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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 9 MAY, 2019

AT 10.00AM

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

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

THE COMMISSIONER: Yes. Now, are there any matters?

MR CHEN: Actually, before Mr Green returns to the witness box, as I understand it, Mr Rowe will seek your leave, Commissioner, to appear for Ms Dates whilst Mr O'Brien is not here and he'll make that application now, Commissioner.

THE COMMISSIONER: Yes. Is Mr Rowe there?

10 MR ROWE: Yes.

THE COMMISSIONER: Yes, Mr Rowe, I grant leave for you.

MR ROWE: Thank you.

THE COMMISSIONER: Thank you.

MR CHEN: The second matter, if I could raise it now, Commissioner, is a transcript correction of a potentially material kind. Commissioner, I asked  
20 Mr Green some questions - - -

THE COMMISSIONER: Page?

MR CHEN: At page 3527 of the transcript and in particular the question that appears in between lines 10 and 20, commencing, "You see, Mr Green, you agreed." I'm sorry, Commissioner, apparently the recording's not working.

THE COMMISSIONER: Still problems? Still got problems?  
30

MR CHEN: I think it's working now, Commissioner.

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, on the third line, you'll see that the transcript reads "heads of agreement". The question I put was "agreements". I've raised this with Mr Lonergan, who represents Mr Green, who obviously would be directly interested in that, and he accepts the correction should be "agreements", plural, at that line.  
40

THE COMMISSIONER: So you're looking here at where it commences line 13, "You see, Mr Green, you agree," is that the question?

MR CHEN: Correct, Commissioner, and - - -

THE COMMISSIONER: "Can I suggest to receive money, or had received money for assisting Mr Petroulias in onselling and attempting to onsell these heads, Gows heads of agreement, isn't that right?"

MR CHEN: And it should be S, “agreements”, rather than singular.

THE COMMISSIONER: Oh, I see. Heads of agreements.

MR CHEN: Yes.

THE COMMISSIONER: That’s your recollection as to how you put it?

10 MR CHEN: It is. It’s my note and it’s consistent with the subject matter of  
the question being onselling being referrable to Sunshine, attempted to  
Solstice, et cetera.

THE COMMISSIONER: Yes, yes. Mr Lonergan, any difficulty with that?

MR LONERGAN: No, Commissioner.

20 THE COMMISSIONER: Thank you. All right. That correction will be  
made. Just a minute. Line 14, page 3527. The phrase “Gows heads of  
agreement” should read “Gows heads of agreements”, plural. S to be added  
to agreement. Yes.

MR CHEN: Commissioner, we’ll in due course offer proposed other  
transcript corrections in the way in which it’s been dealt with on previous  
occasions, Commissioner, and we’ll notify our learned friends of those  
corrections. I just thought whilst Mr Green was here that correction should  
be made because it was potentially material.

30 THE COMMISSIONER: Yes.

MR CHEN: Commissioner, if I may move to a third matter. Ms Goodwin  
has an application for a suppression order under section 112, and perhaps if  
it’s convenient she could make that application now, Commissioner.

THE COMMISSIONER: Just pardon me a moment.

MS GOODWIN: Yes, certainly.

40 THE COMMISSIONER: Yes, Ms Goodwin.

MS GOODWIN: Commissioner, the application lies over the following  
portions of evidence provided by Mr Green yesterday afternoon as well as  
two sentences spoken by Mr Petroulias, and they are in the transcript, firstly,  
at page 3520.41 to 3520.44.

THE COMMISSIONER: Yes.

MS GOODWIN: Secondly, 3521.5 to 3521.23.

THE COMMISSIONER: All right. Just have a look at that. The reference on 3521 is line what?

MS GOODWIN: .5 to .23.

THE COMMISSIONER: .5 of the page? Point - - -

10 MS GOODWIN: Line 5, sorry, to line 23. Sorry, Commissioner.

THE COMMISSIONER: That's all right. Down to - - -

MS GOODWIN: Down to line 23.

THE COMMISSIONER: Line - - -

MS GOODWIN: 23. 2-3.

20 THE COMMISSIONER: Yes.

MS GOODWIN: As well as, lastly, at page 3537.

THE COMMISSIONER: Yes.

MS GOODWIN: The two sentences, the first of which, or two sentences spoken by Mr Petroulias, the first of which starts at line 40, 4-0.

THE COMMISSIONER: I'll just get the page up. 3537. Line?

30 MS GOODWIN: At line 40.

THE COMMISSIONER: 40.

MS GOODWIN: The sentence commencing, "He put," first of all.

THE COMMISSIONER: Line 40 down to - - -

40 MS GOODWIN: And in fact, well, I was going to ask for the following sentence, but there's no need for that.

THE COMMISSIONER: Anyway, it's that passage there.

MS GOODWIN: Yes. Now, Commissioner, without restating the topic of that material so I don't have to seek a further suppression order of my submissions, could I indicate that if that material is published it will put my client in fear for her, the safety of both her and her children. In my submission the public interest is not served, that is, it is not, it is not

desirable in the public interest for that to occur with respect to witnesses at this Commission.

THE COMMISSIONER: Yes. All right.

MS GOODWIN: And in my submission pursuant to section 112 Your Honour would grant the suppression order over that material because of that.

10 THE COMMISSIONER: Do you want to be heard on that?

MR CHEN: No, I don't, Commissioner.

THE COMMISSIONER: In relation to the passages in the transcript of 8 May, 2019, firstly page 3520 from and including line 41 to 43, and the transcript page 3521, line 5 down to line 23, and on 3529, line 38 to the bottom of the page, I make an order pursuant to section 112 of the Independent Commission Against Corruption Act restricting the publication of those passages of the transcript or of information contained within those passages. The direction will prevent the publication or communication of such transcript references or information concerning the same. I am satisfied it is necessary and desirable in the public interest to make that order under section 112 of the Act.

MS GOODWIN: Please the Commissioner.

THE COMMISSIONER: Yes.

30 MR CHEN: They were the only matters that I wished to raise or wished to raise on behalf of others, Commissioner, so if it's convenient now to you, Commissioner, Mr Green could return to the witness box.

THE COMMISSIONER: Yes. Thank you, Mr Green.

Mr Green, I'll have the affirmation administered again.

THE WITNESS: Yeah. He didn't get no counterfeit money off my son.

THE COMMISSIONER: Sorry, did you say yes, that you, did you affirm, give that affirmation?---Yes, I did say yes, yeah. Yes, I do.

Good.---Sorry.

10

You understand its significance?---Yes, I do.

Good. Thank you. Yes.---Now I do, yeah.

MR CHEN: Thank you, Commissioner. Now, Mr Green, I asked you some questions about Mr Cyril Gabey and his presentation yesterday. Do you remember me asking you some questions about that generally?---Yes, I do.

20

And after that presentation did you have any other contact with Mr Gabey at all?---Oh, I'm not 100 per cent sure but, you know, I probably did because he, he, he wanted to get funding to fix his boat in the Torres Straits.

When you spoke to him, was that all you spoke to him about, getting the funding for his boat, or was it about other things?---No, I never said getting the funding for his boat, I never, I never talked to him about getting money for his boat.

30

All right. Well, was the only thing that you discussed with Mr Gabey just about him wanting funding for his boat, generally?---Yeah, I'd say so.

Did you have any other contact, in your role as the deputy chairperson of the Awabakal Local Aboriginal Land Council, with Mr Gabey at all after that time he presented on 31 October, 2014?---Not really sure, not a hundred per cent sure.

40

Well, you certainly, I think, have, after 31 October, at least spoken to him in some way about him wanting some money for his boat?---Well, I, I don't really know whether it was before or after, I don't know the dates, I, I, I, I spoke to Cyril down in Redfern, you know, on, on one occasion, maybe two occasions. I'm not really sure but there was nothing, nothing sort of at great lengths, just like us black people talk, you know, pretty often.

Is this the – I'm sorry, have you finished Mr Green?---Yeah.

Is this the position, Mr Green, that so far as you were aware, after Mr Gabey had done his presentation, that was the end of his proposal so far as the Land Council was concerned?---Well, as, yeah, far as I can remember.

And so far as you recall, he didn't have any other contact with either you or the Land Council generally, in relation to that proposal he put forward, is that the position?---Oh, he might have spoke to the Land Council but I'm not sure. The, the, I don't know who was there CEO them I can't remember. Might have been Mr Slee.

It was.---Yeah.

10 But so far as your concern in your capacity as the deputy chairperson and board member of this Land Council, you didn't have any other formal dealings or informal dealings with him about this land transaction that he had proposed, is that right?---Not that I can remember.

And you're doing your best to remember, I take it?---Yeah.

Now – oh, just pardon me. Did you have any dealings, as the deputy chairperson and board member of the Land Council, with Mr Gabey in relation to any other proposed land transaction at all, at any time, Mr Green?---Not that I, not that I can remember. We talked about The Block in  
20 Redfern and he was doing a bit of stuff with Mr Mickey Mundine too, wasn't doing stuff, we, I think we might have just talked about what should happen to The Block and - - -

THE COMMISSIONER: So is the answer to that last question that was put to you, to the best of your knowledge, you do not know of any other land transaction that you had any dealings with Mr Gabey about?---No.

Sorry, you're agreeing with me?---Yeah, the answer, yeah.

30 You had no other dealings, to the best of your knowledge, concerning land transactions with Mr Gabey?---No.

Right, thank you.

MR CHEN: And so far as you're concerned, Mr Gabey didn't have any other dealings with the Land Council, is that the position?---Yeah, yep.

I want to you show you some documents, if I can, Mr Green, now. They'll be on the screen. Would you like them in hard copy as well? Do you have  
40 your glasses, is perhaps the first question I should - - -

THE COMMISSIONER: If you're happy with looking at them on the screen, let's proceed that way. If you have any difficulty, you let us know and we can supply the hard copy of what's on the screen. You understand?  
---Yeah.

All right. Let's see how we go.

MR CHEN: Have you got your glasses with you?---Yeah, yeah.

So have a look, if you would please at MFI 58, page 23. Do you see in front of you there in the screen, there's a letter from Advantage to the chair of the Land Council, dated 20 July, 2016?---Yes. I can see it.

And I'm not suggesting that's your signature on it, Mr Green, but have you seen – or perhaps I'll ask the letter to be scrolled through so you can see the following pages. You see it was three pages, that letter, MFI 58, pages 23 to  
10 25. Did you see those three pages, Mr Green?---It was pretty quick.

All right, well, we'll go back and have a look at it again.---Anyway, I haven't seen this document before.

Do you know anything about what the heading of it refers to, namely "clarification of planning cost arrangements, letter to be tabled at the community meeting," at all?---No, I haven't seen this before.

Did you have any discussions with Ms Dates at all about that type of matter,  
20 namely planning cost arrangements, et cetera, at around this time?---Oh, not that I can remember.

Would you have a look, please, now at another document, Mr Green. It's MFI 62, page 83. Now, you can see on the screen it's an application form. Do you see that?---Yeah.

And if you look at the next page, please, you can see that your signature appears on that document, does it not?---It appears there.

30 And it's your handwriting as well there, isn't it?---Yes, that's what I can see, yes.

And that document does not bear a date, Mr Green, but do you remember signing this document?---No, I don't remember signing it.

THE COMMISSIONER: Just scroll back up. Thank you. Yes, just go back again a little bit. You may not remember signing this document, but you accept that that's your signature on it?---Yes, I do accept that's my signature on there, but whether (not transcribable)  
40

Did the board of the Land Council give you authority to sign this document on its behalf?---No, I don't say they did.

Well, it's likely that they did not, is that right?

MR LONERGAN: Commissioner, sorry, I - - -

THE WITNESS: I didn't read this document.

MR LONERGAN: I'd just raise the question of whether this document was under the hand of Mr Green in relation to the Land Council, because there were two documents.

THE COMMISSIONER: Yes, but it's a document signed by him, yes, on behalf of the Awabakal Land Council - - -

10 MR LONERGAN: Oh, sorry, that, my apologies, Commissioner.

THE COMMISSIONER: - - - Aboriginal Land Council, wasn't it?

