

GREER PUB00720  
20/05/2016

GREER  
pp 00720-00776

PUBLIC  
HEARING

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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 FRIDAY 20 MAY 2016

AT 10.10AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 1122) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes Mr Henry.

MR HENRY: Commissioner, the next witness is Mr George Bloomfield.

THE COMMISSIONER: Yes.

MR HENRY: And I call him and note that he's seated in the seat in the witness box.

10 THE COMMISSIONER: Yes, Mr Bloomfield. Yes, Mr Patterson you appear for Mr Bloomfield.

MR PATTERSON: Yes, with your leave, Commission.

THE COMMISSIONER: Yes, that leave is granted.

MR PATTERSON: I have explained to Mr Bloomfield the effect of section 38. I ask you to make the declaration.

20 THE COMMISSIONER: Thank you.

MR PATTERSON: And Mr Bloomfield will take an oath.

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  
30 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  
40 NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED**

THE COMMISSIONER: Yes, can we have the witness sworn, please.

MR HENRY: Thank you. Mr Bloomfield when did you become a director GLALC?---2007, the very first time it was set up.

I see. And am I right in understanding you were a director through till 2014?---I was there whole time, yes.

10 All right. And what, what's your employment background?---I'm employed by Liverpool Hospital, I'm the Aboriginal Liaison Officer at, at the hospital.

And how long have you been in that role?---I'm not sure, I think it's about, roughly about six years, it could be, yeah, about six years roughly.

So give or take since about 2010?---Around about that, yes.

All right. And what about prior to that point in time?---I still worked in health. I've been in health for over 20 years.

20

Right?---I previously worked in youth health team, it was called FLYHT which is Fairfield, Liverpool Youth Health Team working with young, young adolescents and we go out to schools and talk about drug, alcohol and sexual health, whatever the school required. And working also on the needle/syringe programme and that would be on weekends we'd be supplying safe injecting paraphernalia to injecting drug users at Cabramatta.

I see. Excuse me. In the roles you've just described have you been responsible for any budgets?---No.

30

Have you had to read accounts or financial statements?---No, no I haven't.

Have you been a director of a company other than GLALC?---No.

You've not been a director of any other Local Aboriginal Land Council?---I joined, yes, I was, it was Deerubbin, I joined up about, I think it was in the 80's and I just joined up. I never went back.

As a member do you mean?---Yes. Sorry. Yes, as a member.

40

Now, have you at any time had any training or instruction in relation to your responsibilities as a director of GLALC?---Yes. We – when we first joined up in 2007 we had to go to Tranby College and they run a two-day workshop regarding what's expected of us. But not as directors at that time, it was more as Board members.

Right. That was at Glebe wasn't it?---That's correct, yeah.

Right.---Glebe Point Road.

But were you here in the hearing room when evidence has been given about the subject or content of that training at Glebe?---Yes, I was.

All right. And do you broadly speaking agree with the description that was given of it?---Basically I do, yes.

10 All right. Is there anything you would add to that?---Not to my knowledge, no.

All right. Apart from that training at Glebe did you attend any other training?---Yes, we did. I believe Jack had arranged with us to go to Wollongong I think. I'm not even sure if I attended two or three but I've attended all the workshops down there.

All right. And have you similarly been in this room when evidence has been given about what happened at - - -?---Yes, I have. I was, yeah.

20 And do you broadly agree with what was said about the content of that training?---Yes. I have no qualms about that, yeah.

All right. Is there anything you would add to that?---Not at this point, no.

All right.---I can't think of anything right now.

30 You may recall during the course of evidence concerning the training that different directors attended. I've asked people whether they received any instruction about the Aboriginal Land Rights Act. Have you ever received any instruction about that Act?---That was part of the training at Tranby. I'll be honest with you. I thought the training was pretty crap just to put it bluntly.

Yes. And why is that?---Well, they were drawing pictures and trying to explain to us like we're complete idiots and it was over two days and I'll be honest, I got nothing out of it, absolutely nothing. I just thought it was just a waste of my time.

40 Right.---Because I had to take a day off work and that so, yeah.

I see.---But that's just my opinion.

Fair enough. You mentioned a moment ago that there was some reference to the Aboriginal Land Rights Act at that training.---Yeah, they would have brought it up. I'll be quite honest, I – after the first 20 minutes I just didn't really take anything in that much because I just thought the whole training was a bit silly.

Okay.---I don't think you can learn something in two days.

What about, what about the Wollongong training, did you receive any instruction about the Aboriginal Land Rights Act?---No. John Mero was the instructor but he, he spoke about corporate structure rather than – he never brought – I don't recall him ever talking about the Aboriginal Land Rights Act.

10 All right.---I don't think that's what – his job wasn't to do that.

I'm sorry, I just missed that.---That wasn't his job I don't believe.

I see.

THE COMMISSIONER: So it was mainly about corporate structure?  
---Corporate structure, that's correct, yeah.

And duties as directors and things like that?---Yes, that's correct, yeah.

20 MR HENRY: Did he in the course of that training refer to the Corporations Act?---He most likely did but I, I don't recall but I'm sure he would have at some time, yes.

All right. I'll just show you a copy of a couple of sections of the Aboriginal Land Rights Act, Mr Bloomfield, to ask you some questions about those.  
---Yes.

30 The first section is section 78B and it says in bold type, "Certain persons must not be employed as Chief Executive Officers." Can you see that?  
---Yes, I can.

All right. Subsection (i) says, "The following persons must not be or continue to be employed as the Chief Executive Officer of a Local Aboriginal Land Council." If you go down the page to subparagraph (e). Can you see subparagraph (e)?---(e), yes.

40 You can. It reads, "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?---Yes, I can.

Now, I suggest to you that a person who meets that description in subparagraph (e) under this legislation is not permitted to be employed as the CEO of a Local Aboriginal Land Council. Do you appreciate that?  
---Yes, I do.

Now, did you know that when you were a director of GLALC?---I probably would have been told that at some time but I can't recollect exactly about

being told but, yeah, I probably would have been made aware of that at one time.

Well, when you say you probably have been told - - -?---Well, I don't really remember that's basically - - -

Yeah. Is it fair to say that your suggestion that you probably would have been told is guesswork on your part?---No. My understanding was - - -

10 Yeah.--- - - - that when - - -

And sorry, just – I know I'm cutting you off but - - -?---Sure.

What I'm interested is in your understanding at the time at which you were a director of GLALC not, not now.---Yeah, I remember when we first joined up the Board, Jack Johnson would declare his interest and he explained to the Board at the time if any of us had any businesses or whatever like that, that we had to declare it because it'd become a, I guess a, a conflict of interest.

20

Yes.---And Jack done that quite often - - -

Right.--- - - - at meetings, yeah.

THE COMMISSIONER: I'm sorry, but your understanding was that that was based upon not just the fact that you might have a business, but the possibility that that business might also be receiving a benefit from the GLALC? Or - - - ?---Yeah, I'm - - -

30 Or was that - - - ?---To be honest, I'm not, like - - -

- - - was that not part of the discussion?---Well, that's what probably would have been the case. But I personally can't remember that, yeah.

MR HENRY: You're referring here to, I might describe it as declaring a conflict of interest, correct?---That's what I'm calling it, yes.

40 Yes. Now, was it your understanding, whilst you were a director of GLALC, that provided Mr Johnson declared any conflict of interest he might have, he could nonetheless continue on as CEO?---Yes, that's exactly my understanding of it, yes. As long as you declared that you had other interests - - -

Yes?--- - - - and you brought it out to the Board, put it on the table, you could continue on. That was exactly how I understood it.

So, for example, did you understand that if – you're familiar, I gather, with Waawidji Proprietary Limited?---Yes, I am.

And am I correct in assuming that you understood that to be Mr Johnson's company?---Yes, that's correct, yeah.

Was it your understanding, whilst you were a director of GLALC, that if Waawidji was paid money by GLALC - - - ?---I would, no, okay. I'll pull you up there.

10 Yes?---My understanding, if he was being paid money by GLALC, then that might be beyond his call of duties. In other words, my understanding was he couldn't be paid, as far as I knew at the time - - -

Yes?--- - - - by GLALC. But he can, but, yeah, he can't receive money from it.

All right. So - - - ?---Am I making any sense?

20 Yeah, no, I'm just trying to – so there's a clarity about what you understand was - - - ---Yes.

- - - is this accurate? Your understanding was Waawidji could only be paid money by GLALC if Mr Johnson declared that to the GLALC Board.---No, I don't think Waawidji, sorry, his company, had anything to do with Gandangara.

Oh, okay.---Yeah, that's my understanding. Like, that's his private interest.

Right.---It's not Gandangara's interest.

30 So is this your understanding? That at no time, while you were a director of GLALC, was Waawidji receiving money from GLALC?---Yeah, that's exactly right. I don't believe that they could.

What about – I've referred to GLALC in that question. You appreciate that there are other companies in the broader group of companies which I might describe as the Gandangara group of companies.---Yeah.

40 And that included, for example, Gandangara Management Services. You're familiar with that company?---Yes.

Gandangara Future Fund. You're familiar with that company?---Yes.

Marumali?---Yes.

Right. Now, was it your understanding, whilst you were a director of GLALC, that Waawidji did not receive any payments from any of those other entities?---Yes, that was my understanding, that it couldn't have anything to do with. That's it. That was exactly how I seen it.

All right. And was it also your understanding that for so long as Mr Johnson remained CEO of GLALC, Waawidji could not receive payments from - - - ---Yes, that's exactly right, yes.

- - - firstly GLALC itself - - - ---That's my understanding of it, yes.

Just bear with me.---Yes.

10 Firstly GLALC itself, is that right?---Yes.

And then the other companies which I might loosely describe as companies in the Gandangara group?---Yes.

All right. Excuse me. I take it, then, that you were never informed that Waawidji received any payments from GLALC. Is that right?---I was never aware of that, no.

20 And you were never informed that Waawidji received any payments from companies in the Gandangara group other than GLALC?---I was, I'll get you to repeat that again.

Yeah, sure. So now I'm talking about companies within the group other than GLALC. So, GMS, GFF. Do you understand?---My understanding was Waawidji – my pronunciation's not good.

Yes?---Had nothing to do with Gandangara permanently.

30 Right.---There was no connection there. My understanding was if it's your company, it's your company. There isn't any connection or anything to do with Gandangara whatsoever.

So you were never informed of Waawidji receiving any payments from any company within the Gandangara group?---To my knowledge, that's correct, yes.

40 Right. All right. I'll just ask you please sir, to go back to the printout from the Aboriginal Land Rights Act and the final page of it. It's a three page printout?---Ah hmm.

And you'll see, excuse me, section 152 there. Do you see that?---Is that the first page we're looking at?

It's the third page in the document?---Okay, we're going over the back, yep. Okay.

It's headed Local Aboriginal Land Council Accounts. Can you see that?---Yes, yes, I can.

It says in subsection (1) each Local Aboriginal Land Council is to establish in an authorised deposit taking institution an account called The Local Aboriginal Land Council's Account. Do you see that?---Yes.

And then we'll go down to subparagraph (3) if you would, please. It says, "The following needs to be paid from the Local Aboriginal Land Council's", and then there's (a) amounts required for the acquisition of land by the Council where that acquisition has been approved in accordance with this Act. Do you see that?---Yes.

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

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

Now I suggest to you that the effect of this section is that so far as GLALC was concerned the only purposes for which you could pay money out of its account, bank account were for the purposes a), b) and c) in subparagraph (3) that I've just read out?---Yep.

Do you appreciate that?---Yes, I do.

Were you aware of that whilst you were a director of GLALC?---That was my understanding that it can only be paid out by the funds that we have there. That's it.

Yes, but my question is rather GLALC pay funds out of its account - - -? ---Yes.

- - - but the purposes for which it could pay those funds were restricted I suggest to the purposes identified at a), b) and c) in particular. Do you understand that?---Yeah. And my answer would be no, I wasn't aware. All right. So no one told you about that?---No.

All right. You can hand that back if you would please, Mr Bloomfield. Now could I ask for Mr Bloomfield please to be provided with volume 8 at page 245? So you should have in front of you now Mr Bloomfield, a copy of minutes of the GLALC Board meeting of May 2010. Is that what you have?---Yep.

