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TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 28 NOVEMBER 2019

(8th 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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*Every effort is made to ensure the accuracy of transcripts. Any inaccuracies will be corrected as soon as possible.*

1 COMMISSIONER: Yes, you seek to appear for Mr Ablett?

2 MR WALLWORK: Yes, Commissioner.

3 COMMISSIONER: And what is your name?

4 MR WALLWORK: My name is Wallwork, Trevor Wallwork,  
5 W-A-L-L-W-O-R-K, of counsel. I appear on behalf of  
6 Councillor Ablett.

7 COMMISSIONER: Very good.

8 MR WALLWORK: Instructed by Wotton & Kearney.

9 COMMISSIONER: And you are instructed by what & Kearney?

10 MR WALLWORK: Wotton & Kearney.

11 COMMISSIONER: Thank you.

12 MR WALLWORK: Councillor Ablett is present.

13 COMMISSIONER: Yes. Come forward, please, Mr Ablett. Just  
14 have a seat in the witness box, would you.

15 MR ABLETT: Mr Commissioner, could I take my coat off?

16 COMMISSIONER: Yes, certainly.

17 MR ABLETT: Thank you.

18 COMMISSIONER: So, Mr Ablett, as the IBAC Commissioner I'm  
19 conducting these public examinations and, unless  
20 I otherwise order, the examinations will continue to be  
21 conducted in public. It may be necessary for me to make a  
22 suppression order or to order that any aspect of the  
23 proceedings be in closed hearing, and if that's so I'll  
24 make that clear to you as we go.

25 The examination is what we call an inquisitorial  
26 examination; that is, we are simply searching for facts at  
27 this stage, Mr Ablett. The Commission is not bound by the  
28 rules of evidence, and the way in which the examination  
29 proceeds can be regulated by the Commission.

1 I understand you are represented by Mr Wallwork  
2 of counsel. So at the conclusion of questions which  
3 Counsel Assisting may ask you he will have an opportunity  
4 to examine you if there are further matters that you want  
5 to address or to clarify anything that you've said if it  
6 hasn't already been sufficiently clarified.

7 I've made an order that witnesses that are to be  
8 called in the proceedings not remain in the hearing of  
9 the proceedings until they are called on to give their  
10 evidence, and the reason for that is that in order to  
11 ensure that the investigation is not prejudiced we don't  
12 permit witnesses to talk to each other about the evidence  
13 that's been given in the case, and that order will  
14 continue after you cease to give evidence. Do you follow?

15 MR ABLETT: Yes.

16 COMMISSIONER: At the conclusion of your examination, if there  
17 are other parties that wish to cross-examine you they may  
18 indicate that they desire to do so. Whether they will be  
19 permitted to do so is another question, and that will  
20 depend on what it is they want to cross-examine you about.  
21 Thus far no-one has cross-examined a witness. Those  
22 issues have been deferred until later in the proceedings.

23 <GEOFFREY NORMAN ABLETT, sworn and examined:

24 COMMISSIONER: I'm required to advise you of the nature of the  
25 matters in respect of which you will be asked questions by  
26 Counsel Assisting and perhaps others. They are in  
27 relation to, first, your knowledge of the City of Casey  
28 Council in relation to consideration of development  
29 applications and other planning matters within the City of

1 Casey; second, the transparency of planning and property  
2 development decision making within Victoria, including but  
3 not limited to local government; third, whether public  
4 officers involved in planning and property development  
5 decision making have been improperly influenced through  
6 donations, gifts or other hospitality; fourth, the  
7 circumstances surrounding any actual and potential  
8 financial benefits obtained by any public officer, their  
9 families or their associates resulting from or otherwise  
10 in connection with planning and property development  
11 decision making within Victoria; and, five, the systems  
12 and controls in place within public bodies and in  
13 particular the City of Casey Council concerning planning  
14 with particular focus on the existence and adequacy of  
15 systems and controls for ensuring the integrity of the  
16 planning process, including by detecting instances of  
17 public officers providing benefits to themselves, their  
18 family, friends or associates. You understand the  
19 breadth, then, of the examination from those  
20 questions?---Yes, Mr Commissioner.

21 Yes. You were served with a summons to attend today. At the  
22 time that you received the summons were you also given a  
23 document headed "Rights and obligations"?---Yes, I believe  
24 I was, yes.

25 And have you gone through those rights and obligations with  
26 your counsel? Has Mr Wallwork explained to you those  
27 rights and obligations?---Yes, I think so, yes.

28 Because if you are not sure I'm happy to go over them again  
29 with you.

1 MR WALLWORK: It may be appropriate to briefly go over them in  
2 this forum, sir.

3 COMMISSIONER: Very good. I'll do that. (To witness.) So your  
4 rights and obligations are you are entitled to seek legal  
5 advice in relation to the summons and the examination.

6 You have obviously done that?---Yes.

7 You have a right to legal representation at the examination,  
8 and I take it you are content to proceed with Mr Wallwork  
9 representing you?---Yes.

10 That you have a right to an interpreter. You don't require  
11 one?---No.

12 If applicable - and you don't need a parent or a guardian to  
13 look after you, Mr Ablett?---No.

14 Now, in relation to the evidence that you give you are not  
15 excused from answering a question or providing information  
16 or from producing a document or other thing on the ground  
17 that the answer, information, document or other thing may  
18 tend to incriminate you or make you liable to a penalty,  
19 which means that you can't rely on the fact that some  
20 answer that you are required to give might tend to  
21 incriminate you. Do you understand that?---Yes.

22 However, any answers, information, document or other thing that  
23 you give evidence about will not - subject to an exception  
24 that I will come to in a moment, cannot be used against  
25 you in any court proceedings. In other words, your  
26 evidence today is not - will not be admissible against you  
27 in court proceedings, and that exception is in relation to  
28 the offence of perjury. If you say anything today which  
29 is false or untrue you may be prosecuted for perjury in

1 relation to that evidence, and for that purpose the  
2 evidence or the answers that you give can be used against  
3 you for that purpose. You understand that?---Yes.

4 And you, I take it, understand that there is a significant goal  
5 term associated with the offence of perjury?---Yes.

6 In relation to the proceedings, you've got a right to complain  
7 to the Victorian Inspectorate about any aspect of the  
8 process if you are dissatisfied about some aspect of your  
9 examination. In summary, therefore, your obligation is to  
10 answer questions truthfully, and your obligation exists  
11 notwithstanding that your answers may incriminate you.  
12 But, importantly, so long as you answer the questions  
13 truthfully your evidence will not be admissible in a court  
14 of law. Do you have any questions in relation to what  
15 I have explained to you?---No, Commissioner.

16 Very good. During the course of the proceedings normally after  
17 an hour and a half or so we tend to break, give you a  
18 break for a few minutes, and if, as I expect, your  
19 examination will go into Monday we'll break for lunch. At  
20 any adjournments you are entitled to leave the building if  
21 you wish. The important thing is that you are always back  
22 here at the time we have said we will resume. Do you  
23 follow that?---Yes, Mr Commissioner.

