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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 19 NOVEMBER 2020

(32nd 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 2.03 PM: 02:03:05PM
2 <SAMEH AZIZ, recalled: 02:03:05PM
3 <EXAMINED BY MR TOVEY, continued: 02:03:05PM
4 COMMISSIONER: Are we ready to proceed? 02:03:05PM
5 MR TOVEY: We are, Mr Commissioner. 02:03:05PM
6 COMMISSIONER: Very good. 02:03:05PM
7 MR TOVEY: Could we go, please, to line 283? 02:03:05PM
8 COMMISSIONER: This is still the conversation - - - 02:03:08PM
9 MR TOVEY: Still the same conversation, Mr Commissioner, which 02:03:11PM
10 is on 23 October 2018. 02:03:13PM
11 COMMISSIONER: Are you sure about that date? Tab 34? 02:03:20PM
12 MR TOVEY: Tab 34 is - yes, it's 23 October 2018. 02:03:26PM
13 COMMISSIONER: Thank you. 02:03:36PM
14 MR TOVEY: If you look at line 283 through to 286 Lorraine 02:04:04PM
15 Wreford has sent you the ACN for the company which is 02:04:07PM
16 Cordwood Pty Ltd, I'd suggest, and its registered office 02:04:12PM
17 is 5 Main Street, Mornington, for inclusion in the 02:04:18PM
18 contract of sale?---Yes. 02:04:21PM
19 All right. Then you go over the page. So that's a contract of 02:04:28PM
20 sale of Barak Avenue. If we go back to the - across the 02:04:32PM
21 page then you say, 'Now we need to do an agreement like we 02:04:37PM
22 discussed as well, remember, but my conveyancer will 02:04:44PM
23 prepare the contract.' So you're talking there about, 02:04:53PM
24 okay, your conveyancer is going to prepare a contract. 02:04:59PM
25 Then you go on to say, 'But there needs to be an agreement 02:05:03PM
26 outlining the agreed details going forward.' So you're 02:05:07PM
27 talking there about two things, aren't you? You're 02:05:11PM
28 talking about the preparation of a contract of sale and 02:05:13PM
29 then the preparation of an agreement which is going to 02:05:19PM

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reflect the true arrangement between you and
Mr Woodman?---What do you mean by 'true arrangement'?
What you say there, 'the agreed details going forward'?
MR RUBENSTEIN: Mr Tovey, Mr Aziz was asked questions about
that line prior to the lunch break and gave evidence about
that. He expressly referred to what he identified as the
matters that made up that agreement.
MR TOVEY: I haven't taken him to this passage before lunch.
MR RUBENSTEIN: Well, he's given evidence about exactly what
was meant by that already. Perhaps you might want
to - - -
MR TOVEY: He might have, but I haven't taken him to this
passage, I don't think, Mr Rubenstein.
MR RUBENSTEIN: I've got a note that he has and I've got a note
of exactly what he said about that.
MR TOVEY: If you'll bear with me. You're there talking about
preparation of a contract and then the need to be an
agreement outlining the agreed details going forward. So
is the effect of what you're arranging there first of all
a contract of sale, but an agreement showing what the
arrangements were behind that contract of sale?---Yes.
All right. And so that's an agreement - she confirms that
that's an agreement just between you and him, and you say,
'Yeah, it's just between me and him because there needs to
be an understanding that's applicable in relation to when
the property will transfer,' and you're there talking
about when the property's going to transfer back to you,
aren't you, because clearly the contract of sale itself
would reflect the initial transfer?---Yes.

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02:05:43PM
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02:06:37PM
02:06:41PM
02:06:45PM
02:06:53PM
02:06:59PM
02:07:04PM
02:07:08PM
02:07:14PM
02:07:18PM
02:07:20PM
02:07:25PM

1 So you want an agreement showing the understanding between you 02:07:34PM
2 as to when the property will be transferred back and the 02:07:40PM
3 arrangements which will otherwise be in place. You then 02:07:43PM
4 go on at 307, 'The property transfers in relation to the 02:07:49PM
5 rent - sorry, 'Until the property transfers in relation to 02:07:55PM
6 the rent', so you want the agreement or the memorandum to 02:08:01PM
7 reflect the fact that there is no rent payable because 02:08:13PM
8 that was the agreement that you had previously reached, 02:08:17PM
9 wasn't it?---Verbally, yes. 02:08:20PM
10 And then you want an agreement as 'to the other stuff that 02:08:26PM
11 happens every month', and what was the other stuff that 02:08:30PM
12 happens every month?---Well, at that stage we had started 02:08:35PM
13 to talk about Little River, and he said to me that he 02:08:39PM
14 would be paying me a monthly consultancy fee when we 02:08:44PM
15 started discussing that. And so I believe that's a 02:08:48PM
16 reference to that issue. 02:08:51PM
17 But this is 23 October. Are you saying that - there's no 02:08:54PM
18 mention in all the discussions you've had about agreements 02:09:04PM
19 that we've been watching - been looking at over the 02:09:07PM
20 previous month or two months, there's never been a mention 02:09:11PM
21 of Little River. There's always been a mention of some 02:09:14PM
22 ongoing arrangement whereby you will get payments at least 02:09:19PM
23 part in cash. When did that move from the theoretical to 02:09:27PM
24 specifically in respect of Little River?---We discussed it 02:09:33PM
25 over October and November, and the agreement I recall was 02:09:39PM
26 executed in the summer. 02:09:46PM
27 But, Mr Aziz, it's quite apparent from the information which is 02:09:48PM
28 available to the Commission that you started discussing an 02:09:53PM
29 arrangement before Little River was even being discussed 02:09:57PM

1 with anybody by Mr Woodman; do you understand? Now, what 02:10:01PM
2 I'm suggesting to you is simply that initially there was a 02:10:19PM
3 series of conversations about some sort of agreement 02:10:28PM
4 between you and ultimately that was consolidated; it 02:10:31PM
5 morphed into what became the Little River agreement. 02:10:40PM
6 Would you agree with that?---No, I wouldn't. 02:10:43PM
7 You don't agree with that? All right?---(Indistinct) that were 02:10:47PM
8 not captured in what you have presented so far. 02:10:52PM
9 COMMISSIONER: But, Mr Aziz, if I've followed the sequential 02:10:58PM
10 nature of things, you had an arrangement in which you were 02:11:01PM
11 paid monthly amounts through Spicer 02:11:07PM
12 Thoroughbreds?---M-hmm. 02:11:12PM
13 And you then engaged in discussions about what you call the 02:11:12PM
14 consulting arrangement for Little River. But there was no 02:11:23PM
15 other arrangement that was in existence, was there, 02:11:29PM
16 between Spicer Thoroughbreds and the commencement of the 02:11:34PM
17 Little River consulting arrangement in which you would 02:11:39PM
18 receive a monthly payment?---No, there wasn't. 02:11:42PM
19 No. So this reference here to that other stuff is still the 02:11:48PM
20 Spicers payments, is it not?---No, it's again a tense 02:11:54PM
21 problem, Commissioner. 02:12:02PM
22 Oh, really? You explained the use of the word 'continuing' 02:12:03PM
23 cash payments in the earlier conversation as a 02:12:09PM
24 misstatement of tense, and this is also a misstatement of 02:12:13PM
25 tense, is it, 'the other stuff that happens every 02:12:16PM
26 month'?---That's confirmed by line 308 where Wreford says 02:12:21PM
27 to me, 'When is that going to happen? When do you want 02:12:24PM
28 the cash starting,' and I said, 'Well, it would usually be 02:12:28PM
29 the first of every month.' 02:12:33PM

1 Because that arrangement is coming to an end?---The arrangement 02:12:36PM
2 that I had with Spicer wasn't necessarily billed on the 02:12:41PM
3 first of every month. But the contractual payments 02:12:46PM
4 that - the date for payment which we put into Little River 02:12:51PM
5 stipulated the first of every month, and that was the 02:12:56PM
6 discussion that I had with Woodman and Wreford together at 02:12:58PM
7 various stages. 02:13:02PM
8 But, I'm sorry, I thought your evidence was that you didn't 02:13:07PM
9 appreciate at any time that Mr Woodman or Watsons was 02:13:10PM
10 behind the Spicers payments?---I'm not talking about the 02:13:16PM
11 Spicer payments, sir; I'm talking about the Little River 02:13:20PM
12 arrangement starting on the first of every month. 02:13:24PM
13 But you wouldn't describe that - an arrangement which doesn't 02:13:29PM
14 start until December, you wouldn't describe that as 'the 02:13:33PM
15 other stuff that happens every month', would 02:13:37PM
16 you?---I should have said 'the stuff that will happen 02:13:42PM
17 every month', because we had discussed a consulting 02:13:44PM
18 arrangement and we discussed figures in broad terms and 02:13:48PM
19 that would be payable on the first day of every month, and 02:13:52PM
20 that was then put into the agreement. 02:13:56PM
21 And then you say, 'Oh, well, it's usually the first of every 02:13:58PM
22 month.' Is that also an error, the use of the word 02:14:02PM
23 'usually'?---No, because if you look at the line before 02:14:07PM
24 it, she's asking, 'When will that start,' and I just said, 02:14:10PM
25 'It would usually be the first of every month,' and what 02:14:15PM
26 I should have said from there on 'as per our discussion'. 02:14:18PM
27 Mr Aziz, do you not appreciate that these explanations stretch 02:14:23PM
28 incredulity?---I don't because I'm trying to describe to 02:14:30PM
29 you my recollection what happened in terms of the 02:14:37PM

1 discussions that happened between Wreford and Woodman and 02:14:40PM
2 I together and also Woodman and I separately. 02:14:44PM
3 Yes, Mr Tovey. 02:14:53PM
4 MR TOVEY: And then you go on to discuss that this is just a 02:15:04PM
5 document between you and him that no-one sees. This is 02:15:06PM
6 what you're now saying is the Little River agreement. If 02:15:10PM
7 this is a legitimate consultancy agreement that you 02:15:16PM
8 have - that you have in contemplation, how come you see it 02:15:20PM
9 as a document that nobody other than you and Woodman ever 02:15:24PM
10 sees?---Sorry, can I see that line in the transcript, 02:15:27PM
11 please? 02:15:31PM
12 Yes. 314?---I think I was referring there to the agreement in 02:15:31PM
13 relation to the handing back of the property, not to the 02:15:50PM
14 consulting agreement. 02:15:53PM
15 Exactly. So what you were there discussing with her was a 02:15:54PM
16 global agreement between you and Woodman which was going 02:16:00PM
17 to provide for ongoing cash payments on the first of the 02:16:04PM
18 month and plus formalise his need - formalise the fact 02:16:08PM
19 that you didn't have to pay rent, and that he had to hand 02:16:13PM
20 the house back to you at a certain time. That was all 02:16:16PM
21 part of a package, but it had nothing whatsoever to do 02:16:19PM
22 with Little River, and there's no reference to Little 02:16:22PM
23 River, is there?---No, there wasn't a package. And part 02:16:26PM
24 of the rental agreement and the hand-back - can I just go 02:16:30PM
25 back to the WhatsApp messages that we have - that I was 02:16:35PM
26 shown yesterday about the proposals for Barak Avenue - - - 02:16:39PM
27 If you say there's something in them which shows what the true 02:16:43PM
28 arrangement was, please?---No, I want to say that the 02:16:50PM
29 proposal that I had was not what was agreed in terms of 02:16:57PM

