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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 6 AUGUST, 2018

AT 10.00AM

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THE COMMISSIONER: Yes, Dr Chen.

MR CHEN: Commissioner, there's some matters of a, I suppose, housekeeping kind. The first is, Mr Tyson, who formerly sought the Commission's leave to represent Ms Bakis, is no longer available and Mr O'Brien now appears and will seek your leave, Commissioner, to appear for Ms Dates henceforth.

THE COMMISSIONER: Right. Yes.

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MR O'BRIEN: Yes. Good morning, Commissioner. I do seek that leave to continue the representation of Ms Dates.

THE COMMISSIONER: Yes, Mr O'Brien, I grant leave.

MR O'BRIEN: Thank you.

THE COMMISSIONER: Yes.

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MR CHEN: Commissioner, Mr Petroulias is in the hearing room at the present time. Commissioner, he was, as you know, not present during the hearing during the week of 16-20 July, 2018. Mr Broad has a folder of the transcript as well as the exhibits for that week of the hearing and that's been made available to Mr Petroulias this morning when he has been brought in to attend.

THE COMMISSIONER: Right.

MR CHEN: Thank you.

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THE COMMISSIONER: All right. Now, Mr Petroulias, is there any matters you want to raise?

MR PETROULIAS: Yes, certainly, Commissioner. I understood we're trying to do the best we can in the circumstances and that's understood, and I had a very helpful discussion with Mr Broad and he would, and the idea was that I would be provided with a laptop and documents, but contrary to that I was basically put in segro with absolutely nothing and the existing documents that I already had for my other matters were taken away.

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THE COMMISSIONER: Yes. Your note that you sent to Mr Broad today I think it was - - -

MR PETROULIAS: Yes.

THE COMMISSIONER: - - - I read a copy of it so I understand the matters you're raising now.

MR PETROULIAS: This may be just a temporary matter of just syncing up with Corrective Services and we can proceed nicely, but otherwise it becomes farcical to have me here, because if I can't meaningfully participate - - -

THE COMMISSIONER: No.

MR PETROULIAS: - - - then let me just read the transcript.

10 THE COMMISSIONER: Mr Petroulias, given your present circumstances and other reasons connected with the progress of this investigation, I've determined that you shouldn't be required to cross-examine the witness who's part-heard at the moment or cross-examine at all, so that you will have time to prepare if you wish to make an application to cross-examine Mr Green or any other witness. So the benefit of you being here, however, is that you have the advantage of hearing the evidence as it's given and you'll be in a position to be informed, as somebody who has been granted leave to appear in this investigation, as to what's happening. If you're not here then it would be necessary for you to read all of the transcript to be
20 informed as to what a particular witness's evidence went to. That will only add to your preparation time. In other words, there's a positive benefit in you being here and that's why I've made arrangements to enable that to occur, so that you could be here today and for the balance of the time that we've set aside this week and next. If you're not present during the giving of evidence by others, as I say, that will place the onus, and it would be an onerous one, for you to go right through the transcript to see what the evidence was about in order to make any application for cross-examination. You may require more time in that event if you are not here, so that you could read the transcript. There's one thing I want to make plain, that this
30 investigation is not going to be delayed beyond any pressing requirement, that it's going to be an investigation that's going to proceed as expeditiously as possible and if there's any application any person who's participating wants to make I'll hear and deal with the application as and when it arises. So it's not pointless for you to be here. It's important that you are here.

MR PETROULIAS: Yes. Thank you, Commissioner.

THE COMMISSIONER: And I'm saying that important both in your own interests, but also it's important to the Commission so that the
40 Commissioner's hearing process can continue efficiently.

MR PETROULIAS: Thank you. Can I just clarify, are we retreating at all from the laptop and the documents?

THE COMMISSIONER: I'm sorry, say it again?

MR PETROULIAS: Are we retreating from the position that the laptops and the documents will be provided?

THE COMMISSIONER: Well, I'm not retreating from any position. I know there's been discussions. Mr Broad has taken a number of steps to try and facilitate your present position. I won't go into the details now, but I don't know what you're talking about, about laptops.

MR PETROULIAS: Okay. So - - -

10 THE COMMISSIONER: But you'll have the opportunity of speaking to Mr Broad again if you need to - - -

MR PETROULIAS: Certainly.

THE COMMISSIONER: - - - about that aspect.

MR PETROULIAS: Okay, thank you.

20 MR CHEN: I think, Commissioner, Mr Broad tells me that he asked Corrective Services to make available a laptop and that's really a matter for Corrective Services to facilitate rather than Mr Broad.

THE COMMISSIONER: All right.

MR CHEN: But anyway, I'm sure Mr Broad and Mr Petroulias will speak about it.

THE COMMISSIONER: My understanding was Corrective Services were prepared to cooperate. To what extent I know not. All right.

30 MR PETROULIAS: Thank you, Commissioner.

THE COMMISSIONER: Right, Mr Petroulias.

40 MR CHEN: Commissioner, there was one further matter that I wanted to raise and that is an email on Friday was circulated to Ms Nolan and a copy was sent to Mr Lonergan as well concerning matters that possibly would require Ms Nolan to give consideration to whether she wished to examine or cross-examine Mr Green further, and perhaps having received that email Ms Nolan can indicate what her position is and we can work out what, if anything, needs to occur thereafter.

THE COMMISSIONER: All right. Ms Nolan, before we proceed today, are there matters that you wish to further cross-examine Mr Green on in relation to what Dr Chen has just raised?

MS NOLAN: Yes, thank you. I do need to take Mr Green to the 27th of November.

THE COMMISSIONER: I'm sorry, we're having problems again as we had before. Has that microphone been extended?

MS NOLAN: It has.

THE COMMISSIONER: I was going to say, otherwise you could sit down and – all right. Thank you. Start again if you wouldn't mind.

10 MS NOLAN: I don't know that – oh, it's on. I need to take the witness to the 27th of November cost agreement, 2015, and I also need to take him through the bundle of documents that have been uploaded. Exhibit I think, well, bundle 53, just briefly to take him to these documents. I wasn't aware that it had been - - -

THE COMMISSIONER: Thank you.

MS NOLAN: I did mention it last time.

20 THE COMMISSIONER: Very well. Thank you. Very well, then. Are we ready to proceed?

MR CHEN: Yes, Commissioner. Yes.

THE COMMISSIONER: Is Mr Green here? Yes. Thank you, Mr Green. Mr Green, we'll get you to – you took an affirmation last time I think, wasn't it?

MR GREEN: Yep.

30 THE COMMISSIONER: Yes. Thank you.

THE COMMISSIONER: Thank you. Just take a seat.

MR LONERGAN: Just in the abundance of caution, Commissioner, we have previously asked for a - - -

THE COMMISSIONER: Section 38 declaration?

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MR LONERGAN: Yes, a section 38 but I ask for that again, please.

THE COMMISSIONER: Yes, thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Green and all documents and things that may be produced during the course of his evidence shall be regarded as having been given or produced on objection. Accordingly, there is no need for Mr Green to make objection in respect of any particular answer given or document or thing produced. I make the declaration under section 38 of the Act.

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PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR GREEN AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED DURING THE COURSE OF HIS EVIDENCE SHALL BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. ACCORDINGLY, THERE IS NO NEED FOR MR GREEN TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR

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DOCUMENT OR THING PRODUCED. I MAKE THE DECLARATION UNDER SECTION 38 OF THE ACT.

THE COMMISSIONER: Yes, very well. Now, do you have anything, Dr Chen, at this stage?

MR CHEN: No, I don't Commissioner,

THE COMMISSIONER: All right. So, we're resuming the cross-examination in effect then of Mr Green by Ms Nolan, is that right?

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MR CHEN: That's so, Commissioner.

THE COMMISSIONER: Yes. Okay, thank you. Now, yes, very well. Yes, Ms Nolan.

MS NOLAN: Commissioner, I prepared a bundle of the exhibit or bundle 53. Oh, it's been put in the wrong - - -

THE COMMISSIONER: Sorry, is this the bundle Dr Chen referred to a moment ago or is it – which bundle are you talking about?

MS NOLAN: I'm talking about the KNL documents and I prepared a bundle because I thought it might assist this witness more to actually have the paper in front of him rather than the screen per se and I'm not sure whether or not you brought your - - -

10 THE COMMISSIONER: So we have copies of this?

MR CHEN: We've got the bundle itself so, Commissioner, that can be put before the witness and there's a copy as well.

THE COMMISSIONER: All right. Well, perhaps this should be marked as a separate exhibit then.

MR CHEN: Could it just be marked for – could it simply be marked because there's a lot of material in here, Commissioner, that has its source
20 elsewhere than this file, so at this stage, could it simply be marked for identification and we'll have an index prepared of those documents in due course.

THE COMMISSIONER: All right. Well, thank you, officer, if you wouldn't mind helping or somebody hand a copy to Mr Green. I'll have that copy. Very well. The bundle of material will be marked MFI 22. It's described as Public Inquiry Brief of Evidence, Volume 53 on the cover, KNL Material.

30 MS NOLAN: So, Mr Green, did you bring your glasses with you today?
---No, I didn't because I didn't think - - -

All right. We'll, I'm going to be asking you to read things, so - - -

THE COMMISSIONER: Well, where are your glasses?---Back in the motel room. And you know - - -

That's all right, that's all right.---Like I keep saying, I'm not a very good reader.

40 Well, Ms Nolan, what's the position? You'll be taking him to some of these documents obviously?

MS NOLAN: I'll be asking him to look at them and read them. I mean, can you read without your glasses?---Oh, like I said, I'm not a very good reader. I can read a little bit of stuff.

Well, I'm not really asking about whether or not you can actually read but I mean can you see well enough to be able to attempt to read without your glasses?---I'll try.

I mean, how do your glasses assist you? Are they reading glasses?---Yeah, they're see, yeah.

10 THE COMMISSIONER: I think we've got no option but to let him get his glasses. I don't want Mr Green under any disadvantage.---I didn't think I'd need them.

So where's your motel, how far away is it? It's in the city here?---Yeah, down - - -

How long will it take you to get there and back?---Goulburn Street.

Goulburn Street?---Yeah.

20 All right. Well, Mr Green, I'm going to ask you to go and get your glasses. ---Yeah, I'm sorry.

That's all right. And if you just do that as efficiently as you can.---Okay.

And then we'll resume. So I'll adjourn until we're ready.---Thank you.

SHORT ADJOURNMENT

[10.21am]

30 THE COMMISSIONER: Okay. Yes, Mr Green. Yes, Ms Nolan. Just before you proceed, the folder of documents I marked as MFI 22 should be marked as MFI 33. So that change will be made. Yes.

#MFI-033 – KNL MATERIAL

40 MS NOLAN: Now, Mr Green, in front of you, you have MFI 33, that's the bundle that was handed to you just before you went to get your glasses. Is that still there in front of you?---Yeah.

Now, I'm just going to ask you to go through these with me if you can. So you see on the first page, page number 1, this is a letter that was written to you, and this letter was given to at the same time as when you signed the Gows Heat agreement document which you've been shown in these proceedings. Do you remember that?

