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TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 3 DECEMBER 2020

(40th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

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

OPERATION SANDON INVESTIGATION

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

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

1 COMMISSIONER: Thursday, 3 December. Mr Leigh, I'm the IBAC 10:06:46AM  
2 Commissioner. I'm conducting this examination pursuant to 10:06:50AM  
3 part 6 of the IBAC Act 2011. Mr Michael Tovey will be 10:06:53AM  
4 Senior Counsel Assisting, and I'll authorise him to 10:07:00AM  
5 examine you. This is what we call an inquisitorial 10:07:04AM  
6 process, which means the Commission's not bound by the 10:07:07AM  
7 rules of evidence, but, by and large, I will apply the 10:07:12AM  
8 rules of evidence and follow procedures as they would be 10:07:17AM  
9 followed in a court of law. 10:07:22AM  
10 The examination is being video recorded and is 10:07:24AM  
11 open to the public. Mr Tovey will ask you questions. 10:07:26AM  
12 I may also ask you questions. Following the completion of 10:07:32AM  
13 our questions I'll also provide you with an opportunity to 10:07:37AM  
14 add anything further or to ask any other questions that 10:07:40AM  
15 you have that don't become apparent during the course of 10:07:44AM  
16 the examination. 10:07:47AM  
17 Please let me know at any stage if you want to 10:07:49AM  
18 have a break. We will, in any event, break mid-morning, 10:07:53AM  
19 at about 11.30, but if you want to have a break at any 10:07:58AM  
20 other time just indicate that you want to do so and I will 10:08:02AM  
21 give you a break. 10:08:08AM  
22 MR LEIGH: It will only be to the men's room. 10:08:10AM  
23 COMMISSIONER: Yes. The examination is being conducted by 10:08:13AM  
24 audiovisual link pursuant to division 3 of the COVID-19 10:08:15AM  
25 omnibus regulations 2020. If at any stage you have 10:08:19AM  
26 difficulty hearing the questions or if you don't 10:08:25AM  
27 understand the question, please indicate immediately and 10:08:29AM  
28 we'll try and address the problem, whatever it is. 10:08:32AM  
29 Mr Leigh, I now need to just remind you of what 10:08:42AM

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the questions are that you might be tackled about in the course of the examination: firstly, your interactions with elected officials at local and state Government level on behalf of Mr Woodman and his business associates, agents or consultants, and how planning matters of interest to Mr Woodman and his business associates were advanced with those elected officials; your knowledge of the use of lobbyists, political donations or fundraising to assist John 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; matters the subject of the scope and purpose that's described in the attached further information and directions of public examinations in Operation Sandon, in particular as they apply to planning or property development activities within Victoria that involve Woodman and his family, his associated entities, business associates, agents or consultants; and, finally, the transparency and integrity of dealings between public officers involved in planning and property development decision making, including any person elected or seeking election to a municipal council or the parliament of Victoria, and any person who may directly or indirectly benefit from that decision making, including but not limited to landowners, property developers or their consultants, and any representative of those persons, including persons engaged in lobbying activities.

Mr Leigh, you understand you have a right to legal representation at this examination. I take it you

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1 at this stage decline to obtain that assistance? 10:10:48AM

2 MR LEIGH: I don't need it. 10:10:52AM

3 COMMISSIONER: Very good. If at any stage you change your view 10:10:54AM

4 or have some hesitation about that, you should let me know 10:10:59AM

5 and we'll make arrangements for you to have an opportunity 10:11:02AM

6 to obtain that representation; do you follow? 10:11:05AM

7 MR LEIGH: I appreciate that. 10:11:09AM

8 COMMISSIONER: Yes. 10:11:10AM

9 <GEOFFREY LEIGH, sworn: 10:11:13AM

10 COMMISSIONER: Mr Leigh, at the time that you were served with 10:11:53AM

11 a summons were you also provided with a document entitled 10:11:55AM

12 'Statement of rights and obligations'?---I was. 10:12:00AM

13 And has any lawyer explained that document to you?---Yes, they 10:12:03AM

14 have. 10:12:08AM

15 Very good. Do you feel you understand the contents of that 10:12:09AM

16 document?---I do. 10:12:12AM

17 Is there any part of it you would like me to further discuss 10:12:13AM

18 with you?---Not particularly. 10:12:18AM

19 So then may I just say by way of summary, as I've said, you're 10:12:21AM

20 entitled to obtain legal representation and if you change 10:12:26AM

21 your view at any stage please let me know. You may claim 10:12:29AM

22 a privilege, but you're not excused from answering any 10:12:34AM

23 question or providing information or a document or other 10:12:38AM

24 thing on the ground that the answer, information, document 10:12:43AM

25 or other thing might tend to incriminate you, which means 10:12:46AM

26 that you must answer questions that you're asked unless 10:12:51AM

27 you have a reasonable excuse for not doing so. You must 10:12:55AM

28 answer the questions, even if they might incriminate you 10:12:59AM

29 or make you liable to a penalty?---Yes. 10:13:02AM

1 You must answer the questions truthfully, otherwise you may 10:13:05AM  
2 expose yourself to a risk of perjury, which you understand 10:13:09AM  
3 would carry or might carry a term of imprisonment. 10:13:13AM  
4 Importantly, if you answer questions truthfully, then the 10:13:18AM  
5 answers are not admissible and cannot be used against you 10:13:21AM  
6 in any court, the exception being of course if you were to 10:13:25AM  
7 give a false answer, then that answer could be used on a 10:13:28AM  
8 perjury charge?---Sure. 10:13:32AM  
9 Now, is there any part of that you want me to further explain 10:13:34AM  
10 or explore with you?---No. 10:13:39AM  
11 Something I say to all witnesses at examinations, both in 10:13:42AM  
12 private or public examinations, Counsel Assisting may ask 10:13:46AM  
13 you questions sometimes that we describe as open-ended in 10:13:52AM  
14 that the question doesn't suggest an answer. You 10:13:57AM  
15 shouldn't assume because it's an open-ended question that 10:14:01AM  
16 counsel doesn't already have material in his possession 10:14:04AM  
17 which provides the answer. So it's really important that 10:14:09AM  
18 you always ensure you give a fully accurate and truthful 10:14:12AM  
19 answer to all questions. Do you follow?---I do understand 10:14:17AM  
20 that. 10:14:20AM  
21 Yes. Yes, Mr Tovey. 10:14:23AM  
22 MR TOVEY: Thank you. 10:14:28AM  
23 <EXAMINED BY MR TOVEY: 10:14:28AM  
24 Sir, are you Geoff Leigh?---I am indeed. 10:14:29AM  
25 And did you attend here today in response to a summons served 10:14:32AM  
26 on you?---I did. 10:14:36AM  
27 Is that summons numbered SE3348?---I'm sure it is. I haven't 10:14:38AM  
28 got it in front of me, but I got the document that the 10:14:45AM  
29 Commissioner read out, so I'm sure it is. 10:14:49AM

1 With that summons did you receive a covering letter dated 10:14:52AM  
2 21 October 2020?---Yes, I did. Unfortunately it got sent 10:14:56AM  
3 to a wrong address originally because we had been building 10:15:01AM  
4 a new house and it went to my rented address, but then it 10:15:04AM  
5 was followed up by emailing me. 10:15:07AM  
6 And did you receive a document entitled 'Statement of rights 10:15:09AM  
7 and obligations'?---I believe I did. 10:15:17AM  
8 Yes, I tender copies of those documents, Mr Commissioner. 10:15:19AM  
9 COMMISSIONER: Exhibit 333. 10:15:27AM  
10 #EXHIBIT 333 - Summons numbered SE3348, covering letter dated 10:15:30AM  
11 21/10/20 and document entitled 'Statement of rights and 10:15:30AM  
12 obligations'. 10:15:30AM  
13 MR TOVEY: Mr Leigh, if I could just start off by getting 10:15:32AM  
14 something of your history. You were in state parliament, 10:15:36AM  
15 I understand, in the Legislative Assembly representing the 10:15:40AM  
16 seat of Malvern from 1982 to 1992; is that right?---That's 10:15:45AM  
17 true. 10:15:55AM  
18 Did you have any ministerial - - -?---I might add you've 10:15:55AM  
19 missed - that I also served in the parliament from 82 to 10:16:02AM  
20 2002 because due to a factional dispute where I've always 10:16:06AM  
21 been pretty independent in my party about my thinking 10:16:11AM  
22 I had some trouble when I was - they got me with some 10:16:14AM  
23 numbers and I simply moved seats and continued to - - - 10:16:18AM  
24 So that was to Mordialloc, was it - - -?---It was. 10:16:21AM  
25 Between 1992 to 2002?---And I don't like bullies, sir. 10:16:26AM  
26 I'll stand up to them, which I did. 10:16:33AM  
27 Well, that's good. Mr Leigh, now from 1992 to 2002 - sorry, 10:16:35AM  
28 during that period of time were you throughout that period 10:16:40AM  
29 of time aligned with any political party and, if so, 10:16:45AM

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what?---The Liberal Party.  
Now, after leaving parliament did you become a lobbyist?---By  
accident, yes, originally.  
And when did that - did you - look, perhaps you could just  
explain to us how that unfolded, your career as a lobbyist  
or your - - -?---How it unfolded, okay. Well, how it  
unfolded is when I had finished at parliament I had left a  
particular issue, which was actually a car park, believe  
it or not, but a company needed to have done or they were  
going to lose a lot of business, and I left it with the  
Labor member, who never did anything with it, and the  
company concerned, which was a panel beater, they were  
going to lose 4 million bucks worth of business if they  
didn't get it fixed. I got it fixed for them, and after  
that a few other businesses - most of the people I dealt  
with after that for a long period of time were actually  
business people, not in the property industry. So often  
dealing with the council officers, not the councillors, in  
solving a problem, because most small business people  
don't have the understanding of the complexity of  
government to actually deal with them, and so I would deal  
with the officers for them, publicly I might add.  
At some point did you end up in an association or partnership  
with Phil Staindl?---I did, and prior, given that I'm a  
Liberal member and he was a Labor person, before  
I actually did an agreement with him I actually checked  
him out. The first person I spoke to was Robert  
McClelland, who was the former minister for planning,  
who - - -

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1 Look, I don't think we need - - -?---Okay. What I'm saying 10:18:22AM  
2 is - I'm trying to explain to you that two people, one of 10:18:24AM  
3 them being the person that Mr Staindl nearly beat and 10:18:27AM  
4 another person he was trying to get rid of on my side, 10:18:31AM  
5 both said he was a credible person. So on that basis 10:18:34AM  
6 I was - over a particular couple of issues I was prepared 10:18:37AM  
7 to work with him. 10:18:40AM  
8 And when did you commence working in association with 10:18:41AM  
9 him?---You mean with his business or do you mean prior to 10:18:55AM  
10 that? 10:18:58AM  
11 Well, we've heard that - we've heard that what was referred to 10:18:59AM  
12 as a partnership between yourself and Phil Staindl was in 10:19:05AM  
13 the form of All Weather Solutions?---Yes, okay. That 10:19:09AM  
14 was - - - 10:19:14AM  
15 Is that a correct understanding?---Yes, that was set up - - - 10:19:15AM  
16 And that was, according to the information we've so far been 10:19:20AM  
17 given, between 2006 and 2012?---That would be right. 10:19:25AM  
18 All right. Now, during that period of time you had an 10:19:29AM  
19 association, did you, with other entities which were your 10:19:42AM  
20 own business rather than a business you shared with 10:19:51AM  
21 Mr Staindl?---Yes. 10:19:54AM  
22 And what were the names of those entities?---Well, I have - 10:19:55AM  
23 I don't - it was I guess what you could call - I was an 10:20:01AM  
24 associate with the company that we were doing - we are and 10:20:05AM  
25 still doing some land arrangements away from lobbying, in 10:20:08AM  
26 Sunbury, and seven years later we're almost close to 10:20:15AM  
27 actually being able to build something. So I worked in 10:20:19AM  
28 partnership with the company through the GAA and then the 10:20:22AM  
29 Victorian Planning Authority where I was actually part of 10:20:26AM

1 the business where you actually paid to be what's called 10:20:28AM  
2 the fundee group. So nothing to do with lobbying. 10:20:32AM  
3 When you were involved in that group was that for what you 10:20:37AM  
4 say - that was a group involved in property - in 10:20:42AM  
5 developing a specific area of property, was it?---Yes, 10:20:45AM  
6 yes, and if you understand the GAA and the VPA, what 10:20:48AM  
7 happens is they set up what's called the fundee group when 10:20:53AM  
8 they do the developments in which the developers who are 10:20:58AM  
9 involved in it actually participate in the process, and 10:21:01AM  
10 I was part of that. So it's not relevant to being a 10:21:03AM  
11 lobbyist. 10:21:07AM  
12 Did you do any lobbying activity on behalf of that company in 10:21:07AM  
13 respect of that development - - -?---No. 10:21:13AM  
14 With local council or with - - -?---No, the only - as an 10:21:14AM  
15 associate of it, and I have a business card to that, if 10:21:20AM  
16 I ever went to council it was always generally with 10:21:24AM  
17 I think the officers. 10:21:27AM  
18 Okay. Was there an entity called G&L Commercial?---G&A 10:21:28AM  
19 Commercial. 10:21:41AM  
20 G&A, is it?---That's right. Formed in about 2004. 10:21:41AM  
21 And how long did it - is that still - - -?---Yes. 10:21:46AM  
22 Continuing?---Yes. 10:21:50AM  
23 And what's that business?---It's now involvement in - basically 10:21:51AM  
24 in what's going on in Sunbury because of part of the 10:21:57AM  
25 partnership. 10:22:01AM  
26 I see. Was that at any stage an entity through which you 10:22:02AM  
27 conducted lobbying activities?---It actually registered as 10:22:05AM  
28 a lobbying activity, yes. 10:22:10AM  
29 Okay. Now, is that incorporated or is it - - -?---It is 10:22:12AM

1 incorporated. 10:22:19AM

2 So it is G&A Commercial Pty Ltd, is it?---Yes, it is, sir. 10:22:19AM

3 There was All Weather Solutions. There was also another entity 10:22:24AM

4 with which Phil Staindl was involved called Inside Out 10:22:36AM

5 Solutions?---That's true. 10:22:40AM

6 Are you able to tell us where that fitted in so far as you were 10:22:42AM

7 concerned?---When the Liberal administration won in 2010 10:22:47AM

8 I went to work for them for a while. Didn't - look, it 10:22:53AM

9 lasted a while but (a) I don't like working in the city. 10:22:59AM

10 We had, despite the fact there were Labor people there, 10:23:02AM

11 I guess what you would describe as I had my section and 10:23:06AM

12 they had their section. 10:23:08AM

13 Yes?---And often we had some work that we did. I don't know 10:23:09AM

14 that there was - they were more bits and pieces, I think, 10:23:13AM

15 more than anything else, but - and I decided after a while 10:23:17AM

16 that I didn't like working in the city and I left. 10:23:20AM

17 All right. Look, I'll take you to some documents later on - - 10:23:23AM

18 -?---Sure. 10:23:27AM

19 But it's apparent from the documents we have that from time to 10:23:28AM

20 time you were in the foreground, sometimes you were in the 10:23:34AM

21 background. Often that depends on the political colour of 10:23:36AM

22 the people that are being dealt with or who are in power 10:23:42AM

23 at the time?---Sure. 10:23:44AM

24 But dealing sometimes with government, sometimes with 10:23:46AM

25 councillors. I just want you to give us an understanding 10:23:54AM

26 as to, first of all, how you saw the role of a lobbyist 10:24:02AM

27 playing out at state government level?---Can I say at the 10:24:09AM

28 outset, given this mentions specifically John Woodman, 10:24:15AM

29 I would like to say that I've had no contact with 10:24:19AM

1 Mr Woodman since I think 2014. 10:24:20AM  
2 Yes?---And on any occasion that I ever worked for - - - 10:24:23AM  
3 Look, I'll get to your association with Mr Woodman. We'll just 10:24:27AM  
4 do it a step at a time. But, look, make a note because 10:24:31AM  
5 anything you want to say at the end of the examination to 10:24:34AM  
6 clear something up you will be given the opportunity of 10:24:38AM  
7 saying that?---Can I say, sir, most people list at the 10:24:41AM  
8 beginning of what happens to something, not the end of it. 10:24:46AM  
9 Yes, all right. So you say that you haven't seen Mr Woodman 10:24:49AM  
10 since 20- - - -?---I checked my web mail system for a 10:24:54AM  
11 start, and my web mail system goes back to 2014. I would 10:24:59AM  
12 say if I ran into John Woodman when I was at Watsons it 10:25:03AM  
13 would have been to say hello and to walk through. I think 10:25:08AM  
14 all my dealings that I ever had were with actually Heath 10:25:11AM  
15 Woodman, and I never saw a sign of what I watched in some 10:25:15AM  
16 of your stuff that's been going on, and I guess I say 10:25:18AM  
17 about myself - you've checked my record - I'm not one 10:25:23AM  
18 particularly good for actually taking direction because 10:25:25AM  
19 I know what I'm doing, and if I know what I'm doing I'll 10:25:28AM  
20 actually - if you hire me, you hire me and you know what 10:25:30AM  
21 you are going to get, and I will fight the battles the way 10:25:35AM  
22 I do and they're always above board. 10:25:39AM  
23 When was it that you ceased dealing with Heath Woodman, if at 10:25:41AM  
24 all?---I think it's 2015 roughly over - and this is not 10:25:45AM  
25 Brompton Lodge, it's other things that we were looking at, 10:25:51AM  
26 and I think occasionally I've had a couple of emails with 10:25:54AM  
27 him. I think the last time I had a cup of coffee with him 10:25:57AM  
28 was on I think 22 August 2017, and I think I might have 10:26:00AM  
29 met him once after that - maybe. Maybe twice. But 10:26:08AM

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I stand to be corrected.

