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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 23 NOVEMBER 2020

(33rd 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 UPON RESUMING AT 1.48 PM: 01:48:36PM

2 <SAMEH AZIZ, recalled: 01:48:36PM

3 <EXAMINED BY MR TOVEY, continued: 01:48:36PM

4 COMMISSIONER: Are we ready to proceed? 01:48:36PM

5 MR TOVEY: Yes, Mr Commissioner. 01:48:36PM

6 COMMISSIONER: Mr Aziz, before Mr Tovey goes on I just wanted 01:48:37PM

7 to take up your last answer to me before we adjourned in 01:48:37PM

8 relation to the use of the phrase by you of doing 'dirty 01:48:40PM

9 work' which was the subject of evidence last Thursday. 01:48:46PM

10 You gave me an explanation just before the break, but I'm 01:48:51PM

11 really having difficulty reconciling that with your 01:48:56PM

12 evidence of last Thursday. In answer to Mr Tovey's 01:48:58PM

13 questions on Thursday you were asked explicitly whether 01:49:05PM

14 you thought you had been doing Mr Woodman's dirty work in 01:49:14PM

15 respect of H3 or anything else, and you said, 'I have 01:49:17PM

16 worked hard for issues that Mr Woodman had an interest in. 01:49:23PM

17 I wouldn't describe it as dirty work. I would call it 01:49:26PM

18 hard work.' And then after Mr Tovey put to you the 01:49:30PM

19 proposition that you were then angry about Ms Wreford's 01:49:39PM

20 lack of response and your saying you're sick and tired of 01:49:45PM

21 doing the dirty work, you said this, 'The work I did for 01:49:51PM

22 the mayoral election, which was only a couple of weeks 01:49:55PM

23 earlier' - you are now summarising what you were 01:49:58PM

24 describing as dirty work, 'The work I did for the mayoral 01:50:03PM

25 election, which was only a couple of weeks earlier; the 01:50:08PM

26 fact that I had to front a lot of votes just to save my 01:50:10PM

27 colleagues from losing a quorum; and risking in your 01:50:15PM

28 assessment not declaring a conflict of interest when it 01:50:19PM

29 was Woodman related matters; the fact that I was relied 01:50:22PM

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upon to lead many of the debates because I was their best performer in the chamber; the fact that I supported many propositions that they would put forward, and when I asked for a simple legal document that supports me in terms of an FOI request' - and then Mr Tovey interrupted you, I think you were going to obviously say you didn't get Ms Wreford's support when you were asking for - or for Ms Schutz, you weren't getting the support you wanted on the FOI request. If I've followed your evidence last Thursday correctly you were listing a range of propositions, you may not have wanted to call it on Thursday dirty work but hard work, in which you in various ways had pursued Mr Woodman's interests. Do you want to say anything about that?---The only thing I can say, Commissioner, is that it wasn't related specifically to Mr Woodman. But, as you have described my answer and as I have tried to explain before we broke for lunch, I was always called upon by my colleagues to lead the difficult issues, the issues that required reasoned debate to be put forward in the chamber, and also the issues that required on some occasions the garnering of community support for a particular council issue. Now - - -

I sought clarification on Thursday of your answer, particularly your answer that in listing the dirty work you referred to conflicts of interest. Now, I asked you for some illustration of it and you said, 'One example is remaining in the chamber just to uphold the quorum when there could have been a debate in my mind as to whether or not I was conflicted. That's one example of the dirty work I was

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referring to.' You were asked, 'On what issue,' and you  
said, 'On any issue. On Hall Road, for example.' And you  
went on to say, 'I'm sure I questioned it in my mind with  
a degree of doubt, but I did not make the decision' - that  
is as I interpolate, Mr Aziz, 'I didn't make the decision  
to declare a conflict of interest' - 'because I basically  
reverted to the fact that these were only negotiations  
and, from my experience, every time you declare a conflict  
of interest inside the chamber on any matter the press do  
come around and hound you with a million and one questions  
and all sorts of things. And, accordingly, sometimes  
people avert doing that just to avoid the exposure that  
comes with it which is sometimes or on most occasions  
actually false reporting.' So again if I understood you  
correctly you acknowledged in that answer that there were,  
as I took it, a number of occasions on which you  
personally recognised there was a real question as to  
whether you had a conflict of interest, but you didn't  
declare it, and basically you didn't do so because your  
experience was once you declare a conflict of interest the  
media seizes upon it and then unfairly reports it. Is  
that a fair reflection of what you were saying on  
Thursday?---Ninety-nine per cent of what you said,  
Commissioner, is a fair reflection. The remaining  
one per cent would be the fact that I was pushed into  
certain positions by my colleagues to fight certain issues  
on their behalf, and unfortunately I was strong enough to  
say 'no' but for many reasons I basically took it upon  
myself to do the hard yakka on their behalf and to achieve

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1 what we essentially agreed were good outcomes for our 01:54:56PM  
2 residents even though it might have put me at a risk in 01:54:59PM  
3 terms of not declaring a conflict of interest. 01:55:02PM  
4 So if that's the modus operandi in which things operated at 01:55:06PM  
5 Casey Council how were you anticipating that you might be 01:55:14PM  
6 able to mirror that at - - -?---Yarra Ranges. 01:55:19PM  
7 At Yarra Ranges, Mr Aziz?---I wasn't going to mirror the 01:55:28PM  
8 modus operandi, as you describe it, as Casey Council. 01:55:34PM  
9 I was going to mirror the election of capable, intelligent 01:55:36PM  
10 people who are capable of leading our cities into the 01:55:41PM  
11 future by assembling a group of candidates and advising 01:55:44PM  
12 them on the strategy to win a council election. Whatever 01:55:50PM  
13 decisions they took thereafter for the next four years is 01:55:55PM  
14 not something that I was planning to interfere in. And 01:55:59PM  
15 I have to make the observation that in 2016 I did exactly 01:56:02PM  
16 the same thing but in a less formal capacity with some of 01:56:07PM  
17 my wider local government colleagues at other councils in 01:56:12PM  
18 terms of advising them on their campaigns. 01:56:16PM  
19 Yes. Yes, thank you, Mr Aziz. Yes, Mr Tovey. 01:56:19PM  
20 MR TOVEY: Thank you. Mr Aziz, on 29 March 2019, and just for 01:56:22PM  
21 the record - I won't tender it - it's court book 4038, 01:56:35PM  
22 Lorraine Wreford reported to Mr Woodman by WhatsApp 01:56:44PM  
23 message that the contract had just been signed by you; you 01:56:49PM  
24 understand, that's the Little River contract? Now, was 01:56:56PM  
25 that the case, that on 29 March of 2019 you signed a 01:57:01PM  
26 contract or a version of the contract?---It is possible 01:57:08PM  
27 that I may have signed the third version with some very 01:57:13PM  
28 minor changes. 01:57:18PM  
29 Was that the version that we have been speaking about, the one 01:57:20PM

1 that you've been shown, or was there another one that we 01:57:25PM  
2 don't know about?---I don't believe there's another one 01:57:28PM  
3 you don't know about. 01:57:31PM  
4 So it's the one that was - that bore the date 01:57:33PM  
5 28 November?---Yes, and previous iterations may have been 01:57:42PM  
6 annulled and that version continued and was backdated to 01:57:44PM  
7 reflect possibly the start of the contract time. 01:57:48PM  
8 COMMISSIONER: I'm sorry, Mr Aziz, you say that was backdated 01:57:56PM  
9 as though that's a matter of normal commercial reality, 01:58:01PM  
10 not something to be concerned about. What's the purpose 01:58:07PM  
11 of backdating something?---To demonstrate a true 01:58:10PM  
12 commencement date; to say that these are the requirements 01:58:15PM  
13 I would have had to have met from day one. That's the 01:58:20PM  
14 purpose of backdating something, in my view. 01:58:25PM  
15 Oh, is that right?---It happened to me on other commercial 01:58:28PM  
16 matters in my private life. 01:58:32PM  
17 But surely the consequence, and you would have enough 01:58:35PM  
18 experience of this, Mr Aziz, of backdating is to give the 01:58:39PM  
19 false impression that something that was created later was 01:58:44PM  
20 it appears created earlier?---Not if there was a real and 01:58:52PM  
21 existing version that was actually created earlier, and 01:58:56PM  
22 the newer version was simply a revamp of what had been 01:59:01PM  
23 existing. I don't believe you use the word 'revamp' for 01:59:05PM  
24 something that didn't exist. What are you revamping if it 01:59:11PM  
25 didn't exist in the first place? 01:59:14PM  
26 No, no, we're talking about backdating. So the document which 01:59:15PM  
27 is backdated but which contains terms which did not exist 01:59:18PM  
28 at the time that the document is dated is not a proper 01:59:23PM  
29 reflection of the contractual process, is it?---It is 01:59:28PM

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because 99 per cent of the original document stood and,  
Commissioner, you're rolling your eyes - - -  
But it's just ridiculous. Look, commercial realities are you  
don't backdate a document to give the impression that the  
content of the document in its entirety was the subject of  
the earlier date if it wasn't. It's simply wrong. It's  
not something that's commercially acceptable. Surely you  
know that?---Well, I don't because, like I said, it's  
happened to me in other situations where minor changes  
were required, however it needed to be shown when the  
actual arrangement commenced. And so those changes were  
implemented. It was never discussed as version 2 or  
version 3 or version whatever, even though it was  
described as such by the people presenting the contract.  
But even the contract that was signed in late November was  
the second version of something that we had discussed  
earlier but never signed, and it stated so on the  
document.  
All right. Yes, Mr Tovey.  
MR TOVEY: Didn't we start out, Mr Aziz - didn't we start out  
with you today denying there was ever any backdating at  
all? Didn't we start out that way? Wasn't that your  
position that there had never been any backdating?---My  
position was that a document was signed in late November  
early December, I couldn't recall the exact date until you  
showed me the documents, and I said to you that I couldn't  
recall if further amendments were made and when they were  
actually presented to me and whether those presented any  
material difference from the original one.

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1 But now you're stoutly defending a process that you said either 02:01:26PM  
2 didn't happen or you couldn't remember 02:01:31PM  
3 happening?---I couldn't recall. I'm simply trying to 02:01:33PM  
4 explain to you things to the best of my ability and 02:01:35PM  
5 according to my memory. But I'm not trying to retract 02:01:41PM  
6 anything I had said earlier. I stand by the fact that in 02:01:44PM  
7 my understanding a document was signed before the 02:01:50PM  
8 commencement, and there were amendments proposed beyond 02:01:53PM  
9 March when you described the date of the 29th. Once they 02:01:57PM  
10 met with the Southern Cross University people they were 02:02:04PM  
11 proposing to (indistinct), but that never went ahead. 02:02:07PM  
12 So you were provided, you've told us, with a plan which showed 02:02:18PM  
13 the greenfields area to be developed; is that 02:02:27PM  
14 right?---(Indistinct) yes. 02:02:36PM  
15 I'm sorry, I missed some of that. You weren't picked up 02:02:37PM  
16 properly. Could you just repeat that answer, 02:02:41PM  
17 please?---Yes. I said I was shown that, yes. 02:02:43PM  
18 Were you ever shown a detailed urbanisation of Little River 02:02:46PM  
19 plan?---Not a detailed urbanisation, no. 02:02:55PM  
20 Or an urbanisation plan laying out what the proposed project 02:03:01PM  
21 was?---I was shown documents that described again 02:03:07PM  
22 concepts, but nothing on a plan because it was way too 02:03:16PM  
23 early for that. 02:03:19PM  
24 So are you saying then that it was way too early at the time 02:03:20PM  
25 that you negotiated to have an urbanisation plan because 02:03:26PM  
26 that was still something that was fluid and to be 02:03:29PM  
27 discussed and to be arrived at?---Yes. It was going to be 02:03:32PM  
28 informed by a whole heap of data and information that was 02:03:37PM  
29 unknown at the time. 02:03:40PM