MR LONERGAN: Yes, Commissioner. I couldn't see – there were two documents. I wasn't sure which - - -

THE COMMISSIONER: Yes, well, probably the same line of questioning will apply to both, I foreshadow.

20 MR LONERGAN: Please the Commission.

THE COMMISSIONER: Mr Green, do you accept that the board of the Land Council did not give you authority to sign this application form, even if you did sign it?---Well, yes, I'd say that, yeah.

30 Right. And just so that we can understand this, because it relates to a matter I raised with you yesterday, if you didn't have authority of the board, then why would you go ahead and sign it at somebody's request?---Well, like I say again, Mr Commissioner, I, I never read a lot of this stuff and it was never shown to us because I, I would continue to say that the pages were peeled back where we had to sign the signatures. We've never seen none of this here. Never read none of this here. You know, like, there could have been a lot of, a lot of paperwork there that we were signing, and it, it, it mightn't even, how could I say it, concerned the stuff that we were doing. That's, that's, that's what I've got to say about it. As this inquiry's been going on, I've been sort of trying to think, you know, and work out what's been going on.

40 You see, I asked you yesterday about the other agreements that you signed relating to land transactions concerning the Warners Bay property of the Awabakal Land Council. You recall those questions yesterday?---Yeah.

And on that question, is it the case that the board of the Land Council did not give you authority to sign those agreements?---Well, probably not, not in writing or, or whatever. Well, I'd say no.

That you did not have authority conferred by the board of the Land Council to sign those agreements that were - - -?---Yeah, well, it was supposed to go back to meetings and be minuted but - - -

But you agree that you didn't have authority?---Yeah, I, I said this.

Now, again in relation to those agreements that you signed on behalf of the, purportedly on behalf of the Awabakal Land Council, did you intentionally sign them at Mr Petroulias's request and, well, did you?---Well, yes, he asked me to sign a lot of paperwork.

10 And did you go ahead and agree to his request and sign them in order to assist Mr Petroulias?---Not Mr Petroulias, to assist the Land Council.

Yes, but why would you go ahead and take the initiative in signing these agreements without first informing the board of the council?---I will keep on saying, the board of the Land Council was in shambles for months and months.

Yes.---But yes, yes, Mr Commissioner - - -

20 Is that the reason?---Say that again?

Because the board was in shambles you decided to take it upon yourself to sign these agreements concerning - - -?---No, I wouldn't, I wouldn't say that.

- - - the Awabakal Land - - -?---I wouldn't say that.

Well, what's the reason, why would you go ahead without authority and sign them?---Because I didn't know what I was signing. I didn't read them.

30 I understand you say you didn't know what you were signing, but why would you go ahead in those circumstances and sign them when presented by Mr Petroulias?---Well, I'll say it again, Mr Commissioner, I, I, I didn't read them, I didn't see what was on them.

You may not have read them.---Yeah.

40 You may not, on your evidence, have understood what was in them, but it still leaves open the question, why would you sign them when you had no authority from the board of the Awabakal Land Council?---Well, I, I, I can't explain that.

All right. If it was put to you, you did so intentionally to assist Mr Petroulias in whatever he was seeking to achieve, how would you respond to any such suggestion?---That is not true.

Right.---Not true.

Can you provide any other reason why you signed the agreements when presented by Mr Petroulias, being the agreements effecting the Awabakal land transactions the subject of this inquiry?---Well, probably to take the Land Council forward somehow.

Okay.---Not for Mr Petroulias. I will always say that.

10 But doing so knowing that the board had not even had the opportunity of considering these agreements before you signed them.---Well - - -

Was that the case?---If I probably would have knew it was important piece of paperwork like this one - - -

No, stay with my question. Just answer my question, not a question that hasn't been asked.---I'm trying to stay with your questions and trying to answer your question and you're saying to me that I - - -

I'll put it again. You listen to it this time.---Yeah.

20 Knowing that you had no authority conferred upon you by the board of the Land Council to sign any agreements on its behalf, why did you do so?  
---Well, I don't know why I did it.

All right.---That's my answer.

Thank you.

30 MR CHEN: Now, Mr Green, you can see by looking at this document now that it has a heading Application Form, can you not?---Yeah.

And as I understand it, you didn't read this document at all prior to signing it.---No.

Is that the, is that your evidence?---I didn't, I didn't.

And can I take it you didn't, although you did sign it you can't remember where you signed it?---No, I can't remember where I signed it.

40 Or when you signed it?---Or when I signed it.

THE COMMISSIONER: Or why you signed it?---Or why I signed it.

Is that right, is that right?---(No Audible Reply)

Is that right, you don't know why you signed it?---Yeah, I don't know why I signed it.

MR CHEN: You can see just by looking at it now though, can you not, Mr Green, that it relates to some Asia-Pacific Indigenous Consortium. Do you see that?---Yeah, I do.

What's that about, Mr Green, what's that consortium?---I've got no idea.

You can also see on the document as well, Mr Green, that it refers to a "limited power of attorney." Do you see that in the top right-hand corner?  
---Yeah.

10

Do you know what that is?---No.

Do you know what the effect of this document is?---No.

If you look at page 84 of MFI 62, you can see that it has been signed as well by Ms Dates.---Yes.

When this was presented to you, was Ms Dates's signature on it or not?  
---I'm not really sure.

20

Did you have any discussions with Ms Dates about signing this document?  
---No.

Are you sure of that?---Yeah.

And you can see as well that it's been signed by or witnessed by and signed by Mr Peterson.---Yeah, I can see that.

Or Mr Petroulias. Can you see that?---Yes.

30

Did he present this to you?---Well, he probably did because he presented everything to us.

Did he tell you anything about why you were signing it?---No.

But is this the position, it's put in front of you, is this your evidence, by Mr Petroulias, and you're asked to sign it and you simply do?---Like I said on many occasions, we in Land Council do that all the time.

40

THE COMMISSIONER: No, no. Just answer this question about this document.

MR CHEN: Is that the correct sequence, Mr Green?---How do you want me to answer it when I'm saying, you know, we, that's our practice in land councils. We signed it as what's being put in front of us. How many times do I have to -- you know? Mr Commissioner, you know, it's a bit frustrating when, when I'm saying, you know, it's a practice of the Land Council

members because of their lack of education. They put something in front of them. This is not the first time this happened in history.

Well, Mr Green, I need to put some things because it may be suggested that certain things happened or were said to you, and that's why I'm exploring it with you now. Do you understand that?---Said to me?

10 I understand what you said, but I'm exploring with you the circumstances surrounding you putting your signature on this document. Do you understand that?---Yeah.

And is it the case that Mr Petroulias said anything to you, so far as you can recall, about what the effect of this document was?---No, he never.

Or why you needed to sign it?---No.

Or why Ms Dates needed to sign it?---No. I don't, I can't talk for Ms Dates.

20 Mr Green, I'll just show you, just to complete the record, MFI 60, which is an original of that document that's otherwise MFI 62, page 83. Do you see that? Open the plastic sleeve, if you would.---Yeah.

You recognise that as your original signature on MFI 60, do you not?  
---Yeah.

Thank you. That can be returned, thank you. So I take it as well, Mr Green, this application form was not tabled by you to the board of the Land Council, was it?---No.

30 And is this the effect of what you're saying, is you have no idea about what this document was intending to do?---No.

You're agreeing with me?---Yes, I'm agreeing with you.

And you know nothing of this Asia-Pacific Indigenous Consortium at all, is that the position?---Well, I've seen this, this, the top of the page a few times because it's, it's a bit of Aboriginal art.

40 THE COMMISSIONER: Just listen to the question. I'll have it put to you again.---Righto. Righto.

MR CHEN: So is this the position, Mr Green, that you know nothing of the Asia-Pacific Indigenous Consortium?---No.

You're agreeing with me? You do not know anything about it?---I'm agreeing. I do not know.

Now, Mr Green, would you have a look, please, at MFI 62, page 119. Now, do you see there that that's an application form by the Awabakal Local Aboriginal Land Council to the United Lands Councils Limited?---Yes, I do see that.

I'm not suggesting that you've signed this, but if you have a look, please, at page 120, you can see that that's been signed and I just ask you to accept that that's Ms Dates's signature. Do you see that on page 120?---Yeah, I, yeah.

10

If you go back, please, to page 119, have you ever seen this document before?---No, I haven't.

Did you know that it had been executed?---No.

Did you have any discussions with Ms Dates at all, at any time, about her signing an application form such as that?---No. I remember, can I just say something, I remember her talking to me about, about dance groups because, yeah, we're, I'm sort of involved in a lot of that stuff, and then fundraising and, but I, I - - -

20

THE COMMISSIONER: But you're not being asked about those matters. ---Yeah, I've never seen, never seen this.

MR CHEN: So just to be clear, Mr Green, this application form relates to the Land Council that you were a board member of, do you see that?---Yep.

Now, Mr Green, would you have a look please at MFI 62, page 156. Now, do you recognise on the screen a document described as a Certificate of Guarantee?---Certificate, yeah, yeah, yeah.

30

Now, at any time that you were a board member of the Awabakal Local Aboriginal Land Council, had you seen this document?---No.

Have you see it at all at any time?---No.

Do you know anything about a certificate of guarantee that has been prepared in relation to the Land Council and Gows Heat as a manager of the Asia-Pacific Indigenous Consortium, amongst others? Do you see that? ---Where it is at?

40

So do you see the word "from"?---Yeah.

And next to it you can see that it refers to Gows Heat as manager of a number of consortiums. Do you see that?---Yeah. I sort of, yeah.

Well, Mr Green, you've never seen this obviously, have you?---No.

And so far as you're aware, has there been any discussion at all, whilst you were a board member, of a certificate of guarantee being provided to the Land Council from Gows Heat in any capacity at all?---No.

Would you have a look, please, at MFI 62, page 476, and you'll see there is a document described as, on the front page, a performance underwriting deed. Do you see that on the screen, Mr Green?---Yeah. Which one is it? And Gows Heat, is it, Pty Ltd? Yeah. Down the bottom, is it?

10 No, you can see in the middle of the page it describes it as a performance underwriting deed. Do you see that?---Yeah, in the middle, yeah, yeah.

Yes. And you can see the parties at least involving Gows Heat and the Land Council?---Yeah, yeah, yeah.

And if you have a look, please, at the following pages of that document, we'll just perhaps work backwards from page 481, you can see that that has been signed there, which I will ask you to assume is by Ms Dates. Do you see that on the top right-hand side?---Yeah.

20

And you can see it's been signed, which I would ask you assume, by Mr Petroulias beneath it. Do you see that?---Yeah.

Now, if I take you back to page 477, and I'll take you through, I'll show you parts of this document. So 477. So this appears to be a document, a deed, an agreement that was dated and made on 15 December, 2014. Do you see that, Mr Green, see the date at the top of the page?---Yeah, I do.

30

Do you know anything about this deed having been made?---No.

Did you have any discussion with Ms Dates about this deed having been made?---No.

Was there any discussion at a board meeting, at any time that you were a board member, about this document, this performance underwriting deed? ---There could have been. I haven't been at every meeting.

40

Well, the ones that you attended in any event, Mr Green.---No, not that I can say.

Do you know anything at all about what this document related to, Mr Green?---No.

Now, Mr Green, would you have a look, please at MFI 62, page 196. Just pardon me for a moment, Mr Green, if you would. So you can see on the screen here is, Mr Green, a letter from Knightsbridge North Lawyers directed to the directors of the Land Council dated 28 November, 2014, and it otherwise, for the record, was Exhibit 43, page 1. But, Mr Green, do you

recognise this, exclude the handwriting other than the signature on it, you probably recall that I asked you and a number of other of the lawyers asked you questions about this on the last time you gave evidence?---(No Audible Reply)

Do you remember, Mr Green, me asking you some questions about this letter and the fee agreement of 28 November, 2014?---Ah, yeah, I, I do recall a bit, yeah.

10 All right. So I'll just ask you to have a look at page 196. You can see that there seems to be some handwriting on this document. Do you see it?  
---Yeah, Richard - - -

Is that your handwriting?---No.

Do you recognise any of the handwriting that's on it?---No.

