
TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 2 DECEMBER 2020

(39th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

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

OPERATION SANDON INVESTIGATION

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

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

1 COMMISSIONER: Good morning, Mr Keogh. 10:05:08AM
2 MR KEOGH: Good morning, Commissioner. 10:05:11AM
3 COMMISSIONER: This is an audiovisual examination conducted 10:05:13AM
4 pursuant to the omnibus regulations of 2020, which permit 10:05:17AM
5 audiovisual linkage. I'm conducting the examination 10:05:28AM
6 pursuant to part 6 of the IBAC Act. It's an inquisitorial 10:05:32AM
7 process, Mr Keogh, which means, strictly speaking, we're 10:05:38AM
8 not bound by the rules of evidence, but, by and large, I'm 10:05:42AM
9 following the rules of evidence as they would be applied 10:05:45AM
10 in a court of law. The examination is, as you would 10:05:48AM
11 appreciate, being video recorded and is open to the 10:05:54AM
12 public. 10:05:57AM
13 If at any stage during the course of questioning 10:06:00AM
14 you have difficulty hearing or if you would like a break, 10:06:03AM
15 please indicate so and we'll give you an opportunity to do 10:06:09AM
16 that. If at any stage you want to have an adjournment to 10:06:12AM
17 speak with your legal adviser, you may also indicate that 10:06:16AM
18 you would like to do that. 10:06:19AM
19 Counsel Assisting, Ms Harris, will be asking you 10:06:24AM
20 questions. I may also ask you some questions. Following 10:06:26AM
21 the conclusion of that questioning your legal 10:06:32AM
22 representative will have the opportunity to ask questions 10:06:35AM
23 to clarify any of your answers or to ask you further 10:06:37AM
24 questions. 10:06:41AM
25 Mr Smith, I understand you represent Mr Keogh. 10:06:42AM
26 The practice I follow is that, if you think as the 10:06:47AM
27 questions are being answered that it might be appropriate 10:06:50AM
28 that your client expand on something or add something 10:06:55AM
29 further, I encourage you to interrupt and deal with it at 10:06:58AM

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that point rather than wait until the end of the
proceedings to do so.

The nature of the audiovisual proceeding is such
that witnesses and their legal representatives are not
required to stand at the commencement, breaks or end of
the examination, or when taking their oath or affirmation.

Mr Smith, you appear for Mr Keogh. I just remind
you and Mr Keogh that where an examination is being
conducted virtually using an audiovisual link no
unauthorised person should be present in any room from
where the live stream of the virtual examination is taking
place or be able to hear those proceedings.

Mr Keogh, I now need to just take you through the
formal matter of identifying for you the matters about
which you may be questioned. They are your knowledge of
how planning matters of interest to John Woodman and his
business associates, agents or consultants were advanced
with elected officials at local and state government
level; your knowledge of the use of lobbyists, political
donations and fundraising to assist Mr Woodman and his
business associates, agents or consultants to gain access
to public officers involved in planning and property
development decision making at local and state government
level; your knowledge of matters the subject of the scope
and purpose described in the attached further information
and directions for public examinations in Operation
Sandon, and in particular as they apply to the City of
Casey Council or planning or property development
activities within Victoria that involve John Woodman, his

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10:08:35AM
10:08:39AM
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10:08:49AM
10:08:56AM
10:08:59AM
10:09:01AM

1 family, his associate entities or business associates; 10:09:06AM
2 and, finally, the transparency and integrity of dealings 10:09:11AM
3 between public officers involved in planning and property 10:09:16AM
4 development decision making, including any person elected 10:09:20AM
5 or seeking election to a municipal council or the 10:09:23AM
6 parliament of Victoria, and any person who may have 10:09:27AM
7 directly or indirectly benefited from that decision 10:09:31AM
8 making, including but not limited to landowners, property 10:09:35AM
9 developers or their consultants, and any representative of 10:09:39AM
10 those persons, including persons engaged in lobbying 10:09:43AM
11 activities. 10:09:48AM
12 <PETER_KEOGH, affirmed: 10:09:52AM
13 COMMISSIONER: Mr Keogh, at the time that you were served with 10:10:37AM
14 a summons to attend did you receive a document titled 10:10:40AM
15 'Statement of rights and obligations'?---I did. 10:10:43AM
16 And has Mr Smith or some other lawyer explained the content of 10:10:46AM
17 that document to you?---I've had conversations with 10:10:51AM
18 Mr Smith about those documents, yes. 10:10:55AM
19 Very good. Do you understand the contents of the documents, or 10:10:56AM
20 do you wish to be informed of any of those rights or 10:11:00AM
21 obligations or have anything else explained to 10:11:03AM
22 you?---I understand the content of those documents. 10:11:07AM
23 Very good. Just by way of summary, Mr Keogh, your obligation 10:11:11AM
24 is to answer the questions you are asked, unless you have 10:11:16AM
25 a reasonable excuse for not doing so. You must answer the 10:11:18AM
26 questions even if they might incriminate you or make you 10:11:22AM
27 liable to a penalty. You must answer the questions 10:11:25AM
28 truthfully, otherwise you may expose yourself to a risk of 10:11:28AM
29 a perjury charge. You understand that perjury carries a 10:11:31AM

1 term of imprisonment. Importantly, if you answer the 10:11:35AM
2 questions truthfully, then your answers are not admissible 10:11:40AM
3 and cannot be used against you in any court, the exception 10:11:44AM
4 of course being if you had given a false answer then that 10:11:46AM
5 might be introduced in a perjury case. Just one matter, 10:11:49AM
6 Mr Keogh, and I say this to all witnesses. Counsel 10:11:56AM
7 Assisting, Ms Harris, might ask you what appears to be an 10:12:00AM
8 open-ended question - that is, a question which doesn't 10:12:02AM
9 suggest the answer - but you shouldn't assume that Counsel 10:12:05AM
10 Assisting doesn't already have material in her possession 10:12:10AM
11 which indicates what the answer should be. So it's really 10:12:12AM
12 important that you give answers which are 10:12:18AM
13 accurate?---Sure. 10:12:20AM
14 Very good. Yes, Ms Harris. 10:12:20AM
15 MS HARRIS: Thank you, Commissioner. 10:12:26AM
16 <EXAMINED BY MS HARRIS: 10:12:24AM
17 Are you Peter Keogh?---I am. 10:12:26AM
18 And do you attend here today in answer to a summons served on 10:12:29AM
19 you?---I do. 10:12:32AM
20 If you have a look at the screen in front of you, I'll just 10:12:33AM
21 have copies of those documents brought up and if you could 10:12:36AM
22 confirm, please, that they are copies of the documents 10:12:41AM
23 served on you, firstly a cover letter dated 21 October 10:12:43AM
24 2020?---Yes. 10:12:55AM
25 The witness summons SE3349?---Yes. 10:13:20AM
26 And you've indicated already to the Commissioner that with that 10:13:24AM
27 summons you received a document titled 'Statement of 10:13:30AM
28 rights and obligations'; is that correct?---That's my 10:13:34AM
29 recollection, yes. 10:13:38AM

1 I tender those documents, Commissioner. 10:13:38AM

2 COMMISSIONER: That will be exhibit 327. 10:13:40AM

3 #EXHIBIT 327 - Cover letter dated 21/10/20, witness summons 10:13:42AM

4 SE3349 and document titled 'Statement of rights and 10:13:22AM

5 obligations'. 10:13:35AM

6 MS HARRIS: Mr Keogh, you're the chief of staff to the minister 10:13:45AM

7 of planning; is that correct?---That is correct. 10:13:49AM

8 How long have you held that role?---Since 2014. Perhaps - 10:13:51AM

9 precisely when I started I would have thought it was maybe 10:14:07AM

10 2015, early 2015. 10:14:11AM

11 So not aligning with the election; was it some time after the 10:14:13AM

12 election?---It's - you have the election, it gets counted, 10:14:20AM

13 ministers get elected to the ministry, they get allocated 10:14:27AM

14 a portfolio, they get sworn by the governor - it takes a 10:14:30AM

15 couple of weeks - and then Minister Wynne was unwell for a 10:14:34AM

16 period shortly after the election. I had to leave another 10:14:39AM

17 employer. It just took a while to sort things out. So 10:14:44AM

18 I think it was early 2015 before I formally started. 10:14:47AM

19 All right. Was that your first time in a minister's office or 10:14:51AM

20 anything to do with government?---No. 10:14:55AM

21 What's your history there?---I previously worked as chief of 10:14:58AM

22 staff for Minister Wynne when he was the minister for 10:15:06AM

23 housing and local government, and then he picked up 10:15:08AM

24 Aboriginal affairs. So that was in the last term of the 10:15:13AM

25 Bracks and Brumby government. 10:15:16AM

26 So over what period?---Over a - that four-year period. 10:15:18AM

27 And any other experience in that area, minister's office or in 10:15:24AM

28 government?---I've worked in government and around 10:15:30AM

29 government from 1988, you know, in various roles, mostly 10:15:37AM

1 in the public service, public service union, yes. 10:15:43AM

2 All right?---Do you want me to be more specific than that or? 10:15:49AM

3 No. 10:15:53AM

4 COMMISSIONER: I just ask, Mr Keogh, before going to the 10:15:54AM

5 Minister for Planning's office, did you have previous 10:15:57AM

6 experience in planning?---No, no. 10:16:00AM

7 MS HARRIS: Does your role involve you having knowledge of the 10:16:07AM

8 laws governing planning decisions?---I have to be aware of 10:16:11AM

9 the laws. But, look, I'm not a planner and I don't have a 10:16:20AM

10 deep understanding of planning legislation or decisions. 10:16:24AM

11 But I've got a - in terms of the minister's office I think 10:16:30AM

12 I've got a sufficient working knowledge of them. 10:16:34AM

13 Can you indicate what your duties and role involves?---Yes. 10:16:37AM

14 I suppose I'm - I'm the chief of staff, so I manage the 10:16:53AM

15 staff in the minister's office, I manage relationships 10:16:57AM

16 with the planning department, other ministerial officers, 10:17:00AM

17 stakeholders. I manage the processes for correspondence. 10:17:08AM

18 I often get brought into issues management when something 10:17:14AM

19 goes - when there's an issue that needs to be managed I'd 10:17:18AM

20 involve myself with that typically with one of the 10:17:23AM

21 planning advisers, perhaps with a media adviser. I assist 10:17:26AM

22 the planning advisers on a daily basis. They might come 10:17:33AM

23 in and ask about a particular issue or, you know, a 10:17:37AM

24 decision or an approach or something. So I'm a - 10:17:42AM

25 I suppose I'm an older head that they sometimes stick 10:17:48AM

26 their head in my office and seek counsel or direction. 10:17:51AM

27 And do you report directly to the minister?---Yes. 10:17:55AM

28 Am I right in saying that as the chief of staff you're employed 10:18:01AM

29 under section 98 of the Public Administration 10:18:07AM

1 Act?---That's right. 10:18:10AM

2 And is there a code of conduct or something similar that 10:18:10AM

3 governs somebody in your position?---I'd have to check my 10:18:13AM

4 employment documents. Is there a code of conduct? Yes, 10:18:23AM

5 I think there is. 10:18:27AM

6 You sound uncertain. Does that mean it hasn't been brought to 10:18:29AM

7 your attention?---It's a while since I signed up my 10:18:32AM

8 employment arrangements, yes. But, yes. 10:18:37AM

9 COMMISSIONER: It doesn't sound like you've had much need to 10:18:40AM

10 have recourse to it, Mr Keogh?---I try and stay between 10:18:43AM

11 the flags, Commissioner. 10:18:47AM

12 I'm sorry, we shouldn't make this a flippant observation. But 10:18:49AM

13 the fact that you have answered the question in the way in 10:18:57AM

14 which you have, does that indicate you don't have a 10:19:01AM

15 particular familiarity with those provisions?---That'd be 10:19:06AM

16 fair. 10:19:12AM

17 MS HARRIS: Do you know where that document or where that code 10:19:14AM

18 of conduct exists? Is that part of your employment 10:19:20AM

19 contract or is it a policy document?---I don't think they 10:19:24AM

20 are mutually exclusive. I think it would be a policy 10:19:30AM

21 document that is a part of my contract, which is in the 10:19:34AM

22 top right-hand drawer of my desk at work. 10:19:37AM

23 And I take it then that there's nobody that's offered any 10:19:41AM

24 training or brought that code of conduct to your attention 10:19:45AM

25 in the five or so years that you've been chief of 10:19:48AM

26 staff?---I've signed - so I had a contract for the first 10:19:51AM

27 period, and then I had an additional contract from there. 10:19:56AM

28 I mean, look, I would have read it at the time and thought 10:19:59AM

29 about it at the time and moved on. 10:20:02AM

1 COMMISSIONER: Can I just ask you about - I'm sorry, Ms Harris. 10:20:06AM
2 Could I just ask you about the contract. What's the 10:20:09AM
3 nature of the contract for you? Is it an executive 10:20:12AM
4 contract?---I'm an executive, yes. It's a common law 10:20:17AM
5 agreement that is - I think it's pretty much common across 10:20:27AM
6 most of the chiefs of staff. I mean, I wouldn't know. 10:20:31AM
7 I'd assume it was. 10:20:36AM
8 Does that mean, Mr Keogh, that, unlike the tenure of public 10:20:37AM
9 servants in departments, you can be dismissed at the will 10:20:43AM
10 of the minister without cause?---The cause would be a loss 10:20:49AM
11 of confidence in my decision making. You know, look, most 10:20:55AM
12 of the state industrial jurisdiction was referred to the 10:20:59AM
13 Commonwealth back in the mid-90s, but I think the 10:21:04AM
14 High Court found that there were a discrete group of 10:21:07AM
15 people, including staff of the ministers' office, judges 10:21:10AM
16 and a relatively small group of people that remain within 10:21:13AM
17 the State jurisdiction. So my recourse there would be 10:21:16AM
18 through a common law court through the Magistrates' Court. 10:21:19AM
19 Yes. Just so there's no misunderstanding, these questions that 10:21:23AM
20 we've already asked you and no doubt a lot of other 10:21:30AM
21 questions about the role of a ministerial adviser are 10:21:33AM
22 being asked because the Commission is interested in 10:21:37AM
23 exploring the level of existing controls that there are 10:21:40AM
24 over chiefs of staff and other ministerial advisers, and 10:21:46AM
25 the level of transparency and ultimately accountability 10:21:52AM
26 for the conduct of people occupying roles such as the one 10:21:58AM
27 you occupy; you understand that?---I do. 10:22:02AM
28 Thank you. Yes. 10:22:05AM
29 MS HARRIS: The other ministerial advisers that are in Minister 10:22:08AM

