
TRANSCRIPT OF PROCEEDINGS

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 25 NOVEMBER 2019

(5th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH QC

Counsel Assisting: Mr Michael Tovey QC

Ms Amber Harris

OPERATION SANDON INVESTIGATION

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

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1 UPON RESUMING AT 2.05 PM:

2 COMMISSIONER: Yes, Mr Tovey.

3 MR TOVEY: Thank you, Mr Commissioner.

4 <JOHN CHARLES WOODMAN, recalled:

5 MR TOVEY: In the conversation about which I was asking you
6 just before lunch, that's the second part of the tab 36
7 conversation which was the conversation with Mr Kenessey
8 on 31 October of 2018, you are discussing with Mr Kenessey
9 the fact that, moving forward, the amount of money that's
10 passed between Leightons or yourselves and SCWRAG is going
11 to be a significant issue; is that right? Perhaps I'll
12 ask you this. In that conversation you and Mr Kenessey
13 were discussing the fact that you were concerned that if
14 the minister became aware there was more than \$15,000
15 involved in the sponsoring of SCWRAG, that might cause
16 some anxiety or difficulties?---If it's not too much
17 trouble, sir, could I please see that again?

18 COMMISSIONER: Yes, of course.

19 MR TOVEY: Yes. If we could go to page 28, line 671?---Yes,
20 sir.

21 If you read that, go down to 682, then you change topics after
22 that?---Yes.

23 Okay. So you've already told us that that conversation
24 indicated that there had been payments over the
25 \$15,000 - sorry, \$15,000 made to SCWRAG by Leightons which
26 it was hoped the auditors wouldn't be able to discover.
27 That's where we were before lunch. Then you say at 678,
28 "I can tell you, mate, moving forward with the minister
29 that's going to be extremely important. That's going to

1 be extremely - yeah - important element - yeah." Kenessey
2 says, "The shitty one, the shitty one in my mind, I agree
3 with you 100 per cent on that." What you were concerned
4 about there, I'd suggest, is that if the minister found
5 out that there were under the table payments being made,
6 as you've indicated there were, then that would have
7 adverse consequences for your relationship with the
8 minister?---Terribly sorry, sir, could you just point to
9 me where I say that there were under the table payments?

10 That's what you said to me before lunch, that these were under
11 the table payments in excess of the \$15,000 being hidden
12 from Leightons' auditors.

13 COMMISSIONER: That was the last piece of your evidence as
14 I followed it, Mr Woodman?---I'm speechless, sir. Are you
15 saying that I said to you before lunch that there were
16 under the table payments of \$15,000 - more than \$15,000?

17 MR TOVEY: Yes. What you discussed with Mr Kenessey, if you
18 look at line 671, we've already been through this, was,
19 "Cacked themselves when they read the article, you know,
20 15,000 is all that's been donated. Now you and I know
21 that. I don't know how the other stuff got paid but,
22 like, that's" - Kenessey says, "I know, I'm not sure how
23 good" - answer "Yep." Kenessey says, "The auditors were
24 then" and you say, "Yeah, but 15,000 is all that's on the
25 books." Now, you've had that conversation because you
26 know that there was other stuff in addition to the 15,000
27 which you there speak about and you know that that's not
28 on the books; true?---Well, unfortunately, sir - - -

29 No, is what I put to you true?---No, sir.

1 So when you talk about "the other stuff", what are you talking
2 about, the other stuff in addition to the 15,000?---Well,
3 I have no idea about Leightons' books or what they have
4 audited and I have no idea other than what I read in the
5 newspaper about the 15,000. The only comment that I could
6 make is what I made earlier, that Watsons itself had
7 donated pro bono some printing and concept plans for
8 circulars. But I apologise, sir, I don't read into
9 it - and I had no idea what Leightons had actually paid.
10 I assumed that the 15,000 was the amount that the auditors
11 had on their books.

12 When you said "I don't know how the other stuff got paid,"
13 you're not talking about something that you've paid. When
14 you say in line 672, "I don't know how the other stuff got
15 paid," and then go on to speak about the auditors, "and
16 it's only 15 that's on the books," I'd suggest to you that
17 it is as clear as day that what you were there saying is
18 the other stuff that got paid is not on the books. Now,
19 you know about the other stuff and you're not talking
20 about other stuff. You said you don't know - sorry, I'll
21 start again. You say, "I don't know how the other stuff
22 got paid." Okay? So that's something you've been told.
23 You've been told that Leightons have paid other stuff not
24 on the books. This isn't a payment by you.

25 COMMISSIONER: Just let the witness answer, Mr Tovey.

26 MR TOVEY: Yes?---Sir, I have no answer for that.

27 COMMISSIONER: How would you know that only 15 - that \$15,000
28 is on the books?---You're correct, sir, I don't know.

29 But you said that?---Only because I read about it in the

1 newspaper, sir, in The Age newspaper.

2 What did you read?---I read that a reporter had stated that

3 Leightons had paid SCWRAGers or paid for SCWRAGers \$15,000

4 for the commencement or for operation.

5 But did the article make reference to what being disclosed by

6 Leightons on its book of account?---Sir, I can't recall.

7 I can only recall the amount of 15,000 which was the thing

8 that created somewhat of a storm.

9 MR TOVEY: So then you say in any event at line 676, "But 15 is

10 all that's on the books." You won't say that unless you

11 know there's more than 15, otherwise you would simply say,

12 "Yeah, 15 is on the books"?---No, sir, I disagree. I just

13 made the comment to Kenessey, "15,000 is all on the

14 books". That's - - -

15 And I'd suggest to you that's why - what I'm suggesting is why

16 you went on to say, "Mate, moving forward with

17 the minister that's going to be extremely important." And

18 that is that the minister doesn't think that there has

19 been anything more than 15,000 paid?---As I say, that's

20 so, "that is a common knowledge because I can tell you

21 now, mate, moving forward with the minister that's going

22 to be extremely important," that it's not 20 or 30,000

23 that's been paid.

24 No, you didn't say "the minister's going to be extremely

25 important". You said "that's going to be extremely

26 important in dealing with the minister", and the "that" is

27 the fact that there wasn't undue influence from Leightons

28 or yourselves on SCWRAG?---Well, sir, I can only - - -

29 You wanted to hide that from the minister?---I can only say,

1 sir, that 15,000 is the figure that I was made aware of
2 through the newspaper. I know no more about anything more
3 than that, sir. I apologise.

4 Did you ever tell the minister or anybody else that you were
5 paying Ray Walker a so-called consultancy fee in the
6 vicinity of \$60,000 a year?---No, sir.

