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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 26 NOVEMBER 2019

(6th 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

*Every effort is made to ensure the accuracy of transcripts.
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1 UPON RESUMING AT 2.06 PM:

2 COMMISSIONER: Have a seat, Mr Woodman.

3 <JOHN CHARLES WOODMAN, recalled:

4 COMMISSIONER: Mr Juebner, it appears we are likely to finish
5 your client's evidence this afternoon.

6 MR JUEBNER: Yes, sir.

7 COMMISSIONER: And at the end of that examination by Counsel
8 Assisting I'll seek your views as to how you want to deal
9 with Mr Woodman, whether you want to re-examine him at
10 this point or whether you would want to defer it.

11 MR JUEBNER: Yes, sir.

12 COMMISSIONER: But perhaps to assist you in relation to that
13 question, I think it's appropriate, given the length of
14 time he's been in the box, that you should be provided
15 with a copy of the transcript of his evidence. You should
16 also be able to get access to and copy any exhibits that
17 have been tendered, but that will have to be on the usual
18 undertaking given by counsel.

19 MR JUEBNER: Yes, yes.

20 COMMISSIONER: And those instructing you that it is for your
21 purposes and not for distribution either to the client or
22 to anyone else.

23 MR JUEBNER: Yes. Thank you, sir, for the indication. We in
24 fact - my instructors have written to the Commission some
25 days ago proposing that we be provided with that material
26 on that basis with undertakings, of course.

27 COMMISSIONER: My initial course was not to adopt that, but
28 I didn't anticipate that the evidence would continue for
29 as long as it has and plainly enough, for you to do

1 justice to your client, you need access to that material.

2 MR JUEBNER: Could I also enquire then, in respect of the
3 remaining witnesses, is it likely to be the practice of
4 the Commission that we would also get access to the
5 transcripts of the evidence for the other witnesses so
6 that we ultimate have a complete set of the record of
7 the evidence given - - -

8 COMMISSIONER: Yes.

9 MR JUEBNER: On the same basis, of course, because otherwise we
10 will continue to do what we have been, but it is an
11 imperfect system; that is, to have someone from the firm
12 making a transcript and us comparing our notes.

13 COMMISSIONER: I'll give that some thought, Mr Juebner. My
14 initial thought is that to release transcripts to everyone
15 of what everyone else has said can be problematic, for
16 obvious reasons. Let me think about that, Mr Juebner, and
17 I'll respond later as to that.

18 MR JUEBNER: Thank you.

19 COMMISSIONER: I do understand the consequence of saying no,
20 you can't have access to other people's evidence would
21 mean that someone on Mr Woodman's behalf would have to be
22 here then for that purpose during the evidence of others.

23 MR JUEBNER: Yes.

24 COMMISSIONER: But let's return to that a little later.

25 MR JUEBNER: Could I seek one point of clarification as well.

26 I understand the media outlets have access offsite to the
27 entirety of the transcript. Is my understanding about
28 that correct, Commissioner?

29 COMMISSIONER: I'm not sure that's right.

1 MR JUEBNER: That's what's been communicated to me, that the
2 media has access offsite to the entirety of the transcript
3 as well as the exhibits. If that were right, my
4 submission would be if the media can have that without the
5 undertakings that a lawyer would give, we would say at the
6 very least we ought to be treated in the same position.

7 COMMISSIONER: Yes.

8 MR JUEBNER: I just raise that if that features as part of your
9 consideration, sir.

10 COMMISSIONER: Yes, thank you.

11 MR JUEBNER: Thank you.

12 COMMISSIONER: Thank you. Yes, Mr Tovey. I'm sorry, yes,
13 Mr Woinarski.

14 MR WOINARSKI: If we may, Mr Commissioner.

15 COMMISSIONER: Yes.

16 MR WOINARSKI: Could we just firstly join in with the last
17 thing that was said by counsel. The other thing is, sir,
18 are we going to be able to access similarly the evidence
19 of Mr Woodman when he's finished? I'm not in a position
20 yet to determine whether or not we would be seeking to ask
21 any questions of him and I suspect if we were we wouldn't
22 want to do it immediately at the conclusion of his
23 evidence. We would want to do it perhaps at a later stage
24 to save time to the Commission because it may not be
25 necessary to ask those questions.

26 COMMISSIONER: Yes.

27 MR WOINARSKI: But for accuracy we really do need access to
28 transcript and exhibits, of course, on the usual
29 undertakings.

1 COMMISSIONER: The answer to your question really depends on
2 how I answer Mr Juebner's question.

3 MR WOINARSKI: I understand.

4 COMMISSIONER: Obviously if the answer is yes, then all
5 interested parties or the legal representatives of all
6 interested parties will be given access to the evidence of
7 such witnesses as have given evidence. I would like to
8 take that under advisement and let you know.

9 MR WOINARSKI: Thank you, Mr Commissioner.

10 COMMISSIONER: Yes, Mr Tovey.

11 MR TOVEY: Mr Commissioner, before lunch I had indicated I was
12 moving on to a different topic, but there is a further
13 conversation which follows the conversation about the
14 discount for the house. That's tab 104. Before you play
15 that, just bear with me, please. So this,
16 Mr Commissioner, is a conversation between Mr Woodman and
17 Geoff Ablett on 9 March at 1.06 pm.

18 COMMISSIONER: I'm sorry, Mr Tovey, is this part of the excerpt
19 you played immediately before we adjourned?

20 MR TOVEY: No, it's a separate excerpt and I'd seek to tender
21 that.

22 COMMISSIONER: But from the same conversation?

23 MR TOVEY: Yes, it's from the same conversation.

24 COMMISSIONER: I'll make all of that part of exhibit 54.

25 #EXHIBIT 54 - Excerpts of phone call between Mr Woodman and
26 Mr Ablett on 9 March 2019.

27 (Audio recording played to the Commission.)

28 MR TOVEY: Why do you think it is that Mr Ablett said to you he
29 didn't want to say too much over the phone about how he

1 helped you out?---Terribly sorry, sir, did you say that
2 that was written there on that?
3 Yes, Mr Ablett said, "At the end of the day I won't say too
4 much over the phone"?---Oh, okay.
5 This is in the course of you telling him how much he had done
6 for you?---Okay.
7 Why wouldn't you want to talk about that over the
8 phone?---I have no idea, sir, but - - -
9 Mr Woodman, just think about it. The only reason, the only
10 logical reason you wouldn't want to talk about what
11 Mr Ablett had done for you over the phone would be because
12 it wasn't something you wanted anybody else to know about;
13 true?---Yes.
14 You were worried that to not want to have this conversation
15 said over the phone would also indicate, would it not, a
16 concern that authorities are looking at what your
17 relationship is?---I'm not sure of that, sir.
18 Your normal man in the street isn't going to be able to have
19 access to what you say over the phone, is he? It's only
20 investigators like IBAC?---I'm not sure, sir, why he said
21 that.
22 I mean, you're a party to the conversation. He says this to
23 you. It's inconceivable that you didn't know why it was
24 that he didn't want to talk about these things over the
25 phone, isn't it? Think carefully before you answer that
26 question, please?---Yes, I can only appreciate that
27 Mr Ablett didn't want other people to know what he had
28 done for me at Brompton Lodge.
29 The people who might be in a position to listen into your phone

1 calls?---Yes, sir.

2 What had he done for you in respect of Brompton Lodge?---He had
3 rung up the acting CEO, Mr Steve Dalton, and advised him
4 that or asked Steve Dalton to give me a call and provided
5 Mr Dalton with my mobile number.

6 Is that all - - -?---As I understand it, sir.

7 Is that all he'd done?---Yes, sir. As I understand it, as
8 Geoffrey has told me, he rang the CEO, Steve Dalton, and
9 advised Steve of an issue similar to Fraser Brown's issue
10 that work would have to cease at Brompton Lodge unless
11 some intervention occurred by the CEO, and he gave the CEO
12 my mobile number and requested that he call me.

13 And as a result of that did Brompton Lodge proceed at a faster
14 than anticipated rate?---Faster than would have
15 anticipated had the planning permit not been altered
16 accordingly, sir.

17 Thank you. I now want to take you to tab 202, and again before
18 we start would you just bear with me. This is a
19 conversation on 6 March of 2019 between you and Jolene
20 Rome. Is Jolene Rome your personal assistant?---Yes.

21 All right.

22 COMMISSIONER: Sorry, the 6th of - what date?

23 MR TOVEY: 6 March.

24 COMMISSIONER: Yes, thank you.

25 (Audio recording played to the Commission.)

