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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 8 MAY, 2019

AT 2.00PM

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THE COMMISSIONER: Yes, thank you, Ms Dates. Yes, Mr Lonergan.

MR LONERGAN: Thank you, Commissioner. Ms Dates, you were asked this morning some questions by Mr Petroulias regarding board minutes from 31 October, 2014. Do you recall that?---Yes.

10 If I bring up Exhibit 42, volume 2, page 64, Ms Dates, you'll see there on the screen the minutes from the extraordinary board meeting, 31 October, 2014. Do you see those?---Yep.

Now, if we scroll down to page 65 and, Ms Dates, I just want you to look at point 7 and just read that if you might. Have you read that?---Yep.

I'll come back to the point but I just want to ask some questions in relation to what you said this morning. This morning, and please correct me if I'm wrong in what I'm saying, Mr Petroulias asked you some questions
20 regarding the presentation by Mr Cyril Gabey. I believe you refer to him as the Islander gentleman?---Yes.

You recall that presentation that he made?---Yes.

And the Islander gentleman made the presentation, not with Mr Petroulias, is that right?---Yeah, by himself.

By himself. And if I understand your evidence from this morning, there was then a board meeting where point 7 that you see there was passed as a
30 resolution by the board. Is that correct?---Yes.

And then subsequent to after that board meeting, you had a conversation with Mr Petroulias in relation to that minute?---Yes.

And in that conversation with Mr Petroulias, Mr Petroulias said that that was not the correct minute and needed to change or words to that effect, is that correct?---I can't recall.

Let me ask you this way. Did you have a conversation with Mr Petroulias
40 after this board meeting in relation to what the board was going to do in relation to selling the properties?---I can't recall.

So if we go over to page 66, do you see at the top there, point 1, the development proposal?---Yep.

Can you just read what it says underneath there, Ms Dates.---Yep.

Now, you'll see there that it says, "Propose a sale to Gows," whereas on the previous it was, "Propose a contract of sale to IBU." Can you see the difference there, do you?---Yep.

Do you know how that change came about, Ms Dates?---No, I can't recall.

So you never instructed anyone to make any changes to the minutes in relation to that proposal?---I can't remember.

10 All right. Do you recall your evidence from this morning, Ms Dates?
---Yeah.

Yes, your evidence from this morning where you said that you had a conversation with Mr Petroulias after this meeting about - - -?---Oh, yeah, yeah, yes, I did, yeah.

Can you remember what you said?---No.

20 This morning, you can't remember what you said?---No, I can't.

THE COMMISSIONER: After a board meeting and when board minutes came to you when you had chaired the board meeting, would you read through the minutes to make sure you were satisfied they were true and correct?---Yes.

And in respect of item 7, to which your attention has been drawn, development proposal, you see that in the minutes?---Yep.

30 Concerning a proposed contract of sale to IBU. You would have read that to check it and make sure it was in conformity with the resolution passed?
---Yep.

MR LONERGAN: So, Ms Dates, at that meeting, being the board meeting on 31 October, 2014, does point 7 there on page 64, sorry 65. I'll just bring that up in front of you again. Does that represent what was spoken about at the board meeting?---Yep, yes.

40 And then do you agree or disagree that what is shown there at page 66, being the first point, is or is not what was spoken about at the board meeting?---No, it wasn't spoken about.

Right.---I can't recall.

But you can recall the point 7 on page 65?---Yeah.

And is it your evidence, Ms Dates, that you don't know or you do know how point 1 on page 66 was brought into existence or changed from what it previously was?---Can't recall.

Sorry, I missed that?---I can't recall.

No further questions, Commissioner.

THE COMMISSIONER: Yes. Yes, Mr O'Brien, do you have any questions?

10 MR O'BRIEN: Very briefly.

THE COMMISSIONER: Yes.

MS GOODWIN: Oh, Commissioner, I apologise. I wonder if I might ask a few questions prior to Mr O'Brien?

THE COMMISSIONER: Yes, by all means.

20 MS GOODWIN: Ma'am, yesterday you were shown some documents, which I'll try and have brought back up on the screen for you, but they came from the bundle shown to you during your interview with Mr Petroulias which is marked MFI 58. At page 1 of that bundle, if that can just be able to be brought up, can you see that document there? That's the email that was the first page of that bundle?---Yeah.

Do you see that?---Yeah.

30 And that was the email which appears on the face of it to have content originally sent to you from someone at email address conrad4000@gmail.com. Can you see that?---Yeah.

Now, you indicated in your answer yesterday to the question whose email address was that, that you thought it was Despina's email address.---Yeah, but when I come to think of it, it's not, it's Ian Sheriff's. Ian Sheriff who used to be our solicitor.

How do you know it was Ian Sheriff's?---Because I've had a few emails from Ian Sheriff but it just took me a while to click on.

40 Were you still corresponding with him, that means were you still - - -?
---Yes, yes, I was.

- - - talking to him and emailing him and phoning him and communicating with him - - -?---Yes, I was.

- - - during that period around April 2015?---Yes.

And did that extend right through from, say, January 2015 right through to, say, July/August 2015 that you were still in contact with him?---I think it was, might have been them dates.

THE COMMISSIONER: What business were you doing with Mr Sheriff on, in that period?---Can't recall. I think it was for some payout of a CEO, if I'm correct.

10 Well, this particular document you're being asked about is addressed to The Registrar. Does that - - -?---That was Steve Wright because I couldn't - - -

That concerns Steve Wright?---Yeah. That was a call for new elections which I tried to do.

Well, did that matter continue for any period?---For a few months I think.

Huh?---A few months.

20 Right.

MS GOODWIN: Ms Dates, did that contact with Mr Sheriff extend right through to say September 2015, were you still in contact with him then? ---I think so. Yes, I think so.

And he was helping you, was he, with any questions you had about law, the law during that period of time, that is, say, from late 2014 through to September 2015?---I can't recall what for.

30 Did he draft most of this email for you? Was this his words?---Yes.

And did you ask him to do that, to help you to draft an email that you could send on?---I think so, I would have, yeah.

And did you do that because you knew he was there and he would assist you to do that?---Yeah. Yes.

40 And during that period of time, from say November 2014 through to September 2015, did you seek legal advice from him in respect of other matters, so about other things as well?---I can't recall. I probably did.

But you knew he was available for you to do that if you needed any legal advice separate from that that Despina could give to you?---Oh, he was, he was the solicitor for the Land Council for many years.

Yes. And he was very experienced in that role, wasn't he?---Yeah.

There was another document shown to you from this bundle, it was at page 23. I wonder if page 23 of MFI 58 could please be brought up on the screen. Thank you.

THE COMMISSIONER: Yes, very well.

MS GOODWIN: Can you see that in front of you at the moment, Ms Dates?---Yes.

10 And yesterday when you were asked about this letter, you were asked whether that was your signature and you said you did recognise that signature as yours?---Yes.

And then you were asked about the word, it looks like “received” that’s been handwritten above your signature. Can you see that on that page?
---Yeah.

When you were asked whose handwriting that was, you said you thought it was Despina’s. What made you think that that might have been Despina’s?
20 ---I don’t know, just what it was, because usually she signs with me as the, as the solicitor.

Do you mean to say that when she’s shown you documents, if you sign them after she’s shown them to you, she signs them at the same time as a practice, that was a practice that you had. Is that what you’re saying?---Oh, it’s like when we do the, I think it’s, we didn’t have a CEO in place at the time and I had to sign with Despina to pay the workers and that.

Yeah.---That was probably when.
30

So, and when that happened - - -?---So I don’t know if that’s Despina’s, I don’t know why, why I’d say that because I don’t know who it is.

Well, first this practice that you’re talking about that you had with Despina, during that period of time when she would show you a document - - -

MR CHEN: I don’t think my learned friend, I don’t think this witness has accepted the proposition there’s a practice. My learned friend put a proposition earlier there was a practice.
40

MS GOODWIN: In fact I didn’t put it, might I just clarify.

MR CHEN: Well, she raised it.

MS GOODWIN: I was trying to clarify the witness’s answer, whether that was what she meant.

THE COMMISSIONER: All right.

MS GOODWIN: I'm happy to ask her again - - -

THE COMMISSIONER: Yes, okay.

MS GOODWIN: - - - to further do that. So can I just take you back a bit. All right. I was asking you about that handwriting, and when you gave an answer to it you seemed to say that you'd had a practice with Despina that when she'd show you a document and when you signed it, she'd also sign it.
10 Is that what you were trying to say or were you trying to say something else?---No, with Land Council business.

