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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 11 APRIL, 2018

AT 2.00PM

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THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: Thank you, Commissioner.

Mr Rhee, at the meeting on 26 October, 2015, obviously you were present?
---Yeah, I think so, yeah.

10 Would you like to see the email again up on the screen?---Yeah, please,
yeah. Ah hmm.

So page 199, Exhibit 63.---Well, if the email says I was there, I was there.

All right. And Mr Say was there as well, do you recall?---As far as I can
recall.

Obviously Mr Zong was there.---Yes, as far as I can recall.

20 And do you recall whether Mr Petroulias was there or not?---I'm not sure.

Do you know where the meeting was held?---Would have been, it would
have been at Mr, Mr Zong's office.

Do you say that because that's where if you had a meeting, that's where it
was?---Yes, that's where, yeah, that's where we had all our meetings.

And the discussion that you had or the discussion that was had, I'm not
saying that you necessarily participated in it, involved payment of money to
30 Mr Green, do you accept?---If it says, the email says so, yeah.

And you've got no reason to doubt that now, do you, that the email is
anything other than correct?---Oh, if, if what is said is just, the email is
correct because I wrote it.

And Mr Green, I think you told the Commissioner earlier today, had boasted
about how he could bring a deal or get a deal together. Do you remember
that evidence?---Yes, of course, yeah.

40 And you understood, didn't you, from the discussion that was had that the
payment to Mr Green was to give him money for his role in bringing that
deal to finality. Isn't that right?---As far as my knowledge, my recollection
is, any payments to Richard Green, that was all done through Mr Petroulias.

I just want to ask you a different question. I understand that's what you've
said?---Yeah.

But you understood from what was discussed at that meeting that the payment to Mr Green was for his efforts in bringing this Sunshine deal to a successful outcome. Isn't that right?---I think so, yeah, I think that was the case, yes.

And that had been discussed, had it not, in some of the other discussions you had had earlier in 2015. Isn't that right?---Yes, probably, yeah, most likely.

10 Well, thinking about it now, that's what you think did occur having reflected on these emails in the earlier parts of October of 2015?---There may have been some discussions about looking after Richard, Mr Green.

And looking after him was another way of saying to pay him for helping bring this deal together?---I assume so.

Do you recall, if you have a look please at page 193, if you look down the bottom please onto the second page, I'm sorry, I should show you the top of this so you can put this into some context. If you see down the bottom of
20 page 193, it's an email from Sammy Sayed to Mr Petroulias and you're copied in?---Yes, yeah.

And if you go down onto the next page which is 194 at the top, you'll see that Mr Say refers to Keith and I having come up with an alternative?
---Mmm hmm.

Do you see that?---Yes, I do. Yeah.

30 And it's the case, perhaps, is it not, that maybe you did have a more detailed discussion with Mr Say about the breakdown of figures?---There were a lot of discussions about figures, all right, preliminary discussions.

Is this the case, that your primary concern was your payment to Keeju?
---Well, my primary concern was to get the deal done. I mean, the payments, I mean, it was important but that was not the most important issue.

And if the deal was done, you would get paid?---Yes.

40 And so in terms of discussion about payments, your principal, perhaps, only concern was really the payment to Keeju for bringing the deal together?--- Obviously, you know, Mr Say and I under Keeju wanted to be paid for all the work we'd done.

But having read the second paragraph or the second line of that email, do you think perhaps that your discussions with Mr Say extended to discussing break downs of how other parties would be paid as well?---Well, the break down, that, the break down wasn't done by me.

That was Mr Say, was it?---Yes. That was Mr Say's suggestion, it wasn't, you might have, he probably had discussed it with me but it's not something that I instigated.

10 Did you have a meeting so far as you can recall with Mr Say which lead to this email being sent to Mr Petroulias?---I think it was mainly discussions over the phone or, I don't know, I don't think there was any face to face meetings.

All right. And so, if Mr Say has come up with a figure to pay R \$275,000, that's got none of your input in it?---No, no, I had no input in it, no.

Commissioner, that's the examination of this witness.

THE COMMISSIONER: Yes, thank you. Yes. Has anybody got any questions?

20 MR MENZIES: Yes, thank you.

THE COMMISSIONER: Mr Menzies?

MR MENZIES: Yes, thank you, Commissioner.

30 One of the problems that you obviously have now, and this is not, I'm not being critical, after this time, after time has passed and there have been so many conversations between a whole lot of people, that you're doing as well as you can, but there are some things you just can't recall?---Yeah, I'm, I'm doing it to the best of my ability and what I can remember, yeah.

Sure. And one of the things that – let me ask you this. What, what is your – I think you said, and I may have misheard it, that you're not, you're not an expert in property per se?---That's right, ah hmm.

40 So what is your area of expertise insofar as dealings with land is concerned? ---Well, I've had some experience learning from other people and prior to the Warners Bay deal, a few of my associates, you know, they had some investments in properties, so that's how I started the business, and a lot of it, originally started the property business with Mr Say.

And the property business was what, to pull people together - - -?---Oh, just looking for investors and looking and sometimes I'll have an overseas client from either Korea or China or Singapore say look, because through my association they'll ask me, you know, as a friend, look, you got any properties or anything, 'cause there's a bit, there was a bit of a real estate boom at the time.

Yes.---And they will ask me is there any opportunities in Australia, so sometimes I actually went out and had a look if anything was available.

And you became conscious that there were opportunities available with respect to, amongst other things, land owned by Local Aboriginal Land Councils?---Oh, yes, the, the, the – I didn't know, as I said, as I said earlier, I didn't know much about the area, right, but obviously Mr Say and also Mr Zong and also Matt Fisk knew the area quite well, so you know, I just
10 happened to introduce the property to Mr Zong, Mr Fisk, and they just did their own research and they thought it was a good property.

THE COMMISSIONER: Could I just ask you, do you know whether Mr Zong had any investors in the land transactions with the Awabakal Land Council project?---Obviously, obviously he had investors from overseas, yes.

But do you know whether that was the case?---I always knew that if he was to do any projects that he'll have some backing from overseas.
20

Well, is that based on anything he said to you?---Oh, it's just from, because I've known Tony for quite some time and Tony started off as a business, he's just a subcontractor and became a property developer, so obviously someone had to be financing him from overseas.

So how long have you known Tony Zong?---Oh, probably over a period of time, maybe, maybe round about maybe six or seven years. I mean we were friends before we ever did any business dealings.

30 Did he ever discuss with you how he's going to finance this project? When I say he, Sunshine?---Oh, all he said, all he said was that he was looking for, was looking for good development sites for, for himself and his client and his investors from overseas. I think he might have had some sort of maybe JV with someone overseas.

Was that said in relation to these transactions or in some other context?
---Oh, I think it was general context and also in particular Warners Bay 'cause the project was quite a big project if it happened.

40 Yes.

MR MENZIES: You were asked by, Counsel Assisting showed you a document which was a due diligence agreement. Do you recall being shown that document?---Yeah, I think so, earlier, yeah, the 90 days one?

Yes.---Yes.

And the version that you were shown - - -?---Mmm.

- - - provided for the repayment of the \$50,000 to Mr Zong in the event of he having completed his due diligence the matter not proceed. Do you remember that was - - -?---Yes, something like that, yeah.

That was the original version.---Yeah, I think to the effect, something to the effect, yeah.

10 And that, given your experience, would have struck you as a bit odd, that is you pay somebody for them, you pay a potential vendor for them to stand by while you do your due diligence, but if you decide having done your due diligence you don't want to go ahead, the vendor has to pay the money back.---Well, that was, that was a, that was an agreement that was made between, between Mr Zong's company and, and the Land Council and Mr Petroulias. It had nothing to do with me so, yeah.

No, that's not quite the question I'm asking you.---Ah hmm.

20 The question I'm asking you is, that's a pretty odd arrangement inasmuch as usually - - -?---Oh, yeah, of course it is, yeah, it is, yes.

Of course it is.---Yeah, possibly, yeah.

30 And in fact, what happened, could I suggest to you, was that that arrangement didn't proceed and it was amended. And assume for the purposes of these questions, that what was arranged, what was agreed upon with respect to the \$50,000 was it wouldn't be refundable should Sunshine elect not to proceed with the acquisition following exclusive due diligence but will be applied equally towards the cost of valuation, vendor's estate agents and vendor's solicitors fees. Now if that was the agreement, that sounds, does it not, much more like what one would expect as a conventional agreement.---Yeah. I think that was one of the reasons why Knightsbridge Lawyers or Mr Petroulias didn't want to refund the \$48,000.

No. Please, just concentrate on what I'm asking you.---Ah hmm.

40 If that was the agreement, and I'd like you to assume it was, then that coincides with your understanding of what a due diligence agreement would generally provide. That is to say that the deposit of \$50,000, the deposit, whatever it is, is effectively non-refundable. That's the ordinary way, isn't it?---Well, I think under normal circumstances that's probably the case.

THE COMMISSIONER: Yes, sorry, I couldn't hear.---Under normal circumstances - - -

Under normal circumstances.--- - - - that would probably be the case.

MR MENZIES: Thank you. Now, if then the fee was applied then towards the cost of valuation, the vendor's agents and the vendor's solicitor's fee, that's perfectly ordinary, isn't it?---Probably, yes. Most likely.

Now, you became aware, didn't you, that Mr Green sought from the solicitors a payment of \$2,000 out of the \$50,000?---Sorry, what was the question again, sorry?

10 You were aware, weren't you, that Mr Green sought from the solicitors, who were controlling the \$50,000, \$2,000 which was to be applied towards assisting some Aboriginal people?---Yes. That but, yep, yep, yes, yes.