1 the final loan because I said he would pay the loan out 02:17:00PM
2 and he would give me the difference in terms of the 02:17:04PM
3 valuation, which is 750, and the 495 which was owing on 02:17:06PM
4 the loan. That wasn't agreed by Woodman. And therefore 02:17:09PM
5 what I was effectively doing is handing him equity of some 02:17:13PM
6 \$250,000 that I had in the property, and that's why 02:17:18PM
7 I wanted an agreement that basically guaranteed my equity 02:17:21PM
8 when the property would be transferred back, would 02:17:24PM
9 describe the fact that I would pay him the stamp duty that 02:17:29PM
10 he incurred, and would also describe any interest rate 02:17:32PM
11 payments or mortgage repayments that I had to make on the 02:17:35PM
12 property. 02:17:38PM
13 If I stop you there. You say you wanted documents which 02:17:39PM
14 described all those things. The only thing you mention is 02:17:42PM
15 that you want - he buys the house, you get it rent free, 02:17:45PM
16 and you get it back. Now, there's nothing there about all 02:17:49PM
17 those things that you listed then. Why aren't they 02:17:53PM
18 referred to here or in any document or, Mr Aziz, in any 02:17:55PM
19 conversation? And let me be clear, let me suggest to you, 02:17:59PM
20 that the reason they don't appear is because it wasn't 02:18:04PM
21 agreed and wasn't spoken about, and what you're saying is 02:18:06PM
22 just not true?--Well, okay, in your assessment. But they 02:18:09PM
23 were actually referred to in a conversation that you 02:18:15PM
24 alluded to yesterday in terms of me describing in more 02:18:17PM
25 explicit details what that agreement needed to entail. 02:18:20PM
26 We'll go back to that. But I'd suggest to you that there was 02:18:25PM
27 no description of any of those things in any conversation 02:18:28PM
28 that I have taken to you other than the most tortured 02:18:30PM
29 interpretation which you have sought to allude to. You 02:18:36PM

1 disagree with that, no doubt?---Yes, I do. 02:18:43PM

2 All right. So then we go down - if we go down to 332, I have 02:18:46PM

3 taken you to the timing of your reoccupation of the 02:18:53PM

4 property, having lived there rent free, and that's going 02:18:58PM

5 to be about the time - it's going to be after the next 02:19:03PM

6 council elections. Then we go down to 332, and you 02:19:05PM

7 say - sorry, 330. And you say, 'Well, no, I just 02:19:16PM

8 need - I just need security, Lorraine. I've put my entire 02:19:28PM

9 life,' and so at that stage she says, 'Okay, fine, yeah.' 02:19:32PM

10 She'll start working on that. And you then go on to say, 02:19:43PM

11 'Look, mum's going to be living with me at the property.' 02:19:49PM

12 So what you're saying there is, 'Look, what I need 02:19:53PM

13 is - I need to be secure enough, I need security in my 02:19:57PM

14 life. My life depends on it. I want to know that I'm 02:20:00PM

15 going to have access to that property, and indeed my mum's 02:20:04PM

16 coming to live with me there. And indeed she's going to 02:20:07PM

17 renovate the property.' Is that not what you are 02:20:15PM

18 saying?---Yes, I'm saying things that again didn't 02:20:17PM

19 materialise. 02:20:30PM

20 Well, you told me the other day that when you were having a 02:20:34PM

21 conversation you anticipated that the house would remain 02:20:37PM

22 empty and that it was going to be somewhere where you 02:20:45PM

23 could meet your children. Now how is it that you're 02:20:50PM

24 talking to me about a belief shortly after that that the 02:20:53PM

25 house is going to be occupied by you and your mother? 02:20:59PM

26 I mean, how is that?---Because - - - 02:21:07PM

27 MR RUBENSTEIN: Objection. I don't understand whether there 02:21:09PM

28 was a question in that. That was a bit unclear. Perhaps 02:21:12PM

29 if Mr Tovey could rephrase that or reframe that. 02:21:14PM

1 MR TOVEY: I don't think it's unclear at all. You understand, 02:21:17PM
2 don't you, Mr Aziz? What I'm suggesting to you last time 02:21:20PM
3 when I was asking you about this, you said what you wanted 02:21:24PM
4 was an empty house where you could meet your kids?---Yes. 02:21:28PM
5 Now you're talking about not wanting that, and you said, 'I was 02:21:31PM
6 going to continue living with my wife.' That's what you 02:21:35PM
7 told me last time. Here you are very shortly after that 02:21:38PM
8 saying something entirely different, and that is that, 02:21:42PM
9 'Mum's going to be living with me at the property, and 02:21:49PM
10 she's going to be putting in \$100,000 for renovations' 02:21:53PM
11 because you've run out of cash; is that what you 02:21:56PM
12 said?---Yes - - - 02:22:01PM
13 And is that the truth of what was occurring at the 02:22:02PM
14 time?---Commissioner - I'm sorry, I'm not telling you 02:22:05PM
15 that, Mr Tovey. I'm telling that to Wreford in a 02:22:08PM
16 conversation that took place on 23 October, as you say. 02:22:11PM
17 Is there a law against a person changing their mind? Is 02:22:15PM
18 there a law against a person being in so much distress 02:22:18PM
19 because of many circumstances that they don't 02:22:22PM
20 know - I mean, to begin with, you clearly don't know 02:22:26PM
21 anything about me. How could I live at the property with 02:22:28PM
22 my wife when we have three other (indistinct) children 02:22:31PM
23 that live in the north of Melbourne, which is where I've 02:22:34PM
24 always lived. What I told you yesterday about what I was 02:22:37PM
25 going to use the property for is exactly what happened, 02:22:40PM
26 and there will be at least 25, 50 witnesses that would 02:22:43PM
27 testify to that. 02:22:49PM
28 COMMISSIONER: Mr Aziz, the short answer is you say that you 02:22:50PM
29 changed your mind or your reasons by this point of time 02:22:52PM

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were different; is that the short answer?---No, there were many options on the table and that was one. Yes, that's the short answer. I changed my mind.
All right. That's fine. Yes, Mr Tovey.
MR TOVEY: In any event, you had run out of cash at that stage and you couldn't afford to do necessary repairs or renovations to the property; was that the case?---My mother - yes, my mother was a 73-year-old woman and she needed to have a bathroom fitted downstairs because she wouldn't be able to negotiate the stairs.
Then you go at line 357 to say, 'I'm not being a smart arse it's just that a lot of - a lot of people are hanging on this.' All right? 'Just going by what you've explained to me when we first discussed this,' and she says, 'Aha', 'That there would be an agreement covering it all.' So what you want at that stage, is it not, is an agreement making you comfortable that you're going to live rent free, get the house back for next to nothing, and that you're going to get ongoing payments? And you say that not only you but a lot of people are hanging on this.
Now, was that the case?---No, it wasn't.
All right. I tender tab 34, Mr Commissioner.

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COMMISSIONER: Yes. I only wanted to ask you this in relation
to that document, Mr Aziz. When Ms Wreford says to you,
and I presume she's then speaking to you as Mr Woodman's
gopher when she says to you this is only for your eyes and

1 Mr Woodman's; no-one else to see the agreement? Do you 02:26:49PM
2 recall that passage?---Yes. 02:26:55PM
3 Why would that be?---I don't know, Commissioner. 02:26:57PM
4 You don't know, and you didn't ask her?---No, I didn't, clearly 02:27:05PM
5 from the conversation. 02:27:28PM
6 Doesn't that suggest that there's something about this 02:27:30PM
7 agreement that should not be made public?---I think 02:27:34PM
8 I wanted to preserve the confidentiality of my living 02:27:41PM
9 arrangements, and the reason I spoke to her about my 02:27:45PM
10 mother potentially living in the property is because we 02:27:49PM
11 would all be tenants in a property owned by somebody else 02:27:55PM
12 and I wanted to make sure that the right that I had to 02:27:57PM
13 have whoever I wanted to live in the property with me to 02:28:00PM
14 exist and not to be challenged at any time. 02:28:03PM
15 I'm sorry, so you're actually now able to say that's the reason 02:28:09PM
16 why she suggested it should only be for your and 02:28:13PM
17 Mr Woodman's eyes?---That would have been the reason why 02:28:16PM
18 I would suggest it, but I don't know why she suggested it. 02:28:21PM
19 But I was happy to accept that because it's - - - 02:28:24PM
20 I'm sorry, I really don't follow your answers. First you say 02:28:27PM
21 you don't know why that was said. Then a moment later you 02:28:31PM
22 proffer an explanation for it, and then you say, 'I don't 02:28:34PM
23 know why she said it'?---I'm offering an explanation in 02:28:38PM
24 response to your question as to why that would need to 02:28:42PM
25 remain confidential, and I just simply said that I would 02:28:46PM
26 have appreciated the preservation on the privacy of some 02:28:53PM
27 of my arrangements in terms of my domestic residence. 02:28:55PM
28 Yes. There's no question in your mind, is there, applying your 02:29:01PM
29 own integrity standard that you've explained to us, that 02:29:07PM

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from the time that you entered into a binding arrangement with Mr Woodman you would not thereafter have been able to vote on any council issue which affected his interest or that of his companies?---Yes, I believe from the time of the execution of the agreement and thereafter that any vote that I would have participated in would actually be a breach of my conflict of interest responsibilities.

Yes. But your plan was that at the time you executed this contract would you still be a councillor?---Yes, I would have been still a councillor.

And thereafter did you declare a conflict of interest in relation to any issue that affected Mr Woodman's or his companies' affairs?---There was only one vote in relation to that, and that happened on 18 December, from memory, and it was a vote moved en bulk. So I explained to my solicitors and my barrister the reasons as to why I failed to declare a conflict of interest - - -

I'm not sure Mr Rubenstein wants you to go there. You're about to offer an explanation for why you didn't declare a conflict?---Yes.

What was the explanation?---Well, I had only just come back from my honeymoon the day earlier. I didn't have access to internet where we were, which was on a cruise ship in the South Pacific. I probably shouldn't have turned up to that meeting in the first place, but I decided to be a hero and turn up, and I didn't notice the item on the agenda, to be quite frank, because it was moved. It was the last meeting before Christmas, where the agenda is usually two volumes and it was moved en bulk with some 30

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1 other items. You know what I mean by moving en bulk? 02:31:05PM
2 Yes, yes?---And that's the only time when I didn't declare a 02:31:09PM
3 conflict in my recollection. 02:31:13PM
4 You mean where you ought to have and didn't?---When I ought to 02:31:15PM
5 have and didn't. 02:31:20PM
6 And that's because it was an oversight on your part that one of 02:31:21PM
7 the items related to Mr Woodman; is that so?---From my 02:31:25PM
8 recollection, yes. 02:31:29PM
9 Yes. Yes, Mr Tovey. 02:31:33PM
10 MR TOVEY: Just for the transcript - - - 02:31:45PM
11 COMMISSIONER: I'm sorry, that's exhibit 281. 02:31:48PM
12 MR TOVEY: Thank you. Just for the transcript, tab 255 is a 02:31:54PM
13 short conversation. We won't play it unless we need to, 02:32:02PM
14 but it's later on that day, about an hour later, where you 02:32:06PM
15 call Lorraine Wreford and tell her that the contract of 02:32:13PM
16 sale is ready. I take it you don't dispute that?---No, 02:32:16PM
17 I don't. 02:32:22PM
18 And then within a couple of days - could you be shown, please, 02:32:22PM
19 images 14, 15, 16 and 17. 02:32:35PM
20 COMMISSIONER: Are these an exhibit, Mr Tovey? 02:32:57PM
21 MR TOVEY: No, I don't think they are. 02:32:59PM
22 COMMISSIONER: Very good. 02:33:01PM
23 MR TOVEY: Just if I could stop you there. As at this stage 02:33:47PM
24 you might or might not have appreciated that all you've 02:33:55PM
25 discussed with Ms Wreford is cash coming on a monthly 02:34:00PM
26 basis, and ultimately that's refined to cash coming 02:34:07PM
27 through on the first of the month. There is no reference 02:34:09PM
28 in any of these conversations that we've had from 02:34:13PM
29 12 October onwards to anything other than cash. Is that 02:34:20PM

