
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 COMMISSIONER: All ready to proceed with Mr Woodman, Mr Tovey?
2 MR TOVEY: We are, Mr Commissioner.
3 COMMISSIONER: Mr Woodman.
4 <JOHN CHARLES WOODMAN, recalled:
5 COMMISSIONER: Mr Woodman, I just remind you you are still on
6 oath?---Thank you, sir.
7 Yes, Mr Tovey.
8 MR TOVEY: Just before we adjourned on Friday, Mr Woodman,
9 I played you an excerpt of a telephone conversation in
10 which you were involved on 16 October at 7.41 in the
11 evening with Megan Schutz. Do you recall that being
12 played?---Yes, sir.
13 In the course of that conversation you heard Megan Schutz make
14 a number of derogatory or disparaging remarks in respect
15 of Mr Aziz's abilities?---Yes, sir.
16 And was the essence of that that he couldn't even follow the
17 script which had been provided for him?---Yes, sir.
18 In the course of that conversation, Ms Schutz said to you,
19 "Smith went into the chair and the alternate resolution
20 was up. Sam Aziz spoke to it. Jackson got up and
21 dissented. Gary got up and spoke about Wolfdene and all
22 that bullshit again." Now, Gary was Gary Rowe, as you
23 understood it?---Yes, sir.
24 And what was she talking about when she said to you that he
25 "spoke about Wolfdene and all that bullshit again"?---He
26 was referring to the fact that in April of '17 Wolfdene
27 had been given secondary consent to an alteration to their
28 planning permit.
29 And what did that planning permit relate to?---Development of

1 Elysian Estate.

2 And so you spoke about, what, there had been some change made
3 to the permit, had there?---Yes, sir.

4 And what was that?---Ms Schutz, I believe, had applied to
5 VicRoads and to council for an alteration in the permit as
6 a result of Elysian Estate and its residents having five
7 outlets from their estate on to the main roads adjacent to
8 same, three of them being controlled outlets, that is with
9 red and green lights, and two of them being constructed to
10 the requirements of VicRoads with sight distance, turning
11 lanes, et cetera.

12 So what was the issue that Gary Rowe was on about?---I believe
13 Gary Rowe was - I believe Gary Rowe was on the fact that
14 Elysian had made a successful application for a change to
15 the secondary consent.

16 COMMISSIONER: What did that mean, Mr Woodman?---Basically it
17 meant that they were allowed to change the staging of
18 their development as was originally proposed in the
19 planning permit as a consequence of, as I have just
20 indicated, VicRoads were satisfied that there were
21 sufficient exit and entry points for the residents, that
22 they weren't required at that point in time or they were
23 allowed to change the staging.

24 MR TOVEY: So that means they could release more land earlier,
25 or tell me if I'm wrong.

26 COMMISSIONER: What did you mean by "they could change the
27 staging"?---Yes, that, sir, they were able to change the
28 staging to release more land. Yes, correct, sir.

29 MR TOVEY: And what was Wolfdene's interest?---They were

1 project managers, sir.

2 Did you meet with Amanda Stapledon from time to time away from
3 the council to discuss council business in the absence of
4 any council officer?---I met Councillor Stapledon from
5 time to time at social events and inevitably council
6 business was raised at some point. I can't recall, sir,
7 separately meeting her, but I could be wrong, on council
8 business, just on council business.

9 Did you at any stage deliberately make arrangements to meet her
10 in places which were a little bit out of the way and where
11 you wouldn't be noticed together?---Yes, sir.

12 I apologise, you've reminded me. I met with her at a
13 restaurant in East Malvern to talk about her ensuing
14 wishing to be a - wishing to be the mayor of the City of
15 Casey, sir.

16 And what was that discussion about? The way in which you might
17 support her?---Yes, sir.

18 And was that support to be by way of background assistance with
19 mail-outs, those sorts of things?---No, sir, she was
20 discussing with me the fact that she wanted to become
21 mayor of the City of Casey, sir.

22 Yes, and did you undertake to her to do what you could to
23 assist her in that ambition?---Yes, sir.

24 COMMISSIONER: Were you friends, Mr Woodman, with her?---With
25 Amanda?

26 At that time?---Well, I had looked after her or attempted to
27 give her some assistance with her son who was mentally
28 unwell. Friends, yes, I would put her in the category of
29 a friend, yes, sir.

1 MR TOVEY: And how had you assisted her in respect of her son
2 who had mental difficulties?---I had attempted to assist
3 with permanent accommodation, a change to the planning
4 permit, but only through Ms Schutz, sir. I had also at
5 one stage helped her with after-care where she was looking
6 for a job and there is a program at Blairlogie where
7 sponsors can look after or pay for numerous mentally
8 unwell children to be looked after after the normal close,
9 which I think is 5 o'clock.

10 And over what period of time did you assist in that
11 regard?---I can't honestly - I can't remember, sir, the
12 exact period of time, but I believe it was at least three
13 months, sir.

14 And was this by way of contributions to Blairlogie?---Yes, yes,
15 it's a program that's run by Blairlogie and, sir, this is
16 a number of years ago so my memory - my memory is that we
17 were invoiced by Blairlogie for three or four, I'm not
18 sure the amount of students, and we were able to pay for
19 their after-care service.

20 And how much did that cost you all in all?---Sir, I couldn't
21 tell you that. I couldn't tell you the exact amount, sir.

22 Was it the situation that you were basically sponsoring the
23 whole of the after-care service for Blairlogie for a
24 period of time?---I couldn't answer that, sir.

25 In any event, Blairlogie were invoiced. Was it by you
26 personally or by one of your companies?---No,
27 Blairlogie - - -

28 Sorry, Blairlogie invoiced you?---I believe so, sir. I stand
29 to be corrected. Not invoiced me personally, sir.

1 I believe they invoiced Watsons, but this is a number of
2 years ago, sir, so I apologise. I haven't got that sort
3 of information clear in my mind.

4 COMMISSIONER: That's during the period when Ms Stapledon was a
5 councillor?---Yes, sir.

6 And do you know whether she declared a conflict of interest in
7 relation to matters in which you had an
8 interest?---I don't believe - I don't know the answer to
9 that, sir. Oh, she certainly did in relation to the
10 assistance that I gave her at election time for State
11 Government, but I'm not familiar with what we've just
12 talked about then, sir.

13 How do you know she declared a conflict in relation to your
14 contribution to her campaign?---Only because I've read
15 about it, sir.

16 Read about it where?---On council minutes.

17 Right. You would know, then, that she didn't declare a
18 conflict in relation to your contributions that you've
19 just been speaking about?---I'm only going on
20 recollection, sir. I thought that she had only declared a
21 conflict of interest but didn't indicate the exact nature
22 of it, but I stand to be corrected, sir. I'm only going
23 on my memory.

24 But, Mr Woodman, you would know that the Local Government Act
25 required that by one means or another, when a conflict of
26 interest was declared either to the council or to the CEO,
27 the councillor had to identify the detail of the conflict.
28 It wouldn't be enough to just say "I have a conflict," a
29 direct or indirect conflict. You would know that,

1 wouldn't you?---No, sir, not particularly, sir.

2 What do you mean by that?---Well, I guess I can only say, sir,
3 that I've seen on numerous occasions councillors declare a
4 conflict of interest but not go into the detail of why
5 they had a conflict of interest.

6 I'm not asking you what councillors did. You're right. They
7 didn't declare the detail. But you would know from your
8 familiarity with the Local Government Act that there was a
9 statutory requirement that they do provide detail?---I've
10 got to apologise, sir. I was not aware of the fact that
11 they had to go into detail.

12 MR TOVEY: Getting back to that conversation that was recorded
13 and played to you, Ms Schutz ended up - there were
14 numerous references by her to which you were assenting
15 about the fact that Mr Aziz, to use a neutral term, had
16 messed up. You will agree that in that conversation there
17 were numerous reference to him having messed up. It was
18 said in fruitier terms than that, but that was basically
19 what you were talking about, wasn't it?---Ms Schutz was
20 talking about it, yes, sir.

21 And in the end you noted she said "He's fucking it up big time,
22 yeah," and you said, "Well, you know, um, yeah, I mean he
23 doesn't understand it." That's what you said to
24 her?---Sir, it was Friday. I can't remember the exact
25 words that were used.

26 Just take it from me that's the words. I'm quoting to you from
27 the transcript of the words that were played to you on
28 Friday?---Yes.

29 So she's said to you one of a number of times that he'd "fucked

1 it up" and you responded, "He doesn't understand it". Was
2 that your understanding, that he didn't really understand
3 what the H3 issue was?---No, I couldn't answer that
4 question, sir.

