

PETRIEPUB00060  
27/02/2012

PETRIE  
pp 00060-00110

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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION PETRIE

Reference: Operation E11/0534

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 27 FEBRUARY 2012

AT 2.00PM

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

ASSISTANT COMMISSIONER: Thank you, please be seated.

<LUCKY GATTELLARI, on former oath

[2.03pm]

ASSISTANT COMMISSIONER: Yes. Mr Terracini.

MR TERRACINI: Yes, thank you, Commissioner. Mr Gattellari, as of  
10 2005 how long had you worked with Mr Ron Medich approximately?  
---Well, since before 2005 till I got arrested.

No, no, no. Before 2005- - -?---Right.

- - -how long approximately had you worked- - -?---I didn't work with Mr  
Medich.

Okay. Did you ever work with him?---Not before then, no.

20 And who did you report to then after you did commence to work?  
---I discussed all matters with Ron Medich.

But was he the person that you would literally report to?---Yes.

Was he the head man or how would you describe him?---Well, he was, he  
was in charge of everything and I reported back to him.

Nobody in between?---Ron Medich?

30 Yeah, and you?---No.

You didn't report on occasions to accountants or accounts clerks?  
---Accountants would, accountants would at time ask for figures and I  
would let them have them.

And did you provide any of these handwritten figures that have been shown  
to you today that are in volume 3 which is Exhibit 3?---Did I supply them to  
whom?

40 To Mr Medich?---Yes, I did.

The actual figures?---Well, the originals, yes.

Oh. Well, have you seen them recently?---Have I seen what?

The originals?---I haven't seen them, no.

Have you ever been shown them to your knowledge?---Well, everything was, was taken from my office when I was arrested so I haven't seen anything since then.

And is that a no, if you haven't seen the originals since?---Since I was arrested, no.

Okay. And did you show the originals to anybody else other than Mr Medich?---Some of the documents were shown to Ron Mason and Kenny Foster, one or two of the sheets that involved them, apart from that, no.

All right. Not to any accountant, not to Mr Shipley for instance?---No. Mr who?

Mr Shipley? You remember him?---Mr Shipley never saw those documents, no.

Okay. Now, in terms of how you would approach Mr Medich apparently for cash or even cheques, was there a protocol, do you fill out some sort of form in the company or- -?---No. It was done very face-to-face.

And you'd give him a reason why you wanted the money?---I did.

And to your knowledge at least did anybody make any notes of why you needed the money?---I was the only one who made notes to my knowledge.

Right. On any of these pages that you've been shown today, did you recognise any of Mr Medich's handwriting?---Only his signature on one or two of the documents.

Right. And you've seen those documents today, can you tell us which ones? ---There was a letter that was written by Mr Medich and he signed it.

Oh, yes. But anything else?---Not that I could see, no.

Right. Now, in terms of who runs or who did run Commercial and Retail Lighting, that's obviously a company, did you have anything to do with that?---Well, Commercial and Retail Lighting are nothing to do with the land deals.

I'm not asking you that, I'm asking you whether you had anything to do with them?---It sounds like it's one of the, one of the ground of companies that we were involved with, yes.

But surely you've seen the letterhead on a lot of these- -?---I've explained before that the top of the letterhead didn't mean anything, they were just scribble pads that I used to write notes on. They didn't necessarily mean we owned the companies.

All right. Well, so we can clarify then, did you have anything to do with Commercial and Retail Lighting?---I don't believe so.

But you did have something to do with Eling Forest Winery?---Yes, I did.

That was your company?---Yes, it was.

Anything to do with Mr Medich?---Nothing at all.

10

Okay. And so you made these notes do I take it that on what, just loose pieces of paper lying around the office?---Well, they weren't loose pieces of paper, they were pads that were sitting on my desk that I used to write notes on.

Right. Well, can you help us then with why on earth Commercial Lighting pads would be on your desk if you didn't have anything to do with it?  
---They were companies that we dealt with and every now and again the reps would come around and drop off stationery and pads and pens and they just happened to be pads that I was using to scribble on.

20

Okay. And that would include pads with Unique Lighting Solutions on it?  
---Unique Lighting Solutions I had nothing to do with, no.

Medich Group letterheads as well?---Well, The Medich Group letterheads came out of Ron's office and I did have something to do with that.

Well, if you had access to them as well, did you?---Yes, I did.

30

Did you ever types any letters out yourself?---I can't type.

Well, whoever did some typing is not very good at it?---Well, it certainly wasn't me.

Did you type anything on the Medich Group letterhead?---I did not.

And you're not a very good speller, are you?---I'm a terrible speller.

Yeah. And syntax and grammar's not your strength either, is it?

40

---Sorry, I don't understand your question.

Grammar you understand surely?---What are you trying to say?

Did you type any documents on anybody's letterhead to anybody associated with the Wagonga Land Council or land development?---I personally have never typed a letter for anybody or to anybody.

Right. Did you ever dictate anything?---Did I, sorry?

Did you ever dictate any letters to the Wagonga Land Council or Land Council Group?---I could have dictated some at the office, yes.

And who would you dictate that to?---Would have been anybody in the office who was doing the typing.

Well, have you got any memory of any of the typists?---No, I don't.

10 No memory at all of any of them?---Well, we had an awful lot of employees and part- - -

Did you have a lot of typists?---No, I don't remember.

Can't offer any even first names of any of the typists?---No, I can't.

Any descriptions of any of the typists?---They were female.

20 Well, that used to be a given but not so much these days. Any description?  
---Very attractive females.

But names remain out in the ether?---Couldn't tell you.

Well when you used to send off letters because you can't at the time, according to your account, did you use the same typist even though you can't remember their name?---Not all the time, no.

30 Now in terms of Wagonga Local Aboriginal Land Council did you ever meet with any other persons associated with it other than the people that you've given evidence about today, anybody else?---In regards of Wagonga?

Yes?---No.

Can I just show you a document, it comes out of volume 1, which is Exhibit 1, page 355.

MR WATSON: He's got a copy of that.

40 MR TERRACINI: Oh, you still have - - -?---I've got nothing here.

MR WATSON: I'm sorry.

MR TERRACINI: Just go to 355?---Yes.

Now that's a letter which on its face has Mr Medich telling people that you're authorised to act on his behalf on any matter relating to Wagonga Aboriginal Land Council?---Yep.

The date of that is 11 September, 2007?---Yep.

Do you see that?---I see that.

That appears to be the first time you were ever authorised to do anything on behalf of - - -?---On paper.

On paper?---Mmm.

10

All right. Well go to page 193 of the same volume?---Yep.

That purports to be a letter signed by you on Medich Property Group letterhead of 12 December, 2005?---Yep.

Whoever typed it couldn't even spell the Wagonga Land Aboriginal Council name correctly. Correct?---I don't know, you're telling me. Are you asking a question?

20

Well you can read, sir?---Are you asking me a question?

Well it's misspelt isn't it?---Yes, it is.

And rather than describing what's known as Wagonga LALC, whoever typed it has typed in commas after L,A,L,C haven't they?---It's a bad typing performance.

Well you look at the last paragraph, this is an without prejudice offer, somebody's crossed out an. Do you see that?---Yep.

30

Who is WA right at the beginning of the letter that's been crossed out? ---Who is what?

Who is WA?---Well this is, this is a copy you're looking at here. I have no idea who crossed anything out.

But you signed it?---Sorry?

40

You sent it, you signed it?---Yeah, but this is a copy of what I signed. This is not the original of what I signed. Show me the original and show me where the crossing out was on the original?---Oh, you're concerned that somebody might have tampered with it?---Well what I'm saying is that I don't know that that was crossed out when I signed it. Now would I sign a letter and send a letter with something crossed out on it?

Well you see that's the only copy we've been given?---Well it's the only copy I can look at.

If you go to the second line right towards the right hand side as you look at the document, it commences with, We would be prepared to offer your Land Council, do you see that?---I do.

An outright purchase price of \$1.6 million. This is 400,000 over the current commercial valuation. Do you see that?---I see it.

Did anybody give you a response to that offer?---You'd have to look through the documents.

10

Don't you have a memory of that?---This particular enterprise started and went on for years. No, I don't have a memory. There were so many offers and counter offers, letters and counter letters and – I have no idea. Have a look through the file and you might find an answer to it.

But you've got no memory of it?---Not offhand, no.

So you compiled this letter, didn't you, without any authorisation whatsoever and you signed it, didn't you?---That's what you say.

20

I just did?---Well, I disagree with you.

And it has the hallmark of your spelling errors and other typographical mistakes, doesn't it?---You may think what you like.

Now, so far as what you say is the only authorisation that you know of in writing in respect of what could be called Wagonga Land Council matters is the document I showed you which is page 355 of the same exhibit?---No, there was another letter of employment that Ron gave me some time ago, I don't know whether it was before or after that particular one but there was another document that showed that I worked for Mr Medich.

