
TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 16 MARCH 2020

(23rd 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. Any inaccuracies will be corrected as soon as possible.

1 UPON RESUMING AT 2.05 PM:

2 <AMANDA JANE STAPLEDON, recalled:

3 COMMISSIONER: Did you have a good break,

4 Ms Stapledon?---I did, thank you very much, sir.

5 Just please let me know if at any stage you want to have a

6 break because it is a long day for you?---Thank you, sir.

7 Yes, Ms Harris.

8 <EXAMINED BY MS HARRIS, continued:

9 Ms Stapledon, with the benefit of the break is there anything

10 upon reflection in your evidence that you'd like to

11 correct or change?---The only thing I'd like to

12 potentially correct is the first question you asked me

13 talking about if I've talked about the IBAC process.

14 Investigation?---Investigation.

15 Yes?---May have in the early days not been as good as I have

16 been in recent times. So a couple of times I did talk

17 about a couple of things, yes.

18 What did you talk about?---One was something to do with

19 Blairlogie.

20 Sorry?---Blairlogie Living and Learning Centre.

21 Yes?---And I understood that because it was out in the public

22 arena that it wasn't evidence that was confined to this

23 room, and the other time was - I can't quite remember the

24 other time, but if I could tell you when I remember,

25 I will.

26 Who did you speak to about Blairlogie?---I spoke to two people.

27 I spoke to Councillor Rosario because he rang me and told

28 me that it was out in the public about Blairlogie and

29 I spoke to the CEO, Carolyn Carr.

1 And approximately when was this?---Very early on in the
2 hearings last year.

3 What is it about Blairlogie that you think is connected to the
4 IBAC investigation?---Well, there was a newspaper article
5 that I became aware of and I didn't realise I wasn't
6 allowed to read it. I didn't understand that once it was
7 out in the public it still applied that I didn't read that
8 information or talk about it.

9 I see. Before the break we were talking about your conflict of
10 interest declarations. Initially in relation to the C219
11 you were making declarations in the council meeting as is
12 allowed for in the legislation. At some point in time you
13 began making declarations to the CEO. Was there a reason
14 for that, for that change?---Yes, that was actually a
15 policy change that we were advised of, is instead of being
16 late at night filling out a form when we're all sitting
17 around the table very tired, we go through our agenda, if
18 we identify something that we might have a conflict of
19 interest in, we actually notify the CEO in writing.

20 Could we pull up page 4518, please? If we can just scroll down
21 to the bottom of that page. On 21 March 2017 you've sent
22 an email to Mike Tyler wishing to declare a conflict of
23 interest in relation to those particular items, one of
24 which relates to the C219?---Which is Cranbourne West, are
25 you saying?

26 Yes?---Yes.

27 And you say, "The reasons for the conflict is due to Watsons
28 who have been involved in this development have attended
29 fundraisers of mine during the 2014 state elections.

1 I believe some of this might be precautionary but would
2 prefer not to leave any doubt." At that date, 21 March,
3 Mr Woodman had supported your state campaign; we've heard
4 evidence of that?---Yes.

5 And also your local election campaign, hadn't he?---Yes.

6 I suggest to you then that that email is completely misleading
7 as to the reason you are declaring a conflict of interest.

8 That's right, isn't it?---Would you explain to me why?

9 Do you not read that and see that it doesn't fully explain what
10 gives rise to your conflict of interest?---That's correct.

11 But misleading, that wasn't my intention.

12 Regardless of whether it was your intention, it certainly would
13 leave Mr Tyler to believe that the only thing that gives
14 rise to your conflict of interest is what you've declared
15 there. You would agree with that, wouldn't you?---No, not
16 at all. He would have read the Ombudsman's report and
17 would have been fully aware of the donations.

18 Mr Tyler has informed us that he didn't read the Ombudsman's
19 report. Does that surprise you?---I find that very
20 surprising.

21 Regardless, though, it's not Mr Tyler's responsibility to
22 endeavour to find out the conflicts of interest of each
23 councillor, is it?---No, of course not. That's not what
24 I was saying.

25 That responsibility falls to you?---Sorry?

26 That responsibility falls to you?---Yes, it does.

27 And that conflict of interest that you've declared to him does
28 not encapsulate all the matters that give rise to a
29 conflict of interest?---Correct.

1 COMMISSIONER: But I thought earlier you provided the
2 explanation that you initially declared the conflict of
3 interest in the very limited form in which it is here
4 because you didn't want to disclose who the donor was,
5 Watsons/Woodman, for the reasons you explained because
6 there were factions that might take advantage of that
7 during the election period. That was your explanation,
8 was it not?---No, sorry, sir, if I can just explain.
9 I said I didn't declare.
10 Correct?---You just mentioned that I - - -
11 You didn't declare?---Yes, that's right.
12 And you gave the explanation for that?---Correct.
13 But that explanation, the reason for that sort of disappeared
14 after the election, didn't it?---Yes, it did.
15 But you have continued on using that same inadequate form of
16 declaration?---Yes, I did.
17 But then here in March 2017 you specifically turn your mind
18 again to what you should declare and go so far as to in
19 fact say, "I believe some of this may be precautionary,
20 but I would prefer not to leave any doubt." But you
21 omitted the most important things, that you'd had a
22 considerable donation given to you for the State election
23 and a less considerable but nonetheless significant
24 donation for the next local government election?---Yes,
25 sir.
26 Why did you do that?---The sloppy paperwork is for the State
27 election, definitely, and failure to declare.
28 But what I'm pointing out to you, Ms Stapledon, is you were
29 here specifically turning your mind to what you have to

1 declare and you went so far as to say, "I'm probably
2 saying more than I need to, but I'm doing this as a
3 precaution so that there's no doubt"?---No, that's not
4 what I was saying actually, sir, if I could explain.
5 That's what you seem to say, "I believe some of this may be
6 precautionary, but I would prefer not to leave any
7 doubt"?---That one line was referring to the issue at
8 hand. I no longer believed Mr Woodman was involved, but
9 I didn't want to continue - well, I didn't want to be in
10 the room to vote for an issue that he may or may not still
11 be loosely involved in.
12 What was 6.2 and 6.3 about, Ms Stapledon, do you know?---No,
13 I don't, sir.
14 No. Can you assist us, Ms Harris?
15 MS HARRIS: 6.3 was in relation to the C219?---6.3?
16 Yes?---So that would be Cranbourne West?
17 COMMISSIONER: Yes?---Yes, it would be that.
18 So do you understand what I'm putting to you?---I do.
19 That your explanation until then might be fine, but here you're
20 turning your mind again to "What do I need to disclose"
21 and if you're saying anything at all, it is "Maybe I'm
22 saying more than I need to, but I don't want to leave
23 anything to doubt."?---No, sir. That's not what I'm
24 saying. My explanation before about I thought that
25 Mr Woodman was no longer involved in that matter, but
26 I didn't want to take the chance of voting on something
27 that he still may be loosely connected with. That's why
28 I'm saying precautionary.
29 Do you mean as at March 2017 you thought Mr Woodman and Watsons

1 were no longer involved in the rezoning issue for
2 Cranbourne West?---I'm not sure what 6.2 is. I haven't
3 had an explanation on that one.

4 What's 6.2, Ms Harris?

5 MS HARRIS: That's also to do with Cranbourne West, I'm
6 instructed.

7 COMMISSIONER: Your state of mind then was you didn't think
8 Mr Woodman and Watsons were involved at all any
9 longer?---No, no, I was being careful, sir. I was being
10 careful and just made sure I got out of the room, not
11 voting on the matter. I wasn't careful with my
12 explanation.

13 MS HARRIS: If I can indicate, Ms Stapledon, that the records
14 provided to IBAC from council indicate that on 20 June
15 2017 you also declare a conflict of interest in relation
16 to the Cranbourne West, "To do with the Cranbourne West
17 and a company who was or might still be involved, Watsons,
18 attended state election events that I hosted." And again
19 in September 2017, "Watsons attended a number of my
20 fundraisers during the 2014 State election." On 15 May
21 2018 you emailed the CEO again. Could we pull up page
22 4522, please. Perhaps if I can tender that document on
23 the screen, Commissioner, an email declaring a conflict of
24 interest on 21 March 2017.

25 COMMISSIONER: Perhaps before we leave that passage, you see
26 immediately above your email setting out what you thought
27 you need to declare, Mr Tyler in the next email
28 immediately above that at 4518 sets out what the Act says
29 and he highlights that for you. Do you see that?---Yes,

1 I do.

2 And then you say, "Thanks. Does this mean you require further
3 info from me or are you just providing a blanket
4 notification?" And then Mr Tyler responds, "I don't need
5 anything further from you, but you need to disclose a
6 class of interest to the council at the meeting."?---So
7 that being indirect or direct financial or other.

8 So you would agree, wouldn't you, that on this occasion you had
9 ample opportunity to reconsider your position and to
10 recognise this was a serious omission that you were
11 continuing to make to your declaration?---I recognise that
12 now, sir.

13 MS HARRIS: 4522, please.

14 #EXHIBIT 185 - Email chain of 17 March 2017.

15 MS HARRIS: And again if we could just scroll up a bit, please.

16 That you believed you had a conflict of interest in
17 relation to - it's an indirect conflict due to Watsons
18 having been involved in this planning item and of having
19 attended a fundraising event during the 2014 State
20 election. Ms Stapledon, from the period of 2014 when
21 Mr Woodman donated to your campaign, to November in fact
22 2018, you never declared the true extent or the full
23 extent of your conflict with Mr Woodman, did you?---It
24 would appear that way.

25 Not just appear that way?---It is.

26 You didn't do that, did you?---It is, that's correct.

27 You didn't declare it?---That's correct.

28 You didn't comply with your obligations under the Local
29 Government Act. You'd agree with that, wouldn't

1 you?---Yes, I agree with that.

2 And during some of that period was the time that you were
3 mayor. That's correct also, isn't it?---Yes, that's
4 correct. Sorry, could I just go back to that? Yes,
5 correct.

6 I tender that document, Commissioner.

7 #EXHIBIT 186 - Email, Ms Stapledon to Mr Dalton.

8 WITNESS: Sir, could I just go back to that question?

9 COMMISSIONER: I'm sorry?---Could I go back to that question if
10 I can?

11 Yes, certainly?---I just had a look at a couple of the dates.
12 That's when I was deputy mayor, not mayor, and councillor,
13 not mayor. It's neither here nor there, but I just
14 thought I'd put the record straight.

15 MS HARRIS: I can indicate to you on 8 November 2018 you also
16 declared an indirect financial interest relating to
17 Watsons attending fundraisers?---I was mayor then, yes.
18 Thank you.

