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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 16 MAY, 2018

AT 10.15AM

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

THE COMMISSIONER: Yes. My apologies for the delay. Yes, Dr Chen.

MR CHEN: We're ready to proceed with Mr Green.

THE COMMISSIONER: Mr Green, thank you. Just take a seat, Mr Green.
I note that a declaration was made under section 38 yesterday in respect of
10 the evidence of the witness, Mr Richard Green. That declaration continues
to apply to the hearing today.

**A DECLARATION WAS MADE UNDER SECTION 38
YESTERDAY, IN RESPECT OF THE EVIDENCE OF THE
WITNESS, MR RICHARD GREEN. THAT DECLARATION
CONTINUES TO APPLY TO THE HEARING TODAY.**

20 THE COMMISSIONER: Yes.

MR CHEN: Mr Green, I was asking you questions yesterday, just about,
before the Commissioner adjourned about a put and call option. Do you
remember me asking you some questions about a document with that title?
---Yeah.

And I want to show you some other documents as well, Mr Green, if I can.
There's a further document which I'd ask you to look at. It's volume 7, page
59. And Mr Green, would you like a hard copy of the volume put in front of
30 you?---That's okay.

So, you can see on the screen in front of you now, Mr Green, is a document
called a call option agreement, dated 12 October, 2015?---Yeah.

And if you have a look now at page 69 and you'll see that your signature
appears on the bottom of that document. Do you see that?---Yeah.

And it's got your name as well, Richard Green. Do you see that?---Yep.

40 And is that your handwriting?---Yeah.

And do you remember, I'll withdraw that. If you have a look, please, at
page 60, you'll see that's apparently an agreement between the Land
Council and Sunshine Property Investment Group, Pty Ltd. Do you see
that?---Yeah.

And do you recall signing this agreement, Mr Green?---No.

Do you know where it is you may have signed it?---No.

Do you know who presented it to you for signing?---Well, I'd say it was Nick that handed it to me.

THE COMMISSIONER: Just keep your voice up a little bit if you wouldn't mind, so that it's picked up.---I just want to tell you, Your Honour, you know - - -

10 Sorry, what did you just say then?---I just want to say I'm on anti-depressant tablets, and I, I left my medication back in, back in Boggabri, I run out and I'm not feeling too good today.

All right. Mr Green, we'll just take it step by step at the moment and we'll just see how you go and - - - ?---Yeah.

- - - we'll consider your position certainly as we go. We'll just press on for the moment. I think we got an answer to that last question.

20 MR CHEN: Yes. I think you just dropped your voice though, Mr Green. You said you think it was shown to you by Nick and you may have said something after that, I'm not sure whether you did or you didn't. Did you intend to say that, add anything to the answer?---No.

All right.---No.

You don't have a recollection though, do you, of Nick presenting this document to you for signing? Is that - - - ?---No, I haven't. I haven't.

30 And I take it, Mr Green, is it the case consistent with your evidence yesterday that you didn't read the document at all?---No, I didn't read it.

You don't know anything about it?---No.

If you go back to volume 7 page 69, so where you signed it, you'll see that you were signing it in your capacity as a deputy chairperson of the Land Council.---Yeah.

40 Do you recall Ms Dates' signature being on the document when you signed it?---No, I don't recall that, it might've been there.

But you certainly could see that it required the chairperson to sign the document?---Yeah.

And you could see by looking above that it was identifying a company called Sunshine Property Investment Group Pty Ltd. Do you see that?---I see that now, yeah.

But you knew well and truly by October 2015 who Sunshine Property Investment Group was. Isn't that right, Mr Green?---Yeah, I knew who was it but I didn't see it on any document like this.

All right. Well you knew Sunshine was Tony Zong. Isn't that right?---Yeah.

And that was a gentleman who you'd shown around the property in March of 2015.---Yeah.

10

Would you have a look please at another document, Mr Green? Volume 7 page 71. Do you see on the screen in front of you a document described as a Deed of Rescission dated 12 October 2015?---Yeah, I can see it.

And you can see the date, can't you?---Yeah.

And what does the date say, Mr Green?---Well it says October, 12 October.

2015?---Yeah.

20

All right. And if you have a look, please, at page 73, again you recognise your signature there on that document, do you?---Yes, I do.

And you can recognise your handwriting, Richard Green.---Yes, I do.

Do you see that?---Yeah.

And Ms Dates' signature to the left?---Yes.

30

And you can see above that, can't you, a company called Gows Heat Pty Ltd?---Yeah, I didn't see that when I signed it.