And you're aware, aren't you, that Mr Zong - - -

MR CHEN: I think it's a bit more specific than that. I think it's a bit more specific than that as evidence. I don't know whether my friend is introducing the topic but there's a point of distinction which I think, in fairness, the witness should be taken to if it's some - - -

20 THE COMMISSIONER: Could you just - - -

MR CHEN: Oh, sorry.

THE COMMISSIONER: - - - speak into the microphone.

MR CHEN: His evidence was far more specific than what my learned friend put, and it may be that it's a general question but if it's sought to be taken further, I'd ask my learned friend to put it precisely in line with his evidence.

30 THE COMMISSIONER: Yes. All right.

MR MENZIES: Well, I'm putting a proposition. Whether it aligns with the witness's evidence - - -

THE COMMISSIONER: Well, it's a question of what the money was being sought for. Do you know what, why the request was made for the release of \$2,000?---The, the request didn't come from Richard directly. It came through from Mr Petroulias but I, if I can recall - - -

40 Do you know what the 2,000 was being sought for?---It was, I think the \$2,000 was some sort of, a sponsorship for a junior football club or something, to buy uniforms or something.

MR MENZIES: Isn't this the case, that you instructed the solicitors to give the Land Council \$2,000 sponsorship out of the \$50,000 trust account? Remember that?---If, if that was the case, it would have been after I got the authorisation from Mr Zong.

I'm sorry?---That would be after I got the authorisation from Mr Zong.

Oh, indeed. I'm not suggesting that you'd do it just to - - -?---I didn't, I didn't make, that wasn't my decision. No, yeah.

No. Of course it wasn't.---But I forward that information, give, give that instruction to (not transcribable)

10 And you received that confirmation from, or you sent some further clarification because it was sought by Mr Zong?---Ah hmm.

And you said that K.R. and T.Z. want to pay \$2,000 from Tony's share of the \$50,000 (not transcribable) for sponsorship of Awabakal's men's group, run by Richard?---Ah hmm.

20 Richard says they'd be meeting at his place, needs to furnish the shed for regular meetings to quote, "Get the boys off the ice. This furniture, this furniture contributed is putrid and needs replacement." And you finish with a clarification, obviously having spoken to Tony, "Tony offered to contribute as a measure of goodwill."---My understanding was that I didn't, my, my understanding, my memory is that the \$2,000 wasn't described to me in full as to what, how it's going to be used. I just assumed it was a sponsorship for his local football team, not, not, not what you're saying, what you're saying to me at the moment. That's the first time I've heard of it.

30 If we could hand up, Your Honour, it's volume A, Bakis, and it's page 140. Now, that's the first letter, that's the first email and then could I have 141, please? And this is you, isn't it, obviously by then having spoken to Mr Zong and you're clarifying for everybody - - - ?---If this email was from me, it would have my email address on it. It just says email - - -

I'm sorry, it's a file note. I withdraw that, your Honour, Commissioner, that's, I'm wrong. That's a file note taken from the records of the KNL files, but it obviously records that clarification. Does that help you?--- That's the first time I've seen it.

40 Right. It's obviously not your document?---It's not my document.

I apologise?---Because if it was my document, it would have my email address on it.

But having said all that, does that help you refresh your memory about what was - - - ?---No, it doesn't. No, it doesn't. All I, the previous email which I said get \$2000 sponsorship, that's as far as I know.

Right, okay?---Yeah. This one, I have no idea what it is, sorry.

Thank you. Now, you were asked some questions about some meetings that took place in 2015 and 2016. I just want to draw your attention to one, if I may. You were asked some questions about a meeting which had taken place in September 2015 and you were uncertain as to who was present and who wasn't at that meeting?---Are you relating to - - -

10 I'll take you to them. Could we have, please, your Honour, from Bakis volume 1, volume A, I should say, page 145? Now, I know this is not your document?---Yes.

But I wanted to just draw your attention to its contents and see whether it helps you to recollect the events of particularly who was present and what might have been said on the meeting of it looks like Monday, 21 September.---Okay. Yeah.

And you will see that who the author is.---Yes.

20 He's writing to Ms Bakis and he says, "There was a meeting with the representatives of Sunshine, Sam and Keith", one of them is, Keith is obviously you, "and I asked Nick to help me." Now, does that, I know that you've said you don't recall whether you were at the meeting or not is my understanding. Does that rather lead, does that help you to - - -?---Yeah, I think so. I think that there was a meeting, yeah. I think when we were, when the valuation was finalised I think there was a meeting with all the parties involved to discuss the valuation.

30 And the letter from Mr Green goes on to recount what happened at the meeting and I just want to ask you whether this helps to jog your memory as to what you can recall happened.---Well firstly, I've never seen this letter.

I understand that.---Okay. So, but I think (not transcribable) as to what 42G approval and 42M registration meant in regards to other, other matters, in regards to the valuation and the, and, you know, what we can do with the property I think it's fairly, fairly close to what's in this letter.

40 So let's just deal with it line by line if I may. Apparently Mr Zong has said his valuations would cost him \$33,000 and so he was serious about the deal. The valuation came in at 12.6 but he wanted to reduce it to 11.1 to cover various costs he would incur and that he'd be making an offer of 10.6 plus five houses payable on the Land Rights Act approvals and so that meant didn't it that there was a cash offer of 10.6 and there would be five houses which would be retained by the Land Council for them to use how they wanted to.---Yeah.

For their purposes obviously. And that gets one up to 12.6. Then apparently Mr Petroulias noted the need for 42G approval and 42M registration. See that?---Yes.

So it would seem at that time if it wasn't already known that it was apparent that the statute the Land Rights Act put controlled whether or not a deal would be completed because obviously it wouldn't without those two approvals. Is that how you understood it by then?---No. I - - -

10 Or you didn't know?---No, all I can recall about the meeting that we had on that day was to discuss the, the valuation, right, as to how much Mr Zong is going to pay for the, for the property and there were some discussions that we're going to make some concession to, to the local land council about maybe leaving aside certain parts of land for them to live or for them to invest or rent it out so that, that's all I can recall about the, about that meeting.

Certainly. And then it then, there's a reference to somebody named Tony Galli, G-a-l-l-i, who says the valuations are reasonable and he would certainly confirm those valuations when we go to the Land - - -?
---Aboriginal Land Council.

20 - - - the New South Wales Aboriginal Land Council.---The Aboriginal Land Council, that's right.

Which was obviously the overriding body.---Exactly, yeah.

And did you know Tony Galli at that time?---No.

Right.---I never, this is the first time I've heard of him.

30 Okay. Thank you. And then there's a reference to that we are okay with the arrangement with Gows and that's obviously from Mr Green?---Well, that's, that's a discussion between Gow and Mr Green. I have no knowledge of that or, that's the first time I've seen that letter.

And, of course, at all times when you were considering Mr Green's position and his involvement, you understood that his involvement was as the director of the - - - ?---I thought he was the vice president of the Council.

40 Yes, thank you, so whatever he was saying, so far as you were concerned, he was saying it not on his own personal behalf but on behalf of the Land Council?---Of course, yeah, that's my understanding. Yes.

Yeah. Okay. And, it seems that on 14 July that year, Mr Zong had sent a presentation and it was one, it would seem, that you encouraged him to make?---Sorry, what presentation?

A presentation from Sunshine as to what the overall plan was being - - -

THE COMMISSIONER: I think you've got to be more specific, Mr Menzies?---To the Land Council, are you talking about?

Perhaps if you could be more specific.

MR MENZIES: I'm so sorry.

THE COMMISSIONER: If you've got an approximate date and if you can tell us what - - -

10

MR MENZIES: Yes.

THE COMMISSIONER: - - - the presentation was about, the occasion.

MR MENZIES: Yes, thank you, Your Honour. It would seem that Mr Zong sent a presentation on 14 July?---Yes. Yes. I think his company profile, I believe.

20

I'm sorry, I didn't hear you?---His company profile, company profile.

Right?---Yeah. I think that was sent to Land Council.

THE COMMISSIONER: The profile of what, the company?---The company profile, his corporate profile, as to what developments they've done and all that stuff.

Okay?---Yeah.

30

MR MENZIES: And is this right, that that was something that you encouraged him to do?---Of course, yes.

Yes?---Yes.

Because you saw it as a way of - - - ?---Of course. I mean, obviously the Land Council needs to know that the purchaser has got potential experience to do the project.

40

Yes, thank you. And you said in answer to a question from my learned friend that you observed at one point that Mr Petroulias appeared to be getting frustrated with the process. Do you remember that?---Yes. Yes. I think everyone was.

Right. And was that because it wasn't coming to a conclusion?---Well, I think that was, there were many reasons as to why Mr Petroulias became impatient, all right. The valuation took a lot longer than we anticipated, right, and I think the original draft of the valuation report, certain parties weren't happy with it, right, because they didn't cover certain aspects. So, I think we asked the valuer to address some of those matters, all right, and

also I think there was frustration as to things that Tony Zong decided to seek legal advice through Mr Driscoll, and Mr Driscoll – originally, the deal was that it would be straight forward purchases of the properties in concern, and Mr Driscoll came up with some, and obviously instructions from Mr Zong, came up with some option agreement, right? And that sort of stirred things up, and that's where the negotiations started to break down.

10 And wasn't there some concern that what Mr Zong was trying to do with his amended arrangement put through Mr Driscoll that effectively he was cherry picking out of the available property the bits that he preferred?---To a certain extent, yes. Yes.

20 And, of course, if he did that, that was hardly likely to really benefit the Land Council?---I mean, there was cherry picking, there was cherry picking, yeah, but Mr Zong was advised by Mr Petroulias, well, Mr Petroulias attacking on behalf of the Land Council, and also I think I advised Mr Sayed, also Mr Sayed advised to him, if you start choosing, choosing what you want to do, the deal is not going to happen so you've got to change the way you do things, so that matter was raised with Mr Zong.