And you'll see you're marked as being in attendance at the meeting. Do you see that?---That's correct.

Now I'll ask you please to have regard to motion 2, actually sorry before I come to that, have you been in this hearing room when I've been asking

questions of witnesses about the procedure adopted at meetings?---Yes, I have.

And the procedure broadly speaking was the meetings preceded by reference to proposed resolutions and then there was a mover, a seconder - - -?---That's correct, yes.

You agree with all that?---Yes, I do.

10 What do you say about voting? Was there - - -?---Say that again?

Sorry, what do you say about voting in relation to the motions?---Oh how we voted?

Yes, how did that work?---Yeah, well um, the motion would be put to the Board and basically if everybody was asked, we'd have a show of hands so we'd all raise our hands for those in favour - - -

Yes?--- - - - those against and anyone abstaining.

20

Right?---So that's how it was done.

And you see in the minutes, these particular minutes all the motions are carried?---Yes.

Did a motion as far as you can recall carry if there was anyone who voted against it?---My knowledge I'm sure there were people, but I can't directly go yes because I wasn't, I'm not sure but I'm sure people did at the time.

30 But was your understanding that a motion carried if there was a majority of directors voting?---Well it's, yeah, it was the majority, that's what, how I understand if you've a majority it carries.

So say for example there's ten directors at a meeting, provided at least what six voted the motion would carry?---As long as it was a yes, that's right. All right. So it wasn't a situation where if you one or two directors said, I'm vehemently against this that would defeat the motion?---You can abstain - - -

40 Yes?--- - - - but then if it was, if it was a lot, say it was a five by five - - -

Yeah?--- - - - I believe that the chairperson would be the person could I believe, I could be wrong, but I think the chairperson could take the final vote or whatever, but, yeah.

Do you actually recall that happening?---I did it once when I was chair.

Oh, did you? What was that in relation to?---It was when we first set up. We were really concerned about being transparent to the members. And there was one of our members on the Board was hoping to get a position in one of the jobs that was being created. And she'd come to the Board and she'd asked, basically, that she wanted that particular job. And I said to her, we asked our CEO, Jack, to leave the room while we had that discussion. I was against the idea that a Board member be put in a position or be given a position without at least resigning and applying for it.

10 Ah hmm.---That was the way to go. And so we had a vote to basically see if we could allow her to go straight on. And the vote was five and five, and it came back to me as the chairperson, and I said I abstain. By abstaining, I knew that she wouldn't get the position. She'd have to quit the Board and then apply. And that was the only time I remember it happened.

And just to understand that, is that because you abstaining meant there was no majority in favour of the resolution, therefore it didn't carry?---That's right. Oh, yeah, that was right. There was no majority. Because I had the second vote.

20

Yes.---I knew if I abstained that she wouldn't get, that was it, that wouldn't happen, wouldn't happen. So, basically, I could have just said, "I'm not voting for you," but I decided to abstain. It was just making me feel good about it.

I see. All right. If you have a regard, excuse me, to page 245 and motion 2. This is the motion that considered not the initial contract of employment for Mr Johnson, but what I might describe as the second contracts.---Yeah.

30 In 2010. Do you know the contracts to which I'm referring?---Yeah. I think any time we had a – Jack would have to be reinstated after so many years. I believe we had so many periods, and he'd have to reapply, I guess, for that position.

All right. You see that the motion says, "The Board resolves to accept the new CEO contracts as tabled." You see that?---Yes, I do, yeah.

Are you able to recall whether any contracts were tabled at this meeting?---I can't recall ever seeing a contract.

40

You can't recall ever seeing a contract?---No.

All right. I'll show you the contracts that were signed, and just ask you whether, having regard to those, you're able to say you never saw them, couldn't recall seeing them, or you saw them. Volume 11 at page 96. So, if you hang on, if you would, please, Mr - - -

THE COMMISSIONER: You'll see on the screen, Mr Bloomfield, as well.

---Oh, okay.

MR HENRY: So, this is the first page of a contract between Mr Johnson and GLALC. Now, the first page is up on the screen. The contract itself, you'll see, goes from pages 96 through to 110. Could I just ask you, please, to flick through those pages to the extent you need to for the purposes of answering this question, Mr Bloomfield.---Yes.

10 Was that contract tabled at this May 2010 Board meeting?---Yeah, okay.

Yeah, sorry, are you able to answer that question?---Sorry, can you tell me what the question was?

The question is, was that contract tabled at the May 2010 Board meeting?  
---I have no recollection, but I – no, I don't recall.

All right.---I can't recall if it was or not.

20 I'll ask you the same in relation to a second contract, commencing at page 112.---Ah hmm.

So, this is a contract - - -

THE COMMISSIONER: Have you seen that contract before?---To be quite honest, Commissioner, I couldn't give you a definite answer on that.

No, that's all right. That's all right.

30 MR HENRY: All right. So, is your position - - - ?---I don't remember. That's basically - - -

You don't remember one way or the other?---No, that's right.

40 Right. What about, having a look at the – there's another contract at page 112. Now, this is a contract between Waawidji and Gandangara Management Services. This contract goes from page 112 through to page 128. Now, just take a moment to look at that contract to the extent you need to for the purposes of answering the same question.---All right. I can answer your question.

What's the question – sorry, what's the answer?---You ask it to me and I'll answer it.

The question is was this contract tabled at the meeting?---I can't ever recall seeing that contract.

All right. Now, I just want to explore this a little bit because you've said that you were unaware of Waawidji ever receiving any payments from any company within the Gandangara group.---That's correct.

Now, this contract is a contract between Waawidji and one of the companies within the group GMS. Do you - - -?---Yes.

- - - understand?---Yes, I do.

10 Now, in view of your evidence that you were unaware of any payments being made to Waawidji by any company within the group, are you able to say that you've never seen this contract?---I can honestly say I've never seen the contract.

All right. And are you able to say that that contract was not tabled at the May, 2010 Board meeting?---To the best of my knowledge I've never seen that contract and I don't believe it was ever tabled.

20 All right. Returning then please, Mr Bloomfield, to volume 8, page 245. This is the minutes again. Excuse me. Actually, sorry, before I take you back to the minutes I'll ask you to go into volume 11 at page 131. Now, from pages 131 through to 134 you will see copies of what appear to be a PowerPoint slide presentation. They're just flicking through on the screen there. So there's four slides. I'm asking you to have regard to these slides to see whether or not they prompt your memory as to whether or not a presentation was made at the May, 2010 Board meeting by reference to these slides.---No, I don't have any memory of that.

30 I'm sorry?---No, I don't.

You don't recall?---No, I don't recall.

You see the slide that's on the screen at the moment.---Yes.

It refers to a term of a contract in the second dot point five years and a five year option. Do you see that?---Yes, I do.

40 Do you recall any discussion about a five year option at the meeting?---I don't recall.

All right. What about the last – the second last dot point refers to bonus conditions remaining unchanged. Can you see that?---Yes, I do.

Do you recall discussion at the meeting about bonus conditions?---I can't recall at that - - -

Were you aware whilst you were a director of GLALC as to whether Mr Johnson was entitled under his contract of employment to a bonus?

---I'm not aware of that. I can't recall if that was the case.

All right. And presumably given your previous evidence you weren't aware of Waawidji being entitled to any bonus?---No.

All right. You will see the last dot point says, "Jack remains an employee of GLALC and contract employee of GMS." Do you see that?---Yes. Yes.

10 Did you have any understanding whilst you were a director of GLALC that Mr Johnson had a contract of employment with any member of the Gandangara group of companies other than GLALC?---I always thought Jack was the CEO of anything under Gandangara, like under the umbrella so anything that came under Gandangara regardless (not transcribable) my understanding that Jack would be the CEO of that. That's – could be wrong but that's my understanding.

All right. And when you say anything that came under the umbrella of Gandangara, was it your understanding that there were separate companies - - -?---Yes.

20 - - - within the group?---Yes.

And that each company had its own board of directors?---Yes.

And - - -?---We were the Board.

I'm sorry?---We were the directors.

30 That was going to be my next question. Did you understand that you were a director of each of the companies within the group?---Yes, I did.

And was it also your understanding that Mr Johnson was the CEO of each of the companies within the group?---Yeah, because it was – my understanding was because it was under Gandangara regardless of how it was set up - - -

Yeah.--- - - - we were elected as a Board. Anything that came under part – it was part of Gandangara then we were directors of those companies, yes.

40 Right. All right. This slide presentation to which I've taken you includes a slide on the preceding page CEO's proposed salary effective 1 May, 2010 \$180,000. Do you see that?---I do.

Do you recall discussion at this May 2010 Board meeting as to Mr Johnson being remunerated in that amount?—I do remember discussing it, but I don't know if that's the figure. I thought it was a lot less than that, but, you know.

Can you recall what you thought it was?---I thought it was 130.

\$130,000?---That was just my recollection, yeah.

Yep. And when you say \$130,000 what did you understand that o be?

10 Well a discussion between the Board, I think Jack had come asked up for a pay rise and told u that, you know and we – I asked Jack to leave the room. We had a discussion on it, and we thought well you know are we happy, we discussed, we were looking at \$80,000 so I never thought ask the key Board member. Is that a lot of money for a CEO and couple people that said, “not really. So I remember we had a discussion about looking at giving him a pay rise, yeah.

Right. But you don't remember it in effect culminating into an agreement to pay him \$180,000?---Not to my recollection, no.

20 Right. Do you recall there being an agreement on any other amount?---I think we discussed different amounts. I remember saying, well what would the CEO, what's a CEO's wage and depending on what they did and that and I looked at other previous administrator and I think he was, oh sorry, the previous CEO and I asked what was he on and I thought, well maybe we should make it at least equivalent to that.

Right. And you can't recall what that amount was?---I think it was 130.

30 All right. And can you recall if others agreed with that?---No, I can't recall if other agreed, it was just a general conversation about what was a fair I guess.

All right. Do you recall at the meeting Ms Cronan making a presentation about research she had undertaken with respect to comparable remuneration packages for different jobs?---I can't remember that. I'm not saying it didn't happen but I can't remember it.

All right. Does it assist you, your recollection if I suggest to you that she did it by reference to some tool on the internet?---No, I wouldn't know.

40 All right. Well going back then please to volume, page 245 which is the minute. There's the motion 2 to which I've taken you. Are you able to recall whether you voted in favour, against or abstained in respect of that motion?---We're looking at the first one aren't?

Yes. So just to be clear - - -Motion, oh previous minutes.

Motion 2, the one I referred to before?---Oh, sorry yeah, motion 2.

The Board resolves to accept a new CEO contract as tabled effective as at 1 May, 2010 and authorises the chair to sign the contracts. That's the motion that's recorded in the minutes?---Yes.

Are you able to recall whether you voted in favour of that motion?---I would have voted, yeah.

When you say - - -?---In favour.

10 Yes?---I'm only, look I don't want to say I did and I don't know if I abstained but I - - -

I don't want you to speculate?---Well I'm not going to .

The question is do you recall voting in favour of the motion?---I don't recall voting in favour of motion, but I possibly did. I don't know.

20 All right. Do you, if you have a look at who was in attendance at the top of the page, the same question, but by reference to those people?---Yep.

Can you recall whether any of those people who were in attendance at the meeting voted in favour of the motion?---I couldn't say with any clarity that they voted in favour of that, but I imagine they must have 'cause – but I couldn't say who voted which way.

Right. Do you recall if anyone voted against the motion?---No, I do not recall that. Sorry, I wouldn't be able to tell you.

30 All right?---And I think it would be in the minutes if it was.

THE COMMISSIONER: You think, sorry, what, I didn't get that?---I think if somebody abstained or I think that it would be put in the minutes I assume that a motion – but I don't know. That's the question.

MR HENRY: Just so I understand what you've just said the motion is recorded as being carried. Do you see that?---That's right.

40 Are you saying that if someone had of voted against the motion or abstained from voting in respect of the motion you would expect that to be recorded in the minutes?---Yeah, that's my opinion, yeah.

All right.