30

You may well have worked for him, this is a letter of authorisation in relation to the Wagonga Land Council though?---Ah hmm.

It's dated 11 September, 2005, considerable time after what I suggest to you was your - - -?---You mean 2007.

2007?---Right.

40

Some considerable time after your letter of 12 December, 2005, correct?---I think I said that that was the first time he put it down in writing and I think it was done because he wanted the Wagonga Aboriginal Council to understand that Jeffrey Hinde was no longer operating or working for Mr Medich and that they should talk to me and not him. That is the reason for that letter.

Is it?---Yes.

No so far as you're concerned with the incident where the police stopped you in Wolseley Road in Point Piper - - -?---Do you suggest I'm making that up, do you?

You just have to wait - - -?---Okay.

- - - and subject to her Honour's, the Commissioner's ruling you just have to answer my questions, all right.

10

ASSISTANT COMMISSIONER: Yes. Mr Gattellari, could you please just answer the questions. You may have some idea - - -?---Certainly.

- - - where you think things are going but things will move a lot more quickly if you just listen to the questions and answer them?---Certainly.

Thank you.

20 MR TERRACINI: But no, we're not going to suggest it didn't happen, Mr Gattellari. You were stopped by the police and they asked, in effect, why you had such a large sum of money?---They did.

Okay. Well, after it was confirmed by Mr Medich why you did have it and you also had a cheque, what did you do with the cash?---I took it home.

And what did you do with it after that?---I gave it out to different people.

Who?---Oh, have a look through the list.

30 Who?---Some of it went to Ronnie Binge, some of it to Ron - - -

Just a sec. How much went to Mr Binge?---Well, you'll have to check the list. I don't know.

You haven't got a clue?---What, off memory?

Yes?---No, I don't.

40 How much did you give to somebody else?---Check the list.

Look, in your position, Mr Gattellari it might be a lot easier if you just answer questions, all right. Have you got it?---Well, I can't answer your, I can't answer your question 'cause I don't remember who I gave them to.

Please just answer the question. Are you seriously telling us you don't know how much you paid Binge on that occasion?---On which occasion.

The occasion where you had a large sum of money, cash, which was counted by the police I think in your presence?---You want to know to the last cent what Ronnie Binge got from \$50,000?

I'm not asking about the last cent. How - - -?---I can't remember how much I paid him.

How much of that figure did you give to other people?---I can't remember.

10 Could you name another name then as to how much you gave them?---I think all the names came up on the list. Check the list.

You've got no idea?---No idea.

No?---No.

Wouldn't have spent it on yourself?---I doubt it.

20 Well, can you advance any other person other than Mr Binge who that sum of money was given to?---Well, there was , , there was Ron Mason, there was Kenny Foster, there was - and also Ron Medich and I went up and down the north coast paying - - -

Sir, we're not talking - please?---You asked me to name you some names.

We're not talking about going up the north coast with Mr Medich. We're talking about how the amount of money that was seized by the police temporarily, who did you give it to in addition to Mr Binge?---A number of people.

30 All right. Now, so far as Mr Binge was - on that evening we was apprehended for whatever reason and again, temporarily put into custody, is that right?---That's correct.

When did you next go up - and by the way, it's around about 8.30 at night that you're stopped by the police to refresh your memory. How soon after Mr Binge was released did you then go down to the south coast?---It would have been a day or two I think.

40 And would you have taken some of that money?---I would have, yes.

And were you told by Mr Medich how to go about spending it?---No, I was not.

In face he never told you how to go about spending any of these monies did he?---No, he didn't.

Look it's no good pulling faces?---No, he didn't.

All right. Now did Mr Medich have a secretary at the time that you were stopped by the police?---Yes, he did.

And was that a woman who was regularly in contact with him and in close proximity to his office?---Yes.

And did you have any of the conversations about the distribution of monies in her presence?---No, we did not.

10

Was there any reason for that?---Well I don't think Mr Medich wanted everyone to know what we were doing with cash.

All right. Now in terms of your knowledge of Mr Medich and cash, how did you approach him in terms of asking for monies? Did you say, this one has to be cash as opposed to a cheque or what?---Well all payments made to members of certain Aboriginal Land Councils all had to be in cash.

20

And you told him that did you?---Well I didn't have to tell him he knew it.

Well how would he know?---Well, he just did.

Yes, but how? It's not good pulling faces?---I'm not pulling a face, I'm just - - -

But how would he know if you didn't tell him?---Well I have no idea, he just, he just knew that money paid to people for doing favours for us in Aboriginal Land Councils need to be cash.

30

All right. And were you authorised to pay up to a certain limit or how would it work?---I was authorised to pay what was required.

All right. Can I take you to page 22 of volume 3. Do you have that volume?---No, I haven't.

That's Exhibit 3?---Yes.

40

Now there are a number of subdivisions and areas of New South Wales covered on that page under the heading or the name – it could be either, the heading or the name Ron Medich. Do you see at the top of the page?---I do. Yes.

Now which one of those properties, subdivisions or towns relates to the Wagonga matter?---Only Narooma.

So all the rest, Nambucca Heads, Taree, Old Bar, Windang River, Nowra - - -

MR WATSON: Windang, W-Y-N-D-A-N-G.

MR TERRANCINI: Yes, thank you. And I'm not too sure of the next one either.

MR WATSON: Merly, M-E-R-L-Y.

MR TERRANCINI: Merly and then Mount Druitt. They're all completely unrelated are they not, other than the Narooma matter to the Wagonga issue or attempted subdivision?---Correct.

So what is the map then at the at the bottom? Is that only of the Narooma matter or is it some other area of New South Wales?---No, that's a sketch of what the subdivision might look like at Isabel Street, Narooma.

And under the name Medich, what's -- is that 810 or 8/0 or what?

MR WATSON: It's /D subdivision?---I don't know what it is.

MR TERRACINI: Well it's your handwriting?---Yes, sorry, that is not 8, that's a bad copy, it's S/D, subdivision.

All right. And so then we have 71 S/D blocks, that's subdivided blocks? ---Yep.

And how many of those if any did you expect to obtain for yourself or the company that you controlled?---Well I expected to obtain no blocks at all because they were all to be sold and proceeds divvied up as according to what the arrangements were.

So you say that you were going to get no blocks of land at all?---None at all.

And what about in terms of salary or bonuses or things of that kind?---It would have been up to Mr Medich.

Well was that ever entered into, any negotiations by you?---Well I believe that when we originally did the, the arrangement Ronnie Binge and myself were down for 20 per cent of all profits.

Well, did you ever try and calculate how much that would have given you? ---No, I didn't.

Not even remotely?---Well, we never got anywhere to doing the subdivision, there was no point.

Well, this never got off the ground, did it?---No. We had subdivision plans drawn up and all sorts of surveys done, but it never got off the ground.

And so far as you're concerned, only your view, why was that?---'Cause we couldn't come to some, to a final arrangement with the Wagonga Aboriginal Land Council.

Despite all your efforts?---Despite all my efforts.

And was there anyone in particular that you thought was a stumbling block?  
---I thought the whole process was. No, no one in particular, no.

10 Now, did Mr Medich ever go down to see the properties?---Yes, he did.

And when was that?---Oh, sometime between 2005 and 2007.

And that's your best estimate?---That's my best estimate.

Did he go down to have a look at these properties with you?---Yes, he did.

And who else?---Ronnie Binge was with me at the time- - -

20 Yeah---?- - -and just me.

Okay. But in terms of your estimate of time- - -?---I can't help you.

You can't help us. And did he receive any figures or reports whilst he was there about the viability of this scheme?---Ron Medich received figures and reports back from the architect or the surveyor that did the subdivision plans, he was given all sorts of figures and he worked out his own figures.

30 Right. But did you ever provide any figures for him?---I had no figures to give him.

Right. Now, the company, Waterview, that's a company operated or was operated by you?---Correct.

And you were a director of it?---Yes.

Mr Medich was not?---No.

40 Was he a secretary for instance?---No, he wasn't.

Was he a shareholder?---No, he wasn't.

Well, who was the other director or who was the secretary, other than yourself?---Just me.

So you held all offices?---Yes.

Right. Any other shareholders?---No.

So when you signed agreements and entered into potential contracts on behalf of that company, you in effect were the company?---Yes.

Did anybody else have any interest in the company to your knowledge?  
---In Waterview Developments?

Yes?---No.

- 10 Right. And what was the purpose of having Waterview on any of the potential contracts or agreements associated with the Wagonga Land Council?---Mr Medich was beginning to have enormous problems with his wife, Odetta, so at his, at his suggestion, any land that we were going to get from any Aboriginal Land Council would be and owned by Waterview Developments so as that nobody could get their hands on it.

All right. So that wouldn't be just made up by you to suggest that it wasn't your company that was involved in the negotiations?---No, it wasn't.

