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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION PETRIE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 28 FEBRUARY 2012

AT 2.05PM

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

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Watson.

<RONALD JAMES MASON, on former affirmation [2:05pm]

MR WATSON: Mr Mason, we've got some information which suggests that the first time you ever met Gattellari was 9 March, 2005. You've seen that, the minutes of the meeting. Is that right?---I, yeah.

10

We've also got some information that nine days later, 18 March, 2005 he was putting \$2,000 into your bank account. You've seen that?---Yes.

Now you say it's a loan?---Yes.

How did that come about?---I asked him for a loan.

You asked him?---Yeah.

20 How did you ask him?---I need some money.

How did you ask him by phone or by face to face?---Face to face.

You asked him for a loan?---Yeah.

This is a fellow that you'd only known for a few days?---Yes.

Why did you do that?---Well because of the bloke, the other bloke that's brought him down there.

30

I'm sorry I don't understand?---The other fellow that brought him down there, what's his name, from, from Campbelltown - - -

Gil Saunders?---Gil Saunders, yeah.

Right. What did that have to do with it?---Well he said if you want a loan this guy will give you a loan.

40

MR TERRACINI: I didn't hear that, sorry.

I'll repeat - - -?---I said if, if - - -

He said if you want a loan this bloke will give you a loan?---Yes.

Meaning Saunders said if you want a loan Gattellari will give you a loan? ---Yeah.

Why did Saunders say that to you?---I don't know. He knew I needed money.

Sorry?---He knew I needed money.

And he said that Gattellari would give you a loan?---Yeah, he'll give me a loan.

10 But when did you ask him, on 9 March at the meeting?---No, not at the meeting, oh yeah, it was when I first met him.

On 9 March?---Yeah, yeah.

On the day you first met Gattellari you asked him for a loan?---Yes.

How much did you ask him for?---Oh, a thousand bucks or something, fifteen hundred.

20 Two thousand was paid into your account, did he give you more than you asked for?---Yeah.

Now what terms did you discuss with Mr Gattellari, when did you tell him you would repay him?---Oh, I said I'd pay him back like Gil and them told me to do, they said they, they give loans out.

Sorry, I didn't understand that?---Well they give loans out, apparently they done loans out, Gattellari and them were doing loans.

30 Doing loans?---Yes.

To whom?---Lots of people.

What sort of people, not me?---Well he done it for a lot of people.

Which people?---Well people asking and that.

Well you'd heard that they give out loans, Gattellari?---Yes.

40 To people on Land Councils?---No.

Well who?---Just anybody.

Anybody. I could approach him?---Yeah, well you probably could have.

And so I was asking you what did you say to Mr Gattellari about repayment terms? For example an interest rate or when you would repay him or how you would repay him?---All he said we'll work that out later.

He didn't require anything more than that?---No.

And did it come to pass after that that you asked him again and again and again for loans?---Yes.

And was the, the way that you would get money from Gattellari, you'd say to him, look I need another loan?---Yeah, I, I (not transcribable) well I paid
- - -

10 Paid him back you say by working on the shelves?---On the shelves and doing other stuff like that for him.

All right. Well so just to get it straight, on the night that property developers came down from Sydney and presented something to the meeting, on that very same night you asked Gattellari for a loan?---Yeah, the first time I met him.

Did you ask him - - -?---The first, the first time I met him at the pub.

20 Sorry?---I met him at the hotel.

Did you meet him at a hotel before the meeting that night?---No, before they went to the meeting, yeah.

Right. So you met Gattellari before the meeting at a hotel?---Yeah, I met him, I met him before that when they came down. When Gil Saunders and them came down to see us I met him at a hotel and that's, that's when I asked him for the loan.

30 Well, first of all Saunders had to tell you if you need a loan this bloke will give you a loan?---Yes.

Did Saunders tell you that before they arrived in Narooma or when they arrived in Narooma?---Ah, when they arrived in Narooma, yeah.

So Saunders took you aside and said this bloke will give you a loan if you want a loan?---Yeah.

40 And you asked him before you went into the Wagonga Council meeting?
---No.

You didn't?---No.

You asked him after?---No, before.

Okay?---Before.

You asked him before you went into the Council meeting for the loan and he agreed that he - - -?---Yeah, when they came out, they didn't go into the Council meeting straightaway.

Well, I appreciate that. You're at the pub?---Yeah.

You asked him for the loan?---Yes.

10 It's before the Council meeting?---Yeah, they went away.

Then you went - sorry, did Gattellari agree at the pub that he would make you a loan?---He said he'd make me a loan, yeah.

And then you went into the Wagonga Council meeting - - -?---No.

After the pub at some stage or another you went into the meeting?---Oh, no, no.

20 No. All right. Was there a meeting?---No, there was no meeting.

All right. We've seen some minutes dated 9 March, 2005. Did that meeting happen or are those minutes a fake?---Well, I met him before then.

All right. Was it before that day?---Before that day, yeah.

Oh, I see. So are you saying you came down on a different day?---They came, they came down before that and I think he went, oh, I think they was talking to my, my wife actually before then, before me.

30 All right. Did she get a loan?---No, she (not transcribable) one.

Now, the point is, that you're trying to make this man, you'd never met him before in your life, you ask him for a loan - - -?---Yes.

- - - and he agreed to give it to you?---Yes.

You knew that he was coming to Wagonga to try and do property deals?
---I didn't know at the time when he - - -

40 Oh, really. What did you think, you were just meeting some friend of Gil Saunders in the pub?---Well, he, he just happened along at the pub.

Sorry?---I didn't know, they just, they were at the pub. That's where I met him.

What, it was an accidental meeting?---Yes. I was inside of the pub, Gil Saunders came across to the pub, him and Ron Binge.

Well, then this sheds light on some of the other evidence. Would you open up Exhibit 1, volume 1, page 47. You'll see it on the screen?---Yes.

That's the letter from Vivienne to Gil Saunders dated 4 March?---Yes.

Now, you'll see that that letter is inviting Gil Saunders to come down to - - -?---That's right.

- - - Narooma on 9 March?---Yes.

10

So you're saying that you had already met - - -?---Yes.

- - - Saunders and Gattellari - - -?---Yes.

- - - by coincidence, just an accident - - -?---Yes.

- - - in a pub?---That's right.

20 So this letter must have been initiated because you had met Saunders and Gattellari?---I saw them, I don't know, before this, they were at the pub, they came to the pub and seen me at the pub.

Was this letter sent, the one dated 4 March, 2005, on your instructions to your wife that these people should be invited to a meeting?---Well, they want to talk about land deals or something like that.

Just answer my question. Was this letter dated 4 March, 2005 sent by your wife on your instruction?---I don't think it was my instructions.

30 You'd been the one who met them in the pub?---Yeah, I met them in the pub.

40 And then they were going to come down - - -?---I, I just mentioned to them that they wanted, see when I, when I met them in the pub they talked to me when, when Gil told me that this bloke will give you a loan, you need a loan, you need any money and things like that, a loan, right, they do loans, right, and, and then he started talking about land deals. He said if you've got any land around here these people do land dealings do, right, and I said to them, I said well, look, the only thing I can do is go and invite you, invite you down to a meeting and so you can do a presentation to the members.

Well, so now we can understand the meeting, if you go to page 48 of Exhibit 1. We can understand the meeting on 9 March, 2005. The presence of Gattellari and Binge and Saunders was because you'd met them in the pub and they'd given you the loan. Is that it?---(NO AUDIBLE REPLY)

They'd agreed to give you a loan?---Yeah.

So could I just ask you, did you disclose to the members of Wagonga Local Aboriginal Land Council at the time you were introduced to these people you had already applied for and received from them a loan?

---No.

Why not?---No. What for? It was my personal thing.

10 Oh, really? Come on. I mean these are people who if one looks at it on page 51, you introduced them and the, it says that, "Members discussed development proposals"?---Yeah.

And you were in debt to these fellows?---Yep.

\$2,000?---No.

You'd already asked for the loan and they'd agreed to give it to you?

---Yeah, well, I paid 'em back.

20 That's not the point, you see, Mr Mason. You knew full well when you were saying, give me a loan, you were effectively saying, give me a bribe. ---No, I wasn't.

Weren't you?---No.

Mr Mason, do you think there would be any chance in the world that Gattellari would have given you that loan if you were not in the position to do a land deal, for example you were just a man- - -?---Yes.

30 - - -in the pub that he had never met before?---Well, he give it to me because of Gil Saunders.

Do you think there is any chance in the world that Gattellari would have given you that loan if you were not in a position to do a land deal?---Yeah, I think he would have, yes.

Yeah, just give it to anybody?---Yeah, well- - -

40 Two grand here, two grand there, anybody in the pub?---Well, look, as you go down the track, when I started working for him I used to go and collect money for him when he used to- - -

Oh, come on, come on, Mr Saunders, Mr Mason, you know, don't bother telling me that. You know I'm not going to believe it because I was here when you gave your answers last time. Mr Mason- - -?---You didn't ask me that question.

Mr Mason, do you think, do you really truly tell the Commissioner, do you think that if you'd just walked up to Gattellari he would have loaned you

two thousand, irrespective of your ability to introduce him to the land at Narooma? Is that what you're saying?---Yeah, that's what I'm saying, he'd lend me the money.

All right?---That's what they used to do.

10 Now, just while we're looking at your earlier evidence about the tremendous advantage you were trying to do for the Land Council, I want you to have a look at volume 1, that's Exhibit 1, volume 1, page 143. This is another valuation. You'll see that this one is for Lot 889, that's the one we call Corunna Lake?---Yeah.

Do you see that?---Yep.

And you can see on the front page the valuation of that land was \$350,000. Do you see that?---Yes.

20 Now, you knew that this was valuable property, that this wasn't just for you but this was for your children's children's children, didn't you?---Yes.

This is the land from which you came?---Yeah.

Would you sell it to those developers for under value?---Well, what's the value, the value's round 50 thousand, isn't it?

Have a look at page 2 of the same exhibit. See that's a Notice of Valuation sent to the Wagonga Local Aboriginal Land Council?---(NO AUDIBLE REPLY)

30 Do you see that?---Yes.

Do you see it's issued by the Valuer General?---(NO AUDIBLE REPLY)

See that?---(NO AUDIBLE REPLY)

In the top right-hand corner?---(NO AUDIBLE REPLY)

Do you see that?---(NO AUDIBLE REPLY)

40 Mr Mason, are you with me?---Yes.

Do you see it's from the Valuer General?---Yeah.

