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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 26 NOVEMBER 2020

(36th 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 COMMISSIONER: Today is Thursday, 25 November 2020. Good 10:04:02AM
2 morning, Mr Perera, Mr Kelly. 10:04:05AM
3 MR KELLY: Good morning, Commissioner. 10:04:08AM
4 MR PERERA: Good morning, Commissioner. 10:04:10AM
5 COMMISSIONER: Mr Perera, I'm conducting this hearing as the 10:04:12AM
6 IBAC Commissioner, and the proceedings are being conducted 10:04:15AM
7 in accordance with part 6 of the Independent Broad-Based 10:04:18AM
8 Anti-Corruption Commission Act of 2011. Mr Michael Tovey 10:04:25AM
9 will be Senior Counsel Assisting, and I authorise Mr Tovey 10:04:27AM
10 to examine you. The proceedings are what we call 10:04:31AM
11 inquisitorial in that the Commission is not bound by the 10:04:35AM
12 rules of evidence, although in large part we adhere to the 10:04:40AM
13 concepts of the rules of evidence in the course of these 10:04:46AM
14 proceedings. The examination is being video recorded. Is 10:04:49AM
15 there a problem, Mr Tovey? 10:04:58AM
16 MR TOVEY: I apologise for interrupting. We've had a volume 10:05:01AM
17 problem we're just working on as you go. 10:05:04AM
18 COMMISSIONER: Is it all right for me to proceed? 10:05:06AM
19 MR TOVEY: Yes. Yes, please. 10:05:09AM
20 COMMISSIONER: Thank you. So Counsel Assisting, Mr Perera, 10:05:10AM
21 will ask you questions. I will probably also ask you 10:05:13AM
22 questions as well. Either during the course of those 10:05:16AM
23 questions or following our questions Mr Kelly will have 10:05:21AM
24 the opportunity to ask questions or to clarify answers. 10:05:24AM
25 Mr Kelly, I encourage you if at a point in Mr Perera's 10:05:29AM
26 answers you feel that the Commission would be assisted by 10:05:35AM
27 him further developing some point or some additional 10:05:41AM
28 information that you think should be forthcoming, it's 10:05:44AM
29 probably helpful if you interrupt and elicit that evidence 10:05:47AM

1 at that time rather than wait until the end of the 10:05:51AM
2 proceedings to do so. Do you follow? 10:05:54AM
3 MR KELLY: Thank you, Commissioner. Yes. 10:05:56AM
4 COMMISSIONER: Mr Perera, we'll break mid-morning and in the 10:06:01AM
5 afternoon if your evidence goes into the afternoon, 10:06:06AM
6 mid-afternoon. But if you at any stage want to have a 10:06:10AM
7 break you need only indicate that you would like to have a 10:06:13AM
8 break and we'll take one. Do you follow? 10:06:16AM
9 MR PERERA: Yes. Thank you, Commissioner. 10:06:19AM
10 COMMISSIONER: And if at any stage you want to speak to 10:06:22AM
11 Mr Kelly to get any advice from him, again you should just 10:06:25AM
12 indicate that that's your wish and we'll adjourn to give 10:06:27AM
13 you an opportunity to speak with Mr Kelly. Do you follow? 10:06:30AM
14 MR PERERA: Yes, I do understand. 10:06:33AM
15 COMMISSIONER: Very good. Now, the examination is being 10:06:36AM
16 conducted by audiovisual link, as is obvious to you all. 10:06:39AM
17 This is done pursuant to division 3 of part 3 of 10:06:42AM
18 the COVID-19 omnibus regulations of 2020. If at any stage 10:06:46AM
19 during the hearing, Mr Perera, you have difficulty hearing 10:06:56AM
20 the questions or if you don't understand a question, 10:06:59AM
21 please indicate immediately that that's your position, and 10:07:03AM
22 we'll either address the audio if that's a problem and if 10:07:08AM
23 the problem is understanding the question we'll ensure 10:07:12AM
24 that the question is repeated or explained to you so that 10:07:15AM
25 there is no misunderstanding about what the question is 10:07:19AM
26 directed to. 10:07:22AM
27 I authorise you, Mr Kelly - you appear for 10:07:25AM
28 Mr Perera - and I just make the point that as the 10:07:31AM
29 examination is being conducted by audiovisual link no 10:07:35AM

1 unauthorised person should be present in any room from 10:07:41AM
2 where the live stream of the virtual examination is taking 10:07:45AM
3 place or be able to hear those proceedings in that room. 10:07:48AM
4 <JUDE GAMINI PERERA, affirmed: 10:07:59AM
5 COMMISSIONER: I'll complete these formalities, but then 10:08:55AM
6 I think we might adjourn for a moment because I think 10:08:59AM
7 there is a difficulty in the audio that's coming from 10:09:01AM
8 Mr Perera. Some words are being lost as he speaks. So 10:09:05AM
9 after I complete the formal matters we might break for a 10:09:12AM
10 moment so that those assisting us can check the audio with 10:09:14AM
11 Mr Perera. Mr Perera, I now want to just remind you of 10:09:20AM
12 the matters about which you'll be questioned. You may be 10:09:27AM
13 asked about your knowledge of the political donation 10:09:32AM
14 practices of John Woodman and his business associates, 10:09:35AM
15 agents or consultants, and how planning matters of 10:09:39AM
16 interest to John Woodman and his business associates were 10:09:46AM
17 advanced with elected officials at local and state 10:09:49AM
18 government level; your knowledge of the use of lobbyists, 10:09:53AM
19 political donations and fundraising to assist John Woodman 10:09:59AM
20 and his business associates, agents or consultants to gain 10:10:04AM
21 access to public officers involved in planning and 10:10:09AM
22 property development decision making at local and state 10:10:12AM
23 government level; your knowledge of matters the subject of 10:10:17AM
24 the scope and purpose described in the attached further 10:10:21AM
25 information and directions for public examinations in 10:10:26AM
26 Operation Sandon, in particular as they apply to planning 10:10:30AM
27 or property development activities within Victoria that 10:10:34AM
28 involved John Woodman, his family, his associate entities, 10:10:41AM
29 business associates, agents or consultants; and, finally, 10:10:45AM

1 the transparency and integrity of dealings between public 10:10:50AM
2 officers involved in planning and property development 10:10:54AM
3 decision making, including any person elected or seeking 10:10:58AM
4 election to a municipal council or the parliament of 10:11:03AM
5 Victoria and any person who may directly or indirectly 10:11:08AM
6 benefit from that decision making, including but not 10:11:11AM
7 limited to landowners, property developers or their 10:11:15AM
8 consultants, and any representatives of those persons, 10:11:20AM
9 including persons engaged in lobbying activities. 10:11:24AM
10 Mr Perera, at the time that the summons was served - 10:11:32AM
11 I think it was served on your legal representatives. At 10:11:36AM
12 the time it was served was there also a statement of 10:11:40AM
13 rights and obligations served on you?---Yes, Commissioner. 10:11:43AM
14 And has Mr Kelly or some other lawyer explained that document 10:11:51AM
15 to you?---Yes, he did, Commissioner. 10:11:57AM
16 And do you feel you understand the content of that document, or 10:12:01AM
17 would you like me to again inform you of your rights and 10:12:06AM
18 obligations or have any part of it explained to you?---No, 10:12:10AM
19 it should be okay, Commissioner. 10:12:15AM
20 Very good. So let me just summarise the position, Mr Perera. 10:12:18AM
21 Your obligation is to answer the questions that you're 10:12:24AM
22 asked, unless you have a reasonable excuse for not doing 10:12:29AM
23 so. You must answer the questions even if they may 10:12:32AM
24 incriminate you or make you liable to a penalty. You must 10:12:35AM
25 answer the questions truthfully, otherwise you would 10:12:42AM
26 expose yourself to a risk of a perjury charge, which 10:12:46AM
27 carries a penalty of up to 15 years imprisonment. 10:12:49AM
28 Importantly, if you answer the questions truthfully, then 10:12:54AM
29 those answers are not admissible and cannot be used 10:12:58AM

1 against you in any court, the exception of course being 10:13:02AM
2 that if you gave false evidence that evidence could be 10:13:07AM
3 used against you on a perjury charge. Do you 10:13:10AM
4 follow?---Yes, I do, Commissioner. 10:13:14AM
5 Very good. Yes, Mr Tovey, before you commence then we might 10:13:15AM
6 just adjourn for a moment so that the audio people can 10:13:20AM
7 just check the audio coming from Mr Perera. 10:13:24AM
8 (Short adjournment.) 10:13:31AM
9 COMMISSIONER: All right. I think we're ready to proceed now, 10:17:04AM
10 Mr Perera. Yes, Mr Tovey. 10:17:06AM
11 <EXAMINED BY MR TOVEY: 10:17:08AM
12 Are you Jude Perera?---I am. 10:17:11AM
13 And do you attend here today in response to a summons served on 10:17:13AM
14 your solicitor?---Yes, that's right. 10:17:18AM
15 Mr Commissioner, I seek to tender summons SE3416 and the 10:17:22AM
16 attached 'Statement of rights and obligations'. 10:17:30AM
17 COMMISSIONER: That will be exhibit 298. 10:17:42AM
18 #EXHIBIT 298 - Summons SE3416 and the attached 'Statement of 10:17:44AM
19 rights and obligations'. 10:17:36AM
20 MR TOVEY: Thank you. Now, Mr Perera, could you just give us 10:17:47AM
21 something of your background. I understand that you were 10:17:49AM
22 elected to parliament in 2002?---That is correct. 10:17:53AM
23 Is that correct?---Yes. 10:17:58AM
24 What work were you doing up until then?---Worked as a computer 10:17:59AM
25 analyst programmer. 10:18:05AM
26 So in 2002, when you were elected, there was a Labor government 10:18:07AM
27 in power at that time?---Yes. Yes, that's right, in 99 10:18:19AM
28 Steve Bracks government came into office. 10:18:25AM
29 And so there was a Bracks government and then a Brumby 10:18:27AM

1 government through to 2010?---Correct. That's correct, 10:18:30AM
2 Mr Tovey. 10:18:40AM
3 And you served in parliament until when, Mr Perera?---Until the 10:18:40AM
4 last election in 2018. 10:18:45AM
5 All right. And you retired at that stage, did you?---That is 10:18:48AM
6 correct. 10:18:51AM
7 So throughout that period other than the period of 2010 to 10:18:55AM
8 2014 - that is, about September 2010 to September 2014 - 10:19:02AM
9 when you had the Liberal Napthine and Baillieu 10:19:14AM
10 governments, was it the case that a Labor government was 10:19:18AM
11 in power?---Sorry, can you explain it again? 10:19:21AM
12 I didn't - - - 10:19:31AM
13 Sure. You arrived in parliament in 2002?---Yes, that's right. 10:19:32AM
14 You left in 2018, at the end of 2018?---Correct. 10:19:39AM
15 And is it the case that a Labor government was in power 10:19:47AM
16 throughout that time, other than the Napthine/Baillieu 10:19:52AM
17 government between 2010 and 2014 Liberal 10:19:57AM
18 governments?---Yes, that is correct. 10:20:01AM
19 There are some recorded conversations which suggest that you 10:20:08AM
20 first came into contact with Mr Woodman very early on in 10:20:16AM
21 your career as a local politician in Cranbourne. Is that 10:20:21AM
22 your recollection?---My recollection is probably somewhere 10:20:31AM
23 between two thousand - around 2010. 10:20:45AM
24 And what are your recollections then as to the circumstances in 10:20:46AM
25 which you first came to know of Mr Woodman or of his 10:20:50AM
26 interests in the Cranbourne area?---I first came to know 10:20:56AM
27 him as a person because when I was organising fundraisers 10:21:02AM
28 I had a fundraiser in Wantirna, in Knox Tavern, Wantirna. 10:21:10AM
29 Then I invited Mr Phil - - - 10:21:27AM

1 Phil Staindl?---Sorry? 10:21:32AM

2 You invited Phil Staindl, did you?---Yes, thank you, Phil 10:21:34AM

3 Staindl, because I knew him. He was attending Labor 10:21:40AM

4 fundraisers and he's part of the Progressive Business 10:21:43AM

5 group, so I invited. He came along with John Woodman. It 10:21:48AM

6 was just a \$100 ticket event. 10:21:54AM

7 And when was that?---I can't exactly remember, but it's 10:21:58AM

8 definitely somewhere around 2010. Yes, around that 10:22:05AM

9 period, yes. 10:22:10AM

10 And on that occasion did Mr Woodman - when he attended with 10:22:11AM

11 Mr Staindl were there other members of his office or of 10:22:17AM

12 his entourage with him?---No, not that I can recollect. 10:22:22AM

13 Just two of them. 10:22:29AM

14 Yes. There's reference in some of the material we have to 10:22:31AM

15 curry nights and other fundraisers that Mr Woodman 10:22:36AM

16 attended. Perhaps you could just tell us what you recall 10:22:41AM

17 as to your interactions with Mr Woodman at fundraisers or 10:22:46AM

18 in relation to the making of political contributions? So 10:22:54AM

19 when I say that I'm talking about fundraisers, I'm talking 10:23:01AM

20 about direct political contributions, I'm talking about 10:23:05AM

21 Progressive Business. I just want to get you to give us 10:23:09AM

22 your recollection as to how that relationship, if any, 10:23:13AM

23 developed?---Yes, what happens is when somebody comes for 10:23:18AM

24 a - attend a fundraiser we get their names on the 10:23:23AM

25 database. 10:23:27AM

26 Yes?---So subsequently for other fundraisers we invite the 10:23:28AM

27 people on the database. 10:23:34AM

28 Yes?---I believe in Knox Tavern we would have had a subsequent 10:23:37AM

29 fundraiser and he would have attended. I'm not exactly 10:23:44AM

1 sure, but he may have. We would have invited him not more 10:23:50AM
2 than one more, more than the first one. 10:23:56AM
3 Yes?---Then I had my - I have my annual curry nights. It's a 10:23:58AM
4 low-priced ticket item, about \$45-50. He has attended 10:24:09AM
5 with about eight, nine other people. Normally he buys a 10:24:14AM
6 table, and I think he attended it once. So he always talk 10:24:21AM
7 about it. Then I was invited for a fundraiser in 10:24:33AM
8 the Crown Casino. This was - - - 10:24:37AM
9 What was that? I just missed - a fundraiser? I just missed 10:24:40AM
10 how you described it?---Yes. In the Crown Casino. 10:24:46AM
11 In the Crown Casino, yes, thank you?---In the Crown Casino. It 10:24:49AM
12 was completely organised by Mr Woodman and his associates. 10:24:54AM
13 Yes?---And it was attended by myself and Mr Martin Pakula and 10:24:59AM
14 Mrs Judith Graley, and at the end of the fundraiser - 10:25:11AM
15 I mean, there were people who probably would have 10:25:17AM
16 contributed. There were about, I don't know, maybe about 10:25:21AM
17 70, 80 people. At the end of the fundraiser he gave an 10:25:23AM
18 envelope to me. It's a cheque for \$10,000. So that all 10:25:33AM
19 went into my Cranbourne campaign account. 10:25:39AM
20 Yes?---And after that only other thing he did for us, he asked 10:25:43AM
21 closer to the election any other campaign assistance 10:25:52AM
22 I require, so we nominated some people carrying placards 10:25:56AM
23 along Thompsons Road sort of with the writing 'Labor will 10:26:03AM
24 build' - 'Labor will widen Thompsons Road.' 10:26:13AM
25 Yes?---So it was completely handled by him. So I had 10:26:15AM
26 nothing - basically nothing to do apart from giving him 10:26:19AM
27 the slogan. That's about it. 10:26:21AM
28 So that was in 2018, was it?---No, no, it was in the lead-up to 10:26:27AM
29 2014 election. 10:26:35AM