1 Could we just go back to that agreement, please, page - so 02:03:42PM  
2 we're looking at 4234. What's the exhibit number? 02:03:50PM  
3 COMMISSIONER: Exhibit 287, Mr Tovey. 02:04:05PM  
4 MR TOVEY: Thank you. Can we just scroll down to item 2. Stop 02:04:06PM  
5 there. 'The researchers shall over the next 24 months 02:04:26PM  
6 commencing 1 December 2018 undertake the research works as 02:04:34PM  
7 detailed below in conjunction with the project i.e. 02:04:35PM  
8 urbanisation of Little River as detailed in plan 02:04:39PM  
9 37159CP\_D.' Do you see that?---Yes. 02:04:50PM  
10 What you've just told me, at the time that this agreement was 02:04:52PM  
11 negotiated it is impossible that such a plan could have 02:04:57PM  
12 existed; is that the situation?---No. 02:05:00PM  
13 Or was there an urbanisation of Little River plan?---If you 02:05:06PM  
14 understand planning - - - 02:05:13PM  
15 No, look, I don't need a lecture, Mr Aziz; I just need you to 02:05:15PM  
16 answer. You've just told me only minutes ago that there 02:05:20PM  
17 was no urbanisation plan. The contract refers to you 02:05:23PM  
18 having received an urbanisation plan. Now, was there or 02:05:27PM  
19 was there not an urbanisation plan, simple, that you had 02:05:33PM  
20 been given?---I had been not given; I had been shown a 02:05:37PM  
21 concept which, as I said, was simply a concept and was 02:05:40PM  
22 extremely fluid. 02:05:46PM  
23 All right. That's where we were. And that document refers to 02:05:47PM  
24 the existence of an urbanisation plan with a specific 02:05:53PM  
25 number which on your evidence could not have existed at 02:05:57PM  
26 this time which would tend to indicate that the whole 02:06:00PM  
27 contract was made up and a sham?---No. 02:06:04PM  
28 Can you understand what I'm saying? You've told me that there 02:06:08PM  
29 was no such plan, that there couldn't have been any such 02:06:11PM

1 plan. How come it is referred to in a contract which was 02:06:14PM  
2 supposed to have taken place at a time before such a plan 02:06:19PM  
3 could have come into existence?---I have explained to you 02:06:23PM  
4 that this was a draft concept. What was shown to me was a 02:06:27PM  
5 draft concept subject to a host of changes. Now, I don't 02:06:30PM  
6 know where that reference number comes from. But clearly 02:06:35PM  
7 it's not a government reference number because no plan had 02:06:39PM  
8 been submitted, according to my understanding, to either 02:06:43PM  
9 the State planning department or the local government area 02:06:48PM  
10 for that plan to be registered as such. I don't know if 02:06:52PM  
11 that's an internal Woodman reference number. But what 02:06:55PM  
12 I was shown was explained to me as a draft concept of 02:06:59PM  
13 something that would evolve over the next 24 to 48 months. 02:07:04PM  
14 Thank you, I'll just move on. We know that on 23 March 2019 - 02:07:10PM  
15 and this is court book 6352-7, Mr Commissioner, and again 02:07:27PM  
16 I won't go to it because we have to move on - there was a 02:07:33PM  
17 proposal put by Mr Woodman to Mr Chua setting out the 02:07:38PM  
18 proposed work which was going to be done by Watsons and 02:07:48PM  
19 its subcontractors. First of all, that proposal made no 02:07:54PM  
20 reference to you; you understand that? Can you explain 02:08:04PM  
21 why it didn't?---I didn't write that document. So, no, 02:08:07PM  
22 I can't explain why. 02:08:15PM  
23 It made no reference to Smart Cities or artificial 02:08:16PM  
24 intelligence. Can you explain why that might have been 02:08:28PM  
25 the case?---Probably because that was a given. 02:08:30PM  
26 And at that stage what Watsons was to get out of this project 02:08:34PM  
27 was in total \$905,000. Then the next month, on 18 April, 02:08:44PM  
28 Watsons put in another version of that document and they 02:08:56PM  
29 had sharpened their pencil a bit and in that document they 02:09:04PM

1 were going to be getting a total of \$750,000. Are you 02:09:07PM  
2 saying that they had promised you a fee of 600,000 in 02:09:13PM  
3 circumstances where what was coming to them from the head 02:09:23PM  
4 contract was 750,000, they hoped?---I don't know what 02:09:27PM  
5 Watsons's commercial arrangements were with the gentleman 02:09:34PM  
6 that you have described. However, those figures may have 02:09:38PM  
7 been for initial works related to the development of 02:09:42PM  
8 the first concept. But it was explained to me and it was 02:09:49PM  
9 also explained to other people that I brought to work on 02:09:52PM  
10 this project that there would be significant consultation 02:09:56PM  
11 fees as the project evolved. I don't know what the 02:10:00PM  
12 750,000 was for or the 900,000 was for. I wasn't involved 02:10:04PM  
13 in that. But my understanding, because of the involvement 02:10:09PM  
14 of Mr Woodman and what he explained to me, is that the 02:10:14PM  
15 project eventually would be worth to the consultants 02:10:17PM  
16 millions of dollars. And so it proves that the concept 02:10:20PM  
17 was at its embryonic stage and developing. 02:10:26PM  
18 Well, what the proposals show is that Mr Woodman was putting up 02:10:29PM  
19 the total costs over the whole project being in three 02:10:38PM  
20 phases. Again I ask you can you understand why it is that 02:10:41PM  
21 nothing that you were doing or getting reimbursed for gets 02:10:51PM  
22 mentioned in a proposal which is taking place at the same 02:10:57PM  
23 time that you are signing a revised contract? Can you 02:11:00PM  
24 explain that?---I can because the work that I was doing 02:11:06PM  
25 was going to be for the long-term, and I can't believe 02:11:10PM  
26 that the amount of effort that Watsons was going to put 02:11:14PM  
27 into this was worth \$750,000. There must have been an 02:11:17PM  
28 understanding that this is just for initial work, but the 02:11:23PM  
29 development work that requires the approval from the 02:11:27PM

1 department of planning was going to be worth a lot more 02:11:30PM  
2 than that to Watsons. 02:11:33PM  
3 More importantly perhaps, Mr Aziz, is that at this time, that 02:11:35PM  
4 is March and April of 2019, at which stage you've already 02:11:43PM  
5 been paid in the vicinity of \$150,000, Watsons is still 02:11:51PM  
6 negotiating and reducing its price. There is no contract. 02:11:57PM  
7 Are you saying that Mr Watson - sorry, that Mr Woodman 02:12:04PM  
8 gave you a \$600,000 contract in circumstances where he was 02:12:10PM  
9 doing no more than seeking to negotiate the opportunity of 02:12:18PM  
10 entering a contract himself? 02:12:23PM  
11 MR RUBENSTEIN: Look, I object to this. This has continued on. 02:12:25PM  
12 What's being put to Mr Aziz is a series of propositions on 02:12:29PM  
13 a matter that Mr Aziz has no knowledge of and asked to 02:12:34PM  
14 speculate on. In my respectful submission, this is not 02:12:39PM  
15 relevant and this doesn't assist the Commission in asking 02:12:42PM  
16 Mr Aziz to speculate on these matters. 02:12:44PM  
17 MR TOVEY: I'm only asking Mr Aziz, Mr Commissioner, whether 02:12:49PM  
18 he's able to explain this. He can tell me, 'I have no 02:12:52PM  
19 knowledge of this' - or you can tell me that you discussed 02:12:57PM  
20 this with Mr Woodman and he explained to you why he was 02:13:01PM  
21 giving you a promise, an irretrievable promise, of 02:13:04PM  
22 \$600,000 in circumstances where he didn't have a contract 02:13:09PM  
23 himself?---To begin with - - - 02:13:13PM  
24 Did you ever discuss that with him. 02:13:16PM  
25 COMMISSIONER: Just a moment, please. Just a moment?---To 02:13:18PM  
26 begin with, it was a retrievable - - - 02:13:21PM  
27 Just a moment, Mr Aziz?---Sorry. 02:13:23PM  
28 It really depends, Mr Rubenstein, on what Mr Aziz's knowledge 02:13:45PM  
29 is about Mr Woodman's position. If he has no knowledge 02:13:48PM

1 about what contractual arrangements Mr Woodman has made 02:13:51PM  
2 with third parties, your objection is valid. I think you 02:13:55PM  
3 need to just explore that, Mr Tovey, to clarify the 02:13:59PM  
4 position. 02:14:02PM  
5 MR TOVEY: You were aware from what you've told me previously 02:14:05PM  
6 that at the time that you entered into your contract for 02:14:07PM  
7 \$600,000, that contract could only be terminated by mutual 02:14:14PM  
8 consent. That was the term that you had imposed in the 02:14:23PM  
9 contract, is that right?---Yes. 02:14:26PM  
10 All right. That means that he couldn't withdraw from the 02:14:30PM  
11 contract unless you consented. That's why you put it in 02:14:35PM  
12 there; true?---That's for termination. 02:14:39PM  
13 Yes?---For variation there are other clauses that showed that 02:14:42PM  
14 the contract amount could be reduced or increased 02:14:47PM  
15 depending on what workload emanated as we continued to 02:14:50PM  
16 develop the concept. And just allow me to say this - - - 02:14:54PM  
17 COMMISSIONER: No, no, no, Mr Aziz, please, that's an answer. 02:15:00PM  
18 You've answered Mr Tovey's question. That's good 02:15:05PM  
19 enough?---Okay. 02:15:07PM  
20 MR TOVEY: What I'm asking you is, and you've told me 02:15:10PM  
21 previously that at the time you knew that Mr Woodman still 02:15:13PM  
22 hadn't been able to get a firm contract from the 02:15:19PM  
23 Malaysians. Did he explain to you why it was that he was 02:15:25PM  
24 going to give you a promise, a solid and firm promise of 02:15:32PM  
25 \$600,000 over two years, in circumstances where there was 02:15:37PM  
26 a possibility he might not end up getting a contract 02:15:41PM  
27 himself? 02:15:45PM  
28 MR RUBENSTEIN: Well, again, I object to this. We've just gone 02:15:47PM  
29 back round in circles. Perhaps Mr Tovey could establish 02:15:49PM

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firstly what Mr Aziz knew.

COMMISSIONER: He's asking. I'm sorry, he's asking Mr Aziz now  
did Mr Woodman tell him what his contractual position was  
with the third party.

MR RUBENSTEIN: If it's put that way, then I withdraw my  
objection, but it's unclear.

COMMISSIONER: Yes, all right. Just to be clear, Mr Aziz, what  
did Mr Woodman explain was his contractual position with  
the third party?---He didn't tell me anything about his  
contractual position. What he did say, though, is that  
this project is worth millions to him and is going to  
continue on for years until it's finished.

So you didn't know one way or the other whether Mr Woodman had  
any binding agreement of any sort with the owner of the  
land?---No, and he specifically asked for confidentiality  
to be respected, and that's why he didn't release any  
information relating to who the owner was or - - -

I understand that. But we're now just talking about what his  
contractual arrangement, if any, was with the owner; he  
didn't tell you anything about that?---No, he did not .

Very good. Yes, Mr Tovey.

MR TOVEY: Does that mean that when you say you signed the  
contract first in late November of 2018, your belief was,  
was it, that Mr Woodman must already have had a  
contract?---No, because he did say to me that the matters  
were still under negotiation between him and the owner,  
and that's why it had to be kept extremely confidential,  
otherwise he would risk losing the opportunity with that  
individual to progress this project for his company.

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1 That's just - that's diametrically opposite to what you told 02:17:51PM  
2 the Commissioner only a minute ago?---How is it different? 02:17:56PM  
3 COMMISSIONER: I don't know about in terms of 360 degrees, 02:18:02PM  
4 Mr Tovey, but - - - 02:18:07PM  
5 MR TOVEY: Well, it's certainly a half pike, Mr Commissioner. 02:18:11PM  
6 COMMISSIONER: Plainly, Mr Aziz, if Mr Woodman told you he was 02:18:14PM  
7 in the course of negotiating with the landowner, then he 02:18:17PM  
8 told you something about where he was at in terms of any 02:18:21PM  
9 contractual position with the landowner?---He didn't. He 02:18:24PM  
10 asked me to do a specific project focused - - - 02:18:28PM  
11 No, I'm not asking what he wanted you to do. I'm asking you 02:18:31PM  
12 what he explained to you was his contractual position with 02:18:36PM  
13 the landowner. Your understanding was he was in the 02:18:39PM  
14 course of negotiating something?---Yes. 02:18:42PM  
15 Yes. Yes, Mr Tovey. 02:18:46PM  
16 MR TOVEY: Thank you. All right. Now, let's move on to some 02:18:48PM  
17 of the projects that you were involved in. One was the 02:18:58PM  
18 Cranbourne West rezoning, was it not?---Yes, I moved the 02:19:05PM  
19 initial motion. 02:19:11PM  
20 Yes. And that came up, what, I'm not sure, I haven't counted 02:19:12PM  
21 up, somewhere between 15 and 20 times over the period from 02:19:19PM  
22 then until November of 2018?---What came up was reporting 02:19:23PM  
23 on progress in terms of (indistinct). 02:19:29PM  
24 Yes, and there were motions, I don't want to take you to every 02:19:34PM  
25 one, but there were motions basically moving the process 02:19:39PM  
26 along, were there not?---There probably were, yes. 02:19:43PM  
27 Making recommendations to the minister, those sorts of 02:19:47PM  
28 things?---Not making recommendations to the minister. 02:19:56PM  
29 In any event, I'll take you to them if necessary. But I'm not 02:20:01PM

