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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 TUESDAY 17 MAY 2016

AT 2.10PM

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

THE COMMISSIONER: Yes, Mr Henry.

<IAN EDWARDS, on former affirmation

[2.10pm]

MR HENRY: Thank you, Commissioner. Mr Edwards, before lunch I was asking you some questions about the process adopted at Board meetings of GLALC. Do you recall that?---Yeah.

10

I want to ask you now about a particular meeting, and that's the meeting of 2 or 3 May, 2010. Do you still have volume 8 there, sir?---Volume 1, eh? Oh, yeah. Number 8 on it, yeah.

Right. And page 245 is where you were previously. Have you still got that page?---Yeah.

20

All right. You'll see there motion 2 reads, "The Board resolves to accept the new CEO contracts as tabled, effective as at 1 May, 2010, and authorises the chair to sign the contracts." Do you see that?---Yeah.

Now, I'll ask you to be provided with volume 11. Just wait for a moment and we'll give you volume 11.---All right.

Leave volume 8 open where it is, please.---Yeah.

30

And then volume 11 at page 131. Now, you should have, at page 131 of volume 11, a photocopy of a slide that says, "CEO's current base salary package." Is that what you have?---Yeah.

Now, you'll see from pages 131 through to 134, there's a number of copies of slides. Do you see that? Just have a look at the hard copy and turn over from 131 through to 134, please, Mr Edwards.---What was the numbers again, eh?

131 to 134.---Yeah. Yeah.

40

Now, what I want to ask you is whether you recall, at the Board meeting in May 2010 to which I've referred you - - - ---Right.

- - - was there a slide presentation made that included these slides, at pages 131 to 134?---I can't remember. Yeah. I'm looking at it. I can't remember.

All right. Do you remember a Board meeting at which Mr Johnson's remuneration as CEO of GLALC was discussed?---No, I can't remember.

All right. Do you understand, when you're a director of GLALC, that Mr Johnson had a contract with GLALC to be paid a salary for him being CEO of GLALC?---What was that?

Did you understand that there was a contract that Mr Johnson had with GLALC for his wages or salary as CEO of GLALC?---I knew he had a contract, yes.

Yeah. Did you ever see it?---No. Can't remember.

10

Well, when you say no, you can't remember, is your best recollection that you never saw a contract between Mr Johnson and GLALC? Or is it you may have but you just don't recall?---I just don't recall.

All right. If you have a look at the slide copy commencing at page 131, you'll see the first slide says, "CEO's current base salary package of \$148,951." Can you see that?---Yeah.

20 Now, were you aware of what Mr Johnson was paid for being CEO of GLALC - - - ?---No.

- - - in May 2010?---No.

At any time?---No.

All right.---Wasn't mentioned

I'm sorry?---Wasn't mentioned.

30 Wasn't mentioned?---No.

No one ever referred to it at a Board meeting?---Not that I recall.

All right. If you have a look at page 133.---133.

You will see that says, "CEO's proposed salary effective 1 May, 2010, \$180,000." Can you see that?---Yeah.

40 Now, that's obviously a higher number than the number at page 131 which was 148-odd thousand. Do you agree?---Yeah.

Do you recall at a Board meeting any discussion about a proposal to increase Mr Johnson's salary as CEO of GLALC?---No, I can't remember.

All right. If you have a look at page 134.---134.

There's another slide or a copy of a slide. It says, "CEO's proposed contract effective 1 May, 2010", and do you see that it says in the second

dot point, "Term of contract five years plus five year option", can you see that?---Ah hmm.

Do you recall anyone ever talking about an option in relation to Mr Johnson's contract for employment?---No, I can't remember.

All right. The next dot down refers to, "Bonus conditions remain unchanged." Do you see those words?---Yeah.

10 Were you aware when you were a director of GLALC that Mr Johnson may be entitled to a bonus?---No.

All right.---No.

What about Waawidji receiving a bonus, did you ever hear about that?---No.

Were you ever asked will you agree to that?---I can't remember.

20 All right. You will see the last dot point on page 134 says, "Jack remains an employee of GLALC and contract employee of GMS." Can you see that?---Yeah.

Do you recall anyone ever referring at a Board meeting to a contract involving GMS?---No.

No. All right.---Can you tell me what GMS stands for.

Do you know what I stands for?---No.

30 All right. Have you heard of Gandangara Management Services?---No, I can't remember.

No?---That's why I asked you.

40 Okay. I'll show you a document, a different document. We'll come back if we may to this particular meeting but given what you've just said I want to see if I can assist you. Volume 1 at page 258. Mr Edwards, you should see at page 258 there some diagrams on a page. You see two diagrams, one's headed Original Structure and the other one's New Structure. Can you see that?---Yeah.

I'll ask you to focus on the original structure please. Have you ever seen that diagram before of the original structure?---Oh, I can't remember but I vaguely remember but, you know, I'm not, I'm really not sure.

All right. You see how it says members and then there's an arrow to Gandangara Local Aboriginal Land Council?---Yeah.

Then there's another arrow to Gandangara Development Services Limited. Can you see that name?---Yeah.

Have you ever heard of that company before, Gandangara Development Services Limited?---No.

The across – there's an arrow that goes across the page to Gandangara Management Services Limited. Do you see that?---Yeah.

10 That's the company that I was referring to before as GMS. Do you understand?---Right, yeah.

Yeah. But I gather from your answers earlier, before I've mentioned that to you you've not heard of that company before. Is that right?---That's right.

Now, look at the next company in the list. It's Gandangara Employment and Training Limited. Do you see that name?---Yeah, there's two.

20 Well, there's one company called Gandangara Employment and Training Limited - - -?---Yeah.

- - - in a balloon on the page. Can you see that?---Yeah, yeah.

Have you heard of that company before?---No.

What about the next one, Gandangara Future Fund Limited, have you heard of that company before?---I don't think so.

30 All right. What about the next one, Gandangara Health Services Limited, have you heard of that?---Oh, yeah, sort of.

Right. What do you know about that company?---It was Gandangara's medical centre.

I see.---1-1-4 I believe.

What was that?---1-1-4.

40 What's 1-1-4, sir?---Medical Service (Not Transcribable)

Right. Do you know – I withdraw that. What about the next company which is next to it, which is called Marumali Limited. Have you heard of that before?---That's what 1-1-4 is Marumali.

Oh, I see. What about the next company down, Gandangara Housing Services Limited. Have you heard of that company?---No.

What about Gandangara Transport Services Limited, have you heard of that company?---Yeah.

What do you know about that company?---Well mostly that they had vehicles to transport elderlies to, to and from doctor's appointments and whatever, the shops and people had school children, to and from school.

All right. What about the next one, the next underneath that is Statewide Aboriginal Services Limited. Heard of that?---No.

10

No. What about Sydney Aboriginal Services Limited, have you heard of that ?---No.

All right. What about Sproule Road Limited, heard of that?---No, I can't recall.

All right. What about Lot 3 Barden Ridge Limited. Have you heard of that?---No.

20 And then Gandangara 101 Limited. Have you heard of that?---No.

Now you might find this an odd question given what you've just told me, but whilst you were a director of GLALC did you understand at any time that you were a director of any of these other companies in the, in the diagram that I've just taken you through?---Yeah.

All right. Which ones?---Well once you become a Board member - - -

30 Yes?--- - - - you automatically go on to these as directors as part of the Board.

How do you know that?---Well that's what we were told at the governance course.

