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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 2 DECEMBER 2019

(9th 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.  
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1 COMMISSIONER: Are we ready to proceed with Mr Ablett?

2 MR TOVEY: Yes, Mr Commissioner.

3 COMMISSIONER: Come forward, Mr Ablett.

4 MR ABLETT: Can I take my coat off?

5 COMMISSIONER: Yes, you may.

6 <GEOFFREY NORMAN ABLETT, recalled:

7 COMMISSIONER: Mr Ablett, can I remind you you are still on  
8 oath?---Yes, sir.

9 The examination will take some time, so it's important that you  
10 feel you are doing yourself justice. So at any stage you  
11 want to have a break, just let me know?---Thank you,  
12 Mr Commissioner.

13 Yes, Mr Tovey.

14 MR TOVEY: Just going over some of the things that we dealt  
15 with on Friday, you indicated that you stopped training in  
16 2012; was that right?---Horse training?

17 Yes?---Seven years. About that time, yes, sir.

18 Good Call stopped racing at what age?---We finished with him  
19 about six or seven. He didn't race. He nearly got to a  
20 couple of trials a couple of times so most of the time he  
21 was actually in work and when we nearly got him to a trial  
22 something went amiss, he either strained a muscle and we  
23 had to get the vet out and started the whole process  
24 again.

25 In any event, if it was six or seven, that would have made it  
26 2013 or 2014 that Good Call was put to pasture; is that  
27 right?---About six or seven, so about that time, about  
28 2014.

29 And did you keep Good Call on your premises or was it kept

1 elsewhere?---There was a horse place that I rented which  
2 is in Pearcedale.  
3 And who owned that?---Mr Norris and Mrs Matz. They're married.  
4 But I'd had also had horses 10 years before with Mr Les  
5 Field.  
6 And so the horses were - did you keep Good Call at those  
7 premises?---Yes.  
8 The whole time you had it?---Yes.  
9 Other than when it was taken off for various training  
10 purposes?---Yes. He actually never made it to another  
11 trainer because I've always been a strapper to another  
12 trainer and I was working at the track with them, so he  
13 never got to the races.  
14 And that was with - sorry, it was Kylie Matz, was it, at 1005  
15 Baxter-Tooradin Road?---Kylie Matz, yes, sir.  
16 All right. How often would you go to those premises?---Every  
17 day.  
18 Now, she offers two levels of service, does she not? You can  
19 have a do-it-yourself agistment?---Mm-hm.  
20 Is that right?---Yes.  
21 Or else you can have a higher level of agistment called full  
22 livery?---Mm-hm.  
23 Is that right?---Yes, sir.  
24 The reason I keep on asking you these questions, I'd ask you to  
25 answer "yes" or "no", if you can, rather than "mm-hm"  
26 because we have to record it for the transcript?---Sorry,  
27 yes.  
28 And the full livery service involves her providing the  
29 veterinary care and doing the feeding each day; is that

1 right?---No.

2 You provide the food but she does the feeding?---No, I feed  
3 most of the time.

4 In any event, you say, do you, that you were paying for these  
5 services in respect of, first of all, Good Call, then  
6 Prima Facie, then the filly that you bought in July  
7 2018?---The best way to sum it up is on the odd occasion  
8 if I can't make it, I will ring her and say, "Can you look  
9 after the horses".

10 Forget about that. I'm asking you who paid?---I paid for that.  
11 So you paid for all the agistment fees in respect of Good  
12 Call?---Yes.

13 You paid for all the agistment fees in respect of Prima Facie,  
14 did you?---Up until I think February this year Mr Woodman  
15 offered to do that as we were building to getting - the  
16 horse was pregnant and we were getting another horse.

17 COMMISSIONER: If I could just ask you a couple of questions  
18 about going back to 2010 and Good Call. You've told us  
19 that you had Good Call at the Pearcedale track  
20 ?---Pearcedale agistment, yes, on Baxter-Tooradin Road.  
21 And you had another horse there as well?---I think I'd just  
22 retired one. At times I had two horses there, yes. That  
23 was Stylish Command before him.

24 And were there multiple trainers with horses at that  
25 track?---On the odd occasion there were other horse  
26 trainers there, but they came and went. There's about 20  
27 or 30 horses there, but they're mainly equestrian horses.  
28 Yes?---So there's a - sorry. Go on.  
29 And the business - can we call it a business you were

1 running?---Yes, as a hobbyist at that time.

2 Had you been advertising that business?---Not advertising.

3 Mainly friends who wanted an interest. As you would see

4 on the list with Good Call, there are a number of people

5 who I knew and then Mr Woodman came along and he joined

6 in.

7 But this was just by word of mouth?---Yes.

8 That people would find out you had a horse that you were

9 willing to share ownership with?---Mainly friends and

10 friends of friends.

11 Yes. So do you know how Mr Woodman found out about Good

12 Call?---Not exactly. We would have possibly had a

13 conversation where I had horses and he said he had 25

14 horses with other people.

15 And then what happened?---He said he was interested in - his

16 daughter was interested in getting into a horse and

17 I said, "Well, this horse is a three year old. He's about

18 to launch into racing." And he wanted to buy a

19 15 per cent share for his daughter and I believe it was

20 his daughter-in-law, the other person.

21 Yes. I'm sorry, were there two, then, the daughter and

22 daughter-in-law?---There were two people that Mr Woodman

23 wanted in a horse.

24 And did he buy a share for both of them in the end or just

25 one?---He just paid a figure for both.

26 Right. And so that conversation you initially had with

27 Mr Woodman, was that before he came out to Pearcedale and

28 saw the horse?---I'm not sure.

29 I'm asking you these questions, Mr Ablett, because you left me

1 with the impression on Thursday that you didn't know  
2 Mr Woodman and that he came out of the blue saying he  
3 wanted to buy an interest in this horse. I'm just  
4 wondering whether that's strictly correct. Can you just  
5 think about that for a moment?---Yes. I probably would  
6 have met him briefly and told him about horses and then  
7 he's come out to have a look at the horse.

8 And where would you have met him before you discussed acquiring  
9 this share in Good Call?---I've been thinking about that a  
10 lot, sir, and I can't remember exactly where that was.

11 So I'm not sure if Counsel Assisting will be taking you to  
12 these matters, but we know from the Ombudsman's report of  
13 2015 that in 2010 you as a councillor were dealing with  
14 multiple planning issues that concerned interests in which  
15 Mr Woodman had an interest. Do you realise  
16 that?---I realise it.

17 So there was not - - -?---Now I realise it.

18 There was not only Brompton Lodge. There was also Botanic  
19 Ridge. Have you read the Ombudsman's report of 2015?---A  
20 while back, sir.

21 You did?---Mmm.

22 So you would be aware that the Ombudsman was able to identify a  
23 number of planning issues that were before council in  
24 2010, indeed going back to 2008 when you started, where  
25 Mr Woodman had an interest. Did you know that back in  
26 2010?---I didn't know he was in Botanic Ridge.

27 What about Brompton Lodge?---No, sir.

28 Did you know that he had any relationship with Mr Carpenter who  
29 was involved - was the landowner in Brompton Lodge?---No,

1 but I knew Mr Carpenter.

2 And did Mr Carpenter contribute to your 2010 election campaign  
3 when you decided to stand for State parliament?---I think  
4 he did.

5 You would find out, presumably. If someone made a significant  
6 contribution to your campaign, you would know about it,  
7 wouldn't you?---Mrs Peulich was handling all the money.  
8 Yes, but can we accept that if someone had made a substantial  
9 contribution to your election campaign when you decided in  
10 2010 to stand for State parliament, that you would know  
11 about such contributions?---I would know the people who  
12 contributed but may not know the amount, yes.

13 So even if the money was going then to the Liberal Party and  
14 whoever was responsible, as the Ombudsman discussed in her  
15 report, whoever was responsible for distributing the  
16 campaign funds, you would find out who had donated when  
17 funds were specifically allocated to you?---I would have a  
18 pretty good idea who donated money.

19 Yes, thank you. Yes, Mr Tovey.

20 MR TOVEY: Getting back to the agistment, in the 2018/2019  
21 financial year you were paid \$60,000, weren't you, by  
22 Mr Woodman?---The last two financial years totalled more  
23 than that and then - - -

24 No, I'm just asking do you agree that between July 2018 and the  
25 end of June 2019 you were paid at least \$60,000?---Yes,  
26 sir.

27 During that period of time that was, you've told us, for  
28 looking after Mr Woodman's interest in Prima Facie; is  
29 that right?---Can you repeat that, please, sir?

1 That \$60,000 was for looking after Mr Woodman's interest in  
2 Prima Facie?---Yes, sir.

3 It was for looking after his interest in the filly that you  
4 purchased?---Yes, and there was also - - -

5 For \$5,000 - - -?---Also for travelling around to find - - -

6 If you could just listen to the question. That was for looking  
7 after his interest in the filly that you purchased in  
8 mid-2018, was it, for \$5,000?---No, she was bought this  
9 year in July.

10 Sorry, it was July 2019?---Yes.

11 All right. And then there was the foal, that is the Prima  
12 Facie foal?---Yes, by Reward for Effort.

13 By?---Reward for Effort, a top Victorian stallion.

14 Reward for Effort was the sire?---Yes.

15 And what was the service fee?---I purchased it for - I got it  
16 for half price for \$8,000 as my uncle owns two shares in  
17 him.

18 And who paid for that?---Mr Woodman did.

19 COMMISSIONER: Mr Tovey, were you going to go back to how the  
20 expenses for Good Call were paid for?

21 MR TOVEY: We are, yes. (To witness.) So he pays for the  
22 service fee. He pays for the agistment?---No, he only  
23 started paying for the agistment in February 2019. I paid  
24 for all of that up until then.

25 Up until July of - when did the foal come along?---It was born  
26 on 10 October, sir.

27 This year?---Yes.

28 So during the 18/19 financial year you got paid \$60,000 for  
29 looking after his one-third interest in Prima Facie which

1 was no longer racing or no longer in work?---Yes, and  
2 we - - -  
3 No, if we can just take it a step at a time. Was that correct,  
4 that was part of - - -?---Towards it, yes.  
5 And also you were looking for a filly that you could run as an  
6 early three year old?---That was Mr Woodman's idea and,  
7 yes, I - - -  
8 No, was that what you were doing?---On Mr Woodman's advice  
9 I did that, yes.  
10 You understand all I want to know is what you were getting paid  
11 for. So the things you were getting paid for at that  
12 stage were looking after his interest in Prima Facie;  
13 right?---Correct.  
14 And Prima Facie for that year was just in a paddock and wasn't  
15 in work; true?---At that year, yes.  
16 And he had a one-third interest in Prima Facie. All right.  
17 So there was that and then you were also looking for  
18 another horse which you ultimately found and paid \$5,000  
19 for; is that right?---Yes, I travelled around Victoria  
20 looking.  
21 And you told us you had no interest in any of his other racing  
22 interests?---No, it started off that he wanted me to and  
23 then there was another man, Mr Alan Nicholls, who was  
24 offended that I was looking at other horses and I said,  
25 "I don't want to offend you." So I let him look after the  
26 other horses and we'd meet and talk about mine and his  
27 about once every couple of months.  
28 Alan Nicholls was his racing manager?---Yes.  
29 And remained his racing manager throughout, so far as you were

1           aware?---Yes, sir.

2   That had nothing to do with you?---We decided that would be the

3           case because I didn't want to offend him.

4   Yes, all right. So getting back to 2018/2019, you got \$60,000

5           for looking after his interest in Prima Facie which was

6           just a horse in a paddock, and for looking for another

7           horse; is that right?---Yes, and travelling around - and

8           we also paid tax on those last two years.

9   I don't care whether you paid tax or not?---Okay.

10   I want to know what you got paid. That was the full extent of

11           what you were getting paid \$60,000 for?---That was the

12           agreement we reached.