26 MR TOVEY: I can tell you that that is one of a number of
27 conversations in March where the Sam Aziz agreement is
28 first referred to, but looking at that it would seem that
29 what's happened there is that the agreements have been

1 drawn up, but you don't want them to see the light of day,
2 do you?---That is the conclusion you'd draw, yes, sir.
3 That's because they were a sham and a cover-up for the payments
4 to Mr Aziz?---I don't believe so, sir. I'm not sure why
5 we didn't want them on the public record. I mean - - -
6 It's not only not wanting them on - - -
7 COMMISSIONER: Just let the witness finish, Mr Tovey.
8 MR TOVEY: Sorry?---We both had a copy of the agreement, the
9 signed agreement, sir.
10 What you wanted to do was, first of all - this is an agreement
11 which ends up, or these are agreements which end up being
12 backdated to December 2018, aren't they?---Yes, sir.
13 And in fact the agreement is two agreements, one for
14 370,000 - sorry. I'm sorry, the agreement you are talking
15 about is the consultation agreement, the consultancy
16 agreement?---Correct, sir.
17 All right. In any event, that consultancy agreement, that's
18 the agreement whereby you agree to pay Sam Aziz \$25,000 a
19 month?---Correct, sir.
20 And that agreement, as you've said, is backdated and this is
21 some four months, three to four months after payments had
22 in fact started?---Correct, sir.
23 And you there discuss with Jolene Rome the fact that you first
24 of all wanted to send it by fax; true?---Yes, sir.
25 And the reason you wanted to send it by fax was because there
26 would be no electronic version of the document retained on
27 a fax machine?---I'm not 100 per cent sure that's correct,
28 sir, but that is one option, yes, sir.
29 First of all, you don't want it done by fax. Then you want it

1 couriered. Then you discuss having it sent by email, but
2 immediately deleting it. Then Ms Rome says to you she
3 could scan it, send it to you by email, "Once you're done
4 with it you can delete it," and you say, "Yeah, okay"; all
5 right?---Yes, sir.

6 Okay. The whole process between you and Ms Rome was aimed at
7 you being provided with a copy of a document which you
8 wanted nobody to see; true?---Nobody other than the two
9 people who were signing it, sir, yes, sir.

10 And you wanted no record kept?---Well, other than the signed
11 documents, sir, yes.

12 You wanted no electronic record kept?---Well, correct, sir.

13 And the reason you wanted no electronic record kept was because
14 if you kept an electronic record which was dated March of
15 2019 it would demonstrate that the document was backdated
16 to - sorry, it was backdated to December 2018;
17 true?---Yes, sir. Sorry, Mr Commissioner.

18 COMMISSIONER: Yes?---Could I just make one comment, and
19 unfortunately we have not been able to locate, but as part
20 of that contract Mr Aziz was supposed to advise the CEO
21 and the council that he had a conflict of interest in as
22 much as he was working for our company as a consultant.

23 And you know he didn't do that?---Unfortunately not, sir.

24 MR TOVEY: This is like the agreement you had with Mr Ablett
25 where Mr Ablett was going to have signed an agreement, the
26 second paragraph of which required him to declare a
27 conflict?---Similar, sir.

28 COMMISSIONER: But, sorry, you know he didn't declare a
29 conflict, don't you?---Yes, sir.

1 And you knew that throughout the period that that agreement was
2 in operation, you knew that he was continuing to sit on
3 council motions even though he shouldn't have been?---Yes,
4 sir, and we had a meeting with him, and I presume that
5 IBAC would be aware of it. We had a meeting with him in
6 it would be February, somewhere around about maybe March,
7 where Lorraine and I both questioned him in relation to
8 the fact had he declared a conflict of interest and he had
9 at that time said that he hadn't and we remonstrated with
10 him about the fact. Obviously it had to be after March
11 because March was when the document was signed, but we
12 were both upset about the fact that he hadn't advised
13 people that in fact he was working for us.

14 But we know from the conversations that were played to you
15 shortly before lunch that at the end of 2018 you were
16 still contemplating using him as the mechanism for putting
17 before council what council's response to the Minister for
18 Planning should be on deferral of the C219?---Yes, sir.

19 So you knew at that stage still that he hadn't declared a
20 conflict?---Yes, sir.

21 And you would have been prepared to use him if he were
22 determined by Ms Wreford as the person who should be
23 utilised?---And he wasn't prepared to declare a conflict
24 of interest, yes, sir.

25 But you didn't regard yourself as having any ethical
26 responsibility to not take advantage of his position?---In
27 hindsight, sir, yes, sir, I should have taken a more
28 stronger position with Mr Aziz in relation to that matter,
29 sir.

1 Can I just take you back for a moment, Mr Woodman, to the
2 Brompton Lodge position. You were asked what's Mr Ablett
3 done for you in relation to Brompton Lodge. I don't want
4 to revisit its whole history, but in a nutshell you
5 succeeded in having Brompton Lodge moved - rezoned as part
6 of a rezoning application; correct?---No, sir.

7 Wasn't Brompton Lodge included in the Melbourne urban growth
8 boundary as a result of a motion to the council?---Yes, it
9 was, but the discussion that occurred there was in
10 relation to a phone call between Geoff Ablett and the CEO
11 about construction works which were going to cease if and
12 when the planning permit that required us to build
13 Ballarto Road prior to commencement of construction was
14 raised. It was - - -

15 No, no, Mr Woodman, you introduced that. Counsel was asking
16 you what Mr Ablett and you meant when you were talking
17 about his contribution to Brompton Lodge, and you then
18 introduced that point about a phone call involving the
19 acting CEO, Mr Dalton. I just want to clarify that
20 Mr Ablett's role in relation to Brompton Lodge was much
21 more significant than that. He was actively involved in
22 the council during the period that Brompton Lodge was
23 moved into the urban growth area?---I'm not aware of that,
24 sir.

25 What do you mean by that?---Well, sir, I had no part in that
26 part of Brompton Lodge. I think my early evidence was
27 that I attempted to have Amstel golf course moved to the
28 site. When that failed, I took no further part and moved
29 on to other projects, sir, and other people took over

1 control of Brompton Lodge.

2 You had no financial interest of any sort in Brompton

3 Lodge?---No, sir.

4 Nor your son?---My son has, sir. Yes, sir.

5 Through what entity?---I'm not familiar with that, sir.

6 Yes, Mr Tovey.

7 MR TOVEY: I want to put to you a whole scenario which starts
8 in early 2018. You aren't going to appreciate the force
9 of what's being put to you unless you hear it as a whole,
10 so I won't ask you to comment until the end, but you will
11 have a chance to comment. Now, these are all things which
12 are either established by telephone intercepts involving
13 Ms Wreford or yourself, documents or physical surveillance
14 and the use of surveillance devices. What I want to put
15 to you is this. In early 2018 there was discussion
16 between Lorraine Wreford, authorised by yourself, and
17 Mr Aziz, where Mr Aziz was looking for payment of a very
18 large sum of money, I'm talking about hundreds of
19 thousands of dollars, all right? This is in early '18.
20 Following that, by August '18 I think there had been the
21 scheme raised by Mr Ablett to sell his house to you for
22 \$750,000 and then for you to give it back to him to live
23 in.

24 MR JUEBNER: No, the price is wrong. 350,000 was the contract.

25 MR TOVEY: Yes, sorry.

26 MR JUEBNER: Not 750.

27 MR TOVEY: Sorry, 350,000, was it? There was also a scheme put
28 to sell property he had referred to as Santa Monica to you
29 for \$695,000. Just listen and tell me - we'll go back to

1 this step by step, but in any event in August of 2018
2 there was a proposition being put to you that you would
3 buy his house and let him live in it, but he can get the
4 house back for a nominal payment.

5 COMMISSIONER: Who is "he"?

6 MR TOVEY: That's Mr Aziz.

7 COMMISSIONER: I'm sorry. I must say I'm confused now,
8 Mr Tovey.

9 MR TOVEY: All right.

10 COMMISSIONER: You've moved from Mr Aziz to Mr Ablett, and then
11 back to - - -

12 MR TOVEY: I'm sorry, if I said Ablett I should have said Aziz.

13 MR JUEBNER: My objection was in relation to my understanding
14 it was - my objection of the price of 750 was, as
15 I understood it, it was Mr Ablett's farming land.

16 COMMISSIONER: Yes.

17 MR TOVEY: I have misspoken. I apologise. I'll start again.

18 What I want to put to you is this. In respect of Mr Aziz,
19 in respect of Mr Aziz, in early 2018 Mr Aziz was after
20 hundreds of thousands of dollars. He was looking for some
21 way of getting a lot of money from you and he was
22 discussing that with Ms Wreford. By August of 2018 there
23 was a proposal being put to you that you pay him \$750,000
24 for his house in Barak Avenue, and then he's able to go on
25 living in the house and buy back from you at some stage in
26 the future, a couple of years in the future, for a nominal
27 price. But then in fact in respect of that there was in
28 fact a contract of sale drawn up and there were
29 discussions as to who the purchaser would be and the

1 purchaser was to be Cordwood. There were ongoing
2 discussions about that and "other things". Then there was
3 The Age article came up. You said, "We can't do this
4 because The Age is investigating our relationship," and
5 you wanted to defer settlement in respect of that.

6 COMMISSIONER: Defer settlement of the house.

7 MR TOVEY: That's in respect of the purchase of Barak Avenue.

8 COMMISSIONER: Yes.

9 MR TOVEY: By 14 November Mr Aziz was threatening you and
10 threatening to vote to reverse the H3 Hall Road decision,
11 and then he came to you with a proposal that you work out
12 a way of paying him the money he wants and that was
13 through making payments to a person by the name of [REDACTED],
14 [REDACTED], and I ask that that name not be published,
15 Mr Commissioner.