At the what sorry?---When we went to governance.
When you went to your training?---Yeah.

40 You were told if you were a Board member of GLALC you were a Board member of the other companies?---That's what I thought, yeah.

Right. Did they tell you what the other companies names were?---No.

All right?---I'm just assuming that's what it was.

Oh, okay?---Yeah.

And did you agree to becoming a director of other companies as well as GLALC or not?---No, I can't remember, mate.

Right. Okay. Perhaps if you hand back for the moment volume 1, please Mr Edwards. And I'll ask you to go back then to volume 8 and the minutes of the Board meeting at May 2010?---Yep.

Now you'll see there in motion 2 it says, "The Board resolves to accept the new CEO contracts as tabled. Do you see those words?---Yeah.

10 Now what I want to do is show you, sir, some contracts and see if you can tell me whether these are the contracts – whether these contracts were tabled at the meeting. Do you understand?---Yeah.

All right. So the first one I'll show you is in volume 11 at page 96. So Mr Edwards you should have in front of you a page that says, "this agreement is made on the date set out in part 1 of schedule 1 hereto between Mark Julius Johnson and Gandangara Local Aboriginal Land Council". Is that what you have?---Yeah.

20 Now if you could have a look please, it's probably easier for you to use the hardcopy for this. But this, this agreement goes from pages 96 through to 110. And I'll ask you to have a look at those pages, 96 through to 110 with a view to answering this question, Mr Edwards, do you recall if that contract was tabled at the Board meeting in May 2010?---So you want me to read from 96 to 110?

Well you can read it or look at it to the extent that you need to for the purposes of answering the question, was this contract tabled at the May 2010 Board meeting?---Yeah.

30 Right. Are you able to answer the question whether that document was tabled at the May 2010 Board meeting?---Well, if it was, I don't remember.

Have you had a chance to look at that document?---Yeah, parts of it, yeah.

Right. Are you able to answer the question whether that document was tabled at the May 2010 Board meeting?---Well, if it was, I don't remember.

40 Right. All right, have a look at the next one. The next one is a document, an agreement, starting on page 112. Can you go to page 112, please, Mr Edwards? Do you have page 112 there, sir?---Yeah.

Now, that's an agreement between Waawidji Proprietary Limited and Gandangara Management Services Limited. Do you see that?---Yeah.

Now, that document goes from page 112 through to page 128. And again, could you look at that document with a view to answering the question was that document tabled at the May 2010 Board meeting?---Yeah.

You've had a chance to look at that document, Mr Edwards?---Yeah.

Are you able to say whether that document was tabled at the May 2010 Board meeting?---Well, if it was, I can't remember.

All right. If you go back to the minutes on page 245 of volume 8.---Yeah.

You see motion 2 refers to the Board resolving to accept the contracts as tabled, effective as at 1 May 2010, and authorises the chair to sign the contracts. Do you see that?---Yeah.

10

Do you recall whether you voted in favour of that resolution?---No. Can't remember, mate.

All right. If you have a look at the people who attended the meeting, under the heading "Attendance" at the top of the page.---Yeah.

Do you see that list of names?---Yeah.

20

Can you recall whether any of those people approved the resolution at motion 2?---What do you mean by - - -

Sorry, what I mean is, see the list of names under the heading "Attendance"?---Yeah.

Did any of those people vote in favour of motion 2? Can you remember?---No.

All right. You don't remember?---I can't remember, yeah.

30

All right. Now, in the evidence that you gave before lunch, you might recall I asked you about expenses and the Board's involvement, if any, with approval of expenses. Do you remember that?---Yeah.

And you said that the Board approved expenses. Do you remember that?---Yeah.

You said Ms Karen Maltby paid the expenses and the Board approved them. That's what you said. Do you remember?---Yeah, no, yeah.

40

Well, if you have a look at page 245 and the minutes, the minutes proceed with motions that are moved, seconded and carried. Do you recall that?---Motion 3?

No. Just generally speaking the – do you recall the minutes refer to motions?---Right.

And they're being, they're being carried. Do you agree?---Yeah.

When you say that the expenses were approved by the Board, are you suggesting that there was a motion pursuant to which that was done?---Can you explain it a bit more.

Yes. Well, let me go about it another way. What information were you provided on the Board do you say about expenses for you to approve?
---Financial report.

A financial report?---Yeah.

10

Right. And were you ever asked to approved expenses incurred by Mr Johnson?---No.

Were you ever asked to approved expenses incurred by Widji – Waawidji I'm sorry?---No.

And – all right. Do you recall ever being asked to approved a bonus in favour of Mr Johnson?---Say that again please.

20

Do you recall being asked to approve a bonus to be paid to Mr Johnson?
---No.

What about a bonus to be paid to Waawidji?---Like I said I, I only found out what, what Waawidji is. You know what I mean?

All right.---Yeah.

I understand. Now - - -?---And the question is no.

30

Thank you. Now, I've got a question for you about a later period in time. Could Mr Edwards please be shown volume 10 at page 121. Now, Mr Edwards, you will see this is a Board meeting of 10 December, 2012. Can you see that?---Yeah.

Now, you're identified under the heading Apologies. Do you see?---Yeah.

Which suggest you weren't present at the Board meeting. Do you agree?
---Well, yeah.

40

Now, one of the reasons I take you to the set of minutes is when I asked you earlier when you ceased being a director of GLALC you said you thought mid-2011. Do you remember saying that?---Yeah.

Is that incorrect?---Yeah, well, like I said I actually didn't resign from the Board - - -

Right.--- - - - when I, when I left.

Okay. So what was your reference to mid-2011 a reference to?---I was in hospital.

I see. Well - - -?---I was pretty crook.

All right. So did you go into hospital in mid-2011?---Yeah.

Did you as far as you can recall attend Board meetings after that point in time?---No, never.

10

Right. Did you have anything at all to do with GLALC after you went into hospital?---What do you mean by that?

Yes, it's probably too broad. I'm sorry. I understand you said you didn't attend any Board meetings after you went into hospital.---Yeah.

What about members' meetings?---No, never even went to them.

20 All right. I'll show you something else then. At volume 5, page 131. You will see here, Mr Edwards, a circulating resolution of directors. Is that what you've got?---Yeah.

And you will see down the bottom of the page on the left-hand side it says, "Signature of Ian Edwards" but there's no signature there. Can you see that?---Yeah.

Were you in hospital at the time of this document that is 15 January, 2014? ---No. I went, I lived in Tingha.

30 Right. Where's Tingha please? Just describe - - -?---It's the town where I was born.

All right?---New England.

Okay, New England. So at this point in time you were living in New England. Is that right?---Yeah.

So you weren't attending any GLALC's directors or members meetings. Correct?---That's right.

40

Were you sent this document?---No.

All right. So you've not seen it before today?---That's right.

All right. You can hand that volume back, thank you Mr Edwards. When you ceased attending Board meetings in about mid 2011 were you still notified of Board meetings or not?---No. Oh I might have been but I, I just can't remember.

All right. Just bear with me for a moment, please. Yes, I have no further questions for Mr Edwards.

THE COMMISSIONER: Thank you. Does anyone have any questions for Mr Edwards?

MR GANDAR: Yes, Commissioner.