You know about these things, you're a property holder. The Valuer General's assessments of the value of property is very conservative, isn't it? --- (NO AUDIBLE REPLY)

Isn't it?---Yes.

Usually around about 60 or 70 per cent of the market value. Is that right?
---What?

Sorry?---Say it again.

Usually the Valuer General's prices are around about 60 to 60 per cent of the market value, aren't they?---Yeah, I don't know about that.

10 Well, just let's have a look at this one. This is as at 1 July, 2005. The middle of the page will tell you that the land value of that particular lot was \$555,000. Do you see that?---No, it's not here.

ASSISTANT COMMISSIONER: I don't think he's been referred to the correct page yet, Mr Watson.

MR WATSON: I'm sorry, page 2.

ASSISTANT COMMISSIONER: Which page are we looking at?

20

MR WATSON: Page 2?---I'm hoping it's coming up on the screen.

I'm sorry, Mr Mason, I thought this was in front of you. You'll see this is a Notice of Valuation as at 1 July, 2005?---Yes.

Do you see it?---Yes.

You'll see that the property is 889 description of land?---Yep.

30 That's the Corunna Lake property?---Yes.

You know the Valuer General comes in around about 60 to 70 per cent of the market value?---Yes.

Do you see what the Valuer General put on this property?---Yes.

Well not to put too finer a point on it, that would seem to suggest that you were accepting something way under value in respect of the Corunna Lake property. Isn't that right?---Yeah, it looks that way.

40

Well what did you do about that?---I never looked at it that way myself.

Well you never looked at it that way, which way did you look at it? Did you just think you could give away your Land Council assets?---No.

You see what I'm suggesting to you is that you made a series of very bad bargains, bad from the point of view of the Land Council, but good bargains from the point of view of Gattellari and his group. Do you accept that?---I

accept that I, you know I've done a, you know when I looked at it I looked at I the wrong way.

The wrong way?---Well I looked at, I didn't ever look at this way the way you're saying it.

Well have a look at page 290 of Exhibit 1. You know the New South Wales Aboriginal Land Council?---Yes.

10 Did you at the time you were chairperson or at any time while you were chairperson at Wagonga regard them as being there to help?---(NO AUDIBLE REPLY)

What did you regard them as friends or enemies?---No, to help you.

They're there to help. Now you knew that if you were in trouble or in doubt you could go to them for specialist help did you?---Yeah.

20 You knew that. Now I'm going to ask you, in respect of these proposals did you go to the New South Wales Aboriginal Land Council for help?---Well I thought we did.

Well do you think that was about a year or so after you'd already signed up on behalf of your Land Council?---I don't know.
You thought you did, you don't know?---Yeah.

30 Let's have a look at what they thought of your deal. Page 290, there's a letter to your daughter, who was then chairperson of Wagonga and it's dated 13 July, 2006. Do you see that?---Yes.

And you'll see that there's some discussion about the background and the subject is, Medich Group Proposed Joint Venture. Do you see that?---Yes.

Now you'll see that in the middle of the page there commences a number of bullet points, black points with subject matters. Do you see that?---Yes.

40 Now I want you to have a look at them and see whether you agree with the New South Wales Aboriginal Land Council in the points that they were making in this letter about the joint venture. The first, they said there is no evidence that the proposed transaction forms part of the Wagonga community business plan. Do you agree with that criticism?---I agree with that, but I mean to say that come in, this legislation come in later.

You're not saying it came in after 13 July, 2006 - - ?---Yes.

- - - in the sense that this person was Nostradamus who was writing the letter are you?---No.

It must have been by then?---Well I think you need to read the Land Rights Act and - - -

I have actually?---Yeah.

Are you in agreement or not with the New South Wales Aboriginal Land Council point that there was no evidence that the proposed transaction forms part of your Wagonga community business plan?---Yeah, it was, we never had a business plan.

10

You didn't have one?---Didn't have one, no.

That's a pretty bad deficit isn't it?---Well they didn't need to have one.

Look at the second bullet point, there is no evidence of appropriate consultation with or consideration by Wagonga members. Do you see that? ---Yep.

20 These proposals have been put up at meetings where sometimes there'd be eight people in attendance, at other times 15. Is that right?---Yes.

But that's a very small part of the whole of the Wagonga membership? ---Yeah, there's about, yeah, there's about 100.

30 Now we've seen minutes of meetings, what did you do to inform that other 85 or 90 people not at the meeting of the proposal to enter into a joint venture over these substantial properties? What did you do to try and inform them?---Well, well the normal, the normal process was to put it in the paper and send out, and send out letters to them.

No, that's a notice of meeting you're talking about?---Yeah, yeah.

Once a resolution had been passed or some agreement had been entered with Medich and the Medich Group, what did you do to tell the 85 to 90 members of the Wagonga Land Council who weren't at the meeting that you'd done this? What did you do? Did you send them a letter?---No, we just, I think we bought it up at the next meeting.

40 That would of course just inform those people who were at that meeting but not the membership generally. Is that right?---Well, every time we call a meeting we send the, we used to send 100 letters out - - -

Well, the second bullet point - - -?--- - - - and you know, I, I - - -

- - - I think you'd agree is a good point made by the New South Wales Aboriginal Land Council, that there was no appropriate consultation with or consideration by members except for those people who were at the meeting? ---Yeah, they're ones who turned up.

All right. If you look at the third there's a complaint that it wasn't converted into plain English, let's bypass that. If you look at the fourth, do you see that the complaint by the New South Wales Aboriginal Land Council is that there was no evidence of a considered or transparent selection process, for example, a tender or calling for expressions of interest. Do you see that?---Mmm.

Is that answer yes?---Yes.

10

And the point is that they're quite right, there was no tender called for, is that right?---Yeah, I think we did call a tender.

Really?---Yeah, I think we did.

Can you show us the paperwork which relates to that, Mr Mason, because that's something I can tell you at the Commission we've been looking for for ages?---Yeah, yeah.

20

You think there was, do you?---Yeah, I think there was.

Yeah. Where was it put, was it in a newspaper?---Yeah, I think so.

What I really want to do is nail you down to that you're saying on oath, sorry, an affirmation - - -?---I'm saying - - -

- - - that this is something you believe to be true?---Well, that's what I believe, yeah.

30

Yeah. Did you organise to put it in?---I think the coordinator would have done it.

Right. Who was that?---Ah - - -

Vivienne Mason?---Yes.

Right. So you're saying Vivienne Mason would have put an ad in the paper?---Yeah.

40

Yeah. I'm going to put to you that you're lying?---No, I'm not, not that I can remember.

All right. So you say that expressions of interest were called for?---Yeah, I think so, yeah.

That's your, that's your - - -?---Yeah.

- - - testimony here?---Yeah.

So you say, well, the Aboriginal Land Council's completely wrong there because that had been complied with. Well, have a look at the fifth bullet point. No details of the properties, the sixth bullet point, no apparent independent legal advice. Are the points they're making good or bad?

---Yeah, good but like - - -

10 Look at the next bullet point. No evidence of other independent advisors, example financial. Tell me, Mr Mason, on behalf of the people of Wagonga and your children's children's children, did you get any independent financial advice about this deal?---Only, only the one with the, Eddie Neumann.

He was a solicitor, I'm talking about - - -?---Yeah.

- - - financial advice?---Well, I thought he was the bloke to see, you know, he's a legal bloke.

20 Well, okay. Well, let's look at the next one. Town planning. Did you get any independent town planning advice?---(NO AUDIBLE REPLY)

No. Look at the next one, did you get any advice from a project manager? ---No.

From a real estate agent?---No.

You didn't do anything did you?---No, I, no, not, I didn't - - -

30 What you did was you took money from Gattellari and you knew you were beholden to him and you would put the deal through?---No, no, you're wrong there.

Look at the next bullet point. Do you see that the New South Wales Aboriginal Land Council complains that there's no financial information provided. What did you do to discern whether the joint venturers that you were entering into a joint venture with, your fiduciary partners for the future, what did you do to work out whether or not they had a stable financial position?---I think I just took their word I suppose.

40 Well, we now know from evidence given yesterday by Gattellari that one of the men, Binge, had a criminal record. Did you know anything about that? ---No.

You didn't know whether the company, the Ron Medich company, was a \$2 company or not?---No, I didn't know that.

You were giving these lands away because you'd been bribed weren't you, Mr Mason?---No.

Let's go down further. Do you see the second-last bullet point is there were no details on possible pecuniary interests of any Wagonga member, do you see that?---Yeah.

You had a couple of those, didn't you? You were a shareholder in the Walkun Mara Aquaculture Pty Limited which held the long-term lease over Fullers Beach so you had a pecuniary interest there, is that right?---Oh, I suppose so.

10

And you'd also received money privately from Gattellari?---What?

Do you think it was unreasonable for the New South Wales Aboriginal Land Council to think that those sort of details should be provided?---Well, like I said before, you know, anything we do, it had to go through the State Land Council, that was a safety net there, now, there, it just goes to show you, there it is.

20

Look over the page at page 291 of Exhibit 1. Do you see the third bullet point? This is the opinion of somebody at the New South Wales Aboriginal Land Council who looked at these deals. I'm going to read it aloud. "It does not appear to provide an equitable return to Wagonga having regards to the possible returns and likely risks." Do you see that?---Yes.

You're not in a position to argue with that, are you?---No.

Because you made no assessment about the potential return. Is that right? ---I ah, like I said, I only with our ah, the only one I wanted to see was Eddie Neumann, our solicitor, that's all. He was, he was advisor to us.

30

Why was Troy Stever, why was there a motion passed preventing him from dealing with Medich or Gattellari?---Ah, I don't know.

Well, if it's any help to you, look at Exhibit 1, page 169. Do you see that that's the first page, or sorry, a covering page for some minutes of a meeting of 17 August, 2005?---Yes.

And you'll see that there are matters on the agenda. Do you see that?---Yes.

40

And if you turn over the page you'll see the minutes itself, themselves? ---Yes.

And then if you go to page 171, look at the last motion on the page. Why was that motion put?---I'm not sure. I think, I think what he was doing at the time was he was trying to put up another proposal on the, the things we sort of, what the committee wanted (not transcribable)

Was it because Troy Stever had begun to express reservations about the wisdom of the deal?---No. He was trying to, what he was doing, he was going to ah, to the shire council in Moruya on his own and trying to draw up plans for the, 'cause they wanted to do the joint venture.

