
TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 11 NOVEMBER 2020

(27th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, 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 1.48 PM:

2 <PHILIP JOSEPH STAINDL, recalled:

3 <EXAMINED BY MR TOVEY, continued:

4 COMMISSIONER: Are you ready to proceed, Mr Staindl?---I am,
5 Mr Commissioner, thank you.

6 Yes, Mr Tovey.

7 MR TOVEY: Going to 4951, if I can just ask you these activity
8 reports are what you dictate to your secretary for
9 invoicing purposes at the end of each month, are
10 they?---Yes, or I prepare them. But, yes.

11 If you go to 4951 you've got further discussions with various
12 people - this is December 2015, further discussions with
13 various people in the Premier's office, including the
14 Premier and elsewhere about the Point Cook matter; is that
15 correct?---If that's what it says there, yes, it should
16 be, yes.

17 So as at that point the Premier has been spoken to at least
18 three times about the matter, plus other members of his
19 office; is that right? The Premier has been briefed on
20 the night of the sandbelt MPs dinner, and then in
21 subsequent months he's been spoken to on at least two
22 occasions, according to these notes?---Yes, according to
23 the notes. I think that's highly unlikely that that
24 actually occurred. It may be the case that I did the cut
25 and paste from one month to the next and didn't review it
26 closely enough and I didn't delete that item, because
27 I think it would be highly unlikely that I spoke to him in
28 multiple months.

29 So, even though you are billing on the basis that you've been

1 speaking to the Premier, you haven't?---Look, I'm just
2 surmising what happened. There was probably - one chat
3 the previous month was probably accurate, but I couldn't
4 imagine that it would have happened in consecutive months
5 like that.

6 COMMISSIONER: You would be mindful, Mr Staindl, of one of the
7 few prohibitions which exists in the lobbyists' code of
8 conduct is that the lobbyist must not exaggerate their
9 value to the client?---Yes.

10 And so I would take it you would not consciously be saying to
11 the client that you spoke to a minister if you
12 didn't?---No, I think what's probably happened is that
13 I've done a cut and paste from one month to the next and
14 have inadvertently not deleted that item.

15 Yes?---But they would have known whether or not I had spoken to
16 him. But I just think it's unlikely in the extreme that
17 that happened in consecutive months.

18 MR TOVEY: In any event, whether it was on two or three
19 occasions, the Premier was addressed in respect of the PSP
20 issue for Aviators Field both at a dinner by a prior
21 arrangement and also in his office or in the Premier's
22 office in either November or December?---No, it wouldn't
23 have been in the Premier's office. It was most likely a
24 function I was at that he was at, and I just quickly
25 updated him on what's happened, assuming that is
26 discussions with me.

27 Had you - - -?---There was no formal meeting in his office.

28 All right. What power did the Premier have in respect of the
29 operations of the MPA or the VPA?---None directly. He's

1 just part of the government, the head of government.

2 So, I mean, if you have a complaint about your not being - your
3 PSP not being resolved or not being dealt with quickly
4 enough, clearly you would make a submission to the MPA,
5 which you're aware was done?---M-hmm.

6 Is that right?---Yes.

7 And was any - I assume there's no - there's no point of making
8 any formal submission to the Premier's office because the
9 Premier has no specific responsibility or discretion in
10 respect of MPA matters, does he?---You're correct there.
11 The Premier would, as a matter of course, pass it on to
12 one of his staff to perhaps enquire as to where the matter
13 is at.

14 Did you or Mr Woodman to your knowledge write a formal letter
15 to the Minister for Planning or to the Premier's office
16 complaining about the fact that you thought that you were
17 being unfairly treated by the MPA?---There may have been a
18 letter, but I can't recall for certain. But I'm not
19 ruling it out. It is possible.

20 There's no letters that we've come across in the course of our
21 investigation?---If they're not on file, then it hasn't
22 happened. But I'm - - -

23 All right. So is it the case that the process really was a
24 process to step quietly and try and deal with the matter
25 informally?---That's probably a fair representation, yes.
26 Which is a process which has huge problems, doesn't it? First
27 of all, it's designed not to be transparent, it's not
28 discoverable in the normal course of events by any of the
29 normal processes having occurred because it's an informal

1 chat at a dinner and handing over a brief, and then
2 there's a further chat at the office; but none of this has
3 created a file, has it?---I don't know.

4 You wouldn't have expected it to; that's the whole
5 point?---I wouldn't mind if it did. It was an issue which
6 there was no intention to keep secret. Mr Woodman's
7 concerns about the delay were well known because there had
8 been negotiations in good faith to the best of my
9 knowledge that had occurred over 12 months whereby an
10 agreement was on the verge of being signed by the MPA and
11 the proponent to allow the PSP to proceed, including
12 agreement on the associated legal costs, and then for
13 seemingly no reason at the proverbial death knock the MPA
14 said, 'No, we're delaying this.' That was the point at
15 which Mr Woodman started reaching out more widely to have
16 the original decision or process held to.

17 The problem is, isn't it, if I wanted to - if I had a PSP that
18 I was waiting approval for, if I didn't have you to hold
19 my hand and guide me, I wouldn't have access to the
20 Premier of the State, would I, to intervene?---I don't
21 know - - -

22 In a planning matter?---You're a very strong advocate so
23 I think you could quite possibly find your way into the
24 halls of government.

25 Get on Twitter, you think?

26 COMMISSIONER: You really left yourself open there,
27 Mr Tovey?---Sorry, I couldn't resist.

28 MR TOVEY: Look, the thing is - forget me - a person who
29 doesn't have political clout which - as in Mr Woodman's

1 case, which has been established by the contributions and
2 personal associations, he's not going to have that access,
3 is he, in respect of a matter which really has nothing to
4 do with the Premier at all?---On planning matters my
5 experience is that most proponents have a way of advancing
6 their case within government. Some will use purely
7 planning consultants that will go into the department.
8 Others will use planning law specialists that will
9 advocate. So there's very few that can't find their way
10 around government. Having said that, as a lobbyist, yes,
11 I provide a professional service and, much in the same way
12 that I wouldn't like to go to court without a lawyer in
13 hand, there are many private sector entities that don't
14 want to go near the monolith that is government without
15 some professional or experienced guidance in the
16 processes.

17 How many proponents in respect of planning issues have access
18 to the Premier in respect of matters in which he has no
19 portfolio interest?---I have no idea.

20 The answer would be zero, wouldn't it, unless you had a
21 particular form of influence brought about by donations
22 and political association?---I'm not in a position to
23 answer that, sir.

24 COMMISSIONER: Mr Staindl, could I just come at this slightly
25 differently?---Yes.

26 Do you doubt that it was the fact that it was you, as
27 Mr Woodman's lobbyist, that was seeking to have
28 this - I use the term - privileged access to the most
29 senior person in government; do you doubt that the fact

1 that it was you acting on his behalf, on his behalf, was
2 one factor which enabled your client to get that level of
3 access?---It's possible, but - and, look, it probably is
4 the case, yes, that I have helped build a level of access
5 to various areas of government that he may not have
6 otherwise had.

7 And do you doubt that a second factor - and it may be
8 impossible to work out which of the two was the
9 predominant one, but a second factor is that, because of
10 the level of Mr Woodman/Watsons' patronage of the Labor
11 Party, you were able to arrange for direct conversation
12 between Mr Woodman and the most senior person in
13 government?---I don't think there would have been a direct
14 correlation there, no.

15 You don't think Mr Woodman's patronage had anything to do with
16 your access at this level; is that your honest
17 answer?---It is. I would like to think that it is
18 probably because of my knowledge of government that has
19 assisted mostly, because there are other clients where I'm
20 able to facilitate meetings with who don't donate in the
21 same way because not all clients do. In fact, some have
22 strong non-donation policies.

23 So I'm puzzled now because when I put the first of those
24 considerations to you, namely the fact that it was you
25 seeking the access on behalf of your client contributed to
26 getting that access, you didn't readily agree with that,
27 you had to think about that for some time, and then
28 accepted that that might possibly be part of
29 the explanation. You're now suggesting that was the

1 explanation?---It probably is a strong factor, yes.