MR CHEN: I'd just ask my friend to put that more specifically. I'm sorry, Commissioner. I'd just ask my friend put that more specifically. I mean that's an extraordinarily general time frame and indeed this witness's evidence is quite imprecise as to when, so I'd ask my friend to put precisely when this is said to have occurred.

THE COMMISSIONER: All right. Perhaps if you can do that, Ms Nolan, that might help.

10 MS NOLAN: Well, I'll do it this way. Mr Green, see at the top of this letter there's a date, 12 December, 2014?---Yeah.

Now, do you remember, you were in a business relationship with Mr Petroulias and Ms Bakis in December of 2014, weren't you?---Well, yeah, I thought I was.

Pardon me?

20 THE COMMISSIONER: Sorry, what was that?---Yeah, I thought I was, yeah.

MS NOLAN: Yes. So do you – I'm asking you to look at this letter and it's a letter that's written to you and it's written by Ms Bakis, and it says, "Further to your instructions we enclose the final draft of heads of agreement with Gows Heat ready for your execution." Now, this was given to you at about the same time as this letter was written. Do you remember that?---No, I don't remember that.

30 Now, if you were given a letter like this, do you accept that you've been given letters like this, do you recognise this sort of format?---I will say once again, I, I, I have never read any of the letters that were given to me. I've signed 'em, I've signed some of them but I don't say that I signed them all.

Right. Well, if this was given to you, would you have a look at something like the date, would you pay attention to the date at the top?---(No Audible Reply)

40 When you're given things, do you have a look at the date?---Well, the dates was never shown to me on any letter.

Well, sorry to interrupt you, the date's at the top of this letter. Do you see that?---Yeah, no, I never, I never seen no date on it.

I'm asking you more of a general question though at the moment. When a letter is given to you, do you have a look at the date to see - - -?---No, I never look at the date.

Right. So you can't be certain whether or not this was given to you. Is that your evidence?---No, I can't be certain.

Over the page is page 2. That's the same letter as I understand it. Now, if you look at page 3 for me, please, you'll see at the top there this is a file note which is dated 12 December, 2014. Now, just have a look at this document and familiarise yourself with it if you wouldn't mind, please. Have you had a read of that? Do you need me to read to for you or can I assist you in some way?---Well, I can see G-o-w-s, Gows, and I, I don't agree that Gows was every involved in anything, not to my knowledge.

All right. Well, have a look down the bottom. See on the bottom left, or about 8, if the page is 10, so from the top to bottom is 1 to 10, it's about 8, it's about 8 on the page. See on the left there, that's your set of initials, isn't it?---Yeah, it looks like it but it's pretty wild. Same with my signature.

All right. Well, let's just take you to the paragraph where your initials appears. It says, "DB," so I'm suggesting that's Despina Bakis. "Happy to complete basic heads of agreement. There's obviously potential conflict for solicitor acting for both Gows and Awabakal." Does this ring any bells? Do you remember having conversations about a potential for conflict between Gows and Awabakal?---No, I don't.

And your involvement?---I don't.

Even though, "Richard Green, DD accept and waive conflict and not controversial. Important that Ian Sheriff runs through the agreement with the Awabakal Board." Do you remember any discussion about there was a potential for conflict because of your role in the ULC Gows transaction?

MR CHEN: Could I just ask my learned friend, Commissioner, just to be specific. I think – is my learned friend saying this is on the 12th or is she saying at a general point in time? And I think it should, in fairness, be made clear to the witness.

THE COMMISSIONER: Yes. All right.

MS NOLAN: I'm asking at the moment, Commissioner, if he remembers it and then I'll narrow it down.

THE COMMISSIONER: Yes.

MS NOLAN: May I have - - -

MR CHEN: No, no. That's the problem, is that he's been shown a document, been asked to look at it and the question's asked in general terms. I'm just asking her to make it clear.

THE COMMISSIONER: I think the time is an important aspect of it, Ms Nolan. So, perhaps if you could try and see if you can help us on that.

MS NOLAN: I will. May I ask if anyone has a tissue in the Commission? Sorry, I forgot.

THE COMMISSIONER: I'm sorry, I can't hear.

10 MS NOLAN: Just a tissue? My nose is starting to drip like a tap.

THE COMMISSIONER: Yes. Mr Board is - - -

MS NOLAN: Thank you. Sorry.

THE COMMISSIONER: That's all right.

MS NOLAN: I forgot to bring mine.

20 THE COMMISSIONER: That's all right.

MS NOLAN: Oh, sorry.

THE COMMISSIONER: Just leave that there.

MS NOLAN: Pardon me. All right. So, at the top there's a date and it says 12 December, 2014. So, it's around Christmastime, 2014. It's about nearly five years ago now, four and a half years ago. So, it's at or about the beginning of your relationship with Despina and Nick and - - -

30 MR CHEN: Can I ask my friend just to put a question rather than make statements. My friend should just put a question and she shouldn't, with great respect, introduce extraneous matters.

THE COMMISSIONER: Yes. All right. Well, we'll see how we go. Just try and focus on the question if you can.

40 MS NOLAN: So, do you remember at or about that time having a conversation with Despina and Nick, and in particular Despina, about there was a potential for conflict for you in your involvement in the Gows Heat transaction and the ULC transaction and your role on the Awabakal Board? Do you remember having that conversation?---Not with Gows. No.

Well, do you remember having a conversation then, about a potential for you to have some conflict between your role as a board member and another transaction? Do you remember that? Anything along those lines?---Well, Nick had that conversation with me about my conflict of doing stuff with other land councils.

THE COMMISSIONER: Just keep your voice up if you would a little bit, Mr Green, sorry. That's all right. Sorry, just start again on that answer.---I, I said Nick, I recall a little bit about a conversation, my conflict of being a board member and doing stuff with Awabakal Land Council and other land councils. I didn't, I didn't agree with it but - - -

MS NOLAN: You didn't agree that you'd be in conflict. Is that what you're saying?---I, I didn't sort of understand why I had to step down from it all, you know, to be a conflict.

10

Well, can you tell the Commissioner what Nick said to you? Do you remember the detail of the conversation at all?---Not the details but there was nothing in it about Gows.

Well, why do you say that you don't know about Gows? Is it because that you prefer to distance yourself from Gows? Is there a reason why you say you don't know about Gows?---Well, we, we never discussed anything about Gows, Gows as far as I'm concerned.

20

There's a document here and the first thing that you picked up when I showed it to you and asked you to read it was Gows, G-o-w-s.---Yeah, G-o-w-s, yeah.

You spelt that out on the transcript.---Yeah. Well, we've been talking about it in this Commission for the last God knows how long.

I know, but Gows did happen and you're just trying to distance yourself from that now, aren't you, because you perceive that to be a bad thing in this Commission, don't you?---No, that's not true. That's not true.

30

Over the page you'll see at page 4 this is a letter that was written to you. Now, do you recall receiving a letter on or around 19 December, 2014, so again towards the end of the year, that refers to the, it's called the Administrative Law, Economic Torts and the Minister of Aboriginal Affairs and the Registrar for the Aboriginal Land Rights Act. So this is an advice that was written to you and it goes for three pages and you'll see that it has a lot of cases mentioned in it over on page 3.---Oh, dear.

40

Now, do you remember receiving this letter?---Oh - - -

Do you remember receiving a document with lots of cases in it like this and it's about the delay in the land claims? Do you remember receiving correspondence about that?---No, I don't.

But you just don't remember it. It's very possible that you did isn't it? ---Well, the letter shouldn't be written to me for, for a start. It should be written to the Land Council not Richard Green.

Well, you say that but I'm not asking that question of you. I'm asking you whether or not you remember receiving this letter?---I can't say I did.

Because you've told the Commission on a number of occasions that the board was in a fractured state and that indeed you were continuing on the work of the board. In fact you said at transcript 1638, I think it's line 39, that you were endorsed by the board to carry on its work.---Yeah, but not to sign documents and, and mail to be sent to me.

10 You're just trying to distance yourself from all of this now though aren't you, Mr Green?---No, I ain't. No, I ain't.

There's an extraordinary number of documents with your signature on it, with your name on it. You were well involved in this work that Ms Bakis was doing in or around December 2014 weren't you?---I don't agree with a lot of the signatures on these documents.

I'm not talking about that. You were involved with Ms Bakis. You were working with her on the United Land Councils weren't you?---No, I hardly, 20 I hardly talked to Despina. I done a lot of talking to Nick.

Pardon me, you've done a lot talking to whom?---To Nick.

To Nick?---Yeah.

But for example, if you go back, please, to page 3, this is a file note of a conversation that you had with Nick. Do you see that? You said, "The board was so-so on Cyril's presentation ideal, not important, sale important, want the cash to buy properties for income." 30

MR CHEN: Could I object, Commissioner. It should be squarely put because my friend has not established at the moment that he's ever agreed to going to this conference. In fact his evidence, Commissioner, was clearly to the opposite effect on the last occasion, so my learned friend should, with respect, started with the basic propositions which she wishes to canvass rather than assume them.

THE COMMISSIONER: What do you say, Ms Nolan?

40 MS NOLAN: Well, I'm taking him back to this file note. I mean I'm happy, I'm not, I'm not trying to – anyway, I'll take him back to – look, in or around December of 2014, so about the 12th, look again at the top at the date, there was a conversation that you had with Mr Petroulias and Ms Bakis and it's been recorded here and typed up and down the bottom there's your signature. Now, I suggest to you, you signed that. What do you say? ---Well, it's a pretty wild signature.

Okay. And what about the RG on the left-hand side?---Well, that's pretty wild too. But I, you know, I, I haven't seen this, I haven't read this document because when I was given, I'll repeat it, when I was given documents to sign there was no, we never read no documents and, and the documents was always held in Nick's hands and he would peel 'em over at the bottom with his little signature um, stickers and we would sign 'em. So you know, I, I've never read none of the documents, and then he'd just take 'em away from us, wouldn't, wouldn't give us any, any, any copies of anything, like, like people always do to us.

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But Despina didn't do that, did she? She sat down with you, and I'm taking you to page 3 again, and there's this file note here on 12 December, 2014 where you said your signature's there, it looks wild but it's your signature, you haven't denied it, and I've taken you to the paragraph where Despina has actually spoken in this record and she said she's happy to complete a basic heads of agreement and she's talked to you about conflict. That happened, didn't it?---No, no, no, it never happened. I, Nick, Nick, Nick talked to me about the conflict and I wasn't, I wasn't happy with it.

20 Well, I'm suggesting Despina did, and you know that's the case, Mr Green. ---No, no, no, no, no.

You know that she sat you down.---Despina tried to have a few conversations with me but Nick always took over.

Well, that's not the case. She sat down with you on this occasion and she said, look, there's a conflict, 'cause I'm the solicitor, her conflict, not yours, her conflict – or sorry, I withdraw that, that she was acting for Gows and she was acting for the Awabakal.---No, I don't agree with that.