5 COMMISSIONER: Could I just clarify something in relation to
6 Ms Schutz. You've given a lot of evidence about her
7 interaction with you in relation to Casey Council affairs.
8 Without descending to specifics, was there ever any
9 occasion when to your knowledge Ms Schutz did something
10 that purported to be on your behalf or on behalf of a
11 client for whom you acted where you felt she did not have
12 authority to do what she did?---Sir, I couldn't answer
13 that question, only because of the fact that I've been
14 dealing with Ms Schutz for well over five years and there
15 are many, many occasions that she has acted on behalf of
16 our clients. Not on every occasion would she obtain or
17 clear or discuss at length as to the actions that she was
18 about to take, no, sir.

19 No, what I'm asking you is do you have any recollection of an
20 occasion where she went off on some frolic of her own,
21 that is where she did something that you didn't approve of
22 and wouldn't have authorised?---I can only think of one
23 occasion, sir.

24 And what was that?---It was in relation to H3 intersection.

25 Yes?---Where, for whatever reason, she advised that a motion
26 should be put that required a developer to develop the H3
27 intersection in conjunction with another stage of
28 development.

29 Advised who?---She advised Councillor Aziz, I believe, sir.

1 Yes, and then what happened?---My understanding from re-reading
2 that the council obtained legal advice that it was
3 inappropriate to attempt to change a planning permit in
4 such a manner.

5 Was that the occasion where it was retrospectively concluded
6 that a council motion was illegal?---Correct, sir.
7 I believe so, sir.

8 Yes. You say you weren't party to encouraging that illegal
9 motion to have been made?---That's correct, sir.

10 Yes. That was Dacland that as a result of that illegal motion
11 would have had the burden of additional costs associated
12 with the intersection; is that correct?---Additional cost?
13 I don't believe it was additional cost. It was costs that
14 were required to be borne by them, yes, sir.

15 MR TOVEY: Do you know, sir, whether ultimately the resolution
16 of the H3 intersection issue involved a gain to any of the
17 entities with which you were associated?---I don't believe
18 so, sir.

19 Do you know whether anybody benefited in any way from the way
20 in which and the time at which the H3 intersection came to
21 be completed?---Could you ask that question again, sir?

22 Yes. Do you know whether anybody gained as a result of changes
23 to the original requirements as to time of completion or
24 who was to pay in respect of the H3 intersection?---Was
25 there anyone who gained, sir?

26 Yes, to your knowledge?---Yes, sir.

27 Who?---Dacland, sir.

28 In the end, though, did you have any interest in the council
29 making an additional contribution to that?---Sir, could

1 you - - -

2 Did you have any interest in the council making an additional
3 contribution to the construction of the H3 intersection?

4 MR JUEBNER: Can I ask my learned friend to clarify whether the
5 word "contribution" is being used here in terms of a
6 financial contribution, because the question is not clear
7 to me.

8 MR TOVEY: Yes, financial contribution?---Sir, I would request
9 you to be more specific, but if you're talking about some
10 culverts that were constructed as part of the H3
11 intersection - - -

12 Yes?---If you're referring to those culverts - - -

13 Yes?---Then the council as part of the development contribution
14 plan had money set aside for construction of culverts
15 which were aligned with the H3 intersection, if that's
16 what you're referring to, sir.

17 And what was your interest in the construction of culverts for
18 the H3 intersection?---Well, predominantly, sir, we are
19 talking about the construction of an intersection which
20 would effectively, if these culverts weren't constructed,
21 of which there was money set aside in council's DCP bank
22 account, if they weren't constructed at the time of the
23 intersection, the intersection would be required to
24 be - well, certainly disturbed to a great extent inclusive
25 of traffic management. These culverts - - -

26 Sorry, if I just stop you there. The question was what was
27 your interest? What was your interest in how the culverts
28 were made?---Well, predominantly my interest was that the
29 culverts had to be constructed eventually and that this

1 was the most appropriate time, sir.

2 COMMISSIONER: I think counsel is asking you did you or a
3 client that you represented have some financial
4 interest?---Yes, sir.

5 MR TOVEY: And what was that?---Well, sir, if a road is
6 constructed and then has to be re-excavated, the - - -
7 No, perhaps I should ask you this. Who had the financial
8 interest? Who financially was affected by this decision
9 that was either you or a client of yours?---Predominantly,
10 and I would have to be - I stand to be corrected, sir, but
11 these culverts were paid for by development contribution
12 plan and by Melbourne Water. So an increase in cost would
13 be an increase to those authorities, sir.
14 They weren't clients of yours.

15 COMMISSIONER: The question was did you or a client that you
16 represented have a financial interest in those - in the
17 outcome that's just being explored?---Sir, that's a
18 difficult question to answer but, yes.

19 MR TOVEY: And what was that interest?---Well - - -
20 And who had the interest? That is, who of you and your
21 clients, which of your and your clients had what
22 interest?---Well, it would be the landowner, sir.
23 And who was the landowner?---I'm not familiar with the exact
24 name of the landowner, sir.
25 Who was the person who was behind the company or the persons
26 who were behind the company who was the landowner?---Sir,
27 you're referring to the shareholders?
28 You must have been dealing with people who represented
29 landowners. I want to know who those people were?---The

1 majority of these works were conducted by people in my
2 office, but if you're referring to the fact that my son
3 owned part of the land, yes, that's correct, sir.

4 We finally got there. So your son owned part of the land and
5 by what mechanism did he own part of the land and what
6 part did he own?---Sir, I can't answer the financial
7 make-up of the ownership of that land. I'm not familiar
8 with it.

9 What was the extent of your son's interest?---I could not
10 honestly answer the extent of the - of his interest.

11 Was it because of his interest that you entered into the
12 \$14 million guarantee that we discussed on Friday?---Sir,
13 that guarantee, I think we talked about it that there were
14 numerous people required because of the National Australia
15 Bank for us to provide our signature should, for whatever
16 reason, that 14 million not be repaid. Not meaning that
17 we had an interest in the land, sir.

18 COMMISSIONER: Mr Woodman, you've already been in the witness
19 box a lengthy time. Could I encourage you to try and
20 answer the questions as simply and directly as you can
21 because regrettably too often you stray from answering the
22 question?---I apologise, sir.

23 MR TOVEY: Was it because of your son's interest that you
24 entered into the \$14 million guarantee that was discussed
25 on Friday? Sorry, on Thursday?---Yes, sir.

26 I now want to play to you - - -

27 COMMISSIONER: The transcript should record that there was a
28 very long pause, Mr Woodman, before you answered "yes" to
29 the last question?---Sir, can I have the opportunity just

1 to - - -

2 You want to explain why it was so difficult for you to answer
3 the question?---Yes, sir.

4 Yes?---If I could.

5 Yes?---Watsons were part of the guarantors, as were
6 my - personally. We had dealings with the National
7 Australia Bank and the company that was lending the money
8 obviously had my son involved and my understanding was
9 that they took the opportunity to get as many people who
10 had some financial ability to repay the \$14 million to
11 sign the guarantor, even though they had no interest in
12 relation to the profit distribution from that particular
13 property.

14 Yes. So counsel assisting has already covered some of the
15 communications that you had with different people about
16 the H3 intersection, but there are numerous communications
17 by you with different people in which you always talk in
18 the plural about "our interest" or "we have done this".
19 You viewed it as a planning issue in which you had an
20 interest, did you not?---Certainly an engineering
21 issue - certainly an engineering, and I apologise for the
22 use of the word "we", "our". I should at all times use
23 the word - depending on the question - "I".

24 I'm referring not to things you've said here, but to
25 communications, some of which have been put to you - -
26 -?---Oh.

27 Where you generally spoke about "we" or "our" when talking
28 about the interest in the intersection?---Yes, sir.

29 MR TOVEY: Could the witness please be played the telephone

1 intercept, a transcript of which, Mr Commissioner, appears
2 behind tab 9 and which was a phone call between himself
3 and Megan Schutz at 7.41 pm on 16 October 2018.

4 COMMISSIONER: You want it played, Mr Tovey?

5 MR TOVEY: Yes, thank you.

6 COMMISSIONER: Yes.

7 (Audio recording played to the Commission.)

8 MR TOVEY: That recording is obviously somewhat disjointed and
9 the context of some of the remarks might be difficult to
10 discern.

11 COMMISSIONER: Mr Tovey, what does the council motion that
12 they're speaking about, what did that relate to?

13 MR TOVEY: That was the H3 motion and that was where Mr Aziz
14 had moved the alternate resolution referring to accident
15 data provided by SCWRAG, a letter from SCWRAG, and sought
16 to have Dacland commence construction immediately and he
17 moved against the council officer's report suggesting that
18 the construction of the intersection be deferred.

