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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 12 NOVEMBER 2020

(28th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

Counsel Assisting: Mr Michael Tovey QC
Ms Amber Harris
Mr Tam McLaughlin

OPERATION SANDON INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT
BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

*Every effort is made to ensure the accuracy of transcripts.
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1 UPON RESUMING AT 1.52 PM:

2 <PHILIP JOSEPH STAINDL, recalled:

3 <EXAMINED BY MR TOVEY, continued:

4 COMMISSIONER: Are we ready to proceed?---Ready,

5 Mr Commissioner.

6 Yes, Mr Tovey.

7 MR TOVEY: Could we go back to the document, please. Could

8 I take you to line 187. Woodman there tells you, 'We'll

9 be getting the SCWRAGers to write the letter today to the

10 minister applauding him for his decision - surprise

11 decision on the basis of transparency going forward,'

12 et cetera, et cetera, and then you indicated that you

13 didn't think the letter should be framed in the way he was

14 proposing and that it needed to be worded slightly

15 different, and you went on for the next page discussing

16 how the letter should be couched, how it should be worded

17 in proposing the new independent panel strategy; is that

18 the situation?---Yes.

19 You're talking about a letter not being written by Mr Woodman,

20 though, but a letter being written by SCWRAG?---Yes.

21 And it would appear, would it not, that that whole conversation

22 is on the assumption that Woodman has devised a new

23 policy, he is that day going to - is going to write a

24 letter which is going to be signed by SCWRAG advocating

25 the new policy in precisely the terms that you and he

26 decide?---It would appear so, yes.

27 One takes from that, does one not, that both you and he

28 anticipated that SCWRAG would do whatever he asked?---In

29 that instance, yes.

1 That document is already an exhibit, isn't it?

2 COMMISSIONER: Yes.

3 MR TOVEY: Thank you. I suspect that there will be no need to
4 take you to further conversations or documents generally.
5 However, you agree that following the Sofitel meeting you
6 provided the banking details for the \$10,000 to Richards's
7 campaign and \$5,000 to the Ferntree Gully campaign and
8 \$5,000 to the Ringwood campaign?---That's my recollection,
9 yes.

10 And that had been suggested to you by - was it at that stage
11 Mr Tarlamis or Pauline Richards who had decided on that
12 break-up?---I think it was suggested by Ms Richards but
13 was discussed also with - I think with Mr Tarlamis.

14 Other than coordinating the south-east region financing or the
15 fundraising and distribution of funds, did Mr Tarlamis
16 have any other role within the Labor Party at the
17 time?---I'm not sure.

18 Was he an electorate officer at that stage?---He may not have
19 even been that because I think he was also the candidate
20 for elections. So he would have had to have stepped down
21 from his role as electorate officer. But that's not with
22 absolute certainty, sorry.

23 Whose electorate officer was he?---I think it was for Gavin
24 Jennings.

25 All right. There's just one conversation I want to take you
26 to. Could we have tab 165, which is exhibit 59.

27 (Audio recording played to the Commission.)

28 MR TOVEY: If I can just stop it there. This is a conversation
29 between Mr Woodman and Mr Kenessey on 23 October 2018, the

1 date of the meeting with Pauline Richards.

2 COMMISSIONER: Is it an exhibit, Mr Tovey?

3 MR TOVEY: It is exhibit 59.

4 COMMISSIONER: Yes, thank you.

5 MR TOVEY: Thank you. Could we have that played.

6 (Audio recording played to the Commission.)

7 MR TOVEY: So you understand that is after the meeting

8 Mr Woodman reporting to Mr Kenessey, who's his

9 client?---Yes, I do.

10 And is Mr Woodman telling the truth there?---With due respect,

11 I think it was grossly embellished. It wasn't the same

12 impression I left the meeting with about Ms Richards's

13 attitude to it. When the synopsis of events was explained

14 to her I think she was generally supportive of the

15 rezoning based on council support, what she perceived to

16 be residents' support, the Planning Panels Victoria

17 recommendation and also the support of two MPs whose

18 opinions she certainly valued. So to me it wasn't a

19 surprise that she gave measured support for it.

20 I certainly - because I think I've heard parts of this

21 recording before on - played out in the media when - some

22 months ago, back when I think Mr Woodman or Mr Kenessey

23 were giving evidence. So it's familiar. When I heard it,

24 it struck me as being unduly optimistic, is how I would

25 frame it.

26 If I could just ask you about a couple of elements of it. At

27 line 11 he observes that she took the letter. Was there a

28 letter that she was given and took?---I think that may

29 have been the residents' group letter.

1 Yes?---If my memory serves me correctly.

2 And was that a letter to be passed on to the minister's
3 office?---Yes, I think it was.

4 Was there discussion with her about Mr Woodman wanting to be
5 able to write to the community and say that Labor were
6 onside?---I can't recall the specifics, sorry, Mr Tovey.

7 And he also said - this is line 16 - 'So her and Staindl have
8 gone off to get that prior to caretaker mode starting.'
9 This is a commitment to the independent panel strategy for
10 the industrial land?---And that was not forthcoming, as
11 I understand it.

12 Yes, no - well, it wasn't, no, it never was. But did you and
13 she go off and - - -?---No.

14 Seek to canvass that with people in power?---We certainly had
15 no more face-to-face contact. I'm trying to recall if
16 there was a phone call or if it came via someone else.
17 But I can't recall. I just remember she was frantically
18 busy because she was three or four weeks out from an
19 election in a key marginal seat.

20 What Mr Woodman described was a very enthusiastic response by
21 her where he asserts numerous times that she's 'totally
22 onboard', and she's indicated that - to the extent which
23 'it would be over her dead body, that if it didn't happen
24 she was going all the way Jose'; is that what you're
25 suggesting is perhaps an embellishment?---I think a lot of
26 that conversation is an embellishment. As I indicated
27 earlier, when she had the issue stepped out for her she
28 gave measured support. But it was also in the context of
29 she's here for a half-hour meeting, really busy schedule,

1 and I did not read into it the same level of
2 enthusiasm - her giving the same level of enthusiasm and
3 unqualified endorsement that Mr Woodman has.

4 Did she indicate that she was very appreciative of his generous
5 offer?---Look, I'm sorry, I can't remember her exact
6 words. So I contacted her. I think she would have said
7 words to that effect, I have no doubt, when you're getting
8 a contribution like that to your campaign.

9 Thank you. Can we now move on.

10 COMMISSIONER: Could we just pause for a moment, Mr Staindl, to
11 understand the setting in which this occurred. What was
12 your understanding at this moment in time about members of
13 parliament and conflicts of interest?---I don't know that
14 I consciously thought of it. I think I viewed this as a
15 campaign contribution which was being made in accordance
16 with the regulations and if it was - it should meet all
17 requirements for declaration, both on the part of
18 the candidate or member of parliament and the donor.
19 I don't know that I gave any conscious thought to a
20 conflict of interest issue.

21 Then or at any previous time whilst you were a lobbyist?---I'm
22 not sure that I've been in the position where the
23 potential for that has arisen.