Now, let me just come back to another issue, and that is you were troubled about whether the agreement that, in answering my learned friend, the Counsel Assisting, you couldn't recall precisely the name of the entity that was involved and you I think the company Solstice was put to you - - -?---Yes, yeah.

- - - and you were unsure about that.---Yeah.

30 And you've already told us that Solstice was a company which did similar sorts of activities - - -?---Exactly, yeah.

- - - and it was one with whom you had worked in the past, in fact it had been at some point your client. Is that, does that - - -?---No, no, no.

No?---I have no dealing with that entity at all.

Oh, I see.---I don't know them. All I know about that was Mr Petroulias said there was a Lebanese property developer - - -

40 Yeah.--- - - - right, that's interested in doing, if, if, if Tony falls through that they're quite happy to take it over and do the project.

Yeah.---Right. That's all I know, but I don't know who they are and today's name of the company is the first time I've heard of.

Yeah.---Right. So I have no, had no association with them whatsoever.

And was this, was the other corporation you were thinking about was a corporation named Advantage?---I think, Advantage I think was mentioned by Mr Petroulias.

Yes.---Yes. I might have the two copies (not transcribable)

10 THE COMMISSIONER: Just on that, in terms of getting these things into sequence are you able to say what time you're talking about when there's any mention of Solstice and when, and the timing of when the name Advantage came up?---The Solstice, the first time I've heard of it is today.

20 Right.---Right. The Advantage I've heard of after when, when, after the deal was done, right. Then Mr Zong started having problems getting, getting the zoning application proceed, right, and when Mr Zong threatened or decided to take legal action against the Land Council and Gow and Mr Petroulias in regards to the land deal, right, that's when Mr Petroulias, we had a cup of coffee at Burwood, right, and he mentioned to me, look, how can we resolve this, this, this, this problem and stop Tony going into litigation. All right. And that's when the Advantage group was mentioned.

MR MENZIES: And the date of that, was it about May or - - -?---I think, I know it was fairly cold so it would be in the middle of winter I think in 2016. I think, yeah, 2016 it would have been yes.

And at that meeting wasn't something like this proposed by Mr Petroulias. We can solve the problem of approvals by, as it were, carving out the land that we know can be approved and then for the other land, attach it to the Advantage, do a joint venture with the Advantage - - -?---Yes.

30 - - - and use the certificates that we know Advantage already has or will get for that land. Something of that nature?---I don't, I don't, I don't recall exactly what you just said to me.

Yes.---What I can recall is that, is that, you know, (not transcribable) put this offer to Tony, right, whether he'd be interested in doing a JV, right, with Advantage group, right, but I don't recall anything about, you know, joining land or what certificates they've had.

40 Right. Okay. And was this not also the position, that with respect to the Warners Bay land there were indeed two entirely separate parcels of land with respect to which there were agreements?---(No Audible Reply)

Do you remember that?---I know there were five or six different, different lots of properties.

Yes.---Like separate lots, right. And originally I think the deal was for Mr Zong to acquire all those five properties.

Yes.---Obviously Mr Zong decided to take certain, exercise certain option on certain property and (not transcribable) option straightaway, but as to, you know, the joining land or whatever, I don't know much about that.

And the concern about Mr Zong's position about options and the like was that it extended the process over many years and really was - - -

MR CHEN: Well, I object.

10

THE COMMISSIONER: No, that's not right.

MR CHEN: But also, it has to be far more specific as to whose objection it was and when this objection was.

THE COMMISSIONER: Yes. I think in fairness, Mr Menzies, you do need to specify who we're talking about and in particular, what period we're talking about, and to try and identify who is allegedly responsible for any delay.

20

MR MENZIES: Yes, certainly, your Honour. Your Honour, I won't pursue that for the moment, perhaps not at all, if I can't be more precise.

THE COMMISSIONER: All right.

MR MENZIES: Could the witness please, your Honour, be shown, Commissioner, I beg your pardon, be shown from Bakis volume A, page 151? Can I have the next page, please, your Honour? Just have a look at this document, would you please? Is that a, you can see that that is a, what that appears to be on its face and is that a document that you've seen before?---Yes, I think, yes, I think, I think I have, yeah.

30

And do you recognise that document as being the – ultimately what was the agreement or the offer?---Yeah, I think so, there's a lot of changes in the, during the process, it's very hard to pinpoint which one is the right one, which one's not.

Thank you. That completes my cross-examination. Thank you.

40

THE COMMISSIONER: Yes.

MS NOLAN: I have no questions.

MR CHEN: I don't have any questions, further questions of Mr Rhee, Commissioner.

THE COMMISSIONER: Thank you, Mr Rhee?---Thank you, sir.

You're finished, you're excused.

THE WITNESS EXCUSED

[2.43pm]

10 MR CHEN: Commissioner, I call Sam Sayed, or Sam Say. I think he's at the back of the hearing room, Commissioner.

THE COMMISSIONER: Yes. Mr Sayed, thank you. Do you mind stating your name for the record? Just state your name.

MR SAYED: Sam Sayed.

THE COMMISSIONER: Is it S-a-y or S-a-y-e-d?

MR SAYED: Y-e-d.

20 THE COMMISSIONER: E-d?

MR SAYED: E-d, yeah.

THE COMMISSIONER: Mr Sayed, do you take an oath or an affirmation to give evidence?

MR SAYED: Yeah, sure.

30 THE COMMISSIONER: Which one?

MR SAYED: Affirmation.

THE COMMISSIONER: Affirmation.

THE COMMISSIONER: Thank you, Mr Sayed. Just take a seat. You're not legally represented, so I should just remind you the provisions of the Independent Commission Against Corruption Act which permits a witness to object to giving evidence. You don't have to object, but it's a clause open to you. The effect of objecting means that you still have to answer the questions and answer them truthfully but the effect of the objection under
10 the Act is that any evidence you give here can't be used on a future occasion in other proceedings. It does not apply to offences under the ICAC Act, so for example if somebody gives false evidence, wilfully false evidence, then they still could be prosecuted and the evidence could be used for that purpose, but in general, it affords that protection if you want it. Do you want to give evidence on an objection? You don't have to but it's a privilege open to you if you wish?---No, I want to give evidence on objection.

20 I'm sorry?---Yeah.

Under objection?---Yeah, under objection.

Pursuant to section 38 of the Independent Commission Against Corruption Act, all answers given by Mr Sayed and any document or thing produced to him in the course of his evidence will be taken as regarded as having been given under objection. Accordingly, there is no need for Mr Sayed to make individual objection to questions or giving answers or producing documents or things. The declaration in that respect I make under section 38 of the
30 Act.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, ALL ANSWERS GIVEN BY MR SAYED AND ANY DOCUMENT OR THING PRODUCED TO HIM IN THE COURSE OF HIS EVIDENCE WILL BE TAKEN AS REGARDED AS HAVING BEEN GIVEN UNDER OBJECTION. ACCORDINGLY, THERE IS NO NEED FOR MR SAYED TO MAKE INDIVIDUAL OBJECTION TO QUESTIONS OR
40 GIVING ANSWERS OR PRODUCING DOCUMENTS OR THINGS. THE DECLARATION IN THAT RESPECT I MAKE UNDER SECTION 38 OF THE ACT.**

THE COMMISSIONER: Yes.

MR CHEN: Thank you, Commissioner. Mr Sayed, is your birth name Samer, S-a-m-e-r, El Sayed?---Yes.

And do you go by the surnames either Say, S-a-y, or Sayed, S-a-y-e-d?
---Correct.

And you currently are called, sorry, you are often called Sammy or Sam are you?---Yes.

Now, Mr, which do you prefer, Mr Sayed or Mr Say?---It doesn't matter.

10 All right. Well, Mr Say, you have known Mr Petroulias, Mr Nick Petroulias have you not for some time?---Oh, on and off.

And where did you first meet Mr Petroulias?---Dawn de Loas. I met him probably in our dorm probably once.

That's the correctional facility at Silverwater is it?---Yes.

And approximately what year was that when you met him?---I think it was the end of his incarceration, probably about a month before.

20 Can you place a year on that?---I think '11 or '12 I think. I'm not too sure.

You obviously know Tony Zong?---Yes.

And when did you first meet Mr Zong?---I was introduced to Tony by Keith Rhee.

Is that in relation - - -

30 THE COMMISSIONER: Sorry. Do you have any particular qualifications workwise or academically?---No. Accounting.

I'm sorry?---Just accounting.

Accounting?---Ah hmm.

That was your field of practice was it in earlier years?---Yeah, a long time ago.

40 MR CHEN: And currently are you working or not?---No.

Now, just back to Mr Zong. You were introduced to Mr Zong by Keith Rhee. Is that right?---Yes.

And did you know Mr Rhee in social circles or did you do business with him, what's the case?---I met through a mutual friend and then we became friends.

I see. The deal involving the land of the Awabakal Local Aboriginal Land Council was that the first business deal that you did with Mr Rhee?---Yes, yes and no.

What's the no?---Well, we, like we get properties that are for sale so there would have been one or two. I think there was a, there was one at Hurstville and there was another one at, or there was two at Hurstville. One was a kindergarten with units and the other one was Wolli Creek I think.

10 Is that before or after this?---Oh, before, before. Yeah.

And what, you brought a buyer and seller of property together did you?
---No, no. I'd get the property from a friend for example or an agent and said would you have an investor and then I'd mention it to Keith or some of my other friends if they've got investors.

Now, after some period of time did you have further contact with Mr Petroulias?---More specific.

20 Well, you came out of gaol and did you meet up - - -?---Oh, yeah, I didn't see him until 2015.

And where did you meet him?---I think I mentioned last time to you, I think it was, to be precise I think at either Burwood or Ashfield, I can't recall, but in Sydney.