Yeah. And so just talking about that practice you had with Land Council business from say November 2014 through to say September 2016, when that would happen, would Despina take you through the document and just explain stuff as she went?---Yes.

So would she, would she go, sort of point out bits of the document and say, look, this is what this is about, this is what this is about, this is what this means?---Yes, yes.
20

Excuse me for a minute. So just coming back now to my original question about that handwritten word that looks like "received", could it be that that was someone else's signature and not Despina's?---Could have been.

You were also shown some documents yesterday from a different bundle of documents and I'm just going to refer to it so I can refer to that, so that documents can be brought up. Excuse me for a minute. Now, that was MFI 62. Don't worry about the words MFI, that's just a label that we use so we
30 can find them. All right. So firstly, in respect of documents at pages 117 to 118 of that bundle, you were asked some questions about what you had been told about that document. Now, I'll just take you through it. So firstly, can you remember that document from yesterday?---Yes.

And can I tell you this, that there's two versions, it looks like, that you were asked about in respect of a document that looks like this. One of them relates to the Worimi Owners' Group, to the Worimi Council. So can you see part way down, where the first, partway down at section A and it says, "Land Council Worimi"?---Yep.
40

So this one's about the Worimi Group, all right? The other one's about the Awabakal, and I'll come to that. So when you were asked about this document yesterday, and can I suggest it's at page 3406 of the transcript, you were asked who presented this document to you to sign and you said it was Despina.---Yep.

Is that something which you were assuming or did you seem to have some sort of recollection, did you have some memory about that?---No, I just

know that, I'm only saying that because of Despina helping me open up my Worimi Traditional Owners' Corporation.

Yes, all right. So that was an assumption you were making?---Yeah.

So if I suggest to you that it wasn't Despina that presented this to you, that showed you this document initially, do I take it you wouldn't disagree with that?---(No Audible Reply)

10 I'll put it another way. It was a clumsily worded question. Would you allow for the possibility that it was not Despina that first presented this document to you?---Yeah, I'll say that.

And can I turn you two pages – oh, sorry. Could the second agreement at page 119 please be brought up on the screen. I'm just going to show you the second version of that. All right, so can you see at that section A part, this one says, "Land Council Awabakal," can you see that?---Yep, yep.

20 So it's the same sort of thing, it kind of looks the same but it's a different Land Council?---Yeah, yep.

Now, when you were asked about this document yesterday at page 3409 of the transcript, you said that this document was presented to a board meeting by Despina.---It could have been.

All right. Now - - -?---Might have been.

30 Yes. Would you allow for the possibility that Despina did not present this to a board meeting? I'm not saying it was never presented to a board meeting, I'm just saying if it was, it wasn't Despina.---I can't recall. I don't think so.

Are you saying you don't think it was Despina or you think it was Despina?---I'm saying I, I - - -

Or you don't know?---I don't know.

40 I can't find an exhibit reference or an MFI reference on me, although those from the Commission may be able to, but in respect of the – you've been asked a lot about the Gows heads of agreement.---Yeah.

Do you know what I'm referring to, the document I'm referring to? And I understand that there was two potential versions, one signed and one not signed.

THE COMMISSIONER: Which document do you want or you're referring to, Ms Goodwin?

MS GOODWIN: The original Gows heads of agreement. I don't have an MFI reference or an exhibit reference. I couldn't find one.

THE COMMISSIONER: Counsel Assisting might be able to help you there.

MR CHEN: It's volume – well, volume 3, page 123, is a version of the first one.

10 MS GOODWIN: I'm grateful. That will do. Could that please be brought up.

THE COMMISSIONER: I think it's – is it coming?

MS GOODWIN: Oh, it is.

THE COMMISSIONER: It's coming.

20 MS GOODWIN: Whilst that's being brought up, Ms Dates, can I just ask you this. Do you remember at all around the end of 2014 meeting up with Nick and Despina and Richard at a café in Hamilton?---Can't recall.

I'll just wait for the heads of agreement to be brought up. When I was talking about the heads of agreement, did you understand I was referring to this document? I wonder if that could just be flicked through. Did you understand that I was referring to an agreement that looked like that? ---When you said heads of agreement, yes.

30 Can you recall at all sitting around talking to Despina, Nick and Richard about that in December 2014?---I can't recall. Can't remember.

Excuse me for a moment, Commissioner.

THE COMMISSIONER: Yes.

40 MS GOODWIN: Ma'am, I'm just going to switch topics now, okay, just so it's not confusing. Now, there's also been evidence given by you and questions asked of you, I should say, about what came to be known as, I'll call the Sunshine deal. Do you know what I'm referring to?---That was a developer, Sunshine.

Yes. Yes.---Yeah.

You talked to Despina at times about that, didn't you?---Oh, me and Despina spent a lot, spent a lot of time together.

During the time that she was acting for the Land Council, you spoke to her and gave her instructions about that deal, can I suggest? Would you agree with that?---What do you mean? In what way?

That you gave her directions about it?---About?

From the Land Council's perspective about what to do with it?

10 MR CHEN: Could I just invite my friend to be specific on this as to when and as to what.

MS GOODWIN: Excuse me for a minute, Commissioner. I'll just see if I can find a more specific reference which might assist. Sorry, Commissioner, would you bear with me a minute?

THE COMMISSIONER: That's all right, that's okay.

20 MS GOODWIN: I can't find the reference. Yes, thank you, Commissioner, that is the cross-examination. Sorry, Commissioner, I have finished cross-examination. I'm not aware whether you heard me or not.

THE COMMISSIONER: Sorry, you have finished?

MS GOODWIN: I have.

THE COMMISSIONER: Yes. Thank you.

30 MS GOODWIN: Thank you, Commissioner.

MR CHEN: I think Mr O'Brien - - -

THE COMMISSIONER: Mr O'Brien, do you have any questions?

MR O'BRIEN: Yes, thank you. You grew up in the Newcastle region, is that right?---Yep.

And how many children were in your family?---I'm the youngest of nine.

40 Did you grow up with mum and dad?---Yep.

Tell us about your mum.---My mum come from Victoria and moved to Newcastle and met my dad. She was very soft-spoken, come from a hard life, but my dad, he was, in 1957, he begged the government for his citizen rights in Newcastle, only because he wanted a better life for his children. He was the only Aboriginal man to be able to walk into a pub because he had his dog tag on. So, yeah, we had a really hard, hard upbringing.

Tell the Commissioner about your education.---I started school at the age of 3, year 3. Probably allowed to go to school, probably once a week.

When did you finish school?---I finished, late, I think a week in, two weeks in high school.

So was that the beginning of year 7?---Yeah.

10 Did you learn to read and write whilst you were at school?---No, no.

You can read a little bit, obviously?---Not much, a little bit, yes.

Tell us how well you can read, if you can be honest, please.---The only reason I can read is because we, we used to deliver the paper around Carrington area of Newcastle, the Newcastle paper and all sit down and teach our selfs how to read, so we read out of a newspaper.

20 What about numbers, are you good with numbers, numeracy skills?
---No.

So when something like a legal document is shown to you, how do you rate your skills at being able to understand what it says? Good, poor?---Poor, poor.

And we've learnt that you came to be on the board at the Land Council in 2010. Is that right?---Yes.

30 How did you come to be on the board?---The community, the community voted me on there because I'm a very, I speak for my culture, I'm very strong in my speaking and the community voted me in without knowing I had no education, but it's up to the community to vote you in, so that's how I got in. I sat on the board for seven years.

And you became the chairperson at some stage. Is that right?---Yes.

And how did you come to be the chairperson? Who voted you in that position?---The board, the board voted me in.

40 And your role on the board obviously stems from the fact that your father was a traditional owner and therefore you're a traditional owner in that country. Is that right?---Yes.

And you've said that the, you've told the Commissioner that your family was the biggest traditional owner family within the region. Is that so?
---Yes, that's true.

But there are other families who are traditional owners. Is that the case?
---Not that I know.

Were there any other families or members of the community who were also traditional owners, apart from your family?---No, it's just only my family. Everyone come from every area.

Now, you've been asked about a lot of documents in these proceedings that relate to land dealings, haven't you?---Yes.

10

And is it the case that you ever wrote a land dealing document, that is you yourself got on a computer and typed out the words for any document at all, ever?---Never.

How did most of those documents come to be given to you or shown to you, if they were?---They were shown to me by Nick Peterson and the Land Council documents that Despina would make out, she'd show me the Land Council business.