10 THE COMMISSIONER: Yes. Mr Gandar, it probably is better if Mr Mack goes first I think and then we'll, there might be some questions that arise out of Mr Mack's questioning, so we'll take Mr Mack first. Does anyone else have any questions of Mr Edwards? No. Go ahead Mr Mack.

MR MACK: Mr Edwards, my name is James Mack. I represent the Registrar of the Aboriginal Land Rights Act. I just want to ask you a couple of questions and I just want to focus first of all in on what meetings you attended when. Can the witness be shown volume 9 at page 183? And you'll see in the top under attendance there that you're noted as attending. Do you accept that?---Well me name's there.

20

But do you recall being there on 10 October, 2011?---No, I can't.

But to the best of your recollection it was some time in mid-2011 when you went into hospital and stopped attending meetings. Is that correct?---Yep.

All right. Can you flip over to page 288, sorry, 188. And sorry, Mr Edwards, if I can get you to turn to page 188 and motion 7. And can you read that, please Mr Edwards?---Yeah, um, the Board, you want me to read it to you?

30

Just read it to yourself?---Right. Okay. Yep. Yep.

And after having read that do you know what a pecuniary interest declaration is?---No, not really.

All right. But you accept that motion 7 says words to the effect that it notes and accepts that you made a pecuniary interest declaration?---Right.

40 Yes. Do you accept that? You accept that's what motion 7 says?---Yeah.

All right. But you don't recall if you were at that meeting? If you flick back to page 187.---Right, yeah.

If I can just get you to turn back to page 187.---Yeah.

And you'll see it's minutes of the GLALC Board meeting, 12 December, 2011.---Yeah.

And you don't recall being at that meeting, do you?---Yeah, that's right.

You don't recall? All right. Can I take the witness just to one document in one of those boxes that were produced? Can the witness please be shown the box which is marked E14 and ending in 55? It's got a red 2 next to the – and just for the sake of the transcript, what I'm handing to the witness, it's got an ICAC identifier E14/0362/29/55. And that's on the plastic bag on the front. Mr Edwards, can you see your name on the sticker on the front of that box, at the very front, near your right-hand there? No, no, on the front.
10 That's the top. On the front of the box.---Yeah, yeah.

All right. I just want to take you, if you flick through there. And just be careful taking documents out of that box. But there's one document in there that I've put a large yellow sticky note on.---Yeah.

You see that?---Yeah.

And it says, "Congratulations on your election." Do you see that?---Yeah.

20 And it's got a date of 10 October, 2011.---Right.

Can I just get you to have a quick look through that document? And tell me if you recollect ever seeing it before.---Right.

Can you recall ever seeing that document before?---No.

No. All right. Can you just flick to page – you'll see page numbers on them. And they're in the bottom right-hand corner. Page 17.---No, can't see any page numbers.
30

Perhaps if I can just ask the person assisting. I'm looking for a blue document. There's a blue background to it, and there's page 17 of the one with the blue background. It's titled "Pecuniary Interest".---Oh, yeah. Right, yeah.

And is that titled "Pecuniary Interest"?---Yeah.

Does that refresh your memory about what a pecuniary interest declaration is?---No, not really.
40

All right. All right. They're all the questions I have in relation to that document, Mr Edwards. I just want to move on to a couple of other areas.

THE COMMISSIONER: Mr Edwards, did you have any part-time employment or any income or any business that you ran that could have conflicted with your duties as a Board member of the GLALC?---Can you explain a bit more, please?

Well - - - ---In 2011?

Yes, in 2011. A pecuniary interest suggests that you had some kind of financial interest that conflicted with your duties as a Board member. Either you received some income from GLALC or perhaps you were temporarily employed by one of the entities or something like that. Did you have any source of income like that from any of the GLALC entities?---Not while I was in the hospital.

10 In 2011?---Yeah.

What about at any other time?---After 2011?

Or before, yes.---You know what? I had a job at Gandangara.

And when was that?---I think it was about 2000 maybe 8 or something, yeah.

20 2008?---Yeah.

A long - - -?---Something like that.

A long time before?---Yeah.

And when was it that you finished that job?---Well, when I got sick.

I see.---Yeah.

30 Right.

MR MACK: And what was that, what was that job you had at Gandangara in 2008?---Just, I think I was development services. I was mowing lawns.

All right. All right.---All the elder, elder people and so on. You know what I mean?

I understand.---Yeah.

40 Can the witness be shown volume 1, page 258.---Yeah.

And you will see on this document there's a list of other entities that are controlled by GLALC on the left-hand side under Original Structure. ---Right.

I just want to ask you a few questions about those entities in particular. I know you've given some general evidence about not having received money from any other entity but just in relation – if you could just read through the entities on the left-hand side under Original Structure.---Right. Yeah.

All right. And have you ever received any sitting fees for attending a meeting of any of those entities?---No.

All right. Have you ever been reimbursed for any expenses in relation to any of those entities?---No.

Have you received any wages from any of those entities?---No.

10 Have you - - -?---I can't remember what - - -

All right. Have you received any loans from any of those entities?---No.

No. Okay. And you recall giving evidence before about having training in Glebe in 2007?---Yeah.

Do you recall receiving – did you pay for that training do you know, Mr Edwards?---No.

20 Do you know who did pay for it?---No.

All right. And you recall giving evidence about some training you received in Wollongong?---Right.

Do you know who paid for that training?---Land Council.

Land Council paid for it.---As far as I know.

Okay. Is that the Gandangara Land Council?---Yeah.

30

And do you recall who paid for your travel down there?---I went in me own car.

And you paid your, paid for your own fuel?---Yeah.

Okay. All right. And just finally, in relation to – I'm done with that document. I want to move onto one final area in relation to your relationship with other people on the Board and Mr Johnson. I'll start with other members on the Board. Did you have a co-operative working relationship with other Board members?---When I was on the Board?

40

When you were on the Board, yes.---Can you explain it a bit more, mate.

Yeah, I'll try. When you went to Board meetings - - -?---Right.

- - - did you have – did you get along with other Board members?
---Sometimes.

Yes. And did you ever have discussion or debate with other Board members?---Sometimes.

All right. And in relation to Mr Johnson did you trust his judgement?---On occasions.

And on some other occasions you didn't. Is that correct?---If you could say that.

10 And can you recall an occasion for example when you didn't trust his judgement?---Not off me head.

All right. They're all the questions I have.

THE COMMISSIONER: Mr Edwards, do I take it that there were times when you had disagreements with other Board members?---(No Audible Reply)

20 Were there occasions when you had disagreements with other Board members?---Right.

Is that right?---At a meeting?

Yes.---Yeah.

And you would express your views at that Board meeting?---I always did.

Always did. Sorry, Mr Gandar, I think you wanted to ask some questions.

30 MR GANDAR: Yes, thank you, Commissioner. Mr Edwards, my name is Aidan Gandar. I represent Mr Johnson.---How you going?

Good, thank you. You gave some evidence earlier to questions from Counsel Assisting about presentations by Karen Maltby - - ----Right.

- - - relating to the expenses. Do you recall that evidence?---Yeah.

Did, sorry, did Ms Maltby attend every Board meeting that you were at? ---Not all the time.

40 In the early few years?---Oh, yeah.

Yes. And do you remember the discussion about the expenses which she learnt?---Well there was a discussion after she did her report, the Board members had a discussion and, you know what I mean?

So she gave a report first - - -?---Yeah.

- - - and then she talked about what payments the Land Council was having to make for various expenses and things like that. Is that right?---Yeah, that's the way it was, yeah.