1 Wynne's office, do they report to you?---Yes, yes, 10:22:14AM
2 practically, yes. I mean, in a sense we all report to the 10:22:20AM
3 minister and, you know, we all report under section 98, 10:22:23AM
4 you know, it's quite clear we report through to the 10:22:26AM
5 Premier and he delegates it to his chief of staff. But, 10:22:29AM
6 you know, practically, that's right. 10:22:32AM
7 And so you would provide guidance and leadership to that team 10:22:34AM
8 of people; is that correct?---I would like to think so, 10:22:38AM
9 yes. 10:22:41AM
10 In terms of their duties, that is the other ministerial 10:22:42AM
11 advisers, are those duties set out anywhere in terms of 10:22:46AM
12 what their role is and what's expected of them?---Yes, 10:22:50AM
13 they have similar contracts. 10:22:56AM
14 Also employed under section 98 or - - -?---Yes. Yes, it's 10:23:01AM
15 really the only mechanism, yes. 10:23:06AM
16 In terms of your interaction with the minister and your role 10:23:07AM
17 with him, do you have a role to assist him with the 10:23:15AM
18 execution of his duties?---Yes. 10:23:21AM
19 And what does that look like on a day-to-day basis?---Well, it 10:23:23AM
20 really goes to the role - executing the role I described 10:23:29AM
21 earlier. So I would do those things, and, you know, he 10:23:34AM
22 might have a particular focus or project or phone call or 10:23:39AM
23 whatever it might be. He might check in with me over the 10:23:43AM
24 course of a day and say, you know, 'What have you been up 10:23:48AM
25 to,' and I'll go, 'I've been' - 'I've spoken to this 10:23:53AM
26 person and that person and this person. This is the media 10:23:56AM
27 enquiry on this. So and so is not feeling well. They're 10:23:59AM
28 going to duck home' - whatever. So it would be - it's a 10:24:02AM
29 level of informality and, I suppose, closeness. You know, 10:24:06AM

1 I've got an office adjacent to his, you know, obviously 10:24:13AM
2 pre-COVID. It's been different through COVID. But, you 10:24:18AM
3 know. 10:24:22AM
4 So, if you speak to someone throughout the course of the day 10:24:23AM
5 that you think some information is important to pass up to 10:24:26AM
6 the minister, would that take place in those sorts of 10:24:29AM
7 casual conversations or in a more formalised way?---It 10:24:33AM
8 would probably be informal. Yes, you'd probably describe 10:24:42AM
9 it as informal. Whether - you know, the timing of it, he 10:24:46AM
10 might be off at meetings and, you know, he might be out at 10:24:50AM
11 an event, you know, I might not speak to him until the 10:24:55AM
12 next morning. 10:24:59AM
13 So you would essentially chat to catch up on the - - 10:25:00AM
14 -?---Typically, yes. I'd rarely write him a note or 10:25:04AM
15 anything like that. It would generally be a verbal. 10:25:10AM
16 Or an email?---No, no. 10:25:12AM
17 So most - - -?---I wouldn't - - - 10:25:15AM
18 Sorry, I interrupted you?---I just said I wouldn't send him an 10:25:17AM
19 email. 10:25:20AM
20 So most of the daily information exchange, if I could put it 10:25:20AM
21 that way, occurs verbally and informally?---Yes. 10:25:24AM
22 Would that include if you met with a lobbyist, for 10:25:28AM
23 example?---Unless there was something remarkable about it, 10:25:38AM
24 it would be, you know, 'I've met with you such and such. 10:25:42AM
25 I met with such and such.' I wouldn't - you know, that 10:25:45AM
26 wouldn't necessarily be the subject of a report back to 10:25:51AM
27 the minister. That's something I'd just go and do. 10:25:53AM
28 All right. I'll canvass that with you - - -?---Yes, yes. 10:25:57AM
29 You indicated that the minister obviously attends meetings and 10:26:03AM

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functions. Do you attend with him?---It just depends what
my day - what I've got on, what he's got on. You know,
I like to go to some of them, but, you know, it's time
consuming and, you know, sometimes I - you know, sometimes
I get invited as a chief of staff, I have to go with him.
On a cabinet subcommittee it's kind of ministers and
chiefs. They're harder to delegate. But, look, I'd often
look to delegate those things to advisers.
So it would depend on who the meeting is with and what it's
about?---Yes.
Is that fair?---And what's happening that day, you know. If
I've got nothing in my diary and it looks like a quiet day
and there's an event or there's something or I need to
catch up and talk to him and there's a car trip, you know,
I might avail myself of that opportunity. But often I'm
just doing what I do.
All right. In terms of wanting to communicate with either the
minister or the minister's office, are there protocols
around doing that?---The short answer is no.
All right. Are there different mechanisms for communicating
with the minister or the minister's office depending on
who it is that wants to communicate with you?---No, it's
typically the phone or an email or something of that
order. People will ring up and/or send emails, typically.
And are you the first point of contact for those people or is
it somebody else?---It would vary. You know, sometimes
people will ring the switch and the admin person there
will put them through to an adviser, put them through to
me, depending what it is, who it is. You know, often

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10:27:38AM
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10:27:51AM
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10:28:00AM
10:28:03AM

1 they'll try and, you know, get people to put it in writing 10:28:08AM
2 and send an email. There's a fair range of people that 10:28:11AM
3 ring us up and send us emails. So they're triaged at 10:28:18AM
4 different points within the office. 10:28:25AM
5 So, for example, if it was a member of the public, I assume 10:28:27AM
6 they would go through that sort of triage system that 10:28:33AM
7 you've just described. If it was another member of 10:28:35AM
8 parliament, for example, is there a process for how they 10:28:39AM
9 can communicate with the minister?---Sure. It would 10:28:43AM
10 depend if they were an opposition member or if they were a 10:28:52AM
11 Labor Party member. A Labor Party member would typically 10:28:56AM
12 have a phone list with ministers' phone numbers on it. 10:29:00AM
13 We've got what we call a caucus liaison officer, so 10:29:03AM
14 there's an adviser specifically assigned to assisting with 10:29:07AM
15 caucus, with the members of the - Labor MPs. So often 10:29:13AM
16 they'd come in through a caucus - but, look, sometimes, 10:29:18AM
17 you know, if they're annoyed they'd ring me and I'd 10:29:21AM
18 daresay that they'd ring Richard. So it just depends. 10:29:26AM
19 Do I take it then that there's no formal or no formalised way 10:29:31AM
20 of communicating?---No. 10:29:36AM
21 COMMISSIONER: I take it from that answer, Mr Keogh, if it was 10:29:38AM
22 a member of parliament from the Labor side of politics 10:29:47AM
23 they would have a line of easier access to you and the 10:29:50AM
24 minister than perhaps someone in the opposition?---Yes, 10:29:55AM
25 although when parliament's sitting, you know, there's a 10:30:01AM
26 lot of conversations down there, and Richard's inclination 10:30:04AM
27 and habit is, you know, if there's a member wants to talk 10:30:09AM
28 to him he'll always talk to the member. So we do deal 10:30:13AM
29 with opposition people, and sometimes they ring as well. 10:30:17AM

1 So, yes. I mean, you know, probably more responsive to a 10:30:22AM
2 Labor MP seeking an engagement with our office, but it's 10:30:28AM
3 not to say we wouldn't be helpful or wouldn't have an 10:30:33AM
4 engagement with any MP. 10:30:36AM
5 I follow. Thank you. 10:30:39AM
6 MS HARRIS: How are those communications documented or 10:30:40AM
7 recorded?---Overwhelmingly they wouldn't be recorded. 10:30:47AM
8 I mean, if someone wrote to us then, you know, there would 10:30:50AM
9 be a formal response. If there was a telephone query 10:30:53AM
10 asking to follow up on something or expressing a view 10:30:57AM
11 about something there wouldn't necessarily be a 10:31:01AM
12 documentation of that. 10:31:06AM
13 So if a member of parliament or a member of their staff 10:31:09AM
14 contacted the minister to speak about a planning matter - 10:31:12AM
15 - -?---M-hmm. 10:31:16AM
16 There may not be a record of that conversation?---Absolutely, 10:31:17AM
17 yes. That's right. 10:31:20AM
18 Are you aware of Progressive Business? I assume you 10:31:25AM
19 are?---Yes. 10:31:29AM
20 What's your understanding of the importance of their 10:31:31AM
21 role?---Currently, since the electoral reforms that came 10:31:40AM
22 into force at the beginning of this term, I in truth think 10:31:48AM
23 it's pretty marginal. I mean ... 10:31:52AM
24 Can you explain what you mean by that?---I don't think - what 10:31:57AM
25 do I think is the significance of PB? 10:32:03AM
26 Yes?---Oh, look, they're an organisation that was established 10:32:07AM
27 to enhance engagement between, you know, the Labor Party 10:32:12AM
28 and the parliamentary party and business and also 10:32:19AM
29 fundraise. I think, you know, the importance of the 10:32:22AM

1 fundraising part has really fallen away with public 10:32:26AM
2 funding. I think they were probably a lot more active in 10:32:29AM
3 the period prior to the election reform or the funding 10:32:35AM
4 reforms. 10:32:38AM
5 So prior to 2018?---Yes. 10:32:41AM
6 Do you have a role as the chief of staff in organising or, when 10:32:45AM
7 those events are organised, organising the minister to 10:32:54AM
8 attend any Progressive Business functions?---What's - 10:32:57AM
9 sorry, could you - so my role in that would be to make 10:33:03AM
10 sure the minister went, you know, just that it - that got 10:33:07AM
11 put in his diary and he went. In terms of - again, it 10:33:12AM
12 depends a bit on what the event was. They had two or 10:33:20AM
13 three events which we participated in. 10:33:24AM
14 Which events are they?---So there was always a budget briefing 10:33:29AM
15 after the budget that, you know, there would be maybe 600 10:33:33AM
16 people, you know, in a large venue broken into tables of 10:33:40AM
17 10 or 12. The Premier would obviously be there, and the 10:33:44AM
18 Treasurer would be there and sort of address the budget 10:33:47AM
19 highlights. You know, we did those once a year. My role 10:33:50AM
20 in that was probably to look at who was on the table that 10:33:57AM
21 we'd be sitting with and make sure there weren't anyone 10:34:03AM
22 who had any active planning matters before us and make 10:34:07AM
23 sure they weren't on our table. 10:34:15AM
24 So you would go through that vetting process 10:34:17AM
25 yourself?---I would typically get a list of people - well, 10:34:20AM
26 I get a list of who was attending and then I'd get a list 10:34:24AM
27 of a proposed table, who would be on our table, and then 10:34:27AM
28 I had a - I would engage with PB and say, 'Look, I'd be 10:34:31AM
29 more comfortable if these people weren't on the minister's 10:34:35AM

1 table. Could you have another look at that,' and, you 10:34:39AM
2 know, they were pretty accommodating of that. 10:34:41AM
3 We know that they held forums and boardroom lunches?---Sure. 10:34:44AM
4 So that's what I do on a budget breakfast. 10:34:50AM
5 Yes?---In terms of - we had business forums, and, again, it 10:34:54AM
6 sort of followed a format whereby people would express 10:35:07AM
7 interest in - you know, members of PB would express 10:35:10AM
8 interest in participating in a dialogue with a particular 10:35:14AM
9 minister. Richard was - the minister was a very reluctant 10:35:18AM
10 participant in this, and, again, we'd get a list of people 10:35:24AM
11 who was attending. You know, we had a right to veto 10:35:29AM
12 people attending that. We required a probity auditor to 10:35:36AM
13 come to that. And then I'd sit in on those meetings and 10:35:40AM
14 if, you know - we often did them back to back, so we'd do 10:35:45AM
15 a group of maybe 12 people, 10 people, something of that 10:35:49AM
16 order, in a conference room. We'd do two of those, and 10:35:54AM
17 then, you know, there would often be a drink or something 10:36:01AM
18 after that. We'd try to have one drink and be on our way. 10:36:04AM
19 So, yes. 10:36:12AM
20 Would you have prior or advanced knowledge of what those people 10:36:13AM
21 wanted to discuss with the minister?---No. 10:36:17AM
22 So no sort of briefing paper or anything - - -?---No. 10:36:19AM
23 Along those lines?---No, and - - - 10:36:24AM
24 Sorry, go on?---And, again, you know, I might get a - someone 10:36:28AM
25 from PB might ring and say, 'Listen, we've got so and so 10:36:33AM
26 here. You know, are you comfortable with that?' But that 10:36:38AM
27 would be the extent of the conversation. 10:36:41AM
28 You mentioned a probity auditor?---Yes. 10:36:43AM
29 Who provided the probity auditor?---Progressive Business. 10:36:47AM

1 Was it the same person each occasion?---Yes, pretty much 10:36:50AM
2 I think, yes. 10:36:57AM
3 And you indicated that the minister wasn't enthusiastic about 10:36:58AM
4 attending those functions?---Yes. 10:37:04AM
5 How often would he attend a Progressive Business function of 10:37:07AM
6 one form or another?---Sorry, I missed the last bit. 'Of 10:37:11AM
7 one sort or another'? 10:37:18AM
8 Yes?---We'd do the budget breakfast. I think we had to do two 10:37:20AM
9 of the - two boardroom kind of conversations, and then the 10:37:29AM
10 third event was probably a - you know, there was a dinner 10:37:32AM
11 often mid-way through the year that the Premier would 10:37:39AM
12 speak at, and, again, I'd get a list of people who were on 10:37:41AM
13 our particular table. It wouldn't be as big as a budget 10:37:45AM
14 breakfast, but there might be, you know, 200 people in the 10:37:49AM
15 room there'd be of an evening. We'd go along to those 10:37:52AM
16 and, yes, get on our way. 10:37:59AM
17 You said you had to do you thought it was two forums?---Yes. 10:38:01AM
18 (Indistinct). Who decided that that (indistinct)?---I think 10:38:07AM
19 there was an expectation that the ministers would 10:38:15AM
20 participate in Progressive Business, you know, as a 10:38:19AM
21 fundraising and engaging with businesspeople and business 10:38:23AM
22 communities, so - I don't know whether that came out of 10:38:26AM
23 the Premier's private office or - I think it probably did 10:38:29AM
24 come out of the PPO at some level. 10:38:34AM
25 So there was an expectation that ministers would attend a set 10:38:36AM
26 number of or a certain number of functions held by 10:38:39AM
27 Progressive Business?---Yes, I mean, without ministers the 10:38:42AM
28 model kind of falls over. So, you know, there was an 10:38:47AM
29 expectation that ministers would, you know, participate in 10:38:51AM

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those activities, yes.

And did you usually go to those functions with

the minister?---Yes, it was expected that the chief of staff would go with the minister. I'm not saying I went to every one. You know, there were - you know, there might have been the odd one I missed. But, look, generally it was me, yes.

Were there rules imposed by Progressive Business around how

attendees could communicate with ministers or people participating from government?---Yes. Look, that was - I couldn't speak for the other ministers in terms of what discussions they'd had with PB, but Richard was - the minister was very clear that, you know, he'd only go to those things with a probity auditor. I mean, one of the - you know, the bigger events where you've got hundreds of people in the room it was - you know, people generally entered into the spirit of it and, you know, we'd chat about the budget or, you know, talk about the football at broad levels, you know, and if it looked like going anywhere further, you know, I'd have a pocketful of business cards and, you know, invite them to give me a bell or send me an email and follow up that way, so to just try and keep as much business away from those events as we could.

We've heard some evidence that, in terms of Minister Wynne as well as the probity auditor, a rule around attending one of his meetings, if I could put it that way, was that there weren't to be specific questions - or weren't to be questions about specific planning matters?---Correct.