20

And you've signed, your signature appears on a number of these documents. That's the case, is it not?---They are, it is my signature but - - -

Now, let's have a look at Exhibit 84, which is also MFI 33, page 3. Do you remember earlier today Mr Petroulias had this document shown to you?
---Yes.

Now, this is a document that relates to, according to the heading, Gows Awabakal Basic Heads of Agreement. Do you see that?---Yes.

30

Did you know in December of 2014 what a basic heads of agreement meant?---No.

Do you know now what a basic heads of agreement means?---Yes.

What does it mean?---Doesn't it mean something like Gows speaks for Awabakal or, or the lands in the heads of agreement? I don't know. I really don't understand what it means.

40

Now, did you understand in December of 2014 that, or around that time, let's say December of 2014, that Mr Petroulias firstly was financially involved with Gows? Did you know that at that time?---Not at that time.

Can you remember when you came to know that Gows – withdraw that. Can you remember at what point in time you came to know that Mr Petroulias was associated with Gows?---I, I recall it was when he had come to a meeting with the big Torres Strait Islander bloke.

THE COMMISSIONER: Sorry, when was it?---He come to a board meeting with a big Torres Strait Islander man and himself, and done a presentation, but I can't recall when.

MR O'BRIEN: And did you understand what it was that Gows was doing with the Land Council in and around December of 2014?---Not really.

Well, was it explained to you in December of 2014 what Gows was doing with the Land Council?---I can't recall.

10

THE COMMISSIONER: Did you know whether Gows had any assets or whether in fact it was just a \$2 company.---Don't know. We have, like I said, we had that many developers approach the Land Council, so - - -

I'm saying did you know anything about Gows. Did you know whether they had assets or whether they didn't?---No, I didn't.

MR O'BRIEN: Did you invite Mr Petroulias to speak to you about land dealings?---Can't recall. Can't remember.

20

Now, in 2014 you were getting assistance from Ms Bakis, from Knightsbridge North Lawyers, is that right?---Yeah.

And did you understand at that time, in December of 2014, that they were also the lawyers for Gows?---No.

Was that ever explained to you, that Gows was represented by Ms Bakis and Knightsbridge North Lawyers?---I don't think it was. I don't, I can't recall. It could have been at a board meeting. I don't know.

30

When you look at this file note that's on the screen there, can you read all of that, first of all? Can you actually read that yourself?---Some of it.

Do you mean to say there are words you cannot read?---Some.

So do I take it from that, that you were very dependent on whoever it was who showed you this and asked you to sign it to tell you what it meant? Is that right?---Yeah.

40

And did you always ask people to tell you what the document said before you signed it?---No. That's why I trusted people.

Now, so you trusted people to explain what the document said before you signed it, was that what your practice was?---Yep.

Did you know, in December of 2014 and into 2015, that Mr Petroulias was likely or attempting – I withdraw that, Mr Petroulias was attempting to

obtain a financial advantage from the dealings that he had with the Land Council?---No.

Did Mr Petroulias tell you that, in relation to any of the land dealings, that he would make profit or money from those dealings?---No.

Did Ms Bakis ever tell you that Mr Petroulias would make money from the land dealings that were being entered into with the Land Council, that we dealt with?---No, no.

10

Did Mr Petroulias tell you, coming back to that document on the screen, what Gows was as a company, who were the directors?---I can't recall.

Did you know, for instance, that one of the directors or so-called directors was in fact deceased?---No.

Did you know that Mr Petroulias was at that stage bankrupt?---No.

20

Can I take you to page 7 of MFI 33, please. You were taken to this document also by Mr Petroulias this morning and you see it says, Memorandum of Declaration, Acknowledgment and Consent. Do you see that?---Yep.

Can you tell the Commissioner what this document is about?---No.

Can you read the document?---Parts of it.

Pardon?---Some of it.

30

What words are difficult to read in that document?---Oh, a fair few words. A lot of words.

Now, you've come to learn that Mr Petroulias was financially concerned with Gows, haven't you?---Yes.

If you look at paragraph 4 of that memorandum, from May of 2015, can you see there that Gows wants \$1 million?---Yeah.

40

Was it explained to you that Gows was going to get \$1 million from the dealings in relation to this particular agreement?---I think it was explained to the board.

Do you know when that occurred?---No, I don't, but I can remember that Despina explained it to the board.

THE COMMISSIONER: Was it explained as to why Gows wanted the sum of \$1 million?---I can't recall.

A very large sum of money, wasn't it?---A load of money, yep, big money.

Do you know why Gows was asking for \$1 million?---No.

MR O'BRIEN: Was it ever made clear to that Gows would receive several hundred thousand dollars and in fact did receive that money?---No, no.

10 Can you explain to the Commissioner now – sorry, I withdraw that. Do you understand now that Gows did in fact receive several hundred thousand dollars from Sunshine, Mr Zong, do you understand that now?---I understand that, yes.

Can you explain why Gows received money from Sunshine?---No, I couldn't. I wouldn't know.

Are you saying now after all this time and through your evidence in these proceedings you still don't understand why Gows got money from Sunshine?---No, no.

20 Do you know why that related to the Land Council in any way? Can you explain that to the Commissioner?---No, no, I can't.

Do you know, in your mind now, what is your understanding as to what happened with Gows?---I don't know, they just went, went away and never come back to the Land Council and we had another developer come through.

30 Who was that?---I think that was Advance [sic], Advance [sic] Property, if I'm correct, and that's what I was pushing for, is a nursing home for my elders.

How was the Land Council going to get a nursing home?---They had land there right near the Mater Hospital which is in Newcastle, there's already a, you've got the Mater, you've got two nursing homes and we own the block on the hill and I was, that's my aim, is to build a nursing home there for our elders, because at the moment I'm stuck with my 90-year-old mother, so if I were to push for that nursing home, and I still will.

40 Did you explain what you wanted from all these dealings and transactions to either Despina or to Nick?---Yes, I did.

What did you say you wanted to achieve?---A nursing home, a culture centre, I've got my own little dance group, I wanted a bus to get them around town to be able to do performance, there's a lot of things you could do.

And did they say, or when was that conversation first of all?---Oh, I couldn't remember, but it was spoken in the boardrooms, the board knew

what they'd like, what they wanted, what they wanted the Land Council to achieve, employment for Aboriginal people, yeah, there was a lot.

And when you told them of your aspirations in that regard, what did they say?---Very excited about it. Despina was pushing for it because she knew of our little dance group, she met them all, they range from the age of 6 up to the age of 15.

10 Did they tell you how they could achieve it or did she tell you how she could achieve it with your assistance?---Yeah, get them out there, get them to be known, get them to perform free, like, free events in town, but never got around to do anything like that.

Lastly, Ms Dates, you've been, you've said during the course of this inquiry that there's been a number of deaths in your family in recent times.---Yeah, yeah, I lost my sister last week. Two weeks ago I lost my sister, I buried her on Thursday, and I lost two 30-year-old nieces and nephews last year.

20 And I think there'd been some sorry days in your life around September of last year, is that right?---Yes, it was, yeah.

And has that had an impact, obviously, upon you?---Yes.

How has that affected you?---Emotionally.

Has it affected your being a witness in these proceedings at all?---Yes.

30 Can you tell the Commissioner how?---By finding my sister, my elder sister dead. I found her on the lounge.

Those are my questions, thank you, Commissioner.

THE COMMISSIONER: All right. Ms Dates, that completes the examination.

MR CHEN: Commissioner, I just want to, if I may, just re-examine very briefly on a couple of matters if she's ready.

40 THE COMMISSIONER: Yes. Do you want a break or are you happy to press on?---No, I'm right.

Thank you.

MR CHEN: Well, it won't be long, Ms Dates. Now, Ms Dates, you were asked some questions by Mr Petroulias, and I understood or rather recollect that you said something to the effect that at a board meeting it was raised that Gows would be the corporate vehicle to effect the IBU proposal. Do you remember saying something to that effect, Ms Dates?---I can't recall.

You can't recall?---No.

If we just proceed on the footing for the moment, Ms Dates, that perhaps you might have said something to that effect, is it your evidence that the Commissioner would be able to review the minutes of the meetings of the board of the Land Council to find where that issue was raised and discussed by the board?---Yes.

10

And I take it, consistent with what you've told the Commissioner on earlier occasions, there would be such a recording in the minutes of that matter, is that right?---Yeah, yeah.

But you're quite certain, are you, that this occurred at a board meeting, Ms Dates, are you?---Yes, I am.

20 THE COMMISSIONER: And if it did occur at a board meeting, you'd expect it obviously to be recorded in the board minutes?---Yeah (not transcribable)

MR CHEN: You couldn't be wrong about that, Ms Dates?---No, no, I'm sure I'm right.