Mr Green, were you ever given a copy of, perhaps I should just complete this and show you two other pages before I ask you. Have a look at 197 if  
20 you would, please, and you can see this is a document that was attached to it, described as Schedule 1, the Contemplated Instructions and Work Required. Do you see that?---Ah - - -

I'm just asking you to recognise it on the screen at the moment, Mr Green?  
---I can recognise it, yeah.

And if you have a look, please, at the next page, you'll see it ends at paragraph 12 and there's also handwriting on those pages. Do you see that?  
---Yeah.

30 Now, I just want to give you another fact before I ask you some questions, Mr Green, which I hope might assist you in your recollection. This is the document that referred to paying of legal fees of \$80,000 per month. Do you remember you being asked a lot of questions about this document and the potential for fees to be rendered of that size - - -?---Mmm.

- - - to the Land Council. Do you remember that broad subject on the last occasion?---Yeah, \$80,000 I remember, yeah.

40 All right. Well, let's go through this if you would. If you look at page 196, you've said you haven't recognised any of the handwriting at all?---No, I haven't.

Was this document as a whole with the handwriting on it provided to you at any time, Mr Green?---No.

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

THE COMMISSIONER: Was it ever presented at a board meeting at which you attended?---No, I don't think we would accept that with the handwriting like that.

MR CHEN: If you have a look, please, at page - - -

THE COMMISSIONER: Sorry, what was the answer to my question? Was this letter ever presented and/or discussed at a board meeting of the Awabakal Land Council at which you were in attendance?---Well, I don't  
10 say we'd sort of accept it with all the handwriting on it.

No, no, listen. Please focus on my question, otherwise I have to keep repeating the questions.---Mmm.

If you listen to the question you'll get the point of the question and then you'll know how to respond to it. All right. Will you do that for me?  
---Yeah.

All right. See the letter on the screen?---Yep.  
20

It's on the letterhead of Knightsbridge North Lawyers, dated 28 November, 2014. Do you see that?---Yeah.

Right. You'll see the letter has a subtitle, Acquisition Joint Venture and Maximisation of Realising the Value from Indigenous Lands in the Awabakal Influence and Beyond. Do you see that?---Yeah.

Was this letter ever presented and/or discussed at a board meeting at which you were in attendance, being a board meeting of the Awabakal Land  
30 Council?---No.

Right. Thank you.

MR CHEN: If you have a look, please, Mr Green, at page 197, do you recognise any of the handwriting on that document?---No.

Aside from your initials at the bottom right-hand side?---Yep.

You don't recognise any of the handwriting on it?---No.  
40

It's certainly not yours.---No.

If you have a look, please, at the next page, 198, do you recognise any of the handwriting shown on that page other than your initials down at the bottom right-hand side?---No.

Now, would you look, please, at page 199. And again, Mr Green, I've taken you through this and you've been asked questions about it by the various

lawyers in the room, but I just want you to look at the screen and you'll see that's a cost disclosure statement and client services agreement from the Land Council. It's page 199 of MFI 62. Do you see that?---Yeah.

And if you look at the next page, you can see there are various parts to the cost disclosure statement, and if you have a look, please, at page 203 of that agreement, you can see that there's clause 20 there and headed Instructions Through Your Agents. Do you see that?---Yeah.

10 And, Mr Green, you will recall you were asked some questions about the various people who were identified in that paragraph. Do you see that?  
---Yeah.

Including yourself. Do you see that?---Yeah.

Could you recognise any of the handwriting here on this document, Mr Green?---No.

20 Now, if you turn, please, to the next page, 204, you'll see that appears to complete that document itself. Do you see that? So that's the end of what appears to be the cost disclosure statement. Do you see that?---Yeah.

Were you ever presented with a cost disclosure statement at any time with that handwriting on it?---No.

Now have a look, please, at page 205. You can see this is the client service agreement. Do you see that?---Yeah.

30 And you can see your initials down the bottom right-hand side.---Yeah.

Is that handwriting that's going vertically up the middle of the page your handwriting?---No.

Do you know whose it is?---No.

Have you ever seen this document before with that handwriting on it?---No.

40 I'll just show you, to complete this, Mr Green, page 206. You can see this is where the client service agreement continues, and then to page 207. And to be clear, you haven't seen that document with that vertical handwriting up the middle of it before, is that the position?---That's, that's true. I never.

THE COMMISSIONER: Have you ever seen the client service agreement before?---No.

Was it ever presented and discussed at a board meeting at which you were in attendance?---No.

MR CHEN: Mr Green, would you look, please, now at page 279 of MFI 62. And you'll see that appears to be – and I want you to assume it is – an email to you, amongst others, dated 9 February, 2015. Now I'm just asking you whether you see it on the screen.---Yeah, I do.

And you can see it bears a date, 9 February, 2015, at 4.44pm.---Yeah.

And it's addressed to Richard Green with an email address, richard@gomeroicorp.com.au. Do you see that?---Yeah.

10

Is that your – I withdraw that. As at February 2015, was that your email address?---Probably was.

Why do you say probably?---Oh, a lot of emails got done by me, for me by Nick because I've got no idea how to do the emails.

Did you use, in the sense of sending and receiving communications through this email address, richard@gomeroicorp, Mr Green?---I probably received them, yeah, but I, I don't send any.

20

Right. And do you regularly receive emails through, and did you regularly receive emails through that address in February 2015?---I think, remember I seen a few of them but not many.

Would you access it regularly?---I don't access, back in them days, no, but now I, I don't.

Do you recognise this email, Mr Green, and having received it?---Oh, I can't remember.

30

What about if you read it? Do you recall receiving an email that broadly deals with heads of agreement for both Warners Bay land and surrounding lands?---No, I can't remember. I can't remember this.

You can see it purports to attach a number of documents to it, the email itself. You can see there's a word "attach" near where the cursor is on the screen and the first entry says, "30.1.15." Do you see that?---Yeah.

40

Do you know what that relates to, or these documents relate to?---No, no.

Are you able to say, Mr Green, why it would be that an email would be sent to what appears to be your personal address rather than, say, the CEO of the Land Council at the particular point in time or to the office of the Land Council at a particular point in time, being 9 February, 2015?---I've got no idea.

Pardon me?---I've got no idea. I've never seen it before or maybe I never even accessed it or - - -

THE COMMISSIONER: Well, had you, by February 2015, struck up a friendship with Mr Petroulias?---In February?

February of 2015.---I'm not sure of the date when we first met.

Well, at some stage did you start to form a friendship, relationship, with Mr Petroulias?---Oh, if you can call it a friendship.

10 When was that approximately?---Oh, maybe four years ago.

Well, what year are we talking about?---Maybe '14.

2014?---Something like that. I'm not sure.

And that developed into something of a business relationship as well as time went by, is that right?---No, I wouldn't say a business relationship and a, and a partnership, I wouldn't say that.

20 Well, what about United, wasn't that a business?---Well he, he set all that up, not, not me.

Yes, but you worked with him in relation to that venture, didn't you?---Oh, yes and no.

Well, the answer's yes, isn't it? It can't be both yes and no. It's yes, isn't it?---Yeah, but it all depends what you, what, what, you know, you say about working and a relationship.

30 Well, you performed work in his venture?---Yeah, I did, I did, I did perform work.

And you got paid for that?---Yes.

Right.---Yep.

When did that start, your work with him in his venture and when did you commence being paid?---I've got no idea when I first got paid.

40 MR CHEN: Pardon me, Commissioner. Now, Mr Green, would you have a look, please, at MFI 62, page 280, and do you see there that that appears to be – and I want you to assume is – an email to you at that same email address, dated 21 October, 2015, do you see that?---Where's the email address?

So just where the cursor is.---Yes, the yellow.

Yes, it's highlighted.---Yep, yep.

Do you recall – I withdraw that. Were you using this email address as at October 2015, Mr Green?---Not a hundred per cent sure.

What should the Commission understand that evidence to be? Was it open, the email address? That is, still active?---Yeah, probably, it probably was but I'm not, not a hundred per cent sure.

10 Well, did you use it and tell people that they could use it as a means to send you emails?---No, I didn't tell anyone to send me emails.

Did you access the emails that were sent to that address, Mr Green?---Oh, probably, I, I might have had a quick look.

Right. Well, do you remember receiving this email which has a rather large heading at the top, The Awabakal Aboriginal Land Council and Sunshine Property Investment Group. Can you see that?---Yeah.

20 Do you recall receiving that email, Mr Green, with that large heading? ---Oh, look, it was so long ago, I, I, I can't really say I remember it.

Well, it appears to be attaching, Mr Green, seven agreements. Do you see that beneath it? You can see attachments, seven attachments?---Yeah, I can see that.

30 And it appears to attach a number of documents, some of which perhaps in that form or in a later form you came to sign at the offices of the Land Council on 23 October, 2015. Now, having regard to that fact, Mr Green, do you recall receiving this email with all these agreements apparently attached to it?---No, I can't recall it, I can't recall it.

Are you denying receiving it or what's the position?---No, I'm not denying receiving it but I, I can't recall like seeing it.

It seems to be that these agreements have been sent by Knightsbridge North Lawyers, most likely I suspect Mr Petroulias, to your personal email address. Do you know why he would be doing that, Mr Green, why he would be sending it to your personal email address?---I have no idea.

40 Do you know, were you telling Mr Petroulias to make the contractual documents that related to the Sunshine transaction available to you personally as opposed to, say, the office of the Land Council?---No, I didn't say that.

Do you have any explanation as to why this may have been sent to you at your home email address or your private email address?---I have no idea.

THE COMMISSIONER: Well, how did you respond when you got this email?---Pardon?

How did you respond to this email with the seven attachments?---Well, I don't respond to emails because I can't do an email.

Well, did you print them out?---No.

Did you read them?---No.

10

What did you have an email system for then if you didn't use it for reading email correspondence and downloading anything sent by email?---Even now, Mr Commissioner - - -

No, no, no, stay with - - -?---No, no, no.

Stay with my question. Why as at 21 October, 2015, did you have an email system if you didn't read email correspondence coming through it with attachments?---Well, a lot of times I don't even bother.

20

No, but there must be an explanation.---No, there's no explanation. I don't even bother. People don't understand, you know, the way I am, the way, I don't even read email from my, my bosses now, I get my nephew to do all that stuff. He does all my paperwork.

Well, why did you open an email account in the first place back in February, or October I should say, 2015?---I never opened it 'cause I've got no idea how to open it. God Almighty.

30

So somebody opened it in your name for you, did they?---Yeah.

Who did that?---Well, I'd say Nick.

I see.---I've got no idea how to do stuff like that.

Now, on the email on the screen there after the attachments, you see the seven attachments set out there, it's partly obscured but it appears to say Richard, it may not be right but that's the way it appears to me, and then underneath that, "Latest version still crap!" See that?---Latest version but it's still crap. Well, what does, what does that mean?

40

Yes, that's what I'm just about to ask you. What does that mean?---I've got no idea.

Well, is that your response?---No.

MR CHEN: I think above it it has Richard, comma, Commissioner.

THE COMMISSIONER: Richard?

MR CHEN: I think above it it's been, there looks to be a hole punched through it, it appears to be Richard, comma, on the screen, so the word I assume is Richard which is obscured by the hole punch.

THE COMMISSIONER: Well, I'm trying to ascertain whether those words are part of a response to the email.

10 MR CHEN: I understand, Commissioner.

THE WITNESS: Is it a response?

MR CHEN: Well, that's what the Commissioner is asking you, Mr Green, I'm not - - -

THE WITNESS: Well, I, I, I've got no idea because I, like I said, Mr Commissioner, I don't respond to any email.

20 MR CHEN: Well, it may be suggested that in fact it's a communication to you saying, "Richard, latest version, still crap." Now, that doesn't assist you in whether or not you remember receiving at all or reading this email? ---No.

Did you ever have a discussion with Mr Petroulias about this time, about these contracts?---No.

You're sure of that?---Well, as far as I can remember, no.

30 It seems to suggest, if that's the background to this, that you may have had earlier versions of these documents. What would you say to that? Would that be true or - - -?---I can't recall.