All right. Did you just happen to cross paths?---Yes, we did, yeah.

30 And did you exchange contact details then?---Yeah, we got, exchanged phone numbers, yes.

And at some point did Mr Petroulias make contact with you about a proposed land transaction?---I didn't see him for three years and then when we bumped into each other we exchanged phone numbers and he said, "What are you doing?" And I said, "Look, you know, a bit of this, a bit of that." And he goes, I've got a property in Orange Grove Road, Liverpool, Schweppes/Cottees, and there was a dairy, dairy farm or something like that which was sent through to me.

40 And after that discussion did you have a discussion about land in the Newcastle area?---No, not at that time, no.

Well, at some later point in time did you?---Yes.

All right. And how did that come about, Mr Say?---Ah, basically - - -

Did he ring you?---Pardon?

Did he ring you?---Oh, I'm not too sure. Maybe he either called me or email, not too sure.

Anyway, he made contact with you. Is that right?---Yes.

And what did he tell you about the land deal in Newcastle?---Oh, just that there was some property for sale in Newcastle.

10 Did he tell you - - -?---Aboriginal land.

I see. Did he tell you what his interest or role was at that time?---No, no.

Did you ask?---No.

And what did he want you to do?---To see if there's any investors that are willing to purchase the property.

20 And did you after that think of making contact with Mr Rhee?---Oh, no, I put it forward to somebody else - - -

And – sorry, you keep going.---But it was too big for them, yeah.

And did eventually you - - -?---And they wanted – sorry – wanted something in Sydney.

All right. You tell me when you've finished and then I'll ask the – finished?---Finished.

30 All right. Did you happen then to come to speak to Mr Rhee about this? ---Yeah, that's correct, yeah.

All right. And did you ring him up?---Ah, oh, we met, we met a few times. It could have been either phone call or it could have been face-to-face.

Anyway, you've obviously had some contact with him where you tell him about what Mr Petroulias has told you?---Yes.

40 And what did you tell Mr Rhee at that point?---Oh, basically there was an opportunity in Newcastle for some investor or developer.

Right. And did you be a bit more specific than that about that it involved Aboriginal land?---Oh, that would have been mentioned, yeah.

And did you tell him that Mr Petroulias had a role in this?---Ah, I think so, yes.

And what did you tell him about Mr Petroulias's role?---That Nick put it forward to me.

Right. Did you explain to him what Mr Petroulias's role was other than putting it forward to you?---No, that's all we had at that time.

All right. Did Mr Rhee indicate that he was interested in potentially doing something with what you'd told him?---Oh, not at first, we need to see who we need to put it forward to.

10 All right. Did you meet up with Mr Rhee and Mr Petroulias to discuss the deal a bit more?---Not that I recall, no.

You know that – well, I withdraw that. You recall going to meet Mr Zong in Mr Zong's office at some point, do you?---Yes.

Early on in the transaction?---Ah, we, I met Tony Zong for a prior deal. That was the Wolli Creek.

All right. Just leave Wolli Creek out at the moment.---Ah hmm.

20 You know, don't you - - -?---We never, we never mentioned Awabakal when we were talking about Wolli Creek.

Mr Say, just if you wouldn't mind, I will give you a complete opportunity to answer any question I ask of you, but it's just important you allow me to ask the question - - -?---Sure.

- - - and don't interrupt, if you wouldn't mind.---Sure.

30 And I'll give you an opportunity to answer, I promise. So you met, did you not, Mr Zong in his office with Mr Rhee at some point to discuss the Newcastle Aboriginal Land deal?---I think Keith, I think Keith put it forward first and then after I'd come into the scene.

All right. Do you remember meeting Mr Zong at his office with Mr Rhee? ---Yes, we met him a few times.

Now, prior to the first occasion of meeting Mr Zong in his office, did you have a meeting with Mr Rhee and Nick Petroulias to discuss what this deal was really about?---No.

40 Can't remember going to any meeting with Mr Petroulias and Mr Rhee? ---No, not at the beginning, no, not that I can recall.

And you don't remember having a discussion at all with Mr Petroulias about how he came to be involved in the land?---Not that I can recall, no.

Do you recall, at all, Mr Petroulias telling you at any point prior to you meeting Mr Zong in his office, that his company, Gows, had a legal right to dealing with the land?---No, not, not at the offset, no.

But you subsequently found that out, did you?---Yeah, when they were signing it. That's right.

In October of 2015?---When all the correspondence started to come through.

10 You didn't know that before?---No.

Really?---Gows?

Yeah?---No.

Did you know, independently of the word 'Gows', whether – you never heard Mr Petroulias say that he held the rights to the land at all?---Before the contract was signed?

20 Yeah?---Look, it might've got mentioned but I don't recall it. I know that when all the correspondence started to come through, then that name rang a bell, yes.

Did you meet, you know Richard Green obviously, don't you?---I've met him a few times.

And prior to the meeting you had with Mr Zong in his office, had you ever met Richard Green?---No.

30 Are you sure of that?---I think so, I'm not too sure but yeah.

Did you ever go up prior to meeting Mr Zong to Newcastle with Mr Rhee to have a look at the land with Mr Green?---Yes.

All right. So the three of you did look around the land? This is before you went up potentially with Mr Zong?---So you're saying we went two times?

My questions are unclear, I'll start again?---Yeah.

40 Do you recall going up to inspect the property with Mr Zong, Mr Rhee and Mr Fisk?---Correct, yes.

And you went up in Mr Zong's car?---Yes.

And you met at McDonald's, Mr Green and Mr Petroulias?---Yes.

Now, before that time, did you go up and inspect the land at all, or you don't remember?---I don't think I did, no.

Prior to meeting Mr Green at McDonald's in that meeting that you had with four other gentlemen that I named, had you ever met Mr Green?---Not that I can think of, no.

Are you sure about that?---Not too sure but I can't, it's a long way back but, yeah, I'm not too sure if I met him before.

That's your best recollection now, is it?---Yes, yeah.

10

But you do remember going up in Mr Zong's car to McDonald's to meet Mr Petroulias and Mr Green?---Yes.

And, do you recall prior to that meeting, the meeting you had in Mr Zong's office with Mr Rhee?---There could have been, but we met a few times in Mr Zong's office.

I'm just trying to place these in some kind of order. Prior to going up to inspect the property when you went up in Mr Zong's car, do you recall
20 having a meeting with Mr Zong and Mr Rhee in Mr Zong's office, or not?
---I can't recall because, as I said before, we met Mr Zong frequently because of Wollie Creek as well and that didn't go through, so I can't recall if it was in relation to that. It might've, it might've been, I really can't recall.

Do you recall at all speaking with Mr Zong about what the deal was in relation to the land in the Newcastle area?---Yes.

What do you recall talking to Mr Zong about?---That there was an
30 abundance of land in the Newcastle area which the Aborigines had, they've got all these lots and DPs.

What else did you talk about?---That was about it.

Well, was there any discussion about the size of, or the amount of property?---The size and the properties were just emailed and then we sent it through to Keith because it was his contact, so he would've sent it through to Tony.

All right. Do you remember that you had available to you, at about this
40 time, a brochure that gave a bit of a breakdown of the five lots that were ultimately the subject of this transaction?---There was more than five.

Do you remember a brochure that gave a bit of information about the lots?
---From whom?

I'm just asking whether you remember a brochure at all?---Yes, there was a, Sakura House, I think that was the only brochure that I'd seen.

Just have a look at this. This is volume 2, page 67. Do you recognise that as the front sheet. It's on - - -?---Oh, yeah. That's, that's the Sakura House at the bottom. Yeah. That's right.

And you gave that, didn't you, to Mr Zong or at least Mr Rhee. Do you recall?---I'm not too sure but it's got a different company name so I don't think I would have.

10 All right. When you say a different company name, what do you mean?---If you, if you go all the way down, the, the actual, that's been prepared by another company or a potential purchaser.

What are you referring to there, Mr - - -?---If you, if you, if you scroll down to the, I think it's the last page.

Of what?---Of, of the brochure.

All right. You're remembering this, are you?---Pardon?

20 You remember the last page of the brochure, do you?---Well, I'm looking for the last page, yeah.

Just pause there. What do you say it says?---Oh, there it is. Sekisui House, sorry, you just, there it is there.

So what's the significance of that? Sekisui.---That's what I mentioned before. I assumed that that was a previous purchaser. I, I don't think I would have sent that.

30 I see. Are you denying that you sent that to either Mr Rhee or to Mr Zong? ---I'm not denying, I might have, I might not. I'm not too sure but I, wouldn't, I wouldn't send it. I might have but if it's got another company there, I wouldn't have.

All right. Do you know how you would have got that?---Yeah. I would have got that from Mr Petroulias.

40 All right. Anyway, you've gone up to meet Mr Petroulias and Mr Green at McDonald's at Warners Bay? Do you remember that?---Yes.

And that was on the same road, wasn't it, of where some of the properties were located. Isn't that right?---I can't remember the McDonald's, sorry.

You can't- - -?---I can't remember the McDonald's. There's quite a few there.

Well, anyway, you don't remember going inside and meeting Mr Green and Mr Petroulias?---Oh, of course, yeah. We, we ate at a McDonald's but if it's

next to it, it could have been five or ten minutes away. I'd, I'd assume that, yes.

Anyway, just so that I haven't confused you or that – you went up with Mr Zong, Mr Fisk and Mr Rhee in Mr Zong's car?---Yes.

Yes?---Yes.

10 And you met Mr Petroulias and Mr Green at Warners Bay McDonald's that day?---Yes.

And do you remember going inside and speaking to Mr Petroulias and Mr Green?---No. I think I stayed outside. I, I was smoking.

I see.---Ah hmm. I'm not sure.

Your best recollection is you didn't go inside. Is that - - -?---I don't know. I, maybe, maybe not. I don't, I can't remember.