- 20 Because you know Mr Medich's family before issues so you can just insert that in, can't you?---Well, according to you I can, but no, it's not right.

But certainly on the documents the company's solely owned by you, and you're the only one involved with Waterview. Mr Medich doesn't have anything to do with it?---This is correct.

Yeah. So you've got to come up with some explanation?---Well- - -

- 30 Now, did you use a firm of solicitors yourself who did your professional work when the Wagonga development was potentially on foot?---I didn't think I needed one.

That's not the question. Did you have a solicitor that did your personal- - -?  
---No, Jeffrey Hinde, well, I didn't do anything personal, Jeffrey Hinde did all the work for, for Wagonga.

Ah hmm. And so he would know of course, wouldn't he, whether you were authorised at any particular time to speak on behalf of Mr Medich?

- 40 ---Why would he know?

Well, he's the solicitor?---Well, Mr Medich doesn't tell his solicitor everything he does.

Are you suggesting that Mr Medich's solicitor wouldn't know who would be authorised by him to speak entirely on his behalf?---I doubt very much that Mr Medich's solicitor knows everybody that Mr Medich gives authorisations to, yes.

All right. Do you know of a company called Walkun, W-A-L-K-U-N, Mara, M-A-R-A Aquaculture Pty Limited?---That, they were a company that apparently had a lease, a agricultural, horticultural lease on one of the blocks of land.

Have you ever spoken to Mr Medich's solicitor about that company?  
---I don't know whether that problem came up with Jeffrey Hinde at all.

10 Well, on 17 July, 2006, to be specific, have you ever spoken to Mr Jeffrey Hinde about- - -?---I might, might have done.

- - -Walkun?---I don't remember. Have I got something in here, can I have a look at- - -

No, you don't?---No, well, I can't remember.

20 Right. How often, and I'm not suggesting it would be a daily event, but how often would you speak to Mr Medich's solicitor during this period when the Wagonga matter was on foot?---Only when required.

To your memory, what were the sort of reasons that you would speak to him?---Well, if there was a problem like kept popping up with the joint venture agreement, needed to speak to him about that, problems with the Walkun Mara, I may have mentioned that, just odds and ends that popped up in regards to problems we having securing the land.

And who was involved, for instance, which actual companies were going to be on the agreement?---No, not particularly.

30 Well, you would have spoken to him surely about the fact that your company, Waterview, was going to be involved in that agreement?  
---At the time that we decided to put the land in Waterview Developments Jeffrey Hinde didn't exist, he was no longer in Mr Medich's services.

But I didn't ask you about Mr Hinde, I asked about the solicitor?---No, no other solicitor.

No other solicitor?---No.

40 Now, I think the name Mr Kaminic came up during the examination by Counsel Assisting. Correct me if I'm in error, he went with you at least on one occasion to the south coast, did he?---On many occasions.

And what was his role?---He was my friend and companion and driver.

Well, was it purely friendship or did he work for you?---He worked for me and we were friends.

Okay. But what, what did he do on the- - -?---He drove, he drove the car.

So he had no part in any of the negotiations, no witness to any conversations or- - -?---Senad would have been witness to many of the conversations, yes.

Like what?---Well, which particular conversation do you want?---Well, just is he present when there's any discussing about people being buttering up or slicing the cake or whatever it was or- - -?---Senad was- - -

10 - - -sweetening the dish or- - -?---Senad was present when I had many discussions in regards to different Aboriginal Land Councils with Ron Medich was there, yes.

I'm not asking about Ron Medich, Kaminic, was he present when there was any conversations with people of the Wagonga Council about them getting payments?---Yes.

Right. Well, can you tell us which person was present with Mr Kaminic and you when the subject of getting improper payments were made?---I didn't  
20 say I gave any improper payments, that's your words.

Well, what do you think they were, what are you paying these people for allegedly?---Paying them for services rendered.

Like what?---Assisting me to obtain land.

What, by paying them?---Well, don't you pay people to do services to you?

Oh, look, we know it's New South Wales but what do you think that you  
30 were paying them for? Come on, what did you think you were paying them for?---I just answered your question.

Well, perhaps you could give it to us again?---For services rendered.

Well, what services did they render?---Assisting me to obtain land in Aboriginal Land Councils.

But weren't the actually paid officials of the Land Council?---Well, that's  
40 not my problem. I, I never, I never asked them whether they were allowed to be paid or not allowed to be paid.

Oh, well, you just assumed that it's just open slather, you can just reward people even though they're getting paid a salary to help you make a quid?  
---That sounds like a statement, not a question.

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

Exactly right. Well, in terms of lending people things or giving them gifts, you did that because what, you were fond of them, they were great blokes?  
---Yes, friends.

Is that the reason?---Yes, yes, I've done that.

And even though they didn't pay you back, that was okay, not a problem?  
---No, it wasn't a problem.

10 You're very generous, Mr Gattellari?---It wasn't my money.

Yeah, it wasn't your money. But did you report to Mr Medich and tell him, look, we've spent a fair bit of money on this, we're not even getting any of it back?---Yes, I did.

Can you tell us when?---Some time between 2005 and 2007 and many times between 2005 and 2007.

20 Can you, can you pinpoint one solitary moment in time where you told anything to Mr Medich about these payments, just one?---What do you want a time?

Yes, a time or a day or - - -?---A time.

- - - or even a month?---So you want, you want me say 1 o'clock on blah, blah, blah.

30 No, we don't want 1 o'clock, we want a day and a time if you can?---No, I can't, I can't, I can't help you.

Or even a month?---I can't help you. Many times between 2005 and 2007.

And let me guess, it'll be no date, no time and nobody's present except you and Mr Medich?---No, Senad Kaminic was present many times.

Many times?---Yes, many times.

40 All right. Whereabouts?---At Ron's office, at Tuscany Restaurant, at (not transcribable) Restaurant, at the Imperial Palace, at China Grand.

At where?---They're all restaurants.

All right. Where's the last one, China Grand?---China Grand, I think it's called something else now and - in Chinatown.

All right. And Mr Kaminic speaks pretty good English?---Yes, he does.

Does he?---Yes.

And he was basically your driver?---He was my friend and driver, yes.

All right. And so far as he was concerned was he getting paid to take you to the south coast?---He was on a wage.

All right. And did he ever see any moneys being exchanged?---Yes, he did.

He did?---Yes.

10

Did he on occasions do any banking for you?---He could have done.

Well, some of these payments or a lot of them have been banked by the people who received the payments?---Say again?

A lot of the moneys that you gave the people associated with the Land Council - - -?---Yeah.

20

- - - banked the moneys didn't they?---Ah, a lot of those payments were made by my daughter Romaine or Helena, Helena something or other.

It doesn't matter who did the banking. They were banked, weren't they? ---Yes.

So were they like side payments as well, the ones that were banked?---I don't understand what you mean side payments, what do you mean?

30

The ones that, the payments that you made to assist you in getting things done?---I would get a request if I could help them out with a payment and I would do it.

And it would banked into their account?---Yes.

Well, how many times would you have just physically given them some money?---(NO AUDIBLE REPLY)

Like in cash, not bank it, physically give them money?---Numerous times.

40

And again no dates, no times?---No dates, no times. Well, I can, I can tell you it was between 2005 and 2007.

You've told us, you've told us that. And how often would you write up on these random pieces of paper the moneys that you paid?---Every time I needed to make a breakdown of where the money went.

All right. And did you ever indicate to anybody else in the Medich Property Group that such payments were being made except to Mr Medich?---There

was nobody else in the Medich Property Group except Mr Medich to my knowledge.

Any other staff member?---No.

Any other director of the other groups, for instance, his brother or his, the accountant or - - -?---I don't - well, Ron, Ron and his brother weren't in very friendly terms so I doubt whether I'd tell him anything.

10 Can you just listen?---You asked me a question, I'm answering it.

Did you, did you tell anybody else?---Did I tell anybody else that Ron Medich was giving me cash?

Yeah?---No, I didn't.

All right. Now, so far as Mr Binge was concerned did, did you introduce him to Mr Medich as having any qualifications or expertise in land development or - - -?---No, I introduced Ronnie Binge of Ron Medich as a  
20 friend of mine who worked with me in the car industry who things he can get us some good land at a good price.

And that was the extent of, of the introduction?---Yes.

All right. So so far as you are concerned you saw absolutely nothing wrong with the payments at all. You didn't think they were improper?---Look, I was out there to, to obtain land and obviously the cash money we were paying certain people were improper.

30 Well it's now, well you're agreeing - - -?---Absolutely. Were improper. I just don't want to get people in trouble for no reason.

Well you've done a pretty good job of trying to get a hell of a lot of people in trouble, sir.

ASSISTANT COMMISSIONER: Mr Terracini, that sort of comment is not helpful.