16 COMMISSIONER: Yes. Who is that person?

17 MR TOVEY: [REDACTED] is a friend of Mr Aziz who lived in Coburg
18 and was a witness to his most recent wedding.

19 COMMISSIONER: It's not suggested that there's any impropriety
20 on the doctor's part?

21 MR TOVEY: No. But it would seem that what's happened is that
22 [REDACTED] has lent Mr Ablett or may well have - - -

23 COMMISSIONER: Mr Ablett?

24 MR TOVEY: I must apologise, has lent Mr Aziz something around
25 six, \$700,000, and then the payments from Woodman and from
26 Watsons go to him to pay back that loan.

27 COMMISSIONER: To [REDACTED].

28 MR TOVEY: That's not something which has been established at
29 this stage, but that would explain why the payments were

1 being made in the way in which they were.

2 COMMISSIONER: To the doctor.

3 MR TOVEY: To the doctor, yes.

4 COMMISSIONER: Very well. I'll make a suppression order that
5 the name of [REDACTED] should not be referred to.

6 MR TOVEY: Then in March of 2019 a contract was drawn up to try
7 and legitimise that. That was a sham contract and
8 payments continued of the \$25,000 a month. Now, is that
9 basically the way in which things unfold, sir? I just
10 want to know generally do you agree with that scenario?

11 MR JUEBNER: I object. The scenario is so detailed and so
12 complex - - -

13 COMMISSIONER: Well, Mr Juebner - - -

14 MR TOVEY: I'll go through it step by step.

15 COMMISSIONER: Just a moment. Mr Juebner, that's a
16 point - I don't think your client is showing any inability
17 to disagree with anything, Mr Juebner. If he has some
18 difficulty with that scenario, I'm sure he'll indicate it.
19 Let's just see what his position is.

20 MR JUEBNER: If the commissioner pleases.

21 MR TOVEY: Look, the bottom line, sir, is this: that in early
22 2018 Mr Aziz was putting the bite on you for hundreds of
23 thousands of dollars, and you then explored various ways of
24 granting his wish. Some things didn't come to fruition
25 until you gave him the \$600,000 job for which there was a
26 sham contract. Now, is that basically what
27 happened?---Sir, correct, except for the word "sham". It
28 was not a sham contract. It was a legitimate contract
29 between ourselves and Mr Aziz to undertake work on the

1 Little River project.

2 COMMISSIONER: Just to be clear, Mr Woodman, the sequence of
3 events as outlined by Counsel Assisting you accept?---Yes,
4 sir. Mr Aziz - if I could just take a moment to explain,
5 sir.

6 Yes?---Mr Aziz, and I think I mentioned it before, had for a
7 number of years wanted to work for Watsons, wanted to work
8 as a planning consultant. For whatever reason, you know,
9 I could not find, up until the Little River project coming
10 along, a rational or an acceptable position for him. So
11 what has been outlined by counsel is correct, but except
12 to say for the word "sham" contract. So we found a
13 contract where he could actually complete work on behalf
14 of a project and be paid the sort of money that the
15 councillor had outlined was his desire.

16 MR TOVEY: So his desire was something in excess of half a
17 million dollars, five, six, 700,000, and it took you a
18 year and a half or close to it to find a way of actually
19 doing that?---Finding a position that would enable a
20 company to logically pay somebody for the sort of work
21 that we were talking about, yes, sir.

22 You were trying to find a way of doing it which would stand up
23 to scrutiny?---Well, no, sir, I don't believe so, sir,
24 because the record stands for itself. Even though we have
25 now, as I have indicated earlier, we have terminated the
26 contract because some of the undertakings that were given
27 by Mr Aziz in relation to his PhD just didn't stand the
28 test of scrutiny when we spoke to his - the person in
29 charge of PhDs at Southern Cross University in Queensland,

1 but there was work being undertaken by Mr Aziz in relation
2 to this matter after we found a position for him, sir.

3 In particular, one of the matters I put to you was that he was
4 threatening you and he was threatening to reverse the Hall
5 Road decision, wasn't he, unless you came up with the
6 dough. Is that the truth?---Sir - - -

7 And I suggest he was doing that - I'll give you a specific date
8 - on 14 November?---Yes, sir, I have seen the message from
9 Ms Wreford to myself in relation to that matter, so I'm
10 across the matter that he had said that he needed some
11 assistance, otherwise he would, yes, attempt to change his
12 position in relation to - I don't even recall whether he
13 said Hall Road or H3, but there was certainly some
14 discussion about him threatening that he was going to make
15 some other arrangements which - - -

16 Yes?---Yes.

17 And within a week of that, on 21 November, the proposal was
18 then taken up that payments would be made to [REDACTED], and
19 that happened to correspond with the stopping of the
20 Spicer payments.

21 COMMISSIONER: One thing at a time, Mr Tovey.

22 MR TOVEY: Yes?---Yes, I believe so, sir.

23 And some arrangement, a new arrangement at that stage became
24 important because Mr Lee had been moved out of a financial
25 role at Spicers and the Spicer payments couldn't
26 continue?---Sir, I'm unaware of that.

27 COMMISSIONER: Can I just ask you, Mr Woodman: in the course of
28 that scenario that Counsel Assisting went through that you
29 have accepted, one part of the scenario was the purchase

1 of this house that Mr Aziz would live in rent free for a
2 period of time?---Yes, sir.

3 Who was going to buy the house?---I was going to buy the - he
4 requested me to purchase his family home, sir.

5 So you were going to buy the house and then he was going to be
6 able to live in it rent free?---Yes, sir.

7 And that was going to be for what period of time?---I don't
8 think we got down to those discussions, sir.

9 MR TOVEY: Can I indicate, sir, that the documents indicate
10 that the arrangement was going to be for two years and
11 then you buy it back for a nominal - sorry, he buys it
12 back for a nominal amount?---Yes, that was his suggestion,
13 sir, not agreed to by me, sir.

14 COMMISSIONER: But the significant thing is that this was an
15 arrangement which would incur for no apparent quid pro
16 quo - perhaps we shouldn't in this day and age use that
17 term - but he was to get something from you but there was
18 nothing he was going to give you in return?---Sir, he was
19 looking for a job from me.

20 No, no, I'm talking about the house?---The house, yes.

21 You were going to give him a house to live in rent free that
22 you would purchase?---That was his idea, sir, yes, sir.

23 That agreement didn't involve some contribution by him of any
24 sort, did it?---No, sir, not that I'm aware of, sir. That
25 was not his idea.

26 No, and you moved from that arrangement or possible
27 arrangement, which you had explored at some length, you
28 moved from that arrangement to one that you say was an
29 entirely above board commercial arrangement in relation to

1 him doing this research work for Little River?---Yes, sir.
2 The two don't sit together well, do they?---Sir, he was
3 exploring opportunities, yes, sir. There's no question
4 about that.
5 You follow what I'm putting to you?---Yes, sir.
6 Is that when you look at those two things alongside each other,
7 one according to you, the Little River arrangement, is an
8 entirely commercial arrangement where he's making a
9 valuable contribution for which you are paying him?---Yes,
10 sir.
11 And the other is an arrangement where he's just getting a
12 gift?---Yes, which I didn't agree to, sir.
13 But you went a long way along the track to agreeing to it,
14 didn't you?---He prepared a contract, sir, and put it
15 forward to me, but it was never - I didn't seriously
16 consider signing it, sir. No further than him exploring
17 an opportunity.
18 You can understand, then, why Counsel Assisting is suggesting
19 to you that the latter contract to Little River is a
20 sham?---I can understand him putting that to me, sir, and
21 my answer is that it wasn't a sham.
22 Yes, Mr Tovey.
23 MR TOVEY: Thank you, sir. (To witness.) Insofar as you say
24 this was giving Mr Ablett a job - - -
25 COMMISSIONER: Mr Aziz.
26 MR TOVEY: Sorry, I apologise, Mr Aziz a job, the situation is
27 that this was only going to last as long as he was a
28 councillor?---Well, the contract that we had I think
29 terminated in September 2020. I could be incorrect, sir.

1 About the time of the council elections?---No, I think the
2 council elections are in October.

3 All right. I suggest to you that you and Ms Wreford discussed
4 the fact that Mr Aziz thought he was going to get a job
5 with you after the so-called agreement expired and you and
6 she basically laughed about it and what you indicated was
7 that was never going to happen?---Well, at the time
8 I don't - - -

9 Was that your attitude?---Excuse me, sir, was that a question
10 or was it - - -

11 Yes. Was it your attitude that there was no way in the world
12 you were ever going to give him the job after he had left
13 the council?---No, I disagree with that. Initially
14 I thought that Mr Aziz did not possess the abilities which
15 I then later discovered after talking to him about smart
16 cities and about his PhD. My attitude towards his
17 abilities did change, sir. But you're totally correct.
18 At some point Lorraine Wreford had mentioned to me that
19 Mr Aziz had mentioned to her on numerous occasions that he
20 was desiring to work for me and, quite frankly, I didn't
21 take it seriously.

