

---

TRANSCRIPT OF PROCEEDINGS

---

WARNING - CONTAINS LAWFULLY INTERCEPTED INFORMATION AND INTERCEPTION WARRANT INFORMATION.

These documents contain information as defined within ss 6E and s 6EA of the Telecommunications (Interception and Access) Act 1979 (Cth) (TIA Act). It is an offence to communicate to another person, make use of, or make a record of this information except as permitted by the TIA Act. Recipients should be aware of the provisions of the TIA Act.

WARNING - CONTAINS PROTECTED INFORMATION.

These documents contain 'protected information' within the meaning of s 30D of the Surveillance Devices Act 1999 (Vic) (SD Act). It is an offence to use, communicate or publish this information except as permitted by the SD Act. Recipients should be aware of the provisions of the SD Act.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 10 NOVEMBER 2020

(26th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, 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 <PHILIP JOSEPH STAINDL, recalled:

2 <EXAMINED BY MR TOVEY, continued:

3 COMMISSIONER: Good morning, Mr Staindl, Mr Lavery. Are we  
4 ready to proceed?

5 MR LAVERY: Good morning, Commissioner. Yes.

6 COMMISSIONER: Very good. Yes, Mr Tovey.

7 MR TOVEY: Thank you, Mr Commissioner. Mr Staindl, yesterday  
8 we were touching upon the way in which  
9 Progressive Business worked. Now, at some stage you told  
10 us you resigned from Progressive Business; is that  
11 right?---From the board.

12 Yes. And how long had you been on the board at that  
13 stage?---I think about seven or eight years.

14 At the time that you resigned - sorry, when was it that you  
15 resigned?---2010.

16 And is it fair to say that at that time there had been  
17 considerable controversy in the press in Melbourne about  
18 the relationship between lobbyists and fundraising for  
19 political parties?---I would phrase it there were I think  
20 one or two articles in The Age about it.

21 Did any of those articles focus on the activities of yourself  
22 or Mr Leigh?---I cannot recall.

23 I notice there was reference in some of the communications  
24 which have come to our attention as to adverse publicity  
25 suggesting inappropriate relationships being indulged in  
26 by Mr Leigh. Do you know anything about that?---Not of  
27 any detail, no.

28 Well, even if you don't know about it in detail, what do you  
29 know?---I don't know. I remember an article about him,

1 but not about - I just don't know any more than that.

2 Do you know generally what criticisms were being made? Was it  
3 the type of criticism which I've just raised with  
4 you?---I cannot recall, sorry. We're talking 10 years or  
5 more ago.

6 Was it in the context of some degree of press pressure that  
7 you - when I say 'press pressure', that's not the right  
8 term. Was it in the context of some degree of press  
9 attention that you decided that it wasn't necessarily  
10 productive to continue on as a director of  
11 Progressive Business whilst you maintained a lobbying  
12 business?---I think it's fair to couch it that I came to  
13 the realisation that my continued involvement as a board  
14 member ran the risk of creating a perception that there  
15 may be a potential conflict. That's why I resigned.

16 And it's the perception of conflict which brings about the need  
17 for transparency; is that the case?---I'm not sure.

18 I think that's your statement. I wouldn't - yes, I have  
19 no comment to make on that.

20 I mean, as of yesterday you had indicated to us that the  
21 requirement for transparency within the lobbyists' code  
22 was not a requirement of transparency with the citizenry  
23 at large, but only in relationships between you and  
24 politicians. Have you reflected on that at all? Is that  
25 still your view?---Have I reflected on it? I haven't  
26 really reflected. Look, I carry out my duties as a  
27 lobbyist in as a professional and ethical manner possible,  
28 and I'd like to think that I've done that and adhered to  
29 that in the spirit of what the lobbyist code lays down.

1 I'm not asking you about whether you have acted properly or  
2 improperly. I'm asking you about the code itself. You  
3 told us yesterday that the requirement for transparency in  
4 the code you understood to be only a requirement that you  
5 be transparent in your dealings with members of the  
6 government, rather than a requirement that there be  
7 transparency in respect of the associations between  
8 yourself and members of the government in terms of  
9 transparency, visibility to the public. That can't be  
10 right, can it?---Well, that's my interpretation. I'm at a  
11 loss to understand what else you're suggesting I should do  
12 vis-à-vis your view of what transparency entails.

13 So what restrictions did the lobbyists' code put on you from  
14 your perception?---None that readily come to mind.

15 That's the problem, isn't it?---You exercise common sense in  
16 your dealings with ministers, with ministerial staff and  
17 with public servants. You would observe the protocols  
18 laid down with meetings at functions and endeavour to act  
19 in a professional way.

20 COMMISSIONER: Mr Staindl, I have a vague impression - and it's  
21 only an impression because it's a long time ago now - that  
22 the Premier of the state, at the time that there was this  
23 adverse publicity about your role at Progressive Business  
24 and the potential for there to be conflict with your role  
25 as a lobbyist, that the Premier came to your aid and made  
26 some public statement about having confidence in you. Is  
27 my memory failing me there or did he do something like  
28 that?---No, I think you are correct. But I took it off my  
29 own bat, after discussions with a few other members of the

1 board, that it would be best for all concerned that  
2 I vacate both the chairmanship and membership of  
3 the board.

4 Yes. The reason I raise it is because the issue of potential  
5 conflict, conflict of interest, between being an active  
6 fundraiser for a political party and also being a lobbyist  
7 was a central question then and, as I see it, remains a  
8 central question now. Do you have any comment to make  
9 about that?---Nothing further to what I think I've already  
10 stated, sir.

11 All right?---No. No, I don't.

12 All right. Thank you. Yes, Mr Tovey.

13 MR TOVEY: So then getting back to - I think we diverted for a  
14 little while, but getting back to the way in which  
15 Progressive Business operated, was there an equivalent or  
16 a mirror organisation which provided funding for the  
17 Liberal Party and business connections?---You'd have to  
18 check with the Liberal Party. I think there's the 500  
19 Club and there was an organisation called Business First.  
20 But beyond that I have no knowledge of their workings or  
21 their structure.

22 You didn't attend any of their functions?---No.

23 What about Mr Leigh, to your knowledge?---I have no idea.

24 When you were working with him, was he involved in those  
25 organisations?---We tended not to talk - discuss those  
26 matters. We knew there were areas of activity that we  
27 just kept to ourselves. So, I'm not aware.

28 All right. In any event, we were yesterday discussing the  
29 various types of interfaces which were provided between

1 businessmen and politicians by Progressive Business.  
2 You've spoken about I think workshops. Is there any  
3 difference between workshops and boardroom lunches?---Yes.  
4 Lunches were usually hosted by a sponsor and would have up  
5 to 20 or so guests in attendance. A minister would attend  
6 and usually after a meet and greet sit down and talk for  
7 10 minutes or so and then the assembled guests would have  
8 the opportunity to ask the minister a question.

9 Did Mr Woodman sponsor boardroom lunches from time to  
10 time?---He was more an attendee, I think, at  
11 Progressive Business lunches rather than - or sent people  
12 along on his behalf. There may have been other functions  
13 outside of Progressive Business that he hosted or  
14 sponsored, but I'm not sure that he sponsored  
15 Progressive Business events as such.

16 And it was the case, or it may have been, there were numerous  
17 functions that he sponsored outside Progressive Business,  
18 were there not?---There's certainly some that I'm aware  
19 of, yes.

20 Well, you arranged them?---Yes, that's what I mean. They're  
21 the ones I'm aware of.

22 Anyway, sticking with Progressive Business while we're there,  
23 so at boardroom lunches there was the opportunity for  
24 attendees to speak to ministers?---Very briefly, just as  
25 they're assembling and getting ready to take their seats,  
26 and it was usually in groups.

27 Were there one-on-one discussions provided for or briefings  
28 provided for within the framework of boardroom  
29 lunches?---Not to my knowledge, no.

1 So what were the types of events then which made provision for  
2 people to be given the opportunity of making specific  
3 representations to ministers?---They were called business  
4 forums, as we discussed yesterday, and I likened it to a  
5 speed dating exercise where you would have a program of  
6 meetings and there would be multiple ministers in  
7 attendance and you would have 15 minutes with ministers  
8 you requested to discuss some issues that you had already  
9 notified those officers about.

10 And was that a process which involved you paying an extra  
11 fee?---I can't recall. It may have been included in the  
12 membership. It probably depended on what level of  
13 membership you had. But by that stage I wasn't familiar  
14 with the pricing structure and the entitlements because  
15 that changed quite markedly from the time I was on the  
16 board.

17 When you were on the board, did things operate in any  
18 significantly different fashion?---There was an evolution  
19 in the way events were run and that's a mark of just the  
20 way organisations progress, I daresay. But essentially it  
21 was providing opportunities for engagement with  
22 government.

23 Other than through Progressive Business, you would conduct  
24 fundraisers for various candidates or groups of  
25 candidates?---Yes, I organised a number over the years.

26 And many of those were - sorry, some of those were organised by  
27 you?---Yes.

28 When I say 'organised by you', these were functions which were  
29 sponsored by you?---Or I would enlist the support of

1 sponsors. Some of them were just ticketed events and  
2 I would advertise it far and wide and attendees would come  
3 along, have a chat, listen to the minister, interaction  
4 and that would be it. It was a fairly standard format.  
5 And, sorry, what was the format then?---It was often late  
6 afternoon cocktail drinks.  
7 Yes?---That seemed to be a format that worked well.  
8 You would also arrange, would you not, political fundraisers  
9 sponsored by Mr Woodman?---I think Mr Woodman sponsored  
10 three or four specifically. There could be others, but  
11 I recall three or four.  
12 We're going to some of them, but what are those that you  
13 remember?---He was a co-sponsor of a cocktail function for  
14 I think two ministers, the Minister for Transport and the  
15 Minister for Education. In fact over the years there were  
16 probably two of those.  
17 So who were those ministers at the time?---Education and  
18 transport.  
19 Yes, so who was that? Mr Merlino and Mr Donnellan?---No,  
20 Mr Merlino and Jacinta Allan.  
21 Right. Was there any particular relationship, special  
22 relationship, between Mr Woodman and either of those  
23 people?---None whatsoever.  
24 So any other fundraisers that you can recall?---I think there  
25 was one held at Crown back in 2014 or 15 where Martin  
26 Pakula, and this if memory serves me correctly was when  
27 Labor was still in opposition, he was a guest speaker at  
28 the function and there were some other neighbouring MPs of  
29 Mr Pakula in attendance.

1 And who were they?---Judith Graley and Jude Perera.  
2 And that was a function at Crown Casino, you said?---Yes.  
3 And that was a function which you arranged on Mr Woodman's  
4 behalf?---Correct.  
5 Where in Crown Casino was it held?---I can't recall. It's one  
6 of the upstairs rooms. I don't know the names.  
7 And did it raise money?---Yes.  
8 How much did it raise? Did it raise around \$30,000?---That's  
9 possible, yes.  
10 Which was distributed between the three members?---As  
11 I understand it, yes.  
12 And how much did that cost to put on?---I cannot recall that.  
13 Who attended other than Mr Woodman and his staff?---Mr Woodman  
14 was able to get some other colleagues from the property  
15 development sector to attend.  
16 Yes?---I can't recall off-hand.  
17 Well, you were there at the function?---Yes.  
18 There were Mr Woodman and members of his staff and Heath  
19 Woodman was there, was he?---As far as I recall, yes.  
20 I mean, how many people were at that function?---Off the top of  
21 my head I think 30 or 40, but that's a ballpark  
22 guesstimate. This is back in 2014. I attend - I would  
23 have attended hundreds of functions over that time.  
24 Yes?---To try and single out one function six years ago and  
25 remember how many were there and who was there, I find  
26 I have great difficulty with that.  
27 So any other functions, any other fundraisers you recall?---Not  
28 that I recall off-hand, but there could well be and if you  
29 have some evidence that you'd like to prompt me with, then

1 I'm happy to try and discuss those. But as I said, I've  
2 been to literally hundreds over that five or six year  
3 period.

4 One of the projects that you were involved in was the  
5 Cranbourne West rezoning, was it?---Correct.

6 And did you have regular contact with Megan Schutz in respect  
7 of that?---Yes, that and other matters.

8 She referred to in evidence about monthly meetings occurring  
9 where you and John Woodman and she would be discussing  
10 things such as donations?---There was a period where there  
11 were monthly meetings, I think around 2016/2017, and  
12 occasionally donations would be discussed, yes.

13 And were the donations which Mr Woodman was making to the Labor  
14 Party always discussed with you?---No, I don't think they  
15 were. I think there were multiple occasions that I can  
16 recall where either Mr Woodman or Ms Schutz would attend  
17 because they had received invitations to events directly,  
18 and so they didn't all go through me.

19 From your perception were any of those donations motivated by a  
20 wish to obtain support for Woodman projects?---I think  
21 Mr Woodman and particularly Ms Schutz welcomed the  
22 opportunity to meet with ministers and their advisers and  
23 engage on whatever projects happened to be topical at the  
24 time or requiring some sort of assistance at the time.

25 I asked you from your perception were any of those donations  
26 motivated by a wish to influence politicians in respect of  
27 Mr Woodman's business affairs?---Sorry, to influence? No.  
28 My perception would be no.

29 Were any of those motivated by an expectation that the

1 politicians supported would support a project in which  
2 Mr Woodman was involved?---No.

3 Do you want to reflect on that?---Well, I saw no evidence of  
4 Mr Woodman or Ms Schutz attending functions with the  
5 expectation that they are going to get a particular  
6 outcome from a minister.

7 That's not what I asked you, is it?

8 COMMISSIONER: Mr Staindl, I don't think that was an answer to  
9 Counsel Assisting's question?---Sorry, then I misheard it.  
10 Could you ask the question again.

11 MR TOVEY: Yes. From your perception were any donations made  
12 by Woodman connected or motivated by knowledge that a  
13 particular politician was supporting one of his  
14 projects?---I'm trying to think. I have no direct  
15 evidence of that. He would certainly like to support MPs  
16 in the areas in which he had business interests, and  
17 that's quite a common or was a common practice by many  
18 businesses, to support their own local MPs. Is that what  
19 you're referring to or is there something different?

20 To put it very simply, from your perception was there ever any  
21 connection between a donation by Mr Woodman and an  
22 expression of support by the MPs to whom he  
23 donated?---There was the case, the one that I'm aware of  
24 because I recall hearing the audio of it, was a donation  
25 to the candidate for Cranbourne just prior to the last  
26 state election where I reported to Mr Woodman that  
27 I thought (indistinct) was relatively positive about  
28 the Cranbourne West rezoning program amendment after  
29 having heard the arguments and support that had been

1 supported by council and then went to panel process and  
2 was unanimously supported by the panel, that I said, you  
3 know, 'She seems generally in support of it,' in a  
4 20-minute or half-hour briefing that we had. I did hear  
5 audio of Mr Woodman speaking to somebody else saying it  
6 was 'fantastic' and that, 'We'll give her a donation.' If  
7 that's what you're leading to, then that's one  
8 possibility, but I did not see it as overtly. I thought  
9 there was an offer made of support, part of which was  
10 accepted, but there was nothing to indicate any follow-up  
11 where there was a return expected after that.

12 Did Mr Woodman in conversations with you tell you after that  
13 that he was expecting or anticipating her support, Pauline  
14 Richards' support?---I think he said, my recollection was  
15 that he said she was very supportive of it and based on  
16 the information that we provided Ms Richards at  
17 that - Mrs Richards at that briefing, then that was quite  
18 a fair assessment to make . I should add to that there  
19 was no follow-up contact with Mrs Richards to discuss  
20 Cranbourne West once she was elected to parliament.

21 COMMISSIONER: Mr Staindl, could I just ask you a more general  
22 question then about what you thought you were seeking to  
23 achieve when - and I put this generally, I don't have any  
24 specific incident in mind in putting this to you - you sit  
25 down with a client who you know does not have a particular  
26 ideological affiliation with a political party, but you  
27 sit down and discuss with the client how it might be  
28 beneficial to the client if the client makes some  
29 donations to particular individuals for their electoral

1 campaign, if those individuals you see as being able to  
2 exercise any level of influence in terms of an outcome  
3 that your client wants. You did that from time to time,  
4 did you not?---Yes, and there would be some that I would  
5 suggest could be supported because they are good up and  
6 coming MPs but they're in a marginal seat and fighting a  
7 very tough battle and so worthy of support.

8 I'm not seeking to exhaust all of your motivations for  
9 recommending to a client that they might support an  
10 electoral campaign, but one of the factors that operated  
11 in your thinking was that it had the potential to assist  
12 the client's objective to provide that electoral  
13 support?---Well, I certainly wouldn't be recommending a  
14 client support a candidate who was then going to get in  
15 and vehemently oppose the business interests of that  
16 client.

17 I'm anxious at this point in your examination, before Counsel  
18 Assisting takes you to any specific incidents and issues,  
19 to just explore at this very general level what are we  
20 talking about here when we consider the capacity of a  
21 donation to an electoral campaign to potentially influence  
22 a member of parliament? What is it about the human  
23 condition, Mr Staindl, that enables you, as you have over  
24 your career as a lobbyist, to think that by providing that  
25 level of support you might get a more favourable approach  
26 by that individual than if you didn't?---Sorry, just  
27 repeat the last part of the question?

