

GREERPUB00466
17/05/2016

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pp 00466-00506

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION GREER

Reference: Operation E14/0362

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 17 MAY 2016

AT 10.05AM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Yes.

MR HENRY: Commissioner, we'll continue with Mr Thorne's - - -

THE COMMISSIONER: Yes.

MR HENRY: - - - examination.

10 THE COMMISSIONER: Yes. Mr Thorne, could I just remind you, you are
under your former oath and the section 38 order continues to apply. Thank
20 you.

<DENNIS THORNE, on former oath

[10.08am]

MR HENRY: Could I ask for Mr Thorne, please, to be provided with
Exhibit G3. Mr Thorne, you've been provided with a copy of Exhibit G3,
20 which is an email from Mr Johnson to Clayton Hickey and other people,
dated 25 September, 2012. Is that what you have?---Yeah.

Now, were you aware in September 2012 what role Mr Hickey played in
relation to GLALC?---No. No, I wasn't aware.

I'm sorry?---No, I wasn't, no.

All right. You'll see his email address says Clayton Hickey and then it says
chickey@lawlerpartners.com.au. Do you see that?---Yeah.

30 Did you know what Lawler Partners was? What business it conducted?---I
can't recall, eh. I can't recall.

All right.---Yeah.

Were you aware that Mr Hickey was an auditor?---I remember his name. I
remember seeing his name and hearing about him, but I can't recall too
much about Mr Hickey.

40 All right. If you have a look at the people who are copied on the email,
you'll see Bcc on the left-hand side. Can you see that?---Yeah.

And if you look at the second line, under Bcc, there's an email Danny Boy
Thorne, dennis.thorne@kari.org.au. Is that you?---Yeah, that's me.

And that was your email address at the time?---Yeah.

Have a look if you would please at the email, it's in blue text. Can you see
that?---Yes.

Just take a moment to read it and tell me when you've done that please?
---Yep.

And do you recall receiving this email in about September 2012?---No, I don't recall.

All right. If you flick over the page, two pages forward attached to the email is a draft letter dated 20 September, 2012?---Yep.

10

You see the letter's got a table in the middle. Do you see that?---Yep.

Take a moment if you need to, but the question is do you recall reading this letter before?---No, I don't recall.

20

All right. In September 2012, did you ordinarily read your emails?---Well what happened like I lost a lot of interest in the, in all this sort of stuff because of the court and all these things that were happening. I um, I didn't have no understanding of it so I, I just sort of list interest in it and yeah, I'd just look at them, I was looking and just, your know read over it and that was about all I gave for it.

THE COMMISSIONER: Sorry, you said you lost interest because of what?---Um, because of all – I don't know, just I got on the Board to help the community and things like that and then um, when I joined there was all this sort of stuff going on and I just, I didn't understand it.

30

When you say all kind of stuff do you mean that there was a log of correspondence between the auditors and, and others?---Yeah, auditors, um, I think there was some issues New South Wales Aboriginal Land Council and things like that and I just, it was over my head really, yeah. I mean I couldn't quite, you know, grasp or gather what was going on, so - - -

MR HENRY: All right. Perhaps you can hand that back and I'd ask you to be provided with volumes 10 and 20, please. And volume 10 in the first instance at page 118. So Mr Thorne, if you have volume 10 and turn over, turn it open to page 118 in the bottom right hand corner, please?---Yep.

40

You'll see Mr Thorne, they're minutes of a meeting of 30 October, 2012. Do you see that?---Yep.

And you're said to be in attendance at the meeting. Do you agree?---Yep. Now if you have a look at motion number 2 you'll see the Board moves that the M Johnson/Waawidji representation letter requested by Lawlers and presented to the Board be signed by the Chair and the CEO on behalf of the Board. Do you see that?---Yes.

Now with that in mind, could you leave that open please and open up volume 20 at page 250. And you should see there a letter of 29 October, 2012?---Yep.

Just take a moment to read that letter please, it's pages 250 and 251, and tell me when you've done that.---(not transcribable)

You're read that?---(No Audible Reply)

- 10 Now, you will see that the letter in volume 20 at page 250 is a letter that concerns amounts of money paid to Mr Johnson or Waawidji. Do you understand that?---Yeah.

And you will see on the second page – oh, have you – do you recall seeing this letter before?---I can't, I can't remember exactly.

All right. You will see on the second page it says – there's a heading Statement by the Chief Executive Officer and Directors in bold type. Can you see that?---Yeah.

20

And it says, "We confirm the completeness and accuracy of the information provided regarding the payments to Mark Johnson during the year ended 30 June, 2012. Can you see that?---Yeah.

Now, it says we confirm there, is that something that you agreed to?---I can't recall to be honest.

All right.---Yeah.

- 30 Because you see that it says at the bottom, "For and on behalf of the Board and Directors?---Yeah.

You see that?---Yeah.

So the question is do you recall approving - - -?---No, I don't.

- - - this letter for the purposes of it being signed on your behalf?---Yeah, no, I don't recall.

- 40 All right. If you go back to – leave that letter there please and if you go back to volume 10 at page 118 where the minutes are.---Yeah.

In motion 2 it refers to a representation letter. Can you see those words?---Yeah.

Are you able to say whether the letter to which I've taken you dated 29 October, 2012 is the representation letter referred to in the minutes at

motion 2?---I don't know. I can't, I can't recall. I don't remember, remember this. I don't remember that meeting or this – that paperwork.

All right. So you don't recall being at a Board meeting and being asked to approve a letter?---No, I don't remember.

10 All right. You will see in the letter on the first page, so this is back at page 250 of volume 20. Do you see the table on the first page of the letter, it says, "The following summarises the payments made between Gandangara and Mark Johnson in the year ended 30 June, 2012." Can you see those words?---Yeah.

And then there's the table beneath that. Do you see the table?---Yeah.

Yeah. And you will see there's a column reimbursement of expenses. Can you see that column?---Yeah.

And it's got an amount of \$357,386.---Yeah.

20 See that amount?---Yeah.

Did you have any idea when you were a Board member that Mr Johnson or Waawidji was reimbursed expenses of in excess of 350-odd thousand dollars for the year ended 30 June, 2012?---I can't, I can't remember that. Can't remember seeing this.'

All right.---Yeah.

30 Did you have any understanding at all about Mr Johnson or Waawidji being reimbursed expenses?---No.

Did you know it was happening?---No, I didn't know.

All right. And I gather then that you never were asked to review any claim for expenses being reimbursed?---No.

And you never approved any claim for the reimbursement of expenses?
---Not that I can remember.

40 All right. Have a look at the bonus figure in the next column on the table.
---Yeah.

Do you see that bonus of \$316,738?---Yeah.

Were you aware that Mr Johnson or Waawidji was paid a bonus at any time that you were a director?---No, I can't recall. Yeah.

All right. Were you aware that he or Waawidji may be entitled to a bonus?

---No, I wasn't aware.

I'm sorry?---No, I wasn't aware.

All right. Were you aware of the existence of a finance subcommittee?---I remember something about a finance subcommittee, yeah.

10 Do you know who was on it?---No. No, I can't remember. But I remember hearing that come up in a Board meeting, but I don't know too much about it.

Can you recall what was said at the Board meeting about it?---I just remember something being said about a finance subcommittee, but I don't remember what exactly was said or what the outcome was.

All right. If you stick with volume 10 and go to page 113, please, you'll see there's minutes of a Board meeting of 10 September, 2012. Do you see that?---Yeah.

20 And you're said to be in attendance at the meeting. See that?---Yeah.

Over the page, at page 114, there's a motion 5. Can you see motion 5? ---Yeah.

And it says, "The Board resolves as follows. Number one, to rescind motion number 17 of the GLALC Board meeting of 11 July, 2011, which was carried motion number 17, amended on 30 July, 2012." Do you see that?---Yeah.

