
TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 25 NOVEMBER 2020

(35th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

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

OPERATION SANDON INVESTIGATION

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

Every effort is made to ensure the accuracy of transcripts. Any inaccuracies will be corrected as soon as possible.

1 UPON RESUMING AT 1.33 PM: 01:33:11PM
2 <JUDITH ANN GRALEY, recalled: 01:33:11PM
3 <EXAMINED BY MR TOVEY, continued: 01:33:11PM
4 COMMISSIONER: Mr Tovey, Ms Graley, are you ready to proceed? 01:33:11PM
5 Very good. 01:33:15PM
6 MR TOVEY: Ms Graley, I think I had just taken you to a 01:33:23PM
7 communication around 14 June of 2018 where - - - 01:33:29PM
8 COMMISSIONER: You're on mute, Ms Graley. 01:33:42PM
9 MR TOVEY: In the course of that communication it was John 01:33:47PM
10 Woodman asking - - - 01:33:54PM
11 COMMISSIONER: Just a moment, Mr Tovey. Ms Graley is still on 01:33:56PM
12 mute. 01:34:01PM
13 MR STARY: Commissioner, would I be permitted to get some 01:34:07PM
14 assistance for Ms Graley? 01:34:10PM
15 COMMISSIONER: Yes, of course. 01:34:12PM
16 MR STARY: Thank you. If I might be temporarily excused. 01:34:14PM
17 COMMISSIONER: Yes. Thank you. Yes, Mr Tovey. 01:34:17PM
18 MR TOVEY: So the situation was that John Woodman asked Phil 01:34:38PM
19 Staindl to get you to help if you could. That was around 01:34:42PM
20 14 June, exhibit 238, 5036 for the transcript. I just 01:34:53PM
21 want to move on from that. On 20 June there is a 01:35:02PM
22 communication. Can we bring up, please, page 3334, which 01:35:14PM
23 is exhibit 56. So what you see there is an exchange of 01:35:24PM
24 emails between John Woodman and Phil Staindl on page 3334. 01:35:42PM
25 In the course of that John Woodman says, 'Phil I would say 01:35:54PM
26 we would need a miracle. Pretty sad after 1 million' - 01:36:00PM
27 which is obviously \$1 million - 'over five years.' 01:36:06PM
28 COMMISSIONER: Mr Tovey, that's not on the screen at the 01:36:09PM
29 moment, I'm sorry. 01:36:11PM

1 MR TOVEY: Sorry, this is down the bottom. I'll look at the 01:36:14PM
2 screen rather than my computer. Could we scroll down, 01:36:18PM
3 please. 'Phil, I would say we would need a miracle. 01:36:22PM
4 Pretty sad after \$1 million and five years, fortunately 01:36:37PM
5 none of our money. Still we know it was not going to be 01:36:41PM
6 easy. Only JG can deliver' - that's you - 'fingers 01:36:44PM
7 crossed if JG feels the need to throw in the school site. 01:36:52PM
8 Please advise to do so. Thanks.' Just so I don't take 01:36:58PM
9 you by surprise I'll take you to the report which gives 01:37:03PM
10 context to what there is being discussed. So if you go to 01:37:08PM
11 the attached report and go to paragraph 2, so if we could 01:37:13PM
12 scroll down, thanks, if we just stop there for the moment, 01:37:20PM
13 'Our good friend in the SE' - that's in the south-east - 01:37:29PM
14 'contacted me a short time ago' - Mr Staindl has told me 01:37:34PM
15 that's you - 'and I will be circumspect in writing this 01:37:37PM
16 advice.' I can tell you Mr Staindl was questioned about 01:37:40PM
17 why he should be so coy about actually indicating this 01:37:48PM
18 information coming from you if it was all fair and above 01:37:52PM
19 board. 'She spoke to the minister about the matter who in 01:37:56PM
20 turn directed her to AH' - and AH is Mr Herrington - 'for 01:38:03PM
21 more detailed discussion. He then claims that the 01:38:11PM
22 department's not happy fearing a loss of employment 01:38:17PM
23 related land is not good for the City of Casey and that 01:38:21PM
24 they are still working through a response. She proceeded 01:38:26PM
25 to spell out in a manner that ensured there was absolutely 01:38:30PM
26 no chance of misunderstanding that to do anything other 01:38:34PM
27 than rezone the land would be politically disastrous and 01:38:38PM
28 also against the overwhelming view of the local residents 01:38:44PM
29 in terms of what this land should be used for. She went 01:38:49PM

1 so far as to predict it will be the difference between 01:38:53PM
2 winning and losing the seat of Cranbourne. She has spoken 01:38:57PM
3 to Jude about this but felt he might be on medication as 01:39:02PM
4 it didn't seem to generate much of a response.' So that 01:39:10PM
5 is a report by Mr Staindl of a conversation with you - - - 01:39:17PM
6 COMMISSIONER: I think you should read on, Mr Tovey. 01:39:23PM
7 MR TOVEY: I'm going to the next paragraph, but I just want 01:39:26PM
8 to - - - 01:39:30PM
9 COMMISSIONER: Yes. 01:39:30PM
10 MR TOVEY: You'd agree that that was the case? 01:39:33PM
11 COMMISSIONER: I'm sorry, you're asking Ms Graley about what 01:39:43PM
12 you've already read to her? 01:39:46PM
13 MR TOVEY: You'd agree that that reflects a conversation he 01:39:48PM
14 actually had with you? The reason I say that is because 01:39:51PM
15 on the face of it it looks extraordinarily unlikely that 01:39:51PM
16 any of that has been made up given the detail and the way 01:39:51PM
17 in which it's framed?---I would say it's a version of a 01:40:11PM
18 conversation, yes. 01:40:12PM
19 I'm sorry, you broke up. You would say what?---I said it was a 01:40:14PM
20 version of a conversation. 01:40:18PM
21 Was it your version?---Not quite, no. 01:40:21PM
22 Allowing for hyperbole - - -?---Oh, thank you. 01:40:25PM
23 Which is a legitimate mode of communication involving people 01:40:28PM
24 who are in politics perhaps, do you agree that that's what 01:40:34PM
25 you told him? 01:40:40PM
26 COMMISSIONER: So he's only asking you about the paragraph he's 01:40:45PM
27 read at the moment, Ms Graley?---Paragraph 2? Paragraph 2 01:40:48PM
28 we're looking at? 01:40:51PM
29 MR TOVEY: The first half - - -?---Paragraph 1 and 2, yes, yes. 01:40:53PM