24 Very good. Yes, Mr Tovey.

25 MR TOVEY: What is your full name, please, sir?---Geoffrey  
26 Norman Ablett.

27 And did you attend here today in response to a summons served  
28 on you?---Yes, I did.

29 And could you have a look at the documents that are being

1 handed to you and satisfy yourself that that was a summons  
2 numbered SE3189?---Yes, I did receive that document.  
3 And with the summons did you receive a document entitled  
4 "Section 121(3)(c) - Statement of rights and  
5 obligations"?---Excuse me, was that in this document?  
6 And did you - - -  
7 COMMISSIONER: I'm sorry, Mr Tovey, Mr Ablett is asking - -  
8 -?---Sorry, Mr Tovey, was that in this document that I've  
9 just been handed? Because I've been through that.  
10 MR TOVEY: It should be attached to the summons there,  
11 yes?---I've got a summons. Sorry.  
12 If you go over two pages to the third page you'll see a  
13 document headed "Section 121(3)(c) - Statement of rights  
14 and obligations in relation to an investigation"?---Yes,  
15 I did receive that.  
16 So you did receive that?---Yes.  
17 And did you receive a covering letter, a copy of which I think  
18 has also been handed to you, dated 18 October of  
19 2019?---Is that the one "Private and confidential"; that  
20 one here?  
21 Yes?---Yes, I have received that, yes.  
22 Mr Commissioner, I tender that bundle of documents.  
23 COMMISSIONER: Yes. So the summons to attend, letter and  
24 rights and obligations document will be exhibit 82.  
25 #EXHIBIT 82 - Summons, letter and rights and obligations  
26 document.  
27 MR TOVEY: In the lead-up to giving your evidence here did you  
28 on 24 November provide an interview to a journalist with  
29 the Herald-Sun or in the lead-up to 24 November provide

1 such an interview?---Was that the one that was in the  
2 paper, sir?

3 Well, are you familiar with a publication - sorry, in the  
4 Sunday Herald-Sun on 24 November with a picture of you,  
5 "I am not corrupt", do you - - -?---Yes. Yes, I do, sir.

6 And you've read through that report, have you?---The article?

7 COMMISSIONER: You mean you've read the article?

8 MR TOVEY: The article in the Sunday Herald-Sun?---Yes, I did.

9 And was that - did you answer that truthfully?---Yes, I did.

10 And honestly?---Yes, I did.

11 COMMISSIONER: So you are satisfied with the accuracy of the  
12 things you said in the article?---Yes, Commissioner.

13 Very good.

14 MR TOVEY: And the purpose of that was to try and have people  
15 recognise that you are not corrupt ahead of your giving  
16 evidence here at IBAC?---My wife was very upset and  
17 some - - -

18 What was the purpose of giving the article? Was it to have the  
19 journalist to put forward your side of the story to try to  
20 demonstrate you're not corrupt?---Yes, sir . Yes, sir.

21 And in doing that you said this: "I've never been interviewed  
22 by anyone on any of these matters, yet on Wednesday in  
23 front of the public and media I will be asked questions",  
24 et cetera; is that what you said to the journalist?---Yes,  
25 I did.

26 Is that all you said?---Yes. She altered the article that we  
27 did a bit.

28 I mean, the point you were making was that it was unfair in a  
29 sense for you to be hauled up before an inquisitorial

1 process having never been given the - - -?---There  
2 was - sorry.  
3 Having never been given the opportunity of explaining  
4 yourself?---Yes, I've never been used to that type of  
5 arrangement before.  
6 And your point - the point you were making was that you were  
7 anxious to give your side of the story to any  
8 investigating authority?---Not any. A lot rang, but only  
9 that one particular person.  
10 But what you were trying to suggest there was that you were  
11 anxious to give your side of the story?---Yes, I wanted to  
12 give my side of the story to a degree, yes.  
13 And when were you seized with that anxiety, sir? Was it  
14 recently or - - -  
15 COMMISSIONER: I think that might be a bit subtle, Mr Tovey.  
16 MR TOVEY: Okay. (To witness.) You were asked, were you  
17 not - these allegations or some of the allegations that  
18 you have now read about first came up when they were dealt  
19 with by the Victorian Ombudsman; that's true, isn't  
20 it?---There was an Ombudsman's review I think about 2015.  
21 Yes, that started, I'd suggest to you, in August of  
22 2014?---Okay.  
23 Does that ring a bell with you?---It'd be around that time,  
24 sir.  
25 And then continued through until a report was given in November  
26 of 2015; is that right?---That would be about right.  
27 And one of the matters that that report covered was allegations  
28 that there was an inappropriate relationship between  
29 yourself and Mr Woodman?---I can't remember the report,

1 but it came back to council and council thought everything  
2 was fine.

3 At that stage you were given the opportunity, were you, to put  
4 your side of the story in respect of your relationship  
5 with Mr Woodman?---No.

6 Paragraph 89 of the Ombudsman's report says this: "Councillor  
7 Ablett attended for interview with my officers on two  
8 occasions. On the first occasion Councillor Ablett  
9 declined to answer questions without being compelled to do  
10 so by order of a summons." Was that the case?---I was  
11 with a lawyer who instructed me to answer the way I did.

12 So was it the case that when the Ombudsman gave you the  
13 opportunity of explaining your side of the story your  
14 first response was, "I will only do that if compelled to  
15 do so by a summons"; was that your response?---I don't  
16 remember. I only took legal advice, sir. I took - - -

17 Did you really want to cooperate with the - - -?---I did.

18 I took legal advice from my lawyer, sir.

19 Yes, and you wanted to cooperate but the lawyers told you not  
20 to?---Yes, sir - no, they just said - not cooperate. They  
21 told me this is the way to answer the questions.

22 And at that stage you were a councillor; is that right?---Yes,  
23 sir.

24 And then - you then came back before the Ombudsman - - -

25 COMMISSIONER: You were in fact the mayor at that time, were  
26 you not, late October 2014?---I think I was, sir, yes.

27 MR TOVEY: In fact, you came back before the Ombudsman because  
28 the Ombudsman did what was asked, and that was issued a  
29 summons compelling you to give evidence, and at that stage

1 you refused to answer any questions, did you not?---I'm  
2 not sure when you mean that he came back to me a second  
3 time. I remember going to a building and answering  
4 some - with a lawyer, and that was the only time I believe  
5 I was required to answer questions.

6 According to the Ombudsman, you attended on two occasions; on  
7 the first occasion you said, "I'll only give an answer if  
8 summonsed and made to give answers"; and then on the  
9 second occasion you declined to answer?---That would have  
10 been on lawyer's advice, I would - - -

11 And on what basis did you tell the Ombudsman you were declining  
12 to answer on? What was the basis of your declining to  
13 answer?

14 MR WALLWORK: Mr Commissioner, the question has been asked and  
15 answered in the sense that it was a - - -

16 COMMISSIONER: I'm sorry, sir?

17 MR WALLWORK: I object to the question, sir, on the basis that  
18 the question has been asked and answered, and the witness  
19 has said, "I did so on legal advice."

20 COMMISSIONER: Yes, I don't think it's been fully answered,  
21 Mr Wallwork.

22 MR TOVEY: What did you tell the Ombudsman as to why you were  
23 refusing to answer questions the second time  
24 around?---I believe I was instructed to say - I'm trying  
25 to remember the words - "I can't answer the questions on  
26 grounds it may incriminate me". That's what my  
27 lawyer - I think they were the words my lawyer instructed  
28 me to say.

29 Was that the truth?---It is the truth.

1 So you thought that by answering questions - - -?---No, my  
2 lawyer instructed me - - -

3 When you said that to the Ombudsman were you telling the  
4 Ombudsman the truth, that you were worried that you might  
5 incriminate yourself?---I did that on legal advice, sir.

6 No, I'm asking you about what you thought, not about what your  
7 lawyers told you - - -?---No, I didn't think - - -

8 When you looked at the Ombudsman and the - I think it was a she  
9 at the time, was it - and she asked you to - sorry, when  
10 you looked at the Ombudsman's officers, they asked you to  
11 answer questions and you looked them in the eye and said,  
12 "I'm not answering questions on the grounds that it might  
13 incriminate me," was that the truth?---I didn't believe  
14 I had done anything wrong, but I followed legal advice,  
15 sir.

16 So you misled them then because you didn't have any such belief  
17 that there were grounds that your answers might  
18 incriminate you?

19 MR WALLWORK: Mr Commissioner, I object to the questions.

20 COMMISSIONER: Just have a seat for a moment, Mr Tovey. Yes,  
21 Mr Wallwork.

22 MR WALLWORK: Mr Commissioner, I object to the question in the  
23 sense that it is, one, unfocused and therefore unfair to  
24 the witness; two, it is unfair to the witness per se as to  
25 the basis of the puttage in the sense that it is requiring  
26 the witness to impeach his own instructions to his lawyer  
27 at the time and that to consider now whether he was being  
28 truthful or not when it's clear to you, sir, that he was  
29 simply saying on oath now that he is - he was answering

1           those questions on legal advice, and that was the  
2           threshold there.