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1 Only broad sort of policy questions?---Sure. 10:40:42AM

2 Is that accurate?---Yes. And it wasn't just PB events. 10:40:45AM

3 I mean, we'd often do events for the Property Council or 10:40:50AM

4 the EDIA or, you know - and, you know, obviously being at 10:40:53AM

5 PB, the fundraising dimension of the activity meant it was 10:41:00AM

6 inappropriate to have public servants there. So on those 10:41:07AM

7 other HIA, EDIA, Property Council events, whatever, we'd 10:41:12AM

8 take public servants with us and they would effectively do 10:41:18AM

9 that same role as a witness of truth and, you know, to 10:41:22AM

10 kind of deflect and defer specific enquiries - 'Yes, yes, 10:41:25AM

11 make an appointment, come in and see me, have a 10:41:32AM

12 conversation,' yes. 10:41:35AM

13 Did the minister have any one-on-one meetings at 10:41:38AM

14 Progressive Business?---No, no, no. It was an effort to 10:41:42AM

15 get him there. He was a reluctant participant in the 10:41:48AM

16 whole thing. 10:41:54AM

17 And who was the probity auditor that was provided by 10:41:55AM

18 Progressive Business?---It was a firm called I think Mia 10:41:58AM

19 Consulting, M-i-a Consulting . 10:42:04AM

20 And was it often the same person that would be provided for 10:42:11AM

21 Mr - - -?---Yes. The woman that typically came was a 10:42:16AM

22 woman called Deirdre Diamante, Diamante, something like 10:42:18AM

23 that, yes. 10:42:22AM

24 And I assume then from what you've said given that you are told 10:42:23AM

25 in advance who will be attending and wanting to speak with 10:42:31AM

26 the minister or attend with the minister that there would 10:42:33AM

27 be some record then of who has nominated to meet with or 10:42:36AM

28 be on the table with Minister Wynne; is that 10:42:41AM

29 correct?---Well, certainly Progressive Business would keep 10:42:47AM

1 that record. You know, I've - you know, there's - I've 10:42:48AM
2 obviously gone back through my emails at various stages 10:42:56AM
3 for FOIs for this and other reasons, and there are, you 10:43:01AM
4 know, bits and pieces from PB in my account where, you 10:43:04AM
5 know, there's lists of attendees and tables and whatever 10:43:07AM
6 else. But in terms of the - are we going to the probity 10:43:11AM
7 report, or is it sort of more general? 10:43:17AM
8 No, no, it was just a general question?---Yes. 10:43:19AM
9 Can you explain to us how the fundraising with 10:43:22AM
10 Progressive Business works? Is that derived from the 10:43:28AM
11 membership or is that something separate?---Look, 10:43:31AM
12 I wouldn't - I wasn't - you know, I've kind of outlined my 10:43:37AM
13 engagement with PB. The mechanics of it I wouldn't be 10:43:43AM
14 aware. I mean, I understand there's a membership and then 10:43:46AM
15 you can pay to come to an event. But what the detail of 10:43:51AM
16 that is I wouldn't be sure. 10:43:55AM
17 When you're provided with a list of attendees - - -?---Yes. 10:43:58AM
18 Are you provided with any information as to what level of 10:44:02AM
19 membership they have?---No. 10:44:05AM
20 So there's, as you understand it, no link in the 10:44:07AM
21 PB - Progressive Business functions between access and 10:44:14AM
22 level of membership that you're aware of?---No, I wouldn't 10:44:17AM
23 know that, no. 10:44:20AM
24 Did the minister attend fundraising events that were not part 10:44:21AM
25 of Progressive Business?---Yes. 10:44:28AM
26 Did people have access to him at those events, and by that 10:44:32AM
27 I mean were they able to speak with him?---Yes. Yes, 10:44:39AM
28 I mean, being a minister at a - so there's probably a 10:44:49AM
29 couple of different contexts. There would be - obviously 10:44:56AM

1 as a part of Richard's role as a member for Richmond he 10:45:02AM
2 needed to fundraise for his own election campaign. You 10:45:08AM
3 know, there would be, you know, drinks in the pub through 10:45:13AM
4 to the events at the Fitzroy Town Hall or whatever it 10:45:18AM
5 might be and - you know, and they're full of supporters 10:45:22AM
6 and typically well-wishers. So he would be at those 10:45:26AM
7 events, and people would be able to approach him and have 10:45:30AM
8 a conversation - - - 10:45:35AM
9 Were there rules around those interactions with him at those 10:45:37AM
10 events?---Yes, look, generally civility and sobriety were, 10:45:40AM
11 you know, encouraged. But, you know, there're probably 10:45:51AM
12 limits to that. 10:45:58AM
13 I assume there's no probity auditor at those events?---No, no, 10:45:59AM
14 no. 10:46:03AM
15 Could people speak with him about planning matters?---Yes. 10:46:03AM
16 And did people - - -?---Would he engage with - you know, like, 10:46:10AM
17 I don't think there would be much of a depth of 10:46:15AM
18 engagement. I mean, at those sorts of things it's going 10:46:18AM
19 to be more about, you know, the trials and tribulations of 10:46:21AM
20 living in the inner city, high-rise shadows, car parking, 10:46:24AM
21 things of that nature. You know, it's going to be kind of 10:46:29AM
22 a - that's where that's - but, look, Richard doorknocks 10:46:35AM
23 his electorate. You know, he stands at the end of 10:46:38AM
24 Gleadell Street on a Saturday morning market with his 10:46:41AM
25 A-frame. He stands outside of Piedimonte's. You know, 10:46:45AM
26 he's a member of parliament. It's pretty hard to control, 10:46:50AM
27 you know - you know, it's a - you're open to all comers in 10:46:56AM
28 those situations and, yes. 10:47:01AM
29 We've heard some mixed evidence around access at fundraisers, 10:47:03AM

1 ranging from people wouldn't discuss specific matters at 10:47:08AM
2 fundraisers because it's inappropriate to, yes, people 10:47:12AM
3 would discuss specific matters at fundraisers. In your 10:47:16AM
4 experience with Minister Wynne, where does the situation 10:47:21AM
5 lie?---I think it would get shut down very quickly and he 10:47:27AM
6 would be given a card of an adviser or invited to call the 10:47:33AM
7 electorate office and make an appointment and come in and 10:47:37AM
8 have a conversation. So you'd kind of acknowledge the 10:47:40AM
9 existence of an issue, you know, understand, you know, 10:47:43AM
10 it's a great concern, you know, and often, you know, 10:47:46AM
11 there's - you know, the overlap between council and state 10:47:53AM
12 is often, you know, unclear. Yes. 10:47:57AM
13 And what was your role in terms of fundraising events? Did you 10:48:05AM
14 have one?---Not particularly. You know, I'd - I mean, 10:48:09AM
15 I would go and be supportive and make a financial 10:48:18AM
16 contribution and, you know, often I would be a point of 10:48:21AM
17 deflection, you know, if someone came and - you know, it's 10:48:27AM
18 not confined to planning. It's all matters of state 10:48:31AM
19 administration. You know, you're there. You are 10:48:35AM
20 accountable for them. So, you know, me or advisers or 10:48:38AM
21 other electorate staffers might, you know, be asked to, 10:48:41AM
22 'Hey, look' - you might get a signal, 'Peter, could you 10:48:46AM
23 just have a chat with this person. They're most concerned 10:48:50AM
24 about X or Y.' I'd continue the conversation and, you 10:48:52AM
25 know, if - you know, and follow up - - - 10:48:58AM
26 (Indistinct)?---Yes, absolutely, and often at these events - 10:49:02AM
27 you know, I won't name the organisation, but some of the 10:49:05AM
28 peak organisations, you go to their Christmas party, you 10:49:10AM
29 know, by nine o'clock it's getting pretty loose and it 10:49:14AM

1 wouldn't be uncommon for Richard to have three advisers 10:49:18AM
2 there to just try and manage the engagement with people 10:49:21AM
3 and try and keep it on a - you know, on a proper footing. 10:49:25AM
4 All right. I'd imagine that in your role you have regular 10:49:30AM
5 dealings with lobbyists; is that a fair assumption?---Yes. 10:49:37AM
6 How regular would those dealings be? Daily?---I would have 10:49:41AM
7 thought daily, yes. 10:49:49AM
8 When a lobbyist approaches you or wants to meet with you, how 10:49:51AM
9 are those meetings recorded or 10:50:00AM
10 documented?---Typically - if I had a - so, if I had a 10:50:09AM
11 meeting it would be in my diary, there would be a meeting 10:50:12AM
12 recorded in my diary. If it was just a phone enquiry or, 10:50:16AM
13 you know, a text message, you know, there might be a 10:50:20AM
14 record of it there. But there wouldn't - you know, my 10:50:23AM
15 engagement with lobbyists wouldn't be recorded and, you 10:50:26AM
16 know - and you can kind of slide from a lobbyist to a 10:50:30AM
17 planning consultant to a lawyer to a trade union official 10:50:35AM
18 to a peak body chair, CEO. There's a range of people, you 10:50:38AM
19 know, before you get to members of the public or, you 10:50:47AM
20 know, MPs or ex-MPs. You know, there's a suite of people 10:50:52AM
21 in this same space. 10:50:55AM
22 Right. 10:50:57AM
23 COMMISSIONER: I was going to ask you, Mr Keogh, so when you're 10:50:58AM
24 responding to Counsel Assisting in relation to lobbyists 10:51:01AM
25 were you speaking about that generic group or - - 10:51:06AM
26 -?---Yes, it's a good question. Look, on a given day 10:51:10AM
27 I'd - you know, of that broader class I'd certainly have 10:51:15AM
28 conversations with people from that class. You know, 10:51:20AM
29 look, some days I wouldn't get to them and I'd call them 10:51:24AM

1 back the next day. I've got a rule that, you know, when 10:51:27AM
2 my messages get to 20 I've got to start working back 10:51:31AM
3 through them. But often I'll let it run up to 20 before 10:51:33AM
4 I start calling people back. 10:51:37AM

5 So I presume that you don't commence a conversation by saying, 10:51:39AM
6 'Are you a registered lobbyist'?---Look, that's often 10:51:44AM
7 volunteered by the lobbyists and, you know, if I know 10:51:52AM
8 they're acting for a particular client, you know, they 10:51:58AM
9 ring me back in two weeks or three weeks, you know, we'd 10:52:01AM
10 both remember, you know, they have told me that and we 10:52:10AM
11 move on and have a conversation. But people are pretty 10:52:12AM
12 good and - I mean, people are pretty good at ringing up 10:52:15AM
13 and saying - and I know they're lobbyists or government 10:52:18AM
14 relations people or whatever. They will ring up and say, 10:52:22AM
15 'I'm acting for X, Y and Z. We've got an interest in 10:52:26AM
16 this,' or whatever it might be. 10:52:29AM

17 Yes. When you say 'government relations', so there are people 10:52:31AM
18 that don't formally view themselves as lobbyists but go by 10:52:35AM
19 this other descriptor?---Yes, it's - so if you're employed 10:52:39AM
20 by - if you're specifically employed by a developer, you 10:52:46AM
21 know, you're not a lobbyist, you're employed by that 10:52:52AM
22 person, and, you know, do you call it - yes, I think 10:52:55AM
23 there's a continuum there. You know, how it's graduated 10:53:01AM
24 is - - - 10:53:06AM

25 So does that suggest to you, Mr Keogh, that if there's a need 10:53:11AM
26 for reform in this area then it shouldn't depend upon the 10:53:16AM
27 title which someone gives themselves but has to depend 10:53:23AM
28 upon the function they're trying to serve?---I think so 10:53:28AM
29 because, you know, your big planning consulting firms will 10:53:33AM

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be acting on behalf of a developer, you know, and they'll want to have a technical conversation around a planning - or perhaps a broader policy position. Similarly, a lawyer is perfectly capable of, you know, filling that same void - that same gap, an employee of a developer or an employee of a builder. I mean, it is a lot of people in this space.

Yes.

MS HARRIS: I take it from your answers then to the Commissioner that when you talk about lobbyists you don't just consider the registered lobbyists but that range of people that you've just spoken about with the Commissioner; is that right?---Yes, I think that's right. I mean, I think - you know, I don't know if it is apocryphal, but the story about the origin of a lobbyist and people waiting in the lobby to sort of catch the MP coming in and out, I mean, I think is pretty apt, I mean, I guess the technical registration of people as a lobbyist, but in terms of that broader more generic usage of people trying to have a conversation or influence them, yes, it picks up a lot of folk, yes.

Do you deal with registered lobbyists differently to the other category of people you've just described?---I mean, again, I'm sorry, it depends. You know, I think one of the good things about the professional lobbyist is they can be pretty dispassionate and to the point. You know, they can put their instructions, you know, without a lot of emotion and, you know, they're capable of understanding a response that says, you know, 'Well, that's not going to happen,'

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or, you know, 'You should participate in the' - whatever, you know. So it kind of depends how - you know, is there a - is there a - so it just depends on the behaviour of a particular lobbyist. It doesn't turn so much on the status of the lobbyist. I mean, they presumably identify themselves as lobbyists. But what follows from that really depends on, you know, what and how.

Right. And I assume then from what you've said earlier that those interactions regardless of the class of lobbyist, if we can put it that way, they're not recorded?---No.

There's no file note about those discussions?---No, no, no.

How do you decide what information in those discussions should be progressed to the minister?---It would be pretty rare for me to pass something directly through to the minister. You know, if someone was - you know someone rang and said, you know, 'We're going to embark upon a million-dollar campaign to, you know, make sure the Minister for Planning loses the seat of Richmond,' well, I would take that through. But the ordinary push and shove of decision-making processes, like, the process for that would pick that up and I'd rarely bring something to his attention through that process, unless I didn't think it had been picked up through the other process or, you know, it had something that I thought worthy of bringing to his attention. You know, it might be someone he knew, 'So and so's working for X or Y,' but it wouldn't be, you know, 'Lobbyist X came to see us and, you know, reckons if we don't do this then, you know, there will be some adverse consequence or' - you know, like, I wouldn't - I wouldn't

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1 take that to him in that form, and he wouldn't be 10:57:48AM
2 interested in it in that form. 10:57:51AM
3 You indicated earlier that if you had a meeting with a lobbyist 10:57:52AM
4 that might be in your diary?---Yes. 10:57:58AM
5 Your interactions with lobbyists, as I understand your 10:58:00AM
6 evidence, takes different forms, including email, text 10:58:05AM
7 messages and phone calls; is that correct?---Yes, and just 10:58:08AM
8 running into people, yes, and walking around parliament, 10:58:13AM
9 yes. 10:58:16AM
10 One of the themes that the Commission is interested in is 10:58:17AM
11 transparency around those interactions?---Yes. 10:58:22AM
12 And decision making or the influence those interactions might 10:58:26AM
13 have on decision making?---Yes. 10:58:30AM
14 Would you agree that that process very much lacks 10:58:32AM
15 transparency?---Could I just get you to be - so - just 10:58:36AM
16 give me a bit more of a particular there about what part 10:58:46AM
17 of that lacks transparency? 10:58:49AM
18 Any part of your interaction with lobbyists?---Yes, yes, or 10:58:51AM
19 anyone on that kind of continuum. 10:59:02AM
20 Yes?---Yes. 10:59:03AM
21 COMMISSIONER: Let's see if I can clarify something else. 10:59:07AM
22 Apart from discharging the obvious function of providing 10:59:12AM
23 advice to your minister as the need arises, do you 10:59:19AM
24 discharge any functions vis-à-vis the department, in this 10:59:28AM
25 case the planning department, do you discharge any 10:59:35AM
26 functions in terms of how they go about their 10:59:40AM
27 role?---Look, I suppose I manage relationships. But since 10:59:47AM
28 the ombudsman's finding, decision, investigation, you 10:59:52AM
29 know, the department are very clear, and rightly so, that, 11:00:02AM

1 you know, they act on the direction of the minister and 11:00:06AM
2 not on staffers. So, you know, if I wanted them to do 11:00:09AM
3 something I'd require the minister to convey that, and 11:00:14AM
4 again, you know, in writing. So I couldn't get the 11:00:18AM
5 department and I wouldn't want to get the department 11:00:23AM
6 to - if I wanted them to, I don't know, go off and 11:00:28AM
7 research something or review something, they'd say to me, 11:00:34AM
8 'Fine. Get the minister to write to us or engage with us 11:00:37AM
9 around that.' 11:00:42AM
10 Yes. So I want to understand at any level does the department 11:00:44AM
11 take its cue from you about the way it should approach a 11:00:54AM
12 task or would it always be the case that they will require 11:01:02AM
13 the minister's direction if they're looking for something 11:01:10AM
14 that they need to have direction about?---I mean, you 11:01:15AM
15 know, when's the minister going on holidays, when's 11:01:21AM
16 he - you know, I would say, 'Look, he's going away here.' 11:01:27AM
17 Sure?---'So get something in before then.' So that sort of 11:01:30AM
18 contextual stuff. But planning decisions or activity kind 11:01:34AM
19 of touching on, you know, their work program has to come 11:01:38AM
20 from the minister. I mean, I can give them steers and 11:01:43AM
21 say, 'Listen, you know, I reckon that cabinet meeting is 11:01:46AM
22 going to be cancelled. I reckon you've got another week,' 11:01:50AM
23 or, 'It's going to be brought forward or something.' 11:01:53AM
24 I can give them context. But I couldn't and wouldn't want 11:01:56AM
25 to give them, you know, direction about how they go about 11:01:59AM
26 their - you know, their advice to the minister is their 11:02:01AM
27 advice to the minister. 11:02:05AM
28 I follow. So what I'm not clear about then, Mr Keogh, is if 11:02:06AM
29 that range of lobbyists, using the very loose concept 11:02:16AM

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you've discussed, come to you with information,
suggestions, requests, and you say, 'Firstly, I very
rarely go to the minister passing that onto them' - -
-?---Yes.