What, was he doing this so that he could develop the premises himself?
---I think he was trying to do, instead of getting, I think it was 75 blocks out of it, he cut it down to 50 blocks.

10 Why would he do that?---I don't know. He was worried about the trees and
- - -

Worried about trees?---Trees and all that stuff, yeah.

Well, I want to show you now a summary of what Mr Lockley, the accountant, found out about you. This is Exhibit 8 and it's annexure 1. Now, it may be necessary for you to get an actual hard copy of this, it may not be clear on the screen?---Now, which one is it?

20 Do you see there that what Mr Lockley has summarised are- - -?---Yes.

- - -just those payments, only those payments which he can trace from a Gattellari account into your account- - -?---Yes.

- - -or from Gattellari hands into your bank account?---Yes.

Now, you'll see there that of that kind of payment there's \$11,100?---Yes.

All loans?---Yes.

30 That's a lie, isn't it?---No, it's not.

They're all bribes, aren't they?---No, they're not.

Have look at them Mr Mason, you'll see that it starts with the \$2,000 which you asked for in the pub?---Yes.

And Mr Gattellari agreed to give to you not apparently knowing who you were. Do you see that?---Yes.

40 And then you'll see that on a pretty regular basis up until the middle of 2005, you're getting other what you call loans from Mr Gattellari?---Yes.

Do you see that?---Yes.

And why were you getting those just loans?---Getting loans off him.

Just loans?---Yeah.

Nothing to do with the fact that you were sitting in deliberation of what could prove to be some pretty lucrative property deals for Mr Gattellari?
---No.

Unrelated were they?---No.

Did you disclose any of these loans to the people of Wagonga?---They had nothing to do with anybody.

10

I'm going to ask you the question again and I'd like you to try and answer it yes or no?---No. No.

Did you disclose any of these loans to any of the people - - -?---No.
- - - of Wagonga?---No.

You kept it to yourself?---Yes.

20 Why?---'Cause it was a personal thing with me.

Well you wouldn't keep that secret from your wife, your child would you?
---I did.

Why?---I had a gambling problem.

You had a gambling problem. The fact that you had a gambling problem make you do you think easy meat for somebody like Gattellari to bribe you to make decisions in his favour?---No, I don't think so.

30

Well have a look at the payment which is made for 15 August. Do you see a \$5,000 payment?---Yeah.
Do you remember anything about that?---Yeah.

What do you remember?---It was a loan.

A loan?---Yes.

40 So he was just feeding or fuelling your gambling frenzy?---Yeah, and I was paying money back too. I was paying him.

You were paying him back too?---Yes.

Again you're not able to show us one shred of evidence to support that?
---No, it was done in cash.

We have to take your word for it?---Yes.

And we've had to ignore the fact that yesterday Mr Gattellari said exactly the opposite?---Yeah.

You heard him say that?---(NO AUDIBLE REPLY)

Why didn't you get up and say you're wrong Gattellari, you're wrong? We heard no complaint yesterday about his evidence?---(not transcribable) You can't do it here can you?

10 Mr Mason, these are all loans you say you paid them back?---That's right.

And I don't want to be too painful about it, I've said it before, but you're unable to scrape together one document, one piece of paper - - -?---That's right.

- - - to support your contention that you have paid one of these - - -?
---That's right, it was all cash, that's why.

20 Well where were you getting the cash from Mr Mason?---Where I was getting it from, some of me winnings.

Sorry?---Some of me winnings.

Some of your winnings?---Yeah, the horses.

You're on the dole?---Yeah.

And you were winning money?---Oh, only at the horses, sometimes I'd win.

30 Now tell me this how were you giving it back to Gattellari?---Cash.

Well face to face?---Yes.

What were you driving up from Narooma to pay him back?---Yeah, or he'd come the other way.

All right. I see, so he would drive down to Narooma, what to collect two or three hundred dollars?---No, no. He had other dealings down there, not only with Land Councils.

40

And you say you were getting it out of gambling winnings?---I'd get it out of some of me gambling winnings.

All right?---And when I was working, when I was working for him.

Right. Well we've heard about that. I'm going to just put it to you in summary, that's just untrue, that you didn't do that?---Yes, it's true.

Really? You said you worked for a month, what else did you do for him?
---Well I worked, working the property out at Narellan.

How long?---That would have been a month or a couple of months.

A couple of months. Were you living at Narellan?---Yeah.

What were you doing?---I was fencing.

10 Right?---Pulling fences down.

Only fencing?---Beg yours?

Only fencing?---Fencing, pulling down fences, cleaning the place out, doing a bit of renovations.

Working alone?---No.

Who with?---Bruce Ella.

20

All right. Bruce Ella was there?---Yes.

So we can go to Mr Gattellari and Mr Ella and get their version of these events?---Yes.

And you were getting good money?---Yeah.

And not declaring it?---Of course.

30 Collecting the dole at the same time?---Yes.

You're a bad man aren't you Mr Mason?---I am.

And you're prepared to lie to the Tax Department?---Well - - -

Well you do lie to the Tax Department?---Well I must have.

You'd be prepared to lie to the Department of Social Security?---(NO AUDIBLE REPLY)

40 Well you do lie to the Department of - - -?---Well I, yeah.

You'd be prepared to lie to this Commission?---No.

Why not? Why is it different than the Tax Department or the Department of Social Security?---Well, I don't know.

Would you lie to the police?---No.

So they're in a different bracket to the tax man?---Yeah.

You said before that you had a dispute with some part of Mr Gattellari's calculations. Is that right?---Yeah.

You said you disputed the matter about the car?---That's right.

You agree that a car was transferred to your wife's name?---Yes.

10 And you agree that it was a car which would have been worth in the order of 12 and a half thousand dollars?---Six thousand.

How much?---Six thousand.

So your dispute with Gattellari is that he's putting too high a price on the car?

---That's right.

20 But you say you paid for the car anyway?---Yeah.

What, out of your gambling winnings?---I had me workings.

Out of you working for Gattellari?---Yeah, yes.

Or other people?---No, for Gattellari.

So you must have been there for some long time working for Gattellari?

---Yeah, this is after I left the Land Council.

30 All right. Well, you've mentioned Narellan, you've mentioned the shelves, where else?---Driving a truck.

Driving a truck?---Yeah, driving a truck.

Who owned the truck?---Gattellari.

And what was the nature of the truck?---It was light fittings.

40 A light fitting truck?---Yes.

And so what was the nature of the truck, what did it look like?---They had a, they, they had, they had a factory.

Sorry?---They had a factory.

They had a factory?---Yeah.

Same factory with the shelves?---No, no.

Where were you driving the truck from and to?---I ah, done a few trips up the north coast with it.

Where did you go from and where did you go to?---Up to um, ah, up the other side of Newcastle to ah- - -

Where did you go from and where did you go to?---Yeah, I'm just trying to think of the name of the place that I went to.

10

Well, where did you go from must be simple?---Oh, from Chipping Norton.

The same place where you put in the shelves?---No, no, down the road.

A different place?---Different place down the road, yeah.

What was the name of the company that employed you?---Ah, well, I was only working for Gattellari.

20

Do you have a truck driver's licence?---Yes.

When did you get that?---Had it all me life.

All right. And how often did you do that?---Oh, I drove a truck, truck nearly all me life in Sydney.

No, for Gattellari?---I done, done about three or four trips with him.

Three or four trips?---Yeah.

30

Well, is that three or four days or more work than that?---No, it was over ah, would have been over, when they'd get me, he'd get me from one factory to go up there and do the trips, it'd take me about two days a trip.

Commissioner, I seek relief from any suppression order which might relate to Mr Mason's evidence taken before Commissioner Ipp on Monday, 31 October, 2011.

40

ASSISTANT COMMISSIONER: Yes, I consider it in the public interest to direct that the suppression order in respect of that evidence be removed.

**SUPPRESSION ORDER RELATING TO MR MASON'S EVIDENCE
TAKEN BEFORE COMMISSIONER IPP ON MONDAY, 31
OCTOBER, 2011 BE REMOVED**

MR WATSON: Do you remember coming here before, Mr Mason, and giving some evidence?---Yes.

Do you remember that I went through with you very carefully to find out any money that you'd ever received from Lucky Gattellari?---(NO AUDIBLE REPLY)

Do you remember that?---Yes, yeah.

10 I went through it in painstaking detail with you. Do you remember that?
---Yes.

Did you tell the truth on that occasion?---Yes.

That was the truth?---Yes.

If there's a difference between what you said that day and what you are saying today, which would be true and which would be false?---What do you mean?

20

Well, if there was a major discrepancy between what you said then and what you're saying today, which would be true and which would be false?---It would be all, be all truth.

MR WILLIS: I object.

MR WATSON: I won't press that. I've asked you a question. I want to just, just excuse me. I asked you a question, page 69, line 8. "Have you ever received money from Lucky Gattellari?" Answer, I withdraw that.

30 Page 69, line 7. Question, "I want you to put aside wages. Mr Mason, putting aside wages, have you ever received money from Lucky Gattellari?" Answer, "Oh, he used to give me a couple of hundred bucks here and there." Do you remember that evidence?---Yes.

And then I asked you about work that you had done for him and the Commissioner asked, page 69, line 28, question, "Doing what?" Answer, "Doing his garden and building a pool up there."---Yes.

Do you remember giving that evidence?---Yes.

40

You haven't mentioned that today?---What's that?

You didn't mention that today, I can't remember you saying anything about doing his garden and building a pool?---Yeah, well, I done that too, I just
- - -

All right. Okay. And then the Commissioner asked you, question, "And how often did you go there and do that?" Answer, "Oh, I was there for

about, I'd say about three weeks or something like that, three weeks at the most." And the question was asked by the Commissioner, "What did he pay you?" Answer, "Oh, he give us, I think he was giving us \$500." Do you remember giving that sort of evidence?---Yeah, yep.

10 So I was trying to tie you down on the detail I want to remind you and I asked you a question at page 70, line 15. "Now, I asked you before and I'm going to ask you again. When we talk about the total sum given to you, not wages, but just given to you by Gattellari, are we talking about a sum less than \$1,000 in total or more than \$1,000 in total?" Answer, "Oh, well, over time I don't know, probably 1,000 I suppose. It might have been a little bit more." Do you remember that evidence?---Yes.