3   COMMISSIONER:  Yes, I think the more significant thing,  
4           Mr Wallwork, is he has said that he didn't believe that he  
5           had done anything wrong.  What that says about the legal  
6           advice he got then is another question.  But we don't need  
7           to go into that.

8   MR WALLWORK:  I won't go into that, sir.

9   COMMISSIONER:  Mr Tovey, given the witness's answer that,  
10           notwithstanding the fact that he claimed the privilege not  
11           to answer questions on the grounds of self-incrimination,  
12           his evidence being that he didn't believe he had done  
13           anything wrong, I think we can move on.

14   MR TOVEY:  So when you said to the Herald-Sun you had never  
15           been interviewed by anyone in respect of these matters did  
16           you say, "Look, I was asked by the Ombudsman but  
17           I declined"?---I didn't relate the Ombudsman to - it might  
18           be my ignorance, I'm sorry.  I didn't relate the Ombudsman  
19           to the IBAC that's happening now.

20   Then you went on in the course of that article to indicate that  
21           council records will be produced on Wednesday indicating  
22           that you were always acutely aware of issues relating to  
23           conflict of interest; did you say that to the  
24           journalist?---No, sir, I said to the journalist that we  
25           have conflict of interest forms that would verify that  
26           I declared a conflict of interest on any matter related to  
27           John Woodman or his son's company.  Those were the  
28           journalist's words, not mine.

29   And so in any event have you been through the council records

1 and your own records seeking to get a comprehensive view  
2 as to when and in what form you declared a conflict of  
3 interest over your time at the council?---I have been  
4 through the forms to do with all of the projects that  
5 Mr Woodman was involved in.

6 And which were they?---I'm trying to remember. It was the  
7 Brompton Lodge. There was Cranbourne West. There was  
8 Hall Road. There was Pavilion Estate, and there could  
9 have been some other ones I can't remember.

10 And have you summarised those records or made copies of  
11 them?---I've got some copies at home and I believe my  
12 legal team have a copy of those.

13 When was the first time that you declared a conflict of  
14 interest in respect of any matter relating to some project  
15 in which Mr Woodman, to your knowledge, had an  
16 interest?---Off the top of my head I couldn't tell you  
17 that date.

18 All right.

19 COMMISSIONER: Presumably, Mr Ablett, when you were providing  
20 the information to the journalist you'd satisfied yourself  
21 that what you were telling the journalist was accurate;  
22 namely, that when a conflict of interest had arisen with  
23 Mr Woodman or his son's companies from that time onwards  
24 you had always declared a conflict of interest? Had you  
25 satisfied yourself as to that?---I'm satisfied with  
26 that the - I will bring up one anomaly that we are dealing  
27 with at council at the moment, and that is sometimes when  
28 agendas come out, and this may be, if I may suggest  
29 it - - -

1 Yes?---For example, it may be a daffodil precinct plan. It's  
2 only been recently where I went to our governance team and  
3 a number of councillors followed my suit in asking the  
4 governance team to find out the names or directors or  
5 anyone involved in that, which they have started to do.

6 Yes?---Which we believe should be in the agenda.

7 I'm sorry, is that to indicate there might have been an  
8 occasion when you didn't appreciate that Mr Woodman or his  
9 son or one of their companies had an interest in a motion  
10 that you participated in?---If they were involved in  
11 something other than the ones I knew over somewhere else,  
12 that could have happened - - -

13 Yes, I follow?---Inadvertently.

14 Yes.

15 MR TOVEY: So the ones you knew, I think you have indicated  
16 Brompton Lodge?---Mm-hm.

17 You will have to say "yes" for the purposes of the transcript.

18 You can't just nod your head. Do you understand?---Sorry?

19 Could you please say "yes" for the purposes of the  
20 transcript?---Yes, early in Brompton Lodge, 2008 and '09,  
21 when I hadn't met Mr Woodman, Mr Tyler - I was mayor that  
22 year - took me for a drive out to Brompton Lodge and he  
23 said - - -

24 No, I just want to know what the projects were. So the first  
25 was Brompton Lodge, and you hadn't met Mr Woodman at that  
26 stage, you say, in - - -?---Yes. After I met Mr Woodman  
27 and became - and Brompton Lodge, the officers' report came  
28 up to put that in as a - I think they called it a natural  
29 inclusion into the UGZ.

1 Yes?---The officers put a report forward and the council has  
2 voted that through.

3 And Councillor Wreford was a councillor at that stage, was  
4 she?---Yes, I think she was, sir.

5 COMMISSIONER: Perhaps we'd better just clarify. How long have  
6 you been connected to the Casey Council as a  
7 councillor?---Eleven years, and Councillor Wreford was  
8 there, I now remember.

9 So your first year was?---2008, late 2008 and then 209 onwards.

10 And so you have been a councillor ever since?---Yes, sir.

11 And how many periods have you served as mayor?---Three.

12 When were those periods?---2008 and '09, and I think it was  
13 2014, and then I think - I can't remember the other one.  
14 It was '16 or '17.

15 All right. Thank you. Yes, Mr Tovey.

16 MR TOVEY: So Brompton Lodge. When was it that you came to  
17 meet Mr Woodman or come to know of him?---I think it was  
18 around 2010. I can't remember exactly, but I think it's  
19 around 2010.

20 And what time in 2010?---I can't remember, but I know he - his  
21 daughter and daughter-in-law came in with Mr Woodman  
22 probably late that year in a horse in his daughter's name  
23 and his daughter-in-law's name with the stable I had.

24 So you were a racehorse trainer then at that stage?---Yes,  
25 I haven't trained for seven years, but I was for about 10  
26 or 12 years.

27 So when did you stop training?---Seven years ago, but I hope to  
28 get back into it if I can.

29 So do you have any records as to your training back in those

1 days; that is, 2010?---Not really, not - can I explain why  
2 I didn't keep records or receipts?  
3 Sure?---Because I ticked myself off as a hobbyist. Now,  
4 because the business has grown horse wise with Mr Woodman,  
5 I'm now registered for GST and we've paid - put into the  
6 tax department for the last two years any money Mr Woodman  
7 put in is now taxed and any money Mr Woodman puts in in  
8 the future will be taxed, because it is now a professional  
9 business. It's grown that quickly over the last few  
10 years.  
11 Is that just Mr Woodman? So when you are talking about  
12 this - perhaps I should just keep this chronological so we  
13 don't lose track?---Okay.  
14 Go back to 2010. At that stage you were a hobby trainer, were  
15 you?---I was registered as a hobby trainer, sir.  
16 And you in the middle of that year some time, was it, met  
17 Mr Woodman?---I believe so, sir.  
18 And what were the circumstances of you meeting  
19 him?---I actually can't remember, and that's being very  
20 truthful. I can't remember.  
21 And at that stage were you training a number of horses?---Two.  
22 And whose horses were they? Were they your horses or somebody  
23 else's?---I had a number of owners that come and go.  
24 I haven't got the records on me, but there were several -  
25 there were quite a few owners, sir.  
26 And did you say you have records or you don't have  
27 records?---The stud book would have records of the owners.  
28 And so you still have that?---No, but I could get them from  
29 the Australian - there's a website you can get them from.

1 And what website is that?---I think it's the  
2 Australianracing.horse, I believe, or if you bring up  
3 the - if you go to www.studbook.org.au there's a click -  
4 you can click on that, but you wouldn't be able to see  
5 them. Only the - I would be because I'm registered with  
6 the stud book and the manager. I was the manager of those  
7 horses. So I would have to get that for you.

8 All right. So that's in any event in 2010, and where were you  
9 training from?---Pearcedale. I rented a place at  
10 Pearcedale where the stewards came out, inspected the  
11 place. There are certain safety standards and horse  
12 standards that you have to meet.