30

And she said, "I'm in conflict."---No, I don't agree with that.

She said this to you, didn't she, she did?---No, I don't agree with that. Nick always spoke.

You've been told, haven't you, that the best thing that you can do in this ICAC inquiry is just say you don't remember it, say that you signed a whole lot of documents, you've been told to answer questions like this, haven't you?

40

MR CHEN: I object, Commissioner.

THE COMMISSIONER: Yes, I think you can't have the question like that. If your instructions permit you to put to him that a particular person gave him a direction or advice to that effect then I think you should identify the source and the occasion on which this is alleged to have been said.

MS NOLAN: I withdraw that. You've told for example Debbie Dates, haven't you, that you're just going to play dumb in this Commission, haven't you?---No, I haven't.

Well, that's what you're doing, you're playing dumb, aren't you?

MR CHEN: Well, I object, Commissioner. That's really with respect a matter ultimately for – it's an offensive question, but secondly it's a matter ultimately for the Commission and not my learned friend.

10

THE COMMISSIONER: Well, that may be so. I'll let the question be put. Do you remember what was put to you?---Yes, she said that I was going to act dumb.

And what's your response to that?---No.

All right.---I'm telling the truth.

MS NOLAN: What about page 7, let's have a look at that. This is dated 5
20 May, 2015. Now, if you look over the page, page 8, do you see that?
That's your signature, isn't it?---(No Audible Reply)

Top left?---Yeah, I'd say it is, yeah.

And you signed that, your signature?---All my signatures are all over the place in these documents.

Well - - -?---What do you call it? I don't know whether you call it paint and
30 paste or copied or whatever, but I'm getting a bit fed up in it.

Well, I don't have the original but I may have the original, so I'll put that to you if the Commissioner give me - - -?---Yeah, but if it was original it would still have this signature on it, whatever, I don't know.

Well, you see at the top of page 7 this is a record made, and I'm suggesting it was made at or around 5 May, 2015, where it said Gows Heat and the ALALC entered into an agreement to purchase the land further to a unanimous board resolution on 14 December, 2014. See that?---(No Audible Reply)

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That's the first thing that sits there. And you've already demonstrated that Gows leaps out of the page, and I'm suggesting to you at the relevant time that would have leapt out of the page and when I'm suggesting this document was put to you. Do you remember that?---I will say it again. I never read none of the documents, and I will say it again, that all the documents got turned over on the bottom to sign and I never ever read anything.

You can't be serious.---I'm serious. Nick always held them in his hands and just turned the pages over where the, where the little sign, the little sign tag was.

Well, Mr Green, that's - - -?---I never read none of this.

That's just not true, because you would - - -?---That's true.

10 You wouldn't allow that to happen, that's not the sort of person you are, is it?---Well, I did allow it to happen and I was, I was, I was very stupid.

No, Mr Green. Documents were put in front of you, for example this one, it was explained to you and you signed over on page 8, didn't you?---No, nothing got explained to me, nothing.

THE COMMISSIONER: You need a bit more specificity as to when this is said to have occurred, who was present and so on.

20 MS NOLAN: It was 5 May. I think I started with that, Commissioner, but on or about 5 May - - -

THE COMMISSIONER: Well, we know the date, but who was present, who said what et cetera.

MS NOLAN: All right. Well, on 2 July, 2015, there was a conference call you had. Do you remember that? With Mr Petroulias?---Conference call?

30 It was a - so I'm referring to what's written on page 9, okay, and this is a file note of a conversation that you had with Mr Petroulias. 2 July, 2015, and - - -

MR LONERGAN: Commissioner, I - sorry, finish your question and then I'll object.

MS NOLAN: Well, I've asked him do you see that. This is a file note.

40 MR LONERGAN: Commissioner, I object on the basis that it's not clear whether my friend as directed by the Commissioner is referencing this 2 July document in relation to then the 5 May file note.

THE COMMISSIONER: Well, I didn't understand it to be related. I thought she was moving on.

MR LONERGAN: If she's moving on then - - -

THE COMMISSIONER: That's what I understand it.

MR LONERGAN: Then I withdraw the objection.

THE COMMISSIONER: Is that right, Ms Nolan? You're taking - - -

MS NOLAN: Yes.

THE COMMISSIONER: Yes. Separate issue.

MS NOLAN: I've just asked him if he can see that, that's my question. Do you see that? Do you see that?---Which, which one?

10

Page 9. Do you see at the top, "File note, 2 July, 2015"?---Yeah.

Right. Now, I'm suggesting to you, at or about that time, you had a conversation with Mr Petroulias and it was about the potential sale or the substitution of Gows' rights to Sunshine. Now, you remember having that conversation, don't you, with Mr Petroulias?---No, not anything to do with Gows. Gows were put on paperwork that, that we didn't know about.

20

Well, how can you say that?---How can I say that? because we never talked about Gows.

When you say, "We," to whom are you referring?---Well, either me or, or Nick or the, and the board members. A lot of, a lot of this paperwork was done up with, without our knowledge, without us reading anything. You know, how many times I've got to, I've got to bloody say that. I'm - - -

30

Well, how do you know it was done without your knowledge?---Because I've never seem this paperwork before. I've never read the paperwork before.

Well, which is it, you've never read it or you've never seen it?---Well, if I didn't, didn't see it I wouldn't have read it. The, the, the best of my knowledge to read it.

40

Right, so your evidence is that you've never seen this?---Yeah. I've never - how do I, how do I answer this again and again and again? Paperwork was put in front of us, was put in front of us and Nick always held the paperwork and turned it over to his little tags where we had to sign them.

Right, so then you have seen them because you've signed them, you just haven't read them. That's your evidence, isn't it?---No, I haven't seen the, the writing. The, the, the - - -

THE COMMISSIONER: Well, just pause there. Are we still on the document of 2 July, which is an in-house file note? What are we talking about?

MS NOLAN: No. I'm just engaging with the witness with the respect of his statement that he's never seen any of the documents but I - - -

THE COMMISSIONER: Yes, but I don't think we can deal with documents generally - - -

MS NOLAN: At large, no.

10 THE COMMISSIONER: - - - as a class. We need to - - -

MS NOLAN: No, I know.

THE COMMISSIONER: - - - go to the document, the individual document.

MS NOLAN: No, I accept that. How about over the page, page 10. See 23 September, 2015 up the top?---Yep.

20 This is a letter that has been signed by you. Did you see down the bottom your signature?---Yeah.

Right. Do you recall signing this letter at 23 September, 2015? Have a look at it.---I never read it to sign it and I might have signed it but again, it was peeled over if I signed it but this signature here, as I've been going through a lot of this stuff and looking at my signature and, and, and they nearly all look the same.

30 All right. Well, what about over page 12 here? Now, down the bottom again, appears your signature and the signature of Ms Bakis, a signature of Mr Petroulias and I think there's Ms Dates' signature. You see that?---Page 12?

13, sorry. Mine are double-sided. Page 13. So, page 12 is where the documents starts, page 13 is where the signature is.---Yeah, it looks like my signature but I don't know what - - -

Pardon?---What's this thing over on the right? It is a common seal, is it?

40 Yes. Have you seen that before?---No, I haven't seen that before. Where is it kept, the common seal?

Pardon me. All right. I've taken you to page 12 and asked you to look at 13. You agree that that's your signature, do you?---Yeah, it looks like it.

What about page 18? Have a look at that.---That's a pretty wild signature too.

Is it your signature?---Well, I'm not really sure.

Well, this was - - -?---You've got Gows' common seal there. You know, I've never seen that before and, you know, a common seal, I know the Land Council common seal is left in the Land Council office and I think this common seal might be maybe kept at the house, Nick's house. I'm not sure.

Well, you'll see here this has been signed by you, yes? I'm going to suggest Mr Petroulias, Ms Bakis and Ms Dates again. Now, can I ask you this.

10 MR CHEN: I think he should answer that. I think if that's what's put and that - - -

MS NOLAN: Well, do you agree with me, that that's been signed by - - -

MR CHEN: I'll just finish.

THE COMMISSIONER: Sorry, just a minute.

MR CHEN: I think if it's going to be put the substance should be put as to when, where and matters of that kind, and with great respect that seems to
20 be a recurring theme of omissions in my learned friend's questions to the documents that we've just been through. Anyway, I'll leave it for my learned friend to deal with it as she sees fit.

THE COMMISSIONER: All right. Ms Nolan, I think if you can try and put it in context about timewise and otherwise.

MS NOLAN: Well, look, this one here, this at the top of page 16, I'm suggesting to you this was signed at or around 26 October, 2015.---26
30 October?

2015. At or about 26 October, 2015. This is just around the time of the Tony Zong meeting.---Well, I, I, I, I'm not really sure but I think I was in Sydney having a big native title meeting around that time or I'm not sure that Tony Zong, whether it was that year that Tony Zong took myself and a lot of the Gamilaroi directors out for dinner on my birthday which was the 28th.

Of October?---Yeah.

40 Well, then you remember around 26 October, then? It was a couple of days before.---Well, if, if it's the, if it's the right year, I would have been in Sydney for a four/five day meeting.

Well, I suggest it probably may have been in Sydney. Do you remember going over and seeing Nick and Despina at that time?---I'm not sure. I'm not sure but I, I, not, I don't think I did because I'd have been too busy in meetings.

Are you sure about that?---I'm not really sure but like I'm saying - - -

Well, at or about that time I'm suggesting you did have a meeting with Nick and Despina and you've signed this document at or about that time, 26 October, 2015. What do you say about that?---You know my answer will always be the same. I never read the documents and, and I haven't seen the documents. I was a fool to sign them and not look at the documents.

10 I know that's the answer you give.---I'll give that answer you know, with all the documents.

So, you're telling the Commissioner that's the answer I'm going to get when I take you through every single document, is that right?---Because I never seen them.

20 Why then, well, you've been asked by the Commissioner and Mr Chen why you signed all of these documents. I'm going to ask you why did you do it. ---Well, we, we, you know, we thought we were taking the Land Council forward and then setting up a lot of business for Aboriginal people around Australia. I, I, I found a lot of documentation in my shed that was printed out by Nick talking about you know, greening the desert, building, building railway lines, building ports. I've got the paperwork there and, you know, that's what I thought I was doing. Working, travelling around Australia and doing stuff. Oh, yeah, that's, that's what I, what signing things or to take things forward, but as it worked out, I wasn't. I was doing the wrong thing.

30 Well, can I suggest to you, just assume for the moment you weren't doing the wrong thing, assume that that's exactly what you were doing.---The wrong thing.

No, the right thing. Assume you weren't doing the wrong thing, assume - - -?---Well, I, I thought I was doing the right thing because I have all this paperwork and I, I was taking it around to, to land councils to people in the Northern Territory that, that - all over the country and, and that's what I thought I was, I was doing and I, I thought, Nick told me that there was a, there was a trust fund set up to, to, to help do all that stuff.

