

SKYLINEPUB00703  
06/04/2018

SKYLINE  
pp 00703-00753

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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 FRIDAY 6 APRIL, 2018

AT 2.00PM

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THE COMMISSIONER: Yes.

MR CHEN: Commissioner, just before we resume with the witness, or perhaps I could foreshadow that I will just address briefly the application made by Mr Petroulias for a notice or summons to issue for production of certain documents. Would it be convenient to deal with that after the witness finishes, Commissioner?  
10

THE COMMISSIONER: Yes, certainly. Yes.

MR CHEN: Thank you. Mr Slee, just before the break I was asking you some questions about quite a lot of matters in fact but in particular about when the litigation that the Land Council had against the Minister, the Registrar and the New South Wales Aboriginal Land Council ended and I think you said that you remember the appointment of Mr Dan, the solicitor.  
---Yes.  
20

And has he continued to be the solicitor for the Land Council since that time?---No.

Is Mr Sheriff still providing services so far as you're aware or you don't know?---No, I don't know.

You haven't had anything further to do with it since the administrator was appointed?---No.

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

Yes. I see. So I just want to draw your attention if I can, please, so it's volume 17, page 155, and you will see these are a copy of the minutes of the board meeting on 9 September, 2016.---Yes.

And you will see that you're recorded as having attended that meeting?  
---Yes.

40 And I'll just draw your attention if I can to page 157 and in particular motions 10 and 11. You will see motion 10 refers to the engagement of Nicholas Dan.---Yes.

And by this stage Knightsbridge North Lawyers had ceased to act. Isn't that right?---Yes.

And you will see motion 11 cease litigation matters, et cetera.---Yes.

And you were the person who moved that motion.---Yes.

Do you recall now why you were moving such a motion?---In the first place I didn't agree with the litigation against the Minister, the Registrar or the State Land Council. I didn't see any positive outcomes for the, for the State Land, for the Awabakal Land Council except the fact of we're losing a lot of money on legal fees and such so therefore I couldn't see, because with the Land Council not (not transcribable) from the litigation I didn't see the need for the litigation in the first place so I moved the motion to dismiss the litigation against said parties.

10

Do you remember Mr Dan coming along at a later meeting of the Land Council and him providing some advice to the board members about the proceedings?---No, not that I can recollect. He may have.

In any event, that's what happened around this time.---Okay.

Isn't it?---Yeah.

Now, did you go to any of the members' meetings of the Land Council, members not board meetings - - -?---Yes, yeah.

20

- - - in June and July of 2016?---Yes.

You did. Do you remember there was one on 29 June, 2016?---Where, where was that at if I can ask?

Well, I'm going to work backwards.---Sure.

Do you remember one, a members' meeting that was held in the Croatian Club at Wickham?---Yes.

30

You wouldn't ordinarily have your members' meetings at a club would you?---No. It was totally different. It was held, it was held at the club in the main bar area with public in that area. Yeah, it just, no, you wouldn't do it.

It wasn't private for the members?---It's not private at all, no.

You remember going to that meeting?---Yes.

40

And do you remember there was one about a month before on 29 June, do you remember going to a meeting shortly prior to that?---I vaguely remember.

Do you remember in any event, at any of these meetings whether Knightsbridge North Lawyers and in particular Ms Bakis and Mr Petroulias attended any of those members' meetings?---I can remember at the Croatian Club, yes.

And do you remember at the Croatian Club them being, sorry, them attending?---Yes.

And was it Ms Bakis and/or Mr Petroulias who attended?---It was, it was Ms Bakis and Mr Petroulias.

And who introduced them at that meeting, Mr Slee?---That would have been Debbie Dates.

10

And do you know why they were there?---No, I did not. I, I, I, if I remember rightly Ms Bakis was there under the guise of being the – I'm not sure if she was the bookkeeper for the Land Council at that time.

Do you know did Mr Petroulias give a presentation at that meeting?---Yes.

What did it involve, do you recall?---It involved explaining to the community about my, my son and about what he'd done to the Land Council, it was, it was pulled up by Ray Kelly and Sean Gordon because it was out of hand.

20

THE COMMISSIONER: What sort of things was Mr Petroulias saying about your son?---Oh, he was, he was, he was talking about the financial situation of the Land Council and other matters. I can't remember exactly what they were, but it was slanderous.

Right.

MR CHEN: Was it in the context of explaining why there was proceedings by the Land Council against the Minister?---No, not that I - - -

30

Do you recall - - -?---Not that I can remember.

Do you recall there being any discussion by Mr Petroulias at that meeting about the court case that the Land Council had against the Minister or not? ---I can't remember that.

Do you know when Ms Dates introduced them how she introduced them, as what?---No, I can't. After she introduced them she, she handed the chair over to Richard Green.

40

I'm just going to show you a document first up, I'll just show you a document, that's one for the Commissioner.

THE COMMISSIONER: Thank you.

MR CHEN: Do you recognise that document, Mr Slee?---No, I can't recall it.

Earlier I asked you some questions about whether or not you'd received any legal opinions at any board meeting you attended and I think you said that you didn't recall receiving any.---No, no, that's right.

And you don't believe you received the document I placed in front of you?  
---No, not, not that I can recall, no.

10 Again, if you received advice – well, I withdraw that. Do you recall ever receiving any form of advice at any time you were a board member of the Land Council from lawyers?---Not, not, not on, not on something like that.

All right. What I put in front of you, Mr Slee, it's come up on the screen now, it's called a briefing paper on potential property agreements.---Yeah.

Dated 5 April, 2016. And you've never seen that before until now?---Not that I can recall.

20 All right. Commissioner, could I ask for that document, which I'll identify where it came from, simply to be marked at this stage rather than tendered because I just want to make sure that we have correct, that I can identify correctly the source - - -

THE COMMISSIONER: Yes.

MR CHEN: - - - of various iterations or potential iterations. So this is from the documents produced by Gows, volume F, page 179, but I - - -

30 THE COMMISSIONER: What's the reference number again, F?

MR CHEN: Volume F, page 179.

THE COMMISSIONER: Thank you. So that will become MFI. What's the number? MFI 16.

**#MFI-016 – BRIEFING PAPER ON POTENTIAL PROPERTY AGREEMENTS FOR BOARD MEETING ON 8 APRIL 2016**

40 MR CHEN: And so would you have a look at another document, please, Mr – I'm sorry, do you still have that in front of you, do you?---Yes.

All right. Well, just hand that, if you would, to the officer when – that's (not transcribable). Have you seen that document before, Mr Slee?---Not that I can recall.

It seems to be a fairly detailed document.---It is, yes.

And dealing with a number of property transactions. Is that the kind of document you think you'd remember if you would have received it?---I think so.

And just for the record, Mr Slee, would you agree that that's a document described as a Briefing Paper on Advantage Property Agreements for board meeting 2 June, 2015? That's the - - -?---Yes.

10 And it's dated 29 May, 2016.---Yes.

Commissioner, could that – so, Commissioner, could that be marked as well for identification? And the source of that document appears to be Gows Material, volume F, page 276.

THE COMMISSIONER: Yes, that document will be marked MFI 17.

20 **#MFI-017 – BRIEFING PAPER ON ADVANTAGE PROPERTY AGREEMENTS FOR BOARD MEETING ON 2 JUNE 2015**

MR CHEN: Mr Slee, I'm just going to show you one more document now. I'll put it on the screen for you, if I can. Would you mind just handing – thanks.---Oh, sorry.

That's all right. Do you see up on the screen in front of you, Mr Slee, is a letter addressed to the chairperson of the Land Council dated 6 March, 2016, from Knightsbridge North Lawyers, described as Governance  
30 Ratification Resolutions?---Yes.

We'll just scroll down to the bottom of it to show you the complete document, which is signed by Ms Bakis. Do you see that on the second page?---Yes.

Have you ever seen that document before, Mr Slee?---No.

This is a document that, on the face of it, appears to relate to a number of resolutions that you took issue with in the course of your role as a board  
40 member.---Yes.

Do you think you would have remembered receiving such advice if it was tabled at a board meeting?---Yes, I think so.

Did Ms Dates ever tell you that she was seeking that advice?---No.

She never discussed it with you at any stage when you were a board member?---No.

So, Commissioner, could that similarly be marked? It's from Gows Material volume F, page 170.

THE COMMISSIONER: Yes, that will be marked MFI 18.

10 **#MFI-018 – BRIEFING PAPER ON GOVERNANCE  
RATIFICATION RESOLUTION(S) FOR BOARD MEETING ON 8  
MARCH 2016**

MR CHEN: Commissioner, that's the examination of this witness. Thank you.

THE COMMISSIONER: Yes, thank you. Yes, Ms Nolan, do you have any questions?

20 MS NOLAN: I do, thank you.

Mr Slee, you're diabetic, aren't you?---Yes.

And it's type 2 diabetes?---Yes.

And by reason of your type 2 diabetes you have circulatory problems?

THE COMMISSIONER: What's this got to do with - - -

30 MS NOLAN: I'll take it somewhere.

THE COMMISSIONER: No, no, no, no, no. Before you go anywhere, this is this witness's personal health issues. I don't like those being ventilated unless there's every good reason to and if they need to be ventilated they can be dealt with in a confidential manner. I won't permit it.

MS NOLAN: Well, you've asked me what it's going to.

40 THE COMMISSIONER: No, no, I'm not asking you, I'm simply saying whatever it goes to it's not going to be elicited in this way.

MS NOLAN: Well - - -

THE COMMISSIONER: If you want the evidence, then it will be dealt with in another way.

MS NOLAN: Well, how then may I be permitted to deal with it because I wish to.

THE COMMISSIONER: That's your problem.

MS NOLAN: Well, no, it's not, it's the Commission's problem because this is evidence that I would wish to seek adduced.

THE COMMISSIONER: Just move on, please, Ms Nolan.

MS NOLAN: Well, Commissioner - - -

10

THE COMMISSIONER: I said there is a way of dealing with this. If you want private information as to this man's health that can be obtained.

MS NOLAN: I - - -

20

THE COMMISSIONER: For example it could be written down in a sealed envelope and left with the Commission and on application I'll grant leave to whoever I consider should have access to it. That's one suggestion, but I'm not going to fashion it for you. I'm simply saying I'm not going to, while there are members of the public here, have this man interrogated about his own health issues. I won't repeat it. Now would you move on.

