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TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 11 NOVEMBER 2020

(27th 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

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*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: How's the volume, Mr Staindl?---I can hear you  
4 quite okay now, Mr Commissioner, thank you.

5 Thank you. Yes, are you ready to proceed, Mr Staindl?---Yes,  
6 I am.

7 I just remind you you are under affirmation?---Yes.

8 Yes, Mr Tovey.

9 MR TOVEY: Thank you. We I think left off yesterday dealing  
10 with success fees. I want to move on from that. Just  
11 briefly, in respect of the Crown Casino function that was  
12 on 4 April 2014 that was a function which was in fact paid  
13 for by Mr Woodman?---I think the vast part of it was, yes.  
14 I thought that there was another significant contributor,  
15 but I can't confirm that because, as I indicated  
16 yesterday, I didn't handle any of the funds from that.

17 Could you just have a look at 3949, please. That's a document  
18 dated 21 March, an email from John Woodman to Brian  
19 Woodman, copied to you?---Yes.

20 Who's Brian Woodman?---I understand he's John Woodman's  
21 brother.

22 And what's his involvement?---None, as far as I know.

23 Now, that appears to be relating to that function and it says,  
24 'Brother, don't worry about the money. All good. Let's  
25 know the names of those attending. Thanks.' Do you have  
26 any recollection of receiving that document?---No precise  
27 recollection, but I do think Brian Woodman was there,  
28 I knew the name because he was a former AFL or VFL  
29 footballer in the 70s.

1 Was it the case that when it came to the Crown Casino functions  
2 or functions like it, so long as Mr Woodman was making the  
3 connections he wanted to make, money wasn't a  
4 problem?---It's probably a fair enough assessment, yes.

5 Just a moment. I want to take you through some chronological  
6 events without taking you to documents because it just  
7 takes too long.

8 COMMISSIONER: Mr Tovey, we'll just make that last email  
9 exhibit 223.

10 #EXHIBIT 223 - Email from John Woodman to Brian Woodman dated  
11 21/03, court book page 3949.

12 WITNESS: Excuse me, before proceeding, I haven't got an image  
13 of my legal representation on screen. Is he participating  
14 or - - -

15 COMMISSIONER: Yes. You normally had Mr Lavery's  
16 camera?---Yes, it's usually been there.

17 He is there, Mr Staindl. I'm not sure why you don't have his  
18 picture. We'll see if we can rectify that?---That's fine.  
19 Just provided he is still on line.

20 Yes, of course?---Okay. Thank you.

21 MR LAVERY: I can confirm that?---There's an image there now.  
22 Thank you.

23 MR TOVEY: So on 14 April 2014 there was an email chain  
24 involving John Woodman and Heath Woodman, and there is  
25 discussion of you arranging a meeting with the shadow  
26 Minister for Planning, Brian Tee, and one of the purposes  
27 of the meeting was to discuss Cranbourne West. Did you  
28 arrange such a meeting?---I'm pretty sure I did, yes.

29 Then on 29 April 2014 there is an email from John Woodman to

1 yourself attaching payment details for his attendance at a  
2 cocktail function being held for James Merlino and Tim  
3 Pallas on 30 April 2014. Do you have a recollection of  
4 such a function having taken - - -?---Not specifically,  
5 but it wouldn't surprise me.

6 That would be nevertheless consistent with what appears to have  
7 been an arrangement whereby Mr Woodman would attend many,  
8 many of those fundraising and meet and greet type  
9 functions?---Yes, either attend or have someone attend on  
10 his behalf.

11 While I have you there, I notice on a number of these occasions  
12 Mr Kenessey attended functions with you. What role did  
13 Mr Kenessey have in respect of C219 from your  
14 perspective?---From my perspective I think it was fairly  
15 simple. Essentially he was Mr Woodman's client, as  
16 representing the landowners, Leightons.

17 And how often would he attend these - or how regularly would he  
18 attend the functions where there was an interface provided  
19 between - - -?---My recollection is he tended to attend  
20 the very big dinners where Mr Woodman would take an entire  
21 table of, say, 10 and Mr Kenessey would be one of the  
22 attendees. There were usually one of those per year.  
23 They were called a Premier and Cabinet dinner. So you  
24 would quite often have four or 500 people in the room,  
25 depending on how successful the sales were for those  
26 events.

27 What about the other functions where there was an opportunity  
28 to speak and discuss issues with ministers or  
29 politicians?---My recollection is that he didn't attend

1 very many of those at all, if any, but it is possible he  
2 attended some. I just can't recall off the top of my  
3 head. As I said, the main functions he attended were the  
4 big dinners where Mr Woodman had purchased a table.

5 Then just moving on to 2 June 2014 there is an email calendar  
6 listing an event on that day being a meeting with John  
7 McLindon, the chief of staff of Daniel Andrews, and  
8 yourself and John Woodman. At that stage Mr Andrews was  
9 the Opposition leader, I suspect?---Correct.

10 Did that meeting take place?---To the best of my knowledge,  
11 yes.

12 And this was all in anticipation of the possibility that by the  
13 end of 2014 of course there may have been a change of  
14 government?---Well, it was a fairly standard practice that  
15 I followed, was to make sure you cover off all bases, and  
16 it would have been just to brief Mr McLindon on the  
17 proposed amendment, the economic benefits that it would  
18 bring, the process from there and, yes, that if the  
19 government changed then we would look forward to support  
20 of the new government.

21 On 11 May 2014 there is an email from Megan Schutz to yourself  
22 and to Mr Leigh and to Heath Woodman referring to, 'Last  
23 night's Bollywood curry dinner dance for Jude Perera.' Do  
24 you recall that event in the lead-up to the  
25 election?---I have no idea when - I recall going to one  
26 event by Jude Perera at which there was a significant  
27 portion of attendees from his own Sri Lankan community.  
28 But there were a number I know he held that I did not  
29 attend. So I'm not sure if that was the one I attended or

1           it was a different one.

2   And the one you attended, did people from Woodmans come  
3           along?---A couple did, yes. I think it may have been  
4           Ms Schutz and Mr Woodman. It may have been 2014 but, as  
5           I said, I can't recall with absolute certainty.

6   Then on 10 July 2014 there was an email chain involving  
7           yourself and Mr Woodman related to Cranbourne West, and  
8           this time I ask you to look at page 3669 of the court  
9           book. The first communication is the media release  
10           indicating that, if you look at the bottom of the page,  
11           that there's been some recent appointments to the MPA,  
12           which is the Metropolitan Planning Authority, one of whom  
13           is Theo Theophanous; is that right?---Correct.

14   And he was a friend of yours?---A political acquaintance, not a  
15           particularly close relationship.

16   And another one was Brian Haratsis; is that right?---I think  
17           I met him. I think he's a planner, but I have no  
18           particular relationship with him.

19   In any event, in response to that you've been forwarded an  
20           email from John Woodman to Tom Kenessey, and that  
21           observes, 'Guys what a gem. BH has made the big time and  
22           now can ensure our success. Great news. Also I recently  
23           remet Theo outside the European Club in Spring Street with  
24           my Labor confidante, Phil Staindl, who is also working on  
25           CW for me. Theo was extremely chummy and gave his card  
26           saying any time he could help. He's very thick with  
27           Daniel. All going great guns so long as you guys are  
28           still in control after the next couple of months.' All  
29           right. Now, had you - - -

1 COMMISSIONER: CW is Cranbourne West, is it,  
2 Mr Staindl?---I assume, yes.

3 MR TOVEY: Had you discussed with Mr Woodman the appointment of  
4 Mr Theophanous to the board?---Quite possibly, yes.  
5 Had you met with him outside - I think he refers to the  
6 European Club. I assume that's the European restaurant,  
7 is it?---I'm assuming so, yes.

8 In Spring Street?---I don't know if that was the location.  
9 I do remember having one relatively brief conversation  
10 with Mr Theophanous on this and I remember his advice  
11 quite clearly. It was, look, as a board member he doesn't  
12 get involved in individual applications and that any  
13 contact or any questions on specific applications should  
14 be made via the executive director or the CEO's role,  
15 because he just said as a board member he doesn't get to  
16 consider individual applications. That's about the gist  
17 of what I think he told me. Whether it was at that  
18 meeting or somewhere else, I don't recall. But  
19 I certainly remember giving that advice.

20 His own contribution when he forwarded that email to you was at  
21 the top of the page where he says, 'Phil still in SA and  
22 back 21st. Great news about Theo joining the MPA. Can  
23 you arrange a briefing session with your mate Theo re CW.  
24 If you think it's not necessary for me to attend that's  
25 fine. I'll leave it to you re timing. I'm having a  
26 boardroom lunch with DA soon' - that's Daniel Andrews, is  
27 it - 'and we will be ready for that Baywest further  
28 briefing by the end of August all going well. Thanks,  
29 mate.' Now, did you arrange a briefing session with your

1 mate Theo - sorry, I don't want to be offensive; what  
2 Mr Woodman refers to as 'your mate Theo' - re Cranbourne  
3 West?---I think he was using - playing on the euphemism of  
4 Labor mates would be that. As I said, I had a good  
5 political relationship with Theo but it wasn't  
6 exceptionally close. As I said, I do recall having a  
7 brief discussion with Theo but - - -  
8 Whereabouts?---I don't know. It was probably a coffee shop up  
9 the top end of town, you know, in the government circles.  
10 I can't recall where it was, though, sorry.  
11 And was that a meeting that you had arranged with  
12 him?---I probably requested a quick catch-up, yes.  
13 And that was in response to the request from John Woodman that  
14 you brief him about C219?---Yes. But as I said - - -  
15 Well, if we could just stop it there?---Sorry, yes.  
16 How is it possible that, acting ethically, you could expect to  
17 obtain advantage by having a briefing session on a  
18 rezoning issue with a member of the board of  
19 the Metropolitan Planning Authority which is totally off  
20 the cuff in a cafe somewhere arranged at the instance of a  
21 developer?---It was just to see how it fitted within the  
22 MPA's policies, and he very quickly said he does not get  
23 involved in individual issues and that if we wanted to  
24 take it further to go through the executive arm of  
25 the organisation.  
26 But, you see, that's what you say he says?---Yes.  
27 Is there any record of this?---Not that I know of.  
28 Well, that's the problem with transparency, isn't it?---Okay.  
29 How do we know?---Well, I'm not sure that I can answer that.

1 See, I mean, if you look at something like this, on the face of  
2 it here you are with a developer requesting you meet  
3 privately with a board member at the Metropolitan Planning  
4 Authority to brief him on a project being run by the  
5 developer. Now, on any view, that is totally improper,  
6 isn't it? The board is supposed to be independent. The  
7 authority is supposed to be independent?---In the context  
8 of just ascertaining what the MPA's views are for  
9 residential development it was - I didn't have an issue  
10 with that, and Theo very, very quickly indicated that he's  
11 not there to consider individual applications. We  
12 discussed the broad range of direction for housing policy  
13 development. But he very definitely steered me to the  
14 executive arm of the organisation.