19 COMMISSIONER: That motion was passed.

20 MR TOVEY: That motion was passed, but then it was determined
21 that it was illegal and had to be rescinded.

22 COMMISSIONER: Yes. That's the motion, Mr Woodman, that you
23 told me earlier that you didn't know that Ms Schutz was
24 developing?---Correct, sir. Sir, could we just clarify
25 the date of that meeting?

26 Yes, certainly.

27 MR TOVEY: That discussion was on the same day as the motion,
28 on the evening the motion was passed?---Yes. I stand to
29 be corrected, sir, but I don't believe that during that

1 conversation that the reference to the motion that you are
2 referring to was made, but I stand to be corrected.

3 MR TOVEY: Well, are you saying that this was about - surely
4 you're not - I mean, you've heard the conversation of
5 which this was a part which was played to you on Thursday
6 and I'd suggest to you that was clearly about the H3
7 motion, as was this?---I guess what I'm trying to say,
8 sir, is that Ms Schutz had prepared an alternative motion
9 for Councillor Aziz which I think I've indicated to the
10 Commissioner that it was not one that I had agreed to or
11 had anything to do with, sir.

12 Why is she reporting back to you about the detail of what she
13 has sent him and how he's responded and what a fool he is
14 for not following the script? Why is she reporting back
15 to you about this? What's your understanding as to - -
16 -?---Her script, I believe, sir.

17 Mmm?---Her script, I believe, sir.

18 But what's that got to do with you? Why would she be telling
19 you the intricacies as to how she has importuned a
20 councillor to make a - to vote a certain way? Why tell
21 you about such a thing?---I think she was talking - - -

22 I mean, for most people you might think it would be a source of
23 shame?---I think she was talking about not so much of
24 voting, sir. I think she was talking about alternative
25 recommendation as to the alternative to the council
26 officer's recommendation and, Mr Commissioner, while we're
27 talking about this matter there's something that I think
28 is worth noting, that some councils in Victoria, the
29 council officers do prepare alternative recommendations

1 and I think it's something that should be considered as a
2 change to the Act, that if a councillor believes that an
3 alternative recommendation is appropriate, that it should
4 be prepared with the reasons behind it so that we don't
5 have a situation as alluded to on Friday that independent
6 people who then are not given or the councillor does not
7 allude to the fact as to where the recommendation came
8 from, it would be better if it came from the council
9 officers as an alternative in a more formal sense, sir.

10 COMMISSIONER: Sorry, so you're suggesting if a councillor
11 proposes to put forward an alternate recommendation to the
12 one which is coming forward from the council officers,
13 they should be asked to prepare a report in relation to
14 that alternate recommendation?---Yes, sir. I know, for
15 instance, at the City of Frankston, when a recommendation
16 is put forward the council officers prepare an alternative
17 recommendation which is in a negative sense compared to
18 the positive sense of the recommendation they're there
19 making. I just think it is an improvement that should be
20 more closely looked at. It would negate the necessity for
21 the discussion we're now having about a consultant
22 preparing an alternative recommendation. If it was
23 prepared by the council officers under a request through
24 the CEO from a councillor with a balanced and fair view,
25 I think it would remove this discussion is that we're
26 having about it being biased or being unwanted, sir.
27 Yes. But, Mr Tovey, this conversation which I will mark as
28 exhibit 37, had you not played an earlier part of that
29 conversation last week?

1 MR TOVEY: Yes, we had.

2 COMMISSIONER: And that's where it commenced with Ms Schutz
3 saying to Mr Woodman, "I think we won. I think we won.
4 The alternative motion was up." And then she goes on to
5 talk about Mr Aziz doing a "crap job". Is it the same
6 conversation?

7 MR TOVEY: Yes.

8 #EXHIBIT 37 - Excerpt of phone call between Mr Woodman and
9 Megan Schutz at 7.41 pm on 16 October 2018.

10 COMMISSIONER: So, Mr Woodman, I didn't get the impression from
11 any part of that conversation that this alternative motion
12 was catching you by surprise. On the contrary, the entire
13 gist of the conversation rather suggested that you were
14 alive to the fact that an alternative motion was going to
15 be put up?---Sir, I was aware of the alternative - I was
16 aware of the fact that there was one going to be put up.
17 Yes?---But the exact contents of it was not something that was
18 given to me for my approval. Ms Schutz, as a very
19 experienced town planner, and I took it that if she
20 prepared what would be an alternative motion that it would
21 have been, to use a technical term, legal under the
22 Planning and Environment Act.
23 The consequence of the alternative motion being passed was that
24 it created a financial burden for Dacland that wasn't
25 previously there?---No, the financial burden was there,
26 sir. It was the timing of the financial burden that was
27 at discussion; not as to whether it should occur or not,
28 sir.

29 I see. Yes.

1 MR TOVEY: In the course of that conversation that was just
2 played to you, we hear Megan Schutz saying in respect of
3 Mr Aziz's abominable performance, "He didn't even know
4 what intersection he was talking about, John." And you
5 replied, "Don't even go there. Look, you know, fucking"
6 and then she says, "It was just embarrassing." Now, you
7 heard that said as part of the conversation, did you
8 not: yes or no?---Yes, I did, sir.

9 So what's happened here is Megan Schutz has complained to you
10 that Sam Aziz couldn't even stick to the script;
11 true?---That's what she stated, yes, sir.

12 But not only that. She says, "He didn't even know what
13 intersection it was." And you say, "Don't even go there."
14 What I want to ask you is this. You agree that's what she
15 communicated to you, "He didn't even know what
16 intersection he was talking about"?---That's the
17 communication that you've read, sir, yes, sir.

18 What was there about the relationship between Ms Schutz and Sam
19 Aziz or Sam Aziz and yourself which would lead him to vote
20 in the way in which he did and introduce a motion when he
21 didn't even know what the intersection was?---I have no
22 idea, sir, but I don't believe - - -

23 No, idea? Right?---I don't believe that he did not know what
24 the intersection was. That conversation, sir, occurred at
25 7.40 on a council evening and at that particular time,
26 sir, when Megan rang me - I mean, to suggest that Mr Aziz
27 wouldn't know what intersection I think is - my comment
28 when I said "Don't even go there" was one of "You can't be
29 serious." But, look, the communication didn't say that.

1 COMMISSIONER: Mr Woodman, can I just explore with you for a
2 moment the level of knowledge that you and your consultant
3 Ms Schutz had about each councillor and the way that they
4 were going to participate in this motion? Can we just
5 dwell on that for a moment? To an outsider it might seem
6 to be an extraordinary thing that the decision maker, a
7 group of councillors, are exposed to such a level of
8 knowledge by an outsider such as yourself of exactly what
9 each councillor's position was going to be in relation to
10 the motion. Was this an unusual thing or was it standard
11 practice for you, where you or your client had an interest
12 in a motion, that you would take that level of enquiry as
13 to what each individual councillor's likely position was
14 on a motion?---Through our - Lorraine Wreford, I would no
15 doubt have been advised as to her position and in this
16 particular instance, yes, sir. But as a general rule, no.
17 As a general rule - - -

18 So this was really an exception, was it?---Absolutely. There
19 would be many hundreds, as you'd be aware, of motions
20 passed and my knowledge on who was voting for who or what
21 would be zero, 99.9 per cent of the time, sir.

22 But you appreciate I'm now asking you about motions where you
23 or your client had a financial interest; do you
24 follow?---Yes, sir.

25 And there's been enough material already introduced during the
26 course of your examination to show that this was not the
27 only occasion where you or your consultants or some cases
28 councillors acting on your behalf provided you with
29 detailed information about how councillors were likely to

1 vote. Was this a practice that was just common to you or
2 is it your understanding that this was something that
3 developers generally do in relation to council
4 affairs?---It was certainly common practice - if we are
5 referring to C219 and we are referring to Pavilion and we
6 are referring to H3, then those particular three projects
7 which I have been involved in over the last 10 years, yes,
8 sir, it was - through my - not my direct discussion with
9 councillors, but through my go-between, for want of a
10 better word, a girl who communicated and when required
11 clarification, when the planning specialist Megan Schutz
12 spoke to them, yes, sir.

13 I presume you had developments and planning issues with other
14 councils where you had an interest or your client had a
15 financial interest in a particular motion being passed by
16 another council?---Yes, sir.

17 And where it was of any significance for you or your client,
18 did you follow the same modus operandi of seeking to
19 ascertain in advance what the likely position of
20 individual councillors was?---It wouldn't be unusual in
21 projects such as Martha Cove, Wyndham Harbour. When a
22 major project is occurring, our lobbyist on both Labor and
23 Liberal will communicate with the councillors to see if
24 they require further clarification, sir.

25 So you did that in relation to those other planning
26 issues?---Yes, sir.

27 And to your knowledge was this unique? This modus operandi,
28 was this unique to you or are you aware of other
29 developers engaging in the same level of detail with

1 councillors on issues in which they had an
2 interest?---I believe it's a standard procedure in the
3 industry, sir, with the majority of developers.

