
TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 17 MARCH 2020

(24th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH QC

Counsel Assisting: Mr Michael Tovey QC
Ms Amber Harris
Mr Tam McLaughlin

OPERATION SANDON INVESTIGATION

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

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

1 UPON RESUMING AT 2.40 PM:

2 COMMISSIONER: Yes, Ms Harris.

3 MS HARRIS: Commissioner, if we could call Rosalie Crestani,
4 please.

5 COMMISSIONER: Very good. Ms Walsh, I believe you act for
6 Ms Crestani?

7 MS WALSH: Yes, Commissioner.

8 COMMISSIONER: Thank you. Ms Crestani, this is a public
9 examination by IBAC. I'm the IBAC Commissioner.

10 Ms Harris, who I authorise to ask you questions, will ask
11 you questions. I may also ask you some questions. If at
12 any stage it's not clear to you what the question involves
13 or you want it repeated, please indicate so. You should
14 answer the question as fully as you think is necessary.
15 At the end of the examination by Ms Harris, Ms Walsh may
16 also examine you and ask you any further questions if you
17 want to elucidate further on anything that you've said.

18 <ROSALIE BIANCA CRESTANI, sworn and examined:

19 COMMISSIONER: I'm obliged to just itemise for you the matters
20 in respect of which you will be asked questions by Counsel
21 Assisting or myself. These are the matters that were
22 enumerated in your summons that brought you here. You are
23 to give evidence before the IBAC in relation to your
24 knowledge of City of Casey Council in relation to
25 consideration of development applications and other
26 planning matters within the City of Casey; the
27 transparency of planning and property development decision
28 making within Victoria, including but not limited to local
29 government; whether public officers involved in planning

1 and property development decision making have been
2 improperly influenced through donations, gifts or other
3 hospitality; the circumstances surrounding any actual and
4 potential financial benefits obtained by any public
5 officer, their families or their associates resulting from
6 or otherwise in connection with planning and property
7 development decision making within Victoria; and the
8 systems and controls in place within public bodies
9 concerning planning, with particular focus on the
10 existence and adequacy of systems and controls for
11 ensuring the integrity of the planning process, including
12 by detecting instances of public officers providing
13 benefits to themselves, their families, friends or
14 associates. Now, at the time that you were served with a
15 summons were you also given a document headed "Rights and
16 obligations"?---Yes.

17 And has Ms Walsh been through those rights and
18 obligations?---Yes.

19 And you are satisfied you understand them?---Yes.

20 Do you want me to repeat any of them for you?---No.

21 Very good. Now, I say this to all witnesses. Counsel

22 Assisting may ask you what we call open-ended questions;
23 that is, it's a question which doesn't suggest an answer,
24 but you shouldn't think that because counsel is asking an
25 open-ended question that counsel doesn't already have
26 evidence that provides the answer to that question. So
27 what's important is that you give truthful evidence and as
28 far as possible accurate evidence. So long as you do
29 that, nothing you say here can be used against you in a

1 court of law. You only put yourself at risk if you give
2 some untruthful account, in which case you could be
3 prosecuted for perjury. You understand?---Yes.

4 Yes, Ms Harris.

5 MS HARRIS: Thank you, Mr Commissioner.

6 <EXAMINED BY MS HARRIS:

7 Are you Rosalie Crestani?---I am.

8 And do you attend here today in answer to a summons served on
9 you?---Yes.

10 I'll just have shown to you copies of documents. Could you
11 just confirm that the summons number was SE3185?---Sorry,
12 this one?

13 So there should be a cover letter, a summons and a statement of
14 rights and obligations?---Yes.

15 And you've indicated to the Commissioner that you've been taken
16 through the statement of rights and obligations?---Yes.

17 And with that summons did you also receive a covering
18 letter?---Yes.

19 Was that dated 18 October 2019?---From memory, yes, I believe
20 so.

21 And the documents that are in front of you, are they copies of
22 documents that were served on you?---Yes.

23 I tender those, Commissioner.

24 #EXHIBIT 203 - Bundle of documents served on Ms Crestani.

25 MS HARRIS: Ms Crestani, did you first become a councillor at
26 the City of Casey in 2012?---Yes.

27 And have you served consecutively from that time?---Yes, until
28 February 18, I believe.

29 All right. In October 2018 you became deputy mayor, is that

1 correct?---Yes.

2 To Ms Stapledon, who was the mayor at that time or elected at

3 that time?---I was one of two, yes.

4 Who was the other one?---Councillor Jackson.

5 And how did it come about that you became the deputy

6 mayor?---Well, I did ask around different councillors

7 whether they would support me and - - -

8 Can I just stop you there. I have just been passed a note to

9 ask you to speak closer to the microphone,

10 please?---Sorry. Pardon me.

11 Thank you?---I did ask different councillors whether they

12 wanted to support me and in the end in the vote in

13 pre-council - am I allowed to discuss what happened?

14 Yes?---Well, it came down to either me or Councillor Smith and

15 there was a split vote and we got to the chamber and still

16 didn't know who the second deputy would be. Usually those

17 are pre-determined, as in in the pre-council we do a

18 pre-vote, and still we didn't know who was. There was a

19 pause after we had voted in the mayor and I turned to

20 Councillor Serey, didn't know how she was going to vote,

21 and I said I had thought that maybe she hadn't voted or

22 hadn't voted for me and I talked to her and said, "I'd

23 really like to have your vote. I'll back the mayor, as in

24 I'll support the mayor in her role and do my best to do

25 that," and I believe that was potentially the deciding

26 vote. I asked Councillor Serey after why she chose me

27 over Councillor Smith and she said, "It was either a

28 conservative or a commie," and I got the vote.