19 What was your understanding of what John Woodman expected of
20 you in return for his support to your
21 campaigns?---Nothing.

22 Did you observe Mr Woodman interfering in council matters in
23 any way?---No, I did not.

24 What role did John Woodman play in you becoming mayor?---In
25 which year?

26 In the 2018 year?---I did have a meeting with Mr Woodman. That
27 meeting was only called because of something I should have
28 risen above and not responded to, and that was the fact
29 that Mr Aziz had told me that Mr Ablett had mentioned that

1 he had Mr Woodman's support for another year as mayor, so
2 that would have been the fourth year. There had been a
3 loose discussion around if I supported Mr Ablett for mayor
4 he would look at me for mayor in the following year. So,
5 I felt very let down by that and should have risen above
6 it and let the cards fall where they lay. Instead I rang
7 Mr Woodman, asked for a meeting - well, I believe I rang
8 Mr Woodman, I'm sure I did, asked for a meeting and I was
9 just going to ask him if that were correct and why.

10 If what was correct and why?---That he was supporting - saying
11 that he was supporting Mr Ablett for mayor.

12 In what way would Mr Woodman be supporting Mr Ablett for
13 mayor?---It's interesting, but it seemed to matter to
14 Mr Aziz.

15 That's not an answer to my question?---Sorry.

16 In what way - - -?---Sorry, verbal support. Yes, verbal
17 support, I beg your pardon.

18 And who would he be expressing that verbal support
19 to?---I don't know because it came from Mr Ablett telling
20 Mr Aziz that he had Mr Woodman's support.

21 So when did you meet with Mr Woodman?---It was before the
22 mayoral vote, obviously. I've forgotten the date, but it
23 might have been September 2018.

24 What was the purpose of the meeting?---The very thing I said
25 before and that was to ask Mr Woodman why he might be
26 supporting Mr Ablett for mayor.

27 What influence did you think Mr Woodman would have over who
28 became mayor?---It wasn't actually about his influence,
29 but certainly it would have been one person only and that

1 would have been Mr Aziz, by the sounds of it. But it was
2 more about why, why would he be supporting someone for
3 mayor.

4 COMMISSIONER: But you wouldn't have wasted your time with a
5 call like that if you didn't think Mr Woodman had some
6 capacity to influence the outcome?---I think it was an
7 emotional reaction to great disappointment and it wasn't
8 just about the influence, although I think he had some
9 influence over Mr Aziz at that stage. It was more about
10 why and perhaps to set the record straight in terms of the
11 unfortunate breakdown of the relationship between
12 Mr Ablett and myself.

13 MS HARRIS: At that point in time did you want to become
14 mayor?---Yes, I did.

15 And what assistance did you think Mr Woodman could provide you
16 in achieving that?---I didn't go to the meeting with that
17 in mind, but I definitely left with an offer that he would
18 have Ms Wreford speak to Mr Aziz and that's probably where
19 I should have said, "No, don't do that, please. I just
20 wanted to set the record straight and to find out the
21 truth." And I did find out the truth and he did say he
22 didn't mind who was mayor, it wasn't anything to do with
23 him, as it should be. That's what he did say to me.

24 But he offered, did he, to speak with somebody on your
25 behalf?---That's right.

26 Who was he going to speak to?---Ms Wreford.

27 And to what end?---To see if she might speak to Mr Aziz to see
28 if he would support me for mayor.

29 COMMISSIONER: Ms Wreford wasn't on the council then, was

1 she?---She wasn't, no, but she was very - she was good
2 friends with Mr Aziz and had, I would say, significant
3 influence over Mr Aziz.

4 How did you know that? How did you know Ms Wreford - -
5 -?---Because I'm friends with Ms Wreford as well and over
6 the years there's been some camaraderie maintained since
7 she left council.

8 MS HARRIS: What's the connection between Mr Woodman and
9 Ms Wreford?---At that stage I believe that she was a
10 lobbyist, a State government lobbyist, and I believe she
11 did some consultancy work, but more than that I didn't
12 know.

13 So was it your understanding that Ms Wreford was going to lobby
14 Mr Aziz to support you for mayor?---No lobby, encourage.
15 Had you spoken to other councillors at that point in time about
16 supporting you for mayor?---Yes, I had.

17 And what did you think the likelihood was at the time you met
18 with Mr Woodman of you becoming mayor?---I'm sorry, what
19 was that question?

20 At the time you met with Mr Woodman, what did you think the
21 likelihood of you becoming mayor was?---I thought I was
22 down one number.

23 Is that why he offered to speak with Mr Aziz?---I think
24 I explained to him where the numbers lay, yes.

25 If you had Mr Aziz's vote, was it your belief at that time that
26 you'd become mayor?---At that time, yes. That wasn't the
27 reality, though.

28 COMMISSIONER: So might one look at this incident as an example
29 of Mr Woodman being viewed as a bit of a kingmaker behind

1 the scenes?---The only people he spoke to that I knew of
2 was Mr Ablett and Mr Aziz. I couldn't call that a
3 kingmaker. So, no.

4 But you went to him for his support?---No, I didn't go to him
5 for his support. I went to him to clarify a statement
6 that Mr Aziz had made to me.

7 Which finished up with Mr Woodman saying, "I'll get Ms Wreford
8 to speak to Mr Aziz"?---Correct.

9 So that was a form of support, was it not?---It was a form of
10 support, but not an intended outcome.

11 Do you see how all this looks, Ms Stapledon?---I should never
12 have done it, sir. I should never have done it. I should
13 have not reacted and I was very reactionary in doing that
14 and I should not have done that.

15 Can I ask you when did it first occur to you that Mr Aziz and
16 Mr Ablett's relationship with Mr Woodman was too
17 close?---I always knew that there was an association
18 between Mr Aziz and Mr Woodman. I knew there was a
19 friendship between Mr - well, I would call it a friendship
20 between Mr Ablett and Mr Woodman. He made no secret of
21 that and declared that often. They had a racehorse
22 together, I believe. Did I consider it too close?
23 I didn't, sir, no.

24 You didn't?---No.

25 Even at this point of time when you're involved in a tussle
26 with Mr Ablett for mayorship and you see that Mr Woodman
27 has had some role to play or might have some role to play,
28 it didn't occur to you that the relationship was too
29 close?---I wasn't sure of the facts and that's what I had

1 the meeting with Mr Woodman for, was to ascertain did he
2 in fact say it, and he said he didn't. He didn't have a
3 problem with who was mayor. It was nothing to do with
4 him.

5 MS HARRIS: When you left that meeting with Mr Woodman, did you
6 have an understanding of what Mr Woodman would expect from
7 you in return if you did become mayor?---He didn't ask me
8 for a thing.

9 He didn't express an expectation of you supporting his matters
10 before council?---He knew I had a conflict of interest.
11 So no, no.

12 If you became mayor in October 2018, other than Mr Woodman's
13 contributions to your various campaigns, State and local,
14 did you have any other financial involvement with
15 Mr Woodman?---I understand there's a matter of a donation
16 to Blairlogie Living and Learning Centre.

17 Tell us about that?---That was after the State campaign in 2015
18 he said - Mr Woodman did say to me, "What are you going to
19 do now?" I told him about the plight of a working carer,
20 very hard for carers to work especially when you have a
21 child with complex care needs and also behaviours of
22 concern. I explained to him that that wasn't just
23 applicable to me, it was applicable to so many carers.
24 There was just an absolute service gap that did not
25 provide for these families. And so to the best of my
26 recollection he said, "How can I help," to which
27 Blairlogie said we were to lobby for - we were lobbying
28 for an out-of-program program. So, the programs during
29 the week run from 9 until 3, so trying to cover it from 3

1 until 6 so that parents could work or spend time with
2 their other children, something that they weren't afforded
3 in many instances, and Mr Woodman said he would be keen to
4 support such a program. I sent him an invoice, and from
5 there I don't recall any further interaction on that
6 matter.

7 So that was in 2015, was it?---I believe so, to the best of my
8 knowledge.

9 What did that invoice cover?---It covered staff and the running
10 of a program for approximately 15 to 20 children - adults
11 with a disability for an out-of-program program.

12 How much?---It was somewhere between 15 to 20,000, to my
13 recollection.

14 And for what period of time was that program to operate?---The
15 program is still running, but now the NDIS fund it.

16 So for how long did Mr Woodman fund that program?---I don't
17 have any knowledge of that.

18 You have a connection with Blairlogie, is that right?---Yes,
19 I do. My son attends Blairlogie Living and Learning
20 Centre.

21 Did he benefit from that after care arrangement?---My son
22 attended it, but like all other parents we paid fees.

23 So the funding that Mr Woodman provided, what was that for?

24 What did that cover?---As I said, for staffing and for the
25 running of the program. It also provided for everyone
26 that attended.

27 COMMISSIONER: So you and your son got a benefit amongst with -
28 your son with other residents there?---It was in common.

29 MS HARRIS: Do you think that that gave rise to a conflict of

1 interest situation with Mr Woodman?---At the time I didn't
2 believe so.

3 And now?---I think I should have declared it.

4 Returning then to your meeting with - - -

5 COMMISSIONER: I'm sorry, counsel asked you how long did that
6 go on for?---Yes.

7 And you responded by saying it's now funded by - - -?---The
8 NDIS.

9 The NDIS?---Yes.

10 But how long did it go on for?---The funding?
11 Mr Woodman funding - - -?---I can't answer that. I don't know.
12 You don't know.

13 MS HARRIS: Returning to your meeting then with Mr Woodman in
14 relation to the discussion about the mayor, where did that
15 meeting take place?---At a cafe in Malvern.

16 Could we bring up image 6 and 7, please?

17 COMMISSIONER: I'm not sure if I treated the email, Stapledon
18 to Dalton of 15 May '18 as an exhibit. That's exhibit
19 186.

20 #EXHIBIT 186 - Email, Stapledon to Dalton, 15 May 2018.

21 MS HARRIS: Thank you. Is that you and Mr Woodman?---That's me
22 and that's Mr Woodman.

23 During the meeting that you just discussed?---Yes.

24 If I can indicate that that occurred on 17 October, does that
25 help to place it in time?---Thank you very much.

26 Could we play tab 3 - - -

27 COMMISSIONER: Is that currently an exhibit?

28 MS HARRIS: It's not. They are not either, Commissioner.

29 COMMISSIONER: Exhibit 187.

1 #EXHIBIT 187 - Photos of meeting between Mr Woodman and
2 Ms Stapledon.