All right. And in your understanding did she talk about all of the expenses of the Land Council or was it just the - - -?---No, the major ones.

The major ones. Okay. Is it possible that some of those expenses she talked about included expenses which Mr Johnson had incurred?

10

MR HENRY: I object. That's not going to assist. Is it possible that - - -

THE COMMISSIONER: Well, anything's possible.

MR HENRY: Yeah.

MR GANDAR: I can rephrase the question, Commissioner.

THE COMMISSIONER: Yes.

20

MR GANDAR: Did you recall ever considering any of Mr Johnson's expense in particular?---No.

No. Okay. Do you remember how long these discussions used to take generally?---It'd all depend how long the financial report was.

Sure. Were they at times quite long?---Sometimes.

30

Sometimes. Do you remember when this, this practice stopped?---Well I can't, I can't remember, but it'd been stopped, yeah.

THE COMMISSIONER: Sorry, what practice are you talking about?

MR GANDAR: The practice of Ms Maltby giving financial presentations.

THE COMMISSIONER: Giving presentations.

40

MR GANDAR: Including discussions of expenses?---No, I can't remember when it stopped, but it did stop.

Okay. Do you know why it stopped?---Because it was too much for the Board.

It was too much?---Yeah.

Okay. And do you mean by that that it took too long to go through all of the expenses?---Well yeah, you better believe it.

Some of these Board, sorry, some of these Board meetings went for a couple of hours didn't they?---Yeah.

And a lot of that time was being taken up reviewing particular expenses?
---Sometimes, yeah.

10 Okay. Thank you. I'd like to ask you a couple of questions now about the Board meeting in May 2010. You might recall Counsel Assisting asked you some questions about that meeting. I have a box of documents I'd like to show you. They're currently with Mr Mack. For the transcript this is the box in a plastic bag with property identification tag E14/0362/29/58. Now Mr Edwards, being very careful not to disturb the order of the documents in there, there's a document or a folder of – sorry, there's a document with a post-it note on it that has IE2 written?---Yeah.

Do you have that document in front of you?---(No Audible Reply).

20 Can you tell the Commission what it says on the top of that document?---
“Gandangara Local Aboriginal Land Council”.

And below that, Agenda?---Officer's report. What was that again, mate?

Sorry, is that an agenda for a Board meeting on 3 May, 2010?---It doesn't look like an agenda. Now it is.

Now you have it? Okay. Thank you.---The right one.

Yes, is it 3 May, 2010?---Yeah.

30 And do you see there's some markings on that agenda?---Right.

Do you recognise if they were yours?---By the looks of it, yeah.

They look like it?---Yeah.

Do you remember when you made these markings on the agenda?---Well, I assume it was at 3 May, attending the meeting.

40 At the meeting?---Yeah.

Okay. Can you describe for the Commission and for the transcript what sorts of markings they are?---There's ticks.

They're ticks?---Yeah.

Okay. Is there a tick next to the agenda item called “CEO contracts”?
---Yeah.

Do you have any recollection why you ticked that agenda item?---Mate, I used to do that to all the agendas.

To all agendas?---Yeah.

But is it the case that when a matter was discussed at the Board meeting, you'd tick it off on the agenda?---Yeah.

10 Okay. So do you think it's more likely than not that you discussed the CEO's contracts at the 2010 meeting, having regard to the fact that you've ticked that agenda item?---Well, if I did, I can't remember.

Can't remember? Okay. Thank you. So just one last question on that particular point. That means, to the best of your recollection, you probably discussed the contract? Or the contracts?---I can't remember.

You can't remember?---Yeah.

20 Okay. Thank you. Can you please look at the document entitled IE1? ---Yeah.

Can you say what the title of that document is on the front page, please? ---"Office bearers report".

An office bearers report. And is it for a particular financial statement? Does it say which year it's in respect of?---30 June, 2010.

30 2010. Okay. And is it also your evidence that - are there any markings on that document?---Yeah.

Are they yours, as far as you can tell?---Yeah, I used to scribble all over.

Okay.---Yeah.

And that was also at a Board meeting? Perhaps not the same Board meeting.---Not the same one, yeah, but I'd say, yeah.

40 Okay. So having regard to that fact, is it the case that you were given the financial reports at the Board meetings to look at?---Well, again, I suppose so, but I can't remember.

Can't remember specifically?---Yeah.

And the fact that you drew on this financial statement, does that mean it was likely the subject of discussion at this Board meeting?---I suppose so. It was a bit boring but that's why I do it.

Okay. I have no further questions. Thank you, Mr Edwards. Thank you, Commissioner.

MR MACK: Commissioner, sorry to interrupt, and I should have done this when I was on my feet but I'm doing this a bit on the run, there's one more document in that particular box that I'd like to take Mr Edwards through, if that's okay.

THE COMMISSIONER: Yes, go ahead.

10

MR MACK: The final document in that folder has a tab that says IE4. I'd like to take Mr Edwards to that. Can you just read out the title of that document for the Commission, please, Mr Edwards?---Says, "GLALC Board Meeting Agenda, 12 October, 2009."

Yes. And does it say "congratulations" on there somewhere?
---"Congratulations on your election." Yeah.

20

Yes. And there's some markings on the side?---Yeah.

Are they your markings, to the best of your knowledge?---Yeah.

All right. And can I just ask you to have a quick flick through there, and tell me if you remember if there's any markings that refresh your memory or if you can remember being taken to any of that content at the meeting?---No, no more markings, mate.

30

No more markings, for example if you go to page 2 for example, you'll see a slide there titled, "Board Member Responsibilities". Can you see that?---Yeah.

Can you recall being, can you recall discussing those responsibilities at that meeting in 2009?---No, I can't remember, mate.

You can't remember. All right. And just finally if you would go to page 4, there's a slide titled, "Pecuniary Interest"?---Yeah.

40

Can you recall discussing pecuniary interest in 2009 at that meeting?---If I did I can't remember.

All right. No further questions.

THE COMMISSIONER: Mr Edwards, can I just ask you the, the financial reports that took so long at the Board meetings - - -?---Right.

- - - you said that at some point that practice stopped because it was taking too long. Do you know how that came about? Why it was that that the financial reports stopped being presented at the Board meeting? Is that

because there were members of the Board who said something or was it for some other reason?---I can't remember (Not Transcribable) I actually think it was because it took up a lot of - - -

THE COMMISSIONER: Time?--- - - - other things on the agenda. You know what I mean?

Ah hmm. Ah hmm?---Yeah.

10 When you received, when you received the Board papers that was generally when you arrived at the, at the headquarters before the Board meeting?
---Yeah.

So you didn't, you didn't get the financial reports for example by email earlier on in the day or, or a week before the Board meeting?---No.

20 Did anybody on the Board suggest that if the financial reports were made available well before the Board meeting that you might be in a better position to deal with it?---I would say yeah.

Do you remember someone saying that or - - -?---No, no but it sounds better, yeah, a day before the meeting or whatever, yeah.

Yes, Ms Hughes.

MS HUGHES: Mr Edwards, you gave evidence that you were elected as a Board member in 2007?---Yep.

30 And did your wife assist you with some dates and roles that you had on the Board from the time that you were – became a Board member?---Yeah.

And she's made a list and some dates for you to jog your memory?---Right.

Did you tell the Commission that in 2008 you were involved with something called the Mount Anan Project?---Yep.