24 So in 2019 the Members of Parliament (Standards) Act of 1978
25 was amended to quite specifically state that a member must
26 avoid any actual or perceived conflict of interest with
27 their private interests, and before that the Act provided
28 that the member shall accept their prime responsibility is
29 performance of their public duty and ensure that this aim

1 is not endangered or subordinated by involvement in
2 conflicting private interests. Did you not understand
3 that receiving a political donation to assist you in your
4 election campaign would be receiving something which
5 furthered your private interests?---No, because - well,
6 I hadn't consciously thought of that because the
7 contribution was to the campaign committee and usually
8 administered by a group of people for expenditure on the
9 campaign. It wasn't going in a personal sense to the
10 candidate or the MP.

11 I'm sorry, I just want to understand that. So you didn't see
12 that an individual's private interests were being
13 furthered if a client that you've represented made
14 donations to the campaign committee and from there the
15 money was distributed to individual persons standing for
16 election; is that what you're saying?---No, no, sorry, the
17 money is expended on campaign-related activities on behalf
18 of a member of parliament or a candidate. So it's
19 actually paid into a campaign committee account which is
20 usually administered by three or four people who determine
21 where that money is going to be spent, whether it's signs,
22 newspaper advertising or whatever.

23 So in relation to all of the evidence that you've given over
24 these days where we have seen you facilitating in some way
25 the obtaining of a political donation for a campaign - -
26 -?---Yes.

27 Is that the process you always understood was going to be
28 followed?---Correct, yes.

29 So, in relation to these funds for Pauline Richards, you

1 understood it was going to go to some committee?---Yes.
2 And then 10,000 of that was going to be allocated to her?---No,
3 that committee then - that's part of her governing
4 campaign structure. So that committee would determine how
5 the - what campaign expenses it was going to be expended
6 on.
7 But is this her committee?---Yes. It would be in this case the
8 Cranbourne state electorate campaign committee.
9 But because it went to the campaign committee rather than
10 directly to her you didn't see campaign donations as
11 furthering the private interest of such people as - -
12 -?---No, not in a literal sense, no.
13 Ever?---No, because I think I was brought up in a culture where
14 campaigns spend money to have their candidate elected, and
15 that's just how the system was.
16 I mean, were you not familiar with the integrity position which
17 pertained to local government councillors? Were you not
18 familiar with the fact that there was specific legislation
19 to the effect that if you received campaign donations you
20 not only had to declare them but by definition you were
21 therefore in a conflict of interest and could not
22 participate in any decision making in relation to the
23 donor of those campaign donations; were you not familiar
24 with that legislation?---At the local government level,
25 yes, I was. As I understood it, these donations complied
26 with the Victorian Electoral Commission requirements of
27 disclosure. I felt I was operating lawfully under the
28 system as it then stood.
29 So then it would have been evident to you that for some strange

1 reason there was an extraordinary gulf between the
2 obligation placed on a councillor in relation to conflict
3 of interest where donations were received and a member of
4 parliament who received campaign donations?---Yes,
5 I concur with that.

6 And, as I follow it, you saw that, given the legislative
7 regime, it mattered not that there was such a gulf; you
8 could take advantage of it?---Well, it's not a case of
9 taking advantage of it. I felt I was operating within the
10 system as it stood at the time, yes.

11 I'm not sure that there's a difference there, but you would
12 surely have perceived that from the public's perspective
13 there would be no difference between the money being
14 handed directly to a member of parliament, 'Here's your
15 campaign donation,' and the money being handed to that
16 member's campaign committee?---I understand and appreciate
17 that political donations and fundraising have always
18 generated a point of tension in the broader community, and
19 I think that's why the legislative changes were enacted in
20 November 2018, because it was to get away from that
21 constant tension and sense of unease because of the issues
22 you're referring to.

23 Yes, Mr Tovey.

24 MR TOVEY: Thank you. Could we now go to tab 207, which is
25 exhibit 60. This is a conversation between yourself and
26 John Woodman on 29 October. So this is the day after The
27 Age article has come out?---Okay.

28 (Audio recording played to the Commission.)

29 MR TOVEY: And so there I think that started off referring to

1 the middle page of The Age as it led in, just to put you
2 in context?---Right.

3 But that conversation took place, I suggest, in the context of
4 The Age article had come out, the path forward was
5 obviously going to be a bit more difficult after that;
6 you'd agree?---Yes.

7 And certainly from Mr Woodman's perspective from that point
8 onwards he was expressing his view that he was going to be
9 very much seeking to rely on Pauline Richards to get it
10 across the line?---I think that's a fair enough
11 assessment, yes.

12 And that's what he says there, and I suggest that's something
13 you discussed on a couple of occasions?---It could well
14 be. I don't recall others, but yes.

15 Then on 24 November, following the election, I've already taken
16 you right at the outset to the conversation where you and
17 Mr Woodman discussed his money that he had provided by way
18 of donations was money well spent, if I can quote, and
19 that you had got a number of friendlies up, including
20 Pauline Richards and one of those candidates in either
21 Ferntree Gully or Ringwood?---Look, I did say that. But,
22 just putting it into context, I was on an absolute
23 euphoric high that night, not aided by any other
24 substances. It was a natural high.

25 I then want to take you finally on this area to pages 4045 and
26 4046 of the court book. I'm sorry, I've misnoted that.
27 It's 5045. I apologise. If you just read through that
28 quickly. Just taking you to the third paragraph, so this
29 is on 10 April; is that right?---Yes.

1 Now, by this stage Mr Woodman is like kryptonite, isn't he,
2 with the ALP - - -?---Correct.

3 After The Age articles, and you say, 'I caught up with Pauline
4 Richards recently for a cuppa. She is eternally grateful
5 for the enormous support you provided through her campaign
6 and feels awful about what happened with the Cranbourne
7 West matter. She feels she cannot even raise it with the
8 minister's office given the publicity (and I hastened to
9 add that we are not seeking her to raise it), but she
10 still felt really bad on your behalf. Anyway, she asked
11 that her best wishes be conveyed to you and that she is
12 happy to catch up for a cuppa at a mutually convenient
13 time in the future.' There you refer to her indicating
14 that she felt really bad on Mr Woodman's behalf because
15 she couldn't intervene with the minister as arranged. Is
16 that what she was apologising for?---I think so, because
17 I think she recognised the amount of effort he had put
18 into the process and at that stage I think everyone was
19 generally agreed that the amendment was dead in the water.

20 Well, his enormous support of course was financial support,
21 wasn't it?---Yes.

22 Doesn't that underline a problem which exists because, even
23 though nothing - she was able to do nothing, she
24 nevertheless felt such a sense of obligation that she felt
25 the need to apologise because she was feeling bad on
26 Woodman's behalf, him having made the enormous
27 contribution that he did? Doesn't that simply underline
28 the feeling of the need for reciprocity that these sorts
29 of arrangements, these sorts of contribution arrangements,

1 generate?---It may well do, and I'm sure that's probably
2 part of the motivation for the government legislating
3 quite drastic changes - - -

4 I mean - - -?---With donations.

5 It happened not just at her level. It happened even at the
6 highest level, did it not, that there was - people felt a
7 need to apologise to John Woodman or to otherwise make
8 excuses for the fact that they hadn't been able - that the
9 minister hadn't been able to come through on his
10 behalf?---Look, he had established relationships to
11 varying degrees with a number of ministers over a number
12 of years, and so I think where his desires couldn't be
13 met, yes, it's possible that ministers did feel some - at
14 least to him, some disappointment.