1 Just what I've read out so far in paragraph 2 which - - 01:40:58PM
2 -?---I'm reading it again, please. I think that's a 01:41:01PM
3 rather fair assessment, yes. 01:41:10PM
4 All right. Then he goes on to say, 'AH then indicated our to 01:41:11PM
5 our friend,' that is to you?---Yes. 01:41:19PM
6 'That it may take a month or so to advance this matter. She 01:41:22PM
7 stressed that this was purely a delaying tactic on the 01:41:29PM
8 part of the department, was unacceptable and she will call 01:41:34PM
9 him next Tuesday for a progress report. Two other matters 01:41:40PM
10 were then thrown into the mix. The first is that if it is 01:41:46PM
11 rezoned residential there is more than likely going to be 01:41:51PM
12 a new school required and that Lendlease should be 01:41:55PM
13 prepared to offer (donate) some land for a new 01:42:06PM
14 school site. The second matter is that the government has 01:42:31PM
15 been lobbied by Gerry Ryan to locate a new caravan 01:42:33PM
16 manufacturing facility on this site, something which our 01:42:38PM
17 friend claimed was news to her and also something that 01:42:42PM
18 would generate enormous angst and opposition from 01:42:47PM
19 neighbouring residents. She was pursuing this second 01:42:51PM
20 aspect further, but I thought you should be aware of 01:42:55PM
21 this.' Now, again on the face of it it would be hard to 01:42:59PM
22 see that any of that might have been made up and that was 01:43:05PM
23 in fact, it would appear, what you had told him and 01:43:11PM
24 reported to him, that is to Phil Staindl. Having now read 01:43:15PM
25 through that section of the paragraph, that second half, 01:43:19PM
26 is there anything there that you say you didn't tell 01:43:22PM
27 him?---I don't recall talking about a school, but that's 01:43:26PM
28 okay. The second matter, I don't - Gerry Ryan, it doesn't 01:43:31PM
29 ring a bell at all. But, yes. 01:43:35PM

1 You wouldn't deny that, though, would you? I mean, it's a very 01:43:39PM
2 specific piece of information?---I think it's reasonable 01:43:43PM
3 for - I mean, I'm strongly of the view, Mr Tovey, that 01:43:47PM
4 developers, property, construction, housing, whatever they 01:43:54PM
5 are don't provide enough to local communities when they're 01:43:58PM
6 built. I mean, I'm on the record as saying that I think 01:44:02PM
7 property developer levies are too low. Schools and roads 01:44:05PM
8 and community centres and bus services should be provided 01:44:09PM
9 much earlier. And, you know, I would be suggesting 01:44:14PM
10 without a (indistinct) that that was the case. 01:44:18PM
11 Let me assure you they are all very laudable things and they 01:44:22PM
12 are the sorts of ambitions that we would hope that our 01:44:29PM
13 politicians would have for members of their community. 01:44:33PM
14 But the problem here is that you are becoming very much, 01:44:38PM
15 to use the term that we discussed previously, enmeshed in 01:44:42PM
16 the Staindl plans and the Woodman plans as to how to 01:44:48PM
17 proceed, to the extent to which the email itself says, 01:44:53PM
18 'Oh, look, if she needs a school to negotiate the deal, 01:44:58PM
19 we'll throw in a school.' Can't you see that you are by 01:45:01PM
20 virtue of your association with these people, despite the 01:45:07PM
21 best of motives, becoming enmeshed in actually engaging in 01:45:11PM
22 promoting their interests?---I don't agree with you, and 01:45:18PM
23 I categorically reject the word 'enmeshed'. I was always 01:45:24PM
24 - always, Mr Tovey, when I was dealing with any person 01:45:30PM
25 from the construction, housing, development industry I was 01:45:35PM
26 always aware that, you know, that - - - 01:45:39PM
27 MR STARY: Just by way of clarification, Mr Commissioner, 01:45:49PM
28 I think that the reference is to the donation of the 01:45:53PM
29 school site, land for - it's land rather than a school. 01:45:57PM

1 MR TOVEY: You understand what I'm saying, don't you?---Which 01:46:05PM
2 is what I would say to anybody that came to me with a 01:46:08PM
3 proposal, because you need to give more back to the 01:46:12PM
4 community and not walk away from the community, plonk them 01:46:17PM
5 out there in their new houses and expect them to travel 01:46:23PM
6 for 10 kilometres to get to the next school, which will be 01:46:26PM
7 more than likely totally overcrowded. 01:46:29PM
8 I'm not arguing with you for a minute about the appropriateness 01:46:31PM
9 of the landowner providing the site for a school?---Yes. 01:46:35PM
10 But what's happened here, and we've been through a series of 01:46:41PM
11 documents, is that Staindl suggests to you you should go 01:46:47PM
12 to Herrington to find out what's going on. You respond to 01:46:52PM
13 that. You then go to him at the instigation of Staindl, 01:46:58PM
14 and then report back to Staindl in very great detail 01:47:06PM
15 virtually every aspect of the conversation you have had. 01:47:11PM
16 Now, that shows a degree of cooperation in achieving your 01:47:16PM
17 common goal; you would certainly agree with that?---First 01:47:25PM
18 of all, Mr Staindl - - - 01:47:31PM
19 No, do you - - -?---No, I want to answer the question, please. 01:47:33PM
20 Mr Staindl never asked me to speak to Mr Herrington. So 01:47:40PM
21 let's be clear about that. The first thing is he said 01:47:44PM
22 Mr Herrington is involved in this, and I actually said, 01:47:47PM
23 'Well, I know Mr Herrington. He was really helpful to me 01:47:50PM
24 on another matter. I don't mind speaking to him because 01:47:54PM
25 he's very - you know, he's a good person, he's very 01:47:56PM
26 straight down the line, and he's got the government and 01:48:00PM
27 the Labor Party's, you know, best interests at heart,' as 01:48:04PM
28 we all do in these conversations with Mr Staindl as well. 01:48:07PM
29 And I have probably - I have relayed that conversation 01:48:13PM