2 What is, sorry?---Sorry, my involvement.

3 Yes. Yes, Mr Tovey.

4 MR TOVEY: Going on to 2016, one of the items in January 2016,

5 page 4952, is discussions with L. Tarlamis and J. Perera.

6 What were those discussions about, do you

7 recall?---I don't recall if it was - with Jude Perera was

8 probably around Cranbourne West.

9 And Mr Tarlamis?---No, well, they were together, so - I can't

10 recall is my honest answer.

11 COMMISSIONER: Mr Staindl, while we're looking at these

12 particular activity reports, you'll see there in this

13 month and in the preceding month one of the subjects that

14 you discussed was Botanic Ridge?---Yes.

15 Were you familiar by this time, January 2016, that the

16 Victorian Ombudsman had looked at the process by which

17 Mr Woodman had secured the Casey Council's support in

18 relation to his Botanic Ridge development and

19 that - - -?---No, I wasn't.

20 Were you not familiar - - -?---Sorry, I - sorry, I do remember

21 something about that. I can't remember any detail but,

22 yes, there was an Ombudsman's report, and I'm not - I'm

23 not sure when that came out but, now you mention it, it

24 has triggered a memory - - -

25 Yes?---Of that.

26 And were you familiar with the allegation which the Ombudsman

27 was asked to investigate, namely that Mr Ablett, in

28 exchange for electoral donations by Mr Woodman, had

29 actively supported the various planning proposals that

1 furthered Mr Woodman's interest in Botanic Ridge?---It
2 does trigger some recollections, yes, but not to any
3 degree of detail.

4 And are you aware that in the end the Ombudsman could make no
5 findings substantiating that allegation in part because
6 Mr Ablett refused to give evidence to the Ombudsman on the
7 grounds that it might incriminate him?---I did know that
8 was the reason why the Ombudsman was unable to find
9 evidence, yes.

10 That is, he relied on the privilege that was available to
11 him?---Yes.

12 So by 2016 were you not aware that there was a question mark
13 hanging over Mr Woodman in relation to how he had secured
14 council approval at Casey in relation to Botanic
15 Ridge?---I think, going on my faded memory of it, because
16 the Ombudsman made no adverse findings against Mr Woodman
17 I had no reason to question any further, and indeed
18 I didn't question any further, and that could be a failing
19 on my part, it may be naivete, but that's what I recall.

20 I pursue these questions only because, as we've already seen
21 from the various exchanges that Counsel Assisting has
22 taken you to between Mr Woodman and yourself that, as
23 you've agreed, Mr Woodman seemed to have an extraordinary
24 level of influence in getting the outcomes that he wanted
25 from the council. Did you not put the two - did you not
26 see any correlation between the allegations which had
27 previously been made which the Ombudsman looked at and
28 what you were observing from day to day, even in the
29 period after 2016, and what you were observing from day to

1 day about how Mr Woodman was able to get his way with the
2 council?---I obviously didn't give it enough critical
3 analysis and thought.

4 All right?---I (indistinct) to regret that.

5 Yes, Mr Tovey.

6 MR TOVEY: February 2016, page 4953, you refer to discussions
7 with John Woodman on fundraising matters and how best to
8 gain maximum benefit from participating in the PB, which
9 is no doubt Progressive Business, program?---Correct.

10 Was the effect of that to indicate that you were advising as
11 to - you were advising Mr Woodman as to how to get the
12 best bang for his buck when he was making contributions
13 through Progressive Business or otherwise?---More likely
14 just stepping him through what the different range of
15 functions he would be entitled to depending on what level
16 of membership he took out.

17 When you spoke about how best to gain maximum
18 benefit - - -?---Yes.

19 That was to be able to effectively - that's a reference to
20 being able to effectively exercise influence as much as he
21 can?---It would be a reference to what type of functions,
22 so whether or not it's just a broad entitlement to a
23 certain number of boardroom lunches or participation in
24 the business forums we talked about, which did allow for
25 short, sharp individual interactions with a number of
26 ministers. That's the sort of nature that that advice
27 would have been levelled to.

28 Also in February 2016 you've got discussions with
29 Mr Tarlamis?---Yes.

1 Re Greek function and sponsorship arrangements. Was Mr Woodman
2 a sponsor of the Greek MPs' function?---He sponsored a
3 table, I think is my recollection of that.
4 And how many people would that be?---At the function
5 I think - I think there were 150 or so.
6 And how many - - -?---Oh, the table was 10.
7 And what would that cost you?---I think it was maybe \$1,500 or
8 2,000, but I'm not certain what the exact amount - it
9 wasn't a high-priced event, that one.
10 In March of 2016, again there's reference to further
11 discussions with Woodman on fundraising matters and how to
12 get maximum benefit from the PB program?---Yes.
13 In respect of fundraising matters generally, it was the case,
14 was it, that you would advise him as to the most effective
15 strategies relating to the provision of fundraisers or
16 donations?---Not in all cases, but certainly in many, yes.
17 Again, there's reference to Point Cook, Botanic Ridge and
18 Cranbourne West, and then there's attendance at Greek
19 function with Premier and others. Where was that
20 function?---It's a place out I think in East Doncaster.
21 There were a lot of MPs there and a lot of community
22 groups. There were Greek soccer club representatives
23 and - a really eclectic mix of people. It was a unique
24 function in the ALP calendar.
25 And who attended that function from your group?---As I said,
26 there was - from the Premier down, there were a lot of MPs
27 who were colleagues of Lee Tarlamis or associates of Lee
28 Tarlamis. It was a far less formal function than anything
29 else because you were packed in very tightly and Greek

1 food was just brought out in platters on a consistent
2 basis. I think I went home a kilo or two heavier. And
3 there were lots and lots of speeches, and then an auction
4 of items as well.

5 And was there an opportunity for Mr Woodman or Megan Schutz or
6 anybody of that ilk to speak to the Premier on that
7 night?---Exceedingly limited because the program was so
8 packed and, you know, 'Hello, how are you? Nice to be
9 here,' but I'm certainly not aware of any business-related
10 matters that were discussed.

11 But was there discussion between Mr Woodman or Ms Schutz and
12 the Premier, to your knowledge?---There would have been a
13 handshake, 'Hello', and, you know, maybe - the Premier
14 came in and I recall moved around the room just at each
15 table where he would shake hands and say hello. Then he
16 sat down at a table, had his dinner, then made a speech
17 and there were the auctions, and then I'm pretty sure the
18 Premier departed straight after that.

19 Where were the funds from that function - - -?---Sorry?

20 Where were the funds raised by that function going, do you
21 know?---I think Mr Tarlamis was helping to support some
22 local MPs, particularly those connected to the Greek
23 community.

24 In April 2016 one of the things you did was arrange for
25 attendance at the State Government budget
26 breakfast?---Yes.

27 Was that a fundraising function?---Not really. That is a
28 traditional Progressive Business event which is held the
29 morning after the budget. Look, it may make a small

1 margin, I'm not sure. But, as I said, held the morning
2 after the - yes, the morning after the State budget, and
3 you would have an introductory address by the Premier, but
4 the keynote address from the Treasurer. All ministers and
5 parliamentary secretaries and ministerial staff - chiefs
6 of staff were asked to attend. There would often be
7 anywhere from four to 600 people there and it was a very
8 compact program because there was so much to be got
9 through.

10 So it wasn't a function at which you would expect there to be
11 interaction relating to a project?---No, and in this
12 instance this is one where I actually paid for the table
13 and invited - because I had anywhere from eight to 10
14 clients I would invite a client representative - sorry, a
15 representative from each of my clients to attend as my
16 guest.

17 Yes. And so in any event it wasn't - that wasn't a function
18 that provided the opportunity to - - -?---No.

19 To speak to senior ministers or anybody else - - -?---No.

20 About individual projects?---Because as soon as the speeches
21 wrapped up ministers and parliamentarians had to leave
22 because it was invariably a parliamentary sitting day,
23 given it followed the morning after the budget.