And I've taken from your answer about the department,
'I wouldn't be going to the department either telling them
what to do'?---Yes.

So what are you doing with all that (indistinct)?---It's a fair
question. Look, it's important for me to understand the
context, you know, the players, what it is. I mean, the
planning decision is the planning decision. But what's
important for me is that I can explain that to a media
adviser, and if there's an issue that needs to be managed
it's really helpful that I can understand the context and
the aspirations of the parties. So it's really good for
me to know that. If there's something that - if there's
something that the planners want to say - sorry, the
lobbyist wants to say, you know, of a technical nature or
that touches on the decision, I might push them onto the
planner, you know - sorry, the planning adviser.

You mean within the minister's office?---Yes. Yes. So if -
you know, if someone wanted to emphasise, you know, the
economic significance of a particular proposal, you know,
I might have a general conversation with them. But if
they wanted to talk dollars and cents with me or, you
know, the numbers of jobs or, you know, the nuance of a
hotel over, you know, a residential development, or
whatever it might be, I'd push them through to the adviser
and have a technical conversation with the planning

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11:04:04AM
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11:04:14AM
11:04:18AM

1 adviser. 11:04:21AM

2 Does that mean, Mr Keogh, that if a lobbyist, this wide group 11:04:25AM

3 of persons that are discharging some sort of lobbying 11:04:36AM

4 function - - -?---Yes. 11:04:39AM

5 Come to you with a request or a proposal or an enquiry, if you 11:04:40AM

6 didn't think it was something that you could pass on, 11:04:48AM

7 would you tell them? Would you tell them, 'Look, really, 11:04:54AM

8 it's lovely to talk to you but you're really wasting your 11:04:57AM

9 time talking to me'?---I mean, it's - you know, the 11:05:01AM

10 reality is, as I understand it, people get paid a lot of 11:05:05AM

11 money to ring me up and tell me things. I'll be polite 11:05:08AM

12 and listen, but, you know, the minister's strong 11:05:12AM

13 preference is to follow the process under the planning 11:05:17AM

14 act. You know, and, look, he's entitled as the decision 11:05:21AM

15 maker to make enquiries as he will. But he's pretty 11:05:25AM

16 circumspect about that and, you know, unless there's 11:05:31AM

17 something that's - you know, like, if people have got 11:05:34AM

18 something they want to say they should participate in the 11:05:38AM

19 process and run it through the process and bring it up 11:05:40AM

20 that way, and, you know, that's kind of - so if someone 11:05:42AM

21 gives me a bit of information, you know, that's good, 11:05:48AM

22 that's helpful for me because I understand the media issue 11:05:51AM

23 or, you know, a question in parliament or PAEC or whatever 11:05:55AM

24 it might be, I understand that, that's helpful for me to 11:06:01AM

25 understand, but I don't involve myself in planning 11:06:05AM

26 decisions within the office. 11:06:09AM

27 So I think Ms Harris will take you to a number of particular 11:06:10AM

28 communications with you?---Sure. 11:06:14AM

29 It will be interesting to know where that sits in the spectrum 11:06:16AM

1 of ways in which you would deal with these things?---Sure. 11:06:20AM
2 Yes, Mr Harris. 11:06:24AM
3 MS HARRIS: I think Mr Staindl in his evidence described 11:06:26AM
4 interactions from the chief of staff's point of view as 11:06:32AM
5 information gathering. Is that how you see those kinds of 11:06:35AM
6 interactions?---Yes, look, you know, one of the realities 11:06:39AM
7 is that, you know, if we don't engage with people, you 11:06:46AM
8 know, we're criticised for being, you know, remote and out 11:06:50AM
9 of touch and whatever, you know. And, you know, we do 11:06:54AM
10 engage with people and have those conversations. So we 11:06:59AM
11 have those conversations and we gather - I suppose through 11:07:02AM
12 that process we gather information, yes. 11:07:05AM
13 That information flow, was that two-way? Did you provide 11:07:07AM
14 information to people such as lobbyists?---Yes, look, in 11:07:15AM
15 the course of conversation with these people I daresay, 11:07:20AM
16 you know, you do reveal information. You know, they seek 11:07:24AM
17 to monetise, you know, that. I understand that. In 11:07:36AM
18 conversation, you know - - - 11:07:44AM
19 What kind of information would you pass back to people making 11:07:49AM
20 enquiries of you?---You know, you might convey - you know, 11:07:53AM
21 like, it seems to me, you know, I'd talk about, you know, 11:07:58AM
22 attitudes of players or, you know, timing of things. A 11:08:03AM
23 lot of the time people are ringing up because things go 11:08:09AM
24 into planning and it's hard to get a response, would be 11:08:13AM
25 how they'd see it. So you send off your application, it's 11:08:18AM
26 for a big project that you're passionate about and got a 11:08:23AM
27 lot of money invested in. You know, it goes into the 11:08:27AM
28 public service, it ticks away, it ticks away, they haven't 11:08:30AM
29 heard anything, 'Where's it up to', you know, and the 11:08:33AM

1 public service being risk averse will say, 'It's under 11:08:38AM
2 consideration. You know, we think we'll get to it here, 11:08:42AM
3 but no promises.' You know, they'll ring us up and say, 11:08:44AM
4 you know, 'Can you make it go faster? Where's it up to? 11:08:48AM
5 What do people think?' So there might be some broad 11:08:52AM
6 things you'd touch on in there, but none of that really 11:08:55AM
7 should ever be seen and it's never put in terms of a 11:09:05AM
8 prejudgment or a prediction about what the minister as 11:09:10AM
9 decision maker will do. I mean, as a staffer to start 11:09:13AM
10 predicting, you know, 'Oh, the minister's up for this. 11:09:17AM
11 The minister's up for that,' that's - you know, that's not 11:09:21AM
12 where you want to be as a staffer. So it wouldn't go that 11:09:26AM
13 far. 11:09:29AM
14 You wouldn't go as far as to say, 'The decision on this will be 11:09:30AM
15 X, Y, Z'?---No, no, no. No, no, the minister is very 11:09:35AM
16 clear he's the decision maker and, you know, we'd be 11:09:40AM
17 invited to run for public office once we started saying 11:09:44AM
18 things like that. 11:09:48AM
19 Would you give information about what the minister's general 11:09:50AM
20 attitude is to something like green wedge zones, for 11:09:53AM
21 example?---Sure, sure, and sometimes you might express a 11:10:00AM
22 view yourself. But you'd certainly make - you'd own your 11:10:04AM
23 view, yes. 11:10:14AM
24 Would you give information about expected timing of 11:10:15AM
25 decisions?---Yes, but always with the caveat that, you 11:10:21AM
26 know, like, that's where I - look, I could give a 11:10:24AM
27 guesstimate. But, you know, I'm not the decision maker 11:10:29AM
28 and, you know, if the minister wants to reflect on it or 11:10:32AM
29 seek information that's a matter for him, you know. 11:10:36AM

1 So is the answer to my question, yes, you would give an 11:10:38AM
2 estimate on timing of decisions?---In the broad, and I'd 11:10:41AM
3 like to think I'd qualify it more as a guesstimate than an 11:10:51AM
4 estimate, but yes. 11:10:55AM
5 Would you indicate to people making enquiries if there was a 11:10:56AM
6 particular hold up in a particular department, for 11:11:00AM
7 example? 'Is it sitting with this person or this 11:11:09AM
8 department at the moment'?---Yes, I could, yes. But the 11:11:12AM
9 department would be DELWP, the planning department. 11:11:18AM
10 I can't see it really being another department. But, yes, 11:11:22AM
11 yes. I mean, look, you know, 'We've been - you know, they 11:11:25AM
12 have been given a particular priority, you know, or going 11:11:30AM
13 through bushfires.' Some of the planning stuff get taken 11:11:34AM
14 over to bushfires. So giving people information around 11:11:37AM
15 that, you know, I would certainly be up for that. 11:11:40AM
16 Would you go as far as to say that someone within the 11:11:44AM
17 department isn't particularly supportive of an 11:11:47AM
18 application, for example?---I may. I may. But I'm not 11:11:51AM
19 sure it's particularly helpful, but yes. 11:12:00AM
20 COMMISSIONER: Mr Keogh, I just notice the time. How are you 11:12:07AM
21 feeling? We normally take a break halfway through the 11:12:09AM
22 morning. I take it, Ms Harris, we're expecting we would 11:12:13AM
23 complete Mr Keogh's evidence today? 11:12:19AM
24 MS HARRIS: Yes, Commissioner. 11:12:22AM
25 COMMISSIONER: How do you feel at the moment, Mr Keogh?---Look, 11:12:24AM
26 I've just moved from water to Coca Cola, sorry, 11:12:28AM
27 Commissioner, so a break would be appreciated. 11:12:32AM
28 All right. We'll take a 10-minute break now then?---Thank you. 11:12:35AM
29 (Short adjournment.) 11:12:39AM

1 COMMISSIONER: Are we ready to proceed? 11:27:54AM

2 MS HARRIS: Yes, Commissioner. 11:27:56AM

3 COMMISSIONER: Yes, Ms Harris. 11:27:57AM

4 MS HARRIS: Mr Keogh, you're on mute. Could you just touch 11:27:59AM

5 your spacebar. I think there's someone coming to assist, 11:28:02AM

6 Mr Keogh?---Sorry about that. 11:28:18AM

7 That's all right. Mr Keogh, when did you first meet Phil 11:28:50AM

8 Staindl?---I reckon it would have been 2015, which would 11:28:54AM

9 have been back in the - or perhaps back when Minister 11:29:04AM

10 Wynne had Housing and Local Government. I think PB was up 11:29:16AM

11 and running there and I think Phil was involved in 11:29:21AM

12 Progressive Business at that stage. So when's that? 11:29:23AM

13 2010. So it may be, I don't know, 2006, 2007. 11:29:29AM

14 Since you came into the role in 2015 how regularly would you 11:29:35AM

15 interact with Mr Staindl?---It varied. He'd have probably 11:29:40AM

16 half a dozen different clients he had at various stages. 11:29:51AM

17 But I'd have thought, you know, I'd get a call every 11:29:56AM

18 couple of months or so about a particular issue, and then 11:30:03AM

19 I'd perhaps see him at a PB event. You know, there were 11:30:07AM

20 four - probably four - at least four of those a year. 11:30:12AM

21 If he contacted you would it usually be about a specific 11:30:16AM

22 matter?---Yes. 11:30:23AM

23 COMMISSIONER: I just wonder whether we can get a general 11:30:27AM

24 indication from you, Mr Keogh, as you've explained earlier 11:30:30AM

25 when describing the breadth of lobbying that took place 11:30:36AM

26 with you, were your dealings with Mr Staindl typical of 11:30:40AM

27 how you would deal with lobbyists or was there something 11:30:48AM

28 special about that relationship?---Yes, I think it 11:30:54AM

29 probably was fairly typical. I don't think there was 11:31:03AM

1 anything particularly special about it. 11:31:06AM

2 All right. Thank you. Yes, Ms Harris. 11:31:08AM

3 MS HARRIS: Did he discuss the Cranbourne rezoning with you or 11:31:12AM

4 what came to be known as amendment C219?---Yes, that's 11:31:16AM

5 right; he did on occasion, yes. 11:31:23AM

6 Would you say that was on a lot of occasions?---I don't think 11:31:25AM

7 so, and my recollection of - I didn't - there was a lot 11:31:33AM

8 going on in Cranbourne West. So I wouldn't - and I sort 11:31:40AM

9 of had a broad awareness of it, but there really wasn't a 11:31:45AM

10 lot I could offer in the space. So I would have - if 11:31:49AM

11 people - if he was looking to engage me, I would have 11:31:53AM

12 pushed him to an adviser. 11:31:56AM

13 When you say there was a lot going on do you mean with that 11:31:58AM

14 particular rezoning?---There were just quite a few moving 11:32:01AM

15 parts to it and so I wasn't over the detail of the moving 11:32:06AM

16 parts. So, you know, I had - for my purposes I knew 11:32:13AM

17 enough about it, but I wouldn't have - there wasn't that 11:32:19AM

18 much I could have done or engaged with him about it. 11:32:23AM

19 I see. Did he tell you when he was interacting with you about 11:32:28AM

20 that who he was acting on behalf of?---I don't have a 11:32:33AM

21 specific recollection. 11:32:39AM

22 Did you know that he acted on behalf of John Woodman or 11:32:42AM

23 Watsons?---I wouldn't have a recollection now of, you 11:32:46AM

24 know, that he rang and said, you know, that he acted for X 11:32:52AM

25 or Y. But, look, I broadly knew, you know, that he was 11:32:56AM

26 engaged by people who were advocating for the rezoning, 11:33:00AM

27 yes. 11:33:04AM

28 When he contacted you or made contact with you about C219, if 11:33:04AM

29 we can call it that and we know what we're talking 11:33:11AM

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about?---Yes.

Was it to get updates or was it to discuss something specific with you?---Look, I think it was to generally try and push the thing along. You know, I don't know that I had many specific conversations and, as I say, I mean, I'd try and avoid getting into the specifics of it because it's not what I needed and it didn't really go anywhere. So I'd try and avoid the specifics. But, yes.

COMMISSIONER: It comes back to, Mr Keogh, the point that we've already covered with you in general. You neither are taking matters that you get told about or requests that you're getting from lobbyists into the minister, nor do you go to the department with direction or information?---Yes.

What would Mr Staindl think the purpose was of talking to you about C219?---To tell people who were paying him that he had had a conversation with the chief of staff.

Right?---I mean, I don't know that, but I guess - - -

No, no, it's a fair comment that plainly enough part of the likely role of a successful lobbyist is to persuade their client that they are providing value for money?---And if they get a result - if they get a favourable result, it's a great outcome. You know, they have been instrumental in it. And, if they don't, we're all mugs.