13 And so that was a rural property of some sort?---Rural  
14 property, great stables, great walk-in, walk-out boxes in  
15 yards for horses to be outside, where I believe they  
16 should be, tie-up stalls, horse washes. There's a  
17 1400-metre sand track there for slow work. So for faster  
18 work you'd go to Cranbourne Turf Club.

19 So, in any event, you had a facility there for - - -?---Yes,  
20 sir

21 For training horses?---Yes, sir.

22 And you had two horses, and did Mr - what were the names of  
23 those two horses you had in 2010?---I think Good Call and  
24 I think Stylish Command. Or I might have just finished  
25 with Stylish Command, I'm not sure, but it'd be awfully  
26 close.

27 Were you racing them or breeding them or both?---I was both.

28 Then you met Mr Woodman, and I think you've told us you can't  
29 remember the circumstances of you meeting him?---No. No,

1 I can't, sir.

2 Did you at that stage get involved with him in respect of the  
3 ownership or breeding of any horse or horses?---No, he's  
4 got a lot of horses with other people and he asked - I had  
5 a horse, a three-year-old called Good Call, and I remember  
6 he asked if he could have 30 per cent, 15 per cent for his  
7 daughter and I think it was his daughter-in-law,  
8 15 per cent, so had 30 per cent of that horse called Good  
9 Call in 2010, and they had that for about three years.

10 And how much did he pay you?---I don't know off the top of my  
11 head, sir. I really started keeping records more from  
12 2015, but it would not have been much.

13 COMMISSIONER: I'm sorry, was that a horse that was owned by  
14 you?---I was part - I was one of the owners in it, sir.  
15 So thereafter you became a co-owner with Mr Woodman?---No, his  
16 name wasn't in the horse. It was his daughter's name.  
17 His daughter's?---Yes.

18 I see.

19 MR TOVEY: Did you ever meet his daughter?---Yes. She actually  
20 came out the other day to look at the horses.

21 So did he pay you cash or was it - - -?---No, always invoice,  
22 bank account, and now we've become a professional, not  
23 hobbyist, the last two years have been submitted to the  
24 taxation department and any money Mr Woodman paid I pay  
25 tax on.

26 So that was Good Call then in 2010?---Yes, and then Prima  
27 Facie - - -

28 And would that transaction have been registered  
29 somewhere?---With the Australian Stud Book or the owners,



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[REDACTED]  
[REDACTED]  
COMMISSIONER: Is that document dated, Mr Tovey?

MR TOVEY: The document refers on its face to the ownership of this horse has been registered on 10 August 2010, and the birth date of the horse which was a three year old was recorded as 23 October 2007. I just have that handed back to the witness.

COMMISSIONER: Yes. That will be marked exhibit 84, registration of horse Good Call on 10 August 2010.

#EXHIBIT 84 - Registration of horse Good Call on 10 August 2010.

COMMISSIONER: (To witness.) Was that horse for racing - - -?---Yes.

And breeding?---No, it was a gelding, sir.

I see. So it was going to be raced, was it?---Going to be raced. It didn't get to the races, as 50 per cent of horses don't, they had a few issues, and that's why I never asked anyone for much money for that because I felt very disappointed I didn't get it to the racetrack for them. But the one before I had had a lot of starts and won four races. So that's unfortunate, and I felt really badly for the owners.

It won't be the last time, Mr Ablett, that a trainer has felt sorry for the owners?---No.

MR TOVEY: It doesn't usually operate the other way around.

(To witness.) So the situation was then that Good Call, was that a horse that you had purchased yourself?---I bred him.

1 You bred him?---Yes.

2 And, I mean, are we talking about - I assume we are not talking  
3 about a quarter of a million dollar horse here?---No, he  
4 was by Racer's Edge, which was a multiple group winner.  
5 So it was a reasonably well credentialed horse?---Yes, sir.  
6 And so what would you expect - I mean, I know you can't  
7 remember the exact value, but I'm just wanting to know the  
8 approximate value of that horse?---I would say around the  
9 40 mark. You don't get much for 40,000, although I just  
10 bought a fairly - which I was asked by Mr Woodman to  
11 buy - - -  
12 Look, I'll just stick - - -?---Sorry, we'll go back. Sorry.  
13 We'll just stick with the gelding for the time being. So a  
14 30 per cent share would have been, what, 10,  
15 15,000?---Perhaps a little bit more.  
16 20,000 perhaps?---Yes, I would say so. Around that figure.  
17 And at that stage Mr Woodman made the payment of 20,000 or  
18 thereabouts to you?---I know he paid some money . The  
19 exact figure I don't know. I don't think it was 20.  
20 I think it was a bit less than 20.  
21 15?---Possibly around that figure.  
22 All right. So let's settle on would 15 sound to be a fair  
23 expectation of what he would have paid?---I think so, yes.  
24 And did he pay that to you personally or through one of his  
25 companies?---No, he gave a cheque to me, one of his  
26 personal cheques at that time. But from '15 on we did it  
27 differently. I invoiced him.  
28 And at that time what was your role on the council?---I'd  
29 just - I was a councillor because I had just finished

1           being mayor 2008/2009. So 2010 on I was councillor of the  
2           Balla Balla ward.

3    So before he came along and expressed to you his interest in a  
4           horse did you know anything of him?---No.

5    When he came to you and wanted to enquire about buying a share  
6           in a horse did you know what he was or, sorry, who he  
7           was?---No, I didn't. I found out later on what he was  
8           involved in.

9    Did you discuss with him the fact that you were a  
10           councillor?---No.

11   In any event you were a well-known person, I take it, in the  
12           Casey district, having been mayor and a councillor for  
13           some time at that stage?---For the people in Balla Balla  
14           I would be because I met quite a few of them.

15   At that stage in 2010 when you met Mr Woodman were you aware  
16           that companies - he or companies associated with him  
17           regularly had matters which were the subject of  
18           determination either by council officers or by the  
19           council?---Sorry, Mr Tovey, I missed the first part of the  
20           question. Could you ask me again, please?

21   I'll ask you first of all at the time you met him - - -?---Yes.

22   Were you aware that he regularly had matters - sorry, was  
23           involved in matters which were before either the council  
24           or council officers?---No, sir.

25   When did you become aware of that?---I'm not sure of the exact  
26           date. It would probably be a couple of years after that.

27   So at that stage you were a hobby trainer with two  
28           horses?---Yes, sir.

29   Did you ask him how he happened to come to you?---I can't

1 remember how we met. But he was more interested in his  
2 daughter, not so much himself, having a share in a horse.  
3 I remember him saying that.

4 What did he or his daughter say about how they come to you?

5 I mean, you are a man with two horses. They go to you to  
6 buy a third of a horse. Of all the thousands of horse  
7 owners in Victoria what did he say about how he came to  
8 pick you?---He didn't say anything about that.

9 COMMISSIONER: So any of the planning matters that you  
10 mentioned at the outset of your evidence that you were  
11 aware that he had an interest in, had council been dealing  
12 with any of those matters as at 2010?---The Brompton  
13 Lodge - I became aware a couple of years later, it lay  
14 dormant but it had been passed by council as part of the  
15 UGZ. Then I became aware that he was involved in that.

16 Yes. But, I mean, for the purpose of your evidence here today  
17 have you looked at when you as a councillor first started  
18 dealing at council level with any of the issues dealing  
19 with any of those five planning matters?---Not going right  
20 back to that. From around 2015 the majority of them  
21 appeared when I got to know who he was and what he was  
22 dealing - what land that he was involved in, a pretty good  
23 picture of that.

24 You will have the weekend to reflect on issues, Mr Ablett. Do  
25 you think you could look to see to what extent as at 2010  
26 any of those matters were already issues of which the  
27 council was seized?---I can have a look, sir, yes.