MS NOLAN: Well, I'll need to defer an aspect of my cross-examination in those - - -

THE COMMISSIONER: Very well.

MS NOLAN: - - - with respect to those matters and I do - - -

30

THE COMMISSIONER: Well, when you come up with an appropriate formula for dealing with that private confidential information, then we can revisit it.

MS NOLAN: May it please the Commissioner.

You understand, Mr Slee, that you as a member of the board of the Awabakal Aboriginal Land Council owe fiduciary duties to the board?  
---Yes.

40

And you understand that to the extent to which you owe those fiduciary duties, they're actually provided for under the Aboriginal Land Rights Act?  
---Yes.

And you understand that those fiduciary duties, one of their components requires you to act in the interest of the Aboriginal, the Awabakal Local Aboriginal Land Council, don't you?---Yes.

And not in your own interests?---Yes.

And you understand that you're not allowed to act in the interests of another person?---Yes.

You also understand that one of the components of that duty is duty of loyalty?---Yes.

And that one of the components of the duty of loyalty is a duty of confidentiality?---Yes.

10

And that essentially that duty of confidentiality requires you not to speak about what goes on at board meetings. Do you understand that?---I understand that.

And you understand that you're not meant to share what goes on at board meetings with third persons who are not members of the board. Do you understand that?

20

MR CHEN: Well, I don't think that could be absolute, with respect.

THE COMMISSIONER: Just a minute.

MR CHEN: I don't think that could ever be an absolute proposition. I mean there would certainly be instances where that would be completely appropriate to do and my friend should fashion her question accordingly. There's no blanket prohibition in communicating with third persons in that way.

30

THE COMMISSIONER: Yes. I think that must be right, Ms Nolan.

MS NOLAN: I'm sorry, I did not hear anything Mr Chen said. I think his microphone probably needs to be extended as well.

MR CHEN: I'll say it again. Commissioner, that proposition my learned friend put could never in my submission be absolutely correct. That's a short summary of what I said, Commissioner.

40

THE COMMISSIONER: It must be right, Ms Nolan. There may be circumstances which would fully justify the conveying of information from board meetings to others. Indeed the circumstances one could envisage, perhaps they might be extreme, where there be a positive duty to do so.

MS NOLAN: I accept there's a positive duty with respect to compulsory production of that sort of a material, that's not what I'm addressing.

THE COMMISSIONER: Nor am I. I'm simply observing that you're putting, as Counsel Assisting pointed out, propositions that are based upon there being an absolute duty never to disclose anything to anyone that arose

in a board meeting. His objection was based upon proposition there could not be and there isn't such an absolute duty of confidentiality and I have added to that that one can envisage circumstances where it would be permissible to divulge such information outside the boardroom and I suggested that maybe in extreme circumstances one could envisage when there be a positive duty to disclose such material. Therefore, it seems the premise of your question, at least impliedly is, that there is an absolute duty, can't be right.

10 MS NOLAN: The premise of my question was framed and qualified with the use of the word "essentially". That it's of the essence - - -

THE COMMISSIONER: Anyway, you've heard what I've said.

MS NOLAN: I have.

THE COMMISSIONER: So you can tailor it around what I've said.

20 MS NOLAN: Well, I'll repeat the premise upon which I predicated the - - -

THE COMMISSIONER: Look, you don't have to explain it. You just put the question and we'll see if it's permissible or not.

MS NOLAN: Well, you will recall that the question that I asked you was predicated on that essentially you're not meant to be speaking about board meetings with third persons. You understand that that goes to the essence of your duty of confidentiality?

30 THE COMMISSIONER: I reject that. That's again putting it to him in absolute terms without any qualification. It can't be right. What, for example – let's take an example. If somebody at a board meeting said that they were conspiring to do, inflict some damage on somebody or, indeed, take unlawful action against somebody. It couldn't be, surely, an embargo on a board member not to disclose that information, for example, to law enforcement authorities if it was serious enough. That's an extreme example to make the point that your question is premised on the basis there are no circumstances could a board member – in particular the witness – disclose information to third parties. Can't be right.

40 MS NOLAN: No, I'm talking about the essential components of the duty of confidentiality. With the greatest of respect, I'm not talking about an absolute circumstance where under no circumstances are you permitted, and I - - -

THE COMMISSIONER: No. Well, your question is premised on the proposition that there is.

MS NOLAN: No, it's questioned on the essence of the duty of confidentiality, with respect, Commissioner.

THE COMMISSIONER: Just put the question again, then. Ms Nolan, I'm not going to waste time on this. You put your question. I'm either going to allow it or disallow it. Now try again.

10 MS NOLAN: The duty of confidentiality, as a matter of the duty, the basic duty, one of the tenets of it is that you maintain that confidentiality and you don't – without good reason – reveal the contents of board meetings to third parties. You understand that?---Yes.

And you need express authority – without what the Commissioner has been talking about, compulsory requirements, police investigation and the like – you need express authority from the board in order to reveal the deliberations of the board to third parties.

MR CHEN: I object, Commissioner.

20 THE COMMISSIONER: I reject the question.

MS NOLAN: In any event, the reason why the duty of confidentiality exists is to promote the open dialogue which is crucial to board deliberations. Do you accept that?---Yes.

30 And it's crucial to the proper governance of a board that it feel that it can deliberate, with respect to the matters that are before it, freely without the threat of somebody revealing those deliberations to third parties. You accept that?---Depends. Depends under what circumstances.

You had no authority from the board to make the revelations of board deliberations to Mr Kenney, did you?

MR CHEN: I object, Commissioner, because it assumes that he's required to obtain permission from the board to take whatever step it has taken.

MS NOLAN: No, it doesn't, with respect. It's a question saying – it's just a matter of objective fact - - -

40 THE COMMISSIONER: Ms Nolan. Ms Nolan.

MS NOLAN: - - - whether he had it or not.

THE COMMISSIONER: Ms Nolan, I reject the question.

MS NOLAN: It's a question of objective fact, Commissioner, that he had no authority.

THE COMMISSIONER: Ms Nolan, have you finished your questions? If you haven't, put another question.

MS NOLAN: Did anyone give you authority to speak to Mr – did anyone authorise you or say that you were permitted to go and speak to Mr Kenney about what was going on in the boardroom.---No.

10 Now, you know that – I withdraw that. Did you complain to anybody about the fact that the material that was subpoenaed in respect of the litigation with the Minister was made available to the board?---To Mr Kenney.

You complained to Mr Kenney?---Yes.

Can Mr Slee please be shown volume 17, page 6. Have a look at the paragraph, please, at, I think it starts with “further”, Mr Slee.---Yeah.

See that?---Yes.

20 So did you know that Mr Kenney told the solicitors at Ridge & Associate or I think it's, yeah, it's Ridge & Associates about what happened with the subpoena material?---No.

Did Mr Kenney tell you that his solicitors or the solicitors at Ridge & Associates had contacted Knightsbridge North with respect to what had happened with your subpoena material?---No.

30 Now, you consider Debbie Dates and Richard Green responsible for the fact that your son, Steven Slee, was dismissed from his position in the council don't you?---Well, they're, they're the ones that dismissed him.

And you know that from the point at which he was dismissed the board on which you sat became fractured and divided into two factions don't you? ---It became, it became that way.

And it became somewhat dysfunctional thereafter didn't it?---Yes.

40 Now, you've told the Commission that were, I think, I'll just pause a moment, that you were against the Land Council selling land and you would argue against anything about that. They were your words?---Yes.

Now, you were at a number of different board meetings during your tenure as a board member where land disposition or land proposals were discussed weren't you?---Yes.

And you didn't say anything about – I haven't finished – you didn't say anything about your opposition to that happening did you?---No.

It's the case isn't it that during the time that you spent on the board that you were very – I withdraw that. It's the case isn't that on the time that you spent on the board you did not contribute much to any of the deliberations of the board by way or oral contributions did you?---I spoke on matters, yes.

It wasn't your custom to move resolutions often was it?---I, I moved, I moved resolutions on things that I, I valued and thought were better for the, better management of the Land Council and what was good for the Land Council members.

10

And on matters that you thought were not good for Land Council members you abstained from voting didn't you?---Well, I wouldn't, you, you can say no, I don't agree with that and it's not put in the minute book, you know. It depends how you want to look at that.

But you abstained from voting. Do you accept that?---Oh, of course.

20

You accept that when John Hancock retired due to his illness that the quorum on the board went from six down to five, don't you?---Six down to five?

Yes.---There was, there was (not transcribable) yes.

And do you recall when Mr Hancock did retire?---No.

Can I suggest to you that it was on 10 November, 2015? Does that accord with your recollection?---I don't know.

30

You've given some evidence to the Commission with respect to MFI 16, 17, and 18.---What's that?

There were three documents that you were shown just before I arose. The board governance document, the legal briefing with respect to land proposals, and the legal briefing with respect to ratification. You remember that you were shown those?---Yes. Yes.

40

It's the fact, isn't it, that those documents were made available in the meeting on 8 April? They were placed on a table alongside the board table, available for people to pick up and read before the meeting. You're aware of that?---I wasn't aware of that.

So when you told the Commission that you've never seen it, it's possible, isn't it, that they were made available but that you just weren't aware of that fact?---I don't know.

Well, you would accept, wouldn't you – and I don't mean this in any way to be insensitive; I really, truly don't – that the Aboriginal Land Council, the Awabakal Aboriginal Land Council, the conditions in which the community

members were living were poor? Would you accept that?---I don't know. I don't judge the community like that.

Would you accept that the housing was insufficient provided - - -?  
---Housing is insufficient everywhere, just not in one area.

Pardon me?---Housing is insufficient everywhere.

10 The proposition that I'm looking to put to you is this – that it was necessary in order for the Awabakal Aboriginal Land Council, in order for them to be able to assist the community properly with respect to the community's needs, that it needed to sell some land. Do you accept that proposition?  
---No, I don't agree with it.

Because they needed to sell land because that was the only way they were going to be able to raise the capital in order to be able to assist the members. Would you accept that proposition?---Assist the members in what way?

20 With respect to – well, with respect to the community needs and what the function of the Land Council was.---So what, what needs are you referring to?

I'm referring to improve living conditions for the community. Would you accept that?---But the Land Council is not a welfare organisation.

No. The basis upon which the Land Council was proposing to sell land was for the benefit of the community. Do you accept that?---In what way?