3 MS HARRIS: How long did you meet for on that day,
4 Ms Stapledon?---I would have thought it would have been
5 three-quarters of an hour, but I don't have a clear
6 recollection.

7 Could we play the call at tab 3, please? Commissioner, could
8 I be seated while this is played, please?

9 COMMISSIONER: Yes, of course.

10 MS HARRIS: Thank you.

11 (Audio recording played to the Commission.)

12 MS HARRIS: Ms Stapledon, is that the phone call arranging the
13 meeting that we saw photos of?---I think there might have
14 been a little prearranging prior to that, from the
15 transcript.

16 But this refers to the meeting that we saw photos of; is that
17 right?---Yes.

18 Why was it necessary for you to meet somewhere out of the
19 way?---I don't think I would have felt comfortable talking
20 to anyone about the mayoralty at Bunjil Place, for
21 example.

22 It's quite a way out of the way, isn't it, East
23 Malvern?---Well, yes, it is, but I didn't choose that
24 location. I was trying to accommodate the requirements of
25 Mr Woodman.

26 If we can go to page 3, please, line 53. You refer to being
27 "flexible but I want to meet someone away from everything
28 cause, um, yep." So where was it that you wanted to be
29 away from?---Probably the City of Casey.

1 And why?---I think it's confidential conversations that you
2 have that you probably wouldn't like to have at Bunjil
3 Place.
4 Were you concerned you'd be overheard?---I guess I was just
5 looking for privacy, which we do sometimes.
6 You didn't think there was anywhere closer, not at the council
7 offices, that you could meet and have a private
8 conversation?---Well, yes, we could have, but Mr Woodman
9 had to be in Melton.
10 Considering you'd been discussing the mayoral vote?---Yes.
11 Why was it private? That is, you had discussed it with other
12 councillors. You knew the position of Mr Ablett, Mr Aziz.
13 Why did you need to have a private conversation with
14 Mr Woodman?---I think because I wanted to ascertain if he
15 actually did put his support behind Mr Ablett and that was
16 a conversation I didn't feel comfortable having around
17 anywhere else, and Mr Ablett being there at the time could
18 have been near the council offices or had I chosen
19 anywhere closer I don't think it would have worked out for
20 Mr Woodman because he had to be at Melton.
21 COMMISSIONER: Mr Ablett plainly understood also that you
22 should meet somewhere where you were unlikely to be seen
23 by anyone that would know you both. Why would he think
24 that?---Could I have that question again?
25 You are both obviously ad idem. You have a common
26 understanding that, "We need to be meeting away from where
27 we'll see anyone that knows us." Why would either of you
28 think that necessary?---I can't answer for Mr Ablett, but
29 I can answer for me - - -

1 No, no, Mr Woodman?---Mr Woodman?

2 He plainly says - he says there in terms, "We'll arrange to
3 meet somewhere away from everyone"?---I can't answer for
4 him either. I can only answer for me.

5 MS HARRIS: If we go to page 5, please, line 106. That's the
6 comment the Commissioner is referring to. "It's very
7 secluded as far as knowing that we're talking to each
8 other." Do you see line 106?---Thank you.

9 "Very secluded as far as knowing that we're talking to each
10 other." To the best of your knowledge, did Mr Woodman
11 have concerns about you being seen together?---I'm not
12 sure if I indicated to him earlier what it was I wanted to
13 meet him about, so I can't answer that clearly. But he
14 knew that I wanted to - I think I - I think it's obvious
15 he knew I wanted a private meeting.

16 Was that the reason that ultimately a message was passed
17 through Lorraine Wreford to create distance between you
18 and Mr Woodman, so Mr Aziz didn't know that the message
19 had come from Mr Woodman?---Could I have that question
20 again, please?

21 What was the reason Lorraine Wreford passed the message on to
22 Mr Aziz and not to Mr Woodman?---I don't know. That was
23 his decision. What I would say is that there was a close
24 relationship between Mr Aziz and Ms Wreford, so maybe he
25 felt it was better with her talking to him than himself.
26 I don't know. Apart from that, I don't know.

27 Not to ensure Mr Aziz didn't - not to ensure Mr Aziz
28 was - sorry, let me try that again. It wasn't to ensure
29 that Mr Aziz didn't know the two of you were meeting?---To

1 the best of my knowledge, I don't know.

2 Earlier in the conversation, if we go to page 2, at line 18

3 Mr Woodman refers to "an amazing result with the

4 helicopter, more than usual". And you go on to say that

5 you raised somewhere between 90 and 100,000. What's that

6 in relation to?---That's Casey Cardinia Foundation. It's

7 a foundation that raises funds for people in need and we

8 have a major fundraiser every year and that money is

9 converted into grants that we give out to the community.

10 So, I was a council rep on that board and that was one of

11 the things that Mr Woodman donated each year. Sorry, it

12 was the thing, I should say.

13 And then finally later in the conversation at page 6 you refer

14 to the Aids Foundation. Was that something that

15 Mr Woodman was also donating to?---Yes, it is. That was

16 aiding Casey education. I was an independent board member

17 on that board.

18 Commissioner, I tender that conversation dated 14 October 2018.

19 COMMISSIONER: Can I have the date again, please?

20 MS HARRIS: 14 October 2018.

21 COMMISSIONER: Thank you.

22 #EXHIBIT 188 - Recorded conversation between Ms Stapledon and

23 Mr Woodman on 14 October 2018.

24 COMMISSIONER: Do you think, Ms Stapledon, that your

25 description of your relationship with Mr Woodman as an

26 acquaintance is accurate?---I couldn't think of another

27 word, sir, but I couldn't describe it as a friend. He was

28 a supporter and a contributor. Philanthropist, if you

29 like.

1 MS HARRIS: Could we have tab 170, please. If we just scroll
2 down, it's an SMS message. "Lorraine has passed on the
3 message to Sam loud and clear. All good and looking
4 forward to the year ahead with excitement. Thanks and
5 good to catch up." Was that a message you received from
6 Mr Woodman?---Yes, it was.
7 And what was the message being passed on to Sam?---I believe it
8 was to consider supporting myself for mayor.
9 For mayor?---Mmm.
10 I tender that, Commissioner.
11 #EXHIBIT 189 - SMS message.
12 MS HARRIS: Your evidence earlier was that it was your
13 understanding that Mr Woodman did not expect anything in
14 return for him helping you become mayor; is that
15 right?---Correct.
16 That was your understanding at the time back in October
17 2018?---Correct.
18 Is it your understanding now?---To the best of my knowledge,
19 yes.
20 Could we play tab 195, please? It's exhibit 39.
21 (Audio recording played to the Commission.)
22 MS HARRIS: Ms Stapledon, that's a phone call between John and
23 Heath Woodman?---Yes.
24 That would suggest that Mr Woodman perhaps did expect something
25 in return, wouldn't it?---Only he can answer that because
26 I didn't get that impression.
27 The inference that could certainly be drawn from that phone
28 call was that that was his expectation. You would agree
29 with that, wouldn't you?---It could be drawn that that was

1 his impression.

2 You would agree with what I said, that the inference could be
3 drawn from this conversation that he expected something in
4 return?---He may have expected something in return. It
5 doesn't mean that I had that - I was in agreement with
6 that.

7 Do you agree that the inference could be drawn from
8 the transcript in front of you that that was his
9 position?---Yes.

10 What had Mr Heath Woodman done for you that you were
11 appreciative of?---I have no idea. Mr Woodman wasn't
12 speaking on my behalf. He was speaking to his son about
13 something I'm actually not privy to.

14 Have you had any business or financial involvement with
15 Mr Heath Woodman?---No, I've had no financial or business
16 involvement that I'm aware of. I certainly believe he
17 wasn't a donor to my campaign. What I am aware of is that
18 with the introduction by Ms Schutz that there was a
19 working group headed by Wolfdene Foundation, which was
20 part of - Mr Heath Woodman was part of the Wolfdene
21 development, that that was building homes for people with
22 disability.

23 I'm sorry, I missed what was your involvement with
24 that?---I was privy to it. I was a board member on the
25 Blairlogie Living and Learning Centre board, so I was
26 privy to that information, but there was no direct link
27 because my son would never have benefited from that. That
28 wasn't - the model that they were looking at would not
29 have suited my son.

1 Did you express any appreciation to Mr John Woodman during your
2 meeting on 17 October?---I can't recall if I did, but
3 I might have.

4 About any support that he might have given you or that his son
5 might have given you?---I think about the project. It
6 would have been about the project. But the appreciation
7 wasn't of any gain to me. It was something - it was an
8 arrangement that to the best of my knowledge the Wolfdene
9 Foundation were going to build a house for Blairlogie
10 Living and Learning Centre and because of the introduction
11 of the NDIS was going to allow Blairlogie the capacity to
12 pay it back and own it.

13 He says that "She's 100 per cent behind us". What did you say
14 to him to give him that impression?---I have no idea.

15 COMMISSIONER: Your support for the rezoning had been made
16 clear in your various discussions with Mr Woodman?---If
17 we're talking early days - are we talking about Cranbourne
18 West, sir? Yes. In early days, before I had a conflict,
19 I was supportive of it, yes.

20 Now, we need to be careful here. "Before I had a conflict".

21 What date are we talking about before you had a
22 conflict?---Well, in 2013.

23 And your view of the need for the rezoning presumably didn't
24 change; it's just that you're saying you thereafter didn't
25 sit on any council motions. Is that your point?---There
26 was no reason for my view to change. I just made sure
27 I wasn't involved.

28 So did your view remain the same?---Yes, it did, sir.

29 And you are not suggesting you didn't have any discussions with

1 Mr Woodman after 2013 about the rezoning, are you?---None
2 that I can recall, sir.

3 So you think it's possible that between 2013 and 2019 you may
4 not have ever had any further conversation with Mr Woodman
5 about the rezoning of Cranbourne West?---Not that I can
6 recall, sir.

7 MS HARRIS: During that meeting of 17 October, did you have any
8 discussions with Mr Woodman about matters that were before
9 council in which he or his son had an interest?---There
10 was a discussion about Morison Road, which was a matter
11 that I had declared a conflict of interest in, and that
12 was an issue with - a dispute between a local developer,
13 the Clarkson family, and Wolfdene. I don't recall saying
14 anything, but I do recall Mr Woodman talking about that.

