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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION GREER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 16 MAY 2016

AT 11.30AM

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THE COMMISSIONER: Yes, Mr Henry.

MR HENRY: Commissioner, before we commence with the next witness, Ms Ronalds appears for the Registrar - - -

THE COMMISSIONER: Ah, yes.

MR HENRY: - - - and wishes to make an application for access to certain documents.

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THE COMMISSIONER: Yes.

MR HENRY: So perhaps if we could deal with that first.

THE COMMISSIONER: Thank you. Yes, Ms Ronalds.

MS RONALDS: Thank you, Commissioner. As indicated, I appear as senior counsel for the Registrar.

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THE COMMISSIONER: Yes, that leave is granted. Thank you.

MS RONALDS: I won't be here all the time.

THE COMMISSIONER: No, right.

MS RONALDS: But I'll be here as much as I can. We seek, firstly, access to the Board meeting folders - - -

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THE COMMISSIONER: Yes.

MS RONALDS: - - - that I understand have been produced under subpoena. And we require a direction pursuant to section 112 before that access is permitted. If the Commissioner is not minded to do that, then we would seek a direction that the Registrar be given access to the Board meeting folders to inspect and then repeat the application if necessary. So - - -

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THE COMMISSIONER: So the section 112 order you seek, is that just to confine inspection of the folders, at this point, to the Registrar or - - -

MS RONALDS: No.

THE COMMISSIONER: No?

MS RONALDS: That's our alternate proposition. The first one we seek is it be general access to any of our colleagues - - -

THE COMMISSIONER: Yes.

MR RONALDS: - - - who also seek it.

THE COMMISSIONER: Yes.

MS RONALDS: And I understand, from discussion with Mr Henry, that if you're minded to grant that access, then physical arrangements could be made for that to occur.

10 THE COMMISSIONER: Yes.

MS RONALDS: And we seek that because we say that, in terms of fairness, asking people about meetings they attended five years ago without the documents before them will lower the quality of the evidence - - -

THE COMMISSIONER: Of course.

MS RONALDS: - - - that you'll have to assess, when they're relying on memory and then can't remember, and it moves on.

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THE COMMISSIONER: Mmm.

MS RONALDS: We say it's only fair that that happen. And given governance goes to the core of this inquiry, we'd be concerned that there is a proper analysis of the documentary requirements, documents that befall Board decisions, particularly those that are critical Board decisions. So we'd seek those orders.

30 THE COMMISSIONER: Yes. As I understand it, Mr Henry, there's no impediment to those being provided at this point, is there?

MR HENRY: That's right.

THE COMMISSIONER: No? All right. My only reservation was whether or not the Commissioner had an opportunity to get across the material.

MR HENRY: I'm told that that's been completed - - -

40 THE COMMISSIONER: All right.

MR HENRY: - - - as I stand here but - - -

THE COMMISSIONER: All right. Thank you.

MR HENRY: - - - we don't anticipate a problem.

THE COMMISSIONER: Thank you. All right. Yes, Ms Ronalds. Well, that access is granted to the Registrar. And then after that, then other parties may have access by making arrangements with the Commission staff.

MS RONALDS: Thank you. The second application for access to documents is there are civil recovery proceedings against Mr Johnson in the Supreme Court, and we seek access to the statement of claim and the defence that's been filed in those proceedings. Not the affidavits, which I understand have not - - -

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THE COMMISSIONER: Yes.

MS RONALDS: - - - been read.

THE COMMISSIONER: That's right.

MS RONALDS: But the statement of claim and the defence. In order to properly prepare our cross-examination.

20 THE COMMISSIONER: Well, as I understand it, those documents are part of the Commission's material in any event, are they not, Mr Henry?

MR HENRY: They are. At this stage, they haven't been tendered.

THE COMMISSIONER: No, I understand that.

MR HENRY: They are documents that we have. I'm told they're not on the restricted website at the moment.

30 THE COMMISSIONER: I see. All right. Well, once again, is there any reason why, apart from the Registrar having access to those documents, similar access can be granted after the Registrar has had that access?

MR HENRY: Not so far as I'm concerned. I'm not sure if Mr Docker wishes to be heard on any of this?

MR DOCKER: Commissioner, I have an objection to that course.

THE COMMISSIONER: And it's based on?

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MR DOCKER: These are documents which are, in the ordinary course, if any third party wanted to see them, they'd have to make an application to the Supreme Court to look at them on the file. They're not in the bundle that's been tendered so far. At least with the defence, because it was ordered to be put on by the court, it's arguable that it was protected by the implied undertaking, and I accept - - -

THE COMMISSIONER: Implied undertaking, sorry?

MR DOCKER: The implied undertaking to the Supreme Court that it not be used for any other purpose. I understand that it's been attained by the Commission by a summons to the plaintiff in that proceedings, or the first plaintiff in that proceedings, which is Gandangara, or GLALC. So I accept that the implied undertaking doesn't apply to the documents in the hands of the Commission, because it's been acquired in that way. However, there is a public interest in it, in the implied undertaking, which is the operation of those proceedings between the two parties.

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THE COMMISSIONER: Well, Mr Docker, my understanding is that anyone can make access to the Registrar of the Supreme Court for access to documents on a file. And, indeed, there's a policy that exists in the Supreme Court, which effectively allows any person to look at those materials, whether they have an interest in the proceedings or not, subject, of course, to certain personal identifying information being redacted from those documents.

20 So I'm not quite sure why you would say that there's any impediment to, in fact, anyone. Even anyone sitting in this room could go to the Supreme Court and make that application. It just doesn't seem to me to have any force in relation to these hearings.

But more fundamentally, I mean, if the Commission's in possession of the material, and the material comes into evidence at some stage, wouldn't it be more prudent to allow people to have access now, so that they can anticipate issues that might arise, rather than have us put in the position where we have to recall people at a particular point in time?

30 MR DOCKER: Well, Commissioner, firstly can I deal with the first point first, which is about the access to the file in the Supreme Court? Yes, an application could be made, but the policy is that while the proceedings are still on foot, generally access is not granted.

THE COMMISSIONER: Well, I think that's news to the media, Mr Docker, because I regularly see reports in the media about defences that are filed to proceedings in the Supreme Court before they've been determined.

40 MR DOCKER: Well, I'll have to get the practice note up but I'm - - -

THE COMMISSIONER: Anyway, yes, go on.