Do you mean by this that you don't think you would have ever given Mr Staindl the impression that you could actually further his objective?---Look, I'd be friendly and polite, but, you know, I'm very clear I'm not the decision maker,

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1 I don't engage myself in planning decisions or processes 11:35:29AM
2 particularly. You know, did I lead him on? Was 11:35:34AM
3 I encouraging? I mean, I was civil. I had conversations 11:35:40AM
4 with him. 11:35:43AM
5 Yes, Ms Harris. 11:35:47AM
6 MS HARRIS: Did you offer to provide assistance to him in 11:35:48AM
7 moving the C219 along at any point in time?---I might have 11:35:54AM
8 undertaken to sort of make an enquiry of the department 11:36:05AM
9 about where something's up to or whatever. But not, you 11:36:07AM
10 know - but in terms of me advocating a position to the 11:36:13AM
11 department that, you know, this was a fantastic - this was 11:36:17AM
12 a meritorious application, certainly not. 11:36:22AM
13 Did you make an offer to him to review a draft letter before it 11:36:25AM
14 went to the minister?---I've seen or heard that. I don't 11:36:30AM
15 have any specific recollection of that. I mean, if 11:36:37AM
16 someone offers to send me a draft of something I would 11:36:45AM
17 say, 'Yeah, sure, send it in. I'll have a look at it.' 11:36:49AM
18 And if I got it I would have passed it on to the advisers. 11:36:54AM
19 And I would do that because, you know, you need 11:36:57AM
20 information in my job. I mean, is there, you know, the 11:37:03AM
21 proverbial, 'We're going to take this to A Current 11:37:10AM
22 Affairs. Are we going to pick at this? Are we going to 11:37:13AM
23 do this?' If someone offers me a draft of something I'll 11:37:14AM
24 certainly have a look at it. I'd say, 'Fine, yes, send it 11:37:18AM
25 in.' 11:37:20AM
26 Did Mr Staindl send you a draft letter for your 11:37:21AM
27 review?---I don't know. It's not clear on my emails that 11:37:28AM
28 he actually did. But, if he did, I would have pushed it 11:37:30AM
29 on to an adviser. 11:37:34AM

1 Would you have provided feedback on the letter and the content 11:37:35AM
2 of the letter?---I don't recall doing that. 11:37:40AM
3 Is that something that you do in your role, provide feedback on 11:37:48AM
4 a draft, on draft material?---Look, you know, again it 11:37:52AM
5 depends. I mean, if someone said, you know, 'We're going 11:38:00AM
6 to take this to the media and do this and this and this,' 11:38:05AM
7 I might ring them back and say, 'Listen, why don't you 11:38:09AM
8 calm down, participate in the process,' whatever, 11:38:12AM
9 whatever. But, you know, if the suggestion is that 11:38:15AM
10 I would help draft something that would be influential 11:38:19AM
11 with the minister then, no. I mean, I might point to a 11:38:22AM
12 precedent or something, but that would be about it. 11:38:26AM
13 The suggestion around this letter is that a draft was to be 11:38:30AM
14 provided to you for to you assist with a form of words 11:38:36AM
15 that could be then provided to the minister. Did that 11:38:41AM
16 happen?---Sorry, there's a few bits there. Did which bit 11:38:46AM
17 happen? 11:38:52AM
18 Were you provided with a letter that you were to then - - 11:38:53AM
19 -?---I don't recollect being provided with a letter. It's 11:39:00AM
20 not my practice to provide feedback and I certainly made 11:39:03AM
21 no representations to the minister off the back of the 11:39:07AM
22 letter. I would have just pushed it back to the adviser 11:39:10AM
23 if I got a letter. 11:39:15AM
24 Have you ever provided advice to Mr Staindl on how material 11:39:16AM
25 could be drafted so as to be better received by the 11:39:20AM
26 minister?---I don't have - I don't have a clear 11:39:23AM
27 recollection of doing this. I would have discussed policy 11:39:35AM
28 matters. I mean, you know, something that doesn't 11:39:38AM
29 overshadow the Shrine or the river has a lot more chance 11:39:43AM

1 than something that does. It would have only been in a 11:39:47AM
2 very broad context, if at all, and it wouldn't have 11:39:55AM
3 been - you know, it's not my job to help lobbyists get 11:39:59AM
4 things through to the minister. I mean - - - 11:40:03AM
5 So is the answer to my question that you did do that or you 11:40:12AM
6 didn't do that?---I don't - I don't recollect doing it. 11:40:15AM
7 It's not my practice. You know, if I did it I think it 11:40:19AM
8 would have been just at a very high policy level. 11:40:24AM
9 Could we have a look at page 3320 of the court book, please. 11:40:29AM
10 3320, please. Mr Keogh, if you look at the screen in 11:40:38AM
11 front of you hopefully a document will pop up. And if we 11:40:45AM
12 could just scroll down, please, just slowly so Mr Keogh 11:40:55AM
13 can have a look, because I just want to ask you, Mr Keogh, 11:41:04AM
14 whether this is a letter you've seen before?---Look, I'm 11:41:07AM
15 aware of the existence of the letter. Could I just go 11:41:17AM
16 back up? I think it's dated 23 October. 11:41:30AM
17 It's 21 October?---21 October, yes. Yes . So we go into 11:41:33AM
18 caretaker I think early November, 2 or 3 November. This 11:41:42AM
19 is very late in the piece. I think, you know, we're 11:41:49AM
20 moving - you know, we're shutting down the office at this 11:41:59AM
21 point. I'm packing up the office, putting things in 11:42:03AM
22 boxes. You know - - - 11:42:06AM
23 COMMISSIONER: The question was, Mr Keogh, do you believe 11:42:10AM
24 you've seen this letter before?---I've perhaps seen it 11:42:12AM
25 before. I don't know whether I saw it at this time. It's 11:42:17AM
26 possibly come up with FOIs in preparation for this. But 11:42:21AM
27 I don't remember seeing it at that time. 11:42:25AM
28 All right. 11:42:27AM
29 MS HARRIS: And not something you recall reviewing and 11:42:29AM

1 providing feedback on?---No, no. 11:42:31AM

2 I tender the letter, Commissioner. 11:42:34AM

3 WITNESS: And, given it's so late in the piece and given that 11:42:40AM

4 the decision has already been made as to defer it, there's 11:42:44AM

5 nothing much I could say about the letter. 11:42:48AM

6 COMMISSIONER: Yes. Was there any evidence, Ms Harris, already 11:42:51AM

7 about this particular letter? 11:42:56AM

8 MS HARRIS: No, this isn't an exhibit, Commissioner. 11:42:59AM

9 COMMISSIONER: No, I understand that, and no-one has been asked 11:43:01AM

10 any questions about it? 11:43:04AM

11 MS HARRIS: No, I don't believe so. 11:43:05AM

12 COMMISSIONER: Very good. Thank you. That will be 11:43:07AM

13 exhibit 328. 11:43:14AM

14 #EXHIBIT 328 - Letter of 21/10, page 3320. 11:43:15AM

15 MS HARRIS: Mr Keogh, you've no doubt followed the proceedings 11:43:21AM

16 and are aware that there are conversations, telephone 11:43:24AM

17 conversations, recorded between Mr Staindl and Mr Woodman 11:43:27AM

18 first of all on 18 October where Mr Woodman says he's 11:43:36AM

19 going to get Phil Staindl to draft a letter from SCWRAG 11:43:42AM

20 along the lines of the letter we've just shown you and 11:43:48AM

21 that Phil Staindl will run it by you. First of all, are 11:43:51AM

22 you aware or have you heard about that telephone 11:43:55AM

23 intercept?---Yes. 11:43:58AM

24 There's also a call the second day - the next day, I should 11:44:00AM

25 say, 19 October, between Ms Schutz and Mr Woodman about 11:44:09AM

26 getting a SCWRAG letter to Phil Staindl to pass on to you. 11:44:15AM

27 Does that clarify in your mind whether or not a 11:44:21AM

28 conversation might have occurred with Mr Staindl about you 11:44:23AM

29 reviewing a letter?---I have no recollection of agreeing 11:44:27AM

1 to review the letter with Mr Staindl. 11:44:33AM

2 You indicated that if Mr Staindl spoke to you about the C219 11:44:35AM

3 that you would refer him to other officers?---Yes. 11:44:44AM

4 Who within the minister's office was dealing with 11:44:50AM

5 C219?---I think it ran on for quite a few years. I think 11:44:58AM

6 quite a few of the advisers had it at various stages or 11:45:02AM

7 had carriage of it. So Alana McWhirter, Andrew 11:45:05AM

8 Herrington, Evan Granger, and I think even Tina Ngu had a 11:45:12AM

9 bit to do with it. 11:45:15AM

10 COMMISSIONER: What about at this time in October 18?---Look, 11:45:17AM

11 I think it was probably Andrew and Tina were probably 11:45:23AM

12 wrapping it up. 11:45:27AM

13 MS HARRIS: And would that - - - 11:45:33AM

14 COMMISSIONER: I just want to be clear. So do you accept it's 11:45:34AM

15 quite possible that a draft was submitted to you, that you 11:45:38AM

16 provided it to others in the minister's office, and that 11:45:44AM

17 you - meaning 'you' in the general sense your office - had 11:45:54AM

18 some input into the content of it?---I don't have a 11:45:56AM

19 recollection of it. I think it would be highly unusual. 11:46:00AM

20 The decision to defer it was taken on 7 October. It's one 11:46:04AM

21 of the last decisions that the minister made beforehand. 11:46:07AM

22 The idea that, you know, we were going to revisit it off 11:46:11AM

23 the strength of a letter from a community group a 11:46:15AM

24 fortnight from caretaker was just not founded in reality. 11:46:22AM

25 You know, if there was an agreement to do it it was - it 11:46:26AM

26 would have been in the character of, 'Sure, send it in.' 11:46:31AM

27 But it was going nowhere and could have gone nowhere. As 11:46:34AM

28 I say, by that stage, by 21 October, we're a fortnight 11:46:39AM

29 from caretaker and, you know, the office is, like, 11:46:43AM

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literally putting things in boxes. We have done our decision making. You know, our term is effectively expired. Richard has made it clear he's not going to make any more decisions. He's made his decision. So even - yes. So it would be on as a matter of politeness you might say - someone might say, 'Could you have a look at this? Could you have a look at that?' 'Yes, I'll have a look at it,' but it's going nowhere. So the idea that I would invest energy into it or try and resurrect or revisit the decision, it's just not real.

MS HARRIS: I suppose having a look at something is different to having a look to provide feedback in order for them to redraft something for the minister. I take it from your evidence that the latter is not something you recall agreeing to?---No, no. And again, you know, on the eve of an election and a contentious planning issue in a potentially marginal seat, you know, you would be interested in terms of what the letter said, you know, is there going to be a community campaign or whatever, whatever. So there would be interest in - there would be interest in the letter. But the minister's term has effectively expired. You know, he's two weeks out from caretaker.

All right. Did you have a different - or did you have an arrangement with Mr Staindl in terms of how the two of you would communicate, some kind of protocol?---No. Well, he would call me on the telephone or send me an email. So no different to how somebody else would communicate with you; is that correct?---That's correct.

11:46:47AM
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11:48:24AM
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11:48:37AM
11:48:43AM

1 Did Mr Staindl lobby you in relation to green wedge 11:48:47AM
2 zones?---I don't have a recollection of that. We may have 11:48:57AM
3 had a conversation about it. 11:49:00AM
4 COMMISSIONER: Can I just be clear about something else and 11:49:03AM
5 that is, given you had a relationship with Mr Staindl that 11:49:06AM
6 goes back I think you said to 2015 - - -?---No, a bit 11:49:13AM
7 earlier, from the last term. So 2003 to 2007. 11:49:19AM
8 Yes. Did you find him generally trustworthy? Let me put it a 11:49:23AM
9 different way. Did you have any reason to distrust 11:49:32AM
10 him?---No. 11:49:38AM
11 MS HARRIS: Did you express a view to Mr Staindl about your 11:49:43AM
12 feelings or position on green wedge zones?---I've read 11:49:48AM
13 that in transcript somewhere. Look, I don't have a 11:49:55AM
14 specific recollection of it. 11:49:58AM
15 Could we pull up page 4930, please. This is part of exhibit 11:50:01AM
16 226, Commissioner. Can we just scroll up a bit so we can 11:50:16AM
17 see the top part of that email. If I can indicate, 11:50:22AM
18 Mr Keogh, this is an email - just there, thank you - 11:50:29AM
19 6 March from Phil Staindl to Heath Woodman, and he 11:50:33AM
20 indicates that he's still yet to meet with you, but he's 11:50:38AM
21 detecting that you're not necessarily wedded to a hardline 11:50:42AM
22 stance on green wedge zones. Did you express that view to 11:50:45AM
23 him?---I may have. I don't - I may have. 11:50:49AM
24 Was that your view?---I think it probably remains my view about 11:50:57AM
25 the green wedges. I think - and I think there's a 11:51:04AM
26 discussion paper out at the moment about the future of 11:51:08AM
27 green wedge zones. I mean, what they were conceived to 11:51:11AM
28 be, you know, what's permitted in them, what's not 11:51:21AM
29 permitted in them I think is really a bit messy. I think 11:51:24AM

1 the community expectation of what they are and what they 11:51:27AM
2 have become, I think it's a pretty messy area. I think it 11:51:30AM
3 is something that we could look at. That accords with 11:51:33AM
4 something I may well have said to him. 11:51:38AM
5 And did you share your view with Minister Wynne?---No, I - we 11:51:39AM
6 might have had a conversation about it at some stage, but 11:51:54AM
7 not specific - I don't think he would be taken by surprise 11:51:58AM
8 that that was my view. But I'm not sure he would give my 11:52:00AM
9 view much weight. 11:52:05AM
10 COMMISSIONER: I was about to ask you, Mr Keogh, I mean, 11:52:10AM
11 Mr Staindl is a very experienced lobbyist?---Yes. 11:52:14AM
12 And we've touched upon of course the consideration that a 11:52:17AM
13 lobbyist always wants to convey to their client that 11:52:24AM
14 they're getting value for money. But, taking that into 11:52:27AM
15 account, unless that was Mr Staindl's objective, what's 11:52:32AM
16 the purpose in him telling the client about your 11:52:45AM
17 views?---I think it's, you know, demonstrating influence 11:52:54AM
18 or a connectedness, a justification of value for money. 11:52:58AM
19 Speculation on my part. 11:53:05AM
20 Mr Staindl would be very conscious of the fact these were not 11:53:08AM
21 your decisions to make in relation to the issues his 11:53:12AM
22 client was wanting to pursue; these were the minister's 11:53:17AM
23 decisions?---Absolutely. 11:53:20AM
24 Did you give him any reason to think that you had any level of 11:53:22AM
25 influence with the minister?---I mean, I'm the minister's 11:53:27AM
26 chief of staff. I spend a lot - - - 11:53:35AM
27 You're an adviser, are you not?---I am, but I'm not a planning 11:53:39AM
28 adviser. We've got - you know, there's a department of 11:53:43AM
29 planners and there's three or four or five planning 11:53:47AM