30 And then paragraph number 2 says that "GLALC's execution, delivery and performance of the loan deeds and security deed to which it is or is intended to become a party is in the best interests and for the benefit of GLALC." Can you see that?---Yeah.

Now, do you have any idea what motion 5 related to?---No.

40 No? You'll see further down in motion 5, at item number 3 or paragraph 3, it says that the making of the first loan to Gandangara Future Fund Limited – I'll withdraw that. You see that reference to the making of the first loan to Gandangara Future Fund?---Yeah, see that, yeah.

Did you have any understanding, whilst you were a director of the Board, what Gandangara Future Fund Limited did?---No, I didn't, no.

As you understood things, were you a director of Gandangara Future Fund Limited when you were a director of GLALC?---Not that I know of.

All right. Were you aware, whilst you were a director of GLALC, of the transfer of any funds from GLALC to Gandangara Future Fund Limited?
---No, can't recall.

Do you recall any discussion at any Board meeting about funds transfers from GLALC to GFF?---I can't recall a hundred per cent, yeah. I can't recall too much about the Gandangara Future Fund.

10 What's your understanding as to why Gandangara Future Fund Limited existed?---I didn't really have an understanding of it until I met with you guys, actually. Yeah, I didn't know too much about it, to be honest with you. Yeah.

When you refer to meeting with you guys, who are you referring to?
---When I met with ICAC. When they came out and they did an interview and they explained it a bit, explained a bit about it to me, and then that was the most I knew about it.

20 I see. So when you were interviewed by an officer of ICAC?---Yeah.
And that's relatively recently?---Yeah.

Prior to that, had you heard of Gandangara Future Fund Limited?---I could have, but I don't remember too much about it, if I did hear about it.

All right. Now, again in volume 10. Bear with me a moment.

30 You can back volume 10 Mr Thorne. Now you've still got volume 20 though do you?---Yep.

Could you turn to page 16, please? You should have there in front of you a letter dated 31 August, 2012. Have you got that?---I've got a letter, yep.

Am I correctly understanding that as that date you were a director of GLALC?---Yeah.

40 All right. Now you'll see the letter is a letter from the Registrar of the Aboriginal Land Rights Act, Mr Wright. Can you see that at the base of the page?---Yep.

And it's a letter to GLALC, attention Mr Johnson. Do you see that?---Yep.

And you'll see in paragraph 2 it says, "Enclosed is a compliance direction to GLALC." Can you see paragraph 2?---Yep.

And then over the page, it's pages 17 through to 20 there is a compliance direction from the Registrar. Can you just have a look at those pages with a

view to answering this question, have you seen the compliance direction before?---Yeah, no I don't think I've seen this before.

All right. That was never brought to your attention whilst you were a director at GLALC?---Well no, I haven't seen it.

All right. You'll see on page 17 at paragraph 3 it says under the heading "Facts On or Before 27 July, 2011", the Board of GLALC passed a resolution that all funds surplus to the operating needs of GLALC be loaned to GFF on a commercial basis, secured by charge registered with ASIC".
10 Can you see those words?---Yeah.

Were you aware whilst you were a director of GLALC of the resolution referred to in paragraph 3?---No, I wasn't aware of that.

All right. And then you'll see at paragraph 4 it says, "On 27 July, 2011 a general meeting of GLALC passed the following resolution", and there's a resolution set out there in italics. Can you read that resolution to yourself please with a view to answering whether you were aware when you were a director of GLALC of the existence of this general resolution?---No, I don't recall too much about, about this, hey.
20

Sorry?---I don't recall too much about this.

Well can you recall, do you recall knowing about the existence of this general resolution whilst you were a director:?---No.

All right. You can hand back then please Mr Thorne, volume 20. And I'll ask you to be provided with volume 22, page 90, please. And you should have there in front of you a letter on a letterhead of Waawidji Pty Limited to Mr Kevin Cavanagh, the CEO of Deerubbin Local Aboriginal Land Council date 8 December, 2009?---Yep, got that letter.
30

Now, I appreciate you weren't a director of GLALC in December, 2009.---Yeah.

Have you ever been – do you ever – do you recall ever being made aware of Waawidji Pty Limited entering into a contract with Deerubbin Local Aboriginal Land Council?---Yeah, no, I don't recall.

And you were never asked whilst you were a director of GLALC for your agreement to the retention of money by Waawidji that was paid to it by Deerubbin Local Aboriginal Land Council?---I don't think so.
40

All right.---I can't remember if I have.

You can hand that document back, volume 22, Mr Thorne, and I'll ask for you to be provided with volume 41 please at page 14.

MR HARRIS: 41?

MR HENRY: Yes, volume 41 at page 14. Now, you should have in front of you, Mr Thorne, a letter dated 18 February, 2014. Is that what you have?---Yeah.

And if you look at the second page on page 15, is that your signature on the bottom right-hand corner?---Yes.

10 Now, take a moment to read this letter and let know when you've done that please.---I've read it.

Do you recall where you were when you signed this letter?---No, I don't recall.

You will see that it's signed by eight directors of GLALC on the second page.---Yeah.

20 Do you recall being presented with a letter to sign when those other seven people were present and also signed?---No, I don't recall.

What's your understanding as to what the letter addresses?---Yeah, I think it's just about maybe finance or something that was paid to, to these people and it was a, you know, it was a large cost and the relationship between them two organisations weren't too good and things like that. Yeah, that's from just – that's a – I think that's probably the first time I've actually read the whole letter.

30 So you've never read the letter before now?---No.

Do you recall who provided it to you for the purposes of signing it?---I don't recall. It could have been at a Board meeting, could have been a time where I've had to run up and sign something at Gandangara. Yeah.

You'll see on the first page of the letter, on page 14, it's addressed to a Mr Lombe, Mr David Lombe.---Yeah.

40 What's your understanding of what his role was in February of 2014?---I remember his name. He was the administrator, I think, from looking at that, but I didn't know too much about him, to be honest.

Did you know what the administrator's role was?---I think they were just making sure that everything that was happening at Gandangara was correct and it was right.

Did you understand that Mr Lombe could make decisions on behalf of GLALC or not?---No, I didn't know.

I see.

THE COMMISSIONER: Sorry, you didn't understand that or you - - - ?
---Yeah, no, I didn't know.

You didn't understand?---Yeah, yeah, I didn't understand.

MR HENRY: You'll see in the bold type, under where it says "Dear Mr
Lombe", it says, "Re: CEO expense claims, Board statements support the
10 CEO correspondence." Do you see those words?---Yeah, I see that. Yeah.

Did you not understand that this letter concerned expense claims that had
been made by Mr Johnson?---I didn't understand because I probably didn't
give all this stuff the time that it deserved. I didn't understand most of it,
even this stuff with the administrator. I had no understanding of why he
was there or what was happening. Yeah, I didn't give it the time that I
should have.

THE COMMISSIONER: Mr Thorne, can I just ask you, a moment ago you
20 said that, by reference to the correspondence with the auditor and now in
relation to the correspondence with the administrator, that it was over your
head and you couldn't grasp what was going on.---Yeah.

Did you ever express that frustration to other members of the Board? I
mean, you obviously, as you said, kind of disengage because you couldn't
understand what was going on. Did you ever say anything about that?
---I didn't and I regret that. I think I should have. Looking back now, I
definitely should have said, "Look, I'm just not handling it. I don't know
what's going on." And I should have reached out for help and tried to get
30 someone to get me on the same page, but I didn't do that, yeah.

MR HENRY: In relation to the signing of this letter of 18 February, 2014,
Mr Thorne, do you recall a meeting at which Ms Provest – sorry, withdraw
that. At which there was discussion about Mr Johnson's expense claims,
and at which Ms Provest became upset?---No, I don't recall.