1 because at that stage only cash was being discussed 02:34:25PM
2 because you anticipated at that stage that you would get 02:34:30PM
3 money from Woodman in addition to cash by virtue of 02:34:36PM
4 selling him your house?---No. 02:34:42PM
5 COMMISSIONER: Mr Tovey, I think you need to break that 02:34:55PM
6 question up. 02:34:57PM
7 MR TOVEY: I will. 02:34:59PM
8 COMMISSIONER: There were a number of propositions. 02:35:00PM
9 MR TOVEY: We've been through conversations on 12 October, 02:35:02PM
10 17 October and 23 October discussing what's being planned 02:35:07PM
11 between you and Ms Wreford; all right? And, other than 02:35:16PM
12 discussions about the way in which the house transaction 02:35:22PM
13 is going to take place, the other discussion which is 02:35:27PM
14 going on is negotiating a cash payment each month; all 02:35:32PM
15 right? There's nothing there about any non-cash 02:35:37PM
16 consultancy payment; you understand that was the case in 02:35:40PM
17 those conversations that we have been through up until 02:35:46PM
18 now?---Well, from those limited transcripts, yes. 02:35:48PM
19 And what I want to suggest to you is simple, is that it's only 02:35:53PM
20 when the arrangement to sell the house fell over that the 02:35:59PM
21 conversation then turned to giving you \$600,000 in a 02:36:10PM
22 different form, and that was by transmission of so-called 02:36:15PM
23 consultancy fees as well as the cash that you were always 02:36:20PM
24 negotiating to get, or were getting, depending on which 02:36:26PM
25 year you take. Is that the case?---That wasn't the case. 02:36:32PM
26 COMMISSIONER: I'm sorry, I just need to be clear, Mr Aziz. 02:36:44PM
27 Other than the cash payments that we heard discussed in 02:36:50PM
28 those three conversations, and whether or not they are 02:36:53PM
29 existing monthly payments or, as you've explained, 02:36:58PM

1 payments that it was anticipated would be made in the 02:37:03PM
2 future on the first of every month, were there any other 02:37:06PM
3 at that time regular payments being made or being 02:37:11PM
4 discussed?---I don't believe there was, Commissioner. 02:37:15PM
5 Very good. Yes, Mr Tovey. 02:37:20PM
6 MR TOVEY: So if you go through the - that's you and Ms Wreford 02:37:25PM
7 subject to surveillance at the Higher Ground restaurant in 02:37:32PM
8 Little Bourke Street on 25 October. Could we just go 02:37:39PM
9 through each of those images, please? So you've seen 02:37:50PM
10 those images. Do you agree you had a meeting that 02:40:09PM
11 day?---Yes, I do. 02:40:12PM
12 And on that day you were observed to exchange documents with 02:40:13PM
13 Ms Wreford. You handed over documents to her. Was that 02:40:21PM
14 the contract of sale?---It may have been. I can't recall 02:40:25PM
15 exactly. 02:40:29PM
16 All right. Thank you. Could we go then to tab 211. 02:40:31PM
17 COMMISSIONER: Those images are not in evidence, Mr Tovey? 02:40:41PM
18 MR TOVEY: Sorry, Mr Commissioner. Yes. So I tender those 02:40:44PM
19 images 14 through to 17. 02:40:47PM
20 COMMISSIONER: Of 25 October 18. That will be exhibit 282. 02:40:50PM
21 #EXHIBIT 282 - Images 14 to 17 of 25/10/18. 02:40:54PM
22 MR TOVEY: Can we please then go to exhibit 69, tab 211. This 02:41:11PM
23 is on 29 October. 02:41:20PM
24 (Audio recording played to the Commission.) 02:41:50PM
25 MR TOVEY: Mr Aziz, referring to that, I take it that this is a 02:42:54PM
26 conversation which takes place very shortly after the 02:43:02PM
27 counting of the mayoral vote or, sorry, when 02:43:09PM
28 I say the - shortly after the mayoral vote?---Yes. 02:43:14PM
29 And your first concern is whether the Blood Donor is happy when 02:43:17PM

1 Wreford - sorry, when you speak to Ms Wreford; is that 02:43:30PM
2 right?---Yes. 02:43:34PM
3 Why is it then time and again we've seen with Ms Wreford in 02:43:39PM
4 your interactions, conversations with her, that you're 02:43:55PM
5 expressing concern about whether John Woodman is happy 02:44:00PM
6 about the council events, particularly the mayoralty? Why 02:44:03PM
7 is that your concern if you don't have some special 02:44:13PM
8 relationship or corrupt relationship with him?---It wasn't 02:44:18PM
9 my concern. It was just pure banter and it was mainly 02:44:23PM
10 aimed at the defeat of Gary Rowe. 02:44:27PM
11 This is something that you have done on a number of occasions 02:44:30PM
12 now. You keep on enquiring of her whether he's happy with 02:44:33PM
13 the person you're voting for as mayor, whether he's happy 02:44:37PM
14 with the result, whether he's happy with other aspects of 02:44:41PM
15 the mayoral race. We have seen it I think on three 02:44:45PM
16 occasions. That can't be a coincidence. You see, it's 02:44:48PM
17 been suggested in evidence here by Ms Wreford or Ms Schutz 02:44:53PM
18 that you seemed to be totally committed to doing whatever 02:45:02PM
19 Mr Woodman wanted. I take it you'd deny that?---Yes, 02:45:08PM
20 I would. 02:45:14PM
21 COMMISSIONER: Mr Aziz, you ascribe to the inquiry 'is the 02:45:15PM
22 Blood Donor happy' that this was just banter?---Yes, it 02:45:37PM
23 was banter, your Honour - sorry, Commissioner. It was a 02:45:39PM
24 conversation had after a bitterly fought mayoral election, 02:45:42PM
25 and Mr Rowe back then changed his vote in the last minute 02:45:48PM
26 dependent on who I was voting for, and I had 02:45:53PM
27 conversations - other conversations with Wreford. 02:45:59PM
28 Previously before the election I was describing to her 02:46:01PM
29 what we were going through, and it was pure banter that 02:46:04PM

1 I said, 'Is the Blood Donor happy,' because I'm sure 02:46:07PM
2 everybody was watching the election, including the Blood 02:46:12PM
3 Donor. Since she was working with him I just asked that 02:46:15PM
4 question, as I would have asked it of a parliamentarian if 02:46:18PM
5 I was talking to their staff member. 02:46:22PM
6 So presumably you asked her, recognising that your discussions 02:46:28PM
7 that preceded this conversation in relation to the mayoral 02:46:36PM
8 race were in her capacity as representing 02:46:42PM
9 Mr Woodman?---And in her capacity as Amanda Stapledon's 02:46:50PM
10 friend. She was hanging onto every minute leading towards 02:46:54PM
11 the vote. 02:46:57PM
12 Yes, but you didn't ask her whether Amanda Stapledon was happy; 02:46:57PM
13 you asked her whether the Blood Donor was 02:47:01PM
14 happy?---Commissioner, clearly Amanda was happy because 02:47:05PM
15 she's just won the mayoralty. But I asked her about 02:47:07PM
16 Mr Woodman because I knew that she was close to him, and 02:47:11PM
17 there were many other people in the community that I asked 02:47:14PM
18 whether they were happy given the result we got, which was 02:47:17PM
19 a bitterly fought mayoral election. So had you captured 02:47:22PM
20 other conversations I had that day with other people, not 02:47:26PM
21 in the development industry but other people, you would 02:47:31PM
22 have heard me ask the same thing: 'Is so and so happy?' 02:47:33PM
23 It's just a natural thing you do when you know 02:47:36PM
24 associations between people. 02:47:39PM
25 Why would a developer like Mr Woodman be happy that Amanda 02:47:41PM
26 Stapledon was appointed mayor?---Well, he contributed to 02:47:47PM
27 Amanda's campaign. He contributed to Geoff's campaign as 02:47:51PM
28 well, and I understand he did to Gary Rowe's. 02:47:54PM
29 I'm asking you about Amanda Stapledon, Mr Aziz. Why would the 02:47:57PM

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Blood Donor be happy with Amanda Stapledon's
election?---I think he would have been happy with either
her or Geoff, as Wreford intimated in the previous
conversation. But I just simply asked the question, like
I said, out of pure banter.
Then a little later on when Ms Wreford notes that greed finally
hasn't won out; do you see that?---Yes.
Did you ask her what she meant by that?---I presumed - - -
I know what you're going to say to me, Mr Aziz. If I ask the
obvious question, 'Why did she say that,' your answer will
be 'I don't know'; correct?---No, incorrect.
I actually - - -
What's the reason why she said it?---Because Geoff Ablett was
seeking a fourth term and we all felt that that was unfair
to Amanda Stapledon, who had been envisioned to be the
third mayor in the third year of the term, and so everyone
felt that he was being greedy because he's already had
three goes at being mayor, as have I, and I made it very
clear that I'm not interested in any more mayoralties. So
that's what she means by greed hasn't won out.
I see. Are you saying, Mr Aziz, that at no time during your
period on the council alongside Mr Ablett between 2010 and
2020 did you ever get the slightest impression that there
might be any improper relationship between Mr Ablett and
Mr Woodman?---No. The first time I became aware that
there was a financial relationship was in 2014 when
someone lodged a vexatious complaint against them with
the Victorian Ombudsman. That's when I found out that he
was donating to the campaigns, and I actually got called

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1 as a witness to that inquiry. 02:50:18PM