40 MR TERRACINI: I agree, I agree. Now, so you do agree that it's improper?---Yes, I do.

And you knew that when I asked you some little time ago didn't you? You knew that it was improper?---I don't believe I at the - let me tell you this, if I thought I was doing anything improper or illegal I wouldn't have kept as good a record as I did of the payments I made.

It might have been your way of providing yourself a little bit of insurance. Would you agree with that?---No, I don't.

All right. Now your day to day movements, did you go to a particular office, for instance this one at Chipping Norton on a regular basis?---Yep, I did.

10 And who else was there in terms of, like backup, clerical and accountancy work and things like that?---Well in – we had two offices in Chipping Norton. In the office that I went to there was no backup, no other workers, I just had my office there. In the second factory where Kim Shipley and Romaine and Helena and so on there was anything like over 30 clerical staff.

And did you use their facilities on occasions?---I never used their facilities for anything. I can't use computers or typewriters.

Did you use their facilities, that is the clerical staff to help you with things?--Yes, Helena from time to time would go to the bank for me. Romaine would go to the bank and do jobs for me.

20 Well could Helena been one of the typists that - - -?---No, Helena didn't type any letters, no.

Now did you ever have any dealings with a firm of solicitors Craddock Murray & Neumann, N-E-U-M-A-N-N?---Eddie Neumann was the - - -

Did you have any dealings with them?---Personally I had no dealings with them, no.

30 Okay. Did you know who they acted for?---They acted for Wagonga Aboriginal Land Council.

Did you ever speak to anybody that was a solicitor in that firm about anything?---I spoke to Eddie Neumann.

Wait, to do with the Wagonga Land Council matter?---Only Eddie Neumann.

And did you ever indicate to Mr Neumann that you could speak on behalf of the Medich Group?---I didn't have to.

40 Did you actually speak to Mr Neumann about being able to speak on behalf of the Medich Group?---I did not say to Mr Neumann, Eddie, I'm allowed to speak on behalf of the Medich Group so I can now talk to you. I would ring him and he knew very well that I could speak for Mr Medich because Jeffrey Hinde would have confirmed that with him at the time and I was doing the deal with the Wagonga Aboriginal Land Council representing Ron Medich on behalf of his firm.

But why would Mr Hinde know that you were speaking on behalf of the Medich Group?---Because Mr Hinde and Eddie Neumann drew up the arrangement, the joint venture agreement together.

All right. So let me get this crystal clear, both Mr Hinde, solicitor and Mr Neumann, solicitor, knew that you were able on this potential deal to speak on behalf of the Medich Group. Is that correct?---Correct.

10 And there was no problem with that, no equivocation or watering of it down?---I don't believe so.

That's a definite?---I believe so.

Okay. So far as the drawing up of documents by the surveyors and things of that kind, did you speak to them?---No, Ron did.

20 So you didn't have any dealings with them?---No. No, I did meet the principal of the surveyors group, he came to Narooma with Ron and myself a couple of times to go over the land and work out how to work out the subdivision and so on. So I spoke to him but I did not give him any instructions.

And certainly didn't suggest to him or Mr Medich suggested in your presence that you were speaking on behalf of the Medich Group and authorised to make decisions?---I didn't have to, Ron was there.

Well it's now, well you're agreeing - - -?---Absolutely. Were improper. I just don't want to get people in trouble for no reason.

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And certainly didn't suggest to him or Mr Medich suggested in your presence that you were speaking on behalf of the Medich Group and authorised to make decisions?---I didn't have to, Ron was there.

30 Did you have any dealings then with Heard McEwan, H-E-A-R-D McEwan, M-c-E-W-A-N, Solicitors, in Wollongong?---Only in regards to Wagonga Aboriginal Land Council.

Did you ever indicate to them that you were speaking on behalf of The Medich Group?---I didn't have to.

Well, that seems to a be a phrase that falls regularly from your lips?  
---Well- - -

40 How, how do we glean from the fact that they would have known as well that you spoke on behalf of The Medich Group?---Well, I didn't have to because at that time we decided to put the land in the name of Waterview Developments and I didn't have to tell them I worked for The Medich Group.

Because that was your company?---Correct.

Now, at some stage did Mr Binge seek to, seek to have any involvement in the proposal?---Which proposal?

The proposal to have the, the Wagonga Land Council agree to the subdivision. Did he fall out of the negotiations at any stage?---Ronnie Binge was involved at the original thing.

Yes, yes, you told us about that?---And then ah, and then Mr Binge at some stage decided to leave the state and leave, and disappear. I've got no idea what happened to him. So he just- - -

10 Just disappeared?---Well, just, well, he's here now.

Yes, well apparently- - -?---Well, he's here, yeah, but he, he just left the state and I didn't know where he was.

Just, just vanished?---Absolutely.

And so you haven't seen him since?---Haven't seen him since today, that's right.

20 And it's the first time?---First time since he disappeared, yes.

All right. Well, to your knowledge anyway was there any reason why he just vanished?---I have no idea.

So one minute he's involved with the Land Council business and then next minute he's just gone?---Absolutely right.

Oh?---Next minute he was gone.

30 Oh?---Ask him.

I'm asking you, sir?---Well, I don't know.

Did you make any inquiries because of the unusual nature of his disappearance or, as to where he'd gone?---Well, Mr Binge had a, had a history of being somewhere one time and then not being there again, so no, I didn't.

But did it occur to you to be a little bit odd?---I thought it was very odd.

40 All right. Did you make any inquiries with other people at the Land Council as to where he had gone?---No, I didn't.

Because you just thought, oh, well, that's part of what Mr Binge does and we'll just move on?---That's about it.

Oh. Right. Did you yourself ever speak to any real estate agents about the value of any land in the district round Narooma concerning the Aboriginal Land Council?---I don't believe I did, no.

All right. Well, when did you first come to any knowledge as to approximately what they were worth- -?---When- - -

Pause there because in your evidence in chief you seem to be giving the impression that the land was worth very little at one stage before any development could take place?---So what's your question?

10 Did you get any valuations or get to know what it was approximately worth?  
---Yes, we did, because Mr Neumann suggested at the time we were doing, doing the purchases that we should get the land valued so we're not, it didn't look like we were getting a sweetheart deal, independent valuations were, were called for, were done and that's where the value of the land came from.

And did you have any input into that?---None whatsoever. It was the valuer, valuer was chosen by Wagonga Aboriginal Land Council, not me.

20 And you spoke to Mr Neumann about having that done. Is that right?  
---I didn't speak to Mr Neumann about having it done, I think Mr Mason might have or someone, but the land had to be valued.

Look, you've just again used the term we. Does that mean that you had nothing to do with it?---Nothing to do with what?

Having the land valued?---I personally had nothing to do with having the land valued.

30 Okay. Well, that means you didn't?---No, I didn't.

It's simple?---Simple.

Now, at the time that you were first involved in the negotiations associated with the Land Council, what was your income?---I don't know.

Please. Any idea?---You'd have to let me refer back to my tax for that year and I could tell you, but right now I don't know.

40 Not even, not, haven't even got a clue?---Not, not even a guess, not even a guess. See, I could guess wrong and you would pick at it for hours so I'm not having any guesses.

So not even an approximate - - -?---Not even an approximation.

So there'd be - - -?---If I'm allowed to refer back to my tax returns I'm glad to answer your question.

Did you have more than one job?---Possibly.

Possibly?---Mmm.

And did you work for anybody other than Mr Medich?---Which particular time are we talking about?

During the beginning of the negotiations with the Land Council, were you -  
- -?---Yes, I think Ronnie, Ronnie Binge and I had a, set up another business  
at the time called Tribal Solutions and we were involved in furniture repairs  
10 and all sorts of things which was the, Binge was running.

But that was associated with the Aboriginal community wasn't it?---No, it  
wasn't. It was associated with Ronnie Binge and myself.

And what were you doing?---Well, we were setting up a work,  
unemployment agency, furniture repairs and that sort of thing which was a  
brainwave of Mr Binge.

Were either of you carpenters or anything like that?---No, I'm not a  
20 carpenter, no.

Well, were you making any money out of it?---There was a bit of money  
being made at the time, yes.

All right. Well, again, I might ask you (not transcribable) this next question  
approximately what were you earning when the negotiations first started  
with the Land Council?---I don't know.

Now, finally, sir, do you still have Exhibit 3, that volume 3?---I, I do.  
30

All right. Now when you would show these documents to Mr Medich did  
you go through them in any detail and explain to him how the money had  
been spent?---I did.

And did he ever offer any comments?---Yes, he thought I was a nut.

I'm sorry?---He thought I was a nut.

Yes. So far as page 8 is concerned, this is one of the rare instances I suggest  
40 to you, Mr Gattellari, where you set out at least with some degree of  
precision moneys that were specifically paid or lost, is that right?---It's one  
of the pages, yes.

Okay. Is it some kind of checklist, you know what I mean there, you've,  
you're ticking things off as to how successful you've been in achieving - -  
-?---No, Mr - - -

- - - what you've set out to achieve?---Can I answer now?

