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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 COMMISSIONER: Yes, Ms Harris.

2 MS HARRIS: Thank you, Commissioner. Could we call Amanda
3 Stapledon, please.

4 COMMISSIONER: Yes. I note for the record that whilst we are
5 no longer admitting the public to our hearings for health
6 reasons, the proceedings are being live-streamed.

7 Mr Bongiorno, you appear for Ms Stapledon?

8 MR BONGIORNO: That's correct, Commissioner.

9 COMMISSIONER: Very good. Would you come forward, please,
10 Ms Stapledon. Have a seat in the witness box, would you?
11 Ms Stapledon, I'm the IBAC Commissioner. We are
12 conducting this public hearing. I would like to just
13 emphasise a couple of things to start with. Ms Harris is
14 authorised to ask you questions. She will assist me.
15 Mr Bongiorno will be able to ask you questions at the
16 conclusion of your evidence if it's thought that there's
17 any further evidence that you need to provide that would
18 better explain or further elucidate things that you have
19 said during the course of your evidence. If at any stage
20 in the course of questioning you don't understand a
21 question, please indicate, and this is not a memory
22 competition, so if you don't remember something you should
23 make that clear. What is important, however, is that the
24 evidence that you give is accurate and to the best of your
25 ability truthful.

26 <AMANDA JANE STAPLEDON, sworn and examined:

27 COMMISSIONER: Have a seat, Ms Stapledon. I'm required to
28 outline to you again the nature of the matters about which
29 you might be questioned. You will recall you received a

1 summons and in that summons the matters that you might be
2 questioned about were set out, but I need to go over them
3 again with you. You may be required to give evidence
4 concerning your knowledge of City of Casey Council in
5 relation to consideration of development applications and
6 other planning matters within the City of Casey; the
7 transparency of planning and property development decision
8 making within Victoria, including but not limited to local
9 government; whether public officers involved in planning
10 and property development decision making have been
11 improperly influenced through donations, gifts or other
12 hospitality; the circumstances surrounding any actual and
13 potential financial benefits obtained by any public
14 officer, their families or their associates resulting from
15 or otherwise in connection with planning and property
16 development decision making within Victoria; and the
17 systems and controls in place within public bodies
18 concerning planning with particular focus on the existence
19 and adequacy of systems and controls for ensuring the
20 integrity of the planning process, including by detecting
21 instances of public officers providing benefits to
22 themselves, their families, friends and associates. At
23 the time you were served with a summons you also received
24 a document headed "Rights and obligations" and has
25 Mr Bongiorno been through those rights and obligations
26 with you?---Yes, he has, sir. I'd be very happy for you
27 to reiterate it if you wish.

28 I'm sorry?---I'd be happy for you to reiterate it if you wish,
29 but Mr Bongiorno has gone through it.

1 So, under those provisions you are entitled to seek legal
2 advice in relation to the summons and the examination, and
3 you have done that. You have a right to legal
4 representation at the examination, and you are prepared to
5 proceed with Mr Bongiorno assisting you?---Certainly.
6 You don't require an interpreter. You may claim a privilege if
7 the privilege arises, but you are not excused from
8 answering a question or giving information or from
9 producing a document or other thing on the ground that the
10 answer, information, document or other thing may tend to
11 incriminate you or make you liable to a penalty. If you
12 give any answer, information, document or other thing that
13 may tend to incriminate you, an immunity as to the use of
14 that evidence may apply. I say "may" because, whilst your
15 evidence can't be used against you, if you give evidence
16 which is untruthful, then that evidence can be used
17 against you in the case of a prosecution for perjury, and
18 you understand perjury carries with it significant
19 penalties if you commit perjury?---Yes, sir.
20 So what's really important, Ms Stapledon, is that you give
21 truthful evidence. So long as you do that, what you say
22 here can't be used against you; you understand
23 that?---Yes, I do, thank you.
24 You have a right to complain to the Victorian Inspectorate if
25 there is any aspect of the proceeding that you are
26 dissatisfied with. So, in summary, answer the questions
27 truthfully, even if they may incriminate you or make you
28 liable to a penalty. Do you have any questions arising
29 out of what I have just said to you?---No, sir. Very

1 clear.

2 Very good. Now, finally, we will adjourn halfway through the
3 morning for a break. But if at any stage you feel under
4 particular pressure or would like a break, would like to
5 speak to your counsel, you should just indicate and we'll
6 take a break. Do you follow?---Thank you, sir.

7 Good. Yes, Ms Harris.

8 <EXAMINED BY MS HARRIS:

9 Are you Amanda Jane Stapledon?---Yes, I am, ma'am.

10 Do you attend here today in response to a summons served on
11 you?---Yes, I do.

12 I'll just have shown to you a bundle of documents just to
13 confirm that they are copies of the documents that were
14 served on you. In relation to the summons, is that
15 SE3184?---Correct.

16 And you've indicated already to the Commissioner that at the
17 time you received the summons you also received a document
18 entitled "Statement of rights and obligations"; is that
19 right?---Yes.

20 And did you also receive a cover letter dated 18 October
21 2019?---Yes, I did.

22 And the documents in front of you, are they copies of the
23 documents served on you?---They look very similar.

24 All right. I will tender those, Commissioner.

25 COMMISSIONER: That will be exhibit 182.

26 #EXHIBIT 182 - Bundle of documents served on Ms Stapledon.

27 MS HARRIS: Ms Stapledon, when did you first become a
28 councillor at the City of Casey?---In 2008.

29 Following the election?---Following the council elections.

1 And were you a councillor all the way up until recently when
2 the council was sacked?---Yes, 11 and a quarter years.
3 During that time did you ever hold the position of
4 mayor?---I held the position of mayor twice.
5 And when was that?---And that was in 2013 and - yes, 2013, I'm
6 sorry, and 2018. So '17/18, 2012/13.
7 And is it correct that the election for mayor is usually mid to
8 late October?---Yes, correct, late October, yes.
9 All right. And the position of deputy mayor, did you hold that
10 also?---Twice.
11 When was that?---It was - I'm forgetting one year, but I know
12 it was in 2014 for one of them. I can't remember the
13 other time, sorry.
14 All right?---Sorry, I beg your pardon, it was 2016/17.
15 Did you also have employment during the time that you have been
16 on council?---Yes, I did. I had a number of employment.
17 One was a longstanding job, and then I had a couple of
18 part-time positions after that.
19 And what were you doing? What was the nature of that
20 employment?---I actually worked for an IT company problem
21 solving for Coles and then I worked for a manufacturing
22 company part-time and I also worked for a cleaning company
23 part-time as well. I was in their office.
24 Other than with your legal representatives, have you discussed
25 the IBAC investigation with anybody?---Up until a few days
26 ago I was told I wasn't allowed to. So, no.
27 Have you had any discussion with Sam Aziz about the IBAC
28 investigation?---In the early days he did phone me, but
29 I believe that was before the embargo was put on

1 discussing it. He phoned me to tell me that he was under
2 investigation.

3 When was that?---The last phone call I had with him was just
4 before finishing on the old term.

5 Sorry, I missed what you said?---That would have been - that
6 would have been late November 2019.

7 That was when you spoke to Mr Aziz about the
8 investigation?---Yes, he phoned me from overseas.

9 When was the last time you spoke with Mr Aziz?---Sorry, that
10 was the last time that I spoke with him.

11 That was the last time. So about November 2019?---Yes.

12 Have you had a conversation with John Woodman about the IBAC
13 investigation?---I certainly haven't, no.

14 When you were elected to council, what kind of training did you
15 receive in relation to your obligations as a councillor
16 and responsibilities?---We had governance training. We
17 looked at conflicts of interest which would be relevant
18 for this. We did a lot of training around our obligations
19 in terms of paperwork and requirements when we are - just
20 general role of councillor I think would be the best way
21 to describe it.

22 Did you receive some kind of pack, like an introduction
23 pack?---Yes, we did.

24 And what kind of things did that contain?---Pretty similar to
25 what I've just discussed, but I really - - -
26 Policies, procedures?---Yes, yes. Of course, they were a work
27 in progress because they did change over time, but, yes,
28 we did get that as well.

29 And given you were re-elected over a couple of terms, did that

1 training - was that training provided on each time that
2 you were elected?---Yes. Yes, it was. I did feel that it
3 was - sorry, yes, it was.

4 And was it provided in the interim over the term?---Not as much
5 as in the first term that I was councillor, but yes.

6 COMMISSIONER: Who delivered the training, Ms Stapledon?---I'm
7 sorry, sir?

8 Who delivered the training?---Mainly our governance people, but
9 also we had Maddocks who were lawyers come in, more in the
10 early days than in the latter days.

11 MS HARRIS: And what did they provide training for?---Conflicts
12 of interest in a lot of cases and they gave us some pretty
13 terrific scenarios around Winky Pop and things like that.

14 Sorry, I missed that?---Winky Pop. I'm sorry. It's one of the
15 case studies, yes.

16 Did you feel then that you had a fairly good grasp of the
17 obligations on you in terms of conflict of
18 interest?---I would say at that stage I did, yes.

19 And what stage are we talking about?---From day one of
20 the training they provided us.

21 And was it available to you as a councillor to go and ask
22 questions of the governance team or somebody if you
23 weren't sure about whether something was a conflict of
24 interest?---Yes.

25 Was that something that you availed yourself of?---Yes.

26 When you became mayor, was there any additional training for
27 the obligations of mayor?---There was media training.

28 Yes?---And from my recollection that was it.

29 Because you would know, no doubt, given your experience, that

1 there are additional obligations on a mayor; that's
2 correct, isn't it, under the Local Government
3 Act?---That's correct.

4 And that would be to provide guidance to other councillors
5 around their role?---Yes, well, certainly. If I could go
6 back to the original question, would that be okay?

7 Sure?---I did attend the VLGA and the MAV, which is the
8 Victorian Local Government Association and the Municipal
9 Association of Victoria, their mayoral workshops and
10 gatherings, so that was very helpful. But just to - - -

11 And what did that cover?---Well, the responsibilities of a
12 mayor. There were lots of other people talking about what
13 it was, their experience of being mayor, and again
14 governance was a big focus.

15 Would it be fair to say that as mayor it's your job to provide
16 guidance to other councillors around their
17 responsibilities?---Yes.

18 And obligations?---Correct.

19 And to reinforce to them the importance of complying with those
20 obligations and responsibilities; is that fair?---Correct,
21 yes.

22 Have you read the monitor's report?---No, I haven't.

23 COMMISSIONER: Sorry, you have or you haven't?---No, I haven't,
24 sir. I have tried not to read anything so I can come in
25 fresh and - - -

26 Very good.

27 MS HARRIS: One of the matters that the monitor comments on is
28 her observation of there being a low understanding or a
29 limited understanding in regard to conflicts of interest

1 and how they should be declared. She indicates that she
2 witnessed councillors stumbling over what was required
3 when trying to declare a conflict of interest. Is that
4 something that you observed as a councillor?---Yes, it is.
5 Was that an ongoing issue, do you think?---It certainly was
6 prevalent in the last term of council and as mayor I did
7 try to get everyone together to do a workshop on conflicts
8 of interest, as much for me as for everybody else, and
9 it's very, very difficult to get everyone together because
10 we were such a busy council and that didn't eventuate.
11 It didn't eventuate?---No, it didn't.
12 Was there any attempt then to send out, for example, material
13 to councillors to say, "We've got some concerns. Best you
14 familiarise yourself with this material"?---Not that I'm
15 aware of.
16 Would that have fallen to you as the mayor or would that be the
17 responsibility more of the governance
18 department?---I would see it as a joint effort between the
19 mayor and governance because very often the mayor
20 initiates the meetings and the gatherings and governance
21 are the ones who come to the mayor and say, "Look, perhaps
22 we need to refresh the memories of our councillors on
23 these matters."
24 COMMISSIONER: Did you have any sense, Ms Stapledon, that there
25 was any responsibility on councillors to ensure that their
26 fellow councillors understood conflict of interest issues
27 or do you feel that was left to governance and the
28 CEO?---The latter is correct, sir.
29 The latter?---Yes.

1 I must say that's my sense of things, that councillors didn't
2 view it as part of their responsibility to do anything if
3 they detected lack of understanding by
4 colleagues?---Except for that time when I tried as mayor
5 to get a gathering of councillors.