15 If somebody has an issue before the MPA or in the - was it the  
16 MPA then and then became the VPA? I'm never sure which  
17 way it worked?---I think so, yes. I'm not sure.

18 But, if you're somebody who isn't politically connected, you  
19 make an application to government, the MPA sets up a  
20 hearing, you go along, you make your representations. You  
21 don't get the opportunity to go talking to a board member  
22 in a cafe in Spring Street, do you, if you're a normal  
23 citizen?---Sorry, is that a question or - - -

24 Yes. You don't?---Okay, well, they don't. I was acting in my  
25 role, and I don't know what more I can add to it. You're  
26 asking for an opinion that I'm not sure that I'm the best  
27 one to give.

28 COMMISSIONER: No, but, Mr Staindl, just so that you can do  
29 justice to yourself, what is being put to you is that you

1           were facilitating an inappropriate meeting?---I term it as  
2           I was gathering intelligence as to the policy settings on  
3           the day at that time.

4   And, if you go back to the previous email in this chain, you're  
5           facilitating a meeting where your client, Mr Woodman, has  
6           already told you that Theo was extremely chummy and gave  
7           his card, saying any time he could help. So presumably  
8           you already knew that at the time you were facilitating  
9           this meeting?---I don't recall that particular aspect of  
10          it.

11   No, no, but I want you to grapple with the consequence of this  
12          chain of emails; if you're being told by your client what  
13          Theo has already told your client about his willingness to  
14          help your client, and then this meeting is set up for the  
15          specific purpose of a briefing?---Look, I'm not sure what  
16          else I can add. I certainly had a brief discussion with  
17          Theo, but I recall that we didn't go into much detail  
18          because he said as a board member they just don't consider  
19          individual applications like that, so - - -

20   Can I ask you something then - - -?---Sorry, it's a little  
21          difficult to hear you at the moment.

22   Very good. What I'm wanting to ask is: does this sort of  
23          meeting that you facilitated, does this reflect the  
24          culture that existed at this time in relation to the role  
25          of lobbyists, that you would be able to put your client in  
26          touch with members of parliament, persons occupying  
27          critical positions in the planning process, who would have  
28          the opportunity to make representations and advocate their  
29          objectives to those persons? Was that the norm of

1 the day?---I think that it would be a common practice,  
2 yes.

3 And so am I right in thinking, because it was the sort of norm  
4 of the day, you never really turned your mind to the  
5 question about whether or not on strict analysis there was  
6 something inappropriate about doing this?---No, I don't  
7 think I did, and, as I said, Theo was able to provide an  
8 overview of what the MPA's broad direction was in relation  
9 to housing - residential development in outer metropolitan  
10 areas, but I do recall he was quite adamant that they just  
11 don't get involved in the consideration of individual  
12 rezoning applications.

13 But, as we know and you know, Mr Staindl, from the history of  
14 the Cranbourne West development, once Mr Woodman had  
15 secured the council's approval of the rezoning the matter  
16 finished up with the Metropolitan Planning Authority, did  
17 it not?---One of a number, I think, yes, and the  
18 department.

19 No, but before it ultimately lobbed on the desk - finally  
20 lobbed on the desk of the Minister for Planning it went  
21 through a full-scale hearing at the Metropolitan Planning  
22 Authority, didn't it?---I thought it went before an  
23 independent planning panel, not the planning authority.

24 It was an independent panel appointed that considered it.

25 Appointed by?---The minister.

26 Can you assist us there, Mr Tovey?

27 MR TOVEY: Mr Staindl is correct. I think the MPA was in the  
28 position where it was able to make submissions, though,  
29 was it not?---Most likely, yes.

1 And it had a supervening role in respect of - sorry, it had a  
2 role of oversight in respect of that whole process?---I'm  
3 not sure. I thought the oversight came from the  
4 department. But it may have come from the MPA. I never  
5 really looked into that closely.

6 When you spoke to Mr Theophanous, you arranged this so you  
7 could raise C219 with him. What did you at the time  
8 perceive to be the role of the MPA in respect of  
9 C219?---That they would be a key submitter to the planning  
10 panel process.

11 Yes, that's what I was putting to you. You must  
12 have - - -?---Yes, sorry, okay.

13 Yes, Mr Commissioner.

14 COMMISSIONER: You don't see any difficulty now in hindsight  
15 with having followed that course?---Look, with the benefit  
16 of hindsight, I probably wouldn't do it.

17 Yes?---Because I take your point about the perception of  
18 integrity of the system.

19 Yes. Yes, Mr Tovey.

20 MR TOVEY: Thank you. On 29 April 2014 - again, if you want to  
21 be taken to documents I can take you to documents?---No,  
22 no.

23 But this is just another one of the whole heap of fundraisers  
24 that Watsons were involved in at that time. There's an  
25 email attaching details of a \$1,000 donation that  
26 Mr Woodman wanted to make to James Merlino, who was then  
27 the deputy opposition leader, because he was unable to  
28 attend a cocktail function which is going to take place on  
29 30 April. Do you have any recollection?---Vague

1 recollection, yes. Yes.

2 Then on 30 April - sorry, we're now moving on to September. On

3 24 September 2014 there's another cocktail fundraising

4 function being hosted by PricewaterhouseCoopers, to be

5 attended by Mr Andrews, Mr Merlino and yourself.

6 Mr Woodman, Ms Schutz and others attended. Was that the

7 case?---Yes, I think that was a very large event.

8 Were you involved in putting on that event with PwC?---I'm

9 trying to think. Look, I certainly organised some.

10 I think that was one I actually coordinated on my own

11 volition and just invited a myriad range of corporate

12 contacts of mine.

13 Was that event specifically for Mr Merlino?---I think so.

14 Then on 2 October of 2014 there was a Watsons cocktail function

15 for Brian Tee, who at that stage was the - what? Was he

16 the shadow planning minister?---I think so, yes.

17 At Watsons - sorry, at Crown Casino Garden Room 3. Now, the

18 attendants list included John Woodman, Heath Woodman,

19 Ms Schutz, Tom Kenessey and other people who appeared to

20 be members of Watsons' staff, or many of whom. Do you

21 recall that function?---Yes, I think I do. Not with any

22 specific detail but it sounds correct.

23 And it would appear that that function was mostly attended by

24 Watsons people. Would that be right?---That's highly

25 possible, yes.

26 Do you have any conception of how much money that would have

27 cost to put on in the garden room at Crown and how much it

28 would have raised?---I can't recall how much it raised.

29 It probably cost about \$100 a head for - maybe 120 a head

1 for a cocktail function with catering. I just have one  
2 recall. I think Mr Tee was - the funds weren't going to  
3 his own campaign. They were - he was keen to raise some  
4 funds for non-targeted seats, lower house seats, covering  
5 the area - his upper house seat. I think an upper house  
6 seat covered five lower house electorates, and he had a  
7 number of seats that had no resources and he was keen to  
8 see those candidates supported. To the best of my  
9 recollection, that's where the whatever funds were raised  
10 were allocated to.

11 Nevertheless, it would not have occurred to you that

12 Mr Woodman's involvement in that process had nothing to  
13 do - sorry, it had anything to do with anything other than  
14 his wish to curry favour with a potential planning  
15 minister?---That was quite possibly one of his  
16 motivations, yes.

17 COMMISSIONER: What other motivations were there?---Well, my  
18 motivation was to - - -

19 No, no, Mr Woodman's. What other motivation - - -?---To poorly  
20 resourced - look, I - he - - -

21 I just don't understand, Mr Staindl, why you're being coy about  
22 that. Plainly Mr Woodman's objective was to curry favour,  
23 was it not?---I think that's a fair enough assessment,  
24 yes.

25 Whilst your pausing, Mr Tovey, that last email chain of 10 July  
26 2014, court book 3669, will be exhibit 224.

27 MR TOVEY: Ms Harris tells me it should be 223,  
28 Mr Commissioner.

29 COMMISSIONER: No, no, 223 is the email chain of 21 March 2014.

1 MR TOVEY: In that case 224.

2 #EXHIBIT 224 - Email chain of 10 July 2014, court book  
3 page 3669.

4 MR TOVEY: I'm told one of the attendees at that Tee function  
5 or those persons involved was Lee Tarlamis. Did you know  
6 Lee Tarlamis?---Yes, I know Lee Tarlamis.

7 Who is Lee Tarlamis?---He has been in the ALP for a long time.  
8 He's actually now in parliament. But he's worked as a  
9 staffer to a number of MPs over the years. I'm not sure  
10 who he was working for at that particular time.

11 On 20 October 2014 there was an email sent by John Woodman to  
12 yourself providing a briefing note for Jude Perera and  
13 Judith Graley about the Cranbourne West rezoning. I think  
14 you've already told us that that would be consistent with  
15 what you've already told us, and that is that there was  
16 very regular contact and briefing going on in respect of  
17 those two members of parliament?---That's correct, yes.

18 I just want to now refer you to an email dated 6 March 2015.  
19 That's page 4928. Excuse me, Mr Commissioner, I'm just  
20 trying to work out how this relates to a second document.

21 COMMISSIONER: Yes.

22 MR TOVEY: That is also, just for the record, document 3668.

23 In any event, that document reads - that's a document  
24 which is an email from yourself to Megan Schutz on 6 March  
25 2015?---Yes.

26 Where you indicate that you're detecting that 'Keogh is not  
27 wedded to a hard line stance on GWZs. I haven't met with  
28 him yet, but hearing some encouraging noises.' So Keogh  
29 was the Minister for Planning's chief of staff?---Correct.

1 And what are GWZs?---Green wedge zones.

2 'Talk soon.' Then you say, 'Oh, and on another matter, John W  
3 tells me that the relevant State Government agencies have  
4 written to Casey saying they don't want to see the land  
5 rezoned. Can you tell me what the council's requirement  
6 is in considering that advice. E.g. are they obliged to  
7 consider it? My fear is that Tyler will use this advice  
8 to bully them into submission.' Now, who was Tyler or is  
9 that Mike Tyler, the CEO of the council?---Yes. Yes, it  
10 is.

11 And was Mr Tyler seen to be or seen by Mr Woodman to be  
12 something of a nemesis in respect of the C219  
13 issue?---Yes.

14 So, 'My fear is that Tyler will use this advice to bully them  
15 into submission.' So is this consistent with your  
16 understanding of the state of play, and that is that the  
17 bureaucrats were against the rezoning, the council  
18 officers were not too keen on it, but you had to  
19 continually demonstrate that the council and the  
20 population of Casey were in favour of it?---Yes, that was  
21 a key element; yes.

22 You then go on to say, 'If you have a sense that the council  
23 may be bluffed by Tyler when they next consider this  
24 perhaps we should get the council to defer it to allow  
25 further discussion with the State Government. What do you  
26 think?' Is that what you wrote?---Yes, well, it's my  
27 email, so I wrote it.

