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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 1 DECEMBER 2020

(38th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

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

OPERATION SANDON INVESTIGATION

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

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

1 COMMISSIONER: Good afternoon, Mr Aziz, Mr Peck. Are we ready 01:00:43PM  
2 to proceed? 01:00:47PM  
3 MR PECK: Yes, Commissioner. 01:00:51PM  
4 <SAMEH AZIZ, recalled: 01:00:51PM  
5 COMMISSIONER: Mr Aziz, I remind you you are still on oath and, 01:00:53PM  
6 as I've indicated to you on prior occasions, if you need a 01:00:56PM  
7 break at any stage for any reason just say so; do you 01:01:00PM  
8 follow?---Thank you. 01:01:04PM  
9 Yes, Mr Tovey. 01:01:12PM  
10 <EXAMINED BY MR TOVEY, continued: 01:01:12PM  
11 MR TOVEY: Thank you. Mr Aziz, in March of 2018 there was a 01:01:16PM  
12 planning issue, was there not, relating to the Pavilion 01:01:26PM  
13 Estate?---Yes. 01:01:33PM  
14 And you were involved in that?---Yes, I was. 01:01:34PM  
15 On 20 March of 2018 the matter came before council to determine 01:01:44PM  
16 an application for variation of the original planning 01:01:56PM  
17 permit, but that matter was deferred as a result of 01:02:02PM  
18 I think a resolution put forward by Councillor Rowe and 01:02:15PM  
19 Councillor Jackson. Do you recall that to be the 01:02:21PM  
20 case?---Possibly, yes. 01:02:25PM  
21 You already indicated that the Pavilion Estate issue was 01:02:29PM  
22 something which you were advocating before council, having 01:02:35PM  
23 been approached by Mr Woodman and Ms Schutz; is that 01:02:42PM  
24 correct?---And Ms Wreford, yes. 01:02:47PM  
25 I take it from what you've said previously that you don't 01:02:55PM  
26 dispute that in the lead-up to this matter coming before 01:02:58PM  
27 council you had received a draft notice of motion through 01:03:02PM  
28 Ms Wreford from Megan Schutz and that you had received 01:03:14PM  
29 some briefing notes?---Yes. 01:03:19PM

1 That's the way it would normally work, I understand, from what 01:03:23PM  
2 you say?---Yes, the applicant would usually propose what 01:03:26PM  
3 they were seeking to achieve, yes. 01:03:32PM  
4 And you also have indicated previously when we brushed on this 01:03:34PM  
5 topic that you had been involved in, I think to use your 01:03:38PM  
6 word, mediating the matter with council officers. Was 01:03:45PM  
7 that the case?---Mediating the matter between the 01:03:50PM  
8 applicant and the council officers. 01:03:54PM  
9 Yes. In respect of Pavilion Estate?---Yes. 01:03:56PM  
10 So what was the proposal that was being put forward in respect 01:04:03PM  
11 of Pavilion Estate?---To the best of my recollection, 01:04:06PM  
12 council was seeking to annex a six-metre-wide strip for 01:04:13PM  
13 two purposes: open public space and also to create a 01:04:19PM  
14 bigger rugby pavilion which was the last sporting 01:04:26PM  
15 development on the edge of that 180-acre sporting complex 01:04:31PM  
16 within Casey Fields. 01:04:37PM  
17 Was there also an issue relating to Morison Road which was the 01:04:42PM  
18 northern entrance to the Pavilion Estate 01:04:46PM  
19 development?---I can't recall that specifically. 01:04:52PM  
20 In any event you went to council - I suggest to you that your 01:04:59PM  
21 recollection is slightly askew. What had happened is the 01:05:08PM  
22 original permit had provided for a reservation along the 01:05:12PM  
23 interface between the development and Casey Fields and the 01:05:22PM  
24 application related mainly to two things: firstly was the 01:05:25PM  
25 removal of that reservation and, secondly, the reduction 01:05:32PM  
26 of the area required to be set aside for road reserves. 01:05:38PM  
27 Would you agree with that?---Possibly. I can't recall 01:05:49PM  
28 exactly, yes. 01:05:53PM  
29 I don't want to be going through all these documents again, but 01:05:53PM

1 the situation was that Ms Schutz, I suggest to you, on two 01:05:58PM  
2 occasions provided you with briefing notes and with 01:06:03PM  
3 alternative resolutions to be put before council. Does 01:06:09PM  
4 that accord generally with your recollection?---Probably, 01:06:15PM  
5 yes. 01:06:17PM  
6 And there were emails discussing what the argument was to be 01:06:18PM  
7 put forward and what arguments might be used to support 01:06:22PM  
8 the position of the applicant for the variation?---Yes. 01:06:29PM  
9 And you say that that was from your perspective not something 01:06:31PM  
10 which involved any conflict at all?---To me it was 01:06:40PM  
11 standard advocacy undertaken by any applicant. 01:06:47PM  
12 Yes?---And I would hear it and present the case to the council 01:06:51PM  
13 officers in the hope that some sort of agreement can be 01:06:56PM  
14 reached before the matter reached council. 01:07:02PM  
15 Did you declare then or at any time that at that stage you were 01:07:08PM  
16 receiving repayments from John Woodman into the account of 01:07:15PM  
17 your wife and your mother?---No, I did not. 01:07:21PM  
18 Did you tell anybody at any stage during the Pavilion debate 01:07:27PM  
19 when talking to anybody, fellow councillors or the CEO or 01:07:39PM  
20 the ethics officer, that the motions you were putting 01:07:45PM  
21 forward were in fact motions drafted by Megan 01:07:54PM  
22 Schutz?---No, I did not. 01:07:58PM  
23 COMMISSIONER: Do you think on reflection you should 01:08:04PM  
24 have?---Yes, I do believe I should have, yes. 01:08:07PM  
25 Why do you have that view now, Mr Aziz?---Because of the 01:08:10PM  
26 learnings I've gleaned from these hearings and the better 01:08:15PM  
27 understanding I now have about perceptions of conflict. 01:08:19PM  
28 I mentioned to you previously, Commissioner, that in my 01:08:24PM  
29 mind at the time the arrangements with Woodman were coming 01:08:27PM

1 to an end and so I felt that that was no longer in play. 01:08:30PM  
2 However, the perception still persists and upon reflection 01:08:36PM  
3 I certainly should have made that declaration in a more 01:08:40PM  
4 formal way. 01:08:44PM  
5 Can I just ask you something generally about your relationship 01:08:47PM  
6 with council officers. So, over your time in the council 01:08:52PM  
7 you would from time to time speak with council officers 01:08:59PM  
8 and indicate your view about how they might approach a 01:09:03PM  
9 particular issue that was for them to resolve?---Not 01:09:07PM  
10 necessarily as you've described it. I wouldn't attempt to 01:09:14PM  
11 impose a view, but I would let them know that that's where 01:09:20PM  
12 my thinking was - - - 01:09:24PM  
13 Yes, well, that's what I put to you. I didn't say anything 01:09:26PM  
14 about imposing a view?---Yes. 01:09:29PM  
15 You would speak to council officers and convey your view about 01:09:31PM  
16 how you thought an issue might be resolved?---Yes, or even 01:09:37PM  
17 the direction of an issue. 01:09:43PM  
18 Yes. Now, presumably council officers didn't always agree with 01:09:45PM  
19 the view you were expressing?---No, that's certainly the 01:09:52PM  
20 case, yes. They did not always agree. 01:09:58PM  
21 When the council officers then made their decision in a 01:10:01PM  
22 circumstance where it was not reflective of the view you 01:10:07PM  
23 had advanced to them, did you ever seek to challenge the 01:10:15PM  
24 council officers' decision thereafter by way of a council 01:10:20PM  
25 decision?---I would challenge it by presenting my view at 01:10:25PM  
26 a council meeting. 01:10:32PM  
27 Yes, and what was the process that the council was following 01:10:36PM  
28 when you would challenge the council officers' decision? 01:10:39PM  
29 It was a motion, was it?---Two processes, Commissioner. 01:10:43PM

1 One was expressing dissent and being allowed to debate or 01:10:50PM  
2 express that dissent while the motion was being 01:10:53PM  
3 considered. So the motion would have been the original 01:11:00PM  
4 councillor's view - sorry, the original council officer's 01:11:02PM  
5 view, and then I would be allowed or any councillor would 01:11:06PM  
6 be allowed the opportunity to dissent and speak to that 01:11:09PM  
7 dissent. Sometimes we would foreshadow an alternative 01:11:13PM  
8 resolution should the existing resolution fail, as in not 01:11:17PM  
9 pass by a majority vote, and then you would start the 01:11:20PM  
10 debate again. So, that was the process. That's usually 01:11:25PM  
11 what happened on every issue where there were conflicting 01:11:32PM  
12 views around the elected council table on any issue, not 01:11:39PM  
13 just planning. 01:11:43PM  
14 But not all council officer decisions had to come before 01:11:48PM  
15 council for ratification, did they?---Some decisions were 01:11:53PM  
16 made under delegation according to specific council 01:11:56PM  
17 policies. Other decisions were presented to council, but 01:11:59PM  
18 that was really at the discretion of the council officers 01:12:03PM  
19 and the directors of the departments overseeing that 01:12:08PM  
20 decision. 01:12:12PM  
21 All right. So you've told us about the circumstance where the 01:12:14PM  
22 council officers' decision was brought to the council. 01:12:22PM  
23 What would you do in a case where the decision had been 01:12:27PM  
24 delegated, the council officer did not agree with the view 01:12:31PM  
25 you had expressed to him or her and had made a decision 01:12:37PM  
26 contrary to what you thought were the merits? What would 01:12:41PM  
27 you do in that circumstance where the decision had been 01:12:44PM  
28 delegated?---There's nothing that I could do because the 01:12:48PM  
29 decision is already made by the council officers. 01:12:53PM

1 And it's final, is it?---Yes. 01:12:56PM

2 So how often do you think, Mr Aziz, over your time in 01:13:01PM

3 council - I don't expect you to be precise about 01:13:05PM

4 this - how often do you think you either brought a 01:13:09PM

5 rescission motion or an alternate motion to overturn a 01:13:12PM

6 council officer's decision?---Over the time it would have 01:13:17PM

7 to be at least a dozen times. 01:13:28PM

8 Yes. And during the period that you were in office as a 01:13:32PM

9 councillor, were more of those occasions early in your 01:13:39PM

10 period as a councillor or were they spread across the 01:13:44PM

11 entire period that you were a councillor?---No, they would 01:13:50PM

12 have been spread across the entire period. 01:13:55PM

13 Do you think council officers were afraid of you, 01:13:58PM

14 Mr Aziz?---I don't believe so, no. 01:14:04PM

15 So when you expressed a view to a council officer, let's say in 01:14:07PM

16 the planning area, if you expressed a view to a council 01:14:13PM

17 officer was it your sense that the council officer didn't 01:14:17PM

18 in any way feel an obligation to give effect to the view 01:14:23PM

19 you were expressing?---Yes, that was absolutely my sense 01:14:31PM

20 and they were very robust in the way they defended their 01:14:36PM

21 view. They also had seen me on many occasions defend 01:14:40PM

22 their view in public forums during heated planning matters 01:14:47PM

23 where the residents didn't necessarily like the decisions 01:14:54PM

24 that council was undertaking. So they knew that I would 01:14:58PM

25 simply act on the basis of the merits of an issue rather 01:15:02PM

26 than, you know, on a personal level just to express 01:15:06PM

27 dissent or whatever (indistinct). 01:15:11PM

28 Yes. Yes, Mr Tovey. 01:15:15PM

29 MR TOVEY: Thank you. So, the first time that Pavilion Estate 01:15:19PM

1 came before council was on 20 March of 2018 when it was 01:15:27PM  
2 deferred as we have just discussed. Could you just have a 01:15:32PM  
3 look, please, at exhibit 24, page 3535. If you just 01:15:38PM  
4 scroll you down slightly, thank you. Can you see the 01:16:14PM  
5 WhatsApp message from Lorraine Wreford, 'WTF'?---Yes. 01:16:20PM  
6 Now, that's a message which she sent you during the meeting, 01:16:25PM  
7 was it not?---Looking at the time, yes. 01:16:32PM  
8 So it would appear, would you agree, that she's been watching 01:16:40PM  
9 the live feed of the council meeting?---Yes. 01:16:44PM  
10 And then shortly after that - so that's at 7.41. 7.55 you 01:16:52PM  
11 respond, 'We were ambushed. Need to talk after the 01:17:03PM  
12 meeting.' That would appear, and I think she's told us, 01:17:07PM  
13 that message came during the meeting; would you agree that 01:17:13PM  
14 that was the case?---Again, given the time, yes. 01:17:19PM  
15 Yes. 01:17:23PM  
16 COMMISSIONER: Is this an exhibit, Mr Tovey? 01:17:24PM  
17 MR TOVEY: Yes, it's exhibit 24. 01:17:27PM  
18 COMMISSIONER: Thank you. I'm sorry, Mr Aziz, did you 01:17:32PM  
19 understand Ms Wreford was here acting on behalf of 01:17:35PM  
20 Mr Woodman?---Yes, because she spoke to me about this 01:17:39PM  
21 issue. 01:17:43PM  
22 MR TOVEY: Look, before we scroll down, you might even have a 01:17:46PM  
23 recollection of this and save me going to the individual 01:17:52PM  
24 documents. After that, I'd suggest that you and she - she 01:17:55PM  
25 told you that she would get back to you, but she couldn't 01:18:05PM  
26 get hold of anybody from the Woodman camp and then you 01:18:08PM  
27 arranged a chat if possible the next morning, and then the 01:18:16PM  
28 next day there was reference about communication between 01:18:21PM  
29 you about constructing the next along the line of the 01:18:33PM

1 interface between the rugby field and the estate, and then 01:18:37PM  
2 you arranged that you and others would meet at the 01:18:45PM  
3 Sandhurst Club on 22 March, which in fact you did. Now, 01:18:51PM  
4 do you accept that that was the way in which things 01:19:02PM  
5 unfolded?---Probably, yes. 01:19:05PM  
6 And could we look, please, then at exhibit 25, which are images 01:19:09PM  
7 2 and 3. And so you agree that those are photographs of 01:19:17PM  
8 that meeting?---Yes, I can't remember the date, but yes. 01:21:22PM  
9 And we see there - who's that? Yourself, Mr Woodman, Megan 01:21:32PM  
10 Schutz and Lorraine Wreford; is that right?---Yes. 01:21:38PM  
11 And Ms Wreford has told us that that meeting was called to 01:21:45PM  
12 discuss the fact that you'd been, to use the words in the 01:21:50PM  
13 WhatsApp message, that you'd been 'ambushed' the night 01:21:56PM  
14 before and to discuss how to proceed in the light of that; 01:22:01PM  
15 would you agree with that?---Not necessarily, no. 01:22:08PM  
16 Was that one of the matters that was being discussed? 01:22:17PM  
17 COMMISSIONER: I'm sorry, my mistake, Mr Aziz, that I haven't 01:22:21PM  
18 taken this up with you before. That answer that you have 01:22:23PM  
19 often given, 'not necessarily', is completely 01:22:28PM  
20 uninformative. It neither tells me that you agree or 01:22:31PM  
21 don't agree. So, Mr Tovey, would you ask that question 01:22:35PM  
22 again and could you try and answer the question in a more 01:22:39PM  
23 satisfactory way, Mr Aziz? 01:22:45PM  
24 MR TOVEY: Ms Wreford has told us that that meeting was called 01:22:52PM  
25 in order to discuss where to go with Pavilion Estate, the 01:22:58PM  
26 proposal having been ambushed, I think it was two nights 01:23:08PM  
27 before. Do you agree that that was at least in part 01:23:12PM  
28 something that was being discussed at that meeting?---Yes. 01:23:18PM  
29 The reason - can I explain why I said 'not necessarily', 01:23:21PM

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Commissioner?

COMMISSIONER: Yes, Mr Aziz?---Because the reason, to the best of my recollection, I used the word 'ambushed' is because I thought that the applicant and the officers had reached a solution, and so I was surprised to see the matter being deferred by two councillors and I certainly wasn't going to go in and advocate on behalf of anybody if a solution had been reached. So I believe we had that meeting so that I could understand basically where this issue was at because I just did not understand what the political dynamics or the officers' decision making were in relation to that issue after the deferral resolution had been taken.

MR TOVEY: Following that you were provided, I suggest, with an alternative resolution once the agenda had come out for the next meeting in respect of that which was on 3 April; would you agree with that?---Yes, probably. Yes.

And then on 3 April council ultimately resolved, firstly, that the council would approve the immediate construction of Morison Road as part of the final stages of the Pavilion subdivision with the cost of construction of the road to be reimbursed by council; was that the case?---I can't recall the Morison Road aspect.

