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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 TUESDAY 15 MAY, 2018

AT 11.00AM

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

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

THE COMMISSIONER: Mr Lonergan.

MR LONERGAN: Thank you, Commissioner. I seek leave to appear for Mr Green.

THE COMMISSIONER: Yes, I grant leave. Are you ready to proceed?

MR CHEN: Yes, I am, Commissioner. I call Richard Green.

10 THE COMMISSIONER: Yes. Thank you, Mr Green. Mr Green, do you take an oath or an affirmation to give evidence?

MR GREEN: Affirmation.

THE COMMISSIONER: Affirmation. If you wouldn't mind standing, my associate will administer that.

<RICHARD JOHN GREEN, affirmed

[11.17am]

THE COMMISSIONER: Yes. Very well. Mr Lonergan?

MR LONERGAN: Yes, Commissioner. The witness would like a section 38 under objection.

THE COMMISSIONER: You've explained those provisions to him?

10

MR LONERGAN: Yes, Your Honour. Yes, Commissioner.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Green, and all documents and things that may be produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and in those circumstances there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR GREEN, AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND IN THOSE CIRCUMSTANCES THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

30

THE COMMISSIONER: Yes.

MR CHEN: Thank you, Commissioner. Mr Green, what's your full name?  
---Richard John Green.

Mr Green, are you a supervisor employed currently by Whitehaven?---Yes, I am.

40

You're also on a disability support pension, are you not?---Yes.

Mr Green, are you currently a member of the Awabakal Local Aboriginal Land Council?---As far as I know.

When did you first commence being a member of that Land Council?  
---Maybe, maybe four years ago, a bit more.

I'm not asking you about whether you were a board member, I'm asking you about whether you were just a member of the Land Council.---Yeah, about, yeah, that would be right. Yeah.

I see, so from about 2014?---Yeah, something like that. I'm not really sure on the date.

10 Right. You commenced though, did you not, being a board member in your most recent term of the Land Council in about September of 2013, though, did you not?---Thirteen, 13? Yeah, yeah. Like I said, I'm not sure with the dates.

All right. Well, you know don't you that you were a board member at least up until the time the administrator was appointed in October of 2016? ---Yeah, I was, I was a board member then, yeah.

20 And you held the position, did you not, of deputy chairperson?---No, not for, maybe 12 months I suppose I did.

All right. Well - - - ?---I think.

- - - it was a bit longer than 12 months though, wasn't it?---Yeah, maybe.

All right. In any event, prior to 2013, were you also a board member of the Awabakal Local Aboriginal Land Council?---A board member?

Yes?---Yeah, yeah, yeah. Didn't I just answer that question?

30 Well, it's unlikely you did, Mr Green, because I didn't ask it. So were you a board member prior to 2013 or not?---Oh, rightio. No, I don't think so. I'm not sure on the dates.

So far as you can recall, have you only had one term as a board member of the Awabakal Local Aboriginal Land Council?---Um, yes, I'd, I'd say so.

40 Now, just prior to the appointment of the administrator in October of 2016, you attempted to resign from your position as the chairperson – sorry, I withdraw that – resign from your position as a board member, did you not? ---Yeah, I think I did.

And you wrote a letter to the Registrar, didn't you, seeking to do that very thing, namely to resign?---Yes, yes, yes.

And Ms Bakis helped you write that letter, didn't she?---Oh, yes, I think so, yeah.

Well, who else helped you, if anyone, Mr Green, write that letter to the Registrar seeking to resign from your position as a board member of the Land Council?---Well, I think it might have been Despina, I'm not, yeah.

You can't think of anyone else, can you?---No.

She, Ms Bakis, had in fact been your solicitor on occasions in the past. Isn't that right?---Yes.

10 That is to say, you had retained her in a private capacity, had you not?---In a private capacity?

Yes.---Oh, I wouldn't actually say that.

20 THE COMMISSIONER: Well, when we talk about private capacity, we're talking about your solicitor, not the solicitor for some other body such as the Land Council. She was acting in your interests as your solicitor. That's what's being put to you. Is that, was that the position, that she has acted for you as her private client, as it were, as her client in relation to some personal matters?---Oh, yeah, that's been going on in my life, yeah.

Is that right?---Yes.

Okay.

MR CHEN: And one of the instances was when you commenced proceedings against the New South Wales Aboriginal Land Council for defamation. Isn't that right?---Yep.

30 And she was the solicitor who you appointed to commence those proceedings against that body.---Yes.

Isn't that so?---Yes.

And she's done other things for you, hasn't she, over many years. Isn't that so?---I wouldn't say many years.

Well, prior to 2014 you hadn't met her, had you?---Yes, that's true.

40 And from the time that you had met her, she has given you advice on private matters, has she not?---Yes, she has.

And that's continued up until the current day, hasn't it?---Yes.

Now, you came to know Ms Bakis through Mr Petroulias. Isn't that right?  
---That's true.

He introduced you to her. Isn't that so?---Yes.

And you first met Mr Petroulias, did you not, in about 2014?---Yes.

And so far as you're aware at that time the only person on the board of the Land Council who knew Mr Petroulias was you?---Yes.

And hence, pardon me – I withdraw that. So far as you were aware, the only person in 2014 who knew Ms Bakis was you?---Yes.

10 No other board member, so far as you knew, had had any contact with her at all. Isn't that right?---That's right.

The connection for her to perform work for the board of the Land Council came through you. Isn't that right?---Came through me?

Yeah.---Yeah, well, I, I probably introduced her to the board or I'm not really sure but yeah, I'd say yes.

20 Well, it was through your association with Mr Petroulias that she came to provide, it seems, legal services to the board of the Land Council. Isn't that right?---That's right.

And she wasn't based in Newcastle, was she?---No.

She was based in Sydney. Isn't that right?---Yes.

And so far as you knew, Mr Green, she had had no experience in dealing, for example, with any Aboriginal Land Council?---Nope.

30 She had no experience in dealing with any land dealing or land transaction under the Aboriginal Land Rights Act?

MR LONERGAN: Objection, Commissioner. My friend is putting a proposition as to the state of mind of Ms Bakis.

THE COMMISSIONER: It's to his knowledge.

40 MR LONERGAN: As opposed to the – it's not clear whether he's asking Mr Green's understanding or whether this - - -

MR CHEN: I'm sorry, I thought I did.

THE COMMISSIONER: I thought it was implicit, but perhaps - - -

MR CHEN: I'm sorry, if I didn't put that – so far as you knew, Ms Bakis had had no experience in dealing with land transactions under the Aboriginal Land Rights Act. Is that right?---That's right.

And so the only reason for her coming on board was through this contact you had with Mr Petroulias. Isn't that so?---That's so.

And you understood, didn't you, at all times that Mr Petroulias and Ms Bakis were in a domestic relationship?---Ah, yes, I suppose so.

Well they have children together, don't they?---Yeah, they do.

10 And every time you come to Sydney and see Ms Bakis or Mr Petroulias, they reside at the same house, don't they?---Yeah.

And that's always been the case, isn't that so, Mr Green?---She's been at her dad's a few times, too.

All right. Well aside from those occasions when she's at her dad's, they've always been together in the same house. Isn't that right?---Yeah.

20 Now, you would know, wouldn't you Mr Green, that the board of the Land Council met throughout 2014 and onwards quite regularly?---No, there was nine months there one part of it when hardly anyone was meeting.

Well let's go with 2014 first, Mr Green. You were a board member then, weren't you?---When it was in progress to Land Council?

I'm asking you about 2014, whether you were a board member?---Well I'm not sure with dates, I keep on saying that.

30 All right. Just assume for me the records seem to indicate that, Mr Green, that you were a board member attending board meetings throughout 2014. Would you just accept that for the moment?---I don't know whether it was '14 or '15 or '16.

Just accept it for the moment, if you would, that the records seem to suggest that you were turning up to meetings.