2 You're talking about the Ombudsman's inquiry?---Before the 2014 02:50:21PM

3 state election. 02:50:25PM

4 Yes. But, I'm sorry, I wasn't asking you that. I was asking 02:50:27PM

5 you whether or not at any time between 2010 and 2020 you 02:50:32PM

6 formed any impression that there might have been an 02:50:39PM

7 improper relationship between Mr Woodman and 02:50:42PM

8 Mr Ablett?---No, the answer is no. 02:50:48PM

9 Never?---No, I never thought there was a relationship. 02:50:50PM

10 Thank you. Yes, Mr Tovey. 02:50:58PM

11 MR TOVEY: At line 17 you indicated, 'And it sends a very 02:51:02PM

12 strong message to wankers like Gary' - that's Gary 02:51:06PM

13 Rowe - 'that we've still got control of this council.' 02:51:10PM

14 And she says, 'Yeah, I love it, I love it.' So she loves 02:51:14PM

15 the fact that 'we've still got control of the council'. 02:51:23PM

16 I assume you say that 'we' wasn't you and her; it was - 02:51:30PM

17 who was 'we'?---'We' as the group of people that ended up 02:51:35PM

18 being on the winning side of Amanda's mayoralty. 02:51:41PM

19 So that's you, Ablett, Stapledon, who else?---Well, it wasn't 02:51:46PM

20 Ablett because he voted for himself. So that would have 02:51:52PM

21 been Stapledon, Rosario, Smith, Gilic, Serey and Aziz. 02:51:57PM

22 And you indicate you still had control of council. Who'd 02:52:09PM

23 controlled council up till then?---There was nobody really 02:52:15PM

24 in control, but this is a line that is reflective of the 02:52:21PM

25 dynamics of that particular election. 02:52:26PM

26 No, you said there, 'We've still got control of this council'; 02:52:29PM

27 okay? So you've told us who's been involved in the vote. 02:52:35PM

28 But are you saying that the same group had had control of 02:52:45PM

29 the council since 2016, when the council was voted 02:52:49PM

1 in?---No, because Gary was supposed to be part of that 02:52:52PM
2 group as a Liberal member. However, if you recall the 02:52:57PM
3 previous conversation that you also showed me, I said that 02:53:01PM
4 Stapledon was likely to suffer collateral damage simply by 02:53:05PM
5 virtue of the fact that I was supporting her because this 02:53:09PM
6 was seen not as a Geoff or Amanda election. This was seen 02:53:13PM
7 as an anti-Sam Aziz election, how can we put Sam Aziz back 02:53:17PM
8 in his box. 02:53:22PM
9 So you're describing yourself there as somebody who was 02:53:24PM
10 significant in a group which controls the council. Would 02:53:29PM
11 you agree that that would make you an attractive target to 02:53:35PM
12 somebody who wanted to influence council affairs?---That 02:53:37PM
13 would possibly be the case, yes, and I think it's happened 02:53:44PM
14 in my case quite a lot. 02:53:47PM
15 And indeed you created quite a science, did you not, in respect 02:53:52PM
16 of how this control might be exercised, even so far as 02:54:02PM
17 discussing with Ms Wreford the processes that you would 02:54:10PM
18 involve yourself in to get somebody sympathetic to take 02:54:17PM
19 over the chair where the mayor had to excuse 02:54:20PM
20 themselves - himself or herself - on the basis of some 02:54:30PM
21 declared conflict?---A science that leads to the 02:54:35PM
22 appointment of a good chair in any case and not someone 02:54:42PM
23 who is incapable of chairing the meeting, and certainly 02:54:46PM
24 Mr Rowe was incapable of chairing meetings. 02:54:49PM
25 Did you discuss with Ms Wreford the way in which a chair who 02:54:54PM
26 was sympathetic to your group would be chosen if members 02:55:04PM
27 of - if people who were going to vote with you were 02:55:11PM
28 unavailable to vote because they had to excuse themselves 02:55:17PM
29 on account of a conflict?---I believe she may have asked 02:55:20PM

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me that question, and all I was doing to her was
describing how the local law worked.
See, I just want to take you to a conversation. I'd suggest to
you it's not insignificant. This is a conversation
arising at the time of the mayoral election where you've
just had a conversation about being in control, and the
next day, if we go to tab 194, that conversation,
I suggest to you, is continuing. Tab 194 is exhibit 80,
Mr Commissioner.

(Audio recording played to the Commission.)

MR TOVEY: Do you still say that you perceived Ms Wreford's
interest in council processes not to be related to
Mr Woodman's interests? Do you still say that?---I'm not
sure if I've said that. What I do say is that I was
simply entertaining hubris at this point because she
should have known how the local law operated - she's been
mayor for 10 years herself - and so when she says he can
sleep at night I didn't really understand or care what to
understand from that comment, because, if you're looking
at it from a purely party perspective, Wayne Smith is
actually a member of the ALP and yet we put him up in
chairperson positions because he's a very capable chair,
and in the end the chair has no other role other than to
direct the meeting in accordance with meeting procedures.
The chair actually doesn't have an influential role except
in the case of a tied vote.
Exactly. Which was exactly what was happening in respect of
H3, wasn't it?---(Indistinct words) on H3. I do recall,
though, that we came very close to losing a quorum.

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1 I'm having difficulty hearing. The witness seems to be 02:59:29PM
2 breaking up, Mr Commissioner. You're on mute, 02:59:34PM
3 Mr Commissioner. 02:59:41PM
4 COMMISSIONER: I was going to say, Mr Aziz, just move a little 02:59:44PM
5 bit closer. That's better?---Sure. Sorry, I think 02:59:45PM
6 Mr Tovey asked me a question - I made a remark about 02:59:51PM
7 the chairperson's role in terms of exercising a tied vote, 02:59:54PM
8 and Mr Tovey said to me that's what happened on H3, and 02:59:58PM
9 I simply said I can't recall what happened on that outcome 03:00:03PM
10 of H3, but I do recall that we came close to losing our 03:00:08PM
11 quorum in the sense that we didn't have enough people in 03:00:13PM
12 the chamber to be able to continue the debate. 03:00:16PM
13 MR TOVEY: So when Lorraine Wreford says to you there, after 03:00:20PM
14 you've explained the way in which even those people who 03:00:24PM
15 are conflicted can still pick the chair, who has the 03:00:27PM
16 casting vote, she says to you, 'Okay. That just means 03:00:33PM
17 that the Blood Donor can sleep at night,' and you say, 'Of 03:00:44PM
18 course he can,' it's apparent to anybody who looks at that 03:00:47PM
19 that she sees this conversation insofar as - she sees this 03:00:56PM
20 conversation as a conversation relating to whether you can 03:01:04PM
21 come through for the Blood Donor? That's 03:01:11PM
22 apparent - I mean, there is no other possible logical view 03:01:17PM
23 one could come to, is there, looking at that conversation? 03:01:20PM
24 I'm not asking about the way you saw it. The way she saw 03:01:25PM
25 it was that this was a conversation about whether you 03:01:28PM
26 could come through for the Blood Donor?---I'm not sure 03:01:31PM
27 I agree, Mr Tovey. 03:01:35PM
28 Don't you?---No. 03:01:37PM
29 And then you say, 'Of course he can.' And so what is going on 03:01:38PM

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there, Mr Aziz, I'd suggest is what has been going on in every conversation I've taken you to today relating to council processes, and when you say, 'We have the numbers,' and she says, 'We can pick and choose who the deputy is going to be,' when she says those things and when you say those things you know that what she's talking about is the influence of the Blood Donor. The 'we' is you, she and the Blood Donor. That's clear. Do you deny that?---Yes, I do, because the 'we' she's referring to is a political grouping, and, again, I could have had that conversation with almost anybody and they could have said to me, 'Could such and such sleep at night,' because having a chairperson in council that is ineffective or that is divisive during meetings can actually throw you out for months, and it's happened to us on a couple of occasions. So I was simply entertaining hubris, as I said, and I didn't elaborate any further because it was irrelevant for me to elaborate any further.

But you were entertaining hubris when you said - you didn't say to her - 'That means the Blood Donor can sleep at night,' and you didn't say, 'Hey, you've got the wrong end of the stick here. I'm not meaning to indicate that we are implementing these processes to assist the Blood Donor,' or, 'I'm going to go on assisting the Blood Donor.' You just say, 'Of course he can,' which is another way of saying to her, 'I'm going to make sure that our control in his interest continues'?---That's not what I meant, and if I had to correct Wreford on every conversation our conversations would have gone on for days. But that was

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1 not our interest. Our interest was always the best 03:03:48PM
2 outcomes for the Casey community. You've interpreted it 03:03:50PM
3 this way. It comes from a very narrow conversation. But 03:03:54PM
4 that's not what the intent was. She would always call me 03:03:58PM
5 and ask me about council outcomes, whether they related to 03:04:01PM
6 John Woodman or anything else. 03:04:05PM
7 You say I interpret it. I'm just reading out what the 03:04:08PM
8 conversation is. I'd suggest to you, Mr Aziz, that the 03:04:11PM
9 explanation you give is simply something that's illogical 03:04:16PM
10 and untenable?---I don't know how it can be illogical 03:04:23PM
11 given that there is no elaboration from which you can 03:04:28PM
12 deduce the interpretation that you have arrived at. I'm 03:04:30PM
13 simply entertaining her and just wanting to finish the 03:04:34PM
14 conversation, because it's nonsense. 03:04:39PM
15 COMMISSIONER: Mr Aziz, I want to take up your point that when 03:04:44PM
16 she's talking about 'we' it's not you and her and 03:04:48PM
17 Mr Woodman, it's not you and your group controlling the 03:04:51PM
18 council; she was speaking from a political 03:04:56PM
19 perspective?---It's like saying the good guys have got - - 03:05:02PM
20 - 03:05:02PM
21 I just want - you are saying that she was speaking and you 03:05:07PM
22 understood her to be speaking from a political 03:05:09PM
23 perspective?---That's what I understood, yes. 03:05:14PM
24 Yes. And so I come back to a question I've raised with you 03:05:16PM
25 already about the role of politics at local council level. 03:05:25PM
26 You've indicated in one of the earlier conversations 03:05:33PM
27 rightly or wrongly you were perceived even by fellow 03:05:39PM
28 councillors as a kingmaker and able to control the 03:05:43PM
29 council; correct?---Yes. 03:05:46PM

1 And when we mine down on that, if your explanation for these 03:05:48PM
2 conversations with Ms Wreford is correct, there's a 03:05:56PM
3 political group that is in control; is that right?---Yes, 03:06:01PM
4 there's a group in control, but I need to emphasise that 03:06:08PM
5 politics was not always necessarily along party lines. 03:06:13PM
6 I'm not worrying about the exceptions, Mr Aziz. I'm worrying 03:06:17PM
7 about your explanation that when 'we' means - as you've 03:06:21PM
8 sought to describe it, it's a political 'we' that's in 03:06:26PM
9 control. When people go to vote at the council elections 03:06:30PM
10 do they understand that they are voting for a group of 03:06:35PM
11 people who will control the council?---No, they always 03:06:38PM
12 vote for individuals. 03:06:43PM
13 Correct. Is that not then a problem, Mr Aziz, that unlike at a 03:06:43PM
14 state or a federal election, where the voter understands 03:06:50PM
15 that who they vote for may in turn ultimately form a 03:06:55PM
16 government and be in control, regardless of who else is 03:07:00PM
17 elected as individuals to parliament, there isn't that or 03:07:06PM
18 there shouldn't be such a perception at a local government 03:07:11PM
19 level, should there?---With all due respect, 03:07:14PM
20 Mr Commissioner, that would not be possible in any 03:07:18PM
21 democratic body. 03:07:23PM
22 I'm just taking up your last answer about what the individual 03:07:25PM
23 voter at a local council election is entitled to expect 03:07:31PM
24 when they vote at a council election, that they are not 03:07:37PM
25 expecting that they are voting for a group that will be in 03:07:41PM
26 control?---Yes. But inevitably a group will form under 03:07:45PM
27 almost any circumstances. When I first got elected to 03:07:50PM
28 council I hardly knew any of these people. But then we 03:07:57PM
29 started to form alliances and alignments of views based on 03:08:01PM

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our life experiences and our aspirations for the future,
and then we became a group. It didn't mean that we
caucused on the issues. No, it just meant that it was
always expected or anticipated that we would have more
agreement than disagreement on most issues.

But, Mr Aziz, if you followed the saga of evidence that the
Commission has uncovered over the course of the public
hearings, you wouldn't say to me that you didn't caucus on
issues at least when it came to Mr Woodman's affairs. We
have listened ad nauseam to the caucusing that took place
before a vote took place on motions concerning
Mr Woodman?---Do you mean by caucusing the discussion that
happened at pre-council meetings?

Yes?---That's not caucusing. That's the discussion that
happened at pre-council meeting and would have happened on
any issue, whether it affected Mr Woodman or not. We do
that all the time before council.