Were you paid for your involvement in that?---Well it was from, I'm not sure but it was like CDEP, work for the dole programme.

40 Right. And in 2009 you were involved with something called Bush With Generation?---Yep.

And in 2010 you were managing a lawn mowing crew and you were working Transport?---Yep.

And then halfway through 2011, August 2011 you became quite ill?---Yep.

And in February 2012 you moved back to your hometown of Tingha. Is that correct?---Yep.

Now you've given evidence that you didn't actually attend any Board meetings from the time you became ill until you moved back. Yeah?
---Right.

10 Do you recall ever being contacted by phone when you moved back to Tingha in February, 2012?---Yes.

And so that was a, it would have been a Board member, a Board meeting in February, 2012?---Yep.

And you attended that Board meeting by being contacted by phone?---Over the phone, yeah.

Do you recall what that meeting was about?---Normal just Board meeting.

20 So you don't recall what was discussed at the meeting?---No, no.

But you have a recollection of being contacted by phone?---Yeah.

And were you ever contacted again by phone or did you attend any other meetings after that date?---No.

I have nothing further, Commissioner.

30 MR HENRY: Could I just ask one matter that arises out of the most recent set of questions.

THE COMMISSIONER: Yes.

MR HENRY: And Mr Edwards, could you please be shown volume 10, page 102? You'll see there Mr Edwards some minutes of a meeting dated 27 January, 2012. Do you see those?---Yeah.

40 Now, I'm taking you to these because your evidence a moment ago was to the effect that you ceased attending Board meetings in about August, 2011 because you became ill. Do you remember saying that?---That's right.

And then you were asked about a telephone conversation or perhaps I'll put it another way, a telephone call which enabled you to participate in a Board meeting in February, 2012. Do you remember saying that?---Yeah.

Now, this set of minutes to which I'm taking you is dated 27 January, 2012.
---Right.

And you will see that motion 1 at the top of the page says, “The Board resolves to revoke Jack Johnson’s suspension subject to the terms outlined in the letter to him dated 27 January, 2012.” Can you see that?---Yeah.

And then further down the page it says, “Board members in favour of motions”, and your name is stated there. Can you see that?---Yeah, number 4.

10 That’s right, number 4. Now, do you recall – I withdraw that. I assume from your previous evidence that you didn’t attend this Board meeting. Is that right?---Well, yeah.

Did you attend it by telephone?---I’m not sure.

Well, do you have any recollection of participating by telephone in more than one Board meeting or was it just one?---Just the one.

20 Right. Do you remember whether – I withdraw that. Do you remember how long the meeting went for approximately that you attended by telephone?---No, I couldn’t tell you how long it went for, no.

Well, was it for example three hours?---No, it wasn’t that long.

Five minutes?---No, it was longer than that.

What’s your best guess?---25 minutes.

30 All right. Do you remember a discussion on the telephone about Mr Johnson’s suspension from being CEO?---No, I don’t recall.

All right. Is that something that would have been a significant thing as far as you were concerned being a director of GLALC?---What do you mean by that?

Well, Mr Johnson was the CEO of GLALC. Correct?---Yeah. And the suspension of a CEO is a pretty significant thing isn’t it?---Well, yeah. Common sense.

40 Yeah, I would have thought so. So my question to you is given that it was a – it would have been a significant thing - - -?---Right.

- - - do you remember that happening on the telephone call that you were on when you attended the Board meeting?---No.

All right. Do you remember on the telephone call being told who else attended the Board meeting?---No.

Are you able to recall whether Mr Bloomfield, George Bloomfield spoke at the meeting that you were on the telephone?---Well, no, I can't remember. You've got to remember where I live, mate, in Tingha bad reception.

All right. I've just noticed at page 103, if you go over the page.---What number?

Page 103.---Right.

10 That it has you being in attendance by phone at that particular meeting. Do you see that?---Yeah.

And it doesn't say that on page 102 does it?---No.

Does that assist your recollection at all as to whether you were on the telephone during the meeting of 27 January?---No, no, can't remember, mate.

All right. I have no further questions.
20

THE WITNESS: Do you want this back?

THE COMMISSIONER: Yes, could we just have that back. Thank you, Mr Edwards. You may step down. You're excused.

THE WITNESS EXCUSED

[3.09pm]

30 MR HENRY: The next witness, Commissioner, is Ms Keira Edwards, and I call her.

THE COMMISSIONER: Yes, Mr Chalmers. You've explained section 38 to this witness?

MR CHALMERS: I have, Commissioner, thank you. And my client will take an affirmation.

40 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.

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
10 **THING PRODUCED.**

THE COMMISSIONER: Thank you. Can we have the witness affirmed?

MR HENRY: Ms Edwards, when did you become a director of GLALC?
---Would have been in May 2012.

May 2012? And had you been a director of an Aboriginal Land Council
before then?---No.

10 Had you been a director of a corporation prior to then?---No, no.

All right. And what was your work experience prior to becoming a director
of GLALC?---I was a trainee admin. I was doing administration and I was a
project officer for Gandangara Employment and Training Services. And
then after I left Gandangara, I was a TAFE teacher.

I see. Did you, in the course of any of those responsibilities, have yourself
responsibility for a budget?---I didn't manage a budget, but I took part in, I
guess, seeing what the budget did for the programs that I was involved in.
20

All right. Did you have any experience in reading financial accounts?---No.

Or financial statements?---No.

Did you have any training or instruction about directors' duties?---No.

What about after you became a director of GLALC?---No.

So you perhaps heard some evidence in the course of this hearing. Have
you been sitting in the hearing room? And you've heard directors speak of
going to Wollongong for training sessions.---Yeah.
30

Have you heard evidence about that?---Yeah.

I gather, from your evidence, you didn't attend?---I didn't go. No.

Right. Did you receive any other instruction?---No.

All right. Did you have any knowledge of the Aboriginal Land Rights Act
before you became a director of GLALC?---Not really, no.
40

All right. When you say "not really" - - - ?---I didn't really – the only thing
that I really took interest in was the membership, because I, prior to
becoming a Board member, used to assist with people applying to become a
member of the Land Council.

Right.---And there was only one particular section that as relevant to what I
did prior to becoming a Board member.

All right. Well, I'll show you a copy of section 78B of the Aboriginal Land Rights Act. And I rather understand from what you've just said that you haven't seen this section before. Is that correct?---No.

You agree with me?---Yeah, I do agree with you, yes.

10 It says, "The following persons must not be or continue to be employed as the chief executive officer of a Local Aboriginal Land Council." Do you see that?---Yeah.

And then if you go down to subparagraph E, it refers to "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 that? ---Yeah.

20 Now, I'm suggesting to you that a person who meets the description in subparagraph E cannot be or continue to be the chief executive officer of a Local Aboriginal Land Council. Do you understand?---I understand that.

Now, were you aware of that when you were a director of GLALC?---No. Are you talking about aware of that clause?

Well, not necessarily aware of it being section 78B, subsection 1, subparagraph E.---Yeah.

I'm not asking that question. My understanding to that question is you weren't aware of that.---Yeah.

30 I'm rather asking about the substance of it.---No.

Did you know, when you were a director of GLALC, that a person who met the description in subparagraph E couldn't be the CEO of GLALC?---No.

And no-one ever told you that?---No.