1 suggesting that anything particularly hung on any of these 02:20:04PM  
2 motions. It was the case that the proposal to rezone the 02:20:08PM  
3 land from the outset had the support of all 02:20:15PM  
4 councillors?---Yes. 02:20:30PM  
5 And it routinely got voted through?---Yes, as did a lot of 02:20:30PM  
6 things, yes. 02:20:39PM  
7 And either you or Councillor Rowe would put forward the motions 02:20:40PM  
8 progressing the matter?---Mainly Councillor Rowe. 02:20:46PM  
9 And you voted on them?---I did, yes. 02:20:51PM  
10 And you voted on it a number of times in 2017, 2018?---I don't 02:20:55PM  
11 recall the specific votes, but if I was in the chamber, 02:21:09PM  
12 then the answer is yes. 02:21:12PM  
13 Excuse me, Mr Commissioner. I'll just go through with you, 02:21:19PM  
14 Mr Aziz. In 2017, on 21 March of 2017 you were mayor and 02:21:44PM  
15 you moved a motion supporting a resolution to remit the 02:22:03PM  
16 council's position on amendment C219 for the purposes of 02:22:16PM  
17 responding to the minister's conditions for authorisation. 02:22:22PM  
18 Do you agree that that occurred?---Yes. 02:22:30PM  
19 In June of 17 you were providing - you were mayor and you 02:22:34PM  
20 seconded a motion to provide the council with a report on 02:22:47PM  
21 the documentation supporting planning scheme amendment 02:22:54PM  
22 C219 to the Casey Planning Scheme?---Yes. 02:23:01PM  
23 And I'd suggest to you that there were other votes moving 02:23:03PM  
24 forward the C219 proposal in various ways where you voted 02:23:13PM  
25 on 19 September 2017. On 15 May of 2018 there was a 02:23:25PM  
26 resolution but you were absent. On 8 November 2018 there 02:23:35PM  
27 was a resolution where you were present. Now, you accept 02:23:40PM  
28 that those matters took place?---Yes. I don't know what 02:23:45PM  
29 kind of resolutions you're talking about, though. 02:23:54PM

1 Well, I think the 8 November 2018 resolution was a fairly 02:23:56PM  
2 formal one, basically to update council on the status of 02:24:01PM  
3 C219. So that would have been a resolution that the 02:24:07PM  
4 council officers report be accepted, and you voted on 02:24:12PM  
5 that?---Yes. That one was a procedural motion. 02:24:19PM  
6 Yes. The 19 September 2017 one, however, wasn't procedural. 02:24:22PM  
7 That related to council taking action to cause the 02:24:28PM  
8 exhibition of the C219 amendment proposal and the way it 02:24:37PM  
9 affected the Casey Planning Scheme. That involved a 02:24:44PM  
10 request for the minister of planning to appoint a panel to 02:24:51PM  
11 consider the submissions in respect of C219 and various 02:24:56PM  
12 other issues of some substance?---Was that the result of 02:25:04PM  
13 an officer's report recommendation as well or is it a 02:25:09PM  
14 motion that I moved as a notice of motion from me 02:25:11PM  
15 personally? 02:25:15PM  
16 Well, that's a good question. It's something that I would have 02:25:16PM  
17 thought was a response to an officer's report?---Right. 02:25:24PM  
18 So an officer's report and, as I understand it, that you got to 02:25:31PM  
19 a certain position and the council says, 'Okay, in view of 02:25:35PM  
20 the officer's report we want to progress it by doing this, 02:25:37PM  
21 this, this and this.' Does that sound right to 02:25:40PM  
22 you?---Yes, again (indistinct), yes. 02:25:43PM  
23 Okay. Then as of May 2017 you had entered into an arrangement 02:25:44PM  
24 with Mr Woodman on 10 May whereby you'd lent him \$600,000 02:25:56PM  
25 and you say that was an arrangement to lend him money at 02:26:06PM  
26 interest of 30 per cent. That's as I understand your 02:26:10PM  
27 position; is that right?---Yes, that's - - - 02:26:16PM  
28 So as of the votes of 20 June 2017, 19 September 17, you were 02:26:18PM  
29 in a position, were you not, where you had a commercial 02:26:35PM

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arrangement with the person who was to your knowledge the  
proponent or certainly the person behind the proponent,  
Watsons, in respect of the C219 rezoning?---My  
understanding was that he was associated with  
the proponents, but that he wasn't the proponent.

In any event, you knew he had an interest in C219 because you  
had been involved in it from the outset, had you not?---He  
explained to me that he had an interest in 2014.

Yes?---But I did not follow what that interest was as the years  
unfolded.

Look, you knew that he was a person who was putting up C219 in  
2014. It was made very clear, wasn't it, that Watsons was  
the proponent for Leightons and the Kelly family. That's  
what the documentation said. You were aware of that in  
2014?---What documentation are you referring to, sorry?

This is the documentation in officers' reports to council; this  
is documentation in terms of the application that was made  
by Watsons to the council for the rezoning. You knew  
Mr Woodman was getting paid by Leightons to try and get  
the rezoning through; that's the long and the short of  
it?---I wasn't aware of that, even if he was mentioned as  
the person supporting the applicant, but that (indistinct)  
started from a very different premise to the one you're  
describing now.

Are you saying that you didn't know that Megan Schutz was  
advocating on behalf of C219 or that Mr Woodman was  
advocating on behalf of C219 for Leightons?---No, because  
neither of those people made representations to me in  
those three years you've described between 2014 to 2017.

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1 But you were meeting Mr Woodman regularly during this period of 02:28:59PM  
2 time, were you not, and speaking to him?---I don't know 02:29:02PM  
3 about - - - 02:29:05PM  
4 We've already been through that. Do you say that despite that 02:29:05PM  
5 you didn't know that he was still interested in C219? Had 02:29:09PM  
6 you assumed that he'd dropped out?---I hadn't assumed 02:29:14PM  
7 anything. But what I had assumed is that the rezoning was 02:29:18PM  
8 a very good outcome for the City of Casey. Not for 02:29:22PM  
9 Mr Woodman, for the City of Casey. He may have mentioned 02:29:27PM  
10 it as other people lobby me all the time to get certain 02:29:29PM  
11 outcomes achieved, but my focus was not on him. My focus 02:29:33PM  
12 was on the policy outcome, and unfortunately what happened 02:29:38PM  
13 later when the minister rejected the proposal will 02:29:43PM  
14 actually set the City of Casey back 50 years because he 02:29:46PM  
15 was too afraid to pass it in light of the political 02:29:50PM  
16 climate. 02:29:56PM  
17 Mr Aziz, can you explain what you've just said has to do with 02:29:57PM  
18 my question, which was were you aware that Mr Woodman was 02:30:01PM  
19 behind C219?---Yes, I'm trying to explain the 02:30:06PM  
20 motives - - - 02:30:10PM  
21 It doesn't explain it at all?---Yes, it does. 02:30:11PM  
22 Do you understand that? It's a simple question. Mr Woodman in 02:30:13PM  
23 fact in the lead-up to this matter first being brought to 02:30:18PM  
24 council spoke to you about putting a proposal before 02:30:25PM  
25 council, did he not?---He spoke to me - - - 02:30:32PM  
26 Thank you. All right. Did he introduce you to 02:30:37PM  
27 Mr Kenessey?---No. 02:30:43PM  
28 Did you know of Mr Kenessey before you started?---You mean 02:30:43PM  
29 Mr Kenessey from Leightons? 02:30:48PM

1 Yes?---He spoke to me independently of Mr Woodman. 02:30:50PM  
2 And he told you, did he, that Mr Woodman was going to be acting 02:30:56PM  
3 for Leightons?---No. 02:31:00PM  
4 Did he say he was going to be doing the planning work - are you 02:31:01PM  
5 saying when this matter first came up you didn't know? 02:31:05PM  
6 I want to take you to the documents in a minute. Are you 02:31:08PM  
7 really going to say that or are you going to think about 02:31:10PM  
8 it and try and be perfectly correct?---Well, I don't need 02:31:13PM  
9 to think about something that I'm relying on my 02:31:17PM  
10 recollection of what actually happened to relay to you. 02:31:20PM  
11 If you show me documents right now that showed the council 02:31:25PM  
12 officers' report reporting Watson's involvement, council 02:31:27PM  
13 officers' reports are very voluminous documents and when 02:31:32PM  
14 council officers make a recommendation that the whole of 02:31:38PM  
15 council agrees with, we don't tend to go through all of 02:31:40PM  
16 the detail with a fine-tooth comb. 02:31:43PM  
17 COMMISSIONER: Mr Aziz, a very simple question to which 02:31:47PM  
18 I require a clear and uncomplicated answer. Back in 02:31:51PM  
19 mid-2017 do you say on oath that you were unaware that 02:32:01PM  
20 Mr Woodman had any financial interest in the outcome of 02:32:05PM  
21 the Cranbourne West rezoning application?---I would say 02:32:11PM  
22 that I knew that he had some interest, but the - - - 02:32:16PM  
23 Some financial interest?---Yes, otherwise why would he pursue 02:32:22PM  
24 it? Why would he talk to people about it? 02:32:27PM  
25 All right. We might have saved 10 minutes of questions if 02:32:29PM  
26 you'd given that answer to Mr Tovey in the first place. 02:32:35PM  
27 Yes, Mr Tovey. 02:32:39PM  
28 MR TOVEY: Did you declare a conflict of interest then when it 02:32:41PM  
29 came to voting on the C219 proposals during a period when 02:32:46PM

1           you've got 600,000 on your account invested with him and           02:32:58PM  
2           you're getting 30 per cent interest?           02:33:02PM  
3 MR RUBENSTEIN:  Objection to that.  Perhaps you could provide           02:33:03PM  
4           some clarity about what period of time you're talking           02:33:06PM  
5           about.           02:33:08PM  
6 MR TOVEY:  Well, you know, don't you, Mr Aziz?  We are talking           02:33:11PM  
7           about 10 May 2017 through to the time in which the last           02:33:14PM  
8           payment was made which was in response to that, which was           02:33:18PM  
9           10 May of 2018?---Yes.           02:33:22PM  
10          And the money was paid to your wife's solicitors.  I'm sorry,           02:33:29PM  
11          did you have some difficulty with - anyway, go           02:33:32PM  
12          on?---Sorry, have I some difficulty with what, sorry?           02:33:35PM  
13          During that period of time did you declare a conflict of           02:33:38PM  
14          interest in respect of any C219 vote?---I don't recall           02:33:42PM  
15          doing so, no.           02:33:49PM  
16          Did you recall any other - - -           02:33:51PM  
17 COMMISSIONER:  I'm sorry, Mr Tovey.  Is this one of the           02:33:57PM  
18          examples of the conflict of interest issues that you           02:34:01PM  
19          talked about on Thursday, I've reminded you about when we           02:34:06PM  
20          resumed after lunch, where you recognised that there might           02:34:13PM  
21          well be a conflict of interest but you determined that,           02:34:19PM  
22          balancing things, it shouldn't be declared because it           02:34:22PM  
23          would simply give rise to media speculation and unfair           02:34:25PM  
24          reporting?---Yes, Commissioner, absolutely, but there's           02:34:30PM  
25          also one additional layer.           02:34:36PM  
26          What's that?---And that is if I saw the matter as a procedural           02:34:37PM  
27          motion, as in a motion recommended by the officers that           02:34:41PM  
28          the councillors agreed with in bulk without debate, then           02:34:45PM  
29          I saw no need to declare a conflict because I wasn't           02:34:50PM

1 actually arguing one way or the other. Now, that may have 02:34:54PM  
2 been a massive misunderstanding on my part. But I'm 02:34:59PM  
3 explaining to you that sometimes that's the reasoning that 02:35:02PM  
4 I have gone through in making those determinations. 02:35:08PM  
5 But, Mr Aziz, you above most people because of the length of 02:35:11PM  
6 time that you have served on council and having regard to 02:35:19PM  
7 your intellect would understand acutely what the conflict 02:35:24PM  
8 of interest laws are there for. Regardless of the issue 02:35:32PM  
9 that Counsel Assisting has been pursuing with you for some 02:35:39PM  
10 days about whether you were the beneficiary of corrupt 02:35:43PM  
11 payments, do you not see that by failing to consistently 02:35:45PM  
12 declare a conflict of interest on issues where Mr Woodman 02:35:51PM  
13 had a financial interest in the outcome you raised at the 02:35:56PM  
14 very least a perception that you were acting in an 02:35:59PM  
15 inappropriate way to favour Mr Woodman? Do you not see 02:36:06PM  
16 that that's the inevitable consequence of failing 02:36:12PM  
17 consciously to declare a conflict of interest when it 02:36:14PM  
18 should have been declared?---I see that upon reflection 02:36:19PM  
19 now, but I did not think of it in those terms at the time. 02:36:24PM  
20 Yes, Mr Tovey. 02:36:31PM  
21 MR TOVEY: Thank you. And the same applied to votes on 02:36:32PM  
22 Pavilion Estate? You were advocating for Mr Woodman in 02:36:36PM  
23 respect of Pavilion Estate, were you not?---Yes, but 02:36:46PM  
24 Pavilion Estate was different, though. 02:36:49PM  
25 But in respect of Pavilion Estate did you declare any 02:36:52PM  
26 conflict?---No, I didn't think I needed to. 02:37:00PM  
27 And why was that?---Because the loan arrangement that I had 02:37:06PM  
28 with Mr Woodman was coming to an end. I had already given 02:37:09PM  
29 instructions to him about how that would end and the 02:37:14PM