29 And at that stage when you were having the conversation with

1 Ms Serey, had Ms Stapledon already been elected
2 mayor?---Yes, I believe so.
3 Did you have any conversation with Councillor Aziz about you
4 becoming deputy mayor?---Possibly, and I don't think he
5 supported me.
6 All right. Have you read the monitor's report?---Yes, I have.
7 I have read the monitor's.
8 Could we pull up page 4715, please? There's a couple of
9 matters in the monitor's report that I'd like to take you
10 to to seek your - - -
11 COMMISSIONER: What's the exhibit number?
12 MS HARRIS: 142.
13 COMMISSIONER: Thank you.
14 MS HARRIS: And if we could scroll down, please. One of the -
15 - -?---Sorry, do you want me to - - -
16 I'm sorry, yes. There's a screen next to you, yes. Can we
17 scroll down to page 6 of that report, please? One of
18 the matters that the monitor comments on was bullying
19 within council. Can we just bring it down a little bit
20 more, please. No, just up a bit. Thank you, if we can
21 just pause it there. The monitor indicates under the
22 heading of "Bullying and intimidation" that several
23 councillors stated that they had observed or experienced
24 bullying by other councillors, that the bullying comprised
25 of behaviour such as exclusion, cliques and intimidation.
26 First of all, was that something that you observed, any
27 bullying or intimidation?---Yes.
28 Can you explain what you saw?---Well, different elements
29 happened over so many years, but I'm a quick forgiver and

1 I guess there was times where there were groups of
2 councillors that would vote together, but it wasn't always
3 voting the same way every single time.

4 Who was that group?---There was various voting ways, voting
5 groups.

6 Voting blocs?---Well, I don't know if you'd use the word "bloc"
7 because it wasn't always - my observation over seven
8 years, not everyone voted the same way all the time. But
9 there would tend to be, a lot of the time, Councillor
10 Aziz, Councillor Stapledon, Councillor Smith, Councillor
11 Rosario, yes.

12 So Aziz, Stapledon, Rosario?---Smith.

13 Smith. Was Mr Ablett in that group?---In the first term most
14 of the time, yes.

15 What do you refer to as the "first term"? What period of
16 time?---2012 to 2016.

17 All right. Did that bloc, for want of a better word, apply to
18 planning matters?---Most matters, but not everything. It
19 wouldn't - I couldn't say it was always the same all the
20 time.

21 All right. Getting back then to the bullying that you
22 saw - - -

23 COMMISSIONER: I'm sorry, before you move on, in those council
24 issues where you saw them voting as a bloc, was there some
25 common feature of all of those issues that would enable
26 you to understand why they were always voting together or
27 did they appear to involve quite different issues?---It
28 just wasn't hard and fast all the time. Like, probably
29 most of the time they'd vote together on a variety of

1 issues, but not 100 per cent of the time.

2 But you couldn't see any common denominator between those
3 issues where they're voting together?---It's hard to say.
4 Like, from memory when they turned up, so not all
5 councillors turned up all the time, but I would have to
6 say that not 100 per cent of the time. Sometimes on the
7 planning applications, yes. But then again it was hard to
8 gauge because some either wouldn't turn up or there would
9 be conflicts of interest declared.

10 Yes, thank you.

11 MS HARRIS: In relation to the bullying that you say that you
12 saw, can you give us an example of what you saw that you
13 would class as bullying?---I'm going to try not to make it
14 personal here, but I felt bullied at times, to be honest.
15 I was quite independently minded. If I disagreed with
16 certain individuals, they'd let me know about it.

17 And who were those individuals?---Councillor Aziz, Councillor
18 Stapledon.

19 When you say "let you know about it", what do you mean by that?

20 COMMISSIONER: Do you want to have a break?---No, I'm all
21 right. I'm sorry, I'll try not to be too emotional.

22 You let us know at any stage you want to have a break or you
23 want to have a chat to Ms Walsh, let me know?---I'm trying
24 to be succinct.

25 Yes?---Usually they would say publicly that if I disagreed they
26 would let me know and it can be quite intimidating to your
27 face.

28 MS HARRIS: Sorry, did you say "two-faced"?---Intimidating to
29 your face.

1 "Intimidating to your face", sorry, I didn't hear you?---But
2 the conduct panel issue in 2013 is where I saw the mob
3 mentality come to its worst. Sorry.
4 That's all right?---It's probably irrelevant, so - - -
5 Is that the panel involving Mr Aziz and his behaviour towards
6 another councillor?---And my conduct panel where
7 Councillor Aziz was rallying everyone against me.
8 I supported that councillor when Councillor Aziz was
9 bullying him. I gave evidence to support that councillor.

10 COMMISSIONER: So, Ms Crestani, we've looked at the Local
11 Government Act in relation to integrity of councillors.
12 We've looked at various protocols that have applied over
13 the years in relation to the way in which councillors
14 should approach planning issues?---Yes.

15 And one of the features of all of that is that councillors
16 should bring an impartial mind to each issue that they are
17 considering?---Yes.

18 How do we reconcile that notion with Mr Aziz or Ms Stapledon
19 seeking to intimidate you when it came to voting on
20 issues?---Well, I would tend to ignore them because it
21 would still affect me, but I would tend to ignore them
22 because I was pretty firm on my resolve to vote the way
23 I did regardless.

24 Yes. It's my fault; I hadn't made my question clear enough.
25 One can't rationalise that sort of behaviour, seeking to
26 intimidate you as to how you should vote, with the
27 essential requirement that councillors act impartially.
28 You weren't being asked to exercise a free will; you were
29 being asked to vote as they wanted you to?---Well, you

1 know, sorry, I thought I was being asked about bullying,
2 not so much about influence on my voting.

3 Yes?---So I don't think that their intimidation necessarily ran
4 to my voting. They made me feel bad about the way I voted
5 after the fact or in the chamber. I guess that is before
6 I voted.

7 I'm sorry, would you just say that again?---Okay. So they
8 would be very intimidating in the chamber. So, yes, it
9 was before I'm voting, that's right, some of the time, and
10 some of it was public. I mean, it was there for the
11 public to see, so it must have been acceptable to - it
12 seemed it must have been acceptable enough for it to
13 continue for years and years and years.

14 And you put up with it for a long time?---Not just me. It was
15 stacks of people. Sorry.

16 That's all right. We might have a break for five minutes,
17 Ms Walsh, so you might have a chat to her.

18 (Short adjournment.)

19 COMMISSIONER: So at any stage you want to have a break, just
20 let me know, all right?---Forgive me.

21 Yes, Ms Harris.

22 MS HARRIS: Ms Crestani, I will move away from this point in a
23 moment, but I just wanted to ask you: the bullying that
24 you experienced that you've described to the Commission,
25 was that bullying in an attempt to influence your
26 vote?---Occasionally.

