

SKYLINEPUB00371
03/04/2018

SKYLINE
pp 00371-00416

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 3 APRIL, 2018

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Ready to resume with Ms Swan?

MR CHEN: Yes, I am, Commissioner, yes.

10 THE COMMISSIONER: Yes, thank you, Ms Swan. Just while Ms Swan's coming, just take a seat there, Ms Swan, there was some talk this morning about further written submissions from Ms Nolan. I notice she's not in the hearing room at the moment. Did you receive further written submissions?

MR CHEN: We did get them, Commissioner.

THE COMMISSIONER: Sorry?

MR CHEN: We did, Commissioner.

20 THE COMMISSIONER: You have. Right. Hasn't caught up with me. In any event I needn't deal with it now, we'll come back to that later.

MR CHEN: Thank you, Commissioner.

THE COMMISSIONER: Yes.

30 MR CHEN: Now, Ms Swan, I just want to have brought up on the screen in front of you minutes of a meeting of 11 January, 2016. Now, do you recognise those as being the typed minutes of the board meeting held on that day?---Yeah, that's the, yes.

And you'll see that you're noted as being an apology, that is you didn't attend?---Yes.

And that accords with your recollection I take it?---Yes, yes.

40 Now, would you also – I want to come back to those minutes shortly but I just want to show you another document, Ms Swan, Exhibit 54, page 10. ---I might just have to get my sister to bring my reading – oh, no, I can see it on here.

If you need your glasses, by all means, with the Commissioner's permission, do you want to fetch your glasses, would you prefer that? ---Yeah, I'll get – my, my sister's going to get them out of my bag.

THE COMMISSIONER: Feel free to get them, yes.

MR CHEN: I'll ask you some questions while that's happening. ---All right. No worries.

Do you remember being given any notification for a meeting that was to occur in January of 2016?---No, but I was back in Moree at that time.

I see.

THE WITNESS: Thank you.

MR CHEN: Do you see the first paragraph, Ms Swan?---Yeah.

10

Does it accord with your recollection about what occurred prior to that meeting in terms of notification?---Like I stated before that we didn't get, it was short notice when we got, when we did get notice of meetings.

THE COMMISSIONER: Just keep your voice up if you would.---Sorry. I'll move closer.

MR CHEN: I'm just asking you particularly about this meeting though, Ms Swan. Is it the case that you were given short notice of that meeting?

20

---No, I was back in Moree at that time and it would have gone to my address in Newcastle if it did happen.

I see.---But my address was the same as my sister's and if she didn't get any mail then I would assume that I didn't receive any either.

Well, if you were given say seven days' notice of the meeting would you have endeavoured to attend - - -?---Yes. I told them if a meeting was called and I had enough notice I would try to get back from Moree to attend the meeting.

30

Well, at that stage if you were given seven days' notice would you have attended a meeting held on 11 January?---Yes.

Do you also recall discussing with Mr Larry Slee about the possibility of standing down as a board member at that time because of ongoing corruption and misconduct of some board members?---I think there was some discussion but at that time I was, I, myself personally didn't think that I should stand down because we were waiting for the results of the complaints that we had made to different, like the Registrar and the New South Wales Land Council.

40

These are different complaints that were dealt with by Mr Wright in his report in relation to Mr Steven Slee and Ms Debbie Dates?---Yes.

In any event, you didn't stand down as a board member?---No, I didn't.

And did you make yourself reasonably available to attend board meetings?

---Yeah. I let them know that I was back in Moree and if I got enough notice that I would come back.

When did you return to Newcastle from Moree?---Not until last year, 2017.

I see. Some of the other earlier meetings you actually participated I think you said in evidence by telephone from Canberra.---Yes.

10 And from time to time other board members would attend upon the board meeting by telephone?---Yes.

And is that one of the ways that you would have employed to attend to board meetings with sufficient notice?---Yes. If I couldn't have made it back from Moree I would have done it by phone.

20 Now, I'm just going to ask you to go back and have a look at the minutes please of 11 January, 2016. So volume 10, page 7. And in particular I want to draw your attention to page 8 please and you will see, it's in about the middle of the page between the blocks of motions, so you'll see five motions are recorded under the heading Other Business and beneath that then there's a reference to Micky Walsh asking about an AGM being held. ---Yeah.

And then you will see another paragraph commencing "Richard Green read a board resolution", et cetera. Do you see that?---Yes.

30 Do you recall ever getting notification that Mr Green proposed to move the board to formally ratify the appointment of Knightsbridge North Lawyers? ---No.

Prior to that time who – I withdraw that. When you were a board member who so far as you understood it was the lawyer who was retained to provide the board and the Land Council with legal advice and services as needed?--- Mr Sheriff.

Did you know of any other lawyer that had provided services to the Land Council in the time you were a board member?---No.

40 Had you ever heard whilst you were a board member of the firm name Knightsbridge North Lawyers?---No.

Had you ever heard in the time you were a board member of Despina Bakis, a solicitor?---No.

No?---No.

Would you have a look, please, at Exhibit 43, page 1. Have you ever seen that letter before, Ms Swan?---No, not that I can recall.

Is it something – well, have a read of it if you would, but is it something, having regard to the content of it, that would stick in your mind if it had come to your attention or not?---Yes, because I definitely would have asked about the cost of the \$80,000.

Had there ever been any discussions with any of the other board members and yourself about sourcing investors, capital, equity and debt funders et cetera as set out in paragraph 1?---Like, I'm not sure when I got voted into the board, it was in late 2014, I couldn't remember if it was November or December.

It was December.---That I got voted in?

Yes.---Well, I wouldn't have seen this letter than although when was it presented?

Well - - -?---On the 28th?

20 No, no, I'm not - - -?---Sorry.

Sorry, I'm not asking you anything about that at the moment. I'm just asking you whether you've seen it and I think you've agreed you've never seen that - - -?---No.

- - - letter before?---No, I haven't seen it.

I'm just asking you whether at any time you were a board member had you had any discussions with any other board members, whether at a board meeting or otherwise, about sourcing investors, capital, equity and debt funders et cetera.---No.

Do you know what that actually means?---They're looking at people who were going to buy our land or do stuff with us that got our people, like, to jobs and - - -

Do you know what equity and debt funders are?---No, not really.

Do you know of any request at any time when you were a board member of assistance being sought from Knightsbridge North Lawyers?---No.

Would you just have a look at the next page, please. Sorry, you'll see there point 3 there's a reference to a proposed heads of agreement entered into with Gows Heat.---Yep, I can see that.

You'd never heard of Gows Heat, had you, when you were a board member?---No.

And you'd certainly never heard of any agreement with them?---No, I hadn't.

You'd never seen the balance of this document, namely the cost disclosure statement and client services agreement?---No.

See it's between or apparently between the Land Council and Knightsbridge North Lawyers?---Yeah, I can see that, yeah.

10 If you just have a look, please, at clause 20, which is on page 8.---Yeah.

At any time you were a board member had you heard of Nicholas Peterson? ---No.

Had you ever been at a meeting at all where he'd ever, or a person called Nick had ever presented?---No.

Had there ever been any discussions at any time appointing him an agent of the Land Council - - -?---No.

20 - - - so far as you're aware?---No, not as far as I - - -

What about Richard Green? Had there been any discussions about appointing him to be an agent of the Land Council at any meeting you had attended?---No.

What about William Tofilau?---No.

30 Do you know who he is?---No.

What about Andrew Margi?---No.

Don't know who he is?---No.

No discussion about appointing him as an agent?---No.

Do you recognise the signature above the line "authorised representatives of Awabakal Land Council"?---Do I recognise the signature?

40 Yes.---No.

If you just assume that's Mr Green's signature for me. Did Mr Green ever raise with you he'd signed this agreement at any meeting you'd attended? ---No.

Did he ever raise it with you personally that he had?---No.

Had there been any discussion at any board meeting you'd attended giving Mr Green authority to sign that document?---No.

Had there ever been any discussion in any board meeting you'd attended about delegating to Mr Green the authority to sign a document such as this? ---No.

10 Would you have a look, please, at – this is Exhibit 42, volume 1A, page 162. Have you ever seen that letter before, Ms Swan?---No.

I'm sorry, I didn't hear that.---No.

If you just turn to the next page, please. So page 163. You'll see that's a cost disclosure statement and client service agreement.---Yeah.

And you'll see it's between the Land Council on the one hand and Knightsbridge North Lawyers on the other.---Yeah.

20 And again it's been signed, it appears, by Mr Green. I'll ask you to assume it has been.---Yeah.

Did Mr Green ever raise with you that he'd signed such an agreement?---No.

Was it ever raised at any board meeting you attended that he'd signed such an agreement?---No.

30 Was there any discussion at any board meeting about giving Mr Green the authority to sign such an agreement?---No.

What about to delegate the authority for him to sign such an agreement? ---No.