MR DOCKER: And the second – as to the second issue, Commissioner, it's by no means certain that these documents will be tendered. They just constitute the, the claims that have been made one way and the defence in the, in the other proceedings they haven't been tendered to date and so one can't assume that they're going to be tendered.

THE COMMISSIONER: Well, that's I suppose true but I mean that's the problem is that I'm just loath to restrict access if at some point it does come into evidence and then we have to go back and revisit the issue.

MR DOCKER: Yes, but - - -

10 THE COMMISSIONER: But it does seem to me that given that the materials are in the possession of the Commission so that they're part of the material that informs Mr Henry in terms of his conduct of the inquiry, it would seem procedurally fair to allow other relevant interested persons to have the same access.

MR DOCKER: Well, that does raise the issue, Commissioner, of what the relevant interest of the Registrar is in these documents.

20 THE COMMISSIONER: Well, I would daresay the relevant interest is that the Registrar wants to ensure that any defence that's filed in relation to the claiming of expenses issue which is part of this inquiry is consistent with what might be said here in relation to that issue. I mean isn't that the problem?

MR DOCKER: Well, that may be something for the Counsel Assisting but I'm not aware of any function of the Registrar that that relates to.

30 THE COMMISSIONER: Well, except that if the Registrar is – if the Registrar wants to protect its own interests and the interests of the authority that it represents, then I would assume that it wants to prepare its cross-examination of relevant persons with the benefit of that material.

MR DOCKER: That's my point, Commissioner. The interest of the Registrar, it's not apparent what interest the Registrar has in the claim between GLALC and Mr Johnson.

40 THE COMMISSIONER: Well, it – well, I don't want to put words in Ms Ronalds' mouth but I would hazard a guess that it's the interests that the Registrar has in the proper administration of Land Councils generally. I mean isn't that the point, that's what we're here for isn't it? Am I wrong, Ms Ronalds, or is there some other interest you want to identify?

MS RONALDS: No, Commissioner, that's exactly the interest.

MR DOCKER: Well - - -

THE COMMISSIONER: I mean there are broader issues at stake here, Mr Docker. I mean I appreciate that they have a particular reference to your client but the broader issues for the Commission are that there are governance issues, there are administrative issues, there are issues to do

with processes and procedures that Land Councils generally are required to follow so I don't know. I mean part of the problem is one doesn't know exactly how that's going to play out. Excuse me. Well, look, Mr Docker, I've heard what you've said but I'm inclined to grant Ms Ronalds' application at this stage and so I'll allow the Registrar to have access to those documents and then I will consider any application that any other party wishes to make on a case-by-case basis.

MR DOCKER: As the Commissioner pleases.

10

THE COMMISSIONER: All right, Ms Ronalds, that application for access is granted and could you make arrangements with the staff about how that access is to occur. Thank you.

MS RONALDS: Thank you. I have no further applications.

THE COMMISSIONER: Thank you.

MR HENRY: Thank you, Commissioner. I'll call Wendy Morgan.

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THE COMMISSIONER: Just come forward Ms Morgan and take a seat. You're unrepresented here today as I understand it?

MS MORGAN: That's correct.

30

THE COMMISSIONER: Could I just explain something about the way we proceed on these public inquiries. You have an obligation to answer all the answers of you truthfully even if those truthful answers should implicate you in some form of wrong doing. You don't have the option of refusing to answer the question on the grounds of self-incrimination. But because you must answer the questions truthfully I can issue an order which effectively protects the use of your answers against you in any civil or criminal proceedings. There's one very important exception to that however, and that is that if we should arrive at the view that you've given deliberately false or misleading evidence then your answers could nonetheless be used against you in a prosecution under the ICAC Act. Do you understand that?

MS MORGAN: I do.

40

THE COMMISSIONER: So do you want the protection of the order?

MS MORGAN: Yes, please.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the

witness to make objection in respect of any particular answer given or document or thing produced.

PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED

THE COMMISSIONER: Do you wish to be sworn or affirmed, Ms Morgan?

20 MS MORGAN: Sworn, thank you.

THE COMMISSIONER: Thank you. Can we have the witness have sworn.

THE COMMISSIONER: Yes.

MR HENRY: Thank you, Commissioner. Ms Morgan, your current name is Wendy Morgan but your maiden name is Maybury, is that correct?---No, it's not.

10 No. Could you just explain to me, because in some of the papers there's a reference to Wendy Maybury. My understanding is that is you, is that right?---That's correct.

So can you just explain the name difference, please, how that came about? ---Maybury was my married name and I went back to my maiden name which is Morgan.

I'm sorry. I understand?---That's okay.

20 Thank you. And when did that occur?---If I can recall it was in late 2011 when I resigned from the Commonwealth Government.

I see. All right. Thank you. Now you became a Board member of Gandangara Local Aboriginal Land Council during 2011, didn't you?--- That's correct.

And I'll refer to that Land Council as GLALC for convenience, do you understand?---Yes.

30 Now do you recall when in 2011 you became a Board member of GLALC?---Not the exact date but it was at the AGM.

Right. If I can perhaps just ask for Ms Morgan to be provided with volume 9 of Exhibit G1 to see whether or not this assists you in identifying when you became a director of the Board of GLALC. If you have volume 9 there Ms Morgan, and turn to page 129, please. The pagination is in the bottom right-hand corner. So you're seeing it up on the screen the electronic copy of the document that I'm asking you turn to and you can use either the hard copy or the electronic copy, whatever is more convenient. This was an
40 ordinary meeting of GLALC's members on 27 July, 2011 and you'll see if you go forward in the minutes to page 132 there's a motion that's called GLALC Future Fund. Can you see that motion?---Yes, I can see it.

Now the reason I'm taking you to that now is not to descend into the particularity of the motion but rather just to see whether or not attending a member's meeting at which that motion was the subject of a resolution assists you in recalling whether you a director at the time of the meeting?---I couldn't answer that until I see what date the meeting was.

Sure?---Because I wasn't on the Board until later on in that year.

I see. If it assists you, that meeting is 27 July, 2011?---I wasn't on the Board then.

10 All right. That's what I wanted to know. Thank you. But if you go forward in the documents to page 183. You will see meeting – minutes of a meeting of GLALC's Board of 10 October, 2011 and Wendy Maybury is identified as being in attendance and that's you is it not?---That's correct.

All right. So by 10 October, 2011 you'd become a Board member?---That's correct.