1 Sorry, in 2014. Okay?---Yes. 10:26:36AM

2 In the lead-up to the Crown Casino fundraiser was - you've 10:26:39AM

3 indicated that that was all done by Mr Woodman's office. 10:26:53AM

4 How did that come about?---I can't exactly recollect 10:27:00AM

5 whether it was Phil Staindl or Miss Megan Schutz. Either 10:27:06AM

6 one of them contacted me and asked whether I want to 10:27:17AM

7 attend, they're going to do a fundraiser for me. 10:27:21AM

8 Yes. And you say Ms Graley attended that as well?---Correct. 10:27:24AM

9 And there was no attempt to disguise the fact that it was in 10:27:32AM

10 fact a fundraiser being funded by Mr Woodman?---No, and 10:27:36AM

11 his associates. Like, it was - there were about 60, 70 10:27:41AM

12 people. 10:27:46AM

13 Yes?---Will be guests, that they would all contributed. But 10:27:48AM

14 end of the day, end of the event, he came and handed me a 10:27:53AM

15 cheque in an envelope. 10:27:56AM

16 Yes. And did he do the same with Ms Graley?---Yes, they got 10:27:59AM

17 envelopes as well. I don't know how much they got. 10:28:04AM

18 Yes. And was the understanding that that money was money 10:28:07AM

19 raised by or coming from Mr Woodman?---That's my 10:28:11AM

20 understanding, yes. 10:28:15AM

21 Thank you. Now, over that period - you've already spoken to 10:28:18AM

22 Megan Schutz - of Megan Schutz. Again, amongst the 10:28:29AM

23 documentation we have there's documentation reflecting a 10:28:36AM

24 very large amount of interaction between Ms Schutz and 10:28:44AM

25 your office. It's difficult to tell sometimes whether 10:28:47AM

26 that interaction was taking place at a time when you were 10:28:52AM

27 there or whether when you were away ill. From your own 10:28:56AM

28 personal experience, did you have a significant degree of 10:29:01AM

29 interaction over the years with Megan Schutz, particularly 10:29:07AM

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in respect of the Cranbourne West rezoning and her interaction with the residents action group?---I have met a few times in my office, and, as you mentioned, she has been to my office in my absence when I was away ill or when I was in parliament or doing other things outside the office. And basically she was in a sense I should say very professional with me. She always says, 'You will be in trouble because all the residents in the Cranbourne West are against having a industrial estate there. So it is in your best interest to have a residential development there, otherwise you'll be in a lot of trouble.' Apart from that, I have received a petition. I think I vaguely remember receiving a petition from the Cranbourne West residents group, which I submitted in - tabled in the parliament, and time to time even in my absence when they come and contact my staffer and then we write to the minister saying that, 'We have been approached by the Cranbourne West residents and they are not very happy about having an industrial zoning there. Therefore, I think it's the best interest of our electoral chances we should not go ahead with the industrial zoning.' That's the view I expressed.

COMMISSIONER: Mr Perera, for what period of time did your illness take you away from your parliamentary duties? Can you give us an approximate idea of the period over which you were ill?---If I start from the beginning, I've had my first transplant in 2009, February, and a period of time probably about four, five months I was away. Then again I had my second transplant in 2016 - 2016, July, on the

10:29:11AM
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10:30:42AM
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10:31:02AM
10:31:10AM
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10:32:04AM

1 day of the Federal election. Yes, then again after that a 10:32:19AM
2 few months directly after that. Then time to time I had 10:32:29AM
3 to take treatment because that second transplant did not 10:32:35AM
4 last more than one and a half years. So more or less it 10:32:40AM
5 was like Monash was like my second home for a period of 10:32:47AM
6 time. 10:32:51AM
7 I see. So after the second period of a few months in 2016 - - 10:32:54AM
8 -?---Yes. 10:33:01AM
9 Were there intermittently small or short periods of time when 10:33:01AM
10 you were away from your parliamentary duties?---Yes. 10:33:08AM
11 All right. Thank you. 10:33:12AM
12 MR TOVEY: While we're on that, Mr Perera, there are documents 10:33:16AM
13 in April of 2015 indicating that - these are 10:33:23AM
14 communications involving Megan Schutz, at a time when she 10:33:35AM
15 was arranging the first petition, indicating that you 10:33:40AM
16 weren't well, and at that stage - this was in April, May, 10:33:45AM
17 June of 2015 - she was dealing very much of the time, if 10:33:53AM
18 not all the time, with Sammy Argiriou, who I understand is 10:34:03AM
19 your electoral officer?---Correct. 10:34:09AM
20 Clearly you were ill during that period of time, that is 10:34:12AM
21 mid-2015, and indeed it would seem intermittently over the 10:34:17AM
22 following 12 to 18 months. Is that correct or is it 10:34:22AM
23 not?---It is correct because the second 10:34:33AM
24 transplant - sorry, the first transplant - after the first 10:34:39AM
25 transplant failed I was sick, then I was in the process of 10:34:44AM
26 moving from one type of dialysis to the next, and even on 10:34:48AM
27 the election day 2014 I was ill. 10:34:53AM
28 So were there large periods of time where Sammy Argiriou ran 10:35:01AM
29 your electoral office?---He did. He - yes, it was really 10:35:10AM

1 good knowing that he knew everything. He was on top of 10:35:15AM
2 everything. 10:35:20AM
3 Yes. And was it the position that you were always able to 10:35:21AM
4 supervise what he was doing, or were you too ill to do 10:35:28AM
5 that sometimes?---No, no, he kept me informed. Even if 10:35:32AM
6 I was in hospital, he sent me emails keeping me up to 10:35:36AM
7 date. 10:35:43AM
8 So there were significant - there were very significant 10:35:43AM
9 contacts between himself and Megan Schutz and Phil Staindl 10:35:50AM
10 over the period from mid-2015 for the next 18 months at 10:35:57AM
11 least where he's performing a number of functions relating 10:36:04AM
12 to the rezoning. Are you confident that you were aware of 10:36:12AM
13 all he was doing during that period of time?---That is my 10:36:17AM
14 understanding. 10:36:20AM
15 Yes. I mean, I'll take you to it at one stage, but at one 10:36:22AM
16 stage he has - Megan Schutz has virtually written a 10:36:31AM
17 submission by your office to the council in respect of 10:36:36AM
18 that matter. Is that something of which you were 10:36:40AM
19 aware?---No. No, I can't remember. 10:36:46AM
20 Yes?---Writing that to the Casey Council? 10:36:53AM
21 Yes?---From my office? 10:36:54AM
22 Do you - I'll just divert there for a moment. What happened 10:36:56AM
23 was that at one stage as part of the rezoning process the 10:37:03AM
24 proposal was put on exhibition and formal responses were 10:37:15AM
25 sought by council, and what happened was, and I'll take 10:37:24AM
26 you to the documents, that Megan Schutz suggested to Sammy 10:37:28AM
27 Argiriou that you should or that he should make a formal 10:37:33AM
28 submission to the council as part of that process 10:37:40AM
29 indicating that not only would it influence council but as 10:37:44AM

1 a formal submission it was something that was capable of 10:37:50AM
2 being put before the planning panels who were going to be 10:37:55AM
3 looking at it because it was going to be a formal 10:37:59AM
4 submission. Now, is that something you knew anything 10:38:04AM
5 about, that arrangement?---No, I cannot recollect. 10:38:06AM
6 Then it would appear that as a result of that Megan Schutz in 10:38:12AM
7 fact prepared a document which was a document laying out 10:38:21AM
8 what should be presented by you in your submission to the 10:38:32AM
9 council, and that document was in large part, when it was 10:38:38AM
10 sent to the council, that is your submission, simply a 10:38:44AM
11 recitation of what Ms Schutz had said. Now, first of all, 10:38:48AM
12 do you recall signing a document which was submitted to 10:38:52AM
13 the council as your submission on the C219 rezoning 10:38:58AM
14 issue?---I cannot recall now, but, I mean, that doesn't 10:39:08AM
15 mean it has not taken place. 10:39:14AM
16 Yes. I can understand. It's clear that you were quite ill at 10:39:16AM
17 the time and intermittently. But I take it you weren't 10:39:24AM
18 aware that a document signed by you and sent to the 10:39:30AM
19 council was in large part simply a restatement of a 10:39:33AM
20 briefing from Megan Schutz telling Mr Argiriou what that 10:39:40AM
21 document would contain?---They may have conversations, 10:39:47AM
22 like as she mentioned to me time and again, that we will 10:39:52AM
23 be in trouble because Cranbourne West residents do not 10:39:57AM
24 want industrial zoning there. So he probably would have 10:40:01AM
25 taken it in the best political interest of ours to have 10:40:09AM
26 (indistinct). 10:40:17AM
27 So after she had come to you and indicated that's what the 10:40:18AM
28 residents wanted - - -?---Yes. 10:40:23AM
29 It's a cause which in fact you and your office took up and 10:40:25AM

1 supported?---Yes, that's right and - - - 10:40:29AM
2 Yes. And - - -?---Correct. 10:40:29AM
3 I'm sorry, I didn't want to interrupt you?---And also residents 10:40:40AM
4 from time to time support I think it is Ray to have the 10:40:42AM
5 residents group. I think his name is Ray. 10:40:48AM
6 Yes. Ray was a man by the name of Ray Walker; does that assist 10:40:52AM
7 you?---Yes. 10:41:01AM
8 Yes. And I think he indicated he met you once or twice. 10:41:01AM
9 I might be wrong about that, but do you recall having met 10:41:09AM
10 him?---I don't recall, but I recall Sammy telling me that 10:41:12AM
11 Ray came, you know, he was in the office and he met with 10:41:18AM
12 him and so on. I may have met him once or twice, yes. 10:41:22AM
13 Megan Schutz, on numerous occasions that I'll take you to, 10:41:26AM
14 acted as a channel between your office and the residents 10:41:34AM
15 group. Is that something that you understood to be the 10:41:37AM
16 situation?---No, no. I don't think she used my office to 10:41:41AM
17 access to the residents group. 10:41:49AM
18 No, no, I'm not saying that was the case. What I'm saying is 10:41:51AM
19 that your office contacted the residents group through her 10:41:55AM
20 or dealt with the residents group through her?---No. 10:42:01AM
21 Residents group came and met with us separately. Megan 10:42:06AM
22 and residents group, I cannot recall any instance where 10:42:11AM
23 they came and sat with us together, resident group and 10:42:15AM
24 Mrs Megan. 10:42:19AM
25 Did Sammy Argiriou ever give you any indication that he 10:42:21AM
26 perceived that Megan Schutz had some influence or any 10:42:27AM
27 influence with the residents group?---I'm not sure whether 10:42:33AM
28 he gave me or not. But I had that feeling because I have 10:42:46AM
29 to pass that property in question to get to my office from 10:42:55AM

1 home, so every morning and evening when I pass that I can 10:42:59AM
2 see a big board - big signboard up saying that they don't 10:43:04AM
3 want smoking, air-polluting industrial estate there. So - 10:43:09AM
4 it is obvious that a residents group will not fund 10:43:13AM
5 something like that. So I had the feeling that Megan 10:43:18AM
6 would have been with them - working with them together 10:43:24AM
7 getting these things up. 10:43:29AM
8 I'll take you to two petitions which were prepared. We've 10:43:37AM
9 heard from Megan Schutz that she organised those 10:43:47AM
10 petitions, both of which were submitted to parliament. 10:43:53AM
11 Were you aware that Ms Schutz was organising those 10:44:02AM
12 petitions?---Well, yes and no. I mean, this is - this 10:44:05AM
13 came from residents, and I know Megan is working with the 10:44:16AM
14 residents, so therefore the odds are highly likely that 10:44:20AM
15 she would have been party to that. 10:44:27AM
16 At one stage Sammy Argiriou sent her a blank document which was 10:44:30AM
17 to provide her with the format for the petition. Were you 10:44:44AM
18 aware that he did that?---We always do that. I mean, 10:44:48AM
19 because parliament will not accept in different format, 10:44:54AM
20 so exactly the format the parliament will accept we'll 10:45:02AM
21 give to anybody who wants to do a petition. 10:45:05AM
22 So it was your understanding that at least she had a 10:45:06AM
23 significant role in organising those petitions?---Yes. 10:45:09AM
24 Is that fair?---She worked with the residents, so I believe she 10:45:15AM
25 was party to organising the petition. 10:45:20AM
26 And of course you were aware that Megan Schutz worked for John 10:45:23AM
27 Woodman?---Yes, as a business consultant, not - I don't 10:45:27AM
28 think she was an employee. 10:45:35AM
29 No, but you understood that she was retained by John Woodman to 10:45:37AM

1 act for him in respect of the rezoning and perhaps other 10:45:41AM
2 things?---Later on, yes. 10:45:45AM
3 Yes. Thank you. In January of 2009 there were - I'll just 10:45:50AM
4 summarise as many of these emails as I can. I'll take you 10:46:09AM
5 to some of them which perhaps have more significance, but 10:46:11AM
6 I'll simply ask you to indicate what recollection you have 10:46:17AM
7 of the matters that are raised in these emails. In 10:46:22AM
8 January of 2009 there was an email from Heath Woodman. Do 10:46:33AM
9 you know who Heath Woodman was, John Woodman's 10:46:43AM
10 brother?---No. 10:46:46AM
11 Anyway, to Phil Staindl; and you know who Phil Staindl 10:46:46AM
12 was?---Yes. 10:46:53AM
13 Did you or your office regularly interact with him in respect 10:46:54AM
14 of the rezoning?---No, not at all. Phil Staindl, he 10:47:03AM
15 normally contact when we have a fundraiser. 10:47:10AM
16 Thank you. There was an email, anyway, on 19 January 2019 10:47:16AM
17 [sic], and for the transcript this is at court book page 10:47:24AM
18 4852, from Heath Woodman to Phil Staindl about it being a 10:47:28AM
19 good time to brief you in respect of Brompton Lodge. Do 10:47:36AM
20 you recall at that stage being briefed in respect of 10:47:43AM
21 Brompton Lodge or the Brompton Lodge rezoning, which was 10:47:47AM
22 land which was owned by a person by the name of 10:47:52AM
23 Carpenter?---No, I cannot recall a meeting with Phil 10:48:00AM
24 Staindl. Maybe 2009, February, I went for the surgery. 10:48:04AM
25 So as a result of that it may have been interrupted and 10:48:13AM
26 may not have eventuated. 10:48:18AM
27 So is your position you don't have any recollection of that 10:48:23AM
28 rezoning at all?---It's the same piece of land we're 10:48:28AM
29 talking about, isn't it? 10:48:36AM