20 You don't remember any of the detail of what was potentially discussed at McDonald's or whether you were inside or out?---No.

Not at all?---No. I can't recall that. No.

Do you remember going to the sites at all?---Yes. Yeah, we went to the sites. That was the reason for it.

Do you remember if you went to all five sites?---We went to a few sites.

30 Do you know how many you went to?---Not that I can remember, no.

Do you remember the order that - - -?---It would have been a few.

Do you know the order you went around the sites in?---It would have been the one closest to McDonald's I presume.

All right. And do you remember there was one located at Waratah or Braye Park, it was called?---Braye, no. That's doesn't ring a bell.

40 Do you remember one that was at elevation, that had views?---Oh they, they all had, they all had views. So - - -

Well, that, that's probably strictly correct but maybe one had a better view. ---Oh, I can't recall. That's - - -

You don't remember. All right.---One had a, overlooking a golf course, that's the only I, that comes to mind.

Anyway, do you recall there being any discussion as you walked around the sites?---No. We, we were just looking around at that time.

Who was pointing out things, if, if anyone?---Oh, it would have been Richard.

Right. And what was he saying as you went around these sites?---Oh, just mapping out what was what and what wasn't.

10 Right. And was he telling anybody about what was for sale or what was proposed?---No.

Well, what did you understand was going on at this stage in terms of what the Aboriginal Land Council was doing in relation to these lands?---It was just a viewing.

Right. And who did you understand Richard Green to be at this point? ---Oh, I thought the chairman.

20 Of what?---Of the Aboriginal Council.

The ones that own the land?---Yes.

Right. And what, he was just taking you for a viewing of the land. Is that - -?---Yes.

He didn't say or raise at all that some of it might have been for sale?---No. Not at that time. No.

30 Right. Did Mr Petroulias say anything as you walked around these sites about what he was doing there?---No.

Not at all?---We didn't. It was just purely a viewing process.

I understand you've said that, I'm just asking about what was said and it sounds like not a lot was said?---It's hard to recall.

Well, what did you understand Mr Petroulias was doing there?---Viewing the property.

40 But why? Why is he going there?---Because he was the one who put it forward to me.

Right. And what did he put forward?---The sale of the property.

What was his role in all of this?---At that time?

Yes?---The introducer, I guess.

Well, he's not a real estate agent as far as you're aware?---No.

And he didn't have any background as you would understand it in property. Is that right?---Well, I do the same thing. I don't own the property, I introduce properties even though I don't own them.

10 So there's three of you there, are there, Mr Rhee, you and him all doing what in relation to this property?---Viewing the property to the potential purchaser.

So who was the potential purchaser?---Tony.

Who was the vendor or seller?---The vendor was Awabakal.

And what was the connection then from Mr Petroulias to Awabakal?---The introducer.

20 Nothing more?---At that stage, that's all I knew.

Well, what about later? What did you find out later?---How far down later? Can you be more specific, sorry?

Sure. Any time before 23 October 2015 when these contracts were signed? ---Okay. 23 October, probably only two or three, maybe even four months prior to that that Tony wanted an option or something like that, so - - -

30 Well, what I'm asking you is what was Mr Petroulias' interest?---Obviously he was going to get paid for some sort of service.

All right. But you think his role in all of this was just as a kind of agent introducing people like you?---At first, yeah.

I haven't sought to limit it at first?---Sorry?

I haven't sought to limit it at first, Mr Sayed. At any time, right up until 23 October 2015, when you attended for these contracts to be signed, what do you say Mr Petroulias' role was in all of this?---All the way through?

40 At any point of time that you like, Mr Say?---Well, at the beginning he was an introducer and then I found out that it was Gows Heat.

And when did you find out that it was Gows Heat?---Few months prior to that.

And what did you find out about Gows Heat?---Not much, just all the correspondence that was coming through.

Well, what was the correspondence telling you?---I'd get it, I'd flick it to Keith.

You wouldn't read it?---I don't, I'm not a solicitor, why would I read it? I'm just there to sell the property and let the solicitors work out what they need to do.

10 So you're, as it goes through, unaware of anything other than you want to get a deal done. Is that really the sum total of what you were doing in this period of time, possibly five or six months?---Pretty much, yes.

And you're not reading or acquainting yourself with any matter of detail about what Mr Petroulias' role was?---No, at the end of the day I just wanted to get the deal done.

And Mr Petroulias never told you what his interest in the land was. Is that what you tell the Commissioner?---Well, up till that point, yes.

20 What point are you talking about now?---A few months before when the contracts started coming through, when things started to get serious.

All right. So let's focus on a few months before. What did Mr Petroulias tell you his interest was then?---I believe that he had the option.

Option for what?---For the property at Newcastle.

For all of it or some of it?---Some of it, I'm not too sure.

30 He told you that, did he?---Yes.

And did he tell you how he acquired that option?---No.

Did he tell you how that option was held?---It was just an option.

Who held it, him or Gows Heat or somebody else?---Gows. Gows.

So he told you that Gows Heat had an option?---Yes.

40 And what else did he tell you about the Gows Heat option?---That was it.

Did he tell you how he came to acquire it?---No.

Did he tell you anything about Richard Green's role in that?---No.

Were you dealing with Richard Green at all in this time period right up to a few months prior to the contracts being signed?---No.

What, your dealings are only with Mr Petroulias and Mr Rhee, is that so?
---Yes.

All right?---I might have seen him once or twice, but I didn't deal with him direct.

So, Mr Say, have you not suggested whilst you were at the site visit when you went to McDonald's to Mr Fisk and Mr Zong that Mr Petroulias has already put this whole deal together?---No.

10

You deny that do you?---At the time when we went to the visit?

Yes.---No, he was an introducer. He just told me there's property for sale.

Do you deny saying that or you don't recall saying that?---I don't recall.

And do you deny that Mr Petroulias said at that site visit that he has an option to acquire these five parcels of land and that - - -?---I think - - -

20

Just a moment.---I'm sorry.

And it would be taking out his position or acquiring his option moving forward?---If he had said that I wouldn't have, I probably didn't hear it or can't recall.

Now, do you recall any discussions on the way back to Sydney after this meeting or site visit?---I guess so.

30

Well, was there a discussion about a need for a due diligence period to work out if the land could be rezoned?---Yes.

You remember that do you?---I think so, yeah.

And what about what else was to happen?---Valuations to be done.

What about an option?---No, that wasn't mentioned at that time that I recall. I don't, maybe. I don't know.

40

Do you recall being involved in any discussion where Mr Zong sought some confirmation from Mr Petroulias that Gows Heat had the interest in the land that was proposed to be the subject of agreement?---Sorry, say that again.

Were you involved in any discussion where Mr Zong was seeking confirmation from Mr Petroulias that he or his company had a right to deal with this land?---Not that I recall. Maybe. I don't know. If, if any correspondence did come through I'd send it through to Keith because Keith communicating with Tony.

Did you ever received a copy of the heads of agreement involving Gows Heat and the Land Council?---I received a lot of correspondence.

Do you recall receiving the heads of agreement?---If I was cc'd, yeah, I would have received it.

Do you know what they say?---No.

You wouldn't have read them?---No.

10

Do you recall that an initial offer was put by Mr Zong to you at an address of Burwood Partners?---Burwood Partners. Sorry, say it again.

Do you recall that Mr Zong's initial offer was to you at an address Burwood Partners?---Right.

You don't recall that?---Oh, that's, a friend of mine was working there at the time.

20

It's not your business?---No, no, no, it's not.

But do you remember receiving the offer?---For?

From Mr Zong?---For which property?

Well, for all of them.---For Wolli Creek as well and the other - - -

Now, Mr Say, I haven't mentioned Wolli Creek. Do you understand that?
---Yes.

30

I'm talking about property in the Lake Macquarie area. Do you understand that?---Yes.

And I haven't mentioned Wolli Creek have I in at least the last 20 or 30 minutes?---No, but you, you're mentioning offers so I might have received an offer there. That's why I just wanted to be a bit more specific.

All right.---You're just purely talking Newcastle. Okay.

40

Did you receive something from Wolli Creek at Burwood Partners?---Well, if it was sent to there, no, but if it was emailed through to me, yes.

Have a look at this if you would, Mr Say.---Sure.

Volume 3, page 139. Do you recall receiving that letter, Mr Say?---I guess so, yes.

Well, you either do or you don't. You don't have to guess anything. If you don't recall it you don't recall it.---I can't recall because if it was, if it was mailed, no. That's what I'm saying to you.

Well, just have a look at the next page. Do you recall seeing the acquisition proposal as it's termed dated 30 June, 2015, and I can show you the next page at page 142, sorry, 141. Do you recall receiving a document like this?
---Yes.

10 All right. And did you again just send that on, did you?---I forwarded it, yes.

Who did you forward it to?---I believe it would have been through to either Nick or Keith.

Right. And do you know what happened after this?---Yeah, the, the 50, I'm just reading now, the 50,000 would have been paid.

20 All right.---The due diligence.

Do you have a recollection of that or you just read it off the document?
---I just read it off the document.

Do you have any independent recollection about what happened after this in the short term?---Oh, look, I know that the, the, the non-refundable was, was put down, the 50,000.

30 Anyway, you understood didn't you that Mr Zong arranged for some planners to go out and have a look at the site?---Yes.

And you understood that some valuers went out to the site?---Yes.

And you had a role, did you not, in assisting the valuers or at least in arranging for the valuers to be appointed?---Yes.

Diamond valuers?---Yes, yes.

40 And you went up to the site, did you, with Mr Rhee with the valuers?
---I think so.

And do you recall as well that at some point Mr Zong raised a question about whether or not he could secure a right of first refusal to some of the land that adjoined the various lots that were the subject of the agreement that I just showed you a moment ago?---Yeah. There was, there was other properties mentioned, yes.

