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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 16 JULY 2018

AT 10.26AM

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THE COMMISSIONER: This is the resumption of a hearing in Operation Skyline. The scope and purpose of the investigation was outlined on the first day of the hearing as recorded in the transcript of the proceedings. Yes, Mr Chen?

10 MR CHEN: Commissioner, there are two housekeeping matters. The first is that Mr Tyson has an application for leave for someone to appear with him. He will make that application now.

MR TYSON: Commissioner, I seek your leave for Mr Nottle of counsel to appear as junior counsel for Ms Dates's interests.

THE COMMISSIONER: Sorry, Mr Tyson, Mr Nottle to appear for?

20 MR TYSON: In the interests of Ms Dates.

THE COMMISSIONER: Ms Dates. Yes, very well, I grant leave for him to appear on behalf of Ms Dates.

MR TYSON: If your Honour pleases.

30 MR CHEN: Commissioner, the other matter I wish to raise is that I am advised that Mr Petroulias, in fact, is currently being held in gaol. The Commission received notification of that some time last week, possibly shortly prior to that. An offer was extended, Commissioner, by the Commission to bring Mr Petroulias from gaol to the resumption of this hearing this week - that is, for each of the days - and Mr Petroulias has declined that offer, Commissioner.

40 THE COMMISSIONER: Yes, thank you, Mr Chen. I am aware that Mr Petroulias has recently been taken and held in custody in relation to outstanding charges. He has declined the opportunity to appear this week, or at least during this segment of the hearing. It is made known to him that if he has any application to make in respect of any witnesses that are called in his absence, then I'll deal with any such application on its merits.

MR CHEN: Thank you, Commissioner. Commissioner, they were the only matters I wished to raise. If it is convenient now, Mr Green could return to the witness box.

THE COMMISSIONER: Yes, thank you. Yes, Mr Green. Thank you Mr Green, come forward.

Mr Green, we're just about to resume your evidence. Do you wish to give evidence on oath or affirmation?

MR GREEN: Affirmation.

10 THE COMMISSIONER: On affirmation, thank you. I will get my associate to administer that affirmation. If you wouldn't mind, for that purpose, standing whilst she does so.

MR GREEN: Affirmation or--

20 THE COMMISSIONER: It is a matter entirely for you whether you give evidence on oath or an affirmation - that is, whether you want to give it on the bible or affirmation?

MR GREEN: Affirmation.

30

40

<RICHARD JOHN GREEN, affirmed

[10.29am]

THE COMMISSIONER: Thank you. Just take a seat, Mr Green. Yes, Mr Chen.

MR CHEN: I think Mr Green sought a declaration on the last occasion, Commissioner, and perhaps that could be extended.

10 THE COMMISSIONER: Yes, very well. That's your wish, Mr Green, to give evidence under objection for the purposes of the ICAC Act; is that right? That's your wish to give evidence on objection in order to have the protection the Act offers you?---I don't clearly understand that.

MR LONERGAN: Yes, he does, Commissioner.

THE COMMISSIONER: You've spoken to him about that?

20 MR LONERGAN: Yes.

THE COMMISSIONER: The witness Mr Green objects to giving evidence. Accordingly, there is no need for him to object to individual questions that may be asked of him. In accordance with the provisions of the Act, the evidence given by Mr Green in answer to questions put to him is not admissible in any proceedings that may be taken in the future, whether they be criminal, civil or disciplinary proceedings. Accordingly, I make a declaration in the same
30 terms as I made on the last occasion in respect of Mr Green.

Yes, Mr Chen.

MR CHEN: Thank you Commissioner. Mr Green, on the last occasion I took you to a series of documents. One of them was called the Gows Heat heads of agreement dated 15 December 2014. Do you remember me asking you some questions about that document?---Yeah.

All right. In fact, there were two of them, weren't there, two of these heads of agreement between the land council and Gows Heat, both of them dated 15 December 2014; isn't that right?---Oh, probably, yes.

I'm just going to have it brought up on screen in front of you, Mr Green, and if you prefer a hard copy of the exhibit

you just let me know. But if you have a look, please, on the screen in front of you at volume 3, page 123.

THE COMMISSIONER: Just before you go on, could I get somebody to get my screen operating. Could we have somebody from IT? I've got it now. Thank you, yes. All right.

MR CHEN: Thank you Commissioner. Is that in front of you now, Mr Green - that is, volume 3, page 123, the heads of agreement, dated 15 December 2014?---Yes.

Remember, Mr Green, you need to audibly respond. It's being recorded. Is that a "yes"?--- Yes.

As I understood your evidence on the last occasion, Mr Green, what you told the Commissioner was that in fact despite your signature appearing on this document, you knew nothing of it. Is that a fair summation of your evidence on the last occasion, Mr Green?---That's true.
20 And you couldn't tell the Commissioner, for example, where it was you signed it?---That's true.

Who presented it to you and in what circumstances?---Well, I - I can't remember seeing it, but it got presented to me, or a lot of the stuff has been presented to me by Nick, and I don't really know, it looks like my signature.

Let's come back to my question, Mr Green, if you would, for the moment. Your evidence on the last occasion, in effect, was that you couldn't tell the Commissioner where it was you came to sign this document; is that right or not right?---That's right.
30

You don't know whether, for example, Mr Petroulias presented it to you or Ms Bakis presented to you; isn't that the case?---Yes, that's true. You refreshed my memory.

You don't doubt, do you, Mr Green that your signature appears on that document, do you?---My signature is on it, it looks like my signature.
40

Just have a look at page 128, if you would. That's your signature there, is it not, on the bottom of that document?---Yes, it is.

And you hand-wrote your name Richard Green as well, did you not?---Yes, I did.

You wrote it above the entry which says "Signature of Director", isn't that so?---It looks like it.

You were signing that in your capacity as the deputy chairperson of the Awabakal Local Aboriginal Land Council, isn't that so?---That's so.

10

And if you cast your eyes up a little bit above that box, you will see there is a box there as well that says "Gows Heat", isn't that right?---Yeah.

You can read that, can't you?---Yeah.

And you did read it, didn't you, when you signed this document?---No, I didn't.

20

You didn't at all?---Didn't at all.

Is the Commissioner to understand the position, Mr Green, that in fact the only thing you did is cast your eyes quite specifically on the box where you signed your name and where you printed your name and nothing more?---Nothing more.

Didn't turn over any of the pages at all?---No.

30

Didn't look at any of the other words in the document at all; is that right?---That's right.

If you look up, though, Mr Green, now, you can see, can't you, that it is a document that has been signed by somebody, apparently on behalf of Gows Heat Pty Limited; isn't that so?---Yes.

40

If you go back to the front page, page 123, you can see there's a heading "Heads of Agreement", isn't that right?---Yes.

You can read that, can't you?---Yes.

You know what an agreement is, don't you?---Yes, sort of, until I got into this, I found out what it was.

I'm sorry, could you repeat that?---I said I didn't know

what a heads of agreement was until this inquiry has happened and I've learnt a little bit.

My question was you know what an agreement is, don't you?---No, I - well, there's probably lots of agreements.

Do you know what an agreement is?---Well, yes, I probably do, yeah.

10 You did know, didn't you, in December 2014, surely, Mr Green, what an agreement was?---Oh, no, I didn't.

Really?---I didn't.

Is that a serious answer, Mr Green, you did not know in 2014 what an agreement was?---I didn't know what this agreement was.

20 I'm not asking you that question, Mr Green. Focus, please, on my question. You knew, didn't you, in December 2014, what an agreement was, didn't you?---Well, I know what agreement was between two people.

Yes. And they promise to do things for each other, don't they?---Yes, they do.

30 If you'd bothered to look at this document, you would have seen that it was a promise between two parties; isn't that right?---That's right.

One of whom was the land council that you were representing; isn't that so?---That's right.

And the other one was Gows Heat; isn't that right?---That's right.

40 Now Mr Green, if you have a look, please, at volume 3, page 124, you'll see that in fact you've initialled the bottom of that page, have you not? Just bear with me for a moment, it will come up on the screen, Mr Green. It is on the screen now. Do you see on bottom right-hand corner, Mr Green?--- Yeah.

That's your initials that appear there, isn't that right?---Yes.

RG?---Yeah.

When you told the Commissioner that in fact all you did was focus on page 128 and the box with your name, that's simply not true, is it?---That is true.

Well, Mr Green, you managed to affix your initials, didn't you, on the first page of that agreement, namely, page 124 of volume 3?---Can you repeat that question?

10 You told the Commissioner a little earlier today that all you did was sign in a box on page 128 your name and write your name and nothing else?---Yeah, I did say that.

Yes. That's simply not true, is it, Mr Green, now that you've seen page 124?---Obviously it's not true, yeah.

20 Yeah. So you did look at at least this page, didn't you, as well as page 128?---I didn't look at any of the writing. The pages were flicked over, flicked over, flicked over, to sign your signature. I didn't read anything, didn't see anything, for God's sake.