All right. And you can't explain now why you signed this letter? Is that
right?---Yeah. Yeah, I can't explain. Yeah. I just signed it. I thought if the
other Board members, the more experience ones, were signing the letters
40 that it was more than likely the right thing to do, so I signed.

And is that a fair way to describe the approach you took to your directorship
of GLALC? That is, if other more senior people agreed to something or
signed something, you would agree to it or sign it as well?---Yeah.

Is that right?---Yes, that's correct.

All right. I have no further questions, Commissioner.

THE COMMISSIONER: Thank you. Yes, who wants to ask Mr Thorne?
Yes, Mr Mack.

MR MACK: Commissioner, I have a few questions, but in asking those
questions I'm going to adopt a somewhat irregular process, and I just want
to run that past the Commission first.

THE COMMISSIONER: Well, we're not bound by the rules of evidence,
Mr Mack, so go for it.

10

MR MACK: All right. Commissioner, yesterday you recall we were
granted access to a box of - - -

THE COMMISSIONER: Yes.

MR MACK: - - - Board papers. I want to take Mr Thorne through some of
those papers.

THE COMMISSIONER: Certainly.

20

MR MACK: But I'm doing it on the run, so to speak, so we don't have
copies for you to look at at the time.

THE COMMISSIONER: Right. Well, if anything arises as a result of that,
we can accommodate other people.

MR MACK: All right. Can I ask that the witness be shown.

MR HENRY: Can I just suggest if Mr Mack is going to continually provide
30 documents, it may be more convenient - - -

THE COMMISSIONER: To do it from the front.

MR HENRY: - - - from the front, yes.

THE COMMISSIONER: Mr Mack, is that, no.

MR MACK: I'm all set up here now.

40 MR HENRY: I won't try to help.

MR MACK: Could you show that to the witness, please. Mr Thorne, my
name is James Mack. I represent the Registrar of the Aboriginal Land
Rights Act. I just want to ask you a few questions really relating to some
Board papers that you were questioned on late yesterday. And you might
recall that you said that it's been a long while since you've seen the Board
papers and you don't really recall?---Yep.

So I just want to try and tease out from your memory what was in those Board papers and so what I've handed you is a box and you'll see on that box there was a plastic bag which had an identifier on it and then if you open the box you'll see a little tag on the front of that box. Now can you just read out that tag, that sticker?---This one?

The one on the front of the box?---Dennis Thorne, 2011 to 2013.

10 Yes. All right. And are you sometimes referred to as Danny?---Yeah.

O.K. All right. All right. And what I've done in those documents you'll see that there's a yellow tab on that very first page?---Yep.

That's my tab that I've put there. O.K. And there's eleven of those in total. So I'm going to take you through those tabs?---Yep.

And just ask you about them. O.K. So that, you see that first tab it says DT1?---Yep.

20 And that's a one page document?---And this is from 2011?

Well I'm not sure. You'll see in the first bullet point there, I'll just first of all identify for you, Mr Thorne. It says at the top, "David Wing notes from Board meeting with Auditor". Do you see that?---Yep.

And underneath that you'll see a reference Clayton Hickey, Bob Bell at a Board meeting of October 2012. Do you remember that? I'm sorry do you see that? Do you see that?---Yeah, I can see it, yeah. Yep.

30 And do you remember a Board meeting in 2012 where Mr Hickey and Bell and a David Wing were present?---Yeah, I think I do, yeah.

All right. Can you recall – at point 3 there it says, that the auditor, that's Mr Hickey, requested an in-camera session?---Yep.

Do you understand what an in-camera session is?---No, I don't.

40 If I was to tell you that an in-camera session means that members of the public aren't allowed into the meeting, would that assist you in your understanding of in-camera?---Yep.

All right. Do you – what's your recollection of this meeting? First of all what - - -?---I remember the three people coming to the meeting, but I can't remember much after that and what the meeting was about and what took place.

Can I just ask you to have a quick read of that document to see if it refreshes your memory?---I remember, I remember this meeting.

You remember it?---Yeah, but I don't remember, I remember too much about it, hey.

Do you remember you'll see reference there to a discussion that occurred and what I might call an argument between the auditor, Mr Hickey and his relationship with Jack Johnson. Do you recall that?---Yeah, no I don't recall, I don't recall that, yeah.

10 You don't recall that?---I don't recall to much about the meeting but I remember the three, the three blokes coming to the meeting.

All right. Do you know why David Wing was at that meeting or do you know who David – sorry, I'll start it again. Do you know who David Wing is?---I know his name, but I haven't – remember his name.

Do you know him in what capacity he was at that meeting?---All right. All right. So what I might ask you to do with that document is just turn it over and put it to the side so we just maintain the order of those documents. And
20 you'll see the next tab I've put on there it says DT2. Can you see that? You might have flick through a few documents to get to that. But it's, it's not in a plastic sleeve and it's got a yellow tag on the top?---Yep.

I'll just get you to put those other ones to one side and you'll see that's a set of documents and it's stapled and do you accept that it s"Agenda 30 July, 2012"?---Yep.

All right. And to the best of your recollection are they the papers that were provided to you before the 30 July, 2012 meeting?---They could have been.
30 I don't remember 100 per cent.

Is there a hole punch mark on the side of those documents?---Yeah.

There is. All right. And you recall your evidence earlier that you thought that the Board papers were provided in a folder?---Yeah.

And when they were in the folder was it your recollection that they were hole punched and then placed in the folder?---Yeah.

40 Yes. All right. All right. I'll just get you to put that to one side just maintaining the order of those documents. The next few documents are all in plastic sleeves and you will see DT3.---Yeah.

And that's a contract – or that's a document purporting to be a contract between Waawidji and Gandangara Transport Services. Do you accept that at the top of the page there? You can take it out the sleeve if you would like.---Oh, no, it's fine. Yeah. Yeah.

All right. And that doesn't have a hole punch in the side does it?---No.

No. And do you recall seeing that contract before?---No, I don't.

All right. Can I just get you to take it out of the sleeve and have a look at page 13 of that document and you will see – can you just tell the Commission the date, the commencement date.---(not transcribable) the date. It says up the top date of agreement and there's no date and then down the – commencement 1 July, 2012, 31 May.

10

All right. All right. Thank you for that. Can you just fold that back up and put it back into the plastic sleeve. Now, the next three documents are of a similar nature. You will see that DT4 is between Waawidji and Gandangara Management Services and again that has no hole punched. Do you accept that?---Yeah.

And it's in a plastic sleeve?---Yeah.

20 Yes. All right. And you can see up the top that it's a – purports to be an agreement between Waawidji and Gandangara Management Services. Yes?---Yeah.

And if you could just turn to page 13 again and tell the Commission the commencement date of that document.---Date of agreement, there's no date.

No date. Is there a commencement date?---Yeah, 1 May, 2010.

1 May, sorry?---2010.

30 2010. All right. Thank you. If you could just put that back in that sleeve with DT4 still on it please. And DT5 is an agreement between Waawidji and Gandangara Health Services. Do you accept that?---Yeah.

That's on the front page. And again, just to page 13 and if you could tell the Commission the commencement date of that contract.---Date of agreement, there's no date. Commencement 1 July, 2012.

40 All right. And if you could just put that back into the plastic sleeve now. And, Mr Thorne, can I just ask you in relation to all of those contracts, that's DT3, DT4, DT5 and DT6, can you recall ever seeing those provided in Board papers?---No, I can't.

No. All right. If I can ask you to go to DT7. This is a different document. It's not in a plastic sleeve.

MR HENRY: I'm sorry, I may have missed something but DT6 was which one?