I'm not talking about in the meeting, Mr Aziz. I'm talking
about emails, phone calls, canvassing of positions before
council votes?---Not - - -

I don't follow how the notion that councillors will bring their
independent judgment to bear on every issue that's before
council if there is an expectation that those councillors
will vote as a group?---There was no such expectation, and
Rowe said it, Crestani said it in her evidence. The
councillors that have appeared before you have all said
that this concept of a bloc is just pure fantasy. But it
didn't stop people from advocating for certain positions
that they believed in either before a meeting or before a

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03:10:02PM
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1 council meeting or at the council meeting. That's not 03:10:14PM
2 caucusing. That's just debate. 03:10:17PM
3 So your notion that you're a kingmaker and in control of the 03:10:20PM
4 council, a perception which you acknowledge others had, 03:10:24PM
5 that was a fantasy, was it?---Well, I was only one of 11 03:10:29PM
6 votes, and I have lost many votes on the floor of council. 03:10:32PM
7 No, I'm not asking you that. I'm asking you what you said out 03:10:35PM
8 of your own mouth about the perception in terms of your 03:10:39PM
9 level of control. Was that a fantasy, was it?---That was 03:10:43PM
10 their perception, not how I - - - 03:10:48PM
11 No, either you were or you were not in control. If you were 03:10:51PM
12 not, then it was a fancy. Is that what you're saying, 03:10:55PM
13 that it was a fantasy?---In my view in terms of how the 03:10:59PM
14 council operated, yes, it was a fantasy. 03:11:02PM
15 Right. Yes, Mr Tovey. 03:11:05PM
16 MR TOVEY: What you've just said to the Commissioner is that 03:11:08PM
17 nobody has control; is that right?---Nobody has control 03:11:11PM
18 unless you can (indistinct) - - - 03:11:18PM
19 Why are you reporting to Wreford that you have control or 'we 03:11:21PM
20 have control' if that's a notion which is foreign to your 03:11:26PM
21 experience? Either you have control or you've not. This 03:11:31PM
22 is not a conversation which is - this is just a private 03:11:37PM
23 conversation between you and she, both of whom are on the 03:11:40PM
24 inside. Why would you be talking about having control if 03:11:43PM
25 indeed you didn't have control?---This is a democratic 03:11:48PM
26 body, Mr Tovey, and you need a working majority of 03:11:54PM
27 votes - - - 03:11:57PM
28 I didn't ask you about the objective position of the council. 03:11:58PM
29 I'm asking you about why you would be saying you've got 03:12:02PM

1 control when you've just told me you didn't?---Because 03:12:04PM
2 I was referring to the defeat of one individual councillor 03:12:08PM
3 who sought to be disruptive, who changed his vote in the 03:12:12PM
4 last minute when he found out who I was voting for. So he 03:12:16PM
5 changed his vote because he didn't want to be voting for 03:12:20PM
6 the same person that I was. So the mayoralty hinged on 03:12:22PM
7 one marginal vote, and that was my vote. 03:12:27PM
8 If you choose not to answer my question, we'll move on to 03:12:29PM
9 another one, or will this be an appropriate time, 03:12:32PM
10 Mr Commissioner?---I'm sorry, Commissioner, I'm trying to 03:12:35PM
11 answer the question and I'm not sure why he's not 03:12:38PM
12 listening to me. 03:12:40PM
13 COMMISSIONER: You can discuss that with your counsel. You may 03:12:46PM
14 be trying your best, Mr Aziz, but, as we've now said 03:12:51PM
15 numerous times, you don't appear to answer the question, 03:12:55PM
16 and I think you're obviously a very intelligent man, you 03:13:02PM
17 plainly have the capacity to understand questions, even 03:13:06PM
18 complex questions. So it is a concern when you don't 03:13:09PM
19 appear to answer the questions?---I'm very disappointed 03:13:14PM
20 that you think so because I'm trying to do my best to give 03:13:20PM
21 you as much information as I can. 03:13:22PM
22 Yes. We'll adjourn now. Have a break and speak to 03:13:24PM
23 Mr Rubenstein, by all means, Mr Aziz?---I certainly will. 03:13:28PM
24 Thank you. 03:13:32PM
25 (Short adjournment.) 03:13:35PM
26 MR RUBENSTEIN: Commissioner, I think Mr Aziz is ready to 03:30:56PM
27 proceed. 03:30:58PM
28 COMMISSIONER: Thank you, Mr Rubenstein. Mr Aziz, before 03:30:59PM
29 Mr Tovey continues, just dealing with the last 03:31:02PM

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conversation in which you said you were showing some
hubris in your conversation with Ms Wreford, there's no
doubt, is there, that in this conversation Ms Wreford is
not the mortgage broker or a lobbyist; she's acting here
as Mr Woodman's gopher and she's talking to you as his
representative in relation to an issue concerning the
process that might follow in relation to the deputy in the
event that the mayor has to disqualify themselves?---Yes.

So, applying again your standards that you have indicated

apply, this was another inappropriate conversation between
you and Ms Wreford?---Probably, yes.

And when Ms Wreford said to you that Mr Woodman can sleep well
at night, or words to that effect, and you responded, 'Of
course he can,' you understood that the outcome of your
conversation with Ms Wreford would be communicated to the
Blood Donor?---Yes.

And that's part of why it would have been inappropriate for you
as a serving councillor to convey such information to a
third party who had ongoing interest in the deliberations
of the council on matters concerning that
person?---I would have to give a qualified yes,
Commissioner.

All right. Really, even taking your evidence at face value and
your denials that you had any corrupt association with
Mr Woodman, I do not understand why you engaged in all of
these inappropriate communications?---It's not just me,
Commissioner, but unfortunately it's the nature of the
beast, and it has happened with other people on
non-planning matters, on community matters, on a range of

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1 matters where you need to get a majority of votes to pass 03:33:40PM
2 a certain decision through. That has happened in my 03:33:44PM
3 experience and other councillors' experience all the time. 03:33:49PM
4 But, be that as it may, I'm here focusing and wanting you to 03:33:55PM
5 focus on the inappropriateness of repeated communications 03:34:00PM
6 that you either had with Mr Woodman, with Ms Wreford, with 03:34:05PM
7 Mr Nehme, that applying your standard would plainly be 03:34:11PM
8 inappropriate, and I'm trying to understand, if we take at 03:34:19PM
9 face value your denials that there was any corrupt 03:34:22PM
10 association, why you would be continuously behaving in an 03:34:26PM
11 inappropriate manner?---Because they were open council 03:34:32PM
12 matters. The only red line for me that I saw is if 03:34:37PM
13 something was ever discussed in camera, and in which case 03:34:41PM
14 I would not discuss it with anybody outside of the elected 03:34:45PM
15 councillors or the officers if I needed to. But these are 03:34:50PM
16 matters that occur in open council meetings, and they are 03:34:54PM
17 about the dynamics of politics in our council. So they 03:34:59PM
18 are often discussed. If you have a sporting organisation 03:35:03PM
19 seeking something from council, councillors will often 03:35:08PM
20 seek each other's views and even talk to the person making 03:35:13PM
21 the request about whether or not the numbers exist for 03:35:16PM
22 that particular proposition to get through. It's just the 03:35:20PM
23 nature of the beast, as I've described it to you. 03:35:24PM
24 I'm sorry, you're saying, are you, that this form of 03:35:28PM
25 inappropriate communication with third parties, with 03:35:33PM
26 persons that have matters of interest before the council 03:35:39PM
27 or with lobbyists, mortgage brokers, whoever representing 03:35:43PM
28 such persons or on behalf of such persons, that those 03:35:49PM
29 sorts of inappropriate communications are engaged in 03:35:54PM