40 THE COMMISSIONER: I think, Mr Green, the position is this, you say you don't have an accurate recollection. What is being put to you now is that the Commission does hold records and those records do show that you were a member of the board in 2014. Now unless you want to challenge the records, would you be content to act on the basis of Land Council records which record you as being a board member in 2014, or do you - - - ?---Well if the records record it - - -

The records, yes.---Well if the records record it.

I think in effect what is being put to you, that - - - ?---Yeah.

Is that right?

MR CHEN: It is, Commissioner. Yes.

THE COMMISSIONER: You have the assurance of counsel assisting that he's not just guessing, he's working from records.---Thank you. Thank you.

And that's Land Council records that show that you were a board member in 2014. I think you can safely act on that basis that that's not a mistake.  
---Okay.

10

But it's fact.---Okay.

MR CHEN: All right. You've gone, over the course of your time as a board member, Mr Green, to many board meetings haven't you?---Yeah.

Many board meetings of the Land Council, isn't that right?---Yeah.

And you would know that those meetings are convened and the chairperson presides at those meetings. Isn't that right?---That's right.

20

And if the chairperson is not there then the deputy chairperson would preside?---Yes.

And in the ordinary course of a meeting, there is normally an agenda, is there not?---Yeah.

And on the agenda are various items that would require discussion or consideration by the board.---Yeah.

30

And in the course of the usual meeting, there's normally discussion and debate between the various board members.---Yeah, big rows and arguments, yeah.

All right. There might be arguments but there's certainly discussion, isn't there, about items that are on the agenda?---Few, yeah.

And those meetings of the board are always minuted, aren't they? That is somebody keeps a record of what happens in a minute book held by the Land Council. Isn't that so?---Well in the best way that person can.

40

I'm not asking you about whether they're using their best efforts. I'm saying that's what happens, isn't that right?---Well it's supposed to happen.

So far as you could see it did happen, did it not?---On occasions it wasn't, it didn't, it wasn't correctly.

All right. Well, let's go through the procedure first, Mr Green, and anyway, somebody's charged with the responsibility of taking down as best they can what occurs that the meetings. Isn't that right?---Yes.

Yes. And you have some doubts as to whether or not all those records are accurate, do you?---Exactly, yeah.

And the purpose of keeping the record is so that it can be produced into a typewritten document, isn't that right?---That's right.

10

And that is then produced at a later board meeting to the board members so they can review it?---Yep.

Discuss it?---Yep.

And agree whether it's correct or not?---Yes.

And if it is correct, the chairperson has the responsibility and obligation to sign it as true and correct. Isn't that right?---Yep.

20

And if it was not true and correct, then you would – as a responsible board member, I take it – say there was an error or a misdescription of some kind in the typed minutes, isn't that so?---Well, I never ever did that.

Well, you took your responsibilities as a board member seriously, didn't you?---On occasions, when I could.

What do you mean by that, Mr Green, "On occasions, when I could"? ---When there like, a lot of times bit arguments broke out in the board meetings and yelling and shouting and fighting and - - -

30

You knew, Mr Green, did you not, that it was a requirement under the Aboriginal Land Rights Regulations for the board to keep minutes of its meetings, isn't that so?---Yes. I knew that.

And you knew that it had to be accurately recorded, what occurred during the course of a meeting, isn't that so?---Well, like I said, accurately, sometimes it never happened.

40

Well, you knew that that was the responsibility of each board member, to make sure that records were kept of a board meeting, Mr Green, isn't that right?---Yes.

Yes. And you also knew, didn't you, that it was your responsibility as a board member to make sure, when the typed minutes returned, that they, so far as you were aware, accurately recorded the business of the earlier meeting. Isn't that so?---That's so.

Yes. And if that was the case, the chairperson would sign off on those minutes as true and correct records of the earlier meeting. Isn't that so?  
---Yep.

Yes. That's good practice to do, isn't it?---Yep.

And that's the practice that you observed occur certainly into 2014 and into early 2015, isn't that right?---Yeah, that's right.

10 Yes. Now, where was the book of, or the minute book kept, Mr Green?  
---Well, sometimes it was kept, Mr Steve Slee locked it in his office on occasions and the secretary had it a lot of times.

Did you ever have the responsibility to be the custodian of that document, oh sorry, that book, Mr Green?---No.

Did you ever access it, Mr Green?---No.

20 Did you ever write in it, Mr Green?---No.

Never ever?---No.

You're certain of that, are you?---I'm certain.

Now, you would also know, would you not, Mr Green, that resolutions would also be sometimes passed at board meetings?---Yes.

30 And where would they be recorded, Mr Green?---Probably in the minute book.

Anywhere else?---Not that I know of.

Did you ever prepare or were given the responsibility for preparing the resolutions that have been passed by the board of the Land Council?---No.

Are you sure of that?---I'm absolutely sure.

40 Now, when a resolution was passed, was it stored as a hard copy somewhere? Was it kept in a book? Was it kept in a folder? What's the position, Mr Green?---Well, as far as I know, it was always in the minute book.

Not kept in a separate folder somewhere else?---I, I have seen people write, write on a piece of paper in the past.

Are you trying to relate that to something to do you mean in terms of a resolution, a minute or, what do you mean by that?---No. I've just, I've seen

the minute book not in the office at times over the years and people just got the pieces of paper and written minutes in them.

I'm sorry, what do you mean by "minutes in them"?---Minutes on the sheets of paper.

I see. What, in the minute book? Is that right? Is that what you mean?  
---No, no, no, no, no. What I'm saying is sometimes when the minute book isn't in the offices, the people get pieces of paper and write the minutes on the piece of paper.

10

When have you seen this happen?---Oh, I've been in land councils now for 40, 50 years all up, since I started recognising it, all the rules and regulations would be about 40 years and I've seen it happen over the years in, in land councils all over the northwest region.

So in relation to the Awabakal Local Aboriginal Land Council, you've seen that there too, have you?---No, I haven't seen it there.

20

All right. Well let's just focus on this Land Council for a moment if you would, Mr Green, and is it your evidence that there's no separate book where resolutions of the board are kept? Is that the case?---That's the case.

And if there's been some evidence before the Commission that resolutions are kept in a separate folder, you know nothing about that?---No.

And if there was such a folder that existed with separate resolutions, you'd never accessed it?---No.

30

Wouldn't know where it was?---No.

Sorry, you're agreeing with me, you wouldn't know where it was?---I wouldn't know where it was.

Now do you know a gentleman called Greg Cahill?---No.

Do you know an organisation called Hillsborough Retirement Living or something to that effect?---Hillsborough Retirement Living. Maybe, if you can refresh my memory.

40

Well do you know there was a developer who was interested in acquiring Land Council property on Hillsborough Road, Warners Bay?---Oh, yes, yes, yes, that was the guy that had been involved in that, trying to get land off the Land Council for a number of years.

Just so we're talking about the same person, this individual held, or owned, property that was adjacent to property that was owned by the Land Council. Isn't that right?---That's right, yeah.

And his property was opposite the entrance to the Charlestown Golf Course. Isn't that so?---If it's the same guy, his property was up on the hill and he wanted to, to buy some land off the Land Council. If it's the guy that I'm talking about. I don't know if it was adjacent to the golf course entrance.

10 Well the man or the individual involved had been in contact with the Land Council for many, many years, in fact, something like in excess of 10 years trying to see whether he could, as part of a project with the Land Council, do something with the land. Isn't that right?---Yes, that's the individual, yep.

And the idea was to try and get, or that he put before the board, was to try and get his block of land and the Land Council's block of land rezoned. Isn't that right?---Yeah, I think that's right.

20 In any event, Mr Green, you knew, didn't you, that the Land Council in fact resolved to sell that particular block of land on Hillsborough Road to that developer. Isn't that so?---I don't recall that.

Well if it's recorded in the minutes, you've got no reason to doubt that those minutes are anything other than accurate, do you?---No, no, I wouldn't. Yeah.

And, in fact, the gentleman was advised that he would need to make a presentation to a members' meeting of the Land Council to progress the deal further. Do you remember that?---Yeah, he came into the board meeting there one day. Yeah, yeah, yeah. Yes.

