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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 15 MAY, 2018

AT 2.00PM

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

THE COMMISSIONER: Mr Green.

MR CHEN: Commissioner, while Mr Green's making his way to the witness box, could the affidavit of Mr Green, sworn 13 June 2017, just be marked at this stage? I'd like to work out where that's come from before I formally tender it, Commissioner.

10

THE COMMISSIONER: Yes. Very well. The copy of the affidavit of Richard John Green, 16 June, 2017, will be marked for identification, MFI 28. Thank you.

#MFI-028 – AFFIDAVIT OF RICHARD JOHN GREEN DATED 16 JUNE 2017

20 MR CHEN: The Commissioner's associate will just come and collect that now from you, Mr Green. Thanks very much. Now, Mr Green, before the luncheon break, I was asking you some questions about the fee agreement and I think your evidence was you don't recall ever seeing that document before, or words to that effect. Is that so?---Yes. Not only that, I, that's not my signature on it.

Well, I was going to ask you, when you identified the signature, if you go the last page of that document, please. So it's Exhibit 43, page 12. I'll just ask for the hard copy to go in front of you. It's up on the screen now. Do you see that, Mr Green? That's the last page of the fee agreement?---(No Audible Reply)

30

And what, you don't think that's your signature?---Sorry, I had, I had it wrong. Despina's signature I was saying it wasn't my signature.

All right.---Yeah.

But you accept, do you, that that appears to be your signature?---Down the bottom, yes.

40

All right. And whereabouts did you sign this document, Mr Green?---I have no idea. No idea.

You don't know whether it's in Sydney or in Newcastle?---No idea.

And did Ms Bakis explain to you what it was that you were signing?---No.

I'm sorry, I didn't hear that?---No.

No. Not at all?---(No Audible Reply)

When you shake your head, Mr Green, you need to audibly respond because it's recorded.---Oh, no, no, no, yeah.

And you didn't ask her?---No.

10 Was again this document just presented to you for you to sign?---Yes.

And that's what you did?---Yes.

Without looking at any of the earlier pages of it?---Without?

Without looking at any of the earlier pages of it?---Yeah, without looking, yeah, without looking.

20 It's not an entirely satisfactory way of conducting your activities as a board member of the Land Council, is it?---No, it isn't.

And we'll just have it brought back up on the screen again. And even if you didn't read, as you tell the Commissioner, any of the document or look at any of the document, where you've signed it you can see that you're signing it as the authorised representative of the Land Council, can't you?---Yes. I didn't even take any notice of that writing on the bottom.

30 So you managed to, when you signed this document, simply to focus and only focus on the point where you had to sign, namely the dotted line, and that's it?---Yeah.

Nothing else?---No.

Really?---Yeah.

THE COMMISSIONER: But you would have noticed the words in bold print, "Authorised representatives of Awabakal Land Council," just underneath where you placed your signature. You would have seen that? ---Yeah, I can see, I can see it now.

40 But you would have seen it then too, wouldn't you?---No, I'm saying I didn't.

But how do you know after all this time that you didn't, how can you be so positive that you didn't see those words?---I, I've got no explanation.

I mean it's quite possible that you did.---No, I didn't.

Well, whether you did or not, the letter was being presented to you for signature for a purpose. I mean you don't get people to sign documents for no purpose, do you. If somebody says, I want you to sign this, you know that they need your signature or they're wanting your signature. Is that right?---You know, I keep saying - - -

No, no - - -?--- I'm answering your question.

10 Mmm.---I keep saying people doesn't understand the way the Aboriginal land councils are run. You know, documents get poked under your nose all the time and people sign 'em and if any of you guys come out and watch our land councils run, you will, you will understand what I am talking about.

But you had an understanding, what you did have an understanding about was that as a board member you were duty-bound to ensure that what you did was in the interests of your members. Is that, you had that understanding, didn't you, at all times, that that was your role as a board member?---Yes, yeah, yeah, yeah.

20 You were like a guardian, a guardian of the interests of the Land Council members to protect, to advance their interests. Is that right?---Yeah, that's what I was trying to do here, yeah.

And you know that by signing something, particularly an agreement, without knowing what you're signing could be very detrimental, could be very harmful to the members of your Land Council if you don't know what's in the document you're signing. Is that right?---That's right.

30 But I can't understand how you could then go ahead and have a practice of signing documents, knowing it could be very harmful to your own people and you go ahead and do it anyway. Can you explain that to me, as a board member?---Your Honour, I keep saying I've got no explanation. I keep saying that.

So you adopted the practice of signing documents knowing there was a risk associated with you doing that, that your members were going to suffer, or could suffer the consequences?---Yeah. Yeah.

40 What sort of board member were you?---I'm no good.

No good at all.---I, I, I'm - - -

Well why did you stay on as a board member if you knew you were doing no good, you're just signing anything anybody put in front of you? Why did you do it? Was there something in it for you to oblige people and sign if they asked you to sign?---There was nothing in it for me, there was no money in it for me, there was nothing in it for me.

But it does seem that when Mr Petroulias came into the picture, and Ms Bakis, you were ever ready to do anything they wanted you to do by way of signing. Now there must have been something in it for you.---We wanted the Land Council to go forward, that's what we wanted it to do.

What was in it for you?---There was nothing in it for me, no money.

10 But you were letting the members down by your own evidence. You were letting your members down, you couldn't care less what you were signing and whether it's going to harm them or not.---Well you can say that, Commissioner.

Well that's what you've just said. You were signing, knowing that it could be very detrimental, very harmful.---You know, people are putting words in my mouth here.

20 I mean, were you being paid to sign documents? Was somebody paying you?---No one was paying me. I've brang all my documentation for you that you requested to have a look at my bank accounts.

But you see, you developed this relationship with Mr Petroulias over some time from 2014 onwards, didn't you?---Yes, I did.

And did you get any financial benefits from that relationship with him?
---No, I never.

None at all?---None at all.

30 You didn't get paid for signing documents?---No, I got paid - - -

Just did it of your own free will, did you, sign documents not knowing what you were signing, not getting paid?---I told, I told the Commission that I, that I, I got money for running around here and there and everywhere, and then there's documentation that I, that I've got to prove that I thought I was in a business relationship to, to, to be something like a project officer, and that's what I was doing, I was - - -

40 You went into business with Mr Petroulias, didn't you?---I was doing business with all the land councils.

You were doing business with Mr Petroulias, weren't you?---If you can put it that way, I was, he was, he was running the show, yeah.

And what sort of business were you working in partnership with Mr Petroulias on?---No, it wasn't in partnership.

What was the business?---It was, it was - - -

What was the business?---It was the business running around to all the Aboriginal land councils, as many as we can, to, to, to set up, set up business and help them with their land, I said, you know, like, to grow cattle, to grow veggies, to, to, to get their land going because the State Land Council don't help in any way, they've been like that for 40, 50 years.

And did you do this at Mr Petroulias's request?---Well, we talked about what we would like to do.

10 I'll repeat the question. Did you do it at Mr Petroulias's request, all this running around to land councils?---Well, he was funding it.

He was funding it.---Yeah.

And he was asking, he wanted you to do this with him?---No, we talked about what we should be doing for the land council.

You agreed with him to do it. Is that right?---Yes, not only me.

20 MR CHEN: These land councils and New South Wales land councils, I take it, that you were running around to see. Is that right?---Yeah. Local Aboriginal Land Councils.

Within New South Wales only, though.---Yes, yes. We done, done a trip to, to the Northern Territory.

Right. Aside from that, these land councils that you were visiting in this arrangement you had with Mr Petroulias were in New South Wales. Is that the case?---Yeah, main, yeah, yeah, yeah, yeah.

30 Well, is that right? I'm asking you, is it right or wrong?---Yeah, that's right.

I want to go back to this fee agreement, Mr Green. If you have a look please at Exhibit 43, page 8, you'll see there's a paragraph numbered 20, "Instructions through your agent". Do you see the hand is next to it? ---Yeah.

40 And I'll just read it to you, if you like. "You've instructed us that we may work with, and take instructions, from your agents. These include Mr Nicholas Peterson, Richard Green, William Tofilau, Andrew Margi and each of you for each other. Indeed, it is contemplated the drafts of documents will be prepared and compiled to assist the workload to this firm." Did you hear what I just read to you, Mr Green?---Yeah, I did.

And did you have a look at it as well on the screen?---Yeah.

Now, you obviously know Nicholas Peterson, don't you?---Yes.

That's who Mr Petroulias introduced himself to you as initially, isn't that right?---Yes.

And you never gave, well, did you give Ms Bakis instructions to appoint him an agent of the Land Council?---No.

Did you give Ms Bakis instructions to make him an agent for the purposes of this fee agreement?---No.

10 Did you appoint yourself an agent for the purposes of this fee agreement?
---No.

Do you know where she would have got your name from to become an agent?---Well, she knew me.

Well, and was she putting it in there? Was it because you requested it?
---No. I never requested it.

Are you sure of that?---I'm positive.
20

Alleged malicious damage who's William Tofilau?---William Tofilau. I met William about three times. He's a, he's a, he's a Tongan guy that's got some, he owns a, a scaffolding company.

THE COMMISSIONER: Who introduced you to him?---Nick.

Nick Petroulias?---Yeah.

MR CHEN: And did you tell Ms Bakis that William Tofilau could be an
30 agent for the purposes of this agreement?---No.

Do you know how on earth his name manages to become included in a fee agreement, apparently between the Awabakal Land Council and Knightsbridge North Lawyers?---No.

And who's Andrew Margi?---I've got no idea.

I take it you've got nothing to do with him being nominated in this fee agreement?---No. I don't even know him.
40

It was not for you, Mr Green, to enter into an agreement, if you actually did, such as this with Knightsbridge North Lawyers?---No.