Well if you can see it now, can't you?---Yeah, I can see it now.

And if you, at the time that you signed this document, cast your eyes five or 10 centimetres above where you signed you could see quite obviously that the other party to this document was Gows Heat. Isn't that right?---There's Gows, yes.

40

Well Mr Green, let me put it this way to you. If you'd cared to look above where you signed you could see, couldn't you, that there was an entity called Gows Heat Pty Ltd. Isn't that right?---Over here on your left up the top.

Yes.---Yeah.

You're pointing to the left of the - - - ?---I can see that, yeah.

Yes. And so if you cared to look at the top of the page you could see quite obviously that the other party to this document was Gows Heat Pty Limited.---Yes, but I didn't look at it.

And, Mr Green, if you turn back one page to page 72, and if you'd looked at that page, it's quite obvious, isn't it, that the other party to the agreement is Gows Heat Pty Limited?---Yeah, didn't look at that page.

10 Well, who presented this to you for signing, Mr Green?---Well, I'd say Nick did.

Do you have a recollection of that or not?---Well, he gave me a lot of documents to sign.

Did Ms Bakis give you any documents to sign ever?---Not that I can recall.

She didn't give you any documents?---Not that I – oh, look, I'm not really sure, I'm not really sure.

20 Well, this document appears to have been prepared by Knightsbridge North Lawyers.---Well, I wouldn't know who prepared it.

You don't have any recollection about where you signed it?---No.

Who presented it to you for signing?---Well, like I said, it would have, probably would have been Nick.

30 And you've got no idea what's in it. Is that your evidence?---No, I've got no idea what's in it.

THE COMMISSIONER: Did anybody advise you as to what the document - - -?---No.

- - - what effect the document had?---No.

40 MR CHEN: Now, do you know whether the three documents that I've asked you about, the deed of rescission, the call option agreement and the put and call option agreement, Mr Green, were signed on the one occasion or different occasions or you can't say?---I can't, no, I can't say.

And you can't say if they were all signed on the one occasion, what any of these documents might have meant?---No, I can't say.

It's a pretty remarkable thing, Mr Green, isn't it, that three documents which you're being asked to sign in your position as the deputy chairperson of the Land Council, you know nothing about?---Well, I can't recall it and I didn't, I didn't see what was inside the documents.

Was Mr Petroulias telling you what you were signing?---No, no one told us.

Did Ms Bakis tell you what you were signing?---No.

Now, Mr Green, I asked you some questions yesterday about an affidavit that apparently was presented to you at your home on 13 June, 2017. Do you remember me asking you some questions about that?---Yeah, I remember that, it was only yesterday, yeah.

10 And I think your evidence was that you thought it was not an affidavit but some statement relating to policies and procedures.---And minutes.

And minutes.---Yeah.

Mr Green, yesterday when the Commissioner's associate asked you whether you wanted to take an oath or an affirmation, you took an affirmation. Do you remember that?---Yeah.

20 And that's because as I understand it as an Indigenous gentleman, you have a different view about the Bible and hence that's why you took an affirmation. Is that right?---That's right.

And this affidavit though apparently purports to be an affidavit that you swore on oath. Was that something that you would ever do, namely swear on the Bible that a statement was true, or is that something you would not do?---I would not do that.

30 And that's because of that, you have quite different beliefs about the Bible and - - -?---Yes.

When this statement or this document was put in front of you for you to sign, did Ms Bakis actually say like what the Commissioner said to you yesterday, words to the effect, do you declare and affirm that the contents of this statement or affidavit are true and correct, or were you just asked to sign it?---I was just asked to sign it.

So no affirmation was spoken to you and you were not asked to affirm the truth of this document. Is that right?---That's right.

40 Are you sure of that?---Yeah.

Now, within the affidavit, Mr Green, there are statements which apparently purport – I withdraw that. In this affidavit, Mr Green, and this is page 1, paragraph 20, Mr Green, what this document apparently says is that you over a course of several months represented to or spoke to Ms Bakis, advising her that you were the agent and representative or representative agent of the Land Council board. Did you ever tell Ms Bakis that?---No.

Are you sure of that?---Positive.

So, if it's contained in your affidavit, would that be true or correct, true or false, sorry?---False.

You never said it at any time to Ms Bakis?---No.

And you're sure of that?---I'm sure of that.