It's apparent from what you've already said that you saw your role as a lobbyist to be one which was exercised with the Liberal side of politics; is that fair?---Probably nine times out of 10, but given my past experience - I'd chaired all-party committees, so I was capable of dealing with other people and I did occasionally deal with a Labor person, true.

In dealing with Mr Woodman, Mr Staindl has indicated how he and Mr Woodman discussed various political contributions which - - -?---Which Mr Woodman are we talking about? That's John Woodman - discussed political contributions that John Woodman was contemplating making. As part of your role as a lobbyist in respect of the Liberal side of politics would you discuss contributions to be made to political candidates with people who were your clients, in particular Heath Woodman or John Woodman?---Look, I mean, obviously people have come to functions and stuff like that or there have been functions that have been organised. But to the best of my - if you said have I ever said to someone, 'Look, if you do this, we'll do that,' the answer is no. It's corrupt.

And why do you say that?---Why? Because - look, I think if you've done what I've done for 20 years one of the things you do learn about it is that there are some borders that you don't go over, and I'm quite happy that somebody goes to a function - I mean, look, the reality is if someone goes to a function, whether it's, you know, \$50 or 1,000 or if you are going to see a person who's an MP, most MPs

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1 want to know what's going on. So, if they want to agree 10:28:05AM  
2 with something or disagree with something, they'll tell 10:28:08AM  
3 you. And that's not being - I'm not - I'm not - I've not 10:28:10AM  
4 been a money man for a political party, if that's what 10:28:14AM  
5 you're suggesting. 10:28:18AM  
6 I'm not suggesting anything; I'm just asking. I'm wanting to 10:28:19AM  
7 know whether your role was at any stage to give advice to 10:28:25AM  
8 your clients as to whether or not they should make 10:28:28AM  
9 contributions, to whom they might make 10:28:33AM  
10 contributions?---I must say, and remember in the case of 10:28:38AM  
11 Watsons I haven't worked for them for a long time, so - 10:28:41AM  
12 I'm 68, my memory is pretty good, better than some other 10:28:46AM  
13 people in politics we know, but I have to say, look, I've 10:28:51AM  
14 never - I don't believe, to the best of my recollections, 10:28:53AM  
15 I have ever said to anybody, 'You should pay' - 'If you 10:28:55AM  
16 pay these guys, you will get that.' I do not believe 10:28:58AM  
17 I have ever said that. 10:29:02AM  
18 You said to me a minute ago that you thought the association 10:29:02AM  
19 between acting for somebody who has a commercial interest 10:29:05AM  
20 and the offering of political donations was corrupt - - 10:29:10AM  
21 -?---No, I said if you're offering - no, that's not quite 10:29:15AM  
22 true. What I said was that if you're saying to somebody, 10:29:18AM  
23 'Look, if you take \$5,000 from somebody, then they're 10:29:20AM  
24 going to do' - 'If you give them \$5,000, then you're going 10:29:25AM  
25 to get a reward from it,' I think that is corrupt. I've 10:29:28AM  
26 never done that and I would never. 10:29:33AM  
27 What if you say to somebody, 'Look, I'm thinking of giving you 10:29:35AM  
28 \$20,000 but I want to interview you about what your 10:29:41AM  
29 position is on issues that affect me,' - - -?---Never 10:29:45AM

1           happened. Never happened. 10:29:51AM

2 I want to ask your view as somebody who is 10:29:52AM

3           experienced?---I think I'd walk away from it. 10:29:57AM

4 COMMISSIONER: Just a moment, Mr Tovey. Mr Leigh, there's been 10:29:59AM

5           a bit of talking over each other. What's really - - 10:30:03AM

6           -?---I apologise. 10:30:06AM

7 Important is you let Mr Tovey finish his question, and then he 10:30:09AM

8           will have to remain silent whilst you answer the question. 10:30:12AM

9           But take it question by question, if you wouldn't 10:30:16AM

10          mind?---Okay. I apologise. 10:30:19AM

11 MR TOVEY: What's your view as to a process where a politician 10:30:24AM

12          is offered a donation, then the politician is interviewed 10:30:28AM

13          to secure a commitment to support your commercial interest 10:30:40AM

14          in a particular respect, and then following that providing 10:30:48AM

15          the money which has previously been suggested? Is that an 10:30:54AM

16          arrangement with which you have ever been 10:31:02AM

17          involved?---I think once somebody tried that when I was an 10:31:06AM

18          MP and I refused. 10:31:09AM

19 And why did you do that?---Because it made me beholden to them. 10:31:10AM

20          I might say the individual concerned backed off. He still 10:31:16AM

21          made a donation and he didn't get any favours from me in 10:31:19AM

22          any case. It wasn't a massive amount of money. So 10:31:23AM

23          no-one's ever - no-one's ever offered me \$20,000, so - 10:31:26AM

24          but, yes, the principle is still the same no matter how 10:31:29AM

25          large it is. 10:31:32AM

26 So do you see that as corrupt?---I think if you're - I think 10:31:33AM

27          it's certainly - certainly if you're taking the money on 10:31:41AM

28          the basis that you'll then do a favour for somebody, 10:31:45AM

29          I don't think that's honest, no. 10:31:49AM

1 You're not going to do that, are you, but if you take the money 10:31:51AM  
2 knowing that it has only come because you have made the 10:31:59AM  
3 commitment, even though nobody says to you, 'We're giving 10:32:04AM  
4 you money because we want you to make this commitment,' do 10:32:08AM  
5 you see that as corrupt?---Yes, look, I suppose so. Look, 10:32:13AM  
6 I guess I was really lucky in where I was as - - - 10:32:19AM  
7 I'm just asking about your view rather than - - -?---No, 10:32:22AM  
8 I understand. I'm trying to explain it, is I never really 10:32:25AM  
9 had it. No-one's ever said that to me like that. 10:32:28AM  
10 COMMISSIONER: Mr Leigh, can I just broaden the issue a 10:32:32AM  
11 little?---Sure. 10:32:38AM  
12 What's overwhelmingly apparent from the Commission's 10:32:39AM  
13 investigation here on the Casey Council is that Mr Woodman 10:32:51AM  
14 and his associates plainly thought, and were assisted in 10:32:58AM  
15 this thinking by your former colleague Mr Staindl, that if 10:33:05AM  
16 they made a donation - a campaign contribution to someone 10:33:11AM  
17 that they were much more likely to get favourable support 10:33:19AM  
18 from that person. This is not about a quid pro quo, 'I'll 10:33:24AM  
19 give you this if you do this for me,' but merely the 10:33:30AM  
20 thinking that the fact that a donation is made gives them 10:33:34AM  
21 a level of access and opportunity to gain the support of 10:33:39AM  
22 the person to whom they're making a donation that would 10:33:45AM  
23 not otherwise be forthcoming. Has that been your 10:33:48AM  
24 experience over time as a - - -?---Sorry, I was about to 10:33:53AM  
25 interrupt. I apologise. 10:33:59AM  
26 Yes, go ahead?---No, and in fact can I say in all the time that 10:34:01AM  
27 I - and, remember, Mr Staindl and I are not family friends 10:34:03AM  
28 or anything, but we've worked together over a number of 10:34:07AM  
29 years, and I never - I have not seen a side of that, nor 10:34:09AM

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have I ever seen anybody else saying he had done that or whatever, in my time with working with him. So I was surprised.

If we're dealing with persons who do not have an ideological support for a particular political party but are making contributions because there's a commercial benefit in the long term or there might be a commercial benefit from doing so, what other reason can there be for someone, say, like Watsons that makes contributions to both the Labor and the Liberal Party, what other motivation can there be that you can suggest for making donations on both sides of the political spectrum if it's not because it's considered that increases the opportunity to influence?---I think, sir, you're probably right, and the answer to that is to cap donations to political parties. That stops it.

But, leaving aside questions of reform, that takes me back to my previous question, which is surely it must have been evident to you in your considerable expertise acquired over time as a lobbyist and as a politician that people make donations often not because they are ideologically in support of the person to whom they are supporting but because they anticipate the possibility that by doing so they will have a level of access and the opportunity to influence which might not otherwise be there; surely there's nothing surprising about that, is there?---No, I suppose not.

All right. Yes, Mr Tovey.

MR TOVEY: We've spent considerable time looking at, and we'll continue to be looking at, the various fundraising

10:34:12AM  
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10:36:16AM  
10:36:23AM  
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10:36:37AM  
10:36:41AM

1 organisations that the political parties had. 10:36:43AM

2 I understand that you had significant involvement in the 10:36:50AM

3 setting up of fundraising organisations which had an 10:36:56AM

4 interface with business in respect of the Liberal Party in 10:37:04AM

5 Victoria; is that understanding correct?---One entity. 10:37:08AM

6 One entity only. 10:37:14AM

7 And which was that?---It was called Business First. I was 10:37:15AM

8 chairman of it at its inauguration, and I voluntarily 10:37:18AM

9 retired at my choice at 2011 and - - - 10:37:23AM

10 Yes. Look, I'm aware of the fact that there was a controversy 10:37:31AM

11 about that time - - -?---(Indistinct) if you want the 10:37:33AM

12 controversy, the controversy is absolutely - - - 10:37:36AM

13 It may be that it will become of some slight relevance later on 10:37:39AM

14 but only to demonstrate what was in issue at that time 10:37:43AM

15 rather than make any judgments about it. But I just want 10:37:47AM

16 to get from you information about Business First. So when 10:37:53AM

17 was it set up?---I think 2009. 10:37:58AM

18 Yes. And so that was in the lead-up to the 2010 election, was 10:38:02AM

19 it?---Yes, some time before that. Dates I don't know. 10:38:10AM

20 And was it set up primarily as a fundraising 10:38:13AM

21 mechanism?---I guess that's a yes and no. Yes for 10:38:23AM

22 fundraising, but also when you're a political party in the 10:38:26AM

23 wilderness through your area it's also good to have an 10:38:30AM

24 organisation where you can invite people as speakers to 10:38:33AM

25 talk to it. We would have breakfasts and lunches. If you 10:38:37AM

26 came, for example, from - if you wanted to come to our 10:38:41AM

27 fundraiser from Frankston, for example, the cost of the 10:38:46AM

28 lunch would be taken out of it and you'd get a slice of 10:38:50AM

29 the profits back. The lunch or breakfast prices were 10:38:53AM

1            basically 50, 60 bucks, something. 10:38:58AM

2    Yes?---And I might say through that connector area it's mainly 10:39:01AM

3            small business. So it was really targeted at the business 10:39:04AM

4            community, not property development. 10:39:06AM

5    And did it work on a membership basis?---No-one paid membership 10:39:09AM

6            fees, I don't think, from memory. 10:39:15AM

7    So, if that was the case, it involved running functions?---Yes. 10:39:17AM

8    And seeking contributions in one form or another from the way 10:39:26AM

9            in which those functions were run?---What I would say is 10:39:30AM

10           (a) it was the lunch. There was always a donation form, 10:39:34AM

11           which I believe headquarters - and I stand to be 10:39:39AM

12           corrected, which was a headquarters thing maybe, that if 10:39:44AM

13           you wanted to make a donation. I remember I was the one 10:39:48AM

14           who used to put them out on the tables. We would normally 10:39:50AM

15           have 30 to 40 people there, I suppose. If you made a 10:39:53AM

16           donation, you made a donation. You paid for the lunch. 10:39:56AM

17           The lunch made a profit, not a lot. Some people made 10:39:59AM

18           donations; some didn't. It wasn't - there was no force on 10:40:02AM

19           it that way, no. 10:40:05AM

20    With Progressive Business we've heard that - we have had 10:40:06AM

21           described to us what was a fairly sophisticated set-up in 10:40:12AM

22           the way in which opportunities to meet politicians at 10:40:15AM

23           various levels were managed. Did your events involve the 10:40:22AM

24           opportunity of businessmen meeting with 10:40:31AM

25           politicians?---Well, if the guest speaker who was there 10:40:36AM

26           was a politician, yes. But I think it should be made 10:40:38AM

27           plain here Business First was not an entity like 10:40:41AM

28           Progressive Business. This was a localised, local funding 10:40:45AM

29           organisation, and if the person who was the guest speaker 10:40:49AM

1 was a politician or a local member, yes, they were there. 10:40:53AM  
2 But were the heavyweights of that party there? Generally 10:40:57AM  
3 not, no. 10:41:02AM  
4 Was the opportunity given to - sorry, did ministers come to 10:41:02AM  
5 events, or was that not the case?---How about the answer 10:41:09AM  
6 to that is, no, we were in opposition. 10:41:14AM  
7 Sorry?---We were in opposition. 10:41:17AM  
8 Of course, yes. What about in 2010?---I'm not 100 per cent 10:41:18AM  
9 sure on that. There might have been one or two occasions. 10:41:28AM  
10 But by the same token, sir, it's still the person would 10:41:31AM  
11 make a speech, they'd answer questions, they might stand 10:41:36AM  
12 around for a few minutes and then go, and that's it. So 10:41:39AM  
13 there's no, like, 'Oh, I'm going off to the side there to 10:41:42AM  
14 have a chat with someone.' It wasn't like that. It was 10:41:46AM  
15 just (indistinct). 10:41:49AM  
16 Were there any protocols which were applied as to topics that 10:41:49AM  
17 were capable of being raised with politicians at these 10:41:52AM  
18 lunches or dinners?---Like what? 10:41:58AM  
19 Like, were there any protocols saying, 'Look, you can't raise 10:42:00AM  
20 any matter in which you have a financial 10:42:07AM  
21 interest'?---I think the Liberal Party's attitude to 10:42:11AM  
22 something like that - remember, this is not an 10:42:14AM  
23 organisation that had a membership, a membership base. 10:42:16AM  
24 People turned up. That's the best of my recollection. 10:42:19AM  
25 I don't think we charged a membership fee, but I stand to 10:42:23AM  
26 be corrected. But, no, there was no - look, I want you to 10:42:25AM  
27 imagine it was either in the Keysborough Golf Club or 10:42:31AM  
28 Doyles hotel or the Dingley hotel, something like that, 10:42:35AM  
29 where we would have booked a room. 10:42:37AM

1 Yes?---So it was not one of these central organised events that 10:42:39AM  
2 the major political parties - like, my party does it too, 10:42:45AM  
3 not like that. 10:42:51AM  
4 Yes. So when was that disbanded? That was in 2011, was it, 10:42:52AM  
5 after there was a bit of controversy in the newspaper 10:42:57AM  
6 about it?---Can I say when people want to write what 10:43:00AM  
7 I believe is nothing more than a bad version of fiction, 10:43:05AM  
8 because right after - - - 10:43:09AM  
9 I'm not seeking your commentary. I just want to know - - 10:43:10AM  
10 -?---No, no, not at all. Well, in that case - well - but 10:43:13AM  
11 when you used the word, sir, about an event, then in my 10:43:16AM  
12 view it leaves people with an impression that something 10:43:19AM  
13 was done. What I can tell you, when I left there was some 10:43:22AM  
14 controversy and what then happened was - I'm not sure 10:43:26AM  
15 whether we took it up or the Australian Electoral 10:43:29AM  
16 Commission took it up, but all our funding arrangements, 10:43:32AM  
17 money collected and everything was handed over to them, 10:43:36AM  
18 they did their own audit, and in an appropriate time they 10:43:38AM  
19 reported, and as a result of that when someone got up in 10:43:42AM  
20 the Victorian parliament making allegations about it again 10:43:45AM  
21 a personal explanation was put on the books in the upper 10:43:48AM  
22 house of the Victorian parliament that said we had run the 10:43:51AM  
23 organisation the way the Australian Electoral Commission 10:43:54AM  
24 said we should. 10:43:56AM  
25 Yes. So you were in fact granted the opportunity of putting in 10:43:57AM  
26 a response to allegations that had been made by Brian Tee, 10:44:02AM  
27 had you not?---Can I say it was first raised by - - - 10:44:06AM  
28 If you just listen to my question and answer it. You were 10:44:10AM  
29 given the opportunity to respond and you did to 10:44:14AM

