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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

*Every effort is made to ensure the accuracy of transcripts.
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1 COMMISSIONER: Yes, Mr McLaughlin.

2 MR McLAUGHLIN: Could I have Ms Susan Serey called, please.

3 COMMISSIONER: Very good. Ms Serey, would you come into the
4 witness box, please. Have a seat. So, Ms Serey, as you
5 would appreciate we are conducting a public hearing. I'm
6 the IBAC Commissioner. I authorise Mr McLaughlin to ask
7 you questions. I may also ask you some questions. But
8 I want to emphasise to you that as we proceed if you are
9 not clear about questions you should feel free to indicate
10 you would like the question repeated or explained to you.
11 You should feel free to answer the questions as fully as
12 you think necessary. Please let me know at any stage if
13 you want to have a break. We'll have as many breaks as
14 you need to get you through the session.

15 <SUSAN SEREY, sworn and examined:

16 COMMISSIONER: I understand, Mr Cameron, you represent
17 Ms Serey.

18 MR CAMERON: That is correct, Mr Commissioner.

19 COMMISSIONER: You have leave to do so . So at the end of
20 the questioning, Ms Serey, Mr Cameron will also have an
21 opportunity to ask you questions if there are matters that
22 he feels need to be further elucidated or if there's
23 anything additional that you would like to say.

24 So as to the formal matters I need to explore
25 with you I should now remind you about the matters about
26 which you will be cross-examined. They are, firstly, your
27 knowledge of the City of Casey Council in relation to
28 consideration of development applications and other
29 planning matters within the City of Casey; the

1 transparency of planning and property development decision
2 making within Victoria but not limited to local
3 government; whether public officers involved in planning
4 and property development decision making have been
5 improperly influenced through donations, gifts or other
6 hospitality; the circumstances surrounding any actual and
7 potential financial benefits obtained by any public
8 officer, their families or their associates resulting from
9 or otherwise in connection with planning and property
10 development decision making within Victoria; and the
11 systems and controls in place within public bodies
12 concerning planning with particular focus on the existence
13 and adequacy of systems and controls for ensuring the
14 integrity of the planning process, including by detecting
15 instances of public officers providing benefits to
16 themselves, their family, friends or associates.

17 Now, those were all matters that were set out in
18 the summons that you were served with, and they are the
19 matters about which questions might be asked. At the time
20 you were served with a summons did you receive a document
21 headed "Rights and obligations"?---Yes.

22 And has Mr Cameron and those instructing him been through those
23 rights and obligations with you?---Yes.

24 Do you feel you understand them?---I do.

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

26 Very good. Yes, Mr McLaughlin. Perhaps before Mr McLaughlin
27 commences can I just emphasise this. So long as you give
28 honest, accurate, truthful answers, anything you say here
29 can't be used against you in a court of law; you

1 understand that?---Yes.

2 It's really important that you give honest, truthful answers.

3 Yes, Mr McLaughlin.

4 MR McLAUGHLIN: Thank you, Commissioner.

5 <EXAMINED BY MR McLAUGHLIN:

6 Are you Ms Susan Serey?---I am.

7 And you attended here today in answer to a witness summons
8 served on you?---Yes.

9 Could the witness be shown a copy of that. That summons is
10 numbered SE3276?---Yes.

11 And, as the Commissioner has already noted, you received a copy
12 of the statement of rights and obligations with that
13 summons?---Yes.

14 And those two documents were provided to you under a cover
15 letter dated 18 October 2018?---That says 14, but yes.
16 Yes?---Yes.

17 2019?---Oh, this is the - sorry, this is the summons from - - -
18 My apologies, I've got the date wrong?---Sorry.
19 14 February 2020?---Yes.

20 If those documents could be tendered, Commissioner.

21 COMMISSIONER: Yes, that will be exhibit 164.

22 #EXHIBIT 164 - Bundle of documents served on Ms Serey.

23 MR McLAUGHLIN: Ms Serey, you have been a councillor at the
24 City of Casey since 2012; is that correct?---That is
25 correct.

26 And you stood for reelection in 2016?---Correct.

27 How did you first come to run for council in 2012?---I actually
28 started volunteering as a very young person with
29 St Vincent de Paul. So I had a keen interest in

1 encouraging more young people to be involved in their
2 community, and that was always my focus. I started to get
3 involved in the political process later in - when I was
4 probably about 18 and helped out at election, and then it
5 was put to me that I should maybe put my hand up in the
6 election, which I did.

7 And so when you say you became involved in the political
8 process, how so?---At the time I was in a relationship and
9 was being - was learning about politics and whether or not
10 I would be a certain way in terms of politics. So I - - -
11 When you say "a certain way", do you mean a political
12 affiliation?---Yes, because I didn't grow up in a
13 political household. So I quickly learnt that I was
14 actually a Liberal and I was very happy to join the party
15 in 2010. And that was my involvement.

16 So you joined the party in 2010?---Mm-hm.

17 Did you say you helped out at elections?---Yes.

18 Was that Federal elections or State elections?---That year
19 there was a Federal and a State election, from memory,
20 yes.

21 And what particular candidates did you assist with?---Because
22 that was my first Federal election I was actually helping
23 in the seat of Hotham, and I can't recall the name of the
24 candidate, but I did help Gary Rowe because he was the
25 candidate for Narre Warren South and that was my first
26 State election helping out.

27 So you assisted Gary Rowe in his State election?---Yes.

28 For Narre Warren South?---In 2010, yes.

29 And was he successful in that election?---No, he wasn't.

1 And you referred to I think a partner at the time who had
2 introduced you to that side of politics?---Mm-hm.
3 Was that someone from the Liberal Party?---Liberal Party, yes,
4 yes.
5 And so that gave you a bit of an entree into the Liberal
6 Party?---Yes, starting to learn about politics because
7 I knew nothing about politics before that.
8 And you say someone mentioned to you or suggested to you that
9 you run for the local council election?---Yes.
10 Who was that?---It was friends and family. Yes, it was obvious
11 that I had a keen interest in community life and
12 supporting - it was a general comment from people. So,
13 yes.
14 So it wasn't anyone in particular or any group in particular
15 that suggested you should run?---No, not necessarily, no.
16 It was a lot of people that were suggesting I was getting
17 involved, yes.
18 And your age at the time when you first stood for
19 council?---Twenty-one.
20 Twenty-one?---Yes.
21 That is a particularly young age to be running for
22 council?---It is, yes.
23 Were there any other people running for council at that age at
24 that time?---It's a very good question. In the ward that
25 I ran, no, I don't recall, no.
26 In what ward did you run?---I ran for the Edrington ward, which
27 covers all of Berwick, yes.
28 Approximately how many people stood for election in the
29 Edrington ward in 2012?---In 2012, it was approximately 18

1 people who ran in that ward.

2 And how many councillors were elected?---Two.

3 So that's quite a success for the first time that you

4 ran?---Yes.

5 Did you receive support from the Liberal Party in standing in

6 the Edrington ward?---No, because the Liberal Party

7 doesn't endorse candidates for council. It was just

8 family and friends who supported me with, you know, small

9 donations to pay for flyers. But we letterboxed

10 everything if we needed to, yes.

11 We have had evidence given here by Mr Aziz that in order to

12 successfully stand in a ward there needs to be, I think

13 his words were, a coalition of candidates in each

14 ward?---Okay.

15 Would you agree with that observation?---I don't believe so, if

16 you are a good candidate who works very hard. I recall

17 that election not many people putting flyers out or being

18 really engaged. So if you are the only person that's

19 doing that then you do a very, very good job.

20 So were you in a coalition with any other candidates in that

21 ward?---No, but when I put my name forward I was

22 approached by some other people that were running in that

23 ward to ask for my second vote. That's just the way that

24 it happened. But, yes.

25 Who were those people?---At the time there was an older

26 gentleman called Neil Lucas, who was a member of the

27 Liberal Party who was running. He had been on council

28 before, but years prior, years prior. So he asked if

29 I could give him - if we could exchange second votes. And

1 then there was another younger man but older than me,
2 Walter Steckis, and, yes, we exchanged high preferences on
3 the ticket because there were so many people running.
4 And was he also a member of the Liberal Party?---I don't think
5 so, no. But he was very conservative, so, yes.
6 And who was the other successful candidate in 2012?---Mick
7 Morland in my ward.
8 Mick?---Morland. I'm sorry.
9 COMMISSIONER: Would you like to have a break, Ms Serey?---No,
10 I'm just - sorry. Sorry.
11 MR McLAUGHLIN: Take your time, Ms Serey?---Sorry.
12 COMMISSIONER: Mr Cameron, you know the witness well, better
13 than we do. You will indicate at any stage if you think
14 we should have a break, won't you?
15 MR CAMERON: I certainly will, Commissioner. Perhaps if
16 I could just give a bit of context. I understand that
17 Mr Morland passed away, and Ms Serey was very close to
18 him. That's why she's quite upset.
19 COMMISSIONER: Right.
20 WITNESS: Sorry. Sorry.
21 MR McLAUGHLIN: That's okay. Take your time. If we could then
22 move to the next election where you stood. You stood for
23 the same ward?---Yes, I did.
24 And that was in 2016?---It was. It was.
25 And there were more candidates that year?---No, there was less.
26 There was approximately nine or 10, yes.
27 And, similar to my earlier question, were you engaged in any,
28 I guess, alliance or coalition with other candidates for
29 that ward?---Yes, with my ward councillor at the time,

1 Mr Mick Morland, yes. We exchanged preferences.
2 But not with any other candidates?---Not necessarily, but you
3 do have to - when you put your preferences through to the
4 Victorian Electoral Commission you do actually have to put
5 all the candidates in an order of your preference. But
6 I really only had that relationship with Mick Morland on
7 the ticket.
8 And each election is the election for an individual ward. You
9 are only competing against those people in the ward,
10 aren't you?---Correct.
11 While you were on council you were deputy mayor for a
12 period?---I was.
13 When was that?---That was when I was elected in 2016. So it
14 would have been in '16/'17. But it was a co-deputy
15 mayoral role. So there was another deputy mayor.
16 And Mr Sam Aziz was the mayor at that time?---He was, yes.
17 And he's also given evidence to us to the effect that when he
18 became mayor he created a portfolio system?---Yes.
19 For particular interests for councillors or officeholders. Did
20 you get allocated a particular portfolio or seek
21 to?---Yes, I was given youth. That's appropriate for my
22 age. And community safety. At that time there was high
23 crime in the city. So that portfolio was given to myself
24 and I think two other councillors, yes.
25 And so at any time - other than that deputy mayor position, you
26 became mayor of Casey last year?---I did.
27 That's the only other time you've held the deputy mayoral or
28 mayoral position?---Yes, yes.
29 Correct me if I'm wrong, but even the deputy mayor position is

1 still only paid at the - - -?---The councillor allowance,
2 correct.

3 Approximately \$30,000 a year?---Yes.

4 So during the course of your seven, seven and a half years on
5 council was that your sole source of income?---No.

6 I worked in retail during that time, yes.

7 If I can take you, Ms Serey, to the monitor's report?---Yes.

8 I take it you have read a copy?---I have.

9 There was a number of issues identified in that monitor's
10 report which I would like to take you to and have your
11 view on those?---Yes.

12 The first of which - firstly, if I could ask you, your public
13 statements shortly before the council was sacked - -
14 -?---Yes.

15 And shortly after were to the effect that you - I'm
16 paraphrasing here; please correct me - didn't agree with
17 what was found by the monitor?---Yes.

