

SKYLINEPUB1632
17/07/2018

SKYLINE
pp01632-1684

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 17 JULY 2018

AT 2.00PM

ANY PERSON WHO PUBLISHES ANY PART OF THIS TRANSCRIPT
IN ANY WAY AND TO ANY PERSON CONTRARY TO A COMMISSION
DIRECTION AGAINST PUBLICATION COMMITS AN OFFENCE
AGAINST SECTION 112(2) OF THE INDEPENDENT COMMISSION
AGAINST CORRUPTION ACT 1988.

THE TRANSCRIPT HAS BEEN PREPARED IN ACCORDANCE WITH
CONVENTIONS USED IN THE SUPREME COURT.

MR CHEN: Thank you, Commissioner.

Now Mr Green, would you have a look, please, at volume 15, page 135. You will see on the coversheet, Mr Green, that there's a reference to Able Consulting Pty Limited as being the manager?---Yes.

10 Did you know anything about the role that Able Consulting was supposed to have in these or as a consequence of all these agreements having been signed in June of 2016?---Able Consulting was Mr Vaughan, was it?

I'm just asking you about the role of that company, whether you had any understanding about the role it was to play?---No.

Not at all?---No.

20 Now did you know that Able Consulting, as at the time these agreements were entered, was, in fact, under the directorship of a gentleman called Greg Griffith? Did you know that?---Yes, I actually did. Yes, I know now, yeah.

Did you know in June of 2016 that Mr Griffith was a director of Able Consulting Pty Limited?---What was the date?

30 June 2016 when these Advantage agreements were signed and when the board resolved to execute them?---No.

Who is Greg Griffiths? Is he a friend of yours?---Greg Griffiths is a long life friend of mine.

How did he become a director of Able Consulting Mr Green, do you know?---He was one of the guys that was doing some work for Nick.

40 I see. Did you ask him to help out in all these Advantage agreements by becoming the manager through Able Consulting?---No, I didn't.

What's Mr Griffiths background and qualifications, so far as you are aware?---He is a bus driver for the mining company.

Is that Whitehaven?---Yes.

Does he have any management experience so far as you're aware?---Oh, no.

Does he have any background in finance or economics or in running a project such as what has been envisaged apparently by these agreements?---No.

Do you know whether in fact the management agreement was ever signed, Mr Green?---No.

10

Have you ever spoken to Mr Griffiths about why he agreed to become a director of Able Consulting Pty Limited?---He just said that Nick asked him and he signed a piece of paper, or something.

Did you not follow up why he was agreeing to do it?---No. He was - - -

20

Did he tell you why he agreed to become a director of that company?---He was doing some work for Nick, I know that.

What was the work he was doing?---Like, some of the same stuff that I was doing, running around to Aboriginal land councils trying to get - to do some work.

30

I see. He was prepared, was he, so far as you understood it, to become involved in, what, managing the various agreements that the land council had signed or the board of the land council had signed; is that right?---No, I wouldn't say that. He only had about two weeks worth and then he left and went back home.

So the work that you're referring to, is that the work for Mr Petroulias, do you mean?---Yes.

40

When you say went back home, what, went back to becoming a bus driver with Whitehaven?---He always was a bus driver. He just had a couple of weeks off work, a couple of weeks holiday.

I see. Mr Green, on one view of what's occurred here, this seems to be another instance of you simply signing a whole series of agreements to assist with Mr Petroulias; isn't that right?---No, that's not true.

Well if you think about it, Mr Green, there is another group of documents that you've signed that apparently you have

absolutely no understanding of; isn't that right?---Well, I know I haven't got no understanding of what the other group of documents are.

It is the case, isn't it, that the disposition, or the potential disposition of 30 lots of land owned by the land council may well be to its significant disadvantage, Mr Green, might it not?---To the land council's disadvantage?

10

Yes.---Yes, it may be after what I've seen, yeah.

It may well be the position, Mr Green, that it may well be, excuse the pun, a tremendous advantage to people such as Mr Petroulias and Advantage; isn't that right?---That's right.

20

And that has been assisted by people such as you signing agreements conferring these potential benefits on people such as Mr Petroulias and those associated with him?---Well, I wouldn't agree with that.

Tell me why you disagree with that, Mr Green?---Because if I'd read all the documents when I've signed, I wouldn't have done it.

30

That's because, Mr Green, it's obvious, is it not, that this is a transaction which was not in the interests of the land council; isn't that right?---I wouldn't say that either.

Mr Green, you attended a number of members meetings, didn't you, after these agreements had been signed; isn't that right?---Yeah.

40

Those members meetings were convened or instigated by the board of the land council to seek the approval of the members for these transactions; isn't that right?---That's normal procedure.

That's what happened in this case, isn't it, Mr Green, members meetings were called to try and push these Advantage deals through; isn't that right?---Well, no, not calls to just push these through. It's normal procedure that you have meetings.

Well, take the word "push" out, Mr Green. Members meetings

were called by the board of the land council to have the members approve these Advantage arrangements; isn't that right?---They wasn't pushed, it was normal.

I've withdrawn that word, Mr Green, and asked a separate question. Members meetings were arranged by the board of the land council to have these Advantage agreements approved by the members; isn't that right?---Oh, in some ways, yeah.

10

What ways are you talking about Mr Green, so it is clear?---Well, some meetings were called in a normal manner that we always call them.

That was to approve or have the members vote on these Advantage agreements, isn't that right?---Yes, sometimes, yes.

20

That's what occurred, Mr Green, didn't it?---Well, no you're putting words in my mouth now.

Mr Green, I'm putting to you dates which come from the records of the land council when these members meetings were arranged. So there was a members meeting, was there not, on 29 June?---I can't recall the date.

30

It was shortly after this meeting where Advantage has apparently presented and these agreements have been signed?---I can't recall the date. I don't keep dates in my head.

Do you have no recollection at all of shortly prior to you finishing up as a board member, ie, the same year, members meetings being convened where the Advantage transactions were to be discussed?---You've lost me.

40

Mr Green, what you have been saying is that the proper practice is for a members meeting to be held to approve a property deal; isn't that right?---That's right.

What I'm suggesting to you, Mr Green, is that members meetings were called following on from the board resolution in June of 2016 to discuss and ultimately approve these Advantage deals?---Not approve, to discuss.

Right.---Not approve.

Is it your position, Mr Green, that you knew that there was to be some discussion, at least, about these Advantage deals?---When you're talking about Advantage, is that the company that you're talking about or - - -

It is, Mr Green.---Well, I can't recall specifically, no, but we do have discussions about land, whether we should take it back to another meeting or - - -

10 Mr Green, really, you seem to have no recollection at all about these very significant property transactions that are documented all throughout the records of the land council?---I do a lot of things in my life and wander around a lot and I forget a lot. I'm not a young person any more.

Mr Green, you know, don't you, that you signed a series of agreements involving Advantage? I've shown them to you.---I'm not agreeing I signed them.

20 I see.---I'm not agreeing that I signed them. You know, my signature is there but how they got there has got me beat. I haven't signed 20, 30 documents.

THE COMMISSIONER: Mr Green, on multiple occasions you have agreed that the signature on documents was your signature.---Yes, I am - - -

30 Without qualification. Do you wish to retract all of your answers to that effect and change them now?---Well, I'm saying, Mr Commissioner, I say that all them - a lot of them documents that's been signed, that I never signed that many documents.

Yes.---Never.

But you did sign a number of documents, didn't you, at the request of Mr Petroulias and Ms Bakis?---Mr Petroulias, yes. Not a number. Not a number, you know.

40 More than one, several?---No, not several.

A number?---Not several.

Well, how many?---Oh, I'd say about maybe - maybe - oh, five, maybe six, maybe, I'm not really sure.

You wouldn't have a clue how many, would you?---No, I wouldn't.

It could be 10, it could be 15, you wouldn't know the number, would you?---No, I wouldn't.

Because it was over a period of time that you were signing these documents without, you say, reading them?---Yes.

10 You didn't keep count of how many you were being asked to sign by - - -?---No, I didn't.

THE COMMISSIONER: Let's move on. This is just nonsense, we're wasting time on this.

MR CHEN: Nor did you keep any of these agreements at any stage that you apparently signed, Mr Green, isn't that right?---No, I didn't keep nothing.

20 You didn't hand any of them over to the land council at all, did you?---No.

In relation to these Advantage agreements, is it your evidence that you know nothing of the transactions at all, is that the position that you take?---Transactions of what?

You know nothing of what's gone on in relation to these proposals by Advantage?---Well, like I've just said, I've signed a few, but I didn't read none of them.

30 What you were doing, Mr Green, was simply signing more documents to assist with Mr Petroulias and his scheme to try and advantage himself and others and disadvantage the land council; isn't that right?---No, that's not right.

You have been agreeing to participate in that way and by attending meetings and participating in discussions with prospective purchasers for that very end; isn't that right, Mr Green?---I was endorsed by the board to do that.

40 Now Mr Green, would you have a look at this document, please. Mr Green, before you look at that document, do you know what a bill of exchange is?---No.

Do you know what the legal requirements of it are?---No.

Would you look at the document in front of you, please,

Mr Green. Do you see that?---Yes.