1 parliament?---Yes, but the Assembly was run by the Labor 10:44:17AM  
2 Party and they wouldn't put it in there. 10:44:22AM  
3 I see. All right. Look, really, what I'm - when we started on 10:44:24AM  
4 this - all I really wanted to know was when exactly did 10:44:31AM  
5 Business First conclude business?---Some time after 10:44:36AM  
6 I left. I couldn't tell you officially, sir. 10:44:42AM  
7 And what was its structure? Was it a corporation or was it a 10:44:44AM  
8 club, or how was it?---Now you're really testing my 10:44:47AM  
9 memory. It was done through Liberal Party headquarters, 10:44:53AM  
10 which we had to run it officially through our party 10:44:56AM  
11 structure as part of it. So it was an authorised entity 10:44:58AM  
12 within the Liberal Party. 10:45:01AM  
13 Did Inga Peulich have any part in the commencement or the 10:45:02AM  
14 running of the Business First organisation?---I don't 10:45:08AM  
15 think - look, she was one of the local members, I mean 10:45:12AM  
16 probably the only local member we had, so obviously she 10:45:15AM  
17 did have some involvement in it. But she didn't run it. 10:45:18AM  
18 When I ran it I ran it. 10:45:21AM  
19 I'm not suggesting that she did run it, but - I'm not 10:45:22AM  
20 suggesting anything, in fact. I'm just simply enquiring 10:45:27AM  
21 what role, if any, she played?---She was helpful in terms 10:45:31AM  
22 of what occurred, but I think no different than any local 10:45:34AM  
23 member would be with a supporters club that was on her 10:45:41AM  
24 side - on my side or the Labor Party side. 10:45:45AM  
25 When you said she was the local member, she was the member 10:45:48AM  
26 for?---South Eastern Province. 10:45:50AM  
27 Upper house then, obviously?---Yes, sir, she was. 10:45:54AM  
28 And did she remain in that role over a period of time?---Yes, 10:45:56AM  
29 up till I think it was the last - I think it was the last 10:46:03AM

1 state election. 10:46:08AM

2 2018?---I think so. I think that was it. 10:46:08AM

3 Okay. Now, Enterprise Victoria became a fundraising vehicle 10:46:11AM

4 for the Liberal Party. Did you have any association with 10:46:22AM

5 Enterprise Victoria?---None at all, and in fact, actually, 10:46:28AM

6 you may not know, there are actually two Enterprise clubs. 10:46:32AM

7 Sorry?---There are actually two Enterprise clubs in the Liberal 10:46:35AM

8 Party, not one. 10:46:39AM

9 And what are they?---Enterprise Victoria, which I have nothing 10:46:41AM

10 to do with, at all, and there was a south-eastern one 10:46:49AM

11 which was called Enterprise Club, which actually had the 10:46:51AM

12 name prior to Enterprise Victoria deciding what they would 10:46:54AM

13 do. So I think I ever once went to the central one, maybe 10:46:58AM

14 once, but I had no involvement in any of their fundraising 10:47:05AM

15 operations in any way, shape or form. 10:47:09AM

16 In respect to Business First, did you seek to have your clients 10:47:11AM

17 attend Business First functions?---I think if they - one 10:47:15AM

18 or two of them were actually local business people, they 10:47:23AM

19 turned up . I'm sure that you've got access to a lot of 10:47:26AM

20 Mr Woodman's stuff, so you would have seen we often sent 10:47:29AM

21 out a flyer what was going on, if they wanted to come they 10:47:32AM

22 should come. I never said to anybody 'you must come'. 10:47:36AM

23 People I dealt with were pretty decent people that - many 10:47:39AM

24 of them were Liberals, but if they had the time they 10:47:42AM

25 would, if they didn't they didn't. 10:47:45AM

26 With Mr Woodman, we know that he made some significant 10:47:46AM

27 contributions to candidates at the time of the 2010 10:47:51AM

28 election, one of which, if my memory serves me correctly, 10:48:00AM

29 was Councillor Geoff Ablett, \$40,000 - sorry, \$10,000. Is 10:48:03AM

1 that something that you were aware of? Were you 10:48:14AM  
2 approached in respect of that?---No. Not aware of it. 10:48:18AM  
3 Way away from where I operated from, sir. 10:48:21AM  
4 Did you have any dealings yourself with Councillor 10:48:24AM  
5 Ablett?---I think years ago once I might have met him. 10:48:31AM  
6 But, if you're saying for any level of time through my 10:48:34AM  
7 time, not that I recall. Nothing sufficient, put it - 10:48:39AM  
8 nothing serious that I could remember, but stand to be 10:48:42AM  
9 corrected obviously. 10:48:45AM  
10 Yes. All right. Then when was it that you first met John 10:48:46AM  
11 Woodman or Heath Woodman?---Has to be about - probably 10:48:53AM  
12 around 2007 some time, maybe. 10:49:06AM  
13 And what were the circumstances?---To be perfectly blunt, 10:49:08AM  
14 I don't remember. It's a long time ago, you might 10:49:20AM  
15 imagine. 10:49:23AM  
16 Was it to do with - well, did you just meet socially or were 10:49:23AM  
17 you employed by John or Heath as a consultant or a 10:49:29AM  
18 lobbyist?---I think - I think at one point - I have a 10:49:35AM  
19 vague recollection at one point when the shadow minister - 10:49:42AM  
20 there was the shadow - with the shadow for planning, I may 10:49:46AM  
21 well have taken one of the Woodmans into parliament when 10:49:49AM  
22 they met the shadow minister. But, you know, look, 10:49:53AM  
23 today's 2020. Remembering something that far back, you 10:49:59AM  
24 know - both of you gentlemen are getting older, so your 10:50:05AM  
25 memories - I'm sure your memories are better than mine, 10:50:09AM  
26 but you do get gaps in it over - if they are not 10:50:11AM  
27 significant issues in your life. 10:50:14AM  
28 COMMISSIONER: It's not a memory test, Mr Leigh?---Thank God 10:50:16AM  
29 for that. 10:50:21AM

1 MR TOVEY: What about Megan Schutz? Did you have any dealings 10:50:24AM  
2 with her over that time up until - - -?---Yes. Yes, 10:50:29AM  
3 I did. 10:50:36AM  
4 2014? And what were they? I mean, generally, what was the 10:50:36AM  
5 role that she played and what was the extent of her 10:50:42AM  
6 interaction with you?---Well, the extent of her 10:50:46AM  
7 interaction with me was that if - when we were working on 10:50:49AM  
8 Brompton Lodge - I think it might have been Brompton 10:50:52AM  
9 Lodge - no, it may not even have been Brompton Lodge, but 10:50:54AM  
10 at some point she was at Watsons offices and if I went to 10:50:56AM  
11 a meeting there she was probably there. But that was 10:51:01AM  
12 later in the piece. I don't know - I can't remember 10:51:04AM  
13 exactly when, that's true - but I only ever really met her 10:51:06AM  
14 in that sense from - originally from going to a meeting at 10:51:10AM  
15 their office. 10:51:15AM  
16 And what about Lorraine Wreford? Did you know 10:51:16AM  
17 Lorraine?---Very, very briefly originally, and then only 10:51:25AM  
18 because the Liberal Party was desperately looking for 10:51:28AM  
19 candidates for an upcoming state election, and the reason 10:51:31AM  
20 she was of an interest to people is there were too few 10:51:36AM  
21 women in our parliament and, you know, some people think 10:51:42AM  
22 it's full of 55-year-old men, and we were trying to 10:51:45AM  
23 encourage women to run. She ran for preselection for 10:51:49AM  
24 Mordialloc. There were three candidates. The former 10:51:54AM  
25 candidate was pretty hopeless, the other one was not too 10:51:57AM  
26 good either, and she got preselected. It wasn't in my 10:52:01AM  
27 control. The delegates make that decision, not me. 10:52:03AM  
28 And what was she doing at that time?---I think my memory was 10:52:03AM  
29 she was a councillor and she was employed in some 10:52:07AM

1 financial arrangement somehow. 10:52:09AM

2 And where was she a councillor?---Casey. 10:52:10AM

3 At Casey, yes. And did she win that election?---She did. 10:52:13AM

4 Was she supported by John Woodman, to your knowledge, in that 10:52:25AM

5 election?---I'm not 100 per cent sure, so - but I was not 10:52:30AM

6 on the Mordialloc - I was on the Mordialloc electorate 10:52:34AM

7 executive but I never saw the books, so I - the 10:52:38AM

8 electoral - they're books that you can gain access to. 10:52:41AM

9 I don't know whether he donated personally to them or not. 10:52:44AM

10 Did you have dealings with her as a councillor at Casey in 10:52:47AM

11 respect of any matter relating to John Woodman?---I reckon 10:52:50AM

12 on one occasion, before I came to an agreement over 10:52:53AM

13 Brompton Lodge, what I always do on any job is I check it 10:52:56AM

14 out to see whether it's worth having the battle about, and 10:52:59AM

15 I think I either spoke to her in person or I phoned her in 10:53:02AM

16 person - phoned her. I don't remember which. But I don't 10:53:07AM

17 remember more than that. But, once again, I stand to be 10:53:10AM

18 corrected, so - long time ago. 10:53:13AM

19 And Janet Halsall, did you at this period of time have any 10:53:15AM

20 interaction with her? This is around - - -?---I know who 10:53:20AM

21 she is, but she's not someone that I'd frequented, not 10:53:26AM

22 that I can remember. I mean, I knew who she was. If you 10:53:30AM

23 asked me did I know what she looked like, I couldn't tell 10:53:35AM

24 you, to be honest. 10:53:37AM

25 Yes. And who was she?---I think she might have known - she 10:53:38AM

26 either - she was either a councillor at Casey or she knew 10:53:42AM

27 somebody or whatever. She was one of Lorraine's friends, 10:53:46AM

28 I think. That's how I might have - that's how I may have 10:53:51AM

29 run into her, but - when she was a local member. 10:53:53AM

1 And Inga Peulich, did you have any particular association with 10:53:55AM  
2 her?---Well, yes, I suppose I would describe Inga as a 10:54:00AM  
3 friend. She actually beat me in preselection, if you must 10:54:05AM  
4 know. But, no, Inga and I have known each other for a 10:54:10AM  
5 long period of time, that's true. 10:54:13AM  
6 Have you had any association with her in respect of pursuing 10:54:15AM  
7 the - pursuing development issues?---I think on a couple 10:54:21AM  
8 of occasions on behalf of Brompton Lodge I raised matters 10:54:27AM  
9 with her, which if she chose to respond to she did, if she 10:54:31AM  
10 didn't she didn't. 10:54:35AM  
11 And what were those matters?---I would say the main matter was 10:54:36AM  
12 after Brompton Lodge was in, in terms of included in the 10:54:43AM  
13 UGB, I think there was one occasion where the Woodmans 10:54:47AM  
14 wanted it - the - wanted to be more prioritised in the PSP 10:54:53AM  
15 process. 10:55:01AM  
16 Yes?---And I don't even think she responded, to be honest. But 10:55:02AM  
17 I don't remember 100 per cent. You can write to any local 10:55:07AM  
18 member about anything you like. Whether they do anything 10:55:13AM  
19 about it, that's the issue, is what they do about it. 10:55:15AM  
20 It's not whether you write to them. 10:55:18AM  
21 Did her bailiwick include the Casey area?---It did, sir. 10:55:19AM  
22 I just now want to take you to some specific documents. Are 10:55:24AM  
23 you familiar with the lobbyists' code of 10:55:36AM  
24 conduct?---I think I am. I might say I haven't done a lot 10:55:41AM  
25 in two years, but I do know there are certain things you 10:55:43AM  
26 do and you certainly - you've got to always tell people 10:55:46AM  
27 that you're lobbying on behalf of somebody and so forth. 10:55:49AM  
28 The lobbyists' code of conduct I think was introduced in 10:55:52AM  
29 November of 2013, and it's remained in its then form for 10:55:55AM





1 have it - I would have had a trail to it. But I must say 10:59:53AM  
2 as to - if you're saying did I keep a diary, I had an 10:59:59AM  
3 electronic diary where I would say where I had been to see 11:00:03AM  
4 somebody. 11:00:06AM  
5 Yes. But there was no reporting regime?---What, reporting to 11:00:06AM  
6 who? 11:00:11AM  
7 COMMISSIONER: There was no obligation for you to make a record 11:00:12AM  
8 of who you lobbied or what you lobbied them about, was 11:00:16AM  
9 there?---Well, I always kept - I always kept - - - 11:00:20AM  
10 No, no, I'm just asking about whether the regime obliged you to 11:00:24AM  
11 do anything?---I haven't done any - to be perfectly 11:00:29AM  
12 honest, I would have to say I would have thought, yes, it 11:00:34AM  
13 says that you have to do that. But am I 100 per cent sure 11:00:38AM  
14 of that? No. 11:00:38AM  
15 Would it come as a surprise if it doesn't?---Yes, I would be. 11:00:44AM  
16 You mean to say - - -?---(Indistinct) it should be. 11:00:47AM  
17 You mean to say that you did keep a record of who you lobbied 11:00:49AM  
18 and the subject matter of the lobbying?---I think I kept 11:00:56AM  
19 enough of a record that I know that if - in fact, if 11:01:05AM  
20 I look back at my trail of documents that I've got I've 11:01:08AM  
21 got documentation in some form that would show I've done 11:01:14AM  
22 some things. But, as I said, I haven't done any for a 11:01:17AM  
23 couple of years in any case. But you need to keep notes 11:01:19AM  
24 for yourself because you're acting on behalf of a client. 11:01:22AM  
25 MR TOVEY: So you didn't find it at all onerous just to keep a 11:01:26AM  
26 brief electronic note as to who you had approached and 11:01:30AM  
27 what it was about?---It will be either - it would have 11:01:34AM  
28 either been electronic or I've taken something down in a 11:01:38AM  
29 diary or something like that in the past. 11:01:41AM

1 You were a registered lobbyist under the code?---Yes, sir. 11:01:44AM  
2 Now, just - I won't necessarily take you to the document. 11:01:47AM  
3 I might have to, unfortunately, but, look, if you look at 11:01:55AM  
4 the code it has a number of requirements, first of all 11:01:59AM  
5 that if you're a lobbyist doing the sort of thing you were 11:02:06AM  
6 doing you had to register; you understood that?---I did, 11:02:09AM  
7 and I was. 11:02:13AM  
8 Yes. There were, however - other than people like yourself who 11:02:14AM  
9 were - who had associations with political - who had a 11:02:24AM  
10 network in politics, if I could just use a neutral term, 11:02:30AM  
11 there were other people who performed a similar function, 11:02:36AM  
12 were there not, particularly in respect of planning 11:02:41AM  
13 matters? I mean, planners would regularly, would they 11:02:46AM  
14 not, to your knowledge, be lobbying with government to 11:02:49AM  
15 seek to have their clients' planning issues resolved; this 11:02:56AM  
16 is something that's a fair observation from your 11:03:04AM  
17 experience?---It is, yes. 11:03:08AM  
18 I think the code itself dealt with lawyers who specialised in 11:03:09AM  
19 lobbying. They were to be registered. Under the code, if 11:03:18AM  
20 you are a politician, that is a local member, you're not 11:03:27AM  
21 required to be - you're not required to be registered as a 11:03:33AM  
22 lobbyist, even if you're presenting the views of people 11:03:40AM  
23 who have commercial interests. Is that your understanding 11:03:43AM  
24 of the situation?---Yes, and I must say I don't think it's 11:03:49AM  
25 unfair. Hopefully your members of parliament tend to be 11:03:52AM  
26 people who actually fight the battles for their community, 11:03:56AM  
27 whether it's - whether they're gaining a commercial 11:03:59AM  
28 benefit out - well, if they're gaining a commercial 11:04:02AM  
29 benefit they've got to be a bit careful about it. But 11:04:04AM

1 I must say I think I often fought battles as an MP on 11:04:07AM  
2 behalf of companies that I never got anything out of, but 11:04:11AM  
3 that's because I took it up because they were right. 11:04:14AM  
4 One of the dilemmas that we face is that we've heard, for 11:04:16AM  
5 instance, from Mr Perera about the way his office 11:04:22AM  
6 represented views which corresponded with those of John 11:04:28AM  
7 Woodman, and he ended up admitting that this was done to 11:04:33AM  
8 the extent to which it was inappropriate, and Megan Schutz 11:04:37AM  
9 had a very significant and undue influence on the way in 11:04:42AM  
10 which his electoral office presented matters to the 11:04:47AM  
11 government. Is there any process that you're able to 11:04:52AM  
12 identify that might be implemented to create a degree of 11:05:01AM  
13 transparency about those sorts of interactions which would 11:05:08AM  
14 stop that happening?---Well, can I say my observations 11:05:12AM  
15 watching what was going on with that one, I think his 11:05:17AM  
16 staff member seemed to be more the member than he did. So 11:05:20AM  
17 hopefully you elect people intelligent enough to be 11:05:23AM  
18 participants and making the decision-making process, not a 11:05:26AM  
19 staff member. None of my staff ever had control like 11:05:30AM  
20 that. It was me. I think part of the issue there is 11:05:32AM  
21 political parties have got to be smart enough to pick 11:05:36AM  
22 intelligent people to represent the community and to 11:05:38AM  
23 actually know what they stand for and why they stand for 11:05:42AM  
24 it. 11:05:45AM  
25 Do you see any merit in having a - mandating a process whereby 11:05:47AM  
26 reporting of interactions between electoral offices 11:05:55AM  
27 and - when I say 'electoral offices', 'offices' rather 11:06:03AM  
28 than 'officers', are required to report approaches from 11:06:10AM  
29 people who represent commercial interests?---Well, you'd 11:06:21AM

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better give me two more staff for a start because, when you actually think about doing those sorts of things and the detail of it, it's a lot of work. Look, at some point we have to have trust in our society of the people who represent us, and sometimes it gets let down, but I always took the view, both my side and the other side, I think 90 per cent of the people who go into politics do it for the right reason. Sometimes it gets a bit foggy on some of them. But you have to trust them to some degree. If you have a process that invites them in mass book work they won't do what they are supposed to do, and that is represent the people they should be doing and for the purposes they should. So give me three more staff and you might be able to do something like that.