30 To provide - - -?---I just need you to be more specific, that's all.

To provide the community with funds to be able to improve and better and advantage members of the community.---Improve in what way?

I'm not a member of the Aboriginal Land Council and - - -?---No, but, but, but the reason - - -

- - - I ask the questions, with the greatest of respect.---I, I, of course. Of course you do. Of course, of course you do.

40 If a question is unclear, Mr Slee, please say that question is unclear and I will attempt to reframe it, but I am not - - -?---Okay, well, I, I'm, I'm just answering the best way I know how.

We can't talk over one another.---Yeah.

THE COMMISSIONER: Yes, what did you want to say?---I, I, I just, when she said "for the benefit of the community" my, my question is, so I can answer it properly, sir, is just in what way will it benefit the community? Is

it in housing or what area? That's all so I can answer it properly. That's all I'm asking.

MS NOLAN: I'll put the proposition to you this way. Do you accept that the community would be benefited by improved housing?---Of course.

10 And do you accept that one way in which the community may be able to be assisted in developing and improving the housing for the community members is through the Awabakal Aboriginal Land Council selling some of its land to raise funds so it can improve the housing conditions?---No, I, I, I don't, I don't agree with that.

Would you accept that the housing situation for members of the Awabakal community needs improving?---Oh, it could be, yes.

And how do you suggest, Mr Slee, that might be achieved?---Well, the Land Council can, can improve the housing situation for the Awabakal Land Council by working in with the Aboriginal Housing Office.

20 And how are they to do that if they don't have any money?---You don't have to buy them. You make applications through the Aboriginal Housing Office. They put up so many houses each year that organisations can apply for.

But would you accept that another way in which it could be done was through the Awabakal Aboriginal Land Council effectively providing housing for its members?---Yes.

30 And that's a good thing isn't it?---Of course. Any, any, supplying housing is a good thing for disadvantaged people.

Do you understand that a number of the proposals that were being explored by the board actually involved donation of houses to the Awabakal Aboriginal Land Council for the housing and benefit of its members?---I heard such a matter.

You wouldn't be opposed to that now would you?---What's that?

40 You wouldn't be opposed to that idea now would you?---If the proposal was a good proposal right across the board but the thing is I wouldn't sell all the assets of the Land Council at the same time either.

And when you say you wouldn't sell all the assets of the Land Council at the same time either, the reason why you say that is because you understand that there were proposals that could effectively see the entire disposition of the assets of the Awabakal Aboriginal Land Council being tabled - - -?  
---Well - - -

- - - before the board when you sat on it. Is that right?---There was talk about such things.

And you didn't say anything against it at the time when you were sitting on the - - -?---Well, you - - -

I haven't finished.---Sorry.

10 You didn't say anything against that at the time at which you were sitting on the board did you, Mr Slee?---Well, you could, yes. Well, you could raise objections at that board meeting. You'd be talked over or, you know, the meeting was just pushed on. You were ignored.

You would accept that – I withdraw that. You would agree with me wouldn't you that despite whatever view you had with respect to the way that Ms Dates and Mr Green were as you alleged behaving in the context of board meetings, that you as a board member had a duty to behave in a way to promote the restoration of good governance by that board?---I feel I did.

20 But you would agree with that proposition?---Well, everyone on the board has that duty.

But you would agree with it, that you had that duty?---Yes.

Right. And you would agree with me wouldn't you that going behind members of the board's back and writing letters to Mr Kenney and writing emails to Mr Kenney effectively undermined the promotion of that interest wouldn't you?

30 MR CHEN: I object, Commissioner.

THE COMMISSIONER: Depends on what's in the letter wouldn't it?

MS NOLAN: Is that question rejected?

THE COMMISSIONER: Yes, it is. It's too general. You need to reformulate the question in a way in which it would be clear as to what sort of communication it was.

40 MS NOLAN: Well, you'd accept wouldn't you that communications detailing what board members have been doing on a day-to-day basis, for example the appointment of Knightsbridge North Lawyers, just to complain about that, that that's not going to promote good governance within your board is it?

MR CHEN: Well, I object again, Commissioner.

THE WITNESS: Yes.

THE COMMISSIONER: Well, it could have the opposite, the very opposite effect, on the evidence thus far. If the Land Council has retained and used for years a competent solicitor and there's never been any criticism of that solicitor and then suddenly somebody on the board turns up with a new firm of solicitors, there might be every obligation on the member of the board to raise that with the person who's carrying out investigation, because it may be that the suggested alternative firm of solicitors is not up to doing whatever has to be done.

10

MS NOLAN: Well - - -

THE COMMISSIONER: So wouldn't it be absolutely consistent with a concerned board member to bring it to the attention of someone in that position?

MS NOLAN: It may, but the point I'm, the point I'm driving at, with respect Commissioner, is that this gentleman was an active participant of the board for quite some time, had an ample opportunity to say and do things while on that board and try and bring some order back to that board, exercise his functions as a board member to try and bring the board consistently within its obligations and did, and sat there and did nothing other than send emails to Mr Kenney.

20

THE COMMISSIONER: Well, that might be all he could do is send emails to Mr Kenney. What else could he do? On the hypothetical example you've given, well, it's not quite hypothetical, that is the appointment of Knightsbridge North for example, if he communicates that fact to Mr Kenney and expresses some concern about it, what would be wrong or incorrect in doing that?

30

MR NOLAN: He could, he could move that their retainer be terminated.

THE COMMISSIONER: No, well, he could take the first step of informing Mr Kenney surely this has happened.

MR NOLAN: He could speak about it at the board meeting and say - - -

THE COMMISSIONER: I'm not talking about the board meeting, I'm talking about him imparting information which he's learned from the board to Mr Kenney, somebody's got this firm, Knightsbridge North, in now as the lawyers to the Council, this is news to me, would you mind looking into it. What would be wrong with that? That would be consistent, wouldn't it, with a board member, a concerned board member raising it to an appropriate authority?

40

MS NOLAN: Well, I understand that context in which we're having this discussion is that there's an investigation into the conduct of that very board, that very firm, nonetheless - - -

THE COMMISSIONER: By Mr Kenney are you talking about?

MS NOLAN: By this Commission.

10 THE COMMISSIONER: Oh, I see, mmm.

MS NOLAN: But in those circumstances, but assume this hypothetical, that there's absolutely nothing wrong with it and someone's just telling tales.

THE COMMISSIONER: All right. Look, I don't want to prolong the debate because time is slipping away, but I just wanted to try and assist by making the point which might just help you reformulate a question, that's all.

20 MS NOLAN: I accept what you put to me, Commissioner, but it really, I mean we have descended into a matter of argument to submissions - - -

THE COMMISSIONER: Well, perhaps it's not a good example with respect, that is the question of the appointment of Knightsbridge Lawyers, and there may be some other circumstance you want to put to the witness.

MS NOLAN: Well, I'm trying to stick within the Commission's terms of reference, I don't want to wander off into matters that don't concern the Commission.

30 THE COMMISSIONER: Very good.

MS NOLAN: I'm just going to put a series of propositions to you. That one of your main motivations for complaining to Mr Kenney was because you were opposed to anything Debbie Dates and Richard Green did or said by reason of the fact that they had been responsible for your son's dismissal. ---No.

40 And that that motivates the – I withdraw that. And the reason why you've told the Commission on so many occasions that you can't recall something is not because you can't recall, it's just that you don't wish to recall that evidence because it will not assist you in making sure that Debbie Dates and Richard Green are considered unfavourably by this Commission.---No.

And by extension because Debbie Dates and Richard Green brought, as you understand it, Ms Bakis, Knightsbridge North Lawyers, to the table, so to speak, to the Awabakal Aboriginal Land Council as the solicitor for that council, that the evidence that you have given with respect to Knightsbridge

North Lawyers has been given disfavouredly so as to achieve that objective with respect to Mr Green and Ms Dates, is that right?

---No.

Thank you. I have no further questions.

THE COMMISSIONER: Yes. Any other questions?

10 MR PETROULIAS: Yes. Mr Slee, can I ask you about what you observed? You've observed me coming to the Land Council, for example, driving into the car park you've been, while we're waiting around - - -?  
---I've seen you at the Land Council.

Yeah. For example, driving into the, driving into the car park. You've been there.---I don't know about the (not transcribable) but you were at the Land Council.

Taking documents in.---I don't know.

20 I'm trying to, I'm trying to refresh your memory, that's all. Very clear. Okay. So you were shown the 8 April minutes where I gave you the advice when asked for my opinion, and I said it's up to you to determine your priorities.---Yes, I seen that.

Yes. That, that in some way was inappropriate to you, deceived you, tricked you, made you do something you weren't going to do?---I never thought along those lines.

30 Oh, no, that's fine, that's fine. Did you believe in any way that I influenced you in some way to make a decision you weren't going to make otherwise?  
---No.

No. Thanks. Now, you do recall reading into the, reading the, the submissions that were made in the litigation going – you, you - - -?---What?

You do remember reading some of the submissions about the cases in the litigation?

40 THE COMMISSIONER: Which litigation?

MR PETROULIAS: The litigation with the Minister and the Registrar.  
---Not, not at the, not at the Land Council, no.

Weren't you - - -?---I wasn't privy to that meeting.

No, not the meeting. A new board was appointed on 20 July.---Yeah.

It reviewed everything that was going on to make up its own mind.

MR CHEN: Well, I'm not sure if - - -

MR PETROULIAS: Is that correct?

MR CHEN: - - - with respect, if the question can be put in those terms, Commissioner. The board, the new board, read everything. I don't know what he's referring to.

10 THE COMMISSIONER: Just perhaps you should just speak up so that Mr Petroulias can hear.

MR CHEN: I'm sorry, Commissioner. The question is put far too widely, in my respectful submission. He says the new board read everything. I don't know what he's referring to and perhaps it should be made clear.

THE COMMISSIONER: Yes.

MR PETROULIAS: A new board was elected.

20

THE COMMISSIONER: Mr Petroulias, I think the point of the objection is that if you want to put a proposition to him, you should be a bit more specific.

MR PETROULIAS: Certainly.

THE COMMISSIONER: From 20 July a new board came in and they did something.

30 MR PETROULIAS: Yes. A new board came in 20 July with 10 members. And you were on that new board?---Yes.

Would you say the fair characterisation is it believed that fighting the litigation was really protecting Debbie and Richard?---Protecting them?

Protecting Debbie and Richard, really.---Like, with youse taking the litigation out against - - -

Yes.---Oh, I didn't, I didn't look at it like that.