Would you have a look, please, at Exhibit – I'm sorry, volume 15, page 162. That is a document described as Confirmation of Variation of Retainer and Engagement, dated 7 June, 2016. Do you see that in front of you on the screen, Ms Swan?---Yes.

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

Did Mr Green ever raise that he'd signed this agreement with you at any time?---No.

What about Ms Dates? Did she ever raise with you that she'd signed this agreement?---No.

Now, was there any discussion at any meeting you attended about giving Mr Green the authority to sign that agreement?---No.

Delegating the authority to him?---No.

What about Ms Dates? Giving her the authority?---No.

Or delegating the authority to her?---No.

10 Now, I want to ask you some questions about a meeting on 8 April, 2016.
You didn't attend a meeting of the board on that day, did you?---Sorry, what
date was that?

8 April, 2016.---No.

Do you recall being given notice of that meeting at all?---No.

Does that mean you weren't given notice or you just don't have any
recollection?---I don't have any recollection of that.

20 Were you ever told that a person called Nick Pearson would be attending
and presenting at any meeting?---No.

Had you ever heard of a company called Able Consulting Pty Limited?
---No.

Were you ever told that the board proposed to retain Able Consulting Pty
Limited to provide a report to the board?---No.

30 Were you ever told anything at all about agreements entered into by a
company known as Salamander or David He, H-e?---No.

Have you ever heard of that company Salamander?---No.

Had you ever heard of David He?---No.

Now, on 2 June, 2016 there was a further meeting of the board which you
did not attend.---That's correct, yeah.

40 This is volume 15, page 73. Do you see that on the screen in front of you,
the minutes of 2 June, 2016?---Yes.

And I just want to draw your attention to the next page at point 5, "Despina
spoke about resolution that they would like for board to pass" and you will
see beneath that there is a resolution that appears to have been moved and
carried. Do you see that?---Yes.

Were you given any notice that Despina or the board members proposed to
move for a resolution in those terms?---No.

As at 2 June, 2016 had you had any discussion with anyone about Advantage?---No.

As at 2 June, 2016 had there been any discussions with you with any other member of the board about why the board should support the resolution in those terms?---No.

10 Do you know now what the replacement of Advantage for Solstice for the collaboration and development of the Awabakal Lands Council and the Advantage transactions means?---No.

THE COMMISSIONER: What's the power or standing of Ms Bakis to move a motion before the Land Council?

MR CHEN: That's an issue, Commissioner, that we've looked at and - - -

THE COMMISSIONER: Surprising if she has any status at all, standing at all.

20 THE WITNESS: Can I just ask a question as well. I notice there are only five people at the board meeting and to have a quorum you, well, when I was attending the meetings you used to have to have six to make a quorum so to me it would be invalid anyway because there weren't six people there.

THE COMMISSIONER: All right. We'll take that on board.

30 MR CHEN: So in the same volume now, Ms Swan, I'm going to show you the minutes of the board meeting on 7 June, 2016. Now, do you recognise those, sorry, what is in front of you what appears to be the minutes of a board meeting held on 7 June, 2016?---Sorry, what was the question?

Do you recognise what is in front of you on the screen as being what appears to be the minutes - - -?---Yeah.

- - - of a board meeting on 7 June, 2016?---Yes.

And you didn't attend this meeting, did you?---No.

40 And it was only some five days after the motion had been passed to replace Solstice with Advantage. That's the resolution I just drew to your attention a moment ago.---Yes.

Were you give any notice of this meeting on 7 June, 2016, Ms Swan?---No.

Were you given any notice at any time that representatives from Advantage were proposing to attend at some point and address the board?---No.

Were you ever given any information by anybody about who Advantage were?---No.

Now, Mr Slee was the CEO at the time you commenced your second stint as a board member in 2014?---Yes.

I'm sorry, Steven Slee, I apologise. Is that right?---Yes.

10 And did you have much dealings with Mr Slee or, or not?---No, only at the meetings.

You understand do you that there were some issues that developed in late 2014 with Mr Slee and his ongoing employment?---Yes, they did bring that up in one of the first meetings I attended.

That was in fact on 15 December, 2014.---Yes.

20 And do you recall being shown a letter that Mr Slee had directed to the members of the board at that time?---No.

We'll just bring this up on the screen. Do you recall receiving a copy of that letter?---No.

The minutes record that you attended that meeting on 15 December by teleconference. Is that possibly the meeting you had when you were in – sorry, is that the time that you attended by phone from Canberra?
---That was the second meeting I attended, wasn't it?

30 Well, according to the minutes this is - - -?---Oh, well, that was two meetings they'd had since I'd joined the board, I should say. So yeah, it must have been that meeting that I attended by phone.

In any event, you don't recall seeing this letter at that time?---No.

Have you seen it since, other than that?---I did see it a couple of meetings later.

Now, Mr Slee was stood down, was he not, in early February 2015?---Yes.

40 Were you consulted about that?---No.

Was there a board meeting to discuss whether he should be stood down or not?---No.

If you were consulted about something such as that would you have supported him being stood down or not?---No. There was a meeting before that, a couple of days before that, where it was brought up that, that Steve Slee, there was some misappropriation and that's when we asked them to

provide evidence for that, but there was this, that they thought Steve was misappropriating things that they needed to bring evidence to the, to the meeting.

So who was raising these allegations at this meeting?---Debbie Dates.

Just Debbie Dates, no one else?---And the others agreed with her.

10 Who are the others?---Richard, Richard Green and Jaye. I'm not sure if Lenny and Ron Jordan did, I don't think they did, it was only those three who said that there was, it was indiscrepancies over the credit card.

Well, there was a meeting on 28 January, 2015. Is that when you say this was discussed or raised?---Yes.

20 Were you given any more specifics about what discrepancies they had identified and how they had done so?---No, they said they had the evidence and they would bring it to us. And we said, well, until you bring it to us then we can't have this discussion.

Did they ever bring you that information?---No.

And "they" I take it to mean Debbie Dates and Richard.---Debbie and Richard in particular, yes.

30 Now, there was also a meeting in the middle of 2015, was there not, when there was a discussion about putting Mr Slee back into the position as CEO pending the outcome of the investigation, which was being conducted by Mr Wright, the Registrar?---Yes.

And a motion was moved by yourself, I think, and supported by your sister. ---Yes.

And that wasn't carried.---That's right.

A bloc voted against them and the chairperson exercised her right to veto, as it were, his reinstatement. Is that so?---Yes.

40 Now, did you attend – I'll withdraw that. Mr Wright prepared a report and arranged a meeting to occur at the offices of PKF on 6 August, 2015, didn't he?---Yes.

And you attended that?---Yes.

And you understood the purpose of that meeting was for him to report back on what he had found whilst he investigated the matters raised against Mr Slee?---Yes.

And also there'd been some allegations raised against Ms Dates, is that right?---Yes.

And did you understand that he found that Ms Dates had engaged in misconduct as that term was defined under the Aboriginal Land Rights Act?---Yes.

But there was no evidence that Mr Slee had engaged in any wrongdoing. ---That's right.

10

Now, do you recall that a motion was then raised by Richard Green to move that Mr Steven Slee be sacked?---Yes.

Before that time, the Registrar had given the board some advice, had he not?---Yes.

And the advice was to the effect that Mr Slee should be reinstated?---Yes.

20

And the solicitor for the Land Council, Mr Ian Sheriff, was also in attendance, wasn't he?---Yeah, yes.

And he'd given similar advice?---Yes.

And warned the board members about the dangers in not acting on the advice of the Registrar?---Yes.

Despite those matters, Mr Green moved a motion, did he not, that he be sacked?---Yes.

30

Do you recall somebody seconding it?---No. I think at that time we got up and walked out.

Did you re-enter the meeting?---We did, after being, what's the word I could use, strongly advised by the Registrar to return to the meeting.

And is the "we" you refer to yourself, Eleanor Swan?---Yes.

John Hancock?---Yes.

40

Micky Walsh?---No - - -

I'm sorry. I withdraw that.---He was in hospital.

He was?---Yeah.

Leonard Slee?---Larry?

Larry Slee. I'm sorry. Larry Slee. Sorry, getting that mixed up.---Yes.

Larry Slee?---But, yeah, Larry was asked to leave the meeting, though, before a vote for that.

When you were strongly persuaded by the Registrar to return to the meeting, was the motion that Mr Slee be sacked again put by Mr Green?---Yes.

And was that motion carried?---Yes.

10 Now, did you during the course of this meeting raise with Mr Slee why he was pursuing the termination of Mr Green in light of what the Registrar had concluded?---Sorry, the other way around, isn't it?