28 I'm wanting to see whether you can identify for us what is it  
29 about the human condition that leads you as an experienced

1 lobbyist to say to a client, 'It's worthwhile you  
2 contributing to this person's electoral campaign because  
3 that might' - that might, to use the terminology again of  
4 the code - 'that might have some influence over the  
5 person's ultimate approach to' - - -?---I would hope that  
6 it would create an opportunity where the client could  
7 converse with the MP concerned about the project or  
8 projects they're engaged with going forward.

9 So you're talking - - -?---I have had no other expectations to  
10 a contribution other than the possibility of engagement.

11 So we're now talking about it perhaps giving the client some  
12 access that they mightn't otherwise have been able to  
13 achieve?---Yes, that's probably a fair enough way to couch  
14 it.

15 But surely there's more at play here. Again, I'm talking in  
16 general here, Mr Staindl. But based upon your knowledge  
17 of human beings and how they respond when someone supports  
18 them, surely there's more at play here than just giving  
19 the client access to that individual?---My experience is  
20 generally, no, that ministers and certainly many MPs will  
21 gratefully accept support, but it doesn't bring any  
22 expectations that they in turn turn around and support a  
23 particular proposition or project. (Indistinct) a  
24 balancing act, but I haven't encountered that.

25 Yes. Yes, Mr Tovey.

26 MR TOVEY: Was it part of the strategy used by yourself and  
27 Mr Woodman to seek to have local members of parliament  
28 intercede on Mr Woodman's behalf with the government or  
29 with ministers?---Yes, and that was quite a common

1 approach across the board. If a local member of  
2 parliament is supportive of a project, then it stands to  
3 reason that they're going to be, if they're willing to act  
4 in that role, an advocate and liaison point with  
5 government.

6 Negotiations? Would it go as far as you equipping local MPs,  
7 Judith Graley in particular, to negotiate with government  
8 on certain matters?---I would use the term 'advocate', but  
9 there's no example of negotiation that comes to mind.

10 Well, would you tell a local MP, 'Look, this is what we're  
11 prepared to do, but if the government want more,' or  
12 'We'll throw in a school,' or 'We'll do this or we'll do  
13 that'?---That's certainly possible because that's all part  
14 of a project assessment, I would have thought. An MP has  
15 a vested interest in delivering the best possible outcomes  
16 for their area.

17 With Ms Graley, for instance, at one stage she was asked to put  
18 forward a proposal to government, but not initially to  
19 indicate that you're willing to throw in extra, but, if it  
20 came to that, authorised to indicate that you would throw  
21 in something extra; is that correct?---I don't recall  
22 that.

23 Is it consistent with the strategies that were employed at that  
24 time?---I really can't comment one way or the other on  
25 that.

26 When you indicate that you'll expect that local MPs will  
27 advocate, is this in the context where in the case of  
28 Graley, Perera, Richards, those local MPs, that they have  
29 been provided with financial support in their

1 campaigns?---Sorry, what was the last part of your  
2 question?

3 You've indicated that you'd hope that you'd get local MPs on  
4 side in respect of projects in which Mr Woodman was  
5 involved; is that right?---Yes.

6 You've told us that you would hope that those people  
7 who - those MPs who were supporting Mr Woodman would  
8 advocate on his behalf, on behalf of his projects; is that  
9 right?---If they were of a mind to, yes.

10 And they would be given the wherewithal to do that, they'd be  
11 provided with briefing documentation, be given insights  
12 into what Mr Woodman was prepared to do to see the project  
13 go forward?---Yes, I think that's a fair enough  
14 assessment.

15 Invariably those people would be people in the Cranbourne area  
16 whose campaigns had been supported by Mr Woodman, by  
17 political donations, fundraisers?---Yes. Yes.

18 Doesn't that create a problem of transparency?---It's all  
19 perfectly legal and the transparency comes because those  
20 donations are declared through the various electoral laws.

21 Did you sense at any time that any of these people who had been  
22 supported and then went on to support you with the  
23 government felt that there was some sense of obligation  
24 arising, some sense of reciprocity arising from the  
25 relationship which had arisen through fundraising,  
26 donations, briefing?---No, I didn't.

27 Did those people apologise to you when - did any of those  
28 people apologise to you when they couldn't come through  
29 with the goods?---No.

1 Did any of those people indicate that they were feeling upset  
2 or annoyed because they hadn't been able to further  
3 Mr Woodman's interest?---I cannot recall off the top of my  
4 head about that.

5 COMMISSIONER: Mr Staindl, you answered Counsel Assisting's  
6 question about transparency by saying that it is  
7 transparent because the contribution to the member's  
8 electoral campaign has to be declared, is on the  
9 record?---Yes.

10 We're not talking about the contribution. We're talking about  
11 the role the member plays in seeking to influence the  
12 minister. There's no transparency as to that, is  
13 there?---My understanding is because in the case of both  
14 Jude Perera and Judith Graley, they were very public in  
15 their support of the amendment for a variety of reasons.  
16 They felt it was the best outcome for the communities  
17 around the Cranbourne West area and, without going into  
18 the merits one way or the other there, they also felt that  
19 the process that had been gone through, especially the  
20 public hearing process, made it worthy of support. Their  
21 assessment was that both in terms of the efficacy of the  
22 project and the politics of it, because they didn't want  
23 to see heavy industrial uses on that land which abutted  
24 residential areas, they were very strongly of the view  
25 that the politics dictated they support residential  
26 rezoning. They make that decision of their own volition.  
27 If either of those MPs felt that in any way the land was  
28 better suited to being zoned - retaining its industrial  
29 zone, they would have said so and not supported the

1 rezoning.

2 But, with respect, Mr Staindl, that doesn't address the  
3 question, which was there's no transparency in terms of  
4 the communications which pass between Mr Woodman and you  
5 and that member or between that member and the minister  
6 who they then seek to influence. I'm not here at all  
7 interested in the merits of any particular proposal. I'm  
8 not here interested at all in the question whether or not  
9 a member of parliament was absolutely convinced that a  
10 particular proposal that you were advocating for on behalf  
11 of your client was the right one. I'm concerned about the  
12 fact that there's a process at play here which never sees  
13 the light of day?---I'm not sure that I'm in a position to  
14 answer that. A system of transparency is going to be  
15 incredibly difficult to develop and adhere to. So I don't  
16 know what degree of transparency you're seeking to achieve  
17 and I don't think I'm in a position to make a judgment on  
18 it.

19 I'm just wanting to see whether you acknowledge the fact that  
20 there isn't any transparency. It's another question how  
21 you achieve it?---Right.

22 I just want your acknowledgment that that process that you  
23 follow with the client and what the member of parliament  
24 then does with the information you and your client have  
25 provided the member, it's not a transparent process?---In  
26 the literal sense you're probably correct. But by way of  
27 explanation, a member of parliament advocating for a  
28 rezoning by a particular developer, it's sort of fairly  
29 obvious that they will have had contact with that

1 developer. But you're right, there's no formal  
2 transparency process and I don't know how you get to that  
3 stage and I don't know if I'm the person who can suggest a  
4 system.

5 No, and it must be immediately recognised that any member of  
6 parliament that's discharging their obligations has  
7 obligations to their constituents and has obligations to  
8 advocate for decision making that they think is warranted  
9 and which would benefit their constituents. So, the issue  
10 is not about the right of members of parliament to  
11 advocate to ministers. It's about ensuring, however, that  
12 a process that's followed can be known to the  
13 public?---Yes, I take your point.

14 Yes. Yes, Mr Tovey.

15 MR TOVEY: I'll just ask you to listen to a conversation.

16 I think it's between Mr Woodman and Mr Kenessey. It's tab  
17 85. This is a conversation which took place - it's  
18 exhibit 61, Mr Commissioner.

19 COMMISSIONER: I'm sorry, what was that, Mr Tovey?

20 MR TOVEY: That's exhibit 61, tab 85.

21 COMMISSIONER: Thank you.

22 MR TOVEY: This is 17 January 2019.

23 COMMISSIONER: So the audio will be played, Mr Staindl, and you  
24 can follow the transcript as it goes; do you  
25 follow?---Okay.

26 (Audio recording played to the Commission.)

27 MR TOVEY: You've been able to follow that conversation,

28 Mr Staindl?---Yes, I have.

29 And if we go to line 23 - before I take you there, you

1 understand that that's Tom Kenessey and John Woodman  
2 discussing a requirement by somebody within Leightons for  
3 them to do a report to justify the fees that they've been  
4 charging; do you understand that?---I surmised that, yes.  
5 All right. So you hear them indicating in fairly specific  
6 terms or we hear Mr Woodman saying, 'Well, look, if I was  
7 to tell the truth I'd be going to gaol.' You heard him  
8 say that?---Yes, I did.  
9 Then he starts listing some of the things that he thinks are at  
10 least, if not gaolable offences, not in accordance with  
11 the Leighton's code of conduct which is quite prescriptive  
12 in respect of associating with politicians?---M-hmm.  
13 So then at line 23 he says, 'Look, I think you're probably  
14 right,' that's Kenessey says that, and then Woodman says,  
15 'I mean me, uh, paying Judith Graley, you know, and other  
16 people to talk to Tim Pallas, you know, your policy is  
17 you're not supposed to do that. How can I write that in a  
18 policy document and then, you know, forget about, you  
19 know, me writing that, you know, I've been liaison with  
20 Pauline Richards and Susan Serey to the tune of \$50,000 in  
21 November,' and so he goes on. Now, it's apparent from  
22 that that certainly from Mr Woodman's perception there was  
23 nothing of the concern of the good citizen which has  
24 motivated his contributions. He's saying there that he's  
25 paying for people. That's the way he saw it and you  
26 understand that's the way it seems from that passage?---It  
27 certainly doesn't look good. It's not the way he  
28 expressed it to me and I've never taken it in that manner.  
29 Do you remember telling me that - this is all in the context of

1 the C219 amendment; you understand that?---Yes.

2 Because that was the nature of the deal between Mr Woodman and

3 Mr Kenessey. You hear him there talking about wanting to

4 find out through Judith Graley, who was going to find out

5 through Pallas, what's going on?---So this is January

6 2019, was it?

7 Yes?---Judith Graley was no longer in parliament then. So, she

8 wouldn't be able to do it.

9 Why not? There's nothing to stop her talking to Mr Pallas, is

10 there?---Well, I don't know, because I haven't had contact

11 with Judith Graley on this matter since she left

12 parliament.

13 Well, can you think of any - were you aware of any commitment

14 which existed between Mr Woodman and Ms Graley which would

15 have her interceding on his behalf even after she's no

16 longer in parliament?---No, I'm not.

17 Do you find that disconcerting as a concept?---What someone

18 does when they leave parliament is entirely up to them.

19 I'm not sure that I'm in a position to judge.

20 At line 225 Kenessey says, 'Is there any other way we can get

21 Dicky, you reckon, like, if we put in a fresh face, just

22 that there's some other bloody - someone other than Phil.

23 Do we know anyone who's close to him that we could use?'

24 Did you see it as part of your role to be getting close to

25 Dicky, who no doubt is Minister Wynne?---No, I did not.

26 Or to try and divine what it was that he was thinking?---No,

27 because once that review was ordered I think my immediate

28 reaction was we will prosecute the same arguments that

29 resulted in the independent planning panel unanimously

1 supporting this. But then I think it was around the time  
2 that that second Age article appeared that I realised  
3 there was a lot more to this and my advocacy work on that  
4 planning scheme amendment pretty well dried right up.  
5 They go on at line 232. Kenessey says, 'You know, you know how  
6 Phil's close to a lot of the pollies. Do we know anyone  
7 who's really close to Dick Wynne that we're not using or  
8 could use?' And John Woodman says, 'Yeah, I know exactly  
9 someone. Pauline Richards.' 'Right.' Then he says, 'So  
10 what's basically going to happen is that, uh, we're going  
11 to meet with her - well, Judith and Phil will and maybe  
12 Megan will be there - and she's hiding with Ray Walker  
13 behind the fact that "Oh, I don't know what's going on,"  
14 da-da-da.' Then Kenessey says, 'Yep.' Woodman says, 'She  
15 knows what's going on, I mean she knows.' Kenessey says,  
16 'She just doesn't want to get involved .' Then Woodman  
17 says, 'Everything about it, I mean, we briefed  
18 her - before I gave her another \$20,000 we briefed her.'  
19 Look, first of all that makes it crystal clear, does it  
20 not, to anybody reading that, that Mr Woodman perceived  
21 that he was paying for political influence by making  
22 donations?---On the basis of that transcript it's probably  
23 a fair enough assessment.  
24 Yes. And the thing is when it came to Pauline Richards you  
25 knew what he knew, because you knew he'd upped the ante  
26 once she'd made a commitment, and the only explanation for  
27 upping the ante was because she had made the commitment  
28 and you knew that that was why he had done it?---The only  
29 meeting on Cranbourne West I had with Mrs Richards was

1 before she got into parliament, I think it was two or  
2 three weeks before the election, it was a half-hour  
3 briefing, she was just stepped through what the proposal  
4 was and indicated broad support, which to me was not  
5 surprising given the process that had been gone through to  
6 then.

7 No, but the simple fact is that you discussed with Mr Woodman  
8 the fact that she had made a commitment to C219 and  
9 because of that commitment he was going to up the ante  
10 from \$10,000 to \$30,000?---Well, I wasn't aware of that  
11 upping the ante. I was only aware of the \$10,000. That  
12 happened without my knowledge.

13 What happened without your knowledge?---If you're saying there  
14 was an extra - an additional \$20,000 put in, I was not  
15 privy to that.

16 But you were privy to \$20,000 being put in at the request of  
17 Pauline Richards and the Labor Party after she'd  
18 committed, because you provided the banking details?---No,  
19 it was - okay, just review it for one moment. My  
20 recollection is that after that meeting I indicated to  
21 Mr Woodman that the meeting went well, she was generally  
22 supportive. He then said, 'You're authorised to offer a  
23 contribution of \$20,000 to her campaign.' When  
24 I communicated that to her, she said - that's when she  
25 advised me that her campaign is very well resourced. She  
26 could probably expend wisely \$10,000, but we ended up  
27 allocating \$5,000 to each of two other outer-eastern  
28 metropolitan seats.

29 Yes?---I'm not aware of any funds over and above that.

1 And how did that contribution go in terms of effectiveness,  
2 looking at the results that were obtained by the people  
3 you financed?---There was one win and one loss, and  
4 Cranbourne was won. But the two other seats were  
5 Ringwood, which was won by the ALP against the odds, and  
6 Ferntree Gully which went very close.

7 So the effect of giving what was indeed an additional 20,000  
8 was to give Pauline Richards 10,000 towards her campaign  
9 and to assist the ALP by providing campaign funds for  
10 people whose campaigns were deficient?---Correct.

11 And were you happy about the result insofar as Richards and one  
12 of the other people that you financed getting up were - -  
13 -?---I was ecstatic, yes, for no other reason than it  
14 contributed to an overall very good result for the Andrews  
15 government in 2018.

16 But it was more than that, wasn't it?---No.

17 It was because you thought they'd be supporting John  
18 Woodman?---Not at all.

19 Well, look, I'll take you to conversations - - -?---You're  
20 asking what my reaction was. That's my genuine reaction.  
21 I'd suggest you and John - I'll take you to this later on - but  
22 I'd suggest that you spoke to John celebrating the fact  
23 that the people that you'd backed had got up and you told  
24 him, 'Now we've got two friendlies.' What were  
25 'friendlies'?---Look, I think the conversation you're  
26 referring to is one that I recall on election night.  
27 I was in a state of absolute euphoria and I think I was  
28 using betting parlance by saying, 'Yep, we got a couple of  
29 good horses up,' or something to that effect.

1 You didn't say 'good horses'; you said 'friendly'. You didn't  
2 say you had a couple of capable politicians; you were  
3 talking about people who were friendly to you and  
4 Mr Woodman?---Okay.

5 In particular to Mr Woodman?---So then I would ask what - - -  
6 Could you listen to the question?

7 COMMISSIONER: Just a moment, Mr Tovey. Please let the witness  
8 answer the question, Mr Tovey.

9 WITNESS: Thank you. I would say that - so, subsequent to the  
10 election I had met with those two new MPs on one occasion  
11 each in the following 10 months and never at any stage  
12 mentioned Woodman or the support we gave. I just caught  
13 up for a cup of tea or coffee with both of them at  
14 different times. I think Mrs Richards was about March  
15 2019 and Mr Halse was about August of that year and it was  
16 just, because I didn't know either of them very well, it  
17 was just a bit more of a get to know you. I happened to  
18 be doing some work in the public transport sector at the  
19 time and was asking them about their constituent reactions  
20 to the grade separation or the level crossing removal  
21 program and talked generally about that, but did not talk  
22 about any Woodman projects or indeed any planning  
23 projects.