6 MS HARRIS: Did something in particular prompt you to do
7 that?---Yes. The questions around conflicts of interest
8 I didn't feel were relevant from some councillors and it
9 was more about their understanding of what is and what
10 isn't a conflict of interest. So just really the one goal
11 as mayor was to equip my fellow councillors with all the
12 tools they needed in order to do their job because most of
13 them are working, very busy, and just helping them where
14 I could.

15 And it is a relatively complex bit of legislation in terms of
16 establishing where a conflict of interest might fit in; is
17 that a fair comment?---I would agree with that.

18 Going further with the monitor's report, something else that
19 she noticed was - I should say that several councillors
20 reported to her that they had observed or experienced
21 bullying by other councillors. Is that something that you
22 witnessed in your time on council, bullying?---Yes,
23 I could probably say that it was bullying, but it
24 wasn't - it wasn't prevalent. It was pockets of bullying,
25 is probably the best way I can describe.

26 Can you explain what you mean by that?---Well, I know there was
27 one councillor that felt he was bullied. That was
28 resolved after a period of time, which is great. That's
29 what we want.

1 Was that a matter that went to a panel?---I don't believe so.

2 All right. And who was responsible for that allegation of
3 bullying?---That was Councillor Rosario.

4 Sorry, I interrupted you?---No, no. The other incident I had,
5 I don't know that I would call it bullying, but I did have
6 a significant run-in with Mr Aziz in my first mayoral term
7 and the great outcome of that was that I stood my ground
8 and it was three months and then we had a talk and he
9 actually apologised to me and we moved forward in a very
10 agreeable way and I think that's the best we can hope for,
11 given that we were in on this together and if there are
12 incidences, is to resolve them.

13 Was that your only personal experience of what might be called
14 bullying?---I know there was a bullying complaint made by
15 a former councillor, Rafael Kaplan, against Mr Aziz, and
16 that did go to a panel.

17 And is that the only examples you can recall?---That's the only
18 one I can think of now.

19 The other comment that the monitor makes is that there is a
20 failure to challenge councillor behaviour and hold
21 councillors to account where their behaviour might fall
22 short of what's expected of them. Is that something that
23 you observed?---I would answer it in this way if I could.
24 I think it's very hard to challenge a councillor about
25 their behaviour and it's about trying to work with them.
26 So, I think there are other ways of going about it. But
27 when you've got 10 councillors sitting around a council
28 table and 10 different agendas, 10 different outlooks,
29 it's very, very hard to challenge them about their

1 behaviour and not expect for repercussions.

2 When you say "challenge them about their behaviour", do you
3 mean on the spot, that you wouldn't challenge them on the
4 spot?---Well, either that or at a later stage, yes.

5 And what kind of repercussions?---Well, you end up with
6 relationship breakdown and that would happen in most
7 councils, I would imagine.

8 COMMISSIONER: How do you know that?---Because I guess I've
9 experienced it in the past and I've seen it.

10 No, I'm just picking up the very last thing you said, it
11 happens in most councils?---An assumption, sir.

12 Not from word of mouth? You speak to councillors in other
13 councils?---I can't think of one example to give you,
14 but - - -

15 You're assuming that would be the case.

16 MS HARRIS: An example that the monitor gives for not perhaps
17 digging a bit deeper is she indicates that councillors
18 have been reluctant not to agree to requests for leave of
19 absence. Do you think that's a fair observation?---No,
20 I think we've looked at the request and the reasons and in
21 some cases we've sought legal opinion, so there's been
22 that. But I would have said that the majority of leave of
23 absence have been fair and reasonable and if you consider
24 that councillors rarely take holidays, if they have a
25 request for leave of absence it might be that they need
26 that leave or they have compassionate reasons for it as
27 well.

28 From your observation has there been an appropriate
29 consideration of the merits that form the basis of the

1 request for leave?---Merit and legal advice.

2 Did you ever have any situation where you thought you should

3 ask more questions before agreeing to grant a leave of

4 absence?---No, ma'am. Could I just add to that?

5 Of course?---Those questions would have already been made

6 beforehand.

7 By whom?---Well, there was one instance with Mr Aziz taking

8 leave just recently. Legal advice was sought on that

9 before we put that to council.

10 When was that?---That was in December of 2019.

11 What was the basis of that request for leave?---I believe it

12 was on a basis of health. I hope I remember that

13 correctly. But there was two and that one was on the

14 basis of health, ill health.

15 Sorry, I missed what you said?---Ill health. I beg your

16 pardon.

17 Did Mr Aziz have any conversations with you about that?---No,

18 he didn't.

19 That is, just so I'm clear, about his application for leave of

20 absence?---Yes, the mayor, the then mayor, Councillor

21 Serey, raised it with us and provided information around

22 the advice. There were lots of councillors asking

23 questions, and that was the advice she came back with.

24 As I understand it, that wasn't the first request by Mr Aziz

25 for a leave of absence on health grounds; is that

26 correct?---Yes, that's correct.

27 When was that first made, that request?---I believe the month

28 before from - I believe the month before.

29 So does that place it towards the end of last year or the start

1 of this year?---No, it would have been the end of October
2 2019.

3 That the first request was made?---Well, the one that I can
4 recall.

5 COMMISSIONER: So when you spoke to Mr Aziz in the last
6 conversation that you've told us about - - -?---Yes.
7 Was he then on leave?---I can't answer that for you, I'm sorry,
8 sir. There was a gap and, I'm sorry, I can't answer it.
9 A gap between what?---I think there was a gap between the first
10 set of leave and the second.

11 And when you spoke to him on the last occasion, did he tell you
12 that he was intending to leave Australia?---He had left
13 Australia. He rang me from overseas.

14 He was overseas already?---Yes, he was, and - - -

15 And what was the purpose of the phone call?---I'm not entirely
16 sure.

17 He rang you, did he?---He rang me, yes.

18 Yes?---No, I'm not sure if it wasn't me just checking in on him
19 because I was very concerned for his mental health, so
20 I can't answer that clearly. But I know the conversation
21 ended that I was concerned about discussions around the
22 process and what was going on and I was just trying
23 to - I was still then mayor and I was trying to keep a
24 peaceful council together and I had two very ill parents
25 at the time and I just said - I used the words "freaking
26 out". That was the last time I heard from Mr Aziz.

27 So you were concerned about process. What process are you
28 speaking of?---Sorry, talking about the IBAC. The IBAC
29 process I don't believe had started then, but I was

1 concerned about the IBAC issue and really didn't feel
2 comfortable talking to him about it on the phone.
3 What did he say to you?---The thing that concerned me the most
4 was he said, "It's none of IBAC's business if I'm working
5 with John Woodman," meaning Mr Woodman, and I just started
6 to feel very uncomfortable about the conversation.
7 Was that all news to you, that he was working for
8 Mr Woodman?---Working for Mr Woodman, yes. He had said in
9 the past that he was working with Mr Woodman on a smart
10 cities project on the other side of town up. Alarm bells
11 didn't ring for me then because I didn't think he was
12 working for Mr Woodman; I thought he was working with.
13 Working with him?---Mm-hm.
14 How did you think he might have been working with
15 him?---I didn't ask, sir. I didn't ask. He was - he had
16 dropped into my office and very often they were very fast
17 and furious conversations while he was on his way to
18 somewhere else.
19 When was that that he told you that he was working with
20 Mr Woodman?---Some time during my mayoral year. It might
21 have been earlier in the year.
22 Not 2019?---2019.
23 MS HARRIS: During the conversation that you had with Mr Aziz,
24 did he indicate that he'd be seeking a leave of absence
25 from the council?---The first leave of absence, yes. The
26 second leave of absence I didn't have a discussion with
27 him about.
28 So you've only had one conversation with Mr Aziz about a leave
29 of absence from council?---To the best of my recollection,

1 yes.

2 Did he ask you to do anything in relation to that

3 application?---Yes, he did. He gave me a set of dates to

4 put forward. I was under the impression he had actually

5 spoken to IBAC about it. So, I then said I would go ahead

6 and put that forward.

7 COMMISSIONER: What gave you the impression that he had spoken

8 to IBAC about taking leave?---Something he said, and

9 I can't recall what the words were, sir, but that was

10 something he said.

11 MS HARRIS: But what did he tell you about the IBAC

12 investigation?---He told me that his house had been raided

13 and that he had lost his phone and his laptop and that he

14 was being obviously investigated.

15 Was that the first you knew of the IBAC investigation?---Yes,

16 it was.

17 As a result of that conversation, was a motion moved to grant

18 him a leave of absence?---Not as a result, no. That was

19 at his request to have that leave of absence. Can

20 I expand?

21 Please do?---Thank you. He advised that he was going overseas

22 because he'd been offered some work over there and I was

23 of the understanding that he really was keen to work, he

24 needed to work, and that's when I had the impression that

25 he had spoken to IBAC about it. In fact, if I could

26 expand a little further?

27 COMMISSIONER: You don't need to ask our permission,

28 Ms Stapledon. If you think you've got something relevant

29 to say, you go ahead. The worst that can happen is

1 I might say to you I don't think that's really
2 helpful?---Thank you.

3 You go ahead?---So two things happened after that. One is he
4 did change the dates for the leave that he had requested,
5 and I had failed to change those dates. I just forgot to
6 do that. So in a subsequent phone call he did say, "You
7 didn't change the dates on the leave," and I said, "Sorry,
8 I forgot," and then something came up and I did say, "But
9 IBAC knew you were going overseas," and he said, "No, they
10 didn't know I was going overseas, but because those dates
11 were raised in council" - sorry, it wasn't a change of
12 date. He requested I raise them in a subsequent council
13 meeting, not the one that I did. He said, "Because of
14 that, IBAC have called me in for an interview."

15 And he told you that we didn't know that he was going
16 overseas?---At that stage that's how - I had assumed he
17 did, and he corrected me and he said, "Because you put the
18 dates up in the council meeting," he was called in for an
19 interview.

20 MS HARRIS: What did he tell you about the IBAC interview?---He
21 did discuss it briefly, but he - I don't recall him saying
22 too much. I don't have a great recollection of that.

23 That's all right. But what did he tell you?---That's what I'm
24 saying, ma'am. I don't have a great recollection of what
25 he said.

26 I'm not asking so much about the detail, but did he tell you
27 what topics he was interviewed about?---No, he didn't go
28 into that detail, no.

29 Did he say anything that you can recall? Perhaps I'll put it

1 this way. Just tell us what you can recall about what he
2 told you?---The parts that I remember actually are just
3 that it was very cordial and that he provided all the
4 information that was required and his advice to me was
5 to - because by then I was also called as a witness, and
6 he said - his advice to me was, "Make sure you tell the
7 truth." That's what I recall about that conversation.

8 When you were discussing the leave of absence you indicated
9 that you were aware that he needed to work?---Yes.

10 Was the leave of absence then based on his need to go overseas
11 to work or a health issue?---Yes, to work. The health
12 issue I believe was - it's complex because he did have
13 some health issues at the time, but the health issue, the
14 leave of absence regarding his health issue I believe was
15 in December and I'm referring to leave of absence that was
16 at the end of October or thereabouts in October.

17 Did it cause you any concern that you and the council might be
18 granting a leave of absence at a time when IBAC's
19 investigating one of the councillors?---If I could
20 reiterate, I thought at the time that he had actually got
21 the agreement with IBAC or at least let IBAC know that he
22 was going.

23 COMMISSIONER: I'm sorry, I thought you said a moment ago he
24 told you that he hadn't told IBAC that he was intending to
25 leave?---Correct, and that was in a subsequent phone
26 conversation that occurred.

27 That was a later one?---It was in October in 2019.

28 I understood that he had told IBAC when we were talking.
29 Once I raised the leave of absence, that was when the

1 conversation took place to say that he had expected me to
2 raise it in the subsequent council meeting, and that's
3 when I said, "But I thought IBAC knew you were going
4 overseas" and he said, "No, they haven't and as a result
5 they have called me in for an interview." Sorry for not
6 being clear.

7 MS HARRIS: You mentioned earlier Mr Woodman. What's your
8 relationship with Mr Woodman?---Mr Woodman was a supporter
9 of my State campaign.