And, what, your evidence to the Commissioner is you don't believe you ever did?---No.

You're agreeing with me, you don't believe you did?---Yeah, I agree with you.

And you certainly, is this your evidence, did not give instructions to Ms Bakis to include these names, including yourself, in clause 20 of the agreement?---I didn't.

And did she ever give you any advice about what the effect of that clause was?---No.

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

10

That'd be something that would be, appointing an agent, even for the limited purposes of a fee agreement, something that undoubtedly you'd need to report back to the board on, if it occurred?---Yep.

Did you take this document away with you at all, when you apparently put your signature on it?---No.

You didn't keep a copy of it at all?---No.

20

Didn't drop it off at the front counter of the Land Council office to ask them to tuck it away for safe keeping?---No.

Mr Green, in the affidavit that apparently you were asked to swear by Ms Bakis and Mr Petroulias, this is page 4. There's a couple of the numberings obviously out but it's from paragraph, the second paragraph 14, for the record. Mr Green, I want to read to you some matters that emerge from this affidavit that was presented to you for signing on 13, I'm sorry, 16 June, 2007. Are you ready, Mr Green?---Yeah.

30

It's been suggested in this affidavit that on 27 November, 2014, apparently the day before this fee agreement has been signed by you, you had a conference with Ms Bakis, Mr Gabby, spelt G-a-b-b-y, and Mr Tofilau from your association. You've expressed a strange look in response. What, what's the significance of the strange look. Is - - -?---Who was I, who did I have the conference with?

Well, I'll read it to you again. Apparently you met in conference, on 27 November, Ms Bakis, Mr Gabby and Mr Tofilau, apparently from your association. Now, did you ever have a conference with those three people on 27 November, 2014?---No.

40

Have you ever had a conference with Ms Bakis, Mr Gabby and Mr Tofilau?---No.

Are you sure of that?---Positive.

THE COMMISSIONER: When it says, when you say, sorry, go on. You were going to say something?---Mr Tofilau, that's William, is it?

Yes.---Yeah, no.

Well, we don't know. It's just Tofilau. I was about to ask you that according to this paragraph, which in this affidavit is meant to be quoting you, you said you met in conference with Ms Bakis, Mr Gabby and Mr Tofilau "from my association". Is Mr Tofilau from your association?---Yeah.

10 Your association, presumably meaning the Land Council?---No.

Is he Aboriginal, or don't you know?---No, he's not Aboriginal.

MR CHEN: He's Tongan, didn't you say?---Yeah.

Did you have any other association at that time?---No.

20 It also goes on to say, this is paragraph 17, that you and Mr Gabby discussed ideas that you'd shared with Mr Peterson, Mr Lloyd, Mr He, Mr Margi and "others from my association about how to raise capital, attract investors and share expertise by collaborating". Have you ever shared ideas with those individuals I've just named, Mr Peterson, Mr Lloyd, Mr He and Mr Margi? ---I've talked to Cyril.

He wasn't one of the persons. I'm just asking whether you shared these ideas with Mr Peterson, Mr Lloyd, Mr He and Mr Margi. I think you've said you had never met Mr Margi and don't know who he is.---Or Mr He, no.

30 You don't know who Mr He is?---No.

Who's Mr Lloyd?---No idea.

THE COMMISSIONER: Do you say that you did not have any discussion with Mr Lloyd, Mr He, Mr Margi about raising capital, attracting investors and share expertise?---I haven't.

MR CHEN: And apparently this meeting that you had - - -

40 THE COMMISSIONER: Sorry to interrupt. Do you know what "raising capital" involved?---Not really.

Anyway, you say you've never had a discussion with any of these people. ---I, I didn't.

Lloyd, He or Margi, whether about raising capital or about any other matter at all?---No.

Nothing?---Nothing. I don't know them guys.

You've never met them.---No.

You've never met Mr Lloyd or Mr He or Mr Margi?---No.

So do you know how that somehow got into your affidavit?---No.

10 You say you didn't mention their names even to Mr Petroulias or to Ms Bakis?---No.

And you don't know where either of them got those names from?---No.

MR CHEN: Apparently, you had a conference for two hours, or a meeting for two hours involving these discussions. Is that right or wrong?---That's wrong.

20 Can you think of any explanation as to how all this material has somehow managed to find its way in an affidavit of yours?---I've got no idea.

I mean, if you'd been told about these things would you have signed it? ---No.

Thank you. That can be returned, that exhibit. No, sorry, Exhibit 43 I had before the witness.

THE COMMISSIONER: Yes.

30 MR CHEN: Sorry, Commissioner, just - - -

THE COMMISSIONER: Yes, that's all right.

40 MR CHEN: I'm going to show you a letter on the screen, Mr Green, and the reference is – I apologise Commissioner. I'm sorry, Mr Green, I apologise. I think my referencing is just a little out. Now, I'll come back to it and I'll hopefully approach it in a slightly different way. Could Exhibit 43, page 13 just be shown to the witness. Now, Mr Green, this will come in a folder shortly, but you can see on the screen there's a letter from Knightsbridge North Lawyers dated 12 December, 2014 that appears to be addressed to you. Do you see that?---Yep.

Do you recall receiving this letter, Mr Green?---No, I don't.

By that answer do you mean you don't believe you received it or you just don't have a recollection one way or the other?---I haven't received it.

I see. So you deny receiving it, do you?---Yes.

Now, I want to take you to some bits of it, Mr Green. It says in the first line you'll see, "Further to your instructions we enclose the final draft of the heads of agreement with Gows Heat Pty Limited ready for your execution. It is in a very simplified form as you have requested." Now, did you ever request a simplified form of agreement in the way that that letter suggests you did?---I wouldn't know how to request it. No, I never.

10 And it also suggests that you gave instructions to Ms Bakis that once executed, you'll be in a position to progress the matter for the board to resolve to commence the approval process under the Act. Did you tell Ms Bakis that?---No.

Are you sure?---Positive. I haven't seen this document or - - -

Well, independently of the document did you ever tell Ms Bakis that once you get that agreement apparently executed you'll be in a position to move the matter forward to gain approval under the Aboriginal Land Rights Act? ---I, I really don't understand it, what is says.

20 Well, let's put it this way. The Gows Heat agreement that you signed, Mr Green, was bogus, wasn't it? It's not approved by the board at all, was it? ---No.

And all it is, is a fake agreement designed to create the appearance of a legitimate agreement between that entity and the Land Council. Isn't that right?---Ah, I'd say so, yeah.

30 There's no other explanation for it, is there, Mr Green?---No. I haven't seen the documents before.

Well, there's no other explanation for how that agreement has come about, knowing what you know and what the board did not approve. Isn't that right?---That's right.

Now, can you offer any explanation as to why this letter in Exhibit 43, page 13, apparently contains all these references to discussions that you have had with Ms Bakis?---I can't explain.

40 Well, do you deny that you've had those discussions with Ms Bakis?---Yes, I do.

You do, do you?---Mmm.

So this letter, is it, on your evidence, is not a genuine one?---Well, like I said I haven't seen the document before.

Well what about the content of it that I've put to you, namely discussions that apparently you've had with Ms Bakis, apparently around this time about this agreement?---No, I haven't had any discussion.

Now, did you have a conference at all with Ms Bakis around this time, 12 December 2014, to discuss these heads of agreement?---No.

Did you have a conference or a meeting with Mr Petroulias to discuss all these matters?---No.

10

Are you sure of that?---Positive.

So if Ms Bakis suggests that apparently there was such a meeting that occurred to discuss this agreement, would it be true or false?---That'd be false.

You sure of that?---Yeah.

20

And if Mr Petroulias apparently is suggesting that you were the one that wanted a very, very basic heads of agreement which no one can fight over, would that be true or false?---That'd be false.

Is that something that you've ever said in any conversation you've ever had with Mr Petroulias?---Say that again.

Is that something that you've ever said in any conversation with Mr Petroulias?---That I'd have the power to do - - -

30

No, no. I'll put it again to you so it's clear. If it's been suggested that you told Mr Petroulias that you wanted, quote, "A very, very, very basic heads of agreement like that which no one can fight over", end quote, would that be something that you have ever said to Mr Petroulias or not?---No, no.

You deny saying that to him?---Yes, I deny that.

You know, don't you Mr Green, that there is something wrong or potentially wrong with a solicitor acting for two parties in the one transaction. Do you know that?---Well it shouldn't happen.

40

And in this instance, the solicitor acting for Gows Heat was Ms Bakis, it seems. Did you know that?---Yeah. Ah, not really.

All right. Well, and at least on the documents Ms Bakis has, she appeared to have been carrying herself off as the solicitor for the Land Council. Did you know that?---Yeah, I did.

MR LONERGAN: Objection, Commissioner. The evidence is that he was not aware of the documents and hadn't seen them before, now my friend is

putting propositions in relation to the solicitor and what she's saying in those documents where he's given evidence that he had no knowledge of the documents.

THE COMMISSIONER: But isn't he being asked as to whether he had knowledge that, or was aware of the fact, that she was acting for two parties?

10 MR LONERGAN: Yes, that question I have no objection to. It's the step following that, that then it is tying the solicitor acting for two parties then to the specific transaction to which the witness has said he had no knowledge.

THE COMMISSIONER: Well I think the first step is whether he has any knowledge that she was acting for both parties, and the next logical step is then in relation to that transaction, well, he's acknowledged that he's signed the Heads of Agreement, whether he read it or remembered it or not doesn't, for the purpose of this question, matter. I mean, he's adopted the agreement. The question is whether he's aware that she was acting on that transaction.

20

MR LONERGAN: Yes.

THE COMMISSIONER: I mean, his answer may well be "no, I wasn't".

MR LONERGAN: If he's aware of, if he's being put about the transaction independent of the document then I have no objection to the question, but if he's being put in relation to the transaction as per the document, then I have objection.