So Mr Green, you don't have any recollection of where you signed this document at all, but now you're giving some specific evidence, are you, about how in fact it was flicked rapidly whilst you were affixing your initials or signature to it?---No, I can't remember where it was.

30 THE COMMISSIONER: Who was there when you signed it?---Well, I would say it would have been Nick.

MR CHEN: You said earlier, Mr Green, you didn't know who, whether it was Mr Petroulias or Ms Bakis, isn't that right?---I didn't say Ms Bakis.

40 What I asked you, Mr Green, within a few minutes of you entering the witness box, was you did not know whether it was Ms Bakis or Mr Petroulias who presented this to you and you agreed with that proposition?---Well, I don't know who - I'd say it would have been Nick.

And what you say now, do you, is that he's rapidly flicking this agreement through and you're just hurriedly putting your initials on it. Is that really the truth?---That's the truth.

Come on, Mr Green, you know that's not true at all, don't

you?---You know, here we go again. I can't read and write that well, right? Because the white man never taught me how to read and write, okay? And I'm trying my best and when they flick through the pages for us just to sign them, we sign them. We've done it on several occasions in the land councils for years and years and years.

10 Now, Mr Green, please don't make a speech.---Here we are going over my reading and writing, reading and writing again, you are criticising me.

THE COMMISSIONER: Mr Green, just wait for the next question.

MR CHEN: I'm not criticising you at all, Mr Green. Understand my question - it was directed to what you were doing, not what your capacity is. I'll come to that in a moment.---That's what I was doing.

20 Well have a look then, Mr Green, on the screen at page 125. You will see again your initials down the bottom of that page?---Yeah.

126, do you see that as well?---Yeah.

127, do you see that?---Yeah.

30 All right. Have a look then, Mr Green, at page 129?---Yeah, looks like my signature.

If you cast your eyes up a bit, Mr Green, you'll see there is some writing there, isn't there?---Yes, there is writing there.

Yeah and what does it refer to, Mr Green?---Something about Warners Bay.

Well what else does it say?---Which part?

40 I'm asking about any part. You can see it says schedule 1, can't you?

THE COMMISSIONER: Just go through them one by one. What does the first entry relate to?---Well it says Warners Bay.

Whereabouts?---Up the top.

Yes. Whereabouts in Warners Bay does it say or refer?---Over to your right, and then the next one is - - -

Well, what's the address in the first one?--14 Vermont Place, is it?

MR CHEN: Do you need glasses, Mr Green, to look at it?---Yes, I can't see.

10 Do you have your glasses with you?---No, I haven't.

You didn't bring them with you at all?---Well, no-one told me I need them.

You've been looking at documents on the last two occasions that you were with the Commission in May, weren't you?---Well, if you looked at me you can see I'm trying to focus.

20 I'm not responsible for whether you bring glasses or not. Did you not realise that you were going to be asked to look at documents?---Well, I can go and get them.

Where are they?---Probably in the motel room.

Where well how far away is the motel room, Mr Green?---Oh, I think it's King Street. You know, here you are humiliating me again about reading and writing.

30 Mr Green please - - -

THE COMMISSIONER: Mr Green, just hold it there. What do you suggest? Are you going to take him to other documents?

MR CHEN: I am, Commissioner, and I think he'll need them.

MR LONERGAN: Commissioner, the hotel is literally around the corner on Phillip Street.

40 THE COMMISSIONER: Is it? All right then. I think unless there is anything you can go on with, I will adjourn so that he can obtain his reading glasses.

MR CHEN: I think that's the preferable course, Commissioner.

THE COMMISSIONER: Very well.

Mr Green, I am going to let you return to your hotel room to get your glasses, so you can return as soon as possible and we will resume.---You know, I'm not a very good reader.

10 THE COMMISSIONER: Mr Green, you heard what I said. I'm going to adjourn now to enable you to get your glasses. And your counsel, I am sure, will emphasise to you that you need to return as soon as possible so that you're not delaying the proceedings of the Commission. I'll adjourn

SHORT ADJOURNMENT

THE COMMISSIONER: Yes, Mr Chen?

Mr Green, the affirmation you took earlier this morning still binds you to the tell truth. You understand that, don't you?---Yes.

20 You now have your glasses?---Yeah.

THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: On the screen in a moment, Mr Green, will be that same page you were looking at a moment ago, namely, volume 3, page 129. Do you see that in front of you now, Mr Green?---Yeah.

30 Your glasses are on, aren't they?---Yep.

All right. So you were starting to read the first address.---Yeah. 14 Vermont Place, Hillsborough Road.

All right. After Vermont Place, what's the suburb?---Warners Bay.

All right. The second one?---Hillsborough Road.

But what's the number?---291.

40 And what's the address - sorry, what's the suburb of Hillsborough Road?--- Warners Bay.

All right and what's the third one?-Hillsborough Road, Warners Bay.

And the number, please?---295.

THE COMMISSIONER: Just give the full address when you're

asked to state the address from the document.---295 Hillsborough Road, Warners Bay. And 110 Bayview Street, Warners Bay, and 3/79 Clarence Road, Warners Bay.

MR CHEN: Now they're all, sorry I'll withdraw that. You are able to read them quite easily, aren't you?--- Now, I have seen them in the land council - them addresses a few times, yes.

10 Well come back to my question, Mr Green. You are able to read those addresses quite easily, aren't you?---Yeah.

If you'd taken the time, Mr Green, when you signed this a agreement, to cast your eyes a few centimetres upwards, you would have been able to recognise those addresses; isn't that right?---That's right.

To read them?---That's right.

20 And to put together that, in fact, heavens, they're land council lots; isn't that right?---That's right.

And you in fact looked at this document when you initialled it and you saw that, didn't you, Mr Green?---I didn't. I didn't.

30 How can you explain, Mr Green, that this document, now referring to five lots of land council land, that you in applying your initials to the bottom of it could not cast your eyes upwards and read those five addresses?---Well, I'm not even - I'm pretty sure I never even seen this document.

Well you've agreed, Mr Green, that you executed it and these are your initials; isn't that right?---Yeah, that looks like my initials, but I - I'm not really sure that I did that. Turn over to page 130 please Mr Green, I'll withdraw that, it'll be on the screen in front of you, you will see your initials are there as well, aren't they?---Yep.

40 Would you turn, please, to page 131, which will be up on the screen. Do you see that in front of you now, Mr Green?---I've never seen that before.

Well cast your eyes down the bottom. You can see your initials, can't you, in the bottom right-hand corner?---Yeah.

If you look at the top of the page, you will see, just near where the arrow is pointed, a heading to the document. Can you see that, where the arrow is pointing to?---Yes.

Can you read that to the Commissioner, please?---"Contract for the sale of land".

10 And if you cast your eyes down a little bit, you can see beside the word "vendor" where the arrow is on the screen, to the right of that, who is the vendor?---Awabakal Aboriginal Land Council.

Yes. Would you have a look, please, Mr Green, again at - - -?---The vendor means what?

It means the seller.---Oh, righto.

20 Mr Green, you know when it says "Contract for the sale of land" that it is purporting to do that very thing, isn't that right?---I've never seen this document.

THE COMMISSIONER: That's not the question. Just listen to it.

MR CHEN: This document, when you've read it and it says "Contract for the sale of land", you know what that means, surely?---Yes, selling the land.

30 Yes. Piecing it together, Mr Green, with the land council there and these other lots on the pages that you've initialled, it is land council land, isn't it?---That's right.

And Mr Green, if you would a turn a few pages over to page 133, you can see then there's a photograph of one of the lots, 14 Vermont Place, Warners Bay?---Yes.

40 And, Mr Green, if you had taken the time, on your evidence, to flick through this document, you could have realised, couldn't you, surely, that that's one of the lots that's been referred to in this agreement that you've signed?---Yes.

Again, the same thing with page 134, it's dealing with the lot you identified, namely, 291 Hillsborough Road Warners Bay?---Yeah.

If you'd bothered to read it, on your evidence, Mr Green, you would have realised that it was dealing with land council land; isn't that right?---Yes.

If you'd turn over, please, Mr Green, to page 135, again, that deals with 295 Hillsborough Road, Warners Bay, does it not?---Yes.

10 Again, on your evidence, if you'd taken the time to look at it, you would have realised that, isn't that so?--- That's so.

Have a look, please, at page 136. 110 Bayview Street, Warners Bay, New South Wales. Do you see that?---Yes.

Again, that's one of the land council lots, is it not?---Yes.

20 If you'd taken the time, on your evidence, to look up while you were initialling this page, you would have seen that and realised it, isn't that so?---That's so.

The same goes, does it not, Mr Green, for page 137, namely, 3/79 Clarence Road, Bray Park, or Waratah?---Yes.

Mr Green, you are quite capable of reading addresses, are you not?---Yes, well, I just read them.

30 You're quite capable of reading basic English, are you not?---I'm not really good at it.

I'm not asking whether you're really good at it, Mr Green. You're capable of reading basic English, are you not?---No, I wouldn't say that, no.

You recognise, don't you, Mr Green, that this document that you've signed deals with land council land, doesn't it?---That's right.