24 May 2016 then, page 4956, 'Coordinate attendance at the
25 Progressive Business forum.' That's just more of what
26 you've already been telling us, I assume?---Yes.

27 June 2016, 4957, 'Coordinate attendance at the Tim Pallas
28 lunch.' So this is in June 2016. What was
29 that?---I don't know. It was probably a

1 Progressive Business function. But I can't say with
2 absolute certainty.

3 Are you able to say who from Mr Woodman's office attended
4 that?---No, I can't. Look, it was most likely one of
5 three: Mr Woodman, Heath Woodman or Megan Schutz.

6 You had 'discussion with A Byrne's office re Cranbourne West.'
7 Who's A Byrne?---Anthony Byrne, he's the Federal member
8 for the seat of Holt, and I just had - just to alert his
9 electorate officer about the Cranbourne West rezoning
10 application. I think that was by phone, if I remember
11 correctly.

12 Again in October - - -

13 COMMISSIONER: I'm sorry, Mr Tovey, just before you leave June
14 2016, 'Discussions with Progressive Business on
15 contributions for next financial year', this is in the
16 context of Watsons Pty Ltd?---I'm guessing so, yes.

17 As it's under their activity report?---Yes.

18 So you were discussing with what committee members of
19 Progressive Business what sort of contributions - -
20 -?---No, it would have been a discussion with the
21 executive director to work out what level of membership he
22 would - Watsons would want to take out or subscribe to,
23 and what entitlements that brings. You know, does it
24 bring attendance at two forums plus X number of boardroom
25 lunches and the Premier and Cabinet dinner and the State
26 budget breakfast or something like that.

27 And then having received some indications from him about
28 contributions, the nature of contributions, the form they
29 might take, you communicate that to your client?---Most

1 likely, yes.

2 Do you not see here again you're sailing perilously close to
3 infringing the minimal code requirements for a lobbyist
4 that they keep separate political activity and lobbying
5 activity?---I would dispute that because I don't view this
6 as political activity; it's a properly constituted
7 organisation that, yes, on the one hand raises funds but
8 has a really important role for providing dialogue between
9 business and government. And so I don't see there's any
10 conflict with the code on that.

11 But, Mr Staindl, Progressive Business is the entity which
12 garners funding support for the Labor Party, as does a
13 similar organisation for the coalition. When you are
14 engaged in discussions with Progressive Business for the
15 purpose of working out what contributions your client
16 should make are you not engaged in a political
17 activity?---Not in the way that I think you're suggesting.
18 I don't think providing advice on a subscription level to
19 an entity like Progressive Business, which has an
20 important dialogue role and is registered with all the
21 appropriate entities, would constitute a breach of the
22 lobbyists' code of conduct as it's written.

23 Under the existing legislation, that is the 2018 legislation,
24 in relation to political donations an entity such as
25 Progressive Business or, on the other side of the
26 political spectrum, Enterprise Victoria, they are defined,
27 are they not, as a political organisation for the purpose
28 of that legislation?---I think there has been clarity
29 obtained in relation to definitions, yes.

1 But you didn't see that as the case back in 2016?---No, and nor
2 did anyone else across the sector.

3 Yes, Mr Tovey.

4 MR TOVEY: If we go to 4958, October 2016, again coordination
5 of Watsons' PB program. Then you've got, 'Provide advice
6 in relation to the upcoming local government elections'.
7 What was that about?---That I think very - oh, sorry, I do
8 know what that was and I had my EA contacted. Whether it
9 was me again - Ms Schutz or Mr Woodman just asked do
10 I have any indications on the political affiliations or
11 otherwise of the candidates running for Casey election,
12 and my EA I think contacted two - maybe only one local
13 MP's office and just provided some notes, often just one
14 or two words, alongside council candidates, and that was
15 submitted - just forwarded on to Watsons. I don't think
16 it was a very helpful document, quite frankly. But that's
17 what that would have related to.

18 And was that the extent of your involvement in the 2016 City of
19 Casey Council election?---No, there was one other element
20 where Mr Woodman said if there are some candidates from
21 the Labor side of the fence who would like to receive a
22 donation then he would be happy to make that.

23 And what did he tell you about that?---Sorry?

24 What did he tell you about that?---Not much more. He said he'd
25 be prepared to make up to \$2,500 to up to four candidates
26 to help fund their campaigns if that was an offer they
27 were interested in, via my EA once again to I think
28 Ms Graley's electorate office or electorate officer, she
29 identified - and there was no secret as to who the donor

1 was, but just said if some of them would like a
2 contribution, the lead candidates in two or three wards
3 would like a contribution from a local land developer, he
4 would be prepared to make that. I think four offers were
5 made. Two, possibly three were taken up.

6 COMMISSIONER: So, Mr Staindl, he asked you whether an offer of
7 \$2,500 for four candidates was something you would be
8 interested in?---If the Labor Party wanted that level of
9 support, yes.

10 But, I'm sorry, I didn't think you were doing anything on
11 behalf of the Labor Party?---This was at a council level.
12 So I wasn't doing anything on behalf of the ALP in a
13 formal sense.

14 Do you not see how - at the very least how close to the line
15 you had been sailing?---I think it's a common practice
16 where people in my position that have a political past do
17 remain either through some philosophical commitment or
18 Labor Party commitment or conversely on the other side of
19 politics, that they can't exclude themselves from
20 absolutely every facet of activity, otherwise you
21 extrapolate that to the logical extreme and I'd be
22 prohibited from handing out how to vote cards on election
23 day. And maybe you're suggesting under the terms of the
24 lobbyists' agreement that's what I should be doing. But
25 I've never read it like that or interpreted it like that.

26 But the very argument you've just advanced, Mr Staindl, cries
27 out for some level of transparency if, as seems to be the
28 case, the sort of people who are going to discharge
29 lobbyists' functions are people like yourself, people who

1 had a past intimate connection with the conduct of a
2 political party, an intimate connection with persons who
3 are or might in the future be members of cabinet, and are
4 thus best place to facilitate their clients' interests
5 with the government of the day; doesn't that cry out for
6 some level of transparency?---I have no problems
7 conforming to a transparency arrangement. But I think
8 it's naive to expect that you can disassociate yourself
9 from all political activity if you have been a political
10 activist in assuming a lobbyist's role.

11 Accepting that difficulty, as I say, that's an additional
12 reason why there needs to be a sufficient level of
13 transparency in the way in which lobbyists deal with
14 either government or shadow ministers?---And that's fine.
15 Let government come up with a transparency scheme and, if
16 I am still in business, I will happily comply.

17 Yes. Yes, Mr Tovey.

18 MR TOVEY: And finally, both that month and indeed in the next
19 month, November 2016, going over the page there's still
20 coordination of the PB, Progressive Business, program and
21 follow ups with the minister's office about Brompton
22 Lodge?---Yes.

23 Again I want to - - -

24 COMMISSIONER: If you're moving on, Mr Tovey, can we just make
25 the activity reports of Mr Staindl for the period February
26 2015 to November 2016, court book 4938 to 4959, exhibit
27 229.

28 #EXHIBIT 229 - Activity reports of Mr Staindl for the period
29 February 2015 to November 2016, court book pages 4938 to

1 4959.

2 MR TOVEY: Thank you. Now, when we left off to have a look at
3 that whole series of reports and notes I think we were in
4 about February 2015. In April 2015 there was further
5 briefing of Mr Perera with background notes. That's
6 consistent with your understanding of what would have been
7 happening?---Probably, yes.

8 Again in April 2015, if you could go to 4962, that's an email
9 from John Woodman to you attaching an email from Megan
10 Schutz to him where she's indicated that she is obtaining
11 a petition with close to 500 signatures and she's sending
12 Jerry and Teresa out on the weekend to mop up the gaps.
13 Who are Jerry and Teresa?---No idea.

