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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION GREER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 20 MAY 2016

AT 2.05PM

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

THE COMMISSIONER: Yes. Mr Stewart, yes.

<GEORGE BLOOMFIELD, on former oath

[2.04pm]

MR STEWART: Yes. Thank you, Commissioner. Mr Bloomfield, my name is Stewart, and I'm a solicitor acting on behalf of Ms Cronan. I just have a few questions for you.---Sure.

10

In relation to, firstly I'll take you to – there was a meeting on 20 January, 2012.---Ah hmm.

And that was the meeting in relation to Mr Johnson. Can you recall that? You were asked some questions earlier.---That's the one about - - -

The first meeting. We'll call it the first meeting.---Yes.

20

Yes. And I believe you attended on that occasion?---Yes.

And you voted that Mr Johnson should be stood down, pending a report. ---Yes.

And you gave some evidence earlier that Mr Mero was appointed, and I believe that you moved that motion, which is motion 12, on 20 January, 2012, that Mero be appointed.---Yeah, I think that I just moved the motion. I don't know if I said Mr Mero or not, but I think I moved the motion to have somebody hired to investigate

30

How was Mr Mero selected? Do you have any independent recognition? ---No, I don't actually know. I just, as a voting member, we just decided that we wanted somebody who was independent to do investigation. So that was my only involvement as far as that goes, that I agreed.

Would it be true to say, because of the conferences you'd had with Mr Mero in Wollongong, you and the other members of the Board, you all knew him.---Yes, we did.

40

And I assume you all thought he was independent?---Well, I imagine he would have been, yeah.

Yeah. And I assume that you also thought that he'd be an expert in this area because he'd - - - ---Yes.

- - - spoken to you on corporate governance and matters of that nature. ---That's what – exactly, yes.

And so you, as one of the Board members, thought that he would be an appropriate person, in the circumstances, to do this report?---Sorry, did you say appropriate?

Appropriate. Appropriate in the circumstances.---Yeah, I would say that, yes.

10 Okay. And you also gave some evidence earlier that you said you were asked whether you had seen Mr Mero's report, and you said you're not definite, but I may have seen it.---That's correct.

Are you able to say, did you see that report between 20 January, 2012 and 27 January, 2012, prior to the second meeting or the second - - - ---I'd say I would have probably seen it. But I have no recollection of seeing it. I know it's a sort of double-layered question, but if that report came back from John Mero, I probably would have, yeah, as a Board person, I would have received it and read it.

20 And you'd assume that you would have received it before the meeting was held on 27 January, 2012?

MR HENRY: Well, I object.

THE COMMISSIONER: They're all assumptions.

MR STEWART: Well, they are, yes, yeah.---Mmm.

30 So you would have, you've seen it at some stage?---Well, you know, I said I may have seen it.

Yeah. And I believe on 27 January you don't recall receiving a text in relation to motions that were circulated on that day?---Not to my knowledge. I may have, but I can't recall.

You can't recall it?---No.

So you could have received it, but you just can't recall?---Well, that's right, yeah, exactly.

40 In relation, you gave some evidence just before lunchtime about the finance subcommittee.---Yes.

The subcommittee, that reported back to the Board, didn't it?---Yeah, the whole idea was us to do the two weeks in advance, so then we'd go back to Board, and the Board would have open discussions about what we looked at. But it was to cut time down.

Yes.---Yes.

Okay. Did that committee make any recommendations to the Board?
---I can't recall making any recommendations.

Right. So it was placed in front of the Board, and the Board then discussed it?---Yes, that's how I think it was done, to my knowledge.

10 And if the other members of the Board had questions, they could ask the members of the committee?---Or they could ask, yeah, us, yeah, or Shalesh, the finance officer.

You also gave some evidence earlier in relation to the discussions concerning the appointment of Mr Jackson in his contract in 2010. You recall that earlier?---You mean Johnson rather than Jackson?

Johnson, sorry. Mr Johnson.---Look, I can't really recall. That period, it may have happened, but I can't really give you a definite answer on that.

20 You said you recall Ms Cronan having a discussion concerning - - -
---About how much money?

About how much money.---Well, it wasn't just Ms Cronan. It was the Board having a discussion.

30 And I think you said, in your evidence earlier, you said that you thought it was approximately \$130,000.---Yeah, that was just off the top of my head. Only because I thought that, because when – my recollection was we were discussing that. I was sort of thinking, “Well, what did the last CEO get?” And I believe it was about 130. And that's what I was thinking, around how much. So I was trying to work out how much would a CEO get and what's a reasonable amount. That's what we were trying to work out.

Right. And I think you also said you couldn't recall whether she did a presentation via a visual presentation or she just discussed the matter with the Board?---Yeah, I can't recall.

40 But as you said all the Board discussed the remuneration for Mr - - -?---Yes, I remember this discussion and everyone had an opinion and what – we were trying to come to how much if we need to (not transcribable)

Did you actually come to figure at that meeting?---Well I think we did but I'm not sure what the figure was. I know there was figures going around to 180, but I can't recall – I kept thinking 130. I can't recall what the figure was.

Right. But the Board did come to a decision on that day about a figure?
---From my recollection I think we may have, yes, I think we did.

And you also said earlier that you don't ever recall seeing the contracts that were tabled at the meeting on 3 May, 2012?---Are you talking about the contracts for, for Jack?

Yes?---Yeah, they probably were but I can't recollect that, that's all.

You just can't recall seeing them?---I just, I just can't recall.

10 THE COMMISSIONER: Well I'm sorry that's a little bit misleading. It went further than that. He said he definitely did not see any contract between Waawidji and GMS?---That's right.

He couldn't recall whether or not he saw a contract between GLALC and Mr Johnson. That's right isn't it Mr Bloomfield?---That's correct.

MR STEWART: Yes, it is?---Yeah, I never, ever, ever, ever seen any contract that I can - - -

20 You did say, no, you are correct, Commissioner. I'm just reading the notes. That is correct. So you never recall seeing those at all?---No.

Not in that meeting or anywhere else?---I can't recall.

You can't recall. Thank you. I have no further questions, Commissioner.

THE COMMISSIONER: Yes, Mr Docker.

30 MR DOCKER: Thank you, Commissioner. Mr Bloomfield, my name is Sean Docker, I appear for Mr Johnson?---Yep.

Could Mr Bloomfield be please shown volume 8?

THE COMMISSIONER: Page number?

MR DOCKER: Page number 4?---Page number 4. Sorry, I'll just put my glasses on. I won't be a sec. Yes, page number 4, yep.

40 Yes. Now this is the minutes of the first meeting of the Board of Gandangara Land Council?---Yes.

Do you recall the first meeting of the Board of the Gandangara Land Council?---I do 'cause I voted as the chairperson.

You were the first chairperson were you?---Yes.

And you said earlier that you hadn't had much to do with the Land Council?---That's right.

Was your, was your election to the Board the first that you had to do with the Land Council?---No, no. I joined the Board when I was working and some people would say, oh George why don't you come to Land Council meetings. This is maybe a year or so before and I used to stay right away from it, but eventually I said, look I'll become a member. But so I was just, just a general member, it may have been two years before, I'm not quite sure exactly when.

10

Right. But is it fair to say this is the first time that you became actively involved in the Land Council business?---Yes, yes, yes.

Right. And at this stage did you have – by this stage, that is the, this first meeting had you had experience on, on Boards of any kind?---No.

Had you experience of meetings of any organisation?---I've been to meetings, yeah, just normal meetings that you have your – each individual job you had. Everyone has meetings I assume.

20

Right. But did you, were you familiar with the process of for example motions being put to the floor, moved, seconded, carried?---Yeah, I thought that's how it was always been.

You were aware of that at this stage?---Yeah, that's, that's, yeah.

And that is the stage of the first, the first Board meeting of Gandangara? ---Yeah, that's how I remember it, yeah.

30

And, and had, were you, had you had experience of going to meetings where you'd provided with an agenda of the meeting?---Yes, I have, yes.

And the minutes of the previous meeting?---Yes.

And being provided with other documents which were going to be the subject of discussion or resolutions at the meeting?---Are we talking about Gandangara's meeting or other ones previous?

40

No, I'm talking about your experience - - -?---Yes.

- - - at this stage - - -?---Yes, I would have done that through my health service. When I worked there we used to have minutes all the time.

Right.---And they – everyone had to take the minutes. I was the only one who didn't have to take the minutes because I didn't know how to do minutes.

Right. But you had experience of the process by which you were given documents before a meeting that related to the meeting coming up.---Yes.