10 Was that 2014?---2014, yes. I would call - I would refer to
11 Mr Woodman as a person that I know.

12 A person, sorry?---A person that I know, so one of the many
13 people that you get to know when you're in council
14 and - - -

15 Was he a friend?---I wouldn't - no, I wouldn't describe him as
16 a friend. I wouldn't describe him as unfriendly either.
17 But not a friend, no.

18 More an acquaintance?---Yes, I suppose acquaintance for the
19 want of a better word, yes, acquaintance.

20 When did you first meet Mr Woodman?---Probably 2009.

21 What was the context?---He was at a Pink Ribbon fundraiser with
22 his wife at a football match in Casey.

23 And what was your interaction with him at that
24 function?---I just said "hello". He was a significant
25 donor to the pink fundraiser event and so I just said
26 "hello". That was it.

27 Did someone introduce you or did you introduce yourself?

28 COMMISSIONER: Could you just keep your voice up, please?

29 WITNESS: What was that, sorry?

1 COMMISSIONER: I was just asking counsel to keep her voice
2 up?---Yes, me too, sorry. I can't recall.

3 MS HARRIS: And then in the time between 2009 when you first
4 met and he assisted with your campaign in 2014, what was
5 the nature of your relationship then?---I would say a
6 supporter of - sorry, could I have that question again?

7 The nature of your relationship with Mr Woodman between 2009
8 and 2014?---No relationship as such, but I did see him on
9 the odd occasion at the Pink Ribbon fundraiser which was
10 held each year.

11 COMMISSIONER: So if you had a relationship with him, whether
12 business or friendly, you wouldn't then describe him just
13 as an acquaintance, were you?---No, I was wanting a better
14 word and I couldn't think of it, sir.

15 MS HARRIS: Over that period of time, 2009 to 2014, were your
16 dealings with Mr Woodman to do with council matters or
17 outside of council?---I would say my dealings commenced
18 with Mr Woodman in 2013 in a council matter.

19 COMMISSIONER: Ms Stapledon, I should have said this at the
20 outset to you, but I should say it now. Counsel Assisting
21 will often ask you an open-ended question; that is, not a
22 question which suggests an answer. You shouldn't think
23 that because counsel is asking you an open-ended question
24 that she doesn't already know the answer to that
25 question?---Yes.

26 So just make sure that when you answer you're satisfied that
27 what you're saying is truthful and accurate?---Okay.

28 Thank you, sir.

29 MS HARRIS: What type of assistance did Mr Woodman provide to

1 you for your 2014 election campaign?---He provided
2 assistance with the campaign launch. He provided
3 I believe - I thought it was 30,000, but I'm told it was
4 \$25,000 towards a campaign.

5 Was that by way of donation?---By donation to Liberal head
6 office, Liberal Party head office.

7 Yes.

8 COMMISSIONER: And how was that done, can you tell us,
9 Ms Stapledon? That came to you?---No, sir, it didn't. It
10 went to Liberal Party head office. He took it there
11 himself.

12 I'm sorry?---He delivered that himself.

13 Yes, and then did you get the benefit of that amount?---Yes, we
14 believe so.

15 How was that done?---It was very - the transparency was tricky.
16 Certainly it did help the campaign.

17 Sure?---But we weren't given a lot of transparency around what
18 money was available and where it all came from. We did
19 constantly seek that information, but I do believe that
20 that was of great benefit to the campaign, yes.

21 How do you know that he gave \$25,000?---I believe I was
22 notified via email that he had - - -

23 By?---Email.

24 By who?---Sorry, my then campaign manager, Matthew Hession.

25 And how did he find out that you'd been given that
26 donation?---I think he was notified by someone in Liberal
27 head office.

28 And do you know how the Liberal office decided to allocate that
29 to you?---It stayed there. We just sent invoices in for

1 expenses.

2 I'm sorry?---It stayed with the Liberal Party head office. It
3 didn't come to us.

4 No, but how did the Liberal central office come to allocate
5 that fund to you? Do you know whether or not Mr Woodman
6 gave it to the Liberal office with a request or an
7 indication of preference that they should allocate that to
8 you?---Yes, he did. The latter is true. He delivered
9 I presume a cheque with a note saying, "Whilst I can't
10 tell you what to do with these funds, I would like this
11 money to go to Amanda Staple - or the Narre Warren North
12 campaign," which was the campaign I - - -

13 So did it occur to you at that time that that might be not
14 strictly in compliance then with the whole purpose of
15 campaign donations going to head office?---No, sir, it
16 didn't.

17 It didn't? Because there's not much point in a large amount
18 being given to the central office for distribution as they
19 see fit if indeed it's going to be accompanied by a
20 request which is met that the money be specifically
21 allocated to a particular person?---This was an unusual
22 situation, sir.

23 It was?---An unusual situation.

24 It was unusual? Why was it unusual?---We had significant
25 issues in the south-east with our campaigns for candidates
26 that weren't preferred and there was a joint meeting
27 between three electorates where a decision was made that
28 that was the best course of action because the electoral
29 conferences, which are the groups within the Liberal Party

1 that look after electorates, were withholding funds.
2 So you said a decision was made that that was the preferred
3 course?---Yes.
4 So who made that decision?---Our State director, our then state
5 director, Damien Mantach.
6 So could you just be explicit? What was it then that was
7 decided to be the preferred course?---That donations were
8 made to the central fighting fund at - in the Liberal
9 Party.
10 And then what?---That wasn't discussed.
11 I'm sorry, so how did that differ from the norm? Why was that
12 suddenly said to be the preferred course?---Normally the
13 funds would go to the electoral conference, so that's
14 the - so, for example, Narre Warren North, they have a
15 chair and then they have their committee, exec, and they
16 hold the funds and they help distribute the funds.
17 I see. So when you say at the electoral conference, you mean
18 for each electorate, do you?---For each electorate, yes.
19 So the roof body was saying "no", the preferred course was the
20 money be paid to the roof body and then allocated by the
21 roof body?---That's right, and the mention was if there
22 was a donor who wanted to donate to the electoral
23 conference, because of the fractious nature that was under
24 way at the time, then they can bring it into head office
25 into the central fighting fund and attach a note.
26 Yes. So did it not occur to you that that was simply a device
27 to avoid identification of the money going straight to the
28 electoral conference of the particular candidate?---No,
29 sir.

1 What did you think was the reason for changing the
2 procedure?---It was a plan B because things were so - it
3 was a plan B because things were so fractious within the
4 south-east.

5 So what was fractured, Ms Stapledon?---If there was a candidate
6 chosen that wasn't preferred - - -

7 Preferred by?---Well, a number of people, but headed by the
8 then upper house MP, then funds were starved, equipment
9 was withdrawn, which certainly happened to me, and there
10 was a deliberate campaign to - well, what I would perceive
11 was a deliberate campaign to derail the candidate's
12 campaign. A very traumatic time.

13 Yes, Ms Harris.

14 MS HARRIS: So if Mr Woodman, for example, requested that the
15 funds go to your campaign, was it your understanding that
16 that's what would in fact happen?---Yes, that's certainly
17 what - yes, that's right.

18 Did you ask Mr Woodman to make that request?---It is likely.
19 I don't recall doing it.

20 Did you ask Mr Woodman to make a donation to your
21 campaign?---Of that amount, no, but I don't recall if
22 I ever asked him to make a donation on any other occasion.
23 I did invite him to events.

24 It was Mr Woodman's evidence before the Commission that he
25 provided that donation to you at your request. What do
26 you say about that?---I say he offered it.

27 He offered it?---Yes, he offered it.

28 COMMISSIONER: I'm sorry, he often would?---Yes.

29 MS HARRIS: You indicated that you were notified by your

1 campaign manager via email that Mr Woodman had made the
2 donation. When was that that you were
3 notified?---I recall the email. I'd be guessing, but
4 I think it was July 2014.

5 All right. So would it be not long after the donation was
6 made?---I would assume so.

7 COMMISSIONER: So I detect from your answers, Ms Stapledon,
8 that it was entirely common for candidates standing for
9 State election to thus indicate to someone who might be a
10 potential donor that they would be assisted by a
11 donation?---Could I have that question again?

12 I'm sorry?---Could I have that question again?

13 Yes, sure. I take it from what you've said that there's
14 nothing unusual, as you knew it, about a person standing
15 for a State election to ask a potential donor if they
16 would contribute to their campaign?---I think this was
17 highly unusual, sir.

18 Sorry?---I think this was highly unusual and, as I said,
19 I don't recall asking Mr Woodman for a donation.

20 So you wouldn't normally ask someone who you regarded as a
21 potential donor, you wouldn't ask them whether they would
22 make a donation?---The norm would be, sir, that the
23 campaign team and the campaign - the electoral conference
24 would be handling those matters.

25 What, without your knowledge?---I'd have knowledge of it,
26 I would assume.

27 So whether you uttered the words or your campaign manager, is
28 it unusual for the candidate or their campaign manager to
29 indicate to potential donors that they would be assisted

1 by a donation?---That they're asking for a donation?
2 I don't understand the word "assisted", sir, I'm sorry.
3 Once you decide to stand for election and you have a campaign
4 office running the affair on your behalf, is it unusual
5 for either the campaign office or you as the candidate to
6 say to potential donors, "Would you make a donation to my
7 campaign?" Is there anything unusual about
8 that?---I would answer it this way, sir, and that is that
9 it would be up to the campaign team - I didn't have an
10 office - the campaign team or the electoral conference to
11 make those connections.
12 But I think you indicated a moment ago you wouldn't expect them
13 to do that if you didn't know about it, would
14 you?---I would expect to know about it, yes.
15 So is there anything unusual about your campaign office making
16 such a request?---Not to my knowledge, sir.
17 How else would donors know that a particular candidate or their
18 campaign office would want donations if they can't make
19 requests?---Well, some would know that the candidate was
20 running and they might want to support them.
21 But you don't think there would have been anything unusual had
22 your campaign office made known to Mr Woodman that they
23 would appreciate a donation?---They didn't, sir. That's
24 my point. It was a very unusual situation.
25 So you know as a fact that your campaign office did not ask
26 Mr Woodman for a donation?---I didn't have a campaign
27 office. I had a broken campaign, sir. What I can tell
28 you is that the donations went to Liberal head office.
29 More than that I can't tell you.

1 I'm just trying to clarify the situation,
2 Ms Stapledon?---I know. I'm sorry.
3 Mr Woodman makes a donation, which goes in this case to central
4 office and then is remitted to your campaign;
5 correct?---The last part I can't confirm. It stays in
6 central fighting fund.
7 I'm sorry, I thought you acknowledged that you got
8 \$25,000?---Correct.
9 That ultimately came to you. What I'm trying to ascertain is
10 what is your state of knowledge as to whether anyone
11 associated with your campaign, whether it was you or
12 someone else on your behalf, asked Mr Woodman for a
13 donation?---My recollection, sir, and I'm sorry to
14 frustrate you, I don't mean to, my recollection is that
15 that 25,000 was - I thought it was 30, sir, but if it's
16 25 - - -
17 Well, whatever it was?---Was offered by Mr Woodman.
18 No doubt it was?---Yes.
19 I'm trying to understand what precipitated that. What preceded
20 that? Was there a request, a suggestion, an invitation by
21 you or anyone on your behalf that Mr Woodman should make
22 such a donation?---Not that I recall, sir. If I could
23 just add to that?
24 Yes?---He was well aware that I was standing for pre-selection
25 and I did notify him that I had secured the pre-selection,
26 but more than that I can't tell you.
27 And what was your purpose in notifying him?---He probably asked
28 me to tell him. Probably he asked me to tell him, "Let me
29 know how you go."