4 You told us on the first day, Mr Woodman, that you would not
5 personally deal with a councillor in relation to a
6 planning issue without the presence of a council officer
7 also being present; do you recall telling us
8 that?---I don't recall telling you that, sir, but if
9 I did - - -

10 Is that correct?---Would I discuss with a councillor a council
11 matter in the absence of a council officer?

12 No, no, a planning issue in which you had an interest, would
13 you discuss that with a councillor in the absence of a
14 council officer being present?---Yes, sir.

15 You would?---If - yes, sir. I can't remember the last time
16 I had but, yes, if - yes.

17 That's contrary to something you said on the first day. Was it
18 your general practice to try and ensure that a council
19 officer was also present?---Most definitely, sir.

20 And you also said on the first day that you would not expect
21 your consultant to seek to engage with councillors in
22 relation to planning issues?---Correct, sir. That would
23 normally happen through the - it would normally - well, in
24 my case, sir, it was through either the Labor or the
25 Liberal Party person that we employ to talk to the
26 councillors, yes, sir.

27 Forgive me for putting it this way to you. You have said a
28 number of times that there might be communications between
29 your consultant and a councillor for the purpose of, your

1 word, "clarification" of a planning issue. I take it by
2 that you mean the consultant making clear to the
3 councillor what the argument was that supported or was
4 against a particular motion; is that what you meant by
5 "clarification"?---"Clarification" would be normally - it
6 is never a practice to ring up a councillor and if they
7 find that it's negative, to attempt to get a planning
8 officer or someone else to ring them. But if after
9 questioning them in relation to a matter such as H3 that
10 they were unclear about the previous arrangements and
11 required obviously further information, then a phone call
12 would be arranged between a specialist like Ms Schutz and
13 the councillor to clarify that matter.

14 So a lack of clarity would be about the detail of your proposal
15 that you wanted council to support or something like that,
16 or more information if that was necessary?---Yes, more
17 information about a particular issue. These planning
18 matters, sir, are quite complex and for councillors who
19 are not dealing with them on a day to day basis it's not
20 unusual for them to seek clarification as to the - - -

21 Yes?---But I stand to be corrected and it's not policy to ring
22 up a councillor and attempt to suggest that they should
23 change their mind in relation to a particular matter.

24 No. But would you agree, Mr Woodman, that this conversation
25 you had with Ms Schutz and other conversations and emails
26 which have already been played or shown to you suggest
27 that Ms Schutz was doing much more than simply clarifying
28 the matter for a councillor?---In relation to - - -

29 Her dealings with the councillors, she was doing more than just

1 simply clarifying your position on an issue?---With
2 Councillor Aziz, yes, sir.
3 How does that come about? You've made a great point during
4 your stay in the witness box about this process of
5 clarification. But Ms Schutz was doing much more than
6 that. She was calculating which councillors would support
7 and which councillors would be against. She was
8 communicating with councillors for the purpose of seeking
9 to ensure that the motion you wanted passed was
10 passed?---I stand to be corrected, sir, and you'd need to
11 speak to Ms Schutz, but I don't believe she spoke to
12 anyone other than Councillor Aziz. Lorraine Wreford may
13 have spoken to other councillors seeking their feedback as
14 to whether they fully comprehended and understood the
15 recommendation of the council officer, sir.

16 Yes, Mr Tovey.

17 MR TOVEY: And apropos of what the Commissioner has just raised
18 with you, you've already admitted and we've taken you to
19 one instance of you in fact drafting a motion yourself
20 which has been sent to Aziz, and you remember the document
21 signed by you?---Yes, sir.

22 And I suggest to you there are numerous times where - and I'll
23 take you to them - that there were numerous times where
24 you and Ms Schutz involved the drafting of notices of
25 motion which were simply going to be given to Aziz or
26 somebody else to be moved before the council. There were
27 numerous times. It wasn't just once, was it?---Sir,
28 numerous, could you please clarify numerous? Are we
29 talking about 10 or 20 or are we talking about one or two?

1 How many times do you recall it happening?---Oh, sir, quite
2 frankly I can't recall - it's not possible for me to
3 recall, sir.

4 COMMISSIONER: No, but what counsel is inviting you to do,
5 Mr Woodman, is to indicate that it was not an uncommon
6 thing for you through your consultant to formulate the
7 form of the motion that might support the position that
8 you wanted to see the council adopt?---An alternative
9 recommendation, sir, yes, sir.

10 Or any motion?---Yes. Yes. Well, normally an alternative
11 recommendation, because there are councillor motions that
12 a councillor will put up.

13 Yes?---And then there's - then at a council meeting there will
14 be an alternative recommendation. The one that sir has
15 referred to, which obviously I had forgotten, many years
16 ago in relation to Clyde South PSP, but it's not normal
17 practice for me to prepare. Ms Schutz may prepare
18 alternative recommendations and on rare occasions may
19 prepare a motion that a councillor on a particular issue
20 will put to a council meeting as a matter of - I think
21 they call it urgent business.

22 Yes. I take it from what you said to me this morning that if
23 it would not be appropriate for your consultant to seek to
24 persuade councillors to vote in a particular way or to
25 engage in a more in-depth analysis of how each individual
26 councillor was thinking, it would plainly be improper for
27 you to try and use a councillor for that purpose?---Yes,
28 sir.

29 But that's what happened with Mr Ablett, isn't it?---Are we

1 referring to the intersection of Hall Road and Evans?

2 I'm referring generally to how you used Mr Ablett for the
3 purpose of ascertaining what the position of other
4 councillors would be on an issue where you had an
5 interest?---I believe that Councillor Ablett would advise
6 me. It's not something that I would particularly ring him
7 up and seek to understand where - - -

8 What would he advise you about?---In a general discussion he
9 may say if there was an issue - I'm just trying to think
10 of an example because he doesn't vote. So he may give me
11 some indication of what he thinks a particular councillor
12 is considering, but under no circumstances as per the
13 agreement I have with him is he to attempt to persuade or
14 to alter or to suggest how a councillor should vote. That
15 was the purposes of that agreement that I had with him.

16 Well, you might have thought that was the purpose. None of
17 that was articulated in the agreement, was it? All the
18 agreement said was that from the time he entered into his
19 equine relationship with you he was to declare a conflict
20 as a result?---Okay. I apologise, sir, I thought it went
21 further than that. But because I knew of his conflict of
22 interest, sir, it was certainly not a method by which
23 I was using to attempt to have councillors persuaded to
24 vote in a certain way.

25 So all of those things you've just enumerated, you don't
26 believe Mr Ablett did any of those things?---I don't
27 believe so, sir.

28 Yes?---But we have an example which has been replayed in
29 relation to the intersection of Hall Road and Evans Road

1 where on a safety issue he was attempting, I think, to
2 establish a position with some of the councillors.

3 Yes. As a matter of ethics, leaving aside the legal position
4 under the Local Government Act, as a matter of ethics do
5 you think it would be appropriate for a councillor who has
6 a conflict of interest because they have a financial
7 relationship with you, do you think it would be ethical
8 for them, although they can't vote on the motion, to seek
9 to influence other councillors about how they should vote
10 on the issue?---Definitely, sir.

11 It would be unethical?---Yes, sir.

12 And that's why we find, not in Victoria, but in other States
13 there's actually a prohibition against a councillor who
14 has a conflict seeking to influence other
15 councillors?---Absolutely, sir. Because, sir, it not
16 only - in relation to any development that I may have, it
17 could work in reverse; in other words, there are some
18 councillors who may wish to convince other councillors on
19 the way in which to vote which would be contrary to the
20 recommendation of a council officer.

21 Yes, Mr Tovey.

22 MR TOVEY: Please bear with me for a moment, Mr Commissioner.

23 I have a page missing from my transcript.

24 COMMISSIONER: Yes.

25 MR TOVEY: So in the course of that conversation you hear this
26 said, "He's the best out of everyone. He's the best
27 person to be mayor. It's just a pity he's bloody
28 conflicted with us." This is a conversation relating to
29 Mr Ablett. "I don't know why we ever, ever declared a

1 conflict in relation to him." Then you say, "With him"
2 and she says, "Yeah, it was bullshit." Had you and
3 Ms Schutz made a decision with Mr Ablett as to whether or
4 not he would declare a conflict?---I apologise, sir, are
5 you talking about a particular timeframe?