15 And you didn't respond, is that your evidence?---I don't
16 remember what I said, I'm so sorry, I don't.

17 What about the H3 Intersection?---Evans Road are you referring
18 to?

19 Yes?---Yes. I don't recall talking about that either.

20 You don't recall talking with Mr Woodman about that on
21 17 October?---No, I don't.

22 Wolfdene was involved in the H3 intersection?---They were.

23 That's correct, isn't it?---That's right.

24 Had you offered to provide any support to Wolfdene or the
25 Woodmans in relation to that application?---Not with that
26 application. What I had spoken to Mr Woodman about, as
27 best as I can remember, was about trying to end the turf
28 war. There was a turf war between two developers. It had
29 blown out between two councillors and the council officers

1 were getting involved and I was acutely aware that the
2 community were also very concerned because it was
3 impacting on them. What I spoke to Mr Woodman about, from
4 recollection, was that if I was mayor I'd be seeking to
5 get some reconciliation between council officers,
6 developers and business people, not just Wolfdene. There
7 was a problem with the way that we were treating a number
8 of our developers and a number of our businesses and I was
9 concerned about that.

10 So you did have a conversation with Mr Woodman about the H3
11 matter on 17 October?---I had a discussion about trying to
12 end the turf war, not about the issue itself. It's around
13 the impact of that issue, I believe.

14 What did he say his concerns were from his end of
15 things?---I can't recall.

16 Did he indicate to you that timing of the intersection was a
17 concern to him, that he wanted it done quickly?---He could
18 have.

19 Well, did he?---I can't recall. I don't know. I can't recall.

20 Do you think that something you might have said during that
21 meeting might have caused him to believe you were behind
22 them, that is he and Mr Heath Woodman, in relation to the
23 H3 matter?---The only thing I can reiterate is what I said
24 about trying to end the turf war. That was something
25 I was very - - -

26 So is the answer to my question "yes" or "no"?---Potentially.

27 You had a conflict in relation to the H3 intersection
28 matter?---I did.

29 You have indicated that?---Mm-hm.

1 Did you declare a conflict when those matters came before
2 council?---I believe I did.

3 What involvement then did you have, other than the discussion
4 on 17 October, in the H3 matter?---I had a discussion at
5 the Sandhurst Club with a resident representative.

6 Who was that?---That was Mr Walker, Ray Walker.

7 Yes?---Ms Schutz, and I had a recollection that Ms Wreford was
8 to be there. I'm not sure if she was or not.

9 So that was at the Sandhurst Club?---It was.

10 When was that?---November of 2018, I believe.

11 And what was discussed during that meeting?---I didn't recall a
12 great deal about that meeting other than I was trying to
13 ascertain if there was a willingness to come around the
14 table with the other developer, Dacland, and to try to put
15 an end to this turf war.

16 Why were you involved in it, given you had declared a conflict
17 of interest?---Yes, and that's another meeting perhaps
18 I shouldn't have attended but I felt I was addressing the
19 issue - sorry, not the issue, I was addressing the
20 problems associated with this issue, not the issue itself.
21 So my intention, which I did follow through on, was to get
22 officers, and not me, to meet with Dacland and Wolfdene to
23 try and find some common ground.

24 In terms of when a councillor declares a conflict of interest,
25 what's your understanding of what involvement they can
26 have in a matter in which they have declared a
27 conflict?---Yes, a meeting wouldn't be the best look. But
28 as mayor I felt some level of responsibility to try and
29 not to show favour, but to try and get a resolution

1 between these two developers. It was ugly. The whole
2 thing was very ugly. It was affecting the community and
3 it was affecting our council.

4 But my question is what's your understanding of, leaving aside
5 the meeting, what's your understanding of what involvement
6 a councillor can have in a matter that they have declared
7 a conflict of interest in?---Zero.

8 So that would include, would it, not having conversations or
9 being part of pre-council conversations where the matter
10 is before council?---Correct. That's right.

11 COMMISSIONER: Has that always been your understanding?---It
12 has been.

13 You shouldn't do that?---Yes.

14 What's your knowledge of the extent to which your fellow
15 councillors over the time you were on council also
16 understood that?---I think it was pretty well understood.
17 I don't have any reason to believe otherwise.

18 MS HARRIS: Certainly not appropriate to try and influence or
19 lobby councillors; would you agree with that?---Agreed.

20 Was that something that you did?---I don't believe so, no.

21 Try and influence how councillors voted in relation to

22 H3?---No, I don't believe so.

23 Because that would be quite improper, wouldn't it?---Yes.

24 Unethical?---It wouldn't be the right thing to do.

25 Do you think it would be unethical?---Well, it wouldn't be the
26 right thing to do.

27 You wouldn't go as far as to say unethical?---I'm not going to
28 commit to that. I haven't thought that through. But it's
29 a conflict of interest, yes.

1 You've indicated you've met with Mr Woodman and Ms Schutz. Did
2 you meet with any parties from the other side of the H3
3 matter?---No, I didn't.

4 If you are attempting to broker a deal, for want of a better
5 expression - - -

6 COMMISSIONER: Mediate.

7 MS HARRIS: Mediate, thank you, that is the better expression,
8 why not meet with both sides?---Yes, that's a good point.
9 I went back to council and I asked that a joint meeting
10 between Dacland and Wolfdene take place to try to resolve
11 the issue and one that I wouldn't be present at. I didn't
12 want to be part of influencing - I guess I don't recall
13 why - how I attended that meeting at Sandown. I remember
14 being there and I just remember walking away thinking,
15 "I've got to get a meeting together between the two," and
16 so instead of stepping out with a group that I don't know,
17 I don't know Dacland at all, I asked the officers to meet
18 with both parties.

19 Do you know if that occurred?---Yes, it did.

20 It did occur?---Mm-hm.

21 Did you have any conversations with the CEO about trying to
22 mediate this dispute?---Yes. Yes, I did. I can't recall
23 whether I asked Mr Fitchett, who was the director of
24 planning, or if I asked Mr Patterson, our new CEO, whether
25 he would broker the meeting. But I remember him, as best
26 as I can, reporting back to me that the meeting took place
27 but there was no resolution.

28 This Commission has heard evidence that often prior to a
29 council meeting there will be a pre-meeting about things

1 that are to be discussed?---That's right.

2 Do you know what I'm talking about?---Yes, I do.

3 We've heard that the H3 was something that was discussed at

4 those pre-meetings?---Mm-hm.

5 Were you in attendance at that time?---I would have - to the

6 best of my knowledge I would have removed myself from

7 those discussions.

8 Do you have a recollection of doing that?---I don't have a

9 recollection of staying in a meeting, at a pre-council

10 meeting in relation to that. The same applied for

11 Cranbourne West, Morison Road, Pavilion Estate.

12 Did Mr Woodman, that is John Woodman, ask you to do anything to

13 assist with the H3 matter?---Not that I can recall.

14 If we could pull up images 19 and 20, please. It's exhibit

15 124, Commissioner. Is that the meeting or are they photos

16 of a meeting that you recall having?---Yes.

17 And does that assist you with whether or not Ms Wreford was

18 present?---She was there.

19 What role was she playing in relation to the H3?---Yes, I'm not

20 entirely sure. I think I was - I can't recall whether

21 I requested the meeting or whether she asked me to attend.

22 So it became obvious that she had some knowledge of that

23 matter.

24 And what role was she playing?---She didn't declare a role, but

25 I did know that she was a State Government lobbyist.

26 COMMISSIONER: Sorry, she's a friend?---She's a friend.

27 So you surely know why she was there?---Well, we were

28 there - for me, I can only talk why I was there.

29 No, surely Ms Wreford told you why she was there?---Yes, and

1 I wish I could remember it. I'm sorry, sir, I'm not
2 trying to frustrate you. I'm telling the honest truth.
3 I can't remember whether I requested that meeting or
4 whether Ms Wreford requested that meeting.

5 In either event, whether it was you or her that requested the
6 meeting, did you not know why Ms Wreford was
7 present?---I suppose a friendly face, I guess. But I know
8 why I was there.

9 You're discussing a planning issue, aren't you?---I wasn't keen
10 to discuss a planning issue. I was keen to find a way
11 forward between the two - - -

12 However keen you were, the meeting was to discuss a planning
13 issue, wasn't it?---Yes.

14 And Mr Walker - you knew Mr Walker's position?---He was the
15 resident representative.

16 Yes. Why was Ms Wreford there? Who was she representing?

17 Ms Stapledon, you won't find the answer to that by looking
18 at the image?---I'm sorry, sir.

19 Why was Ms Wreford there?---At a guess, she was representing
20 Wolfdene.

21 Yes. Why was it so hard to get there?---Because I have a very
22 vague memory of that meeting, sir, I'm sorry.

23 But you didn't have someone there representing the contrary
24 interest, did you?---No, I did not.

25 MS HARRIS: So was it your understanding then that everybody
26 attending that meeting had some interest or association
27 with Wolfdene?---No, I believed that Mr Walker was
28 representing the residents.

29 Does it come as a surprise to you to know that Mr Walker was

1 paid to lobby in relation to H3?---I didn't know that at
2 that time.

3 When did you find that out?---In recent times, since the IBAC
4 inquiry has been occurring.

5 Other than this meeting that we can see on screen, did you have
6 any other communication with Ms Wreford about the H3
7 intersection?---I can't directly remember that, no.

8 I can't directly remember that.

9 COMMISSIONER: Were you good friends, you and

10 Ms Wreford?---Yes, I would say we were friends.

11 So did Ms Wreford ever tell you that she was on Mr Woodman's or
12 Watsons' behalf paying Mr Aziz for various services?---No,
13 sir.

14 Never - - -?---Never.

15 Never gave you the slightest inkling about any of that?---Not
16 until the IBAC inquiry and I think she told me he
17 was - her words where he was "a bad man". But, no, she
18 didn't.

19 MS HARRIS: So just so I understand the extent of your
20 involvement?---Yes.

21 You categorise it, do you, as being involved in the resolution
22 of the dispute between the parties as opposed to anything
23 to do with the merit of the planning matter. Would that
24 be a fair way to categorise it?---That was what I was
25 hoping to achieve, yes.

26 Whether you achieved it or not, is that what happened?---That's
27 why I was there, yes.

28 Did you ultimately become involved in the planning matter?---In
29 what way do you mean?

1 In any way?---Well, I think being there in the meeting wasn't a
2 good look. That was number one. The other was around the
3 request to have Wolfdene meet with Dacland. More than
4 that, I remember my ward partner, Mr Rowe, speaking to me
5 about the matter and that's my - that is the extent of my
6 recollection.

7 Because this was a matter where there was division in the
8 council?---Yes.

9 That's a fair summary, isn't it?---Yes, it was ugly.

10 Did you have conversations, other than with Mr Rowe, with any
11 other councillor about this matter?---No. No, that's not
12 true. Councillor Rosario, I think, made a phone call to
13 me the morning after there was a decision made on - one of
14 the decisions made for the H3.