1 No, it's a different piece of land. 10:48:38AM

2 COMMISSIONER: Mr Perera, it was the extension of the urban 10:48:40AM

3 growth boundary?---Right. No. 10:48:43AM

4 MR TOVEY: There are documents indicating that there was a 10:48:53AM

5 meeting between you, John Woodman, Heath Woodman and Phil 10:48:55AM

6 Staindl on 26 June 2009. Do you have any recollection of 10:49:00AM

7 that in respect of that issue?---No, I don't. 10:49:07AM

8 It's okay. All I ask is that you tell us the very best you can 10:49:15AM

9 remember. Just because I explain to you that there are 10:49:25AM

10 notes about things, there's no reason for you to profess 10:49:28AM

11 recollection of them unless you actually do. You 10:49:33AM

12 understand?---Yes, I do. 10:49:36AM

13 COMMISSIONER: Mr Tovey, the dealings with Mr Perera in 10:49:38AM

14 relation to Brompton Lodge go back to 2007, I think, and 10:49:44AM

15 there's some records we have that show that through 10:49:53AM

16 Mr Staindl, who was the Labor representative, and 10:49:57AM

17 Mr Leigh, L-e-i-g-h, who was the Liberal Party 10:50:05AM

18 representative, both the Labor and Liberal Party 10:50:09AM

19 representatives said that they had obtained verbal consent 10:50:15AM

20 from their respective parties to the urban growth boundary 10:50:22AM

21 extension for Brompton Lodge. Mr Perera at that time was 10:50:32AM

22 the local member. 10:50:35AM

23 MR TOVEY: Mr Commissioner, that was on 20 June 2008. 10:50:40AM

24 COMMISSIONER: I see. Does any of that refresh your memory at 10:50:45AM

25 all about whether or not you were approached by Mr Staindl 10:50:50AM

26 or Mr Leigh about what the Labor Party's position was on 10:50:55AM

27 extending the urban growth boundary to permit the 10:51:03AM

28 development of what's called Brompton Lodge?---No, 10:51:06AM

29 I can't - I can vaguely remember once I met Mr Leigh, only 10:51:13AM

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once, casually at the parliamentary corridor. That's as far as my recollection goes. And, again, if there's an agreement from both sides of politics, I have nothing to do because I don't call - I'm only a humble backbencher. I don't call the shots. So it would have come from somewhere else.

Yes. Yes, Mr Tovey.

MR TOVEY: Then if we go to 2014, moving forward, the rezoning, that is the Cranbourne West rezoning, the C219 amendment, first came before the council and indeed seems to have first become a significant issue in February of 2014. It had been kicking around for some time, but it didn't seem to obtain any energy until February of 2014. On 4 February 2014 there was discussion by email between Mr Woodman, Mr Staindl about organising a meeting with you about fundraising and also about the rezoning application. Perhaps I could just have you look at that one. Could we have up 3672, please, Mr Commissioner, which is exhibit number 220.

COMMISSIONER: So, Mr Perera, something will come up on the screen and you're able to read it as Mr Tovey questions you?---Thank you, Commissioner.

MR TOVEY: So that's an email, as I'd indicated to you, on 4 February where Mr Woodman tells Mr Staindl that they 'need to organise a meeting with Jude and Daniel regarding fundraising and advice of the proposed rezoning which we need to happen pretty quick', et cetera, et cetera, and, insofar as it was coming before the council in the next couple of weeks, indeed it did. But from your perspective

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10:53:30AM
10:53:33AM
10:53:54AM
10:53:58AM
10:54:03AM
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10:54:20AM
10:54:23AM

1 they were talking about 'a meeting with Jude and Daniel 10:54:29AM
2 regarding fundraising and advice of the proposed 10:54:34AM
3 rezoning'. Mr Staindl has given evidence in respect of 10:54:42AM
4 that document that he thought there was a meeting with you 10:54:48AM
5 but not with Daniel Andrews in respect of those matters. 10:54:52AM
6 What's your recollection as to that?---I have no 10:54:58AM
7 recollection, yes. Yes, I have no recollection of a 10:55:11AM
8 meeting around that time. 10:55:15AM
9 I'm sorry?---I have no recollection of a meeting at that time. 10:55:18AM
10 Do you have any recollection of a meeting at that time with 10:55:22AM
11 Mr Woodman discussing anything relating to election 10:55:27AM
12 funding?---No. 10:55:34AM
13 COMMISSIONER: When was the election, Mr Tovey? 10:55:43AM
14 MR TOVEY: The election, sir, was in I think November 2014. 10:55:46AM
15 COMMISSIONER: Thank you. So, Mr Perera, you have no 10:55:58AM
16 recollection in the six months preceding that election 10:56:02AM
17 having any meeting with Mr Woodman to discuss both 10:56:15AM
18 fundraising and the proposed rezoning?---No, I don't have 10:56:21AM
19 any recollection about having a meeting with John Woodman 10:56:27AM
20 because he only once popped into my office, it was 10:56:30AM
21 informally, and even at that time he never spoke about 10:56:35AM
22 planning issues. He was there for five minutes. Normally 10:56:39AM
23 issues were discussed or raised with me by Megan Schutz. 10:56:46AM
24 I was really wanting to know do you have any recollection of 10:56:56AM
25 Mr Woodman or his company, Watsons, contributing to the 10:57:00AM
26 election campaign in 2014?---Yes, yes, because, as 10:57:04AM
27 I mentioned before, the \$10,000 at the Crown Casino and 10:57:10AM
28 also they ran a small campaign on behalf of us in 10:57:18AM
29 Thompsons Road, and he has attended one of my curry nights 10:57:24AM

1 with the group, and another fundraiser in Wantirna he has 10:57:32AM
2 attended a couple of them. 10:57:38AM
3 Can you remember, Mr Perera, how Watsons or Mr Woodman were 10:57:41AM
4 secured to participate in these fundraisers?---Because 10:57:53AM
5 years ago, I can't remember when it was, when I invited 10:58:00AM
6 Phil Staindl, he came with John Woodman for a fundraiser 10:58:04AM
7 in Wantirna. 10:58:09AM
8 Yes?---After somebody new comes in he goes into our database, 10:58:10AM
9 we always go back and invite for the next fundraiser. 10:58:19AM
10 So your memory or your recollection is that Mr Woodman or 10:58:22AM
11 Watsons' fundraising contributions came through or have 10:58:28AM
12 been organised by Mr Staindl?---I can't exactly remember 10:58:35AM
13 how with Crown Casino fundraiser, who invited me. I mean, 10:58:43AM
14 I had to only be present there. I didn't have to do 10:58:49AM
15 anything. I think who invited me and made a diary 10:58:54AM
16 appointment, I can't recollect. It may have been Megan 10:58:58AM
17 Schutz or Phil - - - 10:59:02AM
18 All right. I'm just trying to clarify how each of those 10:59:03AM
19 fundraisers came about through whom. We know that there 10:59:14AM
20 was a casino fundraising, and I think Mr Tovey is going to 10:59:21AM
21 ask you some more questions about that. But quite aside 10:59:25AM
22 from the cheque that you've told us you got at the end of 10:59:28AM
23 the casino fundraiser, and that was for \$14,000, I think 10:59:31AM
24 you said?---No, \$10,000. 10:59:36AM
25 I'm sorry, 10,000, was it?---Yes. 10:59:37AM
26 Was that in one cheque?---Yes. 10:59:40AM
27 And on two other dates in November did you also receive cheques 10:59:42AM
28 of \$5,000 on two separate occasions from Watsons?---No, 10:59:52AM
29 I can't recollect. 11:00:00AM

1 All right. Yes, Mr Tovey. 11:00:02AM

2 MR TOVEY: So what we have, Mr Perera, is in February 11:00:11AM

3 Mr Woodman and Mr Staindl planning to organise a meeting 11:00:20AM

4 with you about fundraising and to brief you on the 11:00:25AM

5 rezoning, and then within a few weeks of that, on 11:00:31AM

6 14 March, a flyer is being prepared advertising the 11:00:39AM

7 fundraising, which in fact ultimately occurs on 4 April. 11:00:44AM

8 So it would seem from that that what's happened is that 11:00:54AM

9 Mr Staindl or Ms Schutz or Mr Woodman have come to you, 11:01:01AM

10 indicated that they're prepared to put on a big 11:01:09AM

11 fundraiser, and at the same time or thereabouts they have 11:01:12AM

12 raised the issue relating to C219. You had agreed that 11:01:15AM

13 you will have the fundraiser, and then what's happened 11:01:24AM

14 after that is the fundraiser has in fact been organised. 11:01:27AM

15 That's what the documentation seems to show was the 11:01:33AM

16 sequence. Do you disagree with that?---Partly because he 11:01:36AM

17 never sort of joined together, like, he never 11:01:45AM

18 said - I mean, my recollection it was Megan Schutz. They 11:01:51AM

19 never said, 'Okay, we'll give you a fundraiser on 11:01:58AM

20 condition that you'll support this.' 11:02:01AM

21 Yes?---The fundraisers happened independently, and my support 11:02:04AM

22 was working with the local residents. Of course I knew 11:02:11AM

23 Woodman and Megan Schutz were behind the residents. They 11:02:14AM

24 were funding them. But end of the day my concern was the 11:02:18AM

25 residents because if I put them offside the other people 11:02:25AM

26 are going to vote against us, against Labor, against me. 11:02:31AM

27 Whether or not they came to you - it may be that they didn't 11:02:38AM

28 come to you directly and say, 'Hey, look, we'll give you a 11:02:41AM

29 fundraiser if you commit to this,' but from your 11:02:45AM

1 recollection was it about that time, that is in early 11:02:49AM
2 2014, that you became aware through Megan Schutz or 11:02:54AM
3 through Phil Staindl or through John Woodman of the 11:03:01AM
4 rezoning issue being promoted by Woodman?---Yes. 11:03:09AM
5 Thank you. I now just want to run through quite a number of 11:03:20AM
6 documents, most of which I suspect won't be controversial. 11:03:31AM
7 But, if you disagree with anything I'm putting, please 11:03:36AM
8 just make clear to me that's the case; you 11:03:40AM
9 understand?---Yes. 11:03:45AM
10 Perhaps before I do that, though, the Crown Casino function on 11:03:45AM
11 4 April in late 2018 became the subject of some press 11:03:57AM
12 attention, didn't it?---Not that I know of. Was it 2018? 11:04:04AM
13 Yes. In October/November 2018 The Age published two articles. 11:04:14AM
14 One of those articles drew a connection between John 11:04:22AM
15 Woodman running a function for yourself, Judith Graley and 11:04:30AM
16 Mr Pakula at Crown Casino, and what they were pointing to 11:04:35AM
17 was possible corruption in respect of the rezoning?---I'm 11:04:43AM
18 a bit confused here about the date because 2018 I wasn't 11:04:50AM
19 going to stand for parliament. So this \$10,000 cheque was 11:04:55AM
20 given to me before my election. 11:05:01AM
21 No, what had happened was there was an Age article which was 11:05:04AM
22 looking back to historical corruption?---Right. 11:05:11AM
23 Or allegations. If I could put it very broadly, suggesting 11:05:16AM
24 that there was corruption going on at Casey 11:05:21AM
25 Council?---Right. 11:05:25AM
26 One of the matters that was raised was Crown Casino?---Yes. 11:05:25AM
27 The Crown Casino function that Mr Woodman had run, and in fact 11:05:30AM
28 Royce Millar from The Age rang you at the time about that. 11:05:38AM
29 Do you recall that occurring?---Yes. Yes, I do. 11:05:41AM

1 You were honest and straightforward, I take it, in your 11:05:44AM
2 dealings with him in what you told him about it?---Yes. 11:05:51AM
3 Mr Millar, yes. Did Phil Staindl contact you at that time 11:05:54AM
4 about what you had told Royce Millar?---No. I can't 11:06:04AM
5 recollect. 11:06:11AM
6 I'm sorry?---I can't recollect Phil Staindl contacting me. 11:06:11AM
7 We have access to a recorded conversation, which I don't need 11:06:25AM
8 to take you to, I don't think, wherein Mr Staindl and 11:06:30AM
9 Mr Woodman lamented that you had 'spilt your guts', 11:06:34AM
10 I think were the words that were used, in respect of the 11:06:39AM
11 occurrence of the - sorry, in respect of the fact that 11:06:46AM
12 Woodman had financed the Crown Casino fundraiser. I take 11:06:49AM
13 it nobody - from what you say, you can't recall anybody 11:06:58AM
14 contacting you at that stage from the Woodman camp, 11:07:02AM
15 whether it be Staindl, Schutz or Woodman, about that 11:07:07AM
16 article?---No, no, I cannot recollect. No, I cannot 11:07:11AM
17 recollect. 11:07:28AM
18 That's all right. If I could then just go back then to the 11:07:30AM
19 time of the Crown Casino event, and we'll move forward 11:07:36AM
20 from there. So, just going through some of the documents 11:07:40AM
21 that we have, after 4 April there was I think reference to 11:07:46AM
22 the curry event where Watsons attended. That was around 11:07:57AM
23 10 May 2014; would that fit in with your 11:08:03AM
24 recollection?---Yes, around May. Around May I have that. 11:08:07AM
25 And then Mr Staindl - no, sorry, I won't say Mr Staindl. There 11:08:09AM
26 was evidence that during the time from March 2014 over the 11:08:29AM
27 ensuing period of at least a year or 18 months regular 11:08:34AM
28 briefings were given to your office by Megan Schutz 11:08:40AM
29 relating to the progress of the Cranbourne West rezoning. 11:08:48AM