I'm sorry. I'll start again. Did you raise with Mr Green why it was that he was pursuing the termination of Mr Slee following what the Registrar had found?---I, I don't think I pursued it with him. I think I pursued it with the Registrar or – I pursued it with somebody about if the, if, if Steven was cleared of all these issues, then why then are we even going to a vote? Because he was, he was stood down illegally, and therefore if the
20 conclusion was that there was no wrongdoing, then why wasn't he just reinstated without it coming to a board meeting?

Well, did Mr Green provide a reason as to why he was moving that motion?---Only the same thing that youse don't know what he's really did. And we said to him, "But the Registrar then has just cleared all that stuff. So why are youse doing it?" And then by that time we were ready to get into words and raising our voices, so we decided to – and I think, actually, somebody, one of, the Registrar or somebody called us into the room and said to settle down sort of thing.

30 Assuming Leonard Quinlan seconded Mr Green's motion did he provide any explanation as to why he was supporting what Mr Green did?---No.

Did anybody ask him?---No, I don't think we did.

Did anybody ask Debbie Dates as to why she was supporting the motion? ---No.

40 Did anybody ask Jaye Quinlan why she was supporting the motion?---I don't think I did, we did, no.

Was it the case that in the period following Steven Slee's suspension that the four persons that I've identified appeared to vote consistently together? ---There were actually five.

I'm sorry, five. Who is the fifth, Mr Jordan?---Ron Jordan. And we did have those discussions in the last couple of meetings we had after Steve was stood down. We had those discussions about, yeah, why are they voting

when there's no evidence to support what Debbie and Richard were saying and they really didn't answer us.

Now, were you aware that following Mr Slee's termination that he brought a claim alleging that he was wrongfully terminated and defamed by certain board members?---Not at the time, no.

Did you find out subsequently?---Yeah, not until my sister let me know.

10 And when was that?---I can't remember. October or something (not transcribable)

In 2015?---No, the next year. I honestly can't remember.

Well, you weren't a board member in 2016, in October, 2016. Was it during the time you were a board member or not?---No, I think it was after the time, I think it was after June.

20 So you don't have any knowledge about him being paid substantial damages by the board of the Land Council?---Yeah, not at the time, no. I didn't know anything about it.

Now, it appears from the records, Ms Swan, that you only attended on five occasions.---Yeah, that would correct, yes.

30 Did you still consider yourself to be a board member?---Yes, because we did have a meeting outside of that with the Registrar and the State Land, sorry, just the State Land Council to tell them why we weren't meeting for the simple fact that we felt that the, it was five on five and they would always win regardless of whether they were doing the right thing or not because Debbie had the casting vote. So I guess deliberately we didn't want to attend meetings till the Registrar and the State Land Council addressed the issue of, you know, they're not presenting evidence for allegations they were making and we would get outvoted.

40 Did the Registrar give you some advice about whether you should meet or not?---Yes. They told us we should be meeting because that's what the board does. Once you're elected you should meet regardless of whether you think they're ripping the place off or not.

And did you endeavour to do so?---Well, we did try, like we tried to have the meeting to discuss the issues of the wrongdoings that certain people were doing on the board. That's when the split became even more evident because it was always then five of them and I guess five of us and Debbie always had the casting vote and never gave any reasoning to why she felt that, that the, the way they wanted the votes to happen was, well, evidence to prove that.

Now, do you recall going to any members' meetings in 2016?---No.

Thank you, Commissioner. That's the evidence.

THE COMMISSIONER: Yes, any questions? Yes, Mr Petroulias.

10 MR PETROULIAS: Yes. You said, you said, a couple of times you mentioned about Richard shouldn't be bringing people to the, to the board and that you noted these things but they weren't noted.---Yes, I stated it and then they weren't noted in the minutes.

So you'd expect the minutes to be corrected?---Yes.

Okay. So when minutes are not right they should be corrected?---Yes.

20 Okay. So in your evidence today you seem to suggest that what should happen first is that developers, what, should make presentations to the community first?---No, what I - - -

On each occasion.---What I suggested that happen first is that we as a board ask the members if there's land that we want to sell.

Right. And you don't think that was, the Community Business Plan did that?---No, I don't think it did.

Okay. That's fine, that's fine. And you made a comment about the quorum, which is pretty astute.---Yes.

30 Yes. You do realise that Ron Jordan had resigned in writing with the Registrar which would leave nine and therefore the quorum would be five. Is that to your understanding?

MR CHEN: Well, I think Mr Petroulias should put a date and a time on these matters.

THE COMMISSIONER: Yes, yes.

40 MR PETROULIAS: Yes. You do appreciate that Ron - - -

THE COMMISSIONER: No, no, I think you need to - - -

MR PETROULIAS: Are you aware that Ronnie Jordan - - -

THE COMMISSIONER: - - - put the date - - -

MR PETROULIAS: - - - resigned early - sorry.

THE COMMISSIONER: - - - date of retirement of Mr Jordan.

MR PETROULIAS: Yes. Early, early 2015.

THE COMMISSIONER: Well, that covers a span of time.

MR PETROULIAS: Well - - -

10 THE COMMISSIONER: Can't you be more precise?

MR PETROULIAS: Around March 2015.---No. I did hear that he was in gaol, not, not that he resigned.

THE COMMISSIONER: He was indisposed.

THE WITNESS: Sorry, well, you asked me, that's, I heard he was in gaol, not that he resigned.

20 MR PETROULIAS: And wasn't it put in an email that you would have received a copy of?---No, not, not at that early stage.

Do you know if he resigned at all?---I think he did later on down the track, but it wasn't till - - -

Okay. So 10 minus one is nine?---Yes.

THE COMMISSIONER: No, hang on.

30 MR PETROULIAS: And a quorum would be five?

THE COMMISSIONER: No, no, no, no, no, no, no, no.

MR CHEN: Commissioner, as well the records on my instructions are Mr Jordan remained a board member until July of 2016, and if there's another bit of material that Mr Petroulias has to the contrary, that should be identified and put.

THE COMMISSIONER: So - - -

40

THE WITNESS: Can I, can I just say something?

THE COMMISSIONER: Yes. Go on.

THE WITNESS: That we, we made note that he was charged or he was appearing in court on charges and we actually asked, and I don't think this was recorded either, should he still be a member because him being charged by the courts for what he did, and then he ended up, and they told us no, and

I think we even rang the Registrar or the State Land Council to ask that and they said no, until he's found guilty and sentenced he could still remain a member of the board. So my assumption was he was still on the board until he decided not to be later on.

THE COMMISSIONER: All right. Thank you for that.

MR PETROULIAS: Okay, that's fine.

10 THE COMMISSIONER: Now, Mr Petroulias, you heard what was said from the bar table - - -

MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - that is that it appears on the information available, unless you have some contrary information, Mr Jordan retired in July 2016.

20 MR PETROULIAS: Well, I know that it was - - -

THE COMMISSIONER: So we'll work with that date unless it's shown to be incorrect and there's another date.

MR PETROULIAS: Well, it was the subject of proceedings and a (not transcribable) order was obtained against the Registrar in 29 June, '16 and that was a - - -

THE COMMISSIONER: Yes, well, be that as it may - - -

30 MR PETROULIAS: Okay. That's fine.

THE COMMISSIONER: Be that as it may I think you can proceed on the basis, unless you've got other evidence, that Mr Jordan was still a member of the board until July 2016.

40 MR PETROULIAS: Okay. And now, you went through a series, you were taken through a series of board meetings where you weren't at as such, and relating to proposals that because you weren't there you didn't see, but did you expect to participate in these discussions in some other way?

MR CHEN: I object, Commissioner. I mean the questions I've asked is whether she was given notice, I've never put any proposition wider than that and the witness really in fairness shouldn't be asked.

THE COMMISSIONER: Isn't that right, Mr Petroulias? What we're interested in is historically what happened, if she was ever given notice of the meeting, whether she was given a notice of an agenda item, it's not, it's not for her to guess what might have happened.

MR PETROULIAS: No, no. For example, did you have, I was going to say this. For example did you ever express a desire to be kept up to date with what's going on in the board in view of the split?---Yes, we did.

So you did express that you should be kept up to date anyway?---Yes.

10 Okay. Is that in writing anywhere?---No, but the State Land Council would, we'd have told them that when we had the meeting, we had two separate meetings to try and resolve why we weren't meeting and we told the State Land Council that we'd be happy to meet, but just the way things were going that it wasn't possible to meet.

And that's because the State Land Council has a statutory duty to assist in situations like this, doesn't it?---Yes.

Thank you.

20 THE COMMISSIONER: All right. Nothing else?

MS NOLAN: No.

THE COMMISSIONER: Thank you.

MR OATES: If you please, Commissioner, I have a couple of questions.

THE COMMISSIONER: Sorry, Mr Oates. You have some questions?

30 MR OATES: I just didn't know whether Ms Nolan was going to rise before me. Ms Swan, I represent Steven Slee.---Yeah.

Do you recall there being a housing subcommittee which reported to the board of directors of the Land Council?---Yes.

