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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION GREER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 31 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 Mack.

<CINDERELLA CRONAN, on former affirmation [2.05pm]

MR MACK: Ms Cronan, I just have a few more questions for you. I'll try not to be too long. I just want to explore with you paragraph 61 of your affidavit and this statement, "However, as far as I was concerned, as a
10 Board member of GLALC, Mr Wright had, by this stage, acknowledged that GLALC was acting on detailed legal advice with full transparency and in open communication with," what you incorrectly called NSWALC, "and with every attempt to be compliant with the ALRA."---Yeah.

Can you recall in any of that correspondence annexed to your affidavit whether or not those words are used by the Registrar? That is, that he acknowledges that GLALC was acting on detailed legal advice with full transparency and in open communications?---I'd have to read it.

20 You'd have to read it. All right. Can I take you, first of all, to page 200?
---Ah hmm.

The exhibit to your affidavit. And this is an email from Mr Wright to Mr Johnson, dated Friday, 12 November, 2010. And you'll appreciate this is the last in the sequence of documents you annexed.---Yeah.

And I just wanted to take you to a few passages in this document to see if that's what you're basing your statement about transparency and communication on.---Ah hmm.

30 First of all, at point 1, the Registrar says, "I agree with advice of Baker & McKenzie." You see that?---Ah hmm.

And then, point 2, "I also agree." And then point 3, "Again, I agree with your view of the meaning of related entities."---Ah hmm.

And then point 6 starts, "I accept your view that the facts," et cetera.
---Yeah.

40 And then at point 9, in summary, there's the first three points are 9 I. "I accept that GLALC may establish subsidiary companies."---Yeah.

Point 2, "I accept your views in relation to the transfer of real property between GLALC and related entities- - - ---Yeah.

- - - see previous correspondence. And point 3, "I accept that a GLALC Board member may be employed by a GLALC subsidiary company."
---Yeah.

My question is, Ms Cronan, is that the basis upon which you assert that the Registrar was acknowledging that GLALC was operating in full transparency?---Yeah.

And in open communication?---Yeah.

10 All right. But do you accept that the Registrar also identifies concerns? For example – sorry, do you accept that the Registrar also identifies concerns and raises further issues to be discussed between GLALC and the Registrar? For example, at point 2, the final sentence is, “Again, I think the word ‘genuine’ and how its legal meaning may be viewed in any given circumstances invites further inquiry and analysis.”---Ah hmm.

Do you accept that the Registrar’s raising further issues there?---Yeah.

20 And, again, the Registrar, at point 4, “I think,” and this is the final sentence, “as you know, I think it’s critical that GLALC be mindful of the pitfalls of transferring money to related entities in light of the Darkinjung cases.” ---Yeah.

And do you accept that’s a warning? Or a direction to be mindful or a direction to be cautious about how GLALC proceeds?---In relation to Darkinjung?

No, no. Do you accept that the statement at point 4 is a warning in relation to transferring money between a Land Council and related entities?---In relation to Darkinjung.

30 In relation to Darkinjung. Okay. But you accept that it has application to GLALC because of the Registrar’s concern to ensure that GLALC doesn’t go down the same path as what happened in Darkinjung. That’s what the - - -?---Yeah.

Yes. All right.---Yeah. I’m not sure what else - - -

40 All right. I’m just trying to explore with you that the Registrar may have accepted various things in this email but also was raising concerns and issues with you. That’s what I’m trying to explore. So again at page - - -? ---But Darkinjung wasn’t relevant in this instance.

All right. Well, that’s not what the Registrar is saying. The Registrar there saying is that GLALC be mindful of the pitfalls of transferring money - - -? ---Yeah, I get that but it also wasn’t relevant at the time.

All right. But you accept that the Registrar is raising it as an issue for it to be considered?---Yeah. I said yes to that.

Yes. All right. And over the page at point 9(v), “In my opinion the relationships you have disclosed to me between officers and employees of GLALC and the GLALC subsidiary companies raise a number of serious issues.” And do you accept that’s the - - -?---Which paragraph was that again, sorry, Mack?

So this is point, this is – you will see a (v), a bracketed (v) at the top of - - -? ---Yeah.

10 - - - page 201.---Yeah. Oh, yeah, yeah, yeah.

And do you accept that the Registrar here is raising a concern that certain relationships raise serious issues?---Yeah.

And about halfway down the page there’s a subheading titled “Where to from here”. Do you see that?---Yeah.

20 And under (ii) it says, “My principal concern is to be satisfied that GLALC has established lawful and reasonable practices that ensure the duties and obligations of its officers and employees are upheld”.- - -Yeah.

And you accept that that’s the Registrar again emphasising that GLALC needs to establish certain practices and procedures whilst it’s embarking on its restructure?---Yeah.

I want to take you to just two more documents that have gone between the Registrar and GLALC. The first is on 23 August, 2010 and that’s at page 194.---Yeah.

30 And you accept that – well, if you could just flick through 194-195 through to 196.---Yeah.

And at page 194 there’s a series – do you accept that there’s a series of questions posed by the Registrar between 194-196?---I’m sorry?

Do you accept that the Registrar poses a series of questions to GLALC to be answered in relation to - - -?---Yeah.

40 And finally, if I can take you to what I’m going to call the initial document in the sequence that you – sequence of documents annex to your affidavit. This is at page 137 and this is a letter from the Office of the Registrar to GLALC dated 29 June, 2010.---Yeah.

And on the left-hand side of page 137 the Registrar references discussions and issues that have been considered. Do you accept that?---Yeah.

And then outlines a further set of issues that have arisen. Do you accept that?---Yeah.

But does not come to – and if you go to the second page there at paragraph 3
-- -?---Yeah.

-- - there is this paragraph, “My purpose with this letter is not to reach any
final view about relevant matters, rather my intention is to identify issues
and offer some preliminary views about how they may be addressed.” Do
you see that?---Yeah.

- 10 So do you accept that the Registrar, far from acknowledging that GLALC
and the Office of the Registrar are engaged in a transparent process, is
merely identifying issues and raising questions with GLALC to consider?
---Sorry?

Do you accept that the thrust of this correspondence between the Registrar
and the GLALC is not to come to any concluded opinion but is to raise
issues and identify questions for GLALC to consider?---Yeah. I suppose,
yeah.

- 20 THE COMMISSIONER: Just to make it clear, Ms Cronan, what is being
put to you is that the nature of the correspondence wasn't an
acknowledgement by Mr Wright that everything was being done
aboveboard, it was more a question of Mr Wright seeking clarification of
some issues that were of concern to him. That's what's being suggested to
you.---Okay. I was looking for the question, Commissioner.

- 30 Well, you're being referred back to paragraph 61 of the affidavit and what
you suggest there is that Mr Wright, the Registrar, was acknowledging that
everything in effect was being done in compliance with the Aboriginal Land
Rights Act implicitly. He had no concerns or he had no issues with the way
that the GLALC was conducting its business and what Mr Mack has been
pointing out to you in terms of the correspondence is that that wasn't the
case. The Registrar was in fact evincing some concerns about some
unresolved issues to do with the way the GLALC was structuring its affairs.
That's what's being suggested to you.

MR MACK: Perhaps I'll -- -?---Yeah. So – okay. Yeah.

- 40 THE COMMISSIONER: I think it was, with respect, Mr Mack, it was
perhaps a little too subtle by the end of that process. I don't know that
Ms Cronan has had her attention brought to bear on the difference between
paragraph 61 of the affidavit and what is in fact suggested in the
correspondence.

MR MACK: Ms Cronan, perhaps if I take you to paragraph 61 of your
affidavit.---Yeah.

And this is the paragraph where you state that Mr – in your opinion Mr Wright had acknowledged that GLALC was acting on detailed legal advice with full transparency and in open communication. Do you see that?---Yeah.

What I'm pointing to you is that the Registrar was at all times concerned with raising issues with GLALC.---Yeah.