How does that fit in with the \$2,000 payment that we've seen and you've agreed you received and the \$5,000 payment that you have seen and you agree that you received? Had you forgotten about those?---So how much (not transcribable)

20 What are you doing?---I'm just, I was reading it.

I was asking you a question?---Yeah, what's that?

Well, that'd be wrong, wouldn't it?---What's that?

It wasn't about \$1,000. We know and we've seen that account with \$11,000 - - -?---Yeah.

30 - - - going into your bank account. That's apart from the cash payments? ---Yeah.

So it's not, that evidence was wrong, wasn't it?---Well, it probably is, I don't know down there, what I said there.

40 The Commissioner asked you about doing something and you said this, page 70, line 35, "Well, when I was working in Sydney I worked in a factory and doing a bit of work down at, working at his daughter's place and I was working at a farm out the back of Sydney here, out at a bull stud farm. I worked out there a while and I got a loan off him, \$5,000". Do you see that evidence?---Yeah.

Is that the \$5,000 payment that's in the sheet?---Yeah.

Is that right?---Yeah, I think so, yeah.

As I understand your evidence you met Gattellari in March 2005?---Yeah.

And you'd already done all this work, had you - - -?---Yes.

- - - done all of this work for him - - -?---Yeah.

- - - so that he'd give you the \$5,000 loan?---Yes.

So two months on the farm, is that right?---Yes.

Working at his daughter's place?---About two months, yeah.

Yeah?---Driving a truck.

10

And that's between March and August 2005?---Yeah, driving the truck (not transcribable)

No, no, no. It doesn't saying a truck there, we're coming to the truck. You say you did all of that work for him between the time you met him at the pub and 15 August, 2005, is that right?---Ah, oh, this is later down I think.

I beg yours?---You see, I'm not sure with the dates.

20

Yeah. Well, it's got to be before then because you're saying that's why he gave you the \$5,000 loan. It doesn't fit, does it?---What's that? What do you mean?

And then you were also asked about driving a truck, sorry, you were asked about working at the factory. The Commissioner asked you, at page 71, line 47, question, "No other, no other wages," answer, "Ah, at the factory, worked at the factory for a while." Question, "How long?" Answer, "I think I was there for a week." Question, "So how much did you get paid?" Answer, "About 500 I think, four or 500." Was it a week or a month?

30

---Oh, it could have been a month.

Right. So you were wrong when you told the Commissioner - - -?---Yeah.

- - - it was a week. You see there's a bit of discrepancy don't you, yeah?

---Yeah, I know that but (not transcribable) look my memory, my memory's not too good, right.

Was that month of work before you got the \$5,000 loan?---Oh, it was after I think.

40

Oh, really?---Yeah.

Are you sure of that date?---Well, I don't know, that's what I'm telling you.

Then - - -?---My memory's going on me a bit, mate.

You were asked about the truck, page 72, line 10. "How much did you get paid for that?" Answer, "I drove a truck, he give me fifteen hundred for

that. I drove a truck load of something up north.” Question, “Anything else that he paid you wages for?” Answer, “That’s about it.” Question, “Are

you sure?" Answer, "Pretty sure." You remember we went through it pretty carefully trying to find out every cent that Gattellari had ever paid you, you remember that, don't you?---Yes.

At that time you didn't know we had your banking records, did you?---No, I thought you'd have the bank records, I knew that.

Page 73, line 45, I asked you a question, "How did you request that?" This is in respect of the \$5,000 loan. Question, "How did you request that or
10 what did you do to request the loan of \$5,000?" Answer, "Well I used, I'm just saying 'cause I was doing a bit of work with him and I said, you know, you seem to have plenty of money, mate, so I said look could you give me a lend of 5,000. So is that is right it was a loan for 5,000?---Yes.

It wasn't in respect of work that you had done?---No, it was a loan.

It was just a loan?---It was a lot of money, look I told you before all the money I got off Mr Gattellari was a loan.

20 I tender the transcript of the compulsory examination of Mr Mason. It has been amended to remove the relevant or embarrassing information. I'd be prepared to show Mr Willis a copy of the unamended transcript in case he was concerned about that, but it was not in any way designed to harm Mr Mason's position.

ASSISTANT COMMISSIONER: Yes, well the transcript of the compulsory examination of Mr Mason on 31 October, 2011 will be Exhibit 9.

30

**#EXHIBIT 9 - EVIDENCE GIVEN BY MR RON MASON IN
COMPULSORY EXAMINATION ON 31/10/2011**

MR WATSON: Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes, does anybody seek to cross-examine Mr Mason?

40 MR TERRACINI: Yes, yes Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Terracini.

MR TERRACINI: Have you got a criminal record?---(NO AUDIBLE REPLY)

Do you have a criminal record, sir?---Yes.

For what?---Oh, when I was young I - - -

That was a juvenile conviction, because I'm not asking you - - -?---No, no it was car stealing, things like that.

Or things like what?---Stealing cars.

Yes, but how many?---Oh, when I was 18, 19, I done nine months gaol.

10 I beg your pardon?---When I was 18 or 19 I done nine months gaol.

All right. Well this house that you were living in when you had the interest free loan - - -?---Yes.

- - - at the time that you first met Mr Gattellari were you working?---No.

Well who was meeting the repayments on the interest free loan? How were you paying it?---With me pension.

20 Well how were you living?---Well I was getting on the pension fourteen hundred dollars.

A fortnight?---Yeah.

Yes. Well how much were your mortgage repayments?---Two, two, two eighty, two eight a month.

And who approved your loan?---Well the Land Council.

30 Did you vote on it yourself?---No, I wouldn't have voted on it, I suppose. I wouldn't have voted on it, no.

Well do you know who did?---Well the people at the Land Council did.

Looks like members of your own family voted on it?---Well like I said before me family down the coast, yeah, I got a lot of family down the coast, mate.

40 No, on the Land Council, did members of your - - -?---On the Land Council.

- - - family vote?---Yes, yeah.

So you could get an interest free loan?---Not only me, there's about six - - -

Look I'm not asking about anybody else?---Yes.

But you knew at the time that was quite dishonest didn't you?---No.

Didn't you?---No.

Did you understand the questions that you were asked of this Commission in the private hearing about whether you thought it was dishonest to take payments that you didn't reveal to the Land Council?---What was that again?

10 Did you remember the questions that you were asked about whether it was dishonest or illegal to take payments concerning Land Council issues without disclosing it?---Yes.

And you can see I think that that was dishonest if it happened?---Mmm. Yes.

20 Well today you'd appreciate I wasn't present at the private hearing, but I have a copy of the transcript that I just quickly read. You've given very, very different answers today about your financial relationship with Gattellari to what you told the Commissioner back in October 2011. Do you agree?---Yeah, something like that. I only give them when he asked what question he wanted, wanted answers.

But you were selective in your answers, weren't you?---How do you mean?

Because you were telling untruths?---No, I wasn't.

You are, you think that if- -?---No, I'm not.

- - -if you're not going to be caught you'll tell anybody anything?---No.

30 Don't you?---No, that's not right.

All right. Well, what was the, what was the purpose of the second loan that you got off Gattellari?---Which one was that?

Well, you know the one, the one for 2,000 to begin with, what's the next one?---5,000.

Yeah. Well, what was it for?---Oh, I had a gambling habit.

40 I beg your pardon?---I had a gambling habit, gambling.

But what was it for, to pay back your debts?---To pay some of me debts back.

To who?---People I got loans off.

Yeah, well, who?---Oh, people around Narooma.

And don't tell us you don't know. Who were you in debt to that forced you, as it were, to get money off Gattellari to pay them, who were they?---Well, I had, I just had debts, gambling debts.

Who?---Just friends of mine.

Who?---Just friends. I don't want to mention their names.

Well, look, most people don't have anonymous friends?---Yeah.
10

Give us a name?---I- - -

The reason why you won't give us a name is 'cause people can check to see that you tell lies. What was the third loan?---Ah, can't remember.

Can't remember?---Yeah.

This is not meant to be flippant, but do you have any organic or physical problem with your memory?---Yes.
20

Do you have health issues?---Yes.

What's, what's the matter?---I have a heart problem.

A heart problem?---Yes.

All right. Well, I'm sorry to hear that. But do you have any memory problems?---Yeah, I, I have. I have had memory problems over the years.

30 Do you have, do they only occur with the time that you- - ?---No.

- - -come before a court or an inquiry?---No, no.

When did you first notice that you had memory problems?---About 10 year ago.

About 10 years ago. All right. Well, you've seen all the stats and the figures about how much money you got off Gattellari. In a nutshell, and please correct me if I'm in error, in a nutshell you're going to tell the
40 Commission that they're all to do with loans. Correct?---Yes.

To pay back unknown friends for gambling debts?---Yes.

And you're unable to nominate one solitary friend by name?---And some of me family, some of me family.

Okay. Well, who in your family?---Some of me family. I- - -

Who? Now, please don't tell us you don't know members of your family.
---Oh, no, I've got seven, listen, mate, I've got seven kids, right.

Okay. Well, who?---And I've got 13 grandkids so- - -

Look, putting your grandchildren aside, they may not be old enough to lend you the money- - -?---Yes, they are, yes, they are.

10 Well, can you tell us one that lent you money because of your gambling addiction?---Ah- - -

No good looking down the back here?---I lent ah, me son money.

Okay. Is that Ronnie?---Ron, yeah.

But did you say you lent him money?---Yeah.

20 Not you lending them money, you're claiming that you had to pay debts back to them?---Yeah, that's right. What I meant to say, I hand him back
- - -

Okay. So Ronnie, you borrowed money off him to gamble?---Yeah.

Okay. How much?---Oh, about a thousand bucks.

About a thousand bucks?---Yeah.

And when was that?---Oh, I can't remember dates.

30 Oh, your memory's terrible, absolutely terrible memory. Have you had any treatment for it, any medication?---No.

All right. Well, who do you see about your gambling problem?---Nobody.

And how long have you had this gambling problem that you don't see anybody about?---I've had it for um, I don't know, 20 years.

40 20 years. All right. Well, have you sought any counselling of any kind?
---No.

Right. Now, so far as your work for Gattellari was concerned, how did you get up to the western suburbs of Sydney where the factories were?---I drove up.

Okay. In what vehicle?---In me, in my vehicle.