MR MACK: DT6 – sorry. Thank you, Counsel Assisting. I'll go to DT6. Mr Thorne, I just told you to go to DT7.---Yeah.

I skipped over DT6.---Okay.

Can you – DT6 there and this again is another agreement and do you accept it's between Waawidji and Marumali Pty Limited. Can you see that?
---Yeah.

10 All right. And if you could just go, and have you seen this document before?---No, I haven't.

All right. And if you could go to page 13 and just tell the Commission the commencement date of this.---Date of agreement. There's no date. Commencement date, 1 July, 2012.

All right. Thank you. I'll now take you to DT7. And you'll see this isn't in a plastic sleeve. You accept that?---Yeah.

20 And it's hole-punched. You accept that?---Yeah.

And it's stapled together. And it's an agenda from the Board meeting of 10 August, 2012. Do you accept that?---Yeah.

All right. And if you could just flick through that quickly and refresh your memory, and then tell the Commission if that looks like the Board papers you were provided with before that meeting.---I can't recall hundred per cent.

30 Can't recall. All right.---Yeah.

Can I just ask you to go to DT8 now? And that's in a plastic sleeve. You accept that? Yes. And that's an agenda from 10 December, 2012. Do you accept that?---Yes.

And is there a hole punch in - - - ?---No.

No. All right. And do you recall seeing that agenda before or the documents behind it?---I don't recall.

40

Don't recall. All right. Just two more I want to take you to, Mr Thorne. Three more, I'm sorry. DT9.---Yeah.

And is that in a plastic sleeve?---Yeah.

And is that hole-punched?---Yes.

And is that an agenda from the 25th of March, 2013?---Yes.

And do you recall seeing that document before or any of the papers behind it?---No, I don't recall.

DT10, Mr Thorne, if you can go to that now. And again, you'll see on this one there's a post-it note on the front.---Yeah.

Can you tell the Commission what that post-it note says?---It says "Danny".

10 It says "Danny". And that's a reference to you, presumably?---Yeah.

Yeah. Is that your handwriting?---No.

Do you recognise that handwriting?---No.

All right. And there's a hole-punch on that document?---Yeah.

And the front page is an agenda from a Board meeting, 27 May, 2013?
---Yeah.

20

All right. And do you recall seeing that document before?---No, I can't recall.

Can't recall. All right. And presumably, if you could just have a quick flick through and tell me if you recall seeing any of those documents behind there before.---No, I can't recall that.

And the final document is another plastic sleeve that says DT11. And you'll see that there's no agenda at the front of this sleeve. And the front page is a letter to Ms Cronan. Do you accept that?---Yeah.

30

And if I can just ask you to pull that letter out, it's from Victor Dominello. And if you can just turn it. It's a double-sided page.---Yeah.

And on the back, do you see a signature of Victor Dominello?---Yeah.

And it's dated 22 May, 2013.---Yeah.

And do you recall seeing that document before?---I can't recall, eh.

40

Can't recall. And you can't recall if it's a continuation, so to speak, of the set of documents from 27 May, 2013?---No, I can't.

No, you can't. All right. Can I just get you to put that letter back inside that sleeve? And if you could just put that on the bottom and then put all the documents back on top in the order that they came out. I just want to ask you, there's two more areas of questioning I want to go to before I'll sit down. The first is in relation to Gandangara and related entities. So if I

could ask if volume 1, page 258 be provided on the screen. And you'll see, I think you were taken to this before. That's the structure. There's two structures. There's an original structure and a new structure. At the top of the original structure you'll see a square which says members. You see that?---Yes.

And then beneath that is says Gandangara Local Aboriginal Land Council?
---Yep.

10 And you were a Board member of, of GLALC. That's correct isn't it?
---Yes.

And did you ever receive sitting fees for being a Board member of GLALC?---No.

Or directors fees?---No.

No. All right?---Never.

20 And in relation to, if you could just have a look at any of the other entities down the right hand column of the original structure?---Yep.

Did you ever receive any sitting fees from any of those entities?---None.

Did you receive any reimbursements for expenses from any of those entities?---No.

Any wages?---Never.

30 Any payments at all?---Nothing.

Any loans?---Never, no, nothing.

Did any of your family members become employed under any of those other entities?---Yeah, they did. My sister worked for Marumali and my brother did too.

And what's your sisters name?---Gail Thorne.

40 Gail?---Thorne.

Ford?---Thorne Sorry?---The same as me, yeah.

And your brother?---Yeah, Shannon.

Shannon Thorne?---Yep. I can't recall if they were there before I was – I think they were there before I was a Board member, mate. I think they were working for - - -

All right?--- - - - yeah, for Gandangara before I became a Board member.

All right. Thank you. And just finally Mr Thorne, the Commissioner asked you a question before about whether or not you spoke to other Board members about your concerns nor not being able to understand certain documents. Do you recall that evidence?---Yep, yeah.

10 And then you recall giving evidence that you in fact trusted other people on the Board and you trusted their experience over yours. Do you accept that? Is that a fair summary of your evidence?---Yes. Yep.

All right. Did you know if anybody on the Board had legal experience?---I didn't know, I just, I just went off their time on the Board and how long they'd been there and, and what contributions they had to the meeting and things like that.

20 All right. And in relation to Mr Johnson, did you trust his experience as well as other Board members?---Yeah.

Yes. All right. And you trusted his experience in relation to the running of GLALC. Is that right?---Yeah, I did. Yep.

All right. And if you were to say who you trusted most out of the Board and out of the Board members, who would they be?---At the time it was my then brother-on-law Rohan.

Ah hmm?---Yeah, yeah, I trusted him.

30 All right. They were my questions, thank you, Commissioner. Oh, Commissioner and just in relation to those documents - - -

THE COMMISSIONER: Yes.

MR MACK: - - - perhaps if I tender those through Counsel Assisting - - -

THE COMMISSIONER: Yes.

40 MR MACK: - - - and have them scanned and made available and just the documents with the tabs on them.

THE COMMISSIONER: Right.

MR MACK: Is that a suitable course of action?

THE COMMISSIONER: When that, when that's done we'll, we'll arrange for the tender.

MR MACK: All right. Thank you.

MR HENRY: Could I in the meantime have a look at the documents, please.

THE COMMISSIONER: Yes, certainly.

MR HENRY: And can I ask a question?

10 THE COMMISSIONER: Yes.

MR HENRY: I realise there may be others who wish to ask questions, but to just to clarify an answer that you just gave. You mentioned your brother-in-law Rohan?---Yeah.

Are you referring there to Mr Tobler, Rohan Tobler?---Yeah, yep.

All right. Thank you.

20 THE COMMISSIONER: Did – Mr Thorne did you also trust Mr Johnson in terms of his understanding of the financial obligations that GLALC had both to the auditor and to the New South Wales Aboriginal - - -?---Yeah, I think I just trusted Jack overall. He seemed um, you know, he seemed pretty knowledgeable. Um, you know he seemed like he knew exactly what was going on and um, yeah, so I trusted, yep, I trusted Jack.

On a number of levels though not just in relation to his running of the Council?---Yeah, on a number of levels, yeah, yeah.

30 Does anyone else have any questions of Mr Thorne?

MR GANDAR: Yes, Commissioner. Firstly I formally seek leave to appear. My name is Gandar, instructing solicitor for Mr Johnson.

THE COMMISSIONER: Yes, Mr Gandar that leave is granted.

MR GANDAR: Thank you, Commissioner. Mr Thorne, as you've just heard I represent Mr Johnson?---Yep.

40 Can Mr Thorne please be shown volume 10 and also volume 9? Mr Thorne could you please open volume 9 at page 228?---200 and - - -

28?---Yep.

Does this document look familiar to you at all?---I can't recall.

You can't recall?---Yeah.