28 When you say there, 'Perhaps we should get the council to defer  
29 it', that's just an acknowledgment by you of something

1 that we've already discussed, and that is your  
2 understanding that Mr Woodman had control over what the  
3 council would do?---Well, were certainly in regular  
4 dialogue, yes, and had some strong supporters of this  
5 amendment on the council.

6 But when you said - this was just an aside, wasn't it? This  
7 wasn't a hugely thought-out proposal that you're  
8 putting?---Correct.

9 But it's revealing that it's done on the understanding that you  
10 just knew intuitively that if the council - if Woodman  
11 wanted the council to say, 'We want this deferred' that's  
12 what would happen?---Well, because the council had voted  
13 to support it. So, yes, and I knew he was - he and  
14 Ms Schutz were in regular dialogue with many members of  
15 the council.

16 Yes. And they'd do what he asked. That's why you say - -  
17 -?---It appeared that way, yes.

18 'Perhaps we should get the council to defer.' I'm sorry,  
19 I spoke over you?---It appears so, yes.

20 COMMISSIONER: Mr Staindl, I asked you something the other day  
21 about whether or not ministerial advisers such as Mr Keogh  
22 were merely a reflection of the earlier position which you  
23 told us you had at some much earlier point in your career  
24 as a ministerial staffer. Is it your perception that the  
25 role and authority of ministerial advisers has changed and  
26 more particularly their authority has increased over  
27 time?---I think it's certainly changed and I think they're  
28 far more guarded now. I think there's guidelines, I've  
29 never seen them, but for ministerial staff to record all

1 contacts with lobbyists and other commercial interests.  
2 And there's a far greater reticence, in fact I think a  
3 prohibition, on accepting any form of entertainment or  
4 hospitality with private sector representatives. So going  
5 back 20 years - sorry, over the spread of 20 years I think  
6 there has been quite a dramatic change in the way staff  
7 and ministerial officers operate and engage with private  
8 sector representatives.

9 That's interesting, Mr Staindl, but I was wondering whether or  
10 not there's been a change in the level of  
11 authority?---Sorry, sorry. I can't really give a  
12 comprehensive or an authoritative answer on that. If  
13 I was making an assessment I would say that ministers and  
14 ministerial officers are probably more reliant on advice  
15 from the public service now than at any stage I've been  
16 aware of over my 40-odd years in government, both  
17 internally and externally. Is that the question you're  
18 asking?

19 Yes, it is. So I'm looking here at this particular  
20 email?---Yes.

21 And I might say what you've just said doesn't accord broadly  
22 with the information the Commission has got not only in  
23 this investigation but in other investigations that the  
24 role of the ministerial adviser has evolved to the point  
25 where the adviser plays a much more dominant role than  
26 they used to and that the department plays a less critical  
27 role in terms of policy than they used to. It doesn't  
28 accord with your impression?---Certainly in planning  
29 I think the minister and his or her staff are far more

1           reliant on departmental advice than at any stage I've seen  
2           over the decades.

3   Yes?---And, yes, the comment there in relation to Keogh was  
4           he's probably just made a vague reference, and in fact  
5           what subsequently happened was a ministerial direction for  
6           the remainder of that term in government the government  
7           was absolutely ironclad on no change to the green wedge  
8           zones. So, yes, that was perhaps just a piece of initial  
9           intelligence I picked up in those early couple of months  
10          of a new government being elected. But once the  
11          government settled down the reality was there were no  
12          changes to the green wedge zones in the life of that  
13          parliament.

14   But is it not revealing that you're actually focused here on  
15          Mr Keogh's thinking? 'He's not wedded to a hard line  
16          stance on green wedge zones'?---Look, he may  
17          have - I can't remember the actual conversation, but he  
18          just may not have been absolute in saying the government  
19          will be rock solid at that stage, because it was very  
20          early on in the life of the new government and he was  
21          probably just saying, you know, 'It's still under  
22          consideration. The policy is under consideration.' So my  
23          interpretation of that could well have been he's not  
24          wedded to ironclad no change policies.

25   Yes, thank you. Mr Tovey.

26   MR TOVEY: I tender that email of 6 March 2015.

27   COMMISSIONER: Exhibit 225.

28   #EXHIBIT 225 - Email dated 06/03/15, court book page 4928.

29   MR TOVEY: If we just go over the page to 4929, you'll see

1           there in the middle of the page on 6 March at 6.36 pm  
2           reference by you to Heath Woodman, 'Had a good chat with  
3           Keogh but catching up in his office next Friday.' Signed  
4           P, which is Phil. So at that stage you had spoken to  
5           Keogh, I take it, over the phone, had you - - -?---I'm  
6           guessing so, yes.

7   And then you made arrangements to meet him again?---Yes, and  
8           I think I've already referred to that in evidence earlier  
9           this year.

10   And then when you were asked to explain what was discussed at  
11       the top of the page you indicate, 'Not specifically GWZ  
12       matters although it was touched on. More on protocols of  
13       operating given expected intense scrutiny from Royce and  
14       others, relationship between minister and developers  
15       fundraising and lots more!! The first meeting will be  
16       with deputy secretary of department present but we have  
17       agreed on protocols for back channel communication. Talk  
18       next week.' All right. So what's happened is you've  
19       spoken with Keogh. He says, 'Look, we're going to have to  
20       play this according to Hoyle to start off with with the  
21       departmental deputy secretary there with us, but after  
22       that we can do it through back channels without that  
23       occurring'; is that the arrangement that you've  
24       made?---No, it actually wasn't. The back channel  
25       communications were very simply if I needed to get  
26       information on a planning project or proposal then  
27       I should at all times feel comfortable in approaching the  
28       departmental secretary, but doing it - just making sure  
29       that they were aware of information that we wanted to put

1 forward. And in fact I observed those protocols pretty  
2 much the entire way through.

3 I'll come back to this. I notice, Mr Commissioner, that we're  
4 approaching 11 o'clock and it's Remembrance Day?---Yes,  
5 I was going to request that we just take a short break  
6 then.

7 COMMISSIONER: That's timely. We might break now until 10 past  
8 11?---Okay.

9 (Short adjournment.)

10 COMMISSIONER: Are we ready to proceed?

11 WITNESS: Mr Commissioner, just before you do recommence, could  
12 one of the technicians just check the volume levels? It  
13 seems to be a lot softer today than it has been the  
14 previous two days. If it can just be raised slightly it  
15 would help enormously, if that's possible.

16 COMMISSIONER: Yes. They will have heard what you've said,  
17 Mr Staindl. Hopefully someone can increase the volume at  
18 your end.

19 WITNESS: Thank you.

20 COMMISSIONER: Yes, Mr Tovey.

21 MR TOVEY: Thank you, sir. Looking at that document at  
22 page 4929 of the court book - - -

23 COMMISSIONER: Just a moment, Mr Tovey. Has that improved the  
24 volume, Mr - - -?---Not much, no.

25 I understand it needs to be done at your end?---Oh, does it?  
26 Okay.

27 If someone could just indicate what Mr Staindl should do. Do  
28 you have a mute microphone, Mr Staindl?---I have the mute.  
29 And is there a little arrow alongside it that enables you to

1 open up - - -?---That's what I'm just looking. Audio  
2 settings, volume - here we go. It's not allowing me to  
3 move it. Hang on, I'll try this one. Can you speak now  
4 just - - -

5 Yes, Mr Staindl, is that any better?---I think that is better,  
6 yes, thank you.

7 Very good. Yes, Mr Tovey.

8 MR TOVEY: The document we have in front of us, it records that  
9 you say, 'The first meeting will be with the deputy  
10 secretary of the department present but we have agreed on  
11 protocols for back channel communication.' It would seem,  
12 reading that, that what you're saying there is 'the deputy  
13 secretary is present for the first time but we've now  
14 agreed on protocols where that won't be the case'; that's  
15 the clear way in which the sentence seems to have some  
16 meaning?---Look, perhaps my language wasn't as clear. It  
17 was - I remember Mr Keogh explicitly saying either go to  
18 the department deputy secretary or one of the advisers in  
19 the office if we had a matter we wished to pursue.  
20 There's nothing more sinister than that.

21 After this, was it the case that you did have quite a number of  
22 meetings with Mr Keogh over a period of years?---I don't  
23 know how many times I met with him, but I've certainly met  
24 with him, yes.

25 And was the deputy secretary of the department required to be  
26 present at meetings after your first meeting?---I can't  
27 remember all the issues that I took there. There were  
28 often instances where either the deputy secretary or a  
29 representative of the department was present, yes.

1 And were there times when that wasn't the case?---Possibly, but  
2 I can't recall off the top of my head.

3 Did you end up having a good and cordial relationship with  
4 Mr Keogh?---It was - it was good, but very measured and  
5 reserved. He was most cautious about receiving  
6 representations on issues and would give away very, very  
7 little if I was asking questions and, more often than not,  
8 redirect me to either an adviser in the office or to  
9 someone in the department.

10 Did you get to the stage where he was able to give you advice  
11 as to how to present or style documents so they might more  
12 readily be favoured by the minister?---No. And in fact  
13 I don't - to the best of my knowledge, I don't think  
14 I ever directly discussed Cranbourne West with Mr Keogh.

15 Did you ever have him assist you in the way in which documents  
16 might be framed?---No. To the best of my knowledge.

17 From what you now say, that's not something that you thought  
18 would have been appropriate or within the purview of your  
19 relationship?---No, and it probably wasn't necessary.

20 COMMISSIONER: Who was the deputy secretary at that  
21 time?---I think it was a woman named Alison White. I may  
22 be mistaken there, but I think that's who it was.

23 How many times did you meet her thereafter?---Probably two or  
24 three. I think the other occasions may have been on other  
25 client matters.

26 I'm sorry, you mean the other two or three occasions  
27 or - - -?---Yes, yes.

28 So the only time you met with Ms White was on this particular  
29 occasion?---No, sorry, what I'm saying is I think

1 Ms White - I think it was her - may have been involved in  
2 a couple of other meetings in relation to other client  
3 planning matters.

4 On other matters?---Yes.

5 So this is the only occasion that Ms White met with you and  
6 Mr Keogh in relation to Cranbourne West?---I didn't  
7 discuss Cranbourne West at this meeting.

8 Or green wedge zone?---That was just touched on briefly because  
9 that was used as an example of an issue as to how we  
10 should handle it. But if you recall earlier on in the  
11 year when we had a session I sought this meeting out,  
12 really the only focus was to discuss the protocols for  
13 operating as a lobbyist in the planning field.

14 And - - -?---And the Keysborough Golf Club matter was, as  
15 I recall from that meeting, just an example of an issue to  
16 discuss how it should be dealt with.