Do you see the heading is "Bill of Exchange"?---Yes.

Do you see down at the bottom on the left-hand side, "Per authorised officer", your signature?---Yes.

Do you agree you appended your signature to this document?---Yeah, I'd say so, yeah.

10

What were you agreeing to do by signing your name as the authorised officer of the land council on 7 June 2016?---To pay Awabakal.

To pay them what?---\$50,000.

Is that what the effect of this document is?---Well I'm not a legal person.

20

You signed it. What were you signing?---I don't know.

Why was this document presented to you for signing, Mr Green?---No idea.

Did Ms Bakis present it to you?---I can't remember.

Well did Mr Petroulias present it to you?---I can't remember.

Did anybody give you any advice about it, Mr Green?---No.

30

Are you sure of that, are you?---Yeah, I'd say so.

Why do you say "I'd say so"?---Did anyone give me any advice about it?

Yes.---Well, I don't know where the \$50,000 was going to come to give to Awabakal.

40

Why were you even agreeing to sign this, Mr Green, if you know nothing of it, know nothing about what its effect is?---Probably because it got put in front of me to sign.

So where did it fit, Mr Green, within all these Advantage transactions?---I've got no idea.

Why are you doing it, Mr Green? Why are you signing this document?---Probably to move the land council forward.

Come on, Mr Green, we've gone through this before. How does it move it forward when you don't even know what you're signing?---What do you want me to say?

I want you to answer my question. How does it move it forward?---Well, it says \$50,000 for the land council.

10 THE COMMISSIONER: Well it says "to the land council or order"?---Sorry.

It says "to the Awabakal Local Aboriginal Land Council or order". So it's not just payable to the land council.---Well, I don't understand it.

MR CHEN: How does not understanding a document that you've signed take the land council forward?---I probably looked at it very briefly.

20 Like I've done that with all the documents.

THE COMMISSIONER: Where did you get this document from, or how did it come to be before you?---I can't remember where it came from.

MR CHEN: Is it worth anything?---Well, I don't think so.

Was any money paid?---No.

30 Was there a request for money to be paid?---No, I don't think so.

Did you disclose to the board at all that you'd signed this document, Mr Green?---No, because I don't think the board was functioning then. I'm not sure.

40 Well Mr Green, on 7 June, according to the minutes, assuming they're correct, there's a meeting that's occurred with Advantage?---No, well I didn't explain it to the board.

You didn't disclose it to the board, did you?---No, as far as I remember.

Why didn't you go and get some advice about this Mr Green? ---You know, like I keep saying, if you understand the way the land councils are run, people just don't understand. You convict us black fellows all the time, you know.

The position really is, isn't it, that you were doing whatever Mr Petroulias or Ms Bakis asked you to do; isn't that right?---No, that's not right.

10 You were a willing participant in signing all of these documents to help them out and to help their scheme out, isn't that right?---No, I won't agree with you. You are putting words in my mouth.

MR CHEN: Commissioner, I tender the bill of exchange dated 7 June 2016.

THE COMMISSIONER: Exhibit 90.

#EXH-090 - BILL OF EXCHANGE BY ADVANTAGE PROPERTY EXPERTS SYNDICATIONS LTD TO AWABAKAL LOCAL ABORIGINAL LAND COUNCIL DATED 7 JUNE 2015

20 MR CHEN: Now Mr Green, who is Authentic Trustees Limited?---Authentic?

Trustees Limited of level 4, 44 Miller Street, North Sydney, New South Wales, 2059?---I've got no idea.

Really?---Yeah.

30 It is not a company that it you're a director of, is it?---If I'm a director of that company it's a surprise to me.

All right. You know nothing of that name at all; is that right?---No.

The first time you've heard it is today?---Yeah, I - hang on, hang on. I think once I went to a place in North Sydney, I met an old Italian guy. That's about the only place I know in North Sydney.

40 Is that Mr Di Bella?---Maybe.

Who was he?---I think he was an accountant or something like that. I'm not sure.

Mr Green, what do you know about Authentic Trustees?---I don't know anything.

What do you know about them being the prospective purchaser

of land council property for the Illawarra Local Aboriginal Land Council property?---Illawarra?

Yes.---Which is Wollongong. I don't know anything about that.

10 Just have a look at this agreement, if you would, please, Mr Green. Now what has been put in front of you, Mr Green, is a call option deed dated 1 December 2015. Do you see that?---Yes.

Prepared, it seems, by Knightsbridge North Lawyers?---Yes.

If you look at the third page, you can see it takes on a fairly standard form, namely, very similar to the agreements that you had been signing, Mr Green, in 2015 involving Sunshine, doesn't it? It looks the same?---What did you say, page 3?

20 Yes, it's not numbered. You'll see it has a heading, "Call Option Deed" dated December 2015?---The solicitors.

Next page over.---Yeah.

30 If you have a look, Mr Green, again, unfortunately, it's not numbered, but if you turn four pages from the back, you will see that it starts "schedule 1", and you can see the owner, Illawarra Local Aboriginal Land Council. Do you see that?---Yeah.

The purchaser Authentic Trustees Limited?---Yeah.

If you turn two further pages back, there's your signature, Mr Green?---Yeah.

That's your signature, isn't it?---Well, as far as I know it is. It looks like it is.

40 All right. It looks to be your handwriting that's got your name?--- Yes, it looks like it is.

Well how did it come about, Mr Green, that you're in fact signing this option deed as the purchaser of this property? How did that come about?---I'm the purchaser?

Yes.---Is that what you're saying? I'm the purchaser?

That's what it says there, Mr Green, it says,
"Executed as a deed for and on behalf of the purchaser"?
---Which is me?

Yes.---Where's my money?

Mr Green, I'm just asking you. You're signing it there as
the purchaser, are you not?---Well, it looks like my
signature.

10

THE COMMISSIONER: Who provided this agreement to you for
signature? Mr Green?---I can't recall.

Well, just think about it. It has on the front page that
it was apparently prepared by Knightsbridge North Lawyers.
Do you recall whether it was handed to you by Ms Bakis or
was it handed to you by Mr Petroulias or somebody
else?---Well, it would have been Mr Petroulias, Nick.

20

Did he pay you to sign these agreements?---No.

Are you sure?---I'm sick of this money stuff.

Look, you presumably had your own life and your own busy
life, being a deputy chairperson, and here you are 2014
through to 2016 signing agreement after agreement after
agreement. I mean, what were you doing this through friendship
or for charity, or were you doing it for a charitable
purpose, or were you doing it for money or why would you
take all this time to be available for signing agreements
that you never read, for Mr Petroulias or Ms Bakis or both
of them? There must have been a motive. People just don't
put themselves at the service of others for no reason.
What was your reason?---It definitely wasn't for money.
I've got no money.

30

Why would you make yourself available, being probably a
busy man talking to mining companies about native title and
acting as a deputy chairperson to an Aboriginal land
council, why would you be making yourself available over
these three years at least for signing agreements, going to
meet people introduced by Petroulias relating to matters he
was interested in? I mean did you do it just out of the goodness
of your heart?---Well - - -

40

Or did you do it for a commercial reason that there was
something in it for you in a financial sense?---No,

I wouldn't say that. I just - I'm not even saying this is my signature here. It looks like my signature.

10 Yes, you've already given evidence about it, Mr Green. I'm trying to get to an understanding of your motive as to why you were so generous with your time to make yourself available to sign agreements. This one is not about the Awabakal Local Land Council, we're going further afield now, we are dealing here with another land council. Again you have the connection with Mr Petroulias and the connection with Ms Bakis. It was very good of you to give your time to sign all these agreements. But why? There must have been a reason. Please tell us the reason?---Well the only explanation I can give you is we wanted to set up a company for employment for Aboriginal people and to get things moving along with a lot of land councils, which I did do. I went to a lot of land councils in New South Wales to try to - because we had investors, or I thought we had investors that were going to do things with land councils, and I did do that and that's - that's the reason why I probably signed a lot of these documents. Now, when you're talking about down the Illawarra, they were talking about building a Disney land of Australia with the land belonging to Illawarra Local Aboriginal Land Council.

20 Why was Mr Petroulias and Ms Bakis interested in doing all this work? Was it for the love of the Aboriginal cause or was it for money?---Well, Mr Commissioner, you'd have to ask them that question.

30 But you had a lot to do with both of them. You must have known what their motive was. What was your understanding why they were doing all this work - - -?---They were helping - - -

- - - in relation to Aboriginal land councils?---They were helping the Aboriginal land council.

40 As a charitable act or as a financial venture?---Well they weren't getting any money, I don't think.

No, but just attend to my question. Based on your understanding and discussions with them, and involvement with them over those three years, was their motive a charitable one, to benefit the Aboriginal communities, or was it a financial business motive.

MS NOLAN: I object.

THE COMMISSIONER: Yes, on what basis.

MS NOLAN: On the basis that this would cause this witness to speculate.

THE COMMISSIONER: I'm sorry, could you just raise your voice a bit.

10

MS NOLAN: It would cause this witness to speculate, that's the first basis, but the second basis is the way that this question has been framed by the Commissioner is to unfairly and unduly narrow the available motives of two persons who this witness has been saying has been to assist the Aboriginal people.