22 I want to just take you to some political contacts you had at
23 about the time of the June 2018 - sorry, about the time of
24 the 2018 election. When was it in 2018 that the election
25 in fact took place, that is the State election?---I think
26 it's in November, sir.

27 I want to start in about June that year. If I might just be
28 excused for one moment.

29 COMMISSIONER: While you're doing that, Mr Tovey, the phone

1 conversation between Mr Woodman and Ms Rome of 6 March 19
2 is exhibit 55.

3 #EXHIBIT 55 - Excerpt of phone call between Mr Woodman and
4 Ms Rome on 6 March 2019.

5 MR TOVEY: I have already taken you through the donations that
6 were made to politicians and political parties in 2018.
7 You'll recall having done that some days ago?---I must
8 confess, sir, this is stretching my memory, I apologise,
9 but some days ago we've been through quite a deal of
10 information.

11 COMMISSIONER: Assist him, please, Mr Tovey.

12 MR TOVEY: So you'll recall that - I think you agreed that in
13 2018 you made total donations to the Labor Party of
14 \$157,900 or thereabouts?---I can't recall the exact
15 amount, sir.

16 They are amounts which have been determined by reference to
17 public records and your accounts; would you disagree with
18 that?---If they're on my accounts and a public record,
19 sir, I would agree.

20 And that your donations to the Liberals in 2018 were \$63,000, a
21 combined total of close to \$221,000. Does that sound
22 about right?---I think you've mentioned those figures to
23 me before, sir, yes.

24 COMMISSIONER: Does that sound about right, Mr Woodman?---Look,
25 to be truthful, with you, Mr Commissioner, I couldn't
26 remember exactly, but it's - - -

27 It's in the ballpark?---I would imagine it would be in that
28 ballpark.

29 Yes, thank you?---Yes, sir.

1 MR TOVEY: And if I could just raise this with you and just
2 tell me if there is any of this you disagree with.
3 I suggest that in terms of your Labor contributions there
4 was a \$60,000 contribution by Watsons to the Progressive
5 Business Association, a third party Labor donor; does that
6 sound right?---Yes, that sounds - I'm not sure of the
7 amount, sir, but certainly the organisation you're talking
8 about, we were members of that organisation.

9 You just tell me if there's anything of these things that you
10 disagree with. Secondly, there was a donation from Swan
11 Bay Management, which was one of your companies, of
12 \$10,000 to the Progressive Business Association. There
13 was SBPM Consolidated Holdings made a \$10,000 donation to
14 the Progressive Business Association, and BWTW
15 Developments made a \$10,000 donation to the Progressive
16 Business Association. Watsons made contributions of
17 \$20,800 to Mr Pakula's election campaign. Watsons made a
18 donation of \$3,100 to Sonya Kilkenny's campaign. She was
19 the ALP candidate for Carrum district. Watsons made a
20 \$10,000 contribution to the campaign of Mary-Anne Thomas,
21 who was the incumbent member and Labor candidate for the
22 Macedon district. Watsons made a \$20,000 donation to the
23 campaign of Pauline Richards, who was the Labor candidate
24 for Cranbourne. Watsons made a \$5,000 donation to Julie
25 Buxton, who was the Labor candidate for Ferntree Gully.
26 Watsons made a \$5,000 donation to Dustin Halse, who is the
27 Labor candidate for Ringwood, and a \$4,000 donation to
28 James Merlino, who was the incumbent member for Monbulk,
29 and that totals just on \$160,000. Now, is there any of

1 that with which you would disagree?---"Disagree" is
2 probably not the right word, sir. There are two women in
3 there that I do not register - I do not recognise their
4 name. One was Kilkenny and the one before that. But if
5 they are extracts of my formal accounts, then I don't
6 question them, sir.

7 The other woman who was mentioned was Julie Buxton. So other
8 than Kilkenny and Buxton, you don't disagree?---No,
9 I recognise the other names. I'm not that familiar with
10 the exact amounts, but they would have been under my
11 direction, sir.

12 In respect of your Liberal donations of 63,000, I'd suggest to
13 you that they were all made in amounts of \$10,000 or less
14 to either Enterprise Victoria or the Liberal Party of
15 Australia Victoria division. You don't know?---I'm not
16 that - I know of what you're talking about, but I'm not
17 that familiar with the bodies that you're suggesting that
18 the money was allotted to, sir.

19 But in fact was it the case that you had discussed with
20 persons, a person or persons at Enterprise Victoria the
21 way in which donations to the Liberal Party might be
22 broken up in amounts of \$10,000 or less - - -?---Yes, sir.

23 From different - - -?---Yes, sir.

24 And that was to overcome what might have been seen to be
25 donation limits?---I don't believe there are donation
26 limits at State level at this time that we are talking
27 about.

28 Why were they broken up then?---That's a very good question.

29 I guess it was because of the publicity that we had

1 received for large donations. It appeared that people
2 were interested when you made a substantial donation. The
3 conclusion was drawn that it was more than just you
4 wanting good governance, sir.

5 Before I move on to the political contacts that you had, did it
6 ever occur to you that in coming to the arrangements that
7 you either personally or through Ms Wreford were
8 discussing with Mr Aziz, that that was criminal, that that
9 involved criminal conduct on your part?---No, sir.

10 COMMISSIONER: Any part of what's been explored with you over
11 the last four and a half days, any part of that,
12 Mr Woodman, that you thought was criminal?---No, sir.

13 I thought that at every turn that there was a job and that
14 we were paying people for work.

15 I just want to be clear. There was no point of time in the
16 last four years of the council's affairs where you thought
17 that any of your conduct constituted a crime?---No, sir.

18 MR TOVEY: What about your conduct in respect of C219? Did you
19 think that that was in any way criminal?---No, sir.

20 Getting on to some of the issues that have arisen relating to
21 your political associations, I want to start in June of
22 2018. Could we go, please, Mr Commissioner, to page 3334.
23 Could we scroll down first just to that email.

24 COMMISSIONER: These are emails between Mr Woodman and
25 Mr Staindl?

26 MR TOVEY: I think that is the case.

27 COMMISSIONER: Yes.

28 MR TOVEY: So that document we're now looking at is 20 June
29 2018 at 5.12 pm and could we just go and scroll to the one

1 above? That's a response at 5.18 pm. So if we go down
2 then to the first email which is at the bottom - - -

3 COMMISSIONER: Mr Staindl, what was his relationship with you,
4 Mr Woodman?---Mr Staindl is the lobbyist for the Labor
5 Party, sir.

6 What was his connection with you?---Well, he's a - we pay him
7 on a monthly retainer as well as on an hourly basis for
8 the times that he expends on any particular project.

9 MR TOVEY: Could you go to the top of that document,
10 please?---I'm terribly sorry, sir, was that a question?
11 No, I'm just making directions.

12 COMMISSIONER: Forgive me, Mr Tovey. Was that his normal
13 arrangement, was it, that he would then offer his services
14 to various people such as yourself and charge a fee but he
15 was recognised to be a lobbyist for the Labor
16 Party?---Yes, sir.

17 In fact should we say "for" or "to" the Labor Party? He wasn't
18 working on behalf of the Labor Party. He was providing
19 services that might involve them?---That's correct, sir.
20 He has separate clients and his forte is that he has
21 contacts with people within the Labor Party that enables
22 his clients to connect with.

23 MR TOVEY: So, as of 20 June of 2018 you say, "Phil, I would
24 say we need a miracle, pretty sad after a million" -
25 I take it that's a million dollars - "and five years.
26 Fortunately none of our money." Are you there talking
27 about expenditure which had gone on to the attempt to have
28 the C219 rezoning approved?---Yes, sir.

29 Then you go on to say, "Only JG can deliver." Was that in

1 respect of that or something else?---No, that's in respect
2 of 219, sir.

3 And who is JG?---She was the parliamentarian for Narre Warren
4 South at the time.

5 And do you remember her name?---I do, sir. Is it appropriate
6 that we need to divulge her name?

7 COMMISSIONER: I think her name has been mentioned a number of
8 times already, Mr Woodman?---Okay. Yes, sir. Her name is
9 Judith Graley.

10 MR TOVEY: And is she somebody whose campaign you had
11 financed?---Yes, sir.

12 To what extent?---I'm unfamiliar, sir.

13 Then on 20 June you'll see "Dear all". This is the email from
14 Phil Staindl. If we go down then to paragraphs 1 and
15 following. So there was a reference by him to the changes
16 in political donation laws. Then, "Our good friend in the
17 south-east contacted me a short time ago and I will be
18 circumspect in writing with this advice. She spoke to the
19 minister about the matter, who in turn directed her to AH
20 for more detailed discussion." Who is the friend in the
21 south-east?---That would be Judith Graley.

22 COMMISSIONER: Perhaps I should have asked: why did you have an
23 expectation that she might be the solution to your
24 problems?---She was a very strong supporter of C219. She
25 thought it had merit, sir.