We've heard from Mr Woodman or Ms Schutz, I can't remember for the moment, that that related to a road coming in to the north of the subdivision. It was originally to be built by another developer who was developing that part of the subdivision, the name of which I think was Blueways 123; the requirement to build the road had lapsed; Woodman

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1 wanted the road built; and you brokered a deal whereby he 01:26:06PM  
2 would pay for the road but get reimbursed. Does that ring 01:26:12PM  
3 any bells with you?---Yes. I recall there was an issue on 01:26:22PM  
4 council's part in not ensuring compliance with the 01:26:31PM  
5 original permit to build a road from this other group that 01:26:36PM  
6 you mentioned. 01:26:40PM  
7 Yes?---And I think that created a problem for us because we 01:26:42PM  
8 failed to uphold the terms of the planning permit, and 01:26:45PM  
9 I think from memory, now that you've mentioned it, the 01:26:52PM  
10 road was probably necessary for the overall development of 01:26:54PM  
11 that entire precinct. 01:26:59PM  
12 COMMISSIONER: Mr Tovey, that motion was passed? 01:27:02PM  
13 MR TOVEY: That motion was passed, yes. 01:27:04PM  
14 COMMISSIONER: Mr Aziz, do I take it from your earlier answer 01:27:06PM  
15 to me you accept now, with the benefit of hindsight, that 01:27:09PM  
16 it was not appropriate for you to have participated in 01:27:14PM  
17 that motion?---Most definitely, Commissioner. I shouldn't 01:27:18PM  
18 even have been inside the chamber. 01:27:23PM  
19 MR TOVEY: In fact, Mr Aziz moved the motion, sir. 01:27:27PM  
20 COMMISSIONER: Yes. Mr Aziz, I just want to try and understand 01:27:30PM  
21 what your state of mind was then. Is it the case that you 01:27:38PM  
22 didn't appreciate that if you were receiving any financial 01:27:51PM  
23 benefit from Mr Woodman or some associate entity of 01:27:57PM  
24 Mr Woodman that it was a conflict of interest for you to 01:28:00PM  
25 participate in any motion in respect to which Mr Woodman 01:28:07PM  
26 had a financial interest?---Yes. 01:28:16PM  
27 What's your explanation for why you did that in contravention 01:28:22PM  
28 of the clearest prohibition against you doing so?---As 01:28:28PM  
29 I mentioned before, I believed in my mind that the 01:28:32PM

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arrangement we had was coming to an end. The procedures  
for it to come to an end started as early as December the  
previous year with the signing of a binding instrument on  
my part in relation to my personal divorce proceedings, as  
well as other instructions I had given to Mr Woodman about  
how the rest of the money would be disbursed. And so to  
me the matters were coming to an end and there was no  
longer a financial relationship, and again I was concerned  
that, if I didn't participate in the debate, council would  
lose a quorum and we wouldn't be able to proceed with  
the meeting and any issue that was to be discussed that  
night. And I have always been a pro-development  
councillor from day one and I wanted to make sure that  
planning matters of this nature can actually proceed  
successfully to the best interest of my residents, and  
I felt that at times the planning officers had been  
unnecessarily purists in their thinking, when what the  
councillors have to do is take into account the overall  
issue for the municipality and all of its implications,  
not just the purest planning outcome.

But the approach that you followed was in flagrant breach of  
the explicit provisions in the Local Government Act about  
you participating in that process. Do you not see now  
that you - accepting at face value for the present the  
explanation you've just given me - that you had created  
this moral construct which really didn't entitle you to  
ignore the imperative directions of parliament?---Upon  
reflection, as I've indicated on several occasions now,  
yes, I do recognise that now.

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1 So you said on a previous occasion, and I'm just taking you 01:30:57PM  
2 back to a piece of transcript that I noted, that it wasn't 01:31:04PM  
3 at all unusual for a third party who had a financial 01:31:11PM  
4 interest in a matter that was being considered by the 01:31:21PM  
5 council to make direct representations, either by 01:31:24PM  
6 themselves or through their lobbyist or consultant, with 01:31:34PM  
7 the councillor and to even do so during the course of the 01:31:38PM  
8 council meeting, and you have said that that was a 01:31:41PM  
9 frequent occurrence. Now, was that correct?---Yes. But 01:31:46PM  
10 the only correction, Commissioner, is I didn't say 01:31:52PM  
11 specifically just a financial interest. I said any 01:31:55PM  
12 council matter that we were debating. Third parties would 01:31:59PM  
13 often lobby us right up to the meeting and even during the 01:32:05PM  
14 meeting. 01:32:08PM  
15 Yes. And plainly enough if that was occurring with respect to 01:32:09PM  
16 a councillor who was in a conflict of interest, that would 01:32:17PM  
17 be highly inappropriate?---Yes. 01:32:21PM  
18 Because not only should that councillor not have participated 01:32:26PM  
19 in the motion, but they should not have sought to 01:32:29PM  
20 influence any of the other councillors as to how they 01:32:34PM  
21 voted on the issue?---Yes, but my influence was only 01:32:36PM  
22 during the council meeting, not calling people beforehand 01:32:45PM  
23 and suggesting they should vote one way or the other. 01:32:48PM  
24 Well, can I suggest to you, Mr Aziz, that there's a 01:32:54PM  
25 considerable body of evidence in the form of emails, 01:32:59PM  
26 WhatsApp, telephone conversations which suggests that 01:33:02PM  
27 before council meetings you often conversed with other 01:33:07PM  
28 councillors about how a particular issue should be 01:33:10PM  
29 approached?---Yes. 01:33:15PM

1 Do you disagree with that?---No, I totally agree, but that was 01:33:17PM  
2 expressing my view. I never coerced anybody. 01:33:20PM  
3 All right?---You know, a gun to anyone's head and said, 'You've 01:33:25PM  
4 got to vote this way.' I just said, 'This is my view.' 01:33:30PM  
5 I'm a very forceful communicator and that hasn't changed 01:33:33PM  
6 from day one since I was elected to the City of Casey. 01:33:37PM  
7 So, in the case of the issue which gave rise to your evidence 01:33:39PM  
8 about it being a frequent occurrence that people 01:33:44PM  
9 communicated even during the course of a motion with a 01:33:48PM  
10 councillor, that evidence was given in the context of H3 01:33:53PM  
11 and some particular communications that were being made to 01:34:00PM  
12 you by either Mr Ablett or Ms Schutz - - -?---Yes. 01:34:03PM  
13 During the course of the debate and in circumstances where you 01:34:08PM  
14 were then plainly in a conflict of interest situation in 01:34:11PM  
15 view of the benefits that you were receiving from 01:34:17PM  
16 Mr Woodman?---Yes. 01:34:19PM  
17 Do you agree?---Yes, I do. 01:34:20PM  
18 And is your reason then in engaging in that conduct the same as 01:34:22PM  
19 the one you've given me a moment ago?---Indeed. 01:34:30PM  
20 All right?---And if I can just add a small sentence. 01:34:32PM  
21 Yes?---That sometimes during the debate, when there are 01:34:35PM  
22 conflicting views around the council table, councillors 01:34:40PM  
23 would actually message each other to suggest items of 01:34:42PM  
24 argument that they would like to see being expressed if 01:34:46PM  
25 they've already had an opportunity to speak. 01:34:51PM  
26 Yes?---It was a very dynamic environment and a moving feast 01:34:54PM  
27 most of the time. 01:35:00PM  
28 Do you think, Mr Aziz, that other councillors, particularly 01:35:01PM  
29 those that were closer to you and whom you confided in and 01:35:06PM

1 caucused with, if I can use that in a neutral way, do you 01:35:15PM  
2 think that they were aware that you were participating in 01:35:19PM  
3 these motions when really you shouldn't have been because 01:35:25PM  
4 of a conflict?---I don't believe so, but I can't give you 01:35:29PM  
5 a definitive answer. I don't know who was aware of what. 01:35:36PM  
6 But I certainly didn't make a habit of talking about my 01:35:40PM  
7 personal business with other councillors, particularly 01:35:43PM  
8 during this very difficult period of my life. 01:35:46PM  
9 Yes, Mr Tovey. 01:35:50PM  
10 MR TOVEY: Just putting this in context, Mr Aziz, I know you 01:35:54PM  
11 suggested the cash payments, which you termed to be 01:36:06PM  
12 interest on the 600,000, you thought petered out around 01:36:15PM  
13 February of 2018, I think; was that your 01:36:21PM  
14 recollection?---Sorry, they started reducing as the amount 01:36:28PM  
15 held by Mr Woodman was being returned to me. 01:36:33PM  
16 All right. So on 8 March of 2018 there is one of a series of 01:36:38PM  
17 conversations between Lorraine Wreford and Zannon Daff of 01:36:49PM  
18 Mr Woodman's office where they make what she has described 01:36:56PM  
19 as a regular arrangement to get cash to pay you and they 01:37:00PM  
20 used certain code words in doing that, and then you are 01:37:04PM  
21 observed depositing \$6,000 cash. That was some six days 01:37:11PM  
22 after this conversation at Roxburgh Park - that's right, 01:37:19PM  
23 into the Westpac Bank. Then there was another series of 01:37:29PM  
24 cash payments indeed in April of a lesser amount. So it 01:37:38PM  
25 would seem, being as fair to you as we can, that these 01:37:47PM  
26 cash payments were still dribbling in to this period 01:37:52PM  
27 around 20 March of 2018 when Pavilion Estate first came 01:38:00PM  
28 up. Would you disagree with that?---No, no, I don't, 01:38:07PM  
29 because I recall the final cash payment came in at around 01:38:10PM

1 May 18 - - - 01:38:15PM  
2 Yes?---When the last of the 600,000 was actually disbursed. 01:38:17PM  
3 Following that, I think there was another series of deposits on 01:38:24PM  
4 23 April of \$8,300. That's just after the - sorry, that's 01:38:30PM  
5 20 days after the final Pavilion Estate vote on 3 April 01:38:39PM  
6 and that would be consistent with your 01:38:45PM  
7 recollection?---Sorry, how many days? 01:38:48PM  
8 Well, the final Pavilion Estate vote, the one I was just asking 01:38:49PM  
9 you about before the Commissioner started to ask you some 01:38:57PM  
10 questions, was 3 April?---Right. 01:39:01PM  
11 Following that, there was the last of what had been a series of 01:39:05PM  
12 cash payments going back for a year, and that was on 01:39:12PM  
13 23 April, five deposits totalling \$8,300. So that would 01:39:16PM  
14 be consistent with your recollection as to when the money, 01:39:27PM  
15 that is the cash interest money, from Woodman 01:39:33PM  
16 concluded?---No, because I usually received the cash 01:39:37PM  
17 interest around the 10th of every month. 01:39:43PM  
18 Yes?---And none of the moneys that I received at any time were 01:39:46PM  
19 relating to any decision making around the Pavilion 01:39:49PM  
20 Estate. It was relating to the original investment I had 01:39:53PM  
21 made in May 2017. Now - - - 01:39:56PM  
22 All I'm saying to you is you thought - you just told me a 01:40:00PM  
23 minute ago you thought that they went through to 01:40:04PM  
24 April - sorry, to May of 2018?---Yes. 01:40:07PM  
25 All I'm suggesting is that the last cash payment of any 01:40:09PM  
26 significance was in April. Now, is that consistent with 01:40:16PM  
27 your recollection?---No, I recall getting a payment in May 01:40:22PM  
28 which was the last one, and I may not have necessarily 01:40:26PM  
29 deposited it in the bank. I may have used it for our 01:40:30PM

1 domestic expenses. At the time as well, I had another 01:40:35PM  
2 business with my new wife and there were on occasions cash 01:40:40PM  
3 payments made by clients that we needed to accumulate in 01:40:47PM  
4 deposits, so there could have been cash payments going all 01:40:53PM  
5 over the place. 01:40:56PM  
6 Look, in any event, I don't think we need to go into the fine 01:40:57PM  
7 detail. You yourself agree that the cash repayments from 01:41:01PM  
8 the \$600,000 were still continuing at this time, although 01:41:07PM  
9 they had almost finished?---Up until May. Up until May. 01:41:12PM  
10 They didn't - - - 01:41:16PM  
11 Yes, and there were payments totalling hundreds of thousands of 01:41:17PM  
12 dollars going into the account of Ms Rezk, who was then 01:41:21PM  
13 your fiance, and of your mother?---Yes, and they were the 01:41:28PM  
14 disbursements of the \$600,000 amount, plus a bit of 01:41:32PM  
15 interest. 01:41:37PM  
16 At that stage I'd suggest to you that even if the arrangements 01:41:38PM  
17 for these payments had been made some time before, it is 01:41:47PM  
18 difficult to justify, isn't it, a point of view that you 01:41:53PM  
19 might have thought you weren't conflicted at the time? 01:41:59PM  
20 Perhaps I haven't made myself clear. Why should it make 01:42:06PM  
21 any difference that the arrangements in relation to these 01:42:09PM  
22 things had occurred a year before or six months before or 01:42:13PM  
23 if they were going to end in a month or six 01:42:18PM  
24 months?---Mr Tovey, I believe I've answered that question, 01:42:22PM  
25 with respect, on a number of occasions now. I've conceded 01:42:25PM  
26 that I should have been declaring a conflict of interest, 01:42:28PM  
27 irrespective of when the arrangements were going to end or 01:42:32PM  
28 when the decisions were made that they were going to end. 01:42:35PM  
29 And that was my mind set at the time, operating in a very 01:42:42PM

1           difficult political environment. Now, I've conceded that. 01:42:48PM  
2           I'm not sure what more I can tell you. 01:42:50PM  
3 I just want you to understand that that view is challenged. 01:42:53PM  
4 COMMISSIONER: Just a minute. Mr Tovey is giving you the 01:42:56PM  
5           opportunity to address the point. But I really want to 01:43:02PM  
6           make sure you understand this, Mr Aziz: in circumstances 01:43:06PM  
7           where you're in a conflict of interest, you don't declare 01:43:19PM  
8           that conflict of interest, you've indicated to the best of 01:43:22PM  
9           your knowledge you informed none of the people around you 01:43:26PM  
10          that you were engaged in this financial arrangement with 01:43:31PM  
11          Mr Woodman, from Ms Wreford and Mr Daff's perspective 01:43:34PM  
12          these payments to you were secret; that a prominent 01:43:43PM  
13          hypothesis arises, doesn't it, that these weren't payments 01:43:49PM  
14          made in pursuance of a commercial arrangement; they were 01:43:54PM  
15          corrupt payments. Do you not see that the net result of 01:43:57PM  
16          the way you managed your affairs was to create that 01:44:04PM  
17          prominent hypothesis?---No, because they were never 01:44:07PM  
18          corrupt payments. Irrespective of the impression that you 01:44:11PM  
19          have just conveyed, Commissioner, with all respect, they 01:44:15PM  
20          had nothing to do with any decisions that I had made and 01:44:20PM  
21          there is a trail which explains where the payments came 01:44:25PM  
22          from and why they came to be. I don't believe there's any 01:44:31PM  
23          dispute that I did loan Mr Woodman physically \$600,000 and 01:44:35PM  
24          the return on that investment was paid to me every month, 01:44:42PM  
25          and it started reducing as the principal amount was being 01:44:47PM  
26          reduced in accordance with the agreement. 01:44:51PM  
27 Mr Aziz, you know that Mr Woodman did not invest those funds 01:44:55PM  
28          for you; Mr Woodman kept them in an account. There was no 01:45:00PM  
29          interest earned on that money and the amounts which were 01:45:08PM

1 said to be an interest payment to you were not interest 01:45:13PM  
2 that was derived from the investment of those funds at 01:45:18PM  
3 all?---Yes. I don't know what Mr Woodman had done with 01:45:21PM  
4 the funds. What I do understand of mezzanine finance is 01:45:25PM  
5 that developers use it to bridge the gap between their own 01:45:30PM  
6 equity and what a bank is prepared to lend them. And 01:45:33PM  
7 therefore they pay you a higher interest rate because it's 01:45:37PM  
8 often an unsecured facility and - - - 01:45:40PM  
9 But, Mr Aziz, you were aware of Mr Woodman's evidence. You 01:45:43PM  
10 know what he did with the funds, the funds which you 01:45:47PM  
11 explain were given to him to put them out of the reach of 01:45:51PM  
12 your former wife, and that's what he did. He put them in 01:45:54PM  
13 an account so that they would be kept for you?---Except 01:45:59PM  
14 that my former wife's solicitor was informed where the 01:46:07PM  
15 funds were invested because I had to disclose that. It 01:46:10PM  
16 was an irrational decision that, had I had my time again, 01:46:13PM  
17 I would not have made because in the end it has caused me 01:46:17PM  
18 more grief and more strife than what it was worth. Now, 01:46:22PM  
19 at the time it was a very acrimonious divorce. I wasn't 01:46:26PM  
20 aware of where Mr Woodman would be investing the funds. 01:46:31PM  
21 I didn't even see Mr Woodman's evidence. I was overseas. 01:46:37PM  
22 And I believe the Commission suppressed that evidence for 01:46:40PM  
23 whatever reason. So, I did not see anything in relation 01:46:43PM  
24 to what Woodman or Wreford had said or anyone else, except 01:46:45PM  
25 for what was reported in the papers, and I take those with 01:46:49PM  
26 not a grain of salt but with a kilo of salt. But I wasn't 01:46:54PM  
27 aware. 01:46:57PM  
28 Yes. Yes, Mr Tovey. 01:46:58PM  
29 MR TOVEY: Now, one of the matters which has been raised in 01:47:08PM

1 passing, Mr Aziz, is your association with Mr Kostic, 01:47:11PM  
2 I think his name you said is Vlad, is it? Vlad 01:47:23PM  
3 Kostic?---Yes, I believe so. 01:47:28PM  
4 And he was an associate of your friend, Tino Grossi?---Yes. 01:47:29PM  
5 But as I understand it - tell me if I'm wrong - he wasn't a 01:47:40PM  
6 particular friend of yours?---I knew him through an 01:47:44PM  
7 introduction by Mr Grossi. 01:47:48PM  
8 Yes. And did you become friends with him or was your 01:47:50PM  
9 relationship with him simply dealing with those issues 01:47:54PM  
10 that he had before council?---No, look, I saw him on a 01:47:57PM  
11 number of occasions and he was explaining to me the issues 01:48:04PM  
12 that he was looking to put through the City of Casey but 01:48:11PM  
13 also other councils around Victoria, and I believe he even 01:48:17PM  
14 raised with me at one stage the prospects of contesting a 01:48:22PM  
15 political office at some stage in the future. 01:48:27PM  
16 In what context was it that you first met? Was he seeking to 01:48:31PM  
17 have some issue raised before council or resolved by 01:48:38PM  
18 council?---No, the first time I ever met him I believe was 01:48:41PM  
19 at a Christmas function that Mr Grossi had organised. 01:48:46PM  
20 When was that?---That would have been in Christmas - around 01:48:50PM  
21 Christmas time 2017. 01:48:57PM  
22 All right. Now, on 19 December of 2017 at an ordinary meeting 01:49:00PM  
23 of the Casey City Council you raised a notice of motion 01:49:15PM  
24 for a review of a Cell N Development plan in Narre Warren 01:49:25PM  
25 North. The first clause of the resolution was that after 01:49:33PM  
26 the adoption of amendment C198 to the Casey Planning 01:49:37PM  
27 Scheme which implements the Casey housing strategy, that 01:49:43PM  
28 council officers as a priority coordinate a review of the 01:49:50PM  
29 Cell N Development plan in Narre Warren North, 01:49:57PM

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specifically the area, et cetera, et cetera, et cetera,  
which was, as I understand it, the land owned by  
Mr Kostic. Do you recall moving such a motion?---Yes,  
I do.