40

But that was the view overall?---My, my view overall about that was there was no need to take out litigation against the Minister or, or the Registrar or the State Land Council. What was to be achieved by it?

Okay. In fact - - -?---That's what I couldn't understand.

No, no. In fact that's correct, isn't it? You were taken to some minutes, 9 September, and then they were continued on on 22 September, where it was

said – if you need to pull up Sundry Documents of the Administrator, page 227 – where, do you remember the resolution that you, the litigation be discontinued and that instead the, instead the board work with the Registrar instead, work with the Registrar instead.---I remember the resolution about, yeah, about the litigation being stopped, yes.

Yes. And to work with the Registrar. That was the solution.---Oh, I don't, I can't remember that other bit of it.

10 Okay. Can we, can we have that, please? Sundry Documents of Administrator, page 227.

THE COMMISSIONER: What's the relevance of this, though?

MR PETROULIAS: Just about to show you.

THE COMMISSIONER: No, no. What's the relevance. What do you want to put to the witness? What's the proposition you want to put to the witness?

20 MR PETROULIAS: Well, that was the form of the resolutions. We're going to stop the litigation with the Minister because we're going to work with the Registrar.

THE COMMISSIONER: Well, he can't remember.

MR PETROULIAS: That's why I want to show him.

THE COMMISSIONER: Nor can I. No, no, no. Let's assume that's right for the moment.

30 MR PETROULIAS: Yes.

THE COMMISSIONER: Now what follows?

MR PETROULIAS: Okay. And, and you understood whereas the litigation was trying to stop the appointment of an administrator.

MR CHEN: Well, he's not said that.

40 THE WITNESS: No.

MR PETROULIAS: No? You don't understand that to be the purpose? ---No.

No. What did you think the purpose was, then?---I, I, I, I honestly don't know. I couldn't understand the litigation, the fact that it was taken out, what it was for, what, what was the reason why it was taken out.

Right.---Yeah. I - - -

Okay. In any of your many minutes did you – sorry, many emails – did you ask that question of anybody?---No.

10 So you just simply went along with not understanding and then considering inappropriate notwithstanding you know nothing about it?---Well, the basic thing is there was a meeting held about the litigation. I wasn't, I wasn't invited to that meeting, you know, so if proper procedure had have been followed I would have known all the details.

No, no, totally, totally agree with procedure but you wrote a lot of minutes, a lot of emails complaining about certain aspects.---Yeah.

But no email ever said I want to know more about this litigation. I don't understand it?---No, no email said that.

20 In fact no emails from you about any of the property deals. These people are presenting these property deals. I don't know what it's about. I don't like it. There's this weird guy Nick there.---I tried, I tried to bring these, I tried to bring these issues up at Land Council meetings and I was either shouted down or things were moved on.

I don't dispute, I don't dispute that problem. What I'm saying is in the many emails that you've sent to various people none of them have said the property deals I don't like the smell of them and they're not giving me enough information. You never said that to Kelvin Kenney, to the Registrar?---No.

30 No. You never said for example there's this guy Nick. I don't know what his story is but he's really weird. Someone ought to look into it?

THE COMMISSIONER: Look, I won't allow that question.---I don't understand that.

Put another question, please.

40 MR PETROULIAS: Okay. Now, you were taken by Counsel Assisting to the minutes of 9 September where they engaged Nicholas Dan.---Yes.

Do you remember the, do we need to pull it up or do you remember it?  
---Yeah, I remember talking about it.

And it says, "Sophie to engage Nicholas Dan".---Yeah.

Yeah. Did you ever see his cost agreement?---No.

Do you know anything about Nicholas Dan, did you ever see his CV, his capacity, his professionalism?---No.

Okay. Do you know why Sophie is appropriate to talk about administrative law for example?---Who?

Sophie.

10 THE COMMISSIONER: Look, I think - - -

MR PETROULIAS: Sophie was to appoint Nicholas Dan.

THE COMMISSIONER: Mr Petroulias, I'm going to interrupt. I think we're really straying off the main path by a long margin. I think you should focus on the issues that affect you.

MR PETROULIAS: All right.

20 THE COMMISSIONER: And just try and stay on track if you would.

MR PETROULIAS: Yes. Thank you, Commissioner. Okay. Could I focus on something that I hope we can agree on. This is an, you're w23\_54@yahoo.com?---Yes.

Right. So you definitely, definitely were sent a copy of this briefing paper? ---I, I can't see it so I can't say yes.

30 No. Okay. That's no problem at all. It's in fact, and this is just directly relevant to me. What's it called. It's volume 17, page 27, if we can have that.

THE COMMISSIONER: What do you want, what's the question?

MR PETROULIAS: Oh.

THE COMMISSIONER: What's the question?

40 MR PETROULIAS: Can I have it up so I can show him the briefing paper. Do you want a hard copy preference?

THE COMMISSIONER: No, no, just wait for the screen.

MR PETROULIAS: Do you remember this document?---(No Audible Reply)

Maybe scroll down a couple of pages to refresh your memory. The problems at the time, the priorities (not transcribable) trying to fix. This is a

new board now. You're on the new board. Just trying to refresh your memory. Funding problems, how to solve them.

THE COMMISSIONER: Mr Petroulias, no running commentary, please.

MR PETROULIAS: Okay. I'm trying to refresh his memory, Commissioner, that's all. Okay. Can we go perhaps to, let's go straight to page 10. 5.1 is that, is that right. No, that's not it. Sorry, this is not the same document. I don't know what's happened. Page 27 so it'll be 27 plus 10, 37. Okay. So one up, please. Thank you. Can you see that, Mr Slee?  
10 ---Yeah.

Okay. It talks about disclosing the relationship, making clear that the board understands who Mr Green is and his relationship with United Land Councils. That Teresa Towers and Wotherspoon was potentially to be directors.

THE COMMISSIONER: You don't have to read the whole document, Mr  
20 - - -

MR PETROULIAS: Okay. That there's going to be a trust, a charitable trust, that there's going to - well, there is one. Now, you can see history of relationship with Mr Green and it talks about originally engaged with Awabakal in 2014 following board resolution to sell land with Gows/Indigenous Business Unit joint venture.

THE COMMISSIONER: What's the question?

MR PETROULIAS: Well, so you brought that to your attention. You were  
30 mentioned, you were asked if you - - -

MR CHEN: I don't think he's ever - - -

MR PETROULIAS: - - - ever heard of, ever heard of Gows. Isn't Gows mentioned there?---It's mentioned there but I haven't heard of it.

Well, why wouldn't you have, if that was not right in any way why wouldn't you say anything?---Oh - - -

40 No, no, you're, you're nodding your head. Does that mean - - -?---I don't, I don't understand what you're saying.

This is not a criticism, I'm simply saying, you're a person who writes a lot of emails when you're unhappy about something.

THE COMMISSIONER: Just wait, Mr Petroulias, I must interrupt.

MR PETROULIAS: Yes.

THE COMMISSIONER: I've asked you a couple of times now to slow down. You are talking at such a fast rate that it's very hard for anybody to keep up with you, let alone the witness.

MR PETROULIAS: I apologise.

10 THE COMMISSIONER: So that's the first thing. I don't know how many more times I have to keep reminding you to just slow down. That's the first thing. The second thing is I think the witness, as I am, is having difficulty understanding whether you're making a statement or whether you're putting it as a question and if it is a question, what's the point of the question.

MR PETROULIAS: Okay.

20 THE COMMISSIONER: So I think you just need to pause, think about what the question it is that you want to ask, to make sure it's a question not a statement firstly, and secondly, to express it in a way that the witness has an opportunity to grab hold of the point of the question so that he then can consider it and answer it. And we'll see if we can use a few of those basic rules to progress this.

MR PETROULIAS: Okay. Do you understand this document is trying to provide a catch-up to a new board of the events of the past that may be relevant?---Oh, from what you're saying.

Okay. And it does disclose, does it not, the history with Gows and Indigenous Business Union?---Um - - -

30 It discloses it in 5.2(b). Now, what I'm saying to you is, do you, you were part of the board that made the resolution to sell that land to IBU on 31 October, 2014?---I can't recall.

Can't recall?---No.

Wasn't your son CEO at the time?---I don't understand that.

MR CHEN: I understood this was 2016.

40 THE COMMISSIONER: This is a long, long time after 2014.

MR PETROULIAS: Precisely, which is why only recently - - -

THE COMMISSIONER: All right. Well, no, I think, I think you've made your point. I think you should move on to the next question.

MR PETROULIAS: Okay.

THE COMMISSIONER: Next topic.

MR PETROULIAS: Now, can I show you 5(e), the last one here. It talks about how does United Land, how much money does it make and it says it doesn't make money, it costs money, it is funded through pro bono assistance from this firm and personal financial assistance.---So what one is that?

5(e).

10

THE COMMISSIONER: I can't see a 5(e) on the - - -

MR PETROULIAS: Page 10, as we were.

THE COMMISSIONER: Which part of it? 5.1?

MR PETROULIAS: 5. Relationship with United Land Councils, and it's got a series of questions, what it is, who - - -

20

THE COMMISSIONER: Well, that's (f), yes, (f)

MR PETROULIAS: (e) says, "How much money does it make?" So what I'm putting to you, Mr Slee, is very simple. You have a strong view.---Yes.

Whatever the view is and whether you agree with the others or not, you have a strong view and you express your views when you are dissatisfied with something. And I'm trying to say to you, there is disclosure here of a lot of things. If they were not new to you and if they offended you, why did you not write anything to anybody else?---Well - - -

30

If any of this displeased you why not write an email?---I, I don't know.

THE COMMISSIONER: Are you able to answer that question?---I can't, no, sir.

MR PETROULIAS: Okay.

THE WITNESS: I can't.

40

MR PETROULIAS: Okay.

THE COMMISSIONER: It comes as no surprise. Look, I'm afraid, Mr Petroulias, you're taking him to someone else's document.

MR PETROULIAS: No, this is his, this is a document to him as a board member, it has a multiple, a multitude of attachments.

THE COMMISSIONER: It's not his document thought. It's not his document and I think you're trying to extract too much out of the references that you've already mentioned.

MR PETROULIAS: Okay.

THE COMMISSIONER: I just don't think it really is going to assist this inquiry one little bit, quite frankly.