30 MR CHEN: I can assist my friend. Commissioner, I'm putting an alternate set of facts which I'm obliged to explore with this witness, and those alternate set of facts don't necessarily coincide which should be apparent to - - -

40 THE COMMISSIONER: Well, you say the alternative facts arises if I were to accept his evidence that he didn't know what he was doing and he had no idea of what the head of agreement was about, then he couldn't be taken to have known that she was acting for both parties. If, on the other hand, I do not accept his evidence at the end of the day and he did know, then the alternative proposition would need to be put to him.

MR CHEN: Indeed. And indeed there's a further variation of that, which I'm trying to explore as well, that, quite, Commissioner, I need to explore various scenarios with the witness and - - -

THE COMMISSIONER: I think, yes, Mr Lonergan, I think there's a procedural fairness question here. If, at the end of the day, as I say, I were not to accept his evidence and that he knew full well what he was signing in

that heads of agreement, in bold (not transcribable) almost all over it, then I think the witness would say, yes, but nobody ever asked me was I aware. Assume that you find (not transcribable) against me on the primary point, it's really as Dr Chen has put it. You're dealing with alternative possibilities here. If you don't put the consequences of both possibilities to the witness, the witness is entitled to say, "I didn't have an opportunity to be heard on that question." So, the possibility that I might find that he knew that the head of agreement did relate to Aboriginal land, et cetera, et cetera, that he had no awareness that she was in a situation of conflict, I think it's really providing your client with an opportunity that he otherwise wouldn't have. That's the way I see it.

MR LONERGAN: So it becomes a Browne and Dunn type point.

THE COMMISSIONER: These issues sometimes are a bit difficult, but I think in this circumstance, I'm going to allow the question.

MR LONERGAN: Please the Commission.

20 MR CHEN: I'll assure my friend that I'm going to show him a document shortly, which apparently there's a signature, but I want to put the substance of the matters, if I can - - -

THE COMMISSIONER: All right.

MR CHEN: I might have to go back, Mr Green, because you've probably forgotten what I was asking you about, is that right?---Yep.

30 I think you accepted the proposition there's something, at least from your perspective, wrong in a solicitor acting for two parties in the one transaction, isn't that right?---Yep.

You just need to audibly answer, sir, just - - -?---Yes.

And you were aware, at least, well, I withdraw that. Ms Bakis, as you understood it, as at December 2014, was purporting to at least act for the Land Council, isn't that right?---Yep.

40 And you understood as well that she was the solicitor who was dealing with the interests of the company Gows Heat, isn't that right?---I knew that?

Yes.---Not really.

No. Well, you knew that she was looking after the interests of Mr Petroulias, though, didn't you?---Yes, I knew that.

Yes. And you knew that Mr Petroulias' company, or the company that he controlled was Gows Heat, didn't you?---I didn't know for a long time.

Well, it was certainly on a few of the documents you signed, wasn't it?
---Yeah. But I didn't look at them, didn't read them.

Well, it might be suggested, Mr Green, that in fact Ms Bakis gave you specific advice that you should go away and get another lawyer to look into this whole transaction, so it would not become unwound. Did she ever give you that advice, Mr Green?---No.

10 And you understood what unwound means? So, it wouldn't become undone?---Yeah.

Yes. And it might be suggested, Mr Green, that in fact, you gave Ms Bakis that assurance that you would go away and get that independent legal advice. What do you say to that?---That's not true.

Are you sure of that?---Yes.

20 And apparently, it may be suggested, Mr Green, that you told Ms Bakis that you want experts to speak directly to Ms Bakis about trying to achieve matters without things being lost in translation. Did you ever give Ms Bakis those instructions at any time?---No.

What do you say to any suggestion that she did, sorry, that you did give such instructions to her?---It's not true.

You sure of that?---Yeah.

30 And you were to confirm that you were acting as the, apparently the delegate, of Debbie Dates or the board. Did you ever speak to Ms Bakis about that?---That I was acting?

That you would confirm or seek confirmation that you were acting as the delegate of Ms Dates and, presumably, the board.---I didn't understand that one.

40 All right, I'll start again. Did you ever tell Ms Bakis that you would confirm that you would be acting as the delegate of Debbie Dates and the board of the Land Council?---No, I wasn't acting for the board of the Land Council.

So if that's recorded in a note in Ms Bakis's file, would you say it's true or false?---False.

Well Mr Green, I should show you this document now. Apparently it is a file note of 12 December 2014, and your signature appears, does it not, on the bottom of that document?---Yeah, it looks like it, but not a very good one.

It's on the screen as well. Do you remember signing this file note, Mr Green?---No, I don't remember doing it.

Sorry, I didn't hear that, sir.---No, I don't remember signing it.

Was it your practice to sign file notes that were presented to you by Ms Bakis?---Yeah, I signed a lot of stuff what I shouldn't have signed.

10 I'm just asking you whether your practice was to sign file notes prepared by Ms Bakis.---I don't even know if Despina give me this piece of paper, or whatever.

If some of the matters that I've put to you about you asking for a form of agreement, matters of that kind, are contained in this document which I think you've denied you spoke to Ms Bakis about, if those matters were disclosed to you by Ms Bakis before you signed this document, would you have signed it?---No.

20 Do you recall Ms Bakis ever reading back to you any of these file notes that she's apparently taken of conversations she's had, or conferences she's had with you?---No.

Commissioner, I tender that document. It's from the Bakis material, volume C page 44.

THE COMMISSIONER: Is that the file note?

30 MR CHEN: It is the file note of 12 December 2014.

THE COMMISSIONER: File note 12 December 2014 will be admitted and will become Exhibit 84.

#EXH-084 – FILE NOTE DATED 12 DECEMBER 2014 – GOWS-AWABAKAL BASIC HEADS OF AGREEMENT

40 MR CHEN: Did you ever have any discussions, Mr Green, with Ms Dates about being her delegate?---No. But I did say to Debbie once upon a time, "Debbie, are you gonna go and show these guys the land around the Newcastle area?" And she said, "No, I'm too sick and I don't want to do it, you can go and do it as deputy chair", and so that's why I did it.

This is when you took interested parties around to view some of the Land Council land. Is that it?---Yeah.

That's what you're talking about then.---Yeah.

But aside from that, there had been no other discussions that you had with Ms Dates about you being the delegate of the board?---No, the board, the board agreed that I, that I show land to investors.

Well, I'll just ask you the question again. There were no other discussions between you and Ms Dates or the board about you being the delegate of the board. Do you understand what I mean?---No, I don't, there was no discussions, it - - -

10

Well, that you're appointed to, authorised to enter into transactions and do deals?---No.

Quite certain of that?---I'm certain.

The only, if you'd call it that, authority that you were given was to show people around some of the Land Council land, and nothing more?---That's right.

20

That's the limits of what you had been asked to do. Is that right?---That's right.

You had no other authority to do anything else?---No.

Now, Mr Green, would you look at this document, please. It's volume 8, page 22. Now, you'll see on the screen, Mr Green, there's a document described as Heads of Agreement, General Heads of Agreement dated 19 November, 2015. Do you see that?---Yeah.

30

And if you go to page 23 you'll see that it's another styled heads of agreement involving Solstice, the Land Council and Gows Heat. Do you see that?---Who's Solstice?

All right. Well, I'll deal with that a little bit later, but just accept for me for the moment, Mr Green, that it's a company that was interested in dealing with the Land Council's land. Have you seen that document before?---No.

Not at all?---No.

40

Right. Well, I've got to come back to that, Mr Green, but I want to show you something within that agreement. If you look at volume 8, page 59 you'll see that there's another document described as Heads of Agreement, General Heads of Agreement, date, 15 December, 2014, and you'll see it's described as Schedule C on the top right-hand corner. Do you see that?---Yeah.

Now, if you turn over, Mr Green, to page 64, I'll just have the hard copy put

in front of you if I can, so volume 8.---No, it's okay. I'm sort of getting onto it, yeah.

I'm sorry, Mr Green?---It's okay.

Do you recognise on the right-hand side of page 64 your name?---Yes.

And your signature?---Yes.

10 Is the word "Richard Green," name of deputy chairperson, is that in your handwriting?---Yes, it is.

And the signature's yours, is it not?---Yes.

And you can see, can't you, that you're signing that agreement in the capacity as deputy chairperson of the Land Council?---Yes.

And you'll see to the left-hand side a signature of Ms Dates?---Yes.

20 And you would have seen Ms Dates's signature before, wouldn't you?
---No, oh, I think I have.

Well, does that appear to be Ms Dates's handwriting and signature?
---Oh, I'm not sure.

Now, this you can see as well, Mr Green, is an agreement between Gows Heat and the Land Council. Do you see that?---Yeah, I, yeah, yeah, rightio, yeah, number 1.

30 Now, Mr Green, when did you sign this?---I've got no idea.

Well, how did you come to sign it?---No idea.

Well, you didn't type it up I gather?---No.

So did somebody present it to you?---Well, they must've if I signed it.

Well this has the same date as the other Gows Heat heads of agreement that you signed, Mr Green.---Does it?

40 So do you recall on 15 December signing two agreements?---No, I don't recall.

Well, it's been prepared, this document, by Ms Bakis. Is it likely that she presented it to you for signing?---I don't know who presented it to me.

Well, think about it. Who are the possible candidates who would've presented a legal document such as this one to you on 15 December, 2014?
---I've got no idea.