THE COMMISSIONER: How were the minutes taken, generally speaking?---Well, Jack was the minute taker. We would have a discussion and we'd have debates. Jack would put it up and we'd just say, well, no, we want it this way or we'd have a discussion. And, yeah, it was just, that was how it was done, through a PowerPoint presentation.

All right. Was there ever any suggestion that the meetings could be tape-recorded? That there could be a voice recording of the Board meetings?  
---I used to think that there were some but I can't recollect exactly. I think in the early days maybe there might have been a recording of the minutes, yeah.

Do you - - - ---But I couldn't say if that was the actual case.

- 10 Right. But was there ever an occasion whilst you were on the Board where the Board expressed their reluctance to have the minutes recorded that way?  
---No, I never recall anyone actually saying that, no. I think, if I recall, I think Jack used to make that quite common, that it is on tape. But that's when we first started. I don't know if that continued through.

Right.---Because it wasn't an issue for me.

MR HENRY: All right. You can hand back volume 8, Mr Bloomfield, and I'll ask you to be provided with volume 10, at page 121.---Mmm.

20

Oh, volume 10, page 121. Whilst that's coming, excuse me, Mr Bloomfield, just going back to this meeting of May 2010, and the resolution to which I've taken you. So, not the one that's on the screen, but the May 2010 Board meeting. Am I correct in understanding that at no time during that meeting did you understand that you were being asked to vote upon whether GMS should enter into a contract with Waawidji?---No.

Do you agree with what I've put?---So, sorry?

- 30 Yeah, at no time during that meeting did you understand that you were being asked to vote on whether GMS should enter into a contract with Waawidji.---No. I was never aware of that and I don't believe that ever happened.

I see. All right. Excuse me. If you look now, please, to the minutes of 10 December, 2012, which are volume 10, page 121, you'll see, excuse me, this is another meeting of the boards of, but this time not just GLALC, of other companies. Do you see that at the top of the page?---Yes, I do.

- 40 All right. And you're recorded as being in attendance at the meeting, correct?---Yes.

Now, in these minutes, I want to ask you at this point in relation to motion 4, on page 122. Can you see that?---Now I can. Motion 4, yes.

It's motion 4 at the top of the page of 122.---Yes.

Read motion 4, please, and let me know when you've done that.---Yes.

Now, this is a resolution, Mr Bloomfield, that does a couple of things. First of all it says, "The Board resolves the contract between GMS Limited and Waawidji Proprietary Limited be terminated by mutual consent." Now, just pausing there, that's a reference to the contract to which I have taken you. ---Yeah.

Do you recall ever being asked to vote in respect of a resolution to terminate that contract?---No, I don't.

10

All right. Are you able to say that that did not occur? That is, there was no resolution put to the Board to terminate that contract?---To the best of my knowledge, I don't.

Right. Presumably, then, if you look at how the motion reads on, it says that the termination by mutual consent is to be retrospectively on 30 June, 2012. Can you see that?---Yes, I can.

20 Were you asked at this Board meeting to vote to retrospectively terminate that contract?---I've got no knowledge of that. I cannot recall any of that.

All right. You will then see it goes on to say in the resolution after 30 June, 2012 it says and immediately replaced by contracts commencing 1 July, 2012 between Waawidji Pty Limited and three other companies within the group. Can you see that?---Yes, I can, yeah.

Were you asked to vote on a resolution for Waawidji to enter into contracts with each of the three companies identified?---I've never seen that before.

30 All right. Have you ever seen a contract between Waawidji and Marumali? ---I've never seen a contract with Waawidji anywhere ever.

All right. So based on the evidence you've given am I correct in understanding that your evidence is you never voted in favour of this resolution recorded at motion 4?---Like quite honest, I would have seen Waawidji, I would have known it was Jack's company and I wouldn't have went with it, yeah.

40 And you what, sorry?---If I'd seen the word Waawadji there - - -

Yeah.--- - - - I would have questioned that.

Right. And you don't recall that happening?---No.

So is it your evidence that you didn't vote in favour of that resolution? ---I've never seen that resolution.

Right. In relation to the way, excuse me, in which the resolutions were put to the Board, my understanding from the evidence is, at least from some of the directors, that the resolutions were put up on an overhead screen.  
---That's correct.

Was this resolution ever put up on an overhead screen?---I've never seen the resolution.

10 All right. So you can hand that volume back please, Mr Bloomfield, and I'll ask you to be provided with volume 1, page 258. Now, you should see on the screen and the hard copies being provided to you - - -?---Yeah.

- - - of some diagrams of the Gandangara group of companies. Can you see that?---Yes, I can.

And there's an original structure on the left-hand side. Do you see that?  
---Yes, yeah.

20 Was it your – and then there's a new structure on the right-hand side. Do you see that?---Yes.

Do you recall in January, 2014 a proposal to change the original structure to the new structure?---I can't give you a direct answer to that question because I'm not sure.

30 All right. Perhaps – I'll see if this assists you. If you could be shown – if you hang onto that diagram and ask you to be shown volume 5 at page 131. Now, at volume 5, page 131, Mr Bloomfield, you should see a circulating resolution. Do you see that?---Yeah.

And that's your signature on it?---Yes, it is.

And you will see – and to put it in context the date is said to be 15 January, 2014.---Yes.

Now, and you should see if you look at –if you look at the hard copy through to page 138 you should see other circulating resolutions and each of them I suggest to you is signed by you and dated 15 January, 2014.---Yeah.

40 Do you agree with that?---Yes, I do.

Do you recall why you signed these circulating resolutions?---I believe it was to protect the Gandangara's assets.

Right. How did you understand that that was to occur by signing these?  
---Well, at the time there was conflict with New South Wales NSWALC and they were – I believe they were on the verge of closing us down. Well, not shutting down but coming close to dismissing us. That was my belief what

was going to happen and we felt that we needed to protect the assets of Gandangara.

Right.---And this would make sure if they decided to take Gandangara away from us that these assets would remain under our control.

Right. Just so I understand what you're saying there, if you go back to page 258 of volume 1 - - - ---Yeah.

10 - - - which is the diagram, as you understood it, was the purpose behind the circulating resolutions to create the new structure?---Yes, that's how I understood it. And we had a very big – it was a huge, big investment we had at Heathcote Ridge. And we were very concerned that that would be wiped out if we didn't protect it. And we needed to protect it because it was going towards to get approval to development. And that came under this, I guess, a part of it. That if that was taken away from us - - -

20 Yeah.--- - - - then we'd lose that. And it was a \$2 billion project. So I was very conscious of not losing that contract for the members. And I believe New South Wales Land Council was about to step in and basically put us under administration. And I believed that would harm that particular project. That's why I believed it was changed.

You refer to this project. Are you aware of which company the project – sorry, I assume it involved the ownership of land, presumably, did it? ---Yeah. It's the Heathcote Ridge project. It was on the website.

30 Right.---We advertised it quite long. It was on newspapers. It was a big deal at the time.

And which entity owned that land?---Now you're scratching my memory.

THE COMMISSIONER: Was it Barden Ridge?---That's the one, sorry, yes.

So it's that Lot 3 Barden Ridge, is it?---That's the one, yeah.

40 MR HENRY: So was it your understanding that the company name Lot 3 (South) Barden Ridge Limited owned the land, not GLALC?---No, GLALC, Gandangara owned the land. It was Gandangara's land. It was always Gandangara. Everything belonged to Gandangara.

Yeah.---Nothing did not belong to Gandangara. We always acted on behalf of the membership.

But what I'm trying to understand is how the new structure would, in effect, preserve - - - ?---I'll be open with you. I didn't really quite understand the structure that well. And the question you're asking me, I couldn't give you a

direct answer. My understanding was that Gandangara, the council, Land Council, owned everything, regardless of the structure.

Right.---It always came back to Gandangara. And that's how I always seen it. We worked for the people.

So, is this fair? That as you understood things, by signing the circular resolutions, you were taking steps to ensure that the Barden Ridge property remained - - - ?---In the members' hands.

10

Yes, but you weren't really sure how the new structure would achieve that? ---No. No.

Is that - - - ?---I just figured that what we were told here - - -

Yes?--- - - - that the members would be, if we were to be shut down tomorrow, this structure would take over and the members would become Gandangara. They'd actually become the members, because the Board would become their directors. But it was always with the members. So the membership would take this over. It was to protect the membership of being shut down.

20

All right. Now, is that something someone told you?---Yes, I was told that, yeah.

And who told you that?---I believe it was Jack.

30

Right. Did he tell you that at the time or shortly before you signed the circular - - - ?---No, no. I remember Jack talking about this long before this ever happened.

All right?---Yeah, about 2007 I recall those conversations around protecting the Land Council and you know, so that wasn't just on this particular case.

In relation to the time at which you signed the circular resolutions can you remember whether that was, whether you signed those circular resolutions at the offices of GLALC?---I believe so.

40

Can you recall what prompted you to go to the offices of GLALC?---We would have been contacted by the by (Not Transcribable) we all had our emails or telephone call.

Right. And then – but you turn up to the offices of GLALC - - -?---Ah  
hmm.

- - - and this obviously wasn't in the context of a regular Board meeting. Is that right?---No, that's right. This wasn't a Board meeting.

Right. And what was your understanding as to why you were there?---I wasn't sure until we got there.

So you turned up there?---Yes, we were just told to turn up at meeting.

So told you turn up and you turn up and then what happened?---We were then informed that there was some issues with I believe the New South Wales Land Council. And I believe, I can't, look I'll be honest I can't remember exactly what was said, 'cause I'd only be speculating now, so - - -

10

All right. But you can recall presumably from what you've said previously that what said was said by Mr Johnson. Is that right?---About the structure?

Yeah?---Yeah, like well that's recollection, but, you know.

And then what are you provided with these circulating resolutions at pages 131 to 138 and asked to sign them. Is that how it worked?---To my recollection that's what we did.

20 All right?---And that's what I did.

THE COMMISSIONER: Mr Bloomfield, did you, did you understand that at the time you were asked to sign those resolutions that there was already an administrator. There was an administrator who was already in place at the time these resolutions were signed?---I'm not a hundred percent sure.

But it was just sort of a bit earlier you referred to the fact that - - -?---That they were going to put administrators.

30 - - - that they were going to put you under administration but in fact you already were under administration at this point in time?

- - - at this point in time?---At that time.

Did you understand that?---I would now.

You would now but you[re not sure that you knew that then?---Just going off the top of my head I wasn't probably aware of that, but right now - - -

40 MR HENRY: Well if I could you to go to page 257 in volume 1, which is the page before this one with the diagrams on it?---Yep.

You'll see, I'm just going to see if these will assist prompting your memory. It says at the top of the page, "The Boards GLALC Service Delivery entities have chased the group structure without the consultation or approval of GLALC members or the administrator. Can you see that at the pot of your page?---Yes, I can.

And then it says under the heading “Corporate Structure Background”, excuse me, it’s noted in prior reports, the administrator had conducted legal and tac reviews and drafted the documentation required to enable the Board to put proposed hub and spoke corporate structure in place, diagram opposite. Now you see the diagram opposite, Mr Bloomfield?---Yes, I do.

I appreciate that it’s difficult to read?---Yes.

But as I understand it that diagram has GLALC in the centre?---Yes.

10

And then there’s a line which is like a spoke on a wheel?---Yes.

And then at the end of each of line is one of the Gandangara group companies. Do you see that?---I can see the middle one but that’s about the only one I can make out.

What I’m suggesting to you is that the hub and spoke structure that is depicted albeit not very clearly on page 257 - - -?---Ah hmm.

20

- - - was a structure that had been proposed by the administrator to GLALC before the circulating resolutions to which I’ve taken you. Does that - - -? ---Yes.

Do you recall that?---I do.

30

All right. And you’ll see if you go back to the text under the heading “Background” on page 257, the second dot point says, “The administrator believe that the hub and spoke model would provide GLALC members with a high level of control over the entities of the group and that the structure is less likely to cause to breaches of ALRA. The administrator intended to place this matter before the new Board and implement these changes at the earlier opportunity in 2014. However on 21 January, 2014, the administrator was provided with a copy of correspondence sent to the Minister from the Board of the two new entities, Gandangara Services Limited and Gandangara Health Limited. The letter advised the Minister that on 15 January, 2014 the Board’s of the existing Corporations Act are limited service delivery entities have met and decided to make changes to the corporate structure. The administrator was not informed of this meeting or the intended change. The administrator had requested a Board meeting

40 having the CEO of GLALC advise the administrator that the Board was unable to meet until late January or early February, 2014. A meeting has now been called for 24 February, 2014.” Now do you see all of that?---Yes, I do.