26 Yes, but why did you - you were surrounded by people, as
27 I follow it, who thought it had merit. Why did you think
28 she was the one who could achieve something for
29 you?---Look, our friendship went back for many years. She

1 had been a councillor at the Mornington Peninsula Council
2 some 20, 25 years ago. I had followed her political
3 career and supported her for many years. When appropriate
4 she supported me in my projects. She was one of the main
5 instigators in a project called Martha Cove back 20,
6 25 years ago.

7 But that doesn't really answer my question, Mr Woodman. Why
8 did you think she could do something for you in relation
9 to C219? What did you think she might be able to do for
10 you?---Okay. She had the ability to speak directly to the
11 Minister for Planning. I apologise, sir, I thought
12 that - - -

13 MR TOVEY: So then that information goes on. He then claims
14 that, "The department is not happy, fearing a loss of
15 employment related land is not good for the City of
16 Casey," and that they're still working through a response.
17 "She proceeded to spell out in a manner that ensured there
18 was absolutely no chance of any misunderstanding that to
19 do anything other than to rezone the land would be
20 politically disastrous." Then he goes on, "She went so
21 far as to predict it will be the difference between
22 winning or losing the seat of Cranbourne." So this matter
23 had been - sorry, was it the case that you and Mr Staindl
24 were seeking to turn this matter into what's known as a
25 political hot potato?---I wouldn't say that I was, sir.
26 In this email I'd say Mr Staindl certainly was. I'm not
27 suggesting that I wouldn't have made the same comment, but
28 this email I think is indicating the discussion between
29 Staindl and Judith Graley.

1 And then he goes on, "She has also spoken to Jude about this
2 but felt he might be on medication as it didn't seem to
3 generate much of a response." But is "Jude" Jude
4 Perera?---Correct, yes.

5 And that's somebody else whose campaign over the years you'd
6 supported?---Yes, sir.

7 Okay. And so if we just go further down the page, bring that
8 paragraph up to the top. Thank you, stop there. Then
9 there is further discussion as to how this might be
10 progressed and further lobbied. Now, looking at the way
11 in which that all unfolds, did you just see that to be the
12 way in which a lobbyist was expected to act, and that is
13 to operate through people to whom you've made political
14 contributions, to try and convince them to arrange access
15 for you?---I don't - it is standard procedure for a
16 lobbyist to make contact with ministers and/or elected
17 people in an attempt to provide to them the information
18 about a particular project and seek their support. If
19 their support is sufficiently keen enough, they will
20 attempt to take it, for want of a better word, up the line
21 and it is a method by which the development industry finds
22 out fairly quickly whether government is at all interested
23 in a particular proposition.

24 COMMISSIONER: What this paragraph shows that Ms Graley said by
25 way of representations to the minister's delegate - AH was
26 the minister's delegate for this purpose; is that
27 so?---I'm not actually sure who AH is. I apologise.
28 It says early on in the paragraph, "The minister says" - -
29 -?---"Go and speak to AH."

1 "Go and speak to AH"?---Yes, yes.

2 But I'm more interested in the representations that Ms Graley
3 made, were they typical of the sort of argument that you
4 would expect someone to be making to a minister?---Yes,
5 sir.

6 MR TOVEY: And was that because you anticipated that she might
7 have felt some sense of obligation to you in view of the
8 fact that you had made significant contributions to help
9 her get into parliament?---No, sir. Unfortunately
10 contributions and support in the political world that
11 we're now talking about are - yes. No, sir, I wouldn't
12 agree with that.

13 So in your mind was it ever the case that you would link the
14 creation of a sense of obligation with the giving of
15 political support?---No, sir. No, sir. As you would be
16 well aware and you've pointed it out, we support both
17 political parties.

18 I understand that's what your position was. I think that's
19 what you said on day one, sir, that in relation to Pauline
20 Richards you had no expectation at the time that you gave
21 her money; is that right?---Yes, sir.

22 COMMISSIONER: It's an opportune time to take this up with you.
23 You've made the point a number of times that you don't see
24 a problem with either a donation or some other form of
25 financial support to someone on a council issue if indeed
26 at the end of the day that person is voting on the issue
27 on the basis of what they think is genuinely the right
28 position for them to take?---Correct, sir.

29 How do you ever know? How do you ever know that once you've

1 put money in someone's pocket, whether it's by way of a
2 campaign donation or otherwise, that the reason that they
3 are supporting the motion that you want them to is because
4 they genuinely believe it to be correct rather than
5 because of the influence that you've exerted?---I think
6 that's an excellent question, sir, and I can only answer
7 it in the reverse by saying that on a number of occasions
8 knowingly, but in State government, local government or
9 Federal government, you could support a particular person
10 who then for whatever reason, because they don't believe
11 that your proposition is worthy of their support, will not
12 support it, and - - -

13 That only goes to show the negative is easily demonstrated.

14 You put money in someone's pocket but they still take up a
15 stand against you, then one can say clearly the money
16 hasn't influenced them. But what I'm asking you is your
17 moral justification, as I followed your evidence now
18 carefully, I hope, is, "Even if I've helped - if I've
19 contributed to someone in some way, so long as they are
20 making the decision which they genuinely believe is right,
21 everything's okay." But how do you know that the money
22 that you've given them isn't the reason that they are
23 doing so?---I think it's a personal judgment. I agree
24 totally, sir, it's not the easiest question to answer,
25 that Jude Perera or Judith Graley or Pauline Richards
26 would be supporting you because you financially supported
27 them. But you find out very quickly, sir, that in the
28 world of politics, if a politician for whatever reason
29 doesn't believe that the proposition that you're putting

1 forward is a positive one for the community, they are very
2 quick to tell you that, regardless of whatever financial
3 contribution you may have made to their party, that they
4 are not prepared to support it. But I understand it is a
5 difficult question to answer.

6 It is, and that's why we have laws, Mr Woodman, about conflict
7 of interest because we can never be sure, once someone has
8 received money from someone else to support a particular
9 proposal, one can never be sure whether the real reason
10 that they are supporting it is because of that
11 contribution rather than their belief that the proposal
12 has got moral justification?---I couldn't agree with you
13 more, sir, and the sooner that we all turn to the fact
14 that people are supported by taxes for political - when it
15 comes time to election, I think it would be best for the
16 country, for the industry, not saying that there's
17 anything wrong with what's happening, but it certainly
18 takes away I guess the thought process - - -

19 It removes the perception which will always be there. You
20 don't know why they've supported the proposal. Is it a
21 genuine belief or is it the influence that the money has
22 created?---Sir, my experience is that - look, on occasions
23 you think, on occasions the only time I said before that
24 you know is when you get negative. But I have known a
25 number of these people over many, many years and they are
26 very quick to tell me and I could give you numerous
27 examples, I wouldn't like to take up everyone's time,
28 where I've spoken to politicians about a particular
29 project that I thought had merit, but was quickly told

1 that, "Look, forget it. We wouldn't entertain that. We
2 would not support that."

3 Yes, Mr Tovey.

4 MR TOVEY: Could you look at, please, at a document dated
5 5 September of 2018, 3750.

6 COMMISSIONER: I'll make the email between Woodman and Staindl,
7 20 June 18, exhibit 56.

8 #EXHIBIT 56 - Email between Mr Woodman and Mr Staindl, 20 June
9 2018.

10 MR TOVEY: Can that be enlarged, please. Have a look at that,
11 but do you agree that that is a donation on 5 September
12 2018 by Watsons to the campaign of Ms Richards?---Correct,
13 sir.

14 So that was on 5 September. I'm not going to play you
15 conversations, but just tell me whether you agree
16 generally with what I'm putting to you. I'd suggest on
17 9 October 2018 there was a phone call between yourself and
18 Mr Staindl where he told you that he had spoken with
19 Ms Richards about the Cranbourne West amendment and she
20 told him she was expecting an announcement in respect of
21 that shortly, and he indicated to you that she had asked
22 whether you would be able to get billboards put up for her
23 along Thompsons Road. Was there a conversation generally
24 along those lines?---Well, sir, I apologise. I can
25 remember putting the signs up in Thompsons Road, but
26 I can't remember the conversation.

27 All right. But that's consistent with what your understanding
28 was?---But there's no question that the signs promoting
29 the re-election of Pauline Richards was put up in

1 Thompsons Road, sir, yes.

2 Did you pay for those or did she pay for them? Did you pay for

3 those or did she pay for them?---No, I paid for them, sir.

4 How much was that?---Well, we had signs - - -

5 Were these billboards?---Sorry?

6 Were these billboards or what sort of signs are we talking

7 about?---No, they're - I guess they're probably about two

8 metres by a metre high on star pickets.

9 On stakes?---Yes, and the overall - we use existing signs. We

10 just get a new skin on them and our surveyors go out and

11 put them in - put them up as if they're driving pegs in,

12 you know. In total I probably would say it would be a

13 \$3,000 donation, sir.

14 Could we now play, please - - -

15 COMMISSIONER: That will be exhibit 57.

16 MR TOVEY: Thank you.

17 COMMISSIONER: NAB funds transfer.

18 #EXHIBIT 57 - NAB funds transfer.