17 Yes. If one took the view, Mr Staindl, that the back channel  
18 communications that you there talk about was for the  
19 purpose of you being able to engage with ministerial  
20 advisers without involving departmental officers, that  
21 would accord with the view that ministerial advisers over  
22 time were assuming a greater level of authority and  
23 involvement than was previously the case?---My choice of  
24 words may not have been best, but the experience I had in  
25 dealing with advisers in the minister's office were  
26 invariably they would direct you to the appropriate person  
27 in the department or actually forward on - if you  
28 provided - and this is not a Watsons related matter. If  
29 you emailed a query on behalf of a particular client, they

1 would then forward that on to the relevant departmental  
2 officer, who would either come back through the adviser or  
3 come back direct to us - to myself.

4 Yes. So who was the departmental officer then that you dealt  
5 with in relation to Cranbourne West?---I didn't deal with  
6 anyone on Cranbourne West in the department or the  
7 minister's office. I think there was one briefing  
8 with - it was an introductory meeting with a new adviser,  
9 I recall, and I had about 10 items on the list and we  
10 dealt with it in 10 minutes or so. I just said, 'This is  
11 going through a panel process. If you have any questions  
12 that you need information on, give me a call. I can be  
13 the key contact on that,' but never had any follow-up, to  
14 the best of my recollection.

15 Yes. At this time, Mr Staindl, approximately how many clients  
16 did you have involving planning issues?---Maybe three or  
17 four. It changed from time to time because, as I think  
18 I described the other day, there are some matters that are  
19 just valid for one or two months. There was one  
20 particularly high-profile one in relation to a meat works  
21 in Warrnambool, which was a major employer there, and  
22 there was a suggestion that they might relocate to South  
23 Australia were they not to have the planning application  
24 considered in a reasonable time, and I was used as I think  
25 a reference point for the minister's office there because  
26 the particular organisation concerned were very  
27 inexperienced with dealing with government officers.  
28 That's just by way of example.

29 And can you give me the name of the departmental officer that

1 you dealt with there?---Not off the top of my head, no.

2 I would have to go back through my notes.

3 Again, is it - - -?---But there was - sorry.

4 Is it your impression that your dealings on that planning issue  
5 were with the department rather than the ministerial  
6 adviser?---It was a combination. There was an adviser, in  
7 fact I think Mr Keogh may have been involved in that, and  
8 there were also other government agencies. The client  
9 actually came to Melbourne for a meeting which  
10 I facilitated, such was the level of concern about the  
11 potential loss of this business to Warrnambool.

12 Yes. Yes, Mr Tovey.

13 MR TOVEY: You observed in the course of that email that the  
14 protocols that you were discussing to operate arose from  
15 the 'expected intense scrutiny from Royce and others as to  
16 the relationship between the minister and developers and  
17 fundraising and lots, lots more'. Were those issues which  
18 were being raised in the press at that very  
19 time?---I think there was always a sensitivity about  
20 planning and fundraising, and Mr Keogh made it patently  
21 clear that the Minister for Planning would not be  
22 participating in any fundraising or meeting with  
23 developers in a one-on-one basis or engaging. I think he  
24 said the only forums will be industry forums that he would  
25 attend to discuss broad policy objectives.

26 I understand that the - and we've already discussed the fact  
27 that the minister sought very much to stay arm's length  
28 from the sort of approaches that Mr Woodman might seek to  
29 make. But at the time was there in fact a degree of press

1 focus on the relationship between ministers and  
2 developers, and developers and fundraising?---I can't  
3 recall if there was at that particular time.

4 Because you there are referring to 'intense scrutiny from  
5 Royce', which is no doubt Royce Millar?---Yes.

6 That remark wouldn't have been made unless there had been some  
7 ongoing issue?---I think Royce Millar had been canvassing  
8 this issue going back a good eight or 10 years.

9 COMMISSIONER: With little success so far as respective  
10 governments were concerned?---Well, he probably achieved  
11 success in that Minister Wynne shut developers  
12 out - meeting with developers and attending fundraisers.  
13 So that was a quite dramatic and significant change to the  
14 practice that had previously been in place on both sides  
15 of politics.

16 But surely what this email tells you, Mr Staindl, is that, far  
17 from you accepting the validity of Mr Millar's focus on  
18 relationships between ministers, developers and  
19 fundraising, you were wanting to explore ways in which  
20 those communications could continue without attracting his  
21 attention?---No, that wasn't the intention. The intention  
22 was how - how do we communicate where necessary on valid  
23 planning projects or planning propositions which observe  
24 probity and scrutiny. That was the positive intent of  
25 the meeting. And the comment about Royce is really just  
26 to say, 'Look, I am aware there are sensitivities in this  
27 field. I want to make sure that we don't fall foul of  
28 those and attract unwanted publicity.'

29 All right. Yes, Mr Tovey.

1 MR TOVEY: On 10 March 2015 - sorry, Commissioner, I tender  
2 that.

3 COMMISSIONER: That will be 226, 6 March 15 emails between  
4 Mr Staindl and Mr Heath Woodman.

5 #EXHIBIT 226 - Emails between Mr Staindl and Mr Heath Woodman  
6 dated 06/03/2015.

7 MR TOVEY: On 10 March 2015 there was an article in The Age  
8 which indicated that there had been a decision made by the  
9 minister that there would be no changes to the UGB, which  
10 excited a response from you to Heath Woodman that you, and  
11 if I can quote - that the words 'the journalist who had  
12 written the article had ignored subsequent words to the  
13 effect, except in those handful of instances where some  
14 logical inclusions could be considered,' and the  
15 journalist had failed to quote that. You had indicated to  
16 Mr Woodman - that's to Heath Woodman - that you had a  
17 source who had told you that that's what in fact the  
18 minister had said. Do you have any recollection of that  
19 series of emails?---No, not really.

20 Did you on that day or around that day receive any information  
21 from the minister's office as to what in fact the minister  
22 had said or follow through on that?---No. No. I don't  
23 know who the source was, but I - no, it certainly wasn't  
24 the minister's office.

25 COMMISSIONER: Sorry, it was not the minister's office?---No,  
26 it wasn't.

27 How do you know that?---Simply because I wouldn't have had that  
28 communication with them.

29 But you can't tell us who it was - - -?---I'm trying to think

1 back.

2 Mr Staindl, what you said in the document was that, the  
3 minister having indicated there would be no changes to the  
4 urban growth boundaries, you said to Mr Heath Woodman,  
5 'I have it on very good authority that the minister also  
6 made a comment to the effect "except in those handful of  
7 instances where some logical inclusion could be  
8 considered".' And you then said to Mr Woodman,  
9 'Encouraging.' So what was the good authority that you  
10 had for that statement?---I can't recall. I honestly  
11 can't recall.

12 But nonetheless you venture the evidence that it wasn't the  
13 minister's office?---Yes, because I don't think I would  
14 have had - I'm very confident I wouldn't have had that  
15 discussion with the minister's office on that.

16 Yes, Mr Tovey.

17 MR TOVEY: Could the witness please be shown 3346. That's an  
18 email from John Woodman to you on 14 March 2015. It has  
19 attachments, including Cranbourne West public  
20 consultation, MPA submission, et cetera. So he's sent to  
21 you his submission in relation to the - sorry, his  
22 submission to the Metropolitan Planning  
23 Authority?---Sorry, was the question did he send me a  
24 copy?

25 Yes, well, he has sent you a copy?---He has; right, okay.

26 Yes. And was that in respect of a matter which you had  
27 discussed or sought to discuss with Mr Theophanous  
28 previously?---I can't recall what happened then. The  
29 discussion with Mr Theophanous was at a very broad level

1 about - because he made it clear he didn't want to discuss  
2 specifics and it was more about broader housing  
3 development policy.

4 Did you discuss with Mr Theophanous that you wanted the  
5 opportunity to brief the MPA or to make a submission to  
6 the MPA?---No, I didn't.

7 You then say, 'Things are going to "hot up" next week if the  
8 locals turn up in force and councillors pass the alternate  
9 resolution. I think we need to prepare both Jude and  
10 Judith for comments to the local papers. What do you  
11 think?' What's all that about?---I don't think I took any  
12 action in relation to that comment.

13 But what's being referred to? 'Things are going to "hot up"  
14 next week if the locals turn up in force'; what does that  
15 refer to?---I'm not sure. I assume it was community  
16 representatives turning up to the council gallery when the  
17 vote was on.

18 And what's the alternate resolution?---I don't know.

19 And what was the need to prepare Mr Perera and Ms Graley to be  
20 making comments to the local paper?---Well, that was  
21 Mr Woodman's desire, but there were often occasions where  
22 I wouldn't act on that because I didn't think that it was  
23 required. They would make their own assessment as to  
24 whether or not they want to comment. I certainly have no  
25 recollection of contacting either of their offices to do  
26 that.

27 See, on 17 March 2015, three days later, the council assembled  
28 and received an officers' report on the community  
29 consultation which has taken place, and there had been 550

1 submissions put forward by Schutz Consulting. Were you  
2 aware that Megan Schutz was out there in the field seeking  
3 to get members of the local community to commit to the  
4 project?---At the time, no. I've subsequently become  
5 aware of it following her evidence to this inquiry.

6 But you knew at the time that she was involved in setting  
7 up - and she and Woodman were involved in setting up the  
8 SCWRAG organisation?---No, I didn't. I knew that a  
9 residents group had formed. The first I knew that there  
10 was a paid facilitator, that was when it hit the press in,  
11 whenever it was, October or November 2018.

12 COMMISSIONER: Are you quite sure about that, Mr Staindl?

13 I want you to reflect - - -?---In a paid role, yes, look,  
14 unless I've had a memory lapse somewhere. But I was  
15 certainly surprised that there was a paid coordinator.  
16 I knew there was regular liaison with I think it was  
17 Mr Walker, but I didn't realise that he was on a retainer.

18 MR TOVEY: But you knew that SCWRAG was being set up by  
19 Woodman?---I knew there was close dialogue and, yes, it  
20 was probably being supported - I mean, I've been involved  
21 in a lot of community groups over the years, and perhaps a  
22 bit of photocopying or something like that, that type of  
23 support is one thing. But it's always been run by  
24 volunteer community members.

25 Are you going to say you're truthfully asserting that you had  
26 no idea that SCWRAG was an organisation which was  
27 significantly influenced both in the setting up and the  
28 running by Schutz and Woodman?---That's correct, yes.  
29 I thought it was a genuine community organisation.

1 And you never had a hint that letters that were being sent by  
2 SCWRAG were in fact being written by Megan Schutz?---I was  
3 aware that she was providing some what I term in kind  
4 support. I wasn't aware that there was direct  
5 financial - - -

6 No, look, you seem to be - you seem to be moving around that  
7 question, if I could use a neutral term. Are you saying  
8 you were not aware that letters purporting to have been  
9 framed by Mr Walker were in fact written by Megan  
10 Schutz?---No, I'm not saying that.