THE COMMISSIONER: You see, all these agreements have got Knightsbridge North Lawyers on the front of them, so I don't think it's likely that these agreements just fell off the back of a truck and you happened to stumble over them and just happened to sign them. They had to get to you in some way and by some means. You must have some
10 recollection of how these written agreements kept coming up, being placed on your table, pen in your hand, you sign them. You must have some idea how the arrangements were made for you to be able to get the documents in the first place, and sign them. How - - - ?---Well, they might have been signed - - -

How did it work? Did somebody come and just hand them to you? Did they post them, or how did it, how did it operate? What was the method that was used to get these agreements in front of you and have you sign them? Perhaps not this particular agreement, but just generally looking back over
20 the agreements you did sign, what was the method that enabled these documents to be placed in front of you, or get to be put in front of you?
---Well, they just get put in front of us and they say "sign them".

But how would they get to you? I mean, does a delivery man come up and say, "Mr Green, I've got another agreement for you"? Or did you have arrangement to go to an office to sign them? Or did somebody bring them, like Ms Bakis or Mr Petroulias or someone else and say, "here, I've got another one of these agreements for you"? How did it work?---One, one of them would have bring it to us.
30

Well, just tell me your best recollection. Where? Was it at the Land Council, your home, somebody else's office?---I'd say, I'd say we signed them at Land Council.

Well, is that a guess or do you - - - ?---Yeah, that's a guess.

Okay. I don't want you to guess. You - - - ?---But I can't remember.

You were there, you're an adult, and so far as I know your cognitive
40 processes are all working, so you haven't had any brain damage so that you've had loss of memory. All I'm asking you is in general terms, not about any particular agreement, but what was the arrangement? Would somebody ring you and say, "Look, I've got another agreement for you to sign, can we meet in a coffee shop?" Or, how did it work?---No, there was, there was, a lot of the stuff would've been signed in the Land Council. It wouldn't have been at the coffee shops, it wouldn't have been at coffee shops.

You remember that, do you?---Well, I don't remember doing any signing at coffee shops. Land councils, they get, they get put in front of us, the pages are turned over, turned over, the signature.

Yes, but I asked where was it turned over, page after page, these agreements.---No, everything was turned over and just the place where you sign it.

10 You see, Mr Green, you're saying virtually you don't remember anything. You don't remember how the documents came to you, you don't remember signing the documents, you don't remember who gave you the documents. ---Well, it would be either Nick or Despina would've brang us the documents to sign.

That's what I'm asking you.---Yeah.

20 How did it operate? What was the method? Did you get a call and so - - - ? ---They would probably bring them into the Land Council when we have meetings. They, they attended a lot of meetings, our meetings, to try to help us get the Land Council going.

Mmm.---And probably presented them in the meetings.

Is that your best recollection as to how it worked?---Yeah, that's, that's, that, yeah, that would be my best.

30 MR CHEN: Well, Mr Green, I might be able to help you. There was a meeting at the Land Council on 15 December 2014 and the minutes do not record, first, that any agreements of any kind have been signed, and secondly, there's no reference at all to Ms Bakis or Mr Petroulias attending upon either that meeting or the Land Council. So, having regard to those matters, what is the likely position about how these agreements came to you and you came to sign them?---Look, I've been to their house a few times.

Is that where you think you might have signed them?---Maybe.

And you went to their house, did you, at the end of 2014?---I'm not sure.

40 Well, I want you to assume that's Ms Dates's signature next to yours on this agreement. Was that there at the time that you signed it?---I didn't take any notice.

Well, did you have any discussions with Ms Dates at all about how it came to be that both of you were signing an agreement involving land that is owned by the Land Council and this company Gows Heat?---It's got me beat.

I mean it's almost unbelievable, isn't it, that this could happen, that the chairperson and deputy chairperson of the Land Council, charged with the responsibility of looking after the interests of the Indigenous population have come to sign this agreement and you're unable to say where it was signed - - -?---No.

10 - - - how it came to be, or assist in any way at all?---Well, it could have been signed at the Land Council, even though you say there was a meeting there, it doesn't mean to say we mightn't have signed the document at the Land Council.

Then if you signed a document at the Land Council on that day, why didn't you disclose it to the meeting, Mr Green?---Well, like I've been saying, we mightn't have known what was in the, in the document, we mightn't have known. That's the only explanation I can give you.

20 Why is Ms Bakis, as I understand your evidence, Mr Green, you have nothing to do with retaining Knightsbridge North Lawyers or Ms Bakis to be the lawyers for the Land Council at the end of 2014. Is that your evidence?---I don't understand.

Well, I understood you to say earlier, but please correct me if I'm wrong, that you did not seek to appoint Knightsbridge North Lawyers as the lawyer for the Land Council.---Myself?

Yourself.---I can't do that.

30 And I rather took from your evidence to that effect that you had nothing to do with meeting Ms Bakis, signing a costs agreement with Ms Bakis, or anything along those lines. Is that right or wrong?---That's right.

So how has it come to be, Mr Green, when she has not been appointed to your knowledge to be the lawyer for the Land Council, that she's presenting documents for you to sign? What is the explanation for that?---No explanation.

There isn't one, is there?---No, I've got no idea.

40 Well, there might be one. It might be that perhaps this is all part of a grander scheme that you're involved in. Isn't that right?---No, that's not true.

Not true?---That's not true.

But you can think of no other explanation for how this has all come about? ---Well, that's not true, what you just said.

Please answer my question. You can think of no other explanation for how or why this has come about?---No, I can't.

So tell me, Mr Green, this agreement's in front of you, it's dealing with land. What land is it purporting to sell of the Land Council?---I've got no idea what was in them documents. I've got no idea. I didn't read 'em, I didn't look over 'em, because I haven't got the knowledge to read deeds of agreement. How many times I've got to say this?

10 Something has gone wrong - - -?---For God's sake - - -

Mr Green, something has gone seriously wrong when agreements involving the Land Council apparently have been signed, creating interests in a company of Mr Petroulias's. Isn't that right?---Well, something's gone wrong, yeah.

Something's gone seriously wrong.---Yeah.

20 Isn't that right?---Yeah, that's right.

Because your evidence is, at no stage did the board of the Land Council ever approve any dealings with a company called Gows Heat. Isn't that right?---That's right.

So these agreements that are floating around are fake, aren't they?---Well, if you want to put it that way.

30 Well, you put it in your words, Mr Green, what are they then if they're not approved by the board?---Well, you can't act on 'em.

Well, it's more than that, isn't it, Mr Green? Somebody's documented them and written down in it that land, or some party has a right to acquire land. How has that come about?---Well, we never did it.

Well, what other explanation is it other than it's a fake agreement, if it has not gone before the board and has not been approved by any member of the board?---I just said, mate, you can't act on it.

40 Please, what other explanation is it than it's fake? How has it come about?---Well, if it's fake, it's fake.

Well, Mr Green, I'm asking you because you're the board member whose signature appears on it. So, you tell the Commissioner, what is the possible basis for this to record an apparent agreement between the Land Council and Gows Heat?---Well, it's probably fake.

Well, can you think of any other explanation?---No, I can't.

There's no resolution that supports this, is there?---No.

There's no other document at all, so far as you're aware, that supports the creation of this document, is there?---No.

So, anybody that's bandying it around is using a fake document, aren't they? Isn't that right?---Yeah.

10 And you wouldn't be a part of that, would you?---No, I wouldn't be, if I knew what was in there.

THE COMMISSIONER: Mr Green, one problem you face, I think we should mention it lest you're under any misunderstanding, your name is all over these fake documents, whether you like it or not.---Well, I understand that.

20 We've just shown you on the screen your name keeps coming up time and time and time again as the board member who's pretending that he's got authority from the board to sign these agreements, and this is an obvious way to bypass the board if it were true. That is to say that you've got a friendly board member onside and you just bypass the board, the management of the Land Council, and have this person signing all these agreements on the basis that he's got authority to sign. Your name, no one else's name, just keeps coming up over and over again. Now, I think the proposition that's being put to you is that there was a scheme to bypass the board so that Aboriginal land could be sold to outsiders, investors, whether it was good for the Land Council or bad for the Land Council, and that you were part of this scheme. You're the insider. You're signing agreements. Mr Petroulias is out there with a very strong interest in this land. Now, what 30 do you say about that proposition, because I have to warn you, your name is all over these agreements. There's got to be some explanation as to why it's your name and not somebody else's. Whether you were being manipulated or whether you were a willing party to it, you're in it so far as these documents are concerned. I'm giving you the opportunity now to explain yourself.---I'm not a willing party to it and a lot of these documents that I'm seeing today, I, I haven't seen them before and I, I don't want to be a part of that and I'm, I, I haven't done it for any financial gain and I, I just don't want to be a part of it. Because it, it's. it's beyond me what's going on here.

40 So, are you suggesting that you're being set up by Petroulias, Bakis or both of them or somebody else? You're just being used as a tool. Is that what you're suggesting?---Probably. Like I said before, poor old blackfella, you know?

Yes. But you're not - - -?---Poor old blackfella. Here we go again.

But you say you were not a willing participant in any scheme?---No. I'm not a willing participant and I haven't gained anything from, from these deals.

But just you struck up a long relationship with Mr Petroulias, didn't you? You know, 2014-15 and beyond. You would have known what he was up to. Now, was he up to some good or was he not up to good?---Well, I didn't
- - -

10 Do you know why he was so interested this land?---I didn't know what was going on in the background behind my back.

Well, do you think Mr Petroulias was generally helping, wanting to help Aboriginal people or do you think he just had a commercial interest in the land or what was his position as you saw it?---Well, at, at the time I thought he's done a lot of documentation up. It looked all good on paper and, you know, that's why I, I tried to help, to get employment for Aboriginal people, training and all that sort of stuff and to develop the land.

20 Well, when you say, "It looked all good on paper," I thought you couldn't read paper. You couldn't read writing. What are you saying?---Here we go again. You know, making a fool out of me, knocking me again. But the thing is I had girlfriends that used to read the, the, the paperwork to me.

So what paperwork are you referring now to? What was it that Mr Petroulias produced for you to read, that led you to believe that this scheme had a good purpose?---Well, I've got it outside in my briefcase, in my report.