15 COMMISSIONER: I'm wondering can we put it a little bit higher,
16 Mr Staindl, than a possibility. Can I just remind you of
17 something you said some days ago now - - -?---Yes.

18 You agreed with me, did you not, that it's probably accurate to
19 say that the human condition is such that when A gets
20 something from B, if they don't feel obligated as a
21 person - to do what person B wants, they are at least more
22 likely to be receptive, more likely to feel a willingness
23 if they can to help B. That's a fundamental of the human
24 condition, is it not?---Yes, I - - -

25 Is it not - - -?---(Indistinct) on that.

26 And we should end once and for all any argument that if a
27 member of parliament receives a benefit from someone else
28 then, notwithstanding that the member of parliament
29 thereafter may be utterly convinced about the merit of an

1 issue that they're pursuing which benefits that donor,
2 there will also be a danger that that human condition will
3 play its part in their willingness to help the donor; do
4 you agree?---Sorry, could you just repeat the question?
5 I got lost a little along the way there.

6 Yes. You've made a great point over time about the fact that
7 various people who supported Mr Woodman's interests
8 fervently believed that it was in the public interest to
9 achieve the rezoning?---Yes.

10 Yes?---Yes.

11 What I'm suggesting to you is that, be that as it may,
12 acknowledging that fundamental human condition means one
13 has to recognise that there would also be a willingness on
14 their part if they could to help the person who has made
15 donations or other contributions to them?---Yes, I think
16 that's a fair enough assessment.

17 Yes?---I keep coming back - because there was so much angst
18 around political donations, particularly from the
19 development sector, I think that's why the government went
20 down the path they did, and, with the benefit of hindsight
21 and seeing what's been presented here over the last four
22 days, I fully support the direction you're heading in with
23 this.

24 Yes. That's why we have this concept of a perception of a
25 conflict of interest, because of that recognition about
26 the human condition; that, if someone receives a benefit,
27 that will make it or create, rather, a risk that they are
28 willing then to help the donor?---Yes, I think you're
29 correct in that.

1 Very good.

2 MR TOVEY: I tender that last document, 5045.

3 COMMISSIONER: Yes. What was the date of it, Mr Tovey? Thank
4 you. 10 April.

5 MR TOVEY: 10 April. Thank you.

6 COMMISSIONER: That will be exhibit 243.

7 #EXHIBIT 243 - Email from Mr Staindl dated 10/04/19, court book
8 page 5045.

9 MR TOVEY: Having seen the need to apologise arising there with
10 Pauline Richards, I want to take you to a similar issue
11 which arose on 4 March 2019 when you were reporting to
12 Mr Woodman about an encounter you had had with the
13 Premier. Could the witness please be played tab 178.

14 COMMISSIONER: What's the date of this, Mr Tovey?

15 MR TOVEY: This is 4 March 2019, Mr Commissioner.

16 COMMISSIONER: Thank you.

17 (Audio recording played to the Commission.)

18 MR TOVEY: Now, was that a truthful account by you of the
19 encounter you had had with the Premier?---There may be
20 some embellishment there. It's certainly my voice on the
21 phone. I don't dispute that. My problem is, and some of
22 it certainly sounds familiar - my problem is I can't
23 recall with any absolute certainty what transpired in that
24 discussion with the Premier because, as I think I've
25 indicated to you in earlier evidence, I probably let my
26 guard down at that function. I had had a few glasses of
27 wine and was probably pontificating a little more than
28 I normally do at those events because I didn't have a
29 client in tow either. So I raised - what I do have a

1 clear recollection of was raising two golf related
2 matters. One was how a golf industry taskforce is going
3 to go about assessing land use issues around golf courses
4 in the middle to outer rim that were struggling, and the
5 second was to try and have the Premier present an award or
6 the winner's cheque at a second Monash Children's Hospital
7 golf day late in the year, and my recollection of when we
8 last talked was that that was the main reason for the
9 call - the request for a call was to have the Premier or
10 his office indicate one way or the other whether or not he
11 would be able to do that.

12 Was the Monash golf day a Woodman event?---Sorry?

13 Was the Monash golf day an event sponsored by John

14 Woodman?---He was the major sponsor. So what had happened
15 in 2017, he was trying to get another one up at the end of
16 2019, the Premier I remember indicating to me that it was
17 highly unlikely because it was a very crowded calendar at
18 that stage of the year because I think there was a
19 Victorian golf open on and, that's right, there was the -
20 the President's Cup was being staged in Melbourne.

21 So - - -

22 If that was the most important point of the conversation you

23 had with the Premier, why didn't you relate it to

24 Mr Woodman?---I'm not sure. I can't recall.

25 Well, the obvious answer is because you saw the other things to

26 be more important?---Or I may have conveyed that other

27 information to Heath Woodman, because I think I spoke to

28 him the following day.

29 I mean, did the Premier in the course of that seem compelled to

1 apologise to you as Mr Woodman's proxy to the extent to
2 which he was saying that Royce was a right arsehole for
3 uncovering corruption at Casey Council?---No, as I said,
4 I think I may have embellished somewhat and I can't recall
5 without absolute certainty what was said. I probably - my
6 own personal disciplines broke down at that function
7 because I don't usually allow myself to drink, for
8 whatever reason I did that night, and so I'm not at all
9 clear about what else transpired or what the intent was,
10 so - - -

11 Look, you're not going to make that up, are you?---No, I said,
12 look, it's likely that there - - -

13 I mean, look - - -?---Around that.

14 You are speaking to a client, to whom you have a professional
15 obligation to tell the truth and not embellish. You say
16 to him that the Premier has told you that Royce Millar is
17 a right arsehole. What I'm saying is that that's not
18 something that you're likely to have made up?---I think
19 everyone can be guilty of maybe over-egging a case.

20 I cannot recall what language was actually used. I'm
21 probably paraphrasing. But, in the absence of certainty,
22 I don't want to say something is absolute.

23 You went on to say, 'And fancy trying to make the City of Casey
24 to be a sanctimonious organisation.' So the effect of
25 what you were saying there was that what the Premier was
26 saying was basically apologising to Mr Woodman that Royce
27 Millar would have the temerity to suggest corruption in
28 circumstances where everybody knows Casey Council is
29 corrupt; now, is that the effect of what was passing

1 between you?---Look, I know - I've heard the conversation
2 between Mr Woodman and myself there. What I'm saying is -
3 because when you first alerted me to this I didn't even
4 recall that discussion - I can't with absolute certainty
5 remember what transpired between the Premier and myself,
6 and I said I had had a couple of glasses of wine, I may
7 have extrapolated or embellished there, and - - -

8 COMMISSIONER: I'm sorry, I'm just not clear, Mr - - -?---For
9 what I've said there, that's - my recollection is not
10 good.

11 Yes, I'm sorry, I just want to be clear. You're saying you
12 might have embellished the conversation when talking to
13 Mr Woodman; is that what you mean?---Yes, possibly. But
14 my recollection is not good. Sort of paraphrasing a
15 conversation, maybe it's just me, but I perhaps spice it
16 up a bit, for want of a better term.

17 You understand - I think Mr Tovey was suggesting this to you -
18 one of the very few prohibitions that appears in the
19 lobbyists code of conduct is you shouldn't embellish or
20 exaggerate issues to your client; is that right?---Yes.
21 My issue was I cannot recall with certainty what was
22 actually discussed. I understand what's said here. But
23 I have no certain recall of this.

