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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 18 JULY 2018

AT 10.05AM

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CONVENTIONS USED IN THE SUPREME COURT.

THE COMMISSIONER: Yes, Mr Green, thank you.

<RICHARD JOHN GREEN, affirmed [10.05am]

MR CHEN: Mr Green, yesterday I was asking you some questions about an excavator and a tipper truck; do you remember those questions?---Yes, I do.

10 The pieces of plant or equipment were purchased on or about 15 September 2016, were they not?---Yeah.

The purpose of the purchase of those pieces of plant and equipment were to enable you to contract with Gomeroid who in turn would contract with Whitehaven to use that equipment at the Whitehaven mine; isn't that right?---That's true.

20 Yesterday I think, Mr Green, you accepted, did you not, that Murriss United was in fact at least an entity who was an intermediary. They, at the present time, issue invoices for those two pieces of equipment to Gomeroid who, in turn, issue an invoice to Whitehaven; isn't that right?---We don't give invoice to Gomeroid Contracting. We just give our time sheets.

In any event, whatever you provide to Gomeroid is the basis of the payment that comes from Gomeroid to Murriss United; isn't that right?---That's right.

30 Murriss United was an entity that was only established in about July 2017, was it not?---That's correct.

Before that time, after the equipment was purchased, you were the person who was, in effect, getting the money, there was no Murriss United getting the money; isn't that right?---Yeah, that would be, right, yes.

40 It is right, isn't it, Mr Green, because there was nobody else to receive the money from Gomeroid except you; isn't that so?---That's so.

You were getting the benefit of these contract payments of approximately \$4,000 per month; isn't that right?---Yeah.

Mr Green, the cost to finance the two pieces of plant and equipment, the truck and excavator, is approximately \$2,000 a month, isn't that right?---Yeah.

So you can do the maths, can't you, Mr Green: the straight-up profit, leaving aside perhaps some expenses that might be incurred, is \$2,000 per month to you; isn't that right?---That would be correct, yes.

That is a direct benefit to you, is it not?---Oh, to my family and my kids.

10 It comes to you and how you decide to spend it is up to you; isn't that right, Mr Green?---That's correct.

That's been the case, has it not, Mr Green, since September of 2016 to this very day?---Yes.

Mr Green, I asked you some questions yesterday about an account with Macquarie, 9858, that was opened in December of 2015. Do you remember that?---Yes, I do.

20 It had a photograph of a driver's licence attached to that application, did it not?---Yes, it did.

Mr Green, you opened that account, didn't you?---No, I never.

Mr Green, at the very least, you authorised or allowed Mr Petroulias to do so?---No, I didn't.

30 Mr Green, you provided him with your driver's licence, didn't you?---Not for the purpose of opening a bank account. He just took the photo of my licence.

You say, do you, you have never used that account or never benefited from any proceeds from that account, is that the position?---That's correct.

40 Mr Green, at the time that the excavator and the tipper truck were purchased, you entered into, did you not, finance contracts with Capital Finance?---As far as I know, yes.

You do know, Mr Green, don't you, that that's exactly what you did?---Yeah, yeah, yeah, yeah. Yes.

As part of that arrangement, Mr Green, you had to provide a personal indemnity and guarantee in relation to the payment of the monies; isn't that right?---Oh, yeah, I'd say, as

far as I can remember.

You did that for the excavator and for the tipper truck?---Yes, but I don't own them.

Mr Green, I'm asking you whether you provided - - -?---Yes, yes, yes, yes, yes.

10 What happened, Mr Green, is to facilitate the payment of the monthly finance costs for the excavator and for the tipper truck, you provided an authority to direct debit from a bank account, didn't you?---Oh, I think so.

You provided the account details, did you not, to Capital Finance to enable that to occur for each of the two finance contracts that were entered?---I'm not really sure now.

20 Have a look, Mr Green, if you would, at volume 37, page 90. Do you see on the screen in front of you, Mr Green, what's called the direct debit request for Capital Finance?---Yeah.

You recognise your signature, of course, as it appears twice on that document?---Yep.

And the date of it?---Yep.

30 Do you see "Insert name of financial institution", "Macquarie Bank?---Yes.

That's your handwriting isn't it?---No, it's not.

What about the name "Best Industrial Sales", not your handwriting?---No.

Mr Green, where did these bank details come from?---I've no idea.

40 Mr Green, they were on the form when you signed it, weren't they?---They probably was.

Yes. You were the person who submitted this form to Capital Finance to enable the direct debit to occur, isn't that right?---I don't think I was. I'm not really sure, but that's not my handwriting.

Mr Green, would you look, please, at volume 37, page 113. You will see there is another direct debit request for Capital Finance. Do you see that?---Yes.