10 You accept that?---Yeah.

And raising questions with GLALC.---Yeah.

And identifying areas of concern that the Registrar had with GLALC and its restructuring process. Do you accept that?---I don't know that I do.

All right. And why do you say that?---Because isn't that part of the conversation?

20 Part of what conversation sorry, Ms Cronan?---When you're trying to improve something isn't that part of the conversation going backwards and forwards to make suggestions and, and to make further inquiries as you find out more information?

Yes, and that's – my question to you is that's precisely what the Registrar was doing in his correspondence with GLALC, is raising issues for consideration.---Yeah. And those were taken on board and they were considerably discussed.

30 Thank you, Commissioner. They're my questions.

THE COMMISSIONER: Yes, any other questions of Ms Cronan?

MR LIM: I have a couple of questions for Ms Cronan.

THE COMMISSIONER: Yes.

THE WITNESS: You'll have to speak up.

40 MR LIM: Apologies. Ms Cronan, my name is Mr Lim and I act for the Gandangara Local Aboriginal Land Council, Ms Cronan.---Yeah.

I've just got a couple of questions. In your answers last week on Thursday you indicated to the Commissioner that you were employed by GMS between - - -?---Yeah.

- - - 2008 and 2012 from recollection.---Yeah.

Is that correct?---Yeah.

If I was to suggest to you that in 2008-2011 you were employed by GLALC would that surprise you?---Yeah.

I might just hand up a payroll activity statement for the Gandangara Local Aboriginal Land Council for the financial year of 1 July, 2007 to 30 June, 2008.---Yeah.

10

Together with a payslip for yourself, Ms Cronan, in respect of the period 10 April, 2008 to 16 April, 2007.---Yeah. Thank you. Yeah.

So the first page, Ms Cronan, is the payroll activity statement.---Yeah.

And you'll see that your name's highlighted at the top.---Yeah.

And indicates that during that financial year you received approximately \$1,300. Is that correct?---Yeah.

20

And the page behind it, Ms Cronan, is a payslip - - - ---Yeah.

- - - for yourself.---Yeah.

Does that refresh your memory at all, Ms Cronan, regarding your employment with GLALC?---Yeah.

So do you now accept that you were employed by GLALC at least on or about 10 April, 2008?---No.

30

Pardon?---No.

No? You don't accept that?---No.

THE COMMISSIONER: Why not?---Because you'll find that most of these people on this list also weren't employed by Gandangara Land Council.

Well, for a moment, please, Ms Cronan, can you just concentrate on the document that's being shown to you?---Yeah.

40

It's a pay slip that was issued by Gandangara Local Aboriginal Land Council. You see that?---Yeah.

The question that was put to you by Mr Lim was, in the light of that document, do you concede that as at at least 10 to 16 April, 2008 you were employed by the Local Aboriginal Land Council, not by GMS?---No. That's not my understanding.

MR LIM: If I was - - -

THE COMMISSIONER: Well - - -

MR LIM: Sorry, Commissioner.

10 THE COMMISSIONER: I'm sorry. I'm just trying to understand. Why is it that you dispute the document itself? On what basis do you say you weren't employed by GLALC?---On the basis that I wasn't. It may be that this is printed out on a Gandangara Land Council pay slip, but that's not how it was meant to be. And Ms Maltby actually had to sign a stat dec to that effect when she made that error. And I don't know that I've got a copy of it at the moment, because I've moved house recently twice and I'm not sure where it is. But I did have it. And I'm sure that Mr Johnson could verify that he actually had to force her to do it. Because I knew that one day this day would come.

20 Mr Johnson had to force her to do what, sorry?---To admit her guilt, her error.

What business of it was Mr Johnson's in relation to this issue?---He's her employer.

Yes, but who gave Mr Johnson the instruction to force Ms Maltby to do that?---I don't know. It wasn't me.

Sorry, Mr Lim. You'd better go on.

30 MR LIM: Thank you, Commissioner.

THE WITNESS: But I was very upset that I'd been put in that position.

MR LIM: I may also be of assistance to you as well, Ms Cronan. At page 197 of your exhibit to your affidavit.---Page 197?

That's correct.---Yeah.

It's an email from yourself to a Ross.---Ros.

40 Yeah, Ros. My apologies. That's Ros.---Yeah.

And at the signature of the email, it has your name.---Yeah.

As a senior land claims officer.---Yeah.

And then below it, it has the words Gandangara Local Aboriginal Land Council.---Yeah.

And that's an email dated 9 August, 2010.---Yeah.

So, by this email, it's also to suggest that you were employed by GLALC or at least working for GLALC in August 2010. Is that also correct?---No, that's not correct.

That's not correct? Commissioner, I propose to tender the payroll activity and the pay slip through Counsel Assisting, if that's possible, Commissioner.

10

THE COMMISSIONER: Yes.

MR LIM: I may also want to tender further pay slips, or at least the payroll activities, for periods 2007, 2008, '09 and '10 and et cetera, if necessary, Commissioner.

THE COMMISSIONER: Right.

MR HENRY: I tender the documents.

20

THE COMMISSIONER: Yes. Can I just clarify with you, Mr Lim. The front page of those two pages, which is the Gandangara Local Aboriginal Land Council Payroll Activity Summary.

MR LIM: Yes.

THE COMMISSIONER: That's just a summary of the wages paid over that financial year?

30 MR LIM: That's correct. To those employees identified, starting with Troy, Christian, down to Darcy, Colin, West.

THE COMMISSIONER: Right. Yes, that document will be Exhibit G14.

**#EXHIBIT G14 - GLALC PAYROLL ACTIVITY SUMMARY FROM
1 JULY 2007 TO 30 JUNE 2008 AND GLALC PAYS LIP FOR
CINDERELLA ANN CRONAN FOR PAY PERIOD ENDING 14
APRIL 2008**

40

MR LIM: No further questions.

THE COMMISSIONER: Thank you, Mr Lim. Anyone has any other questions of Ms Cronan?

MR DOCKER: I do.

THE COMMISSIONER: Yes, Mr Docker.

MR HENRY: Before that happens, can I just raise something?

THE COMMISSIONER: Yes.

MR HENRY: And I'm rising now rather than waiting till later so that Mr Docker can deal with it as he wishes.

10 THE COMMISSIONER: Yes.

MR HENRY: Excuse me, Ms Cronan.---Yeah?

You gave some evidence a moment ago that Mr Johnson forced Ms Maltby to do something.---Yeah.

What do you say he forced her to do?---I didn't mean forced as in physically force somebody. But, yeah.

20 THE COMMISSIONER: To do what?---To give me a written affirmation that that was her error. Because I know what Land Councils are like. I know that people come in later on, after you're long gone, and start digging around and try and put two and two together that adds up to six instead of four, and all the rest of it.

MR HENRY: What do you say was the error?---The error was that my pay had been incorrectly printed out on the wrong company heading.

When?---I can't remember the date.

30

Well, have a look at G14. Have you got it?---No, I've got 13.

All right. Well, perhaps if you could be provided with it.---Oh, okay. Sorry. G14 hasn't got a mark on it. Sorry.

You see the second page?---Yeah.

This is the pay slip to which you've been taken.---Yeah.

40 Do you say that the pay referred to on that pay slip was paid to you by some entity other than GLALC?---Yeah.

Who do you say paid it to you?---I don't remember. But it wasn't Gandangara Land Council that I know.

Well, your evidence has been that GMS was your employer.---Yeah, it was.

Do you say at the time of this pay slip GMS was your employer?---Yeah.

And do you say that GMS, as your employer, paid you your wages at the time of this pay slip?---That's my understanding.

Do you say that GMS paid you your wages for the period 1 July, 2007 to 30 June, 2008?---I wasn't employed in 2007.

All right. No, but if you look at the first page of G14, there's a one-year financial period. Do you see that?---Yeah.

10

Yeah?---So you're going by that set of dates?

During that financial year - - - ---Yeah.