24 Yes. Yes, Mr Tovey.

25 MR TOVEY: When you were last asked about this in - was that
26 March of this year?---March, yes.

27 You gave evidence for some short period in private session, did
28 you not?---Yes, I did.

29 And you were asked this question - this is at lines 22 and

1 following: 'Is what you told Mr Woodman
2 accurate?---I think we were both enjoying a few glasses of
3 wine at that stage of the night, but yes.' 'But I just
4 want to be clear is what you said accurate?' Your answer
5 was, 'So that is accurate, yes'?---And I'm saying - - -
6 And then I went through the things that you discussed and you
7 indicated that those were in fact discussed. Now - -
8 -?---Sorry, I'm not denying that I've said that, and
9 I - - -

10 No, what you were being asked was whether it was an accurate
11 statement of what had occurred?---The general tenor is
12 probably accurate. But what I'm saying is there's a
13 translation which - you know, no conversation a few days
14 later is going to be translated literally. I'm just
15 saying there may have been a little bit of spice put into
16 it.

17 COMMISSIONER: Mr Staindl, my memory may be deficient here, but
18 were you not specifically asked at that private hearing is
19 it possible that you exaggerated or embellished this
20 conversation for the benefit of your client, and did you
21 not reject that as a possibility?---No, I - sorry, with
22 respect, I think I said - I think you asked would I lie to
23 my client and I think you then said - I responded by
24 saying, 'I may embellish on occasions.'

25 Yes, I don't have the benefit of that transcript, Mr Tovey.

26 MR TOVEY: I mean, this is not a matter of fine degree, you
27 understand?---No, I understand that.

28 Anybody looking at this knows that talking about whether or not
29 Royce Millar is an arsehole or making snide asides about

1 everybody knows Casey Council is corrupt, they're not
2 things that you could possibly be mistaken about. Either
3 they're lies or they're the truth, and it's not something
4 you would lie about, is it?---What I said was I think the
5 general tenor is probably correct.

6 All right?---But I cannot remember the exact discussion I had
7 with the Premier with absolute certainty.

8 You went on to say to Mr Woodman that you discussed the
9 rezoning with Mr Andrews and he'd told you that it had
10 been shelved because they had no choice. Now, did he tell
11 you that?---To the best of my knowledge, yes.

12 COMMISSIONER: But, without making more or less of it than one
13 should, is this not just another reflection of the human
14 condition we're speaking about; namely, that even someone
15 who's not the direct beneficiary of patronage, campaign
16 contributions, even someone who only indirectly benefits
17 from it, would naturally feel some willingness to assist
18 the donor if they could?---I think, yes, it's probably an
19 accurate assessment.

20 Yes.

21 MR TOVEY: And is that assessment to be made in the context of
22 Mr Andrews in waxing lyrical about the support that
23 Mr Woodman had given to the party over a period of
24 time?---It could certainly be taken as that, yes.

25 COMMISSIONER: And that's the secret of your success, isn't it,
26 Mr Staindl, that you, through your clients and the
27 contributions they were able to make, as on the other side
28 of the political spectrum, you're able to facilitate
29 access, you're able to facilitate a willingness to assist

1 clients through the role that you play?---I have many
2 clients who donate nothing to either political party and
3 I have considerable success in helping them navigate their
4 way through the processes of the government. In this
5 particular case with Mr Woodman, the donations he made
6 have certainly assisted him in gaining access and entrees
7 to ministers and members of parliament that has probably
8 come to benefit him, yes.

9 No, but I asked you that question specifically because of
10 something you've told us I think earlier today, that what
11 you were doing with your clients in terms of generating
12 contributions to electoral campaigns was something that
13 was quite common across the lobbyist environment?---Yes.
14 I don't dispute that. But I would also like to point out
15 that I have many clients who, you know, I take to
16 different arms of government or navigate the various
17 processes within government where there's no knowledge or
18 expectation of donations.

19 Yes?---They are in different departments, different sectors.
20 Yes. Yes, Mr Tovey.

21 MR TOVEY: On 14 March of 2018, this year - sorry, on 14 March
22 2018 the activities of Mr Aziz were the subject of
23 surveillance. Did he visit you at your office on 14 March
24 2018?---No.

25 Have you ever seen him at your office?---I have never seen him
26 full stop, other than on the media.

27 COMMISSIONER: Mr Tovey, I'll make the last conversation that
28 was played on 4 March 2019 exhibit 244.

29 MR TOVEY: Sorry, I'm told, Mr Commissioner, it's already

1 exhibit 154. I apologise.

2 COMMISSIONER: I see. I'm sorry. Thank you.

3 MR TOVEY: Could tab 204 be played to the witness, please.

4 (Audio recording played to the Commission.)

5 COMMISSIONER: What's the date of that conversation, Mr Tovey?

6 MR TOVEY: That's a conversation between Mr Woodman and
7 Mr Staindl on 18 October 2018.

8 COMMISSIONER: Yes.

9 MR TOVEY: All right. So Mr Woodman says, 'Anyway, let's
10 produce the draft,' and he says he'll get it to you
11 'tomorrow morning'. That's the draft letter to the
12 minister; is that right?---Must be, yes.

13 And then he says 'and we'll see what happens', and you say,
14 'And I'll run it by Keogh', not Theo, as the transcript
15 indicates, I think?---Okay.

16 So there are a number of conversations relating to this, and
17 I don't want to spend too much time on it. But did you
18 have an arrangement with Mr Keogh whereby he would have a
19 look at what was being produced to see whether it was
20 appropriate in the form it was?---I can't recall. I don't
21 think I was dealing with Mr Keogh on this matter by then
22 because of the earlier altercation between Ms Schutz and
23 the minister, and I couldn't go near the minister's office
24 on any Watsons related matters, is my recall of it.

25 COMMISSIONER: I'm sorry, I'm just curious, why couldn't you go
26 near the minister's office?---On any Watsons matters
27 because of the altercation that had occurred between
28 Ms Schutz and the minister.

29 I see. Thank you.

1 MR TOVEY: Was there ever an occasion whereby Mr Keogh assisted
2 you by looking at the form of some submission you were
3 making to see whether it was going to ultimately pass
4 muster or whether it needed improving?---No.

5 I want to take you now to document 3948, which is an email
6 headed 'Donation legislation' from yourself to John
7 Woodman on 18 June 2018. That reads, 'Had a chat to Lee
8 Tarlamis a short time ago'?---Yes.

9 What was Mr Tarlamis's role at that point in time?---He was
10 just someone who had - because I knew him. He had fairly
11 intimate knowledge of the draft legislation.

12 COMMISSIONER: Is this the legislation in relation to
13 donations, is it?---Yes.

14 MR TOVEY: Yes. If we just go on there, 'The legislation - if
15 passed - will not come into effect until November 25th
16 (after the state election).' Then you note, 'The same
17 disclosure limits which apply federally (13.5k) will be in
18 place until then.' That's what you had been told, wasn't
19 it?---Yes.

20 That, if you're making a donation to a political party, it has
21 to fit both the State and the Federal
22 requirements?---Correct.

23 And then you went on to say, 'I have discussed a few options
24 with Lee and he is coming back to me.' What were the
25 options that you discussed in respect of the \$13.5k
26 limit?---I honestly can't recall, sorry. I've been trying
27 to recall since reading it, but nothing comes readily to
28 mind.