40 All right. What about over the page, two pages forward, section 152 of the Aboriginal Land Rights Act? It says, "Each Local Aboriginal Land Council is to establish, in an authorised deposit-taking institution, an account, and that's called the Local Aboriginal Land Council's account." Do you see that?---Yeah.

And then subsection 3 says, "The following needs to be paid from the Local Aboriginal Land Council's account", and then there's three things a) firstly, amounts required for the acquisition of land by the Council where that acquisition has been approved in accordance with this Act". Do you see a)?---Yep.

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

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

Now I'm, I suggest to you that GLALC's account being a Local Aboriginal Land Council's account could only be used for payments for the purposes of a), b) and c) that I've just read to you. Do you understand that?---Yep.

10

Did you appreciate that when you were a director of GLALC?---Yes. When you say appreciate what do you understand?

Well did you, did you know whilst you were a director of GLALC that the purposes for which money could be paid from GLALC's bank account were confined to the purposes identified at a), b) and c)?---No.

No one told you that?---No.

20

All right. You can hand that back, please. Now you've probably heard me ask questions of witnesses about procedure at Board meetings as well? ---Yep.

I'll ask you to give the Commission your best recollection of how proceedings at Board meetings at which you attended were conducted. Perhaps if you could be shown for this purpose volume 10, page 121. So you should see there Ms Edwards - - -?---Yep.

30

- - - meeting, minutes of a meeting of 10 December, 2012. I'll ask you about the specifics of this meeting in due course, but right now I'm just asking some general questions about procedure at the meetings. Did you receive Board papers ordinarily prior to the meetings?---Prior, no.

Upon attendance at GLALC's offices?---Yes.

And you were presumably given a folder were you?---Yep.

A folder was made available to you?---Yes.

40

Obviously it depended upon what was at the meeting but generally speaking what do you recall being in the folder?---An agenda and previous meeting minutes.

All right. Anything else?---On occasions, on odd occasions I can remember maybe a Chairpersons report, but other than that I don't think there was anything else in there.

Right. Did you ever receive papers for a Board meeting in advance of turning up to the offices?---No, not that I can recall.

All right. Now – and then upon turning up to the meeting did you ordinarily read the papers that were provided to you before the start of the meeting or not?---Yep.

10 Now in relation to the, the procedure adopted at the meetings, you'll see in the minutes there's references to motions, motion 1, 2, 3, et cetera. Do you see that?---Yep.

Is that your recollection of how meetings proceeded that is by reference to motions?---Yep.

And is this accurate, Mr Johnson would be at – I'll withdraw that. Do you recall Mr Johnson being at the meetings that you attended?---Yes.

Do you recall him sitting at the meeting at his computer?---Yes.

20 Was there an overhead screen or projector that he would type into his computer and what he was typing would appear on the overhead screen? ---Yes.

Now in relation to what he typed, if you have a look for example at page 121 and you'll see the words, for example motion 3, the Board resolves that Lawler Partners be invited to the February 2013 Board meeting to show cause as to whether or not they should be reappointed as auditors for the 2012/13 fiscal period. Do you see that?---Yep.

30 Now someone formulated those words. Was that what Mr Johnson did on his computer that was put up on the overhead screen?---Yes.

All right. And was there ever a debate about the terms of a resolution or note?---Not that I know of, no.

As far as you recall Mr Johnson typed it in and put it up there?---Yeah.

40 Was that something he did of his own volition or was there something to prompt him to do that?---I can't answer that. I don't know.

Was there discussion before the resolution was formulated or was it formulated by him and then everybody else discussed it?---Yeah, it was most probably brought forward by Mr Johnson and then we'd discuss it as a Board.

All right. There was then a discussion – according to the minutes of the meetings there someone moved and someone seconded the motion. Is that what happened?---Yeah.

And then what happened after that?---We all voted, whether we're in favour, abstaining or against and then given the vote it would be carried or not carried.

When you say given the vote, was - - -?---So if there was a majority vote for yes then the motion would be carried. If obviously everybody voted not in favour then it wouldn't be carried.

10 Do you recall with the voting that there were motions carried that people voted against?---Not that I can recall, no.

You see in the minutes certainly generally speaking every motion is carried.---Yeah.

Is that your recollection of what in fact occurred at these meetings?---Yeah. The majority of the time, yeah, yeah. I can't recall at a – I'm talking generally when meetings – because I know in members' meetings for example if a majority of us don't vote it obviously wouldn't go through so I
20 was just using that as a generic understanding of how the motions were put forward.

Yes. Bear with me a minute. If I could ask you to keep that volume available to you and also be provided with volume 9 at page 129. So volume 9. If Ms Edwards could please retain volume 10 and be provided with volume 9 as well at page 129. You should there have at page 129, Ms Edwards, a set of minutes of an ordinary meeting of 27 July, 2011. ---Yeah.

30 Now, I'm taking you to this because if you go to page 131.---Yeah.

You will see there's a rental motion.---Yeah.

And at the base of the page it says, "Carried for, 40 for, against 13, abstain 20." Do you see that?---Yeah.

If you go over the page, page 132 you will see again the motions on that page are said to be carried and the number for, number against and number abstaining is recorded. Do you see that?---Yeah.
40

Now, that's a reference to what you were talking about a moment ago? ---That's exactly what I'm talking about.

All right. If you go back then to the Board minutes of the – in volume 10 at page 121.---Yeah.

No record is ever provided – I withdraw that. No record is ordinarily provided as to who's voted for, who's voted against or who's abstained.

---Yeah.

And what I'm wondering is whether that's because in fact motions were carried in circumstances where no one opposed the motion. Is that right or wrong?---I can't say.

Well, can you ever recall a person voting against a motion and the motion carrying?---Not off the top of my head, no.

10 And when it says motion carried, was that something that was stated at the meeting by the Chair?---He would say motion carried after the motion was carried.

All right. So there would be the motion on the board, discussion, moving, seconding, a vote?---Yeah.

And then a declaration by the Chairperson motion carried?---Yeah.

20 All right. And then in relation to the minutes you will see, and this is a recurring theme, motion 1 in the minutes is a Board moves that motions – minutes of a previous meeting are accepted. Do you see that?---Yeah.

Do you recall ever suggesting amendments or changes to any minutes?
---Maybe to the spelling of my first name. That could possibly be it.

Right.---They always spelt my first name wrong.

Any other changes?---Not that I can remember.

30 Can you recall anyone else at a Board meeting suggesting changes to previous minutes?---No.

And was the first time that you saw the minutes from the preceding meeting in the folders when you turned up to the GLALC offices for the next meeting?---Was the agenda for the next meeting in the folder? Is that what you just asked?

40 No, sorry. I'll be clearer. My understanding, from your evidence, is that you'd turn up to GLALC's offices for a Board meeting and you'd have access to a folder. Correct?---Yeah.

And that in the folder there was an agenda, correct?---Yeah.

And there was draft minutes from the previous Board meeting.---Yes.

And my question is, was that the first time that you would see those draft minutes of the preceding meeting?---Yes.

That is, when you'd turn up to the next Board meeting.---Yes.

Which would be, depending upon how far between Board meetings, perhaps a month or more later.---Yeah.

All right. Now, turning to this particular meeting of 10 December, 2012.
---Mmm.

10 I want to ask you about the companies at the top of the first page in that box headed "Minutes of the GLALC et cetera Meeting." Are you aware of what those acronyms, GDS, GMS, GTS, GHS, et cetera, stand for?---Yeah.