13   No, is that the full extent?---Yes.

14   I don't care about what your agreement was?---Yes.

15   That was what you did. All right. And for the second half of

16           that period he was paying for all the agistment?---I think

17           it was from February 2019.

18   All right?---He offered to do that.

19   And this \$60,000 insofar as it related to Prima Facie was in

20           respect of a one-third interest worth \$15,000 in a horse

21           that was in a paddock, is that right, and he's paying you

22           \$60,000, all right? To look after that one-third interest

23           and to look for another horse worth \$5,000?---The

24           broodmare is a top broodmare - - -

25   No, is that the truth of the situation: yes or no?---It is the

26           truth and he was happy because the broodmare is a top

27           broodmare.

28   I'd suggest to you that that's patently ridiculous?---I beg

29           your pardon?

1 I'd suggest to you that that is patently

2 ridiculous?---I disagree with that, sir.

3 COMMISSIONER: What is, Mr Tovey?

4 MR TOVEY: That you'd be getting genuinely paid \$60,000 to do

5 those things and nothing more. You must understand that,

6 Mr Ablett? I mean - - -?---It's a subjective thing what's

7 worthwhile.

8 Mr Ablett, it's not subjective at all?---It is subjective.

9 COMMISSIONER: Mr Tovey.

10 MR TOVEY: I'm sorry. I apologise, sir. (To witness). What

11 I suggest to you is that it is impossible, is it not,

12 logically to justify that payment, looking back on it now.

13 Would you agree with that?---No. No.

14 COMMISSIONER: You think you were delivering \$60,000 worth of

15 service - - -?---I was out there. I would put in 40 hours

16 a week.

17 Mr Ablett, the short answer is you feel you were delivering

18 \$60,000 worth of service per annum?---I felt so, sir.

19 MR TOVEY: You were putting in 40 hours a week looking after a

20 horse being agisted in a paddock that wasn't in

21 work?---Yes. Grooming it every day. Making sure - doing

22 other things around the fence. If there was a fence

23 needed fixing, I'd fix it. Making sure the horse - and

24 putting proper - helping put proper foal fencing up so

25 that a foal wouldn't get its foot through, and I had other

26 foals that had got their legs through the plain wire and

27 wrecked themselves, so prevention was the best cure. So

28 it wasn't just that. I was also helping out around the

29 farm doing a lot as well to make sure the paddocks were

1 perfect.

2 Of course, throughout that period it was only Prima Facie,  
3 wasn't it?---For a period of time, yes.

4 It wasn't until July, now that you'd bought the - you bought  
5 the new filly?---Yes, sir.

6 Was that a filly that came to be called Vera?---Paddock name is  
7 Vera.

8 And was Prima Facie also known - was the paddock name of that  
9 horse Ruby?---Yes.

10 And then once Vera came along, was it the case that Vera was  
11 also agisted at the same property in Pearcedale?---The  
12 paddock next door with the same foal fencing.

13 And that full service agistment was paid for for Vera by  
14 Mr Woodman?---Yes, he offered to do that.

15 And that full service agistment would work out somewhere  
16 between 12 and \$1400 a month?---No, it's more than that.  
17 The agistment alone was 1200 and the feed bill was just on  
18 1200, so there's two and a half grand a month already  
19 before vets and before teeth people and before farriers  
20 and all that sort of thing.

21 I just want you - - -?---And with the tax out it was two and a  
22 half grand clear.

23 You see, I suggest to you that in July of 2019 the agistment  
24 fees for each of Vera and Prima Facie were around \$700,  
25 \$700 per horse?---No, they were a lot more than that.

26 And I'd suggest to you that that was the fee that was being  
27 billed to Mr Woodman through Alan Nicholls?---Was that  
28 just for the agistment, sir?

29 Yes.

1 COMMISSIONER: That's based on what, Mr Tovey?

2 MR TOVEY: I'm just going to show the witnesses, sir, some  
3 invoices.

4 COMMISSIONER: Yes?---The agistment sits at just on \$1100,  
5 \$1200 now.

6 MR TOVEY: These documents, Mr Commissioner, aren't on the  
7 database. They will be included later today, hopefully.  
8 These are documents attached to an invoice of Kylie Matz,  
9 M-A-T-Z, which was exhibited to an affidavit by her - - -

10 COMMISSIONER: In any event, you are going to show them to  
11 Mr Ablett?

12 MR TOVEY: Yes, on 19 October 2019. I have just numbered those  
13 one and two. Could they be put up on the screen? They  
14 are not on the database. Sorry, I understood we had a  
15 process whereby we could bring them up on the screen. In  
16 that case, we'll have to come back to those. Perhaps  
17 I can do it another way, Mr Commissioner.

18 COMMISSIONER: Are they documents that Mr Ablett would be  
19 familiar with, Mr Tovey?

20 WITNESS: No, I haven't seen them. But the total is nearly  
21 \$1,400 per month for the two horses.

22 MR TOVEY: For two horses, yes?---On this sheet, yes.  
23 Do you agree with that?---Yes. That's just agistment.  
24 And those are invoices - what's the first - the first one is  
25 July, is it not, of 2019?---Yes, that's when the horse,  
26 Vera, arrived.  
27 One's for Vera - sorry, that's an invoice covering both Vera  
28 and Prima Facie?---It is.  
29 And the total fees for the month were?---\$1,385 for agistment.

1 All right. And that includes some additional services like  
2 farrier or vet?---No. No.  
3 All right. And then if you go to the next invoice, number  
4 2?---Yes.  
5 Is that an invoice for three months?---I'll have to put my  
6 glasses on, I'm sorry, sir.  
7 Yes?---From 1/8 to 31/10. Eight, nine, 10, it looks like three  
8 months, sir.  
9 That's for agistment, is it not, for the same two horses?---For  
10 agistment, yes.  
11 And for other services as well?---No, just agistment.  
12 Could I have those documents handed back to me, please. In the  
13 case of Vera, in July was there also a farrier's fee of  
14 \$150?---There could have been.  
15 And the same with Prima Facie and then I'd suggest to you with  
16 Vera?---They get their feet done every six weeks, sir.  
17 So you get a farrier - - -?---Maybe a bit shorter. Maybe four  
18 to six weeks, depending on the growth period.  
19 What I suggest to you is that these invoices also covered the  
20 costs of a farrier, wormer and tetanus strangles. Would  
21 you agree with that?---If they're not on there - are they  
22 on there?  
23 They are?---Well, then that would be right, because I haven't  
24 seen those before.  
25 COMMISSIONER: What is the period of the second document?  
26 MR TOVEY: The second document, Mr Commissioner, is 1 August  
27 2019 to 31 October 2019.  
28 WITNESS: On the majority of occasions I worm the horses  
29 myself.

1 COMMISSIONER: I'll mark those two documents exhibits 86A and  
2 B. A, the invoice relating to July 2019 and B the invoice  
3 relating to the period August to October.  
4 #EXHIBIT 86A - Invoice relating to July 2019.  
5 #EXHIBIT 86B - Invoice relating to the period August to  
6 October.  
7 MR TOVEY: And would those invoices initially go to you and  
8 then be sent on to Alan Nicholls for Mr Woodman to  
9 pay?---No, I never saw them, sir. In the past before  
10 Mr Woodman offered to pay, she would just tell me a figure  
11 and I would pay her that figure.  
12 So at that stage, though, you were still paying for feed, were  
13 you, for the cost of the feed?---Yes, sir, the whole lot.  
14 And where did you get the feed?---Different places. Mainly at  
15 Cranbourne South store, which at the moment it's about  
16 1,200 a month, but I buy it from other places as well. So  
17 I didn't keep invoices at the time because I was a  
18 hobbyist then .  
19 Well, what about in - I just want to keep this for the time  
20 being to the last - sorry, to the 2018/2019 financial  
21 year?---Yes, sir.  
22 So the Cranbourne store, is that the Cranbourne General Store  
23 or - - -?---Yes, sir.  
24 Did you keep an account there?---Yes, that's why I got a  
25 run-off. I also bought feed in other places depending  
26 where I was at the time.  
27 Did you have any horses in 2018/2019, that is during that  
28 financial year, from July through to June other than Prima  
29 Facie?---No, sir.

1 All right. So whatever feed you were buying was going to Prima  
2 Facie during that period?---Yes. It was around six, 700 a  
3 month and then when the other one come along it doubled to  
4 the figure I just mentioned.  
5 So just looking at your expenses then, 700 a month was what you  
6 were paying for feed?---Just feed, yes.  
7 And then you were paying for agistment some of the time?---All  
8 the time up until February 2019.  
9 All right. That would have been at a level which was less than  
10 full service, was it?---When you say "full service", I did  
11 everything and on the odd occasion I'd ring her up and  
12 say, "Could you feed them? I'm running late for council.  
13 Could you do them tonight?"  
14 So you weren't paying for full livery as Mr Woodman was in  
15 those invoices that we have seen. So how much a month was  
16 that? I'll tell you. According to Ms Matz, the  
17 do-it-yourself agistment was \$70 a week; is that right?  
18 That's what she said by way of affidavit?---It started off  
19 \$70 a week some years ago and I think still around the 70,  
20 \$80 a week for the paddock, and then \$40 on top of that  
21 for the person who picks up the poo because otherwise  
22 worms get into the soil and it's not good.  
23 So how much for the poo person?---It would be \$40 a week and  
24 that was part of the agistment.  
25 So your total - - -?---It's sitting at 120 a week.  
26 For agistment - - -?---Is 120 a week now.  
27 It would have been about 120 a week?---Yep. Sorry, yes.  
28 And the total cost of food for one horse?---Was around the six  
29 or 700 for one horse.

1 Per month?---Yes.

2 All right. So it's costing about \$300 a week out of pockets;

3 is that right?---I'm not sure, because I did a lot of

4 the - every day they had their feet done, brushed, really

5 cared for. It took a couple of hours.

6 All right?---And I didn't get paid for that.

7 So you'd spend a couple of hours per day?---Three or four.

8 And what was your time worth doing that? Say, \$40 an hour

9 maximum?---I would say - to get someone out to do anything

10 for a horse now is about \$100 an hour. If it was \$50 an

11 hour, it would work out somewhere around 90 or \$100,000 a

12 year, and I believe I've been in the game long enough, I'm

13 not the best in the world, but I'm pretty good at what

14 I do.

15 So, even accepting your estimates, you're putting in time, your

16 own time, that's worth, say, \$1,000 a week;

17 right?---Probably more than that.

18 Yes. Out of pockets is worth \$300 a week; right?---I haven't

19 exactly sat down and worked that out.

20 What's a third of that? Say a maximum of \$500 a week, 25,000 a

21 year, how does that get you to 60,000?---I'm not sure

22 how - how you explained that to me.

23 You've indicated, and I think we've made a fairly generous

24 allowance for the time you put in. We have identified

25 your out of pockets. Add a little bit. That's 1,500 a

26 week; all right?---I'm saying the time I'd be worth around

27 90,000 a year with the time I put in and what I'm worth at

28 50 bucks an hour.

29 This is on a horse in a paddock?---And?

1 All right?---And things go wrong with them all the time. You  
2 have to watch them all the time in case they get colic, go  
3 down. You have to have that experienced eye and many a  
4 time the horse has had an injury that I've picked up.  
5 This is a horse that's retired?---It's a top broodmare.  
6 All right?---That we really wanted to keep an eye on.  
7 But Mr Woodman's interest in this horse is one-third?---And she  
8 was carrying an elite foal.  
9 That would mean that the cost of looking after this horse is  
10 something in excess of \$180,000 a year; is that  
11 right?---I never got paid, I never got paid a salary. I'm  
12 just factoring that in. If I got paid, it would be worth  
13 that.  
14 No, I'm just talking about - what you're saying is that for  
15 one-third of what you do you're paid 60,000. That means  
16 if you have three thirds it's in excess of 180. Now, are  
17 you seriously suggesting that \$180,000 is the cost of  
18 keeping a broodmare in a paddock?---It was an agreement we  
19 had to breed - - -  
20 No, are you saying - - -?---It was an agreement we had to breed  
21 a top foal and we've done that.  
22 I'm not asking you what the agreement is, Mr Ablett. I'm  
23 asking you what a reasonable cost was.  
24 COMMISSIONER: Mr Ablett - just a moment, Mr Tovey. (To  
25 witness.) It's really important, so that you don't remain  
26 in the witness box any longer than you have to - -  
27 -?---Okay, thank you.  
28 Try and answer the questions?---Okay. Thank you.  
29 MR TOVEY: Are you seriously suggesting that it costs 180,000

1 to keep a broodmare in a paddock?---I'm not saying  
2 180,000. I never got that.