1 Does that accord with your recollection?---Yes, time to 11:08:53AM
2 time when I met with Megan Schutz when I'm in my office, 11:09:00AM
3 yes, she basically asked what's going to happen and I say 11:09:06AM
4 I don't know, I've just spoken to - I have written to the 11:09:11AM
5 minister on behalf of these local residents, and she 11:09:16AM
6 hasn't given us any grief as such. 11:09:24AM
7 Could you look at, just by way of example, 20 December 2014, 11:09:27AM
8 4920, court book 4920. 11:09:49AM
9 COMMISSIONER: Is this an exhibit, Mr Tovey? 11:09:55AM
10 MR TOVEY: Exhibit 296, Mr Commissioner. 11:09:58AM
11 COMMISSIONER: Thank you. 11:10:02AM
12 MR TOVEY: So that from Mr Woodman to Phil Staindl indicating, 11:10:24AM
13 'Please find attached the information to be discussed with 11:10:29AM
14 Judith and Jude on Monday.' So that contemplates that 11:10:32AM
15 there is going to be a meeting involving person of or 11:10:37AM
16 somebody from Woodman's office with yourself and Judith 11:10:43AM
17 Graley within the next number of days, and then attached 11:10:50AM
18 to that is a brief rundown signed by Mr Woodman. Now, it 11:10:57AM
19 would appear from these documents that what's happened is 11:11:24AM
20 that you're not well, they are talking about a telephone 11:11:27AM
21 briefing - sorry, a telephone conference with you and this 11:11:30AM
22 document being sent in advance of that conference so 11:11:38AM
23 you'll understand what's being spoken about. So when I'm 11:11:44AM
24 talking about a meeting I'm really talking about what 11:11:48AM
25 would appear ultimately, if it took place, to have been a 11:11:51AM
26 teleconference. Do you have any recollection of 11:11:54AM
27 that?---No. 11:11:58AM
28 Thank you. I know you say you have little recollection, if 11:12:00AM
29 any, of discussions with Phil Staindl in respect of 11:12:10AM

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the rezoning. However, his offices kept activity reports which report reports March 2015, April 2015, and on other occasions over that period of time contacts with you or your office in respect of the rezoning. Do you say that you didn't have any contact with Mr Staindl or that you're just not aware of those contacts?---I cannot recollect direct contacts with Phil Staindl. He may have contacted with Sammy. So I probably get from Sammy which says, you know, Phil or Ray Williams or whoever contacted regarding this and he will discuss what we need to do and if - in most cases writing to the minister, ended up writing to the minister saying that concerns were raised by local residents.

Thank you. The first briefing I took you to was on 20 December 2014. I want to take you now to 15 April 2015, which is court book 4960.

COMMISSIONER: Is this an exhibit, Mr Tovey?

MR TOVEY: That's not, Mr Commissioner. So that's an email from Phil Staindl to you?---Yes.

Where he is sending you a plan relating to the rezoning.

Clearly you haven't been well?---Yes.

But he attaches a map of the site, and he's going to provide you with background notes 'tomorrow', and it would seem from that that he was planning to meet with you the next day?---Right.

Having seen that, would you agree that that took place?---Yes, of course. And also there was a practice in my office that Sammy Argiriou, my electorate officer, will have access to all my emails. So he may have seen this and

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11:15:26AM

1 taken action. 11:15:32AM

2 So is there a possibility that you might not even have seen 11:15:37AM

3 that email?---It is possible, yes. 11:15:40AM

4 As at 15 April, do you have any precise recollection as to how 11:15:46AM

5 you were at that time?---No, I cannot - I don't have a 11:15:54AM

6 recollection of meeting with Phil. 11:15:59AM

7 Were there any protocols in place at this stage as to what 11:16:05AM

8 electorate officers or electoral staff or minister's staff 11:16:10AM

9 or any other persons - sorry, that's a question I don't 11:16:17AM

10 need to ask you. Were there any protocols in place in 11:16:22AM

11 respect of what electoral officers could and could not do 11:16:26AM

12 in the absence or in the case of illness of 11:16:33AM

13 members?---I don't think there are set protocols. But 11:16:43AM

14 I believe each office or each relationship works 11:16:46AM

15 differently. 11:16:49AM

16 So did you yourself have any rules by which you sought Sammy to 11:17:00AM

17 operate?---I have given him - I have given him a free 11:17:07AM

18 hand. Even it was before I fell sick he had access to my 11:17:12AM

19 emails and - because he's the person who is in the office 11:17:19AM

20 and he's on top of the local issues, even if - when I was 11:17:25AM

21 not sick, I was in parliament or I was attending 11:17:30AM

22 parliament, committee meetings, visiting schools and other 11:17:33AM

23 places. Yes, there was no rules. Only thing is it was an 11:17:39AM

24 understanding that everything he keep me informed. 11:17:49AM

25 So, other than the fact that you asked him generally to keep 11:17:56AM

26 you informed, he could prepare and submit submissions on 11:17:59AM

27 your behalf, could he?---If - I mean, technically he 11:18:04AM

28 could, but that was not the understanding. 11:18:15AM

29 He could respond to emails on your behalf or write emails under 11:18:20AM

1 your name?---He can, yes. He can. But I have never come 11:18:27AM
2 across his doing something like that. 11:18:34AM
3 He could represent you in meetings with a minister?---No. That 11:18:39AM
4 has never happened. 11:18:46AM
5 I'll take you to some material which indicates that it did in 11:18:51AM
6 fact. But we'll just move on. 11:18:56AM
7 COMMISSIONER: That will be exhibit 299, Mr Tovey. 11:19:08AM
8 MR TOVEY: Thank you. 11:19:10AM
9 COMMISSIONER: Email from Mr Staindl to Mr Perera of 15 April 11:19:11AM
10 2015. 11:19:15AM
11 #EXHIBIT 299 - Email from Mr Staindl to Mr Perera of 15/04/15. 11:19:19AM
12 MR TOVEY: Now, on 16 April there was an email between Tom 11:19:24AM
13 Kenessey and John Woodman. Do you know who Mr Kenessey 11:19:34AM
14 was?---No. 11:19:39AM
15 You didn't meet him? He was a representative of Leightons, who 11:19:40AM
16 owned the Cranbourne West land?---Yes. 11:19:43AM
17 In any event, at that stage that email expressed concerns that 11:19:46AM
18 the fact that Gary Rowe - you know who Gary Rowe was, 11:19:58AM
19 Councillor Rowe?---Yes, I do. 11:20:03AM
20 Had attended a SCWRAG meeting, had upset some of your 11:20:05AM
21 supporters, and they were refusing to sign the petition 11:20:10AM
22 because they thought it was all part of no doubt a Liberal 11:20:16AM
23 plot. Do you recall anything arising in respect of 11:20:22AM
24 that?---No, I don't. 11:20:25AM
25 And ultimately it would appear from the documentation we have 11:20:40AM
26 that Sammy Argiriou went to Megan Schutz asking her to get 11:20:45AM
27 SCWRAG to back off because it was - because some of 11:20:53AM
28 the things that they were doing was seen to be politically 11:21:02AM
29 not helpful. You didn't direct him to do that?---No. 11:21:06AM

1 COMMISSIONER: Mr Perera, can I just be clear, though. 11:21:14AM
2 Throughout the period from 2014 onwards was it your 11:21:23AM
3 understanding that Ms Schutz, in dealing with you or with 11:21:29AM
4 your office, was doing so in her capacity as a consultant 11:21:37AM
5 to Mr Woodman or Watsons?---Yes. 11:21:43AM
6 And was it also your understanding that, if the rezoning took 11:21:47AM
7 place, Mr Woodman or Watsons were likely to make a 11:21:55AM
8 substantial amount of money from the rezoning?---Yes. 11:22:00AM
9 Yes, he would make money out of it, yes. 11:22:07AM
10 So, whilst you and your office and Ms Schutz and Mr Woodman and 11:22:11AM
11 his corporate entities had a common objective, namely 11:22:24AM
12 seeing the rezoning take place, you understood that his 11:22:32AM
13 reasons for pursuing that objective might be different to 11:22:38AM
14 yours?---Correct, yes. 11:22:41AM
15 Does that mean - and I imagine that wouldn't be the first time 11:22:45AM
16 in your political career that you were dealing with a 11:22:52AM
17 third party who was seeking to achieve the same outcome on 11:22:56AM
18 some issue but where their motives and your motives for 11:23:01AM
19 doing so would be quite different?---Yes, and also, 11:23:06AM
20 Mr Commissioner, you've got to understand that with the 11:23:14AM
21 Cranbourne West residents they have created - I mean, 11:23:19AM
22 I don't know how strongly think were working, I believe 11:23:24AM
23 reasonably strongly they were linked to the Cranbourne 11:23:28AM
24 West residents, and they help created a public opinion 11:23:31AM
25 that having an industrial zoning is not appropriate for 11:23:37AM
26 them, for the residents, and so once they help created a 11:23:43AM
27 public opinion, and they were going to turn against me, or 11:23:51AM
28 my party for that matter, if I don't take their fight, 11:23:56AM
29 take the fight of the residents - - - 11:24:00AM

1 Yes. That really led into the next question I was going to ask 11:24:02AM
2 you, which was: given that you would be conscious that 11:24:09AM
3 when you're both striving for the same objective but for 11:24:15AM
4 different reasons one would always need to be wary of the 11:24:21AM
5 other party that's seeking to do so for different reasons, 11:24:27AM
6 you would always have to be careful about what you were 11:24:32AM
7 being told by another party who has different motives for 11:24:35AM
8 wanting to achieve the same objective; do you agree with 11:24:40AM
9 that?---Yes, I agree. But I don't know whether I had a 11:24:43AM
10 way out of it because residents on one side (indistinct) 11:24:51AM
11 sending me petitions, having votes and public opinion has 11:24:56AM
12 already been created that this bad industrial air 11:24:59AM
13 pollution, everything, is bad for the local residents in 11:25:06AM
14 the middle of their residential development, whether I had 11:25:10AM
15 a way out of it. 11:25:15AM

16 Yes. Yes, Mr Tovey. 11:25:17AM

17 MR TOVEY: Thank you. There were further references in May of 11:25:24AM
18 2015 to Staindl's office recording discussions with your 11:25:41AM
19 office about Cranbourne West. But, as I understand it, 11:25:49AM
20 those discussions with your office, it would seem, have 11:25:54AM
21 occurred certainly not often with you; that is, 11:26:00AM
22 discussions involving Phil Staindl. Is that a fair 11:26:03AM
23 assessment of your evidence, Mr Perera?---Yes. 11:26:07AM

24 On 22 May 2015 there is an email between - sorry, an email 11:26:15AM
25 involving Phil Staindl setting up what's been happening 11:26:29AM
26 with your office and - or, sorry, reporting on that. This 11:26:32AM
27 is exhibit 231, Mr Commissioner. Could we look at 4964, 11:26:39AM
28 please. If we just scroll down. If you just go to the 11:26:44AM
29 second paragraph there. So that's Phil Staindl, who's 11:27:59AM

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employed as a lobbyist by John Woodman, 'Jude is ill again, and likely to off work for at least another month. However, Sami is acting as the de facto member in his absence.' Is that the way you saw it, that Sami was the de facto member in your absence?---No, no.
In any event - - -?---(Indistinct words).
But interestingly in view of your previous comments he goes on to say in respect of Sammy, 'He has a meeting scheduled with Wynne next Wednesday to discuss the Cranbourne West matter'?---Yes.
'He has copies of all relevant materials and does not feel he requires any further briefings or information at this stage. He has also undertaken to contact me shortly after the meeting has occurred. One side issue - he's hinted (fairly directly) that perhaps Megan should tone down the residents' campaign against Jude a little, and redirect their efforts to the council, as they are the ones who need to ask the government to rezone the land. I said I would pass his views on, which is what I'm doing here!
It doesn't necessarily require anything to be done at this stage, but just be mindful of his concerns. (I would hate to piss him off now!)' Then he says, 'Secondly, (and I discussed this with Heath)' - that's Heath Woodman - 'I have asked Sami to raise with Wynne the matter of Botanic Ridge PSP. Megan has prepared a really good briefing note on this which I have in turn forwarded to Sami, and I will follow up with him later today or Monday. Just keeping you across what's happening!'
I take it you weren't aware from what you say that Sammy

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was meeting with the minister or making representations -
- -?---No, I was not aware. (Indistinct) when it took
place. I don't think the minister would accept him to
represent me.

But did you know that Sammy was preparing to speak to the
minister or to attend to speak and to represent the views
of Megan Schutz before the minister - sorry, to represent
the views of John Woodman before the minister?---I can't
recollect, but he may have. When he does put things
together, I mean, it is my understanding that it is on
behalf of the residents. I mean, Megan would have been
feeding things.

But what this indicates, if you look at it, is clearly there
has been an ongoing process of briefing of Sammy?---Right.
But he has an actual appointment to see the minister and is
proposing to represent the views passed on to him by Megan
Schutz to the minister?---Yes.

Did you have an awareness of any of that?---No, no.

COMMISSIONER: Mr Perera, do you think it's right that
Sammy - I don't mean proper; I mean, is it correct that
Sammy would have been doing all of this without briefing
you as to what he was proposing?---No, it's not correct.
But I still can't - - -

I understand you don't remember these things?---Yes.