18 Or the decision to sack the Casey Council?---Yes.

19 Is that correct?---That is correct.

20 Would you mind expanding on that?---How long do we have?

21 I thought that the monitor's report was inaccurate in many
22 instances. The monitor was only there for four council
23 meetings, from my recollection, which isn't very long.
24 She spoke about issues that spanned over two terms.
25 That's a very long time, you know, for her to be
26 commenting on. There was questions around diversity,
27 which I thought was - I was offended by because I'm not
28 sure if she was talking about diversity of gender or from
29 multicultural backgrounds or political persuasions,

1 because we did have a very good mix. You know, I'm from a
2 multicultural background. I'm a young person. I'm a
3 female. We had four females on that council this term and
4 then five in the previous. We had people from Labor,
5 Liberal. We had one Rise Up Australia and one
6 Independent. So we did actually have diversity in terms
7 of people who were from political persuasions. There was
8 inaccuracies, in my opinion, about - there was something
9 about attendance in - that she witnessed. We did have
10 three councillors on leave at the same time. One
11 had - was on bereavement leave for losing their child; one
12 was - became a carer for his wife; and the other one,
13 Councillor Aziz, he was away on business and it was a
14 legitimate reason at the time. There's lots of things
15 that I thought that were inaccurate, and the fact that the
16 council was not given an opportunity to respond to her
17 report before it was given to the minister and then tabled
18 in parliament I thought was really unfair. In many
19 instances for the monitor's report councils are given the
20 opportunity to rebut what she might have said, and we
21 were - I think we were treated unfairly and - yes, I just
22 think we were treated unfairly and we were sacked
23 prematurely, in my opinion.

24 COMMISSIONER: Understand, Ms Serey, that it's no part of the
25 Commission's inquiry - - -?---I understand.

26 To consider whether or not the council should or should not
27 have been sacked?---I know.

28 Or the merits of the monitor's determination?---Yes.

29 They are matters quite indirectly relevant to what we are

1 looking at?---I understand, yes. Yes.

2 MR McLAUGHLIN: If I could raise the issue that you refer to
3 there of councillor absences?---Yes.

4 You say that at the time there was no - Mr Aziz's absence was
5 legitimate?---Yes.

6 And he was then granted a further leave of absence at the start
7 of February?---He was, yes.

8 Did you view that leave of absence as legitimate?---To be frank
9 about that situation was that the majority - I'm going to
10 say all councillors were not in favour of giving
11 Councillor Aziz extension of leave, but we did have to get
12 legal advice on that, and we did, and the legal advice
13 basically said that we cannot refuse leave
14 unreasonably - that's what it says in the Local Government
15 Act - and the fact that he provided a medical certificate,
16 a medical reason, that if you did not grant leave on that
17 basis I would say that would be unreasonable. But also if
18 you didn't grant leave because of his medical reasons that
19 could also be a breach of the OH&S. So we reluctantly
20 gave him leave, but we had to. That was the legal opinion
21 from the lawyers at council, and I have to accept that.

22 COMMISSIONER: I take it you understood that the matters that
23 had been publicly aired about Mr Aziz that involved
24 allegations of serious misconduct were not matters that
25 you could take into account as part of your decision?---We
26 could not. We could not, especially because he had
27 provided the medical certificate and the reasons why he
28 was asking for the extension. Yes.

29 MR McLAUGHLIN: Were you provided copies of the medical advice

1 from Mr Aziz?---Yes. So Mr Aziz, when he asked for the
2 leave and the explanation, I responded saying, "Could you
3 please provide a medical certificate." He did that, and
4 then I provided that information to the councillors with
5 the legal advice so they could make an informed decision
6 at the next council meeting, which was February. Yes, it
7 was February. We did have a meeting in January, and he
8 asked for an apology and no-one wanted to second it or -
9 to move it or second it, which was an indication of how
10 they were feeling about giving him more leave. Yes.
11 More generally, the observations of the monitor, and I note the
12 Commissioner's - we are not seeking to pass the findings
13 of the monitor here?---I understand.
14 But certainly relevant to the Commission's work is an
15 understanding of how thoroughly each councillor - because
16 it is on another council member to move and second a leave
17 of absence, how thoroughly those leaves of absence are
18 treated and how thoroughly the reasons are looked into by
19 each councillor when they move those motions?---So you are
20 asking specifically about Councillor Aziz or just broadly?
21 More generally?---I see. As I mentioned before, the leave of
22 absence of Councillor Aziz when he asked because of
23 business reasons, I think that's a fair - at the time
24 I thought it was a fair request. Councillors only get
25 paid \$30,000 a year. So councillors need to make money.
26 They need to pay bills. The other ones, well, they
27 weren't publicly aired situations. Someone whose wife -
28 is now a carer for that wife. It was publicly known that
29 that other councillor was - lost their second child, which

1 was quite public. And I think there is another councillor
2 who did have leaves of absence on a regular basis,
3 referring to five out of 21. Now, it's not known to the
4 public but she has serious - or she has serious health
5 issues, and all councillors were aware of that. The CEO,
6 the staff closest to the councillors, the monitor knew of
7 her serious health - she was having life-saving surgeries
8 and treatment, and it wasn't our place to publicly air
9 that in council meetings. It's her information, so ...

10 I do understand that it's not the place in a public meeting to
11 air those. I guess my question was more to what extent do
12 other councillors go in verifying for their own
13 decision-making purposes that those leave of absences are
14 justified?---Generally speaking, the councillor who would
15 be asking for the leave would have maybe informed the
16 other councillors about that, and we understood - I mean,
17 I wouldn't want to refuse leave especially to those
18 councillors in those instances, yes.

19 There was also a reference in the monitor's report to instances
20 of bullying and intimidation?---Mm-hm.

21 Particularly by councillors. Were you ever aware of any
22 instances of that?---I am aware of instances of bullying
23 particularly in the last council term, and those
24 allegations went through - or one of them did go through
25 code of conduct. But the general process of, let's say, a
26 bullying allegation would be mediation, arbitration and
27 then a code of conduct. Not all councillors would know
28 the ins and outs of that because it's quite a private
29 process. When there was a code of conduct last term it

1 was a little bit more well known by the councillors
2 because you basically have to give evidence or councillors
3 must give evidence if they saw anything like that, which
4 I did in that instance.

5 And so you gave evidence to the code of conduct
6 hearing?---I did, yes.

7 And what councillor was the code of conduct hearing in relation
8 to?---Towards?

9 Yes?---Was Councillor Aziz.

10 COMMISSIONER: I'm sorry? I didn't catch the last
11 answer?---Councillor Aziz. It was towards Councillor
12 Aziz; sorry.

13 MR McLAUGHLIN: And so outside that formal code of conduct
14 process have you identified or witnessed any other
15 instances of bullying in council?---I did not witness
16 that. But we have very robust conversations amongst
17 councillors. But I wouldn't classify that as bullying.
18 You yourself didn't ever feel intimidated to vote a certain way
19 or to accede to certain requests?---No, no. And I'm not
20 someone to be bullied either.

21 And, as far as you are aware, no other councillors felt that
22 they had been bullied or intimidated into making
23 decisions?---Not that I'm aware, no. No.

24 In relation to when you started at the council in 2012, what
25 sort of training was provided to you for things like
26 bullying or the code of conduct process or conflicts of
27 interest, how to declare them, what they are - what sort
28 of training?---So back in 2012 I recall very vaguely that
29 we were given, like, a more general overview of the Local

1 Government Act, which incorporated all of those scenarios.
2 And who gave that training?---It would be governance. So it
3 would have been at the time perhaps either the director or
4 the manager of governance.

5 At the City of Casey?---At the City of Casey, yes. And I also
6 recall that Maddocks, who's like the legal firm on local
7 government law, also came to the council to talk about
8 conflicts of interests and, you know, a bit more in-depth
9 from a legal perspective.

10 And when was that?---That would have been when I was first
11 elected. So it would have been within the month of being
12 elected. So that election was at the end of October. So
13 it would have been before Christmas, somewhere in between
14 there.

15 And has Maddocks attended, or any other law firm, or any other
16 training provided ever since that time?---I don't recall
17 any other training specifically from the council for all
18 the councillors. I don't recall that, no.

19 Have you ever received any individual training?---I have.

20 Because I was very new I took it upon myself to spend the
21 educational allowance that was allocated to all
22 councillors, but for myself, and I went to a majority of
23 the training that was provided by the Municipal
24 Association of Victoria. But then I felt that they were a
25 little bit political, so I sought to seek other training
26 from other organisations about governance, and in I think
27 either 2015 or '16 I went to the Governance Institute of
28 Australia and I did the four or five courses that related
29 to governance on a more broader corporate level, but it

1 was relevant, yes.

2 So those governance courses, do they cover topics like conflict
3 of interest?---Yes, but not the only thing that they
4 talked about. But, yes.

5 So in terms of specific training of conflict of interest
6 declarations under the Local Government Act here in
7 Victoria there was internal training provided when you
8 started?---Yes.

9 And then a further session with a law firm after that?---In
10 that same span of time, yes. So it would have still been
11 in 2012.

12 And in your experience and your time on council is that the
13 extent of the training that councillors normally
14 receive?---Yes, but I feel that perhaps when we were
15 getting legal advice that would supersede the training as
16 well. I don't think it was adequate. I do think that it
17 should have been more frequent. Just refreshers. There's
18 a lot on - there's a lot going on at Casey. So, yes.

19 Without going into the specifics of the legal advice sought,
20 you say you got extra training when seeking legal advice,
21 is that where you may approach a council officer asking
22 them a question?---So a councillor can't just ask for
23 legal advice. It actually has to come from the CEO. So
24 if there was a specific situation I would have firstly
25 gone to governance to see if they could answer my question
26 first, and then if I needed to take a step further then
27 I would ask the CEO. But I don't recall ever doing that.

28 But that's the sort of - - -?---Process.

29 Context you are talking about further educating yourself on

1 those sorts of issues?---Yes.

2 One of the issues that was noted in the report was the practice

3 of en bloc voting?---Mm-hm.

4 Whereby a number of matters were put before council, only a

5 handful of them were actually debated within council

6 meetings - - -?---Yes.

7 And a proportion or a large proportion of the matters before

8 council would be acceded to by all councillors at the

9 start of the meeting?---Yes.

10 In your time on council is that how matters have progressed at

11 council meetings?---Yes. But it was, I guess, a practice

12 before I got on council. So I thought it was normal, yes.

13 And did that practice involve each of the councillors carefully

14 considering the officers' reports before they agreed to an

15 en bloc?---So we used to get the reports either Thursday

16 or Friday before the council meeting on a Tuesday, which

17 was only three business days before Tuesday. So I think

18 that it's a lot of information to process in a short

19 period of time. We did have double the amount of meetings

20 than other local councils. So most local councils only

21 have one ordinary meeting a month. We would have two. So

22 there was a lot of information, a lot of things happening

23 at council. I think that it's actually - from, you know,

24 councillors that I know from other councils, it's common

25 practice to do the - if a councillor doesn't want to talk

26 about or withdraw an item to discuss, it's actually

27 commonplace to do that in the local government sector.

28 In some instances there might be 40 reports. The agenda

29 would be massive. Hard to digest a lot of that, and it

1 was a lot of detail and a lot of - for me, I think that
2 I couldn't get across every single detail. But I tried my
3 very best.

4 So in deciding which - - -

5 COMMISSIONER: One of the concerns expressed by the monitor was
6 that it became apparent to her that there were occasions
7 when motions were discussed and it was clear that
8 individual councillors simply weren't adequately prepared
9 in terms of their mastery and understanding of the issues.
10 Do you agree with that?---I agree that it was hard to
11 digest a lot of that information. But the time
12 constraints is very - is very hard.

13 Yes?---For me, I work in retail. So I normally work on the
14 weekends. So I rely on those business days to get through
15 the agenda. Yes, it is difficult. But I believe
16 councillors did their best.

17 So that's been a practice, though, that's existed for quite
18 some time?---Before I was on council.

19 And Mr Patterson said that was his experience at other councils
20 as well?---Okay.

21 But the upshot of what the monitor has said and what you are
22 telling us is that, really, there were somewhat
23 unreasonable expectations in terms of each individual
24 councillor's capacity to master everything that needed to
25 be understood?---Correct. I don't think we could master
26 everything.

27 No?---And, for me, if I had a question about a report, because
28 there was always the name of the author of the report,
29 I would go to that officer and ask, "Oh, could you clarify

1 this, this and this?" So the general practice for me was
2 to ask the question before I got to council. For me
3 I think it's not polite to put an officer on notice and
4 ask them a question out of the blue without them knowing
5 at the council meeting. But, if it were something like a
6 strategy, generally speaking we would have had some input
7 beforehand, and so there was no need to question the
8 report when it got to the council, and that's why it was,
9 you know, voted through without any question: because it
10 would have already been discussed. I know that now the
11 council has - with the administrator has removed that
12 ability. But I question how long the meeting would be if
13 there were 35 reports. They would still be there at 2 am
14 in the morning. And that's what used to happen. When
15 I first got on council we would have meetings until
16 1 o'clock in the morning.