Okay. And did you own it?---Yes.

All right. And you stayed at a relative's place in Maroubra. Is that right?
---Yes.

All the time that you come up to do work for him?---Yes.

How did you get to Narellan?---I drove out there and I was staying out there.

You drove your vehicle?---Yes.

10

Okay. Is there a house or a - - -?---Yes.

- - - homestead on the property?---Yes.

And you, you do fencing as - - -?---Yeah.

Okay. And what do you charge him an hour?---I never used to charge him an hour, just - - -

20

Well, do you charge him a day?---Oh, I just sort of just worked for him and he give me, you know, overcharge (not transcribable)

No hourly rate, no daily rate, what about a weekly rate?---Oh, it was normally about 500 or something.

Or something?---Yeah.

And because of your habitual, habitual avoiding of, of tax it just goes straight into the skyrocket, doesn't it?---Yes.

30

No, no declaring anything?---No.

Right. But meanwhile you're collecting unemployment benefits?---Yes.

But certainly not sickness benefits even though you've got some health problems?---Yeah.

They're not sickness benefit, you're not on it?---Yeah.

40

And you've never been on it, have you?---Yeah, I have been on it.

When?---Oh, I don't know, for a couple of years, the sickness benefit.

When did you stop?---Well, I don't, I don't, I don't know the dates like I said.

Okay. All right. So far as you were concerned would it be fair to say with your significant gambling problem and your employment problems anybody

that would assist you with finance or money would be a, it'd be a welcome event, wouldn't it?---Yes.

All right. And so when you linked up with Gil Saunders of the Gandangara Land Council which I think's in the Liverpool area isn't it?---Yes.

What on earth did Mr Saunders have to do with your land council?
---Nothing.

10 Well, why on earth did Vivienne Mason invite him to come down to speak to your Council about land subdivision?---Well, the only thing, the thing, the thing that Gil Saunders was doing, I think he was driving around introducing Lucky Gattellari to all the land councils around the place.

Why?---Well, I don't know.

Oh, please?---'Cause, 'cause they were doing a deal out at, out at Gandangara.

20 Yeah?---Yeah.

With Mr Gattellari?---Yeah.

And in fact you tried to into the act because you started driving Mr Gattellari up to the Central and Mid North Coast and introduce him to other land councils, didn't you?---Yeah, a couple of times, yeah.

Yeah, why?---Well, he give me a couple of bucks.

30 No, he didn't give you just a couple of bucks did he?---Yeah, he'd I say give me about 200, 200, \$300 a time.

Oh, come on, come on. More than 200?---I just introduced him to, there's only, I took him to ah - - -

When you went to Taree?---Taree, yeah.

Remember Taree?---Yes.

40 And I've just quickly read what's in these private hearings, you didn't have any difficulty remembering that, did you?---Taree?

Yeah. Why did you go up to Taree with him?---Well, he wanted to know was there any other, was there any land council around the place that - - -

Yes, but you don't have anything to do with any Aboriginal land councils around the Manning, do you?---No.

Well, of all the people that he could choose in the whole of the state how come he chooses you?---'Cause my, I had a cousin up here.

Oh, so, because you've got a relative up there he thought he might squeeze himself in like a lizard into their dealings, hey?---I don't know, he just - - -

Look, what sort of influence, information, role could you possibly play?---I don't know, just introduce him, that's all, that's all I want.

10 Well, what would happen when you get there?---Hey?

So you rock up and you say, oh, here's Lucky Gattellari and they say who the hell's he?---Yeah.

And you told them?---(NO AUDIBLE REPLY)

You're nodding aren't you?---Yeah.

20 So what did you tell them?---I just said, look, you know, if you've got any land up here this bloke's, can do some land deals.

This bloke, this bloke and I'm only assuming, please don't think that what I'm about to put to you I know to be the case, I'm just assuming this, that you would have introduced him and said this fellow is quite well off and he's got lots of money to invest, you might be able to do something together?---That's not, not true.

No?---No.

30 Well, what did you say to them?---Well, I was just trying to get him to do what, like Gil said, said to me, that he wanted - - -

Well, what did Gil say to you?---Well, Gil wanted them, Gil said they were doing land deals out at Gandangara - - -

Yeah?--- - - - and he reckoned it was all right out there, what they was doing out there.

40 And you wanted to make a quid out of it?---No, I was just trying to help other land councils out too.

Oh, look, you even bit him to drive him up there- - -?---Mmm.

- - -didn't you? You were biting him for money on the way up?---Yeah, that's right.

Why?---To gamble.

Look, you can't gamble in the truck?---Later you can?

You what?---Later you can.

Okay. Well, anyway, this problem that you never sought treatment for, how much did you bite him for on the trip?---I don't know, a couple of hundred.

And you stayed up there?---Yeah.

10 Yeah. And did you link up with your cousin?---Yep.

And who other, who else apart from Lee did you speak to?---No, just me- - -

I beg your pardon?---Just me cousin.

And let me guess, your cousin just happens to be what, an official on the Land Council?---Yes.

20 Yeah. And okay, well, what was the purpose of you introducing Gattellari to this Council- - -?---Well, he- - -

- - -if it wasn't for you to make a quid?---Yeah, I had a gambling habit and he wanted to come up here and- - -

Does that mean you're going to tell us now, I suspect, I was so pathetically addicted to gambling that I just went along with the moneys he was paying, I couldn't resist. Is that right?---That's right.

30 So it was so bad that even if he'd said to you, look, go and knock someone on the head you'd do it because your gambling problem was so grave?---No.

But you knew what you were doing was potentially very wrong, didn't you? ---Oh, no, not at the time I didn't, no.

Well, you do, do you realise it now?---Beg yours?

Do you realise it now?---Now?

40 Mmm?---Yeah.

And you are not on the Land Council hopefully at the moment, are you? ---No.

When there was talk of the abalone farm, you knew something about abalone yourself, didn't you?---Yes.

And that, that went a bit pear-shaped, didn't it, you had some problems with abalone, didn't you in the past?---Yeah.

And was there a, there was a lot of, a lot of kerfuffle, wasn't there, about your involvement in the past with abalone. Correct?---Yeah, I suppose so, yeah.

You suppose so?---Yeah.

10 Well, rather than it being put to you, well, what do you understand the trouble you had with abalone farming in the past?---I wasn't farming, I was ah, I don't know what, I was taken to court a couple of times that I recall.

Well, you were taken to court more than a couple of times, Mr Mason, and again, just by way of broad summary, it was suggested you were taking things that didn't belong to you. Right?---It wasn't ah, it wouldn't, that's never happened in court.

I beg your pardon?---I won the cases, I won every case.

20 Oh, did you. And was it at Narooma Local Court or was it at Moruya?
---Ah, Moruya, Moruya, yeah.

Yeah. All right. That's your memory of the events, is it?---Yeah.

It wouldn't be a selective memory?---(NO AUDIBLE REPLY)

Do you know what selective is, you're only remembering parts of what took place?---Yeah, only place Moruya and ah (not transcribable)

30 All right. Well, we'll move on. So far as the abalone was concerned, you realised from your own knowledge that it would be very very expensive to set up an abalone farm?---Yes.

You agree with that. And some figures as, as high as 20 million were mentioned, were they not?---Yes.

And of course your eyes lit up quite alarmingly, didn't they, at the prospect of being involved with that?---Well, the whole community did.

40 Yeah?---Yeah.

And so Gattellari, he's a big of a big talker, isn't he, in your experience he talks big, hey?---Yeah.

He's a big of a flash Harry. Do you understand what that term is?---Yeah.

And he talks up the numbers and he, he gets quite excited about how everybody will get a drink and, doesn't he?---(NO AUDIBLE REPLY)

And you thought that you'd make a big quid out of it, didn't you?---No, it wasn't that at all, nowhere near.

No? And it wasn't a chance meeting in the pub at Narooma when you and Gil Saunders and Gattellari met up, was it?---Yes, it was.

Oh, gee, I don't want to steal the scripts out of films, but of all the pubs in all the world, they just walk into the one you were in. Is that right?---Yes.

10 It was just a total fluke?---Well I think Gil knew I was in there. Gil Saunders would have known I drank at this certain pub.

Well what because you're a regular?---Yes.

So Gil knew basically where to find you?---Well I'd say he would, yeah, if he asked around.

And then you got a total surprise to see the fellow he was with or not?
---Yes.

20

And within a very, very short period of time you were talking to that person about land deals?---Well he was asking about, well Gil, I was talking to Gil about it and that's it (not transcribable) It's not up to me, mate, it's up to, you know, the community.

Because your opinion was sought very, very quickly wasn't it? They asked what you could do. Correct?---Well I suppose so, yeah.

30 Not suppose so, they asked what you could do for them didn't they?---Yes, they did.

Yes. And that's how all the money started coming isn't it?---No.

It was a sort of you scratch their back and they started to scratch yours. That's what happened didn't it?---No, I don't think so, no.

No?---No.

40 How long were you in the pub then at this first meeting?---Probably there til it closed.

Well what time did it start? I mean there's not wrong with having a drink on a hot day?---Yeah.

Were you, were you highly intoxicated do you think?---I, probably half.

Probably?---Probably half.

Probably half. What does that mean, half full or - - -?---Half tanked, yeah.

Okay. Well what about Gil, does he take a strong drink?---Yeah, he drinks a bit. He has a few.

And Gattellari certainly drinks big doesn't he?---Yes.

Okay. Well you're in the hotel and without putting too fine a point on it you're there for a few hours at least?---Yes.

10

And this idea from a bloke that you've never met in your life, that is Gattellari, you're with a fellow that you know who's on a different Aboriginal Land Council, they start asking you whether you can do something about getting things, what speeded up?---No, nothing like that.

Approved or - - -?---No, nothing like that.

Well what were you talking to them about?---We was only talking about, he said can we do any land deals down here.

20

Yeah?---And we said, well you know, I said well you'd have to, well I can get you into a meeting.

Yes?---Call a meeting and you can (not transcribable) come and talk to the members.

Yes. Perfectly understandable from I suppose your and Gattellari's point of view. I can't do anything for you myself, you would have said to him, the appropriate way to go about it is I'll just go to the Land Council with the appropriate approvals et cetera. That's what you would have told him?

30

---Yes.

But can you help me with this, how does Gil Saunders fit into it? He could never ever be appropriately the person to deal with your Land Council?---I think he just brought, I don't know, he just come, he's the bloke I knew. He introduced me to the other bloke. That's it.

