

SKYLINEPUB01197  
13/04/2018

SKYLINE  
pp 01197-01276

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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 2.00PM

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

THE COMMISSIONER: Now Ms Steadman. Yes, Mr Menzies.

MR MENZIES: Yes, thank you. Ms Steadman, you were asked some questions by my learned friend about the trustee company and some propositions were put to you about that trustee company. Remember those questions a little while ago?---Kind of, yeah.

10

Don't answer this until my learned friend is able to respond in case I don't get it right. My understanding of the proposition that was put to you was that a trustee company existed with respect to which Mr Petroulias was a principal shareholder and effectively the controller.

THE COMMISSIONER: Sorry, Mr Menzies, just to interrupt but if could just again - - -

MR MENZIES: I'm sorry, I'm doing it again.

20

THE COMMISSIONER: Could you just start again just in case the witness can't hear. I'm having some trouble sometimes.

MR MENZIES: Yes. I'm so sorry. As I recall the question, that's why I want to make sure I'm getting it right, the proposition was put to you, you were asked to assume that there existed a trustee company which respect to which Mr Petroulias was the principal, if only, shareholder. Do you remember that question?---Oh, kind of, yeah.

30

And the name of the corporation was the Awabakal LALC, was Awabakal LALC Trustees Limited and that was the company he was asking you about. You expressed concern as I understood it because your understanding was that had you known of the existence of that company with Mr Petroulias as the controller, either sole director or principal shareholder, that that would be something with respect to which you would be likely to want to report it. Is that right?---Yeah.

And why, because you would be concerned about it?---Why would I?

40

Yes, why, well, first of all why would you have been concerned about it? ---If he was the sole - - -

Yes.---If he was the sole director of it I would be concerned because it's an Awabakal LALC trust.

Right.---So someone from Awabakal LALC should have something to do with it.

Well, if in fact the accurate proposition is that there was indeed somebody from Awabakal who was the controller of that corporation and it was Mr Green then would you still have a concern?---I'm not sure. Maybe, maybe not.

But certainly if it was not Mr Petroulias you would not have a similar concern would you?---Probably not, no.

10 You were then asked whether the concept of a trustee company being involved was something that you thought was unusual. Remember that, and you agreed, you thought it was unusual?---Yeah.

Can I just ask you this, do you have any, you're obviously not a lawyer are you?---No, no.

And you are not somebody who was involved in real estate transactions? ---Correct.

20 Except perhaps for your own, for yourself.---Yeah.

Correct?---Correct.

And you are not aware of any practice with respect to real estate transactions of creating a trust for the purpose of, for legal purposes are you?---No.

So there was no real basis was there could I suggest for you to have a concern in any event was there?---Maybe. Maybe.

30 I beg your pardon?---No, probably not.

No. And you regard yourself as an entirely honest person don't you?---I try to be.

And I'm not suggesting otherwise but it's important for you isn't it – I withdraw that. You're conscious aren't you that the people as it were in the frame of this inquiry are principally Mr Green, Debbie, Mr Petroulias and Ms Bakis. That's your perception of it isn't it?---Yes.

40 And you're anxious aren't you to distance yourself as much as you can from any suggestion that you might somehow or other be tainted by what you perceive is their problems. Isn't that right?---I don't understand what - - -

Let me put it another way. It's plain to you who are the people of principal concern.---Yes.

You are anxious to make to plain to the Commissioner that you have had nothing to do with those people haven't you?---Yes.

And so in giving your evidence you are taking a position could I suggest where you will as far as you possibly can distance yourself from any knowledge about what they may or may not have done. Isn't that right?  
---By any knowledge, what do you mean, that I'm lying?

I'm not in the slightest suggesting that at all.

10 MR CHEN: Maybe he should make it clear then because my learned friend asked a few questions ago that he's not challenging her honesty and I rather took from these questions that maybe he is.

MR MENZIES: No, no, I'm not challenging - - -

THE COMMISSIONER: I think the work knowledge was the fly in the ointment as the witness picked up.

20 MR MENZIES: Yes. Let me put it another way. Your involvement with these people to your perception has been at all times a purely professional one in accordance with what you perceived to be your duties?---Yes.

And that's the limit of it?---Yes.

Is that right?---Yes.

Yes, thank you.

THE COMMISSIONER: Yes.

30 MR TYSON: Ms Steadman, my name is Tyson and I'm appearing in this Commission inquiry for Ms Debbie Dates.---Yeah.

Ms Steadman, do you remember you gave some evidence earlier on this afternoon about this Land Council being riven by factions. Do you remember that evidence?---Kind of, yeah.

And you gave evidence about this, the Awabakal Land Council being dysfunctional. Do you remember that evidence?---Yes.

40 I just want to go back a moment. In late 2014 you were employed as a project officer were you not by this Land Council?---Yes.

And was that, that was a full-time job?---Yes.

So you were in the offices of the Land Council most days of the working week?---Most days, yes.

Do you recall an issue that arose in late 2014 regarding Candy Towers applying to live in one of the residences that was either owned or controlled by the Awabakal Land Council?---I think Candy did apply to live in one of them, yes.

And do you remember that Steven Slee opposed her application?---I think so, yes.

10 And do you remember that Debbie Dates supported Candy Towers' application?---Yes.

And Ms Dates is of course Candy's mother?---Correct.

And they had a good personal relationship to your observation?---Yeah.

Just pausing for a moment in late 2014, how did you observe the personal relationship between Steven Slee and Ms Debbie Dates, was it a good relationship, was it a bad relationship?---It wasn't good.

20

What do you mean by that, please?---They just, just didn't seem to be getting along.

Didn't get on at a personal level?---Yeah.

In late 2014?---Probably late 2014, yeah.

30 And going back to my first questions which I asked you, that general question about factional issues and dysfunction, would you agree that in late 2014 the Awabakal Aboriginal Land Council was riven by factions at that time?---Yes.

No further questions, Commissioner.

THE COMMISSIONER: Yes, thank you. Yes. All right. Who's next? Yes.

40 MS NOLAN: My name is Nolan and I appear for Ms Bakis and I only have one question. I just wanted to explore an issue with you that I understand you've been asked some questions about, and that's briefing papers. As I understand it you say you don't remember any.---Yep.

Can this, would this refresh your memory. When Despina Bakis would come up to attend meetings and she's come into I think the CEO's office, or there's just a, there's a round table not far from the CEO's office?---Yeah, yeah.

She would sit down, wouldn't she, with Ms Dates prior to the meetings either at that little table or at the boardroom table, wouldn't she?---Yep, I think so, yeah.

And she would have had a pile of papers with her most usually, wouldn't she, Ms Bakis that is?---Yes.

10 And that, and she'd sit there with Debbie and discuss those papers. Do you remember that?---I think so, yes.

Does it accord with your recollection now that I've refreshed your memory as to that fact that what they were discussing at the time were these briefing papers, papers that were being discussed in board meetings? Does that assist?

THE COMMISSIONER: Well, there's a problem with that question. How would she know? She wouldn't know what's in the papers.

20 MS NOLAN: Well - - -

THE COMMISSIONER: She wouldn't even know they're briefing papers.

MS NOLAN: I'll take it back.

THE COMMISSIONER: So I think in fairness to the witness you'd have to ascertain whether she knew on any particular occasion as to what it was that Ms Bakis had by way of a file and other notes that was a subject of discussion.

30

MS NOLAN: Yes, thank you, Commissioner. I'll take it back a step. You've heard what the Commissioner has said. Did you know what the papers were that were being discussed by Ms Dates and Ms Bakis at that time?---I'm not sure. I don't, I don't think so.

So you had no idea what they were discussing, is that what you say?

---Probably, yeah, probably did have no idea.

40 Was it ever mentioned when they were discussing these papers or during those discussions of which you overheard or of which you were part, what they were actually discussing, can you recall?---Maybe. I can't 100 per cent recall, no.

When you were, you sat in on board meetings, didn't you?---Yes.

And you know there's a table that goes along the wall in the boardroom? ---Yeah.

And there were papers placed on that like table or ledge across the wall?  
---At times, yes, there was.

Yes. Did you know what those papers were?---I can't 100 per cent remember what they were, no.

10 If I were to suggest to you that they were briefing papers in the sense that they were papers that were being brought up to be discussed at board meetings, does that accord with your recollection at all?

MR CHEN: Well, I object, Commissioner. We should be more specific. We should identify when this is and in relation to what.

THE COMMISSIONER: Yes. I think you should identify the occasion so the witness has some hope of applying her mind to the meeting or meetings you're referring to.

20 MS NOLAN: On the occasions that board meetings were held was it usual for papers to be placed along that ledge or – is it a ledge or a table, what is it?---Oh, I think it's table.

Was it usual for papers to be placed - - -?---Yeah, papers were placed there. And who would usually place the papers there, do you know?---Oh, I can't remember.

Are they papers that were being used in the board meeting?---Probably, if they were in the boardroom, yes.

30 Thank you. I don't have any further questions.

THE COMMISSIONER: Yes. All right. Yes.

MR OATES: If the Commission pleases.

THE COMMISSIONER: Yes.

40 MR OATES: Ms Steadman, I represent Steven Slee. I think it's been common ground that you have a lot of family involved in the Land Council. Correct?---Correct.

And a lot of family members either engaged on the board or employed by the Awabakal Local Aboriginal Land Council at the time that you were employed by that organisation?---Correct.

And Debbie Dates is your aunt by marriage, I understand a common-law marriage between you and Mr Quinlan?---Correct.

And do you have children?---Yes.

And Ms Dates is obviously the grandmother of your children.---Aunt. She's not my, she's not my kids' grandmother.

I beg your pardon, great aunt, I beg your pardon, yeah.---Yes.

10 Jaye Quinlan is your mother-in-law, so to speak?---Correct.

And Candy Towers is your partner's first cousin. Correct?---Correct.

I assume as a family you used to get together, you probably still do, and discuss matters of mutual interest?---Oh, this is the first time I've seen Candy for a while. I see Debbie Dates only occasionally at parties. The person that I probably see most out of all that is Jaye, as she is my mother-in-law.

20 Let's go back to 2014. Perhaps mid to late 2014. I assume in those days you were seeing family in the course of family events?---I would see them if they were at, if they were at work.

And you would discuss matters with them concerning personal business and also some of the business of the Awabakal Land Council and perhaps a bit of office news?---Maybe, yeah.

You had a good relationship with Debbie Dates?---Oh, yeah.

30 You certainly had a good relationship with your partner and with his mother, didn't you?---Yes.

You also had a good relationship with Candy Towers, correct?---Yeah.

And you're aware aren't you that in 2014 there was a housing subcommittee within the board of the Awabakal Local Aboriginal Land Council, correct? ---Yes, yes.

40 And the members of that subcommittee were Debbie Dates, Ron Jordan and an independent person employed by a real estate agent who managed some or all of the properties. Correct?---Correct.

I assume it's also within your knowledge that housing was allocated to those people on a needs basis. Correct?---From the housing list, yes.

Yes, from the housing list. And obviously if somebody wanted a property which was more suitable for another family, that second family should or would normally get it?---More than likely, yeah.

Yes. You're aware aren't you, I think you said in response to Mr Tyson's questions that Candy Towers was an applicant for a house. Correct?  
---Correct.

And that was in 2014?---Correct.

That was a house at Cameron Park, wasn't it?---Yes.

Yes?---Yes.

10

She was subsequently allocated that house, wasn't she?---Yes.

She was just allocated that house by Debbie Dates, wasn't she?---Yes.

Not by the board. Correct?---Oh, I think so, correct.

Debbie Dates wanted to allocate the house to her daughter and Mr Steven Slee spoke against that proposition, didn't he?---Oh, I don't recall. He may have.

20

But ultimately it was a matter for the board, wasn't it?---For the board and the housing subcommittee.

Well, the housing subcommittee would make a recommendation to the board, wouldn't it?---From my understanding there was a terms of agreement with the housing subcommittee and the housing subcommittee would make a recommendation to the CEO.

30

Thank you. So the housing subcommittee was in a reasonably powerful position in terms of the potential allocation of these houses?---They discussed it and made the, the decision.

They made the decision, didn't they?---Yes.

There was a difficulty with Ms Towers having the house, wasn't there?  
---Pardon?

40

There was a difficulty with Ms Towers, Candy Towers, being allocated that particular house, wasn't there?---I think some people didn't agree with it.

Ms Towers was a single woman with one child, wasn't she?---Yes.

This was a four-bedroom house, wasn't it?---Yes.

Wasn't the discussion surrounding this potential allocation that it was much too big for her needs and it would be better to go to a family with more people?

MR CHEN: Well, I object to that question.

THE WITNESS: Are you asking – sorry.

MR CHEN: The discussion by whom and when?

THE COMMISSIONER: No, I'll allow it. Continue, Mr Oates.

10 THE WITNESS: I wouldn't have been privy to that discussion because I  
wouldn't have been in the boardroom.

MR OATES: I'm not talking just about board meetings, I'm talking about  
general information around the office that the problem that Candy Towers  
had in getting that house was that she was single with one child whereas it  
was a four-bedroom house and should ordinarily be allocated to a family  
with more people involved. Correct?---Most likely, but there were other  
people in houses that were single with a three-bedroom house.

20 Let's just deal with this house.---Okay.

That was a discussion generally around the office - - -?---Generally.

- - - at the time, wasn't it?---Yes.

Are you aware also that there was a difficulty with that house from the point  
of view of the Aboriginal Housing Office?---Yes.

30 And there were some arrears, weren't there, owed by Ms Towers for  
previous accommodation. Do you recall that?---Oh, I can't 100 per cent  
recall that.

When you say you can't 100 per cent recall that, do you think that's more  
than likely the case?---More than likely.

Yes. There were also some documents, weren't there, that Ms Towers had  
to supply in order to obtain an approval document from Centrelink?---Yes.

40 And as you understand it, those documents hadn't been provided by Ms  
Towers, had they?---I can't remember. I don't think so at the time, no.

Now, I take you to a date in January 2015 when you received an email from  
Mr Slee, who was at that time still the chief executive officer. Do you recall  
getting an email from Mr Slee concerning the housing subcommittee?  
---No. I can't recall it. Can I have a look at it?

I can show you a document if you please. I don't have a referral reference, a  
reference, I beg your pardon, but there may already be one.

THE COMMISSIONER: Yes.

MR OATES: If my friend has a copy - - -

THE COMMISSIONER: Perhaps you can give us the date and the parties to it.

MR OATES: Yes. It's an email from a Mr Steven Slee to project officer. Subject, "Housing Changes." Date, 29 January, 2015 at 4.02pm.

10

THE COMMISSIONER: Right.

MR OATES: And there's another message above it from project officer Nicky Steadman, dated 30 January, 2015, at 9.19am.

THE COMMISSIONER: All right. Well, we'll see if it's on the system but in the meantime, do you want the witness to see the email?

MR OATES: Yes. I have a copy to show the witness.

20

THE COMMISSIONER: Yes. Could you hand it over?

MR OATES: And my friend has a copy, if you please.

THE COMMISSIONER: Thank you. The officer might help. Thank you.