All right. Did you understand that whilst you were a director of GLALC, you were a director of other companies in the Gandangara group of companies?---No.

Were you ever asked will you become a director of any - - - ?---No.

20 - - - company apart from GLALC itself?---No.

And you never agreed to that, I gather.---Not that I can recall, no.

So, for example, in relation to this particular Board meeting, did you understand that you were attending the meeting as a director of GLALC, but not as a director of any other company?---Correct.

And that the subject of the meeting was business of GLALC but not business of any other company?---Correct.

30 All right. If you go over the page, please, Ms Edwards, to page 122. You'll see motion 4 at the top of the page.---Yeah.

"The Board resolves the contract between GMS Limited and Waawidji Pty Ltd be terminated by mutual consent, et cetera." Do you see that?---Yeah.

Do you recall being at the Board meeting at which this motion was considered?---I don't remember Waawidji ever being discussed at a Board meeting.

40 All right. What's your understanding of what Waawidji is and does now?
---Now?

Yes.---Obviously it's a business that Jack Johnson owns or is a part of.

So as far as you're concerned now, Waawidji is Mr Johnson's company?
---Yes.

Taking yourself back to the time of this meeting in December 2012, what, if anything, did you understand about Waawidji then?---Absolutely nothing.

All right. It was never explained to you that Mr Johnson had a company by the name of Waawidji?---No.

All right. You'll see motion 4 refers to a contract between GMS Limited and Waawidji. Can you see that?---Yeah.

10 Am I correct, then, in understanding, based on the evidence you've given, that you were never asked to – I'll withdraw that. Were you ever asked to vote on a resolution to terminate a contract between GMS and Waawidji?
---Not that I can recall, no.

Is that something you think you would recall?---Yes.

You'll see this resolution says that the contract between GMS and Waawidji was terminated by mutual consent retrospectively on 30 June, 2012. Can you see that?---Yeah.

20 Do you recall ever being asked about terminating a contract retrospectively whilst you were a Board member of GLALC?---I don't know what retrospectively means, and no.

All right. The resolution goes on to say “and immediately replaced by contracts commencing 1 July, 2012, between Waawidji and three other companies”. Do you see that?---Yeah.

30 I rather assume from your evidence that you were never asked to vote on a resolution to replace one contract between Waawidji and GMS with three other contracts?---No.

All right. Now this is a carefully I suggest framed resolution. Do you recall this being put up on the overhead projector?---No.

Are you able to say definitively that it wasn't?---I can't say definitively.

40 MR CHALMERS: Just ask Counsel, I don't want to be condescending but words like retrospectively, the word just used, maybe just keep the language just slightly simpler, just - - -

THE COMMISSIONER: Well I think the retrospectively had to be put because it was part of the motion. But anyway go on.

MR CHALMERS: Just the last word used.

MR HENRY: If there's any question I ask you and there's any confusion or lack of clarity just please say and I'll, I'll attempt to clarify?---Yeah.

Going back to the resolution in motion 4, you'll see that that's, well I suggest a pretty carefully worded resolution. And my question, and you've said that you don't recall it being put up on the overhead projector or - - -? ---No.

- - - screen?---(No Audible Reply).

10 Are you able to go one step further and say that it wasn't put up on the screen?---I can't.

All right. You can't recall it, it may or it may not have been?---Yeah, that's correct.

All right. But are you able to say that you did not vote for that resolution? ---All I can say is that if Waawidji was mentioned in a Board meeting I would have questioned it.

20 Right. And that didn't happen?---No.

All right. Presumably then you were never shown a contract between GMS and Waawidji?---No.

And you were never asked to vote on behalf of GMS Limited - - -?---No.

- - - about a contract between it and Waawidji?---No.

30 And you were never asked to vote on behalf of Marumali Limited in respect of a contract or a proposed contract between in and Waawidji?---Absolutely not.

And you were never asked to vote upon a proposed contract between GMS Limited and Waawidji?---No.

And you were never asked to vote on a proposed contract between GTS and Waawidji?---No, not that I can recall, no.

40 All right. Do you recall a discussion at a Board meeting about Mr Johnson's remuneration?---At a Board meeting?

Mmm?---Yeah.

What do you recall being discussed about that?---I don't remember the whole discussion, all I remember is that the, I think it was, it may not have been his remuneration but I know it was his contract maybe - - -

Right?--- - - - was, it was up for discussion. That's all I can remember.

When you say it was up for discussion, was it in the context of a contract being renewed or changed?---Yeah, something along those lines.

It wasn't this Board meeting was it?---I don't know which Board meeting you're referring to.

Sorry, I should be clearer. The Board meeting of 10 December, 2012?---It's a possibility.

10 All right. And doing the best you can what can you recall in respect of who said what about this?---All I remember is that Mr Johnson was in the room. Um, and I don't remember anything that was really being discussed. I can't really remember.

Was there any discussion that you can recall about how much he should be paid?---Not that I can recall, no.

20 Do you, did you know whilst you were a director of GLALC what Mr Johnson's remuneration package was?---No.

Did you have any knowledge as to whether or not he was entitled to a bonus?---No.

Or Waawidji was entitled to a bonus?---No.

What about reimbursement of expenses, did you have any knowledge as to whether or not he was entitled to be reimbursed for expenses?---No.

30 Were you ever asked to review an expense claim made by Mr Johnson?
---No.

By Waawidji?---No.

Was there a finance committee or subcommittee whilst you were a director of GLALC?---I can't remember.

40 How, if at all – I withdraw that. Did you have any understanding as to how, if at all, any expenses claims made by Mr Johnson were determined or resolved by GLALC?---No.

If I replace Mr Johnson with Waawidji is your answer the same?---Yeah.

Just looking back at page 122 and motion 4, I understand the evidence that you've given as to your recollection about this motion but are you able to provide any explanation as to why a contract between GMS and Waawidji would be terminated and replaced with three other contracts?---No.

All right. Just bear with me a moment please. I'll ask for – Ms Edwards, you can hand back volume 10 please and I'll ask you to be provided with volume 1 at page 258. You should have in front of you a page that has two diagrams on it, an Original Structure and a New Structure. Is that what you have?---Yeah.

Starting with the original structure have you seen that structure before?---I think so but I can't say for sure.

10 Right. And where do you think you might have seen that?---Could have been a members' meeting. Could possibly have been a members' meeting but I don't remember seeing it at a Board meeting.

Do you recall what was said about it at the meeting?---No. No.

You will see then there's a new structure on the right-hand side of that vertical line on the page. Have you seen that before?---Never.

20 Are you aware that in January, 2014 an attempt was made to change the original structure so as to become the new structure?---No.

That was never raised with you?---I wasn't there in 2014.

I want to ask you about that. If Ms Edwards could please be provided with volume 5 at page 131. You will see there, Ms Edwards, there's a, what's called a circulating resolution of directors. Can you see that?---Yeah.

30 And your name is on the bottom right-hand corner of the page but there's no signature there.---Yeah.

Were you a director of GLALC in January, 2014?---As far as I was concerned no.

Right. Can you explain that, that - - -?---I actually left Sydney at the end of 2012. It was the end of 2012, the start of 2013 and I moved up to Tingha myself.

I'm sorry. You just - - - ---I moved up to Tingha.