15 And what was the context of that?---The context of that was
16 that he was concerned that Mr Aziz had asked him or had
17 berated him for voting in a particular way, and to which
18 I replied, from the best of my ability to remember, that
19 he was to vote whichever way he felt appropriate.

20 Did Mr Woodman or anyone working for him, that is Ms Schutz,
21 Ms Wreford, provide a motion to council?---Not that I'm
22 aware of. Because I'm at that stage, except for that
23 voluntary involvement that I should not have done, I was
24 off all conversations in relation to that.

25 Were you?---Yes.

26 Off all conversations in relation to H3?---Yes, and other
27 things that I had a conflict on.

28 Sorry, I missed the last bit of what you said?---Sorry?

29 I missed the last bit that you said?---Sorry. And other

1 matters that I had a conflict on. To the best of my
2 ability I would have stayed off those matters.

3 Could we play tab 64, please. It's not an exhibit,
4 Commissioner.

5 (Audio recording played to the Commission.)

6 MS HARRIS: No, that's not it. Can we stop that, please?

7 That's the wrong one. Perhaps while that's being done, if
8 I can indicate that this is a clip of a call between the
9 witness and Mr Aziz on 19 November 2018, Commissioner.

10 (Audio recording played to the Commission.)

11 MS HARRIS: That's not you staying out of it, is it?---Pardon?
12 That's not you staying out of the H3 matter, is it?---No, it's
13 not.

14 So what's going on there?---I don't recall the conversation.

15 All right. Well, if we could pull up page 1, please. Mr Aziz
16 tells you that he has a solution for Hall Road?---Yes.

17 Do you remember him indicating that to you at some stage?---No,
18 I don't.

19 But you'd heard it was "in the wings" because you indicate that
20 at line 11. What had you heard?---Could I just ask the
21 date of that the phone call?

22 Yes, 19 November 2018?---That was before or after my meeting
23 with - - -

24 The meeting was 17 October?---Thank you.

25 But that's the meeting with Mr Woodman. Are you referring to
26 the meeting with Ms Schutz and - - -?---Ms Schutz.

27 One moment, or two moments. 14 November?---Thank you.

28 COMMISSIONER: What did you want to look at,

29 Ms Stapledon?---Sorry, no, no, I've got sufficient - - -

1 Are you all right?---Yes, thank you.

2 MS HARRIS: So where you said you'd heard it was "in the

3 wings", who had you heard that from?---Where is that?

4 This is line 11. You say, "Oh, good, I heard this was all in

5 the wings, so that's good."?---I actually don't recall

6 that conversation.

7 What did you consider was "in the wings"?---If I recalled the

8 conversation I could give you that answer, but I can't.

9 What did you discuss during the meeting with Ms Wreford and

10 Ms Schutz that would indicate there would be a solution to

11 Hall Road?---I can't recall that. I'm honestly not trying

12 to frustrate you. I can't recall.

13 COMMISSIONER: And did you then implement Mr Aziz's

14 request?---I recall the - - -

15 As the mayor?---I recall the meeting at the Sandhurst Club with

16 an intention to speak to one of the officers to organise a

17 meeting with Wolfdene and with Dacland, so I'm

18 wondering - - -

19 No, but here Mr Aziz is telling you what you need to then do.

20 Did you do that? Did you do what he asked?---What I'm

21 trying to say is I did speak to either Mr Patterson or the

22 director of planning.

23 Yes?---Asked for a meeting. My recollection was that was

24 prompted by my meeting at the Sandhurst Club, which would

25 coincide with what Mr Aziz is saying there.

26 MS HARRIS: Why did you have to "drive the solution with

27 Glenn"? Mr Patterson, I assume that is?---I think it was

28 at that point I should have pushed back on Mr Aziz. He

29 obviously saw that I could do that for him.

1 Why you?---Well, the mayor. He mentioned the mayor.
2 He goes on further down at line 19. Mr Aziz says, "We need to
3 get Damien on board," and you say, "Yep, not a problem."
4 What did that mean, "Get Damien on board"? What did you
5 understand that to mean?---I still can't recall the
6 conversation, I need to be clear there, but that to me
7 means that he wanted me to speak to Damien.
8 COMMISSIONER: Damien?---Sorry, then Councillor Rosario,
9 Mr Rosario.
10 MS HARRIS: Did you have a conversation with Councillor Rosario
11 about the H3?---I did, in relation to him voting the way
12 he wanted to. That's my recollection.
13 So you didn't carry out Mr Aziz's direction that getting Damien
14 "on board"?---I would hope not. I don't recall.
15 Was "on board" a reference to supporting Wolfdene's
16 position?---I think it was referring to the plan that
17 Mr Aziz had to find a solution. We all needed a solution.
18 Did that involve supporting Wolfdene's position?---I don't
19 know.
20 As you sit here now, you don't recall whether or not that was
21 the case?---I don't.
22 He said, "You need to work with Wayne to get Tim on board," and
23 you say "Okay"?---Mm-hm.
24 Did you have a conversation with - is that Wayne Smith?---Yes,
25 Mr Smith.
26 Did you have a conversation with Wayne Smith about getting Tim
27 on board?---Not that I recall.
28 Given that you've indicated to the Commissioner earlier that
29 that would be a completely inappropriate thing to do,

1 that's something you'd remember, isn't it?---You would
2 hope so, but I don't, and I'm not lying.

3 You have no recollection of speaking with Councillor Smith
4 about Tim Jackson? Is it Tim Jackson?---No, I don't.

5 Did Mr Jackson or Mr Rosario - perhaps I'll ask it this way.
6 Mr Rosario and Mr Jackson initially opposed the motions
7 moved by Mr Aziz; that's correct, isn't it?---I believe
8 they opposed the current - that recommendation for Hall
9 Road.

10 Ultimately when the matter came before council on the last time
11 in December 2018, were they in support of
12 the motion?---I don't recall.

13 Mr Aziz indicates on page 2, "There's a solution that's clever,
14 it'll take the heat out of everything, may not be entirely
15 cost neutral to council, there might be a couple of
16 hundred thousand dollars in it, but it will negate the
17 safety issue." And you indicate, "Love it, love it, love
18 it. Happy to do all that." You weren't aware at that
19 point in time what the position was that he was putting
20 forward, were you?---No, I think I was referring to - at a
21 guess, I think I was referring to the fact that there
22 might be a solution.

23 But you say "Happy to do all that"?---Yes.

24 You don't know what you're agreeing to, do you?---No.

25 You didn't know what the cost would be that he's referring to,
26 what that cost related to; that's right, isn't it?---Yes,
27 that's correct.

28 But you were prepared to accept what Mr Aziz said without
29 knowing the merit of what he was putting to you; that's

1 right, isn't it?---I think I was trusting that he had a
2 plan.

3 Is that what you recall?---No. I'm guessing.

4 Why would it bypass a requirement to have a meeting?---I'm not
5 sure.

6 That's your comment at line 34?---Mm-hm.

7 You say at 32, "Right, yep, sounds good, and that will", at 34,

8 "bypass any requirement to have a meeting." Why would it

9 bypass the requirement to have a meeting?---It might be

10 that Councillor Aziz was going to approach the council

11 officers. That happens from time to time. And put

12 something forward and they might say, "Yes, that sounds

13 like a good idea" or "No, that isn't a good idea."

14 And then it would not be required to go to a meeting, is that

15 right?---I think he's talking about a - well, I don't know

16 whether he's talking about a council meeting or an officer

17 meeting.

18 It's you?---Oh, me. I can't answer.

19 COMMISSIONER: Can you just remind me, Ms Stapledon, what was

20 the reason why you had a conflict of interest on

21 H3?---Well, I felt at that stage - well, actually

22 Mr Woodman was involved in the town planning aspect of

23 that development. It wasn't actually a conflict of

24 interest with Wolfdene per se, it was because Mr Woodman

25 was the town planner.

26 What interest did you understand he had in H3?---Well, as the

27 town planner I suppose he would want to see an outcome, he

28 would want to see an outcome for the work that he's doing

29 with Wolfdene.

1 You understood he had a financial interest in H3 being resolved
2 in a particular way?---No, I didn't.
3 What was his financial interest?---I'd imagine his financial
4 interest is that his company would have been paid for his
5 services.
6 To do what?---Town planning, any consultation in that area.
7 But who was he acting for?---Watsons.
8 And what was Watsons' interest?---I can't answer more than
9 that. I would believe they were offered services for town
10 planning and they were billing them accordingly. Urbis
11 were Dacland's town planners.
12 What was the source of your information that led you to think
13 Watsons had an interest in H3?---I understood that Watsons
14 were the town planners for that development.
15 Where did you get that idea from?---I don't know, but I just
16 knew it, so I got out of the room.
17 MS HARRIS: Ms Stapledon, there's another clip of the same call
18 between you and Mr Aziz that I would like you to listen to
19 at tab 65, please. So this is the same call on the same
20 day?---Yes.
21 (Audio recording played to the Commission.)
22 MS HARRIS: If we can go back to the start of that, please.
23 Who do you understand the "Blood Donor" to
24 be?---Mr Woodman.
25 COMMISSIONER: What's the date of that, please?
26 MS HARRIS: I'm sorry, 19 November 2018.
27 COMMISSIONER: Is that part of the same conversation as the
28 last?
29 MS HARRIS: Yes, both tab 64 and 65.

1 COMMISSIONER: I will mark that exhibit 190A and B.
2 #EXHIBIT 190A - Recorded conversation between Ms Stapledon and
3 Mr Aziz on 19 November 2018.
4 #EXHIBIT 190B - Recorded conversation between Ms Stapledon and
5 Mr Aziz on 19 November 2018.
6 MS HARRIS: Why was he called the "Blood Donor"?---I understood
7 Mr Aziz referred to him as Blood Donor. I didn't use that
8 term myself. Because he donated to people's campaigns and
9 there was another reference to him as Blood Donor because
10 of his donations to charities and foundations.
11 Mr Aziz indicates at line 69, "Those two ideas have come from
12 him, so we've got to work on getting them developed." Do
13 you see where I'm referring to?---Yes, I do.
14 So those ideas had come from Mr Woodman, hadn't they?---That's
15 what he's saying, yes.
16 The ones that he wanted you to drive with Mr Patterson?---Yes.
17 Why then was it important that you work on getting those ideas
18 developed?---You'd have to ask him that. But from my
19 point of view it would be about getting an outcome that
20 was suitable for the community.
21 And in the best interests of Mr Woodman?---No, the best
22 interests of the community.
23 You didn't take that comment to mean getting them developed,
24 that is the ideas, in favour of Mr Woodman's interests?
25 You didn't understand that comment to be
26 that?---I understood that he was aware that I wanted to
27 find a solution to this issue and that he had some ideas.
28 That's not what it says. It says, "Those two ideas came from
29 him." You knew "him" to be Mr Woodman, didn't you?---Yes,

1 I did.

2 "So we've got to work on getting them developed." What did
3 that mean to you?---Well, he's wanting to, I guess, get
4 them ready to go to council, I would imagine. Either that
5 or driven behind the scenes with the council officers.