29 Well, whatever it was, it was something that you couldn't put

1 in writing?---Yes, but I can't recall. So I'm sorry.
2 Well, it must have been something that was illicit or illegal
3 if you couldn't write it down, or ethically challenging,
4 to put it neutrally, ethically doubtful?---I would tell
5 you if I could recall, but I can't, I'm sorry.
6 What I'd suggest to you is that Mr Woodman asked you to make
7 these enquiries, hadn't he?---I can't even say that for
8 certain. I may have done it on my own volition.
9 And I'd suggest to you - - -?---May have, but I don't know.
10 Mr Woodman had made these enquiries of you because he didn't
11 want his name associated with large-scale donations
12 through Progressive Business?---That's possible, but
13 I can't say with absolute certainty.
14 And if you look at - thank you, I tender that document,
15 Mr Commissioner.
16 COMMISSIONER: Exhibit 245.
17 #EXHIBIT 245 - Email from Mr Staindl to Mr John Woodman dated
18 18/06/18, court book page 3948.
19 COMMISSIONER: Mr Staindl, are you still a member of
20 Progressive Business?---No.
21 Do you continue to have any interest in how political parties
22 may raise funds for election campaigns?---None whatsoever.
23 It ceased on November 25, 2018.
24 Your interest, you mean, do you?---Well, the capacity to donate
25 too, but my interest in it because I no longer have to do
26 it, and I'm not sorry about that, and simply it would
27 breach the legislation.
28 Well, the Victorian legislation has a cap on donations,
29 including aggregate donations from the same donor or

1 associated entities of the same donor; correct?---Yes.

2 But are you suggesting, Mr Staindl, that you're not aware of
3 any mechanisms that are available to find ways around that
4 legislation?---No, I'm not, and I've been involved in zero
5 fundraising since November - the end of November 2018.

6 Yes, I'm sorry, I don't know what you mean when you say, 'No,
7 I'm not.' You're not suggesting that there are no ways
8 around it or what - - -?---I'm not aware of any ways, and
9 I'm not about to go and explore.

10 Very good?---Just so you know, this process has exposed a lot
11 of issues which I've had to grapple with. I think it
12 is - the severe limitations on donations, given what's
13 been exposed here, is a good thing, and you may even go
14 further and recommend a total prohibition on donations
15 from developers. I think that has considerable merit.
16 But I've done nothing by way of fundraising since November
17 2018.

18 Thank you.

19 MR TOVEY: All right. You see, what happens is after you've
20 told Mr Woodman about the \$13.5k limit and the fact that
21 you're expecting Lee Tarlamis to come back to you, perhaps
22 with something that was unethical to the extent that you
23 couldn't put it in writing, if you go to 3915 you'll see
24 that that relates to - that's an internal document from
25 Mr Woodman's office - actually, I'm not sure whether it is
26 or whether it's from Progressive Business, but in any
27 event - - -

28 COMMISSIONER: No, it's from - - -

29 MR TOVEY: It's from Progressive Business.

1 COMMISSIONER: It's from Ms Morales at Progressive Business,
2 Mr Tovey.

3 MR TOVEY: Yes, thank you.

4 COMMISSIONER: Yes.

5 MR TOVEY: 'As per your request, I have processed the following
6 invoices,' et cetera, et cetera, and this relates to his
7 \$50,000 membership fee. So, following your advice and him
8 canvassing the issue with you, he breaks up his
9 contributions, all of which are less than \$13,500, in
10 \$10,000 blocks from five different entities. Do you see
11 that?---Yes.

12 What you had been discussing with him was whether he could
13 structure his payments to avoid the Commonwealth
14 stipulations as to the limits of donations or the
15 publication of donations?---I have no recall of this
16 process. I thought that Progressive Business actually
17 reports under state donation legislation, but maybe it
18 reports under both. I don't know. But, having said that,
19 he may have wanted to find a mechanism to fall under that
20 Federal disclosure limit and that's how he structured his
21 payments.

22 It's apparent from what we've seen that he was relying on
23 advice from you and Mr Tarlamis as to how to do that, and
24 that occurs immediately before he does it?---As I said,
25 I haven't got recall of what that earlier discussion was.
26 I would have - I think the discussions are more likely to
27 have taken place with Progressive Business, because I have
28 no recollection of advising that level of detail and
29 structure of amounts.

1 Could you look at 3917, please.

2 COMMISSIONER: I'll make that exhibit 246.

3 #EXHIBIT 246 - Email of 23/08/18.

4 MR TOVEY: Could we just keep on scrolling, thank

5 you?---I think that issue was addressed, just while you're
6 doing that, by the new State regulations which say a
7 company or any related entities. So I think it would rule
8 that out. That's just my reading of it.

9 What you just saw is preceded by an email from Fleur Morales to
10 John Woodman, 'Such a pleasure to see you today! As
11 discussed, Progressive Business would be delighted to
12 invoice you for Watsons' 2019 platinum package (\$50,000)
13 during the 18/19 financial year and before the 24 November
14 election. In light of the reforms indicated by Staindl it
15 seems it would be advantageous to activate these invoices
16 before 1 October 2019. May you please indicate' blah,
17 blah, blah, blah, blah, blah. Were you involved
18 with Fleur Morales in discussing these matters?---I think
19 I recall having a conversation and it was along the lines
20 of, I think to the best of my knowledge, 'Can we take out
21 in essence an 18-month membership, but pay for it up
22 front,' because that would then roll over into the next
23 year and buy them some credit. So I think that's what
24 it's probably referring to.

25 So what was the point of the 18-month membership? Is that to
26 get the payments at a certain level or - - -?---No,
27 I think it's before a certain time, before the new
28 legislation came into being.

29 Thank you.

1 COMMISSIONER: That's exhibit 247, email of 31 July 18.

2 #EXHIBIT 247 - Email of 31/07/18, court book page 3917.

3 MR TOVEY: And finally I want to take you to the 2016 Casey
4 Council election. Could you just bear with me while I get
5 rid of some folders?---Yes.

6 Could the witness be shown page 3693, please. Can we just go
7 down, please. Just go up, thank you. Hold there. That's
8 an email on 23 September 16 relating to 'Catch up re
9 candidate strategy' at John's office at the Herald &
10 Weekly Times - sorry, the cafe at the Herald & Weekly
11 Times building at Southbank. Did you attend a strategy
12 meeting relating to the 2016 council election, the Casey
13 Council election?---It doesn't readily come to mind. But
14 I'm just looking at this note. If it says I did then
15 I did. Look, I've got no reason to dispute that I wasn't
16 there.

17 And could you look at - so I tender that, Mr Commissioner.

18 COMMISSIONER: So it's an email, Mr Tovey?

19 MR TOVEY: Yes. So that's an email from Megan Schutz to John
20 Woodman and Phil Staindl dated 23 September 2016.

21 COMMISSIONER: Thank you. That will be exhibit 248.

22 #EXHIBIT 248 - Email from Megan Schutz to John Woodman and Phil
23 Staindl dated 23/09/16, court book page 3693.

24 MR TOVEY: This is the day after you receive the documents
25 which are documents 3718 to 3728. Can we have those up,
26 please. So there you have, it's the day before, you've
27 been sent a colour coded summary of the candidates and
28 persons for follow-up in respect of the 2016 Casey Council
29 election. And if we can just scroll through, please.