30 Just tell me, tell us, what sort of documentation are you referring to?---It was about what we intended to do with, with, with all the land, with training programs, with employment. All that sort of stuff, it's all there. That's the reason why I've brang 'em for you guys to read 'em, and that's what I thought I was doing from the beginning.

Well, did you reach a stage when you started to realise that Mr Petroulias's motives were not simply to help Aboriginal people, that it may be to help himself or somebody else?---Well I don't know if I, I, I, I put it that way. I just sort of, I went away, I rang up about the bank accounts and I closed
40 them down and I went away and didn't participate anymore.

But you're still a friend of Mr Petroulias, aren't you?---I still talk to Mr Petroulias about, and, and Despina.

You talk to him about this investigation, don't you?---No, no.

Are you sure?---I talk to him about - - -

Are you sure?---Well, some little things but I don't tell him, you know, I don't tell him a great deal. I talk to Despina about my personal life and all the stuff that's going in my personal life at the moment, and it's still happening and I'm still, I'm still stressed out.

Does Mr Petroulias discuss with you the evidence that's been given in this inquiry?---No, he hasn't, because I've told him I don't want to talk about it.

10 Does he suggest what you should say?---No, he didn't. Because I won't, and if you, if you ask me have I been speaking to him, no.

MR CHEN: Now, this agreement, Mr Green, this second Gows Heat agreement, who possibly gave Ms Bakis instructions to prepare it?---Not me.

But have a think about it, who else could it be other than you, Mr Petroulias or Ms Bakis herself, or possibly Ms Dates?---It wouldn't be Ms Dates.

20 Well how has it come about that this agreement has been prepared without any resolution of the board to support it, without any direction, as you say, by you to prepare it, conferring this windfall on Mr Petroulias's company, Gows Heat? How has it happened?---Well, like I say, I've got no idea what was going on with paperwork, I've got no idea what was going on behind my back

It's extraordinary, isn't it? Do you agree?---Yeah, it is.

It's very serious, isn't it?---Yeah.

30 They're extremely serious matters to be investigated, aren't they?---Yes.

Yes.---Well, I thought that's what's happening.

I'm sorry, Mr Green? I didn't hear that.---I thought that's what's happening now.

40 Now I take it, Mr Green, because as I understand your evidence you simply signed on the line and no more, that this Gows Heat agreement, you didn't keep a copy of it?---No.

You didn't provide a copy to the board?---No.

You didn't go and file it away in the records of the Land Council?---No.

The one and only time that potentially you saw it was this one instance that somebody presented it to you to sign.---Yeah.

And that's it?---And that's it.

And you accept, don't you Mr Green, that you had no authority to sign that document.---Yes, I do.

Isn't that right?---I do.

And Ms Dates had no such authority, did she?---No.

10 Mr Green, you've mentioned earlier in your evidence that you had been involved in land councils for, I think you might've said, either 50 or 40 years.---Fifty years.

Right. And does that involve holding - - - ?---Fifty years, but until I got knowledge I would've been only 10, and when I turned about 20 I started realising what land councils were all about. My first meeting at a Land Council, my uncle died in front of me. Died in front of me.

20 Are you only a member of the Awabakal Local Aboriginal Land Council or are you a member of another Land Council as well?---I used to be a member of the Wee Waa Aboriginal Land Council.

Did you ever hold a position on the board of the Wee Waa Local Aboriginal Land Council?---No, I was, I was a coordinator then.

30 And what's the role of a coordinator?---I was like a, like a manager but my, my wife, she was the manager, she knew all the paperwork, all the typewriters, all the books. That's how we ran out there, all the men used to go and talk, they couldn't read and write and all their wives run the land councils with the typewriters and the, whatever. That's how it ran, that's how it worked, and it still works today. I've got people sitting on the board with me who can't even sign their name.

THE COMMISSIONER: Mr Green, that's enough.---But you want to know, you want to know, I'm telling youse.

Yes, we don't want speeches.

40 MR CHEN: Were you the chief executive officer of the Red Chief Land Council?---No.

Is there such an entity called the Red Chief Land Council?---Yes, Gunnedah New South Wales.

Did you ever hold the position on the Red Chief Land Council?---No.

Ever been a member of the Red Chief Land Council?---No.

Were you ever the chairperson of the North Western Regional Aboriginal Land Council?---Yes, I was.

And when were you the chairperson of that Land Council?---About 25 years ago.

And how long were you the chairperson for?---About a year.

10 And for how long were you on the board for?---No, it wasn't the Land Council, it was, there was 18, do you want an explanation?

Yes, please.---Am I allowed to do that? It was 18 towns out in the northwest region that I got elected as a chairperson, that I used to go around and chair all the meetings around all that region. It wasn't just one Land Council, and I was a member of the Wee Waa Land Council. See, that's what I mean, people don't understand how they run.

20 Have you ever, sorry, have you also had dealings with Native Title Claims?
---Yes.

And what's your background in dealing with Native Title Claims, Mr Green?---Try to get our land back that's been stolen off us.

30 All right. And what role have you taken to try and achieve that objective?
---I've, I've been an applicant, if you know what an applicant is, appointed by the courts. There's 18 that sit on the committee that negotiates with the, with the, with the mining companies, and we've got a company called Native Title Services. Now, Native Title Services, there's lawyers there and there's managers, they do all our documentation, read it all to us and put all the, all the stuff up on the whiteboard, read it to us. There's people that sit on the board, there's, they're 75, 80 years of age, and I'm, I'm, I'm, I'm probably younger than them, I'm 60, and none of them can read, none of them can read and write hardly.

Well, you can read and write a little, can't you?---A little, yeah, not a, not a great deal.

40 You can read and understand basic documents, perhaps not legal documents but you can read and understand basic documents, can't you?---Sometimes, I always get my missus to read, read a lot of my stuff.

And you have an email address, don't you?---Yeah, I do.

And you've got several, don't you?---No, I've got one.

What's the email address you use, Mr Green?---It's called Murriss United.

And did you not hold an email address Richard@IndigenousLands?---Yes, I did.

And your more commonly used email address is the Murriss United email address. Is that right?---Yes.

And you send and receive emails, do you not?---I don't send emails, I don't know how to.

10 You receive emails though, don't you?---Yeah, I receive 'em.

And you read them when they come in?---I get my son if he's there, I get him to learn how, how to do a lot of stuff. They fill out my, my timesheets for the workers. Sometimes I have a look at them, battle through them as much as I can. I've got my son and my nephew that works with me, does all of my timesheets and - - -

20 Now, Mr Green, you know a gentleman called Tony Zong, don't you?---I sure do.

And you know that he and his company entered into some agreements with the Land Council, don't you?---Some agreement.

And you met Mr Zong first, didn't you, in about May of 2015?---Yeah, I'd say so.

And you met him with some others to show him around some of the land owned by the Land Council. Isn't that right?---Yep.

30 You remember the meeting, don't you?---Yeah, I think it was at Braye Park.

Do you remember the day, I mean do you remember the date, do you?
---No.

But you remember the day that you had this meeting?---No I don't remember the day, I don't remember the date.

40 No, I'm sorry, my question was unclear, I apologise. You do remember meeting with Mr Zong and showing him around some of these holdings of the Land Council?---Yes.

Now, you, when you first met him, knew that he had a company called Sunshine, didn't you?---Yes.

And - - -?---I wasn't familiar with Sunshine then.

Well, you knew fairly soon after meeting Mr Zong that that was his company. Isn't that right?---Yeah, yeah.

THE COMMISSIONER: How did you come to meet Mr Zong?
---(No Audible Reply)

Who introduced you?---I think it was Nick.

Nick Petroulias?---Yeah. Or, or, or Sam, I, I'm not sure to tell you the truth.

10 MR CHEN: Well, before you met with Mr Zong, did you have any meetings with anybody or with Mr Petroulias at all about the land that Mr Zong ultimately became interested in?---No.

Are you sure?---Yeah, I'd say, yeah.

Well, take your time, Mr Green, it's important. Do you think you met with Mr Petroulias before you met Mr Zong at all to discuss some of the land?
---Oh, I think Nick had said he had some investors was coming to look at the land.

20 So are you able to put a time on when this was in relation to when you first met Mr Green [sic]. Was it weeks, months, days?---Mr Zong.

I'm sorry, Mr Zong.---No, I can't remember what date and what day I met him and where I met him. I think, I think it was at Braye Park in Newcastle.

So what's Mr Petroulias's role at this time, Mr Green?---Oh, he was bringing in, bringing the investors in because he said he had all these investors and, and that's - - -

30 For who?---For the land.

No, but who's Mr Petroulias been given this role to bring investors in for?
---Well, I talked about um, about meeting him and taking him out to blocks of land that didn't belong to the Land Council and um, he said that he had investors and he would bring 'em up to Newcastle and - - -

Right. So is the answer to my question you?---Pardon?

40 That you're the person that somehow managed this or arranged this relationship with Mr Petroulias that he would bring so-called investors in?
---Yeah, but I went back and asked the board too.

You disclosed to the board, did you, that Mr Petroulias was your contact to bring in investors?---No, I didn't disclose [sic] that, no.

The person who made the arrangements or set up this connection was simply your contact with Mr Petroulias. Isn't that right?---Yeah, you can say that.

THE COMMISSIONER: That's how Mr Zong came into the picture?
---Yeah, yeah.

MR CHEN: And did you have any meetings with Mr Petroulias at all before you met Mr Zong about the five lots of land that ultimately Mr Zong became interested in?---No.

Are you sure of that?---Yeah.

10

What do you say happened then to enable Mr Zong to somehow meet up and come and have a look at these lots of land?---Oh, Nick said that he was, he was bringing investors up.

Right.---But it wasn't actually a meeting, it was probably a phone call.