14 And then she also refers to the fact that she is involved in
15 the producing of signage to be used by SCWRAG along the
16 lines of 'residents say no to industrial', and then she
17 goes on in the last paragraph to speak about the way in
18 which she would like to - - - ?---Yes, I see that.

19 Put together a sign which announced her feelings about
20 Mr Tyler. Is that something that you got?---Look, if
21 I did, it doesn't register with me and I would often tend
22 to skim those types of notes and think, 'All right, it's
23 Megan doing her stuff in the local area.'

24 Again, that's another communication which is written on the
25 clear understanding that Megan Schutz is providing the
26 signage for SCWRAG and is indeed conducting the collection
27 of signatures for the SCWRAG petition which was ultimately
28 handed to Mr Perera and produced in parliament, wasn't
29 it?---Yes.

1 And you in fact provided that, did you, to Mr Perera - -
2 -?---The petition? No, I don't think I did.
3 Okay?---If I did, I don't remember. But I would have thought
4 it would go from Ms Schutz.
5 COMMISSIONER: Mr Tovey, what is it that enables you to say
6 Mr Staindl got this particular email?
7 MR TOVEY: Because if you look at the - that email is referred
8 to Mr Staindl, and at the very top of the page - - -
9 COMMISSIONER: I see, thank you, I didn't see that.
10 MR TOVEY: Yes.
11 COMMISSIONER: Yes, thank you.
12 MR TOVEY: I tender pages 4962 and 4963, thank you.
13 COMMISSIONER: That will be exhibit 230, email of 16 and
14 17 April 2015.
15 #EXHIBIT 230 - Emails of 16/04/15 and 17/04/15, court book
16 pages 4962 and 4963.
17 MR TOVEY: All right. Then could you now look at 4964, which
18 is 22 May 2015. So that's from you to John Woodman
19 indicating that Jude Perera is off work, that Sami, that's
20 S-a-m-i - I assume that his personal assistant, is it,
21 Jude Perera - - -?---His electorate officer, yes.
22 He has a meeting scheduled with Mr Wynne to discuss Cranbourne
23 West. And that I take it was the whole point; so far as
24 you were concerned, you wanted to encourage Mr Perera to
25 be meeting with Mr Wynne to express support for the aims
26 that Mr Woodman had in respect of the rezoning?---Yes.
27 'He has copies of the relevant materials and does not feel he
28 requires any further briefings or information at this
29 stage. He's also undertaking to contact me shortly after

1 the meeting has occurred.' This is again the degree to
2 which you and John Woodman would work hand in glove with
3 Perera and Graley?---Well, it was part of the ongoing
4 liaison, yes, and as two local MPs they were supporting
5 the project. So, you know, it was almost inevitable that
6 I establish a working relationship with them.

7 'He's hinted (fairly directly) so that perhaps Megan should
8 tone down the residents campaign against Jude a little.'
9 So this is what Sami's told you?---Yes.

10 So it's clear from that, is it not, that not only do you know
11 that Megan Schutz has a degree of control over SCWRAG, but
12 Mr Perera knows as well?---I'm sure, yes, because she was
13 often the conduit. So, yes, I think you're right.

14 When all these letters and documents and petitions and so forth
15 from SCWRAG are tabled in parliament or forwarded to the
16 minister, do you or anybody else say to the minister,
17 'Well, look, Minister, we've given you this petition which
18 arrives under the auspices of SCWRAG or here's a letter
19 from SCWRAG, but in fact that letter was written by Megan
20 Schutz, who's employed by John Woodman, or the petition in
21 fact was collected by Megan Schutz,' does anybody ever
22 make that clear to either the parliament or the minister
23 or to anybody else?---To the best of my knowledge, no.

24 And that's misleading, isn't it? It's a wholly misleading
25 state of affairs that you have a developer crafting the
26 communications which an organisation like SCWRAG sends to
27 ministers, to the parliament, putting them together,
28 composing them, and the recipients are never told?---As
29 I said earlier, where the views of the residents align

1 with a commercial interest then to me there's nothing to
2 stop them working in tandem to do that. You still had to
3 get 500 people to sign a petition and you also had to get
4 the local MPs to support the proposition as well.
5 Come on. Come on. I think you're not being straight with me,
6 are you? You're not saying to me that if you came with a
7 petition to parliament which purports to come from the
8 local residents association, that's not going to have more
9 clout than a petition which the developer brings?---It
10 probably would, yes.
11 Of course it would. It would have immensely more credibility,
12 wouldn't it?---Yes.
13 And that's why it's misleading not to disclose that fact, if in
14 fact what appears to be the developer's - sorry, the
15 community organisation's petition is in fact the
16 developer's petition?---I'm not sure that I can really
17 answer that.
18 Well, the answer is self-evident, isn't it?---Look, you could
19 certainly make a case along those lines, yes.
20 Thank you, I tender that document, Mr Commissioner.
21 COMMISSIONER: That's exhibit 231, email from Mr Staindl to
22 Mr John Woodman, 22 May.
23 #EXHIBIT 231 - Email from Mr Staindl to Mr John Woodman dated
24 22/05/15, court book page 4964.
25 MR TOVEY: On 2 September you have scheduled a meeting with
26 Judith Graley and John Woodman at Parliament House, and
27 that's consistent with what you would expect?---Yes.
28 On 7 September 2015 there is an email chain involving
29 Ms Graley, Mr Keogh, Mr Staindl - that's yourself of

1 course - John Woodman and Megan Schutz. If I could
2 just - perhaps you'll remember this, but the email seems
3 to indicate that Ms Graley has approached the minister's
4 office about a letter the minister supposedly sent to
5 Casey Council in relation to the Cranbourne West rezoning.
6 Do you recall that occurring?---I think, yes. If I recall
7 correctly she was saying there was some letter that was
8 written and rang me to see if I could locate it. Is that
9 what - - -

10 That was a letter confirming that the minister had visited the
11 site, and it was a letter inviting the council to submit
12 its recommendation?---Right.

13 Does that - - -?---It does seem familiar, yes.

14 All right. Could you now have a look at 3337. Now I think
15 we - - -

16 COMMISSIONER: You need to go down to the - - -

17 MR TOVEY: Yes, we need to go - I think it probably starts at
18 3344. So what you have is on 4 September a letter
19 from - sorry, an email from
20 glenbrandam@minstaff.vic.gov.au to Judith Graley with a
21 copy to Peter Keogh. Now, is Glen Brandam somebody who
22 works with Peter Keogh?---Yes. I've never spoken or met
23 him. But, yes, as the adviser and (indistinct) liaison,
24 that's a role within the minister's office.

25 So it starts with him addressing Judith Graley saying, 'Peter
26 Keogh has asked me to assist you in chasing down our
27 response to some correspondence regarding PSPs in
28 Cranbourne.' And he asks for further details to be able
29 to do that. Do you recall seeking that information from

1 Mr Keogh?---I don't think I requested that of Mr Keogh.
2 I think it was Ms Graley who did; was that right?
3 Yes. But do you remember that information being sought?---Yes,
4 because he may have even called me or somebody may have
5 called me to say, 'Are you aware of this letter,' and to
6 the best of my knowledge I think I said, no, I wasn't.
7 So a little later on, if you go to the top of page 3343, you
8 seem to be involved in this series of
9 communications?---It's ringing a bell but - - -
10 At the bottom of - - -?---So there we go - - -
11 At the bottom of 3342, the top of 3343, 'Phil, the letter we
12 are chasing, minister's adviser Alana knows about it.
13 It's the minister writing to Casey regarding Cranbourne
14 West. I am not sure of the exact title of the letter, so
15 Megan will advise you.' Does that help you with any
16 recollection as to what - - -?---Look, I remember
17 something happening and chasing down this letter. I can't
18 remember if it was Judith Graley who contacted me or the
19 minister's office.
20 This of course is September of 2015 that this is
21 occurring?---Yes.
22 Was Judith Graley still in parliament at that stage?---Yes, she
23 was.
24 She remained in parliament until 2018 - - -?---Correct.
25 Was she still the local member for Cranbourne?---Yes, Narre
26 Warren South.
27 Was it Pauline Richards who took over from her?---Sorry?
28 Was it Pauline Richards who took over from her?---No. Pauline
29 Richards succeeded Jude Perera in Cranbourne.