MR OATES: Please let me know when you've read that, Ms Steadman. ---Okay. Yes.

30 THE COMMISSIONER: Yes. Have a look at that email, sent Friday, 30 January, 2015.

THE WITNESS: Yeah. I get the general gist of this, yes.

THE COMMISSIONER: Sorry, what did you - - -?---Yes. I remember this.

MR OATES: Thank you.

40 THE COMMISSIONER: Yes. All right. Yes.

MR OATES: Well, one of the points made in that email is that the housing subcommittee, on the advice of the Registrar, "Should be stopped immediately." You agree?---Yes.

Another point was that there should be a new subcommittee with external independent people, one of which was to be Mr Steven Slee. Correct? ---Correct.

And that the allocation of current and future vacant properties was to be allocated by that, my word, new committee. Correct?---Correct.

Now, you wrote a reply to Mr Slee - - -

THE COMMISSIONER: Just before you go on, Mr Oates, I won't be a minute. Have you finished with that email for the moment?

10 MR OATES: No, Commissioner, I haven't.

THE COMMISSIONER: Oh, all right. Do you have a copy for Counsel Assisting?

MR CHEN: I have a copy here, Commissioner.

THE COMMISSIONER: Oh, you do.

MR CHEN: And I'm happy to tender it now if - - -  
20

THE COMMISSIONER: Yes. All right.

MR CHEN: - - - it's convenient to my learned friend.

THE COMMISSIONER: Yes. Why don't you do that? The email, 30 January, sent 30 January - - -

MR CHEN: 2015.

30 THE COMMISSIONER: '15.

MR CHEN: At 9.19am.

THE COMMISSIONER: Yes. From?

MR CHEN: The project officer to the CEO. Subject, "Re: Housing Changes."

THE COMMISSIONER: Yes, very well. That document, that email will  
40 be marked Exhibit 66.

**#EXH-066 – EMAIL CHAIN FROM NICKI STEADMAN TO  
STEVEN SLEE RE: HOUSING CHANGES DATED 30 JANUARY  
2015**

THE COMMISSIONER: Yes. Mr Oates, you continue.

MR OATES: You wrote a reply, which you can see at the top of the page. And you told Mr Slee, "When you have time, I would like to talk to you about this and a few other things."---Yes.

You recall writing that to him?---Yes.

10 Yes. Is the thing you wanted to talk to him about your lack of support for the dissolution or the removal of the subcommittee?---I can't, I don't think so. I can't remember.

Well, you disagreed, didn't you, with the subcommittee being dissolved?---I can't recall.

Well, it adversely affected your family, didn't it?---No.

20 Well, of course it did, didn't it? Ms Dates was the chairperson of this subcommittee and all of a sudden she wasn't going to be on the committee. ---I don't think that was why I wanted to speak to him,

All right, let's leave aside your message about wanting to speak to him. It's true, isn't it, that Ms Dates would lose a position of power if the subcommittee, as it then stood, was dissolved and a new subcommittee was created? That's correct, isn't it?---I guess so, yeah.

Because the allocation of housing was a powerful position within the Council, wasn't it?---Yes.

30 Because the one thing that members wanted most of all, was to be allocated a house. Correct?---Yes.

You could see, couldn't you, that Ms Dates being removed from that committee would weaken her power and her ability to have anything to do with the allocation of housing. Correct?---Possibly. It just depended whether the new subcommittee had to go back to the board or not.

40 The new subcommittee, from the tenor of Mr Slee's email, certainly wasn't going to include Ms Debbie Dates, was it?---No. But she is a member of the board. If they had to get board approval, she would still be on the board.

But as you indicated earlier, the structure was that the subcommittee made recommendations directly to the CEO, not the board.---Correct.

So by losing her position on the subcommittee, Ms Dates would not have the influence with respect to housing she at that time enjoyed. Correct?---I guess, correct.

Ms Towers hadn't been allocated the house at that time, had she?---Oh well, I can't remember the exact date she was allocated it.

Did you discuss this email with your partner?---Oh, I can't remember.

It's possible?---It's a possibility but I can't remember.

10 And it's very difficult, I would imagine, living in the same house as someone and not discussing those matters which you see come before you on a daily basis, concerning the same organisation with which you're both involved. Correct?---It's difficult. Yes.

Yes. And naturally you do discuss matters with him, don't you?---We discuss things, yes.

20 And this would be the sort of thing, would it not, that you would discuss with him because it would affect, potentially, his first cousin, Ms Candy Towers?---It's a possibility but like I said, I can't remember discussing it with him.

It would also adversely affect Ms Debbie Dates, his aunt, correct?---I guess, yeah. Correct.

Do you think you discussed it with your mother-in-law, Jaye Quinlan?---Oh  
- - -

MR CHEN: Commissioner, I object. We are straying, with respect. I - - -

30 THE COMMISSIONER: Mr Oates, I was cutting the slack a bit with you on this issue. I think, are you just about finished with – I think you've done well - - -

MR OATES: Yes. Thank you, Commissioner.

THE COMMISSIONER: - - - in getting as much information out about this matter as you have. But is there any more to be said about it?

40 MR OATES: Just bear with me. No. I take your point, Commissioner. If you can bear with me one moment.

THE COMMISSIONER: It's not that I'm concerned that you're going on about it, it's just the time factor as we earlier discussed, that's all. But don't  
- - -

MR OATES: I understand.

THE COMMISSIONER: But if there's anything of importance you want to put in - - -

MR OATES: There's one further question on that point. Do you think you forwarded this email to any of the members of your extended family?---I honestly couldn't remember. I may have but I can't remember doing it.

As the acting chief executive officer, you must have been aware of conflicts of interest, or the possibility of conflicts of interest, which could arise in board meetings. Correct?---Correct.

10 It wasn't unusual, was it, for someone to stand aside because he or she had a conflict?---Correct.

As the acting chief executive officer, did you tell your partner, Mr Quinlan, that he may have a conflict and shouldn't vote on motions concerning your continued employment as the chief executive officer?---I don't know whether he did vote.

20 My question wasn't that, though. My question was, did you ever have a discussion with Mr Lenny Quinlan to the effect that he should not vote in relation to your continued employment as the chief executive officer?---I can't remember.

Because he would have conflict.---I can't remember having that discussion with him.

You'd agree that there is a conflict there, wouldn't you?---There is a conflict there.

30 You know of a meeting, don't you, on 6 August when Mr Steven Slee was terminated by the board?---Yes.

Did you know that on that day there was going to be a vote concerning Mr Slee's termination or continued employment?---I knew they were going there to discuss it, I didn't actually know they were voting that day.

When do you think you became aware of that potential discussion, how many days or weeks prior?---To there being a meeting?

40 That would be one of, sorry, and on the agenda, so to speak, there would be the issue of Mr Steven Slee's continued employment. When did you become aware of that?---I couldn't remember, I don't remember.

Days, weeks?---Maybe when the Registrar sent the letter, but I really don't know when that was.

Nothing further, may it please the Commissioner.

THE COMMISSIONER: Yes, thank you.

MR TYSON: Commissioner, may I with your leave just ask one further question arising out of that?

THE COMMISSIONER: Go ahead.

MR TYSON: Ms Steadman, are you aware that when the housing subcommittee met from time to time to deal with applications for housing, that when one of the board, when one of the members of that subcommittee  
10 had a family member in whose application they were judging, that the practice was to stand down from the decision making of the housing subcommittee on that application?---I think that's what it was, yes.

And are you aware that Ms Debbie Dates stood down from the housing subcommittee when the application concerning Candy Towers came before that?---I'm not sure, if it's in the minutes then that's what would have happened.

Nothing further, Commissioner.  
20

THE COMMISSIONER: All right. Yes, Ms Nolan.

MS NOLAN: I don't have anything arising. I have one small question I forgot, would you permit me to ask it?

THE COMMISSIONER: Yes, all right.

MS NOLAN: Thank you, I apologise. You were asked some questions about whether or not you remember Greg Vaughan?---Yes.  
30

Can I suggest to you that there was a time when you were dealing with Kelvin Kenny and you were required to get a lot of pieces of paper together for him?---Yes.

That Despina sent up a fellow who had a speciality in IT?---Yes, but I can't, I didn't remember his last name, I just knew him as Greg.

So might that be Greg Vaughan now, do you remember?---It possibly could be, yes.  
40

So you do recall meeting Greg Vaughan?---I met Greg, yes.

Thank you.

THE COMMISSIONER: Just one matter, Mr Menzies, just before we release Ms Steadman. You put some questions to her in relation to the Awabakal Land Council Trustee Limited on the basis that control was exercised by Mr Green.

MR MENZIES: Yes.

THE COMMISSIONER: I want to clarify, is it your understanding that Mr Petroulias was a director of the company?

MR MENZIES: No.

10 THE COMMISSIONER: It's not your understanding?

MR MENZIES: My understanding is he wasn't.

THE COMMISSIONER: He was not?

MR MENZIES: No.

THE COMMISSIONER: Thank you. Can you assist me on that, Mr Chen?

20 MR CHEN: There are two, I can, there are two entities and one has, and had, an association historically with Mr Petroulias and Mr Green, and that company was deregistered at and around key times and then reregistered shortly after.

THE COMMISSIONER: So what was the position then at the time, the material time that we're discussing here? Are you saying, what's your understanding, what's your instruction?

MR CHEN: Well as at June, that Mr Petroulias was a direct - - -

30 THE COMMISSIONER: June 2000 and - - -

MR CHEN: 2016.

THE COMMISSIONER: 2016, yes.

40 MR CHEN: But there are some records that have been put in subsequent I think to key dates, that suggest that that involvement, in fact, ceased beforehand, but there was an issue about all of these particular companies and who was doing what on any particular time.

THE COMMISSIONER: In any event, you should have it documented so we know exactly what the position was.

MR CHEN: We do have it documented and - - -

THE COMMISSIONER: Do you?

MR CHEN: We do, Commissioner, and I understand what my learned friend has put to the witness, I've put a different proposition and I'll seek to urge different findings than that of my friend.

THE COMMISSIONER: Thank you. Is there anything else?

MR CHEN: Not from my part, Commissioner, no.

10 THE COMMISSIONER: Ms Steadman, that completes your examination. Thank you for your attendance, you're excused.

**THE WITNESS EXCUSED**

**[4.10pm]**

MS STEADMAN: Thank you. Do you want - - -

20 THE COMMISSIONER: Thank you. Hand that to the officer, thank you. Yes, Mr Chen.

MR CHEN: I call Candy Towers, Commissioner.

THE COMMISSIONER: Yes, would you state your full name?

MS TOWERS: Candy Lee Towers.

THE COMMISSIONER: Thank you. Ms Towers, you're about to give evidence. Do you want to give evidence on oath or in affirmation?

30 MS TOWERS: In affirmation.

THE COMMISSIONER: Yes, very well, we'll deal with that now.

<CANDY LEE TOWERS, affirmed

[2.45pm]

THE COMMISSIONER: Ms Towers, you're not legally represented so I want to make you aware of the fact that there are provisions in the Independent Commission Against Corruption Act, which entitles a witness to object to giving evidence - - -

10 MR CHEN: Pardon me, Commissioner, Ms Towers actually is represented by a gentleman, I think, sitting at the back.

THE COMMISSIONER: Of course, I'm sorry. My apologies.

MR CHEN: I'm not sure if he sought leave at the moment but he's there and perhaps he could indicate his name, perhaps he could indicate his name.

THE COMMISSIONER: Yes, I'm sorry. Could you state your name?

20 MR MENDOZA-JONES: Yes, Commissioner, my name is Daniel Mendoza-Jones and I'm representing Candy Towers.

THE COMMISSIONER: I'm sorry, Daniel?

MR MENDOZA-JONES: My name is Daniel Mendoza-Jones, M-e-n-d-o-z-a and, Commissioner, I'd like to take the opportunity to indicate that I - - -

THE COMMISSIONER: You're seeking leave to appear for Ms Towers, are you?

30 MR MENDOZA-JONES: I don't have the need to seek leave to appear, Commissioner, but just to flag that my client will be requesting a declaration under section - - -

THE COMMISSIONER: She does?

MR MENDOZA-JONES: Thank you.

40 THE COMMISSIONER: Yes, thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Ms Towers and all documents and things that are produced by her during the course of her evidence at this public inquiry be regarded as having been given or produced on objection. That being the case, there is no need for her to object to any particular question or answer or document or thing that is produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT  
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT**

**ALL ANSWERS GIVEN BY MS TOWERS AND ALL DOCUMENTS AND THINGS THAT ARE PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THAT BEING THE CASE, THERE IS NO NEED FOR HER TO OBJECT TO ANY PARTICULAR QUESTION OR ANSWER OR DOCUMENT OR THING THAT IS PRODUCED.**

10 MR CHEN: Ms Towers, are you currently working?---No.

Your mother obviously, you've heard in the evidence that's just been given, is obviously Debbie Dates?---Yes.

And do you have a sister?---Yeah, I have a couple.

And is one of them Tamara Towers?---Yes.

20 Were you employed initially as a receptionist by the Awabakal Local Aboriginal Land Council?---Yes.

When did you commence that position?---April 24, 2012.

And did you, at some point, secure the position of a project officer?---Yes.

Did that coincide when Ms Steadman assumed the position as acting CEO? ---No.

30 All right. When did you become the project officer?---Project officer by Steven Slee.

What, Mr Slee promoted you to that position?---Yeah.

Do you remember when he promoted you to that position?---No.

Well you know that Mr Slee was stood down in February of 2015?---Yeah.

Are you able to estimate for how long you had been the project officer? ---No.

40 When did you cease work with the Land Council?---Last year.

Do you remember the month?---I think May, I'm not too sure.

Did you always hold the position as project officer prior to leaving their employment?---Yes.

All right. Was the job as a project officer an administrative one?---Yes.

And prior to working for the Land Council, did you have any other work or work experience?---Yeah, of course. I've worked since I was, like, 12.

What's the general nature of the work that you did before you came to the Land Council?---Cultural and Heritage, did my Certificate III and IV in Business Administration, I'm a registered AIN nurse, studied for that for two years.

10 That's an assistant in nursing?---Yeah. Got a lot of certificates, yeah.

In any event, you undertook work initially as a receptionist and then as the project officer?---Yeah.

As the receptionist, did you have a role in typing up the minutes of the meetings of the board of the Land Council?---Yes.

Did you do it all the time, some of the time? What was the position?  
---Sometimes.

20

And who, if you didn't do it, would do it?---Nicole or maybe Tamara, maybe. I'm not too sure.

What did, when did Tamara first start working for the Land Council?---I don't know.

Well, when Mr Slee was stood down was she working then?---I can't remember.

30 When Ms Steadman left was she working then?---I don't know when she started.

Do you know when she finished?---The same month as me. May last year.

Now, you would have typed up I take it the minutes many times?---Yeah.

And I take it you took that job seriously?---Of course.

40 You understood that it was an important record of the Land Council board meeting?---Yes.

And in that process you would, would you not, transcribe whatever was written in the minute book into the typed minutes. Is that right?---You just type what, what you see.