7 COMMISSIONER: But you did tell us the other day that you would
8 assume that the minister would be aware that you would be
9 contributing to the community residents group because
10 developers always do?---Correct, sir.

11 Is that right?---That Leightons would be contributing to the
12 start-up of a community group because that was the
13 standard procedure in Victoria.

14 I see. What about you contributing? Would the minister know
15 from past experience that you'd be contributing?---No,
16 I don't believe so, sir.

17 MR TOVEY: In addition to providing SCWRAG with the backing
18 that I've already described, you also made arrangements,
19 did you not, to pay for legal advices which were forwarded
20 by Schutz or SCWRAG to Sam Aziz to use as the basis for
21 submissions in council?---Sir, are we talking about H3?
22 Well, whether it be H3 or C219, it doesn't matter?---I can't
23 recall, sir.

24 COMMISSIONER: Did you ever pay for legal advice that was going
25 to be presented to the council?---I don't believe so, sir.

26 MR TOVEY: The conversation between you and Kenessey went on to
27 speak about two legal advices, one which was apparently
28 provided by Megan Schutz - - -

29 COMMISSIONER: Can you bring that up, please?

1 MR TOVEY: Yes.

2 COMMISSIONER: And have a look at it on the screen, Mr Woodman.

3 MR TOVEY: So you then go to line 683 where Mr Kenessey says,

4 "I agree with you 100 per cent on that. The one that
5 really hurts was bloody Sam saying 'I've got legal advice
6 from SCWRAG' and then not revealing it, you know." And
7 then you went on to say, "My understanding and I'll - and
8 I don't know whether Megan's told you this, it was Paul
9 Chiappi that gave the legal advice." Did that
10 conversation take place?---Yes, correct.

11 And what had happened was what you were there talking about was
12 the fact that Sam Aziz had stood up in council and
13 blandished legal advice from SCWRAG and refusing to say
14 what the source of the advice was; true?---My
15 understanding, sir, is there's two pieces of legal
16 advice - - -

17 No, I'm just asking you what you were talking about there.

18 What you were talking about there, where Mr Kenessey
19 refers to "bloody Sam", is Sam Aziz standing up in council
20 in respect of one of the debates waving legal advice
21 saying it was from SCWRAG and then not revealing
22 it?---Yes, sir.

23 And that was from advice that was Paul Chiappi and that advice
24 you had arranged to pay for yourself, had you
25 not?---I believe that the - no. The answer is no.

26 I believe that the legal advice that you're talking about
27 is Megan Schutz's legal advice to Sam when he wouldn't
28 declare where they got it from. But, sir, I apologise.
29 There's two pieces of legal advice, one from Megan Schutz,

1 one from Paul Chiappi, who did it eventually pro bono, but
2 I don't believe he wanted - he didn't want anyone to know.
3 COMMISSIONER: But the short point here, Mr Woodman, is that
4 your consultant provided a legal advice which was given to
5 Mr Aziz. Mr Aziz then relied upon that legal advice as
6 part of the argument in the council deliberations on the
7 motion, did not disclose to the other councillors what the
8 source of the advice was and that it had come via you as
9 the person interested in the outcome of the motion?---The
10 legal advice had come from Paul Chiappi, sir, not from
11 myself.
12 No, no, the first advice, the one you've told us about, from
13 Ms Schutz?---Yes.
14 That went to Mr Aziz?---Yes, correct, sir.
15 And Mr Aziz, as you understood it, was going to rely upon that
16 legal advice in support of the motion with his fellow
17 councillors?---Yes, correct, sir.
18 But he wasn't going to disclose that the legal advice came from
19 your consultant?---It came from - yes, Megan Schutz.
20 Is that correct?---From Megan Schutz, who was not my
21 consultant. She was the consultant acting on behalf of
22 the landowner, yes, sir.
23 All right. You knew full well that Mr Aziz was not going to
24 disclose to his fellow councillors the source of that
25 legal advice?---That's correct, sir.
26 And why would that be?---I have no idea, sir.
27 Just think about that for a moment, please, Mr Woodman?---Okay.
28 You have no idea why Mr Aziz would not disclose to his fellow
29 councillors that the legal advice he was relying upon came

1 from Ms Schutz?---Thank you, sir, because Ms Schutz was
2 acting for SCWRAGers on pro bono and acting for the
3 landowner as a legal - as a planning lawyer, and I'd
4 imagine that - I can only imagine that Mr Aziz, if he had
5 said "Ms Schutz", that the councillors would have jumped
6 on, "Well, she's acting on behalf of the landowner."

7 Correct. It would not have been viewed as independent legal
8 advice?---That's correct, sir.

9 So you knew that Mr Aziz was not going to tell his fellow
10 councillors that?---I did not know that he
11 didn't - I certainly didn't direct him to not tell the
12 other councillors and I was unaware of the fact that he
13 wasn't going to tell them. But I can imagine why he
14 didn't tell them.

15 I'm sorry, I thought you agreed a moment ago that you did
16 anticipate that he wouldn't disclose the source of his
17 advice. Did you not agree with that just a moment ago?
18 Did you not agree with me just a moment ago that you
19 anticipated that Mr Aziz would not tell his fellow
20 councillors the source of the advice?---Correct. Yes,
21 sir.

22 And you knew the reason for that was because, if he did, it
23 wouldn't have the appearance of being independent legal
24 advice and therefore they might look at it in a different
25 light?---Correct, sir.

26 MR TOVEY: And was this legal advice that you had paid for on
27 behalf of the landowners?---No, sir.

28 What about the Chiappi advice, was that - - -?---No, sir, it
29 was pro bono.

1 On the other hand, had you arranged at some stage that you
2 would pay for it?---I can't recall, sir.

3 Well, didn't you say to Ms Schutz - sorry, to Mr Kenessey
4 "Megan asked Paul" - that's Paul Chiappi - "when he was
5 going to account, because I was going to pay for it"?---Is
6 that there, sir?

7 Yes. Have a look at line 698?---Yes, sir. Correct, sir.

8 COMMISSIONER: So what's going on here at the council,
9 Mr Woodman? The most senior, that is the most experienced
10 councillor there, Mr Aziz, is putting forward an argument
11 to support a motion that you want to see carried and he's
12 not disclosing to his fellow councillors the real - the
13 true source of that legal opinion. What's happening
14 there?---Sir, if you looked at the legal advice, I think
15 it would be more explanatory as to what exactly the legal
16 advice was. It was - - -

17 No, no, when I say what's happening there, what's happening
18 when someone like Mr Aziz is running an argument like that
19 to persuade the other councillors and not disclosing the
20 true source of the legal advice he's relying upon? What's
21 happening?---That is a very good question, sir. I have
22 not got the answer.