40 And it deals with the sale of land council land, doesn't it?--- That's right.

And your only excuse, as I understand it, Mr Green, is this thing is thrust in front of you but you didn't know what you were signing?---That's true. I don't even know - I can't even say if I've signed that.

Let's explore this, Mr Green. As I understood it, earlier today what you've said is that somebody has presented this document to you for signing?---I can't remember where.

That's what you said earlier in evidence, did you not?---Yes.

10 Right. Your only two possible persons who thrust this document underneath your nose for you to sign were Ms Bakis and Mr Petroulias, isn't that right?---That's true.

If it is Mr Petroulias, Mr Green, as I understand your evidence on the last occasion, Mr Petroulias was only known by you at that stage - that is, by no other member or no other board member of the land council; isn't that right?---I can't remember that. I can't - - -

20 That's the fact, is it not? So far as you were aware, Mr Green, in 2014, you were the only board member who knew Mr Petroulias?---I'm not really sure.

Who else, so far as you knew, was aware of Mr Petroulias in 2014?---Well, I'm not aware - I'm not really sure about the dates, when they all found out.

30 Can I suggest to you, Mr Green, that you accepted on the last occasion that you were the only board member, to your knowledge, who knew Mr Petroulias in 2014. If you accept from me that's what your evidence was on the last occasion, you've got no reason at all to doubt that that was anything other than your best recollection at that time, isn't that so?---No that's not so.

I see.---I can't remember the dates when all the board members did know.

Well - - -?---But yes, I did know Nick before all the board members.

40 You accept, do you not, that you were the first person, so as far as you were aware, to know Mr Petroulias?---Yes.

And the first person to know Ms Bakis?---Yes.

And if you assume this document that you've looked at here, the Gows Heat heads of agreement, was signed on other around the 15th of December 2014, your best effort, Mr Green, I take it, is

that you're likely to be the only person that knew either of those two in 2014; isn't that right?---No, I can't remember.

Let's just explore the execution of this document, Mr Green. As at 2014, December in particular, Mr Petroulias had no role whatsoever within the land council, did he?---I'm not sure on the dates.

10 Mr Green, you're the board member in 2014 - in fact, the deputy chair of the board. What was his role in 2014?---I'm not even sure if I was deputy chair then.

Mr Green, please try and assist the Commission.---I am.

What was Mr Petroulias's connection, if anything, to the Awabakal Local Aboriginal Land Council in 2014?---Well, he said he was a lawyer.

20 Right, you're the person who introduced him to the land council, isn't that right?---That's right.

And what you say is that he didn't have a retainer, though, with the land council in 2014, did he?---I'm not sure.

Mr Green, we went through this last time. You didn't have the authority to appoint him, did you?---No, I didn't.

That had to go to the board, didn't it?---That's right.

30 It had to be approved by the board?---Yes.

And you knew, didn't you, that Mr Petroulias had never been appointed to be the lawyer for the land council in 2014; isn't that right?---I'm not sure on the dates.

What was his role? If this person is thrusting a document under your nose to sign it, what was his role in doing it?---I'm still not sure of the dates.

40 Put the dates to one side, Mr Green. When this document, the Gows Heat heads of agreement, is asked to be executed, signed by you by Mr Petroulias or Ms Bakis, what was Mr Petroulias asking you to do?---I can't remember.

Well, Mr Green, I'm having difficulty following this, because this document is signed by you, apparently on or around the 15th of December 2014, and you've executed in your

position as a deputy chairperson or at least a board member of the land council?---That's correct.

Why were you signing it if Mr Petroulias gave it to you to sign it?---I'm not sure whether I signed that document.

THE COMMISSIONER: Mr Green, you earlier said you recognise your signature on the agreement?---Yes.

10 And you recognise your initials on the pages of the agreement that you were taken to?---Yes. Yes.

That's evidence that you did sign it?---Well, I seen the contract for sale of land.

No, no, just - - -?---No, no - - -

20 Those pages on which your signature appears and your initials appear indicate, plainly enough, don't they, that you signed this document?---Well, it looks like it, but I'm not saying I did.

It doesn't look like anything else other than you signing it, doesn't it?---That's what it looks like, yes.

30 Right, so let's move on from there. I think what you're being asked is why on earth would you sign this document if it was Mr Petroulias asking to you sign it, when you say you didn't even read it and you didn't know what it was about?---Well, like I said on several occasion in this courthouse, you know, we sign lots of documents in the land council, don't look at them, they get put in front of us by a lawyer, we trust the lawyers, we sign them.

The only difference in this case is that Mr Petroulias was not a lawyer appointed by the Aboriginal land council; correct?---Well, I'm not sure on the dates again.

40 It's not a question of dates. He was never appointed and you know that, don't you?---Well, I think he was appointed by the board.

When?---I'm not sure on the date.

What makes you say that he was appointed by the board?---Well, I think there's minutes in the minute book to say that he was appointed.

MR CHEN: You're talking about when this apparent agreement was ratified, are you not, Mr Green? Is that what you're referring to?---As I say, I'm not sure on the dates again, when it was ratified.

Well is that what you're referring to when you believe Mr Petroulias may have had an appointment by the board?---I'm not sure.

10

Mr Green, if there's no reference at all in the minutes of the board meetings of the land council to Knightsbridge North Lawyers before January 2016, does that assist you at all in fixing this apparent point in time when Mr Petroulias had a role?---Oh, geez, I still can't say I signed it and I don't remember the dates. I can't recall the dates when he got appointed.

20

Mr Green, I want to come back to the question that I've been pressing you on for the last couple of minutes, namely, if you assume for me, that is, accept for me, that Mr Petroulias has not been appointed in 2014 to any such role as being a lawyer for the land council, why on earth are you signing something that he gives to you to sign?---Well, I don't even know if I signed it.

Please, we've moved on from that Mr Green.---No no, look - - -

30

THE COMMISSIONER: Mr Green, if you're going to obstruct this Commission, you could be putting yourself into real trouble. I want you to listen to these questions. You've already taken an affirmation to tell the truth. It seems to me that you're not endeavouring to answer these questions directly. I'm just warning of your position.---Yes, I'm trying to.

40

You could go from this position to a very worse position if you continue to obstruct and avoid answering the questions directly. Now let's see how we go from this point onwards, because I'll be watching and listening to you to see whether or not you are cooperating as a witness or whether or not you are frustrating this Commission's processes. Yes.

MR CHEN: Thank you.

Mr Green, I want you to assume that Mr Petroulias has never been appointed a lawyer for the land council. Would you just accept that for the moment, Mr Green?---Yep.

Would you also accept, Mr Green, that this agreement, just for present purposes, was signed on or around the 15th of December 2014. Would you just accept that for the moment?---Yeah, well, I - yeah.

10 Why is it, Mr Green, when your signature appears on it, would you be signing this document if Mr Petroulias gave it to you to sign? Why?---Well, I will say that again - I don't think I've signed that document.

Mr Green, we have moved on from that point. I'm asking you to assume for the moment that the position is that you did sign it and you did sign it on or around the 15th of December 2014 when Mr Petroulias, as you say as one of the likely persons who provided it to you, gave it to you. Just accept those
20 three matters for me, Mr Green, if you would. Why is it that you signed it, if it was given to you by Mr Petroulias?---Well, I shouldn't have signed it, if I signed it.

Please, I'm not asking you to excuse yourself. I'm asking you to explain yourself.---Why did I sign it?

Why would you sign a document handed over by Mr Petroulias in December 2014 when you know he is not a lawyer appointed
30 by the board of the land council?---Because I never read the document.

What explains Mr Petroulias giving you that document and you just signing it?---Well, what do you want me to say? I signed it.

You have no, you have no excuse or justification other than Mr Petroulias handed you something and you signed it; is that it?---Yes.

40 THE COMMISSIONER: Did he tell you to sign it or did he ask you to sign it?--- Well, he told us to sign on the documents.

Well why did you obey him?---Maybe because he's a lawyer and, you know, we've got no knowledge of what's going on.

There are lots of lawyers in this town, but you wouldn't do what they tell you to unless they were the lawyer appointed by the land council? The question is why would you sign this document simply because Petroulias, who you had only known for a short time, on your evidence, told you to sign it? Why would you do that?---I've got no explanation.

No explanation?---No, I'm trying to - - -

10 MR CHEN: If Ms Bakis is the person who handed it over to you, why are you signing it if she gave it to you?

MS NOLAN: I object. I object to this line of questioning in so far as it relates to Ms Bakis, because it is all predicated on a hypothetical which the witness has not yet accepted. He has not accepted that he has signed this document.

20 THE COMMISSIONER: He has, Ms Nolan. He has admitted to the fact that the signature on in it is his and the initials are his. He's adopted the document, in other words, by virtue of his initialling of each page.

MR NOLAN: Well I've made the objection.

THE COMMISSIONER: I will allow the question.

MR CHEN: He gave evidence on last occasion, Commissioner, as well.