But should we assume that if Sammy was having such detailed
conversations and planning, whether to speak to the
minister or the minister's adviser, planning to meet with
people at the minister's office and advocate in this way,
can we assume you would have been briefed by Sammy that

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1 that's what was happening?---Yes, yes. 11:32:41AM

2 I see the time, Mr Tovey. 11:32:54AM

3 MR TOVEY: Mr Commissioner, I'm about to go on to another 11:32:56AM

4 document. 11:32:59AM

5 COMMISSIONER: Is it a good time for a break then? 11:33:00AM

6 MR TOVEY: Yes, it is. That document is exhibit 231. 11:33:02AM

7 COMMISSIONER: Thank you very much. Mr Perera, Mr Kelly, we'll 11:33:06AM

8 have a break now for 10 minutes. If you want to talk to 11:33:09AM

9 Mr Kelly in the meantime you're free to do so, 11:33:12AM

10 Mr Perera?---Okay. Thank you, Commissioner. 11:33:17AM

11 MR KELLY: Thank you, Commissioner. 11:33:18AM

12 (Short adjournment.) 11:33:27AM

13 COMMISSIONER: Yes, Mr Tovey. Are we ready to proceed, 11:48:01AM

14 Mr Perera? 11:48:04AM

15 MR TOVEY: Mr Perera, could I now just take you to page 5846 of 11:48:21AM

16 the court book. We're still in May of 2015. 11:48:38AM

17 COMMISSIONER: Is this an exhibit, Mr Tovey? 11:49:00AM

18 MR TOVEY: It's not, sir. So that's Megan Schutz emailing on 11:49:02AM

19 30 May 2015 Tom Kenessey of Leightons, Tom Kenessey 11:49:23AM

20 representing Leightons, attaching a copy of the briefing 11:49:31AM

21 note which he supplied 'to Sammy last week'?---Yes. 11:49:35AM

22 If you just scroll down, please. Keep on going. So we're now 11:49:44AM

23 on page 5847, and if we could just scroll through that 11:49:56AM

24 slowly. I want you to get a sense of what it is. Thank 11:50:01AM

25 you. So it would appear, I think you'd agree, that that's 11:52:19AM

26 a briefing note which is anticipated - which is sent in 11:52:24AM

27 anticipation of the meeting with the minister. Looking at 11:52:28AM

28 that, is that something you ever saw?---I can't recollect, 11:52:36AM

29 but I might have seen. But I can remember Megan telling 11:52:47AM

1 me about doorknocking and stuff like that and saying that 11:52:54AM
2 a lot of residents were against. 11:52:57AM
3 There is a lot of data that's referred to there. Do you recall 11:53:04AM
4 yourself ever checking any of the data that was provided 11:53:09AM
5 in this or other briefing notes provided by Megan Schutz 11:53:13AM
6 or did you just accept that the data was as was being 11:53:17AM
7 suggested?---Normally I get briefed by Sammy. 11:53:22AM
8 COMMISSIONER: So, Mr Perera, could I just come back then to 11:53:33AM
9 something I asked you immediately before the break. When 11:53:35AM
10 a member of parliament such as yourself receives a 11:53:45AM
11 document such as this which is replete with a large number 11:53:48AM
12 of detailed reasons why a particular government decision 11:53:54AM
13 should in the end be made there are two reasons, aren't 11:54:00AM
14 there, why you need to be cautious? If you're a member of 11:54:05AM
15 parliament who's received campaign donations from the 11:54:10AM
16 entity that's making these representations to you - - 11:54:14AM
17 -?---Yes. 11:54:19AM
18 You would always want to be sure that you could say, 'There's 11:54:20AM
19 an appropriate distance between me and the entity that's 11:54:26AM
20 making these representations so that it doesn't look as 11:54:34AM
21 though I'm just engaged in some quid pro quo. "You give 11:54:36AM
22 me campaign funds, I do this for you."' That's one 11:54:40AM
23 consideration. But another that we just touched on before 11:54:45AM
24 the adjournment is knowing that Schutz, Woodman, Watsons 11:54:50AM
25 have a different motive to you for why they are so 11:54:58AM
26 vigorously pursuing the rezoning. You would have to be 11:55:03AM
27 very cautious about acting on the detailed information 11:55:09AM
28 they provide you; do you agree with that?---Yes, I do 11:55:13AM
29 agree. And at the same time I had this view, my role as a 11:55:17AM

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backbencher or a legislator is to represent my electorate,
and the concerns they bring to me I take it to the
executive arm of the government, and beyond that I don't
have any power to do anything. So basically even a
document like this when I look at I - crossed my mind what
is going on is I don't have any power to do anything, just
apart from taking the concerns to the minister.

So the Commission has already said in relation to previous
witnesses that of course you have, as the elected member
of this electorate, a responsibility to your constituents
and to reflect to the government of the day what you
perceive to be the will of your constituents. That's a
prime objective of a backbencher, is it not?---Yes, that
I have done after speaking to the Cranbourne West
residents.

Yes?---And of course Megan bring information from them and
so - - -

Yes, I'm really looking for some assistance here, Mr Perera.
So given that's an obligation of the backbencher to
reflect the will and the views of the constituents of that
electorate - - -?---Yes.

The question is what limitations or restrictions need to be
built around the receipt by that backbencher of
information which is coming to the backbencher from an
entity that the backbencher knows has a quite different
motive to the views of the electoral constituents about
why the particular proposal should be adopted. What do
you think is the protection that needs to exist so that a
member of parliament is not misused as the conduit for the

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conveying of false or incorrect
information?---Mr Commissioner, on this occasion the
interest of the developer or whoever the party may be and
the local residents coincides. Now, they are going to
benefit in two different ways. The developer will benefit
from monetary - the developer will have a monetary
interest and the residents would have a different interest
about air pollution. Now, I am here in the middle of it.
When the residents are coming to me raising these issues
my role is to go to the government or the executive arm
and let them know this is the issue with the local
residents. Now, it might - the developer interest is
secondary on this occasion because the primary interest is
about the residents.
Mr Perera, I fully understand and nobody questions the
obligation of a member of parliament to pursue an
objective which reflects what the member of parliament
sees or perceives to be the will of his or her
constituents. What I'm asking you is a slightly different
question, and that is what are you to do with information
which is forthcoming from a party, a third party like a
developer, that you know has a quite different motive for
pursuing the same objective and where the risk exists that
the information that you're getting from the developer or
third party may not be correct?---It may not be correct if
you put it that way. But on this occasion, I mean, as a
human being I would not like to live next to an industrial
estate. So I realised that the concerns about the
people - - -

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1 Look, I understand that. Perhaps I'm not making myself clear. 12:00:48PM
2 I'm not suggesting you shouldn't be advocating for the 12:00:53PM
3 rezoning. I'm simply asking you what cautionary steps 12:00:57PM
4 should a member of parliament be taking, though, in 12:01:05PM
5 relying on a particular argument, a detailed argument, 12:01:07PM
6 that's being advanced by a third party who has a different 12:01:14PM
7 motive to you for seeking that same objective? In other 12:01:18PM
8 words, do you just - do you accept at face value a 12:01:23PM
9 document such as this, even though you don't personally 12:01:26PM
10 know whether these facts are correct or not, and yet 12:01:31PM
11 you're being asked by the developer and Ms Schutz to pass 12:01:36PM
12 this on to government to influence the decision maker, 12:01:39PM
13 should you accept at face value the accuracy of 12:01:44PM
14 the detailed facts there?---No, I shouldn't be; shouldn't 12:01:48PM
15 be. 12:02:00PM
16 That's the dilemma that you find yourself in, isn't it, when as 12:02:00PM
17 Mr Woodman and Ms Schutz were doing, they're seeking to 12:02:04PM
18 take advantage of your obligation to reflect the will of 12:02:09PM
19 the constituents to be an instrument for advancing 12:02:14PM
20 particular arguments about which you're in no position to 12:02:18PM
21 know whether they are correct or not?---Yes. 12:02:22PM
22 Maybe you might reflect on that a bit more and we'll come back 12:02:36PM
23 to it before we finish your evidence?---Right. 12:02:39PM
24 MR KELLY: If I may just interrupt for a moment, 12:02:41PM
25 Mr Commissioner? 12:02:46PM
26 COMMISSIONER: Yes, Mr Kelly. 12:02:46PM
27 MR KELLY: Mr Perera, though, in your experience on this 12:02:47PM
28 particular matter your understanding, was it, that the 12:02:50PM
29 residents were definitely not in support of the industrial 12:02:53PM

1 development and they had made that clear to you?---Yes, 12:02:56PM
2 they did, and they gave me a petition to table in the 12:03:01PM
3 parliament. 12:03:09PM
4 And that was directly from the residents?---That's right. 12:03:09PM
5 Thank you. 12:03:11PM
6 COMMISSIONER: Perhaps I haven't been at all clear then, 12:03:13PM
7 Mr Kelly. I'm assuming that is the case. I'm assuming 12:03:16PM
8 that is the case but that, notwithstanding that, as 12:03:20PM
9 Mr Perera recognised, Mr Woodman and Ms Schutz's reasons 12:03:25PM
10 for advancing arguments, particular arguments, are 12:03:30PM
11 differently motivated which requires care in looking at 12:03:34PM
12 the detail of their arguments. 12:03:40PM
13 MR KELLY: Yes, Commissioner, that's something Mr Perera has 12:03:42PM
14 conceded. 12:03:45PM
15 COMMISSIONER: I think it's a matter that perhaps Mr Perera can 12:03:46PM
16 reflect on a bit over the luncheon adjournment. Yes, 12:03:49PM
17 Mr Tovey. 12:03:55PM
18 MR TOVEY: And there is another problem also, is there not, 12:03:58PM
19 Mr Perera, with briefings like that which form the 12:04:00PM
20 background for presentations either to government or even 12:04:06PM
21 to the local council, and that is that they are provided 12:04:12PM
22 on the understanding that the minister is not told that 12:04:16PM
23 the information we are providing to you is in fact 12:04:21PM
24 information which has been provided by Woodmans, nor is 12:04:25PM
25 the council if they are the entity which is being 12:04:29PM
26 approached?---Yes, yes, we have not directly told the 12:04:34PM
27 minister that there is some information presented to us by 12:04:47PM
28 Megan Schutz included in the - whatever the view expressed 12:04:57PM
29 by us. 12:05:04PM

1 Thank you. If I could just move on then. So it would appear 12:05:14PM
2 that there may well have been or indeed there was a 12:05:20PM
3 meeting between Sammy and the minister because on 4 June 12:05:27PM
4 there was an email chain between Megan Schutz and others 12:05:34PM
5 reporting a phone conversation with Sammy in which he 12:05:41PM
6 indicated that he had obtained an undertaking by the 12:05:50PM
7 minister to visit the site, and following that you may 12:05:55PM
8 recall that you were present when the minister did in fact 12:06:02PM
9 visit the site?---Yes, I was. 12:06:06PM

10 COMMISSIONER: Mr Tovey, we'll make the email of 30 May 2015 12:06:12PM
11 between Ms Schutz and Mr Kenessey exhibit 300. 12:06:18PM
12 #EXHIBIT 300 - Email between Ms Schutz and Mr Kenessey of 12:06:24PM
13 30/05/15. 12:06:15PM

14 MR TOVEY: Thank you. It would seem from the report - firstly, 12:06:26PM
15 I should ask you this. There are numerous documents here 12:06:37PM
16 in which Sammy reports back to Megan Schutz or Megan 12:06:49PM
17 Schutz reports on what Sammy has told her about various 12:06:56PM
18 interactions between Sammy for your office or yourself and 12:07:05PM
19 the minister in very fine detail. Do you see any problem 12:07:11PM
20 with somebody who has a commercial interest in a project 12:07:18PM
21 being fed fairly unfiltered information about detailed 12:07:25PM
22 interactions between yourself or your office and the 12:07:33PM
23 minister?---Sorry, is that a question for me? 12:07:37PM

24 Yes. Do you see any problem with your office providing to 12:07:47PM
25 Megan Schutz very detailed reports on interactions between 12:07:58PM
26 your office and the minister?---Yes, yes. 12:08:07PM

27 Did you ever discuss with Mr Argiriou the extent to which he 12:08:15PM
28 should be disclosing what were communications between 12:08:25PM
29 yourselves as either a member of parliament or the officer 12:08:30PM

1 of a member of parliament and the minister?---No, we did 12:08:34PM
2 not have that discussion. But, however, when - basically 12:08:40PM
3 time and again the issue raised was they wanted to know 12:08:49PM
4 when the rezoning is taking place or when the minister is 12:08:56PM
5 going to take a decision. 12:08:59PM
6 Yes?---I never had a lot of formal - I never had formal 12:09:00PM
7 meetings with the minister. I mean, I catch him in the 12:09:11PM
8 corridor and ask what's going to happen and he gives an 12:09:14PM
9 answer, you know, 'after some time' or 'after the 12:09:18PM
10 election' or whatever, 'we have not yet decided' or 'it's 12:09:22PM
11 referred to a panel' or whatever. So I pass that to 12:09:27PM
12 Sammy, and if Megan wants to know an update my 12:09:30PM
13 understanding was Sammy would give that. 12:09:37PM
14 So from your perspective, wanting to achieve the result you 12:09:39PM
15 were wanting to achieve, you were - I won't say anxious, 12:09:45PM
16 but you were happy to receive information from whatever 12:09:53PM
17 sources to the progress of the matter in the minister's 12:09:57PM
18 office and as to the minister's intentions?---Yes. 12:10:02PM
19 And did you see any difficulty in passing on that within 12:10:05PM
20 government information to people like Ms Schutz?---No, 12:10:17PM
21 it's just a matter of when a decision is going to be made 12:10:22PM
22 or whether it has not been made, nothing beyond that. 12:10:26PM
23 It's not delicate information. 12:10:31PM
24 When the minister in fact visited you according to what Sammy 12:10:43PM
25 Argiriou told Megan Schutz advocated strongly for the 12:10:52PM
26 implementation of the rezoning; is that 12:11:05PM
27 correct?---Implementation of rezoning, yes, (indistinct). 12:11:11PM
28 He reported to Megan Schutz - just for the transcript, this is 12:11:18PM
29 at 5858 - that the minister himself asked about the 12:11:25PM

1 signs?---Sorry, I didn't follow you. 12:11:32PM

2 Sammy reported to Megan Schutz that when the minister visited 12:11:37PM

3 and he attended the site with you and Sammy and others - - 12:11:44PM

4 -?---Yes. 12:11:48PM

5 That he in fact commented about the signs and made a wry 12:11:48PM

6 enquiry as to who had paid for those signs; is that 12:11:56PM

7 correct?---Yes, it could have been. I think I vaguely 12:12:01PM

8 remember, yes, making a - yes, I can vaguely remember his 12:12:08PM

9 making a mockery of that because it's, you know - I mean, 12:12:14PM

10 we both hold the view that residents may not fund 12:12:22PM

11 something like that. 12:12:27PM

12 And was that taken any further than just that comment?---Was it 12:12:28PM

13 taken, sorry? 12:12:36PM

14 Was that taken any further by the minister?---Yes, yes. 12:12:37PM

15 (Indistinct) taken seriously by the minister or - - - 12:12:48PM

16 Despite the fact that you were aware that the residents group 12:12:51PM

17 was financed by the developers - - -?---Yes. 12:13:00PM

18 Nevertheless their petitions and documents prepared by them 12:13:06PM

19 were submitted both to the minister and to the council, 12:13:15PM

20 were they not?---Yes. 12:13:18PM

21 Did you see any difficulty in doing that given the knowledge 12:13:19PM

22 you had?---No. One thing is the issue and the process is 12:13:26PM

23 a different thing. The process of, you know, hyping up 12:13:35PM

24 was the role of the developer, but the core issue lies 12:13:38PM

25 with the local residents about the air pollution. 12:13:43PM

26 And you had no difficulty yourself understanding, as you said, 12:13:51PM

27 as a human being that those sorts of arguments are quite 12:13:55PM

28 emotive and might hold sway?---Yes. 12:13:59PM

29 In October and November of 2015 there are - and December of 12:14:03PM

1 2015, January 2016 there are notations by Mr Staindl as to 12:14:18PM
2 communications both with you and with your office. Do you 12:14:31PM
3 agree that there may well have been some communications 12:14:41PM
4 directly with you by Mr Staindl?---Could have been, yes. 12:14:45PM
5 He also records discussing the matter, this is in January of 12:14:50PM
6 2016, with you and Mr Tarlamis. Are you able to enlighten 12:14:58PM
7 us as to what role Mr Tarlamis had in respect of this 12:15:09PM
8 matter?---He didn't have any role at all. 12:15:16PM
9 Okay. So you didn't have any contact with Mr Tarlamis about 12:15:20PM
10 it?---No, no. I mean, I had contacts for other things. 12:15:24PM
11 Yes. All right. There were further briefing notes 12:15:28PM
12 passing - perhaps I should just go to some more detail 12:15:54PM
13 here. 12:15:57PM
14 COMMISSIONER: Mr Tovey, is the document at 5858 to which you 12:16:01PM
15 referred, is that an exhibit? 12:16:04PM
16 MR TOVEY: No. 12:16:12PM
17 COMMISSIONER: You didn't take Mr Perera to its contents? 12:16:16PM
18 MR TOVEY: No, I didn't. I just mentioned it for the purpose 12:16:19PM
19 of the transcript. 12:16:22PM
20 COMMISSIONER: Yes. 12:16:23PM
21 MR TOVEY: There are a series of pages. I'm just trying to 12:16:26PM
22 work out in my own mind how best to tender them. I just 12:16:30PM
23 want to take you now to - - - 12:16:40PM
24 COMMISSIONER: Mr Tovey, the reason I'm interested in that 12:16:46PM
25 document is this is a very detailed account by Ms Schutz 12:16:47PM
26 to John Woodman of what Sammy has told her about the 12:16:56PM
27 minister's visit to the site. 12:17:00PM
28 MR TOVEY: Yes. 12:17:03PM
29 COMMISSIONER: In that account it appears that when the 12:17:04PM