1 back to Phil, Mr Staindl. 01:48:16PM

2 COMMISSIONER: Could I just ask, Ms Graley, did you tell the 01:48:22PM

3 minister or Mr Herrington that the conversations you were 01:48:26PM

4 having with either of them would be relayed to Mr Staindl 01:48:33PM

5 and therefore on to Mr Woodman, who was the prime mover in 01:48:37PM

6 this rezoning?---I am pretty sure that when I spoke to 01:48:42PM

7 Mr Herrington I would have said that Mr Staindl had 01:48:48PM

8 contacted me. 01:48:50PM

9 Did you convey to him that whatever detail Mr Herrington gave 01:48:52PM

10 you about any aspect of the minister's view or the 01:48:57PM

11 department's view that you would relay that in full 01:49:00PM

12 without qualification to Mr Staindl and thus hence to 01:49:05PM

13 Mr Woodman?---Well, for a starter, no, I didn't. But 01:49:10PM

14 I don't know whether that was the full conversation either 01:49:15PM

15 that I relayed either. 01:49:18PM

16 Just assuming it was no more than this, it seems to me on its 01:49:19PM

17 face that it's not likely that Mr Herrington would have 01:49:26PM

18 told you about his department's position on this issue if 01:49:30PM

19 you were going to communicate it to Mr Woodman?---If 01:49:35PM

20 I wasn't going to relay it or was going to relay it? 01:49:41PM

21 Sorry, Commissioner, I missed your statement. 01:49:47PM

22 No, that's all right. It seems unlikely that Mr Herrington 01:49:50PM

23 would have talked to you in this sort of detail if he was 01:49:54PM

24 of the view that you were intending to relay this detail 01:49:59PM

25 not only to Mr Staindl but that hence to Mr Staindl's 01:50:03PM

26 client, Mr Woodman?---I don't know. I don't know. 01:50:07PM

27 I'm taking this up with you because you didn't accept 01:50:15PM

28 Mr Tovey's suggestion that to engage at this level and 01:50:19PM

29 make these sorts of communications to Mr Staindl suggests 01:50:24PM

1 that you're overstepping the mark here in terms of 01:50:29PM
2 promoting Mr Woodman's interests?---I was never promoting 01:50:33PM
3 Mr Woodman's interests. As you can see in the discussion 01:50:38PM
4 I was (indistinct) the political implications of the lack 01:50:42PM
5 of rezoning. 01:50:45PM
6 Yes. You don't see that there was anything inappropriate about 01:50:47PM
7 communicating this detail to Mr Staindl?---At the time 01:50:54PM
8 I obviously didn't, no. 01:51:04PM
9 What about now?---I read it back and I have - I don't know how 01:51:07PM
10 it makes me feel, actually. 01:51:19PM
11 All right. There's nothing more you want to say about those 01:51:34PM
12 conversations? All right. Yes, Mr Tovey. 01:51:36PM
13 MR TOVEY: Thank you. That's already exhibit 56, so it doesn't 01:51:41PM
14 need to be tendered. I would now like you to listen to a 01:51:55PM
15 recorded conversation which takes place later in that 01:52:02PM
16 year. This is tab 243, which is exhibit 240. This is a 01:52:10PM
17 conversation between Mr Staindl and John Woodman on 01:52:23PM
18 9 October 2018. 01:52:41PM
19 (Audio recording played to the Commission.) 01:53:00PM
20 MR TOVEY: So in the course of that conversation Mr Staindl 02:02:00PM
21 reports to Mr Woodman that he had spoken to you about an 02:02:08PM
22 hour ago and he's asked you about Cranbourne West, and 02:02:13PM
23 you've told him it should be in the next couple of days an 02:02:19PM
24 announcement will be made. First of all, had he spoken to 02:02:25PM
25 you and was he speaking to you about that time?---Yes. 02:02:32PM
26 And did you tell him that?---I believe so. 02:02:47PM
27 And where did you get that information from?---I spoke to 02:02:50PM
28 another person in the minister's office. 02:02:57PM
29 Sorry, in whose's office?---The minister's office. 02:03:00PM

1 And who was that?---I can't remember his name, but it wasn't 02:03:04PM
2 Andrew or the Chief of Staff. It was another - - - 02:03:10PM
3 So, I mean, this was just a piece of inside 02:03:16PM
4 information?---Sorry? 02:03:20PM
5 It was just a piece of inside information? No announcement had 02:03:20PM
6 been made at that stage?---I don't know. I don't know. 02:03:26PM
7 They obviously knew that too. So they must have been 02:03:35PM
8 getting it from somewhere else. 02:03:37PM
9 One gets the impression that the way in which these 02:03:39PM
10 communications take place between you is on the basis that 02:03:46PM
11 you're just friends, you can ring each other up all the 02:03:51PM
12 time whenever you feel like it and discuss what it is you 02:03:54PM
13 want to discuss. Was that the nature of the relationship 02:03:58PM
14 between you and Mr Staindl?---We weren't friends, no. 02:04:02PM
15 But you did have very regular communications at this time, it 02:04:09PM
16 would seem?---Yes, well, we had irregular conversations, 02:04:13PM
17 yes. 02:04:17PM
18 And so at the same time you're communicating to him information 02:04:18PM
19 from the minister's office you're asking him whether he 02:04:26PM
20 can organise for billboards for Pauline Richards. I take 02:04:30PM
21 it those are - - -?---No. 02:04:35PM
22 No?---They were for all the - I mean, it was for all the 02:04:38PM
23 candidates down at that area. We had billboards down in 02:04:43PM
24 that area at the last election. 02:04:48PM
25 Yes. I mean, it's an uncomfortable juxtaposition, isn't it? 02:04:49PM
26 Information from the minister's office immediately 02:04:58PM
27 followed by a request for them to donate billboards 02:05:01PM
28 supporting your party or your candidates?---No. No, it 02:05:07PM
29 wasn't uncomfortable at all. It wasn't uncomfortable at 02:05:12PM