Can you explain what was a Cell N Development?---I recall that  
was a parcel of land that Mr Kostic owned in Narre North,  
Narre Warren North.

Yes?---And he was looking to reduce the lot sizes for future  
development, I think from a minimum of 2,000 square metres  
to 1,000 square metres.

Yes?---And I had discussions with the council officers about  
the desirability of that, given that Casey was to approve  
a housing strategy to provide for more affordable housing.

Yes?---And the officers suggested that that would be a good  
idea and put together for me words for a notice of motion,  
which I passed - which I proposed and was passed in  
consultation with the two wards - sorry, two ward  
councillors, because I didn't actually electorally  
represent that area.

Then on 8 November 2018, perhaps 11 months later, a report came  
back on the review and a plan was put on public exhibition  
to seek public response in respect of that development; is  
that right?---To the best of my recollection, probably.

Ultimately in December of 2018 the council resolved that block  
sizes in fact be reviewed or altered. Does that accord  
with your recollection? Sorry, I'll ask you simply: how  
do you recall this resolving? Did Mr Kostic ultimately  
receive his wish to have block sizes of 1,000 rather than  
2,000 square metres?---Can you please tell me exactly what

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01:53:03PM

1 date that was in December? 01:53:08PM

2 I'm now referring to something which occurred in December of 01:53:10PM

3 2018. Perhaps I should - I'll just go to a - look, my 01:53:17PM

4 note is inadequate. I'll just keep on going with you with 01:53:54PM

5 the chronology. We'll get there in any event. In March 01:53:59PM

6 of - Mr Commissioner, I've just mislaid a particular note. 01:54:10PM

7 COMMISSIONER: Yes, I think it would be helpful if you could 01:54:27PM

8 answer Mr Aziz's question so that we can understand 01:54:30PM

9 whether or not the ultimate objective of Mr Kostic was 01:54:34PM

10 achieved by way of council approval. I'll adjourn for 01:54:39PM

11 five minutes. 01:54:45PM

12 MR TOVEY: Thank you. 01:54:46PM

13 (Short adjournment.) 01:54:47PM

14 COMMISSIONER: Yes, Mr Tovey. 02:04:15PM

15 MR TOVEY: The reason I was diverted was because the December 02:04:23PM

16 18 council meeting is not something of which we had 02:04:27PM

17 minutes. However, Mr Radisich, who was a planner who 02:04:29PM

18 worked for Mr Kostic, sent you an email in respect of that 02:04:37PM

19 meeting and I'll just let you look at this so we can both 02:04:42PM

20 focus on what was going on when. This is 6365. If we 02:04:46PM

21 just scroll down slowly, thank you. 02:05:20PM

22 COMMISSIONER: I'll give Mr Aziz an opportunity to read it, 02:05:28PM

23 Mr Tovey. 02:05:30PM

24 WITNESS: Yes. 02:05:53PM

25 MR TOVEY: Can we just scroll down a bit further, thank you. 02:05:54PM

26 WITNESS: Yes. 02:06:08PM

27 MR TOVEY: In any event, it would appear from having read that, 02:06:09PM

28 does that refresh your memory as to what was going 02:06:13PM

29 on?---Yes. 02:06:17PM

1 So, if you read that, the wording of the previous council 02:06:19PM  
2 resolution had been - sorry, there was a section 173 02:06:32PM  
3 agreement following upon a council resolution and, 02:06:45PM  
4 according to that, the agreement's an agreement to have an 02:06:55PM  
5 area at the very bottom, have an area of at least 1,000 02:07:01PM  
6 square metres, and then what's being asked for is to show 02:07:06PM  
7 a minimum of 1,000 square metres, and it seems that that 02:07:10PM  
8 may be a mistype and that in fact what they wanted was it 02:07:15PM  
9 reduced from 2,000 square metres to 1,000 square metres. 02:07:19PM  
10 Are you able to give us any view on that?---Yes. That was 02:07:25PM  
11 what was asked for and I believe that issue met with 02:07:37PM  
12 approval from the council officers because it was 02:07:43PM  
13 consistent with the Casey housing strategy which was about 02:07:46PM  
14 to be adopted. 02:07:49PM  
15 Yes?---Offering a diversity of housing lots within the 02:07:50PM  
16 municipality. 02:07:54PM  
17 And that's something that you'd mediated, was it?---It's 02:07:55PM  
18 something that I made representations to the council 02:08:00PM  
19 officers about, as I have done on hundreds of planning 02:08:05PM  
20 issues and other matters. 02:08:09PM  
21 All right. Now, Mr Radisich, could we just go to the top just 02:08:11PM  
22 so we can identify that. That's an email from 02:08:18PM  
23 Mr Radisich, who is Mr Kostic's planner; is that 02:08:24PM  
24 right?---Yes, from my recollection that's right. 02:08:28PM  
25 To you dated 30 January 2018?---Yes. 02:08:30PM  
26 I tender that. 02:08:34PM  
27 COMMISSIONER: Exhibit 315. 02:08:36PM  
28 #EXHIBIT 315 - Email from Mr Radisich to Mr Aziz dated 02:08:38PM  
29 30/01/18. 02:08:38PM

1 MR TOVEY: Following that I would suggest that he wrote to you 02:08:47PM  
2 seeking that you raise issues concerning this matter as a 02:08:53PM  
3 matter of urgent business before the Casey Council. Does 02:09:00PM  
4 that accord generally with your recollection?---What do 02:09:07PM  
5 you mean by 'urgent business'? 02:09:14PM  
6 Well, look, I'll let you look at pages 6366 to 6368?---Yes. 02:09:17PM  
7 Yes. Yes. 02:10:18PM  
8 Can we just go up to the top of that? Can we just go up 02:10:46PM  
9 further, please? I apologise, the notation is incorrect. 02:11:15PM  
10 WITNESS: Commissioner, can I ask you about a matter, just a 02:12:54PM  
11 housekeeping matter? 02:12:58PM  
12 COMMISSIONER: Yes?---Last time when I had my issue with my 02:13:02PM  
13 heart, I think Mr Tovey said that I would be recalled for 02:13:04PM  
14 about an hour. I had actually made medical appointments 02:13:08PM  
15 today and I just want to know whether I should cancel 02:13:13PM  
16 those now because we've been over the hour already, or 02:13:16PM  
17 whether this is likely to conclude, you know, any time 02:13:21PM  
18 soon. 02:13:27PM  
19 Yes, I can't answer that question, Mr Aziz. We'll have to ask 02:13:29PM  
20 Mr Tovey?---Okay. 02:13:33PM  
21 MR TOVEY: I'm sorry, I was just tracking down that document. 02:13:37PM  
22 COMMISSIONER: Mr Aziz is asking how much longer it's expected 02:13:41PM  
23 your examination will take, Mr Tovey. He has - did you 02:13:47PM  
24 say you've made an appointment somewhere, 02:13:53PM  
25 Mr Aziz?---I have medical appointments today, yes. 02:13:56PM  
26 MR TOVEY: What time is that, Mr Aziz?---I made an appointment 02:13:58PM  
27 for 3 o'clock because you mentioned last time that you 02:14:02PM  
28 needed me back for about an hour to conclude. So 02:14:05PM  
29 I assumed that if we started at 1, that would give me 02:14:09PM

1 plenty of time. So I just want to know if I need to 02:14:13PM  
2 cancel that appointment? 02:14:16PM  
3 Yes, you will?---Right. Okay. 02:14:18PM  
4 COMMISSIONER: Are you in a position to proceed now, Mr Tovey? 02:14:23PM  
5 MR TOVEY: I am, yes. 02:14:26PM  
6 COMMISSIONER: Do you want some time now, Mr Aziz? How much 02:14:28PM  
7 longer do you anticipate you'll be, Mr Tovey? 02:14:32PM  
8 MR TOVEY: It depends on the way it proceeds, Mr Commissioner. 02:14:37PM  
9 But I would think we would take all of the afternoon. 02:14:43PM  
10 COMMISSIONER: Until 4 o'clock, you mean? 02:14:48PM  
11 MR TOVEY: Yes. 02:14:49PM  
12 COMMISSIONER: All right. Would you like to break now, 02:14:49PM  
13 Mr Aziz, to attend to that need or shall we go for 02:14:53PM  
14 another - - -?---I'm happy to keep going. 02:14:57PM  
15 All right. We'll go for another half hour. 02:15:00PM  
16 MR TOVEY: Could we just go back to 6366 to 6368. Could we 02:15:04PM  
17 just scroll down, please. That's what I had missed; 02:15:22PM  
18 I apologise. So if you stop there, that's Tim Radisich to 02:15:38PM  
19 you on 28 March of 2018 explaining to you what's been 02:15:53PM  
20 going on, and then there's a note, 'To avoid the risk of 02:16:06PM  
21 this outcome', if you go to the final paragraph on that 02:16:14PM  
22 page, 'it is requested that you move it as an item of 02:16:18PM  
23 urgent business at the meeting on 17 April that amendment 02:16:22PM  
24 C192 be adopted and that the section 173 agreement be 02:16:27PM  
25 signed and the amendment be forwarded to the minister for 02:16:32PM  
26 approval.' Do you see that?---Yes. 02:16:36PM  
27 And did you do that?---I don't recall. 02:16:40PM  
28 So I tender that document, Mr Commissioner. 02:16:46PM  
29 COMMISSIONER: Yes. That will be exhibit 316. 02:16:49PM

1 #EXHIBIT 316 - Email from Mr Radisich to Mr Aziz of 28/03/18. 02:16:52PM  
2 COMMISSIONER: What about the email you took us to first, 02:17:01PM  
3 Mr Tovey, of 5 April? 02:17:04PM  
4 MR TOVEY: Yes, I tender that also. 02:17:06PM  
5 COMMISSIONER: That will be exhibit 317, email from council 02:17:07PM  
6 officer Ward to Radisich of 5 April. 02:17:10PM  
7 #EXHIBIT 317 - Email from council officer Ward to Radisich of 02:17:17PM  
8 05/04/18. 02:17:15PM  
9 MR TOVEY: On 20 September of 2018 there was an email sent by 02:17:26PM  
10 Mr Radisich to Mr Kostic and that was copied to you. It 02:17:40PM  
11 was part of a chain of emails relating to things that had 02:17:55PM  
12 been going on in the City of Casey involving Estella Qing, 02:18:01PM  
13 Q-i-n-g, who was a planning officer; is that 02:18:10PM  
14 right?---I can't recall. I can't recall. 02:18:16PM  
15 Involving her, Mr Radisich, and Radisich questioned in that 02:18:18PM  
16 email points being made by council officers and queried 02:18:23PM  
17 whether there in fact was any point in going ahead to a 02:18:30PM  
18 meeting which was being planned with planning staff. Now, 02:18:36PM  
19 I don't expect you to remember the details of that, but is 02:18:40PM  
20 that communication consistent with the way you were being 02:18:46PM  
21 kept in the loop by Mr Radisich during this process 02:18:50PM  
22 whereby, first of all, you needed planning approval and 02:18:54PM  
23 then, second - then also there are issues relating to the 02:18:58PM  
24 section 173 agreement?---I recall there was communication 02:19:02PM  
25 from Mr Radisich, yes, which I often forwarded to council 02:19:08PM  
26 officers to keep them in the loop. 02:19:14PM  
27 Yes. Now, this particular email was raising with you issues 02:19:17PM  
28 that he had with council officers. But I take it from 02:19:23PM  
29 what you say that's only what you would expect and you 02:19:27PM

1 would involve yourself in trying to work through those 02:19:34PM  
2 sorts of issues if they arose?---Yes, it's happened a 02:19:37PM  
3 hundred times in my time as a councillor. 02:19:42PM  
4 All right. So then could we go to tab 249 and have that 02:19:45PM  
5 played, please? This is a conversation between yourself 02:20:00PM  
6 and Mr Grossi on 7 October 2018. 02:20:04PM  
7 (Audio recording played to the Commission.) 02:20:47PM  
8 MR TOVEY: That and subsequent conversations, I'd suggest, 02:22:57PM  
9 clearly demonstrate that you were negotiating a reward 02:22:59PM  
10 with Mr Kostic. Do you have any comment to make about 02:23:03PM  
11 that?---Absolutely not. I'm not sure if that conversation 02:23:07PM  
12 even relates to Kostic. 02:23:10PM  
13 Who do you think it relates to?---There were a couple of people 02:23:12PM  
14 that were being invited to my wedding that had an 02:23:19PM  
15 association with Mr Grossi - sorry. Yes, with Tino 02:23:23PM  
16 Grossi, and one of them was actually Jim Penman. So that 02:23:28PM  
17 conversation may have related to that, I'm not sure. But 02:23:35PM  
18 I don't believe it related to Mr - sorry, what was his 02:23:39PM  
19 name? Kostic. There was an issue that we were discussing 02:23:47PM  
20 earlier about where I would hold my wedding reception and 02:23:52PM  
21 we considered holding it at the function centre on 02:23:57PM  
22 Mr Penman's property, and there were other projects that 02:24:00PM  
23 I was going to be doing with Mr Penman which Mr Grossi was 02:24:04PM  
24 liaising on my behalf on. So I'm not sure - I'm not sure 02:24:08PM  
25 who - I can't really recall this conversation in detail 02:24:14PM  
26 and - - - 02:24:19PM  
27 There's reference there to there already being an agreement as 02:24:20PM  
28 to a present. Is that the way in which you transact 02:24:24PM  
29 presents at the time of your wedding, that you agree with 02:24:28PM

1 people before they come or before they accept what their 02:24:32PM  
2 present is going to be?---No. I agreed - I mean, in 02:24:38PM  
3 Mr Penman's case the present was that he did one of the 02:24:44PM  
4 readings at the wedding and that was for me important 02:24:47PM  
5 because at the time we were developing a very solid both 02:24:51PM  
6 working relationship as well as a friendship. But, no, 02:24:54PM  
7 you don't agree with people on the presents they bring you 02:24:58PM  
8 and - - - 02:25:01PM  
9 COMMISSIONER: I'm sorry, Mr Aziz, who were you developing a 02:25:02PM  
10 good working relationship with?---Mr Jim Penman, who - - - 02:25:05PM  
11 Is that the same Penman you gave evidence about last week 02:25:10PM  
12 concerning Yarra Ranges?---Yes, it was. 02:25:15PM  
13 Sorry, and you said something about working on some projects 02:25:20PM  
14 together?---Yes, he - - - 02:25:25PM  
15 What projects were they?---Okay. So he offered me a couple of 02:25:29PM  
16 opportunities, neither of which have unfortunately come to 02:25:33PM  
17 fruition. One of those was that he was going to go public 02:25:37PM  
18 with his company on the Australian Stock Exchange and he 02:25:40PM  
19 invited me to be a member of the board and for me to 02:25:43PM  
20 assist in developing the compliance for that to occur. He 02:25:48PM  
21 was also looking at developing a franchise arm for 02:25:53PM  
22 financing, so Jim's Finance Brokers or whatever, and he 02:25:55PM  
23 asked me to start working on that project as well and 02:26:02PM  
24 I had actually started talking to some people that I know 02:26:05PM  
25 in the industry about putting them in touch with him. So, 02:26:08PM  
26 Mr Grossi was involved with me on a number of occasions as 02:26:12PM  
27 a liaison point, but also as someone who used to be the 02:26:17PM  
28 CEO of the Jim franchising group. 02:26:22PM  
29 I'm sorry, so Mr Grossi was working with you on some of 02:26:27PM