And you thought that it was all above board then to start bidding him for money?---Well Gil Saunders said he could lend you some money, so - - -

40

I'm sorry, I can't - - -?---Gil said he'll lend you some money if you need any money, a lend of money.

So he - - -?---He knew that I was in - - -

That you were in, in difficulty?---Yeah.

So even though you were telling them that it has to go through the appropriate channels, Gil says as it were out of the blue, if you need to borrow some money, this fellow's basically like a bank?---Yeah.

And then you started bidding?---Yes.

For quite a long while?---Yes.

10 And you paid him back exclusively in labour, that is working for him or in cash?---Yes.

And you paid every cent back. Is that right?---I paid, well most of it.

Well how much didn't you pay back?---I don't know, it could be, it might have been 1,000 or something.

Or maybe more?---Yeah, it might be 1,000, 2,000, I don't know.

20 And you also used to collect debts for him at one stage. Is that right?
---Yeah, go around, yeah.

Well, I just picked that in an abbreviated form but that's what I thought that you said.---Yes.

And it sort of went away again but, am I right?---Yes.

You were actually collecting debts for Gattellari?---I was going around, actually he had a - - -

30 ASSISTANT COMMISSIONER: Excuse me, could you just stop. Mr Terracini I don't know that this is relevant to what we're looking at, I don't know where it's going.

MR TERRACINI: Well, it may, I'm sorry Commissioner, it may well be and because I don't know the answer, it may well be that there will be an attempt by this witness to say that by doing that he was paying off the loans, that's what I suspect he's going to say and so I thought it may well be at least worth exploring very briefly so we can at least finish off his explanation.

40 ASSISTANT COMMISSIONER: Well, he has been asked on several occasions to detail what work he says he was doing.

MR TERRACINI: And he's declined or given evasive answers in my respectful submission. I can be brief, I can put it to him directly.

ASSISTANT COMMISSIONER: Yes, yes.

MR TERRACINI: Did you collect debts for him in an effort to, as it were, pay the loans back that he'd given you?---Yes.

And over what period did you collect debts?---I would have done it for about twelve months.

10 Right. And he would give you names and addresses and you'd go around and what, hassle them?---Well, I'd just, I just go around and just see them, see the people he told us where they lived or where they frequent and I used to go and he used to pay me some money to give somebody to go with me and we used to - - -

But whatever debts they were, you didn't have a summons or any court documents did you?---No, no.

20 Okay. Now, why didn't you tell the other members of the Land Council that you were receiving payments from Gattellari who was a man who wanted to make a joint development application with the very Council that you were the chair person of?---I had nothing to do with them, it was just a personal loan to me.

Do you remember the questions asked of you in the private hearing in October 2011 about this issue and about whether you thought it was illegal and it was wrong or it would be bad?---Yeah.

When did you realise that you had a conflict of interest then?---Now.

Now?---Yeah.

30 No, no, no, you must have realised it before October 2011?---No, I'm only just realising it now.

Just realising it now?---Yeah.

You never received any payments from Mr Medich did you?---No.

You went to his house once when he wasn't there to deliver some grog didn't you?---No, he was home.

40 Oh well, whether he was home or not you delivered some grog behalf of Gattellari?---Yeah, yes, that's right.

Right. And did you know who he was?---Ron Medich?

No, you knew his name I accept that.---Yeah, I knew.

Did you physically know what his - - -?---Yeah I knew him them.

Because you'd met him once down in Narooma?---That's right.

So the only time you've met him in Sydney was to deliver some grog to the house?---I was there and when I went and seen Lucky over at Leichhardt a few times he used to visit Lucky just sit down and have something, something to eat.

You'd seen him in an a restaurant having lunch?---Yeah, yeah.

10 ASSISTANT COMMISSIONER: As I understood your evidence you'd met Mr Medich on several occasions?---Yes.

At always at Narooma?---No, once at Narooma.

Yes.---Once at his place and then several times over at Leichhardt.

And do you say that time at his place was when you delivered this alcohol?--Yes.

20 And where were the other places?---Um, Leichhardt, Tuscany's.

At the Restaurant?---The Restaurant, yeah.

Yes, thank you Mr Terracini.

MR TERRACINI: Now what about Mr Kaminic, you only met him as Gattellari's driver, is that correct?---That's right, yes.

30 Was Mr Kaminic ever present – to your knowledge at least – where you received money off Gattellari?---No, I don't think so.

All right. Do you remember giving this answer, page 69 of the private hearing, "Question, Mr Mason, have you ever received money from Lucky Gattellari? Answer; I, I used to work for Lucky, I used to do a bit of work for him. So are you talking about wages? Answer; Yeah. Question; I want you to put aside wages, Mr Mason, putting aside wages, have you ever received money from Lucky Gattellari? Answer; Oh, he used to give me a couple of hundred bucks here and there. Right, so the answer to my question is, yes. Answer; yes. So you received a couple of hundred bucks here and there." You gave that evidence before the private hearing?---Yes.

40

And it's totally untrue?---No, it's not.

And you knew it to be untrue when you said it?---No, no.

What did you understand that Counsel Assisting meant when he asked you very directly, "Have you ever received money from Lucky Gattellari?" What did you understand he meant by that?---I thought he was talking

about, you know, money when I'd go away with him and pay at the pub somewhere and that sort of stuff.

Well, that would be okay if he'd actually used words like that but he didn't say anything of the kind?---Well, that's what I understood.

What did you understand, "Have you ever received any money from Lucky Gattellari", what did you understand that to be?---(NO AUDIBLE REPLY)

10 What did you understand it to be?---Yeah, I don't know, I don't know, I can't, I don't know what you're talking about. What did I understand it to mean, that I got money off him.

Yeah?---Yeah.

And you didn't tell the truth?---Yes, I did.

You told the Commission, he used to give me a couple of hundred bucks here and there?---Yeah.

20

Well, that's not true?---Why?

You've got thousands and thousands off him?---Yeah, they were loans.

You were asked had you ever received money?---All I thought, all I thought, just received money that way and the other ones were loans. Before he asked me if I had loans or just receiving money.

30

You were then on the same page asked, "Well, you said a couple of a hundred bucks here or there, are we talking about less than one thousand or more than one thousand?" Answer, "Oh, I don't know. I wouldn't be able to calculate it 'cause every time he used to, yeah, I'd be in Sydney, he'd pay me wages and things like that." That's what you told the Commission? ---Yeah.

You were seeking to convey that the only moneys you got from him were by way of wages, weren't you?---They were wages, yeah.

40

And you knew that that answer wasn't completely true?---Yes, it was, what I told you.

How can it possibly be true?---'Cause I said it.

You, well, we know you said it, we also know that you've said lots of things because you're not a person that's careful with the truth, are you?---Yes, I am.

It would appear from the differences in your evidence at the private hearings and the Commission here today that you are prepared almost to say anything if it suits you?---No, not true.

What do you understand wages to be?---Well, if you do work for somebody they give you some money.

Right. And you don't confuse that with a loan, do you?---No.

10 No. And you don't confuse a couple of hundred bucks here and there with many many thousands of dollars either, do you?---I don't know what you, I don't know what you, I don't know what you're saying.

You know the difference between a couple of hundred bucks and a couple of thousand?---Yes.

Right. Finally you were transporting, as in you were the driver transporting Gattellari around to a number of areas of New South Wales in an effort to get on the good books of other Aboriginal Land Council offices, weren't you?---No.

I suggest to you that it is the only possibly interpretation, he was paying you for you to be some kind of go-between to butter up other Aboriginal Land Councils so you could make a cheap quid?---No, it wasn't that at all. It wasn't that at all.

Your answer, and please correct me if I'm in error, your answer is, I only did it because I'm hopelessly addicted to gambling and I was so weak-willed and overborne that Gattellari was able to take advantage of me?
30 ---That's right.

That's right, is it?---Yeah.

Okay. But finally at page 74 do you remember being asked this question at the private hearings, "Now apart from \$5,000 did you get any other loan or any other money from Gattellari than that which we've discussed," answer, "No." Did you give that evidence?---Yeah, I can't remember but it must be true.

40 Do you want to check it or do you accept that I've read it accurately?---No, yeah, I, I, yeah, yeah.

The Commissioner doesn't allow unfairness so if you want it read I'm quite happy to read it to you. Do you want it read?---No, I believe you.

It's an unmitigated lie, isn't it?---Which one?

You received, even moving on from wages and into loans, you got more than \$5,000 off him, didn't you?---Ah - - -

Didn't you?---No.

ASSISTANT COMMISSIONER: Mr Mason, you've already accepted that you got \$2,000 loan - - -?---Yeah.

- - - shortly after you met him?---Yeah.

10

Which is different from the 5,000?---Yeah.

And it's also been your evidence that of the \$11,000 in total that's been shown to go into your account they were all loans?---Yeah, yeah.

So you'd accept that saying that you'd only ever had a loan of \$5,000 was incorrect?---What do you mean to say - - -

20

It was not true for you to say - - -?---So, so are you, what are you calculating all the money I got?

I beg your pardon?---You're calculating the money I got? I don't understand the question, miss.

You have been asked by Mr Watson whether the \$11,000 which is shown to have gone into your accounts - - -?---Yes.

- - - from Mr Gattellari - - -?---Yes.

30

- - - what that money was and you said it was all loans?---Yeah.

And what's being put to you is that on this occasion under oath you said that you had only ever had a \$5,000 loan from Mr Gattellari?---Yeah.

Do you understand that?---Yeah.

And that was false?---Ah, I don't know what you're saying like, because - - -

40

Well, it was not true to say that you had only ever had a \$5,000 loan from Mr Gattellari?---Probably I had more than that I think.

Yes, you had more so it was - - -?---Yeah, yeah.

- - - untrue to say - - -?---Yeah, yeah.

- - - that you had only had 5,000?---Yeah, well, I didn't mean.

Because you've told us here today - - -?---Yeah, yeah.

- - - you had at least 11,000?---Yeah.

Yes. Thank you, Mr Terracini.

10 MR TERRACINI: You understand what the Commissioner's asking you about because you know that the only way you can be charged with an offence about the evidence you give is if you tell lies here and you've been caught out, haven't you?---No.

You know the difference between five and 11 grand?---I didn't know what the question was. I misunderstood the question.