28 Good.

29 MR TOVEY: On 3 August of 2010 the Brompton Lodge

1 reclassification as being included in the urban growth  
2 boundary was a matter which was supported by council,  
3 3 August 2010. In August of 2010 he comes to you, who he  
4 apparently has never met before, and buys a third of a  
5 horse for somewhere between 15 and \$20,000. Are you  
6 saying that that's a coincidence?---I am saying that I had  
7 no knowledge of that connection at that time.

8 So in any event here you are, you are the ex-mayor, in November  
9 2010 you had just stood for parliament, didn't you?---Yes,  
10 I did, sir.

11 And did he finance you?---I know he did in 2014 but I'm not  
12 sure about 1010.

13 COMMISSIONER: So you understand what counsel is suggesting to  
14 you, Mr Ablett. He's asking is it just coincidence - -  
15 -?---It is coincidence, sir.

16 That almost at the same time as council makes what for  
17 Mr Woodman would be a quite significant decision, namely a  
18 decision in relation to Brompton Lodge and the urban  
19 growth boundary, and that at that very same period of time  
20 he's coming to you to provide funds for his daughter to  
21 acquire a share in a horse with you?---Yes,  
22 Mr Commissioner, it is coincidence. I have always held  
23 the horses - most sincerely say this - completely separate  
24 from council. If there was a decision made at council  
25 over here I treated horses completely different from  
26 council; completely different. It was something that all  
27 my life I've been involved in. Never thought along the  
28 lines that you are putting to me today.

29 Can I just ask you as to that, having become a co-owner with

1           one of his family - - -?---Yes.

2   That gave rise to a conflict of interest obligation?---Yes, it

3           would.

4   And did you declare that conflict of interest?---I can't say.

5           I'm not sure. I know we looked at Brompton Lodge in

6           2008/9. I'm not sure when the date would be on the

7           certificate of - when they signed up for the horse. I'm

8           not sure.

9   I'm sure Counsel Assisting will take you to when you first

10          declared a conflict of interest, but just my general

11          impression - - -?---Yes, I'll have to look up the records.

12   That you didn't do so until some years later?---Mmm.

13   Does that sound right to you?---Yes, I wasn't really sure what

14          he was involved in at that point. But as soon as I found

15          out anything that he was involved in I started having a

16          conflict of interest.

17   I see. So your explanation is if you didn't declare a conflict

18          in 2010 because of his daughter becoming a co-owner it was

19          because you didn't appreciate Mr Woodman or his companies

20          had an interest in Brompton Lodge; is that the

21          position?---Yes, sir. I looked at horses completely

22          different, and as naive as that may sound.

23   You might have looked at the horses differently, but your

24          explanation for not declaring a conflict is you didn't

25          appreciate at that time that he had an interest in

26          Brompton Lodge?---Yes.

27   Is that the position?---Yes, I didn't know he had an interest.

28          When Mr Tyler took me out in 2008/9 he never told me who

29          the directors were. And, as I said - - -

1 Sorry, I didn't catch the name. So it was the CEO?---Mr Tyler,  
2 the CEO.

3 Who brought Mr Woodman to you?---No, Mr Tyler and I went on our  
4 own in Mr Tyler's car in 2008/9 to look at where Brompton  
5 Lodge is today, and he said, "I want this as a logical  
6 inclusion and it's coming up at council in a fortnight's  
7 time" or the date, and I had no idea that Mr Woodman was  
8 involved in that.

9 Sorry, Mr Tyler said that to you?---Mr Tyler wanted - he never  
10 mentioned Mr Woodman's name.

11 No, who said, "I want it as a logical inclusion"?---Sorry,  
12 Mr Tyler said that.

13 Did he?---Yes.

14 Is that something a CEO normally does?---I'm not sure. It's  
15 probably the only time I can record on record he said,  
16 "I want your support in this land coming in." No, there  
17 were several times. There was another part he came to me  
18 along Casey Cardinia Creek, that would be Clyde North,  
19 right over the back, and he came into the office and  
20 said - and we sat down with a guy who owned it who  
21 I didn't know and Mr Tyler said, "I want your support.  
22 We're doing an officer's report to put this in as a  
23 natural - a logical inclusion as well." And that went  
24 through as well. But I didn't know that person.

25 That's a bit of an inversion of the normal process. It's not  
26 for officers to go to councillors, is it, asking for their  
27 support on something?---The way Mr Tyler worked, his  
28 officers did a lot of work in that - it was a different  
29 way of doing things as we do them now because we get

1           briefed every fortnight by our new CEO on what's happening  
2           like that, the whole group, of what officers believe to be  
3           a good way forward, and we have to have a discussion about  
4           it. A completely different style.

5 MR TOVEY: All right. So within a few years, by - sorry, I'll  
6           again won't jump ahead of the chronology. So that was the  
7           first horse that you had an interest in together?---Yes.  
8 From that point onwards did you always have an interest in a  
9           horse together?---Yes.

10 More than one?---No. No, usually one at a time, but Prima  
11          Facie came along - - -

12 COMMISSIONER: Let's be clear, Mr Tovey. He or his family.

13 MR TOVEY: Yes, sorry. Exactly. (To witness.) You understand  
14          when I'm talking about Mr Woodman I'm talking about - -  
15          -?---We have always had a horse together since then, yes.  
16          Yes, sir.

17 And when I talk about a horse together, though, I'm talking  
18          about either Mr Woodman or a member of his family as being  
19          involved in horses with you?---The Good Call was the only  
20          one where members of his family were in. The rest of the  
21          time it was Mr Woodman.

22 Yes. So what was the next horse then that was after Good  
23          Call?---We had a horse called Prima Facie where he had  
24          30 per cent of that and we had her in work and I was - we  
25          spent a lot of time working the horse and trialled  
26          magnificently with [REDACTED], who we gave it to  
27          train.

28 Yes?---Unfortunately she missed the start by 20 lengths and ran  
29          fourth by a length. So we knew she was like her mother.

1 She won four terrific races in Melbourne. So we thought  
2 we had something. And then [REDACTED] trialled her again the  
3 next week and he said there was something wrong in the  
4 front end. I brought her home and had her vetted and she  
5 had strained a tendon. But we were keen to breed from  
6 her. So the vet said give her 12, 18 months off and slow  
7 work and rehab work, which takes a lot of time. We got  
8 her right back to nearly trialling and we took her to the  
9 Cranbourne pool. We had a person on each side. We were  
10 just doing a straight run through the pool, not a circle.  
11 And we had a person on each side of her head and one on  
12 her tail so she couldn't get on her side or do anything  
13 silly.

14 Did something happen to her?---Yes, she reared up and there's  
15 rubber on the big concrete and she slammed - - -

16 I'm afraid, sir, we don't have the time to go into the  
17 detail?---Okay. So she injured herself, and then we  
18 decided we would breed from her because she was worth it.

19 When was that?---She missed last year and she had a foal five  
20 weeks ago.

21 But when was it that Mr Woodman got his 30 per cent in Prima  
22 Facie?---It would have been around 14/15. No - yes,  
23 14/15, around that time.

24 And was that paid in cash or was it paid - - -?---I'm not sure.

25 I don't think he paid that much for her. She was just a  
26 broodmare. But I couldn't tell you off the top of my  
27 head, sir.

28 I just want to make sure you understood what I was asking.

29 When the 14, \$15,000 was paid was that paid in cash?---No,

1           sir. No cash was paid.

2   And that was paid for by Mr Woodman?---Are you talking about

3           Good Call or this one?

4   Prima Facie?---I don't know if he paid for her. I can't

5           remember, because I felt pretty badly about not getting

6           Good Call up.

7   Would you just bear with me. I just want to check on the

8           dates.

9   COMMISSIONER: Just while Counsel Assisting is doing that,

10           Mr Ablett, you have stood for State parliament on a few

11           occasions?---Two, sir.