1 Mr Penman's projects or with Mr Penman?---No, with me 02:26:32PM  
2 because he - after he made the introduction of me to 02:26:36PM  
3 Mr Penman, Mr Grossi continued to be involved in a number 02:26:40PM  
4 of these projects. 02:26:44PM  
5 So just take me through that, please. Mr Grossi introduced you 02:26:47PM  
6 to Mr Penman?---That's correct, yes. 02:26:51PM  
7 And what was the context of that introduction?---Mr Grossi had 02:26:53PM  
8 known me for a number of years and thought that we were 02:27:02PM  
9 doing some fantastic things in our city, and he thought it 02:27:07PM  
10 would be a good idea for me to get to know a businessman 02:27:11PM  
11 like Mr Penman. I had also discussed with him the 02:27:15PM  
12 opportunity of my new wife, then fiance, buying a 02:27:19PM  
13 franchise from Mr Penman, and then we started talking 02:27:24PM  
14 about a whole range of things, and that was the context of 02:27:29PM  
15 the introduction. 02:27:33PM  
16 And, sorry, that preceded your discussions with Mr Penman about 02:27:36PM  
17 how you might assist in the next council elections at 02:27:47PM  
18 Yarra Ranges?---Yes, preceded it by months. 02:27:52PM  
19 These conversations you've just told us about?---Yes. 02:27:57PM  
20 Why didn't you tell us about any of this last week, Mr Aziz? 02:28:00PM  
21 Not one word of any of this whilst we were asking you 02:28:06PM  
22 about Mr Penman and your arrangements in relation to the 02:28:11PM  
23 Yarra Ranges Council?---With respect, Commissioner, I did 02:28:15PM  
24 mention the issue of me joining his board, and I also 02:28:19PM  
25 mentioned the financing arm that he was looking to start, 02:28:23PM  
26 and I believe I also mentioned that we ended up purchasing 02:28:28PM  
27 a franchise from him. I'm absolutely sure I mentioned 02:28:31PM  
28 those three things last week. 02:28:35PM  
29 I see Mr Peck is nodding, so you've said you mentioned all 02:28:38PM

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those things. So prior to you saying to Mr Penman that you would assist him in arranging or suggesting appropriate candidates for the Yarra Ranges Council so that, to use your language, I think you said words to the effect that you could control, you had already pursued a number of discussions with Mr Penman in relation to which there would be financial interests that you might ultimately obtain from working with Mr Penman; is that the position?---Yes.

So it wasn't simply that you were paid \$500 a week in order to give him some advice and consulting in relation to how the Yarra Ranges Council might be taken over?---Commissioner, I wasn't paid 500 a week. I was being paid \$1,000 a month plus GST just for the Yarra Ranges project.

Yes?---The other projects, apart from the purchase of the franchise, never came to fruition.

That's the franchise for your wife, was it?---That's right, yes.

Did you tell us about that last time we spoke?---I'm pretty confident I did, and I may have even mentioned that we ended up terminating that franchise after a year because it wasn't working for us and started an independent business.

And so you had engaged Mr Grossi to assist you, had you, in relation to Mr Penman's affairs?---I didn't really have to engage him. He was engaged by himself because he made the initial introduction and he continued discussions with Mr Penman on a range of matters related to the issues that I was discussing with Mr Penman.

02:28:43PM  
02:28:49PM  
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02:30:34PM  
02:30:37PM  
02:30:42PM  
02:30:46PM

1 Yes. Was Mr Grossi going to share your wedding present, was 02:30:51PM  
2 he?---I think Mr Grossi and I were looking at a number of 02:31:00PM  
3 joint business opportunities together. 02:31:03PM  
4 No, no, no, I'm asking you about the wedding present. Had you 02:31:06PM  
5 arranged that when you got your wedding present you were 02:31:10PM  
6 going to share it with Mr Grossi?---I don't believe I got 02:31:12PM  
7 a wedding present that I shared with Mr Grossi. I'm not 02:31:17PM  
8 sure - - - 02:31:21PM  
9 No, that's not what I asked. Had you arranged with Mr Grossi 02:31:21PM  
10 that you were going to share a wedding present with 02:31:25PM  
11 him?---No. 02:31:28PM  
12 What's Mr Grossi's comment, 'At the end of the day so long as 02:31:29PM  
13 he gives us a present'?---I think he's talking in the 02:31:37PM  
14 context that Mr Grossi was one of my official party 02:31:42PM  
15 members at my wedding and I think I mentioned to him that 02:31:46PM  
16 I would like to invite Mr Penman to do one of the readings 02:31:53PM  
17 and he said - I said to him that would be a very big thing 02:31:57PM  
18 for someone of the calibre of Jim Penman to (indistinct) 02:32:01PM  
19 at the wedding. 02:32:07PM  
20 Mr Aziz, this conversation is in October, toward the end of 02:32:08PM  
21 October 18?---Yes. 02:32:17PM  
22 Were you by this stage alert to the fact that there may be some 02:32:18PM  
23 ongoing forensic inquiry or consideration of what had been 02:32:22PM  
24 going on in relation to Casey Council?---No, I was not. 02:32:29PM  
25 It's strange language that you and Mr Grossi have employed 02:32:33PM  
26 here, isn't it?---Not - - - 02:32:40PM  
27 It almost looks as though you're talking in a sort of 02:32:46PM  
28 code?---No. I mean, we spoke about many things many times 02:32:52PM  
29 and I don't believe that we were using any code in this 02:32:57PM

1 conversation. I mean, the reality that I was approaching 02:33:02PM  
2 my wedding - my wedding was only, you know, less than a 02:33:09PM  
3 month away and I was trying to make sure that all the 02:33:12PM  
4 arrangements that were going to be put in place would 02:33:15PM  
5 actually stick to being put in place because - - - 02:33:19PM  
6 Yes. Did Mr Penman at this point of time have some complaint, 02:33:22PM  
7 did he, about how you and Mr Grossi were managing these 02:33:28PM  
8 business ventures?---Mr Penman had a huge, I think, 02:33:33PM  
9 eventually fallout with Mr Grossi. 02:33:47PM  
10 No, I'm asking you at this point of time, on 20 October, was 02:33:49PM  
11 Mr Penman accusing you and Mr Grossi of having failed him 02:33:54PM  
12 or delayed him in some way in relation to one of these 02:34:00PM  
13 ventures?---I can't recall exactly. I can't recall. But 02:34:03PM  
14 I know their relationship had soured. 02:34:09PM  
15 Yes. But this is a conversation in which, according to you, 02:34:13PM  
16 the 'him' which you're now suggesting is Mr Penman, not 02:34:19PM  
17 Mr Kostic, was accusing you both - you both - of delaying 02:34:25PM  
18 the production of the cake. Do you have a memory of 02:34:31PM  
19 that?---I don't, and I don't believe that Mr Grossi had 02:34:37PM  
20 anything to do with any of Mr Kostic's affairs with the 02:34:41PM  
21 City of Casey. 02:34:44PM  
22 No, I'm asking you about Mr Penman, Mr Aziz?---Yes, I can't 02:34:45PM  
23 recall, Commissioner. I can't recall exactly what the 02:34:50PM  
24 issue was or what Mr Grossi was referring to. But I'm 02:34:53PM  
25 advising that to the best of my recollection I'm aware 02:34:59PM  
26 that those two gentlemen had a falling out and Mr Grossi 02:35:02PM  
27 departed from the company as CEO. 02:35:08PM  
28 Because I just want to give you - Mr Aziz, I want to be sure 02:35:11PM  
29 that you understand you've been given every opportunity to 02:35:16PM

1 explain away this conversation. Do you feel that you 02:35:20PM  
2 have?---I'm trying to do that to the best of my 02:35:24PM  
3 recollection. 02:35:27PM  
4 Yes. Yes, Mr Tovey. 02:35:28PM  
5 MR TOVEY: This is a conversation which bears the 02:35:39PM  
6 characteristics that the Commissioner has already 02:35:43PM  
7 commented on. But one final thing I wanted to ask you 02:35:46PM  
8 about. At line 50 Grossi says, 'If that happens, then 02:35:50PM  
9 he's committed to coming to the wedding or it will be 02:35:54PM  
10 worse for him.' So, what's happened here is that 02:36:00PM  
11 Mr Grossi, I suggest to you, is putting - is indeed 02:36:03PM  
12 seeking to extort money on your behalf from Mr Kostic; 02:36:08PM  
13 this isn't about Penman at all?---I don't recall that, I'm 02:36:14PM  
14 sorry. 02:36:18PM  
15 Well, that's hardly a convincing reply, I'd suggest to you, 02:36:20PM  
16 sir. Is it possible that that was happening?---I don't 02:36:24PM  
17 believe so because, like I said, Mr Grossi may have made 02:36:28PM  
18 representations on behalf of Mr Kostic, but he was 02:36:32PM  
19 certainly not aware of all the internal mechanisms that 02:36:36PM  
20 were happening in terms of Mr Kostic's proposal. 02:36:39PM  
21 I'd suggest to you that ultimately he arranged and you were 02:36:44PM  
22 observed to go to Mr Grossi's home where you were paid in 02:36:47PM  
23 fact the money that you'd been seeking to extort. Do you 02:36:54PM  
24 deny that?---I don't believe that was the case. I know 02:37:02PM  
25 I've been to Mr Grossi's home a few times. 02:37:06PM  
26 COMMISSIONER: Can you just repeat what you put, Mr Tovey? 02:37:12PM  
27 MR TOVEY: That ultimately he went to Mr Grossi's home - - - 02:37:17PM  
28 COMMISSIONER: Who went - - - 02:37:17PM  
29 MR TOVEY: That's Mr Aziz, and at Mr Grossi's home was paid 02:37:21PM

1 money which he is here talking to Mr Grossi about 02:37:24PM  
2 extorting from Mr Kostic. Take it there is a series of 02:37:31PM  
3 conversations?---I had no discussions with Mr Kostic in 02:37:35PM  
4 relation to any financial arrangements. 02:37:38PM  
5 COMMISSIONER: Did you go to Mr Grossi's home and receive a 02:37:40PM  
6 payment?---There was a time before the wedding when 02:37:43PM  
7 I actually did receive an amount of money from him. But 02:37:50PM  
8 again that was from him as a friend because he knew that 02:37:56PM  
9 my financial circumstances were a bit tight. But I had no 02:38:00PM  
10 discussions whatsoever at any level with Mr Kostic about 02:38:05PM  
11 any kind of payment and there was also discussion that 02:38:10PM  
12 I had with Mr Grossi about a contribution. There was a 02:38:15PM  
13 heritage house involved in this project and there was a 02:38:19PM  
14 possibility that that heritage house may not survive, that 02:38:23PM  
15 council may actually resolve to have it removed, and for 02:38:28PM  
16 Mr Kostic to make a contribution to a community project in 02:38:31PM  
17 my ward, because this was not my ward. And that was the 02:38:36PM  
18 only discussion that I had with Mr Grossi in relation to 02:38:42PM  
19 Mr Kostic in relation to any contribution that he might 02:38:47PM  
20 make, but it wasn't a contribution to me. It was a 02:38:51PM  
21 contribution to a public project in my ward - - - 02:38:54PM  
22 And how much did Mr Grossi give you?---Look, I can't recall 02:38:58PM  
23 exactly, but it may have been around \$25,000. 02:39:06PM  
24 And that was a gift?---No, that was a loan. 02:39:11PM  
25 A loan?---Yes. 02:39:14PM  
26 Yes, Mr Tovey. 02:39:21PM  
27 MR TOVEY: Was that loan recorded in any way at the time?---No, 02:39:23PM  
28 and I haven't even paid it back yet because of my 02:39:28PM  
29 circumstances and I spoke to him about that and 02:39:32PM

1 I explained it to him and he was happy to wait. 02:39:37PM  
2 And this was a loan between friends, you say?---Between 02:39:41PM  
3 Mr Grossi and I, yes. 02:39:45PM  
4 And it had nothing to do with Mr Kostic?---Like I said, I've 02:39:48PM  
5 never discussed anything with Mr Kostic to do with 02:39:53PM  
6 financial arrangements. 02:39:56PM  
7 I'm asking whether the loan that you say Mr Grossi gave you had 02:39:58PM  
8 anything to do with Mr Kostic; this is a loan of 02:40:04PM  
9 \$25,000?---I can't even - no, it didn't, and I can't even 02:40:08PM  
10 remember if it was 25,000. But the reason that figure 02:40:11PM  
11 sticks to mind is because I recall I needed to finalise a 02:40:16PM  
12 payment for my reception ahead of the time, ahead of the 02:40:20PM  
13 wedding date by about four weeks. 02:40:25PM  
14 I'm asking you did the money - did Mr Kostic pay you money 02:40:32PM  
15 on - sorry, did Mr Grossi pay you money on behalf of 02:40:42PM  
16 Mr Kostic?---No. 02:40:45PM  
17 All right. 02:40:54PM  
18 COMMISSIONER: You're tendering that conversation, Mr Tovey? 02:40:56PM  
19 MR TOVEY: The conversation, thank you. 02:41:02PM  
20 COMMISSIONER: That's 7 October 18 between Mr Aziz and 02:41:06PM  
21 Mr Grossi will be exhibit 318. 02:41:09PM  
22 #EXHIBIT 318 - Recorded conversation between Mr Aziz and 02:41:13PM  
23 Mr Grossi on 07/10/18. 02:41:13PM  
24 MR TOVEY: Could we go on then to the conversations recorded 02:41:24PM  
25 between yourself and Mr Grossi again the next day. This 02:41:32PM  
26 is on 8 October 2018. 02:41:35PM  
27 COMMISSIONER: I'm sorry, what date, Mr Tovey? 02:41:41PM  
28 MR TOVEY: 8 October 2018, and this is tab 150. 02:41:43PM  
29 COMMISSIONER: I'm sorry, what was the date of the previous 02:41:49PM

1 conversation? 02:41:50PM

2 MR TOVEY: 7 October. 02:41:53PM

3 COMMISSIONER: 7 October. My apologies. Yes. 02:41:54PM

4 MR TOVEY: I'm sorry, I said 150. It's tab 250. I apologise. 02:42:17PM

5 (Audio recording played to the Commission.) 02:42:56PM

6 MR TOVEY: Now, I've got to tell you, Mr Aziz, this only gets 02:44:11PM

7 worse, but I'll give you the opportunity of commenting on 02:44:14PM

8 this. Clearly the previous conversation, having read 02:44:19PM

9 this, I'd suggest to you was a conversation about Zlat or 02:44:25PM

10 Vlad; do you agree with that?---I can't recall. I mean, 02:44:32PM

11 there may have been two conversations and you've only 02:44:35PM

12 shown me one of them. I can't recall. I can't recall 02:44:40PM

13 this matter. 02:44:42PM

14 And on the previous day you'd been talking about thinking that 02:44:44PM

15 the person you were talking about was upset with you, he's 02:44:48PM

16 rung you back, that's Mr Grossi has rung you back to tell 02:44:54PM

17 you, 'No, that's okay. Vlad's not upset with you,' and 02:44:58PM

18 then you go on to talk about Zlad giving a wedding present 02:45:03PM

19 in a week and a half or so, 'Everything's all set'. What 02:45:09PM

20 was Zlad doing giving you a wedding present, or 02:45:15PM

21 Vlad?---I never received any money from Mr Kostic. 02:45:20PM

22 COMMISSIONER: Let's just take one step at a time, Mr Aziz. 02:45:23PM

23 Who is the 'Zlad' referred to in this 02:45:26PM

24 conversation?---I think it's obvious, Commissioner, that 02:45:33PM

25 he may have been referring to Mr Kostic. 02:45:35PM

26 Yes. 02:45:37PM

27 MR TOVEY: You told me a short time ago he had nothing to do 02:45:41PM

28 with Mr Kostic or he was never speaking on behalf of 02:45:43PM

29 Mr Kostic with you. Do you want to withdraw that 02:45:46PM

1 assertion now?---No. He made on occasions representations 02:45:50PM  
2 on behalf of Mr Kostic, but he was never involved in the 02:45:56PM  
3 internal mechanisms of council in relation to the matter 02:46:00PM  
4 that Mr Kostic was attempting to achieve. Now, my 02:46:05PM  
5 reference in this instance to him not knowing my 02:46:09PM  
6 involvement in anything was about the fact that I was 02:46:12PM  
7 attempting to get Mr Kostic - and this can be proven by 02:46:17PM  
8 the ward councillors I spoke to - to basically liaise with 02:46:24PM  
9 them for them to actually pursue his issue on his behalf. 02:46:28PM  
10 That's not taking us anywhere because we know that and we know 02:46:32PM  
11 you pursued Mr Kostic's interests both in council 02:46:36PM  
12 resolutions and with other councillors, you tell us now, 02:46:39PM  
13 and with council officers. The question is were you 02:46:44PM  
14 getting - - -?---I don't - - - 02:46:48PM  
15 COMMISSIONER: Mr Aziz, let Mr Tovey finish the question and 02:46:49PM  
16 then you can answer it; all right? 02:46:52PM  
17 MR TOVEY: The question is were you getting bribed to do so? 02:46:54PM  
18 How were you extorting money from him?---I don't extort 02:46:59PM  
19 money from anyone and, no, in this instance absolutely 02:47:03PM  
20 not. 02:47:07PM  
21 What I'm saying, why I'm using the word 'extortion', is because 02:47:07PM  
22 Mr Grossi discusses with you that if he doesn't come to 02:47:12PM  
23 the wedding, that is Kostic, it's going to be worse for 02:47:16PM  
24 him?---But - - - 02:47:19PM  
25 How does that comment come about in the previous conversation, 02:47:21PM  
26 can you tell me, in the context of a real - - - 02:47:25PM  
27 COMMISSIONER: Mr Tovey, let Mr Aziz answer, please. 02:47:30PM  
28 WITNESS: I don't know what Mr Grossi's mind set was. But the 02:47:33PM  
29 reality was that once I raised the initial issue there was 02:47:37PM