Well, Mr Green, would you look, please, at page 281 of MFI 62, and you'll see there's another email apparently, which I ask you to assume is from Indigenous Lands, to a different email address, richard@indigenoulands.com. Do you see that?---Yeah.

40 Now, the other two emails were to an email address at Gomeroid Corp. You remember?---Yeah, the ones before, yeah.

Just by the way, was Gomeroid Corporation the entity that contracted with Whitehaven to supply the plant and equipment for their use at their mine? ---Gomeroid Corp? Yeah, probably was.

Now, just returning to MFI 62, page 281, the email of 18 December, 2015. Was that your email address in December 2015, namely

richard@indigenoulands.com?---Well, it probably was but I didn't address it. I didn't get it. I didn't set it up.

Did you know it was set up?---Well, I'd say, I'd say Nick set it up.

And it seems to be sending to you, by this email, a valuation of the post office and also referring to Gows 2 Heads of Agreement. Do you see that?  
---Yeah.

10 Do you know what that's about?---No.

Did you receive this email, Mr Green?---Might have. I may have but I, I can't remember, I don't remember reading it or anything like that.

But you have said, Mr Green, on earlier occasions when you've given evidence, the board at no point authorised or approved a transaction with Gows Heat. Isn't that right?---Yes, I did say that and I will still say that.

20 And so, but this document here seems to suggest that something else is going on and you're being advised of it, does it not?---I didn't read this here. I, I didn't have a look, because Gows, I only remember dealing with I think it was Sunshine, which was Huss, Omar and, and, and there was another company too called Dyldam that came and done presentations.

Now, Mr Green, would you have a look, please, at MFI 62, page 348. And you can see that this is a letter directed to the chairperson and the deputy chairperson nominated as Ms Dates and yourself, dated the 30<sup>th</sup> of January, 2015. Do you see that?---Yeah.

30 And we'll just scroll through, if we can, the balance of it, and you can see that it has been signed by – it says Mr Peterson or Mr Petroulias. Do you see that?---Yeah.

Now, if you return to the front page, which is page 348, do you recognise this letter, Mr Green?---No.

Do you recall at any time when you were a board member of the Land Council receiving this letter?---No.

40 Do you recall anybody perhaps handing you a letter dealing with the Asia-Pacific Indigenous Consortium or the Australia-Asia Indigenous Consortium?---I remember Nick had a, had some paperwork with the designs on it, but - - -

When you say the designs, do you mean the Aboriginal artwork that appears at the top?---Yeah.

But focussing a bit more upon the entities that are described, do you know anything about these Indigenous consortiums?---No, I don't

Were you ever a part of any of them?---No. No, I can't say I have been. These were all set up by, by Nick, all this stuff here. I, I didn't - - -

10 THE COMMISSIONER: Was there any occasion at a board meeting when you were present where an application was before the board and discussed concerning the Awabakal Aboriginal Land Council becoming a member of either of the consortiums named at the top of the page that you can see on the screen there?---No, not at a board meeting.

So you don't recall ever being at a board meeting where any such application was discussed by the Land Council to become a member of any, either Asia-Pacific Indigenous Consortium or the Australia-Asia Indigenous Consortium?---No, I don't remember that.

Never came before the board so far as you know?---As far as I know.

20 You never discussed it with any other directors of the board, this application, suggested application?---Not that I can remember.

MR CHEN: Thank you, Commissioner. Now, Mr Green, would you have a look, please, at MF1 58, page 70. Do you see on the screen in front of you is an email that, I asked you to assume, is from Indigenous Lands and it has you as a recipient. Do you see that, richard@indigenouslands.com and the email is dated 31 May, 2016?---Yep.

30 Do you recall receiving this email, Mr Green?---No.

Were you using or accessing this email account at this time?---Yeah, I think it might have been set up.

Were you using it and accessing it?---Yeah, I probably, oh, look, I don't remember seeing this document or this paperwork, whatever.

40 Well, I might try and assist you, Mr Green. This appears to be an email which I want you to assume was sent to that address and it refers to various draft Advantage agreements in connection with Land Council land, Mr Green. Do you recall receiving an email about that at around late May 2016?---I can't recall.

Well, I'm going to give you some other factors or facts, Mr Green, which I want you to assume, that might, I hope, trigger some recollection if you have any. On 2 June, 2016, the board resolved to substitute advantage for what is otherwise described in the minutes as the Solstice transaction and then on 7 June, 2016, Advantage met with the board and presented to the board, according to the minutes. Now, having regard to those two

additional facts, namely the resolution to substitute Advantage on 2 June and the meeting on 7 June, do you now recall whether you received this email?---No, I don't recall.

What about receiving, at any time, prior to those meetings, contracts involving this Advantage transaction over Land Council land?---No, I can't recall, I can't recall.

10 Now, Mr Green, you remember in principally July of last year, I asked you a lot of questions about a number of bank accounts.---Yep.

And there were a number of accounts that appear to be associated with you and the first one was United Land Councils Trustees Limited. Now, do you remember me asking you questions about that particular entity and the bank account that was opened with Macquarie?---I didn't know Macquarie.

20 All right. Well, I'm just going to assist you I hope in just reminding you about what you might have said about that and I'm going to ask you some questions about it.---Mmm.

This is transcript page 1767 and 1768. Mr Green, your evidence was to this effect to the Commissioner, namely you didn't know that this account had been opened in the name of United Land Councils Trustees Limited. Do you remember giving that evidence?---Yeah.

And that was true, presumably, was it, namely you didn't know about the bank account being opened?---Oh, yeah, no, I didn't know.

30 Right. And I also asked you some questions about a company which you were a director of called Best Industrial Sales. Do you remember?---Yes.

And also there was a bank account for Best Industrial Sales.---Yes.

That entity also had a bank account with Macquarie Bank. Do you remember me asking you questions about that and showing documents about that account?---Sort of.

40 All right. Well, I might just assist you if I can and tell you and summarise what your evidence was. But you said, and this is at page 1664 all the way to 1666 of the transcript, that although you knew of Best Industrial Sales you didn't have any association with it and didn't work for it. Do you remember saying that?---Yeah.

And that was true presumably?---Yes, far as I know, yeah.

And you signed a form at Mr Petroulias's request appointing you to the positions of at least director of that company. Do you remember saying or giving that evidence?---Yeah.

But you did not know of the account or use it, was the effect of your evidence. Do you remember giving that evidence, Mr Green?---Well, I knew there was an account but I didn't know - - -

But you didn't use it, as I understood your position.---No, never ever used any bank account.

10 And similarly for Best Pay Custodial, it too had an account with Macquarie Bank and I suggested to you that you either opened it or allowed Mr Petroulias to open it with your assistance, and this is at pages 1687 and 1673 - - -

THE COMMISSIONER: Sorry, 1687?

MR CHEN: And 1673 and in between that obviously, Commissioner, there's a lot in it, but the thrust of it was, Mr Green, that you didn't recall opening that account and you denied using it.---Yeah.

20 Do you remember broadly giving that evidence?---Yeah.

And that's true, I take it, is it?---Yeah.

Now, there was another account you remember in the name of United Lands Councils, as opposed to United Land Councils Trustees. Do you remember me asking you questions about that account?---Yeah.

30 And your evidence, and this is at 1766 and 1767 of the transcript, was in effect that you knew nothing of the account and didn't operate it and didn't know of it being opened in our about 7 December, 2015. Do you remember giving evidence broadly to that effect, Mr Green?---Well, probably do, but the only bank I've ever been into was Bankwest.

Well, this, indeed all of these accounts that I've taken you to are Macquarie Bank accounts. Do you understand that?---No, I don't understand it.

40 Well, what I'm putting to you is these accounts were all opened in the names of the entities I've just taken to you with a bank called Macquarie Bank.---Oh yeah.

Well, I'll just take you through your evidence and I'll put some propositions to you, Mr Green, shortly, and I hope I'll bring it together and if you don't understand, you please let me know. All right.---Okay.

All right. You also, can I suggest, opened a Macquarie Bank account, or I suggested to you on the last occasion, in your own name, that is to say Richard Green, and this is at transcript 1694 all the way to 1697. And the effect of your evidence was you didn't know that, you've never seen the

statements and you had no idea about the account or who was using it. Now, do you remember giving evidence broadly to that effect, Mr Green?  
---Yeah, I think, I think.

And that was true, I take it, was it?---Oh, look, I, I'm confused.

10 All right. I'll try and help you, if I can. I'm sorry if I've confused you, Mr Green. What I've endeavoured to take you through is that there were five particular accounts and I'll go through them again.---You don't have to go through them again.

They're all opened by a bank or accounts held by a bank called Macquarie Bank. Do you understand that? That's what I'm putting to you. These are all accounts that were opened with your, at least on the paperwork, with some involvement but you. Now, I appreciate you've disputed that but I just wanted you to understand where I'm coming from. Do you understand?---Yeah.

20 So the five accounts were United Land Councils Trustees Limited, that was one, the second was Best Industrial Sales, the third was Best Pay Custodial, the fourth was United Land Councils and the fifth was Richard Green. So they're five accounts all opened by Macquarie, all right?---Ah hmm.

Now, Mr Green, did you know that Macquarie Bank, in late 2018, had taken steps to close those accounts?---No, I didn't, no.

30 Did you, Mr Green, take steps to communicate with Macquarie Bank in relation to the closure of any of those five accounts?---No. I, I, I remember ringing up Bankwest at Burwood.

All right. Just leave Bankwest out for the moment. I'm just asking you about Macquarie Bank and any communications you may have had with them in the latter part of 2018. Do you understand?---Yeah.

Did you make any complaint to anybody about Macquarie Bank closing those five accounts?---Not that I can recall.

40 Did you make a request to Macquarie Bank or authorised somebody to make a request to Macquarie Bank for moneys to come from those accounts to be paid to Knightsbridge North Lawyers?---No.

Are you sure of that?---Yeah, I'd say I'm pretty sure, yeah.

Commissioner, is that an appropriate time?

THE COMMISSIONER: Yes, it is. Very good. Mr Green, we're going to take a morning tea break, we'll resume at about quarter to 12.00, all right?  
---All right.

Thank you. Yes, we'll adjourn.

**SHORT ADJOURNMENT**

**[11.28am]**

10 THE COMMISSIONER: Thank you, Mr Dates, sorry, Mr Green. Thanks, Mr Green. Just take a seat there when you're ready. Yes.

MR CHEN: Thank you. Mr Green, I'm going to ask you look at a bundle of documents which is Exhibit 111, and Commissioner, just to explain to the witness and to those behind me, this is the bundle of material that was produced late last year in about September of 2018 from the K&L Gates file, that is after Mr Green gave evidence.

THE COMMISSIONER: Ah hmm.

20 MR CHEN: And there are a number of original documents. It's held together by a bulldog clip and we have added, only for the convenience of enabling Mr Green to quickly deal with these questions, four tags which will be removed in due course. But just to identify the provenance of all of that.

THE COMMISSIONER: Thank you.

MR CHEN: Now, Mr Green, what's been put in front of you is Exhibit 111, and you'll recognise just from the front of that - - -

30 THE COMMISSIONER: Don't take the bull clip off, will you.---No.

MR CHEN: Now, Mr Green, you'll recognise that that bundle of documents which is held together by a bulldog clip has four orange tags. Do you see that on the side?---Yeah.

Now, just if you look at the first page, would you agree that that's the coversheet and thereafter is the contract for the sale for lot 3/79 Clarence Road, Waratah West? So the front page of Exhibit 111, Mr Green.---Yeah.

40 And do you recognise your original signature on that contract?---Yes, I do.

Now, if you turn, please, to the first orange tag, you'll recognise there the contract for the property known as 110 Bayview Street, Warners Bay. Do you see that?---Yeah.

Pardon me?---Yes.

And you can see behind it is the contract itself, can you not?---Yeah, I can see that, but I, I, yeah.

But do you recognise on the coversheet of that proposed contract for sale your signature, original signature that is?---Yep.

Now, if you go to the next orange tag, Mr Green, if you would, and that should be the contract for the property known as 295 Hillsborough Road, Warners Bay.---Ah, what was it, 2 - - -

295 Hillsborough Road, Warners Bay.---Yes.

10

And you can see what appears to be behind it is the balance of that contract? ---Yes.