10 It also seems to be suggested, Mr Green, in your affidavit – this is page 3. The numbering is out, but it's paragraph 22 followed then by paragraph 9. That over the course of 2014 up to 2016, is that you were promoting to Ms Bakis getting or engaging experts on behalf of the Land Council to work with Knightsbridge North Lawyers. Do you know anything about that?
---Engaged, say that again, please? Sorry.

Well, the thrust of what's recorded in those paragraphs is that you spoke to Ms Bakis in the period from about August 2014 up to January 2016, promoting this idea of developing land councils, engaging experts and
20 involving Ms Bakis' firm, Knightsbridge North Lawyers. Did you have any conversations along those lines with Ms Bakis?---Engaging experts for the Land Council?

Well, I'm just reading to you what's contained in here. I don't know what the experts are but presumably that's right.---Well, I don't, I don't know what the experts are either.

And so if it's contained in this affidavit, Mr Green, is it true or not that you had conversations with Ms Bakis to this effect?---No, it's not true. We can't
30 get experts. We can't even afford to run our office.

Now, Mr Green, you know that Mr Zong came to the Land Council's offices to sign an agreement on 23 October, 2015, don't you?---Yeah, I do.

Now, I want to just ask you to turn your attention to some events in the period from about the 1st of July until the time Mr Zong signed, sorry, until you signed the agreement with Mr Zong. Do you understand the period I'm talking about in 2015?---Yeah, yeah. I've going to a vague memory in my
40 head, yeah.

I drew your attention yesterday, Mr Green, to a document which was described as an acquisition proposal which was a two-page document which related to the five lots of property.---Yep.

And you knew that after you signed that document that Mr Zong and his company would be looking into whether or not the land that you had shown him could be suitable for development. Isn't that right?---No. I didn't know that.

And in fact he retained, did he not, Mr Zong, valuers to look at the value of the property. Isn't that right?---Well, I don't know that.

You know nothing of him securing valuation of these five lots?---No. I don't know.

Nothing at all?---Nothing at all.

10 So, did you have any involvement or dealings at all in this period after you saw Mr Zong at the site in late May, 2015 to the day you turned up to sign the contract or not?---No, I haven't, didn't.

Didn't know, I'll withdraw that. No idea that anything at all was going on in that period?---No, I didn't know.

Really?---Really.

20 So, out of the blue you're asked to turn up to the Land Council's offices, are you, to sign a document involving Mr Zong?---Yeah.

Must've been a bit of a shock to you that out of the blue something had developed to the point where you were signing, or being asked to sign, a contract with Mr Zong?---Well, like I said the other day I didn't really know what was going on, because I told, I told people that the land was zoned, environmental, and it will take a long, long time to get it done.

30 THE COMMISSIONER: Were you invited to this meeting where the contract was signed in Newcastle? Did somebody ring you up and say, "Come up"?---Yeah, Nick did.

All right.---Well, I sort of knew that it wouldn't have been a bloody contract to sell land, I sort of knew that.

MR CHEN: I'm sorry, you did know that?---Well, I knew it wouldn't have been a contract to sell land because things don't happen that quick.

40 All right. Well I'll come to it, Mr Green, shortly, but I just want to focus if I can just on this period leading up to it. Now, I want to show you a letter, Mr Green. Now Mr Green, do you see in front of you what appears to be a letter from the Land Council dated 23 September 2015?---Yeah.

And you can see the person down the bottom who apparently has authored or prepared the letter and signed it is you.---I didn't prepare that letter.

We'll just take it step by step, Mr Green. The document has your signature on the bottom of it. Does it not?---Yeah.

And it has your name on the bottom of it. Doesn't it?---Yeah. Yeah.

And you can see at the top who it's addressed to, can't you?---Yeah.

It's address to Knightsbridge North Lawyers, isn't it?---Yeah.

And what, you tell the Commissioner that you know nothing of this letter?
---No, I don't. I don't.

10 Didn't prepare it?---No, I didn't prepare it.

Didn't ask - - - ?---How could I prepare a letter like that?

Well, when you say "like that", what do you mean by that?---I haven't got the skills to do things like that.

You didn't ask somebody in the Land Council office to type it up?---No.

20 You didn't give instructions to somebody else to type it up?---No.

You know nothing of it?---Nothing of it.

Commissioner, could that letter at this stage be marked? And I'll just put on the record where it comes from. It's Bakis volume A page 145.

30 THE COMMISSIONER: Thank you. The letter signed by Richard Green as deputy chair addressed to Ms Despina Bakis entitled Acquisition of Gows Heat, Heads of Agreement by Sunshine Property Investments Pty Ltd 23 September 2015 be marked for identification MFI 29.