17 Yes?---So it was really a way, an efficient way, to get through
18 and to have those discussions before we got to the meeting
19 because our cut-off time was 10 pm.

20 As I follow Mr Patterson's evidence, the only thing that's
21 changed is that, instead of you going through the agenda
22 before the council meeting and identifying those issues
23 that should be discussed at the meeting, you go through
24 all of the matters upon which the council is to agree even
25 if most of them are not going to be the subject of
26 discussion. But is that the only change?---Yes, I think
27 so. But I'm not sure how the administrator can have a
28 discussion with herself.

29 Yes, Mr McLaughlin.

1 MR McLAUGHLIN: Thank you, Commissioner. Of those matters that
2 would go to I guess the en bloc voting could you estimate,
3 say, what percentage of those would be related to planning
4 issues?---No, I can't, and the reason for that is because
5 before Mr Patterson became the CEO we used to actually
6 have a separate meeting to deal with planning
7 applications. So before Mr Patterson came along it
8 was - we used to have a council meeting, a planning
9 meeting and a general purposes meeting, which was a way
10 for the community to come and tell the council what they
11 were doing and if there was something. So when
12 Mr Patterson came to council he was of the view that these
13 meetings - those extra meetings were a bit short. So then
14 they were - the planning applications were just part of
15 the agenda after he became the CEO as a suggestion, and we
16 took that on board. But in place of that other day we
17 would have briefings or workshops on certain issues that
18 might have - would have been coming up. But I can't tell
19 you exactly because the process changed about two years
20 ago. So, no, I can't.

21 So prior to that there were separate planning council
22 meetings?---Yes.

23 Were they council meetings or briefings?---They were
24 decision-making committees. So it was a meeting, yes.

25 And would that be with a quorum of the full council?---Yes. So
26 it was exactly like a council meeting but just for
27 planning applications.

28 And the justification for having those planning meetings
29 separate was because they were complex or

1 controversial?---Perhaps. But that was a practice before
2 I got on council. So it was just the way we did business
3 before Mr Patterson came on board.

4 But from your point of view was it useful having planning
5 separated because it took up an inordinate amount of time
6 of ordinary council business?---I hadn't thought about it,
7 but perhaps it would have been better to keep it that way.
8 But I haven't thought about it, sorry.

9 And of those matters which did become the subject of ordinary
10 council meetings - - -?---Yes.

11 Were those generally more controversial ones or more
12 controversial officers' reports or more controversial
13 recommendations?---No, I don't think so. They are the
14 experts.

15 You say your experience - you worked in retail over a weekend
16 and therefore had very little time to consider the large
17 amount of material given to you before a council
18 meeting?---Yes.

19 Are you aware of that being the experience - not the retail
20 employment obviously, but that being the experience of
21 other councillors, that they didn't feel they had time to
22 adequately consider the officers' reports?---I don't know
23 because a lot of - all the councillors have different
24 backgrounds. Like, it was just the nature of where
25 I worked that I was working on the weekends, and maybe all
26 the other - the councillors that did work full time, they
27 worked during the week. So maybe they did have a bit more
28 time. But that was my experience. Yes, I can't really
29 comment on other councillors, I'm sorry.

1 And on those issues that you say you may not have been
2 completely across you relied on officers' advice or have a
3 discussion with them?---I did. I relied on officers who
4 are the experts. They are the ones who are obviously
5 writing the reports. They know the ins and outs.
6 I relied heavily on I guess the executive summary and that
7 part of the report. But I also relied on ward councillors
8 and their opinions, because they are the ones that would
9 have been contacted by community organisations or people
10 or whatever it might be and their opinions because it's
11 important that councillors take into account the
12 community's opinions on issues, and those councillors for
13 that particular ward are responsible to those - are
14 accountable to those residents.

15 So in addition to the expert opinion of the officers in making
16 a decision you would also rely on the input of other
17 councillors?---Yes.

18 And that input, how is that provided to you?---General
19 conversation. It might be a phone call, it might be an
20 email, depending on the issue. Generally speaking, if the
21 councillor wanted to change the recommendation of
22 the officer they would be letting all the councillors know
23 ahead of time, just out of courtesy, that, "This is what
24 I'm proposing. These are the reasons why." A lot of that
25 was by email. It's very hard to get a hold of your fellow
26 10 councillors on the phone and try to explain it. But
27 there were a lot of conversations, a lot of emails about
28 different issues.

29 And would that always come from the ward councillor or would

1 there be other councillors who might provide that
2 input?---It was generally always the ward councillor. As
3 I would do for my ward and express my view to the other
4 ward councillors - other councillors, yes.

5 And if those councillors were providing advice to the effect
6 that you should go against an officer's recommendation did
7 you then discuss that with the council officer?---No, not
8 really. But if a councillor wanted to change a
9 recommendation they would have had to tell us why, not
10 just because. So I would have had conversations with
11 whoever the ward councillor was trying to propose
12 something different, maybe get an understanding. If it
13 was something very controversial you would have actually
14 heard it from the residents because they would have called
15 everyone.

16 COMMISSIONER: Could I just come back to this notion of voting
17 en bloc?---Yes.

18 The two different ways in which we talk about that. The first,
19 as you have discussed, is where the council considered a
20 lot of the agenda items before the meeting?---Mm-hm.

21 I'm really more interested in the other way in which the notion
22 of en bloc has been used that's been suggested, that
23 certainly in the area of planning it was frequently the
24 case that groups of councillors voted together on planning
25 issues and that there were perceived to be frequently two
26 different camps within the council; does that accord at
27 all with your sense of things?---I don't believe that's
28 the case, and the reason in terms of my perception is that
29 I would take everything on board. Usually most things at

1 our council was actually voted unanimously. So that's why
2 I'm not really sure in terms of the bloc voting that was
3 referred in the monitor's report, because people change
4 their minds and they take into account the officer's
5 report, the ward councillors, but I couldn't tell you who
6 that is because it always changed. At the end of the day
7 you still need a majority to get a motion through council.

8 Yes?---But I did not perceive that, no, I did not.

9 So we have heard a vast amount of evidence in relation to
10 developments with respect to which Mr Woodman had an
11 interest where the discussion was about the team of
12 councillors who would support the proposal he was wanting
13 to see pushed through council?---Okay.

14 Were you aware that in relation to planning issues involving
15 his interests that there was a rump of councillors who
16 supported - - -?---I did not perceive that at all. Yes,
17 I just didn't see that. I'm sorry that I - yes, no.

18 I should have added, and I don't - correct me if I'm wrong,
19 Mr McLaughlin, I don't think there's a suggestion that
20 Ms Serey was viewed as part of that team.

21 MR McLAUGHLIN: Ms Serey was referred to as "friendly" in the
22 list of 2016 councillors in that earlier email.

23 COMMISSIONER: You will no doubt come to that. Very good.

24 MR McLAUGHLIN: But otherwise I will come to that - - -

25 COMMISSIONER: You are going to come to that point. Very good.

26 MR McLAUGHLIN: The voting blocs that the Commissioner has
27 mentioned in the evidence that we have heard and in other
28 matters that have been aired have been in part along party
29 lines as in party-political lines?---Okay.

1 Did you ever observe that those members of the Liberal Party to
2 who you would be necessarily aligned would vote in a
3 particular way?---No.

4 And similarly for Labor Party members?---Looking back at the
5 reports in preparation for this, it actually was carried
6 unanimously in a lot of these different situations
7 compared to - in relation to these planning. So I don't
8 know - there can't be a bloc because it was voted
9 unanimously. That's - I just - - -

10 COMMISSIONER: That makes sense?---Yes, no.

11 MR McLAUGHLIN: If we could go back to those instances where
12 another councillor had approached you in relation to an
13 issue that was before council and they would - you would
14 call them or you, say, email them or have face-to-face
15 discussions, were there ever instances where that person
16 said to you as part of that discussion, "I have a conflict
17 of interest in this matter and won't be able to vote to
18 it" - "vote for it at council"?---Did they say that to me?
19 Yes?---No. If somebody had a conflict of interest they would
20 not, I guess, be involved in those conversations. So, no,
21 I don't recall ever somebody saying that to me, no.

22 So you are not aware of an instance where a councillor who
23 subsequently declared a conflict of interest at a council
24 meeting was speaking to other councillors in advance of a
25 council meeting about the subject matter?---No.

26 COMMISSIONER: Was it your understanding, Ms Serey, that that
27 would be improper; that is, if the councillor had a
28 conflict of interest, that they should not outside the
29 meeting be seeking to influence the other

1 councillors?---Could it be perceived that way?
2 I'm just trying to work out what was your understanding during
3 your period on council?---I would agree with that, yes.
4 Do you think you were conscious of that during your period as a
5 councillor, that it would be a no-no for someone who had a
6 conflict to be seeking to converse with and perhaps
7 influence councillors outside the meeting?---I'm a very
8 cautious person when it comes to conflicts of interest.
9 So in my opinion, yes.
10 But you don't know of any examples of that taking place?---No.
11 So you don't know of any examples of Mr Ablett or Mr Aziz
12 seeking to influence councillors before a council meeting
13 about an issue on which they had a conflict?---Councillor
14 Ablett and I didn't actually speak on a regular basis for
15 a very long time.
16 You mean before council meetings, do you?---Generally speaking,
17 yes. So we had a falling out in 2014 and he never rang
18 me - we never spoke outside of council. So if I saw him
19 at council I would say, "Hi, Geoff," you know, "How are
20 you," that was really the end of the conversation.
21 So that's since 2014?---'14, yes.
22 That's a long time to not be speaking to each other outside
23 council meetings?---It is. And so we were just cordial,
24 and I was very much like that with a couple of other
25 councillors as well. In terms of the same question about
26 Councillor Aziz, we did speak but I didn't - I didn't know
27 he had a conflict of interest. I have read the articles
28 because I was summonsed only a couple of weeks ago and
29 I did not know that was happening.

1 Looking back now, as you no doubt have - - -?---Yes.

2 Is it now apparent to you that he was speaking to you about
3 issues where he had a conflict, assuming that what you
4 have read in the paper is correct?---Exactly. I don't
5 recall every specific conversation that I had with
6 Councillor Aziz. He was the mayor when I was deputy
7 mayor. We had lots of conversations. But I really
8 can't - I just can't remember if I had any conversations
9 about the issues that we are actually - why we are here.

10 Very good?---I'm sorry.

11 MR McLAUGHLIN: Thank you, Commissioner. If I might ask what
12 the falling out with Councillor Ablett was in relation to?
13 Was it in relation to council matters or private
14 matters?---No, it was in relation to party-political
15 matters. Because myself and him and Councillor Stapledon
16 were all candidates in that election, and we had a falling
17 out pretty early on in that year, and that was it.

18 And he subsequently - - -

19 COMMISSIONER: Was that for the State election?---It was. It
20 wasn't a council thing. It was a political thing, yes.

21 MR McLAUGHLIN: And he subsequently is no longer a member of
22 the Liberal Party or has fallen out with the Liberal
23 Party; is that correct?---It was a falling out with me,
24 like, me personally. I'm pretty sure he's still a member
25 of the Liberal Party, but I wouldn't know.

26 Okay. If we could move then to your - as the Commissioner
27 mentioned, your knowledge of the potential conflicts of a
28 number of other councillors. You say you weren't aware
29 until reading about the articles of Councillor Aziz's

1 involvement with John Woodman?---Correct.

2 Which articles are you referring to there? The ones of 2019 or
3 2018?---2019, yes. The one that was while the hearing was
4 happening, those articles.

5 Was there anything about the reporting - or, firstly, I'll say
6 you are aware of the reports that came out in
7 2018?---Mm-hm.