23 Why would he do that, Mr Woodman? Why would Mr Aziz, to
24 support a motion you want to see carried, use legal advice
25 that he knew was not independent, was prepared by the
26 person that you engage as your consultant to further these
27 objectives? Why would he do that?---Are we talking about
28 Mr Chiappi's - - -

29 No, Ms Schutz's legal advice. Why would he do that?---As we

1 discussed before, sir, because he would have thought that
2 acting for two different parties, one pro bono, one
3 getting paid, that she was not as independent as she
4 should be.

5 But why would Mr Aziz be doing something that's so deceitful?

6 Why would he run an argument using material that he knows
7 is not independent in order to persuade his fellow
8 councillors? You know what I'm asking you, don't
9 you?---I do, sir, but what I'm trying to explain is that
10 Ms Schutz prepared that advice, I believe, and I had not
11 directed - we've already talked about this - as an
12 independent person, but because of the fact that she also
13 was acting for the landowner that Mr Aziz assumed that
14 everyone would jump to the conclusion that in fact she was
15 not acting independently pro bono for SCWRAGers, that she
16 was acting actually in the best interests of the
17 landowner.

18 Yes, Mr Tovey?---And I apologise, sir, for what I said before.

19 I was going to pay. I didn't pay at the end of the day
20 because Paul Chiappi decided to do it for pro bono. It's
21 a rarity, but I apologise for that, sir. And I wish to
22 correct my evidence that I gave when I said that I was not
23 paying or would not be paying in that instance obviously
24 from that line, if Mr Chiappi had not been prepared to do
25 it pro bono, but I was not doing it and did not direct the
26 type of evidence or the type of report that Mr Chiappi
27 prepared. All I was doing was assisting the community
28 with their argument which inevitably would find that the
29 H3 intersection was built and that it relieved the tension

1 at the intersection of Hall Road and Evans Road, which is
2 what basically we're talking about during this discussion,
3 I believe, sir.

4 MR TOVEY: Could we go, please, to tab 43. This is part of a
5 conversation on 11 November 2018 between you and Mr Ablett
6 and this took place - this part of the conversation took
7 place at 4.46 in the afternoon.

8 COMMISSIONER: I'm sorry, what date was that, Mr Tovey?

9 MR TOVEY: That was 11 November of 2018, Mr Commissioner.

10 COMMISSIONER: Thank you.

11 (Audio recording played to the Commission.)

12 MR TOVEY: Sorry, could we please go to the beginning of that?

13 (Audio recording played to the Commission.)

14 MR TOVEY: So, having heard that conversation, is that a
15 conversation where you speak about a grudge that Gary Rowe
16 seems to have against Mr Ablett?---Yes, sir.

17 Then did you go on to say Mr Ablett, "I mean, both Cranbourne
18 West, both Pavilion, both Hall Road, all we're done in.
19 Okay, okay, I benefit financially, other people benefit
20 financially, but at the nub of it is the community benefit
21 more than I do. I mean, fuck." And then at the end you
22 observe, "That's what we're in business for." And that
23 really sums up the whole situation, doesn't it, your
24 interest in Pavilion, Hall Road - - -?---Yes, sir.

25 And your relationship with Mr Ablett?---Yes, sir. I run a
26 consultancy company. I employ 60 people. They require
27 work and if C219, as we've already discussed at length,
28 was approved, I was suspecting that we would be
29 subdividing the 1,800 lots. Yes, it makes reference to

1 the financial incentive in having these projects approved,
2 not I don't believe, as you could read it, in a profit
3 sense; I'm talking about financially running a business of
4 employing engineers, surveyors and town planners, sir.

5 Was it the case that you benefited financially from Hall
6 Road?---We subdivided the land for - we subdivided the
7 land - - -

8 COMMISSIONER: No, no. Counsel is asking you whether or not
9 what you said there is correct, that you were going to
10 benefit financially from each of those?---Yes, sir,
11 through the business that I operate, sir.

12 MR TOVEY: And was it the case that, from your point of view,
13 that's what you're in business for?---Yes, sir.

14 And you sought to justify that on the basis that the nub of it
15 was that you were providing a benefit to the community; is
16 that true?---Yes, sir.

17 All right. The fact is that in most planning issues there are
18 people who are passionate on both sides, aren't there,
19 especially when it comes to rezoning?---Yes, sir.

20 And people on both sides - there's no right or wrong, is there?

21 It's a matter of your own perspective as to whether or not
22 you're on the side of the angels or whether you're
23 not?---In the case of rezoning, sir?

24 Yes?---In the case of rezonings I believe that in some of them
25 there are for and against, but then I would suggest that
26 most of the ones that I deal with at least there is a
27 greater proportion, and I put it 70 per cent, of greater
28 community benefit than disbenefit, sir.

29 In relation to C219, I can take you to a conversation if

1 necessary tomorrow, but your view was, was it not, at one
2 stage that it was clear that for that community to operate
3 in an optimal fashion, that is the Cranbourne West
4 community, you needed that industrial land to provide
5 jobs? That was a view that you expressed, I suggest to
6 you, in a telephone conversation?---I - - -

7 At the time when the minister was going to conduct - this is at
8 the time that the minister was going to conduct an
9 additional review. Your view was that the review was
10 likely to be resolved against you because it was clear
11 that you needed the industrial land?---Well, I think if
12 your interpretation of what I said is not quite right,
13 sir. In Dandenong there is less than five - - -

14 I'm just asking you did you ever express that view, that the
15 minister's review was likely to be resolved against you
16 because in your view it was very likely that they would
17 conclude that they needed the industrial land?---Yes, sir,
18 but could I please have the opportunity to explain what
19 I meant in that conversation than just a yes or no answer?

20 COMMISSIONER: What did you mean, Mr Woodman?---Sir, in
21 Dandenong South there is less than five per cent of
22 industrial land left, which means at some stage in the
23 next four or five years, and I believe more recent than
24 that, that the State Government is going to rezone land
25 for industrial purposes. The location of that land, in
26 our opinion, was not best at Cranbourne West, even though
27 there is a lack of land available for industrial purposes,
28 that cheek and jowl with residential land it was totally
29 inappropriate and that there were more appropriate areas.

1 But a review by academia could very well consider that
2 Cranbourne West, regardless of the cheek and jowl nature
3 with residential, would be considered to be necessary, and
4 that was the opinion that I was expressing to council
5 before, that my understanding would be - and in fact there
6 was a report that's recently been released as late as
7 I think Friday week ago that indicated that Cranbourne
8 West is required for industrial purposes.