11 So you were aware of that?---I - - -

12 It's a simple question. Were you aware that Megan Schutz was  
13 writing letters for SCWRAG?---With the technical or with  
14 the planning matters, yes. That's what I mean. That's  
15 not unusual for community groups to have some outside  
16 support. I was not aware of the direct financial  
17 contributions that were made to fund SCWRAG until it hit  
18 the media.

19 Were you aware that Woodman set SCWRAG up?---No, I wasn't.

20 Were you aware that Schutz set SCWRAG up?---No.

21 Did you have any knowledge as to how their website came into  
22 being?---No.

23 Did you have any knowledge of the fact that Schutz and Woodman  
24 were in fact setting up a website for them?---No.

25 In any event, getting back to this - we'll come back to that  
26 later - getting back to this document, the email of  
27 14 March 2015, it would appear from that that, first of  
28 all, the email shows full knowledge of the resolution  
29 which is about to be put before council and, secondly,

1 that in anticipation of the council acting in a certain  
2 way there was a need to prepare Jude and Judith; wouldn't  
3 you agree with that?---That's what Mr Woodman's request  
4 was as per that email.

5 The fact is that Jude and Judith were just accepted as part of  
6 the team when it came to the Cranbourne West  
7 rezoning?---Well, they were both very supportive MPs, yes.  
8 But I should add, to the best of my knowledge, I did  
9 not approach them for comment - to provide comment.

10 When I say that they were accepted to be part of the team, they  
11 had an identity of interest with Woodman so far as you  
12 could see in respect of C219?---Judith Graley in  
13 particular made - she and I had discussed it. She said  
14 that this is the right decision from a planning  
15 perspective. She did not want to see what was termed big  
16 box developments or industrial development backing onto  
17 that residential estate. I don't know if she was aware of  
18 SCWRAG. Her political assessment was that there was  
19 overwhelming community support for the rezoning of the  
20 land into a residential area; and I think Mr Perera's was  
21 the same. He perhaps wasn't as vocal because he had  
22 serious health issues over those couple of years, and  
23 that's in part why Judith Graley picked up the running on  
24 the issue. It was very close to her electorate but was  
25 just inside Mr Perera's electorate. So - - -

26 What I'm putting to you is that the way in which Perera and  
27 Graley worked towards the objective which they both wanted  
28 to achieve involved them being very significantly enmeshed  
29 within the Woodman sphere of influence; that is, they were

1           seen to be simply part of the team; they were alerted  
2           every step of the way as to what was going on?---Yes, and  
3           that's not uncommon with a potentially contentious local  
4           issue to have that level of engagement with an MP. The  
5           MP, at the end of the day, is the one who makes the  
6           decision as to whether or not they want to support a  
7           rezoning or any potentially contentious project. So it's  
8           not as if they're a rubber stamp. They made their  
9           independent assessment that this was a good outcome for  
10          the constituents in their electorate, and they judged it  
11          to be having a high level of local community support and  
12          would work to achieve that outcome. So - that happens  
13          across many electorates where an MP will be the champion  
14          of a cause that they think is going to bring benefit to  
15          their electorate.

16   And in this case, of course, in the case of Ms Graley and  
17          Mr Perera, these are MPs who, to your knowledge, have  
18          received many thousands of dollars in contributions from  
19          Mr Woodman, plus fundraisers; that's the situation, isn't  
20          it?---Yes, and I assume that they are all declared as  
21          required.

22   Then they start working, as you've just indicated, as a team or  
23          as part of the developer's team or, perhaps to put it more  
24          neutrally, as part of a team with the developer towards  
25          what's said to be a common objective. That's the way in  
26          which it unfolds; true?---Yes, I think that's fair enough.

27   And the question is: in those circumstances, if there is no  
28          monitoring of the communications between Mr Woodman and  
29          Ms Perera - sorry, Mr Perera and Ms Graley, there's no

1 transparency, is there? Nobody knows. That's the problem  
2 in a democracy. When you see that sort of teamwork  
3 occurring with money and support, how does a normal  
4 citizen - other than the fact that people like you make an  
5 assertion, how do they know that these people aren't being  
6 influenced (a) as to their objective but (b) as to the way  
7 in which they're going to pursue the objective or the  
8 timeframe within which it's pursued?---Well, in these  
9 instances, and particularly Ms Graley because I had a lot  
10 more to do with her, her judgment of what's in the  
11 interests of her electorate would be the ultimate test.  
12 I don't think she ever hid anything, and I'm sure she was  
13 engaging with her own constituents. So she would read the  
14 mood there.

15 But you understand that the issue is, once you have that  
16 convergence of factors, there's no way of knowing  
17 objectively, is there, what's being influenced other than  
18 the assertions of the people - sorry, as to how the  
19 influence is operating, that is the Woodman influence,  
20 other than the people like Graley saying, 'Look, it really  
21 made no difference to me, the fact that I worked hand in  
22 glove with him and was financially supported by  
23 him'?---Well, she would have declared those donations.

24 Yes. That's a given?---I think you're asking from me a  
25 solution to a transparency system, which I'm not capable  
26 of answering. It's going to take much better minds than  
27 mine. If you have a system of transparency that you're  
28 advocating should be implemented, then obviously that will  
29 become part of the recommendations of this process. I, as

1 an individual, don't have the solution because I don't  
2 know how it would operate and how you address the many  
3 challenges that would invariably throw up.

4 I tender that page, 3346, Mr Commissioner.

5 COMMISSIONER: Yes, that will be - 14 March 15, Mr Woodman's  
6 emails to Mr Staindl - exhibit 227.

7 #EXHIBIT 227 - Emails from Mr Woodman to Mr Staindl dated  
8 14/03/2015.

9 MR TOVEY: Could we now have up page 4506. That's an email  
10 from Tom Kenessey to John Woodman - sorry, it starts off  
11 at the bottom of the page. This is after the council  
12 resolution of 18 March - sorry, of 17 March, to which I've  
13 recently referred. There is an email where John Woodman  
14 writes, 'Guys, I need to report up the line to Judith the  
15 above was passed last night, remembering that the Labor  
16 Party agreed that subject to council supporting the  
17 translation from employment to residential the Labor Party  
18 would also support, please send through ASAP so that I can  
19 email our good friend in readiness for tomorrow's  
20 meeting.' 'Our good friend' is who? Judith  
21 Graley?---Reading that, I'm guessing so.

22 But what was referred to there, 'Remembering that the Labor  
23 Party agreed that subject to council supporting the  
24 translation from employment to residential the Labor Party  
25 would also support,' was that your understanding of the  
26 situation?---Not in those concrete terms. But it's a  
27 number of years ago. So I can't recall. And I also don't  
28 know who he's referring to in terms of the Labor Party.  
29 I'm not aware of any - - -

1 See, that's the problem?---(Indistinct words) on that.  
2 Here we are, we're some four or five months after the election  
3 at which the government has been changed; all right?---Mm.  
4 Mr Woodman has been supporting hugely at that stage candidates  
5 and parties on both sides, has he not?---Yes.  
6 And he is of the view that the Labor Party has agreed that if  
7 the council supports the rezoning it will too. Now, where  
8 did he get that from?---I don't know.  
9 Do you think he's wrong about that?---I think it's a question  
10 you've got to ask Mr Woodman. I was not aware of any hard  
11 and fast position put by the ALP in relation to that land  
12 in the lead-up to the election or part of the election  
13 policies.  
14 There's something wrong with the situation, is there not,  
15 whereby a man who is a significant contributor to a party  
16 ends up believing that the party has a policy in respect  
17 of a matter which hasn't been generally announced?---He  
18 may have had conversations with individuals that I'm not  
19 aware of. I just come back to my previous answer. I was  
20 not aware of any firm commitment by - in the lead-up to  
21 the 2014 election in relation to the Cranbourne West  
22 rezoning.  
23 So it would seem then, would it not, that Mr Woodman has  
24 received a commitment that even you didn't know  
25 about?---I don't know who from, but, yes, I wasn't with  
26 him all the time. In fact, he operated in various circles  
27 that I wasn't part of.  
28 If we go up the page, Tom Kenessey recites the notice of motion  
29 that was passed. Then if you go to the bottom of the next

1 page, 4505, that's the previous page, this is John Woodman  
2 writing to Tom Kenessey, copying you in. He says, 'Guys,  
3 I'm thinking we prepare an email for circulation by all  
4 concerned to the Minister, Dick Wynne, and have  
5 Jude/Judith as CCs as follows: "Casey Council, at its  
6 meeting on 17/3/2015, unanimously resolved to support the  
7 proposed change of zoning for the Kelly and Leighton  
8 Properties located in Cranbourne West PSP area from  
9 employment to residential ... we the local residents now  
10 request the Labor government planning minister to also  
11 support the council and local community, who are  
12 overwhelmingly wanting this change." Your thoughts?' So  
13 you look at that. Did you ever discuss this with him and  
14 say, 'What's all this about, Mr Woodman? How can you be  
15 writing a letter that talks about you being "we the  
16 residents", unless you've got the residents group to be  
17 doing what you want them to do'?---No, I'm not sure that -  
18 I don't think I did discuss it with him. I'm not even  
19 sure how much attention I paid to that particular message.  
20 But, in terms of liaison with community groups, that  
21 certainly happens, and if the community was as strong as  
22 I had been led to believe in their support for the change  
23 in the rezoning then I was anticipating that it wouldn't  
24 take much to coordinate some letters of support.

25 That was not - that was Mr Woodman speaking about him preparing  
26 a document starting off 'we the residents'. Now, to do  
27 that he had to have control of the residents, didn't he,  
28 the residents group? There's no other way of  
29 rationalising what he's there saying?---There was

1 obviously a close working relationship between the  
2 residents group and Mr Woodman because they were trying to  
3 achieve the same outcome, perhaps for different  
4 motivations, but nonetheless it was the same outcome.

5 He doesn't say there, 'I'm going to ask the residents group if  
6 they'll do this.' He says, 'I'm going to prepare the  
7 document'?---Okay.

8 'And this is what's going to be sent off'?---I have no  
9 recollection of whether or not I commented on this or not.  
10 I doubt that I did because, to me, it wasn't part of my  
11 core area of activity.

12 But what I'm suggesting to you and what I've already suggested  
13 to you, that it must have been clear to you from the  
14 outset that Watsons controlled the residents group and the  
15 residents group was indeed no more than a puppet of  
16 Watsons?---I'm saying that - I thought the residents group  
17 was a genuine entity because I had been told by the local  
18 MPs that there was widespread community support for the  
19 rezoning and it's not uncommon for a proponent to work in  
20 closely with a supportive residents group. So I wasn't  
21 thinking to another layer in terms of motivations or  
22 intent. I was genuinely assuming that the close working  
23 relationship between Watsons' representatives and the  
24 residents group was - they were acting in mutual benefit.