Does that assist you in recalling that the circulating resolutions were signed for the purposes of attempting to implement the new structure before the hub and spoke corporate structure could be put in place by the Administrator?---Yes.

All right. If you could hand those volumes back please, Mr Bloomfield, and I'll ask you to be shown Exhibit G3. Now, Exhibit G3 is an email from Mr Johnson to Mr Hickey and it's copied to members of the Board on 25 September, 2012. Is that what you're looking at?---Yes, I guess, yeah, it's Mr Clayton, yeah.

And you'll see there's the BCC reference on the left-hand side of the page towards the top of the document.---Yes.

10

And there's a reference to George Bloomfield, George – and I won't read out the email address but is that – was that your email address at the time? ---It still is.

Yes?---Yeah.

All right. You see the email says Clayton. Now, just pausing there. You understood didn't you Clayton Hickey was the - - -?---He was the - - -

20

- - - the auditor - - -?---Yeah.

- - - of GLALC. It says, "I would like – I would ask you to consider the format and contents of the table attached. Following the review requested by you this afternoon we have concluded that the attached format and contents represent a more understandable account of the payments made. You will note that there is only a subtle variation to the bottom line. I'd be very comfortable to sign off your requested letter with the table attached replacing the table provided in your daft letter. Accordingly I would without reservation recommend to the Gandangara Board that they endorse and sign the attached letter at the earliest opportunity, that being immediately prior to the AGM tomorrow evening." Do you recall – and sorry, if you can go over to – I won't read the rest of the email to you but feel free to read it for yourself if you wish.---No, it's fine.

30

And then if you go over two pages please you will see a draft letter dated 20 September, 2012 with a table on it. Can you just have a look at that letter and with a view to answering this question, do you recall reading this draft letter?---To the best of my knowledge I don't think I've ever seen that.

40

I'm sorry, I couldn't hear you.---To my knowledge I don't think I've ever seen it.

Right. Okay. I'll ask you to be shown volume 20 at page 250. Now, this is I suggest the final form of the draft letter that I've just taken you to. Again I ask you whether or not you can recall having seen this letter?---No, I don't recall ever seeing this letter.

All right. Excuse me. And am I correct in understanding you never were asked to approve a letter in these terms?---I have no recollections of ever seeing this letter.

All right. For completeness, I'll ask you to be taken to volume 10, page 118. You'll see there, Mr Bloomfield, that's a set of minutes of a meeting of 30 October, 2012. Can you see that?---Yes.

And you're noted as an apology.---Yes.

10

So presumably you weren't present at the meeting.---Correct.

You'll see motion 2. 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." Can you see that?---Yes, I can.

20

Now, I appreciate you weren't at the meeting, but do you recall ever being told by any member of the Board or Mr Johnson about a representation letter?---No, not to my knowledge.

I assume you're not able to say whether the representation letter that's referred to in those minutes is the letter at page 250 dated the 29<sup>th</sup>?---No, I can't. No, I can't.

30

All right. You can hand those back. Thank you. And I'll ask you to be shown volume 9, at page 111. Now, these are again minutes of a meeting, but this time it's a meeting of 11 July, 2011. And you're said to be in attendance at the meeting. Do you see that, Mr Bloomfield?---Yes, I do.

Now, you'll see over the page, at page 112, at the base of the page is motion 8.---Yes.

And it says, "The Board resolves that an appropriate resolution be put to the members in line with relevant legal advice, that funds be transferred from GLALC to the GFF Limited." Can you see that?---Is it motion 8, you said, was it?

40

Yes, motion 8 at the base of page 112.---Oh, sorry, I was looking at it wrongly. Yes, I can, yes.

And that's a motion, according to these minutes, that you seconded.---Yes.

And I'll come back to that in a moment, but to take the matter further, page 114 you'll see motion 17.---Yes.

I won't read it to you. Could you just read that motion?---Ah hmm.

And let me know when you've done that, please.---Yes.

Now, and you're said to have seconded that motion as well.---Yes.

Do you recall ever being shown written legal advice concerning the transfer or proposed transfer of funds from GLALC to GFF?---I don't recall seeing any written advice, but I believe we got verbal advice.

10 Right. And do you recall who gave you that verbal advice?---Jack talked to us, but I think we, and don't quote me on this, but I think we requested Jack to talk to our solicitors on if this is within the Land Rights Act or whatever. And that's my recollections, anyway.

So you - - - ---And I can't really recall, to be honest.

All right. But so far as you recall being told about legal advice, is the only person that you can recall telling you what the content of that advice was, was Mr Johnson?---Yeah. We would have requested Jack to do that.

20 So was this the situation as you understood it? He told the Board, including you, what legal advice had been obtained. But you weren't shown - - - ? ---Not that I can recall.

Right. All right. Do you recall this, that the legal advice that GLALC had received was to this effect, firstly, that GLALC could not donate or gift money to GFF?---I can't sit here and honestly say I recall that.

30 All right. If you have a look at the motion 17 on page 114 you will see that it says, "The Board resolves that all funds surplus to the operating needs of GLALC shall be loaned to GFF".---Yes.

So there's a reference there to a loan. Do you see that?---Yes.

Do you recall being told that GLALC had received legal advice that it could lend money to GFF?---That's my belief, yes.

40 Do you recall that you were told that the legal advice was that a loan from GLALC to GFF had to be secured?---Going off the top of me head I can't recall.

Were you- do you recall being told that the legal advice GLALC received was the loan from GLALC to GFF had to be on commercial terms?---I can't give you an honest answer on that one. I don't know. I can't recall.

All right. What about the legal advice was that GLALC could lend money to GFF pursuant to a members' resolution. Do you recall being - - - ? ---Again I can't recall exactly.

All right. Looking at motion 17, it provides for the lending of money from GLALC to GFF on particular terms. Do you agree?---Sorry? Yeah.

The effect I suggest to you of motion 17 is that GLALC could lend money to GFF on the specific terms. Do you agree?---Yes, that's what it says, yeah.

What as you understood it was the purpose - - -?---Of the - - -

10 - - - of any such loan?---My understanding that the future fund we're talking about I guess that we could – futures fund was basically set up to take money from land deals, to take money from wherever we get money from, it may be for sales or something, and it was to go in the future fund and the future fund would be there for other – well after we're gone, for us to have money there to purchase whatever we required at the time, for the Land Council managers to purchase, maybe extend maybe say like the medical service or something needed that. That was how I understood it.

20 All right. Do you have any understanding as to why it was either necessary or desirable for the funds that were to comprise the future fund to be transferred out of GLALC?---No, I can't answer that.

Do you recall being informed whilst you were on the Board of GLAC of any loans that were made by GLALC to GFF?---Not that I can recall.

Do you recall being told of any transfers of funds from GLALC to GFF? ---Not that I can recall.

30 Just bear with me. There's a, excuse me. If you go to page 129. This is sticking with volume 9, Mr Bloomfield. You will see minutes of a members' meeting of 27 July, 2011. Do you see that?---Yes, I do.

Now, you see at page 132 a motion styled GLALC Future Fund. Can you see that?---Yes, I can.

Just take a moment to read that and let me know when you've done that please.---Yes, I see it.

40 Now, I suggest to you the substance of that resolution is that the members effectively adopt the Board resolution to which I've taken you. Do you agree?---Yes.

Do you recall being present at this meeting, members' meeting?---I would have been, yes.

All right. Do you recall any discussion at the members' meeting about this resolution?---Have you ever been to an Aboriginal Land Council? There would have been discussions, trust me.

Right. Perhaps I've put the question too broadly. Do you recall any discussion about this resolution at the meeting?---I can't recall specifically about this resolution. There was lots of discussions. I wouldn't have any particular memory on this particular one.

10 All right. What about discussion concerning transfers of funds or loans from GLALC to GFF?---I really don't know. It would have just been another discussion that we would have discussed on that day with other things. But I can't particularly recall, no.

All right. If you go forward in the bundle, please, to page 183, you'll see this is the minutes of a meeting of the GLALC Board of 10 October, 2011. And again you're said to be in attendance. Do you see that?---Yes, yeah.

20 You see motion 1. At the base of the page is that "The Board notes the declaration that Mark 'Jack' Johnson, CEO holds the position of the director of Waawidji, and that Waawidji does not hold any role with the GLALC as a consultant." Can you see that?---Yes, I can.

Now, I understand the evidence that you've given concerning your state of knowledge about Waawidji and its activities at the time that you were a director. This is a declaration that was made at various Board meetings whilst you were a director, wasn't it?---Jack would declare that he was the director of Waawidji.

Yeah.---That's what we're talking about, yeah.

30 Yes. Can you recall, or did you have any understanding as to why he was making that declaration at GLALC Board meetings?---Yeah, because this is after an election and there would have been new Board members on, I imagine, which I can see there was.

Yeah.---And Jack would have made sure that they were understanding that he had an interest, that he was a director of Waawidji. That's what he did every time we did that.

Yes.---Had an election, he would do that.

40 But did you have an understanding as to why that was being done at a GLALC Board meeting? What was the connection, as you understood it, between Waawidji and GLALC, such that that declaration was - - - ?  
---There was no connection. He was just declaring his private business to people so they were well aware. And other people, needed to ask other people, if they've got any interests, they need to declare it. That was it.

I see.

THE COMMISSIONER: So, sorry, just to be clear, are you saying that the point of the declaration was to make sure that anyone who did have a private business had absolutely no dealings with GLALC in the terms of that private business?---Yes, that's right.

That was the point of it?---That was their business. It stays over there.

Right.---And we don't have nothing to do with it.

10 Right.

MR HENRY: Was there any discussion before he made the declaration? Or was he just making it?---I can't recall that.

Right. If you go over the page, Mr Bloomfield, to page 184, you'll see, excuse me, that it says, "In accordance with section 72 of ALRA, the Board reaffirms the following delegations for the remaining 12 months or until completion or until reviewed by the Board." And then there's set out beneath there some 25 subparagraphs.---Yeah.

20

And if you go to page 186, after the 25 paragraphs have been set out, you're the person who's said to have seconded the resolution. Do you see that? ---Yes, I can.

Now, this is obviously a resolution that delegates functions or powers to Mr Johnson, correct?---Yes.

30 How did this resolution get put before the Board? Was it put up on the overhead screen or read out?---I've got no recollections. Even though I've obviously seconded it, I've got no memory of this. But doesn't mean it didn't happen. Obviously it did, but I've got no recollections of it.

All right. You'll see, if you go to page 185, paragraph 21.---Yeah.

It says, "In line with both Board and members' resolutions, the CEO is authorised to ensure that all surplus funds are lent to GFF in line with the resolutions." Can you see that?---Yes, I can.

40 Now do you recall the Board delegating to Mr Johnson an authorisation to do that?---No, not off my memory right now no.

All right?---I mean it may have happened, but I can't recall.

And well do you recall at any time Mr Johnson reporting to the Board about any loans from GLALC to GFF?---I can't recall.

All right. I'll ask you to hand that volume back then, please and to be provided with volume 20 at page 16. And at page 16, Mr Bloomfield you

should see a letter of 31 August, 2012 from the Registrar of the Aboriginal Land Rights Act to GLALC. Is that what you see?---Yes.

And it refers you'll see to a compliance direction. Do you see that?---Yes.

And then the compliance direction, Mr Bloomfield, is copied at pages 17 through to 20. Just take a moment if you would to have a look at the compliance direction pages 17 through to 20 with a view to answering this question, were you aware of the compliance direction whilst you were a director of GLALC?---I do have some recollection, but I, well the administrator possibly sending this, yes.

This is actually the Registrar under the Aboriginal Land Rights Act, not the administrator?---Yes, yeah. Is it Steve Wright, yep.