9 Yes, Mr Tovey.

10 MR TOVEY: Can I ask you to listen to this. This is another
11 section of that conversation at tab 42.

12 (Audio recording played by the Commission.)

13 MR TOVEY: In that conversation when you speak about Glenn,
14 you're talking about Glenn Patterson, who was the recently
15 appointed CEO of the City of Casey?---Yes, sir.

16 And you are there talking about the fact that he's going to
17 have a staff clean-out? If you look at line 249, "I mean,
18 you know, he will clean the joint out and, you know, yeah,
19 he'll clean the joint out." Is that right?---Yes,
20 correct, sir.

21 And then down the bottom at line 260 Geoff Ablett says to you,
22 "He's already said to me, 'Between you and I, do you want
23 to give me some names? Listen,' he said, 'I'm not going
24 to listen to everybody,' but he said 'You were - you were
25 the one that instigated it,' he said, 'and you had a lot
26 to do with planning and stuff.' Unfortunately with Sam
27 jumping up and down and all that trying to, with egos, all
28 the rest of it, but he just talked one-on-one very
29 quietly." That was said, was it not, as I've just read it

1 out? What I've just read out is what was said?---Yes,
2 I just want to clarify are you referring to who is
3 suggesting the list?

4 No, what I'm suggesting to you at 260, I'll just ask you
5 questions and you tell me if you disagree. So at 260
6 Ablett is telling you, isn't he, that he's been asked to
7 prepare a list? He's been asked to provide Patterson with
8 names of people to be purged?---Yes, that's right. He's
9 reciting a discussion and "He's already said to me,
10 'Between you and I, do you want to give me some names?
11 I'll listen,' he said, 'I'm not going to listen to
12 everyone,' but he said, 'You were the one that
13 instigated,' he said, 'and you've had a lot to do with
14 planning and stuff.'"

15 COMMISSIONER: This is Mr Ablett's conversation with
16 Mr Patterson?---Correct, sir.

17 That he's relaying to you?---Correct, sir.

18 MR TOVEY: So Patterson has told Ablett, according to what
19 Ablett is telling you, that he was the one that instigated
20 it and "instigated it" was what? Was that the
21 sacking - sorry, was that moving on of Mr Tyler?---I'm not
22 sure, sir. You'd have to - no, I'm not - - -

23 COMMISSIONER: You are not sure of what, Mr Woodman?---I'm not
24 sure of what Mr Ablett is attempting to say.

25 No, no, no. Mr Tovey was asking you whether or not Mr Ablett
26 was instrumental in the moving on of Mr Tyler?---Oh. Yes,
27 I believe so, sir.

28 MR TOVEY: And you had conversations with him which I'll take
29 you to later relating to that, did you not?---I've had

1 conversations with Mr Ablett in relation to Mr Tyler, yes,
2 sir.

3 And Mr Tyler, I think you've already told us, was a thorn in
4 your side? Mr Tyler was a thorn in your side? He
5 routinely took a - - -?---Sir.

6 Just let me ask the question. He routinely took a position
7 which you thought was adverse to you?---Not on all
8 - 99 per cent of occasions, sir.

9 Did you yourself have any problems with Mr Tyler?---In relation
10 to C219, Mr Tyler took an exception to the fact that we
11 were attempting to change the PSP, yes, sir.

12 So he was in favour of keeping the industrial land?---He was in
13 favour of keeping the industrial land, sir.

14 COMMISSIONER: And that was the view, wasn't it, that was put
15 forward by the council officers?---Yes, sir.

16 And Mr Tyler had a background in planning before he became the
17 CEO at Casey; correct?---Correct, sir. He was the town
18 planner, yes.

19 MR TOVEY: At this stage, this is in November of 2018, did
20 Mr Ablett have any official role on the council? Was he
21 the mayor or was somebody else the mayor?---I understand
22 Amanda Stapledon was the mayor, sir.

23 Okay. So the question is then at this stage Mr Ablett is just
24 a serving councillor. What is it about the relationship
25 between you and him which allows you to discuss him
26 getting involved in purges of the council staff? Is there
27 something special about the relationship between you and
28 Mr Ablett that allowed you to discuss things which would
29 normally be, one would think, extraordinarily

1 sensitive?---Mr Ablett had expressed to me on numerous
2 occasions that he had been contacted by a number of
3 developers in the City of Casey who were dissatisfied with
4 the performance of the planning department. Yes, he had
5 certainly discussed that with me and asked me what my
6 opinion was.

7 And you told him about the people that you thought weren't up
8 to it?---I gave him an indication that there were some
9 employees at the council who - and I've already given an
10 example with Morison Road - that didn't seem to follow
11 what one would consider to be the normal practice as a
12 town planning officer, and a secondary example was
13 the - - -

14 If I can just stop you there. So the names of the people who
15 you thought weren't up to it you provided to Mr Ablett in
16 anticipation that they should be considered as part of the
17 purge?---Sir, there is only - - -

18 Is that just yes or no; simple?---I think you used the word
19 "names"?

20 Yes?---I would use the word "name" only, sir.

21 And who was that?---Mr Commissioner, is it appropriate to use
22 these - to divulge this information?

23 COMMISSIONER: This is a name of someone that you gave
24 Mr Ablett?---Yes, sir.

25 Is that person still working on the council?---No, sir.

26 Did Mr Patterson ultimately give effect to your thoughts about
27 that person?---I don't know. I don't believe it was my
28 thoughts, sir.

29 No, I mean was the person that you've mentioned someone who

1 ultimately was removed from the council?---Yes, sir.

2 Is there any need to know his identity? Is there any need to
3 know the identity of the person?

4 MR TOVEY: I think we do, Mr Chairman, yes, so further
5 investigations can be made.

6 COMMISSIONER: Very well. I'll make a suppression order in
7 relation to his name so that it won't be published. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 We'll make a suppression order that the identity of that person
11 is not to be revealed directly or indirectly by any
12 publication.