COMMISSIONER: It wouldn't be a big ask, Mr Leigh, for a member of parliament to keep a diary and to record in the diary if they have been approached by a lobbyist, for example, and asked to push a particular issue. Whether or not the member of parliament considers that it reflects - that issue reflects the view of their constituents, it wouldn't be a big ask to keep a record and, if they indeed then go and speak to a minister and raise that, that it's recorded?---I don't have a difficulty with that. It's slightly different to what Mr Tovey was saying in how I interpreted it. That's not an issue to me. If someone said that to me, I'd comply with that. It's not a big deal.

Yes.

MR TOVEY: Getting back then to the code, so you had to

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11:07:54AM  
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11:08:03AM

1 register?---Yes. 11:08:07AM

2 It required that you disclosed to the person to whom you were 11:08:07AM

3 lobbying that you had a client who you were acting 11:08:14AM

4 for?---Always. 11:08:19AM

5 I assume that was no big deal because it would be obvious if 11:08:19AM

6 you are lobbying that you were doing it on behalf of some 11:08:24AM

7 person or organisation no matter what, would it 11:08:27AM

8 not?---Well, yes, I do - yes, I agree, and also, secondly, 11:08:32AM

9 if I was dealing with someone from my side I would go and 11:08:35AM

10 see them about the issue and they would just tell me 11:08:38AM

11 whether they agreed with it or not. If they didn't agree 11:08:40AM

12 with me, and that's happened to me in the past, I respect 11:08:42AM

13 their rights to have a different view to me. 11:08:45AM

14 There was provision about success fees?---Yes. 11:08:47AM

15 I'll take you to that in a sec?---Sure. 11:08:51AM

16 And a provision that you not be corrupt or dishonest or engage 11:08:53AM

17 in criminal behaviour. I assume you didn't need a code to 11:09:00AM

18 tell you that?---If I did I would be very ashamed of 11:09:04AM

19 myself, I must tell you. 11:09:07AM

20 And there was also an instruction to keep separate your 11:09:10AM

21 lobbying activity and political party activity. Now, from 11:09:16AM

22 your point of view, what did you interpret that to 11:09:25AM

23 mean?---Well, it's probably - there were two reasons why 11:09:32AM

24 I resigned as - or retired as the chairman of Business 11:09:36AM

25 First. One was I think a bit about what you're saying 11:09:39AM

26 just then, that I think it didn't sit well with me that 11:09:43AM

27 I should be chairman of an organisation that was then 11:09:46AM

28 trying to lobby my own party about stuff. So I retired 11:09:49AM

29 from that voluntarily. The other reason I retired, I had 11:09:53AM

1 a significant difference of opinion with the local member 11:09:58AM  
2 because she gave a commitment to me, to the area, she 11:10:00AM  
3 refused to, and I just decided I would go and help - go 11:10:04AM  
4 about my business and ignore her. 11:10:08AM  
5 From your point of view when you became a lobbyist did the 11:10:11AM  
6 keeping separate of lobbying and political party activity 11:10:16AM  
7 present something which arose in the context of 11:10:24AM  
8 fundraising or political donations, or is it not something 11:10:28AM  
9 that you really considered?---No, I don't think it 11:10:34AM  
10 was - it interfered because with the Business First 11:10:39AM  
11 organisation it was really based on the small business in 11:10:41AM  
12 our area. I had a couple of clients out of it, but they 11:10:46AM  
13 were - it was not - Business First was not an - and we 11:10:51AM  
14 were also - at that time we were in opposition in any 11:10:55AM  
15 case, so you have less influence, but I think it was 11:10:59AM  
16 always kept separate. But it was not an organisation the 11:11:02AM  
17 way the headquarters type bodies are, where they are so 11:11:05AM  
18 strict about how they operated. We just operated to 11:11:09AM  
19 actually keep people together. 11:11:12AM  
20 COMMISSIONER: While you were in partnership with Mr Staindl 11:11:14AM  
21 did you have a discussion with him at any stage about how 11:11:18AM  
22 you would marry your obligations under the lobbyist code 11:11:23AM  
23 with the role of raising funds for your respective 11:11:31AM  
24 political parties?---I probably started with him 11:11:36AM  
25 prior - maybe prior to quitting, but the reason I didn't 11:11:42AM  
26 quit when I could is because I had to find a replacement. 11:11:45AM  
27 So he was aware that I was trying to get out of it because 11:11:49AM  
28 I didn't think it was appropriate to be chairman. 11:11:52AM  
29 Yes - - -?---I'm pretty sure, you know, I think from memory 11:11:56AM

1 that's true. But I certainly once - I don't remember the 11:12:00AM  
2 date that I started working with Mr Staindl for that short 11:12:04AM  
3 time, but I knew I had to get out of being chairman, and 11:12:07AM  
4 in a voluntary organisation it's very hard to find your 11:12:12AM  
5 replacement, and as soon as I found my replacement I got 11:12:14AM  
6 out. 11:12:18AM  
7 Yes. Mr Leigh, can I make a suggestion. Stop worrying about 11:12:19AM  
8 what motive I or Mr Tovey might have for asking you a 11:12:24AM  
9 question, because the net result of it was you gave me an 11:12:31AM  
10 answer which had nothing to do with the question I asked 11:12:35AM  
11 you?---Sorry. 11:12:38AM  
12 I wasn't interested in what you thought I might be interested 11:12:41AM  
13 in?---Okay. 11:12:43AM  
14 I want to know did you in the course of your relationship with 11:12:44AM  
15 Mr Staindl address this question that your role in 11:12:49AM  
16 fundraising - how could you marry that with the 11:12:56AM  
17 obligations under the lobbyists' code, which were that the 11:13:01AM  
18 two were to be kept separate?---Look, if you're 11:13:08AM  
19 saying - the reason probably I gave you the answer is 11:13:13AM  
20 because I'm probably not 100 per cent sure. 11:13:15AM  
21 Yes, all right?---You know, that's probably my real answer. So 11:13:17AM  
22 I'm sorry I think you're trying to trap me but - - - 11:13:21AM  
23 No, no?---It's years of being in a particular organisation and 11:13:25AM  
24 comes with the territory. 11:13:30AM  
25 Yes. So Mr Staindl told us that when he was asked about 11:13:31AM  
26 particular donations which he encouraged his clients to 11:13:37AM  
27 make to a particular candidate, whether a councillor or a 11:13:44AM  
28 member of parliament, someone standing for parliament, his 11:13:51AM  
29 explanation was that he relied very heavily on the wording 11:13:56AM

1 of the code which said a lobbyist must not mix their role 11:14:00AM  
2 as a lobbyist with the obtaining of donations 'on behalf 11:14:08AM  
3 of a party'. And so his point was he was never doing so 11:14:14AM  
4 on behalf of a party. Did you ever have that discussion 11:14:19AM  
5 with him?---I have to say I don't recall. 11:14:23AM  
6 Yes?---Long time ago. 11:14:29AM  
7 MR TOVEY: Just before I leave the code, was it generally 11:14:35AM  
8 conceived - was it generally thought by lobbyists that the 11:14:40AM  
9 code did prohibit success fees, or is it just something 11:14:43AM  
10 that you and Mr Staindl had concluded?---To be perfectly 11:14:50AM  
11 honest, I saw too many people as planners and others, 11:14:54AM  
12 consultants, who make lots of money off people and they 11:15:00AM  
13 don't get an outcome, and given that I like - I think 11:15:03AM  
14 I always like - - - 11:15:09AM  
15 No, I think if you just concentrate on the question. Did you 11:15:10AM  
16 and Mr Staindl understand the code to - - -?---Prior to 11:15:16AM  
17 2013 you could. Prior to a certain date you could. 11:15:23AM  
18 To ban success fees? I think you've told us you did. But was 11:15:26AM  
19 that the general view, that success fees had been banned 11:15:30AM  
20 by the code for people acting for developers?---What, you 11:15:33AM  
21 mean after the date it was banned or? 11:15:38AM  
22 Yes. It wasn't banned, though, that's the thing?---Really? 11:15:39AM  
23 You've (indistinct). 11:15:46AM  
24 I want to know was that the general view that was taken by 11:15:47AM  
25 lobbyists?---Yes. 11:15:50AM  
26 What was banned was taking money or valuable consideration 11:15:53AM  
27 contingent upon the awarding of the public project or the 11:15:59AM  
28 tendering of a public project, which is not a rezoning. 11:16:03AM  
29 But that's not something that you ever were aware of or 11:16:11AM

1           discussed?---(Indistinct). 11:16:17AM

2   No?---Let me say I thought it was that, and everybody else told 11:16:20AM

3           me I was wrong. So I thought what you said was - 11:16:26AM

4           Mr Tovey, was right, and everybody else told me I was 11:16:32AM

5           wrong, so I gave up. 11:16:34AM

6   I might be wrong?---I hope you are. 11:16:37AM

7   But it doesn't sound like a rezoning is the awarding of a 11:16:39AM

8           public project, does it?---That's what I thought. 11:16:44AM

9   All right. So, moving on then, I just want to go first of all 11:16:46AM

10          to Brompton Lodge?---Sure. 11:16:55AM

11   In order to put that in focus I'll just give you some 11:16:58AM

12          background in terms of dates and what was going 11:17:08AM

13          on?---M-hmm. 11:17:12AM

14   So Brompton Lodge - one of the reasons that Brompton Lodge has 11:17:12AM

15          been the subject of some attention is that in a telephone 11:17:23AM

16          call on 28 October of 2018 there was a discussion between 11:17:29AM

17          Heath Woodman and John Woodman, and in that John Woodman 11:17:36AM

18          said, 'Look, if you really want to join the dots you go 11:17:44AM

19          back to Brompton Lodge. There's never been a story about 11:17:47AM

20          that. Obviously no-one knows the story.' Now, this was 11:17:51AM

21          in the context of something dodgy having gone on. So then 11:17:55AM

22          going backwards, the question with Brompton Lodge was, was 11:18:02AM

23          it not, whether or not certain land, about 100 hectares, 11:18:10AM

24          owned by, was it, Peter Carpenter should be included 11:18:16AM

25          within the urban growth boundary; that was just basically 11:18:21AM

26          what the issue was about?---That's true. 11:18:26AM

27   And was that green wedge land?---It was. 11:18:28AM

28   All right. So the history, as we understand it, is that some 11:18:34AM

29          time after 2005 the city council, that is the Casey 11:18:41AM

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Council, submitted to the state government that that particular parcel of land, Brompton Lodge, should be part of the UGB - sorry, should be included within the urban growth boundary. However, I think it was in 2009, was it, that the decision was made as to what fell within and what fell without the UGB; does that accord with your recollection?---That's actually - I don't know that that's quite true. Originally there was an amendment - there was a planning amendment at the City of Casey, supported by the officers, which I think was called C21, and C21 in 2002 supported the growth area around the City of Casey, and that included Brompton Lodge. During the 1990 - during the - in the lead-up to the 19- - sorry, the 2002 election, Premier Bracks did a deal with the Greens to locate the boundary around Melbourne to certain things, including farmland, sometimes included businesses that lost a lot of money, and the green wedge came into place. So I think the green wedge boundary was in place before 2009.

Yes. In any event, after the decision was made as to what was in and what wasn't in the UGB, did it become the case that following a change of government after the 2010 state election in May of 2011 the Minister for Planning appointed a logical inclusions advisory committee?---Yes, that's true.

And it was suggested at the time in newspaper articles that you had taken some credit for that occurring?---Well, can I say I think - - -

No, I'm just asking you: was that the case? Were you involved

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in advising or in any way discussing with those who were  
making the decisions the setting up of logical inclusions  
or indeed the whole concept of logical inclusions, which  
is a fairly inspired name if you want to - some  
inclusion?---It is an inspired name. In fact, what you  
should do is go to a press release related to 3 December  
1999 and you'll realise that the then Minister for  
Planning, Justin Madden, announced 48,000 hectares of land  
that was going to be made available and, guess what, he  
also used the words 'logical inclusion' as part of his  
speech, which the then shadow minister attacked him for,  
for why was he doing this other than the fact that he had  
made mistakes or the government had made mistakes. So it  
became a bipartisan policy. This was not the Liberal  
government doing it. The Labor government was going to do  
it as well, because he said it in the article. I suggest  
you look at the press release at the time.

Perhaps I became a little discursive in raising that with you,  
but were you involved in furthering the set-up of  
the logical inclusions concept or the logical inclusions  
advisory committee?---No, I was not. What I was involved  
in - no, I was not.

Sorry, were you involved in any parallel or ancillary  
endeavour?---You mean with the opposition itself, or are  
you talking away from politics, away from - - -

No, in politics, were - - -?---Other than - other than inviting  
the shadow minister out to a couple of places where they  
put the green wedge on someone's land. The day before he  
had spent \$150,000 doing a development plan and the next

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morning John Thwaites put it in the green wedge that destroyed his business. I showed him examples like that. There was another one which was I think called JV Marine. Justin Madden actually opened the building in 1999. 2002 they destroyed it, and this company had a \$60 million profit, \$60 million turnover a year, 120 staff working at the building and eight businesses. It's now in the green wedge. It's destroyed them. Yes, I did take issues like that to the opposition and so on. Why? Because I saw businesses being destroyed.

Thank you. I don't need to know why?---Well, why is important, sir.

In November 2011 the logical inclusions advisory committee recommended that Brompton Lodge be included in the urban growth boundary; is that the case?---That's true.

And then in June the following year the Minister for Planning, who was then Matthew Guy; is that right?---That's true.

Exercised his powers under the Planning and Environment Act, and on 13 September, that is 13 September 2012, the inclusion of Brompton Lodge in the UGB was gazetted; does that accord with your recollection of the chronology?---That's true.

Now, you were yourself employed by Watsons, were you, in respect of that matter?---No, I wasn't actually.

Were you employed by Mr Carpenter?---No.

Were you employed by anybody?---Well, yes, the director of the company concerned was Heath Woodman, and it was called something like Urban Development Company.

UDIA, was it?---Well, it's Urban Development something.