But even if there's a, for example, a spelling error or something that - - -?  
---Yeah, you can fix that up or there's something missing, yeah, you can fix that up.

When you say something missing, how do you know if something is missing, do you mean like a word might be missing or a letter might be missing?---Yeah, anything, yeah.

Well, you don't attend the meetings do you?---Board meetings?

Yes.---No.

10 And you've never attended a board meeting have you?---Yeah, I think I have actually.

When are the board meetings that you've attended?---I can't remember.

Is it closer to the end of your employment or what's the position?---I don't know.

In what capacity were you attending the board meetings?---No, only once or twice, here and there.  
20

In what capacity were you attending them?---I don't know, yeah.

Well, were you observing, were you minute taking, what were you doing?  
---Just providing documents.

Right. Do you mean walking in and giving people documents or - - -?  
---Yeah.

- - - sitting throughout the whole meeting, what was it?---No, not the whole meeting, no. In and out.  
30

In any event, if you're not actually participating or sitting through the meeting you're hardly likely to add in too much of the detail are you when you type up the minutes?---Well, you just have to ask. If you couldn't understand like, a letter or a word or something you just get up and go and ask or ring someone.

But the general proposition is you type up whatever is in the handwritten minute book. Is that right?---Yeah.  
40

Well, I'm asking you. Are you confident about that or not?---No, but if there's something you can't understand in there you can get up and go and ask someone or call someone.

I see. But aside from when there's something you don't understand, you type up what's in the minute book?---Yeah. I just said that, yeah.

Now, you know Ms Bakis don't you?---Yeah.

And do you know Mr Petroulias?---Yes.

And when did you first meet Mr Petroulias?---It might have been 2015.

Did you meet him whilst you were at the Land Council?---Yes.

And was he introduced to you?---Yes, he was.

10 And how was he introduced to you?---Who exactly?

Well, sure, who introduced you first?---Introduced me to who?

Mr Petroulias.---Richard I think.

And did he introduce him as the lawyer for the Land Council?---No.

What did he introduce him as?---He was, I think he worked with him with  
United Councils.

20

So he had no connection or relationship at all to the Awabakal Local  
Aboriginal Land Council at all, he was just an associate of Mr Green's. Is  
that right?---Yeah, he assisted Despina.

And is that what Mr Green told you or that's what you observed?---Both.

What did you observe him do?---He was an assistant. He, yeah, he assisted  
sometimes.

30 Did you ever ask what's your job?---Didn't need to.

Did he ever tell you what his job was?---Yeah, he had a background in legal  
and I think banking and, yeah.

Did you just assume him to be a lawyer or you didn't?---Assume?

Yes.---I didn't say he was.

40 I'm asking you whether you assumed him to be one or not?---Oh, no. He  
just assisted Despina sometimes.

Well, you had quite regular contact with him didn't you?---Me personally?

Yes.---Or the Council?

You personally?---No.

You would deal with him frequently in the course of your work as a project officer, isn't that right?---No, I would have sometimes probably. I don't know.

Well, do you remember that – I'll show you some documents, Ms Towers. It might help.---Yeah.

Would you have a look, please, at – I'm sorry, I'll tender this bundle first. I tender a bundle called Candy Towers Documents, Commissioner.

10

THE COMMISSIONER: Yes. The folder of documents marked as Candy Towers Documents will become Exhibit 67.

### **#EXH-067 – CANDY TOWERS DOCUMENTS**

MR CHEN: Now, Ms Towers, in the course of your work you had reason to contact Mr Petroulias about motions that might come before the board, isn't that right?---I can't remember.

20

Not at all?---No.

Well, have a look - - -?---I did so much work I can't remember it all.

All right. Well, just have a look if you would at page 47. Do you recognise that as an email that you sent to Mr Petroulias on 29 June, 2016?---Yeah.

30

And is that your email address front desk?---Reception.

Well, it doesn't appear to say that but - - -?---Front desk, yeah, that would have been the reception.

But you can see that it's been signed off by you, Candy?---Yeah.

And you see what's attached is a Word document?---Yeah.

40

Which is the extraordinary board meeting motion of 26 May, 2016. Do you see that?---Yeah.

And why were you sending that to Mr Petroulias do you know?---Don't know. Probably when we were taking the Registrar to court.

So did he ring you and ask for that document?---I can't remember. No, I can't remember.

Well, were you told by somebody to send it to him?---I can't remember that.

Well, who did you report to as at 29 June, 2016?---I can't remember.

Well, assume Nicole Steadman has left, who do you report to in June of 2016?---I can't remember the dates, like.

Well, I'm telling you the dates, Ms Towers.---Yeah, but I don't know who was the boss then.

10 Well, Ms Steadman has left. Who took her place, if anyone?---I, I don't even recall.

What, you don't know who the chief executive officer that followed her?  
---No. I think I worked there and there was like, four CEOs in the time I was there.

Well, after Ms Steadman who was the next one?---I don't even remember. I think Sophie but I don't know how long after.

20 Well, she didn't start for a period of time, perhaps months after Ms Steadman left, isn't that right?---I don't know.

Well, assume for the moment there is no CEO there.---Yeah.

You report to the board don't you?---To the board.

And who would you report to in the board, your mother?---No, I don't, I can't recall.

30 Well, I'm just asking you, if you need to take instructions from somebody and there's no CEO employed, you're responsible or answerable to the board are you not?---No, not really, no.

So who do you answer to?---I think it might have been New South Wales Land Council. I'm not sure.

Is that a serious answer, Ms Towers?---They paid our wages for a long time.

Ms Towers.---They was our boss. They are our boss.

40 So, Ms Towers, when - - -?---Why are you getting upset for?

I'm not getting upset, Ms Towers. I'm not. Ms Towers, when something needs to be done around the office - - -?---Yeah, but I can't recall. Like, it sounds like you're getting angry because I can't recall. I seriously can't.

THE COMMISSIONER: Let's have a look at this email. Have a look at it.  
---Yeah, I can see it, yeah.

You see it's dated Wednesday, 29 June, 2016 and it refers to an attachment there. Now, how many times do you think you would have sent draft resolutions or motions to Nick, do you do it - - -?---How many times?

Yes. Would you have done it five times, 100 times - - -?---I don't know.

- - - or only once?---More than once but I don't know.

10 More than once. How many times would you say? Do the best you can.---I can't even give you an answer. I really can't, eh.

MR CHEN: All right. Well, I'll move on. Now, do you remember having occasion to contact Ms Bakis at all?---Yeah.

And you would have sent her emails many times during the course of your work as a project officer wouldn't you?---Yes.

20 And you would have received many emails from her as well, would you not?---I don't, maybe, yeah.

And you understood she was a lawyer and the accountant for the Land Council, didn't you?---Yeah.

And you would feel free to speak to her or get in contact with her as you saw fit, would you?---What, just for no reason?

30 Well if you had to raise a matter, you wouldn't think it important to get the permission of anybody so the board or chairperson - - - ?---No, I wouldn't work like that.

Just allow me to ask the questions - - - ?---No.

- - - if you would. You would feel unconstrained in making contact whenever you saw fit?---No.

Right. So, you'd get permission, would you?---Yeah, if there was a person, I had to get permission off - - -

40 Right. And the person would be who?---Don't know, whoever was in charge at that time.

So it would be your mother, wouldn't it?---Don't know, she was the chair.

So is that a yes to my question?---I don't know.

No, you don't. All right. If Ms Bakis sought a blank letterhead from the Land Council, you would send it to her?---Don't know, if I was instructed, yeah.

And who would instruct you to do that?---I don't know, whoever's the boss at the time.

If she, if she asked you to send a letterhead to her so that she could send a letter to a bank, would you seek permission off somebody to do it or not?  
---Well, you would have to, wouldn't you?

So, who would you ask?---Whoever is in charge.

10

And you're not able to tell the Commissioner who, in August 2016, that might have been?---Well if you tell me who the CEO was, that would be the person.

I'm not asking you to assume there's any CEO there at the moment?---I don't, I don't know.

So, have a look if you would, Ms Towers, at page 102, and you'll see there that Ms Bakis makes a request to you for a need to draft a letter?---Yeah.

20

And can you email me the letterhead please? Do you see that?---Yeah.

If you look at the top, you'll see that you respond, letterhead attached. Do you see that?---Yeah.

So, you attach her and send her a blank letterhead of the Land Council?  
---Yeah.

30

Now, you also have been requested, have you not, to prepare minutes in the course of your work as a project officer or type them up?---Yes.

And you've also had contact, have you not, with Ms Bakis and Mr Petroulias about minutes of the board, haven't you?---Have I, have I what, sorry?

You have had contact with them about minutes of the board, have you not?  
---I don't know.

40

All right. Have a look if you would, Ms Towers, at page 96. And do you see there an email that you send to nick@knightsbridgenorthlawyers?  
---Yeah.

And you agree, do you not, that what you send amongst other matters are the handwritten minutes of a meeting? Do you see that?---Yeah.

And also you sent him a blank word template for the minutes, attached?  
---Yeah.

And what you're asking him to do is for him to complete the minutes, isn't that right?---Yeah, says it there.

That's not your job, is it, to complete the minutes?---Type the minutes up?

Yes?---It's a part of my job, yeah.

So why are you sending it to Mr Petroulias?---Don't know.

10 Well now is your opportunity to have a think about it?---Well, whoever, whoever instructed me to, or obviously he was allowed to do it because I sent it.

So would you do it off your own bat, or would you get permission to do something like that, Ms Towers?---Get permission.

So whoever is in charge at the time on 27 July 2016, you would have spoken to?---Yeah.

20 And you would have made sure that to do that was okay?---Yeah.

Now, Mr Petroulias and Ms Bakis as well assisted in the drafting of some documents, didn't they?---Sorry?

Mr Petroulias and Ms Bakis assisted in some drafting of documents, didn't they?---What documents?

Well, do you recall them drafting any documents?---What, what about?

30 Well you can assume it relates to Land Council business?---Yeah.

Do you recall them doing that?---Doing, doing what exactly?

Drafting documents?---Can you be more pacific?

THE COMMISSIONER: No, no, no, just answer that question. Drafting documents is a general description?---Yeah.

40 Yes?---Drafting, what do you mean, doing a letter up, doing minutes, like, what - - -

MR CHEN: I'm not seeking to limit it in any way?---I don't know what you, I don't understand what you mean.

Do you know whether, for example, Mr Petroulias - - - ?---Despina would have, she would've drafted a lot of, a lot of documents up.

She would have drafted minutes, wouldn't she?---I don't know.

Would she have drafted letters?---Well, she would've it was her job.

And would she have drafted notices?---Notices about what?

Land Council notices it may need to issue?---I don't know.

THE COMMISSIONER: Board meetings?---I don't know.

10 MR CHEN: Would you have a look please, Ms Towers, this might help your memory, page 53? And do you see in the middle of the page there's an email from Knightsbridge North Lawyers from Mr Petroulias to you?  
---Yeah.

And it talks about him doing a cover letter to attach to all the notices to mail out, etcetera, and also a land dealing notice? Do you see that?---Yeah.

And if you scroll down a bit you can see there's a response down the bottom of the page, and you attached members' notification of the AGM and  
20 ordinary meeting. Do you see that?---Yeah.

Do you remember ever sending that email, Ms Towers?---Yeah, I, I don't remember but I, I sent it.

And you see what's attached to it is a notice of the community meeting?  
---Yeah.

Do you see that?---Yeah.

30 And it identifies a number of properties. Do you see that, page 55?  
---55. Yeah, I see that.

And would you then please turn to – I withdraw that. Would you just go back, please, to page 53 and you'll see that Mr Petroulias asks you can you tell me which properties are out? Do you see that?---Yeah, I see that. Yeah.

Do you know what he's talking about?---No, I can't remember.

40 Do you, did you know that there was apparently a transaction involving a company called Advantage involving the Land Council Land at this stage?  
---Advantage, yeah.

And did you know that Mr Petroulias was trying to put together some material for that?---I don't know.

Just have a look at the notice if you would. You'll see that you can see at page 55 that there seems to be a lot of land that's described?---Yeah.

Table of properties subject to land dealing. Do you see it? It's up on the screen as well if that helps?---Yeah, I see it here. Yeah.

It's also in front of you on that screen, if you would like to look at that screen?---Yeah, no, I got sore eyes, it's all right.

All right. Now, he's asked you to tell him which properties are out, i.e., have they been sold. Do you see that?---Yeah.

10 Were you able to assist him at all?---I can't remember.

He was from Knightsbridge North Lawyers, or he was part of Despina's staff. You knew that, didn't you?---No, he was with United Land Council.

I thought you said earlier that not only was he with United - - - ?---He's assisting Despina, I said.

All right, assisting Despina?---Yeah.

20 And Despina was the lawyer for the Land Council, wasn't she?---Yeah.

Do you know why a staff member of the solicitor for the Land Council is asking you to identify the property that is the subject of this land transaction?---No.

All right. And you don't have any knowledge about what land or land holdings the Land Council had. Is that right?---What do you mean?

30 Well, you didn't know what property the Land Council owned, did you?  
---Yeah, I'm a member.

Well, you didn't know precisely the loss and what had been - - - ?---Not the lot numbers or whatever they are, no.

And are the Land Council offices at 127 Maitland Road?---Yeah.

40 And did it occur to you that it was a bit unusual that the notice that was the subject to a land dealing included the Land Council's offices? Did you know anything about that?---No.

No. You didn't know the Land Council's offices were being sold, did you?  
---That they were being sold?

Yeah?---Sold how? Like, for sale sign out or something?

THE COMMISSIONER: Sold in a sale.

MR CHEN: Well, that were referred to in this table of properties subject to a land dealing?---Know that they were not, that they were being sold, I don't, no.

Well, that they were subject to this table in the land dealings that are referred to that were sent to you by Mr Petroulias, did you know anything about that?---Yeah. That was taken to a member's meeting, this notice.

10 Yes. But I'm asking you whether you knew that the premises of the Land Council were to be in this table of properties subject to land dealing. Did you know anything about that?---Well, I would've got a copy so obviously I would've known.

Now, Mr Petroulias did send you a response. Do you recall that or not?  
---No.

So if you have a look at page 58- - - ?---We probably didn't have a CEO at that time either.

20 Have a look at page 58, Ms Towers, if you would?---Yeah, I'm there.

So do you see that Mr Petroulias has sent the final versions of the notices back to you?---Yeah.

Do you see that?---Yeah.

And it also went to, do you know the email address, richard@indigenousslands?---CC, yeah.

30 That's Mr Green's email address so far as you're aware?---I don't know.

All right. And Debbie Dates Towers, that's your mother's email address, isn't it?---Yep.

All right. Did you read this material when it came back to you or not?---I would've if it was an email.

40 And have a look at it, if you turn over there's a notice of community meetings. Do you see that on page 59?---Yeah, that's it.

Do you remember reading that?---Yeah.

You remember checking that it was accurate?---No, it probably wasn't my job.

Whose job was it?---Don't know, I don't know who was working there then.

Right, well we know that you- - - ?---I would say the members, it would be their job.

The members' job to check over that it's accurate?---Yeah. Once, once they're given the document.