40 THE COMMISSIONER: All right. Just stop there for the moment. Just, yes.

MS NOLAN: And it was on that belief that you were - that's why you would sign documents without reading them, because you thought you were signing documents to take the Land Council forward as you've discussed. I'm not going to go through it all, but in order to better the situation for the Aboriginal people?---Yes. I, I did think that but I, I - - -

And that's why you were signing these documents, is that right?---No. What, what I'm saying about that. I signed some documents but I'm not

agreeing on all of these documents being signed by me. For instance, there were, there was, there was some document signed, signed you know, with these New Zealand companies and they're clearly - - -

I'm not talking about those New Zealand companies. Just - - -

MR CHEN: Well, I think with respect, my friend asked a very general question of the witness and he's entitled to respond.

10 THE COMMISSIONER: Yes. Look, I think we'll move on, I think we'll move on. Yes. All right. Have you finished with that document of '17-'18?

MS NOLAN: Yes.

THE COMMISSIONER: All right.

MS NOLAN: Just have a look, would you, please, at page 45.

20 THE COMMISSIONER: 45, is it?

MS NOLAN: Ah hmm. See at the top there, there's United Land Councils?---45, yeah. Oh, this, there, yeah. Rightio.

You see at the top of page 45, United Land Councils, can you see that? ---Yeah.

And you see down below that the date, 11 April, 2016?---Yeah. Down the bottom or up the top.

30

And this is a letter that's been written to the Minister for Aboriginal Affairs. Do you remember agreeing to send a letter in your capacity as director of the Aboriginal Land Councils to the Minister for Aboriginal Affairs?---(No Audible Reply)

This is about the participation in the program to advance Indigenous land and economic development.---I didn't write this letter because I can't write a letter like that.

40 THE COMMISSIONER: Who wrote it, do you know? Who composed the letter?---Well, I'm not really sure but I'd say Nick did that. I remember, I remember going to Parliament House with my brother and myself and Nick and we done a presentation on, on the, on, on the Aboriginal land around Australia. I remember going there because everybody, you know, appreciated it and they, they recognised that we were doing some good things with, they recognised the mining companies, what, what I've done with all those, and ah - - -

Is this an email that was sent, do we know?

MS NOLAN: This was sent by email, Commissioner, yes.

THE COMMISSIONER: Yes. Okay. Let's move on.

MS NOLAN: What about page 50? Just have a look at that. This is 4 May, 2016, and your signature appears on that, doesn't it?---Yeah, it looks like it.

10 And do you remember signing a document dealing with NP role clarification with Richard, Debbie and Nick, do you remember signing a document along those lines?---Well, again, I never read the document. I've never seen the document. It would take me five days to sit down and read these documents.

Do you remember file notes being put in front of you and the circumstances in which you signed them, do you remember the circumstances in which you, I mean do you accept that you were signing file notes?---I don't even know what file notes are. What are file notes?---Well, this is a file note. So
20 it sets out a whole lot of things that have been going on. Do you want me to go through all of these things and you can say whether or not you accept what was going on?---No, because I'll say it again, I, I, I never read any of this.

You agree don't you that you were working with Mr Petroulias in the United Land Councils, you agree with that?---Well, I thought I was, yeah.

Right. And do you remember having a discussion about Mr Petroulias as part of the United Land Councils as a resource available to the Awabakal
30 people, the ALALC and you can use Mr Petroulias to act as an agent to give instructions to Knightsbridge North Lawyers? Do you remember having a conversation, did you remember saying something along the lines, having a conversation to the effect that Mr Petroulias was allowed to assist Knightsbridge North Lawyers with the work that they were doing for the ALALC?---No, I don't agree with, with that. I, I ah, you know, Nick was doing, was doing all the paperwork, I thought that he was, he, he, he, he came across to me as a smart man and us Aboriginal people, we're not very bright with, you know, here I am, I've got to put down Aboriginal people again and I hate it. Because of this system in this country, I don't want to
40 rave on but it makes me cranky. That was our conversation with Nick, that he, he does the paperwork for us, but you know, but there was a lot of things going on behind the scenery. State Land Council should get a shaking up out of all this, treating us black people like that.

Can I just ask you, I'm not going to take you through all these documents because I think it's plain that I'm not going to get anywhere with it and I don't want to take up the Commission's time. Let's have a look shall we - -
-

THE COMMISSIONER: Ms Nolan, just before you do proceed. As I understand the position, the documents included in the folder represent various, if you like, communications and record various events, but insofar as you're appearing for Ms Bakis, if there's any contention that you wish to put to this witness about any of the documents on your instructions then insofar as it involves something of significance this provides you with an opportunity of putting it to Mr Green. In other words, if Ms Bakis is making a contention about some of these documents or based on some of these documents and she proposes to give evidence about such matter in the nature of an affirmative case by her then for the purpose of cross-examination as I would understand it is that this provides you with an opportunity of putting her case to him, Mr Green, on any matter of significance. In that way the two of them as it were are a joined issue and it's clear that what Mr Green's position is and it'll be clear what Ms Bakis's position on that issue. I don't mean to say every issue. It's not necessary to do a complete Browne and Dunn exercise as the standard directions emphasise. The exercise is to be confined to essentially putting the sort of material I've outlined or mentioned for the purpose I've mentioned, that is, it gives your client an opportunity to have the contentions put to Mr Green on which she will be asking ultimately that her evidence should be accepted. Anyway, if that's of any use in relation to the documents in this folder MFI 33 provides you with that opportunity.

MS NOLAN: Yes, I'm grateful, Commissioner. I accept all of that. I just don't, I mean the proposition that I have continually put is that these documents were put in front of him, that he signed them and we've gone through enough now for me to be able to probably, but that's the practice that I'm suggesting was adopted and he said time and time again that he signed them without reading them.--No, I never said that I signed them.

MR CHEN: Commissioner, may I just simply add this, that my learned friend has not – presumably by choice – taken the witness to the subject matter of a number of these documents. If his evidence as to whether he's signed them may favour one finding or another, and I'm not purporting to comment upon that, but at no point has my learned friend, except potentially in relation to 12 December, 2014, taken the witness to the subject matter of what is purported to be recorded in these documents, and I just raise that, Commissioner, for my learned friend's consideration in due course because that has fact-finding consequences that no doubt we're all aware of.

THE COMMISSIONER: Yes. Well, that's certainly in line with what I was saying, that matters of importance or significance such as the one you mention ought to be put to the witness if there's going to be a contrary position advocated on behalf of Ms Bakis in relation to a particular topic that's mentioned in a particular document, and then we've got it clear as to what Mr Green is saying on the one hand as against what Ms Bakis is saying

on the other and ultimately it'll be a matter for the Commission to undertake the necessary fact-finding where there's a dispute.

10 MR CHEN: That's so, Commissioner, and the witness was taken in examination through the subject matter of a range of topics and a range of communications that potentially may be in the domain and my learned friend has simply asked does that look like your signature in relation to some of them. I've put what I think I hope fairly and clearly what I see as an issue and my learned friend can take on board and deal with it as she sees fit.

THE COMMISSIONER: Yes.

MS NOLAN: I've heard what my friend has said. I mean, to the extent in which I'm interested in the Gows transaction, it's only the conflict issue. I've put that to him, that's it.

20 THE COMMISSIONER: I think the point is more a general one. It's simply drawing your attention to the fact that by getting the witness to accept that that's his signature on the document, doesn't mean he accepts everything that's in the document. If there's anything that you consider is important in the document on which you have instructions to put to Mr Green, he will either accept what you put to him or reject what you put to him, and where it's rejected and Mr Bakis might give a contrary account, I am in a position and have heard the evidence of both of them on that issue. So, the utility of the exercise is not just confined to whether he accepts his signature is on a document, in other words. It's simply providing you with an opportunity to put on your instructions if there's something in, or a number of matters in a particular document you consider to be important and which your client, you anticipate, will give evidence about. It's just simply a question of fairness to give the witness the opportunity of having his say on that significant issue. So, in other words, I'm really – you conduct the examination as you see fit, of course, but I'm simply asking you to focus on what in effect is in the standard directions, in particular paragraph 17, which is to the effect I've stated. But it's a matter for you, of course. You have got your instructions from Ms Bakis and some of these documents may contain a matter that's irrelevant or not all that important or it may contain, the documents may contain matters of importance, in which case, as I say, provides this witness with the opportunity of having his say on the question or questions or issues. All right. Well, let's move on. 40 Look, we've already had a break but I might take a 10-minute break. I'll just make it a short morning tea adjournment, I think, in that we've already had lost time this morning. It might just give you a chance anyway, Ms Nolan, just to reflect on what I've said and we'll resume in ten minutes time. You've heard that, Mr Green? We'll take a break. All right.

SHORT ADJOURNMENT

[11.32am]

THE COMMISSIONER: Thank you, Mr Green. Yes.

MS NOLAN: I've taken you to a number of file notes, okay, now I continue to take you to them, but I've just got to ask you this proposition about it first – put this proposition to you, rather. Do you remember that Ms Bakis was keeping file notes, like running memoranda, so a running record of all the things that were going on when the board was not meeting and she, and asking you to sign them. Do you remember that she was doing that?---I never, never seen her do it but I know she was doing something like that to get the Land Council back up and running, but I never ever seen any documents.

Well, I've taken you to a memorandum, it's called a running memorandum, it's page 16, for example, and I think it was the one I was taking you to about, when you were talking about your birthday, 26 October, 2015. Now, have a look at this again. And in this you were having a meeting. For example, up the top it records on 22 October - - -

20

THE COMMISSIONER: 26 October? Oh, I see, yes.

MS NOLAN: No, at the top, 22 October.

THE COMMISSIONER: Ah hmm.

MS NOLAN: It's under the heading, the Resurrection of the Sunshine Deal. Do you see that?---(No Audible Reply)

30 Do you remember attending a meeting on 22 October where Keith called an urgent unscheduled meeting at Sunshine's offices to salvage the deal where Mark Driscoll, who was their lawyer, was going to try and work out what was really essential. Do you remember a meeting like that?---Sunshine's office?

Well, do you remember hearing about that meeting? I'm not suggesting that you were at it.

40 MR CHEN: I think it should be put again. Just to assist the witness, it was put as an affirmative proposition. I'd just ask my friend to start again, with great respect. It's a bit confusing. The witness has been asked, sorry, Commissioner, the witness has been asked questions where it was put that he did attend a meeting and now my learned friend's taking a different approach and I'd just invite my friend to start again.

THE COMMISSIONER: Yes.

MS NOLAN: Well, I'm not sure that I suggested he was at the meeting, I'm saying do you remember, do you remember knowing, like, do you remember a meeting. I'm not suggesting you were at it, there was a meeting where the Sunshine deal, they tried to resurrect it at or about 22 October, around your birthday?

THE COMMISSIONER: Well, I think what you're wanting to put is was he told by somebody of this meeting.

10 MS NOLAN: Yes. Well - - -

THE COMMISSIONER: Is that right?

MS NOLAN: Well, were you - - -

THE COMMISSIONER: Were you informed by anybody that a meeting had taken place or was to take place on 22 October, being the one referred to in this document, paragraph 1, or don't you remember?---No, I don't remember.