1 And who succeeded - - -?---Jamie Marsh, I think his name is.
2 Then at 3340 you indicate 'Megan, I spoke to Peter Keogh about
3 this matter earlier today. He's chasing up the letter.
4 I also warned him that the MPA and Casey officers are
5 colluding to spike it.' That seems to be an indication of
6 some significance, I'd suggest. So what was that
7 about?---Well, I'm guessing that the officers at the City
8 of Casey together with certain at officer level within
9 government had a different view, that the land should not
10 be rezoned, that it should be retained for industrial
11 purposes.
12 But, you see, this is a letter - the letter that's being spoken
13 about is a letter from the minister inviting further
14 activity in respect of the rezoning from the council, and
15 there you've got you warning him that the Metropolitan
16 Planning Authority and the Casey officers are colluding to
17 spike it; all right?---Yes.
18 That's you and Mr Keogh have been discussing that?---Had that
19 discussion, yes.
20 And so you were in the position, were you, you are warning
21 Mr Keogh that somebody is involved, and maybe it's the MPA
22 and maybe it's Casey officers, in colluding to stop the
23 minister's letter being given effect to?---Yes. Yes.
24 And what came of that?---I'm not sure. The process
25 just - I haven't got detailed recollection of what else
26 transpired at that time. I'm only remembering this
27 because you're bringing material up on screen.
28 At that stage were you discussing these matters with Mr Keogh
29 with public servants present or were these just phone

1 calls or what?---I wasn't discussing it. I think there
2 was a phone call chasing up the letter, and I probably
3 conveyed that information to him.

4 Then above that you see Megan Schutz saying, 'Yes, I was
5 sitting next to John when you rang him this morning, so
6 I have the heads-up already - hot off the press.' What
7 was that heads-up about?---Probably - I'm surmising that
8 it was the issue which you just referred to.

9 You understood there was a letter from the minister going to
10 the council and you were worried that there were people or
11 that, sorry, either council officers and/or the MPA would
12 conspire to spike that letter?---To the best of my
13 recollection, yes.

14 Then on page 3338, at the bottom of the page, Megan Schutz - on
15 a previous page, Megan Schutz says it's good to be in the
16 loop, and you say, 'Absolutely - with our various networks
17 and sources, there's not much we don't hear about.' At
18 that stage were you including Mr Keogh as part of your
19 network and source?---Yes, he would have been one, yes.

20 Then you indicate, 'That meeting yesterday still infuriates me.
21 They are lying bastards. Still, I won't get mad, just get
22 even.' What does that mean? What was the meeting that
23 had upset you?---I'm not sure. I'm trying to think of
24 that, because I'm not usually that animated in emails.

25 Well, there had been a meeting obviously involving some people
26 with a bureaucratic function because if you see above
27 that - - -?---I'm guessing so, yes.

28 It says, 'Amazing how powerful the bureaucrats can be. We need
29 Mick Gatto in there ... just a joke'?---Yes.

1 But what was that meeting? Does that help you recall what it
2 was?---No, it doesn't. I can't recall what - I simply
3 can't, sorry.

4 COMMISSIONER: But you see here what's happening, Mr Staindl,
5 that instead of the planning processes just following in
6 an orderly way with those bureaucrats and ministers
7 playing the roles that are expected of them, there's all
8 this white noise and intrusion from you and your group
9 into that process?---Planning has always been one of those
10 areas that is quite volatile. There's invariably a large
11 and diverse range of opinions, sometimes very passionately
12 held. It's inevitable that there's going to be push and
13 counter-push because some will agree with the proposition,
14 and I'm talking more broadly than just here, and others
15 won't. So at the end of the day a minister has to absorb
16 all of those different opinions and match that up against
17 public policy, party policy and what ever - and probably
18 political considerations as well, and make a decision that
19 they see best. And planning outcomes are often the
20 product of compromise because it's more than just public
21 servants with an interest in planning outcomes, whether
22 it's an office tower or a resource proposal or whatever.
23 So to expect that only the bureaucrats are the font of all
24 knowledge when it comes to planning is ignoring the
25 reality that has been in existence for, you know, at least
26 50 or 60 years, and probably longer.

27 That's really not the point that I'm making to you, Mr Staindl,
28 which is of course everyone's entitled to their views
29 about the merits of the planning proposal. It's about how

1 the process that would normally be followed is interfered
2 with. This is not about the council or the minister or
3 the MPA being able to hold a view?---Yes.

4 This is how the process is manipulated and affected when you
5 and your client are able to insert yourself in this way
6 into the process and where there's no transparency of the
7 role that you are playing?---Okay, look, I'm not going to
8 argue with you on transparency. I tend to side with you
9 on that. Look, my client had a point of view or a
10 position on a development and I was engaged to help
11 advance that.

12 Yes, it's a question of how you do that, Mr Staindl?---Yes,
13 I know, and I take a lot of the concerns that you've
14 expressed on board.

15 Very good. Yes, Mr Tovey.

16 MR TOVEY: Then if we go back to the cover page of that series
17 of documents at page 3337, which is an email on
18 9 September from you to Megan Schutz. So, having just
19 remarked on what bastards bureaucrats can be, you observe,
20 'The problem is that the game can have major impacts for
21 individuals who invest substantial sums of money based on
22 clear indications from government. I understand it all,
23 but sometimes they do push one's patience to the limit!'
24 All right. So you're angry or, sorry, you are expressing
25 to Megan Schutz, either real or effected anger, that the
26 bureaucrats are being bastards because they are not
27 progressing C219 satisfactorily; is that fair?---Probably,
28 yes.

29 And what's irritating you and Ms Schutz no doubt is that you

1 believed that there had been substantial money spent on
2 clear indications from government. Now, this gets back to
3 what I put to you before. The money that's being spent at
4 this stage is the money being spent on consultants and so
5 forth and political donations; is that right?---I don't
6 think I was referring to political donations there.

7 All right. But you then refer to clear indications from
8 government. And this gets back to what I put to you
9 earlier on, remember, that what everybody here is really
10 irritated about is that they - and what you're talking
11 about there and what Megan Schutz is irritating about as
12 well is that the state of play with the ALP before the
13 election had been that you thought that there was a clear
14 indication they were going to progress C219, and you now
15 feel you're being gazumped. Is there any other clear
16 indication that you can put to me other than that?---I'm
17 trying to recall this. I mean, it's five years ago.

18 I think there were other parts of government that actually
19 saw merit in having this land rezoned for residential, and
20 that's what I was - I think I was referring to, because of
21 the economic benefit that that would bring.

22 But you're talking about money being spent on the basis of a
23 clear indication from government. We know from what we've
24 already seen that there's never been any clear indication
25 from any part of the government bureaucracy that C219 is
26 going to just simply go on its merry way; it's going to
27 have to go through all the processes. What you're talking
28 about there is an indication from government, and you're
29 there talking about the people doing the governing?---Yes.

1 Yes, in all likelihood I am.

2 And you're there talking about, I suggest to you, now that
3 you've had the chance of putting all this in context, the
4 only explanation from that was that rightly or wrongly at
5 the time of the election John Woodman and those like
6 yourself who were around him, particularly Megan Schutz,
7 had an understanding that the government, if elected,
8 would support C219?---Or would at least kick-start a
9 process that allowed it to be considered, yes.

10 All right. Mr Commissioner, would this be an appropriate time
11 for a short break?

12 COMMISSIONER: Yes, of course. Quarter past three. Have a
13 break, Mr Staindl?---Thank you very much.

14 (Short adjournment.)