6 Look, I'm just asking you about a conversation that you were
7 party to. I'll remind you again, if you just concentrate.
8 Megan Schutz comments that, out of everybody, Ablett's the
9 best person to be mayor. Then she says to you, "It's just
10 a pity he's bloody conflicted with us. I don't know why
11 we ever, ever declared a conflict in relation to him."
12 You say, "With him." And she says, "So, yeah, it was
13 bullshit." Now, what I've asked you is how is it that you
14 and Megan Schutz are talking in a way which suggests that
15 it is you two who are controlling whether or not Ablett
16 declares a conflict?---Sir, I think they're Megan Schutz's
17 words. I don't believe they're my words. It's always
18 been my opinion and always been my position that Mr Ablett
19 has a conflict of interest and should declare it.

20 You see, as a matter of circumstantial fact, as a matter of
21 looking at things in their true context, that conversation
22 could not have taken place between you unless you both had
23 understood there was some control by you and Schutz as to
24 whether or not he declared a conflict, otherwise she
25 couldn't be saying that to you; you understand
26 that?---Well, I don't believe so, sir. It's been my
27 position all the way through that he should declare a
28 conflict of interest.

29 COMMISSIONER: Mr Woodman, I would just like you to reflect on

1 that. Prior to the Ombudsman delivering her report in
2 2015 you were aware that Mr Ablett had never declared a
3 conflict of interest in relation to matters relating to
4 you or your clients; correct?---Correct, sir.

5 And wasn't it as a direct result of the Ombudsman's report that
6 you thereafter entered into that legal arrangement you've
7 already told us about in which you inserted specifically a
8 provision that Mr Ablett was to declare a conflict in
9 relation to the equine relationship that you had entered
10 into?---Yes, sir.

11 But before the Ombudsman's report, as you know, as you've just,
12 acknowledged, Mr Ablett was not declaring a conflict
13 notwithstanding that you had made payments to him?---Yes,
14 sir. You are correct, sir, in the early part where
15 - I think you're referring to the Bankcard.

16 Yes. And as you've acknowledged was an error of judgment on
17 your part that you wrote our deposit slips, paid cash into
18 his account using a false name?---On one of those
19 occasions, yes, sir. I apologise, sir, I understand what
20 you're saying is totally correct and after the 15th when
21 we signed the agreement, after the purchase of the horse
22 and the Ombudsman's report, I had forgotten what you have
23 just reminded me about, sir.

24 Presumably - I presume you also sought legal advice as to what
25 you should do?---No, sir.

26 You didn't? You just did this off your own bat?---Yes, sir.

27 Yes, Mr Tovey.

28 MR TOVEY: Could we please go to tab 21 and have that played?

29 This is two days later on 18 October of 2018, a

1 conversation again involving Megan Schutz and Mr Woodman
2 at 9.31 am.

3 (Audio recording played to the Commission.)

4 MR TOVEY: So, in the course of that conversation you indicated
5 that you had spoken to Heath and that you were going to
6 convince Ray - is that Ray Walker?---Yes, sir.

7 Of the way in which matters were to proceed?---Yes, sir.

8 And that was in respect of the H3 intersection?---Yes, sir.

9 And was it the case that that was a reference to you prevailing
10 upon Mr Walker to support your views in respect of the way
11 in which the development of that intersection should
12 proceed?---Yes, the building of that intersection, yes,
13 sir.

14 And Mr Walker of course was the person who led up

15 SCWRAG?---Yes, sir.

16 He was also referred to as "Rocket", was he?---Yes, sir.

17 Then you went on to indicate, "Heath wants me to bolt on his
18 work on the south, build the whole thing at once and that
19 will be a refinement of SCWRAGers support." So you wanted
20 the SCWRAGers to suggest that things should be done in a
21 certain sequence or in a certain way?---Yes, sir.

22 And then you indicated that Wolfdene - that's the company in
23 which your son was a partner; is that right?---The project
24 management company, yes, sir.

25 "Wolfdene will only pay for their part and the other idiots
26 will pay for the majority." The "other idiots" I take it
27 are Dacland?---Yes, sir.

28 And you say, "What a wonderful outcome"?---Yes, sir.

29 And when you refer to the rescission matter, I think

1 I correctly indicated that it was the decision of
2 16 October that was rescinded. In fact, it was the first
3 decision on 4 September that was rescinded, wasn't it, in
4 respect of H3? If you don't recall, it doesn't matter.
5 So, that's what you wanted to achieve in respect of H3,
6 that Wolfdene would pay only for a part and the other
7 idiots, Dacland, would pay for the majority and you saw
8 that to be a wonderful outcome?---Yes, sir.

9 And that was an outcome financially benefitting Wolfdene, was
10 it not?---Because the outcome - - -

11 Just let me finish the question. Because it meant they didn't
12 have to pay as much as they might otherwise have had
13 to?---If they decided to proceed with the project and had
14 to build H3, yes, sir.

15 All right. Then you indicate - you're talking to Ms Schutz and
16 you said, "I told GA yesterday" - is that Geoff
17 Ablett?---Yes.

18 "That I was far too busy to talk to anybody about anything. So
19 he doesn't know I've had lengthy discussions with
20 fatso"?---Yes, sir.

21 GA is Mr Ablett?---Yes, sir.

22 And who is fatso? Is fatso Amanda Stapledon?---Yes, sir.

23 So you'd had lengthy discussions with her about whether you'd
24 support her to be mayor?---Yes, sir.

25 And you didn't want Geoff Ablett to know about that?---No, sir,
26 because he wanted to be mayor, sir.

27 COMMISSIONER: What was it, Mr Woodman, that led you to prefer
28 at this point of time Ms Stapledon to Mr Ablett as being
29 mayor?---Mr Ablett at the time was mayor and was looking

1 at - - -

2 No, I'm asking you why was your preference Ms Stapledon rather
3 than Mr Ablett?---I don't believe that a mayor should
4 continue more than one year at a time, sir. I think it
5 should be - just as a general rule it should be that the
6 mayorship is something that's quite honoured in local
7 government and should be passed around, and Mr Ablett was
8 trying to obtain a second year, was my understanding.

9 And that's your reason?---Yes, sir.

10 MR TOVEY: Then there's discussion about Ablett telling people
11 their number one supporter, unless they did what he was
12 proposing, was going to withdraw all support from them; is
13 that right? That was discussed, that Ablett was doing
14 that?---Yes, sir.

15 And the number one supporter was you?---Yes, sir.

16 Which put you in a position, looking at that, I'd suggest,
17 where you understood you were seen to be the king
18 maker?---They are his words. Well, sir, I don't believe
19 that I am the king maker. I think that's a - - -

20 Well, looking at that, wouldn't you agree that it's apparent
21 from those conversations that you thought you were
22 perceived to be somebody who had considerable control over
23 who would ultimately be mayor?---I think that what he was
24 referring to was the fact that Councillor Aziz was
25 undecided as to whether he voted for Ablett or for Amanda
26 Stapledon, sir.

27 COMMISSIONER: But do you dispute the suggestion that's made to
28 you by Counsel Assisting that this conversation
29 demonstrates that you had considerable influence over who

1 might become mayor?---I contest that, yes, sir. I would
2 say that I had influence over one person who would
3 ultimately, as it turned out, would decide because of the
4 nature of the voting, system, as I understood it, sir.

5 Is now a convenient time?

6 MR TOVEY: Yes.

7 COMMISSIONER: We will have a 10 minute break,

8 Mr Woodman?---Thank you.

9 (Short adjournment.)

10 COMMISSIONER: Yes, Mr Tovey.

11 MR TOVEY: Thank you, Mr Commissioner.

12 WITNESS: Excuse me, sir.

13 COMMISSIONER: Yes, Mr Woodman?---Could I just make one point
14 of clarification?

15 Yes?---You said to me earlier that I had made a statement from
16 day one that I would never have a conversation about
17 council business in the absence of a council officer with
18 a councillor. Is that - - -

19 Correct?---If I made that, I apologise, sir. Certainly - - -

20 What was your general practice, Mr Woodman?---My general
21 practice was not to, sir.

22 Why was that? Did you have any sense that it was undesirable
23 for you to be speaking privately with a councillor about a
24 planning issue in which you had an interest?---Yes, most
25 definitely, sir. I guess what I'm getting at is that
26 driving to the Cardinia Foundation with Amanda Stapledon,
27 giving her a lift to that particular event, inevitably
28 council business would be raised at some point in time.

29 I was taken back that I would make such a statement that

1 I would never talk about council business in the absence
2 of a council officer. I thought that that was a statement
3 that Councillor Aziz had made which I had emphatically
4 said is not correct. But I apologise, sir.

5 I think what's important is you recognise and did recognise it
6 would be undesirable for you to be discussing planning
7 issues with a councillor in private that you had an
8 interest in?---Yes, it certainly wasn't my practice, sir,
9 and yes, sir, I agree.

10 MR TOVEY: I now want to go to tab - - -

11 COMMISSIONER: I'm not sure if I marked that last phone call,
12 Mr Tovey. Exhibit 38, phone call between Mr Woodman and
13 Ms Schutz dated 18 October 2018.