6 COMMISSIONER: What counsel is asking you is having said the
7 ideas have come from Woodman, "So we've got to work on
8 having them developed," what did you understand Mr Aziz
9 was saying to you?---He's saying that he's got two ideas
10 to resolve the issue.

11 From Woodman?---Yes, from Mr Woodman.

12 Which have got to be developed. You didn't know what they
13 were, did you?---No.

14 But you were going to do them anyway?---No, I was going to see
15 them.

16 I'm sorry, I thought - - -?---He said, "We've got to work on
17 getting them developed."

18 My impression was you were agreeing that you would get them
19 developed. Isn't that the effect of what
20 follows?---I believe what I'm saying there is that, "Yep,
21 love the fact that there's something on the table that
22 might get a resolution to this issue."

23 MS HARRIS: And the next comment, "Whatever you need,
24 Sam"?---Yes, my common phrase to Mr Aziz was, "Whatever
25 you need," but usually I say, "as long as it's legal and
26 moral."

27 Do you? That's what usually follows that comment, is
28 it?---Yes.

29 So in other conversations you've had with Mr Aziz where you've

1 said, "Whatever you need, Sam," would be followed by "as
2 long as it's legal and moral." Is that your
3 evidence?---That's what I'm saying, yes.

4 COMMISSIONER: Ms Stapledon, what do you understand is the
5 reason why we have conflict of interest laws?---So that we
6 don't show favour for interested - - -
7 Or the appearance of favour?---Or the appearance of favour,
8 sir.

9 So, you can sit in the witness box until the cows come home
10 saying, "I only do what's in the best interests of the
11 community," but if you've received benefits from
12 Mr Woodman, no one will ever know for sure what the reason
13 is for why you are supporting his ideas. That's the
14 problem, isn't it?---Yes, it is.

15 Yes, Ms Harris.

16 MS HARRIS: And you say to Sam, "Whatever you need, Sam. Told
17 you that"?---Mm-hm.

18 That suggests you've told him that before?---I have, yes.
19 Whatever he needs in relation to the H3, is that?---No, no, in
20 relation to him fulfilling the goals that he had more or
21 less to do with smart cities.

22 If we go over the page, please, Mr Aziz says at line 82, "So
23 we'll sit together once I get all the details," and you
24 say, "Yep, great." "And then we'll design the strategy."
25 "Yep." "And then we'll just go for it." That suggests
26 you were going to be involved in that strategy, is that
27 right?---It does look that way, yes.

28 And were you going to be involved in that strategy?---I can't
29 recall that conversation. I don't know why I'm having a

1 mental blank on that, but I don't recall it. I do
2 remember a number of conversations with Mr Aziz, if
3 I could say. He would ring you up, he'd blurt things out,
4 and you go, "Yep, yep, okay, all right, we'll have a look
5 at that," and I always file it back in the back of my
6 mind, "All right, we'll look at that when it comes to be,"
7 but it was really just a way of moving through the phone
8 call and getting to it when I had something in front of
9 me, because there were lots of ideas Mr Aziz used to bring
10 forward.

11 COMMISSIONER: So let's just retrace our steps for a moment.

12 An hour ago you were saying, Ms Stapledon, that apart from
13 visiting at that cafe where you had an attempt to mediate
14 with Ms Wreford and Mr Walker, you played no other role in
15 this?---I said to the best of my - - -

16 And that's clearly not correct, is it?---I said to the best of
17 my knowledge I did not and it's clearly not correct.

18 And now you realise that's not correct?---That's correct.

19 MS HARRIS: That was something that you had forgotten, was
20 it?---It was.

21 Did you know through publicity and news articles that the H3
22 was something that IBAC was looking at?---At what stage,
23 sorry? Certainly when the inquiry was launched, yes.

24 And you didn't think, prior to coming along to give your
25 evidence, about what involvement you'd had with the
26 H3?---I thought about what involvement I had with a lot of
27 things.

28 My question was did you think about your involvement with
29 the H3?---Didn't think I had any involvement with the H3.

1 COMMISSIONER: So just going back again to the conflict of
2 interest that you stated to Ms Holly de Kretser before the
3 September meeting of 2018, you have first of all written
4 to Steve Coldham on 4 September 2018 saying, "I advise
5 that I have a potential conflict of interest with item 6.6
6 on the agenda. My conflict of interest is remote,
7 however. It relates to support that I received from
8 Watsons, who attended a number of my fundraisers during
9 the 2014 election." Then Ms de Kretser writes to you a
10 little later, an hour or so later that same afternoon,
11 saying, "You've indicated below the nature of your
12 conflict. However, to comply with the Local Government
13 Act 1989 you also need to identify the type and class of
14 interest," and then she listed them, direct or indirect,
15 and if indirect you need to determine which type of
16 indirect, and she's listed them all in bullet points. The
17 first was "By close association". You have then
18 responded, "Thanks, Holly. My conflict is indirect by
19 close association." Now, is that correct? Is that the
20 conflict that you had in relation to H3?---Indirect
21 financial.

22 Close association with who? With Watsons?---Yes.

23 Through their - - -?---Yes, it would have been Watsons I was
24 referring to, but the wrong category.

25 MS HARRIS: When Mr Aziz talks about once he has the details
26 you'll sit together and design the strategy, did you in
27 fact do that, sit with Mr Aziz and design a strategy for
28 H3?---I can't recall.

29 I'm not asking about the conversation. I'm asking did that

1 happen? Did you sit with Mr Aziz and design a strategy in
2 relation to the H3?---I can't recall now, I'm sorry.

3 COMMISSIONER: One does get the impression from these calls
4 with Mr Aziz that he seems to think you'll do what he
5 tells you?---Yes, sir.

6 Is that a misleading impression?---It's the kind of - to answer
7 your question as succinctly as possible, I was trying to
8 work with Mr Aziz, work with the ideas that he had, and
9 then I considered them when they became something that was
10 serious. I shouldn't have been doing that.

11 MS HARRIS: You concede that?---Absolutely.

12 That you shouldn't have been having those conversations with
13 Mr Aziz?---I should not have been having those
14 conversations. Well, I certainly shouldn't have responded
15 in that way.

16 And you shouldn't have been involved in the H3 matter at all,
17 should you?---I shouldn't have been.

18 Further down when Mr Aziz refers at line 94 to "getting Wayne
19 to work on Tim", what do you understand that to
20 mean?---I think he was saying that he wanted Councillor
21 Smith or Mr Smith to talk to Tim to try and convince him
22 to support whatever he's going to put forward.

23 And you ask, "You'll be with Rosie?" What did that mean?---I'm
24 not sure. It doesn't sound like an alliance. It sounds
25 like I'm asking if he's - why would I ask "Will you be
26 with Rosie" other than "Will you be with Rosie at a
27 meeting", "Will you be with Rosie" - - -

28 Because he goes on at line 98 to say, "I'd rather do is get
29 Geoff to work on Rosie."?---Yes.

1 Does that mean to support the position that you and Mr Aziz
2 strategise about?---Just a moment, sorry.

3 Certainly?---I would agree with that.

4 Is that an appropriate time for the afternoon break,
5 Mr Commissioner?

6 COMMISSIONER: Yes, certainly. How much longer do you think
7 you will be, Ms Harris?

8 MS HARRIS: Certainly into tomorrow, sir.

9 COMMISSIONER: I'm sorry?

10 MS HARRIS: Certainly into tomorrow.

11 COMMISSIONER: All right. Have a good break, Ms Stapledon. We
12 will resume in a quarter of an hour.

13 (Short adjournment.)

14 COMMISSIONER: So we will sit on until 4.30, Ms Harris.

15 MS HARRIS: Thank you, Mr Commissioner. Ms Stapledon, in the
16 call that was just played there was reference to
17 councillors working on other councillors about how to
18 vote; do you recall that?---Yes.

19 Did you ever speak to a councillor in relation to the H3 about
20 how to vote?---I hope not because of my memory. Not to
21 the best of my knowledge, no.

22 Did you ask anyone to speak to another councillor or any
23 councillor about how to vote in the H3 matter?---Not to
24 the best of my knowledge.

25 Would you agree that given you declared a conflict of interest
26 that would be an inappropriate thing to do?---Absolutely.

27 And not consistent with your earlier evidence that, other than
28 in relation to the meeting you had at the Sandhurst Club,
29 that you had no involvement in the H3?---I did say to the

1 best of my knowledge.

2 And that's simply not true, is it, it's not the case?---It's

3 not the case because I didn't recall those phone calls.

4 But it's simply not the case.

5 Having had your memory refreshed by those phone calls and the

6 opportunity of a break, do you recall now any further

7 involvement you had in the H3 matter?---No, I don't.

8 I asked you earlier what role Ms Wreford played. Did you have

9 any communication with Ms Wreford about the H3 matter

10 before council?---Not that I can recall.

11 Well, I'll give you a moment to think about it.

12 COMMISSIONER: This links in, Ms Stapledon, with my earlier

13 question about what was your understanding as to why

14 Ms Wreford was at that meeting that you had. So what

15 you're really being asked about is did you have any

16 communications with Ms Wreford in the context of the role

17 she was playing in respect to H3?---I understood the

18 question, sir, thank you. No, I don't know why I can't

19 recall, but I don't recall that.

20 All right.

21 MS HARRIS: Other than the meeting at the Sandhurst Club, did

22 you meet with Ms Wreford about the H3?---The only meeting

23 I can recall - the answer is I don't know. But the only

24 meeting I do recall is a meeting that we had in the city.

25 Where was that?---It was in Collins Street, up the top end.

26 When?---I don't recall.

27 Well, what year?---It would have been 2018, I'd imagine.

28 During the time that the matter was before council?---I can't

29 answer that, I'm sorry.