Yes. You'll see on page 17 at paragraph 3 there's a reference to Board resolution and I suggest to you it's intended to be a reference to the Board resolution to which I've taken you concerning loans from GLALC to GFF. Do you see that?---Yes.

And then paragraph 4 refers to the members resolution which I've taken you to of 27 July, 2011?---Whereabouts is that one?

Paragraph 4 on page 17?---I'm at paragraph 4, yep.

So paragraph 3 refers to the Board resolution and paragraph 4 refers to the members resolution. Do you see that?---Yes.

And if I could ask you please to turn forward to page 19 there's a heading, "Directions to Gandangara LALC", and then underneath that heading it says, "Gandangara LALC is directed to", and then there's subparagraphs a) through to h) over the page?---Yes.

Now do you recall being told – sorry I'll withdraw that. Do you recall becoming aware after the date of this compliance direction which was 31 August, 2012 that GLALC was directed by the Registrar not to implement the Board and members resolutions to which I've taken you pertaining to loans from GLALC to GFF?---To my knowledge, yes.

You can recall being told that?---Yes.

Do you recall who told you that?---I assume it was Jack, I'm just, we were told that they didn't want it, that, to transfer the money back to Gandangara. That's my understanding of how it was.

So just to understand, you actually recall Mr Johnson wanted a Board meeting telling the Board - - -?---Yeah, I think it was brought to our attention - - -

Yes?--- - - - this was tabled.

The compliance direction was tabled at Board meeting?---I don't think it was tabled but it was brought to our attention.

Right. And how was that done?---Yean, look I, I couldn't tell you exactly.

10 All right?---It might have been, it could have been a number of ways, but I don't recall exactly how it was done. I just remember they wanted us to – they weren't happy about the Future Fund.

Right.

THE COMMISSIONER: They weren't happy with?---With the Future Fund. Like they didn't, they didn't think it was – I don't know they wanted us to transfer the money from Future Fund back into - - -

20 Back to the GLALC?---Yes.

All right. And who told you that?---That was relayed to us, well through the letter when it came, I think Jack would have passed it on to us.

Right. So that presumably came at a later point in time initially?---I can't remember exactly when it came. I just remember it.

All right. Is that a convenient time, Commissioner.

30 THE COMMISSIONER: Yes. We'll just take the morning tea adjournment. Resume at 10 to 12.00.

## **SHORT ADJOURNMENT**

**[11.31am]**

MR HENRY: I'd ask for you to be provided with volume 10 please at page 99.---I'll just get my glasses out.

40 99. You should have now in front of you, Mr Bloomfield, minutes of a meeting of the GLALC Board of Friday, 20 January, 2012. Is that what you're looking at?---Yes, that's correct.

Now, and you're said to be in attendance at the meeting. You see that? ---Yes, I do.

Now, this meeting involved the suspension of Mr Johnson as CEO pending an investigation.---Yeah.

Do you recall the meeting?---Yes, I do.

And if you look under the attendances at the meeting it says about halfway down the page, "This issue has been ongoing since 2009." Do you see that statement?---Yes.

Are you able to shed light on what that's referring to when it says this issue?---No, I, I can't.

- 10 After that statement it says, "There's concern amongst the Board that there is more widespread dealings through other LALCs".---Yes, correct.

What was that about?---Well, we got told that – I think – I believe it might have been Wendy Maybury, I can't recall if it was actually her, had notified and called the meeting about dealings between Gandangara and the Deerubbin Land Council.

Ah hmm.---That's what this was all (not transcribable) about this.

- 20 Right. And what did you understand to be the concern?---The concern as told to us – I believe there might have been a letter at the time. I can't remember. Ms Maybury might have produced one. I can't recall exactly but the discussion was around that apparently Jack Johnson had been meeting with Deerubbin and there was stuff going on over there, land deals. I'm not quite sure what the deals were but, yeah, that he'd been over there and there had been – I believe allegations were made to NSWALC about this happening but my recollections are very limited.

- 30 Well, you'll see motion 2 is "Suspension of CEO with pay and investigation pending."---Yes.

And you're said to have moved the motion.---Yes, I did.

Yeah. Why did you consider Mr Johnson should be suspended?---On what we were told. I guess I believed that he was under investigation with ICAC, is my understanding. And I thought, well, maybe we need to suspend Jack until this investigation takes place. And I believe, and I could be wrong, but I believe that we rung our solicitors for some legal advice around what we should do.

40

All right.---That night.

I'll come back to these minutes in a minute, but, um, you mentioned Deerubbin.---Deerubbin, yeah, Land Council.

I'll ask you to be provided with volume 22, at page 90. Now, volume 22, at page 90, shows a letter dated 8 December, 2009, on Waawidji letterhead, to Mr Cavanagh, who was then the CEO of Deerubbin Local Aboriginal Land

Council. This is a letter – I'll withdraw that. Have you seen this letter before?---It's not addressed to me.

No, no. I understand.---No, I don't.

10 All right. This letter is, as it suggests in the heading in bold text, it's a retainer. That is, Waawidji is retained by Deerubbin Local Aboriginal Land Council for the provision of certain services in the letter. And you'll see, if you go through to page 92, there's a heading in bold that says "Fees" about three-quarters of the way down the page. Can you see that, Mr Bloomfield?  
---Yes, yes.

20 And it says, "Given the open-ended nature of some of the tasks that will be performed by my firm, the fee structure for this engagement needs to balance the cost of DLALC with the time-intensiveness of the task to be undertaken by my firm. Accordingly, I suggest that the fees for this assignment be based on a success fee as follows. A success fee is only payable from the sales proceeds received by DLALC for each of the lots, and success fee is payable within 14 days of receipt by DLALC of the sales proceeds from each lot, in an amount of \$5,000 per lot." Can you see that?  
---Yes, I can.

And to give you some context, if you go back to page 90, at the base of the page it says, "Current status. Presently DLALC has identified a prospective project, being 10 parcels of land situated at Hazelbrook." Do you see that?  
---Yes, I do.

30 And so I'm taking you to that because the reference to the lots in the success fee paragraph are lots in this Hazelbrook parcel of land. Appreciate that?  
---Yes, I do.

Now, my question for you is this. When you were a director of GLALC, were you ever aware that Waawidji had entered into an agreement with DLALC for the provision of services for award?---No.

All right. And you were never asked to approve such an agreement?---No, because I don't see where that comes into us. It looks like a personal agreement.

40 All right. You can hand back that volume, please, Mr Bloomfield. And returning, then, to volume 10 and the minutes of the meeting of 20 January, 2012. Excuse me. You'll see in motion 2 it says, "Suspension of CEO with pay and investigation pending."---Yes.

Now, you mentioned a moment ago an ICAC investigation. Do you recall though that there was an investigation undertaken by Mr Mero?---Yes, I do.

If you have a look at page 101, motion 12 you will see at page 101, motion 12 there's a resolution or a motion to employ John Mero as a consultant to investigate on the corporation side of Gandangara group and the allegations contained in DLALC complaint. Do you see that?---Yes.

Now, do you recall following the meeting being provided with a report prepared by Mr Mero?---I've got a funny feeling that there was but my memory doesn't serve me that well at this point in time. I can't – I just have – yeah, at this point in time I'll go I can't remember.

10

All right. I ask because you obviously according to the minutes seconded the motion.---Yes.

Did you think Mr Mero was an appropriate person to investigate the concerns that had been raised about Mr Johnson?---I never really gave it a second thought like whoever was being investigated as long as it was aboveboard. Yeah, I don't know – I never – it never crossed my mind.

Did you have any experience of Mr Mero other than the experience on the Wollongong training?---No, that's – through the Wollongong training is how I met him.

20

All right.

THE COMMISSIONER: do you know who proposed Mr Mero as the investigator?---No, I really can't. I just think that we wanted an independent person to do it but I can't recall – I didn't – you know, we didn't – I don't recall saying bring John Mero in or anyone in particular. It was just we just wanted to get someone to investigate it and get back to us.

30

This is in 2012.---Yes.

And Mr Mero had actually done the training in relation to the GLALC corporate - - -?---Yes.

- - - structure and that was - - -?---Correct.

- - - and that was around about 2009 wasn't it?---Yeah, he – I think I might have attended two to three, I'm not 100 per cent sure but I remember, yeah, down at Wollongong.

40

So had Mr Mero done other training other than the Wollongong training? ---You mean with us, sorry?

Yes.---It was only the – we only ever went to Wollongong, yeah.

Just the once?---No, I think I might have attended three. I'm not quite sure if it was three or two. But, yeah, I remember we went down a couple of times.

But was that all in the same year or over a course of time?---No, no, I believe it wasn't the same year. I think it was like 2012, might have been the year before and look, there might have been a couple in the same year but I can't really recollect.

10 Right.---I just remember attending the meetings, going down there.

MR HENRY: Was it your understanding based on the experience you've just described of Mr Mero that Mr Johnson had arranged for him to conduct the courses in Wollongong?---I assume so. Like we just got – say we're doing some training and I imagine it may have been done through the Land Council, yeah. It would have been done by the Land Council.

20 So as far as you were aware the connection that Mr Mero had to the – to GLALC was through Mr Johnson?---To my knowledge as the CEO he would have probably decided we needed training and I guess he would have – I don't know what the procedure was but we were told that we were going down to Wollongong for training.

All right. Did anyone at this – coming back then, forward in time to the 20 January, 2012 Board meeting, did anyone suggest that Mr Mero may not be an appropriate person to conduct the investigation that was proposed? ---Look, I heard the other day I was in here but I really can't recall if anyone did, did or not. I just don't recall.

30 All right. You will see over the page, Mr Bloomfield, at page 102 a document that says Board meeting pursuant to schedule 3 part 2 subsection 6 of the Aboriginal Land Rights Act. Date of meeting Friday, 27 January, 2012. This is a week after - - ----Yeah.

- - - the meeting we've just been - - ----Yes.

40 I withdraw that – that I just asked you about and this is said to be a meeting at which the Board resolves to revoke Jack Johnson's suspension subject to the terms outlined in the letter to him dated 27 January, 2012. Now - - -? ---That means reinstate?

I'm sorry?---We're talking about reinstate?

That's, that's, correct?---Okay.

This is a resolution to in effect reinstate Mr Johnson, him having been suspended for seven days?---Yep. Yeah.

Now you're recorded in these minutes as being a Board member who did not respond. Can you see that?---Yes.

What if anything did you know – I'll withdraw that. What if anything do you know about whether a meeting was conducted on this day?---I'll tell you why I didn't respond, because I was disappointed.

But respond to what, sorry, just if I can take it a step at a time?---Okay.

10 You said you – I want to hear why you didn't respond - - -?---Yeah, I didn't.

- - - but respond to what?---I didn't respond to reinstatement of Jack Johnson, that's what it looks like to me here.

Yes. But did you receive a communication about well there's a meeting or you received a text message or a phone - - -?---I can't remember, but I probably would have got told about it, I can't recollect exactly what how the events unfolded.

20 Right?---But I obviously was there because I didn't respond. But I think what the, the reason why didn't respond 'cause I was confused and I was upset and I was cranky. And I was sort of, to be honest, I was a bit cranky with Jack because what we were told and I upset about the thing set up 'cause I thought you know, he'd done the wrong thing. But the fact that he was cleared after that it just, it just put a nasty taste in my mouth. I just felt funny about it, that's all. And I was probably angry for quite a while after that. But it wasn't anything personal against, it wasn't, like it wasn't aimed at him, it was aimed at him but it was just the way I was feeling at the time. And I didn't really want to have anything to do with it. So I just decided not  
30 to respond to this. I sort of cut myself off a little bit, you know.

THE COMMISSIONER: When you, when you said you were cranky and upset - - -?---About the allegations and what happened and I was just, 'cause I just, yeah, you know I just felt like you know it was right the way we were told and what was going on and I wasn't aware of it. And I just upset about it.

40 When you said a minute ago something about because you weren't, you weren't told was that – were you referring to - - -?---Yeah, I'm referring to when we got told late that this had happened. And - - -

When you say this you mean the arrangement between Waawidji and GLALC?---Yeah, yes, yes.

So you were upset about the fact that you hadn't really been informed of this until - - -?---Yes.