1 minister came to the site the minister and Jude were in 12:17:09PM
2 one car and Sammy and council officers were in another. 12:17:13PM
3 MR TOVEY: Yes. 12:17:22PM
4 COMMISSIONER: But it's just interesting that this very 12:17:23PM
5 detailed account comes from Sammy, not from Jude. 12:17:25PM
6 MR TOVEY: Mr Commissioner, that is part of a series of 12:17:30PM
7 documents in the court book numbered 5856 to 5870 which 12:17:35PM
8 are a series of communications between John Woodman and 12:17:50PM
9 Megan Schutz from 4 June - sorry, from 9 August 2016 12:17:55PM
10 through to - sorry, from 4 June 2015 through to 9 August 12:18:05PM
11 2016. I would seek to tender those, and if they could be 12:18:12PM
12 given an exhibit number, and then I'll take the witness to 12:18:23PM
13 them. 12:18:27PM
14 COMMISSIONER: So that's court book 5856 to 70? 12:18:30PM
15 MR TOVEY: Yes, 5856 to 5870. 12:18:37PM
16 COMMISSIONER: Very good. You're going to ask the witness for 12:18:40PM
17 his comment on some of those matters? 12:18:43PM
18 MR TOVEY: Yes. 12:18:45PM
19 COMMISSIONER: Very good. 12:18:46PM
20 MR TOVEY: If I could go to the document the Commissioner has 12:18:50PM
21 just adverted to which is the section of that document at 12:18:53PM
22 5858. This is why I was asking you, sir, about the degree 12:18:59PM
23 of disclosure which is appropriate as to communications 12:19:24PM
24 between your office and the minister. If we could just 12:19:26PM
25 scroll down a little?---Sorry, I have a technical problem 12:19:36PM
26 here about the window. I probably - - - 12:19:39PM
27 Can you see the section of that document? So this is an email 12:19:45PM
28 or a reporting by Megan Schutz to John Woodman on 20 July 12:19:54PM
29 2015, and if you just - can we scroll down just a little 12:20:01PM

1 more. Thank you. Thank you. 12:20:05PM

2 MR KELLY: Sorry to interrupt, Commissioner. Can you see that, 12:20:15PM

3 Jude, or are you having technical difficulties?---I have 12:20:18PM

4 technical difficulty. I can see it, but I just want to 12:20:23PM

5 get this screen enlarged. Just a minute please. Yes, 12:20:26PM

6 yes, that's better. Okay. 12:20:41PM

7 MR TOVEY: Okay. So this is Sammy reporting back to Megan 12:20:43PM

8 Schutz about the minister's visit?---Yes. 12:20:49PM

9 Just going through it piece by piece, in the third line he 12:20:54PM

10 indicates that he visited the site. He says then, 'There 12:21:06PM

11 were two cars - all the officers' - that's the council 12:21:13PM

12 officers - 'and Sammy were in one car and Jude and 12:21:15PM

13 Richard' - who is the minuter - 'in the other. He 12:21:22PM

14 repeated' - that is the minister repeated - 'that the 12:21:26PM

15 council must lodge the request for authorisation as he has 12:21:29PM

16 been saying for months now. Exact words - "council need 12:21:32PM

17 to get the request in". He commented that council are 12:21:40PM

18 still divided on the issue', and there's further 12:21:51PM

19 discussion as to the extent to which council officers and 12:21:55PM

20 councillors were divided on the issue. Seeing that now, 12:21:57PM

21 does it occur to you that that is an inappropriate 12:22:06PM

22 disclosure to be making in circumstances where the 12:22:12PM

23 minister perceives himself not to be talking to a 12:22:17PM

24 representative of Mr Woodman but in fact to a member of 12:22:21PM

25 parliament and his chief officer?---Yes. Yes, it is. 12:22:29PM

26 I'm not suggesting that this was in any conventional sense 12:22:48PM

27 corrupt, but what I'd suggest it demonstrates is that 12:22:53PM

28 there is a real vulnerability, isn't there, of working 12:23:00PM

29 closely with a developer or somebody who has a financial 12:23:05PM

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interest, even though you are sharing the same
results?---Yes.
And it becomes very difficult to not step over the line, as has
occurred here?---Yes.
COMMISSIONER: I see, Mr Tovey, there's a reference here to the
billboards or signs that had been put up and, according to
Sammy, the minister's observation that that's not
something that the community probably afforded. I think
the implication is the minister is alive to the risk that
that might have come via the developers.
MR TOVEY: Yes. I think that indeed is what you had already
indicated, is it not, Mr Perera?---Yes.
Thank you. The document speaks for itself. I take it from
what you say you weren't aware that Mr Argiriou was
reporting back in this degree of detail as to what were
private discussions between yourself and the
minister?---No, no.
Then if we go to page 5867 and 5868 this is 6 March of 2016 and
5 March 2016. Firstly, on 5 March Megan Schutz reports to
Mr Woodman and others. If you start at the bottom of page
5867 and then go up to 5868, she says, 'These two notes
have been prepared for forwarding to Sammy in Jude
Perera's office. To recap my conversations with Sammy
earlier this week: I advised Sammy that we have now had
our meetings with DELWP, DEDJT and the MPA. The outcome
of these meetings is that no willingness was shown by
officers to work with the proponent and council to agree
revised proposals.' And then if you go down to the second
set of dot points, so if we could just scroll down

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further, please, 'Sammy advised that his original proposal was to wait for the council to submit revised proposals and then to support the revised proposals with a briefing note up to the minister's office. In the event that council officers do not now support the revised proposals that he and I had discussed, then he would send his own briefing note up to the minister's office recommending the Wedge Road line and the justification for it on the basis that this is what Jude's community supported. I am not sure whether we should be sending the revised proposals briefing note through to Sammy yet as I think we may be able to get council officers on board with this approach.' So it would appear from that that Sammy and Ms Schutz are totally enmeshed in working through strategies to advance the rezoning proposal and indeed she, in saying at the bottom there, 'I'm not sure whether we should be sending the revised proposals briefing note through to Sammy yet', would indicate that the strategy is being prepared by her and controlled by her to a certain extent; would you agree with those observations?---Yes, I do.

You do agree?---Yes, I do.

COMMISSIONER: Mr Tovey, I'll mark court book 5858, which is the email from Schutz to Woodman, of 20 July 15, that will be exhibit 301 and court book 5867-8, the email chain between Mr Woodman and Ms Schutz between 5 March and 8 March 2016, exhibit 302.

#EXHIBIT 301 - Email from Ms Schutz to Mr Woodman of 20/07/15, court book page 5858.

#EXHIBIT 302 - Email chain between Mr Woodman and Ms Schutz

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12:30:15PM

1 between 05/03/16 and 08/03/6, court book 5867-8. 12:30:08PM

2 MR TOVEY: Thank you. Insofar as you conceded that that 12:30:16PM

3 document is a demonstration of the control which Megan 12:30:35PM

4 Schutz had over the agenda of your office, I take it that 12:30:42PM

5 you would concede that that's wholly inappropriate?---Yes, 12:30:46PM

6 I do. 12:30:50PM

7 I just want to take you to one further and I'd suggest this is 12:30:51PM

8 the most blatant example. Could we go to - excuse me, 12:31:00PM

9 Mr Commissioner. If we could go to first of all 5870. 12:31:33PM

10 That's an email from Sammy to Megan Schutz on 9 August 12:32:14PM

11 2016 confirming that the - - - 12:32:21PM

12 COMMISSIONER: Can we scroll down, Mr Tovey? 12:32:30PM

13 MR TOVEY: Yes, thank you - confirming that the Minister for 12:32:31PM

14 Planning has received council's request to exhibit the 12:32:43PM

15 amendment or the proposed amendment. Do you accept 12:32:49PM

16 that?---Yes. 12:33:03PM

17 I tender that. 12:33:03PM

18 COMMISSIONER: That will be exhibit 303. 12:33:06PM

19 #EXHIBIT 303 - Email from Sammy Argiriou to Megan Schutz of 12:33:09PM

20 09/08/16, court book page 5870. 12:32:20PM

21 MR TOVEY: Then if we go to 5873 and 74, starting at 5874. So 12:33:18PM

22 on 21 July 2017 you have Sammy Argiriou writing to Megan 12:34:05PM

23 Schutz to give her a heads-up that 'we', which I assume is 12:34:19PM

24 your office, 'are again formally writing to the minister 12:34:26PM

25 supporting' quote 'the line as such'; do you see 12:34:30PM

26 that?---M-hmm. 12:34:39PM

27 All right. Then if we just go up. There is Megan Schutz on 12:34:40PM

28 25 July to Sammy Argiriou texting, 'Just one more thing. 12:34:58PM

29 I suggest there is merit in your office sending its 12:35:06PM

1 submission to council in support of the amendment. It 12:35:10PM
2 will then be treated as a formal submission that will be 12:35:15PM
3 taken into account by the panel. Jude is the elected 12:35:19PM
4 representative for the seat of Cranbourne representing the 12:35:23PM
5 interests of his community. It would be powerful to have 12:35:28PM
6 a formal submission from him on the record placed before 12:35:32PM
7 the panel.' Now, were you aware of that approach by Megan 12:35:37PM
8 Schutz?---I mean, I can't exactly recollect this email, 12:35:46PM
9 but yes. 12:35:55PM
10 This is another instance of Megan Schutz controlling your 12:35:57PM
11 officer's strategy, I'd suggest. First of all, she 12:36:10PM
12 suggests that you should send a submission to council in 12:36:13PM
13 support of the amendment. This is in response to the 12:36:17PM
14 exhibition process. And she wants that done because as 12:36:22PM
15 the elected representative a formal submission is 12:36:30PM
16 something which she can use before the Planning Panels, 12:36:34PM
17 that is before Planning Panels Victoria when this matter 12:36:37PM
18 comes up. You understand what she's saying there. So 12:36:41PM
19 it's apparent to anybody reading that that the submission 12:36:46PM
20 is going to have two effects. First of all, it's going to 12:36:53PM
21 influence council. Secondly, it's going to be something 12:36:56PM
22 which Watsons can use in their panels application; would 12:37:00PM
23 you agree with that?---Yes. 12:37:04PM
24 All right. Do you have any recollection now as to whether or 12:37:08PM
25 not that proposal was in fact put before council?---No. 12:37:13PM
26 No, I don't. 12:37:21PM
27 COMMISSIONER: Before you move on, Mr Tovey, I'll mark the 12:37:27PM
28 email from Argiriou to Schutz of 21 July 17 exhibit 304, 12:37:32PM
29 and the email from Schutz to Argiriou of 25 July 17 12:37:41PM

1 exhibit 305. 12:37:47PM

2 #EXHIBIT 304 - Email from Mr Argiriou to Ms Schutz of 21/07/17. 12:37:50PM

3 #EXHIBIT 305 - Email from Ms Schutz to Mr Argiriou of 25/07/17. 12:37:50PM

4 MR TOVEY: I want you to go to now pages 5872, if you wouldn't 12:38:06PM

5 mind, and 5873. So Sammy there has asked for some 12:38:10PM

6 suggested lines from Megan Schutz. So this is a response 12:38:19PM

7 from Megan Schutz to Sammy's request that she supply some 12:38:41PM

8 'suggested lines' to be used in the formal submission to 12:38:51PM

9 council. So this is what she sends. What she sends is a 12:38:59PM

10 nine-paragraph document which indeed, if you just look at 12:39:19PM

11 it, is a complete submission?---Yes. 12:39:25PM

12 All right. Then if you look at 1640 and - sorry, could 12:39:41PM

13 I tender that document, which is the 'suggested lines' 12:39:46PM

14 document. 12:39:52PM

15 COMMISSIONER: That's the email of 28 July 17, exhibit 306. 12:39:53PM

16 #EXHIBIT 306 - Email between Mr Argiriou and Ms Schutz of 12:39:58PM

17 28/07/17. 12:39:54PM

18 MR TOVEY: And then go to the - see, what happened was on 12:39:59PM

19 20 June 2017 the council looked at the submissions that 12:40:07PM

20 had been made in respect of the public exhibition of the 12:40:14PM

21 amendment proposal, and at lines - there was a large part 12:40:20PM

22 of the agenda of that meeting that related to summarising 12:40:28PM

23 the proposals which had been put by individuals and 12:40:36PM

24 bodies. But at 1640 and 1641 - if we could have up 1640 12:40:41PM

25 and 1641 - is the part of that agenda which dealt with 12:40:51PM

26 your proposal, and I assume that was a proposal signed by 12:40:57PM

27 you, not by Sammy Argiriou. I notice you nodded, but you 12:41:03PM

28 agree that would have been the case?---Yes. 12:41:08PM

29 Now, if you just have a look through that. I can take you 12:41:24PM

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through this if you want paragraph by paragraph, but just
have a look at it, and if you want more time to compare
these documents please have it. But that
document - sorry, that summary is a summary point by point
of what Megan Schutz had given Sammy; in other words, that
summary clearly is a summary of a document which is
wholly - sorry, which is predominantly, if not wholly, a
simple replication of Megan Schutz's points. Do you have
any difficulty in accepting that?---No, no, I mean, Sammy
was assigned to the submission because we support the
rezoning (indistinct) got the information, probably would
have the knowledge - - -

And again it is really spectacularly inappropriate, is it not,
that what is being put forward as a submission by you was
in fact a submission by the representative of the
developer?---When you look at it that way, yes.