20

Whether or not it was charitable or for commercial purposes, or otherwise, would be outside the remit of this Commission, in my respectful submission. There's a very confined basis upon which this Commission can investigate. If it is charitable or commercial, neither fall within that category, in my submission.

THE COMMISSIONER: Thank you, Ms Nolan.

30

You heard my question before. I'm going to put it again. Having dealt with Mr Petroulias and Ms Bakis in relation to Aboriginal land council affairs over the three years or so, 2014 to 2016, based on your involvement with them and discussions with them, you believe that their motive for doing this work and involving you and others was for a charitable purpose to benefit Aboriginal communities, or was their motive a business one, financial, as you saw it?---Well, they done a lot of work for nothing.

No, but just answer my question.---I'd say charitable.

40

You're serious, are you? Do you seriously say that on the affirmation you've taken to tell the truth?---I said they done a lot of work for nothing.

Did you believe that they did not have any financial or business interests in pursuing these projects?---Well, I think it would have been at the end.

What do you mean by that?---When a lot of stuff would have got

set up, they probably would have got paid, or whatever.

Is that your understanding, based on what they told you?---No, they didn't tell me that, I just - - -

What's it based on?---It's just based on business, if you want to do business, and set things up with investors, and the investors would pay them and that's all - - -

10 The investors would pay?---Yes.

Pay whom?---Probably Nick and them.

That was your impression. That was your belief, based on what you saw and heard?---That was my belief, yes.

MR CHEN: You see Mr Green, coming back to this document that is in front of you, the call option deed, you were in fact the director of that company, were you not?---Unknown to me.

20

And you were in fact agreeing on behalf of Authentic Trustees Limited to pay \$1 million for the option to purchase the properties listed in this agreement?---What a laugh.

Why do you say that?---Where am I getting a million dollars from?

30 What did Mr Petroulias or Ms Bakis say to you about why you were entering into this agreement or this arrangement?---Nick never said anything to me about it.

He just presented it to you and you signed it, is that it?---Yes.

Nothing more?---Nothing more.

40 MR CHEN: Commissioner, I tender the call option deed dated 1 December 2015 between the Illawarra Local Aboriginal Land Council and Authentic Trustees Limited.

THE COMMISSIONER: The call option deed so described becomes exhibit 91.

#EXH-091 - CALL OPTION DEED DATED 1 DECEMBER 2015

MR CHEN: Mr Green, I just need to take you back, I apologise, to a document that I should have taken you to before. Would you have a look at exhibit 43, page 22. Now Mr Green, this is a document described as a memorandum of agreement regarding the procedural process for the Awabakal advancement agreements dated 8 July 2016. Do you see that on the screen Mr Green?---Yes.

10 If you look on at the end of that document on page 24, your signature appears there, does it not?---Another one. Yes, that's my - well, it looks like my signature.

What can you tell the Commissioner about how you came to sign this, assuming you did, document, Mr Green?---I can't remember.

20 Do you know what you were doing on 8 July 2016 in relation to seeing Mr Petroulias or Ms Bakis?---No, I can't remember.

Was this ever put before the board of the land council, so far as you know, Mr Green?---No, not as far as I know.

Do you have any recollection of executing this document, Mr Green?---No, I haven't.

You don't know what it means or what it says?---No.

30 Do you know somebody called Jan Lindrum?---Jan Lindrum? Jan Lindrum? It doesn't ring a bell. Refresh my memory.

Well, do you remember ever having a meeting with somebody in May of 2016 by that name?---I can't remember.

I'm sorry?---I can't remember.

The name doesn't assist you at all?---No.

40 Did you meet with Ms Lindrum and Mr Faraj and Mr Petroulias at the offices of Knightsbridge North Lawyers in about May of 2016?---Lindrum and Mr - who was the other guy?

Mr Faraj. There may have been some others there as well, but certainly those people?---I can't remember those people.

Do you remember going to a meeting at all around that time or not at all?---I can't remember.

Do you ever recall, Mr Green, ever contacting by telephone and speaking to somebody who identified themselves as Jan Lindrum?---Jan Lindrum? What company did she come from?

10 She's an individual.--- We;; she must have come from a company.

Well, I'm just asking you to focus on whether you recall making telephone contact with her or not?---I can't recall. I may have, but I can't recall it.

You're not in a position to deny that you made contact with her, Mr Green, on 21 June 2016 by telephone, are you?---No, I won't deny it. I may have.

20 You just don't have a recollection of it?---No.

Or what was said?---No, that's right.

Now Mr Green, you knew that Steven Slee was the chief executive officer in the period leading up to February of 2015?---Yeah, I knew that.

You recall that he was suspended in February of 2015, do you not?---Yes.

30 You were the person that made the decision to stand him down, isn't that so?---No, that's incorrect.

Who did make that decision, Mr Green?---Mrs Dates rang me up.

And what, told you that she was standing him down, did she?---Yeah, because of - because of the credit card.

40 And you agreed to that course, did you?---No, I didn't agree to it.

What was your role - - -?---I went along there to the land council while she stood him down.

All right. What, and you didn't have any other role, other than standing in the same room as Ms Dates and Mr Slee whilst she stood him down; is that right?---That's right.

It never went to the board, did it, that decision?---No, it never went to the board.

You know, don't you, Mr Green, that there was an investigation conducted by the registrar, Mr Wright, into that very matter, as well as some complaints that you had made and Ms Dates had made against Mr Steven Slee?---Yeah.

10 And the registrar prepared a report, didn't he, after conducting an investigation into the allegations that you made against Mr Steven Slee; isn't that right?---Me made allegations against him?

Yes.---What did I actually say about him?

20 Well the effect of it was that there was some alleged irregularities in the use of the credit cards of the land council?---Well, I was just sort of saying what Debbie was saying. I didn't - - -

THE COMMISSIONER: She was saying that, wasn't she?---She was saying that.

And she was proved wrong. The registrar exonerated Mr Slee, didn't he?---Oh, if you - if - registrar - in my opinion, he didn't do a good investigation.

30 I'm not interested in your opinion. The fact of the matter is the registrar upheld Mr Slee's reputation and said these allegations were without substance, in effect. That's what he said or concluded; correct?---Yeah.

And then subsequently you sacked Slee?---Me?

Yes, you, personally.---How did I do that?

You just dismissed him, did you not?

40 MR CHEN: You moved the motion Mr Green, didn't you, that Mr Slee be terminated notwithstanding that the registrar had, in effect, exonerated him; isn't that right?---Yeah, I probably did.

Notwithstanding that the then lawyer for the land council or the board of the land council, Mr Sheriff, had cautioned you against taking such course, isn't that right?---You're

probably right, yes.

THE COMMISSIONER: It was a malicious act by you, wasn't it, to terminate Slee notwithstanding the registrar's finding favourable to him. You did it out of malice?---No, no, no, look - - -

10 Why did you do it after he'd been exonerated by the official decision-maker?---I seen - I seen what was on the credit card list on the bank statements. I seen that and I seen what he was doing with his brother, paying his brother wages. He was a junkie - -

Mr Green - - -?---you've asked for an explanation.

20 It was sent for an official determination by the independent decision-maker and the decision maker upheld Mr Slee. You were not prepared to respect the decision of the independent arbitrator or decision-maker, were you?---No, because I know what went on in the land council.

You just took the law into your own hands, didn't you?---I know what went on in the land council.

You took the law into your own hands, notwithstanding the independent decision to clear Mr Slee and you moved a motion within a very short time after that to have him sacked; correct?---My - - -

30 Is that correct?---If you would read the Land Rights Act - - -

Would you please, Mr - - -?---Well, that's correct.

That's all I wanted you to attend to at the moment.---I did.

40 Then, of course, the council had to go and pay out Mr Slee once he brought legal proceedings against the land council, and he was paid by the land council a very substantial sum of money?---It wasn't only Mr Slee.

He was paid a very substantial - - -?---Yes, he was.

Because you realised that his dismissal had been wrong, correct?---That's right.

MR LONERGAN: He didn't recognise that it was wrong, the decision-maker - I'm sorry, the court - - -

THE COMMISSIONER: I'm not going to buy into it, Mr Lonergan. The facts are very clear. It is all documented. It was a decision by the registrar which exonerated Mr Slee and it was your client who took the initiative to have him sacked, notwithstanding that decision; correct?

10

MR LONERGAN: Yes, that's correct.

THE COMMISSIONER: Yes.

MR CHEN: Mr Green, you know that Mr Slee was paid a substantial sum of money after that because he alleged he was wrongly terminated; isn't that right?---That's right.

20

That decision to pay the money was a decision made at least by Ms Dates, wasn't it, as chairperson?---I'm not sure.

Well was it made by you?---No it wasn't made by me.

It certainly wasn't made by the board, was it?---It wasn't made by me.

30

Now Mr Green, you knew, didn't you, that each year what's supposed to have occurred was that the board of the land council was, with the assistance of an external auditor, to prepare a set of financial statements and reports?---Yeah, the audit report.

Yes, that was to be done every year, was it not?---I think it changed to every six months.

Anyway, it had to be done, didn't it?---Mmm.