No, you didn't?---Yes, sir, yes, I did.

20 You didn't realise the Commission had your banking records and you thought that you just lie your head off?---Yeah, of course, hey, I knew they'd have me records, they'd have everything.

All right. Thank you.

ASSISTANT COMMISSIONER: Yes, thank you. Are there any other questions? Oh, yes.

MR HALSTEAD: Commissioner - - -

ASSISTANT COMMISSIONER: Mr Halstead.

30 MR HALSTEAD: Mr Mason, my name is Halstead, I'm Mr Foster's representative?---Yes.

I'd just like to ask you some questions about your earlier evidence to Mr Counsel Assisting. You made reference to a funeral fund?---Yes.

Was that funeral fund one that was commonly or known fairly commonly in the Aboriginal community (not transcribable)?---Yes.

40 You're aware of it?---Yeah.

Did you have knowledge of Mr Gattellari being involved in that funeral fund?---Yes.

And did he hold a senior position in that company?---Who's this?

Was Mr Gattellari involved in that fund in a senior, some sort of senior function or senior role?---Oh, I think so, I'm assuming, pretty sure.

And Mr Foster, were you aware whether Mr Foster was aware was involved in that fund?---Yes.

And he was employed in some way in that funeral fund was he?---Yes, he was.

Do you know whether, and if you don't, say, say you don't, do you know whether or not he was paid for his role in that funeral fund?---I'm not sure, I wouldn't know.

10

Did you ever attend a charity golf day that was organised by Mr Foster?---I went to a few of them, I'm not sure which one, I'm trying to think which one it was.

Let me ask you this, were you aware that Mr Foster organised on occasions charity golf days?---Oh yeah, yeah.

Now I realise this is a few years ago, but when you – I'll withdraw that. There is evidence before the Commission about a joint venture arrangement into a, the Land Council and the Medich Group. Can you recall independently whether that joint venture agreement was organised, agreed before Mr Foster came to Narooma?---Yeah, I think so. I'm not sure, I think so.

20

Nothing further, Commissioner.

ASSISTANT COMMISSIONER: Mr Halstead. Ms McGlinchey.

MS McGLINCHEY: Mr Mason, I appear for Vivienne Mason. You were asked some questions by Counsel Assisting about the, the time that you, the Land Council was considering entering into property dealings with Mr Gattellari and I think that you said that your, you recall, you think that you recall that an expression of interest was put out by the coordinator. Do you recall being asked that question and giving that answer?---Yeah. Yes.

30

When you said the coordinator, who did you mean?---I, I think it might have been me wife, I'm not sure. I don't know. It would have been the coordinator (not transcribable)

Because there's been a number of coordinators?---Yeah, there has, yeah. Yes.

40

Are you, do you say you think that that might have been the case but you're not sure?---Not sure.

All right. Could you be mistaken about it being part of your evidence that an expression of interest was put out at all?---Yeah, it could be, yeah.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you Ms McGlinchey. Yes, Mr Willis, do you wish to - - -

MR WILLIS: Yes, I could just a question, please Commissioner. Mr Mason, how many members of the Wagonga Local Aboriginal Land Council - - -?---Oh, there'd be about 120 I think, I'm not sure.

10 And has that been a fairly constant number over say the last - - -?---Yeah.

- - - six years or so?---Yes.

And of that 120 or so how many members regularly turn up to meetings?
---About 15.

And in fact if you got 15 along to a meeting that'd be a fairly good showing wouldn't it?---Well before, you've got to have 13 there for a quorum.

20 All right. And in your evidence earlier you were shown some documents when you were being asked questions by Counsel Assisting and they were to do with the business of the, of the Land Council, of Wagonga Local Aboriginal Land Council. If I ask you this, has your son, Ronnie - - -?
---Yes.

- - - ever held a position, an executive position in the Council?---Yeah, I think he was a coordinator there.

He was?---A coordinator there, yes.

30 Do you know when he was the coordinator?---No, I can't recall the dates.

All right. The documents that you were shown earlier when Mr Watson was asking you questions, were there any of those documents that had a signature on them that you had some reservations about whether they were your signature or not?---That's right, yeah.

40 Can you remember which document that was?---I think it was the one where, yeah, with the joint, with Walkun Mara I think it was. I think it was Walkun Mara.

Okay. And I put in terms of you having reservations about it?---Yeah.

What do you say about the signature on that document?---Well it's not my signature. I think it's me son's signature, Ronald Gordon (not transcribable) RJ.

ASSISTANT COMMISSIONER: Has your son ever been the chairperson as opposed to the coordinator?---No, I don't think he was. No, I think he was just coordinator. I'm not sure.

Yes.

Mr Mason, how old are you now?---66, 67 this year.

10 And you're retired from work now are you?---Yes.

And in your working life, what sort of work did you do?---I drove trucks, truck driver, worked in clubs as a bar man, bar manager.

Were you ever in your working life involved in running any sort of business at all?---No.

And do you have any sort of training or coaching in any sort of business schooling at all?---No.

20 You told the Commission that you own the house in which you live subject to a mortgage, is that right?---Yes.

And how many homes have you owned in the course of your life?---Well, I own the house in Narooma, I sold that because when the kids moved out, we have seven kids, they all moved out, I sold that place.

Is that the only other house you've owned?---That's the only one, yeah.

30 You told the Commission about having a gambling problem, what's the nature of your gambling problem, is it poker machines, horses or what?
---Horses.

Horses?---Horses, yeah.

And, yes, I have nothing further Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Watson.

40 MR WATSON: Might Mr Mason be excused.

ASSISTANT COMMISSIONER: Yes, that concludes your examination, you're now excused Mr Mason.

WITNESS EXCUSED

[3.37PM]

MR WATSON: May I call Vanessa Mason.

ASSISTANT COMMISSIONER: You are Vanessa Mason?

MS MASON: Yes.

ASSISTANT COMMISSIONER: Ms Mason, you've been called here to give evidence, you are required to answer all of the questions asked of you. You may seek a declaration - - -

10

MR HARRIS: She does seek the declaration thank you Assistant Commissioner.

ASSISTANT COMMISSIONER: Thank you. The effect of the this declaration is that none of the evidence you give here or anything you produce cannot be used against you in any future criminal or civil proceedings or disciplinary proceedings however, this protection is lost if it's found that you've breached the Act by providing false or misleading information or in some other way. Do you understand that effect of that?

20

MS MASON: Yes.

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 her during the course of her evidence at the 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 HER DURING THE COURSE OF HER EVIDENCE AT THE 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: Ms Mason, you are required to take an oath on the bible or make an affirmation to tell the truth. Do you have a preference?

MS MASON: Affirmation.

ASSISTANT COMMISSIONER: Thank you.

<VANESSA MASON, affirmed

[3.38PM]

ASSISTANT COMMISSIONER: Yes, Mr Watson.

MR WATSON: Thank you. Is your name Vanessa Mason?---Yes.

From 24 March 2006 until 9 August 2007 were you the chair person at Wagonga?---Yes.

10

And from 9 August 2007 and since then until the present day, have you been the chief executive officer?---Um, co-ordinator then CEO, chief executive officer.

That's just a change in title.---Yes.

Ms Mason, could you look at Exhibit 1, that's Volume 1 at page 66. Do you recognise that as the first page of the document which is the joint venture which was struck between Wagonga and the Medich Group?---Yes.

20

You're familiar with that document generally speaking aren't you?---Yes.

Did you support the joint venture or did you oppose it?---I supported the joint venture but not the, not that agreement.

Not that particular agreement?---No. Yes.

Is that right?---Yes.

30

What did you do to flag your opposition to that particular agreement?
---I sent a copy to the NSWALC's office.

When was that?---I'm not sure. I can't remember the date.

Was it in 2007?---Could possibly be that, I'm not too sure.

Why were you opposed to the joint venture in that format?---Because I felt it didn't benefit the Aboriginal, the actual Wagonga members.

40

Why was that?---Just some of it that was in there, just it wasn't, just didn't seem to in favour of the Land Council.

Which parts of it?---I can't sort of, I'd have to have a look at the whole lot to point those out.

Please do?---Yep. So whereabouts is it in here, sorry?

Page 66 and following?---Oh, that way. I, yeah, I didn't support it, it wasn't um, when it was signed it wasn't dated, that was my main concern.

So there was nothing of substance in the agreement with which you were troubled, it was only the fact it was not dated?---Also I had only seen a copy, I haven't seen an original.

Right?---An original copy wasn't provided to the Land Council.

10 Perhaps I haven't made my question clear. I wasn't talking about formal matters like that, I was talking about whether or not you supported the joint venture. You said generally yes, but on that agreement, no. Was the only reason that you opposed that particular agreement was because it was A, undated, and B, only a copy and not an original?---No, there were many, many things in it that I disagreed with.

Well, that's what I'm asking you. Could you identify them?---Yep.

20 Things which as I understand it you said you saw as not presenting an advantage to Wagonga?---Yes. It's, had something, I just vaguely remember it had something to do with the employment of the Aboriginal community during the development, proposed development.

Well, that's one thing. What else?---Also it had had, there was an added bit um, at the end about another, what is it, annexure A, I think it was on page 107.

30 Right. We've got 107 open. What are you referring to?---Um, the lot um, where it's the written part.

That's item 4, which is the Isabel Street property?---Yeah, yeah.

So are you saying that you were opposed to a joint venture being issued in respect of the Isabel Street property?---No, what I, I disagreed was that it was written in afterwards. We, I wasn't at the meeting when this was passed, so I don't know much about this contract, but when I looked- - -

40 You had no objection in substance to the Isabel Street property being included within the joint venture?---No.

Your complaint is that it figures there in handwriting?---Yeah, and that it just didn't seem to be legal to me in my opinion.

Why is that?---Um- - -

Because it is in handwriting?---No, because I, as chairperson at the time when I had seen it, it was just a copy and that wasn't- - -

Well, putting aside the fact that it's a copy, why do you say that was illegal to include that item in respect of the Isabel Street property?---I didn't say it was illegal, I'm just saying that I didn't like the fact that it was handwritten in I think after um, it was passed at a meeting.

Are you saying that the meeting had not agreed to part with the Isabel Street property but that it was simply added to the joint venture at a later time?--- I'm not sure, I'm not sure because, like I said, I haven't been, hadn't attended a meeting when this was approved.