30 So Mr Green, could you answer my question. If Ms Bakis was the person who handed this document over to you and asked you to sign it, why did you sign it?---I've got no explanation and I shouldn't have signed it.

You realise, Mr Green, don't you, that to sign a document such as this was a gross breach of your duties and functions as a board member; isn't that right?---That's right.

40 It was reckless in the extreme, on your version; isn't that so, Mr Green?---That's so.

And it completely disregarded the interests of the members of the land council who you were to serve; isn't that right?---That's right.

You've got no explanation at all for why you did it?---No.

In fact, Mr Green, you did it twice, didn't you, in that you signed another Gows Heat heads of agreement, didn't you?---I'm not saying I did.

I'm sorry?---I'm not saying I did sign another Gows one.

10 And you accept, don't you, Mr Green, that in relation to the Gows Heat agreement that I've taken you through today, that if you'd cared, on your version, to take the time to look over it, it would have been clear as day to you that it was an agreement relating to land council land; isn't that right?---That's right.

No doubt about it, if you'd cared to take the time to have a look at it?---That's right.

20 And your only excuse is you didn't?---Well, I can't remember seeing the document.

I want to show you the second Gows Heat agreement, Mr Green. Would you look please at volume 8, page 59. I apologise, Mr Green, I didn't realise it was on the screen. Now do you see in front of you volume 8, page 59?---Yeah.

And you can see that that document is styled in the same way as the earlier agreement that I showed you?---Yes.

30 You can read what that says on the coversheet, can you not?---"Heads of Agreement".

Yeah. You can see the date?---Yeah.

You can see who the lawyers were?---Yeah.

You can see their address?---Yeah.

40 If you turn to volume 8, page 60, again, you can see, can't you, by looking at this, that it is a document with the date of 15th of December 2014?---Yes.

You can see who the parties are, can you not?---Yes.

You can read who they are, can't you?---Yes, Gows and Awabakal. I have seen the Awabakal letters so many times I know what it is.

THE COMMISSIONER: Do you see the subtitle there "recitals"? Do you see that?---What does that mean?

Have a look at the page in front of you. Do you see the word "recitals" just underneath the Awabakal Aboriginal Land Council?---Yeah.

10 And do you see underneath that it has A, B and C?---Yes.

Just read out loud, if you would, paragraph capital A.---Here we go again.

Just read it out slowly?---"The parties have agreed" - - -

20 Just keep your voice up a little bit, if you would too ---"The parties have agreed to enter into a contract, the particulars", I think, "of which the" - "contained" - or "contained in the heads of agreement".

All right. Just pause there for a moment.

THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: So you can read that and understand, can't you, Mr Green, that this is a legal document can't you?---No, I don't understand. It is a legal document?

30 Well you know that it is a contract, don't you?---Well, it says - - -

You just read it, Mr Green.---Contract. Yeah, righto, yeah, yeah.

40 THE COMMISSIONER: Just before we go on, do you see the next paragraph, capital B, just read that as well if you would .---"These heads of agreement will be pro" - "pro" - "preventing" - "contract until replaced by the standard from contract and changed upon the exercise of options completed" - "completed in these heads of agreement".

MR CHEN: Again, Mr Green, you can, from reading that, know that this is a document that is purporting to be or record an agreement, surely?---I do now, if I had ever read it.

If you'd read this document in 2014, you would have realised it then, surely?---Yes, that's right.

And you would have known that the parties to this contract, Mr Green, were Gows Heat - - -

MR LONERGAN: Objection. This is not a contract, Commissioner; it is a heads of agreement to enter into a contract.

10 THE COMMISSIONER: Yes, very well. It should be so described.

MR CHEN: This is an agreement, you knew that, between Gows Heat and the land council, from reading it, Mr Green, didn't you?---If I'd have read it then, yeah.

And you know, don't you, by looking at it, Mr Green, and reading it, that it's also dealing with land, isn't it?---Yeah.

20 And, again, if you'd, on your version, taken the time to read a document in December of 2015, that would have been plain and obvious to you; isn't that right?--- Yeah.

Now, Mr Green, would you have a look, please, at page 64 of volume 8. And you will see there on the screen in front of you are the two parties to this agreement, do you agree, Gows Heat and the land council?---Yes.

30 And do you see in the bottom left-hand corner is the signature of Debbie Dates?---Yes.

And also her handwriting of her name; isn't that right?---Well, I don't know if it's hers. I've never seen her signature before.

Never at all?---Oh, I don't know how she writes it, no.

Really?---Yeah, really.

40 Never seen her signature before?---Well, I've seen it now.

Not in the course of - - -?---I've never ever taken notice.

I thought you were at pains to tell the Commission that things and documents are thrust in front of board members all the time for signatures?---Yeah, and you don't take notice of - you don't study their signature.

Right. You've never come across her signature at all in the course of you being a board member?---Oh, I've never taken notice.

Right. You've got no reason to doubt that that's her signature, do you?---Yeah, yeah, it would be.

10 And you can see there that the type is for the signature of the chairperson and a signature of a deputy chairperson?---Yeah.

And that's the capacity in which it has been executed, do you agree?---Yep.

20 Now Mr Green, I took you through on the last occasion a number of other documents that you had attached your signature to. Do you remember me asking you some questions about those other documents, such as call option agreements and matters of that kind?---Yep.

And again, your capacity to read and understand documents, it may be not perfect, but it is functional and you're able, are you not, to read and understand basic documents, such as these heads of agreements that I've just taken you to this morning; isn't that right?---In lots of ways, yes.

30 You certainly have sufficient grasp to know that it deals with land, it deals with land council land, and it involves parties to it; isn't that so?---Yeah.

Yes. And there's no doubt in your own mind at all, is there, that these agreements are dealing with those very matters in the way that I've put to you earlier, is there?---Repeat that question?

40 Yes. I'll withdraw it. I'll put a different question. You've got no doubt in your mind, reading these documents now, the two Gows Heat heads of agreement relate to the sale of land council land; isn't that right?---That's right.

To an entity, Mr Green, that you accept never had an entitlement to them; isn't that right?---Myself?

No, Gows Heat.---No, they - they never had entitlement to it - like I will explain all the time, I know the procedure of the sale of land and I've known that for 40 years.

Have you discussed at all, Mr Green, with Mr Petroulias how these two Gows Heat heads of agreement came to be signed?---No.

Not at all?---No.

Not try to give them a ring to say, "Hang on, why is my signature all over these documents"?---No.

10

Have you tried to ring Ms Bakis and asked Ms Bakis about it?---No.

Have you spoken to Mr Petroulias about the investigation that the Commission is undertaking at all?---I went out to his house a couple of times on personal stuff, but I haven't - I haven't talked to him at length about investigations.

20

Have you talked to him at all about the investigation that the Commission was undertaking?---Oh, no, no.

Are you sure of that?---Yes.

You're quite sure, are you?---Yeah. A couple of words have been spoken, but I - I don't - I don't carry on with it, I don't talk about it.

30

What are the couple of words that you've spoken to Mr Petroulias about?---He just asked me one day about what's going on and I said, "Mate, I can't talk about that. That's confidential". I'm here to talk about, you know, matters related to my personal stuff, but I don't - I don't talk about it any more to him.

That's the extent of it, is it?--- That's the extent of it.

Are you sure?---Yes.

40

And why did you say you're not allowed to talk about it?---Well, the Commissioner has told me that.

Where did you get that from?---What I've been warned, right.

You were given a summons to attend for this public hearing, weren't you?---Yeah.

And you realise on the summons for the public hearing there are warnings about what you can and can't do?---Yeah.

You've been able to read those, I take it?---No, I didn't read it.

You're able to read it, though, aren't you?---Well, I didn't read it.

10 MR CHEN: Well. Commissioner, could I seek leave under section 112 of the Act to ask questions in connection with Mr Green and a summons dated 21 January 2016 and an attendance by him in response to that?

THE COMMISSIONER: Yes. What was the date again?

20 MR CHEN: The summons is dated 21 January. Pardon me, Commissioner, the summons is dated 12 January 2018 and it initially required an attendance on 23 January 2018, but, in fact, 6 February 2018.

THE COMMISSIONER: Yes, very well. So, you're relying upon the provisions of section 112(1)(A)?

MR CHEN: Yes, Commissioner.

THE COMMISSIONER: Yes, I grant leave.

30 MR CHEN: Mr Green, you were issued with a summons, were you not, in January of this year, to attend upon the Commission?---Yeah.

MR LONERGAN: Commissioner, I object. If my friend is going to ask questions in relation to the summons, can Mr Green be provided a copy of the summons?

MR CHEN: Yes, I can do that.

THE COMMISSIONER: Yes, very well.

40 MR CHEN: I will do that. I'm merely asking factual matters at the moment, but I can make available - - -

THE COMMISSIONER: You will in due course at the appropriate time?

MR CHEN: I will, Commissioner, yes.

THE COMMISSIONER: Proceed.

MR CHEN: You remember being issued with a summons, do you not, in January of this year?---Yes.

It required you to come along to the Commission?---Yes, yes.