Right. So he rang you and told you that, did he?---Yeah, I think so, I think that's how it - - -

20 And what did you do when he told you that?---Well, I said, "That's good."

And did you arrange to meet them?---Yeah, I did.

Where did you meet them?---I think it was Braye Park.

You didn't meet with them anywhere else, was it only Braye Park?
---I think we might have met at McDonald's.

30 Right.---Then Braye Park, went to Braye Park. Um - - -

Do you know a fellow called Keith Rhee?---Well, I think - I don't know him but I think he was Tony Zong's mate.

Well, you've met him, haven't you?---Yeah, yeah, I've met him.

And you met him at least at the occasion when you took Mr Zong around the various lots. Isn't that right?---Yes. I think there was another guy with 'em too, I'm not sure, yeah.

40 But you'd met Mr Rhee before that time, hadn't you?---Ah, I think I met Mr Rhee in his office here somewhere.

Well, let me help you. You met Mr Rhee, Mr Petroulias and Mr Say at a café in Beverly Hills some period of time before Mr Zong was introduced to the land. Is that right?---Beverly Hills?

Yeah.---Where's Beverly Hills?

It's a suburb in Sydney.---Gees, I can't, I can't recall that one.

So you're not denying you had such a meeting, you just can't recall it at all.
---Yeah, I just can't recall it.

Not able to assist the Commission at all in saying what may have happened, therefore, at this meeting at Beverly Hills, assuming you went to it?
---Beverly Hills. Beverly Hills. I might've, I might've, I'm not, I can't recall it.

10

All right.---I can't recall it.

You're not denying it, you just can't recall - - - ?---I can't recall it.

And you can't recall, therefore, any of the detail of what may have been discussed at this meeting, assuming you went to it.---No, I, if you can refresh my memory, I might remember.

20

Well, if you went to a meeting just at Beverly Hills, that would be inconsistent, would you agree, with your apparent role as only showing people around land. Would you agree?---Oh, in some sense, yeah.

Well, what sense are you talking? What sense are you talking, Mr Green?
---Well, sometimes people would ring me up to come down to Sydney and have meetings with them.

Well, Mr Rhee didn't ring you to come for a meeting in Sydney, did he?
---No.

30

And by that stage you hadn't met Mr Zong. Isn't that right?---I, I, I'll rephrase what I said before. I met Mr Zong around, in an office in Sydney once. Once.

In any event, Mr Green, it's a long way from Braye Park or Waratah or Warners Bay, and Beverly Hills, assuming it's a suburb of Sydney. Is that right?---Yeah.

40

It's not really consistent with your apparent role only as showing people around the land. Is it?---You can put it that way, yeah.

Well are you agreeing? It's a bit of a strange place to go, isn't it, to apparently conduct this role that you had to show people the Land Council's land.---I've travelled a lot of places in my time with land councils.

Well the only person that is perhaps suggesting you go there is Mr Petroulias. Isn't that right? Assuming you went there.---Yeah, probably. Yeah.

And it's only the connection that you had with him that meant that you would actually go to Beverly Hills. Isn't that right? Assuming you did.
---Assuming I did.

Well, there's no other connection is there to anyone else as to why you'd be at Beverly Hills, other than Mr Petroulias asked you to go there?---Yeah, you're probably right.

10 Well, you see, Mr Rhee was, in fact, a former workmate, was he not, of Mr Petroulias. Did you know that?---No, I didn't know that.

And did you know Sammy Say, other than through Mr Petroulias?---No, I didn't know Sammy.

You only met him through Mr Petroulias?---Yes.

20 You see, I'm going to suggest, Mr Green, that in fact you went to a meeting at a café and Mr Petroulias represented at that meeting to Mr Rhee and to Mr Say in your presence that he was a representative of the Land Council, in fact, that he was the lawyer for the Land Council.---I didn't hear that conversation.

Well when you first met Mr Petroulias, did he introduce himself as a lawyer or not?---Yes.

And you'd always understood him to be lawyer, is that the case?---Yes, yeah.

30 THE COMMISSIONER: What name did he use when you first met him, Nick?---Peters.

Peterson or Peters, Peterson?---Peterson I than it is, yeah. Peterson or Peters. Peters or Peterson. Yeah.

You late found out his true name, did you?---Yeah.

When did you find out his real name?---Oh, about, maybe six, five to six months after. I'm not sure what, what the time frame was.

40 MR CHEN: And that at this meeting that you can't remember going to, that I suggest that in fact Mr Petroulias told those that attended that his companies had the right to deal with Land Council property?---His companies?

Yes.---Which companies?

Gows Heat.---I can't remember that conversation.

And that, Mr Green, that you were representing that you had the authority to act for the Land Council?---No. That's untrue. That's untrue.

Well, you don't remember the meeting at all, though, do you?---No. I don't.

And you're not able to assist the Commission as to why on earth you're there – because you don't remember it, for one – but why on earth you'd be down at Beverly Hills?---I don't remember being there. I don't remember Beverly Hills.

10

You can't think of any obvious reason why you would go down to Beverly Hills other than to meet with Mr Petroulias and discuss a potential deal with land, isn't that right?---If I did go there, but I can't remember.

Well, let's assume you did go there. The only purpose for you to go there to meet with Mr Petroulias, would be to discuss a deal with land, isn't that right?---Oh, I came down to Sydney to meet with him a few times, not only just for land.

20

Well, as I understood your evidence, Mr Green, you were saying that he's the man that can bring in the investors, isn't that right?---Yeah, that's right.

And that's his appointed role, or the role that you appointed him to have, isn't that right?---No, I didn't appoint him to have that role.

Well, that's the role that you allowed him to have, isn't that right?---No, I didn't allow him to have that role.

30

I thought that was your evidence.---No, no, no, no, no.

So, what was he doing there, Mr Green?---He, he, he told me that he could bring investors, that he could bring investors into the, into the make, to make things happen. I never appointed him to do anything.

THE COMMISSIONER: And what was in it for him as you understood it? ---He didn't, he didn't say.

40

Well, it was apparent that he was in business of some type, investing, with an investment flavour to it. Is that right?---Yeah.

I'm talking about Mr Petroulias. At this time it's apparent to you that he was dealing with investors in relation to commercial projects that he could bring into fruition, bring into, bring about involving Aboriginal land. Is that right?---Yeah.

And do you know what was in it for him? What sort of commercial venture it was for him?---Well, he didn't - - -

To make it worth his while.---Well, I think the way it works then they bring deals to the table, that they, that they get a cut out of the incomes and, and the, and, and a profit, not a profit. Just to bring people to the table. That's, that's the way I thought it worked.

That's what you assumed that Mr Petroulias was doing this for?---Yes. Yeah.

10 MR CHEN: And do you recall ever showing Mr Rhee and Mr Petroulias some of these lots that were for sale prior to meeting Mr Zong?---No, I don't remember that.

You don't remember going out to any of the sites and discussing - - -?
---Now, are you talking about Strawberry Hills or are you talking about Newcastle?

No, Newcastle.---Oh, you were talking about Strawberry Hills before, I was still on Strawberry Hills.

20 No. I've never mentioned Strawberry Hills.

THE COMMISSIONER: Beverly Hills.---Pardon?

Beverly.

MR CHEN: What do you understand to be Strawberry Hills?---Well, you told me it was a suburb in Sydney.

30 No. I used the words Beverly Hills.

THE COMMISSIONER: Beverly Hills.---Oh, Beverly Hills. Yeah, rightio. Rightio. Sorry.

MR CHEN: So you don't recall ever showing Mr Petroulias and Mr Rhee, those two, around the sites and the five lots that Mr Zong became interested in, prior to meeting Mr Zong?---No, I don't remember that.

40 You're not able to assist the Commission there in what might've been discussed or said at this meeting, assuming you went, sorry, this site visit, assuming you went to it, at all?---No. Mr Rhee got me, has got me beat who he is.

I'm sorry, I didn't hear what you said.---Mr Rhee. Is it Mr Rhee?

Rhee, R-h-e-e.---I can't recall what he looks like.

Well, he's an Asian gentleman, he's Korean.---Korean. Korean, Chinese and all them guys, they all look the same to me. I, there was a lot of groups came up to Newcastle.

In any event, you came along didn't you and met Mr Zong at a later site visit, didn't you?---Yes, I remember that.

And do you remember you met a group of them at McDonald's beforehand?---Yeah, that's what I was saying before, yeah.

10

And that's the McDonald's restaurant on Hillsborough Road?---Yeah, Warners Bay.

And that's where two of the lots are located. Isn't that right?---Yeah. At the top of the hill, yeah.

And do you remember who else was there, other than yourself and Mr Zong?---Yeah, Nick was there.

20

Who else?---I think there was about three Chinese guys, I'm not sure.

All right.---And I don't, I don't remember if the Indian guys came that day. I don't remember if they came that day but they showed up there once, too.

Well there was a designated site visit, was there not, with Mr Zong. You remember that?---Yeah, I remember going to Braye Park and showing him the land there.

30

That's at elevation, isn't it? It's up quite high, isn't it?---Yeah, it is. Yeah. Braye Park. Gay Park, it is.

And do you recall Mr Rhee and Mr Say also being there, or you don't?---I know there was two guys with him, yeah, with Tony.

And do you remember a fellow called Matt Fisk?---No. I don't. Like I said, a lot of guys came up there. I remember Tony Zong because Tony, because of his name. Tony Zong. But I didn't remember a lot of the other guys.

40

Do you recall, did you come with Mr Petroulias that day or did you arrive separately?---No, I arrived separately.

And did Mr Petroulias tell you that there'd been this meeting arranged? ---Yeah, I think he came up from Sydney with them guys or drove up by himself.

Do you remember the discussions that were had at the McDonald's restaurant when all of you had arrived?---No, I don't.