#MFI-029 - LETTER TO DESPINA BAKIS FROM RICHARD GREEN DATED 23 SEPTEMBER 2015 RE ACQUISITION OF GOWS HEAT HEADS OF AGREEMENT BY SUNSHINE PROPERTY INVESTMENTS PTY LTD

40 MR CHEN: Mr Green, this letter suggests that you had a meeting shortly before 23 September 2015 with Sunshine, which I take to mean Mr Zong, as well as Sam Say, Keith Rhee, and that you asked Mr Petroulias to attend with you. Now, did you have a meeting with those people that I identified at or around the time of 23 September 2015, or not?---I'd say no.

Why do you express your answer as "I'd say no"?---Because I can't recall it.

Are you denying you had a meeting or are you saying you just have no recollection of it?---I have no recollection of it.

Do you recall having a meeting when you asked Nick to come along and assist you in relation to the Gows Heat heads of agreement and the acquisition of them by Sunshine?---In Newcastle?

I'm not sure where it is, Mr Green, I'm just asking you whether you had a meeting and asked Nick to attend, involving what I just put to you, namely Sunshine buying, in effect, the Gows Heat interest?---I've never asked and organised any meeting in such.

10

I'm not asking whether you organised it, I'm asking whether you made a request of Mr Petroulias to attend a meeting with you - - -?---No, no.

- - - and the gentlemen identified?---No, no.

And have you ever attended a meeting where Mr Zong explained or spoke about his valuations of these five lots that you'd shown him around in May of 2015?---No.

20 And never attended a meeting where Mr Zong apparently said that he would be making an offer of \$10.6 million plus five houses payable on the Land Rights Act approvals?---No.

Definitely not?---Definitely not.

It also records this letter that Nick noted it being on 42G approval and 42M registration.---What deal is that? What does that mean?

30 Have you ever been to a meeting where Mr Petroulias has talked in those terms at any time?---No.

You can see as well, Mr Green, that it also refers to a meeting in Beverly Hills that you attended.---No, no.

And apparently there was a discussion there about how to present the deal to the community.---No, no.

And how to speed up the approval process.---You can't speed it up.

40 And apparently as well you were the person that was deciding or having an involvement in what Gows was to receive. What do you say to that?---No. Absolutely not.

Can you offer the Commission any explanation as to how this letter apparently records your version of events and is signed by you?---No, I can't, I can't explain it. And how my signature got on a lot of these documents I've got no idea, 'cause I haven't seen these letters, I haven't

seen any, haven't approved anything, haven't livened the process, nothing like that.

Do you recall, Mr Green, having a discussion with Mr Petroulias – I'll withdraw that. The lots in Hillsborough Road you mentioned yesterday, you were contemplating, you, the Land Council, was contemplating putting in native title claims.---Yeah.

Isn't that right?---Yeah.

10

And those claims would be on land that adjoins the property that you showed Mr Zong in May of 2015. Isn't that right?---Yes, that's right.

And the hope of the Land Council and its members would be that it would secure title to those adjoining lots. Isn't that so?---Yes.

And do you recall Mr Petroulias speaking to you about giving Mr Zong an option over, or a right of first refusal over those adjoining lots if the claim was successful?---No, I don't remember him talking to me about that.

20

You certainly spoke about it though, did you not, to Mr Zong and others?---I spoke about it but I can't remember if it was Mr Zong or, or who it was. Like I said, a lot of people, a lot of groups come up there and, and you still haven't got a lot of the groups that came up there, you know, that we talked to. They're still not a lot of the groups that we're talking about. We had Indians, we had Chinese, we had Vietnamese, we had Italians, we had Greeks, there were no, you know, a couple of good ones and I can't remember who I talked to about it but I told a few people about the, the, the land claim that we intended to put in. There was, there was something like another 70 we wanted to put in.

30

Did you know that a document was prepared, did you know that Knightsbridge North Lawyers prepared, apparently, a document called a right of first refusal in about October of 2015, which purported to give, or recorded that the Land Council was to give a right of first refusal over adjoining properties that may be awarded to the Land Council to Sunshine? ---So, what's a right of, sorry, a right of refusal? What does that mean?

40

Well, essentially giving them, if the document is signed, a right to buy that adjoining land.---No, I didn't.

I'm not suggesting you signed it but did you know that Knightsbridge North Lawyers had drafted a document to that effect?---No, I don't.

How could that have happened, Mr Green, that they could do that if it wasn't through you?---I have no idea. No idea.