15 COMMISSIONER: I'm sorry for the delay. I don't know why we
16 were held up. Yes, Mr Tovey.

17 MR TOVEY: All right then. In December of 2015 there was a
18 Judith Graley lunch on 7 December with an attendee list
19 including yourself, John Woodman and Megan Schutz; do you
20 recall that?---Vaguely, yes.

21 In February of 2016 we have a record that you were sent a
22 proposal by Progressive Business in respect of the ongoing
23 program and payments that were available to you; that's
24 simply consistent with what you would expect?---Yes, more
25 than likely.

26 Then in April of 2016, could you have a look, please, at
27 document 4983, pages 4983, 4984. That's a document from
28 John Woodman to yourself which says, 'Phil, please see
29 correspondence from Richard's office to Sammy.' Richard

1 is Richard Wynne in this context, isn't it?---Yes.
2 'To Sammy'. Sammy is the electorate officer for
3 Mr Perera?---Correct.
4 'Please escalate the meeting with Judith as important.' That's
5 Judith Graley?---Correct.
6 'As I would like to know what is really going on and trust
7 Judith will find out for us maybe, thanks.' So what is it
8 that she wants to find out about, and if you go to
9 4894 [sic] this is a letter from the minister's office
10 under the official letterhead to Jude Perera headed
11 'Cranbourne West precinct structure plan', 'Thank you for
12 your correspondence on 6 April 2016 to Richard Wynne,
13 Minister, in relation to issues surrounding the Cranbourne
14 West precinct structure plan. I wish to advise that your
15 correspondence will be responded to shortly.' Now, what
16 was that about, do you know?---No, no recollection at all.
17 This is a letter sent by Peter Keogh to Jude Perera, and is
18 that something which in fact Mr Perera it would seem or
19 Mr Keogh has made available to Mr Woodman?---I don't know.
20 That just looks like a standard acknowledgment letter, an
21 interim acknowledgment letter.
22 Yes, but Mr Woodman has it, do you understand, because
23 Mr Woodman's attached that letter in a text to you?---Has
24 he? All right. Sorry, I wasn't aware of that.
25 And he says to you Judith is going to find out what's going
26 on?---Yes, I don't know what the content of the original
27 letter was.
28 In fact, there was no distinction, was there, in respect of
29 Ms Graley between her role as a parliamentarian and her

1 member of the team on C219?---I don't accept that, no.

2 You don't accept that?---No.

3 At any stage were you aware of her showing any discomfort with
4 the degree of attention and patronage she was being shown
5 by Mr Woodman?---No, I'm not aware of that. But I think
6 it's a question better addressed to her.

7 True. Well, it's a question which can be addressed to her, but
8 perhaps you can assist. I mean, from your perception and
9 from your notes, never a month goes by without significant
10 interaction between Ms Graley, yourself, Mr Woodman, Megan
11 Schutz. She is at functions with you. She's at tables
12 with you at the Premier and Cabinet dinner. I mean, she
13 is embedded as part of the team, is she not?---To me, she
14 was supporting her residents in an issue that she thought
15 was of critical importance, and, yes, she was (indistinct)
16 and if that aligns with the interests of the proponent,
17 she's made the judgment that it was acceptable.

18 If that's the case, where do you draw the line? I mean, there
19 is never, is there, or very rarely is there some planning
20 issue on which there are good arguments on both sides;
21 true? I mean, if we just start off with a basic
22 proposition. Most planning issues have decent arguments
23 on both sides?---No, I actually don't necessarily agree
24 with that. I mean - - -

25 Well, some planning arguments have good arguments available to
26 both sides?---Whilst others, because they can have an
27 absolute outcome in terms of land use change, there will
28 be a lot where many planning arguments that are one way or
29 the other; it's either development or not, or it's, you

1 know, a quarry or not a quarry, or whatever the
2 proposition is.

3 Some people see quarries as progress?---Yes.

4 Others see quarries as debasing the environment; true?

5 True?---Yes. So in planning terms - - -

6 That's what I'm saying. It will often be the case there are
7 arguments for both sides. It depends on your personal
8 perspective, your view of life, whatever. But that's not
9 the point. The point is that, if you are a politician,
10 just because you agree with one of your constituents that
11 an outcome which is going to make them a huge amount of
12 money is a right outcome, it's no reason, is it, for you
13 to embed yourself with that person to the extent to which
14 one can never tell what the dynamic of the relationship
15 between you is?---Well, I'm not the politician. So you
16 would need to ask them.

17 But you're a lobbyist and somebody who is confronted with these
18 issues day in, day out, and in fact you refer to them in
19 some of your correspondence. Don't you accept that, okay,
20 it's possible and will often be the case that a politician
21 will often feel that an argument in favour of a result
22 which a rich sponsor wants is a good argument, but that
23 doesn't justify that person, in order to achieve what they
24 think to be the good result, aligning themselves totally
25 and embedding themselves in the team of the rich sponsor
26 which is seeking to achieve that result, does it? There
27 has to be a line?---I'm not the one to determine where
28 that line is. That's up to the likes of you and probably
29 the government. I've always found Ms Graley operated

1 ethically and with the best interests of her constituents
2 at heart.

3 Going on, so we go from April to May - - -

4 COMMISSIONER: Just a moment, Mr Tovey. Mr Tovey, just a
5 moment. We need to regularise the exhibits. Going back
6 to the email chain from 4 September to 9 September 2015,
7 court book 3337 to 3344, that will be exhibit 232.

8 #EXHIBIT 232 - Email chain from 04/09/15 to 09/09/15 at court
9 book 3337 to 3344.

10 COMMISSIONER: And then the email of 26 April 2016 from
11 Mr Woodman to Mr Staindl, including the attachment letter
12 of Mr Keogh to Mr Perera of 19 April, that will be
13 exhibit 233.

14 #EXHIBIT 233 - Email from Mr Woodman to Mr Staindl dated
15 26/04/16, including the attachment letter of Mr Keogh to
16 Mr Perera dated 19/04.

17 COMMISSIONER: Yes, Mr Tovey.

18 MR TOVEY: Thank you. In May of 2016 again there is a calendar
19 event, a meeting with Judith Graley, require attendee list
20 as yourself and John Woodman; that's consistent with what
21 was going on then?---Yes.

22 On 19 August 2016 there was a Premier and Cabinet
23 dinner - sorry, that's an email relating to a Premier and
24 Cabinet dinner on 25 August at Zinc in Federation Square;
25 do you remember that occurring?---Yes, that was another
26 big event.

27 And Mr Woodman had a table?---I'm assuming so, yes.

28 And, according to this document, on Mr Woodman's table were Tom
29 Kenessey and his wife, Judith Graley, who's parliamentary

1 secretary to the Deputy Premier, Philip Staindl, Heath
2 Woodman and his wife, Simon Williams and a ministerial
3 staffer. At the same time, Megan Schutz was on the table
4 of the Treasurer, Mr Pallas. Does that sound correct to
5 you?---Yes.

6 In March 2017 there was an email chain involving yourself,
7 Megan Schutz relating to a Progressive Business function
8 with Schutz advising you that they were booked in to see
9 Luke Donnellan, Jacinta Allan, Lily D'Ambrosio and Wade
10 Noonan, and that there was going to be a round table with
11 Pallas and with Wynne, and she asked you, 'Can you please
12 check whether there is an opportunity to see Pallas
13 separately,' and you replied, 'There are no formal
14 meetings with Pallas, but he's always there for a chat
15 after a drink at the end of the proceedings. So we should
16 be able to make that arrangement.' Does that sound
17 correct?---Yes, it does.

18 And that's the way in which it worked; you have already
19 described about the way Progressive Business
20 worked?---Yes.

21 On 1 May 2017 there is an invoice relating to the payment of
22 \$4,500 for a Jacinta Allan function. Do you know what
23 that was?---This is 2017?