1 If I indicate that the matter was before council between
2 September and December, does that help you place the
3 meeting - - -?---Of 2019?
4 2018?---18. I'm sorry, I can't answer that. I don't know.
5 Do you know what was discussed?---Sometimes those meetings
6 could be just a catch-up. So, no, I don't remember what
7 was discussed. Well, actually, there was one thing that
8 was discussed, was that Ms Wreford did indicate that she
9 was doing some work for Mr Woodman. She didn't say what,
10 but she did say she was doing some work for him.
11 And you didn't enquire what was that?---I might have, but
12 I don't recall speaking to her further about it.
13 So the only thing you remember about that meeting was her
14 saying that she's working for Mr Woodman?---Well, doing
15 some work for Mr Woodman.
16 As a councillor that had a conflict in the H3 matter, did you
17 still receive council reports and agendas in relation to
18 that matter?---Yes. All councillors do.
19 What about any recommendations that were being made? Is that
20 something that you would get as well, even though you had
21 a conflict of interest?---The recommendations were always
22 attached to the reports which were in the agenda, so yes.
23 And is that something that if you had a conflict of interest
24 you just wouldn't trouble yourself with; is that the
25 situation?---Usually.
26 Could we have page 3432, please. Ms Stapledon, these are
27 WhatsApp messages between you and Ms Wreford. If we could
28 just scroll down, please. If we stop there, on 2 December
29 2018 you ask Ms Wreford to "Please check the agenda" and

1 Ms Wreford replies, "Which item?" Do you know why you
2 are sending that to her?---The date is 2/12/2018; is that
3 correct?
4 Yes?---No, I don't.
5 If we can go down further, please. No, other way. You are
6 asking Ms Wreford to phone you, and she indicates, "I need
7 to fill you in." That's on 4 December 2018. Can you tell
8 us what that's about?---No, I can't.
9 Did you exchange messages in this way with Ms Wreford about the
10 H3?---I can't answer that, I'm sorry.
11 Can we scroll down, please? This is at a time when the H3
12 matter is on foot. "Going up tonight?", she asks. And
13 you say "No." Is that a reference to whether or not the
14 H3 is going to council that evening?---It does look like
15 there's a question being asked about a report.
16 Yes. Can we continue down, and you send her an attachment. Do
17 you know what that is?---It's a little too small for me to
18 see, sorry.
19 Can we have image 52 and 53, please? Is that in relation to
20 the H3 matter?---It certainly looks like it's an
21 involvement in Hall Road.
22 Why are you forwarding that to Ms Wreford?---I'm probably
23 telling her it's coming to council, it's in the agenda.
24 You're telling her more than that, aren't you? You're telling
25 her what the recommendation is?---Well, if it's in the
26 agenda, then that's a public document.
27 But why are you sending it to her; that's my
28 question?---I don't know. I can only assume I'm notifying
29 her that it's coming to council.

1 COMMISSIONER: So when you say it's on the agenda, who's the
2 agenda distributed to?---It's put on the website for
3 everyone to look at. Councillors do get to see it a
4 little earlier, generally speaking, but not always.

5 And the agenda on the website would include the
6 recommendations?---Yes, certainly.

7 Which council is being asked to approve?---Yes.

8 MS HARRIS: Commissioner, I can indicate that's part of exhibit
9 31.

10 COMMISSIONER: The recommendation?

11 MS HARRIS: Yes, the WhatsApp message.

12 COMMISSIONER: Thank you.

13 MS HARRIS: Did you ask Ms Wreford to do anything in relation
14 to the H3?---At this time do you mean?

15 At any time?---Not that I recall, no.

16 Or to involve herself in any way with the H3 matter?---I have a
17 recollection of a phone call that I had with Ms Wreford,
18 I don't know when that was, just saying that I felt that
19 Mr Aziz was pushing a bit hard in relation to a matter.
20 I wasn't in the room, but I was aware that he was looking
21 very stressed. I recall asking Ms Wreford to ask Mr Aziz
22 to calm down, so I don't know if it's related to that.
23 That's the only thing that I can recall, because I was
24 very concerned about Mr Aziz's state of mind at a
25 particular time.

26 Why were you reaching out to Ms Wreford?---Because she is a
27 friend of Mr Aziz's and hence probably the only one that
28 I know of that can get through to him at particular times
29 when he's either stressed or if he's actually locked in

1 something.

2 Was it your recollection that that's in relation to the
3 H3?---I'm not sure. I'm just telling you my recollection
4 of a phone call that I had with Ms Wreford. I just don't
5 know when that took place. Apart from that, no, I don't
6 remember asking Ms Wreford to have anything to do with H3.

7 COMMISSIONER: Can there be any uncertainty in your mind that
8 the reason that you're sending this to Ms Wreford, though,
9 is in the expectation it will be passed on to
10 Mr Woodman?---I think it's an FYI, sir, an FYI, for your
11 information.

12 Yes, but what did you think Ms Wreford was wanting it
13 for?---Just to let her know that it was coming up to
14 council. That's not unusual. I have done that before.

15 Yes, but why do you think Ms Wreford wanted to know what the
16 recommendation was that was coming to council?---Clearly
17 after a meeting with her at the Sandhurst Club there was
18 some interest by her in the matter.

19 But she had no personal involvement in H3. She was obviously
20 acting on behalf of someone. Who was she acting on behalf
21 of?---Well, potentially Mr Woodman, but I can't recall
22 what my thoughts were when I sent her that.

23 MS HARRIS: So on 12 December when the message was sent, what
24 did you understand was Ms Wreford's involvement in the
25 H3?---As I just indicated, I think I sent her an FYI.
26 I didn't understand - I don't recall what I had in mind
27 when I sent that.

28 Did you ask her at any stage to speak to Mr Woodman about the
29 H3?---Not to the best of my knowledge. I am beginning to

1 get some surprises.

2 What day of the week are the agendas or is the agenda made
3 available to the public?---That changes. Sometimes it's
4 Thursday and sometimes it's Friday.

5 12 December '18 was a Wednesday?---Wednesday.

6 Is there any reason you would give that to Ms Wreford prior to
7 it being made publicly available?---Again, as an FYI to
8 say it was coming to council.

9 Could we play tab 235, please. Commissioner, perhaps I can
10 tender the images. They are separate from the exhibit.

11 COMMISSIONER: The WhatsApp or - - -

12 MS HARRIS: So the WhatsApp is already an exhibit, but if
13 I could tender the images.

14 COMMISSIONER: The attachments?

15 MS HARRIS: I'm sorry, I'm told that the WhatsApp messages are
16 not exhibit 31. They also need to be tendered. My
17 apologies, Commissioner.

18 COMMISSIONER: I'm sorry?

19 MS HARRIS: The WhatsApp messages apparently haven't been
20 tendered.

21 COMMISSIONER: All right. So the WhatsApp between Ms Stapledon
22 and Ms Wreford commencing on 2 December '18, including
23 attachments, will be exhibit 191.

24 #EXHIBIT 191 - WhatsApp messages between Ms Stapledon and
25 Ms Wreford commencing on 2 December 2018, including
26 attachments.

27 MS HARRIS: Thank you. Tab 235.

28 (Audio recording played to the Commission.)

29 MS HARRIS: What was the SOS you sent to Lorraine?---I suspect

1 I was asking her to talk to people who were involved in
2 that to see if they were okay with the recommendation.
3 So earlier when I asked you if you had asked anyone to speak
4 with any councillor you said "no"?---I said "to the best
5 of my knowledge I didn't think so".
6 You can see now or you concede now that you did ask Ms Wreford
7 to speak to people on your behalf?---Yes, I did.
8 Who was it that she was to speak to?---I guess the appropriate
9 people, Mr Woodman and potentially Ms Schutz.
10 COMMISSIONER: Ms?---Schutz.
11 MS HARRIS: You got a really good outcome as a result. What
12 was the outcome?---I would need to look at the
13 recommendation again.
14 So your reference to an outcome is the recommendation that was
15 passed, is it?---Well, I would imagine so.
16 Ms Stapledon, for somebody that claimed not to have any
17 involvement in this matter you certainly seem to be very
18 involved?---Yes.
19 Would you agree with that?---I would agree with that.
20 And this is something you say completely slipped your mind
21 until you were taken to this material today?---Yes, it is,
22 and I can assure you I'm not making it up; I'm very
23 frustrated with that myself.
24 You quite clearly didn't limit your involvement to mediating
25 between the parties, did you?---I beg your pardon?
26 You didn't limit your involvement in the matter to mediating
27 between the parties?---No.
28 In fact you knew in quite a lot of detail what the issues are
29 or what the issues were?---I was coming back with that

1 information, yes.

2 Certainly this phone indicates you knew it was over the
3 culverts and the sticking point around the dates and that
4 that was all sorted. Do you think that you should have
5 that level of knowledge in a matter that you have been
6 conflicted out of?---No, I shouldn't.

7 So what's your explanation for involving yourself in
8 it?---I wish I knew. I shouldn't have done it, and
9 I think what I was doing was trying to get a resolution to
10 a problem and I had stepped into areas that I shouldn't
11 have been stepping into. I also think that I was working
12 with Mr Aziz when I shouldn't have been doing that either
13 because of this issue. I have no other explanation. But
14 I know it's wrong.

15 I don't follow what you mean by you shouldn't have been working
16 with Mr Aziz because of the issue?---He was clearly
17 wanting me to do some things for him, which I agreed to
18 do. I don't know if I did them. As I said, I don't
19 recall a great deal about that time. But I was working
20 with Mr Aziz to get some outcomes, and I clearly shouldn't
21 have been in that space.

22 You shouldn't have been doing it at all, should you?---Not at
23 all.

24 COMMISSIONER: And at this point of time, in December '18, did
25 you have suspicions that Mr Aziz had a corrupt association
26 with Mr Woodman?---No, I did not, sir.

27 And Ms Wreford never gave you the slightest indication that
28 there was a corrupt association?---Why would it be corrupt
29 if she was working with Mr Woodman? I'm sorry, that's

1 a - if she was working for Mr Woodman, I wouldn't have
2 thought there was any corrupt situation there; whereas of
3 course with Mr Aziz it would be different, because
4 Ms Wreford is not on council.

5 You are not aware of any of the evidence that Ms Wreford
6 gave?---I'm aware of a couple of newspaper articles that
7 I couldn't avoid and a couple of things on the telly. No,
8 I was absolutely not aware of that whatsoever.

9 From those newspaper articles you were aware that Ms Wreford
10 acknowledged carrying money from Mr Woodman to Mr Aziz or
11 from Mr Aziz to Mr Woodman, and ultimately acknowledged
12 that that was improper?---Yes.