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

And is that something that you expected to happen with Gandangara?---I assumed that was happening there, yeah.

10 Right. And that is that you expected when you became the Chairperson that before each meeting each of the Board members would be provided with an agenda?---That's correct, yeah.

20 And did you, you as the Chairperson have any role in drafting up the agenda?---I have to admit I was – I'll just explain. I took on the role as Chairperson and then I realised I was way over my head. That's why I didn't stay the Chairperson too long because I didn't really understand what I had to do and stuff like that because I really thought being the Chairperson was, I don't know why I thought, but I was nominated and I thought it was an honour and then I realised it was way too much for me. Then I think I only was the Chairperson for a very short time and I said to the Board look, I have to stand down because I really don't understand what I'm doing basically.

Right. Okay. But – thank you, Mr Bloomfield, that, that, that does assist me but if I can just come back to this stage when you got on the Board. It was your expectation, wasn't it, that as well as being provided with the agenda you would be provided with a copy of the minutes of the previous meeting?---That's correct, yeah.

30 And that at – one of the first things that would happen at every meeting although obviously not the first meeting is to - - -?---Accept the minutes from the previous meeting.

- - - look at the minutes of the previous meeting and - - -?---And accept them.

- - - and discuss them and approve them?---That's correct, yeah.

40 And that's a process that happened at the Gandangara Board meetings you went to each time?---That's – yeah, it did, yeah.

And it was a process that was taken very seriously by the Board. Is that right?---I took it seriously, yeah, yeah.

But did you - - -?---I imagine, yeah, we all did. We knew, yeah.

It was a process which a lot of the Board members participated in wasn't it?---Well, if you're a Board member you've got to participate in that. That's part of the Board, yeah.

And is it fair to say that sometimes it took as long as an hour to get through the previous minutes?---Yes, sometimes it did.

Right. So there was often some quite lengthy and detailed debate about it?
---Yeah, because, you know, we were a robust Board. People had their own
10 opinions. I can't give you what some of the debates were about but, you
know, I think that's just normal with Boards I guess. But, yeah.

And just coming back to when you first joined the Board, is it correct to say that it was your expectation that if the Board was going to be asked to vote on accepting a particular document that the document would be provided to the Board?---Well, that's what – yeah, of course we want to see what we're voting on.

That's your expectation?---Yes, it is.
20

And so for example if the Board was going to be asked to vote on approving a contract it was your expectation that the contract would be provided to the Board?---Well, that's what our expectation would be, yes.

Yeah.---But I was understanding when it was up on the – if it was put up on the – like up here.

THE COMMISSIONER: On the screen?---On the screen that would be as
30 having it on here like this.

You mean if somebody projected the document onto the screen that would have - - -?---Yeah, it would be - - -

- - - that have met your expectations?---Yeah.

Otherwise you could have – or you would have expected to have seen a hard copy of the document?---Well, I suppose that – I should have expected that. If I did I don't know.

MR DOCKER: So I just want to be clear here. Was it your expectation to
40 see the document on the screen or was it your expectation - - -?---Well, I
expected to see – if a document - - -

Sorry, Mr Bloomfield. Just let me finish the question please.---Okay.

Was it your expectation to see the document on the screen that was being discussed at the meeting or in hard copy given to you as a Board member or neither or both?---Both.

Both. And in respect of contracts which the, the Board was asked to vote on, you accept don't you that from time to time the Board was asked to vote on entering in to contracts?---Yes.

And it's true isn't it that each time that happened in your experience you were given a copy of the contract before the Board had to vote on it?

MR HENRY: Well, I object.

10 THE COMMISSIONER: Well, no, that - - -?---I don't know.

Sorry Mr Docker, you can't, that's just such a rolled up proposition. If you want to make a submission at the end of the hearing that a positive answer to that question means that this witness did see the contract that Mr Johnson was said to have been engaged under, well that's not, that's not the way to go about it. You're going to have to separate it out.

MR DOCKER: No, I understand that, Commissioner. But I'm moving from the general to the specific.

20

THE COMMISSIONER: Well yes, that's all right, you can move from the general to the specific but I mean, I just think that it's, that's it's a misleading question in that respect. But anyway, go on.

MR DOCKER: That's the answer to my question?---Sorry, rephrase that question.

30 Is it the case that each time in your experience as a Board member the Board was asked to vote on approving a contract, there was a copy of the contract provided to the Board?

THE COMMISSIONER: Well again I reject that question because it assumes that every single time they voted on a contract he saw a copy of the contract and he's already disagreed with that proposition in relation to one specific occasion. So, so you can't put the question – it's contradictory to what the witness has already said. I mean you can challenge his evidence if you want, Mr Docker and put it in that that's not the case.

40 MR DOCKER: As the Commission pleases. Now, sorry before I, I forgot to ask you something else about the minutes, Mr Bloomfield. When – is it, is it, was it your usual practice before each meeting that you attended to read the minutes from the previous meeting?---Yes, it would be.

And, and to, and you did that did you for the purpose of satisfying yourself that the minutes were an accurate reflection of what happened at the previous meeting?---Well I attempted to read the minutes at all times, because sometimes the minutes were a little bit long and we didn't have a lot of time. So time was probably of the essence. But I read what I could

and then the meeting would start and yeah, but if I could read whatever I could read I took on board.

All right. And is it fair to say that you had further opportunity to read the minutes actually in the meeting when they were being discussed?---Yeah, I would have gone through them as we were discussing them.

Right. Now Mr Bloomfield, you've been asked some questions about the, the folders?---Yes.

10

The folders that the, the directors were or Board members were provided with - - -?---Yep.

- - - for the purposes of the Board meetings. Do you recall that?---Yes, I do.

Now do you have a recollection of a, a system – sorry, I'll withdraw that. Do you have a recollection that – of whether or not that folder system was in from the very beginning or not or was it something that came in later?---I, I can't remember exactly.

20

Is, is it - - -?---But if that's the first Board meeting there, okay I'll say I can't remember. I'm not 100 percent.

Do you have any recollection of, of agendas and previous minutes and other papers or documents for the Board being provided by, and this is in the early days, by email to the Board members initially with that process stopping because there was a way that the confidentiality - - -?---Confidentiality.

30

I'm sorry?---No, I just knew you were going to say that, that's all.

So what's your answer?---No, I don't remember.

You don't remember?---That, that, that, I'm not saying that didn't happen I'm just saying I don't remember.

You don't remember that?---Yeah.

40

All right. And do you remember there being, all right, now when the folders – in respect to the folder system and the documents that were – you agree don't you that included in the folder for each meeting was the agenda and the minutes of previous meeting?---Yes.

And when I say the agenda, I mean the agenda for the current meeting and the minutes of the previous meeting?---Yes.

That's right? And it's true, isn't it, that there were generally other documents in the folder as well?---Yeah, I can remember there was - - -

It wasn't just those documents, was it?---No, I remember there was sometimes other documents that were placed in there, yeah.

Yes. And you just made a gesture with your hands. What were you - - - ?
---I talk with my hands, mate.

Yes, but what were you meaning to convey by that?---Oh, I was just going to – it was just my finger. Like, documents, paperwork, that's all.

10 Right. And are you suggesting that sometimes there was as much as two inches thick of documents - - - ---I didn't actually say that.

- - - in the folder?---I didn't say that at all, but I know what you're saying. Look, yeah, sometimes I found there was documents there and I thought, "Well, there's a lot to get through tonight."

Right. But was there as much as two inches thick?---I don't know. I didn't have a ruler.

20 I'm sorry. I couldn't hear you.---Sorry. I didn't have a ruler. I didn't measure it.

All right. But something like that.---I really can't – that's a silly question, just quietly. How would I know? I just remember there was documents that were placed in there, yes.

Right. But sometimes a lot of documents.---Yes, that's exactly right, yes.

30 Right. And is it the case that, at times, you weren't able to get through all of the documents before the end of the meeting?---I can't recall if we did or not. I'm saying that if there was a lot of documents, it would have been pretty difficult to get through all the documents, probably. But I couldn't give you a direct answer on that, no.

Right. Now, just taking you to the minutes of the first meeting on 4 October, 2007.---Ah hmm.

40 Sorry, 8 October, 2007. It's on page 4 of volume 8 there. Mr Bloomfield, you were aware, weren't you, that Mr Johnson was already employed as the CEO at that stage?---Of course, yeah.

Yeah. And if you just look on page 5, there's motion 4. You can see there that the Board has - - - ---No. Can I retract that?