14 #EXHIBIT 38 - Excerpt of phone call between Mr Woodman and
15 Ms Schutz at 9.31 am on 18 October 2018.

16 MR TOVEY: Now I want to go to several sections of a
17 conversation which was a long conversation between
18 Mr Woodman and his brother, Heath Woodman, on 18 October
19 2018 at 8.31 am. Sorry, your son, Heath Woodman. Now,
20 could we go to tabs 195, 196 and 197 and just have each of
21 those played in sequence, thank you.

22 (Audio recordings played to the Commission.)

23 MR TOVEY: Mr Commissioner, incidentally in quite a number of
24 these conversations reference is made to political
25 contacts. It's appropriate to point out at this stage
26 that the extensive investigations that have been carried
27 out since August have not disclosed any information
28 suggesting impropriety by any member of government. But
29 what we are concerned about is whether through the

1 cultivation of politicians Mr Woodman has sought to or
2 achieved undue access, and it's that aspect which concerns
3 us.

4 COMMISSIONER: You are seeking to explore generally his sphere
5 of influence in that area.

6 MR TOVEY: Yes.

7 COMMISSIONER: Yes.

8 MR TOVEY: The first of those conversations that you heard was
9 about the financial state of Dacland. That was being
10 discussed between you and your son?---Yes, sir.

11 COMMISSIONER: Before you come to that, Mr Tovey. (To
12 witness.) You heard there a discussion between you and
13 your son about Ms Stapledon becoming mayor?---Yes, sir.
14 And you expressed some reasons why you were pleased with such
15 an outcome?---Yes, sir.

16 I asked you earlier this morning, Mr Woodman, why you preferred
17 Ms Stapledon to Mr Ablett and do you recall you gave me on
18 idealistic answer, namely it's a good idea for a mayor not
19 to be there for more than one year
20 consecutively?---Correct, sir.

21 You didn't provide me with any of the information that you
22 conveyed to your son as to why you preferred Ms Stapledon.
23 Any reason why?---The fact that Ms Stapledon, because of
24 the assistance that had been given to her, to Blairlogie,
25 are you referring to that, sir?

26 I'm referring to you saying to your son, "Ms Stapledon
27 is" - the word I noted - "on side" and she'll be very
28 appreciative or she is very appreciative about what, as I
29 followed the conversation, your son had done for

1 her?---Yes.

2 Why didn't you tell me about that when I asked you earlier why
3 did you have a preference to see Ms Stapledon
4 mayor?---Well, the primary preference, sir, is because of
5 the fact that I'm not a keen supporter of mayoral
6 following one after the other.

7 You told me that. I'm asking you why you didn't give me any of
8 these facts that you relayed to your son?---Because of the
9 secondary nature of it, sir, I didn't perceive that that
10 was the reason why - there is no thought in my mind that
11 I wanted Amanda to be mayor because of the fact that NDIS
12 and my son's assistance at Blairlogie would mean that she
13 was favourable towards Heath. It was all to do with the
14 fact that my ideology is that a mayor should not
15 follow - should not have two terms one after the other,
16 sir.

17 What did you mean when you said she's "on side"?---It's a term
18 that I would say that she was obviously sympathetic to
19 causes that may come up from time to time that were worthy
20 of support. No more than that, sir.

21 Yes, Mr Tovey.

22 MR TOVEY: What you said was "She's 100 per cent behind us",
23 not causes or some charitable ambition you might have or
24 some community-minded ambition. You are there talking
25 about her being "100 per cent behind us" and you mean
26 "behind us in our business pursuits", don't
27 you?---Basically I'm referring to the fact that if at any
28 stage there was something worthy of support, that she
29 would support it, sir.

1 And what you had in mind there surely was that you had in mind
2 her supporting matters in which you and your son had an
3 interest before council; that's all that can mean,
4 surely?---Yes, sir.

5 And you expected her to have that view to be very much on side
6 and very appreciative of what your son had done for her;
7 true?---Yes, sir, that is in relation to the Blairlogie
8 and the permanent residency of mentally retarded elderly
9 persons in suitable accommodation outside of Blairlogie.
10 That's what that conversation is referring to, sir.

11 And what was your son doing in respect of that project?---I'm
12 not that familiar with the details, sir. But other than
13 setting it up so that individual people can live outside
14 the parental home in long-term.

15 So he was, was he, involved in the planning of that environment
16 where accommodation was going to be built offsite?---Yes,
17 sir. I believe it's a charity that has been set up for
18 the purposes of providing independent living arrangements
19 for mentally retarded elderly children whose parents are
20 fearful that when they pass away that their mentally
21 retarded child would be left, not homeless, but in a
22 difficult situation unless there was some permanent
23 residency approved. That's my basic understanding. But
24 I have no more than a very basic understanding, sir.

25 And in terms of the cost of time and financial contribution
26 that had been put into it by your son, do you know
27 anything about that?---No, sir.

28 COMMISSIONER: Did Ms Stapledon stand for State parliament in
29 2014?---Yes, sir.

1 And did you provide her with any support in relation to that
2 campaign?---Yes, sir.

3 What sort of support was it?---\$40,000, I believe, sir.

4 And did she declare a conflict of interest thereafter?---Yes,
5 sir. I believe so, sir.

6 From that time onwards?---Yes, sir.

7 You might check the records, Mr Tovey, but according to my
8 information the first occasion Ms Stapledon appears on the
9 conflict register is in 2018 and the detail that she
10 provided was that Watsons attended her fundraiser for the
11 2014 election.

12 MR TOVEY: Mr Commissioner, I'll have to go back. I'll have to
13 go back and check it.

14 COMMISSIONER: If you wouldn't mind having someone check that,
15 please.

16 MR TOVEY: My impression was that she may have disqualified
17 herself before that time, but it's not something to which
18 I've paid close attention in recent times.

19 COMMISSIONER: Thank you.

20 MR TOVEY: Then in the next segment of the conversation you
21 told your son that, "We are totally relying on SCWRAGers
22 to get C219 across the line"; is that right?---Yes, sir.
23 That's because by that stage there had been a deferment, had
24 there, or there was difficulty getting politicians to
25 support it?---No, at that stage the Minister for Planning
26 had written - my understanding is the Minister for
27 Planning had written to the council stating that he was
28 proposing to undertake an economic study of land available
29 for employment and as a consequence of that he was

1 deferring a decision on amendment 219 until such time as
2 that information became available.

3 So that was a study to look at the basic proposition as to
4 whether or not the community would benefit more by
5 maintaining industrial land or having that land assigned
6 to residential use?---Correct, sir.

7 Which was the heart of the whole issue?---Correct, sir.

8 So at that stage, when you're saying at that stage you're
9 totally relying on the SCWRAGers, the only way in which
10 you could exert any influence on their decision making
11 processes was to seek to have SCWRAG submitting either
12 letters or petitions or things of that nature purporting
13 to represent the view of the residents?---I wouldn't use
14 the suggestion "purporting", sir. The proposal is - - -

15 We will remove the word "purporting"?---Purporting, yes.

16 SCWRAGers representing 1100 people, my conversation was
17 along the lines that those 1100 people would have to start
18 providing some feedback to the minister if C219 was going
19 to be successfully approved at some stage.

20 And that's a view that you imparted to Mr Walker and sought his
21 assistance in putting together documentation, whatever it
22 might have been, to impress the minister with what
23 Mr Walker said was the view of local residents?---I would
24 imagine so, sir, but I have no evidence in front of me of
25 that.

26 You also spoke in the course of that conversation about either
27 "Tim and Tom" or "him and Tom both heading in here to talk
28 to me about different things." Who were "Tim and Tom" or
29 "him and Tom"?---I can only imagine it would be - and I'd

1 be guessing, sir - it would be the head of Dacland, a
2 gentleman called John Dwyer, but I cannot be 100 per cent,
3 sure, sir.

4 Tom Dwyer?---John.

5 And what about Tom?---Tom Kenessey.

6 And ultimately was there some negotiation between yourselves
7 and Dacland as to the H3 intersection in an attempt to
8 have the issue solved quickly?---At one stage I had a
9 meeting with Dacland, sir, in relation to I believe both
10 C219 and the H3 intersection at their offices, but I can't
11 remember the exact date, sir.

12 Then you went on in that conversation to say, "No, that's fine.
13 Now, the mechanism of what - what will happen on the 8th,
14 there will be a recommendation to go with community
15 support and everyone support, that is the best way
16 forward, you know what I mean." Now, on November the 8th
17 the C219 matter came back before council, I can tell you
18 that, and is that there you talking to your son about the
19 strategy which meant that the only way to drive that issue
20 forward was to make people aware of strong community
21 support for what you were contending for?---I believe so,
22 sir.