1 no more involvement from me because it was all a matter of 02:47:42PM  
2 process between Mr Kostic and the council officers, 02:47:46PM  
3 because the council officers were the ones that were going 02:47:53PM  
4 to be dealing with this matter to its finality. I had no 02:47:56PM  
5 more involvement in it. So I don't know what Mr Grossi 02:48:01PM  
6 was referring to. Now, I will say one additional thing, 02:48:03PM  
7 that there was one occasion when Mr Grossi made an 02:48:08PM  
8 introduction to me by surprise of someone quite 02:48:13PM  
9 inappropriate whom I didn't want to meet and I actually 02:48:18PM  
10 chastised him afterwards for that surprise introduction 02:48:22PM  
11 and I had nothing to do with that person thereafter. So, 02:48:27PM  
12 Mr Grossi always spoke like this. I don't know why he 02:48:30PM  
13 spoke like this. But that's why I said to him my 02:48:34PM  
14 involvement in this needs to be in concert with the 02:48:39PM  
15 colleagues that I have representing this particular ward. 02:48:44PM  
16 I had no financial arrangement on any level with 02:48:50PM  
17 Mr Kostic. 02:48:53PM  
18 COMMISSIONER: Mr Aziz, but it's clear, isn't it, from this 02:48:55PM  
19 conversation now, hopefully this has refreshed your 02:48:58PM  
20 memory, that the person you were speaking about the 02:49:03PM  
21 previous day with Mr Grossi, who you thought might have 02:49:08PM  
22 been upset with you and you were wanting to know from 02:49:13PM  
23 Mr Grossi whether he was upset, was Mr Kostic?---I think, 02:49:16PM  
24 Commissioner, in all my memory of speaking to Mr Kostic he 02:49:24PM  
25 had always been very courteous with me and so had his town 02:49:29PM  
26 planner. So I don't believe that I was referring to him. 02:49:34PM  
27 I may have had another conversation with Grossi that day 02:49:39PM  
28 or that morning and I may have expressed frustration at 02:49:44PM  
29 the lack of documentation that was being requested of 02:49:50PM

1 Mr Kostic and his planning representative. I can't recall 02:49:54PM  
2 exactly. But what I do know for sure is that there was no 02:49:58PM  
3 financial arrangement - - - 02:50:02PM  
4 Yes?---With Mr Kostic. 02:50:04PM  
5 But it looks as though there was, doesn't it?---It may look 02:50:06PM  
6 that way, but there certainly wasn't. There certainly 02:50:10PM  
7 wasn't. 02:50:14PM  
8 Can you explain, Mr Aziz, why were you concerned to not have 02:50:14PM  
9 Mr Kostic know about your involvement in 02:50:21PM  
10 anything?---Because I wanted him to be better 02:50:28PM  
11 engaged - there's two things. I wanted him to be better 02:50:30PM  
12 engaged with the real council ward members rather than me 02:50:33PM  
13 because I only came into this issue because of my interest 02:50:38PM  
14 in the housing strategy; and, secondly, I was trying to 02:50:41PM  
15 ensure that whatever public contribution he was going to 02:50:45PM  
16 make as a result of the planning process, having led the 02:50:50PM  
17 issue on his behalf, was actually going to come to my ward 02:50:55PM  
18 rather than stay in Four Oaks ward because I had a project 02:50:59PM  
19 in my ward that I wanted to have him donate money towards 02:51:04PM  
20 through the normal planning processes where developer 02:51:08PM  
21 contributions get made. 02:51:13PM  
22 I'm sorry, and how is that relevant to you not wanting him to 02:51:16PM  
23 know that you had been involved in anything in relation to 02:51:20PM  
24 his issues with the council?---Because when I wanted to 02:51:24PM  
25 argue where the developer contribution would eventually go 02:51:27PM  
26 inside the City of Casey, I wanted to make sure that I 02:51:34PM  
27 stayed at arm's length from the issue, for obvious 02:51:37PM  
28 reasons. 02:51:41PM  
29 Did you eventually get a present or did Mr Grossi get a present 02:51:43PM

1 from Mr Kostic?---Yes, I got - I got I think between \$300 02:51:48PM  
2 to \$400 at my wedding, because Mr Kostic was also invited 02:51:54PM  
3 to my wedding and he did turn up. 02:51:59PM  
4 I'm sorry, and who gave you that present?---Mr Kostic. 02:52:02PM  
5 Mr Kostic. Yes?---Yes, it was - I think it was between three 02:52:05PM  
6 to 400. I'd have to go back and - we wrote who gave us 02:52:10PM  
7 what on every greeting card, so I still have the greeting 02:52:14PM  
8 card. 02:52:17PM  
9 MR TOVEY: I've asked you previously whether Mr Kostic was 02:52:19PM  
10 invited to your wedding and you can't remember. Has your 02:52:22PM  
11 recollection improved since?---With all respect, I said 02:52:27PM  
12 yes, he did. 02:52:34PM  
13 In any event, can we just move on. 02:52:35PM  
14 COMMISSIONER: That will be exhibit 319, conversation on 02:52:39PM  
15 8 October. 02:52:43PM  
16 #EXHIBIT 319 - Recorded conversation between Mr Aziz and 02:52:46PM  
17 Mr Grossi on 08/10/18. 02:52:46PM  
18 WITNESS: Commissioner, if I may be excused for five minutes 02:52:48PM  
19 just to make that call? 02:52:51PM  
20 COMMISSIONER: Yes, very good. We'll break now until 02:52:52PM  
21 3 o'clock?---Okay. Thank you. 02:52:55PM  
22 (Short adjournment.) 02:52:56PM  
23 COMMISSIONER: Yes, Mr Tovey. 03:07:53PM  
24 MR TOVEY: Could I tender that last conversation, please, 03:08:08PM  
25 Mr Commissioner. 03:08:14PM  
26 COMMISSIONER: That's exhibit 319, conversation of 8 October 18 03:08:15PM  
27 between Mr Aziz and Mr Grossi. 03:08:19PM  
28 MR TOVEY: I now want to move on to 14 October of 2018 and a 03:08:23PM  
29 conversation between yourself and Mr Grossi at tab 251. 03:08:29PM

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(Audio recording played to the Commission.)

MR TOVEY: You had trouble at that stage, or Mr Grossi had trouble and you had trouble working out whether Vlad was coming over for a coffee or a wedding present; is that seriously the case?---I can't recall this conversation at all.

I tender that conversation, Mr Commissioner.

COMMISSIONER: Don't worry about recalling it, Mr Aziz. Try and make sense of it, would you? This is you speaking, isn't it? Is this you speaking?---Yes, it is.

Well, just try and make sense of it, Mr Aziz. It doesn't matter whether you can recall it. Tell us now what this means?---It may have meant that he wanted to raise an issue with me about the process that was going through council. It may have meant in relation to his attendance at my wedding, which I had issued him an invitation for. It may have meant - - -

No, no, Mr Aziz. I'm not interested in 'may haves'. Look at the conversation and tell us, please, what does it mean?---I cannot recall, and I can tell you that Mr Grossi always spoke in code no matter what conversation we were having, and I spoke to my lawyer in the break and I explained to him an incident that happened with Mr Grossi where I actually told him not to introduce me to certain individuals by surprise and from that moment on he said, 'I've got to be very careful because I know some people and I don't want other people knowing that I know those people.' So he always spoke in code. I have no idea. Sometimes we would just have banter and it would go

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1 nowhere. But I certainly had no relationship with 03:11:34PM  
2 Mr Grossi on a financial level by any means, except for me 03:11:38PM  
3 hoping he would make a contribution, a developer 03:11:42PM  
4 contribution, through a proper process to a project in my 03:11:45PM  
5 ward, which didn't happen. 03:11:48PM  
6 And is that what you meant when you said, 'That's awesome,  
7 man'? You were looking forward to Mr Kostic making that 03:11:53PM  
8 proposal to you; is that what you were talking 03:11:58PM  
9 about?---I may have, Commissioner, but I honestly can't 03:12:02PM  
10 recall. I mean - - - 03:12:06PM  
11 Yes?---There were hundreds of conversations. I mean, I just 03:12:08PM  
12 can't - - - 03:12:10PM  
13 I would dearly hope, Mr Aziz, that there were not hundreds of 03:12:13PM  
14 conversations like these three conversations that have 03:12:14PM  
15 just been played to you?---I'm not saying they were. But 03:12:18PM  
16 I'm saying that I would have on any given day tens of 03:12:22PM  
17 conversations on a range of issues with many people. 03:12:26PM  
18 All right. Yes, Mr Tovey. That will be exhibit 320. 03:12:31PM  
19 #EXHIBIT 320 - Recorded conversation between Mr Aziz and 03:12:34PM  
20 Mr Grossi on 14/10/18. 03:12:47PM  
21 MR TOVEY: I now want to go to tab 252, which is a conversation 03:12:47PM  
22 on 17 October 2018 between you and Grossi. 03:13:03PM  
23 (Audio recording played to the Commission.) 03:13:08PM  
24 MR TOVEY: So what's happening there is you say you're in hyper 03:13:43PM  
25 mode trying to get it sorted out, that's issues relating 03:15:04PM  
26 to Mr Kostic; is that right?---I can't recall. 03:15:07PM  
27 I suggest it clearly is. Now, having read that, are you still 03:15:11PM  
28 seriously suggesting that this is a conversation about a 03:15:15PM  
29 couple of hundred dollars that he's going to give you as a 03:15:20PM  
03:15:23PM

1 wedding present? You couldn't be, surely?---I'm hesitant 03:15:27PM  
2 to say what I'm about to say, but if I'm allowed just a 03:15:31PM  
3 little latitude, Commissioner. 03:15:37PM  
4 Look, I don't know what you want to say, Mr Aziz, but I want to 03:15:41PM  
5 know - - - 03:15:47PM  
6 COMMISSIONER: Sorry, Mr Tovey. You start on what you want to 03:15:47PM  
7 say, Mr Aziz, and if it's remotely relevant to answering 03:15:51PM  
8 counsel's questions, you may proceed?---Okay. I'm not 03:15:57PM  
9 sure that Mr Grossi's spouse knew about the money he was 03:16:01PM  
10 giving me to assist with the wedding preparation, and I'm 03:16:07PM  
11 not sure that I was referring to anything other than the 03:16:12PM  
12 wedding when I said, 'We're working in hyper mode trying 03:16:15PM  
13 to get it all sorted out,' because the wedding wasn't far 03:16:20PM  
14 away and Mr Grossi, as I said, was one of the official 03:16:24PM  
15 parties. So I can't recall what that conversation was 03:16:28PM  
16 about, but that's the best of my recollection. 03:16:31PM  
17 MR TOVEY: So you think this might have been a conversation 03:16:36PM  
18 relating to the \$25,000 that Mr Grossi gave you to help 03:16:40PM  
19 you prepare for the wedding?---Possibly. And he may 03:16:47PM  
20 have - - - 03:16:51PM  
21 Tell me, was that something he transferred to you by EFT or did 03:16:52PM  
22 it come in a bag or how did it come?---No, like I said, 03:16:57PM  
23 I'm not sure that his spouse knew about it and he gave it 03:17:01PM  
24 to me in cash. 03:17:05PM  
25 And where was it? At his home?---Yes. 03:17:06PM  
26 Was it on the Sunday that's being referred to here or the 03:17:09PM  
27 Sunday after?---I can't recall. 03:17:15PM  
28 It could have been?---Perhaps, yes. 03:17:17PM  
29 COMMISSIONER: Did you attend a meeting with Mr Kostic at 03:17:22PM

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Mr Grossi's place?---No.

MR TOVEY: So would you agree then that what's being spoken about there is you getting half of \$25,000 now and the other half's going to be available later?---Possibly.

I can't recall. Possibly.

Can you think of any other explanation for it?---No. But I repeat I had no financial relationship with Mr Kostic.

What I'm suggesting to you is that in the context of these conversations what you're doing is talking about \$25,000, I think you already agree, and I'd suggest to you in the context of these conversations you knew it was coming from Kostic?---No, I was not aware of any money coming from Kostic. My understanding is that it was coming from Grossi, from a friend to help out a friend.

COMMISSIONER: Sorry, what was that?---For reference.

What were you aware of?---I was not aware that any money was coming from Kostic. I'm answering the counsel's question.

Yes, and you added something?---I was aware that it was coming from Grossi to help out a friend, being me, and that's why he made the cultural reference, because he said to me, 'That's what we Italians do, we help each other out,' even though I'm not Italian. But that's how he operates.

But Mr Grossi is not talking about he giving you a present. He's talking about Kostic getting to you half the present?---Yes. Like I said, Commissioner, I'm not sure if his spouse knew about the loan he was about to give me and I'm not sure if this conversation took place in her presence, so I don't know what was going through his mind, but I just accepted what he said and moved on.

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1 MR TOVEY: I tender that conversation. 03:19:43PM  
2 COMMISSIONER: Exhibit 321. 03:19:47PM  
3 #EXHIBIT 321 - Recorded conversation between Mr Aziz and 03:19:49PM  
4 Mr Grossi on 17/10/18. 03:19:49PM  
5 MR TOVEY: So the next is tab 254, 19 October 2018, a 03:19:54PM  
6 conversation between you and Mr Grossi again. 03:20:10PM  
7 (Audio recording played to the Commission.) 03:20:27PM  
8 MR TOVEY: Who is Zoe?---Zoe is someone who just lost her job. 03:21:41PM  
9 Was Zoe somebody who had an issue before council?---No, not at 03:21:54PM  
10 all. 03:21:59PM  
11 All right. In that case. In any event, we go back to this, 03:21:59PM  
12 line 5. It's the same again, I'd suggest, as we've seen. 03:22:03PM  
13 Mr Grossi is really having difficulty trying to work out 03:22:08PM  
14 how to refer to the bribe. So at line 5, I'd suggest to 03:22:12PM  
15 you, he says to you, 'If you wanted to come over tonight,' 03:22:17PM  
16 it's a Friday night, 'we can go and choose your partner's 03:22:21PM  
17 present.' And then there is what I suggest to you is a 03:22:28PM  
18 ridiculous reference to 'You can have half the present 03:22:32PM  
19 anyway'. I mean, what you were talking about was cash, 03:22:36PM  
20 wasn't it, a large amount of cash?---I believe he was 03:22:38PM  
21 referring to the amount he was about to loan me. 03:22:43PM  
22 And why refer to it in code? Because the only reason anybody 03:22:47PM  
23 refers to anything in code in these circumstances is 03:22:53PM  
24 because it's corrupt, isn't it?---But I'm not sure why 03:22:56PM  
25 Grossi would act as a go-between between Mr Kostic and I, 03:23:00PM  
26 if that's your assertion. 03:23:03PM  
27 Look, I'd ask that you not answer with a question. What 03:23:05PM  
28 I suggest to you is that the only reason, the only 03:23:10PM  
29 conceivable reason that this large amount of cash is being 03:23:13PM

1 spoken about between the two of you in code is because it 03:23:20PM  
2 was illicit cash?---No. I totally - - - 03:23:23PM  
3 And I'd suggest to you that this was the cash which you had 03:23:29PM  
4 extorted from Mr Kostic, who was going to suffer if he 03:23:33PM  
5 didn't come to the wedding?---I totally reject that. That 03:23:37PM  
6 is absolutely not true. 03:23:42PM  
7 And what was happening here was that you were going to get part 03:23:46PM  
8 of the present then or part of it later. Let me just take 03:23:49PM  
9 you to what occurred after that. On 22 October, that's 03:23:56PM  
10 three days later, you went to the bank; having been 03:24:12PM  
11 observed and surveilled in the Brighton area in the 03:24:22PM  
12 morning, you went to a bank in Broadmeadows and deposited 03:24:26PM  
13 \$17,000 in cash. Do you agree you did that?---Possibly. 03:24:34PM  
14 I can't recall. 03:24:43PM  
15 You don't deny that you did it?---If you have me as depositing 03:24:48PM  
16 that amount of cash, then I obviously did. 03:24:53PM  
17 And that was part of the 25,000, no doubt, which Mr Grossi had 03:24:56PM  
18 given you, would you agree, or did you have cash from 03:25:02PM  
19 other sources at the time?---I can't recall. I may have 03:25:06PM  
20 had cash from other sources. There was cash going 03:25:08PM  
21 everywhere at the time because (indistinct) for a wedding. 03:25:11PM  
22 I can't recall exactly. 03:25:17PM  
23 I don't want to take longer on this than I need to, but 03:25:27PM  
24 I'd suggest to you that you did the same thing again in 03:25:31PM  
25 2019. If I could just explain it to you. In 2019 you may 03:25:33PM  
26 recall that what was occurring was that there were issues 03:25:38PM  
27 relating to the section 173 agreement relating to two 03:25:46PM  
28 matters: first of all, a requirement that a cottage on the 03:25:55PM  
29 development be preserved because it had heritage value. 03:26:07PM

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Is that something you recall?---Yes.