30 THE COMMISSIONER: Did he make a presentation?---Um, I think he, yeah, he spoke on it, yeah, yeah.

MR CHEN: He handed out some material, didn't he, that informed the board members of what he proposed to do with the land if it could be rezoned. Isn't that right?---Yeah, like, you know, yeah, probably, just, you know, yes, but it's a bit, a bit of thinking in a, in a while back.

40 Well, this gentleman has been trying, even up until recent times, to try and get his proposal put before a members' meeting. You know nothing of that I take it?---Well, I haven't been there all them years.

That's why I'm asking you, you know nothing of it?---I do remember the guy coming in there and then talking on behalf of that, that block of land, but the board, the board, I think the board said that he only wants to access the land or some bloody thing like that. I'm not, I'm not really sure.

Anyway, the block of land as you know it that this individual was interested in and which had been before the board was actually an address called 291

Hillsborough Road. Isn't that right?---I'm not sure on the address, the number.

Now, you understood, didn't you, at all times you were board member that a deal in relation to land first had to go through the board of the Land Council?---Absolutely.

And it then had to go to a members' meeting.---Yes.

10 Is that right?---Yes.

And a members' resolution was required to approve the land dealing. Isn't that so?---That's so.

And it required a certain percentage of members attending a members' meeting to approve a sale. Isn't that so?---Yes.

Do you know what that percentage is?---Oh, no. It might be 80.

20 All right. And what's the next step after the members approve a land deal so far as you knew, Mr Green?---It goes to the State Land Council.

And without those steps being taken what's the effect of any attempted transaction?---Nothing happens.

That's always been your knowledge, has it, Mr Green?---Always been my knowledge all my years in the Land Council and I've always stated that.

30 Now, do you recall a presentation by an entity called IBU in October of 2014?---IBU would be um, Cyril.

And is that Cyril Gabey?---Yeah.

And do you recall the presentation being made by him and IBU?---Yeah, and there was a guy called Omar.

Was he a fellow of Asian appearance?---Yes, he was.

40 Now, did you know Cyril before he presented or attended on that day?---Yes, I did know Cyril.

Was he a friend of yours?---Oh, I've known Cyril maybe a year before that.

Was he a business associate of yours?---No.

Didn't have any business dealings with him?---No.

Didn't have any business dealings with Omar?---No.

You introduced – I'll withdraw that. Did you tell Mr Gabey and Mr – I'm sorry, I'll withdraw that. Do you know the other fellow's surname, Omar's surname?---No.

Did you tell Mr Gabey that if he wanted to do a proposal that he had to make contact with the CEO of the Land Council?---To write a letter to the CEO or, or to the chairperson.

10 And so far as you knew, he did that, didn't he?---As far as I know. I haven't seen the letter.

And in any event, he came and did a presentation with Omar, didn't he?  
---Yes.

And you were there that day, weren't you?---Yes.

And do you remember there was a document that was circulated to board members?---There probably was.  
20

All right. Well, just have a look at this, please. It's volume 2, page 67. Do you recognise that as the document that was, or the front page of the document that was circulated, Mr Green? Would you - - -?---Yeah, I remember the pictures, yeah, and all that.

You do remember it?---Yeah.

Mr Green, I'm going to be showing you some documents through the course of the day, would you prefer them in hard copy or are you content to look at them on the screen?---Well, you know, people have got this thing about me reading and writing.  
30

Well just, if you just focus on my question for the moment.---No, well, you know I'm, I'm just sick of people putting me down all the time with this reading and writing.

THE COMMISSIONER: Yes. Well don't make speeches. What you're being asked is, you're offered a choice. If you're happy to work from what you see on the screen, that's fine. If you prefer to have the hard copy - - - ?  
40 ---I can recognise the pictures in the, in the top part.

If you want the hard copy or what you see on the screen, what counsel is putting to you is, well, we'll use the hard copy. It's your choice. What do you prefer?---What's a hard copy?

Hard copy, the paper, the actual paper. Now, do you prefer one or the other?---I'll do my best here with this. Yeah. Save me mucking - - -

Do your best with what's on the screen?---Save me mucking around, yeah.

MR CHEN: No mucking around, Mr Green, at all. It's what you would prefer. So if you prefer a folder to be put in front of you and I can have the documents shown to you that way, we can do that.---Well, maybe, maybe it's better here, then you can use your little hand and just point little things out for me.

10 THE COMMISSIONER: All right. Better to use the screen.---Yeah.  
All right.

MR CHEN: Now, do you recall which of the two actually presented, or did they both present?---Say that again?

I'll start again. You recall the day that these two gentlemen presented to the board, do you?---So you're saying did one talk or the both of them talk?

20 Yeah.---Maybe just Omar.

And was there some discussion after the presentation by the board members about the proposal in the absence of Omar and Cyril?---Yeah, I think there was. He was talking about \$50 million and, and I think we all just forgot about it.

Right. Well, was there not any discussion about important things when looking at a proposal such as this, such as employment for the Indigenous members of the community?---Yeah, I think there was a bit of a discussion.

30 A discussion about work for, and provision of, items such as fencing for the Indigenous community?---All the guys with proposal do that, yeah.

Well that's an important part of any proposal that comes before the board, is to see whether the community can benefit from a proposal. Isn't that right? ---Yeah, that's right.

40 And was there any discussion at this meeting after Cyril and Omar had presented about those matters, Mr Green?---Maybe, I, I'm not sure, I'm not sure.

Well there was certainly a vote, wasn't there, after they left about what to do with this proposal by IBU. Isn't that right?---Well, if it was in the minutes or the records it must've been.

Do you remember that or you don't?---No, I don't remember much about that.

Well, Mr Green, one of the things that is recorded in the minutes, or the handwritten minutes, is that you declared an interest. Now, do you know what that means?---Not really.

Well, you told – I'm sorry, did you want to say something else?---Well I think to declare, to declare interest means I shouldn't be involved in it.

10 And you, at this meeting, declared an interest to the members of the board, being that you knew Cyril, hence that's the reason why you were not voting on this proposal.---Yeah, that's correct. Yeah. Yeah.

It wasn't because you were in business with him, was it?---No, that's right.

Now, do you recall that a resolution was then passed by the board?---Yeah, maybe. Maybe not to go with it.

You don't, you don't remember?---No.

20 Was there any reference in this meeting, Mr Green, to a company called Gows?---No.

Was there any reference in this meeting to a company called Gows Heat? ---No.

As at October, 2014, had you ever heard of that company?---No.

There was no proposal, was there, by Gows or Gows Heat?---No.

30 And there was no suggestion that there was joint venture between Gows or Gows Heat and IBU, was there?---No.

Would you have a look at the minutes, Mr Green. So it's volume 2. Now, you'd recognise those, Mr Green, as the minutes of the board meeting on 31 October, 2014? You can see the hands next to the date?---Ah hmm.

Is that a yes?---Yeah, yeah.

And you can see attendees. Your name appears there, do you see that? ---Yep.

40

Now, if you go down to the second page, this is page 65, you'll see there's a, item number 7, "Development Proposal." Do you see that? Number 7. ---Yep.

And would you like me to read it to you or would you like to read it to yourself?---Read it to me, please.

“Motion. Propose a contract of sale to IBU and include landscaping, fencing, apprenticeships, traineeships to be contracted to the Land Council. Sale to be at a minimum value rate. If agreed, then put forwards to members. Plan A, all five properties. Plan B, four properties, not including Hillsborough Road, Warners Bay. Moved, Debbie Dates, seconded Mick Walsh, motion carried.” Do you still want to look at the screen further, Mr Green?---No.

10 Does that accord with your recollection of what was proposed and what was resolved by the board at that meeting?---Yeah, well if it’s there, it’s there.

I'm asking you, though, whether that accords with your recollection?  
---Yeah.

It does, does it?---Yeah.