3 If Mr Woodman is paying only a third, that means the total  
4 value of the service that is being provided for that one  
5 horse is 180,000 a year; you understand that? How can you  
6 justify that?---Well, he actually took over half because  
7 my son and my daughter didn't want to be in the broodmare  
8 anymore, but I just didn't do the paperwork. But, no,  
9 I wouldn't say a broodmare is worth \$180,000 a year, but  
10 that's - we were paid 60 and which tax has been paid on.  
11 So I'm not sure how to answer that question.

12 COMMISSIONER: Was anyone else contributing?---No.

13 MR TOVEY: Getting back to Good Call, Good Call actually raced,  
14 did it?---No. We nearly got him there on many, many  
15 occasions, as I stated. Unfortunately 50 per cent of  
16 racehorses don't get there. Either they are too slow or  
17 they get injured. In his case he was a magnificent  
18 animal, very well bred - - -

19 No, I'm just asking you a simple question?---He did not race.  
20 He did not race. All right. You trialled it but it didn't get  
21 to the race track?---That's right.

22 That retired in about 2014; is that right?---Around about that  
23 time, sir, yes.

24 And Mr Woodman's daughters had a third interest in  
25 that?---Thirty per cent.

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

29 [REDACTED]

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[REDACTED]

In any event, what payments were made in respect of Good Call?---They were on an as needed basis agreed to by Mr Woodman and myself. I've lost the - I can't find the invoice book from '10 to '14, so I can't be exact. I've looked for it everywhere.

COMMISSIONER: How were the payments made, Mr Ablett?---They were always brought by bank - in fact I don't even think I charged them much at all because I felt that badly I didn't get the horse to the races.

MR TOVEY: It's the same with Prima Facie?---Yes, but she's a top broodmare and we were looking forward to breeding a good foal out of her, so it was a different situation.

COMMISSIONER: Mr Ablett, you are not doing yourself justice?---Okay.

Did you get paid at all for looking after Good Call the 30 per cent interest of Mr Woodman's daughter and daughter-in-law?---Yes, I did, but I don't know the amount, sir.

MR TOVEY: Were you paid an amount monthly or weekly?---It was

1 on an as needed basis, but it wasn't very much. Nowhere  
2 near the '14 to '19 dockets that you've got.

3 What do you mean to by "an as needed basis"?---If the horse  
4 needed a vet urgently, he might pay for the vet or  
5 something like that, but I can't find the book and there  
6 wasn't much - I didn't ask people. There were a lot of  
7 owners in him and I felt - I personally felt embarrassed  
8 that I didn't get the horse to the races, so I didn't ask  
9 people for money.

10 COMMISSIONER: At any stage did you have reason to think either  
11 Mr Woodman's daughter or daughter-in-law were employees of  
12 Watsons?---No. No. Are they?

13 I'm wondering if there was any point of time when you thought  
14 they were. I was wondering if I could ask you to look,  
15 please, at the Ombudsman's report, page 27 of the court  
16 book, paragraph 121. Can you read that there,  
17 Mr Ablett?---Yes.

18 Just read it to yourself?---Okay.

19 Do you see there, Mr Ablett, that the Ombudsman's paragraph  
20 commences saying that Watsons was involved in both  
21 Cascades on Clyde PSP and the Botanic Ridge  
22 development?---I didn't know they were involved in  
23 Cascades on Clyde and I didn't know that they were  
24 involved in Botanic Ridge.

25 Do you mean at that time?---At that time. Right through  
26 I didn't know. I knew Cranbourne - I eventually found out  
27 about a place to become called Brompton Lodge.

28 When Mr Woodman was in the witness box and he was explaining  
29 the legal agreement that he signed with you in 2015 about

1 the role you would play with him in relation to  
2 racehorses, he explained that he inserted into that  
3 agreement of his own motion a paragraph which said that  
4 you would ensure that you did not participate in any  
5 council decisions concerning planning where he had an  
6 interest in that planning issue; do you recall  
7 that?---Yes, sir, that was one of the main things.

8 And I asked him at that time how would you know when Mr Woodman  
9 or one of his companies had some sort of an interest in a  
10 planning issue if he didn't tell you, because he was  
11 saying he didn't tell you, you would be able to work that  
12 out for yourself. When he gave further evidence about  
13 that he said you would find that out because you would see  
14 the council officer's reports, you would see where there  
15 was reference to the consultants, not only the owners of  
16 the land that was to be developed but the consultants, and  
17 you would be able to know for yourself when he or one of  
18 his companies had an interest. Do you agree with  
19 that?---I can understand what he's saying, sir, but I did  
20 also say that at any time if I saw the name Woodman or  
21 Wolfdene, I would have declared a conflict of interest.

22 I did not see it in the agenda.

23 No, but I just want you to grapple with what he was saying and  
24 tell me whether you agree or don't agree. He was saying  
25 it wouldn't be necessary for him to talk to you about it.  
26 You would be able to discern for yourself whenever there  
27 was a planning issue coming before council that involved  
28 him or one of his companies.

29 Looking back, Mr Commissioner, I wish he had have told me,

1 I wish he had written down all of the things he was  
2 involved in.

3 So do I take it from that you don't agree that you would have  
4 been able to tell from all of the material that you were  
5 considering as a councillor that he would have an interest  
6 in a particular planning issue?---That's what I'm saying.  
7 Unless his name or Wolfdene appeared there?---Yes, because if  
8 I saw a consultant's name I may not draw the link.

9 Yes?---And this is something we're going through at the moment  
10 as I touched on briefly, that in future whatever precinct  
11 is being presented, that all the directors and everyone  
12 concerned, their names should be in the agenda, and I've  
13 been asking for that over the last 18 months.

14 Yes?---And the governance have been terrific and Mr Patterson  
15 and everyone is working towards that now because we need  
16 to know who's involved and I didn't know they were  
17 involved.

18 Not just the owner of the land, but - - -?---But anyone  
19 involved, the directors, consultants, everybody involved  
20 in case I know someone, they're a good friend of mine.  
21 They're not all listed and I am being very sincere in  
22 saying I did not know how widespread their involvement was  
23 and I didn't pick it up in the agenda.

24 So you were the chair of the planning committee of the council  
25 between 2011 and 2013, were you not?---That would be  
26 correct, and we would deal with probably three items out  
27 of the thousands that went - - -

28 Yes?---We used to say - in the old building we used to have a  
29 chamber upstairs and the planning items coming upstairs,

1 I think if they had six or eight objections, that  
2 triggered to come up for a council vote or if the officers  
3 wanted it to come up to council. But in most cases  
4 planning issues were decided by officers without our  
5 assistance.

6 Yes. You remember that in 2011 The Age newspaper did an  
7 article on some planning issues at the Casey  
8 Council?---I don't remember them directly, sir.

9 Do you have a sense, Mr Casey, that there have been numerous  
10 occasions where the media has written about and made  
11 implications that things were not all that they should be  
12 at Casey Council in relation to planning issues?---I did  
13 see those, sir, and I didn't relate them to myself because  
14 I didn't think I'd done anything wrong.

15 Are you going to take Mr Casey to any of those, Mr Tovey, the  
16 2011 Age article?

17 MR TOVEY: Not at this stage, Mr Commissioner.

18 COMMISSIONER: Just bear with me for a moment while we have the  
19 Ombudsman's report open. Do you have a memory, Mr Ablett,  
20 of The Age newspaper in 2011 in an article stating that in  
21 relation to Brompton Lodge a Mr Carpenter had told The Age  
22 newspaper that he had contributed to your election  
23 campaign in 2010?---I remember that.

24 And the relevant Brompton Lodge decision of the council which  
25 resulted in Brompton Lodge being added to the urban growth  
26 area of Cranbourne was in August 2010. Do you remember  
27 that?---I don't know the exact date, but I remember  
28 Mr Carpenter making some comments.

29 Yes. And that was a critical moment in relation to that

1 particular planning issue because from that moment on the  
2 focus was about then, in consultation with the relevant  
3 minister, progressing that decision of the council, was it  
4 not?---It would have been, yes.

5 And it appears that that occurred within the same week or two  
6 that Mr Woodman's daughter and daughter-in-law acquired  
7 their interest in Call Out. Have you connected the two  
8 things at all?---No, sir, it never entered my mind.

9 I thought I was entering into a legitimate horse  
10 partnership because I'm very passionate about it and  
11 I never gave it a thought.

12 And you and Ms Wreford voted in support of that motion, did you  
13 not, that Brompton Lodge be added to the urban growth  
14 boundary?---I read over the weekend I think it was the 2nd  
15 of March it might have been gone through.

16 Because I asked you before - - -?---You asked me to look it up.  
17 Would you go back and have a look?---I did have a look, and  
18 I picked up I think it was 2 March, sir, and that was  
19 passed.

20 Yes. I'm sorry, I'm having difficulty finding the passage from  
21 The Age newspaper that would have alerted you in 2011 to  
22 the issues that it was concerned about. Perhaps you might  
23 continue, Mr Tovey, and I will come back to it.

24 MR TOVEY: Thank you. Other than your horses, what other  
25 horses to your knowledge did Mr Woodman have an interest  
26 in?---None to my knowledge.

27 So you had no information at all about his other horse  
28 investments?---No, I was going to, but Mr Alan Nicholls  
29 didn't like the idea of that. I've spoken to Mr Woodman

1 about them, but that's it.

2 You'll recall that as of Friday I brought your attention to a

3 memorandum from Mr Woodman to you dated 5 January of 2015.

4 Do you recall we were just about to deal with that just

5 before adjourning? It's exhibit 9?---Was that the

6 agreement? Sir, was that the agreement you put up?

7 That's a memorandum?---That we signed?

8 That's a memorandum to you from Mr Woodman indicating what you

9 had agreed to in recent discussions and indicating that

10 there would be a following formal agreement. Could we

11 have a look at page 4288 which is that exhibit, please?

12 COMMISSIONER: Perhaps before you take the witness to it, The

13 Age article was published on 19 August 2011 and amongst

14 the things that it said was that there was a rezoning of

15 the Brompton Lodge which was being furthered by Mr P

16 Carpenter. You've told us you know Mr Carpenter?---I know

17 Mr Carpenter.

18 And quite well?---No.

19 I thought you'd indicated earlier - - -?---I know him to talk

20 to and say hello in the street, but we're not friends.

21 It was being pushed by Mr Carpenter, who was the owner of the

22 land?---Yes.

23 Did you know that?---I found out he did own it, yes.

24 And by a Liberal MP turned lobbyist, a Mr Geoff Leigh,

25 L-E-I-G-H?---I met him once. I don't know him.

26 I'm told we can go to 2592 in the court book, we'll find the

27 relevant article. Whilst that's being done, the article

28 went on to say, "Mr Carpenter contributed thousands of

29 dollars in donations to the 2010 state election campaign,"

1 including to you and Ms Wreford, and from the council  
2 records, Mr Ablett, it appears that the critical Brompton  
3 Lodge decision of the council adding it to the urban  
4 growth area was made on 3 August 2010 which is, as  
5 I understand your evidence, the same week that  
6 Mr Woodman's daughter and daughter-in-law acquired this  
7 interest in the horse Call Out. That's entirely  
8 coincidental, is it?---It is. And on the 10th, sir, we  
9 actually - I picked up, because you asked me to look, it  
10 was on 3 August I think there was a council meeting where  
11 we wrote to Mr Madden complaining that council hadn't been  
12 listened to because they'd made the urban growth area much  
13 larger than we wanted and all the agricultural land would  
14 have houses on it and that wouldn't be good for the food  
15 bowl.