20

Do you remember being told anything about a meeting on 22 October?
---No, I can't say I did.

Okay.

MS NOLAN: Well, do you -- is that right? I mean because don't you remember discussing whether or not the Sunshine agreement should still go forward to the community?---Sunshine was us, was it?

30 No, Sunshine is Tony Zong.---No, I can't remember that, no, no.

Well, over the page at 17 you'll see 2, settlement on 23 October, 2015. This is the settlement meeting, you know, the one with the photograph of you and Tony Zong?---(No Audible Reply)

See this?---Yeah, yeah, yeah, I can see this.

40 Now, see under this there's a, this is, just read if you would what's underneath the heading Settlement on 23 October, 2015 at ALA, it should say LC offices.---I don't remember seeing any of this document.

No, but I'm just, I'm not talking about the document, I'm asking you, what's written here accords with your recollection as to what went on at or about this time, doesn't it?

MR CHEN: Well, my friend should just put a proposition, with respect, Commissioner. I don't, is she talking about the whole of page 17 or some specific part? I mean there's simple way of doing this.

MS NOLAN: Under the heading Settlement on page 17 - - -

THE COMMISSIONER: Yes, but there are a number of matters under that heading. I think it comes back to - - -

MS NOLAN: Well, he's accepted that he's – I know what you're going to say, Commissioner, and I'm just, I understand that, but what I'm trying to establish is a different thing. He's accepted that he was at the meeting, there's a photograph of him at the meeting, I mean we don't need to traverse that.

THE COMMISSIONER: So, what proposition do you want to extract from this to put to him?

MS NOLAN: The proposition is, Ms Bakis was keeping these running memoranda of what was going on when the board wasn't meeting and then she would sit down with you, go through a document, like a memorandum like this and sit down with you and say, "Now, this is what's gone on," and you would sign it? That's what I'm suggesting happened.

MR CHEN: Well, Commissioner, again, my learned friend should just put specifically what was discussed, when it was discussed and what was put in front of him for signing. At the moment, the question is simply all embracing. It could cover, as I would understand it, many years. I don't know. And there is a simple way, with respect, to deal with it.

THE COMMISSIONER: I think, Ms Nolan, just for it to be useful for my purposes anyway – Ms Nolan, while you were talking to Ms Bakis I was saying, for this to be useful from my point of view, if there are particular matters contained in the documents, then I think you need to go to the particular documents. You can't just have a global question to cover what you say was a practice. That's the first thing. And the second is really, again, your questions no doubt will be driven by what Ms Bakis' affirmative case is going to be on matters of significance. Not everything, but matters of significance. Now, this line of questioning so far this morning has been directed to Ms Bakis having a practice of some kind of keeping notes and also that these notes were also in effect discussed with him in a general way. The witness has not accepted that proposition, but as to the content of what's in the minutes or the memoranda, it's that which is important because some of these memoranda cover a number of different conversations and different topics. You obviously don't have to put everything to him or have him read everything, but if there's anything in them of significance which records a matter and Ms Bakis, you would anticipate, will give evidence to support that proposition or that fact, this cross-examination enables you to put to him any particular matters of importance which you say are recorded in the minutes or the memoranda or whatever other document there is so that the witness can either accept what

you put to him or reject or put some other version. In other words, it's really just a question to identify material that'll be important to fact finding at the end of the day. So, quite apart from the document as a whole in a particular memoranda, if there are several matters dealt with in it, one in particular or two or more of particular importance to the questions arising in this investigation, then you can put those particular matters to this witness. He will either accept it, reject it or put some other proposition. So, I think there's a limit to how much you can just in general terms go through these documents saying, "Is this your signature?" and, "Were all the documents explained to you at the end, discussed with you at the end of each meeting?" I think you need to be a bit more specific. Anyway look, I'll leave you to chart your course from this point.

MS NOLAN: Can I ask you to look at page 37, please. So I'm asking you do you recognise a document which has got the heading Legal Issues in the Selection of Property Proposals? I'm asking you that first. Do you recognise something along those lines?---No, I've never seen this document.

Look at the date 5 April, 2016 and look at the top, Briefing Paper on Potential Property Agreements for Board Meeting 8 April, 2016. Now, this document I'm suggesting to you was prepared for the meeting which was held on 8 April, 2016. That's the board meeting which you attended, and what this document does is it sets out all of the legal issues that Ms Bakis has identified which attends to the selection of the property proposals that were being discussed. Now, I'm suggesting that it was tabled at that meeting and made available for you to all read. Do you agree with that? ---No, I don't agree with that.

And what it does, at page 40, it deals with the specific proposals and some contents that were made with respect to the specific proposals, so start with the Sunshine Group. See under the Sunshine Group the issue with the Sunshine group proposal, so that's the Tony Zong proposal was, is that he got greedy and he just wanted to take the best properties. Do you remember that? That was the issue wasn't it?---Yeah, I think that's what Nick said, yeah.

Yes. And you agree that he did want to, instead of taking land which was unfavourably zoned with the land that was more favourably zoned he's just wanted to take the best bits for himself rather than go with the deal, taking the package, do you remember that, and that was referred to as cherry picking?---That was Nick's view. It wasn't my view.

Yes, but, pardon me, it was?---It was Nick's view. It wasn't my view.

Well, the Solstice Group, do you remember the issue with the Solstice Group, even though the price looked big, the 30 million, but actually you probably were never going to get that 30 million because it all depended on the number of properties that were developed on that?---Mmm.

Do you remember that?---Oh, not, not really. I remember 50 million being bullshitted around, yeah. Sorry.

10 And do you remember all of these issues being discussed at the meeting on 8 April, 2016, so the cherry picking issue with Mr Zong's company, the fact that the Solstice Group although it looked attractive it's not really because it wasn't going to yield what it promised or appeared to promise, do you remember this being discussed at this 8 April, 2016 meeting?---Not in, not in all this, these words. We just, I think Nick just said that, you know, oh what did he say? I remember he mentioned about cherry picking and, you know, I sort of didn't, didn't take much notice.

Commissioner, I know there's a page missing but - - -

THE COMMISSIONER: Yes, I noticed that.

MS NOLAN: I can't take him to it off the top of my head.

20 THE COMMISSIONER: We might just check the bundle to see if there's a missing page that should be, whether there should be a further page or pages following page 42 or page 6 of the original document. We'll check that over the luncheon break.

MS NOLAN: Do you remember why the Advantage, or do you remember the Advantage deal?---Who was Advantage, name?

30 Hussein Faraj. Remember Huss?---Yeah, I know Huss, yeah, I remember Huss, yeah.

So you remember the Advantage proposal?---No, I don't remember the proposal, if that's what you call it.

40 It was the last deal and it was the one where the community was going to be involved and it was going to be a joint venture. Do you remember that? ---No. What I, what I remember of that is that Huss came up to Newcastle three times to try to get a meeting with the community and, and the community just blew up about everything, the three times, and they didn't even get in to do, to, to talk about their, their plans. That's what I remember.

That's what you remember.---Yeah.

But can you tell the Commissioner why Advantage would have been up there to have a meeting three times with the community?---Well, they was going to try to do something with the land, far as I know.

Yes. And you knew about that proposal, didn't you?---I never ever seen it.

No, but you knew, you knew Huss was going to come and try and do something with the Aboriginal Land Council up at - - -?---Yeah, I did know that.

Yeah.---Yeah.

10 And you were on board with him presenting that proposal to the community on the three occasions that they came up?---Well, I think we were, the whole board was on board with it, otherwise he wouldn't have got there.

20 Yes. Now, look at the document on page 96. This is a document that's dated 7 January, 2016. Now, this letter was sent to you and Debbie Dates, so the chairperson, acting and deputy chairperson, right, and it's sent by, if you look at 98, Ms Bakis. And this is a government checklist, sorry, a governance checklist, which I'll ask you to look in the paper bundle, it's a bit quicker. You see over the page at 101, this is the governance checklist regarding the continued engagement of Knightsbridge North Lawyers. Do you remember seeing this document where it's been ticked and there's initials?

MR LONERGAN: Sorry, Commissioner, I object on the basis that this document is purported to be the same as the other one dated 7 January, 2016, but is dated the following day. So if my friend is saying this is a separate document or part of the same document, it's ambiguous.

THE COMMISSIONER: Well, what is it, Ms Nolan, is it a separate document or the same one?

30 MS NOLAN: I'm asking you just this. See this document on page 101, at the top it says 8 January, 2016. This is a governance checklist. See that? ---(No Audible Reply)

Do you see that? That's my question.---Yeah, I can see it.

All right. Now, you can see now the initials column, there are a number of initials. "RG," they're your initials, aren't they?---Yeah, looks like it.

40 Right, now, these are matters that Ms Bakis went through with you and then it was ticked and you initialled it. Do you remember that process? Do you remember when she went through that with you?---No, I don't remember, no.

Well, do you remember her talking to you about the fact that Knightsbridge North Lawyers were a suitably qualified firm in administrative law, economic torts and litigation and criminal and quasi criminal law? Do you remember her discussing that with you?---No.

Do you remember her talking to you about the past performance and how you agreed that you were satisfied with what she'd done so far. You remember signing your initials in agreement to that?---I remember talking, you know, about in the office getting meetings happening and, you know, stuff like that but, you know, I don't remember a lot of this stuff. You know, and the reason why I don't remember a lot of this stuff because a lot of stuff was going on in my personal life with my wife's mental illness and all that stuff and I was concentrating on a lot of, lot of other issues and, you know, I was just coming and going, coming and going.

10

So, it's quite possible, isn't it, though, then – I'm sorry to interrupt – but it's quite possible then that, I mean, these things then were all explained to you and you did sign it as each one was explained to you, it was ticked off and then you put your initial next to it?---No, it wasn't, oh, no, no. I wasn't, I wasn't that dumb as people say.

I'm not suggesting you're dumb in fact I'm suggesting the contrary.---Well, I've been, I've been handed in this Commission, you know, that I'm dumb.

20

No. You have my assurance, I am not suggesting you are dumb. I am suggesting that you knew what you were doing, you understood what you were doing, it was explained to you and as these - - -?---No, it wasn't explained to me.

- - - things were explained to you, it was ticked, then you would put your signature and Ms Dates would put her initials and Ms Dates would put her initials in that little box on the right hand side.---I will keep on stating, nothing was explained to us.

30

Is that right? Ms Bakis explained these things to you, didn't she? I'm asking about Ms Bakis not Mr Petroulias. Ms Bakis sat down with you with this document on or about 8 January and went through it. This is about the time Kelvin Kenney was appointed and you wanted to bring litigation against Kelvin Kenney, in respect of Kelvin Kenney should I say.---I think Nick wanted to bring that against him.

40

Well, that's not right, is it? Because on or about - - -?---Maybe I should rephrase that. I, I, I wasn't happy with the, the investigation into the, into the Land Council because there wasn't any, any money missing from the Land Council like people were saying and like I, I will say again, they just come in and investigate us for nothing all the time.