And, secondly, there was a requirement in the section 173 agreement for a pedestrian bridge to be built; is that right?---Yes.

And the documents I'd suggest clearly show that what has occurred is that Mr Kostic (a) doesn't want to pay for the bridge himself; would you agree that was his position?---I can't recall. It was a discussion between him and the council officers.

And I'd suggest you became involved in that quite regularly?---I once again just represented his views to the council officers who were making the decision.

And in respect of the cottage, he wanted to pull that down and just make a contribution in lieu to a community development fund of some sort; is that your understanding?---Yes.

All right. I just want to suggest to you what occurred in the course of all that. On 14 February 2019 at 1 pm a meeting took place between the City of Casey planning staff and yourself. Present at that meeting were Keri New, who was the manager of planning, Asok Rao, who was the team leader strategy, and yourself. Other councillors who were scheduled to attend, being Stapledon, Crestani and Gilic, didn't attend. At that meeting commercially sensitive items were discussed. You were informed that the council had estimated that the changes in the lot sizes from 1,000 to 2,000 - sorry, from 2,000 to 1,000 square metres, the Kostic development would receive a significant windfall. Do you recall a discussion of that type taking place with

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council officers?---Probably, yes.

And then Keri New informed you that she'd prepared a spreadsheet and she estimated that the development stood to make about \$14 million on the deal that was being put before council. Does that accord with your recollection?---Probably.

Yes. All right. So following that meeting what occurred was that telecommunications interceptions show that you arranged to meet with Kostic and Radisich at Grossi's residence. Did you do that?---I may have, yes.

And indeed there was physical surveillance in respect of that process and I'd suggest to you that what arose from that was that Radisich and Kostic were present at those premises from 4.41 pm - sorry, were present at those premises when you turned up at 4.41 pm and you at 5.08 pm left, went to a Coles Express, and then returned at 5.21 and stayed until 6.37. Do you agree you did that?---If that's what you say I did, yes.

And, you see, then Mr Kostic went to the meeting next day as arranged with Ms New and Mr Rao with Mr Radisich and what happened was that there was a discussion about what the windfall was going to be and he insisted on seeing the spreadsheet which she had mentioned. Now, it's apparent from that that he'd got some inside information, and the inside information had come from you, had it not, the night before?---No, and again there's a reason for that.

You say you hadn't mentioned it? Do you say you have a specific recollection, although you met with him at Grossi's the night before, of not mentioning the

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\$14 million which was her estimation and which was going to be the focus of their conversation the next day? Do you say that?---I say that I know exactly when those situations happen, what happens and what is discussed with the developer or the applicant, because it all has to do with the size of the contribution they make to the council's public fund.

I don't want to know what normally happens. I didn't ask you that. What I asked you was did you tell him that the night before?---No, because he would have had his own estimation of how much it would all mean for him in terms of the profit.

So why did you go to - why did you ring him immediately after the meeting and arrange a meeting and go to his house that night?---I didn't go to his house. I think - - -

You went to Grossi's house?---That's right. And I think I may have met with him for 20 minutes to advise that the size of the public contribution needs to be considerable if council is going to look at removing the heritage house which was completely dilapidated and that it all hinges on basically what the value of the development and the rezoning means for him. So (indistinct) prepared to come to the party with a worthwhile public contribution.

On 15 February of 2019 you're recorded telling him that the council are prepared to pay a max of 250 - sorry, the council want a maximum of \$250,000 in respect of his contribution and you are urging him to push the council down in the course of that phone call. Can you explain how, if you as a person who is elected to represent the

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ratepayers, could be advising somebody in Mr Kostic's position to negotiate the council down?---Yes, because I wanted the bigger portion to go to my ward, not to be spent in the ward in which the development was taking place. And so if there's going to be a portion, then I wanted that to contribute to a public project in my ward, given the representation I had made on his behalf.

On 19 February of 2019 the council adopted a resolution accepting the amended plan and the amended section - sorry, and also adopted a proposal that further negotiations in respect of the section 173 take place.

Immediately after that you sent an SMS to him and to Radisich, both, saying 'Congratulations'. Do you recall doing that?---Probably, yes.

And was that because they'd been paying you and you wanted to make sure that they understood that you were performing?---Absolutely not. When you say a resolution was passed, was that part of the council officer's report or was it something that was passed by me?

Well, the details of the resolution come from correspondence between yourself and Mr Radisich, so I'm not in a position to say in fact what the proposal was. What I'm putting to you is that when the proposal clearly concluded the thorny issues in respect of the development that Mr Kostic was wanting, you sent him a message congratulating him; is that right?---Yes, and that's normal with any issue that is passed in council, whether it be a developer or any other resident.

That was on the 19th. The evidence indicates that on the night

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1 of 19 February during the council meeting you were in 03:37:26PM  
2 direct contact with Mr Grossi. The telecommunications 03:37:32PM  
3 interception material shows that you received a cash 03:37:39PM  
4 payment from Grossi and you spoke cryptically about the 03:37:45PM  
5 night, describing it variously as mail and coffee and a 03:37:51PM  
6 thank you. Those calls commenced on 20 February 2019, and 03:37:55PM  
7 on 22 February 19, this is three days after the final 03:38:03PM  
8 council approval, you got a gift of \$20,000. Now, is that 03:38:12PM  
9 the case?---No. I don't recall a \$20,000 amount. 03:38:19PM  
10 On 23 February 2019, between 12.19 and 12.35, there are a 03:38:28PM  
11 series of cash deposits totalling \$20,000 made by you, 03:38:37PM  
12 I suggest, at a Handybank ATM at Roxburgh Park. What was 03:38:44PM  
13 that about?---I can't recall. I can't recall the source 03:38:49PM  
14 of those funds. Nothing to do with Mr Kostic or 03:38:54PM  
15 Mr (Indistinct). 03:39:00PM  
16 Do you agree that you made those deposits on 23 February 2019 03:39:02PM  
17 or was there somebody else who was making cash deposits to 03:39:09PM  
18 your account at the time?---No, nobody ever makes a cash 03:39:12PM  
19 deposit into my account. I'm the one that does it. But 03:39:19PM  
20 I can't recall the source of those funds, no. 03:39:23PM  
21 What might they have been? This is well after your 03:39:29PM  
22 wedding?---Yes, they could have been business income. 03:39:32PM  
23 They could have been Keno winnings again. I can't recall. 03:39:36PM  
24 Let's go then to the conversations which led up to that, shall 03:39:48PM  
25 we? Can we go to 20 February, which is tab 278. 03:39:52PM  
26 (Audio recording played to the Commission.) 03:40:33PM  
27 COMMISSIONER: I'm sorry, Mr Tovey, what was the date of that 03:42:59PM  
28 conversation? 03:43:01PM  
29 MR TOVEY: That was 20 February 2019, and that is three days 03:43:02PM

1 before you put 20,000 cash in your bank account. So, 03:43:14PM  
2 you're talking in code there, Mr Aziz, about Mr Kostic 03:43:24PM  
3 coming to Mr Grossi's house to deliver the mail or just to 03:43:34PM  
4 say thank you or to bring a bunch of flowers. Why were 03:43:41PM  
5 you talking in code like that?---I can't recall that 03:43:47PM  
6 conversation at all. 03:43:52PM  
7 COMMISSIONER: Again, Mr Aziz - look, can I say this to you, 03:43:54PM  
8 Mr Aziz. If you want to help yourself, what you should 03:43:58PM  
9 seek to demonstrate is a genuine effort to look at the 03:44:02PM  
10 conversation and explain it, not to just say, 'I don't 03:44:06PM  
11 remember it,' because that doesn't help you, Mr Aziz. You 03:44:12PM  
12 understand what Counsel Assisting is suggesting?---Yes, 03:44:15PM  
13 I understand. 03:44:20PM  
14 So do your best to try and explain the conversation, 03:44:20PM  
15 please?---Commissioner, there were a few issues between 03:44:28PM  
16 Mr Grossi and I from a business perspective. Only one of 03:44:31PM  
17 them related to the representations he was making on 03:44:36PM  
18 behalf of Mr Kostic. Mr Kostic would sometimes leave 03:44:39PM  
19 documents in his possession that he would convey to me to 03:44:44PM  
20 continue the representation. I can't recall if it was his 03:44:49PM  
21 wife's birthday. I can't recall if it was their wedding 03:44:54PM  
22 anniversary. But we had a lot of social interactions of 03:44:59PM  
23 that nature. The mail may have referred to documents that 03:45:03PM  
24 he was bringing. But I certainly don't recall any cash 03:45:06PM  
25 transactions taking place at that time between myself and 03:45:10PM  
26 Mr Grossi. The only cash transactions that took place 03:45:14PM  
27 were before our wedding, and that's what I spoke about. 03:45:18PM  
28 But, Mr Aziz, the purpose of your call is not about Mr Grossi. 03:45:23PM  
29 It's about 'the attitude of our friend'. I take it you're 03:45:27PM

1 referring there to Mr Kostic?---I'm not sure if I was. 03:45:31PM  
2 I'm not sure if I was. I'm sorry, Commissioner, I mean 03:45:35PM  
3 there were at times three or four different business 03:45:44PM  
4 parties unrelated to council where I spoke to Mr Grossi 03:45:47PM  
5 and he was always very coy about what he said on the 03:45:51PM  
6 phone, and I accepted that from him because I regarded him 03:45:54PM  
7 as a friend. 03:45:57PM  
8 So who else might it have been in February of last year? Who 03:45:59PM  
9 else might it have been that you were concerned about 03:46:08PM  
10 their attitude and concerned to the point where you 03:46:12PM  
11 thought they might be renegeing on something? Who else 03:46:18PM  
12 might that have been a reference to?---It might have been 03:46:21PM  
13 a reference, for example, to the head franchisor of the 03:46:24PM  
14 franchise we purchased because I believe Mr Grossi was 03:46:29PM  
15 still part of the Jim Penman franchise operation and we 03:46:34PM  
16 had an issue, a dispute that we wanted resolved and 03:46:39PM  
17 I think they were going to charge us a significant amount 03:46:42PM  
18 of money to exit that franchise. 03:46:45PM  
19 Who's 'they'?---Sorry? 03:46:47PM  
20 Who's 'they'? 'They were going to charge us'?---The head 03:46:49PM  
21 franchisor for the cleaning business. 03:46:55PM  
22 Who was that?---I can't recall their name, but it's an 03:46:57PM  
23 operation that's actually in the north of Melbourne near 03:47:04PM  
24 our residence. 03:47:07PM  
25 But, this is the attitude - you're speaking about the person 03:47:08PM  
26 who was a friend and you were concerned about his 03:47:13PM  
27 attitude, and Mr Grossi is telling you he's coming to his 03:47:18PM  
28 place tonight. Was that the head franchisor that you're 03:47:22PM  
29 now speaking about? It doesn't sound like it?---Well, he 03:47:25PM

1 used to visit Mr Grossi because they were close friends. 03:47:30PM  
2 Mr Grossi was head of the entire group and he knew all the 03:47:34PM  
3 head franchisors. So, I'm just trying to guess here 03:47:37PM  
4 because I don't recall those conversations and I certainly 03:47:42PM  
5 don't recall receiving any monetary amount from Mr Grossi 03:47:47PM  
6 beyond the money that he gave me before the wedding. 03:47:52PM  
7 And what was the risk of the head franchisor reneging on, 03:47:57PM  
8 Mr Aziz?---The exit fee which we did not want to pay 03:48:03PM  
9 because we wanted to exit the group and start an 03:48:07PM  
10 independent business. 03:48:09PM  
11 Yes, and what was the head franchisor saying?---The franchisor 03:48:11PM  
12 was saying that according to our contract you are supposed 03:48:15PM  
13 to pay an exit fee. However, Mr Grossi advised me that 03:48:20PM  
14 everybody that leaves the franchise group doesn't need to 03:48:25PM  
15 pay that fee because they pay an expensive joining fee at 03:48:30PM  
16 the beginning. 03:48:35PM  
17 Yes?---The clientele they've built is actually as a result of 03:48:36PM  
18 their work, not as a result of the franchise bringing them 03:48:41PM  
19 those clients, because the franchise charges along the way 03:48:46PM  
20 for those clients. So you should keep those clients 03:48:49PM  
21 (indistinct). 03:48:52PM  
22 Yes, but the franchisor was insisting on what the franchisor 03:48:53PM  
23 claimed was his contractual right?---Yes. 03:48:57PM  
24 He wasn't seeking to renege on anything?---No, he was reneging, 03:49:01PM  
25 because when we started the franchise discussions there 03:49:07PM  
26 was no mention of that exit fee, and when I spoke to him, 03:49:11PM  
27 I believe his name was Bill, he said to me that he would 03:49:16PM  
28 look at it to see if it can be exempted in our case, and 03:49:20PM  
29 I don't believe that it was. In fact, they didn't 03:49:26PM

1 (indistinct). 03:49:29PM

2 And did he go to Mr Grossi's place that night?---I'm not sure. 03:49:30PM

3 I can't recall. But I know that they were friends and 03:49:36PM

4 they were on almost daily speaking terms. 03:49:40PM

5 Yes. 03:49:45PM

6 MR TOVEY: Mr Aziz, this is pure fantasy, trying to relate this 03:49:46PM

7 conversation to anybody other than Kostic. You're there 03:49:51PM

8 talking about 'the mail coming tonight'. You're wanting 03:49:54PM

9 to say thank you. And then Grossi at 26 says, 'He wants 03:49:59PM

10 to bring - also on Friday he wants to bring my wife a 03:50:04PM

11 bunch of flowers.' So whoever it is is very keen on 03:50:10PM

12 bringing over flowers and he's coming back on Friday. And 03:50:14PM

13 then at line 44 he observes, 'Well, look, it depends on 03:50:17PM

14 what time Vlad leaves because' - this is on Friday - 03:50:24PM

15 'because I want to make sure that, you know, he spends his 03:50:30PM

16 time with us.' How could you be - you've got to have an 03:50:33PM

17 amazing imagination, I'd suggest, to try and relate this 03:50:39PM

18 conversation to anybody other than Vlad. Do you have any 03:50:43PM

19 comment on that?---I'm not denying that he would have 03:50:47PM

20 spoken about Vlad later on in the conversation. So we may 03:50:50PM

21 have spoken about somebody else at the beginning of the 03:50:54PM

22 conversation. 03:50:56PM

23 All right. I tender that conversation. 03:50:57PM

24 COMMISSIONER: Yes. The conversation between Mr Aziz and 03:51:04PM

25 Mr Grossi, 20 February, is exhibit 323. The conversation 03:51:07PM

26 of 19 October 18 is 322. 03:51:10PM

27 #EXHIBIT 322 - Recorded conversation between Mr Aziz and 03:51:15PM

28 Mr Grossi on 19/10/18. 03:51:15PM

29 #EXHIBIT 323 - Recorded conversation between Mr Aziz and 03:51:17PM

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Mr Grossi on 20/02/19.

MR TOVEY: I now want to go to tab 279 which is on the same day. This is another conversation between yourself and Mr Grossi.

(Audio recording played to the Commission.)

MR TOVEY: So Vlad's bringing over a bunch of flowers to thank you for everything you've done for him and you couldn't be happier and you're going to have a very happy weekend. You think that's fantastic. This is on the Friday that's been spoken about in the previous conversation when you said it wasn't a gift from Vlad. Are you serious?---Yes, I am, and I mentioned to Mr Grossi that I wanted to speak to him about another matter and that may have been related to the various business dealings that we had with each other. And this conversation - I believe I actually went to his house with my wife that night and we did get his wife a bunch of flowers because there was an occasion. You know, Vlad used to live around the corner from this gentleman and he was often at his house and he was very thankful for the fact that I made his proposal to the City of Casey and the officers approved it and went along with it.

Well, in this conversation you seem to be deliriously happy, very, very happy about the fact that he's bringing over a bunch of flowers. You obviously had great regard, did you, for Jo, Mr Grossi's wife?---Well, I invited them both to officiate at my wedding. So, yes, I did have a high regard and still have a high regard for both of them.