40

With a degree of frequency, at least annually?---And the reason why it had to be done - - -

I'm just asking whether it is done, Mr Green, at the moment.---Why don't you let me explain?

Because I just want you to focus. I'll take you through it, Mr Green.---Righto.

It's done at least annually, isn't?---Yes, or quarterly.

Alright is that what you wanted to say Mr Green in addition, that it is done quarterly?---Quarterly, six-monthly or 12-monthly.

Is that what you wanted to say a moment ago?---Yes.

You realised, did you not, as a board member, that you had a role in the provision of information to the auditor, didn't you?---Yes.

10

You also had a role as a board member to eventually prepare letters to the auditor to confirm the accuracy of the information that was provided to them; isn't that right?---Not me prepare letters.

Well, you knew that the board had to consider and then approved the signing of letters which would go to the auditor to confirm the accuracy of the information that had been provided to it; isn't that right?---Well, yes, that's what the auditor's got to do.

20

In simple terms Mr Green, the auditor would prepare what are called representation letters to ensure that management and the board signed off on the information that was provided to them; isn't that right?---That's right.

Yes. You as a board member, in 2016, had a role in approving the signing of those letters to be sent to the auditors; isn't that right?---That's right.

30

In fact, there were two letters that were prepared for execution by the board, namely, a management letter and a board letter; isn't that right?---Yes, as far as I know, yeah, yeah, yeah.

Well just have a look, if you would, Mr Green, at volume 16, page 252. You can see there the minutes, Mr Green, of the meeting on that day, 20 July?---Yeah.

40

Would you scroll down, please, to the next page. Do you see number 5, "Board representation letters"? Do you see that, Mr Green, at point 5?---Yeah.

The motion was that they be carried. Now would you have a look, please, at exhibit 83, page 95.

THE COMMISSIONER: It is on the screen now, Mr Green.

It is a letter of 19 June 2016 to Mr Clayton Hickey,
PKF Newcastle.

MR CHEN: Just pardon me, Mr Green. I apologise, it is
exhibit 83, page 83.

THE COMMISSIONER: What's the exhibit number again?

MR CHEN: 83, Commissioner, page 83.

10

Do you recognise that, Mr Green, as the management
representation letter that was approved by the board?---Not
really.

Just have a look at page 84 if you would and page 85.

THE COMMISSIONER: Are you able to assist the witness what
the main point is that you want him to derive from this?

20

MR CHEN: I will take him to it now, Commissioner.

Do you see your signature appears at the bottom there,
Mr Green?---Yes, it looks like it.

That was a document that I take it you read carefully before
signing it?---No, I never read it.

Didn't read it at all?---No.

30

So you were indifferent to whether or not the auditor was
told the correct things or otherwise?---That's true.

So, Mr Green - - -

THE COMMISSIONER: Was that your practice, you were happy
to sign documents whether they were true or false; is that
right? You couldn't care less?---I wouldn't say that.

Sorry?---I wouldn't say that, "couldn't care less".

40

It sounds that way to me. You're being asked about this
letter here on 20 July. It is written to Mr Hickey, and this
related to the auditing of the financial statements, so
it's a pretty important letter, you would agree. Do you
agree?---He wrote the letter.

This letter on the screen now signed by you, as you just

said, was an important letter, wasn't it, to Mr Hickey, so he could audit the accounts?---Yeah.

Well, you sound doubtful.---But he wrote the letter.

You'd agree it is an important document to sign?---Yes.

To provide to Mr Hickey; is that right?---Yes.

10 But it sounds to me as though you couldn't care less whether what was in the letter was accurate or false because you said you signed it without reading it. Is that your position?---Yeah, well, I didn't read it.

I can't hear you.---I didn't read it.

20 That's what I'm putting to you. You knew that Mr Hickey needed the information so he could audit the accounts; is that right?---Well, that's probably why I signed it, so he could audit the accounts.

You knew that's why he wanted the information?---Yeah.

It's very important for the land council to have its accounts audited by an external auditor; correct?---Yeah.

This letter related to information that Mr Hickey was seeking?---Yes.

30 So he could do his professional job; is that right?---Yeah.

You said you signed the letter without even reading it; is that right again?---That's right again.

40 I'm saying that that displays an attitude by you that even with important documents such as a document that contains information to be sent to an auditor, your attitude was you could not care less whether it was full of accuracy or whether it was completely false?---No, that's not true.

Why is it not true? Because you signed the document, you were prepared to put your name to it without even bothering to read it. That to me sounds like it is - that is either a case of recklessness or gross negligence.---If someone said to me this has got to go to the auditor to get the audit done, I would have signed it.

It was obvious it was going to the auditor, it was directed to the auditor by name.---Well, there you go.

Why wouldn't you read such an important letter to make sure that it was accurate?---It would take me a while to read it. That's why I don't read the stuff, because I have to sit down for ages to read stuff.

10 You assumed the office of deputy chairperson of this land council, and persistently, on your evidence, breached your duty of trust day in and day out by signing letters which were important for the land council, not knowing what was in the documents you were signing; is that right?---Yeah, I did do the wrong thing.

Yes, you did the wrong thing not just once but, on your evidence, hundreds of times?---No, I wouldn't.

20 You did it as a matter of practice? You never read anything you signed?---I wouldn't say that. I don't agree with a lot of the signatures that's on a lot of these documents.

What sort of deputy chairperson are you? What sort of director are you if you are prepared, as a matter of practice, to sign anything without reading it, even though it affects the land council?---Mr Commissioner, you can criticise me as much as you want.

30 No, no, I'm saying what sort of a deputy chairperson are you to do that? Do you regard yourself as honourably discharging your office or continuing constantly to breach your duties?---I've been doing it for years.

Breaching your duties of office?---No, no.

Doing what?---No. Doing the right thing by Aboriginal people.

40 Do you think doing the right thing is by signing documents without even reading what you're signing on their behalf? Do you think that's doing it for the Aboriginal people?---No, we were just in a big shambles at that time.

You see you were more concerned, it seems, throughout this period to be doing business with Petroulias than you were doing business for the council. That's the way it appears. Is

that right or wrong?---No, that's wrong. I keep saying that's wrong. Absolutely wrong.

You seem very keen to help Mr Petroulias right through that period.---Well, I still say that's - - -

10 Every time he asked you to do something by signing a letter, you did it. You obeyed him as if you were his servant; isn't that right?---Like his black boy, you're saying?

No, as his servant.---Black boy.

Is that right?---No, that's not right. That's not right.

You use whatever term you want.---That's not right.

20 Every time he asked you to sign a document, you just signed it without reading it?---I signed a lot of stuff without reading it. Like I keep saying, a lot of the signatures on these documents I don't agree with.

MR CHEN: Now Mr Green, you've told the Commission over the last couple of days at least, and perhaps on the earlier occasions, you didn't keep any of these documents for your own purposes, did you?---No, why should I?

30 You didn't then ask for copies of them to be provided to you by Mr Petroulias or Ms Bakis at any stage, did you?---No.

You didn't take them off to the offices of the land council and file them away, did you?---I didn't have to do that.

You didn't take copies of any of these documents off to the staff and say, "File it away into the filing cabinets of the land council", did you?---Didn't have to do that.

40 So it is clear, Mr Green, you never did that, did you?---No.

So far as you would know, Mr Green, none of these documents, perhaps aside from one or two of the Advantage ones, were ever in the records of the land council; isn't that right?---That's right.

You know that Sophia Anna acted as CEO for a period of time

in about the middle of 2016?---Yes, I remember that.

Do you remember she was also charged with undertaking various functions, one of which was to purchase new furniture for the land council?---She was charged with it?

Given the responsibility to - - -?---She was in charge of it.

10 All right. Anyway, one of the things that she did was she arranged for new furniture to be purchased, did she not?---Yeah, you've asked me this question before, yeah.

She arranged, didn't she, a skip bin to dispose of some of that furniture, didn't she?---Yes, she did.

And other things; is that right?---That's right.

20 You saw that, didn't you?---Yeah, I did, I went there, yeah.

Yes. It has been suggested that somehow Ms Sophia Anna has, in the process, decided to throw out all these documents that, at least on your evidence, you say was never in the possession of the land council. What do you say to that? Would that be true or false?---Well, say that again on my evidence I - - -

30 On your evidence you say none of these records that I've taken you to over the last couple of days and in May were ever by you taken away and filed in the records of the land council?

MR LONERGAN: I object, Commissioner. There are a plethora of documents that have been referred to by my friend.

40 THE COMMISSIONER: It is pretty clear. I don't think there's any scope for misunderstanding. He knows what counsel is referring to. Put it again, please.

MR CHEN: You told the Commissioner on many occasions that these agreements that I've taken you to, and other documents relating to these transactions, were never kept by you or taken to the land council for filing; isn't that right?---Yeah, probably, yeah.

THE COMMISSIONER: Sorry, what was that answer? Do you agree with what was put to you?---Do I agree that - - -

Was the answer yes, you did not take copies of the documents and place them in the files of the - - -?---No, I did not.

10 MR CHEN: It has been suggested that Ms Sophia Anna threw out all these records. Would that be true or false on your observations that you made of what she was doing?---I didn't see any documentation paperwork in the bin.

