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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 13 APRIL, 2018

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, Mr Chen.

MR CHEN: Commissioner, I call Nicole Steadman.

THE COMMISSIONER: Yes. Ms Steadman. Good morning, Ms Steadman.

MS STEADMAN: Morning.

10 THE COMMISSIONER: Would you mind just stating your full name?

MS STEADMAN: Nicole Grace Steadman.

THE COMMISSIONER: Ms Steadman, do you want to take an oath or an affirmation for the purpose of giving evidence?

MS STEADMAN: Oath.

THE COMMISSIONER: Oath. Thank you. Yes, thank you.

THE COMMISSIONER: Take a seat, Ms Steadman. Ms Steadman, as you're not legally represented I just advise you that you may give evidence under objection, and that has the effect that evidence given under objection can't be used in any future proceedings, criminal, civil, administrative proceedings, other than for an offence under the ICAC Act such as giving false evidence for example, it could then be used, but otherwise it gives you that level of protection. So having been advised of that, do you wish to give evidence under objection?---Yes, thanks.

Then I declare pursuant to section 38 of the Independent Commission Against Corruption Act that the evidence given by Ms Steadman and all documents and things that may be produced by her during the course of her evidence are to be regarded as having been given or produced on objection and accordingly there is no need for Ms Steadman to make individual objection to any particular question or answer or document or object that you may be required to produce.

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**I DECLARE PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY MS STEADMAN AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR MS STEADMAN TO MAKE INDIVIDUAL OBJECTION TO ANY PARTICULAR QUESTION OR ANSWER OR DOCUMENT OR OBJECT THAT YOU MAY BE REQUIRED TO PRODUCE.**

30

THE COMMISSIONER: Yes.

MR CHEN: Thank you, Commissioner.

Ms Steadman, are you currently working?---No.

40 Did you commence working at the Awabakal Local Aboriginal Land Council in mid-2013 as a receptionist?---Yes.

Did you move to become a project officer in around mid-2014?---Yes.

Were the duties of a project officer essentially administration and office work?---Yes.

And you worked beneath the CEO and took instructions from the CEO, I take it?---Yes.

Now, you are married, are you not, to Lenny Quinlan, a board member?  
---We're not married but we're in a relationship, yes.

I see. And you were at the time that you were working for the Land Council?---Yes.

10 And Mr Quinlan's mother is Jaye Quinlan?---That's correct.

And his aunt is Debbie Dates?---Yes. I was just having a drink of water, sorry.

I'm sorry, I missed the end of that?---Yes. I was just having a drink of water.

Now, you assumed the position of acting CEO, did you not, in February 2015 when Mr Steven Slee was suspended?---Yes.  
20

And you were asked to do that, were you not, by Ms Dates and - - -?---Yes, and Richard Green.

All right. Now, prior to the time that you assumed the position as the acting CEO, you hadn't held a comparable position, had you not?---No.

And you hadn't worked or run a business, had you?---No.

You hadn't had any experience or training in financial matters?---No.  
30

Financial reporting or matters of that kind?---No.

Did you understand or have any understanding when you assumed that role about what the Aboriginal Land Rights Act said about what your functions were?---I had read it, yeah.

Right. And did the Land Council itself provide any training for you to properly perform that job?---No.

40 Did it cause you – I withdraw that. You finished school, did you not, in year 10?---Yes.

And since that time you'd undertaken a certificate in traineeship. Is that so?---Yes.

Is that the only training or course that you had undertaken after you finished school?---I had done others but not in administration.

In any event, the certificate in traineeship was training and skills in office work?---Yes.

Administration work?---Yes.

And computers and the like?---Yes.

You're aware that Mr Kenney, an investigator, was appointed to have a look into some of the affairs of the Land Council?---Yes.

10

And you understood he prepared a report, did you not?---Yes.

And he made the remark, without intending any criticism to you and nor do I, that perhaps you weren't equipped to undertake the role as the CEO?  
---Yes.

Would you agree with that?---Probably, yes.

It caused you a good deal of anxiety and stress, the role, didn't it?---Yes.

20

And that's partly or significantly because you didn't have really the skillset to be able to properly perform the functions. Is that so?---Yes.

Now, part of the job – I withdraw that. As a receptionist was it your job to type up the minutes of the board meetings?---Occasionally, yes.

If you look at job descriptions was it typically the job description of the receptionist to type up the minutes or was that a job that was shared around?  
---It was shared. It depended who was asked to do it.

30

And who else would be asked if it wasn't the receptionist, was it the project officer?---Yes.

Was the only – I withdraw that. Was the staff that was in the Land Council working the CEO, a project officer and a receptionist?---Yes.

And that was the case at all times you were working for the Land Council?  
---Yes.

40

So the typing up of the minutes from a board meeting would normally be conducted by either the project officer or more usually the receptionist. Is that - - -?---Yes.

- - - fair?---Yes.

And that's what you observed occurred during the time that you were working there?---Yes.

Now, you understood, did you not, that the minutes of board meetings were recorded in a minute book?---Yeah.

And you're familiar with that book I take it?---Yes.

And when you were the acting CEO, you would not always but regularly go to board meetings, would you not?---Yes.

10 And when you did go to board meetings you would be the one that would take the minutes?---Yes.

And you would record them by hand in the book?---That's correct.

And when you were taking the minutes you understood I take it that it was important to keep a complete record of what was discussed?---I tried, yes.

Well, you did your best to do that?---Yes.

20 I take it if things were moving too quickly you'd ask people to slow down or repeat themselves?---Yes.

You'd note if motions were moved?---Yes.

What the outcome of those motions were?---Yeah.

What the subject matter of discussions between various board members would be?---I would try, yes.

30 And if something was tabled or put before the board you would see that it would be noted in the minutes that you recorded?---Yes.

And you've got no reason to think that you did anything other than your best to fully and accurately record what was, what you put down in the minute book as to what occurred at the meetings you attended, do you?  
---That's right, yes.

Now, the minute book itself was kept in the CEO's office, wasn't it?  
---Not always, sometimes it was kept in the receptionist's room.

40 I see. Did the receptionist have a separate office or was it just a desk at the front?---It was a desk at the front.

And so if it wasn't in the CEO's office, sometimes it would be kept by the receptionist, would it not?---Yes.

And would all staff have access to that book?---Yes.

Any board member who wanted access to it would be given access to it if they asked you?---If they asked, yes.

Now, following meetings, resolutions – I withdraw that. Obviously in the course of meetings resolutions would be passed.---Sorry, can I just have - - -

Sure.---Yes.

10 And they were separately typed up, were they, or not?---Yes, there was a resolutions book.

Where was the resolution book kept?---More likely than not with the board minute book.

I see. So principally in the CEO's office but sometimes with the receptionist?---Yes.

20 And in terms of access to that, would any member of staff have access to it? ---Yes.

Any board member have access to it?---Yes.

Now, the board resolution book, was it a folder or an actual hard copy book?---I think it was a red book.

I'll just show you Exhibit 50 first. I'll just show you Exhibit 50 which is a board members' minute book of 20 March, 2013 to 8 March, 2016. You're familiar with that book, are you not?---Yes.

30 And that's the minute book, isn't it?---Yes.

And when a resolution is passed I think you said they were typed up, did you, and stored separately?---Yes.

And is that a separate folder or a separate book?---I think it was a red book like this. I'm not sure. I can't remember.

40 Could it have been a folder or you just don't know?---I just can't remember. It may have been a folder but I just, I can't remember right now.

Just have a look if you would on the – I'm sorry, did you finish your answer?---Yes.

Just have a look on the screen, volume 2, page 6. Just hold onto it if you would for the moment, Ms Steadman. So do you recognise that as being some of the style of resolutions that were kept by the Land Council?  
---Yes, yes.

And they were typed up, the board resolutions, were they not, in that format?---Yes.

Could it be that in fact these resolutions were actually just kept in a separate folder, not a book?---They may be, I just can't remember.

All right. Now, you didn't go, I take it, to any board meeting prior to you becoming the acting chief executive officer?---No.

10 And it was only when you assumed that role that you then attended the meeting but sometimes you weren't there for the whole meetings. Is that the position?---That's correct, yeah.

Sometimes you would sit through the whole meeting and sometimes not?  
---Yep.

And if you didn't sit through the meetings, that's because the board members asked you to leave?---That's correct.

20 Now, if you just have look if you would please, this will come up on the screen but you're welcome to look at it in hard copy in Exhibit 50. So if you look at volume 2, page 62, I'm just going to show you some minutes of the board meeting dated 31 October, 2104.---Ah hmm.

And you recognise that as what appears to be the minutes for that day, do you?---Yeah.

And I'm not suggesting you were there on that day of course.---No, I wasn't no.

30 But if you just have a look at the next page, please, page 63, you'll see that there's a scribbled-out section in the first paragraph and then there's a second paragraph commencing with the word, "Propose."---Yeah.

Have you ever read this resolution before?---I think I may have read it last time when I come here but other than that I can't remember.

So before this year you'd never seen this entry before. Is that so?---Not that I can remember, no.

40 Now, there's been some evidence that there's been some letters and words added into this document, not by the person who took the minute. Now, do you know anything about that?---No.

You weren't asked to make any entry for the board meeting on this day?  
---No.

You don't know who did make any extra entries into it, other than the minute-taker?---No.

Now, I want to show you a resolution, please, so volume 2, page 66. Now, again I appreciate you weren't the CEO at this time, but would you have a look please at the resolution at the top of the page. At any time you were working for the Land Council had you seen that resolution?---No.

You know nothing about it?---Nothing.

10

In the time that you have been taking minutes, have you ever seen a resolution such as this one stapled into the book?---Um, I can't remember. I'm not 100 per cent sure.

Now, you'll see the reference in that to Gows. Do you see the reference to the word Gows?---Yes. Yes.

20

In your time as the CEO, had you ever heard of an entity called Gows?---I heard of it once when I was taking minutes, but it was just in conversation, I wasn't really listening, I just wrote it in the book.

All right. Aside from that reference, had you heard anything else about them?---No.

You never heard of the entity Gows Heat Pty Limited?---No.

30

Would you just have a look, please, at Volume 3 page 123? You'll see there there's a document described Heads of Agreement, General Heads of Agreement, 15 December 2014?---Yeah. I can see it, yes.

And just have a look at the next page, if you would. You'll see that appears to be an agreement between Gows Heat and the Land Council of that date? ---Yes.

Had you ever seen that document before when you were at the Land Council?---No.

40

I take it that documents of that kind are kept somewhere, are they, assuming they exist, in the Land Council records?---Yes. They would be.

And they would be in the CEO's office, I take it, would they?---Yes. I would assume that would be the place they'd be kept.

And if there was an agreement signed and it was brought to your attention, where would you store it?---In the CEO's office, there was a bookshelf and it had all folders for different, like, for what the land was and all that, probably in one of them folders or maybe in a filing cabinet.

All right. Over the course of your time as a CEO, you'd had need to search for things such as this, hadn't you?---Yes.

And you had never seen it at all, had you?---No.

All right. Until we've shown it to you?---Yes. Yeah.

At any board meeting you attended, had Mr Green ever raised that he'd signed this agreement?---No.

10

Had Mr Green ever raised it personally with you that he'd signed it?---No.

Was there ever any discussion at any board meeting you attended about giving Mr Green the authority to sign this document?---No.

Was there any discussion at any board meeting you attended about the board delegating to Mr Green the authority to execute that agreement?---No.

20 Was there ever any discussion at any board meeting you attended about the Land Council entering into an agreement with Gows Heat of any kind?  
---No.

Now, have you ever heard of the company Sunshine?---No.