And just returning to where the orange tag is, the coversheet of the contract, that's your original signature that appears there, is it not?---Yes.

And would you turn to the next tag, please, Mr Green, and you can see that that relates to the property known as 291 Hillsborough Road, Warners Bay. ---Yes.

20

And you can see after that coversheet what appears to be the balance of the contract for that property?---When you're saying balance, what do you mean by balance?

The remainder of it. The rest of the agreement.---Oh, rightio.

The proposed agreement.---Yeah.

30 If you return to the coversheet you can see that your original signature appears there, does it not?---Yes.

And the final tag, Mr Green, relates to the property known as 14 Vermont Place, Warners Bay. Do you see that?---Yes.

And your original signature appears there, does it not?---Yes.

And behind that is what appears to be the remainder of the contract for that property?---Yes.

40 Now, Mr Green, these were all contracts that you signed on 23 October, 2015, when you met with Mr Zong, Mr Petroulias, Mr Say and Ms Dates at the Land Council offices. Isn't that right?---Well, it must be right if it's here.

Thank you. That could be returned. Commissioner, for reasons which are probably fairly lain at my feet, there are a number of original documents that I do not presently have access to that I need to show to Mr Green simply to identify his original signature. They were also documents that were produced late last year after Mr Green had given evidence. They are respectively documents that have been marked MFI 43 to 52, and they relate to various contracts, et cetera. Commissioner, rather than delay, that would complete my further examination of the witness. Could I have your leave,  
10 Commissioner, to return to those documents after the completion or partial completion of cross-examination by others?

THE COMMISSIONER: Yes, that's quite in order.

MR CHEN: But otherwise, thank you, Commissioner.

THE COMMISSIONER: Yes, thank you. Yes, now any application to examine Mr Green? Mr Petroulias?

20 MR PETROULIAS: Yes.

THE COMMISSIONER: Do you want to ask the witness any questions?

MR PETROULIAS: Heaps, many, Your Honour. Sorry, if I can just get my thoughts together. Mr Green, just on this matter of police and the suggestion that you had anything to do with counterfeit money. That's completely wrong, completely false, and I'm going to get the, the police interview record and give it to your barrister just so you're clear that it's just nonsense.---It was nonsense.  
30

Now, that I said anything to anyone that you're involved with counterfeit money is ridiculous?---Well, why was it even mentioned?

Because that is what is written in a police statement that's cobbled together two different subjects.

THE COMMISSIONER: All right, let's move on,

40 MR PETROULIAS: Anyway, so it's absolutely not true. Okay, now, the last time when we faced each other in the, in a public hearing, and if you remember, August, was it, you said I'm a fraudster and you're going to punch my lights out, isn't that correct?---Yes.

Okay. Now, so therefore it's fair to say you, you're not a weak man and you can stand up to me and you can, and you can say, for example, in a recorded interview, "I do not agree with that," or, "That's not true," for example?

MR CHEN: I object to the form of that.

THE COMMISSIONER: Yes. Too broad. What context are we talking about.

MR PETROULIAS: Well, okay, we'll be very specific. In the - - -

10 THE COMMISSIONER: No, Mr Petroulias. I'm not going to allow this line of questioning to continue for any length of time but you can ask him a few more questions and we'll just see where this is leading.

MR PETROULIAS: Okay. Mr Chen mentioned the, yesterday, the recorded interview. Now, I'm saying in a recorded interview like that where I'm interviewing you when you came to the house, I, you could, at any point in time say, "I don't agree," or, "It's not true"?

20 MR CHEN: Commissioner, I object for the reasons which I gather Mr Lonergan advanced against potentially where I was going, but the point is, I've asked about the general subject matter and this is potentially going straight into the subject matter of what went on and what did go on, perhaps not by that question but that which may follow.

MR PETROULIAS: No, I'm not going to go too much into it.

30 THE COMMISSIONER: Well, Mr Petroulias, the records of interview, subject to my ruling, are not to be admitted in this public inquiry as you know, so the content of the records of interview are not in evidence and will not be in evidence.

MR PETROULIAS: Don't even want, not suggesting - - -

THE COMMISSIONER: No. And therefore, that's off limits for you to cross-examine this witness about what happened in the course of that interview because it's no longer in play or relevant.

MR PETROULIAS: It was said that I, that I pushed a version of events. All I'm asking him to do is say if he, if he disagreed, he could.

40 THE COMMISSIONER: It's clear that he agreed to do the interview.

MR PETROULIAS: No, if he disagreed with - - -

THE COMMISSIONER: No, it is clear. I mean, you said did he consent to participate and he indicated he did consent, yes, so - - -

MR PETROULIAS: No, I'm saying something very different. If something was suggested to him that wasn't true, he's capable of saying it's not true.

THE COMMISSIONER: We're not concerned with the record of interview, Mr Petroulias.

MR PETROULIAS: The simple proposition that if he - - -

THE COMMISSIONER: Mr Petroulias.

MR PETROULIAS: Okay, you don't want me to, that's fine.

10

THE COMMISSIONER: The record of interview was obtained in improper circumstances, my reasons will be available in due course. This was something you initiated which ought not to have been initiated. I am not going to permit you to deal with that improper process in any way at all. Next question.

MR PETROULIAS: Okay. If I gave you a document that you say I hid from you or didn't give you the opportunity to read, for example, you could say, for example, "I'm not happy to sign that"?--Well, it was never explained to me.

20

But you could refuse to sign it.--Yeah, I could have refused to sign it.

Okay. Now, Mr Chen took you to the board minutes of 8 April, where Gows and IBU were discussed in the first sentence. Now, the boards of the Land Council are not hidden from you. I'm not preventing you from reading them.

MR CHEN: I think, Commissioner – I'll let Mr Lonergan go first.

30

MR PETROULIAS: If you want to read them, you can read them.

MR LONERGAN: Sorry, Commissioner, I object on - - -

THE COMMISSIONER: Yes.

MR LONERGAN: - - - the basis that if, there's clearly a factual dispute as to the exact minutes, which are legitimately real and which ones are not, and Mr Petroulias is putting a question to Mr Green in relation to the board minutes, being the IBU and Gows Heat ones, as if they were the correct and true ones. So if Mr Petroulias wishes to ask questions about it, may they be brought up and Mr Petroulias may ask, establish whether Mr Green sees them as the true minutes before he then proceeds to the second leg of his question.

40

THE COMMISSIONER: Well, Mr Petroulias, I think if you're going to ask him as to whether he had access to Land Council minutes, you should identify what minutes you're talking about. There's a need for some

specificity here. Firstly, we need to identify which minutes you contend he could have seen or did see, and then there's the other question that Mr Lonergan has just addressed also may arise.

MR PETROULIAS: I was very specific. I said the minutes that Mr Chen took him to yesterday.

THE COMMISSIONER: No, no.

10 MR CHEN: Yes, well, to be clear I think, so Mr Petroulias understands this, Mr Lonergan is quite right. There is a live contest about what occurred at that meeting and what was transcribed and by whom, and of course they're issues in due course that will need to be resolved. So I support what Mr Lonergan has said. But I took Mr Green to those minutes merely as a matter of chronology to identify the point in time and roughly, generally the subject matter. I didn't take him to any of it, that is to say, I didn't ask him about the content in any specific or particular way. Mr Green did mention something about what he observed by looking at them, but I didn't take him to them in the way in which Mr Petroulias seems to be suggesting that I did,  
20 and I'd just ask him to approach it - - -

THE COMMISSIONER: That wouldn't preclude Mr Petroulias, though, from still putting something to the witness based on what were true records of the meeting of a board at a certain point.

MR CHEN: I accept that fully. Or indeed if he wants to put a competing version, to put that as well. But - - -

30 THE COMMISSIONER: But what I think is necessary is that if he's going to rely upon this line of questioning, he should be able to and must indicate which minutes he's talking about, and then we can deal with the question Mr Lonergan has raised at some point in time.

MR CHEN: Yes, Commissioner.

THE COMMISSIONER: Yes, all right. Now, you understand I think what I've said, Mr Petroulias.

MR PETROULIAS: Yes.

40 THE COMMISSIONER: I think you need, you know, you need to do some homework - - -

MR PETROULIAS: No.

THE COMMISSIONER: - - - to be able to be able to be specific, but that's I'm afraid required - - -

MR PETROULIAS: Not where I'm going.

THE COMMISSIONER: - - - because we're not dealing with generalities in this matter, particularly when it comes to individual transactions.

MR PETROULIAS: Yeah. I'm not going there. Mr Green, at, until, since, from the moment, up to the moment you left the Land Council, were you ever prohibited by me or stopped or blocked or prevented from accessing the minutes and reading them?---No.

10

Good. Now, you did raise a challenge to the fact that your signature may not have been on certain documents. Now, you've seen a number of originals. I say that every document - - -

THE COMMISSIONER: No, Mr Petroulias, it's not for you to make statements as to what you say.

MR PETROULIAS: No.

20 THE COMMISSIONER: You're there to ask a question. Now, just - - -

MR PETROULIAS: Okay. Has - - -

THE COMMISSIONER: - - - formulate precisely a question in terms that the witness is able to answer – or understand, firstly, and then answer.

MR PETROULIAS: Have you or your counsel sought to check the Knightsbridge files to see whether or not they contain your original signatures?---Not that I know of.

30

So you really have no basis to doubt - - -

THE COMMISSIONER: I reject that question.

MR PETROULIAS: So on what basis do you doubt your signature's not there if you haven't checked?

THE COMMISSIONER: I reject that question.

40 MR PETROULIAS: Okay. Let's see where we do agree. We agree, don't we, that neither of us were involved in any way with you being financially induced in, in your, in the exercise of your duties for Awabakal?

THE COMMISSIONER: I reject the question in that form.

MR PETROULIAS: Why?

THE COMMISSIONER: Well, I'm not here to advise you, Mr Petroulias.

MR PETROULIAS: Okay. Do you agree, do you agree that I have never financially or otherwise induced you to, to sign a document - - -

THE COMMISSIONER: Mr Petroulias, I reject the question in those terms. You can't just deal with these matters in a generality in one question. Now, if there's particular payments that were made, they can be dealt with. If there is no evidence of any payment of moneys, then of course you'll be referring to that in submission in due course.

10

MR PETROULIAS: Did I offer you any money at any time relating to your duties in Awabakal?

THE COMMISSIONER: No, I reject that question.

THE WITNESS: No.

THE COMMISSIONER: Strike the answer out.

20 MR PETROULIAS: Why is that not right?

THE COMMISSIONER: Because it's so general.

MR PETROULIAS: Okay.

THE COMMISSIONER: And you don't specify what duties you're talking about, are you talking about United Land Council?

30

MR PETROULIAS: No, I'm talking about Awabakal Land Council transactions.

THE COMMISSIONER: Well, you see, you didn't say what you were talking about.

MR PETROULIAS: Well, can I, can I say - - -

40

THE COMMISSIONER: Now, Mr Petroulias, we're going to have a series of interruptions of this kind and objections unless you settle down and formulate precise questions and not just dealing in generalities. Now, you know - - -

MR PETROULIAS: Commissioner - - -

THE COMMISSIONER: - - - if there are facts that you want to put this witness or test this witness on, identify what facts you want to do that.

MR PETROULIAS: There are many.

THE COMMISSIONER: Yes, well - - -

MR PETROULIAS: I'm struggling to gather thoughts. I'm really losing it.

THE COMMISSIONER: Yes, okay. Well, take your time. I'm just trying to - - -

MR PETROULIAS: Please help me.

10 THE COMMISSIONER: I'm trying to assist you so that I don't have to keep interrupting you or counsel doesn't have to interject and object, but they do have to object if the questions you put are not in proper form - - -

MR PETROULIAS: Okay.

THE COMMISSIONER: - - - or they're not proper and valid questions to put.

20 MR PETROULIAS: Did you sign any Gows agreement under an inducement or an offer by me?

THE COMMISSIONER: No, no, I reject the question in that form - - -

MR PETROULIAS: I thought it was specific.

THE COMMISSIONER: - - - for the same reason that I've - if you want to take him to a particular transaction, take him to it.