But Kelvin Kenney was coming in to investigate the affairs of the Aboriginal Land Council and, remember, Despina was working with you to try and get your systems in order. Do you remember that?---Yeah, I do remember a bit of that, yeah.

Yes. And so she sat – it’s entirely plausible, isn’t it, that she sat down with you in an attempt to try and get your systems in order with this document and went through it with you item by item, isn’t it? Because that’s what she was doing. She was trying to help you get your systems in order.---Yeah, I know she was, I know she was but I, I, I, I can’t recall. I, I may have. I, I’m not saying I did. I may have. Maybe you just wanted, you know, she was helping us like I keep saying. She was helping getting the Land Council meetings happening because the Land Council was in shambles in whatever it is, fighting and all that stuff and, you know, and, and things were
10 happening around then and I just wish people would come and sit in Aboriginal Land Council meetings.

Can I take you to another document, please. How about we turn over the page to 103. Now, I’m not suggesting that you’ve seen this document.

THE COMMISSIONER: Could you just give me the page number again?

MS NOLAN: 103, Commissioner. I’m not suggesting you’ve seen this but it records, it’s a recording of a telephone call that you made where you said
20 to Despina, “The board has ratified your appointment.” Do you remember calling Despina up on around 12 January, 2016 and you said the board’s ratified or approved your appointment or something to that effect?---I can’t remember.

And do you remember saying to her that her costs agreement was among the board papers which were tabled at that meeting?---I can’t remember that.

But it’s possible, isn’t it?---Well, for \$80,000 of Land Council money, you know, I wouldn’t have agreed on that.
30

Well, you’re just saying that because the Commission has taken you to – not the Commission necessarily but I think in the course of this inquiry you’ve been taken to the costs agreement where the amount of 80,000 appears and you’ve perceived that to be a bad thing and so you’re trying to distance yourself from that now aren’t you?---No, I’m not trying to distance myself. I just, I just can’t, can’t recall this. I had a lot of conversations with different people.

What if it was \$80,000 a year as opposed to \$80,000 a month? You
40 wouldn’t think that was a bad thing, would you?---Oh, yes, I would because we only get about \$130,000 a year. That’s all, that’s all us old poor black fellows get. Keep us down in the dumps all the time.

Well, that’s not right, really, what you’re saying, because I mean your payroll is about \$200,000 a year, isn’t it? And just the wages to the CEO alone would nearly exceed that 130,000, wouldn’t it?---Oh, I’m not really sure to tell you the truth whether that \$130,000 takes the bloody wages of

the CEO, the secretaries, whatever. I, I haven't looked at it because I'm not good at looking bloody - - -

Yes, and so therefore you're not really in a position to be able to say whether \$80,000 is something that the Awabakal Land Council could have afforded or not so that statement is just gratuitous, isn't it?---Well, I, I know we get 130,000 and \$80,000 that's, that's a bit - - -

You're just - - -?---I understand - - -

10

Sorry.---I understand \$80,000 and \$130,000. I understand that. What is it, 80, 90, 100, 10, 20, 30 that'll be about \$50,000 to run the office.

You've got income from rent as well. I mean my proposition is this. The only reason that you are saying - - -?---No one pays rent.

I'm just going to finish the question.---No one's paid rent.

20

All right. Well, look, let's just put it this way, shall we? The reason why you added in that comment about the 80,000 is not because you're disagreeing with having signed the costs agreement, it's just that you've now perceived, having sat through this inquiry, that having signed that costs agreement that's a bad thing and you want to distance yourself from it.---No, that's not true. I, I, I think I remember saying it in the Commission that, the same thing what I just said.

30

All right. Can I ask the Commission to put up Exhibit 42, volume 1, page 163, please. Now, this is a cost disclosure which is dated 27 November, 2015. It's not in the paper bundle. Just have a look at this. If you could just scroll down, please. Now, if you could go down to the end, please. All the way down. See there at the bottom, that's your signature there isn't it? ---Yeah, I didn't read the document.

Pardon?---Yeah, it looks like my signature but I didn't read the document. Just a simple question. Are there all this, this paperwork in the Awabakal Land Council, where is it all? Just a question if I'm allowed to ask that question.

40

I don't know where it is. I can't assist you.---Well, I think it should have been left in the Land Council instead of people just doing what they want to do with it.

I think these documents come from something that Mr Lawler has produced, so it's more than likely it was in the Land Council, but I can't comment beyond that.

MR CHEN: Well, I don't think that's right.

THE WITNESS: I don't think so.

MS NOLAN: Pardon?

MR CHEN: I don't think that's right.

MS NOLAN: Well, I don't know, I said that. I said I can't comment about it. Anyway, look, okay. Can we scroll back up, please. So have a look here. They're your initials, aren't they, that appear in the middle of the page?---Looks like it, yeah.

Now, do you remember Ms Bakis explaining to you that she was going to, or her law firm was going to put what's called a caveat on the title of the Awabakal Aboriginal Land Council properties? Do you remember her explaining that to you?---No, not explaining it to me. I remember 'em saying a little bit about that and, and I, I - - -

Well, you remember her saying that she was going to put a caveat on the properties in circumstances where the fees weren't being paid?---The which, fees?

Yeah, the bills.

MR CHEN: Well, I object to that. Just a moment. That's not factually accurate and the agreement itself doesn't refer to that and there's no evidence in fact of any bill being rendered, as I understand it at this time, so my friend should accurately put the proposition. There was certainly no unpaid costs so far as I'm aware, if there are she should put that.

THE COMMISSIONER: Yes, I think that's right, Ms Nolan.

MS NOLAN: Do you remember Despina talking to you about caveats going on title?---(No Audible Reply.)

Do you remember a conversation about that?---I remember something that she said she was going to do it but not do it.

Right.---Because if, if, if I would have known that - - -

Hang on, hang on, wait up. So you do remember that. Let's just, let's just - - -?---Vaguely, vaguely, yes.

Okay. So I want to take you back to this document. This document is dated 27 November, 2015. So at or about that time you sat down with Despina and she explained to you in the context of going through this cost agreement, I'm suggesting this to you, that if her fees, Knightsbridge North Lawyers fees, were not paid then she would be placing caveats on title to

secure her fees. Do you remember a conversation to that effect?---Not, not, not, not, not in that, not in that, no, I don't remember.

I'm suggesting that she did have that conversation with you and that when that conversation was had, she asked you to put your initials where it appears on the page 169 - - -?---No.

- - - of Exhibit 42, volume 1.---No, it wouldn't have been caveats put on it, I wouldn't agree with that.

10

Well, your initials - - -?---I know, I know what a caveat is, a caveat is, is, is stopping anyone from, from selling your land, selling the land, and there was no agreement in selling the land. I wanted to do joint ventures with all the land, not sell the land, joint ventures, because you sell the land, the Aboriginal people lose control and it's gone. You need something where, where you can, where you can have, have a lifetime earning off it for the children, not sell land. I never ever wanted to sell land.

20

She's not, I'm not suggesting that that's what she was going to do. What I'm suggesting to you was is that this was a measure that she explained to you that Knightsbridge North Lawyers was going to take just to protect its fees being paid. You remember that conversation, don't you?---I vaguely remember something around that.

Yeah.---But - - -

30

And it was in the context of signing this agreement, wasn't it?---No, I never read all this stuff. I will keep on saying, I have never read all these documents. They just got stuck in front of me to sign and initial.

That's not right. That's not right.---That's right.

That's not right - - -?---That's absolutely right.

- - - because you've just agreed that Despina explained this to you and then she asked you after she - - -?---No, I never agreed she explained it to me.

40

Then she asked you after she explained it to you to put your initials next to it. You remember that, Mr Green.---No, no, no, no. Nothing was explained to me. Nick never explained anything to me.

I'm not worried about Nick.---And Despina never explained anything to me. The documents always got put in front of us. Like I said, they peeled them open, peeled them open. You know, this is what happens to us all the time. And I will keep on saying I never read any of these, these, this paperwork because I can't read all that stuff in five minutes. I get my wife sometimes to get in the bed and read me stuff.

Do you remember when the Minister was appointed and – sorry, I withdraw that. The Minister appointed the administrator in about June 2016.---The administrator is, is Mr Lawler, the guy that robs us all the time.

And do you remember that you were angry about that?---Of course I was angry because I know what administrators do to Aboriginal land councils.

And you wanted to step in and stop that happening, didn't you?---Well, I had no power to step in and, and do that.

10

Do you know Peter Jackson, the solicitor?---Peter Jackson, yeah, I do. Around, yeah.

And do you remember that when you decided that you wanted to stop the appointment of the administrator in about June of 2016 - - -

MR LONERGAN: Sorry, objection, Commissioner. That's not what the witness said.

20

MS NOLAN: Well, do you remember that you wanted to stop the appointment of the administrator? That's what you wanted to do in about June of 2016.---Yeah, I did.

So do you remember that Ms Bakis said that she couldn't, that really she didn't have capacity to run litigation against the appointment of the administrator and that she put you on to Peter Jackson? Do you remember that?---No, that was Nick who did that.

30

Are you sure about that?---Yeah. Well, yeah, I'm, yeah.

Can you have a look at page 125. Now, Ms Bakis sent this letter to the board on or about 22 June, 2016.---Well, the board should have copies of it if they sent it to the board.

40

Yes, right. Well, do you remember it being discussed that because of the litigation arising from the Kelvin Kenney investigation that Knightsbridge North Lawyers had to expand its retainer because it had to work with Council and Mr Jackson? Do you remember this being discussed?---No, I don't remember it being discussed. It might have been but I can't remember. And then again, there's a funny signature there.

Don't you remember that you went and saw Mr Jackson and had a meeting with him so that you could determine whether he was the right man for the job? Do you remember that?---Oh, I remember seeing Mr Jackson around his office but I – was it for this? I think there was something else going on in my life at that time. I'm not, I'm not really sure. I've had a terrible five years in my life. I'm not really sure whether I, whether I had the meeting with him over this sort of stuff or it was something else.

Well, it's right, isn't it, that you and the board, rather, agreed that Ms Bakis should engage Mr Jackson who would then get Counsel Sheila Kaur-Bains. Do you remember that name?---No.

On board to deal with the litigation against the appointment of the administrator. You remember that that was discussed and it was approved, don't you?---I can't remember. Like I said, a lot of things were happening in my life.

10

And you also remember, don't you, that Ms Bakis indicated that her fees were going to be about another \$15,000 more a month in order to deal with that? Do you remember that?---No. I can't remember that. Land Council would be broke, there would no Land Council. I keep on saying, where's all this paperwork been done up, you know, unknown to us?

Do you know Sophie Anna?---Sophie Anna?

Yes.---I think she was the acting CEO.

20

Yes. And how did she treat Ms Bakis?---Oh, not very well I don't think. I'm not sure.

She was always saying bad things about Ms Bakis, wasn't she?---Usually, yeah. As far as I'm concerned. I, I, I never ventured into that.