8 October and November?---Mm-hm.

9 About the Casey Council?---Yes.

10 Was there anything in those reports that would have put you or
11 alarmed you about the close relations of Casey City
12 councillors and Mr Woodman?---I remember reading that
13 article very briefly. Yes, I remember reading that
14 article very briefly and felt that I was misrepresented in
15 that article by the journalist saying that I refused to
16 speak to him or that I wasn't - what was the
17 words - something about not being responsive or something
18 like that. But I did actually respond to his email and
19 subsequently it was quoted. At the time I actually felt
20 that that article was a politically motivated attack on
21 me, and the reason that I felt that way was because
22 it - the timing was interesting, the fact that he said
23 I wasn't responsive. Two weeks out before the pre-poll
24 when I was running to be the candidate for Narre Warren
25 South, four weeks out from the election, that is how
26 I felt about that article at the time. Since then
27 I haven't read it until more recently, obviously with
28 preparing for today. But I remember always feeling that
29 that article was a politically motivated attack on me,

1 yes.

2 COMMISSIONER: Paranoia seems to be an inherent part of
3 politics, though?---Yes.

4 MR McLAUGHLIN: You weren't the only councillor named in that
5 article. Mr Ablett was also named in relation to
6 that?---But I was the only candidate named in that
7 article.

8 Going back to Mr Ablett's relationship with Mr Woodman, were
9 you aware before that time that Geoff Ablett had a close
10 relationship with John Woodman?---All I know is that he
11 received a donation from Mr Woodman for his 2014 campaign.
12 That's all I know. I thought that Mr Woodman was just a
13 Liberal supporter. That's all I knew about him.

14 COMMISSIONER: You didn't know that he also made very
15 substantial contributions to the Labor Party and Labor
16 candidates?---I did not, until the article that came out
17 last year, or articles.

18 MR McLAUGHLIN: So was a further article - - -

19 COMMISSIONER: Just forgive me.

20 MR McLAUGHLIN: My apologies, Commissioner.

21 COMMISSIONER: So your level of information, limited knowledge,
22 does that all suggest to you that in relation to conflict
23 of interest issues there must be much greater transparency
24 by councillors with fellow councillors about where they
25 have conflicts, what they are?---The way that I interpret
26 that question is about changing legislation to make that
27 so. I'm always a little cautious to change legislation
28 that affects every single council in Victoria. I would
29 say in the instance of what's been happening, yes, but

1 I think - it's a really broad question to be discussing.
2 You confine yourself - Mr Patterson has expressed a much
3 broader view with his experience?---Yes, okay.
4 But if you just confine yourself to your knowledge at
5 Casey?---Mm-hm.
6 Is it clear to you now that there needed to be a greater level
7 of transparency in discussions between councillors about
8 what their conflicts of interest were?---Maybe. But it is
9 the responsibility of the individual councillor to make
10 sure that they are open and transparent about their
11 conflicts of interest. I think the flaw in the system is
12 actually in the reports. The reports have a flaw because
13 they don't actually say all the entities that might be
14 involved. It's a two-pronged situation, though.
15 It doesn't require enough detail?---No. Even though they are a
16 very detailed report about the actual - whatever the
17 planning situation is or whatever the report is, there's
18 still that risk of, you know, having a conflict without
19 knowing.
20 Yes. So that the regime under which you operated was that
21 councillors had a discretion as to whether or not they
22 told other councillors the detail of their conflict or
23 whether they merely told the CEO, in which case they
24 needed to only give a much more confined explanation to
25 fellow councillors?---That actually changed over my period
26 of time being a councillor. So originally it was that if
27 you had a conflict of interest that you would declare it
28 at the start and then declare it again before the item.
29 But then it changed to if you wanted to not express the

1 nature of the interest you could tell the CEO but still do
2 the other two process about, "I have a conflict,"
3 indirect/direct, and then it stops there. So it was up to
4 the councillor how they would deal with that. That
5 changed in the legislation, you know, recent - like,
6 within that time of me being a councillor. So it shifted.
7 So maybe it should be shifted back.

8 But there has never at any time during your period as a
9 councillor been a legal obligation to fully disclose the
10 detail of a conflict to fellow councillors?---No. But the
11 training that I received early on, which is all - which
12 I always remember is that you have - when you perceive a
13 conflict you declare that but you don't have to say
14 exactly what it is. So, for example, one of my conflicts
15 of interests was a planning application behind my house,
16 but I didn't want to put my address. So I just put
17 because of my residency. So you have to say something but
18 you don't have to say everything. That was what was told
19 to me when I first became a councillor in 2012.

20 Which really doesn't encourage full disclosure, does it?---It
21 doesn't. But there's no requirement to.

22 MR McLAUGHLIN: Thank you, Commissioner. If I take you back,
23 your evidence just before is that prior to the first lot
24 of Age articles in 2018 you weren't aware of a
25 relationship between Councillor Ablett and John
26 Woodman?---Only about the donation. But everything else
27 I wasn't aware, yes.

28 COMMISSIONER: So you weren't aware that he had an interest in
29 horses with Mr Woodman?---Looking back now to the reports

1 I see that he's actually said that, but I don't actually
2 remember him saying that. But, yes, I mean, only because
3 I went back.

4 There's plainly a difference in substance between a councillor
5 who declares a conflict because someone has contributed to
6 their political campaign and a councillor who has a
7 personal business relationship of some sort with the
8 individual?---I think the problem that lies on the form
9 that the councillors have to fill out when they declare a
10 conflict of interest, there's no scope to say that there's
11 two things. You've just got to pick something.

12 That's a deficiency in itself, isn't it?---Yes.

13 It shouldn't be left to the councillor to make a
14 choice?---Exactly. And maybe that's something that could
15 be maybe a standard form that is part of the legislation.
16 So it could be an appendices, "This is the form that you
17 have to fill out when you have a conflict of interest."
18 At the moment it's up to the council or the governance
19 team to produce that in the way that they think the
20 information is - what you have to fill out.

21 MR McLAUGHLIN: So you say you reviewed reports before coming
22 today?---Mm-hm.

23 Is that a reference to reviewing the council minutes?---Yes.

24 And in those minutes I believe well in advance and perhaps a
25 number of years in advance of The Age articles in 2018
26 Mr Ablett had declared a conflict in relation to matters
27 being put forward by Woodman, John Woodman, or persons
28 associated with him?---Okay.

29 Is that correct?---Is there a specific - is that a general

1 comment or is there a specific - - -
2 I'm just talking about your - I will clarify that?---Sorry.
3 Your understanding in advance of The Age articles was that
4 Mr Woodman had made a donation to Mr Ablett and that that
5 was why he was declaring conflicts in council; is that
6 correct?---Yes, yes.
7 But then you say, having reviewed the reports, you can see
8 references to horses in the reports?---Yes.
9 So that's not something you were necessarily conscious of at
10 the time but which is apparent to you now, having reviewed
11 those minutes?---Yes. But, like I said before, I'm not
12 sure what the legislation says about do you declare one,
13 do you declare both or he just picked one. The fact that
14 he wasn't in the room is probably a good thing.
15 Were you aware of Amanda Stapledon, another councillor,
16 declaring conflicts in relation to John Woodman?---The
17 same reason for - yes, yes, but the same reason for
18 Councillor Ablett, yes, for the donation.
19 And that was because of donations to her 2014
20 campaign?---Correct. Yes.
21 To what extent were you or other councillors aware of the
22 Victorian ombudsman's investigation and report into that
23 matter, as in the donations made by John Woodman to Ablett
24 and Stapledon?---I don't really know too much. If there's
25 something specific you would like me to comment on, I'm
26 happy to do that.
27 COMMISSIONER: Just remind me. You started in the
28 council?---2012.
29 '12?---Yes.

1 So ombudsman's report came out in 2015?---'15, yes.
2 And it was concerned with allegations that individual
3 councillors had received corrupt payments?---Okay.
4 Or, alternatively, that in exchange for donations they had been
5 unduly influenced in their voting. Did you not read the
6 ombudsman's report?---I did, but at the time.
7 You did?---Yes, at the time I did, yes.
8 That's more than the CEO apparently did. Were you aware that
9 Mr Tyler never read the report?---I wasn't aware of that,
10 no.
11 Does that surprise you?---Yes.
12 I mean, if anything is to be learned from those reports then
13 everyone involved should at least be reading the reports,
14 shouldn't they?---Yes, that's right.
15 Do you know why that - did you have a discussion after the
16 ombudsman's report about whether there were any lessons to
17 be learned from it?---No.
18 No?---No. But, like I said before, I was not on talking terms
19 with - - -
20 Mr Ablett?---Mr Ablett, Ms Stapledon and another councillor.
21 It might have been an additional good reason to make sure that
22 council discussed the consequences of the
23 report?---Perhaps, yes.
24 MR McLAUGHLIN: The evidence given by Mr Kenessey I believe
25 yesterday or the day before was that the ombudsman's
26 report exonerated Ablett and Stapledon?---Yes.
27 You say you read it?---Yes.
28 Was that your impression?---My impression was that they
29 couldn't go any further. That was my impression.

1 But you didn't see the report as saying that they had done
2 nothing wrong and that - - -?---I don't recall that it
3 ever said that. But I have not read it since 2015.

4 COMMISSIONER: So what the report recited was the allegations,
5 the information which the ombudsman was able to glean from
6 the inquiry, that there had been donations by Mr Woodman
7 to various campaigns, but that it was impossible for the
8 ombudsman to say that the fact that those donations had
9 been made had unduly influenced those individual
10 councillors to vote in the way in which they did on
11 planning issues by the donor of the contributions. But
12 amongst the reasons why no finding could be made was that
13 the two councillors concerned when asked to attend the
14 ombudsman had on each occasion declined to provide
15 assistance and on the second occasion had done so on the
16 basis that to provide evidence might have incriminated
17 them?---Okay.

18 If you read the report you would have seen that that was part
19 of the explanation proffered by Mr Ablett and Mr Aziz,
20 that they didn't want to say anything to the ombudsman for
21 that reason. Does that not create alarm bells in terms of
22 the councillors that were not involved wanting to make
23 sure that if further planning issues arose involving
24 Mr Woodman that there needed to be great care in ensuring
25 the process that was followed?---Yes. Yes.

26 Did that happen?---I don't remember. I really don't, I'm
27 sorry.

28 MR McLAUGHLIN: Thank you, Commissioner. If I could move on
29 then to your relationship with John Woodman or, rather,

1 your association with John Woodman?---Yes.

2 How long have you known Mr Woodman?---I wouldn't really say

3 that I have known John Woodman, but he attended

4 two - well, he attended a fundraiser of mine in 2018 and

5 subsequently another - a lunch with him. But they were

6 the only two times that I actually spoke to him and met

7 him, yes.

8 And did you ever speak to or meet with Heath Woodman?---No.

9 Any other employees of Wolfdene or other Woodman-related

10 companies?---No.

11 Did you have any dealings with Megan Schutz?---No.

12 Tom Kenessey?---Yes. I knew Mr Kenessey, yes.

13 And how long have you known Tom?---I've known Tom for

14 approximately five years. So since the first time that

15 I ran for parliament. So 2014. Yes. That's six years.

16 And who introduced Mr Kenessey to you?---Mr Gary Rowe.

17 Mr Kenessey gave evidence yesterday or the day before that he

18 had provided assistance to you in your campaign by handing

19 out flyers, how-to-vote cards?---On election day, yes, in

20 both elections, or both State elections, yes.

21 And he'd also assisted you at the 2018 election?---The Federal

22 election, which is - - -

23 COMMISSIONER: When you said both elections - - -?---'18,

24 sorry, yes, State election, sorry, yes.

25 MR McLAUGHLIN: So both State elections?---Yes.

26 But he also assisted in a Federal election?---He did. I was on

27 a polling booth of over 3,500 voters, and, to put that in

28 context, you would need at least three people at any one

29 time during the day. So I was there at 4 am setting up

1 the booth, beating my opponents, and then leaving at
2 8 o'clock at night. So I sent out a message to everyone
3 that I knew to see if they could come and help me for an
4 hour or half an hour just so I could go have something to
5 eat or go to the bathroom.

6 What seat was that in?---It was technically Holt, but it was a
7 joint booth. So when there's a booth on the border of two
8 electorates then it's a joint booth.

9 And that was the Liberal Party candidate you were
10 assisting?---Yes, for Holt.

11 And who was that?---Her name was Jennifer Van Den Broek, yes.

12 So you've known Tom Kenessey since 2014?---Yes.

13 And other than him assisting at your election campaigns - -
14 -?---Yes.

15 Has he ever provided any financial assistance to you in either
16 your State government runs or council elections?---Him?