24 MR TOVEY: Look, that's all very interesting, but it doesn't  
25 address the question I asked you. Do you have any  
26 recollection of what that question was?---You mentioned  
27 about the term 'friendlies'.

28 What does it mean? What did you mean by the term 'friendlies'?  
29 Nothing you just told me bore upon that at all?---I think

1 it's just a generic term, that they're MPs that, you know,  
2 we've given some support to, so if at any stage we perhaps  
3 wanted to have a conversation with them, we could go  
4 knocking on their door.

5 Exactly. What you're talking about is support buying  
6 reciprocity. It's that simple?---But there was no  
7 reciprocity sought because - - -

8 You're expecting there would be if necessary or hoping there  
9 would be?---They would then judge whether or not they're  
10 receptive to approaches.

11 When you just spoke about you were hoping that they would be  
12 there to assist you when you knocked on the door, that's  
13 just another way of saying you were hoping for  
14 reciprocity?---Well, they're your words. They're not  
15 mine.

16 COMMISSIONER: Mr Staindl, we might break, but just before we  
17 do, you recall earlier I asked you and I think you were  
18 troubled by the generality of my question, but I asked you  
19 about this notion of the human condition, the recognition  
20 that when person A gets something from person B, they may  
21 not feel obligated to do as person B wants, but they're  
22 more likely to be receptive, they're more likely to feel a  
23 willingness to, if they can, help person B. That's a  
24 simple proposition about the human condition, isn't  
25 it?---Yes, and it's probably an accurate one.

26 And isn't that what you are acknowledging when you say to  
27 Mr Woodman, 'Look, we've got them over the line in their  
28 election, so they're friendlies, but they are more likely  
29 to be receptive to us approaching them than they would

1 otherwise be'?---That's possible, yes.

2 All right. Yes, Mr Tovey.

3 MR TOVEY: Just one while we're on that point, Mr Commissioner.

4 And indeed that is something which you had brought up with  
5 the Premier at a function that you attended in order to  
6 demonstrate to him the value that you and Woodman had been  
7 to the party, the fact that you'd got up people who were  
8 otherwise poorly supported?---Well, yes, it's a selling  
9 point for a client, yes.

10 Thank you.

11 COMMISSIONER: All right. We might break until 25 to 12. Have  
12 a break, Mr Staindl?---Thank you.

13 (Short adjournment.)

14 COMMISSIONER: Are we ready to proceed?---I am, yes.

15 Yes, Mr Tovey. You're on mute, Mr Tovey.

16 MR TOVEY: Excuse me. There's one remaining section of that  
17 conversation that I wanted to take you to. Can we go to  
18 line 96, please. I think the screen will blank out while  
19 it scrolls to 96. So at line 96 Woodman says, 'Down the  
20 track - who cares? You know, um, that's why my connection  
21 with Pallas and Pallas's connection with, uh, what do you  
22 call it - that's why that is going to be at the end of  
23 the day in my opinion the only way we're going to win.'  
24 The answer from Kenessey is 'Yep' and then Woodman says,  
25 'And at the same time, uh, shooting that article down, um,  
26 which is what Pallas is going to need or someone's going  
27 to need when they sit in front of Wynne and say, "Look,  
28 you know, that article was an absolute disgrace, here's  
29 all the holes in it, and it's all wrong, you know.'" Do

1 you see that?---Yes.

2 And we've already discussed that there have been multiple  
3 interactions which you've facilitated between Mr Woodman  
4 and Mr Pallas and indeed other senior ministers over the  
5 period from 2014 to 2018?---Yes.

6 COMMISSIONER: Mr Staindl, you'll recall yesterday we had some  
7 discussion about the circumstances in which one might go  
8 to other senior ministers than the Minister for Planning  
9 to also advocate on a particular issue, and you made the  
10 point that you could see there might be merit in having  
11 government members more broadly aware of what was being  
12 proposed because of the flow-on effects to their own areas  
13 of responsibility; do you remember - - -?---Yes, I do  
14 remember, Commissioner.

15 That's not how Woodman is here contemplating the use of the  
16 Treasurer, is he?---No.

17 Thank you.

18 MR TOVEY: It's apparent from what you see there that his  
19 expectation is that he wants Mr Pallas to in fact  
20 intervene with Mr Wynne?---That's what he's saying in that  
21 conversation. I don't know if it occurred. I mean, he  
22 certainly didn't request me to facilitate that.

23 No, but when he refers there to his connection with Pallas and  
24 Pallas's connection with 'what do you call it', it seems  
25 'what do you call it' might be Mr Wynne. But in any event  
26 I won't ask you to speculate about that. What about his  
27 connection with Mr Pallas? Time and again he's gone to  
28 Mr Pallas about matters which on the face of them  
29 sometimes seem to be primarily planning issues. Is that

1 something that you were conscious of?---There was an issue  
2 to the north of Melbourne that involved planning and  
3 resources, and at that particular time minister Pallas had  
4 responsibility for resources and so there was cross-over  
5 of two portfolio areas. So, I was aware that there was  
6 some dialogue with one of Mr Pallas's advisers on that.  
7 I wasn't aware that the relationship with Mr Pallas was  
8 any more or less what it was with other ministers, and  
9 I don't know if he was indeed successful in gaining access  
10 to Mr Pallas on that. But it certainly wasn't through my  
11 involvement.

12 Well, you facilitated his contact with senior ministers. What  
13 he did after that was a matter between them?---I didn't  
14 always facilitate contact. There were occasions where  
15 particularly I think Ms Schutz would make direct contact  
16 with various ministerial offices where she had developed  
17 contacts.

18 COMMISSIONER: Just so we put this in its right perspective,  
19 Mr Staindl, leaving aside the undertone of this particular  
20 conversation that was played to you which is suggestive of  
21 something more than just access and perhaps privileged  
22 access, the process of developers seeking to get this sort  
23 of level of access to important members of parliament was  
24 part of the process for a lobbyist, wasn't it?---I would  
25 normally go to a ministerial adviser and seek direction  
26 from the adviser as to how this issue should be  
27 progressed, whether it be at departmental level or with  
28 advisers and other officers. It was exceptionally rare to  
29 seek an audience directly with a minister.

1 But you're not now just speaking about in Mr Woodman's case.

2 You're speaking about your general practice, are

3 you?---Yes, I am.

4 Yes. Yes, Mr Tovey.

5 MR TOVEY: Just to make it clear before we move on, was it

6 apparent to you that one of Woodman's concerns was that

7 Mr Wynne as minister, as opposed to perhaps some previous

8 ministers, had maintained inaccessibility and an arm's

9 length position towards developers?---Yes, it was apparent

10 and I think - sorry, I've lost the train of my thought

11 there. Could you just rephrase or repeat the question,

12 sorry?

13 Yes. It was one of Mr Woodman's concerns that Mr Wynne

14 maintained very much an arm's length position in respect

15 of interactions with developers?---Yes. Yes, it was.

16 And talking to Mr Woodman it seemed to be important with him

17 from his perspective to find some way of, through a proxy,

18 obtaining an audience with Mr Wynne?---Whether or not he

19 was going to be successful in obtaining an audience,

20 I don't know. I think it would have been highly unlikely.

21 But what he was seeking to do was to at least have Mr Wynne

22 made aware of and consider his position in respect of

23 planning issues; that was the whole point?---Well, if

24 you're interpreting that from that piece of dialogue,

25 then, yes, you're correct.

26 It's not just that. I mean, it's the whole basis on which he

27 provided information through local politicians, for

28 instance?---That's certainly possible, yes.

29 I mean, you'd give them documents which you'd ask them to pass

1 on to the planning minister?---Or his office, usually. My  
2 modus operandi was usually to go through the advisers.  
3 And those documents might be notes supporting a particular  
4 project, notes in the form of a brief?---That's certainly  
5 possible, yes.  
6 Or correspondence, for instance, letters. I think there were  
7 letters written by SCWRAG to the minister which were  
8 passed on by you, were they not, through local  
9 politicians?---I can't recall if I did that or not.  
10 I'll take you to it later?---Okay.  
11 Could the witness - could we please play - before I do that,  
12 sir, I'm told that there was a problem with the exhibit  
13 numbering yesterday.  
14 COMMISSIONER: I've corrected that. We're up to exhibit 207 is  
15 the next exhibit, Mr Tovey.  
16 MR TOVEY: Yes. So the summons was 205 and the code was 206.  
17 COMMISSIONER: Correct. Thank you.  
18 #EXHIBIT 205 - (Amended) Bundle of documents served on  
19 Mr Staindl for attendance.  
20 #EXHIBIT 206 - (Amended) Lobbyist code of conduct, pages 295 to  
21 302.  
22 MR TOVEY: I now want to play to you a recording of a  
23 conversation which occurred on 13 November of 2018 between  
24 yourself and Mr Woodman. That is tab 126.  
25 (Audio recording played to the Commission.)  
26 MR TOVEY: Mr Staindl, do you see that conversation as somewhat  
27 disturbing?  
28 MR LAVERY: Mr Commissioner, just before Mr Staindl answers  
29 questions about this, I was wondering if I might have an

1 opportunity to speak with him and seek some instructions  
2 from him, just in respect of the issue of the claim of  
3 privilege.

4 COMMISSIONER: You think there may be a privilege issue in  
5 there, Mr Lavery?

6 MR LAVERY: There may be.

7 COMMISSIONER: Yes, very well. All right, we'll adjourn for  
8 five minutes.

9 MR LAVERY: Thank you, Mr Commissioner.

10 (Short adjournment.)

11 COMMISSIONER: Yes, Mr Lavery.

12 MR LAVERY: Thank you, Mr Commissioner, for that time. I've  
13 had some time to speak with Mr Staindl and we're in a  
14 position to proceed. I've nothing further to say at this  
15 point.

16 COMMISSIONER: Very good. Yes, Mr Tovey.

17 MR TOVEY: So, Mr Woodman and you are speaking in the course of  
18 that conversation about the fact that The Age newspaper  
19 has been making enquiries; true?---Correct, yes.

20 And then at line 7 you say, 'That's what I suspect. I spoke to  
21 Pakula about it last night and he said it will probably  
22 run this weekend, and he said he couldn't imagine Royce  
23 not running the story given it will have a whack at  
24 probably Judith and Martin and you and me and anyone else  
25 who is in his sights. He said it's only going to be of  
26 interest to Age readers and it won't go anywhere else, but  
27 I fully suspect that the Bourke Street knocked it off  
28 because they have four or six pages on coverage on that.'  
29 So where you're talking about 'the Bourke Street', I take

1           it that was the Bourke Street killings?---Yes.

2   And what you're talking about there is the fact that Royce,  
3           that's Royce Millar of The Age, is about to run an article  
4           which you understand will be about yourself, Judith and  
5           Martin, and Judith is Judith Graley?---Correct.

6   And Martin is Martin Pakula?---Correct.

7   And you've rung Pakula the previous night?---Or he may have  
8           called me. I'm not sure who initiated the contact.

9   And the focus of the article, as you then understood it, was  
10          going to be at least in part the financial relationship  
11          between John Woodman, Judith Graley and Martin  
12          Pakula?---Yes.

13   And you wanted to cover that up?---It was two weeks out from an  
14          election, so I was certainly aiming to minimise the  
15          political fallout in that timeframe.

16   Is that the way a lobbyist refers to covering it up, if you  
17          could?---Well, spin doctoring is probably a better term.

18   Well, I mean, you weren't spin doctoring. You were talking  
19          about lying, weren't you?---I was putting a particular  
20          slant on the story.

21   It's not a slant to tell a deliberate lie to the journalist who  
22          is making the enquiries, is it? There's a difference  
23          between a slant and a lie, or don't you understand  
24          that?---I think it was a slant because these things happen  
25          in the context of election campaigns.

26   But you were going to tell a specific lie about it, weren't  
27          you?---I was putting a political spin on it at the time.

28   And when was the election in respect of this  
29          conversation?---I think it was two weeks later.

1 And why were you concerned about the election?---Well, I'm a  
2 Labor Party member and loyalist.

3 So, getting back to the separation issue and the lobbyist code,  
4 this is a clear example, is it not, of you not being able  
5 to disentangle your political commitments with your  
6 obligation to Mr Woodman?---It's not political  
7 commitments. I'd phrase it as political beliefs.

8 Well, it's your personal political affiliation?---Yes, if you  
9 want, yes.

10 COMMISSIONER: Mr Staindl, this particular example reflects the  
11 complete inadequacy of the wording of the code. You would  
12 say, 'I wasn't doing anything "on behalf of a political  
13 party"', but you were motivated by - you are saying, 'I'm  
14 motivated by my allegiance to a particular political  
15 cause, but that wasn't in contravention of the  
16 code'?---That's - yes.

17 And I'm just curious to know was it really thought that that  
18 particular provision of the code would be sufficient to  
19 address the problem here of ensuring lobbyists don't  
20 intermingle political objectives with their lobbying  
21 activities? Was it seriously thought by anyone that that  
22 particular item in the code would ever stop that?---I must  
23 confess I haven't given it any serious consideration  
24 and - - -

25 But it didn't stop you, did it?---No.

26 Yes, Mr Tovey.

27 MR TOVEY: So if you go to line 21, that's where there is a  
28 discussion about how The Age found out about it and there  
29 you say, 'The story would not have leaked if it hadn't

1       been for Jude', and that's Perera, 'spilling the beans.  
2       Jude was the one who told him about the fundraiser a  
3       couple of years ago.' Then you go on to speak about that  
4       being the one at Crown Casino for Jude and Judith and  
5       Martin, and then you said at line 31, 'I claimed ignorance  
6       and I said, "Shit, Royce, you've caught me on the hop.  
7       I think Watsons might have bought four tickets to that  
8       event." I didn't tell him that Wolfdene might have bought  
9       four and Schutz Consulting might have bought four,' and  
10      then you laughed about that. Okay. So, you had misled  
11      him about that aspect of it?---Yes.

12     Then you went on at line 38. And then Woodman at 37 says to  
13      you, 'Well how does he', that's Royce Millar, 'find out  
14      about that? Did Jude' - and you cut him off and you say,  
15      'That's what I'm telling you, Jude just spilled his guts.'  
16      And you were appalled, weren't you?---Whether 'appalled'  
17      is the right word, but surprised perhaps .

18     Well, there's not much transparency occurring in a circumstance  
19      where you are appalled at a politician telling the truth  
20      about his fundraising. There's not much transparency in  
21      that, is there?---No.

22     COMMISSIONER: Mr Staindl, I'm just curious. You say at the  
23      beginning you spoke to minister Pakula or, sorry, was this  
24      pre the election, wasn't it?---No, this was - yes, it was  
25      two weeks before the election.

26     Yes. How did you come to speak to him?---My recollection is  
27      that he rang me.

28     Yes. But were you friends?---No, political acquaintances.

29     MR TOVEY: Then over the page at line 45 you say, 'I think we

1 got \$30,000 from that one, but we split it three ways.'

2 Now, I had to remind you of that this morning?---Yes.

3 But here you are, when you're having this conversation in 2019,

4 in fact you remembered it - - -?---Two years ago. 2018.

5 So even though this had been something which had been brought

6 to your attention in a fraught situation two years ago, it

7 had slipped your mind since, had it?---Yes, when you

8 prompted me I said I understand that was the case.

9 There's been a lot that has happened in the last two

10 years.

11 Then at 48 Woodman says, 'Yeah, that's right. We offered, we

12 auctioned a helicopter ride. I remember now.' And you

13 say, 'Well, no, that was just your crew that turned up to

14 that one.'?---And Tony Johnson.

15 M-hmm?---And Tony Johnson from Villawood with some people.

16 So when you're talking about just his people turning up, you're

17 not talking about the Crown Casino function, you're

18 talking about some other fundraiser that you'd run?---No,

19 I'm talking about this function.

20 At the Crown Casino?---Yes, this function was at Crown.

21 Yes?---But because Tony Johnson was there with a group of

22 people from Villawood.

23 But this is not the Pakula/Graley function?---Isn't it?

24 I think it is, isn't it? That was my - - -

25 Well, you tell me?---I think it is, yes.

26 So where you say, 'Just your crew turned up,' is it your

27 recollection that at the Crown Casino function which Royce

28 Millar was enquiring about there were just Woodman's crew

29 there?---No, I'm saying that plus he asked Tony Johnson

1 from Villawood to bring some people, and I think he  
2 brought about 10 people or so. And there were one or two  
3 other people there, I think, but it was close to a  
4 two-thirds/one-third split, because this has prompted -  
5 refreshed my memory.

6 So the 30,000 was all Woodman contribution or mostly Woodman  
7 contribution?---No, I think about two-thirds of that was.  
8 I think money came from Villawood as well, although  
9 I don't know. I didn't see what funds were raised so  
10 I don't know who they went to and who were they declared  
11 by.

12 And to your knowledge was there an association, a business  
13 association between John Woodman and Tony Johnson?---Yes,  
14 they were both in the property development sector.

15 Did they operate in tandem or in partnership in respect of  
16 projects?---No, but they often operated in similar areas.