13 MR TOVEY: Excuse me, Commissioner.

14 COMMISSIONER: Yes. While Mr Tovey's doing that, Mr Woodman,
15 I'm not sure you actually answered his question, which was
16 why would Mr Ablett be discussing such a thing with you;
17 that is, what persons either he was going to recommend or
18 that you might recommend should be moved on?---Because of
19 his awareness of the projects that we had being undertaken
20 in Casey and the fact that we had - I had expressed to him
21 that I had heard of other developers who were dissatisfied
22 with some of the results, some of the outcomes, some of
23 the timeframes associated with planning at the City of
24 Casey. So, it was a general discussion about the planning
25 department which, Mr Commissioner, they had commenced a
26 review of the planning department early in I think 2018,
27 simply because of the wait, I guess, that the community
28 and/or the industry had indicated to the Casey councillors
29 and the CEO, the acting CEO, that they felt inappropriate

1 timeframes, inappropriate decisions, hold-ups that were
2 unnecessary, so the City of Casey employed an external
3 consultant to complete a review of the planning
4 department. So it wasn't my view or I don't believe
5 Councillor Ablett's view. It was a general view of the
6 development industry, sir.

7 MR TOVEY: Thank you, Mr Commissioner. Could we please go to
8 tab 44.

9 COMMISSIONER: I'll make the 11 November 2018 excerpts from
10 phone call between Mr Woodman and Mr Ablett exhibit 41.

11 #EXHIBIT 41 - Excerpts from phone call between Mr Woodman and
12 Mr Ablett on 11 November 2018.

13 MR TOVEY: This is the recording of a conversation between
14 Mr Woodman and Ms Schutz on 14 November of 2018 at 8.55.
15 As I understand it, Mr Commissioner, this is a full
16 conversation.

17 COMMISSIONER: Thank you.

18 (Audio recording played to the Commission.)

19 MR TOVEY: Could we stop it there, please. The conversation
20 after that, Mr Commissioner, is irrelevant; something more
21 than that. Can I just stop you while you still have fresh
22 in your memory what was on page 12 of the transcript where
23 Megan Schutz says to you, "The only problem with your plan
24 is you're using ratepayers money, forward spending money,
25 that's been committed to government from council and
26 people don't like that," and you say, "That's a
27 technicality"; true?---That's what I say, yes, sir.

28 The bottom line was that you wanted the council to tip in
29 \$200,000 towards the H3 intersection? I mean, is that the

1 bottom line?---Sir, I wouldn't - I apologise for
2 using - did you use the word 200,000?
3 Yes?---I think what I'm getting at there, sir, is that there is
4 an amount of money that has been allocated in the DCP,
5 which is the development contribution - - -
6 Perhaps I can just ask you first: was it your aim to have
7 council make a forward provision of \$200,000 or
8 thereabouts for the completion of the H3
9 intersection?---I don't believe it's 200,000, sir.
10 How much was it?---I can only say, sir, what we are referring
11 to, in my recollection, is the drainage culverts which we
12 previously discussed.
13 And in any event you go on to characterise her concern as a
14 technicality?---Yes, sir.
15 And then you seek to justify it, is that right, by saying "This
16 is just a legal technicality," et cetera, et cetera, and
17 at that stage she's laughing at you, isn't
18 she?---Sir - - -
19 Let me just suggest - you mightn't agree with this
20 characterisation at all - but let me suggest what's
21 happening there is you're trying to justify the ratepayers
22 making a provision forward that they shouldn't have to,
23 you're saying "This is just a technicality" and she's just
24 laughing at you for even suggesting that that's ever going
25 to fly?---Sir, with permission can I just elaborate just
26 slightly. The development contribution - - -
27 COMMISSIONER: Mr Woodman, just try and answer counsel's
28 question first.
29 MR TOVEY: The bottom line is that you were putting forward

1 your "this is just a technicality" justification and Megan
2 Schutz is laughing at you.

3 COMMISSIONER: Do you agree with that?---Yes.

4 MR TOVEY: And the effect of what she's saying is, "Look, if
5 you can get this to fly, you're a better man than I am,"
6 or something to that extent; that's the way you understood
7 it, isn't it? That's the way you understood it?---No,
8 sir.

9 Okay. I want to take you back now - - -

10 COMMISSIONER: Just a moment. Do you want to say something
11 about that?---Yes, sir, can I please explain. I take it
12 after this long conversation that we've just had replayed
13 is in relation to this particular moment talking about
14 culverts that are to be constructed at the same time as
15 the H3 intersection and in fact money that was allocated
16 in the DCP for alternative uses, which at that point in
17 time was not being utilised, was to be constructing the
18 culverts. That was the legal technicality. They
19 have - at council in all development contribution plans
20 they have a priority list and that priority list is stuck
21 to fairly strictly unless it's altered by council itself
22 or council officers and I believe she was talking about
23 the legal technicality in money that's I believe at that
24 stage was \$15 million, that some of that money would be
25 used to build these culverts out of sequence. But I stand
26 to be corrected, sir.

27 MR TOVEY: Can I take you to page 9. In the middle of page 9
28 at line 196 you say, "Let's turn to Hall Road," and you go
29 on to speak about that. "So I told Tom yesterday that

1 I had heard back from those idiots but I said if you get a
2 commitment at this stage from them to build or put the
3 money in for their intersection I think we can get the
4 whole road fixed up in one hit because Robert is on the
5 warpath and it would suit our purpose if there was a
6 motion in council to fix the whole thing in one hit and
7 they put in 3.75 and Alara put in 1.25." Now, "those
8 idiots", who are they? Is that Dacland?---I assume so,
9 sir.

10 And was it the case at that stage you wanted to see whether it
11 was possible to reach an agreement with them where they
12 would support a motion to council fixing the whole thing
13 in one hit, that is building - redoing the whole
14 intersection in one hit for a total of 5 million, with
15 them putting in 3.75 million and Alara putting in
16 1.25?---Yes, sir. Could you just remind me of the date of
17 this conversation? I apologise, sir.

18 Yes, the date of this conversation is 14 November of
19 2018?---Yes, sir.

20 All right. There are numerous references in this document to
21 "FM", whose name is - whose initials you seem reluctant to
22 actually want to say out loud. Who was FM?

23 COMMISSIONER: I think that's Amanda, is it not?---Yes.

24 MR TOVEY: FM.

25 COMMISSIONER: Amanda Stapledon. FM is just a nickname?---Yes,
26 sir.

27 Or the initials of a nickname. I think we had some evidence of
28 that this morning?---Yes, sir. Would it help at all, sir,
29 if I put this in the context that at that point in time

1 they were proposing on 18 December for Dacland to put up a
2 guarantee to build the intersection and to get early
3 release of a stage. The discussion at that point was that
4 council had second thoughts about building the culverts as
5 you mentioned and this whole discussion was about
6 attempting to bring a win/win situation for all parties,
7 including but more importantly the community, that Hall
8 Road, the Evans Road intersection, the whole shebang would
9 be fixed up in one construction process instead of
10 potentially two or three.