16 When do you say you first learned that Mr Woodman had a  
17 financial interest in the Brompton Lodge planning  
18 scheme?---I would say not until sort of around '13/14.

19 And how did you find out?---He told me.

20 And is it your understanding that Mr Woodman's interest was  
21 that, in the event of the planning application being  
22 successful, he had reached an agreement with Mr Carpenter  
23 about the basis upon which he or one of his companies  
24 would acquire that land?---I had no idea about that, sir.

25 What did you understand was his interest?---I didn't know he  
26 had an interest in it, the land, sorry.

27 But you've told us at some stage, 2013/14, you found out that  
28 he did have an interest?---Yes.

29 What did you learn was his interest?---That he - my

1 understanding was that he had done the PSP planning for it  
2 as a planner. When I first found out he was a town  
3 planner, I thought he had planned towns, like, we put a  
4 post office here and a road through the middle of the  
5 town. I didn't envisage it would be just a housing  
6 estate.

7 Now, I've diverted you. Would you just look at that Age  
8 article. Have a quick peruse of it. Would you mind just  
9 going back to the top of that, just the previous  
10 paragraph? Do you see there in that paragraph alongside  
11 the cartoon there's a reference there to Watsons?---I'm  
12 still looking for the name Watsons. Yes, I can see that  
13 now.

14 And toward the end of the article Mr Carpenter confirmed to The  
15 Age the extent of his donations to the election campaign,  
16 including to you?---Yes.

17 And you read that article at the time it was published?---Not  
18 as in-depth as I should have.

19 Since that article was published, did anything change at Casey  
20 in terms of the way in which planning issues were  
21 approached?---Not to my knowledge. They're mainly done by  
22 the CEO and the planners.

23 To your knowledge, despite that article and the concerns raised  
24 there, nothing altered?---No.

25 And if you read the article, then you would have appreciated in  
26 2011 that Mr Woodman had an interest in Brompton  
27 Lodge?---I should have, but I didn't.

28 COMMISSIONER: We'll mark that Age article exhibit 87.

29 #EXHIBIT 87 - Article from The Age newspaper.

1 COMMISSIONER: Thank you, Mr Ablett. Yes, Mr Tovey.

2 MR TOVEY: Just to try and move on, you were aware, were you  
3 not, that there were a series of newspaper articles about  
4 that time?---Not a series. I knew there was an article  
5 where Mr Carpenter made a comment.

6 Were you aware of an article about the way in which the green  
7 wedge was being gradually taken over by developers?---Yes,  
8 I spent a lot of time on the green wedge and we saved the  
9 green wedge.

10 Well, in that case you would have been keenly aware of all of  
11 the issues surrounding that particular concern?---I was  
12 working with officers on that and they were telling me  
13 that we needed to preserve land for agriculture,  
14 horticulture and animal breeding and equine.

15 And if that was the case you would have made yourself aware of  
16 the personalities who were involved or the companies that  
17 were involved in nibbling away at the green edge, would  
18 you not?---Not so much the companies. I just heard that  
19 developers might be, and that's why we led a delegation to  
20 Mr Madden saying he shouldn't have made the urban growth  
21 zone six times larger than what we wanted.

22 Getting back then to exhibit 9, if that could be brought up,  
23 page 4288. This is an agreement which was made  
24 in - sorry, this was a memorandum which was transmitted to  
25 you on 5 January 2015; is that right?---Yes.

26 And you recognise that document?---Yes.

27 Okay. Was that a document which reflected a verbal agreement  
28 that you and Mr Woodman had come to previously?---Yes, we  
29 had an agreement that I said to him and he said to me that

1 I was to take no part even before this happened in  
2 anything that his company was doing and if I'd recognised  
3 that his company was doing the things that were listed  
4 before, I certainly would have raised a conflict of  
5 interest.

6 All right. A horse called Vibrance, does that mean anything to  
7 you?---Vibrance?

8 Yes?---No.

9 If we go through then that memorandum, the first paragraph is,  
10 "As per our recent discussion, please find detailed below  
11 the job description for the above position which we  
12 request you provide a monthly fee for the same." Is that  
13 right?---The report was verbally done with Mr Woodman. We  
14 just had a chat, what's going on with the horses.

15 With, what, all his horses?---With his horses.

16 But this is totally contrary to what you've told me previously.

17 I suggest that you have never suggested, and I've given  
18 you every opportunity up until now to explain, that the  
19 money you were being paid had something to do with his  
20 horses other than the three horses that we've heard about;  
21 is that right?---And that was the intention of this and  
22 when I started doing the job - - -

23 So in any event - - -

24 COMMISSIONER: Mr Tovey, it's important you let the witness  
25 finish. Had you finished what you - - -?---I had started  
26 off to do what Mr Woodman asked me to do. I started to go  
27 to the track and look at horses and I was approached by  
28 Alan Nicholls who was most upset, saying that was his  
29 role. I had a talk to Mr Woodman and he said, "Yes, let

1 Alan do that bit," because I didn't want to have a big  
2 argument with Alan who had been with John for a long time.  
3 He said, "Okay, you look after the horses you have and  
4 we'll talk about together" the horses that Mr Woodman has,  
5 but he will continue his role. I didn't realise when that  
6 was written it should have been that let Mr Nicholls do  
7 that. I was mainly interested in the conflict of  
8 interest, a document that I would have not anything to do  
9 with his business as in - - -

10 MR TOVEY: In respect of his horses other than those that you  
11 were involved in with him, do you know whether he was in  
12 syndicates or whether he owned them outright?---He told me  
13 he owned shares of them outright.

14 Did you know through what organisation or organisations?---Only  
15 through reports from Alan Nicholls. I don't know all the  
16 trainers. He did rattle off some names to me. They were  
17 all top trainers in Melbourne.

18 Did you know what the syndicate was that he was using?---No,  
19 sir.

20 All right . So do you know what his percentage interests  
21 were?---Not in every horse. He told me he had 12 in one,  
22 20 in another. But 25 of them, I couldn't answer that.

23 Do you know what his average interest was in these  
24 horses?---No, sir.

25 Do you know the names of any of the horses? I think you've  
26 told us you don't?---He owns a big share in Love Me Madly  
27 which has a track record at Flemington.

28 I'm talking about 2015. Are you able to - - -?---Sorry, sir?

29 What horses he had an interest in then?---Well, I know he still

1 has foals coming out of Love You Madly. But, no, none of  
2 the other horses because I've left that to Alan, as he  
3 asked me to do.

4 COMMISSIONER: You agreed with Mr Woodman that the role that  
5 you were playing in relation to horses in which he had an  
6 interest meant that you had a conflict of interest as a  
7 councillor if an issue came up before council concerning  
8 Mr Woodman?---From that, yes, I did, sir. From - - -

9 I'm just trying to understand was this news to you "when  
10 Mr Woodman raised with you the need to put this in the  
11 agreement, was it news to you that having a business  
12 relationship with Mr Woodman unrelated to council affairs  
13 meant that you had a conflict of interest?---I was  
14 interested in the conflict of interest to put it in  
15 writing so that - verbally we'd said that, but to put it  
16 in writing meant - - -

17 Sorry, you're not grappling with what I'm saying?---Sorry.  
18 Were you being told something you didn't previously understand  
19 when you discussed with Mr Woodman recording in this  
20 agreement that you would not participate in motions - -  
21 -?---No, I wasn't being told anything new.

22 You knew that?---I knew that by being with Mr Woodman, that  
23 anything to do with his companies I should declare a  
24 conflict of interest.

25 And you'd known that all along throughout your period as a  
26 councillor?---Yes, anybody you have a business with you  
27 should declare a conflict of interest.

28 MR TOVEY: And you'd known for some years before this, because  
29 I think you've told us it was in 2012 or 2013 that you

1 became aware of Mr Woodman's role as a developer, so you  
2 had been aware for some years that you already had a  
3 conflict, hadn't you, because of the horse association you  
4 had?---Yes.

5 COMMISSIONER: Mr Woodman has told the Commission that the  
6 reason that he entered into this aspect of the agreement  
7 with you, that is that you set out specifically that you  
8 had a conflict of interest and would not participate in  
9 council motions thereafter, was the result of the  
10 Ombudsman's report and the fact that you both realised  
11 thereafter that any dealings at council level involving  
12 Mr Woodman's interest would be subjected to much greater  
13 scrutiny. Do you agree with that?---I agree with what  
14 you're saying, but that's not what Mr Woodman said to me.  
15 He said, "Let's just formalise what we already know," that  
16 I should not be and would not be involved in any of his  
17 businesses at council without declaring a conflict of  
18 interest. This was to formalise it in writing. I already  
19 knew it verbally and I should have known that his company  
20 was involved in some things that I didn't know they were  
21 involved in, going back to - remembering Cascades on Clyde  
22 and Botanic Ridge. I did not know Mr Woodman's company  
23 was involved in those things and nor did I read that in  
24 the agenda anywhere his name or directors' names or  
25 anything like that.

26 Sorry, I'm just asking you at the moment about the motivation  
27 for putting into the legal document this paragraph on  
28 conflict of interest, whether or not you agree with  
29 Mr Woodman that the reason for doing that was because you

1 were conscious at that stage that the Ombudsman was  
2 looking at the affairs of the Casey Council?---My take on  
3 it, Mr Commissioner, was that to put something in writing  
4 with a conflict of interest would be a good thing and  
5 I didn't really think of the Ombudsman's report as a  
6 trigger for that.

7 The report hadn't been delivered yet, but you had been  
8 notified, hadn't you, that she was wanting you to come in  
9 for an interview; do you recall?---I did go in for an  
10 interview. I don't remember the exact time.

11 Yes?---But I didn't relate the ombudsman's report to this, but  
12 I thought it was a good thing to put it in writing so we  
13 clearly understood in writing, even though we clearly  
14 understood verbally.

15 Yes?---And I didn't pick up that I should have picked up on  
16 some things that I didn't pick up in the agenda. If I'd  
17 seen "Woodman" or "Watsons", I would have put my hand up  
18 and said, "I'm declaring a conflict of interest and  
19 leaving the room."

20 Or Wolfdene?---I didn't know until years after that that his  
21 son ran Wolfdene.

22 Yes, Mr Tovey.

23 MR TOVEY: So when did you know his son ran Wolfdene?---Not  
24 until around - I think around '14/15, that time. I had no  
25 idea he had a son and that Wolfdene were connected with  
26 Watsons.

27 If I could just stop you there and just ask you this question.  
28 I'll come back to it later on. But is it your  
29 understanding that the reason the concept of a conflict of

1 interest exists is so people like yourself don't get  
2 involved in promoting the interests of private individuals  
3 or companies before council when they've got a financial  
4 association?---With me, yes, I agree with that.

5 And that means that from your perspective do you say it is  
6 wrong - it would be wrong for you to be promoting, knowing  
7 that Mr Woodman - sorry, I'll start that again. Do you  
8 say it would be wrong for you, knowing Mr Woodman had a  
9 financial interest in a matter before council, to be  
10 promoting the vote in his favour in any way at all?---If  
11 I knew he was involved, I would not be doing that.

12 No, all right. Because that would be corrupt, wouldn't  
13 it?---It would be corrupt.

14 COMMISSIONER: But just understand counsel has used the word  
15 "promoting". Counsel is not confining himself to voting  
16 on the motion. Counsel is putting to you do you recognise  
17 that it would be wrong to be promoting that person's  
18 interest if you had a financial relationship with  
19 them?---Yes, but I don't recollect ever talking to another  
20 councillor about promoting Mr Woodman and asking them to  
21 vote a certain way or anything like that. I wouldn't do  
22 that.