- - - do you say your employer was GMS?---Yeah.

THE COMMISSIONER: Ms Cronan, how would you know that your wage was being paid by GMS in that period?---By what I was told at the time.

20

Who by?---I think it was Alfred.

Alfred who?---Sing.

So Alfred Sing told you that your wages were actually coming out of GMS, did he?---I just know it wasn't coming out of the Land Council, and GMS is what I assume that it was.

30

But I'm just trying to find out how you knew that. How do you assert that? How would you know where the funds were coming from?---I relied upon what I was told.

But, see, you say that this isn't just an error in terms of where the money was coming from. You say it's an error in relation to this particular pay slip being issued under GLALC as opposed to GMS.---I'm sorry?

Your evidence a minute ago was that Ms Maltby had made a mistake. ---Yeah.

40

And the mistake that you say she had made was issuing you with a wages slip - - - ---Yeah.

- - - that attributed your wages to GLALC.---Yeah.

Whereas in fact you say the money that paid your wages was coming from GMS.---Yeah.

That's your evidence.---It was coming from an account that was not the Land Council. That much I know. I call it GMS. It may not be GMS but that's what I refer to it as.

Well, what else would it have been if it wasn't GMS?---There were other companies that were existent.

So your evidence now is that it was coming from anywhere other than the GLALC?---Yeah.

10

Well, and I just come back to this, how would you know where the funds were coming from?---I can only go by what I was told.

Sorry, yes, Mr Henry.

MR HENRY: What do you say was in the document that Ms Maltby was forced to sign?---It just said that she had made an error.

MR DOCKER: I object to that.

20

MR HENRY: Sorry, there's an objection.

MR DOCKER: She's just said she wasn't forced to sign it.

THE COMMISSIONER: Well, she said that it wasn't a physical forcing but it was a direction I take it from Mr Johnson that she should correct her error. Is that the position?---Yeah.

30

All right. So what was in the document that she was told to make up? ---Just, just that she – that it was her error and that she didn't mean to do it or whatever – I can't remember exactly what it said but something to that effect.

MR HENRY: Yeah. And the error – just so it's clear – the error as I understand that you say was that you were recorded on payslips as being an employee of GLALC as opposed to GMS. Is that right?---As opposed to another entity of the group, yes.

40

So an unspecified entity?---Yes, because I don't remember what it was.

How did you learn that Mr Johnson instructed Ms Maltby to do this? ---Because she brought it to me and told me that, that after - - -

And when - - -?--- - - - after her conversation.

And when was this?---I don't have a date for it.

Well, was it in the last year, when was it?---The, the last year of what?

THE COMMISSIONER: Is it in the previous 12 months or in the previous two years or the previous three years?---I haven't worked there for four years so - - -

So it was while you were still working there?---It was in the early days anyway.

10 MR HENRY: When you say the early days, was it at about the time of this payslip?---Possibly. I can't remember the exact date. I remember saying that to you before.

And did she say why Mr Johnson instructed her to do this?---Because I was extremely distressed and Alfred possibly went and saw Jack. I'm guessing now.

Well, don't guess but can you recall her telling you what Mr Johnson said to her as to why - - -?---I didn't have a full conversation with the woman.

20 What happened?---Well, she just brought me the letter.

And said what?---Here, this is, this is what I've agreed with Jack to give to you.

For what reason though?---I've already explained what that was.

Why did she give it to you?---Because I was the one that had suffered the - I don't know what you'd call it.

30 THE COMMISSIONER: But I think that's one of the things that we're struggling with, Ms Cronan. What was the problem from your perspective with you receiving a payslip that identified your wage as coming from GLALC, why was that distressing to you?---Because it put me in a position where I would be in breach of the Land Rights Act.

MR HENRY: So you've understood did you that you couldn't be a member of the Board and at the same time be an employee of GLALC?---Yes.

40 And is this the truth, that at the time of this payslip in 2008 you were an employee of GLALC and you were aware of the difficulty that associated with being both an employee and a Board member?---Part of that is true. The end part of it is true. I understood what the difficulty could be. No, I was not employed by the Land Council.

And so Mr Johnson as you understand it told Ms Maltby to give you a piece of paper that said you weren't an employee of GLALC. Is that right?---No. It gave - she gave me a note that said that she had erred in processing my pay and that's why it appeared the way it did.

All right.

THE COMMISSIONER: Did you receive – after this letter came from Ms Maltby did you receive payslips after that date that were in the name of another entity?---Yes.

You did?---Yeah.

10 Do you know where they might be?

MR STEWART: Commissioner, I can - - -

THE WITNESS: I think I provided all of this previously.

MR STEWART: I can assist. I've just shown Counsel Assisting and there's two documents under the name of Gandangara Management.

20 THE COMMISSIONER: Well, that might help us fix the point in time when - - -

MR STEWART: It is. Well, the time is, the time is different. This – the first one is dated 9 May – sorry, 2 May, 2012 and the second one is dated 9 May, 2012.

THE COMMISSIONER: So we're talking the end of the 2012 financial year?

30 MR STEWART: The end. Correct, yes.

THE COMMISSIONER: Thank you.

MR STEWART: I'm happy to tender those.

MR HENRY: Well, I'll tender them.

MR STEWART: You can tender them, yeah.

40 THE COMMISSIONER: Exhibit G15.

#EXHIBIT G15 - GANDANGARA MANAGEMENT PAYSLEIPS FOR CINDERELLA CRONAN FOR PAY PERIODS ENDING 1 MAY 2012 AND 8 MAY 2012

MR HENRY: There's two pages. I don't know that we have copies at the moment. Perhaps if I tender them. They're my questions. Thank you, Commissioner.

THE COMMISSIONER: Yes, Mr Docker.

MR DOCKER: Thank you, Commissioner. Could Ms Cronan please be provided with volume 19, page 190.---Right.

10 Ms Cronan, this is a copy of the financial statements for Gandangara Land Council and controlled entities for the year ended 30 June, 2012.---Yeah.

That's what you've got in front of you isn't it?---Yeah.

You're familiar with this kind of document aren't you?---Yeah.

And you – it was part of your role as the Chairperson to sign off on it each year?---Yeah.

20 That's right. And you can see that you have in fact done that at pages 194 and 5. That's right isn't it?---Yeah.

Now, if you just go to page 225.---Yeah.

You can see there under the heading (d) Management Services Provided by Gandangara Management Services Limited.---Yeah.

Now, firstly, that's what you call GMS isn't it?---Yeah.

30 Right. And secondly, if you just see the first sentence there it says, "Gandangara Management Services Limited was established to provide complete management and support services to GLALC and other group entities as set out in the relevant service agreements." Do you see that? ---Yeah.

Now, the – leaving aside the question of – sorry, firstly, in relation to the service agreements - - -?---Yeah.

40 - - - those service agreements came into being after GMS started providing those services. You were asked about that yesterday I think.---Yeah.

Or Thursday. That's right isn't it?---Yeah.

But leaving aside the services agreement what's said there in that sentence would you agree does that describe what GMS was established to provide? ---Yeah.

And you've been taken to the search of GMS which says that it was - - -?

---Yeah.

- - - registered as a company on 16 April, 2010?---Yeah.

And would it be fair to say that – sorry, I withdraw that. Is it correct that
GMS started providing those services immediately upon its being
registered?---Yeah.

10 And is it right that prior to GMS being registered in April, 2010 that there
was another entity in the GMS group which provided those kind of services
to the group?---Yeah.

And - - -

THE COMMISSIONER: Which one was that?---I can't remember which
one it was but there was one in there.

MR DOCKER: Could it have been Gandangara Development Services Pty
Limited?---Quite possibly.
20

You're not sure?---I'm not 100 per cent certain, no.

All right. Now, you were asked earlier in your evidence about – I'm sorry,
paragraph – sorry, if volume 19 could be returned and Ms Cronan could be
shown paragraph 48 of her affidavit – 46 I'm sorry.---Which one?