1 Why do you think he did that?---I guess he was interested, sir.
2 Why?---The only answer I can give you is that at that stage
3 I didn't know. Later on he did tell me why he was calling
4 me.
5 Yes, Ms Harris.
6 MS HARRIS: Why was that?---He said that he'd done well in life
7 and he wanted to support good candidates and he wanted to
8 support good causes.
9 Did Mr Woodman have any conversation with you prior to the
10 donation to indicate that he would be donating to your
11 fund?---Could I have that question again, please?
12 Did you have a conversation with Mr Woodman prior to the
13 donation in which he indicated he would be donating to
14 you?---Yes, I did.
15 When was that?---It was in the middle of March in 2014.
16 What did he say?---Just what I said before. He'd done well in
17 life and wanted to support good candidates and support
18 good causes, and he did indicate what that amount might
19 be.
20 So that was back in March 2014?---Yes, March, 2014.
21 After he made the donation did he have a conversation with you
22 indicating that he'd made a donation?---That I can't
23 recall, ma'am.
24 Certainly as I understand your evidence, was it the case that
25 by the time the election occurred in November 2014 you
26 knew Mr Woodman had donated a sum of money to
27 you?---Correct.
28 Which you thought at the time was \$30,000; is that
29 right?---Yes.

1 Some moments ago I asked you what assistance Mr Woodman gave to
2 your campaign and you indicated there was a campaign
3 launch and the donation of 30,000 or 25,000. What other
4 assistance did he provide you?---He attended a number of
5 my campaign events. He bought a number of tables,
6 probably one or two, the high end tables. He donated
7 raffle prizes such as a helicopter ride and lunch at
8 Yering Station.

9 COMMISSIONER: That's for the 2014 election?---It is.

10 MS HARRIS: You said a number of campaign events. How
11 many?---I can recall two.

12 Where were they?---But there might have been one - no, I'm
13 sorry, that's three.

14 Where were they?---One was a manufacturing event. That was
15 held in Hallam. That was early on. The other was the
16 Black Caviar event. I don't remember the month for that,
17 but that was later in the year. And the other one was at
18 a broader Liberal Party event, I think it was a business
19 dinner. That's what I can recall at the moment, ma'am.

20 And taking those each in turn, when was the event in
21 Hallam?---I don't recall the date, I'm sorry.

22 Do you recall the month?---It was earlier on in the year.

23 I just don't recall the month.

24 Early 2014?---Yes, not too early. I think it was around the
25 sort of May/June timeline, but I don't have an accurate
26 recollection of the month.

27 COMMISSIONER: Did those three meetings, campaign raising
28 meetings, occur before he made the 25 or \$30,000
29 donation?---No - it is possible that the manufacturing one

1 might have, sir. I just can't recall the date. But the
2 other two were definitely after that date.

3 MS HARRIS: Do you recall when the Black Caviar function
4 was?---It was around September, but I'm saying that
5 loosely.

6 And the Liberal event?---I don't recall that date.

7 So some time after the donation in July but prior to the
8 election; is that right?---I would say that would be
9 correct.

10 When you say Mr Woodman bought tables, what would that have
11 cost, roughly?---We had a couple of tables which were at
12 the Black Caviar. I believe he bought two of those at
13 \$1,000 a head.

14 And how many on a table?---I would say 10, from memory.

15 And he bought two tables?---Yes.

16 That was at the Black Caviar event?---Yes.

17 Did he buy tables at any other event?---It is possible, but
18 I can't recall. Just to expand, the manufacturing
19 luncheon, there were other people attending that. He
20 attended the lunch and there were other people attending
21 that and they paid for their tickets.

22 The functions, the Hallam function and the Black Caviar
23 function, were the funds only to be distributed to you or
24 were there other candidates to benefit from that as
25 well?---No, that was purely a Narre Warren North campaign
26 fundraiser.

27 So that's both the Hallam and the Black Caviar?---Correct.

28 What about the Liberal event, the dinner?---That was broader.

29 From memory the incentive is that if you bring a number of

1 people you get a certain percentage, but it goes into
2 general funds.

3 So from the manufacturing event in Hallam, how much did you
4 make for your campaign?---I'd say in the vicinity of
5 5,000.

6 And the Black Caviar event?---I actually don't know how much we
7 made for that. This was because of the fractious nature
8 of the campaigns in the south-east I was allocated a
9 person who was actually doing the fundraising and the
10 invitations and handling the moneys because that would
11 normally come down to the electoral conference chair and
12 committee, so I didn't get visibility of that. I did ask
13 that question a couple of times.

14 And what response did you get?---I didn't get the answer,
15 I don't think. If I did, I don't recall it. It would
16 have been - it would have been a significant amount of
17 money that we raised.

18 COMMISSIONER: We've talked about Mr Woodman, but you
19 understood who he represented?---I understood he was a
20 town planner representing Watsons.

21 Watsons, yes?---That's right.

22 MS HARRIS: In relation to the items that Mr Woodman donated
23 for auction, you indicated a helicopter ride. What other
24 items did he donate?---That was what he donated. I'm not
25 sure what he bought. He might have bought something in
26 the raffle, he might have bought raffle tickets or an item
27 in the silent raffle. I can't confirm that, but that is
28 likely.

29 Is that something that anybody keeps a record of at events like

1 that?---Yes, my event person should have kept a record of
2 that, but I don't have any - I don't have any visibility
3 of that or recollection of that.

4 At the time that Mr Woodman was assisting with your campaign,
5 did he have an interest in matters that were before
6 council?---Yes, he did.

7 Did you consider that his involvement in your campaign created
8 a conflict of interest situation for you?---I was aware of
9 my conflict of interest. I was also aware that he had
10 said to me, "I want you to be open and transparent,
11 declare, and get out of the room."

12 And did you do that?---I got out of the room. I didn't
13 declare.

14 Why not?---Because of the fractious nature of our campaigns, it
15 seemed obvious that there were people trying to find out
16 who my supporters were and my focus was getting out of the
17 room and not voting on matters.

18 COMMISSIONER: So what did that have to do with the fractured
19 nature of the campaign?---There was - the mode
20 of operandus when there was a candidate that was selected
21 that wasn't wanted, there were a number of things that
22 occurred, pretty cut and paste, and one of them was to try
23 and stifle fundraising and I didn't want to declare who my
24 supporters were.

25 I'm sorry, so how did that affect you in terms of your
26 obligation to declare receipt of the donation and your
27 conflict of interest? How did the fact that there was a
28 fractured situation in your electorate, how did that
29 affect the way you should discharge the obligation to

1 declare donations and to acknowledge a conflict of
2 interest?---I should have done it, sir, and I didn't.
3 Sorry?---I should have done it, sir, and I didn't.
4 Should have done what?---Declared the donations and the
5 support, but I did get out of the room and I didn't vote
6 on matters that were - - -
7 But that's because you actually declared a conflict, didn't
8 you?---No.
9 You didn't?---No, sir, not until later on in the year.
10 MS HARRIS: When you say "not until later on in the year", when
11 is it that you recall you declared a conflict of
12 interest?---I don't recall the specific date, but I do
13 believe once the campaign was over.
14 So after November 2014?---I think so.
15 I just want to be clear. You didn't declare a conflict of
16 interest because you didn't want anyone to know that
17 Mr Woodman or his entities had donated to your election
18 campaign; is that correct?---Correct.
19 And when you said "I got out of the room"?---Correct.
20 How did you do that?---It's quite easy. You do leave the room.
21 The minute taker notes when you leave and they note when
22 you come back in. So you just get up and leave. You
23 don't have to ask for leave.
24 So you absented yourself?---Sorry?
25 You absented yourself from matters involving Mr Woodman?---Yes,
26 that's right. Correct.
27 But failed to comply with the legislation that you were bound
28 by; is that right?---Failed to declare.
29 Failed to declare a conflict of interest?---Yes.

1 When you knew you had a conflict of interest?---Yes.
2 On matters involving Mr Woodman; is that right?---Correct.
3 COMMISSIONER: For how long did you absent yourself without
4 declaring a conflict?---I think, as I said before, I think
5 it was until the campaign had finished in November.
6 So during most of 2014?---Correct.
7 And then after that?---I declared.
8 A conflict?---A conflict.
9 But not that you had received a donation?---I believe I was
10 very sloppy with my paperwork, sir.
11 Sorry?---I believe I was very sloppy with my paperwork. Yes,
12 sorry.
13 Ms Harris, are you going to take Ms Stapledon to the nature of
14 the conflict she declared?
15 MS HARRIS: I will, Commissioner, yes. (To witness.) I just
16 wanted to ask you was there anything that prompted you to
17 start declaring a conflict of interest in relation to
18 Mr Woodman's matters?---Yes, it was the fact that I could
19 safely do that without jeopardising my supporters being
20 known.
21 Did it have anything to do with the Victorian Ombudsman
22 investigating matters of this nature in 2014?---My
23 understanding with the Ombudsman - no is the answer. My
24 understanding with the Ombudsman report, it was
25 investigating a matter around a funeral parlour. I didn't
26 understand at that stage they were looking at anything
27 deeper.
28 Did you understand they were looking at anything to do with
29 you?---Oh, yes, absolutely, to do with the funeral

1 parlour.

2 Perhaps I'll ask you this. Can you explain what your

3 understanding is of what the basis of the Ombudsman's

4 investigation was?---The Ombudsman advised me when I was

5 interviewed that they had been notified that a matter had

6 come before them about a not-for-profit funeral parlour

7 that had been tabled at council and I had actually

8 supported a rescission motion in relation to the decision

9 and that they were looking into that and other matters.

10 So that was what - actually, I don't even know that they

11 said other matters, but they certainly said they were

12 looking into the funeral parlour to determine whether

13 I and others had received donations from this particular

14 funeral parlour.

15 Did you or did anyone from the Ombudsman's office speak with

16 you and interview you?---Yes, they did.

17 Did you at any stage refuse to answer questions on the grounds

18 it might incriminate you?---Yes, I did.

19 In relation to what allegations?---I believe most of them, if

20 not all.

21 COMMISSIONER: I'm sorry?---I believe most of them, if not all.

22 Was that on legal advice?---Yes, it was, sir. It was very

23 difficult.

24 MS HARRIS: Was there anything that the Ombudsman was

25 investigating that caused you concern about answering

26 questions in relation to?---No. I was purely acting on

27 legal advice.

28 Did you read the Ombudsman's report?---Yes, I did.

29 Did anything - when you read the report, did it surprise you to

1 learn that the allegations went beyond those just relating
2 to a funeral parlour?---I wouldn't say surprised, but a
3 lot of it was new information to me.

4 COMMISSIONER: Do you mean other than the funeral parlour
5 allegation you weren't asked any questions by the
6 Ombudsman about the other matters which were set out as
7 being the allegations that the Ombudsman was looking
8 at?---Sir, I don't remember.

9 MS HARRIS: The Ombudsman's report came out in November 2015.

10 Did you start declaring conflicts of interest prior to
11 that time?---Yes, I did.

12 After you were spoken to by the Ombudsman's office, did that
13 prompt you to start declaring conflicts of interest in
14 relation to Mr Woodman's matter, or matters, I should
15 say?---I'm forgetting the date that I was actually
16 interviewed by the Ombudsman's office, but I would have to
17 say the reason for starting to declare was because of the
18 campaign being over. It is my recollection.

19 I'm sorry, I missed the last bit?---My recollection, to the
20 best of my knowledge, was that I started to declare once
21 the campaign was over because I no longer had a threat of
22 losing my supporters.

23 You would recall that the Ombudsman's report contains the
24 information that Mr Woodman donated the \$25,000 to your
25 campaign; that's correct, isn't it?---That's correct.

26 Sorry, are we talking 2014 or are we talking 2015?

27 The Ombudsman's report came out in 2015?---Correct.

28 And it indicates in that report that you received a donation

29 from Mr Woodman or his entities to the value of \$25,000.

1 You would recall that?---I do recall that. I also recall
2 starting to declare I believe in the end of 2014.
3 End of 2014?---Yes.
4 In 2014, in February 2014, the matter of the C219 rezoning came
5 before council. Do you know what I'm referring
6 to?---Cranbourne West?
7 Yes?---Yes.
8 It was introduced to council by Mr Aziz as an item of urgent
9 business. Were you present at that council meeting?---Is
10 this 1 April?
11 No, sorry, it was 4 February 2014?---4 February I was present
12 in two thousand and - I'm sorry, can you give me that 2014
13 - - -
14 2014, 4 February 2014. That's when it was first introduced to
15 council, it was in closed council, by Mr Aziz?---To the
16 best of my knowledge I think I was.
17 Was that in your ward?---Yes, it is.
18 Was it unusual then that Mr Aziz would introduce an item of
19 business in relation to your ward?---Not entirely, but it
20 was uncommon in those times. It certainly has changed
21 since then. But Mr Aziz and Mr Ablett and Mr Rowe were
22 supportive of it. I was very aware of that. So I didn't
23 find it that unusual because of the support.
24 Did you have any conversations about that motion prior to it
25 being introduced on 4 February 2014?---I would have
26 absolutely had conversations about that, yes.
27 Who did you have those conversations with?---I believe that
28 I had spoken with then Councillor Ablett, Councillor Aziz.
29 I didn't speak a lot with Councillor Rowe, but I knew he

1 was supportive of it. And I also had conversations with
2 Ms Schutz and Mr Woodman.