I'm sorry. Yes.---Okay. My recollection was I know Jack was employed as the Board, but when we first had the meeting, I think the Board, and if I remember correctly, had to accept his position. I think we decided – I think we voted that Jack become the chairperson. That's what I think we did. So

he may have been nominated by the CEO at the time, but I think the Board had to validate that.

Right. I think you just said chairperson in relation to Jack. You meant CEO, did you?---No, CEO's the word.

Yeah, CEO. So if you could just look at motion 4 there on page 5.---Motion 4. Where is it? I've got motion 2. 4, yes. Yes.

10 And is that what you were just referring to?---Yes, that's – yes.

And that is that the Board confirmed his appointment as the CEO at that first meeting?---Yes, we just basically accepted that he was appointed.

Right. And you can see that there's a specific reference to an employment agreement there.---Whereabouts? Yes, I can see that.

Now, I suggest to you that a copy of the employment agreement was available to the Board to see it for this resolution.---I imagine that would
20 have been the case, yes.

Right. Now, if you could just go over to page 6. You can see that motions 6 and 7 - - - ---Sorry, I've just got myself lost.

I'm sorry.

THE COMMISSIONER: It's on the screen as well, Mr Bloomfield.---Oh, okay. All right. So, 6 and 7. Yeah. Yeah, I'm looking at it.

30 MR DOCKER: You can see that motion 6 and 7 relate to various other companies. Can you see that?---Yes, I can.

Now, motion 6 relates to the approval of these six corporate entities that were already incorporated. Do you see that?---Yeah, I'm looking at them.

MR DOCKER: Do you recall discussion about these six corporate entities at your first meeting?---We may have had some discussions but I can't recall if we – I imagine we would of but I'm just saying I don't recall.

40 Can you recall Ms Cronan - - -?---Against.

- - - voicing her dissent about it during the discussion?---No, I can't but I can see that she obviously did.

Right. And reading that resolution 6 now – motion 6 now you can understand can't you that what it's referring to is that there were six different companies which would be under the – under Gandangara Land Council?---Yes.

And you would have understood that at the time wouldn't you?---I think so.

Right. And if you look at motion 7 you can see that various – or Mr Johnson and various members of the Board are appointed directors of those six companies?---Yeah. Okay.

Do you see that?---Yes, I can, yeah.

10 And you understand reading that now don't you that, that the effect of those resolutions is to put the people named in as directors of those companies?--- That's how I see it, yeah.

And you would have understood that at the time wouldn't you?---Not really.

I'm sorry?---Not necessarily.

20 Why would your understanding now be different to at the time?---Well, because at the time I was probably not that clued up on that kind of stuff. I was not corporately educated and stuff but I sort of have a lot better understanding now but not then.

All right. All right. Now, you can see if you go to page 8 that there's the minutes of the second meeting 22 October, 2007.---Ah hmm.

And the first motion is to accept the minutes from the meeting before. You see that?---Yeah. Say that again. I was just reading something when you were talking. I wasn't paying attention.

30 It's all right, Mr Bloomfield.---Sorry.

I'll move on anyway.---Yeah.

You can see the second motion there.---Yes, I do, yes.

It refers to a finance report - - -?---Yes, I do, yeah.

- - - tabled by the Finance Manager.---Yeah.

40 Now, that was Ms Maltby wasn't it?---That's correct.

And you – she – is it correct to say that she used to attend – regularly attend the Board meetings to give a finance report?---Yes, she did.

And she left the employment of the Land Council in around early 2011. Does that accord with your recollection or - - -?---I couldn't give you dates but I remember she did leave.

About that time?---I'm only guessing but that's – yeah, I can only guess. I don't remember. I mean really, people come and go. I don't really concern myself with that so much but, yeah.

But would it be fair to say that it accords with your recollection that she was around for three years or so after you got on the Board?---I'd say, yeah, I'd say roughly, yes, that's correct.

10 Right. And in the time – in that three to three and a half year period after you first got on the board - - -?---Ah hmm.

- - - would you – she attended Board meetings to give the finance report?
---Yes. To my recollection, yeah, she would.

20 And did she – in terms of the – how often she came, is it your recollection that she came every time in that period?---That's my recollection. I remember early days she was coming doing presentations to the Board. If I remember I think she might have even had a – up on a – presentation up on a – the big screen.

Sorry, I couldn't quite hear what you said at the end there.---Okay.

I apologise.---She used to come and do that on a regular basis. Well, just about every meeting I'd go she'd present the finance report to us, yes.

30 Right. And, and when you say she'd come on a regular basis did that – was that the same through the whole period that she was there as the finance manager from your recollection?---I'll be honest I can't remember, but I believe that was the case.

Right. And is it true that the finance reports that she gave were detailed?
---Yes.

And do you recall whether they included, included the payment of expenses to Mr Johnson?---I couldn't give you a direct answer on that. I know her minutes, financial report was very detailed and it was a little bit overbearing for me 'cause I used to look at it and (not transcribable) , you know, but no I can't recall.

40 Right. But you can't say that it didn't include that?---I can't say it did either.

No. It did or didn't you just can't say?---No, I can't remember.

And the same with – can you recall whether her finance reports included the payment of expenses to Waawidji?---I can't recall any of that stuff.

So it could and it couldn't have. You just don't know?---I don't know, that's exactly right.

Yes. And it's true isn't it that the finance reports she gave didn't just relate to the Land Council, they also related to the Land Council's subsidiary entities as well?---I imagine that would be the case being the finance officer. She'd be pretty thorough.

10 Right. And is it, is it the case that you just said a moment ago that her – the detail that she provided was a little bit over the top - - -?---No, no.

- - - or something to that affect?---To me personally.

To you personally?---Yeah, 'cause it's, if you have a look at our finance papers and that they're quite a bit overbearing at times.

20 Did other Board members express the same sort of thing?---No, I don't think other expressed. I was just saying I found them sometimes a little bit whoa, you know.

All right. And is it correct to say that at some point that she was there the detail of the finance reports reduced?---I've got no recollections.

Right. But Mr Shalesh Gundar replaced her and his finance reports – he gave finance reports to the Board?---Yes, he did.

Also regularly?---Yes, he did.

30 And were his finance reports the same or different to the ones Ms Maltby gave?---I couldn't really answer that question. I really don't know. I just see a lot of figures at me, I don't know, it might have been the same, it might have been different. I didn't really, really didn't take much notice of that.

Right. Okay. But you understood that when – didn't you that when you were voting to accept the financial report that what the Board was doing was approving what was in the report that was provided by the finance manager?---That's, that's exactly right. Yeah.

40 Right. Now just, just in relation to the finance subcommittee you gave some evidence earlier about how you were a member of that. And is it correct to say that you can't remember one way or the other whether in the, in the course of you being on the finance subcommittee whether the subcommittee approved expenses payments to Mr Johnson?---I can't remember one way or the other.

The same with Waawidji?---No. I don't remember ever seeing Waawidji there. But if it was there and I wasn't spotting it - - -

Right. So but you can't say one way or the other whether it was there. Is that right?---Well I can't give you a direct, well we thought we went over, there was three of us looking at it, but I don't have no recollection if it was there.

Right?---I'm not saying it wasn't or was, but I can't recall seeing it.

10 And so you just can't recall one way or the other?---No, I just can't, yeah.

All right. Now you gave some evidence about going to training in Wollongong with, with the rest of the Board?---Yes.

Now, I suggest to you that that training happened about once a year. What do you say about that?---Possibly six months, once a year. I just remember turning up to roughly about three meetings in that time.

Right.---How far apart, I couldn't really tell you.

20 Right. Is it possible it could have been as much as five or six meetings of these that you turned up to?---No, I don't think I would have turned up to six meetings. I would have (not transcribable) going down there doing that all the time. I've got weekends to take care of.

Right. So is it possible that there were these meetings held and you skipped them?---No, I never missed one. I turned up. I think there was three, but if there would have been six, I would have probably just said, hey, you know, pulled up and said, look, that it was too many. If there was six, I can't recall there ever being six.

30 All right. And is it true that Mr Mero was always the trainer for this?
---Correct.

Right. Now, I just want to ask you to turn to page 120 of volume 8. And you can see there that these are the minutes of the meeting held on 10 November, 2008. Do you see that?---Yes, I do.

40 And you can see that there's visitors there. Stephen Wright, Registrar and David Wing, Dixon Capital. Do you see that?---Yes.

Now, do you recall the Registrar attending a Board meeting?---No, I can't recall that. Not saying he didn't.

Right. And does looking at this refresh your memory at all?---No.

Do you see there in the second line, underneath his name, it says "Leading LALC".---Yeah. Local Aboriginal Land Council.