46.---46. Yeah.

30 Now, you were asked in your evidence, I think on Thursday - - - ---Yeah.

- - - about the reasons for the two contracts being entered into in May 2010.
---Yeah.

Do you recall that?---Yeah.

Now, you understand when I say the two contracts - - - ---Yeah.

- - - that I'm talking about the GLALC contract with Mr Johnson as number
one and the GMS contract with Waawidji as number two?---Yeah.
40

You understand that? And you agreed, I think, in your cross-examination or
evidence that one of the reasons for the splitting up into the two contracts
were tax reasons?---Ah hmm.

Now, that was Mr Johnson's reason for wanting the two - well, a reason put
forward by Mr Johnson for wanting the two contracts, wasn't it?---Yeah.
Yes.

I mean, there's nothing to do with the tax situation of Gandangara LALC or any of the entities?---No.

And in your affidavit, you give another reason, which I think you described in your evidence was to do with cash flow.---Yeah.

Now, it's the case, isn't it, that as of May 2010, GMS had already begun providing management services to GLALC and the group?---When was that?

10

I'm sorry?---When was that?

By May 2010.---Yeah.

And that it was expected that that was going to keep happening, wasn't it? ---Yeah.

Now, in your evidence you said that there was a third reason, but you couldn't remember. Do you remember that?---Yeah.

20

Could that have been that Mr Johnson was, at that stage, doing work for GMS?---I don't recall.

Okay. Now, if Ms Cronan could please be provided with volume 10 and taken to page 63.---Thank you. Yeah.

Ms Cronan, you were asked about a copy of these minutes, I think, on Thursday. And in relation to the heading of the minutes, which only refer to GLALC. Do you remember that?---Yeah.

30

And it was suggested to you that this was not a meeting of the Board of GMS. It was only a meeting of the Board of GLALC.---Yeah.

And you disagreed with that. Do you remember?---Yeah.

And in the course of those questions, you were shown the heading of these minutes. Do you recall that?---Yeah.

Now, if you just go to page 66 of that volume.---Yeah.

40

You can see that these are the minutes of the very next meeting of the Board, which is 5 July, 2010.---Yeah.

And you can see that numerous GLALC entities, including GMS, are referred to in the heading of the minutes.---Yeah.

Now, is it the case that in relation to the 3 May, 2010 minutes that the heading for the minutes had just not caught up with the reality in terms of what the Boards of what entities were meeting?---Yeah.

All right. Now, could Ms Cronan please be shown volume 20 and Exhibit G3, please. Volume 20, page 250.---Yeah.

10 Now, just starting with volume 20, page 250, this is the letter which you were asked about on Thursday and is referred to as the representation letter. ---Yeah.

Are you familiar with that?---Yeah.

And you gave some evidence on Thursday that said that you felt like you were forced to sign it and that you had the choice between the Land Council being put into administration or signing the letter.---Yeah.

20 And you also gave some evidence that the draft letter was set in stone at the same time as a members' meeting, at a meeting that was attended by members of the Board at the same. Do you recall that?---Yeah.

THE COMMISSIONER: It was 26 September, 2012.

MR DOCKER: I'm getting to that - - -

THE COMMISSIONER: Yes.

30 MR DOCKER: - - - Commissioner. If I could just take it step by step. Sorry, do you want me to ask that question again?---No.

So, do you agree that you'd said that it was set in stone - - - ---Yeah.

- - - at a meeting of the Board - - - ---Yeah.

- - - members? That it was occurring at the same time as the members' meeting?---Yeah.

40 Right. And you said, as the Commissioner said, that that meeting occurred on 26 or 27 September, 2012.

THE COMMISSIONER: No, she didn't say the 27th. She said it was the 26th. It was the AGM on 26 September, 2012.---Yeah.

MR DOCKER: Oh. Well - - -

THE COMMISSIONER: She didn't say the 27th.

MR DOCKER: I'm sorry. I'm just reading a question here that says, in the transcript, "The terms of the letter were not set in stone at the members' meeting on 26 or 27. Do you agree? They were agreed on that date, not necessarily in front of the members." So, Commissioner, you may very well be right that it was only one date, but that was what the transcript said.

THE COMMISSIONER: All right. Anyway, move on. I don't know that it matters whether it was the 26th or the 27th, but anyway, go on.

10 MR DOCKER: No, I don't think it does, Commissioner. Now, if you just look at G3, Exhibit G3, Ms Cronan.---Yeah.

When you were being asked about this, do you recall being shown this email, which was an email from Mr Johnson on 25 September, 2012 - - -
---Yeah.

- - - to Mr Hickey, that was copied to various other people, including you?
---Yeah.

20 And that it referred to the AGM tomorrow evening.---Yeah.

Do you recall that?---Yeah.

Now, do you say that the terms of the letter were set in stone because it's your recollection that this occurred on the occasion of the AGM that year?
---Sorry?

Did you say in your evidence on Thursday that you thought the terms of the letter were set in stone - - - ---Yeah.

30 - - - on, let's call it, 26 September - - - ---Yeah.

- - - because it was your understanding that that was the date that the AGM was held?---Yeah.

And if, in fact, the AGM was held on a different date, would you accept that the date of 26 September is not correct and that it would be the date of whenever the AGM was in fact held?---Yeah. But isn't that the 26th?

40 Well, you can see from the email that the AGM was scheduled to be held on 26 September, 2012. You can see that?---That's when it should have been held.

I'm sorry, I can't hear what you said.---Sorry. I'm just thinking out loud. I said that's when it should have been held.

Yes. And the AGM normally had to be held, didn't it, before the end of September each year?---Yeah.

Now, I suggest to you that in this particular year, 2012, the AGM was not in fact held until 12 December, and that GLALC got special permission from the NSWALC for that to occur. Does that strike any memory with you?---It doesn't.

10 All right. If I could show you these three documents together. Commissioner, I provided these to Mr Henry last week. There are more copies. How many do you need? Ms Cronan, you should have in front of you three documents. Is that right?---Yeah.

And two of them are marked "agenda".---Yeah.

For a meeting for 12 December, 2012.---Yeah.

And one of them refers to an ordinary meeting, and another an annual general meeting.---Yeah.

20 And the third document is a copy of what appears to be minutes of an annual general meeting of GLALC on 12 December, 2012.---Yeah.

Now, do these documents assist your memory at all about the AGM for that year being postponed and then held on 12 December, 2012?---No. I'm not saying it didn't happen. I'm just saying I don't remember this at all.

You just can't remember that?---Yeah.

30 All right. And you can see that the second motion referred to in the minutes document - - - ---Yeah.

- - - says that the members received the annual report, including the audit report, as distributed.---Yeah.

Now, it's the receiving by the members of the audit report which was the thing that had to happen within a particular time frame, wasn't it?---Yeah.

And that was the event that was causing the time pressure in relation to the representation letter?---Yeah.

40 And the situation was, wasn't it, that Lawlers wouldn't release the audit report so that it could be received by the members until the representation letter was signed? That's right, isn't it?---Yeah.

Commissioner, could those documents, I would like them tendered, but if they're not to be tendered, I'd like them marked, please.

MR HENRY: I'm happy to tender them.

THE COMMISSIONER: Yes. It'll be Exhibit G16.

**#EXHIBIT G16 - GLALC AGM MINUTES AND 2 VERSIONS OF
GLALC AGM AGENDA ALL DATED 12 DECEMBER 2012**

THE COMMISSIONER: Just while you're looking at those, Ms Cronan, I
do not know if this helps you at all, but the meeting only lasted 25 minutes.
10 Do you see that?---Yeah.

It opened at 6.44 and closed at 7.10pm.---Yeah.

Do you know what was – well, if you don't have a recollection, say so. But
do you know whether there was any general business discussed?---I have no
idea.

Right. Yes?

20 MR DOCKER: Ms Cronan, you do recall, don't you, that there were
protracted negotiations between GLALC and the auditors about the audit
report at the end of 2012?---Yeah.