You were also asked some questions – again by Mr Petroulias – about an annual report, which I took to mean perhaps the annual report for the Land Council for the years 2014-20145.---Yeah.

30 Do you remember being asked some questions about that, Ms Dates?---Yes, I do.

And I think the evidence was that that was a report that needed to be prepared and updated perhaps in the years 2016. Is that correct?---Yes.

And I think you said, Ms Dates, and please correct me if I'm wrong, that you didn't think – or Mr Petroulias may have suggested – that neither he nor KNL had any role in preparing or revising that report. Do you remember being asked questions about that?---Yeah.

40 And I think you said, no, they did not.---No, they didn't.

Are you quite certain of that?---I need you to ask me that question again. I didn't really get it.

All right.---Can you ask me the question again?

I think what was put by Mr Petroulias is that he may have had no role in preparing or assisting the Land Council prepare the annual report for what I

assume is the 2014 and 2015 period. Do you remember him asking you questions about that or not?---Yeah, I do.

And it's certainly the case that the Land Council did receive assistance, did they not, externally to prepare that report from KNL.---Yeah, the Land Council's got to. Got no choice.

So the Land Council did - - -?---Is that PK Lawler?

10 Pardon me?---Is that that PK Lawler?

No, no. Knightsbridge North Lawyers is what I perhaps should have said rather than the initials.---Oh, yeah, yeah, all right, yeah.

Do you agree with that or you're not sure?---I'm not sure.

Commissioner, they were the two matters.

20 THE COMMISSIONER: Just one matter. In answer to some questions Ms Goodwin asked you a short while ago, you said that you dealt with Ian Sheriff in different matters---Yeah.

Ian Sheriff had been the lawyer, had he, to the Awabakal Land Council - - - ?---For a long time.

- - - for a long time? Yes, I was going to say going back at least to the time you, at least back to the time you first went on the board, is that right? ---Probably longer.

30 And what were your dealings with him like? Did you get on well with him or were you - - -?---Yeah, he was good.

And you said he was good. Were you impressed by his work?---Yeah. He just, he done something wrong, I can't remember what but, I can't, I can't recall but he did something wrong. I can't recall what, what it was.

You can't recall what that was about?---No.

40 But overall, over the years, he was regarded as capable?---Yeah.

Just casting your mind back, do you recall how it came about that he drops out of the picture and Knightsbridge Lawyers comes into the picture to more or less replace him? How did that come about?---That's what I'm saying, he, he did something wrong but I can't recall what it was.

Well, do you think it was he did something wrong that there was a change of lawyers or - - -?---I don't know. It was, it was the board that, that got rid of him, it wasn't me or anybody else. It was the board itself. He did

something wrong and the board didn't like it and I, I can't recall what it was.

Did you ever want to see him removed as the lawyer to the Council? Was there anything that would have led you to think, oh, we should get rid of him?---I don't know.

10 You can't think of anything that would have made you think we should change horses, get another lawyer and replace him?---I did, I did that, I did that with Nicholas Dan who become our next solicitor.

That's another story, yes. Thank you. Nothing else?

MR CHEN: No, Commissioner.

MS GOODWIN: I apologise, Commissioner. Might I just seek leave to ask a couple of questions stemming from that issue?

20 THE COMMISSIONER: Yes.

MS GOODWIN: And I hadn't considered these questions in the original cross-examination. Ms Dates, was it the case that Ms Bakis advised you, firstly in respect of the Gows heads of agreement and that deal, to speak to Mr Sheriff about it?

MR CHEN: I think in light of the my learned friend's questions, my friend should be quite specific about this.

30 THE COMMISSIONER: Well, there is something referred to along these lines in one of the memoranda, as I recall it.

MR CHEN: There is, but Mr O'Brien has asked questions about it and about this question in detail and the generality – I don't mind my learned friend asking questions or putting propositions. I just think in light of it, it should be - - -

40 THE COMMISSIONER: Yes. Ms Goodwin, it would be of assistance maybe if you can be more specific because there were many matters that Ms Bakis had dealings with, which this witness also had dealings with.

MS GOODWIN: Can I just clarify, is my learned friend asking me to be precise as to which documents, is that the level of specificity he seeks or – I'm not quite sure how much more specific I can be than to say it was about the, for example, the first original Gows heads of agreement.

MR CHEN: Well, just the topic was introduced broadly and generally, the Gows Heat agreement, and my point was, in light of certainly Mr O'Brien's questioning of his client, there's a real question mark as to what she does

and does not know, and I'm just inviting her to be specific. If she's got a specific issue to raise with the witness, to take her to it.

THE COMMISSIONER: All right. Well, I think we know the general topic area you're in but I think you could just be more precise as to context, when did this happen, where did it happen, that sort of things.

10 MS GOODWIN: Yes, certainly. Ms Dates, in or around December, 2014, did Ms Bakis suggest to you that you should have Mr Sheriff or you should talk to Mr Sheriff about the Gows heads of agreement?---She probably would have because we spoke a lot.

Excuse me for a minute, I'm just getting some instructions.

And sometime around June 2015 did she suggest to you that you talk to Mr Sheriff about the Sunshine and Gows deal?---She probably would have. Me and Despina spoke a lot. I got on with Despina.

20 THE COMMISSIONER: Don't - - -

THE WITNESS: She was good for the Land Council.

THE COMMISSIONER: We're not asking you to guess. Do you recall whether she did or not?---Yeah, she did.

30 MS GOODWIN: And when you said we spoke a lot, on more than one occasion during that period from late 2016 into, or sorry, 2014 into say July 2015, it's the case, isn't it, that she suggested to you on more than one occasion that you might want to talk to Mr Sheriff about these Land Council property deals?---Yes.

Yes, thank you, Commissioner.

THE COMMISSIONER: Did Ms Bakis ever tell you why you might speak to Mr Sheriff?---I can't recall. I can't remember why.

40 Did Ms Bakis explain that there might be a conflict of interests involved and you should get independent legal advice?---I can't recall. She probably did.
Right. Thank you.

MR CHEN: Commissioner, I need to ask questions if I can to follow up.

THE COMMISSIONER: Yes.

MR CHEN: If indeed this advice was given, Ms Dates, to you to do these things, did you do it?---I can't recall.

Well, so if advice - - -?---I just can't recall.

- - - is given to you about going to see Mr Sheriff about Sunshine in June of 2015, what would you be going to see him about?---I can't recall. I do remember that me and Despina having that conversation but I don't know whether, I probably did, I don't know. You'd have to ask Ian Sheriff. I, I don't know.

10 No, well, I'm asking you now in the witness box where you're agreeing that this matter has been raised or seemingly assenting to it that - - -?---Well, I might have.

- - - it's been raised.---I might have. I don't know. I can't recall.

And, well, what is the position? Did you or didn't you?---I might have.

Right.---I can't recall.

20 And did you raise it with the board at all, Ms Dates?---I could have. I can't recall.

THE COMMISSIONER: Did you say to the board, we better get Ian Sheriff to look over these legal agreements and other transactions and check it out for us?---I can't recall. Maybe I should have, but I can't recall. I think I did. I don't know.

MR CHEN: Thank you, Commissioner.

30 THE COMMISSIONER: Thank you, Ms Dates.

THE WITNESS: Thank you.

THE COMMISSIONER: You may step down. You are excused.

THE WITNESS EXCUSED

[3.08pm]

40 MR CHEN: So Mr Green will be the next witness, Commissioner.

THE COMMISSIONER: Yes, very well. Mr Green. Mr Green, do you take an oath or an affirmation?

MR GREEN: Affirmation.

THE COMMISSIONER: Can you just take a seat there. Yes, Mr Lonergan.

MR LONERGAN: I'm just clarifying that Mr Green seeks the protection as he previously has under section 38.

10 THE COMMISSIONER: Very well.

THE WITNESS: Can I just get me glasses, get me glasses?

THE COMMISSIONER: Your glasses, yes.

THE WITNESS: Just on the chair.

20 THE COMMISSIONER: Mr Green, on the last occasion you gave evidence, the last segment of this evidence was given under a declaration made under section 38 of the Independent Commission Against Corruption Act. For the purpose of the evidence to give in this segment commencing today, that declaration will also apply to that evidence.

MR CHEN: Your name is Richard Green, is it not?---Yes, it is.

Now, Mr Green, you understood that Mr Petroulias had some issues with the police in about the middle of last year, did you not?---Yes, I did.