Do you have any recollection at a Board meeting of a discussion about Gandangara being a leading Local Aboriginal Land Council?---No, I can't recall.

THE COMMISSIONER: Sorry, Mr Docker. I actually took that to mean that Mr Wright was discussing the structure of the New South Wales Aboriginal Land Council and the administration of the Act. So that could refer to either the New South Wales Local Aboriginal Land Council.

10 MR DOCKER: I don't think it could, Commissioner, because it would not have the "L" there before the "ALC".---New South Wales Aboriginal Land Council.

THE COMMISSIONER: Right.

MR DOCKER: So, but - - - ---The answer to that is I don't have a recollection to it. It may have happened, but I can't remember.

No. Now, Mr – sorry, I've just missed my note.

20

THE COMMISSIONER: Mr Bloomfield, do you know what the "T. Malone" issue was that's referred to there?---Whereabouts?

It says, "Proposal for resolving T. Malone issue."---Oh, the ex-CEO's name was Malone, but I'm not quite sure if that's referring to that.

Oh, okay.---Lenny? But his name was Lenny Malone. So I'm not – no, I really don't know if that's what it's referring to.

30 MR DOCKER: Sorry, Commissioner. Is that all you wanted to ask about that?

THE COMMISSIONER: Well, no, it's just that it looks as though, according to the following motion, that the Registrar was provided with documents for presentation to a T. Malone under a confidentiality agreement. Anyway, never mind. Go on.

MR DOCKER: Thank you. Now, if Mr Bloomfield could please be provided volume 10, and page 63.---Yes.

40

Now, this is the minutes of the meeting of 3 May, 2010, Mr Bloomfield. Do you see that?---Yes, I do.

And you were present?---Yes, I was.

And you were asked some, some questions earlier about a discussion that occurred in relation to Mr Johnson's salary earlier.---Yes.

You recall that?---Yes.

And that was this particular meeting wasn't it?---Yeah, it says CEO accept contracts, yeah.

Yeah. And that was the meeting where, where the Board voted to accept the new CEO contracts. You can see that in motion 2 can't you?---Yeah. Yeah. Yes, you can.

10 Now, you can see that there's the words there "as tabled" in the motion?
---Yes.

Now, can you tell me in relation to if that – those words are used in relation to contracts what that means actually happened at the meeting?

THE COMMISSIONER: Well, sorry, that - - -?---It's been tabled.

MR DOCKER: I withdraw the question.

20 THE COMMISSIONER: Mr Docker, you can't - - -

MR DOCKER: I withdraw the question. I'll ask him something else.

THE COMMISSIONER: All right.

MR DOCKER: Mr Bloomfield, you agree don't you that if somebody says contracts are table at the meeting it means the actual contracts are available at the meeting doesn't it?

30 THE COMMISSIONER: I reject that, Mr Docker. That's just not right. The fact that somebody writes it down doesn't mean that it happens. I mean if you want to challenge the witness in relation to his evidence challenge it but I mean we're not going to get anywhere if it's put in hypothetical terms and it's not brought back to the specific evidence that he's already given.

MR DOCKER: I'm planning to do that, Commissioner, but I'm asking him first – all right, I'll do it this way. Mr - - ----Bloomfield.

40 Mr Bloomfield, could you please – if I could just ask you to read motion 2 please to yourself and tell me when you're finished.---Yes, I've read that three times.

Now, it was the normal procedure of meetings of the Board wasn't it that the words of a motion were up on the screen for all the Board to see before there was a vote on the motion?---Yes.

Right. Do you recollect whether that procedure was followed in this particular case of this motion 2?---I don't know why it wouldn't be because that's how it was always done and that's how I remember it.

Right. So what I'm really asking you just so that we've got this clear, do you actually remember that happening with this motion or are you saying you've got no reason to believe it didn't happen because that was the procedure?---No. What I'm actually saying is that was the normal procedure so I imagine that would have been the case for all of it so, yeah.

10

Right.---But I don't necessarily remember seeing that but I – but, yeah, but that's the way it happened.

Right. And so you accept don't you that before there was any vote on this resolution all of the Board members would have seen the terms of the motion that are put there on the page now but it would have been up on the screen?---Yes.

20

Right. And it's true isn't it that there were times when if a Board member didn't agree with the terms of a resolution that was being put the Board member would raise that before there was a vote on the resolution?---Yes.

That happened a lot didn't it?---Oh, we had plenty of good debates and arguments.

But in relation to the wording of resolutions there was debate about - - -?
---Look - - -

30

- - - about that a lot wasn't there?---Can I, can I just say this, I'm trying to work with you here but I'm really finding it difficult because you're actually asking me about something what happened in what year, 2010. I – yeah, you know, I'm just sort of going yeah, maybe, maybe not. I can't give you a direct answer because I'm not quite sure what you're trying to get to.

I just want you to focus on my questions one at a time.---I'm focused, trust me.

40

And answer it, answer them, please. Excuse me. Right. I'm not asking you about this particular motion.---Okay.

Right? But it's true, isn't it, that there was often debate about the wording of motions that were put in Land Council meetings, in Board meetings?---I would imagine so, but I couldn't recollect any particular case.

Right. And so, following from that answer, is it true that you can't recollect whether there was any debate about this particular motion?---Probably not, no, you're right. I couldn't recollect.

So you can't tell one way or the other?---No, that's right.

Now, if you could just put yourself sitting there in the room, looking at this up on the screen as a motion that was to be put to the - - - ---Board?

- - - to the Board. If the new CEO contracts were not actually physically in the room, would you have thought that this was inaccurate?

MR HENRY: I object.

10

THE COMMISSIONER: Really? I mean, does it matter whether he thought it was accurate or inaccurate if we don't know that the precondition for the answer to the question is true? I mean, look, I don't know how many times this witness has to say he never, ever saw a contract between GMS and Waawidji. Now, that's right, isn't it, Mr Bloomfield?---That's exactly, yeah.

Right. So can we, please, Mr Docker, if you want to put to this witness that that's wrong and he did see it, then that is the way to do it. Put it to him.

20

Otherwise we go round and round in circles.

MR DOCKER: As the Commission pleases. Mr Bloomfield, you said that you had never seen a contract between GMS and Waawidji. Is that your - - - ?---To my best of my knowledge, yes.

All right. So what I suggest to you is that you may have seen one, but you've just forgotten.---Exactly right. I may have but I don't recall. I don't know how many times I have to say that, sir.

30

And I suggest to you that if this resolution was passed and the contracts it refers to were not available, you would remember that?---No, not necessarily. And the reason why I say that, because of the time. I mean, I'm sitting here looking at this stuff, right? And obviously it must have come towards the Board, because it's there in minutes. But do I remember everything, every bloody minute we come through, no, I don't. Sorry about that.

But I suggest to you that if you were in the Board meeting, voting on accepting contracts, you would expect the contracts to be present in the room?---Yeah, and I agree with that, yes.

40

And I suggest to you that the contracts were, in fact, present in the room. ---And I'm not denying that. I'm saying they probably were. I just don't recollect everything that happened 2010. You know? I mean, it's a long time ago. But to the best of my ability and knowledge, I'm saying that they may have been there and I just don't recall. It's pretty simple.

THE COMMISSIONER: Mr Bloomfield, I just need to make sure that I understand, because you'll appreciate that there is some conflict between saying that they may have been there but you don't recall, and saying I never saw a particular thing.---Okay. I understand what you're saying.

All right? Now, you understand that?---Yes, I do.

Now, I'm not trying to get you to change your evidence.---No.

10 I just need to understand, for my purposes, whether or not you're saying that that's the case, namely that you may have seen them but you didn't remember, in respect of both of the contracts that we've been discussing. That is, one was a contract between Mr Johnson and GLALC. The other was a contract between GMS and Waawidji.---That's my point I'm trying to make.

All right. Well - - - ---Where it says Waawidji, I - - -

20 Well, you tell us what it is that you may or may not have recalled and what you definitely did or didn't see.---Well, under the contracts, I would have only discussed the contract itself, about Jack's deals. But I would not have – had I seen Waawidji I would have questioned that. That's my point. I was very conscious that Waawidji wasn't part of Gandangara. And I may have – if I seen that, I probably would have questioned it, and I don't recall ever seeing it, if that makes sense.

Well just exploring that, you say that if you would have seen Waawidji you would have questioned it?---I would have asked questions, yes.

30 Why?---Because Waawidji's got nothing to do with Gandangara. That's a private company. It's got nothing to do with us.

But you understood that Waawidji had something to do with Mr Johnson?
---Yeah, it was his private company. I think I've been through a dozen times.