13 And you had no inkling of that at all?---Not a clue, sir.

14 And nothing that Ms Aziz was doing in asking you to implement
15 Mr Woodman's ideas or proposals gave you a moment's
16 thought that Mr Aziz might be under the influence of
17 Mr Woodman?---There could have been some influence there.
18 But, sir, if I could point out that there was one
19 councillor with one developer and there was another
20 councillor with another developer, and they were
21 absolutely vehemently opposed or wedded to their
22 respective issues.

23 Be that as it may, just sticking with the way Mr Aziz was
24 responding to proposals and ideas of Mr Woodman, did you
25 not have the slightest inkling that there might be
26 something wrong with that relationship?---No, sir.

27 Nothing? No idea at all?---No.

28 And why is it that you were responding so favourably then to
29 all of Mr Aziz's requests?---I would say two reasons. One

1 is I wanted a good outcome for this issue, because I knew
2 how fractious it was; and the second was I was probably
3 working with Mr Aziz too agreeably.

4 Yes, but why?---Well, Mr Aziz is very - what's the word? He's
5 a very forceful gentleman. He's got a great intellect.
6 He is very passionate about the things that he does. And
7 I feel that I just wanted to - because I was concerned
8 about his mental health, I was concerned about his
9 circumstances, that I wanted to make sure that he - that
10 I worked with him as much as possible.

11 So you wanted to make him happy?---Well, not quite in the way
12 you might be concerned about.

13 Well, sorry, you are saying you were concerned about his health
14 and wellbeing?---Yes. So I was trying to work side by
15 side with him. If he came to me with an idea, I would
16 think about it, I would agree to look at it or to consider
17 it, or agree to it and then look at it when it actually
18 became a reality. So I think I worked too agreeably with
19 Mr Aziz.

20 Now that your memory is refreshed, did you do that? Did you
21 take a breath after Mr Aziz had asked you to implement one
22 of Mr Woodman's ideas and stand back for yourself and do
23 some research, look at the material and satisfy yourself
24 that it was the right thing to do, or did you just do what
25 he asked you?---I can't answer that, sir.

26 Well, you should be able to?---And I should be able to.

27 I mean, you could understand why someone looking at the
28 conversations would come to the conclusion you were
29 responding positively immediately to whatever Mr Aziz was

1 asking you to do on behalf of Mr Woodman?---I was
2 responding to a councillor that wanted - was passionate
3 about driving an outcome that I too wanted, and that was
4 an outcome that was resolve the community issue. I was
5 like that with most councillors. I did want to work with
6 each and every councillor on the issues that they are
7 passionate about to support them in getting their issues
8 across the line. So in terms of - whilst this might look
9 to you like I'm working with Mr Aziz just to make him
10 happy, it wasn't. It was about getting a good outcome.
11 But it was supporting something he was passionate about.

12 A moment ago I think you said you can't remember whether you
13 undertook any research or consideration for yourself of
14 the ideas that he was wanting you to implement. Is that
15 still your state of mind?---That is still my state of
16 mind, sir. I'm just making an assumption based on the
17 conversations and certainly the issue.

18 MS HARRIS: Did you have any conversations with Gary Rowe about
19 the H3 intersection?---Yes, I did. That was before
20 I became mayor.

21 Before you became mayor?---That's right.

22 Would you agree that he was equally as passionate but was on
23 the other side of the fence to Mr Aziz?---Correct.

24 Did you engage with Mr Rowe and his ideas to the same degree
25 that you did with Mr Aziz?---Mr Rowe didn't very often
26 ring me about it. Mr Aziz was ringing me about it.

27 And the answer to my question?---Sorry. No.

28 Was that because you saw merit in one argument over the
29 other?---No, it was because one person was speaking to me

1 more than the other. So I did hear Mr Rowe speak very
2 passionately to other councillors about it, and I also was
3 aware of how strongly he felt about it. He didn't ring me
4 very often about it because, well, he knew I was
5 conflicted.

6 Were you aware of the merits of Mr Rowe's argument?---Yes.

7 Did you discuss those with Mr Aziz?---I don't believe so.

8 Did it cause you to pause when Mr Aziz came to you with these
9 kind of ideas before you committed to doing things like
10 driving matters with the CEO?---The only matter I remember
11 driving with the CEO was in relation to that meeting with
12 Woldene and Dacland.

13 And you said a moment ago that Mr Rowe knew you had a conflict.

14 Is that a reason - do you believe that's a reason why
15 Mr Rowe didn't discuss the matter with you?---Well, he did
16 discuss the matter with me, but he didn't actively pick up
17 the phone and talk to me about it, no.

18 And you believe that's because he knew you had a conflict of
19 interest?---Well, I'm assuming.

20 Mr Commissioner, I am moving on to something else but it will
21 only be very brief. I think I can canvas it in the time
22 we have left.

23 COMMISSIONER: Yes, very good.

24 MS HARRIS: During your time as mayor was Rosalie Crestani one
25 of the deputy mayors?---Yes, she was.

26 And how is it that the deputy mayor is decided on?---That's at
27 a vote. So when the mayor is voted in - the councillors
28 vote the mayor in and then we have - the chair steps down,
29 the mayor steps in and then we vote on the deputy mayor.

1 Whose idea was it to nominate Ms Crestani for deputy
2 mayor?---It wasn't mine. Do you mean the vote to actually
3 appoint her as deputy mayor?
4 Yes?---Yes. There was a group of councillors who wanted her as
5 deputy mayor.
6 Who was in that group?---I believe - a collection of
7 councillors. Mr Ablett. Mr Rowe. I think it was
8 Mr Rowe. Mr Flannery. Ms Gilic. And I think Serey,
9 I think.
10 Was it a case of brokering a deal with Ms Crestani that if she
11 voted for you as mayor that she would be given the deputy
12 mayor position? Was that arrangement ever entered
13 into?---No, but I did speak to Ms Crestani about my
14 mayoralty bid, yes.
15 And what did you say to her?---I just explained to her
16 what - I've just got to remember because there's a lot of
17 mayoralties. Did I speak to her? I spoke to her the last
18 time. I won't be a moment, sorry. I remember speaking to
19 then Councillor Crestani at the last mayoral vote because
20 she actually wanted to be mayor. I just can't remember
21 actually whether I spoke to her the mayoral vote before,
22 and that's the one you would be referring to I would
23 imagine.
24 Did you suggest to Ms Crestani that if she voted for you as
25 mayor in 2018 that you would vote for her as the deputy
26 mayor?---I don't believe so. The reason I say that is
27 Ms Gilic then asked me to vote for Ms Crestani as deputy
28 mayor and I remember saying to her I didn't think I could
29 do that.

1 Did Mr Aziz convey to you that he would like Ms Crestani to be
2 deputy mayor?---I don't recall that. But clearly there
3 was a reason for you asking that. I don't recall that.
4 Did he convey to you - no, sorry, I withdraw that. Was it
5 thought between you and - did you discuss with Mr Aziz the
6 fact that Ms Crestani would be easy to influence in terms
7 of her voting?---On the contrary, that is one woman that
8 is not easy to influence. I can't imagine me ever
9 agreeing - he might have said it, but I certainly wouldn't
10 have, because Ms Crestani is the type of person that if
11 you approach her about something she would go in the
12 opposite direction. So, no.
13 So that's not a conversation you had?---It might have been a
14 conversation we had. It's not a conversation I agreed
15 with. I don't know.
16 Because it's not your view - am I understanding you correctly
17 it's not your view that Ms Crestani could be easily
18 influenced?---No, not at all.
19 Could we play the call behind tab 129, please.
20 COMMISSIONER: Is this in evidence, Ms Harris?
21 MS HARRIS: No, Commissioner, it's not.
22 (Audio recording played to the Commission.)
23 MS HARRIS: That paints a different picture to the independent
24 thinking councillor you have just described to us moments
25 ago?---I was referring to my ability to influence.
26 COMMISSIONER: Sorry, you're in a competition to drop your
27 voices?---Sorry.
28 MS HARRIS: It's late in the day, Commissioner.
29 COMMISSIONER: Could you ask the question again and you then

1 give the answer?---Thank you.

2 MS HARRIS: What was it that you thought or why was it that you
3 thought Mr Ablett could influence Rosalie?---He seemed to
4 have that ability. So if we were keen to progress an
5 issue, if Geoff was on board she seemed to listen to
6 what - sorry, Mr Ablett had to say.

7 So that's quite different to what you said earlier about her
8 being quite independent and doing the opposite thing to
9 what somebody told her to do; isn't it?---Well, it is.
10 But I think in hindsight I was referring to me.

11 I couldn't influence Ms Crestani on anything.

12 But your view is Mr Ablett could; is that right?---It would
13 seem that way.

14 Was that your view? Don't worry about this
15 conversation?---Yes, it is my view; yes, that's right.

16 When it came to important matters of voting, what did you
17 consider important matters to be?---Issues that we were
18 keen to get across the line, because it all comes down to
19 the numbers.

20 Issues involving John Woodman's interests?---I think issues in
21 general.

22 Is that an appropriate time?

23 COMMISSIONER: Just before we adjourn, Ms Stapledon, assume for
24 a moment that you have a council - I'm not now speaking
25 about council but theoretically. Assume you have a
26 council where you have a councillor who has a clearly
27 criminal and corrupt relationship with a developer for the
28 purpose of getting the council to pass motions in favour
29 of the developer's interest. That won't occur unless

1 there's another group of councillors that can be
2 manipulated, coerced, induced to support those proposals;
3 do you agree with that?---I would. It comes down to the
4 numbers.

5 And looking then at Casey do you see a group of councillors who
6 were easily manipulated?---The alliances on council
7 changed and that happened often and it depended on who was
8 getting along with who and what the issues were at hand.
9 In retrospect, I could say possibly. At the time,
10 I didn't have a clue; I didn't see this.

11 You weren't conscious of that at the time?---No.

12 But looking back you can see how that might have
13 occurred?---Potentially.

14 This might be a convenient time. 10 o'clock tomorrow morning?

15 MS HARRIS: Yes, thank you, Commissioner.

16 COMMISSIONER: Have a good night, have a break, and we'll see
17 you - hopefully you will be finished well before lunch
18 tomorrow.

19 MS HARRIS: I'm not sure "well before", Commissioner.

20 COMMISSIONER: All right.

21 MS HARRIS: We will be finished tomorrow.

22 COMMISSIONER: Have a good break.

23 WITNESS: Thank you.

24 <(THE WITNESS WITHDREW)

25 ADJOURNED UNTIL TUESDAY, 17 MARCH 2020 AT 10.00 AM

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