10 MR PETROULIAS: Okay. You don't recall briefing papers. I've put one to you that you cannot deny you have received?---No.

It contains material in there that is relevant to the inquiries and you must have seen it or you might not have.---What, are you talking about this paper here?

Pardon?---Are you talking about this paper onscreen now?

Yes.---No.

20

No what?---I haven't seen it.

You haven't seen it?---No.

Even though it was emailed to you?

MR CHEN: Well, I'd ask my friend, my friend identified - - -

THE WITNESS: Emailed to me?

30

MR CHEN: Just a moment, Mr Slee. Mr Petroulias - - -

THE WITNESS: Not that I can remember.

MR PETROULIAS: Okay, sorry.

MR CHEN: - - - identified an email address and then moved promptly onwards.

40 MR PETROULIAS: Certainly. Let's have a look.

THE COMMISSIONER: I'm sorry. Say it again.

MR CHEN: Mr Petroulias identified an email address and then promptly moved on, and this witness has never accepted the proposition – which he's repeated now in answer to the last question – that he's received it or seen it. And if indeed Mr Petroulias wants to put that, by all means he should. But

the witness has never done so, and the questioning now is now proceeding on the basis that he must have received it.

THE COMMISSIONER: Mr Petroulias, would you go back to your desk, please.

MR PETROULIAS: (not transcribable)

10 THE COMMISSIONER: And don't move from it. If you've got a document you want handed up, there are staff in the hearing room that can assist. Now, let me deal with the point. Is it the fact that you did not receive this document or a copy of it?---Not that I can recollect.

That you can recollect.---Not that I can recollect.

Now what's the next question?

MR PETROULIAS: Can I show him the - - -

20 THE COMMISSIONER: No, no, no. He said he didn't receive it. He's seen it on the screen. He doesn't have to see a hard copy of it. It's the same document, is it?

MR PETROULIAS: Can we, can I show him – send it to him in his email address?

30 THE COMMISSIONER: Yes, all right, then. Hand that to the officer. Mr Petroulias, the other matter, just while we're dealing with this, is this witness has travelled from Newcastle three times, I think it is, this week.

MR PETROULIAS: Yes.

THE COMMISSIONER: I want to have his evidence finished by 4 o'clock.

MR PETROULIAS: Yes.

40 THE COMMISSIONER: I just want to draw your attention to the time now – it is about five past 3.00 – so that you use the time available wisely in your own interests. Sorry, just show it to me firstly. Thank you. Yes, very well. Thank you.

THE WITNESS: Yeah.

MR PETROULIAS: That was a “yeah” to what, sorry?---Oh, sorry, yes.

No, no. Yes, yes to what? Yes, you've - - -

THE COMMISSIONER: Mr Petroulias, just wait a minute.

THE WITNESS: I, I do acknowledge it's got my email address on it.

MR PETROULIAS: Yes. Yes, and does that refresh your memory at all as to whether you received it?---No.

No.---No.

10 So you contend that you did not receive it?---I'm not saying I did not receive it.

Sorry, you have - - -?---I'm sorry - - -

You haven't drawn your attention to it?---I haven't drawn my attention to it in my email, this - - -

Fantastic. Thank you very much. Can I tender that email?

20 THE COMMISSIONER: Yes. No, you can't, but Counsel Assisting might in due course. We'll have it marked for identification. There are two documents there, I think, isn't there? Thank you. So the first document, Joint Legal and Financial Brief to Board Members, will be marked for identification 19. Second document, which is a copy of the Joint Legal and Financial Brief to Board of ALALC, 18 August, 2016, will be marked MFI 20. And Counsel Assisting will, in due course, determine whether they are tendered in evidence.

30 **#MFI-019 – EMAIL CHAIN FROM KNL ADMIN TO VARIOUS PARTIES DATED 7 NOVEMBER 2016**

**#MFI-020 – JOINT LEGAL & FINANCIAL BRIEF TO BOARD OF ALALC PRIORITIES FOR THE ALALC TO COMPLY WITH THE ALRA DATED 18 AUGUST 2016**

THE COMMISSIONER: Yes.

40 MR PETROULIAS: Yes. Mr Slee, I don't want to be unkind by this question, but if you don't get the board papers by email, how else are they supposed to draw it to your attention?---Beg your pardon?

THE COMMISSIONER: No, no. I won't allow that question.

MR PETROULIAS: In your, your very, in your documents produced by Larry Slee, the very first one that you have, where you're writing to Kelvin Kenney and you're raising the issue of the solicitors. And the solicitors

prepared resolutions and it says you rejected the resolutions.---I can't see what you're - - -

Oh, okay. This is your email so can we please bring that up. That's documents produced by Larry Slee, it's the very first page.

10 MR CHEN: I think there's a -- I don't know whether, this is exhibit, whether Mr Petroulias is referring to documents produced by Larry Slee, is he referring to Exhibit 54 which is described as additional communications from Larry Slee?

MR PETROULIAS: Yeah, maybe.

MR CHEN: Well, I don't know.

20 MR PETROULIAS: Well, well, the one that's up there now is good. Yes, yes, additional communications from Larry Slee. And it says that Richard was trying to pass a resolution and you rejected the resolution.---I said, I said I strongly debated it.

No, that's fine, I'm not here to quibble about that. But Counsel Assisting marked for identification, what did you call it, 18, where it was the briefing paper of KNL 8 March, and that contains the only reference I've seen to the resolutions which you're disputing at the back. Can we please have that up. MFI 18.

MR CHEN: It's in the minutes as well, Commissioner.

30 MR PETROULIAS: Yes.

THE COMMISSIONER: Sorry?

MR CHEN: Mr Petroulias said the only reference to the proposed resolutions is in the document that I referred the witness to, which is not right, it's in the minutes themselves of course, Commissioner.

THE COMMISSIONER: Yes, yes.

40 MR PETROULIAS: The minutes recite the resolution but there's nothing that -- in his email he says, "I've seen, I've seen," - - -

THE COMMISSIONER: Mr Petroulias, make sure you're not wasting time because the clock - - -

MR PETROULIAS: No, no, no, this is my last question.

THE COMMISSIONER: - - - the clock is ticking. I'm just reminding you, you only have till 4 o'clock because the witness has got to return to Newcastle and the Commission's rising at 4 o'clock.

MR PETROULIAS: This is my last question. I don't propose to ask the other one anything.

THE COMMISSIONER: All right. Okay.

10 MR PETROULIAS: So just so we're clear, I just want, you say to Mr Kenney, and you're entitled to have your view, "I have seen these resolutions and I don't agree with them." And what I'm trying to work out is what you had in front of you that you didn't agree with, and the only thing I can see is this MFI 18 and the back page has the proposed resolutions. So can we show that MFI 16, MFI 18, and the resolutions. And my question to you is, if you don't recall the entire document is it possible that someone just merely gave you the back page?---Well, I don't, I don't, but I wouldn't know if it possible somebody just gave me the back page or not, so I can't comment on that.

20

Well, because you're saying here you've seen, the solicitors drew up some resolutions and you didn't agree with them, they're the only ones I can see that the solicitors drew up, unless you refer to some other ones, or these have somehow been copied somewhere else.---No, well, these, these must be them.

Okay.

30 MR CHEN: Well, hang on, Commissioner. Mr Commissioner, there are minutes or resolutions which are attached to the handwritten minutes of the meeting, so I really think in fairness to the witness Mr Petroulias should take that into account in the questions that he asks.

MR PETROULIAS: Yes, I am. Mr Slee, please, don't misunderstand what I'm saying. You have something before you that was drawn up by solicitors and I'm trying to work out what it was. Now, it may be that someone has bastardised something else, has repeated it, has copied another version of it or it may be that you were given the back page. I don't know. What I'm looking for your assistance is what do you recall.---I don't know, just what's  
40 on there, you know.

So the best of your guess it's sort of come from the back page there?  
---I don't know if it come from the back page.

Okay.---I'm not assuming.

Okay. But you had something that was from a solicitor from which you drew this, your opinion.---Yeah.

Okay. Thank you. That's all.

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I just have a couple of questions if I might. Mr Slee, you were asked some questions by Ms Nolan about a complaint that you made concerning the documents that you produced to the Land & Environment Court.---Yes.

10

And you said that you did make such a complaint because you thought it was inappropriate - - -?---Yes.

- - - in general terms that information that you provide to the court would somehow make its way to the board members.---Back to the board.

And you recall making a complaint, don't you?---Yes.

20 And you said in answer to question that my learned friend asked of you that you made a complaint to Mr Kenney about that?---Yeah, I, yeah.

Could I ask you just to have a look, please, at Exhibit – did you only make one complaint in an email so far as you can recall?---That's what I recall.

All right. Just have a look would you at Exhibit 54, page 42. Do you see down the bottom that's a specific complaint you made not to Mr Kenney but in fact Mr Wright, the Registrar?---Oh, yes, yes.

30 So is it your evidence that the complaint was made to Mr Kenney or to Mr Wright?---Mr Wright.

Now, Mr Wright as you know and you knew then was the Registrar appointed under the Aboriginal Land Rights Act?---Yes.

And you understood of course did you that he had specific statutory functions as part of that appointment as the Registrar?---Yes.

40 And part of his functions included investigating complaints involving board members?---Yes.

Is that why you sent the complaint to him?---That's right.

Now, Mr Kenney was also appointed was he not an investigator by the Minister for Aboriginal Affairs?---That's right.

And one of the terms of the appointment to Mr Kenney included did it not a complaint that you had addressed to either the Registrar or the Minister, isn't that right?---Yes.

So Mr Kenney, the investigator appointed by the Minister, in fact was investigating a number of complaints that you had raised with him about the operations of the board?---That's correct.

And part of the functions of Mr Kenney involved interacting and liaising with various board members, isn't that so?---That's correct.

10 To investigate whether there was any truth or not in what you had raised amongst other matters he was investigating?---That's correct.

And Mr Kenney contacted various other board members didn't he?---He did.

And was there any ever embargo that you were aware of placed on any of those other board members who were in contact with Mr Kenney about providing information to assist him in investigating the matters the subject of his appointment by the Minister?---No.

20 Thank you, Commissioner, that's the re-examination.

THE COMMISSIONER: Thank you. Mr Slee, thank you for your attendance. You're excused.---Thank you.