17 Him directly? No. No, not that I'm aware of, no.

18 Would you describe your association with Mr Kenessey as
19 ongoing?---Like a friendship or - - -

20 Yes, as a friendship?---Yes, but I would say somewhere in
21 between a friendship and an acquaintance. So, yes.

22 Mr Kenessey gave evidence to the effect that he was employed by
23 Leightons at the time in 2014?---Okay.

24 And that he was attending fundraising events as part of that
25 role?---Okay.

26 Was that your understanding of why he came along to your
27 fundraiser in 2014?---No, because I didn't know

28 Mr Kenessey. He was invited by Gary Rowe to a fundraiser
29 as his plus one or whatever. But, no, that wasn't - no.

1 And did you see his role as someone who was lobbying or being a
2 proponent for the company for which he was working
3 for?---No. Typically speaking at these fundraisers that
4 I might be - you know, if it's for me or - it's really
5 about my campaign and what I'm doing and how people can
6 help out. You know, if I have conversations with people,
7 they want to know what I'm doing. It was in my capacity
8 as a candidate at the time.

9 COMMISSIONER: Did Mr Rowe explain to you why he thought
10 Mr Kenessey might be of any assistance to you?---No, he
11 just introduced me as, "This is Tom," and, you know - and
12 that was it. That was the connection. I don't remember
13 if - I can't recall, because that would have been six
14 years ago, if he said where he was from. I don't recall
15 any of that. But I remember vaguely talking to him about,
16 you know, where I've come from, my background, what I had
17 been doing in the campaign and, you know, was doorknocking
18 every day and what people were saying to me, because
19 that's usually the conversations that I'm having,
20 especially in those - the election years, we just talk
21 about politics. So, yes.

22 MR McLAUGHLIN: At what stage did you become aware that - well,
23 sorry, your evidence is you don't recall him telling you
24 at that time he worked for Leightons?---Yes.

25 When do you recall being aware that he worked for
26 Leightons?---I really can't remember exactly when he told
27 me. It would have come up in conversation, but I just
28 don't recall, sorry.

29 Were you aware that Leightons was a proponent for a land

1 rezoning within the City of Casey?---I don't think so, no.
2 No.
3 If I was to mention or if I was to say C219, the C219
4 amendment, do you know what I'm discussing?---Yes.
5 And that's a matter that's been before council on numerous
6 occasions?---It has, yes.
7 Were you aware that Mr Kenessey's company had an interest in
8 that amendment?---I don't recall exactly, but I'd say yes
9 in general terms, yes.
10 COMMISSIONER: There wouldn't have been any secret about the
11 fact that Leightons was the owner of the largest piece of
12 land that would have been affected by the rezoning?---Yes.
13 So - - -
14 You would have become aware of that through council
15 documents?---Yes, but when going back through the reports
16 more recently there actually was no mention of Leightons
17 in the first report after - I just didn't see the names.
18 Yes, I would have known, but it wasn't very clear when
19 I was reading the reports.
20 So again coming back to the obligation to declare conflicts of
21 interests, if councillors didn't know who the land - the
22 principal landowners were who would benefit from a
23 rezoning - - -?---Yes.
24 Then that created a difficulty in terms of councillors being
25 able to discharge their obligation if they didn't know who
26 the landowners were?---Correct, yes.
27 Can we assume that the information coming from council officers
28 would have been enough to enable councillors to know who
29 the landowners were?---Yes, yes. The landowners, yes.

1 MR McLAUGHLIN: Commissioner, I'm just conscious of the time.

2 I'm about to move on to another matter.

3 COMMISSIONER: Very good.

4 MR McLAUGHLIN: Perhaps 10 minutes.

5 COMMISSIONER: Why don't we have a break, Ms Serey. You are
6 welcome to leave the building during any break, have a
7 coffee and we'll come back at 20 to 12?---Thank you.

8 (Short adjournment.)

9 COMMISSIONER: Yes, Mr McLaughlin.

10 MR McLAUGHLIN: Thank you, Commissioner. Before the break,
11 Ms Serey, we were talking about your association with
12 Thomas Kenessey and his employment by Leightons and his
13 involvement in the C219 amendment?---Yes.

14 Were you aware of John Woodman's association with C219?---No,
15 I wasn't aware.

16 So were you aware that Ms Schutz had anything to do with the
17 C219 amendment?---No, I didn't know Ms Schutz.

18 So those matters were touched on in the 2018 Age
19 articles?---Mm-hm.

20 Was that the first time you became aware that John Woodman was
21 involved in relation to C219?---Yes, but, like I said,
22 I read that article very briefly. So I don't remember if
23 I - - -

24 COMMISSIONER: Ms Serey, I think you have indicated already
25 that you had read the ombudsman's report of 2015?---Yes.
26 So Mr Woodman's name figured in that report?---Yes. Yes.

27 MR McLAUGHLIN: So, for example, when - and I know your
28 evidence is that you found it difficult sometimes from the
29 officers' reports to accurately identify who might have

1 been involved with a particular motion?---Report.
2 Or particular report?---Yes.
3 When, say, something in relation to C219 came forward, or
4 anything to do with Cranbourne West precinct structure
5 plan, were you aware that John Woodman was associated with
6 those?---No, I wasn't aware, but I did read those reports
7 to see if their names would come up, yes.
8 So when you say "their names", do you just mean specifically
9 John Woodman?---Yes, or Watsons.
10 Or Watsons?---Yes.
11 Okay?---Yes.
12 Now, you received a donation from John Woodman in 2014; is that
13 correct?---Yes, yes.
14 And that was for your 2014 State election campaign?---Correct,
15 yes.
16 Who suggested that John Woodman provide that donation?---It
17 actually wasn't suggested to me. I attended a fundraiser
18 at the Crown Palladium which was run by the Liberal
19 Party - it's called the Enterprise Victoria, so it was
20 like an arm of the Liberal Party - where there was over a
21 thousand people. I was sitting on a table and Mr Gary
22 Rowe was next to me, and there was other people that
23 I didn't know on that table but I was told - I can't
24 remember if it was him or someone in the Liberal Party,
25 I'm not sure, that said, "Oh, yes, Mr John Woodman is
26 donating to your campaign via this function." So I'm not
27 actually aware - I don't actually know how much he
28 actually donated in that - how much exactly was donated
29 for that campaign because there was other people on my

1 table, so - yes, but I know that he donated.

2 So you say you don't know the exact amount?---Yes.

3 Are you aware of what order of the amount might have been -

4 \$1,000, \$10,000?---No idea because the - - -

5 COMMISSIONER: Did you later become aware of how much he had

6 donated?---No, not the exact figure for that dinner, no.

7 Because what happens at fundraisers generally, just so -

8 to put it into context, when you go to an event you get a

9 portion of whoever gave money to your campaign, you know,

10 on a pro rata basis of an auction item and actual raffles

11 as well. So there would have been money from different

12 people on the day.

13 MR McLAUGHLIN: Okay. So do you remember how much you raised

14 from that particular Enterprise Victoria fundraiser?---It

15 was 11,818 and maybe 18 cents. I might be corrected.

16 If the witness could be shown page 4695 of the court

17 book?---Yes.

18 You can see there, Ms Serey, an entry for 11 September

19 2014?---Yes, yes.

20 Infrastructure dinner and the amount you just advised?---Yes.

21 If I preface that by saying that this is a spreadsheet that you

22 yourself have produced?---Yes.

23 And provided to the Commission in answer to a summons; is that

24 correct?---Correct, but the Liberal Party - I asked the

25 Liberal Party for this document and they provided that to

26 me, and I passed it on.

27 So who created this document?---The secretariat of the Liberal

28 Party.

29 COMMISSIONER: So was this the Enterprise 500 secretariat or -

1 - -?---No, the Liberal Party secretariat, yes.

2 MR McLAUGHLIN: So when you say you asked them for it and they
3 gave it to you - - -?---Yes.

4 Was that in answer to the summons that was served on
5 you?---Yes.

6 Did you otherwise keep any of your own records of
7 donations?---No, because in the Liberal Party candidates
8 don't handle money. So I wasn't aware of any of that
9 until the summons - when IBAC asked for these details in
10 October last year. So I wasn't aware of every single one
11 of those items.

12 COMMISSIONER: I'm sorry, so this document was prepared for you
13 by the Liberal Party - - -?---Yes.

14 After we requested information from you?---Yes.

15 Thank you.

16 MR McLAUGHLIN: So were you aware of other than - so you were
17 aware of John Woodman giving you money - - -?---Yes.

18 By virtue of the conversation that you had at a dinner table at
19 the function?---Yes.

20 How would you become aware of other donations made to your
21 campaign?---From that dinner or from the other ones?

22 Just in general?---Usually in an election campaign when I'd
23 talk to people about, you know, the cost of the campaign,
24 what the money would be used for, that I not only need
25 funds but I also need manpower, that was just a general
26 conversation I had pretty much with every single person
27 I came across with to generate that funds to pay for
28 campaigns. So I guess the distribution of that request
29 would go far and wide, yes.

1 And so would your evidence then be that you were largely
2 unaware of who was donating money to your campaign?---Yes,
3 yes, because I did not - I wasn't like a signatory to any
4 of these accounts or anything like that. So I wasn't made
5 aware of any of these, yes.

6 COMMISSIONER: So going back to the campaign - - -?---Yes.

7 What was the process that was followed in getting this money to
8 you so that you could use it for the campaign? How did
9 the money get to you?---So that's the Narre Warren South
10 account. So if we had a bill let's say for the printing
11 of a flyer, then the campaign team or the campaign manager
12 or the Liberal Party will take the money out of that or
13 pay a bill out of this account.

14 So all of these amounts listed here were sent to the SEC Narre
15 Warren South account?---Yes.

16 And out of that account you then drew your expenses?---No, I'm
17 going to be honest with you and say that I was \$15,000 in
18 debt after that election. So I don't claim any expenses
19 for myself.

20 No, I'm sorry, you misunderstood me. Whatever costs of the
21 campaign there were came - - -?---Of the campaign came out
22 of that.

23 Were paid for out of this account?---Yes.

24 Now, what I don't follow then, Ms Serey, is how are you able to
25 discharge your obligation as a councillor in disclosing a
26 conflict of interest because there are provisions you are
27 aware of in relation to donations received - - -?---Yes.

28 And if they are above a certain amount that they had to be
29 declared. How would you proceed to (a) make your

1 declaration about amounts received and, more particularly,
2 identify conflicts of interest if you didn't know
3 precisely how much was paid and by who?---So I'm just
4 trying to answer the first two questions first, which was
5 about who declared and how much. So because the money was
6 directly to the Liberal Party I don't declare those. So
7 it's the Liberal Party who declares it. Sorry, that was
8 the first part of the question? So that's not my personal
9 account or anything like that.

10 No, no, but if you look at these items?---Yes.

11 You say that it's your understanding none of these were
12 allocated by the donor of the amount - do you understand
13 what I mean by donor?---No.

14 The person making the payment?---Yes, yes.

15 None of these were allocated to you; they were only allocated
16 to the Liberal Party?---Correct.

17 And the Liberal Party then distributed it?---Paid the bills out
18 of that account.

19 So take the first - I don't know who Mr Khan is, but
20 A. Khan?---Supporter, yes.

21 Do you know who Mr Khan is?---Yes, I do. Yes. He's a local
22 caterer.

23 So he knows you?---Yes, he knows me, yes. So he would have
24 told me that he donated, and I just kept that in the back
25 of my mind.

26 But when he made the payment of \$102 - - -?---Yes.

27 Did he not identify you to the Liberal Party as the candidate
28 to whom he wanted that payment to go?---No, because it's
29 to the Narre Warren South campaign. So I'm technically

1 not the - I'm technically the preselected candidate for
2 the Liberal Party for Narre Warren South, but I'm
3 technically not the candidate until the writs are issued
4 at the end of October. So when people make donations it's
5 to Narre Warren South.

6 Right?---Not to Susan Serey, the candidate for Narre Warren
7 South. It's just to Narre Warren South.

8 So in the case of Mr Khan, if we assume - correct me if my
9 assumption is wrong, that he wanted you to get the
10 money?---Yes, he would direct it to Narre Warren South.