And do you recall that those negotiations caused delay in the provision of
the audit report?---Yeah.

And in it being provided to the members for to be received?---Yes.

30 Could I just show you this document? This is another document,
Commissioner, that I provided to Mr Henry last week.---Thank you.

Ms Cronan, you can see that this is a 9-page document, which has a chain of
emails on it. Do you agree with that?---Yeah.

And that you understand when reading a document like this that it goes in
reverse chronological order?---Yeah.

40 That is that the email on the front page is the last in time and the email at the
back is the first in time?---Yeah. Yeah.

And you can see, can't you, that you received a copy of the last email?
---Yeah.

And also the second-last, which is on the second page.---Yeah.

And that would mean, wouldn't it, that you would receive the whole chain at
that point, isn't it?---I think so.

Now, if I can just ask you to go to page 6.---Yeah.

No, I'm sorry, sorry I'll just ask you first to go to page 8?---Yep.

And right at the bottom of the page there's an email from Scott Tobutt, and if you look over the page to Mark Johnson of 25 September, 2012?---Yep.

And this is the day before the AGM is scheduled?---Yep.

10 And it's true isn't it for the AGM to go ahead that you need the audit report?---Yeah.

So if the audit report is not ready you can't have the AGM. Do you agree with that?---Yeah.

And Mr Tobutt in that, sorry, before I ask you that question, the audit report includes the financial statements doesn't it?---Yeah.

20 And Mr Tobutt is raising some matters in relation to the financial statements?---Yep.

And then if you go forward to page 6 at the bottom of the page there's an email from Mr Hickey to Mr Johnson - - -?---Ah hmm.

- - - at 10.39am on 26 September, 2012?---Ah hmm.

Do you see that?---Yep.

30 So that's the morning of the scheduled AGM?---Yep.

And Mr Johnson responds by saying, "An audit report hasn't been received." Do you see that?---Yep.

Now does that exchange jog your memory at all about whether the AGM had to be postponed that year because the audit report wasn't ready on time?---I'm not doubting what you're saying, Mr, Mr Docker, but I really can't remember it.

40 All right. Now just in relation to – just, just coming back to the representation letter itself which is at page 250 of volume 20?---Yep.

Is it correct to say that – can you just look at the – firstly if you just look at the front page and the table there there's a reference of a bonus of \$316,738?---Yep.

Now is it correct to say that the inclusion of that number in, in the letter was not a problem for you or the Board?

THE COMMISSIONER: I'm sorry, what, what are you referring – what number?

MR DOCKER: The bonus number, your Honour, Commissioner, \$316,738.

THE COMMISSIONER: Sorry what do you mean not a problem for you or the Board?

10 MR DOCKER: Well Ms Cronan gave some evidence that there were problems with this letter and that they felt like they were forced to sign it. What I'm asking her is whether there is a problem with this particular part of the letter?---I don't remember what it was that was the issue. I just remember there was an issue with it, a major issue but - - -

Right. Well can I ask you this question Ms Cronan, that when you signed this letter did you believe that Mr Johnson had been overpaid his bonus? ---No, no.

20 Now could volume 20 be returned please? Now if I could just ask you – have you still got volume 10 there?---Yep.

Now if I could just ask you to turn to page 121 of volume 10. Have you got that?---Yep.

You can see that these are the minutes of the meeting on 10 December, 2012 of the Board?---Yep.

30 And if I just ask you to look at motion 3 where there's a resolution that Lawler Partners be invited to show cause as to whether or not they should be reappointed auditors?---Yep.

Now that motion reflected didn't it the Board's dissatisfaction with Lawler Partners?---Yep.

And in particular dissatisfaction with how Lawler Partners had gone about preparing the audit report for the 2011/2012 financial year?---Yep.

And if I could just take you to page 122?---Yep.

40 There's a reference there in motion 5 to engaging BDO to provide advice of the audit?---Yep.

And the investigation?---Yep.

Now the audit is the audit prepared by Lawler Partners isn't it?---Yes.

And BDO, who did you understand them to be?---An independent company of accountants and they would just - - -

THE COMMISSIONER: I'm sorry you'll have to speak in the - - -?
---Sorry.

Turn your head so we can hear?---Sorry. An independent company of accountants and auditors.

MR DOCKER: Right. And who was the person at BDO who, who was – sorry I should ask another question. BDO were in fact engaged by or on behalf of, of the Gandangara Group weren't they?---Yep. Yes.

10

And part of their role was to look into the audit?---Yep.

And also the investigation which is a reference to the investigator appointed. Is that right?---Yep.

So you said BDO were independent?---Yep.

Who, who were they independent of?---Everyone.

20

Right. Everyone meaning who?---Everyone meaning all departments and, and us even. We'd never used them before.

All the departments. Whose - - -?---Well the investigators, the auditors, NSWALC, everybody.

Right. So a completely new party?---Yeah.

Right. Now who was the person on, on behalf of BDO who was - - -?
---Tony.

30

I'm sorry?---Tony.

Tony Young?---I think so, yeah.

Right. Now if I could just ask you – do you have volume 9 there with you?
---I don't think so. No. I've got 10.

I'm sorry. Could Ms Cronan please be given volume 9?---Thank you.
What page?

40

301, it's right at the back?---Yep.

Now this is – these are minutes of the meeting of the Board on 24 June, 2013?---Yep.

And you were taken to these on Thursday and in particular if, if you turn to page 3 on 303 you were taken to the resolutions passed that – in respect to

the overpayment of the CEO in the amount of \$57,000. Do you remember that?---Yep.

Now, you can see can't you coming back to page 301 that Mr Young was present at this meeting?---Yeah.

Is it the case that it was Mr Young who had advised the Board that he thought Mr Johnson had been overpaid his bonus by \$57,000?---Yes.

10 And is it the case that this was the first time – sorry, I withdraw that. And the Board accepted that advice I take it - - -?---Yes.

- - - by its resolutions?---Yeah.

And is this the first time that you considered that Mr Johnson had been overpaid his bonus?---No.

Is this the first time that you accepted Mr Johnson had been overpaid his bonus?---Yes.

20

And you understood that it was Shalesh Gundar's mistake not Mr Johnson's. Is that right?---Yes.

And would you – did you observe Mr Johnson to be happy, unhappy or otherwise about the proposition that he'd been overpaid \$57,000?---I didn't care. I know that sounds horrible but I just wanted an end to it all. It was ridiculous.

30 Right. And because you understood that it was Mr Gundar's mistake not Mr Johnson that's why you described it as an accounting error. Is that right?---Yes.

Now, you were asked about signing documents all at once and do you recall you gave evidence that you signed about 20 documents at once?---Yeah. It was a lot.

I'm sorry?---It was a lot.

40 Right. And you were asked about that in relation to loan agreements with GFF. Do you recall that?---Yeah.

Now, do you still have that email chain with you?---The one that you had me going through before?

I'm sorry, I couldn't hear what you said.---I don't know which one you're talking about.

The email chain document that I provided to you.---I've got two.

It's a nine-page document.---The one of 31 October, 2012?

Yes, that's right.---Yeah. Yeah.

Now, could I ask you to turn to page 6.---Yeah.

And you can see there that that's the email from – a copy of the email from Mr Hickey to Mr Johnson dated 26 September, 2012?---Yeah.

10

Do you see that?---Yeah.

And you can see if you go over the page that just below halfway in the page in bold it's got Service and Loan Agreements Between Entities.---Yeah.

And what it says in the second sentence is, "As disclosed in the GLALC management letter last year and discussed at the closure of the audit last year and post, we required loan agreements to be put in place in accordance with your legal advice obtained on the structure".---Yeah.

20

Now, it's true isn't it that the loan agreements – that the need for the loan agreements was raised by the auditors?---Yeah.

Is that right?---Yeah.

And the loan agreements were drafted by lawyers of the GLALC group. Is that right?---Yes.