23 Then you went on, the conversation went - you said, "The size
24 of the guarantee, anyway, let's work that out. I mean,
25 I know you're talking about 7 million. I haven't got a
26 figure. Only when Ritchie tells me what it's going to
27 cost and what LOJAC had priced it at, we'll sit with LOJAC
28 and get them to price the whole thing up." Now, did that
29 guarantee relate to anything to do with the Cranbourne

1 West area or was that a totally different project you're
2 talking about?---No, that is to do with, I believe, sir,
3 to do with H3.

4 All right?---And the duplication of Hall Road.

5 So what's the guarantee, the 7 million guarantee?---So, it was
6 proposed that Dacland in return for early release of
7 subdivisional land, that they would provide a guarantee to
8 council at that some stage in the near future H3 would be
9 constructed.

10 Yes, and is that the guarantee you're there speaking
11 about?---I believe so, sir.

12 And when you say "I haven't got a figure, only when Ritchie
13 tells me", who's Ritchie?---Michael Ritchie is a project
14 engineer at Watsons.

15 And LOJAC? Who is LOJAC?---They are the contractor who are
16 constructing construction works in the general area
17 for - yes.

18 And when there was discussion about you meeting with Mr Pallas
19 and Phil, that's Phil Staindl, is it?---Yes, it is, sir.
20 I don't believe it was myself meeting.

21 Sorry, I'll just read that again. Sorry, you're talking about
22 Heath having had a meeting with Mr Pallas; is that right?
23 You say, "So it's bloody - it's an absolute ball tearer.
24 Yeah, yeah, I understand. She said you had a great
25 meeting with Pallas." Now, is "she" Megan Schutz and are
26 you there talking about a meeting between Mr Pallas and
27 Heath Woodman?---Correct, sir.

28 And to your knowledge what was that meeting about?---Various
29 matters, sir. The Labor Party conduct a - I'm not sure of

1 the exact terminology. It's an opportunity for business
2 people to meet in 15-minute intervals with ministers from
3 the Labor Party to discuss issues that they may have at
4 any one time.

5 And was that a function that you pay to go to or is it just
6 part of the - something that's on offer as part of the way
7 in which - - -?---It's part of an annual fee that's paid
8 to the Labor Party, and the Liberal party for that matter
9 run a similar system. It's to connect basically with the
10 business world so that the Labor Party or Liberal Party
11 understand what the issues are that the business world
12 has.

13 Had you provided support to the campaign of Mr Pallas at any
14 stage?---No, sir. Not that I'm aware of, sir.

15 The other person who was there mentioned is Luke. Is that
16 Mr Donnellan?---Yes, sir.

17 Had you supported Mr Donnellan at any stage?---I supported the
18 Labor Party, sir. I'm not specifically aware of direct
19 support for Mr Donnellan.

20 All right. I now want to take you to conversations which
21 occurred on 31 October.

22 COMMISSIONER: Mr Tovey, I'll make the last exhibit 18 October
23 2018, exhibit 39, phone call between John Woodman and
24 Heath Woodman.

25 #EXHIBIT 39 - Excerpt of phone call between John Woodman and
26 Heath Woodman on 18 October 2018.

27 COMMISSIONER: It just occurred to me, Mr Tovey, so that
28 there's clarity about what you have explored with the
29 witness in relation to each of these exhibits, that many

1 of them are not the entire conversation but only excerpts.

2 MR TOVEY: Yes.

3 COMMISSIONER: So the exhibit needs to reflect the fact where
4 it's only been an excerpt, that an excerpt was played.

5 MR TOVEY: Yes. Each of those tabs contained only excerpts.

6 Would you bear with me just for the moment,
7 Mr Commissioner. I need to make an enquiry about a
8 sequence.

9 COMMISSIONER: Yes.

10 MR TOVEY: Could we please go to tab 36. Tab 36 is a

11 conversation between yourself and Tom Kenessey.

12 Mr Commissioner, I understand it's going to take some
13 little time to load this conversation in the way in which
14 it is played as a whole conversation which is appropriate.
15 I apologise for the fact that that wasn't organised in
16 advance, but it wasn't something that proper attention was
17 paid to until just now.

18 COMMISSIONER: Yes. Are you able to do that now, Mr Tovey?

19 MR TOVEY: Yes. It is going to take about five minutes, I'm
20 told, Mr Commissioner.

21 COMMISSIONER: Do you think we should adjourn?

22 MR TOVEY: Yes.

23 COMMISSIONER: Very well. Let us know when it's ready,
24 Mr Tovey.

25 (Short adjournment.)

26 COMMISSIONER: Yes, Mr Tovey. Have a seat, Mr Woodman.

27 MR TOVEY: I want to go to a conversation between yourself and
28 Tom Kenessey - - -

29 COMMISSIONER: That's the consultant from Leighton?

1 MR TOVEY: The consultant from Leightons, your Honour.

2 COMMISSIONER: Yes.

3 MR TOVEY: On 31 October 2018. That was a long conversation
4 which took place at 12.17 pm. I want to start at page 17
5 of the transcript of that conversation where there's a
6 relevant conversation starting at line 395. Can we go to
7 that, please, and can we play that, please.

8 (Audio recording played to the Commission.)

9 MR TOVEY: So in the course of that conversation you are
10 talking about the contents of a publication that has been
11 made in The Age newspaper?---Yes, correct, sir.
12 And suggesting, amongst other things, a too cosy relationship
13 between yourself and SCWRAG?---Amongst other things, yes,
14 sir. I apologise, sir, I wasn't sure it was a
15 relationship between myself; it was a relationship between
16 the landowner and SCWRAGers. I stand to be corrected,
17 sir.

18 It doesn't matter. In any event, the thrust of the - part of
19 the thrust of the article was that there was too close an
20 association between developers or a developer and
21 SCWRAG?---Yes, I believe so, sir.

22 Then you indicated that - so the discussion went on along the
23 lines that in Cranbourne West nobody reads The Age anyway
24 so they're not going to be very familiar with the adverse
25 publicity?---That's an unfortunate, I guess, use of words,
26 sir.

27 But that's the effect of what you were discussing as a matter
28 of reality. You were discussing the fact that - -
29 -?---Yes.

1 Not a lot of people in Cranbourne West read The Age, so there's
2 not going to be much fallout?---Only because of the fact
3 that Ray had told me that the local newsagent only had two
4 copies of The Age reserved, one for him. That didn't
5 necessarily mean, of course, that the majority of the
6 people didn't read online. But, yes.

7 I'm not suggesting that you are offensive towards Cranbourne
8 West residents. You are simply observing a fact that
9 there was a large chance that most of the people in
10 Cranbourne West hadn't read anything about it. That was
11 the truth, was it not?---Yes, sir.

12 All right. Then as a result of that he, that is Mr Walker from
13 SCWRAG, sent an email out to all of them about the
14 article. You said they received \$15,000 from Leightons;
15 is that right?---Correct, sir.

16 So his response to the article, to your knowledge, has been to
17 send out an email to all the members of SCWRAG saying,
18 "Yes, we had a \$15,000 contribution from
19 Leightons"?---Yes.

20 And that was to your knowledge the first time anybody had ever
21 heard about that, other than The Age article?---I believe
22 so, sir.

23 All right. Then down at the bottom of the page you say, "To
24 move forward but after the missing piece of the jigsaw
25 that I now know we're just meeting with her to tell her
26 chapter and verse about the intersection in case Richard
27 or someone tries to snow her." Now, "her" was Amanda
28 Stapledon, was it?---I'm not familiar, sir. I must
29 confess I don't recall.

1 Do you know who - well, obviously you are going to meet with
2 somebody in respect of the intersection. Who's
3 Richard?---I don't know, sir.

4 All right. Over the page you indicate that you are not going
5 to ask Pauline to do anything other than to be aware of
6 what the council have asked her; is that right?---Yes,
7 sir.

8 And Pauline was Pauline Richards?---Yes, sir.

9 Who was Pauline Richards?---She is the new member for
10 Cranbourne elected in 2018.

11 And had you contributed to her campaign?---Yes, I had, sir.

12 And at that stage how much had you contributed?---I couldn't
13 tell you exactly, sir. I would have to get back to you.

14 Was it \$20,000?---It could have been 20,000.

15 Was it the fact that you started out prepared to put 5,000 into
16 her campaign, but after you got a pledge of support from
17 her in respect of C219 you jacked it up to 20,000?---No,
18 I don't believe so, sir, but I stand to be corrected.

19 I think I gave her an initial contribution at a
20 fundraising function and then, following on from that, it
21 was suggested by the Labor Party that I should consider
22 increasing the donation. I believe that's the way it
23 happened, sir. But I stand to be corrected. This is some
24 time ago, sir.