27 One of the matters that the Commission has been concerned about
28 is in relation to the - when I say "concerned about", the
29 attention that has been focused on the matter of the H3

1 intersection. Do you understand what I mean in relation
2 to that matter?---Yes.

3 And it would appear that it was a matter over which the council
4 was quite divided; would that be a fair comment?---Yes.

5 When it was introduced or when Mr Aziz introduced the alternate
6 motion on 4 September 2018, had you had conversations with
7 him about that motion before it went to
8 council?---Possibly.

9 Is that something you recall?---Not in detail if there is any.
10 Sometimes we would have conversations.

11 That was a motion that you ultimately seconded?---Yes.

12 Would that be something that you would have discussed, for
13 example, in the pre-meeting?---Yes.

14 During that meeting Mr Aziz refers to and he relies on a letter
15 from the community group known as SCWRAG?---Mm-hm.

16 A Traffix Group report?---Yes.

17 And legal advice?---Mm-hm.

18 Did you see any of that material before the council
19 meeting?---Yes. The group itself emailed us directly.

20 So you saw the letter that Mr Aziz was referring to?---I saw a
21 letter from that community group. So I don't recall
22 seeing - it's possible I was sent it, but I don't recall a
23 traffic report or legal advice.

24 Do you recall during that meeting that Mr Aziz based a lot of
25 his submissions in support of his motion on that
26 material?---Yes.

27 And that in fact Mr Rowe, who was in opposition to the motion,
28 questioned where the legal advice had come from. Is that
29 something that you recall?---Yes.

1 And why it wasn't being provided to council; do you recall
2 that?---I do recall him asking that, yes.
3 Why wasn't it provided to council, do you know?---From memory
4 I believed it wasn't sourced through council, from what
5 was said.
6 Do you know where it was sourced from?---No.
7 Had you read it or been privy to the legal advice?---No.
8 The evidence before the Commission was that the recommendation
9 or motion proposed by Mr Aziz appeared to be read from his
10 phone. Do you recall that?---It's possible. It's
11 possible that he did that.
12 Given you seconded the motion, how did you satisfy yourself of
13 the merits of Mr Aziz's alternate motion?---Well, the
14 community group raised it with me and what the community
15 says weighs very heavy in my decision making, particularly
16 because it dealt with a safety issue, and because I was
17 the chair of the safety committee it was a paramount item
18 in my decision making.
19 Had you met with the community group about this issue prior to
20 that meeting?---No.
21 So when you say the community group had spoken to you, what are
22 you referring to?---Emailed, had emailed at least two
23 times I believe to all councillors, at least to me.
24 In relation to the H3 issue; is that right?---Yes, yes.
25 The matter of the H3 went before council on four occasions.
26 Council was divided - perhaps if I can assist you, it was
27 on 4 September, 18 September 2018, 17 October -
28 16 October, I'm corrected - and then finally
29 18 December?---Right.

1 The council was divided in relation to the first three
2 meetings?---Okay.

3 And a resolution was passed unanimously in the December
4 meeting?---Was that the one I chaired on the 18th?
5 Yes?---Okay, yes.

6 You have a recollection of chairing that meeting?---Yes.
7 How did that come about, that you chaired that meeting?---Well,
8 being deputy at the time, it was my understanding it was
9 usual protocol for a deputy to chair that. I don't know
10 that I recall chairing all of them, but Councillor Jackson
11 was away. So he was the other deputy, so it was natural
12 that I be deputy - that I be chair of that meeting.

13 Did you have discussions with Mr Aziz about the merits of the
14 application during the process between September and
15 December?---Possibly.

16 In fact you sought to clarify with him, didn't you, some issues
17 that you perhaps weren't that clear on?---I probably did.
18 Perhaps if we can play a call. This is a call between you and
19 Mr Aziz?---Okay.

20 On 20 November 2018. It's at tab 234, please.

21 COMMISSIONER: The transcript will come up on the screen for
22 you?---Okay, yes.

23 (Audio recording played to the Commission.)

24 MS HARRIS: If we can go back to line 10, please, on page 1,
25 you ask Mr Aziz - you wanted to know what his thoughts
26 were and whether he's planning to move it or alter
27 it?---Yes.

28 What's that in relation to?---Well, he altered the first one -
29 so this is just going from memory - so I suspect he might

1 do it again.

2 And that's something you wanted to talk to him about?---I just
3 wanted a heads-up on it because I believed I was going to
4 be chair, just as a courtesy.

5 And in relation to that, because you refer to that on the
6 following page, on page 2, you say you wanted to get your
7 head around it and up to speed about it because of the
8 possibility of chairing the meeting. Is that because as
9 the chair you would be called on to argue anything in
10 particular about it? Why was it that you needed to get up
11 to speed about it if you were chairing?---I think because
12 at the first meeting, as I recall, I remember it being
13 very tense in the chamber, so I wanted to get my head
14 around what was going to happen, what was going - what all
15 this was about.

16 If it assists you, this is in November 2018. So by this stage
17 there had already been three council meetings in relation
18 to the H3?---Yes. So I was going to chair, so being
19 willing to answer questions if need be and be familiar
20 with the material, familiar with what was going to be put
21 forward and why.

22 By the two opposing parties, is that correct, or just by
23 Mr Aziz?---Well, if he was the one going to move it, yes,
24 I wanted to understand.

25 Did you speak with Mr Rowe in relation to his position on the
26 H3?---I don't recall.

27 Because he had a different position to Mr Aziz, didn't
28 he?---Yes, yes.

29 Did you speak with any of the councillors that took a different

1 position to Mr Aziz?---No, but I met with Dacland.
2 What was the purpose of that meeting?---They reached out to me
3 and I believe it was after one of the meetings and before
4 I was going to chair. I met them on site at their request
5 and they gave me their position on it, which I believe
6 would have been Councillor Rowe's position, and so there
7 they explained that it was probably not necessary to
8 upgrade the H3 intersection, that they want to release the
9 stage, and also it was holding up a school being built
10 which bothered me a bit. I didn't want any decisions to
11 hold up a school being built. And before I left I turned
12 to them, one of them was Jonathon, from memory, and
13 I said, "Would you land developers stop donating to
14 councillors. It's muddying the waters." Which he
15 replied, "We're not." And I said, "Well, someone is.
16 It's in the article."