11 He's proceeding on the assumption you will be the
12 candidate?---Yes.

13 And therefore he's sending it there?---To Narre South, yes.

14 Does that reasoning apply to all these individuals that you
15 look at as distinct from the items which aren't identified
16 as coming from individuals, that they were making the
17 payments to the Liberal Party and identifying the Narre
18 Warren - - -?---Account, yes.

19 Account as the place to which they want it to go?---That's
20 right, yes.

21 So I'm just trying to understand how were you able to comply
22 with your declaration responsibilities if you never knew
23 what individuals had allocated money to go to this
24 account?---It's a very interesting question because
25 I wouldn't know. So, for example, if you look further
26 down, there would have been from electorates, and that was
27 from one electorate to another electorate.

28 Yes?---And so, no, I would not know who donated that. All
29 I know is that the Liberal - it's like a transfer from a

1 Liberal Party account to another Liberal Party account.
2 So, no, I wouldn't know. Yes, it is very difficult. But
3 because I was made aware, you know, of who was donating
4 but not the amount, and in fact in the infrastructure
5 dinner I was told that John Woodman, I just have to
6 remember those things. That's all I can do.
7 So just correct me if my understanding is wrong. So you talk
8 to a whole range of people before the election?---Yes.
9 Who have indicated to you, "I would like to support you. I'll
10 send some funds to the Liberal Party"?---Yes.
11 "And I will specify I want it to go to this particular
12 branch" - - -?---Or they would have had the direct account
13 number for Narre Warren South, yes.
14 But you yourself have got no record of how much they
15 contributed?---No.
16 It simply were amounts that the Liberal Party paid into this
17 branch account?---Yes.
18 So not only you but the Liberal Party then managing the funds
19 would know that would make it impossible for you to
20 discharge your declaration and conflict of interest
21 obligations?---It would be very difficult. So I would say
22 that my campaign manager would just let me know, "Oh, this
23 person donated. This person donated." But they would
24 never tell me how much.
25 So - and I'm not interested in singling you out,
26 Ms Serey?---That's all right.
27 But this pattern - is it your understanding this is the way
28 that such moneys were disseminated - - -?---Yes.
29 To candidates?---Yes.

1 By the Liberal Party?---Yes.

2 Did you never at any stage realise, "I need to have more
3 specific information if I'm to meet my obligations under
4 the Local Government Act"?---No, and the reason for that
5 is - so, for example, there might be on there from the
6 Enterprise club on 22/10 it was \$8,000.

7 Yes?---So that would have been maybe after a function and
8 people would pay their entry, people might buy a raffle
9 and an auction item. They most likely did not pass the
10 threshold. But it was to the Liberal Party. So it's - -
11 -

12 Yes. But, although it's to the Liberal Party, the donor was
13 identifying the source to which they wanted this to
14 go?---Yes, that's right. So, yes, it does make it very
15 difficult. But because it's a donation to the Liberal
16 Party, not to me specifically, it just makes it - yes,
17 because under the legislation it's really about gifts and
18 donations, gifts under 500.

19 We have heard evidence, and we will no doubt hear further
20 evidence in the next fortnight, about the ways and means
21 of the parties, the major political parties, being able to
22 avoid the donation obligations by it receiving the funds
23 and distributing them in a way so that the individuals
24 would not be faced with the threshold obligations of
25 declaring donations?---Yes.

26 Do you know whether there was any discussion at council level
27 between those members of the Liberal Party that this
28 practice would not enable them to discharge their
29 obligations?---No. I don't recall, no.

1 I have no reason to think the practice was otherwise on - on
2 the other side of the political ledger either. But it's a
3 problem, isn't it?---Yes, but what I would say, because
4 it's part of legislation now, is that I don't want to
5 restrict people to donate either. You want them to have
6 the freedom to do that freedom of association. I don't
7 think people should be criminalised to donate to a party,
8 which is the way the legislation sits right now after the
9 2018 election.

10 How does it do that? How does it - - -?---Because for the
11 Liberal Party if somebody - after that date you cannot
12 donate more than \$4,000. So you cannot donate over \$1,000
13 per year but no more than \$4,000 over an election cycle.
14 If you do - - -

15 To who, though?---To the Liberal Party, to a political party.
16 That's a political party. So that sounds to me that so
17 now people can only donate up to \$4,000 in an election
18 term. So I don't believe that's very fair.

19 To a party as distinct - - -?---To a party.

20 Yes?---Yes, so let's just say there's - - -

21 Where does that legislation come from?---That was in the
22 donations legislation that was effective of 25 November.

23 Yes?---So that's a new legislation that was passed for State
24 campaigns. And it does say if you do breach that, you
25 know, it's quite serious, like, it's gaol time.

26 That's the regulation of donations in general. But I'm looking
27 at from the individual's perspective that receives the
28 benefit of those donations what is being done to address
29 the obligations that each individual councillor or member

1 of parliament has in terms of knowing what they have
2 received and from whom so that they can meet their
3 statutory obligations of making declarations and
4 recognising where they have a conflict of interest?---So
5 up until 24 November that wasn't the practice, as in to
6 say exactly what people. So that has changed now. So
7 that is a requirement now. So that's been taken into
8 account.

9 What is a requirement?---That one person cannot donate over
10 \$4,000 over election cycle; all of that needs to be
11 tracked now as of 25 November. So that issue has actually
12 been - - -

13 But that's to the party?---That's to the party, yes.

14 But I'm talking about what individuals have received?---For the
15 party or for - is that what you mean? Like - sorry, I'm
16 not really - - -

17 Yes?---So by that change - - -

18 How do you as a councillor meet your obligation of having to
19 identify when you have received a declaration from an
20 individual that would give rise to a conflict of
21 interest?---So I just have to know. In the legislation if
22 you don't know you are actually not in conflict. So it's
23 not about omission; it's just about your knowledge.

24 MR CAMERON: Mr Commissioner, if I could be of some assistance.

25 COMMISSIONER: Yes.

26 MR CAMERON: I think Ms Serey did give some previous evidence
27 that if she was told - she might, for example, have been
28 told by her campaign manager or whatever, and then if she
29 was then told she was then put on notice that she would

1 manage her conflicts of interests effectively. That's my
2 recollection of the evidence that she gave beforehand.

3 COMMISSIONER: But, Mr Cameron, what she said is she was not
4 told how much.

5 MR CAMERON: Indeed.

6 COMMISSIONER: So without that information she wouldn't know
7 whether or not she had to make a declaration, let alone
8 that she had a conflict.

9 MR CAMERON: I accept that.

10 COMMISSIONER: If it's under a certain amount, then she would
11 have no conflict.

12 MR CAMERON: No, I accept that, Commissioner.

13 COMMISSIONER: Yes. Yes, Mr McLaughlin.

14 MR McLAUGHLIN: Thank you, Commissioner. These donations that
15 are in this spreadsheet are all for the Narre Warren South
16 electorate?---Correct.

17 And, while I note your evidence that until the writs are issued
18 then that could be anyone, the reality is that once a
19 candidate is preselected it's unlikely to be anyone but
20 yourself?---Correct.

21 So when people are donating to the Narre Warren South SEC - -
22 -?---Yes.

23 They are in effect donating to yourself?---Correct.

24 And the understanding that someone like Mr Woodman would donate
25 to you or donate to the Liberal Party at one of those
26 dinners is that that money would be going to your
27 campaign?---Yes.

28 Did you ever contact Mr Woodman to express your gratitude for
29 the donation?---I actually didn't and I still to this day

1 do not have Mr Woodman's contact details. I don't have
2 his phone number and I don't have his email. So it wasn't
3 possible for that.

4 Would your campaign manager have contacted donors to thank
5 them?---No.

6 COMMISSIONER: So again I just want to be very clear here that
7 my understanding is correct. So prior to getting this
8 document, which we'll mark as exhibit 165, from the
9 Liberal Party in late 2019 - - -?---Yes.

10 You had no written record of who had contributed to your
11 campaign?---No, I did not.

12 So to the extent that you had any understanding at all of who
13 the donors were it was simply word of mouth, something you
14 might have remembered?---Yes.

15 #EXHIBIT 165 - Spreadsheet by Liberal Party secretariat, late
16 2019.

17 MR McLAUGHLIN: And your evidence is that the account that
18 those funds ultimately ended up in was not an account you
19 had any control of or any access to or visibility
20 over?---Correct. Yes.

21 If the witness could be shown page 4697. This is a further
22 spreadsheet?---Yes.

23 Of donations for the 2018/19 financial years?---Yes.

24 Again associated with Narre Warren South?---Yes.

25 On 7/9 there's a note of a donation by Watsons Pty Ltd of
26 \$10,000?---Yes.

27 Do you see that?---Yes.

28 Were you aware that Mr Woodman's company had contributed to
29 your 2018 campaign?---I was made - yes, his secretary told

1 me that they were going to be making a donation, yes.

2 COMMISSIONER: Who told you, I'm sorry?---Mr Woodman's
3 secretary.

4 Who was that, do you know?---I think her name was Jolene or
5 Jocelyn.

6 Yes, thank you. And again is this a document you got from
7 the Liberal Party - - -?---Yes.

8 As a result of requesting it from them?---Yes.

9 Again late last year?---Late last year, yes.

10 MR McLAUGHLIN: But prior to that - - -?---No.

11 Other than informal reports to you of donations made to you,
12 you weren't aware of an itemised and quantified list of
13 donations to your - - -?---Correct, yes.

14 COMMISSIONER: So again in relation to discharging the
15 obligations under the Local Government Act you would be
16 relying solely on your memory of what someone had told you
17 they might - - -?---Donate.

18 But again not the amount?---Correct, yes.

19 So there were amounts - in the previous document there was an
20 amount of \$20,000 donated. Can we go back, please, for a
21 moment to exhibit 165? There was an amount of \$20,000.
22 Now, who's that from?---I think that is - it might have
23 been from the - I'm just guessing by just reading that
24 line that it could have been the branch of Narre Warren
25 South or the central fighting fund for Narre Warren South.
26 So at the time in 2014 there was a branch of Narre South,
27 there was the electorate conference of Narre Warren South
28 and then there was also the central fighting fund, which
29 was basically a fund that was held by the Liberal Party

1 per seat, but it was separate to - yes, it was separate to
2 the electorate conference. So that might have been more
3 of a - it could have been like more of a generic Liberal
4 fund for Narre Warren South, just that they had for
5 everybody else. So it was an easier way to pay for items,
6 to have the Narre Warren South SEC fund, because we could
7 pay the invoices straightaway, unlike the other process
8 with the central fighting fund where you had to send it to
9 the Liberal Party and then they had to approve it and then
10 they had to pay for it. So that's what I think it is, but
11 because it just says "Narre Warren South".

12 Thank you. I will mark the document relating to the 2018/19
13 campaign exhibit 166.

14 #EXHIBIT 166 - Document relating to the 2018/19 campaign.

15 MR McLAUGHLIN: Thank you, Commissioner. When Mr Woodman's
16 secretary spoke to you did she tell you how much
17 Mr Woodman was going to be donating?---Yes.

18 And that amount was \$10,000?---\$10,000, yes.

19 COMMISSIONER: Do you recall how Mr Woodman's office, Watsons,
20 came to contribute that amount?---The transfer?

21 Do you know what the origins of getting \$10,000 from
22 Mr Woodman/Watson's was?---The origins? Sorry, I don't
23 understand.

24 Do you know how it came about that Mr Woodman contributed
25 \$10,000 to your campaign?---I don't, but I had met
26 with - the first time I actually met Mr Woodman was early
27 August at a fundraiser with 150 people that had myself and
28 two other candidates participating. That was the very
29 first time that I actually met him. And I may have most

1 likely - obviously it was the first time I spoke to him so
2 I said, "Hello, thank you for coming," and he probably
3 asked me how my campaign was and I would tell him. So
4 then that - subsequent to that event I had received a
5 phone call from the secretariat - sorry, the secretary of
6 John Woodman. So I think it might have been something
7 I said maybe in passing. But he had donated to my
8 campaign before. So he knew, yes.