23 MR TOVEY: Getting back to this agreement, so the third  
24 paragraph of the agreement is stating an obligation that  
25 you and Mr Woodman, you say, already well understood; is  
26 that right?---The paragraph, which word does it start  
27 with, sir? "Provide verbal feedback"?

28 Yes, so the third paragraph says this: "In view of the fact of  
29 what's been recently discussed and the consideration of

1 the provision of a monthly fee, in the light of the above  
2 and our ongoing relationship your acceptance of the  
3 position is on the basis that you declare a conflict of  
4 interest," et cetera et cetera; is that right?---I know  
5 where you are now, sir, yes.

6 But according to you you were declaring a conflict of interest  
7 anyway. So this is just - - -?---Where I knew I would.

8 So this is just getting that down on paper, is it?---Yes.

9 Then you indicate - sorry, then the memorandum goes on to talk  
10 about the preparation of a formal agreement. Was there  
11 any further formal agreement about you managing his equine  
12 interests?---No, because it halted when Alan Nicholls had  
13 a fairly stern word to me about that was his role and that  
14 I would look after the horses that I had with Mr Woodman.

15 So when you look at the job description - - -?---And Mr Woodman  
16 was happy with that.

17 Yes, about preparing a monthly - do you see the job  
18 description, the first bullet point?---Yes.

19 "Prepare a monthly report regarding the status of each horse  
20 owned by the family." You didn't do that. You didn't  
21 even know what the horses were?---I only knew the ones  
22 that I had, not the ones that - other ones that  
23 Mr Nicholls insisted he look after and that was sorted out  
24 with Mr Woodman, so that should have been deleted.

25 "Approve the accounts submitted by the training organisation  
26 prior to payment by Watsons." Do you know what the  
27 training organisation there being referred to  
28 is?---I believe it to be the training organisation that  
29 Alan Nicholls runs for Mr Woodman.

1 COMMISSIONER: So it was the organisation related to his other  
2 horses?---His other horses, sir, yes.

3 But you wouldn't be able to do that as you didn't know who  
4 those other horses were?---No, because Mr Nicholls  
5 insisted that I not get involved.

6 MR TOVEY: If it turns out - let me just explain to you  
7 something. Virtually all, other than two or three of  
8 Mr Woodman's horses at that stage, were very minor shares,  
9 often only two and a half or 5 per cent - - -?---Not  
10 Mr Woodman, no.

11 Sorry?---Thirty per cent for his - - -

12 COMMISSIONER: No, his other horses?---Oh, his other horses.

13 MR TOVEY: I'm just giving you some information?---Sorry,  
14 I misunderstood. I misunderstood.

15 I'm asking you for your input because of your knowledge about  
16 horses. Mr Woodman had a number of horses at that stage,  
17 probably approaching 20?---He told me 25.

18 The overwhelming majority of those were through United  
19 Syndications. Have you heard of United  
20 Syndications?---No, sir.

21 And he had shares usually of five or two and a half per cent of  
22 horses; all right? You understand that's the way it  
23 was?---Okay. Sorry, yes.

24 When you own two and a half per cent or five per cent of a  
25 syndicated horse, is it the case that the management of  
26 the horse is run by the syndication company?---I've never  
27 been in that environment, sir.

28 So you don't know?---I don't know.

29 Is it the case that if you have a small percentage of a horse

1           which is managed by a syndication company, that the  
2           syndication company manages the training team?---I haven't  
3           been in the situation, but I believe that would be  
4           correct.

5   So the next point in this agreement is that you "Provide verbal  
6       feedback as to the performance of the training team in  
7       respect of each horse." You're not able to do that, are  
8       you, in respect of a syndicated horse where somebody only  
9       has a two and a half per cent or a five per cent  
10       interest?---As I said, Mr Nicholls handled all that.

11   I'm just asking you that's not something that you could  
12       rationally expect to do, is it?---I think most owners that  
13       I know want to talk to the trainer and they still can, and  
14       the trainer sends them out - I know some people who are in  
15       syndicates and they get a text every week on where the  
16       horse is and at a certain time they can ring the trainer  
17       if they wish to.

18   The next thing is to "Keep an up-to-date inventory of the  
19       family's equine ownership." You never did that or even  
20       started it?---Not in regard to all the other horses, no.

21   And then finally to "Provide advice as to the potential  
22       purchase of further horses when requested." Well, you  
23       were asked to do that in 2018 when you were asked to find  
24       the filly which might race as an early three year  
25       old?---Yes, sir.

26   And then he indicates that he looks forward to your response  
27       and "tomorrow Vibrance will run at Seymour". Did you go  
28       to Seymour to look at Vibrance run?---No, because that was  
29       Mr Alan Nicholls' job.

1 Can you think of any reason why Mr Woodman might think that he  
2 was paying you after 5 January of 2015 because you were  
3 managing the family equine interests; that is, the  
4 totality of family interests?---No, because I had a - - -  
5 No, I'm just asking you. Do you know of any reason why he  
6 might be confused about that?---Mr Woodman confused?  
7 Yes?---No, because I had a chat to him and we explained that  
8 Mr Nicholls would continue doing that and I would look  
9 after the horses he had with me.

10 COMMISSIONER: Are you going on to something else, Mr Tovey?

11 MR TOVEY: Yes.

12 COMMISSIONER: It might be convenient to have a break for  
13 10 minutes, Mr Ablett?---Thank you.

14 You are welcome of course to leave the vicinity of the hearing  
15 room. You can leave the building if you wish, but please  
16 come back in 10 minutes?---Ten minutes. Thank you.

17 (Short adjournment.)

18 COMMISSIONER: Yes, Mr Tovey.

19 MR TOVEY: Thank you. Could the witness please be shown  
20 financial book 1, page 54.

21 COMMISSIONER: While we are on exhibits, I will mark the  
22 Ombudsman's report of November 2015 exhibit 88.

23 #EXHIBIT 88 - Ombudsman's report of November 2015.

24 MR TOVEY: Sir, we are now looking at the joint bank account of  
25 Joy Eve Ablett and yourself starting on 13 November of  
26 2013; all right? So you see that your balance is very  
27 precarious, is it not? It's down to \$33. Then a deposit  
28 of \$5,000 comes in. Where did that come from?---I don't  
29 know. I was doing some work for Hawthorn Football Club

1 and I may have given an invoice to Mr Woodman. But I was  
2 doing a lot of work for the Hawthorn Football Club during  
3 2013.

4 So you may have given an invoice to Mr Woodman for \$5,000 in  
5 November of - - -?---I couldn't be sure I did.

6 COMMISSIONER: Have you had an opportunity to think about this  
7 deposit before being asked this question?---No. I went  
8 back, sir, on Friday and I tried to go back all the way to  
9 there and they said, "We only go back so many years," and  
10 they couldn't give me 2013.

11 So you haven't really had an opportunity to think about this  
12 item?---No.

13 MR TOVEY: At the time you would have been aware of where the  
14 deposit came from?---I can't remember where it came from,  
15 sir, to be really honest with you.

16 Sir, if you've got \$33 in the bank and all of a sudden 5,000  
17 arrives, are you suggesting that you wouldn't make  
18 enquiries as to where it came from or know?---I tried to  
19 make - get my bank stuff on Friday and they said they  
20 couldn't do it for me.

21 No, I'm asking you about in November 2013. You must have  
22 satisfied yourself as to where that 5,000 came  
23 from?---I can honestly say, sir, I don't know - - -

24 COMMISSIONER: Counsel is saying at the time that this was  
25 deposited in your account and you saw it was added to your  
26 account, he's suggesting you would have known  
27 then?---I would have known. I would have known. Yes,  
28 sorry, sir.

29 MR TOVEY: All right. The traces indicate it came from

1 Mr Woodman?---Okay.

2 What was he paying you \$5,000 for in November of 2013?---It  
3 would have been some upkeep for a long period of time with  
4 Good Call, I would imagine, because he went from 2010 to  
5 2014.

6 And was that something that you and he felt that needed to be  
7 hidden?---I never sent out many, from memory - - -  
8 No, if you just listen to the question?---Okay.

9 As of November of 2013, did you or Mr Woodman to your knowledge  
10 feel the need to hide your relationship?---Hide?  
11 Yes, hide?---No, I never felt that.

12 If indeed this was \$5,000 in respect of the horse Good Call,  
13 would it have, from your expectation, just been a  
14 transfer, a bank transfer from Mr Woodman?---I can't  
15 remember giving him an invoice. It could have been that.

16 COMMISSIONER: But I think you told us this morning, didn't  
17 you, Mr Ablett, that you weren't charging Mr Woodman fees  
18 for Good Call?---For some period of time, but I remember  
19 this now because he came on board in 2010 to 2013. So  
20 I probably thought after that period of time, a few years,  
21 that was warranted over three years, I thought that would  
22 be probably a fair thing.

23 So are you saying you remember that or - - -?---No, I don't  
24 remember it.

25 This is your - - -?---That was just my thinking.

26 This is your thinking now, that that might explain that?---And  
27 thinking back - - -

28 Is that right?---I was embarrassed that I couldn't get the  
29 horse to the races, so I was hesitant to ask for money.

1 But after a period of time I've obviously thought I need  
2 some money to pay for things that I paid for over a long  
3 period of time.

4 Can you just tell me why didn't you say that earlier this  
5 morning when you were asked did you ever charge Mr Woodman  
6 for the work or for looking after his interest in Good  
7 Call?---Because I couldn't honestly remember, sir.

8 Okay.

9 MR TOVEY: Was there anything happening with Good Call in 2013,  
10 in November of 2013?---There was always something  
11 happening with Good Call, trying to get him to the races.  
12 Was it retired by then?---It would have been the end of - it  
13 probably went into 2014 before we retired him. Geldings  
14 usually race on until they are seven or eight.

15 You previously told me six or seven?---Oh, well, some six, some  
16 eight. It depends.

17 You were talking about that particular horse. If this was a  
18 legitimate transaction you would have just been expecting  
19 a cheque from Mr Woodman, would you not?---I always got  
20 cheques from Mr Woodman. He never paid me cash.

21 COMMISSIONER: Say that again, I'm sorry?---He never paid me  
22 any cash money.

23 MR TOVEY: Mr Woodman already admits that he made that deposit  
24 in cash in a false name?---Well, I don't know why he did  
25 that.

26 From Port Douglas on that day. How could that be if this is a  
27 legitimate transaction between you?---I don't know why he  
28 did that.

29 You would have to know. You would have asked him at the time,

1           wouldn't you - - -?---No.

2   How it was that the \$5,000 came in?  If I can just start again.

3           If the 5,000 was cash, it couldn't have been a horse

4           payment, could it, because horse payments came by

5           cheque?---I didn't see any reason to have anything other

6           than be upfront about it.  Are you saying this came

7           from - can you repeat where it came from, please, sir?

8   Yes.  Mr Woodman using a false name deposited this money in

9           your account in cash from Port Douglas?---So it was in

10          cash but it went into a bank.

11   Yes, it went into your bank?---Yes.

12   In cash in a false name?---I don't know why he used a false

13          name.  I have no idea why he used a false name.  I didn't

14          ask him to.

15   Can you provide any possible explanation?---No, I don't know

16          why he did that.

17   Can you provide any explanation other than corruption as to why

18          somebody would be paying cash into your joint account in a

19          false name just at the time that it hits rock

20          bottom?---I don't believe there's any corruption involved.

21          I don't know why he did that.

22   No, I'm just asking whether there is some explanation

23          that - this is your account this went to?---Yes.

24   So I'm just asking whether there is some possible explanation

25          you can think of other than corruption?---Well, you're

26          saying corruption.  I'm certainly not.

27   No, well, can you think of any explanation other than

28          corruption?---No, because I never asked him to use a false

29          name and I never knew he would.