17 Is that The Age article you're referring to?---Yes.

18 What was your understanding as to who, which developers were
19 donating to councillors?---Well, I think I got a little
20 mixed up in my mind, but I believe that Mr Woodman from
21 Wolfdene, from the other side of the road. So - - -

22 Who did you believe he had donated to?---Only going on the
23 article, so I had no other - no other proof, but just
24 going on what the article said.

25 Was that the first time you'd heard that suggestion, that
26 developers were donating to councillors?---No.

27 When was that?---I heard a lot of chatter over many years and,
28 I don't know, sometimes I just put it down to gossip and
29 other times, yes, I just didn't - there was never shown

1 any emails or proof.

2 When you said to them, "It's muddying the waters," what did you
3 mean by that?---Well, I - trying to figure out who is who
4 and what is what and who's taking what. It was starting
5 to get very confusing with all the chatter.

6 Did you think that those donations may have influenced how some
7 councillors had voted?---Well, they were not meant to be
8 in the chamber, so - - -

9 And were they in the chamber?---From my knowledge, the ones
10 that I heard were in conflict weren't in the chamber.
11 Were not in the chamber?---No, except one - before one of the
12 meetings Councillor Ablett said to me, "Surely Councillor
13 Rowe would be on the take," but I had already made up in
14 my mind that the issue had to go forward with the safety
15 issue concerns.

16 Did he offer a basis for that allegation?---No.

17 Who were the people you met with from Dacland?---Jonathon and
18 another fellow. I don't have his name.

19 And did that meeting change your view on how you should
20 vote?---It gave me a different - it gave me an extra
21 perspective, so I heard different sides, and ultimately it
22 was the pre-council meeting when one of our council
23 officers had said that - Mr Fitchett, I believe, had said
24 that he had spoken to both parties and the recommendation
25 that was being suggested was amenable to both parties and
26 therefore it put a lot of rest in my mind as the chair as
27 well and I felt satisfied that there was a peaceful
28 outcome that we've come to in the December meeting.

29 And that was to adopt the council officer's

1 recommendation?---Correct. It was moved by Councillor
2 Rowe and no dissent was given.

3 Just in relation to - can we have that back up, please. At
4 line 35 Mr Aziz says, "Can I ask you to speak to Geoff and
5 see what he thinks as well." Did you ultimately speak to
6 Mr Ablett about the H3 matter?---I think so. We'd been
7 speaking regularly, but it's pretty typical for
8 councillors to speak to ward councillors of the areas or
9 neighbouring areas. They have more knowledge of the area.

10 Mr Ablett had a conflict in relation to the H3 matter, didn't
11 he?---That's correct.

12 COMMISSIONER: How long had you known that he had a
13 conflict?---This conversation was November, so I suppose
14 I must have known for - if he declared it, if he had been
15 present, I'm not sure if he was present at the 4th and the
16 8th, possibly the 4th, so I must have known for a month,
17 two months.

18 Did you know what gave rise to that conflict he had?---It was
19 never - details were never given officially. Councillors,
20 when they declare a conflict, they can inform the CEO
21 prior to the meeting and they don't have to disclose
22 details. So it was assumed based on chatter and gossip,
23 but not - but never known for sure.

24 What was it that you'd heard that gave rise to a
25 conflict?---That he'd had funding by the developer for a
26 State campaign, is what I heard, yes.

27 And when did you first hear that, Ms Crestani?---Well, there
28 was the Ombudsman investigation and prior to that there
29 was a bit of talk, perhaps in 2014, a bit of gossip.

1 So we know from council records of meetings that Mr Ablett
2 regularly absented himself from council motions in which
3 Mr Woodman and the company with which he's associated,
4 Watsons, had an interest. Did you understand that they
5 had an interest in the H3 issue?---Sorry, I didn't hear
6 the first part of your question.

7 We know from council records that Mr Ablett had for many years
8 been disqualifying himself, declaring a conflict of
9 interest in relation to Woodman/Watsons. The notation we
10 have for most of those is that it related to him owning a
11 racehorse with Mr Woodman. Had you heard that?---Probably
12 more so in the last year, he brought it up in a - - -
13 Yes. But do you have a memory that you were aware that
14 Mr Ablett had a conflict, whatever the reason for it was,
15 in relation to Woodman/Watsons?---In relation to a
16 racehorse or just generally?

17 No, no, were you aware over time that Mr Ablett had that sort
18 of a conflict?---Yes.

19 So I'm trying to understand in relation to H3?---Yes.
20 Woodman/Watsons had some connection to that development?---Yes.
21 How did it come about that Mr Ablett was talking to you about
22 what position you might adopt on that issue if he had a
23 conflict?---Yes, it perhaps shouldn't have, but in regular
24 conversation with Councillor Ablett, oftentimes - no,
25 I wouldn't say oftentimes - occasionally things would come
26 up about planning applications or any council report. So
27 it would be in regular discussion about whatever the issue
28 might be and I wouldn't say it happened a lot, but
29 occasionally something would come up with Woodman and

1 probably just all I know is that one - that instance for
2 sure.

3 Some councillors who have given evidence had a clear
4 understanding that if you had a conflict of interest, that
5 meant not only you can't vote on the motion, but you can't
6 outside the meeting try to influence other councillors.
7 Did you have an understanding that that's how you should
8 approach conflicts of interest?---I actually at times
9 wasn't sure where the lines were as far as - I knew that
10 you couldn't be in the chamber to influence the vote, but
11 I wasn't sure whether you could have any discussion. It
12 makes sense that you shouldn't, for sure.

13 So if it be the case that Mr Ablett had this conflict and from
14 time to time notwithstanding that conflict he was talking
15 to you before meetings about how you might vote, did you
16 put that together with your knowledge that there was an
17 allegation, an unsubstantiated allegation, that Mr Ablett
18 had received financial support from Mr Woodman or
19 Watsons?---I think it might have crossed my mind once and
20 I - yes, I think I did realise that. But, again, I wasn't
21 sure if the discussions outside of chambers was allowed or
22 not.