11 Yes. Yes, Mr Tovey.

12 MR TOVEY: Now, before today your evidence has been that
13 neither your family, nor you, nor your companies had any
14 interest in the Elysian and Alara Estate developments
15 other than the hope of doing engineering or planning work
16 in respect of those; is that correct?---No, sir, I don't
17 believe I've said that, sir. I believe I've said that my
18 son has an interest in the Elysian Estate.

19 And when did you say that for the first time?---Sir, I couldn't
20 recall, but I don't think there's been any - at any stage
21 that I've said that, going back to the \$14 million
22 guarantee, that we didn't have - that my son didn't have
23 an interest in it.

24 But when I first asked you about the 14 million guarantee, you
25 told me you had no idea what it was about?---I don't
26 believe so, sir. I said I thought it was to do with
27 either the purchase or the construction of the estate that
28 the National Australia Bank were lending the money.

29 Did you tell me you had no idea about how you came to be

1 involved in that?---No, I told you - I think I said - - -
2 All right, let me just take you then to page 10. There you're
3 talking about the need to complete the Hall Road project
4 and you say at page 218 to Megan Schutz, "The first reason
5 was because I've got 20 million sitting out there. I've
6 got 20 million." All right? You said that being a person
7 who said you had no financial interest in this?---That
8 statement there is incorrect, sir. I have not got 20
9 million. I, for whatever reason, I guess, in rather crude
10 terms, I was shooting my mouth off, but I had no 20
11 million and I certainly was not going to benefit by 20
12 million. I had been advised by my son that he had an
13 offer or his consortium or the people that own the land of
14 which he is part thereof had an offer of 20 million for
15 the balance of five hectares that remained on the estate.
16 And had you been employed by him to try and hurry up the
17 intersection?---No.
18 Did you see it as in his financial interest to hurry up the
19 completion of the intersection?---If this particular
20 contract that you're talking about, sir, relied upon the
21 intersection being completed for the 20 million
22 transaction to go ahead, then, yes, there was a financial
23 benefit to my son. The contract did not go ahead, by the
24 way, sir.
25 COMMISSIONER: Mr Woodman, from all of the evidence that we've
26 heard about the H3 intersection, almost all of the time
27 that you are heard talking or you have been a party to
28 emails, the impression that you give the reader or the
29 listener is that you have really a future possible

1 financial interest by way of engineering or surveying
2 services, but that you have a financial
3 interest?---Correct, only as a consultant, yes, sir.
4 And so what part of that 20 million is an exaggeration?---The
5 whole part of it, sir.
6 The whole of it?---The whole part of it, sir. I have no - none
7 of that 20 million, unfortunately or fortunately, would
8 finish up in my pocket. It was as I just said - - -
9 You were speaking colloquially then on behalf of your son, were
10 you?---I was shooting my mouth off when I shouldn't have,
11 sir.
12 But it's your son who's going to make that money, is it?---Yes,
13 well, the people who own the land of which he is a part
14 thereof, yes.
15 And you had no private arrangement with - - -?---No, sir.
16 With your son to share in those profits?---No, sir. None
17 whatsoever, sir.
18 MR TOVEY: And was it the case, as you state there, that the
19 arrangement at that stage was that the people who signed
20 that contract were going to pay within 30 days of the
21 completion of the intersection?---Again, sir - - -
22 Is that what the arrangement had been?---Not that I'm aware of,
23 sir. I wasn't familiar. I for whatever reason in talking
24 to Megan Schutz, as you've probably gathered from the
25 conversations, they are extensive. I can't put the right
26 word to them, but I can assure you, sir, that - - -
27 You weren't fantasising or the subject of any mental
28 disability, were you, at the time of this
29 conversation?---Certainly in relation to - - -

1 No, I'm asking you a question. Were you suffering under some
2 disability at the time of this conversation?---No, sir.
3 All right. When you said the words, "He's agreed with them
4 until we start building the intersection they won't - are
5 not going to sign the contract 'cause they're going to pay
6 within 30 days." Now, is that something which was just
7 fantasy or is it something which you had known all along
8 and despite what you have told us here that was the reason
9 that you were advocating for the fast completion of Hall
10 Road intersection?---No. It's a fantasy. I was unaware
11 of the contractual arrangement, sir.

12 COMMISSIONER: Sorry, you were?

13 MR TOVEY: Unaware of the contractual arrangements, is what he
14 says, sir.

15 COMMISSIONER: Yes. But obviously, if you look at your answer,
16 your comment there, Mr Woodman - - -?---I looked at it,
17 sir - - -

18 You were obviously aware that there was a contract imminently
19 to be signed which would produce immediate benefits for
20 your son; correct?---And his partners, sir. Yes, sir.
21 Immediate benefit? I was unfamiliar other than I had at
22 some stage had a discussion that there was an interested
23 party - I didn't even know that there was a contract - an
24 interested party who were looking at or doing preliminary
25 investigation into the five hectares that remained on the
26 Elysian Estate.

27 MR TOVEY: You are conscious of the fact that you started out
28 by telling us that your only interest in the H3
29 intersection was because you wanted to promote the welfare

1 of the community. You said that was your only interest.
2 Here you are saying, "I've got 20 million sitting out
3 there." There's a contract which is about to be signed
4 which is going to mean that that 20 million is paid over
5 to your son in 30 days. Now, how do we get to that
6 point?---I think it's a timing point, sir. I stand to be
7 corrected. In August when this contract was not mooted,
8 in August when I believe that H3 should be constructed in
9 accordance with the timing that is set out in the relevant
10 planning permit for the land on the north side of Hall
11 Road that has no 500 houses that have no other way of
12 getting out on to Hall Road on H3 other than Evans Road
13 and Hall Road.

14 COMMISSIONER: Please, let's not go there again,
15 Mr Woodman?---Yes.

16 MR TOVEY: Can I take you to page 7. Towards the bottom of the
17 page, bottom third of the page, Megan Schutz says, "What
18 happened with fucking Tom?" to which you reply, "I know,
19 he wants to get together and we - we put out - we put out
20 a call to Mandy." Who's Tom?---Tom Kenessey.

21 "We put out a call to Mandy to see whether the response has
22 gone back after Thursday's meeting. If it hasn't gone
23 back we want to hold off until you and Tom and Gary have
24 had a chance to talk to the CEO about what should be in
25 the response, um, and the fact that a response goes in now
26 is superfluous. It's the new minister. The minister is
27 not going to - who we think the previous minister, it's
28 going to be a different minister. It would be better if
29 Pauline Richards was taking this response to the minister

1 at the time it's being sent, if you know what I mean."