20 All right. I'll return in some detail to that meeting in due course but before I come to that could you please outline for the Commission what your work experience just in general terms was prior to becoming a director of GLALC?---I was employed by the Federal Government for roughly 27 to 28 years.

Right. And what were your roles, again generally speaking, during that period?---In the last 10 years I was an executive level 1 then went on to executive level 2 where I managed the Housing and Homelessness Program in New South Wales on behalf of the Federal Government.

All right. And so in that capacity were you responsible for a budget, annual budget?---Yes, I was.

30 And do you recall even approximately the amount the subject of the budget?---No, each program – I had three program areas and one was the Aboriginal Housing Office was 19 million - - -

THE COMMISSIONER: Was that - - -?---19 million.

40 19.---Sorry. Yeah, I thought that came out a bit too quick. And the other – one was a Reconnect Program and the other was the um, New South Wales Housing and Homelessness Program. So there was large buckets of money in each of those which was allocated from the Commonwealth Government and mainly just monitored and acquitted from the New South Wales area.

MR HENRY: And were you responsible for in effect working out what money was to go to what cause during the course of your work there, were you responsible for that?---No, that allocation was done from a Commonwealth level.

I see. So decisions as to the allocation or grant of money was made at the Commonwealth level and then what, you were responsible for administering whatever money was the subject of the allocation or grant. Is that correct?

---That's correct. I'm saying the Commonwealth level but I'm meaning it was from Canberra - - -

Yes.--- - - - the directions were given.

Yes.---And the New South Wales officer actually, you know, managed it in a sense of networking, following up on what programs were delivered and things like that.

10 Presumably you're told how much money there is in the pool of money that's available to you and then it was a matter for you to manage those funds in effect. Is that right?---Yes. Yes, in effect.

All right. And did you have staff for those purposes?---Yes, I did.

And how many staff members? It may have changed over time but - - -?
---Yeah. Roughly about 20.

20 I see. Now, in the course of your employment presumably you had some experience of reading financial statements and accounts. Would that be right?---That's correct, yes.

And did you have any – I withdraw that. Were you a director of any companies prior to becoming a director of GLALC?---Look, I don't recall but I like, I was thinking about this the other day and I think that I actually registered with the Department of Fair Trading an Aboriginal women's group from the Liverpool area.

30 Right.---And I was – I'm on the Board of that and I'm the president of that not-for-profit organisation.

I see. And does that – that organisation continues to exist now does it?
---That's correct.

And what does it do?---What I do is I actually applied for funding from Local Government Councils and I administer the programs, equip the funding. So, yeah. We've been doing that now for over three years.

40 I see. That started in about 2013, did it?---That's correct, yeah, or so, yeah.

And have you – prior to becoming a director of GLALC had you been a director of any other Local Aboriginal Land Council?---No.

Had you received any training concerning directors duties prior to becoming a director of GLALC?---Yes.

And where did you receive that training?---I'm sorry, can I ask you to repeat that because it was about specific training to be a GLALC director, is that correct?

No, no. It was more general. It was rather training or instruction concerning directors duties not particularly necessarily to GLALC but?--- Yes, I did. I got a Certificate of Cooperative Management with Richmond Uni.

10 Is that a course is run over a period of time by the University?---Yes.

And how long is the course?---I believe it went for about 12 months.

And did you attend that part-time or full-time?---Part-time.

And do you recall when?---No, I don't. To be honest, I don't.

Do you recall whether it was before or after you became a director of GLALC?---It was long before.

20

All right. And are you able to recall, again in a general sense what the subject matters of the course were that you covered?---We went into corporate cooperative management. So it went into the governance part, it went into financial management, it went into shareholders and, yeah.

Did it cover conflicts of interest, do you recall?---It did.

And declarations of interest?---Yes.

30 All right. Now you – so you had that training prior to becoming a director of GLALC. When you became a director of GLALC in 2011 did you receive any training after you became a director of GLALC with respect to directors duties?---Yes, I have. I have attended two days training down at Wollongong at the Novotel.

Right. Was this shortly after you became a director of GLALC?---Yes.

And was that training conducted by Mr Mero?---That's correct.

40 And it was training was it for specifically for GLALC directors?---GLALC directors in relation to corporation, the corporations or the entities that were there, not GLALC about the Aboriginal Land Rights Act.

I see. I was going to come to that. So that the training, so the training would it be, sorry, I'll withdraw that. Again, just generally speaking, what do you recall the training that you actually received in Wollongong covered, what were the subject matter or the topic areas?---There was governance training, there was also financial management, there was, if I can recall it

was talking about you know, having ideas, making sure that we were aware that as Board members we directed the CEO to run the organisation. There was a number of topics, because it went for two days.

Yes?---And I can't really recall every one of them to be honest.

I appreciated that. But you mentioned a moment ago that it didn't, you didn't receive instruction about the Aboriginal Land Rights Act, is that right?---In that training, no.

10

Had you in any other forum received instruction about the Aboriginal Land Rights Act?---Yes, I have.

And where did you receive that instruction?---I had also in my years of employment being the manager of the Education and Training section of the New South Wales Aboriginal Land Council.

20

I see. So you were familiar were you with the Aboriginal Land Rights Act as a consequence of your employment prior to becoming a director of GLALC?---That's correct.

I see. Could I ask you to have regard to this document? This is a printout of the excerpt of two sections of the Aboriginal Land Rights Act. The first one is section 78B, and it says that certain persons must not be or continue to be employed as the chief executive officer of a Local Aboriginal Land Council. And then it has A through to I, listed there, as people who can't be, in effect, the CEO of a Local Aboriginal Land Council. Were you familiar with that section prior to becoming a director or GLALC?---I was.

30

I see. And in particular, subparagraph E? If I can ask you to have regard to that, please.---Yes, I was.

All right. And then, sorry, before I go to section 152, which is on the last page, whilst you were a director of GLALC, can you recall at any time reference being made by any director to section 78B of the Aboriginal Land Rights Act or the substance of it?---I do.

40

All right. Are you able to recall approximately when that was the subject of any discussion?---Yes. I was only a director of Gandangara for a short period of time. And I recall Cindy Cronan, the chairperson, calling an extraordinary meeting of the Board members. And what she put in front of us were papers that were related to the ICAC inquiry that involved Kevin Cavanagh, I think his name is, and Jack Johnson, Jack Mark Johnson, or Mark Jack Johnson.