30 And you knew he was arrested and he spent some time in gaol. Did you know that?---I found that out, yeah.

And did you know that when he was arrested he was found with some counterfeit money in his possession?---You're talking about not long ago?

Not long ago. Last year, in June of 2018.---Yeah, I'm not sure with the dates.

40 But did you know that he was found with some counterfeit money in his possession or not?---Well, not really.

[REDACTED]

[REDACTED]

MR CHEN: And so far as you're aware, has Mr – I withdraw that. Has Mr Petroulias told you that he knows another Richard Green aside from you?
---No.

[REDACTED]

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■

[REDACTED]

[REDACTED]

Now, Mr Green, did you know that Mr Petroulias had been charged with 15 offences – covering the period 22 April to 3 June, 2013 – of obtaining financial advantage by deception? Did you know that?---I didn't know that.

30 Was that fact ever disclosed, so far as you were aware, to the board at any time by Mr Petroulias?---No.

So far as you're aware, was that fact ever disclosed to the board by Mr Petroulias in any other way?---No.

Did Mr Petroulias ever tell you that these charges were before the court on 6 June, 2016?---No.

That he was convicted of these offences?---No.

40 Was that fact ever disclosed to the board of the Land Council, so far as you're aware?---No.

THE COMMISSIONER: Did Ms Bakis ever disclose that to you, that she knew that Mr Petroulias had been charged with those offences?---No.

MR CHEN: Do you think that the board members would have been interested to know of matters such as that?---Oh, I'd say so. I'd say so. But

It would have been particularly important if in fact Mr Petroulias was convicted of these offences on 6 June, 2016, because that was right in the middle of this Advantage transaction, wasn't it?---Yeah, we didn't know.

10 MS GOODWIN: Objection. Only to the form of the question. It started off saying it would have been particularly important, and then the back half seemed to pertain to the subject matter and ended with "wasn't it". So the first half of the question pertained to wouldn't it – I assume it was going to be "Wouldn't it have been important for the board to know this?" and the back half of the question referred to a different aspect.

THE COMMISSIONER: All right. Well, he can just clear it up.

MR CHEN: All right. I'll try again. It would have been important, do you agree, Mr Green, for the board to be told about that very matter?

20 MR LONERGAN: Sorry, I object on the basis that – is it clear that the board be told if the person, i.e. Mr Green, has knowledge?

MR CHEN: I'm sorry. I thought it was clear.

THE COMMISSIONER: Perhaps the question can make it clearer.

MR CHEN: Hopefully it's third time lucky, Commissioner. So, Mr Green, I think you've accepted that you were not aware that Mr Petroulias had been convicted of those offences on 6 June, 2016.---No.

30 And I think you've accepted the proposition that neither he nor Ms Bakis had disclosed the fact of the conviction, or that he'd been charged, to the board at any time so far as you're aware, isn't that right?---That's right. That's right.

And do you accept that the fact of Mr Petroulias's conviction would have been important for the board to know during the course of this Advantage transaction?---Yes, it would have been important.

40 And tell the Commissioner why you think that's important, Mr Green. ---Well, you know, there's someone that we trust to, to do our paperwork and our legal stuff and, you know, he's been convicted of that, it'd, it'd, it'd chuck a bit of a spanner into the works, but Aboriginal people, they've got different outlooks towards, towards stuff like that. We, we believe that people should have a second chance but we didn't know that at that time.

Now, Mr Green, you were in the hearing room yesterday when you heard the Commissioner and Mr Petroulias dealing with his application to do with your interview that you had.---Yes.

And so you participated, did you not, in a recorded interview with Mr Petroulias on 31 March of this year?---Yes, I did.

And you understood he was recording that interview, didn't you?---Yeah, well, he said he was going to record, he records everything you say.

THE COMMISSIONER: Where did the interview take place?---At Nick's house.

10 MR CHEN: And what's the address?---I don't know.

Was it in Burwood?---Yes.

And Ms Bakis was there too, wasn't she?---No, she wasn't.

Are you sure of that?---I'm positive. She left the house before the interview started, with the children.

20 THE COMMISSIONER: Did she come back before the interview finished or after?---Oh, hang on. I think before, but I think the interview was finished when she got back.

MR CHEN: Well, her barrister's told the Commission that she did come in for at least one or two minutes whilst you were being interviewed by Mr Petroulias.---I remember her saying she was going.

30 Well, let's start from the beginning, Mr Green. How did it come to be that you were asked to participate in this interview with Mr Petroulias?---Well, I, I, hang on, he kept ringing me up and asked me about the interview and, and I said I, I didn't want to do it and he said, "Everything's out in the open, it's not private anymore, it's all public, so, you know, we, we can do it." And I, I, I keep, I go over to Despina because, you know, she's doing my tax and, because I can't do all that stuff and, and she'd helping me do a lot of stuff and that's, that's how it all happened.

All right. Well, why didn't you just say no?---No to the interview?

Yes.---Well, I didn't, I didn't think there was any, any harm in doing it.

40 You know, don't you, Mr Green, that what occurred is that Mr Petroulias took you and discussed with you, in effect, his view of the subject matter of this investigation, isn't that right?---Well, I didn't know it at the time because, like he said it was all, all out on public and everybody knows what's going on.

But what did occur during the course of this interview, Mr Green, is that he took you through and put to you propositions which, in effect, were his view of these various transactions, which the Commission has been investigating,

isn't that right?---Oh, it was about 41 pages and I read a lot of the, well, my friend read a lot of the stuff to me and I didn't agree with a lot of the stuff.

Well, I'm not sure whether you're saying you're agreeing with what your friend read to you or what he was putting to you, but come back to my question, if you would. You certainly knew whilst you were participating in this interview that Mr Petroulias was taking you through, at the very least, his version of what he says occurred during these various land transactions that he Commission has been investigating, isn't that right?---No, that's not true.

Well, tell us what was discussed, according to your recollection, Mr Green, during the course - - -?---Well, I can't remember from, from word to word.

MR LONERGAN: Commissioner. I object to this line of questioning and I object on the basis that the Commission has had before it and ruled on the admissibility of the recordings into evidence, and therefore the relevance of the material that's in it and the motivation around it is at best ancillary to the investigation of the Commission.

THE COMMISSIONER: Well, I'm not sure about ancillary. It does I think go to the very substantive issues that are in the inquiry, and what's being put is that the interview was conducted on the basis that Mr Petroulias was putting forward his views to influence this witness. I think that's what's being suggested. Now, whether or not that's true and the significance of it remains to be seen, but I don't see that it's off limits at the moment.

MR LONERGAN: The second aspect of my objection, Commissioner, if I may, is also in order to fully traverse that, my friend is going to have to step into potentially the contents of the recordings and - - -

THE COMMISSIONER: That may be true, and therein a problem might arise, I concede that, Mr Lonergan, but I think I might just wait and see if that's going to happen. If it does, then it may become difficult to handle. I appreciate that.

MR LONERGAN: Please the Commission.

MR CHEN: I can assure my friend, my question might have been fractionally too wide, but the thrust of what I was intending – this is for the benefit of my learned friend – is really to establish the broad parameters of what was discussed, not the detail of it, and I accept that I have to get to a point where I establish the general subject matter before I move forward, and that's what I was intending to do, Commissioner.

THE COMMISSIONER: Well, it is a tricky area. I mean, once you start going into the content of the record of interview, it then starts to open it up again.

MR CHEN: No, Commissioner, I accept that fully but I need to establish the purpose and, in general terms, how and why that meeting occurred and the broad subject matter of it. That is to say, I have to establish the materiality of it and I need some factual stepping stone to get to that, and I need to put that before I reach certain other propositions.

THE COMMISSIONER: I have no difficulty with that. It's a question of where we go after you reach that stage.

10

MR CHEN: No, I quite accept that.

THE COMMISSIONER: Yes. All right. You proceed on that basis.

MR CHEN: Thank you, Commissioner. And if it didn't sound like that, that's obviously my error. But in general terms, Mr Green, what you were discussing were these various land transactions with Mr Petroulias, isn't that right?---Well, I don't remember discussing land transactions in the interview.

20

Not at all?---I don't remember, no.

You weren't – I withdraw that. You see, you were discussing and did discuss the evidence that you gave before the Commission, isn't that right? ---Well, yes.

And you know that the Commission is looking into the various land transactions that occurred roughly in a period of late 2014 to 2016, or attempted land transactions?---Yeah, there was no land transactions.

30

Well, hence I've used "attempted" as well.---Pardon?

I've used the word "attempted" as well.---Yeah, but there was none.