Now Mr Green, you've worked at Whitehaven now, haven't you, for a period of time; is that right?---Yeah.

Are you a supervisor there?---Yeah.

20 What's your official title, Mr Green?---Supervisor.

What do you supervise?---All the biodiversity, all the - - -

Is one of the matters that Whitehaven is required to do as part of its obligations, to employ Aboriginal workers?---Yeah, Aboriginal participation.

30 Does your role fit within the Aboriginal participation?---Yeah.

For how long have you had that role, Mr Green?---Going on four years.

Is that a full time job or not?---No.

40 For how many days per week and weeks per year does that occupy your time, Mr Green?---Oh, five days a week and the weekend - we get the weekend off.

You do work five days a week, do you?---Yeah. We work until work runs out then we'd probably be standing down for a while and all that sort of stuff.

On average, through the course of a given year, how many weeks per year do you work or how many days per week do you work?---Probably average year, you know, average five days

a week for a year.

So it is essentially full-time?---Yeah, until it all starts to go down hill soon.

You've also been, Mr Green, on a pension, haven't you, for a number of years; is that right?---Yeah, disability.

10 And you've been on a disability pension for how many years?---Oh, about 10 years, I think.

THE COMMISSIONER: How much is the disability pension at the moment?---Oh, it's about \$800 a fortnight.

MR CHEN: All right. What's the income that you receive from being a supervisor at Whitehaven?---\$1,000 a week.

20 Is that in your hand or a gross amount?---Gross or something.

Do you know what's put into your bank account each week that you work for Whitehaven, approximately?---Yeah. About \$900 or something.

So you receive the \$900 plus whatever you get from your disability support pension; is that right?---Yeah, I've been to Centrelink and declared a lot of this stuff.

30 Now do you file tax returns?---Oh, yes, I do.

Right. In your own name, do you, you file tax returns?---Yes, in my own name, yes.

Have you been filing them in the last two or three years?---I don't think so. I filed one last year.

For what financial year?---When I got the accountants to do that stuff for me.

40 Now you've said on a number of occasions today and yesterday that you received no benefits from Mr Petroulias; isn't that right?---In which way?

Well, I think you've said that you did a little bit of work for Mr Petroulias through this organisation called the United Land Councils, or something to that effect; is that right?---Yes, not only me.

I'm just focusing on you at the moment.---On me, on me, yeah, yeah.

That was to go around, what, with him, was it, or on your own, to visit land councils throughout New South Wales?---Sometimes with him, sometimes by myself, sometimes Derek came with me and other guys went around.

10 As I understood your evidence that you gave perhaps on the last occasion - that is, in May - you may have estimated that you did that work for a number of months or so; is that right or not?---Yeah. Yeah.

Is that right or is it something different?---No, it's right.

When we say months, are we talking two months or three months?---Oh, maybe three, four months.

20

So, four months on the outside, three months at the bottom; is that right?---Yeah, maybe, yeah.

When you say "maybe", I'm asking you, Mr Green, you're the one who did it. Was it three or four months, is that right or not right?---I'm not really sure.

It's about that, is that the position?---Yeah, probably.

30 Was this during which year that you undertook this year, Mr Green?---I think it was '15, maybe.

2015?---Yeah.

And this work that you did for United Land Councils visiting land councils sometimes on your own but sometimes with Mr Petroulias, involved you meeting up with members of land councils or boards of land councils, did it?---Yes.

40 You talked to them about certain proposals?---Yes.

Then come on home?---Pardon?

Then come on home - you'd go home, wouldn't you?---Yes.

So this is a day trip here and a day trip there; is that right?---Oh, sometimes at Kempsey and then Yamba and all

them places. I'd sleep overnight in the car maybe.

All right. So one or two days?---Yeah.

So all up in this three to four month period of you doing this work for United Land Councils, you weren't working full time, were you, driving around throughout New South Wales?---No.

10 You were doing it a day here and a day there; is that right?---Yeah, a couple of days here, a couple of days there.

Can you be more specific, then, as to when it is you say you were doing this work for the United Land Councils? When were these three to four month periods? When was it? The beginning of 2015, the end, or when was it?---I'm not sure.

20 You can't assist at all?---I'm not sure. About the '15, the year '15, something like that.

When you would go there, what, would Mr Petroulias give you some money to pay for your accommodation, would he?---He'd put some money in my bank account.

Right.---The bank account that I give him.

30 THE COMMISSIONER: What would he do that for?---Pardon?

What was that for?---That was for expenses and food and accommodation. Lots of times I'd just save a bit of the money and sleep in the car.

MR CHEN: We're talking a couple of hundred dollars here and a couple of hundred dollars there, is that the position?---Oh, yeah, yeah.

40 That's about right, isn't it? Is it more than that or not?---Oh, it would be a bit more, yeah.

All right. Aside from expenses for accommodation and matters of that kind, is that it in terms of what Mr Petroulias has given you?---Oh, fuel money.

All right. What are we again talking about, a couple of hundred dollars here and a couple of hundred dollars there,

Mr Green?---Yeah.

Is that right?---Yes.

You mentioned earlier there was a car?---Yes.

What's the car that you're referring to?---The Mercedes.

10 What happened? How did you come to get a car?---I've answered this question about three times, but look, I'll do it again, I'll do it again. How I come to get the car is because I had a real old broken down car and it was no good, so they said, "Here you are, you have this car and you get around in that". And that's what I did.

All right. So when - - -?---It wasn't - it wasn't a very good car.

20 All right.---It kept breaking down on me too. I done a lot of work to it myself.

So when did you get given this car, Mr Green?---To use? I'm not really sure.

Well can you name a year? Was it 2015?---Or maybe '14.

30 All right. What happened after you were given that car, what did you do with it, drive it around?---I drove it around, yeah.

Do you still have it?---No.

What did you do with it?---I fixed it all up, polished it all up, and I traded it in.

When did you do that?---Oh, maybe two to three years ago.

Right what did you trade it in for?---A Toyota Kluger.

40 What was the registration number of the Mercedes car that you were given?---I've got no idea.

No idea at all?---No, I've got no idea.

All right. So who in fact gave it to you?---It was Despina's car, as far as I know, and I think she give it to me.

What did she say when she gave it to you?---"Use this car as a working car", and it broke down a lot on me and - - -

You traded that car in, did you?---Yeah.

You got another car?---Yes.

That's the Kluger, is it?---Yes.

10

When did you buy the Kluger?---I didn't buy it, I got it on hire purchase.

All right. When did you get it on hire purchase, Mr Green?---Oh, about, yeah, three years ago.

THE COMMISSIONER: How much was that worth at the time you acquired it?---It was worth - - -

20

What did you have to pay for it, in other words?---It was 40 grand and then I think I got 16 grand for it, for the Mercedes.

MR CHEN: Could it be in fact you traded the Kluger in last year - sorry, you bought the Kluger last year?---Well, I can't recall when - I tell you, I can't recall. I think it was more than that.

30

In fact, do you know more precisely when you were actually given this car, the Mercedes car by Ms Bakis?---No.

Was it in 2016?---Maybe it was.

And that's the only car you've been given; is that right?---Yeah.

Is this then a fair summation of what assistance you'd been given by Mr Petroulias or Ms Bakis, namely, you were given this Mercedes car which you've traded in?---Yeah.

40

To buy the Kluger, and got \$16,000 as a trade-in?---Yes.

Plus you get a bit of fuel money for driving around on the odd days that you were driving around New South Wales for the United Land Councils?---I was doing a lot of driving.

And a bit of money for accommodation and expenses?---Yeah.

But we're talking here, Mr Green, surely, in terms of expenses, a few thousand dollars; isn't that it?---Yeah, probably all up, yeah.

Is that what you tell the Commissioner is the extent to which you've received assistance from Mr Petroulias?---Well, it would be assistance in working. I thought I had a job.

10

That's the extent of it, though, whether it is assistance or whether it's wages, that's what you got, is that it?---Yeah, or expenses, yeah.

And that's the sum total of what you've received; is that your evidence, Mr Green?---Yeah.

Now Mr Green, you know a company, don't you, called Best Pay Custodial don't you?---Best Pay Custodial?

20

Yes?---Best Pay Custodial. Yes, I've heard of that company, yeah.

What does it do?---I don't know.

You don't know the nature of its business at all?---No.

You don't know whether it is in, for example, finance or property investment or anything about it?---No.

30

You don't work for it, I take it?---No, not that company, I thought I worked with the land council names.

You don't provide any funds to Best Pay Custodial, do you?---Not that I know of.

What about Best Industrial Sales, Mr Green, have you ever heard of that company?---I know Best Industrial Sales, yes.

40

What do you know about Best Industrial Sales?---They're to do with - with properties or - - -

What's your association with it, Mr Green, if anything?---My association with it?

Yes.---Well, as far as I know, there's none.

You don't work for it, as far as you know, do you?---No, I don't work for it.

You don't know really much about the day-to-day goings on of that company, do you?---No.

Now Mr Green, how many bank accounts do you have?---Oh, about two to three. I've got all my receipts. You asked me to bring them receipts last time.

10

Do you know anything about when Best Pay Custodial was first registered as a company, Mr Green?---No, I don't.