And if the evidence before the Commission is that Mr Petroulias was telling people, including Mr Zong, that he could have such, well, he could confer that right in favour of Sunshine and that he'd speak to you about it, what do you say to that?---Well, he couldn't speak to me, he'd have to speak to the board. Personally, you know, I, I don't approve that stuff.

Well, that sort of discussion has got nothing to do with a person who you say is only involved in bringing investors to the Land Council, isn't that right?---That's right.

10

Now, Mr Green, the resolution, the Gows resolution that I showed you yesterday, would you like me to put it up on the screen again for you?
---(No Audible Reply)

Remember I showed you this you told me, Mr Green?---Yeah. I'm sick of seeing, I'm sick of seeing this one. It's in my memory.

But only your recent memory, according to your evidence yesterday?
---Yeah, that's right. Yeah.

20

So, you remember this agreement, I withdraw that, this resolution that I showed to you yesterday. Now, if the evidence is that Mr Petroulias was handing this document over to Mr Zong during the final stages of negotiating a contract with Mr Zong and his company, what do you know of that?---I don't know anything of that. I don't know about this document. I keep saying it. I don't know anything about it.

Well, how would he have got that document, Mr Green? Are you able to assist the Commission at all?---I can't assist because I don't know.

30

So, if Mr Petroulias suggested it came through you, that would be false, would it?---That would be false.

And if Ms Bakis suggested it came through you, would that be false?
---That'd be false. Like I said, I can't do anything like this here.

Well, just so it's clear, it's about handing over a document, a resolution.
---(Speaks Aboriginal Language) You know, I can't, I can't do this.

40

When you say you can't do this, you mean you can't what?---I can't, I keep on saying about this, this document. I can't write anything like that, I can't word anything like that, and I don't know where it came from.

Now Mr Green, I want you to assume there's some evidence before the Commission as well that at and around this time that Mr Petroulias is handing over this document to Mr Zong and others, that Mr Petroulias is threatening to cancel the negotiations between Sunshine and the Land Council. Do you know anything about that?---No.

Did Ms Bakis ever seek your instructions about matters such as the terms of the contract or not negotiating further with Sunshine at any point?---No.

You know absolutely nothing about it.---No.

You do know though, Mr Green, that Mr Zong paid some money in about the middle of 2015 into the account of Knightsbridge North Lawyers, don't you?---No, I don't.

10

And you know, don't you, that that was because Mr Zong and his company paid some money to have the right to investigate and purchase these five lots that you'd shown him. Isn't that right?---I don't know about any money.

Well you do know that you asked for some money from Mr Zong, don't you?---Yeah, for rugby league or, you know, men's or whatever, yes.

And you asked Mr Petroulias, didn't you, to make contact with Mr Zong to request \$2,000. Isn't that right?---No, I didn't. I didn't. No, I never.

20

Well, Mr Green, you did receive \$2,000 didn't you?---Yes, I received that.

And you did receive it by way of cheque, didn't you?---Yes, I did.

And you did put that cheque into your bank account, didn't you?---Yes, I did.

And you did know, didn't you Mr Green, when you banked that cheque that it was a cheque from Knightsbridge North Lawyers. Isn't that right?---To tell you the truth, no.

30

Really?---Yeah. I didn't have a look on the cheque.

Didn't look at it at all?---No, I just went and put it in the bank. No, I didn't know it was from Knightsbridge.

Where did it come from?---Well, I still think today that it came from Tony Zong.

40

That's right. And he was the person who you had - - - ?---I hadn't been - - - - - showed around the land. Isn't that right?---Yeah, well like I said the other day I, I ask people for sponsorship all the time.

Well, the cheque itself though physically came from Knightsbridge North Lawyers or Nick. Isn't that right?---Well if you're telling me that now, yeah.

Well that's the fact isn't it? It was a cheque drawn by Knightsbridge North Lawyers to you.---Well, yeah.

Yes. And you put it in your bank account, didn't you?---Yeah.

And you didn't disclose that you'd received that money to the board, did you?---No, I didn't.

10 You didn't tell anybody associated with the Land Council that you received that money, did you?---Well, in a lot of ways it didn't concern the Aboriginal Land Council.

Well, what did you do with the money, Mr Green?---I bought table and chairs for the shed, for the men's shed.

I see. And this men's shed, what is it?---It's Men in Crisis, on drugs that we talk to and they come in. I'm an Elder.

20 Where's this shed?---It was joint onto my house.

All right. A house in Newcastle.---Yes.