30 MR PETROULIAS: He, what, with each agreement?

THE COMMISSIONER: Well, whatever you want to do.

MR PETROULIAS: I want to take - - -

THE COMMISSIONER: If you want to challenge him about any particular agreement that he signed and that he - - -

40 MR PETROULIAS: Okay. I want to challenge him about the land transactions and say that they have nothing to do - - -

THE COMMISSIONER: Yes, well, you go to - - -

MR PETROULIAS: The land transactions under investigation.

THE COMMISSIONER: The land transactions, Mr Petroulias, you know because you were the draftsman, there are many. Now, which ones are you talking about?

MR PETROULIAS: I want to say that none of them, that at no time did he act under my influence or inducement.

THE COMMISSIONER: I know what you're trying to say, but - - -

MR PETROULIAS: Is there anything wrong with it?

THE COMMISSIONER: - - - there's a way of going about it.

10 MR PETROULIAS: Have I ever offered you inducement to do anything?

THE COMMISSIONER: No, I reject the question.

MR PETROULIAS: Okay. Are you familiar with the, the Gows agreement that you've been shown in these proceedings?

THE COMMISSIONER: I reject the question. What Gows agreement?

20 MR PETROULIAS: Well, we know there's two, Commissioner.

THE COMMISSIONER: That's right. That's why I said which one.

MR PETROULIAS: Either of them.

MR LONERGAN: Commissioner, if Mr Petroulias wants to ask questions in relation - - -

THE COMMISSIONER: Sorry, I'm having a little trouble hearing you.

30 MR LONERGAN: Sorry, apologies, Commissioner.

THE COMMISSIONER: Mr Lonergan, if it's easier to sit down to access and use the microphone, feel free to do that. I know it's a bit difficult sometimes.

MR LONERGAN: It's all right, it's the disadvantage of being over five foot one I think in these proceedings.

40 THE COMMISSIONER: Yes.

MR LONERGAN: Sorry, Commissioner. If Mr Petroulias wishes to ask questions in relation to a specific Gows agreement, I'm happy to provide the reference number for the agreement or Counsel Assisting if they're able to provide the specific page number for the agreements so that Mr Petroulias can ask questions about the specific agreements.

THE COMMISSIONER: All right. Well, thank you for that. Mr Petroulias, you heard that. And indeed if there's any other document you

want assistance in locating, you only have to request and Counsel Assisting and those instructing Counsel Assisting will do their best to help you find a reference.

MR PETROULIAS: Can we have a reference for these agreements so we don't have this trouble?

THE COMMISSIONER: We probably do have a reference sheet and if you need assistance - - -

10

MR PETROULIAS: Can I have it, please?

THE COMMISSIONER: - - - you should just indicate that and you will get it.

MR PETROULIAS: Thank you. I would like that, thank you very much. Can I, can I put the proposition to him that, that - - -

THE COMMISSIONER: Just formulate a question. You see, Mr  
20 Petroulias, you're putting questions like, "Did I offer any inducement," and so on. You had a long association and relationship with the witness and a question like that has got to be considered in terms of what inducement may or may not exist. The fact of your relationship, it might be said, and I've got no view about it, but it might be said to be itself an inducement or it could be in the circumstance where somebody has a relationship or establishes a relationship deliberately with another person to achieve an objective, that the relationship itself becomes an inducement, that the person will do anything they're asked. I hasten to add, I'm not suggesting that is the case  
30 here, I'm trying to assist you in understanding why these questions pose difficulties for you. So if you want to be specific about it then try and formulate the questions to indicate what you're saying. I mean, if you're saying, for example, "Did I pay you to sign that document?" well that's a different question, that's specific, but it doesn't mean that the relationship or some other benefits arising out of the relationship could not also be said to be some form of inducement. Not that I'm suggesting necessarily that that might be the case here, but I'm just trying to get you to understand why these questions are being objected to.

MR PETROULIAS: Can I ask him what you just said?  
40

THE COMMISSIONER: Well, you proceed, formulate a question.

MR PETROULIAS: Did I induce you into forming a relationship with me?

THE COMMISSIONER: I object to that.

MR PETROULIAS: Well, I'm answering - - -

THE COMMISSIONER: I object to that question.

MR PETROULIAS: Sorry, I am struggling with this, Commissioner, I do not understand.

THE COMMISSIONER: Well, move on to another topic and perhaps come back to this one.

10 MR PETROULIAS: Have we got, have we got the sheet or are we waiting for it or - - -

MR CHEN: Commissioner, we don't, as it were, have a typed sheet for Mr Petroulias. We have our own notes and own records but we will – we're reasonably familiar with the documents. If he can identify them in a timely way and we'll do our best to bring up - - -

MR PETROULIAS: Okay. Gows 1, Gows 2, Solstice and Zong.

20 MR CHEN: We'll be able to bring them up pretty promptly, Commissioner, and if he provides us with a note over the luncheon adjournment about what documents he wants to take us to, we'll make sure that it moves.

MR PETROULIAS: The documents that are referred to in the terms of reference.

30 THE COMMISSIONER: Mr Petroulias, I think this question was raised yesterday. If you want something, give advance notice to the Commission officers here, so they've got a chance to get them in a timely manner and make them available to you. I suggest, if you're struggling here because you haven't identified or you don't have the means of identifying particular documents to assist you with your questioning, I suggest you leave that for the moment, do what Counsel Assisting has suggested, provide a list of any documents that you do want to be made available to the witness and meantime press on with something else.

40 MR PETROULIAS: Since the public hearing, where you, the, our last meeting, you, you did approach me and wanted me to manage your business, be CEO and help you get contracts and financing for more equipment?---That's true.

Unfortunately, it didn't last more than a couple of weeks because I couldn't really help.---That's right.

And you did assign all the leftover bank accounts and issues of, interests of those companies to me, didn't you?---No.

MR LONERGAN: Commissioner - - -

MR PETROULIAS: Macquarie Bank accounts, Best Industrial were all these companies that you were once associated with that you were asked about, you did assign all those interests to me, didn't you?

THE COMMISSIONER: Just before you answer, yes, Mr Loneragan?

MR LONERGAN: Commissioner, if Mr Petroulias is going to ask questions of this nature, which he may be entitled to do - - -

10 THE COMMISSIONER: Sorry, I couldn't hear you.

MR LONERGAN: If he's going to be asking questions of this nature, which he may be entitled to do, I don't object to that, but I do ask that if he is going to refer to assignments, et cetera, that would import that there are documents in relation to that, that they be put to the witness.

20 THE COMMISSIONER: Well, I think given the area that he's now in, I think I'll allow the question, Mr Loneragan. If there's any problems arising out of it, I'll hear from you as to whether or not that places you in a difficulty and possibly the evidence could be struck out if you can establish that it does.

MR LONERGAN: Please the Commission.

THE COMMISSIONER: All right. Do you recall the question?---Yep.

30 MR PETROULIAS: And the answer is yes.---The answer is I rang up Bankwest and I closed that account down and I said I don't want nothing to do with anything anymore, and I told you to take me off the, off being a director of any company because I didn't want to have anything to do with it anymore. I may have said cancel bank accounts. I may have said that. I can't really recall it. You and I, you and I, we've had some arguments about it. Started off good and then we get, probably start threatening. But as for the bank accounts, I, I, I didn't access them, I didn't not do anything with anything, so there was no need for me to be, be doing anything anymore.

40 THE COMMISSIONER: When approximately did you have these discussions about the bank accounts, et cetera, being closed? Just approximately, you don't have to - - -?---Oh, look, I can't remember what date, but there was a date when I did, when I did ring up the bank.

How long ago are we talking about, approximately?---Oh, a couple of years ago, maybe. Not sure.

MR PETROULIAS: No, I'm talking about since the public hearing, recently, and specifically October/November this year when you had appointed me to do, manage your affairs and various other things, that you

specifically assigned the bank accounts to me.---October/November last year.

This year. Yeah, last year.---Last year - - -

After the public hearing.---Well, I don't know if I said take out, anything about bank, bank accounts. I just said, look, I don't want nothing to do with anything.

10 So do you deny that you signed it or you simply can't remember?---Well, I can't remember but I, I, you know, I can't say anything about bank accounts.

Okay.---Because when I say I don't want anything to do with anything, that means I'm walking away and that's it.

Okay. Now, you did mention that at the, at the last public hearing your mind was clouded by another matter and you think clearer now, is that correct?---Well, it's still happening.

20

Yes. Now, that matter I know about, don't I?---Yes, you do.

And you came for assistance to me on that matter.---Yes, I did.

And I referred you to a specialist.---Yes.

Okay. And then there was the, also the NSWALC problem, can we call it. ---Yes, which I didn't create.

30 Well, hold on.---Yeah, anyway.

And you appointed Despina to be the solicitor to handle that.---Yes, I did.

And she has engaged counsel on your behalf.---Yes.

Okay.---And I'll tell you the reason behind that, because - - -

THE COMMISSIONER: Don't worry about that.

40 MR PETROULIAS: That's okay.---No.

All right. So leading to the public hearing in May, can I suggest to you that about a couple of weeks before the public hearing in May you were in Sydney and staying at, staying at a hotel here, and you were going to meet Mr Lonergan on a Friday, this was a Thursday, and I met you in the street and suggested, it was about lunchtime, and I suggested we have lunch.

THE COMMISSIONER: Is this May last year or this year?

MR PETROULIAS: May last year, after the hearing (not transcribable) yeah. Yeah, May last year, that's right, before the public hearing.

THE COMMISSIONER: Do you recall that?---Oh, not really.

MR PETROULIAS: And, and I suggest, and we walked up Castlereagh Street and met Peter, Peter and Rose.---Yeah, I remember Peter, Rose, yeah.

10 Yeah. We then took a train to Strathfield together.---Yes, yes.

We met Ms Bakis and had lunch at a Vietnamese restaurant near Strathfield Station.---Yes.

And you wanted to, and you wanted me to help you find someone who could provide you some equipment that you needed. I made some phone calls and the arrangement was that you were going to go see Mr, Mr Lonergan that Thursday afternoon and then I would take you to a yard, where you could select the equipment.---That's true.

20

Okay. But never heard from you.---You never heard from me?

That, that evening you went to see Mr Lonergan. Rang you in the evening to say, "Where are you? Let's go to this meeting." You wouldn't return calls. You went silent. You wouldn't answer the call the next day or, or for any other, for the next future until the, until I next met you in the public hearing.---Yeah, you're probably right.

30 And on the morning of the public hearing I get a phone call from Greg Griffiths.---Mmm.

He said to me - - -

MR CHEN: I object, Commissioner.

THE COMMISSIONER: Yes. How would he know that?

MR PETROULIAS: Did you ask Mr Griffiths to say - - -

40 MR CHEN: I object, Commissioner. I mean the form of it itself is impermissible.

MR PETROULIAS: Can I put it to you that you told Mr, Mr Griffiths to pass on a message to me that ICAC is after me.---I didn't actually say them words, I said that I couldn't talk to you.

Okay. That morning you arrived in a taxi in Castlereagh Street.

THE COMMISSIONER: Mr Petroulias, this is all very interesting but - - -

MR PETROULIAS: No, no, I would have thought - - -

THE COMMISSIONER: - - - what does it go to?

MR PETROULIAS: It goes to, it, it goes to the evidence that he gave, which he said he was under a cloud.

10 THE COMMISSIONER: All right. We'll just show how, what direction this is taking.

MR PETROULIAS: Okay.

THE COMMISSIONER: But you continue for a little while anyway.

MR PETROULIAS: Okay. You came in a taxi in Elizabeth Street and Ms, and you met Ms Dates who was smoking at the front. Is that correct?---I think so.

20

And you told her, I put it to you, "Fuck it, I'm going to play dumb."---No, I never ever said that.

Okay.---Never ever said that. That is a lie.

Okay. So - - -?---Am I acting dumb in this inquiry? No.

30 Okay. Right. Now, let's, okay. Can I take the witness to volume 17, page 90. Do you remember that on 15 August, 2016, you, Hussein, Michael Anderson and I gave evidence to the Upper House Standing Committee on Crown Lands?---Yes, I do remember going to Parliament House, yep.