1 all. We had used the site before as we've used other 02:05:16PM
2 sites along Thompsons Road before. Thompsons Road was 02:05:21PM
3 supposed to be completed during our term of government. 02:05:26PM
4 It wasn't. It was - - - 02:05:30PM
5 The point isn't whether the sites had been used before. The 02:05:32PM
6 point is who was paying for it, and - - -?---No, we were 02:05:36PM
7 paying for the billboards. They weren't paying for the 02:05:40PM
8 billboards. 02:05:43PM
9 The billboards were put up and paid for by Mr Woodman. 02:05:44PM
10 According to his evidence, he paid \$3,000?---Which ones? 02:05:48PM
11 These are the billboards along Thompsons Road?---I don't know 02:05:52PM
12 anything about that. I don't know anything about that. 02:05:55PM
13 But that's the reason you're asking Staindl about - - 02:05:57PM
14 -?---I was asking him for the site, the site, not the 02:06:01PM
15 billboards. 02:06:05PM
16 Right. And you expected him - whether Woodman paid for them or 02:06:06PM
17 not, you expected Mr Staindl to go to Mr Woodman to see 02:06:13PM
18 whether he could organise a site for them to be 02:06:18PM
19 displayed?---A site, yes. That's not unusual; not unusual 02:06:23PM
20 at all. You often ask people if you can use their site to 02:06:27PM
21 put your billboards on. 02:06:33PM
22 And then there's discussion about a lunch?---Yes. 02:06:35PM
23 And the lunch is going to be on 2 November between Heath 02:06:41PM
24 Woodman, Megan Schutz, Mr Staindl, Mr Woodman - that's 02:06:48PM
25 John Woodman - and yourself?---M-hmm. 02:06:57PM
26 Did that lunch take place?---No, and I didn't know all those 02:06:59PM
27 people were coming either. 02:07:06PM
28 Well, Mr Staindl said to you, 'It will be for five'?---Yes. 02:07:10PM
29 'I think it's Heath, Megs, you, me and Judith'?---Yes, but 02:07:13PM

1 I didn't know they were all coming. I just thought it was 02:07:18PM
2 between Mr Staindl and Mr Woodman. 02:07:21PM
3 And in any event you did go to Point Leo Estate and meet them, 02:07:23PM
4 did you not?---No, not in November. No. 02:07:28PM
5 Did you go there at any time?---I went with Mr Woodman and his 02:07:30PM
6 EA in Feb. January. Late January the following year. 02:07:33PM
7 And why was that? You were no longer in parliament?---Yes, 02:07:39PM
8 that's right. That's exactly right. 02:07:45PM
9 And you were no longer interested in a job with 02:07:48PM
10 Mr Woodman?---Well, if you let me explain. I had ran into 02:07:53PM
11 somebody and they had mentioned (indistinct). 02:07:59PM
12 Sorry, you've frozen?---Sorry, (indistinct). Is that right? 02:08:05PM
13 COMMISSIONER: I think we might adjourn for a moment. The 02:08:14PM
14 sound is increasingly difficult to follow. Perhaps our 02:08:17PM
15 audio people can do something about that. We'll adjourn 02:08:23PM
16 for five minutes. 02:08:25PM
17 (Short adjournment.) 02:08:29PM
18 COMMISSIONER: Let's hope we can have more success now, 02:22:13PM
19 Ms Graley?---Thank you. 02:22:16PM
20 Yes, Mr Tovey. 02:22:17PM
21 MR TOVEY: Are you able to hear me?---I am now, thank you. 02:22:33PM
22 So what I was putting to you was that there was throughout this 02:22:39PM
23 period of time very friendly and indeed, I would suggest, 02:22:48PM
24 not intimate but a very easy and cordial relationship 02:22:58PM
25 demonstrated between yourself and Mr Woodman where you can 02:23:06PM
26 call each other, you can meet for lunch, you can discuss 02:23:11PM
27 work. Do you agree that that was the nature of your 02:23:15PM
28 relationship by this time?---Mr Tovey, I'd say that 02:23:19PM
29 I regard myself as a cordial and courteous person to 02:23:26PM

1 anybody. So I didn't treat Mr Woodman any differently 02:23:29PM
2 than I try to treat everyone. I'd say that. You said it 02:23:33PM
3 was intimate. It was certainly not intimate or I wouldn't 02:23:38PM
4 call it a friendship. Friendship is very precious and 02:23:42PM
5 it's quite rare, and it certainly wasn't the case. The 02:23:51PM
6 fact was that we really did enjoy catching up with each 02:23:54PM
7 other because we had common interests and we enjoyed 02:23:58PM
8 having a laugh and a chat with each other. 02:24:01PM
9 And over what period of time was it that you had that sort of 02:24:05PM
10 relationship where you enjoyed catching up and having 02:24:09PM
11 lunch and just generally hanging out together?---It didn't 02:24:13PM
12 happen very often. I think I have only ever had lunch 02:24:18PM
13 with John Woodman, Mr Woodman, and Mr Staindl once or 02:24:22PM
14 twice, three times at most, yes, over a period of - let me 02:24:26PM
15 see - you know, over a period of 12 years. 02:24:32PM
16 You've caught up for coffee from time to time?---Tea, yes. 02:24:36PM
17 You've been visited at your electoral office and at Parliament 02:24:44PM
18 House?---No. 02:24:52PM
19 No?---Not to my electoral office. 02:24:53PM
20 All right. So your only visits with Mr Staindl and Mr Woodman 02:24:55PM
21 have been at Parliament House, have they?---No, in a cafe 02:24:59PM
22 as well, yes, but at Parliament House too, yes. 02:25:03PM
23 And that was on one occasion or more than one 02:25:06PM
24 occasion?---I think we - yes, I think a couple of 02:25:12PM
25 occasions, yes, yes. 02:25:14PM
26 Tell me, did you have an electorate office 02:25:15PM
27 yourself?---Electorate office? 02:25:23PM
28 Yes?---Yes. Every member of parliament - - - 02:25:24PM
29 All right. Did you have staff at that office?---Yes, I did. 02:25:28PM