Do you recall being provided with the financial statements each financial year in around October?---Yeah.

Yes. Now, you will see this document has a watermark bearing draft on it. If you could just put that to one side for one moment and open up volume 10 at page 118.---Yeah.

10 Do you recall being asked some questions just a few moments ago by Mr Mack who represents the Registrar, about this meeting?---Yeah.

And this is the meeting is it not where Mr Wing and Mr Hickey were in attendance amongst others?---Yeah.

Do you recall if the financial statements which I showed you just a moment ago were discussed at this meeting?---I don't recall.

You don't recall?---Yeah.

20 If I can take you back to the financial statements please. That's in volume 9 at 228. If you've changed that.---Yeah.

If you turn to page 264 and you can take it from me or you're welcome to flick through the document that that is the last page following the end of the draft statement.---264 did you say?

Yes.---Yeah.

You will see there a letter dated 25 September, 2012.---Yeah, I can see that.

30 And this letter also appeared in Exhibit G3 which the Counsel Assisting the Commission asked you some questions about. Do you recall that?---Yes.

Okay. You will see over the page on 265 that this letter hasn't been signed. ---Yeah.

Do you recall if this letter was the subject of any of the discussion with Mr Hickey and the Board at that meeting?---I don't, I don't recall.

40 You don't recall?---Yeah.

Okay. Okay.

MR HENRY: Can it just be made clear – I suspect it doesn't matter ultimately to this particular witness but that letter at page 264 is a different draft of the letter that's attached to Exhibit G3.

MR GANDAR: Yes, if the witness could be shown G3.

THE COMMISSIONER: Ah hmm.

MR GANDAR: And keep those volumes open that you've just been provided as well please, Mr Thorne.---Thank you.

And I thank Counsel Assisting for that clarification. You're quite right. Mr Thorne, if you could turn to the last page of G3.---Yeah.

10 There's a table there and do you see that that table is in the same form as the table which I've just taken you to at page 264?---Yes.

I appreciate the copying is a little difficult to decipher but – and that doesn't assist your memory at all about whether or not the contents of the table were discussed at the meeting?---No, it doesn't.

No. Okay. Thank you, Mr Thorne. Those are my questions, Commissioner.

20 THE COMMISSIONER: Thank you.

MR GANDAR: If I may ask before taking my seat about the box of documents which Mr Thorne has just been shown by Mr Mack.

THE COMMISSIONER: Yes, yes, you have access to those.

MR GANDAR: We appreciate the Commission's loath to recall witnesses, but given the Commissioner will no doubt be invited to make an inference about the documents in that folder - - -

30 THE COMMISSIONER: Yes.

MR GANDAR: - - - and we haven't had a chance to consider that folder, is it possible if we could look at it over lunch, and perhaps if there are any questions arising, put those to Mr Thorne at 2 o'clock?

THE COMMISSIONER: Yes, certainly, if you have access over lunch, subject to – is there another problem, Mr - - -

40 MR HENRY: No, no. I - - -

THE COMMISSIONER: Oh, I think the suggestion was that some of those could be scanned before they were admitted as an exhibit, and I think Counsel Assisting needs to look at them as well.

MR GANDAR: Okay.

THE COMMISSIONER: Could I suggest that after Counsel Assisting has looked at them, we can then provide other parties with access, and if you need to recall witnesses then we'll meet that convenience later in the week?

MR GANDAR: Okay. Thank you, Commissioner.

MR HENRY: I was just going to suggest, Commissioner, that I can be finished with these documents in about five minutes.

10 THE COMMISSIONER: All right.

MR HENRY: Now, I don't know how long others may wish to take.

THE COMMISSIONER: Mmm.

MR HENRY: But if it's something that can be dealt with now, we could, for example, take a morning tea break. There's actually not a lot there to look at.

20 THE COMMISSIONER: All right. Well, I think the suggestion on behalf of Mr Johnson, though, is that they want access to all the folders. Is that right?

MR GANDAR: For today's purposes, we would only require Mr Thorne's. But if other folders - - -

THE COMMISSIONER: All right, all right.

30 MR GANDAR: - - - were intended to be put to other witnesses - - -

THE COMMISSIONER: So would it be better if we took a morning tea adjournment now and then you can look at these documents and ask Mr Thorne any further questions? It's probably an easier course.

MR GANDAR: I don't know if anybody else also wishes to ask Mr Thorne any questions based on the documents, but as far as we're concerned that would be suitable.

40 THE COMMISSIONER: Mr Chalmers?

MR CHALMERS: Sorry. I don't wish to ask Mr Thorne questions.

THE COMMISSIONER: Thank you.

MR CHALMERS: Just in relation to access to the DT documents.

THE COMMISSIONER: Yes.

MR CHALMERS: Whether I'm able to inspect the documents prior to my client, Kiera Edwards - - -

THE COMMISSIONER: Yes, yes.

MR CHALMERS: - - - going in the witness box - - -

THE COMMISSIONER: Yes.

10 MR CHALMERS: - - - or they're scanned, I don't care.

THE COMMISSIONER: All right.

MR CHALMERS: Yeah.

THE COMMISSIONER: Yes.

MR CHALMERS: But one or the other.

20 THE COMMISSIONER: All right. All right, well, then, I'll take a morning tea adjournment. We'll resume at 25 past 11.00. Thank you.

SHORT ADJOURNMENT

[11.07am]

30 THE COMMISSIONER: My apologies for that – for the delay. Just a couple of issues have arisen in relation to the boxes of documents to which there is parties who's could sought access, the Commission is in the process of obtaining some evidence in relation to the providence of the documents in the boxes because it appears that the boxes have been access for various purposes since they were used by individual Board members. So the Commission is not in a position to determine precisely whether or not the boxes contained Board papers at any particular point in time in relation to any particular individual Board member. And until we can resolve that issue the preferred course is that anyone seeking access to the boxes will be provided with access in a room in the Commission because at this stage we only have the original documents. We haven't been able to copy them. And to the extent that parties wish to have access to the boxes and the
40 documents in the boxes, it will be critical for our purposes that the parties ensure that they return documents to the sleeves or otherwise within the folders or documents that might be loose in the boxes in the order in which the documents are found. We don't know to what extent the contents of the boxes are going to become an issue in the proceedings. And as I said we need to preserve the providence of the documents in so far as they've come into our possession in that state.

So could I ask everyone to be a bit patient in that regard and we'll provide access as and when we can. As I understand it anyone seeking access to the boxes would probably only require the box that relates to their individual client Board member. It will be a logistical exercise of some proportions if there are people who wish to seek access to every single box and every document therein. But anyway, that's a problem we will have to approach or deal with as and when it arises. For the time being however, we can continue with Mr Thorne's evidence and we can probably continue for the balance of the day.

10

So who was, sorry, who was wishing to question, ah yes, Mr Gandar, do you want to continue questioning Mr Thorne?

MR GANDAR: Thank you, Commissioner, if I may just a few short questions.

THE COMMISSIONER: Yes. Yes.

MR GANDAR: Mr Thorne, you were shown before the adjournment a
20 cardboard box of documents and taken through a few of those documents by Mr Mack. Do you recall that?---Yes.

Thank you. I recall your evidence was, and please correct me if I'm wrong, that the boxes were not in Board meetings with you?---The boxes?

The boxes themselves?---No, not the boxes.

No. You had folders instead?---Yeah.

30 And those folders were ring binder folders. Is that right?---I think so, yeah.

So some of the documents in those folders were hole punched?---Yep.

But were others in plastic sleeves?---I can't recall.

Can't recall.---Yeah.

Okay. Have you ever seen those boxes before?---Boxes? No, not the
40 boxes. But we had folders.

The folders. Okay. And have you visited, on any occasion, the Gandangara offices at Moore Street and Liverpool?---I visited, what?