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1 At the outset what was the arrangement that you had?---Are we 11:25:22AM  
2 talking about the one-page piece of paper that says that 11:25:36AM  
3 we got a million dollars if it got in; is that what you're 11:25:38AM  
4 talking about? 11:25:42AM  
5 No, I just want to know what the arrangement - at some stage 11:25:43AM  
6 you got brought on board to assist in respect of Brompton 11:25:45AM  
7 Lodge?---Yes. 11:25:51AM  
8 What was the basis on which you became involved and when was 11:25:51AM  
9 that?---The agreement was signed in March 2008. Prior to 11:25:54AM  
10 that I did a bit of research to find out whether it was 11:26:02AM  
11 worth the battle because these issues with green wedge are 11:26:06AM  
12 tough, I'm not wasting my time on things that don't have a 11:26:09AM  
13 good opportunity. There was enough evidence from going 11:26:12AM  
14 back as far as 2002 with the officer's report saying it 11:26:16AM  
15 should be included, and the attitude of council. So 11:26:20AM  
16 particularly when you get the officer's report supporting 11:26:23AM  
17 it as well that gives me more comfort than just listening 11:26:26AM  
18 to councillors. 11:26:31AM  
19 So you took on the job and you obviously, from what you say, 11:26:31AM  
20 had contact with Heath Woodman?---I did. 11:26:37AM  
21 And did you have contact with John Woodman?---Other than say 11:26:39AM  
22 hello when I walked through their offices, from my 11:26:43AM  
23 recollection. John Woodman never directed me to do 11:26:48AM  
24 anything, that I can recall. And I must say - just to 11:26:50AM  
25 explain it, I must say we had a meeting - we'd have a 11:26:55AM  
26 meeting, discuss what was going on, and then I'd leave. 11:26:59AM  
27 There are file notes which come from Watsons which explain some 11:27:05AM  
28 of the - what was going on through some of the early 11:27:12AM  
29 period?---M-hmm. 11:27:16AM

1 This is going back to 2008, and those file notes - and these 11:27:16AM  
2 are, for the record, at 5285 to 5302, 11:27:27AM  
3 Mr Commissioner?---Sure. 11:27:36AM  
4 Those file notes in February of 2008 indicate that you, Phil 11:27:36AM  
5 Staindl had met with Paul Jarman from the Department of 11:27:45AM  
6 Sustainability and Environment, who is a senior 11:27:55AM  
7 bureaucrat?---Sure. 11:27:58AM  
8 Who had provided his views about what might or might not happen 11:27:59AM  
9 with the movement of the UGB. I take it there's - you're 11:28:06AM  
10 nodding. So you recall having done that?---I do recall 11:28:14AM  
11 having meetings. But I must say I would like to know what 11:28:17AM  
12 allegedly Mr Woodman is saying in the text - - - 11:28:22AM  
13 It's simply a point in time, that's all. On 20 June - - - 11:28:26AM  
14 COMMISSIONER: Mr Tovey, just before you move on, my 11:28:32AM  
15 recollection is that interestingly those internal file 11:28:38AM  
16 notes, Mr Leigh, describe you and Mr Staindl not as 11:28:44AM  
17 lobbyists but as political facilitators. Is that a term 11:28:49AM  
18 you've ever heard before?---If they describe me as that, 11:28:57AM  
19 that's just not true. Secondly, I might also say I don't 11:29:01AM  
20 recall precisely the conversation with Mr Jarman, but I do 11:29:04AM  
21 recall Mr Jarman being a professional public servant. And 11:29:09AM  
22 I think when public servants are named in this sort of 11:29:11AM  
23 environment, I don't think he acted towards us in any way 11:29:17AM  
24 unprofessionally, frankly, and I don't think he gave us 11:29:20AM  
25 any information that I could recall that would justify him 11:29:22AM  
26 being included in a file note, frankly, other than we met 11:29:25AM  
27 him. 11:29:28AM  
28 Yes. I'm at this stage interested in this notion, though, of 11:29:29AM  
29 political facilitators. I take it you know that it's 11:29:34AM

1 quite commonly the case for someone who has been in 11:29:41AM  
2 parliament when they retire to take up the role either as 11:29:45AM  
3 a lobbyist or as a consultant and to take advantage of 11:29:51AM  
4 the contacts that they have formed during their period in 11:29:58AM  
5 office as a parliamentarian. That's not an uncommon 11:30:02AM  
6 situation, is it?---Not at all. 11:30:07AM  
7 No. So you wouldn't be surprised at the notion that members of 11:30:09AM  
8 the public, such as the Woodmans, might view you or 11:30:18AM  
9 Mr Staindl, who had twice stood for parliament and who was 11:30:22AM  
10 very actively involved in the Labor Party, you mightn't be 11:30:26AM  
11 surprised that they would view you as political 11:30:30AM  
12 facilitators?---Well, I think it's wrong if Mr Woodman's 11:30:32AM  
13 writing file notes saying I'm a facilitator. I was a 11:30:39AM  
14 lobbyist. Can I tell you I know from my former colleagues 11:30:42AM  
15 if they disagreed with me they disagreed with me. In fact 11:30:45AM  
16 I readily had arguments with them over the years what was 11:30:48AM  
17 right from what their perspective was. So I regarded 11:30:52AM  
18 myself as a lobbyist on behalf of the client, not a 11:30:55AM  
19 facilitator. And I think - I don't like the term of that 11:30:58AM  
20 because it doesn't sound too pleasant. 11:31:01AM  
21 But understand this is not something that was written for a 11:31:03AM  
22 newspaper. This is an internal communication which 11:31:08AM  
23 presumably the Woodmans never thought would see the light 11:31:12AM  
24 of day. That's just their perception of the role that you 11:31:15AM  
25 and Mr Staindl were playing?---Disappointing that 11:31:20AM  
26 they - it almost sounds like you could move mountains 11:31:26AM  
27 because of what you knew, and the answer to that is it's 11:31:30AM  
28 not true. 11:31:32AM  
29 All right. But was it the case - was it the case that by some 11:31:33AM

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time in 2008 you and Mr Staindl were able to report to your client, to the Woodmans and Watsons, you were able to report to them that both political parties, the Labor Party and the Liberal Party, had given their approval to the movement of the urban growth boundary to cover Brompton Lodge?---I don't think that's correct because the subsequent movements to the boundaries which Mr Madden made when he announced that he would have a process called logical inclusions if the government was re-elected, I don't think the Labor Party sort of moved much on that, and I think the Liberal Party's point of view was they could see the mistakes that were being made and made points about it, but I don't think there had been any general consensus, from my knowledge. And it wasn't until 3 December 2009 where Mr Madden actually conceded that, yes, he needed to think about doing something like that if he got re-elected.

You don't think it was the position that you and Mr Staindl conveyed to your client that both sides of the political spectrum had given their indications that they would view Brompton Lodge as falling within the proposed urban growth boundary?---I would have to say I think that's spin by them because in my view the only way it was ever going to happen and that was by an independent panel. I do not think the government on - any government under logical inclusions because of the political issues was ever going to do anything other than a panel, frankly, and you had to fight your way - battle through it.

If it was spin, it was spin to each other because this is an

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1 internal communication not for public consumption about 11:33:28AM  
2 what they were understanding was the information you and 11:33:32AM  
3 Mr Staindl were conveying to them?---Well, can I suggest 11:33:36AM  
4 maybe they also showed the file note to Mr Carpenter, 11:33:40AM  
5 because often people do spin their recommendations to 11:33:44AM  
6 people. If I were John Woodman I would have done the file 11:33:47AM  
7 note and showed Peter Carpenter, because Mr Carpenter 11:33:51AM  
8 would have been upset about how long it was being taken. 11:33:55AM  
9 So his way of doing that is a file note which he 11:33:58AM  
10 presumably showed Mr Carpenter. Why would you write a 11:34:01AM  
11 file note like that unless you're going to show it to your 11:34:04AM  
12 client? 11:34:08AM  
13 So you think that might be the explanation?---I'm sure it is. 11:34:08AM  
14 Yes, all right. Yes, Mr Tovey. 11:34:11AM  
15 MR TOVEY: I was going to take the witness to a segment of that 11:34:17AM  
16 file note, Mr Commissioner. Do you want to adjourn - - - 11:34:20AM  
17 COMMISSIONER: Do you want to have a break, Mr Tovey? 11:34:25AM  
18 MR TOVEY: It's convenient to do it now, yes. 11:34:27AM  
19 COMMISSIONER: Very good. We'll break for 10 minutes, 11:34:30AM  
20 Mr Leigh. I see it's 11.30. So timing is 11:34:32AM  
21 appropriate?---Cool. Thank you. 11:34:36AM  
22 (Short adjournment.) 11:34:37AM  
23 COMMISSIONER: Are we ready to proceed?---Can I correct 11:54:10AM  
24 something which I think there's a thing that's not 11:54:21AM  
25 correct. 11:54:25AM  
26 Yes?---Just to get to the point of this. Firstly, the 11:54:26AM  
27 government of the day when it was elected had it in its 11:54:30AM  
28 Governor's speech they were going to do logical 11:54:34AM  
29 inclusions. Secondly, there was an independent panel 11:54:37AM

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appointed to look at all the ones that were involved,  
which they did, and they made their choices independent of  
any politician that I was aware of or you would be aware  
of, I'm sure. Thirdly, the government of the day and the  
cabinet of the day then made a decision. Fourthly, it  
went to the legislative - the assembly and the Legislative  
Council. In the Legislative Council the Labor Party  
opposed the logical inclusions process and voted against  
it. It only occurred because by accident the Liberal  
government had won a majority by a very narrow margin in  
the upper house by one vote. So I think what you've got  
to be careful of is we do not want to imply the integrity  
or otherwise of an independent panel that made its own  
decisions and based on the loose comments that are not  
true by Mr Woodman that somehow that this had all been  
doctored. It was not. It had an independent process all  
the way through to get to where it got to, outside the  
control of politicians.

Yes.

MR TOVEY: Mr Leigh, you'll no doubt be aware of the reason why

I asked you as to whether or not you had been involved in  
crafting the language of logical inclusions in view of  
what was said in The Age article of 30 July of 2011 which  
had suggested that you had been involved; do you recall  
that?---Look, yes, I do. Are you talking about - - -

We'll just take it a step at a time. So the allegation there

was that people who were in the know said that you had  
been involved in developing the concept. Now, you deny  
that?---No, what I said was, which I think is the position

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anybody can do, is when you invite a public official who  
is the shadow Minister for Planning to go and look at  
examples like I just told you of, to look at them and to  
see them, and one of the things I do think about is that  
government and oppositions, oppositions are obviously  
never given information. And can I tell you one thing  
I've learned in over 40 years of being involved in  
politics is this, and that is if you have a weak  
opposition you have a weaker government. If you have a  
strong opposition you have a good government until they  
get chucked out. In my view a shadow minister has every  
right to actually talk to whoever they want about whatever  
issue and make up their own mind whether they agree with  
it or not. I don't know about you, sir, but when  
someone's business is being crashed because a decision was  
made at midnight at 8 Nicholson Street that, by the way,  
the very planning minister was the person who opened the  
building in 1999, and a business that was very successful  
was destroyed because of an act that nobody thought about  
what it was going to do. So I think I have every right  
and so does every shadow minister or every minister to  
talk to whoever they want and make up their own minds  
whenever they choose and however they choose.

Having said that, do you - I simply want to know whether you  
agree or disagree that you helped frame the language and  
the concept relating to logical inclusions?---What do you  
mean by help framing or whatever?

The Age indicated on - - -?---You mean Mr Millar?

Royce Millar, yes. On 30 July 2011 - - -?---Right.

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1 Made the assertion - and I'm not saying it was true or 11:58:18AM  
2 otherwise; I just want to find out. I'm just asking you, 11:58:21AM  
3 do you understand?---You know what - - - 11:58:23AM  
4 That 'Liberal MP insiders insist development lobbyists, Leigh 11:58:26AM  
5 in particular, have boasted about their role in shaping 11:58:31AM  
6 such policies and language,' that is policies and language 11:58:35AM  
7 going around in respect of creating and promoting the 11:58:40AM  
8 concept of logical inclusions. I'm just asking do you 11:58:47AM  
9 agree with that or do you not agree with it?---Well, I do 11:58:52AM  
10 and I don't. Mr Millar is the same bloke who was actually 11:58:55AM  
11 raided by the cops - - - 11:58:58AM  
12 No, no, look, I don't want to - I just want to know - - 11:58:59AM  
13 -?---(Indistinct) credibility. 11:59:02AM  
14 Whether or not the allegation that is made there, if you can 11:59:03AM  
15 call it an allegation - - -?---It's not an allegation. 11:59:07AM  
16 Whether the assertion that is made there was correct or 11:59:09AM  
17 not - - - 11:59:09AM  
18 COMMISSIONER: Just a moment, Mr Tovey?---It is a fact that 11:59:12AM  
19 I gave information to the officers - - - 11:59:15AM  
20 Just a moment, Mr Leigh. Just calm down. Have a break for a 11:59:17AM  
21 moment. I'm not quite sure why you're getting upset now, 11:59:22AM  
22 but there's no need for the temperature to be raised. 11:59:29AM  
23 Just take each question that counsel asks as it comes, all 11:59:35AM  
24 right, and wait for the question to be completed before 11:59:39AM  
25 you answer; okay?---Well, can I say, Commissioner, when 11:59:42AM  
26 your counsel implies that I am somehow doing something 11:59:48AM  
27 inappropriate, which is the implication in how he says it, 11:59:52AM  
28 I am going to disagree with it because I support the 11:59:55AM  
29 rights of people to have their say at any stage, time. 11:59:58AM

1 And lawyers can play their tricks as making imputations. 12:00:01PM  
2 But, yes, I actually helped get logical inclusions out as 12:00:05PM  
3 an idea. But so did God knows how many other people; it 12:00:09PM  
4 wasn't just me. 12:00:12PM  
5 So the simple answer to the question was yes?---Absolutely. 12:00:13PM  
6 Yes, all right. Thank you. Yes, Mr Tovey. 12:00:17PM  
7 MR TOVEY: Thank you, Commissioner. The Commissioner had asked 12:00:22PM  
8 you about a file note in June of 2008. There was another 12:00:31PM  
9 document which led up to that which preceded that which 12:00:39PM  
10 might throw some light on it. I'll just take you to the 12:00:43PM  
11 documents?---Sure. Fine. 12:00:46PM  
12 Which the first was - and you're copied in on these documents. 12:00:58PM  
13 So that's the reason I'm taking you to them. The first is 12:01:01PM  
14 at page 5303?---And who is the document from or who? 12:01:07PM  
15 It will come up on a screen - on the screen, so you'll see it. 12:01:13PM  
16 So that's an email from Phil Staindl to Mike Tyler, who's 12:01:27PM  
17 the CEO at Casey?---Yes. 12:01:33PM  
18 And you're copied in?---Yes. 12:01:35PM  
19 In the course of that he starts off, 'Dear Mike', then he's 12:01:39PM  
20 talking about Brompton Lodge?---Yes. I see that. 12:01:53PM  
21 He says, 'In short, we are not detecting any resistance to the 12:01:58PM  
22 proposal to have the Brompton Lodge land considered for 12:02:02PM  
23 future inclusion in the UGB and then considered as an 12:02:07PM  
24 adjunct to the Cranbourne West restructure plan.' Insofar 12:02:11PM  
25 as that was being conveyed by Phil Staindl, was that your 12:02:18PM  
26 understanding of the situation, having made the approaches 12:02:21PM  
27 that you had to try and determine what people's attitudes 12:02:28PM  
28 were?---The only thing I ever - and I did say this to 12:02:31PM  
29 Phil, I'm sure, a couple of times. My view as things that 12:02:35PM

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were controversial the only way they were ever going to be  
dealt with is by an independent panel because  
politicians - you've got to remember I think slightly  
different than a normal lobbyist. I think from the  
process - which is why I was hired, was the process of how  
politicians will approach things. And in my view I would  
not have touched Brompton Lodge, period, without it going  
through an independent panel.

So is your view that no rezonings should be the remit of the  
minister?---No, I just think controversial ones, and  
Brompton Lodge was controversial with the Greenies who  
believed the bandicoots were running through the area,  
which they weren't, but controversial ones, MPs,  
politician, Liberal or Labor, are going to deal with them  
in a different way than what might be a normal process.  
And remember anything that was green wedge needed to go  
through the parliament and have a majority of votes in  
parliament. It's a fact. So you couldn't - and I don't  
believe they were ever going to put one single project up  
. I think in the end it was going to be a whole lot of  
mistakes, and then they didn't do them all in any case.  
So I believe it was an independent panel was the only way  
that was going to do it.

Then if you go down to the next paragraph, 'We were  
particularly buoyed by the response we received from  
the GAA' - that's the Growth Areas Authority, is  
it?---Yes, (indistinct).

And then he says, 'The next question that arose was in relation  
to the one of process. Without wishing to be quoted, it

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has been indicated to us that if the minister and the GAA  
were to receive a request from council outlining the  
history of this matter' et cetera et cetera 'it may be  
enough for the various arms of government to trigger some  
sort of review or investigation into this parcel of land.  
(And obviously if council were of a mind to write such a  
letter, then Geoff and I between us would "go to work" on  
our various contacts to try and ensure we achieved a  
favourable outcome.)' So does that paragraph reflect your  
understanding of what was occurring at that  
time?---Personally I don't remember. But can I say when  
the words 'us' - I know the way I dealt with my party  
whenever I did, and I know the way Mr Staindl did. He  
didn't tell me things and I didn't tell him things,  
because it's the difference between us. I don't want to  
use the words - in the old words of Chinese walls because  
it's not appropriate. But the word 'us', if he's been  
talking to the minister he hasn't been talking to me about  
it. As I said, my view always was that once you had the  
green wedge you could not deal with things individually.

COMMISSIONER: Mr Leigh, you were sent this email as a blind  
copy?---Yes.

So plainly, whilst Mr Staindl didn't for some reason want  
Mr Tyler to know you were seeing it, he was keeping you  
informed?---Sure.

And, more to the point, the proposal that Mr Staindl here makes  
as to the help that would give the project if the council  
were to indicate to the minister and the GAA the history  
of the matter and council's view, that might be enough to

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trigger the process; that's exactly what happened over the  
next 12 months, isn't it? The council did exactly what  
Mr Staindl was suggesting should be done?---But can I say  
with great respect, sir, it was council policy going back  
all the way to 2002 when it was in their initial structure  
plan which is C21, if you go look at it, what the green  
wedge - what council thought was the green wedge that  
should affect - what the boundaries of the City of Casey  
should be about the green wedge. And so I invite you to  
go and look at its structure plan back in 2002. It was  
called C21.