3 COMMISSIONER: This is before the meeting?---No, sorry. No, in
4 prior times, I beg your pardon.

5 I'm sorry, I think - - -

6 MS HARRIS: I was asking about prior to that meeting, so prior
7 to it being introduced as a matter of urgent business, did
8 you have any conversations about that particular matter,
9 about that motion?---So just to clarify, is there a period
10 of time you have in mind or is it open-ended?

11 Yes, prior to 4 February 2014?---So directly prior?

12 COMMISSIONER: Before the meeting?---So on that day or the day
13 before?

14 At any time.

15 MS HARRIS: Any time?---Okay, yes, my answer still stands.

16 So just to be clear - - -

17 COMMISSIONER: You had spoken to all those people before the
18 meeting?---Yes.

19 Are you sure about that? Are you sure you had either spoken
20 with Mr Rowe or someone had told you that Mr Rowe was
21 forewarned about this particular motion?---I can't confirm
22 that. I'm sorry, about the issue. I'm referring to the
23 issue, I'm sorry. I'm not answering that properly. About
24 the Cranbourne West issue.

25 We need to get a little clarity here?---I'll slow down, I'm
26 sorry.

27 We're not talking now about what views people had about
28 rezoning. We're talking about this particular motion and
29 the knowledge that this motion was being brought on. Did

1 you speak to anyone before that motion came before the
2 council in camera?---I can't accurately answer whether
3 I recall that or not, I'm sorry.

4 MS HARRIS: Did you know that that motion was going to be moved
5 by Mr Aziz on that day?---That's what I - I can't
6 accurately answer that, I'm sorry.

7 And when you say that you had a conversation with Mr Ablett,
8 Mr Aziz, Mr Rowe, are you referring to the rezoning more
9 generally?---Generally.

10 You indicated you had a conversation with Mr Woodman and
11 Ms Schutz?---Yes.

12 Was that about the motion?---No.

13 Or about the rezoning?---That was about the rezoning more
14 generally. We had had a conversation and then I - had a
15 rezoning - sorry, conversation about the rezoning and I as
16 mayor had called a meeting with Mr Woodman and a number of
17 officers and Mr Tyler, the then CEO.

18 When was that meeting?---It was held at council.

19 And what was spoken about then?---It was spoken about the basis
20 of the rezoning and what the merits were.

21 And when was it?---I don't recall the date.

22 Do you recall how long before 4 February it was?---4 February
23 2014 are you referring to?

24 Yes?---It would have been when I was mayor, I'm sorry, so, yes,
25 October. I finished being mayor at the end of October,
26 end of October in 2013, so it would have been within my
27 mayoral term.

28 Did you have any discussion or were you part of any discussion
29 with Mr Woodman about what motion should be presented to

1 council on 4 February 2014?---I don't have recollection of
2 it.

3 Is that likely?---I can't recall, sorry.

4 What was the nature then of the conversations you'd have with
5 Mr Woodman prior to 4 February about the C219 or what
6 became C219?---It was around the merits of the rezoning
7 and he really talked about what the problems were with
8 having light industrial next door to residential, and this
9 has been a concern of mine along with another planning
10 matter that we had - planning philosophy that we had at
11 council, and that's what he discussed with me, is having
12 industrial right next door to residential.

13 What role was Ms Schutz playing in this application?---I don't
14 know what role she was playing, but she did give advice on
15 some of the businesses that had already been approached to
16 invest there and the lack of success and some of the
17 businesses that were looking at investing there were
18 actually not going to provide the employment that we were
19 hoping for, because it was all about jobs. They were
20 actually big box warehouses and they had a lot of
21 automation in their businesses.

22 Did Mr Woodman provide a draft motion of what he thought should
23 go to council, to the best of your knowledge?---To the
24 best of my knowledge I don't believe Mr Woodman did. He
25 did send an email some time earlier telling me what he had
26 talked about in terms of the merits of rezoning.

27 Would it be unusual in your experience for somebody involved in
28 a planning matter to provide a motion that they wanted
29 council to move?---I would say yes.

1 Had you seen it in your term or terms? Had you seen that
2 occur?---There are times when residents have raised issues
3 and in order to articulate it properly in council that
4 they do provide perhaps some wording or some detail in
5 relation to it so we can help formulate our debate. But
6 in terms of providing a prescribed motion, I don't think
7 that would be the norm.

8 And not appropriate either, would it?---No.

9 You'd agree with me?---Yes, I would.

10 COMMISSIONER: So before this particular meeting, the meeting
11 that was held in camera, did you meet with Mr Woodman and
12 Ms Schutz?---Could I have that question again, please?
13 Before that first meeting, the one in early 2014 - - -?---Yes.
14 That was held in camera, had you met with Mr Woodman and
15 Ms Schutz?---Yes, I had.

16 Alone?---Not alone. I think with Mr Ablett.

17 With Mr Ablett?---That's right.

18 So you and Mr Ablett had met Mr Woodman and Ms Schutz?---And it
19 might have been Mr Aziz too, but I can't quite accurately
20 recall.

21 Were you aware about the council protocol which existed in
22 relation to dealings with developers or persons who had an
23 interest in a planning issue?---No, sir.

24 There's a protocol, is there not, at the Casey Council which
25 provides that you shouldn't have such discussions with a
26 developer without the presence of a council officer?---I'm
27 unaware of that, sir.

28 You are unaware of it?---I am.

29 At the time that the council was dismissed, you were the

1 longest serving member on that council, weren't you?---No,
2 Councillor Smith.

3 Smith?---Yes, 23 years.

4 Is that right?---With a gap in between. So, no.

5 MS HARRIS: Could we have on the screen page 3313, please?

6 It's exhibit 7. Ms Stapledon, it will come up on the
7 screen next to you?---Could I get my glasses?

8 Sure?---Thank you.

9 This is an email chain, if we can follow it down, please.

10 You'll see - if we could just go up, sorry. Thank you.

11 It starts from Mr Woodman to you, referring to "Geoff,
12 Sam, Amanda, briefing note re Cranbourne West. Thanks."

13 And then if we could go up further, sent to you and Sam
14 Aziz. "Sam, Amanda, Geoff, as discussed." Have you seen
15 that email before?

16 COMMISSIONER: Just go down a little. Do you accept you

17 received that email from Mr Woodman at

18 Watsons?---I certainly accept it because that was my
19 private email address.

20 So that confirms the impression that you had a few moments ago
21 that you'd met with Mr Woodman, with Mr Aziz and Mr Ablett
22 before the council in-confidence meeting which I think is
23 the next day; is that correct, Ms Harris?

24 MS HARRIS: That's correct, Commissioner, yes.

25 WITNESS: I don't accept that I was accurate about the date.

26 That's why I was asking for clarification of timeframes.

27 But certainly met him, yes.

28 COMMISSIONER: Do you have a sense now, looking back on this,

29 that there was anything improper in you meeting privately

1 with the developer who plainly had a significant interest
2 in this possible development and who then provided you
3 with a briefing note prior to that council meeting?---At
4 the time I didn't, sir.

5 What about now?---Yes, certainly.

6 What do you see now as improper?---I guess it's hindsight, sir.

7 Sorry?---Hindsight, in that - I just have to agree with you.

8 I'm just trying to understand why you recognise now that there

9 was something improper about the process. What is it that
10 you see now as improper?---I can only answer and say in
11 hindsight, with all that I know now, that probably that
12 wasn't the best thing to do. At the time, sir, I felt
13 that I was being informed.

14 Yes. As you said, you were not aware that there was a
15 council - any council protocol in existence that you
16 shouldn't meet with a party like this without a council
17 officer present?---Correct.

18 Does that sound to you like a good idea - - -?---It sounds like
19 a great idea.

20 That councillors shouldn't do that?---Yes, sir.

21 MS HARRIS: If we just look at the email address, Ms Stapledon,
22 why do you think it is that it's sent to your private
23 email address rather than a council email address given
24 it's about a council matter?---I don't have an answer for
25 you, but there were a few emails that I used my private
26 email address for, with no agenda, just - - -

27 In relation to council matters?---Yes, yes, there were others.

28 What was the reason for that?---That's what I was just saying.

29 I don't really know what the reason was.

1 Could it be to conceal the fact that Mr Woodman is
2 communicating with you about a motion that's about to go
3 to council?---I can't answer on his behalf.
4 Did you think that that was what it was when you got it to your
5 private email?---I don't believe I gave it that
6 consideration.
7 It didn't cross your mind? It didn't cross your mind as
8 strange that it was coming to your private email?---Not at
9 that stage, no.
10 Now?---Yes.
11 If we could scroll down, please. While we're doing that, is
12 there a reason that Mr Rowe wouldn't have been involved in
13 these conversations given he was also the ward councillor
14 for this area, wasn't he?---Yes, he was. I've asked that
15 question of myself recently as well. I don't have an
16 answer for that. I didn't organise the meetings.
17 COMMISSIONER: So, Mr Rowe has told us that he was outraged
18 that this council meeting was held on the 4th in relation
19 to a rezoning application concerning his ward. Do you
20 remember him being angry at the time of that council
21 meeting? Am I wrong about that, Mr Bongiorno?
22 MR BONGIORNO: Mr Rowe wasn't at that particular council
23 meeting.
24 COMMISSIONER: I'm sorry, he was away, wasn't he?
25 MR BONGIORNO: He was. But the tenor of what's fallen from the
26 Commissioner we don't quibble with.
27 COMMISSIONER: Yes, I'm sorry, he was on holidays at the time
28 of that meeting. But when he came back and found out
29 about the meeting, he was outraged. Did he ever

1 communicate that to you?---Not that I can recall, sir.

2 Would you expect him to liaise with you in relation to a
3 planning issue that affects your particular ward?---Yes,
4 sir, I would. But there are times that we didn't, and
5 that was a reciprocal thing.

6 MS HARRIS: You indicated a few moments ago you didn't arrange
7 the meetings. Who arranged them?---I don't recall. The
8 meeting I recall is the one I did arrange with council
9 officers.

10 If we can scroll back up then. No, sorry, the other way. You
11 will see if we just stop there, "Sam, Amanda, Geoff, as
12 discussed"?---Yes.

13 Was that something that was discussed during a meeting?---I'm
14 sorry, what was the question?

15 COMMISSIONER: Was what discussed, Ms Harris?

16 MS HARRIS: It says here, "Sam, Amanda, Geoff, as discussed."

17 Do you recall having a discussion with Mr Woodman about
18 the change to the Cranbourne West PSP?---I do, but
19 I recall having that earlier on. I don't recall that
20 meeting. It's clear that I was there, but I don't recall
21 it.

22 And if we can scroll down, please?

23 COMMISSIONER: I'm sorry, I thought you said earlier you do
24 recall having such a meeting before the first council
25 meeting?---If I could be clear, I wanted a timeframe,
26 I did seek a timeframe from you, and that's because
27 I recall having a conversation in my mayoral year. That's
28 when I called that meeting with Mr Tyler and the council
29 officers, and I remember having another meeting and

1 I don't recall when that was and there weren't officers
2 present. I don't specifically recall this meeting.

3 MS HARRIS: The second meeting you are referring to, were
4 Councillor Aziz and Councillor Ablett present?---The one
5 with council officers?

6 No, no, the second one. You said there was one with council
7 officers and Mr Tyler?---Mm-hm.

8 And a second one?---That was the first, probably would have
9 been the first, and I think at least Mr Ablett was there.

10 Could we scroll down, please, to the attached document.

11 COMMISSIONER: So that's the attachment, is it?

12 MS HARRIS: This is the attached briefing note, yes. I'll give
13 you a chance to have a look at that, Ms Stapledon?---Thank
14 you.