**THE WITNESS EXCUSED**

**[3.17pm]**

THE COMMISSIONER: Yes. Now - - -

30 MR CHEN: Commissioner, I call Ronald Jordan. Sorry, I call Ronald Jordan, Commissioner.

THE COMMISSIONER: Mr Jordan, do you take an oath or an affirmation in giving evidence?

MR JORDAN: I'll take an oath, Your Honour.

40 THE COMMISSIONER: Thank you. Would you mind just stating your full name and I'll have my Associate administer - - -

MR JORDAN: Ronald Wayne Jordan.

THE COMMISSIONER: Thank you. Mr Jordan, would you mind standing and my Associate will administer the oath.

THE COMMISSIONER: Thank you, Mr Jordan. Just take a seat.  
Mr Jordan, in giving evidence the Act provides that you can object to giving evidence. You still have to answer the questions, answer them truthfully but the effect of that means that once an objection is taken the evidence can't be used in a future occasion at neither criminal nor civil proceedings, et cetera.  
---No need for that at the moment.

10

No need for that. All right. Well, if during the course of questioning for any reason you want to revisit this and to take objection to any question or questions let me know and then I can deal with it and make a declaration. Do you understand?---Yes.

Thank you. Yes.

MR CHEN: Thank you, Commissioner. Mr Jordan, are you currently employed?---I work part-time.

20

All right. And what do you do as job, Mr Jordan?---I do car inspections. We've got a family company does a bit of seafood. We sell seafood, second-hand cars and car repairs.

Mr Jordan, you were a board member were you not of the Awabakal Local Aboriginal Land Council from about July of 2014 until 20 July, 2016 were you not?---I don't know if I was there that long in 2016.

30

All right. Well - - -?---I think I resigned - - -

THE COMMISSIONER: I think you're able to lead this witness through any uncontroversial matters.

MR CHEN: I'll do that, Commissioner. Anyway, we'll be able to work it out from the records. It appeared that you were still a board member but in any event, when did you think you finished?---I, I thought it was in February, between February and April. I'm not sure though.

40

If 2016?---It would have been yes.

You attended a number of meetings of the Land Council particularly in 2014 and some meetings in 2015, do you remember that?---I do some of them, yes.

But thereafter, assuming you're a board member of course, you probably didn't attend any meetings did you, beyond the end of 2015. Does that sound right to you?---16 or 15?

15.---I missed a few meetings in 2015, I thought I resigned in 2016. I wasn't available for the Land Council between 28 April, 2015 and 22 October.

In any event, the records seem to indicate that the last meeting of the board that you attended was on 30 November, 2015. Does that sound right to you?---2015, that could be correct, yes.

10 Now when you were first a board member, meetings were normally held after 5.00pm, were they not?---Yes.

And over time, did sometimes the arrangement of those meeting come back to being resumed during the course of the day, that is - - -?---There was a couple, not a lot, a few were done through the day.

Now, at board meetings that you attended you saw, obviously, that the minutes were recorded in a book by hand?---Ah yes, mostly Jaye wrote the minutes.

20 Is that Jaye Quinlan you're referring to?---Yes.

Did Mr Hancock not take a lot of the minutes?---Oh he did too, yes, sorry I got it back to front. I think Jaye might have done them after but Richard, Richie used to do them to start with, yes.

When you say Richard?---John Hancock.

30 I see. So when you were there in 2014, Mr Hancock was the note taker or the minute taker?---Yes, she was yes.

And after he left did Mr, sorry, did Ms Quinlan then commence taking the minutes?---I think she done it, yes. She used to, a couple of times he mightn't have been there, she might have done it.

Did you ever have access to the minute book Mr Jordon when you were a board member?---Only when it was at the table if you wanted to check on something you could do that at the table.

40 Did you ever have - - -?---Not outside the board room.

Did you ever write or make an entry in the minutes at all? ---No.

Are you certain of that?---No, yes.

Did you ever have occasion to access the board minute book outside of the time that it was used in a board meeting?---No.

And you're certain of that.---Positive.

Now, the minutes are thereafter typed, are they not?---I believe so, yes and Candy used to do them I think.

I'm sorry, Mr - - -?---They used to get done in the office, Candy or Micky used to do them. I don't know exactly who done them but they used to get typed there.

10 Once they're typed, they're presented at a following meeting for discussion and approval are they not, by the members to ensure they're a true and accurate recorded?---Yes, they usually read them out.

Now, were you aware that resolutions were also separately recorded or not?--No.

Did you know that there was a resolution book, at all kept by the Land Council?---Not particularly.

20 You obviously were party to decisions made by the board and resolutions that were passed?---Yes, I could cut you off pretty quickly here and answer your questions.

All right.---I can give you a bit of a statement if you want. All the things I've heard today and what's gone up about these resolutions of the sale of the land, I've never seen any of them.

30 All right. We'll come them and we'll move quickly through them and I think I know what you're getting at. In any event, these resolutions that were sometimes passed would be recorded in the minute book as you would understand it?---Yes.

You would see them then come back in the typed minutes?---They would come back that way, yes.

But did you know that the minutes, sorry, that the resolutions were separately recorded in a separate book from the minutes?---No, I did not.

40 So you never had cause to access any separate resolution book if there ever was one?---I had no reason to.

All right. Now, you were aware, were you not, that there was some development proposals that were put before the board later in 2014 shortly after you became a board member?---There was, I'm thinking back today, I think there was three in my time, there might have been three people come, three lots of people come that put proposals. There was none of them ever passed by the board to go ahead.

THE COMMISSIONER: Can you remember the details of any one of those three?---Pardon?

Can you remember the three that you just spoke about?---Well, I'm just going to mention one that I can remember clearly. It was a guy from out, he'd been doing this, I don't know if it was Hillsborough or Warners Bay. He'd been setting it up for a couple of years. He come in. He was a bit upset that nothing was going on. And I think the last meeting I attended, in the minutes I, I said to them why don't you just give him – he was going to  
10 give us a couple of houses. I said just sell it to him for five hundred grand, take it or leave it, and walk away. It's been going on, he, he, they were changing the zoning and everything, and he'd had enough, and the only way they could have done it was to be a joint venture with him again, and they had to do it quick. And that's when I said, I said, well, this bloke's been coming here for two years, you know. I wasn't on the board there but I know what he said when he come.

MR CHEN: Was that Greg Cahill from - - -?---I think, I think it is (not transcribable) but I remember the name, I'm pretty sure. It was an older guy  
20 from, he was a nice chap.

Was it Hillsborough Retirement Living, the company?---I think so. About 20, yeah, they were going to, we were going to get a few units out of it and -  
- -

And the property was on Hillsborough Road, of course.---I think so. I think that's the one.

It's 28 January. What were the other ones? You said you remember three.  
30 So aside from if it's that gentleman, who were the other ones, Mr Jordan?  
---There was three other guys come one day.

Do you know who they were from?---I think they might have been that IBU, but I don't know if they use that name or not.

Would you remember one called LB Group?---To say I remember the name, I'd be – I'm not, I'm not a hundred per cent sure.

Well, look, I just want to finish – I'll just show you something while you've  
40 given evidence about it, Mr Jordan. Would you look, please, at volume 3, page 8. And I'll just show you the minutes of a board meeting of 28 January, 2015.---I'm not there.

No, well, I'll just show you that in a moment. You actually appear to be - - -

THE COMMISSIONER: It will come up on the screen. Can you see it?

MR CHEN: So you'll see it on the screen. You're not recorded as being an attendee. But just at the moment you recognise those as being the typed minutes of a board meeting on that day of the Land Council? I'm just asking you whether you recognise the document first up, Mr Jordan.---Oh, it looks, it looks like one of the ones we used to get, yeah.

Well, just turn over, please, to page 10. And you'll see there's a reference – motion 14.---Yes.

10 And do you see that there's a motion that's been moved by you?---That's what I, that's what I just, that was just, I was just telling you about, yes.

And you think that one does relate, do you not, to the property that Mr Cahill and Hillsborough Retirement Living were interested in and had been so?---I, I think so. It had been going on for a couple of years and - - -

Now, would you have a look, please, at the minutes of 28 October, 2014. I'm sorry, 24 October, which is volume 2, page 50. And do you recognise that as the minutes of a board meeting on that day?---I don't think I would  
20 have been there that day.

Well, you appear to be recorded on this one as being in attendance. Do you see - - -

THE COMMISSIONER: Your name is right - - -

MR CHEN: Anyway - - -?---Well, no, no.

I'm just asking you to recognise the minutes at the moment. You recognise  
30 them as being the typed minutes?---Yeah.

And would you have a look, please, at page 51. And you'll see at point 5 there's a discussion about developers coming the following week.---Yes.

Do you know whether the discussion then was relating to IBU or to another developer?---No, I couldn't tell you that. I can't remember their names.

So you do remember IBU, though, don't you?---Just reading what I've been reading through today, it's starting to ring – I've been through some of the,  
40 I've only just picked this up this week, when someone told me my name was in the paper yesterday.

Right. And what have you - - -?---I've only just had a look at what's been going on here. I haven't, I got the summons but I didn't know what it was sort of all about. I've only had a bit of an idea today where we're going with this.

Right. Where did you pick up IBU from, reading what?---One of the transcripts.

I see, of evidence in the proceedings?---Yes.

You've had a look at it, have you?---I just look through some of the things on my phone today.

I see, all right.---I was listening here.

10

We'll go to the, you recall IBU coming along one day to do a presentation do you?---If IBU were the blokes I think, there was three of them, one big bloke Aboriginal guy and there were two other guys. I think they come, there was two Aboriginal guys and another guys but I can't think of their names, I don't, the name rings a bell.

Well, there seem to be, you know the name IBU, let's establish that. Do you remember IBU?---That rings a bell.

20

All right. Do you remember a gentleman called Cyril Gabey, does that - - - ?---No, I can't remember their names.

Do you remember a gentleman that was fairly tall, large, fellow that's perhaps of Torres Strait Islander - - -?---That's the guy I'm thinking of.

All right. Do you remember somebody who presented with him perhaps, of an Asian background?---Yes, and there was another Aboriginal guy.

30

All right. So you remember three do you?---I think there was three blokes, I could be wrong but I think there was three.

If I suggested to you there was only two that attended would you strongly disagree with that or you'd accept it?---No, no, I just like to let you know that I've had a bit of a memory problem, I've been getting some treatment and tests and that done so I might, when I done all this with some solicitors with the other court matters were going on, I'll do my best, my memory's not as good as what it should be, that's what I'll let you know now.