And how big is this shed that you set up to help?---About 12 foot by about 10 foot, I'd say.

All right. And what is it, a tin shed?---No, it's a brick shed adjoining the house where you park your car in there, and I never parked my car in, I parked it out on the street so we can have somewhere to meet.

30 So what did you put in there? Table and chairs, that's it is it?---Table and chairs and a lounge and little urn and coffee and all that stuff.

And this was a decision that you made yourself, was it, to set up. Is that right?---Yeah.

And is that all you did with the money?---That's all I did with the money.

40 That's not true, is it?---Well there might've been a bit of change, I don't know how much change. Probably would've bought coffee, tea, milk and sugar.

Well you bought a bit more, didn't you? You bought a couple of mattresses, didn't you?---Well, what's the big deal with that? So they come there and sleep in the shed.

Is that what they're doing are they, they're coming to sleep in your shed now, are they?---Well my house, a lot of people come around and camp at my house. I'm not a, I'm sort of a half away house.

All right.---And they still do it today, they've been doing it all my life.

And what else did you do with the money?---Well, like I said, I probably bought stuff for the shed which I, a couple of mattresses, yeah. It was only \$2,000, not like it was \$10,000.

Well, we'll come - - -

- 10 THE COMMISSIONER: What made you think that Mr Zong would be interested in making a donation, why did you think he would be interested in parting with money to the Land Council or to you?---Well, I remember asking him.

Yes, but why would he be interested?---Well, you know - - -

Why did you think he'd be interested in donating \$2,000?---Well, you get all these rich people, they, they donate a lot of stuff.

- 20 But that's usually because they're associated in some way with the Aboriginal cause, they want to support the Aboriginal - - -?---That's right, yeah.

Yes. Well - - -?---That's right.

- - - Mr Zong wasn't ever associated to your knowledge with the Aboriginal cause, was he?---Well, a lot of the Chinese do want to get involved with the Aboriginal people.

- 30 Why did you think he would be a soft touch for \$2,000?---Well, I don't think anyone's a soft touch but I always ask people.

But why did you ask this man, Zong?---Because I ask nearly every person that I know that's got money, Your Honour, you know, sponsorship, I do it all the time, and Aboriginal people, they ring me up and they say, "Can you get us some sponsorship off someone?" We do it all the time. I said it over and over in this Commission about, you know, that sort of stuff what I do, because we're not rich people.

- 40 No, but you knew Zong was a developer who was interested in buying Aboriginal land.---Yeah, but a lot of other investors, they - - -

But you didn't know anything else about him, did you?---But I still asked for sponsorship money.

Yes.

MR CHEN: Well, you asked him, Mr Green, because you knew he had paid a deposit upon you signing that contract, namely the acquisition proposal. Isn't that right?---No, that's not true.

And you knew that he was a person who, by reason of the agreement that you signed, with the assistance of Ms Bakis and Mr Petroulias, would likely enter into formal contracts in a matter of months. Isn't that right?---That's not right. I didn't know that.

10 And this was part of the benefits that you received for being involved in this scheme to lure in people such as Mr Zong.---That's not true. Not true.

THE COMMISSIONER: Why didn't you pay the money to the Aboriginal Land Council instead of keeping it yourself to buy things?---How many times have I got to um, explain it.

Why didn't you give it to the Land Council?---Because it wasn't, it didn't concern the Land Council. I know the dealings was going on with Land Council but I get money for sponsorship.

20

Yes, but you're a director of the board, don't forget, at the time you're receiving money. Don't you think you should have informed the board that you were receiving money, \$2,000, and were going to go and spend it? ---When I receive money off, off investors, whatever, I don't, I don't take it back to the Land Council board, I, I give money to children that go away on sporting programs, I give - - -

It's all right. Thank you, yes. No more speeches. Yes.

30 THE WITNESS: If you want me to, you know, preach about it and carry on - - -

THE COMMISSIONER: No, I don't want you to preach, I want you to listen for the next question.---Yeah.

MR CHEN: Well, you were told by Mr Petroulias, weren't you then, shortly prior to 23 October, 2015, that you needed to attend the Land Council to sign contracts involving Mr Zong. Is that right?---Oh, yeah, I'll say so, yeah.

40

Well, that's right, isn't it, and that's what you did?---Yeah, yeah.

And he had your - - -?---Look, I'm not - - -

- - - mobile number presumably to enable you to make contact with you [sic]?---Well, I'd say so.

Well, he did, didn't he?---Yeah.