20 All right. Now, Mr Green, I asked you some questions earlier about handwritten minutes and the handwritten minute book. Would you mind, you need to say yes, rather than nod, so - - -?---Yes.

It's being recorded. You don't need to say yes unless you want to say yes, of course, but – now, I'd like to show you some handwritten minutes, Mr Green, which have come up on the screen. It's volume 2, page 62. And Mr Green, you can see where the hand is appearing on the screen, that these are the minutes of the board meeting of that same day, that is 31 October, 2014.---Yes.

30 And you can see a bit further down, attendees, it's got your initials, RG?  
---Yep.

And if you go down to the right, you'll see, “Richard Green declared interest.”---Yeah.

That's what I asked you about a moment ago. Now, if we go to the second page, page 63, next to the hand you'll see some items have been crossed out. Do you see some lines have been put through the top paragraph and the second paragraph reads, could I read it to you?---Yes, please.

40 “Propose a contract of sale to,” and then there's a, what appears to be the words, “GE, IBU,” and then the word, “Gows and included.” Now, Mr Green, Mr Hancock has given evidence before the commission. Do you know Mr Hancock?---Yeah, John.

Yes. And he was the minute taker, at least during 2014 and when he was a board member in 2015, isn't that right?---Yep.

And he's told the Commission that what he wrote there was, “Propose a contract of sale to IBU and it included landscaping, fencing, apprenticeship,

traineeship et cetera,” and that the words on that line, “GE and Gows,” are not his handwriting and have been put there by somebody else.---Well, it’s not my handwriting.

Are you sure about that?---I’m absolutely sure.

Did you tell somebody to put those additional words in that entry?  
---No, I didn’t.

10 Are you sure of that?---I’m sure.

Do you know who did?---No.

Did anybody ask you to do it?---No.

Are you sure of that?---I’m positive.

You know nothing about it?---Know nothing about it.

20 Now, Mr Green, I want to show you, please, a resolution. So volume 2, page 66. Now, Mr Green, that document purports to be a resolution of the Land Council of 31 October, 2014. Can you see that on the screen in front of you?---Yeah, yeah, yes.

And you can see that this resolution in fact refers to a sale to Gows. Do you see that?---Can you read it if you don’t - - -

30 I’ll read it to you, Mr, I will do that. 1. Development Proposal. Motion, propose sale to Gows and/or on market value minimum per heads of agreement including standard terms and conditions. Plan A, all five properties, Plan B, four properties, not including Hillsborough Road, Warners Bay. Moved, Debbie Dates, seconded Mick Walsh. Motion carried.

Now, Mr Green, do you know Candy Towers?---Yes, I do know Candy.

And is she the daughter of Debbie Dates?---Yes.

40 Well, Mr Green, I want you to accept for me that Candy Towers has given evidence before the Commission and she says that she made contact with you and you told her to prepare a resolution in the terms that appears on the screen now that I read to you. Did you instruct Candy Towers to prepare this resolution, Mr Green?---No, I didn’t.

So if Ms Towers has suggested that you did, would that be true or false?  
---That would be false.

Are you sure of that?---Yeah, positive.

Absolutely nothing to do with you at all?---No.

You know nothing about it?---I know nothing about it.

What, never seen it before until recent times?---Well, I haven't seen it until you showed me the other day.

10 Right. Do you know who prepared that resolution?---I have no idea.

Didn't discuss it with anybody?---No.

Are you able to offer any explanation at all to the Commission as to how on earth that resolution came to be created and appear in the records of the Land Council?---I have no idea.

Well, on your evidence, Mr Green, that would be a false resolution, would it not?---Absolutely. It's - - -

20 It's false because it's been created without the approval of the board. Isn't that right?---I, I'd say so.

Well, that's your evidence, isn't it?---Yes.

And it's false because it purports to record something that the board never in fact resolved. Isn't that right?---That's right.

It's a pretty serious matter, isn't it?---Well, yeah, if it's the sale of land.

30 Now, Mr Green, did you know that Ms Bakis's firm, Knightsbridge North Lawyers, had commenced proceedings against the Land Council for unpaid fees?---Yeah, it was mentioned to me.

And did you only find that out recently, in the last couple of weeks or so?  
---Oh, yes.

40 And did you also know that a company called Advantage has commenced proceedings against or joined in those proceedings against the Land Council claiming moneys, did you know that?---No, I didn't know that.

Did Ms Bakis ask you to prepare an affidavit in support of her claim against the Land Council?---I can't recall preparing affidavit.

Did she ever tell you that she wanted you to prepare an affidavit which supported her claim apparently against the Land Council?---No.

You sure of that?---She never told me to prepare one, no.

Did she ever prepare an affidavit for you and ask you to sign it?---Ah, not an affidavit.

All right. I'm just going to show you a document. Now Mr Green, I've put in front of you an affidavit that, I withdraw that. Do you recognise on probably the second last page of that, Mr Green, your signature?---Yep.

10 And you don't need to go to every page, but you can see at least on the bottom of some pages that your signature also appears on the bottom of those pages. Do you see that?---Yes.

And this is an affidavit that you apparently swore on 16 June 2017 in Newcastle.

THE COMMISSIONER: If you have a look at the second last page. ---Yeah, the second last page. Yeah.

MR CHEN: Do you see there it says "Newcastle" at the top?---Yes.

20 And that apparently records where the document was signed by you and Ms Bakis.---Yes.

Do you remember signing that document in Newcastle on 16 June 2017? ---Yes.

You do?---Yeah.

How did it come about that you came, or where did you sign it, Mr Green? ---At my house.

30 All right. And arrangements had been made, what, by Ms Bakis to come to your house. Is that right?---No, it wasn't Despina, it was Nick rang me up.

And what did he say?---He said he was coming up to visit me and I said, yeah, righteo. So he came up there, and I can recall that he, he was saying to me that there was minutes of meetings that I had to sign and I think it was policies and procedures or something like that.

40 So, that's what he told you on the phone?---No, he told me in the lounge room.

Sorry. He rung you earlier in the day, did he, to say he was coming up? ---Yeah. Yep.

And did he tell you in that conversation that he had a document that he wanted you to sign?---Nope.

Anyway, he turned up later in the day to your house, did he?---Yes.

And was Ms Bakis with him?---Yes.

And was this document presented to you, was it?---Yeah. Yeah.

Had you given them instructions before that time about the content of that affidavit, or not? Have you told them what to put in it?---No.

10 Never spoken to you about it at all?---No. I wouldn't know how to do all that stuff.

I'm asking you whether you told them the information that was contained in it. Did you have a conference with them or a meeting with them - - - ?  
---No.

- - - to tell them information about what was to go in this document?---No.

Are you sure of that?---I'm positive.

20 So, when they've turned up for you to sign this document, what was said to you?---Well it was the minutes of meetings, that - - -

So who told you this?---Nick.

And what did he say?---He said it was the minutes of meetings that's got to be presented to the courts, that's what he told me.

To the courts, did you say?---Yeah.

30 And what, on that basis you signed it?---Yeah.

Did you read through any of it?---No, I never read any of it.

THE COMMISSIONER: Did you look at any of the pages?---No, I just signed them.

40 There's 190 paragraphs to this affidavit as you'll see, well, it says 190, that may not be the actual number because it starts at 15, but there's 33 pages of this affidavit. Are you saying you didn't look at it at all before you signed it?---No, I just flicked through it and just signed it.

And both Mr Petroulias and Ms Bakis were there present when you did that?---Yes.

And did either of them explain what this affidavit was saying?---No. Like I said, it was explained to me that it was minutes and I think it was policies and procedures.

MR CHEN: Was it read to you by either Ms Bakis or Mr Petroulias?---No.

THE COMMISSIONER: Well, as you signed each page, you'll see the signature on the bottom right-hand corner, there's also initials next to your signature. Do you see that?---Yep.

And that went through every page, the same process. You signed and then there was the initials placed alongside it. Do you see that?---Yep.