Right. And this may or may not assist you. If you've still got volume 9 there, can you turn, please, to page 189? You'll see there some minutes of a meeting of 20 January, 2012, at 6.30pm. Now, I want to ask you about

these minutes, but perhaps if you just read them in the first instance and let me know whether the incident you're talking about, or the incidents you're talking about, occurred at this meeting.---That's correct.

I see. So, your answer originally was in response to my question about section 78B of the Aboriginal Land Rights Act. I understand from your evidence that there was, at this particular meeting on 20 January, 2012, Ms Cronan made reference to an investigation that ICAC was undertaking. What, if anything, do you recall being said about section 78B or the subject matter with which it's concerned?---Well, from what I recall, what Cindy Cronan, the chairperson, actually made mention to was that she had been informed that Jack Johnson was the owner of a corporation or company that was receiving funds or payment from Deerubbin Land Council from Gandangara. And it was brought to her attention and, from what I recall, she told us it was brought to her attention in the December but she hadn't tabled the document in the meeting.

When you say the document, do you recall seeing the document?---Yes, I do.

Right. And it was dated was it the December of 2011?---I couldn't tell you exactly what date it was dated.

All right. Do you recall reading the document?---Yes, I do.

And do you recall who authored the document?---The, the document was authored by Mr Cavanagh.

So Mr Cavanagh the then Chief Executive Officer of DLALC?---That's correct.

Right. And can you recall just the substance of what the document said? ---Yes, I believe that the document actually stated that Mr Johnson had been negotiating with Mr Cavanagh about land development opportunities for Deerubbin or DLALC as you refer to them and, what else was there. I'm just trying to recall. Oh, there was a letter attached with other email, like an email conversation between Mr Johnson and Mr Cavanagh.

Ah hmm.---And I can't recall word for word for each of the documents - - -

No, no.--- - - - that were attached there I'm sorry.

I appreciate that. The reason I'm asking you this is to see if I can identify for you what the document is if we have it and I don't know if we do. But in any event, as I understand what you're saying is it was provided to you or a copy of it was made available at this meeting?---That's correct.

And then you'll see on page 189 at the meeting it says at about halfway down the first page there, "This issue has been ongoing since 2009. There is concern amongst the Board that this is more widespread dealings through other LALCs." Can you see those words?---Yes, I do.

Are you able to shed light on what's referred to when it says this issue?
---No, I don't – I can't I'm sorry.

10 These minutes are I a different typescript to other minutes or many of the other minutes of GLALC's Board. For example, if, Ms Morgan, you turn back to page 183 you will see at the top of page 183 the heading Minutes of the GLACL Board Meeting of 10 October, 2011 and then the typescript that follows, if you – with that in mind at page 183 turn back to page 189. You'll see that the minutes appear to have been created using a different typescript and a different format. Are you able to assist with who took the minutes at page 189?---Yes, I can, but also see that the heading is incorrect because it wasn't a Gandangara Local Aboriginal Land Council meeting, it was an extraordinary meeting called by the Chairperson, Cindy Johnson – Cindy Cronan who actually took the minutes at that meeting.

20

Oh, is see. Well, perhaps could you explain to us the circumstances in which the meeting was called?---Um - - -

Or perhaps I'll put it more directly. How as far as you're aware was the meeting called, did you get an email, a telephone call, what happened?
---Yes, there was an email and it was in – it was secret business stuff.

Sorry, what do you mean by that?---Well, we didn't want – Cindy didn't want Jack there.

30

Right.---So an email was sent out to the Board members and she was hoping we would actually email back and the reason I know that specifically is that I rang and I spoke to Tina about coming in and Cindy said to me later, "I didn't want them to know," so - - -

All right. Just so I understand. Tina was whom?---Tina Taylor was Jack's – well, somebody that he had, somebody – I did say Tina and I'm, I'm only saying that because that – Tina was Jack's EA. But I rang into the office to say that I would be coming in and a female answered the phone.

40

Right. So you receive an email. You ring GLALC's offices, say you're coming in.---Ah hmm.

And then, what, do you make your way to the office? Is that what happens?---Yes.

And were all the other people identified as being in attendance on page 189 also present at the office on this occasion?---I don't recall John Dickson being there.

Right. So you arrive at the office. Mr Dickson you don't recall being there, but presumably he may or may not. You just don't recall.---He could have been. I can't recall.

10 All right. But otherwise the people who were identified there you recall as being present at the meeting, is that right?---That's correct, yeah.

And then what happens once you're all together at the meeting? Are you provided with documents or are you - - - ?---That was when Cindy actually produced the documents that were related to Mr Gallagher and Mr Johnson.

You mean Mr Cavanagh?---Oh, Cavanagh, sorry.

Yeah.---Mr Cavanagh and Mr Johnson.

20 Could Ms Morgan please be shown volume 22 at page 114? Actually, I'm sorry, page 90. If you can just, please, hang on to volume 9.---Ah hmm.

And turn to volume 22, page 90. This is a letter dated 8 December, 2009, addressed to Mr Cavanagh on Waawidji Proprietary Limited's letterhead. And you'll see on page 93 it's signed by Mr Johnson and Mr Cavanagh. And it's a retainer letter pursuant to which Waawidji is to be paid what's referred to as a success fee, on page 92, from DLALC. Page 92, Ms Morgan, you'll see a heading "Fees" about two-thirds of the way down the page.---Ah hmm.

30 And then there's a dot point that refers to the success fee of \$5,000 per lot. Now, the reason I'm taking you to that document is not because you're a party to it, but rather does that assist you at all in recalling what document or documents were put before you on the meeting of 20 January, 2012? ---No, it doesn't.

All right. You can hand back that volume, then, thank you. If I can ask you to return, then, to page 189 at volume 9, to the minutes of the 20 January, 2012 meeting. I rather understand from the evidence that you've given that
40 Mr Johnson wasn't present at the meeting. Is that correct?---That's correct.

All right. At page 189, you'll see motion 1, about halfway down the page, says, "Validate this meeting of the Board." Can you see that?---Yes.

Can you recall anything being said about that?---Not really.

All right. What about motion 2? It says, "Suspension of CEO with pay and investigation pending." Can you recall what, if anything, was said about that?---Yes.

What was said? And, if you can recall, who said it?---I can't recall who said it specifically, but it was a pretty long discussion about the situation, because we were discussing the issue about standing Mr Johnson down.