1 This is exhibit 16, Mr Commissioner. All right. So, if
2 we look at that, you see we have now a list of council
3 candidates which we've been told by Mr Woodman was a list
4 of council candidates who were being visited to determine
5 their attitude in respect of the Cranbourne West rezoning,
6 and that job is divided up between Tom Kenessey, Lorraine
7 Wreford and yourself?---Can I just ask a question. Were
8 these people at that meeting because, if that's the case,
9 I wasn't at that meeting.

10 I don't know who was at the meeting?---Yes, because that just
11 doesn't ring a bell with me.

12 What about this? That's been sent to you?---I think I recall
13 seeing the list, and I'll explain what happened there.
14 But continue on.

15 So if you go to the list and if we just bowl through. So
16 anybody marked with purple is somebody who was marked for
17 you to see. So we see there the people marked for you are
18 Tim Jackson, Brian Oates, Rod Bagon, Shabnam Safa, Ian
19 Spencer, Kasuni Mendis, Faisal Najibi, and that's it.
20 We've heard that the purpose of this was to put together,
21 to cobble together, a core of candidates who would be
22 supported by Mr Woodman as people who he believed were, if
23 they were elected, capable of providing support for the
24 Cranbourne West rezoning. Is that your understanding of
25 what that list was about?---My involvement was nothing
26 like that. I didn't visit any. The way I just gathered
27 some intel on that was my executive assistant I think
28 spoke to one or two of the local MPs' electorate offices
29 and asked for advice on who the main candidates were, and

1 I think there was a list of four provided, this is with
2 ALP affiliations, and then a very straightforward offer
3 was made to them would they like a campaign contribution
4 of up to \$2,500 from Watsons, which is a local property
5 development company, absolutely no other strings attached,
6 and there was no obligation. Now, I think two, possibly
7 three of those - it may have been three, I think,
8 candidates indicated yes, one indicated no, and I think
9 their account details were then provided and I'm assuming
10 a campaign contribution was made. But I had no other
11 involvement other than that, and it was relatively
12 minimal.

13 We've heard from Lorraine Wreford that this list was one
14 element in that process whereby John Woodman and Sam Aziz,
15 having met in a Chinese shop in the southern suburbs
16 somewhere, arranged that Woodman would secretly fund
17 councillors by providing in kind back-up through a process
18 which was in some aspects fraudulently supported by false
19 invoices relating to on some occasions a mattress shop
20 which was run by the ex-mayor, Janet Halsall. You're
21 aware of those allegations?---I am, yes. I saw that in
22 the media.

23 I assume your position is you knew nothing about
24 that?---Absolutely nothing.

25 Were you familiar with any issue at the time about the level of
26 contribution which might be made to a councillor above
27 which there would be a necessity for that councillor to
28 declare and to announce a conflict?---Nothing comes
29 readily to mind. I remember there was some publicity

1 about contributions to certain councillors because on
2 the - the council was dominated by Liberal aligned
3 councillors. So I tended not to take much of an interest
4 whatsoever in it, and I knew there was some - I was aware
5 there were some tensions between various components of
6 the Liberal Party representation on the council. But it
7 didn't really interest me and I didn't go digging because
8 it just wasn't something that was of a concern to me.

9 I don't want to make a point of it at this stage, but when we
10 analyse a number of the other projects that Mr Woodman has
11 been involved in on several occasions there are strings of
12 correspondence whereby you have provided a profile of each
13 councillor on a particular council; do you agree that's
14 the case?---Correct, yes.

15 And that was, you would say, a legitimate part of your lobbying
16 activity and information providing and finding
17 activity?---Yes.

18 The way it would often operate would be that if a job
19 was - sorry, if a project was arising in a certain
20 municipality which was of a level which needed municipal
21 or State Government approvals, then you would be used to
22 (a) identify councillors who might be on side or
23 approached?---It would be more what is the political
24 make-up of the council and are there any particular issues
25 that are likely to make them supportive or opposed or be
26 interested in a particular project, and that's not
27 uncommon.

28 With these various projects they seem to have certain common
29 features; that is councillors get profiled, a councillor

1 or councillors who are thought to be people of the ilk who
2 would support the proposal which is being put out there
3 are identified, those people are approached, they are
4 sought to be courted, they are asked to provide
5 information as to who else on council might be enlisted to
6 support a particular proposal, the local member is also
7 identified, the local member is often contributed to, and
8 the local member is approached to support whatever the
9 project might be, and often there is a cross-pollination
10 whereby councillors might approach the local member on
11 behalf of the proponent or the local member might approach
12 councillors. Now, is that a process which you agree was a
13 process which was from time to time used?---I'd often
14 certainly undertake due diligence on who the key local
15 players were, and in respect of maybe the composition of a
16 council, was it highly factionalised, you know, was there
17 a free rein in voting, because there are those councils
18 where it wouldn't matter what the argument was, if
19 councillor A was putting their hand up to support it, then
20 there would almost be a guarantee that three others would.
21 So it was just undertaking that sort of intel. But it
22 would also be - if it's a particular issue, is it one that
23 there is likely to be support from the council officers
24 over and, if not, why not; and also at the council level
25 what are the key issues dominating council's thinking on a
26 particular issue. It's really just a due diligence
27 exercise as to what the local political environment is
28 like.

29 In respect of this list that you've been provided what was your

1 response? I mean, clearly Mr Woodman or whoever sent you
2 that list expected you to assist by speaking to the
3 candidates who had been identified?---My response was
4 rather cursory. I didn't speak to - sorry, I spoke to one
5 candidate, only because I knew him going back a long time,
6 and he was unsuccessful. That was Brian Oates. But
7 I didn't speak to any of the others. It was pretty much a
8 desktop exercise that my EA developed in consultation with
9 an electorate office.

10 Could you please look at pages 3943 through to 3945. If we
11 start on 12 September, which is some 10 days or so before
12 the colour coded summary arises?---Yes.

13 There is a memo from Megan Schutz to Jenny Beales with you
14 copied in. That follows upon a discussion whereby Jenny
15 Beales has said, 'Hi John and Megan. One of our
16 discussion points this morning was about whether
17 councillors could vote on a matter before council.'

18 COMMISSIONER: Just a minute, Mr Tovey. We just need to bring
19 that up on the screen. It's not there at the moment.

20 MR TOVEY: Sorry. Could we go to the bottom of 3945, please.
21 So it starts off at 2.44 pm down the bottom with Jenny
22 Beales; do you see that?---Yes, I'm reading it. But, yes,
23 I see it.