1 You would understand, wouldn't you, that if you see a developer  
2 paying cash in a false name into the account of a  
3 councillor, that reeks of corruption, does it not? You'd  
4 agree with that as a general proposition?---I don't know  
5 why he used a false name. But if it went into an account,  
6 wouldn't it be traceable?

7 No, just bear with me. I'm just saying just you as a person  
8 who is a councillor?---Yes.

9 You see a developer paying money in a false name in cash into  
10 the account of a councillor in the area where the  
11 developer runs projects, you'd think that on the face of  
12 it was corrupt, wouldn't you, unless there was a good  
13 explanation?---I can only think it would be for the horse.

14 COMMISSIONER: Mr Ablett?---Yes.

15 Even though there's been an order for witnesses out of the  
16 hearing until they're called to give evidence, which meant  
17 Mr Woodman was not able to talk to you about his  
18 evidence - - -?---No, he hasn't.

19 There's been considerable publicity about his evidence which  
20 was of such a nature that you then felt compelled to make  
21 a public statement yourself last week; correct?---Oh,  
22 I see, yes.

23 And some of that publicity specifically dealt with this  
24 payment?---Okay.

25 And there was publicity about the fact that Mr Woodman had used  
26 a false name in sending you this cash deposit. Did you  
27 read about that in the paper?---I did read about it and  
28 it's just come back to me.

29 So presumably you had a particular interest in wanting to try

1 and work out what this payment was about?---Yes, I do  
2 recollect it now. I did ask him - I was thinking of  
3 running as a candidate for Cranbourne and I owed 15,000 on  
4 a credit card and I asked him if he would help me and  
5 I said, "Do you want me to pay it back in cash or just  
6 take it off the horse bill," and he said, "You work that  
7 out," and he - I'm not sure the exact amount. Was it  
8 15,000 all up for the credit card?

9 MR TOVEY: The credit card transaction I will take you to  
10 later. This isn't that?---Okay. I thought that's  
11 what - - -

12 The credit card was in February of the next year?---Oh, well,  
13 then in that case I honestly don't know what that one's  
14 for. It would have to be for the horses, I would think.  
15 How is it possible that you don't know? Understand what I say.  
16 \$5,000 lands in your account. You would have to have  
17 asked Mr Woodman what it was for?---It would have  
18 been - - -

19 Unless you were expecting it as a corrupt payment; do you  
20 understand?---No, no, sir. No, sir. It would have been  
21 for horses because I hadn't sent out any money since 2010  
22 when people joined in, to my recollection, and I've  
23 probably asked him for that to cover the three years.

24 Could you have a look at page 55 of financial book 1. So by  
25 January you're in the red, okay, after Christmas. So just  
26 before Christmas you get, what is it, a Santa Claus  
27 payment of \$5,000?---Not a Santa Claus payment, sir.

28 Well, did you expend all that 5,000? If we just go back, did  
29 you have any other credits between November and January?

1 If we could just go back page by page. Okay, so you had  
2 another credit of 6,900. Can we just run down the page,  
3 please? All right. Then we go into December, over the  
4 page, and apparently we are missing that part of the  
5 statement. In any event, by 3 January - by 10 January  
6 you're down to 79 cents in the account. By 17 January you  
7 are overdrawn and you are getting charged a fee; is that  
8 right?---Yes.

9 And was that because you didn't have any overdraft  
10 facility?---I'm not sure if I had an overdraft facility at  
11 that time.

12 In any event you get paid \$5,000 on 17 January?---In 2014 we  
13 had an arrangement with horses that that be around the  
14 figure. That was between he and I.

15 So what was that, that you were getting paid 5,000 a  
16 month?---Not all the time. If you look back through the  
17 history it wasn't always 5,000, but on this occasion  
18 I would say it would be 5,000.

19 Well, was it a monthly arrangement?---Later on it became - no,  
20 it wasn't really a monthly. At that time, no.

21 We see 5,000 in November and January. That seems to add up to  
22 2,500 a month, which is what you were indeed involved in  
23 later on. So at this stage it was 2,500 a month, wasn't  
24 it?---Well, yes.

25 Okay?---I think you might have the records. The records

26 I think you've got are from '15 onwards show - - -

27 No, I'm just saying this \$5,000 is part of \$2,500 a month cash  
28 you were getting; it's that simple, isn't it?---Cash went  
29 into the bank. So it wasn't - - -

1 COMMISSIONER: I just want to be clear about this, Mr Ablett.  
2 Is your memory that you had such an arrangement at that  
3 time and that these amounts are in discharge of that  
4 arrangement or is it that you can't now remember what  
5 these amounts are for? Doing the best you can, you think  
6 that must be the explanation. Which of the two is  
7 it?---We had an arrangement from '14 to '15 transitioning  
8 into a monthly arrangement, but if you look through the  
9 records of '15 onwards the amounts - I think it is 2015  
10 was 10,000 for the whole year. So at this point it was on  
11 a monthly arrangement.  
12 But you're speaking from memory, now? You can actually  
13 remember that you had such an - - -?---I'm trying to  
14 remember. It would have to be.  
15 That's what I'm trying to get clear?---So am I.  
16 Is it that you have a memory of it or is it that, doing the  
17 best you can, that's the explanation that you - - -?---I'm  
18 doing the best I can. Thank you, sir.  
19 MR TOVEY: At this stage in October of '13 did you know that  
20 Mr Woodman was involved as a developer in projects which  
21 were coming up before the City of Casey?---Which year was  
22 that, sir?  
23 At the time that these cash payments were lobbying in your  
24 account - - -  
25 COMMISSIONER: 2013/14.  
26 MR TOVEY: This is at the end of 2013 and early 2014, were you  
27 aware that Mr Woodman was involved in projects coming up  
28 before the council?---No, I can't remember that, sir.  
29 COMMISSIONER: So, again, just to be clear, you're saying,

1 "I don't know whether I knew that or not," is that - -  
2 -?---No, I'm not aware of him having things coming up,  
3 because I can't remember.

4 Yes. You may or you may not have been aware; you don't know  
5 now. Is that your present position?---My present position  
6 is I wasn't aware of things coming up at that time. As  
7 I sit here right now looking at that, I was not aware that  
8 he had things coming up on council.

9 Mr Ablett, your answers are confusing because you say "As I sit  
10 here now". What I'm trying to get clear is are you  
11 saying, "I don't know now whether I was or was not aware,"  
12 or are you saying, "As I now think about it I don't  
13 believe I was aware"?---As to the question, I wasn't aware  
14 he had things coming up at council.

15 MR TOVEY: You weren't aware?---No. I'm trying to remember,  
16 but the answer is, no, I don't.

17 On 4 February 2014 a critical vote was taken by council on  
18 which you voted. On that day or on that evening on  
19 4 February of 2014, Councillor Aziz introduced an item of  
20 urgent business seeking the rezoning of a parcel of land  
21 in Cranbourne West which became known as amendment C219  
22 and the resolution of council was that council should  
23 liaise with the owners of the industrial zoned land within  
24 the Cranbourne West PSP to validate their request for  
25 council to consider the preparing of an amendment to the  
26 PSP from industrial to residential. It was further  
27 resolved that a report be sought and be provided to the  
28 council for the meeting in April 2014. Do you remember  
29 that?---I don't remember it, but I take on board

1 everything you've said is true. If I had known  
2 Mr Watson - - -  
3 No, I just want to ask you: you remember it; all right?---No.  
4 COMMISSIONER: He says he doesn't remember it?---I don't  
5 remember it.  
6 But he accepts what you say?---But I accept what you're saying.  
7 MR TOVEY: Do you know now what I'm talking about?---Yes.  
8 And you know now that Mr Woodman was intimately involved - -  
9 -?---No, I did not.  
10 In the C219 matter?---No, I did not. Not at that time.  
11 Did he ever contact you about his interest in the C219?---After  
12 that time, later on, only in the last couple of years  
13 I became aware of his interest in that.  
14 So you had no knowledge?---No knowledge. I'd heard it was  
15 Leightons, and I don't know Leightons.  
16 Look, are you sure you want to say that? Think about it  
17 carefully. Are you saying that at the time of this  
18 resolution, which was the first resolution in respect of  
19 the C219 rezoning, you had no idea of Mr Woodman's  
20 role?---No, and it was only - - -  
21 COMMISSIONER: What was the date of it, Mr Tovey?  
22 MR TOVEY: This is 4 February 2014?---No, I had no knowledge he  
23 was involved in it.  
24 And that's why you felt able to vote on it?---Yes.  
25 Even though, as it turns out, in the November and January of  
26 2014 he had been putting cash payments into your account,  
27 on one occasion in a false name, on another occasion  
28 without declaring his name?---That didn't strike me as  
29 corrupt in the least, and I certainly would not vote for

1           him if I knew he was involved. And I wish Mr Woodman had  
2           told me of his involvement because I wouldn't have been in  
3           the room if he had.

4    Could you have a look at 3313 of the court book.

5    COMMISSIONER: Mr Tovey, the bank statements, are they already  
6           an exhibit?

7    MR TOVEY: No, thank you, Mr Commissioner. So the bank  
8           statements need to be tendered.

9    COMMISSIONER: So for what period?

10   MR TOVEY: So the first is the bank statement of 21 November  
11           2013 and the second is the bank statement of 17 January  
12           2014.

13   COMMISSIONER: NAB?

14   MR TOVEY: Yes, I think they were.

15   COMMISSIONER: I will put those two statements together as A  
16           and B of exhibit 89, bank statements of Mr and Mrs Ablett.

17   #EXHIBIT 89A - Bank statement of Mr and Mrs Ablett, 21 November  
18           2013.

19   #EXHIBIT 89B - Bank statement of Mr and Mrs Ablett, 17 January  
20           2014.

21   MR TOVEY: This is 3 February of 2014. You'll see there a  
22           briefing note to Geoff, Sam, Amanda and this is headed  
23           "Sam, Amanda, Geoff, as discussed" and it is dated  
24           3 February 2014. Can we just scroll down, please? Keep  
25           on going. Look at that. That's a briefing note that  
26           Mr Woodman has given evidence that he sent you on  
27           3 February of 2014.

28   COMMISSIONER: That note was annexed to the email.

29   MR TOVEY: That's annexed to the email, yes.

1 COMMISSIONER: What exhibit number is that, Mr Tovey?

2 MR TOVEY: Is it exhibit 7? Yes, exhibit 7.

3 COMMISSIONER: Thank you. I think Mr Ablett needs a moment to  
4 read that, Mr Tovey.

5 MR TOVEY: Yes. (To witness.) Could you just read through  
6 that?---If it could just be scrolled up a little bit,  
7 please?

8 MR WALLWORK: Mr Commissioner, may I raise while this is  
9 happening, perhaps whilst this is happening I would be  
10 indebted if my learned friend could - - -

11 COMMISSIONER: Could you speak up a bit, please?

12 MR WALLWORK: Sorry, Mr Commissioner. Whilst this is happening  
13 I would be indebted to my learned friend if he could  
14 answer a question I put to him at the Bar table to just  
15 point to me where the address box shows the address for  
16 Councillor Ablett.

17 COMMISSIONER: Yes, certainly.

18 MR TOVEY: The address box doesn't show the address. It shows  
19 it's addressed to "Geoff" and the witness gave evidence  
20 that it was sent to him.

21 COMMISSIONER: Yes. You can take up counsel's concern with the  
22 witness in the course of examining the document, Mr Tovey.

23 MR TOVEY: Yes. (To witness.) Have you seen this - - -

24 COMMISSIONER: Sorry, have you finished reading the document,  
25 Mr Ablett?---Yes, sir.

26 MR TOVEY: You've seen that document and you saw that document  
27 back in 2014, did you not?---I can't remember it.  
28 Mr Woodman says he sent it to you?---I can't remember seeing  
29 it.

1 Why would he be sending you a document like that in

2 2014?---I don't know.