10 Right. And why is that?---Because of the documentation that Ms Cronan actually produced at that extraordinary meeting.

And correct me if I'm wrong, is the substance of it as you understood it that the issue raised by the documentation was Mr Johnson or his company somehow benefitting from an arrangement between GLALC and DLALC?--
-That's correct.

All right. Do you recall the name of the company Waawidji Pty Ltd?---Yes, I do.

20 And was that the company that – what's your recollection as to what if any involvement you'd had with this issue concerning DLALC and GLALC?---
Well that was what the discussion was about is that Mr Johnson was using his company as a vehicle to work for a contract with Deerubbin Land Council for the land development and receiving money from DLALC and it fell under the, you know, it was, it wasn't – like it was in the Land Rights Act, where if a person was to do that they were not an appropriate person to be the CEO of the Land Council. So we then had a discussion about it and I know that during the conversation there was a lot of issues, you know.
30 People were upset because they felt that they trusted Jack, Mr Johnson and that they felt that they'd increased his pay, that they felt disappointed because he was getting money in another avenue and they felt that they weren't aware of it.

I see. So did anyone at any stage during the course of the meeting say that they were aware that, prior to the meeting they were aware of the fact that Waawidji was receiving any benefit from DLALC?---No, not that I know of. I was only at a couple of meetings. I resigned.

40 Yes. But there was no suggestion from anyone I gather from your evidence that the Board of GLALC had at some point in time approved - - -?---Not that I'm aware of and not in the way the conversation was happening at the table, no.

Right. And when I say approved, I'm referring to approval of Waawidji receiving a benefit from DLALC?---Yeah.

If you have a look at page 189 of the minutes, again Ms Morgan, you'll see at the base of the page, motion 3 is "All delegations revoked until the

investigation is completed and the Board decides to reinstate them". Do you see that?---Yes. I believe there's a spelling error there too, it's incorrect. It should be reinstate him, referring to Mr Johnson where it's got them.

Oh, I see?---And that doesn't make sense really.

Can you recall what was said about that?---Yes. There was, there was a discussion about the lack of trust then. So the Board wanted to then have an audit on what was actually happening in the past six years. So we you
10 know, talked about bringing in an auditor and we actually put a resolution to the floor and all voted on it.

I see. Are you able to recall if anyone voted against it?---Yeah. Nobody did.

So can you actually recall everyone voted for it?---That's correct.

And is that the same with motion 2?---Yes.

20 If you go over the page please, to page 190. Motion 11 says "It be disconnected for Tina". Can you see motion 11, Ms Morgan?---Yes, I can.

Are you able to help with what that's a reference to?---There was a discussion about Tina Taylor who was on maternity leave and we wanted to, or she was going on maternity leave. I just can't recall exactly whether she was on maternity leave or she was going on maternity leave. But what we wanted to do was to make sure that she didn't come back into the office to have access to any of the documentation because she had a close
30 relationship with Mr Johnson. So we wanted to make sure that she was you know, kept out of the whole issue.

I see. And I rather understand, from what you're saying, that's because you were concerned that she may pass on information to Mr Johnson. Is that right or wrong?---Or get caught up in the situation.

I see. Then motion 12, "To employ John Mero as a consultant to investigate on corporations side of Gandangara Group and the allegations contained in DLALC complaint." What do you recall about that motion?---I don't recall anything about that motion.
40

Do you say that there was a discussion about that but you may not recall it? Or that there was no discussion about that?---No, I can't ever recall us discussing bringing Mr Mero, or Mayo or whatever his name is, into doing an investigation.

Ah hmm. You'll see at the base of page 190, there's no signing of these minutes. They're not signed or dated. But I rather understand from your evidence that, so far as at least motions 2, 3 and 11 are concerned, that you

recall the meeting occurring and, so far as the minutes record those matters, they're accurate.---That's correct.

Now, you'll see - - - ---I never attended another meeting after this.

Oh, I see.---These minutes were never tabled for me to actually read them.

I see.---This is the first time I've seen them.

10 I see. If you have a look, then, please, at the set of minutes that are signed, at page 192, that's a meeting of the Friday, 27 January, 2012.---Ah hmm. Oh, yes.

And I'm just drawing it to your attention because it's got a resolution at motion 1, "The Board resolves to revoke Jack Johnson's suspension, subject to the terms outlined in the letter to him dated 27 January, 2012." You see that motion? You can see that on the page, Ms Morgan?---Yes.

20 If you look further down the page, it says, "Board members in favour of motions" and "Board members who did not respond" and "Board members not in favour of motions". Can you see those headings?---Yes.

And you're identified as being a Board member not in favour of the motions. Now, you said a moment ago that you didn't attend any meetings after 20 January, 2012.---That's correct.

So - - - ---The minutes that we're referring to here, or the documents - - -

30 Yes?--- - - - are referring to a telephone call that I received from the chairperson and the deputy chair, stating that they wanted to reinstate Mr Johnson.

Right. And this is, what, about a week after the meeting of 20 January, where a motion had been passed to suspend him with pay?---That's correct.

40 All right. Well, doing the best you can, what's your recollection of this telephone conversation that you had that is at least the subject, in part, of the minutes of page 192?---Well, from my recollection, I got a telephone call, I received a telephone call from Ms Cronan and Mr Tobler, and they wanted to reinstate Mr Johnson, and I firmly opposed to it. So that was virtually the conversation over the phone.

And did they say why they wanted to reinstate him?---No, not, not really unless I was too angry about the decision that I cut off from the conversation but I don't recall anything about why they wanted to reinstate him but – so, yeah.

Do you recall saying why you were opposed to that happening?---Yes.

And why was that?---Because it was against the Land Rights Act for Mr Johnson to be the CEO and be, you know, used – paid as a consultant at the same time.

And when you're referring to him you're referring to him presumably or his company Waawidji?---That's right.

Is that right?---Yes.

10

Now, so where it says on page 192 Board members not in favour of the motions and you're identified as one of those, that's a reference not to you attending any meetings but a reference to a phone conversations that you had?---That's correct.

All right. I can actually show you another set of the minutes that is a complete set I think of the 20 January, 2012 meeting that you did attend, and I'm sorry to have to go back to this but it's in volume 10 at page 199 – I'm sorry, 99, volume 10, page 99. You can hand back now volume 9, Ms Morgan?---Okay.