You've never heard in your time, I take it therefore, of any agreements or proposed agreements between the Land Council and Sunshine Property Investment Group Pty Ltd involving Land Council Land?---No.

30 In your time as the CEO, were you aware of any agreement or proposed agreements of any kind between the Land Council and Sunshine Property Investment Group Pty Limited?---No.

In your time as a board member, were you aware of any agreements or proposed agreements between the Land Council and Sunshine Warner's Bay Pty Ltd involving - - - ?---No.

- - - Land Council Land?---No.

40 MR MENZIES: I object to that question. Maybe it's an error by my learned friend.

THE COMMISSIONER: Sorry Mr Menzies, I can't hear.

MR MENZIES: It may have simply been an error by my learned friend. He said, "When you were a board member", I think.

MR CHEN: I apologise, I thank my friend for that. In your time as a CEO were you aware of any agreements or proposed agreements between the

Land Council and Sunshine Warner's Bay Pty Ltd involving Land Council Land?---No.

And in your time as the CEO, were you aware of any agreements or proposed agreements of any kind between the Land Council and Sunshine Warner's Bay Pty Ltd?---No.

10 Did Mr Green ever raise that he'd signed agreements involving those parties at any board meeting you attended?---No.

Did he ever raise it with you personally?---No.

Did Ms Dates ever raise that she'd signed agreements involving those parties at any board meeting you attended?---No.

Did she ever raise it with you personally?---No.

Now, have you ever heard of Solstice Property Corporation Pty Ltd?---No.

20 In your time as the CEO, were you aware of any proposed agreements between the Land Council and Solstice Property Corporation Pty Ltd involving Land Council Land?---No.

In your time as the CEO, were you aware of any proposed agreements of any kind between the Land Council and Solstice Property Corporation Pty Ltd?---No.

30 Could you have a look, please, at Volume 8 page 82? You'll see there's a document there described as heads of agreement, general heads of agreement, 19 November 2015?---Yeah.

Just have a look at the next page, page 23, please. Have you ever seen that document before?---No.

Did Mr Green ever raise that he'd signed this agreement at any board meeting you attended?---No.

40 Did Mr Green ever raise that he'd signed this agreement with you personally?---No.

Was there any discussion at any time at any board meeting you attended about giving Mr Green the authority to execute this agreement?---No.

Was there ever any discussion at any time about delegating to Mr Green the authority to sign such an agreement?---No.

Was there any discussion with you at any time you were the CEO about a revised form of the proposed agreement with Solstice?---No.

Did Ms Dates ever raise that she'd signed this agreement at any board meeting you attended?---No.

Did she ever raise that she'd signed this agreement with you personally?---No.

10 Was there ever any discussion at any board meeting you attended about giving Ms Dates the authority to execute these agreements?---No.

Was there ever any discussion at any board meeting you attended about delegating to Ms Dates the authority to execute agreements of this kind?---No.

Was there any discussion with you at any time you were a CEO about a revised form of the proposed agreement with Ms Dates?---No.

20 Now, you understand do you not that the funding of the Land Council was dependent – I withdraw that. You understood that part of the funding for the Land Council came from New South Wales Aboriginal Land Council?---Yes.

And part of the process for the Land Council to receive its funding was that the Land Council, in conjunction with the New South Wales Aboriginal Land Council, would conduct risk assessments?---Yes.

And the purpose or part of the purpose of those risk assessments was to ensure that the Land Council was properly functioning?---Yes.

30 That it had proper procedures and practices in relation to matters of finance and governance and like matters?---Yes.

And the officers for the New South Wales Aboriginal Land Council would come out, would they not, at particular times during the course of the year to assess and conduct investigations into how the Land Council was actually operating?---Yeah, that's correct.

40 And when you were the acting CEO, that happened at least on a couple of occasions, didn't it?---Excuse me, yes.

Now, you remember Mr Merritt was a senior officer from the New South Wales Aboriginal Land Council, probably from the eastern zone?---Yes.

And he and sometimes members of his staff would come out and make contact with you when you were the CEO, isn't that right?---Yes.

And he came to see you principally because you were the acting chief executive officer?---That's correct.

And he or his staff would obviously come to speak to you about matters of governance?---Yes.

Finance?---Yes.

And they would ask you a series of questions, would they not - - -?---Yeah.

10 - - - about the business of the Land Council during the period of their inquiries?---Yes.

And you were, as I indicated earlier, probably the principal point of contact or at least the initial point of contact by Mr Merritt and his staff?---Yes.

And you took it to ensure that when you provided information you did so having made proper inquiries?---Yes.

And as honestly and truthfully as you could?---Yes.

20 And if you weren't sure about something you'd presumably go and ask somebody for some assistance or further instruction?---Yes.

And during 2015 if you needed assistance or guidance on matters of that kind, who would you speak to?---I would mainly speak with Jodie, the accountant, about the finance side of things.

And if it was matters relating to the workings of the Land Council, who if anyone would you see?---Maybe Debbie Dates.

30 Now, I'm just going to show you on the screen now, Ms Steadman, volume 3, page 33. And do you recognise that as the risk assessment that was conducted by the New South Wales Aboriginal Land Council?---Yes.

And it was conducted on 18 March, 2015?---The 19<sup>th</sup>, yes.

Well, it's dated the 19<sup>th</sup>, the risk assessment, but if you just look on the second line you'll see that - - -?---Oh, yeah, yeah.

40 - - - they apparently came out on the 18<sup>th</sup>.---Yes.

And you'll see on the third line that the RAS, or risk assessment system, interview made contact with you?---Yes.

Whilst you were the – perhaps I should have asked you this earlier – you finished up as the acting CEO, did you not, in early June 2016?---Yes.

And so during the course of the time that you were the acting CEO there were only two risk assessments conducted by the New South Wales Aboriginal Lands Councils?---Yes.

And on both occasions, you were the principal point of contact?---Yes.

10 And do you remember that there was a series of questions that were asked of you by the staff, or Mr Merit, about whether or not the Land Council had entered into any agreements with any third parties which required local Aboriginal Land Council approval under the Aboriginal Land Rights Act?  
---Yeah. It's, it's ringing a bell, yes.

And, you indicated there were no such agreements. Isn't that right?---Yes.

And that's because you hadn't heard of these apparent agreements that existed?---That's right.

20 And you found no evidence, upon your investigation, that there were such agreements in the records of the Land Council?---That's right.

And do you remember again, I'll bring this up on the screen, this is volume 3, page 115, so you'll see that's a second risk assessment dated 24 June, 2015?---Yes.

Do you remember there was a couple in pretty close succession?---Yes.

And they were so close because the first one showed a bit of a decline, didn't it, in terms of the score?---Yes.

30 And the point had been reached, if not by March, certainly by June of 2015, that the Land Council had secured a score that meant that it was unfunded?  
---That's right.

And that meant funding from the New South Wales Aboriginal Land Council stopped?---Correct.

So that's a fairly serious matter?---Yes.

40 And again, do you recall you were asked a question, were you not, about whether or not there had been any dealings or agreements in relation to land that required approval under the Aboriginal Land Rights Act?---Yes.

And again, you told Mr Merit or his staff that there were no such agreements?---Correct.

And that's because you were unaware of them?---Correct, yes.

And you had made inquiries again to determine - - - ?---Yes.

- - - whether any such existed?---Yes.

And you were satisfied there were no such agreements in the records of the Land Council?---I didn't find any, so - - -

Now, those – I withdraw that. The risk assessments were then tabled, were they not, at board meetings?---Yes.

10 And you'll see on both of them, or you may recall, if you'd like to look at them again I can have them brought up on the screen, they're both addressed to Debbie Dates?---Yes.

Now do you recall receiving a hard copy of the documents after Mr Merit and his staff had attended?---Yes.

And when they're sent to the Land Council officers to Debbie Dates, do you receive the mail?---I get the mail after the receptionist has gone and collected it, yes.

20 So she brings it back to the office?---Yes.

And do you open it, or do you not?---Not always, no.

If it's addressed to Debbie Dates, chairperson, as an example, is that something you would or would not open?---I wouldn't have opened it, no.

30 So if it's addressed to a specific board member, you simply hold it and make it available to them, do you?---Well the receptionist may have opened it and just put it in my office for it to be passed onto Debbie.

You don't have a recollection one way or the other?---No.

Did you have a practice of what you would do if you received the mail?---If I got the mail?

Yes?---I would just leave it in the envelope.

40 I see. All right. Now, during 2015, the board only had possibly three meetings. Isn't that right?---Possibly, yes. There wasn't many.

And during the course of the year, there obviously had to be decisions made about matters such as staffing?---Yes.

For example, how you secured your role?---Yes.

And who was making those decisions in the absence of board meetings?---The chairperson and deputy chairperson.

Were any staffing decisions made aside from yours that you can recall in this period 2015?---Maybe we got a new receptionist.

And who made that decision?---The chairperson.

And who was the receptionist that was employed?---Tamara Towers.

Is she related to the chairperson?---Yes.

10

And what's the relationship as far as you know?---Daughter.

I see. And what about the selection of dates for board meetings? In your experience, who would be the person or persons who would select the dates for board meetings?---The chairperson and deputy chairperson.

Would there be any consultation with you about it?---No.

20

How would it arise, or how would you become aware that there was a board meeting called?---The chairperson would just ring me and say can I get out letters for whatever date that they wanted to have the board meeting.

Did you realise that, or become aware, that some board members were making complaints about not being given sufficient time or notice?---Yes.

And did that cause you some concern?---Yes.

30

What was the concern that you had about the notification and how some board members were receiving it?---Sometimes we would try by email, phone, sometimes they would not answer, if they did, they would always write back that they weren't given enough notice, so we would just try and give enough notice the next time one was called.

But sometimes there was complaints that the notification was only a day or so before?---Yes.

And do you think as a CEO that's a reasonable amount of time for a meeting to be called and convened?---It's short notice, yes.

40

Do you think it's a reasonable amount of time?---Probably not.

Well unless it's something urgent, it probably doesn't need to occur in a day, does it?---That's right, unless it's urgent.

Whilst, prior to you, or up to the time that you had assumed the position as the acting CEO, who was the lawyer for the Land Council?---Ian Sheriff.

Had he been, so far as you knew it, the lawyer for the Land Council for a number of years?---Yes.

And did you have dealings with him?---Yes.

And did other board members have dealings with him?---I think the board did, yes.

And so far as you could recall he was well regarded, was he?---Yes.

10

He continued to provide services to the board well into 2015, didn't he?---Yes.

Do you remember a point that was reached where a new firm was brought into the picture?---Yes.

And do you remember the name of that firm?---Knightsbridge North Lawyers.

20 How did it come about that that firm came to be introduced to the board?---I think Richard Green just brought them to a board meeting.

They certainly attended a few, didn't they?---Yes.

But do you recall, in fact, that the first time that Mr Green might've mentioned them was at a meeting on 11 January 2016 when he sought to ratify their appointment?---Yes.

You hadn't heard of them before then, had you?---No.

30

Would you have a look please, Ms Steadman, at Exhibit 43, please, page 1? You recognise that as – I withdraw that question. On the screen in front of you is a letter from Knightsbridge North Lawyers to the directors of the Land Council?---Yes.

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

Did Mr Green ever tell you that he'd signed this agreement?---No.

40 Did he ever raise at any board meeting you attended that he'd actually signed that agreement?---No.

Would you have a look, please, at Exhibit 42, folder 1A, page 162? Do you see on the screen there's a letter from Knightsbridge North Lawyers dated 27 November 2015?---Yep. Yes, sorry.

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

Now attached to that is what's described as a cost disclosure statement and client service agreement?---Yeah, I can see that.