Be that as it may, I'm not interested, Mr - just be clear about  
something. The Commission is not in the slightest bit  
interested in whether or not in the end it was a good or a  
bad thing for Brompton Lodge to be included in the urban  
growth boundary. What we're concerned about here and  
wanting to explore is the role that various people played  
in achieving an outcome and whether or not that role gives  
rise to risks that need to be addressed in the  
future?---Sure. Okay.

That's what we're focused upon?---What do you say - I mean,  
I have no recollection of ever speaking to the councillors  
specifically. It's a long time ago. Secondly, if there  
were - are you suggesting inducements or something?  
I don't understand.

We're just looking at the role, Mr Leigh, which both you and  
Mr Staindl played and whether or not that tells us  
something about whether or not there needs to be greater  
control over the way in which lobbyists conduct

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12:08:33PM

1 themselves?---I'm happy to have transparency because as 12:08:37PM  
2 far as I was concerned it was - everything I heard from 12:08:43PM  
3 the time when I agreed to actually participate in this, 12:08:49PM  
4 and I didn't have an arrangement until I think it was 12:08:53PM  
5 something like 3 March 2008, my view of it was it was a 12:08:56PM  
6 long fight, as it demonstrated to be. 12:09:04PM  
7 Yes. 12:09:10PM  
8 MR TOVEY: Excuse me. That's already exhibit 210, page 5303, 12:09:16PM  
9 Mr Commissioner. 12:09:29PM  
10 COMMISSIONER: Very good. Thank you. 12:09:30PM  
11 MR TOVEY: I just want to take you back to the matter that was 12:09:32PM  
12 raised by the Commissioner, and that was the file note of 12:09:36PM  
13 20 June 2008?---Yes. 12:09:45PM  
14 Which indicated that both parties had agreed. Now, could you 12:09:48PM  
15 have a look at page 5300. You'll see that that's a 12:09:54PM  
16 memorandum to Peter Carpenter with copies to a number of 12:10:12PM  
17 people, including yourself. This is a John Woodman 12:10:19PM  
18 document. Now, do you know who Simon Berry was?---Yes, 12:10:26PM  
19 I do. He was a shareholder in it. 12:10:35PM  
20 Of?---Well, he had connections to - I don't know 12:10:37PM  
21 whether - shareholder's wrong. He had connections to 12:10:44PM  
22 them, as I know, to the owners. Other than that, I don't 12:10:46PM  
23 know. 12:10:50PM  
24 Then if we just scroll down to page 5301 and the heading 12:10:51PM  
25 paragraph number 4 which is headed, 'Political 12:11:05PM  
26 facilitators meeting'?---I certainly don't - I don't 12:11:10PM  
27 recall seeing this, but can I say that I do not believe 12:11:15PM  
28 there was any done deals about anything. 12:11:19PM  
29 And that indicates that yourself and Geoff Leigh - - - 12:11:24PM

1 COMMISSIONER: Mr Staindl. 12:11:32PM

2 MR TOVEY: Had numerous meetings with Paul Jarman. Had you as 12:11:37PM

3 lobbyists indeed had meetings with Paul Jarman?---I think 12:11:40PM

4 we met him once, and from my vague recollections I don't 12:11:43PM

5 think he told us anything that - nothing stands out in my 12:11:48PM

6 mind. So if he had said, 'Oh, yes, the government is 12:11:53PM

7 going to agree with this,' because he was involved in 12:11:57PM

8 these areas, it probably would have stood out in my mind. 12:11:59PM

9 But I don't recall him saying something like that. And 12:12:02PM

10 I don't actually like - when the public servant concerned 12:12:04PM

11 hasn't the ability to actually check out what something 12:12:09PM

12 like this says, it's a bit unfair to them. And 12:12:14PM

13 secondly - - - 12:12:18PM

14 If you just stop there. Was it part of your role as a lobbyist 12:12:18PM

15 to follow through or meet with bureaucrats at State 12:12:23PM

16 Government or local government level?---Sometimes. 12:12:34PM

17 I suppose with councillors particularly most of my work 12:12:41PM

18 I would have done over the phone. Occasionally I would 12:12:44PM

19 have seen a senior officer somewhere. But I have to say 12:12:48PM

20 my view of it back at the time, my memory of it, is there 12:12:54PM

21 was - I mean, the subject of the change to the UGB among 12:12:58PM

22 the political parties was always a difficult issue as 12:13:03PM

23 demonstrated about how both of them handled it. And there 12:13:07PM

24 is no way in my view that - if I have missed that I've 12:13:10PM

25 missed that. But I do not believe there was - there was 12:13:15PM

26 certainly never any agreement by the shadow Minister for 12:13:17PM

27 Planning of the Liberal Party that, 'Yes, yes, we're going 12:13:22PM

28 to agree with it.' I think the only thing that the 12:13:25PM

29 Liberal Party would have agreed to was an independent 12:13:28PM

1 panel, which is what happened in the end. 12:13:30PM

2 The reason I raise it of course is because you've been copied 12:13:32PM

3 into two documents which make that assertion. The first 12:13:35PM

4 of those documents to which I've referred to - to which 12:13:38PM

5 I have referred refers to you and Mr Staindl 'we' getting 12:13:44PM

6 that information. Do you have any comment on 12:13:51PM

7 that?---Well - - - 12:13:54PM

8 First of all that you had been given that indication, do you 12:13:56PM

9 think, having seen all that?---I can tell you, and I say 12:13:59PM

10 this under oath, no shadow Minister for Planning or 12:14:03PM

11 anybody in the Liberal Party at the time ever gave me 12:14:06PM

12 guarantees of that. Now, if I didn't pick that up and go 12:14:09PM

13 back to them, it slipped through me. 12:14:14PM

14 I'm not asking about guarantees, though, but indications. Had 12:14:15PM

15 you been given - had there been indications from both 12:14:19PM

16 parties that they were supportive of Brompton Lodge?---No. 12:14:22PM

17 I can't speak for the Labor Party. I only can speak for 12:14:27PM

18 mine. Mine were upset - the Liberal Party were upset 12:14:29PM

19 about how the boundaries were done and were interested in 12:14:33PM

20 looking at some form of process. But they certainly did 12:14:36PM

21 not give any guarantees that an individual block of land 12:14:38PM

22 is going to be passed through which had to be through the 12:14:42PM

23 parliament, remember, in the end. 12:14:45PM

24 Was it proposed to approach the Greens to see whether they 12:14:47PM

25 might be got on side?---Really? Have you had a long chat 12:14:53PM

26 to the Greens about what they think about changing the 12:14:57PM

27 boundary? 12:14:59PM

28 I can understand you might have given the response you're about 12:15:00PM

29 to give, but if you just answer yes or no it will save us 12:15:03PM

1 a lot of time because we would like to get this over and 12:15:07PM  
2 done with today, Mr Leigh?---We would be wasting our time 12:15:10PM  
3 talking to them. 12:15:14PM  
4 COMMISSIONER: You're not addressing the point, though, 12:15:16PM  
5 Mr Leigh?---Sorry. 12:15:18PM  
6 You're not addressing the point. It's not about whether you 12:15:20PM  
7 were wasting time. It's about what this tells us about 12:15:23PM  
8 how political facilitators in conjunction with the client 12:15:26PM  
9 might manoeuvre to try and maximise the prospect of 12:15:30PM  
10 achieving their ultimate commercial objective?---Well, the 12:15:35PM  
11 point is the Greens would never agree to anything along 12:15:39PM  
12 those set of circumstances. That's the fact. Is that the 12:15:42PM  
13 answer you wanted? 12:15:46PM  
14 No, Mr Leigh, I'm not interested in looking for an answer. 12:15:48PM  
15 I just want you to address the question, which was: was it 12:15:53PM  
16 agreed that you would also seek out the views of 12:15:58PM  
17 the Greens?---I didn't waste my time in dealing with the 12:16:02PM  
18 Greens because you know what the answer is before you talk 12:16:06PM  
19 to them. 12:16:09PM  
20 All right?---That's the answer. 12:16:09PM  
21 Yes. 12:16:11PM  
22 MR TOVEY: Also in this document to which you've been copied 12:16:14PM  
23 there's reference to the council connection and it says, 12:16:18PM  
24 'As previously stated Watsons presently has a very strong 12:16:22PM  
25 associated' - that should be 'association' - 'with the 12:16:26PM  
26 mayor of the City of Casey i.e. Janet Halsall who has 12:16:33PM  
27 indicated overwhelming support for the inclusion of 12:16:38PM  
28 Brompton Lodge within the growth area.' And then it went 12:16:42PM  
29 on to observe that, 'Watsons are assisting Janet's 12:16:47PM

1 re-election in the forthcoming election November 2008.' 12:16:53PM  
2 You agree that you've been copied in on that 12:17:02PM  
3 information?---Yes, clearly. Don't disagree. I don't 12:17:05PM  
4 think I - I certainly don't recall it, and I would have 12:17:09PM  
5 assumed - well, I hope I would have read it, but the fact 12:17:12PM  
6 that I can't recall it. But I didn't have a lot to do 12:17:16PM  
7 with the council simply because obviously they were 12:17:19PM  
8 dealing with it, not me. 12:17:22PM  
9 What I want to suggest to you is if you read this, if you had 12:17:23PM  
10 read this, you'd be a little bit disturbed, wouldn't you, 12:17:28PM  
11 that (a) you're being called a political facilitator; (b) 12:17:33PM  
12 that you're giving predictions about what both sides of 12:17:38PM  
13 politics are committed to - - -?---Yes. 12:17:42PM  
14 And (c) that you've been given information that John Woodman or 12:17:46PM  
15 Watsons has a strong association with the mayor, Janet 12:17:53PM  
16 Halsall, and they're assisting her with her re-election. 12:17:57PM  
17 I mean, they are all things which raise red flags, aren't 12:18:01PM  
18 they?---Well, I think it's also true if you go back 12:18:04PM  
19 historically lots of people put fundraising into council 12:18:08PM  
20 candidates, and probably some of us still do. But I must 12:18:12PM  
21 say, like I said at the outset, there was never any - and 12:18:19PM  
22 I can only answer on behalf of what I knew from my side, 12:18:23PM  
23 nobody ever gave me a guarantee they were going to do 12:18:26PM  
24 anything. And in my opinion, my personal opinion at the 12:18:29PM  
25 time of talking to the shadow minister, I think his 12:18:32PM  
26 only - the only thing - in fact I think it might have even 12:18:36PM  
27 been him who said to me they would have to do it in a way 12:18:39PM  
28 that was independent of government, which is what they did 12:18:42PM  
29 in the end. 12:18:44PM

1 COMMISSIONER: And, Mr Leigh, given the previous email you were 12:18:49PM  
2 shown from Mr Staindl to the CEO, Mr Tyler - - -?---Yes. 12:18:52PM  
3 Of the Casey Council to which you were given - copied in by way 12:18:57PM  
4 of blind copy - - -?---Yes. 12:19:02PM  
5 Mr Tovey didn't take you to this, it concludes with 'and 12:19:04PM  
6 obviously if council were of a mind to write such a letter 12:19:09PM  
7 to the minister then Geoff and I between us would "go to 12:19:13PM  
8 work" on our various contacts to try and ensure we achieve 12:19:19PM  
9 a favourable outcome.' That's your role? That was your 12:19:24PM  
10 role, was it not?---Well, I didn't actually chase the MPs 12:19:29PM  
11 about Brompton Lodge. 12:19:33PM  
12 But is Mr Staindl right in so describing your role and his, 12:19:36PM  
13 which would be to then chase various contacts to try and 12:19:44PM  
14 achieve your client's outcome or the outcome the clients 12:19:48PM  
15 wanted?---That's true, but it depends how you go about it. 12:19:55PM  
16 Indeed?---My view of it was that it was away from the 12:19:57PM  
17 politicians that you had to go, which means there were a 12:20:01PM  
18 large number of businesses that had - planners who had 12:20:04PM  
19 clients in exactly the same position as other people, and 12:20:07PM  
20 many of them were chasing government and parties on both 12:20:10PM  
21 sides. And if anyone said it to me I gave - pointed them 12:20:13PM  
22 to the shadow Minister for Planning and the minister - and 12:20:18PM  
23 the government. And I can tell you now that my real 12:20:20PM  
24 process - role in this was is that I thought the best way 12:20:23PM  
25 of achieving this was to galvanise as many of those in the 12:20:28PM  
26 industry to actually argue the case, not one, because if 12:20:33PM  
27 everybody was arguing the case then both sides were going 12:20:37PM  
28 to listen. And that's where I went. I didn't talk 12:20:40PM  
29 to - Matthew Guy, other than showing him the original 12:20:43PM

1 examples that I did, I spent my time going to UDA 12:20:46PM  
2 functions and the planners that I knew and encouraging 12:20:51PM  
3 them to take it up with the government and the opposition 12:20:53PM  
4 to get a process. And the process was that anybody could 12:20:55PM  
5 apply from councils and so forth, which is what I did. So 12:20:58PM  
6 I didn't chase - there's no way that I chased and said to 12:21:01PM  
7 anybody on my side, 'You should do this.' Please, it 12:21:06PM  
8 didn't happen. 12:21:10PM  
9 Yes. Yes, Mr Tovey. 12:21:12PM  
10 MR TOVEY: I tender that document, Mr Commissioner. 12:21:17PM  
11 COMMISSIONER: That's the document at 5300? 12:21:26PM  
12 MR TOVEY: Yes, 5300. I'm sorry, I'm told it's already an 12:21:31PM  
13 exhibit. 208. I apologise. 12:21:35PM  
14 COMMISSIONER: Very good. Thank you. 12:21:37PM  
15 MR TOVEY: Just moving along without going to actual documents 12:21:48PM  
16 to see whether you'll agree with these things?---Sure. 12:21:50PM  
17 In March 2008 there was the agreement for the \$1 million 12:21:53PM  
18 success fee; is that right?---That's true. 12:21:57PM  
19 Then in May of 2008 there was an email on 12 May from 12:22:00PM  
20 Mr Woodman to yourself and Mr Staindl ?---Which Woodman? 12:22:12PM  
21 That's from Heath Woodman, sorry, indicating that you needed to 12:22:18PM  
22 be doing everything possible to try and ensure that 12:22:28PM  
23 Brompton Lodge and Truganina were included in the UGB. 12:22:32PM  
24 I take it there's no dispute that those sorts of emails 12:22:40PM  
25 were coming through from time to time?---Truganina was 12:22:43PM  
26 nothing to do with me for a start. 12:22:46PM  
27 Yes?---Look, there's some elements of this I trusted Phil in 12:22:48PM  
28 that sense. But can I say, as I said before, most of 12:22:54PM  
29 the arrangement of the way I did it was I went and spoke 12:22:57PM

1 to the industry and encouraged the industry to chase both 12:23:01PM  
2 sides to try and fix the mess. That's what I did. 12:23:03PM  
3 I wasn't chasing politicians. You're wasting your time 12:23:07PM  
4 chasing the politician on that stuff. 12:23:10PM  
5 Could you look, please, at document 4836. This is on 12 May 12:23:25PM  
6 2008. So that's a letter from Heath Woodman to you and 12:23:31PM  
7 Phil relating to 716 Doherty's Road?---Yes, okay. When 12:23:52PM  
8 you say 'Truganina' I vaguely remember, but it didn't go 12:24:00PM  
9 anywhere. 12:24:03PM  
10 And that was an offer - if you just scroll down. That was 12:24:04PM  
11 attached - attached to that at 4837 was an offer of a 12:24:12PM  
12 quarter of a million dollars plus GST as a success fee in 12:24:19PM  
13 respect of that proposal. I take it you don't disagree 12:24:23PM  
14 that - - -?---No, no, I just don't remember. 12:24:29PM  
15 That proposal was made to you?---Yes, but it was - my view of 12:24:31PM  
16 it when I had a look at it was a total waste of time. 12:24:35PM  
17 Didn't bother with it. 12:24:38PM  
18 Was that a proposal which involved anybody from the Woodman 12:24:39PM  
19 group other than Heath Woodman?---No idea. Like I said, 12:24:46PM  
20 I had a look at the land and what was going on over there 12:24:50PM  
21 and decided not to waste my time on it. 12:24:53PM  
22 All right. Then on 20 June of 2008 could we go to 5300, 12:24:55PM  
23 please. 12:25:15PM  
24 COMMISSIONER: I thought that's the exhibit 208 that you just 12:25:15PM  
25 took us to, Mr Tovey. 12:25:18PM  
26 MR TOVEY: I'm sorry. Sorry, I've noted it twice. Then could 12:25:19PM  
27 we go, please, then to 4838 and 4839. Then go to 4840, 12:25:37PM  
28 4841 and 4842. 12:26:22PM  
29 COMMISSIONER: I'm sorry, what do you want to go to, Mr Tovey? 12:26:39PM