10

You see, you've had senior positions in Wagonga for a long time now and are you telling the Commission that in your mind there is a real chance that that item, the Isabel Street property, was just simply added without the permission of Wagonga Aboriginal Land Council?---No, no. I don't think there's a chance. I'm just saying that I didn't like, I didn't like the document at all, just the whole thing about it like.

20

Well, is this a matter because you didn't like the typescript or is it because you didn't like the substance of it? I'm really driving at the issues behind the joint venture and I really don't give two hoots whether it's in handwriting or in hieroglyphics?---Okay.

What is it that you don't like?---I don't like the, the section, like there was a section here, page 96 about the discounted sales to or at the request of Wagonga, 21(b) I think it is, yeah, where it's been taken out and also - - -

30

ASSISTANT COMMISSIONER: Oh, sorry, are you saying you object to the fact that that was taken out or that you wanted it taken out?---No, I just - I don't understand why it was taken out and there are bits in here, it's been edited obviously but - - -

Well, everything you've raised so far just seems to be about not substance, just saying you didn't like crossed or handwritten or - - -?---Yeah.

That made you think what?

40

MR WATSON: You did mention, to be fair to you, something about Aboriginal jobs but I'm looking at the substance. Did you have any objection to this agreement in substance apart from the Aboriginal jobs issue?---Okay. I, I just need to look, I need to look at it a bit more, I can't remember off the top of my hand the problems I had with it.

Well, actually, you were the chairperson of Wagonga as I understand it which actually sent this document to the New South Wales Aboriginal Land Council to try and secure approval of its contents under section 40D of the Aboriginal Land Rights Act. Is that right?---I wasn't trying to secure approval. I was querying the contract. When I had become the, the chairperson I had gone through things in the office and noticed that this

stood out to me as being just not a very good document so I forwarded it on to - - -

Yeah, but this is, this is the typescript problem, this is this handwriting problem. I'm talking about if you're going there and saying for example the prices were too low or the parties were not the right parties, something of substance, not just the fact that things were crossed out on its face. You were the person who was in charge when this was sent to the New South Wales Aboriginal Land Council and I want to know that putting aside
10 typescript problems did you support it or did you oppose it?---I opposed it.

Right. Why?---Like I said, I didn't think it would be, it was in the best interests of the Land Council.

You see, that's what I'm driving at?---Yeah.

You've already heard some evidence given in these proceedings today that some people have propounded that this document could reflect something of advantage to Wagonga and you, having been chairperson and CEO, you tell
20 the Commission you say it is not and I want to know why. That's what we're trying to find out?---Okay. Well, basically I agreed to the response that we received from, back from Julie van Agten.

Now, that response if I summarise it says this, that it was a document which reflected an agreement which would be disadvantageous to the Land Council, is that right?---Ah hmmm.

All right. Well, so that's good. So you would agree with that camp, those people who say entry into this joint venture by Wagonga was something
30 which was contrary to the interests of the membership of Wagonga Land Council. Is that so?---Yes.

And that was because you saw it as being a bad financial deal?---Yes.

And you saw it as being unfairly disadvantageous to the Land Council. Is that right?---Yes.

Correspondingly, you saw it as giving a disproportionate advantage to the developers?---Yes.
40

And it's almost inexplicable when you took over this document to think that people with the best interests of the land council in mind could have agreed with the developers to enter it. Is that right?---Yeah.

Because in fact it was giving away extremely valuable once ever non-renewable resources of the Land Council into the hands of developers who were barely known to the Land Council?---Yes.

So that these properties were being lost for all time. Is that so?---Sorry, can you repeat the- - -

These properties were being lost effectively for all time to a joint venture? ---Yes.

Never to be got back again for, as I've put it before, your children's children's children?---Yes, that's right.

10 Now, if we go to page 290 of Exhibit 1, we can see the letter which you've already referred to and with which I think you've expressed some general agreement. Do you see that there?---Yes.

And some of the points which are made very clearly by the New South Wales Aboriginal Land Council in the bullet points on page 290 is that there was an absence of a considered or transparent selection process. Is that right?---Yes.

20 Because there was no selection process at all, only one developer had been spoken to and that was The Medich Group?---Yes.

Is that right?---Yes.

No expression of interest had ever been called for?---No.

You're agreeing with me?---Yes.

30 And no tender had been called for?---No, not at that time. The NSWALC'S interim policy guidelines, the section 40 what they're referring to, that was only very new at the time.

Oh, fine?---So- - -

But commonsense would tell you to get two people competing against each other to buy your property, wouldn't it, wouldn't it?---(NO AUDIBLE REPLY)

40 If you look further, you agreed with the New South Wales Aboriginal Land Council that contrary to the interests of the Wagonga people, there was no independent advice of a financial nature?---No.

And that's bad, isn't it. Nobody at Wagonga would have had the skills to say is it a good deal or a bad deal?---Yeah.

Blind Freddy could see the need for that. Do you agree?---Yes.

And next it says that there was no independent advice on town planning, that was absolutely essential, we're talking about property subdivision. Is that so?---Yes.

And one of the things you may have heard me said, at the cost of repetition I'm going to say it again, is that if for example Fullers Beach had been rezoned it could go from being worth X to 10 times X. Is that right?---Yes.

10 So the simple advice of a town planner to say the prospects of getting it rezoned are zero per cent or 50 per cent or higher than 50 per cent could vary the value of that property markedly?---Yes.

And contrary to what was known, the only valuation ever obtained only ever demonstrated its potential value when not rezoned?---Yes.

So that was a grave and gross oversight by those putting through the transaction?---Yes.

20 And next step is, no advice from a project manager. Well, maybe that's of less immediate interest, and the final one is, no advice from a real estate person. That's just fundamental, isn't it?---Yes.

In the outcome, what happened was, the developers came to town and they got benefit of an inexplicably good deal. Is that so?---Yes.

And when we say inexplicably good deal, a suspiciously good deal?
---I guess so.

30 Well, when we say inexplicably or suspicious, we can go a step further. If it was known that those same property developers were paying key decision-makers at the time the decision was made, well then two plus two equals four, you could say that it was a corrupt arrangement. Is that so?---Can you repeat that, sorry?

Well you would say wouldn't you that it being an inexplicable deal, it being a suspicious deal that if it was also the fact that payments were being made by developers to the key decision makers at Wagonga, it was a corrupt deal?---It would be, yeah, yes.

40 But all of that said when you took over as chairperson did you do anything to try and prevent this deal going ahead? Did you speak out or present a paper or an argument to stop it going ahead?---Yes.

Where is that?---I asked, I actually, well we stood, we, I contacted Eddie Neumann.

All right?---Which was the solicitor at the time - - -

Yes?--- - - - for Land Councils. I'd asked for him, well we wrote a letter saying that we no longer need his services.

Right?---And then we searched for another legal firm - - -

Right?--- - - - which we found Heard McEwan Legal in Wollongong to represent the Land Council.

10 So should the Commissioner understand your evidence to be this, that as the then chairperson you were so outraged by the joint venture and the disadvantage it presented to Wagonga that you put your foot down, sacked the solicitor and tried to prevent the deal going through?---Yes.

And that's what you say a straight forward and honest response to a reading of the joint venture would have driven you to do?---Yes.

I'm sorry to have to say this Ms Mason, but it's not what you did at all. Would you look at Exhibit 1, volume 1, page 281. This is a letter, as I read it, dated 31 May, 2006 which you wrote and signed on behalf of Wagonga
20 to the Aboriginal Land Council and I can't see anywhere where you say - - - ?---Sorry, I'm, 280, oh - - -

281?---I think I've got the wrong page. Sorry.

ASSISTANT COMMISSIONER: 2-8-1.

MR WATSON: You might glance at it and remember it, but I can't see in this letter dated 31 May, 2006 by you to the New South Wales Aboriginal Land Council where you've stepped on it at all. In fact as I read the third
30 last paragraph, you're really demanding reasons why approval wouldn't be given. And as I read the final paragraph you're requiring an urgent response to discharge ethical obligations owed amazingly enough to Mr Medich. So it seems to be the opposite of what you're now saying isn't it?---No, no, it's not. It was, it was my obligation to follow through and this was the only way I can, because we, because of the six month period in the contract, apparently we had to endeavour to seek approval to the, from NSWALC and so I did , as, as that obligation asks, requested. But that doesn't mean that I agreed with the contract.

40 All right. Would you - - -?---I specifically asked them to have a look at it, the Land Council examines the contract and notifies Wagonga if the section 40D will be approved under the current contract and to explain why because I guess the, the Medich Group were asking what's the hold up and I had to give them an explanation why and that was, it was still in, it was in the State Land Council's ballpark.

Well, why didn't you write back to the Medich Group and say the hold up is that I'm not going to submit it as the new chairperson because I think its

inexplicable, that it's suspicious and its disadvantageous to the Aboriginal owners of this precious land? Why didn't you write back and say that?
---No, I, I seeked support from the NSWALC and, and Simon Spicer who I'd written this letter to, he was at the time, he advised me at the time to write a letter, such letter and not to contact the Medich Group until I seek, until I get some advice from NSWALC.

Sorry, what did you just say?---That I do not contact the Medich Group in relation to this matter until I get advice from NSWALC.

10

Right. Have a look at page 288 in that event. You'll see that that's a letter by you to Mr Gattellari dated 29 June, 2006 isn't it?---Yes.

And the advice from New South Wales Aboriginal Land Council only came on 13 July, 2006, that's page 290 if you need to check it. So did you operate in direct contradiction of Mr Spicer's advice and contact the Medich Group?---Well, yes, but I needed to send something to them because they were on, they were actually I guess putting me under pressure.

20

Right. So you disobeyed Mr Spicer's direct advice. Did you tell Mr Spicer that?---No.

I think if you look at page 288, I notice the time but this, that has been raised, page 288, it's thanking Mr Gattellari for his patience. That's the first sentence?---Yes.

Is that a suitable moment, Commissioner?

30

ASSISTANT COMMISSIONER: Yes, thank you. We will adjourn at this time until 10 o'clock tomorrow morning.

MR WATSON: Commissioner, could I say something so Ms Mason's lawyers know?

ASSISTANT COMMISSIONER: Yes.

MR WATSON: In an examination like this I don't regard Ms Mason as being under cross-examination and her lawyers are free to speak with her and she to them.

40

ASSISTANT COMMISSIONER: Yes, thank you.

AT 4.02 PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.02pm]