Yeah?---Oh. This page was not meant for Ron Medich or for anybody else. This was a page between Ron Mason and myself.

Yeah?---Ron Mason had asked me for a loan of some money and I merely put this page together to show him as to why there was no chance in the world I was going to lend him any more money.

10 This had nothing to do with Mr Medich (not transcribable)?---This particular page. This page?

Yes, the one that we're talking about?---The money, the money expressed there came from Mr Medich but this page was meant for Ron Mason.

So all of these things relate to Mr Mason don't they?---These, these payments, yes.

20 Yeah. Like Narooma deal (screwed, no 40D yet). Now that obviously refers to the section, I believe it's in relation to do with subdivisions and approvals of Aboriginal land does it?---It does.

Right. So then we've got a small block at Narooma. Whose small block at Narooma are we talking about there?---That was another block of land that I was trying to get a hold of.

Well, that had nothing to do with Mr Medich?---Not so much as he paid all the money, no.

30 Well, he didn't know about it did he?---Excuse me?

He didn't know about it?---He knew about every block of land in Narooma.

Okay. So a small block at Narooma, you've got nothing, does that mean nothing's come of it?---That's correct.

It's a very - - -?---In fact, excuse me, can I just - please. Mr Medich not only knew about the small block but we actually took the surveyor up there together - - -

40 Right?--- - - - to survey the small block and we both agreed that it would have been a nice piece of land to get.

Okay. And then can you tell us the name of the surveyor?---If I can refer back to my, my paperwork, yes, but I can't no.

(not transcribable) I'm surprised?---Mmm, yes.

Now in relation to the - - -?---You've got paperwork, I haven't.

In relation to the tractor, put aside that it must have been an incredibly cheap tractor, but you've got two - - -?---And old bomb.

10 - - - two and a half thousand, that came to nothing. The loan that was to be repaid of 8,000, that came to nothing and then you've got a number of other expletives next to other work that you were doing that didn't come to anything and this document was what, to remind him that your relationship was just about at an end or what?---No, my relationship was not about an end, it was just a document to show him as to why I would not consider lending him any more money.

All right. And so did you ever tell Mr Medich that all of these payments or loans had all come to nothing?---All I needed to tell - - -

20 You'd been wasting his money?---All I needed to tell Mr Medich was that we finally come to an arrangement on three blocks of land at Narooma, one block alone would have been worth millions of dollars and I don't think Mr Medich cared whether, what I did with that 'cause this was - considering what the land was worth, this was petty cash.

Mr Medich didn't know anything about these things, did he?---Are you asking me or you're telling me?

Yes?---No, I think you're wrong.

Okay. Well, we're not going to delay it much longer but did he know anything about the tractor?---Nothing to do with him.

30 Did he know anything about the car job that you (not transcribable)?---No, yes, he did.

Did he?---Yeah, do you want to go into it?

No?---I didn't think so.

So far as the trip to Byron Bay, did he know anything about that?---Yes, he did.

40 It came to nothing, that was a waste of two and a half thousand?---You don't want to go into the car job one?

So what about the Wollongong deal?---Yes, he knew about the Wollongong deal.

All right. That came to nothing?---No.

Cost of KJ fuckup, 25,700, what's all that about or is it a summary?---That's a summary.

Okay. So in, in your words vis a vis the 25,700 is a waste of time?---It was.

Okay. And did you ever go to Mr Medich and say, look, I know that you don't want to be concerned with these minor details but we've just blown 25,700 and it doesn't look like we can get any of it back?---We didn't blow 25,700, we blew, we invested something like about , , , in all the  
10 land councils.

, , , ?---Yes.

ASSISTANT COMMISSIONER: Could we, could you try, Mr Gattellari, to restrict your evidence to the Wagonga Aboriginal Land Council? That's the one we're looking at. I know - - -?---But he's referring to this document, Commissioner.

Yes, I know you are - - -?---Yeah.  
20

- - - but - - -?---He is.

- - - to the extent possible could you restrict your evidence to dealings with the Wagonga - - -?---Yes.

- - - Aboriginal Land Council?---Yes, I can.

MR TERRACINI: You see, I suggest to you that you wanted to be directly involved in the, the Wagonga Land Council deal and you wanted to, to be in  
30 it so that you could make a large sum of money for yourself?---But I was in from the start.

To make a large sum of money for yourself?---I wouldn't have objected to that, no.

And you certainly didn't tell Mr Medich the nuts and bolts about any of these payments that you made to anyone?---I don't think Mr Medich is the kind of business man that doesn't want to know where his money's gone.

40 My question is a very direct one. You never communicated the nuts and bolts or the precise details of this to Mr Medich at all, did you?  
---Mr Medich knew every penny I spent, where I spent it and why I spent it.

Yes, thank you.

ASSISTANT COMMISSIONER: Thank you, Mr Terracini. Mr Halstead?

MR HALSTEAD: Thank you, Commissioner.

Mr Gattellari, you told Counsel Assisting earlier that you made some payments to Mr Foster before 27 April (not transcribable), do you recall saying that?---I, I won't disagree with the date but I did make payments to Kenny Foster, yes.

So having, having made those payments to him before that date, can you tell the Commissioner what those payments related to?---Kenny Foster was going to introduce us to certain people in land councils within the city, the inner city area that would be very beneficial to us in acquiring land.

10

When was the first time that you say that you met Mr Foster?---We drove to a land council meeting, I can't even think of the land council name now, in the city one night, Ronnie Binge and myself. Kenny Foster came out from the meeting, introduced himself and it went on from there. I don't know the date, it was some time either before or around about 2005.

Was it before or after Narooma?---Well before Narooma.

20 So when you went to the meeting at Narooma - - -?---Can I, sorry, could I qualify that? It was before he got involved with Narooma.

Do you remember where that was?---I think it's, it's in, it's in the documentation you have when he was appointed as coordinator at Narooma. I don't know the date.

He wasn't actually (not transcribable) Firstly, you went to Narooma, you had the meeting?---No, he wasn't there then, no.

30 He just wasn't there?---No.

Okay. Now as far as the deposits that you say were made to Mr Foster's bank account?---Yes.

Did you make those personally?---No, they would have been done by my daughter or one of the girls in the office.

40 So how would that work? You would - - -?---I would ask Romaine, I'd give her the details on a bit of paper which is somewhere in these documents it shows with the account number, the name of the person and she would go to the Commonwealth Bank and deposit the money.

And how – when did you become aware of this account number?---Kenny rang me one time and asked me could I help him out with some cash, he was in trouble with something, he gave me his account number, I wrote it down and that's when I became aware of it.

And (not transcribable) before 27 April, 2005?---Yes. Wait, you've got to allow me this, I don't know the date you're talking to me. I'm telling you at

that some stage after I met him at that meeting, right, he rang me a few times for some help with some money and I felt that it was a good idea to give it to him because he could be very helpful to us.

ASSISTANT COMMISSIONER: Mr Gattellari, after you met him at what meeting?---There was, there was a meeting of the Land Council in the inner city area, in – near the airport there. I can't think of the name of the Land Council, Commissioner. He was going to introduce us there because they had a large - - -

10

I don't, I don't want to know the details, but just to try to pin the time down, it was – you met him first at a meeting of an inner city Land Council?--- Yes, yes. This was, at this stage he had nothing to do with Narooma.

That's right?---Right.

Do you know approximately how long before he got involved with Narooma that was? Was it a year, was it more than a year?---It was probably more than a year.

20

All right?---Probably more than a year.

And that was when you – it was after that meeting that you first got his bank details. Is that what you're saying?---Oh, it was well after that meeting.

Well after?---Yeah, later I helped him out with some other, some other cash at the time. And then he asked me could I put some money into his account 'cause I wasn't available to give him any cash.

30

And on your memory this was before he became the Coordinator at Narooma - - -?---Correct.

- - - that he first asked you for money?---Correct.

Yes?---To start with.

Yes?---Yeah.

Thank you. Yes, Mr Halstead.

40

MR HALSTEAD: So it was more than one occasion than this occasion where you say you met him in Sydney?---Yes.

Between the time that you next saw him at Narooma were there other meetings?---Yes, there were, yes.

Now did you ever make – you say that you would make payments to Mr Foster before you had his bank account (not transcribable)?---Yes, I did.

How did you make those payments?---In cash.

And how would these payments come about? I know you've just mentioned that he contacted you one time on the telephone, how would these come about? You said you'd pay him some payments in cash, what were the circumstances of those?---Well Kenny, Kenny would, would, at the beginning it was through Ronnie Binge. Ronnie would come to me and say that Kenny Foster can organise a particular, for us to appear at a particular  
10 meeting where we can put together our plans of a joint venture with them and he will make sure that we get the answers back. And I think at one time I met Kenny Foster at, at a hotel in, oh God, I think of the name, and we gave him a handful of cash 'cause he was supposed to be paying somebody else off or something, right. So he was given large sums of money on three or four occasions before he even got involved with Narooma.