1 MR TOVEY: What I would like you to do is just peruse those 12:26:42PM  
2 documents, if you wouldn't mind, and then I'll take you 12:26:45PM  
3 back to them. So we'll just scroll through them so you 12:26:50PM  
4 get a general idea?---You'll see Simon Berry is copied in 12:26:52PM  
5 there, for example. 12:26:59PM  
6 Yes?---Yes, okay. So? 12:27:00PM  
7 Can we just keep scrolling down, thank you. Keep on 12:27:16PM  
8 going?---Yes, okay. 12:27:50PM  
9 So what's happening there is in July of 2008 and August of 2008 12:27:51PM  
10 there are being sent to you - - -?---Copied. 12:28:12PM  
11 Copies of notices of motion that are being sent to Janet 12:28:18PM  
12 Halsall, the mayor. Did you have any input into that 12:28:26PM  
13 process?---Not that I know of. Not that I can recall 12:28:31PM  
14 anyway. 12:28:35PM  
15 So what was your situation? It would seem, would it, and tell 12:28:35PM  
16 me if I'm wrong, that you're being copied in to or sent 12:28:38PM  
17 ongoing correspondence which bears upon the matter in 12:28:46PM  
18 which you have an interest because of the fact that you 12:28:51PM  
19 have a contract - - -?---That's true. 12:28:55PM  
20 Is that the situation?---Absolutely. But I still go back to 12:28:57PM  
21 the point that I've always said, and that was the only way 12:29:01PM  
22 any of this politically was ever going to be dealt with 12:29:03PM  
23 and that's by panel. That's what I said at the time and 12:29:07PM  
24 I've still been saying. 12:29:10PM  
25 Did you read these documents?---I certainly don't recall them. 12:29:11PM  
26 Look, I think a couple of things there, if I did read 12:29:16PM  
27 them, they would have stood out. But I can't recall 12:29:19PM  
28 reading them, no. Remember we do gets a lot of - - - 12:29:21PM  
29 The documents speak for themselves. But they seem to be 12:29:25PM

1 notices of motion being sent to Janet Halsall in the 12:29:30PM  
2 obvious expectation that they'd be adopted and promoted in 12:29:35PM  
3 the form in which they were provided to her. Did you have 12:29:40PM  
4 any knowledge as to what relationship existed which 12:29:43PM  
5 facilitated that type of approach to her?---No. Were 12:29:50PM  
6 these motions agreed to by council or nothing? 12:29:58PM  
7 I think they were?---Okay. 12:30:03PM  
8 It's not something that really is important from our point of 12:30:04PM  
9 view, as you understand. It's the fact that these sorts 12:30:10PM  
10 of things are being sent. I mean, from your perspective 12:30:13PM  
11 as somebody who is dealing with councillors, would you 12:30:16PM  
12 ever have considered it appropriate for you to be 12:30:21PM  
13 providing notices of motion for council motions affecting 12:30:27PM  
14 your clients who have a commercial interest?---I don't 12:30:31PM  
15 know that I would put up the motions, but I would 12:30:35PM  
16 certainly argue the case to them in memos or whatever; 12:30:38PM  
17 that's fair enough. But I think that's a bit more - you 12:30:41PM  
18 know, I don't - I can understand sometimes why it's 12:30:45PM  
19 happening, and that's because some of the councillors 12:30:48PM  
20 perhaps lack the capacity to actually do - to write the 12:30:51PM  
21 motion the right way, and that's a possibility sometimes. 12:30:55PM  
22 But I think, yes, look, on reflecting on that which 12:30:58PM  
23 I don't believe - I think if I had read it I think it 12:31:04PM  
24 would have stood out. But I didn't know the connection 12:31:07PM  
25 between Woodmans and the council in that way. 12:31:09PM  
26 COMMISSIONER: But, Mr Leigh, let's not beat around the 12:31:13PM  
27 bush?---Sure. 12:31:17PM  
28 You and Mr Staindl are the joint beneficiaries prospectively of 12:31:18PM  
29 the success fee of \$1 million which Heath Woodman has 12:31:26PM

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contracted with you to provide in the event that you can  
achieve the outcome of Brompton Lodge being included in  
the urban growth boundary, and each of these documents  
that you've been shown thus far set out with information  
being provided or copied in to you the process that is  
being followed under the guidance of you and Mr Staindl  
the course that should be followed. In this case we're  
dealing with a course that should be followed with the  
council. Are you disputing that you saw these documents  
and that you were aware that this was the process that  
Mr Staindl and you were wanting your client to follow with  
the council?---My first question is I haven't seen  
Mr Heath Woodman in here for you to discuss this with him.  
Is he the next witness or what?  
You might just answer my question, please?---Well, can I say he  
wrote it. I certainly dispute that I read some of that  
stuff. I had nothing - I had very little to do with Casey  
Council about that, because they knew the council. My  
concentration was on the process of where it went and that  
was the only way it was ever going to get anywhere and  
that is if there was an independent panel which everybody  
could have a chance of putting up to correct the wrongs  
that had been made. And that is where I - that's what  
I fought for. So that stuff, no, I did not participate or  
know that stuff, no.  
So, despite these documents saying that you were sent these  
documents, you are saying you don't believe you ever saw  
the content of them?---Let's say I probably didn't read it  
to the detail that's obviously been in there, yes, and

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clearly I've obviously got them. But I still  
question - - -  
Just spell out clearly for us so that your concern is  
identified. What is it in these documents that is now  
troubling you, Mr Leigh?---Well, clearly obviously  
somebody had - potentially had a bit more influence on  
some of the councillors than they may have should have.  
But, as I said, when I looked at this originally it was  
council policy and nothing I saw from my vision said that  
there was anything wrong with it going to an independent  
panel, which is what occurred.

Yes?---And I dealt with process, outside of the council.

Yes, Mr Tovey.

MR TOVEY: I tender those documents relating to - so they're  
two series of exchanges of emails on 31 July of  
2018 - sorry 2008, and 18 August 2008. I'm sorry, again,  
I apologise, I should be checking back as I do this.

COMMISSIONER: It's only four weeks, Mr Tovey, that you've been  
at it.

MR TOVEY: Thank you, Mr Commissioner. Exhibit 212 and 213.

COMMISSIONER: So these are already exhibits, are they?

MR TOVEY: They are already exhibits.

COMMISSIONER: All right. Thank you.

MR TOVEY: This is reflected in a council resolution at  
page 4843 and 4844, but I don't need to go to that,  
I don't think. On 19 August of 2008 the council resolved  
to request that the Minister for Planning and the Growth  
Area Authority include the land at 1050 Western Port  
Highway, which is Brompton Lodge, within the UGB, and that

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is in indeed what Mr Woodman had been seeking from Janet  
Halsall in the documents we've just seen. And the letter  
would appear to be the letter that was already commented  
on and first proposed to be sent back in August of 2007.  
So I'm just giving you that by way of context so we move  
on. In October - before I do move on, do you have any  
recollection of that council vote?---None at all. Like  
I said, my focus was away from that side of things. It  
was dealing with - I was promoting the concept of  
everybody having a shot at it, not just one group, because  
one group was never going to succeed.  
The reason I ask you that is because you would be conscious,  
would you not, of significant steps being taken in a  
process which is going to net you half a million dollars  
if successful?---Well, can I say I don't know about you,  
but since 2008 and 2020 today those sort of things like  
success fees, if you must know, I always treated them like  
you had no chance until it occurred. So it's not  
something you think about, 'Oh, goodness, I'm actually  
going to make this' or whatever. It's now how I ever  
thought about those things. So what they did at that  
level - you know, as I said, my focus was on the process  
of how you would get these things through, and it could  
never happen by one.  
But the thing is we've already seen that all the messaging and  
all the information coming back was making it very likely  
that this was going to succeed. That being the case, you  
would have seen this as a significant step, wouldn't you,  
towards that objective?---To be honest, I don't remember.

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1 And it's hardly correct to say that you were less interested 12:38:52PM  
2 than you might otherwise have been because you weren't 12:38:59PM  
3 absolutely sure you were going to get the half million 12:39:05PM  
4 dollars. You don't have to be sure of getting it. All 12:39:09PM  
5 you need, do you not, is the prospect of getting it?---No, 12:39:12PM  
6 prospects - lots of prospects - there are lots of 12:39:16PM  
7 prospects that did only succeed. My opinion still was 12:39:17PM  
8 back then and it still was that the only way these things 12:39:21PM  
9 would ever change and that's by an independent process by 12:39:24PM  
10 a panel, and I said that back then to them in some form 12:39:27PM  
11 I'm sure. 12:39:33PM  
12 Anyway, moving on, in October of 2008 there was reference to a 12:39:34PM  
13 fundraiser in an email sent by Kevin Bradford, who was a 12:39:44PM  
14 Casey Councillor, to Mr Staindl. He was also an 12:39:51PM  
15 electorate officer in the office of Luke Donnellan. Did 12:39:57PM  
16 you know that person?---No. I knew who he was and I knew 12:40:01PM  
17 he was associated with the Labor Party. That's it. 12:40:08PM  
18 Did you know anything about the fundraiser?---Not that I'm 12:40:11PM  
19 aware of. It's the other side of politics. Why would 12:40:15PM  
20 I know? 12:40:18PM  
21 In the December of 2008, around 12 December, there was an email 12:40:18PM  
22 chain involving Heath Woodman, Mr Staindl and yourself 12:40:30PM  
23 discussing various approaches to government about Brompton 12:40:37PM  
24 Lodge, and Mr Staindl referred to seeking a meeting with 12:40:44PM  
25 the Minister for Planning, who was Justin Madden at the 12:40:46PM  
26 time, his key adviser - sorry, the meeting was to be with 12:40:52PM  
27 his key adviser, and he advised that he was waiting on a 12:40:58PM  
28 call from James Merlino. Were you personally involved in 12:41:02PM  
29 any meetings with Justin Madden?---No. 12:41:07PM

1 Or his office?---No. 12:41:12PM  
2 Or his office?---No. 12:41:13PM  
3 I take it as a Liberal lobbyist would you be excluded normally 12:41:14PM  
4 from that sort of approach?---Can I say definitely. 12:41:22PM  
5 And were you aware of any interest in receiving information 12:41:30PM  
6 from James Merlino?---No. 12:41:38PM  
7 All right. We're now in 2008, that was a Labor government. 12:41:42PM  
8 What was it then the Bracks government or the Brumby 12:41:51PM  
9 government?---It could have been either. I don't 12:41:55PM  
10 remember. 12:41:57PM  
11 All right?---It must have been - probably got to Brumby, 12:41:57PM  
12 I would suspect, because he had about two years before the 12:42:02PM  
13 2010 election. 12:42:07PM  
14 Then in February 2009 there's another email chain in which 12:42:08PM  
15 you've been copied involving Heath Woodman, Mr Staindl and 12:42:18PM  
16 yourself. The email chain discusses, amongst other 12:42:28PM  
17 things, a request that Mr Staindl meet with senior 12:42:32PM  
18 department officials and with two members of the State 12:42:41PM  
19 parliament, Tim Holding and Jude Perera. Were you aware 12:42:49PM  
20 of those arrangements in any way?---No, I don't believe 12:42:54PM  
21 so. I don't recall. If not - I don't recall, but 12:42:58PM  
22 I certainly wouldn't have been in a meeting with those 12:43:03PM  
23 characters. 12:43:05PM  
24 But you and Mr Staindl had a joint interest in getting the 12:43:06PM  
25 million dollars if you could. You're being copied in on 12:43:10PM  
26 it would seem most of the correspondence which takes place 12:43:16PM  
27 in pursuit of the Brompton Lodge objective. What was the 12:43:21PM  
28 way in which - didn't you discuss how he's going, how 12:43:28PM  
29 you're going?---I don't - well, certainly I never spoke 12:43:34PM

1 directly about the level that he's doing there, I don't 12:43:39PM  
2 think, from my memory. But I wouldn't have sat in the 12:43:43PM  
3 same room with the likes of Tim Holding and, you know, 12:43:49PM  
4 otherwise. So, frankly, he could talk to whoever he 12:43:51PM  
5 wanted, but it's nothing to do with me; it's his side. 12:43:55PM  
6 To your knowledge did he meet with Justin Madden, the Labor 12:43:59PM  
7 planning minister?---No idea. 12:44:07PM  
8 COMMISSIONER: So you understand, Mr Leigh, you're copied in. 12:44:12PM  
9 Whether it's Mr Staindl writing to Heath Woodman - - 12:44:17PM  
10 -?---Yes, I know. 12:44:21PM  
11 About what's planned or whether it's Heath Woodman writing to 12:44:21PM  
12 Mr Staindl, you are always party to those 12:44:24PM  
13 communications?---Yes, I was. Clearly obviously some of 12:44:30PM  
14 them I didn't read because of the Labor Party stuff I'm 12:44:32PM  
15 not interested in. 12:44:36PM  
16 Yes?---Well, it's a fact. At the end of the day I support my 12:44:36PM  
17 side of politics and I'm not interested in supporting the 12:44:42PM  
18 Labor Party in any way, shape or form. And remember in 12:44:46PM  
19 the end they voted against it. 12:44:52PM  
20 But this wasn't - from Mr Staindl and your perspective, this 12:44:55PM  
21 wasn't a political exercise. This was about securing a 12:45:00PM  
22 particular commercial outcome for the client with whom you 12:45:04PM  
23 had contracted?---That's true. But providing in the end 12:45:08PM  
24 that you've done it by ethical means, and the ethical 12:45:12PM  
25 means to me were that it - despite whatever Mr Staindl 12:45:15PM  
26 did, the fact of the matter is at the end of the day it 12:45:20PM  
27 went to an independent panel and the panel made its own 12:45:23PM  
28 judgments and put some in and threw some out and couldn't 12:45:25PM  
29 make their mind up about some others. So it was 12:45:31PM

1 independent of government that made the decision in the 12:45:34PM  
2 end. As I said, I stuck with the process of what should 12:45:35PM  
3 happen. 12:45:39PM  
4 Yes, Mr Tovey. 12:45:47PM  
5 MR TOVEY: That process involved you being kept informed as to 12:45:50PM  
6 the extent to which influence was sought to be applied to 12:45:55PM  
7 both councillors, to politicians and to the government. 12:45:59PM  
8 That was the information which you and Mr Staindl traded, 12:46:05PM  
9 I'd suggest to you?---Have you got copies of me being back 12:46:09PM  
10 to him about it? 12:46:12PM  
11 You, I suggest, we've already been through it, have been copied 12:46:15PM  
12 in or written to time and time again, given copies of 12:46:22PM  
13 very - well, on the face of it seem to be somewhat 12:46:27PM  
14 sensitive documents about communications with council and 12:46:30PM  
15 with government. Can you explain why that would be done 12:46:32PM  
16 unless you were wholly on board with the processes that 12:46:38PM  
17 were taking place?---Well, the question is did I read it 12:46:41PM  
18 all, and the fact is I suspect I didn't read all that 12:46:44PM  
19 because I think you'll find unless you've got something 12:46:47PM  
20 back from me - - - 12:46:49PM  
21 No, the question I'm asking you has got nothing to do with 12:46:51PM  
22 whether you read it or not. Somebody who's sending you 12:46:54PM  
23 this stuff expects you to read it, and they're only going 12:46:56PM  
24 to send it to you if they think you are totally on 12:46:59PM  
25 board?---Well - - - 12:47:03PM  
26 There is no other conclusion one's able to draw, is 12:47:06PM  
27 there?---You can draw all the conclusions you like. But 12:47:07PM  
28 the fact of the matter is clearly some of that stuff 12:47:10PM  
29 I didn't bother to read because I think that's what - the 12:47:12PM

1 Casey Council did not interest me. I was interested in 12:47:15PM  
2 the process. And if Phil sent all that sort of stuff to 12:47:18PM  
3 me on a regular basis, I didn't read some of it, that's 12:47:22PM  
4 clear, because I think I would have remembered some of it. 12:47:25PM  
5 And I don't remember it. And that can only be because 12:47:28PM  
6 I didn't think to read some of it because he went on about 12:47:30PM  
7 it all the time. 12:47:34PM  
8 In mid-2009 there is a series of communications which have been 12:47:38PM  
9 sent to you whereby John Woodman has prepared and provided 12:47:45PM  
10 a briefing note to - sorry, he has prepared a briefing 12:47:58PM  
11 note, meets with the Premier John Brumby, and presumably 12:48:05PM  
12 supplies him with the briefing note at lunch. Is that 12:48:17PM  
13 something that you were aware of?---No. Can I say, 12:48:21PM  
14 Mr Tovey, we all get masses of emails these days and, you 12:48:29PM  
15 know what, some of the stuff Phil - I would read probably 12:48:34PM  
16 some of the stuff initially what he sent and then I didn't 12:48:37PM  
17 bother with some of the others because I'm busy with other 12:48:41PM  
18 things. 12:48:44PM  
19 But in fairness to you - - -?---I'm not a lawyer. 12:48:44PM  
20 It would be rational to conclude, would it not, that if you had 12:48:48PM  
21 a half a million dollar stake in the outcome and 12:48:52PM  
22 Mr Woodman has written to Mr Staindl about a meeting he 12:48:56PM  
23 has with the Premier himself, that's something which would 12:49:03PM  
24 resonate with you if you're told about that, as you 12:49:07PM  
25 clearly were?---Well, all I would say, sir, is I go back 12:49:11PM  
26 to I said all along the only way these things were ever 12:49:14PM  
27 going to be dealt with and that's by a panel that was 12:49:17PM  
28 independent of government, and they could muck around with 12:49:20PM  
29 all the other stuff to the side. No-one was ever going to 12:49:22PM