1 various disbursements. So there was no longer a 02:37:16PM  
2 commercial arrangement. 02:37:19PM  
3 Those votes came in March of 2018 and April of 2018 when you're 02:37:21PM  
4 still getting \$15,000 a month delivered to you by - - 02:37:26PM  
5 -?---No, I wasn't getting 15,000. They reduced to accord 02:37:30PM  
6 with what was remaining with the investment first of all. 02:37:37PM  
7 And, secondly, there were instructions given to Mr Woodman 02:37:40PM  
8 as early as December 2017, given that I signed that 02:37:42PM  
9 enforceable undertaking, about when the arrangements would 02:37:47PM  
10 end and how the money was to be disbursed. So in my mind 02:37:51PM  
11 that was basically a matter that is coming to a 02:37:56PM  
12 conclusion. There was no longer a commercial arrangement. 02:37:59PM  
13 COMMISSIONER: But, Mr Aziz, as the evidence you've given 02:38:02PM  
14 already discloses, the nature of the commercial 02:38:13PM  
15 arrangement that you pursued with Mr Woodman included an 02:38:15PM  
16 understanding that you communicated to him that you were 02:38:26PM  
17 giving him the \$600,000 in part to achieve the objective 02:38:28PM  
18 of putting that money beyond the reach of your wife. Do 02:38:34PM  
19 you recall giving that evidence?---I do recall saying that 02:38:40PM  
20 was my initial response to a few actions she had taken. 02:38:45PM  
21 But in the end, within a month of doing so, I had to 02:38:54PM  
22 disclose to her solicitor where the money had gone. 02:38:57PM  
23 I'm not interested in that at the moment, Mr Aziz. I'm wanting 02:38:59PM  
24 you to focus on not only the fact of your commercial 02:39:06PM  
25 arrangement with Mr Woodman, but the nature of your 02:39:09PM  
26 relationship; that is, it was so intimate that you were 02:39:13PM  
27 able to confide in him a purpose that would defeat the 02:39:19PM  
28 interests of justice at the Family Court?---That is not 02:39:27PM  
29 correct, Commissioner. 02:39:31PM

1 I'm sorry, if you're putting money beyond the reach of your 02:39:32PM  
2 former wife, how else should it be described?---Well, it 02:39:36PM  
3 should be described as that I've never been through a 02:39:41PM  
4 divorce process before, I hadn't taken legal advice - - - 02:39:45PM  
5 No, no, I'm not interested in your excuses. I'm asking you to 02:39:48PM  
6 tell me is it wrong to characterise what you were doing as 02:39:55PM  
7 attempting to defeat the interests of justice in the 02:40:00PM  
8 Family Court?---It is both wrong and entirely unfair, 02:40:02PM  
9 entirely unfair. 02:40:06PM  
10 So in any event, however you want to characterise it, you 02:40:10PM  
11 shared that objective with Mr Woodman, which tells us 02:40:13PM  
12 something, doesn't it, and should have told you something 02:40:17PM  
13 about the nature of your relationship such that whether or 02:40:22PM  
14 not the commercial arrangement was in existence at any 02:40:27PM  
15 point of time thereafter, you were in a conflict of 02:40:30PM  
16 interest situation with Mr Woodman and you should have so 02:40:35PM  
17 declared. Do you not see that?---I have said to you, 02:40:40PM  
18 Commissioner, that in hindsight you are absolutely 02:40:43PM  
19 correct. It should have been declared. But when you 02:40:46PM  
20 describe the intimacy or the alleged intimacy in the 02:40:51PM  
21 relationship, I also shared that information, stupidly at 02:40:54PM  
22 the time, with at least 50 other friends and acquaintances 02:40:59PM  
23 out of complaint of what was happening to me. 02:41:03PM  
24 So you told 50 other people - - -?---At least. 02:41:06PM  
25 Sorry?---At least. 02:41:12PM  
26 At least 50 other people that you had moved this money out of 02:41:13PM  
27 this account in order to put it beyond the reach of your 02:41:17PM  
28 wife; you told at least 50 other people, did you?---Not 02:41:21PM  
29 how I described it to them and that's not what I did. 02:41:26PM

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I explained the context of financial facilities that I was shut out of and I was afraid that this last bit of money would also disappear. So I simply chose to invest it in a high bearing interest arrangement, not just to protect it, but also to fund the liabilities that I now had as a result of separation occurring. I explained those circumstances to at least 50 other people, and it wasn't about defeating justice. It was about someone attempting to survive a very, very harsh situation that they had not experienced before.

Mr Aziz, I just wonder whether you get consumed by the moment.

I wonder whether you've ever taken a step back and looked at everything you've done in this area. You see, you gave false evidence to the Commission in your private examination in which you swore to the Commission that you'd only given Mr Woodman a certain portion of that cash. You then sought to tell the Commission that in relation to the balance of the \$600,000, that you would use that to repay a debt to Mr Nehme, and you presented Mr Woodman with a false document which you wanted him to sign saying that you had only given him \$370,000, not \$600,000. Do you not see what that tells us about the nature of your relationship with him?---I see what implications it raises for you. But, with all respect, Commissioner, the language that you are using now to describe my behaviour is designed to put me in a certain corner. I have made admissions in relation to every matter you have raised and I have conceded why I have actually done that and I said that I wanted to be

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consistent with what ended up being accepted at mediation.  
I said that on a number of occasions. Clearly you don't  
accept that because you keep shaking your head and rolling  
your eyes, but I'm only trying to convey to you my state  
of mind at the time as to why I made those representations  
to you, and I repeat: even though you offered for me to  
get legal advice, there was really no opportunity because  
you asked me to present myself within an hour of being in  
receipt of the summons that you gave me. So, I was in a  
very distressed situation. I didn't know what to do - - -  
No, really, Mr Aziz, you've told us that ad nauseam and I want  
to remind you not only - not only were you told at the  
commencement of the examination that you're entitled to  
legal representation, but you were also explicitly told by  
me that if at any stage you wanted to get legal  
representation during the course of the examination which  
was concluded within the day, you would only need to say  
so and we would provide you with the opportunity to get  
legal representation . So can we not please return to  
that subject. I want you to focus on all of the evidence  
that you've given which tells the Commission the nature of  
your relationship with Mr Woodman, and in that context  
cease the argument that because the commercial arrangement  
might have finished at some point in 2017 that you  
therefore had no reason to declare a conflict of interest  
in relation to Mr Woodman's matters. Yes, Mr Tovey.  
MR TOVEY: Mr Aziz, throughout 2017 and indeed throughout 2018  
you knew when you were voting on Woodman matters that  
either you were currently or had been very, very

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1 significantly involved financially with him in a number of 02:45:58PM  
2 ways?---In one way, yes. 02:46:00PM  
3 It was more than one way. I mean, in 2018 on 16 October you 02:46:07PM  
4 were voting on the H3 intersection, on 8 November you were 02:46:24PM  
5 voting on C219, on 18 December you were again voting on 02:46:31PM  
6 the H3 intersection. Now, all of those you were well 02:46:38PM  
7 aware were Woodman projects?---Yes, so - - - 02:46:46PM  
8 And is it the case then - sorry. 02:46:49PM  
9 COMMISSIONER: I think Mr Aziz wanted to add something. 02:46:52PM  
10 MR TOVEY: I'm sorry. I'm sorry?---Yes, so we had a commercial 02:46:54PM  
11 arrangement that ended around April or May 2017 and didn't 02:46:57PM  
12 start again until 1 December 2018. So, I know we were 02:47:03PM  
13 negotiating matters relating to the transfer of Barak 02:47:08PM  
14 Avenue, but none of that transpired, and I explained to 02:47:12PM  
15 you my reasoning. So the only situation where I actually 02:47:15PM  
16 voted on something that I shouldn't have was on 02:47:19PM  
17 18 December when about 30 motions moved in bulk in 02:47:21PM  
18 alignment with the officers' recommendations and there was 02:47:26PM  
19 no debate. 02:47:30PM  
20 MR TOVEY: In any event, before I get back to this, on 02:47:31PM  
21 18 December you voted on the H3 intersection and quite a 02:47:35PM  
22 complex series of motions were passed requiring 02:47:45PM  
23 Lochaven - sorry, requiring the Lochaven Estate to put 02:47:55PM  
24 up - that is Dacland - to put up bank guarantees in order 02:47:58PM  
25 to get a deferral of the release in stages. You had just 02:48:02PM  
26 received \$23,000 from Mr Woodman a couple of weeks before. 02:48:15PM  
27 Why didn't you declare a conflict of interest on that 02:48:18PM  
28 day?---Because I didn't see the agenda until the 18th, on 02:48:27PM  
29 the day of the meeting, because I had been away on a 02:48:30PM

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cruise ship in the South Pacific where internet was extremely poor and I could not see the agenda, and I only saw it in hard form as I turned up to the council chamber to attend that meeting. Now, what I should have really done is not be a hero and turn up to the meeting in the first place because I had just returned from overseas. But I decided to be diligent and turn up for the last meeting of the year, and the motion passed in bulk, from memory, in accordance with the officers' recommendations.

Yes, and you voted on it?---Yes, but it passed - - -

And the reason you voted on it, the reason you didn't declare a conflict was?---Is because I didn't even realise what motion it was because the motions that pass in bulk you don't tend to pay any attention to as councillors.

So you didn't know that the motion was there; that's your account on that occasion?---It didn't register with me.

COMMISSIONER: I'm sorry, can we just explore that for a moment. The motion was passed in bulk; you don't even realise what the motions are?---So you go through the agenda book and you read the officers' reports as much as you can, and then you come to the pre-council meeting, Commissioner, and people are asked what items on the agenda would you like to pull out. Invariably at that time of the year there's usually two books and there's at least 50 to 06 items. Councillors may identify five, six, seven items they wish to withdraw for debate. The other 53 items pass in accordance with the recommendations in the agenda items made by the officers.

We understand that, Mr Aziz, but I'm looking at the knowledge

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and understanding of each individual councillor about  
the motions that are being passed in bulk. I got the  
distinct impression from the answer you gave just a moment  
ago that because there are so many motions in the bulk of  
motions to be approved that maybe councillors are not  
aware of some of the motions that they are approving; is  
that the impression you were trying to convey?---I think  
I'm trying to say to you that councillors are given an  
opportunity to be aware because the agenda is made  
available before the meeting by about three or four days.  
However, given the volume of stuff that you have to deal  
with at every meeting and other representations made to  
you by your residents, sometimes you don't get the  
opportunity to read every report and you would read a  
report generally if you have an interest in the matter and  
you want to withdraw the matter for debate, either to  
highlight a particular issue or to change the officers'  
recommendation. If there is no intent on either, then,  
yes, sometimes you don't read every single item on the  
agenda.  
I'm trying to get clarity here, Mr Aziz, about the point you're  
making?---Yes.  
And the point you're making is that when things are done in  
bulk there is a risk that some councillors will not  
appreciate all of the motions that are there and their  
true import?---Yes.  
And you're saying that's your explanation in your case for  
passing this particular motion without declaring a  
conflict?---Yes.