I tender pages 1640 and 1641 of the council agenda for 20 June
2017.

COMMISSIONER: Mr Perera, I just want to take you back for a
moment, if I may, to something you said earlier about your
understanding of how the community group and the community
push was contributed to or developed by Ms Schutz as part
of the developer's campaign. Do you recall giving that
evidence earlier?---Yes.

So this submission doesn't make any reference to that knowledge
or understanding. The submission, as it reads, is you're
just saying to the council and to the world at large, 'I'm
supporting this rezoning because of the community
interest.' Do you feel on reflection that you should have

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12:43:53PM
12:43:57PM
12:44:00PM
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12:44:22PM

1 somehow qualified your position in light of your knowledge 12:44:27PM
2 as to the role that the developer played behind the scenes 12:44:30PM
3 in relation to developing the community's 12:44:34PM
4 position?---Developer - yes, developer had a role 12:44:40PM
5 creating the community's position. I mean, they would 12:44:51PM
6 have been the engine room behind that. But once the 12:44:53PM
7 community came to know about it, about the rezoning 12:45:00PM
8 of - about the industrial zone, I'm pretty sure they were 12:45:04PM
9 - I mean, if I was in that position I would have been 12:45:12PM
10 angry about it too. The residents were up in arms about 12:45:13PM
11 having that industrial estate in the middle of their 12:45:16PM
12 residential development. So once it has come to that it 12:45:19PM
13 was the residents' standpoint that they want some 12:45:28PM
14 rezoning. I mean, the developer would have been the main 12:45:35PM
15 engine room behind that or funded that. But, after that, 12:45:39PM
16 it has developed into the residents' concern. 12:45:43PM
17 So if I have understood you correctly you say, 'Notwithstanding 12:45:47PM
18 that I knew that the developer was behind generating or 12:45:53PM
19 creating this community view' - - -?---Yes. 12:45:59PM
20 Ultimately you remained satisfied that that was a genuine 12:46:03PM
21 reflection of the community's view; is that your 12:46:08PM
22 position?---Yes. 12:46:11PM
23 Very good. Yes, Mr Tovey. 12:46:12PM
24 MR TOVEY: Mr Commissioner, we're getting close to the 12:46:16PM
25 conclusion of this witness's evidence. There are some 12:46:18PM
26 matters about which I needed to seek some further 12:46:20PM
27 instructions. Would it be appropriate if we adjourned 12:46:23PM
28 early for lunch? 12:46:27PM
29 COMMISSIONER: Yes, certainly. How long would you like before 12:46:27PM

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resuming?

MR TOVEY: An hour.

COMMISSIONER: All right. So, Mr Perera, we'll take the luncheon break now. Refresh yourself. Have a chat to Mr Kelly, and we'll resume at 1.45?---1.45. All right. Thank you.

<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

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12:46:41PM
12:46:50PM
12:46:52PM
12:46:53PM

1 UPON RESUMING AT 1.48 PM: 01:48:32PM
2 <JUDE GAMINI PERERA, recalled: 01:48:32PM
3 <EXAMINED BY MR TOVEY, continued: 01:48:32PM
4 COMMISSIONER: Good afternoon, Mr Perera. Are we ready to 01:48:34PM
5 proceed? 01:48:41PM
6 MR TOVEY: We are, thank you, Mr Commissioner. 01:48:43PM
7 COMMISSIONER: Yes, Mr Tovey. 01:48:45PM
8 MR TOVEY: Mr Perera, I think you're on mute. Can you unmute 01:48:56PM
9 yourself, please. There you are. Fine. 01:49:01PM
10 MR KELLY: Jude, just touch your space bar once. That's it. 01:49:36PM
11 Stay like that. 01:49:41PM
12 MR TOVEY: Okay. Mr Perera, we've almost exhausted those 01:49:42PM
13 matters I wanted to take you to. Just a couple to go. 01:49:48PM
14 When you retired in 2018 who took over as the member in 01:49:55PM
15 Cranbourne?---Pauline Richards. 01:50:02PM
16 Did you have much to do with Pauline Richards during that 2018 01:50:05PM
17 year when she was being groomed to take over from 01:50:13PM
18 you?---No, not really. I mean, last place involved in the 01:50:19PM
19 campaign, that's all. 01:50:25PM
20 Were you in the position where you sat down with her and went 01:50:26PM
21 through with her the issues which were current issues in 01:50:33PM
22 the electorate?---No. 01:50:40PM
23 So do you have any recollection of discussing the Cranbourne 01:50:42PM
24 West rezoning with her in any way at all?---Never, never, 01:50:52PM
25 no. 01:50:57PM
26 I take it then you didn't introduce her to Megan Schutz or you 01:50:58PM
27 don't know to what extent, if any, there was any 01:51:02PM
28 interaction between her and Schutz or other Woodman 01:51:07PM
29 people?---No. 01:51:09PM

1 And what about Phil Staindl? Were you in a position to know 01:51:10PM
2 whether he was involved in discussing any issues with her 01:51:15PM
3 in the lead-up to the election?---No, I'm not aware of it, 01:51:18PM
4 sorry. 01:51:23PM
5 All right. Then finally I wanted to take you to - could we 01:51:23PM
6 have financial book 6, page 4, please. Scroll down, 01:51:33PM
7 please. If we could just leave it there; thank you very 01:51:57PM
8 much. Mr Perera, that's a chart drawn up by IBAC 01:52:09PM
9 investigators as to donations to the Labor Party 01:52:13PM
10 Cranbourne SECC. Can you remind us, please, what SECC 01:52:24PM
11 stands for?---State Electorate Campaign Committee. 01:52:29PM
12 All right. And so these are - forget about the last two 01:52:33PM
13 payments, the small ones of 750 and \$600. But these are 01:52:40PM
14 payments coming out of Watsons' account into the 01:52:47PM
15 Cranbourne SECC, and of course you were the member who 01:52:51PM
16 would benefit from donations up until the 2018 election; 01:52:57PM
17 is that right?---Yes, yes. 01:53:04PM
18 So that shows that on 1 October 2013 there was a donation of 01:53:07PM
19 \$2,000, on 8 April of 2014 there was \$10,000. That 01:53:17PM
20 \$10,000 would have been as a result of the Crown Casino 01:53:30PM
21 fundraiser; is that right?---Yes. 01:53:35PM
22 Then on 19 November of 2014, which was 10 days before the 01:53:38PM
23 election - - -?---Yes. 01:53:46PM
24 There was another \$5,000?---That probably would have been the 01:53:49PM
25 cost for the placards, yes, ran the campaign - you know, 01:53:55PM
26 he organised a few people to carry placards a few days 01:54:02PM
27 along Thompsons Road. 01:54:07PM
28 Yes. So he was giving you some in kind support with local 01:54:09PM
29 promotion; is that right?---Yes. 01:54:15PM

1 All right. Over what period of time was that 01:54:18PM
2 provided?---Sorry? 01:54:35PM
3 Over what period of time was that in kind support?---Yes, that 01:54:35PM
4 was just a few days or a couple of weeks before the 01:54:41PM
5 election - - - 01:54:45PM
6 Were there any brochures or other things, mailouts, those sorts 01:54:46PM
7 of things, involved, do you know?---Placards, not 01:54:51PM
8 brochures. A few people carrying the placards during peak 01:54:55PM
9 hours. 01:54:59PM
10 Yes?---Near the service station. For this, probably went for 01:55:01PM
11 about three, four days, even more - - - 01:55:05PM
12 Yes. So, in any event, on 19 November 2014 that \$5,000 can't 01:55:08PM
13 have been for that because that was money that was paid 01:55:17PM
14 directly into the SEC account?---Yes, I can't recollect 01:55:20PM
15 with - anyway, if that is what it says, it's - - - 01:55:31PM
16 I've had it double-checked, and that certainly is the 01:55:35PM
17 case?---Yes. 01:55:39PM
18 Do you have any recollection of that?---No. 01:55:39PM
19 All right. And then the following November, on 30 November, 01:55:41PM
20 there's another \$5,000 paid to that account. Do you know 01:55:52PM
21 why that was? That wasn't an election year?---No, I - 01:55:57PM
22 normally the account, unless - unless he sort of said, 01:56:26PM
23 'We're making a donation and' - yes, no, I can't 01:56:32PM
24 recollect. There's no specific purpose for that. 01:56:38PM
25 So it was simply \$5,000 paid by Watsons into the Cranbourne 01:56:40PM
26 SECC account?---Right. 01:56:47PM
27 Was there any agreement before the election that he would pay a 01:56:52PM
28 further \$5,000 later on?---No, no, no, there was no 01:56:56PM
29 agreement. 01:57:03PM

1 In any event, you have no recollection of that?---No. 01:57:06PM
2 Look, the thing is that it's apparent that over a period of 01:57:13PM
3 time, and when I'm saying over a period of time I'm 01:57:22PM
4 talking between late 2013 and late 2015, Mr Woodman has 01:57:28PM
5 sponsored your electoral account to the tune of some 01:57:42PM
6 \$27,000, plus he's provided some in kind support for you 01:57:49PM
7 in the local electorate?---Yes. 01:57:56PM
8 Was there any requirement for you to declare any conflict of 01:57:58PM
9 interest in respect of circumstances where people who had 01:58:03PM
10 given you political support had you advocating for results 01:58:10PM
11 which they sought to have achieved?---We declare this one 01:58:18PM
12 through the ALP office. 01:58:24PM
13 Yes?---Sort of the ALP has access to the Cranbourne SEC 01:58:26PM
14 account. 01:58:33PM
15 Yes?---They know exactly what is happening. 01:58:33PM
16 Yes, but - - -?---On the (indistinct words) 2015, 30 November, 01:58:35PM
17 this contribution, so at that stage I wasn't even raising 01:58:47PM
18 funds because I have decided not to stand for the 01:58:52PM
19 elections. 01:58:56PM
20 Look, irrespective of the minutiae, the thing was that you were 01:58:56PM
21 aware from the time that you were elected that Watsons had 01:59:03PM
22 supported your campaign financially - sorry, from the time 01:59:09PM
23 you were elected in 2014?---2014, yes. 01:59:18PM
24 Yes. So when Megan Schutz was making suggestions as to how the 01:59:25PM
25 Watsons' aim of getting the rezoning - the Cranbourne West 01:59:42PM
26 rezoning completed might occur, was there any obligation 01:59:48PM
27 on you, as you understood it at the time, to declare a 01:59:52PM
28 conflict of interest in respect of your involvement in 01:59:56PM
29 that?---No, I have a - - - 01:59:59PM

1 Yes, it's okay, I don't think - I accept that there 02:00:10PM
2 wasn't?---Yes. 02:00:14PM
3 The situation is, however, that if you were on the local 02:00:14PM
4 council and you received a donation in excess of \$499 you 02:00:20PM
5 were in a position where you couldn't intervene on behalf 02:00:31PM
6 of a proponent in respect of any project without declaring 02:00:38PM
7 a conflict of interest; is that your understanding?---Yes, 02:00:43PM
8 I'm aware of such arrangements you have stated. 02:00:51PM
9 Yes. Here, however - - - 02:00:53PM
10 COMMISSIONER: Mr Tovey, I think more accurately than 02:00:54PM
11 intervene; you were precluded from advocating in support 02:00:58PM
12 of that proposal. Is that your understanding, Mr Perera, 02:01:03PM
13 that at a councillor level - - -?---Yes. 02:01:14PM
14 If you received - if you received a campaign donation in excess 02:01:16PM
15 of the cap, which was just a little under \$500, then you 02:01:23PM
16 couldn't vote on a motion that supported the financial 02:01:29PM
17 interest of the donor nor could you - as a number of the 02:01:34PM
18 councillors who have given evidence before the Commission 02:01:42PM
19 have acknowledged, nor could you even behind the scenes 02:01:45PM
20 seek to influence other councillors as to how they should 02:01:51PM
21 vote on a motion which might confer a financial interest 02:01:55PM
22 on the person who had donated to their campaign. Was that 02:02:02PM
23 your understanding of how things were at a local 02:02:06PM
24 government level?---Yes, I take it as you said, I wasn't 02:02:08PM
25 aware of that. But, yes, I would say, yes, it could be 02:02:16PM
26 the case, yes. 02:02:20PM
27 I'm sorry, go on, Mr Tovey. 02:02:21PM
28 MR TOVEY: From what you've told us, Mr Perera, you agree that 02:02:24PM
29 your office has advocated for Mr Woodman's interest both 02:02:32PM

1 with the minister and with the local council, that is with 02:02:39PM
2 the Casey Council, and has also sought to intervene in his 02:02:46PM
3 interest with the minister's office and with government 02:02:52PM
4 departments. Now, obviously on none of those occasions 02:02:57PM
5 were you required to declare a conflict?---No. 02:03:03PM
6 And obviously on none of those occasions were you even required 02:03:09PM
7 to notify the minister or the other party with whom you 02:03:13PM
8 were in communication that the communication was to any 02:03:23PM
9 extent at the behest of Mr Woodman or his 02:03:29PM
10 associates?---No, because on the one hand I was advocating 02:03:40PM
11 for the local residents - - - 02:03:43PM
12 I understand why you say that?---But - - - 02:03:45PM
13 You see, do you, the - - - 02:03:48PM
14 COMMISSIONER: Sorry, Mr Tovey. 02:03:50PM
15 MR KELLY: Sir, I don't think Mr Perera had finished. 02:03:51PM
16 COMMISSIONER: Just let Mr Perera finish. Yes, thank you. 02:03:54PM
17 Yes, go on, Mr Perera?---On the other hand, we 02:03:56PM
18 are - I mean it's different to council environment. So 02:04:02PM
19 they vote on the motion and then if it is passed it 02:04:05PM
20 becomes a resolution and it's taken action, it's 02:04:12PM
21 implemented. Now, with the local members case it's 02:04:16PM
22 not - we are only sort of lobbying, we are writing to the 02:04:24PM
23 minister, lobbying the minister. That's all. So we are 02:04:28PM
24 not making any calls which is effective. So I think that 02:04:32PM
25 practice is not there with the local members. 02:04:35PM
26 MR TOVEY: You understand the concept of perception of 02:04:39PM
27 conflict?---Yes, yes. 02:04:47PM
28 And proper governance in a democratic society really is 02:04:48PM
29 predicated on the basis that people who are elected to 02:04:57PM