30

Why didn't you venture into it?---Because I thought it was, I thought it was women's business and if, if people understand what women business means, they'll understand why you don't have anything to do with it. It's just like, the, the, the butterfly cage. That's women's business. Where they have babies back in the tribal days.

Commissioner, I understand there are some original documents. We don't have them. I think they're with Lawcover presently. I might have to just – because of some of the answers to these questions about signature potentially being a forgery - - -

THE COMMISSIONER: I'm sorry, I can't hear you.

40

MS NOLAN: I'm sorry. Some of these documents, there are originals and I think they're with Lawcover. My instructions are, they're with Lawcover at the moment. K&L Gates have them.

THE COMMISSIONER: Which documents are you talking about?

MS NOLAN: Some of the documents to which I've taken this witness.

THE COMMISSIONER: Some of the?

MS NOLAN: Documents. The files notes, for example, that I've taken the witness to. There are originals.

10 THE COMMISSIONER: In MFI 33?

MS NOLAN: Yes. There are originals and they bear, I'm instructed, original signatures, and I think they're with K&L Gates at the moment, and Ms Bakis instructs me that maybe if it becomes relevant and Mr Green is still on his summons that we may put to him the originals if we can get them.

THE COMMISSIONER: What, to identify his signature?

20 MS NOLAN: Yes. Because he's made a number of assertions with respect to his signature not being his.

THE COMMISSIONER: Well, we can look into that and see if that's possible, and if it is we'll follow it up. But I think you've already put to him whether it was his signature and in a couple of cases he's indicated some doubt, but anyway we can look into it and let you know.

MS NOLAN: Thank you, Commissioner. Nothing further.

30 MR CHEN: Commissioner, just before my learned friend finishes. Page 42, where it was identified there may be a page missing, it is in fact MFI 16 and so that can be brought up, page 7, if my learned friend wishes to pursue that.

THE COMMISSIONER: Yes. In fact if it can be brought up we should try and do that.

MR CHEN: We'll do that, Commissioner.

40 THE COMMISSIONER: Yes. What page again, number?

MR CHEN: So, it's MFI 16. Sorry, I'll start again, Commissioner - - -

THE COMMISSIONER: MFI 33?

MR CHEN: I think you identified that after page 42 there should be another page in MFI 33. That is true. A complete copy of the document is MFI 16.

THE COMMISSIONER: I see.

10 MS NOLAN: Right, so – thank you. We discussed this before and I took you through the Solstice proposal. That was the last one we got to. So, this is it here and remember I said that \$30 million looked attractive but it wasn't going to yield that because it was all based on how many residential properties were developed. Then can we go through to the next page, please. Now, see the bottom, there's some bullet points? See that?

THE COMMISSIONER: Which one are you drawing his attention to?

20 MS NOLAN: No, just do you see the bullet points at the bottom. Do you see the bullet points?---Yeah, one, two, three, four.

But do you see them? I mean you see them, yes?---Yeah, I see them.

Now, look at the third from the bottom. You can see, for example, RP Data CoreLogics auto valuations, and under that Tony Galli, Ray White valuations. Do you see that?---Yes.

Do you remember those valuations being obtained?---I remember there was talk about it but I never ever seen any.

30 Are you sure about that?---Well, yeah, I think so, yeah.

Do you know Tony Galli?---Yeah. He's passed away now.

And you understand that valuations were important so that the value of the land could be obtained. Do you understand that?---Yeah, I do understand it.

And you accept don't you that valuations were undertaken in or about April of 2016?---By who?

40 By Tony Galli and Ray White for example.---What land? Sorry, but I, I need to ask that question.

Page 31. Can you go to that, please, of this bundle, the MFI 33. Now, this one here, this is the one I'm talking about. Do you see at page 32 Tony Galli signature there?---Yeah.

And the one before, 31. This is about the Newcastle Post Office.

THE COMMISSIONER: What's the purpose of this cross-examination?

MS NOLAN: I'm instructed to ask these questions.

THE COMMISSIONER: I'm sorry. No, no, no, whether you're instructed to put them is one thing, whether they're relevant is another. What does this go to?

10

MS NOLAN: You organised this valuation of the Newcastle Post Office didn't you with Tony Galli?

THE COMMISSIONER: Ms Nolan, I'm going to repeat my question. What's the relevance of this question, of this topic?

MS NOLAN: Well, this witness was actively engaged in the process of valuing properties to sell property. I've taken him to the minutes.

20 THE COMMISSIONER: So what if he did get the valuations, where does that take us?

MS NOLAN: Well, the suggestion will be made that despite his protestations he was actively involved in this and - - -

THE COMMISSIONER: Well, we know he's actively involved in it. That's no secret. He, Ms Bakis and Mr Petroulias were certainly involved in what you call it, that is, I take you to referring to the various transactions concerning the land in question. That's not an issue. I think that's a given so what does this valuation issue go to?

30

MS NOLAN: Well, this goes to the proposition that this witness is saying that he never wanted to sell the property, but you wouldn't obtain a valuation of a property if you weren't intending on selling it.

THE COMMISSIONER: I won't allow the question.

MS NOLAN: I have nothing further.

40 THE COMMISSIONER: Now, Mr Petroulias, as I indicated before, and I'm repeating what I've said, but if you want to cross-examine Mr Green you need to comply with the standard directions, in particular direction 13. I don't think you need turn your attention to it right at the moment, but I did indicate that I would entertain an application by you to cross-examine Mr Green once you can inform me in terms of standard direction 13. So that will be for another day. But now is there something in particular that you want to put to Mr Green today, and if so, what is it, because we're going to move on to the next witness very shortly.

MR PETROULIAS: This is what I was intending to do, Commissioner. You've heard, you've seen a number of voice recordings, I have substantial voice recordings with Mr Green. I want to ask him questions and if he denies, then we can play the recordings on a subsequent occasion and we can, and we can see whether his recollection now or what he actually said at the time was the truth.

10 THE COMMISSIONER: Well, you can do that on the next occasions. Now, is there anything else you want to ask him about?

MR PETROULIAS: Well, his whole evidence doesn't go very far in the sense that he denies knowing what the substance of the - - -

THE COMMISSIONER: Sorry, I can't hear you.

20 MR PETROULIAS: His evidence is effectively that he doesn't understand the substance of the agreements that were put to him, and I will, and what I want to push very hard, and with the aid of recordings, is that he did know, and not only that, that he's actively lying to this Commission. In fact I met this witness recently in between the public hearings, I made a recording of the conversations that we had, and those recording demonstrate that he was deliberately deceiving yourself, Commissioner, and this Commission in - - -

THE WITNESS: Whatever. You're a liar.

MR PETROULIAS: Well - - -

30 THE COMMISSIONER: No, just a moment.

THE WITNESS: You're a liar.

MR PETROULIAS: In Terrigal.

THE WITNESS: I was going to punch your face in, that's what I was going to do to you.

MR PETROULIAS: In Terrigal.

40 THE COMMISSIONER: Mr Green.

MR PETROULIAS: Yes, okay then, we'll play the recording.

THE COMMISSIONER: Just hold your fire for a moment.

THE WITNESS: And I told you, I told you that.

THE COMMISSIONER: Mr - - -

MR PETROULIAS: Okay.

THE WITNESS: That you're a liar.

THE COMMISSIONER: Mr Petroulias - - -

MR PETROULIAS: Perfectly, perfect.

10 THE COMMISSIONER: Mr Green, just give me a chance to deal with this.
You'll get your opportunity in a moment, I assure you.

THE WITNESS: He's a liar.

THE COMMISSIONER: Now, Mr - - -

MR PETROULIAS: Terrific. We'll see the recording then.

20 THE COMMISSIONER: Now, Mr Petroulias - - -

THE WITNESS: He's a fraudster.

THE COMMISSIONER: I need to know more about the circumstances of
any recordings that you're talking about - - -

MR PETROULIAS: Certainly.

30 THE COMMISSIONER: - - - in order to determine whether they might be
classed as lawful or not lawful recordings.

MR PETROULIAS: Oh, it's certainly lawful.

THE COMMISSIONER: But I need evidence about that before I can make
a judgement.

MR PETROULIAS: Can we, can I start with some evidence with him now?

THE COMMISSIONER: No, no, no. Just listen to me.

40 MR PETROULIAS: Yeah.

THE COMMISSIONER: We're dealing with this in an orderly fashion.
I've indicated that I will entertain an application by you for cross-
examination of this witness, the witness who you and he and Ms Bakis used
to work in harmony with I gather.

MR PETROULIAS: That's correct.

THE COMMISSIONER: But I detect no longer. Now, what else, apart from the recordings is there something else in particular you wanted to put to Mr Green today?

MR PETROULIAS: Well, yeah. The recordings will go to all of the material because it'll go to - - -

THE COMMISSIONER: Right. All right.

10 MR PETROULIAS: Sorry. Let me put it this way, Commissioner. Please, I may not be as articulate as counsel, but the recordings will go to prove the point that he has consciously decided to lie - - -

THE COMMISSIONER: You've already said that, you've already said that.

MR PETROULIAS: - - - and therefore it affects all of the evidence.

THE COMMISSIONER: Yes, I know, you've said that.

20

MR PETROULIAS: Okay.

THE COMMISSIONER: We'll look into that on the next occasion.

MR PETROULIAS: Yes.

THE COMMISSIONER: That is if you're permitted to use the recordings at all. I need to be satisfied that they're lawful recordings or otherwise available to be used in proceedings such as this.

30

MR PETROULIAS: Okay. Can I - - -

THE COMMISSIONER: Let's move on.

MR PETROULIAS: Can I set the scene.

THE COMMISSIONER: Now, is there anything else you want?

40 MR PETROULIAS: Can I set the scene and ask him questions about what communications we did have?

THE COMMISSIONER: No, no. All right. There's nothing else you've raised that you want to cross-examine today about. Dr Chen, is there anything you wanted to be heard on this?

MR CHEN: No, I don't, Commissioner. I will have some questions I'll need to re-examine on but I prefer to defer that pending Mr Petroulias's

application and whatever examination takes part. I think my learned friend is probably in a similar position, Mr Lonergan.

THE WITNESS: I'll smash you, asshole.

THE COMMISSIONER: You'll be ready to start the next witness?

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

10 THE COMMISSIONER: Now, Mr Green, that's going to complete your evidence today.---Thank you.

I know you're upset by what you've heard here today, I'd ask you just to put that behind you for the moment because - - -

MR PETROULIAS: Commissioner, sorry, can I interject?

20 THE COMMISSIONER: No, Mr Petroulias, sit down and let me address Mr Green. So, Mr Green, we're going to deal with this in an orderly fashion. At some time in the future you're going to require to be recalled. That won't be this week, it probably won't be next week, but you'll be given your due notice to find out what's the most convenient time, and at that time Counsel Assisting will re-examine you. That will be designed to clear up any matters that need to be cleared up and so on. Do you understand?---Yeah.

So is there any reason why Mr Green can't be excused today?