19 MR TOVEY: I now want to go to 18 October and this is a

20 conversation which is tab 17.

21 (Audio recording played to the Commission.)

22 MR TOVEY: Can we just stop, please. This is a conversation

23 dated 18 October 2018 between yourself and Philip Staindl,

24 and the conversation takes place commencing at about 10

25 past 8 in the morning?---Excuse me, sir, could you please

26 just tell me what day of the week that is?

27 18 October, I don't know. I don't know, sir, but if you want

28 to look at your phone, you may. It's a Thursday I'm

29 told?---Thank you very much.

1 Okay. So let's start.

2 (Audio recording played to the Commission.)

3 MR TOVEY: Perhaps before I ask you about that, we might play
4 the totality of excerpts from that conversation. So could
5 we go on, please, to tab 19?---I apologise, sir, is this
6 the same conversation?

7 This is the same conversation but just a different excerpt.

8 Sorry, did I say tab 19? I apologise. Tab 18.

9 COMMISSIONER: Mr Tovey, before you go on, how are we looking
10 for time?

11 MR TOVEY: We should finish if we could sit on to 4.15.

12 COMMISSIONER: I was going to ask you, no doubt if you were
13 going to finish today, Mr Woodman would be happy to sit
14 on. If it's starting to look as though you won't finish,
15 then we should give him a break. (To witness.) How are
16 you feeling, Mr Woodman?---I'm quite okay. I must confess
17 that the last email was a bit of a shocker, but other than
18 that I'm happy to continue on.

19 What's your view, Mr Tovey?

20 MR TOVEY: I think that we should be almost there by 4, 4.15.

21 COMMISSIONER: Are you happy to sit on?---Yes, sir.

22 Very good.

23 (Audio recording played to the Commission.)

24 MR TOVEY: And could we go on then, same conversation, at tab
25 19 and after that tab 20.

26 (Audio recording played to the Commission.)

27 WITNESS: Mr Commissioner, sir.

28 COMMISSIONER: Yes?---Is there any - I wasn't sure if I was
29 going to have a chance to explain what was being discussed

1 there.

2 I'm sure you'll get ample opportunity, Mr Woodman?---Thank you,
3 sir.

4 (Audio recording played to the Commission.)

5 MR TOVEY: All right. So, in the course of those conversations
6 you are trying, are you not, to develop a strategy which
7 will get Labor to commit to the C219 amendment before the
8 election, whether it's formally or by way of a wink and a
9 nod?---No, sir, that's not correct. But could I have a
10 chance to explain what was actually happening?

11 Yes?---I believe the minister had already indicated that he was
12 going to conduct a review of the amount of employment
13 land, and what we were proposing was at the end of the day
14 that that review would be subjected to the independent
15 panel that had initially looked at 219 and had given it
16 its full support. We were aggrieved the fact that the
17 bureaucrats at Spring Street had a chance to go to the
18 independent panel and put forward the proposition that
19 there was insufficient industrial land. They had not done
20 that, but we were aggrieved that they had gone via what we
21 would call the backdoor to the minister and what we were
22 attempting to achieve, and I kept using the word "Labor
23 transparency", was what we were trying to achieve was the
24 fact that the results of a bureaucratic review of the
25 amount of employment land would be the subject to
26 independent review, not just their recommendation.

27 COMMISSIONER: So you were wanting a nod or a wink from
28 government before the election that they would have this
29 panel give the review its independent

1 consideration?---Correct, under their transparent policy
2 that they had promoted on numerous occasions, not only to
3 us but to others.

4 MR TOVEY: And you hoped to be able to rely on Pauline Richards
5 to promote that view?---We thought that Pauline Richards
6 would be one person that - well, I've got to say that was
7 probably ill-conceived because she wasn't the minister,
8 she wasn't the member for Cranbourne. In reflection,
9 I wasn't sure that I wasn't talking after the election
10 that she would put it to the minister. I'm not
11 100 per cent clear on that, sir.

12 COMMISSIONER: Mr Woodman, you've got your longstanding
13 colleague, Ms Graley, making representations to the
14 minister, you've got expectations that Ms Richards will
15 make submissions to the minister, you've got Mr Staindl
16 working on your behalf and making representations where he
17 could. You've in the past made contributions to all these
18 people. If we want to talk about transparency, how will
19 the minister know, when someone is giving him advice or
20 making a submission to him, that there isn't someone like
21 you standing behind them that has contributed to them and
22 is influencing them to make these submissions? How can
23 the minister know that what they are getting is just good
24 advice and not advice which is borne of the influence
25 which you are able to exert?---That is a very good
26 question, sir, that I have not the answer.

27 Isn't the short answer that we must have a law that precludes
28 developers from contributing to anyone who's going to play
29 a role in planning decisions?---I would agree 100 per cent

1 with you, sir.

2 MR TOVEY: And it was in the context of discussing how
3 Ms Richards might intervene on your behalf that you
4 decided, to use your words, to up the ante to \$20,000 from
5 the \$5,000 that you had previously pledged?---In respect
6 of the fact that she thought that there was an advantage
7 to the community and the fact that she was prepared to
8 support, like Jude Perera had, that as indicated on there,
9 yes, sir, I expressed the view to Mr Staindl, who then
10 said that Ms Richards wasn't the appropriate person, that
11 we should be contributing to other members of the Labor
12 Party who were more likely to require further funds for
13 their campaign.

14 COMMISSIONER: And then we have the dilemma you and I discussed
15 a little while ago. Is that their genuine view that they
16 are putting forward when they support this position or is
17 it the influence of the money that you've provided that is
18 leading them to do that? One never knows?---Commissioner,
19 if it wasn't for the two petitions of 1,100 people tabled
20 at parliament during Jude Perera's time, I doubt very much
21 whether I would have had the support from Pauline Richards
22 that had been indicated to me at a meeting that I had with
23 her.

24 But she came back to you - you were going to offer her \$5,000
25 to her campaign. She came back and asked for more, didn't
26 she?---Yes, sir. I put it that the Labor Party did. I
27 don't know - she wouldn't specifically ring me up and say,
28 "John, I need another \$20,000."

29 Sorry, who did that request come from?---I would suggest it

1 came from Mr Staindl.

2 And who made the request of him?---Well, it would have
3 been - it could be a number of Labor Party organisations.
4 I think Progressive Business is one of them. There are a
5 number of - as is the Liberal Party - there are a number
6 of organisations that make I guess representation to
7 business people about contributions.

8 But all of this is terribly problematic, isn't it?---It's
9 complex, sir.

10 And it's problematic then because the minister doesn't know
11 where - there's no transparency with the minister and
12 we're in that conundrum you'll never know whether the
13 person is advocating something because of the influence
14 you've been able to exert or because it's their genuine
15 view that this is the right thing to do?---Yes. I would
16 agree with you. If I could just qualify by saying that it
17 depends on the particular issue. I mean, no matter
18 whether it be Liberal or Labor Party, whether it be the
19 Minister for Planning for either, neither of them support
20 a proposal that's not supported in general by the
21 community and/or is good for the planning of the State of
22 Victoria. But I agree that behind that there is
23 sometimes, a great percentage of times, a landowner who
24 may have been contributing.

25 Yes, Mr Tovey.

26 MR TOVEY: I'm just going through this quickly then. On
27 19 October of 2018 there was a telephone intercept between
28 yourself and Ms Schutz and you in that intercept discuss a
29 SCWRAG letter that she was drafting and the letter was to

1 be provided to Mr Staindl who would then provide it to the
2 minister's chief of staff. That was part of your
3 strategy, was to have Mr Walker from SCWRAG with Megan
4 Schutz's assistance send a letter to the
5 minister?---Correct, sir. My understanding is - that's
6 some time ago - but that is my understanding of the
7 strategy.

8 And then you had a conversation with Mr Staindl, did you not,
9 this is a few days later on 22 October, about Mr Staindl
10 discussing that letter with the minister's chief of staff
11 in the hope of getting back a form of words which might
12 work; is that right?---Correct, sir. I still would like
13 to clarify it, saying I think it was not about approval of
14 C219, it was about - - -

15 I'm sorry, what I put to you was incorrect. Clearly that
16 conversation was talking about getting a process that you
17 thought would work towards that end?---Yes, that would
18 assist eventually with approval, yes.

19 So you wanted the issue to go back to PPV and get away from the
20 bureaucrats who were against you?---I wanted an
21 independent group of experts to pass their eye over what
22 the bureaucrats were suggesting was the outcome which was
23 best for the people of Cranbourne West.

24 Could I then go to tab 165, please.

25 COMMISSIONER: I'll make the excerpts between Mr Staindl and
26 Mr Woodman of 18 October exhibit 58.

27 #EXHIBIT 58 - Excerpts of phone call between Mr Staindl and
28 Mr Woodman on 18 October 2018.

29 MR TOVEY: Now this was a discussion between you and

1 Mr Kenessey on 23 October of 2018 at 4.17 in the
2 afternoon.

3 (Audio recording played to the Commission.)