And the Land Council had considerable property under its management and care, correct?---Yes.

40 A lot of that was residential property which was let to various members of the council itself.---Yes.

In December 2014, were the members of that committee Ms Dates, Mr Jordan and a representative from a real estate agency who did the day-to-day management and collection of rents?---Yes, I was made aware of that when I first joined.

Were you also aware that Ms Debbie Dates's daughter Candy Towers was employed at Awabakal Local Aboriginal Land Council?---Yes.

And were you aware that she was an applicant for a house which was controlled or owned by the council?---No. I wasn't aware that she was an applicant for the house.

Did you know that she had a desire to occupy a house owned by the council?---Not at that time, no.

10 Sorry, when did you become aware that she was looking to occupy or an applicant for the occupation of a house owned by the council?---When the house became vacant.

Do you know when that was?---That was around December or January. 2014 to early 2015?---Yes.

20 Yes. And you're aware that – I'll withdraw that. Is it your understanding that Ms Debbie Dates was in favour of her daughter Candy Towers occupying that house?---We, we had a meeting where it wasn't brought to our attention at that time. But we had a, that's when we had the meeting about we needed to really have a workshop on how things operate, where we had a subcommittee for election of people who went into the houses and that we needed to have a clear policy on how that happened. And, for instance, if a person with one child was on the list but a four-bedroom house come out, that the person with one child – and we had people with four and five children on the list – that the person with one child would not be considered for a four-bedroom house. It would be the people with four or five children who would be the only ones considered. They're the sorts of
30 rules that we wanted to clarify and make in the policy.

Was that in December 2014 or early January 2015, was it?---Yes.

And is it the case that Ms Candy Towers was a single woman with one child?---That's correct.

And is it the case that the house that she sought was a four-bedroom house at Cameron Park?---That's correct.

40 You said earlier in your evidence today – I'll withdraw that. You recall attending the board meeting on 28 January, 2014?---Yes.

I'm happy to have the – in fact, I will ask that to be done, if you don't mind. Could the minutes be brought up, if you don't mind, Commissioner. It's - -
-

THE COMMISSIONER: 28 January, did you say?

MR OATES: 28 January. It's volume 3, page 4.

THE COMMISSIONER: Yes. That will be done.

MR OATES: I'm looking to go to motion 10, if you please. You see motion 10 there, moved by your sister Eleanor Swan?---Yes.

That the financials be accepted as true and correct. Financials, I'm sorry, yes. I'm trying to read from a distance. Do you see that?---Yes.

10

Yes. The financials include such matters as the expenditure of the Land Council, correct?---Yes.

That would include expenses incurred on credit cards as well as by direct means of payment, by direct deposit or cheques. Correct?---Yes.

So as at that meeting on 28 January, 2014 the finances were in order and here was no question that that was other than the case. Correct?---I'd say so, yes.

20

I'm sorry, 28 January, 2015, I'm sorry. If I've been, I'm indebted to my friend.---Yeah, so - - -

28 January, 2015, yes.---Yeah.

So just to recap, on that day there was a meeting. The financials were accepted as true and correct. There was no suggestion of any credit card or other irregularity in the finances?---I'm, well, I'm not sure if it was that meeting that - - -

30

No, I understand and I'll just come to that.---Oh, okay. Yeah.

But in terms of this meeting that's what appeared to happen?---Yes, that's what appeared to happen.

And of course if there were any suggestions of irregularity in the finances particularly by the CEO that would be a matter that would be most important?---Yes.

40

And you know there was another meeting on 10 February, 2015. '16 perhaps. I've got the wrong meeting date. Just bear with me a second, Commissioner. I'm trying to operate off this small device.

THE COMMISSIONER: That's all right.

MR OATES: There was a meeting on 10 February, 2015. That was after Mr Steven Slee had been stood down. If you'll accept from me he was stood down about 2 February, 2015.---Yeah, that sounds about right.

Do you think it might have been at that meeting there was discussion as to why Mr Slee had been stood down and that's when there was the talk about some potential credit card irregularity?---I've just got to think a little bit about, it just doesn't seem to be like in the running of things. We did discuss, that's when they brought up about, I'm not sure which meeting. I thought it was the one before he got stood down.

10 But you can see from the minutes of that meeting there was no difficulty with the financials?---In the, in the minute book though there was, there was, because I just noted on the minute book when they wanted to raise the amount after they had accused Steve of, of misappropriating the credit card and then there was a discussion which I could not get my head around that we increase, because I think I made a suggestion that we decrease the amount that could be accessed on the credit card. But I did note in some, in one of the, the things that was put up that that is in one of those minutes. We then, we extended it to \$10,000 which to me did not make sense.

20 And is your best memory that that was more than likely in the meeting on 10 February, 2015, after he was stood down?---No. I thought it was before he got stood down.

Nothing further, Commissioner.

THE COMMISSIONER: Yes, thank you. Thank you, Mr Oates. Yes, Ms Nolan.

30 MS NOLAN: Now, you accept don't you that you attended the meeting on 31 October, 2014?---No, I wasn't a member of the board then.

Sorry, I may, I might have confused you with your sister and I do apologise. Just if you would give me one moment, sorry. No, I don't have any questions. You joined in December. Pardon me.

THE COMMISSIONER: Very good. Nothing else, Mr Chen?

MR CHEN: No, no, Commissioner. Thank you.

40 THE WITNESS: Am I allowed to just say something about the Steve thing or not?

THE COMMISSIONER: Well, what is it that you want to say?---Just that when, when Debbie Dates went and stood Steve Slee down we'd had a meeting like on the 28th. No mention was brought up on that date for us to stand him down then on the following Monday then we had a meeting about candidates. Three people were allocated to discuss some concerns that she'd raised about what Steve was doing and Steve, and - - -

Who was that person?---Who was the person who - - -

Who raised that question.---Sorry, I'm not - - -

I'm sorry. Perhaps I misunderstood what you said. You continue.---So in the meeting they brought, they brought to the meeting some issues that Candy had brought up against Steven. So we agreed that three of us who weren't related to either Steven or Candy would discuss those concerns that Candy had. Ron Jordan was one of them. Myself and my sister did the
10 meeting to discuss Candy's issues. We came to a decision that the majority of the complaints Candy made was insubordination. Things like there was a dint in the bus that she told Steve about and he never, ever got it fixed. We couldn't even see the dint in the bus. That he took long lunch breaks, that he did all this – and she was only a trainee at the time. So we'd come to an agreement that we'd put it back to the board the following Monday night, on the 2nd, that we would – Candy's traineeship was almost over, that we would end her traineeship. That was the proposal we was going to put before the board on the Monday night. But on the Monday morning I got a phone call
20 from my sister to say that Debbie Dates had just been up to the Land Council and stood Steve Slee down. So I walked, my sister, I was, like I say, I was at my sister's staying. She lived about four blocks from the Land Council, so I walked up to the Land Council to ask her what she was doing. And she said, "I am chairperson and I decided that Steve, we were standing Steve Slee down." I said, "You can't do that. We just had a meeting on Wednesday night. You should have put it before the board and we should have passed a resolution." And she said, "No, I don't. I'm the chairperson and I have rights that other board members don't have." And I said, "No, you don't." So we had an argument. Richard Green then blew into the office just five minutes into the discussion and said he supported Debbie
30 that they were standing Steve Slee down. And I thought that should be noted because that's, that was the time when all the issues, and the stuff with the land was sort of a minor thing because we were, we were dealing with the stuff that - - -

Well, I think we might stop there.---Sorry. Well, we were, that's what we were dealing with at that time, was that she stated to me that she could do whatever she wants, what she, whatever she wanted to do, virtually, because she was the chairperson.

40 MR CHEN: And just on that – I'm sorry.

THE COMMISSIONER: Sorry. Did you want to ask - - -

MR CHEN: I just want to clarify, just in relation - - -

THE COMMISSIONER: Yes, Mr Oates, I'll come back to you in a moment.

MR OATES: Yes.

MR CHEN: You mentioned Candy Dates. Is that Candy Towers?---Oh, sorry. Yes, I get them confused, Dateses and Towers.

THE COMMISSIONER: Sorry, you were referring to Candy - - -?---Candy Towers, whose mother is Debbie Dates. Sorry, so she's known in the community as both.

10

MR CHEN: I see. And you referred earlier in your evidence to Candy Dates, but it's Candy Towers.---Sorry, yeah.

That's all right.---Candy Towers.

THE COMMISSIONER: Yes, Mr Oates.

MR OATES: If I can just ask one more question, with your indulgence, Commissioner.

20

THE COMMISSIONER: Yes, you go ahead.

MR OATES: I've now looked at the handwritten minutes of the meeting of 28 January, 2015.---28.