40 But I suggest to you that it wouldn't have mattered to you if some of Mr Johnson's overall salary package was paid to Waawidji instead of him personally?---I still would have questioned it because I wouldn't understand what were Waawidji doing in our – yeah, when you've been – no I would have questioned that. I would have definitely asked why is Waawidji, because as smart as I am the moment see Waawidji – my understanding was it was a private company that belonged to Jack and nothing to do with Gandangara. That's how I understood it.

Yes. But if some of Jack's salary was paid to him directly and some of Jack's salary was paid to Waawidji that would not have concerned you.

MR PATTERSON: Objection, Commissioner. He's already answered that.

THE COMMISSIONER: This is about the fourth time it's been put and - - -

MR DOCKER: It's nowhere near four times.

THE COMMISSIONER: I beg your pardon?

MR DOCKER: I didn't put it four times.

10

THE COMMISSIONER: Well in various forms but anyway, look he's, he's made the point, he's made the point several times that he didn't understand Waawidji had anything to do with Gandangara. And he's made the point several times that had he seen that in any document he would have asked questions about it. So I don't know where you go from there, Mr, Mr Docker. I mean you can ask him whether or not he would have been concerned about something or other but at the end of the day that doesn't actually change what he's already said.

20

MR DOCKER: As the Commission pleases. Mr Bloomfield, is it correct that it would have been, not have been, it would not have been a concern to you if one of the other entities or companies in the Gandangara group paid some of Mr Johnson's salary package other than Gandangara?---I don't know how to answer that, because I'm not sure what you mean. I just thought he just paid from Gandangara. I don't understand from the other groups. What do you the other groups? They were just residuraries.

30

The other companies, yes, so if they - - -?---And he was being paid from Gandangara through the finance officer. We know they paid from South West Sydney Area Health, the people that do the finance. I don't know of any other companies. I'm sorry, but I don't quite understand.

THE COMMISSIONER: No, that's all right. No, what's being, what's being suggested to you is that you would not have been concerned if you saw that Mr Johnson was being paid part of his salary by, for example GMS?---Okay from GMS or something.

40

That's what's being suggested to you?---I probably wouldn't, no, no. (not transcribable) I probably would accept that, yes.

All right. Now if I could just ask you to turn to page 122 in volume 10. These are – this is the second page of the minutes of the Board meeting on 10 December, 2012?---Ah hmm.

And I just ask you – draw your attention to motion 4?---Yes.

Can you just read that to yourself.---Yeah, I already read it.

Now, are you saying that even after being in the meeting where this resolution is passed you had no understanding that there was a contract between Waawidji and GMS?---That's exactly what I'm saying. I don't know how clear I can get.

And that as a result of the resolution there was going – you didn't understand that there were then going to be three contracts with Waawidji, one with each of the three entities put there?---Exactly right.

10 And if you could just go to page 124. You can see that this is the minutes of the 18 February, 2013 meeting.---Yes, I can.

And the first motion is to accept the minutes of the previous meeting.

MR HENRY: I'm not sure if it's a typo or not but the reference on page 124 is to approval of Board minute meetings of 18 December.

THE COMMISSIONER: December.

20 MR HENRY: And those – the minutes of 18 February, 2013 at page 127 have a sign here tag and that's not been signed. I'm not sure whether that's a – my friend has alluded to that with his question.

MR DOCKER: Well, Mr Bloomfield, if you attended the meeting subsequent to the 10 December, 2012 do you accept that you would have read these minutes of the 10 December, 2012 meeting?---Yes, I do accept it.

30 And if you had read motion 4 I suggest to you that you would have understood that there had been a contract between GMS and Waawidji?---I don't recall seeing it.

No, if you'd read it – if you read it now you understand that's what it means doesn't it?---Yes. Yes.

So if you read it at the next meeting after the 10 December, 2012 meeting you would have understood that wouldn't you?---I would have protested.

I'm sorry?---I would have protested.

40 But you would have understood?---Yeah.

Right. And you would also have understood if you had read these minutes at the next meeting that what had been resolved at the previous meeting was that Waawidji would enter into three contracts with those three entities there?---That's what I would have seen, yes.

And I suggest to you that you did understand that?---No. I put it to you now, mate, I didn't. I don't know – look me in the eye and ask me that question again.

And you also understood that there had been a contract between Waawidji and GMS that was being terminated?---No, I can't recall that.

10 Well, when you say you can't recall, do you mean that it – you could have understood that but you don't remember?---No, I didn't say I could have understood. I said I don't recall it.

I'm sorry, I couldn't hear that.---I said I didn't recall.

Right. But what I'm asking you is when you say you can't recall, do you mean that it's possible that you did understand that but you don't remember?---Why would I understand it if I can't recall it. I just told you I can't recall. I mean it's in the minutes. I can see all that there, right. I can understand where you're going with this but I don't recall seeing that in the contract.

20

You don't recall it now.---Yeah.

That's right?---That's what I'm saying, yeah. Is there a problem with that?

No, I don't have a problem with that. You don't recall it now, but what I'm suggesting to you is that it's possible that you knew that, knew about this motion at the time of the meeting.---See, I think I stated earlier, had I seen the word Waawidji – what is it? Waawidji?

30 THE COMMISSIONER: Waawidji.---Yeah. I would have protested about it. I've always maintained that. Now, either I was asleep when these minutes come through, or I didn't look at them, or whatever. I don't recall it.

MR DOCKER: All right. You said earlier if you'd become aware of Waawidji, you would have asked questions.---Yes.

40 What questions would you have asked?---I would have asked Jack, "Why is Waawidji doing deals with Gandangara when it's your private company?" That's the questions I would have asked. My understanding is that can't happen.

And what was the basis of your understanding that it can't happen? Why did you think that?---Because my understanding, if you have a private company and you're the CEO of a company, then you can't sort of – you have to declare it, which Jack did, but I don't believe that you can do any other business with that company, with other identities and so forth.

And if he'd have told you that it's not Gandangara but it's GMS that's contracting with Waawidji, that would have been fine, wouldn't it?---I don't know, because I really don't understand the corporate stuff. I would have to get it explained to me a lot better so I knew what I was talking about, as far as that goes.

All right.---I'm not sure if you're supposed to have any dealings with companies. My understanding is you can't. But that's just what I understand.

10

All right. Now, Mr Bloomfield, could he please be shown – sorry, no, before that, if you could just turn back to page 118 of volume 10. And you can see that this is the minutes of a meeting you didn't go to on 30 October, 2012.---Ah hmm.

And you can see there, at motion 2, there's a reference to a "M. Johnson Waawidji representation letter". Do you see that?---Yes, I do.

20

Right. Now, you were at the next meeting, which is at page 121.---Yes.

On 10 December, where the minutes of the meeting were accepted. Do you see that?---Yes.

And you seconded that motion.---Yes.

So you must have agreed with it.---Well, I seconded it.

That's right, isn't it?---Well, I seconded it, didn't I?

30

You don't second it unless you agree with it, is that right?---Well, yes, of course.

Right. And do you recall the M. Johnson Waawidji representation letter? ---I can't remember.

Right.---How - - -

40

Now, could Mr Bloomfield please be shown volume 20 and page 250. Now, Mr Bloomfield, this is a copy of the representation letter. Just accept that from me. I appreciate that you don't remember, so I'm asking you just to accept that from me.---Yes.

For the purpose of the next question.---Yes.

Do you recall an occasion when there was a general meeting of the members of the Land Council, so just stopping there, you know the difference between a Board meeting and a meeting of the members of the Land Council?---Yes.

Right. So the difference being that at the meeting of the members all the members are able to turn up whereas the Board it's just the Board. All right?---Correct.

10 Now do you recall a meeting of the members of the Land Council when what had to be voted on was the acceptance of the audit and there was a dispute between the Land Council and the auditors as to the acceptance of the audit? Do you remember that?---Was I at the meeting? I don't know.

Right. Well if I can just go on, this meeting was held at the TAFE at Liverpool?---Yes.

And while the members meeting went – was going on, the Board members went into a side room to have a separate meeting?---Yeah.

Do you remember that?---I do remember that, yes.

20 And it was at that meeting that there was I suggest to you a discussion about whether a letter ought to be signed from Gandangara to the auditors. Do you remember that?---I remember there was a letter, yeah. But I, what you're saying I don't think that was the actual level of what it was about, but yeah.

You don't - - -?---I remember going in there, yes, I have memories of that, yes.

30 It was a – you don't recall that the letter was about the audit?---Not that I can recall but I remember there was a letter.