23 Did you feel that in the absence of proof there's nothing you
24 could do anyway about that issue?---That's correct.

25 MS HARRIS: What did you understand John Woodman's involvement
26 to be in the H3 matter?---That he had a development on the
27 other side of the road and that he formed one of the
28 parties in relation to this, I guess, conflict in the
29 report, and that from I guess - I just knew that he was

1 obviously on the other side with Watsons and that it was a
2 dispute between developers to come to an understanding and
3 it was pretty typical for the two parties to come to
4 council for a resolution on an issue.

5 Following that conversation which I will seek to tender,
6 Commissioner, you then - - -

7 COMMISSIONER: What's the date of that conversation, Ms Harris?

8 MS HARRIS: That was - - -

9 COMMISSIONER: 20th of the 11th?

10 MS HARRIS: Yes.

11 #EXHIBIT 204 - Recorded conversation between Ms Crestani and
12 Mr Aziz on 20 November 2018.

13 MS HARRIS: You do then in fact have a conversation with
14 Mr Ablett about the H3 matter. Do you recall why you
15 contacted him about that?---I think because he was either
16 the ward councillor or the neighbouring ward councillor
17 who had more knowledge of the area and just to get a
18 well-rounded understanding of the issue.

19 Did you seek from him an explanation as to the issues around
20 the intersection?---I don't know either I sought it from
21 him or he came to me. But I believe I must have asked him
22 some information.

23 And was the purpose of that so you could be armed in the event
24 that you took the chair?---Correct.

25 COMMISSIONER: So in relation to Mr Aziz, who was also one of
26 the subjects of the Ombudsman's inquiry back in 2015, had
27 you also heard chatter about him being unduly influenced
28 by Mr Woodman?---No.

29 Only Mr Ablett?---And Councillor Stapledon.

1 So you had heard chatter about her, had you?---Yes.
2 What had you heard?---Similar to Councillor Ablett.
3 From what sources of - - -?---Other councillors. I can't be
4 sure who.
5 Amongst councillors?---Yes.
6 MS HARRIS: Do you recall Mr Ablett suggesting that he would
7 get back to you in terms of some talking points that might
8 be of assistance?---He might have, but from memory
9 I didn't need any. I went with the officer's
10 recommendation.
11 Would it surprise you to learn that Mr Ablett spoke to
12 Mr Woodman to seek some talking points for you?---Yes.
13 Could we play the call behind tab 81, please. It's exhibit 43,
14 Commissioner.
15 COMMISSIONER: Thank you.
16 MS HARRIS: Ms Crestani, this is a call that doesn't involve
17 you. It's between Mr Woodman and Mr Ablett on the issue
18 that we've just discussed.
19 (Audio recording played to the Commission.)
20 MS HARRIS: Ms Crestani, did Mr Ablett ultimately come back to
21 you with some points to talk about in the event you took
22 the chair?---He might have, but I recall moving it - well,
23 I didn't even move it. Councillor Rowe moved it
24 unchanged, from memory.
25 But when Mr Ablett discussed the points with you, did he tell
26 you that they'd come from Mr Woodman?---No, no, and I'm
27 actually shocked, absolutely shocked.
28 COMMISSIONER: This whole conversation shocks you?---I'm
29 disgusted, actually.

1 MS HARRIS: Because it's quite inappropriate, isn't it, for a
2 councillor to be having a conversation with a party that's
3 interested in the application before council?---It makes
4 people puppets, you know. So, yes. Very.
5 Did you have a friendship with Mr Ablett?---I'd say so, yes.
6 And you trusted his judgment and guidance on council
7 matters?---Not all the time.
8 Obviously you did in relation to this matter because you sought
9 his counsel, didn't you?---I think I wanted a bit more
10 information about it.
11 Mr Ablett tells Mr Woodman that you had said to him, this is at
12 line 14, "I trust you and I want to know how to - how to
13 vote." Did you ask Mr Ablett how to vote in relation to
14 this matter?---I don't think I put it that way. I do
15 believe he was talking himself up, with all due respect.
16 Would you agree that it would seem from this phone call it was
17 very important to Mr Ablett and Mr Woodman that you
18 chaired this particular meeting?---It seemed they were
19 putting me forward, but that's not how I saw it.
20 Did they ever - sorry, did any councillor ever suggest to you
21 that it was important that you chaired this particular
22 meeting?---Councillor Aziz had particular interest.
23 And what did he say to you?---He just said, "Would you like",
24 you know, "Can you chair?" No, I think when it got up to
25 the pre-council he looked to me and pointed to me and
26 said, "You'll be chairing?" And I said, "Yes." Knowing
27 that I'm deputy made sense.
28 Is it your belief that the only reason you were asked to chair
29 was because you were deputy?---From my perspective

1 I believed that was the only reason.

2 Mr Ablett also says at line 94 that you said to him, "I will
3 follow your - so I will follow what you say, Geoff." Did
4 you say that to Mr Ablett?

5 COMMISSIONER: Just a moment. Let the passage be brought up,
6 thank you.

7 MS HARRIS: That's at line 94?---I don't recall saying that.

8 COMMISSIONER: Could you have given Mr Ablett the impression
9 that you would accept his guidance on that
10 issue?---Possibly. I'm not sure how I would have said it,
11 but I'd already voted in a particular manner because
12 I believed in the safety issue so much, road safety,
13 community safety, that I possibly would have sought a bit
14 more information about it.

15 I think you mentioned earlier, Ms Crestani, that in voting on
16 this issue you were particularly influenced by the SCWRAG
17 letter?---Yes, correct.

18 Have you followed at all what's emerged in these hearings about
19 SCWRAG and their lack of independence?---Yes, it did come
20 to light and I'd seen on reports late last year.

21 Was that also a shock to you?---Absolutely.

22 So you had no idea that Ms Schutz and Leightons were funding
23 the expenses of SCWRAG?---I had no idea. It got suggested
24 by either a public question. There might have been a
25 public question at the meeting that there was a mention of
26 that, as you said. But it was never resolved in my mind
27 that they weren't genuine. I was sure that they were
28 genuine and their letter said 1100 community members.
29 That's nothing to sniff at.