The office, yes.---Ages ago. And when I met with ICAC there a few weeks ago.

Okay. Before that? While you were a Board member?---Yeah, while I was a Board member, yeah. We had our meetings there.

So he was a Board member before that, obviously.---Yeah, yeah. Some time before that. So, yeah, he was a Board member. My mum was a member of the Land Council. Brother and sister worked for the medical centre that's run by the Land Council.

All right. Now, when you say your mum was a member, that's not a Board member, is it?---No, no. She was just a member of the Land Council.

10 And your sister, she was married to Mr Tobler, wasn't she? Rohan.---Yeah. Yeah, she was, yeah.

And your younger brother. And where do they work?---Yeah, they worked in the medical centre there at Marumali.

All right. But they haven't been Board members.---No.

And your mother still is a member, correct?---Yes.

20 But not a Board member?---Yeah, not a Board member.

All right. And why did you – were you invited, were you, to put your name in - - - ?---Yeah, well, I had Rohan, at the time was my brother-in-law at the time. He was telling me about the Board, and, you know, he was saying, "Look, come on, you know, there's so many things we can learn and, you know, it's a great opportunity for yourself."

30 What did you think you could achieve by - - - ?---I thought I could, you know, come on and be a voice for the Aboriginal community out there. I'm highly involved in, you know, in our community. I just wanted to jump on there and show support and be involved, really.

All right. And in terms of the community, your present job is working in a foster care agency.---Yeah.

And if I could just lead here, it's the largest Aboriginal foster care agency in Australia, correct?---Yeah, sure it, yeah.

40 Your mother and father were actually foster parents.---Yeah, that's right, yeah.

So when you grew up, you had foster children - - - ---Yeah, yeah, yeah.

- - - in the home?---Since I can remember, yeah.

All right. Now, that's a full-time job at the foster agency.---Yeah, I work there 9.00 to 5.00 every Monday to Friday.

All right.---Yeah.

And were you working there full-time when you were elected to the Board of GLALC?---Yes, yeah.

All right.---Yeah. Started at my current employment in 2010.

In 2010, you started in the full-time job at the foster caring, fostering agency. And you've got three children.---Yeah.

10 And did you have three children when you were elected to the Board?
---Yeah.

All right. Was it a surprise to you as to what went on at the Board meetings, as against what you thought might have been going to happen?---Yeah, I thought I was going to join the Board and just, you know, be involved in the decisions that impact our community, and I just wanted to be a voice and make sure the programs that were currently happening in the community kept going, 'cause I see the impact that they have on our people out that way. So I just wanted to be there and make sure those things, you know - - -

20

And the impact, that's the program, sir, at, if I could call it, the grass roots level - - -?---Yeah.

- - - isn't it?---Yeah, yeah.

And you've been asked here today about whether you were paid for anything. Did you ever get anything out of your time on the Board?---Nothing. No, not a cent.

30 Purely – not a cent?---Yeah. Purely – I volunteered my time, yeah.

Now, when you were elected - - -?---Yeah.

- - - and we'll say it was sometime May or thereabouts in 2012.---Yeah.

Did you know that Wendy Morgan, she's also Wendy Maybury - - -?
---Yeah.

- - - had resigned at the start of that year?---No, I didn't know. Yeah.

40

Did you know her before - - -?---Yeah, I know Wendy from - - -

- - - you joined the Board?--- - - - from out that way, yeah, but I didn't know she was – she resigned from the Board. I didn't know too much about the Board, you know, to me previously joining.

Had Rohan, I think that's your brother - - -?---Yeah.

- - - former brother-in-law, had he told you about those resignations?---No, no. I didn't, I didn't ask and he didn't tell me anything about it.

So does the same go for Vicki Wade and Dorothy Shipley that - - -?---Yeah, I didn't know that they were on there.

- - - you didn't know they'd - - -?---I didn't know they'd resigned. I didn't know.

10 All right.---Yeah.

All right. Now, as well as working fulltime in that – you're employment throughout the period you were on the Board, that's 2012-2014?---Yeah.

And having three children in school you are involved in other community activities - - -?---Yeah.

- - - at the same time?---Yes.

20 What are they – what were they?---I used to help the, the local police. We used to run boxing programs and touch football. We had a touch football team. The police would play in our touch football team and we'd go and play against other teams.

Right.---It used to happen every week.

All right.---Yeah.

30 So did you – what do you say if you had been aware of improprieties with the funds would that have been a matter of concern to you during your time on - - -?---Yeah, if I knew that, you know, what I was signing or what I was doing was, you know, wasn't the right thing no way would I have signed.

And I heard a word here yesterday, things supposedly – information passing on the Koori grapevine.---Yeah.

You hadn't heard anything about problems on the Board before you joined? ---No, not while I was on, not while I was on the Board and when I was – it was just when I – when everything happened after when I left the Board.

40 That's when stories were, you know, spread around the community.

Did you know there had been a court case hadn't you?---Yeah.

Did - - -?---Yeah.

What did you know about that?---I just knew about the court case and I knew everything (not transcribable) myself and, you know, things like that. That's all I really knew.

All right. And you resigned in the end I think, didn't you - - -?---Yeah, I did.

- - - from the Board?---Yeah, right at the end, yeah.

Right at the end of your time?---Yeah.

Yeah.---Yeah.

10

Why was that?---I just – as I was saying before yesterday and today it was just a bit too much for me. I didn't understand what was going on. I joined for reasons to help the community and when I was on there I didn't, I didn't understand exactly, you know, everything, all the - - -

Yeah.---.- - - court stuff and stuff with NSWALC I don't – had no understanding of that so just wanted to really just get out.

20 Were you the youngest or one, one of the - - -?---Yeah, I was one of the youngest, yeah.

On the Board?---Yeah, yeah.

But even after resigning you remain through your work and other activities heavily involved in the community?---Yeah, definitely, yeah, yeah. Still heavily involved out there in my community, yeah.

Thank you, Commissioner.

30 THE COMMISSIONER: Yes, nothing arising out of that?

MR HENRY: No, Commissioner.

THE COMMISSIONER: No. Thank you, Mr Thorne. You may step down. You're excused.---Thank you.

THE WITNESS EXCUSED

[12.34pm]

40

MR HENRY: Commissioner, the next witness is Ian Edwards and I call him.

THE COMMISSIONER: Just come forward, Mr Edwards. Ms Hughes, I take it you've explained to Mr Edwards the effect of a section 38 order?

MS HUGHES: I have, Commissioner, and he'll be seeking that order and also indicated he'd be making an affirmation.

THE COMMISSIONER: Thank you.

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.

10

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

20

THING PRODUCED

THE COMMISSIONER: Yes, just take a seat, Mr Edwards. And can we have the witness affirmed please.

<IAN EDWARDS, affirmed

[12.35pm]

MR HENRY: Mr Edwards when did you become a director of GLALC?---I was elected on the Board 2007.

2007. And did you remain on the Board up until 2014?---No.

10 No. When did you cease being a Director?---I think it was midway through 2011. I got sick, I was in hospital.

I see. So - - -?---(Not Transcribable) there.

So just so I understand you say you got appointed to the Board in 2011 and then stopped being a director later that year. Is that - - -

MS HUGHES: 2007.

20 THE COMMISSIONER: 2011.

MR HENRY: Oh sorry, 2007 you got elected to the Board?---Yeah, The very first Board.

Right. And then you say in what mid 2011 you ceased being a director? ---Yeah.

Did you become a director again at a later point in time or not?---No.

30 Now – and prior to becoming a director of GLALC what was your employment experience, just generally?---I worked on the CDEP programme.

I'm sorry you worked on?---The CDEP programme.

And what is that or what was that?---Just like working for the dole.

Oh, O.K.?---Yea.