25 They might have been. But that's not the question. The  
26 question is that it was apparent from - I'll take you to  
27 numerous communications as we go along, but it was  
28 apparent to you that Watsons controlled, that Woodman  
29 controlled, through Schutz the residents group; the

1 residents group would write what they wanted them to  
2 write?---Well, I don't know what you expect of me. I did  
3 not have any involvement with that side of the operation.  
4 My principal concern was in dealing with state political  
5 representatives. A couple of times there was some council  
6 interaction. But otherwise that was not my domain.

7 You're on mute, Mr Commissioner.

8 COMMISSIONER: Yes, thank you. Mr Staindl, every document  
9 almost without exception which involves communications by  
10 Mr Woodman as to his plans involving the council involves  
11 copying you in on those communications - - -?---Yes.

12 It's not as though there are a hundred people copied in; there  
13 are three or four, and you're always one of them, and on  
14 this one he's actually asking for your thoughts. So  
15 I don't understand why you keep wanting to distance  
16 yourself from any decision making in relation to how the  
17 council issues should be managed?---I'm not trying to  
18 distance myself. I'm just stating how I operated. And  
19 I'm not sure that I responded with my thoughts. I knew  
20 there was a close working relationship with the residents  
21 group, and, as I said, over my political life I've been  
22 involved in numerous working groups, and you sort of  
23 harness whatever resources you can. I was working on the  
24 assumption that this was a genuine residents group and  
25 they were welcoming of the support for the cause provided  
26 by Watsons. I was not aware that Mr Walker was on a  
27 retainer, and I don't know how many members they had or  
28 what level of support there was. So quite often I'd just  
29 skim these messages and think, 'I don't have to worry

1 about that because it's not directly affecting me.'

2 MR TOVEY: But, you see, the fact that he would - we know from  
3 all the evidence that we have that he controlled SCWRAG  
4 with Schutz - - -?---And I am accepting of that. I'm  
5 accepting that.

6 They set it up, they funded it. They are copying you in on  
7 stuff which is basically telling you that. Do you expect  
8 us to believe that you weren't informed as to the nature  
9 and degree of their control?---Yes.

10 Well, that's inconsistent with them even telling you - I'll  
11 take you now to where they're telling you how they're  
12 going to set it up. If you go to the top of the  
13 page - - -

14 COMMISSIONER: What page is that, Mr Tovey?

15 MR TOVEY: That's page 4505. Again, this is Schutz to Woodman  
16 with you copied in. This is Woodman's thoughts - this is  
17 Schutz's thoughts about what you've been sent and asked  
18 for your thoughts, and she says, 'Slightly too wordy but  
19 exactly the message. I was thinking a flyer using the  
20 consistent branding sent out to the email database,  
21 letterbox dropped, text message, doorknocked again??  
22 I think we should be setting up a  
23 "savecranbournewest.com.au" website referred to on the  
24 flyer.'" 'We should be setting up'?---Okay. I accept  
25 that.

26 And you knew that's what they were doing?---I do now.

27 Well, you knew then?---Before, that - - -

28 You knew from that that she was setting up the website for  
29 SCWRAG?---I'm saying I'm not disputing that there was a

1 very close working relationship between Ms Schutz and  
2 SCWRAG.

3 Well - - -?---But what I'm also saying is I didn't involve  
4 myself in that side of the operation because I had enough  
5 other work on my plate, not only with Watsons but with my  
6 other clients, without having to worry about getting  
7 involved in the residents group.

8 She says that she's going to - she talks about setting up the  
9 website and then what the flyer is going to say: 'Council  
10 have rejected government bureaucrats' call for industrial  
11 to stay. They have listened to the Cranbourne West  
12 community and taken action.' There's no clearer  
13 indication that what she's suggesting is that they set up  
14 the SCWRAG website, they put out a flyer, what SCWRAG says  
15 is what they say?---As I said, I know there was a close  
16 working relationship, but I thought there was a genuine  
17 membership of SCWRAG.

18 COMMISSIONER: Mr Staindl, you knew, though, that Mr Woodman  
19 was funding the costs of that community group?---Yes.

20 You knew that. So I want to remind you of what the lobbyists  
21 code of conduct says. If you were aware that Mr Woodman  
22 was funding that community group, did you have some  
23 obligations under that code in terms of disclosure to  
24 government if you were advancing to government that  
25 Mr Woodman's planning proposal was supported by the  
26 community group?---I didn't think of it in those terms.

27 You should have, shouldn't you?---I keep coming back.

28 I thought, genuinely thought, that there was a genuine  
29 residents group there and that they were being provided

1 with some support from Woodman and Schutz. Because I was  
2 under the impression that it was a genuine residents  
3 group, then I thought that's authentic and didn't even  
4 think anything further of it. As I said, it's not  
5 uncommon for a residents group or a community group to  
6 receive some corporate level of support to assist in  
7 dissemination of materials and their arguments. I was not  
8 aware to what extent SCWRAG was wholly and solely funded  
9 by Woodman and Schutz.

10 Allowing for the obvious inadequacies of the existing lobbyists  
11 code of conduct, because it doesn't go very far, but even  
12 based upon the code of conduct as it existed and still  
13 exists, do you accept that you ought to have disclosed to  
14 government, in the context of making representations that  
15 the community group supported this planning proposal, that  
16 it was being funded by the developer?---With the benefit  
17 of hindsight, there is probably a case that could be made  
18 for that. But at the time I did not consider that because  
19 I thought it was an authentic residents action group that  
20 was receiving some support from a corporate entity.

21 So, Mr Staindl, I'm reminded of a saying that often is applied  
22 in a quite different context. When there is criminal or  
23 unlawful wrongdoing by someone, often that conduct can  
24 occur and continue to occur because the good people around  
25 them say nothing?---Yes.

26 And so I'm looking at what is currently being disclosed in your  
27 examination. At the very least, surely you should have  
28 taken more steps to ensure that what Mr Woodman was doing  
29 in these areas was above board?---I accept upon reflection

1 I probably should have scrutinised it far more closely.

2 All right. Yes, Mr Tovey.

3 MR TOVEY: I tender - actually, that's already an exhibit.

4 Exhibit 11 is that document, Mr Commissioner.

5 COMMISSIONER: That's 18 March, is it, Mr Tovey?

6 MR TOVEY: That's so, Mr Commissioner, yes.

7 COMMISSIONER: It's already an exhibit. Very good.

8 MR TOVEY: Yes. Sorry, those documents were exhibits 10 and

9 11.

10 COMMISSIONER: Yes, thank you. Yes, Mr Tovey - I'm sorry, and

11 earlier on, Mr Staindl, you said, and you accept I think

12 now must be incorrect, you weren't aware that Mr Woodman

13 and Ms Schutz set up the website for the community

14 group?---I corrected myself, yes. That email refreshed my

15 memory.

16 Yes, all right. Thank you?---Apologies for that.

17 Yes.

18 MR TOVEY: Moving along, then again on 26 March of 2015 there

19 is an email from Mr Woodman to you in which he questioned

20 whether or not the Premier's chief of staff should be

21 briefed on the Cranbourne West application. Woodman also

22 enquired whether you were going to contact a number of

23 other politicians, including Graley, Perera and others.

24 Is that consistent with the sorts of communications you

25 were having with him at the time?---Yes, but it's not to

26 say that I acted on all of those. There were numerous

27 occasions where I didn't pursue the meeting requests that

28 he was after because for various reasons I didn't think

29 they were either advisable or strategically advantageous.

1 Then perhaps you should look at this. Could we have up 4933.

2 I think it probably goes in a reverse direction.

3 COMMISSIONER: What's the starting page, Mr Tovey?

4 MR TOVEY: I regret, Mr Commissioner, that on this one

5 I haven't printed it out and made the notation. So I'm  
6 just going to have to look.

7 COMMISSIONER: Very good.

8 MR TOVEY: I think it's 4937 where it starts. So could we

9 scroll back from there, please. Keep on going. Just keep  
10 on going. So this is an email sent by Megan Schutz  
11 attaching briefing material to be provided to people. So  
12 that's the briefing material. Then we'll get back to the  
13 email. So the email itself is 3934. Stop there. So it's  
14 an email from her to yourself on 30 March attaching the  
15 briefing note for Brian, which is Brian Tee?---Yes, who  
16 I think was no longer in parliament at that stage.

17 That's the point, yes. So if you just look there, 'Whilst it  
18 summarises the main arguments from Leighton's position, it  
19 does not really brief Brian in a way which will allow him  
20 to convince Wynne to open a process (knowing Wynne as  
21 I now do). I think the best we can expect at this stage  
22 is opening a process and allowing the matter to be  
23 scrutinised. Fairness and justice given the strong  
24 feelings of the community. Let me know your thoughts.  
25 I have to leave my office,' et cetera, et cetera. So  
26 clearly at that stage what was being contemplated was that  
27 Brian Tee, who had been the shadow minister but who had  
28 not been re-elected, should be used to intervene with  
29 Mr Wynne, the current minister, whom the implication there

1 is Megan Schutz doesn't feel particularly attracted  
2 to?---From reading that, yes, that's what she was  
3 proposing. I'm not sure that it actually came to anything  
4 because a - I'm trying to recall what role Brian Tee took  
5 up once he left parliament. She was perhaps suggesting  
6 him because of his past planning experience. But I don't  
7 think that he set himself up as a lobbyist or an advocate  
8 in any sense of the words, and I don't recall him doing  
9 anything. But - - -

10 There's reference there to briefing him in a way which doesn't  
11 adequately allow him to convince Wynne. So clearly what's  
12 being anticipated by Megan Schutz at least is that he will  
13 intervene and try and convince Wynne to institute a  
14 process, whatever that process might be?---Yes, but  
15 I don't know on what basis that was being proposed and  
16 what role Ms Schutz thought he might have that would  
17 enable him to do that.

18 Then during this period of time did you keep planning notes and  
19 reports, activity reports, relating to your activities  
20 over a period of time?---I don't know. I may have.

21 Could we bring up, please - I tender that previous document,  
22 Mr Commissioner.

23 COMMISSIONER: Exhibit 228 - - -?---Just before we go off that,  
24 I think I recall having a conversation with Brian Tee  
25 about it, but I don't know where it progressed, because  
26 I'm trying to recall what sort of role he undertook once  
27 he left parliament, and I established a good relationship  
28 with him, but I think it was calling on his knowledge and  
29 understanding of planning and also the formulation of the

1 ALP's planning policy going into the election. I think  
2 I recall having a discussion with him around that time,  
3 upon reflection - -

4 MR TOVEY: And did that discussion involve canvassing with him  
5 the possibility of lobbying with Mr Wynne?---I can't  
6 remember that specifically. It may have said, 'How do we  
7 advance this,' yes, it's quite possible.