4 MR TOVEY: So you were confident that in view of your generous
5 offer to her, being \$20,000 plus election signs, that
6 she'd deliver for you?---I've got to say, sir, I thought
7 we were talking about a girl called Jill - Jacinta Allan,
8 not Pauline Richards, but I stand to be corrected.

9 No, you're talking there about Pauline Richards, are you not?

10 COMMISSIONER: That's not my impression, Mr Tovey. I thought
11 there's a discussion here about Jacinta Allan.

12 MR TOVEY: No.

13 COMMISSIONER: Do you want to go back to the beginning of the
14 section?

15 MR TOVEY: It's speaking about "Jacinta Allan, probably one of
16 the smartest politicians in a Judy Graley sort of way, not
17 a Jude Perera, but I've got to say this girl" - and "this
18 girl" is the person you're putting the signs up for and
19 the person you're putting the signs up for is Pauline
20 Richards, isn't it? This is the girl who's grateful for
21 you putting a sign up on your property about what the
22 Labor Party are doing at the Evans Road
23 intersection?---Yes, sorry, sir. The part I was confused
24 about was when - - -

25 No, that's okay. I think that's a reasonable
26 misinterpretation. You've just got to read it
27 carefully?---Yes, it's just that when get to the point of
28 saying - - -

29 I can't say that I haven't got a few things wrong myself.

1 COMMISSIONER: Does Ms Richards live at Lyndhurst?---Yes, yes.

2 It's just - I'm surprised down the bottom, I think I make
3 an outrageous statement that she's going to be able to
4 deliver. Well, there was only Jacinta Allan could be put
5 in that category in relation to delivering what we thought
6 was a transparent process going forward for 219 in view of
7 the deferment.

8 MR TOVEY: In there you say, "She took the letter". That was
9 the SCWRAG letter, was it not?---I'd imagine so, sir, but
10 I'm not 100 per cent sure.

11 "And she's totally on board" and you say that at least several
12 times.

13 COMMISSIONER: This is Ms Richards?

14 MR TOVEY: This is Ms Richards.

15 COMMISSIONER: Who did you understand was working with
16 Mr Staindl to get this introduced prior to caretaker
17 mode?---I understood it was Jacinta Allan, sir, because
18 Ms Richards was not part of the government at that stage
19 and certainly wouldn't have access to a minister.
20 I apologise for the confusion in the conversation because
21 it's confusing to me after reading it.

22 MR TOVEY: In the end you concluded that, "If this doesn't
23 happen it will be over her dead body." So you thought she
24 was going to advocate for you 100 per cent, probably
25 110 per cent in view of your generous offer to her?---For
26 putting signs up, sir. Unfortunately, I must apologise
27 for some of the outlandish boy to boy discussions that
28 have been shown to me today. "Over my dead body" is
29 I guess a term of, "Look, we're very confident that we're

1 going to be successful in obtaining a transparent
2 process."

3 I can take you to other conversations, but I just want to put
4 to you your view as expressed there and elsewhere was if
5 anybody could get you across the line, she could, that is
6 Pauline Richards?---No. I apologise, sir, because - - -
7 I suggest that you said that in terms in a subsequent
8 conversation on 29 October?---Yes, look, are we talking
9 about this conversation, sir?

10 No, I'm suggesting to you you discussed the same thing again on
11 29 October. So this was on the 23rd, so six days later
12 you and Mr Staindl discussed the same thing and you said
13 to him, "Look, if anybody can get us across the line, she
14 can"?---Yes, but we're talking about Jacinta Allan.

15 No, we're talking about Pauline Richards?---I don't believe so,
16 sir.

17 I'll take you to tab 207.

18 COMMISSIONER: That last tape then will be exhibit 59,
19 23 October, Mr Kenessey and Mr Woodman phone call.

20 #EXHIBIT 59 - Excerpt of phone call between Mr Kenessey and
21 Mr Woodman on 23 October 2018.

22 WITNESS: I must apologise, sir, because I am working from a
23 thought process. I am not 100 per cent familiar with each
24 of these conversations. I'm probably not doing myself or
25 anyone justice in filling in the gaps, but Pauline
26 Richards would not be in a position to persuade anyone at
27 her level of being a candidate for the city of - for the
28 seat of Cranbourne as against being a minister of the
29 Labor government as Jacinta Allan was.

1 MR TOVEY: Before we get there, you had in fact met with her
2 personally, had you not, and I suggest to you you were
3 surveilled meeting her at the Sofitel Hotel.

4 COMMISSIONER: Who is "her"? Ms Richards?

5 MR TOVEY: That's Pauline Richards?---Correct, sir.

6 And you had sought an unequivocal commitment from her that she
7 would put forward the program that you were advocating
8 for?---That was the transparent program for the future
9 review of the outcome of the bureaucratic review of
10 economic land use, yes, sir.

11 It was in view of that attitude that she had expressed to you
12 that you increased it from \$5,000 to \$20,000?---I could
13 very well have, sir, yes, sir. As I said, unfortunately
14 we're talking about some over 12 months ago and
15 I apologise, sir, for - - -

16 Can we go to tab 207, please.

17 COMMISSIONER: This is 29 October?

18 MR TOVEY: This is 29 October 2018 at 10.24, Mr Commissioner.

19 (Audio recording played to the Commission.)

20 MR TOVEY: All right. So, now do you agree that at that time
21 you had indicated to Mr Staindl that your view was that if
22 anybody could get your project across the line you thought
23 Pauline could?---Yes, that's right, sir, in relation
24 to - and again I apologise, sir, this conversation is some
25 time ago. I believe it was to do with the review,
26 the already determined minister review of the amount of
27 industrial land that was required in the State of
28 Victoria, but I stand to be corrected, sir. I apologise,
29 sir, I guess I should be just saying, "Look, I'm not

1 familiar" or "I don't know", but I - - -
2 We are still in any event in that lead-up to the November
3 election. You ran a fundraising function, did you not, at
4 Crown Casino for Jude Perera, Martin Pakula and Judith
5 Graley?---On which day, sir?
6 Well, it was around the period of November of 2018, something
7 you discussed, I suggest, with Ms Woodman. Sorry, that
8 was a discussion relating back to something else before.
9 I withdraw that. Apparently that discussion related to a
10 function you had run some years before?---Yes.
11 At that time you also, you told us, helped out Susan
12 Serey?---Yes.
13 She was another candidate, was she, standing in that
14 election?---For the Liberal Party, yes, sir.
15 And she was also a councillor?---Yes, sir.
16 And so in her case I suggest to you that Watsons made a total
17 payment of \$16,425 for mail-outs that you did?---I believe
18 so, sir.
19 And to your knowledge was that ever disclosed in any political
20 return?---I'm not familiar whether it is or it isn't, sir.
21 At that stage it was my understanding that at State
22 Government level there wasn't a requirement for
23 disclosure, but I stand to be corrected.
24 COMMISSIONER: Are you talking about disclosure at council
25 level, Mr Tovey?
26 MR TOVEY: Disclosure at either council - I think at council
27 level Susan Serey did make what is arguably an appropriate
28 disclosure. I can't remember the exact details. But I'm
29 talking about at government level, and there was no

1 return, was there, indicating that this - - -?---No, sir.
2 All right. So I think the State election was on
3 24 November?---Excuse me, Mr Commissioner. Can I just
4 have one minute to go to the - - -
5 COMMISSIONER: Yes, of course?---I promise I'll only be - - -
6 Just bear with me a moment. Are we still on schedule to finish
7 today, Mr Tovey?
8 MR TOVEY: Yes, I think so, Mr Commissioner.
9 COMMISSIONER: Very good. We'll break for five minutes,
10 Mr Woodman.
11 (Short adjournment.)
12 COMMISSIONER: How are you feeling, Mr Woodman?---Thank you.
13 Just to ask you: in relation to Councillor Serey, that as
14 I understand it from looking at the declarations,
15 Mr Woodman, she never declared for the purpose of council
16 process the contribution you made by way of supporting her
17 postal campaign and yet she remained in council meetings
18 and voted on motions in relation to you. Were you aware
19 of that?---No, I wasn't, sir.
20 Is that something you often did, support a councillor with a
21 postal campaign?---Not normally, sir.
22 How did you do that with her? Where was that done?---I'm only
23 recalling, sir, that the letters would be dropped to our
24 Mornington office and they would be then posted out via
25 the Mornington Post Office.
26 So done through your office?---Yes, sir.
27 And were they done in such a way that it would not disclose
28 that your office had played any role in the postal
29 campaign?---Sir, we get an account from the post office on

1 a monthly basis and pay the account. It doesn't actually
2 give us a breakdown of what is sent on every occasion, no,
3 sir.

4 No, but were you conscious of the fact that following that
5 process it would not disclose to anyone that you had
6 supported her campaign in that way?---Yes, sir.

7 MR JUEBNER: Commissioner, just in relation to the observation
8 that she didn't declare a conflict of interest, my records
9 indicate that from 4 September 2018 she did in the council
10 meetings declare a conflict of interest.