24 Yes.

25 COMMISSIONER: An invoice by who, Mr Tovey?---Yes, what - - -

26 MR TOVEY: Sorry, Mr Commissioner?

27 COMMISSIONER: An invoice by who to who?

28 MR TOVEY: It's 4990. We'll have a look. This is an invoice
29 forwarded by Mr Staindl to Mr Woodman?---Sorry, I think

1 I do remember that one now. So Jacinta Allan was
2 supporting the MP - the newly elected MP for Essendon,
3 Danny Pearson. I'm presuming it was a boardroom lunch,
4 and I'm guessing there were probably three or four tickets
5 purchased at that sort of price.

6 And at that stage Jacinta Allan, over a period of time, she had
7 various industry type, development type portfolios?---More
8 transport related, and some projects.

9 Do you recall precisely what ministry she held at this stage?

10 This is in May of 2017?---She was minister for certainly
11 public transport. I don't know when she assumed
12 responsibility for major projects. It may have been
13 around that time, but I can't say without doing some
14 research.

15 I tender that document 4990, 4991, Mr Commissioner.

16 COMMISSIONER: Yes. Email of 1 May 2017 from Mr Woodman to
17 Mr Daff, copied to Mr Staindl, that will be 234.

18 #EXHIBIT 234 - Email from Mr Woodman to Mr Daff, copied to
19 Mr Staindl, dated 01/05/17, court book pages 4990 and
20 4991.

21 MR TOVEY: On 23 May 2017 there is a record of a calendar event
22 for drinks and dinner for Judith Graley and Steve
23 Dimopoulos and Nick Staikos, that's S-t-a-i-k-o-s?---Yes.

24 With the Premier, Treasurer, Attorney-General and Steve Bracks.

25 So Mr Andrews, Mr Pallas, and Mr Pakula was the
26 Attorney-General, was he?---Yes, I think he would have
27 been.

28 Do you recall that function?---Yes, I think that's - that was
29 up at the old mint building.

1 What was Mr Woodman's role?---Just purchased some tickets.

2 Not - - -

3 And you attended that function?---Yes, I did.

4 And Mr Woodman and a number of people associated with him

5 attended as well?---Yes.

6 Could you have a look at 4993, 4994. Do you recall what that

7 relates to? That's an email from Megan Schutz to yourself

8 on 24 July 2017 which seems to be indicating a degree of

9 irritation, if not entitlement, in respect of her

10 expectations of what should have been provided by way of

11 access to the Treasurer, Mr Pallas?---And it wasn't.

12 True. So where are they when they are being 'duck-shoved'?

13 There's reference there, so the reader of the transcript

14 will understand what we're talking about, to, 'We have

15 been duck-shoved to a junior in the Treasurer's office

16 rather than a meeting with the Treasurer to discuss' what

17 she goes on to describe as 'the important issue of housing

18 affordability'. Was this a Progressive Business lunch, or

19 what was it?---No, it was - reading that note, it was a

20 straight request for a meeting with the Treasurer to

21 discuss - I remember there was a period, and it probably

22 corresponds with this, where Mr Woodman had a theory as to

23 what the government should do in terms of housing

24 affordability, and it wasn't related to a specific

25 planning scheme amendment, but by and large a broader

26 policy area. And, if I remember correctly, we went

27 through the motions. My executive assistant requested a

28 meeting and we were told - which was not an uncommon

29 practice - 'Treasurer's not available' or 'Minister's not

1 available. But you can meet with adviser X, who handles
2 this area.' And I think that's what happened there.
3 So Mr Woodman gets shunted off to a junior adviser. So he
4 responded by saying, 'That's it. I'm not coming,' and
5 he's going to have it out with the Treasurer next time he
6 sees him because he thinks he's worth a lot more attention
7 than that?---Presumably, yes. But I know we didn't get a
8 meeting at that stage.

9 And what was it that from your perspective entitled Mr Woodman
10 to that degree of indignation and expectation?---I think
11 you would have to put that question to Mr Woodman. In my
12 dealings it was quite a common occurrence that in making a
13 request to see a minister you expected to brief an adviser
14 about it. Very rarely do you get to - not very rarely,
15 but more often than not you would be allocated a meeting
16 with an adviser because ministers' schedules simply don't
17 allow them to meet with every entity that's seeking a
18 meeting.

19 I tender 4993 and 4994, Mr Commissioner.

20 COMMISSIONER: Exhibit 235.

21 #EXHIBIT 235 - Email from Megan Schutz to Mr Staindl dated
22 24/07/17, court book pages 4993 and 4994.

23 MR TOVEY: On 31 July 2017 there was an email from your office
24 to Mr Woodman confirming a lunch with the Premier. Do you
25 recall that occurring?---No, I don't, but I don't dispute
26 it.

27 COMMISSIONER: That's the one, is it not, for the Greek
28 event?---I doubt it. I don't think the Treasurer - - -

29 MR TOVEY: No, this ended up being a private lunch. I'll take

1 you to some other documents but - - -

2 COMMISSIONER: No, no, I'm sorry, wasn't there - didn't

3 Mr Woodman bid for it at the Greek event and was

4 successful?

5 MR TOVEY: Yes, yes. Does that ring any bells with you?---No,

6 not really, sorry.

7 Do you remember how much - look, perhaps I can - could you look

8 at 3697, please. That's an email of 28 June 2017 from

9 Jenny Beales to Lee Tarlamis, with a copy to you - now,

10 Jenny Beales, as we've heard, is your personal assistant -

11 where we're referring to the fact that Mr Woodman has

12 recently purchased a function - a dinner with the

13 Premier?---Yes.

14 And you've advised that there's only going to be five

15 attendees, and that your office will organise the dinner

16 and the function - sorry, the venue to the function?---Did

17 that proceed?

18 Well - - -?---I have no recollection of it.

19 Well, what we do know is that - I'm not sure about the time

20 events - on 13 September there was a calendar event for a

21 lunch at the Flower Drum in a private room?---Yes.

22 The attendees were listed as the Premier, John Woodman, Heath

23 Woodman, Megan Schutz, yourself, Lee Tarlamis and Cameron

24 Harrison, who's the Premier's adviser. Did that dinner

25 take place?---Yes, it did. That's the one we talked about

26 the other day.

27 Sorry, lunch at the Flower Drum; yes?---Yes.

28 So you agree that took place on 13 September, or thereabouts,

29 2017?---Yes, yes.

1 And did the people who are listed as the attendees turn
2 up?---It sounds correct, yes.

3 All right. So all the attendees then are people who are
4 involved with John Woodman's commercial interests, other
5 than the Premier and his adviser?---And Mr Tarlamis.
6 Sorry, and Mr Tarlamis. What was Mr Tarlamis doing
7 there?---I think - if this is the event, it arose out of
8 the auction prize at the Greek dinner, and he's the
9 coordinator of that.

10 So Mr Woodman had to pay for that, and does \$8,500 sound like
11 the winning bid to you?---It's possible, yes.

12 And what about the lunch itself? How much did that cost; you
13 were arranging it?---I have no idea. I didn't see the
14 account.

15 But lunch at the Flower Drum in a private room for eight or
16 nine people is fairly expensive, isn't it?---Yes, I'm
17 guessing maybe 150 a head or so. But I'm guessing.

18 So, look, assuming that in this lunch there's an investment of
19 more than \$10,000, do you know what was in it for
20 Mr Woodman?---I think he's put it down to relationship
21 building and continuing on his support.

22 How long did the lunch go for?---You're testing me. Probably
23 an hour and a quarter.

24 And do you say that despite the fact that virtually everybody
25 there other than the two politicians and the staffer,
26 despite the fact that everybody else there was somebody
27 involved in planning, that planning was a taboo subject or
28 just specific projects?---I think planning generally,
29 other than the sequence of events that I think Mr Woodman

1 talked about that general policy notion he had of housing
2 affordability. I think that was a subject of discussion.

3 COMMISSIONER: I'm sorry, I'm not clear, Mr Staindl. Do you
4 have a clear recollection that there were no planning
5 issues relating to any of Mr Woodman's interests discussed
6 at any stage of that luncheon, do you?---Correct, in part
7 because I specifically discussed with Mr Woodman before
8 the function that any specific planning matters are taboo,
9 and he said, 'I have no problems with that.'