Well what about before then? Is it not the responsibility of, say, your mother, of Ms Dates as chairperson to check it?---Probably, or CEO.

10 Well, I think she - - - ?---She probably did, I don't know if she did or didn't.

Now, would you have a look please at page 10? You'll see that Ms Bakis has sent you some revised minutes from a meeting on 7 June 2016. Do you see that?---Yeah.

Did you ask her to revise these minutes?---I don't know. It looks like it, yeah.

20 And presumably somebody told you to do that, did they?---They would have, I don't know. Probably, yeah.

So when these – Ms Steadman gave some evidence that she didn't type these up, I want you to assume. Based on this email it looks as if Ms Bakis has typed them. Is that right?---Could've been me, could've been – so, yeah.

Do you have a recollection of typing them or not?---No, I type so many I don't remember.

30 Have a look as well if you would, Ms Towers, at page 14?---Yeah.

You'll see that what is attached there are minutes of a board meeting that have been sent from somebody apparently outside of the Land Council to you amongst others. Do you see that?---Yeah.

Do you know whose addresses they are?---Going to or from?

Well, putting to one side office manager at Awabakal and yours, do you know who the address is at the top?---United Land Council's.

40 Do you know who is the recipient or the sender of that email?---No, I don't know who it goes to and from, no. It could be anyone.

Is it somewhat unusual to receive the minutes of a board meeting held on that day from somebody outside of the Land Council?---No, that probably was Richard Green, hey.

Now, do you remember that there was some issues between certain board members and Larry Slee?---Yeah.

And your mother and some others had some issues with Mr Slee. Isn't that right?---They all had issues, yeah.

Did you understand that Mr Slee had received, amongst other things, letters asking him to cease apparently the conduct that he'd engaged in? Did you know anything about that?---I don't know. I can't recall.

10 Was another – I'm sorry, did you finish?---I said I can't, can't remember.

Was one of the other persons that you're aware of that your mother had some issues with, a gentleman called Sean Gordon?---Yeah, I don't like him.

All right. And your mother didn't like him either, did she?---No way, no.

And you express now strong views of dislike against him. Isn't that right? ---Yes, very strong.

20 As your mother has, isn't that right?---You'll have to ask her.

Well you were just telling us that you thought your mother shared the same views as yours?---Yeah, but you just said another word in it, strong or something, so, I don't know how strong it is.

Well it's certainly equal to yours, isn't it?---I don't know, you'll have to ask her, but - - -

30 All right. We will get a chance, but - - -

THE COMMISSIONER: Don't you know? Don't you know what - - - ?---I can't speak on anybody – saying how strongly they hate somebody, I definitely hate Sean Gordon.

You would have discussed it with her, with your mother about Sean Gordon, surely?---Yeah, but it still doesn't say how strong she hates him.

40 What sort of attitude did she manifest to you?---I don't know, I can't comment on that.

You can't comment?---No. I just told you she don't like him so I don't know what else you want me to say, how much?

Yes, next question?---Wow.

MR CHEN: Well, Ms Towers, would you be good enough just to have a look, please, at page 51?---Wow.

And do you see, do you have that in front of you, Ms Towers?---Yeah, I've got it. Yeah.

And have a look please, if you'd be kind enough, at point 9, suspension of members for breach of code of conduct. Now, do you see there are three people referred to there?---Yeah.

One of whom is Sean Gordon?---Yeah.

10 And the other one is Worimi Dates. Do you see that?---Yeah, I see that.

Did your mother, so far as you're aware, have some issues with Worimi Dates?---I did, but I don't know about mum.

But I'm asking about whether your mother did?---I don't know, I don't know.

Don't, never spoken to your mother about Worimi Dates?---Yeah, of course.

20 And has it been on positive or negative terms?---Positive and negative.

All right. And has your mother expressed a view back about Worimi Dates?---Positive and negative.

Were you aware that there were moves - - -

THE COMMISSIONER: What were the positive comments?---He's a, the positive things is that he's strong cultural Indigenous elder in our community, he's a very, very knowledgeable person that can pass - - -

30 This is your mother's views?---Yeah, would be, and mine, I don't know, it would be mine. Yeah. It would be anybody's.

What about the negative views? What's your mother's negative views about him?---I can't say for mum's but I can say mine.

You can't say, all right?---Well, I can't speak for somebody else. That's wrong to ask that.

40 MR CHEN: Well I think I asked you whether or not you discussed Worimi Dates with your mother?---Yeah.

And I asked whether you'd exchanged views about Worimi Dates and I understood you to say that there were positive and negative views?---Yeah, but I don't know how strong it is, like - - -

I haven't asked about strong, I just - - - ?---That's her brother. I shouldn't comment on that, that's, that's disrespectful to our culture.

THE COMMISSIONER: Would you just listen to the next question, please?

MR CHEN: Anyway, Ms Towers, you see that those three, Larry Slee, Sean Gordon and Worimi Dates have been raised in these minutes of 8 July 2016 for consideration for possible suspension. Do you see that?---Yeah, I see that.

10 Did you know anything about that at all?---Yeah, I think I put the motion for Sean Gordon to be suspended.

Why was that?---Because he breached the Aboriginal Land Rights Act as a members code of conduct.

And who did you speak to about that?---Stephen Wright.

The Registrar?---The Registrar.

20 Who else?---And Terry Lawler.

Just in relation to Mr Wright, he has the statutory function to investigate the conduct of particular individuals. Is that why you complained to him?---No, because that was the right process.

All right. But he held an appointment, did he not, under the Act to, amongst other things, investigate complaints into members or board members. Isn't that right?---It was his job, yeah.

30 And that's why you reported it to him. Is that the case?---It would've been the right process.

Do you have any recollection now, I'll withdraw that. Do you recall having any discussion with Mr Petroulias about Sean Gordon?---I don't know

Well, Sean Gordon was a member of the Land Council, wasn't he?---Yep.

And the Land Council hold records, do they not, of who the members are?  
---Oh, membership role?

40 Yeah.---Of course.

And where they live?---Yes.

And do you recall giving Mr Petroulias some details about Mr Sean Gordon?---I can't remember.

Well, can you think of any reason why, as an assistant, sorry, a person working for the United Land Councils, or an assistant to Mr Petroulias,

you'd be needing to give, or pass on any sort of information at all about the Sean Gordon to him?---I don't know.

Well, think about it.---I don't know.

Can you think of any reason why you would need to do that?---Not sure. I can't remember.

Can't think of any reason at all?---No.

10

There wouldn't be a reason, would there?---There could be.

Well, Mr Petroulias is not a member of the Land Council, is he?---No.

And your evidence, he's not at all a lawyer working for Knightsbridge North Lawyer?---No.

And he's not a lawyer retained by the Land Council, is he?---No.

20

So there's no reason at all why you would be communicating to him about Mr Gordon, is there?---Don't know. There could be but I don't know.

All right. Do you know that he's a builder or has a building company?  
---Yep.

And were you looking in to payments that he'd been receiving from the Land Council at all?---Yeah. I was actually.

30

Why were you doing that?---Because he breached the, his conduct as a member.

Right. And who asked you to look in to that conduct? Your mother?---No one. I found it 'cause I done all the filing in the back room and it was a mess and I come across it. I come across a lot of things. Not just that.

And who did you report that to?---Everyone in charge.

40

Right. Who's in charge now when you reported it?---I sent it, the highest person I sent it to was Stephen Wright.

Right. And what about all those below him?---And Terry Lawler.

Who else?---Well, whoever was the CEO. I can't remember.

Did you speak to your mother about it at all?---She would have probably heard it from the board.

Did you speak to your mother about it?---I can't remember.

All right. And so, you found some documents about some of the payments he'd received in the office. Is that the position?---Sorry?

You found some documents which related to the payments he received in the office?---Yeah. Yep. We, he received them when he was chairperson and when you're chairperson, under the Act, you can't work, be employed. That's a breach and, yeah.

10 All right. And can you think of any reason why you would have to send that on to Mr Petroulias?---Don't know.

He's got no connection at all to the Land Council, does he?---Well, yeah. He assisted Despina and he was working for United Land Council, so that association.

What's United Land Council got to do with whether Sean Gordon received payment as the chairperson?---Don't know.

20 Well, I'm giving you an opportunity now to have a think about it.---I don't know but nobody cared how much he breached the act. He, he's a profile, profile Indigenous person in our community and, yeah.

All right. Just have a look at this email if you would, Ms Towers. Page 94. And can you see that you've secured Mr Gordon's company from Yellow Pages and you've also told Mr Petroulias this is his home address.---Yep.

30 And mum has the other document that he's received from - - -?---No. That's not his home address. That's his business, his business address and you can find that on, when you look up ABN.

Well, this is what you're saying in the email.---Yeah.

"And this is his home address."---Well, that's his business address.

Well, you say that it's also his home address.---Yeah. Well, obviously it might be and I could have made a mistake. No one's perfect.

40 And why were you sending this to Mr Petroulias?---I can't remember.

Well- - -?---But it would have been important, so, but I can't remember.

But he's with the United Land Council, Ms Towers.---And he assisted Despina as well.

So, you freely passed information to Mr Petroulias during your time as a project officer, isn't that right?---Did I see?

Yeah.---What's that mean?

If he asked, you provided it. Isn't that right?---No. What, anything he asked for, I'd give it to him?

Well, if he asked for the minutes, you'd sent him the minutes, isn't that right?---No. I didn't ask if he wanted anything.

10 And if he requested - - -?--- It wasn't like that.

If he wanted to resolutions or you wanted him to draft resolutions, you could get him to do that, isn't that right?---Me?

You.---No.

And - - -?---Wow. Wow.

20 You also dealt with Ms Bakis in the same way, that really, you would follow to be directed by either of them in the work that you did. Isn't that right?---No.

Ms Towers, did you ever have access to the board minutes during the time, sorry, the book of the board minutes during the time that you were the project officer with the Land Council?---Yes.

Did you ever make entries in to them?---For the main entries.

Well, did you ever write the minutes?---Handwrite the minutes?

30 Yes.---No. I don't think so.

Never?---No.

You're agreeing with me, you didn't?---I can't remember.

Did anybody ever ask you to make an entry in to any of the minutes that had already been prepared in the minute book?---Yeah. Heaps of times.

40 Yeah. And did you ever do that?---Of course.

And which ones did you enter?---I can't remember.

At all?--- At all.

Did you ever have a role in typing up the resolutions?---Yep.

And if somebody asked you to type one up, you would do it?---The resolutions are the, the motions that are created in the boardroom.

And so you would simply follow, would you- -?---You can't just create a resolution.

All right. So if you had to type them up, you'd just follow what's in the minutes, is that it?---Yeah.

Yes. Thank you, Commissioner. That's the evidence for this witness.

10 THE COMMISSIONER: Any questions?

MR TYSON: If I may, Commissioner. Ms Towers, my name is Tyson. I appear for Ms Dates in this public inquiry. Ms Towers, when you were project officer, you were project officer at the same time as Mr Steven Slee was a CEO. Is that correct?---I think so.

The two of you worked together in the office?---Yes.

20 And did Mr Slee ever make comments to you about you needing to exercise?---Yes.

MR OATES: I object, Commissioner. These are matters, in my respect for submission, which should be put in a more open rather than leading fashion,

THE COMMISSIONER: I didn't get the last word. Did Mr Slee ever raise with you what? Sorry, Mr Oates, what was the question again?

MR TYSON: The question was whether Mr Steven Slee ever made comments to this witness about needing to exercise.

30 THE COMMISSIONER: About needing to exercise?

MR TYSON: Yes. And I thought the answer was, "Yes." But - - -

THE COMMISSIONER: What's the relevance of this?

MR TYSON: Well, I asked some questions to Mr Slee about this in cross-examination.

40 THE COMMISSIONER: I'm sorry?

MR OATES: The Commissioner didn't ask you that.

THE COMMISSIONER: What's the relevance of this?

MR OATES: I object. That wasn't asked to Mr Slee, that word exercise was not asked to Mr Slee.

THE COMMISSIONER: You've lost me, I'm afraid. What's the relevance of this?

MR TYSON: The relevance is that there, in my submission, that there was a personal dispute between Mr Steven Slee and Ms Debbie Dates in late 2014.

10 THE COMMISSIONER: Yeah. Where does that take us? So what - - -

MR TYSON: Because it goes to - - -

THE COMMISSIONER: What does it go to?

MR TYSON: The reasons behind my client's position vis-à-vis Mr Slee.

THE COMMISSIONER: And what's that relevant to?

20 MR TYSON: Because I apprehend submissions are going to be made about why the two of them were in the - - -

THE COMMISSIONER: Why the two of them?

MR TYSON: Why the two of them had the relationship that they did.

THE COMMISSIONER: Yes, but what does the relationship between them ultimately go to do you say?

30 MR TYSON: (No Audible Reply)

THE COMMISSIONER: They mightn't have liked each other, but so what?

MR TYSON: (No Audible Reply)

THE COMMISSIONER: What does it go to?

MR TYSON: (No Audible Reply)

40

THE COMMISSIONER: You're standing there but you're not answering.

MR TYSON: Well, Commissioner, I have some view as to what the Counsel Assisting's case against my client will be and I apprehend that this may be part of that case.

THE COMMISSIONER: Well - - -

MR TYSON: But if it - - -

THE COMMISSIONER: You're being very Delphic I'm afraid. Are you not prepared to say what you apprehend and then Counsel Assisting can tell you whether there's - - -

MR TYSON: Well - - -

10 THE COMMISSIONER: Mr Chen, can you see any relevance to this at the moment?

MR CHEN: No, although I hate to say there's absolutely no relevance because there has been some evidence about it, Commissioner, but the fact is they did have a falling out.

THE COMMISSIONER: Mmm.

MR CHEN: And it doesn't seem to be controversial at all.

20 THE COMMISSIONER: That's what I thought. It was common ground?

MR CHEN: That's my understanding. But my friend might have a subtlety to it and I don't wish to stop him from developing that if that's what he wants to do.

THE COMMISSIONER: Well, I'll allow the question, Mr Tyson. Put it again to the - - -

30 MR OATES: Commissioner, can I rise again. My friend did not put to my client anything about exercise.

THE COMMISSIONER: Well, to the extent - - -

MR OATES: I know *Browne v Dunn* doesn't - - -

THE COMMISSIONER: - - - that he did not, Mr Oates, you'll be making the expected submission.

MR OATES: Yes.

40

THE COMMISSIONER: Yes. But that doesn't go to this question, allowing or not allowing the question. Yes, go on, put it.

MR TYSON: Well, Ms Towers, did Mr Steven Slee make comments to you about your weight - - -?---Yes.

- - - in 2014?---Yes.

And were you offended by those comments?---Highly.

And did you report those comments to your mother?---Yeah, I reported it to the board.

MR OATES: Sorry, I missed the date, Mr Tyson, when was that?

10 MR TYSON: It was weight.

MR OATES: I know, but did you say a date?

MR TYSON: 2014. If I didn't previously cross-examine about exercise that first question I certainly withdraw, Commissioner.

THE COMMISSIONER: You'll have to keep – can you raise your voice, Mr Tyson, I can't hear you half the time.