1 office should not be in a position where there can be a 02:05:00PM
2 perception of conflict of interest; would you agree with 02:05:06PM
3 that?---I agree with that. But could you please be able 02:05:09PM
4 to give me an example where other members have done it? 02:05:12PM
5 Yes, well, if I could just take you here to one fairly obvious 02:05:16PM
6 point. Here you are, we've just been before lunch to a 02:05:22PM
7 document which is a submission which has been put into 02:05:29PM
8 council by you; is that right?---Yes. 02:05:35PM
9 You remember that. Now, that in fact was not your submission, 02:05:39PM
10 as we've seen. It was Ms Schutz's submission, even though 02:05:42PM
11 you would say, as I understand it, that even though it was 02:05:47PM
12 Ms Schutz's submission it was - 'we put it in to try and 02:05:51PM
13 achieve a result which we were wanting to achieve for the 02:05:57PM
14 community'; is that a fair summary of your point of 02:06:01PM
15 view?---Yes, yes. What happens is - - - 02:06:04PM
16 You see, if a councillor - - - 02:06:08PM
17 COMMISSIONER: Sorry, Mr Tovey. 02:06:12PM
18 MR KELLY: Commissioner, could he be allowed to finish? 02:06:13PM
19 COMMISSIONER: Yes?---If I ask my staff to do a submission, if 02:06:17PM
20 he doesn't have the knowledge, so he would sort of tap 02:06:21PM
21 into the sources where he can get information. I think on 02:06:26PM
22 this occasion that's what has happened. 02:06:28PM
23 MR TOVEY: And that has been submitted to council and, as a 02:06:34PM
24 result of that submission and other submissions, council 02:06:39PM
25 that night moved to refer the matter on for consideration 02:06:45PM
26 by Planning Panels Victoria; you understand that?---Yes. 02:06:50PM
27 All right. So the effect of your submission, amongst other 02:06:57PM
28 effects, was to enable council or indeed to encourage 02:07:01PM
29 council to move the rezoning issue ahead in that way, was 02:07:09PM

1 it not? I'm sorry, you nodded. You'll have to give a 02:07:17PM
2 verbal answer?---Can you repeat that, please? 02:07:27PM
3 Yes. The point of your submission was to move the rezoning 02:07:31PM
4 issue on so it could go to Planning Panels 02:07:41PM
5 Victoria?---Yes. 02:07:44PM
6 And ultimately be approved?---Yes. 02:07:44PM
7 You see, if a councillor who had been supported financially by 02:07:46PM
8 Mr Woodman was involved in that process that councillor 02:07:55PM
9 would have needed to declare a conflict of interest; you 02:08:03PM
10 understand that?---Yes, yes. 02:08:08PM
11 It's hardly appropriate, is it, that you, who are not a 02:08:09PM
12 councillor but nevertheless an elected member of 02:08:17PM
13 parliament, are moving forward that process in a way in 02:08:20PM
14 which you were without needing to declare the financial 02:08:25PM
15 support that Mr Woodman had in fact provided you; it 02:08:29PM
16 doesn't make any sense, does it, that that could be the 02:08:34PM
17 case?---It hasn't been the practice for the local members 02:08:37PM
18 to - every decision they make to declare there is a 02:08:42PM
19 conflict of interest, local member - - - 02:08:48PM
20 Can I suggest to you there might be a simple answer, and that 02:08:51PM
21 is if members are approached by persons who have 02:08:54PM
22 contributed to their campaign to advance their financial 02:09:02PM
23 interests by achieving some result, whether it be a 02:09:08PM
24 planning result or some other result within the political 02:09:15PM
25 sphere, the member should not be able to act for those 02:09:20PM
26 people, should they? They should not be able to do it 02:09:24PM
27 because it creates a very bad perception in a democracy, 02:09:27PM
28 doesn't it?---Yes, that should be written into law, 02:09:34PM
29 I guess. 02:09:36PM

1 Yes. Thank you. 02:09:37PM

2 COMMISSIONER: Or at the very least, Mr Perera, the financial 02:09:40PM

3 benefit which the member has received from the donor who 02:09:45PM

4 happens to be the moving party with a financial interest 02:09:51PM

5 on the issue should at least declare that interest, 02:09:57PM

6 declare the benefit that they have received?---Where do I 02:10:02PM

7 declare? Where would the members of parliament declare, 02:10:09PM

8 Mr Commissioner? 02:10:12PM

9 If that were the law there would be a register in the same way 02:10:15PM

10 as you had to declare campaign donations before they were 02:10:20PM

11 abolished in the same way that you would have to declare a 02:10:26PM

12 campaign donation. I think what Mr Tovey's pointing out 02:10:30PM

13 is that, whilst there are quite onerous obligations on 02:10:34PM

14 councillors and prohibitions on councillors continuing to 02:10:42PM

15 advance a donor's interests if they have received a 02:10:45PM

16 campaign donation, there was no and is no prohibition on a 02:10:52PM

17 member of parliament doing so?---Yes, that's correct. 02:10:56PM

18 As I said to Ms Graley yesterday, I take it you don't suggest 02:11:02PM

19 that by definition members of parliament have a greater 02:11:07PM

20 level of integrity than councillors?---No. Well, I think 02:11:11PM

21 it should be written into law. 02:11:23PM

22 Yes. May I just ask you this. Ms Graley said in answer to a 02:11:25PM

23 question about whether or not at a fundraising activity at 02:11:36PM

24 which in this case Mr Woodman and Mr Staindl and Ms Schutz 02:11:43PM

25 all attended, she was asked whether or not they might at 02:11:47PM

26 that fundraising function have discussed the rezoning, and 02:11:52PM

27 she showed horror at that suggestion and said that that 02:11:59PM

28 would be entirely inappropriate to have such a discussion 02:12:03PM

29 at that time. What's your comment about that?---It never 02:12:06PM

1 happened. It was a function. Nothing was discussed. 02:12:14PM
2 It's just having - you know, eating and drinking and 02:12:19PM
3 having a chat. As she said, probably it would be 02:12:23PM
4 inappropriate to have a discussion after going for a 02:12:30PM
5 fundraising night. 02:12:35PM
6 Yes. It's probably an oversight on my part not to ask her to 02:12:37PM
7 explain her reasoning as to why that would be 02:12:42PM
8 inappropriate but that it wouldn't be inappropriate if the 02:12:45PM
9 next day she engaged in a discussion about rezoning with 02:12:50PM
10 Mr Staindl, Ms Schutz and Mr Woodman?---I would say that 02:12:54PM
11 was a meeting call with the intention of discussing about 02:13:01PM
12 whatever the subject may be. But fundraising night was 02:13:07PM
13 different. It was not - it wasn't in the agenda to 02:13:12PM
14 discuss such matters. 02:13:19PM
15 Yes. I mean, obviously no member of parliament wants to place 02:13:20PM
16 themselves in a position where there's an appearance of 02:13:25PM
17 what we call a quid pro quo, that is - - -?---Yes. 02:13:29PM
18 The developer is giving you money for an election campaign and 02:13:35PM
19 you are responding by saying, 'And I will help you out 02:13:40PM
20 with your development in exchange for doing that.' 02:13:44PM
21 Obviously you want to avoid a situation in which that can 02:13:48PM
22 be the impression that's left; agreed?---Yes. 02:13:53PM
23 So the danger continues to exist, even if that assistance is 02:13:57PM
24 given on some day other than the day when the campaign 02:14:04PM
25 fund is obtained, that perception remains as a perception 02:14:09PM
26 that will continue to exist, isn't that so?---Correct. 02:14:13PM
27 Yes. 02:14:19PM
28 Yes, Mr Tovey. 02:14:19PM
29 MR TOVEY: Mr Perera, you indicated that when the minister came 02:14:28PM

1 and visited the site of the rezoning he made a comment 02:14:32PM
2 about the signs which indicated a degree of scepticism as 02:14:39PM
3 to who had financed them; you recall that being discussed 02:14:45PM
4 earlier in your evidence? I'm sorry, you'll have to 02:14:49PM
5 verbalise?---Yes, yes. 02:14:54PM
6 And was that something that you ever took up with the minister 02:14:55PM
7 at any other stage, that is whether or not SCWRAG was 02:15:03PM
8 funded by developers?---No. But we made the casual 02:15:10PM
9 comment in the car that - - - 02:15:22PM
10 Yes?---The residents erect such big poster in support of the 02:15:24PM
11 rezoning. 02:15:30PM
12 So your view as to the connection between Ms Schutz and Watsons 02:15:31PM
13 and SCWRAG is not something that was ever independently 02:15:39PM
14 raised with either council or the ministry so far as 02:15:43PM
15 you're aware?---No, did not - in the strictest sense it 02:15:48PM
16 wasn't raised. But in conversation we both - the minister 02:15:54PM
17 and myself both understood it was the case. 02:15:59PM
18 Sorry, what do you mean by that?---I mean - - - 02:16:01PM
19 Are you talking about just that conversation, the conversation 02:16:04PM
20 about the signs? You saw that as a nod and a wink. Were 02:16:08PM
21 there any other conversations?---No, no, 02:16:13PM
22 I haven't conversations to say that, 'Yes, they are behind 02:16:16PM
23 this one' and that sort of thing. But it was understood. 02:16:19PM
24 I mean, I knew the minister knew, and he knew I knew they 02:16:26PM
25 were too. 02:16:30PM
26 One final matter. As a candidate did you have fundraising 02:16:33PM
27 limits that you were - or fundraising targets that you 02:16:42PM
28 were expected to achieve?---Not exactly. But there is a 02:16:47PM
29 ballpark figure every election around about 30,000 or 02:16:57PM

1 40,000. 02:17:02PM

2 Yes?---Yes, as a ballpark figure. And also in some cases being 02:17:10PM

3 a marginal seat the ALP office would say, 'We will give 02:17:13PM

4 you a package of 30,000 or 40,000,' whatever the figure 02:17:17PM

5 may be, and they will ask us to fund half of it or 02:17:21PM

6 something like that. So we have to locally raise that 02:17:24PM

7 amount of money. 02:17:39PM

8 Was Cranbourne a marginal seat?---Yes, it was. 02:17:41PM

9 What about Narre Warren North?---Narre Warren North sometimes 02:17:45PM

10 classified as a marginal seat. But if you are getting 02:17:55PM

11 mixed up with Narre Warren North and Narre Warren South - 02:18:03PM

12 - - 02:18:07PM

13 I think I should have been saying Narre Warren South?---Narre 02:18:07PM

14 Warren South wasn't. 02:18:11PM

15 No. Yes, I think that's - I have no further questions, 02:18:11PM

16 Mr Commissioner. 02:18:20PM

17 COMMISSIONER: Yes. Just one final matter, Mr Perera. I think 02:18:21PM

18 that you've acknowledged in answer to a number of 02:18:32PM

19 Mr Tovey's questions that you can see looking back on how 02:18:36PM

20 things evolved that in effect Ms Schutz through her 02:18:44PM

21 contact, particularly with your electoral officer 02:18:52PM

22 Mr Argiriou, was using the office of - your office as a 02:18:56PM

23 member of parliament as a form of lobbying to the minister 02:19:04PM

24 and the department?---Yes, yes. That's her job, I guess. 02:19:07PM

25 And so it wouldn't - it's not an unfair characterisation of 02:19:16PM

26 what we've looked at this morning that in effect, albeit 02:19:22PM

27 you say quite unintentionally, but your office became a 02:19:28PM

28 form of lobbying to the minister?---Yes. Yes, we did 02:19:32PM

29 lobby of course supporting the rezoning, and in that 02:19:42PM

1 process Megan would have her two bobs worth. 02:19:46PM
2 And at a State Government level, beyond there being a code of 02:19:56PM
3 conduct for lobbyists, there is no legislation whatever 02:20:00PM
4 that controls the conduct of lobbyists, is there?---No. 02:20:06PM
5 Yes, thank you. Mr Tovey, I think we need to just formalise a 02:20:10PM
6 couple of last exhibits. 02:20:16PM
7 MR TOVEY: Yes. 02:20:18PM
8 COMMISSIONER: I'll make the summary of the submission by 02:20:19PM
9 Mr Perera that appears at item 63 of the Casey Council 02:20:24PM
10 paper on 26 June 2017 exhibit 307 and the donation summary 02:20:29PM
11 for Mr Perera exhibit 308. 02:20:42PM
12 #EXHIBIT 307 - Summary of submission by Mr Perera at item 63 of 02:20:37PM
13 the Casey Council paper of 26/06/17. 02:20:28PM
14 #EXHIBIT 308 - Donation summary for Mr Perera. 02:20:40PM
15 COMMISSIONER: Does that bring us up to date? 02:20:47PM
16 MR TOVEY: It does, Commissioner. 02:20:51PM
17 COMMISSIONER: Mr Kelly, are there any matters you would like 02:20:53PM
18 to raise with Mr Perera, either by way of expanding on 02:20:56PM
19 questions that have been asked or anything additional you 02:21:00PM
20 would like him to give evidence about? 02:21:02PM
21 MR KELLY: No, Commissioner. 02:21:05PM
22 COMMISSIONER: Very good. Mr Tovey, is there any reason why 02:21:07PM
23 Mr Perera shouldn't be discharged from the summons? 02:21:12PM
24 MR TOVEY: No reason. 02:21:16PM
25 COMMISSIONER: Very good. So, Mr Perera, I thank you for your 02:21:19PM
26 attendance today and your cooperation. I will release you 02:21:22PM
27 from the summons. If you or your lawyers wish to review 02:21:27PM
28 the evidence that you've given or the video recording of 02:21:34PM
29 your evidence, if you would get in touch with 02:21:38PM

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the Commission they will make provision for you to be able to attend and review the video or look at a transcript of the evidence. Until the investigation is completed, it's not the practice to release the transcripts. But you are more than welcome to look at them if you have an interest in doing so. So I thank you again for your assistance and your fulsome cooperation. Thank you, Mr Kelly.

02:21:43PM
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02:22:40PM

MR KELLY: Thank you, Commissioner.

WITNESS: Thank you, Mr Commissioner. Thank you, Mr Tovey.

And thank you, Mr Kelly.

COMMISSIONER: Mr Tovey, we're adjourned until Monday next at 10 am.

MR TOVEY: Yes, Monday at 10 am.

COMMISSIONER: And who is the witness on Monday, Mr Tovey?

MR TOVEY: On Monday we have Ms Richards, as I understand it.

COMMISSIONER: Thank you very much. Again, thank you, Mr Perera.

<(THE WITNESS WITHDREW)

ADJOURNED UNTIL MONDAY, 30 NOVEMBER 2020