Do you know that in fact you've been or were a director of that company and a secretary of that company in 2015?---Well, I did know that but I told them to take me off there.

20

Who told you that, Mr Green?---Nick told me that I was a director in the - I don't know about the secretary, I can't be a secretary, I can't do anything, and I told him I didn't want to be on there.

You signed a form, didn't you, that appointed yourself to be the director of that company; isn't that right?---I probably did.

30

Yes. And you also, did you not, signed a form that appointed you a director and secretary of Best Industrial Sales; isn't that right?---I probably did.

That was because Mr Petroulias asked you to do that, isn't that so?---Yes, I probably did.

40

Let's think of the timing of these, Mr Green, because at the time that these companies were formed and you became the directors of them, it was on 1 April 2015. Does that accord with your recollection of when you were agreeing with Mr Petroulias to become a director in those two companies?---Oh, yes, sort of, yeah.

It's just before Mr Zong came on the scene in Sunshine, isn't that right?---Well, I'd say so, yeah.

You know so, don't you?---No, I don't know for sure.

THE COMMISSIONER: Just stop and think about it.---You're

telling me the dates.

Is what was just put to you more than likely the case?---I know where youse are going, but anyway.

No, just answer the question.---Mmm. Probably, probably.

About that time?---Probably, yeah.

10 MR CHEN: These are two companies, Best Industrial Sales and Best Paid Custodial that, aside from you being a director, you know nothing about; that's the position?---I don't know the day-to-day running of them places.

Never put one cent into the finances of either company, have you?---No.

20 You're doing this all on the say so or request of Mr Petroulias, isn't that right?---Well, we wanted to set up some company so we can have employment for Aboriginal people.

Just tell me, Mr Green or tell the Commissioner, how many Aboriginal or Indigenous people have you employed through Mr Petroulias's arrangements?---There was Greg Griffith - - -

30 You might need to speak a bit louder. There was Greg Griffith?---There was Greg Griffith, there was Daniel, Illawarra, Greg Hardman.

So this is the fellow from the Illawarra?---Illawarra Aboriginal Land Council, yes.

Why don't we focus perhaps on the Awabakal Local Aboriginal Land Council, Mr Green. How many Aboriginal members of the Local Aboriginal Land Council have been employed?---None.

40 So let's come back to Best Paid Custodial and Best Industrial Sales, Mr Green. Not only were you the director of those companies, but you also opened a number of bank accounts, didn't you?---I didn't open them.

By that response, Mr Green, do I take it that you know that they were opened but are you disputing the fact that you had a role in the opening, that is, the physical opening of

the accounts?---I opened one with Mr Peterson -
Mr Petroulias, one.

So you went to the bank, did you not, with Mr Petroulias to
open a bank account; is that right?---Yes, I did.

You went with Mr Petroulias to open a bank account for
Best Pay Custodial, didn't you?---I'm not sure if it was
that or not.

10

Mr Green, why were you opening that one account? Where was
the money to come from for - - -?---Well we opened the account
to - well, like Nick said to me we need to open a trust
fund, so we could have money there to set up the businesses
and employment and work and all that stuff.

That's sounds like a bank account, Mr Green, what you were
setting up, not a trust fund.

20

THE COMMISSIONER: Mr Green, would you put your wallet
away please.---I'm just having a look at - - -

Would you please put your wallet away and just listen to the
questions as they're put to you and answer them.

MR CHEN: So Mr Green, where was it going to get the funds
from, Best Pay Custodial, to finance these grand
schemes?---Well I always thought that Mr Zong was going to tip
in and give us a hand with a lot of stuff.

30

I see. That was, at least you knew, through the sale of the
land which we've already gone through; isn't that
right?---No, that's not true.

Well what was he going to do, Mr Green, just inject a bit of
money into your bank account, was he?---That was what I was
led to believe.

40

By who?--- Mr Zong was going help us set up the business
with the trust fund.

Mr Green, that's simply not true, is it?---That's to my
understanding.

No, you're making that up, Mr Green?---No, I'm not making
that up.

You are making that up.

THE COMMISSIONER: Who told you that would happen?---Nick.

What did Nick say about that to you?---He said we're going to set up a trust fund where we can funnel money out of there to create all the employment for Aboriginal people. That's what was told to me. I don't know how trust funds run and what you do with that, but - - -

10

You and Nick went to the bank to open this account?---Yes, I did.

It was a bank, was it?---Yes, it was.

Whereabouts was it?---I gave you the details last time and I told youse where it was.

Where was the bank?---It was BankWest.

20

At?---Burwood and I give you that key card, and you took a photocopy of it, or whatever.

That's okay. Wait for the next question.

MR CHEN: You opened up three accounts on that day, didn't you, Mr Green?---I'm not sure I thought we opened one.

30

No, you opened three and you knew you opened three, didn't you?---I didn't know I opened three.

Why would Best Pay Custodial require three bank accounts to be opened, Mr Green, assuming for the moment that what I'm putting to you is correct? Why?---Probably to set up some companies.

Well it's the one company with three bank accounts. Why does it need three bank accounts, Mr Green?---Like I said, I'm not an accountant, I'm not a lawyer, I don't know.

40

You don't need to be an accountant or a lawyer to answer my question, Mr Green. Why is the company that you're a director of opening three bank accounts on 7 April 2015?---I've got no idea. A lot of this stuff was done, you know, without my knowing.

Mr Green, you knew that these accounts were being

opened - - -?---I knew we went to open a bank account, yes.

You knew there were three accounts being opened, didn't you?---Well, not really.

What do you mean by that, Mr Green, "not really"?---Not really. I know I went and filled out some papers for a bank account.

10 And you signed a lot of forms, didn't you?---I probably did.

I'm going to take you to some documents Mr Green.

MR CHEN: I tender volumes 36 and 37 of the public brief.

#EXH-092 - PUBLIC INQUIRY BRIEF (VOLUME 36)

#EXH-093 - PUBLIC INQUIRY BRIEF (VOLUME 37)

20

MR CHEN: You see, you went into the BankWest bank at Burwood on or around 7 April 2015 to open these bank accounts, didn't you?---Yes, I do.

Just pardon me a moment. You were required, were you not, to show some identification when you opened those accounts?---Yes.

You did show that identification, didn't you?---Yes.

30

You had to go up to an officer of the bank to have these forms or to submit these forms to, didn't you?---Yeah.

You had to provide information in those forms, didn't you, Mr Green?---Yes, my name, my address and date of birth.

There was a bit more than that, though, wasn't there?---I'm not sure.

40

Once that information was provided, you were then handed the forms, weren't you, for signing; isn't that so?---Yeah.

And you were handed those forms by the bank officer to sign and you signed them and returned them, didn't you?---Normal procedure.

So you're agreeing with me, aren't you?---Yes.

Mr Green, would you have a look, please, at volume 36, page 5. Mr Green, in front of you is volume 36, page 5, and you can see that that's a business account authority from BankWest, can't you?---Yeah, I can.

You see the date 2 April 2015 and the account, or the proposed account name Best Pay Custodial Pty Limited. Do you see that?---Yes.

10

You can see description of business - investment management; do you see that?---Yes.

That's not true, is it? Best Pay Custodial to your knowledge doesn't do investment management at all, does it?---I don't know what it does.

You can see the primary contact details are you?---Yeah, me, that's right.

20

Was that an email address that you used as well from time to time, uncle.richard, do you see that?---Yes. I haven't seen that for a long time, but I don't think I've ever used it.

That was your email address, was it not?---Yeah, it probably was.

You can see down below that there's a mobile number?---Yes.

30

THE COMMISSIONER: The principal place of business is the address given at Moseley Street, Strathfield. Do you know those premises?---No, I don't.

How did those details get into this business account authority, unit 101, 58 Moseley Street, et cetera?---Well, I never filled the paperwork out.

Do you know anyone who lives at that address or occupies that address?---No, I don't.

40

MR CHEN: Mr Green if you look at page 6 please you'll see as well that there's other information that's been completed about you. Do you see that under "Authorise Signatory 1"?---Yes.

It's got your name, your date of birth, do you see that?---Yes.

And it says you're self-employed?---Yeah.

It says "Occupation", "customer service manager"?---Yeah.

You're laughing because that's simply not true, is it?---That's right.

10 And the address, though, that's beneath that was your address, was it not?---That's right.

And you can see where you've signed it?---Yeah.

That form was presented to you for signing on 2 April 2015, was it not?---Yeah.

You can see there that Mr Petroulias has also completed his information beneath that?---Yeah.

20 If you turn to the next page, please, Mr Green, you can see that you've also signed a form as the director of that company; isn't that right?---Yeah.

Now Mr Green, the same process was followed for two other accounts, weren't there, on this day, isn't that right? You opened two further accounts on this day in this very same way for Best Pay, didn't you?---I may have. Have you got the paperwork there? I don't remember.

30 Have a look, if you would - sorry?---I can't remember.

Have a look at volume 36, page 59. Again, you can see the top right-hand corner is when the account was opened and the name of it. Do you see that?---Yeah.

Again, it's got the description of the business of the company as "investment management", and your details again in the same way as it did on the earlier form?---Yeah.