20 MR TYSON: Commissioner, there are no further questions.

THE COMMISSIONER: Thank you. Yes, Mr Menzies.

MR MENZIES: Ms Towers, Counsel Assisting was asking you some questions about typing up minutes handwritten and you said that you did that from time to time. Correct?---Yes.

30 And you've also said that heaps of times you, when there was something that you didn't understand in the handwritten document you'd ask somebody?---Yes.

And could we get up, please, the minutes of 31 October, 2014. Now, these were handwritten minutes which you typed up. Remember that?

MR CHEN: Well, I don't think that's the evidence at all.

THE COMMISSIONER: No, I don't know that there's any evidence of that, is there?

40 MR MENZIES: Well, I thought it was. Have a look at the - - -?---I could have, I don't know, yeah.

At that time was that one of the occasions when certainly you could have been the typist of the minutes?---Yeah.

THE COMMISSIONER: She said that before.

MR MENZIES: Thank you. And have a look would you please, turn if you would, please, to the next page. Do you see there, there are some lines scrubbed out and then propose a contract of sale, do you see that?---Yeah.

And just have a look at what's written there and you'll see that there appears to be some words added after the, at the end of that first line. Do you see that?---(No Audible Reply)

10 "Propose a contract of sale to" - - -?---Oh, yeah.

And is this the case, that this indeed were some minutes that you were typing and that you, not being clear about what was expressed in that line, you made a call to somebody?

MR CHEN: Well, I object, Commissioner. This is, it's complete speculation. He has not established that she had any relationship to this at all. We know what the evidence is about this minute, who gave it, who wrote it and what's been added in, so my friend should with respect, if he's  
20 going to put that she came and, well, I won't pre-empt what he's going to do, but - - -

THE COMMISSIONER: Mr Menzies, that's right, isn't it, that is right, what Counsel Assisting has just stated, it's not been established she has any relationship to this document at all.

MR MENZIES: Well, I'm putting it to her, I'm asking her and she - - -

THE COMMISSIONER: No, you're not, you're putting it, but it hasn't,  
30 the conditions required to be established before you can put a question like that have not been established.

MR MENZIES: The, as I understand the evidence - - -

THE COMMISSIONER: Well, just perhaps put the question again. Perhaps you can formulate it in a way which overcomes any problems. I'm not sure if it will, but try.

MR MENZIES: Certainly. Having – having now looked at the document  
40 are you able to say whether or not it was a document that you transcribed?  
---I could have.

MR CHEN: I object, Commissioner. Again it's the same problem. He hasn't established anything about whether she's seen this before at all.

THE COMMISSIONER: I think - - -

MR MENZIES: Well, I'll - - -

THE COMMISSIONER: I think I'll just have the witness wait outside. Just wait outside for a moment, will you?---Go outside?

Yes. Just wait outside. It will only be a couple of minutes and we'll get you back in the witness box and then - - -?---I'll leave my stuff here?

You can take it or leave it but it's safe if you leave it there.---All right.

10 Mr Menzies, there's no evidence she's ever seen this document before, there's no evidence that she's adopted it as her handwriting and that she did remember correcting it. The tenor of her evidences before was that if she couldn't understand something she might check with somebody.

MR MENZIES: Yes.

THE COMMISSIONER: But this is not in that category, this is not checking, this is a distinct addition of a matter that's totally foreign to the tenor of the meeting or the minutes of the meeting. This is clearly new  
20 matter that's been added that has nothing to do with the subject matter as I see it of what the minute recorded.

MR MENZIES: Well, Your Honour, that is a matter with greatest respect I take issue, but let, let, let me try and deal with it. And the way to deal with it, one would have thought with respect, is first of all if what I'm doing is not following sufficient steps, easy, I solve it. The evidence, the material's before her now. There is absolutely no reason at all why she cannot be asked, having now seen it, do you, I'll ask her is it a document you  
30 remember seeing before or not.

THE COMMISSIONER: No.

MR MENZIES: I'll do all that.

THE COMMISSIONER: Look, you're trying to get in, with respect, in an indirect way what you should do in the first instance. There's no evidence that she's accepted that's her handwriting.

MR MENZIES: I've just asked her that, Your Honour.

40 THE COMMISSIONER: Pardon?

MR MENZIES: I just asked her that.

THE COMMISSIONER: No, no you didn't, you didn't say is that your handwriting, you said, "Is this one of the documents - - -"

MR MENZIES: No.

THE COMMISSIONER: - - -that you say” - - -

MR MENZIES: No.

THE COMMISSIONER: Or, “Could this be one of the documents you say was corrected from time to time when you sought explanation.”

MR MENZIES: Well, that’s what I want, Your Honour.

10

THE COMMISSIONER: No.

MR MENZIES: Whether the document is in her - - -

THE COMMISSIONER: But you haven’t, but that’s different, isn’t it, that is qualitatively different from saying to somebody, is that your handwriting.

MR MENZIES: I was - - -

20

THE COMMISSIONER: I know what you were seeking to do that’s why I’m pulling you up because the integrity of the evidence can be undermined if you’re going to make a submission ultimately that she said from time to time what she said about checking on the matter and then you say could this be one of those documents. Yes, it could have been.

MR MENZIES: Yes.

THE COMMISSIONER: Without having put to her is that your handwriting.

30

MR MENZIES: I don’t have to with the greatest respect, Your Honour.

THE COMMISSIONER: Well, that’s what I’m saying, you do, and might I ask why would you not do it, is there any detriment, any difficulty?

MR MENZIES: She - - -

THE COMMISSIONER: My submission to you about your question is that you should do it.

40

MR MENZIES: But her evidence is – well, I’m happy to do that. I’ve got - - -

THE COMMISSIONER: Well, why are we spending time about it?

MR MENZIES: I have no idea, Your Honour, with respect. Have the witness back.

THE COMMISSIONER: Get the witness back. Thank you, officer. I'm sorry, Mr Chen. Did you want to say something?

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

THE COMMISSIONER: Yes.

MR MENZIES: Yes. Thank you. Madam, have a look at the document that's now on the screen in front of you. Is that document in your  
10 handwriting?---Sorry?

Is that document in your handwriting?---It looks like John Hancock's.

And was he a person who from time to time took minutes?---Yeah.

And are you able to say having looked at the document whether it's a document that you've seen before today?---Could be. I can't remember.

Are you able to say whether or not that is a document with respect to which  
20 you transcribed the material?---Yeah.

That you typed the material?---I could have, yeah.

And is it one of those documents of the class that you've described where  
- - -

THE COMMISSIONER: Mr Menzies, we're going to go back to where we were.

30 MR MENZIES: All right. Can we have the typed minutes up, please.

THE COMMISSIONER: Sorry?

MR MENZIES: Could we have the typed minutes up. Now, did you, have a look at the typed minutes. Are they the minutes, do they appear to be a typed version of that which appears in the handwritten minutes?---Yes.

THE COMMISSIONER: Well, how does she know?

40 MR MENZIES: I beg your pardon?

THE COMMISSIONER: She'd have to read both to know wouldn't she?

MR MENZIES: I'm sorry, Your Honour, I can't hear you.

THE COMMISSIONER: She would have to read both documents to be able to answer that question.

MR MENZIES: Well, she has answered it, Your Honour. She said yes.

THE COMMISSIONER: She what?

MR MENZIES: She has answered it and her answer is yes.

THE COMMISSIONER: Yes, I know but she said she hasn't seen the other document she doesn't think. Anyway, leave it there. It stands for what it is.

10 MR MENZIES: Thank you. Now, did you with respect to those typed, those handwritten minutes speak to anybody concerning their contents?---I can't remember.

Could it be the case that, just think about it, could it be the case that indeed you did?

THE COMMISSIONER: You did what?

20 MR MENZIES: You did speak to somebody about those typed, about the - - -?---I could have, yeah, yeah.

And in those circumstances can you recall who it would have been, whom you would have likely spoken to?---Probably the CEO John, yeah, or mum or Richard.

THE COMMISSIONER: Sorry, what did you say?---John the CEO, Richard or mum. It could have been one of those.

30 When you said John, you're talking about John Hancock?---John Hancock, yeah.

MR MENZIES: And, have you any recollection as to what was the subject matter of - - -

MR CHEN: I object, Commissioner, because we've had about three steps away from could have, can't remember and now we're building affirmative propositions from it.

40 MR MENZIES: That does not make the question objectionable, Your Honour.

THE COMMISSIONER: I won't allow it, Mr Menzies.

MR MENZIES: I'm sorry, Your Honour.

THE COMMISSIONER: I will not allow that question.

MR MENZIES: All right. Could the witness be shown the resolution of 31 October, Friday, 31 October, 2014.

MR CHEN: So which resolution is my learned friend talking about, the - - -

MR MENZIES: The resolution of 31 October which refers to heads of agreement.

10 MR CHEN: Well, I think that's my question, which one does he propose to take the witness to?

THE COMMISSIONER: Can you help on that, Mr Menzies?

MR MENZIES: I thought I did make it clear. The resolution of 31 October which refers to motion EOM and refers to proposed sale to Gows and/or on market value minimum per heads of agreement including standard terms and conditions. That was the question. Just read that, please, if you would. Was that the document typed by you?---It looks like it, yeah.

20 THE COMMISSIONER: Why does it look like it?---Because it's a resolution.

Because it's?---It's a resolution. It looks like it's out of the resolution book.

Yes, but you weren't the only ones who typed resolutions was it?---I did them like, 90 per cent, 95 per cent of the time.

30 Who else did them at this time?---I'm not sure but I know I did it 95 per cent of the time.

MR MENZIES: And turn now back, please, if you would to the handwritten notes of the meeting and look if you would, please, at the second paragraph under the part that's been scrubbed out.---Yeah.

Propose the contract of sale to, et cetera. Just comparing that document with the document which you've just said looks as if it's been typed by you, are you able to say whether the source of the resolution is that which was contained in that part of the handwritten document I've just drawn to your attention?

40

MR CHEN: I object, Commissioner, for the same reason that the first line of attack that my learned friend had, his first line of cross-examination is built upon assumption after assumption about did she, she has no actual recollection at all. The highest it got to is could have, might have and can't recall. Secondly, Commissioner, it's unfair because the witness has not been shown, with great respect, the other resolution which my learned friend may or may not know about, which plainly ties in to other documents as

presumably those that are behind me will know. So in my submission, it is unfair.

MR MENZIES: Well, I don't intend any unfairness. If there's another - - -

THE COMMISSIONER: Mr Menzies, we had the exploration of this issue a moment ago. Do you recall?

MR MENZIES: Yes, Your Honour.

10

THE COMMISSIONER: I thought I made it clear that there's one way to do it without going around and doing the sort of thing you're doing. This is a variation on what you were doing before, and am I making sense?

MR MENZIES: No, Your Honour.

THE COMMISSIONER: Well I might have to ask the witness when it started again, would you mind? I'm sorry?---Yeah. That's all right.

20

This happens with witnesses from time to time?---Yeah.

Mr Menzies, I'll just ask Mr Chen something. Just so that Mr Menzies follows what you're saying about the issue of unfairness, it may not be apparent without bringing the documents up on the screen but perhaps, again, if you could just articulate the basis upon which you submit it's unfair?

30

MR CHEN: Well it's unfair because, Commissioner, the proper chronology has the, and the evidence, has the minutes being contained within typed minutes which are precisely in accordance with the evidence of Mr Hancock and others. My learned friend asked for the resolution to be put up and I said which one and there is obviously, and known to be, another one, and it is unfair because the witness is obviously saying I can say that's me because it has the appearance of being a resolution prepared by, or following a board meeting, and my friend knows there's another one. And that's the unfairness in my respectful submission.

40

THE COMMISSIONER: Yes. Well, Mr Menzies, I just want to get that out to make it clear. The other aspect is that if you wanted to establish whether or not she's handwritten the, in part at least, anything in the minutes, you're not putting it to her, you're going around this way, then going back through the other side door and you can't do it. Talking about fairness, if you want to establish something and you know there's a clear way you can but you're avoiding it and you're seeking to do it indirectly by showing one document and then coming back to another document to try and get this witness to deal with a particular issue or fact, it can give rise to unfairness if there's more than one document. It's a bit like identification in a criminal trial, if you start showing photographs to them, they then start to

get a mental, it goes through the mental process which we're all familiar with, which can distort the recollections of a witness. So, there's a number of problems about it. The problem remains the same as we expressed when on the previous occasion I asked the witness to leave the hearing room and I thought I made my position rather, fairly clear, and I don't think I need to repeat what I said.

10 MR MENZIES: No, your Honour, I thought, and in fact it seems to be some extent across purposes, I didn't intend in any way for any unfairness. Get the witness back, I'm perfectly happy to put the proposition in a way which I thought I had but obviously if I haven't, I'll do it.

THE COMMISSIONER: That's only if you want to keep going on about this document, but - - -

MR MENZIES: I do want to keep going on about this document.

20 THE COMMISSIONER: Well there's a right way and there's a wrong way to do it and I think we've now ploughed the field fairly well and we've, I think we see eye to eye about it, at least I think we do.

MR MENZIES: I think we do, Your Honour. The only thing I'm concerned about is the other resolution, I'm perfectly happy for the witness to be - - -

THE COMMISSIONER: Well that really could very much complicate it. I'm asking you to deal with this issue directly which you are not doing. If you want to deal with the issue at all.

30 MR MENZIES: I'm trying to deal with it directly, Your Honour. I didn't intend to try to avoid anything, and if that's the appearance then I've given then that's a consequence of the way I've put it and I didn't intend to.

THE COMMISSIONER: I've asked the witness to leave the hearing room so that we could have a full and frank discussion about it and I hope I've made myself clear.

MR MENZIES: Well I think you have, your Honour.

40 THE COMMISSIONER: So unless there's anything else you want to clarify, we should get the witness back, it's now five to 4.00 and I think we should get on with it. Thank you officer. All right, now we're ready to proceed I think, Mr Menzies.

MR MENZIES: If we can just go back to this, the handwritten minutes. Could we have that up on the screen please, Your Honour?

THE COMMISSIONER: Yes.

MR MENZIES: I'll just take you back, and I'm sorry we - - -

THE COMMISSIONER: Just a minute, we're not there yet. Yes, Mr Menzies.

MR MENZIES: Have a look at the paragraph I've taken you to before, the first line of which is propose a contract of sale, etcetera. Is there any part of that paragraph where your handwriting appears?---Could be but I can't say, I can't say, no, it could be.

10

It could be. To what are you directing your attention when you say, 'it could be'?---Maybe the, the first line, the ending.

Yes?---Yeah, that's it I think.

Now, you've told us already that from time to time you inquire if there's something that's unclear in the records?---Yeah.

20 And do I, is this correct, that – and you've also told us that it was not unusual for you to correct the record?---Correct, yeah.

Taking this particular instance then - - -

MR CHEN: I think there's another step - - -

THE COMMISSIONER: I don't think that's right.

MR CHEN: - - - that my friend should put, with respect.

30 THE COMMISSIONER: Not to correct the record. If she had a doubt or if she wanted to clarify something. Let's be clear about the evidence.