1 Did you have staff at parliament as well or just at the 02:25:33PM
2 office?---No, no. 02:25:37PM
3 How many staff did you have?---I had one that worked four days 02:25:39PM
4 a week, one that worked three days a week and one that 02:25:47PM
5 worked two days a week. 02:25:50PM
6 And could you give us their names, please?---This is - the 02:25:51PM
7 period you're talking about? Because my office staff 02:25:56PM
8 changed, the people. So all the office staff that ever 02:25:59PM
9 worked for me or? 02:26:02PM
10 No, I'm only talking between 2014 and the time you 02:26:03PM
11 retired?---Right, thanks. 02:26:09PM
12 In the last term of parliament?---Ms Nicole Hayes, Ms Noreen 02:26:10PM
13 Chowdhury and Mr Miles - his name escapes me, I'm sorry. 02:26:19PM
14 A gentleman called Patel - I think it's Sepilmulka, that's not 02:26:28PM
15 somebody who worked for you?---No. Never heard of him. 02:26:38PM
16 Did you have any association with SCWRAG itself? Do you know 02:26:42PM
17 what I'm talking about when I speak of SCWRAG?---Yes. 02:26:50PM
18 I think from memory, and it's vague, that I think maybe 02:26:54PM
19 the person - some of the residents in SCWRAG visited my 02:27:00PM
20 office, yes. 02:27:06PM
21 Do you know whether that was Mr Walker? Was one of them Ray 02:27:07PM
22 Walker? He was the President of SCWRAG?---The name 02:27:12PM
23 doesn't ring a bell, but it could have been, yes. 02:27:16PM
24 Did you have Megan Schutz from time to time communicating to 02:27:19PM
25 you letters from SCWRAG or information from 02:27:25PM
26 SCWRAG?---I don't believe it came through Megan, no, no. 02:27:33PM
27 But I don't remember who it came from. 02:27:38PM
28 When you were discussing the job with Mr Woodman was the Melton 02:27:44PM
29 area mentioned as an area where you might operate?---Well, 02:27:50PM

1 we didn't discuss it in detail, Mr Tovey, because I never 02:27:57PM
2 said yes to the job. But he did - I do remember him 02:28:02PM
3 mentioning Melton, not in the context of the job, though, 02:28:08PM
4 because I had been out to Melton and I told him - we were 02:28:11PM
5 having a general conversation about issues and I probably 02:28:15PM
6 told - I mentioned I had been out to Melton that day, yes. 02:28:17PM
7 Did he indicate to you whether he had an interest in 02:28:21PM
8 Melton?---I - not really, no, and, I mean, yes, he talked 02:28:23PM
9 about as though he knew Melton, but I didn't know what his 02:28:31PM
10 interest was in Melton, no. 02:28:36PM
11 I've taken you to reference to the school site. I just want to 02:28:52PM
12 work out where we ultimately are on that?---Okay. 02:29:00PM
13 It would appear, would it not, that Mr Herrington has told you 02:29:04PM
14 that if the offer from the developer was sweetened by the 02:29:13PM
15 inclusion of a school site it might help; is that a fair 02:29:23PM
16 way of putting it?---No, it's not fair at all. I don't 02:29:31PM
17 think he did that. 02:29:34PM
18 Well, how did the discussion of the school site come 02:29:34PM
19 about?---I think it had some history because Mr Herrington 02:29:40PM
20 and I had worked - I said to you before that Mr Herrington 02:29:45PM
21 and I had worked on a big issue in my electorate, and it 02:29:50PM
22 was around a school site. 02:29:54PM
23 So what was that?---With a developer. With a developer. 02:29:57PM
24 Yes?---Because there was immense overcrowding in my schools and 02:30:01PM
25 I wanted to get the school site - the school built as a 02:30:09PM
26 matter of priority. Indeed, it had become a political 02:30:15PM
27 imperative because we had actually promised that that 02:30:18PM
28 school would be built at an election and it was - - - 02:30:20PM
29 If I could just stop you there for the moment. Did that have 02:30:24PM

1 anything to do with any dealing with Mr Woodman or any 02:30:27PM
2 development - - -?---No, no. 02:30:31PM
3 All right. So in any event - - -?---Another developer. 02:30:33PM
4 Yes. So on a previous occasion you had got involved in 02:30:36PM
5 negotiations relating to a developer providing a school 02:30:42PM
6 site; is that - - -?---No, I didn't get involved in 02:30:47PM
7 negotiations. That was done with the department and the 02:30:50PM
8 developer. I was never involved in the negotiations. 02:30:53PM
9 I was - the Labor Party, through me as the candidate for 02:30:57PM
10 Narre Warren South, had promised a school in that area 02:31:02PM
11 and - - - 02:31:07PM
12 I see. So you were trying to - as a politician you were trying 02:31:07PM
13 to get a developer to put in a school - sorry, to put in - 02:31:10PM
14 - -?---No, no, they had allocated the land for the school. 02:31:14PM
15 Yes?---And there was an issue with the access to the school, 02:31:18PM
16 and there was an issue with the fact that the road had to 02:31:25PM
17 be made such that the school could be built as a matter of 02:31:28PM
18 priority. 02:31:32PM
19 All right. So that had nothing to do with the conversation you 02:31:35PM
20 had that was reported back to Mr Staindl, having spoken to 02:31:41PM
21 Mr Herrington?---No, but it was - when I was talking about 02:31:47PM
22 obviously the issue of the school came up, that was in the 02:31:52PM
23 back of my mind, I think, yes. 02:31:54PM
24 And so when you reported that you had been told that if the 02:32:02PM
25 area is going to be rezoned a new school will be required 02:32:10PM
26 and Lendlease should be prepared to offer some land for a 02:32:16PM
27 new school - - - ?---When - sorry, Mr Tovey. I'm sorry 02:32:21PM
28 for interrupting. 02:32:25PM
29 Is that something that Mr Herrington reported to you and which 02:32:26PM