11 COMMISSIONER: For what, Mr Juebner?

12 MR JUEBNER: I understand, Commissioner.

13 COMMISSIONER: And, sorry, does it show that she withdrew from
14 motions concerning your client?

15 MR JUEBNER: Yes, that appears to be what my records - - -

16 COMMISSIONER: I see. But the nature of the interest doesn't
17 disclose this?

18 MR JUEBNER: These are records taken off the internet website
19 of the council that wouldn't have that level of detail.

20 COMMISSIONER: I see. We'll need to look at that.

21 MR JUEBNER: Yes.

22 COMMISSIONER: Thank you. Yes, Mr Tovey.

23 MR TOVEY: Might I be excused just for a moment?

24 COMMISSIONER: Yes.

25 WITNESS: Excuse me, Mr Commissioner, can we just go back? Did
26 you say a letter drop for the State campaign?

27 COMMISSIONER: No, no, for council?---No, I believe it was for
28 the State campaign.

29 State campaign?---I believe it was for the State campaign.

1 Yes?---That we sent out letters on behalf of Susan Serey.

2 MR TOVEY: Mr Commissioner, could we please have played, and
3 this will be the last TI I'll have played to this witness,
4 tab 85.

5 COMMISSIONER: I'll mark the phone call excerpt between
6 Mr Woodman and Mr Staindl 23 October exhibit 60.

7 #EXHIBIT 60 - Excerpt of phone call between Mr Woodman and
8 Mr Staindl on 23 October 2018.

9 MR TOVEY: And this is a conversation between Mr Woodman and
10 Mr Kenessey on 17 January 2019 at 10.41 am.

11 (Audio recording played to the Commission.)

12 MR TOVEY: Now, that was a conversation between you and Tom
13 Kenessey?---Yes, sir. In January?

14 That's right?---Yes, sir.

15 Did you say anything in the course of that conversation which
16 wasn't true?---Sir, the only thing that I cannot recall
17 clearly is that I thought that at the meeting with Pauline
18 Richards and the reference to the 20,000 that she
19 expressed the opinion that there were other more wanting
20 candidates. But the rest of that transcript is - appears
21 to be correct, sir.

22 COMMISSIONER: I'm sorry, just forgive me, Mr Tovey. (To
23 witness.) So you recall having a discussion with
24 Ms Richards about increasing your donation to her?---Yes,
25 sir.

26 To 20,000?---I can't remember the exact amount, but it was
27 discussed, sir.

28 And at the end of that conversation what had you agreed
29 on?---My understanding - look, I can't remember, sir,

1 exactly.

2 But did you agree you would up the amount?---Yes, sir.

3 But you told me before that the request that you increase her
4 donation didn't come from her; it came from Mr Staindl or
5 someone else?---I apologise, sir. Mr Staindl was at that
6 meeting with Pauline Richards. So, I mean, it's a
7 three-way discussion. I can't remember exactly who
8 requested it.

9 MR TOVEY: But more than that, sir, you have been totally
10 untruthful, have you not, insofar as since day one you
11 have asserted that your donation of funds to support the
12 campaign of Ms Richards had nothing whatsoever to do with
13 your business interests? You said that unequivocally on
14 at least three occasions. That was a lie, wasn't
15 it?---Well, sir - - -

16 It was a lie, wasn't it?---I don't believe so, sir.

17 How else can you explain what you are saying here? You are
18 saying here that your agreement to up the ante was because
19 she had agreed to support your business interest?---After
20 she was elected, sir; yes, sir.

21 Okay. Thank you. And when you said, sir - now what you are
22 doing here is you are talking to Mr Mr Kenessey about the
23 fact that there are people at Leightons who want you to
24 state on paper what your ongoing strategy is to achieve a
25 result in respect of C219?---Yes, sir.

26 And you are saying, "If I put this on paper I'll go to
27 gaol"?---No, sir. CIMIC have a policy - - -

28 No, I'm not talking about - CIMIC can't send you to gaol.

29 CIMIC can't send you to gaol, can they?---It's a very

1 loose term, sir. CIMIC - - -

2 What you said, I suggest, is this. It's got nothing - CIMIC

3 cannot send you to gaol, can they?---No, they can't.

4 Okay. Good. I wasn't sure whether you were going to agree

5 with that or not. But what you said is, "If I'm going to

6 tell the truth I'm going to finish up either in gaol or

7 somewhere in a very unnice place." The truth was that you

8 were a criminal and you knew it?---No, sir. If I take the

9 opportunity to explain to you, CIMIC have a policy that

10 basically prohibits persons from contributing to political

11 parties, and at the request of Tom Kenessey on occasions

12 they would request me to support a particular party of

13 which I would do.

14 And you thought you might go to gaol for that?---No, sir.

15 Then your answer has absolutely nothing to do with the question

16 that I asked you, does it? It's just another piece of

17 waffle?---Sir, it's a political donation, sir. I don't

18 see - talking about going to gaol is as a loose term with

19 Mr Kenessey.

20 What you knew at that stage was what you had done would get you

21 a gaol sentence because you had been setting out

22 willy-nilly to corrupt councillors and others if you

23 could?---I disagree with you, sir.

24 COMMISSIONER: The context in which you said it - do you

25 remember the context in which you explained that you

26 couldn't put on paper what you had been doing? Do you

27 remember the context in which you said that?---In this

28 particular conversation?

29 Yes?---Yes, sir. Because CIMIC have a policy, and I'm not sure

1 whether it was brought in by the new owners, but they have
2 a policy that people working for them, consultants working
3 for them, cannot support political parties.

4 But as counsel assisting said that's not going to put you in
5 gaol or in an unkind place?---No, correct, sir. And there
6 was no intention - that term is a very loose term, sir.
7 It's not meant to be that I'm going to go to gaol. It's
8 meant to be that it's against CIMIC's policy to provide
9 funds to political parties. And on occasions Tom would
10 ask me, for instance with Susan Serey, to support her
11 party. And in fact the whole email came about because of
12 the fact that after The Age article CIMIC decided that
13 I wasn't performing the duties that they had duly paid me
14 for and were going to cease my contract.

15 Yes, Mr Tovey.

16 MR TOVEY: The simple fact was that if you told the truth in
17 this document you would have to disclose that you had
18 committed what you believe were crimes; that's the truth,
19 isn't it?---Sir, donating to political parties in
20 Australia is not a crime.

21 That's not what you were talking about. I have no further
22 questions?---I apologise, sir, could you ask that question
23 again?

24 I said that's not what you were talking about?---That's exactly
25 what I was talking about in this discussion, sir.

26 No further questions.

27 COMMISSIONER: Thank you. So, Mr Juebner, it's a matter for
28 you - - -

29 MR JUEBNER: I don't propose to re-examine at this stage on

1 anything that's been the subject of evidence. I simply
2 reserve the right at the end of all of the evidence if
3 I choose at that stage to do so to ask questions, sir.

4 COMMISSIONER: Yes. Very good. 10 o'clock tomorrow morning,
5 Mr Tovey?

6 MR TOVEY: Yes, thank you, Mr Commissioner.

7 MR JUEBNER: Could I ask, sir, what's the position now with
8 Mr Woodman having given this evidence? Is he now
9 discharged from the summons that he received, just to
10 clarify that point?

11 COMMISSIONER: Thank you. I'm glad you reminded me.

12 MR JUEBNER: I think I'm going to get an answer I don't like,
13 but I would rather it be clarified.

14 COMMISSIONER: I'm glad you remind me, Mr Juebner. Just have a
15 seat for a moment, Mr Juebner.

16 MR JUEBNER: Thank you.

17 COMMISSIONER: While I'm reminded, the last document, the
18 conversation between Mr Woodman and Mr Kenessey, will be
19 exhibit 61.

20 #EXHIBIT 61 - Phone conversation between Mr Woodman and
21 Mr Kenessey on 17 January 2019.

22 COMMISSIONER: Mr Woodman, I won't excuse you finally from
23 these hearings because it may be necessary at some later
24 stage to re-call you. You'll appreciate that there are
25 other witnesses to be examined who will no doubt be
26 talking about matters that involve you. Your counsel may
27 have an opportunity, if he or she wishes, to cross-examine
28 them and at the conclusion of the evidence your counsel
29 may seek to re-examine you. But that will have to wait at

1 least for some time. So I won't finally excuse you. If
2 in the meantime, however, you want to look at the evidence
3 that you have given or any of the exhibits that have been
4 tendered you need only make contact, either yourself or
5 through your solicitors, with the Commission and they'll
6 make arrangements for you to be able to view your
7 transcript of evidence or, if you prefer, view a video
8 recording of your evidence or look at any exhibit that you
9 wish to; do you follow?---Yes, sir.

10 Do you have any questions of me at the moment?---Not at this
11 point, sir, no, sir.

12 Very good. Thank you for your attendance, and we'll adjourn
13 until 10 am tomorrow morning.

14 <(THE WITNESS WITHDREW)

15 ADJOURNED UNTIL WEDNESDAY, 27 NOVEMBER 2019 AT 10.00 AM

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