25 COMMISSIONER: What did you disagree with about counsel
26 assisting's question then?---Could you repeat that,
27 please, Mr Commissioner?

28 Counsel assisting put to you that you increased your campaign
29 donation from 5,000 to \$20,000. You responded by saying

1 you didn't agree. Were you disagreeing with the reason
2 for increasing it?---Yes, sir.

3 And you said the Labor Party asked you?---Yes, sir.

4 Who from the Labor Party asked you to increase your
5 donation?---It would be normally Mr Staindl. But I stand
6 to be corrected, sir. I deal with a number of people.
7 I mean, sir, C219 had been indicated to us by local
8 members of the Labor Party that it would be approved prior
9 to the election, and in support of that notion it was
10 obviously - and it was my ambition for that to occur, and
11 in supporting the local member I can't recall the exact
12 reason but there's no question that in my enthusiasm to
13 have C219 approved, there's no question that I may have
14 increased the contribution, sir, which is difficult for me
15 to say from this - from where I'm sitting now two years
16 later.

17 MR TOVEY: What I'm putting to you is simple. You upped the
18 ante in respect of your campaign contribution to Pauline
19 Richards because she had pledged to support you in respect
20 of C219. That's just the truth of the matter, isn't
21 it?---Yes, yes. Definitely, sir.

22 And that's, I suggest to you, totally contrary - - -?---Amongst
23 other things, sir. I mean, Jude Perera had been a
24 wonderful member for the seat of Cranbourne. He had
25 managed to increase the size of the racing complex. He
26 had the Royal Botanical Gardens. He had made incredible
27 contribution. She was therefore taking over. I was and
28 had supported him strongly over the years, as has been
29 reported in the newspapers, and it was my keenness to

1 continue with that support. So the exact reason why it
2 was five, 20,000 was because she was the local member for
3 Cranbourne. We obviously had a lot of things happening in
4 Cranbourne. I had spoken to her on more than one
5 occasion. At a fundraiser she had indicated to me that
6 she understood to me and, even though I don't believe that
7 we went into projects, although she did know about C219,
8 I never at any stage asked her to approach the minister or
9 attempt to persuade anybody to have C219 approved. It was
10 merely a process of supporting the local member, which
11 I had done for many years in a number of different areas.

12 COMMISSIONER: Where was Ms Richards working before she was
13 elected?---She was the chief adviser for the Minister for
14 Health, Mr Commissioner. I'm not 100 per cent sure, but
15 I believe so because a fundraiser that I attended at the
16 Frankston - somewhere in Frankston the Minister for
17 Health, I think Jill Hennessy it was at the time, attended
18 the function, and so it was my understanding that Pauline
19 Richards was the chief adviser.

20 Mr Woodman, if I've correctly understood you, your decision to
21 increase your campaign donation was directly related to
22 the intimation you got from both Ms Richards, who you say
23 pledged or was prepared to support you in return for your
24 increasing your donation but, more broadly, your
25 understanding that you got an intimation that the Labor
26 Party would support your C219 objective. How common is
27 that in the area of developing that developers, in
28 exchange for making substantial donations to a political
29 party, get intimations from that party that they will

1 support a particular planning project?---In percentage
2 terms, sir?

3 No, just give me an indication. Is it an unusual or a common
4 occurrence?---Common.

5 It's a common occurrence. So is the time not right,

6 Mr Woodman, where we need legislation that prohibits a
7 developer from contributing to a political

8 campaign?---I believe that has occurred already, sir, to a
9 great extent and we are now at a maximum of \$1,000 per

10 person per year. I've got to say, sir, I'm not sure how
11 that legislation is working at the moment. But in the

12 trueness of transparency I would agree with you, sir.

13 Because, regardless of the merits of the C219 proposal that you
14 were advocating, putting that to one side, it's not a good

15 look, is it, if you make - the extent of your contribution
16 is influenced by intimations that that party will look

17 with favour upon the planning process you want to see
18 implemented?---When you say "it's not a good look",

19 I guess I would put it this way. If the community is
20 supporting a particular rezoning proposal and at the same

21 time you support the particular party, if it was the
22 reverse I think it would not be a good look.

23 I'm not at the moment concerned, as I say, with either the
24 merit of the proposal - - -?---Yes.

25 Or the question of whether or not the community supports it.

26 I'm simply looking at the facts as you have stated them
27 that you make a donation with a belief that in doing so

28 you will get particular support from that party in
29 relation to your planning proposal?---I think it would be

1 more correct if you said that it had supported it in the
2 past, as Jude Perera had supported it, and it was going to
3 continue to support the proposal of C219

4 It might have been nicer if it was said that way, but that
5 wasn't your evidence. Your evidence was that you got an
6 intimation from both Ms Richards and you had had an
7 intimation from the party that your planning proposal
8 would be implemented?---I terribly apologise, sir. I can
9 only explain it as if it came out the first way
10 I apologise. It was the continued support of C219 that
11 was at the focal point of speaking to Ms Richards and in
12 return contributing to her campaign.

13 I'm not sure how that differs from what I just put to you, but
14 - - -?---I guess it's the words "it continued", sir.

15 If those sorts of donations were not permitted then there could
16 be no speculation that anybody was inappropriately
17 influenced by a campaign donation of that sort?---Correct,
18 sir.

19 MR TOVEY: I have already asked you about part of that
20 conversation. I just want to go back to that. This is
21 what was said by you, "We're not - we're just meeting with
22 her to tell her chapter and verse about the intersection
23 just in case Richard or someone tries to snow her, as they
24 will I'm sure, about what should be happening moving
25 forward. So, I mean, scant attention will be made to the
26 Cranbourne - made of Cranbourne West, even though she
27 knows it back to front. But our advice is going to be
28 that at this stage we're going to tell her that, like,
29 you've been thinking that we just nothing - we're waiting

1 for the, um, what do you call it, I'm - we need - the
2 council do need to respond to the letter from the
3 minister." Now, there I suggest that it's tolerably clear
4 that what you are talking about is wanting to tell Amanda
5 Stapledon that the council needs to respond to a letter
6 from the minister seeking further input?---I'm not
7 100 per cent sure, sir.

8 All right. But in any event your lament was, was it not, at
9 that stage your concern was that a letter from the council
10 indicating the council's view or giving feedback to the
11 minister about this review process was going to be
12 worthless because at that stage, because of the Age
13 article, the minister's just going to think you wrote
14 it?---That's what the Age article indicated, yes, sir.

15 And that's why the strategy became very much focused on the
16 material that SCWRAG could provide to the minister?---In
17 lieu of the council, sir?

18 Yes. Because of what you've done - because of the matter that
19 you've just raised there it became apparent, did it not,
20 that the council was seen to be or might be seen by the
21 minister to be unduly influenced by you; so you had to
22 stick with what I think you previously referred to as the
23 SCWRAGers' strategy in order to turn the minister
24 around?---Yes, sir. As long as we keep thinking SCWRAGers
25 are the community of 1,100 people, not one.

26 You didn't ever - from the moment SCWRAG started sending
27 information or petitions to the minister or pleas to act
28 in a certain way, you didn't ever tell the minister, did
29 you, you had in fact set up SCWRAG yourself?---You are

1 correct, sir. I personally have never told the minister.
2 I personally have never spoken to - well, mainly once in a
3 "hello" situation.

4 All right. I now want to move on to another passage of that
5 conversation.

6 COMMISSIONER: Is this part of the same conversation?

7 MR TOVEY: Part of the same conversation, yes, Mr Commissioner.

8 COMMISSIONER: Thank you.

9 MR TOVEY: And this is at transcript page 28 of - it starts at
10 transcript page 27 of 43 of tab 36 at 9661.

11 (Audio recording played to the Commission.)

12 MR TOVEY: So if we go back to the beginning of that part of
13 the conversation you talk about the \$15,000 that has now
14 been exposed as having been received by SCWRAG to set it
15 up from Leightons; is that right?---Correct, sir, as per
16 the article; yes, sir.

17 And then wasn't it the case that you and Mr Kenessey then went
18 on to discuss the fact that there was other money paid but
19 that was under the table and off the books money that the
20 auditors of Leightons wouldn't be able to find?---Sir - -
21 -

22 Is that what you discussed thereafter: yes or no?---Yes.

23 Would that be an appropriate time?

24 COMMISSIONER: Are you going to be some time on this passage?

25 MR TOVEY: Yes.

26 COMMISSIONER: Yes, all right. I'll just mark it exhibit 40,
27 Mr Tovey.

28 #EXHIBIT 40 - Excerpts from conversation between Mr Woodman and
29 Mr Kenessey on 31 October.

1 COMMISSIONER: Adjourn to 2 o'clock. Have some lunch,
2 Mr Woodman.

3 <(THE WITNESS WITHDREW)

4 LUNCHEON ADJOURNMENT

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