12   And when was the first occasion?---2010.

13   And do you know whether or not Mr Woodman or his companies

14           contributed at all to the donation - to the campaign

15           donations for that election?---I know, Mr Commissioner,

16           Inga Peulich ran the whole campaign and fundraising.

17           I can ring her over the weekend and find out for you.

18   No, I'm just asking you what you know?---I don't know. But

19           I do know in 2014 Mr Woodman donated \$40,000 to my

20           campaign and asked - he donated that not to me but to

21           the Australian Liberal Party, Victorian division.

22           I believe he asked them that the \$40,000 come back to my

23           campaign.

24   I'm just merely interested in focusing on 2010 at the

25           moment?---Okay.

26   Counsel Assisting may take you to this in more detail, but do

27           you recall that Mr Woodman made a donation to your

28           electoral campaign in 2010?---I don't know, but I can try

29           and find out.

1 You haven't checked to see?---No.

2 So it might be propitious for me to say this to you now. It's  
3 really important that you take care in terms of the  
4 accuracy of the answers you give and if, for example, you  
5 really don't know about something it's no good  
6 guessing?---I don't know then, sir.

7 But you need to think about when was the first occasion  
8 Mr Woodman or his companies provided you with any form of  
9 financial support. As I'm indicating to you on the  
10 records I've looked at there seems to be a suggestion that  
11 he made a campaign donation to your State campaign in  
12 2010?---That could well be true but I don't know. I'll  
13 check it out.

14 MR TOVEY: Amongst the documents that you have with you there  
15 are you able to determine when it was that he took an  
16 interest in Prima Facie?---Not exactly, sir, but I can get  
17 the - over the weekend I can look it up on the computer.  
18 It would have been around 14/15.

19 Could the witness, please, be shown 4195?---That would be  
20 correct, sir.

21 And does that record the purchase by Watsons Surveyors from you  
22 of a 30 per cent interest in a racehorse named Prima Facie  
23 for \$15,000 on 22 April of 2014?---That would be correct.

24 And that's \$15,000?---Yes, sir.

25 There is no account that we have been able to find which  
26 reflects the withdrawal or the deposit of that \$15,000.  
27 Are you able to say whether that \$15,000 was in  
28 cash?---No, sir, he always gave me a cheque for the  
29 horses. I don't know what's happened.

1 I'm not making any allegation?---Yes.

2 I'm just telling you the way things - - -?---Okay.

3 Mr Commissioner, could I tender, please, that document?

4 COMMISSIONER: That will be exhibit 85, receipt for \$15,000 for

5 30 per cent purchase share of Prima Facie by Watsons.

6 #EXHIBIT 85 - Receipt for \$15,000 for 30 per cent purchase

7 share of Prima Facie by Watsons.

8 MR TOVEY: So that's taken us to 2014. So during the period

9 from 2010 through to 2014 what was happening in respect of

10 Good Call?---He had been in work for - kept him going

11 until he was six or seven, and every time we got him just

12 about near a trial something went amiss and he was retired

13 and given to a lady to do a horse trial running with.

14 And when was that retirement?---We had him going for four

15 years.

16 Was that four years from the time that - - -?---From when he

17 was three to seven.

18 Okay. So that was about 2014?---Yes, about that time, yes.

19 And was that about the time that Mr Woodman bought into Prima

20 Facie?---It would have been around that time, sir. Well,

21 I think we just saw that.

22 And who was - in respect of Good Call was Mr Woodman paying you

23 a regular amount to look after his interest in that

24 horse?---No, I didn't charge much at all because I was

25 embarrassed I couldn't get the horse to the races.

26 Well, did you charge anything?---I can't remember. It wouldn't

27 have been much. I paid for - most of those owners on that

28 list I didn't even send them a bill.

29 Did you have veterinary fees in respect of Good Call?---Yes,

1 and I paid them all.

2 What about Prima Facie? Did Mr Woodman pay you anything in  
3 respect of the ongoing care and maintenance of Prima  
4 Facie?---Only a little bit, but I think we started in 2015  
5 and I think you've got the records for that.

6 So what was the situation, as you recall it, in respect of  
7 Prima Facie?---That we wanted to race the horse and we got  
8 her in work and I took her to the track - - -

9 No, in terms of the payments that you were receiving from - -  
10 -?---It was on a needs basis and I was not charging much  
11 at all because I wanted to see if we could get her up and  
12 get her to the races. I didn't want to charge people  
13 unless I actually got it to the races. But - - -

14 Were there vet bills in respect of Prima Facie?---Yes.

15 Who paid those?---I did up until about - when we tried to get  
16 her in foal not this year but last year, and Mr Woodman  
17 paid the vet bills.

18 Since last year?---Yes.

19 And why was that?---He offered to do that because I had been  
20 paying a fair bit out.

21 Sorry, because?---I beg your pardon?

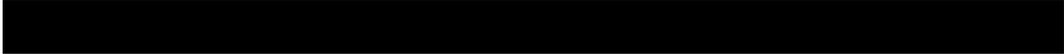
22 Why was it?---Because I was paying a fair bit out and he  
23 offered to help in that regard.

24 Was Prima Facie trained by you?---No. I haven't trained for  
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26 So you stopped training in 2012?---Seven years, it would be  
27 around that time, sir. But I've still got a strapper's  
28 

29 work the horse and do all that sort of thing. So many

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and watch the horse work, and I paid the track riders.

Okay. Were there any other horses with which you and - sorry, in which you and Mr Woodman had a joint interest in addition to Prima Facie?---No, sir, not until July this year.

And what happened in July this year?---About 12 months ago

Mr Woodman approached me and said he had some really good broodmares in town and he would like - we wanted to get a foal from Prima Facie but he wanted to buy a filly, he liked fillies. So that we would be able to hopefully get to the races sooner than the 11 months it would take in the gestation period of the mare, then another three years, so you are looking at four years before you can race. So he said, "If you could pick up - I'm going to give you a \$20,000 budget and I'll pay you a little bit extra for your transport, but I want you to get on the computer, you know what you are looking for, I want you to buy me a really nice, well-bred filly," and I did that, searched and searched and I went through all the sales and everything was bringing 40, 50, 100,000, half a million, and I finally saw a horse that was passed in I think it was for around 20 or 25,000. And I had been to Greg Willis' stud, Chatswood, where he had Racer's Edge and a few other stallions that I had used in the past, and he had Reward for Effort standing who had the most two year old runners last year and - - -

We can't, I'm afraid, go through all the bloodlines of every horse you have ever dealt with because there are

1 limitations on time?---Yes, so I picked her up from - - -  
2 Did you - - -?---I went to Chatswood - - -  
3 No, if you would just stop for a second?---Sorry.  
4 Did you buy him a horse?---Yes.  
5 And what was the name of that?---It's unnamed, sir. It's a two  
6 year old unnamed.  
7 Is it registered?---It is registered as racehorse but unnamed.  
8 And is it owned wholly by him?---No, it's 50 per cent me,  
9 50 per cent him. So is the foal that the horse has just  
10 had; 50 per cent me, 50 per cent him. So we own those two  
11 horses half and half each.  
12 So the foal, what's going to happen to that? Will that get  
13 sold as a yearling?---No, we hope to race it.  
14 What's the foal worth?---That foal would be worth 80 or 100,000  
15 because of the - what he's - a lot of people when they buy  
16 horses go on the second dam. The first dam, Prima Facie,  
17 could really gallop but didn't race, but her mum - - -  
18 It's okay?---Sorry.  
19 And so that horse - sorry, the unnamed two year old, is that a  
20 filly?---Yes, sir.  
21 And at what age would you anticipate that will race?---Early  
22 three year old.  
23 That was the whole point?---Sorry, sir?  
24 That was the whole point of the exercise?---Yes.  
25 Was to find an early three year old?---So we could get to races  
26 earlier and watch a horse go around and some have fun;  
27 completely separate from council.  
28 So when exactly was it that you purchased that?---I believe it  
29 was July, because that's when on my feed bill it doubled,

1 and the agistment doubled and everything went up.