1 And the letter itself, you had no idea that there had been any
2 involvement by the developers in the formulation of the
3 SCWRAG letter?---I had no idea.

4 MS HARRIS: Would you agree that the inference in the
5 conversation we've just heard is that you were being used
6 to drive a certain result in council?---That's how the
7 conversation reads, but that's not how I saw it when
8 I went to vote.

9 I'm not suggesting you weren't exercising independent judgment.

10 But do you agree that that's certainly the inference that
11 can be drawn from that conversation?---Yes.

12 Commissioner, could I impose for a five minute break, please?

13 COMMISSIONER: Yes, certainly.

14 MS HARRIS: Thank you.

15 COMMISSIONER: Five minutes?

16 MS HARRIS: Yes.

17 (Short adjournment.)

18 COMMISSIONER: Yes, Ms Harris.

19 MS HARRIS: Ms Crestani, just returning then to that issue of
20 the H3, obviously you sought advice from Mr Ablett and
21 you've indicated that you met with Dacland?---Mm-hm.

22 To the best of your recollection, what information did you rely
23 on in order to decide whether or not to support the
24 recommendations of the council officer?---I relied on the
25 information - obviously at the end it was the officer's
26 recommendation and the safety issue still was in the back
27 of my mind, so I believe the recommendation was looking
28 after that.

29 COMMISSIONER: So the net result was you had gone to Amanda

1 Stapledon, got nothing out of her. You had gone to
2 Mr Aziz. You used the words he "fobbed you off". You
3 have gone to Mr Ablett. He wasn't able to tell you
4 anything then and there. The only information you
5 ultimately relied upon was the council officer's
6 recommendation?---I'm not sure it went exactly like that,
7 but I believe, yes, it was in my end, it was that.

8 Let me put this hypothesis to you. You've assumed that Mr Aziz
9 was "fobbing you off", the words you used. What we've
10 heard is that Mr Aziz came to that council meeting and he
11 had no idea why - - -

12 MS WALSH: Commissioner, I apologise for interrupting.

13 I didn't mean to interrupt mid-stream.

14 COMMISSIONER: That's all right.

15 MS WALSH: To the best of my understanding, the "fobbed off"
16 comment is in the phone call between the other two parties
17 - I'm sorry, I've forgotten who they were - - -

18 COMMISSIONER: I'm sorry, is it?

19 MS WALSH: Purporting to quote my client, as opposed to it
20 being her directly.

21 COMMISSIONER: Thank you. So when you spoke to Mr Ablett,
22 though, was it your sense that Mr Aziz was not being as
23 cooperative with you as he should have been in terms of
24 giving you information?---When I spoke to which
25 councillor, sorry?

26 When you're telling Mr Ablett what had happened with Mr Aziz,
27 was it your sense that Mr Aziz had not given you
28 information, he had not been as cooperative as you would
29 have liked?---I can't recall the conversation entirely.

1 We didn't hear one between me and Ablett, did we? We just
2 heard the one - okay.

3 Yes?---So I don't remember how it all went. Sorry, what was
4 that last question you had?

5 The phone conversation with Mr Ablett - - -?---You mean
6 Councillor Aziz?

7 I'm sorry, yes. You spoke to him and he couldn't tell you what
8 you wanted to know?---Yes, about that item that came up
9 and he wasn't aware of it being - yes.

10 Did you currently say to Mr Ablett that you'd gone to Mr Aziz
11 and Ms Stapledon and you hadn't got the information that
12 you wanted?---I might have. When he says that Councillor
13 Stapledon fobbed me off, from my memory I didn't
14 necessarily go to her. I think it was an exchange in the
15 hallway where I said, "Oh" - I can't remember how it came
16 up, but I said, "I'm a little nervous about this whole
17 chairing," and she said, "Now, I need you to settle down
18 about this, Councillor Crestani" - sorry, "Rosie". She
19 didn't call me - - -

20 Yes?---And I said, "Well, you're not going to be in the chamber
21 but I am, so I need to understand this."

22 Right?---Sorry, I didn't answer the question, did I?

23 It may be a bit difficult because we're trying to piece
24 together the consequences of three phone calls. You
25 explained to Counsel Assisting what you observed in the
26 council chamber when Mr Aziz moved the motion and did you
27 get the impression that he was not as fully aware of the
28 facts as you would have expected?---That's not uncommon
29 for any councillor, to be honest.

1 Is that so?---Busy lives and - so I wasn't suspicious, other
2 than that he was not fully prepared.

3 So you were a councillor through most of the history of motions
4 coming before the council in relation to Cranbourne West,
5 the C219 rezoning?---Yes.

6 And you voted generally in favour of the rezoning?---Yes.

7 And were there occasions before you voted on issues where you
8 had conversations with Mr Ablett and Mr Aziz about the
9 issues?---It's so long ago I can't remember. Possibly.

10 So what we're looking at, Ms Crestani, is whether or not the
11 sort of process that we saw here in relation to H3,
12 whether similar things might have occurred in relation to
13 Cranbourne West?---If I can remember back that far, it
14 seemed pretty above board to me. A developer wanted to
15 develop some land and wanted to turn some of it into
16 residential and we needed to put people somewhere. So, it
17 didn't fit outside those parameters that I would expect to
18 vote on.

19 And you knew Mr Ablett was in support of that
20 proposal?---I can't remember back that far, but - - -
21 It's a proposal that continued coming back to the council - -
22 -?---Yes.

23 Throughout the period between 2014 and 2018?---Yes.

24 And can you say from thinking back that you were aware that
25 Mr Ablett supported that rezoning?---I can't remember back
26 that far if he's in the chamber or not or if he had
27 declared - - -

28 I'm only talking about his conversations with you?---I don't
29 know if it ever came up between us. It's not coming to my

1 mind.