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

I didn't ask you that before, I'll just go back to the 28 November 2014 – so that's Exhibit 43, page 1. Had you ever seen that cost disclosure statement and client service agreement, apparently bearing that date, 28 November 2014 between the Land Council and Knightsbridge North Lawyers?---No.

10

Now, did Mr Green, I'm just going back to the 2015 one now. Did Mr Green ever raise at any board meeting you attended that he'd signed that agreement?---No.

Did he ever raise it with you personally?---No.

Was there any discussion at any board meeting you attended about giving Mr Green the authority to execute the agreement?---No.

20

Was there ever any discussion at any board meeting you attended about delegating to Mr Green the authority to execute agreements of the kind I've just shown you?---No.

These agreements, these cost agreements, again they would be kept, would they not, in your office?---Yes.

And in the course of your work have you had cause to look in locations where documents such as this would be stored?---Yes.

30

And have you seen them?---No.

You don't believe they exist in the offices of the Land Council, at least while you were there?---Well, when I was there I never saw them, no.

Now, would you have a look please at volume 15, page 162. Now, you may have left by this time, Ms Steadman, so I'll just draw to your attention the date, but that's a document described as Confirmation of Variation of Retainer and Engagement, dated 7 June, 2016.---Yeah, I can see that, yeah.

40

Now, you had left, as you best recall, by then, had you not?---I think 7 June was my last date.

Well, have you ever seen that document before?---No.

Did Mr Green ever tell you that he'd signed that document?---No.

Did he ever raise with you that he was proposing to sign it?---No.

What about Ms Dates, did she ever say that she'd signed that agreement?  
---No.

Did she ever tell you that she was proposing to do so?---No.

And again would agreements such as this be kept in your office?  
---They'd be in the CEO office, yes.

And you've never seen it?---No.

10

So when you finished being the CEO, who took over your job?---I'm not sure.

Right. There was somebody called Sophie Anna or Sophie Wotherspoon I think?---I think, yeah, she might have.

Do you know when she may have come on to become potentially the CEO?  
---I'm just trying to – I think I left on the 7<sup>th</sup> in June, so I don't know whether she come on in June or July.

20

Right. Is your best recollection, and if you don't have any or you don't have any understanding of this, please say so, that there was a gap between you and your replacement?---Yes.

Now, would you have a look, please at volume 10, page 4. Do you recognise that as the handwritten minutes of the board meeting on 11 January, 2016?---Yes.

Is that your handwriting?---Yes.

30

And your role during the course of a meeting such as this is to take down what's discussed?---Yes.

What's raised by people?---Yes, yes.

What's moved and resolved and matters of that kind?---Yes.

And you'll see that there is in the introduction for example, Debbie Dates suspension?---Yes.

40

And there's some discussion about that?---Yes.

And again you made a note of that. And you'll see there's some other matters as well that are discussed, for example there's an investigator. Do you see that?---Yes.

And that's the style of how you record the minutes, that is as things are discussed you make a note of them?---Yes.

And so for example if a motion is moved you can link potentially if there is some discussion what that discussion was leading up to the motion being raised and what the outcome of the motion is?---Yes.

So can the Commissioner take it that for example if there is no reference to or notation by you of a discussion prior to a resolution being raised or a motion being raised, that's because there's unlikely to be any discussion about it, it simply raised?---Yes.

10

Right. So if you have a look, please, at page 4 which is on the right-hand side?---Yeah.

And you'll see there's the little hand symbol that probably is giving you some help where I'm referring to. You'll see there's a paragraph that talks about Micky Walsh asked when the AGM is being held?---Yes.

20

And beneath that you'll see this, "Richard Green read a board resolutions that Awabakal LALC formally ratifies the appointment of Knightsbridge North Lawyers to act for Awabakal LALC. And then it's moved and seconded. Do you see that?---Yes.

And you'd agree would you not that there is no reference to discussion at all - - -?---Yes.

- - - prior to that?---Yes.

And do you accept then that that's because there was no discussion about it? ---Well, if I didn't write then there wasn't, no.

30

And do you know whether Mr Green gave any notification as to why he wanted that agreement to be ratified?---No, I 100 can't, I can't remember.

All right. Just pardon me, Ms Steadman, for a moment. Now, do you recall when you first met anyone from Knightsbridge North Lawyers?

---I would say 2016.

If you take it from the minutes that's when the appointment's been ratified.

40

Are you able to say perhaps more exactly when it was?---It was probably January/February 2016.

Who did you first meet?---I think I met them together, Nick and Despina.

And where did you meet them?---At the Land Council office.

Did somebody introduce them to you?---Yes, I think Richard Green did.

And how did he introduce the person Nick to you?---As the Land Council solicitor.

And what about the female, Ms Bakis, were you introduced to her at that time as well?---Yes, as the accountant.

I see. Again by Mr Green?---By Mr Green.

10 And that was your understanding of their roles, was it, going forward?  
---Yes.

Did you understand though that Ms Bakis was also a solicitor?---Not when I was first introduced to her, no, but as time went on, yes.

I see. Now, it's the case isn't it that Mr Sheriff when he was the solicitor wasn't involved in day-to-day running of the Land Council. Would you agree?---Yes.

20 Nor in the business of the board?---Yes.

He was called in to provide assistance when legal assistance was required?  
---Yes.

And that's what he did.---Yes.

Provide legal advice - - -?---Yes.

- - - when asked to do so.---When asked to do so, yes.

30 Did you happen to notice though that Ms Bakis and Mr – I withdraw that. The Nick is Nick Peterson. Is that right, is that how he was introduced to you?---Yes.

Is that the gentleman that's in the hearing room here?---Yes.

And who you now know to be Mr Petroulias?---Yes.

40 Now, did you find in the course of 2016 prior to when you left that in fact Mr Petroulias and Ms Bakis had more of an involvement than Mr Sheriff did?---Yes.

And did you notice that they became more involved in the day-to-day workings of the Land Council or board?---Yes.

Are you able to give the Commission some examples of that?---Um, I'm just trying to think. Resolutions were typed up sometimes by Despina to be presented to the board.

And they would be sent would they not often – actually I withdraw the word often, they were sent before the board meetings?---Yes.

And you didn't ask her to do it, did you?---No.

And so do you know who did ask her to do that when she prepared resolutions?---No.

10 Did it occur to you that's a little bit unusual?---Now it does. At the time probably not.

Why do you think it's unusual now?---Just because the board are supposed to run the Land Council.

And did you think that, what, she was doing something in relation to the running of the board, did you?---I thought that if there was a resolution to be made, the board would come to that conclusion by themselves.

20 They also – I'll withdraw that. Ms Bakis as well assisted in other ways, such as reviewing the minutes?---Possibly. I can't remember.

Drafting notices and matters of that kind?---Maybe, yes.

Did you observe them to attend a number of board meetings?---They attended board meetings, yes.

And did you observe them and hear them give opinions on matters which weren't strictly legal matters but other matters?---Such as? I, I can't - - -

30 Well, the merits of property dealings and property transactions?---Maybe, yeah. Possibly.

Well, I'll just show you a couple of documents, Ms Steadman, if you like, and we'll move along a bit.---Yes.

Commissioner, could I tender, please, a folder which is on the website called Nicole Steadman Emails?

40 THE COMMISSIONER: Thank you. Yes, the folder of documents entitled Nicole Steadman Emails will be admitted and become Exhibit 65.

#### **#EXH-065 – NICOLE STEADMAN EMAILS**

MR CHEN: Now, Ms Steadman, you can look at these on the screen or in hard copy, whichever you'd prefer. Just following up your evidence a moment ago to the Commissioner about drafting of resolutions. Would you

have a look, please, at page 32. You'll see, for example – I'll withdraw that. You'll see there's an email from Ms Bakis to you amongst others.---Yes.

And you'll see that they are attaching, or Ms Bakis is attaching, updated board resolutions to be passed tomorrow.---Yes.

That's an example of what you say occurred during the course of 2016, where Ms Bakis would be drafting the board's resolutions.---Yes.

10 And I think you told the Commissioner you don't know how or why they were asked to do that.---Yes.

But it just happened.---Yeah.

And it happened more than once, didn't it?---Yes.

It was quite common, wasn't it?---It happened more than once, yeah.

20 And as far as you can recall, those minutes, sorry, those resolutions that were prepared by them – if you just turn, please, to page 34 – were then put before the board in that form, isn't that right?---Yes.

Sorry, I just want to correct that. There was a change. Can I ask you to look at page 35, please. I apologise. You'll see there's an email to you of 8 March, 2016.---Yeah.

And you'll see that it's "Richard informed us that Debbie and he wanted to trim down the resolution on one part that is unnecessarily confusing," et cetera.---Yeah.

30 And attached to that document, if you turn to the next page, are the form of the resolutions, which were revised after the input of those.---Yes.

THE COMMISSIONER: Can I just ask you, in relation to the document at page 34, it's the resolutions of the board of 8 March, 2016. Prior to that date, had there been any investigation or inquiry about certain payments or monies that had been received by Debbie Dates? In other words, was there a question about certain payments or monies that she had received from the Land Council?---In the investigation with Kelvin Kenney?

40 Well, it may have been that.---Yes, I think so.

This resolution, the 8<sup>th</sup> of March, '16, you can see the dot points down the page. This is the board ratifying – this is the proposal. Sorry, it's the resolution. The payments made on or about 19 February to Debbie Dates and Mr Richard Green for \$750 and 510 respectively to include reimbursements for assistance with collating documents and relating to potential investigation. And there's another one then. Reimbursement of

\$5,000 deposit paid by Debbie Dates and Richard Green to WebNext Group Pty Ltd, et cetera. Do you know anything about - - -?---No.

- - - those payments at all?---No, sorry.

Had you ever seen before a resolution of similar kind to this, that is to say, the board ratifying or regularising decisions and payments without any, or decisions and payments that have been made at some earlier point in time?  
---No.

10

The last dot point refers to “and all other decisions, payments made and explained to Kelvin Kenney as investigator”, et cetera.---Yeah.

Did you have anything to do with Mr Kenney’s investigation?---I was, I was interviewed by him and I helped get the evidence together that he asked for.

And what sort of matters was Mr Kenney investigating?---I think it was governance, staffing, payments. I, I 100 per cent can’t - - -

20

Payments of?---Payments made for a Welcome to Country and maybe dancing groups. I 100 per cent can’t remember.

No. All right. Thank you.

MR CHEN: Thank you, Commissioner. Ms Steadman, would you have a look, please, at volume 10, page 97, and do you recognise the handwriting as yours?---Yes.

30

And they’re the minutes you took of the board meeting on 8 March, 2016?  
---Yes.

And just picking up on the right-hand side of that page looking at it as it is on the screen and to some of the questions the Commissioner asked, you will see “resolutions by board”. Do you see that?---Yes.

And they are intended to align with the three resolutions that the Commissioner was just asking you some questions about?---Yes.

40

And you will see in point 2 that there was a, or you noted an explanation by Mr Green about what it meant.---Yes.

And in the second sentence you make this, it was recorded as follows, “Board has asked for draft policies and procedures before it is passed as stated in”, I’m not sure what’s to appear after that.---Maybe resolution.

I see.---The only thing that makes sense in my head right now.

All right. Now, I'm going to ask you some questions of that in a moment but I just want to draw your attention to the next point, point 3. You will see, "Board asked that we have something from Kelvin Kenney", et cetera. Do you see that? And then it goes on to say, "Motion, that all decisions, payments made have ratified or are ratified", I'm sorry, et cetera.---Yeah.

10 So the notes that you have are, in relation to number 3, that somebody on the board was asking for something from Kelvin Kenney to make good the assertion in the proposed resolution. Is that what you understand it to be?  
---Yes. That's what it seems like, yes.