30

If you just come back to the email. It says, "In addition, we made it clear that service agreements outlining the structure of how different entities transacted amongst one another, including relevant charges between entities be included and signed off." Do you recall that, that – sorry, I withdraw that. It's true isn't it that service agreements were signed amongst the different GLALC entities?---Yeah.

And - - -

THE COMMISSIONER: We're talking service agreements here not loan agreements?

40

MR DOCKER: Yes. Now – and it's true isn't it that in the first instance those service agreements were drafted by Michael Smith. Is that right? If you read on in that paragraph that's – it refers to Michael drafting these on the spot?---Yeah. I don't remember if it was Michael that did it.

Right. But in the first instance they were draft hurriedly. Is that right?

THE COMMISSIONER: Mr Docker, I'm somewhat confused. You're now on the subject of service agreements are you?

MR DOCKER: Yes.

THE COMMISSIONER: Well - - -

MR DOCKER: I'm going to make this relevant in a minute if that's - - -

10 THE COMMISSIONER: Well, I understood you to start with the proposition that Ms Cronan had previously said she signed about 20 loan agreements not service agreements.

MR DOCKER: I didn't say that to her. I said that she - - -

THE COMMISSIONER: No, I'm just - no, I'm - - -

20 MR DOCKER: She said she'd signed 20 agreements and some of them were loan agreements. I didn't say they were all loan agreements.

THE COMMISSIONER: Well, I don't know that that reflects her evidence. I think you'd better put to her that the evidence she's previously given about signing a large number of loan agreements on the same occasion may not have been confined to loan agreements if that's what you want to put. Do you want to suggest that some of those agreements she signed were service agreements?

MR DOCKER: Yes.

30 THE COMMISSIONER: Well, I think you've got to make it clear because I don't - - -

MR DOCKER: I will. All right. I'll do that. Ms Cronan, it's true isn't it that when you were referring to signing 20 agreements at once - - -?---Yeah.

- - - that some of them were loan agreements and some of them were service agreements?---They were just agreements. I'm not sure which they were. I just assumed that they were loan agreements.

40 Right. But they were all agreements that were prepared by solicitors for the GLALC group?---That's my understanding.

Right. And is that why you were prepared to sign them all without reading through them. Is that right?---I - - -

THE COMMISSIONER: Sorry, is what why she agreed to sign them all?

MR DOCKER: Well, because they were prepared by the solicitors.

THE COMMISSIONER: Is that – so, Ms Cronan, you're being asked whether or not - - -?---I don't - - -

- - - the reason that you agreed to sign all of those documents without reading them was because you knew at the time they were prepared by solicitors?---I, I don't know that I gave it that sort of thought at the time.

10 MR DOCKER: All right. But you – is it right to say that there were a set of service agreements – sorry, I withdraw that. You do accept though you signed service agreements?---I accept that I signed a whole heap of agreements that were laid out in front of me. I don't know for certain whether they were loan agreements or service agreements. I assumed that they were loan agreements.

All right. Now, Ms Cronan, if I could just – if everything could be returned and Ms Cronan could be given volume 41 please. I'm sorry, before I do that, Commissioner, may I ask that the email chain be tendered which begins on 25 September, 2012 and ends on 31 October, 2012.
20

MR HENRY: Yes, I'm happy to tender that.

THE COMMISSIONER: The email chain. Yes, that's Exhibit G17.

#EXHIBIT G17 - EMAIL FROM CLAYTON HICKEY TO SHALESH GUNDAR DATED 31 OCTOBER 2012

30 MR DOCKER: Have you got 41?---(No Audible Reply)

Now, firstly, if you just turn to page 14 and 15, Ms Cronan, just so that I can orientate you about what these questions concern.---Mr Docker, you just took all the papers away from me.

I'm sorry?---You just took all the papers away from me, and now you're telling me to turn to a page.

40 I'm sorry. I probably didn't, so I apologise. But if volume 41 could be provided to Ms Cronan. I'm sorry about that.---Thank you. 14 or 15, did you say?

Well, 14 and 15.---Okay.

This is a copy of the letter to Mr Lombe of 18 February, 2014 that concerned Mr Johnson's expenses. Do you remember that?---Yeah. We've discussed this today sometime, yeah.

Now, just in relation to – you're asked some questions about the use of Mr Johnson's truck and horse float.---Ah hmm.

Do you recall there being any discussion about Mr Johnson not claiming for mileage in relation to the use of that vehicle?---Yeah. I do. Yeah.

And what do you remember the discussion was?---I'm not really good on it, Mr Docker.

10 All right. Now, you've been asked about - if you just go to page 11.---Yeah.

And you have been asked about the entry for nine thousand, I think it's eight hundred dollars. Now - - - ---For Lakota Trailers.

It's about the – my eyes are not very good. About the ninth entry down, I think.---Yeah.

21/7/11.---Yeah.

20 Now, I just want to ask you this. It's true, isn't it, that you wanted Mr Johnson to be available to be contacted at all times?---Yeah.

24/7?---Yeah.

And that he had a conversation with you that if he was going to be out in the bush, that what he needed then was a generator to make sure that he had power to run his computer and satellite phone and so forth, didn't he?
---Yeah.

30 I'm sorry?---Yeah.

And that as a result of that conversation, you agreed that the Land Council should provide him with a generator?---Yeah.

And that that was installed in his horse float.---Yeah.

And do you recall if the cost of that was the \$9,800 that you see there in the list.

40 THE COMMISSIONER: Sorry, where is the word "generator" on that table? I just can't see it.

MR DOCKER: It's not on there. I'm asking her about her memory.

THE COMMISSIONER: Well, I'm sorry. How would she know by looking at this list whether an expense was meant to be attributable to a generator, when the word "generator" isn't there?

MR DOCKER: I've asked her about the amount and the generator and whether it accords with her recollection of providing and installing the generator.

THE COMMISSIONER: So are you suggesting that \$9,800 is referable to the cost of the generator?

MR DOCKER: Yes. The cost of and the installation of the generator in the trailer.

10

THE COMMISSIONER: Sorry, why would you need to install it? Why wouldn't you just carry it? I'm just having some problems with this.

MR DOCKER: That's a little bit beyond my technical expertise, Commissioner, but - - -

THE COMMISSIONER: Well - - -

20

MR DOCKER: - - - a generator obviously needs to be carried around, otherwise it's not of much use.

THE COMMISSIONER: Well, I appreciate that. But there are portable generators on the market. I think that's a matter of common knowledge. But anyway.

MR DOCKER: There are. But if one's already pulling a trailer, then one wouldn't want to pull two trailers, if that makes sense.

30

THE COMMISSIONER: Well, sorry. How big is this generator? Do we know? You see, Mr Docker, part of the problem I'm having with this is that for this cross-examination to be relevant, I have to know what your positive case is. So the positive case has to give us enough details that we might, for example, wish to make our own inquiries in relation to this.

MR DOCKER: Yes.

40

THE COMMISSIONER: So beyond actually asking this witness whether she has any recollection that that \$9,800 related to a generator, we would like to know what the size of the generator was, why it needed to be installed in the trailer in the first place, that is, as opposed to being carried around, and what that might refer to. It's just difficult.

MR DOCKER: I'll do that, Commissioner.

THE COMMISSIONER: All right.

MR HENRY: Can I perhaps ask, Commissioner. If this line of questioning is going to be pursued, in fairness to Ms Cronan, the tax invoice - - -

THE COMMISSIONER: Well, that's the next question.

MR HENRY: It could be provided to her.

THE COMMISSIONER: Yes.

MR HENRY: It's at volume 37, page 220. And it has a description of what
10 the relevant product is. So perhaps my friend could put that before Ms
Cronan, if he's going to continue to ask what this \$9,800 was paid for.

THE COMMISSIONER: Sorry. So we're still looking, are we, at the entry
of 21 July?

THE WITNESS: Mr Henry, what page number was that?