9 MR McLAUGHLIN: For your 2012 and 2016 council campaigns - -
10 -?---Yes.

11 Did you receive donations for those?---From Mr Woodman, no.

12 Did you receive donations from any other individuals?---I had
13 smaller donations under the threshold of 500.

14 Okay?---Which is allowed and therefore I don't have to declare
15 under the legislation.

16 Who were those donations from?---Family and friends that wanted
17 to support me, especially in the first campaign where
18 I was campaigning for the first time. So, yes, just a lot
19 of family and friends. I couldn't tell you exactly
20 everyone.

21 Okay. In the 2016 election did you receive donations from
22 anyone other than family and friends?---No, no.

23 And your recollection is that those were under \$500?---Roughly,
24 yes. So there might have been \$100 here, \$200 there.

25 Besides my father and my mother donating most of the
26 money, that was really it. There wasn't really much more
27 that I needed.

28 So approximately how much did your father and your mother
29 donate then?---Approximately - my father donated about

1 7,000, my mum donated two, but that's their personal
2 money.

3 And that was money that they contributed from their own wealth
4 towards your campaign?---Yes. As you can see in the 2018
5 election my dad also donated another \$10,000 to that
6 campaign. He was very supportive of me.

7 Going back to the 2018 election - State election
8 campaign?---State election campaign, yes.

9 Other than those amounts that were seen in that spreadsheet
10 what - firstly, you asked the Liberal Party for a
11 copy - for that information having received a request
12 from - a summons from IBAC?---Yes.

13 Would you have been able to have asked for that information
14 earlier?---Yes.

15 And do you see it as a useful piece of information that you
16 could have requested perhaps in 2014 to allow you to
17 properly discharge your duties as a councillor?---I didn't
18 think that way in 2014. Maybe in hindsight, but because
19 they are donations to the Liberal Party I didn't see the
20 need.

21 So is it your view that those donations, because they are made
22 to the Liberal Party, are not a benefit to you?

23 COMMISSIONER: A benefit that you need to disclose rather
24 than - plainly enough they were a benefit to you, but that
25 you didn't see them as a benefit that you were required to
26 disclose?---No.

27 MR McLAUGHLIN: And they weren't a benefit that you felt gave
28 rise to a conflict of interest in relation to those
29 donors?---I did not. But I still need to be aware of who

1 gave the donation just in case, yes.

2 But you have previously said you read the ombudsman's

3 report?---Mm-hm.

4 Which went to the heart of the issue of political donations

5 creating a conflict of interest for councillors?---Mm-hm.

6 That's correct?---Yes.

7 And so political donations to your state campaign in the same

8 year that Mr Ablett and Ms Stapledon ran - - -?---Yes.

9 Don't they present the same risk of conflict of

10 interest?---Yes, but I didn't perceive to have a conflict

11 of interest. Mr Woodman and Watsons was not mentioned in

12 any of those reports.

13 Other than those matters in the spreadsheet that we have just

14 seen for the 2018 donations did you receive any other

15 gifts or services as a contribution to your

16 campaign?---I may have received some mail, but how much

17 I wouldn't know. But that's it.

18 So when you say you may have received some mail, do you mean

19 someone has mailed things on your behalf?---Yes, yes.

20 And who was that?---I indirectly - well, I messaged Mr Kenessey

21 to see if Mr Woodman would help me with that. But the

22 amount I wouldn't know.

23 COMMISSIONER: I'm sorry, just say that again. I didn't catch

24 the beginning of that. What did you do?---So I messaged

25 Mr Kenessey about if Mr Woodman could assist with that.

26 But how much of that I'm not sure because when doing

27 letters that, you know, we are stuffing envelopes at

28 3 o'clock in the morning, it wouldn't have been

29 that - I don't think it was that much. That's it.

1 So I don't follow why you used Mr Kenessey?---Because I didn't
2 have Mr Woodman's contact details.

3 Why do you think he did?---I knew that they knew each other,
4 but I didn't know the business links of that.

5 So he had talked to you about Mr Woodman?---I can't recall
6 every conversation that I had with Mr Kenessey, but
7 I recall maybe in passing maybe a mention. But a lot of
8 the conversations that we had were about politics.

9 So we see a message, I think it was actually a chat message
10 from you to Mr Kenessey?---Yes.

11 In which you are saying to Mr Kenessey, "Could you please ask
12 Mr Woodman if he'll contribute money for a letter - for
13 postage"?---Yes.

14 MR McLAUGHLIN: Perhaps, Commissioner, if I can take the
15 witness to that?

16 COMMISSIONER: Yes, very good.

17 MR McLAUGHLIN: Page 689 of the court book.

18 COMMISSIONER: What's the exhibit number, Mr - I think it's
19 been tendered as an exhibit.

20 MR McLAUGHLIN: It has been tendered. 4689 of the court book.
21 So you will see there, Ms Serey, the messages there
22 were - is that your mobile number at the top of the screen
23 there ending in 792?---Yes, it is, yes.

24 And the other mobile phone number ending 1137 is Thomas
25 Kenessey?---I'm assuming by the context, yes.

26 That's exhibit 159, your Honour.

27 COMMISSIONER: Thank you.

28 MR McLAUGHLIN: That chat, WhatsApp chat starts with you asking
29 Tom if he can organise for 9K letters to be sent

1 out?---Yes.

2 Would that be 9,000 letters?---That's what I asked for, but

3 I don't think that - I don't think that that was the

4 amount that ended up going to that address. But

5 I wouldn't have the exact details. Pre-poll had already

6 started. I was on the polling booth from 8 am to 6 pm.

7 So Mr Kenessey, at his first message there, gives the address

8 of 5 Main Street, Mornington?---Yes.

9 Do you know that address?---That's just the address that - I'm

10 not sure exactly what that is, but I'm assuming it's the

11 place where he's suggested that I drop those off, by the

12 context of the text message, WhatsApp message.

13 You are not aware that that is Watsons' office?---No, I've

14 never been there. I was on pre-poll.

15 So who dropped those letters off?---Possibly somebody from my

16 campaign team. But it wouldn't have been me. So I'm not

17 sure. My campaign team would have been stuffing

18 envelopes, but I wouldn't know exactly the amount because

19 I was on - I have to stand up for, you know, 10 hours a

20 day every day for two weeks and look fresh and look nice.

21 So I don't recall - I don't know all the moving parts of

22 my campaign, especially at that time.

23 But you've been quite specific in asking for 9K letters. It's

24 not your campaign staff sending that message?---No, that

25 is my phone number, but I think I was shooting for the

26 stars in that context.

27 COMMISSIONER: Whatever the reason for asking for \$9,000 what

28 made you think that John - that Kenessey could go to John

29 and get 10,000 or \$9,000 from him?---I think it was just a

1 question about contributing to the 9,000 letters.

2 No, no, what made you think Kenessey would be able to go to

3 John to get \$9,000?---Not about getting; it was more about

4 a message, because I didn't have Mr Woodman's phone number

5 or email. So it was just, "If you could ask him."

6 What made you think that John's relationship with Mr Woodman

7 was such that he might be able to ask him?---Because

8 I knew that he had his phone number, and I knew that they

9 knew each other. Like, the only other person I could have

10 asked was Mr Gary Rowe. But I didn't ask him.

11 You didn't say to Mr Kenessey, "John Woodman." You just said,

12 "John"?---Yes.

13 So what made you think that Mr Kenessey knew who you were

14 referring to?---Because we had - the context of the time,

15 there was already a donation made to my campaign. Like,

16 we were at a luncheon together. So I know that they know

17 each other.

18 Sorry, who was at a luncheon together?---Myself, Mr Woodman,

19 Mr Kenessey and some young people, special guests.

20 Yes, what function was that?---It was a lunch in - it was sort

21 of attached to Crown Casino. I don't remember the name of

22 the restaurant, but it was sort of like on Southbank, and

23 I was invited by Mr Woodman to attend that with a special

24 guest. Sort of like a youth roundtable scenario.

25 And when did that occur?---September, mid-September maybe.

26 And what was the purpose of that luncheon?---Like I said,

27 I think it was - I believe it was a bit of a youth

28 roundtable for some young people to meet the former Prime

29 Minister, which was really interesting.

1 Who was that? Mr Abbott?---It was Mr Abbott.

2 And you saw - you were at a table with Mr Woodman and

3 Mr Kenessey?---Yes, and young people and guest speaker.

4 Yes, Mr McLaughlin.

5 MR McLAUGHLIN: Why was it that you would ask Mr Woodman - you

6 can leave those up - for assistance as opposed to other

7 people who had donated to your campaign?---I actually did

8 ask other people. So it was sort of a generic call out to

9 friends, families and supporters to see if they can help

10 with that mail-out. So it wasn't just Mr Woodman.

11 So you asked other donors, other friends and family to help - -

12 -?---Yes, to see if they can help with that mail-out, yes.

13 To help pay for - - -?---Pay for that mail-out, yes.

14 COMMISSIONER: Is it still your position, Ms Serey, that you

15 didn't know that Woodman or Watsons had an interest in the

16 outcome of the C219 planning application?---Yes, because

17 it wasn't in the reports.

18 It may not have been. That's not really what I'm asking

19 you?---Okay.

20 Is it your evidence that you did not at any time prior to the

21 commencement of these hearings know that Mr Woodman or

22 Watsons had a financial interest in the outcome of the

23 rezoning application?---I didn't know that he had a

24 financial interest in the rezoning, no.

25 MR McLAUGHLIN: If you could scroll down to the bottom two

26 messages of that page. So there's a further communication

27 from you to Mr Kenessey later in the afternoon?---Yes,

28 yes.

29 Where you appear to have - if we could keep scrolling down just

1 to the top one there at the top page?---Yes.

2 So you also appeared to have further involvement in arranging

3 this?---Yes. But if you scroll up where it actually talks

4 about "them", them the volunteers.

5 "They probably won't get there today. Probably tomorrow.

6 They're enveloping them"?---Yes.

7 And these messages and the first one on the next page all occur

8 on 14 November?---Yes.

9 Or 15 November for the top of that page?---Yes, yes.

10 And then there's a further message from you, "Can we get

11 another 10K done on 16 November"?---Yes. It was getting

12 very close to the election at that point. I don't believe

13 that that went ahead, but I don't know.

14 So that would be 9,000 - or your evidence is you don't know how

15 many went out?---Correct.

16 But if you are asking for another 10,000 letters to go out,

17 shouldn't we assume that the first 9,000 went in that

18 amount?---I wouldn't assume.

19 So who would have told you how many letters you needed ?---Who

20 would have told me? We tried to do an estimate of what

21 was needed for that particular mail-out that we were

22 doing. So it was just asking.

23 COMMISSIONER: Asking who?---Well, in these text messages

24 asking Mr Kenessey if he can ask John Woodman to see if he

25 can help with that.

26 So is the implication - even though you don't mention John

27 again, the implication is you are asking Mr Kenessey, "Can

28 we go back to John for another 10,000"?---Potentially, but

29 I don't think that - I'm not sure if that actually - the

1 first one eventuated. So I just don't know because
2 I wasn't - I was on pre-poll.

3 So can I just understand: you have said you didn't know that
4 Mr Woodman or Watsons had any financial interest in C219,
5 the rezoning?---Correct.

6 Did you know that Mr Kenessey's client, Leightons, had a
7 fundamental interest in the rezoning application?---Very
8 vaguely, yes.

9 MR McLAUGHLIN: So by this point The Age articles of 2018 had
10 come out?---Mm-hm.

11 Directly linking Leightons and C219?---Okay.

12 And you said you read those articles, because this is mid to
13 late November 2018?---Yes, this is a week out from
14 the election. I read them very briefly. Once I read it
15 once I was a little bit annoyed about what he said about
16 me.

17 But wouldn't it have raised red flags for you that a friend of
18 yours, an associate, Mr Kenessey, who you knew was working
19 for Leightons, was named in that article or his company
20 was named in that article and then just a short week or so
21 later you are asking that same person for financial
22 assistance for your political campaign?---Well, Leightons
23 didn't donate to my campaign. So it was just a way of
24 sending a message to Mr Woodman.

25 So you saw Tom Kenessey's role as having nothing to do with
26 his - his role in providing these letters has nothing to
27 do with his job at Leightons?---No.

28 COMMISSIONER: So it was just a way of sending a message to
29 Mr Woodman?---Yes.

1 You mean using Mr Kenessey as the conduit for a message to
2 Mr Woodman?---I wouldn't use the word "conduit". I would
3 just say that I did not have Mr Woodman's contact details.
4 I didn't have any other way of contacting him to see if he
5 could support me again in the election.