2 Now, what you are there saying is this, is it not: that at
3 the moment the minister is seeking further submissions in
4 respect of C219?---No, sir.

5 What's the minister seeking? What's the letter to the minister
6 there about?---The minister - again, sir, this is November
7 '18 or around about November - - -

8 Yes, this is 14 November 2018?---So the State election which
9 occurred I think at the end of October, around about
10 then - - -

11 COMMISSIONER: What's the letter?---The letter is from
12 the council to the minister for planning in response to
13 the minister's decision to defer a decision on 219 until
14 this industrial land supply review is completed.

15 What was going to be said in the letter?---I don't know, sir.
16 I'm not even sure if it's even been sent, sir.

17 MR TOVEY: What you are talking about here, I suggest, is the
18 fact that there's no point - you wanted to arrange by your
19 dealing with the councillors in council that there not be
20 any response to the minister at this stage, wait until a
21 new minister is appointed, and then get Pauline Richards
22 to take that response to that minister as a fresh
23 document. That's really what you're saying there, is it
24 not?---Yes, sir.

25 What was it that gave you control over this process?---Sir,
26 I had no control. This was my suggestion, sir.

27 Unless you have an extraordinary degree of influence, how is it
28 that you and your consultant are talking about a process
29 by which you are in control of not just councillors, but

1 also council officers and when they will respond, what
2 they will respond and how they will respond?---Sir,
3 I think you're reading a lot more into that telephone
4 conversation than what you just put there. Basically Tom
5 and Gary were - Gary Rowe, Tom Kenessey on behalf of the
6 landowners - were the advocates for the change that was
7 proposed in C219. A letter had been received by the City
8 of Casey in relation to a deferment. They were going to
9 meet with the CEO and potentially the mayor and it was my
10 view that that letter at some stage, if Pauline Richards
11 felt appropriate, would also talk to the minister about
12 it. That's my understanding of that, but I don't read
13 into there that I'm giving or expecting what I consider to
14 be the way forward, that that's actually going to happen,
15 and I don't believe it did. But I stand to be corrected,
16 sir.

17 Also in the course of that conversation did you talk about the
18 fact that you weren't on the public record in respect of
19 acting for Leightons?---Well, that's what I said
20 on - that's correct, sir.

21 And you didn't want that to come out?---If I said that I didn't
22 want it to come out, it was no reason other than in The
23 Age newspaper for whatever reason they had made reference
24 to myself and Leightons, as my memory serves me, but
25 I could be wrong.

26 And you referred to \$50,000 from time to time in the course of
27 that conversation. Is that your monthly payment from
28 Leightons?---That is a retainer that is paid to
29 \$20,000 - I think we've spoken about this before - \$20,000

1 to be paid to Ms Schutz and \$30,000 to be paid to myself
2 as a retainer by Leightons.

3 Each month. And this was a retainer to do what?---Well, to
4 strategise the approval of C219.

5 And then you get \$2 million which is the subject of a bank
6 guarantee which Maddocks were holding if you were
7 successful?---If the rezoning was successful, yes, sir.

8 COMMISSIONER: Does that complete this exhibit, Mr Tovey?

9 MR TOVEY: It does, yes.

10 COMMISSIONER: That will be marked exhibit 42.

11 #EXHIBIT 42 - Phone call between Mr Woodman and Ms Schutz on
12 14 November 2018.

13 COMMISSIONER: Mr Woodman, would you like to have a
14 break?---That would be most appreciative, sir.

15 Yes. We will break strictly for 10 minutes.

16 (Short adjournment.)

17 COMMISSIONER: We've lost a bit of time, I'm afraid. Yes,
18 Mr Tovey.

19 MR TOVEY: Mr Commissioner, could we please go to tab 81, which
20 is a conversation between Geoff Ablett and Mr Woodman on
21 22 November of 2018.

22 (Audio recording played to the Commission.)

23 COMMISSIONER: What was the date of that, Mr Tovey?

24 MR TOVEY: That, Mr Commissioner, was 22 November 2018. (To
25 witness.) When you say at the bottom of page 6, "I would
26 much rather that she doesn't have to do anything once
27 Rosalie," is it, Ms Crestani?---Could you, please, sir,
28 turn to page 6 again?

29 This is page 5 going over the page on to page 6. So you say

1 there at line 112 to Geoff Ablett, "I'd much rather she
2 doesn't have to do anything, you don't have to do
3 anything, I don't have to do anything and the thing gets
4 passed because, you know, so that augurs well. It
5 aggravates me no end, Geoffrey, I've got to say because
6 you and I have borne, you know, unbelievable angst and
7 we've both lost a shit load of money because of Cranbourne
8 West or because of this intersection." Is that the way
9 the conversation went?---Yes, sir.

10 COMMISSIONER: It's Rosalie Crestani, is it, that the "Rosalie"
11 refers to?---Yes.

12 MR TOVEY: And how is it that you are telling him that you have
13 both lost a shit load of money?---I had said to Geoffrey
14 that I would buy a part of Cowan Road in Gippsland if the
15 Cranbourne West land was approved.

16 COMMISSIONER: I'm sorry, on the face of it that doesn't seem
17 to explain - that doesn't seem to be an explanation for -
18 - -?---I'm terribly sorry, sir.

19 How does that produce a loss of money for you and

20 Mr Ablett?---I had told Geoffrey that I was keen to buy
21 some land in South Gippsland.

22 Yes?---If C219 did not occur then I would more than likely pull
23 out of the contract at some stage.

24 What contract?---For the purchase of his land at Cowan Road.

25 MR TOVEY: So what was that? That was 300 and something
26 thousand?---350,000, yes, sir.

27 And you end up paying him so far 150?---Yes, correct, sir.

28 And the rest is in limbo?---Yes, sir.

29 The rest is in limbo even though this took place quite some

1 time ago. So the purchase of his land then was his
2 success fee if C219 went through?---A success fee? Well,
3 I don't know about a success fee, sir, because he - - -
4 What you have told me is it was contingent upon C219 going
5 through?---He wasn't capable of voting on anything. It
6 was - - -
7 No, no, no, look, you're giving him - you're telling me and
8 you've just told the Commissioner that the reason you
9 agree to pay him 370,000 in respect of which he's so far
10 got 150,000 and still has his house and land as well, the
11 reason that's occurred is because it was an agreement that
12 that would occur if C219 was successful?---Yes, it was a
13 friendship agreement that I would share some of the
14 profits that you have indicated to me before was
15 associated with 219.