And he told you that Mr Zong and Sunshine were coming up to sign contracts in relation to the five lots of land that you showed them around in May of 2015?---I didn't really know that.

You knew that, Mr Green, didn't you?---No, I didn't really know that. I didn't really know that.

10 And where did he tell you to meet, Mr Green?---Well, I, I told you, mate, at the Kent Hotel I met him.

That's where you met Mr Petroulias, is it?---Yeah.

20 And why were you meeting Mr Petroulias at the Kent Hotel if you're just there to come along and sign some agreements?---I've answered this. Look, I, I, I, I'm answering these questions, mate. I haven't, I'm not in the right frame of mind and I'm, I'm getting, I'm getting you know, I'm getting depressed, I'm getting shaken here and I'm answering these questions over and over and over and it's really, really getting to me.

THE COMMISSIONER: Mr Green, this was a very simple question. Why did you go to the meeting?---I, I, I, I need to go to the doctor. That's where I need to go. I'm, I'm not in the right frame of mind here. I, I, you know, I'm answering questions that I, that I'm confused at the moment. Like I say, I'm on depression tablets, I've got a lot of things going on in my life at the moment. I'm getting interrogated, you know, about shit what I didn't do.

30 Mr Lonergan, I'm going to adjourn so that you can take some instructions from this. There's no reference yesterday to him having left his medication at home. I think you need to ascertain, really, from him as to whether there's a proper medical basis for his claim that he's confused and by reason of the fact that he hasn't got his medication. As I say, this has come without any real notice that there's a medical issue affecting him at all, and had there been one, then it could have been addressed in advance.---I've mentioned that I'm on, on medication. I've mentioned it.

40 I'll adjourn for a few minutes so that you can take instructions and just let Counsel Assisting know what you propose to do in terms of any application because I want this properly dealt with as you'd appreciate. It's my intention to resume the hearing by 11.30 but I'll let you have the opportunity of taking instructions. Anything else?

MR CHEN: No. Not for my part, Commissioner.

THE COMMISSIONER: Yes. I'll adjourn.

SHORT ADJOURNMENT

[11.07am]

THE COMMISSIONER: Yes, Mr Lonergan.

MR LONERGAN: Commissioner, my application is that this be stood over for a period of time, and there's two bases for that application, the first is that Mr Green is on prescription medication, prescribed by his clinical psychologist.

10 THE COMMISSIONER: What is it?

MR LONERGAN: It's an antidepressant medication.

THE COMMISSIONER: Yes. What is it, do you know?

MR LONERGAN: I don't know the specific, I asked and he was unable to provide the specific antidepressant that he's on. However, the circumstances are that he had put into his bag to come to Sydney a box of tablets, or what he thought to be a box of tablets. There were two tablets in
20 that box that he took yesterday, leaving him left with none this morning.

THE COMMISSIONER: I'm just going to interrupt you. Where is he?

MR LONERGAN: He's outside, sorry, Commissioner, he - - -

THE COMMISSIONER: Outside?

MR LONERGAN: Yes, in the meeting room.

30 THE COMMISSIONER: He should be brought in. Officer, would you bring Mr Green in. Just sit down there, Mr Green, or sit wherever you want. Yes, you continue, Mr Lonergan.

MR LONERGAN: Yes, Commissioner. So he did have two tablets in his box yesterday which he took and leaving him with no prescription medication left today and he therefore has been unable to take that medication this morning and feels unwell as a result of not taking that. Those are the first aspect of the application. The second aspect of the application is that to use Mr Green's words, he's, "Not in the right state of
40 mind," and that being because of events external to the present proceedings in front of the Commission that he's saying weigh heavily on his mind and he's unable to properly concentrate.

THE COMMISSIONER: Mr Lonergan, it seems to me the first of the two bases, but not the second, does warrant an adjournment today. I'm going to adjourn it till tomorrow at 10 o'clock. I want in the meantime however to have two things done, one is an undertaking that he will immediately seek to have another prescription from a medical practitioner so that he can obtain

his medication here in Sydney by another issue of medication on a fresh prescription, and that should be done immediately after we adjourn today, and I would ask you to ensure that that is done. In other words I don't want him returning here tomorrow and saying I haven't got my medication.

MR LONERGAN: Well, I mean, Commissioner, within the capabilities that I have, noting there are certain restrictions on what I can and cannot do.

10 THE COMMISSIONER: Is there anyone instructing you or your - - -

MR LONERGAN: No, there's a direct instruction, Commissioner.

THE COMMISSIONER: Right. But you can at least assist him in being placed in the hands of either an Indigenous medical health centre or some other health centre - - -

MR LONERGAN: Yes.