Now, do you recall whether you typed up these minutes or not?---Oh, I can't recall.

20 If the matters that I've just drawn your attention to in point 2 and point 3, namely that board members were asking for information or asking in relation to point 2, and if board members were asking for a letter from Mr Kenney and they don't appear in the typed minutes, do you have an explanation for why that would be so?---Normally when the minutes are typed, we just type what's written down here.

So if you were typing it, typing the minutes, you would have typed those matters, would you, or not?---I may have added, if I was typing them, because I was there and knew more of what it meant, I may have put, finished the sentence.

30 We might be at a slight cross purpose, Ms Steadman. I might just show you the minutes just to make it clear what I'm endeavouring to ask you questions about. So it's volume, volume 10 page 101. And you'll see in point 2 of the typed minutes, you'll see that a final draft, a request is for a final draft to be produced to the board.---Yes.

And that appears to have been typed largely in line with what you have recorded.---Mostly yes.

But you'll see in relation to point 3, and please read it to yourself, if you like. There's no reference at all to the note that you made, namely the board asks that we have something from Kelvin Kenney, is there?---No. No.

40 And if you had typed the minutes, you would have put that in, would you?  
---Yes.

Because that's what somebody on the board said?---Yes.

Now, would you have a look, please, at volume 11, page 310. Do you recognise the handwriting as yours?---Yes.

And they are your record of the meeting on 8 April, 2016?---Yes.

Do you remember this meeting when Nick and Despina from Knightsbridge North Lawyers attended?---I, I can't a hundred per cent remember it but I might remember it by reading.

Please, feel free to read ahead.---Yeah.

10 This is where, amongst other things, that at least it appears Mr Petroulias spoke to the board about some property proposals.---Oh, yeah, I can see where it says that, yes.

So it's really near where the - - -?---Yeah, the (not transcribable) is.

Yes. "Nick presented to the board a summary." Do you see that?---Yeah.

Do you remember this meeting or - - -?---I don't have a hundred per cent recollection of it, no.

20 You've taken – and if you turn to the next page, which is 390, you've taken quite, well, you've, you've made quite some notes of the meeting.---Yeah.

Do you remember prior to this meeting occurring being told that Mr Petroulias and Ms Bakis would be attending?---I can't a hundred per cent remember that they would be.

Do you recall them being introduced at the meeting?---No, I can't. No, I don't, sorry.

30 Do you have any recollection now of Mr Petroulias speaking at it or only what's recorded in the notes?---I can only remember what's recorded here.

In any event, you've got no reason to think that you didn't do anything other than your best to take a full and complete record of what was discussed?  
---That's right, yeah. I just - - -

40 THE COMMISSIONER: Ms Steadman, if I could just ask, having looked at several of these minutes which are in your handwriting, they have – it might be said – an appearance of being well presented in terms of the detail and the general presentation of the minutes. Did you have secretarial training?---Yes.

What sort of training did you have?---I done a traineeship, but when I was working I also done just a short course – when, after the traineeship when I was working with Awabakal Co-op – just a short thing on minute taking and things like that. It was just - - -

MR CHEN: Now, do you remember – just before I go on with this – do you remember prior to this meeting being provided with an email from Larry

Slee, a board member, where he made a request for provision of some financial material?---He may have asked that. He asked a lot of questions.

And do you remember, well, could I suggest that maybe Mr Slee did send you an email asking for production of – or for it to be put on as an agenda item, production of financial records and material. Does that - - ?---Kind of rings a bell.

10 All right. And do you remember that what you did after that was to forward that email on to Ms Bakis, the solicitor?---Yes.

And do you remember she responded to you?---Yes. I forwarded it to her because we need, to get the financials we needed them from Knightsbridge Tax.

And you didn't raise that with any other board member, did you? You just sent it on to her?---Yeah, to ask for the financials.

20 And she prepared, did she not, a letter which was to be provided to Mr Slee, isn't that right?---I think so, yes.

And you didn't have any input in preparing that letter, did you?---No.

She didn't ask for your assistance to put together what was to be contained within it?---Not that I can remember, no.

And do you have any recollection about whether she asked or sought the assistance of anyone else?---Oh, I can't remember but I don't think so.

30 You remember, though, don't you, that Mr Slee, when he turned up to the board meeting the next day was handed that letter?---Yes.

And it was a fairly strongly worded letter, wasn't it?---Yes.

And asked him to cease and desist his behaviour?---I think so, yes.

40 And was the letter discussed at all, so far as you know, between the board members prior to delivering that letter to Mr Slee?---Oh, I can't a hundred per cent remember it being discussed.

And who handed it to him? Was it Ms Bakis?---I, I don't know.

I'm just going to show you these emails, Ms Steadman.---Yeah.

So this is Exhibit 65, page 37. Now, perhaps I'll, if you look down the bottom first at page 37 over to 38, do you recognise that as the email that Mr Slee sent to you on 7 April, 2016?---Yeah.

And you then forwarded that on to Ms Bakis?---Yes.

You, you thought it was potentially threatening against you?---Yes. That's what I said, yes.

I'm sorry, I didn't hear that last bit.---Oh, that's what it says, yes.

And then there's a response from Ms Bakis.---Yeah.

10 Did you ring her at all or did you just forward the email on?---I think I just forwarded the email on.

Did you ever say to Ms Bakis that Mr Slee was a massive troublemaker?  
---No, I can't remember saying that, no.

Did you think it?---At times.

And you'll see as well that it says in the first paragraph, "I will draft something."---Yeah.  
20

And that's what you did.---yes.

And it says, "On letterhead to present to the board."---Yes.

She had the Awabakal Local Aboriginal Land Council letterhead, didn't she? A blank Word document?---Maybe, yes.

Well, if you follow that through and accept it as accurate that's what occurred?---Yeah, yes.  
30

That letter in fact may have been on a KNL letterhead.---It may have been.

You don't know?---I can't 100 per cent remember.

Now, you will see, if I can just ask you to go back, please, to page, to the handwritten minutes which is, so it's volume 11, page 310. You will see resolution was read by Nicole Steadman.---Yeah.

Why were you reading a resolution to the board do you know?---I can't 100  
40 per cent remember but I just think maybe none of the other board wanted to read it out.

Do you recall it being one of the other board members or whether it was Nick or Despina or you don't know?---That asked me to do it?

Yes.---No, I don't, I don't know.

And you will see that what was discussed according to your note was that Nick and Despina seemed to have said that you need to move a ratification motion so that the auditor can give an opinion on the audit either qualified or non-qualified.---Yeah.

And so far as you have recorded that's the reason why it was suggested the ratification motion should be adopted by members of the board?--- Yes.

10 Now, if you go down further you will see Nick presented to the board a summary. Do you see that?---Yes.

Was that an oral presentation or was it in writing?---To the best of my recollection I think it was oral. I can't remember it being in writing.

And you were making your notes, recording what he was discussing?---I was trying to keep up, yeah.

20 And in particular he was suggesting that the board should go through intensely all the proposals before presenting it to members, et cetera?--- Yes.

And that the land of the Land Council, it says our land is currently unattractive to developers.---That's what was said.

He didn't tell you that in fact he'd been dealing with developers at the time?---No.

Didn't tell you that in fact he'd been a party to transactions that apparently developers did find attractive?---No.

30 And when he talked about the current proposals, I'll take you down a bit further but he appeared to discuss ones involving Sunshine and Solstice but I'll take you to those in a moment but I just want to explore a couple of issues on the way through.---Yeah.

40 There's also a reference down at the bottom that Mr Petroulias has apparently said that zoning is a lot of money and if the developers walk away then we are better off as our land will be worth more because the zoning would have changed. Do you remember a discussion along those lines?---Yes.

And then Jaye, which is Jaye Quinlan, asks, "So we are giving up all our", and it says, "yes, land."---I think, I can't 100 per cent remember but I think the conversation was that if maybe developers had it rezoned and then they walked away we would be better off because our land would be rezoned and we wouldn't have to do it.

I understand that is the first part of what I took you to.---Yeah, and I'm going, and I think Jaye was just asking so we are giving up all our land. She was asking why, why would we be giving up all our land.

And do you recall that being an expression of concern or just a general question?---I think Jaye was concerned.

10 Anyway, there's no record – I'll show you the next page and please feel free to read it, Ms Steadman, but you will see down the middle it talks about reject Sunshine Group and David He.---Yeah, I can see where it says that.

But there's no reference in these notes at all to Gows or Gows Heat?---No.

And it's your recollection I take it, at least based on your notes, that's because there was no such discussion about that entity?---That's right.

20 And in relation to rejected Sunshine Group, do you recall whether there was any disclosure by Mr Petroulias that in fact there were a suite of agreements that have been signed involving Sunshine?---No.

Did he tell you that there was a payment to him and his company as a consequence of those agreements?---No.

Did he tell you that Ms Bakis had drafted the agreements?---No.

And that as recently as – I withdraw that. Even at December, 2015 sought to guarantee those agreements?---No.

30 Did Ms Bakis disclose any of those matters?---No.

What about Mr Richard Green?---No.

So do you know who David He is?---No.

Do you know, there's no reference at all about what the proposal that Mr He apparently had put before the board you see in your notes?---Yeah, yeah.

40 And is that because you don't believe there was any discussion about it?  
---That's right.

Do you know why the board is moving to reject Sunshine and David He as you've recorded?---I don't know. I just think that's come from the discussion before I guess. I honestly don't know.

Well, there's not, you don't make a note of what the discussions were in relation to Sunshine.---No.

And it was your practice I think you told the Commissioner to make sure that if there was such a discussion you would note it?---I would have wrote it down, yes.

And similarly with David He, there's no reference at all to any discussion about him.---No.

And did you know he had a group called Salamander?---No.

10 THE COMMISSIONER: Mr Chen, again what's the date of these minutes?

MR CHEN: 8 April, 2016. At this or any meeting did Ms Bakis ever tell you that Mr Petroulias had a connection to the transaction involving Sunshine?---No.

Or that apparently had this interest in a company called Gows Heat?---No.

That it sold or attempted to sell an interest in Land Council land?---No.

20 Did Mr Petroulias ever say that he had some criminal background?---No.

And that he wasn't a lawyer?---No.

Did Ms Bakis ever say that at any of these meetings?---No.

Mr Green?---No.

What about Ms Dates, did she mention any of these things?---No.

30 I take it if these things have come out you would have been as CEO a little bit concerned?---Very concerned.

And what would you have done if you had heard of all these things?---I probably would have went to New South Wales Land Council.

To do what?---To tell them that he was a criminal or, if I knew.

So that someone would have a look into what was going on?---Yes.

40 THE COMMISSIONER: Did you know that Ms Bakis prior to April, 2016 had been acting on behalf of the company that was mentioned, Gows Heat, it claimed to have an interest in some of the Awabakal Land Council land? ---Did I know?

Yes.---No.

Had you known that she had been acting for the company that claimed it had an interest in Aboriginal land and that that company was proposing to

sell or dispose of its interest to a company, in this case Sunshine, was any of that disclosed to you?---No.

As at 8 April, '16?---No.

Had you known that she in fact had been acting for that company, Gows Heat, in relation to that matter would that have occasioned any - - -?---I would have went to New South Wales Land Council and told them.

10 And?---And just asked them to look into it.

MR CHEN: Would you have look please, Ms Steadman, I'm still on this same meeting.---Oh, sorry.

Exhibit 65, page 17.---That hasn't come up.

That's all right, it'll come up in a moment. Now, do you recognise that as an email sent to you from Knightsbridge North Lawyers, in particular Mr Petroulias, on 12 April, 2016?---Yes.