1 across the board by serving councillors?---Yes, I do. 03:35:58PM

2 And in relation to the failure to declare conflicts of interest 03:36:05PM

3 where you have ongoing discussions and negotiations with a 03:36:12PM

4 third party who has an interest in matters before the 03:36:17PM

5 council, again, is that you say a common failing of 03:36:19PM

6 councillors?---At times it is, and at other times it's 03:36:23PM

7 not. (Indistinct) put precision on this, Commissioner. 03:36:28PM

8 You can appreciate from the Commission's perspective how 03:36:40PM

9 worrying the environment you're painting would be, 03:36:44PM

10 assuming there was no corruption?---Yes. It is the third 03:36:51PM

11 tier of government, and those sorts of interactions 03:36:57PM

12 certainly happen at the State and Federal parliament, 03:37:03PM

13 particularly when you're negotiating with the 03:37:07PM

14 crossbenchers about getting something through. People 03:37:09PM

15 often take inputs from outside of the parliament, and they 03:37:13PM

16 talk to all sorts of stakeholders about them. Unless the 03:37:16PM

17 parliament declares something to be confidential or in 03:37:21PM

18 camera, as in our case, it's just the nature of politics, 03:37:24PM

19 Commissioner. That's just the way it operates. 03:37:29PM

20 Yes, Mr Tovey. 03:37:32PM

21 MR TOVEY: Mr Aziz, I just want to alert you to a conversation 03:37:37PM

22 that might end up being transcribed after you have given 03:37:44PM

23 evidence. It hasn't been cut at the moment and it hasn't 03:37:48PM

24 been transcribed. But this is on 7 November between 03:37:50PM

25 yourself and Mr Aziz [sic], and in the course of that 03:37:55PM

26 conversation you ask Ms - - - 03:37:59PM

27 COMMISSIONER: Mr Tovey, you said 'between yourself and 03:38:04PM

28 Mr Aziz'. 03:38:07PM

29 MR TOVEY: I'm sorry. Between yourself and Ms Wreford, I'm 03:38:08PM

1 sorry. 03:38:11PM

2 COMMISSIONER: Yes. 03:38:12PM

3 MR TOVEY: And in the course of that conversation apparently 03:38:14PM

4 you asked about 'the other matter', and Wreford then 03:38:19PM

5 assured you that she would be speaking with Woodman to 03:38:25PM

6 finalise it, and Aziz reiterated that it was the most 03:38:30PM

7 important thing to happen for him at present, and then 03:38:37PM

8 there was discussion about her letting Stapledon know 03:38:45PM

9 about the Cranbourne West motion. I take it you don't 03:38:49PM

10 recall that particular conversation?---I recall it if it 03:38:55PM

11 happened as you describe it, yes. 03:39:02PM

12 And what was 'the other matter', then, that was referred to in 03:39:05PM

13 that conversation?---It may have been transfer of Barak 03:39:10PM

14 Avenue again. 03:39:16PM

15 And the most important thing to happen for you was in fact the 03:39:24PM

16 transfer of Barak Avenue at that stage to solve a lot of 03:39:28PM

17 your problems?---To finish, yes, to finish the matrimonial 03:39:34PM

18 agreement, from recollection. 03:39:42PM

19 All right. Thank you. Now, I now want to move on to the 03:39:44PM

20 period around 13 November - sorry, I think I'll start on 03:39:52PM

21 12 November 2013, where there are a series of - - - 03:39:58PM

22 COMMISSIONER: 2013? 03:40:04PM

23 MR TOVEY: Sorry, 2018. 03:40:05PM

24 COMMISSIONER: Yes. 03:40:07PM

25 MR TOVEY: Where there are a series of WhatsApp messages 03:40:07PM

26 between yourself and Ms Wreford recovered from her phone. 03:40:12PM

27 Could we look at 4101, please. 03:40:20PM

28 COMMISSIONER: Are any of these matters exhibits, Mr Tovey? 03:40:28PM

29 MR TOVEY: No, they aren't; I don't think so. 03:40:31PM

1 COMMISSIONER: Thank you. 03:40:33PM

2 MR TOVEY: I might be wrong about that, Commissioner, but we're 03:40:49PM

3 just checking. 03:40:52PM

4 COMMISSIONER: All right. You'll let me know. 03:40:53PM

5 MR TOVEY: Yes. Just bear with me. I'm sorry, I've lost a 03:41:08PM

6 document. So at the top of 4101 the context of that I can 03:41:15PM

7 tell you isn't clear from what's around it, but, in any 03:42:12PM

8 event, on 12 November 2018 at 4.59 pm Wreford messages 03:42:17PM

9 you, 'It's not that he doesn't care ... it's taking time 03:42:30PM

10 to organise from his end I believe.' And then you 03:42:34PM

11 respond, at 5.13, 'Okay I'm just very sad.' Now, at that 03:42:41PM

12 stage had you been indicating concern to Ms Wreford that 03:42:51PM

13 Mr Woodman seemed to be dragging his feet in respect of 03:42:59PM

14 settling the Barak Avenue proposal?---Yes, I was. I think 03:43:06PM

15 I was expressing to her that we needed settlement and we 03:43:13PM

16 needed to find some form of finance to (indistinct) that 03:43:17PM

17 settlement. 03:43:21PM

18 And that meant a lot to you and it was very important in your 03:43:22PM

19 life, as you in fact indicated in messages; is that 03:43:25PM

20 right?---Yes, because of my children. 03:43:28PM

21 Yes. All right. Then the next day at 3.45 pm she says, she 03:43:30PM

22 'spoke to JW and he wants to do settlement in January due 03:43:43PM

23 to the article in the paper and the relentless way the 03:43:48PM

24 reporter is chasing him'. Is that a text she sent to 03:43:52PM

25 you?---Yes. 03:44:00PM

26 Okay. So, as of 12 November of 2018, you were expecting 03:44:02PM

27 settlement to take place very quickly because you had 03:44:08PM

28 provided the contracts; true?---I was expecting settlement 03:44:12PM

29 to happen at around the time the tenants were leaving, 03:44:17PM

1 which was 7 January, from memory. 03:44:22PM

2 Well, you're there talking about Mr Woodman - she's talking 03:44:27PM

3 about him wanting to do settlement in January due to the 03:44:31PM

4 article in the paper and the relentless way the reporter 03:44:35PM

5 is chasing him. Now, that's a text you got?---Yes. 03:44:41PM

6 I'm sorry, it's a message you got. And that concerned you, 03:44:45PM

7 that the settlement was going to take place in January 03:44:54PM

8 rather than some time sooner?---Not that aspect, no. 03:44:58PM

9 And she's telling you that he's concerned about the article in 03:45:06PM

10 the paper. Did understand why he might be concerned about 03:45:10PM

11 that?---Yes, because the article targeted him as well as 03:45:15PM

12 other councillors in the City of Casey, including myself. 03:45:20PM

13 Yes. So you were worried if you did a transaction in relation 03:45:24PM

14 to his - in relation to his property with his 03:45:29PM

15 property - sorry, with your - if you did a transaction in 03:45:35PM

16 relation to your property with your property being 03:45:38PM

17 transferred to him, it might be pictured by journalists as 03:45:42PM

18 being corrupt?---Who was worried: him or me? 03:45:50PM

19 He was?---Yes, apparently, yes. 03:45:54PM

20 But, even though he was worried about that, it was - I take it 03:45:58PM

21 from what you say you weren't worried about it?---I just 03:46:03PM

22 saw him as any other private financier - - - 03:46:07PM

23 Yes?---(Indistinct) during the period. 03:46:11PM

24 So you just wanted to go ahead with it anyway, no matter 03:46:13PM

25 what?---I didn't feel that I was doing anything wrong 03:46:18PM

26 because it was just a private finance deal where he wasn't 03:46:20PM

27 going to lose out and I wasn't going to lose out. 03:46:25PM

28 You didn't care, but he did. The question is, if he cared, 03:46:35PM

29 what was it that made him need to apologise to you and put 03:46:41PM

1 back the settlement date, yet at that stage still 03:46:52PM
2 contemplate going ahead with it? 03:46:56PM
3 COMMISSIONER: I don't know that the witness can answer that, 03:46:59PM
4 Mr Tovey. 03:47:01PM
5 MR TOVEY: It's perhaps more of a comment than a question. 03:47:02PM
6 I'll go on. Then you go on on 13 November - - -?---Sorry, 03:47:06PM
7 can I attempt to answer that previous statement that 03:47:12PM
8 Mr Tovey made? 03:47:17PM
9 I think, Mr Aziz, we've both been hit for six on that. I've 03:47:17PM
10 been told it wasn't a question, and if it wasn't a 03:47:22PM
11 question it doesn't require an answer. 03:47:25PM
12 COMMISSIONER: Unless you know the answer. The concern about 03:47:28PM
13 the question is whether it's simply inviting you to 03:47:35PM
14 speculate, in which case we won't be assisted. If you 03:47:36PM
15 know why Mr Woodman was concerned, then of course you 03:47:40PM
16 should answer the question?---Well, I had been expressing 03:47:43PM
17 to Ms Wreford on a number of occasions that I was going 03:47:49PM
18 through depression and a lot of turmoil, and that I really 03:47:52PM
19 needed to settle the property matter in order for me to be 03:47:57PM
20 able to achieve some peace. I wasn't able to see my 03:48:01PM
21 children in the period, and I had been expressing that to 03:48:05PM
22 Ms Wreford. So perhaps that's why Woodman cared, because 03:48:08PM
23 Wreford may have relayed that information to him. 03:48:13PM
24 Sorry, I don't see that that's an answer to the question, 03:48:18PM
25 unfortunately. Yes. Yes, Mr Tovey. 03:48:21PM
26 MR TOVEY: In any event, on the 13th at 4.28 there's a message, 03:48:26PM
27 'Can we please talk.' That's from you to Lorraine. Then 03:48:40PM
28 again another message shortly after, I mean this is only a 03:48:47PM
29 minute later, 'When do you have time to talk?' Then she 03:48:57PM

1 doesn't respond. And then a couple of hours after that 03:49:03PM
2 you say, 'Lorraine?? I need to talk to you urgently.' So 03:49:08PM
3 you're getting a little bit hot under the collar at that 03:49:13PM
4 stage; is that fair to say?---Yes, there was an underlying 03:49:16PM
5 council issue as well to all, that from memory. 03:49:21PM
6 You felt that you were being avoided?---I felt that they 03:49:25PM
7 weren't taking up the urgency that I required to have it 03:49:30PM
8 settled, and there was an underlying request that I had 03:49:34PM
9 made of them or of her through him in relation to a 03:49:38PM
10 council matter which wasn't forthcoming and was annoying 03:49:42PM
11 me. 03:49:49PM
12 If we go down to 4102 she says to you at 7.10 or nearly 7.11 pm 03:49:49PM
13 that she's with other people and can't talk until the 03:50:00PM
14 morning. And then as of the next morning you still 03:50:03PM
15 haven't heard anything from her, have you, as of 10.25. 03:50:12PM
16 So you communicate back to her; true?---Yes. 03:50:18PM
17 And then you say, 'Lorraine I have reflected on everything and 03:50:24PM
18 putting aside the massive disappointment, you don't need 03:50:29PM
19 to do anything further about this matter. I will need to 03:50:33PM
20 correct a few things now as you clearly either don't 03:50:36PM
21 understand the severity of the situation or you don't 03:50:41PM
22 care. You have placed me in a corner where I have nothing 03:50:45PM
23 to lose and I will be seeing a lawyer at 3 pm today. 03:50:48PM
24 I have had significant pressure to reverse the decision on 03:50:52PM
25 Hall Road and that is what I will now do through a notice 03:50:57PM
26 of motion on Tuesday 20 November'?---Yes. 03:51:00PM
27 Now, Mr Aziz, I would suggest to you the only way one could 03:51:06PM
28 possibly read that is you are saying, 'You haven't come 03:51:10PM
29 through on Barak Avenue, and because of that I'm going to 03:51:15PM

1 reverse a council decision.' Would you agree with 03:51:19PM
2 that?---No, I don't, and that's exactly the council issue 03:51:24PM
3 that I was referring to. Why are you (indistinct)? 03:51:27PM
4 Sorry?---I mean, why aren't you giving me an opportunity to 03:51:36PM
5 explain what I meant by the council issue instead of just 03:51:40PM
6 ridiculing me by laughing at me? 03:51:43PM
7 If I can just take you back to the beginning of this. 03:51:47PM
8 COMMISSIONER: No, Mr Tovey, let Mr Aziz explain. This is the 03:51:50PM
9 council issue relating to the notice of motion on Hall 03:51:54PM
10 Road?---Yes. When I moved a motion on the intersection on 03:52:01PM
11 Hall Road I was communicating with Ms Schutz, who was 03:52:05PM
12 Mr Woodman's adviser, town planning adviser, and she 03:52:09PM
13 mentioned to me in one of the communications that there 03:52:13PM
14 was independent legal advice that supported their 03:52:15PM
15 position. And so I made that statement in the debate and 03:52:20PM
16 the motion was passed. After that, council received a 03:52:24PM
17 freedom of information request for me to provide that 03:52:29PM
18 legal advice that I alluded to. So I simply went back to 03:52:32PM
19 them and I said, 'I want a copy of the legal advice that 03:52:35PM
20 was read to me in relation to this matter,' and that 03:52:39PM
21 wasn't forthcoming. So I got really frustrated because 03:52:44PM
22 I had personal issues going on in my life and I also had 03:52:47PM
23 this issue where I've made a reference to legal advice 03:52:50PM
24 that I did not have in my possession, and therefore I had 03:52:54PM
25 significant pressure on me from the organisation to 03:52:59PM
26 actually reverse the decision. So I actually dumped it 03:53:02PM
27 all on Wreford. But the reference to seeing my lawyer, 03:53:07PM
28 and I'm pretty sure I made communications about that 03:53:10PM
29 afterwards, Commissioner, is because I wanted to see how 03:53:13PM

1 we can renegotiate the agreed divorce settlement for the 03:53:17PM
2 property takeover so that it's actually sold rather than 03:53:22PM
3 transferred to me, because then I have no option of 03:53:25PM
4 refinancing and I didn't really want to lose whatever 03:53:29PM
5 equity I had left in the property. That's the background 03:53:31PM
6 to this message. 03:53:34PM
7 I'm sorry, who was putting significant pressure on you, 03:53:35PM
8 Mr Aziz?---The organisation. 03:53:38PM
9 Who's that? Who was that?---The freedom of information officer 03:53:41PM
10 who received a request. I can't recall his name. 03:53:45PM
11 I believe his first name was Rhys, Rhys Mathieson I think, 03:53:48PM
12 and I recall him sending me an email saying, 'We've had an 03:53:55PM
13 FOI request. Can you please produce the legal advice that 03:54:00PM
14 you have alluded to.' 03:54:03PM
15 Yes. Apart from that, was there anyone else or anything else 03:54:05PM
16 that put pressure on you?---It was mainly the need to 03:54:11PM
17 validate what I spoke to through the production of that 03:54:17PM
18 legal advice, and there were other councillors that heard 03:54:23PM
19 the debate and were also looking to get a copy of the 03:54:26PM
20 legal advice. 03:54:30PM
21 Yes. I'm sorry, what else was there that led to you 03:54:31PM
22 considering that you now had to create a notice of 03:54:39PM
23 motion?---It was the perception that was now beginning to 03:54:46PM
24 form that had we acted on Hall Road without proper 03:54:52PM
25 substantiation or proper evidence for the decision we 03:54:57PM
26 took, and I was convinced there was proper evidence, that 03:55:01PM
27 we now needed to re-examine the matter or actually 03:55:04PM
28 postpone it to a future date for a decision. Now, Hall 03:55:07PM
29 Road was linked to the State election on 18 November. So 03:55:12PM