20 THE COMMISSIONER: - - - for the purposes of a medical practitioner being able to obtain his medical history from his doctor by email or whatever, or his clinical psychologist, so that he can make an assessment as to whether or not in the circumstances he will issue another prescription.

MR LONERGAN: Yes, Commissioner.

30 THE COMMISSIONER: So in other words, I appreciate that you have no hold over him in the sense of making him do things, but you are in a position to ensure that he does make those inquiries by directing him and assisting him to do it.

MR LONERGAN: Assisting as much as I can within my capabilities, yes, Commissioner.

THE COMMISSIONER: Yes. Yes, very well. Now, Mr Green, would you mind coming forward again. Just come forward, would you, Mr Green. Are there any other matters you want to raise at this point?

MR LONERGAN: No, Commissioner, they're the two bases.

40 THE COMMISSIONER: Mr Lonergan, you should provide, seek from your client details as to his current – yes, just take a seat there, Mr Green – medical practitioner or clinical psychologist.

MR LONERGAN: I have, I have both of those, Commissioner.

THE COMMISSIONER: And your client should give an authority for the officers of ICAC to receive information, to speak to his medical practitioner to obtain information about this particular condition.

MR LONERGAN: I will seek instructions on that and provide.

THE COMMISSIONER: Is that forthcoming?

MR LONERGAN: I haven't received instructions on that. I can obtain those shortly after.

10 THE COMMISSIONER: All right. Mr Green, would you mind going back in the witness box for a moment? Mr Green, what we're dealing with at the moment is an application to adjourn today's hearing. I am inclined to grant you an adjournment and that we return tomorrow morning. Certain things have to be done in the meantime, though, and that is firstly you provide particulars to the ICAC Commissioners as to who your clinical, your medical practitioner or those currently treating you are with an authority for the officers to make contact with that person or persons who have the care of your medical condition for which you're on anti-depressant medication, so that any necessary information can be obtained. Are you prepared to authorise your treating doctor to provide information as necessary?---Yes.

20

All right. That will be necessary for you to complete a written direction, so that can be sent by email to the treating doctor or clinical psychologist. Do you understand all of that?---Yeah.

And you're happy with that arrangement?---Yeah.

30 The second thing, Mr Green, is that again through consultation with those who are treating you, it is proposed that you be referred or put in the hands of a health centre or another medical practitioner in Sydney who, if that person is satisfied it is appropriate, can issue you with a fresh prescription so that you can obtain a refill as it were of your anti-depressant medication today. Do you understand that?---Yeah.

40 So that it will be necessary, in other words, for you to consult with a health professional, either in a medical health centre, be it an Indigenous health centre or otherwise, or a medical practitioner, so that they can liaise with your treating doctor and obtain for you, as soon as possible without any delay, a script or a prescription so that you'll be able to start your medication today. Do you understand?---Yeah.

40

That's all designed to assist you and help you get back on your medication. That seems to me to be the most practical way of obtaining your medication so that tomorrow morning it can then resume. I've asked Mr Lonergan to assist you in contacting in Sydney here a health centre or a medical practitioner who can help you obtain a prescription as that person sees appropriate. Do you understand? And are you prepared to cooperate with Mr Lonergan to making, having inquiries made so that you can consult with a medical practitioner here in Sydney about that matter?---Yeah.

All right. Mr Green, I'm going to then adjourn today's hearing until tomorrow and ask you to return at 10.00am tomorrow. All right?---I'll try, I'll try.

You may step down and we'll see you here tomorrow.---I'll try.

Well, yes, you're required here tomorrow as Mr Lonergan will explain to you.---Yeah, righto.

10

Yes. Mr Lonergan, anything arising out of that?

MR LONERGAN: No, Commissioner.

THE COMMISSIONER: All right. Mr Lonergan, if you wouldn't mind keeping the ICAC officers informed – in the first instance, at least – Mr Bain, who's at the bar table next to Counsel Assisting, and to keep him informed as to what is happening during the course of the day about the arrangements I've just spoken about? Yes. Now, Dr Chen, is there anything arising?

20

MR CHEN: No there's not, Commissioner.

THE COMMISSIONER: All right, thank you. Very well, then I'll adjourn the proceedings until 10 o'clock tomorrow morning. Adjourned.

THE WITNESS STOOD DOWN

[12.09pm]

30

AT 12.09PM THE MATTER WAS ADJOURNED ACCORDINGLY

[12.09pm]