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1 Is that correct?---Correct. Yes. 02:52:17PM

2 If you followed the evidence, Mr Aziz, of other councillors who 02:52:25PM

3 have already been called at public hearings, you will be 02:52:30PM

4 conscious of the fact that a number of other councillors 02:52:33PM

5 have acknowledged that they failed to declare conflicts in 02:52:39PM

6 circumstances where, because of their relationship in one 02:52:43PM

7 form or another with Mr Woodman, they also should have 02:52:46PM

8 declared a conflict. You're familiar with that body of 02:52:49PM

9 evidence?---Not entirely, Commissioner, no. 02:52:54PM

10 All right. So I'm not sure whether that applies to this 02:52:59PM

11 particular motion. But if as be the case there were a 02:53:02PM

12 number of councillors in the bloc that normally voted in 02:53:10PM

13 the same way as you did, there were occasions when there 02:53:14PM

14 were a number of councillors who had a conflict, including 02:53:18PM

15 yourself, who didn't declare that conflict?---I agree with 02:53:21PM

16 everything you've said, except for your use of the word 02:53:29PM

17 'bloc'. There was no bloc. 02:53:32PM

18 All right. I wonder whether on reflection, Mr Aziz, you 02:53:34PM

19 recognise or want to say something about whether there's 02:53:42PM

20 adequate training of councillors so that they properly 02:53:48PM

21 understand what a conflict of interest involves and the 02:53:51PM

22 importance of declaring it when it exists?---If you will 02:53:56PM

23 allow me to say two things very succinctly, if I can. 02:54:01PM

24 Yes?---One is, yes, that would be a very welcome initiative to 02:54:04PM

25 actually talk more about perceptions of conflict, not just 02:54:09PM

26 actual conflict; and, secondly, the volume of material 02:54:13PM

27 that a City of Casey councillor has to deal with is 02:54:18PM

28 sometimes an impossibility, and can I say perhaps that 02:54:22PM

29 perhaps the city has become too big to be governed in its 02:54:26PM

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current form because if you take my ward, my seat, for example, that has as many residents as a state seat in parliament which has a full-time parliamentarian working at it, whereas in our case councillors are part-time and many of us have jobs and other interests that we pursue and families to feed and so on. So, it doesn't make sense for a city of that size to be continuing on that arrangement. At least the councillors need to become full-time in future or the city needs to be perhaps split to equate it. You know, the principle of one vote one value or one man one vote I don't think applies successfully in the City of Casey. The complexity of the role, the amount of matters that come before you on any given night on the agenda, the communications you receive on a daily basis, and I'm talking 24 hours, seven days a week, it just becomes humanly impossible, Commissioner, to manage that appropriately and to be diligent and focused on compliance with issues, important issues like declaring conflicts.

All right. Yes, thank you, Mr Aziz. Yes, Mr Tovey.

MR TOVEY: I didn't want to get into this, Mr Aziz, but could -

- -?---Sorry, you didn't want, sorry?

Could we please have exhibit 42, which is tab 44, played to the witness.

COMMISSIONER: You said exhibit 44, Mr Tovey; is that right?

MR TOVEY: Sorry, exhibit 42. I'm sorry, no, exhibit 44.

Perhaps this note is wrong. Excuse me, Mr Commissioner, my junior has passed me a note. My fault. Tab 162.

COMMISSIONER: Thank you.

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1 MR TOVEY: I apologise, I'm being told that isn't the correct 02:57:24PM  
2 one. 02:57:27PM  
3 COMMISSIONER: Mr Tovey, I see the time. We've been going more 02:57:35PM  
4 than an hour now. 02:57:39PM  
5 MR TOVEY: Yes. 02:57:41PM  
6 COMMISSIONER: Shall we take a break for five minutes? 02:57:41PM  
7 MR TOVEY: Thank you. 02:57:44PM  
8 COMMISSIONER: Thank you. Have a break, Mr Aziz?---Thank you. 02:57:45PM  
9 (Short adjournment.) 02:57:48PM  
10 COMMISSIONER: Yes, Mr Tovey. 03:07:03PM  
11 MR TOVEY: Could we have played, please, tab 161, which is a 03:07:12PM  
12 call between this witness and Amanda Stapledon on 03:07:16PM  
13 14 November of 2018. It's exhibit 195, I'm told, 03:07:19PM  
14 Mr Commissioner. 03:07:37PM  
15 (Audio recording played to the Commission.) 03:07:39PM  
16 MR TOVEY: So that's on 14 November 2018. Has Amanda Stapledon 03:08:55PM  
17 become mayor at that stage?---I believe so, yes. 03:09:00PM  
18 All right. And she tells you Lochaven's coming up and that's 03:09:04PM  
19 clearly the vote that I mentioned to you before. She 03:09:12PM  
20 said, 'It's meant to be next week but it might be the 03:09:17PM  
21 meeting after.' And then there is discussion about who 03:09:20PM  
22 you should have in the chair in order to get the right 03:09:23PM  
23 outcome; is that right?---Yes. 03:09:25PM  
24 All right. So what that demonstrates, does it not, is that you 03:09:31PM  
25 had been discussing this matter in anticipation of it 03:09:38PM  
26 coming up and you wanted the right person in the 03:09:40PM  
27 chair?---I'm not sure if it was me that wanted the right 03:09:47PM  
28 person. I think it's Amanda Stapledon who wanted the 03:09:50PM  
29 right person in the chair. 03:09:53PM

1 Well, you both wanted the right person. You wanted the right 03:09:54PM  
2 outcome, did you not?---I can't remember what the vote was 03:09:57PM  
3 in relation to this particular - there were a number of 03:10:04PM  
4 votes in relation to H3 intersection. But we would often 03:10:07PM  
5 have discussions about what the dynamics of the meeting 03:10:11PM  
6 need to look like in order to get certain resolutions 03:10:17PM  
7 passed and become successful. 03:10:20PM  
8 There was only one vote after this and that was the vote on 03:10:23PM  
9 18 December which required Dacland to put up a bank 03:10:29PM  
10 guarantee if it wanted to get some early release of 03:10:36PM  
11 certain stages. Now, that I suggest to you is the only 03:10:41PM  
12 vote that takes place after this conversation. So if 03:10:47PM  
13 that's the case, it must be that at the time of the vote 03:10:52PM  
14 on 18 December, even though you had just come back from 03:10:58PM  
15 your honeymoon, you knew and had been discussing how that 03:11:07PM  
16 vote and outcome was going to be achieved specifically in 03:11:09PM  
17 respect of Lochaven; that's the case?---But how is it even 03:11:13PM  
18 logical, with all due respect, Mr Tovey, if - - - 03:11:18PM  
19 Don't ask me a question. Give me an answer, please. You can 03:11:22PM  
20 say, 'No, I don't agree with that.' Do you not agree with 03:11:26PM  
21 what I've put to you?---Absolutely not, because the vote 03:11:29PM  
22 moved in bulk. It didn't matter who was in the chair. 03:11:33PM  
23 Well, you'd been discussing Lochaven and the need to get the 03:11:37PM  
24 right outcome with Amanda Stapledon in the context of the 03:11:39PM  
25 next vote to come up before council, which is the vote 03:11:47PM  
26 we're talking about. So, all I'm putting to you is that 03:11:49PM  
27 you must have known it was coming and you knew 03:11:52PM  
28 specifically that you wanted the right outcome on that day 03:11:57PM  
29 and it's not something that you could have overlooked 03:11:59PM

1           inadvertently when on the day of the vote you came back           03:12:03PM  
2           from your honeymoon?---I didn't know when it was coming           03:12:07PM  
3           and that's clear from Stapledon's conversation with me,           03:12:10PM  
4           because she wasn't sure if it was the next meeting or the           03:12:14PM  
5           meeting after, and when it did come up there was no debate           03:12:17PM  
6           required and it moved in bulk. (Indistinct) happened all           03:12:20PM  
7           the time.           03:12:25PM  
8    Had you read the agenda of that meeting?---Of 18 December?           03:12:25PM  
9    Yes?---I would have to say in the main, no.           03:12:30PM  
10   Well, you'd rung up, I'd suggest to you, another person who was           03:12:36PM  
11       interested in what the council was doing that night and           03:12:40PM  
12       told that person what was on the agenda for the night.           03:12:44PM  
13       Was that the case or not?---I can't recall. I can't           03:12:47PM  
14       recall what happened at that time. I may have had a scan           03:12:51PM  
15       through, a scanned look through the agenda. But           03:12:59PM  
16       I certainly didn't examine it in any detail because           03:13:02PM  
17       I didn't have time to, and it passed in bulk anyway.           03:13:05PM  
18   Did you ring up contacts from Lodex and tell any of them -           03:13:10PM  
19       that's L-o-d-e-x, a company which ultimately contracted           03:13:14PM  
20       with the council - did you ring up any of them and tell           03:13:17PM  
21       them that one of their matters or their matter was coming           03:13:21PM  
22       up for consideration that night, having read the           03:13:24PM  
23       agenda?---I'm not aware of Lodex contracted with council.           03:13:29PM  
24   Well, are you aware that Lodex had any relationship with           03:13:34PM  
25       council at all?---I'm aware that they had discussions, but           03:13:38PM  
26       I wasn't aware that anything was formalised, and if it did           03:13:41PM  
27       I had nothing to do with it.           03:13:47PM  
28   Sorry, what about IPsoft?---IPsoft was - - -           03:13:48PM  
29   I'm told I mentioned the wrong company. It was IPsoft, people           03:13:56PM

1 from IPsoft that you called and told them their matter was 03:14:01PM  
2 coming up?---Yes, I spoke to IPsoft about that because 03:14:04PM  
3 I actually sponsored the whole process to bring artificial 03:14:10PM  
4 intelligence into the City of Casey. 03:14:14PM  
5 Did you get any reward from IPsoft for your 03:14:20PM  
6 assistance?---I actually took advice on that from the 03:14:24PM  
7 manager governance and, yes, I had a retainer arrangement 03:14:27PM  
8 with IPsoft to work on a completely different matter, but 03:14:31PM  
9 that was months after the decision was taken by the City 03:14:35PM  
10 of Casey to employ them. 03:14:39PM  
11 And who did you speak to about that?---I spoke to Ms Holly 03:14:40PM  
12 de Kretser, the manager governance, and I said to her - 03:14:45PM  
13 can I relate a conversation to you? 03:14:49PM  
14 Look, we'll get to it later on. I just want to take you now to 03:14:53PM  
15 some general - so I tender that conversation, 03:14:56PM  
16 Mr Commissioner. Sorry, that's already an exhibit, 195. 03:15:01PM  
17 COMMISSIONER: Mr Tovey, the transcript of the surveillance 03:15:09PM  
18 meeting between Mr Aziz and Ms Wreford of 1 February, is 03:15:14PM  
19 that already an exhibit? 03:15:23PM  
20 MR TOVEY: Exhibit 64. 03:15:25PM  
21 COMMISSIONER: Thank you. 03:15:27PM  
22 MR TOVEY: I want to take you to exhibit 177, which are the 03:15:32PM  
23 protocols laid down by the council while you were there. 03:15:38PM  
24 Sorry, which applied while you were there, to your 03:15:43PM  
25 interactions with clients. Can we go to exhibit 177, 03:15:47PM  
26 which is pages 4418 through to 4430. Thank you. This is 03:15:52PM  
27 a document which was a councillor briefing paper on 03:16:53PM  
28 8 November of 2016 which related to interactions between 03:16:59PM  
29 council members and councillors - sorry, council employees 03:17:09PM

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and councillors with members of the public, in particular clients of the council, in particular people who were applicants in respect of some planning process. If you go to I think it's paragraph 2.1 which deals with the pre-application stage, and that's page 4421 and 4422. Could we just scroll down, please. So we are dealing with the pre-application stage. If we could just stop there. It provides, 'If approached by an applicant, councillors are recommended to' - (d) - 'not place yourself in an actual or perceived conflict of interest by appearing to be an advocate for or against the proposal.' Was that a direction that you were aware of?---No, I'm actually entirely unfamiliar with this document.

And certainly I think you've already told us that you saw your role to be contrary to that, to actually go out there and advocate for people whose proposals you thought had merit?---Not just myself, but almost all of my colleagues.

Can you tell us, please, was there some central repository of these protocols or briefing papers? How was it that you were expected to become aware of things like this?---I think we had back then various briefings and then I think later on electronic - when I say 'later on', as in after 2016 I think there was an electronic platform that contained an assortment of various documents as references for the councillors.