40 You moved up to Tingha. But before that you said you left Sydney end of 2012, then you said something about 2013.---Or the start of 2013. I just can't remember the - - -

Oh, I see.---I had a piece of paper in my diary. Yeah, and I never came back.

So upon your leaving Sydney, did you have nothing further to do with GLALC?---Correct.

I see. So this document that I've shown you, which you haven't signed, you were never made aware of it - - - ?---No.

- - - until now, presumably?---Yeah.

All right. When you were in Tingha, so you'd left Sydney, were you notified of directors' meetings for GLALC?---Not that I can remember, no.

10 Do you recall ever attending one by telephone?---No. Not by telephone, no. But I did come back for one in December. I've been to three Board meetings collectively.

Oh, so, then, you were only in attendance at three Board meetings - - - ?
---Yeah.

- - - altogether?---Yeah.

20 I see. And one of them was in December 2012, was it?---Yeah. July and September. July, September and December.

I see. Well, you can hand back volume 1, then. Thank you, Ms Edwards. And I'll ask you about a meeting of October 2012. It's volume 10, page 118. So it's volume 10, page 118. You'll see that's minutes of a meeting of 30 October, 2012. And consistently with what you've just said, you weren't present at that meeting, though this was a meeting at a time at which you were residing in Sydney. Is that right? Is that correct?---No.

30 No?---I moved to Tingha.

Oh, you've moved. Sorry. You'd moved and you came back for the December meeting.---Yes.

Sorry. I appreciate you weren't at the meeting. But you'll see motion 2 refers to a representation letter.---Sorry, say that again.

See motion 2?---Yeah.

40 It says, "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?---Yeah.

Now, I understand you weren't present at the meeting. But I'll show you Exhibit G3. And you'll see there this is an email from Mr Johnson to Mr Hickey and others of 25 September, 2012. Do you see that?---Yeah.

And you'll see it's headed "Specific Representation Letter" at the top of the page.---Yeah.

Is your email address – or, sorry, was your email address at the time keira.edwards7 et cetera, as stated?---Yes, that was my work email, yes.

All right. Now, take a moment to read this email, please. And after you've done that, I want to ask you – or read it with a view to answering this question, do you recall receiving this email?---No.

10 Okay. If you have a look at the attachment to the email. So turn over two pages. You'll see a draft letter of 20 September, 2012. Do you recall seeing that letter?---No.

Draft letter. All right. At this point in time, were you still residing in Sydney?---September, yes.

All right. Do you recall discussing with any director of GLALC a letter concerning Mr Johnson's bonus?---No.

20 All right. You can hand back Exhibit G3, please. And I assume in relation to volume 10 at page 118 the minutes you, you don't know anything about the representation letter that's referred to in that motion?---No. No.

All right. Now could you go please to page 113 in volume 10. You'll see there minutes of a Board meeting of 10 September, 2012. Is that what you've got?---Yep.

And you're said to be in attendance at the meeting?---Yep.

30 You'll see on the second page of the minutes, which is at page 114 there's a motion number 5 and it says, "The Board resolves as follows, 1) to rescind motion number 7 of the GLALC Board meeting of 11 July, 2011". Do you see that?---Yep.

At the time of this Board meeting in September of 2012 did you have any understanding as to what motion 17 of the GLALC Board meeting of 11 July, 2011 was about?---No.

40 You'll see further down the page at item number 2 there's reference to loan deeds and a security deed. Do you know what that's a reference to?---No.

And then item number 3 refers to the first loan to Gandangara Future Fund Limited. Do you see that?---Yep.

Did you have any understanding at the time of this Board meeting what Gandangara Future Fund Limited was?---To be honest I thought Gandangara Future Fund was a bank account. I didn't know it was Gandangara Future Fund Limited.

Right?---It was only ever referenced as Gandangara Future Fund not Limited.

I see?---So I just naturally assumed, my mistake, that it was a bank account.

All right. It sounds as though you had heard something about Gandangara Future Fund?---Future Fund, I've heard that well before I became a Board member, it was discussed.

- 10 By the time you became a Board member what was your understanding of Gandangara Future Fund was?---My understanding was that it was a bank account that we put money into for the future. So we'd use that if it was able we'd use it to provide the services in the community. Did you have any understanding as to where the money could come from? ---No.

Were you aware of the transfer of any money from GLALC to Gandangara Future Fund?---No.

- 20 Were you aware of any loan from Gandangara, sorry, GLALC to GFF? ---No.

This motion number 5 on page 114 to 115 you'll see is quite a lengthy motion. Do you agree?---Yep.

Do you recall being asked to vote on that motion at the September 2012 Board meeting?---Not that I can recall, no.

- 30 Do you recall that motion being put up on the overhead screen?---No.

Are you able to say that it was not put up on the screen?---No, I can't say it wasn't.

All right. Now I'll show you another document, it's in volume 20 at page 16. Now volume 20 at page 16 is a letter dated 31 August, 2012 from the Registrar of the Aboriginal Land Rights Act to GLALC. Do you see that? ---Yep.

- 40 And you will see item number 2 says, "Enclosed is a compliance direction to GLALC"?---Yeah.

And then if you have a look at pages 17 through to 20 you will see the compliance direction itself.---Yeah.

Now, have you seen the compliance direction before?---No.

It wasn't brought to your attention whilst you were on the Board of GLALC?---No.

Was it ever discussed at - - -?---Not that I can recall.

I'm sorry?---Not that I can recall.

All right. You weren't told by anyone whilst you were a director of GLALC that GLALC was obliged to comply with a direction that had been given by the Registrar?---No.

- 10 Did anyone tell you whilst you were a director of GLALC that GLALC had been told not to lend money to GFF?---No.

All right. Now, whilst you were a member of the Board of GLALC do you recall there being a finance committee or subcommittee?---I do believe that you asked me that question before.

I'm sorry. I'm sorry. Just bear with me a moment. I have no further questions for Ms Edwards.

- 20 THE COMMISSIONER: Thank you. Does anyone have any questions of Ms Edwards? Yes, Mr Mack.

MR MACK: Yes, Commissioner. Commissioner I haven't had the opportunity to review the documents that were produced in the box from – in relation to Ms Keira Edwards. I understand they're not currently available. Would it be convenient to perhaps review them overnight and see if there's any questions in the morning?

- 30 THE COMMISSIONER: I'm not sure if – Ms Edwards, were you planning on being here tomorrow?---Yes.

All right. Well, then, that might be convenient if we take the adjournment and resume at 10.00am tomorrow and you can look at those documents, Mr Mack.

MR MACK: Yes, Commissioner. And just before you rise, Commissioner, I just want to clarify the status of those documents where you've referred witnesses to earlier - - -

- 40 THE COMMISSIONER: Yes.

MR MACK: - - - that were in the boxes, do they – should they be tendered formally or marked for identification before we break to day or - - -

THE COMMISSIONER: Well, can we at this stage – I don't know that it helps to mark all of them for identification does it?

MR MACK: No.

THE COMMISSIONER: I mean because people are referring to discreet parts of the boxes.

MR MACK: Yes.

THE COMMISSIONER: I'm just reluctant to admit them as an exhibit at this stage because we're still carrying out inquiries. So can I just defer that to tomorrow, Mr Mack?

10

MR MACK: Yes, Commissioner.

THE COMMISSIONER: Thank you. I'll adjourn.

THE WITNESS STOOD DOWN [3.54pm]

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AT 3.54PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.54PM]