2 MS HARRIS: Did you seek Mr Ablett's advice or guidance in
3 relation to the rezoning application?---I don't believe
4 so. It's possible that it come up, but I don't recall it.
5 Did he suggest to you what your position should be in relation
6 to that matter?---I don't remember.
7 If that had occurred, is that something that you would
8 recall?---Perhaps if I was played a tape, maybe, but
9 I just - I don't recall that, any conversation like that.
10 What about in relation to Pavilion?---Yes, I do know about the
11 Pavilion one, just that it was next to Casey Fields?
12 Yes?---Yes. Sorry, the question was?
13 Did Mr Ablett speak with you about which way to vote in
14 relation to Pavilion?---I don't think so.
15 Did you seek any advice from him about that matter?---I don't
16 remember doing that.
17 Information available to the Commission is that there were
18 other conversations of a similar nature to the one I've
19 just played you?---Yes.
20 That that wasn't an isolated incident?---Okay.
21 Where Ms Stapledon or Mr Aziz, Mr Woodman, suggested that
22 Mr Ablett help influence your vote on something. Does
23 that come as a surprise to you?---It does, because
24 I didn't realise that there was an issue there. So there
25 may have been a conversation, but Councillor Ablett and
26 I were in regular discussion over that time.
27 Over what time, I'm sorry?---Over the last, like, 18 months.
28 So we had had regular contact, phone call contact. So
29 I really can't remember a conversation about Pavilion

1 on - yes.

2 Perhaps, sorry, I didn't make myself very clear. The
3 conversations I'm referring to are conversations not with
4 you, but involving Mr Ablett, Mr Woodman, Ms Stapledon,
5 Mr Aziz - yes, Mr Aziz - in which it's suggested that
6 Mr Ablett use his influence with you to influence the
7 voting in favour of Mr Woodman's interests?---That
8 surprises me, yes, and I don't recall conversations with
9 him about it. It's not - you know, it wouldn't be
10 impossible, but, yes, that would be the similar thing.
11 I think he would be talking himself up possibly and
12 I didn't see it that way, absolutely not.

13 It would come as a surprise to you then that they were trying
14 to use you in that way?---Yes, absolutely.

15 COMMISSIONER: There was a council protocol in existence from
16 at least 2007 which said that councillors ought not to
17 meet with the developers without a council officer
18 present. Are you familiar or were you familiar with
19 that?---No, I wasn't aware of that.

20 You weren't aware of it?---No.

21 Did you have any knowledge between 2014 and 2018 that Mr Aziz
22 and Mr Ablett were often meeting with Mr Woodman or
23 Mr Woodman and Ms Schutz, his consultant, to discuss
24 planning issues before the council?---No.

25 It's come as a complete surprise?---Absolutely. I mean, they
26 might have met socially, like the horses with Councillor
27 Ablett. But, yes, specifically I wasn't privy to any of
28 that.

29 So notwithstanding the chatter that you'd heard and the

1 suspicions about Mr Ablett, it never occurred to you that
2 Mr Ablett was promoting any motions that would be of
3 benefit to Mr Woodman for any improper purpose?---So,
4 I don't know if it ever really came up in a conversation
5 that he'd met, but I don't recall there being anything
6 come up.

7 Because what we have by way of phone conversations, not just
8 the one that was played to you, is that it appears that
9 Mr Aziz - Mr Woodman thought that Mr Ablett would always
10 be able to persuade you to support motions that were of
11 relevance and benefited Mr Woodman?---Well, then he would
12 be underestimating me because I thought he knew me as an
13 independent mind and I made decisions always
14 independently, even at risk of friendships. I voted
15 against Councillor Ablett - sorry, about the issue when he
16 voted the other way at times.

17 MS HARRIS: Returning briefly to the bullying and intimidation
18 that we were discussing at the start of the examination,
19 what avenues were available to you to report that
20 conduct?---Well, see, I saw it as bullying to others and
21 it was public. So it was I guess a normal - perhaps a
22 normal course of a political life to be subject to certain
23 behaviours, but I could make a complaint. But the
24 interesting thing is you make the complaint to the mayor
25 and often it would be with the mayor that you had the
26 issue. It made it very difficult to have any sort of
27 I think fair hearing.

28 The behaviour that you described earlier in relation to Mr Aziz
29 and Ms Stapledon, did that occur at a time where either

1 one of those people had the position of mayor?---Yes.
2 Was there any option to bypass the mayor and complain, for
3 example, to the CEO?---Yes, I believe that was secondary.
4 It was possible to do that. It didn't feel like you had
5 anywhere to go. Sometimes there was a suggestion that you
6 could ring, say, the Local Government Inspectorate or
7 someone like that, but it wasn't really a recourse.
8 I didn't feel like there was.
9 Is that something that you think should be
10 addressed?---Absolutely.
11 And is that something that you feel should sit outside of the
12 council?---Maybe a collaboration with both council and
13 outside body, absolutely.
14 I don't have any other questions of this witness,
15 Mr Commissioner.
16 COMMISSIONER: Yes, thank you. Ms Harris.
17 MS HARRIS: There's no reason why the witness can't be excused
18 from her summons, Mr Commissioner.
19 MS WALSH: No, nothing.
20 COMMISSIONER: Just a moment, Ms Walsh.
21 MR BONGIORNO: Pardon me, Commissioner.
22 COMMISSIONER: Yes, Mr Bongiorno.
23 MR BONGIORNO: I seek leave to examine on the limited topic of
24 Ms Stapledon bullying the examinee.
25 COMMISSIONER: I'm sorry? Ms Stapledon - - -
26 MR BONGIORNO: Bullying the examinee.
27 COMMISSIONER: You mean the matters to which the witness has
28 referred in her evidence?
29 MR BONGIORNO: Pardon me, yes. Yes, it's specifically on that

1 issue.

2 COMMISSIONER: I'll give you leave, Mr Bongiorno.

3 MR BONGIORNO: Thank you.

4 COMMISSIONER: Ms Crestani, Mr Bongiorno appears for

5 Ms Stapledon, so he's going to ask you some

6 questions?---Sure.

7 <EXAMINED BY MR BONGIORNO:

8 Ms Crestani, it's right to say that you consistently voted with

9 Mr Aziz on the issue of mosques in the City of Casey; is

10 that correct?---Councillor Aziz only voted twice out of

11 nine and I voted against all nine. It was nine.

12 Okay. So when you say that you voted against all nine, is it

13 right to say - and don't let me put words in your

14 mouth - that you're against the existence of mosques

15 within the City of Casey?