17 Going on, at line 50 Woodman says - so you explain to him which  
18 particular function it was and he's obviously confused two  
19 functions. 'Oh, was it? I can't remember. Geez, we've  
20 run so many of these things.' And then you thought  
21 apparently that was a terrific joke and you're laughing  
22 and say, 'Yeah, I know, I know, I feel like saying, "Fuck,  
23 you've only found out about one?"' Now, reflect on that.  
24 What you're saying there with Mr Woodman is, 'Look, we've  
25 run so many of these things, can't remember what's what.'  
26 Is that the effect of what you were saying?---Yes, so  
27 there was certainly some jocularly to it. I suppose  
28 I was saying I've been involved in a lot of functions, not  
29 just on behalf of Woodmans, so that's it. I don't know

1           how many functions Woodman has run. I could - when you  
2           asked me earlier today, I could recall about four off the  
3           top of my head. There could well be - well be more, but  
4           I can't recall them without doing some research.

5   What you say there doesn't sit very comfortably, does it, with  
6           what you said this morning about remembering only a couple  
7           of functions where there you're laughing about the fact  
8           that Woodman says there's been another 20 and you can't  
9           believe they've only found out about one?---Another 20?  
10          I don't think there's been 20, certainly not that I've  
11          organised.

12   Well, that's what you said there?---I may have been - - -  
13   You might have been exaggerating, but - - -?---That's quite  
14          possible, yes.

15   Because it was part of the strategy, wasn't it, to run  
16          fundraisers to create a sense of obligation with people  
17          who were standing? It's pretty simple?---Well, that's  
18          your assessment.

19   No, but it's true, isn't it?---Not to create a sense of  
20          obligation, no.

21   COMMISSIONER: You might get further, Mr Tovey, if you don't  
22          use the word 'obligation', but some lesser - - -

23   MR TOVEY: To quote the hope of reciprocity?---No, I'm not sure  
24          that I'd agree with that.

25   Then you go on to say, 'The reason I spoke to him was because  
26          Pakula had told him that it wasn't a Watson's function, it  
27          was a Staindl function, and I'm happy to wear that. And  
28          I said to Millar that I ran it and I invited my client,  
29          which Watsons were.' That was a lie?---It was probably

1 bending the truth, yes.

2 Well, it was a lie, wasn't it? It was not the truth?---It

3 wasn't entirely accurate.

4 No. It wasn't the truth. What you said there is you told

5 Millar that you ran it and that you invited your client

6 which was Watsons. That wasn't true. Watsons ran it.

7 Watsons financed it. That was the whole purpose, was to

8 mislead him, was it not?---Certainly to deflect because

9 two weeks out from an election it was a potentially

10 damaging story.

11 So you said you told Millar that you'd invited your client,

12 'which Watsons were and a range of other business

13 contacts, so make sure we hold to that line because that

14 particular function was just a Watsons function.'?---And

15 I think - - -

16 What you're saying there is a lie, and you want him - you're

17 alerting him to lie. It's not a deflection. You've told

18 him specifically that you have some - you've said that it

19 wasn't a Watsons function, 'We know it was, and we've got

20 to lie about it'?---So, sorry, the question is?

21 What you've said there is that it wasn't a Watsons function,

22 that's what you've told Millar, that it wasn't a Watsons

23 function. You then tell Woodman, 'It was just a Watsons

24 function and we've got to lie about it.' That's what

25 happened - - -?---Yes, I was deflecting.

26 You weren't deflecting. You were lying.

27 COMMISSIONER: I think we can move on, Mr Tovey.

28 MR TOVEY: So is this the standard of honesty which you feel is

29 appropriate for a registered lobbyist to display in his

1 dealings both with the politicians whom he approaches and  
2 his clients?---I think this has to be taken in the context  
3 of being part of the hurly-burly of an election campaign.  
4 So, what, if there's a political consequence are you permitted  
5 to be less truthful?

6 COMMISSIONER: I don't think he's saying that, Mr Tovey.

7 MR TOVEY: All right.

8 COMMISSIONER: Mr Staindl, what was the concern that you had if  
9 you told it as it really was? What was your concern at  
10 that moment in time?---That there would be a more pointed  
11 media story written by Mr Millar highlighting Watsons and  
12 the involvement of the MPs concerned with that so close to  
13 an election.

14 What was the problem with that?---Mr Millar over numerous - an  
15 extended period had written many negative stories about  
16 Watsons and I guess I was just trying to downplay the  
17 potential negativity that came out in that story.

18 Sorry, you mean there would be detriment simply to showing at  
19 this point, two weeks out from an election, that there was  
20 some connection between Watson and those persons standing  
21 for election?---Yes.

22 Yes, all right. Yes, Mr Tovey.

23 MR TOVEY: Then ultimately at line 67 you observe, 'Look, it's  
24 still going to be a negative because Royce is out to get  
25 you and he hates lobbyists ... on behalf of, the function  
26 is to raise funds for the south-east MPs, and that is  
27 giving you undue access and influence to them.' You heard  
28 that?---Yes.

29 And then John Woodman responds, 'That's exactly right.'

1 True?---And then he says, 'Well I wouldn't say undue  
2 access.'

3 Your response to that was to laugh, wasn't it; you thought that  
4 was hilarious?---Well, yes, it was a - - -

5 Yes. What you were there laughing about and what Mr Woodman  
6 was laughing about was that it was exactly right. What  
7 Mr Woodman was saying to you was to the effect, 'Why am  
8 I paying all this money if I'm not getting undue access?'  
9 You understood him to be saying that?---No, I'm not sure  
10 that I agree entirely with you there because - - -

11 You'd agree in part, perhaps?---People like Martin Pakula are  
12 smart enough and sensible enough to be able to balance  
13 different influences on them in making a decision, and as  
14 a senior minister I couldn't imagine him being persuaded  
15 or swayed in a particular direction by virtue of someone  
16 who has contributed money to candidates or MPs associated  
17 with him.

18 We're not talking about actual persuasion now, are we, when  
19 we're talking about access; we're talking about the  
20 opportunity to persuade?---Possibly. At the end of the  
21 day, if a minister doesn't want to see someone, they  
22 won't.

23 No. But all Mr Woodman, you understood him to be saying then  
24 was, 'I pay all this money because I want the opportunity  
25 to persuade'?---Yes. Yes, I think that's probably fair.

26 COMMISSIONER: And that's your job as a lobbyist, Mr Staindl,  
27 again taking you back to the lobbyists' code. The code in  
28 3.3 talks about lobbying activity as 'the effort to  
29 influence'?---Yes.

1 That was a fundamental part of being a good lobbyist?---Yes, it  
2 is. It's there in the code.

3 MR TOVEY: I want to move on to your involvement in the  
4 Brompton Lodge rezoning?---Yes.

5 COMMISSIONER: That will be exhibit 207, the conversation of  
6 13 November 2018 between Mr Staindl and Mr Woodman.

7 #EXHIBIT 207 - Conversation of 13 November 2018 between  
8 Mr Staindl and Mr Woodman.

9 MR TOVEY: On 28 October 2018 we've heard played already a  
10 phone call between Mr Woodman and his brother, Heath  
11 Woodman?---His son.

12 Following the publication of The Age article on  
13 28 October?---M-hmm.

14 And we heard Mr John Woodman say, 'If you really want to join  
15 the dots you would go back to Brompton Lodge. There's  
16 never been a story about that. Obviously no one knows the  
17 story.' Do you know the story?---No, not in that context.

18 You were involved, were you, at the outset in respect of the  
19 Brompton Lodge rezoning?---In the early days, yes.

20 I think Brompton Lodge, indeed the issue first arose as early  
21 as 2005 when the Casey City Council submitted to the State  
22 Government that that area would be or should be part of  
23 the UGB, within the urban growth boundary. You wouldn't  
24 have been involved as at 2005?---No, I think my  
25 involvement began in about 2006.

26 Now, do you recall - just going through the history of it so  
27 those who seek to understand what's going on at the moment  
28 understand the background - following the change of  
29 government in 2010, in May of 2011 the Minister for

1 Planning appointed a logical inclusions advisory  
2 committee; is that the situation?---Yes, my understanding  
3 is, yes.

4 And that was to give people or to give persons whose land or  
5 whose developments fell outside the urban growth boundary  
6 to submit that those developments or those areas should as  
7 a matter of logic be included within the UGB?---Yes, and  
8 they were characterised more not in terms of large swathes  
9 of land but the different parcels that for various reasons  
10 had been excluded from any rezoning process earlier. And  
11 my understanding is that before the change of government  
12 in 2010 the then Labor government rejected the application  
13 from Casey Council to rezone the land because there was an  
14 inactive extractive industries licence still covering a  
15 portion of that site, and I think it was an old sand mine.  
16 And so the planners involved at that stage decided not to  
17 recommend inclusion. But by the time that logical  
18 inclusions process started under I think Minister Matthew  
19 Guy that extractive industries licence had been withdrawn  
20 or removed. And I'm only going off recollection. It's  
21 almost a decade ago. So excuse me if I'm a little patchy  
22 on some of the detail.

23 Could the witness please be shown court book 5301. If we could  
24 just scroll up, please, to the top of that document. So  
25 that's a document which is a file note of 20 June 2008.  
26 Could you scroll down to paragraph 4, please. Just  
27 looking at that document, looking at the stages that  
28 things had reached at that point in time in 2008, he noted  
29 that, 'Philip Staindl and Geoffrey Leigh our political

1 facilitators have had numerous meetings with Paul Jarman  
2 from the Department of Sustainability and Environment  
3 (senior bureaucrat) who has indicated that due to the  
4 presentation of the land supply audit which highlights a  
5 deficiency in the capacity for the Casey area there will  
6 be pressure on government to move the UGB sooner rather  
7 than later possibly this year or 2009. Both the Labor and  
8 Liberal representatives have given verbal consent to the  
9 movement of the UGB to provide for Brompton Lodge. It is  
10 now suggested we approach the Greens party, John Woodman  
11 will pursue.' Now, when that reference is there made to  
12 the Labor and Liberal Parties having given verbal consent  
13 to the movement of the UGB, that was something that was  
14 apparently conveyed through you or Mr Leigh or both.

15 What's that about? How does that work?---I honestly can't  
16 recall. I don't know if it was local MPs or whatever.

17 Yes, I simply can't recall what happened 12 years ago.

18 So you would expect, if you had the support of local MPs, for  
19 them to be feeding back information as to what the  
20 government was thinking or indicating?---If they were  
21 supportive of the rezoning then they're certainly at  
22 liberty to make representations in relation to that. But  
23 I think the process from here, this led up to this  
24 rezoning being - going before an independent panel. As  
25 I said, I think in this instance it was rejected.

26 I tender that document, Mr Chairman.

27 COMMISSIONER: That will be exhibit 208, file note  
28 between - - -

29 MR TOVEY: Page 5301 to 5304.

1 COMMISSIONER: Yes.

2 #EXHIBIT 208 - File note dated 20/06/2008, pages 5301 to 5304.

3 MR TOVEY: Now, could you please bring up 5295. Go back to  
4 5294. This is in fact a file note - sorry, it's a memo to  
5 Peter Carpenter from John Woodman on 8 February 2008. And  
6 again go to paragraph 4. Now, Peter Carpenter was the  
7 owner of the land?---Correct. He used to be a poultry  
8 farmer, as I recall.

9 Paragraph 4 refers to meetings that you and Geoffrey Leigh had  
10 had and a land supply audit presently under way by the  
11 GAA. Was that the growth authority?---Growth Areas  
12 Authority, yes.

13 And you're anticipating that the UGB might be moved later that  
14 year. But then immediately after that paragraph or  
15 subparagraph 4 concludes it said, 'Watsons presently has a  
16 very strong association with the mayor of the City of  
17 Casey Janet Halsall who's indicating overwhelming support  
18 for inclusion of Brompton Lodge within the growth area.'  
19 And was that the case, that Watsons had a very strong  
20 association with the mayor Janet Halsall?---Certainly not  
21 through me. I think it was direct. I think Mr Woodman  
22 knew Ms Halsall quite well.

23 Did you yourself have any knowledge of the role that Janet  
24 Halsall was playing then or continued to play in respect  
25 of - - -?---No.

26 Of Mr Woodman's interface with council or with state?---No.

27 Did you know who Ms Halsall was?---I did because when I was a  
28 candidate for the Federal seat of La Trobe in the 2001  
29 election Ms Halsall was actually a member of the Labor

1 Party. So I had dealings with her as a local branch  
2 member then. But I'm not sure at what point, I think it  
3 was a couple of years after that, she changed her  
4 political allegiance and joined the Liberal Party and was  
5 pursuing an involvement both through the council and the  
6 Liberal Party. So I had nothing more to do with her from  
7 that point.

8 But you were aware, were you not, of her involvement with John  
9 Woodman in the run-up to the 2016 council elections at  
10 Casey?---Not in the way - not with any close  
11 knowledge - - -

12 Or what knowledge did you have?---And what came out in the  
13 media and was quite surprised at the level of involvement.  
14 What did you understand her role to be?---I didn't really have  
15 an understanding.

16 But you were involved in that election yourself, weren't  
17 you?---In a very, very limited way.

18 Did understand Ms Halsall to be part of a team managing the  
19 election campaigns of councillors who were identified as  
20 being people who were friendly towards Mr Woodman's  
21 projects?---I have absolutely no knowledge of that.

22 What did you know about her involvement in that at the  
23 time?---I had no knowledge of her involvement in that.

24 Thank you.

25 COMMISSIONER: Mr Staindl, could I just ask you something about  
26 this term 'political facilitators'; do you see that term  
27 used both in - - -?---I do, yes.

28 In this memo and in the previous one that you were shown by  
29 Mr Tovey? Where does that term come from?---I don't know.

1 I don't know who the author of this document was. But  
2 I did have a little chuckle when I saw that.  
3 I mean, it seems that those involved in this process with you  
4 at that time, that's how they perceived you and Mr Leigh -  
5 - -?---Yes.  
6 As political facilitators?---I'm guessing so. But it's a term  
7 I haven't seen used before in association to myself.  
8 Yes. Mr Tovey, were you going to ask any questions about  
9 paragraph 4 of this memo?  
10 MR TOVEY: Not other than what I've already asked,  
11 Mr Commissioner.  
12 COMMISSIONER: Very well. Mr Staindl, according to this memo  
13 you and Mr Leigh as political facilitators met with  
14 Mr Jarman, a senior bureaucrat?---Yes.  
15 Do you see that there?---Yes, I do.  
16 On three occasions?---Yes.  
17 Can you recall what was his position?---I can't recall his  
18 position. I think the way we were directed to him was via  
19 the minister's office when - I've got a vague recollection  
20 of approaching the minister's office to provide input on  
21 this application, and they said the most appropriate  
22 person in the department is this Mr Jarman. I seem to  
23 recall there was at least one other officer involved in  
24 that meeting, and it was conducted in the department along  
25 the lines there. I don't know the actual title, but it  
26 was his area of responsibility to prepare reports which  
27 then went up the line.  
28 Yes. So the route you followed is you went to the minister's  
29 office; someone in the minister's office referred you to

1 Mr Jarman; and you then engaged in discussions with  
2 Mr Jarman?---Yes. To the best of my knowledge, yes.  
3 And you'll see there that at the time you were speaking with  
4 Mr Jarman there was an audit presently under way,  
5 presumably commissioned by the government of the day, on  
6 the question of land supply?---Yes.  
7 So was the question of whether or not there should be an  
8 extension of the urban growth boundary in the Brompton  
9 Lodge area or in other areas still unresolved whilst that  
10 audit was under way?---Yes, correct.  
11 So how did it come about that Mr Jarman was telling you and  
12 Mr Leigh that, notwithstanding the audit, 'the urban  
13 growth boundary will be moved possibly later this year or  
14 in 2009'? He was giving you inside information then, was  
15 he?---I think it was pretty well known in the public  
16 domain that there was - the government had signalled that  
17 there would be some movement in the urban growth boundary.  
18 In fact I think there was significant movement. And so  
19 any parties with an interest in having land included in  
20 the urban growth boundary were submitting to that process.  
21 And to the best of my recollection, and as I said it's  
22 12 years ago and I didn't have any Brompton Lodge files on  
23 my computer because it was a few entities ago, I think  
24 that that was one possibility that was going to be  
25 examined and adjudged one way or the other for inclusion,  
26 and in that process it wasn't included.  
27 It's a strange phrase then that Mr Woodman has used here,  
28 'Mr Jarman indirectly indicated that the urban growth  
29 boundary will be moved'. You say that, notwithstanding

1 that, government had already made clear in the public  
2 domain that it would be moved?---To the best of my  
3 knowledge, yes. I'm unsure as to the precise timing  
4 because, as I said, this is 12 years ago and - - -  
5 Yes?---And I don't know what came first.  
6 But, again, I focus on this because I want to take you back  
7 again to the question, and we'll return to it again no  
8 doubt in the future during your evidence, the fact that  
9 you and Mr Leigh are able to gain such access and receive  
10 such information is something that should have been  
11 transparent to the public, shouldn't it?---Yes. As  
12 I said, I would love to go back to that point in time and  
13 see what was known. My recollection is that it was  
14 certainly expected that there would be some shift to the  
15 urban growth boundary.  
16 Yes. Because - - -?---A lot of chatter within planning circles  
17 to that effect.  
18 So obviously if it was not in the public domain that would be  
19 very significant information that you, your client,  
20 Mr Woodman, and Mr Carpenter, who was the owner of some of  
21 the land - Brompton Lodge land; correct?---Yes.  
22 Significant information that your clients would be  
23 getting?---Yes, but because the GAA were conducting the  
24 audit with a view to recommending the changes to the UGB,  
25 that was well known in the public domain.  
26 I see. All right. Thank you. I see the time, Mr Tovey.  
27 Mr Staindl, we might break until 1.30, give you ample  
28 opportunity for some lunch?---Thank you.  
29 Very good. 1.30, please.