10 And you did come along and give evidence, didn't you?---Yes.

And when you received that summons, what did you do?---I came along and give evidence.

Did you speak to anybody about the fact that you were served with a summons?---My wife.

20 And that's it?---Yeah, I probably - I think I told Nick, too, I'm not really sure.

Well think about it, Mr Green. I thought you told the Commissioner a moment ago you only had a few words to Mr Petroulias?---I can't really remember.

Well think about it, Mr Green. You were served with a summons. Did you speak to Mr Petroulias about it?---I think I might have rang him up and just told him that I've got to go to court.

30 THE COMMISSIONER: What did you say to him?---That's what I said to him.

Well, doing the best you can, what were the words that you said to him?---Well, I think I just told him that I'm going to appear in front of the Commission over the Awabakal stuff.

40 Is there anything else?---Oh, no, not - no. Like I said, I've had a lot of personal matters going on and Nick was helping me with it and - - -

We're not concerned about personal matters, we're just concerned about this one matter. Anyway, you say that's all you said to him?---Yeah, that's about it. I never said much.

MR CHEN: And, but you knew when you got the summons that there

was a specific provision contained on it, Mr Green, that precluded you from speaking to anybody about it; isn't that right?---That's right.

And it gave a specific warning that told you not to do that, isn't that so?---Like I said, I didn't read it.

You didn't read it?---No, I didn't read it.

10 I see. So is this the position, Mr Green, that you got the summons and you didn't read it, or read that part of it, and you spoke to Mr Petroulias and just said a few things to him in the way you've just indicated - namely, "They're having a look at Awabakal"?---Yeah. Yeah.

Would you tell the Commissioner, Mr Green, if that's not right. Is there anything more?---Well, I can't recall much of it. What do you want me to tell the Commissioner?

20 Well, let me explain it to you, Mr Green, this way. I understood your evidence earlier to be to the Commissioner that you hadn't spoken to anybody about you being required to attend the Commission earlier this year, and to the extent you spoke to Mr Petroulias, it was in very, very general terms. But that's what you originally said, wasn't it, Mr Green?---Yeah, I didn't say much to him. I didn't - it wasn't - like I said, it was a lot of personal matters going on at that time.

30 And then when I asked you more specifically about the summons, I thought you said that actually you did ring him or did speak to him on the phone about it and you told him you'd been summonsed?---Yeah, yeah, yeah.

The Commissioner asked you some questions about what did you say, and you said something like, "They're investigating Awabakal" and that's about it?---Well, probably along those lines and I would have - yeah.

40 Why would you speak to Mr Petroulias about it?--- Because I didn't know I didn't have to speak to him at that time.

I'm sorry, why did you speak to Mr Petroulias about it? Why?---Well, I used to speak to him all the time.

THE COMMISSIONER: I think the question was why, of all persons, once you got the summons, it was him that you

rang? Why did you ring Mr Petroulias?

MR CHEN: I'm not putting that he rang him, at the moment, Commissioner, just spoke to.

THE COMMISSIONER: I see. Well why did you speak to Mr Petroulias?---Oh, well, you know, he was doing a lot of business with the land councils and Awabakal.

10 MR CHEN: What, in 2018?---I'm not sure on the dates.

I'm telling you the dates, Mr Green. You came, were served with a summons by the Commission in January of 2018; isn't that right?---Yeah, Nick was - was doing a lot of stuff with a lot of land councils, not only Awabakal.

Why would you speak to Mr Petroulias about you being summoned by the Commission to come along to give evidence at a compulsory examination?---I don't know.

20

Well you must know because you're the person that spoke to him, Mr Green, so tell the Commissioner why?---The reason why I rang him is because he was doing business, he was supposed to be the lawyer of the Awabakal Land Council and I thought I'd ring him up and let him know.

Why would he be interested that the Commission is investigating all these things?---Like I just said, he was the lawyer and - - -

30

You know he wasn't the lawyer, Mr Green.---Well, I just rang him up and told him, okay?

And you told him- - -?---How can I, you know, say anything more, right?

You told him, Mr Green, that you'd been summoned by the Commission when you knew you shouldn't be doing that; is that right?---No, I didn't know I shouldn't have been doing that.

40

You didn't know that - you didn't read the summons that Said, you shouldn't advise people that you'd seen served with a summons and were required to come along and give evidence?---I didn't even know that was in the summons until you just told me.

Really?---Yes, really.

All right. Are you quite sure of that?---Yeah.

Do you want to think about it?---I'm not really sure what I actually said to him, and if you really want to know something else - - -

10 No, I'm just asking you the questions, Mr Green. Well have a look at this summons, if you would, Mr Green. You've just been handed a copy of your summons to appear and give evidence with a return date of 23 January 2018, do you agree? I'm not asking you to read it at the moment, Mr Green. I'm just asking you to see whether that's the summons or a copy of summons you were served with.---Yeah, it probably is, I can't recall it, though.

20 On the face of it it is?---It probably is, yeah. On the face of it, yeah.

You can see your name, can't you?--- Yeah.

You can see your address, can't you?---Yeah, yeah, yeah, Boggabri, yeah.

30 And you can see as well, can't you, Mr Green, part way down that there's a description of the investigation or the allegation or complaint made that you were coming along to give some evidence about; isn't that right?---"Until such time as" - yeah, "you are required", yeah.

At about, you will see there is a passage that commences "Since 2014"?---Yeah, 2014.

Yes.---Yeah.

You can see there's a paragraph describing what is being investigated by the Commission, can't you?---Yeah.

40 You can read that, can't you?---Yes.

And you knew you were required to come along to give some evidence about those matters, isn't that right?---Yes.

So you knew that it related to your own involvement in that period of time, didn't you?---Yep.

If you turn over the next page, you will see as well that there's a warning about not disclosing any information. Do you see that?---Yep.

You read that, I take it, did you?

MR LONERGAN: Objection, Commissioner.

10 THE WITNESS: When I got the summons? No.

THE COMMISSIONER: Just a moment.

MR LONERGAN: The question has already been asked and answered clearly by the witness in relation to - - -

THE COMMISSIONER: No it hasn't, I disagree Mr Lonergan.

20 Would you look at the second page, the first three lines in bold type "You must not disclose". Do you see there?---Yes.

Just read that out loud, those three lines.---"You must not disclose information about this summons, the existence of the summons which is likely to pro" - "pro" - "pro" - "the investigations to which it relates". "Pro" - - -

30 Is that consistent with your understanding at the time, having received this summons, you were being forbidden from advising anyone that you'd received the summons unless it came within the exceptions set out in the document?---Well, I didn't read that section. I didn't read it. I did not read it.

But you understood that there was a restriction on what you could say to anyone about having received this summons; is that right?---I didn't read it.

40 MR CHEN: Are you sure of that?---Yeah, I'm pretty sure. I'm sure.

Because it would be a serious matter, would it not, to disclose the fact that you'd been issued with that summons if you had read this information within the box on page 2 of the summons; isn't that right?---Yeah, I agree, yes.

And you would accept, would you not, that the Commission may well have been interested in what Mr Petroulias's role

in all of this was, do you agree?---Yeah.

And that to speak to him would be to prejudice or potentially prejudice any investigation that the Commission would be undertaking, would you agree?---Yeah.

And the investigation itself, what was being investigated, was set out clearly in the summons, wasn't it?---Yeah, if I'd have read it all.

10

Well you did read it, didn't you?---No, I didn't read it.

You didn't read it at all?---Didn't read it at all.

So let's be clear: you received the summons, you didn't read, although you can read, what it was investigating?---Well - well, I sort of knew it was Awabakal.

20

I'm asking you, Mr Green. You said a moment ago you didn't read it. I'm asking you did you read - - -?---No, I didn't read it.

All right. And you didn't read on page 2 the box commencing "You must not disclose information"?---No, I didn't read it.

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

30

All right.---You've asked me the same question about - - -

Well you see, Mr Green, I want you to listen to something and I want you to identify who these people are talking on a telephone call, would you?---Yeah.

We'll just have it played now Mr Green. I'll just play a little bit of it and I'll just get you to identify some names first.

(Audio played and transcript displayed)

40

MR CHEN: Just pause it there.

Now you recognise, don't you, Mr Green, from what has just been played to you, that you're one of the individuals talking?---Yeah.

And the other person is who?---Nick.

Right. And can I suggest to you, Mr Green, that in fact this is a call or a discussion on a telephone call that you had with Mr Petroulias on the 21st of January 2018?

MR LONERGAN: Objection, Commissioner. He heard all of two seconds of the telephone call.

10 THE COMMISSIONER: I'm having trouble hearing you, Mr Lonergan, I am sorry.

MR LONERGAN: My apologies. The witness has heard two seconds of a telephone call and is now being asked to ascertain dates, times and content. If the Commission wishes to ask questions about it, then play the call.

20 THE COMMISSIONER: I thought he was just being - he has identified himself as one of the participants in the call. I think the last question was directed to putting to him that the call occurred on a particular date. That is innocuous, isn't it, and that's helpful to the witness to know.