Volume 3, page 2.---Yeah.

If that could be brought up, please, Commissioner.

30 THE COMMISSIONER: Yes.

MR OATES: You can see halfway down on the left-hand side there's a round circle – or a circle, I beg your pardon, with “M” in it. That there is a delegation to CEO of \$10,000 for operational costs. Can you see that? ---Yeah. That's the, that's the point I'm talking about, yes.

That's what you were talking about earlier in your evidence?---Yes.

40 Yes. And that motion was moved by Ms Dates and seconded by you, correct?---Yeah, I'm not sure if I seconded that but I, I did, that's when I questioned and said you just accused him of thing with the credit card. Why would you now want him to make the credit card \$10,000 if you believe he was, had wrongdoings?

Yes. So on that occasion Ms Dates appeared to be content with Mr Slee's management of the finances, particularly the credit card, yes?---Yes.

Yes. Bearing that in mind, do you think it more likely that it was at the later meeting in February that this issue of supposed credit card irregularity was raised?---No. No, I'm almost certain that I could not understand that they'd said that he'd done, he'd misappropriated the credit card. I could not understand then why they actually wanted to raise the credit card amount to \$10,000. I, I just was gobsmacked that they accused him of one hand of doing that, and then they wanted to raise the amount of the credit card.

10 Nothing further, Commissioner.

THE COMMISSIONER: Thank you, Mr Oates. Thanks very much for your attendance, Ms Swan.---Thank you.

You're excused.

THE WITNESS EXCUSED

[3.05pm]

20

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I call Larry Slee.

THE COMMISSIONER: Yes. Yes, Mr Slee. Just take a seat for a moment there, Mr Slee. Mr Petroulias, I think your phone's – is he here or is he gone? No, he's not here. All right. When he comes back.

30

All right. Mr Slee, do you want to give evidence on oath or affirmation?

MR SLEE: What's affirmation?

THE COMMISSIONER: Okay. You have to swear to tell the truth. Do you want to swear on the Bible or do you want to take an affirmation to affirm that you'll tell the truth?

MR SLEE: What's usually done?

40

THE COMMISSIONER: Either one, it's a choice.

MR SLEE: Yeah, either one's fine.

THE COMMISSIONER: All right.

MR SLEE: Yeah.

THE COMMISSIONER: Well, are you happy with the Bible?

MR SLEE: Yeah.

THE COMMISSIONER: All right. If you wouldn't mind standing up we'll get you to swear the oath.

THE COMMISSIONER: Mr Slee, just for the record, will you state your full name?---Larry Warren Slee.

10 Now, Mr Slee, you've been called to give evidence . You are entitled to object to give evidence. The objection serves the purpose of the evidence not being available to be used in other proceedings in the future whatever they be, criminal or civil proceedings. You've probably heard the other witnesses being given the same advice. You don't have to object but you may object if you wish. Do you wish to object and obtain that protection?
---Yes.

20 Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare all answers given by Mr Slee and all documents and things that may be produced by him in the course of his evidence are to be regarded as having been given or produced on objection and accordingly there is no need for him 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 ALL ANSWERS GIVEN BY MR SLEE AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM IN THE COURSE OF HIS EVIDENCE ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes.

MR CHEN: Thank you, Commissioner.

40 Mr Slee, you've been a member of the Awabakal Local Aboriginal Land Council for about 20 years or so?---Yes.

And you became a board member of the Land Council, did you not, in July 2014?---Yes.

Did you remain a board member until the administrator was appointed on 13 October, 2016?---Yes.

THE COMMISSIONER: Just pause there. Mr Petroulias, I just had it drawn to my attention your phone blips or rings from time to time. Could you just turn it off so that it doesn't distract people?

MR PETROULIAS: I have, I have. It was on mute but obviously didn't work. Thank you. I have turned it off.

THE COMMISSIONER: Yes.

10 MR CHEN: I'm sorry, Commissioner.

THE COMMISSIONER: That's all right.

MR CHEN: Now, Mr Slee, in the period where you were a board member you went to many meetings of the board, did you not?---Yes.

And the board would record when it met its business in the minutes book, would it not?---Yes.

20 And during the time that you were a board member, were the minutes taken by a specific board member?---Ah, yes.

And who was that?---John Hancock at the beginning.

And at some point in time Mr Hancock ceased being a board member. ---Ah hmm.

Do you remember when that was?---Not sure.

30 If you assume it's about the end of 2015?---Yes.

Did so far as you can recall Mr Hancock take the minutes during that time up until he finished being a board member?---Yes.

And after that time who took the minutes?---We had Jaye Quinlan.

Jaye Quinlan.---Doing, doing the minutes, yes.

40 And did she continue to take the minutes for the balance of the time that you were a board member?---Oh, that varied. We had at one stage different people taking minutes, like we had Richard Green or we had Despina even doing minutes at one or two meetings.

That's Despina Bakis?---Yes.

And did Nicole Steadman from time to time take the minutes as well? ---Yes, she did.

So it varied did it between those other people when Mr Hancock left?---Yes.

Now, you've obviously seen the minute book of the Land Council have you not?---Yes.

It would have been taken into and out of the meeting regularly?---Ah hmm. Yes.

10 And where was that minute book kept?---It was, it was kept out, out the front, front of the offices.

All right. Who - - -?---The reception area.

Who had access to it?---Candy Towers and anyone else that would walk into that area. Sometimes the minute book was taken home too.

20 How do you know that?---It was, you had, whoever, sometimes somebody taking minutes and I refer to Jaye Quinlan saying I need to take the book home to finish the minutes and make sure they're right.

I see. Now, there's been some evidence that the minute book was actually kept in the CEO's office and locked away. Do you agree or disagree with that?---At times.

And during the time that Mr Steven Slee was the CEO what was the position in relation to how the minute book was kept?---I, I don't know. It varied between his office and, but out in Candy's, Candy's office too, Candy Tower's office.

30 Now, in your time as a board member did you ever have reason to access the board minutes book?---At a meeting, yes.

By that I mean did you look inside it?---Yes.

Did you ever make an entry in it?---No.

After the meeting the minutes are then taken away and typed are they not?---Yes.

40 And during the time that you were there who was the person that would be charged with the responsibility of typing the minutes?---Well, that, that would usually go to Ms Steadman.

And before Ms Steadman took on the role of acting CEO who typed the minutes?---She'd either do it herself or have Candy Towers do it.

Who is she I'm sorry?---Oh, sorry. Nic, Nic Steadman.

All right. But before Ms Steadman was the acting chief executive officer who was the person that would type the minutes up?---Before she was, she was, she was the project officer so she would do that, Nic Steadman.

Oh, I see. So she continued notwithstanding her roles changed to type up the minutes?---Yeah, yeah.

Did anybody else so far as you're aware type the minutes?---Not, oh look, I know Candy Towers was asked to do it but other than that, no.

10

Ordinarily the practice was that the typed minutes would be tabled at a subsequent meeting and - - -?---Yes.

- - - the board members would be invited to say whether they agreed or disagreed with whether they were accurate?---Yes.

And if they were accurate or perhaps a majority thought they were they'd be signed off by the chairperson. Is that right?---Yes.

20

Now, from time to time resolutions are passed obviously by the board? ---Ah hmm.

You need to answer if you would.---Oh, sorry.

That's okay.---Sorry. That's just my general way of talking.

That's all right.---Yes.

30

And those resolutions obviously are contained within the minutes because they're written out?---Yes.

And so far as you're aware are the resolutions kept, or typed up and kept anywhere else?---I've never seen that.

Would you just have a look please at volume 2, page 6. That's just the front page of what appears to be the resolutions of the board relevantly commencing on 21 March, 2014. Do you see that?---Yes.

40

And are you aware of whether or not the resolutions were always typed up and kept separately from the minutes or you know nothing of that?---No, no.

So far as you're aware were the minutes the only place where the resolutions were recorded?---Yes, to my knowledge.

There's been some evidence that these were separately prepared and kept in a book or a folder at reception. You know nothing of that?---No.

Now, I want to ask you about the period, in particular the second part of 2014 just after you've become a board member. Were you aware in that period that a number of proposals came before the board to discuss in general terms land?---Yes.

And do you remember the names of any of the entities who had proposals in connection with the land that they had an interest in?---At that time I can't recall.

10 Did you know that there was a particular developer who was interested in a lot on Hillsborough Road?---Yes.

And did you understand the person to be called Greg Cahill from Hillsborough Retirement Living?---Yes. From the retirement village, yes.

I'll just show you some minutes if I can, please. These will come up on the screen, Mr Slee, in a moment. Do you recognise those as being the handwritten minutes of the board meeting on 16 October, 2014?---Yes.

20 And you'll see in the attendees the initials LS, which is you?---Yes.

And you'll see that there's a reference to Steve. You see there, just under the heading Business Arising 18 September?---Ah hmm. Yes.