You can't remember at all what was said?---I think we just all jumped in the car and went to the sites.

You don't recall ever going inside the restaurant and sitting down at a table and having a discussion?---No.

All right. Is that your best recollection?---That's my best recollection, yeah.

10 You're not denying you went inside, you just don't recall having done so. Is that the position?---That's the position. I don't, yeah. The old memory's not that good.

And do you remember going around to each of the five properties that Mr Zong was interested in?---Yeah, well we would have, yeah.

20 And you were telling them, weren't you, that there'd been some Native Title Claims that had been made and the Land Council was looking at selling some of the sites. Isn't that right?---Well, up at Warners Bay, the, the, the Land Council owns land up there and what they, what we done in the Land Council was put more Native Titles Claims in around the golf club, and I did, I did, I did say, you know, I, I, I didn't tell them land for sale, because we was interested in joint ventures, and where these people get these sales from has got me beat.

Well - - ?---A lot of people are saying, you know, sales.

30 Well, that's what Mr Petroulias was saying, wasn't he?---Well, I don't know what Mr Petroulias said because I wasn't listening a lot of the times, I was showing guys land.

Well, Mr Green, I'll move to some of the conversations in a moment, but as I understood it you don't really remember much about what was said onsite. Is that your position or you do?---Exactly. I don't remember much. I'm just showing them the land, I don't remember much at all.

40 Well, Mr Green, there's some evidence before the Commission which I think I need to put to you because it affects you and it's the effect that in your presence it has been stated that Mr Petroulias had put the deal together for these five lots and that he had an option to acquire the five parcels of land and moving forward for Mr Zong it would involve taking out or acquiring Mr Petroulias's option or position. Now, what do you say to that? ---I didn't really understand all that.

Well, I'll put it in a different way to you, Mr Green, that what in effect was said onsite in your presence was that Mr Petroulias had a right to acquire the five lots that you were showing Mr Zong and his associates around.---When you mean acquire, what does acquire mean?

Buy.---Buy?

Yeah.---Bullshit. Sorry. That's not true.

Well - - -?---That's not true.

Are you saying what's not true, the fact that it was said or the fact that Mr Petroulias asserted a right to be able to buy these lots?---I did not hear him say that.

10

THE COMMISSIONER: But you knew he was always conducting himself on the basis with Mr Zong that he had a right in the Aboriginal land to sell to Zong or Zong's company.---No, no, no, no, no.

MR CHEN: The very document - - -?---No way.

Mr Green, the very document that you signed in fact on its face purports to confer that right to Mr Petroulias.---Does it?

20 It does.

THE COMMISSIONER: Your name on it, this is another one with your name on it but a particularly important one. Now, what do you know about that agreement that you signed?---Well, I didn't read it. I didn't read it. I, I, I never read anything.

You knew what was in it, didn't you?---No, I didn't know what was in it.

30 MR CHEN: And you were going along with Mr Petroulias with him saying that he had the right to acquire these five lots to Mr Zong. Isn't that right? ---No, it's not right. That's not correct. I will never say that land is for sale when the board doesn't agree on it. I will, I've said that all my life. Look, I've fought for Aboriginal people all my life, right. My brother is the guy that pitched the Tent Embassy up, my real brother, and we travel a lot of miles and, and, and fight for Aboriginals. I've been bashed over the head with iron bars by the coppers, I've been pinned out, out the road here, right out the front of this office and - - -

40 THE COMMISSIONER: But Mr Green - - -

THE WITNESS: - - - and I make sure - no, Your Honour, can I just, you know.

THE COMMISSIONER: You're not here to make speeches.---Well, you know - - -

You're here to answer questions in a serious investigation.---Yeah.

Not to make speeches.---Rightio.

You say you always fought for Indigenous rights.---Yeah.

Do you think you were fighting for Indigenous rights when you were signing away agreements which could affect their rights without even knowing?---No, I believe I done a lot of wrong here.

10 Mmm. And that was one of them, wasn't it, signing, signing agreements?
---Yeah, and I, I, yeah, and I shouldn't, I shouldn't have did it. I shouldn't have did it.

We're still waiting for the answer to the question, why did you do it?
---Well, it wasn't for money gain if that's what youse are saying.

Well, what was it for then?---All my documents out there in the briefcase, my financial stuff.

20 I'm still puzzled by the answer to this question.---Well, I wanted to - - -
Why did you do it and - - -?---I wanted to take the Land Council forward
- - -

Listen - - -?--- - - - and do something with Land Council.

30 Why did you sign agreements one after the other when asked, not knowing what you were signing, not once, but several times? Why? What's the answer to my question, why did you do it?---I, I, I haven't got an explanation.

See, you haven't even got an answer.---No. I try to tell you my answer, you know, I, I, I try to take - - -

But you haven't got an answer.--- - - - the Land, Land Council forward when we was in a slump with no, no administration going and, and, you know, I'm getting persecuted over it.

40 MR CHEN: Now Mr Green, you also during the course of this site visit, can I suggest to you, were boasting to those in attendance that you could get this deal through the Land Council. Isn't that right?---No. I didn't say that.

Maybe another way of looking at it is by getting around the board of the Land Council.---No, I, I don't do that, I don't do that. I let the board make a decision.

Well, you never, well, I'll show you another document Mr Green, if you would. If you have a look at volume 3 page 150 - - - ?---Sorry for getting angry but, you know.

THE COMMISSIONER: It's all right.---It's just, it's just, a lot of this stuff is, is just not right.

MR CHEN: Now do you see, Mr Green, in front of you there's a document described as acquisition proposal, Sunshine Property Investment Group, Awabakal Aboriginal Land Council, 30 June 2015?---What's an acquisition proposal, what's that?

10 Just put that to one side, it's an agreement.---Righto.

Do you see that in front of you now on the screen?---Which, this here? Yeah.

So if we look at the next page, Mr Green, you'll see, in fact, we'll go to volume 3 page 152, you'll see that there's your signature on the bottom of it.---Yes, it is.

20 Do you see? Do you see that?---Yeah.

And you're signing it, again, in the capacity as deputy chair. Do you see? ---Yeah.

And that's your handwriting, namely the writing, "Richard Green dep chair", isn't it?---Yeah, yeah, yeah, yeah.

30 So you're not signing that in a private capacity, are you, Mr Green, or in your own personal capacity. You're signing it as the deputy chairperson of the board of the Awabakal Local Aboriginal Land Council.---Yeah.

Do you remember signing this agreement, Mr Green, shortly after Mr Zong went up to the site and had a look around with you and Mr Petroulias and others?---No, I don't remember signing it, and where, I don't remember where.

Well, you would've seen on there the name above, Zong, Tony Zong. Wouldn't you?---Yeah.

40 And you knew certainly by this time that Tony Zong and Sunshine were one in the same, that is Sunshine was Tony Zong's company.---Yeah, probably. Yeah.

And if you look at the first page, I'm sorry, page 151, so the first page of the agreement, you can see straight away that it's referring to, as item one, property address of land being acquired. Do you see that?---I didn't see this, didn't see it.

When you say you didn't see it, do you mean to say you didn't look at it?
---Didn't, no. I didn't even see it, didn't look at it, didn't see it.

THE COMMISSIONER: What did you do? Close your eyes? Did you close your eyes?---No, that one, I didn't see that on the, on the, on this here, the pages were turned to sign it, and I signed.

MR CHEN: Who presented that to you, Mr Green, to sign?---I think it would've been Nick.

10

Do you have a recollection on 30 June 2015 signing that document?---Not really.

THE COMMISSIONER: You said the pages were turned.---But I think - - -

You said this document on the screen, Offer Schedule and Exclusive Due Diligence Agreement, at the time you signed it, it was turned over, and you only signed, only saw the pages signed.---Yes.

20

How do you, you do remember that, do you, that it was turned over and held while you signed the last sheet.---A lot of the documents - - -

Who held it over, open for you like that?---I think it would've been Nick.

MR CHEN: Was Ms Bakis there when this agreement was presented to you to sign?---I don't think so.

30

Where did you sign it? Was it in Sydney, was it at the Land Council offices, where?---Well I can't remember, maybe it was at the Land Council office, maybe.

Why didn't you turn back a page and just satisfy some, perhaps, curiosity to work out what you were signing?---You know, I keep on saying this here, we, we, we, that's just not the practice that we do in Land Council. If someone give you something to sign it, you know, you sign it.

THE COMMISSIONER: That was your practice anyway, wasn't it?---No, it wasn't only my practice, it was a lot of people and I know over the years - - -

40

MR CHEN: Why wouldn't you, Mr Green, as a board member charged with the responsibilities of looking after the members of the Land Council, look at a two-page document just to check what you were signing? Why wouldn't you have taken that step?---Well, I know I should have now.

Well, it's obvious, isn't it?---Yeah.

It's obvious, Mr Green, had you cared to look at it, that this is purporting to deal with Land Council land, isn't that right?---Yeah and I wouldn't have signed it. I wouldn't have signed it.

THE COMMISSIONER: But you had the name Zong on it. You said you saw the name Zong and you knew Mr Zong was interested in buying the land.---Yeah.

10 Yes. So, it would have been obvious to you that this is an agreement that had something to do with land being sold to Zong, right?---Oh, no.

Not right?---No. I, I - - -

But you saw the name Zong, you've already told us that, when you, at the time of signing this. That's point one. Point two, you knew Zong had gone up and inspected the property, so he's interested in buying it, correct? ---Yeah.

20 So, if you put one and one together, you've got soon afterwards Mr Zong's name on the document you were asked to sign and you're signing the same document. You would have to appreciate it, that it had something to do with selling the Council land to Zong and his company, correct?---Actually, actually I think it was, we were signing something. I thought we were signing something to take it back to the, back to the, the, the community, now you think of, think of this one.

