't know,  
11 like somebody puts pressure on a bank manager when he  
12 wants to get a home loan done or somebody puts more  
13 pressure on - I don't know, you could think of your own  
14 examples, really.

15 Did Mr Kenessey speak with you about wanting Mr Woodman off the  
16 project, the C219 project?---He mentioned it.

17 What did he say?---Well, that it was just untenable.

18 COMMISSIONER: When was that?---That would have been - well, it  
19 was before H3 and it was before - so it would have been  
20 2015/16, around that time, maybe a little bit before that.  
21 It may have been earlier in 2015. But, you know, it was  
22 just - I had not been happy with what was going on in  
23 relation to trying to get a 173 agreement through and the  
24 continual interference of Ms Schutz.

25 MS HARRIS: Did Mr Kenessey tell you what his strategy was in  
26 terms of getting Mr Woodman off the project?---Not  
27 directly, no; not that he had a plan. I'm sure he  
28 probably did. I don't think he knew what he was - how he  
29 was planning to do it.

1 COMMISSIONER: So that was in 2014/15?---No, 15/16.  
2 And then what happened after?---Perhaps into '17. I'm a  
3 bit - because I had that break and - so, yes, it's in that  
4 timeframe from, say, 2016 through to 2017.  
5 And the 173 agreement, that related to what planning  
6 issue?---C219, and that 173 agreement came about at the  
7 end of - like, it comes around at the end of the process.  
8 So C219 had been through all of the technical processes  
9 and had been agreed to unanimously by a ministerial panel,  
10 or a panel, you know, under the auspices of the Minister  
11 for Planning.  
12 I see the time, Ms Harris.  
13 MS HARRIS: If I could just ask one final question for the day,  
14 sir?  
15 COMMISSIONER: Yes, sure.  
16 MS HARRIS: Did Mr Kenessey tell you that he had - that he  
17 stood to gain financially if the rezoning went  
18 through?---Who?  
19 Mr Kenessey?---Tom did?  
20 Did he tell you that?---No.  
21 Did he tell you that Mr Woodman stood to gain financially if  
22 the rezoning went through?---That was - I was aware of  
23 that.  
24 What did you understand he would be paid?---I didn't understand  
25 a dollar amount. I knew that he was under contract to  
26 Leightons.  
27 Did you understand it to be a success fee?---Well, that's what  
28 I understand now.  
29 Not at the time?---No.

1 But there was no conversation between you and Mr Kenessey about  
2 what he would be paid if the rezoning went through?---No.  
3 I thought he was on salary.

4 Would it surprise you to learn that at a point in time during  
5 the C219 he became a consultant to Leightons?---Became?  
6 Became a consultant to Leightons?---I thought he was on  
7 contract all the time. I didn't think he was a permanent  
8 employee.

9 If that's a convenient time, sir.

10 COMMISSIONER: We might recommence at 9.45 tomorrow morning.

11 Adjourn until 9.45. See you then, Mr Rowe.

12 <(THE WITNESS WITHDREW)

13 ADJOURNED UNTIL FRIDAY, 13 MARCH 2020 AT 9.45 AM

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