But you understand that's the broad nature of the subject matter of this investigation, do you not?---Yeah, I sort of understand, yeah.

And can I suggest to you, Mr Green, that you knew – if not before you got to meet with Mr Petroulias, certainly during the course of it – that there was to be a discussion of his evidence and your evidence, isn't that right?

40

---Well, no, I didn't think it was, was evidence or - - -

THE COMMISSIONER: How did you come to go to the house? Were you invited or did you just drop in or what?---No, I went to talk to Despina about my tax.

Right. And did you - - -?---I rang up. I rang her up and I said I'm coming, you know, to talk about the tax and, and we gets there and, you know,

Nick's been ringing me up to come and do the interview and all this and that, and I didn't want to do the interview but I got there and, and we talked about a few things and, and then he said, you know, it's all public record now, it's all out in the open. We can do what we want to do.

So did you change your mind about having the interview - - -?---Yeah.

- - - at that stage?---I didn't think it was any harm doing it because I always thought that it's out in the public, everyone knows about it and, yeah.

10

MR CHEN: But what Mr Petroulias was going to say was not out in the open and for the public, was it?---I'm not sure.

Well, he hadn't given evidence and you knew that.---I didn't even think about that.

You see, can I suggest to you, Mr Green, that you were happy to participate in this interview with Mr Petroulias so you could get your stories right?

---No, no, that's not true.

20

And - - -?---That's not true.

You knew that you were an important witness to this investigation, did you not, at the time that you participated in this interview?---Well, I probably don't think I'm a very important person in this interview, this investigation because I've never done nothing wrong. I haven't sold land, I haven't did anything and I've been persecuted over, if that's the word.

30

And you certainly knew, can I suggest Mr Green, that Mr Petroulias was a person who would be important to this investigation, did you not?---Well, I know he's important, yeah, but I didn't, didn't realise what you just said to me about he hasn't give evidence, I didn't realise that.

And can I suggest to you that really what you were trying to achieve, Mr Green, is some consistency between any position Mr Petroulias might want to achieve and your evidence. Isn't that right?---What do you mean by that?

40

You're trying to get, well, like I said before, or suggested before, Mr Green, you were trying to get your stories straight.---No, no. I've already give evidence in this Commission, why, why would I want to get my story straight? I've already told the truth.

And you were trying, can I suggest, Mr Green, to assist in creating a false narrative. What do you say to that?---What is, what is a false narrative?

A false story.---I hope you understand me asking you questions because I don't understand all these big words that you give to me.

All right.---(not transcribable) you know. I don't understand it. You need an Aboriginal person sitting here to explain it to me in, in, in, in a proper manner.

Well, what I'm suggesting, Mr Green, and I'll try and simplify it - - -?
---Yeah.

10 - - - if I can, and I apologise if you didn't understand it, but really you were agreeing to participate in this interview because you were going to try and make sure that your evidence and his evidence sang from the same song sheet.---No, that's not true. It's not true.

You see, Mr Green, you agreed, can I suggest, to receive money and did receive money for assisting Mr Petroulias in on-selling and attempting to on-sell these Gows Heat heads of agreement. Isn't that right?---No, that's not true.

20 And you continued to receive money, did you not, Mr Green, at least until July 2016 from Mr Petroulias. Isn't that right?---I received money for wages, for travelling, for meal allowance, I was working for Mr Petroulias. That's what I've said and that is the fact.

And can I suggest that you were receiving that money, Mr Green, and it influenced your conduct and it led you to do as he requested, rather than discharge your duties as a board member and chairperson of this Land Council. I wasn't the chairperson.

30 Sorry, deputy chairperson.---Deputy chair. And then that's not true what you just, just said to me.

And what you were doing, can I suggest, Mr Green, in furtherance of what you had agreed with Mr Petroulias was to sign documents whenever they were put in front of you. Isn't that right?---I did sign documents, some documents I see I didn't sign but my signature's there for somehow and I did not sign them.

40 And you were attending meetings when representations were made about these Gows Heat heads of agreement and the rights created under them. Isn't that right?---Some meeting, yes, but - - -

MR LONERGAN: Objection, Commissioner. If my friend is going to take Mr Green and make, well, certainly pointed accusations around conduct, I ask that my friend take him to the specifics of the agreements that he's making those, or asking those questions about.

MR CHEN: I've done that.

THE COMMISSIONER: Well, Mr Lonergan, I think this form of questions is certainly putting matters by way of challenge to the witness. It gives the witness the opportunity to firmly reject them if that's what he says is the truthful position. I mean, sometimes if these things aren't put and they are perhaps very pointed and challenging propositions being advanced, sometimes people complain that you're not making it clear as to what you're accusing me of. Well, there's no mistake as to what's being put.

MR LONERGAN: No.

10

THE COMMISSIONER: And as to the specifics, well, I'm not sure where counsel's going at the moment but - - -

MR CHEN: Commissioner, can I just – I'm sorry to interrupt. I've put the detail of every meeting to this witness and there cannot be a suggestion by my learned friend that I have not dealt with, in detail, every meeting this gentleman has apparently attended in the course of the dealings with Sunshine and Solstice. It's been put, these are broader questions dealing with the broader framework with which - - -

20

THE COMMISSIONER: But the same transactions as you previously examined him on?

MR CHEN: That's so, Commissioner. And it's a broader framework within which the evidence may support certain conclusions or factual findings contrary to the interests of Mr Green.

THE COMMISSIONER: Yes. I'll allow the question.

30

MR CHEN: I'll put it again, Mr Green. But can I suggest that really, that you'd attended, in furtherance of what you'd agreed to do with Mr Petroulias, meetings with prospective purchasers, such as Sunshine and Solstice, when misrepresentations were made about the true effect of these Gows Heat heads of agreement? What do you say to that?---Well, you know, I've had meetings but I can't remember a lot of the words that were said and I, I remember Sunshine, I think that was a Huss, Mr Huss, Sunshine and I remember, oh, maybe Advantage. I'm not sure, you know, we've got to remember my life was in turmoil at this time and it's still in turmoil to this day. I hardly sleep, but anyway, interrogate me, you know.

40

All right. And can I suggest to you, Mr Green, that you deliberately concealed these activities from the board. What do you say to that? ---Pardon?

That you deliberately concealed these activities from the board.---No, that's true, that's not true.

Being put so that you don't misunderstand it, that you signed many of these agreements relating to these companies, these developing companies, Sunshine, Solstice, Advantage, on behalf of the board but A) you didn't have any authority from the board to do it, and B) you never kept the board informed as to the fact that you were doing it. How do you respond?

---Well, I respond like this, I was given the authority by the board to take all the investors that Mr Nick Petroulias brang up to Newcastle to, to look at properties. Is it okay if I - - -

- 10 Yes, you continue.---Right. And, and, and I did that, I did that to about maybe 10 investors and I did go to meetings but on the grounds, and lots of times, I went back and told the board that at maybe not every meeting, because there wasn't meetings being held at that time, it was in turmoil and we were trying to get it up and running again, the Land Council. And, but like I said, a lot of times in, in, in, in this, in this room, black fellas, when they're having meetings, they fight a lot, there's fist fights, they argue and you going to up and walk out of the meeting if you don't know what minutes are being passed and what's, what's being taken. People don't understand the way that we are, our culture, our spiritual beliefs. You
- 20 know, there's my totem up there, the kangaroo. That's my animal, that's my spiritual belief. But I just thought I'd say that anyway. But people don't understand the running of land councils. It's not like a white organisation. You can sit down there and have a good meeting without any arguments. You do have arguments, but we have tribal wars and we still have tribal wars. I'm 63 years of age and I've been through all this stuff. I know. That's what I've been trying to get through to people for, for ages. And when we have people come in with a bit of education, you know, like solicitors, like barristers, and they tell us stuff, you know, we, we believe them and we trust them because they've got the skills, not, not us. That's
- 30 why we get, that's why we get, you know, stomped into the ground all the time.

THE COMMISSIONER: Mr Green, just going back to the point at issue and that is - - -?---Yeah, okay.

- - - there are a number of agreements that you signed for and on behalf of the board in relation to the Sunshine transaction. Do you recall?---Well, my - - -

- 40 Do you recall that you were asked, either Mr Petroulias or Ms Bakis may have on occasions asked you to sign legal agreements signed for and on behalf of the Awabakal Land Council?---Not Despina.

All right. Well, let's confine it, then, to - - -?---It was Nick that done all the signing.

Do you remember signing off on these legal agreements - - -?---Some, some documents - - -

- - - involving Sunshine, involving the Awabakal land at Warners - - -?---I, I, I've signed - - -

No, just don't interrupt, please.---Sorry.