1 <(THE WITNESS WITHDREW)

2 LUNCHEON ADJOURNMENT

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 UPON RESUMING AT 1.33 PM:

2 <PHILIP JOSEPH STAINDL, recalled:

3 <EXAMINED BY MR TOVEY, continued:

4 COMMISSIONER: Are we ready to proceed, Mr Staindl?---Yes, I'm  
5 fine.

6 Thank you. I just remind you again, Mr Staindl, if you want to  
7 have a break at any time you should just tell us?---Thank  
8 you.

9 And I also remind you you're still under affirmation. You  
10 understand that?---Yes, I understand that.

11 Yes, Mr Tovey.

12 MR TOVEY: The last document was page 5295 and 5296 of the  
13 court book, Mr Commissioner.

14 COMMISSIONER: Yes, 8 February 2008, memo to Mr Carpenter from  
15 Mr Woodman, exhibit 209.

16 #EXHIBIT 209 - Memo dated 08/02/08 to Mr Carpenter from  
17 Mr Woodman, court book pages 5295-5296.

18 MR TOVEY: Thank you. The next document I want to take you to  
19 is 5303. Now, sir, this is a email from you to Mike  
20 Tyler, the Casey CEO, with a copy to Geoff Leigh on 15  
21 August 2007. You refer in the (indistinct) paragraph to  
22 having met with Mr Tyler a couple of months ago and since  
23 then you've had a number of meetings with key officials  
24 and political advisers in various areas, and are they the  
25 people that you've referred to in the documents you were  
26 looking at just before lunch?---Yes. I'm guessing so,  
27 yes.

28 You say, 'In short, we aren't detecting any resistance.' And  
29 then in the second last paragraph, 'The next question that

1           arose was in relation to one of process. Without wishing  
2           it to be quoted, it has been indicated to us that if the  
3           minister and GAA were to receive a request from council  
4           outlining the history of the matter and council's current  
5           view in relation to this land, then it may be enough for  
6           the various arms of government to trigger some sort of  
7           review.' Then you say if that happens then you and  
8           Mr Leigh can go to work on your various contacts to try  
9           and ensure a favourable outcome. You've assimilated  
10          what's in that email?---Yes.

11         And you say, 'Without wishing to be quoted, it's been indicated  
12          to us that if the minister and the GAA were to receive a  
13          request from council certain things would follow.' Who  
14          indicated that to you?---I simply can't recall after all  
15          these years. I wouldn't even venture to guess.

16         Sorry?---I don't know. Look, no, I'd only be guessing. I have  
17          no memory of who would have indicated that.

18         You there have clearly been given some insights to the thought  
19          processes of both the minister and the GAA?---Yes. Well,  
20          it may have come from someone in the minister's office.  
21          That may have arisen from the departmental meetings we  
22          had, but I can't recall with any certainty.

23         Is that part of a normal process to be told by a minister or by  
24          a minister's office that - sorry, to go to a minister,  
25          nominate a result you want and then get told the process  
26          that you've got to undertake with the local council in  
27          order to get there?---I think it's happened and I think it  
28          folded into the broader review by the GAA of the audit of  
29          land with a view to an amendment process being established

1 and then it would be assessed on its merits.

2 Is this information that you're able to have access to because  
3 of the fact that you're a lobbyist and you knew people and  
4 were able to get indications as to the way in which people  
5 in power were thinking?---Look, I would venture to suggest  
6 that even people who aren't registered lobbyists would  
7 have had access to the same sort of information; for  
8 example, planning consultants and the like. If they were  
9 making enquiries, they would have been being given the  
10 same signals that it was highly likely that there would be  
11 a review process of the urban growth boundary considered  
12 at some stage, at some point in that period.

13 You indicate there, 'Without wishing to be quoted it has been  
14 indicated'. You'd been told something in  
15 confidence?---I can't remember. It's 13 years ago.  
16 I simply haven't got that recall.

17 Well, that's fair enough. But I want you to just consider the  
18 way in which it's framed. If somebody in office had in  
19 fact said, 'Tell the council that I am saying if you do  
20 this, this will follow,' you'd say that, wouldn't you?  
21 But you've been told that you don't want to be quoting  
22 anybody and you refer to only the fact that it's been  
23 indicated rather than the source of that information?---So  
24 it's still fairly broad and fairly open and I daresay at  
25 the time I was just being circumspect.

26 Is that the sort of information that would routinely be  
27 obtainable by you through your contacts with politicians  
28 or with ministerial advisers?---I'm not sure that -  
29 I think there's stronger constraints and confines in the

1 planning area nowadays and have been for some years.

2 I don't view that information as being particularly  
3 sensitive or exclusive. But were I to be making those  
4 sorts of enquiries today, I think it's unlikely that  
5 I would be given that information, if that's a fair enough  
6 way of answering your question. I think I understand what  
7 you're alluding to. I'm at a disadvantage because I don't  
8 know who it was that I spoke to to be able to make those  
9 comments. But I think it would be most unlikely that  
10 I would have had access to the sorts of government  
11 officials nowadays that I did back 13 or 14 years ago.

12 COMMISSIONER: But presumably, Mr Staindl, part of  
13 the consequence of the information that you received,  
14 albeit you can no longer recall the source of that  
15 information, is that, as the earlier two memoranda show,  
16 you have passed on relevant information to Mr Woodman and  
17 Watsons which led to them assisting the mayor, I take it  
18 that means financially assisting the mayor, in her  
19 re-election which is coming up in November 2008. Do you  
20 recall that provision in the earlier - - -?---Yes,  
21 I recall - well, I have no knowledge of what was done in  
22 relation to - for the mayor's election campaign. This was  
23 an email exchange with the Casey CEO, who I'm pretty  
24 certain shared it with the manager of statutory planning  
25 or strategic planning I think it was back in those days.  
26 I wouldn't have even drawn the dots for it to lead to  
27 financial support for a councillor's campaign.

28 What, you mean after - you got the memo from Mr Woodman of June  
29 2008, you were copied in; that's the memo to

1 Mr Carpenter?---Yes.

2 And in that memo that's where you're referred to as the  
3 political facilitators - - -?---Yes.

4 But in that memo Mr Woodman goes on to observe the nature of  
5 the relationship with the mayor and the fact that Watsons  
6 is now assisting the mayor in re-election in the  
7 forthcoming - you would have noticed that at the  
8 time?---Not necessarily. It certainly doesn't ring any  
9 bells, and understand, you know, I have about 10 clients  
10 or so active at any one time and if something doesn't  
11 directly affect me or impact me, then I tend to skim it  
12 and move on very quickly. I certainly have no  
13 recollection of even considering what level of support  
14 Mr Woodman may or may not have been providing some of  
15 those council candidates.

16 Sorry, I've made an assumption here, and you'll correct me if  
17 it's wrong, that by within six to nine months of this  
18 email that you send to Mr Tyler you're fully conscious of  
19 the fact that in order for the urban growth boundary to  
20 ultimately be extended to incorporate Brompton Lodge, it's  
21 got to be precipitated by a council decision approving  
22 that proposal?---Yes, I'm aware of that.

23 And you would therefore have been interested in knowing what  
24 steps Mr Woodman was taking to secure council's  
25 approval?---As I said, nothing - nothing readily comes to  
26 mind on that, and I certainly had no knowledge of the then  
27 Councillor Halsall's campaign or what level of support she  
28 was given. I was tending to, as I normally do,  
29 concentrate at the state level. In this particular

1 instance, because I'd had a professional relationship with  
2 Mr Tyler going back some years, I was the initial point of  
3 contact with Mr Tyler.

4 I must say, and I'm only speaking here by way of an impression  
5 from the evidence that we received earlier this year, that  
6 it was not uncommon for you to have discussion with  
7 Mr Woodman about his expectations of the level of council  
8 support he would get for various planning issues?---Back  
9 in 2008?

10 No, no, I'm talking about in more recent times that we looked  
11 at. It's only a question that I now have, and no doubt  
12 Mr Tovey may be taking you to some of this material - -  
13 -?---Yes, yes, that's fine.

14 But my impression was that it was not uncommon for you to have  
15 a discussion with Mr Woodman in which you discussed  
16 Mr Woodman's anticipated support from the council on  
17 planning issues?---Certainly around 2016/2017 there were,  
18 I recall, some broad discussions on councils, on the  
19 council and the likelihood of their support, but it's not  
20 something I delved into in depth. I had a small role in  
21 organising, as I'm sure I'll be questioned on, some  
22 political donations to two or three ALP aligned  
23 candidates, but I had very little, if any, engagement or  
24 dialogue with councillors.

25 You mean or with Mr Woodman about councillors?---No, with  
26 Mr Woodman, I think it was in passing, and normally it  
27 would be along the lines that, you know, he's briefing me  
28 on different aspects of the amendment's progress at the  
29 council level. He'd say, 'We've got a majority of the

1 council on side,' or 'There's still concerns with one or  
2 two councillors.' I recall some of that. But they tended  
3 to be from the notional same side of the political fence  
4 and it wasn't my side of politics. So I was there, but  
5 being briefed almost just as an observer because there was  
6 no way I was going to be getting involved in the politics  
7 of most of those councillors.

8 Yes, thank you. Yes, Mr Tovey.

9 MR TOVEY: Just moving along without going to documents for the  
10 time being, which we need to do in order to meet time  
11 constraints, on 12 May 2008 Mr Woodman advised you by  
12 email that he'd been told by a client, which was a listed  
13 company with strong political connections, that he'd been  
14 informed by the minister's office that there was an  
15 imminent - there was going to be an imminent change to the  
16 UGB. At the same time he told you that you needed to be  
17 doing everything possible to ensure that Brompton Lodge  
18 and Truganina were included?---Truganina, yes.

19 Yes. You recall something of that nature happening?---Vaguely,  
20 yes.

21 Sorry?---Yes, vaguely, yes.

22 Now, in respect of Truganina, what was that?---I honestly can't  
23 remember. I assume it was a parcel of land for inclusion  
24 into the UGB, but nothing triggers a memory bell at this  
25 moment.

26 Could you look, or perhaps you might remember without me taking  
27 you to it. On 12 May 2008 there's an email from Heath  
28 Woodman to you with an attached Mandoow Developments  
29 proposal offering a quarter of a million dollar success

1 fee if the Truganina land is included in the UGB by  
2 3 December 2008. Was that the case?---I have genuinely no  
3 recollection of that, and I think I would. If I had been  
4 a party to it, then - - -  
5 I'll show you the document?---I just haven't recalled it,  
6 that's all.  
7 Could we bring up 4836 and 4837, please.  
8 COMMISSIONER: Whilst that's being done, I will mark the email  
9 from Mr Staindl to Mr Tyler of 15 August 2007 court book  
10 5303 exhibit 210.  
11 #EXHIBIT 210 - Email dated 15/08/07 from Mr Staindl to  
12 Mr Tyler, court book page 5303.  
13 MR TOVEY: If we go over to the next page, please?---I still  
14 don't remember much about it. I've got a vague memory of  
15 something out at Truganina, but I don't ever recall doing  
16 any advocacy work in relation to that property.  
17 Do you recall whether or not you got the success fee?---No,  
18 certainly not. I don't even know if the parcel of land  
19 concerned was rezoned.  
20 I mean - I'm sorry, what are you saying? Are you saying you're  
21 not sure whether you got a quarter of a million dollars or  
22 not?---No, I'm certain that I didn't.  
23 Okay?---But nothing comes to mind about this parcel of land.  
24 I can't visualise where it is. I don't know what size,  
25 how many allotments were proposed were it to be rezoned,  
26 all of the core data that I would expect to have some  
27 memory of. So I'm assuming it wasn't even rezoned.  
28 I now want to take you to 31 July 2008, and on that day there  
29 was an email sent to you and Mr Leigh attaching a copy of

1 a memorandum which Mr Woodman had sent to Janet Halsall.

2 Could you have a look, please, at 4838?

3 COMMISSIONER: The last document will be exhibit 211, email and  
4 letter from Mandoow Developments to Mr Staindl.

5 #EXHIBIT 211 - Email and letter from Mandoow Developments to  
6 Mr Staindl.

7 MR TOVEY: Do you see that this is a document which has been  
8 drafted apparently with the view of having Janet Halsall  
9 introduce that particular recommendation to the council;  
10 is that your understanding?---I can only see the memo.  
11 I can't see the document itself.

12 I'm sorry?---So, sorry, your question then was?

13 You understood when you received that document that that was  
14 basically a notice of motion that was being provided for  
15 her to use?---Yes, I'm guessing so; yes.

16 Was that something which was common from your perspective when  
17 you were dealing with Mr Woodman, that he or Megan Schutz  
18 would be providing notices of motion to selected  
19 councillors?---I'm aware it certainly happened on a number  
20 of occasions, yes.

21 You must have had, I suggest, some insight to the fact that  
22 Mr Woodman had what appeared to be a decent hold on the  
23 processes of the City of Casey Council?---Yes, he was  
24 certainly familiar with a number of the key personalities  
25 around the council table, the council chamber.

26 Here we are back in 2008, I'll take you to it, but it happened  
27 time and time again, didn't it, that you would have  
28 discussions with him simply on the basis that whatever he  
29 wanted done the city council would do; that is when I say

1 the city council, the councillors?---Yes, he did have a  
2 close relationship, yes.

3 But what I'm asking you, and I think you agree from what you  
4 say, that time and again you had discussions with him  
5 where it was simply taken for granted that the council  
6 would do what he wanted them do?---Yes, well, he seemed to  
7 have a knack of organising the numbers, the majority in  
8 support of his position.

9 COMMISSIONER: That email and the draft notice of motion will  
10 be exhibit 212, court book 4838.

11 #EXHIBIT 212 - Email and draft notice of motion, court book  
12 pages 4838 and 4839.

13 MR TOVEY: If you go to the next page, which is 4840 through to  
14 4842, do you know who - can we just stop there for a  
15 moment. Do you know who Carolyn Ridgeway was?---No.  
16 Anyway, if we just keep on going, thank you. So this is - if  
17 you just read through that?---Yes.

18 This is Woodman or his office having reviewed at this stage,  
19 having seen the council officers' recommendation and then  
20 having - then redraft the notice of motion to accord with  
21 what they now know; is that your understanding of  
22 that?---I'm taking your word for it, yes. I don't recall  
23 receiving this memo, but there's no reason for me to  
24 dispute it.

25 You don't dispute you were copied in on this?---No.

26 And it certainly wasn't being hidden from you?---No. But, like  
27 I said - - -

28 Janet Halsall was expected to do exactly what John Woodman  
29 wanted?---Well, I don't know. As I said on a number of

1 occasions, if it wasn't directly relevant to me executing  
2 the duties then I tended I think just to skim these and  
3 note it and move on. It wasn't an area that I was - had  
4 any influence over or involvement with.

5 Knowing what you now know and looking back on this with the  
6 benefit of hindsight, you're somebody who was intimately  
7 involved, would you agree that it looks a fairly  
8 breathtaking thing that Mr Woodman seems to have  
9 controlled that council virtually the whole time from some  
10 time before 2008?---Look, you're asking me to comment on a  
11 pretty broad-sweeping statement. I don't feel that an  
12 opinion from me one way or the other is going to assist  
13 much. I mean, obviously there is a close liaison he has  
14 with an individual councillor and if through her or  
15 through his other networks he had strong relationships  
16 with a number of other councillors then the statement you  
17 make may be correct.

18 Perhaps I could approach it from a different direction?---Yes.

19 During all that period of time can you think of any project  
20 which he put before council where he didn't have the  
21 council's support?---Back in the late 00s?

22 I'm saying from 2010 through to - for 10 years, from 2008  
23 through to 2018, from Brompton Lodge right through C219,  
24 H3, the whole lot?---I think there were a couple - I think  
25 there were a couple back in 2016 or 17 where he didn't get  
26 his preferred position in relation to some sort of hours  
27 out of sequence development, I think it was termed, in  
28 terms of some traffic light installations. But overall,  
29 yes, he enjoyed a remarkable run of success in having

1 proposals or projects approved by the City of Casey.

2 COMMISSIONER: Sorry, Mr Staindl, I take it from what you've  
3 been saying in the last half hour it never crossed your  
4 mind that the reason Mr Woodman was able to enjoy that  
5 level of success was because there was an improper  
6 relationship between him and various councillors?---It  
7 certainly didn't, and if it had have I would have stopped  
8 working for Mr Woodman.