So, in any event, obviously from any councillor's perspective, Mr Aziz, the interface between councillors and developers is a sensitive one, to use a neutral phrase. Would you agree with that?---It can be. But with all due respect,

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1           you wouldn't be worth your salt as a councillor if you           03:20:39PM  
2           weren't advocating for the best possible development           03:20:42PM  
3           outcomes of your community and your municipality           03:20:45PM  
4           (indistinct) create jobs and release land.           03:20:50PM  
5    So far as you were aware and to your knowledge every other           03:20:54PM  
6           councillor was aware, from your observation of their           03:20:58PM  
7           behaviour in any event, nobody knew of any rule that one           03:21:04PM  
8           should not flag a perceived conflict of interest by           03:21:13PM  
9           advocating hard for a proposal?---Not only hard for the           03:21:19PM  
10          proposal, but against the proposal. So if there was any           03:21:30PM  
11          such rules, I can assure you from my experience it was           03:21:33PM  
12          rarely followed. People took a partisan approach to these           03:21:36PM  
13          matters almost on every occasion.           03:21:40PM  
14    If we go to 4425. If we go down to the second dot point there,           03:21:44PM  
15          referring to principles arising from the Winky Pop case,           03:22:09PM  
16          which was a court decision of the Supreme Court of           03:22:20PM  
17          Victoria. 'Some principles that this case brought out           03:22:29PM  
18          include' - go to the second dot point - 'expressing a view           03:22:38PM  
19          in or during an administrative procedure (e.g. a planning           03:22:42PM  
20          application process) is an obvious way of demonstrating a           03:22:44PM  
21          bias or preconceived view. For example, a councillor           03:22:48PM  
22          should not state to the resident objectors words to the           03:22:53PM  
23          effect, "You can count on my vote in refusing this           03:22:57PM  
24          application when it comes to council for a decision."'           03:23:01PM  
25          Now, tell me if I'm wrong, but am I correct in           03:23:07PM  
26          understanding you to say that if you agreed with a           03:23:11PM  
27          proposal that a proponent was putting forward, you would           03:23:16PM  
28          advocate for it as hard as you could and you would tell           03:23:20PM  
29          that person that they could count on you to do so?---No.           03:23:23PM

1 It's far more complex than what you've just described. 03:23:29PM  
2 If I could just ask you then do you agree with that 03:23:36PM  
3 proposal - sorry, with that statement that it should not 03:23:40PM  
4 be said to a proponent, 'You can count on my vote'?---That 03:23:45PM  
5 was deployed as a way of diplomacy when people asked you 03:23:53PM  
6 which way do you intend to vote, and the answer always 03:23:57PM  
7 was, 'I need to look at the officer's report first before 03:24:00PM  
8 I make up my mind.' 03:24:02PM  
9 So you would agree then that it wouldn't be appropriate to tell 03:24:04PM  
10 anybody that they can count on your vote?---Not count on 03:24:08PM  
11 my vote, but if I was supporting the decision through the 03:24:16PM  
12 initial discussions and consultations that take place on 03:24:20PM  
13 complex matters, then sometimes a councillor would 03:24:24PM  
14 indicate to the proponent that they will support this 03:24:27PM  
15 position and they will negotiate with the officers to see 03:24:34PM  
16 if the position can be achieved. 03:24:37PM  
17 If we go to 2.7 on page 4426, third paragraph. This is dealing 03:24:41PM  
18 with officer's recommendations. So, we've seen time and 03:25:05PM  
19 time again that an officer's report has come up and that a 03:25:08PM  
20 motion rejecting that report has been put forward by you. 03:25:17PM  
21 Often that motion has been on the advice of or with the 03:25:24PM  
22 assistance of Megan Schutz. There is a provision there, 03:25:28PM  
23 'If councillors wish to put a different motion to the 03:25:34PM  
24 council meeting,' that is a different motion to that which 03:25:37PM  
25 the officer is putting forward, 'they are strongly advised 03:25:41PM  
26 to ask the planning office to assist in drafting it.' 03:25:44PM  
27 Were you aware of that requirement?---Yes, and it happened 03:25:50PM  
28 on many occasions. 03:25:56PM  
29 On the other hand, you saw no difficulty in the proponents 03:25:58PM

1 themselves drawing a notice of motion which they would 03:26:04PM  
2 forward to you?---On a lot of occasions proponents do put 03:26:06PM  
3 notices of motion to you which you discuss with the 03:26:12PM  
4 officers. 03:26:14PM  
5 And which you do not discuss with the planning office, though, 03:26:15PM  
6 before you move that motion?---No, I've said you discuss 03:26:19PM  
7 it with the planning officers before you move that motion. 03:26:23PM  
8 When you moved the urgent motion in February of 2014 in respect 03:26:30PM  
9 of C219 on the first occasion that was brought up, had you 03:26:36PM  
10 discussed that with the planning office and if so 03:26:43PM  
11 whom?---I don't believe I discussed it with anyone from 03:26:48PM  
12 the planning department that I recall, but I do recall 03:26:56PM  
13 discussing it with the CEO of the time, of the day, which 03:27:01PM  
14 was Michael Tyler. 03:27:05PM  
15 Michael Tyler we've heard was somebody who was vehemently 03:27:10PM  
16 against the rezoning of the industrial land. Was that his 03:27:15PM  
17 view at the time that you first approached him?---Yes, as 03:27:20PM  
18 I recall it. But there's many issues where the officers 03:27:23PM  
19 are vehemently opposed that the councillors move through 03:27:28PM  
20 because the overall consideration is good for the City of 03:27:31PM  
21 Casey and it was certainly the case for C219. 03:27:35PM  
22 So we now go to another document, which is at - - - 03:27:42PM  
23 COMMISSIONER: Mr Tovey, just before you do that. If you go to 03:27:51PM  
24 the foot of this page 4427, Mr Aziz, do you see there, 03:27:55PM  
25 'Councillor briefing paper 8 November 2016'? What does 03:28:11PM  
26 that mean, a councillor briefing paper? Is that something 03:28:19PM  
27 that was prepared for the council or what's its 03:28:25PM  
28 status?---It means it was an information session that was 03:28:37PM  
29 then supported by the written brief that we've got on the 03:28:40PM

1 screen at the moment. 03:28:44PM

2 And who would have provided that information session?---The 03:28:47PM

3 council officers. 03:28:51PM

4 So do you know whether what's described in there was then 03:28:54PM

5 adopted by the council or did it just remain as thoughts 03:28:58PM

6 by council officers?---No, I believed it was just 03:29:04PM

7 guidelines that didn't materialise until a formal adoption 03:29:10PM

8 resolution as a policy or anything of that nature. 03:29:13PM

9 Yes. All right. Thank you. 03:29:18PM

10 MR TOVEY: Just before I move on, now that I look back to it, 03:29:20PM

11 if you look at the final paragraph there on page 4426, 'It 03:29:23PM

12 is particularly important to get the grounds for the 03:29:46PM

13 alternative decision technically correct. Similarly, if 03:29:48PM

14 additional conditions are proposed, it is preferable that 03:29:53PM

15 they are drafted by a planning officer. If this is not 03:29:58PM

16 done, the final position may be inadequate or, in an 03:30:02PM

17 extreme case, unlawful.' Were you aware of that 03:30:06PM

18 provision?---It is standard practice, yes. 03:30:16PM

19 Well, in the case of the H3 intersection, in fact you 03:30:18PM

20 introduced a proposal that Dacland - this is the initial 03:30:26PM

21 proposal - that Dacland bear the cost of the intersection 03:30:31PM

22 and that was deemed to be unlawful, wasn't it? There was 03:30:37PM

23 a notice of rescission and then council lawyers indicated 03:30:41PM

24 that it was unlawful, a barrister came along to explain 03:30:45PM

25 why. Is that the situation?---I don't believe it was 03:30:49PM

26 proven to be unlawful in the end. 03:30:55PM

27 Well, ultimately did a barrister come along, a barrister 03:30:58PM

28 employed by the council come to the pre-council meeting 03:31:05PM

29 and explain why the previous resolution was 03:31:07PM

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unlawful?---I don't recall that. I believe it was a legal opinion offered and that's why I was chasing the opposing legal view that apparently Ms Schutz had obtained, because it essentially came down to a legal argument that was mingled with a desired political outcome.

So on this occasion was it the case that you hadn't followed that protocol insofar as you had introduced the motion in the first place going against the officer's report? Was it the case that you hadn't approached a planning officer to assist in the drafting of a notice of a motion?---No, I had discussions with various planning officers in relation to this matter, and before the resolution was brought to debate in the council chamber there was certainly no expression to me that it was unlawful.

In the course of the debate did you proclaim that you had legal advice that it was lawful?---I can't recall proclaiming exactly that. But I had legal advice that supported the decision that was being taken read to me over the telephone, and when I asked for the written copy because there was an FOI request - - -

Who was reading it to you?---Megan Schutz.

Did you tell the council meeting when you were opposed by Councillor Rowe and you were asked about the source of your legal advice that it was Megan Schutz?---I told the pre-council meeting.

Did you mention in open council? I mean, we've got a video of this, but do you say you mentioned in open council when you were challenged that it was Ms Schutz?---I don't recall mentioning it in open council, but I certainly

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mentioned it in the pre-council meeting.

Was it the case in open council in fact you refused to disclose the source of that legal advice?---I may have, due to the political environment that I was debating in, including Rowe's capacity to leak information to the media and to make mountains out of molehills.

Well, it's fair enough for him to make the point that here you were being coached by the applicant during the council meeting. Don't you think that's a fair point for an advocate against your point of view to make?---Absolutely not, because I emphatically reject the word 'coached' and, if I was coached, why was she upset with me that I didn't move the motion or read the report from that community group as she had suggested? I actually made my own debate and came up with my own reasons as I'm required to do. I didn't follow her script.

Are you serious? Are you saying - and I just want to make sure that I'm not unfair to you - are you saying that you think it is tenable for a councillor to be receiving real-time communications from a proponent who has a commercial interest in a matter suggesting what you should be saying and responding either for or against what you're being told? Do you think that is in any way an appropriate way for a council debate to be run?---I can tell you it happens all the time on a range of matters, and not just with me but with other people that have an interest in a matter before council and they generally send points to the councillor leading the issue or debating the issue. It happens all the time.

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1 COMMISSIONER: Mr Aziz, you're not grappling with the question. 03:35:24PM  
2 You are being asked do you think it is appropriate to be 03:35:27PM  
3 receiving real-time advice or direction or information 03:35:31PM  
4 during the course of proceeding with a motion?---Yes, I do 03:35:37PM  
5 if it informs the debate. 03:35:42PM  
6 Yes, Mr Tovey. 03:35:49PM  
7 MR TOVEY: You also received during these H3 debates 03:35:52PM  
8 information in real time from Mr Ablett, did you 03:35:56PM  
9 not?---Ablett was out of the room, I think, wasn't he? 03:36:04PM  
10 I can't remember. 03:36:08PM  
11 He was?---Yes. 03:36:08PM  
12 He was out of the room texting you?---Okay. I may have. 03:36:10PM  
13 COMMISSIONER: And I think you've told us, Mr Aziz, on Thursday 03:36:19PM  
14 that if another councillor had a conflict of interest, 03:36:27PM  
15 then it would be inappropriate for them to be seeking to 03:36:34PM  
16 persuade, behind closed doors, persuade other councillors 03:36:37PM  
17 as to how to vote?---Yes, that's true. I concede to that, 03:36:42PM  
18 yes. 03:36:51PM  
19 MR TOVEY: Going back to the exhibit which is in fact two 03:36:56PM  
20 documents, the second document - I'm sorry, no, 03:37:01PM  
21 I apologise. There are in fact two exhibits, 03:37:06PM  
22 Mr Commissioner. The second one starting at 4428 is 03:37:08PM  
23 exhibit 181. 03:37:13PM  
24 COMMISSIONER: I'm sorry, you want to take the witness to 4428? 03:37:24PM  
25 MR TOVEY: Yes. If we could go to 4428, that's a document 03:37:27PM  
26 which is headed 'Protocols for councillors in 03:37:44PM  
27 administering planning applications'. If you go to the 03:37:48PM  
28 protocols listed in detail on page 2 of 2, at the top of 03:37:57PM  
29 the page - so if we go over to the second page, thank you, 03:38:04PM

1 and stop there, please. So if you look at the 03:38:14PM  
2 pre-application protocols, 'All enquiries to councillors 03:38:21PM  
3 about the likely response of council to a proposal should 03:38:28PM  
4 be directed for advice to the relevant manager.' Do you 03:38:32PM  
5 agree with that?---I do in part. 03:38:39PM  
6 Were you aware of this protocol existing?---No. 03:38:48PM  
7 COMMISSIONER: What part don't you agree with, Mr Aziz?---Well, 03:38:56PM  
8 I don't agree that it's even possible for an officer to 03:38:59PM  
9 give an indication as to the outcome of a planning matter 03:39:03PM  
10 before they've considered it and written a report. So 03:39:07PM  
11 when it says 'the likely response of council', the likely 03:39:10PM  
12 response is that council wouldn't have a clue until the 03:39:14PM  
13 determination and the report are written. So it's a bit 03:39:18PM  
14 unworkable, 1.1, and I haven't seen this document before 03:39:22PM  
15 either, and what I'm relaying to you now is based on my 03:39:26PM  
16 knowledge of convention, of what used to occur regularly 03:39:30PM  
17 at the City of Casey. 03:39:33PM  
18 I think you told me, Mr Aziz, in the private examination that 03:39:35PM  
19 it was your practice, if a potential applicant wanted to 03:39:40PM  
20 meet with you or with a councillor, that there should be a 03:39:48PM  
21 council officer present?---Whenever possible, yes, I used 03:39:52PM  
22 to advocate for that. 03:39:57PM  
23 But you didn't follow that course with Mr Woodman, did 03:39:58PM  
24 you?---Yes, I did, on several occasions, on several 03:40:02PM  
25 applications. 03:40:08PM  
26 You might have on several occasions. I'm looking at a vast 03:40:08PM  
27 body of information that the Commission has received over 03:40:13PM  
28 time, which if you've been following the public hearings 03:40:17PM  
29 you'd be aware of. There were countless occasions when 03:40:23PM