You don't recall on many occasions you were presented with legal agreements to sign for and on behalf of the board in relation to transactions concerning, for example, the Sunshine company?---Well, if I can explain.

10

No, no, no. Just the fact is you took a pen and you signed those agreements for and on behalf of the Land Council, didn't you?---I'm not saying I signed every document.

I'm not talking about every document. I'm saying - - -?---Well, I'm talking about every document.

No, I'm talking about you signed several documents.---Not several.

20 How many did you sign?---Oh, maybe, I'm not really sure, but not several. Would have been - - -

All right. Have a guess. How many?---Oh - - -

Approximately.---Oh, maybe five or six. That's, you know - - -

Let's say it's five. Let's say it's three. It doesn't matter how many for the present purposes.---Yeah.

30 I think what's being put to you is that you were signing off on behalf of the Land Council without any authority. Now, what's your response?---Well, what can I say, but - - -

You had no authority from the Land Council to do that - - -?---To sign off, no.

- - - from the board of the Land Council.---Yeah.

40 Is that right?---Yeah, that's right.

Well, why did you do it? Why did you go ahead and do what Mr Petroulias asked you to do, to take the agreement and sign off on it on behalf of the Land Council?---Like, Mr Commissioner, you've asked me this question that many times, and like I said, Mr Petroulias used to give us the paper and just show us where the signatures had to go. We never read a lot of the stuff and we used to sign it because we trusted him.

Yes, you've said that before. I remember you said that before.---Yeah.

But why would you sign on behalf of the Land Council if you didn't have any authority from the Land Council or its board to do that?---Well, probably if I knew what was in the paper, on the paper, I wouldn't have signed it.

So you have no other answer than that?---No, no other answer.

10 MR CHEN: Now, Mr Green, I did take you on the last occasion to the board meeting on 8 April, 2016, and I'll have this brought up on the screen. Volume 11, page 134. Perhaps a hard copy could be made available to the witness, Commissioner.

THE WITNESS: I'm sorry, Commissioner, for being a bit loud and rough.

THE COMMISSIONER: Don't worry about that Mr Green.

THE WITNESS: I'm, I'm pretty cranky.

20 MR CHEN: This is all my error, I'm sorry, Commissioner.

THE COMMISSIONER: That's all right.

MR CHEN: It's my referencing. I apologise for that.

THE COMMISSIONER: So just to be clear about it, what document are you going to?

30 MR CHEN: The minutes of 8 April, 2016.

THE COMMISSIONER: Minutes. Do you have a copy, Mr Lonergan, of these minutes?

MR LONERGAN: What's the reference?

THE COMMISSIONER: 8 April, 2016. We're having trouble with the system here for some reason, we can't bring it up on the screen, but I think you should have a copy one way or the other.

40 MR LONERGAN: I think I can find them.

MR CHEN: So it's volume 11, page 312.

THE COMMISSIONER: Have we found it on the system? That looks - - -

MR CHEN: Just have a look at the front page, you'll see probably or you may recall these, Mr Green. Do you see them?---My name?

No, I'm just asking you to recognise the minutes of the board meeting on 8 April, 2016.

THE COMMISSIONER: Just take your time. Just get familiar with the document.---I'll read it to the best of my knowledge.

So you'll see the date there, 8 April, location, chair, Debbie Dates, deputy chair, yourself, acting CEO, Ms Steadman.---Yep.

10 There's various items minuted.---Yeah.

Okay. Do you see item 2 is Apologies, and it's got Visitors?---Yeah.

Nicole introduced the board to Nick Pearson, Despina Bakis from Knightsbridge North Lawyers.---Yeah.

Right. What else do we want him to focus on?

MR CHEN: Well, I'd like the witness just to have a look, if he would, at
20 point 5, which is page - - -

THE COMMISSIONER: Right. Just take your time having a look at that.

MR CHEN: - - - 314.

THE COMMISSIONER: Does he need to read the whole thing?

MR CHEN: He doesn't, Commissioner.

30 THE COMMISSIONER: No.

MR CHEN: And I just wanted to show you, these are the minutes. This is the meeting where a number of proposals were discussed in connection with Land Council lands. Do you see that heading, number 5 at the top of the screen?---Yeah, yeah.

40 And I just want to remind you of some of your evidence, Mr Green, if I can. Would you just listen. I asked you some questions about these land proposals on the last occasion, this is transcript page 1592, and the thrust of it was, Mr Green, that you didn't remember any of the discussions about Sunshine, Solstice and Salamander, they being the various matters that were discussed in these minutes. Do you remember giving that evidence, Mr Green?
---I didn't remember?

Yes.---You know my mind's coming a little bit clearer now, I've got through a lot of that, that stuff that I've been going through, but when I read a lot of this, see a lot of this stuff here, like IBU, I don't even know if I was at this meeting, what date was it.

THE COMMISSIONER: Okay. Well, just stop there. Now, please, you've had a look at the screen, could you take your eyes off the screen and just listen to what's being asked of you, otherwise you'll miss the point of the questions.

MR CHEN: Well, I summarised the effect of your evidence on the last occasion and it was to the effect that you didn't remember much about it, but are you now saying that because your mind's become a little clearer you do have some recollection of this meeting and what was discussed?---Oh, no, I, I, I don't, I, I, you know.

Well, you saw on that IBU, what did you want to say about that?---Well, IBU, I think that was, that was Cyril, was IBU.

THE COMMISSIONER: Did you say Cyril?---Yeah, maybe that was Cyril, Cyril's company. A lot of people came up there and done all this stuff and I lost track of a lot of it.

Well, just pause there.

MR CHEN: Well, is it the case that during the course of this meeting – I withdraw that. Do you recall that on this day, 8 April, 2016, there were a number of proposals or land proposals – I'm expressing it generally – involving Sunshine, Salamander and Solstice discussed by the board or not?---Oh, I can't remember. But I, I, I don't think so. I'm not sure.

You see, I just want to put something to you, Mr Green, is that in fact during the course of this meeting, you failed to disclose that you'd been involved in transactions or attempted transactions involving both Sunshine and Solstice. What do you say to that?---Not true.

THE COMMISSIONER: So you did disclose it to the board? This is the board meeting of 8 April, 2016, that you'd previously been involved in Solstice and Sunshine.---No, they weren't partners of mine. I wasn't involved in them companies.

You see, there's nothing in the minutes to show that you did disclose your interests in those previous transactions.

MR CHEN: Involvement, Commissioner, I put. Involvement.

THE COMMISSIONER: "Did not".

MR CHEN: Correct. I think you said the word "interests". I put the word "involvement".

THE COMMISSIONER: Involvement. So there's nothing in the minutes to say that you spoke up and discussed the fact that you had been involved

earlier in time with Sunshine and Solstice.---There's something here, what I just, what I just saw. "Sell most, if not all, the land." That, if I would have seen that, I wouldn't agreed on any of that stuff because we wasn't about selling land. We was about doing joint ventures that we, that we sell a bit of land.

Yes, I know all of this. Stop there. It's not answering the question that's being put to you. I don't want you to make speeches.---Yeah.

10 Just listen to the questions and give answers, if you would.

MR CHEN: What I'm suggesting, Mr Green, is that you attended this meeting and you did not tell the board members during the course of this meeting that you had been involved in dealings with Sunshine and Solstice. What do you say to that?---That's not true because I haven't been dealing with Sunshine and Solstice.

THE COMMISSIONER: But you had.---No.

20 You'd been signing agreements.---Yeah, but did I sign the agreements?

Yes, you did.

MR CHEN: Well, you certainly met, can I suggest, Sunshine, Mr Zong, in May of 2015, and you also met with him on 23 October, 2015 when you signed agreements in the Land Council offices, isn't that right?---I remember that, yeah.

30 But you also remember you went up in May of 2015 and showed him and Mr Fisk around the properties in Warners Bay, Waratah, et cetera, isn't that right?---Yes, that's right.

THE COMMISSIONER: Well, you never informed the board that you'd been involved in those matters, did you?---Well, the board knew that I was showing them properties.

40 No, no, no. You didn't inform the board of your involvement in dealings, the dealings, meetings just referred to with Solstice or in relation to Sunshine.---Well, I thought the meetings with them was, was a part of showing land and talking to them.

The record shows that you didn't disclose it. The big question is, why not? Why didn't you tell your own board?---It wasn't for my self-determination, whatever. I didn't get anything out of it.