MR MENZIES: I'm sorry, I didn't mean to leave that open. And the circumstances were that if there was something that was unclear, then you would seek assistance to clarify it?---Yes.

And you've told us that you would – then there were a number of people to whom you could – you would communicate?---Yeah.

40 Right. And on that, can you recall, then, communicating about this matter? Just this, part of the document which appears to have been written, you say, could've been written in your handwriting?

MR CHEN: That doesn't follow, with respect. He's now putting a proposition, is he, that in effect that she can't understand her own handwriting? I think with respect we are well away from the evidence.

MR MENZIES: I withdraw the question, I withdraw the question. The question is related to the proposition that you have identified something which could've been - - -

THE COMMISSIONER: I'm not sure, Mr Menzies. I thought you were going to ask the witness – let me ask it. Do you recall speaking to anyone about these minutes?---Just this minute or all the minutes?

10 No, this one here, the one you're being asked questions about over and over again, 31 October 2014. Do you have a recollection of speaking to anyone about them before you typed them up?---No, but if I thought about it it would probably come to me but, yeah, not at the moment.

MR MENZIES: Well I can't take that any further.

THE COMMISSIONER: No, I don't think so. Sorry, have you finished Mr Menzies, or - - -

MR MENZIES: Yes, I have.

20

THE COMMISSIONER: All right. Now, anybody else? Questions? No? Yes? No? Nobody's wanting to ask any further - - -

MR MENZIES: I'm sorry, yes. I'll just take some instructions, but I notice the time, Your Honour.

THE COMMISSIONER: We're going to finish this witness today. I think she's been inconvenienced before you said, is that right?

30 MR CHEN: I believe that's the case. I think so. Last week she was supposed to be giving evidence, Commissioner.

THE COMMISSIONER: I understand there are some personal matters that affect the witness. She's been here before, is that right? She's come from Newcastle?

MR CHEN: That's so, Commissioner. That's so.

THE COMMISSIONER: Yes.

40

MR MENZIES: I'll proceed. Let me, let me put this proposition to you. Just dealing with that last matter. The position is this, isn't it, that you rang Richard Green and asked him what did those words mean in that minute that you were having difficulty comprehending, is that right?---Yeah, I think so. I can recall.

THE COMMISSIONER: You have a smile on your face.---No, that's funny you said that, 'cause just as he was saying that I recalled the conversation with Richard.

It just came into your mind then, did it?---Yeah.

I saw a smile come on your face too. Yes.

10 MR MENZIES: And did you ask Richard words to the effect "Can you explain what this means?"---Yes.

And did he say, did he respond saying that he would speak to somebody?---I think so. I actually think he was travelling when I, when I rang him.

THE COMMISSIONER: How can you remember all this? A moment ago you said you couldn't remember speaking to anyone.---Because there's, there's so many, the minutes, like, they're crazy, like, to do, yeah.

20 Are you making this up?---No, I'm not.

Not making it up?---No.

Even though you said a moment ago you couldn't remember speaking to anyone?---No, I'm not making it up.

I see. All right. Yes, Mr Menzies.

MR MENZIES: And so you spoke to Richard Green.---Yeah.

30 And what was his response to you?---I can't remember exactly but, yeah, it was Richard Green that, yeah.

THE COMMISSIONER: Yeah what? When you say "yeah" - - -?---It was Richard Green that did instruct me to put that in there.

When did you remember that?---Just then.

Just as the question was asked?---Just as he was saying it, yeah.

40 I see.---Yeah, I did.

MR MENZIES: And did he, and so - - -

THE WITNESS: You don't believe me.

MR MENZIES: - - - did you insert the words, then, that he instructed you to?---Yes.

And you were asked about the United Land Councils.---Yeah.

And were you aware that Mr Petroulias had some interest in United Land Councils? I use interest in the sense of being involved.---Yeah.

THE COMMISSIONER: What does this go to, Mr Menzies? How does it affect your interest?

10 MR MENZIES: I'll pass from it, Your Honour. That completes what I – one final matter. Were you still at the Land Council in August and September of 2016?---Sorry?

Were you still at the Land Council in August and September 2016?---Yeah.

And were you aware that Ms Anna was appointed as an interim CEO during that period?---Yes, she was.

20 And are you aware that during that period that a clean-out of records was carried out by Ms Anna?---Yes.

THE COMMISSIONER: How can she answer that question, Mr Menzies?

MR MENZIES: Well, she was there.

THE COMMISSIONER: Really?

THE WITNESS: Yeah, I was there.

30 MR MENZIES: She was there.

THE COMMISSIONER: What do you mean a clean-out? You mean throwing them out?

MR MENZIES: Yes. Were you present at the offices of the Land Council when a skip was – that is a rubbish skip – was put in the office?---Yes, I think I actually ordered the skip for her.

Yes. And did you see what went into the skip?---Everything, yeah.

40 What was everything?---Furniture, papers.

What papers did you see going into the skip?

MR CHEN: Well, I object. I mean, with great respect, unless my learned friend wants to be – I mean, presumably she can say paper.

THE COMMISSIONER: Yes. What does this go to, Mr Menzies?

MR CHEN: Well, it goes to the issue of the state of the records when inquiries are made later, and what was there and what wasn't?

THE COMMISSIONER: Do you know what was in - - -?---Most, it was a lot of papers - - -

Wait a moment. I haven't finished. No, I haven't finished my question. ---Oh, sorry.

10 I haven't finished my question to you. If you just hold back. You said you saw some papers thrown out.---Yeah.

Did you read the papers before they were - - -?---Read the papers before she threw them? No.

MR MENZIES: Were you able to see - - -?---Where she got them from, yeah. The boardroom and the CEO room. Some from reception. All over the place.

20 And were you able to identify any of those papers?

THE COMMISSIONER: She said she didn't. Move on, Mr Menzies.

MR MENZIES: No, Your Honour. She was asked the - - -

THE COMMISSIONER: She said she did not see the documents before they were thrown out. Didn't read them.

30 MR MENZIES: Well, I know that, Your Honour. It's an entirely different question as to whether it was read or not as to whether or not she was able to identify them. You don't have to read - - -

THE COMMISSIONER: Well, you can't identify a document unless you look at it and read it.

MR MENZIES: Well, that's my very, that's my question.

THE COMMISSIONER: I won't allow it. Next question.

40 MR MENZIES: Were there any, did you see any blue folders being thrown out?---I seen a lot of white, blue folders. A lot of white ones. And I, I did inform Sophie that they were very important to the Council. And that was on the first day. That was on a Monday. And then she instructed all staff to go home for the whole week from Monday to - from the afternoon Monday to the Friday, as she was instructed by Ray Kelly.

THE COMMISSIONER: Did you report this to anyone?---To the chair and the deputy - - -

Who's that?--- - - - and any other board member that was there.

To Debbie Dates?---To, to mum and Richard.

And did they take action?---I believe so.

What action did they take?---I'm not too sure. Can't remember. But they did something.

10

What was something? Did they speak to somebody about it or report it?  
---Yeah, they did something.

They did report it?---Yeah, they did, yeah.

Who to?---Maybe Stephen Wright, but I can't be sure.

Well, he'd be the man, wouldn't he, because he's - - -?---Yeah, somebody like that but I can't be sure who it was. Yeah, I put a complaint in - - -

20

Who to?---To Stephen Wright. About - - -

How did you do that? By phone or email?---About the deputy chair, I think. It was - - -

By phone or email? What are you looking at there in the witness box?  
---Just a complaint that I did.

30

Sorry, what are you looking at now?---A complaint that I did to Stephen Wright.

Well, can you just hand up that document so we can identify what it is?  
---Just make sure it's the right one. It's just got a - - -

Would you hand the documents, please. Pass those over to Counsel Assisting.---It's probably not the right one.

What are the documents?

40

MR CHEN: It appears to be a letter to the Registrar, dated 2 September, 2016. I haven't read the rest of it.

THE COMMISSIONER: Have you seen the document before?

MR CHEN: Commissioner, I have not.

THE WITNESS: No.

THE COMMISSIONER: No. I think you might need to take time to look at it.

THE WITNESS: I was just going to describe you something that's in it.

THE COMMISSIONER: It's all right. It's okay. There's no problem about it. I just wanted to know what the document is, that's all. Where did you get the documents from?

10 THE WITNESS: That's my personal complaint.

THE COMMISSIONER: You brought them down from Newcastle, did you?---Yeah. Do you want me to tell you what's, what it's about?

No, no. Did somebody ask you to bring those down?---No, myself.

MR CHEN: It appears to relate to another individual, Leonard Wright, Commissioner. It's not immediately obvious to me what its relevance is but  
- - -

20

THE WITNESS: But it says in it that Ray Kelly instructed Sophie Anna to, to tell the whole, whole staff to leave for the whole - - -

THE COMMISSIONER: Don't, don't, you don't have to tell us what they say. What we'll do I think, just so that you're in the picture here, we'll have - have we got a copy of the documents? Otherwise they should be copied and then the originals returned to the witness. So perhaps my associate can take those and have them copied, if you could arrange that, and they'll be returned to you.---Yeah.

30

Okay. Yes, Mr Menzies.

MR MENZIES: You said to Ms Anna that there were some documents in folders that were important documents for the Council.---Yeah.

What did you, did you see what was in those folders?---Yeah, there would have been - - -

40 THE COMMISSIONER: No, just a moment. Did you see, did you read the documents within the folders?---I would have put those in there.

No, no. I know, I can understand what you're saying, but did you actually physically sit down and read through the folders before that?---What, take them back out of the bin?

No, before they went in the bin.---Well, I would have filed, like, I would have been one of the people to file them.

Well, at an earlier stage you might have filed some of those documents.  
---Could have been the, yeah, could have been that day.

No, my question is, just listen so that we can try and communicate, before you say these folders went into the bin, did you open up each of the folders and read them or not?---Did I?

Yes. Did you or not?---No.

10 No.---No.

Mr Menzies, I think you should proceed very carefully with this line of questioning, as you did with the previous questions in terms of the contents of documents.

MR MENZIES: Yes, I understand that.

20 THE COMMISSIONER: Otherwise I'm afraid it does tend to taint the evidence if it's led in any way by direct questions. But you're free to put direct questions if you want.

MR MENZIES: Right. Can I - - -

THE COMMISSIONER: But the probative value of what you get in answer will become the real question.

MR MENZIES: Of course, I understand that.

30 THE COMMISSIONER: As with some other answers of this witness we have to evaluate them in the way in which the evidence came out.

MR MENZIES: Of course.

THE WITNESS: The - I actually gave you the wrong paper.

THE COMMISSIONER: Oh, you gave the wrong paper?---Yeah.

Have you got another bundle there?---Yeah, this is the correct bundle.

40 All right. What we'll do is have both bundles copied - - -?---Okay.

- - - and both bundles will be returned to you.---Yeah.

All right. So perhaps if those could be marked for identification so we don't lose track of them. The first bundle will be marked MFI, what are we up to?  
26.

**#MFI-026 – LETTER TO STEPHEN WRIGHT FROM CANDY TOWERS RE: FORMAL COMPLAINT AGAINST DEPUTY CHAIRPERSON ALALC DATED 2 SEPTEMBER 2016**

THE COMMISSIONER: And the second bundle just handed then by Ms Towers will become 27.

10 **#MFI-027 – LETTER TO ALALC BOARD MEMBERS FROM CANDY TOWERS RE: FORMAL COMPLAINT AGAINST ALALC CHAIRPERSON – THERESA DARGIN DATED 5 SEPTEMBER 2016 WITH 15 PAGES OF ATTACHMENTS**

THE COMMISSIONER: Now, MFI 26/27 are two separate bundles produced by the witness today. They will both be copied and the originals returned to her after we adjourn.

20 Right. Yes.

MR MENZIES: Madam, the - - -

THE COMMISSIONER: Sorry, do you have more documents there, do you?---Yeah.

What have you got there?---Just regarding my housing situation, the way that I - - -

30 Both documents relate to your housing situation?---Yeah. Steven Slee never asked me for a copy of my Centrelink statement that he claims.

All right.---And there's a few other (not transcribable)

Well, you hold onto those for the moment. Yes.

MR MENZIES: Yes, thank you. You've told Ms Anna that documents – the folders that were being put into the bin contained important documents. ---Yes.

40

What is your basis for saying that those documents being put into the bin contained important documents?---Because they were filed from when documents were taken to board meetings or members' meetings. Just, like, so there was a copy of what went to that meeting.

And did you have anything to do with putting the documents in the folders at some point?---Yes.

What was your involvement?---So after a members' meeting or a board meeting or a housing meeting, they would, the documents would all be gathered, whatever's left on the table, and put in a folder.

Are you able to say, after that had occurred, whether or not the documents were still in those folders at the time when they were put into the bin?  
---Yes.

10 What can you say about that?---Sorry, what - - -

Well, are you able to - - -

THE COMMISSIONER: She's answered your question. She said yes.

MR MENZIES: Yes.

THE COMMISSIONER: Next question.

20 MR MENZIES: Well, I think that's as far as I can deal with it.

THE COMMISSIONER: Yes. Who else has got, wants to ask a question?  
Mr Oates?

MR OATES: If you please, Commissioner. Ms Towers, I represent Steven Slee. You weren't very happy with Mr Slee, were you, in late 2014, early 2015?---No, I was not.

30 You were the receptionist, weren't you?---Can't remember what I was at that time.

He was the chief executive officer, wasn't he?---Yes. He was CEO.

You disagreed with a lot of the things he did, didn't you?---Not a lot. A, a few things. Several.

You wrote a letter to the board, dated 15 December, 2014. Volume 3, page 15, if you please, Commissioner.

40 THE COMMISSIONER: Yes. Here it is.

THE WITNESS: Oh, yeah. I remember that.

MR OATES: You can see at the top right-hand corner it was updated on 28 January, 2015, correct?---Yeah.

So you reviewed it and updated it and submitted it again, didn't you?---I'm not sure what I did.

But you reviewed at 28 January, correct?---I would have, yeah.

Contains 18 grievances, most of which are against Mr Slee, correct?---They would be. I, I, I haven't read the whole thing.

You're welcome to read it if you need to refresh your memory about your document.---It's probably most about Steven, I would guess.

10 There are matters in there – I refer to bullet point 3 – where you were complaining about an employee not having been invited to the Christmas party.---Yeah, I remember that.

And at paragraph or page, sorry, bullet point 4 – withdraw that. Yes, at bullet point 4 you said you received a formal warning on 4 December. ---Yeah.

You were complaining about that, correct?---Yeah, it's in there, yeah.

20 That formal warning was because you were regularly late to work, correct? ---I was late for a week straight.

Five days in a row?---Five days in a row.

And you received a warning, yes?---I received a warning and I contested the warning, yeah.

And you took issue with being issued with a warning notice, correct?---I took it. I was, I what?

30 You were offended by it, weren't you?---Yeah, of course.

And Mr Slee – I withdraw that. You told Mr Slee that you had a problem waking up because you had some sleep disorder or otherwise, correct?---No, I don't remember that. Could have been, but I don't remember.