1 you met with Mr Woodman without any planning officer being 03:40:28PM  
2 present at which you discussed the developments that he 03:40:31PM  
3 had an interest in?---Generally if matters were coming 03:40:34PM  
4 before council for a decision, then I would involve a 03:40:39PM  
5 council officer, and that happened certainly in the 03:40:42PM  
6 Pavilion Estate matter which involved Mr Woodman. There 03:40:46PM  
7 were other occasions where I met with other developers who 03:40:50PM  
8 were trying to put across just a concept before any 03:40:54PM  
9 development application would be submitted, and I would 03:40:58PM  
10 listen to them and then I would talk to the council 03:41:02PM  
11 officers and arrange for liaisons to occur. It just 03:41:04PM  
12 depended on the situation. 03:41:09PM  
13 And this code of course is talking about meetings. How was 03:41:12PM  
14 this to be applied to electronic communications or 03:41:22PM  
15 telephonic communications?---Often the communication would 03:41:26PM  
16 be forwarded to the relevant officer or the relevant 03:41:31PM  
17 department and often they would be copied in real time as 03:41:35PM  
18 it happens. But there's always a replica kept - well, in 03:41:42PM  
19 my case the Commission I'm sure has had the opportunity to 03:41:48PM  
20 examine my electronic folders and would have seen how many 03:41:53PM  
21 folders I had keeping records of conversations that went 03:41:57PM  
22 on between myself and other people on all sorts of 03:42:00PM  
23 matters, not just planning. 03:42:02PM  
24 So I take it when this code talks about applicant, it would 03:42:06PM  
25 also apply to a representative of an applicant, wouldn't 03:42:11PM  
26 it? So if it was not the applicant in person, but the 03:42:15PM  
27 applicant's gopher or the applicant's lobbyist, 03:42:21PM  
28 consultant, the same principle would apply?---If it's a 03:42:29PM  
29 professional consultant, yes. 03:42:33PM

1 If it's any person who on behalf of the applicant is advancing 03:42:38PM  
2 the same argument or for and on behalf of the applicant, 03:42:44PM  
3 I take it that the same protocol should apply?---It didn't 03:42:49PM  
4 in all cases, Commissioner. I mean - - - 03:42:55PM  
5 No, plainly it didn't, because we see over and over and over 03:42:58PM  
6 again in your communications with Ms Wreford, in your 03:43:03PM  
7 communications with Ms Schutz, that you were quite happy 03:43:07PM  
8 to engage in fulsome discussion about the merits of a 03:43:11PM  
9 proposal of Mr Woodman and how it should be dealt with, 03:43:17PM  
10 without any planning officer being present or 03:43:21PM  
11 consulted?---Yes, and I've done that with countless other 03:43:26PM  
12 people on planning and other matters. 03:43:29PM  
13 Which means you've continued to do something which the 03:43:31PM  
14 protocols guarded against?---The protocols are a guidance 03:43:34PM  
15 document. But, like I said, they weren't adopted as 03:43:41PM  
16 policy and I would hazard to say that I am absolutely 03:43:44PM  
17 certain that none of my colleagues followed it or were 03:43:48PM  
18 even aware of its existence and, if they were aware of its 03:43:52PM  
19 existence, from what I've seen in practice they certainly 03:43:57PM  
20 did not follow it. 03:44:00PM  
21 Two things, Mr Aziz. The first thing is if that's right, then 03:44:01PM  
22 that perhaps goes some way towards explaining how things 03:44:04PM  
23 had evolved at Casey, if it wasn't just you alone or you 03:44:08PM  
24 and Mr Ablett who were not following these protocols, but 03:44:13PM  
25 councillors more generally. The second thing is this was 03:44:17PM  
26 an approved protocol by the councillors. If you see at 03:44:23PM  
27 the commencement of the document it was approved on 03:44:27PM  
28 24 July 2007. Take Mr Aziz, please, to the commencement 03:44:30PM  
29 of the document?---2007? 03:44:36PM

1 Correct?---2007 was 13 years ago. 03:44:39PM

2 Yes?---I'm not sure if I've even seen this document. If it was 03:44:48PM

3 2007 it would have been adopted in a council that I was 03:45:03PM

4 not a member of because I got elected in 2008. 03:45:06PM

5 No, but as I follow your evidence you understood, even if you 03:45:10PM

6 hadn't seen this document, you understood this was the 03:45:17PM

7 sort of process you should follow, which was in fact time 03:45:20PM

8 honoured in the breach by you and by other councillors, 03:45:24PM

9 the many councillors that we've heard evidence 03:45:30PM

10 from?---Yes, and this is what I'm trying to convey to you, 03:45:35PM

11 Commissioner. People had pet projects and they sponsored 03:45:39PM

12 those pet projects in every way they can. I'm talking 03:45:45PM

13 about the councillors. 03:45:48PM

14 No, it meant, Mr Aziz, that the environment was rife to 03:45:51PM

15 conflicts of interest and improper influence because these 03:45:58PM

16 processes were not being adhered to as they should have 03:46:04PM

17 been?---Yes, and that's certainly open to risk for that to 03:46:08PM

18 occur. But if you will just allow me the liberty to give 03:46:14PM

19 you another very quick example. 03:46:20PM

20 Yes, Mr Aziz?---So, in relation to places of worship, for 03:46:22PM

21 example, some councillors are predisposed to an 03:46:26PM

22 ideological position and so they will go out of their way 03:46:29PM

23 to ensure that an application is unsuccessful without 03:46:34PM

24 involving the council officers because they well know that 03:46:37PM

25 the council officers are more than likely to support the 03:46:42PM

26 application, and so that can be seen as a subversion of 03:46:46PM

27 the planning process. However, they are generally fuelled 03:46:50PM

28 in their position by massive community support in relation 03:46:55PM

29 to what they stand for. So, it becomes a balancing act. 03:46:58PM

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Do you go against your community or do you go with the technical advice provided by the planning officers. In addition, Commissioner, as I said, people have many pet projects that they push, not necessarily having the science behind them that would back those projects. You understand that once you start to allow exceptions or qualifications if they are pet projects, if the individual councillor is absolutely convinced that this is in the interests of the local community, if for any other moral reason the council thinks this is what should happen, that doesn't give the councillor the right and opportunity to depart from processes that are designed to ensure that decisions are made with the right standards of integrity applied?---Yes, but unfortunately it happens in every level of politics at every level of government. Secondly, I think your understanding of moral is an honourable interpretation of what some people seek as political expediency in terms of what's going to deliver them the highest number of votes that they vote or act in a particular way. Regrettably that's just the nature of politics.

I couldn't agree more, Mr Aziz. Yes.

MR TOVEY: I now want to take you to the introduction of the C219 issue in February 2014. Firstly, can I just ask a general question. Are you familiar with the fact that on 4 February 2014 the council met and you introduced an item of urgent business seeking to progress the rezoning? I'll go to the details shortly?---Yes.

In the weeks around that, that is between 22 January and

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1 22 February of 2014, you received - you made - sorry, 03:49:34PM  
2 there were seven cash deposits to your banks or to your 03:49:42PM  
3 bank totalling \$82,000. Are you able to say what they 03:49:47PM  
4 related to?---I think I explained to you in previous 03:49:54PM  
5 evidence that we had a dental practice that did produce 03:50:00PM  
6 cash. Secondly, there were occasions when cash was 03:50:03PM  
7 withdrawn from certain facilities, such as credit cards, 03:50:09PM  
8 and then deposited into accounts where payments can be 03:50:14PM  
9 made by direct debit because of the projects, the real 03:50:17PM  
10 estate projects that I was involved in developing. They 03:50:22PM  
11 could have been, you know, occasionally I'd go and have a 03:50:29PM  
12 flutter on the Keno and have a big win. I can assure you, 03:50:33PM  
13 though, that none of those payments related in any way, 03:50:37PM  
14 shape or form to Mr Woodman. None of those deposits. 03:50:41PM  
15 This is January, beginning of February. So we're talking a 03:50:51PM  
16 period of 19 or 20 days. Do you say the dental practice 03:51:01PM  
17 was capable of generating \$82,000 cash in the space of 03:51:07PM  
18 less than three weeks?---I'll tell you what I am saying. 03:51:21PM  
19 No, if you could just answer my question first. Are you saying 03:51:28PM  
20 that the dental practice was capable of generating \$82,000 03:51:33PM  
21 in cash in three weeks?---Not in three weeks, no. But, 03:51:38PM  
22 I mean, you won't even give me an opportunity to explain 03:51:48PM  
23 the background, so how can I possibly convey to you 03:51:50PM  
24 the - - - 03:51:54PM  
25 Mr Aziz, forgive me, but you've said this money has come from 03:51:56PM  
26 the dental practice or gambling. It can't be - - - 03:52:00PM  
27 COMMISSIONER: Just a moment, please. Don't talk over each 03:52:04PM  
28 other. You ask a question, Mr Tovey, and then allow 03:52:07PM  
29 Mr Aziz an opportunity to answer it. 03:52:13PM

1 MR TOVEY: Mr Aziz, do you agree that you told me that the 03:52:15PM  
2 \$82,000 to your knowledge came from the dental practice or 03:52:21PM  
3 from gambling or a combination of both?---No, not only 03:52:24PM  
4 from that, and if you had examined what I had done before 03:52:29PM  
5 that period you may have some understanding as to why cash 03:52:34PM  
6 would accumulate. 03:52:39PM  
7 Look, I'm not seeking, Mr Aziz, to have directions from you as 03:52:46PM  
8 to what investigations I should take. I'm simply wanting 03:52:51PM  
9 information from you. You understand that this is what 03:52:55PM  
10 this process is about?---I'm trying to provide it, but 03:52:58PM  
11 you're not even giving me a chance. 03:53:02PM  
12 Well, I just want to know where the 82,000 cash came from. I'm 03:53:03PM  
13 giving you every opportunity to explain, but you say to 03:53:09PM  
14 me, 'Mr Tovey, if you go back and look at some other 03:53:11PM  
15 things you'll understand.' If you know, please tell 03:53:14PM  
16 me?---Well, I don't, and all I was going to tell you is 03:53:18PM  
17 that in December 2013 I retired from the Commonwealth 03:53:22PM  
18 Public Service and I took my family on a driving holiday 03:53:26PM  
19 around Australia and we were away for some three to four 03:53:30PM  
20 weeks before the date of 22 January. Now, there may have 03:53:34PM  
21 been movements; obviously the dental practice was 03:53:39PM  
22 operating without the involvement of my former wife. So 03:53:43PM  
23 there may have been cash accumulation over December and 03:53:46PM  
24 January. People tend to do a lot of emergency work over 03:53:49PM  
25 that period and they pay in cash. There may have been 03:53:54PM  
26 movements between bank accounts, because I was starting a 03:53:59PM  
27 new development project, by maybe taking money out of a 03:54:03PM  
28 credit card, putting it in another account. There could 03:54:10PM  
29 be a myriad of reasons. But I can't explain or recall 03:54:12PM

1 exactly where those deposits came from. 03:54:15PM  
2 Could the witness please be shown 3313, which is exhibit 7, 03:54:22PM  
3 3313 to 3318. So that starts at 6.57 pm on 3 February. 03:54:47PM  
4 Can we just go down to the end of 3318. Just scroll 03:55:08PM  
5 through slowly, if you wouldn't mind. So that's an email 03:55:18PM  
6 sent - this is the email at 3313. It's an email from 03:56:14PM  
7 Mr Woodman forwarding to you a detailed proposal relating 03:56:34PM  
8 to the rezoning of the land which is C219; is that 03:56:42PM  
9 right?---Yes. 03:56:51PM  
10 What did you do with that, having received it?---I recall 03:56:58PM  
11 discussing it with the CEO and that's why I forwarded it 03:57:06PM  
12 to my council email address, because Mr Woodman had sent 03:57:14PM  
13 it to my personal email address. 03:57:19PM  
14 So you see you've emailed this from your BigPond account to 03:57:24PM  
15 your Casey Council account; is that right?---Yes. 03:57:33PM  
16 And it's from John Woodman and it's to you and Amanda 03:57:39PM  
17 Stapledon. Why was it to you two, do you know?---Well, 03:57:48PM  
18 I think it was to three people. He just missed an email 03:57:55PM  
19 address. 03:57:58PM  
20 Yes, certainly that would seem to be the case and I thoroughly 03:57:59PM  
21 agree with you. So he sends it to yourself, Amanda 03:58:07PM  
22 Stapledon and Geoff Ablett. 03:58:12PM  
23 COMMISSIONER: Well, I'm sorry, Mr Tovey, you should note he 03:58:22PM  
24 suggests that he's discussed this with you, Mr Aziz. Do 03:58:25PM  
25 you accept that he had a discussion with you about this 03:58:30PM  
26 particular rezoning?---Yes, I do, Commissioner. I have 03:58:34PM  
27 given evidence to that effect already. 03:58:39PM  
28 Yes. Well, I'm sorry, I thought at some stage you had said you 03:58:41PM  
29 weren't aware until much later that Mr Woodman had a 03:58:49PM

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particular interest in this particular  
development?---Woodman advocated on many issues. Some of  
the issues he didn't have any involvement with. So  
I wasn't aware - I was aware that a large corporation  
owned this parcel of land, but I just wasn't sure what  
Woodman's interest was until it became apparent that he  
would be acting as an adviser to the applicant from a  
(indistinct) perspective.