20

And he's asking you to synchronise, to be on the same page, you'll see that? ---Yes.

And also to send through the minutes. Do you see that down the last couple of paragraphs?---Yes.

And he asked you to prepare a draft and he will then edit for your final approval?---Yes.

30 Now, if you turn to the next page, page 18, you'll see that you prepared a draft?---Yep.

And you prepared them off your notes?---Yes.

I'm sorry – I withdraw that – the minutes that you took?---Yes.

And if you look at – I withdraw that. Why were you sending them to him, Ms Steadman?---I, I guess just because he asked so he could see what was, what I had written down.

40

But did Ms Dates or Mr Green know that you were having this contact with Mr Petroulias and Ms Bakis?---That they were asking for the minutes?

Yes, and that you were dealing directly with him and her?---Oh, no, I don't, I can't remember. I don't think so.

So on what footing were you giving him this information for his input and editing?---I just thought that maybe I'd missed something when he was

talking about the land 'cause it was very fast talking and when I was writing it down I wasn't sure whether I captured everything.

Right. But did you understand him to be asking for that on the basis that he was the lawyer for the Land Council?---Yes.

10 And again on the basis that he hadn't disclosed to you or to any meeting you'd attended that actually he had a more intimate interest with what was going on?---Well, I didn't know any of that so I just sent it to him as the lawyer.

In any event, you, if you have a look at page 19 you'll see that they are your version, can I suggest, that's attached to that email? Would you prefer to see this in hard copy, Ms Steadman?---Oh, no, it's okay, I'm fine.

All right. So I want to suggest to you this was just an annexure to your email and this is your draft.---Yeah.

20 So you introduced - - -?---I just introduced them as visitors being there. I didn't know who they were.

And you'll see resolution 3 that you talk about the need for the auditor to give an opinion, either qualified or unqualified et cetera?---Yeah.

And that's consistent with what I took you to in your handwritten notes? ---Yeah, yeah.

30 And if you turn to the next entry, please, next page, page 20, you'll see then that you talked about the presentation that Mr Petroulias made?---Yep.

You're most welcome to read this in detail, Mr Steadman, if you like, and cross-reference it, but - - -?---Oh, I'm just, yeah, just having a look.

- - - can I just suggest to you that it's pretty well word-for-word what is in your handwritten minutes?---Yep.

And I take it you read back over it as well after, before you sent it to Mr Petroulias?---Yes.

40 And you were satisfied that it was as best you could say an accurate recollection and recount of what occurred at this meeting?---Yes.

So now if you turn please to page 22 you'll see in the middle of the page that is the email that I took you to earlier - - -?---Yeah.

- - - sending it to Mr Petroulias - - -?---Yeah.

- - - the minutes that you'd prepared?---Yeah.

And if you look up at the top there's a response from Despina Bakis to you  
- - -?---Yeah.

- - - of 12 April, 2016.---Yeah.

“Nicole, as amended for accuracy.”---Yeah.

10 Now, if you look at the attachment to it you'll see that there are some  
minutes there.---Yeah.

And I just want to draw your attention to the third point. You'll see that Mr  
Slee, there's been an addition, namely, “The complaint by Mr Slee was sent  
to address by Awabakal's lawyers.” I'm not sure that makes sense, but  
anyway. “And Mr Slee was handed a legal letter to cease and desist  
baseless allegations.”---Yeah.

Now, you didn't make a record of that in your notes?---No.

20 And this is therefore something that Ms Bakis thought should be contained  
within the minutes?---Yes.

So if we turn to the next page, please, you'll see then that point 4 talks about  
the resolution for ratification.---Yeah.

And you'll see there that the resolution and what's discussed doesn't contain  
any reference to the auditor being required – I'll start again – that the  
resolution was required so that the auditor could give a qualified or  
unqualified opinion.---That's right.

30 So that's inconsistent with what you recorded?---What I wrote, yes.

And inconsistent with I take what you think actually happened - - -?  
---Yes.

- - - or what was discussed?---Yes.

40 So if you turn to the next page, please, you'll see here that there's a far more  
detailed description about apparently what was discussed?---Yep.

That apparently there was a discussion that the Land Council in November  
of 2014 had resolved unanimously to sell most if not all the land to this  
proposal involving IBU and a consortium partner such as Gows. Do you  
see that?---Yes.

Did that occur in that meeting, any discussion about this?---No.

THE COMMISSIONER: Has anybody shown you this before?---No.

MR CHEN: You'll see there's a reference in the second paragraph to Able Consulting?---Yes.

Commissioner, I'm going to be a while on this topic, I don't know whether that's a convenience time to - - -

THE COMMISSIONER: Yes, it is I think, yes. Yes, we're going to take a morning tea adjournment.---Okay.

10

About 15 minutes or so.---Okay, thank you.

So you can step down. I'll adjourn.

### SHORT ADJOURNMENT

MR CHEN: Thank you, Commissioner. Ms Steadman, I want to just take  
20 you to a few other emails as well just to give you some more background to how the minutes came to be amended after you prepared your draft based on the handwritten notes that you made in the minute book.---Okay.

So just have a look, if you would, at – so it's Exhibit 65, page 9. Now, the order of these emails, it's a little bit unclear but it appears that the first email is in the middle somehow. You'll see there's an email from Despina to admin@indigenoulands.---Yeah.

30 And that appears to forward a message that potentially occurred after it. I'm not quite sure why that's so, but maybe that's my error. But you'll see down the bottom you're asking for some information from Despina Bakis on 11 April, 2016 at 10.25am.---Yeah.

And you refer then to ask to be sent a copy of the land dealings proposal to place in your folder.---Yeah.

And you gave some evidence to the Commissioner before the break that the proposal was an oral presentation, according to your recollection.---Yeah.

40 So did you obviously have an understanding, at least by this time, that there may be something that was written or available that lay behind Mr Petroulias's presentation to the board on 8 April?---I must have, yeah.

Anyway, if you have a look at the top, you'll see an email from Mr Petroulias to – that's your email address, CEO@Awabakal?---Yeah.

11 April 2016 at 10.19am, and you'll see attached is a copy of the property proposals summary. Do you see that? I'll show you that in a moment

which is attached to this email, I think it is. Is it? Yeah. But I just want to draw your attention to the next paragraph. You can see there, there's a suggestion that Mr Petroulias would be doing some editing or what he described as cutting and pasting of the minutes?---Yeah.

Now, I just want to show you as I said I would, the attachment to this document which is a report from Able Consulting Pty Ltd. Sorry, it's page 11. Do you see that's a report from Able Consulting dated 6 April 2016? ---Yeah.

10

And it's addressed to Debbie Dates?---Yeah.

And consistent with your evidence earlier, if that was addressed to her, you would not have opened it?---Yeah, probably not. No.

But if it was received by the receptionist, they may have?---Yeah.

Now, is this the position, Ms Steadman, that you requested that proposal because one was not provided at the meeting?---Yes.

20

Had you ever heard of Able Consulting Pty Ltd before?---No.

Do you know who – if we go down to the bottom of that document which is page 15, you'll see it's signed by a person, Greg Vaughan, Able Consulting, Pty Limited?---Yeah.

Do you know Greg Vaughan?---I don't think so, no.

30

You don't know what his qualifications or profession is, if anything?---No.

All right. And have there been any discussions that you were involved in at all about retaining Able Consulting to do some sort of analysis?---Not that I can remember, no.

The retention of an external consultant would be day to day work for the CEO, wouldn't it?---Yeah. Yes.

40

I mean, you wouldn't have one of the individual board members writing off, it would be, they would ask you, presumably, to retain an expert or a consultant, wouldn't they?---Maybe, yeah. Yeah. They probably would.

You would consider that to be part of your duties, if somebody asked you to do it, wouldn't you?---Yes.

You wouldn't say, 'Do it yourself'?---No, I wouldn't have said that.

In any event, I just want to take you back to the emails now if I can, which was at page 9, and you also made reference to keeping a copy of it presented at report?---Yeah.

And you did keep a copy of the report, I take it, once you received it, attached to this email?---If it was presented at a board meeting, I would've just – there's a folder that everything that's presented to board meetings gets put in that.

10 What's the description of that folder?---I think it's white and it just has Board Meetings, whatever year it is, and it's kept in the board room.

When you say a folder, is that like a lever arch folder?---Yeah.

And whilst you're the CEO, did you say it's kept in your office?---No, the board room.

20 So if legal advice is received, where is that kept? In your office or in the board house?---It depends whether it was presented to the – if it's presented to the board, it's kept in with the board meetings.

If something is presented to the board such as legal advice at a meeting you attended, would you minute it?---Yes.

That is, you'd record it in the minutes?---I would write it down, yes.

If advice is tabled that's legal advice, that's obviously an important document?---Yep.

30 And would you take care to make sure that that would be recorded in the minutes if it was so tabled?---If it was tabled, I'd write it down.

Do you recall there ever being any legal advice tabled at any meeting you attended?---I can't recall.

Do you think that's something that you would remember if it occurred? ---Possibly, yes.

40 Do you remember filing any legal advices away at the time you were the CEO?---Not that I can remember.

Do you remember being given any by Ms Bakis?---I'm not 100 per cent sure but no, I don't think so.

Sorry, I didn't hear the last bit of your answer?---I don't think so but I'm not 100 per cent sure.

And do you recall whether, in fact, on this meeting of 8 April 2016, that in fact a written detailed advice was prepared by Ms Bakis and provided to the board members?---I can't recall, no.

But again, you would have recorded it in the notes, would you, if – or the minutes if such an advice was tendered to the meeting?---I would've wrote it down, yes.

10 Your notes – I withdraw that. Your notes contained in the minute book of 8 April 2016 make no reference to Able Consulting at all, do they?---I can't remember.

Do you want to have a look at them again?---Yeah.

All right. So, it's Volume 11 page 310?---Can we just go down a little bit? I'm still on the first page.

Sure. Would you prefer to look at this in hard copy?---It's okay.

20 THE COMMISSIONER: It might be easier. It might be easier?---Is it here in this folder?---Yes, yes.

MR CHEN: It is, so if you have a look at page, what page is it?

THE COMMISSIONER: Volume 11, page 310, is it? If you open page 310, I think it's the reference?---So, 310?

MR CHEN: Have you read through those notes now?---Yeah.

30 And you agree, I think, do you not, that there's no reference at all to Able Consulting?---Yeah, there's no reference.

And does that explain why you had the follow up communications with Mr Petroulias to ask for underlying material?---Yeah, probably.

Think about it, Ms Steadman. Is that what you think is likely to be the case, or not?---It's just not in there, so - - -

40 And again, you would take it that that's because it wasn't mentioned according to your notes anyway?---According to my minutes it wasn't, yeah.

Now, one of the resolutions that was passed by this meeting was that the process go forward involving an entity called Awabakal LALC Trustees. Do you remember anything being discussed about that entity?---I can't recall off the top of my head, no.

Thinking about it now, if the Land Council was to embark upon a sale or a joint venture with another entity to develop some of its land, can you think of any reason why there needed to be a trustee company put in the middle of it?---No.

And did anybody at the meeting say why that needed to occur so far as you can recall?---I can't recall, I can't remember.

10 Was there any disclosure at all by Mr Petroulias that, in fact, initially he had incorporated that company and that he was a sole director and shareholder of it?---Not that I can remember, no.

Well that's pretty important, don't you think, if it was a disclosure made? Don't you think?---Yeah.

And would you have noted such a disclosure had it been made?---Yeah.

20 Would it give you a concern that there's potentially a conflict here?  
---Maybe, yeah.

Well, did Mr Green disclose that he had any connection to that entity at all?  
---No.