15 Do you recall seeing that document?---Sorry, won't be a moment.

16 It's clear I've received it. I don't recall reading it,
17 no.

18 And if we could just stop there and go back for a moment. Can
19 we go up, please. The recommendation for a motion at the
20 next council meeting, is that something that would stand
21 out to you given your evidence earlier was that that would
22 be unusual?---I recall receiving an email I thought from
23 Ms Schutz at some stage. I can't tell you when that was.
24 I don't recall whether I read it or whether I just saw it
25 was from her.

26 This is in 2014?---Yes.

27 Sorry, early 2014. Do you not recall this particular document,
28 the briefing note?---I accept it was sent to me. I don't
29 recall it.

1 Mr Commissioner, I'm informed by my learned leader that it's
2 time for a break, if it's convenient to the Commission.
3 COMMISSIONER: Yes. Before we adjourn, can you offer any
4 explanation for why you, rather than any other of
5 the councillors, accompanied Mr Ablett and Mr Aziz to this
6 meeting with Woodman and Schutz?---I was invited, sir.
7 Sorry?---I would have been invited because I didn't initiate
8 any of those meetings apart from that one with the CEO.
9 Why you?---I'm a ward councillor. I would have been invited
10 because I was a ward councillor, I presume.
11 But Mr Ablett and Mr Aziz were not ward councillors?---That's
12 correct.
13 Why you? Do you think that's the explanation, because you were
14 the ward councillor?---I presume they wanted my support.
15 And why do you think they thought you would give them
16 support?---Well, they did give me a fair explanation.
17 I think I spoke about that with Mr Woodman and with my
18 fellow councillors and they explained the merits of such
19 rezoning. I must confess I didn't realise it was as big
20 as what it is at that stage.
21 You hadn't received any benefit of any sort from Mr Woodman or
22 Watsons before that date?---The date being?
23 February '14?---Not that I'm aware of.
24 We'll have break for 10 minutes. You're welcome to leave the
25 building, have a chat to Mr Bongiorno. We will resume at
26 12 o'clock?---Thank you.
27 (Short adjournment.)
28 COMMISSIONER: Yes, Ms Harris.
29 MS HARRIS: Ms Stapledon, if I could just go back for a moment

1 to the fundraising events that you spoke of. Did
2 Mr Woodman or any of his entities host those events?---I'm
3 thinking about the manufacturing fundraiser because I can
4 be sure that the Black Caviar he didn't host.
5 Yes?---He certainly hosted the campaign launch and there might
6 have been an element of hosting for the manufacturing
7 event, but there were other people that came and paid for
8 their own tickets.
9 When you say "he hosted the campaign launch", what did that
10 involve?---Just a gathering of people.
11 How many?---I can't confirm. There would have been in the
12 vicinity of 20.
13 Where was that?---That was in a location in the city, near the
14 Rialto.
15 In a function room or a restaurant?---In a function room.
16 And by hosting, did that mean that Mr Woodman paid for that
17 function?---Yes, he did.
18 For the hire of the room?---Pardon?
19 For the hire of the room?---And food, I believe.
20 And the food?---Yes.
21 Do you know roughly how much that would have cost?---It might
22 have been \$1200.
23 When you say "might have been", that sounds very specific. Do
24 you know that it cost that much?---I think it did, yes.
25 I'm not 100 per cent sure because I wasn't managing it.
26 Did you come to know that somehow?---Yes. I'm not sure how,
27 though, I'm terribly sorry.
28 When was the campaign launch?---1 April.
29 And that's 2014?---Yes, that's right.

1 In answer to the Commissioner's question before the break, you
2 indicated that there was nothing prior to Mr Woodman's
3 involvement with your campaign that would give rise to a
4 conflict of interest between you; is that
5 correct?---I thought he gave me a date, February.

6 Sorry, I don't follow?---I thought the Commissioner gave me a
7 date, being February.

8 So was there anything prior to February 2014 that would give
9 rise to a conflict of interest situation between you and
10 Mr Woodman?---Not that I can think of.

11 Or you and Mr Woodman's entities?---Not that I can think of.

12 COMMISSIONER: Can I just take you to the allegations that the
13 Ombudsman was investigating in 2015?---Yes.

14 One of them specifically refers to you. It's allegation 6
15 which says, "Councillors Stapledon, Ablett and Rosario had
16 attempted to open a bank account for an anonymous
17 political donation." Do you remember that that was an
18 allegation that the Ombudsman was inquiring
19 about?---I don't remember it, but I remember
20 the - I remember there were two situations. One was
21 Councillor Rosario and Councillor Ablett had tried to open
22 their own bank account for Cranbourne, the seat of
23 Cranbourne, and I had and my new campaign manager had
24 attempted to open a bank account for the Narre Warren
25 North campaign because of the problems that I had
26 outlined. But I don't know about the anonymous donation.
27 I don't know what that is.

28 You're aware that Ablett and Rosario had attempted to open a
29 bank account into which they would receive political

1 donations?---Correct.

2 And you similarly contemplated - did you in fact do so?---No,
3 we didn't.

4 According to the Ombudsman's report, Mr Frost was then the
5 current state director of the Liberal Party of Australia,
6 Victorian division, and when interviewed he confirmed that
7 he had been your campaign manager for that election; is
8 that right?---Could I clarify two things, please. One is
9 he wasn't the state director then, the state director was
10 Daniel Mantach, and Mr Frost was my campaign director
11 appointed because of the difficulties that we were having
12 in the south-east. So he was campaign director of
13 I understand Cranbourne, but certainly Narre Warren North.

14 And Mr Frost confirmed that money had been paid to the general
15 division of the party and had then been distributed to the
16 Cranbourne and Narre Warren North electorates?---I think
17 that would be a line item rather than a physical
18 distribution.

19 Yes. According to the report, Ms Stapledon, the Ombudsman's
20 report, Watsons in a letter dated 8 July 2014 addressed to
21 the "Liberal Party of Australia (Victoria)" enclosed a
22 donation of \$65,000 and the managing director of Watsons
23 stated, "Further to our meeting in February this year and
24 my pledge to support the campaigns in the above
25 electorates, please find a cheque for \$65,000. While it
26 is not my place to direct these donation funds which will
27 be reported to the relevant government department at the
28 appropriate time, we would see great benefit in \$40,000
29 going to the Cranbourne campaign," that's

1 Mr Ablett?---Yes.

2 "And the balance, \$25,000, to Narre Warren North," which was
3 you; is that correct?---Yes.

4 "This amount includes proceeds of the fundraiser organised for
5 Amanda Stapledon on 1 May 2014"?---Could I qualify a date?
6 Yes?---You mentioned February. My discussions with Mr Woodman,
7 to the best of my recollection, commenced in the middle of
8 March.

9 So you don't know what meeting Watsons is referring to when
10 they talk about a February meeting in which a pledge was
11 made to support those campaigns?---No, sir, I don't
12 recall.

13 Might you have had that pledge by the time of the meeting with
14 Messrs Woodman and Schutz to discuss C219 in early
15 February?---My recollection of the meeting was in March.

16 When did you determine that you would want to stand for the
17 State elections in 2014? When did you make that
18 decision?---I think about December or November of
19 the previous year.

20 And was Mr Woodman aware of that?---He certainly was at some
21 stage prior to March.

22 Yes, Ms Harris.

23 MS HARRIS: Was that because you'd had a conversation with him
24 about it?---It's more than likely I've spoken to him about
25 it, yes.

26 When you say "more than likely", did you speak to him about
27 it?---I don't have a recollection, but it is more than
28 likely that I did.

29 You indicate - - -

1 COMMISSIONER: I'm sorry, could I just ask about the other
2 allegations. The first allegation that the Ombudsman was
3 looking at was, "That Councillor Ablett introduced a
4 motion to accelerate a planning application for a PSP
5 development in the Casey area in return for a promise of
6 \$30,000 donation to his campaign fund by the particular
7 developer." Do you have any recollection of an incident
8 involving Councillor Ablett and a statement by him to
9 fellow councillors that he wanted a particular planning
10 development pushed through because he had been promised a
11 campaign donation?---Could I start with a question and
12 then answer yours?

13 You may?---Thank you. The PSP, could you tell me what the PSP
14 is so I can get that in my mind?

15 I'm not sure if the Ombudsman - just a moment.

16 MS HARRIS: I'm assisted by my friend, sir. It's the Clyde
17 PSP.

18 COMMISSIONER: Yes, it's two PSPs: Cascades on Clyde and
19 Botanic Ridge?---Botanic Ridge. In answer to your
20 question, I do not recall hearing Mr Ablett say that.
21 We have evidence, Ms Stapledon, that the occasion on which
22 Mr Ablett made reference to the promise of \$30,000 was
23 made in the presence of the other councillors?---Which
24 councillors are we referring to?

25 We are talking about in early 2014?---And could I ask which
26 councillors?

27 I'm not sure that I can give you that answer?---Okay. I am
28 aware that Mr Ablett was to receive a donation from
29 Mr Woodman. But as a promise for a PSP, I have no

1 knowledge of.

2 When did you become aware that Mr Ablett was going to receive a
3 donation from Mr Woodman?---I can't answer that. I don't
4 recall. I was pretty busy doing my own thing rather than
5 worrying about what other people were doing.

6 Was that during 2014 and before the donation was made?---It was
7 certainly before the donation was made, yes.

8 Do you recall being asked any questions by the Ombudsman about
9 that first allegation, the promised \$30,000 donation to
10 Mr Ablett?---No, I don't.

11 So in relation to what allegation was it that you exercised
12 your right to refuse to answer questions on the grounds
13 that it might incriminate you?---The question that
14 I recalled was around the not-for-profit funeral parlour.
15 That's my recollection of the questions.

16 Allegations 4 and 5 were to this effect: "Councillor Ablett was
17 promised a donation to his campaign fund by the owner and
18 developer of a funeral home at 236 Cranbourne Road, Narre
19 Warren." Were you asked some questions about
20 that?---I was asked questions about that. The specifics
21 I don't recall, but I certainly was asked that, yes.

22 Did you at the time believe that you had done anything improper
23 in relation to that issue?---No, certainly not.

24 So why then did you claim privilege?---I was in receipt of
25 legal advice.

26 You got legal advice?---Yes.

27 I'm just asking you: if your belief was that you had done
28 nothing illegal, why claim a privilege?

29 MR BONGIORNO: I'm sorry, Commissioner, if we are talking about

1 the claiming of a privilege, we submit that it's unfair to
2 enquire into why a privilege has been asserted.

3 COMMISSIONER: I'm not asking for the advice she received,
4 Mr Bongiorno. I'm asking the witness to explain why, if
5 she did not believe that she had committed any illegal
6 act, why she would claim that privilege at all. That's
7 not dependent on the legal advice, is it?

8 MR BONGIORNO: No. But so far as we are talking about a
9 privilege, we submit that it would in fact infringe the
10 privilege as to why someone has asserted it. But might
11 I submit this: that in fact it's not so much as
12 Ms Stapledon having asserted a privilege, but merely that
13 the Ombudsman does not have the power to compel answers,
14 which is a different thing. In the absence of the power
15 to compel, Ms Stapledon was not obliged to actually answer
16 questions. So, it's not so much as why did she assert a
17 privilege, but rather why she declined to answer, which is
18 a different thing, in our submission. If the Commission
19 considers that Ms Stapledon had a privilege which inured
20 to her benefit in her dealings with the Ombudsman, then we
21 submit - I'm sorry, I'm repeating myself - that it would
22 infringe the privilege to enquire as to why she in fact
23 did assert it. That's the nature of the privilege. You
24 get to assert it, and whatever your reason for doing so is
25 yours and yours alone. I suggest, and respectfully
26 submit, that the position is that the Ombudsman didn't
27 have the power to compel and so it was simply a matter of
28 her, of Ms Stapledon, declining to answer questions, which
29 is in fact a different thing.

1 COMMISSIONER: She could have simply refused to answer.

2 MR BONGIORNO: That's correct, and that I don't quibble with.

3 COMMISSIONER: No, it's a fact that the explanation that was
4 given for refusal was that her answers might incriminate
5 her and, as she made clear, she did not at any material
6 time believe that she had done anything improper or
7 illegal. That's correct, isn't it?---That's correct.