40 I see. And what tasks did you do in that capacity?---Mowing lawns. Um, painting new houses.

O.K.?---Yeah.

Did you – have you been a director of an – have you ever been a director of an Aboriginal Land Council other than GLALC?---No.

And have you ever been a director of a company?---No.

All right. Did you upon becoming a director of GLALC receive any training or instruction about your responsibilities as a director of GLALC?
---Yeah.

Right. What was that?---(Not Transcribable) course.

Sorry?---The Davren courses.

Davren's courses?---Davren.

10

THE COMMISSIONER: Davren, I that D-A-V-R-E-N, Davren?---Yeah, Davren.

MR HENRY: And when was that sir?---Um, Glebe.

It was in Glebe?---Yeah, Randwick College.

Right. And when, when did you do that?---2007.

20

I see. So is this just after you became appointed a director?---Yeah, a Board member, yeah.

Right. And how long did that course go for?---A couple of days.

Do you recall what was covered in the course? What subjects?---What the responsibility of the Board was and, and CEO's job and you know, just basically (Not Transcribable).

30

Were you taught how to read financial accounts?---No.

Did you have any experience in that yourself?---No.

Were you taught about conflicts of interest?---No, no.

What about directors duties, were you taught anything about that?---No.

All right. There was this training that you received in 2007 at Glebe, was there any other training that you received in relation to your responsibilities at GLALC?---Yeah, I went to another school in Wollongong.

40

So you went to Wollongong?---Yeah.

Do you recall when?---About 2009 I think.

Right. Was it just the one time you went to Wollongong?---Was there for two days.

For two days there?---Yeah.

And are you able to recall what topics were the subject of the training in Wollongong?---It was just what the Board's duties were and yeah, just, yeah.

All right. When you say what the Board's duties were, can you be a little bit more specific? What duties do you recall being told about?---Can't remember, but it was duties about what the Board can do and couldn't do.

10 Right. And that was the only other occasion, was it, apart from the instruction you received at Glebe?---Yeah.

So you went to Glebe once and Wollongong once?---Yeah.

Do you recall being told anything about the Aboriginal Land Rights Act when you went to your training?---Yeah.

Right. Were you told about that at Glebe?---At Glebe and Wollongong.

20 All right. And can you recall, if I deal with it one at a time, at Glebe what were you told about the Aboriginal Land Rights Act? Do you remember?
---No, I can't remember that, no.

All right. What about Wollongong? Can you recall what you were told about the Aboriginal Land Rights Act in Wollongong?---No.

So you remember the name Aboriginal Land Rights Act, but you can't recall what you were told about it, is that right?---Yeah.

30 All right. I'm going to show you a copy of part of the Aboriginal Land Rights Act. Now, Mr Edwards, you've got in front of you a copy of section 78B of the Aboriginal Land Rights Act. Have you ever read legislation before?---Parts of it.

Okay. Have you read section 78B of the Aboriginal Land Rights Act before?---No. I've read parts of the Act.

Okay.---Yeah.

40 Now, you'll see section 78B is headed "Certain persons must not be employed as chief executive officers." Can you see those words?---Yeah.

And then beneath it is a little 1 in brackets, and it says, "The following persons must not be or continue to be employed as the chief executive officer of a Local Aboriginal Land Council." Can you see those words?
---Yeah.

And if you have a look, there's a sequence of subparagraphs. I've asked you to go to subparagraph E, the little E in brackets. Can you see that?---E? Yeah.

Yeah, it says, "A person who has an interest in or is an employee of or concerned in the management of a corporation that receives a benefit from the council." Do you see those words?---Yeah.

10 Now, what I want to suggest to you is that a person who meets the description in subparagraph E is not allowed to be a chief executive officer of a Local Aboriginal Land Council. Do you follow that?---Yeah.

Now, were you aware of that when you were a director of GLALC?---No, I can't remember, but, yeah.

Well, do you remember anyone ever telling you that?---No.

20 Were you aware, when you were a director of GLALC, of a company called Waawidji Proprietary Limited?---No.

Have you ever heard of that name before this hearing, Waawidji?---Yeah, I think I have.

Right. Do you recall when?---When I was at a general meeting of the Land Council.

Oh, okay.---Members' meeting.

30 Right. And what do you recall was said about Waawidji at that meeting? ---Well, it wasn't said at a meeting, but I was at a meeting and a certain person told me.

Right. What did they tell you?---That Waawidji was the CEO's business.

I see. Do you recall when? When that meeting was when you were told that?---No, it was at one of the general meetings. I can't remember when, what meeting it was, but - - -

40 All right. I know it wasn't a directors' meeting, it was a members' meeting, but did it occur whilst you were a director of GLALC?---Yeah.

Yeah? Are you able to recall if it occurred shortly after you became a director?---Yeah, yeah, yeah.

So would it have been 2007 or 2008?---Would have been about 2007.

All right. Now so you understood did you from that time on that Waawidji was a company that Mr Johnson used to run a business. Is that a fair way of

reflecting your understanding?---Yeah, that's what the person told me at a meeting, yeah.

Okay. And you can't recall who the person was?---I know who it is but I don't want to mention names.

Oh I see?---Yeah.

Anyway you believed the person who told you?---Well no.

10

You disbelieved them?---Yeah. I didn't know what he was talking about and I said no, I don't know anything about Waawidji. It was as simple as that.

Right. I'll ask you this, was it Mr Johnson who told you or not?---No.

All right. Following that conversation about Waawidji did you hear about Waawidji from anyone at any other time?---No. Only at that general meeting.

20

All right.

THE COMMISSIONER: Was this a member who told you this or was it a Board member who told you this?---No, it was a member.

A member of the - - - ?---Former CEO of Gandangara Land Council.

Right. Thank you.

30

MR HENRY: Were you aware – I'll withdraw that. Was it your understanding whilst you were a director of GLALC that Mr Johnson could not be the CEO of GLALC if Waawidji received any benefits from GLALC?---No.

You didn't understand that?---No.

All right. And no one ever said that to you or anything to that effect whilst you were a director?---No.

40

All right. As far as you were concerned is this, is this accurate, Mr Johnson could be the CEO of GLALC even if GLALC paid Waawidji money? ---Well like I said, I didn't know about, about paying Waawidji money.

No, no I appreciate that. But as far as you were concerned, as you understood things Mr Johnson could be CEO of GLALC even if at the same time GLALC paid money to Waawidji?---Well no.

Well you've got to remember - - -

Yes?--- - - - that the, the members of Gandangara Land Council put the CEO in, they voted him in as CEO.

Yes?---And that was at an AGM.

I understand that?---Yeah.

Yes?---Not the Board members, it was local members, yeah.

10

That was in 2007 wasn't it?---Ah hmm.

Yes. I'll come to what happened later in 2010, but not straight away. Perhaps if we go to the last page of the document I've handed to you, section 152. This is again the Aboriginal Land Rights Act, sir?---Yeah.

You'll see it says each Local Aboriginal Land Council is to establish in an authorised deposit taking institution an account, called Local Aboriginal Land Council's Account. Can you see that?---Yep.

20

And then in sub-paragraph 3 it says, "The following needs to be paid from the Local Aboriginal Land Council's account", and then there's three things, a), b) and c). Can you see a), b) and c)? Do you see that?---Yeah.

And a) says amounts required for the acquisition of land by the Council where that acquisition has been approved in accordance with this Act. Can you see that?---Yeah.

30

b) amounts required to meet expenditure incurred by the Council and the execution of administration of this Act. Do you see that?---Yep.

And then c) any other payments authorised by or under this or any other Act. Do you see that?---Yeah.

Now what I'm suggesting to you sir, is that the only payments that could be made out of GLALC's bank account were for the purposes identified at a), b) and c) that I've just read out to you. Do you understand that?---Yeah.