2 COMMISSIONER: Of what year, Mr Ablett?---I beg your pardon,  
3 Mr Commissioner?

4 Of what year, Mr Ablett?---This year. July 2019.

5 MR TOVEY: Did you put any money into the purchase of the  
6 horse?---No, sir. He paid for that.

7 So he paid for it and you got 50 per cent?---Yes, and I'm to  
8 look after it morning, noon and night, which is about  
9 40 hours a week I put in.

10 Which is what?---I put in 35 to 40 hours a week with the horses  
11 grooming, feeding, fixing fences, all that sort of stuff.

12 So 35 to 40 hours per week?---Yes, I'm there morning and night.  
13 Looking after - - -?---The broodmare and the foal and the two  
14 year old.

15 So that's what you do for Mr Woodman, is it?---I do it for me,  
16 but he owns part of the horses.

17 And does he pay you for that?---He paid me a little extra or  
18 he's paid me the same, but he said, "Use some of that  
19 money, I want you to travel around," and I stayed at  
20 Seymour a couple of times and this, that and the other.  
21 But all that money now is taxed. So in real terms if he  
22 gave me five grand for the month, which is only the  
23 last - the last two years is only really when there's been  
24 higher money put in and that's when the operation got  
25 bigger. So my accountant, who is happy to talk to  
26 investigators, said - - -

27 When you say "the operation got bigger", what do you mean by  
28 that?---Well, we got more horses, more responsibility  
29 and - - -

1 When you say "more horses" - - -?---Well, we got a foal - - -  
2 You say there's a mare and a foal?---Yes, the foal is a racer.  
3 So all of a sudden we got two racehorses.  
4 Yes?---And so my accountant said, "Look, if you want to claim  
5 on rugs and farriers and agistment and horse feed you have  
6 to be GST registered." I got an ABN. "Otherwise you  
7 can't claim anything on your horses off your tax. Your  
8 operation is getting big enough now where you should be  
9 claiming something on the horses, and therefore you pay  
10 tax and then hopefully we can claim something back on all  
11 expenses that we use on the horses."  
12 So was it the case then instead of there just being Prima Facie  
13 to look after previously you had to look after this time a  
14 mare - sorry, a mare and a foal?---And the other two year  
15 old filly.  
16 And the other two year old?---Yes, sir, and the foal takes up a  
17 lot of time because you have to teach them to lead - - -  
18 So we are talking about three horses, are we?---Three horses  
19 need - yes.  
20 Previous to that how many, if any, horses had you been looking  
21 after for Mr Woodman?---I think you've summarised it  
22 pretty well all the ones we have named. There are no  
23 others.  
24 Okay. So before July of this year had you looked after any  
25 other horses for Mr Woodman other than Prima Facie and  
26 Good Call?---No, sir.  
27 And were you getting for a period of time from Mr Woodman a  
28 monthly payment?  
29 COMMISSIONER: When, Mr Tovey? When? What period in time?

1 MR TOVEY: Up until July this year or continuing?---From 2015  
2 on it wasn't a set - you'll see that it got bigger as time  
3 went along and right at the moment the weekly bill is  
4 about three and a half to four or nearly five because of  
5 transport and stuff like that, and to pay tax on that that  
6 comes back down to three and a half.  
7 And so at the moment that three and a half to four involves  
8 looking after the mare and foal and the two year old - -  
9 -?---Yes, the agistment is sitting - - -  
10 No - - -?---Sorry, sir.  
11 And before that it related to looking after Prima Facie or Good  
12 Call?---Yes, sir.  
13 And before - was it stages up to \$5,000 a month?---The last two  
14 years I believe it was - financial years, one was 45 and  
15 55, which we paid tax on which makes it three and a half a  
16 month. Agistment is 1,200 a month and the feed is 1,200 a  
17 month, and if you add in the vets and the horse dentist  
18 and all those expenses nobody's making any money.  
19 So you are talking about the last two or three years, is that  
20 right?---That's when costs have gone up - - -  
21 Sorry, since 2015?---Yes.  
22 You've been getting from Mr Woodman \$45,000 per annum to  
23 \$55,000 per annum?---No, no, the 2015 I think was about  
24 10,000.  
25 Yes?---And it's come up and I think there was one year at 38,  
26 but it's only been the last couple where I got asked to  
27 travel and we really wanted to grow the business and  
28 that's when it triggered my accountant saying, "Look,  
29 you've been paid that. You should pay tax and become

1 professional," and that's what I've done. I've registered  
2 GST - - -  
3 I don't understand when you talk about looking after the  
4 business. For a period of years you looked after  
5 Mr Woodman's daughter's one-third interest in Good Call;  
6 true?---Yes, sir.  
7 And you've looked after his one-third interest in Prima  
8 Facie?---It was more 50:50 because my son and daughter  
9 weren't really interested but I just didn't change the  
10 paperwork.  
11 Those interests he's purchased for a total of \$30,000?---How  
12 much did we say Good Call?  
13 You said Good Call he would have purchased for 15 to 20. Prima  
14 Facie 14 to 15. So I think we ended up Prima Facie 15.  
15 Anyway, it doesn't matter?---Okay.  
16 So 15, it might have been interest totalling \$25,000 - sorry,  
17 totalling \$35,000; is that right?---Yes, and - - -  
18 And they are the only horses you have looked after for  
19 him?---The ones you've listed, sir, yes.  
20 And so for looking after a third interest initially in Good  
21 Call which interest was worth at most 20,000 and then  
22 looking after a one-third interest in Prima Facie which  
23 interest was worth at most 15,000 you have been paid in  
24 total how much? You must have worked that out?---Well,  
25 you've got the book there but - no, but the average - - -  
26 No, have you worked out how much in total you've been paid  
27 out?---It would be around over 10 years about 150,000, and  
28 anyone with a horse now training, which I did a lot of it,  
29 any trainer will tell you you don't get any change out of

1           1,000 to \$1,200 a week with horses.

2   Some years you were paid 45 to \$55,000?---That was the last two

3           years.

4   For looking after - for a third interest in a horse that didn't

5           race?---And two others. There was a mare in foal - - -

6   You told me the \$20,000 was used to buy the two year old, the

7           unnamed two year old, about 12 months ago. In the year up

8           to that you had paid, had you not - - - ?---No, the 20,000

9           was a budget, sir. I bought the horse for five.

10   You bought it for how much?---5,000.

11   Okay. In any event, in the period leading up to that, in the

12           year leading up to a year ago had you been paid in excess

13           of \$50,000?---I would say so, which is not unusual in

14           racing.

15   You didn't see that as extraordinarily generous?---Ask any

16           trainers around. They are very, very expensive to keep.

17   Can you explain to me why Mr Woodman might be interested in

18           paying over \$50,000 to you in a year to look after a horse

19           that wasn't racing?---The broodmare you are talking about?

20   Yes?---Because he wanted to breed from it, and breed some good

21           horses. As I said he's got 25 horses with other people.

22           He's very passionate about horses, and it's fairly

23           subjective, I guess. It depends on what two people agree

24           upon, the same as any owner and trainer.

25   Do you know any trainer who gets in respect of a \$15,000 horse

26           \$50,000 - \$150,000 a year?---Yes, I do.

27   In training fees?---I do because if you talk to any of them at

28           Cranbourne you won't get any change out of \$1,000 a week

29           to train their horse.

1 So did you have any management role?---Yes, I did, I managed  
2 the horse.

3 I will ask you this. Did Mr Woodman have a stable of horses or  
4 just one horse?---With me?

5 Yes, that you were interested in?---I'm sorry, I don't  
6 understand.

7 Did he own other horses?---25 other horses he does own with  
8 lots of other trainers in Melbourne.

9 And you had nothing to do with those?---No, I spoke to the  
10 manager who did and we just talked horses. He's very  
11 passionate about horses and it was a deal that he was  
12 happy to do and, as I said, now it's grown, we are  
13 paying - I'm paying tax on that money, GST, and so it's a  
14 bona fide horse operation which is growing, and I hope we  
15 can grow it further. But I completely separated horses  
16 from council all the way through.