1 we wanted to make sure that we passed that resolution 03:55:17PM
2 before the State election because of the funding that was 03:55:20PM
3 on the table, Commissioner. So this is why the timing of 03:55:23PM
4 all this is actually significant to the content of what's 03:55:27PM
5 being conveyed. 03:55:30PM
6 But you were proposing a motion that would reverse the 03:55:32PM
7 decision?---Perhaps not - reverse acting on it 03:55:36PM
8 straightaway, but not reverse the intent of clearing up 03:55:41PM
9 the intersection which had become an accident hotspot in 03:55:44PM
10 the City of Casey. 03:55:48PM
11 That's not what you said in the WhatsApp. You just said 03:55:50PM
12 'reverse the decision', didn't you?---It's a WhatsApp 03:55:54PM
13 message; not a detailed exposition. 03:55:57PM
14 I'm just looking at what you said, Mr Aziz?---And also when 03:55:59PM
15 I say, 'I'm going to speak to my lawyers,' I don't make 03:56:03PM
16 clear reference that I'm actually speaking to the lawyers 03:56:06PM
17 that acted for me in the matrimonial case, but that's who 03:56:10PM
18 I meant. 03:56:12PM
19 Yes. Yes, Mr Tovey. 03:56:13PM
20 MR TOVEY: If you go to the first line of that message you 03:56:33PM
21 indicate, 'I've reflected on everything and putting aside 03:56:36PM
22 the massive disappointment, you don't need to do anything 03:56:41PM
23 further about this matter.' Now, that is picking up the 03:56:46PM
24 topic of your concern over the last two days, and that was 03:56:49PM
25 that nothing was happening in respect of Barak Avenue, was 03:56:53PM
26 it?---Yes. 03:56:56PM
27 All right. And then you in the same paragraph link that to 03:56:59PM
28 reversing your decision on Hall Road, and what you had 03:57:03PM
29 done, if I could use the vernacular, was spat the dummy 03:57:07PM

1 because Mr Woodman was backing off the Barak Avenue deal 03:57:12PM
2 because of The Age articles?---He wasn't backing off, but 03:57:19PM
3 he wasn't giving me information as to whether he would go 03:57:24PM
4 ahead with it or not, and I just needed some form of a 03:57:27PM
5 resolution - - - 03:57:31PM
6 And, rightly or wrongly, you were just lashing out and saying, 03:57:33PM
7 'Okay, well, if you don't come through, I'm going to 03:57:37PM
8 reverse the decision on Hall Road'?---I couldn't make that 03:57:39PM
9 threat even if I wanted to because - - - 03:57:44PM
10 Well, you were going to try and reverse Hall Road. That was 03:57:48PM
11 the impression you wanted to give him. If he didn't come 03:57:53PM
12 through on Barak Avenue, you were going to try and hurt 03:57:55PM
13 him in return in respect of Hall Road; is that a fair way 03:57:58PM
14 of looking at that?---Not at all, because it's not 03:58:02PM
15 actually hurting him; it's actually hurting our residents. 03:58:05PM
16 However, if they weren't forthcoming - see, I started to 03:58:08PM
17 have a few doubts about a couple of things that were 03:58:12PM
18 happening in relation to Hall Road, because the person who 03:58:14PM
19 was previously - - - 03:58:18PM
20 Look, that's again I'd suggest something which is beyond the 03:58:19PM
21 ken of our inquiry at the moment. I'm simply asking you 03:58:24PM
22 whether what appears to be patently clear from the text 03:58:29PM
23 itself is. The situation was that you were massively 03:58:33PM
24 disappointed that he was backing off on the Barak Avenue 03:58:39PM
25 deal and you were telling him in that context that, 'Okay, 03:58:43PM
26 well, I've been under significant pressure. So I'm now 03:58:50PM
27 going to put through a notice of motion seeking to reverse 03:58:54PM
28 Hall Road.' That's a fair description of what you were 03:58:58PM
29 there doing, isn't it?---Mr Tovey, that is - - - 03:59:02PM

1 No, is that a fair description of what you were 03:59:06PM
2 doing?---Totally not, and it's not even technically 03:59:10PM
3 correct what you're proposing in terms of what I can and 03:59:13PM
4 can't do with a notice of motion. So - - - 03:59:15PM
5 COMMISSIONER: Mr Tovey is only asking you, Mr Aziz, what you 03:59:19PM
6 were saying in the WhatsApp?---What I was saying in the 03:59:23PM
7 WhatsApp was that, without the legal advice I had asked 03:59:27PM
8 for on previous occasions, Hall Road couldn't proceed in 03:59:29PM
9 the timing that council had anticipated. You can't 03:59:32PM
10 reverse a decision unless you pass a rescission. And the 03:59:36PM
11 rescission cannot be proposed if the motion had been acted 03:59:40PM
12 upon. And this motion was acted upon already. So I can't 03:59:44PM
13 pass a motion to reverse anything. 03:59:50PM
14 Mr Aziz, again you don't seem to want to grapple with the 03:59:53PM
15 question. You were without qualification saying you were 03:59:56PM
16 under significant pressure to reverse the decision. So 04:00:04PM
17 what you will now do through a notice of motion is proceed 04:00:08PM
18 to try and do that. That's what you were saying, wasn't 04:00:12PM
19 it? It was a threat?---It was imprecise language, 04:00:16PM
20 Commissioner; not a threat. 04:00:22PM
21 That's as may be. But it was a threat, wasn't it, to 04:00:22PM
22 Ms Wreford to communicate to Mr Woodman that you would 04:00:27PM
23 proceed to do something that you knew was not in his 04:00:31PM
24 interests?---If that was the case, what benefit would 04:00:35PM
25 I have in threatening him - - - 04:00:40PM
26 No, please don't ask a question. Try and grapple with what is 04:00:42PM
27 there in the WhatsApp. You knew Mr Woodman's interest was 04:00:47PM
28 to see the motion that had been passed implemented, didn't 04:00:56PM
29 you?---Yes, I did. 04:01:00PM

1 And you knew that by saying to Ms Wreford, as Mr Woodman's 04:01:01PM
2 conduit, that you would through a notice of motion seek to 04:01:06PM
3 reverse the decision, you knew that would put pressure on 04:01:13PM
4 Mr Woodman, didn't you?---No. 04:01:16PM
5 All right. Yes, Mr Tovey. 04:01:19PM
6 MR TOVEY: Did you think that you had been doing Mr Woodman's 04:01:22PM
7 dirty work in respect of H3 or anything else?---I have 04:01:26PM
8 worked hard for issues that Mr Woodman had an interest in. 04:01:31PM
9 Was that dirty work?---I wouldn't describe it as dirty work, 04:01:36PM
10 no, but - - - 04:01:41PM
11 Okay. Let's go on then?---I would call it hard work. 04:01:42PM
12 Ms Woodman has obviously seen this as - - - 04:01:50PM
13 COMMISSIONER: Wreford. 04:01:54PM
14 MR TOVEY: Sorry, Ms Wreford - it's late in the week and late 04:01:55PM
15 in the day. Ms Wreford has obviously seen this, as she 04:01:58PM
16 says to you in response, 'Are you accusing me of 04:02:06PM
17 something? I am the mere messenger who is going into bat 04:02:12PM
18 for you!!' You understood that she had been into bat for 04:02:17PM
19 you with Mr Woodman trying to get him to settle on the 04:02:30PM
20 Berwick property, is that right, or that's certainly what 04:02:39PM
21 she was saying?---Yes. 04:02:44PM
22 And then you're still angry, I would suggest, and you say, this 04:02:50PM
23 is an immediate reply, 'You can at least do me the 04:02:59PM
24 courtesy of returning my calls. I am so sick and tired of 04:03:06PM
25 doing everyone's dirty work and getting treated like shit. 04:03:11PM
26 I have deadlines to manage and I have not let anyone down 04:03:17PM
27 in managing their priorities, but when it comes to me, 04:03:20PM
28 I can't even get a call returned. Sorry I won't play that 04:03:24PM
29 way anymore.' What was the dirty work that you now refer 04:03:27PM

1 to?---The work I did for the mayoral election, which was 04:03:40PM
2 only a couple of weeks earlier; the fact that I had to 04:03:45PM
3 front a lot of votes just to save my colleagues from 04:03:49PM
4 losing a quorum; and risking in your assessment not 04:03:53PM
5 declaring a conflict of interest when it was Woodman 04:03:56PM
6 related matters; the fact that I was relied upon to lead 04:03:59PM
7 many of the debates because I was their best performer in 04:04:04PM
8 the chamber; the fact that I supported many propositions 04:04:06PM
9 that they would put forward, and when I asked for a simple 04:04:10PM
10 legal document that supports me in terms of an FOI request 04:04:14PM
11 I - - - 04:04:17PM
12 Mr Aziz, what you're saying has nothing to do with the context 04:04:19PM
13 of the interaction you're having there with Ms Wreford. 04:04:24PM
14 COMMISSIONER: No, I'm sorry, Mr Tovey, Mr Aziz was seeking to 04:04:28PM
15 catalogue what he described as the dirty work, and I don't 04:04:35PM
16 think he had finished doing so. 04:04:39PM
17 MR RUBENSTEIN: Thank you, Commissioner. That was my 04:04:41PM
18 understanding as well. 04:04:43PM
19 COMMISSIONER: Yes?---I have finished, Commissioner. I don't 04:04:44PM
20 think - there isn't much point in going on because I was 04:04:47PM
21 clearly in (indistinct) pressurised period. 04:04:50PM
22 But look, Mr Aziz, again I don't follow your evidence then at 04:04:57PM
23 all. Whilst you've now acknowledged that on reflection 04:05:00PM
24 you should have declared a conflict of interest in 04:05:06PM
25 relation to a number of circumstances where you were in 04:05:09PM
26 the course of negotiation or discussion with various 04:05:13PM
27 developers which hadn't yet resulted in a contractual 04:05:17PM
28 arrangement, but that you recognise now that you should 04:05:21PM
29 have declared a conflict of interest. But now you are 04:05:25PM

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saying that the reference here to dirty work included an acknowledgment or recognition then that you were in a conflict of interest and didn't declare it. I hadn't followed you to be saying at any stage in your evidence thus far that you appreciated before the commencement of this examination that you were in a conflict of interest which should have been declared. I'm now confused?---In hindsight I have acknowledged that I should have declared a conflict of interest, and I've said that in giving evidence to this inquiry. But at that time I was referring mainly to the fact that I was being relied upon more than any other councillor in the chamber to transact the difficult issues, many difficult issues, whether it be to do with Wreford and Woodman or any other issue. I was always asked to front the hard issues and to take them up on behalf of my colleagues. And I was quite frankly tired of it. And all I was annoyed with is the fact that my phone call wasn't getting returned so that I could know exactly where I stand with the refinancing.

I'm sorry, Mr Aziz, I'm only concerned to understand why amongst the things that you characterised as dirty work in this app of 14 November 2018 included failing to declare conflicts of interest that you should have declared?---I didn't say that in my explanation. That was your interpretation of what I said.

Well, what was the dirty work that you had in mind in relation to conflicts of interest?---The fact that I carried - not in relation to conflicts of interest, but the fact that I carried a heavier load than usual, than most of my

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colleagues - - -

No, I'm sorry, Mr Aziz, I'm only asking you about that part of the dirty work that you said related to conflicts of interest. What was the dirty work that you had in mind in relation to conflicts of interest?---One example is remaining in the chamber just to uphold the quorum when there could have been a debate, in my mind, as to whether or not I was conflicted. That's one example of the dirty work I was referring to.