24 All right. So there has been a discussion that morning about
25 whether or not councillors could vote on a matter if it
26 involved a business or organisation which had donated to
27 the councillor. Then if you look above that you'll see
28 that Jenny Beales has indicated - sorry, Megan Schutz has
29 asked Jenny Beales, 'Can you donate more than \$499 to the

1 same person but in different transactions to avoid the
2 conflict?' All right; do you see that?---Yes.
3 And you're copied in on that?---I was.
4 Were you involved in that discussion that morning?---I'm not
5 sure, but you see my response further up. It's,
6 'Definitely not allowed!' And I think that's just from my
7 own knowledge of the Local Government Act.
8 You don't have to be a lawyer to understand that you can't go
9 structuring your affairs specifically to avoid a statutory
10 requirement?---Exactly.
11 So in any event that's something of which you were well
12 aware?---Yes, and I hope my advice is clear and
13 unambiguous.
14 All right. So then if you look at - so it's apparent, and you
15 well understood from that interchange of information, that
16 the moment somebody contributed more than \$400 - sorry,
17 more than \$499 to a councillor, that councillor would not
18 be able to vote on any matters relating to
19 them?---Correct, yes.
20 So if you go to 3939 and 3940. Could I first of all
21 tender - - -
22 COMMISSIONER: Yes, I'll mark that email exchange of
23 12 September 2016 exhibit 249.
24 MR TOVEY: Mr Commissioner, I'm sorry, I'm not very good at
25 tendering. I'm told that pages 3943 and 3944 are already
26 exhibit 129.
27 COMMISSIONER: Yes.
28 MR TOVEY: And that page 3945 should be a new exhibit.
29 COMMISSIONER: Can you just take us to 3945 for a moment, Madam

1 Operator? Yes. Very good. I'll mark 3945, email from
2 Mr Staindl to Ms Schutz, exhibit 249.

3 #EXHIBIT 249 - Email from Mr Staindl to Ms Schutz, court book
4 page 3945.

5 MR TOVEY: So if you could now look at 3939 and 3940. In fact
6 3939 is sufficient?---Yes.

7 You'll see there is a list there - so you've got Tim Jackson,
8 Kasuni Mendis, Brian Oates and Syed Najibi for Faisal
9 Najibi. So, other than Mr Patel, all those people were in
10 fact on your list?---I don't know how many were on the
11 list but, as I said, I had very, very little involvement.
12 I didn't think it was that many that received support.
13 But if that's how many did then, yes, that's it.

14 Mr Woodman had told you about the range of financial assistance
15 he was prepared to provide - - -?---Yes.

16 And I think you have already told us that that was one to two
17 thousand dollars?---Yes.

18 And you provided banking details for those people?---Yes, so
19 I've got no reason to think that they weren't paid.

20 That's the question that I wanted to ask you. If Mr Woodman
21 knows that if he pays over \$499 these people aren't going
22 to be able to vote for him, so how could you believe that
23 he would gain by providing them \$2,000 or \$1,000 in
24 circumstances where his contribution would need to be
25 disclosed? The thing only worked, did it not, if his
26 contribution wasn't disclosed?---Yes. So if any of those
27 candidates were successful they would have to declare a
28 conflict of interest on any Watsons matter that came up
29 before council.

1 Why would you be presenting to him names to be given above the
2 table contributions in circumstances where such
3 contributions would only make the candidate worthless to
4 him?---Because my primary motivation here was to support
5 some Labor linked candidates. Even though they weren't
6 officially endorsed, they were all strong Labor
7 supporters. And the Labor Party in that area at local
8 government elections had played second fiddle for many a
9 long year, and it was purely motivated out of
10 philosophical reasoning.

11 You see, from what you've recently told us the situation was,
12 that immediately before this you had in fact been alerted
13 to and had been discussing how any donation of
14 \$499 - above \$499 would mean that a candidate would be
15 neutralised if they got elected; true?---Yes.

16 So it must have occurred to you, being somebody who's
17 intimately involved in political machinations, that in
18 providing the list you did it couldn't have been the case
19 that Mr Woodman could be expected to provide the funding
20 that was being recommended which would only neutralise the
21 candidates if they were elected?---I wasn't looking at
22 this in terms of whether or not they would support the
23 Cranbourne West rezoning. My sole focus on this was
24 his - I'm representing a property developer who is
25 prepared to donate to some local government campaigns that
26 are Labor supported, and through my EA doing some cursory
27 research they're the candidates we recommended. I would
28 fully expect them - and there was never any secret as to
29 who the donor was. I would fully expect them to comply

1 with the Local Government Act in terms of declarations and
2 declaring conflicts. I understand what you're saying, but
3 that wasn't my motivation.

4 What I'm saying is if you look at it uncritically the process
5 that you're involved in just doesn't make sense, unless
6 there's an expectation that the donations are going to be
7 hidden?---No, certainly not on my part they weren't.

8 And what raises suspicion, I'd suggest to you, is the fact that
9 you had been talking about that very fact in the lead-up
10 to this?---Yes, and there is no way I would have supported
11 any move to get around those provisions. I was assuming
12 in sending this list that that would be - if he was still
13 committed to making those donations, that that would be a
14 straight transfer of those amounts to that entity.

15 COMMISSIONER: Mr Staindl, were those payments permitted by
16 law?---I think they were, yes, provided they were
17 declared. They had to be declared, but they were
18 permitted by law at that time. I'm not sure if the laws
19 have changed regarding local government donations now.
20 They may have.

21 MR TOVEY: Do you know whether any of those payments were
22 made?---No.

23 Tim Jackson got elected, did he not?---Yes, yes.

24 Did he ever declare a conflict, do you know, in respect - -
25 -?---I have no idea. I've never spoken to him.

26 I just have one final question, and that relates to a matter
27 that we've already discussed. The Aviators Field matter,
28 do you recall that?---Yes, I do.

29 And that's the matter where Mr Woodman was chasing up expedited

1 approval of a PSP?---Yes.

2 And we've already been through it and I'm not going to go
3 through it again. That's where he had been providing
4 briefing to Mr Andrews in a social setting?---A summation
5 is my understanding, yes. I don't think he handed a
6 briefing paper to him or anything.

7 Is that something you also discussed with Theo Theophanous?

8 COMMISSIONER: I'm sorry, is what discussed, Mr Tovey?

9 MR TOVEY: The Aviators Field PSP.

10 COMMISSIONER: Yes?---I don't have any recollection of doing
11 that.

12 MR TOVEY: I'd suggest to you that on 10 September 2015 you
13 emailed Mr Woodman in respect of a prospective meeting
14 with Theo Theophanous?---Yes.

15 And I'll just let you look at 5100 and 5101?---I'm not saying
16 I haven't. I just don't recall.

17 COMMISSIONER: While that's coming up, I'll mark the previous
18 document email of 27 September between Mr Staindl and
19 Megan Schutz exhibit 250.

20 MR TOVEY: Mr Commissioner, I'm instructed that that already
21 bears an exhibit number of 128. I apologise.

22 COMMISSIONER: Very good. Is the current document already an
23 exhibit, Mr Tovey?

24 MR TOVEY: No, it's not, sir. You'll see there in the third
25 paragraph, 'I have finally arranged to have a coffee with
26 Theo re MPA matters on Tuesday of next week. I will
27 discuss strategies with you between now and then.' So was
28 there a meeting between you and Mr Theophanous at that
29 time which you strategised with Mr Woodman in the lead-up

1 to that meeting?---It's quite possible, but I don't know
2 what the - I can't recall what the subject was about.
3 I think - we talked yesterday about a conversation I had
4 with Mr Theophanous, and my recollection then - and
5 I don't know if that's the same meeting or not - is that
6 what it's referring to?

7 Well, look, you can tell me?---I can't because I'm struggling
8 to remember. But I remember - the one thing I do recall,
9 yes, I remember a meeting, I don't know when it was, and
10 whatever matter it was, if it was specific, Mr Theophanous
11 was very clear that he would be happy to discuss broad
12 policy matters, but anything specific had to go through
13 the executive of the MPA, and I think as a result of that
14 I then coordinated a meeting with Brian - no, Peter
15 Seamer, who was the CEO.