And do you remember that the meeting was very heated?---With the members/

No, no, with the Board members in the side room?---No, I can't really remember how heated it was.

40 But you do remember do you that the, the meeting – the purpose of the side meeting was to discuss whether or not a letter should be signed?---I can't remember that. That's probably what it was about I suppose, yeah.

But it was about a letter. Do you recall that at least?---Yes, I do.

Right. And do your recall that there was some urgency about whether, about signing the letter?---Yes, I do.

And do you recall that the urgency was that if the letter wasn't signed the Land Council would be in breach of the Act because it wouldn't have its audit approved?---That could be the case, yeah.

Does that accord with your recollection of what the meeting was about?---
That does accord, and I think that where it was probably heading. I think
that's what happened.

Right?---That may have been about that, yeah.

10 And is the case that the, the members of the Board didn't want the letter to
be signed but they also didn't want to be in breach of the Act by not having
the audit in on time?

MR HENRY: I object. It can't be dealt with collectively by this witness on
behalf of the Board.

20 THE COMMISSIONER: Well at some stage I think, I think we have to get
down to brass tacks. But as I understand it, Mr Docker, you're suggesting
to this witness that, that there was some discussion about the Board not
wanting to sign the letter but they were forced to sign it to ensure their
funding. Is that what's being put?

MR DOCKER: Yeah. But I'm exploring his memory because he's, he's
saying that he doesn't remember a lot of it, so I'm trying to take it step by
step, Commissioner.

30 THE COMMISSIONER: Well I mean if that's, if that's the proposition I
don't recall it being put in those terms to any other Board member who was
asked about this letter. That's a bit of a problem I would have thought. But
anyway, go on. Do you remember whether or not that was the discussion
Mr Bloomfield?---I can't give a definite answer. Going on my memory I
wouldn't rely on that too much, but I can't really say. It probably happened,
I just don't recall.

MR DOCKER: And so would it be fair to say that you can't recall whether
or not this letter at page 250 was the letter that was the subject of the
meeting?---Which one you talking about? The one I'm looking at now?
Not off the top of my head, I can't.

All right. Now, Mr Bloomfield, could you please turn to page 235.---Yeah.

40 Do see there that there's a document entitled CEO's Review?---Yes.

Firstly, do you recall ever doing a review of Mr Johnson's performance - - -
?---Yes, I did one.

- - - as the CEO?---Yes, I did one.

You did one?---Yeah.

Right. And do you recall having this document that's at page 235 given to you as part of that process?---I'll tell you what I do remember. I remember there was a list of questions to be asked and I remember going down this could be it but I don't recall this particular one and I had to basically read what it said, so it might say, say for instance, just say communications, what I thought from one to 10 I believe it was, or one to five, and I'd have to put in a score and I could tell you what the score was, it was an eight - - -

All right. Well - - -?--- - - - on that particular one.

10

But if you just turn to page 236 through to - - -?---What's this.

- - -238.---Yes.

Is - - -?---Okay, it wasn't - it was one to five by the looks of it.

I'm sorry, I couldn't quite hear what you said.---It must have been a score from one to five. I thought it was one to 10 but obviously it was one to five.

20

Right. But is this the document that you were asked to fill out, or a copy of the document you were asked to fill out?---Similar to what I - I'm not, I'm not 100 per cent sure but, yeah, I'd say that looks like my handwriting over there so I'd say possibly, yes.

Are you saying that the numbers are your handwriting?---Yeah, they look like my numbers.

Right. And is that the case for pages 236, 237 and 238?---Yeah, they look like the way I do my twos and that, or what there - - -

30

And if you look at page 237 you can see there's a reference to in - with number 6 communication. Does that assist your memory at all?---Yeah. I've got five there. Okay. Maybe it was - - -

So do you recall going through the process of the performance review of Mr Johnson?---What year was this one, sorry?

I'm sorry?---What year was this one, 2007, around about then?

40

No, it was later than that.---Okay. Then this must be - - -

I suggest to you it was, it was done in - - -?---Karen Maltby was there at the time because that's who I did it with, Karen. She's the one who called me in there.

Are you sure you didn't do it with Shalesh?---I probably could. I may have done two but I remember the first one, the one I was talking about I did with Karen.

Right.---I remember that one very clear because that was the first time I was asked and she took me into a little room and said this is what you have to do. Explained it to me what I need to do.

Right.---And it was a read that and then you put down a mark and it could be Shalesh's that one. I can't remember if I did two or one.

10 All right. So let's just go through the one with Karen. She took you into a room and explained the process to you.---Yes.

And that you had to fill out a form and put number ratings in different categories.---Yeah, ratings of what the performance of the chap was.

Right. And then did you have to hand in the form back to her. Is that right?---Yes.

20 Right. And was it a confidential process?---Well, it was because the way she sat me in the room on me own and no one else was allowed to come in there. So I've have to assume it was confidential because it's about Jack's – yeah, I'd say definitely.

Right. And to do that process or that review, do you recall whether you were given a copy of his contract?---I don't recall that, no. I remember – I could have but I don't recall it.

30 Right. And did she explain to you what the purpose of the review was? ---Yeah, apparently you had to have a review to look at his performance. My understanding was if his performance was below par – because we had – I think we had to re – accept again Jack as the CEO so I think that was part of that, it's sort of like if his performance is up to scratch and that.

Right. But was it your understanding that his performance was being rated by you as part of a process of determining whether he would be paid more or less money by the Land Council?---No, I just thought – that may have been the case, but I just was asked to do this rating. My understanding was it was just a performance thing about how he performed and how I thought he performed.

40 Yes, but what was your understanding in terms of what you - - - ---That was my understanding. It doesn't really – I didn't see anything else other than the fact that I'm giving a rating because he was due for a rating on that. And if he wants – and I believe it would have helped with him to apply for more money on the ratings, because that could be the case. But that's not what I was thinking about at the time.

Right. You were thinking about actually doing the rating?---Yeah.

Right.---That's what I was focusing on.

Okay. So, just so that we're clear, did you – what was your understanding in terms of what the rating would be used for?---Performance and, I guess, if Jack was performing up to scratch. And because I think we had to – it would have went to NSWALC, my understanding, it would go over there for them to look at. And it could also be for him to argue for a pay rise, if that's the case. Now, I realise that now, but, yeah, he could use that as part of his overall whatever. But my understanding at the time was, yeah, it was
10 just a rating. I didn't give it too much thought.

And did you understand that he would get a bonus if he had a good rating?
---I didn't understand too much, actually. I just understand that I had to do this (not transcribable) I did it.

Right.---I didn't really get any more questions about that (not transcribable) because obviously just said to do this, I did it. I handed it to her, then I went straight back to work.

20 Right.---So I didn't really go into great details. I wasn't really that concerned what it was doing, as long as I was just doing what I was asked to do.

All right. And I think you said a little earlier that you might have done another one, a second one, with Shalesh.---I may have done two. I'm sure. I don't know.

You don't know?---Not quite sure which one this one was.

30 So it's possible that you did a second one but you may not have.---Possibly, yeah.

Right.---Yeah.

All right. And were you aware of other Board members doing performance reviews of Mr Johnson?---Yeah, I'm not quite sure who done them, because they would have got a phone call to come up and do it. I was working at Liverpool Hospital, so my times that I got asked, because I was closest to, I believed, to do it. Because other people work a long distance away. So, I
40 think other people did. I'm pretty sure.

Right. So you were aware of other Board members doing them?---I suppose other people would have had to do them, yeah, if there was more than one.

And was it your understanding it was done every year?---I don't know if it was done every year, to be quite honest.

All right. Now, if I could just ask you to turn - well, we'll put volume 20 away and come back to volume 10.---Is that volume 10?

Yeah, volume 10. And page 99. Sorry.

THE COMMISSIONER: It's on the screen, Mr Bloomfield.---Okay, sorry. Yes.

10 MR DOCKER: Now, this is the meeting where Mr Johnson got stood down as the CEO.---Yes, that's correct.

Or suspended. Now, Mr Johnson was not at this meeting. That's right, isn't it?---That's correct.

And what the meeting had though was a letter of complaint from Deerubbin Land Council, is that right?---To my best knowledge, yes.

20 Right. Do you remember seeing that letter?---Off the top of my head, I can't recall but I may have seen it.

Right. And I think if you turn to page 101 you will recall you were asked some questions about the appointment of Mr Mero as the investigator?--- That's correct.

Now and you were – and you were asked about who suggested him to do the investigation, do you recall that?---Yes.