MR LONERGAN: The witness has identified that he is a participant on a telephone call, or that it is his voice on a call. That's the extent of what he has given evidence on thus far.

30 THE COMMISSIONER: You want to identify for the witness the date upon which the call took place, is that right?

MR CHEN: I did. I thought it was helpful to link it up from the date of when he received his summons, Commissioner.

40 THE COMMISSIONER: Mr Lonergan, I think he should be told and he will, no doubt, progressively be told the occasion and the date, and so on, so that he is able to cast his memory back to the call. I take your point. It would be inadequate to just simply leave that segment of the call that has been played in isolation without hearing the whole of the phone call, so I think in due course he'll be given that opportunity, the full opportunity, to hear the whole of the recorded call.

MR LONERGAN: If it please the Commission, yes.

THE COMMISSIONER: All right. Yes, Mr Chen.

MR CHEN: We'll play it now, Mr Green.

THE COMMISSIONER: And you can assume that this is a call, as I understand it, recorded on the 21st of January this year. Do you understand, Mr Green?---Yes.

THE COMMISSIONER: Righto.

10

(Audio played and transcript displayed)

MR CHEN: Just pause it there, please.

Just pausing it there for the moment, Mr Green, you obviously recognise your voice there, don't you?---Yeah.

You recognise, don't you, that what you've told Mr Petroulias was the nature of the investigation; isn't that right?---Well it said it, yes.

20

In fact, you read out the nature of the investigation that was contained in the summons, isn't that so?---Yep.

So when you told the Commissioner a few minutes ago that you did not in fact read that part of the summons, that evidence was false, wasn't it?---Well, it was. I've just refreshed my memory now, yes.

30

Yeah. You knew, Mr Green, didn't you, when I was asking you those questions before, that you in fact had full knowledge of what the investigation was about because you read the summons at the time; isn't that right?--- Now you've refreshed my memory, yes.

Well you knew that, Mr Green, didn't you, surely?---Well, my wife helped me read it and all that stuff, yeah.

What, your wife helped you read it, did she?---Well, she does a lot of things for me.

40

Well you were able to read this over the phone to Mr Petroulias, though, weren't you?---Oh, my God, she read it all to me first and I read it - - -

THE COMMISSIONER: Mr Green, would you answer the question.---Yeah, yeah, righto, yeah.

MR CHEN: We'll play the next bit, Mr Green.

(Audio played and transcript displayed).

MR CHEN: Now Mr Green, you accept, don't you, that that's a conversation that occurred after you had been served with the summons, obviously, in January of this year?---Yep.

10 And you accept, don't you, that in fact not only did you read, when you received the summons, the warning that's contained in the box on page 2 of the summons, but you in fact read it to Mr Petroulias; isn't that right?---That's right.

So when you told the Commissioner earlier today that you didn't in fact read that box, that was false, wasn't it, that evidence?---Yeah.

20 And you knew, didn't you, Mr Green, at all times that you had spoken to Mr Petroulias, told him about the nature of the investigation and even, in fact, told him about the warning that was contained on the summons itself; isn't that right?---Yeah.

And that was contrary to the clear and express statement of what you were not permitted to do, isn't that right?---That's right.

30 And what's your excuse, Mr Green, for doing that?---Well, like I said before, I don't - I haven't got an excuse.

Because it was a deliberate, clear breach by you of the Act, wasn't it?---Yes.

And you provided that information to Mr Petroulias in the knowledge that he was a person that the Commission could well be interested in investigating; isn't that right?---That's right.

40 MR LONERGAN: Objection, Commissioner.

THE COMMISSIONER: What's the objection?

MR LONERGAN: I object to the on basis that Mr Petroulias was not mentioned in this.

THE COMMISSIONER: No, that's true, but the question

wasn't premised on the basis that Petroulias was mentioned here, but that he would know from his knowledge that the investigation may well involve Mr Petroulias. I don't see anything wrong with that, Mr Lonergan.

MR LONERGAN: If the Commission pleases.

MR CHEN: Could you answer that question, please, Mr Green?---Say that again?

10

You provided or spoke to Mr Petroulias and told him about the contents of that summons in the knowledge that he was a person who the Commission could well be interested in speaking to as part of its investigation; isn't that right?---Well, I'd say yes.

Well there is there's no doubt about it, is there, that you spoke to Mr Petroulias for that very purpose?---Well, I can't say that really.

20

Why else would you be ringing or speaking to Mr Petroulias about it and having this discussion with him?---Because I spoke to him on several occasion .

Not about this summons, Mr Green. I'm asking you about this summons. You knew, when you spoke to him on the phone, that Mr Petroulias was a person who the Commission would be well interested in speaking to as part of its ongoing investigations; isn't that right?---That would be right, yeah.

30

And by you making contact with him, Mr Green, you tipped him off, in effect, didn't you?---I wouldn't say that.

What's the effect of you telling him about the nature of the investigation, particularly when he, as you said, was somebody who was doing lots of work for the land council in this very period that is being looked at?---Well, I didn't - I don't know how to answer that question.

40

You don't have an answer for it, do you?---No, I don't.

MR CHEN: Commissioner, I tender the recording.

THE COMMISSIONER: Yes. The recording of the phone call between Mr Petroulias, Mr Green, 21 January 2018 will be admitted and marked exhibit 87.

MR CHEN: Commissioner, I also tender the summons to appear and give evidence.

THE COMMISSIONER: The summons to Mr Green to attend on 23rd of January 2018 will be admitted and marked exhibit 88.

10 MR CHEN: Commissioner, I tender as well a transcript of intercepted telecommunication dated 21 January 2018 between Mr Petroulias and Mr Green.

THE COMMISSIONER: Yes. Transcript of the telephone call 21 January 2018 will be marked exhibit 89. I will have to check those numbers later, Mr Chen, to make sure that those numbers are correct. If they are not, we'll fix it up this afternoon.

20 **#EXH-087 - AUDIO OF INTERCEPTED TELECOMMUNICATION PETROULIAS TO GREEN DATED 21 JANUARY 2018**

#EXH-088 - SUMMONS FOR RICHARD GREEN DATED 12 JANUARY 2018

#EXH-089 - TRANSCRIPT OF INTERCEPTED TELECOMMUNICATION PETROULIAS TO GREEN DATED 21 JANUARY 2018

MR CHEN: Yes, Commissioner.

30 Now Mr Green, on the last occasion we reached the point where I was asking you some questions about the signing of agreements with a company called Sunshine. Do you remember me asking you some questions about those agreements?---Vaguely.

It involved Mr Zong?---Yeah.

40 And you knew Mr Zong was the principal of - or that was his business, that is, Sunshine was his business; isn't that right?---Well, I didn't know that it was his business.

Well you knew that Mr Zong was the person who was interested in some of the land council land, didn't you?---Yes.

You showed him around some of the land, didn't you?---Yes.

You attended at least a meeting with him and a group of others at various lots?---Yes.

And although you didn't recall it, you actually attended as well a meeting with him on the same day with others at the McDonald's restaurant in Hillsborough Road?---Yes.

10 Now Mr Zong, in fact, had signed a document called an acquisition proposal in the middle of 2015. Do you remember me asking you some questions about that document, Mr Green?---Oh, yeah, but I don't know what the questions was. I forget.

Well you see, Mr Zong, to your knowledge, was interested in buying the land; isn't that right?---That's right.

And he had a fellow that worked for him called Matthew Fisk. Do you remember that name?---Yes, I know him, yes.

20 He was one the persons who attended the site visit, isn't that right, Mr Fisk?---Yes.

And Mr Zong signed a acquisition proposal, that is, signed a document that permitted his company to investigate whether it wanted to buy land council land? Do you remember anything about that, Mr Green?---He signed it?

Yeah.---I can't recall him signing anything on the site visit or whatever.

30 I haven't suggested he signed it on the site visit, Mr Green. Would you have a look, please, at volume 3, page 150. Do you see on the screen in front of you there is a document called an "Acquisition Proposal"?---Yeah.

You can see and read, can't you, that it involved Sunshine Property Investment Group?---Yeah.

40 You can also see that it involves the land council, can't you?---Yeah.

If you scroll through to the end of that document, the next page, you will see volume 3, page 153. I'm sorry, I apologise, Mr Green, that's my poor eyesight, it is page 152. And that's your signature that appears there, isn't it, Mr Green?---Yeah, that appears to be my signature.

Well that's your handwriting as well, isn't it, "Richard Green,

deputy chair"?---Yes.

No doubt about it, is there?---Yeah, no doubt about it, yes, but, look - yeah.

And if you look, please, Mr Green, at page 151, you can see, can't you, under the heading "Item", paragraph 1, the five lots of property that you read out to the Commission earlier today; isn't that right?---Yes, yeah.

10

I'm sorry?---Yeah, yeah, yeah.

And you can see as well, if you look down to paragraph 2, that It's describing something called an "offer price". Do you see that?---Yes, I can see it, but I've never seen this document.

Never seen it at all?---No, I've never read it. Haven't read it.