20

So this is again the minutes of the 20 January, 2012 meeting which you did attend but it appears to be a complete copy of the minutes that deals with all the motions and a signed copy. If you see down to page 101 you'll see it's a signed version of the minutes.---Ah hmm.

Now, I've asked you about the motions on page 99. Could I ask you please to have regard to page 100. Page 100 records at motion 4, "All IT building and property to be returned and revoked access to immediately until the Board reinstates". Is that a reference to implementing the suspension at the time of Mr Johnson's position?---That's correct.

30

I see. What about motion 5. It just says, "No confidence in administration." Are you able to shed light on what that's a reference to?---Well, I could see – like from looking at the minutes they're in shorthand.

Yes.---The motion 5 was where the Board were – like I alluded to before that they felt they had no confidence in Mr Johnson after the documents that had been put in front of us, you know, after there was a discussion about what was in the documents that were put in front of us at the extraordinary meeting.

40

I see. And you'll see motion 6 says, "All payments from Finance to be authorised by Board members prior to payment and all toggles revoked and corporate credit cards. Do you see motion 6 there?---I do.

Now, at the time of this meeting as you understood things what was the process by which payments were authorised on behalf of GLALC?---It was

the payment of the salary of the staff within the organisation and any, you know, administrative payments that needed to be made on behalf of Gandangara.

I see. And is – what was the point of motion 6, was it to – yeah, perhaps if you can just explain why, given Mr Johnsons' suspension, was motion 6 necessary?---All payments (not transcribable). From what I can recall it was to try and stop Mr Johnson using any remote access or, or getting any access to the finance, finances of Gandangara whilst under suspension.

10

I see. And then it says at motion 7 – sorry, before I come to motion 7, is it your understanding at the time of the meeting that Mr Johnson had such access?---Yes.

And as far as you were aware at the time of the meeting was Mr Johnson able and I'm talking about on practical level, to make payments from GLALC's bank accounts without anyone else's knowledge or supervision?---To be honest that wasn't discussed.

20 All right. Motion 7 then says that you were the nominated Board member for all purpose of motion 6?---That's correct.

And what does that mean as you understood it?---It means that I was authorised to actually go in and sign the cheques for payments of staff's salaries.

I see. So you were in effect put in a position where you could make whatever payments and they had to be made on behalf of the Council?---That's correct.

30

And then motion 8, you receive a contract registrar draft by 6 February, for presentation to Board 13 February. What's that about?---From what I recall we decided that we wanted to know, the Board, wanted to know what organisations were getting paid from Gandangara's funds. So we wanted to have a contract register, or is that, that should be, I'm not quite sure that it's a contract register?

40 THE COMMISSIONER: You wanted to have an accounts payable register, you know, so that you knew where the money was going from Gandangara, was that what you're saying?---No, I think what this was in relation to Commissioner, is that we wanted to see just the organisations that were contracted by Gandangara.

I see, right.

MR HENRY: To see the persons to whom Gandangara had liabilities, is that the, or obligations, is that the point?---I think that behind it was we were a little afraid that perhaps other organisations were getting paid by

Gandangara that the Board wasn't aware of and we wanted to try and find out you know, who was getting paid from Gandangara.

And were you – I'll redraw that. Then motion 9 refers to Leon Filewood to act as CEO while investigations completed. So Mr Filewood was approved as being the acting CEO temporarily. Is that the position?---That's correct, yes.

10 And then motion 10, well this may assist with what you were recalling in relation to motion 11. Tina Taylor was the person to who you were referring I gather?---That's correct, yes.

All right. Now you, so you attended this meeting, you had the follow up phone call on 27 January, 2012 or thereabouts and the minutes I've taken you to they're repeated on page 102?---I can see that.

Now am I correct in understanding that shortly after that time or about that time you resigned from the Board of GLALC?---That's correct.

20 And was that after this conversation that you've referred to that's at least reflected in part of 27 January meeting, minutes?---(No Audible Reply)

So 27 January minutes are on page 102 and this is recording you as not being in favour of, in effect, reinstating Mr Johnson as the CEO, do you recall?---I do.

Was it shortly after that conversation that you resigned?---That's correct.

30 And can you explain why you resigned, please?---I resigned because I went back to the Land Rights Act. I was distressed. I went to the Land Rights Act. I contacted the New South Wales Aboriginal Land Council. I spoke to the Registrar about what was happening, to get advice from them about what was occurring at Gandangara. And my advice from the Registrar, then Stephen Wright, was to resign. So I did. I put it in writing and I resigned.

All right. Well, if we can perhaps try to break that up a bit. You contacted Mr Wright.---That's correct.

40 To tell him, presumably, what your concerns were.---That's correct.

Doing the best you can, can you recall the substance of what you said to him?---I read to him the documentation that I had that Ms Cronan had actually provided for us at that meeting.

Right. The substance of which, as I understand, is a recount of the fact that Waawidji received benefits from DLALC.---That's correct.

Right. So you read that to Mr Wright on the telephone. Is that correct?

---Not all of it, but, you know, yeah, yes.

You conveyed to him - - - ---My concerns, yes.

Yes. And when you say your concerns, there's what I have just said. That is, Waawidji receiving benefits from DLALC. Are you able to recall any other aspects of the matters that concerned you, about which you spoke with Mr Wright?---Yes, it was the point that the Board had actually made a resolution to dismiss Mr Johnson, and that Ms Cronan and Mr Tobler rang around and gathered the crew and got support to reinstate Mr Johnson without a proper investigation taking place, where a resolution had been put to the floor by the Board members at a meeting, stating that we wanted an investigation into Gandangara for the past six years.

I see. Do you recall any particular significance attaching to the six-year period?---That is what we believed was the length of Mr Johnson's employment to Gandangara at that particular time.

I see. Was there any concern that you had in relation to GLALC land near Bankstown Airport?---Yes.

What was that concern?---It was a concern that a parcel of land was being offered for sale for \$80,000, I think it was.

Right. And by whom?---Gandangara.

Right. And what was your concern in relation to that?---Well, there's not a lot of land that you can pick up in Sydney for \$80,000.

Right.---Unless it's 31 square metres.

Right. Do you have any idea of the area of land that was the subject of this \$80,000 - - - ?---No, I don't.

Is your point that you questioned whether the amount being asked for the land was sufficient?---Yes. And I also joked that, you know, if they were going to sell land at that price, that I'd like to have an option to buy it too.