On what issue?---On any issue. On Hall Road, for example.

Sorry, so again you're acknowledging then that there were occasions when you knew you should have left the chamber but you remained in the chamber and engaged in debate when you shouldn't have?---I'm sure I questioned it in my mind with a degree of doubt, but I did not make the decision because I basically reverted to the fact that these were only negotiations and, from my experience, every time you declare a conflict of interest inside the chamber on any matter the press do come and hound you with a million and one questions and all sorts of things. And, accordingly, sometimes people avert doing that just to avoid the exposure that comes with it which is sometimes or on most occasions actually false reporting.

Yes, I'm sorry, Mr Tovey, I interrupted you.

MR TOVEY: If we just go back to page 4102 and that conversation where you say that there's been a massive disappointment and you're going to see a lawyer at 3 pm, you were going to see a lawyer at 3 pm about getting an order to sell the property, were you not?---Yes.

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04:09:12PM
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1 All right. Then you say - all these conversations, you would 04:09:28PM
2 agree, are conversations which are made in the context of 04:09:39PM
3 your disappointment about Mr Woodman not going ahead; that 04:09:45PM
4 was your main concern at that stage?---Not with not going 04:09:48PM
5 ahead, but not just even getting an answer so that I could 04:09:54PM
6 move in another direction and salvage the situation. 04:09:57PM
7 All right. He's not going ahead. He's not giving you an 04:10:01PM
8 answer. You see the Barak deal as having collapsed at 04:10:06PM
9 this stage because of time constraints?---Possibly, yes. 04:10:11PM
10 And so in that context you say, 'At least do me the courtesy of 04:10:19PM
11 returning my calls. I am so sick and tired of doing 04:10:26PM
12 everyone's dirty work and getting treated like shit.' 04:10:31PM
13 Now, the person who was treating you like shit in your 04:10:35PM
14 mind was Mr Woodman by not going through with it, and the 04:10:39PM
15 dirty work was the dirty work relating to Mr Woodman; 04:10:44PM
16 that's the only thing that makes any sense, I would 04:10:46PM
17 suggest to you, in the context of the conversation itself. 04:10:49PM
18 Would you agree with that?---Totally disagree. The last 04:10:52PM
19 comment about getting treated that way was probably more a 04:10:56PM
20 reference to Ms Wreford not returning my calls than to 04:10:59PM
21 Mr Woodman. 04:11:04PM
22 And the deadline you had to manage was a deadline in respect of 04:11:04PM
23 paying out on the property, wasn't it?---Certainly was as 04:11:10PM
24 in time, yes. 04:11:16PM
25 So there's nothing in any of these conversations other than you 04:11:18PM
26 being very annoyed with Woodman and being concerned that 04:11:21PM
27 the Barak deal had fallen through, that you had deadlines 04:11:30PM
28 that you weren't able to meet; so that was, you would 04:11:34PM
29 agree, totally relating to your relationship and your 04:11:39PM

1 commercial arrangements with Mr Woodman, those concerns 04:11:45PM
2 were?---In relation to Barak Avenue. 04:11:51PM
3 Yes. So, when you're talking about doing everyone's dirty work 04:11:53PM
4 and getting treated like shit, it only makes sense that 04:11:59PM
5 you are talking about getting treated like shit by 04:12:04PM
6 Mr Woodman and doing his dirty work. To say otherwise is 04:12:07PM
7 fanciful?---Well, you made that assertion before and 04:12:11PM
8 I completely refuted it, and I continue to refute it, 04:12:14PM
9 because as I said that's a reference to Ms Wreford's 04:12:17PM
10 behaviour, not Mr Woodman's behaviour. And, secondly, we 04:12:21PM
11 had just come out of a very ugly mayoral election where 04:12:24PM
12 I played a key role in getting one particular candidate up 04:12:28PM
13 that Ms Wreford supported and was one of her best friends. 04:12:31PM
14 So I was referring to a number of things, not just this 04:12:35PM
15 situation with the house. 04:12:38PM
16 You then went back to her and said - and all these 04:12:45PM
17 conversations are following one on top of the other, 04:12:52PM
18 'I need now to obtain finance as soon as possible, and 04:12:56PM
19 this is why' - - - 04:12:59PM
20 COMMISSIONER: I'm sorry, Mr Tovey, if you're moving on can 04:13:01PM
21 I just ask Mr Aziz whose priorities had you been managing 04:13:04PM
22 that you there refer to?---Sorry, where is that, 04:13:09PM
23 Commissioner? 04:13:15PM
24 'I have not let anyone down in managing their 04:13:17PM
25 priorities'?---Yes. 04:13:22PM
26 In saying that to Ms Wreford, who is Mr Woodman's conduit, 04:13:22PM
27 whose priorities were you there referring to that you had 04:13:29PM
28 managed?---Well, I was actually referring to some of her 04:13:32PM
29 priorities. I was reminding her of the sort of stuff that 04:13:36PM

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I used to do for her both when she was a parliamentarian and when she was a councillor in the City of Casey. I had never let her down in terms of supporting her, you know, when I promised to organise fundraisers or be there to man a polling booth or whatever, I had never ever let her down and all I was expecting back was a phone call. They're the priorities that I was referring to. This was an angry conversation at Wreford, not at anyone else.

No, and perhaps in anger there's some truth?---In what sense, Commissioner?

You dropped your guard, I suggest, Mr Aziz, in talking about being tired of doing everyone's dirty work?---It's not so much dropping my guard but more a string from the heart that I was sick of (indistinct) of being a mule for everyone and working hard for everyone - not a mule in the sense of being a passageway or something but in terms of working hard for someone and for a number of them, and then when it comes to the simple matter of returning a phone call I don't even get that courtesy. That's what I meant, Commissioner.

Yes. Mr Tovey, is there much more in this line of WhatsApps?

MR TOVEY: No, Mr Commissioner.

COMMISSIONER: We might just finish this point then.

MR TOVEY: Yes. Then you went on to say that you need now to obtain finance 'and this is why I needed to talk to you urgently yesterday. I have now approached another broker and if that doesn't work I am seeing a lawyer today to prepare to go back to court and obtain an order to sell the property. I guess the rest is now academic.' And was

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that the case that you had seen another broker in anticipation of Mr Woodman being unwilling or unable to settle on Barak Avenue?---I'm not sure if I had seen another broker yet, but I think I spoke to someone else entirely disconnected from the City of Casey about obtaining private finance through them.

All right. So that was just - so when you say to her, 'I have now approached another broker', you are really talking about having approached somebody else you knew?---Yes, that's correct.

All right. Then she comes back to you, and this is the following day - sorry, that was - we're still on the 14th. Sorry, I better make this clear just for the transcript. So those conversations are all on 14 November. So we're now through to 11.08. Then a couple of hours later at 1.28 she says to you that her instructions are, 'Settlement can happen at the end of January (you might want to remind your lawyer that it was your ex-wife who wouldn't sign the papers for 2 months!)' So I assume that what that means is that you understood that to be Ms Wreford saying, 'Look, the delay isn't our fault or isn't wholly our fault. You yourself tarried while you waited for your ex-wife to sign the necessary papers to sell the house'; is that the way you understood that?---Yes.

All right. And then you say, 'Do you have a date? I need a date.' And she says, 'Am in my next meeting.' Then you say, 'I have an idea.'

And following that did you meet at Little Billy restaurant

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04:17:46PM

1 and I'm not saying kiss and make up, but did you try and 04:17:50PM
2 work through your issues and difficulties?---I can't 04:17:57PM
3 recall the conversation was - what the conversation was 04:18:03PM
4 exactly, and again I'm not sure if that message led to 04:18:08PM
5 that meeting or whether it was a phone call from Wreford 04:18:19PM
6 afterwards, because - I know you're probably not going to 04:18:22PM
7 believe me but I'm going to say it anyway. Sometimes when 04:18:30PM
8 you're typing into these apps in a quick way and you're 04:18:33PM
9 not fully concentrating there's something called spelling 04:18:39PM
10 checker which puts things in the context that the app 04:18:43PM
11 thinks that should be in. So 'I have no idea' could have 04:18:46PM
12 meant 'I have no idea that you were actually in your next 04:18:52PM
13 meeting. That's why I'm sorry if I bothered you with my 04:18:56PM
14 communication.' I don't know what happened there, but I'm 04:19:01PM
15 just putting it out there as a possibility. 04:19:04PM
16 And just finally if we go to 4104 we've now moved forward to 04:19:05PM
17 20 November. By that time she and you seem to be 04:19:13PM
18 communicating happily about Hall Road because she's 04:19:18PM
19 telling you that, 'There is an item about Hall Road. It 04:19:23PM
20 looks okay but' she'll be in touch later. So you're 04:19:26PM
21 speaking congenially about Hall Road at that stage; is 04:19:30PM
22 that right?---We were always speaking congenially. We may 04:19:35PM
23 have actually - I may have actually received the legal 04:19:40PM
24 advice at the meeting that we - - - 04:19:43PM
25 And at the same time on the next day - by the next day you're 04:19:46PM
26 giving her a bank account number to start paying in 25,000 04:19:52PM
27 - or \$23,000 a month; is that right?---We had actually 04:19:55PM
28 advanced negotiations in relation to the Little River 04:20:02PM
29 agreement, and she was asking me for bank account details 04:20:06PM

1 for when that agreement starts which we referred to in 04:20:10PM
2 previous communications starting on the first of every 04:20:14PM
3 month. 04:20:17PM
4 We'll get to that. Mr Commissioner, that exhibit 68 included 04:20:18PM
5 pages 4100 through to 4103. Could we add 4104 to that? 04:20:29PM
6 COMMISSIONER: I'll make the WhatsApp chain from 12 to 04:20:42PM
7 14 November 18 between Ms Wreford and Mr Aziz exhibit 283, 04:20:45PM
8 and exhibit 284 will be the WhatsApp communications 04:20:53PM
9 between them on 21 November. 04:20:57PM
10 #EXHIBIT 283 - WhatsApp chain between Ms Wreford and Mr Aziz of 04:21:02PM
11 12-14/11/18. 04:20:44PM
12 #EXHIBIT 284 - WhatsApp communications between Ms Wreford and 04:21:03PM
13 Mr Aziz of 21/11/18. 04:20:48PM
14 COMMISSIONER: So that concludes today's examination. 04:21:05PM
15 Mr Tovey, what is the future proposal in relation to 04:21:09PM
16 Mr Aziz? 04:21:12PM
17 MR TOVEY: I have spoken to Mr Aziz's counsel - sorry, I think 04:21:14PM
18 my instructors have. I can't remember who has spoken to 04:21:19PM
19 who. The arrangement will be that Mr Aziz will come back 04:21:22PM
20 on Monday, and we anticipate concluding his evidence some 04:21:29PM
21 time on Tuesday. 04:21:33PM
22 COMMISSIONER: Very good. Mr Aziz, have a good break and 04:21:36PM
23 replenish your energies. We haven't quite finished yet. 04:21:44PM
24 But you understand that the reason counsel is taking you 04:21:47PM
25 through all of these matters is so that you have an 04:21:53PM
26 opportunity to put your position on each of the factual 04:21:56PM
27 issues which have already been raised or which are likely 04:21:59PM
28 to be addressed in any report which the Commission finally 04:22:06PM
29 undertakes; do you understand that?---Yes, I do. 04:22:09PM

1 Yes, all right. We'll adjourn then until 10 am on Monday next. 04:22:14PM

2 <(THE WITNESS WITHDREW) 04:22:19PM

3 ADJOURNED UNTIL MONDAY, 23 NOVEMBER 2020 04:22:21PM

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