40 If you turn then to page 60, you'll see, again, the fields have been completed in exactly the same way. Do you see that?---Yeah.

Just while we're on this form, just above where you signed it, Mr Green, you can see that you identified, as you did on the earlier form, that you were not an existing online business banking user? Do you see the box you've ticked

"no"?---Oh, yeah. Yes, yes.

You also sought, did you not, a debit Mastercard for that account, isn't that right?---I didn't get it.

Now you signed this form, obviously, Mr Green, did you not?---Yes.

10 If you turn over to page 61, you can see that you've signed it again as the director of Best Pay Custodial?---That's not my handwriting there.

I'm not asking whether it is your handwriting; you signed it?---Yes, I did sign it.

20 Mr Green, have a look, please, if you would, at volume 36, page 364. Do you see in front of you there is another application for an account by Best Pay Custodial?---Mmm. Yes.

Do you see that, same date, 2 April 2015, same information, populating the fields on the first page?---Yeah.

You can see you've ticked that you wanted online business banking access. Do you see that in the boxes?---Yeah.

If you turn, please, to page 365, you can see that you've signed it again there?---Yeah.

30 Again, with all the same information populating the above fields, namely, your name, date of birth, as it was in the other forms; is that right?---Yes.

If you turn, please, to page 366, you can see that you've signed it again, have you not?---Yeah.

40 Now having seen those documents now, Mr Green, you accept, do you not, that you opened three accounts with Mr Petroulias of 2 April 2015?---Yes.

In a company that you know nothing about?---No.

Just pardon me a moment, Mr Green. Mr Green, did you open another bank account for Best Pay Custodial?---Not that I know of. I'm not sure.

I'm sorry?---I'm not sure. But refresh my memory, you've

got it there.

Well you opened another bank account, did you not, for Best Pay Custodial in December of 2015?---2015?

Yes.---I'm not sure.

10 You opened it, can I suggest, because Mr Petroulias asked you to open it with him; isn't that right?---So this is after the other ones were opened?

Yes, this is December 2015, this is the fourth bank account for Best Pay Custodial?---I can't recall.

Have a look, if you would, please, Mr Green, at volume 36, page 435. Do you see at the top, Mr Green, of that page is an application for the company Best Pay Custodial?---Yeah.

20 You can see that in the first box, just at the end of it, it says, "Nature of the business activity", "Payment and collection agent"; do you see that?---Yeah.

That's simply not true, is it, it is not a payment and collection agent at all, is it?---So what is a payment and collection agent?

30 Well, you're the director of the company, Mr Green, at this stage. Why don't you tell the Commissioner?---I've got no idea.

All right.---No idea.

You can see some details have been provided about an address in Rose Bay. Do you see that, Mr Green?---Yeah.

Do you see that's the registered office of the business and the principal place of its business. Is that right or not right?---I have never been there.

40 All right. You can see down below it says that you're the sole director of that company as well, do you see that?---Yes, I can see that.

If you turn to the next page, please, page 436, you can see that the information provided about you is similar to, or indeed the same as, except for the mobile number, as the other forms that have been opened; isn't that right? It's got

your address, your date of birth?--What is this, my mother's maiden name? Yamma.

Is that right or not right?---No that's not true.

Look down to the residential address. That's your residential address, or was at the time?---Was at the time, yes.

10 That's certainly your date of birth in the top box, isn't it?---Yeah, that will do, yeah.

If you turn to the next page, Mr Green, you can see at 437 you've nominated, have you not, just down the bottom of the page, if you scroll down, under the heading "Macquarie Cash Management Account" details, your other Best Pay accounts, have you not? The very first one you opened?---"Deposit method funds" - I'm not sure about this one.

20 Mr Green, I'll help you a little bit more. Would you turn, please, to - - -

THE COMMISSIONER: Just on that one, there's an initial deposit of \$1,000 you'll see on the form there, page 437?---Yeah.

That was transferred from B-Pay. Do you see that there? Do you see it there?---Yes, I can see it, but - - -

30 Do you recall making that deposit?---No, I don't B-Pay, I wouldn't know how to B-Pay.

MR CHEN: You didn't make the deposit, anyway, did you, Mr Green? You never funded any of these accounts, you've told the Commissioner?---No.

You agree with me you have a never funded these accounts; is that right?---No, that's right.

40 That is, you've never put any money into these accounts?---No, that's right.

Now Mr Green, please look at volume 36, page 442. Do you see there is a copy of your driver's licence provided?---Yes.

You can see that you took steps, did you not, to have a Justice of the Peace certify your driver's licence or a

copy of it as being a true one; isn't that right?---A
Justice of the Peace? I'm not sure about this one either.

That's your driver's licence, isn't it?---It is my driver's
licence.

It appears to have been used, Mr Green, to support this
application to open the fourth Best Pay Custodial account.

10 THE COMMISSIONER: That's the way it appears to
you?---That's what it appears to me, yes.

MR CHEN: Mr Green, why is it then that you're opening or
participating in the opening of a fourth account for Best
Pay Custodial? Can you tell the Commissioner why that's
happened.

MR LONERGAN: Commissioner, I object on this basis: my
friend is again presupposing that Mr Green opened the
20 account. He hasn't asked him whether he in fact did open
the account. His premise to the subsequent question - - -

THE COMMISSIONER: You open an account, as I understand,
by filling out an application for the account to be opened.
The actual opening of the account is done by the bank. The
evidence is clear that he attended at this bank and that he
made four applications for different accounts.

MR LONERGAN: Commissioner, my submission is that,
30 firstly, this is a different bank to the one that was for
the - - -

THE COMMISSIONER: That may be so, but that doesn't alter
the fundamentals, does it, that this evidence is evidence
of him taking steps to have the account opened at whichever
bank.

MR LONERGAN: In relation to this account, there are - - -

MR CHEN: I don't want to cut myself off. I'll put to
40 him, I'll do that, it is an easy way of solving my friend's
concern and I'll do it.

Mr Green, what I'm suggesting to you is that you opened
this account with Macquarie Bank in December of 2015?---Not
that I can recall.

You're not denying it, are you, you just don't have a recollection of it, is that your position?---I say I'm denying it.

Is that right, is it, Mr Green?---Is there a signature there?

10 Are you able to provide any explanation as to how a copy of your driver's licence signed off by a JP manages to support this application?---Well Nick's taken photos of my driver's licence.

You've given it to him to do that, have you?---No, he's just taken - yeah, we wanted to do stuff.

This is one of the things that you wanted to do, surely?---No, I didn't know - I didn't know this was going to happen.

20 You know nothing of this account, is that what your evidence is, Mr Green?---No, I don't, I don't.

Think about it, Mr Green. Is it your position that you know nothing of this account?---Not with the Macquarie Bank. It's new to me.

30 It's a bit funny, Mr Green, isn't it, if you just accept for the moment - I appreciate you're denying it at the present time that this account was opened - but why would you be opening a Macquarie account? I understood you lived in the Newcastle region or up around the Tamworth region?---Yeah, there's no Macquarie Banks.

Is there any BankWest banks around the Newcastle area or the Tamworth area where you reside?---Not that I know of.

40 I want to give you some other dates, Mr Green, to try to help you. This might assist your recollection as to whether you participated in the opening of this account. It may be, Mr Green, a matter of coincidence, but the funds that came from Mr Zong's company were cleared in very early December 2015 just around the time this bank account was opened. Does that assist you at all, Mr Green, in your recollection about whether or not this account was truly opened by you with Mr Petroulias, perhaps to receive some money from Mr Zong's arrangements that he'd entered into?---No, that's not true on my behalf.

No. Okay, Mr Green, let's go through it. So is it your sworn evidence, Mr Green, that you know nothing of this bank account, this Macquarie account, is that your evidence? You know nothing of it?---Well, that's the first time I've seen it.

10 You've never used it at all to benefit yourself in any way, shape or form. Is that your evidence?---I've never used it.

Never used it?---No.

Know nothing of it?.

THE COMMISSIONER: These accounts have been of no use or utility to you at all, is that what you're saying?---That's correct.

20 MR CHEN: Mr Green, can I suggest to you that this account that has been opened has identified that the only person authorised to use it, according to the bank records, is you. Now what do you say about that? Would you accept that or do you deny that?---That's not true.

30 The only transactions that are undertaken through this account, Mr Green, are through online transactions - that is, there's no card attached to it account. What do you say to that, you know nothing of it?---I know nothing of it.

Mr Green, you have a company, don't you, called Murriss United; isn't that right?---Murriss.

I'm sorry. Murriss United, spelt M-U-R-R-I-S; is that right?---Yes.

You are a director of that company?---Yes.

40 You are a shareholder of that company?---Yes.

Is your domestic partner the other director and shareholder?---Yes.

You and your partner are the only directors and shareholders of the company?---Yes.

You're also a director, are you not, in a company called Gomeroid, spelt G-O-M-E-R-O-I; is that right?---Gomeroid, yes.

Sorry, is it Murriss?---Murriss are Aboriginal people, instead of Kooris. There's Murriss and Kooris.

I apologise, Mr Green, I'm sorry.---That's all right.

10 Murriss United had a contract, did it not, with Gomeroid Contracting?---Yes, they did.

Yes.---They still have. They still have.