1 you on-reported to Mr Staindl in June of 2018?---June? 02:32:30PM
2 I don't believe so. I don't - I can't - I don't know how 02:32:40PM
3 the school issue came up, but I don't believe it was 02:32:44PM
4 Mr Herrington mentioning it to me. I just don't - I just 02:32:48PM
5 don't think that was the tone of the conversation. 02:32:51PM
6 In that email Mr Woodman observes that, 'We're going to need a 02:33:07PM
7 miracle. Only JG' - that's you - 'can deliver'?---M-hmm. 02:33:12PM
8 Now that, you would agree, shows a significant level of 02:33:18PM
9 reliance upon you?---What would I say? I'd say it was a 02:33:25PM
10 very strange comment to make, actually. 02:33:37PM
11 The reason I raise it is because that and indeed a whole number 02:33:41PM
12 of conversations tend to suggest that there was indeed a 02:33:46PM
13 very close degree of connection between yourself and 02:33:55PM
14 Mr Woodman and Mr Staindl, and there was a very 02:33:59PM
15 significant degree of cross-reliance between you on the 02:34:09PM
16 way in which strategies were put forward in respect of 02:34:15PM
17 C219. Do you agree with that?---No, I don't. And - - - 02:34:20PM
18 COMMISSIONER: Ms Graley, can I just interrupt to say I've 02:34:29PM
19 noticed on four or five occasions when Mr Tovey took you 02:34:32PM
20 to particular emails or conversations between Mr Woodman 02:34:39PM
21 and Mr Staindl in which they were describing how they saw 02:34:43PM
22 you and what your role could be your reaction appeared to 02:34:49PM
23 be one of surprise that they would be so describing you. 02:34:55PM
24 Is that a fair description of your reaction to what you 02:35:01PM
25 saw or heard them saying about you?---Yes. 02:35:07PM
26 Yes. And so what are the explanations for that? One is that 02:35:11PM
27 you said and did nothing at all that would ever have given 02:35:22PM
28 them cause to so describe or see you. Another explanation 02:35:27PM
29 is that perhaps, as you suggested in relation to one of 02:35:32PM

1 those incidents, you might have yourself engaged in a bit 02:35:36PM
2 of hyperbole in providing information to Mr Staindl. Or 02:35:39PM
3 perhaps the truth lay somewhere between the two. Do you 02:35:47PM
4 have any comment to make about that?---Yes, I would 02:35:51PM
5 say - thank you for that analysis, Commissioner. I think 02:35:56PM
6 it was - I had this feeling always with Mr Woodman and to 02:36:01PM
7 a lesser extent Mr Staindl that they would over-blow and 02:36:06PM
8 overexaggerate things, you know? They'd almost - you 02:36:12PM
9 know, the 'dear friend' stuff and everything like that, 02:36:18PM
10 and I know they use that sort of language on everyone - on 02:36:21PM
11 a lot of people, rather. But I just felt - and it used to 02:36:25PM
12 make me feel very uncomfortable, actually, and 02:36:30PM
13 I never - I certainly don't see myself in the way that 02:36:37PM
14 they have painted - you know, that language may paint me, 02:36:42PM
15 and I certainly never, never detoured from the fact that, 02:36:47PM
16 you know, I was acting in good faith and on behalf of 02:36:52PM
17 the community. 02:36:58PM
18 Yes. Could I go so far as to suggest that the level of 02:36:59PM
19 discomfort that you describe about the way they were 02:37:10PM
20 dealing with you, as an astute politician it must have 02:37:15PM
21 crossed your mind that they were seeking to use you in 02:37:22PM
22 some way?---No, I just didn't see them like that. 02:37:26PM
23 I didn't see Mr Staindl like that, and I didn't see 02:37:34PM
24 Mr Woodman like that either. I didn't - I saw Mr Staindl 02:37:35PM
25 as, you know, a life member of the Labor Party and would 02:37:42PM
26 never put me in a precarious position, really, I suppose. 02:37:47PM
27 If Mr Staindl were here he would no doubt say, 'I wasn't 02:37:53PM
28 seeking to put Ms Graley in a precarious position. I was 02:38:00PM
29 simply wanting to take advantage of her capacity to 02:38:03PM

1 influence my client's interests'?---Right. Well, I say 02:38:06PM
2 two things about that. One is that, you know, he's a 02:38:12PM
3 lobbyist. Obviously that's the sort of work he does. But 02:38:18PM
4 I was always mindful of that. The second thing is that, 02:38:21PM
5 you know what, I'm not that - I was never that 02:38:25PM
6 influential. I always - I was never provided with 02:38:29PM
7 information from the minister's office about whether this 02:38:33PM
8 amendment was going ahead or what was happening with it, 02:38:36PM
9 you know, either way, and I don't sit at the cabinet 02:38:38PM
10 table. I don't, you know, sit and prepare legislation. 02:38:44PM
11 I just wasn't that influential. 02:38:46PM
12 No. But in that context if I could take up the answer you gave 02:38:51PM
13 earlier in response to some of the information which 02:38:59PM
14 Mr Staindl says you provided him that you might have 02:39:06PM
15 engaged in a bit of hyperbole, you would know as well as 02:39:12PM
16 I you don't engage in hyperbole unless there's a reason 02:39:20PM
17 for it?---Yes. 02:39:24PM
18 So what would your reason be for wanting to engage in some 02:39:25PM
19 hyperbole with Mr Staindl ?---I think it was a very 02:39:30PM
20 strange time, it was a very stressful time, you know. 02:39:41PM
21 I think that - I was leaving politics and, you know, 02:39:45PM
22 I just think some of my language may - may, may, I'm not 02:39:55PM
23 saying for sure, but, you know, could have been 02:39:58PM
24 exaggerated. 02:40:01PM
25 As I say, we don't normally engage in hyperbole or exaggeration 02:40:02PM
26 without a reason. Is the reason, Ms Graley, that, just as 02:40:07PM
27 Mr Woodman saw you as someone who could advance his 02:40:15PM
28 interests, there was a benefit in terms of support for 02:40:20PM
29 your campaign, support for your political party's 02:40:26PM