Was there any disclosure in relation to this apparent resolution to proceed with Solstice that Ms Dates had signed an agreement with them on the 19<sup>th</sup> of November, 2015?---Not that I can remember, no.

And you'd never heard of them.---No.

30 And had Mr Green disclosed that he'd signed a document with that entity on or around 19 November, 2015?---No.

And did Ms Bakis disclose that she drafted these agreements?---No.

And did Mr Petroulias disclose that, as part of this transaction, that potentially a company that he was associated with was to receive a substantial sum of money?---No.

40 Did Ms Bakis disclose to the meeting that she was redrafting another form of agreement with Solstice?---No.

Did Ms Bakis at any time tell you that Mr Petroulias was actually not a solicitor?---No.

Or not a lawyer?---Not that I can remember, no.

You always acted on the basis that he was that, because that's what you were told.---Yes.

Now, I want to ask you to look at some other minutes, please. If you look, please, at the minutes of the meeting 6 May, 2016. So these are the handwritten minutes. So it's volume 14, page 196.---Yeah.

Do you recognise that as your handwriting?---No, that's not my handwriting.

10 I see. Do you recall whether you attended this meeting or not?---Don't think I did.

THE COMMISSIONER: When did you finish again as CEO?---June 2016. June 2016.

'16, yes, yes.

MR CHEN: Whose handwriting does it appear to be? If you know.---I think it looks like Jaye Quinlan's but I'm not a hundred per cent sure.

20 I'm just going to show you the typed minutes, then.---Yeah.

It says that you were the CEO. It's not suggesting that you're there, I appreciate that. You recognise that on the screen as the minutes of the meeting on 6 May, 2016 of the board?---Yeah.

30 And if you scroll down a few pages, please, this was a pretty – I withdraw that. This was a meeting where lots of the minutes were put before the board to be signed off as apparently correct. Do you remember that occurring or not?---I can't a hundred per cent remember. I wasn't the - - -

Do you remember the – sorry. Do you remember the auditor asking for minutes of the board meetings?---I think he was asking for minutes, yes.

And hence quite a few of them had to be put before the board pretty promptly to ensure he could get his report out.---Yeah.

40 So if you just scroll down, please, to page 201. I appreciate that you may not be here, but I want to ask you some questions about this. You'll see resolution 1 is a failure to come to terms with the Solstice Group entities, that the Solstice proposal be rejected. Do you see that?---Yeah.

Do you know anything about that?---No.

Never raised with you at all?---No.

Do you know who raised that matter?---No, I wasn't there.

Now, would you have a look, please, at the minutes of 2 June, 2016.

THE COMMISSIONER: Date again?

MR CHEN: I'm sorry.

THE COMMISSIONER: Sorry, what was the date?

10 MR CHEN: 2 June, Commissioner, but I'm just going to take it a step back a bit. Would you have a look please at Exhibit 65, page 28. Do you see on the screen in front of you, Ms Steadman, that that's an email to you and to Debbie Dates-Towers at – do you see that?---Yeah.

Is Debbie Dates-Towers also known as Debbie Dates?---Yeah.

The CEO? I'm sorry, I withdraw that.---The chairperson.

The chairperson.---Yes.

20 And you're the CEO.---Yeah.

And you'll see in, presumably a reference to you, “Attached is a resolution that needs to be passed to get the previous resolution back on track regarding the development and to go to the community meeting ASAP.” Do you see that?---Yeah.

Did you have a discussion with Ms Dates about the subject matter of that email, do you recall?---Not that I can recall.

30 And what about from Mr Petroulias? Did you have a discussion with him about that?---Not that I can recall.

What about Ms Bakis?---Not that I can recall.

Well, if you turn to the next page, please, you'll see page 29. And putting to one side the typographical error in relation to the date, you'll see that there's a resolution that's recorded as having been passed at the meeting on 8 April, 2016, at the top.---Yeah.

40 And that's the – and if you look down further then there is a reference to Advantage Property Experts Syndications.---Ah hmm. Yeah.

Prior to this date, had you ever heard of them?---No.

Never been discussed at any meeting you'd been involved in?---Not that I can remember, no.

And you'll see there there's a resolution proposed down the bottom. "The board agrees to the replacement of Advantage for Solstice," et cetera. Do you see that?---Yeah.

Now, I just want to show you the minutes of that meeting if I can now, please, of 2 June, 2016. So it's volume 15, page 73. Do you recognise those as the minutes of 2 June, 2016?---Yeah.

Is that your handwriting?---Yeah.

10

And you'll see on the right-hand side of the page, second paragraph, "Despina spoke about resolution that they would like for board to pass." ---Yeah.

And that's obviously your writing.---Yeah.

And was she obviously at that meeting, was she, by the way you've written that?---Yeah.

20

But it's not recorded that she attended, I noticed.---Yeah, I, maybe she come after I written all the attendance. I, I honestly can't remember.

But do you recall her speaking about the resolution that I drew your attention to earlier, namely the Solstice, sorry, the Advantage resolution, which follows on?---I can't a hundred per cent remember that that was what was said.

30

Is this the position, that because there was no other discussion recorded in your notes, the probabilities are – so far as you can recall – that there was absolutely no discussion about that resolution at all?---Possibility. I can't remember anything.

But that's consistent with your practice.---Yes.

Namely if there's no reference to discussion, there was no discussion. ---Yeah, well, if I didn't write it down then I mustn't have heard it or it didn't happen.

40

And by this stage you don't know anything about Advantage.---No.

And so far as you can recall there'd never been a mention at any meeting you'd been involved in.---No.

None of the board members had come up and said to you, "We're onto a good deal here with this advantage thing. Let's get it going."---No, not that I can remember.

Nothing like that?---No.

Was there any suggestion at this meeting that Advantage would come along and present shortly thereafter?---Oh, I can't remember, no. It's not - - -

Well, now, you may have left by this next meeting, but I just want to draw your attention to it. So it's 7 June, 2016. Do you see on the right-hand side those are the handwritten minutes of the meeting on that day?---Yeah.

10 Is that your handwriting?---Some of it looks like my handwriting, yes.

Are you able to identify what appears – whichever is quicker – what is yours what is not yours?---The visitor's handwriting is not my handwriting.

THE COMMISSIONER: Can you say that again?---What's written next to "visitors". That's not my handwriting.

MR CHEN: Do you know whose handwriting it is?---No.

20 Is it likely – sorry, is the word "visitors" your handwriting?---Yeah.

And is "Meeting opened at 4.05pm," your handwriting?---Yep.

Is it likely in the way in which or the style in which you record your minutes that you would have written – I'm sorry, I'll speak clearly – you would have written, "Visitors," left it blank and then put "Meeting opened?" Is that the order in which you would prepare your minutes?---Yeah.

30 Would you have put "Visitors" there ordinarily or would you have been told that there would be visitors coming?---I can't 100 per cent remember if I put "Visitors" before or not.

Well, this meeting has happened only five days after this resolution has been passed.---Yeah.

Do you know why this meeting had to be held on the 7<sup>th</sup>?---Oh, I can't remember, no.

40 Normally isn't it not the practice that at least board members should be given seven days' notification for any meeting?---For ordinary board meetings, yes, they normally get seven days, if it's extraordinary, if it's an urgent meeting it may be a day.

Do you recall there being any urgency about dealing with this proposal, bearing in mind it's only just come about, as I would read the minutes, on 2 June, 2016?---I, no, I don't recall anything.

Well, looking at that - - -

THE COMMISSIONER: You've written there, "Ordinary board meeting, Tuesday 7 June, '16." If it had have been brought on as a matter of urgency would you have written "Ordinary board meeting?"---It says, well, the one I'm looking at says, "Extraordinary board meeting, Tuesday 7 June, 2016."

Oh, I'm sorry, yes, it does too, yes. Right. So that's in your writing, isn't it?---That's in my writing, yes.

10 MR CHEN: And so you think it's been brought on with some urgency, do you, because it's only five days past the earlier meeting?---Well, yeah, if there's, it says extraordinary it's just because they wanted, it needed to be done.

I'm sorry, I didn't hear what you said?---Because they believed it needed to be, to be done.

Who's the "they" you're referring to?---Maybe the board.

20 All right. Well, I just want to show you some emails as well now before I come back to that, but would you have a look, please, at Exhibit 65, page 30. And you'll see that – perhaps I should have identified the time, but the meeting appeared to start, according to your handwriting, at 4.05pm.---Yep.

And you'll see here there's an email that's received the very same day from Knightsbridge North Lawyers to you on 7 June at 4.01pm.---Yeah.

So a few minutes before it started.---Yeah.

30 Do you see that?---Yeah, I see it.

Do you remember receiving this email?---I can't 100 per cent remember receiving it but I must have if it was to the CEO.

Well, if you turn over the next page you'll see "Update on sale development." I mean that's an update from five days ago obviously? ---Yeah.

40 And as I understood it, no one had spoken to you about Advantage at all? ---No.

And so what's been put through by Knightsbridge North Lawyers is a resolution that in fact agreements with Advantage be executed.---Yeah, I can see that.

Do you recall whether in fact those agreements were put before the board on that day or not?---No, I can't recall.

And do you know who on the board was agreeing to these matters be put before the board at this stage?---I can't say for sure, no.

Well, you would know that your husband wasn't involved in arranging this, wouldn't you?---Yeah.

And so that only leaves, as I understand it, Mr Walsh, who denies any involvement, so just assume that for me, that only leaves Mr Green, Ms Dates and Ms Quinlan, as I would see it - - -?---Yeah.

10

- - - that potentially would have agreed to this going ahead in this way. Does that assist you at all in identifying who it is that was really behind pushing this proposal on and before the board?---It would have to be one of the three but I can't say who.

Have you ever spoken to Jaye Quinlan about Advantage Property Expert Syndications and her interest in it?---No.

20

What about Ms Dates, did she - - -?---No, she, I've never spoke about Advantage with her.

And what about Mr Green?---No.

Well, Mr Green was the one that seemed to have an interest in developing the Land Council land, didn't he?---Yeah.

And Knightsbridge North Lawyers seemed to be equally interested in pushing this proposal through by the fact that they drafted the resolutions? ---Yeah.

30

Are you able to assist the Commission at all in why it is that Knightsbridge North Lawyers were so interested in having this proposal put before the board?---No, I have no idea.

Did Ms Bakis ever give you an explanation for it?---Not that I can recall.

Did you ever ask her for one?---No, I don't think so.

40

Was it the case really that if she put through or Mr Petroulias put through a resolution to go before the board you would put it before the board? ---Yeah.

And it would be a matter for Ms Dates or if Mr Green is presiding, Mr Green, to agree or disagree with whether such a proposal would be entertained or not?---Yeah.

Do you know whether an agenda item was ever this Advantage transaction? ---I don't think so. I don't know.

I may have asked you this, and unfortunately I may have asked you more than once, but you hadn't seen any Advantage agreements at all, have you?  
---No, I don't think so.

And you don't believe that at any time they were tendered or put before the board?---Not that I can recall, no.

10 A sale, if you just assume that potentially the transaction involved a number of contracts and the sale of in excess of 30 lots which were owned by the Land Council, that's a very significant contractual undertaking, isn't it?  
---Yes.

Well, do you think that if something like that had come before the board you'd remember it?---More than likely, yes.

If it involved say selling 30 properties of the 32 or so that the Land Council owned, that's pretty significant, isn't it?---Yes.

20 It's really revolutionary from what you've known in terms of the Land Council, isn't it?---Yes.

And you can't assist the Commission at all as to what's happened between 2 June and 7 June, 2006 which led to all this occurring?---No. That was leading up to when I was leaving so I was stressed and - - -

THE COMMISSIONER: Mr Chen, can you take me to the resolutions that were in fact passed on 7 June?