MR CHEN: Well, can I just put it this way, Mr Green. I'd like to suggest to you that in fact you deliberately didn't tell the board members at this meeting at all that you'd been meeting with Solstice and Sunshine, that

you'd signed documents, and you'd signed documents involving Sunshine on 23 October, 2015. What do you say to that?---Well, I probably did but I can't remember.

Well, I'm suggesting to you you didn't, Mr Green.---Okay, then.

You understand that, don't you?---If you're saying that, you're saying that.

10 And can I suggest it was a deliberate non-disclosure on your part designed to deflect the board from its proper attention and consideration to these various proposals.---That's not true.

And you were acting and agreed to act with Mr Petroulias and Ms Bakis to improperly influence the board in relation to this proposal or these proposals and to select Solstice, isn't that right?---That's not true.

20 And during the course of this time period, leading up to 8 April, 2016, you had been receiving money from Mr Petroulias, isn't that right?---I'm not sure what date.

And can I suggest that you were receiving that money and acting in this way to further his interests and not the Land Council's interests?---No, that's not true. Not true.

Now, you know, don't you, that My Gabey attended the Land Council on 31 October, 2014, with an associate, Mr Omar Abdullah, isn't that right? ---Well, you can't miss him, he's a big black monster.

30 And you knew that they were putting a proposal on behalf of a company called IBU, isn't that so?---Yes, I remember that, yeah.

And Mr Gabey had in fact been in contact with you prior to him coming up to do the presentation with Mr Abdullah?---Yes, and I told him to ring the chairperson.

Well, you actually told him to ring the CEO, I think, isn't that right?---Yeah, could be. Yeah, yeah, probably.

40 And he made contact, so far as you're aware, with the CEO, which ultimately led to him being offered an opportunity to present a proposal to the board?---That's correct, yeah.

And he, in fact, did that with Mr Gabey at that stage on 31 October, 2014, and you were in attendance at that meeting, weren't you?---Yes, I was there.

But you didn't vote on whether the proposal put forward by Mr Gabey and Mr Abdullah should proceed further because you declared that you had

known Mr Gabey and you thought it inappropriate to participate in any vote, is that right?---That's right. I didn't know him for, for very long.

Right. Well, how did you come to know Mr Gabey?---Well, I go down to Redfern pretty often, I see many people and I was done there having a meeting with Mr Mickey Mundine about The Block and all the problems down there, and that's where I run into, to Cyril and we started chatting and that's how I met him. He was - - -

10 Do you know what Mr Gabey actually did prior to meeting him and chatting with him down at Redfern?---Far as I know he was, he was a fisherman from the Torres Strait Islands and he was looking for money to fix his boat.

You didn't have any business association with him at all, did you?---No.

Never have?---No.

And after the presentation that Mr Gabey and IBU did, did you have any follow-up contact at all with Mr Gabey?---Not that I know of.
20

Did you ever ring him up and speak to him about his proposal at all?---I spoke to him about his boat.

All right, I'm just asking you about his proposal.---I'm not sure. Not sure.

Was it your understanding that ultimately his proposal went nowhere?
---Well, as far as I know.

What about Mr Abdullah? What did you know, if anything, about him?
30 ---Mr Abdullah, who's he?

He's the gentleman that attended on 31 October, 2014 with Mr Gabey to do this presentation.---Oh, the little Vietnamese guy?

Well, he certainly had an Asian background. I'm not sure what his nationality was but did you know anything about him, Mr Green?---No, I didn't know anything about him.

Have you spoken to him or did you speak to him after he did the presentation, that is, in the days after at any stage?---No, no. I don't think so.
40

Have you ever met him at any stage since he did that presentation with Mr Gabey?---No, I don't think so.

Now, Mr Petroulias had with him or made available a number of documents to the Commission recently and it's MFI 62. Would you just have a look at these on the screen, Mr Green. So page 1, and you can see these are called

Draft Awabakal Local Aboriginal Land Council Resolutions. Do you see that?---Yeah. Resolutions, yes.

Would you like to see them in hard copy as well, Mr Green, or are you happy to look at them on the screen?---Oh, hard copy. I don't know what I'm looking at.

10 Just turn if you would, please, to MFI 62, page 1, that's in front of you, and do you see the heading there, Draft Awabakal LALC Resolutions, Mr Green?
---Yeah.

Do you recognise that document at all?---No.

If you turn over a number of pages, it's four pages, have you ever seen this document before?---Four pages?

Four pages, Mr Green. It should be numbered down the bottom right-hand corner.---Yeah, I'm at the fourth page.

20 Do you recognise the resolutions or the draft resolutions as they are described at all?---No, I don't.

Never seen them before?---Never seen this document before.

Did you know whether the Land Council actually kept draft resolutions?
---No, no. I see Richard Currie, I see what is it, Barbara Walsh, I don't know them names.

30 Commissioner, that's probably an appropriate time, if that would suit the Commission.

THE COMMISSIONER: Mr Green, we're going to continue tomorrow. Mr Green?---Oh.

We're going to continue tomorrow at 10 o'clock.---Okay.

And you'll be required to be here at 10.00, by 10.00.---Yeah.

■ [REDACTED]

[REDACTED] ---

MR CHEN: Well, Commissioner, just so Mr Petroulias knows, this is the official Court Attendance Notice and summary of facts from the police.

MR PETROULIAS: Yes, we know.

THE COMMISSIONER: We'll let Mr Petroulias provide the information he wants to so that if the record needs to be corrected it can be done, but otherwise - - -

10 MR CHEN: Yes, Commissioner. Commissioner, before you rise, could I just raise for the benefit of all the programming going forward.

THE COMMISSIONER: Yes.

MR CHEN: I don't know whether those behind me are able to give an estimate as to how long they may anticipate those who wish to cross-examine Mr Green may be, but that would assist because there is going to be a potential issue for Friday.

20 THE COMMISSIONER: Right. Mr Petroulias, are you able to assist on that one? How long approximately do you think you might be with Mr Green?

MR PETROULIAS: It will be shorter than Ms Dates. Obviously he's indicated where he's going.

THE COMMISSIONER: Approximately?

MR PETROULIAS: Two hours maximum.

30 THE COMMISSIONER: Okay. Thank you.

MS GOODWIN: Commissioner, unfortunately I can't answer until I've heard the remainder of the evidence, particularly as to whether it diverges at all from Mr Green's earlier evidence. I'm unable at all to give any estimate and I apologise.

THE COMMISSIONER: All right. I'm not pressing you at the moment then, Ms Goodwin.

40 MR O'BRIEN: I don't anticipate that I'll have any questions of this witness, Your Honour. Commissioner, can I just indicate while I'm on my feet that I'll be replaced tomorrow morning as I have a pressing commitment somewhere else.

THE COMMISSIONER: Yes, certainly, thank you, Mr O'Brien.

MR O'BRIEN: Thank you.

THE COMMISSIONER: That's fine. And Mr Lonergan, you don't know really how long you might need I suppose at this stage?

MR LONERGAN: No. I indicated to Counsel Assisting it should be no more than two hours, but it may not even stretch that far.

THE COMMISSIONER: Mr Harrowell, you're not involved in this, or are you?

10 MR HARROWELL: No, Commissioner.

THE COMMISSIONER: Okay. Thank you. Now, Ms Goodwin, I think you've spoken to Mr Broad about your position on Friday, I understand you have another commitment, a sentencing hearing?

MS GOODWIN: I do, I apologise, Commissioner.

THE COMMISSIONER: That's all right.

20 MS GOODWIN: At this stage it's listed to proceed throughout the entire day. Unless and until I hear otherwise from His Honour, Judge Armitage, before whom it's listed, then that's the basis on which I'll be proceeding, that is that I'll be unavailable for the entire day.

THE COMMISSIONER: Yes.

MS GOODWIN: I may be able to have someone else stand in for me, that remains to be seen.

30 THE COMMISSIONER: Well, my note is to the effect that Mr Broad has made it known to you that we won't require Ms Bakis to give evidence on Friday by reason of your position.

MR GOODWIN: Yes. I'm grateful for that.

THE COMMISSIONER: We'll consider calling other witnesses on Friday. The transcript of course will be made available to you of that witness. I'm not sure if we can assist you as to who's likely to be called on Friday.

40 MR CHEN: It's only Mr Petroulias after Mr Green and he would be the next witness.

THE COMMISSIONER: All right. Does that meet your position?

MS GOODWIN: That might assist. Thank you, thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Green, you might step down and we'll see you here tomorrow morning.

THE WITNESS: Thank you.

THE COMMISSIONER: Yes. Very well, I'll adjourn.

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

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