And did you understand at that point that the Land Council had made a native title claim over some lots?---No, not really.

Did you understand or did you know that Mr Zong sought a right of first refusal over some land adjoining some of the lots?---Look, I know Mr Zong, we offered certain properties to him and then he was choosing and picking what he wanted.

10 Just answer my question, sir. Do you know that or not, that he sought a right of first refusal over some of the land adjoining those that were the subject of that agreement?---Oh, I think that would have been put through to Keith.

Do you have any recollection of it at all?---No.

If somebody asked you about it, you would have of course taken instructions from Mr Petroulias, would you?---No, he would have sent it through and I would send it through to Keith.

20 Have you ever been shown a resolution of the Land Council relating to the sale of land?---Yes.

You have. Would you have a look, please, at Exhibit 57, page 15. Do you recall what that resolution said, just before that comes up on the screen, do you recall what that resolution says that you saw?---The resolution was that Solstice wasn't going to be taken or purchase, as the purchaser.

They're minutes, aren't they, that you're talking about?---Yeah, I think so. That's, that's the only one I've seen.

30 I see. And you didn't see those until 2016?---Ah, yes.

Who gave you those minutes?---I think they were sent by, I think that would have been the solicitor.

Ms Bakis?---Yes, or Knightsbridge, yeah.

Now, you went, didn't you, to the Land Council on 23 October, 2015, for these, sorry, for the contracts to be signed? Do you remember?---Yes.

40 And you went up in the car, did you, with Mr Zong?---Yes.

And did you arrange for Mr Zong to meet Richard Green and Mr Petroulias prior to going to the Land Council office?---No, I don't think we met, I don't think we met Nick or Richard before the office.

Your recollection is you went straight there, is it?---Oh, no, we went to, we went to a bank.

Right. What did you go to the bank for?---Oh, 'cause Tony had to make out another cheque.

I see. Did he tell you what he had to do in terms of making another cheque, why he needed to do that?---Well, Nick had called and said, "Is Tony coming with the money?" And I said, "Yeah, he's come up with," I think it was, one cheque was worth 200,000 and that's when I rang Keith and said, "You need to speak to, speak to Tony and Nick to sort it out."

10 Right. And he had to get another cheque, did he?---Yeah. We went to I think, what suburb was it, I think it was Hamilton.

And did you, did he need to get more money, is that what - - -?---Yeah, I think he made another bank cheque.

I see.---I didn't go in there with him, I was just waiting in the car.

Did you know how much the cheques were made for?---No. No.

20 You didn't see them?---No.

You remember, of course, meeting Mr Green and Ms Dates when you went in to sign the agreements?---Yes, yeah. They were present.

Was it the case that the only people present were you, Mr Petroulias, Mr Zong, Ms Dates and Mr Green?---Yes.

And you saw the various individuals sign some of the agreements at least?
---I saw them actioning the signing, yes.

30 All right. But you didn't pay any particular attention as to what they were signing I take it, did you?---No.

And you actually got a photo taken whilst you were up there, didn't you?
---Yeah. It was in the Herald.

Do you recall there was some discussion about steps being taken after that point to assist in rezoning of the land?---No. Once the signing was done, I was out of the picture.

40 And how long did this meeting go for when they went up to sign the documents?---I don't know. Maybe half an hour, I'm not too sure.

Do you know anything about a guarantee that was prepared in December of 2015 between one of Tony Zong's companies, Sunshine, and the Land Council?---Not that I can recall.

You don't remember a discussion about it at all?---I think we went into Tony's office, I'm not too sure, with the – is that after the signing, sorry?

Yes?---No. After the signing, no, I would have probably got it correspondence but I don't know if he knew I was present, no.

But do you know anything about a guarantee being prepared and signed by at least Mr Richard Green?---No, I'm not aware of it.

- 10 Do you recall there being any requests prior to the signing of the contracts for dealing certificates?---No.

What about after the signing of the contracts?---No, I'm not too sure.

Don't remember that?---They were mentioned, there was something mentioned when the agreements were getting signed, Mr Driscoll and Tony and Nick and the solicitors, they were backwards and forwards with what needed and then Tony opted to go through with the deal.

- 20 But was there any discussion at that meeting about a dealing certificate so far as you're aware?---I can't recall.

None that you can recall after that?---I think it would've been discussed with Keith.

Don't speculate. Were you involved in these discussions or not?---I can't recall, no, I don't think so, no, I can't recall.

- 30 So, did the Sunshine deal proceed further as far as you're aware or not?---No, that's when Solstice came through. There was certain things that Tony didn't want, so I proposed them through to him and then there was something mentioned about Tony that – actually, there was something mentioned about Tony that it might not go through, because - - -

When was this?---Probably December, January or November, something like that, I'm not too sure. Probably after that, there was something about Tony Zong in the papers or something and the Aboriginal Council was a bit saying, well, who is this guy?

- 40 Did you find out about this, did you?---It was in the paper.

THE COMMISSIONER: Tony Zong, did you say?---Yeah, something about Panama or something.

About?---Panama, or something.

Panama?---Yeah, some overseas investing or something, I can't recall the article, but - - -

MR CHEN: What did you hear about the Land Council was concerned about?---Pardon?

What did you hear - - - ?---They told me there was - - -

Just allow me to finish?---I thought you were finished.

10 What did you hear the Land Council was concerned about?---About Tony.

And your only contact with it was Mr Petroulias, wasn't it?---Correct, yes.

So he was telling you this. Is that right?---Yes.

So what was he telling you the Land Council was concerned about?---Just about his involvement in this article.

And when was this?---Whenever the article was published, I guess.

20 Can you tell the Commissioner what your best recollection of when this article appeared and when this conversation you had with Mr Petroulias happened?---It would've been the time when the article was published.

So you can't help to locate the date?---I can't remember, no.

Was it 2016 or 15?---Probably crossing over, I'm not too sure.

30 You were involved with the transaction or attempted transaction with Solstice at all?---Attempted transaction?

Yes?---Transaction of what, to purchase the property?

Yes?---Yes, yes.

And when did you first become involved in that?---I put through to Solstice probably November/December certain properties.

2015?---Yes.

40 So within one or two months of the agreements being signed?---Yeah.

And why did you take that step, who instructed you to take that step, Mr Say?---Well, usually when, when I do have a property for sale I'd give it to one or two investors.

Just answer my question if you'd be kind enough.---I'm going to answer for you.

Who, who told you to do that?---Who told me to do what?

Well, you approached Solstice as I understand.---Yes.

Right. Who told you to do it?---Well, I did, myself.

Without any input of anyone else?---I'm selling a property. Why would I
- - -

10 THE COMMISSIONER: No, but did you consult with anyone about Solstice?---No. Why would I?

Well, how did you come in touch with Solstice?---Well, they were, they were investors. I put various stuff through to Solstice to see if they wanted to purchase properties.

Had you done work for them before?---Not, I've, I've offered them properties in the past.

20 Who did you know in Solstice?---Ryan. Ryan.

Ryan. Is that his - - -?---Ryan Strauss.

Ryan who?---Ryan Strauss.

MR CHEN: But, Mr Say, as I understand the sequence, the contracts have been signed on 23 October, 2015 between, at the very least as you knew it, Gows Heat, the Land Council and Sunshine Property Investment Group, Mr Zong's company. Isn't that right?---Yes.

30 And within a month or so you're speaking to Solstice.---Yes.

So who instructed you to make contact with Solstice?---No, there's, there's all other properties in the area so I had other properties for sale.

Well, Mr Say, we can go about this slowly if you're not following my questions but - - -

40 THE COMMISSIONER: Mr Sayed, from what you have said thus far it was sheer coincidence that you've got Sunshine, you've been dealing with Sunshine and then within a very short time another company Solstice pops up, both ultimately connected with the very same five parcels of land. Some might say what a coincidence is that and others might say well, somebody must have spoken to you to drag you into this because it wouldn't have been coincidence so we just want to know how you got involved that's all.---Oh, yeah. Okay. Okay. Yeah, okay. Well, Nick - - -

If you please answer the question.---Okay.

MS NOLAN: Commissioner, Commissioner, I'm going to interrupt because I think there's confusion. I was going to object to it.

THE COMMISSIONER: No, no, Ms Nolan, please, don't interrupt.

MS NOLAN: But there's some real confusion.

10 THE COMMISSIONER: Do not interrupt. Sit down. Yes, would you take that up then, please.

MR MENZIES: Well, I object, Your Honour, because there is a confusion.

MS NOLAN: There's a real confusion.

THE COMMISSIONER: Pardon?

MR MENZIES: I object. There is a confusion of - - -

20 THE COMMISSIONER: Why, Mr Menzies?

MR MENZIES: Well, because there are more than one parcel of land, Your Honour.

MS NOLAN: We're talking about two different parcels.

THE COMMISSIONER: I'm sorry?

30 MR MENZIES: We're talking about two different parcels of land. The fundamental error that seems to have been made by those assisting you is they do not recognise that the land that's being referred to is not the same parcel of land at all.

THE COMMISSIONER: Well, are we talking about parcels of land owned by the Awabakal Land Council?

MR MENZIES: Yes.

40 THE COMMISSIONER: Well, again there's a huge coincidence isn't there?

MS NOLAN: No, they're different land, it's different land.

MR MENZIES: But it's different land, Your Honour.

THE COMMISSIONER: Yes, different land holdings but I'll leave it to Counsel Assisting, Mr Menzies, to clear up.

MR MENZIES: If Your Honour pleases.

MR CHEN: I'll take on board my learned friend's comments. Would you look, please, at volume 8, page 1. Now, you've emailed on you can see here on 6 November, 2015 some valuations to Ryan Strauss. Do you see that?
---Yes.