1 advisers and lawyers in our office. As I say, 11:53:52AM
2 I don't - within the office I don't engage in planning 11:53:57AM
3 decisions. 11:54:01AM
4 So you don't think you might have given Mr Staindl any 11:54:03AM
5 indication that you had any influential - any influence in 11:54:07AM
6 terms of the minister's ultimate decisions on this 11:54:12AM
7 issue?---Not consciously. There's no need for me to big 11:54:17AM
8 note myself to Mr Staindl. I mean, it is what it is. 11:54:25AM
9 Yes. 11:54:31AM
10 MS HARRIS: If we can just scroll up, please, to the top of 11:54:33AM
11 that page, Mr Keogh. I won't trouble you with the toing 11:54:37AM
12 and froing in the email chain, but if we could go up to 11:54:42AM
13 the top, please. Thank you. Just there. They're talking 11:54:45AM
14 about a chat that Mr Staindl had with you, and you can see 11:54:51AM
15 in about the middle of that screen that says, 'Great 11:54:58AM
16 Phil - by good chat you mean "good"??' That's Heath 11:55:05AM
17 Woodman?---Right. 11:55:09AM
18 And at the top Phil Staindl says, 'Not specifically GWZ matters 11:55:10AM
19 although it was touched on. More on protocols of 11:55:14AM
20 operating given expected intense scrutiny from Royce and 11:55:17AM
21 others'?---Yes, I see that. 11:55:20AM
22 And he talks about the first meeting being with the Dep Sec of 11:55:25AM
23 Department present, but you've agreed on protocols for 11:55:31AM
24 back channel communication?---Yes, I see that. 11:55:33AM
25 What does that mean to you?---Just help me there. What 11:55:39AM
26 does - - - 11:55:47AM
27 What's going on there? Did you agree to back channel 11:55:47AM
28 communications - - -?---No, no, it's not a phrase I use 11:55:50AM
29 and Mr Staindl or anyone else can - well, you know, are 11:55:53AM

1 free to talk to the minister's office. Why would 11:56:00AM
2 I - I never agreed to a back channel. I might have said 11:56:04AM
3 I'm happy to take his call or, you know, 'You can call 11:56:08AM
4 me.' But - - - 11:56:11AM
5 Did you agree to communicate with him in a different way to 11:56:12AM
6 what you had done previously?---No. 11:56:17AM
7 Did you have - - - 11:56:20AM
8 COMMISSIONER: I'm sorry, do you have a memory of talking to 11:56:22AM
9 Mr Staindl about The Age's forensic journalism at this 11:56:24AM
10 time concerning ministers and developments and 11:56:35AM
11 fundraising?---So this is in March of 2015, and I think 11:56:41AM
12 this conversation was around - so, as I said, Minister 11:56:46AM
13 Wynne I think was sworn in and he had some health issues 11:56:52AM
14 from early to mid-December and then he was off work for a 11:56:57AM
15 couple of months. We had acting ministers. So Minister 11:57:00AM
16 Wynne's just getting back to work in March and we had held 11:57:06AM
17 over what we call meet and greets, and this is in the 11:57:09AM
18 character of a meet and greet, this meeting, and it 11:57:13AM
19 follows in my diary there's a sequence of meet and greets, 11:57:17AM
20 and this one was on a Friday. So I think it was really 11:57:22AM
21 that, you know, the Minister for Planning in the previous 11:57:32AM
22 government had got into a lot of bother around planning 11:57:39AM
23 and I think the media, you know, highlighted that through 11:57:43AM
24 the - you know, through the term. You know, we were 11:57:46AM
25 determined that we weren't going to be putting ourselves 11:57:52AM
26 in that position, and to that end we wanted to go about 11:57:54AM
27 things properly. And this is an early meet and greet. 11:57:57AM
28 You know, the fact of, you know, The Age's scrutiny of 11:58:01AM
29 planning decisions, I mean, that's been going on forever 11:58:06AM

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and, you know, it's a good thing. But we didn't want to
get caught up in that. So were we motivated by - to do
the right thing by the scrutiny? No. But the political
consequence of doing the wrong thing is enormous, and
that's what - - -
No, I understand that?---And that's the meet and greet, you
know.
But does that rather mean it's quite possible you would have
had a discussion along those lines with Mr Staindl?---I'd
have - look, I don't have a great recollection of it.
No?---But just from those notes I'd have - I'd have framed it
quite differently to that.
MS HARRIS: How would you have framed it?---I wouldn't have
used the phrase 'back channel'. 'More on protocol' - the
suggestion is that we're observing protocols because of
scrutiny from the Age, and 'back channel' suggests we're
going to try and, you know, somehow do something
clandestine, you know, and I just reject the tone of that.
COMMISSIONER: I'm not sure that that's the inference, that
it's clandestine ?---Well, 'back channel' - - -
Leave aside that more pejorative take. It's consistent with
Mr Staindl reporting to his client - Mr Woodman is a
director of Wolfdene, which is under Mr Woodman's - he's
the son of Mr Woodman, one of Mr Woodman's
companies?---Yes.
It's consistent with Mr Staindl reporting that you've had a
conversation with him in which you've said, 'In light of
all of the forensic journalism that's now showing an
interest in this area, we need to make sure that in

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11:59:26AM
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11:59:41AM
11:59:48AM
11:59:52AM
11:59:56AM
11:59:56AM
12:00:02PM
12:00:07PM
12:00:10PM

1 dealing with each other we do it in a way which is not 12:00:16PM
2 going to give rise to the sort of criticism that's 12:00:20PM
3 previously arisen, and if there's a need to talk to me 12:00:26PM
4 then there needs to be some departmental 12:00:38PM
5 involvement'?---I still think there's a tone there that 12:00:49PM
6 suggests a preparedness to do something untoward. 12:00:51PM
7 Yes?---Which I resist that. I don't think that's right, and 12:00:59PM
8 perhaps that's just my reading of it. 12:01:05PM
9 Well, what my recollection, Mr Keogh, of Mr Staindl's evidence 12:01:08PM
10 - and, Ms Harris, please correct me if my impression is 12:01:16PM
11 wrong - was that he explained what he meant by 'back 12:01:20PM
12 channel' that he meant not that there's something 12:01:23PM
13 clandestine but that he would want to and you would want 12:01:26PM
14 to ensure that the department was going to be involved in 12:01:32PM
15 the background in relation to any communications?---Sure. 12:01:35PM
16 And again that's one of the messages, participate in the 12:01:42PM
17 process and - you know, and win the process. 12:01:46PM
18 Yes. Yes, Mr Harris. 12:01:50PM
19 MS HARRIS: Did that media scrutiny cause any changes in 12:01:53PM
20 protocol of operating in your office?---No. No, in a 12:01:57PM
21 sense, 'Do the right thing and avoid, you know, adverse 12:02:03PM
22 media commentary on it.' You know, it wasn't, you 12:02:09PM
23 know - the cart wasn't before the horse. 12:02:20PM
24 It refers to a first meeting with the Dep Sec of the Department 12:02:23PM
25 present?---Yes. 12:02:30PM
26 Why would that need to occur?---Because it was the 12:02:31PM
27 officer's - the ministerial office preference that people 12:02:42PM
28 participate in the process and that things be run and won 12:02:44PM
29 there and that all the views are explored through that 12:02:48PM

1 process. Then when it comes into the minister's office 12:02:53PM
2 it's just a fuller and better advice that's before the 12:02:57PM
3 minister for consideration, which is not to say, you know, 12:03:03PM
4 they can't talk to the minister's office, but it's an 12:03:09PM
5 encouragement, 'Go and participate in the process.' 12:03:11PM
6 So it's not a reference - - -?---'Here's the key to the 12:03:14PM
7 departmental processes, the deputy secretary. Her name's 12:03:17PM
8 Christine White. You should talk to her.' 12:03:20PM
9 Yes, I follow. Thank you. That can be taken off the screen, 12:03:23PM
10 thank you. In terms of rezoning matters or matters 12:03:26PM
11 involving rezoning, perhaps if I put it that way, is it 12:03:37PM
12 fair to say that there's a relatively set process for how 12:03:44PM
13 that unfolds?---Yes. 12:03:47PM
14 Can you walk us through what that is?---I think I haven't got 12:03:51PM
15 anything in front of me - - - 12:04:02PM
16 Perhaps if I walk you through it and you tell me what you 12:04:05PM
17 disagree with; can we do it that way?---All right. 12:04:08PM
18 So in the situation if the council, for example, is proposing 12:04:10PM
19 an amendment - - -?---Yes. 12:04:15PM
20 Is it right then that the council must obtain authorisation 12:04:16PM
21 from the minister to prepare the amendment?---Yes. 12:04:22PM
22 That if that authorisation is obtained, subject to any 12:04:26PM
23 condition that the minister might make, that the council 12:04:31PM
24 then prepares that amendment?---Yes. 12:04:36PM
25 That the amendment is then placed on public exhibition?---Yes. 12:04:38PM
26 And during that time people can make submissions in relation to 12:04:43PM
27 the proposal?---Yes. 12:04:50PM
28 That the matter then goes to the independent planning 12:04:52PM
29 panel?---Yes. 12:04:56PM

1 Who in turn would make a recommendation to the planning 12:04:57PM
2 authority?---Yes. 12:05:02PM
3 And in the event that the planning authority approves the 12:05:03PM
4 amendment it then goes to the minister for final approval 12:05:11PM
5 or sign-off; is that roughly how it unfolds?---That's my 12:05:15PM
6 rough understanding. You know, I'm not - yes. 12:05:21PM
7 What's your involvement in any of those steps?---I don't have 12:05:26PM
8 any - I don't have any formal role in that. You know, 12:05:43PM
9 that would really be - you know, a brief would come up 12:05:48PM
10 from the department with a letter from the council to say 12:05:53PM
11 they have requested authorisation. You know, it would 12:05:56PM
12 come in through the department liaison officer. It would 12:06:03PM
13 go to an adviser. It would go into the minister. It 12:06:06PM
14 would go back to an adviser, back to the department 12:06:10PM
15 liaison officer and back to the department. So 12:06:13PM
16 I wouldn't, you know - you know, I'd have some sense of 12:06:16PM
17 what was going in and what was coming out. You know, 12:06:20PM
18 I might read it. I might not read it. I don't have any 12:06:23PM
19 particular role in it. 12:06:28PM
20 And was that true then also of the Cranbourne rezoning matter 12:06:30PM
21 or the C219?---Yes, yes. 12:06:34PM
22 What you've just outlined was your involvement in relation to 12:06:36PM
23 that matter?---Yes, that's right. I mean in terms of, you 12:06:42PM
24 know, I suppose I manage the process by which the sausages 12:06:46PM
25 are made. The sausage comes in and goes back out. You 12:06:50PM
26 know, I'm not particularly invested in, you know, the 12:06:53PM
27 detail of that and I don't have a role in that. 12:07:01PM
28 So it would have already been under way, if I could put it that 12:07:04PM
29 way, by the time you started in your position. 12:07:08PM

1 I understand it first came about in 2014. Were you 12:07:11PM
2 briefed on the matter at all?---I have no recollection of 12:07:16PM
3 it. I mean, it would only - you know, it would be one of 12:07:20PM
4 many, many, you know, planning matters of itself at that 12:07:24PM
5 stage. It was pretty unremarkable, I would have thought. 12:07:31PM
6 When you came into your role were you provided with a briefing 12:07:35PM
7 on the various matters that were currently under 12:07:40PM
8 consideration?---It was probably at a level higher than 12:07:45PM
9 that, you know. It would have - you know, the Public 12:07:51PM
10 service prepare what's called a red book which is kind of 12:07:54PM
11 a briefing for the incoming ministers which is, you know, 12:07:57PM
12 probably 40 or 50 pages long. But it wouldn't go to that 12:08:02PM
13 level of individual files or, you know, applications. 12:08:07PM
14 So what would you get told about something like that 12:08:14PM
15 matter?---On coming into government? 12:08:22PM
16 Yes?---I don't think we'd be told - it would come into the 12:08:23PM
17 office when it needed another decision. 12:08:35PM
18 Right?---I wouldn't be briefed in advance of that. 12:08:38PM
19 Would you be told something along the lines of there's an 12:08:43PM
20 unresolved rezoning application in Cranbourne West?---Not 12:08:47PM
21 even that. I mean, there would be - you know, there was 12:08:51PM
22 quite a backlog of - quite a backlog of things. You know, 12:08:56PM
23 I've forgotten what the number was. You know, it would 12:09:01PM
24 have been in the hundreds. You know, they would have been 12:09:03PM
25 at various stages through a planning process disrupted by 12:09:07PM
26 the election. They would just come on and come back in 12:09:12PM
27 and then you'd kind of deal with them issue by issue. 12:09:15PM
28 All right. Did you attend meetings with parties in relation to 12:09:18PM
29 that rezoning?---No, I wouldn't have thought so. No. 12:09:24PM

1 Did you meet with Casey Council or anyone from the Casey 12:09:28PM
2 Council?---No, I have no recollection of it; no. 12:09:34PM
3 Were you approached by staff in other ministerial offices about 12:09:38PM
4 this matter?---I've no recollection of it. Any particular 12:09:45PM
5 time around that? 12:09:51PM
6 After 2015 at any stage?---Of ministerial officers? 12:09:52PM
7 Yes?---No, I have no recollection of that happening. 12:10:02PM
8 What about other members of parliament? Did anyone come and 12:10:07PM
9 discuss that matter with you?---Not with me personally, to 12:10:11PM
10 my recollection. I think there's some suggestion that 12:10:14PM
11 I had a conversation with Judith Graley. Again I've 12:10:18PM
12 followed these proceedings, but I've no particular 12:10:22PM
13 recollection of that. 12:10:26PM
14 What about with Mr Perera? Did you have any conversations with 12:10:29PM
15 Mr Perera about the C219?---No, I have no recollection of 12:10:33PM
16 that. No. 12:10:36PM
17 Are you aware of whether the minister had any conversations 12:10:36PM
18 with Mr Perera?---The minister indicated in parliament 12:10:40PM
19 that he had received representations from both Judith 12:10:47PM
20 Graley and Jude Perera, but I don't recollect either, and 12:10:51PM
21 they may have been in and around parliament. 12:10:56PM
22 When you say 'in and around parliament', is that something 12:11:00PM
23 you'd refer to as a corridor conversation?---Potentially, 12:11:05PM
24 or sometimes they would go into an office and have a 12:11:08PM
25 conversation, but I wasn't - I have no recollection of 12:11:12PM
26 being present and, if I was, I probably would have tried 12:11:15PM
27 to leave the room. 12:11:20PM
28 Why's that?---I probably had other things to do and I - you 12:11:21PM
29 know, it's not a conversation I needed to be in. 12:11:26PM

1 When conversations like that occur are there any records kept 12:11:28PM
2 or documents kept of them?---I wouldn't have thought so. 12:11:34PM
3 There might be a follow-up letter formally raising an 12:11:41PM
4 issue which would then generate a formal response. But, 12:11:47PM
5 you know, that would be just members of parliament talking 12:11:50PM
6 to each other. That wouldn't get a - there would be no 12:11:52PM
7 documentation of that. 12:11:55PM
8 It's not Mr Wynne's practice to keep a note or a file note of a 12:11:57PM
9 discussion along those lines?---No, no, and it would be 12:12:01PM
10 impractical. 12:12:07PM
11 COMMISSIONER: I take it, Mr Keogh, you checked Hansard, did 12:12:08PM
12 you, after these issues became publicly aired, you checked 12:12:12PM
13 to see - you satisfied yourself the minister made 12:12:18PM
14 reference to Graley and Perera as having made 12:12:20PM
15 representations to him; is that the position?---That's 12:12:25PM
16 right. Parliament sat last week, and I think we've got 12:12:31PM
17 another week coming up, and obviously there were live 12:12:35PM
18 matters before IBAC. So in the course of preparing for 12:12:41PM
19 parliament I reviewed, you know, what the minister's 12:12:43PM
20 previously said. 12:12:47PM
21 And entirely appropriate and important if there's to be 12:12:48PM
22 transparency that that's revealed. If the minister has 12:12:54PM
23 received representations - and you will remember when you 12:13:03PM
24 were describing earlier the range of people you put into 12:13:06PM
25 the category performing a lobbying function - - -?---Yes. 12:13:09PM
26 You included members of parliament?---Sure. 12:13:13PM
27 And of course if they are properly representing their 12:13:15PM
28 constituents, if a member of parliament considers that's 12:13:19PM
29 in the interests of their local community you would expect 12:13:24PM