- - - until this issue came up?---Yes, that's what I was - - -

Right?--- - - - well that's how it felt at the time. I was really upset about it.

MR HENRY: You mentioned in the course of an answer you gave a moment ago that according to you that Mr Johnson had done the wrong thing?---Well maybe, I should withdraw that comment because he hadn't been found guilty with anything at the time. I mean that probably just really not a good word to use. Because he was under investigation, so until that investigation happened, he hadn't done anything wrong. You know you don't convict somebody before – I just felt a bit annoyed about everything, that's all.

All right. So you were, you felt that way by reason on what you discovered or were told concerning Mr Johnson's interactions with DLALC?---Yes.

Was there anything else apart from that was - - -?---No, that was the main reason.

Right?---I just felt upset about it.

Could you ask you please to be shown volume 22 at page 228. Mr Bloomfield volume 22 at page 228 is the first page of the report prepared by Mr Mero subsequent to the suspension of Mr Johnson as CEO. Have you seen this report before?---I can't give you a definite answer. I've got a feeling I may have seen it but I can't confirm that, because I'm, yeah, look I'll say I can't remember.

All right. Were you told – excuse me. Going back to the meeting of the – or the minutes of 27 January, 2012, to which you did not respond to the resolution.---Yeah.

Were you told of the outcome of Mr Mero's investigation - - - ?---Yes. I was told, yes.

- - - by that point in time?---Yes, I knew. I knew what it was, yeah.

All right. Do you recall who told you?---I have to just assume. I'd say it would have been our chairperson but I can't confirm that.

All right.---I just remember being told that, as far as the investigation goes, that Jack was found to not have done anything illegal or outside whatever it was supposed to – it was okay, that was what I was told.

But were you also told that that was Mr Mero's - - - ?---That's correct, yeah. I mean, that was Mr Mero's, yes.

All right.---I was well aware of that.

And in relation to this period effectively commencing 20 January, 2012, at which Mr Johnson's position as CEO was suspended, were you aware at that time that GLALC or any of its companies was providing services to DLALC?---No, I didn't. Not to my knowledge, I didn't, no.

All right. Or any other Local Aboriginal Land Councils?---I did find out later.

Yes.---But not at that particular point.

10

All right. Do you recall when you first were told of that?---That was when we first put the suspension on.

That's with DLALC?---Yes, that's correct.

Yes?---That's when we decided, in the meantime, to put Jack on suspension. That's when we were first informed of it and, if I'm correct, it was Wendy Maybury that informed us at that meeting. That was how I first heard about it. Up until then, I had no knowledge.

20

But correct me if I'm wrong. What you became aware of at the 20 January, 2012 meeting was Waawidji providing services - - - ?---No, I'll explain it this way.

Yeah.---In all the time I was on the Board - - -

Yes?--- - - - I looked for, very specifically, to see if there was any of that going on. I was always conscious of it. I was well aware, right? And I made sure that when I read (not transcribable), if I would have seen the words, I would have protested straight to Jack. That's straight from my, you know, my heart. I would have just pulled him straight up, without a doubt. So I wasn't never aware until it was brought to my attention.

30

Mmm.---That's why I was so cranky. And that's why I moved all those minutes. I was that cranky.

Yes, I understand that. What I'm asking you now is, putting Waawidji to one side - - - ---Yes.

40

- - - there was GLALC, GMS, other companies - - - ---Yes, yes.

- - - within the GLALC group.---Yes.

Were you aware at the time of the 20 January meeting that any of those companies had provided services to - - - ?---No, I was never aware of that.

I see. And not just to DLALC, but to other - - - ?---No.

Right.---I might have been a bit of a mushroom.

All right. Well, just asking whether you knew. No-one told you about it?  
---No.

Right. All right. Well, you can hand back those volumes, please, Mr Bloomfield, and I'll ask you to be provided with volume 41, at page 14. Now, this is a letter dated 18 February, 2014. And on the second page of the letter, which is page 15 of the volume, that's your signature, isn't it?---I  
10 can't see anything at the moment.

Oh, sorry. Need to change to page 15.---Yes, it is.

All right. Now, do you recall signing this letter?---My signature's there, so I guess I did, but I don't remember exactly.

Well, take a moment to refresh your memory. Have a look at the letter. Perhaps if you read the letter and then let me know when you've done that.  
---O.K. I can't remember reading the letter, but obviously I was there. I  
20 must have read it, so, yes.

All right.---I just can't remember.

Do you recall that the – there was an issue at the time of the letter about Mr Johnson's expense claims?---Yeah, I think so.

And, excuse me, you'll see that letter is addressed to Mr Lombe.---Yeah, David Lombe, yeah.

30 Yeah. He was the Administrator of GLALC at the time.---Yes, yes.

And he had raised questions about whether or not some of Mr Johnson's expense claims were appropriate. Do you recall that?---Yes, I do.

And this letter was signed by members of the Board including yourself in effect supporting Mr Johnson's position.---Yeah.

Now, prior to the signing of this letter do you recall being provided with a printout of some of the expenses the subject of the dispute – and I'll – to  
40 assist you, if you could be shown pages 10 through to 13.---Ah hmm. I can't remember any of this but - - -

All right.---I don't know.

You don't recall receiving a list such as the one that's up on the screen?---I just don't remember.

All right.---I mean, the fact I may have received it but I have no memory.

All right. Well, do you remember at the meeting at which this letter – do you remember being at the meeting at which this letter was signed?---Yeah, it was – I must have been there because I signed it.

Yes. If it assists you, there's been some evidence given that Ms Provost was at the meeting and she got upset at it. Does that assist your recollection? ---Yeah, she was upset I think at the time, yeah.

- 10 Do you recall at the meeting concerning Mr Johnson's expense claims Ms Provost becoming upset about being asked to sign this letter?---Yes, I do.

Right. Do you recall what if anything she said?---Say that again, sorry.

Do you recall what if anything she said as to why she was upset?---Yeah, she had some concerns about – I'll have to just say at this point in time I can't remember exactly what.

- 20 All right. You will see if you go back, excuse me, to page 11 there's a – this is the printout that I took you to earlier.---Yeah.

About halfway down the page on the left-hand side of the column there's a highlighted entry called Easy Park Australia. Can you see that one?---Yes, I can, yeah.

If you look at the one immediately above that it's Tuza Floats, T-u-z-a. ---Yes.

- 30 And it refers to an invoice of 8 September, 2011 for \$3,000 and the description is horse float accessory, description says fit ball to truck. ---Yeah.

Can you see that?---Yeah. That was brought to our attention by David, the bloke that was acting as, David - - -

Lombe.---Yes. He brought that to the Board.

All right.---The meeting.

- 40 Do you recall a horse float expense claim being the subject of discussion at the meeting?---Yes, I do.

All right. What can you recall being said about that?---That – I remember him sitting there at the time and he goes there's a – do youse know youse own a horse float and I sort of laughed and said what are you talking about and he goes well, there's – he brought this to our attention and we said why

would we want a horse float for and he then I think asked Jack to come back in. My understanding that it was bought by Gandangara - - -

10 THE COMMISSIONER: The horse float was?---Yeah, because we, he brought it our attention and said there was a horse float there and I just said, what are you talking about, a horse float? He said youse own a horse float. I just looked at him and I said, I don't understand what you're talking about. So we called Jack back in at the time because David Lombe was chairing the meeting and we asked Jack about the horse float. And Jack wasn't real  
10 happy about the word horse float and I said, well that's what it's got here. And this is in the presence of David Lombe and the Board and he said, yeah, that's this about. And Jack explained that it was actually for a dental bus I think, yeah or going to be turned into – well that was the purpose of buying it, 'cause I remember that we wanted to have a dental bus when we first set up, but it was very expensive. I think it was \$50,000 a seat. And we didn't have the money at that particular time, so my understanding was that even though it was horse float that it can be converted into a dental bus. And that was the explanation. And we hadn't seen it and we said well why can't we  
20 keep here at the Gandangara Land Council and I believe it was the height of Gandangara, the Land Council bus were too high or the horse float, the bus, whatever.

MR HENRY: So do you recall Mr Johnson saying what he'd been using the horse float for?---Yes, yes. It was something about schools and going to schools and distance or something like that. I can't be exactly, but yeah, and see if the bus could fit in down into the school I believe or something like that or something similar to that.

30 Right. Did he saying about transporting corpses in the horse float?  
---Transporting who?

Corpses?

THE COMMISSIONER: Bodies?---I can't remember that. Because I work in a hospital and I know you can't transport bodies out. I know the procedure of how that happens. You can't do that so no I can't ever recall him saying that, but you know, I haven't got the greatest memory in the world.

40 MR HENRY: Well as far as you were concerned was the expense claim – sorry I'll withdraw that. My understanding from your evidence is that the way in which you remember the expense claim for the horse float being justified was Mr Johnson acquired a horse float or parts for a horse float and said that that was money he could claim from GLALC because at some point in time the horse float will be converted into a dental bus?---That's correct.

Did you, based on that explanation consider that the reimbursement claim should be approved?---I can't remember whether he had a reimbursement claim. Did we – I think we might have asked, I can't remember.

All right?---I don't remember the reimbursement back to Gandangara you mean? That we should be reimbursed or - - -

No, no, no, that GLALC - - -?---Oh, sorry, my mistake. I understand what you're saying.

10

- - - that Mr Johnson, that Mr Johnson should be paid money on account of the horse float expenditure because he claimed that the horse float would one day become a dental bus?---Well I don't think that would have been a decision for the Board 'cause the administrator was in charge. The administrator, that was up to the administrator not the Board. We were actually a defunct Board basically.

THE COMMISSIONER: But sorry, Mr Bloomfield this goes back to the letter that, that Counsel took you to a minute ago - - -?---Yeah.

20

- - - and your signature on that letter effectively expresses the Boards confidence in Mr Johnson's claim to all of these expenses?---Okay.

So, so it was, it was a letter from the Board to the administrator that essentially gave the Board's complete - - -?---Right. I understand what you're saying.

30

- - - approval. So that's why we're asking you about this?---Okay, well maybe I didn't understand what I was signing. If that was the case it's, yeah, maybe I just signed it because I thought, I don't know what I thought at the time when I signed it. I don't know. But if I've approved it then I can't explain why I approved it.

MR HENRY: All right. Well, that perhaps answers the next question. Because if you go to page 14, which is the first page of the letter, you'll see it says in the second paragraph, "We support the claims and statements made by Mr Johnson."---Yes.

40

Now, that, I suggest, was an endorsement by the Board of the expense claims made by Mr Johnson, for which he'd received reimbursement. Do you understand?---So we've reimbursed him for the - - -

Yes.---Oh, right. So he's bought the bus or whatever you want to call it.

The horse float.---The horse float, whatever you want to call it. And actually agreed for him to be reimbursed.

Am I correct in understanding, Mr Bloomfield, that as far as you're concerned, firstly, at the time at which you signed this letter, you didn't understand that you were approving all of the expense claims that - - - ?  
---That's the only way I can look at it, because now that I understand what we're saying here, I ain't the smartest cab on the rank, you know, but I obviously signed it. So if I signed it, I'm obviously not quite sure if I understood it. Maybe I did, maybe I didn't. I don't know. I just, yeah, I see what you're getting at, yeah.

10 THE COMMISSIONER: Mr Bloomfield, could I just clarify one other thing? The expense that Counsel took you to on that spreadsheet.---Yeah.

That referred to the horse float.---Yes.

That was for fitting an accessory. It wasn't for the purchase of the float.  
---Okay. Well, I've completely lost what we're talking about here.

Well, no, I mean, I'm just pointing out that the expense related to fitting an accessory, which was a ball joint that allowed the horse float to be towed,  
20 all right? Do you understand that?---Yes, I do.

So do I take it that your explanation of what Mr Johnson said at that meeting is still the same? Namely that he was going to convert the horse float into some kind of dental clinic?---Yes.

Right.

MR HENRY: And you'll see, Mr Bloomfield, by way of further example, at page 13, there's - I'll wait for page 13 to come up. There's another expense,  
30 which is - if you look at the left-hand column. There are two that are stated to be corporate and commercial insurance brokers.---Where's that?