Do you remember giving the evidence before a Commission, before a committee?---I don't really know what was said back then.

Well, would you like to flick through? Could the witness be shown to, shown some pages to see if he can remind himself?

40 THE COMMISSIONER: Well, is there something particular you want to - - -

MR PETROULIAS: Yeah, and I just want to just - - -

THE COMMISSIONER: - - - look at?

MR PETROULIAS: Just familiarise himself with it.

THE COMMISSIONER: Well, it's going to take him a while to read through all of this.

MR PETROULIAS: Well, at least the front - - -

THE COMMISSIONER: Can you assist him with some particular part of it that's relevant?

10 MR PETROULIAS: Okay. Do you remember that we were advocating that 32,000 outstanding land claims that will take 100 years to clear is, is not right and, and something should be done about it?---Well, I've been talking about that for 45 years.

Okay. Didn't we advocate that the situation was urgent because doing nothing means another generation of Aboriginal children living in poverty? ---That's true.

20 Did you agree that, that we were, the ULC collective is good for all, for all member associations?---Yes.

And, and that Awabakal, and it was discussed as a showcase to show other land councils how, how we, what we could achieve?---Yes.

MR LONERGAN: Commissioner, just I object on that basis that it's not clear from Mr Petroulias questions whether this is what is being discussed - - -

THE COMMISSIONER: Not clear?

30 MR LONERGAN: Whether it's being discussed in the committee meeting or whatever the standing committee is or - - -

THE COMMISSIONER: Yes. We might clarify that.

MR PETROULIAS: Quite. Let's be a little bit more specific. That we didn't, we were waiting around for some time before getting, getting on to give the evidence. Do you agree with that?

40 THE COMMISSIONER: Well - - -

MR PETROULIAS: Outside the committee room and the four of us were talking about what we wanted to achieve at that meeting.---Oh, I talk to a lot of people about this. Anyway, I can't remember it.

Okay.---Yeah, it might have happened but I can't, can't remember.

Now, you, you believe, don't you, that you have skills to offer the community, given that you are successfully managing employment and business contracts for all the Gamilaroi traditional owners?---Oh, yes.

That includes barristers and solicitors and negotiating with mining companies?---Yeah, with my mouth, yeah.

Yeah. And Greg Griffiths, for example, helped you with the coordination of, of the Gamilaroi people and their work.---Yes, he does.

10

And as part of Able Consulting, he was supposed to be managing employment and works contracts, tree lopping, demolition works, removal, et cetera.

MR CHEN: I object, Commissioner. I mean, I, he hasn't established any fact or matter relating to Able Consulting through this witness at all. In fact, his evidence on the last occasion was quite confined.

20

THE COMMISSIONER: Well, it wouldn't prevent him from raising a matter concerning their company if it was germane to the issues here, though.

MR CHEN: No, I don't disagree but at the moment the witness has given some evidence on the last occasion about that entity, and Mr Petroulias is proceeding upon an assumption about a connection between those two and what they were doing, that's all.

30

MR PETROULIAS: Do you understand Mr Griffiths to be, to be the director of Able Consulting and with the view of providing, managing contracts for employment and service?---Yes.

And can the witness be shown Bakis volume C, page 410. No, volume C 410 – that's it. Do you recognise that this was the start of Able being owned for a consulting, a trust for Aboriginal, majority-owned Aboriginal companies?

MR CHEN: It's the same point, Commissioner. I just object.

40

THE COMMISSIONER: Mr Petroulias, really - - -

MR PETROULIAS: Really?

THE COMMISSIONER: - - - there are a lot of matters in this inquiry, but this is not one of them.

MR PETROULIAS: Well, who owns Able I would have thought would be very relevant.

THE COMMISSIONER: Yes, but just looking at the Able Consulting Indigenous Development Trust declaration of trust, it's got nothing to do with any issue in this inquiry, has it?

MR PETROULIAS: I thought Able and the beneficiary - - -

THE COMMISSIONER: No, no, no. No, this declaration of trust on the screen has nothing to do with any issue before us, does it?

10 MR PETROULIAS: It says that Greg Griffiths will own the shares - - -

THE COMMISSIONER: Just answer my question. It doesn't have anything to do with any issue in this public inquiry, does it?

MR PETROULIAS: Yeah, it's the ownership and financial stake in Able Consulting.

THE COMMISSIONER: This is dealing with a declaration of trust - - -

20 MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - in which, it's dealing with a subject – that is, the subject of the trust – that has nothing whatsoever to do with any issue in this public inquiry.

MR PETROULIAS: In that the financial interest and beneficial interests of, of the trust - - -

30 THE COMMISSIONER: Well, if that's the best response you can make, I'm afraid I'm not going to allow this questioning on this document.

MR PETROULIAS: Sorry, sorry. If the beneficial interest of Able is not me, I think that's pretty important, isn't it?

THE COMMISSIONER: Depends on what it is. But this trust has nothing to do with anything in this inquiry. I think you'd better pick another topic. What's your next best topic?

40 MR PETROULIAS: Okay. MFI 30 are documents that your, that you produced to the Commission to demonstrate, to demonstrate the things that you were doing, apparently.

THE COMMISSIONER: Well, that's very general.

MR LONERGAN: (not transcribable)

THE COMMISSIONER: Yes, no, I won't have it in that form.

MR PETROULIAS: Yeah, no, can I have page 46 of MFI 30? MFI 40. Yeah, 30, 30.

THE COMMISSIONER: 30?

MR PETROULIAS: Yes, 30, please. Now, the documents are a bit out of order and I suggest it starts with 46, 47 - - -

10 THE COMMISSIONER: You want this witness to go to this document, Proposal for Economic Development Policy Input?

MR PETROULIAS: Yeah. Yeah, now have a look at the front page. Do you remember, recognise this document?---Yeah, I do.

Do you recognise this document that was going, seeking some federal assistance at the end of 2014?---(No Audible Reply)

Okay, I'll show - - -

20 THE COMMISSIONER: Have you any knowledge of this Asia-Pacific Indigenous Development Consortium?---I, I, I've had these papers and - - -

You know what the consortium was, what it did?---I don't know what it involves.

Hmm?---I don't know what it involves.

30 MR PETROULIAS: Well, let's have a look, page 46, can you have a look, can you just briefly look at that? Because the pages are out of order, Commissioner, I'm sorry to be difficult. Page 46 is the first page and then there's page 47. Can you just quickly glance through that. Then there's page 48. Can I note, for example, it talks about development in Newcastle and surrounds, Illawarra region?

THE COMMISSIONER: Mr Petroulias, again, this is all very interesting but what's it got to do with this public inquiry?

MR PETROULIAS: Well, just, and then I suggest you - - -

40 THE COMMISSIONER: No, no. I've asked you a question.

MR PETROULIAS: He denied being involved in a consortium.

THE COMMISSIONER: I'm sorry?

MR PETROULIAS: He denied being involved in the consortium.

THE COMMISSIONER: Well, he said he didn't know anything about it.

MR PETROULIAS: Yeah, well - - -

THE COMMISSIONER: So even if he's wrong in that, how does that help me in this public inquiry?

MR PETROULIAS: Because it establishes – if we jump to page 43, which is the conclusion of this letter. No, sorry, this is a bit, 45. Now, that's your signature at that bottom, isn't it?---Yes, it is.

10

And you remember the name Joe Prestia?---Joe Prestia?

Do you remember Joe, little Joe, short man that we went and saw?---Oh, yeah, the one that was on 60 Minutes?

Yeah. So - - -?---That you introduced me to.

Well, yeah, and what I'm saying is remember when we were trying to get some federal assistance with him at or around the end of 2014?---Yep.

20

So therefore, you do know of a consortium and you were even the chairman of it at that stage?

MR LONERGAN: I object to that.

THE WITNESS: Yeah, but I, I - - -

MR LONERGAN: That's a big jump in order to take from knowing some guy on 60 Minutes named Joe Prestia to then the conclusion or inference of that.

30

THE COMMISSIONER: I think there's a more basic problem with this question, Mr Petroulias, is what's this got to do with any issue in this public inquiry? I've asked that three times now. You still haven't given me an answer.

MR PETROULIAS: Sorry, we were just shown documents where he, he didn't know what the consortium was, he denied having any involvement with the consortium and, and now we have a document that proves that he was the chairman of the consortium.

40

THE COMMISSIONER: And so what do I conclude from all of that?

MR PETROULIAS: That he doesn't, that his, that his evidence on the consortium is flawed.

THE COMMISSIONER: Is wrong. All right. You made your point. Move on.

MR PETROULIAS: Do you agree?---No, I don't agree.

So in other words you don't agree that you were involved in the consortium before - - -

THE COMMISSIONER: Mr Petroulias, I'm - - -

10 MR PETROULIAS: - - - it was ULC?---You put me down as chairperson yourself, not me,

THE COMMISSIONER: Mr Petroulias. I'm stopping this line of questioning. Next question on another topic, please.

MR PETROULIAS: (not transcribable) it occupied the whole morning. Okay. Where are we up to? Now, in your same MFI 30, that you showed to the inquiry, on page 66, you are - - -

20 MR CHEN: Commissioner, just before Mr Petroulias moves on, I should correct what Mr Petroulias has put because the names on these two documents are different to what has been produced. That is to say the document that Mr Petroulias has been asking this witness about does not have the, although it has the appearance of being similar and similar artwork, it's a different name and the questions which I asked this witness about related to that entity, sorry, the entity which is at MFI 62, page 83 or MFI 60.

30 THE COMMISSIONER: All right. Thank you for noting that. That's on the record. Mr Petroulias, the point Senior Counsel has just made, it just emphasises the critical need to be precise, otherwise questioning can go off on a wrong assumption or basis. I'm not sure if you heard that because you're just digging away.

MR PETROULIAS: No, no, no, I'm just checking that that's, Asia-Pacific Indigenous - - -

THE COMMISSIONER: You may be checking and looking for documents. Did you hear what I just - - -

40 MR PETROULIAS: - - - Consortium.

THE COMMISSIONER: Did you hear what I just said?

MR PETROULIAS: Yes.

THE COMMISSIONER: You did? What did - - -

MR PETROULIAS: Yes, I did, except what I'm saying is, the only difference is the word development.

THE COMMISSIONER: Yes.

MR PETROULIAS: It's in one but not the other, but - - -

THE COMMISSIONER: Okay.

10 MR PETROULIAS: Mr Green, are you suggesting that you were not in an Indigenous consortium at all?

THE COMMISSIONER: Mr Petroulias - - -

MR PETROULIAS: Or that you were in a different one?

THE COMMISSIONER: Did you not hear, did you not hear what I said before? I'm not allowing this line of questioning to go any further. I said it. I mean it.

20

MR PETROULIAS: Okay. Can you, yeah, page 66, please. No, 66, no, it's a, I've got proposals, my version here says it's a proposal to, 66.

MR CHEN: This is MFI 30, if that assists, Mr Petroulias.

MR PETROULIAS: Yeah, that's right. I've got a very different version. Can we have - excuse me - oh, down here, page 37. See, we've got different - is this MFI 30? It's just that we have different numbering. We have the same documents but in a different - oh, okay. Yeah, look, see,  
30 excuse me, Commissioner. I've printed out and my numbering is very different. So 66, mine says this is - can I suggest that in the documents there was various proposals to different land councils and a kit of documents that you would give to various land councils?---Yes.

And they included for example a proposal?---Yes.

A Knightsbridge costs agreement?---Yes.

40 And a call option deed?---Yes.

Now, these documents which you gave to the Commission you've obviously had for three, four years.---Yeah, when I had the documents I just threw them in my shed and didn't, didn't do anything else with them.

And you moved a few times since then?---Yeah.

So you could well have a lot of documents that, that you denied having knowledge of?

MR CHEN: I object to that, Commissioner, in that form.

THE COMMISSIONER: Yes.

MR PETROULIAS: Well, see these documents here are important because  
- - -

10 THE COMMISSIONER: Mr Petroulias, don't make statements, please.

MR PETROULIAS: Okay. So you agree for example that you and Tony,  
you and Sam with Greg or (not transcribable) went around with these  
documents to various land councils to sign them up as members?