1 campaigns, that there was a benefit forthcoming from 02:40:31PM
2 Mr Woodman and his organisation in you continuing to let 02:40:34PM
3 them think that you could provide the sort of influence 02:40:39PM
4 that they were looking for?---I don't think they should 02:40:43PM
5 have ever thought that I could provide them with the sort 02:40:47PM
6 of influence that you may be suggesting. But I don't 02:40:50PM
7 think it was ever quid pro quo, no. 02:41:02PM
8 So then I come back - - -?---I never ever thought that he was 02:41:06PM
9 providing me with support that needed to be returned, yes. 02:41:17PM
10 Yes. So then I come back to the question why exaggerate your 02:41:21PM
11 role of influence?---Well, I don't know. I mean, it's - 02:41:28PM
12 who knows what goes through people's minds. You know, was 02:41:34PM
13 it - I can't comment. 02:41:41PM
14 You can't give me an explanation for why you would want to make 02:41:43PM
15 your position more influential - appear to be more 02:41:47PM
16 influential than it was?---Not really. I think it 02:41:51PM
17 was - that was just the - look, it's how people talk in 02:42:00PM
18 politics. Everybody just talks louder than maybe they 02:42:05PM
19 should. 02:42:12PM
20 Just on another subject while Mr Tovey's gathering his last 02:42:16PM
21 questions, you know at a local council level that when 02:42:22PM
22 councillors receive campaign donations they have to 02:42:31PM
23 declare a conflict of interest?---Yes, I do. 02:42:37PM
24 Members of parliament don't have to do that, do they?---No. 02:42:43PM
25 Is that because members of parliament have greater integrity 02:42:47PM
26 than councillors?---Very good question, thank you, 02:42:51PM
27 Commissioner. I think because we're a bit further away 02:42:54PM
28 from making those decisions, most MPs are. I think when 02:43:05PM
29 you are on local government, you know, you actually sit 02:43:09PM

1 around the table and deal with some very controversial 02:43:14PM
2 issues and you only have to convince, you know, five or 02:43:16PM
3 six other people that that is the case. We're just so 02:43:19PM
4 much more hands off in - we were, I was, much more hands 02:43:25PM
5 off from being able to make any influence or make any 02:43:29PM
6 decision regarding planning. 02:43:33PM
7 So even at a state government level then we can see, albeit 02:43:44PM
8 accepting what you say that you didn't have the level of 02:43:53PM
9 influence that Mr Staindl and Mr Woodman thought you did, 02:43:59PM
10 that you can see how a developer's sense of their 02:44:11PM
11 contribution to your electoral campaigns might enable them 02:44:14PM
12 to look to a member of parliament for a level of support 02:44:21PM
13 that would otherwise not be forthcoming?---I would say 02:44:24PM
14 that I don't recall anywhere where, you know, Mr Woodman 02:44:30PM
15 or Mr Staindl put any pressure on me or asked me really to 02:44:34PM
16 do anything. So I don't - this is how I see it, 02:44:41PM
17 Mr Commissioner, the development industry is a huge 02:44:51PM
18 industry - you know, construction, housing, et cetera - 02:44:56PM
19 and they employ thousands - tens of thousands of people in 02:44:59PM
20 my electorate probably. They also determine actually the 02:45:04PM
21 lifestyles, you know, the health and wellbeing, the 02:45:08PM
22 prosperity of the people that I was elected to represent. 02:45:12PM
23 So, along with thousands of other stakeholders that I have 02:45:19PM
24 spoken to over my time in public life, I met with them and 02:45:23PM
25 talked to them. Now, some of my stakeholders, you 02:45:27PM
26 probably will point out to me, can't afford to buy a 02:45:33PM
27 thousand-dollar lunch at a fundraiser. But I know as a 02:45:38PM
28 local MP I worked really hard to make sure that those 02:45:46PM
29 people's voices were equally heard. In fact, I used to 02:45:52PM

1 make sure that they could come to functions where they can 02:45:56PM
2 meet the Premier or they can meet the minister or 02:46:00PM
3 whatever. Even though they might be expensive functions, 02:46:03PM
4 I used to subsidise those and cross-subsidise those so 02:46:06PM
5 they could be at the table as well. 02:46:09PM
6 So when it came to your various election campaigns you were 02:46:17PM
7 talking to Mr Staindl not only about the interests of his 02:46:27PM
8 clients but you discussed with Mr Staindl how his clients 02:46:32PM
9 might be able to contribute to your campaigns?---No, not 02:46:39PM
10 in that sort of way. I actually - when I was talking to 02:46:45PM
11 Mr Staindl, as I said before, we had very wide-ranging 02:46:49PM
12 conversations about politics, sport, travel, et cetera. 02:46:53PM
13 If I wanted to hold a fundraiser, what most MPs would do 02:46:57PM
14 is that they would ring up people that they know and ask 02:47:03PM
15 them if they would like to bring some clients or friends 02:47:07PM
16 along to a fundraiser, yes. 02:47:10PM
17 Forgive me, I may have misunderstood, but I thought that some 02:47:12PM
18 of the fundraisers Mr Tovey took you to were fundraisers 02:47:16PM
19 which Mr Staindl actually organised for you?---He 02:47:20PM
20 organised it for the three MPs, yes. That was the only 02:47:25PM
21 one I'm aware of. That's the only time I'm aware that 02:47:30PM
22 I attended a fundraiser that was organised by somebody 02:47:35PM
23 else. 02:47:38PM
24 But a fundraising campaign which I think you've said raised, if 02:47:42PM
25 not the largest amount, one of the largest campaign 02:47:47PM
26 donations that you've ever received?---I think it was 02:47:50PM
27 probably close to it, yes. Yes, but it was a - - - 02:47:53PM
28 Again, do you not see the danger that exists when you have a 02:47:55PM
29 lobbyist who's working with you not merely in the area of 02:48:04PM