8 In any event, I understand your objection and I agree that it's
9 a difficult question to explore whilst ensuring that the
10 privilege is not infringed.

11 MR BONGIORNO: And I understand that that's the Commission's
12 concern, so that's why I raised the issue. Could
13 I respectfully submit this: if the question were reframed
14 as to why she declined to answer questions as opposed
15 to - - -

16 COMMISSIONER: She has made that clear. She did that on the
17 basis of legal advice, and we are not examining that legal
18 advice. In any event, I take your objection,
19 Mr Bongiorno.

20 MR BONGIORNO: Thank you.

21 COMMISSIONER: In any event, you say you weren't asked any
22 questions about the \$30,000 donation that Mr Ablett said
23 he was promised?---Not to my recollection, sir.

24 Were you asked any questions about the bank account that it was
25 said that you and Ablett and Rosario were attempting to
26 open?---I just need to separate. Cranbourne electorate
27 were running their own campaign. We weren't trying to
28 open a new account together.

29 And yours was a separate one?---Separate attempt, very much in

1 unison, but certainly - I'm sorry, could I please have
2 your question again?

3 Do you recall Mr Ablett at a council meeting or a meeting
4 amongst councillors saying that he had been promised
5 \$40,000 for his State election campaign?---I don't recall
6 it in that setting, no.

7 Yes, Ms Harris.

8 MS HARRIS: You indicated earlier that you did not declare a
9 conflict of interest in relation to Mr Woodman because of
10 the difficulties that were going on at that time and you
11 didn't want people to know who was supporting you. Was
12 that a conversation you had with Mr Woodman, not to
13 declare his support of you?---No, it's not. He would be
14 very "I've given him a headache he didn't need to have",
15 so I did that myself.

16 And was it that you were concerned that if you did declare that
17 Mr Woodman was donating to your campaign, that you might
18 lose a supporter?---Not just Mr Woodman. Donations in
19 general.

20 Why is that?---Because there was a mode of operandus that a
21 candidate that wasn't wanted had their fundraising
22 capabilities stifled. They were saturated by other
23 candidates when there was a photo to promote something.
24 There were other events held on the same night that events
25 were scheduled. It's very, very clever, but it's very
26 consistent, and it happened in the 2014 election and then
27 again in the 2018 election.

28 COMMISSIONER: Ms Harris, the summary of Mr Frost's evidence in
29 the Ombudsman's report alludes to his account of the

1 difficulties that a candidate like Ms Stapledon would
2 experience at that particular election given the factions
3 that existed.

4 MS HARRIS: Yes. Thank you, Commissioner. (To witness.) If
5 I can take you then to the consideration of the C219. We
6 were discussing that before the break. That came first
7 before council, as we were discussing, on 4 February
8 2014?---Mm-hm.

9 But several times over the next four years or so. You didn't
10 declare a conflict of interest, to the best that we can
11 tell, until March 2015; does that - - -?---It was March,
12 was it? I'm sorry, I got my dates wrong.

13 Does that accord with your recollection?---No, my recollection,
14 as I said to you, was December and I clearly got that
15 wrong.

16 And if we could pull up page 1463, please, and if we could just
17 scroll down. First of all, you can see that that is 17
18 March 2015?---Yes.

19 That item 6.9 refers to the Cranbourne West precinct structure
20 plan. And if we go down - - -?---What year was that,
21 please?

22 2015?---Thank you.

23 If we can just stop there, please. That there refers to your
24 conflict of interest declaration that, "There is a
25 potential conflict of interest due to Watsons attending a
26 couple of events of mine last year"?---Could I look at the
27 date again, please?

28 Yes, if you could scroll up, please?---Thank you. Yes, thank
29 you.

1 The conflict of interest between you and Mr Woodman went beyond
2 him just attending a couple of events of yours; that's
3 right, isn't it?---Yes, that's right.

4 That declaration on the screen is a less than frank
5 declaration, would you agree?---I would agree with that
6 and consistently in the paperwork that I filled in after
7 that as well.

8 So would you agree with me then that over the next few years
9 when C219 is being considered by council, on the occasions
10 that you were present you would declare a conflict of
11 interest in these terms, wouldn't you: that is, that you
12 had a conflict of interest due to Watsons or someone from
13 Watsons attending a couple of events of yours?---Sometimes
14 John Woodman was mentioned. Again, very sloppy paperwork.

15 But you would agree that it was essentially in these terms,
16 your declaration?---It wasn't as articulate as it should
17 have been.

18 Well, it wasn't full and frank, was it?---Well, it wasn't
19 designed to be deceiving.

20 There's no reference to the fact that Mr Woodman or Watsons had
21 made a donation, a significant donation, to your campaign;
22 that's correct?---That's correct.

23 Or that they in fact hosted any events for you?---That's
24 correct.

25 COMMISSIONER: Hosted what, I'm sorry?

26 MS HARRIS: Any events. Why is that?---I don't have a reason.
27 What I can tell you is that we filled these declarations
28 out - until recently when we could email, we filled these
29 declarations out late at night and I don't have - I have

1 no agenda other than I didn't fill out my paperwork
2 properly. But I was always very conscious and
3 hypervigilant about getting out of the room so
4 I didn't vote on - I was hypervigilant about getting out
5 of the room so I didn't vote on those matters.

6 COMMISSIONER: Could I just explore this with you. Did you
7 have any concern about the propriety of the course that
8 had been followed by the Liberal Party in the way in which
9 the funds came to you?---The funds didn't come to me.
10 I need to make that very clear. They remained in a pool
11 at head office for the Liberal Party and we then submitted
12 invoices for work that was done. So it might be flyers,
13 it might be - I'm just giving an example. And the concern
14 I had was that we didn't ever get a really good
15 understanding of what had been donated and what we had
16 available left in the funds for us. I found that a
17 constant source of frustration.

18 Did the funds not go to the Narre Warren account?---Well, they
19 were supposed to, certain funds that were donated, because
20 that's where they were supposed to go, to that central
21 fund.

22 Yes?---But to get visibility and to get transparency on it was
23 extremely difficult and we didn't really fully achieve it.
24 It was guesswork.

25 But as expenses were incurred they were paid out of the Narre
26 Warren account?---No, we didn't have an account. We just
27 sent invoices to head office because we didn't run
28 anything out of our electoral conference because of the
29 fractious nature of the campaign.

1 That doesn't sound consistent with what Mr Frost told the
2 Ombudsman, does it? Do you recall what I read out to you
3 before, that he said \$25,000 was
4 transferred?---Transferred to where?

5 So might that be the explanation for why you would not, when
6 declaring your conflict of interest, express yourself in
7 that way; that is, talked only about Watsons attending a
8 couple of events rather than identifying the amount that
9 had actually been donated to your campaign?---Not at all,
10 sir.

11 We are trying to understand why there has been a deliberate or
12 what appears to be a deliberate omission of the primary
13 reason for your conflict; namely, the amount that Watsons
14 donated to your campaign?---I certainly didn't have that
15 agenda, sir.

16 You didn't have that in mind?---No, not at all.

17 That you were not wanting to avoid the transparency that would
18 follow if you made a full declaration? You were not
19 trying to avoid that transparency?---No, I wasn't, sir.

20 MS HARRIS: Would you agree that the declaration you made
21 provides really no transparency as to exactly what gives
22 rise to the conflict of interest in this scenario?---Could
23 I have that question again, please?

24 That there's no transparency in your declaration as to what
25 gives rise to the conflict of interest?---I agree that the
26 paperwork isn't clear, but there was no agenda to mislead,
27 deceive - - -

28 It's not just the paperwork that's not clear. It's your actual
29 declaration that's not clear, isn't it?---Yes, that's

1 right. But if I could add my whole focus was on getting
2 out of the room and not voting on matters, and that I did
3 do.

4 And when you made this declaration in March 2015, you knew then
5 that Mr Woodman or Watsons had made a significant donation
6 to your campaign?---Yes, I did.

7 And that they had hosted functions for you; is that
8 right?---I think one function.

9 Or hosted a function. Bought tables, you had indicated, at
10 another function?---That's right.

11 Donated - is it a helicopter ride I think you said for
12 auction?---Correct, and a lunch.

13 None of that was ever declared in your conflict of interest
14 declarations to council?---No, it wasn't.

15 And is it your evidence that that was in no way to hide an
16 association between you and Mr Woodman?---No. It was
17 purely sloppy paperwork.

18 It ultimately had that effect, though, didn't it, to hide that
19 association between you and Mr Woodman?---For what
20 purpose? Watsons are there and - - -

21 I'm not asking the purpose. I'm asking do you agree that it
22 ultimately had that effect?---I wouldn't know. It
23 certainly wasn't my intention.

24 But it wasn't transparent, as you've indicated, that you had
25 that particular association or connection with Mr Woodman
26 or Watsons?---I think it was very clear that I had an
27 association with Mr Woodman and I had to leave the room as
28 a result, and that I did.

29 Was it clear that he had made a significant donation to your

1 campaign, do you think?---Not in my paperwork, no.

2 Is it your evidence that on every occasion that - if we focus

3 at the moment on C219 came before council, you left the

4 room and didn't vote?---For Cranbourne West? With

5 the exception of one.

6 Which one?---The one on 1 April 2014.

7 COMMISSIONER: Ms Harris, the declaration that you put on the

8 screen, is that an exhibit?

9 MS HARRIS: It's not, Commissioner, no. I seek to tender it.

10 COMMISSIONER: What's the date of that declaration?

11 MS HARRIS: 17 March 2015. They are minutes from the council

12 meeting of that date.

13 COMMISSIONER: That will be exhibit 183.

14 MS HARRIS: Sorry, I'm being corrected, Commissioner.

15 I understand it is an exhibit. 169, it is.

16 COMMISSIONER: It is an exhibit?

17 MS HARRIS: 169. You indicated that you didn't remove yourself

18 on 1 April 2014?---Correct.

19 Why was that?---Whilst I was conscious of the matters,

20 I actually was in I would describe a very distressed state

21 and didn't read the alarm bells and I should have got out

22 of the room and I didn't.

23 Did you vote?---Yes.

24 This matter, the C219, was before council on 17 June 2014. Did

25 you remove yourself on that date?---What was that date

26 again, please?

27 17 June 2014?---To the best of my knowledge, I did.

28 19 August 2014?---To the best of my knowledge, I did.

29 The records indicate that you were absent on 16 September 2014

1 and 21 October 2014. Is there a reason that you were
2 absent on those dates?---There would have been. But if
3 I could expand. My attendance rate is quite significant.
4 I really believe we should turn up for council meetings.
5 There would have had to have been two good reasons for me
6 not being there. So one for each meeting. I don't know
7 what they are, I'm sorry.

8 You can't recall what they are at this stage?---No, I can't.

9 It could have been a sick son. It could have been - it
10 could have been a number of things, but it would have
11 been - could I have the date again, I'm sorry?

12 16 September 2014 and 21 October 2014?---There could have been
13 also some reason around the campaign.

14 Around the campaign at that stage?---Yes.

15 Could we bring up the minutes, please, for 17 June 2014 at page
16 1330?

17 COMMISSIONER: Is this an exhibit?

18 MS HARRIS: I don't believe so, Commissioner.

19 COMMISSIONER: It would be helpful to know in advance.

20 MS HARRIS: I will let you know. We can see, Ms Stapledon,
21 that you are present on that day. Then if we go down,
22 please, to 1334. Just continue down, please. I'm
23 informed this is not an exhibit, Commissioner?---What was
24 that date again, please?

25 If we could just go up to the top so the witness can see.

26 17 June 2014?---Thank you.

27 Did you vote on that recommendation, Ms Stapledon?---To the
28 best of my knowledge I removed myself from the room, but
29 I don't remember that particular item. But, as I said

1 before, I was hypervigilant about leaving the room.

2 And when you say "leaving the room", you wouldn't declare a
3 conflict, you would just leave; is that your
4 understanding?---Correct.

5 All right. I tender that document, Commissioner.

6 COMMISSIONER: Yes. Casey Council minutes of 17 June 2014,
7 exhibit 183.

8 #EXHIBIT 183 - Casey Council minutes of 17 June 2014.