3 COMMISSIONER: Do you have any doubt that you received such a

4 document, Mr Ablett?---I could have received it, but

5 I don't remember. I don't remember the document.

6 But if you did - - -?---Can I just - - -

7 Mr Ablett, I'm not sure if I said this to you at the beginning

8 of your evidence. I generally say this to witnesses.

9 When Counsel Assisting ask you open-ended questions,

10 meaning they ask you a question without suggesting in the

11 question what the answer might be, you should not assume

12 that Counsel Assisting doesn't already know the answer to

13 the question and therefore you need to be really careful

14 about the accuracy of what you say, and you appreciate

15 that if you received that document that puts in doubt some

16 of the evidence you've just given in the last quarter of

17 an hour about not knowing that Mr Woodman had an interest

18 in the C219 planning proposal; do you follow?---Yes.

19 I don't remember seeing the document and if I knew he was

20 involved I would have got out of the room. Can I ask was

21 that before or after the meeting that you just described,

22 sir?

23 MR TOVEY: It's before the meeting?---I don't remember seeing

24 that.

25 That's the day before the meeting. Mr Woodman has given

26 evidence that he sent a document, that document, to you,

27 Councillor Aziz and Councillor Stapledon?---And you don't

28 know what address that was sent to?

29 It doesn't matter what address it was sent to, I suggest to

1 you, because even if the document didn't get to you the  
2 first time, he was trying to send you the document on  
3 3 February of 2014. Now, the only reason, I suggest to  
4 you, he could be trying to send you the document would be  
5 because he knew already that you were on his side?---No,  
6 I never went intentionally into a room to vote for him.  
7 If I knew he was involved I would not go in a room and  
8 vote for him.

9 COMMISSIONER: So, Mr Ablett, how would Mr Woodman get to the  
10 point where he thinks that he could send you a memo  
11 telling you what the motion should be that he wants to see  
12 passed? How would he come to the view that you would be  
13 receptive to something like that?---I don't know, sir.  
14 I know I had horses with him. This has been sent.  
15 I don't remember seeing it, but I know that if there was  
16 ever anything where I knew he was involved I would have  
17 declared a conflict of interest. And that is the truth,  
18 sir.

19 MR TOVEY: Did you ever share information with Councillor Aziz  
20 about matters with which Mr Woodman was involved which he  
21 had coming before council?---I knew - Mr Woodman had  
22 spoken to me, I don't know the exact date, about - then  
23 I realised he had an interest in Cranbourne West and I had  
24 a chat to him and I said, "There's no way known I'm  
25 involved," and Megan Schutz was there as well and I said,  
26 "I cannot work for Watsons or you," and they said, "It's  
27 okay, we've spoken to Councillor Aziz," and this must have  
28 been after that meeting because there were more meetings  
29 which I didn't go to once I realised that he had an

1 interest in it. But I don't remember that document.  
2 So can you tell us about this meeting that you had with Megan  
3 Schutz?---Well, Megan and John were talking about  
4 Cranbourne West and they asked me some questions - - -  
5 Sorry, where was this meeting?---It was in John's office.  
6 In his office?---Yes, down at Mornington.  
7 And you had gone there, had you?---On invitation. I thought we  
8 were just talking horses and he said, "Oh, by the way,"  
9 this, that, and I said - and then I picked up that he had  
10 an interest - he was interested in it.  
11 When was this?---I can't remember the exact date.  
12 I don't want the exact date?---But it was more recently than  
13 that.  
14 When?---It would be in the last couple of years or when  
15 Cranbourne West was voted upon, I made sure I was out of  
16 the room in council. I think there was a - - -  
17 No, I just want to know when the meeting was?---I can't  
18 remember the exact date, sir.  
19 Was it last year?---It was recently in the last couple of  
20 years. When Cranbourne West was being - - -  
21 We're just trying to work out a date, all right?---I'm trying  
22 to help.  
23 Sure. So in the last two years, that is somewhere between  
24 November 2017 and November 2019?---I would say in that  
25 time and that's when I realised that I'm not voting on  
26 Cranbourne West.  
27 That's when you realised you're not to vote on Cranbourne  
28 West?---Yes, because I realised - - -  
29 So some time in late 2017 or 2018 you became aware, did you - -

1            -?---Yes.

2    Of Mr Woodman's interest in Cranbourne West?---Yes, because in  
3            things I had read I remember seeing the name Leightons and  
4            I thought that was Leightons Properties.

5    All right. In any event, could we just go back to the document  
6            that's up on the screen, exhibit 7, and just go back to  
7            the beginning of the document, please. Thank you. If we  
8            could just go down to the memorandum itself. Stop there.  
9            Sorry, it's not in the briefing note. If I could go back  
10           to the email. Thank you. You'll see that email is from  
11           John Woodman and the addressees are Amanda Stapledon and  
12           Sam Aziz; is that right?---Yes.

13   And they are both their private emails?---Yes.

14   Is it appropriate to be transacting council business on your  
15           private emails rather than your council emails? Is there  
16           any instruction about that?---No, they can do that.

17   All right. If we just go down, it then says, "Sam, Amanda,  
18           Geoff, as discussed." Do you see that? Do you see  
19           that?---Yes, I can see it.

20   So it's apparent that Mr Woodman believes that he has  
21           previously discussed this with you, although he hasn't  
22           pressed the right button at that point to send it to you.  
23           It's not likely, is it - it's not conceivable, is it, that  
24           he would be expecting you - sorry, alerting you to a  
25           previous discussion or he would be trying to alert you to  
26           a previous discussion which in fact had not taken  
27           place?---Yes, he probably had a discussion with me, but  
28           with that meeting I didn't realise that he had interests  
29           in it.

1 And so what was the discussion - so you agree you've had a  
2 discussion before he at least tries to send you talking  
3 points and a notice of motion, and that discussion must  
4 have been about the document because he says, "This is  
5 what we've been discussing." It must have been about the  
6 same thing. Maybe just wrong about that? Do you agree?  
7 If you had a previous discussion and he forwarded you a  
8 document as per the previous discussion, the previous  
9 discussion must have been about the contents of the  
10 document?---Yes.

11 It makes no sense otherwise?---I guess the penny didn't drop  
12 with me that he had an interest in it, a financial  
13 interest in it.

14 COMMISSIONER: Now, again - - -?---I'm sorry.

15 Are you saying now "I don't believe I then knew he had a  
16 financial interest" or is that a memory that you have,  
17 that at this time you didn't know he had a financial  
18 interest?---My memory is it was later on when the penny  
19 really dropped that he had a financial interest in it.

20 So what did you think was motivating him at this point? Just  
21 altruism?---Just his thoughts on what should happen in the  
22 area.

23 That he was simply motivated to see a planning decision which  
24 was in the best interests of the community; is that what  
25 you thought he was doing?---Yes, and we thought - he spoke  
26 about a holistic city thing, plan, and I thought that was  
27 part of that, but as soon as I found out  
28 I know - I remember as soon as I found out that he had a  
29 financial interest in it, that's when I thought, "I can't

1 be involved with voting for him."

2 MR TOVEY: I thought the situation was, from what you told me  
3 earlier, that you thought you were obliged to declare a  
4 conflict of interest in respect of any matter in which he  
5 was concerned from the very moment that you found out that  
6 your racehorse co-owner was in fact involved in  
7 development and had matters before the council. Didn't  
8 you tell me that previously?---Yes, if I knew he had a  
9 financial interest in it. I don't remember seeing his  
10 name on - - -

11 If he gives you details as to the notice of motion that needs  
12 to be put in respect of the redevelopment of industrial  
13 land, the redevelopment of which will cause windfall  
14 profits of millions, in fact over \$100 million, didn't you  
15 ask him, "What's your interest in this?"?---I didn't ask  
16 him.

17 You didn't ask him?---No, sir. I'm sorry, as soon as I found  
18 out he had an interest, I stopped voting for him. If I'd  
19 known, I wouldn't have been voting for him. Whether I was  
20 naive or whether I didn't pick up on it or whether it was  
21 something I should have, but I would not deliberately go  
22 and vote for something for him.

23 COMMISSIONER: Would you have been aware at this time that if  
24 the land was rezoned from industrial to residential that  
25 that would bring with it massive profits for the owner of  
26 the land?---Yes, I thought money would be made, but  
27 I kept - from my memory I kept seeing the name Leightons  
28 and the penny didn't drop. If it had have said Watsons,  
29 the penny would have dropped.

1 And where would you see the name Leightons? You would see that  
2 on council officer reports and documents coming to  
3 you?---Councillor Rowe was leading a campaign putting up  
4 signs, "No for industrial", and he came to me and said,  
5 "I've been working with - doing some stuff with Leightons"  
6 and I thought, "It's Leightons because Gary Rowe told me,"  
7 and Gary is the biggest advocate for this, more than John  
8 Woodman.

9 What would Mr Rowe be doing - what stuff would Mr Rowe be doing  
10 with Leightons?---I have no idea, sir. But he pushed it  
11 and spoke to officers about it. He spoke to every  
12 councillor about it, and I thought, "Well, he's saying  
13 Leightons all the time. It's Leighton's land." And he  
14 pushed it morning, noon and night.

15 MR TOVEY: I want to get back, though, to the fact that you  
16 agree that you had discussed this upcoming vote with  
17 Mr Woodman as indicated in the email some time before  
18 3 February of 2014; true?---I don't remember the email and  
19 if I had known Mr Watson was - sorry, Mr Woodman was  
20 involved financially I would not have been in the room.

21 I just ask you to answer the question. You do yourself no  
22 good - - -?---Okay, sorry.

23 By refusing to answer the question and say something  
24 different?---Sorry, can you ask me again?

25 What I want to ask you is that you agree that before 3 February  
26 you discussed with Mr Woodman the upcoming issue  
27 concerning the Cranbourne West rezoning; true?---I don't  
28 remember the conversation, sir, and I'm being very  
29 truthful.

1 So when he says, "Geoff, as discussed," what was discussed  
2 previously?---From memory, just his view on what  
3 might/should happen in Casey with that land. I didn't  
4 realise he had a financial interest in it, and that's the  
5 truth. I didn't realise he was connected. All I heard  
6 was Leightons and Councillor Rowe talking about Leightons  
7 and how it all should be changed.

8 But do you know of any reason why he would think entitled to  
9 send you detailed briefings plus a notice of motion to be  
10 moved?---No, because I didn't think he had any financial  
11 benefit in it.

12 How could you know that unless you asked him?---That's the  
13 question I should have asked him.

14 It's a question that you must have asked him the moment you  
15 realised that he was advocating for the rezoning; all  
16 right?---No, I didn't ask him, sir.

17 By the time you have that conversation you have to know he's a  
18 town planner who's advocating for the rezoning; true? You  
19 have to know that, don't you?---He was pushing for it to  
20 be changed, yes.

21 The only reason a town planner will be pushing to have a  
22 rezoning take place is so that he and/or his clients will  
23 make money; that's what they are there for, true?---And  
24 I should not have been in the room - - -

25 No, do you agree that proposition is true?---What you are  
26 saying is true.

27 Yes. Okay. So it follows as night follows day that when that  
28 conversation took place you knew he had a financial  
29 interest?---I'm saying I didn't because if I did know he

1 had a financial benefit I would not help John Woodman in  
2 any issue.

3 COMMISSIONER: I'm not clear because you gave two inconsistent  
4 answers, Mr Ablett. Do you have some memory of a  
5 discussion with Mr Woodman or not?---Yes, I had a  
6 discussion. He was interested in an overall view of what  
7 should happen in the city.

8 Yes?---But the penny didn't drop that he had a financial  
9 benefit.

10 No, I follow that?---Yes.

11 And when you had that discussion were Amanda and Sam  
12 present?---No, it was just John and I.

13 Are you able to offer any explanation for why Mr Woodman would  
14 select the three of you as the councillors to whom he  
15 would send this briefing note?---Well, I always said to  
16 John, "I'm not getting involved voting for you," and Megan  
17 Schutz said John, I believe, had spoken to Councillor Aziz  
18 who said he would lead that motion.