That Steve was Steven Slee.---Yes.

And he's your son?---Yes.

30 And at that time the CEO of the Land Council?---Yes.

And do you see there's a reference there to "scheduled meeting with Hillsborough Road developer"?---Yes.

And "ADW Johnson are looking at proposal" et cetera. Does that assist you at all in - - -?---The one at Hillsborough Road I recollect, now that you've brought it up, with the – especially with the fact that it was a retirement village person, you know, that was wanting to set up a retirement village, that wanted to buy land. I remember that.

40 Do you know whereabouts on Hillsborough Road the lot was that he was particularly interested in?---Yes. We, we have a, the Land Council had a large lot next to the golf course. And across the other side of Hillsborough Road there was a smaller lot, and that smaller lot was the land that was being, that the proposal was for.

Do you know the street address or what would be the street address for that lot?---I don't have a clue, sorry.

I'm just going to have you look at as well, please, volume 2, page 33. I'm sorry, just before you leave that, just down the bottom you'll also see a reference to LB Group presentation.---Yeah.

Does that assist you at all in recalling a presentation by LB Group?---I can't recall.

10 I'm just going to show you a document. Volume 2, page 33. Do you recall the document that is up on the screen now at page 33 of volume 2?---There was, yes.

Do you recall that document being provided to board members or not?---No. No.

Just have a look at page 31, volume 2, please. Do you recognise that as a document that was provided at that meeting, namely on 16 October, 2014? ---Not that I can remember, no.

20 Now, do you remember at a later point in time a presentation by some others shortly after this, perhaps involving a gentleman of Torres Strait Islander descent?---Yes.

You do remember that, do you?---Yes.

What can you remember initially? Was he on his own or with somebody else?---He was with somebody else.

Do you know the name of the person who attended?---No.

30 Do you know either of their names?---No, no. But I do remember the, you know, like, a Torres Strait Islander and somebody else. That's all I recollect, I'm sorry.

Was the other fellow, did he appear of – could you explain his background or nationality or what it appeared to be?---No, I couldn't. No, I couldn't.

Do you remember whether they handed any material out at the presentation?---Yeah, I'm, I'm sure they did.

40 Do you remember receiving it?---Yeah.

Do you remember flicking through it and reading it?---I can't remember if I did or not.

All right. I'll just show you a document.---Yeah.

It's volume 2, page 67.---Oh, yeah.

Do you recognise the front page of what - - -?---Yes.

- - - is now up on the screen at page 67?---Yes.

Was that the document or the front page of a document that was handed out - - -?---It was a page of a document, yes.

Right. Would you prefer to look at that in hard copy?---Yes, if you don't mind.

10

So that's volume 2, page 67. And just while we're on the front page there, you notice under the heading Introduction and Name – anyway, have a look on the hard copy if you prefer, Mr Slee.---Okay.

It appears to go to about page, well, not about, it goes to page 100 in volume 2.---Ah hmm.

Do you see that, Mr Slee?---Page 100?

20

So it goes, the proposal that starts at page 67 ends at page 100.---Okay, yeah, yeah.

THE COMMISSIONER: I think you're asked to just generally try and refresh your memory, that's all.---Yeah, yeah. I have, I have seen a proposal with this name, the Awabakal Development Company, but to my, looking through that proposal now I don't, I don't remember seeing some of that on the table on that day.

30

MR CHEN: I'm sorry, I didn't hear that?---I don't remember seeing some of that proposal on that day.

Does the front page register with you?---It, it does, yes, yeah.

All right. And you'll see on the front page there's a reference to Indigenous Business Union Pty Limited or IBU?---Yes.

Does that assist you in refreshing your memory as to who presented on that day?---No, it doesn't.

40

Right.---No.

Now, do you recall during the course of that meeting whether there were any other development proposals presented to the board?---Yes, but to name who they were, I couldn't recollect.

On that day?---On that, on that day specifically, not that I can recall.

Do you recall there being any mention at all on 31 October, 2014 about an entity called Gows Heat Pty Limited?---No.

You didn't, there was no such mention?---No.

Have you ever heard in the course of your time as a board member the name Gows Heat Pty Limited?---No.

10 During the meeting on 31 October, 2014, was there a mention of an entity simply called Gows at all?---No.

Okay. What about at any other time when you were a board member, had that name ever been referred to?---No.

In terms of the proposal itself, do you have any recollection about what it is that apparently these two gentlemen were suggesting that the board do?
---Oh, just in general it was a proposal put before the board and then the board made recommendations if they needed more information to further, you know, before they take it say to a members' meeting.

20

I'm just going to show you some typed minutes, Mr Slee. Volume 2, page 64. Now, do you recognise just at the moment what is on the screen as being the minutes of the board meeting of 31 October, 2014?---Yes.

I'm just going to ask you to read to yourself first under point 3, Development Proposal. Have you read that?---Yes.

Does that assist your recollection at all about what transpired at that meeting?---No.

30

Would you have a look at the next page please, page 65, and in particular item 7 development proposal. Have you read that now, Mr Slee?---Yes.

Does that assist your recollection at all in determining what the board resolved following the presentation apparently given on that day by IBU?
---No. I'd remember if it was because like I, my, my feelings on the Awabakal Land Council's land is I wouldn't like it sold, you know, and that I think it's bad business practice so if that was a thing that come I would have argued the point against it. As, as a board we had no right to, you know, sit there and say, you know, proposal for drawing up a contract and agreeing to it we can't do that. We can have a proposal but we have to take that to the members and then if the members agreed on it that'd go to the State Land Council.

40

I'm just going to show you some other documents as well. So volume 2, page 12. Do you see there what appears to be a typed minute dated 31 October, 2014?---Ah hmm.

Do you see that, Mr Slee?---Yes.

That appears to record in the same terms as the resolution as shown in the typed minutes that I take it you don't believe, well, you tell the Commissioner do you think that accords with what occurred at the meeting on that day or not?---No.

10 Now, I want to show you some handwritten minutes please of that meeting. Volume 2, page 62. Now, do you recognise this as the handwritten minutes of the meeting on 31 October, 2014?---Yes.

And you will see that your initials obviously appear there, LS.---Yes.

And if you go down a little bit you can see the word "presentation" and the evidence is that purports to say Cyril. Does that assist you at all about what that might mean?---No.

20 And you will see to the right it also says "Richard Green declared interest." Do you see that?---Yes.

Do you have any recollection about what that related to?---No.

Now, if you look at the second page please you will see in the paragraph, or the first entry has some lines crossing it out.---Yes.

Do you recall there being any discussion about what lay behind that and why it was crossed out?---No, I don't.

30 And you will see in the next paragraph which commences "Propose a contract of sale". Do you see that?---Yes.

Just read it to yourself if you would first. Have you read that, Mr Slee?
---Yes

40 Now, in the first line after the words "contract of sale to" there's some other letters have been inserted which Mr Hancock, the minute taker I want you to assume, has told the Commission is not his handwriting but it should read "contract of sale to IBU and landscaping" and that further on the right-hand side of IBU the word, what appears to be "Gow" or "Gows" has been inserted again in handwriting and not by him. Sorry, I'll make it clearer. Not in his handwriting.---Yeah.

And not inserted by him. Are you able to say how those letters or words were entered into these minutes?---I, no, I don't. I don't know how they were inserted into it and, yeah, it definitely looks different to John's handwriting.

In any event, it wasn't by you.---No.

And nobody asked you to do it?---No.

And you don't know who did it?---No.

Now, Mr Slee, would you look, please, at volume 2, page 66. Do you recognise that as being what purports to be a resolution of the board dated 31 October, 2014?---Yes.

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

And if you read it to yourself, is that something that accords with your recollection about what was resolved or not at that meeting?---No. No, there was nothing, nothing was resolved, no.

Well, what about the word "Gows"? No proposed sale for Gows?---No. Like I said, I haven't seen it before.

20 Have you heard of or do you know of how that's come about, how this resolution has come about at all, Mr Slee?---No.

Can you assist at all?---No.

30 Would you look now, please, Mr Slee, at the minutes of the board meeting – sorry, the handwritten minutes of the board meeting held on 1 December, 2014. And just while that's coming up, I just want to ask you some preliminary questions, Mr Slee, first. After the presentation that involved the submission of the proposal that I referred you to earlier, what was your understanding of what, if anything, happened to that proposal?---Is that the one with IBU?

Yes.---Yeah. My understanding of it is we gave direction that we need more information, and that from IBU, and that they were to report, report back with an adjusted proposal so we could present it to members. And that as far as I remember on that.

And beyond 2014, did you hear anything further about the IBU proposal? ---No. No.

40 So far as you're concerned, it ended?---As far as I was concerned, yes.

All right.---Yeah.