Mr Slee suggested to you that to assist you the Council may be able to pay for a dietician and a nutritionist to help you with your sleep pattern, correct?---That's the time when he called me - - -

40 Just listen to my question, if you please. Mr Slee suggested to you that he could potentially assist you with a dietician and a nutritionist - - -?---Yes, that's correct.

- - - to help you with your sleep pattern, correct?---Correct. And I was offended by that.

You were offended by that even after you told him you had a problem getting up and he was trying to assist you, correct?---There were, I think there was better ways he could have assisted me than sending me to a dietician.

He didn't send you anywhere, did he, ma'am? He suggested you may - - -? ---Tried, tried, that's right, tried to send me, yeah.

10 If you listen to my question first, please. He didn't send you anywhere, did he? He asked you whether you wanted to have that assistance.---That's correct, yeah.

You also complained that the office closed two days before the official close date for the year. That's at bullet point six, correct?---That, yeah. It says that. Yep.

You were paid for those two extra days leave, were you not?---I can't remember.

20 Let me suggest to you, you were.---Okay.

You didn't complain about receiving an additional two days leave, did you? ---Of course not.

Go over the page, if you please, at the last bullet point. You're speaking there about a house available for lease.---Yep.

30 That's the house you currently occupy, isn't it?---Don't know. It doesn't have the address.

Well, use your memory, ma'am. You're talking about a house as at 15 December, 2014 and 28 January, 2015. Was there more than one house for which you made an application to occupy?---You don't make an application towards one house. It's to the whole 33 houses that Awabakal own. It's not goes to one, it's for 33.

You had an application in for a house at Cameron Park, didn't you?---No. For 33 houses.

40 The house at Cameron Park was the one you wanted, wasn't it?---I wanted any, any house.

Please bear with me. Please bear in mind, ma'am, you are on oath, all right?---Affirmation, yeah.

Yes. You wanted the house at Cameron Park, didn't you?---I wanted any house.

And the house at Cameron Park was four bedrooms and you weren't necessarily going to be the one to get that, were you?---I don't know.

You did get the house at Cameron Park, didn't you?---Yeah. I did.

Your mother gave it to you, didn't she?---No. The housing subcommittee gave me my, my property and I live with my brother and his son and always have.

10 Your mother was the chair of the housing subcommittee, wasn't she?---I'm not sure what she was but she was on the, on that housing board.

Are you seriously suggesting, you were employed by the Council and you did not know your mother was the chairperson of the housing subcommittee?---No. I don't think she was the chair of the, I don't think there was a chair of the housing subcommittee.

20 She was on the housing subcommittee, wasn't she?---Yeah. But she wasn't the chair of that, of that committee.

And you know, don't you, that your mother gave you that house, don't you?

MR TYSON: I object to that.

THE WITNESS: Wow.

THE COMMISSIONER: Why?

30 MR OATES: Well, I'll withdraw the word "gave" if that's the offending part.

THE WITNESS: Wow.

40 THE COMMISSIONER: Mr Oates, I appreciate why you're asking these questions but do they, at the end of the day, really go to advance the interests of your client? I mean, it's clear that there's a lot of animus between the witness and Mr Slee. At the end of the day, Mr Slee's reputation was initially in jeopardy. He was exonerated by due process and the evidence we've heard from another witness suggests that there was no basis for his termination. In other words he was both exonerated and wrongfully dismissed. So they are facts well established in the evidence, so that his credit, as it were, seems to have come out undamaged.

MR OATES: I take what you say, Commissioner.

THE COMMISSIONER: By virtue of those facts that I've referred to in the sense that he was exonerated, in effect, by the inquiry and then it seems he was terminated but not for sound reason, and hence compensation was paid

to him. Now, in terms of the animosity that may have existed by others towards him, is that really going to advance your client's interests and be relevant to my investigation?

MR OATES: I was seeking to deal with the situation Mr Tyson raised, anticipating that there may be a submission at the end of the day that there were reasons other than – sorry, that they may have been the reasons Ms Dates took particular action. I hear what you say, Commissioner. Allow me to move on.

10

THE COMMISSIONER: Well, if that had have ever been an issue and it was raised, the investigator – who was it again? It was the Registrar, wasn't it?

MR OATES: Yes. Mr Wright.

20

THE COMMISSIONER: Would have heard and dealt with it and given everybody a sound hearing, an opportunity to raise anything they wanted to raise against your client. So he was victorious, if you like, at the end of that process, so he can't do much better than that, can he?

MR OATES: Allow me to ask a couple of questions on another subject, if you please, Commissioner.

THE COMMISSIONER: Yes.

30

MR OATES: You said in evidence today that my client, Mr Slee, made some comments – made a comment to you at the end of 2014 about your weight. Do you remember giving that evidence today?---Yeah.

And you said you were highly offended by that comment?---Yeah.

There's nothing in this comprehensive letter of yours of the 15<sup>th</sup> of December, update on the 28<sup>th</sup> of January, about any such allegation, is there?---I don't know. There should be.

THE COMMISSIONER: Well, look at it.

40

MR OATES: Please read the document if you wish and point out to me - - - ?---I've got it in front of me in my own papers.

THE COMMISSIONER: Well, just check it if you want to check it, if you have any doubt about that.

THE WITNESS: Okay. If you say it's not there, it's not there.

MR OATES: It's not there because it's not true.---Yes, it's true.

Nothing further, Commissioner.

THE COMMISSIONER: Yes, thank you, Mr Oates. Yes, Mr Chen.

MS NOLAN: I haven't asked any questions.

THE COMMISSIONER: Ms Nolan. What do you - - -

10 MS NOLAN: Well, I understand the custom to be that we move in seniority, and I was waiting for Mr - - -

THE COMMISSIONER: No, I don't think seniority dictates.

MS NOLAN: Well - - -

THE COMMISSIONER: Well, Mr Menzies was exercising his right of seniority yesterday, but he seemed to give way to others, which is very gracious of him. But it's not built on seniority other than often with senior  
20 counsel, of course, in certain circumstances it is. In any event - - -

MS NOLAN: That informs my understanding why I did not rise, but I'm glad we've cleared it up, but I will defer to those more senior to me, being a member of the bar. But if I may ask some questions, please?

THE COMMISSIONER: Yes.

MS NOLAN: We've established that you worked in the Land Council office and you worked there on a full-time basis, is that right, between 2015  
30 and - - -?---Yes.

THE COMMISSIONER: Yes, she's already given this evidence, yes.

MS NOLAN: Yes.

THE COMMISSIONER: Earlier on she gave this evidence.

MS NOLAN: Yes. I'm just clarifying the period in which I'm - - -

40 THE COMMISSIONER: Well, it doesn't need clarification.

MS NOLAN: This is the period where I'm directing my question. So I'll move on. So I'm speaking about 2015-2016.---Yeah.

Now, you recall, do you, Ms Bakis attending on occasion when there were board meetings being held?---Yeah.

And did you observe Ms Bakis bringing bundles of paper with her when she would attend?---Yeah.

And did you observe her to sit down and discuss those papers with anybody?---Yeah.

Who did you observe her to discuss those papers with?

10 MR CHEN: Well, I object, Commissioner. I mean, she can see people discussing things. She can see things with papers in her hand.

THE COMMISSIONER: Yes. Where is it going to get us at the end of the day?

MS NOLAN: I'll be more direct. Did you see her discuss things in the CEO's office at a round table with your mother?---Yeah.

And do you know what they were discussing when they sat down?

20

MR CHEN: Well, I object again. I mean, my friend – but also the questions are “Did you see people talking?” Of course she can give evidence as to what she observed. And the next proposition is “What were they saying?”

THE COMMISSIONER: The people who participate in conversation will be able to tell it, surely.

MR CHEN: Well, she hasn't established - - -

30

THE COMMISSIONER: Unless she heard, overheard.

MS NOLAN: Well, before my friend interrupted I was asking the question “Do you know what they were discussing?” Now, if you want me to say so that I don't offend - - -

THE COMMISSIONER: When? When are we talking about? You can't just lump 2015 and '16 all in one basket, Ms Nolan. Let's be realistic.

40 MS NOLAN: Well, on occasions when Ms Bakis - - -

THE COMMISSIONER: The evidence will be worthless.

MS NOLAN: On occasions when Ms Bakis attended with respect of board meetings, did Ms Bakis sit down with your mother? Did you see that happen?---Yes.

Right. And did they sit down at a little round table just outside the CEO's room?---Yes.

And did you see them discussing anything?---Um - - -

Did you see them discussing anything?---Lots of different things, yeah.

Right. And did you hear what they were talking about on - - -

10 THE COMMISSIONER: I reject the question unless you put specifics.

MS NOLAN: Did you hear what they were, did you hear them talking - - -

THE COMMISSIONER: No, no, no. Ms Nolan, I'll go back over it again. You can't just lump 2015/16 meetings in one hit. You know that you've got to be precise. You've got to identify the date, the occasion, who was present, and then what was said, otherwise the evidence is valueless.

20 MS NOLAN: Well, I'm not going to go through each briefing paper because I'm not prepared with a reference.

THE COMMISSIONER: You don't have to go through each of them, but one particular one that you want to put and you can identify when it occurred, then the witness has got half a chance and the evidence might have some weight.

MS NOLAN: Well, I'll put it this way. So did you observe the layout in the boardroom?---Yes.

30 And is there a table that goes along the wall?---Yes.

And what would be the usual practice when papers were brought to board meetings? Where would they be placed? By Ms Bakis, I'm talking about? ---On the table.

Which table?---On the small table against the wall.

The small table against the wall?---Yeah.

40 And to, to your observation, how often during the course of the time that Ms Bakis was attending, were papers placed along that table when there was a board meeting?---How often?

Yes?---Every time.

And where did those papers come from that were placed along the table? Do you know?---Well, Despina, like, previous board minutes, things like that.

So to your observation when there were board meetings on, what would be, to your observation, placed along that table? Can you identify that?  
---Agenda, board minutes, previous documents for that meeting, that, that meeting taking place.

So did you observe Despina to bring with her documents to contribute to the papers that were placed along that table - - - ?---Yeah.

10 - - - on occasions? You have to answer verbally?---Yes, yes.

And to your observation, how regularly would Despina be bringing those sort of documents with her?---Every time she came, yeah.

Now, to your observation, were these papers that were placed along that table read by board members?

MR CHEN: I object.

20 MS NOLAN: And I'm going to – well, I'll break it down. To your observation – I'll start general and if I can move in. Were they read by members of the board?

THE COMMISSIONER: Ms Nolan, really?

MS NOLAN: I'm conscious of the time, do I have to go through every single one? Is that what the Commission is asking me to do?

30 THE COMMISSIONER: We'll be here until sundown if you keep asking questions along these lines.

MS NOLAN: Pardon me, we'll be?

40 THE COMMISSIONER: We'll be here for a lot longer if you keep going down this path. You still haven't taken up my invitation which is to simply go straight to the particular meeting, if there is one that you have in mind, to identify so the witness can follow you, the date of the occasion, who was present and all the other matters. I won't repeat them all again. There's a right way and a wrong way to cross-examine and if you're dealing with a particular occasion in which you're trying to get evidence as to what, for example, one person in the room said then you've got to identify what occasion it was, who it was and I'm not going to go into it again. There is a correct way of eliciting such evidence. There is a wrong way of doing it.

MS NOLAN: I accept.

THE COMMISSIONER: Thus far, you've just been talking in globo about board meetings, we don't know how many yet, over a long period of time. Now how is that going to help us?

MS NOLAN: I, I am talking about a general practice, and - - -

10 THE COMMISSIONER: No, but the general practice as to what? We've heard now lots of evidence about general practice about where you put the folders or the other documents, whether it was a desk or whether it was not a desk or a table, we've heard all about the furniture, that's not practice. This is not a practice or custom and practice type issue. I think you're – aren't you seeking to get to a point of conversations? That's what you're seeking to get to, isn't it? Or are you not?

MS NOLAN: No, I'm seeking to establish, I'm seeking to establish a practice, I mean - - -

THE COMMISSIONER: As to what?

20 MS NOLAN: As to Ms Bakis turning up with board minutes and briefing papers with each meeting that she attended, and the witness seems to have agreed with me so far that that was her practice.

THE COMMISSIONER: I don't know about her practice but she certainly did attend, it's common ground, many meetings or several meetings, she had papers with her and exactly what was in the papers we know not yet, so what other practice do you want to establish?

30 MS NOLAN: Well on any occasion, I'll ask the witness, on any occasion, Ms Towers, were you responsible for distributing the papers that were put on these tables?---Yes.

Right. So what – was it – what was the practice of Ms Bakis when she would attend board meetings, and I'm dealing with the practice, what was her practice? What would she, would she give you documents to distribute on the table, or - - - ?---Yes.

All right. And are you able to describe to the Commissioner what documents it was - - -

40 THE COMMISSIONER: Ms Nolan, I don't think you're receiving my message.

MS NOLAN: I am, but I'm not dealing with the proposition that you think I am dealing with. I'm dealing with the practice.

THE COMMISSIONER: Please don't talk over me. We're trying to get witnesses to refrain from talking over counsel in their question, I expect counsel will do that with me, only so that we can communicate properly.

MS NOLAN: Apologies.

10 THE COMMISSIONER: I've tried to emphasise that you cannot get to where I think you're trying to go to by dealing in globo with numerous meetings – we don't know yet how many – that took place over the years 2015/16. Now, you are going around and around about this unspecified number of meetings. We still haven't got down to which meetings we're talking about in terms of dates, times. And you cannot seek to get your evidence by talking in globo about an unspecified number of occasions to get the contents of a document. Whether they were board minutes, the witness can say, yes, I used to hand out board minutes. But where does that take us to? What's in the minutes? Well, we go to the minutes. If it's a conversation you want, you go to the conversation on that particular occasion. Now, do I have to keep repeating myself? You get nowhere by talking about, as I say, volume meetings without any specificity.

20

MS NOLAN: Commissioner - - -

THE COMMISSIONER: Am I making myself clear?

MS NOLAN: Crystal.

THE COMMISSIONER: Well, would you please just observe what I'm saying?

30 MS NOLAN: I am.

THE COMMISSIONER: Then move on.

MS NOLAN: But I'm dealing with a proposition that has arisen - - -

THE COMMISSIONER: No.

40 MS NOLAN: - - - throughout the course of the evidence, which is that members have said that none of these documents were given them on any occasion. And if it were a practice - - -

THE COMMISSIONER: Ms Nolan, please don't canvass my ruling. I've really made a ruling that you are not to continue doing what you are doing. Now, would you please move on. Do not argue or canvass my ruling. I thought that was a practice of everyone at the bar, understood, and the reasons why that's etiquette and proper practice by counsel. Please do not canvass my rulings. You might not like them but you comply with them.

MS NOLAN: I'm not seeking to.

THE COMMISSIONER: You are now starting to again argue with me. Would you please – it's now getting on for 20 to 5.00. If you have any more questions that comply with my rulings, would you please put them.

MS NOLAN: I'll have to take you to specific documents. I'll need to look up references. I don't have them at my fingertips in order to be able to conform to the ruling.