9 MR TOVEY: I'll take you to this later on, but in 2016 you were  
10 aware, were you not, that he was - he had a program of  
11 vetting candidates?---I did see the list one time where he  
12 had comments or notations marked alongside most  
13 candidates, yes.

14 And he was financing the campaigns of the candidates to an  
15 extent of greater than \$400 each?---I had some limited  
16 involvement in providing or facilitating donations to two  
17 or three Labor oriented councillors. I certainly had no  
18 knowledge of how much he was donating to others. I wasn't  
19 aware that there were constraints in 2016, that \$400 was  
20 the maximum that could be donated.

21 And what was the consequence if you donated more than  
22 \$400?---I don't know. That's what I'm saying. I wasn't  
23 aware there was that constraint.

24 Weren't you? Anyway, we'll go back. Let's keep on with  
25 Brompton Lodge.

26 COMMISSIONER: That email and the memorandum from Mr Woodman to  
27 Mayor Halsall dated 18 August 2008 will be exhibit 213.

28 #EXHIBIT 213 - Email and memorandum from Mr Woodman to Mayor  
29 Halsall dated 18/08/08.

1 MR TOVEY: It's just been brought to my attention that email,  
2 the last one, was sent direct - sorry, sent to you rather  
3 than you being copied in. Are you able to indicate why it  
4 was that was being sent to you?---I don't know. Maybe it  
5 was the comment. I don't know.

6 COMMISSIONER: See, I've put to you a short time ago,  
7 Mr Staindl, that it was my impression from the evidence  
8 earlier this year that you quite consistently had  
9 discussions with Mr Woodman about the level of support or  
10 cooperation he was either getting or was expecting to get  
11 from the council?---Yes.

12 And this particular exchange, albeit it is back in 2008, just  
13 seems to be an example of Mr Woodman considering he needed  
14 to keep you informed about the level at which he was  
15 securing council cooperation?---Having seen that memo, I'm  
16 surmising that it was sent to me just to provide any  
17 feedback on the content of the motion or draft motion, and  
18 I don't know if I commented on it because, as I said, my  
19 records from that period have long, long vanished. The  
20 discussions about councillor support would have been no  
21 more than him saying, 'I've got the numbers' or 'we should  
22 be able to get this through' or whatever. I, to the best  
23 of my knowledge, especially with Brompton Lodge, did very  
24 little engagement with councillors, if any. I remember  
25 meeting one councillor prior to 2008 just to give him an  
26 overview of the proposal, and to the best of my knowledge  
27 that's the only councillor I had any dialogue with in  
28 relation to this, and he was subsequently defeated at the  
29 08 elections.

1 Yes, Mr Tovey.

2 MR TOVEY: Up until this time we have seen from the documents  
3 you've been shown and the evidence that you've given that  
4 back in mid-2008 you've got yourself being aware of the  
5 fact that Janet Halsall is providing 'overwhelming  
6 support' for Brompton Lodge and you're being informed that  
7 Woodman's assisting her with a re-election; right, we've  
8 been there? You've been given an indication by somebody  
9 who you can't recall that if the council goes to the  
10 government with a request supporting Brompton Lodge, well,  
11 then it may trigger a review. You've then got Janet  
12 Halsall being given notices of motion which in fact  
13 provide specifically for that to occur, that is for  
14 Brompton Lodge to be approved and to move on with  
15 the government; and then immediately following the passing  
16 of that motion, which indeed was on 19 August 2008, within  
17 the next week a letter is sent to Justin Madden, the  
18 Minister for Planning?---M-hmm.

19 Now, they're all things that you're aware of?---I would have  
20 been at the time, yes.

21 Yes. In those circumstances are you saying that you  
22 weren't - it didn't occur to you at all that it was  
23 extremely fortuitous that without any hesitation at all  
24 from Halsall she was in fact sponsoring precisely the  
25 motion which you had been arranging to have executed at a  
26 time immediately after you obtained the information that  
27 that particular resolution was required?---Well, my  
28 principal point of contact in the first instance was Mike  
29 Tyler as the council CEO, and I thought that's going

1 through the correct channels. I was aware that Mr Woodman  
2 had a particularly close relationship with Councillor  
3 Halsall at the time, and she seemed quite willing to be  
4 his champion on the council, and I pretty well left that  
5 ride and head in the direction that it did. I'm not sure  
6 that I provided any critical feedback on the memo that  
7 came to me. I can't remember specifically. But in terms  
8 of my involvement at the councillor level it was extremely  
9 limited and, no, perhaps naively I didn't consider  
10 anything untoward was occurring at that time.

11 COMMISSIONER: Does that mean, Mr Staindl, that at no time  
12 prior to The Age articles of 2018 it crossed your mind  
13 that Mr Woodman might be willing to do something not  
14 merely improper but criminal?---Correct, yes.

15 So in all those years, and notwithstanding your expertise as a  
16 people person - because that's one of the skills of a  
17 lobbyist, is it not?---Yes, I would say that it is.

18 So in all of those years you never saw or got any indication  
19 that Mr Woodman might be prepared to do unlawful  
20 things?---None whatsoever, and if I had have I would have  
21 been out of there in a heartbeat.

22 Yes, Mr Tovey.

23 MR TOVEY: At this time do you remember a Casey councillor by  
24 the name of Kevin Bradford?---Yes, I do.

25 And did you have any contact with him?---Oh, God, it's  
26 possible, but nothing comes readily to mind. But there's  
27 something telling me I may have in the mid-00s.

28 Did you - - -?---He was a pretty - if I remember correctly, he  
29 was a pretty rough and tumble character, and I certainly

1 know of him. I can't recall with absolute certainty  
2 whether or not I had contact with him.

3 Did you know him to be somebody or did you in 2008 know him to  
4 be somebody who was employed as the electorate officer in  
5 the office of Luke Donnellan?---Yes. Yes, I did.

6 And at that stage he was the - Luke Donnellan was the member  
7 for Narre Warren North and also the Parliamentary  
8 Secretary to John Brumby, the Premier?---Yes, I think  
9 that's the case.

10 And did you become involved in a fundraiser for Kevin  
11 Bradford?---Oh, boy, nothing comes readily to mind, but if  
12 you've got something you would like to take me to I'm  
13 happy to be reminded or refreshed.

14 Could you look at court book pages 4845 and 4846. That's  
15 10 October. It's an email from you to John Woodman  
16 providing a flyer for a fundraiser?---Yes.

17 If you just turn on to the next page, please. Can you indicate  
18 why it was you were providing Mr Woodman with information  
19 about a fundraiser for a councillor?---Because I was  
20 contacted - and I think it was Councillor Rob Wilson who  
21 I had known for a good many years - - -

22 Yes?---A highly respected councillor, he was the one I was  
23 supporting. And I would have forwarded it to Mr Woodman  
24 to see if he was interested in either attending or buying  
25 a couple of the tickets to the - - -

26 So was Rob Wilson a councillor who voted in respect of the  
27 Brompton Lodge resolution?---Was that resolution prior to  
28 the council elections in 2008?

29 Yes, it was?---Look, there's every chance that he did. I can't

1 say with absolute certainty.

2 Did he support Brompton Lodge?---Yes, he thought it was a very  
3 good proposition, and he's the one councillor I met with  
4 to discuss that. And - - -

5 Yes - - -?---Sorry?

6 Did I chop you off?---I was just saying I referred earlier to  
7 meeting with one councillor. The reason I remember  
8 meeting with him is because he had this peculiar habit he  
9 was a teacher and he would meet at McDonald's, go to  
10 McDonald's every morning and get one of the bottomless  
11 cups of coffee, and on my way to work I called in and had  
12 a brief discussion with him. I think we spent more time  
13 talking cricket than anything else.

14 Did you each pay for your own coffee?---Yes.

15 That was being facetious?---That's fine, that's fine; I got  
16 that. I think I had about a four or five-page summary  
17 document, which you may even have a record of, just  
18 outlining the merits of the proposition. What I would do  
19 in situations like this is just quickly step him through  
20 it, leave him with the document and say, 'If you've got  
21 any questions or concerns, get back to me,' because  
22 I didn't consider it appropriate to be really directly  
23 asking for a vote. I was saying, 'Here's the information  
24 you need to help you consider your deliberations on this  
25 issue. Come back to me if you need anything further.  
26 Otherwise make your own assessment.' And that's the way  
27 I've tended to operate whenever dealing with councillors  
28 across my lobbying career.

29 COMMISSIONER: You said - I'm sorry, Mr Staindl, you said a

1 little earlier about Mr Wilson, 'He was the councillor  
2 I was supporting'. What did you mean by that?---Sorry,  
3 I went along - no, sorry, I would have - I don't even  
4 think I went to this function. I have no recollection of  
5 the venue. But if I bought a couple of tickets I would  
6 have done so happily to support Rob Wilson because he was  
7 someone I had known and respected for a very long time.  
8 I'm sorry, when you said 'supporting' you just meant in going  
9 to this function?---Function or buying - - -  
10 Is that what you meant?---Yes.  
11 Yes. And, again, forgive me, I might be mistaken, but  
12 I thought you said some time ago when first asked about  
13 Brompton Lodge and what Mr Woodman was doing with  
14 councillors that you played no role in relation to  
15 advancing the Brompton Lodge issues at council  
16 level?---I think I said a minimal role, and the two  
17 meetings I remember were I had a - facilitated a meeting  
18 with - at least one meeting with Mike Tyler as the CEO and  
19 Councillor Wilson at some point in 2008 was the other  
20 councillor, was the one councillor I do remember speaking  
21 to. I said if there are others that are spoken to about  
22 this, then I just don't recall. But, Rob Wilson, for some  
23 reason the catch-up with him stuck in my mind because of  
24 the venue it was at.  
25 I see. Yes, Mr Tovey.  
26 MR TOVEY: At that time was Justin Madden the planning  
27 minister?---Probably - - -  
28 Brumby government, 2008?---I think so, yes.  
29 On 12 December 2008 there was an email chain involving

1           yourself, Heath Woodman and Mr Leigh discussing approaches  
2           to government about Brompton Lodge?---Yes.

3   And referring to seeking a meeting with the minister and a key  
4           adviser, and in the course of that communication you  
5           indicated that you were waiting on a call from James  
6           Merlino. Do you recall what portfolio, if any, Mr Merlino  
7           had at that time?---I think he had Sport.

8   Yes. And what was his association with Brompton  
9           Lodge?---I can't recall.

10   You can't recall any - - -?---Any formal involvement, no.

11   Other than the fact that you were looking for somebody who  
12           might provide general support - sorry, at that stage what  
13           was - Mr Merlino you thought was Minister for Sport; is  
14           that right?---I think so, yes.

15   So, other than the fact that at that stage you might have been  
16           looking generally for support within ministerial ranks, is  
17           there any other reason why you would have been  
18           communicating with Mr Merlino about Brompton Lodge?---To  
19           the best of my knowledge, no.

20   All right. On 2 February, the following year, 2009, there was  
21           an email chain involving yourself and Heath Woodman and  
22           Mr Leigh which discussed, amongst other things, that Heath  
23           Woodman was requesting that you arrange a meeting with  
24           senior departmental officials with Tim Holding and Jude  
25           Perera. Do you recall anything of that?---I'm afraid not,  
26           but I'm not disputing that it happened.

27   Did Jude Perera have any functions other than as a member of  
28           parliament, to your knowledge, throughout this period?  
29           Did he hold any - - -?---I think he was a humble

1 backbencher.

2 Yes. On 15 June 2009 there was an email sent by Heath Woodman  
3 to you and Leigh preparing a briefing note for John  
4 Woodman to have ready for a lunch, and the email title was  
5 suggestive that it was for a meeting at lunch with John  
6 Brumby. Do you recall any involvement by the then  
7 Premier, Mr Brumby, in Brompton Lodge?---No, I don't. And  
8 I think it would be extremely unlikely that he would have  
9 got involved in any direct way as Premier. Knowing  
10 Mr Brumby the way I do, I think it would have been  
11 deflected to one of his staff who would have then followed  
12 up through either departmental channels or  
13 inter-ministerial office channels.

14 So you wouldn't anticipate that Mr Brumby would in the normal  
15 course of events be amenable to having briefs provided to  
16 him in respect of issues relating to rezonings such as  
17 Brompton Lodge?---No. What would tend to happen, and I've  
18 said it happened, is that they would deflect it to the  
19 adviser they would have accompanying them to a function  
20 like that.

21 Is there any reason why a briefing relating to Brompton Lodge  
22 would be directed to the Premier rather than to Justin  
23 Madden or his office or as well as Justin Madden or his  
24 office if that happened to be the case?---I would only be  
25 surmising that it would be an attempt to garner broader  
26 government support on the matter.

27 So am I to accept from what you've told us in some of your more  
28 recent evidence that you do accept that part of  
29 the process in pursuing planning objectives relating to

1 rezonings may well be to try and get the support of  
2 ministers, other than the planning minister, so they can  
3 approach him?---That's possible. It could also just be a  
4 case of making them aware of a proposal that's under way.

5 COMMISSIONER: You've provided a more extensive answer earlier,  
6 Mr Staindl, as to some of the reasons that you imagine why  
7 other ministers would also have an interest relevant to  
8 their portfolios. But then I think you also acknowledged  
9 in relation to - - -?---I recall that.

10 Yes. But you also acknowledged in relation to one of the  
11 documents Counsel Assisting showed you today in relation  
12 to a senior minister that that didn't seem to fit with  
13 what Mr Woodman was aiming to do on that occasion. You  
14 referred to - remember what I'm referring to?---That's  
15 the - - -

16 Concerning the Treasurer?---Oh, sorry, yes. Yes.

17 MR TOVEY: That was a taped conversation?---Yes.

18 COMMISSIONER: Yes.

19 MR TOVEY: Could you look at 4855, please.

20 COMMISSIONER: I'll mark the email from Mr Staindl to  
21 Mr Woodman and flyer of 10 October 08 exhibit 214.

22 #EXHIBIT 214 - Email from Mr Staindl to Mr Woodman and flyer of  
23 10/10/08.

24 MR TOVEY: All right. So that's from Heath Woodman to you and  
25 Geoff Leigh, with John Woodman copying in. And that's  
26 Heath Woodman providing you with a copy of a briefing note  
27 which is to be provided - sorry, 'prepared for John for  
28 his lunch tomorrow', and his lunch the next day was with  
29 the Premier; is that true?---If you say so. I don't

1 remember the event, but I don't think I was there. But,  
2 yes, it certainly looks that way.

3 Well, look, what I want to suggest to you is that we've heard  
4 evidence here from Megan Schutz in particular that John  
5 Woodman's approach to exercising political influence was  
6 what he - well, what she described as a top-down approach  
7 where he would basically try and get as far up the tree as  
8 possible and exert influence from that point across and  
9 down. Is that consistent with your understanding of the  
10 way in which he operated?---It's probably a fair enough  
11 assessment, yes.

12 COMMISSIONER: Is there anything Mr Tovey, in the briefing note  
13 that you wanted to draw attention to or can we move on?

14 MR TOVEY: No, I think we can move on. The briefing note  
15 doesn't take anything further.

16 COMMISSIONER: That's exhibit 215, email from Heath Woodman to  
17 Mr Staindl enclosing briefing note for John Woodman,  
18 16 July 2009, exhibit 215.

19 #EXHIBIT 215 - Email dated 16/07/09 from Heath Woodman to  
20 Mr Staindl enclosing briefing note for John Woodman.

21 MR TOVEY: Do you have a recollection of Mr Woodman in fact  
22 meeting Mr Brumby for lunch?---No.

23 Do you have a recollection of him meeting any Premier?---Yes,  
24 I do, and I think it was the subject of some publicity,  
25 but in about 2017 he was at a lunch with Premier Andrews.  
26 Was it one lunch or more than one lunch?---Oh, there may have  
27 been some boardroom lunches that he went to. But the one  
28 that comes most readily to mind was that one, which  
29 attracted some considerable publicity back in I think

1 December.

2 In any event, such associations you would see as simply being  
3 consistent with what you understood to be his method of  
4 seeking influence by making contacts as high as  
5 possible?---Probably. That particular lunch I'm referring  
6 to, there was a specific recommendation by me, and one  
7 which he carried out, not to discuss any planning related  
8 matter over that lunch.

9 Was it a lunch at Florentino's?---No.

10 Where was this?---No, this was at the Flower Drum.

11 We'll come to it in any event?---Yes, that's fine.

12 If I can just stop you there. You say that that lunch, that is  
13 the lunch you've just referred to, wasn't for the purpose  
14 of - or wasn't to have any planning issues discussed, but  
15 Mr Woodman had three or four people from his office  
16 present at that lunch, did he not?---That's correct, yes.

17 Including Megan Schutz?---Yes.

18 You wouldn't have expected planning to be something which could  
19 be avoided?---Well, I can tell you that it was. There was  
20 no talk on planning, planning specific matters, that  
21 occurred at that lunch.

22 Getting back then to Brompton Lodge, on 26 June 2009 there was  
23 an email calendar event from you to John Woodman and Heath  
24 Woodman relating to ALP Cranbourne event for Jude Perera  
25 and John Lenders on 26 June at the Knox Tavern. At that  
26 stage Mr Lenders, I think, was the Treasurer, was he  
27 not?---Probably, yes. Yes.