40

You prepared an affidavit did you in the proceedings did you?---Yes, went through some of this stuff with some lawyers in one of the other matters.

And did you swear an affidavit in those proceedings, did you, or sign a statement?---I signed a thing, yes.

And what did you recollection of events back then was perhaps a potentially a bit sharper then than what it might be now?---Well, I don't know if it's any sharper because I couldn't remember a lot of stuff then either.

All right. Let's see how it goes.---I'll do the best I can for you.

All right. Well, that's all I think the Commissioner wants so, let's see how we go. Do you remember them presenting a brochure to the board on the day that they turned up these gentleman - - - ?---There was a brochure with some photos of an area being developed before I think.

10 I'll just show you Volume 2 page 67, do you recognise that as the proposal that came or that was presented to the board on that day, that IBU presented?---I don't know about the front page but the other pages there was a lot of houses and a community centre.

Well, let's scroll through them, so I'm just showing you Volume 2 page 67. If you have a look at perhaps the next page. You'll see that there's reference to land 14 Vermont Place, Warners Bay.---Yes, but I, I can remember seeing something like this but whether it's exactly that address of that I can't say that's right because I don't remember.

20 All right. Well, that was certainly one of the properties that was owned by the Land Council.---Yes.

But having a quick look at this brochure now, do you think that's the brochure that was presented on that day?---Is there another page of it?

It goes up to page 100. Would you prefer to look at it in hard copy Mr Jordan?---Just a quick look.

30 Sure.---It had another bit on the back of it where they did a project before and this was going to be, so they were going to make this sort of thing where we're going to go here and a service station and - - -

This does refer to a service station Mr Jordan. I can show you where that is if you like. Just to assist you Mr Jordan, if you look at page 70 of Volume 2, you'll see that there's a service station proposal there.---Yes, page 70.

So it's under or that part which is land details, asset 3 of 5.---Yes, I think I've probably seen that before.

40 And you think that's the one that was handed out on the day that they presented?---I can't be 100 per cent sure but I know we got something similar to this. It wasn't in a big folder like that, it was like in a, just in a smaller - - -

THE COMMISSIONER: All right. That's close enough I think.---Yeah.

MR CHEN: Now, do you remember them talking about what their proposal was?---Not word for word, no, but it was going to, it was going to be a proposal where the Land Council got an income, is this the one I'm thinking

of, where the Land Council got an income back from what they were doing, you weren't going to lose everything, you were going to get an income back off some of the properties.

10 And did you recall that the board then had a discussion once the presenters left or the developers left about what to do?---There was, there was a discussion about, I don't know if it's this one or not, but about they were going to go, let 'em go on with it and then come back again, I think that was two out of the three that I can recall was they're going to let them put more proposals together and come back again, but I don't think anything ever happened after that again with me.

We'll just show you the minutes, Mr Jordan. If you look, please, at volume 2, page 64, and if you just recognise those, do you, as the minutes of the meeting on 31 October, 2014?---Yeah.

And have a look under point 3, development proposal, just read it to yourself if you would for a moment.---Yes.

20 You had some particular interest, did you not, in the Newcastle Post Office, didn't you, in a sense?---I did, yes.

You thought it was probably the crown jewel of the assets that was owned by the Land Council?---I believe so, yes, and I still do.

And you thought that was the future really to hold onto that asset for future generations. Is that right?---Yes, yes.

30 And is that any particular reason why you've got a recollection of this particular meeting?---No, because I can, I can remember this Omar Abdullah, I think he might have been the big fella that I'm thinking of.

In any event, does reading that now assist you in giving you a bit more detail to what was discussed and proposed?---No, not really.

40 All right.---Only, only, only the fact that we seen that there and the proposals, they always come and tell you they're going to do this, they're going to give you that much back, you'll have so many houses, you'll have this, you'll have a bit of that back.

All right. Would you have a look at page 65, please, and point 7. You'll see that there appears to be a motion that was proposed by Ms Dates and seconded by Mr Walsh. Do you see that, point 7?---Yes. It was always, it was always a condition when we were talking to these people that Aboriginal labour would be used, that they had to have employment for, for, for our members, you know, for our community.

But do you remember a resolution or a discussion about a motion in these terms?---I don't know about a resolution, it was part of the discussion, I think that was left afterwards for them if they're going to come back and renegotiate it was going to be drawn up again.

In any event, the discussion that was had or the proposal that was put that day was only by IBU so far as you can recall?---I think so.

10 There was no presentation by Gows or Gows Heat, was there?---Never heard of Gows.

Right. Never heard of Gows Heat?---No, not, not, not, not at any of these meetings, I can't recall ever hearing of it.

I'll just show you the resolution if I can, Mr – or you can assume that there's a resolution that is contained in the book of the Land Council that is in those terms, but do you have any particular reason to disagree or disagree [sic] with the subject matter and what was passed?---Which, which - - -

20 I'm looking at point 7, I'm just asking whether you agree or disagree with what is recorded there as being accurate in terms of what was discussed firstly.---I, I, I wouldn't, I can't recall anything about the sale price or anything like that, but I could recall the fact that we would have asked for and it would have been part of the deal that we had indigenous people on the job.

Now, would you have a look, please, at volume 2, page 62. And these are the handwritten minutes of the meeting on 31 October, 2014, Mr Jordan. Do you see that?---Yeah.

30 And you'll see on the, as you go down, just after the noting of the attendances, there's, it says, "Presentation, Cyril."---Yeah, yeah.

And then it says, "Richard Green declared interest." Do you know what interest Mr Green declared?---From my recollection I don't think there was any. I can't remember any of that.

Now, if you look on the next page, please - - -?---It looks like it's been written by someone else anyway.

40 Now, just beneath the top paragraph, which has been crossed out, you'll see that it says, "Propose a contract of sale." Do you see that?---Yeah.

Now, Mr Hancock says that, first, this is his handwriting all the way up to "Propose a contract of sale to", and he's told the Commission that it continued on "IBU" and included landscaping, fencing, apprenticeship, traineeship, et cetera. Now, I want you to assume that Mr Hancock has also said that before the letters "IBU" it appears that someone has inserted "GE".

And on the right-hand side of those three letters the word "Gows" has been inserted and that is not his handwriting. You didn't insert those words, did you, Mr Jordan?---No.

You don't know who did?---No.

Nobody asked you to do that?---No.

10 Can I ask you to have a look, please, at volume 2, page 66. And this purports to be a resolution of the board on that day, dealing with a development proposal, and you'll see that it makes reference to Gows, et cetera. Do you see that?---Yes.

Have you ever seen that before?---I don't think so.

And what you told the Commission is that you'd never heard of Gows at any time you're on the board.---I can't, I can't recall, no. In, in my, in my time there, no.

20 And you didn't prepare this, I take it, did you, this - - -?---No.

You weren't asked to?---No.

You don't know who did?---No.

30 Now, would you look, please, at volume 3, page 123. That's a document described as Heads of Agreement, General Heads of Agreement, dated 15 December, 2014. And if you look at page 124, Mr Green, you'll see that that's an agreement between Gows Heat and the Land Council. Do you see that?---Yes.

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

You don't know anything about it?---I didn't, I didn't know anything about any of these negotiations.

Never raised at any board meeting you attended?---No.

40 Never discussed with you personally or otherwise by anybody?---No.

Never discussed at any board meeting that Mr Green had signed this agreement?---No, there was never any agreement signed like this in my time.

Never any discussion about giving Mr Green authority to sign it?---I, I can remember one of the presentations that we had. It was an informal thing. It was sort of "Richard, you do the homework and bring it back." But nothing ever, ever come back. And it might not, it mightn't, it mightn't have been

this (not transcribable). It might have been one of the other (not transcribable). I don't know which one it was. But it was a discussion after one of the meetings. And said we'll see what they come back with, do the homework. It was going to go back. It was going to come back. But nothing ever come back.

The minutes of the meeting of the board on 1 December, 2004 did suggest the board discussed proposing a contract of sale to IBU. Do you know anything about that?---I can't recall that, no.

10

Do you know who would have raised something like that?---No.

As far as you're aware, nothing happened to any deal with IBU, isn't that right?---That's correct, yes. As far as I'm aware, there was never an agreement made to sell anybody anything at any time I was involved with the Land Council, except that one go with the 500,000 with that bloke.

Mr Cahill or - - -?---Yeah.

20

All right.---That's the only, that's the closest anything ever happened to getting done in the time I was on the board.

So I take it there was never any discussion about any agreements with entities such as Sunshine Property Investment Group Pty Ltd?---They might have been talking to them but I didn't know about it.

30

All right. And the fact that a property developer had come up to the Land Council and attended it's offices on 23 October, 2015 and contracts have been signed by Ms Dates and Mr Green was never raised with you at all? ---No.

Never raised at any board meeting you attended?---Not that I can recall.

And you know nothing about Sunshine Property Investment Group at all? ---No. I can't recall. I can't recall discussing them and I can't recall reading any documents from them.

40

Do you think you would have remembered such a thing?---I think so, yes. The only other, the only other land deal I can think of when I was first on the board was Olney Road and a bloke named Reg Flannery was mucking around trying to get that all going through. He spent 100,000 odd redeveloping it and it kept getting held up all the time. He started walking away from it and he developed a place at Wickhams for me, you know. That was when I first started on the board and that had been - - -

That property is at Adamstown.---That was Adamstown. It got sold somewhere else later but he was, he was trying to get it for two years. That was before I got on the board.

And you'd never heard had you at any stage of any discussions or execution of agreements or draft agreements with Solstice Property Corporation Pty Ltd?---No, I don't think so. Pretty sure.

And no discussion at any meeting that you attended by Mr Green or Ms Dates that she'd signed or he had signed such agreements?---No, definitely not.

10 Or that they were discussing or negotiating agreements with that entity, Solstice Property Investment Group?---Nothing with me.

I'm sorry, Solstice Property Corporation Pty Ltd.---None of that was discussed with me.

Now, Mr Jordan, you didn't appear to attend any board meeting after November, 2015. Did you make yourself available for board meetings when you could or you simply did not?---No, I, there was no, I think that was after the bust up wasn't it when there was no, when Steven, when was  
20 Steven terminated?

Well, Mr Slee was terminated in August, 2015.---Yeah, well, that, that would, what are you talking about there, 2014?

'16. I put a date 2016 to you.---I wasn't there then.

You don't think you were there?---No, I definitely wasn't. I was, I was gone.