10 And whose initials are those?---I've got no idea.

Well, do you know if they were the initials of Mr Petroulias or Ms Bakis?  
---No, don't.

You don't know. Do you remember now, in your own mind, seeing who was initialling the document?---No.

As you went through it page by page?---No.

20 MR CHEN: What was never said to you, I take it, was that you were given evidence against the Land Council in the claim that Ms Bakis or her firm was bringing against it?---No. Nothing was said to me like that.

Is that a bit of a surprise to you, that you're giving evidence, or putting on an affidavit against the Land Council?---I had a lot to handle with the Land Council at that time. Well, no, not at that time. It settled down a lot but I was angry with a lot of the stuff that was going on in the Land Council. It wasn't working properly. Yeah.

30 Well, I'm asking you whether it was a surprise to be told that this is an affidavit, a statement, in a case against the Land Council?---They might have mentioned the affidavit to me, but me kids were running around and a lot of noise in the house. I don't, I don't recall but I recall them saying to me that it was minutes to the, to the, to the meetings and, and policies and procedures. I remember that.

THE COMMISSIONER: Were you aware of the fact that you were being asked to support, assist Ms Bakis sue your council, the Awabakal Land Council for fees she claimed were owing to her? Was that explained to you?---No.  
40

Did you know that, in effect, you were being asked to support her claim against your council?---No.

When you were signing the document, the only page that's not signed, is the first page. That's the, what we call a cover sheet. You see it says, "Affidavit of Richard John Green, 16 June, 2017." Can you see that? The first page of the bundle?---Yeah.

And there's no signatures on that page, see that?---Yeah.

Was that first page part of the document that you signed on every other page? In other words, was the document that we see now, with this cover sheet, was that first page attached to it?---Not really sure.

Can you explain why that first page hasn't got any signatures?---No, I can't explain.

10

MR CHEN: You can't say whether it was there or not when it was presented to you, is that the position?---No. I don't, I didn't look.

Well, Mr Green, I want to ask you a couple of questions about what's in some of this affidavit and I'll read some of it to you, or the effect of some of it to you. Mr Green. What's been suggested is that in about August of 2014, which on the face of it, seems to be wrong but in any event - - -

MR LONERGAN: Objection. Can counsel point - - -

20

MR CHEN: Sorry, I'll do that. Paragraph 13. It's been suggested that you showed Ms Bakis the minutes of a board meeting which had a handwritten resolution and a copy of the typed resolution in it. Now, just accept for me that's what that is, that that is contained in the affidavit. At any stage, did you show Ms Bakis the minute book with the resolution in it, or not?---No.

Are you sure of that?---Yeah.

30

It may be suggesting, because it's not clear, that in fact, Mr Green, that you showed Ms Bakis the fake resolution at that time that I showed you on the screen earlier. If that's really what this is intending to convey, is that something you did or didn't do?---No, I didn't do that.

MR LONERGAN: Objection, Commissioner. The question is apt to confuse the witness and I'm not quite sure whether, what counsel was trying to put to the witness in this regard.

THE COMMISSIONER: Make it clearer, if you would.

40

MR CHEN: Yes. I'll do that, Commissioner. Mr Green, I showed you on the screen earlier the resolution that Candy Towers said that you had told her to prepare and that you said, if she suggested that, that was false. Do you remember me - - - ?---Yes.

- - - showing you that resolution on the screen?---Yeah. Yeah.

Now, what this affidavit may be trying to say is that you showed Ms Bakis that fake resolution. At some point, it says August 2014 but in the year

2014. Now if that's what this affidavit, this statement that you've signed is attempting to say, would that be true or false? Did you ever show Ms Bakis a resolution or the fake resolution that I showed you?---That resolution that you showed me the other day, I didn't see that resolution in that, in anywhere before.

THE COMMISSIONER: We're talking about the one you saw just a few minutes ago on the screen.---Yeah, this is - - -

10 And you remember it was pointed out that somebody had added the words "Gows Heat" on it. Do you remember that?---Yeah.

Okay. Now that's what's being referred to as the "fake resolution".---Oh.

Do you understand?---Yeah, I thought you meant the typed one.

Okay, maybe you didn't understand that.

MR CHEN: I'll put the typed one, Commissioner. He may be, I was  
20 endeavouring, in fairness to Mr Green, I was endeavouring to talk about the typed one, so I'll bring it up on the screen, and I'll show you what I mean. Hopefully I make this clear, Mr Green. So, you see on the screen now this is volume 2, page 66, and you'll see this is the resolution which you agreed you had nothing to do with and didn't accurately record what the Land Council Board had resolved. Do you see that?---Yeah.

Now, what I'm trying to put to you, not well, but I'm trying, is that in this affidavit that has been prepared for you, it apparently seems to suggest that you gave, or showed, Ms Bakis this resolution.---No.

30 MR LONERGAN: Commissioner, I object on this basis, that there is a clear distinction in the affidavit versus in this resolution as to date, and how my friend is trying to assert that one be August when another be a different date - - -

THE COMMISSIONER: The essence of the question though was whether this document now on the screen was shown by your client to Ms Bakis to assist her. That's the central core of it, and he's saying no, no, no, I did not. It couldn't be clearer, could it?

40 MR LONERGAN: No, it could not, Commissioner.

THE COMMISSIONER: So I don't think there's any - - -

MR LONERGAN: I withdraw the objection.

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, it's evident that the date is wrong, and I was at pains to point out the date was wrong.

THE COMMISSIONER: Yes.

MR CHEN: And I can read paragraph 12 to the witness as well, but I think it unnecessary, with respect, Commissioner. The thrust of what I'm putting to you, Mr Green, is this resolution that's on the screen, page 66, Ms Bakis, sorry, I withdraw that. It seems to be suggested in your affidavit that you showed Ms Bakis that fake resolution. Is that true or false?---I said false that many times.

Now, Mr Green, would you have a look at this document, please. It's volume 3, page 123. Now, that document reads, "Heads of Agreement, General Heads of Agreement, date, 15 December, 2014." Now, I'm going to show you a signature, if you would. You can see at the very end of this document, so it's page 128, do you see your signature and name appear there?---Yes.

20 And you can see can't you that you're signing that in the capacity as a director?---Yes.

And as a director of the Awabakal Aboriginal Land Council. Do you see that?---Yes.

And you can see above it that it's signed by a person described as Jason Latervere on behalf of a company called Gows Heat Pty Limited. Do you see that?---Yeah.

30 And you can read Gows Heat, can't you?---G-o-w-s?

That's it.---Yeah.

And you can see Heat, can't you?---Yeah.

Do you remember signing this document, Mr Green?---I don't remember signing it.

40 Do you know where you signed this document?---No, I don't remember.

THE COMMISSIONER: Who presented the document to you for signature?---(No Audible Reply)

Do you want to have a look at the front first page of the document, just to be clear about the document we're talking about?---(No Audible Reply)

MR CHEN: Could the witness actually have the volume as well, Commissioner? It might be easier as well for the, on these documents.

THE COMMISSIONER: Yes, I think, could we get that? It's volume 3, page 123. We'll open up the folder, Mr Green, so you've got the whole document there. You've been given the folder now with the agreement 15 December, '14. You're welcome to have a look at that first page, second page, whatever other page you want, and you're being questioned about the last page where your signature appears. Just take your time to familiarise yourself again with the document. Bear in mind the date as shown there, 15 December, 2014.---Where does it end?

10

Page 123, the signature's on page - - ?---Is that the end, is that the end, is that all the document there, all that?

No.

MR CHEN: I think it was 127.

THE COMMISSIONER: Signature at page, page 1 is page 123 which was opened up for you a moment ago, and it runs through to page, it goes for a number of pages - - -

20

MR CHEN: 128.

THE COMMISSIONER: 128. So it goes from 123 through to 128, and on 128 you'll see your signature.---Yeah.

Okay.---Rightio.

You'll also see on the front page there, 123, the name of the document and you'll see whose document it is, it has Knightsbridge Lawyers on it. 123. ---Yeah.