Would you have a look, please, at the minutes of 1 December, 2014. Volume 2, page 105. And you'll see down the bottom of the page, "Development proposal. IBU have accepted proposal." Just down the bottom, the column on the left-hand side.---Yeah, I can see it, yes.

Do you see that?---Yeah.

Are you able to assist at all in, first, who reported that?---I don't know.

And are you able to assist further in explaining what, if anything, happened thereafter?---I, I don't know.

10 Would you have a look, please, at volume 2, page 108. And do you recognise these, Mr Slee, as being the typed minutes of the board meeting on 1 December, 2014?---Yes.

And would you look, please, at point 6 on page 109. Just read it to yourself, if you would. Have you read that, Mr Slee? Are you able to assist in telling the Commission what that relates to?---I don't know what it relates to.

It doesn't make reference, as the board handwritten minutes does, to IBU. ---Yeah.

20 Was there any other proposals that you think it might relate to? Or you just can't assist?---I just can't assist. I'm not aware.

You're not able to say who may have raised this at all?---No.

Now, would you have a look, please, at volume 3, page 1. And these are the handwritten minutes of the meeting of 28 January, 2015. Do you see that? ---Yes.

30 And it records as attendees the initials LS, meaning you attended.---Ah hmm. Yes, sorry.

I wanted to draw your attention, Mr Slee, just to some matters. Page 2 on the right-hand side, Hillsborough Road. Do you see that?---Yes.

Right-hand side of the page, sorry, it's just dropped off. Just read it to yourself if you would. Have you read that, Mr Slee?---Yes.

Are you able to assist in what that notation refers to, what particular property?---No, I don't.

40 I drew your attention earlier, Mr Slee, to some of the references in the minutes of 16 October to Mr Cahill from Hillsborough Retirement Living in Hillsborough Road?---Okay, yes, yeah, yes.

I mean does that assist you at all in identifying what it might relate to? ---Yes, it does, yeah.

And so this is the property, is it, that's near the golf course. Is that so? ---On the opposite side of the road from the golf course, yes.

Now, Mr Slee, you've told the Commissioner that you'd never heard of Gows Heat at any time that you were a director?---Yes.

Or the entity Gows?---Yes.

10 Would you have a look, please, at volume 3, page 123. What's on the screen now is a document called Heads of Agreement, General Heads of Agreement, date, 15 December, 2014. And I'll just show you the next page, page 124. It's an agreement that apparently relates to, sorry, that relates to an agreement between – I'll start again. The document refers to an agreement between Gows Heat and the Land Council. Do you see that? ---Yes.

And if you go to the end of the agreement you'll see that that has been signed it seems by Richard Green as a director - - -?---Yes, yes.

- - - for and on behalf of the Land Council.---Yeah.

20 Do you see that?---Yes.

Had you ever seen that document whilst you were a board member?---No.

Have you ever seen that document before me showing it to you now?---No.

No. Had Mr Green ever raised with you at any board meeting that you attended that he'd signed this agreement?---No.

30 Had he ever raised it with you personally that he'd signed it?---No.

Is that something you'd remember if he did?---Oh, definitely, yes.

Why is that?---Well, just the fact that an agreement's been brought up or that Mr Green's signed something, because through the course of things, like if we talk about property developments, I was always reminding Mr Green, because he was involved in dealing with the developers, always remind Mr Green of his conflict of interest being a board member and doing so, and yes, I would remember anything like this.

40 Right. Was there ever any discussion at any board meeting that you attended about giving Mr Green the authority to execute this agreement? ---No.

Was there any discussion at any board meeting you attended about delegating to Mr Green the authority to execute an agreement such as this? ---No.

Was there any ever any discussion at any board meeting you attended about the Land Council ever entering into an agreement with Gows Heat?---No.

Now, during the time you were a board member had you ever heard of an entity called Sunshine Property Investment Group Pty Limited?

---I remember the name but no more than that.

When did you first hear of that entity, Mr Slee?---Oh, that was, that was probably ah, 2016.

10

Before that was that in the context of a discussion on 8 April, 2016, about various proposals that apparently were before the board to consider?

---Yes, that, that's more than likely when it would have been because there was a number of proposals put before the board.

On that day?---On or around that day.

Prior to that time, if you just accept for the moment that it's 8 April, 2016 -- -?---Yes.

20

Were you aware of any agreements or proposed agreements between the Land Council and Sunshine Property Investment Group Pty Ltd involving Land Council land?---No.

Were you aware of any agreement or proposed agreements between the Land Council and Sunshine Property Investment Group of any kind?---No.

In your time as a board member, were you aware of any agreements or proposed agreements between the Land Council and Sunshine Warners Bay Pty Ltd involving Land Council land?---No.

30

In your time as a board member, were you aware of any agreements or proposed agreements between the Land Council and Sunshine Warners Bay Pty Ltd of any kind?---No, no.

Did Mr Green ever raise with you that he had signed agreements with any of those entities?---No.

Did he ever raise it at any board meeting that you attended?---No.

40

Did Ms Dates ever raise that she'd signed agreements with any of these entities at any board meeting you attended?---No.

Did Ms Dates ever raise that she had signed agreements with these entities with you personally?---No.

During your time as a board member, had you ever heard of Solstice Property Corporation Pty Ltd?---No. No.

In your time – I'll withdraw that. Do you recall going to a meeting on 8 April, 2016 when Solstice was referred to?---Not that I can recall, no.

In any event, if you just assume for the moment that it was raised at a meeting, were you aware that in fact an agreement or proposed agreement between the Land Council and that entity had been signed involving Land Council land?---No.

10 Mr Slee, would you just have a look at this document, please. It's volume 8, page 22. Do you see on the screen in front of you, Mr Slee, there's a front page of a document Heads of Agreement, General Heads of Agreement, date 19 November, 2015?---Yes.

And if you look at the second page, page 23, you'll see that purports to record an agreement between Solstice Property Corporation Pty Ltd, the Land Council and Gows Heat.---I can see that.

20 Have you ever seen this document before?---No.

I'll just show you the end of that document to see where it has been signed. So that's page 28. Do you see that it's been signed at least on the one hand by Ms Dates as chairperson and Mr Green as deputy chairperson?---I can see, yes.

Did Mr Green ever raise that he'd signed that agreement at any board meeting you attended?---No.

30 Did Mr Green ever raise that he'd signed the agreement with you personally?---No.

Was there any discussion at any board meeting you attended about giving Mr Green the authority to execute this agreement?---No.

Was there any ever discussion at any board meeting you attended about delegating to Mr Green the authority to execute that agreement?---No.

40 Did Ms Dates ever raise that she'd signed this agreement at any board meeting you attended?---No.

Did Ms Dates ever raise that she'd signed this agreement with you personally?---No.

Was there any ever discussion at any board meeting you attended about giving Ms Dates the authority to sign this agreement?---No.

Was there ever any discussion at any board meeting you attended about delegating to Ms Dates the authority to execute this agreement?---No.

Now, Mr Slee, would you look at, please, volume 10, page 100. Just excuse me, Commissioner, for a moment.

THE COMMISSIONER: Yes.

MR CHEN: Mr Slee, do you remember going to a Land Council board meeting on 8 March, 2016 where, amongst other things, a number of or in particular three resolutions were sought to be passed which were initiated by Mr Richard Green? Just before you read on, Mr Slee.---Yes, sorry.

That's all right. I'll start again. Do you recognise those, that what is on the screen as being - - -?---Yes.

- - - the minutes of the board meeting of 8 March, 2016?---Yes.

Do you remember in 2016 that there was a meeting where in particular three resolutions were sought to be passed which were raised by Mr Richard Green?---Yes.

20

Now, if you look at the next page of volume 10, so page 100. Do you recognise those three resolutions as being the resolutions that you've just referred to that Mr Green sought to have the board pass?---Yes. Yes.

Now, I'm going to take you to those but I just want to ask you some questions about that. Do you remember how it is that Mr Green introduced these resolutions?---No, I, I don't, sorry.

Do you recall before you went to that meeting whether you had any notice that Mr Green proposed to move the board to pass these resolutions?---No, not at all.

30

You're agreeing with me you didn't have notice?---I didn't have notice.

And so is it the case that the first time you know about Mr Green's desire to pass these motions was during the board meeting itself?---Yes.

Did you make some complaint about that?---Well, I've always made complaints about agendas not being, being available for us before meetings and, yeah, we did, we did discuss, we did discuss this. There was, there was always an ongoing concern within the board about things being presented on the table on the day and not even on the agenda, you know. Yeah, I've had some discussions at board level on it but it's just, it's just never stopped it from happening.

40

I see. Did you make a complaint to Mr Kelvin Kenney about what had occurred at this particular meeting in relation to these three resolutions?---If I remember rightly, yes.

I'm just going to show you something now please, Mr Slee. Exhibit 54, page 1. Do you recognise that as being an email that you sent on 18 March, 2016 to Mr Kenney at 9.16am?---Yes.