8 And we've already noted that Mr Woodman ran a fundraiser for  
9 Brian Tee?---Yes.

10 In the lead-up to the elections. And you must have seen this  
11 exchange and your dealings with Mr Tee as Mr Woodman  
12 seeking to call in the favours resulting from his money of  
13 the fundraiser and his contribution to Mr Tee's electoral  
14 strategies?---Well, he was a person - I knew he was a good  
15 parliamentarian when he was there, and I, look, spoke to  
16 him about a range of planning matters, not only here.  
17 I don't think it was viewed then as a quid pro quo.  
18 Certainly not on my part.

19 No, but it must have occurred to you at the time that the  
20 reason Mr Tee was being - Mr Woodman felt entitled to call  
21 on Mr Tee was because he had arranged his funding?---No.

22 In short, no, it didn't occur to me.

23 COMMISSIONER: That will be exhibit 228, 30 March 15, emails  
24 from Megan Schutz to Mr Staindl.

25 #EXHIBIT 228 - Emails from Megan Schutz to Mr Staindl dated  
26 30/03/2015.

27 COMMISSIONER: While we're waiting for Mr Tovey, I wanted to  
28 ask you this, Mr Staindl?---Yes.

29 Thus far in your examination we've seen a variety of

1 communications being made to ministers, shadow ministers,  
2 political staff, senior staffers to ministers which in the  
3 main were not - did not involve some probity auditor or  
4 third party being present to monitor the nature of  
5 the conversations; do you agree with that?---Yes.

6 So I'm curious. We compare that scenario with what Mr Aziz  
7 told the Commission was the obligation which he said  
8 existed at a council level that if a councillor was to  
9 speak with a developer or their representative there  
10 should always be a council officer present if there were  
11 to be any discussions about the developer's proposal.

12 Now, I take it you would readily agree there's no reason  
13 to think that councillors by definition have more or less  
14 integrity than ministers or ministerial advisers; we have  
15 to treat them all the same way, do we not?---Yes.

16 And, if there is such an obligation that exists on councillors  
17 to ensure that when they speak to a developer or the  
18 developer's representative that there should be a council  
19 officer present, why shouldn't that apply at a state  
20 government level?---Well, I think that question will have  
21 to be put to the State Government. There's probably a lot  
22 of logistical issues involved in that. But it's not a  
23 question that I can readily answer. I think if that's  
24 going to be the direction of a recommendation you make  
25 following this process, it's one the State Government will  
26 have to consider and respond to accordingly.

27 Yes, but what I was really asking you to comment on is can you  
28 see some good reason why there are integrity issues that  
29 should warrant a different requirement at local council or

1 State Government level?---I think in respect of  
2 ministerial staff I think there has to be a degree of  
3 responsibility on the part of that adviser to judge and  
4 assess how much information they can receive as part of  
5 their stakeholder engagement process and where and when  
6 it's either required or appropriate to have departmental  
7 representation at a meeting.

8 I'm sorry, I thought it was self-evident from what you had  
9 already told us historically - - -?---But there may be  
10 occasions where you just have, you know, a two- or  
11 three-minute conversation to say, you know, 'This issue is  
12 progressing', 'This is the latest update,' or whatever.  
13 You would need to - if you were going to head down that  
14 path you just need to make sure it is manageable. But, as  
15 I said, that's not in my bailiwick. It's one which the  
16 State Government will have to consider if in the event  
17 that's a recommendation you make from here. I have no  
18 problems with accepting that requirement if it's  
19 stipulated as an individual. But government may have  
20 different views.

21 Well, there's some distance to go in this investigation, but  
22 I was inviting your comment as to whether you could see a  
23 logical reason why you would impose that integrity  
24 obligation on a councillor but not on a minister or the  
25 minister's adviser if they were receiving representations  
26 from a developer or the developer's representative about a  
27 particular development proposal?---Having worked many  
28 years ago as a ministerial adviser, there are  
29 occasions - and it may have evolved and changed since

1 then, but there are occasions where an adviser can be a  
2 worthwhile conduit, and I'm not talking about planning  
3 necessarily, but an adviser can meet with a group or an  
4 organisation or even an individual to receive information  
5 which in turn is then fed back into the mix of the sort of  
6 wide cross-section of stakeholder groups that will  
7 be - you know, whose opinions will be sought as part of a  
8 process. I can see significant logistical challenges in  
9 going down the path that you're suggesting because where  
10 do you draw the line? If someone has an incidental  
11 conversation at an industry forum or something, does that  
12 constitute a meeting or is it incidental contact? I'm not  
13 trying to be obtuse. I'm just trying to say I can imagine  
14 there would be a number of logistical challenges in  
15 literally implementing a system along the lines that  
16 you're suggesting.

17 So the answer surely is not 'we don't have any system at  
18 all'?---I don't know what the protocols are within  
19 ministerial offices as they apply to that, and it probably  
20 is up to the discretion of the adviser as to whether or  
21 not they include a departmental representative in those  
22 meetings.

23 Your experience through acting on Mr Woodman's behalf was that  
24 wasn't ordinarily a requirement, was it?---It varied.  
25 There were probably occasions where it did happen and  
26 probably occasions where it didn't.

27 Yes, Mr Tovey.

28 MR TOVEY: Thank you. I just want to take you to a number of  
29 weekly or monthly notes that are made by you over the

1 period from January 2016 - sorry, February 2015 to  
2 May - sorry, to October 2016?---Yes.  
3 Sorry, November 2016, and those are pages 4938 to 4959. Now,  
4 I won't be seeking to do all this in topics because it's  
5 just not convenient to do so. So we'll come back to some  
6 of these when we get - when we progress with other topics.  
7 But I just want to at this stage go through the material  
8 which emerges from these notes which might be relevant to  
9 other things that I'm going to take you to. If you go to  
10 4938, that's a weekly planning note, 9 February  
11 2015?---I understand what these are, yes. Yes.  
12 And I take it these are your own notes as to what you're  
13 planning to do?---Yes.  
14 All right. So - - -?---With my executive assistant, Jenny  
15 Beales. That's the 'JB'.  
16 All right. So if you go then down to the client, Watsons, four  
17 clients down, there you're briefing Paul Edbrooke, Member  
18 for Frankston, on Baxter. What was that matter, very  
19 briefly? Was that the Stotts Road that we - Stotts  
20 Road?---Yes. Yes, it was.  
21 That's all I need to know. Then do you remember I also asked  
22 you at the outset about the City of Hume? So 'JB to  
23 follow up Ros Spence'. Who is JB?---I said that just  
24 before. Jenny Beales, my executive assistant.  
25 Okay. And Ros Spence was a local member - - -?---Correct.  
26 In that Hume area?---Yes.  
27 And you wanted to follow up the mayor as well, and was that in  
28 respect of - that would have been in respect of the issue  
29 I was asking you about?---Was that Mickleham Road?

1 Yes, I think so?---Yes, I think so.

2 Then we go over to 4939, you're attending a meeting with Judith  
3 Graley about Cranbourne West?---Yes, if that's what it  
4 said, yes.

5 Then following up with other people after that. And I won't  
6 take you to what are general and obvious things that you  
7 repeat month after month?---I know.

8 4940 is March 2015. Again, there's a meeting with Judith  
9 Graley at Cranbourne West. So in March there are  
10 discussions with people, including Graley and Brian Tee,  
11 and that's the discussions we've just been referring to;  
12 is that right?---Yes, yes.

13 There's discussions with Perera's office, which would have been  
14 in respect of the Cranbourne West matter?---Yes.

15 And there was a Premier and Cabinet dinner. So you were  
16 arranging a table. What's that?---That's one of the  
17 functions I referred to before. It was - - -

18 Is that a Progressive Business function?---Most likely, yes.  
19 And there would have been tables of 10 sold to that, but  
20 I think there were - March 2015, so it was not long after  
21 the new government was elected and, yes, I think there  
22 would have been four - four or 500 people at that.

23 April 2015, again meeting with Graley. Follow-up discussions  
24 with Graley and Tee. So there must have been a number of  
25 discussions with Tee?---It looks like it, yes.

26 And with Perera about Cranbourne West. And so - I don't think  
27 you've tried to suggest otherwise, but there has been a  
28 very constant level of engagement between yourself and  
29 Woodman and Graley and Perera?---Yes. Yes.

1 In May 2015 - - -?---That's part of my role, absolutely, at the  
2 state level, yes.

3 In May of 2015, page 4942, you're again discussing Cranbourne  
4 West with Perera's office. Throughout this time Heath  
5 Woodman is seen to be just part of your - part of  
6 the group which involves John Woodman and to whom you're  
7 reporting?---Yes.

8 We go then to June 2015, 4943. Further discussions with  
9 Perera's office. You're arranging to attend a Watsons  
10 table at the Greek MPs function. So this is another  
11 fundraiser?---Yes.

12 Was Mr Andrews at that?---Quite possibly, yes.

13 Was there a Greek MPs function at which a purchase was made of  
14 a table - sorry, of the lunch - of a lunch with  
15 Mr Andrews?---I think there may have been. But I don't  
16 know if that ever took place. But, anyway, there -  
17 I think there was, yes.

18 Do you have any - so these were regular annual things, were  
19 they, which Watsons would be involved in?---Correct.

20 Then in June of 2015, meet with - - -

21 COMMISSIONER: Before you pass on, and I take it in the June  
22 2015, 'Meet with PK', is that Keogh?---Yes, it would have  
23 been.

24 'To discuss a wide range of planning related matters'?---Yes.

25 I'd often just, either he or the relevant adviser, give a  
26 snapshot of where I was at with my - with clients with  
27 various planning interests.

28 Yes?---To keep them updated and briefed, particularly from a  
29 political perspective. You know, for example, I mentioned

1 the Warrnambool meatworks. From time to time there were  
2 issues that had the potential to spill over in a political  
3 sense. So I don't know how often that happened. But  
4 quite often what I do is just meet and say this is where  
5 this issue was at. For example, in the case of Cranbourne  
6 West it may be going before the independent panel; not  
7 necessarily requesting action on his part but just to keep  
8 him abreast of where various issues were.

9 But presumably in the expectation that he would either pass  
10 that information on to the minister or at the very least  
11 be in a position to answer the minister's questions should  
12 the minister want to know where the development's got  
13 to?---Most likely the latter, and to me it's part of the  
14 role of being a good chief of staff is anticipating where  
15 issues are at, gathering intelligence, and especially as  
16 they so often do have a political context because there  
17 may be a question asked in the parliament by someone,  
18 there may be media publicity, there could be residents  
19 phoning in to talk back radio to complain about a  
20 development. So any good adviser or chief of staff would  
21 find mechanisms to keep themselves abreast of contemporary  
22 and at times contentious issues.

23 But they would be a conduit to the minister and they would be  
24 able to advise the minister in relation to all of those  
25 areas that you've just touched on?---Yes, they would. And  
26 my input is but one of many because on any contentious  
27 planning issue there will be multiple sources of input and  
28 information coming in from - covering all aspects of that  
29 particular issue.