6 Mr McLaughlin, I'm not asking that the article be brought up,
7 but - - -

8 MR McLAUGHLIN: It can be.

9 COMMISSIONER: But was there no reference to Mr Woodman or
10 Watsons in the article?

11 MR McLAUGHLIN: There's a reference to both of them in that
12 article.

13 COMMISSIONER: So if you had read the article then by this time
14 you did know that Woodman and Watsons had an interest in
15 the rezoning? We just need to check - - -?---I guess the
16 context of my mind set was just not focused on that.

17 I was doing two and a half weeks of pre-poll. I didn't
18 put two and two together. I mean, I doorknocked 6,000
19 homes that year. Like, it's pretty - - -

20 I understand fully why your attention was occupied with more
21 immediate things. But we just need to get clear what your
22 knowledge was, regardless of whether or not you focused on
23 it?---Yes, yes. I mean, I just believed that Mr Woodman
24 was a Liberal Party supporter. That's how I saw it.

25 MR McLAUGHLIN: I think in fairness, Commissioner, if we show
26 the article to Ms Serey.

27 COMMISSIONER: Yes, certainly.

28 MR McLAUGHLIN: Page 382 of the court book. If you go to the
29 bottom of that. Perhaps we will show the first page,

1 which is page 379 of the court book, and scroll down. So
2 there is Mr John Woodman. If we could scroll down to 382
3 and the bottom of that. Under the heading there, and
4 I acknowledge your earlier evidence that you only briefly
5 read this article, but as I made the point earlier you
6 knew Mr Kenessey worked for Leightons and at the bottom
7 there there is a clear link between the rezoning push and
8 Leightons as the landowners?---Yes.

9 And this article is from 28 October; so just over two weeks
10 prior to your asking Mr Kenessey to ask Mr Woodman for
11 financial assistance for your election campaign?---Yes.

12 COMMISSIONER: Did you talk to Mr Kenessey ever about
13 Leightons' interest in the rezoning?---I don't recall
14 speaking to him about that. When we would have coffee it
15 was really about politics and what was happening, and it
16 could have been about changing prime ministers or what was
17 happening at the state or - yes, that's what we talked
18 about.

19 Yes, Mr McLaughlin.

20 MR McLAUGHLIN: Thank you, Commissioner. So your evidence is
21 that you had no idea the exact amount of financial
22 assistance that Mr Woodman provided through his company by
23 virtue of those mail-outs?---Correct.

24 Would it surprise you to learn that it was in excess of
25 \$16,000?---Perhaps not because there was the 10,000
26 before. So, no, it wouldn't surprise me. No.

27 So the two lots of 9,000 letters would equate to that much
28 money?---If they went out, but I don't believe - I don't
29 think they went out. It was too late. Australia Post is

1 unreliable. So, yes.

2 I guess my point is, Ms Serey, that when you ask for 9K and

3 10K - - -?---Mm-hm.

4 In asking Mr Woodman you are asking someone who has the

5 financial capability to spend that sort of money

6 quickly?---Yes.

7 And I put it to you that there weren't many other donors who

8 you knew you could ask for \$16,000 at short

9 notice?---Correct.

10 And it was by virtue of the donations that had already been

11 made to you by Mr Woodman that made you feel that that was

12 an appropriate thing for you to do to approach him to ask

13 for?---Yes.

14 Now, in your evidence before about Woodman's donation to your

15 2014 campaign you said that that was provided to the

16 Liberal Party and not you?---Correct.

17 Would you maintain that asking for \$16,000 worth of postage is

18 asking for the Liberal Party and not you?---Correct.

19 So you don't see it as a benefit to your campaign, you

20 personally, that you received that additional funding from

21 Mr Woodman?---Well, I would dispute the amount. But it

22 would have been for the Liberal Party for the State

23 election.

24 But that does create a conflict of interest, does it not?---It

25 does.

26 And a conflict of interest which you were aware of at the

27 time?---Yes.

28 COMMISSIONER: And how was that dealt with, Mr McLaughlin?

29 MR McLAUGHLIN: I will go on to that now, Commissioner. Was

1 the Liberal Party made aware of the additional
2 postage?---I don't remember, I don't recall, because I'm
3 unaware of the amount.

4 And are you aware of - I think as the Commissioner referred to
5 earlier - Mr Woodman considering you as one of his
6 team?---I did read that, yes. I would not agree with
7 that, no.

8 Perhaps the witness could be played tab 86.

9 COMMISSIONER: I'm sorry, what is that, Mr McLaughlin?

10 MR McLAUGHLIN: This is a phone call between Mr Woodman and
11 Mr Kenessey of 17 January 2019.

12 WITNESS: '17 of?

13 COMMISSIONER: January 2019.

14 WITNESS: '19.

15 COMMISSIONER: There's a part of it you want to go to?

16 MR McLAUGHLIN: This version is a clip, a short clip of that,
17 and I will stop it when appropriate, Commissioner.

18 COMMISSIONER: The transcript will come up on the screen,
19 Ms Serey?---I see, sure.

20 (Audio recording played to the Commission.)

21 MR McLAUGHLIN: Ms Serey, Mr Woodman there talked about
22 liaising with Pauline Richards and Susan Serey to the tune
23 of \$50,000 in November. He's clearly making a reference
24 there to your campaign donations; is that correct?---Yes.
25 And that is in the context of a conversation where he is saying
26 that he is not allowed to put that fact in
27 writing?---Okay.

28 COMMISSIONER: And he made clear there, Ms Serey, the reason he
29 can't do that is because Leightons, the party engaging

1 Mr Kenessey's consulting company, Leightons have a code of
2 conduct which is that they are not to make political
3 donations?---Okay.

4 And so in Mr Woodman seeking to justify to Leightons what he's
5 been doing, what money he's spent, he can't actually put
6 that in writing?---Okay.

7 Because that will show that Mr Kenessey has not been abiding by
8 the code?---Okay.

9 Did you not know any of that? You never talked to Mr Kenessey
10 at all about what Mr Kenessey was doing with
11 Leightons?---No. Are you talking about the code or - - -
12 Yes?---I didn't know anything about the code or anything like
13 that.

14 So did you not discuss with Mr Kenessey why he was using
15 Mr Woodman as he was?---Using Mr Woodman?

16 Did you not know that Leightons had engaged Mr Woodman?---No.
17 For what? I don't know. I don't know.

18 MR McLAUGHLIN: Was the land the subject of the C219 amendment,
19 was that in the Narre Warren South electorate?---No.

20 Which electorate was it in?---Cranbourne.

21 But it was a matter which had been before Casey on a number of
22 occasions, the City of Casey Council?---Yes, yes.

23 So you can see, Ms Serey, how when we put your contacting
24 Mr Kenessey to ask for a substantial amount of assistance
25 for your political campaign and then Mr Kenessey and
26 Mr Woodman later having a conversation about how they had
27 attempted to influence the political process, can you see
28 that those things create - - -?---I don't perceive it that
29 way, but - - -

1 Had you been successful at the 2018 election - - -?---Yes.

2 Do you believe that Mr Woodman would have felt you owed him
3 anything?---I never spoke - - -

4 COMMISSIONER: Just a moment. Yes, Mr Cameron?

5 MR CAMERON: I'm not quite sure how the witness can answer that
6 question, Mr Commissioner.

7 MR McLAUGHLIN: I'll rephrase. Was it your expectation, had
8 you been successful in 2018, that you would have had to
9 take a meeting with Mr Woodman or his advisers?---No.

10 And his campaign donations would not in any way have affected
11 how you conducted yourself had you made it to State
12 parliament?---No, because I thought that Mr Woodman was a
13 Liberal Party supporter.

14 In relation to Mr Woodman's involvement - we have already
15 clarified what your knowledge of his involvement in C219
16 was - were you aware of what involvement he may have had
17 in relation to a development called Brompton Lodge?---No.

18 Were you aware of Watsons having anything to do with Brompton
19 Lodge?---I don't recall, no.

20 Were you aware of Mr Woodman's or Watsons' involvement in
21 Pavilion Estate?---I wasn't, no.

22 And you know when I talk about Brompton Lodge and Pavilion
23 Estate you understand what those developments are?---Are
24 you talking about Pavilion or - - -

25 Either of them?---I guess I've gone back and I have looked at
26 Pavilion Estate. That's what this hearing is about. Not
27 Brompton Lodge.

28 But both Brompton Lodge and Pavilion Estates were matters which
29 regularly came before council in your term as a

1 councillor?---I would not be able to comment on the
2 regularity. There were a lot of things that came through
3 council.

4 But were these things that you recall coming before
5 council?---No. But looking back, like, obviously because
6 I've had to have a look at the items that were in question
7 for the hearing, the Pavilion Estate came up twice I think
8 it was, and I don't remember that exact meeting that I was
9 in for that, no.

10 Were you aware of a relationship between - a professional
11 business association between John Woodman and Megan
12 Schutz?---No. I mean, I don't know Megan Schutz. I don't
13 even know - until that photo was in that article I didn't
14 even know what she looked like.

15 So you had never met her? Because her evidence is that she was
16 at Bunjil Place, the Casey Council offices, on a regular
17 basis. You had never seen her there?---I was not at
18 Bunjil Place on a regular basis. Councillors don't have
19 office space at council. So we work from home. So I'm
20 not at Bunjil, you know - I'm only at Bunjil at the
21 council meetings, which is on a Tuesday.

22 And you hadn't seen her at a council meeting?---I don't recall,
23 no.

24 If I talk about Hall Road and the H3 intersection - - -?---Yes.

25 Are you aware of what I am - the matter I'm talking
26 about?---I am aware of what you are talking about, yes.

27 And were you aware of Mr Woodman or Watsons having any interest
28 in that matter?---Yes, the report spells it out.

29 And are you aware of the link between Mr Woodman and a company

1 called Wolfdene?---Not until I read that article. But,
2 no.
3 Were you familiar with the name Wolfdene for
4 developments?---I was not familiar with the name, no.
5 Even though it was a company which had several developments or
6 associated developments in the City of Casey?---I would
7 like to reiterate the amount of items that we get at
8 council. It's quite a lot. So, no, I don't recall every
9 developer or every agenda item that I received in the last
10 seven and a half years.
11 Do you know the developer Dacland?---I recall the name, but
12 I don't remember any specifics about it. No.
13 And you were aware of Mr Woodman's involvement in the H3
14 intersection by virtue of the officers' reports?---Yes,
15 yes.
16 So, outside of a person being mentioned who you believed might
17 create a conflict of interest in an officer's report, did
18 you take any other steps to make yourself aware?---I'm not
19 sure what other steps I could have taken. It's up to me
20 as a councillor to know when I've got a conflict by
21 reading the report.
22 You would have formed an opinion that you had a conflict of
23 interest in relation to John Woodman?---Yes.
24 And when was that?---In 2014 when he donated at that
25 infrastructure dinner, yes.
26 Were there many people or were there lots of entities or
27 individuals who you felt created a conflict of interest
28 for you as a councillor?---No.
29 Did you therefore take steps to ascertain what other

1 developments Mr Woodman might have been involved in in the
2 City of Casey to ensure that you could declare a
3 conflict?---I didn't. I relied on the officer's report.
4 I note the time, Commissioner, and I'm about to head off into
5 substantial other matters.

6 COMMISSIONER: How much longer do you think you will be,
7 Mr McLaughlin?

8 MR McLAUGHLIN: I would think probably at least another hour or
9 so.

10 COMMISSIONER: Yes. So are you going to pursue with Ms Serey
11 the extent to which she declared any conflicts of
12 interest?

13 MR McLAUGHLIN: That's correct, your Honour, and to take her to
14 particular examples.

15 COMMISSIONER: That's the primary matter?

16 MR McLAUGHLIN: That will be the primary part of the remainder.

17 COMMISSIONER: All right. We might adjourn now then and we'll
18 resume at 1.45. Ms Serey, go and have some lunch. You
19 can chat to your counsel. We will see you back here at
20 1.45.

21 <(THE WITNESS WITHDREW)

22 LUNCHEON ADJOURNMENT

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