9 MS HARRIS: If we could just scroll up again to 1333, please?

10 Just scroll up. Sorry, if we could just pause it there.

11 At 6.54 that indicates you left the chamber. Does that
12 accord with your recollection that you would just leave
13 because you knew there was an item in relation to
14 Cranbourne West that caused you a conflict?---During 2014,
15 the majority of it, yes.

16 All right. Thank you, Commissioner.

17 COMMISSIONER: Is that an accepted means by which a councillor
18 might address their conflict of interest, just to leave
19 the chamber?---No, sir.

20 Why were you doing that?---For the reasons that I stated
21 before, because I was concerned that if I did declare who
22 my supporters were that we would be stifled in terms of
23 fundraising, and that certainly has been proven to be true
24 over a number of years.

25 I see?---It's not an acceptable answer.

26 This is preceding your election?---Yes.

27 The election?---That's right.

28 That's the explanation?---Not a good one, sir.

29 MS HARRIS: Did Mr Woodman provide you with any support in

1 relation to local government elections?---Yes, I believe
2 he did.

3 In which years?---In 2016.

4 Is that the only year he provided you with support?---I paid
5 for my campaign the campaign before. That's the only one
6 I know of.

7 Sorry, I didn't catch that?---I paid for my campaign expenses
8 the campaign before. So that's the only one I know of,
9 yes.

10 And what was the assistance he provided to you?---I'm sorry?
11 What was the assistance he provided to you in 2016?---I believe
12 there were in kind funds to the tune of \$4,000 for my
13 council campaign. I didn't receive that personally.

14 Sorry, I didn't - - -?---I didn't receive that personally.

15 Where did that go?---I'm not sure.

16 How did you know about it then?---We had joined a group of
17 like-minded candidates and councillors and we wanted to
18 consolidate our resources so we could get affordable
19 printing and advertising, that sort of thing. We did
20 that. And Mr Aziz advised that there was some behind the
21 scenes fundraising that took place and that we wouldn't
22 need to worry about our one - I think it was one batch of
23 printing, some advertising and a number of other things.

24 Was it your understanding that Mr Woodman was funding the
25 like-minded candidates' campaign?---Certainly at a later
26 date I had that confirmed, yes.

27 By whom?---Mr Aziz.

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

29 When you say "the later date" was it before or after the

1 election?---After the elections, yes.

2 How long after?---I don't recall, I'm sorry. I don't recall.

3 Did you declare the donation or the assistance in your donation

4 return?---No, I didn't.

5 Why not?---I should have. I didn't.

6 When you say you should have, you are legislative bound to make

7 that declaration, aren't you?---Yes.

8 COMMISSIONER: You will need to say something that's - -

9 -?---Okay.

10 MS HARRIS: That's right, isn't it? You are legislative bound

11 to make that declaration?---That's correct.

12 And a failure to declare or declaring something you know to be

13 false, it's a criminal offence, isn't it?---I didn't know

14 that.

15 You didn't know that?---No.

16 COMMISSIONER: Did the other councillors that you were in a

17 group with for the purpose of that contribution, did any

18 of the others declare that contribution?---That I can't

19 answer, certainly in the early days. What I did know that

20 a conversation took place is a lot of people wanted to

21 know who the donor or donors were. So that was up to them

22 to - in my opinion, to find out.

23 For themselves?---Yes.

24 MS HARRIS: You had a similar obligation, didn't you, to find

25 out who donated or contributed to your campaign and what

26 the value of that contribution might have been?---Yes,

27 I did.

28 And what did you do to inform yourself of that?---Well,

29 I didn't know how much was donated until the IBAC inquiry

1 commenced. But certainly I knew some time ago.
2 What's some time ago?---I just can't remember, I'm sorry.
3 But my question was it was incumbent on you to inform yourself
4 of who had donated and at what value; that's right, isn't
5 it?---Well, I would have thought so.
6 COMMISSIONER: So the money was contributed into a pool?---Yes.
7 For use by a group of you?---Yes.
8 And presumably that wasn't the only money that was paid into
9 that pool?---I don't know. I had no visibility of it, I'm
10 sorry, unless I'm not understanding your question.
11 So you don't know what amounts were paid into the pool by
12 anyone else?---No, not a clue.
13 You've got no idea of what the cost of the campaign was for
14 that group of councillors?---I have heard things recently;
15 but prior to that, no, sir.
16 What have you heard recently?---I heard 100,000.
17 How were any of you going to be able to discharge your
18 independent obligations to make declarations and then to
19 identify whether there was a conflict of interest if there
20 were moneys paid into a common pool and none of you knew
21 who each amount came from?---I can only reiterate my focus
22 was making sure - sorry.
23 But do you not see that not only were you failing in your own
24 right but all of the councillors were failing each other
25 in not addressing the fact that none of you would be able
26 to comply with your obligations if you used that system of
27 donation; do you not see that?---I can see that I failed
28 in my obligation, sir.
29 What about the other councillors? They must have been in the

1 same position as you?---They said they were going to make
2 their own enquiries.

3 I see.

4 MS HARRIS: I note the time, Commissioner.

5 COMMISSIONER: We are continuing on until 1.

6 MS HARRIS: Thank you. Did you make any enquiries

7 with - I will go back. You were aware that it was

8 Mr Woodman that was funding that campaign or his

9 entities?---I was certainly aware that he was one of the

10 donors, yes.

11 Were there any other donors that you were aware of?---Not that

12 I'm aware of, no.

13 Did you make any enquiries for some kind of breakdown as to

14 what financial contributions were made to you

15 specifically?---No.

16 Is that something you should have done?---Yes.

17 Can you provide any explanation for why it wasn't done or why

18 you didn't do it?---Not an acceptable one.

19 At the time that you made your donation declaration you knew

20 then that Mr Woodman had contributed to your

21 campaign?---Which declaration are you referring to, sorry?

22 For the 2016 election?---I wasn't certain of that until after

23 the campaign.

24 Could we bring up page 4569, please? This is your election

25 campaign donation return; is that right?---Yes. It looks

26 like my handwriting.

27 Pardon?---It looks like my handwriting; messy.

28 You indicate that there are no applicable disclosures, and if

29 we can just go down, please. At the date that you signed

1 that are you saying you didn't know Mr Woodman had
2 provided any kind of contribution to your campaign?---To
3 my council campaign?

4 Correct?---To the best of my knowledge - - -

5 That's what we are talking about, your council campaign?---To
6 the best of my knowledge.

7 You did know or you didn't know?---No, I don't think I did.

8 So who did you think had provided or funded the pamphlets, the
9 printing, the delivery?---We were told we didn't need to
10 worry about it.

11 COMMISSIONER: Who told you that?---Mr Aziz.

12 Sorry?---Mr Aziz.

13 MS HARRIS: But you would know as a very experienced councillor
14 at this point of time and having been mayor that you did
15 have to worry about it because you had to sign a
16 declaration about it; that's right, isn't it?---My
17 thinking at that time - - -

18 No, that's right? That was your understanding, wasn't it? In
19 2016 you understood because of your experience that you
20 had to sign a declaration about the local campaign?---I
21 had to sign a declaration about the local campaign, yes.

22 And that it had to be truthful; you knew that, didn't
23 you?---Yes.

24 At the time you signed this you are saying you didn't know who
25 funded various aspects of your campaign?---To the best of
26 my knowledge, no.

27 And you made no enquiries in order to fulfil your obligations
28 under the Act?---I did, but we were told we didn't need to
29 worry about it.

1 And you knew you did need to worry about it, didn't you,
2 because it was you that had to sign the form?---I can only
3 reiterate my focus was on getting out of the room when
4 there was a matter that I felt I was conflicted with.
5 I'm not asking about conflict of interest at this point of
6 time?---Okay, sure. Declaration.
7 I'm asking you about your declaration. Can we have a look at
8 page - perhaps I will tender that.
9 COMMISSIONER: That's not an exhibit?
10 MS HARRIS: I will tender that, Commissioner.
11 COMMISSIONER: Exhibit 184, Ms Stapledon's declaration of gifts
12 and hospitality 22 October 2016.
13 #EXHIBIT 184 - Ms Stapledon's declaration of gifts and
14 hospitality 22 October 2016.
15 MS HARRIS: Could we have page 3925? It's exhibit 65,
16 Commissioner. This is a budget for all the items that
17 were provided for the candidates that were like-minded.
18 If we scroll through you can see photography. Did you
19 have your photo taken for this campaign?---From memory
20 I think I re-used a photo.
21 Did you have brochures printed?---Yes.
22 Did you have them delivered?---Yes.
23 And if we can go down further, please? Perhaps I can ask you
24 this: how many candidates comprised the like-minded
25 candidates?---Somewhere between eight and 10, I think.
26 And who were they?---There was Councillor Wayne Smith.
27 Councillor Damien Rosario. There was then Councillor
28 Louise Berkelmans. I believe there were a couple of
29 candidates that Councillor Aziz was putting forward. At

1 that stage I didn't know who they were.

2 Was Councillor Aziz one of them, one of the like-minded

3 candidates?---Yes, one of the like-minded, yes.

4 COMMISSIONER: He had organised this, had he not?---Yes.

5 Councillor Aziz?---Yes, he did. And Councillor Ablett, that's

6 right.

7 MS HARRIS: Can we keep scrolling down, please. Sorry, can we

8 just stop there. There's design and printing of community

9 endorsements?---Mm-hm.

10 It seems to have your initials next to that?---That would make

11 it two brochures then.

12 Is that your recollection, there were only two

13 brochures?---I did another one and I funded that myself.

14 Right. If we can continue down. If we can go down to the next

15 page, please? Sorry, there's newspaper advertising. Did

16 you receive newspaper advertising?---I believe I did, yes.

17 Continue down. If we can go down to the next page too, please.

18 If we just leave it there, you can see that delivery of

19 leaflets next to the Mayfield ward, your name and the

20 value of \$758.50?---So it wasn't 4,000.

21 That's just delivery?---Okay, thank you.

22 But my question to you is you have had leaflets printed,

23 delivered, and advertisement in the newspaper and you have

24 made no enquiries as to who funded that for your

25 campaign?---I did make enquiries. I was told I didn't

26 have to worry about it.

27 And when did you make those enquiries?---During the campaign

28 meeting.

29 COMMISSIONER: Sorry, again, who told you not to worry about

1 it?---Mr Aziz.

2 And did you ask him how that could be?---No, I didn't.

3 Why not?---I don't have an answer for you, sir.

4 One of the things that the monitor observed from her short
5 period at the council was that there seemed to be an
6 inadequate level of governance by councillors of each
7 other in terms of compliance. This seems to be a glaring
8 example of it, that you don't comply with your obligations
9 because Mr Aziz tells you you don't need to worry about
10 it. Is that a fair comment?---I think on that one
11 occasion, yes.

12 And the net result would mean looking at that sheet of expenses
13 it would be quite impossible for any of you to have
14 complied meaningfully with your obligations because it
15 would be impossible to say how much of each item would be
16 attributable to individual councillors; isn't that so?---I
17 would agree with that.

18 MS HARRIS: Did you consider that attached to Mr Woodman's
19 support of you in that campaign was a suggestion that you
20 would support his matters before council?---Absolutely
21 not. Mr Woodman has never asked me to do anything for
22 him. He has discussed issues in the early days prior to
23 me having a conflict, but he has never asked me to do
24 anything since having a conflict. And he didn't ask me to
25 do anything prior to that either. I need to be very clear
26 there: he has done nothing improper in that regard.

27 Do you accept that this situation, that is his contribution to
28 your State campaign - sorry, your local campaign would
29 also give rise to a conflict of interest

1 situation?---Absolutely.

2 Was that one you declared?---No. I said before when you asked
3 me I did not declare it.

4 But I asked you earlier in relation to the State election. Are
5 you suggesting that you also didn't declare a conflict of
6 interest in relation to Mr Woodman's contribution to your
7 local election?---That's correct.

8 Is that an appropriate time, Mr Commissioner?

9 COMMISSIONER: It is. Ms Stapledon, have some lunch; have a
10 good break. We'll see you back here at 2 o'clock.

11 WITNESS: Thank you.

12 <(THE WITNESS WITHDREW)

13 LUNCHEON ADJOURNMENT

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