Do you see those two? There's a hand there on the screen.---Yes.

Corporate and commercial insurance brokers.---Yes, I do.

Two invoices dated 19 April 2012.---Yes.

40 And the combined total of the invoices is in the order of about \$3,750-odd dollars.---Yeah, that's correct, yeah.

And one of them is insurance for a horse float. The other's insurance for a horse trailer. Do you see those?---Yeah.

Now, I won't take you through all these expense claims, but am I correct in understanding that when you signed the letter on 18 February, 2014, you didn't understand that you were approving - - - ---For that to happen.

- - - the reimbursement of Mr Johnson's expenses concerning a horse float or a horse trailer?---I obviously didn't understand.

All right.---So - - -

I rather take it from your answers that you would consider expenses incurred by Mr Johnson in connection with a horse float or a horse trailer had absolutely nothing to do with GLALC. Is that right?---Jack's explanation was that was for GLALC. But I guess I would not expect that  
10 to be for (not transcribable) horse floats, no.

I'm sorry?---I said, yeah, I guess that would be the case.

When you say "I guess that would be the case" - - - ?---Well, I guess it was not for GLALC, I guess.

Was the horse float or trailer ever used as a dental bus?---I've never seen it.

Sorry?---I never, ever saw it.  
20

All right. One other matter. Whilst you were on the Board of GLALC, excuse me, were you ever asked – sorry, I'll withdraw that. Were you aware of a finance committee or subcommittee?---I was on the finance committee.

Oh, okay. When did that start?---I can't tell you exactly, but I think it was towards the end. It could have been – it was from the training. It came from the training from John Mero, because he had concerns about the way we did Board meetings, how we'd just rock up. And he goes, "Look, it's probably not a great way to do it." So he, at the time, he asked for people –  
30 he wanted to form this committee to have a look at the finances two weeks in advance, so we can then send it up to the Board. So we'd got out and have a look at it. So we'd volunteer at the training. Put my hand up and said, "Yeah, we'll do that."

So who else did that with you?---I think it was me and Cindy and I believe maybe John Dickson I'm pretty sure.

All right. And did Mr Johnson sit in on that committee?---No, he had nothing to do with it.  
40

What about Mr Gundar?---Yes, he was there.

And what exactly did the committee do?---Well, you know, when we used to have our meetings John was really concerned that we just lob up there after we're working all day and we just turn up and we're looking at minutes and we're making big decisions on – and he said it's really dangerous to do it that way because you could miss things, you know. It's hard when you're, you know, you're working eight hours and you're ask to

go and you're tired and you look at minutes. So he thought it was a good idea for a subcommittee to have a look at that and then go through it so that way we can then recommend it to the Board and I guess the Board could ask some questions around that question but we'd make sure – we'd have a look at it to see and he told I remember to look at the big figures. There was – he said look at the really big figures not the tiny ones and he sort of gave us some idea what we should ask questions around if there was words up there that we didn't understand. So that kind of stuff, just general stuff that we – because if you're passing finances you've really got to have some understanding of it that he was saying and that.

I rather gather from what you're saying that there was a document or documents provided to you. Is that right?---Yeah, there were documents that – for the financial report that Shalesh would bring us and we'd look at those documents.

I see. And did those documents identify expense amounts paid to Mr Johnson by way of reimbursement?---Not that I noticed them there. I mean I looked at it but I did never see it.

All right. So – and presumably the document didn't disclose any transfers of funds from GLALC to - - -?---It may have but I'll be honest, I found it a bit daunting to look at all these figures. I looked at what I, what I could and then asked questions what I – on figures I was looking for, what I was told to look for, big numbers and ask why is that. One of the things I asked was why are we spending so much money on transport and it was because transport is a very expensive thing to run buses and to hire people and, and, you know, a lot of money that's going for repairs and all that. So that type of stuff I was looking at.

Did you understand when you were on the finance committee and you were performing your role on that committee that you were being asked to approve of expense claims made by Mr Johnson?---No, I was just told I was looking at the finances, to go through it, trying to understand it, there was a lot of stuff there, and ask questions and Shalesh and then we'd just refer it straight up to the next Board meeting.

All right. And am I correct in understanding that you yourself did not understand that you were being asked at those committee meetings to consider and approve or not expense claims made by Waawidji?---No. No. I was just looking at what I was told to look at and then if I'm – ask questions which I did and pass them on to the Board.

All right. I have no further questions. Thank you.

THE COMMISSIONER: On the finance subcommittee, was the finance subcommittee ever shown a document such as the one that you saw on the screen where all of Mr Johnson's expenses were itemised?---No.

That wasn't part of - - -?---No, I never seen that because I was – like I said before that I was very aware of tax companies so I was, you know, and if I would have seen it I would have pulled that. Now, it may have been there. I'm not saying it was but I may have overlooked it because it was a lot of wordy stuff there for us to look at.

10 Well, I appreciate that but I mean the document that you saw a little while ago on the screen - - -?---Yes.

- - - where all those expenses were listed - - -?---Yes.

- - - you didn't receive anything like that as part of the finance subcommittee?---I can't recall ever receiving anything like that, no.

Right. And the documents that you did receive as part of the finance committee who prepared those documents?---Shalesh.

20 Shalesh Gundar?---Yeah, the finance officer.

And did you receive those documents two weeks before the Board meeting as a general rule?---Yeah. He – two weeks I think it was, yeah. That's correct, yeah.

All right. Does anyone have any questions of Mr Bloomfield? Mr Mack?

30 MR MACK: Yes, Commissioner, I will. Mr Bloomfield, my name is James Mack. I represent the Registrar of the Aboriginal Land Rights Act?---Yep.

I'm going to ask you a few questions and it won't take too long. I just want to take you back to your training at Tranby College - - -?---Yes.

- - - and you said you got some instruction in the Aboriginal Land Rights Act. Do you recall?---Yes.

40 Do you recall being told that you were entitled to be reimbursed for expenses, certain expenses in relation to Board meetings?---To be honest I can't remember it. It was so long ago, you're talking 2007. I don't think so. My answer to that is I can't remember.

Okay. Fine. And I think you recall the, you used the words, that the training was, was crap?---That was my wording, yeah. I'm not the most articulate person in the world.

What kind of training, what kind of training do you think would not be crap?---Well you know, I work at a hospital, right. When they send me training they need to send me for a couple of days, oh look we did two days

training and stuff but the big stuff like that I think it's really important how to at least, you know if you're going to talk about Land Rights Acts and governance and whatever I think you need more than two days just quietly.

Oh, okay?---You know and we really didn't understand it, I mean we've never seen (not transcribable) so you know two days, what was that going to tell me, bugger all.

10 All right. And do you recall giving evidence earlier about you always being on the Board and working for the membership. Do you recall that?---That's right. I always worked for the members. That's what I was there for, for no other reason because I had no interest Land Councils. For a lot of, lot of years I didn't even want to be on the Land Council because of all the bloody conflicts what happen. So but I wanted to go on because I think you know, I wanted to try and make a difference and, and Aboriginal people have been crapped on all their life.

20 Yes, I understand?---I'm very passionate about it (not transcribable) and they've been (not transcribable) you know, and I wanted to try and – I seen this vision of Jack coming with us and we wanted to say, hey, this is good, this is where we can show many indigenous people that we're not just dickheads and that and carry on. And that's how we were treated. And we thought this was a way for our people to go, move forward. But obviously not.

Okay. I understand that. But at around about 2007 do you understand there was a change in the Land Rights Act and this - - -?---I didn't understand the Land Right Act at all.

30 All right. Do you understand that as your role, as a Board member for a Land Council - - -?---Yes.

- - - that you weren't personally liable to the membership for what you might have done in that role? Did you understand that?---So - - -

So, perhaps I'll tease it out a bit more. Do you recall going to the training in Wollongong?---Yes, I do.

40 And you recall receiving instruction in relation to the Corporations Act in relation to being a director?---Yes, I remember that, yes.

Okay. And you recall being told about conflicts and - - -?---Basically we would have spoken about that. I don't recall, but yeah, I'm sure we have mentioned that.

And do you recall being told about your duties as a director of a corporation?---Yes. It was not – I was quite surprise because I remember John Mero saying what's your role? And when we told him no one had an

idea what was going on. He's just, none of youse understand your role as a Board. That's why John was training us. And apparently our role is not to the membership, it's actually to the Land Council. That was my understanding, in other words, we don't work for the members, we're actually there for Land Council itself and whatever we had to do there. So we don't see ourselves as working for our people, that's how Aboriginal people are.

10 Right?---But according to the Corporate Act it's not the members that we're working for, it actually the structure of the Land Council.

All right. So - - -?---Do you know what I'm saying?

Kind of. I'll just ask a few more questions around it?---Yeah, I'm not the best person in the world to explain things.

20 No, no, no, that's all right. You're doing fine. When you went to Wollongong your evidence earlier was that Mr Mero didn't talk about the Aboriginal Land Rights Act. Do you recall?---Not to my knowledge, no.

All right. So that the understanding you gained from the training in Wollongong was that in relation to a corporation. Do you understand that, as opposed to a Land Council?---Yes.

Okay. And do you recall being told that as a director of a corporation - - -? ---Yes.

30 - - - that you could be personally liable for - - -?---Yes, that's right. John Mero gave some very good examples.

Okay. And what were those examples?---Centro, when Centro was at the corporation and he brought that up and he said that the CEO I think it was of Centro was trading insolvent - - -

Right?--- - - - and he gave us spreadsheets and he said can you have a look at them and have a look in groups and we looked at them and said, see we could actually – how we probably see where they could have got out of being insolvency.

40 All right?---Like cutting back things like his expenses and that. And we worked out that could happen, so, yeah.

So in other words using that example as a director you could be held liable for trading and so forth?---That's what he told us, yes.

And did any – did you understand the distinction that as a Board member of a Land Council that there was no such liability?---No.

You didn't understand that. All right?---I just seen myself as a Board member, even though we were using the term director, I always seen myself as a Board member. And that's what I believed I was, so - - -

All right. I just want to refocus you now into your roles as a Board member of a Land Council - - -?---Yes.

10 - - - putting aside anything to do with the corporation. Did anybody ever come – did any member as opposed to a Board member, do you understand the difference between a member and a Board member?---Yes.

Did any member ever attend a Board meeting of GLALC?---I can't recall. I don't. I don't think, no, I don't, I can't remember one.

Is it your understanding that they would be allowed to attend if they wanted to attend?---I can't tell you that. I don't know, no. I wouldn't know.

All right. All right.---I mean, I suppose, yeah, look, I don't know.

20 Okay. All right. And in your role as a Board member of GLALC, I want you to accept, or I want you to assume, that you are entitled to receive reimbursement for some expenses, such as travel expenses?---That's correct, yeah.

Did you ever put in an expense claim for - - - ?---Never, ever. It was all at my own expense, I did that. I understood that when I went down to Wollongong that I could put in claims for travel and petrol and stuff. Never did.

30 All right. And in your training in Wollongong, in relation to corporations, did anybody ever tell you that you're entitled to receive reimbursement for expenses or - - - ?---I'm pretty sure I was informed of that, because I remember somebody telling me that I was entitled and that, but I just didn't bother. I mean, who cares, you know?

All right. I'm just going to ask you a series of questions in relation to some of the other entities that were underneath GLALC, and see if you can recall receiving any money from those entities.---Yeah.

40 Can the witness please be shown volume 1, page 258? And if you could just, it's on the screen there.---Yeah.

On the left-hand side you'll see "Original Structure" and there's a series of corporate entities. You'll see at the top there's GLALC. And could you just have a look at those and read all of those entities and then tell me when you're done reading those?---Yeah. That's the one on the left-hand side?

Yeah.---Yeah.

Yeah. Now, did you ever receive any sitting fees from any of those entities?---No, I wasn't entitled to get any sitting fees.

All right. And any reimbursements for expenses from any of those entities?---No.

And any loans?---No.