30

Okay. So that's the document you're now being asked questions about, a document you signed apparently it seems on 15 December, 2014, a document prepared by Knightsbridge Lawyers. O.K. Now.

MR CHEN: You knew, didn't you, at that time in December 2014 that Knightsbridge North Lawyers was Ms Bakis's firm?---Yes.

And you can see from the face of this document that it appears to have been prepared by her. Do you agree?---Yeah.

40

And where did you sign that document, Mr Green?---I'm not really sure.

Well, you recognise obviously, don't you, that it's described as, or uses the word "agreement". Do you see that?---Yeah.

And you know what an agreement is, don't you?---Well, the agreement between two people.

Yes. One party is agreeing to do something for another. Isn't that right?  
---Yeah.

And you knew that at the time because you could see at the back that there's a reference to, on the one hand, Gows Heat, and on the other, the Land Council. Isn't that right?---Well it's there but I didn't take any notice.

10

Let's just go back. If you look at volume 3, page 128, when you say you didn't notice, you can look at just the one page, you can see that it's describing two parties. Do you see that? Gows Heat and the Land Council.---Yeah, I can see that.

You can see the word, can't you, at the top of 4.10, the word "agreement". Can you see that?---Yeah.

And I take it this document, sorry, you've got a recollection of signing this, Mr Green?---Pardon?

20

You have a recollection of signing this, do you?---Not really.

Well, how has it come about that Ms Bakis has presented a document to you for you to execute, and you can't remember, really, much about it at all? How does that happen, Mr Green?---Well, like I've said a lot of times in this, in here, you know, we sign a lot of things what we don't read. You know, I'm explaining the best way I can and I, I keep saying in Land Council we've been doing it for years and years and years.

30

THE COMMISSIONER: Mr Green, I think what you're being asked is this, that of all the people on the board, the person Ms Bakis apparently had this document prepared to have signed by the, on behalf of the Land Council, of all the members of the board, it was you, not anybody else, that she apparently obtained your signature.---Yeah.

Now why would she have approached you at this time on 15 December, 2004 [sic], to get a signature, rather than another board member. Do you know?---I have no idea.

40

Well you had spoken to her before this day, you'd met her before this day, had you?---Yeah.

You knew she was a solicitor?---Yeah.

And you'd been, she'd been introduced through Mr Petroulias, you've told us.---Yes.

Well then we now know that on this day, you signed this agreement, and we're just trying to work out how it is that she would have come to you for a signature rather than somebody else.---I have no idea. That's the only way that I can answer it.

MR CHEN: Well did she come up to the Land Council offices and knock on the door and track you down, or did you go down to Sydney to sign it? ---I've got no idea where I signed it.

10 Well, Mr Green, at this stage, you had not been asked, I take it, to sign any other agreement involving, sorry, involving Gows Heat at all, had you?  
---No.

And Ms Bakis presents to you, for reasons that you're unable to say, with a document and asks you to sign it. Is that right?---Yeah.

And what does she tell you you are being asked to sign?---I don't think she told me anything.

20 What did she say?---Look, I can't even remember where I signed it.

Well, let's move on from that.---Whether it was Nick or Despina, I've got no idea.

But how, Mr Green, how is it that you as a responsible board member of this Land Council can simply sign a document without any knowledge of what apparently is within it? How can that be?---Well like I say, I've been doing it for years. When you've got lawyers, you know, putting stuff in front of you and it's 30 pages deep, you know, you can't sit down there and read it,  
30 when you can't read it properly, we, we sign 'em.

But you can look at the front page, can you, and you can see the word, "Agreement," can't you?---Well, I don't even know what head of agreement is.

You know what the word agreement means, don't you?---Yeah, I do.

All right. And you know, if you turn to the second page of the document, it's certainly got something to do with the Land Council, doesn't it?---Well,  
40 I didn't see the second or whatever.

Well, turn it over now and have a look at it. You can see obviously that it's got something to do with the Land Council.---Yeah, I can see the Awabakal Aboriginal Land Council, yeah.

And you were being asked to sign a document in your capacity as a, what it described as a director of the Land Council, isn't that right?---That's right.

So, what you do know, when you're putting your signature on this document, is you're doing it in your capacity as a director of the Land Council?---Yep.

That it deals with the Land Council itself and another party called Gows Heat?---Well, it's the first time I've seen Gows there.

Well, it was on the page that I showed you first, where you signed the document.---Yeah, but I didn't read that.

10

THE COMMISSIONER: The name Gows Heat is in capital letters there. You couldn't help but see it. Isn't that right?---Oh, I never seen it. I didn't see it.

Before this time in - - -?---Didn't look at it. I didn't - - -

20

Before this time in December, 2014, had you ever signed a contract or an agreement involving Aboriginal land, Land Council land, on behalf of the Land Council? Had you ever done that act before? You personally, not the board.---I wouldn't do it if I knew it was for the sale of land. I would not do it. I would not do it.

30

In this case, you know it had something to do with the land, the land of the council, something to do, whatever that was, is that right?---Well, I didn't know it was to do with, with land. I didn't. Because I would never sign a thing to sell land with the land councils. I know the procedure. I keep on saying that and I will never, ever do that. Things don't get explained to us, you know, we, we've got lawyers, we've been you know, exposed to a lot of things in our land councils over the years and I will never, never sign anything. I said to a lot of these people that were putting in proposals to write a letter to the chairperson, the, the, the CEO, do a presentation, because I haven't got the right to, to sell land. Not me myself.

Exactly. And as at December, 2014, you had been a board member for some years, had you not?---With Awabakal ?

Yes.---Yeah.

40

And you know that business is transacted at meetings by having a written agenda that would put whatever the matter to be decided by the board on behalf of the Land Council?---Yes.

That was the procedure. So, there's a written agenda, setting out what it was that required board approval. Is that right?---Yep.

And then a resolution would formally be made, either for or against the motion, so that you had a decision of the board on important matters concerning the Land Council. Is that right?---Yep.

And so if somebody came along, whether they're a lawyer or not, and said, "Sign this legal agreement," your natural response would have been to say, "Well, put that before the board. It's for the board to sign, not me."---That's right.

Why didn't you do it on this occasion?---I, I've got no idea what, what I was signing.

- 10 What explanation have you got for taking it upon yourself to sign a legal agreement on behalf of the Awabakal Land Council, rather than saying, "That's for the board to sign, not me"?---Well, I didn't even know it was a legal agreement.

Well, you knew it was an agreement.---Yeah, but - - -

You've told us that.---I didn't know it was a legal agreement.

- 20 Well. You've told us it was an agreement. Whether it was, if it was an agreement, that was a matter for the board, wasn't it?---That's right. It's a board matter.

Well, why didn't you say to Ms Bakis or to Mr Petroulias, "Don't ask me. You ask the board in the proper way, in accordance with our regular procedure. Put it on the agenda and let the board consider it"?---Well - - -

Why didn't you do that?---Like I was saying, I didn't know it was a legal agreement to - - -

- 30 You knew it was an agreement and you knew it affected the Awabakal Land Council, you've already told us that, didn't you?---Yeah, but I didn't know it was a legal agreement.

What I want to know is why you didn't take the ordinary course and say to whoever was asking you, whether it was Mr Petroulias or Ms Bakis, oh, no, there's a correct way of doing these things, take it to the board. Why didn't you say that?---Well, I didn't know what I was signing, did I? That, that's - - -

- 40 Well, you did, you - - -?---That's the only explanation I can give you on it. I didn't know what I was signing.

Well, you knew you were signing a document about, which is an agreement. You've told us that.---Well, it could have been agreement of anything.

Well, you've already told us that, haven't you, sir?---No, it could have been agreement for anything, not just this agreement.

It was an agreement with two names on it. One was the - - -?---I didn't see, I didn't see Gows on there.

- - - Awabakal Council and the other was Gows Heat.---No, no, you've got it - - -

You saw that with your own eyes.---Yeah, I did then.