17 We will see about that.

18 COMMISSIONER: What do you mean by that, Mr Ablett?---I never  
19 gave it a thought, Mr Commissioner, that my having horses  
20 with him had anything to do with council ever. That's why  
21 he's said, "Let's sign an agreement that you never do  
22 anything for me, and we talk about it until the cows come  
23 home but you're not to vote for me, you're not to do  
24 anything for me." And he's still saying that to me today.  
25 I saw him at the horses about two months ago and he said,  
26 "You know you've done nothing for me." I said, "That's  
27 the way we want it." He said, "You keep that going  
28 because it will ruin our friendship with the horses."

29 So that's an agreement you entered into in 2015 - - ?---It

1 would have been 2011 or something around that.

2 MR TOVEY: I was about to go - - -

3 COMMISSIONER: '16, is it?

4 MR TOVEY: No, it was 5 January 2015. I was about to go to  
5 that, Mr Commissioner?---No, the - I think it was slightly  
6 before that, sir.

7 COMMISSIONER: I'm just interested in the repeated comment that  
8 you've made that the horses have got nothing to do with  
9 council business?---That was my belief, sir.

10 You would be familiar with the conflict of interest duties  
11 under the Local Government Act?---Yes, sir.

12 And so you would know that a conflict of interest arises  
13 whenever a councillor has an association with a person who  
14 has an interest, direct or indirect, in the motion that's  
15 being considered?---Yes.

16 Even if that interest has got nothing to do with - even though  
17 the interest which the councillor has with that person - -  
18 -?---Yes, sir.

19 Has nothing whatever to do with council business?---Yes, sir,  
20 and that's why whenever I have identified anything to do  
21 with him or his son's business I have declared a conflict  
22 of interest.

23 MR TOVEY: Thank you. Could the witness please be shown 4288,  
24 which is an agreement dated - sorry, which is a memorandum  
25 dated 5 January 2015 between Geoff Ablett and John  
26 Woodman.

27 COMMISSIONER: Has that been tendered, Mr Tovey?

28 MR TOVEY: I think it probably has.

29 COMMISSIONER: I suspect it has been.

1 MR TOVEY: Exhibit 9.

2 COMMISSIONER: Thank you.

3 MR TOVEY: (To witness.) Could you just read through that

4 document while you've got the chance, look at that

5 document? Have you had the chance to read it, sir?---Yes.

6 Is that a memorandum dated 5 January 2015 relating to an

7 agreement between yourself and John Woodman?---I think so,

8 sir.

9 COMMISSIONER: And is that the first formal document that

10 you've ever executed with Mr Woodman that sets out the

11 nature of your relationship?---I think it would be, sir,

12 yes.

13 MR TOVEY: And did that come about after the - there was a

14 reference in August of 2014 from IBAC to the Ombudsman's

15 office relating to, among other things, the relationship

16 between Casey councillors and Mr Woodman?---I don't

17 remember the Ombudsman report saying that, but that's what

18 I did sign.

19 But that was signed, was it not, because governance issues had

20 been brought up by the Ombudsman and you wanted to make it

21 clear that the arrangement between you was above

22 board?---We never discussed the Ombudsman report before

23 I signed that.

24 You had been at that stage for five years looking after horses

25 for him or his family; is that true?---Yes, sir.

26 He had paid you money personally for horses for himself or for

27 his - - -?---Not to me but to cover the costs, yes, sir.

28 Is there any reason why you hadn't reached this sort of

29 acknowledgment before or agreement before? What brought

1           it on in 2015 if it wasn't the Ombudsman's  
2           investigation?---Mr Woodman said to me, "If we are going  
3           to continue with horses we need to sign some sort of  
4           agreement that I don't ever want you sitting in and voting  
5           for me or doing anything for my company." And that was  
6           the essence of that. I then started to - - -  
7    If I could just stop you. For how long had you known that he  
8           was involved in developments that came before the council?  
9           This is in 2015?---Well, probably around 2013, '12.  
10   And how did you come to know that?---I guess I read it in a  
11           report somewhere or he may have said something. I can't  
12           actually remember, sir.  
13   And what happened then?---What do you mean what happened then?  
14   By then he must have known you were a councillor, surely?---He  
15           would have known I was a councillor.  
16   Yes, from 2010. Hadn't he ever come to you and said, "Good  
17           heavens, you're a councillor and I've got lots of dealings  
18           with Casey"? Hadn't he even mentioned that to you for  
19           years?---Anything I identified even before that agreement  
20           that he had something to do with I would have declared a  
21           conflict of interest because we had already had an  
22           informal discussion about that.  
23   COMMISSIONER: So you - - -?---For the sake of the  
24           friendship - - -  
25   Mr Ablett, you and Ms Wreford in 2010 voted in support of the  
26           council motion which was passed that added, according to  
27           the plan of the council, Brompton Lodge to the urban  
28           growth area; is that right?---If that's the date you are  
29           saying, sir, yes.

1 And thereafter you and Ms Wreford stood for State  
2 election?---Yes.

3 And Mr Woodman contributed to both of your election campaigns;  
4 is that correct?---If you are telling me that's  
5 correct - - -

6 Do you know - you know that he contributed to yours?---I don't,  
7 but if the records show that I'll accept that.

8 All right. And Ms Wreford was successful. You weren't. You  
9 had to return to the council; is that correct?---Yes, sir.

10 And thereafter during 2011/12 there were continuous decisions  
11 having to be made by the council in relation to Brompton  
12 Lodge because it needed the Minister for Planning's  
13 approval and the Minister for Planning referred the issues  
14 back to Brompton - of Brompton Lodge back to the council  
15 for further decisions; isn't that so? Without getting  
16 bogged down in the detail - - -?---I do remember in the  
17 Ombudsman's report he said, "Out of 800 decisions by  
18 Watsons there was one you sat in on Brompton Lodge," and  
19 it was just a mistake on my part. It was passed in block,  
20 I believe. No-one pulled it out - - -

21 Yes, but I just - - -?---But I agree with you, sir.

22 I just want to see if we can agree that during 2011/12 there  
23 were numerous motions before the council in relation to  
24 Brompton Lodge. Leave the other developments aside for  
25 the moment. And I'm just wanting to know from you at what  
26 point of time did you learn that Mr Woodman had an  
27 interest in that development?---I don't know for sure, but  
28 I do know there was one that I sat in on. If I did  
29 I inadvertently did that because there's no way known if

1 I knew he had something to do with Brompton Lodge I would  
2 sit in on that. And I'm being very truthful. I've gone  
3 out of my way not to sit in on his meetings.

4 As I understand it it was not, Mr Ablett, until October 2014  
5 that for the first time you absented yourself from a  
6 council motion that concerned a matter in which Mr Woodman  
7 had an interest; would you dispute that?---I really don't  
8 know the answer to that. I would have to look up the  
9 records, sir.

10 Maybe that's something you and your counsel can look at?---Yes,  
11 sir.

12 What I'm concerned about is the suggestion that surely for some  
13 significant period before then you must have known that  
14 Mr Woodman or his companies had an interest in motions  
15 that you were passing at council?---Sir, if I had have  
16 been conscious of the fact that he was involved in  
17 Brompton Lodge I would have gone out of the room.

18 Yes, Mr Tovey.

19 MR TOVEY: Would that be an appropriate time, Mr Commissioner?

20 COMMISSIONER: Yes, certainly. Now, Mr Ablett, we are  
21 adjourning until Monday at 10 o'clock?---Yes, sir.

22 I just remind you that you are not to talk to any other  
23 witnesses, either witnesses who have given evidence or any  
24 witnesses that are to give evidence, either about your  
25 evidence or the evidence they have given or will give; do  
26 you follow?---Yes, sir.

27 Very good. Adjourn until 10 am Monday, please.

28 <(THE WITNESS WITHDREW)

29 ADJOURNED UNTIL MONDAY, 2 DECEMBER 2019 AT 10.00 AM