1 advancing his client's interest on a development but is 02:48:09PM
2 also working with you in the area of raising 02:48:13PM
3 funds?---Well, Mr Commissioner, that was - I mean, I think 02:48:19PM
4 one of the easiest ways to get people to sit around in a 02:48:27PM
5 fundraiser lunches was to contact one of your lobby firms 02:48:29PM
6 that are (indistinct) to you to discuss issues, that have 02:48:34PM
7 brought clients to discuss issues with you, and ask them 02:48:38PM
8 if they would like to bring a client to the table. That's 02:48:43PM
9 what happened. I think most people would be doing that. 02:48:47PM
10 That's the way of things in politics?---I think it was pretty 02:48:53PM
11 normal, yes. 02:48:57PM
12 Yes, all right. Yes, Mr Tovey. 02:48:58PM
13 MR TOVEY: So just to summarise where we've been, looking at 02:49:05PM
14 all the material to which you've now been taken, would you 02:49:10PM
15 concede that you did over the period from 2014 through to 02:49:16PM
16 2018 work closely with Mr Staindl and, through him, 02:49:21PM
17 Mr Woodman in pursuing the approval of the C219 02:49:31PM
18 rezoning?---I wouldn't use the term 'very closely', no, or 02:49:40PM
19 worked closely, no. 02:49:44PM
20 Do you agree that you would be prepared to provide unfiltered 02:49:47PM
21 and detailed accounts of your interactions with the 02:49:56PM
22 minister's officers to Mr Staindl on behalf of 02:50:01PM
23 Mr Woodman?---No, I wouldn't agree with that. I would 02:50:07PM
24 have filtered those conversations. 02:50:13PM
25 Would you agree that you continued to accept suggestions from 02:50:14PM
26 Mr Woodman or Ms Schutz or Mr Staindl as to the best way 02:50:27PM
27 forward?---No, they never made suggestions. They always 02:50:35PM
28 just outlined what was happening and it was up to me to 02:50:39PM
29 draw my own conclusions. 02:50:44PM

1 And would you agree that from time to time you would follow 02:50:45PM
2 their suggestions as to how the matters should be 02:50:52PM
3 pursued?---As I said, Mr Tovey, I never followed their 02:50:56PM
4 suggestion - - - 02:51:00PM
5 I have no further questions?---They didn't make suggestions to 02:51:09PM
6 me. 02:51:08PM
7 I'm sorry, Mr Commissioner, while you're following through, 02:51:23PM
8 there is just one question to pursue. 02:51:29PM
9 COMMISSIONER: Yes. 02:51:35PM
10 MR TOVEY: As a politician were you provided with a fundraising 02:51:35PM
11 target or was there generally understood to be a 02:51:39PM
12 fundraising target which candidates had to aspire to 02:51:42PM
13 achieve?---I understand there are fundraising targets that 02:51:47PM
14 are provided to candidates. Because I was not a marginal 02:51:53PM
15 seat I don't think it was articulated, like, you know, a 02:51:58PM
16 certain amount. But I was expected to raise enough to 02:52:02PM
17 cover all my requirements because I didn't get any subsidy 02:52:08PM
18 from the party and I had no branch infrastructure either. 02:52:14PM
19 So you say that was never set down as a figure?---You would be 02:52:21PM
20 given a - in my case I would be given a ballpark figure, 02:52:26PM
21 but I could sort of vaguely work out how much the campaign 02:52:30PM
22 that I would like to run would cost as well. 02:52:33PM
23 And so what would that figure have been in the last time you 02:52:36PM
24 stood, which was in 2014?---2014? It was my smallest 02:52:40PM
25 figure ever, and I think I raised about 30,000. 02:52:46PM
26 And that was you personally?---No. 02:52:50PM
27 When I talk about you raising 30,000, was the Crown Casino 02:52:58PM
28 fundraiser, for instance, part of that?---Yes. But other 02:53:03PM
29 MPs and other people (indistinct) too. 02:53:10PM

1 So when you're talking about 'raising' you're talking about 02:53:13PM
2 contributions which have been - sorry, which have been 02:53:16PM
3 targeted specifically at your electorate?---Well, people 02:53:21PM
4 that came to lunches or attended fundraisers, the money 02:53:29PM
5 was paid into my SECC account as is required, yes. 02:53:34PM
6 Thank you. 02:53:39PM
7 COMMISSIONER: That completes your examination, Mr Tovey? 02:53:42PM
8 MR TOVEY: It does. 02:53:45PM
9 COMMISSIONER: Ms Stary, are there any matters that you want to 02:53:46PM
10 have Ms Graley either expand upon or additional matters 02:53:50PM
11 you want to raise with her? 02:53:54PM
12 MR STARY: No, thank you, Commissioner. 02:53:57PM
13 COMMISSIONER: Yes, very good. Mr Tovey, is there any reason 02:54:00PM
14 why Ms Graley can't be released from her summons? 02:54:03PM
15 MR TOVEY: No, Commissioner. 02:54:03PM
16 COMMISSIONER: Very good. So, Ms Graley, I'll excuse you from 02:54:09PM
17 any further attendance in relation to your summons. If 02:54:12PM
18 you have an interest in reviewing the evidence that you've 02:54:17PM
19 given or watching a video of your evidence, you need only 02:54:22PM
20 indicate to the Commission's officers that you would like 02:54:27PM
21 to do that and either you or Mr Stary or someone on his 02:54:32PM
22 behalf is welcome to come and peruse the material. Whilst 02:54:35PM
23 the investigation is ongoing I don't normally release the 02:54:39PM
24 transcripts. But if you want to review your evidence 02:54:44PM
25 you're more than welcome to come and do so. Do you have 02:54:49PM
26 any outstanding questions that you would like to raise 02:54:53PM
27 with me?---No. I appreciated the way the hearing has been 02:54:57PM
28 conducted. Thank you very much. 02:55:04PM
29 All right. Thank you very much then for your cooperation and 02:55:08PM

1 attendance?---Thank you. 02:55:11PM
2 Mr Tovey, are we resuming at 10 tomorrow morning? 02:55:12PM
3 MR TOVEY: Yes, Mr Commissioner. 02:55:17PM
4 COMMISSIONER: And who is the witness tomorrow? 02:55:19PM
5 MR TOVEY: Mr Perera. 02:55:22PM
6 COMMISSIONER: Thank you. Thank you, Ms Graley. Thank you, 02:55:26PM
7 Mr Stary. 02:55:29PM
8 MR STARY: Thank you. 02:55:30PM
9 <(THE WITNESS WITHDREW) 02:55:32PM
10 ADJOURNED UNTIL THURSDAY, 26 NOVEMBER 2020 02:55:34PM
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