Right. And - - - ---It was tongue-in-cheek. I'm sorry.

No, that's fine. Is this something you raised with the Registrar on the telephone call or not?---I think I did. I can't recall the full conversation, because I had spoken to Stephen a number of times.

Right.---And I'd also spoken to the New South Wales Aboriginal Land Council.

I see. And in relation to the land near Bankstown Airport for \$80,000 was that a concern that you had in relation to Mr Johnson in particular or not necessarily, was it – what was the connection, if any, between that concern and Mr Johnson as opposed to GLALC more generally?---I just felt that it was a, a small amount of money being asked for land – for the sale of any land in the Sydney metropolitan area.

10 I see. Returning to the conversation you had with Mr Wright, you have said that you explained to him the substance of your concerns in relation to Waawidji receiving benefits from DLALC. Do you recall saying that?---I do.

What was Mr Wright's response to your concern, what did he say, or the substance of it?---He, he told me I was right to have that concern. He asked me did I have any documentation in relation to the issue and I said yes, I had.

20 All right. And is this the documentation to which you referred earlier that was provided at the 20 January, 2012 meeting?---The extraordinary meeting, that's right.

And did you then provide the documentation to Mr Wright or he just asked did you have some?---I provided it to the New South Wales Aboriginal Land Council. They sent out two people to talk to me.

30 Ah hmm.---And I also got a letter from the New South Wales Aboriginal Land Council stating that if I had any documentation as a Board member under section blah, blah, blah, I can't remember exactly what the section was in relation to the Land Rights Act that I had to provide them to the New South Wales Aboriginal Land Council. So I took photocopies of them and I provided the documents.

I see. And you said that some people from the New South Wales Aboriginal Land Council came to speak to you?---That's correct.

40 Do you recall who they were?---It was a male and a female. The young lady was of Indian descent I think. I'm not quite sure. I just – I know that she was – had dark-brown skin about my colour and I know she wasn't Aboriginal.

Right. I rather gather you don't recall her name?---No, I don't recall her name. And there was a gentleman with her and he was not indigenous.

All right. So they came to see you what, shortly after you spoke with the Registrar?---That's correct.

You did mention earlier that the Registrar, correct me if I'm wrong, but my understanding of your evidence is that the Registrar said – you rang the Registrar expressing concerns and seeking advice. Is that right, or wrong?
---That's correct, yeah.

Did the Registrar actually give you advice as to what, if any, action to take?
---Not in so many words because it's my, you know, it was my decision at the end and but, you know, from my conversation with the Registrar I came to the conclusion that it was probably best that I resigned.

10

And was that because following your conversation on 27 January, or thereabouts, 2012 that you considered that you were unable to influence what was happening or what was the – I understand that you had concerns about what had happened and you didn't agree with the reinstatement of Mr Johnson.---Ah hmm.

Are you able to explain further why you resigned as a director of GLALC in those circumstances?---Yes, because I didn't want to be involved with a Board that was as I thought was doing the wrong thing in relation to the Land Rights Act. I remember when I first got onto the Board that I was banging on about, you know, I worked hard to get where I am and what I've got and I wasn't going to sit on this Board and, and see things, you know, happen that were – was misappropriation and I did say that, you know, I'd be the first to step up and I'd resign and I did.

20

All right. Did anyone resign at the same time?---Yes. Ms Wade and Ms Shipley.

30

Right. Returning then to the meeting you had with the two representatives of the New South Wales Aboriginal Land Council. Are you able to recall what the substance of the discussion with them was?---They had informed me that there was, that the New South Wales Aboriginal Land Council had concerns about Gandangara and the way it was being administered. But they have, yeah.

Did they say what those concerns were?---I can't quite remember to be honest.

40

All right. And you provided them did you with the documentation to which you referred earlier that you obtained at the 20 January meeting?---That's correct.

And did you hear back from them in relation to that?---Yes, they brought the documents, I'd given a folder and they also returned the documents to me and I had seen them at a conference that I attended at Blacktown.

Right. And was there any further discussion about the matters that you had raised with them at the meeting?---They just said that they were investigating.

I see. Did you ever have a conversation or conversations with Mr Johnson about your concerns?---Not that I recall, no.

10 All right?---What a minute. When I first became elected as a Board member I remember the first meeting when Mr Johnson was telling me that 98 per cent of my time would be in relation to the entities and two per cent of my time would be in relation to the Gandangara Board issues. And I did have a heated discussion with him in relation to that because I told him that I was voted on as a Board member of the Local Aboriginal Land Council, not as a Board member of the entities. And he did state that you know, that you know, the entities was a new concept and that, you know New South Wales Aboriginal Land Council wanted to employ him to be the CEO or you know, that Land Rights, that New South Wales was going to go down. We needed to set up these entities to stop the Government from getting the money back. And I got quite annoyed with that because my uncle was one
20 of the first people in the Keane report. He established Land Rights. And I felt that you know – and I'd also marched for Land Rights so I felt that Mr Johnson didn't understand how important the Land Rights was to the people in New South Wales.

When you refer this 98 per cent two per cent split in relation to your time, you referred to entities?---Ah hmm.

30 Are you referring there to corporations that were under the control of GLALC - - -?---Yes.

- - - that had been set up - - -?---Yes.

- - - prior to you becoming a director?---Sorry, yes.

That's all right. Did you understand that – were you a director of any of those other entities at the time at which you were a director of GLALC?--- No, I was not.

40 Right. And no-one ever asked you to be a director of any of those other entities?---No, I don't believe I was asked.

And you certainly gave no consent to that happening?---That's correct. I certainly didn't.

All right. Now, I appreciate you only attended, I think you said, three Board meetings? Is that right?---Yeah, I think there was two and then there was the extraordinary meeting and then I resigned.

All right. Were you provided with Board papers prior to the meetings that you did attend?---From what I recall, about 10 minutes before you sat, before the Board meeting started, the lever-arch folder, which was, like, so thick, was put down in front of you. And so I felt that I didn't have enough time to read through the documentation.

10 I see. And in relation to the Board meetings that you attended, other than the extraordinary one that you've gone through, what was the process by which the meetings proceeded? Perhaps if I can put something to you and you tell me if this accords with your recollection, that at a Board meeting, putting to one side the extraordinary one, Mr Johnson would be on a computer and there'd be an overhead projector? Does that accord with your recollection or not?---That doesn't accord with my recollection, no.