MR HENRY: It's a matter for Mr Docker, I suppose. But if this line of
questioning is to be pursued, I'd ask that volume 37, page 220 be put before
Ms Cronan, in fairness to her.
20

MR DOCKER: Well, I can ask her about this invoice. I only observe that
this wasn't shown to her when she was asked about this before. But then I
think there's a good reason for that. But I'll ask - - -

THE COMMISSIONER: But as I understand it, these are the original
documents from which this ledger is compiled. So when one goes to the
description on the ledger, the papers that are now exhibits before the
Commission indicate that that description is taken from the invoice. That's
why looking at the invoice as the original document is perhaps more
30 accurate than looking at the ledger.

MR DOCKER: Yes, because - - -

THE COMMISSIONER: Anyway.

MR DOCKER: - - - somebody in Mr Lombe's office has obviously
prepared the ledger.

THE COMMISSIONER: Yes.
40

MR DOCKER: So, I understand that, Commissioner. But I'm not sure that
it necessarily will help, but I'll ask. Ms Cronan, do you have page 220 of
volume 37 in front of you?---Apparently, yeah. Yeah.

Have you ever seen that invoice before?---No.

Right. It's not really going to assist me. Well, just putting that aside, Ms
Cronan, then, you've already agreed that you had that conversation with Mr

Johnson, and as a result of it you agreed that he could acquire a generator and the Land Council would pay for it. That's right, isn't it?---Yeah. Yeah.

And did you ever see this generator?---No.

So you don't know how big it is?---No.

Did he tell you that he wanted to have it installed in his horse float?---He may have. I don't remember.

10

Do you know as a fact that it was installed in the horse float?---I don't know.

Do you know how much it cost to acquire and install in the - - -

MR STEWART: With greatest respect to my friend, she's said no, she knows nothing about it.

THE COMMISSIONER: I know.

20

MR STEWART: That's the end of the section.

THE COMMISSIONER: I don't know where you go from here, Mr Docker.

MR DOCKER: She may say she doesn't know, but this is a different question.

THE COMMISSIONER: Well, it's a different question that requires a greater amount of detail to a subject matter that she says she doesn't know anything about. I mean, anyway, all right. Well, go on.

30

MR DOCKER: Um - - -

THE COMMISSIONER: Ms Cronan, could I just ask you in relation to conversation about the need for a generator to be contacted 24/7?---Yep.

Given that the Land Council business related largely to the South Western and Metropolitan area of Sydney - - -?---Yep.

40

- - - what remote areas was Mr Johnson going into in the course of carrying out his duties that required the use of a generator to make contact with the Land Council?---I think it was one of his endurance rides or something or other.

One of his endurance rides?---Yep.

You mean when he was on leave?---Yes, yes.

And what an endurance ride that he did on his own or, or with other people or - - -?---He does it on his own from what I understand. Well no, in some sort of a competition of some sort. Yeah. I don't know how it works, Commissioner. I can't - - -

How often did that happen though that he was away from those periods of time that required the use of a generator?---It's his sport, it's his sport.

10 I know but how many times during his employment did that occur?---I didn't keep a count of them, probably I don't know, I suppose you could count it on one hand at this stage I suppose, yep.

A few maybe?---Yeah.

MR DOCKER: But the fact is Ms Cronan that is that you wanted Mr Johnson to be contactable - - -?---Contactable.

- - - 24/7?---Yep. Yep.

20 And that included weekends?---Yep.

Not just when he was on leave?---No.

But you also expected him to be contactable when he was on leave didn't you?---Yes.

And do you recall how much it cost for the generator to be acquired and – to be acquired?---I don't remember the cost, but he did warn me that it was expensive and I told him I needed him contactable regardless.

30 So you don't recall now what it cost, were you told at the time?---Yes, he told me the cost at the time. I remember it was considerable. I, I just don't remember the figure.

THE COMMISSIONER: Did Mr Johnson explain why a generator was necessary to be contactable?---Yeah. Because of the remoteness of the locations that he would be travelling in and for substantial amounts of time. So we're not talking days, we're talking weeks.

40 But how would that – I'm sorry how would a generator improve his - - -? ---Because he had no power at all.

Well yes, but I mean one can take satellite phones that have batteries in them. You don't need a generator to run that?---Batteries only last for so long and they need a power source in order to restore the power.

Were any inquiries made about the type of generator that was needed to charge these devices?---He had to make, yep, he needed to make sure that

he had enough power to, to charge up a computer and be able to do computer work and log in to the mainframe of Gandangara to access whatever emails and documents and so forth. And to be able to charge phones and stuff.

The computer, the computer no matter how much work you did on it was useless unless he had a signal. Isn't that the position?---(No Audible Reply).

- 10 You had to be, you had to be able to either plug into a landline or receive a signal from a mobile tower?---I think he already had satellite happening as well, the satellite tracking and stuff. The, you know the satellite – I'm not that savvy with techo's, but yeah, he already had all that happening.

Yes, sorry, Mr Docker.

- MR DOCKER: Now if I could just show part of the box with Ms Cronan's name on it. I've only, I've taken out the things above what I want her to see and I'll put them back. But the identification tag is E14/0362/29/56. Ms
20 Cronan, you can see that there are documents in plastic sleeves in the box in front of you?---Yep.

And the, the first one is a copy of a Waawidji contract?---Yep.

I don't remember which one it is, can you say which one it is?---Between Waawidji and Marumali.

Marumali. There's some writing on the top of it?---It's says 60k.

- 30 Whose writing is that?---Probably mine.
It is yours?---It looks like my untidy scrawl, yep.

Are you able to recall the circumstances in which you put that writing on there?---More than likely when we got rid of the Management Services contract and divided it into three, amongst the three entities.

I'm sorry, I just couldn't that?---I'm sorry. More than likely from when we got rid of the Management Services contract and replaced it with the three between the three entities.

- 40 So would you say by that at the meeting where that was voted on. Is that what you're saying?---Yes.

And if you look at the next document that's the Management Services contract that was being replaced. Is that right?---Yep.

And the document after that, that's a Waawidji contract with who?---Okay, I've got one for Transport Services, one for Health Services and one for Marumali.

Right. And do each of them have writing on them?---Yes.

And is each of them your writing?---It appears so, yes.

10 And do you say that you put the writing on them at the meeting where it was voted to replace the GMS contracts with those three contracts?---I would say so, yes.

If they could be returned, please. Now just one last topic, Ms Cronan. In relation to the training by Mr Mero - - -?---Yep.

- - - is it the case that you insisted that training continued to be provided by Mr Mero on a regular basis?---Yep.

20 And that you wanted him to do the training?---Yep.

And is it the case that you instructed Ms Taylor to arrange it?---Yep.

They're my questions, Commissioner.

THE COMMISSIONER: Thank you. Mr Stewart, do you have any questions?

MR STEWART: Not too many now.

30 THE COMMISSIONER: Yes, go on.

MR LEWIS: Commissioner, I have a question.

THE COMMISSIONER: Oh, I'm sorry, I'm sorry.

MR LEWIS: Sorry, sorry.

40 THE COMMISSIONER: I'm sorry, I jumped the gun. Yes, go on Mr Lewis.

MR LEWIS: Ms Cronan, I represent I represent⁴ Alfred Sing?---Yep.

Earlier in your evidence you spoke about an occasion when in relation to your wages - - -?---Yep.

- - - you were told something by Mr Sing?---Yep.

Do you remember saying that?---Yep.

Are you quite sure about that evidence?---I'm pretty – yeah, I'm pretty certain.

At that time you were upset?---Yep.

10 Yep. What was upsetting you?---That an error had been made with my pay that put me in a position that was – I don't know what the proper words are for it, but it put me in a position where I could be looked upon in a poor light.

All right. And you worked with Mr Sing at the time?---Yep.

And did you work with anybody else?---He was my, he was my senior.

Did you work with Mr Filewood?---Yeah, that was much later down the track and not so much.