So these payments had nothing to do with the Land Council at Narooma?  
---No. Have you heard of Hill 64? Have you heard of Hill 64? A land  
20 development, that's what he was trying to acquire for us.

ASSISTANT COMMISSIONER: Mr Gattellari, we are trying to restrict ourselves to the Wagonga Aboriginal Land Council?---I'm trying to help him with the information.

Yes, I'm sure you are but we have difficulties – we cannot take evidence about matters we're not investigating at this time. So could you please try to restrict your answers to dealings relating to the Wagonga Aboriginal Land Council only?---Okay. Okay.

30 Thank you.

MR HALSTEAD: Mr Gattellari, the, the notes that you've referred to several times today with the (not transcribable) of payments and what have you, when were those notes made?---They would have been made the day after I made the payments.

And at one stage earlier in your evidence you mentioned that you had a conversation with Mr Foster about his car or he asked you for some money or you made him an offer of taking his car as security for the (not  
40 transcribable)?---Now this has nothing to do with Narooma, so do we need – do we want to go into this?

Well, no we don't, it's (not transcribable) - - -?---Well then in that case it's nothing to do with Narooma.

One thing I will ask though is that for the (not transcribable) effect?---Yes, I believe it was.

Now Mr Gattellari, you told the Commission earlier that Mr Foster had never worked for you?---Correct.

That's not true though is it?---(NO AUDIBLE REPLY)

He worked for you in relation to a funeral fund?---Kenny Foster?

10 The Aboriginal Funeral Fund?---Oh God, it was, I wouldn't say he was working for me, he was working Boomerang Funeral Fund, which was a fund owned by Ron Medich and Paul Matherson, right, which I put together for Ron. And he and a number of other Aboriginal elders went around trying to speak to Aboriginal Land Councils in regards to putting together this Aboriginal Funeral Fund.

And any payments that you might have made to Mr Foster could have related to that funeral fund couldn't they?---No, they were made, they were made into their account separately, had nothing to do with the payments I made.

20 And do you recall Mr Foster contacting you about a charity golf day?---Yes, yes.

And you gave him some money in relation to a charity golf day?---Yeah, but this is, this is, this is just before I got arrested. This is going back only about 18 months ago.

Okay?---Yeah.

30 Yes, thank you Commissioner, nothing further.

ASSISTANT COMMISSIONER: Thank you. Mr Halstead.

MR HALSTEAD: Commissioner, may I just ask several short questions to clarify some handwriting on the document?

ASSISTANT COMMISSIONER: Yes, I'm sorry, who are you - - -

MR HUDSON: Hudson, Mr Kaminic.

40 ASSISTANT COMMISSIONER: Yes, yes. Mr Hudson.

MR HUDSON: Mr Gattellari, may I just get you to turn to page 10 on Exhibit 3?---Yes.

Then go to the sixth line down?---Yes.

Underneath (not transcribable)?---Yes.

Are you just able to interpret that there, 2,000 cash payment next to it?---  
That would have been given to Senad because he required some money.

You can't give any further reason than that?---No.

And again four lines further you see 1,000 entry next to it?---Yep.

Are you able to clarify that handwriting?---Yes, that was Senad's brother,  
Steve, actually lent me some money at one stage, I was short of cash and  
10 he – I paid him back.

And when was that payment?

ASSISTANT COMMISSIONER: Sorry, Mr Hudson apparently you will  
have to move up to one of the microphones, they're not really recording.

MR HUDSON: So if we can just repeat the last one, pay back loan to  
Senad?---Yes.

20 And I take it that was out of Mr Medich's money?---It was, yes.

May I take you to finally a diary entry, the page number is obscured but if  
you go through to page, it should be 28, so 24 is a cover sheet, 2009 diary  
(small), you then proceed four pages along and the date, I'm looking at 7  
December, 8 December, 9 December, so it's page 28?---There is no page  
28?---Yes.

MR WATSON: It's on the screen, Mr Gattellari?---Sorry.

30 ASSISTANT COMMISSIONER: It will probably be easier if you just look  
at the screen?---It's just – it's all blotted out. I couldn't, couldn't see it.

It is hard to see, I know.

MR HUDSON: The entry on 8 December which I'm interested in?---Yes.

Can you just read that out?---Narooma (not transcribable) Centre.

40 Now just very generally and quickly just in relation to these trips you made  
some comments in relation to Mr Terracini's questioning that Mr Kaminic  
was present at some meetings with Mr Medich and others, it's true to say  
Mr Kaminic in most respects was simply your driver. Is that correct?---I  
said so, he's my friend and driver, yes.

And he wasn't, wasn't a party to any of these negotiations, was he?---No, he  
wasn't.

Thank you.

ASSISTANT COMMISSIONER: Thank you, Mr Hudson.

MR HARRIS: Commissioner, I seek leave, if I may, to ask some questions on behalf of Vanessa Mason?

ASSISTANT COMMISSIONER: Yes, certainly.

MR HARRIS: My name's Harris. Mr Gattellari, my name's Harris, representing Vanessa Mason. Just before lunchtime today, Counsel  
10 Assisting was asking you some questions about financial dealings with Vanessa Mason and Emandem Enterprises Pty Limited. Correct?---Correct.

And you recall there was some questions and answers there about 11 payments totalling approximately \$125,000 to Emandem?---Yes.

Yes?---That's right.

Now, those amounts I think you said came from various sources but related to the oyster lease. Correct?---Correct.  
20

Do you say there's a commercial link between that oyster lease business and Wagonga Aboriginal Land Council?---No, I've never said that, I didn't say that at all.

All right. You said something along the lines of that those moneys, that's the 11 payments into the Emandem Enterprises account, was an investment in those deals, not to butter someone up?---No, that, the Aboriginal, the oyster lease, as I've stipulated many times, was a separate dealing to the land deals all together, it was a personal thing which Ron Medich knew  
30 about and I did with Vanessa Mason.

All right. Could I ask you then also, records in 2009, so if I could just clarify, the payments to Emandem seem to be, they were 2009 and 2010. In March I think it is 2009, do you remember the deposit of \$1,000 cash into Vanessa Mason's account from Liverpool CBA?---I don't specifically remember the deposit- - -

No---?- - -but I don't dispute it.

40 No. Do you recall what it was for?---No, I don't.

All right. What about in June 2009 a cheque credited to the account of Vanessa Mason for \$1,420. Have you got any recollection of what that related to?---Well, at times, if it's, if it's to do with the oyster lease, at times Vanessa would ring me for funds to do more work at the oyster lease and I would advance the funds.

Yeah. All right. Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Harris.

MR LEWIS: Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Lewis?

MR LEWIS: May I ask a few questions of the witness?

ASSISTANT COMMISSIONER: Yes, Mr Lewis.

10

MR LEWIS: Thank you. Mr Gattellari, I represent Mr Binge?---Mr Binge, yes.

Binge. You've given evidence today that the document appearing at page 55 of volume 1, is that in front of you?---I can put it in front of me. What page was it on in volume 1?

Page 55?---55.

20

It's described as a Letter of Intent?---Yep.

And I think you told us this morning that that was prepared by Mr Binge? ---I believe it was.

Now, you believe it was or are you saying it was?---Well, I think Ronnie put this letter together to deliver down to Wagonga.

Did you see him do it?---No, I didn't.

30

Now, you knew that no matter what the Wagonga Land Council decided to do with the land, it was always going to be subject to approval at a higher level, wasn't it?---At the time that this was put together and at the time that I went down to Narooma, I knew nothing about Aboriginal land, as far as I was concerned and was made aware of by Mr Binge that it's just a normal land deal like anyone else, anywhere else.

I notice that in the document you put together which has a number of expletives in it, you mention Section 40D?---Well, by the time I put that document together I knew exactly what a 40D was.

40

So you'd been on a learning curve?---Oh, very, very much so.

And at the initial stage you're telling the Commission you were handing out money with the expectation that services would be rendered- - ?---Correct.

- - -to you which would facilitate land just being transferred over in the joint venture project?---Correct.

And you hadn't done any due diligence to discover- - -?---No, I didn't, I- - -  
- - -how it all worked?---I believed what Mr Binge told me.

Right. And do you know that these Land Councils may be asset rich but they don't have very much cash flow?---I became- - -

Would you agree with that statement?---I became drastically aware of that, yes.

10

And that going into a joint venture arrangement such as this necessarily involves the Land Council members in some expenses?---Are you asking me whether it does or- - -

Yeah, I'm asking?---Well, I'm assuming it does, yeah.

There would be travelling- - -?---Yes.

- - -to various places, travelling to meetings?---Yes.

20

Necessary costs of perhaps staying overnight in Sydney?---Yes.

Yeah. Coming from the south coast?---Ah hmm.