10

THE COMMISSIONER: I'm afraid - - -

MS NOLAN: There's a meeting - - -

THE COMMISSIONER: - - - if you have come here unprepared - - -

MS NOLAN: I haven't.

20 THE COMMISSIONER: - - - to take the witness to a particular document, then I'm afraid, Ms Nolan, I'm not trying to be difficult, but you are not here – as you explained the other day, you had commitments elsewhere and you've been here since just after lunch, as I recall it. But if you are not in a position to take the witness to a particular document, I'm afraid, you know, that's something you'll just have to cope with in the best way you can.

30 MS NOLAN: I'll just, if you let me just have a look, there are – I think it's in the Bakis volumes. It's volume C and it's page 153, I think. Volume F, 179. I think it was MFI 16 as well. I've got a note here “legal briefings, volume F, 179, MFI 16”. I think it appears in a couple of places. Volume F, 179. Is that it? For example, this. This is a document – can you see that?---Yeah.

Do you recognise that?---Yeah, it looks familiar, yeah.

Now, why does it look familiar?---I would have seen it before, yeah.

In what context do you believe you've seen it before?---Probably photocopied for the board, boardroom.

40 And on what occasion do you recall having photocopied it for the board? ---Because if there's any documents for the board you've got to copy it like, 10, 11 times.

And where would you have photocopied it for the board?---In the reception.

THE COMMISSIONER: Does it matter where it was photocopied?

MS NOLAN: No. And when, when may you have copied this, on what occasion?---A board meeting.

And if you were to have photocopied it for the board, I mean do you recall photocopying this document for the board?---Yeah, it looks familiar, yeah.

And can I ask you to have a look at volume F, page 170, please. See this one here, do you recognise that document?---Yeah.

10 And why do you recognise that do you know?---That would have went to a board meeting, yeah.

And what involvement did you have with this document if any?---  
Photocopy and put on the table in the boardroom.

Now, you were present at a community meeting held in the Baptist Church on 29 June, 2016 were you not?---I would, I would have been, yeah.

20 THE COMMISSIONER: Well, do you remember or not?---What date was it?

MS NOLAN: 29 June, 2016.---I would have been, yeah. I would have worked there.

THE COMMISSIONER: It's not a question of would have and I understand why you use that term.---Well, just in case I wasn't but, yeah, I'll say yeah.

30 No, no. No, no. I'm not – I'm just trying to help you understand the difference.---Yeah.

Sometimes people can remember. We can all remember being somewhere. ---Yeah.

And other times we can't remember being there but we say, well, we would have been there because perhaps I often went there.---Yeah.

40 But you can't say for sure whether you were there. I'm just trying to ascertain where you're coming from.---I'll say yes.

You'll say yes to what?---That I was there.

Well, how do you know?---At a members' meeting, did you say?

MS NOLAN: A community meeting, yeah.---Yeah, I would have, yeah, I would have. I've never missed one.

And do you remember anything in particular about that meeting? It was in the Baptist church.---Not really. I would have to look at the minutes.

THE COMMISSIONER: Not really? All right. Yes, Ms Nolan, next question, please.

MS NOLAN: Was it at this meeting that people were becoming hostile towards - - ?---Oh, yeah, it probably was that meeting, yeah.

10 And can you describe the hostility and what it was like?---I think it ended. People just walked out. Swearing, things like that.

What were they swearing about?---Where was it located, the meeting?

It was at the Baptist church. I think it's in Islington, is that right?---There was a few meetings that, that happened at – I'm getting confused, yeah.

20 When you say there was swearing, was it just – can you describe, was it directed at any person?---It was a different, different meetings, different people, yeah.

Are you able to assist the Commissioner as to whether or not there was swearing at this meeting?---June. June.

30 MR CHEN: Does it matter, Commissioner? I just wonder whether we can just put the proposition of if – I'm not sure whether it matters whether people were swearing repeatedly or not. Why don't we just put a proposition to the witness and no doubt she'll agree with it. So let's move on, perhaps.

MS NOLAN: Well, no doubt she will agree with it, is what I'm, is the devil that I am trying to avoid, because there's already been suggestions that I may wish to avoid.

MR CHEN: No, I'm just inviting my friend, I'm just inviting my friend, if she's going to challenge the witness or invite her to deal with a specific topic, let's deal with it. It's quarter to 5.00.

40 THE COMMISSIONER: Yes.

MS NOLAN: Well - - -

THE COMMISSIONER: Ms Nolan, there's suggestions being made to you. It might assist in getting to a point you want to get to.

MS NOLAN: Well, do you remember that during this meeting the swearing was directed at your mother and Richard Green? Do you remember that? ---Yeah, that was, yeah, I do.

What about Despina and Nick Petroulias?---Yeah, there was a lot of swearing, especially at Despina.

Do you know what they were saying to Despina?

THE COMMISSIONER: Well, Ms Nolan, I'm sorry to keep interrupting but is this really going to help me decide? What's the issue that you're running now? How does this affect your interests, Ms Bakis's position?

10

MS NOLAN: There was an utterance – and I will describe it as that because that's what I perceived it to be – that the reason why this meeting was set up was with respect to the Advantage proposal and whether or not it was dealt with at that meeting and - - -

THE COMMISSIONER: Whether or not it - - -

MS NOLAN: It was dealt with at that meeting. And the proposition that I will be putting to you, at the end of the day, is that it's never been dealt with. It's never been put to a community meeting.

20

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

MS NOLAN: Sorry.

THE COMMISSIONER: The proposition was?

MS NOLAN: I think I've just broken the microphone. The proposition was, the proposition that I will put to you at the end of the day is that it was never dealt with at that meeting. The community has never considered it. And the reason why is because the meeting disintegrated into a pretty terrible state, and that everybody left early. And that one of the reasons for it is because the people who were - - -

30

THE COMMISSIONER: Well, perhaps you could ask - - -

MS NOLAN: - - - running the meeting were being treated in a hostile manner.

THE COMMISSIONER: See if I can help. Do you remember anything being said at the meeting about Advantage?---No, the meeting ended.

40

So, I'm sorry, you're saying now you don't recollect anything being said about that? The meeting just ended?---No, the meeting had ended. Nobody got to, to talk much or anything. The meeting ended.

Sorry, they didn't get to what?---To talk or anything. The meeting ended.

I see. Because of the hostilities? Okay.

MS NOLAN: I'll move on. Thank you. Now, on the meeting which was the annual general meeting, which was held on 20 July, 2016, did you attend that meeting?---I would have, yeah.

Now - - -

10 THE COMMISSIONER: I'm sorry, Ms Nolan. Mr Chen, you might be able to help me with this. Although the witness says she may have attended a meeting from time to time - - -

MR CHEN: I'm sorry, Commissioner. I didn't hear the first part.

THE COMMISSIONER: The question was "Did you attend the meeting of the board on 20 July?" I think it was the annual general meeting?

MS NOLAN: Yes.

20 MR CHEN: I thought my friend put a different proposition. It was another meeting, not the board meeting.

MS NOLAN: No, no.

THE COMMISSIONER: It wasn't a board meeting?

MS NOLAN: I said annual – I think you heard me correctly – annual general meeting.

30 THE COMMISSIONER: Annual general. It's all right.

MR CHEN: That's what I heard her say.

THE COMMISSIONER: Yes, I'm sorry. It was my confusion. You go on.

MS NOLAN: So on the morning of this meeting, do you recall being asked to find some payroll vouchers?---I think it was for the audit.

40 And did you collect those payroll vouchers?---Yeah, I think I had to take them to, to the auditors. I, yeah.

The auditors? And when you say you had to take it to the auditors, where did you have to take it to?---Hunter Street, Newcastle. Their office.

Right. And what time did you get there?---1.00 or 2.00.

And were you in time to provide these documents to the auditors, do you know?---No, they, I, they, I think they said it was too late.

Who said it was too late?---Clayton and David. I think it's David. I'm not sure.

And Clayton, by Clayton, who do you mean?---Clayton Hickey, the, the auditor.

Now, at this meeting do you remember the way in which the members of the meeting were treating Ms Bakis?---Yes, I do.

10

How were they treating Ms Bakis?---They swore at her a lot and called her, called her, it was, was racial towards her, like racist.

Right. Why do you say they were racist towards her?---They called her "something white", they, the actual, like, described her colour.

And can you tell the Commissioner how Ms Bakis reacted to that?---She was really upset and, yeah, she was very upset. And not long after, she left.

20

Do you remember if the Advantage proposal was ever discussed at that meeting?---No. I, I don't recall.

When you say you don't remember, do you not recollect it being discussed? ---No, I don't recall, no.

Or to your recollection it wasn't discussed? Which of the two?---I think it was, I think it was brought up, but in between. It didn't get an ending.

30

It didn't get what?---Get an ending.

An ending.---Yeah.

Thank you. I have no further questions.---Yeah.

THE COMMISSIONER: Yes.

MR CHEN: I don't know whether Mr Mendoza has questions to ask.

40

THE COMMISSIONER: Yes. Yes, Mr Mendoza.

MR MENDOZA-JONES: Thank you, Commissioner. Not at this stage, thank you.

THE COMMISSIONER: I'm sorry?

MR MENDOZA-JONES: No, thank you, Commissioner.

THE COMMISSIONER: Yes, thank you.

MR CHEN: Commissioner, I want to cross-examine the witness a little bit further. But, Commissioner, it'd be my application the witness not be released from her summons.

THE COMMISSIONER: Yes.

10 MR CHEN: There's a range of matters. I don't know, Commissioner, whether you wish me to proceed in part or in full with whatever I can deal with now or on the occasion when she'll need to come back.

THE COMMISSIONER: Well, Mr Chen, it's 10 to 5.00 now. There's a limit to how much I can push the staff, who have been working from early today.

MR CHEN: I understand, Commissioner.

20 THE COMMISSIONER: And I think it might be better left until we resume on the next occasion. All right. Now - - -

THE WITNESS: Am I allowed to put something to you that might help your investigation?

THE COMMISSIONER: You certainly can but not just now. We'll certainly give you that opportunity. So we're just going to have to reprogram, I'm afraid, another hearing date. You'll be consulted about that and we'll have you back on whatever date is agreed or is fixed.

30 MR CHEN: Commissioner, just before you rise, Ms Nolan had an application, as I understand it, or wished to raise a matter with you, Commissioner, before. And she promised she would be very brief.

THE COMMISSIONER: Yes. Is this your written application? Yes.

MS NOLAN: Yes. And I apologise. I was optimistic in thinking I would get it to you overnight.

THE COMMISSIONER: That's all right.

40 MS NOLAN: I had a few things that attended, I needed to attend to.

THE COMMISSIONER: Yes.

MS NOLAN: May I hand you a copy?

THE COMMISSIONER: I do have a copy.

MS NOLAN: Oh, do you?

THE COMMISSIONER: Thank you, Ms Bakis. I think it was sent through this morning. Is that the one?

MS NOLAN: Pardon? Ms Bakis sent it through this morning?

THE COMMISSIONER: I'm sorry. Well, I don't know, somebody – it came into my possession this morning.

10 MS NOLAN: I sent it through to Mr Broad and Counsels Assisting.

THE COMMISSIONER: Right. Well, that's how it came to me, I think. Mr Broad gave it to me. Now, that's perfectly okay. Mr Chen, you're going to put on a written submission in response?

MR CHEN: That's so, Commissioner. And what I floated with my learned friend is it doesn't occur to me it requires – subject to, of course, you, Commissioner – any oral hearing. We can certainly have a written outline prepared. We would ask for next Friday.

20

THE COMMISSIONER: Yes. Yes, yes, all right, then. Well, then I direct if you put on a written submission in reply, I'll consider the written submissions and give judgement as soon thereafter as I possibly can.

MR CHEN: Thank you, Commissioner.

MS NOLAN: May I please be given an opportunity to reply? You'll note that I – I think that we discussed on the last occasion that there may be an opportunity for argument during the time.

30

THE COMMISSIONER: Yes.

MS NOLAN: May I also reserve my position with respect to that. It may very well be that I won't need to because I'll be able to deal with it in writing.

THE COMMISSIONER: How long do you want to reply, the written reply?

40 MS NOLAN: I'll be in your hands with respect to that because it would be a matter for you as to when you may wish to deliberate and decide.

THE COMMISSIONER: Well, perhaps if you can put on a written response by the Friday after – that's a week after you receive Mr Chen's submissions, Counsel Assisting's submissions.

MS NOLAN: Yes. And may I have liberty to approach Mr Broad if I do wish to address you orally? Is that something that you would entertain?

THE COMMISSIONER: Yes. Yes. Yes, certainly.

MS NOLAN: Thank you.

THE COMMISSIONER: I'd prefer to try and do this on the papers if I can, on the submissions, for obvious reasons. So it would have to be what I might call an exceptional reason to have to recall you and Mr Chen to address orally, but let's wait and see how it pans out, I think.

10 MS NOLAN: Certainly. And may I be so bold as to ask as to whether or not the Commission will deliver written reasons with respect to my application that you've already given a ruling on but you said you would deliver some reasons?

THE COMMISSIONER: Yes. Yes, I'll have those reasons done and you'll be advised as to when I'll deliver those.

MS NOLAN: Thank you.

20 THE COMMISSIONER: Thank you. Yes, Mr Menzies.

MR MENZIES: Mr Commissioner, I've had the advantage of reading my learned friend Ms Nolan's submissions. I join in that – I make the same application. I don't wish to be heard further on it for my part. Ms Nolan has expressed them perfectly adequately and there's nothing further I wish to add.

30 THE COMMISSIONER: Thank you, Mr Menzies. I'll take that on board and treat it as a joint application. Or separate applications but based on the same set of submissions, perhaps, is more accurately putting it.

MR MENZIES: Yes. I think separate – yes. Thank you.

THE COMMISSIONER: Thank you, Mr Menzies. Nothing else?

MR CHEN: No, Commissioner.

40 THE COMMISSIONER: Sorry. We can let you stand down and I can't excuse you from your summons but we'll, as I said, fix another date. It will probably be a date – it will be the week of 7 May?

MR CHEN: It will be, Commissioner, I expect. If there's some change to that - - -

THE COMMISSIONER: Yes.

MR CHEN: I fully expect it to be. That's the answer.

THE COMMISSIONER: So it'll be anticipated to be in the week of - - -

THE WITNESS: Can I email you - - -

THE COMMISSIONER: I'll just finish saying what I'm saying. It'll probably be a date on 7 May, in the week commencing 7 May. That will be confirmed, however, by the Commission staff. Yes, there's something you wanted - - -

10 THE WITNESS: Can I email you some documents - - -

THE COMMISSIONER: Not me, but - - -

THE WITNESS: - - - that might help your investigation?

THE COMMISSIONER: Solicitor to the Commission is the person you should make contact with. You can do that, and I think before you go if you haven't already got the email addresses that will be provided to you.

20 THE WITNESS: Yeah.

THE COMMISSIONER: All right?

THE WITNESS: Thank you.

THE COMMISSIONER: You can step down.

30 **THE WITNESS STOOD DOWN** **[4.56pm]**

**AT 4.56PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.56pm]**