And why were you doing that?---To sell the property to somebody else.

10 Right. To sell these five properties that are referred to in your email below?---Potentially, yes.

So this is on 6 November, within a matter of a few weeks from when the contracts have been signed?---Yeah.

And who instructed you to do that?---It's, I did because I send, I send properties to five or six different people at the same time.

20 Notwithstanding the fact that agreements had been signed in your presence on 23 October, 2015, you took it on yourself, did you, to try and sell them to Solstice. Is that it?---Well, there was more than those. There was other ones that I'd sent as well.

Well, just answer my question?---Yes.

You took it on yourself, did you, to try and sell those properties to Solstice?
---Yeah. If the deal fell through, yes.

30 THE COMMISSIONER: Well, it had only just happened?---Pardon?

The deal had only been brought into existence a few days before, 23 October 2015. What made you think it might fall over so early?---Pardon?

40 What put the seed of thought in your mind that you're going to go look for another bar because this deal might fall over, the first one with Gows?---The reason being is when the discussions were taking place, Tony kept changing this, changing that, changing this, changing that, so I thought that maybe the Council wasn't going to agree with him and then this thing came through from Panama.

You're not making this up now, are you?---Huh?

You're not just making this up - - - ?---No, no.

- - - as you go?---No. Why would - - -

MR CHEN: You were paid, weren't you, through Mr Rhee's company for your role in bringing this deal together?---Yes.

And you had accepted by November at least some of that money, had you not?---Not too sure, yeah, I would have got, I think he was paying in instalments.

You were paid \$125,000, weren't you?---Yes.

And so far as you can say, by at least November, you'd been paid some, possibly all of that money?---Yes.

10

So you'd accepted, had you not, the money for that, for your role in bringing together a deal there, but at the same time you were trying to sell it off to Solstice. Is that it?---If the deal didn't go through.

And what other contact did you have with Solstice at the end of 2012 and – I withdraw that – 2015 into 2016?---We would've communicated.

THE COMMISSIONER: It's not what you would have, the question was, what did you do in terms of contact with Solstice in that period?---Site visit.

20

MR CHEN: Site visit?---Mmm.

Did you tell Mr Petroulias you were doing this?---I think so.

And did you tell him that you'd sent the valuations onto Solstice?---No, I can't recall, I don't know if I did or didn't.

Did you tell Ms Bakis that you'd done this?---No, I don't think so.

30 You don't think so?---I don't, I don't recall.

Did you have any dealings with her at all into 2016 in relation to Solstice? ---Ms Bakis?

Yes?---I think there was some, I think, contracts drawn up or something.

Right. When was that?

Early '16, I think.

40

THE COMMISSIONER: Could you put a month on it as best you can?---January, February, I think.

January or February '16?---Yeah, I think so.

MR CHEN: Who were you representing in these negotiations with Solstice?---The Aboriginal Council.

You were?---Yeah.

THE COMMISSIONER: On whose instructions?---Nick.

So he was giving instructions on behalf of the Aboriginal Land Council to you in respect of the Solstice?---Yes.

MR CHEN: So what happened to the Solstice deal, Mr Say?---It fell through.

10

Why?---Between the solicitors, just, they didn't meet eye to eye.

What's your understanding of why the deal fell through?---They couldn't come to an agreement and then I saw some minutes from the Aboriginal Council that Sunshine wasn't, sorry, not Sunshine, Solstice wasn't approved.

So those emails, those minutes were sent to you by Ms Bakis, were they?---I think so, yes.

20

And they're the minutes of the board meeting of the Awabakal Local Aboriginal Land Council. Is that what you're referring to?---I believe, yes, they were the minutes from them, yes.

You sent them on, did you, those minutes, to Mr Strauss or whoever you were dealing with at Solstice?---Yes.

30

THE COMMISSIONER: Could I just ask you this. How much contact if any had you had with Ms Bakis up to this time, the time we're talking about, the minutes which were sent to you by Ms Bakis?---I don't think I – in terms of emails?

Well, any form of communication at all.---Oh, any communication was email sent through.

And you said that she sent you a copy of the minutes with the Solstice deal falling over?---Yeah, I think, yeah, I think so, yeah.

40

And you'd dealt with her before then?---No, not face-to-face or verbally or email, no, everything, everything, oh, emails would come through and then I'd send them through to Mr Rhee.

So do you recall when you first communicated with Ms Bakis about any Aboriginal land matter?---Not me direct, no.

But in this case she did directly send these minutes to you, you said?---Oh, I'm not, I'm, I'm, I think it was cc'd to myself and, and, and I think Nick was cc'd I think, I'm not too sure.

By, cc'd by Ms Bakis?---By Knightsbridge, yeah, Knightsbridge.

Knightsbridge.

MR CHEN: And was there more than one set of minutes that you received?
---Oh, I think it was just the one email, I'm not too sure.

10 And you were told by Ms Bakis in an email that the board has rejected
ultimately the Solstice proposal. Isn't that right?---Yeah, through the email,
yes.

And did you try and resurrect the deal?---Yeah, Ryan (not transcribable)
said is there any way that we can resurrect it, yes.

And you tried to speak to Ms Dates, didn't you?---Yeah, I gave her a -- no,
no, that was after Richard, I made contact with Richard.

20 With Richard Green?---Yes.

And what, you tried to broker the deal to sell the properties directly through
contacting Mr Green. Is that right?---Yes.

And do you know the date of when this was that you made contact with Mr
Green?---Oh, it would have been after everything fell through.

Right. And how did you get his contact details?---Mobile number.

30 All right. How?---How?

How did you get his mobile number?---I probably would have got it off him
during that period.

What period?---Or his business card, he had a business card.

Right. And what's your evidence, you got a business card or you got it off
him or - - -?---Business card, the Awabakal business card.

40 THE COMMISSIONER: What was the business he was running?
---Awabakal. Business card from Awabakal.

Did it have the name Awabakal on it?---Yeah, Awabakal, yeah.

MR CHEN: Isn't it the case that one of the, the real reason why the deal
with Solstice fell through is because they wanted a dealing approval
certificate?---Who, Solstice?

Yes.---It might have been, I'm not sure.

You've got no recollection of that at all?---The, the, the State Council?

No, that Solstice was requesting a dealing approval certificate?---All the correspondence, Ryan's solicitor, Nick and Knightsbridge, they were there and whatever they were talking about.

You know nothing of that?---Pardon?

10 You know nothing of that?---Of the Land Council?

Of the request - - -?---It might have got mentioned but, but that comes later on.

THE COMMISSIONER: We're talking about the reason the deal with Solstice fell over. Do you know what the reason was?---My, my only concern was the minutes that came from the Awabakal meeting saying that Sunshine, sorry, Solstice weren't approved.

20 MR CHEN: Just have a look at this if you would, Mr Say.---Yes.

So it's volume 14, page 80. Now do you see there, there's an email to Ferntree Inv. That's your email address, isn't it?---Yeah, (not transcribable)

From Andrew Kavanagh of 4 May, 2016. Do you see that?---Yes.

And you remember receiving this email, do you?---Yes.

30 And you see that they actually sent through their own legal advice.---Yeah, I would have sent that through to Knightsbridge or Nick.

All right. But would you not have read it?---Anything legal, I just send it straight through.

So you wouldn't have even had a cursory look at this, Mr Say?---I, I might have read it in passing, yeah.

Well, you would have read the top, surely. "Hi, Sammy."---Yes.

40 And they said, "Please, see below the legal advice, et cetera. We require the New South Wales Aboriginal Land Council to agree to the transaction."
---Yeah. Well, I sent it straight through to the solicitors.

Right. You understand what that means, don't you?---Oh, reading it, yeah, yes.

Yes. And you knew what that meant at the time, surely?---When I got it?

Yeah.---Yes.

So you knew there had to be a step taken by another body to approve this transaction. Isn't that right?---Yes.

Right. And you knew at this point, that you didn't have that consent or agreement. Isn't that right?---Well, at that time, yes.

And you hadn't sought it, had you?---Myself?

10

Yeah.---Why would I need to get it?

Well, I'm just asking you. Have you sought it? Did you seek it at this time?---No.

And did you know whether Ms Bakis had tried to secure it?---No. I wasn't -
--

Do you know whether Mr Petroulias had tried to secure it?---No.

20

So at this point, is not it clear to you that the deal is not going further without that step being taken?---Well, after reading that, yes.

Well, you read it at the time, didn't you?---No. I told you I didn't read it. I read, passed, forwarded it on.

You read the first bit, didn't you? The top part of the email.---Yeah. Just saying Council agreed to the transaction and I sent it through.

30

Yeah. So in any event, you made contact with Richard Green, did you, to see whether you could do a deal with him directly?---Yes.

All right. And you had his mobile number?---Yes.

And what did you say to him when you made contact with him?---To my recollection, the, the committee knocked back Solstice. Any reason why? Can we resurrect it?

40

Right. And what did Mr Green say?---He said, "Yes." And then that was the last I heard of it.

Did you not suggest that you could help in that process?---Myself?

Yeah.---Without Richard, no.

All right. So you didn't have any other dealings with Mr Green after that point?---No.

What about Ms Dates?---I tried to contact Debbie.

Did you speak to her or not?---Yes, I did. I told her, yes.

What did you speak to her about?---I was saying that, again, from the, the minutes of the meeting, can we sell this property to Solstice and she mentioned something about, she, she's getting investigated, something from the administrator and that she might be losing her chairman's position.

10 Right. Where did you get her contact details from?---(not transcribable) she gave me a card, or at the time of the signing.

She gave you a card, did she?---Well, maybe. I'm not too sure, I can't recall.

All right. Why are you ringing her directly?---Why?

Yeah.---To see why it fell through.