10 MR TOVEY: Why was that?---I just didn't think it was
11 appropriate in that setting.

12 We've heard that when it came to Aviators Field you had
13 arranged for them to specifically brief him privately
14 about a planning issue. What's the difference between
15 this and Aviators Field?---Look, that was an issue of
16 the day that was being addressed. I think because this
17 was a more structured event I just thought it wasn't
18 appropriate to raise those matters, and I think it may
19 have placed the Premier in an awkward position.

20 COMMISSIONER: That's probably right, Mr Staindl. I would just
21 like to mine down, though, what is it that would make a
22 discussion about a specific planning issue that Mr Woodman
23 has an interest in furthering inappropriate for discussion
24 with the Premier or with any other minister?---Can you
25 repeat that question?

26 You've said that you had made it very clear to Mr Woodman that
27 he should not raise any specific planning issue?---Yes.

28 In which he had an interest with the Premier, and that would be
29 in your view inappropriate. I would just like to explore

1 with you for a moment what is it that would have made that
2 inappropriate?---I think the nature of the lunch. It
3 would have detracted from the sort of social value of it,
4 and, because the event was purchased at a fundraising
5 night, I felt the optics wouldn't have been good.

6 But why? I don't think you're articulating what it is that led
7 you to have that instinctive feeling. What is it about
8 having a luncheon with a minister in which the client -
9 presumably Mr Woodman was going to pay for the
10 luncheon?---Yes.

11 What is it about such a meeting that would make it
12 inappropriate?---I think because it was such an obviously
13 stamped Watsons event and the Premier was there - I think
14 because it was purchased at a fundraising night it was a
15 social occasion, and I just felt it was safer all round to
16 avoid any formal raising of - formal or informal raising
17 of direct planning matters.

18 Yes, Mr Staindl - - -?---I can't articulate it, sorry.

19 Well, let me see if I can help you?---Okay.

20 I'm not questioning the wisdom of the view that it would be
21 inappropriate at such a function to discuss a particular
22 Woodman interest. But isn't it because if you did so it
23 would give rise to at the very least a perception of a
24 conflict of interest? If Mr Andrews is there, having been
25 paid for a luncheon, at the same time the person paying
26 for his luncheon is pursuing an interest of theirs, that
27 gives rise at the very least, does it not, to a perception
28 of a conflict of interest?---Yes, I would concur with
29 that.

1 And that's what motivated you, is it, to say to Mr Woodman,
2 'It's not appropriate for you to be pursuing your
3 development interests at such a function'?---I can't
4 consciously remember what motivated me, but it could have
5 been an underlying component of it.

6 And that takes me to the question: are you familiar with the
7 legislation which governs the conduct of members of
8 parliament? I mean - - -?---I don't think I am - - -

9 Yes. You know, for example, that for local government, for
10 councillors, there are specific conflict of interest
11 provisions?---Yes.

12 Which have for good reason in more recent times continually
13 been enhanced; you're aware there have been a number of
14 amendments in that area?---Yes, I'm aware of that, yes.

15 Are there any such provisions at all that guide members of
16 parliament?---I couldn't answer that, sorry.

17 All right. Yes, Mr Tovey.

18 MR TOVEY: Thank you. On 1 September there was an email chain
19 relating to the possibility of a further meeting with Tim
20 Pallas, and then on 18 September there was a calendar
21 event which involved a meeting with the Treasurer to
22 discuss affordable housing options attended by yourself
23 and John Woodman and Megan Schutz; do you recall doing
24 that?---I do, I think, yes.

25 And was anything discussed other than affordable housing?---To
26 the best of my knowledge, no.

27 On 16 October - was anybody making notes of that
28 meeting?---I would have taken some notes, and I'm sure
29 Ms Schutz would have taken some notes too.

1 Was there anybody from the government side taking
2 notes?---Almost certainly, yes.

3 On 16 October 2017 there was a lunch with Luke Donnellan at The
4 European tearoom, which seems - which you attended
5 with - - -?---Yes.

6 John Woodman and Heath Woodman and Megan Schutz and Jolene
7 Rohm, who was John Woodman's personal assistant; is that
8 right?---Yes, correct.

9 That was a Progressive Business function where there were 10
10 guests, six of whom were Woodman's people?---Yes, but
11 I think that was part of entitlement, part of the package.

12 Is that an environment in which Mr Woodman, Ms Schutz and
13 others were free to engage the minister in discussion on
14 whatever topics they saw fit?---Once again, I think it was
15 a format where the minister, Minister Donnellan, addressed
16 the gathering, talked about key happenings in his
17 portfolio and then invited questions, which he would
18 attempt to answer. Either side of those formalities there
19 would have been some engagement across the table.

20 What was it in respect of Mr Donnellan which would - I mean,
21 I should - perhaps I could start again. This involved a
22 payment, did it, for each person who would attend, or was
23 this part of an ongoing package?---I think it was part of
24 the package entitlement.

25 All right. Moving on then, on 17 October 2017 there
26 was - there had been an Age article at about that time
27 which had in some way caused a little bit of fear within
28 political circles about being seen with Mr Woodman; was
29 that the case?---I think that's a fair enough assessment,

1 yes.

2 So we're not talking about The Age article in 2018; we're
3 talking about in fact a year before. What had occurred at
4 that stage which had made Mr Woodman somebody who
5 politicians didn't want to be seen to be around?---I can't
6 recall what that specific article addressed because there
7 were a number, so - you've probably got it on file there,
8 but I think there was - there was a sense of unease about
9 Mr Woodman.

10 On 17 October there were a series of emails going around which
11 involved both yourself and Megan Schutz, and seemed to be
12 dealing to some extent at least with the subject of
13 Progressive Business events, and she complained that 'it
14 seems unfair when he is assisting Victoria's great Labor
15 Party with reaching its full potential', and what was
16 being unfair, I'd suggest, was the fact that people were
17 wanting him to keep a low profile. Does that accord with
18 your recollection?---Yes, it does.

19 And then you responded, 'He's allowed to attend, although in
20 certain circumstances there are sensitivities. It's just
21 that for the next little while intimate events such as the
22 one we had at the Flower Drum with you know who are off
23 the schedule probably for the rest of this calendar year.'
24 That's something you said?---It sounds, yes.

25 I mean, if all this was totally unremarkable, that is the lunch
26 with the Premier, is there any reason why you would be
27 referring to 'the one he had at the Flower Drum with you
28 know who'?---Look, it's a little bit of literary licence.

29 All right. So, anyway, you put to her that 'probably for the

1 rest of the calendar year', that's that he has to keep a
2 low profile. You say, 'Boardroom lunches are fine if
3 there's at least 12 people or so around the table and,
4 yes, it's because of The Age article, the nervous Nellies
5 in the Premier's office don't want a really close
6 association with anyone named Madafferi.' Does that help
7 your recollection?---That was the article, yes. Sorry,
8 you've pinned it. So there was an article - that article
9 in October 2017 was the one where Woodman was doing
10 planning work for the Madafferi family on a property down
11 in Keysborough way somewhere.

12 Yes. All right. So we now move into 2018, which is an
13 election year?---Yes.

14 Perhaps, Mr Commissioner, would this be an appropriate time?

15 COMMISSIONER: Yes, it would.

16 MR TOVEY: Could I tender the email, please, Mr Commissioner,
17 at page 3697.

18 COMMISSIONER: Yes, that's the email from Ms Beales to
19 Mr Tarlamis, 28 June 17, exhibit 236.

20 #EXHIBIT 236 - Email from Ms Beales to Mr Tarlamis dated
21 28/06/17, court book page 3697.

22 COMMISSIONER: We'll adjourn until 10 am tomorrow morning.

23 Thank you, Mr Staindl?---Thank you.

24 <(THE WITNESS WITHDREW)

25 ADJOURNED UNTIL THURSDAY, 12 NOVEMBER 2020