All right. Do you recall resolutions being put to the meeting and people moving and seconding them? Or not?---Yes.

All right. And for example, if you've got volume 10 still there.---Yes.

20 And go, please, to page 97. You'll see there, Ms Morgan, that that's a meeting of 12 December, 2011, of the GLALC Board. And you're said to be in attendance at the top of the page. Do you agree?---Yes, I do.

Now, you'll see, the way in which the minutes are recorded is there's a series of motions. There's a person who moves, a person who seconds, and then there's carried, and sometimes there appears to be some commentary there on this particular set of minutes. Do you see that?---Yes.

30 So can you just explain, please, in your own words, how the meeting progressed through these motions? Who did what and how did it come to be that a motion was declared carried or wasn't declared carried?---From my recollection, Mr Johnson would talk about the specific topic. There would be – and put a resolution on the floor. Right?

Sorry, when you say that - - - ---Well, he would say, you know, "We need a resolution on this."

40 Right.---And then the chairperson would say, "Well, I need a mover and I need a seconder."

Had someone, though, articulated the terms of the resolution or not?---Well, not from my recollection.

All right. So there was a general discussion about something, and I gather from what you're saying that discussion was primarily Mr Johnson, was it? ---That's correct.

Addressing the directors.---That's correct.

And then, what, the chairperson, who was Ms Cronan at that time, is that right?---That's correct.

She'd say something to the effect, "Well, we need someone to move a resolution about this." Is that right?---That's correct.

And then, what, someone would volunteer?---That's correct.

10 And then what would happen?---It would be moved and then somebody would second it.

Right.---Right.

And then after that?---And then after that you go onto another topic.

So was there a vote?---If I believe, yes, there was a vote. You know, you had to say whether you agreed or you didn't agree.

20 But I rather understand from the way you describe it, you were saying you agreed or disagreed with something that had been the subject of the discussion or addressed from Mr Johnson, but without having a specific form or resolution to vote upon. Is that right?---Can you explain that to me again?

Yes. Perhaps I'll do it by way of example. If you look at page 97 on volume 10.---Ah hmm.

30 You will see motion 4.---Ah hmm.

It reads, "The Board moves that the CEO is authorised and delegated to manage all housing in line with the RTA including the termination of residential leases." Do you see that?---Yeah.

So that's the terms of motion 4 as recorded in these minutes. Now, my understanding from your evidence is your recollection is in relation to say motion 4 what would happen is there'd be an address to the Board usually by Mr Johnson about the subject matter of motion 4. Is that right?---Yes. But I don't recall motion 4. I'm sorry.

40 No, that's all right. I was trying to use it by way of example and the question really was whether or not at the time at which the vote was carried – the vote was conducted for the purposes of motion 4 whether the members of the Board had had identified for them by anyone the terms of the proposed resolution of motion 4?---I can honestly say I don't recall, you know. On some topics things were discussed more in depth.

Ah hmm.---And then some topics I think it was clear enough that some of the – that all of the Board or whatever understood what was being discussed but I don't recall that motion there. In line with the RTA. Don't know what that means.

All right. Whilst you were on the Board was there a Finance subcommittee?---Not that I recall.

10 All right. Just pardon me for one moment.---You're right.

Whilst you were on the Board of GLALC - - -?---Mmm.

- - - Ms Morgan, did you ever feel as though you were somehow at risk or threatened?---I felt that I was bullied, yes.

20 And explain what gave rise to that feeling please.---When I abstained or rejected the minutes of the meeting, and it could be this meeting where Mr Johnson was sitting on his little round ball at the end of the table started saying that I had no right to do that, that it wasn't a Local Land Council meeting and that I, you know, should have agreed with the motion that was actually put to the floor.

So when you say he said you had no right to do that - - -?---Yeah.

- - - what are you referring to?---To abstain and to say that I didn't agree with passing the minutes of the prior meeting.

30 I'm sorry, which meeting are you referring to in this instance?---Oh, I can't – I only was at two meetings I think.

Yeah.---You know, so it was – must have been the second meeting that I was at.

I see. Is this the meeting that's of 12 December, 2011, if you have a look at volume 10, page 97?---Yes. Yeah.

40 And under motion 2 it says, "Acceptance of previous minutes. The Board moves that the minutes of the meeting held on 10 October, 2011 are accepted." Is that what you're referring to?---That's what I'm referring to.

And it says underneath that "Carried Wendy Maybury abstains, that's rejected the minutes as accurate"?---That's correct.

Now bear with me. That's a reference to the accuracy of the minutes that you'll see at page 92 or commencing at page 92. Is that right?---Yes.

And what, are you able to recall why you disagreed that these minutes, that is the minutes of 10 October, 2011 were accurate?---Well I disagreed with

them because I felt that I wasn't fully aware of what was actually in them. And I just, yeah, felt that I didn't have enough time to actually read through them and have a – you know, have it in my mind whether I actually agreed, like I recall that, you know.

I see. So is this a fair summary of the position from your perspective that you attend the 10 October, 2011 Board member and the minutes are recorded at pages 92 and following, is that right?---Excuse me. Before you go on?

10

Yeah?---Can I just bring it your attention that it was 11 July, 2011 that these minutes were actually on page 93?

Yes?---And I wasn't a Board member at that meeting.

Yes. Oh, is your point that – well perhaps if you could just explain your point? I can see what you're referring to on page 93. You're referring to motion 3 on page 93?---Oh, O.K. Carried over to – well, yes, motion 3. It says it was carried over to December, 2011 meeting.

20

So is your point and I'm asking this, I don't profess to understand at the moment. But was your concern on page 97 about accepting the October, 2011 minutes a concern that at least included the fact that you were being asked to approve minutes of a Board member that you had not been a director at?---Yes.

I see. There's also in the minutes of October, 2011 at page 93, motion 4. It starts on page 93 and goes through to page 95 and it's got 25 subparagraphs in it. Do you see that?---Yes, I do.

30

Do you recall a motion being put in those terms at, which I suggest are rather lengthy, at the meeting on 10 October, 2011?---I don't recall.

Presumably, actually perhaps, is that a convenient time, Commissioner?

THE COMMISSIONER: Yes, it might be. I'm sorry, Ms Morgan, we'll resume at 2 o'clock and we'll take the luncheon adjournment, thank you.

40 **LUNCHEON ADJOURNMENT**

[12.59am]