20 Well, you wanted to try and, as you say, resurrect the deal, didn't you?
---Yes.

And had you had any dealings with Ms Dates before this phone call?---No. Just probably, I saw her at the signing.

So in that six months or so since the signing, you just ring her up out of the blue to see whether you can resurrect the deal on behalf of the Land Council?---Ah hmm.

30 Is that a yes?---Yes.

All right. And what did you speak to her about after she said that she was being investigated?---That was it. And then I spoke to Ryan.

All right. And what did you tell Ryan?---"I don't think it's going to happen."

Did you tell him that you'd made connections in the Aboriginal community to allow you to deal directly with them?---I told them that I'd contact Richard or Debbie.

40 Did you tell him that you have made the right connections in the Aboriginal community which would allow you and him to deal directly with them as a team?---Yes.

And that's what you did?---Yeah, I made contact with Richard and Debbie.

Did you also tell Mr Kavanagh that the State Land Council's issue that they raised was just a formality?---Not that I can recall.

Well, I'll help your memory, Mr Say, have a look at volume 14, page 85. Just have a look down the bottom if you would. Do you see there you're stating that the Land Council have consented?---Yes.

And the state's land council is just a formality? Do you see that?---Yes.

And what's the basis for you to make that statement?---Just from – Nick would've given me that.

10 And would you have a look, please, at page 86? You'll see there's an email down the bottom there that you're sending Mr Kavanagh as well, and in the last line, you're telling him there's never been a refusal by the Land Council and that "Andrew, you're home"?---Hmm?

So, what's the basis, first, for your statement, "There's never been a refusal"?---I don't know.

20 Well, take your time, Mr Say?---I'll need to read the previous emails that have been going backwards and forwards. You've just shown me the last email.

You're welcome to look at it in hard copy as well if that assists you, Mr Say?---Yeah, just bring it up please a little bit more. No, no, the other way. I would've either got that from Richard or Nick, I think, because that's not my wording.

30 When you say, "It's not my wording", what are you referring to?---I probably would've got an email then I would've pasted that through to Andrew.

THE COMMISSIONER: Mr Sayed, the hard copy is there if you want to use the hard copy?---Yeah, I would've sent that through to Nick or Ms Bakis, the solicitors.

MR CHEN: I'm sorry Mr Sayed, would you repeat that?---I said I would've sent, I would've either sent that through to Nick or Despina, Ms Bakis, the solicitor.

40 When you say, "Sent it through", what do you mean?---Well, all that info that I got there I would've got from them.

I see. And so when there's a reference, if you go to page 87, you see page 86? You're referring to, no, just at the top, the potential to make 90 to \$150 million. Do you see that?---Yes.

Where are you getting that information from, Mr Say? Is that from Mr Petroulias?---No, that would be the gross realisation.

And where are you getting the information from?---I think that was the, I think it was a forecast that Ryan had done for the property, for the subdivision.

And what happened after this, then, Mr Say, when you've told them it's a formality?---Well, Ryan's solicitor, Mr Driscoll and Nick would've met.

10 THE COMMISSIONER: What was the basis for you expressing that view that it was just a formality? You must've had some info either from someone or something?---At that time they would've said that, yeah, it goes to state land council, that's what I was under the impression.

But who - - - ?---I didn't get any professional opinion.

Who is that, who are you talking about?---It could've been Richard, it could've been Richard, Nick, it could've been anyone.

Well, was it one or another of them?---It could've been both, your Honour.

20 Anyway, you accepted them for their word, did you, who, whichever one, or both?---Yeah, I was getting all the information off them, yeah. I'm not, I'm not making things up.

They were putting to you that it was just a formality?---Yeah. Whatever they give me, I just on forward to the best of my knowledge.

Put it this way, did you have any other independent source of information to be able to make statements of that kind?---No, no, no.

30 Whether through material that you researched, or from speaking to others? ---No, no.

No other sources?---No other sources, no.

MR CHEN: Within a matter of a few weeks after this, you had spoken, Mr Say, had you not, to Debbie Dates? Isn't that right?---After, or - - -

No, I'm not asking you about any document, Mr Say?---Any day after, I mean.

40 No, just listen to my question if you would. In the three or so weeks after these emails had passed, you in fact had spoken to Ms Dates on another occasion. Isn't that right?---No, it would've been the only occasion.

You say the only occasion is when she referred to the fact that, amongst other things, she was being investigated and she may lose her position as chairperson?---No, I didn't get it off her, I got it off Nick saying it was an administrator.

Right. Your evidence a moment ago is that you rang her?---Yes.

And she told you that the deal was not proceeding, or words to that effect, and you wanted to know why. Isn't that right?---No, I said that the minutes came through, that they were going through.

And she told you that she was being investigated, did she not?---There was an administrator appointed.

10

Is it your evidence that you had no other discussion with her at all after that point?---We probably spoke once or two times, something, after that.

What did you talk about?---About the deal with Solstice, if we could get it through.

And what were you talking to her about?---About the deal.

Well, I assume that it's on the phone, is it?---Yes.

20

And when you ring her, you tell her something, do you?---Yeah. Yes.

What did you say to her?---I said the minutes came through, Solstice wasn't going through, is there any way we can get it through?

Let's be clear about this, Mr Say. You've mentioned that already in the first conversation. Do you agree?---Yes. Yes.

30

All right. So we're moving on. You just told the Commission a moment ago you had one or two other conversations with her?---Yes.

Let's focus on those ones at the moment, is that clear?---Yeah, sure.

All right. So, when you spoke to her on the other occasions it was about, as you describe it, getting the deal through or something to that effect?---Yes.

So what did you say to her?---I can't recall.

40

Do you recall what she said to you?---No.

What about in the - - -

THE COMMISSIONER: Do you remember the purpose of the call?---It was about Solstice.

What aspects?---Like I said, the deal, if we can get it through or not, if there's any way of resurrecting.

Do you remember what sort of response she made as to whether she came up with any ideas, or?---I can't recall. Something might've been said but I can't recall.

MR CHEN: Did you not speak to her about a payment to her?---Yes.

And to pay her a sum of money if you could get the deal through?---Yeah, that's if she lost her position, yeah.

10 THE COMMISSIONER: How much, what sort of money did you indicate?
---I think it was if, if she lost the position and at the end of the, at the end of the deal she was getting some amount of money.

No, but - - -?---Something to do with lobbying to get all the - - -

Just - - -?--- - - - community members together and all that.

20 What did you indicate to her as some sort of range which would make it worth her while?---Oh, if she lost her job, I would have, I think I emailed Ryan on that one.

Yes. But how much did you mention to her would be proffered or paid in fact?---Maybe two, 300, something like that.

Can you remember that now?---No, look, there is a figure but I think 300 or something, 300 or 400.

Why do you pick 300 something?---It's just - - -

30 Do you remember?---The exact figure, no, I can't remember the exact figure.

MR CHEN: It was 450,000, wasn't it?---Oh, 450?

Yeah?---Yeah. If that's, I can't recall but if that's the figure, yes.

40 THE COMMISSIONER: And when you're talking about 300-odd a moment ago, you were not literally talking about 300, you were talking about 300,000?---Yes, 300,000, yes.

MR CHEN: And that was to pay her what, if she lost her position?
---Yes. She was getting investigated, yes.

Why were you paying her that sort of money or offering to pay her that sort of money if she lost her position?---Well, to lobby. It wasn't me. Ryan was going to pay that.

Right. But why - - -?---I'm not paying that.

You were the one speaking to her though, weren't you, about this?

---Yeah, but it's not coming from me, I'm not paying it.

No, but I thought you told the Commissioner that the reason for the payment was if she lost her position - - -?---Correct.

- - - as chairperson - - -?---Yes.

10 - - - and for her lobbying. What's her losing her position got to do with anything?---If she lost the position she can work for Solstice.

I see. Is that what was discussed?---I think so, yes.

Well, you're the one having the discussion, Mr Say, is that what was discussed?---I'd have to check my emails, yeah, because I would have, I would have got verification from Ryan.

20 Okay. Was it not your idea, this payment, Mr Say?---My idea?

Yes?---If she left the position, yes.

Right. Would you have a look at volume 14, page 129. Do you see you offering to meet face-to-face at lunch with Mr Kavanagh and Mr Strauss?
---Yes, I can see that.

Do you remember meeting them for lunch?---Yeah, if, if we did, yeah.

30 I'm sorry, if you did? I'm asking whether you did.---Yeah, I can't, I can't recall. I can't recall.

Do you remember discussing with them that in fact you'd spoken to Ms Dates about paying that amount of money?---Yeah.

And they were happy to pay it, were they, if the deal went through?
---Yes.

40 Right. And did you get a letter back from the solicitors or did you become aware a letter was sent from the solicitors, Knightsbridge North, about that offer?---Yeah, I think it was a cease or something to communicate with Awabakal.

Right. Do you recall receiving it or did Mr Strauss or Mr Kavanagh tell you about it?---I think they sent it through to me. I'm not too sure.

And did you read that?---I did, I did, I did read it, yes.

It was a legal letter, was it?---It came from Knightsbridge I think.

Was it a legal letter?---It was an email.

Right. And did you read it?---Yes.

And what did it say?---To cease and desist or something.

Well, what else did it say?---And something about paying Debbie or something.

10

Right.---I'm not going to remember word for word.

Commissioner, I'm going to be about another 20 minutes I expect with this witness.

THE COMMISSIONER: Yes. All right. Well, we'll continue tomorrow morning.

20

Now, Mr Sayed, we'll resume at 10 o'clock tomorrow morning.---Oh, thanks.

And we'll finish your evidence tomorrow. You'll be back here then to start at 10.00. You may step down.

THE WITNESS STOOD DOWN

[3.59pm]

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THE COMMISSIONER: Yes, I'll adjourn.

AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.00pm]