10 All right. Were any of your family members employed by GLALC or any of those entities?---Sorry? Have I got family members employed by? Okay, yeah, there was a cousin of mine. But I only met her through her being employed there. I wasn't quite sure who she was. And she approached me and said, "Are you a Bloomfield?" I said, "Yeah, from Griffith." And then she told me that we might be related. And that was Carol – I can't even remember her name now. But, yeah, somehow I think she was related to me somewhere through that way. But that was the only conversation about it.

20 Okay. And who did she work for?---She worked, at the time, for one of the Land Councils, in the (not transcribable), but I can't – I think it was in the employment or something. We had this employment thing going.

Okay. And can you recall approximately when or - - - ?---At the start. I think, look, no. I don't know if it was at the start. It was Carol – I can't think of her last name.

All right.---Anyhow, look, if we're cousins or not, I don't really know.

30 All right. You recall giving evidence earlier about conflicts and disclosing conflicts. Can I take you to a document, volume 9, page 145?---Ah hmm. Volume 9, he said?

Sorry, just let me - - - ---Okay, 145, yeah.

I apologise.

THE COMMISSIONER: Was it 145, Mr Mack?

40 MR MACK: 195. My apologies.

THE COMMISSIONER: Oh, 195.

MR MACK: 195.

THE COMMISSIONER: Sorry.

MR MACK: My poor handwriting. And have you got that, Mr Bloomfield?---Yes, I have.

And if you look down at item 5.---Item 5.

You'll see reference to, and I'll probably get this pronunciation wrong, but Murrin Ngura Housing Limited.---Oh, that's the housing company that we used to have, yeah. Could never pronounce it myself.

10 And if you just read motion 5.2 for me, please.---Sorry, which motion? 5.2?

5.2, yes.---You want me to read it?

Yes, please.---All right. Okay. I thought you meant out loud.

Just see if that refreshes your memory.---Yes, yes, I understand that.

20 And it says that – you're noted as declaring a pecuniary interest which is noted and accepted?---Yeah. Can you explain what – is that – yeah, explain it to me because I don't understand.

So I was hoping you would be able to explain it to me but perhaps if I explain that a pecuniary interest - - -?---The word.

- - - is a financial interest or a money interest in - - -?---I don't know why because I had no connection to – I had no – like you mean to the, to the housing?

30 Yeah. So the - - -?---Yeah, I wasn't even on the housing list so why I said that for has got me stumped.

So you had no interest in Murrin Ngura Housing Limited?---No, no.

All right.---Because I wasn't even on the housing – I was on the housing list. Maybe that's probably one of the reasons. There was a list that everyone put their names down and I may have put me name down because I was on the list waiting but I was way down the list so maybe that's why. That's the only explanation. Outside of that I don't know why I did that.

40 Okay. All right.---Maybe I didn't understand.

All right.---I am stupid sometimes.

I just wanted to take you to that to see if it refreshed your memory.---Yeah.

I just want to show you some documents and if I could ask the person assisting the Commission there's a set of documents down here in front of me. I only need the top one. Mr Bloomfield, what's being brought up to

you is a set of documents and I just want to ask you if you recall anything about the documents but before I do can I ask you, in relation to Board meetings I think you gave evidence about there being folders on the desks when you arrived. Do you recall that?---Yes, yes, correct. Yeah.

10 Do you recall what happened to the papers after you left?---Yeah, my, my – yeah, well, when we left they – there was a shelf just up where – and the board was there and there was these shelves and that’s where they were always placed and you could walk in that office and always see them up there with our names written on. They were always kept there.

All right. Can I ask that the witness be shown in that yellow folder there the very final document at the back of that folder. And can you just read the title of that out for the Commission please.---Yes. Congratulations on your election and welcome. Board’s responsibilities and so forth.

And what’s the date?---12 October, 2009.

20 Okay. And do you recall seeing that document before?---I probably did but I can’t recall.

Okay. Can I just get you to have a look through it to see if you recognise any of the slides or any of the content.---Yes. Okay. That’s another one (not transcribable) Yes, I’ve sort of looked at them.

All right. And that doesn’t refresh your memory about being told for instance about pecuniary interests on - - -?---I have no recollection. That doesn’t mean I didn’t - - -

30 Okay. All right.--- - - - at some was shown those.

All right.---It just means I just can’t recall.

Okay. All right. I mean just if you could have a look at the final slide, the slide on page 7 – sorry, the second-last page.---Second last.

There’s a declaration of pecuniary interest by Mr Johnson.---Okay. I don’t, I don’t have to look at that slide because that’s what he done.

40 Okay. All right.---He always done that.

Yeah.---He always done that every time a new Board was elected.

But can you recall – I’ll just take you to the slide and you can tell me if you recall that slide going up on the screen at the meeting.---Look, I don’t recollect the slide.

Can't recall. Okay.---But I'm not saying it didn't go up but I do understand that Jack did that on – every time a new Board was elected.

Okay. All right. And the final document I want to take you to is a confidentiality agreement which is – should be behind those documents. ---Yeah, more than – I don't recall it but I, would no doubt we would have seen that.

10 Okay. And if you – do you understand that you're listed as a party on that contract?---What do you mean a party, a party to what?

To the agreement.---Oh, we'd have to wouldn't we.

Yeah.---I mean it's a confidentiality contract.

20 Do you know why you had to sign a – do you know why there was a confidentiality agreement?---My understanding is you can't discuss Board meetings outside of – with the general public. If you're a Board member everything you discuss stays in the Board. That was my understanding. So if a member walked up to me and said – asked me some questions about Board stuff we weren't allowed to discuss that. That's how I understood it.

And where did you get that understanding from?---Pretty sure that's what we were told, but I couldn't tell you who told me.

All right. All right.---But that was my understanding of it. Confidentiality is you don't discuss – like, I work in a hospital, I can't go telling you about my patients.

30 All right.---That's confidential.

Okay.---That's how I understand it.

Okay. And if you look at the final page of that document, you'll agree that you signed that document on 12 October, 2009?---Yes, I can see that, yeah.

40 Okay. All right. I don't have any more questions in relation to those documents, but I just want to ask you more generally about what happened at Board meetings, in terms of the personalities involved and the visitors that came to the meetings. Do you recall visitors such as David Wing and other consultants?---Yes, I do. I recall David Wing, yes.

All right. And what was the nature of his presentations to the Board, to the best of your recollection?---I remember, at the time David came there, we had a project at Barden Ridge. It was a big project, about \$2 billion. And I believe that that was one of the things that they were just telling us about there, that project, which we were going to – that was going to be the project where we got the money and that was going to make Gandangara - to be

able to make Gandangara independent. Because Aboriginal Land Councils only ever got, I think, like, to my recollection, very little money from - \$300,000, I think it was.

Okay.---And, really, that's - - -

10 And can you recall, in terms of these big projects, was there much discussion amongst Board members?---Oh, look, yeah, there would have been. I mean, you don't sit there and just look at the (not transcribable) and not ask questions. But I couldn't tell you directly what questions I asked or what other Board members asked. You know, I mean, it's a pretty important project. We would have asked lots of questions, yeah.

20 All right. And I rather gather from your evidence earlier that you would pull Mr Johnson up on certain things if you had questions about topics that he was talking about, is that correct?---Yeah, like, you know, we'd talk to Jack. You know, we didn't always, you know, we'd ask him certain things if we were unsure. I had many discussions with him. Sometimes I'd ring him up from my work and, say, ask him something if I wasn't sure, you know? Don't ask me any particular ones, but if I needed to ring him, I'd ask him.

And similarly, would you disagree with other Board members and people at meetings if you felt the - - - ?---You know, I mean, I suppose we all had disagreements at certain parts, I'm sure. I remember people – but I couldn't point out specifically what disagreements. But, yeah, I'm sure. We're all individuals. We've all got our own minds.

30 All right.---I'm sure it would have, but I don't recollect. But, yeah, probably happened.

All right. Thank you, Mr Bloomfield. They're all my questions.---Thank you.

THE COMMISSIONER: Does anyone else have some – sorry, Mr Docker, I'm - - -

MR DUNNE: I'm sorry.

40 THE COMMISSIONER: Mr Dunne, I think, needs to ask some questions. Go ahead.

MR DUNNE: Thank you. Mr Bloomfield, my name is Dunne. I represent Ms Shipley.---Yeah.

Now, I just wanted to ask some questions concerning a meeting that took place on 20 January, 2011. Now, that was, I think an extraordinary meeting

that was held to discuss the suspension of Mr Johnson. Do you recall that meeting?---Yes, I was there.

MR HENRY: Sorry to interrupt. For the record, it's 2012.

MR DUNNE: Oh, I'm sorry. Sorry, that's my wrong - - -

THE COMMISSIONER: Yes.

10 MR DUNNE: No, I'm sorry - - - ---I obviously don't recall the meeting.

Sorry, that's my handwriting. Sorry, are we on the - - - ---That was my attempt at being humorous, sorry.

THE COMMISSIONER: We're talking about 20 January, 2012? Yes. Go on.

MR DUNNE: Okay. And Mr Johnson was suspended at that meeting?  
---Yes, that's correct, yes.

20

Now, between that meeting and 27 January, so a period of a week - - -  
---Yes.

- - - did you receive any notification that another meeting was going to be held?---I've got no recollections of that.

Do you recall – sorry, the question, did you have a mobile phone at that time? Do you recall?---Yeah, I did. I've still got one.

30 And as far as you're aware, did the other Board members know your mobile number?---I'm not even sure about that. Maybe I would have made it available to the Land Council. So I guess - - -

The executive officer?---That would be Cindy, is that correct?

Leon Filewood?---Yeah, probably the members. Yeah, they would have had my mobile, yes. Some would have had access to it, anyhow.

40 And do you recall whether you received a text message, the content of which were - - - ---I can't recall. But I'm not saying it didn't happen, but I can't recall it.

You don't recall?---No.

And you don't recall receiving notification and you don't recall receiving a text message?---Not off my memory, no.

Okay. Those are my questions.

THE COMMISSIONER: Yes, Mr - - -

MR STEWART: Yes, some brief questions, Commissioner.

THE COMMISSIONER: Oh sorry, well Mr Stewart and then, and then – go on Mr Stewart. It's just that someone was - - -

10 MR DUNNE: I'll go to my friend at the back if that helps.

MR CHEE: Thank you. Mr Bloomfield my name is Chee, solicitor. I appear for Gloria Provest. You were asked some questions earlier about a meeting at which Mr Provest became upset and at which she raised issues concerning Mr Johnson's expenses. Do you recall that?---Yes, I do.

Okay. I think your evidence is that you remember her being upset about being asked to sign a letter. Is that correct?---Yes. Yes.

20 She was so upset that she was in tears?---Yes.

Thank you. What response if any did the other Board members give to her when she raised her concerns about Mr Johnson's expenses?---I felt sorry for her, personally.

THE COMMISSIONER: Sorry, you felt sorry for her. Did anybody say anything about the concerns that she raised that you can recall now?---There was conversation between the Board and there was talking about signing and stuff because I think Gloria was against signing it. She had the  
30 reservations about that and there was heated, maybe you wouldn't say heated, but there was discussions around why wouldn't she sign it. But yeah, but that's about it.

MR CHEE: Did Mr Tobler say anything to her about that?---Well Rohan had, Rohan had spoken but I don't know if he was inappropriate or not, I don't think so, but that's just my opinion.

40 Could I suggest to you that he said to her words or words to the effect, that she was only new?---No, I can't remember that. What he said, I've got no recollection. That was, well I can't remember.

Perhaps if I could just put the rest of the question and then you can respond to it?---Yeah, sure, go ahead.

That she didn't know what was happening and that it had already been discussed?---I'm not even going to answer that question. I don't think it's – how can I answer because how can I know what he said. No, I've got no recollections of that.

Right. Thank you. Those are my questions.

THE COMMISSIONER: Mr Stewart, have you got a few questions?

MR STEWART: I won't be that long, but possibly 2 o'clock, Commissioner, would be suitable.

10 THE COMMISSIONER: Now Mr Docker has got some questions. Have you?

MR DOCKER: Yes.

THE COMMISSIONER: Yes, sorry. All right. We'll take, I'm sorry Mr Bloomfield, we'll resume at 2 o'clock. Thank you.

**LUNCHEON ADJOURNMENT**

**[1.03pm]**

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