30 You're not suggesting that it was Mr Johnson who - - -?---Oh, no, no, Mr Johnson, no - - -

- - - who suggested he do - - -?--- No way, Mr Johnson would not have done that, no.

It wasn't him?---No.

40 Right. So it was someone on the Board?---Well, I imagine it would've been someone on the Board, yeah. I imagine it would've been, we would've spoken, I guess our (not transcribable) that's just what I think. I don't know if that was the person who did but I imagine that's how it would've been done.

And you knew who Mr Mero was at that stage?---Yes, I did.

Right. Now are you aware of a letter being sent by Ms Cronan, the Chairperson to Mr Johnson after the meeting telling him that he'd been stood down?---I believe that may have been the case.

All right. If I could just show you this document. Mr Bloomfield, just looking at that letter is that – have you seen that letter before?---I'm pretty sure I would've seen it, yeah. I mean it's (not transcribable) letterhead and probably would've agreed to that, that would be the case and notifying Jack, yeah.

And do you recall reading the letter?---Look, I could've read the letter. I probably most likely would've. But I don't recollect if I did or not. But I assume that I would've.

10

And do you recall what the substance of the complaint was that Deerubbin was making?---To my understanding it was the fact that Jack had approached them to do some consultancy, I believe.

And why was that a problem in your mind?---I didn't have a problem with it somebody else did. I didn't write the – somebody else has – I don't understand what you mean why it is a problem for me?

20 Right. But you voted for him to stand down?---Oh, I see what you're saying. I'm sorry, now I understand. Why it was a problem, because my understanding is again that if you own a company and you're the CEO of our Land Council, my understanding you can't be doing any of that stuff on the side. That's what I'm talking about. That was my understanding of it. It may, may have been wrong but that's how I understood it.

Right. And just moving forward to 27 January meeting. Which is the meeting where you didn't respond to the text messages, remember that?--- Yes. Yes, I remember that real well.

30 Yeah. Is it true that you were told that Mr Mero had indicated that he thought Jack should be cleared?--- Yes.

Right. And you, I think you said that you were unhappy about that?---No, no. I'll explain. I wasn't unhappy with the decision to clear Jack.

40 Right?---John Mero done his investigation. I'm the type of person who's like this. If you're being cleared I'll leave at that, you're cleared and that's the end of it, we move on. I don't, it would've made any difference had he been found guilty then I would've probably thought you know that's, shit happens. But the fact that he was cleared I accept that and that was the decision that we got and I said, well okay, I can wear that.

Right. So what were you cranky about then?

THE COMMISSIONER: Well he said in his evidence in chief he was cranky about the fact that he was never told about it?---Yeah.

And it was never disclosed by Mr Johnson in the first place?---I didn't know about it until that time.

MR DOCKER: All right. Well if I could just, if he could just be shown volume 9 please and page 81 now you can see there Mr Bloomfield that's a copy of the Gandangara financial statements for the year ended 30 June, 2011?---Yes.,

10 And you agree don't you that as a Board member you were provided with a copy of these financial statements each year to, to read and then to vote on accepting?---Yes.

And you can see if you turn to pages 84 and 85 that you've signed this document as one of the Board members?---Yes, I see that, yep. Correct.

And that you accept don't you that you had the opportunity at least to read through these financial statements before you signed them?---Yes.

20 And was it your practice to read through the financial statements before you signed them?---Oh I read some of it and then halfway I may – depending how big the document was, I attempted to read it.

Right. Well if I could just ask you to turn to page 104. So before I do that, just come back to page 84. You can see that there's a date there, 22 September, 2011?---Which page are we talking about? What page was that again?

Page 84?---84. Yep, I've got it, next page over. Yes.

30 And do you accept that, that you would have signed these financial statements about the time of that date?---Well yeah, it's there isn't it.

I'm sorry?---I said it's there, yes.

Right. And if you could just turn to page 104 and I'll just ask you to read the last paragraph of that page there?---c)

Under Related Party Transactions?---Yes.

40 Now do you recall reading that paragraph before you signed these financial statements?---Probably not.

When you say probably not do you recall or don't you recall?---Okay. Remember I said if I seen Waawidji I'd actually throw questions at it? So I'm saying I probably didn't. That's exactly what I'm saying.

I'm sorry, I can't hear what you said?---I didn't read the whole thing through properly. That's just what I'm thinking because I see Waawidji there, through our company to Mark Johnson's.

So is it fair to say that your evidence is that you can't recall reading this paragraph?---That is basically what I'm saying, yeah, I can't recall it, I don't recall it.

But you accept don't you that you could have read this paragraph in the second half of 2011?---Probably. I can accept that.

10 And if you had read it you would have known that the Land Council had been making payments to Waawidji?---Yes.

And therefore it wouldn't have come as any surprise to you Waawidji's activities when the meetings in January, 2012 occurred.

MR HENRY: I object. That presupposes - - -

THE COMMISSIONER: Again, it's all hypothetical.

20 MR DOCKER: I'm sorry, Commissioner, is that question rejected?

THE COMMISSIONER: Well, it just doesn't – it's not so much that, Mr Docker, it's just that it's not going to assist me in the sense that if a witness says I don't recall reading this document then anything that you put in terms of what he would or wouldn't have understood had he read it and had he understood it at the time are just purely speculative. I mean the problem is, and this is the important point. The problem is it doesn't entitle you to make a submission at the end of the inquiry that you've established any positive proposition by that question. That's the problem.

30 MR DOCKER: I accept that.

THE COMMISSIONER: Right.

MR DOCKER: Mr Bloomfield, I suggest to you that you were well aware by the – by January, 2012 that the Land Council had been making payments to Waawidji.---If they were I wasn't aware because – I see it there now and how I would have missed that I don't know but – and if I was aware of it then somehow I've been asleep. It means I probably didn't read the document that was given to me correctly.

40 THE COMMISSIONER: Mr Docker, do you want to tender the letter that you've shown to the witness from Ms Cronan to Mr Johnson?

MR DOCKER: Commissioner, I wasn't aware I was entitled to tender documents but - - -

THE COMMISSIONER: Well, no, I'm just asking you if you want it tendered it can be tendered through Counsel Assisting that's all. I'm just asking you.

MR DOCKER: I'm sorry.

THE COMMISSIONER: Is that - - -

10 MR DOCKER: I misunderstood the question. Yes, please.

THE COMMISSIONER: Is there any problem with that being tendered, Mr Henry?

MR HENRY: No, there's not. The only thing that occurs to me in relation to it, I don't know whether Ms Cronan's representative, Mr Stewart I think it is - - -

THE COMMISSIONER: Well, that's, that's a fair point.

20 MR HENRY: Whether he's seen a copy of it.

THE COMMISSIONER: Yes.

MR HENRY: It may - - -

MR DOCKER: I did provide it to Mr Stewart.

MR HENRY: I see.

30 MR STEWART: It has been provided and I've got no objection.

THE COMMISSIONER: All right. Well, I assume Ms Cronan is going to be asked about it anyway isn't she?

MR DOCKER: Yes.

THE COMMISSIONER: Well, may as well - we may as well.

40 MR HENRY: I don't object to it being tendered. I'm happy to tender it.

THE COMMISSIONER: All right. Well, then, we'll mark that Exhibit G5.

**#EXHIBIT G5 - LETTER FROM CINDERELLA CRONAN TO
MARK JOHNSON DATED 20 JANUARY 2012**

MR DOCKER: Just before we leave the – Mr Bloomfield, before we leave the complaint by Deerubbin, could you please – have you got volume 10 there with you?---Have I. Yes.

And if you could just turn to page 103. You can see that's the minutes of a Board meeting of 13 February, 2012.---103, nearly there.

Do you see that?---No, I've got 104, sorry.

10 THE COMMISSIONER: You can see it on the screen - - -?---Yeah.

- - - as well, Mr Bloomfield.---Okay. I keep forgetting. Yes.

MR DOCKER: And you can see there that motion 2.1 refers to the exoneration of Mr Johnson following Mr Mero's investigation?---Yes.

And you can see there that there's a reference to 7.1, recommendations contained in 7.1?---Yes.

20 Now, is it your recollection that Mr Mero's report was provided to you?
---To the Board.

To the Board. And it's your understanding that's what's being referred to there, isn't it?---That's what I can make out, yeah.

And you said earlier, in relation to this issue, that it was also an ICAC issue. Is that your recollection?---Yes.

30 And do you recall being informed that an investigation by ICAC into this complaint had been discontinued?---That's correct, yes.

Could I just show you this letter? It's MFI 2, yes. Do you recall, that's a letter from ICAC to Ms Cronan, the chairperson of the Land Council?
---Yeah.