30 MR CHEN: Yes, I can, Commissioner. So volume 15, page 95. I'm just going to come to that now, Commissioner.

THE COMMISSIONER: Just pardon me a moment. Yes, could we scroll down, please. Thank you, and scroll down. Go back up slightly. A bit more. Thank you. Yes, Mr Chen.

MR CHEN: I'm just going to take you to the handwritten minutes first before I come back to those, Ms Steadman. So it's volume 15, page 93. You'll see under the Welcome Jaye Quinlan and Minute's Silence that  
40 you'll see Resolutions?---Yes.

One, update on sale?---Yeah.

Development and joint venture collaboration, etcetera, Richard Green spoke on behalf of the resolution?---Yeah.

Now having read that it's clear, is it not, that it's Mr Green that's behind this resolution being pushed?---Yeah.

And it's also consistent, I take it, with your earlier evidence that there was at least – I withdraw that, that this resolution in those terms is what had been sent through to you earlier that day?---Yeah.

Now the Commissioner asked you some questions about the formal or the typed minutes, and I'll take you to that in a moment, but do you see Micky Walsh is recorded as having moved that motion?---Yep.

10 He has told the Commission he didn't do that, Ms Steadman. Are you able to offer an explanation as to why his name appears in this?---Well I must have heard his name and just wrote it down as moving it. If Micky disputes that, he should have said so when the minutes were presented to the next board meeting.

He's said it on a couple of occasions, that he wasn't involved in some of these resolutions and is your response the same thing?---Yeah.

20 I see. Now, if we just go back to the typed minutes, please, which are Volume 15, page 95, you'll see that they're slightly more fulsome, these ones, the resolutions?---I – I didn't type those.

Do you know who did?---No.

THE COMMISSIONER: Is the type face familiar to you or does it not appear to be?---Well what we use is the other one where it has the box, and - - -

Yes.

30

MR CHEN: All right. Now, just pardon me for a moment. Now I'm just going to ask you some questions about Mr Steven Slee?---Yes.

He was a CEO whilst you were the project officer I think. Is that right?---Yeah.

Did you get on with him well or not?---For the most part, yeah.

40 From your dealings, how did he perform? Sorry, from your observations, how did he perform?---He did okay for the majority.

Did you have any particular concern with him?---Not really, no.

In any event, he was suspended. You know that, don't you?---Yeah.

And you then assumed his role?---Yeah.

And there was an investigation during 2015. Do you remember that?---  
Yeah.

And you weren't involved in this meeting on 6 August 2015 where the registrar attended, were you?---No.

But you understood subsequently that Mr Slee had been terminated?---After the meeting, yeah.

10 And did you understand that that was on a motion moved by Mr Green?  
---Probably, I can't remember who moved the motion.

Right. But after that time – I withdraw that. Mr Sheriff was still providing at least some legal advice to the Land Council Board, wasn't he?---Yeah.

And do you remember you were requested by either Ms Dates or Mr Green to make contact with Mr Sheriff?---Maybe, yeah.

20 And the request that you made on behalf of one or other of the board members was that Mr Sheriff prepare a notice of termination for Mr Slee. Do you remember?---I can't remember but I might've done that, yeah.

And in fact Mr Sheriff told you he was not prepared to produce such a document?---He may have.

Because he didn't think there was any grounds for him to be terminated?  
---He may have, I can't remember.

30 All right. Well, you're not disputing that are you?---No, not disputing.

You just can't remember?---I just can't remember.

I did ask you these questions, I apologise for the repetition but you didn't know this gentleman Greg Vaughan, did you?---No, not that I can remember.

He'd had some contact, though, had he not in early 2016 with you, hadn't he?---Maybe. I can't remember.

40 Would you have a look at Exhibit 65 page four, please? Do you recognise that as an email between you and Mr Vaughan of 27 January 2016?---Yeah.

And if we move to the next page, you'll see that the email thread goes back a bit further and it seems that he's having some role in relation to the report from Kelvin Kenney. Do you see that?---Yeah.

Is that your recollection of Mr Vaughan's involvement at that time?---Yeah.

How did Mr Vaughan get in touch with you to provide this assistance? Do you know?---Maybe through Richard Green.

You certainly didn't initiate it, did you?---No.

You had never heard of Richard Green before? I'm sorry, Greg Vaughan before?---No.

And did you ever meet Mr Vaughan?---Maybe once, I think.

10

Did he tell you what his background was?---I can't remember, no, no.

Did he tell you how he came to be asked to do this work for the Land Council or Mr Green?---I'm not 100 per cent sure, no.

Now after you ceased work for the Land Council, did you do some work for Ms Bakis?---I organised a community meeting, one community meeting. Yes.

20

And did she pay you to do that work?---Yes.

And what was the community meeting work that you did?---I organised for a community meeting to be held at Yamuloong Function Centre for Advantage Property to go and present.

When was this, approximately?---July, maybe, 2016.

Shortly after you finished with the Land Council?---Yes.

30

Did you stay for the presentation that Advantage did?---Yes, because I wanted to see what they had to say.

All right. And sorry, whereabouts was this presentation?---Yamuloong Function Centre.

Whereabouts is that?---Garden Suburbs in Newcastle.

Garden Suburbs?---Yeah.

40

Do you mean Kotara or it's somewhere different?---There's Garden Suburbs and there's Kotara, it was Garden Suburbs.

I see. Now, you mentioned as well in your evidence that at some point you had heard of the word Gows, obviously not from me but at some other occasion. Do you remember saying that?---Yeah, maybe I wrote it down in a minute, in a board minutes.

Do you know when that was or when that would be?---I honestly can't remember.

If you assume that you've made no minute to that effect in any that you have written, are you able to say where you may have heard that name before?---No.

10 Could you be mistaken that, in fact, just being involved in this inquiry has mixed your memory up a bit on that topic?---My memory has been a bit confused since being in this inquiry, yes.

All right. Well just in relation to the Gows, do you think you could be mistaken about Gows?---Possibly, yes.

All right. Thank you, Commissioner. That's the examination.

THE COMMISSIONER: Yes. Yes. Any questions? Yes, Mr Menzies.

20 MR MENZIES: I have some questions, thank you. I note of your first comment about Gows was earlier in your evidence when you said that the name Gows was mentioned to you in passing by someone?---At a board meeting, I thought.

Right. And do you now say that didn't happen?---I can't say for - - -

Or don't you know?---I can't say for sure that it didn't happen, but I thought that I heard it at a board meeting.

30 And have you any idea the context of how - - - ?---No, I can't remember.

Or who said it?---No.

Or when?---No, I can't remember when.

Your rise to the position of the CEO was pretty rapid.---Yes.

40 And of course do I take it that you were pretty pleased to have the role?---Oh, I wouldn't say pretty pleased. I mean I had it. I knew it was a look of work and a lot of responsibility so, and I knew there was a lot of stress involved with it.

And it was a challenge?---It was a big challenge.

But it was a challenge that you wanted to take up because you thought you could do it?---I thought I could have a good shot at doing it, yes.

And you knew that there were aspects of the CEO's role which you really knew at that point very little about?---Correct.

And it was very much a learning-on-the-job experience for you?---Yes.

And the CEO role that you adopted was for – I beg your pardon, I'll express it better. You were the CEO for most of 2015 and half of 2016 roughly?  
---Roughly, yeah.

10

And the board in 2015 I think only had a couple of meetings, maybe it was two?---Maybe, yeah.

And can you recall whether you attended either of those board meetings?---I can't recall, no.

And so far as minute taking at board meetings were concerned you've already told us that that was a role performed by several people. You were there sometimes and not on other occasions?---That's right.

20

And then in 2016 there were a number of board meetings and you've been taken to them but the general proposition is that you attended some but not others?---That's correct.

And that also you were the, when you did attend did you always, were you always a minute taker?---I normally took the minutes when I attended, yes.

And there were occasions weren't there when you did attend when you couldn't remain for the whole meeting?---Possibly, yes.

30

And one of them could I suggest is the one which was, just let me get the date correct, the 7 June meeting?---Possibly, that could have possibly.

And that's evidenced by the fact isn't it that some of the record is in your hand and some of it isn't?---It seems that way, yes.

And because obviously if you were there the whole time you would not be swapping that role?---No.

40

You'd do the whole thing?---Correct.

And could we have up, please, the minute of 7 June, 2016. Now, can you just, please, you're not able to identify the writing which is not yours?  
---That's right.

But you can identify obviously the writing that is?---Yeah.

And can you help us, please, with which of the handwriting, starting from the first page at 18 or 18 appearing here on the right-hand side, which is your handwriting?---The top part. Basically all that page except for the visitors' names.

All right. So someone else has put in the visitors' names?---Yeah.

Paragraphs 1, 2 and 3 are they in your handwriting?---They seem to be, yes.

10 And then the next page, whose handwriting is that?---I'm not sure. Some of it - - -

But not yours?---I don't - - -

I'm so sorry. I beg your pardon. I walked away from the microphone because I bent down to look at the - - -

20 THE COMMISSIONER: That's all right. We still could hear you, Mr Menzies.

MR MENZIES: Thank you. Could we just go back to page 18 again, please. I'm sorry. So you've told us that you've set out the opening words but didn't include the names of the visitors?---Yeah.

That's been put in later?---Yeah.

You assume?---I don't know when it was put in.

30 We don't know when it was put in, yes.---No.

But you wrote 1, 2 and 3?---It appears that way, yeah.

Yes. And then the next page which is now on the screen, is that you handwriting or somebody else's?---Some of it looks like mine but I can't be 100 per cent sure.

So it could be somebody else's?---It could be.

40 And if it is that coincides with your recollection that from time to time you didn't remain at the whole of the meeting?---Correct.

And was that because you had other things, other duties to perform or you had other - - -?---Yes.

And you left it?---Yeah.

Now, when it came to the minutes for that meeting, I don't think you typed them.---No.

Is that correct?---That's correct.

Somebody else did?---Somebody else did.

Now, by that time, that was the day before your employment ceased?  
---Correct.

10 You said that you were at that time as I understood your evidence highly stressed?---Yes.

And was the stress related to tying up all the loose ends?---Yes.

Anything else?---Partly of that.

I beg your pardon?---Partly tying up loose ends.

20 And what else was stressing you?---Just the environment of the Land Council at that time.

And what was that environment?---It was stressful.

Well, it was riven with factions wasn't it?---Yes.

And obviously your job of CEO is to try and, in part, try and ignore the factions and not let that affect your operation. That would be one of your roles wouldn't it?---Yeah.

30 And secondly, try as you could to get the factions to resolve their issues so that the Land Council could proceed forward?---Possibly, yeah.

It's a question of governance?---Yes.

And one of the things that you became aware because there were meetings with the, is it Mr Kenney was the inspector?---He was the investigator, yeah.

40 Investigator. He came along on a couple of occasions and pointed out what needed to be done to bring this, what was then a dysfunctional organisation back to functionality?---I think that was his role, yes.

Yes. And you've nominated what the various issues were?---That's what I could remember. I'm not sure whether there was more.

Some of them you had controlled or at least you were able to input information to assist?---Yeah.

Some of the other things they were matters concerning the board members which you really couldn't deal with?---Correct.

So one of the things that happened was, wasn't it, that you sought the assistance of Ms Bakis for the purpose of dealing with the matters that Mr Green, I beg your pardon, Mr Kenney had raised?---Yes.

And you'd contacted her during that period on almost a daily basis?  
---Possibly. Yes.