The contract relates to supplying an excavator and a tip truck to Gomeroid; isn't that right?---That's true.

20 In turn, Gomeroid contracts or further contracts the supply of those two pieces of equipment to Whitehaven, isn't that so?---That's true.

The money that flows from those arrangements comes back to you, doesn't it?---It comes back to me and my children and my wife, yes.

It comes back to Murriss United, doesn't it?---Yes, it does.

30 Let's look at how Murriss came to get the equipment, Mr Green. How did it come to get the excavator?---Well, I leased it through Best Industrial Sales.

How did you get the money to put a deposit down, Mr Green?---Well, Nick did that somehow.

Yes. You see, Mr Green, it is the case, is it not, that you, in fact, went and purchased an excavator, didn't you?---I went and picked it out.

40 Yes.---Yes.

You purchased it, Mr Green, didn't you?---No, I didn't purchase it. It's the Best Industrial Sales equipment.

It is the case, isn't it, Mr Green, that that occurred on 16 September 2016; isn't that right?---Probably.

You put a deposit down or a part payment, didn't you, on

that excavator?---I didn't put it down.

Mr Green, you're the party that approached and dealt with the seller of that excavator; isn't that right?---Yes, I did, yes.

It was delivered to your house initially, wasn't it?---No, not to my house.

10 Not to your house?---No.

The invoice was made out with an address to your house, was it not?---Maybe.

The money came, didn't it, Mr Green, from which account?---I've got no idea.

It didn't just appear, Mr Green, surely?---I don't operate any bank account.

20

Mr Green, the purchase price of the excavator was how much?---Oh, I think it said 50,000.

You had to make a deposit, did you not, to purchase that excavator, didn't you?---Yes, but I don't remember what that was.

It was about \$10,000, wasn't it, Mr Green?---Yeah, it would be.

30

And that was for a part payment for that excavator, wasn't it?---Part payment?

Yes.---Again, I - as far as I know it's through - it's through Best Industrial Sales.

This is the company that you were the director of, Best Industrial Sales; is that right?---Yes, that's right.

40

In fact, it ultimately came, didn't it, this money, from Best Pay Custodial, didn't it?---I don't know where it came from.

It wasn't from your back pocket, was it, Mr Green, that is clear?---No, it wasn't, because I didn't have it.

The only way that you were able to secure the benefit of

this excavator was from money that Mr Petroulias was putting in one of these accounts that you opened; isn't that right?---Well, I'd say yes.

There's no doubt about it, Mr Green, that's exactly where it came from?---I'd say yes, but I'm not sure.

You financed, didn't you, the rest of the purchase of the excavator, didn't you?---What do you mean "finance"?

10

Well, You didn't have the money to pay for it all in one go, did you?---No.

So you had to enter into a finance contract, didn't you?---Yes, and I did.

And - - -?---No, I didn't. I didn't.

I see.---I didn't.

20

What did you do, Mr Green?---It's still in the name of Best Industrial Sales and I pay for it.

You pay for it, do you?---I pay for it now, yes.

Has that always been the case?---Yes.

You pay for the finance on the excavator, do you?---Yes.

30

That's not true, is it, Mr Green? Is it?---It is true.

You see, the direct debit has been set up such that the money comes from Best Industrial Sales, doesn't it?---No, you're wrong.

Am I?---You're absolutely wrong.

You have the records to show that you've made and Best Industrial Sales has not made these finance payments?---I've got all the receipts in my briefcase.

40

Who is the finance with, Mr Green? Is it Capital Finance?---Yes, Capital Finance.

It is clear, though, Mr Green, let's see whether we can find some common ground, that there's a direct debit set up so that this money is taken out of an account on a monthly

basis?---No, that's wrong.

That's wrong as well, is it?---That's absolutely wrong.

What's the account number, Mr Green, or the account name and number where this money comes from to pay for the excavator?---The money comes from the earning of the contract from Whitehaven.

10 All right.---And I go into the bank and I pay the payment on it. There's no B-Pay on it. I take the cash and pay it, and for the truck too.

This is the tipper truck, is it?---Yes, for the tipper truck too.

Let's deal with that now, Mr Green. You purchased the tipper truck at about the same time as this excavator, didn't you?---Exactly the same time.

20

Where did you get the money to put the deposit on the truck?---Well, again, Nick did it.

So it is clear, it is not your money, it was his money?---Yes.

You get the benefit of the use of that truck, don't you?---No, I don't drive it. One of the employees drives it.

30

You get the financial benefit of that truck, don't you?---Yes, I do.

Yes. And this money is part of the way in which Mr Petroulias has been paying for you for your assistance in what went on during your time at the land council; isn't that right?---No, that's not true. That's not true.

40

He's just handing over money just to help you out, is he?---No, that was a part of the set up of the Gomerioi employment. That was part of the plan to do it, to employ people. I employ 10 people, actually 20 people, Whitehaven employs - Aboriginal people, 70 in the mine.

So why don't you send the money to Mr Petroulias?---Why don't I send the money to him?

Yes.---Because for some reason it all fell apart and the bill fell on me.

Mr Petroulias, as I understood it, financed the purchase of the truck and the excavator and the income that's coming from it is just going to you. Why don't you pay it all back to him?---Well, what is it that he signed? To sign it over to me so the bill is mine, and I'm struggling at the moment.

10

When you say sign the bill over, do you mean the rights to the excavator and the truck?---Yes, what is it, bill of deed or some bloody thing.

It is yours as far as you're concerned?---Well, I'm paying for it all.

It's yours, so far as you're concerned, is that the position?---Well, I pay for it, yeah.

20

Answer my question. It's yours so far as you're concerned; is that right?---No, it belongs to my family.

Right.---And I create employment with it. If I didn't have that, there would be no people working. I rent a block where all the Aboriginal people come for work.

30

Just pardon me a moment, Mr Green. Mr Green, this truck that you purchased at the same time as the excavator was financed, wasn't it, through the account that you opened with Mr Petroulias at Burwood, that is, the BankWest account; isn't that right?---I don't know what account paid for it.

Well, assume for the moment that that's the case, Mr Green. Are you able to explain, Mr Green, the goings on of this bank account in your name of a company that you're a director of? Do you know anything about it?---No, I don't.

40

Mr Green, if I was to suggest to you that - and I'll show you some of these statements in a moment - in the period between when this account, the Macquarie account, 9833, was opened on 7 December 2015, up until 14 February 2018, there were 268 transactions, do you know anything about that?---No. The only - can I just - the only - the only money that I drew out of that was with this here, with this key card, for expenses, travel and fuel.

We've gone over that Mr Green, thank you.---I know we have.

Are you able to explain then, at all, why there were deposits of just over \$1.8 million into that account?---No, I can't explain that.

10 Are you able to explain why there's withdrawals of just over \$1.8 million?---I wish I withdrew it. No, I can't explain it.

Let's have a look at some of these, Mr Green, if you would. If you look at volume 37, page 27, Mr Green, you see in front of you there's a statement for Best Industrial Sales for this account 9833?---Yes.

20 If you have a look at it through the credit columns, you can see there's lots of credits coming in, investment, investment, and whatnot, credits from you, Richard Green. Do you see that?---Yeah, I see it. What a laugh.

THE COMMISSIONER: Why are you laughing, Mr Green?---Because I never put that in there.

They're very large sums at times, aren't they?---They are.

Very large sums of money coming into an account in your name?---I never ever put them in there.

30 MR CHEN: If you have a look then, please - - -?---That's why I'm laughing.

- - - at the next page, 28, can you see on 16 September that there's transactions which relate to Sydney truck, do you see that? "Sydney truck"?---Yeah, 20 - yes, I can see that.

40 You can see a transaction beneath that in the sum of \$10,120, transact transfer to - and it's got a bank account 9858 Best Pay Custo; do you see that Mr Green?---Yes.

That's the money isn't it that was transferred, from this account to the other Best Pay account to pay for this truck isn't that right?---Well, I don't know because I didn't do do it.

If you look down the bottom you can see, can't you, that

there are payments for the finance for the truck via Capital Finance, can I suggest, at the bottom of that page, 6 October 2016?---Well, let me tell you, I've got the receipts in my bag where I go and pay it to the NAB bank to that - to Best Industrial Sales. That's where I pay it.

I see. We'll pick those up on the accounts, will we, the National Australia Bank account for Best Pay; is that right?---Well, I can bring the receipts in tomorrow.

10

There's another account, is there, of Best Pay?---No, I put it into - into the bloody thing, what you said before, Capital Finance.

Right. Just have a look at the next page for me, please, Mr Green, volume 37, page 29. You can see that the entries on 6 October and 17 October relate to payments that are made to Capital. Do you see that?---Yes.

20

You can see there are different numbers there. One account ends in 37, another account ends in 57?---Yeah.

They represent the finance contract numbers for the truck and the excavator, do they not?---I'm not sure.

MR CHEN: Commissioner, is that a convenient time?

THE COMMISSIONER: Yes, it is.

30

Mr Green, you will be required to return tomorrow for a 10 o'clock start. Do you understand?---Yeah.

THE COMMISSIONER: Yes. I will adjourn.

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.01PM]

40