16 MS WALSH: Commissioner, I obviously come into this in the last

17 few minutes this afternoon - - -

18 COMMISSIONER: Do you have a seat there, Mr Bongiorno?

19 MS WALSH: But to my understanding of the scope of this enquiry

20 and the matters that are being put while we were here to

21 my client, I do have to question and object to the

22 relevance.

23 COMMISSIONER: Yes. You are going to explain to me,

24 Mr Bongiorno, how this will become relevant to the

25 evidence the witness has given.

26 MR BONGIORNO: It will become relevant.

27 COMMISSIONER: And you'll be able to do that quickly?

28 MR BONGIORNO: I can do it now or I would prefer to do it in

29 five questions time.

1 COMMISSIONER: No, that's fine.

2 MR BONGIORNO: Thank you, Commissioner. (To witness.) So my
3 question was it's right to say, without putting words in
4 your mouth, that generally speaking you are against the
5 existence of mosques within the City of Casey; is that
6 correct?---I'm actually in favour of the community's
7 stance on these issues. I have always voted with them
8 behind me.

9 Very well. But as to precisely what that position is, that is
10 that - - -

11 COMMISSIONER: Does it matter, Mr Bongiorno?

12 MR BONGIORNO: Yes, it does. It will in due course.

13 WITNESS: When you have 1,000 or 2,000 community members saying
14 they don't want something, you sit up and pay attention.

15 MR BONGIORNO: No, no, very well. And what they are saying is
16 that they don't want a mosque in the City of Casey?---They
17 have said every time, yes.

18 And is it right to say that Ms Stapledon's views on mosques in
19 the City of Casey are opposed to your own?---I think she
20 voted to support a refusal on a mosque, from memory. So
21 she actually has voted against a mosque.

22 Very well. Is it right to say that you have spoken during her
23 period as mayor publicly on the issue of mosques?---Yes.

24 And you are aware that the City of Casey has a communications
25 policy?---Yes. Actually have you read it, because it has
26 an advisory element to it? You don't have to be shut down
27 altogether.

28 Yes. So what clause 5.1 says is that, "While it's recognised
29 that councillors can speak to the media in their capacity

1 as individual councillors, it is also recommended that
2 they advise the communications department of any media
3 interactions so that a council wide perspective can be
4 obtained and the mayor may be informed." Do you
5 acknowledge that they are the words of the communications
6 policy?

7 MS WALSH: Before that question is answered, Commissioner, I'm
8 still yet to understand the relevance of where we are
9 heading. I park that issue for now. If there's a
10 document that's to be quoted from and that my client is to
11 affirm, I would like a copy to be shown to her.

12 COMMISSIONER: I don't think that will be necessary, Ms Walsh,
13 unless your client has reason to think that what's being
14 put to her is not correct. Do you accept that's the
15 community provision - communication provision?---Yes, and
16 I like the word "recommended". It doesn't mean mandatory.
17 Thank you.

18 So I take it, Mr Bongiorno, this is all leading to an argument
19 that there's a fundamental disagreement between this
20 witness and your client which you are seeking to rely upon
21 to explain her evidence?

22 MR BONGIORNO: That's correct.

23 COMMISSIONER: You can get to that.

24 MR BONGIORNO: Thank you. So is it right to say that you and
25 Ms Stapledon had conversations about
26 mosques?---Probably - yes.

27 And how would you describe the nature of those
28 conversations?---I think Councillor Stapledon was mostly
29 in favour.

1 So you disagreed?---So we didn't always disagree. There was,
2 like I said, at least one time where she refused a mosque.
3 She voted in favour of refusal.
4 So sometimes you agreed; sometimes you disagreed?---Yes.
5 And so far as the communications policy is concerned she
6 queried whether in your public communications on mosques
7 you had breached that communication policy; is that
8 correct?---I think it was on any item. But because the
9 mosque application was some time last year I guess it's
10 fresh in our mind. There have been other items, I think.
11 But - sorry, what was the last bit of the question?
12 COMMISSIONER: You were being asked did she disagree with - was
13 she suggesting you had breached the communication
14 provision?---Yes, and that's why she asked me to step down
15 as deputy, and I refused.
16 MR BONGIORNO: Okay. So she asked you to step down as deputy;
17 yes?---Three times.
18 Three times. And so would you say that you and Ms Stapledon
19 had a personal disagreement about that issue?---Not just
20 that. But we also agreed on many things.
21 Sorry, was it - - -?---We also agreed on many things.
22 Okay. Right. So it's right to say that you agreed on many
23 things; you also disagreed on other things?---Yes.
24 And those things is part of the cut and thrust of being a
25 councillor, the agreement and disagreement with a
26 particular - - -?---I think it's how you do it.
27 So, just turning very quickly to the notion of council
28 meetings, they are obviously enough in public, are they
29 not?---Yes.

1 And they involve debate, do they not?---Yes.

2 And sometimes that debate is robust, is it not?---Yes.

3 And you said before that when Mr Aziz and Ms Stapledon

4 disagreed with you they would say so publicly; do you

5 recall giving that evidence? It's your evidence that I am

6 concerned with. Do you recall giving that

7 evidence?---It's how it's done.

8 So do you recall giving that evidence?---Some of it was public,

9 yes.

10 And when you say "public" you are referring, are you not, to a

11 council meeting?---Not always. Sometimes it's in the

12 media.

13 Thank you. Thank you, Commissioner.

14 COMMISSIONER: Any questions that you have, Ms Walsh?

15 MS WALSH: No, Commissioner. Nothing.

16 COMMISSIONER: Very good. Ms Harris, is there any reason why

17 Ms Crestani shouldn't be discharged from her summons?

18 MS HARRIS: No, Commissioner.

19 COMMISSIONER: Very good. So thank you for your attendance,

20 Ms Crestani. I'm sorry it was somewhat difficult for you,

21 and I will release you now from your summons and you are

22 free to go. Thank you very much.

23 WITNESS: Thank you, Mr Commissioner.

24 <(THE WITNESS WITHDREW)

25 COMMISSIONER: I'm going to adjourn for five minutes and then

26 I will have an announcement to make.

27 (Short adjournment.)

28

29