10 In any event, whoever the parties were, somebody's coming here for you to sign an agreement. The proper course, as you then knew, was to have it referred to the board because it involved the Awabakal Land Council. Correct?---I don't understand.

That was the correct procedure, was it not?---Yes, yeah.

Why didn't you follow it on this occasion?---I've got no idea.

You have no explanation?---No explanation.

20 You knew as a board member that your duty was at all times to represent your members and to act in their interests and nobody else's. Is that right? ---That's right.

And you tried to do that faithfully over the years, did you?---Yes.

Why didn't you do it on this occasion - - -?---I, I haven't - - -

- - - to make sure that this agreement was in the interests of the members and therefore should got to the board, why didn't you consider their  
30 interests?---Because I didn't have a good look at the document.

Yeah.---I can't read, I don't know what heads of agreement is, I know what agreement is but I don't know what heads of agreement is, and I didn't, I didn't see Gows or nothing like that in there.

And you took no steps to find out what was in it, did you?---No.

And in that respect it was a gross breach of your duty as a trustee or as a director.---Yes, it was.  
40

And you have no explanation to offer as to why you would commit a gross breach of duty when somebody comes along and just simply asks you to sign, no questions asked?---No, I've got no explanation. I've got no explanation.

You have no explanation?---No.

MR CHEN: Why was Ms Bakis drafting this document?

MR LONERGAN: Objection.

MR CHEN: I'll withdraw that. Ms Bakis presented this document to you, did she?---Well, I'm not really sure whether it was um, Despina or Nick.

Well, what are either of them doing, presenting a document to you for you to sign as a director of the Land Council?---I've got no idea.

10 Well, surely, Mr Green, it must have occurred to you, why am I being asked by two people who apparently have no connection to the Land Council to sign a document that apparently relates to the Land Council which has the word agreement in it?---I can't understand, no association of the Land Council.

You see you were just turning a blind eye, weren't you, Mr Green, to what was happening? Isn't that right?---No, that's not true.

20 THE COMMISSIONER: But this was only the first step, wasn't it? You signed many other agreements that either Ms Bakis or Mr Petroulias put in front of you and said please sign, didn't you? We'll come to those in due course but that, this is just the first of many, isn't it, agreements that you signed, legal agreements affecting the Land Council, signing at the request of either Mr Petroulias or Ms Bakis?---Yeah.

This is the first of a series, isn't it?---Well, yeah.

30 We'll come to them individually in a moment, but that is the position, isn't it?---Yeah.

Whenever they came and asked you to sign, you signed you say without even reading the agreements?---Yeah, that's right.

Without any explanation at all what's in the agreements. Is that right? ---That's right.

40 This is a course of conduct by you that went on for some considerable time, signing agreements whenever presented to you by either Ms Bakis or Mr Petroulias.---Yes.

Purportedly as an authorised agent of the Land Council. Is that right, signing as authorised agent?---Oh, um - - -

Well, the documents all said, "Authorised," you were the authorised signatory for the council.---Well, if it says it then it's there.

But you didn't have any authority from the board at all, did you?---No, I know, I know that, I know.

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

You were never given authority by the board to sign legal agreements on the board's behalf or on the council's behalf. Is that right?---That's right.

MR CHEN: Now, Mr Green, did Ms Bakis give you advice as to what you were signing prior to signing this document?---Not that I can recall.

10 Well, if it was Mr Petroulias, did he give you some advice as to what you were signing?---No.

Now you've accepted though, Mr Green, that you did not have the authority to sign this document on behalf of the board of the Land Council. Isn't that right?---That's right.

And I take it as well, because you didn't know what you were signing, you didn't disclose it to the board either, did you?---No, because I didn't know what I was.

20

And you didn't take a copy with you for your own records, did you, of this agreement that you signed?---No.

You didn't then go and hand it off and file it away in the Land Council records, did you?---No.

THE COMMISSIONER: Why didn't you inform the board that you had signed this agreement?---Well I didn't know what the agreement was.

30 But why didn't you say, look, I've signed an agreement, it concerns the council, I signed it because I was asked to sign it, I haven't a clue in the world what's in it, but I think I should tell you. Why didn't you take that course?---I don't, I don't know, maybe, maybe our Land Council wasn't running then and we were trying to - - -

If the board was meeting regularly, why did you not take that course and inform them?---Well, a lot of the, probably a lot of the stuff would've come back to the Land Council. I, I, you know?

40 Why wouldn't you inform the board about a matter that affects the council that you signed an agreement affecting the council in some way?---I'm not sure, I'm not sure.

But do you have any explanation?---I can't, I can't, I can't - - -

Do you have any explanation as to why you didn't disclose it to the board, that you signed this agreement on 15 December 2014 and that it was an

agreement involving the council, Aboriginal Land Council? Do you have any explanation as to why you didn't?---No explanation, no.

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

Were you trying to keep it secret from the board?---No, I, I used to expose a lot of stuff to the board, but you know, these agreements, I didn't even know that it was a legal document. For god's sake, how many times I've gotta, gotta say that? I don't, I don't know, I didn't know what was in there.

10

Did you ever disclose to the board some time, as time went by, "Look, Ms Bakis and Mr Petroulias keep asking me to sign agreements and I keep signing them, and they affect the Land Council." Why didn't you tell them that?---No, I didn't.

But why?---I didn't.

But why?---I don't know.

20

You're a, you're a director who is looking after the interests of the members. Why wouldn't you tell the board that?---I don't know. I don't know why I didn't tell them.

MR CHEN: Mr Green, you knew didn't you as at 15 December 2014, that neither Ms Bakis nor her firm had been retained by the board. Isn't that right?---Say that again.

30

You knew as at 15 December 2014 that Ms Bakis and her firm, Knightsbridge North Lawyers, had not been approved by the board of the Land Council to be the lawyers for the Land Council. Isn't that right?---No, I didn't know that.

So you're agreeing with me that as at 15 December 2014, you knew that she was not the lawyer for the Land Council.---No, I didn't know that.

I'm sorry - - - ?---I think, I think I was away, I was working way away there for a long time.

40

Well let's go through it, Mr Green. You knew throughout 2013 and 2014 that the solicitor who had been used by the board for property dealings was Ian Sheriff. Isn't that right?---Yeah, I, yeah, I knew that. Yeah.

And he was dealing with one transaction, in fact, called Olney Road, Adamstown with which you're very familiar. Isn't that right?---Yeah, a lot of that got done before I, I, I, I went there.

Well, the legal work was being done whilst you were a board member - - - ?  
---Yes.

- - - by Mr Sheriff. Isn't that right?---That's right.

And the dealing certificates and matters of that kind rose to the surface as being necessary in about early 2015. Isn't that right?---Yeah, that'd be right.

And Mr Sheriff, so far as you knew, was an experienced lawyer that dealt with property and property related transactions. Isn't that so?---Yeah, as far as I know.

10

And so far as you knew, he and the firm that he then worked for, Emery Partners, had been retained by the Land Council to deal with property transactions for seven or so years prior to you coming onto the board. Isn't that right?---Yes. But I don't know, I'm not really sure how long he was there.

20

All right. Just so far as your dealings with him and your knowledge of the work that he did, he was an experienced property lawyer in dealing with land transactions involving your Land Council. Isn't that right?---No. There was a lot of talk going around in the board and with other people that he, he wasn't doing the right thing.

When did this come about, Mr Green?---I think a while after I was there.

Can you be more specific?---More pacific?

Yes.---I don't know the dates.

30

THE COMMISSIONER: Wrong thing. What did he do wrong?---Well there was talk that, this is before I got there, before I even started, there was talk, we had a big two storey building up on the foreshore of Newcastle and it all got sold, and the money went missing somewhere, no one can find it and apparently Ian Sheriff was the, was the solicitor. I don't know for sure but this is what the talk was within the board.

MR CHEN: Well in any event, he was retained for the Onley Road, Adamstown transaction, wasn't he?---Yeah, I remember that. Yeah.