1 them to lobby the minister?---Absolutely. 12:13:27PM

2 But important that there's some transparency in that regard? 12:13:30PM

3 Why do you think the minister mentioned it in 12:13:44PM

4 parliament?---He was asked about it. It was a direct 12:13:47PM

5 question. 'Have you ever received representations from', 12:13:50PM

6 and he responded to it. Look, the whole question of 12:13:53PM

7 transparency, gee, it's hard. Can the minister have a 12:13:58PM

8 conversation - and he said when he was last - in November 12:14:05PM

9 when he was asked about it he said, 'I have lots of 12:14:13PM

10 conversations from both sides. You know, there's not 12:14:16PM

11 members of staff there - there's not members of the public 12:14:19PM

12 service there to take notes. It's appropriate for me to 12:14:22PM

13 do that. People make representations to me. I listen to 12:14:25PM

14 it.' I should add he did go on and say that the 12:14:28PM

15 representations had no effect on his decision in this 12:14:32PM

16 Cranbourne matter. But nevertheless, yes, it's - how we 12:14:35PM

17 put more transparency into this space? I mean, you know, 12:14:41PM

18 he's accountable to the parliament - - - 12:14:51PM

19 Mr Keogh, at present there isn't any?---I disagree a little 12:14:53PM

20 bit, if I could. 12:14:57PM

21 Yes?---There's obviously Public Accounts and Estimates. The 12:14:59PM

22 fact I'm citing answers he's given in parliament suggests 12:15:02PM

23 that there is some accountability. You know, he can be 12:15:06PM

24 asked about it. Either House can overturn his decisions. 12:15:11PM

25 I mean, it's not - it's perhaps not to the standard you'd 12:15:15PM

26 like, but there is some transparency there. 12:15:21PM

27 But you would appreciate there's a fundamental difference 12:15:24PM

28 between someone answering - providing information when 12:15:28PM

29 they're asked a question which therefore presumes that the 12:15:31PM

1 person asking the question has some reason to think that 12:15:36PM
2 something's occurred?---Yes. 12:15:40PM
3 I'm talking about transparency that doesn't depend upon someone 12:15:42PM
4 having the knowledge to ask the right question?---I mean, 12:15:47PM
5 the legislation makes the Minister for Planning the 12:15:51PM
6 decision maker. It's not a bureaucrat or a technocrat. 12:15:55PM
7 He's an MP. You know, what does he bring to bear on his 12:16:01PM
8 decision making? What weight does he give within the 12:16:11PM
9 legislative framework of his decision making? What's the 12:16:16PM
10 ideal level of - like, can you know all of those things 12:16:22PM
11 all of the time? I agree you can certainly know more. 12:16:25PM
12 You know, he can be asked for reasons for decisions by 12:16:28PM
13 interested parties and has to provide that. It's a really 12:16:32PM
14 hard - I think it's a really hard area to find that 12:16:37PM
15 balance. And I don't mean to be defensive but - - - 12:16:39PM
16 But because it's hard doesn't mean we shouldn't grapple with 12:16:44PM
17 it?---Absolutely we should grapple with it, and I don't 12:16:48PM
18 think there's anything particularly embarrassing for me in 12:16:51PM
19 there. But, you know, on planning people get a bad 12:16:54PM
20 decision and - I mean, we get allegations of corruption or 12:17:00PM
21 capture about every decision. You know, there are 51/49 12:17:07PM
22 decisions that you take in planning. It's probably a bit 12:17:12PM
23 like football. When your side loses, the umpiring is 12:17:17PM
24 terrible. When your side wins, the umpiring was 12:17:21PM
25 unremarkable. And I think there's a bit of that with 12:17:26PM
26 planning. 12:17:29PM
27 And I imagine you've had enough experience to know that when 12:17:29PM
28 there's no transparency the void is filled with suspicion; 12:17:35PM
29 that's one of the reasons why there needs to be some 12:17:41PM

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transparency?---And it's a blight on public office.
I mean, people that are genuinely working in the system,
you know - like, it's the easiest thing in the world for
anyone to do to make an allegation that a planning
decision is corrupt; and you can't persuade anyone
otherwise. You know, I can say I've never seen this or
never seen that. But I don't know what the answer is, but
transparency makes a contribution to it.

MS HARRIS: Mr Keogh, did you have any interactions with Sammy
Argiriou from Mr Perera's office?---Just help me in terms
of the timeframe. I think - - -
2015, around May?---I've no recollection. He might have - he
might have spoken to me on the phone. Again, I would - if
I had had contact I would probably try and push him to the
caucus liaison officer within our office and have him come
into the office through that process.
Do you know if he met with Minister Wynne in or around May
2015?---I don't.

You don't know?---I don't know.
We have an email correspondence that suggests that he was to
meet - the date of the correspondence is 22 May
2015 - that Sammy, as they have referred to him, was to
meet with Minister Wynne the following Wednesday about the
Cranbourne West matter. Would it be unusual for Minister
Wynne to meet with an electorate officer?---Yes.

COMMISSIONER: What about if the electorate officer is assuming
particular responsibilities because their member of
parliament is ill and unable to discharge their
duties?---It's more likely. But I still think it

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unlikely.

MS HARRIS: Mr Perera gave evidence that he was surprised when that documentation was shown to him and didn't think that the minister would receive Mr Argiriou. Is that the case? Would the minister receive an electorate officer in those circumstances?---I think it unlikely he would receive him and have any serious conversation about this issue without the local member being there.

COMMISSIONER: I don't know the extent to which you've followed Mr Perera's evidence. Are you at all familiar with it, Mr Keogh?---I dipped in and out of it. I have a broad awareness of it.

So, in the broad, I think Mr Perera frankly acknowledged that his electoral officer had gone well beyond where he would have expected in terms of seeking to further the rezoning issue and in terms of his participation in a collaborative way pursuing the interests of Mr Woodman. Did you at any stage deal with Mr Argiriou in a way that demonstrated that to you of him?---Yes, I think he was - I mean, staffers get licence from their ministers or from their members. I think Mr Argiriou was up - he had a lot of licence within his area and I certainly noticed that over a period of time, yes.

Did that mean you were more cautious with him?---Yes.

Yes, Ms Harris.

MS HARRIS: As we've indicated, it would seem that Mr Argiriou took over a de facto member status when Mr Perera was unwell and he essentially stepped into that role. Is that common for that to occur, for an electoral officer to step

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1 into the role of an elected member?---I think it would be 12:22:35PM
2 very uncommon and very undesirable. 12:22:40PM
3 If the minister, that is Minister Wynne, became unavailable, as 12:22:43PM
4 you've indicated he has at times, who steps into his role? 12:22:48PM
5 Is that you?---Oh, heavens, no. No, they would appoint 12:22:54PM
6 another minister, an acting minister. Robin Scott acted 12:23:01PM
7 for Richard when he was away. If he takes leave they 12:23:04PM
8 would appoint another one of the - we would call them the 12:23:07PM
9 DELWP minister. So Minister D'Ambrosio or Minister 12:23:10PM
10 Neville would typically act. If we needed the exercise of 12:23:16PM
11 the minister's powers we would take something to that 12:23:19PM
12 minister, you know, through her chief and then consider it 12:23:22PM
13 and return it. 12:23:26PM
14 Are there any circumstances in which you can exercise the power 12:23:27PM
15 of the minister in his absence?---No, no. 12:23:31PM
16 Or do you have discretion to speak on behalf of the 12:23:34PM
17 minister?---If I was specifically instructed to convey a 12:23:39PM
18 message or to undertake something, then I would do that. 12:23:48PM
19 But that's not a formal delegation of ministerial powers. 12:23:53PM
20 That's, you know, 'Go and tell this person they better 12:23:57PM
21 have it in by next Thursday or I'll be very unhappy', or 12:24:00PM
22 whatever it might be. You know, I would have some power 12:24:04PM
23 to do that, but nothing of the formal delegation, and 12:24:08PM
24 I would - you know, again, you've got to be so careful 12:24:11PM
25 with, you know, staffers exercising powers of their 12:24:15PM
26 principals, you know. You've got to be very careful with 12:24:19PM
27 that. 12:24:28PM
28 Other than the example of Mr Argiriou, have you seen or heard 12:24:28PM
29 of that before?---As I say, the licence and scope each 12:24:33PM

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minister gives their staffer or a minister gives a chief
will vary. You know, there's a range of licence that's
given. But, as I say, the way (indistinct) I think at an
extreme end. I think I'm probably back at the other end,
and I'm comfortable with that.

We've seen correspondence, a letter from you to Mr Perera dated
19 April 2016, and perhaps I'll show it to you; it might
be easier. Can we pull up page 4984, please, and if we
can scroll down so that Mr Keogh can have an opportunity
to read it?---Yes. Yes, I've seen that letter before.

And so that's an example, is it, of where you would obviously
respond to Mr Perera on behalf of the minister's office?

But it's clear that it's coming from you and that Mr Wynne
will respond in due course?---Yes. I mean, that's - so
within the office there's some, I suppose, rules around
the triaging of correspondence. A member of parliament
would get an acknowledgment letter. So that's just an
acknowledgment letter I'd get. You know, they'd tend to
bash them up for me and I'd sign off half a dozen every
couple of days or whatever. So that's an acknowledgment
letter.

Thank you. If I can indicate, Commissioner, that's part of
exhibit 233.

COMMISSIONER: Thank you.

MS HARRIS: Just to pick up on something you said there,
Mr Keogh, around rules around correspondence, is that a
written protocol or guideline or is that just an
understanding among staff?---It would be an administrative
arrangement between, you know, the administrative officer

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and the department liaison officer in our office. So we would try and formally acknowledge letters from MPs, ex-Premiers - you know, there would be a group of people who we would send an acknowledgment letter to, particularly if it was going to take a time to get back to them. You know, if we could respond quickly, you know, maybe we would skip the acknowledgment letter. But, yes, there's kind of a - and it evolves as well. Invariably we miss someone and we plug that gap and, yes, so it kind of - there is a protocol.

Yes, thank you. In 2015 did you communicate with Ms Graley about the rezoning?---I don't have a recollection of it, but I've seen an email from one of the - I think it was from the caucus liaison adviser going back to Graley saying, 'Keogh's referred this to me.' So presumably I had a conversation, but I have no recollection of it.

All right. Could we pull up 4969, please, and just towards the bottom of the screen - - -?---Yes.

Is the email that you're referring to - - -?---That's right, yes.

So who is Glen Brandum?---He is the caucus liaison officer or, as he puts it there, the adviser and caucus liaison.

And obviously it indicates in that email that you have asked him to get in touch with Ms Graley to chase down a response to some correspondence in relation to the PSPs in Cranbourne?---Yes.

He goes on to ask some questions there?---Correspondence, yes.

You don't recall communicating with Ms Graley - - -?---No.

About the Cranbourne West rezoning? Do you recall what the

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1 correspondence related to that was being sought at that 12:29:43PM
2 time?---I've gone back through some emails and documents. 12:29:46PM
3 I think it was a letter from the council that sought the 12:29:53PM
4 minister to start that authorisation process that she's 12:30:00PM
5 referring to there. 12:30:06PM
6 Yes. I tender that, Commissioner. 12:30:08PM
7 COMMISSIONER: It's not in evidence, is it? Mr Staindl was 12:30:13PM
8 asked questions about it. 12:30:17PM
9 MS HARRIS: Yes, that relates to a different email chain that 12:30:20PM
10 adds to this one, and I'll be taking the witness to that 12:30:23PM
11 now, Commissioner. 12:30:27PM
12 COMMISSIONER: So you're tendering the email from Glen Brandum 12:30:28PM
13 to Ms Graley? 12:30:32PM
14 MS HARRIS: Yes, at page 4969 of the court book. 12:30:34PM
15 COMMISSIONER: Very good. Thank you. That will exhibit 329. 12:30:37PM
16 #EXHIBIT 329 - Email from Glen Brandum to Ms Graley, page 4969. 12:30:40PM
17 MS HARRIS: Could we have page 3340, please. Commissioner, 12:30:43PM
18 this is part of that email chain to which I just referred, 12:30:50PM
19 and it's part of exhibit 232. If we could just scroll 12:30:52PM
20 down, please. So, Mr Keogh, if I could indicate to you 12:31:01PM
21 there was an email chain following on from that email that 12:31:06PM
22 we've just - if we could stop there, please - that we've 12:31:10PM
23 just spoken about. Part of that email chain is Mr Staindl 12:31:12PM
24 here on 9 September 2015 to Ms Schutz indicating that he 12:31:17PM
25 had spoken to you about the Cranbourne West matter, that 12:31:23PM
26 you're chasing up the letter, and that he warned you that 12:31:31PM
27 'the MPA and Casey officers are colluding to spike it'. 12:31:34PM
28 Do you recall having a conversation with Mr Keogh along 12:31:39PM
29 those lines?---Mr Staindl, no; no, I don't. 12:31:42PM

1 I can see you smiling. Can I ask what you find amusing about 12:31:46PM
2 that, Mr Keogh?---'Colluding to spike it.' Look, I think 12:31:50PM
3 Graley writes or Graley's seeking us to respond to I think 12:31:58PM
4 it's the Fitchett letter from council. We respond to 12:32:02PM
5 Graley saying, 'Precisely what's the - can you help us 12:32:09PM
6 with the bit of correspondence.' It looks like I've had a 12:32:14PM
7 conversation with Staindl and, you know, I think 'they're 12:32:16PM
8 colluding to spike it' seems - you know, I don't think 12:32:26PM
9 they were supportive of it, that's not a secret, but I'm 12:32:31PM
10 not quite sure. You know - - - 12:32:34PM
11 Did he express it - - -?---'They were colluding to spike it' 12:32:37PM
12 seems a bit dramatic. 12:32:40PM
13 Did he express it in those dramatic terms to you?---I don't 12:32:43PM
14 recollect the phone call. But, look - - - 12:32:47PM
15 COMMISSIONER: Mr Staindl did give evidence, from memory, that 12:32:51PM
16 he had that conversation with you and warned you in those 12:32:54PM
17 terms?---I don't recollect the conversation. 12:32:58PM
18 What would be the point of warning you, Mr Keogh?---I suppose 12:33:08PM
19 he's looking for me to be active in supporting it or 12:33:28PM
20 supporting it going on authorisation and going through to 12:33:32PM
21 exhibition, and that there are, you know, forces looking 12:33:35PM
22 to oppose that. I don't know - you know, this is in 12:33:41PM
23 September. I don't think the decision to go to 12:33:52PM
24 authorisation is made until December, is my recollection. 12:33:55PM
25 Can you say whether or not in these - any discussions you had 12:34:08PM
26 with Mr Staindl up to this point of time you would have 12:34:13PM
27 conveyed the impression to him that you supported the 12:34:19PM
28 notion of rezoning?---No. I don't think I held a view 12:34:22PM
29 about the rezoning and I - you know, I wouldn't presume to 12:34:32PM