30 MR CHEN: Well, why do you say that now?---Oh, because a lot of the stuff that they've put in front of us, they were saying, "Sign this here, we've got to take it back to the, to the community meetings to get approval."

THE COMMISSIONER: You're just making this up as you go, aren't you? ---No, no, no. I'm not making it up.

MR CHEN: So who said this?---Sorry?

40 As I understood your evidence, Mr Green, this document, it's turned over, presented to you for signing, because that's the practice that you have invariably followed at your time as a board member. But now you say, do you, that that somebody told you this was going back to the members, is that right?---Well, we take a lot of stuff to the members.

So, you would expect, would you not, that if it had to go back to the members that what you were signing, therefore, was something to do with land, isn't that right?---Yeah, to take back to the members.

Well, it had something to do with land though, in your evidence. Isn't that right?---Yeah.

Well, that's what you've got to take back to the members, isn't it?---That's right.

Anything to do with land?---Yeah, you do.

So, if somebody has mentioned to you, Mr Green, that this has got to go back before the members, you know you're signing a document dealing with land, isn't that so?---Yeah.

10 So you knew, did you, as at the time that this document was signed by you, 30 June, that this was a document to do with land, most likely the five lots that Mr Zong had been shown around by you in May of 2015?---Yeah, not to sell.

Now, who's the person that said that to you, if anyone?---Oh, it would have been Nick.

20 And what step did you take after 30 June, 2015. Mr Green, to disclose to the board that you had signed this agreement?---I don't think I did.

You didn't keep a copy of the agreement, perchance, did you?---No, I didn't.

You didn't go and file it aware in the Land Council offices, did you?---No. I didn't.

30 So, why didn't you take the very easy and simple step, Mr Green, of notifying other board members that you'd signed this agreement?
---Well, they'd find out in the long run when it goes back to the, to the members.

Well, it's got to find its way to the board first, doesn't it, Mr Green?---Yeah, to does.

So, how does it get back to the board if you're the only one that signed it?
---God knows.

40 Well, only you do because you signed it.---Yeah, but I didn't know what was in it.

THE COMMISSIONER: Yes, but you knew it was to do with the Aboriginal land that Zong was interested in. You've already told us that.
---Yeah, yeah. Yeah, but I didn't, I didn't know what it was, what it contained about buying five lots.

MR CHEN: You also knew, didn't you, Mr Green, that money was to go from Mr Zong to the solicitors, Knightsbridge North Lawyers, because this document had been signed, isn't that right?---No. I didn't know that.

Didn't know it at all?---Didn't know it at all.

Didn't know that Mr Zong had somehow paid some money across to the accounts of Knightsbridge North Lawyers?---No, I didn't know that.

To be held, sorry, to be held for the benefit of the Land Council?---Didn't know that. Did not know.

- 10 THE COMMISSIONER: It would have been very easy for you to tell, to inform the board that you signed the agreement.---I know it would have been. I, I know.

It would have been wouldn't it?---Yeah, it would have been. I know.

So can you explain why you didn't, is there any explanation you can offer as to why you didn't?---Well, you know, if it had to go back to the community the board would, yeah, would know about it. I don't know.

- 20 Do you have any explanation for not disclosing to the board - - -?---No, I haven't got any explanation.

No explanation?---No.

Thank you.

MR CHEN: So this is another agreement then has been signed by you without any form of disclosure at all. Isn't that right, Mr Green?---Yeah.

- 30 Now, Mr Green, do you recall being asked to sign a number of other documents shortly after this time by Ms Bakis or Mr Petroulias?
---(No Audible Reply)

Did you want me to repeat the question? I'm not sure whether you answered it.---No, I never. Can you tell me again?

All right. Well, do you recall after this agreement being asked to sign a document called a put and call option agreement?---What is it, put and?

- 40 All right. Well, I'll have it brought up on the screen. So volume 6, page 139. This is volume 6, page 139, you'll see that's a put and call option agreement dated 12 October, 2015, drafted by Knightsbridge North Lawyers. Do you see that on the screen Mr Green?---Yeah.

And if you turn, well, scroll through to page 153 you'll see that your signature also appears at the end of this document. Do you see that?
---Yes.

And next to it again you'll see that Ms Dates appears to have signed that as well.---Yes.

THE COMMISSIONER: She signed as chairperson and you signed as deputy chairperson. Is that right?---Yeah.

Both using your official offices as board members to sign these agreements. Right?---Yep.

10 Not just in your own name but in your official capacity. Correct?---Correct.

MR CHEN: So when did you sign this, Mr Green, do you recall?---No.

Well, it bears a date of 12 October, 2015. Do you think it was signed around that time or you don't know?---October '15, I, probably.

Well, I might be able to help you put this into time.---Mmm.

20 You recall going to the Land Council offices when Mr Zong came up to sign various agreements, don't you?---Yeah, I do.

And just accept for the moment that's 23 October, 2015.---Yeah.

Do you recall a few weeks prior to that date going to, having this document put in front of you and being asked to sign it?---Before he came up?

Before.---Oh, I can't recall, no.

30 Do you know, do you have any recollection about where you may have signed this document?---No.

You don't know who put it in front of you?---Oh, it would have been Nick.

Why do you say it would have been Nick?---'Cause um, he used to do a lot of stuff for the, for Knightsbridge.

Right. And he was the person that was dealing with the land or discussing the land, wasn't he?---No, he was the person that was bringing the investors in.

40

Well, why is he then bringing the agreements to you to sign?---I've got no idea. Look, look, I don't understand a lot of this stuff, this paperwork.

THE COMMISSIONER: But you say he was regularly helping Knightsbridge - - -?---Yeah.

- - - as you saw it?---Yes.

Including making documents available for signature?---Yes.

MR CHEN: Did you have any discussions with Mr Dates about signing this document?---No.

None at all?---None at all.

THE COMMISSIONER: Do you know what a put and call option is?
---No.

10

Did anybody from Knightsbridge explain to you what it was?---No.

Did any lawyer explain it to you?---No.

Did you ask Nick or anybody else what's a put and call option?---No. What is a put and call?

MR CHEN: Do you even have a recollection of seeing the front page of that document before or the document itself?---No.

20

THE COMMISSIONER: Mr Green, did you ever reach a stage after signing agreement after agreement after agreement, raising a question, hang on, why, why am I the one you're asking to sign all these agreements? Did you ever ask that? It must've occurred to you after about the third or fourth agreement that why am I the post box? Why is somebody coming to me all the time? Did you ever ask for clarification as to why it was you - - - ?
---No, I didn't.

- - - they were coming to?---I didn't ask.

30

Well did you have any idea as to why they kept coming back to you and no one else on the board?---Yeah, because I thought, I thought we were taking the Land Council forward and, and I had a role in playing of getting all these bloody companies up and running as much as I could do, and, and, you know, it's just, I wish I never got involved in it.

MR CHEN: How was it going to help the Land Council? You don't even know what you're signing?---Well, you know, things were mentioned to me like, you know, "We'll build a lot of houses", "We, we", and, and, "To make our money back there'll be so many houses sold and there'd be so many houses give to the Aboriginal people, they will own their own homes", something like 300 homes around the place, "they will own their own homes, they won't have to worry about buying 'em", and "we'll rent some out to put more money back into the Land Council", and the, the investors were selling houses off to get their money back.

40

THE COMMISSIONER: Who was saying those sort of things to you?
---Nick was saying it to me. I think it was, I don't know if Tony Zong said it to me but that was part of the - - -

But certainly Nick was one of them anyway.---Yeah.

Saying these things.---Yeah.

10 Glorious picture for the Aboriginal cause.---Yeah.

Subdividing land, everyone have a house and that sort of thing.---Yeah.

Well not everyone but those who - - - ?---The members of the Land Council.

Yes.---Yeah.

MR CHEN: Well you know, don't you now, Mr Green, that the only person on your evidence who has made any money is, in fact, Mr Petroulias? Isn't that right?---Well, I've seen a lot of figures but I haven't really got told.
20

Well the Aboriginal community, in fact, the members of the Land Council have achieved no benefit at all from what's gone on here, have they?---No, but they - - -

It's put them back many, many years, hasn't it?---Yeah, they've still got their land.

THE COMMISSIONER: When you said you've seen "all sorts of figures" about what Mr Petroulias has made out of it, what figures are you there referring to that you've seen?---Well, one day I saw, I thought it was
30 100,000 but it was a million.

Where was that?---Well, it's - - -

Where did you see those sort of things?---I think it was, I don't, I don't want to - - -

Did Mr Petroulias show you those figures?---No, he never.

40 Well who did?---He told me it was 700,000.

Who did?---Nick.

What did he say about that?---I just said, "really?".

What did he say about 700,000?---Well that's all I asked him, did any money get put into the investment fund for us to, to, to start our business,

because that's what the, I thought the investment fund was for, so we could start a business and start running around the communities and all this stuff.

And what was his reply to your question?---He never answered me.

But you said he made reference to 700,000.---Yeah, he did.

What did he say about that?---No, he never, never answered me.

10 But what did he say about \$700,000? What was the context?---Well, I only asked him was there any money put into the trust fund.

Yes.---And he said, he said, "Yeah, 700,000", and that's all was said, he never told me anything else.

MR CHEN: What trust fund is this?---Well, a trust fund that, that I signed up with Nick at the bank.

20 Right. That sounds like a bank account.---Yeah, well I thought it was a trust fund, and what you do in a trust fund I, I've got no idea.

THE COMMISSIONER: Is that a convenient time?

MR CHEN: It is, Commissioner. Yes.

THE COMMISSIONER: Mr Green, you're going to need to return tomorrow to finish your evidence. We will resume at 10 o'clock in the morning.---Okay.

30 You may step down. Very well, I'll adjourn.

THE WITNESS STOOD DOWN [4.00pm]

AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.00pm]