And I think this was something that Mr Binge alerted you to at the outset, that there would be some expenses?---No, I disagree with you.

All right?---No.

30 Nothing further, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Now, Mr Willis, is Mr Willis here for Mr Mason?

MR WILLIS: Yes.

ASSISTANT COMMISSIONER: Are you, do you apply to question this witness on behalf of Mr Mason?

40 MR WILLIS: No, I don't, Commissioner.

ASSISTANT COMMISSIONER: All right. All right. If there's nobody else who wishes to question Mr Gattellari, he may be excused at this time, Mr Watson.

MR WATSON: I was just going to ask one thing by way of re-examination, it's very tiny. You've still got volume 3 there with you?---Yes, I have.



, , , **WHO IS NOT A WITNESS IN THIS MATTER AND WHO AS I UNDERSTAND AGAINST WHOM NO ALLEGATIONS OF CORRUPT CONDUCT ARE BEING MADE AT THIS TIME. SO I ALSO MAKE A SUPPRESSION ORDER IN RESPECT OF THE EVIDENCE GIVEN BY THIS WITNESS ABOUT A PAYMENT TO**

MR WATSON: Thank you, Commissioner:

10

ASSISTANT COMMISSIONER: Thank you. And you are now excused, Mr Gattellari?---Thank you.

**THE WITNESS EXCUSED**

**[3.18pm]**

MR WATSON: Commissioner, I'd like to call Sergeant Toovey.

20

ASSISTANT COMMISSIONER: Yes. Yes. You are Sergeant Robert Toovey?

MR TOOVEY: That's correct.

ASSISTANT COMMISSIONER: Yes. Please take a seat.

MR TOOVEY: Thank you.

30

ASSISTANT COMMISSIONER: So you have been called here to give evidence. You are required to answer all the questions asked of you. You're represented, aren't you?

MR TOOVEY: Mr Oates.

ASSISTANT COMMISSIONER: Is your counsel here? Mr Oates, is your client seeking a declaration?

MR OATES: If you please, Commissioner.

40

ASSISTANT COMMISSIONER: Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

10

ASSISTANT COMMISSIONER: Do you want to take an oath on the Bible or make an affirmation?

MR TOOVEY: Bible.

ASSISTANT COMMISSIONER: Could the witness be sworn, please.

ASSISTANT COMMISSIONER: Yes, Mr Watson?

MR WATSON: Is your name Robert Martin Toovey?---That's correct.

Are you a policeman?---Yes, I am.

10 What is your rank?---Sergeant.

And where are you stationed?---Rose Bay.

For how long have you been a policeman?---I've been a policeman for 33 years.

20 And Sergeant Toovey, do you recall this incident where one time you had to make an inquiry of Mr Ron Medich to verify the source of particular funds which had been found by other policeman in the car?---There was a long time ago but I, I do recall attending Mr Medich's address.

I think the point is that you made a statement in respect of what Mr Medich had told you.---That's correct.

Now I'm going to show you a document and I'll also pass on at the same time a copy to the Commissioner which is a photocopy of a statement of Police made by you, signed by you, and dated 9 November 2011.---That's correct, that's my signature.

30 This was your recollection several years after the event of the conversations which you had with Mr Medich?---That's correct.

Have you read and re-read that statement?---I have read that statement, yes.

And are you confident that the contents of it are true and accurate?---Yes, I am.

I tender the statement, thank you Commissioner.

40 ASSISTANT COMMISSIONER: Yes, the statement of Sergeant Toovey dated 9 November 2011 will be Exhibit 4.

**#EXHIBIT 4 – STATEMENT OF SERGEANT TOOVEY DATED 9 NOVEMBER 2011**

MR WATSON: The statement was based upon the fact that other policeman had found this cash and they got in touch with you to tell you so that you could make the inquiries with Mr Medich?---That's correct.

You thought in the circumstances was appropriate that you make those inquiries of those Mr Medich personally?---Yes, I did attend his address.

And you went to his home and you spoke to him personally?---That's correct.

10

And he explained to you that he had provided the money to Mr Gattellari? ---That's correct.

He said that he'd given it in two lots, \$23,000 in cash one day, \$30,000 in cash the next day.---That's correct.

And that he told you that the money was to be deposited for land development at Narooma and Nowra with the Aboriginal Land Council? ---That's correct.

20

Thank you Sergeant Toovey. That's the evidence in chief.

ASSISTANT COMMISSIONER: Does anybody wish to cross-examine this witness?

MR TERRANCINI: Yes, just very briefly.

ASSISTANT COMMISSIONER: Yes, Mr Terrancini.

30 MR TERRANCINI: Officer, in your statement on the first page there you've just a reference to a COPS entry, people are not familiar with it, it's a police computerised operational policing system. Did you have a look at what was on the COPS entry before you made your statement?---I did.

And that refreshed your memory basically, I guess.---It did.

All right. Is all of the conversation that's recorded in paragraph five taken from the COPS entry?---Yes, I believe it is.

40 All right. And if we can go to the third line from the bottom, there's a reference to Nowra and Narooma, you wouldn't have put both those South Coast towns in if it hadn't have been said to you, you wouldn't have mistaken it for another town?---No, no, they are on the COPS event.

Yes, thank you.

ASSISTANT COMMISSIONER: Thank you. If there are no other questions. Yes.

MR WATSON: I should have done this perhaps before, I tender Volume 4 of the bundles of documents. It does have the COPS entry at the front of it so I'm not sure if Mr Terrancini - - -

MR TERRANCINI: Yes, I wouldn't mind having a look.

MR WATSON: - - -wanted to have a look at that. I tender that.

10 ASSISTANT COMMISSIONER: So is this a bundle of documents in relation to this?

MR WATSON: No, no.

ASSISTANT COMMISSIONER: It's more general than that.

MR WATSON: And the witness doesn't need to see that, it's just, these for a number of documents including the company searches and companies - - -

20 ASSISTANT COMMISSIONER: All right. That bundle of documents that is relevant to the COPS entry will be Exhibit 5.

**#EXHIBIT 5 - BUNDLE OF DOCUMENTS BEGINNING WITH COPS PRINT OFF**

30 ASSISTANT COMMISSIONER: Sergeant, this COPS entry would have been made at about the time you or shortly thereafter when you had the discussion with Mr Medich?---I didn't make the COPS event.

You didn't make this?---No, it's by a member of the Botany Bay Target Action Group.

But did you provide the information that, about your discussion with Mr Medich for his entry?---Yes, I would have relayed that information to the police officers.

40 Yes. Thank you. Well if there's nothing arising from that. Thank you. You may be excused. Thank you for your attendance.---Thank you.

**WITNESS EXCUSED**

**[3.26PM]**

MR WATSON: Commissioner, may I call Senad Kaminic.

ASSISTANT COMMISSIONER: Yes, is Mr Kaminic in the hearing room.

MR HUDSON: Yes, just outside.

ASSISTANT COMMISSIONER: Yes.

MR HUDSON: May I be excused for a moment.

ASSISTANT COMMISSIONER: Yes, certainly. Yes, Mr Kaminic take a seat please. You've been called here to give evidence, you are required to answer all of the questions asked of you. You may seek the declaration  
10 under Section 38 of our Act. Mr Harris, is he seeking a declaration.

MR HUDSON: Yes, I am.

ASSISTANT COMMISSIONER: Sorry, Mr Hudson. Yes. The declaration I'm about to make means that nothing you say will be used against you in future proceedings, criminal or civil proceedings unless it's found that you've breached our Act by giving false or misleading information or in some other way. Do you understand the affect of the order?

20 MR KAMINIC: Yes, I do.

ASSISTANT COMMISSIONER: Pursuant to Section 38 of the Independent Commission against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

40

ASSISTANT COMMISSIONER: Mr Kaminic, you are required to take an oath on the bible or make an affirmation. Do you have a preference?

MR KAMINIC: I'm not believer on how you call it?

ASSISTANT COMMISSIONER: I beg your pardon.

MR KAMINIC: I'm not believer in the bible.

ASSISTANT COMMISSIONER: You're not religious, you can be affirmed. Could he be affirmed please.

MR WATSON: Is your name Senad Kaminic?---Yes.

Do you know Lucky Gattellari?---Yes, I know.

You've known him since the early 2000s?---Yes, something like that.

10 At first you met him when you were working for him in a security position?---Yes.

But from that, a closer relationship developed and you became his driver?---That's correct.

But also his close companion, you travelled everywhere together?---Yes, you can call it that.

20 And in that capacity you were effectively in his full time employment?---Yes.

And in that capacity you saw him nearly every day of the week?---Correct.

You also had some dealings with, with Mr Ron Medich?---Yes.

You met him several times?---Yes.

You've been to his home at Point Piper?---Correct.

30 You've seen him in the restaurant at Leichhardt?---Yes.

Or in his office at Leichhardt?---Yes, I know.