1 Yes. Yes, Mr Tovey.

2 MR TOVEY: Thank you. If we go to 4945. You'll see there  
3 reference to a meeting with Alana MacWhirter has been  
4 postponed; to be rescheduled. Who was Alana  
5 MacWhirter?---I think at that stage she was on secondment  
6 in the minister's office from the department.

7 In which minister's office?---Minister Wynne's office.

8 4946, September 2015, 'Discussions with various people in the  
9 Premier's office and elsewhere about the Point Cook  
10 matter.' What was that?---What was Point Cook? I think  
11 there was a development down there called Aviators Field,  
12 and there was - there was a hold up.

13 Was there a hold up in the PSP - - -?---I'm trying to remember.

14 Perhaps I can remind you?---Sorry?

15 Perhaps I can remind you?---Yes.

16 The hold up was that it was a rezoning where the amendment had  
17 been passed and there had been an adjustment of the UGB,  
18 but it was still waiting for PSPs to be approved?---That's  
19 right, yes, yes.

20 And that was being held up?---Yes.

21 In the bureaucracy somewhere; is that right?---Yes.

22 I think was it the MPA or the VPA was dealing with approval of  
23 the PSPs at that stage?---Yes.

24 All right. And so at that stage - and that of course was a  
25 Woodman project?---Yes, I think so.

26 So you indicate that - what was the interest of the Premier's  
27 office?---I think I - and I'm just going off recollection  
28 here. I think I spoke to or communicated with the adviser  
29 to - who had responsibility for planning matters in the

1 Premier's office because I knew that we were going to an  
2 event, a dinner, where the Premier would be at and it was  
3 possible that Mr Woodman would reference that to the  
4 Premier. So I think what I was doing was just alerting  
5 the Premier's office to the fact that Mr Woodman was going  
6 to be at this function tonight and this issue may be  
7 raised, and so gave them a quick summation of what the  
8 issue was.

9 Yes?---Now, whether or not that - that's what I'm anticipating  
10 from there.

11 All right. So what you were trying to do was to pave the way  
12 for Mr Woodman to advocate with the Premier to hasten the  
13 approval process relating to the PSP which had been held  
14 up?---Probably, yes. It was to make sure that they had  
15 the opportunity to brief the Premier in the event that he  
16 and Mr Woodman crossed paths at that function.

17 And what was the Premier's role in directing the MPA or the VPA  
18 what sequence it should look at PSP approvals in?---Look,  
19 I'm not sure what his role was. But it was more a case of  
20 this is bubbling up to be a significant issue and  
21 Mr Woodman probably just wanted to alert to the  
22 Premier - alert the Premier to what was happening.

23 So would it be fair to characterise this simply as not  
24 something with which you would expect the Premier to have  
25 a particular interest but it's just part of Mr Woodman's  
26 top-down approach in respect to the exercise of  
27 influence?---I think the Premier would have an interest in  
28 all matters to do with economic projects in the state. So  
29 to me there's nothing - just alerting to the Premier, you

1 know, 'Here is a significant development. There are  
2 delays. I'm bringing it to your attention.' Whether or  
3 not anything is then acted upon from there is entirely a  
4 matter for the Premier.

5 If you go to the next line there's reference to 'attending the  
6 Sandbelt MPs dinner with JW to speak to Premier Andrews'.  
7 So is that the dinner that you were referring to - -  
8 -?---Yes.

9 Where you would expect that to be discussed?---It was a  
10 possibility obviously, yes.

11 I think you've already told us your approach to the Premier's  
12 office had been specifically to pave the way for him to  
13 raise that issue at that dinner?---Not necessarily to pave  
14 the way but to say if it is raised this is the background  
15 to it.

16 COMMISSIONER: Mr Staindl, I thought you told us the other day  
17 that it wasn't the case that developers or their  
18 representatives could raise specific development issues  
19 with ministers if they went to a function and had the  
20 opportunity to meet the minister. So obviously there were  
21 some exceptions to that rule. Was this one of them, was  
22 it?---I think there was a level of frustration because the  
23 process had been followed so meticulously over 12 months  
24 and then was seen to be stymied by bureaucracy. So it was  
25 an exclamation of frustration more than anything else,  
26 I think.

27 But again I don't understand - - -?---Yes, it was.

28 But there were other - - -?---It does - - -

29 I'm sorry, go on. Sorry, you were going to say?---As I recall

1 it, I think just as the Premier was departing Mr Woodman  
2 shook his hand, said, 'Nice to see you, and I'm  
3 having - you know, I've got some frustrations with  
4 Aviators Field.' So it wasn't a formal meeting but, yes,  
5 it was a quick chat about it.

6 Sorry, I don't want to dwell on this to the exclusion of other  
7 occasions where you or the developer had the opportunity  
8 to make a specific representation directly to a minister.  
9 How were those exceptions carved out from what you say was  
10 the normal rule? What is it that led to determining when  
11 a minister would permit or receive a specific  
12 representation and when they wouldn't?---I'm not sure that  
13 I've got a hard and fast formula with that. So I'm not  
14 sure that I can respond directly.

15 But again it seems to me you're being a little bit coy here.

16 Isn't the reason that you wanted Mr Woodman or facilitated  
17 Mr Woodman speaking to the Premier was that if there was  
18 one person that could possibly do something about the  
19 impasse that had been reached it was the Premier?---Yes,  
20 that's a fair representation.

21 Yes.

22 MR TOVEY: If we go then from September 2015 over the page to  
23 4947. Looking there at the third dot point, 'Discussions  
24 with various people in the Premier's office and elsewhere  
25 about the Point Cook matter.' And then 'meetings with  
26 Graley re Cranbourne West'. And 'attend Jill Hennessy  
27 lunch to discuss Point Cook.' Who was Jill  
28 Hennessy?---She was the local member of parliament  
29 covering that area.

1 So what had occurred was clearly - this comes up time and  
2 again. It would seem, looking at your notes, that what's  
3 happened is after that initial representation or series of  
4 representations to the Premier and the Premier's office in  
5 September 2015 they have taken up an interest in it which  
6 has been pursued; is that your recollection?---Probably,  
7 but I can't say with absolute certainty.

8 Because the next month you're referring to discussions with  
9 people in the Premier's office and elsewhere about the  
10 Point Cook matter and attending to Jill Hennessy in  
11 respect of that matter also?---Yes. I remember I went  
12 down with her electorate officer to brief them and discuss  
13 it.

14 Were you attending at the Premier's office to have these  
15 discussions?---I don't think so.

16 So what are you talking about - - -?---Probably a phone call.

17 Phone calls?---Yes. There may have been emails. I don't know.

18 What about the meeting with Jill Hennessy?---I think I attended  
19 a lunch and just gave her some background as to the issue.

20 And who were you discussing these matters with at the Premier's  
21 office?---I can't recall, sorry. Staff there - there was  
22 sort of a regular turnover, but it would have been the  
23 adviser with responsibility for planning matters. So  
24 within the Premier's office there were portfolio  
25 allocations to various advisers, and they would normally  
26 cover more than one portfolio area. So it was most likely  
27 the adviser with responsibility for planning.

28 And did you speak to that person on one occasion or a number of  
29 occasions?---I can't recall, sorry.

1 What about Jill Hennessy? You say you had a lunch with her,  
2 did you?---No, I think she had a boardroom lunch and - or  
3 it may have even been a Progressive Business function that  
4 she was at. But I attended and probably just had one or  
5 two minutes with her to give her a snapshot of what the  
6 issue was, let her know that if she had any concerns I'm  
7 the person to come to on behalf of the proponent.

8 So that's in October 2015?---Yes.

9 You attended the Jill Hennessy lunch to discuss Point  
10 Cook?---Yes.

11 Was that just a Progressive Business lunch or was it something  
12 which was a lunch between the two of you or - - -?---No,  
13 no, no, it was most likely a Progressive Business lunch.

14 All right. Then after that if you go to 24 November 2015, page  
15 4948, down at the bottom of the page you'll see that JB,  
16 that's your secretary - - -?---Yes.

17 To chase up a meeting with Jill Hennessy. So there was to be a  
18 further meeting with Jill Hennessy, was there?---Yes, but  
19 I don't know if that occurred. It may have, but I just  
20 can't recall.

21 Then we go to 4950, which is November 2015, and here looking at  
22 the first dot point, at that stage the issues which you're  
23 involved with are Point Cook - this is with Watsons of  
24 course?---Yes, yes.

25 Point Cook, Botanic Ridge, Cranbourne West. And if you go to  
26 the third dot point, 'Discussions with various people in  
27 the Premier's office (including the Premier) and elsewhere  
28 about the Point Cook matter.' So at that stage there is a  
29 further discussion with the Premier and with the members

1 of the Premier's office?---Yes, I'm not sure where that  
2 occurred. That may have just been at a function providing  
3 an update. I don't recall any of the substance.  
4 Well, at that stage you are noting that you are having  
5 discussions with people in the Premier's office and you  
6 specifically note that that included the Premier in  
7 respect of the Point Cook matter?---Yes.  
8 Let's face it. That was simply Mr Woodman wanting to jump the  
9 queue in respect of his PSP approval; true?---I just  
10 remember that the PSP had - there being every indication  
11 that it was going to progress, and then for some reason  
12 the MPA stopped it indefinitely.  
13 The MPA advised Mr Woodman, didn't it, that in the fullness of  
14 time it was going to come through, but he had to wait his  
15 place in the queue, or they advised him that it was likely  
16 to come through but he would have to wait his place in the  
17 queue. Anyway, you can't remember. I'll take you to it  
18 when we get to that point?---Yes.  
19 You've got discussions with Graley and Perera again about  
20 Cranbourne West. You're following up with Jill Hennessy  
21 about Point Cook; is that right? Now, Mr Tarlamis, did he  
22 have any association with the Premier's office?---He was  
23 in the electorate office I think at this stage. We're at  
24 November. A shared electorate office between Gavin  
25 Jennings and Mr Andrews, yes, out in Noble Park I think it  
26 is.  
27 So he's not somebody who would have been involved in these  
28 communications relating to Point Cook?---Not that  
29 I recall. I think Mr Woodman had established a

1 relationship with Mr Tarlamis independent of me.

2 And what do you mean by that? I mean, what was the nature of  
3 that relationship?---It was probably through the Greek MPs  
4 function, because Tarlamis coordinated that function.

5 We still have a way to go with this aspect, Mr Commissioner.

6 Would this be an appropriate time?

7 COMMISSIONER: Yes. You've got further questions on the  
8 activity reports, have you, Mr Tovey?

9 MR TOVEY: Yes, yes.

10 COMMISSIONER: All right. We'll adjourn at that point. We'll  
11 resume at 1.45?---Okay. Thank you.

12 Have a break, Mr Staindl?---Thank you.

13 <(THE WITNESS WITHDREW)

14 LUNCHEON ADJOURNMENT

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