30 MR CHEN: Not today, no, Commissioner, no. There's no reason why he shouldn't be.

THE COMMISSIONER: Mr Green, you're at liberty to stay and listen to the next witness if you wish. I understand it will be Ms Bakis. You're free to go but you will required to be available. So the summons that's been served on you to give evidence still binds you, you understand, for the future, but I'm saying that if you do not wish to remain here while the evidence is given by the next witness, you're free to go today.---I've got a job to do.

40 What would you prefer to do? Would you prefer to go or - - -?---Yeah, no, I've got to go back to work.

All right. You're excused today and we'll see you on another occasion. The Commission will advise you when that will be. Understand?---Thank you.

Thank you. Thank you for your attendance. You may step down. You've got your glasses?---Yeah.

Good. Okay.

THE WITNESS STOOD DOWN

[12.46pm]

THE COMMISSIONER: Yes, Dr Chen.

MR CHEN: I call Despina Bakis, Commissioner.

10

THE COMMISSIONER: Yes. Now, do you take an oath or an affirmation?

MS BAKIS: Oath.

THE COMMISSIONER: Thank you. Just take a seat there. Yes?

MS NOLAN: I would ask that you make the declaration with respect to - - -

THE COMMISSIONER: Under section 38?

10 MS NOLAN: Yes, please.

THE COMMISSIONER: Yes. Ms Bakis, I understand you wish to have the benefit of the section 38?---Yes, I do, Commissioner.

You understand the effect of that, of course, that you are required to answer all questions that are put to you and do so truthfully, but that the effect of the declaration will be that the evidence can't be used against you in other proceedings in the future?---Yes, I do.

20 Very well. Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Ms Bakis and all documents or things that may be produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection. Accordingly there is no need for Ms Bakis to make objection in respect of any particular answer given or document or thing produced.

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

40 THE COMMISSIONER: Yes.

MR CHEN: What is your name?---Despina Bakis.

Are you currently practising as a solicitor, Ms Bakis?---Yes.

Do you hold a practising certificate?---Yes, I do.

Were you first admitted as a solicitor in about 1996?---Yes.

Have you held a practising certificate continuously since that time?---Yes, I have.

What is the nature of – I withdraw that. You've practised at least from 2014 through the firm Knightsbridge North Lawyers, have you not?---Yes, since 2011.

10 And what has been your principal areas of practice as a lawyer since at least 2011?---Commercial litigation, revenue law, administrative law. General issues. I'm a sole practitioner. I do a lot of things.

You don't hold any specialist accreditation, do you?---No, I don't.

From at least 2014, you've operated the firm Knightsbridge North Lawyers as a sole practitioner, is that right?---Yes, I have.

20 And the firm itself, Knightsbridge North Lawyers, does not employ any other staff at all to assist you, is that so?---That's right.

So it's clear it doesn't have any or did not have any administrative staff?---I had administrative staff in my accounting practice who - - -

I'm asking you just about Knightsbridge North Lawyers, Ms Bakis, about whether that firm - - -?---That firm did not employ staff but I had people helping me.

30 All right. Now, you also practised, did you not, as a tax accountant, is that right?---That's right.

And originally did you practise as a tax accountant through a firm called Point Partners Consulting?---Yes.

And did Point Partners Consulting change its name to Knightsbridge Financial Pty Ltd?---Yeah, for about a day, yes.

40 And after that day of being incorporated as that name it changed its name did it not to Knightsbridge Tax Pty Ltd. Is that so?---Yes.

And that is the name under which you continue to practice as a tax accountant. Is that so?---No longer.

Well, from the time that it changed its name to Knightsbridge Tax that was the name that was used by you to run the tax accounting business. Is that so?---Yes, up until 30 June, yes, this year.

Of this year. And the company has been deregistered has it?---No.

What's happened to that company now, Ms Bakis?---Well, a public inquiry resulted in my business basically falling apart, splitting into two so I've had to restructure it.

So you mentioned earlier, Ms Bakis, that you had some staff assisting you in the work that you were doing. Is that through, were they employed through the entity which became Knightsbridge Tax?---Correct.

10 And the people that were employed were a part-time accountant. Is that right?---Yes.

And was there an office assistant to do general day-to-day work that might arise of an administrative kind?---Yes, and a law clerk.

And who was the law clerk?---Do I have to say her name?

20 Who is the law clerk?---She, look, I'll be a bit more specific. She was a university student who was studying accounting and law and I employed her through the accounting business but she assisted me on the legal side as well.

When did that person start work providing that assistance, Ms Bakis?---Oh, I'm guessing mid-'14.

And when did that person stop providing or stop working?---Probably a year after that, maybe a bit longer. A bit longer.

30 Well, when you say a bit longer, how much longer?---Well, maybe probably another, she probably worked for me 18 months in total I'd say.

And when do you think she finished work with you?---Oh, I'm guessing, September, '15 perhaps.

40 And what about the part-time tax accountant, when did that person stop working for your business Knightsbridge Tax?---I have no idea. I'm just trying to, I moved to the city. It was probably early '15 I'd say. No, it was, sorry, it was, no, I don't know. I don't know. It was somewhere between, can I just think about this for a second, sorry. I think it was December, '14 he left from memory.

Now, in the 2014 calendar year, Ms Bakis, how many clients did Knightsbridge North Lawyers have?---Calendar year?

Yes.---Oh, maybe five.

And what was the income derived from your legal practice Knightsbridge North Lawyers during that calendar year?---Oh - - -

THE COMMISSIONER: That's the 2014 year?

MR CHEN: Yes, Commissioner, yes.---\$150,000 perhaps. I wouldn't have a clue. I mean I'm just guessing.

Well, is that gross receipts?---I have no idea, Mr Chen. I'd have to go and look at my books.

10 Would you do that?---I can, yeah.

So you can do that overnight can you?---Possibly, yeah.

And you can bring those books into the Commission tomorrow can you?
---Possibly. I don't know what state they're in but, yeah, I could bring them in.

What about the 2015 calendar year, Ms Bakis. Putting to one side any work you may have done with the Land Council how many clients did
20 Knightsbridge North Lawyers have?---Probably another five I'd say.

And again, what's the income derived by Knightsbridge North Lawyers in that calendar year, putting to one side any work you might have done for the Land Council?---It would have been less, oh hang on. Oh, maybe, I'm just guessing, \$50,000. I don't know. I have no idea.

Again, could you make some enquiries and bring that material to the Commission?---Well, yeah. I'm not going to have much time tonight but I'll try.
30

THE COMMISSIONER: Where do you store your records?---Those particular records should be at home. So, I should be able to access them tonight at some point.

MR CHEN: All right. And let's move to 2016. How many clients, aside from any work you might have done with the Land Council, did Knightsbridge North Lawyers have?---I think it was just the Land Council that year because they took up most of my time that year.

40 So it follows, does it, that aside from any income you may have derived from the Land Council, it had no other receipts, Knightsbridge North Lawyers, from legal work?

MS NOLAN: I object. I mean, my friend's laid the foundation with respect of two years where there have been five clients in each of those years. Does his proposition relate only to 2016 or is it intended to relate to the years which he's canvassed?

THE COMMISSIONER: No, I think it's clear.

MS NOLAN: It's not clear in respect.

MR CHEN: Well, I thought it was clear. Ms Bakis, you didn't have any clients aside from some work you may have done with the Land Council providing you with any income for Knightsbridge North Lawyers in the 2016 calendar year, did you?---I don't think so.

10 Again, you can make those enquiries and bring those records in, can you?
---You're expanding the scope of your enquiries but I'll try, yeah. I'll try.

Well, it's only, Ms Bakis, as I understood, that you were uncertain about some of your evidence about what fees you may have been rendering in your practice, Knightsbridge North Lawyers and hence presumable you'd be able to access these documents at your house. Is that not so?---Perhaps, yes.

20 All right. Now, what about Knightsbridge Tax, as that company became in
the 2014 calendar year, how many clients did it have?---I have absolutely no
idea.

No inkling at all?---100, 150, I have no idea.

And what about the income that it was receiving in this calendar year?---It's really unfair for you to put these questions to me. I wouldn't know. We're going back four years.

30 THE COMMISSIONER: Well, you'd be able to presumably - - -?---Well, I
can - - -

The records - - -?---But you're putting a lot of pressure on me to do all this work tonight when you, I - - -

Yes. That's all right. Well, just - - -?---You've had a lot of notice to do this in the last few months.

Well, you just do your best.---Yes.

40 If you have a look at the records when dealing with these few years, fairly recent years.---Because it's quite complicated because again, the business restructured mid-'14. So - - -

MR CHEN: All right. Well, let's - - -

THE COMMISSIONER: But you'd have copies of tax returns for a start, wouldn't you, for these entities?---I would.

Well, that'd be a good start I'd think. Yes, okay.

MR CHEN: What about 2015, the calendar year? How many clients did Knightsbridge Tax have during that calendar year, Ms Bakis?---100, 150.

All right. And what's the gross receipts of the business during that calendar year?---I can obtain that for you overnight, Mr Chen.

All right. And could you do that for 2016 as well?---Well, yeah, I can go back 20 years if that's what you really want.

10

Now, Ms Bakis, you live, don't you, at [REDACTED] Yes.

THE COMMISSIONER: Just in relation to that, there'll be no publication of that address.---Yes, please.

I make a suppression order under section 112 of the Act.

20 **SUPPRESSION ORDER UNDER SECTION 112 OF THE ICAC ACT
RELATING TO MS BAKIS'S ADDRESS**

THE COMMISSIONER: Yes.

MR CHEN: And have you owned that property for how long, Ms Bakis? ---I purchased it in October, 2005.

And you've lived there ever since, have you?---Yes, I have.

30 And is Mr Petroulias your domestic partner?---Right now?

Well, let's start with right now.---I'd say yes, right now, yeah.

And did you first meet him 20-odd years ago?---Met him in 1999.

Right. And he's been your partner, hasn't he, since that time?

---Incorrect. We were together for 18 months to two years from '99. He went on to other relationships, he got married, and we got together again in about 2010.

40

So you have two children together, don't you?---We do.

And they reside with you at Burwood, don't they?---Yes.

Now, Mr Petroulias has lived at that same Burwood address, has he not? ---Oh, not, not constantly since that date, he's, he's - - -

Well, leaving aside periods when he's been incarcerated, he's lived there, has he not, since 2010?---No.

Right. Well, he's lived there for extended periods, hasn't he?---Yes.

He's living there now – or I'm sorry, I withdraw that.---He's not living there right now.

10 But otherwise, leading up to the time when he has been incarcerated, he had been living there?---He had been there for a few months. He hadn't been there for a few months before that, yes. He moves in and out.

But he certainly regularly stayed there, even if you say he moved in and out. Isn't that right?---Yes, he, yes.

And you still maintain a civil and cordial relationship between each other, don't you?---Yes.

20 THE COMMISSIONER: Mr Chen, we might take a luncheon adjournment at that point I think.

Ms Bakis, you may step down, if you could be back here at 2 o'clock, thanks.

We'll adjourn.

LUNCHEON ADJOURNMENT

[1.00pm]