30 All right. When do you think - - -?---I'd resigned in 2016, just after Christmas. I can't tell you the exact date but I think it was between February and April. I had, I had a blue with the board when they split up. There was a couple of factions there and they wouldn't, when Steven got, got the sack they wouldn't meet and as I found out there was, then there was a couple of pamphlets put out, and Larry was here today. I found out he put the pamphlets out and had me putting down doing corrupt things with  
40 Debbie Dates, Richard Green and stuff like that. I finished up getting that breakaway group together at Carrington Bowling Club and went through it all with them and said, "Now, what's going, what am I supposed to have done here? Why haven't you?" The trouble here, just never went back to the board when Steven was sacked and tried to sort it out. And they said, "Oh, we thought you'd vote for them." I said, "What made you think that?" You know, I declared myself when I first started. I wasn't a faction man. I was there for one job only (not transcribable) my kids and that, the grandkids, and that's when all the trouble, when they never, when they never went back to meet when they should have and then they had their own faction. They want to try and do things their own way and that's, and I had

that meeting with them at Carrington Bowling Club and after that I resigned, just not long after that.

THE COMMISSIONER: How much longer will you be? And where does Mr Jordan come from? Has he - - -

MR CHEN: He's come from Newcastle.

10 THE COMMISSIONER: Yes. Are we going to finish him today? Unlikely?

MR CHEN: I think unlikely. I am conscious of the fact that we've got some different dates as to when he says that he finished and - - -

THE COMMISSIONER: Mr Jordan, I'm just raising a question about finishing your evidence and it looks like we're starting to run out of time today. I just wanted to see what your position might be if we - - -?---I, I - - -

20 I don't want to trouble you to come back but it looks like you might have to.---Tuesday would be okay. Monday I've got appointments with work commitments.

Yes, sure. Work around that?

MR CHEN: Yes, Commissioner, we can do that.

30 THE COMMISSIONER: Yes. All right. Well, look, Mr Jordan. I think -- have you any idea how long you'll be with Mr Jordan on Tuesday? Another hour or - - -

MR CHEN: No, I don't believe so.

THE COMMISSIONER: No.

MR CHEN: No. But I - - -

THE COMMISSIONER: All right.

40 MR CHEN: I certainly won't finish in 10 minutes. I don't believe I can.

THE COMMISSIONER: No.

MR CHEN: And I don't know whether others are going to ask questions.

THE WITNESS: I don't care if you want to stay. If we can do it today, I'd rather stay and get it over and done with.

THE COMMISSIONER: Yes. Well, unfortunately we won't be able to finish it today, so it's really just a question of working out an arrangement that causes the least inconvenience to you.---Yeah.

So - - -?---Later in the week is hard for me.

Well, Tuesday would be your preferred day?---Yeah, because we do our seafood runs today. I've had to put – usually drive a truck today.

10 I see, yes. All right. What do you suggest?

MR CHEN: Tuesday.

THE COMMISSIONER: Tuesday.

MR CHEN: We can most certainly accommodate that.

20 THE COMMISSIONER: All right. Well, Mr Jordan, sorry. With the best will in the world, we can't get it finished today.---Yeah, that's all right. No, I'll come back Tuesday.

So we'll have to get you back and we'll meet your convenience as much as possible. Make it Tuesday, then.---Yeah, fine.

So we'll resume on Tuesday, then, at 10.00am. If you could be here just before 10 o'clock, ready for a start at 10.00.---Yeah, that's fine.

Thank you. I appreciate your cooperation.---Thank you.

30 Well, we might as well let Mr Jordan get away, get back to Newcastle.

MR CHEN: I think so, Commissioner.

THE WITNESS: Thanks very much.

**THE WITNESS STOOD DOWN**

**[3.51pm]**

40 THE COMMISSIONER: Thank you. Now, is there anything else to be done today?

MR CHEN: Commissioner, could I just raise something in relation to an application that Mr Petroulias made for production of material from Mr Zong?

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I don't know whether you have a copy of the application for a notice/summons for production to Tony Zong.

THE COMMISSIONER: Not to hand, I don't think. Now, yes, I have the documents.

MR CHEN: Just in relation to paragraph A, Commissioner.

10 THE COMMISSIONER: Now, I'm looking at the Basis for Cross-Examination document, is it?

MR CHEN: No.

THE COMMISSIONER: No, the earlier one. Yes. Application, yes, I have it.

20 MR CHEN: Yes. Commissioner, it's not immediately obvious to those that instruct me, nor to myself for that matter, on what basis the notice could and should issue in those terms to the Law Society, and how Mr Petroulias might be aware of what is suggested to be affidavits sworn by him. Perhaps he could identify that before consideration is given further to it. And accordingly, paragraph B would fall into the same category. Paragraph C seems to be extremely wide, Commissioner. It's not asking for any pointed or targeted request for material to be produced. It's simply one whole year of what appears to be his own private records. And perhaps Mr Petroulias could deal with that at some point before - - -

THE COMMISSIONER: Yes.

30 MR PETROULIAS: Can we do it now?

THE COMMISSIONER: What do you say in relation to the affidavits which you said were provided to the Law Society?

MR PETROULIAS: Yes. That, that was - - -

40 THE COMMISSIONER: I'm sorry, I'm just talking to Mr Chen for the moment, seeking – is your point 1 of principle as to the affidavits or as to the breadth of it or - - -

MR CHEN: It's both. But also upon what basis? It's not apparent to those that instruct me whether there are such affidavits and what the basis for seeking such documents is.

THE COMMISSIONER: Now, Mr Petroulias, I think insofar as we can at least start processing this application of yours - - -

MR PETROULIAS: Yes. Yes.

THE COMMISSIONER: - - - as to the first matter that Mr Chen has raised, firstly we don't know if and, if so, what affidavits this is meant to relate to.

MR PETROULIAS: Well, there's an affidavit that was told to Ms Bakis and myself from the Law Society.

THE COMMISSIONER: Well, what's the date of that, do you know?

10 MR PETROULIAS: It doesn't say. It was, it was, it was provided by Mr Zong in support of that allegation of conspiracy to defraud.

THE COMMISSIONER: Well, how do you know that?

MR PETROULIAS: The Law, we spoke to the Law Society, professional standards and said what is the basis for this, can we get, can we have the complaint.

20 THE COMMISSIONER: Right. Okay. Now, the next question then is on the basis that there is an affidavit or affidavits there, firstly you're seeking anything in the affidavits covering a very broad territory over two years, 2015 and '16 in respect of the conduct of two persons, yourself and Ms Bakis, and there's a real question as to what interest you have, what interest does it serve to obtain affidavits that apparently, based on what's said here, are directed to the question of the ethical conduct of yourself and Ms Bakis so far as three transactions or two transactions, Sunshine and Gows - - -

MR PETROULIAS: Well, it says, okay, as you can - - -

30 THE COMMISSIONER: So what's the point of it and how is it going to help you?

MR PETROULIAS: Well, it alleges, it gives Mr Zong is apparently on affidavit making a complaint with Mr Mutton - - -

THE COMMISSIONER: Yeah, well - - -

MR PETROULIAS: - - - about the conduct - - -

40 THE COMMISSIONER: I'm assuming that that's all true, yes.

MR PETROULIAS: Yes.

THE COMMISSIONER: So what is the, so what question comes up?

MR PETROULIAS: So therefore there is another version of events that he has sworn to - - -

THE COMMISSIONER: Mmm.

MR PETROULIAS: - - - which we now have at least two different ones, and this may be a third.

THE COMMISSIONER: And is that the basis for this request?

MR PETROULIAS: Because that will test his credibility and it will - - -

10 THE COMMISSIONER: So it goes to credibility?

MR PETROULIAS: It goes to credibility of his complaints, yes.

THE COMMISSIONER: Okay. Well, I think what needs to be evaluated is whether that's a sufficient basis to warrant the Commission obtaining these affidavits. At the moment I'm not sure that it is something that needs to be obtained, but I think you need to address your mind perhaps on Monday as to how, if it only goes to credibility - - -

20 MR PETROULIAS: And prior inconsistent statement et cetera, et cetera.

THE COMMISSIONER: Yes, well, that's credibility.

MR PETROULIAS: Right, yeah.

THE COMMISSIONER: How that advances this investigation. We can't deal with it in final form today but I'm just - - -

30 MR PETROULIAS: No, I understand.

THE COMMISSIONER: We're trying to progress this along. Same applies to subparagraph B.

MR PETROULIAS: Yeah, B - - -

40 THE COMMISSIONER: Well, B's in the same category. C is dealing with bank statements over a lengthy period of time, I think you need to pinpoint the dates or months that you are really interested in in that period, so I think if you take note of that and we can deal with that next week. All right. Now, Mr Chen, any other matters?

MR CHEN: No, there's not, Commissioner.

MS NOLAN: Can I assist you perhaps? I'm sorry to interrupt but I might be able just to assist Mr Petroulias because as the Commissioner has correctly identified with respect it's a joint interest. I have two documents and this will assist the Commission in resolving the matter that concerns it. The allegation specifically made by Mr Zong was one of conspiracy to

defraud and one of the terms of reference with respect to this is ineluctably as to whether or not there will be any referral on criminal charges, conspiracy to defraud fits within a number of offences under the Crimes Act and that affidavit I am instructed, and I have an email I can ask that it be sent to the solicitor to the Commission, is from Mr Mutton. It adverts specifically to the affidavit's existence but refuses to provide it to Ms Bakis when she requested it. That may assist the Commission in its deliberation and I can ask Ms Bakis to have that forwarded so that you can consider the matters raised by Mr Petroulias's application.

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THE COMMISSIONER: All right. Okay. Thank you. Now, Mr Chen, I'm sorry, I think I've lost my train of thought. Is there anything else that you see we can usefully deal with this afternoon?

MR CHEN: No, there's not, Commissioner.

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THE COMMISSIONER: No. Well, Mr Chen, I think we'll wait and see what Mr Petroulias wants to raise on Monday about paragraphs 1A, B and C and take it to the next level after that. Consideration will need to be given in due course as to once that's been clarified whether there is anything there that the Commission should acquire by way or gather by way of further material for the investigation, but until those three matters have been resolved it's not possible to say yet.

MR CHEN: Yes, Commissioner, thank you.

THE COMMISSIONER: All right. Very good. Yes, very well, then I'll adjourn.

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**AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.00pm]**