And in the office of Mr Gattellari which was located in Chipping Norton?---I think so (not transcribable)

Do you remember a man Ronnie Binge?---Yes, I do.

40 And you met Mr Binge through Mr Gattellari?---Correct.

Was that in about 2005?---Something like that.

So you saw quite a bit of him there, at least for a period of time?---Yes, I did.

Mr Binge and Mr Gattellari were working together out of that office at one stage?---Yes.

Now are you aware that at one stage Mr Gattellari was involved with Mr Binge in respect of looking at property development?---Yes.

I think at one stage or another you were fully aware of that and travelled many times with Mr Gattellari to various land councils around New South Wales?---Yes, I do.

Would Mr Binge travel on those trips generally speaking?---Oh, in the beginning, yes.

10

Do you remember going to Narooma?---Yes, I do.

Do you remember how many times you went to Narooma?---Ten, 15, maybe 20 times even.

Down to Narooma?---Yeah.

And on the occasions going to Narooma would you always go with Mr Gattellari?---Well, I don't know what you mean always but my - - -

20

Well, any time you went was he also going?---Oh, most of time - - -

All right?--- - - - but maybe he went once or twice without me but.

All right. And did you also travel there with Mr Binge?---Yes.

Did you also travel to Narooma with Mr Medich?---At least once.

Right. So you can remember at least once going there with Mr Medich? ---Yeah.

30

Was it you and Mr Medich alone or were there others with you?---Oh, with Lucky Gattellari, Ronnie Binge and Mr Medich and myself.

The four of you?---As I remember four.

Did you go by car?---Yes.

In whose car did you travel?---I'm not quite sure but it could be even Ron, Ron Medich's car.

40

Do you remember now who was the driver?---Yeah, yeah, we went with Mr Medich car, he was driving.

Right. So try and recall this occasion. There's the four of you in the car. It's Mr Medich's car and he's driving. Was there any discussion about the deals which could be done with the Aboriginal Land Council down in

Narooma?---Yeah, they talk about land people (not transcribable) working and things like that.

Well, I want to ask you did you overhear any discussions with involved the suggestion that payments would be made to people?---I cannot recall hundred per cent but it was mentioned many times in different positions, places.

10 Well, when you say you can't recall, you can't recall the words but you said it was mentioned many times?---Oh, especially on this trip I cannot say a hundred per cent they were talking whom about or - - -

All right. Well, what I'm trying to do is get for the moment any snippets of conversation you can remember coming from Mr Medich. Do you remember any things that he was saying?---(NO AUDIBLE REPLY)

20 Did he complain about anything, did he speak about anything favourably, whatever?---He was talking, you know, to secure a deal, the land and then they meet over there some people, some developer too and they talk about this land and things like that.

All right. Did he have any complaints to make about what was going on, Mr Medich that is?---I remember he wasn't really happy because things go slow and - - -

Do you remember being present when there were any conversations between any of these people, either Binge, Gattellari or Medich about particular payments to particular people?---I say I remember I do.

30 Do you remember a man, KJ or Kenny Foster?---Yes, I do.

Can you remember any conversations about paying him any money?---Yes.

And who can you remember was involved in the conversation?---Oh, one day let's say it was Mr Foster, I believe it was Ron Mason there too, Gattellari and was it this day Ron Medich too I believe around Christmas, it could be 2005 and all of them they got the money.

40 All right. Well, did you see any money changing hands?---I cannot recall it but I now, I've been heard and told, you know, I heard and told, you know, that there is some money for - - -

MR TERRACINI: Well, I object.

MR WATSON: I won't press that. The name you mentioned, I mentioned KJ or Kenny Foster but you mentioned Ron Mason. You also met him? ---Yes.

You knew him as well?---Yes, I know.

Were you present in any conversations with Gattellari, Binge or Medich where there was any discussion about paying Mason money?---They are, they are always talking about money and, you know.

10 Did you ever pay these men money, for example, Foster or Mason?---Oh, could be but I cannot remember a hundred percent but I believe one \$200 I could, Lucky could say, you know, they have a spare \$100 to give to them and things like that but to pay them real money I cannot remember.

With Mr Mason, Ron Mason, did you go to his home at one stage in Maroubra?---Yes, I did, yes.

And he lives in Maroubra to your understanding or at least has a, has a home in Maroubra?---Home or a unit or whatever in Maroubra.

20 A unit. And did you also see that he had a separate home or house down near Narooma?---Yes, I do.

Did you go to that place as well?---Yes, I do.

I think that's all. Thank you, Mr Kaminic.

30 ASSISTANT COMMISSIONER: Mr Kaminic, just to clarify, I wasn't sure whether you were saying you heard, did you ever hear a discussion about payments being made to Ron Mason or KJ?---What I say I heard and Lucky told me, you know, he give money to, to them and also ask Ron for this money.

So he told you he gave them money but he - -?---Yes, and I'm not 100 per cent, one Christmas all of us were in office when they got the money, even Ron Medich, but I'm not 100 per cent sure.

What do you mean were in the office?---In the office in Chipping Norton.

Yes. And what happened in the office?---And these days Lucky just ask Ron some money to give for Christmas.

40 He asked for money to give to whom?---KJ, Mason and I believe also Ronnie Binge was always there too and I believe he got it too.

And when he asked for money, what happened?---Particularly this time we went in a few land councils and one of them was somewhere around Campbelltown and Kenny Forster or KJ, what you call him, you know, he asked some, you know, letter, whatever, to provide it Ron and Lucky he can make a deal and he says, if I get this letter can I get such amount of money

and Lucky talked to Ron and I'm aware all of they knew this story and in a few days' time was Christmas and all of us got money.

All right. And as I understand your evidence you were never actually present when cash money was handed over to Mr Mason or Mr Foster? ---I've been presented many times with a small amount of money, you know, a couple of hundred dollars for this and- - -

10 You've been present when it was handed over?---100 times. You know, when you say a hundred times, could be 20, 30 or even, don't get me wrong when I say it's hundred times.

Yes. But these were occasions when you were present when relatively small amounts of money were actually handed- - -?---Yeah, it was a normal thing.

20 - - -to whom, to Mr Mason?---Mr Mason, KJ and I'm not quite sure about Ronnie Binge 'cause he was working over there you know, with Lucky all the time and- - -

And when you say money was handed over, by whom was it handed over? ---From Lucky.

From Lucky. Yes.

30 MR WATSON: Was Mr Medich present on any of these occasions? ---What I say is I'm not 100 per cent sure this time in the office in Chipping Norton for Christmas was Mr Medich there or not, I'm not quite sure, because six, seven years ago, even more, something like that.

Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes. Does anyone seek to cross-examine Mr Kaminić?

MR TERRACINI: Briefly, your Honour.

ASSISTANT COMMISSIONER: Yes, Mr Terracini?

40 MR TERRACINI: Please, I know that you're only using 100 times as an example, Mr Kaminić, but on many occasions when you saw Lucky giving money to KJ and Ron and others, Mr Medich wasn't there, was he?---Oh, lots of time wasn't. What I say is only could be this time or I'm not quite sure has he ever been any more in front of me, but they used to go before then I was involved in all this many times together and I cannot say anything about this.

Thank you.

ASSISTANT COMMISSIONER: Yes. If there's nobody else?

MR WATSON: Could Mr Kaminic be excused?

ASSISTANT COMMISSIONER: Yes. Mr Kaminic, you are now excused. Thank you for your attendance?---Thank you very much.

**THE WITNESS EXCUSED**

**[3.39pm]**

10

MR WATSON: That's all I have lined up for today, Commissioner.

ASSISTANT COMMISSIONER: Yes. All right.

MR WATSON: Tomorrow we've got two witnesses who will give very short evidence but both of them have illnesses and so I'll try and put them in first, that's Mr Stever and Mr Potter.

20 ASSISTANT COMMISSIONER: Yes.

MR WATSON: Then there'll be Mr Lockley and then after Mr Lockley I think probably Mr Ron Mason Senior.

ASSISTANT COMMISSIONER: All right.

MR WATSON: If we finish all of that I may call Mr Foster as well. That would be the line up.

30 ASSISTANT COMMISSIONER: Yes. Thank you.

MR TERRACINI: Can I just file an application, I appreciate that it's not mandatory or we don't have any rules (not transcribable) but can we have Mr Medich towards the end of the proceedings (not transcribable)

MR WATSON: Mr Terracini may not know, but I think we have spoken to his lawyers and we agreed that we wouldn't call Mr Medich before Thursday morning. Is that all right?

40 MR TERRACINI: That's fine. No well for me personally (not transcribable) the changes (not transcribable) so that's helpful.

ASSISTANT COMMISSIONER: So that suits you?

MR TERRACINI: Yes.

ASSISTANT COMMISSIONER: All right. If there's nothing else we'll adjourn at this stage and resume at 10 o'clock tomorrow morning.

**AT 3:41pm THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[3:41pm]**