16 Did you in fact discuss strategies in the lead-up to that
17 meeting with Mr Theophanous with Mr Woodman?---I think we
18 would have talked about whatever issues were on the
19 agenda. If it was Aviators Field then, yes, we'd talk
20 about what's happening and the rationale for it
21 proceeding. But I can't recall it off the top of my head,
22 sorry. I'm just not that well equipped.

23 Excuse me, Mr Commissioner, I think I've covered all the
24 matters that need to be covered. I'll just make my final
25 check.

26 COMMISSIONER: Why don't we have a break for five minutes.

27 Mr Lavery, you can also explore with Mr Staindl if there
28 are any matters that you want to cover with him.

29 MR LAVERY: Thank you, Mr Commissioner.

1 COMMISSIONER: And we'll resume in five minutes?---Mr Lavery,
2 give me one minute to turn my phone on, please.

3 COMMISSIONER: I'll give you 10 minutes, Mr Staindl?---Okay.
4 (Short adjournment.)

5 COMMISSIONER: Are we ready to proceed?

6 MR TOVEY: Yes, Mr Commissioner.

7 MR LAVERY: Yes, Mr Commissioner. Mr Commissioner, thank you
8 for that time. There are no questions to be asked by me.

9 MR TOVEY: There was just one matter I wanted to clear up, if
10 I might, Mr Commissioner.

11 COMMISSIONER: Yes, Mr Tovey.

12 MR TOVEY: First of all, could we tender 5100 and 5101, which
13 is the email chain of 10 September 2015 between Staindl
14 and Woodman.

15 COMMISSIONER: Yes, that will be exhibit 250.

16 #EXHIBIT 250 - Email chain between Mr Staindl and Mr Woodman
17 dated 10/09/15, court book pages 5100 and 5101.

18 MR TOVEY: And I would like you also, sir, to look at 5102. So
19 if we just scroll down to the next couple of pages.

20 That's part of the same chain. And you'll see, 'Hi Megan,
21 just been speaking to John and he asked me if you could
22 please email me a copy of the note we handed to the
23 Premier last Thursday.' That's the briefing note that was
24 handed to the Premier by you at a dinner?---Which dinner
25 was that? Sorry, I'm caught on the hop with - - -

26 So on 27 August you have - and for the transcript this is 5094
27 to 5096 - been involved in an email chain with John
28 Woodman and H Woodman, and you advise the Woodmans that,
29 'Below is a first cut of a draft note that I'm proposing

1 to be handed to Andrews on Saturday.' And I think you've
2 already indicated in a previous set of examination that
3 there was a function on at which you took the opportunity
4 of briefing Andrews in respect of the Aviators Field
5 PSP?---Sorry, right.

6 Do you agree with that?---Look, I think so, yes. I can't
7 recall it off-hand, but - - -

8 And there is another email on 14 September, this is page 5102
9 for the transcript, where Megan Schutz asks about that,
10 and this is the one that's in front of you at the moment.
11 You say you've just been - sorry, you say, 'Just been
12 speaking to John and he asked if you could please email me
13 a copy of the note we handed to the Premier last Thursday.
14 (I'm meeting with someone tomorrow who will find it very
15 interesting.)' Now, I'm not sure whether there were one
16 or two occasions on which briefing notes or notes were
17 handed to the Premier. Do you have any recollection
18 yourself?---Sorry, I don't off the top of my head, no.
19 It's going back five years. I just don't.

20 But the reason you're asking her for that is you'll see in
21 brackets, '(I'm meeting with someone tomorrow who will
22 find it very interesting)'?---And I don't know who that
23 is, sorry. I just don't recall back that far.

24 That, I suggest to you, was Theophanous?---Okay. If that
25 timeframe fits then, yes, it's possible. But, as I said,
26 my recollection now of that catch-up with Theophanous was
27 that he referred us to Peter Seamer, who was the CEO or
28 executive director of the GAA. He wasn't able to help
29 with specifics.

1 But if you rang up Mr Theophanous and told him, look, you want
2 to meet for a coffee to discuss something relating to a
3 PSP, he would tell you whether or not he was going to
4 speak to you about it, would he?---I'm not even - I may
5 have just said, 'Can we catch up,' and then raised the
6 matter there. What I do recall, he just didn't engage in
7 any detail, one, because he had no knowledge of it and,
8 two, he just said it has to go through Peter Seamer.

9 Did you hand him the document that you had with
10 you?---Possibly, but I can't recall with any certainty.

11 I have no further questions.

12 COMMISSIONER: Yes, Mr Lavery?

13 MR LAVERY: There are no questions to be asked by me,
14 Mr Commissioner.

15 COMMISSIONER: Very good.

16 MR TOVEY: Could I tender, please, 5102.

17 COMMISSIONER: That will be exhibit 251, email from Mr Staindl
18 to Ms Schutz of 14 September 2015.

19 #EXHIBIT 251 - Email from Mr Staindl to Ms Schutz dated
20 14/09/15, court book page 5102.

21 COMMISSIONER: So, Mr Staindl, that's the end of what's no
22 doubt been a fairly arduous process for you. I should say
23 that I've found a range of issues you've covered as being
24 particularly helpful in terms of the issues that the
25 Commission needs to explore. Mr Tovey, what's the
26 position in relation to Mr Staindl's summons?

27 MR TOVEY: We'd ask that he not be released at this stage, sir,
28 in case other matters arise and he be notified if he's
29 required to re-attend at some stage.

1 COMMISSIONER: Yes. So, Mr Staindl, that's because the
2 investigation is still ongoing and in the
3 event - hopefully it will be the unlikely event - that
4 something further emerges about which you need to be
5 examined you can then be recalled?---Okay.

6 But in the meantime a few things that I need to mention that
7 need to be in place. First, if you wish to see any part
8 of the video that's been taken of the recording of your
9 evidence or if you wish to read a transcript of any parts
10 of your evidence you need only indicate to a member of the
11 Commission that you wish to do so and arrangements will be
12 made for a video to be played to you or transcript to be
13 made available for you to peruse. You do remain bound by
14 the confidentiality notice, albeit that your evidence has
15 been given in public. One of the purposes of the
16 confidentiality notice is that you do not discuss with
17 either persons who have already given evidence or who
18 might have to give evidence, that is persons who you can
19 plainly deduce might have something relevant to say in
20 relation to the matters that have been covered with you,
21 that you don't discuss with them any of the issues about
22 which the Commission is inquiring. And you understand
23 from the terms of the confidentiality notice that it's
24 important that that confidentiality restriction is
25 observed?---I fully understand and respect that.

26 Yes, and we will advise you and your lawyers as soon as you can
27 be released from the summons and the confidentiality
28 notice. Are there any questions that you have of
29 the Commission at this point of time?---No. That's

1 sufficient. Thank you.

2 Yes. Is there anything else, Mr Lavery?

3 MR LAVERY: No, Mr Commissioner.

4 COMMISSIONER: I thank you also for your attendance, Mr Lavery.

5 Please adjourn the hearing.

6 <(THE WITNESS WITHDREW)

7 ADJOURNED UNTIL MONDAY, 16 NOVEMBER 2020

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