40

And you didn't intervene and say, "Hang on a second, we shouldn't use him, he's no good", did you?---No, I didn't.

No. So from your own - - - ?---Because I wanted the transaction to go through and be over and done with.

Well, you had no - I withdraw that. If you had some well justified concerns about who was providing the legal work for the Land Council, you would've said something. Isn't that right?---Yeah.

Now, would you have a look at this document please, Mr Green? It's volume 2, page 10.---I'm starting to get headaches here, I am.

I'm sorry?---Starting to get headaches.

Do you want a break, Mr Green?---Yeah, if you don't mind.

10 THE COMMISSIONER: Well we'll just go on, do this last segment, the current matter. We'll complete that.---I'm on medication, you know?

MR CHEN: It's Exhibit 43, page 1. Now, Mr Green, you'll see there that that's a letter apparently sent to the directors of the Land Council on 28 November 2014. Do you see that?---Yeah.

Do you recall when you were a board member of the Land Council, this letter coming to your attention?---Can anyone read it to me, please?

20 Well I'll read you the title to it. It says, "Dear Board, Acquisition joint venture and maximisation of realisable value from Indigenous Lands in Awabakal influence and beyond". That's the heading to the letter. Do you recall ever seeing a letter apparently looking like this, coming to your attention on or around 28 November 2014?---Can I ask you, the signature down the bottom, who was that?

Well I'm going to take you to that. Do you mean to the right hand side? ---Yeah.

Or do you mean above the - - - ?---On the left, isn't it?

30 On the right side of the document, well, it's a - - - ?---No, over the left hand side of the document.

THE COMMISSIONER: Well just before we get to that, Mr Green, this letter is a letter written by Ms Bakis enclosing a copy of an agreement for her to become the retained lawyer for the council. That's the purpose of this letter, that's the message in it. She's writing saying "I'm enclosing an agreement whereby if you sign it, I'll become the lawyer and start acting". Do you remember considering a letter of that kind at all?---I can see 80,000 in there.

40 No, just listen to what I'm saying. Do you remember ever considering a letter of that kind?---No. No, I don't - - -

Concerned by Ms Bakis, forwarding an agreement to be signed so that she could become a lawyer for the council. Do you remember?---No.

No, you don't. Okay. Let's move on.

MR CHEN: And did you ever have a discussion with her on or about the 28<sup>th</sup> of November, 2014, where you had agreed to her being the lawyer for the Land Council?---No. I never had a conversation with her but the board agreed to - - -

10 THE COMMISSIONER: No. This letter's got written on it, as you'll see, in handwriting, "Agreed with RG." RG is Richard Green, namely your good self. 28 November, '14. Now, does that refresh your memory, that you agreed with Ms Bakis on that date, to have her retained as the lawyer for Aboriginal Land Council?---No. Because you can't agree with me.

Well, she's agreeing with, had been very successful in having you sign various agreements from time to time. This is said to be an agreement actually made with you – presumably orally, verbally – that she becomes the lawyer, that she is to become to become the lawyer. Do you remember that, having some discussion about that?---No.

20 No. Do you say you might have had such a discussion or are you denying that you had it?---Might have, might have, I'm not sure.

MR CHEN: Well, you didn't have authority to retain a lawyer, did you, Mr Green, as a board member?---I just said that.

But you're agreeing with me, you didn't have the authority?---No. I'm agreeing with you.

And any proposal for something of that kind, would need to be a matter considered by the board, do you agree?---I agree.

30 And that's not a matter that you ever raised before the board, at least until January of 2016, isn't that right?---January, 2016?

I'll withdraw that. You never mentioned, at all, in 2014, that you were even having, assuming you did, some discussions with Ms Bakis about retaining her and her firm, isn't that right?---No. I never had a discussion with the board.

40 And you never suggested, did you, that, or told the board that you even spoken to her, asking for some assistance, did you?---No.

You see, what this letter also suggests, Mr Green, it seems, is that you in fact asked her to provide assistance, is that right or not right?---Assistance for what?

Help. She wanted, well, it's suggested in this letter that you had in fact, contacted her and requested her to assist in this apparent acquisition, joint venture plan. Is that right or wrong?

MR LONERGAN: Sorry, I object, Commissioner.

THE COMMISSIONER: Yes. What's the objection?

MR LONERGAN: On the basis, is my friend putting to the witness that this is what the document says or is he asking the witness whether this is what actually was the conversation?

10 THE COMMISSIONER: You're not putting the document, you're not putting it - - -

MR CHEN: No. I'm just putting it generally.

THE COMMISSIONER: Yes. I'll allow it.

MR CHEN: Do you remember the question, Mr Green?---No.

20 Did you ever have a discussion with Ms Bakis where you asked her to provide assistance in relation to acquisition, joint venture and maximisation of realisable value from Indigenous lands?---Those words are a bit big for me.

Well, about land?---No.

Are you certain of that?---I'm certain.

So, if the letter in fact suggests as much, that you made the request of her, it would be wrong, would it?---Yeah.

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

It also refers to the fact that you were named as the client, or to be the client. Do you know anything about that?---Named as the client?

Yes. That you were the person who would be the point of contact. Do you know anything about that?---No.

40 You picked up earlier, Mr Green, that it's proposing or it's giving an estimate that the fees would be about \$80,000 plus GST and discernments.

THE COMMISSIONER: Monthly.

MR CHEN: Monthly. Do you see that?---Monthly?

Yes. Sounds like a lot of money, doesn't it?---The Land Council would go broke in about six months.

How much does the Land Council get in terms of funds from the New South Wales Aboriginal Land Council on an annual basis?---What a laugh.

THE COMMISSIONER: On an annual basis, how much?---\$130,000.

MR CHEN: So this estimate is pretty alarming, isn't it, if that's what is being provided as an estimate?---Like I just said, we'd be broke in six months.

10 That kind of expenditure would be something absolutely that would need to go before the board. Isn't that right?---Oh, absolutely.

Well, let's have a look a bit further on this document, Mr Green. You'll see in point 3 near where the hand is that it's referring to, "Proposed heads of agreement entered into with Gows Heat." You see where the hand is, Mr Green on the screen?---Yeah, yeah.

20 What's the agreement they're referring to there?---I can see Gows Heat Pty Limited.

Well, it's your evidence that you don't know anything of any such agreement or proposed agreement with Gows Heat?---No, no, no, no, no.

Are you agreeing with me or disagreeing with me?---Yeah, I agree. I don't know anything about that.

30 And if you look at point 4 it suggests that they have made representations to you and that ongoing communication is expected "As will be necessary and conducive to securing the consensus of the players at the local community and state council levels." Did you have any discussion with Ms Bakis about that sort of communication that would be necessary?---I can't do that stuff, I'm not authorised to do that stuff.

40 THE COMMISSIONER: Well, for some reason, of all the members of the board, the only name that went into paragraph 4 was your name. Why would your name be there, based on discussions you had with Ms Bakis from time to time or Mr Petroulias, can you explain why you're the one singled out to be the person who would have ongoing communication, in terms of paragraph 4?---No, I can't explain it.

Well, how does your name pop up in a document like this and not somebody else's, can you explain it?---I've got no idea.

Well, you had - - -?---I'm the little black scapegoat, hey? Poor little blackfella again. I've got no idea what this is about. I haven't seen this document before.

But by this time you had met Ms Bakis I think, that's right, isn't it, and Mr Petroulias?---I'm getting a bit, you know, lightheaded here. I need to, I need to have a break.

All right. We'll take the luncheon adjournment.

THE WITNESS: I've never seen this document before.

10 THE COMMISSIONER: And we'll resume at 2 o'clock.

MR CHEN: Thank you.

THE WITNESS: Getting accused of stuff here I'm not even - - -

THE COMMISSIONER: Mr Green, we're going to adjourn for lunch so you can have a break and we'll resume at 2 o'clock.

I'll adjourn.

20 THE WITNESS: Thank you.

**LUNCHEON ADJOURNMENT**

**[12.53pm]**