And you raised with him as you can see in the first paragraph a number of issues that arose in connection with the resolutions that were presented on 8 March, 2016.---Yes.

10 And in the first paragraph you can see it says "as per our conversation".
---Yes.

Did you have cause to call him before sending this email did you?---I had, I had concerns about, yes, about it.

About what, the meeting, the minutes, sorry, the resolutions or - - -?---Just the resolutions, you know, yeah, and I asked him he would like me to forward them on to him.

20 And you did obviously?---Yes, of course.

Now, you'll see in the email on page 1, under the heading (1) Knightsbridge North Lawyers, that "Mr Green," according to your email, "informed the board that the above legal firm are the new solicitors representing the Land Council." Do you see that?---Yes.

And I just want to draw your attention to something in addition before I come back to that. Would you look, please, at the same exhibit, page 3. Do you recognise that as an email that you sent to Nicky Steadman on 2
30 February, 2016 at 10.20am?---Yes.

And you'll see in the second paragraph that you state that at a board meeting you were informed, "We have a new bookkeeper, a new solicitor and new accountants for the Land Council. Could you please inform me who these people are?" Do you see that?---Yes. Yes.

Did she ever respond to you?---No.

And at that stage you were unaware of who the new solicitors were?
40 ---That's correct.

So if we could just come back then, please, to page 1 of Exhibit 54. Did Mr Green, when he introduced that Knightsbridge North would be the new solicitors, did he explain why that was so?---No. No, he never explained why. At, at the board, at the board meeting we didn't even know, I didn't even know they were going to be present. And at that meeting is the first time that I was introduced to Knightsbridge North Lawyers.

So somebody from Knightsbridge North Lawyers was actually there, were they?---Yes.

And who was that?---On the day they were being introduced.

So this is on 8 March?---Yes.

Who was the person that was there?---Nick Peterson.

10 Right.---I'm not, I'm not - - -

You just pointed then - - -?---I'm sorry.

Just a moment. You just pointed then, Mr Slee.---I, I - - -

Were you pointing to somebody in particular?---No, no. I'm sorry. No, that's just the way I - - -

20 I'm sorry.---No. No, Mr Nick, Nick, Nick Peterson, and I'm not sure if Despina was there at the same time too.

Is the Nick Peterson the gentleman Mr Petroulias that's in the hearing room?

THE COMMISSIONER: He was, he was.

THE WITNESS: He's not here now.

30 MR CHEN: Oh, was, I'm sorry.

THE COMMISSIONER: He left 10 or 15 minutes ago.

MR CHEN: I'm sorry.---Yes, yeah.

The gentleman that - - -?---Yeah, I know who you mean, yes.

- - - that has been in the hearing room.---Yes.

40 All right. To that point in time had there ever been any discussion at any board meeting you'd attended about needing or wanting to replace the lawyers that the Land Council had at that time?---No.

The lawyer who had been retained over a number of years was Ian Sheriff, wasn't it?---Yes.

And had there been any discussion at all at any board meeting up until 2016 about there being any form of dissatisfaction with his services at all?---No.

Any discussion at all about wanting to make change - - -?---No.

- - - at all?---No.

So did this come out of the blue to you when you were told that there was a new firm of solicitors appointed?---Oh, absolutely. I was shocked.

10 Is that typically something you'd expect to be put before the board to be discussed and resolved upon?---Well, yes, proper protocol to be followed, yes.

And what on this day was it that Mr Petroulias and potentially Ms Bakis were there, were they?---And they were introduced.

Right. Did they speak at all?---I'm not, I'm not sure if I can remember what was said.

All right. And did – sorry, who introduced them?---Richard Green.

20 And do you recall what he said in how he introduced them?---Oh, he just said, "I'd like," he said, "We've obtained a new law firm and who's, who's acting for us at the present time," he said, "It's Knightsbridge Lawyers." And then he introduced who was there.

Right. Now you'll see in the email which is at page 1 of Exhibit 54 under paragraph 2, you'll see that the resolutions, sorry, under number 2, Resolutions by Board 8 March, 2016.---Ah hmm.

30 And the first sentence accords with your recollection, namely that Mr Green presented these resolutions to the board.---Yes.

And in fact Mr Green explained that Knightsbridge North Lawyers had drawn up the list of resolutions in consultation with Mr Green?---Yes.

And it says "and recommended that it was in the best interests of the Land Council to adopt the resolutions".---Yes.

40 Was there any discussion at all by Mr Green or anyone, or Ms Bakis or Mr Petroulias about why it's in the best interests of the Land Council to adopt the resolutions?---No.

Now, the third resolution that the board referred to on 8 March, 2016 is referred to at the bottom of your email on page 1 of Exhibit 54 and in fact the resolution that was sought to be passed was a resolution that ratified and regularised et cetera the decisions and payments during the period of dysfunction when the board did not meet et cetera. Would you like to look at the resolution, Mr Slee?---Yes, thanks.

All right. So that's at volume 10, page 101. So just down the bottom you will see under point, sorry, resolutions by board number 6 and in particular number 3.---Yes.

Have you read that, Mr Slee?---Yeah, I have, yes.

You recall do you that was the terms of the resolution that Mr Green had presented to the board?---Yes.

10 Now, if we could turn back then please to Exhibit 54, page 1. And you say that this was, in your email, presented and spoken on and explained by Richard Green. Do you see that?---Yes.

What did Mr Green say when he sought to explain the resolution?
---Resolution 3. Oh, he, he said it was in the, in the best interests of, of the Land Council and the board to ratify these, these, these payments. The fact about the payments is, is they were payments for board meetings that weren't held and other matters. But the fact is there was a meeting, there was a meeting called to ratify all this. So they ignored, they ignored that
20 resolution, like, our, our objection to that resolution. I sat at a board meeting. I was actually, I was actually abused because I wouldn't move or, you know, second any motion or put a motion up concerning this, you know, in agreeing with it.

Now, it also records your email that Mr Green said he'd taken up these matters with Knightsbridge North Lawyers.---Ah hmm.

Do you see that?---Yes.

30 And you recall him saying that, do you?---Yes.

And that Mr Green explained that Knightsbridge North Lawyers had spoken to Kelvin Kenney.---Yes.

And that Mr Kenney had informed Knightsbridge North Lawyers that the matters are okay to be taken to a Land Council board meeting to be voted on. Do you see that?---Ah hmm. Yes.

40 Do you recall him saying that?---Yes, there was, there was, there was words said to that effect. And what I did, I contacted Mr, Mr Kenney at the time. I also - - -

Well, just tell me. You contacted Mr Kenney.---Yes.

And - - -?---Concerning that.

Right. And what did you say to him?---And he said, I asked him if this was the case, that they had approached him on this, and he, he said he's had no discussion with them on this matter.

You also say that you asked for a letter from Knightsbridge North Lawyers and Kelvin Kenney from Mr Green, and you say your request was ignored. Do you recall that?---Yes.

10 What were you seeking from Mr Green in this context, Mr Slee?---Well, they made a statement against, concerning Mr, Mr Kenney about this. And, yeah, I just wanted confirmation in writing, not just hearsay. But at, at the same, at the same time Mr Kenney wasn't, is not in a position to say yes or no to that, so he, he didn't have the power, you know.

THE COMMISSIONER: Mr Chen, we might leave it at that for today.

MR CHEN: Yes, Commissioner.

20 THE COMMISSIONER: Are you available tomorrow?---I can be, sir, yes.

All right. I'm afraid we'll have to get you back. How much longer do you think you might be?

MR CHEN: Probably at least an hour is my expectation, Commissioner.

THE COMMISSIONER: All right. Good. Mr Slee, if you wouldn't mind stepping down and returning tomorrow for 10 o'clock.---Okay. Thank you.

30 **THE WITNESS STOOD DOWN** **[4.00pm]**

40 THE COMMISSIONER: Before I adjourn, Ms Nolan, in relation to the matter of your application, Counsel Assisting has received your further written submissions. I have not as yet read them but it probably is unnecessary to have any further oral argument or submissions about the issues raised by your application unless there's some particular reason that you want to have the opportunity to be further heard about it. But I think probably the written submissions have covered the territory and, unless you indicate otherwise, I'll simply reserve on that application and give a decision as soon as I can.

MS NOLAN: No, I have nothing I wish to say orally, and unless there's anything that you might wish to hear from me in respect to that which I have submitted in writing.

THE COMMISSIONER: Yes. All right.

MS NOLAN: But if you need to, please raise it with me.

THE COMMISSIONER: Thank you, Ms Nolan. I'll leave it on that basis.
Nothing else, Mr Chen?

MR CHEN: No, Commissioner. Thank you.

THE COMMISSIONER: Then I'll adjourn.

10

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.01pm]