20 Not at that time?---No, no not at that time, certainly not at that time. Mr Filewood didn't come along until much later in the piece.

And you raised this problem about your wages with Mr Sing?---Yes.

Do you, do you have a memory of the occasion, like the conversation, where you were, what was said? Do you remember those things?---Yeah. We would have been in his office.

30 Are you just guessing that it would have been in his office or do you actually remember it?---I remember it.

All right. Was it the morning or the afternoon?---I'm pretty sure it was the morning.

And what did you say to him?---I don't remember that.

What - - -?---I don't remember word for word what I said to him.

40 Did you show him a piece of paper?---I don't remember if I did.

I see. But what you do remember is that you raised this issue in your mind, something that was upsetting you - - -?---Yeah.

- - - with him?---Yeah.

And what was his response?---He advised me that he would look into it.

All right. And did he say anything else?---Not that I can think of.

And did he and you subsequently have another conversation on this subject?---I can't think of one right now.

See earlier in your evidence you told us that he told you that your wages were being paid by GMS.---Yeah.

Well, he must have told you that at some time.---Yeah. That would have been previously.

10

Previously?---Yeah.

So let me try and understand this. When you learnt that you were being paid by some entity other than what you thought you should have been paid by, you went to Mr Sing?---Yeah.

Now, you're telling me that he told you something previously?---Yeah. Because before I became employed there I wanted to know that I was being employed legally.

20

So how many conversations did you have about this subject?---I couldn't tell you how many exactly. It's been eight years.

How many conversations did you have with Mr Sing about this issue? ---About this particular issue?

Yeah.---I couldn't tell you exactly how many.

30 See I'm suggesting to you, Ms Cronan, that you are mistaken about it being Mr Sing that you spoke to.---Then I don't know what you're going to do with yourself then because he was my first point of call, he was my supervisor. That was the person I needed to talk to.

Is there any room in your mind that perhaps you may be mistaken about that?---No.

That perhaps you spoke to somebody but it may not have been Mr Sing? ---No.

40 All right. Nothing further thank you, Commissioner.

THE COMMISSIONER: Just on that topic, Ms Cronan, when you were paid your salary was it a fortnightly basis?---No, it was weekly.

Weekly?---Mmm.

Did your salary get deposited into your – and I'm talking back in 2007/2008, did it get deposited directly into a bank account or did you

receive a cheque or how was it paid?---Bank, bank account. I'm pretty sure it was bank account.

So in order to confirm what you were paid every week and what the tax was did you receive a payslip?---Yeah, I'm pretty sure I did.

Well, how long did it take you to realise that the payslip was actually being issued in the wrong entity?---I can't remember to be quite honest.

10 Well, you said you became upset about it when you found out.---Yeah, I was.

Well, wouldn't that have been something that would have occurred to you early on in the piece, as soon as you saw the payslip?---I don't think it occurred every single payslip either. I think it was one that -- I don't know, somehow it just dropped off the edge for the want of a better description. I don't think it was something that occurred right from the beginning because I think I would have picked it up by then.

20 Yes, Mr Stewart.

MR STEWART: Thank you, Commissioner. Ms Cronan, just in relation to your upbringing. I believe that you went to school in Western Sydney did you?---Yeah.

What year did you leave in?---Nine.

Year 9. So you never obtained a School Certificate?---No.

30 You never obtained a Higher School Certificate?---No.

And what age did you leave at, leave school at?---I'm trying to think. It's a long time ago. I can't remember if I was 15.

Okay. And what job did you get when you first left school?---I was a sales assistant.

Where at?---I can't remember whether it's Woolies or Kmart.

40 Okay. And how long did you stay in the workforce at that stage for?---A couple of years.

What happened after that, what did you do for the next - - -?---I became a mother.

And I believe you've got five children?---Yeah.

Ranging from 35 to 19?---Yeah.

Did you work during their upbringing?---No, but I was very actively involved in my Land Council.

Okay. And when did you go back and get a full-time job?---In 2006.

And what type of job was that?---Process working.

And I think you attempted in 2008, you got a bridging course at the University of Western Sydney?---Yeah.

10

Where you got into a bridging course?---Yeah.

How long did you stay in that course for?---I think it was about three months.

Right.---That was about, yeah, about 2008, yeah.

And that's the sum total of your – since you left school in year 9 that was the only other time you'd had any other education or attempted any other education?---Yeah.

20

And you were first elected to the Council in 2007 I believe?---No, I was first elected to the Council in - - -

Sorry. Before it was – in the early days - - -?---I became a member in '94.

'94.---And I was elected in '96/'97, something like that.

Right. And you became chairwoman or chairperson for the first time, I think, in 2009?---Yeah. I'd been the secretary of the Land Council before that, though.

30

You'd been the secretary of the old Land Council, correct?---Yeah. From '97.

In relation to when you took over the chair role, were all the procedures in place at that time?---Yeah. Two other chairmen before me, under the new system, had been there, George Bloomfield and Sandra Williamson.

40

Okay. And did you just continue the procedures they'd put in place at the time?---Yeah.

Did you change anything at all?---No.

Did you have Board packs in those early days?---Yeah.

And that continued on?---Yeah.

You were asked some questions in relation to the meetings and the time that the members of the Board had to read their Board packs.---Yeah.

And I think you gave evidence that 30 minutes was what was normally there.---Yeah.

Is it the position that people turned up and had some dinner?---Yeah.

Read the Board packs?---Yeah.

10

And then attended the meeting?---Yeah.

When you were chairwoman, did anybody ask you for extra time to read any of the documentation?---On occasion.

And what would you do on those occasions?---Generally hold up the meeting, much to some people's upset, but never mind.

I think all the other questions I was going to ask have been asked, Commissioner.

20

THE COMMISSIONER: Thank you, Mr Stewart. Anything arising?

MR HENRY: No, thank you.

THE COMMISSIONER: Yes, thank you, Ms Cronan. You may step down.---Thank you, Commissioner.

30 **THE WITNESS STOOD DOWN**

[3.47pm]

MR HENRY: The next witness is Mr Johnson. I'm content to start or not as the Commission pleases. I do need to tender his affidavit and there's an exhibit that goes with it. So I can do that now. Whether or not he enters the box - - -

THE COMMISSIONER: Mr Mack has something he wishes to say.

40 MR HENRY: I'm sorry.

MR MACK: I haven't had a chance to review the affidavit. And my only concern is that there might be something in there that is similar to a line that was hinted at in Ms Cronan's affidavit, that might fall foul of a - - -

THE COMMISSIONER: Well, perhaps we could tender the documents and then people can have a look at them before we resume tomorrow morning. Is that the preferable course?

MR MACK: Formally, I think if there's something in there, I'd prefer that that particular paragraph is not read. But I haven't - - -

THE COMMISSIONER: Oh, I'm sorry. I see. Sorry.

MR MACK: I haven't had a chance to - - -

THE COMMISSIONER: I misunderstood. All right. Well, then, perhaps it's not a good idea to tender them at this stage, Mr Henry.

10

MR HENRY: All right. Well, I can do that first thing in the morning. And if Mr Mack has an issue with any of the material, he can let me know before then.

THE COMMISSIONER: All right. Do you need to resolve that issue before we start hearing from Mr Johnson?

MR HENRY: I don't know what the issue is.

20

MR MACK: I don't know what the issue is because I haven't had a chance to review Mr Johnson's affidavit. But my cause for concern is the undertaking that was given about - - -

THE COMMISSIONER: Yes, I understand. I understand where you're going. All right, well, look, perhaps Mr Henry should have a discussion with Mr Mack about that and you can use the time remaining today to resolve that problem. And I'm just wondering whether or not we can agree to start 9.30 tomorrow morning, if that's not too much of an imposition on everyone. 9.30?

30

MR HENRY: Yes.

THE COMMISSIONER: All right. We'll resume at 9.30. Thank you.

AT 3.50PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.50pm]