1 prejudge the minister's decision on it. You know, whether 12:34:38PM
2 he was alive to other conversations; but, you know, 12:34:43PM
3 I wouldn't have had a particular view about the rezoning, 12:34:48PM
4 whether it was a good thing or a bad thing. 12:34:51PM
5 Yes, all right. Yes, Ms Harris. 12:34:59PM
6 MS HARRIS: At that time in September 2015 were you aware that 12:35:01PM
7 there was some perhaps dissent from the planning authority 12:35:04PM
8 or members of the planning authority about the rezoning or 12:35:10PM
9 some concern perhaps?---I struggle to put myself back in 12:35:13PM
10 time and say, 'Well, at that time I knew this.' But, 12:35:19PM
11 look, clearly the Public Service through the MPA and 12:35:23PM
12 DELWP, the Environment, Land, Water and Planning, were not 12:35:31PM
13 supportive of authorisation. They liked the current 12:35:35PM
14 zoning and were defensive of it. That's clear. It's 12:35:39PM
15 clear to me now. Whether I framed it up that sharply at 12:35:45PM
16 that time I'm not sure. 12:35:49PM
17 When provided with information like this, that is that the 12:35:51PM
18 authority and Casey officers are colluding to spike it, 12:35:58PM
19 what's your understanding of what you're to do with that 12:36:02PM
20 information?---Look, at its height I might have said 12:36:05PM
21 something to an adviser. 12:36:16PM
22 COMMISSIONER: Mr Keogh, did you understand at this point of 12:36:20PM
23 time that the council's decision to rezone or - - 12:36:22PM
24 -?---Support the rezoning, yes. 12:36:32PM
25 Or support rezoning, yes, was strongly opposed by the council 12:36:36PM
26 officers and was contrary to the view of the MPA, the 12:36:38PM
27 planning authority? Did you know that at that 12:36:43PM
28 time?---I struggle to say what I knew at that time. 12:36:49PM
29 I don't know. 12:36:56PM

1 Yes. I understand it's asking a lot to cast your mind back 12:36:57PM
2 particularly to things that aren't evidenced in writing, 12:37:06PM
3 but if Mr Staindl's evidence is correct that you had such 12:37:11PM
4 a discussion with him then that would suggest if you 12:37:17PM
5 didn't know before you certainly came to understand then - 12:37:21PM
6 - -?---Yes. 12:37:28PM
7 That the council officers and the MPA were against the 12:37:28PM
8 rezoning?---Yes, and I would add Environment, Land, Water 12:37:34PM
9 and Planning to that as well, yes. 12:37:37PM
10 Indeed. So the minister was being asked to approve something 12:37:38PM
11 in the long term that the bureaucrats and some statutory 12:37:42PM
12 authorities were opposed to?---That's right. Yes. 12:37:50PM
13 Yes, Ms Harris. 12:37:56PM
14 MS HARRIS: Thank you. That can be removed from the screen. 12:37:58PM
15 Mr Keogh, do you know who Bryant Tee is?---I do. 12:38:05PM
16 T-e-e?---That's it, yes. 12:38:09PM
17 Who is that?---I think Mr Tee was a legislative council member 12:38:12PM
18 for eastern province up until 2014. He had been a shadow 12:38:17PM
19 Minister for Planning and he was unsuccessful at that 12:38:25PM
20 election, and ultimately Minister Wynne was appointed the 12:38:30PM
21 Minister for Planning. 12:38:36PM
22 Do you know if Mr Tee spoke with Minister Wynne about the 12:38:38PM
23 rezoning?---No. No, I don't know. 12:38:41PM
24 But would that be unusual? Would you think that's strange if 12:38:49PM
25 he did?---There was some hand-over. I mean, Mr Tee had 12:38:54PM
26 been a shadow Minister for Planning and in the course of 12:39:01PM
27 being the shadow Minister for Planning, you know, he had 12:39:05PM
28 engaged with a number of community groups, whatever, 12:39:08PM
29 policy matters, and Mr Tee and the Minister Wynne had 12:39:12PM

1 conversations - transition conversations that were kind of 12:39:20PM
2 deferred because of Minister Wynne's health issues. So 12:39:25PM
3 they would have had conversations. What the content of 12:39:35PM
4 them was I wouldn't know. 12:39:38PM
5 I take it from your indication about the timeline of when 12:39:40PM
6 Minister Wynne was sworn in and then took leave et cetera 12:39:44PM
7 then that it may not have been unusual if those 12:39:48PM
8 conversations occurred in March 2015; is that 12:39:50PM
9 right?---It's a likely date, but I have no knowledge of 12:39:56PM
10 it. 12:39:59PM
11 Did Mr Tee engage in a lobbying type role to you in relation to 12:39:59PM
12 the C219?---No, no. 12:40:07PM
13 All right. You mentioned the community group. Are you 12:40:11PM
14 familiar with the SCWRAG community or residents group 12:40:17PM
15 involved with the Cranbourne West rezoning?---Yes, yes, 12:40:19PM
16 I'm familiar, yes, I must say more through the course of 12:40:27PM
17 the Commission than at the time. But yes. 12:40:31PM
18 Did you have any - - - 12:40:32PM
19 COMMISSIONER: I'm sorry, did you say more so from what we've 12:40:35PM
20 unearthed than anything - - -?---Than my knowledge at the 12:40:39PM
21 time, you know, and it's hard to separate the two, 12:40:43PM
22 but - - - 12:40:46PM
23 Yes. 12:40:47PM
24 MS HARRIS: Did you have any direct contact with anyone from 12:40:47PM
25 that community group, Mr Walker or anybody else?---I've no 12:40:50PM
26 recollection. I'd be doubtful if I did. 12:40:56PM
27 Do you know if Mr Walker or anyone from that group met with 12:41:00PM
28 Minister Wynne?---I don't think so. 12:41:09PM
29 COMMISSIONER: I'm sorry, Ms Harris, the evidence that we have 12:41:13PM

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recently uncovered is that according to Ms Richards the basis of community opinion on which this community group was said to be founded was not substantiated by her. She gave a quite explicit account of doing a doorknock after she was appointed - elected or prior to her election, I'm not sure if it was before or after, and satisfied herself that there was no such community push. Mr Perera's evidence is that he well understood that Mr Woodman and his interests had generated the so-called community interest and that there was therefore an artificial component to that asserted interest. Were either of those things apparent to you at all during this process?---On first principles, if you said to a community - you know, you've got a residential community next to an industrial zone, you know, 'Would you prefer us to move the industrial zone or keep the industrial zone,' I'd have thought overwhelmingly they would say, 'Get rid of the industrial zone, you know, the truck movements,' whatever, whatever. I think as a matter of planning purity you would say it 's good to have employment land next to residential - next to a residential zone so people don't have to travel distances to work and it's a 20-minute neighbourhood, whatever, whatever. So the community group, I'm not sure they added very much to the first principle proposition that if you said to a group of residents, you know, their aspiration was to get rid of the industrial zone, okay, I get that. But the real dispute here is I think around, you know, the proximity of employment land next to residential zone - next to the

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1 residential land. Sorry, I've drifted off there. 12:43:41PM

2 I think you understand, Mr Keogh, the Commission is not 12:43:46PM

3 interested in the merit of the decision at all?---Yes. 12:43:49PM

4 We're only interested in the process?---Yes. But my point is 12:43:54PM

5 the community group I'm not sure ever really added 12:43:57PM

6 anything more than the first principle proposition. 12:44:01PM

7 Yes. But do I take it you weren't aware of the views that had 12:44:04PM

8 emerged as a result of Mr Perera and Ms Richards's 12:44:12PM

9 evidence that maybe there was a lack of genuineness about 12:44:17PM

10 the basis on which this community group was promoting its 12:44:20PM

11 position?---I never really turned my mind to it. But, as 12:44:27PM

12 I say, I don't think it goes beyond proving 12:44:33PM

13 that - demonstrating that first principle proposition. 12:44:37PM

14 I mean, to me it's almost self-evident. 12:44:39PM

15 I thought for a moment the screen had frozen?---It's 12:44:51PM

16 self-evident that the community - it's self-evident that 12:44:55PM

17 the community would prefer the industrial zone be remote 12:44:58PM

18 from their place of residing. 12:45:02PM

19 Yes, all right. Yes, Ms Harris. 12:45:05PM

20 MS HARRIS: When did you become aware that there was an 12:45:07PM

21 association between that community group and Megan Schutz 12:45:10PM

22 and John Woodman and the property owners?---Really through 12:45:12PM

23 the course of the evidence before the Commission, the 12:45:20PM

24 learning of that. I don't think I had any - it's not 12:45:23PM

25 something I would have turned my mind to particularly 12:45:26PM

26 before the evidence of the Commission. 12:45:28PM

27 Was the community group something you discussed at any point 12:45:31PM

28 with the minister?---No, no. 12:45:35PM

29 Sorry, I missed that?---No, no. 12:45:38PM

1 We've heard evidence that Mr Perera and the minister went to 12:45:42PM
2 visit the site that was the subject of the rezoning, and 12:45:49PM
3 that during that visit - I should ask first did you attend 12:45:53PM
4 during that visit?--No. 12:45:57PM
5 It was in July 2015?---No, no. 12:45:59PM
6 We've heard evidence that during that visit the minister 12:46:02PM
7 commented on the signs and that it was unlikely that the 12:46:07PM
8 community had funded the signs on the land. Did you 12:46:12PM
9 follow that evidence?---I did. 12:46:18PM
10 Sorry?---Yes. 12:46:20PM
11 Was it your understanding that there was an awareness that the 12:46:23PM
12 community group, that is an awareness by the minister that 12:46:33PM
13 the community group was being funded by someone other than 12:46:37PM
14 the community?---I don't know. From the evidence it 12:46:40PM
15 sounds like he might have been suspiciously asked the 12:46:47PM
16 question. But whether he turned his mind to it, I don't 12:46:50PM
17 know. 12:46:54PM
18 Did he ever say anything to you or in your presence that gave 12:46:55PM
19 you the impression he knew who was funding it?--No. No. 12:46:59PM
20 COMMISSIONER: Was there any general understanding - not 12:47:06PM
21 confined to Cranbourne, Mr Keogh, was there any general 12:47:10PM
22 understanding that community groups would get financial 12:47:13PM
23 support from parties who had a financial interest in 12:47:19PM
24 achieving a particular planning outcome?---I think there's 12:47:23PM
25 been other campaigns where there's been suspicions to that 12:47:29PM
26 effect - - - 12:47:33PM
27 Is that just your view or do you know whether the minister 12:47:37PM
28 understood that risk existed?---That would be my view. 12:47:40PM
29 I wouldn't speak for the minister on that. But I think, 12:47:47PM

1 you know - I think there would be an expectation of 12:47:51PM
2 support - you wouldn't be surprised if there was that 12:47:55PM
3 support. And again that's why I pare it back and say, 12:47:58PM
4 well, what's this proof of, what's the proposition that's 12:48:04PM
5 being put here. And at its simplest it's, 'We would 12:48:06PM
6 prefer it to be somewhere else.' And the other thing 12:48:12PM
7 I think is that, you know, for all the signatures or 12:48:15PM
8 whatever the only thing they ever did was write letters. 12:48:19PM
9 I mean, you know, and I don't want to encourage people to 12:48:21PM
10 ring the minister's office, but, you know, we get 12:48:28PM
11 telephones - we get thousands of calls in a couple of 12:48:31PM
12 days. You know, like, it was a pretty passive community 12:48:35PM
13 group. You know, write a letter to the minister. Okay. 12:48:38PM
14 It's still that core proposition. But there's not much 12:48:44PM
15 colour and movement about it. 12:48:47PM
16 Yes. 12:48:48PM
17 MS HARRIS: Following on from the Commissioner's question, 12:48:51PM
18 Mr Woodman gave evidence, from my recollection, that it 12:48:54PM
19 was well known that community groups are funded by 12:48:58PM
20 developers or people with an interest in the development, 12:49:00PM
21 and by 'well known' he meant throughout parliament as 12:49:04PM
22 well. Would you agree with that?---I would like to think 12:49:07PM
23 it wasn't the case. But you're aware to it and alive to 12:49:17PM
24 it as a possibility. The extent of it I don't know. 12:49:21PM
25 COMMISSIONER: Did Mr Perera actually lodge a submission, 12:49:30PM
26 Ms Harris, a petition? 12:49:33PM
27 MS HARRIS: Yes. Two, Commissioner. 12:49:36PM
28 COMMISSIONER: So I take it the view you've just expressed, 12:49:39PM
29 Mr Keogh, would similarly apply, would it, to a petition 12:49:43PM

1 that's lodged in parliament?---It's real. It's community 12:49:48PM
2 having a voice and expressing it to the parliament through 12:49:56PM
3 the local members. But, you know, in terms of the 12:49:58PM
4 legislative framework of finding that balance, it's 12:50:02PM
5 still - it still only stands for that one proposition. 12:50:06PM
6 It's not going to be determinative of anything?---It's one of 12:50:10PM
7 the considerations. 12:50:15PM
8 Yes. Yes, Ms Harris. 12:50:17PM
9 MS HARRIS: Some of the evidence before the Commission was that 12:50:21PM
10 or is that Mr Woodman was told that unless there was 12:50:26PM
11 community support for the rezoning it wasn't going to go 12:50:30PM
12 anywhere. Was that your understanding at any point?---The 12:50:34PM
13 process would be the process. You know, what was 12:50:43PM
14 influential or what was persuasive within that process, 12:50:47PM
15 many people would have a view. 12:50:52PM
16 Is it your view that the support of SCWRAG or the position of 12:50:54PM
17 SCWRAG was influential in the process?---I think you could 12:51:00PM
18 almost take it as read that given the choice of having an 12:51:04PM
19 industrial zone proximate to the residential zone - you 12:51:09PM
20 know, like, I think it's almost a given in your decision 12:51:12PM
21 making matrix. 12:51:20PM
22 There's also a suggestion in the materials, Mr Keogh, that the 12:51:23PM
23 Labor Party had agreed prior to the 2014 election that 12:51:30PM
24 they would support the rezoning if Casey Council did. Was 12:51:34PM
25 that a position ever conveyed to you?---No, and I think 12:51:38PM
26 it's without attribution. I've heard that. It's a bit 12:51:44PM
27 apocryphal, I think. No-one's ever said that to me. 12:51:50PM
28 I don't - - - 12:51:56PM
29 Was that ever your understanding?---No, no. And, you know, the 12:51:57PM

1 planning decision or the planning process and the decision 12:52:02PM
2 is the decision and, you know, none of this is a foregone 12:52:05PM
3 conclusion. 12:52:12PM
4 In terms of the planning panel process that commenced or 12:52:14PM
5 I understand hearings commenced in 2017, do you or - did 12:52:21PM
6 you have a role in that process at all?---No. 12:52:26PM
7 Post the report from the panel, the report was 4 January 2018, 12:52:28PM
8 did people, be it lobbyists or interested parties, 12:52:42PM
9 continue to approach you about the C219 or the 12:52:46PM
10 rezoning?---I don't have any recollection of that, no. 12:52:50PM
11 Did you ever - and again this is the post panel phase - discuss 12:53:02PM
12 with Ms Graley or Ms Richards, that is Pauline Richards, 12:53:08PM
13 an estimated timeframe for an announcement on the 12:53:14PM
14 C219?---No. 12:53:19PM
15 Did you have any interaction with Ms Richards at all about the 12:53:21PM
16 rezoning?---No. 12:53:26PM
17 Commissioner, I'm going to move on to something else. Would 12:53:30PM
18 this be an appropriate time for the lunch break? 12:53:33PM
19 COMMISSIONER: Yes. So, Mr Keogh, have a good lunch break. 12:53:35PM
20 We'll resume at 1.45?---Thank you. 12:53:38PM
21 <(THE WITNESS WITHDREW) 12:53:43PM
22 LUNCHEON ADJOURNMENT 12:53:44PM
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