16 COMMISSIONER: But, Mr Woodman, this is a reference to money
17 that's been lost, not that might be lost?---There's
18 reference to the fact that - - -
19 You've lost a lot of money; what's that a reference to?---It's
20 reference to the fact that 219 in my opinion in this
21 conversation would not be approved.

22 MR TOVEY: But it wasn't confined to C219. You said, "We've
23 both lost a shit load of money because of Cranbourne West
24 or because of this intersection." How did he lose money
25 as a result of the H3 intersection? How did he lose
26 money?---Okay. Unfortunately it's pre-empting the fact
27 that 219 would not be approved, and that came as a result
28 of H3 which was a subject of an Age newspaper article.
29 I don't understand. What's the tie between him getting money

1 and H3 being approved?---No, there's no tie, sir.
2 Or the tie between him losing a shit load of money and
3 H3?---No, only that H3 prompted an extensive article in
4 The Age newspaper which then would return a negative
5 situation with the Minister for Planning, which hasn't
6 happened as yet but could potentially happen.
7 But you still haven't answered my question. What was happening
8 in respect of the intersection which might lead Mr Ablett
9 to lose a shit load of money?

10 MR JUEBNER: I think he has answered that question.

11 COMMISSIONER: I think he did answer, Mr Tovey. He explained
12 that H3 gave rise to The Age article and as a consequence
13 of The Age article C219 was at the very least deferred.

14 MR TOVEY: So you say the intersection had an indirect effect
15 on C219?---In the intersection and the publicity
16 associated with it, yes.

17 And as a result of the arrangement you had with Mr Ablett was
18 it the case that you thought you could simply direct him
19 as to what you wanted him to try to achieve - - -?---No,
20 I don't believe so, sir.

21 With council.

22 COMMISSIONER: We seem to be at the same point here as we were
23 earlier today, this morning, in terms of the depth of your
24 knowledge and Mr Ablett's about what all the councillors
25 were going to do. What's your explanation for this
26 conversation about Mr Ablett looking to you for direction
27 as to what he in turn would have to tell Ms Crestani? How
28 does that come about, that someone in a councillor's
29 position would be asking a develop for direction as to

1 what he should do and what he should tell some other
2 councillor to do, particularly when that councillor's got
3 a conflict of interest?---I couldn't agree with you more,
4 sir. Inappropriate. Inappropriate. But I believe that
5 what he was attempting to say that Crestani needed
6 clarification as to the complexities associated with the
7 H3 intersection and a forthcoming decision. I believe
8 that's what he was saying.

9 But how does that come about, Mr Woodman? How does that come
10 about that Mr Ablett's relationship with you is such that
11 he is waiting on you for direction so that he can
12 influence other councillors?---I guess it's a friendship
13 that's been built up over many years, sir, and the mere
14 fact that he thought I was the best person to be able to
15 clarify the questions that she obviously had in relation
16 to H3.

17 MR TOVEY: In the middle of page 4, I'll just summarise it for
18 you, Geoff Ablett is saying to you - he's asking you - the
19 sentence ends, "We're not accepting this." So there's
20 some proposal and he's saying to you, "Look, are we
21 accepting this or are we not accepting it"; right? And
22 you say, "No, we're not, we're not." And he says, "Or are
23 we accepting it?" And you say to him, "No, we're not."

24 COMMISSIONER: "No, we're accepting it."

25 MR TOVEY: Sorry, "No, we're accepting it." And he says, "Yes,
26 yes," and, "We're accepting it." Then you go on to
27 arrange that those are the instructions that he's going to
28 give to Crestani. So he didn't even know - he didn't have
29 any preformed view about this issue. He's come to you

1 totally open looking for direction, hasn't he?---No,
2 I don't believe so, sir.

3 He's come to you simply asking, "Look, do we accept this or
4 don't we"?---He's asked - on 18 December there was a
5 proposal put forward that this particular intersection
6 be - that a bank guarantee be placed to enable release of
7 stage 10 in lieu of the construction of the intersection,
8 and he's asking me is that an acceptable position in my
9 opinion, and I'm saying to him, "Yes, it is." And
10 I understand that Crestani must have some questions about
11 it which he wants me to answer, is my understanding.

12 Then he says to you, after you have directed him that you are
13 accepting it, him not knowing whether you are or you
14 aren't, then he says to you, "Yeah, okay, we're accepting
15 it with whatever conditions you want in the acceptance.
16 If you flick to me, I'll talk to Rosie tomorrow and I'll
17 get her", and he goes on to say he's going to organise
18 that. He is totally in your thrall, is he not?---Well,
19 sir, what he's doing is, I believe, after having drawn the
20 conclusion that it's in the best interest of the community
21 to build Hall Road, the Evans Road intersection and H3,
22 he's asking me to assist him to be able to better explain
23 it "to Rosie tomorrow". That is the essence of what
24 I think the conversation was about.

25 But you are arranging, firstly, that he will accept it,
26 whatever the proposal is and, secondly, he's undertaking
27 to attach to the proposal whatever conditions you
28 want?---I think that's - yes, I don't understand that.

29 He's waiting for you to tell him what those conditions

1 are?---I don't understand his words there and I should
2 have - I should have corrected him because in fact the
3 council officer report was accepted by council without
4 question in relation to this matter. So I'm a little bit
5 at a loss as to the conditions that he's talking about
6 there, sir, other than the culverts underneath Hall Road.

7 COMMISSIONER: And he in turn - he was not only going to line
8 Crestani up to achieve the outcome you wanted; he was
9 going to do the same with Mr Aziz?---I think he says,
10 "I'll ring Sam Aziz tomorrow," Mr Commissioner, and
11 hopefully rings me back - - -

12 Mr Woodman, do you have any doubt that he was going to say the
13 same thing to Sam as he was to Rosalie?---I believe that
14 he would have been saying to Sam, "Do you understand the
15 council report or do you want any further questions
16 answered about the council report," sir.

17 MR TOVEY: Would this be an appropriate time?

18 COMMISSIONER: It would. How are we going for time, Mr Tovey?

19 MR TOVEY: I would anticipate, Mr Commissioner, on track to
20 finish by lunchtime tomorrow.

21 COMMISSIONER: Yes. And then who is the witness tomorrow
22 afternoon?

23 MR TOVEY: Ms Wreford.

24 COMMISSIONER: Thank you. We will adjourn until 10 o'clock.
25 Have a good night?---Thank you, sir.

26 <(THE WITNESS WITHDREW)

27 ADJOURNED UNTIL TUESDAY, 26 NOVEMBER 2019 AT 10.00 AM

28

29