40

Now were you aware of that when you were a director of GLALC?---In some parts.

Right. What were you aware of?---That, well there were accounts, we had a treasurer and she had to pay all Gandangaras bills and that, the same girl, yeah.

So your understanding was the treasurer had to pay Gandangara's bills? ---Well the accountant, yeah.

Right. Who was the treasurer that you're referring to?---Hey?

Who's the treasurer that you were referring to?---Oh, I don't want to mention names.

I'm sorry?---I don't want to mention names.

THE COMMISSIONER: Is there a reason why you don't want to mention names?---Hey?

10

Is there a reason why you don't want to mention their names?---Yeah.

Well, I'm sorry, I'm trying to be sensitive about this. It's not because of any cultural reason, is it, that you don't want to mention their names?---No, it's just, no, like, I don't want all this to fall back on me if I mention names and that.

20

Mr Edwards, I'm not quite sure that this has been explained to you, but it needs to be explained, because no-one coming before the Commission has the right to refuse to answer questions. And that's one of the reasons why I read out the section 38 order.---Yeah.

Can I just explain to you again what that means so that you understand that you're protected, in a sense? Do you understand that?---Yeah.

30

The order that I read out at the beginning means that anything that you say in this room can't be used against you in any future civil or criminal proceedings. So no-one can take proceedings against you on the basis of what you've told us here in this room. Do you understand that?---Yeah.

The only exception to that rule is if the Commission forms the impression that you're being deliberately misleading or dishonest.---Right.

So provided you are absolutely honest in the answers that you give to all the questions that are asked, then nothing adverse can happen by way of proceedings against you. You appreciate that?---Yeah.

All right. So can you answer the questions now?---Karen Maltby.

40

MR HENRY: All right. Thank you. So your understanding was Karen Maltby paid the bills for GLALC, yes?---Yeah, as - - -

Yes?---As approved by the Board.

Well, when you say "as approved by the Board", do you say that the expenses of GLALC were brought before the Board for approval before they were paid?---Yeah.

I see. What expenses do you recall being asked to approve as a director of GLALC?---Well, bills.

Yes. Which bills?---You know, registration of our cars.

Right.---Petrol. Petrol, you know, just everyday use of Gandangara.

10 Right. Well, perhaps I'll come back to that in the context of the Board, the way in which the Board operated. But you say that individual expense items were approved by the Board prior to their payment. Is that right?
---Yeah.

I see. Just returning to section 152 of the Aboriginal Land Rights Act. Have you got that?---Yeah.

I understand you say that Karen Maltby paid bills on behalf of GLALC whilst you were a director of GLALC.---Ah hmm.

20 But did you understand that the only purposes for which payments could be made from GLALC's bank account were the three purposes identified in that subparagraph 3A, B and C?---Yeah.

Did someone tell you that when you were a director of GLALC?---No. I just worked it out myself, yeah.

Oh, you worked it out now?---By reading it, yeah.

I see. I'm asking you about when you were a director of GLALC.---Right.

30 Did you know that, whilst you were a director of GLALC, did you know that the only purposes for which payments could be made from GLALC's bank account were the ones identified in subsection 3A, B and C?---Yeah.

Do you say someone told you that?---No, no-one's told me.

All right. How did you know that, then, when you were a director of GLALC?---As a Board, that's what I thought boards were supposed to do, board members.

40 That's just something - - - ---Authorise payments of expenditures and whatever.

All right. All right. Perhaps you can hand that back. Thank you. Now, I want to show you, sir, volume 8, page 245. Some minutes of a meeting. Now, you should have in front of you, Mr Edwards, minutes of the GLALC Board meeting of May 2010. Is that what you have?---Yeah.

And you're said to be present at the meeting. Correct?---Yeah.

Now, I'll come back to the detail of this meeting probably after lunch it will be. I want to ask you some general questions about the manner in which the Board meetings proceeded. Do you understand?---Yeah.

Now, were you ordinarily provided with Board papers prior to the meeting?
---Yeah.

And how was that done?---It was in a folder with the agenda, yeah.

10

And did you receive that upon arrival at GLALC's offices for the meeting or before then?---It was tabled in our folders.

Right. When you say it was tabled, what would happen, you'd turn up to the offices for the meeting. Is that right?---Yeah. We'll have a feed and while we're having a feed we'll read through the agenda.

20

Right. And the agenda was what, the one-page item – document that showed you what was coming up at the meeting. Is that right?---No, the previous meetings.

Sorry, what?---The previous meetings.

Oh, you're talking about the minutes perhaps?---Yeah, from the previous meetings.

The minutes from the previous meeting perhaps?---Yeah.

30

All right. Do you recall there being anything else you read whilst you were having your dinner?---No, just general discussions.

All right. Then how, how long before usually between you arrived at the offices for the meeting and the commencement of the meeting?---What was that?

How long was there usually between when you arrived at the offices of GLALC and the commencement of the meeting?---Well, the meetings normally start at 6.30. I would, I, sometimes I arrived about 6.00.

40

Right. And then what, you'd have dinner - - -?---Yeah.

- - - at 6 o'clock?---Yeah, something like that.

And then the meeting would start at half past 6.00?---Yeah.

All right.---By that time I've read the agenda.

All right. And do you recall how many pages you read?---A couple. Maybe two, maybe three.

All right.---Can't remember.

Okay. You don't recall receiving any Board papers by email before the day of the meeting?---No, I haven't even got a phone so how can I get emails.

10 All right. I understand. Now, you see the minutes. If you have a look at page 245 you will see the minutes record motions, motion 1, motion 2, motion 3. Do you see that?---Yeah.

Now, is this accurate, the way in which the meeting progressed was that Mr Johnson would be on – he'd be present and with his computer?---Yeah.

Is that right?---Yeah.

20 And then he'd type words into his computer and it would be put up on a screen, an overhead screen for everybody to see.---Yeah.

Is that right?---Yeah.

And did he type up the words that were in the motion, so for example, with motion number 1 it says, "The Board moves that the minutes of the meeting held on 29 March, 2010 are accepted." Do you see those words?---Yeah.

Did he type those words and they go up on the screen?---Yeah.

30 Did he type other words or just the words that there were the subject of the motions?---Just the subject of the motions.

All right. And so the words go up on the screen. Then what happens? ---We'll have a discussion then we'll have a vote.

Right. Now, you have a discussion and then see how it says someone moved it?---Yeah.

So did someone say yeah, I'll move it?---Yeah.

40 And then someone says I second it?---Yeah.

Is that how it worked?---Yeah.

And then after that happens – you mentioned a vote a moment ago. How did that work?---Well, we'd discuss it.

Yeah.---Someone moves the motion, someone second it then we'll have a vote.

And did you vote by showing your hands or how did it work?---Yeah, by, by hand, sometimes by mouth.

But everyone – you go around the room and everyone would say whether they agreed or disagreed?---Yeah.

All right. You see how it says the motion or motion 1 in this instance is carried, can you see that word carried?---Yeah.

10

Do you ever recall a motion not being carried?---No, I can't remember.

All right. Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes. Yes. Mr Edwards, if you can return just on 2 o'clock we'll resume. Yes, Mr Mack, did you want to - - -

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MR MACK: Commissioner, can I just make a quick application in relation to the statement of claim and the defence that you gave us access to yesterday.

THE COMMISSIONER: Oh, yes. Yes.

MR MACK: Ms Ronalds would like copy access to those documents so she can prepare in chambers. Is that okay?

THE COMMISSIONER: Yes. I don't have any problem with that. They can be copied.

30

MR MACK: Thank you, Commissioner.

THE COMMISSIONER: All right. Thank you.
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LUNCHEON ADJOURNMENT

[1.00pm]