And are you able to tell me why did he single the three of you  
out, Mr Aziz, as the persons to whom these representations  
should specifically be directed?---Yes, I think he singled  
Amanda and Geoff out because their electorates overlapped  
the area in question, and he singled me out because of my  
interest in the portfolio of job creation for the City of  
Casey. So his argument was that the rezoning would  
achieve the creation of many, many jobs and that's why he  
sought to attract my interest in it.

Presumably, Mr Aziz, if he was familiar with the level of  
control which you personally have acknowledged in a  
variety of ways through these hearings, then Mr Woodman  
would perceive it as critical that he get you on  
side?---That may have been in his mind. But I would be  
fascinated to learn, Commissioner, of your understanding  
of how I exercised that control because I certainly didn't  
hold a gun to anyone's head or motivate anyone to vote in  
a particular way.

Well, with respect, Mr Aziz, we've seen in a variety of ways  
how you exercised control?---I'm a very persuasive  
debater, Commissioner, but I don't tell people how to vote

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04:01:02PM  
04:01:08PM

1 and I'd be very surprised if any of my colleagues have 04:01:11PM  
2 given evidence contrary to what I've just stated. 04:01:14PM  
3 Yes, Mr Tovey. 04:01:19PM  
4 MR TOVEY: Before this we've heard evidence that you had met, 04:01:25PM  
5 that is the three of you had met with Mr Woodman; do you 04:01:30PM  
6 agree with that?---Probably. 04:01:34PM  
7 Sorry, when you say 'probably', either you did or you 04:01:43PM  
8 didn't?---No, because I can't remember what happened 04:01:48PM  
9 nearly seven years ago now. 04:01:51PM  
10 Well, assuming that the evidence we've heard about the three of 04:01:56PM  
11 you having a meeting with Mr Woodman is correct, you say 04:02:01PM  
12 you have no recollection of where that meeting was or how 04:02:04PM  
13 it came about?---I have no recollection. I have been in 04:02:10PM  
14 thousands of meetings with Woodman and others in my time 04:02:16PM  
15 as a councillor. 04:02:19PM  
16 Thousands?---Probably more. 04:02:21PM  
17 And how many with Mr Woodman?---I can't recall exactly. 04:02:25PM  
18 I haven't kept a diary. 04:02:31PM  
19 Hundreds?---I don't think so. 04:02:31PM  
20 Scores?---If you're talking in the tens over a 10 year period, 04:02:35PM  
21 yes, probably 10 times, yes. 04:02:43PM  
22 Sorry, how many?---Probably 10 times. 04:02:45PM  
23 Is this over the period before you entered into the Little 04:02:49PM  
24 River agreement or after you entered into it?---I can't 04:02:54PM  
25 recall, Mr Tovey. I don't keep a diary. I mean, the best 04:02:59PM  
26 way to know is to access my electronic diary where all my 04:03:04PM  
27 appointments go, but I don't have access to that anymore. 04:03:09PM  
28 When you met Mr Woodman, first of all, relating to some project 04:03:12PM  
29 he was interested in, when was that?---Sorry, which 04:03:21PM

1 project are you talking about? 04:03:28PM

2 Before February of 2014 when you introduced C219, you had met 04:03:30PM

3 with Mr Woodman on a number of occasions discussing with 04:03:43PM

4 him a number of planning matters, had you not?---I don't 04:03:47PM

5 recall that, no. 04:03:53PM

6 COMMISSIONER: You mean, Mr Tovey, that did not relate to C219? 04:03:57PM

7 MR TOVEY: Yes. February was the start of C219. But before 04:04:00PM

8 that what I'm suggesting to you is that you had discussed 04:04:05PM

9 a number of planning matters with him in the 04:04:08PM

10 past?---I don't recall that, no. 04:04:12PM

11 Well, do you deny it?---I can't deny something I can't recall. 04:04:17PM

12 You just don't know whether you did or you didn't?---Mr Tovey, 04:04:24PM

13 I can't - - - 04:04:28PM

14 Is that the situation? I'm just wanting to understand what 04:04:30PM

15 you're saying?---I've explained very explicitly what I'm 04:04:33PM

16 saying and that is I cannot recall any other issue that he 04:04:38PM

17 may have spoken to me about before 2014. 04:04:42PM

18 Are you aware of a development called Brompton Lodge?---Of 04:04:46PM

19 course. 04:04:50PM

20 And what was that?---That was a subdivision also in Cranbourne. 04:04:51PM

21 Yes, and was Mr Woodman involved in that at all to your 04:04:58PM

22 knowledge?---Yes, I believe he was. 04:05:04PM

23 And did you vote on that?---I must have, yes. 04:05:07PM

24 And did you discuss that with Mr Woodman?---No. 04:05:13PM

25 Did it ever occur to you at any stage that there might be some 04:05:20PM

26 connection between Brompton Lodge and Mr Woodman?---Only 04:05:26PM

27 through discussions with other councillors at a much later 04:05:33PM

28 point. But - - - 04:05:36PM

29 When was that?---Well, probably after 2014. I mean, 04:05:38PM

1 I understood Brompton Lodge was passed a long time ago. 04:05:46PM  
2 It wasn't even passed by us, I don't think. I think it 04:05:52PM  
3 was passed by the State Government. It involved - - - 04:05:55PM  
4 So, in any event, I just want to know what your evidence is. 04:05:59PM  
5 You didn't discuss Brompton Lodge with him?---No. 04:06:03PM  
6 And you're sure of that? What about other planning matters? 04:06:05PM  
7 Had you discussed any other planning matters with him in 04:06:12PM  
8 the past?---I don't recall. 04:06:14PM  
9 When you were interviewed by the Ombudsman in November 2015, 04:06:21PM  
10 the Ombudsman's investigator asked you questions about 04:06:33PM  
11 C219, did they not?---I don't recall. I don't recall that 04:06:42PM  
12 interview at all. I know I was interviewed, but I don't 04:06:46PM  
13 recall that interview. 04:06:51PM  
14 The whole purpose or, sorry, part of the purpose was to 04:06:51PM  
15 investigate whether or not there was - whether or not an 04:06:56PM  
16 allegation of inappropriate arrangement between yourself 04:07:03PM  
17 and Mr Woodman existed in respect of the Cranbourne West 04:07:06PM  
18 rezoning?---That is entirely incorrect. That wasn't the 04:07:12PM  
19 purpose of the investigation. 04:07:16PM  
20 Were you asked questions about it?---I was asked questions in 04:07:18PM  
21 relation to former Councillors Ablett and Stapledon and in 04:07:22PM  
22 relation to their relationship with Mr Woodman, given that 04:07:27PM  
23 there was a vexatious complaint lodged against them 04:07:30PM  
24 designed to affect them negatively in the State election 04:07:33PM  
25 campaign of 2014. 04:07:38PM  
26 And that related to C219, didn't it?---Well, it related to 04:07:40PM  
27 campaign donations that they both received into their 04:07:45PM  
28 (indistinct). 04:07:49PM  
29 Well, the allegation was that they had received campaign 04:07:50PM

1 donations and had voted in his favour on C219. Sorry, 04:07:54PM  
2 Botanic Ridge. Is that something you were aware of?---No. 04:08:06PM  
3 In any event, in the course of that discussion were you asked, 04:08:12PM  
4 'Do the names John Woodman or the Kelly family mean 04:08:26PM  
5 anything to you at all?' And I suggest you answered, 04:08:29PM  
6 'I don't know the Kelly family, but I certainly know John. 04:08:34PM  
7 I think John is Watsons, because I've had discussions with 04:08:38PM  
8 him about a range of other planning matters in the past.' 04:08:41PM  
9 That's what you said, I suggest to you, in around November 04:08:50PM  
10 of 2014?---And I may have done that, Mr Tovey, but I just 04:08:55PM  
11 don't recall what these matters were. People approach you 04:09:05PM  
12 all the time with a range of issues. You don't understand 04:09:11PM  
13 the workload on the City of Casey councillor. 04:09:13PM  
14 Then they asked you, 'So is John Woodman the guy you originally 04:09:17PM  
15 spoke to?' This is in respect of the Kelly family thing 04:09:22PM  
16 which is C219 and you answer, 'John was one of the people 04:09:28PM  
17 I spoke to and then he referred me to one gentleman by the 04:09:34PM  
18 name of Tom from Leightons.' Is that right? Did you 04:09:39PM  
19 speak to Mr Woodman and did he refer you to Tom from 04:09:47PM  
20 Leightons?---I believe Mr Kenessey, Tom Kenessey, the guy 04:09:50PM  
21 you're referring to, rang me independently of Mr Woodman. 04:09:55PM  
22 That's my recollection. And he asked to meet with me and 04:09:59PM  
23 he came to meet with me in the Civic Centre to talk about 04:10:05PM  
24 C219. 04:10:09PM  
25 And were you referred to him by Mr Woodman?---I can't recall. 04:10:10PM  
26 I can't recall who referred who - - - 04:10:17PM  
27 COMMISSIONER: Mr Tovey, I think we're having some difficulty 04:10:21PM  
28 now with the audio. 04:10:25PM  
29 MR TOVEY: Yes. It might be an appropriate time to adjourn 04:10:27PM

1 perhaps, Mr Commissioner. 04:10:35PM

2 COMMISSIONER: I think we'll have to, because I'm getting a 04:10:39PM

3 very intermittent record of what's being said. 04:10:45PM

4 MR TOVEY: Yes. It's very apparent from this end too. 04:10:49PM

5 COMMISSIONER: All right. 10 o'clock tomorrow, Mr Tovey? 04:10:53PM

6 MR TOVEY: Yes, 10 o'clock will be fine. I am just wondering 04:11:01PM

7 whether you might make it quarter to, if that's possible. 04:11:08PM

8 COMMISSIONER: Yes. Are you able to make it then, Mr Aziz, 04:11:13PM

9 start earlier?---Yes, Commissioner, I'm 04:11:16PM

10 generally - I would like to ask you in terms of tomorrow 04:11:22PM

11 how long do you think it might go for? I'm trying to 04:11:25PM

12 schedule other commitments like - - - 04:11:29PM

13 MR TOVEY: The reason I asked for quarter to 10, 04:11:32PM

14 Mr Commissioner, is our ambition is to finish with Mr Aziz 04:11:35PM

15 tomorrow. 04:11:38PM

16 COMMISSIONER: Yes. 04:11:39PM

17 MR TOVEY: I'm not sure how long it will take. It really 04:11:39PM

18 depends very much on what he concedes and what he doesn't 04:11:42PM

19 concede. I'm aiming to do it in a way which gives him the 04:11:45PM

20 opportunity of going through it reasonably quickly, but 04:11:49PM

21 he's quite entitled to seek to actually go to the contents 04:11:51PM

22 of documents or conversations if he needs to. 04:11:55PM

23 COMMISSIONER: Very good. We'll make it 9.45. Mr Rubenstein, 04:11:59PM

24 did you want to say something? 04:12:03PM

25 MR RUBENSTEIN: I just wanted to indicate, Commissioner, 04:12:04PM

26 Mr Peck will be representing Mr Aziz tomorrow. I have 04:12:07PM

27 another commitment. 04:12:10PM

28 COMMISSIONER: All right. 04:12:11PM

29 MR RUBENSTEIN: Thank you. 04:12:12PM

1 COMMISSIONER: Thank you for your attendance and your  
2 assistance, Mr Rubenstein.

04:12:13PM

04:12:15PM

3 MR RUBENSTEIN: Thank you, Commissioner.

04:12:17PM

4 COMMISSIONER: 9.45 tomorrow, please.

04:12:19PM

5 <(THE WITNESS WITHDREW)

04:12:21PM

6 ADJOURNED UNTIL TUESDAY, 24 NOVEMBER 2020 AT 9.45 AM

04:12:22PM

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