20

What are you saying, you've never seen it or never read it?---Never read it, never seen it. If I'd have seen something like this about the properties and the sales, I wouldn't have signed these documents. It's like I keep saying, you know, I know the procedure, what it's got to go through, and I had no rights of signing stuff like this, but it never got explained to me what it was about.

You see, Mr Green, that's simply not true, is it, what you've just said?---Well, to my knowledge it's true.

30

You see, Mr Green, you signed this document, didn't you?---Yeah, I did sign it.

Yes. It was put in front of you either by Mr Petroulias or Ms Bakis, isn't that right?---Yeah.

And had you bothered to look at it and read it, as you say, Mr Green, at the time, it would have been clear as day that it involves land council land; isn't that right?---That's right.

40

And if you have a look, please, Mr Green, down the bottom of that page, you'll see there's a reference to the payment of money, do you see, under the heading "Deposit"?---Yeah.

If you just read it to yourself for the moment,

Mr Green.---Yeah.

You can see, can't you, Mr Green, that it involves also the payment of money, doesn't it?---Yeah, it does.

And it is to be held in the vendor's solicitor's trust account. Do you see that?---Yeah.

10 And if you'd cared to read it at the time, Mr Green, it would have been obvious to you that money is changing hands as a result of what has gone on here, isn't that right?---That's right.

And do you remember speaking to Ms Bakis about this document, Mr Green?---No.

Not at all?---Not at all.

20 Do you remember speaking to Ms Dates about it?---No.

You didn't keep a copy for your own purposes anywhere, did you?---No.

Didn't disclose or provide a copy to the land council at any point in time?---No.

30 Would you have a look, please, Mr Green, at volume 3, page 146. And you'll see there that again that has the same coversheet as the document I took you to a moment ago. Do you recognise that?--- Yeah.

If you have a look, please, at page 147, you'll see that, again, it roughly appears to deal with the same properties in paragraph 1?---Yeah.

And if you turn to the next page, Mr Green, you'll see down the bottom that this has been signed by Despina Bakis, solicitor for Awabakal, do you see that?---Yeah.

40 Now how does it come to be, Mr Green, that Ms Bakis is signing this document?

MR LONERGAN: Objection, Commissioner. The witness is being asked to put himself in the position of Ms Bakis to answer the question. It is an impossible position to be in.

THE COMMISSIONER: Yes. Perhaps he could be asked as to what his knowledge - - -

MR CHEN: I thought it was sufficiently general, Commissioner.

10 If you assume, Mr Green, that that is a document that Despina Bakis has signed, what can you say about how it is that she was authorised to sign such a document?---I've got no idea.

Well did you speak to her about the content of this document?---No, I didn't.

Did you speak to any other board members about the content of this document?---No, I didn't.

20 So how is it, then, that somebody is apparently signing that on behalf of Awabakal? You can't assist the Commission at all?---No, I can't.

It's not something that was ever authorised, so far as you know, by the board?---No.

Never discussed at the board level at all?---No.

30 No discussions in the middle of 2015 about having Ms Bakis sign documents on behalf of the land council?---No, you don't do it like that.

There was no discussion at any point in time about her signing a document such as this?---No.

Now you know, don't you, Mr Green, that Mr Zong attended the land council offices to sign some agreements in October of 2015?---Yes.

40 Just have a look at exhibit 57. And a series of documents was signed that day in the boardroom of the land council, weren't they?---Yeah.

And they involved Mr Zong on behalf of Sunshine; isn't that right?---Yes.

And you signed a number of documents as well, didn't you?---Yeah.

So did Ms Dates, didn't she?---Yeah.

You saw her sign them, didn't you?---Yeah, I probably did, yeah.

You were all in the boardroom together, weren't you, whilst this was happening?---Yeah.

10 I'm sorry, it is on the screen now. Would you have a look at exhibit 57.---Yeah, I've seen this before.

Page 9.---I've seen this before.

This is a photograph taken on the day that Mr Zong has come up to sign the agreements with the land council; isn't that right?---Yes.

20 So let's go back a bit, Mr Green. Who asked you to attend on this day?---I think it was Nick. I'm not really sure. Yeah, it was.

And what did he ask you to do?---That Tony Zong - oh, look, I can't remember the exact - the exact words that were said from so long ago.

Well do your best and what is the effect of what he told you?---Well - no, we met at the Kent Hotel, I think, first up, and Nick and Tony Zong had a talk.

30 This is on the telephone?---No, person to person.

I see.---Yeah.

We'll come to that. How did it come about that Mr Petroulias is asking you to turn up on this day? What did he say?---Oh, he just said that Tony Zong was coming up and we've got a meeting, I think. Like I said - - -

40 On what?---Like I said, it's a long time ago and I can't remember what was said from word to word. I know it had something to do with Mr Zong coming up to sign papers.

And what did you say, to sign what papers?---No, I didn't say anything.

Well look Mr Green, surely the conversation has a bit more detail than that?---There wasn't much said about a lot of stuff

back in that day.

There's a reason for that, isn't there, Mr Green?---I don't know.

Well one of the reasons is you were in on this agreement, that is to say, to try to dupe Mr Zong; isn't that right?---No, that's not true.

10 This is why you you were signing these documents - - -?---When you say "dupe", what do you mean by "dupe"?

Well, you were trying to advantage yourself by extracting money from him; isn't that right?---No, that's not right.

And you were trying to cause him to hand over money to you and Mr Petroulias and others; isn't that right?---No, that's not right.

20

That's why you are signing all these agreements, Mr Green?---That's not right. That's not right.

Well tell the Commissioner then why it is you're turning up on 23rd of October 2015 at Mr Petroulias's request?---Because we wanted to take the land council forward and to get a bit of - a bit of - how can I say it - money into the Aboriginal people, start doing something with the land. That's what I thought I was doing.

30

So what did he tell you you were going on the 23rd of October 2015 to do?---We were just going to sign papers to go ahead with the - with the land deals - not the land deals, to go ahead with the project that we were talking about, building garage, shopping centres, houses, whatever.

40

Why is Mr Petroulias even asking you to do this? Why aren't you, as the chairperson or deputy chairperson, making the decisions about who does what?---Well, when you've got a person acting like Nick did, you take notice of them. And I keep saying over and over, if people understand our Aboriginal land council's function, they will understand what I'm talking about.

Well your function, Mr Green, in relation to this seemed to be signing whatever is put in front of you and closing your eyes to the realities; isn't that right?---No, that's not

right.

Well tell us what positive steps did you take, Mr Green, to acquaint yourself with all of these documents that you've signed?---We signed the documents, we didn't read them, didn't look at them, we just signed them.

10 And you never disclosed any of this, that you were signing documents to the board, did you?---Oh, I'm not really - I only wish we had a lot of the minutes to the land council meetings here.

Well they're all here, Mr Green, and it's not there.---Well, if it's not there, it's not there.

20 And at no point, Mr Green, did you say, "Speak to the CEO or Ms dates", did you, and say, "Gee whiz, I'm being asked to sign a lot of documents by Mr Petroulias and Ms Bakis, I'm being asked to turn up to a lots of meetings with funny people, I've got no idea what's going on"?---There wasn't a CEO in place at that time.

Well there was an acting CEO, wasn't there?---I'm not sure.

30 There was, Mr Green. The point is you never made any complaint that these things were happening and you had no idea what was going on?---I - I don't know if the CEO was there. We were trying to take the land council forward. We were unfunctional for nine, 10 months, no board meetings.

Well Ms Dates was at this meeting on the 23rd of October 2015, Wasn't she?---Yes, she was, the picture's there.

Did you ring her beforehand and say, "I've been asked to turn up on the 23rd of October 2015 to sign some paper, what's going on"?---No, I don't think I rang her. I'm not sure.

40 Did she ring you?---No, I don't think so.

Did you have any discussions about it?---No.

You mentioned earlier that you were asked to go to the KENT HOTEL beforehand?---Mmm.

And you did, didn't you?---Mmm.

You might need to audibly answer that one.---Pardon?

You may need to say "yes". I think you meant to say "yes"?---Yes.

Mr Petroulias, I take it, asked you to go there?---Yeah.

10 You met Mr Petroulias there, didn't you, before going to the land council?---Yes, I did.

And you also met Mr Zong there, as you said?---Yes.

And they had some disagreement, didn't they, about the moneys that were going to be handed over, isn't that right?---Yes, as far as I know.

20 Yeah and there was a dispute that erupted particularly involving Mr Petroulias about Mr Zong not having bank cheques or enough money; isn't that right?---That's right.

And this was all prior to when you were all supposed to go to the land council?---Yes.

So you knew, didn't you, by the time that you were signing these agreements, that money was to change hands; isn't that right?---Well, I didn't see any money, but I seen a cheque. Yeah. I didn't see - I didn't see what was on the cheque.

30 Well, you knew that Mr Zong was handing over a cheque, didn't you?---Yes, I did.

And that's what happened, isn't that right? Mr Zong handed over a cheque?---Yes.

And who took it, Mr Green?---Nick took it.