What was happening was that he was bringing over bribe money,

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03:51:18PM  
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03:55:20PM

1           wasn't he, that you very shortly thereafter put in the           03:55:22PM  
2           bank?---No, no. My wife was with me on that day.           03:55:26PM  
3   COMMISSIONER: So? What's the relevance of that,           03:55:33PM  
4           Mr Aziz?---Well, I'm saying if there was any transactions           03:55:40PM  
5           of handing over money from Mr Grossi, my wife would have           03:55:43PM  
6           certainly known about it. She was with me on that day           03:55:47PM  
7           when we visited Mr Grossi and Mrs Grossi, and we did bring           03:55:50PM  
8           a bunch of flowers and we did bring a cake. I mean, we           03:55:55PM  
9           used to have social interactions with these people all the           03:56:00PM  
10          time.           03:56:03PM  
11       I'm sorry, so you're saying your wife is able to tell the           03:56:08PM  
12          Commission where the \$20,000 in cash paid into your           03:56:11PM  
13          account came from?---No, because it had nothing to do with           03:56:16PM  
14          her either because there was no cash transferred to me at           03:56:19PM  
15          that occasion when I visited Mr Grossi's house.           03:56:23PM  
16       But you're suggesting that if cash was paid to you by someone           03:56:29PM  
17          your wife would know about it?---Not necessarily.           03:56:32PM  
18       I agree?---Not necessarily.           03:56:36PM  
19       Quite so?---Sorry?           03:56:38PM  
20       Quite so?---Well, there are many things that happen in my           03:56:41PM  
21          business life that my wife simply doesn't have the time or           03:56:48PM  
22          the capacity to know about. But I know I take care of our           03:56:52PM  
23          household, I tell her things when she asks me, but there's           03:56:58PM  
24          a lot of transactions that happen even in her own business           03:57:01PM  
25          that she relies on me entirely - - -           03:57:05PM  
26       Yes. Yes, Mr Tovey.           03:57:08PM  
27       MR TOVEY: Do you remember, Mr Aziz, when you spoke to           03:57:10PM  
28          Ms Wreford at the Little Billy restaurant and she was           03:57:13PM  
29          about to hand you over cash and you didn't accept it and           03:57:20PM

1 you went outside and you are recorded as saying, 'It makes 03:57:23PM  
2 me feel like a drug dealer.' Do you recall saying 03:57:30PM  
3 that?---No, I did not say that. I recall that because 03:57:33PM  
4 I read it in the transcript. I said - and it was a 03:57:35PM  
5 totally inappropriate reference to her and I should 03:57:40PM  
6 apologise to her. I said, 'How do we make this look like 03:57:42PM  
7 it's not a drug deal,' because - - - 03:57:46PM  
8 Thank you. I'm glad you remember the precise 03:57:49PM  
9 words?---(Indistinct). 03:57:54PM  
10 Don't you see that there's the same problem with this whole 03:57:54PM  
11 line of conversations?---No, because she would give me 03:57:57PM  
12 money every month as part of the contractual deal. So 03:58:00PM  
13 what was so special on that occasion that I - - - 03:58:04PM  
14 I'm sorry, you didn't understand what I'm asking. Don't you 03:58:07PM  
15 have the same problem with this whole series of 03:58:14PM  
16 conversations I've taken you to about cups of coffee, 03:58:16PM  
17 flowers, thank you, whatever, they're all in code, and 03:58:21PM  
18 they all have the same hallmarks, don't they? Don't they 03:58:27PM  
19 sound to you like the sort of conversation you would 03:58:31PM  
20 expect during a drug deal, not a conversation between a 03:58:35PM  
21 councillor and one of his constituents?---Firstly, I've 03:58:39PM  
22 never dealt in drugs in my life. Secondly, that comment 03:58:45PM  
23 was made as a joke in reference to Ms Wreford's background 03:58:48PM  
24 in relation to some drug issues and, thirdly, I happen to 03:58:51PM  
25 have a larrikin personality. I joke all the time with 03:58:55PM  
26 people. It may seem inappropriate to you, but it's not to 03:58:59PM  
27 conceal anything inappropriate. That's just my 03:59:03PM  
28 personality. 03:59:06PM  
29 COMMISSIONER: Mr Aziz, could I just ask you about the loan 03:59:09PM

1           that you say Mr Grossi gave you?---Yes. 03:59:11PM  
2    You've told us there is no loan agreement?---Yes. 03:59:14PM  
3    Is there any record anywhere of that agreement? Is there 03:59:20PM  
4           anything in writing at all that reflects the existence of 03:59:26PM  
5           that agreement?---No. 03:59:29PM  
6    Have you paid Mr Grossi any interest in relation to the 03:59:32PM  
7           loan?---No, I haven't even paid the principal back. 03:59:36PM  
8    So you've not paid the principal, you've not paid any interest. 03:59:39PM  
9           What are the terms of the loan?---Well, he said to me that 03:59:43PM  
10          I could repay it when my financial circumstances improved. 03:59:48PM  
11          It was given to me from him as a friend ahead of a wedding 03:59:53PM  
12          that I had incurred expenses for. 03:59:57PM  
13    And that's it? That's the entirety of the discussion, is 04:00:00PM  
14          it?---He treated me as a brother and that's why I invited 04:00:07PM  
15          him to be my witness ahead of any member of my family at 04:00:10PM  
16          my wedding, to witness me. He treated me like a family 04:00:13PM  
17          member. 04:00:19PM  
18    Because you do appreciate, Mr Aziz, that there is a similarity 04:00:21PM  
19          in the, if I can call it, the modus operandi in which you 04:00:34PM  
20          have dealt with a number of persons with whom you engaged, 04:00:40PM  
21          discretely from their interests in council matters, 04:00:46PM  
22          entering into with them commercial arrangements, namely 04:00:52PM  
23          Mr Woodman, Mr Nehme and Mr Grossi, and in each case your 04:00:55PM  
24          explanation for the receipt of funds from them is either 04:01:02PM  
25          in the context of you getting a loan from them or in the 04:01:09PM  
26          context of them repaying you for a loan. Do you see a 04:01:14PM  
27          similarity here in the way in which you've structured your 04:01:20PM  
28          arrangements with a number of commercial persons who had 04:01:24PM  
29          interests in council matters?---In instances where there 04:01:31PM

1 have been significant amounts of money, there were 04:01:34PM  
2 contractual arrangements to cover those arrangements and 04:01:36PM  
3 to explain them and to structure them for my interest and 04:01:41PM  
4 theirs. But the loan from Mr Grossi was a very small 04:01:47PM  
5 amount and, like I said, he treated me like a brother 04:01:50PM  
6 rather than as someone - because Mr Grossi had no interest 04:01:53PM  
7 in the City of Casey. He treated me as a brother. He's 04:01:56PM  
8 someone that I had known for years and he treated me as a 04:02:00PM  
9 family member. So, in all other circumstances, 04:02:04PM  
10 Commissioner, there were written contracts which the 04:02:10PM  
11 Commission has a copy of to record those transactions. 04:02:13PM  
12 Yes?---(Indistinct) were real. 04:02:17PM  
13 You understand that what's being put to you is that each of 04:02:21PM  
14 those commercial arrangements is a sham and that they have 04:02:24PM  
15 been used by you in order to conceal corrupt payments; you 04:02:29PM  
16 understand that's the allegation, don't you?---Yes, 04:02:36PM  
17 I understand that's the allegation and I totally reject 04:02:39PM  
18 that absolutely. Absolutely. 04:02:42PM  
19 Yes. Yes, Mr Tovey. 04:02:45PM  
20 MR TOVEY: On 22 February of 2019 Mr Grossi sent you an SMS, 04:02:49PM  
21 and could we look at tab 281, please? Sorry, 04:03:01PM  
22 Mr Commissioner, I tender the last conversation. 04:03:08PM  
23 COMMISSIONER: That's exhibit 324. 04:03:10PM  
24 #EXHIBIT 324 - Recorded conversation between Mr Aziz and 04:03:12PM  
25 Mr Grossi on 20/02/19. 04:03:12PM  
26 COMMISSIONER: How are we going for time, Mr Tovey? 04:03:17PM  
27 MR TOVEY: We might run slightly over, but not much, I wouldn't 04:03:20PM  
28 have thought. 04:03:23PM  
29 COMMISSIONER: I think we've already done that. But you're 04:03:24PM

1 almost finished, are you, Mr Tovey? 04:03:28PM

2 MR TOVEY: Probably another half an hour. 04:03:31PM

3 COMMISSIONER: Yes. Do you want to have a break, Mr Aziz, or 04:03:33PM

4 would you like to proceed?---Look, I would appreciate just 04:03:38PM

5 to get some fresh air for a couple of minutes. 04:03:43PM

6 Yes, very good. We'll break for five minutes?---Thank you. 04:03:45PM

7 (Short adjournment.) 04:04:01PM

8 COMMISSIONER: Mr Tovey, you're on mute. 04:16:29PM

9 MR TOVEY: Thank you. Now, on - sorry, we're going to take you 04:16:33PM

10 to tab 281. I think it came up just as you left. Sorry, 04:16:45PM

11 just scroll up, please. That's a text message from 04:16:56PM

12 Mr Grossi to your phone on 22 February at 6.20 pm; all 04:17:05PM

13 right? You probably don't remember that, but I suggest on 04:17:13PM

14 22 February at 6.20 you received a text message and as a 04:17:18PM

15 result of that you later went to Mr Grossi's; is that what 04:17:23PM

16 you agree you did?---Probably. 04:17:29PM

17 And you were saying that - what were you saying to the 04:17:36PM

18 Commissioner; that you couldn't be - your wife - for some 04:17:41PM

19 reason to do with your wife you couldn't have been given 04:17:45PM

20 cash because your wife was with you; is that right?---She 04:17:49PM

21 may have been. I recall visiting Mr Grossi's home with my 04:17:53PM

22 wife on a number of occasions. 04:17:56PM

23 So you don't know whether she was with you or not?---I can't 04:18:00PM

24 recall. I don't keep a diary of when I visit people. 04:18:03PM

25 COMMISSIONER: But, Mr Aziz, you were giving me an explanation 04:18:10PM

26 of this particular occasion in answer to the suggestion 04:18:13PM

27 that you received money on that occasion. Do you not 04:18:17PM

28 recall that's why you said your wife was present?---I said 04:18:21PM

29 she may have been with me. She may have been with me. 04:18:27PM

1 I see?---It was on many occasions when we visited that home 04:18:30PM  
2 together. 04:18:35PM  
3 All right. Yes, Mr Tovey. 04:18:36PM  
4 MR TOVEY: Can you have a look at images 61, 62, 63 and 64, 04:18:38PM  
5 please. 04:18:43PM  
6 COMMISSIONER: That text message will be exhibit 325. 04:18:46PM  
7 #EXHIBIT 325 - Text message from Mr Grossi to Mr Aziz on 04:18:50PM  
8 22/02/19 at 6.20 pm; tab 281. 04:17:09PM  
9 MR TOVEY: Thank you. 04:18:51PM  
10 COMMISSIONER: Yes, Mr Tovey. 04:19:17PM  
11 MR TOVEY: Thank you. That's you attending on the evening. 04:19:18PM  
12 Surveillance officers recorded your attendance on that 04:19:21PM  
13 evening at the residence at 9.27 pm. No wife, is 04:19:29PM  
14 there?---I said she may have been with me. But are there 04:19:39PM  
15 photographs of me getting out of my car, for example? 04:19:44PM  
16 Look, do you agree having - that was you entering the house on 04:19:48PM  
17 that night and your wife's not with you?---She may not 04:19:53PM  
18 have been on that occasion, yes. 04:19:57PM  
19 All right. I tender those. 04:20:00PM  
20 COMMISSIONER: What's the date of those images, Mr Tovey? 04:20:02PM  
21 MR TOVEY: Those images are dated 22 February 2019. 04:20:06PM  
22 COMMISSIONER: And the address? 04:20:10PM  
23 MR TOVEY: The address is - it's Mr Grossi's residence. I'm 04:20:12PM  
24 not sure what the address is. 04:20:20PM  
25 COMMISSIONER: All right. Attendance at Grossi residence. 04:20:23PM  
26 Yes. 04:20:25PM  
27 #EXHIBIT 326 - Images 61, 62, 63 and 64 of Mr Aziz's attendance 04:18:50PM  
28 at Mr Grossi's residence on 22/02/19. 04:18:50PM  
29 MR TOVEY: So you went overseas on 9 October of 2019; is that 04:20:35PM

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right?---Yes.

On 17 September of 2019 did IBAC officers execute a search warrant at your home?---Yes.

In the course of that, the execution of that search warrant, did you explain to the officers who were executing the warrant that most of your family was in Australia and in Egypt - sorry, in Australia and the United States, and you had no intention of returning to Egypt at that point in time?---I said that I wasn't thinking about going to Egypt, yes.

All right. On 17 September, after they left, did you ring Zed Nasheet at Zed Real Estate at 14.51 pm to arrange the sale of Barak Avenue?---Yes, and I spoke to the officers about that while they were at Barak Avenue.

Did you then on the following day or thereabouts make a booking with Flight Centre Epping for an overseas flight?---Absolutely.

Yes, and what date was that?---You just said the following day. Yes. And then you rang Casey Council and told them that you had a three-month overseas work contract; is that right?---Yes, and I did.

Then on the same day you withdrew \$97,000 in 10 separate transactions from the Bluestone loan account relating to Barak Avenue?---Yes, I did.

On the following day, 20 September, did you advertise 5 Barak Avenue for sale?---The sale process had commenced, yes.

And then the following day did you sell the house?---Yes, I got - for some reason a buyer came straightaway.

Then on 23 September did you send two outgoing international

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1 funds transfers totalling \$50,000 to an account held in 04:23:27PM  
2 the name of Mina Rechard Rayad Ghabryal, that's 04:23:33PM  
3 G-h-a-b-r-y-a-l, at Qatar Bank in Cairo?---Yes, I did. 04:23:42PM  
4 Who's that?---He's actually my nephew. 04:23:47PM  
5 And was that money that you wanted to use once you got to 04:23:52PM  
6 Egypt?---It was money that I had intended to invest in 04:23:57PM  
7 Egypt. 04:24:00PM  
8 Yes?---To support my living expenses when I was there. 04:24:01PM  
9 On 25 September of 2019 did you speak to the mayor of Casey, 04:24:08PM  
10 Amanda Stapledon, and arrange for leave from 04:24:17PM  
11 the council?---Yes, I did. 04:24:23PM  
12 Was that leave initially for a period which you later extended 04:24:25PM  
13 on 2 October to cover up until the end of the year?---Yes. 04:24:38PM  
14 On 2 October did you by redraw from the Barak Avenue Bluestone 04:24:45PM  
15 account withdraw another \$20,000?---Probably, yes. 04:25:01PM  
16 So at that stage you had redrawn a total of \$117,000 from that 04:25:09PM  
17 facility since the time of the IBAC execution of 04:25:18PM  
18 the warrant?---Yes, and I told the IBAC officers about 04:25:24PM  
19 that as well, about moving my assets around, yes. 04:25:27PM  
20 And you took all that - sorry, all that money was taken out so 04:25:32PM  
21 you could access it in Cairo for whatever reason, was 04:25:40PM  
22 it?---No. Most of that money went to pay off some debts 04:25:46PM  
23 that my wife and I had in Australia, including a loan 04:25:51PM  
24 facility and also some credit cards, and also to leave 04:25:57PM  
25 some money with her for the few months that I was going to 04:26:02PM  
26 be away. 04:26:07PM  
27 All right. So the way things have worked out then is that 04:26:11PM  
28 immediately after the IBAC raid you put your house on the 04:26:14PM  
29 market, you sell it within days, and you book a trip to 04:26:20PM

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Egypt?---Yes.  
At some stage did you get employment in Egypt?---I did.  
When was that? When was that arranged?---It was negotiated  
before I left Australia.  
When?---I think the agreement was on the 23rd.  
Of September?---I can't recall September or October, but I do  
remember the 23rd.  
So the situation is that after IBAC knocked on your door you  
immediately started to sell up and put yourself in a  
position to leave the country; is that right?---Not true.  
I needed to get a break because of the amount of stress  
I was under, and the IBAC visit was actually the straw  
that broke my back, and I needed to get away. And I did  
tell the officers that I had a trip planned to China and  
whether I was able to travel or not, and they said, 'Yes,  
there is no problem with travel.' I should also be on  
tape asking them if I was able to move assets around as  
I usually do, and they said, 'Yes, there is no problem  
with that.' And - - -  
Does that mean the answer to my question is yes?---No,  
but - - -  
Do you remember what my question was? My question was  
following the attendance of IBAC did you sell up and put  
yourself in a position to go overseas? From what you've  
said, the answer is yes?---Clearly it's yes. It's stating  
the obvious, isn't it?  
And at that stage you hadn't - at the time that they came to  
your door you hadn't made at that stage no arrangements by  
way of job, by way of travel bookings, by way of