28 Did you go to this event at the Knox Tavern?---I don't think  
29 so, but I don't - without any prior warning, I can't

1 remember off the top of my head. But I think I had  
2 something else on, because it's one that I probably would  
3 have gone to given it's on my way home. I live out in the  
4 Dandenong Ranges, so it was two thirds of the way home.  
5 Did Mr Woodman go?---I don't know.  
6 Or Heath Woodman?---Yeah, I have no recollection of that,  
7 sorry.  
8 I now want to take you to 7 August 2009, document 4858, and  
9 that's just a note from you to Jude Perera seeking to  
10 discuss Brompton Lodge; is that right?---Yes, yes.  
11 And it would appear from that, would it not, that you had a  
12 close and cordial relationship with Jude  
13 Perera?---Reasonable. I'd probably met him on three or  
14 four occasions, yes.  
15 And it's simply, 'Hey Jude, can I please make a time to see you  
16 some time next week with John and Heath Woodman to discuss  
17 Brompton Lodge'?---Yes.  
18 And you discussed Brompton Lodge with Jude Perera or members of  
19 his office on many occasions?---On some occasions.  
20 Ms Schutz actually tended to have the closer working  
21 relationship in latter years. With Brompton Lodge I may  
22 have, because I don't think she was working for Watsons  
23 then, it may have been me, so quite possible. But later  
24 on it tended to be Ms Schutz who had the closer working  
25 relationship with the office.  
26 Did you have meetings with Justin Madden, the planning  
27 minister, in respect of Brompton Lodge?---To the best of  
28 my knowledge, no. I briefed some of his staff on it at  
29 various times, but I can never recall briefing the

1 minister on it.

2 Did you arrange for meetings between John Woodman and the  
3 planning minister in respect of - - -?---Not to my  
4 knowledge, no.

5 Could you look at 4859-61. That is an email of 19 September  
6 2009?---Yes.

7 From Heath Woodman to Philip Staindl, copied to John Woodman,  
8 and that asks whether or not you can organise a further  
9 meeting with Justin Madden to specifically again discuss  
10 Brompton Lodge?---Yes. Look, if there was a ministerial  
11 meeting, I just simply haven't recalled it. It doesn't  
12 come to mind and - - -

13 Would you agree from that there clearly has been a  
14 meeting?---It's quite possible, or a meeting with a senior  
15 adviser, because quite often the minister and the adviser  
16 became interchangeable in seeking meetings, but as I said,  
17 yes, it is quite possible - it is possible that there was  
18 a meeting. I just simply don't recall it.

19 I tender page 4859, Mr Commissioner. You're on mute,  
20 Mr Commissioner.

21 COMMISSIONER: My apologies. 217, email from Heath Woodman to  
22 Phil Staindl, 19 September 09.

23 #EXHIBIT 217 - Email dated 19/09/09 from Heath Woodman to Phil  
24 Staindl, court book pages 4859-61.

25 COMMISSIONER: I see the time, Mr Tovey. We might have a break  
26 for a few minutes.

27 WITNESS: I was just going to suggest that could be a good  
28 idea. It's been a solid session.

29 MR TOVEY: Yes.

1 COMMISSIONER: Very good. It has been. We'll resume at five  
2 to three?---Thank you very much.

3 (Short adjournment.)

4 COMMISSIONER: Are you ready to proceed, Mr Staindl?---I am,  
5 Commissioner.

6 MR TOVEY: Before we resume, Mr Commissioner, I'm informed that  
7 the document of 7 August 2009, 4858, which I'm sure you  
8 announced was exhibit 216, wasn't announced because you  
9 were muted at the time.

10 COMMISSIONER: Yes. The phrase 'you're muted' will go down as  
11 one we'll all remember in 2020, Mr Tovey. Exhibit 216.

12 #EXHIBIT 216 - Note from Mr Staindl to Mr Perera dated  
13 07/08/09, court book page 4858.

14 MR TOVEY: Again moving along, on 29 October 2009 there was an  
15 InsideOut - sorry, there's an email from yourself  
16 indicating that InsideOut Strategic has a table at a  
17 function being attended by John and Heath Woodman, and it  
18 records, 'This is an ideal time to mingle and chat with  
19 ministers and key advisers.' And then, 'Please let either  
20 Steve or me know if there is a particular minister you'd  
21 like to speak to and we'll endeavour to facilitate the  
22 meeting.' And that's typical of the sort of communication  
23 you might have in anticipation of a Progressive Business  
24 or similar function?---Yes.

25 Then on the 15th or between 15 and 20 December 2009 there was  
26 an email chain between yourself and Mr Staindl and  
27 Mr Leigh about meeting with government members about  
28 Brompton Lodge and it was from this that I picked up the  
29 phrase that I put to you before, and Mr Woodman indicated

1 that from his perspective the idea was to get 'as far up  
2 the tree as possible, even Brumby if possible.' And  
3 that's consistent with what your recollection is?---Yes.  
4 But I'm extremely confident there wasn't a meeting secured  
5 with the Premier at the time.

6 COMMISSIONER: Who was that email between, Mr Tovey?

7 MR TOVEY: That's between Mr Woodman and Mr Staindl - Heath  
8 Woodman and Mr Staindl, with a copy to Mr Leigh.

9 COMMISSIONER: Yes.

10 MR TOVEY: I would now like you to look at an email dated 6  
11 February 2010 at 4866. Are you able to tell us what the  
12 reference to the excerpt from Hansard is?---All I can see  
13 is the covering memo.

14 Could we just go to 4867 as well. I won't take you back  
15 through that?---Right.

16 But basically it's an entertaining exchange between Mr Finn and  
17 Mr Guy?---Mr Madden.

18 COMMISSIONER: Mr Madden?

19 MR TOVEY: Sorry, Mr Finn and Mr Madden. And so it says,  
20 'Geoff, as Phil and I discussed yesterday on the phone  
21 with you, the perfect time for MG to put forward the Libs  
22 "wish list".' And was it your understanding that the  
23 'Libs wish list' would include anything in relation to  
24 Brompton Lodge?---I can't recall it, but highly possible.  
25 And then he says, 'If we can now orchestrate this "through the  
26 back door,"' so MG presumably is Matthew Guy, GL is Geoff  
27 Leigh, to PS is Phil Staindl, to JJ. What's JJ?---I'm  
28 guessing that was one of Matthew Guy's - sorry, Justin  
29 Madden's planning advisers, Justin Jarvis, I'm guessing,

1 at that time.

2 If we can now - - -?---It sounds entirely plausible.

3 'That would be very fortuitous, I would have thought. Keep me  
4 posted as to how you are going getting this to Phil for  
5 his lunch with JJ on Wednesday.'

6 COMMISSIONER: Tuesday.

7 MR TOVEY: Sorry, 'on Tuesday'. Do you recall what that's  
8 about?---No, I don't. Look, it's quite possible I had  
9 some broad discussions with him on it, but I just don't  
10 recall.

11 What had you said to Heath Woodman that gave him or left him  
12 with the view that he should be able to organise some form  
13 of backdoor communication with the minister's  
14 office?---I don't know, I'm assuming I told him I was  
15 catching up with the minister's adviser for a bite to eat.  
16 So that would have been with JJ, the planning adviser?---Yes,  
17 I'm guessing so, reading that.

18 COMMISSIONER: But, Mr Staindl, does not all of this material  
19 show (a) the level at which you and Mr Leigh were able to  
20 operate at the highest levels of government and that none  
21 of this, none of this conduct, ever sees the light of day;  
22 that there is absolutely no transparency and therefore no  
23 accountability with respect to any of these meetings,  
24 these interactions?---You're probably right, but I haven't  
25 got the solution to the system I think you're seeking.  
26 One thing we all know, don't we, Mr Staindl, that if there's no  
27 transparency and hence no accountability, then what fills  
28 the vacuum or silence is suspicion and distrust. That's  
29 why we have to strive for a regime that provides such

1 transparency as can be obtained?---And I'd be strongly  
2 supportive of that.

3 Yes. Yes, Mr Tovey. That email from Heath Woodman to  
4 Mr Staindl and Mr Leigh, 6 February 2010, will be exhibit  
5 218.

6 #EXHIBIT 218 - Email dated 06/02/10 from Heath Woodman to  
7 Mr Staindl and Mr Leigh.

8 MR TOVEY: Are you able to recall how it was that Matthew Guy  
9 responded to submissions in respect of Brompton  
10 Lodge?---How he responded?

11 Yes?---No, I think Mr Leigh took responsibility for  
12 communicating with him and contacting either Mr Guy or his  
13 office.

14 At one stage in February of 2010 there's an email chain  
15 involving Heath Woodman, yourself and Mr Leigh where  
16 Mr Leigh passed on information that Matthew Guy had met  
17 with Tyler and encouraged Tyler to resubmit Brompton Lodge  
18 as a logical inclusion. What's your recollection as to  
19 that?---I have no recollection of that, sir.

20 Again, you have communications from some source within  
21 government. When I say 'you', I'm talking about you or  
22 Mr Leigh?---Yes.

23 You have communications from some source within government  
24 which encourage you to get the council to do something and  
25 then the government will do it. We've been discussing a  
26 similar incident earlier on this afternoon?---M-hmm.

27 Are you able to say how that came about, that you were  
28 receiving that advice from government?---No. No, I'm not.  
29 No. I don't. I just don't recall.

1 Following that, Mr Tyler sent in March a letter - sorry. Yes,  
2 he sent a letter to Geoff Leigh providing a copy of  
3 the council's latest letter to the minister following the  
4 lapsing of the amendment. The letter is copied to Matthew  
5 Guy, Lorraine Wreford and senior executives within the  
6 department of planning and community development. Were  
7 you aware of that letter?---I don't recall, no.  
8 Was it your understanding of the process that - you see, what's  
9 of concern is - - -?---Sorry, had the Brompton Lodge  
10 amendment lapsed at that time? Is that what you said?  
11 It was the lapsing of VC55 - - -?---So was that the Brompton  
12 Lodge amendment?  
13 Well, I'm led to understand that it was, yes?---Yes. So, in  
14 spite of all those lobbying efforts, government didn't  
15 approve it. I'm just trying to get the timeframe correct.  
16 So that determination was made in early - - -  
17 This is in 2010?---Right.  
18 Brompton Lodge is not approved until 2012?---12, yes, under a  
19 change of government.  
20 Yes?---So I think it's worth pointing out that, in spite of all  
21 of that engagement, for various reasons that it wasn't  
22 approved.  
23 I understand. But the process - well, it wasn't approved until  
24 2012?---M-hmm.  
25 But it's the process that we're interested in, you  
26 understand?---Yes, yes.  
27 And so there is talk about backdoor communication, followed a  
28 couple of weeks later by an indication from the minister,  
29 Matthew Guy, to the council, encouraging the council to

1 resubmit, and then following that there is a copy of  
2 the council's letter to the minister being circulated  
3 amongst you guys. Now, do you remember any of that?---Not  
4 really, no.

5 Do you know who Jeff Gilmore was or is?---I think he was an  
6 officer within the department of planning or whatever it  
7 was called then.

8 And was he a person with whom you engaged?---Not that I recall.

9 Outside chance I had a one-off meeting. But if I passed  
10 him in the street I wouldn't recognise him.

11 As 2010 progressed and you headed towards the election, from  
12 your recollection what was the state of play as to the  
13 government's attitude towards the logical inclusions  
14 process?---The Brumby government weren't running a logical  
15 inclusions process. That was a policy by the then Liberal  
16 opposition. I think the government of the day, meaning  
17 the ALP government, had determined that they had been  
18 through a sufficiently broad review of the urban growth  
19 boundary over the preceding period of maybe 12 to  
20 18 months; that they had rezoned substantial parcels of  
21 land in various parts of Melbourne for inclusion into the  
22 UGB and accommodate the projected housing growth; and  
23 therefore went to the election with a policy of no further  
24 changes to the UGB, and as such opposed to a logical  
25 inclusions process.

26 And that was the situation as the Labor government headed  
27 towards the election?---As I understand it, yes. That's a  
28 policy they took into the election.

29 That would be consistent with you, according to documents that

1 we have, in September of 2010 noting that, 'Justin Madden  
2 won't do anything before the election and there will  
3 probably be a new minister after the election.' Is that  
4 consistent with what you would have been advised of?---It  
5 sounds like it, yes, yes.

6 Was it expected, do you recall, that there would likely be a  
7 new party in power?---No.

8 So that was something of a surprise?---Yes, it was. I actually  
9 tipped it the night before the election and it was through  
10 nothing more than gut instinct, but something told me that  
11 the mood was there for change and it changed just enough  
12 to get the Liberals just across the line.

13 So what happened was that the Brumby government disappeared and  
14 who was it then? Was it the Baillieu?---The Baillieu  
15 government.

16 And later the Napthine government?---Yes.

17 And who was the planning minister?---Matthew Guy.

18 Matthew Guy, all right. And had you been in the lead-up  
19 seeking to communicate with Matthew Guy?---I hadn't, but  
20 I understand Geoff Leigh had.

21 All right. We'll leave those matters to Mr Leigh when he comes  
22 along?---M-hmm.

23 Was it in August of 2011, that is the year after the election -  
24 - -?---Yes.

25 That the Pakenham Cardinia Leader started reporting accusations  
26 by the Green Wedge Coalition that Geoff Leigh was acting  
27 improperly due to his links with developers?---I can't  
28 remember. I'm not on the distribution list of the  
29 Pakenham Cardinia Leader. I just can't respond to that.

1 COMMISSIONER: You have no memory, Mr Staindl, of any criticism  
2 of Mr Leigh of that nature around that time?---I know  
3 around that period, within six months or so, I think The  
4 Age via Royce Millar had written one or two articles, yes.

5 MR TOVEY: So once the Libs came in, is it fair to say that  
6 function attending and those sorts of activities were  
7 activities which were then focused on with the Liberal  
8 side of politics rather than the Labor side of  
9 politics?---They would have been and for that very reason  
10 I had exceptionally little to do with it.

11 Yes, up until the time Brompton Lodge was approved?---Yes.

12 Was it your view, indeed as expressed in emails, that a change  
13 of government had helped?---Well, it certainly improved  
14 the chances of getting this amendment through, yes.

15 What was your understanding as to the likely attitude of the  
16 Libs, if they got in, to Brompton Lodge as the election  
17 approached?---They took the policy to the election that by  
18 and large they agreed with the UGB changes that had been  
19 enacted, but they felt there were some isolated parcels of  
20 land that deserved consideration, and I think there were  
21 at least five or six that could be readily identified  
22 around the metropolitan fringes, and so coined this phrase  
23 of logical inclusions and went to the election with that,  
24 and that was the policy which Matthew Guy as planning  
25 minister pursued.

26 And was Brompton Lodge identified before the election as one of  
27 those logical inclusions?---I think so. I think that was  
28 held up as an example of a parcel of land that could - now  
29 that the extracted industries licence had been cancelled,

1 had very little other meaningful purpose because it was  
2 not viable farmland and it was hemmed in on all sides by  
3 either roads and/or residential areas.

4 So in September 2012, and I think it was 13 September 2012,  
5 Brompton Lodge was included, the decision was made and it  
6 was included within the UGB, and following that you  
7 submitted an account, did you, for your fees?---Correct.

8 And at that stage it was for half a million?---Yes.

9 (Indistinct), yes.

10 Plus GST?---Yes.

11 Could the witness please be shown 4663. Then 4906. Then 4907.  
12 Then 4908.

13 COMMISSIONER: Just slow down a bit, Mr Tovey. You need to go  
14 back to 4907 for a moment.

15 MR TOVEY: Sorry, 4907?---Just scroll that up a bit, please. A  
16 bit further.

17 So 4907, that was an account sent for a quarter of a million  
18 dollars plus GST on 15 October 2013, a year later; do you  
19 see that?---Yes.

20 And was that an account for a remaining part of your success  
21 fee?---Yes.

22 And there's no magic in the description of that as 'consulting  
23 fee'. You agree it was your success fee?---Yes.

24 Pursuant to a written agreement which had been executed some  
25 time earlier?---Yes, I think 2005 or so.

26 And then finally in October of 2014 there was a further bill  
27 paid - sorry, a further account sent in exactly the same  
28 terms?---Yes.

29 4909, and that was paid, I take it?---Yes.