19 How do you know that?---Because they said that he was to me.

20 And when did they say that to you?---When I was in a meeting  
21 with John and Megan. This might have been one of the  
22 later meetings on Cranbourne West, not necessarily that  
23 one.

24 You have really got to be more careful, Mr Ablett - -

25 -?---I know, I'm sorry, sir.

26 The way you answer. So all you can remember there was some  
27 meeting at some point of time in relation to  
28 C219?---Mm-hm.

29 In which they, Woodman and Schutz, told you that Councillor

1 Aziz would move a particular motion in relation to  
2 C219?---Yes, sir, and then there were a couple of meetings  
3 that I was out of the room for them because the penny had  
4 dropped that Watsons were involved.

5 Okay. So at some stage did you develop any concerns as to why  
6 they thought that Councillor Aziz was going to support  
7 them in that way?---No, sir. They just said he was  
8 prepared to do that.

9 And you had no concerns about it?---No, because I knew - when  
10 I found out I had no concerns because if he wants to do  
11 that he can do that, but I'm getting out of the room.  
12 That's once I found out that Watsons were involved.

13 Mr Ablett, you were twice the mayor at Casey?---Three times,  
14 sir.

15 Yes. Did you not see it as any part of your responsibility as  
16 a councillor and as the senior councillor in terms of  
17 simply the duration of time you had been on the council,  
18 let alone the periods when you were the mayor, to ensure  
19 that the code of conduct which is meant to control the  
20 conduct of councillors was being followed by your fellow  
21 councillors? Was that not part of your

22 responsibility?---Yes, we had been briefed by Mark Hayes  
23 from Maddocks and his term was, "If in doubt, get out."

24 And I didn't know that there was a policy at that  
25 time - I've since looked up local law and now  
26 I know - that if I have a feeling that you have a conflict  
27 it's my duty to go and talk to you. I didn't know that at  
28 that time because Mark Hayes tended to put it on the  
29 individual, and it is in our code of conduct and I should

1 have been aware of it but I wasn't. I've only read it in  
2 the last few weeks before IBAC that I should have gone and  
3 said something to him.

4 To Aziz?---Well, to anyone who I thought - but I wasn't aware  
5 of him having a conflict.

6 What I'm really asking is this. The code of conduct requires  
7 councillors to act with integrity; it requires them to act  
8 impartially. Did you not at some stage have concern about  
9 why Mr Aziz was acting in accordance with Mr Woodman's  
10 needs or requests?---When I found out Mr Woodman was  
11 involved I thought Councillor Aziz would know that he  
12 obviously didn't have a conflict and he was prepared to do  
13 that. That's what I thought, he would know that.

14 So it never crossed your mind that Councillor Aziz was doing  
15 anything improper?---No.

16 And what started this chain of enquiry was are you able to tell  
17 us - is there any reason that you can think of why  
18 Mr Woodman selected you, Mr Aziz and Ms Stapledon as the  
19 three councillors to whom he went to have this particular  
20 motion placed before the council?---No, not me because he  
21 promised that he would - I would not ever have a conflict  
22 of interest with him. He discussed - I remember him  
23 talking about a big view of what should happen, and then  
24 as pointed out I was in a meeting I shouldn't have been  
25 in. But as soon as I found out for consequent meetings  
26 I declared a conflict of interest knowing that he was  
27 involved.

28 I'm just looking at this question from the perspective you've  
29 created, Mr Ablett. You know you have a conflict of

1 interest with Mr Woodman and his companies if there's a  
2 motion before the council from which they might benefit  
3 directly or indirectly?---Mm-hm.

4 You know that before late January early February 2014/15 - -  
5 -?---Yes.

6 You know that's the principle. Then Mr Woodman approaches you  
7 and has a discussion about something he would like you to  
8 promote at council?---I never promoted at council for him.

9 You told us you had a discussion with him - - -?---In his  
10 office.

11 Before the meeting in which he told you his view about what  
12 should happen at council?---Within the City of Casey as  
13 far as industrial and residential.

14 Did you ever say to him, "Well, just hold on, Mr Woodman. You  
15 know that if you've got a financial interest in this  
16 I couldn't do that"? Did you ask him?---No.

17 Why not?---I should have. I didn't. I'm sorry.

18 MR TOVEY: It was because he had surreptitiously already  
19 slipped at least \$10,000 and perhaps more into your bank  
20 accounts, wasn't it?---No, I never did anything corrupt  
21 with Mr Woodman.

22 And it's no coincidence, is it, that immediately before he's  
23 made payments of 10,000 cash into your accounts and then  
24 immediately after the vote he's benefited you with a  
25 payment of 15,000 into your credit card?---No, I saw them  
26 as two completely separate things. I did not do anything  
27 for him for payment, not in regard to council, no.

28 I would not do that for him.

29 You are familiar with the fact that he paid on 17 February, so

1 that's less than two weeks after the vote, he made two  
2 deposits into your credit card?---I am familiar with that.  
3 We spoke about that.

4 And there are two separate deposits. Do you know why they  
5 would be two separate deposits - - -?---No, sir.

6 Of under \$10,000?---No, sir.

7 Why they would be structured in a way to avoid AUSTRAC  
8 attention?---No, sir. I never discussed that with him.

9 COMMISSIONER: What were they for, Mr Ablett?---I believe we  
10 are talking about the credit card. I said to him, "Can  
11 you give me a hand to be debt free to run as a candidate,  
12 and do you want me to pay it back in cash or do you want  
13 me to take it off the horse bills," and he said, "You suit  
14 yourself, whatever you want to do," and that's it.

15 So you were about to stand for State parliament?---Run as a  
16 candidate, sir.

17 And what was your concern about your financial  
18 position?---I read somewhere where you had to be  
19 financially okay, and I was concerned at having a credit  
20 card like that might put me out of the race.

21 So why go to him?---We had a good relationship with the horses  
22 and I said to him, "Would you help me," and I honestly  
23 believed he was a friend in the small circle that we  
24 worked in and he always kept his word and there was  
25 nothing - he said he would help. He never said, "If I do  
26 this, will you do this or that?" He never, ever asked me  
27 to do anything for him, you know, for money, for horses or  
28 anything like that.

29 MR TOVEY: But you are conscious of the fact - so he's paid off

1 your debt?---Yes, and I paid him back by not invoicing him  
2 in the start of 2015 for three or four months. In 2015  
3 I think I only charged about 10,000 for the whole year.  
4 So these were payments in advance of the two and a half  
5 thousand cash payments that you had been getting; is that  
6 right?---They weren't cash payments.  
7 Were you getting two and a half thousand a month in cash?---No,  
8 everything went in a bank.  
9 Why would this be paid into your credit card?---To pay it off.  
10 Perhaps we could just look at these, please. Exhibit 6 is a  
11 deposit slip. I think it's page 100. No, I'm sorry, that  
12 would be financial book 1. There we go. 17 February of  
13 '14, that's one payment into your account. Okay. \$7,500  
14 in notes goes into your account; is that right?---Yes. It  
15 wasn't given to me.  
16 And that's your credit card account?---Yes, sir.  
17 By somebody who doesn't enter the name of the depositer or  
18 sign?---I don't know why he did that.  
19 Can you think of any reason why he might think or might have  
20 thought at the time that this, what you describe as a  
21 totally above board payment, should be made in cash and be  
22 made in a way in which the person making the deposit  
23 wasn't identified?---No, I can't.  
24 When you say you made repayments to him that's something in  
25 fact you say you repaid it to him; is that  
26 right?---Through not invoicing him for about four months  
27 early 2015, and he was happy with that.  
28 But from January through to July of 2015 he was paying you two  
29 and a half thousand a month, wasn't he?---From 2015 off

1 the top of my head I think the bill for the whole year was  
2 10,000, for the whole of the year.

3 I'm just asking you traces have been made, I'm instructed - -  
4 -?---I haven't got the books in front of me, but I thought  
5 2015 was 10,000 for the period.

6 Which would indicate that during that first six months of 2015  
7 you were getting two and a half thousand a month?---Well,  
8 I haven't got the - I thought the invoice book would show  
9 10,000 for the whole year.

10 I'm just asking you, these things can be wrong - I'm just  
11 asking you - - -

12 COMMISSIONER: Gentlemen, please don't talk over each other.  
13 Question and then answer.

14 MR TOVEY: In the first six months of 2015 were you getting two  
15 and a half thousand a month transferred from  
16 Watsons?---From memory in my invoice book, which is what  
17 all I use, the whole of 2015 was \$10,000 for the whole  
18 year.

19 Okay. In any event, we'll just stick with this. This is the  
20 \$15,000 payments. Could we look at pages - would you bear  
21 with me, sir, I'm just trying to get the identity of  
22 the other deposit slip. As was indicated in the  
23 resolutions passed on 3 February the Cranbourne West  
24 rezoning came back before the council on 1 April 2014 and  
25 on that day you will recall that the first set of  
26 resolutions sought a report from a council officer and the  
27 council considered an officer's report responding to the  
28 request made in the previous resolution. You are mayor at  
29 this stage; is that right? This is in April of

1 2014?---Yes, sir.

2 The proposed rezoning was a significant issue coming before  
3 council?---Yes.

4 You knew that your good friend Mr Woodman had some interest in  
5 that?---I'm not exactly sure what time I found out he had  
6 an interest.

7 You have told me that you had discussed it with him - you agree  
8 you must have discussed it with him before 3 February  
9 2014?---No, I think it was after that. It was only later  
10 on that I found out he had a financial interest in it.

11 And so you are sticking with the account that you gave that  
12 that was in late '17 at the earliest and probably in  
13 2018?---Yes, later on, sir, yes.

14 It was resolved during that meeting not to provide principle  
15 support to conduct a review of the Cranbourne West PSP to  
16 identify opportunities for alternate form of  
17 development - sorry, for alternative forms of development  
18 which will maintain the key objective of maximising the  
19 creation of jobs within the Cranbourne West employment  
20 precinct. Do you recall that matter coming before  
21 council?---No, sir.

22 Do you recall whether you voted on that matter?---No, sir. Can  
23 you tell me if I did?

24 I've got conflicting information about that, sir. The initial  
25 information would suggest he did vote, but I just want to  
26 check that over lunchtime.

27 COMMISSIONER: Very good. You might revisit that. Mr Abbott,  
28 just before we adjourn then, you knew that Mr Woodman and  
29 Watsons were connected?---Yes, I did.

1 And you had known that since - at the very latest you would  
2 have known it in 2011 when The Age article to which I took  
3 you referred specifically to Watsons?---Yes, that would be  
4 right; yes, sir.

5 So on 11 February 2014 it appears that Leighton Properties and  
6 Watsons on behalf of the Kelly family, who were owners of  
7 part of the land, wrote to the council requesting the  
8 council's in principle support for the rezoning. Again on  
9 1 April 2014 the council considered an officer's report  
10 responding to the request from Leightons and Watsons to  
11 rezone. So if you were privy to those communications and  
12 you were then the mayor, we can assume you were privy to  
13 those communications, you would have realised that Watsons  
14 had an interest in C219?---Was I at that meeting, sir?

15 No, I'm now speaking about the communications that were  
16 received?---By officers or by us?

17 By the council. They wrote to the council, Leightons and  
18 Watsons, and then the officer's report responding to that  
19 correspondence which then came to the council. Do you  
20 have any doubt in your mind that you didn't appreciate  
21 that Woodman and Watsons had an interest in the  
22 C219?---The way you explain it, sir, I don't remember  
23 seeing the article but I agree with what you are saying.

24 Mr Tovey, is this a convenient time to break?

25 MR TOVEY: Thank you, sir.

26 COMMISSIONER: We will adjourn until 2. Go away and have a  
27 good lunch, Mr Ablett?---Thank you.

28 <(THE WITNESS WITHDREW)

29 LUNCHEON ADJOURNMENT