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1 organising your finances. With that in mind, it was that 04:28:25PM  
2 event, was it not, that led you to do that, that is to go 04:28:32PM  
3 overseas?---As I said, it was the event that broke my back 04:28:36PM  
4 after all the stressors I've been under for nearly three 04:28:40PM  
5 years, yes. 04:28:43PM  
6 When you gave evidence before IBAC on 3 October 2019 you were 04:28:44PM  
7 asked questions about why it was you applied for a leave 04:28:51PM  
8 of absence until 6 November. You in the course of that 04:28:55PM  
9 said a number of things. You said that you needed time to 04:29:01PM  
10 devote to the Australian Lebanon Chamber of Commerce and 04:29:08PM  
11 the preparation of a gala event occurring on 26 October 04:29:13PM  
12 2019; you said that, did you not?---Yes, I did. 04:29:18PM  
13 You said that you had a number of health commitments and 04:29:22PM  
14 appointments that will be happening over the next four 04:29:25PM  
15 weeks; you said that, did you not?---Yes, I did. 04:29:28PM  
16 And you said you had opportunities for conferences and other 04:29:32PM  
17 events overseas?---Yes, I did. 04:29:35PM  
18 All right. You nowhere said there that you're about to travel 04:29:37PM  
19 overseas, did you?---I wasn't asked the question, but 04:29:45PM  
20 I did say that I would - - - 04:29:47PM  
21 No, sorry, I simply asked you a question: did you ever tell 04:29:49PM  
22 IBAC in the course of that evidence that you were 04:29:52PM  
23 travelling overseas and indeed already arranged to?---No, 04:29:56PM  
24 I didn't. 04:30:00PM  
25 How were you going to attend your medical appointments over the 04:30:01PM  
26 next four weeks? Those were medical appointments that you 04:30:04PM  
27 made in Cairo, were they?---They were medical appointments 04:30:09PM  
28 that I made in Australia and I only attended one of those. 04:30:14PM  
29 So when you said that you had medical appointments over the 04:30:17PM

1 last four weeks that was designed clearly to mislead, 04:30:20PM  
2 wasn't it? 04:30:23PM  
3 COMMISSIONER: You mean over the next four weeks? 04:30:25PM  
4 MR TOVEY: Yes, over the next four weeks?---It was designed to 04:30:27PM  
5 explain the truth. However, I was extremely stressed out 04:30:30PM  
6 and I needed a break, and I was entitled to a break after 04:30:33PM  
7 11 years of solid work with the City of Casey. And 04:30:38PM  
8 I had - - - 04:30:43PM  
9 At the time you attended you already had a ticket to leave the 04:30:44PM  
10 country. You had sold up and you were due to leave on the 04:30:47PM  
11 9th, that was six days later, and here you are telling the 04:30:51PM  
12 Commission that you had committed - the reason you had 04:30:54PM  
13 taken leave is because you've got commitments in respect 04:30:58PM  
14 of an event occurring on 26 October, that you've got 04:31:01PM  
15 health commitments over four weeks, and you've got 04:31:06PM  
16 opportunities for conferences and other events 04:31:08PM  
17 overseas?---Which I attended - - - 04:31:11PM  
18 You didn't say - you did not say, did you, 'I have a job and 04:31:12PM  
19 I am leaving and I have sold up and I already have a 04:31:16PM  
20 ticket '? You didn't say that, did you?---No, I didn't 04:31:19PM  
21 need to, Mr Tovey. My family were still back in 04:31:24PM  
22 Australia. My immediate family were still back in 04:31:27PM  
23 Australia. And I also booked a ticket - when I found out 04:31:30PM  
24 that the examinations had started in November, I booked a 04:31:33PM  
25 ticket on 19 November, and I have proof of that, to return 04:31:36PM  
26 but I couldn't board the aircraft because of my health 04:31:40PM  
27 conditions. 04:31:42PM  
28 I just want to go through with you the way things have panned 04:31:44PM  
29 out in respect of various moneys that have come into your 04:31:48PM

1 possession or various - or in terms of - sorry, not only 04:31:53PM  
2 bank transfers, there's cash, also shares and other 04:32:02PM  
3 benefits. So, first of all, you give Mr Woodman the 04:32:07PM  
4 600,000, and then between 10 May 2017 and 10 May 2018 you 04:32:15PM  
5 get back, in excess of the 600,000, \$150,000 in cash and 04:32:28PM  
6 \$90,063 in funds transfers to people associated with you 04:32:37PM  
7 or to accounts associated with you. Then you get payments 04:32:45PM  
8 from Spicer Thoroughbreds, \$22,550, between 5 June 18 and 04:32:53PM  
9 8 November 18. You get alleged Little River payments of 04:33:05PM  
10 \$22,000 in cash and \$276,000 in EFT transfers from Woodman 04:33:12PM  
11 up until September of 2018. So in respect of Woodman 04:33:23PM  
12 you've received benefits of \$272,000 in cash and 388,000 04:33:29PM  
13 in other transfers. From Mr Nehme you've received a 04:33:40PM  
14 quarter of a million in cash - sorry, in transfers. Then 04:33:45PM  
15 from Mr Kostic you've received \$37,000 at least, I think 04:33:58PM  
16 after your evidence today that's up to 45, in cash. From 04:34:03PM  
17 IPsoft you've received by way of transfer \$30,800. Now, 04:34:10PM  
18 what that adds up to is well over a million dollars in 04:34:19PM  
19 benefits you've got, I suggest, by manipulating people - 04:34:23PM  
20 perhaps that's not the right word in respect of Mr Woodman 04:34:31PM  
21 - but to use a neutral term by taking advantage of your 04:34:34PM  
22 position as a councillor and selling your influence, well 04:34:38PM  
23 over a million dollars, haven't you?---No, I dispute all 04:34:42PM  
24 that. 04:34:46PM  
25 I put to you that that was the case. But, not only that, 04:34:48PM  
26 there's in excess of another half a million dollars in 04:34:52PM  
27 cash that you can't - sorry, a quarter of a million 04:34:56PM  
28 dollars in cash that you can't explain. Now, Mr Aziz, 04:34:58PM  
29 having heard those tapes today don't you concede that you 04:35:01PM

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were in the business of selling influence; that's what you  
were doing?---Absolutely not. First of all, the figures  
you gave in relation to Mr Woodman are all incorrect; and,  
secondly, that \$250,000 additional I don't know where you  
got that from. So, you know, when I first flew to Egypt  
and you opened this inquiry you alleged that I had  
received nearly \$900,000 from Mr Woodman, 600,000 of which  
was my own money being returned to me. So it's great to  
throw figures around like that to damage people's  
reputation, but I absolutely reject every single one of  
your assertions.

Do you agree that you got benefits from him - - -?---I was  
paid - - -

Totalling well in excess of \$600,000?---No, I don't.

That is returns on your 600, Little River payments; you don't  
agree with that?---Which were all legitimate payments made  
under a contract.

So say you?---(Indistinct).

So say you. And because they were legitimate that's why, is  
it, you had him repay the \$600,000 into accounts belonging  
to your wife, your mother, everybody but you?---I'm sorry,  
no, he paid amounts to me, and when investments mature you  
give instructions to the person who's paying back the  
investment where the money should be disbursed, and that's  
exactly what I did with Mr Woodman.

Your repayments from Mr Woodman following that transfer to him  
of the 600,000 which he held on your account away from  
your wife, following that, the amounts which you attribute  
to that 600,000 looking at the term that the loan was

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actually out involved a return of 42.5 per cent of cash  
and other - over a period of 10 to 12 months. Do you  
agree with that?---No, I totally dispute your  
calculations. You have made many mistakes in your  
calculations.

That's okay. You dispute it. But what I'd suggest to you is  
that you have received from him a return of more than  
40 per cent, given the time that he had access to your  
money, which indeed he was holding for you, you had the  
benefit of a 40 per cent return on money that he earned  
nothing on. Do you have any comment on that as to how  
that could be a legitimate arrangement between you and a  
developer who you were working for, introducing notices of  
motion before the Casey Council? Can you explain how that  
might conceivably be legitimate?---It was absolutely  
legitimate because it was mezzanine finance and I had  
found out about it from a finance broker who recommended  
Mr Woodman to me who was an associate of Woodman and also  
a colleague of mine formerly, and we had a contract  
governing the entire arrangement, and it was at a time  
when I needed to ensure that I had enough funds to meet my  
financial obligations given the very messy divorce I was  
going through. They were legitimate arrangements, and  
I absolutely dispute the figures you keep throwing around.

Well, you yourself have admitted each of those figures, other  
than the Spicer figure, you yourself have admitted  
receiving \$150,000 in cash resulting from the \$600,000  
deposit. You yourself have admitted receiving \$22,000 in  
cash from Little River. Are you saying that as a matter

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of legitimate business - this is all over a period of three years - are you saying as a matter of legitimate business you were entitled to receive \$272,000 in cash from Mr Woodman? Just yes or no. You say yes, I take it?---I dispute your figures.

COMMISSIONER: Whatever the figure was that was paid by Mr Woodman over and above the return of the \$600,000 you say all of that was part of an arm's length appropriate commercial arrangement, do you?---Yes, I do.

MR TOVEY: By 2019 I'd suggest to you you were making over \$300,000 a year trading influence based on your experience as a councillor, and indeed you had since 2016 established control over Casey Council and you were about to try and sell the same sort of deal at Yarra Ranges Council?---Absolutely not.

I have no further questions.

COMMISSIONER: Yes. Leaving aside, Mr Aziz, your dispute about the figures, you acknowledge that in relation to all of those payments from any of the persons that Mr Tovey's mentioned - Woodman, Nehme, Lodex, IPsoft, Grossi - if any of those payments gave rise to a conflict of interest, and you've acknowledged in relation to some of them that they did, you never made any declaration in relation to any of those payments nor did you tell fellow councillors or council officers with whom you were dealing in relation to those relevant council matters that you were in receipt of such funds?---No, I made a declaration in relation to the IPsoft matter, and in all the other matters that you mention either the arrangements like I said were coming to

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an end and therefore I felt there was no longer a conflict  
or I had no influence over the decisions being made. So  
if I wasn't the decision maker, as in the loan that  
I received from Mr Nehme well after the fact that the  
process had concluded where I had no part to play in the  
decision, then I felt that there was no conflict because  
I had no influence over any of those decisions. And  
I absolutely reject the trashing and the assertions - the  
trashing of my reputation, which Mr Tovey has now  
concluded, and the assertions - the wrong assertions that  
he has made in relation to all the matters that he has  
raised with me.

MR TOVEY: I just want to raise one matter, Mr Commissioner.

COMMISSIONER: Yes.

MR TOVEY: I want to make it clear, Mr Aziz, that in the  
\$720,423 that I suggest were moneys coming from you as  
benefits either in transfers or shares there was \$150,000  
in shares from Lodex. I just wanted to make sure you  
understood that was part of the calculation. I know you  
say you dispute that, but that's what I'm putting to  
you?---Here we go again, Commissioner. I invested \$50,000  
with this company which looks like I won't even get back,  
and Mr Tovey has turned it into \$150,000 benefit. I mean,  
it's great to be pulling figures out of the air, but all  
he's doing is trashing my reputation. This will be all  
over the media tomorrow and I'll be accused of taking a  
million dollars of bribes as usual. You know, I'd love to  
know where all that money is if that's in fact what I had  
done. The only equity I had was in my house, and I sold

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1 it because I explained I was no longer able to see my kids 04:44:02PM  
2 and it was costing me a lot of money in interest every 04:44:05PM  
3 month, and it wasn't my primary residence. So where is 04:44:07PM  
4 all that money if I had taken it? 04:44:10PM  
5 COMMISSIONER: Mr Aziz, let me say this to you; that, 04:44:13PM  
6 regardless of whether the payments that you received were 04:44:17PM  
7 in the strict sense corrupt payments - that's a matter 04:44:26PM  
8 about which the Commission will give due deliberation; 04:44:33PM  
9 you've made clear you don't accept that they were corrupt 04:44:38PM  
10 - but, regardless of whether they were corrupt or not, 04:44:41PM  
11 what is clear - what is clear, and I don't need to keep 04:44:44PM  
12 you in suspense about this - what is clear is that you 04:44:49PM  
13 have in the most profound way failed to meet your 04:44:58PM  
14 integrity obligations as a councillor in terms of your 04:45:01PM  
15 obligations to disclose the private benefits that you were 04:45:04PM  
16 receiving. And, to the extent that you have acknowledged 04:45:08PM  
17 in various settings that that was so, I have difficulty in 04:45:13PM  
18 understanding your outrage and indignation about the 04:45:18PM  
19 allegations that are made because you have failed in the 04:45:24PM  
20 most profound way to meet those integrity obligations by 04:45:27PM  
21 your own admission?---Thank you, Commissioner. The reason 04:45:32PM  
22 I'm outraged is because my integrity as a councillor is 04:45:36PM  
23 spoken for in everything that I have achieved for the 04:45:41PM  
24 residents of the City of Casey over 11 years, and indeed 04:45:45PM  
25 those achievements speak for themselves above and beyond 04:45:50PM  
26 any other municipal government not just in Victoria but in 04:45:54PM  
27 the whole of Australia. I worked very hard for my 04:45:57PM  
28 residents and I introduced many new initiatives which have 04:46:00PM  
29 proven to be successful. Sure, I failed to declare a 04:46:04PM

1 conflict of interest on a few occasions. But my intention 04:46:09PM  
2 was not malicious nor was it intended to profit from my 04:46:12PM  
3 job. 04:46:15PM  
4 All right. Mr Tovey, what's the position in relation to 04:46:17PM  
5 Mr Aziz's summons, please? 04:46:21PM  
6 MR TOVEY: Mr Aziz will not be required for re-attendance, 04:46:25PM  
7 Mr Commissioner. 04:46:28PM  
8 COMMISSIONER: Very good. Mr Aziz, I'll release you from the 04:46:30PM  
9 summons. Should you wish to view any of the evidence that 04:46:33PM  
10 you've given over the two periods that you've attended for 04:46:39PM  
11 public hearing or should you wish to view a video of your 04:46:45PM  
12 evidence, you need only get in touch with the Commission 04:46:50PM  
13 and arrangements will be made for you to view the 04:46:53PM  
14 transcript or to view the videos. Whilst the 04:46:58PM  
15 investigations are still ongoing it's necessary for those 04:47:03PM  
16 arrangements to be in place that enable you still to get 04:47:10PM  
17 access to any of the evidence that you've given and to 04:47:15PM  
18 view the videos. Do you have any questions you want to 04:47:20PM  
19 raise with me by way of either matters that have been 04:47:24PM  
20 explored or in relation to the way the investigation 04:47:33PM  
21 remains to be conducted, anything you want to 04:47:38PM  
22 ask?---I just have one declaration to make, Commissioner, 04:47:42PM  
23 if I may. 04:47:44PM  
24 Well, if it's another speech about what a great contribution 04:47:46PM  
25 you've made to local government I'd rather not hear it, 04:47:49PM  
26 Mr Aziz?---I don't need to make that statement. 04:47:53PM  
27 What is it you want to say?---I raised with you the issue of 04:47:56PM  
28 the corruption that has occurred in dismissing the council 04:48:05PM  
29 of the City of Casey and you said to me that this is not 04:48:08PM

1 the appropriate forum to raise it, that I should lodge a 04:48:11PM  
2 complaint. I am aware that one of my former colleagues 04:48:15PM  
3 has indeed done just that and has documented extensive 04:48:20PM  
4 evidence to you directly, Commissioner, about what has 04:48:24PM  
5 occurred and the fact that the monitor was asked to doctor 04:48:29PM  
6 her report to mislead parliament about the performance of 04:48:33PM  
7 the City of Casey - - - 04:48:37PM  
8 Mr Aziz, I told you when you first sought to gratuitously 04:48:39PM  
9 include that in an answer that it was not helpful and was 04:48:46PM  
10 not an appropriate answer to the questions that were being 04:48:50PM  
11 pursued, nor is it now helpful. I should tell you that if 04:48:54PM  
12 you were of the understanding that I have received a 04:49:00PM  
13 complaint to that effect that information is incorrect. 04:49:03PM  
14 If there is a reason for anyone to complain about such 04:49:09PM  
15 matters as you have raised then they should make that 04:49:14PM  
16 complaint and it will be considered appropriately. But 04:49:18PM  
17 this is not the occasion to ventilate those sorts of 04:49:23PM  
18 claims?---Thank you, Commissioner. I will actually email 04:49:26PM  
19 what I have received today. 04:49:31PM  
20 Very good?---Thank you. 04:49:33PM  
21 Mr Tovey, are we commencing at 10 am tomorrow morning? 04:49:35PM  
22 MR TOVEY: We are, Mr Commissioner. 04:49:41PM  
23 COMMISSIONER: And who is the witness tomorrow? 04:49:42PM  
24 MR TOVEY: Mr Keogh. 04:49:45PM  
25 COMMISSIONER: Very good. So adjourn the hearing until 10 am 04:49:47PM  
26 tomorrow morning. 04:49:50PM  
27 <(THE WITNESS WITHDREW) 04:49:52PM  
28 ADJOURNED UNTIL WEDNESDAY, 2 DECEMBER 2020 04:49:55PM  
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