1 That payment was, you may be aware, made contrary to the  
2 requirement in the code of conduct that there be no  
3 success fees paid after - - -?---Sorry, 2014 seems - that  
4 seems odd. I don't recall getting it that late.  
5 I thought it was a year earlier.  
6 It's okay. I don't want you to agree with something just  
7 because I say it?---Yeah, no, no, no.  
8 If you want to look more closely, please do. If you go back up  
9 to the email which is the page before, page 4908, you will  
10 see that the email providing that account was in fact  
11 dated the day before the date of the invoice?---Yes, so  
12 I would contend that the success fee became eligible  
13 whenever it was in 2012 in full, but the nature of payment  
14 was staggered.  
15 Well, I'll take you back to the original agreement if you want  
16 to, but the original agreement simply provided a payment  
17 of half a million dollars immediately on the declaration  
18 of the UGB, another quarter of a million a year later and  
19 another quarter of a million a year after that?---A year  
20 after that.  
21 You agree with that?---Yes.  
22 I'm more than happy to take you to it?---No, that's fine.  
23 That's fine.  
24 As of 1 January 2014 the receipt of success fees was banned;  
25 you understand that?---Yes, I do.  
26 You received a success fee, even though it was couched as a  
27 consulting fee, in fact in October 2014?---Yes, but one  
28 which became eligible - it was achieved prior to the  
29 introduction of that prohibition. I understand what

1           you're saying and I hadn't even thought of this as an  
2           issue previously.

3 The prohibition was from on the receipt of any success fees - -

4           -?---Okay. Then I would need to take advice on that.

5 Did you take any advice at the time?---No, because I think

6           I just assumed it was - it was a delayed payment for a  
7           project that had reached finality two years earlier.

8 If I could just read to you the section of the code - -

9           -?---I understand exactly what you're saying and it's the  
10          first time I've had cause to consider this aspect of it.

11 Just for the record, the code provides, 7.4, that 'Persons on  
12          the Register of Lobbyists who receive success fees on or  
13          after 1 January 2014 shall be removed from the register,  
14          subject to the discretion of the Public Sector Standards  
15          Commissioner.' Now, you don't have any doubt that that  
16          was in fact the provision?---No, I don't.

17 Did you ever seek to have the Public Service Standards

18          Commissioner exercise his discretion?---No, because as  
19          I think what I'd done in my mind is recognised that  
20          because this was a project - I understand what you're  
21          saying and I think I do need to get further advice on  
22          this.

23 You got no advice at the time, I think you told me?---Correct.

24 Was it that you hadn't read it that carefully or that you

25          ignored it?---No, I kept equating this to a project that  
26          had reached finality a couple of years earlier. That's  
27          how I had interpreted it.

28 Was it ever brought to your attention - - -?---No.

29 You and Mr Leigh were sharing this fee; is that right?---Yes,

1 correct.

2 So would it seem that the provision of the code eluded you

3 both?---In that interpretation, yes.

4 I now want to go on to your involvement in the C219 rezoning.

5 COMMISSIONER: Mr Tovey, before you move on, I will mark as

6 exhibit 219 various accounts rendered re the success fee

7 for Brompton Lodge at court book 4663, 4906, 4907 and

8 4909.

9 #EXHIBIT 219 - Various accounts rendered re the success fee for

10 Brompton Lodge, court book 4663, 4906, 4907 and 4909.

11 MR TOVEY: I want first of all to take you to an email chain of

12 4 February 2014 which is something we've looked at quite

13 extensively with other witnesses?---M-hmm.

14 Which was really the genesis of the C219 amendment, the

15 Cranbourne West rezoning?---Yes.

16 Could we have up, please, 3672 and 3673.

17 COMMISSIONER: This is already an exhibit, I take it, Mr Tovey.

18 MR TOVEY: It certainly is, Mr Commissioner, and no doubt those

19 beside me will tell me what it was.

20 COMMISSIONER: If you can let me know in due course, Mr Tovey.

21 MR TOVEY: I'll let you know in due course, yes. So that's

22 4 February at 12.08. Can we just scroll down, please, a

23 little bit. That's 11.45. So we're going backwards. If

24 we can scroll down further. If you start at 3672. At

25 11.45 am on 4 February there is a message from you to John

26 Woodman to indicate that 'tomorrow' you are meeting with

27 'Christina from PB', which I assume is

28 Progressive Business?---Progressive Business, yes.

29 'To discuss disclosure requirements'?---Yes.

1 All right. That's 4 February 2014, so this follows a  
2 requirement - this is at a point in February 2014 when the  
3 2014 - that's an election year, is it?---Yes, it is.  
4 And were you told at that stage that there were no state  
5 disclosure requirements, but that at Commonwealth level  
6 the disclosure limit was \$13,400?---Yes, that seems to  
7 concur with my - - -  
8 And so because Progressive Business collected for the party as  
9 a whole, it was subject to the AEC, the Australian  
10 Electoral Commission, oversight; is that your  
11 understanding?---Yes.  
12 And that donations couldn't be above that level?---I actually  
13 think, and I'm not sure at what point of the process, but  
14 the ALP, including Progressive Business, adopted a policy  
15 of declaring donations over \$1,000 because that was the  
16 policy the ALP was supporting at the time, so decided to  
17 enact that. Now, whether or not that was 2014 or 15 I'm  
18 not entirely certain, but that's what I recall happening.  
19 Were you aware that Mr Woodman at that stage or later through  
20 you made payments to Progressive Business with amounts of  
21 \$10,000 from a number of related companies?---Not from  
22 related companies, but if you say that's what he did, then  
23 I've got no reason to question it.  
24 They were from different companies of which he was a  
25 director?---Right. I wasn't aware of that, but - - -  
26 That's not a process in which you were involved?---No.  
27 Did you at any stage discuss with him the splitting of  
28 donations in order to avoid AEC limits?---No, I did not.  
29 Did you discuss with him at any stage council donation limits

1 and the way in which they applied?---Not that I recall.

2 In any event, on 4 February 2018 you will see that - - -

3 COMMISSIONER: 2018 or 14?

4 MR TOVEY: Sorry, sir, 2014. At page 3672 at the top of the

5 page you see 'Phil' - this is from John Woodman to you,

6 'Phil, yes, we need to organise a meeting with Jude and

7 Daniel regarding fundraising and advise of the proposed

8 rezoning.' All right? So we know that this is at

9 precisely the time that Sam Aziz has introduced by

10 surprise an urgent motion which supports the rezoning of

11 the land at Mr Woodman's behest. This was done at a

12 closed council meeting, you understand?---I have no

13 recollection of that happening.

14 This is the day or the day after that occurred. In any event,

15 the proposed rezoning that you see in that message at

16 11 o'clock on 4 February was the C219 rezoning, the

17 Cranbourne West rezoning, wasn't it?---Almost certainly,

18 yes.

19 So what he says to you is, 'Phil, yes, we need to organise a

20 meeting with Jude and Daniel regarding fundraising and

21 advise of the proposed rezoning which we need to happen

22 pretty quick as it will go to council formally in 2 weeks

23 we think. Will send the briefing note the (LIB)

24 councillors are using to get this started tonight and the

25 Labs will have a field day with the controls now in place

26 due to the Guy's change in zoning brought in last year.

27 Ring to discuss once you have read.' All right. So there

28 Mr Woodman is able to tell you that the council is going

29 to start it tonight, it's going to go back before the

1 council formally in two weeks. Those are matters which to  
2 a thinking observer would be a clear indication, would  
3 they not, that he perceived at that stage to have control  
4 over the council processes?---Certainly had strong  
5 influence there, yes. I'm not disputing that.

6 And concurrently with his control over council he raises with  
7 you the need (a) to advise politicians, senior politicians  
8 or, sorry, both Jude and Daniel, I assume that's Jude  
9 Perera and Daniel Andrews?---Possibly, but I certainly  
10 don't think a meeting happened with Daniel Andrews. It  
11 may have happened with Jude Perera.

12 Whether it did or it didn't, the moment this starts, I'd  
13 suggest to you, this is a reflection of the way he time  
14 and again goes about things. Get the council doing what  
15 you need them to do and get the politicians knowledgeable  
16 about the issue and feeling obligated. Is that a fair  
17 assessment of the way in which he saw the best way to go  
18 forward?---On reflection, I think, yes.

19 You would agree it's clear from that communication that you  
20 seem to see a clear link between advising of the project  
21 and doing some fundraising as part of the process?---There  
22 is the correlation, yes.

23 Okay. So that's February 2014.

24 COMMISSIONER: Mr Tovey, you say that's already an exhibit?

25 MR TOVEY: Sorry, it wasn't part of the previous documents from  
26 that day. I thought it was. So I tender that as a new  
27 exhibit. Page 3672, 3673, being the email from Woodman to  
28 Staindl of 4 February - sorry, email chain relating to  
29 Staindl and - - -

1 COMMISSIONER: Yes. 220.  
2 #EXHIBIT 220 - Email chain at court book pages 3672-3673.  
3 MR TOVEY: Could you look at please now 3332 and 3333. Could  
4 we start over the page, please. Just scroll down  
5 slightly. 3333. Could we just scroll up to the top of  
6 page 3332? Keep on going. Stop there. So that's 3332.  
7 The second email on the page is 14 February 2014. Scroll  
8 down again. I'll just give you the opportunity to read  
9 through that?---I've already read through that as it was  
10 scrolling before.  
11 Sorry? You've read through the second document?---Yes, yes.  
12 Can we scroll down then for me. That involves your  
13 understanding of what is going to be required of you as a  
14 lobbyist relating to the rezoning?---Yes.  
15 And there you see, 'My fee proposal for this project is as  
16 flows' - I presume that should be 'follows' - 'a monthly  
17 retainer of \$3,000 plus GST and disbursements for a period  
18 of no more than four months unless otherwise determined by  
19 mutual consent of the two parties,' and then 'a fee of a  
20 dollar amount of which together with the payment schedule  
21 is to be determined in the near future by the two parties  
22 payable on successful rezoning of the land in question.'  
23 So was that your proposal?---Yes.  
24 So the proposal was 30,000 - sorry, 3,000 monthly retainer,  
25 plus disbursements, plus a success fee?---Yes.  
26 Can we scroll up again? That was on 14 February 2014 after  
27 success fees had been banned?---Yes, I don't think it had  
28 registered with me at that stage. I think that came a  
29 little later in the year. I thought it was still only

1 being proposed, is my recollection.

2 I suggest to you that you were a party to emails discussing the  
3 success fee or the abolition of success fees before the  
4 proposal was actually brought in?---Yes.

5 How could you be - - -?---The receipt of success fees that is  
6 prohibited. So - - -

7 Was your commitment to the Woodmans such that you were prepared  
8 to do something which ran a significant risk of you  
9 getting struck off the register?---I think that's why  
10 I grappled with it as time wore on and as I indicated  
11 yesterday I certainly recall a conversation, and I had  
12 difficulty with remembering the timing, but of advising  
13 that I wouldn't be able to accept the success fee, should  
14 it come off.

15 Whatever happened down the track is another point. The point  
16 is that you've just told us you knew success fees were  
17 banned, you knew - - -?---Were about to be.

18 Well, they had already been banned in February of 2014. You  
19 are negotiating new success fees because of an intense  
20 obligation you felt towards John Woodman, weren't you  
21 ?---Yes, it was without question a poorly framed  
22 commercial arrangement on my part.

23 Yes.

24 COMMISSIONER: But do you agree with Mr Tovey's suggestion,  
25 Mr Staindl, that you had an intense obligation to  
26 Mr Woodman?---No, I don't think that's a fair  
27 characterisation of it. I had a professional  
28 relationship. I don't think I would describe it as  
29 intense.

1 Can I just ask you something else about the terms of your  
2 proposal. For a comprehensive lobbying role with all the  
3 things that you've set out there, the seven bullet points  
4 there - - -?---Yes.  
5 Were they normal sorts of things that you would undertake for  
6 clients?---Yes, I would.  
7 So it would be normal for you to liaise and coordinate  
8 engagement with all targeted members of the shadow  
9 cabinet?---Yes.  
10 Including the leader of the opposition?---If appropriate, yes.  
11 Shadow treasurer, shadow planning?---It's horses for courses.  
12 It would be whoever is deemed to be appropriate. I may be  
13 successful with some of those, but I think what I tended  
14 to do with proposals was make it as broad as possible and  
15 then as the work continues you refine who you target based  
16 on their level. Sorry, I'm just going to have a sip of  
17 water.  
18 Yes, sure?---Based on who's got an interest in the issue and  
19 some responsibility for it in terms of the public policy  
20 formulation.  
21 And if the party that you support were in government, then the  
22 terms of a standard sort of lobbying role, instead of  
23 being shadow members, they would be members of  
24 government?---Yes, correct. And this is a fairly standard  
25 worded proposal.  
26 And again without wanting to labour this point, but I think  
27 it's at the core of what we're pursuing here, Mr Staindl,  
28 most of this activity would never see the light of day in  
29 terms of transparency?---Not in the way that I think you

1 envisage, so you're correct with that.

2 I mean, you made the point yesterday that of course ministers  
3 would have to ultimately justify to the public why they've  
4 made a particular decision, what the merits of the  
5 decision was. But what I'm suggesting is that it's now  
6 very plain this entire process is hidden from public  
7 view?---Yes, that's probably a fair enough  
8 characterisation of it.

9 Yes.

10 MR TOVEY: If I might just direct your attention again to the  
11 financial arrangements. If you go to the fee proposal  
12 towards the bottom of the page there, you were paid a  
13 monthly retainer for no more than four months, after  
14 which - was your view that after four months the retainer  
15 would be overtaken by the success fee?---No, I thought it  
16 was just a good introduction into the arrangement. It  
17 actually continued - excuse me one moment. It actually  
18 continued for much longer than that because my role  
19 extended to include other projects that Watsons were  
20 working on under the umbrella of that retainer  
21 arrangement.

22 So over what period of time did you continue to receive from  
23 them your 3,000 a month retainer plus disbursements?---For  
24 some number of years, probably up until September last  
25 year.

26 So if we could just look at Mr Woodman's response, if we scroll  
27 up, and Mr Woodman says, 'Philip, thanks for our meeting  
28 and yes the proposal is acceptable, success fee of  
29 \$250,000 payable in 5, \$50,000 parts over 5 quarters,

1 first payment 90 days.' Was that payment made?---No.  
2 Well, it wasn't made because C219 ultimately - it was only this  
3 year, I think, wasn't it, that it wasn't  
4 approved?---Correct.  
5 'Please also proceed with the Martin/Judith fundraiser on the  
6 4th April.' Who is Martin/Judith?---Martin Pakula and  
7 Judith Graley. And Jude Perera was also in there.  
8 Right?---That's the function we talked about earlier.  
9 That's the Crown Casino one that we've already  
10 discussed?---Yes, it is.  
11 \$1,000 a head; is that right?---That's what he was proposing.  
12 I didn't handle any money for that.  
13 Have you given any more thought since I asked you yesterday as  
14 to whether there was \$250,000 being held for you by  
15 Maddocks Lawyers?---I can't recall that, that phone call.  
16 No, I'm not asking you about a phone call. I'm asking you  
17 about whether you knew or believed that \$250,000 was being  
18 held in trust by a firm of lawyers to secure if necessary  
19 the payment of your success fee?---No, I haven't, and  
20 I wasn't aware of that - if that was being held there.  
21 COMMISSIONER: Mr Staindl, can I just take you back for a  
22 moment to the previous document, that's the one of  
23 4 February 2014, exhibit 220. I'm sorry, 221. No, my  
24 apologies. I can see now we haven't given that document  
25 an exhibit number. 4 February 14 being part of the email  
26 chain from Mr Woodman to you, I'll make that exhibit 222.  
27 What I wanted to ask you, Mr Staindl, was that's the email  
28 where - do you see it there? No, I'm sorry, it's 3672.  
29 MR TOVEY: That was, Mr Commissioner, given exhibit number 220.

1 COMMISSIONER: Perhaps we'll sort that out when we adjourn,  
2 Mr Tovey. But what I wanted to ask you, Mr Staindl, is  
3 you will recall your exchange there about having to  
4 organise a meeting and then fundraising 'and advise of  
5 the proposed rezoning,' that's Mr Woodman's suggestion to  
6 you. You've said in the same email exchange that you're  
7 'meeting with Progressive Business tomorrow to discuss  
8 disclosure requirements' and then you're meeting with  
9 Martin on the Friday 'to discuss fundraisers'. That's  
10 all, as you understood it, in the context of fundraising  
11 for the purpose of advancing this development proposal of  
12 Mr Woodman for rezoning?---There's certainly an element of  
13 that, but that's why Mr Woodman was prepared to get  
14 involved with fundraising in the south-east.

15 Yes?---Yes.

16 But that's why it appears, Mr Staindl, that you understood that  
17 having Mr Woodman make fundraising contributions was  
18 intended at least in part to try and facilitate the  
19 rezoning that he wanted, because you were discussing the  
20 two things at the same time, weren't you?---Yes.

21 And that surely must mean - I understand that there are other  
22 motives you also had for obtaining funds, but that surely  
23 reflects your recognition and Mr Woodman's that  
24 contributing funds would go some way towards inducing  
25 others to perhaps look more favourably upon his rezoning  
26 proposal?---It could certainly assist in garnering  
27 support, yes.

28 Mr Tovey, I note the time. Is there a convenient point when  
29 you could finish?

1 MR TOVEY: This is a convenient point.

2 COMMISSIONER: Very good. It's been a long day, Mr Staindl, so

3 we'll see you at 10 am tomorrow morning?---Thank you.

4 Yes. Thank you very much.

5 <(THE WITNESS WITHDREW)

6 ADJOURNED UNTIL WEDNESDAY, 11 NOVEMBER 2020

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29