10

And what you were doing, is to seek from Ms Bakis assistance as to how all of these dysfunctional matters could be dealt with?---Yeah. Probably.

And so that, for example, you, having received information about what Mr Slee wanted, you contacted Ms Bakis and effectively said, "What is the Council going to do about this"?---Can you ask me that in a different way? I didn't really sort of understand - - -

20

Certainly. At the time of dealing with the, before I do that, let me just go back a little bit in time and ask you this. You've told us that until very late in the piece, and very late in the piece, I mean probably 2016, but you can correct me if I'm wrong. You had no knowledge at all of the whole suite of documents and agreements of a legal nature which related to proposed, or indeed, agreed transactions between the Land Council and various corporate entities?---Correct.

And I take it, in the CEO's office, there's a fair bit of paper?---Exactly. Yeah.

30

In fact a lot.---Yes. There's lots.

And so, at no time, when you've said, "Well, I haven't seen any of that material," when you were asked about it, you really had no reason to be looking for it, did you? Because you didn't know anything about it and there was no reason to – And you knew nothing about the circumstances. So there was no need for you to look for documents?---Well I knew nothing about it so I didn't see them at the Land Council.

40

No. But, that's not quite my point. You knew nothing about any of this?  
---That's right.

There was never a need for you to, as it were, look for those documents?  
---Well, I can't remember being asked for them.

MR CHEN: I should object, Commissioner. I understand the trust of what my friend's getting to but I did ask very specific questions which, I don't know if my learned friend has in mind, about Mr Merritt's involvement. So  
- - -

MR MENZIES: Mr who?

MR CHEN: Mr Merritt.

THE COMMISSIONER: Mr Merritt.

MR MENZIES: I'm not asking about Mr Merritt, I'm asking about, what I'm directing my attention to is the specific questions which were - - -

10

THE COMMISSIONER: Well, I think, Mr Menzies, in reference to Mr Merritt, you'll recall the RAS, the two assessments required Ms Steadman to advise Mr Merritt, for the purpose of assessment, whether the Council had entered in to any agreements and I think it's on that basis that the objection is taken that it has no regard that she did have a reason to look to see if there were any agreements. So, for the purpose of those two assessments.

MR MENZIES: Thank you. Well, I'm happy to take that on board.

20

THE COMMISSIONER: Ah hmm.

MR MENZIES: Can you recall when, first, when Mr Merritt raised the inquiry as to whether there were agreements that were relevant as to dealing with, and in this case as to dealings with that?---It just gets asks as part of the risk assessment.

I beg your pardon? Yes. But when, what I'm asking you is when was that, when did you first start to deal with the risk assessment?---I can't remember the exact dates that they were.

30

Right. But would it shortly after, obviously not before, but shortly after the risk assessment was first raised?---I think the risk assessment was in 2015.

Right.

THE COMMISSIONER: I think there's no secret about it. The first one was done on, or about, 18 March, 2015. The second was 24 June, 2015 or thereabout. Close to those dates, if not, those two dates. Anyway, it's just so you're reminded of the dates, that's all right.---Yep.

40

MR MENZIES: Of course, as, this is right, isn't it? That as at, at no time in 2015, were there any agreements that bound, that bound the Land Council?

MR CHEN: I object to the form of that question, with respect. The word bound is, in my submission, a legal matter. My friend can put there were no agreements if he likes.

THE COMMISSIONER: Well, I think, Mr Menzies, that it just needs to be reformulated, I think.

MR MENZIES: As at 2015, there were no agreements that had been sent for approval to the Land Council?---There was no agreement. No.

None at all?---Not that I knew of, no.

10 So the answer to the question by Mr Merritt in 2015, "Were there any?" Answer, "None," was the correct answer, wasn't it?---I didn't know that were any so that's what I answered, yes.

Well - - -?---So basically, yes to your question.

Thank you. Now, so far as the Advantage proposal was concerned, you were asked some questions about that.---Yes.

20 And when did you become aware of the existence of the Advantage proposal?---At a board meeting. Probably the last board meeting that I attended, maybe.

And did you get some documents with respect to that, from the New South Wales Aboriginal Land Council, to start an approval process?---The New South Wales Aboriginal Land Council, as in NSWALC?

Yes.---I can't remember. I don't know. Maybe.

30 Right. So this is right, isn't it, that – I won't pursue that further. Now, come back then, if you would please, to Mr Slee.

THE COMMISSIONER: Which Mr Slee?

40 MR MENZIES: Mr Steven Slee. Before I do that I just really want to deal with something else. I'm sorry. You've said to the Commissioner that – Now there are two salient things I want to remind you of about what you've told us about the board, the board meetings and the atmosphere and Mr Petroulias, they're bound up. First, when you did attended board meetings, the atmosphere was frequently tense with people throwing in their comments?---At times, yes.

When Mr Petroulias was there and he was addressing the board, he spoke very quickly?---Yes.

And you struggled to keep up with him?---At times, yes.

And so that a combination of both, when Mr Petroulias was there, his presentation and that fact, on other occasions there was a fair amount of tension with people throwing in their comments from time to time.---Yep.

That it was a very difficult task for you to record everything that was being said?

MR CHEN: I object, Commissioner. I object, Commissioner. I mean, we really should be more specific. I mean, if he's going to put a proposition that it's - - -

10 MR MENZIES: I withdraw the question. You have already agreed and, in fact, informed the Commissioner, so there's no issue about it but it's certainly not being critical of you, but you struggled to record everything that was in the minutes, everything that was said at the board meetings you attended?---At times, yes.

At times. Okay. What were the times that you struggled to record everything?---If people were speaking over each other, if people were speaking fast, it just depended on what the meeting was about.

20 And did Mr Petroulias present – leave that aside, his own present for you, his own, your own, his own difficulties in presentation, namely the speed of it, for you to record everything?---At times he spoke at a rapid rate, yes, and I couldn't - - -

And when he did that, you didn't, because you couldn't keep up, record everything?---I tried my best, yes.

Yeah. No one is suggesting you didn't try your best, the fact is you couldn't always do it, could you?---Not always, no.

30 And given the effluxion of time, the passage of time since these events occurred, that the simple fact today is, isn't it, that if there are – that your memory is not good enough today to remember what was said and what wasn't said, I withdraw that. To remember what was said at those times which you cannot now recall. Isn't that right?---Can you say it again to me in a different way?

40 Sure. Maybe I expressed that very badly. You haven't had to consider some of these matters, it would seem, until today when questions were put to you by my learned friend and you said well, I haven't ever seen these documents before. That's right, isn't it?---On some of the documents, yes.

Yes. You've identified the documents you haven't seen before?---Yeah.

And I won't go over them again. So, the first time since 7 June 2016 that you've been required to cast your mind back about documents that you've just been shown and what was said or not said on those occasions was today, correct?---Correct in some, I, I had to come here before to ICAC at a private hearing, before this one.

Sure. I'm asking you about specifically those, those documents placed in front of you today and with respect to which you've been asked to comment?---Correct.

In the light of those documents, what was said during that – the meetings that are referred to?---Yes.

10 Now, about those documents, and you've said, as I understand it and I'm not suggesting otherwise, perfectly candidly, effectively I just can't remember?  
---Of some things, yeah, I can't remember.

May have been said, may not have been said?---Correct.

And you certainly can't say, well, because it may have been unlikely, then I didn't, then they didn't happen. Anyway, you just don't know?---Yeah, some things I just can't remember. That's right.

20 Yes. Now, so could I now deal with Mr Slee, the Mr Slee who was – whose position was terminated?---Steven Slee.

Steven Slee, thank you. Now, he was the CEO before you?---Correct.

And he was, correct me if I'm wrong, but I thought you said on two occasions when my learned friend was cross examining you, that you, A, that Mr Slee was from time to time a troublemaker, to your perception?

30 MR CHEN: I object to that, Commissioner, he's mixing the Sleees up, I think.

MR MENZIES: Have I got the wrong Slee?

THE COMMISSIONER: It was dad.

MR MENZIES: All right, okay. Well then I take it all back. Larry, that was Larry. So, Mr Richard Slee was the subject of - - - ?---Who, sorry?

40 I'm sorry. There was an inquiry conducted about Steven Slee and particularly some financial matters?---Yes.

And was it part of your obligation to provide such information as you could to assist in that inquiry?---I can't remember providing information to that inquiry. The one that the registrar did?

Yes?---No, I wasn't asked anything.

You were not involved in that at all?---No.

Right, thank you. Now, was it then Larry Slee that you sought, concerning Larry Slee, that you sought some then assistance in dealing with, sought from the lawyers, Knightsbridge North Lawyers?---Larry Slee, yes.

Thankfully I've got that right. And you had received, and you actually asked Knightsbridge North Lawyers to – how this should be dealt with? ---Yes.

10 Right. And they eventually responded to you with a letter which was intended to be sent to, to be given to - - -

THE COMMISSIONER: I'm sorry, I'm having trouble hearing you.

MR MENZIES: I'm so sorry, your Honour.

THE COMMISSIONER: I'm not sure if the witness is having trouble.

MR MENZIES: No, I beg your pardon.

20 THE COMMISSIONER: Just put that question again, if you would.

MR MENZIES: Knightsbridge North Lawyers told you that they would provide a letter which would be conveyed to Mr Larry Slee. Correct?---Correct.

And that letter was written on their letterhead, wasn't it?---Yes.

30 It certainly wasn't written on the letterhead of the - - - ?---Of the Land Council?

Yes?---Not that I can remember, no.

No. And can you recall how Mr – I think you've told us you don't know how that letter was given to Mr Slee?---I can't 100 per cent remember how he received it, no.

When you say I can't 100 per cent remember, is that the same as saying I can't remember?---Yep.

40 So where you've been saying in answer to a very – a series of questions, I can't 100 per cent remember, does that mean, should we be taking that as, I don't remember?---Well, I don't, I don't remember it fully.

There are some aspects – when you say I don't remember - - - ?---I remember the letter but I don't remember who gave it to him.

No, no. But you've used that expression on many occasions in answer to, in response to questions by counsel assisting, and do we take that to mean,

when you say I can't 100 per cent remember, mean I can't remember?  
---Maybe I remember bits and pieces but not the whole thing.

And does it mean when you say I can't 100 per cent remember, for example,  
I can't remember the context?---Maybe, depends, depending. Maybe, yes.

Or who said it?---Maybe.

10 Or where it came from?---Maybe.

Or when?---Maybe.

Well, it means then, doesn't it, that on any view of it your memory about  
events which you describe as I can't 100 per cent remember is pretty  
patchy?---Yes.

I notice the time, Commissioner. I won't be very much longer, but I'll - - -

20 MR CHEN: Commissioner, can I just raise one matter? I assume others  
want to ask questions.

THE COMMISSIONER: Yes.

MR CHEN: I don't know actually, I shouldn't make an assumption. Could  
I inquire, Commissioner, of whether others propose to do so?

THE COMMISSIONER: Yes.

30 MR CHEN: And to be given an estimate? We have a witness who has been  
inconvenienced on more than one occasion who is to give evidence after  
lunch, and she's from Newcastle.

THE COMMISSIONER: Yes, all right. Who else wants to ask questions  
after Mr Menzies?

MR TYSON: Commissioner, I may have some very brief questions of this  
witness.

40 THE COMMISSIONER: Anybody else?

MR OATES: Five or six minutes, Commissioner.

THE COMMISSIONER: Thank you. No one else? Very well. On those  
estimates, you should be fairly safe in getting that witness in.

MR CHEN: I think so, Commissioner. I'm grateful for that, thank you.

THE COMMISSIONER: Thank you, I'll adjourn.

**LUNCHEON ADJOURNMENT**

**[1.02pm]**