1 agree to Brompton Lodge by itself being dealt with, and 12:49:26PM  
2 that's the fact what I always said. I was there for the 12:49:29PM  
3 process of it, not for the games they played around in 12:49:31PM  
4 Casey. 12:49:34PM  
5 There was in June of 2009 an event at the Knox Tavern for Jude 12:49:34PM  
6 Perera which John Lenders attended. What role did John 12:49:51PM  
7 Lenders have in the ALP at that time in 2009, can you 12:49:57PM  
8 remember?---He could have been Treasurer or something like 12:50:01PM  
9 that. I don't know. 12:50:04PM  
10 In any event - - - ?---He was obviously senior. 12:50:05PM  
11 Were you in any way involved in that or did you attend 12:50:10PM  
12 that function - - -?---Definitely not. 12:50:13PM  
13 At Knox Tavern?---No. 12:50:15PM  
14 COMMISSIONER: But the documents on the face of it without 12:50:18PM  
15 taking you to them, Mr Leigh, suggest that your client, 12:50:22PM  
16 Heath Woodman, is wanting your advice as to whether or not 12:50:27PM  
17 the briefing note for these purposes is 12:50:32PM  
18 appropriate?---Yes, and my suggestion to you, sir, is you 12:50:36PM  
19 should invite Mr Heath Woodman in to talk to him about it. 12:50:39PM  
20 No, no, it's you that he's consulting about whether or not the 12:50:42PM  
21 briefing note's appropriate. Do you believe that you did 12:50:47PM  
22 not respond - - -?---Did I - is there a response in 12:50:50PM  
23 writing from me anywhere? 12:50:54PM  
24 No, no, I'm dealing with your response, Mr Leigh - - 12:50:56PM  
25 -?---I understand. 12:51:01PM  
26 Which is, 'I had nothing to do with any of this'; okay. So I'm 12:51:01PM  
27 just trying to clarify when Mr Woodman asks you and 12:51:05PM  
28 Mr Staindl if you would review and comment upon the 12:51:09PM  
29 briefing document he's sending you, did you just simply 12:51:15PM

1 ignore it?---Well, if I didn't respond to it what does 12:51:19PM  
2 that say? 12:51:22PM  
3 I'm asking you did you ignore it or were you satisfied with 12:51:25PM  
4 it?---No, look, to that sort of stuff I never got involved 12:51:29PM  
5 in the ALP side of stuff. I ignore it. And unless you've 12:51:33PM  
6 got something that says - which - this is to the best of 12:51:37PM  
7 my knowledge, that sort of stuff on their side I wasn't 12:51:42PM  
8 interested in dealing with. 12:51:46PM  
9 All right. Yes, Mr Tovey. 12:51:47PM  
10 MR TOVEY: In September you were copied in on documents which 12:51:54PM  
11 indicate that there had been - there's been more than one 12:51:56PM  
12 meeting with Justin Madden, that is between Phil Staindl 12:52:00PM  
13 and Justin Madden, to discuss Brompton Lodge. You say, do 12:52:07PM  
14 you, that you're not aware of him advising you at any time 12:52:12PM  
15 that he had spoken to the minister?---Well, what was the 12:52:15PM  
16 date of that again? 12:52:19PM  
17 This is September 2009?---September 2009. That's 11 years ago. 12:52:21PM  
18 No, I don't remember. But I make the point he spoke to 12:52:27PM  
19 Justin Madden. So what did Justin Madden do about it? 12:52:33PM  
20 Can I take you to the - again in December 2009 to a document 12:52:38PM  
21 4864. 12:52:51PM  
22 COMMISSIONER: 4864? 12:53:29PM  
23 MR TOVEY: 4864. Yes, sorry. 4864?---And my response you're 12:53:31PM  
24 seeking from me is what? 12:53:48PM  
25 So if we can just scroll down to the bottom of that page that 12:53:50PM  
26 is a document which Heath Woodman has written to Phil 12:54:03PM  
27 Staindl, with yourself copied in, suggesting advices to 12:54:06PM  
28 the merit of arranging a meeting between yourselves and 12:54:13PM  
29 representatives, including the mayor, CEO and head of 12:54:18PM

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planning from the City of Casey, to meet 'with  
the government in the new year to get as far up the tree  
as possible, even Brumby is possible.' And then at the  
bottom, 'Casey have offered on numerous occasions to meet  
the government with us with a view to specifically driving  
the Brompton Lodge agenda.' That's something, I suggest  
to you, that you were aware of?---With great respect, sir,  
I'm not a lawyer and you're talking about 11 years ago  
from dozens of emails that Phil has sent out which,  
frankly, I don't recall and even I would not have been  
invited to the meeting with Brumby in any case.  
If you go up the chain to halfway up the page you in fact  
responded - - -?---Where's that?  
Saying, 'Frankly on this one I believe we should chase both  
sides equally. At this point the GAIC bill will be  
defeated early in the new year'?---Yes.  
Et cetera. What was the GAIC bill?---It was the GAIC bill - it  
was a bill to deal with how much money that got collected  
from - when the land was broken up, you had to pay a  
proportion of money for the land being broken up.  
What does GAIC stand for, can you tell me?---I've forgotten.  
I've forgotten. They make up all these acronyms.  
In any event there you are clearly - - -?---It's 11 years ago.  
So, I mean, you like to put - you know, as all lawyers do,  
you like to actually declare people guilty of things  
before they have done anything. And (a) you don't know  
I've read everything that was gone on in there for a  
start, which I suspect I didn't; and, secondly, okay,  
there was a GAIC bill that was going before, and the GAIC

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1 bill would never have accepted as part of the bill to deal 12:56:25PM  
2 with logical inclusions. It was a bill to deal with 12:56:30PM  
3 money. 12:56:33PM  
4 I want to make it clear to you that you're not charged with 12:56:33PM  
5 anything, you're not on trial?---I understand that, 12:56:36PM  
6 but - - - 12:56:38PM  
7 This is an investigation relating to documents which you've 12:56:39PM  
8 been - which have been sent to you and to which you've 12:56:44PM  
9 responded. I'm giving you the opportunity, sir, of 12:56:48PM  
10 responding as to - - -?---Fine, and what I would tell you 12:56:52PM  
11 as to that at the time that the - - - 12:56:55PM  
12 What you thought at the time?---Okay. The GAIC bill was a bill 12:56:57PM  
13 dealing with legislation as to the amount of money you 12:57:00PM  
14 were going to pay for, from my recollection, of what you 12:57:02PM  
15 paid for the land that got out, and there is no way they 12:57:06PM  
16 were going to connect a single block of land with that. 12:57:09PM  
17 Insofar as it was being suggested to you that Phil Staindl 12:57:14PM  
18 thought himself to be in a position as to organise the 12:57:27PM  
19 mayor and officers of the City of Casey to act at his 12:57:31PM  
20 behest to have a meeting with the Premier, is that 12:57:39PM  
21 something that resonated with you at the time? Was it 12:57:42PM  
22 something that you were conscious of that he expected to 12:57:47PM  
23 be able to do that if he wanted to?---Well, obviously he 12:57:50PM  
24 being high up in their chain within his political party 12:57:56PM  
25 from his money making skills - not his money, but he was 12:58:00PM  
26 chairman at one point of his organisation, so I suppose he 12:58:06PM  
27 had the ability to contact people like that. But that's 12:58:10PM  
28 what went on in his side. But my opinion is the GAIC bill 12:58:15PM  
29 was never going to be allowed to be including something 12:58:18PM

1 along the lines of Brompton Lodge by itself. It would 12:58:22PM  
2 stand out, as it should. 12:58:25PM  
3 You advised to chase both sides equally. It's something that 12:58:29PM  
4 you had considered?---No, I think the more the issues got 12:58:33PM  
5 raised about what had gone on with the mess that they had 12:58:36PM  
6 created with that boundary change the better it was. But 12:58:39PM  
7 did I ever think it would ever get any - I didn't believe 12:58:42PM  
8 it would - I doubt I believed it would have got in at the 12:58:46PM  
9 time. But I think the more the issue of logical 12:58:49PM  
10 inclusions was raised the better because they had made 12:58:51PM  
11 horrendous mistakes around Melbourne about how they did 12:58:54PM  
12 that boundary change. 12:58:57PM  
13 I tender that document, Mr Commissioner. 12:59:02PM  
14 COMMISSIONER: That's the email chain of 15 December 2009 will 12:59:07PM  
15 be exhibit 334. 12:59:12PM  
16 #EXHIBIT 334 - Email chain of 15/12/09. 12:59:17PM  
17 MR TOVEY: On 6 February 2010 Mr Woodman, Heath Woodman, 12:59:37PM  
18 emailed Mr Staindl and yourself about approaching MG, who 12:59:47PM  
19 is presumably Matthew Guy, about putting forward a wish 12:59:56PM  
20 list which again was presumably inclusions in the UGB, and 01:00:04PM  
21 Heath Woodman said, 'If we can orchestrate this through 01:00:13PM  
22 the backdoor MG to GL' - so it's Matthew Guy to Geoff 01:00:19PM  
23 Leigh - 'to Phil Staindl.' Do you recall any reference to 01:00:30PM  
24 that sort of arrangement being made?---There was no 01:00:36PM  
25 backdoor for the simple reason that Mr Guy as the shadow 01:00:40PM  
26 Minister for Planning was well aware of the many mistakes 01:00:45PM  
27 that were made. And, I mean, you can - the trouble is 01:00:48PM  
28 when you deal with one project you can't go on about it 01:00:51PM  
29 for five years talking about the same project and think 01:00:55PM

1 everybody's going to be interested. They are not. What 01:00:59PM  
2 they are interested in is the concept that there's a lot 01:01:01PM  
3 of mistakes that have been made and needed to be 01:01:04PM  
4 corrected, and that is what I argued all the way through. 01:01:06PM  
5 Could you look at 4866, please. This is exhibit 218. Can we 01:01:09PM  
6 just scroll down. So what's happened is that Heath 01:01:40PM  
7 Woodman has seen - it's a debate in Hansard involving 01:01:59PM  
8 Justin Madden, Bernie Finn, the details of which raise 01:02:04PM  
9 growth boundary issues which Mr Woodman obviously saw as 01:02:12PM  
10 encourage. In any event, he sent to you, 'Excerpt below 01:02:18PM  
11 from Hansard - Geoff and Phil as I discussed yesterday on 01:02:27PM  
12 the phone with you the perfect time for MG to put forward 01:02:32PM  
13 the Libs "wish list".' So it would appear that he has 01:02:35PM  
14 isolated this, he's spoken to you about it and he's 01:02:44PM  
15 proposing that you put forward the list - the wish list. 01:02:49PM  
16 Do you recall getting this email or an email of this 01:02:55PM  
17 nature?---I don't recall it, but things like - people like 01:02:59PM  
18 using words like 'backdoors', I mean there's no backdoor. 01:03:04PM  
19 The fact of the matter is Matthew Guy was given a list of 01:03:07PM  
20 not just Brompton Lodge, all sorts of other ones 01:03:13PM  
21 from - some of them came from me, some of them came from 01:03:18PM  
22 others. So I often put up other companies' suggestions 01:03:20PM  
23 that they had that I had no relationship to because for 01:03:24PM  
24 one reason: it gave them the ability to see that this was 01:03:27PM  
25 a wider issue than just a handful of people talking about 01:03:32PM  
26 it. So there are people I put it up for that I had no 01:03:35PM  
27 financial involvement with at all. 01:03:40PM  
28 COMMISSIONER: Who was JJ, Mr Tovey, do we know? 01:03:44PM  
29 MR TOVEY: I'm just about to ask the witness that. 01:03:47PM

1 COMMISSIONER: Yes?---Sorry, where is it? I don't know. 01:03:49PM  
2 Sorry. 01:03:57PM  
3 Mr Leigh, without getting hung up on the phrase 'through the 01:04:04PM  
4 backdoor', what do you say about this idea that through 01:04:08PM  
5 you you would bring the shadow minister on board in 01:04:17PM  
6 relation to including Brompton Lodge in his wish 01:04:25PM  
7 list?---No, I don't think the minister - the shadow 01:04:29PM  
8 minister ever had a wish list. I think what he had was an 01:04:32PM  
9 understanding there was a huge mess that had been created, 01:04:35PM  
10 and at some point he was going to deal with it if he ever 01:04:38PM  
11 became the minister. Like I said, you cannot talk about 01:04:42PM  
12 the same subject, the same block of land, for five years 01:04:45PM  
13 to the same group of politicians. It doesn't work. So 01:04:47PM  
14 therefore you give them the many examples that I gave them 01:04:50PM  
15 and other people gave them, and most of the planning 01:04:53PM  
16 companies around Melbourne were giving to them. 01:04:55PM  
17 Do you remember then how you responded to this request from 01:04:58PM  
18 your client?---Not off-hand, no. 01:05:04PM  
19 Does that mean you may have raised this with the shadow 01:05:09PM  
20 minister?---It's a possibility. But, as I said, it's 01:05:15PM  
21 not - this idea of a backdoor - I think what we've all got 01:05:20PM  
22 to understand is there was a giant mess that was created 01:05:25PM  
23 and it is the opportunity of every individual who is 01:05:28PM  
24 involved in some of these things, whether it was us or 01:05:32PM  
25 someone else, to put them up to the shadow minister. If 01:05:34PM  
26 he wanted to deal with them, he could. As it turned out 01:05:37PM  
27 when he became the minister he and the government decided 01:05:40PM  
28 there was only one way to deal with the mess and that was 01:05:43PM  
29 an independent panel, which is what I was always after. 01:05:46PM

1 And again just for the sake of a reminder to you the Commission 01:05:49PM  
2 is not interested in the merit of this issue. The 01:05:55PM  
3 Commission is interested in the process that you were here 01:06:01PM  
4 following with your client. You understand 01:06:05PM  
5 that?---I understand that. But the imputation is that 01:06:08PM  
6 I did something inappropriate. 01:06:13PM  
7 There is no imputation here. On the face of the document, the 01:06:14PM  
8 process that you were intending to follow is clear, is it 01:06:18PM  
9 not?---That's if you read them in the total way that you 01:06:22PM  
10 believe they are. I'm not a lawyer. I don't read every 01:06:27PM  
11 detail, particularly the huge volume of stuff - well, the 01:06:30PM  
12 numbers that Phil sent. What I argued always was one 01:06:34PM  
13 course, and the imputation is that I did something wrong 01:06:37PM  
14 and I did not. 01:06:40PM  
15 No, the imputation is that you as a lobbyist were reaching out 01:06:42PM  
16 to your contacts within the party with whom you were 01:06:49PM  
17 aligned, as Mr Staindl was doing with his contacts?---As 01:06:53PM  
18 I said to you, my - - - 01:07:00PM  
19 That's not an imputation, Mr Leigh; it's simply what is set out 01:07:01PM  
20 in the document?---Well, can I say that, irrespective of 01:07:07PM  
21 that, when you actually approach any member of parliament 01:07:12PM  
22 about an issue it is their course of judgment to say, 01:07:15PM  
23 'Yes, I think this is a good idea' or, 'No, it's not a 01:07:18PM  
24 good idea,' and how they deal with it is their total 01:07:21PM  
25 business. Often they say no and they disagree. If that's 01:07:25PM  
26 the course, then that's what they do. So I don't see it's 01:07:28PM  
27 an issue. 01:07:31PM  
28 Mr Leigh, you have said that a number of times. Are you not 01:07:31PM  
29 seriously suggesting that we don't need to worry about the 01:07:35PM

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process by which something is lobbed into the minister's lap to make a decision or the shadow minister's lap? Are you suggesting the process by which information is conveyed to them and they are asked to make a decision doesn't matter?---Of course it matters.

All right. Then don't worry about the point that the minister or the shadow minister will ultimately make a judgment on the merits. We are wanting you to look at the process. Do you follow?---Yes. And I would say, irrespective of those emails, I'd say what I sought to do was to create a way which everybody's problems could be resolved, which is what I did, or I helped do. Many planning companies did it; not me.

Okay. I see the time, Mr Tovey. I think we should give Mr Leigh a break?---No, I'm happy to keep going. I don't care.

We might take a break for a - if you're not feeling the need for it, how long, Mr Tovey, would you like to have a break for?

MR TOVEY: Whatever suits, Mr Commissioner ?---Ten minutes is fine with me.

COMMISSIONER: We'll adjourn until 1.30.

<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

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