THE COMMISSIONER: Mr Petroulias, what has that got to do with this  
inquiry?

MR PETROULIAS: It goes to the question of familiarity with - - -

20 THE COMMISSIONER: We're not dealing with other, we're not dealing  
with other land councils, we're dealing with one land council.

MR PETROULIAS: The issue is, he was obscured from reading a  
document. I'm saying he's had the same document in his possession - - -

THE COMMISSIONER: I won't allow the question.

30 MR PETROULIAS: Can I show you Bakis volume C, 281. This was a, did  
you, is that your signature?---Yeah, it looks like it.

And it talks about United Land Councils and the memorandum - - -

THE COMMISSIONER: What's the question?

MR PETROULIAS: Yeah, do you agree that you made that, this document  
available in the pecuniary interests folder?---Can you repeat that?

40 You agree that this is your declaration of interests that you made to the Land  
Council of your interest with United Land Councils?---What I made it? I, I  
didn't - - -

Well, I mean - - -?---I didn't write this up.

Yeah, but you, I mean, you've signed it. This is, you're declaring your  
interests in United Land Councils. You saw it when you signed that.  
---That's a funny place to sign it. Yeah - - -

And you understand the memorandum, the declaration of acknowledgement referred to at 2015?---This one in front of me?

Yeah, well, we'll get, we'll get to that. It's MFI 3, page 7.

MR CHEN: So it's MFI 33, page 7, Commissioner.

MR PETROULIAS: Oh, 33, sorry. Yeah, you're right. 33, page 7.

10 THE COMMISSIONER: Yes, thank you.

MR PETROULIAS: And if you go to the signature page, is that your signature?---Yeah, that's my signature but I don't know where that stamp came from.

Yeah, okay. But - - -?---No idea.

That it's not your signature or the, where the stamp came from?---Like I said, it's my signature.

20

Okay. Now - - -?---But I don't know where the stamp came from.

That's the document, I suggest, that is attached to the conflict of interest declaration. Do you agree?---Say that again.

MR LONERGAN: Sorry, Commissioner. If he's going to establish that this is the document attached to the declaration, then should he not be showing the document that was attached to the declaration as opposed to - - -

30

MR PETROULIAS: That is the, that's the reference.

THE COMMISSIONER: Sorry - - -

MR LONERGAN: I don't - - -

THE COMMISSIONER: I can't hear you, Mr Lonergan.

40 MR LONERGAN: Sorry. If Mr Petroulias is saying that that document is the one attached to the declaration, we need to see the declaration and the attached document as opposed to a mere reference in the declaration to a document and then saying that that is the document.

MR PETROULIAS: Okay, well, let's, let's go to the declaration. See what else (not transcribable). Well, before we do that, do you agree, though, that these, these are a record of our meetings whilst there was no board that was kept? It was you, me, Despina and Debbie Dates.---Oh, look, a lot of, a lot of things happened in that period. I can't remember.

Do you remember that we agreed to keep records and this is an example of a record?---Maybe, yeah. Maybe. Like - - -

Yeah, if we could go back to the declaration. Now, there's got, see what the second page is? There's a diagram. Now, do you, that was attached to that. Do you remember this picture?---Yeah, vaguely.

10 Okay. Do you see at the top, ULC Trust Number 1, subtrust of Gows Collection Agency Trusts?

THE COMMISSIONER: Did you draw up this document that's on the screen?---No, I never.

Do you know who did?---No.

MR PETROULIAS: Okay. So there's a provisional working structure going to a contemplated target structure. Correct?---(No Audible Reply)

20 And at the bottom there's - - -

THE COMMISSIONER: Mr Petroulias, before you go any further in this document, who was the author of this document?

MR PETROULIAS: Commissioner, I mean if you're going to ask me to give evidence - - -

THE COMMISSIONER: You can answer my questions.

30 MR PETROULIAS: Can you give me, can you give me a section 38 declaration? Because you've been doing it quite a bit.

THE COMMISSIONER: Now, I'll put my question again - - -

MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - and I want an answer. Who is the author of this document on the screen?

40 MR PETROULIAS: That's a matter of evidence, isn't it.

THE COMMISSIONER: Mr Petroulias, I'm asking you. Who is the author, to your knowledge, of this document?

MR PETROULIAS: I am.

THE COMMISSIONER: Thank you. So it's your document, not his. Right?

MR PETROULIAS: (No Audible Reply)

THE COMMISSIONER: Is that right?

MR PETROULIAS: I created it for him to, yeah, that's right. So we're very clear about what we're doing.

THE COMMISSIONER: Thank you.

10

MR PETROULIAS: Do you see, "Best Industrial Sales, for a full set of companies please contact Richard Green"?---Yeah.

Is that accurate, that you were involved in a number of companies and if anyone wanted them you could give them a listing?

MR LONERGAN: Sorry, Commissioner, that - - -

20

MR PETROULIAS: Do you agree with the proposition that you were involved in a number of companies and that if somebody wanted to know about them we would make them known?

MR LONERGAN: Commissioner, I object. That question's so broad and without particular clarity.

THE COMMISSIONER: Mr Petroulias, where is this taking us?

MR PETROULIAS: (No Audible Reply)

30

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

MR PETROULIAS: Disclosure, honesty, bona fides, best interests of the Land Council, all those questions.

THE COMMISSIONER: Yes, well, you're not just going to deal with credibility in the air.

MR PETROULIAS: Oh, no, I'm not dealing with - - -

40

THE COMMISSIONER: It's got to be, it's got to be relevant to something that we're dealing with in this public inquiry. How is this document relevant?

MR PETROULIAS: Because it's a, it goes to the question of dealing with the best interests of the Land Council and making full disclosure, is in the best interests of the Land Council because if we're wrong, someone can be alerted, alerted to it.

THE COMMISSIONER: But this is disclosure of particular interests in relation to United Land Councils and associated companies. What has that got to do with this inquiry?

MR PETROULIAS: That the involvement is declared and available for anyone who may be interested.

THE COMMISSIONER: Yes. Okay. So?

10 MR PETROULIAS: So that his decision-making if they wish to question it they can be alerted.

THE COMMISSIONER: So how does that help me in this inquiry?

MR PETROULIAS: In establishing whether or not he's acted in the best interests of the Land Council and in whether or not he's been improperly induced.

20 THE COMMISSIONER: All right. Let's assume that this is to be treated as his document, even though it's not, and that there was a disclosure of his interests in relation to the United Land Councils. How does that help? Because it's really, so far as disclosure is concerned, more relevant to look at the issues and the matter that did require disclosure to the board, which on his evidence, and some of his evidence, there was not full disclosure, if any. But it's got nothing to do with your document on the screen which deals with a different subject matter entirely.

30 MR PETROULIAS: Well, the incorporation by reference to the previous document we just saw of the memorandum of 5 May, makes very clear that it's Gows.

THE COMMISSIONER: So, Mr Petroulias, why I'm engaging in this question with you is to give you the opportunity to point to, to identify how your document about, allegedly about his interests - - -

MR PETROULIAS: Yes.

40 THE COMMISSIONER: - - - assists in resolving any issue in this public inquiry. I've now given you the opportunity two or three times now. I'm still waiting to hear how it could be, and I don't think you've, with respect, identified how it could be relevant, and if you can't do that now, then I'm going to invite you to move on to another topic.

MR PETROULIAS: Excuse me, Commissioner. I would have thought that the full disclosure of the activities such as Gows, and as that was the first document we went to, the, sorry, the memo of 5 May, was a disclosure of, of the Gows transaction.

THE COMMISSIONER: All right. And if it's a valid disclosure - - -

MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - then it speaks for itself. You don't need to take into it, the document's in evidence.

MR PETROULIAS: Can I show, can I ask him - - -

10 THE COMMISSIONER: And you can make a submission based on that document, if it, if it's a valid and truthful document, then you can rely on it for whatever purpose you want.

MR PETROULIAS: Mr Green - - -

THE COMMISSIONER: But asking him about it doesn't strengthen the document, does it?

MR PETROULIAS: Mr Green, do you - - -

20

THE COMMISSIONER: No. Sorry, are you responding to my question?

MR PETROULIAS: Yes. Sorry, I thought I was.

THE COMMISSIONER: I'm endeavouring to engage with you through questions to see if we can identify what's relevant from what is not, and if we decide and agree, but you may not agree, but if I decide it's not relevant then I'm not going to let you go there. But I'm going to invite you to use your valuable time that's being afforded to you, to use it to better effect, that is to question on relevant matters. So, at the moment I'm not persuaded that you should be allowed to ask any more questions on these documents you've been asking about now for 10 minutes.

30

MR PETROULIAS: Can I confirm with the witness that the purpose of this disclosure is his intent, is his intention to disclose his interests?

THE COMMISSIONER: Yes, you can ask him that.

MR PETROULIAS: Mr Green, is this, this disclosure and the memorandum attached to it intended to, to be your disclosure to your community of what, of your interests?---What is a conflict against the Land Council or - - -

40

So that there, so that there can be no conflict so that people know?

THE COMMISSIONER: Are you in a position to answer that question? Do you know what's in the documents and do you agree with what's in the documents?---No, I don't understand what's in the document. Like, I keep

saying, I, I've never read none of them and I don't understand them and you, you know - - -

See, Mr Petroulias, not only this document but the other document, the schedule, the disclosure, who was the author of that document?

MR PETROULIAS: I thought that was a Land Council document that we typed into.

10 THE COMMISSIONER: No, who was the author of it?

MR PETROULIAS: I can't be sure but I'm pretty sure we insisted on making it known. Whether it's me, whether it's Ms Bakis, whether it's the CEO.

THE COMMISSIONER: Well who, to the best of your information and belief, was the author of the schedule of disclosure that you've asked questions about?

20 MR PETROULIAS: I can't, I don't, don't remember.

THE COMMISSIONER: You don't know?

MR PETROULIAS: No. But I mean, I - - -

THE COMMISSIONER: All right. So we don't know whether it's his document at all?

30 MR PETROULIAS: Well, he signed it, that's the point.

THE COMMISSIONER: Well, he signed it but whether he knew what was in it, it's a question of who produced it, is it accurate, did he adopt it or not.

MR PETROULIAS: Okay, but he, Mr Green, you do recognise that this is supposed to be an official document?

THE COMMISSIONER: Yes, Mr Petroulias, I'm not going to allow you to continue this line of questioning.

40 MR PETROULIAS: Wait a second, wait a second, wait a second.

THE COMMISSIONER: No, no. I'm not going to wait a second. I'm going to give you the remaining three minutes before 1 o'clock to put another question on a different topic.

MR PETROULIAS: Okay. MFI 33, page 94. That's, that's a description to - do you remember, do you recognise that as a description to the new board, giving them information of what had happened up to that stage?

MR LONERGAN: Sorry - - -

MR PETROULIAS: Now, if we go, we can go to the start of the page. I'm asking if you remember - - -

MR LONERGAN: Commissioner - - -

10 MR PETROULIAS: - - - it was that page. We can go to the start of the document.

THE COMMISSIONER: Just go back, would you, to the first page of this document we're in.

MR PETROULIAS: Do you recognise that?

20 THE COMMISSIONER: Mr Petroulias, this is not his document. This is either your document or Ms Bakis's document. It's on Knightsbridge North letterhead. Why are you cross-examining him about your own document or Ms Bakis's document?

MR PETROULIAS: He was, he was, he was the board at the time.

THE COMMISSIONER: Yes, well, that might be so but that doesn't mean that you're entitled to cross-examine him on this document when you created or Ms Bakis created or both of you created it. What's it got to do with him?

30 MR PETROULIAS: He, okay – you were a board member and you received this document?---Can't remember.

You don't remember this document at all?---Can't remember.

Now, would it surprise you that this has been emailed to you and all other board members?---Well, I didn't read the email.

Okay. Bakis volume C, 309, please.

40 THE COMMISSIONER: Well, I think Mr Petroulias, we might take a luncheon adjournment. So we'll resume, Mr Green, at 2 o'clock. Yes, I'll adjourn.

**LUNCHEON ADJOURNMENT**

**[12.59pm]**