40 Right. And what did you say about, "Why are you handing over that cheque, Mr Zong"?---I didn't say anything.

You didn't want to know why he was handing over a cheque when you're signing agreements in the land council offices?---No, I didn't say anything.

What, you sat there mute, did you, or stood there mute through the course of signing documents whilst a cheque is handed over?---No.

MR LONERGAN: Objection, Commissioner. My friend, I think, is conflating the signature of the documents temporally with the handing over of the cheque. They are two distinct events. My friend is asking questions as if they were occurring contemporaneously.

THE COMMISSIONER: All right. Okay.

10 MR CHEN: Mr Green, the cheque was handed over, was it not, in the land council offices?---No.

Where was it handed over?---At the Kent Hotel.

I see. And that was a cheque handed over by Mr Zong who you had introduced to the land, isn't that right?---I didn't introduce him to the land.

20 I'm sorry, you took him around the land?---Yes.

And he was the person who was behind the company that you'd signed that agreement with in your position as deputy chairperson on the 30rd of June 2015?---Yes.

30 You knew, didn't you, by the time that you were signing these agreements in the land council offices on the 23rd of October 2015, that Mr Zong had paid money, in effect, for purchasing some of the land council land; isn't that right?---I knew?

That Mr Zong was handing over money, in effect, to purchase land council land?---No, I didn't know that.

40 And you knew as well, Mr Green, can I suggest, that the reason why Mr Petroulias was pocketing a cheque was because these agreements were built on what you described on the last occasion as this fake Gows Heat agreement that you had signed; isn't that right?---I didn't know the money was being handed over for the purchase of land because I didn't see what was on the cheque. I didn't ask what it was for.

You are a not even slightly interested, is that your position, Mr Green, at the time, why a cheque is being handed over to Mr Petroulias by Mr Zong?---Well, they were doing the business, I didn't - I didn't know what was going on.

Your role was just to sign the documents, was it, Mr Green?---Well, I signed them.

That was your role?---Or so people say I signed them.

You were there, Mr Green, weren't you, to create the impression to Mr Zong that this was a transaction that was approved by the board; isn't that right?---No, that's not true.

10

And that was your or part of your participation in all of this arrangement that you had with Mr Petroulias and others; isn't that so?---No that's not true, it's not true.

So when these agreements are being signed, Mr Green, in the land council offices, what are you saying to Mr Zong?---I'm not saying anything.

20

What is Ms Dates saying to Mr Zong?---Probably just normal conversations - you know, "How are you going, what are you" - you know, I normally talk about Newcastle to people.

And when documents are being signed in the land council offices, what was being said?---Nothing, just sign them.

And they were placed on a table, these agreements, were they, Mr Green, to sign?---As far as I can recall.

30

You had whatever time you wanted to look through them; isn't that right?---Yeah, but I didn't look through them.

I see. So nobody flicked the documents through and forced you to sign them, but you just signed them and decided not to read them; is that right?---That's right.

Is that an honest answer, Mr Green?---That's an honest answer.

40

So you turn up on the say so of Mr Petroulias to sign a document, and you don't even bother reading it to see what you've signed?---We never do.

Couldn't care less what was in it?---Oh, if I would have read it and seen what was in it, it would have been a different - it would have been different.

How would it have been different, Mr Green?---I know that

we can't just sign a document as a - as a chairperson or a deputy chair to sell land. I know that.

Why didn't you disclose that this had happened to the board, Mr Green, that you'd turned up and signed a document but you didn't bother reading it, involving Mr Green, sorry Mr Zong?---Well, I should have disclosed to the board, but I never.

10 Why didn't you? Why?---I've got no idea why I didn't.

You can't explain why, you kept it a secret?---No. And it's not that I was in on the deal because I didn't even know it, if that's what you've saying to me.

You kept it a secret, didn't you, Mr Green?---No, I never kept it a secret.

20 Who did you tell on the board of the land council that you'd signed this agreement?---I'm not really sure if I told anyone.

You didn't take a copy of the agreement away with you?---No.

You didn't go and file it in the land council filing cabinet for safe keeping?---No.

30 Where did they go, these agreements, after you signed them, Mr Green?---I think Nick took them, I'm not sure.

So Mr Green, would you have a look please at volume 7, page 128. Do you see on the screen in front of you, Mr Green, at volume 7, page 129, I'm sorry 128, there's a document described as a "Heads of Agreement"?---Yeah.

Do you see that? And you can see the date, can't you, 2 October 2015?---Yeah.

40 And it is prepared by Knightsbridge North Lawyers?---Yeah.

And if you have a look please at page 134, you recognise your signature there, don't you?---Yeah.

And that's your handwriting where you've put "Richard Green" in the box "Name of Deputy Chairperson"?---Yeah.

And you can see to the left is Debbie Dates' name and signature?---Yeah.

And this is a document that you signed on the 23rd of October 2015 when Mr Zong attended the offices; isn't that right?---Yes, it looks like it.

And that's the document that Ms Dates also signed on that day; isn't that right?---Yeah.

10

Mr Zong signed it as well, did he not?---Oh, I don't - what's this here, the other signature there?

If you look at the box above it you can see that that appears to be somebody who signed it on behalf of Sunshine. Do you recognise that?---Yeah. It's probably Mr Zong.

You saw him sign these documents, didn't you?---Yeah, I'd say so, yeah.

20

Mr Green, if you have a look at page 129 of volume 7, you can see that this is a document that's headed "Heads of Agreement", can't you?---Yeah, I can see it.

You can see under the heading "Recitals" that there's a reference to the parties agreeing to enter into a contract?---Didn't read that on the day.

30

I'm not asking you whether you read it on the day. I'm asking you now you can see it?---Yes, I can see it.

And you can see as well that's recital A. You can see as well recital C, can't you, that it talks about the vendor had entered into an agreement with Gows Heat? Do you see that?---Yes.

And you can read that, can't you?---Yeah. Yeah. Yes, to the best of my knowledge, yeah.

40

You can see, can't you, and you understand, having read recital C now, that there's a reference to this fake Gows Heat agreement?---Fake?

Well that's the way you described it on the last occasion.---Yeah.

Is it something else?---No. Yeah, I just haven't read it

until now.

Well you can see that's what it's referring to, can't you?---Yeah.

There's no such legitimate and authorised agreement?---No, because you don't do it like that.

10 And you can see, just by looking at this first page of the agreement, namely volume 7, page 129, that this is plainly a document of a legal nature?---Yeah.

And it is certainly dealing with land council land, isn't it?---Yes.

20 And in fact, if you care to have a look, Mr Green, at volume 7, page 135, it's dealing with these very same five lots that you identified earlier as being within the Gows Heat agreement; isn't that right?---Yeah.

And if you'd cared to look at this, Mr Green, it would have been plain and obvious what was going on, isn't that right?---That's right.

What you say to the Commissioner, do you, that you just didn't take the time or trouble or effort to even skim through this document?---That's right.

30 You just signed it?---Yeah, like we always do.

Well where's another document dealing with land, Mr Green, that you signed involving the land council that you'd just signed? Name one?---That I've signed?

Yeah.---Well, I can't name one, but I've known a lot of people that's done this in land councils.

40 Well let's focus on you, Mr Green, you keep saying it all the time. Point out when it is on another occasion you have signed a document that relates to land council land that's just been thrust in front of you?

MR LONERGAN: Objection, Commissioner, on the basis that the answer, if I understand what the witness said, was not limited to land in terms of agreements that were signed.

THE COMMISSIONER: Well, I think that's right, but I took

it that it would include agreements relating to land.
But anyway, perhaps - - -

MR CHEN: The witness has said now on this occasion - - -

THE COMMISSIONER: I think he has, yes, but put it to him.

10 MR CHEN: Mr Green, you're the one who keeps proffering
this explanation that you sign any old thing that's put in
front of you. Can you name one other agreement involving
land that you've signed whilst you were a board member of
the Awabakal Local Aboriginal Land Council?---Not Awabakal,
but I used to be on the Wee Waa Land Council for years and
we built houses and sold land and you can't get a - you
can't get a board meeting because of the fighting and the
bickering so - - -

20 Well let's focus on this land council, Mr Green, because that's
what this Commission is investigating.---Well, you just
asked me.

I see. Is your explanation only related to your time and
experience on the Wee Waa Local Aboriginal Land
Council?---Yeah.

Right. It's got nothing to do with this local Aboriginal land
council at all?---No, I never signed anything on this, yeah.

30 Mr Green, let's move on then and let's have a look at
volume 7, page 150.

THE COMMISSIONER: Mr Chen, we might, I think, leave that
until after lunch.

MR CHEN: Yes, Commissioner.

40 THE COMMISSIONER: Just before we adjourn, just to correct
one of the markings of the exhibits, exhibit 90 should in
fact be marked as exhibit 89 so that correction will be made.

Mr Green, we are going to take the luncheon adjournment.
We'll come back at 2 o'clock. You are required to be back
here at 2 o'clock. Do you understand that?---Yes.

I will adjourn.

LUNCHEON ADJOURNMENT

[12.55PM]