Do you recall seeing that letter?---I recall being told about it.

40 Right.---At the Board – I think it was a Board meeting and it was brought up that Jack was found to be exonerated. That's it, yeah. If I seen that letter, I don't have a recollection. Not saying I didn't see it. I'm just saying I don't have a memory of it.

Right. But reading the letter, is its contents saying that the investigation has been discontinued? That is, the ICAC one. That accords with what you remember being discussed, is that right?---Yes.

And in terms of the timing, about the middle of 2012? Is that about right?
---I'm only guessing. I can't recall the time.

THE COMMISSIONER: Mr Docker, I'm just wondering what issue this goes to.

MR DOCKER: It goes to – a lot's been made of this meeting and that this closed off the issue.

10 THE COMMISSIONER: Well, I don't know that a lot has been made of it. I mean, we know that there was a report. We know that Mr Mero exonerated Mr Johnson. We know that Mr Johnson's reinstated. I don't understand any of that to be an issue. But I'm just wondering, what does the ICAC discontinuance of the investigation have to do with all of that?

MR DOCKER: Because it was communicated to the Board and then the Board considered that was the end of that issue.

20 THE COMMISSIONER: And? I just don't know what the issue is. It's all accepted that that occurred. I'm just struggling to know why we're going over this.

MR DOCKER: Well, all right. As the Commission pleases. Excuse me. Could I – where's the folder from the box for Mr – Mr Bloomfield's box. There's a folder and a box. I need the folder.

MR HENRY: Mr Collins will have to get that.

MR DOCKER: I'm sorry, Commissioner. This is the last thing I wanted to ask him about. I didn't realise it had been taken away.

30 THE COMMISSIONER: Right.

MR DOCKER: Well I can ask you this Mr Bloomfield, did you – as a result of the, the matters raised in January, 2012 you understood at that point didn't you that Waawidji Pty Limited was engaging in providing consultancy services?---Through the, the, when we got told, yes. When we got told.

40 THE COMMISSIONER: Through what sorry, I didn't that?---When we first got told when they brought that letter over, that's when I first realised that.

MR DOCKER: Right. So you knew at that point Waawidji was engaged in providing consultancy services?---Yeah.

THE COMMISSIONER: To, to - - -

MR PATTERSON: To whom?

MR DOCKER: I'm going to get to that.

THE COMMISSIONER: Yes.

MR DOCKER: I'm going to get to that.

THE COMMISSIONER: To DLAC?

10 MR DOCKER: Yes, I'll get to that. Obviously to DLALC, Deerubbin Land Council?--Deerubbin that's correct, yeah.

Did you understand at that point that it was also providing services to GMS?--Not that I recall.

Did you understand at that point that it was providing services to any of the GLALC entities?--No. The first time I became aware of any of that happening is when they brought it up that the, at that meeting. That was the first time I had any idea that was happening.

20 Right. The January, 2012 meeting?--Yeah.

Right. So you understood at that point that, that Waawidji was providing services to GLALC entities at that point, the meeting?

THE COMMISSIONER: Are we talking about the meeting to stand Mr Johnson down are we?

MR DOCKER: Yes, yes.

30 THE COMMISSIONER: Well - - -?--I just thought it was Deerubbin.

MR DOCKER: Well this is what he said his understanding of the meeting was?--No, Deerubbin.

THE COMMISSIONER: No, he's talking about DLALC. I mean my understanding of what is set out in the letter by way of the complaints all of that relates to services provided by Waawidji to DLALC?--That's right.

40 Not to GMS and not to any, any GLALC entity.

MR DOCKER: I accept that, Commissioner, but that's not what he said his understanding of the issue at the meeting was.

THE COMMISSIONER: Well you better clarify it because I thought it was pretty clear?--No, it was all about Deerubbin. That was what it was about.

I mean you started the question Mr Docker and then you said providing consultancy services. And there was an object to whom. And that was when you said to DLALC.

MR DOCKER: Yes. And then I asked about the entities?---No. When they brought that letter to us it was about Deerubbin or DLALC, which way you want to call it. That was it. That's what was brought to our attention.

But the – Waawidji was providing services to DLALC?---Yes.

10

Right. And so can you explain how that – you thought that was the problem for GLALC?---Well because it came to us as a problem from, from that letter. I mean to me I'm not quite sure what you're trying to ask me because it was brought to a Board meeting and that's what the whole discussion was around, that's why Jack was stood down.

Right?---So I'm not really quite sure where you're going with this.

MR DOCKER: I just need you to find the thing you want me to show him.
20 Can I just provide you with this folder, Mr Bloomfield, which is a yellow folder with your name on it?---Ah hmm.

And a cardboard piece that says George Bloomfield, Board Documents 2009-2011. Now I've opened it up at the GLALC Board meeting agenda for 14 December, 2009. You can see that there's some documents there in the plastic sleeve, Mr Bloomfield. If you could just take, they've just been taken out for you?---Yep.

30 Now firstly you can see there that there's an agenda, the first page?---Yes.

And that's – you got one of those for each meeting didn't you?---I imagine I would have, yes.

That's right. Now if you go to the page behind, yes, it's a set of minutes?
---Correct.

Of 12 October, 2009 meeting, you can see that?---Yes, I do.

40 And you can see that there's some highlighting there in the minutes, if you go over the page to motion 3, it's the back of the first page?---Back of the first page. Yes.

Now that highlighting is in orange?---Yes.

Was it your practice to highlight things out of the documents you were given for meetings?---(not transcribable)

I'm sorry?---No.

So do you say that that isn't highlighting that was done by you?---I don't highlight things.

I'm sorry?---I don't recall highlighting anything.

All right. Well if they could just be returned then. I have no further questions. Thank you, Commissioner. Thank you Mr Bloomfield.

10 THE COMMISSIONER: Does anyone have any further questions? Yes, Mr Patterson.

MR PATTERSON: Than you, Commissioner. I'll only be brief. Mr Bloomfield, early this morning you were asked by learned Counsel Assisting some questions regarding your employment experience, managerial experience if I can put it that way. Specifically in relation to your current employment, do you have any financial responsibilities?---No. No, I don't.

20 Do you have to sign cheques?---No.

You've given some evidence about your training in Wollongong?---Yes.

By Mr - - -?---Mero.

Mero, thank you. And you have told us about his suggesting that you look for the big numbers?---Yes.

Do you recall that?---Yes.

30 Do you recall him giving you any other advice?---Yes.

And what was that?---The advice, because we were volunteered to be on the financial committee and he gave me direct advice to – every time we have a meeting he said I want you to Shalesh and ask him this question. "When will be insolvent"? That was the question he asked me.

And did you ask that question of Shalesh?---Every time.

40 And did you – what was your understanding of insolvent?---Not having anything money to operate to trade.

So your evidence is that at every Board meeting you attended after receiving that advice you asked that question?---Yes.

And you satisfied yourself that the company was not insolvent?---Exactly right, yeah. We were never insolvent.

Now when the complaint from Deerubbin came to your attention is it true to say that you had some concerns?---Yes.

And would it be accurate to say that your concern was that there may have been a conflict of interest?---Yes. That's how I understood it.

Conflict of interest on the part of Mr Johnson?---Yes.

10 And do you recall giving evidence this morning about a discussion at a Board meeting concerning what a CEO should be paid?---Yes.

And your evidence was you thought it was \$130,000?---To my best recollection.

Or that was the consensus?---Yes.

20 Is it your – or was it was your understanding at that time that the final approval lay with your Board or did it have to go elsewhere?---That's a good question. I think the Board would make a decision and my understanding that it would have to go to, I think it had to go to NSWALC, New South Wales Aboriginal Land Council.

And is that because it was the funding body?---Well they were the base, the controlling body, yeah.

Yes. Thank you. No further questions, Commissioner.

THE COMMISSIONER: Anything arising, Mr Henry?

30 MR HENRY: No, thank you.

THE COMMISSIONER: Thank you, Mr Bloomfield. You may step down?---Thank you.

THE WITNESS STOOD DOWN

[3.54pm]

40 THE COMMISSIONER: I'm sorry that we weren't able to get to Mr Tobler. Is he here? Mr Tobler, I'm sorry, you're going to have to return on Monday, is that a problem?

MR HENRY: No problem at all.

THE COMMISSIONER: All right. Thank you for that. Could I just make everybody aware of the fact and this is a long standing commitment that we won't be sitting next Friday. I can't sit next Friday, the 27th. It looks as

though the inquiry will have to go into the early days of the following week.
Yes, thank you, I'll adjourn.

AT 3.55PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.55PM]