That's signed by you twice and dated 15 September 2016?---Yep.

10 Again, Mr Green, I take it that the handwriting you say is not yours where it fills in the details of the bank, the name of the account and the account number; is that right?---Yeah, I don't - I don't think I give them any paperwork. I'm not sure.

Mr Green, that's your signature, surely, that you recognise?---Yeah, yeah.

20 THE COMMISSIONER: You gave them paperwork, didn't you, because you gave the direct debit request that's right in front of you now. That statement, "I didn't give them paperwork" is wrong, isn't it? You did give them paperwork?---Oh, I'm not really sure. I'm not really sure.

Just look at the screen and use your commonsense, would you?---Yes.

See the form?---Yes.

It says direct debit request?---Yes.

30 See the date, see your signature is twice on it?---Yes.

You did submit that to Capital, didn't you?---Yeah, well, I'd say yes.

Sorry?---I'd say yes.

40 There's no other answer, is there? Don't stall and hedge, Mr Green. When it's obviously within your knowledge, you should be frank and just give frank answers and stop fooling around. It's obvious in this case that you signed this document and it was submitted so that you'd get a benefit, namely, finance for the truck and the excavator. Let's move on and just listen to the questions, please, and we'll get through this much more quickly if you are direct.

MR CHEN: Mr Green, what actually happened, don't you remember,

is that this first payment for both the excavator and for the truck failed; isn't that right, didn't go through?---I'm not sure.

What happened, Mr Green, is that you had to get in touch with the finance company and provide them with another account number, isn't that right?---I'm not sure.

10 Mr Green, if you assume for the moment that the bank records established that Best Industrial sales from a different account number started paying the finance under these two contracts, that must be right, must it not?

MR LONERGAN: . . , Commissioner.

MR LONERGAN: That's asking the witness to speculate.

20 MR CHEN: With great respect to my friend, this is a director of a company and the holder of two bank accounts. Now it is plain - I took the witness to these documents yesterday - there are entries on a bank statement from Best Industrial Sales. I'm putting to him affirmatively, with great respect to my friend, the exact proposition, namely, that he is the person that provided this information because the transaction failed and a separate director was entered.

30 THE COMMISSIONER: What's the problem, Mr Lonergan?

MR LONERGAN: The problem was that he was asking him in relation to the third party entity, whether he had knowledge of that third party entity's transaction.

40 Now if he's asking the witness in relation to his knowledge specifically of it, then there is no problem with the question, but the question was in relation to a third party entity. He is being asked to speculate as to the knowledge of.

MR CHEN: I don't, with great respect, think that my question has to be limited in the way put by my learned friend.

THE COMMISSIONER: Mr Lonergan, I don't see any difficulty at all in this. I have just drawn Mr Green's attention to

not obfuscating in relation to these questions. It would be more than apparent to Mr Green that the Commission is in possession of a large volume of material and this, in particular, is included amongst them. It's got your client's signature on it. It's obviously by date referable to the financing of these two pieces of equipment from which he's profited. I just can't understand how that could be said that there is any unfairness in the question or inaccuracy in the question at all on this point.

MR LONERGAN: Commissioner, there's no objection in relation to his knowledge of his signature and what is on that document.

THE COMMISSIONER: And that he was the author, the moving force behind getting finance from Capital, specifically, to acquire these two pieces of equipment. This is all common ground, isn't it?

MR LONERGAN: I'm not sure that the latter part is common ground. Certainly his signature was on the document, yes. Whether he's the moving force - - -

THE COMMISSIONER: He has already said he has profited \$2,000 a month through the use of this equipment which was financed through Capital. He's obviously benefited from it and he has set out on a course of conduct to acquire the finance by some means which he obviously was successful in achieving. That was applied for the financing of the two pieces of equipment, which he has been using to the present time, to profit. Where is the issue?

MR LONERGAN: The issue then is the question that my learned friend asked was in relation to a failure of repayment out of that account, and then there was a subsequent transference or payment by a third party, or another bank account.

THE COMMISSIONER: Yes.

MR LONERGAN: The question was directly, in relation to the witness, around whether - not knowledge. If he'd asked in relation to knowledge of the third party transaction, then I would have no objection to the question, but he was putting to the witness that the witness had effectively - - -

THE COMMISSIONER: Knowledge as to the use of the other bank account?

10 MR LONERGAN: Yes. If the preceding question was did he have knowledge of the bank account that the money was transferred from, and then led to the subsequent proposition that he put to him, then I have no problem with that question, but there was a direct inference in the question that he had knowledge of this other bank account.

THE COMMISSIONER: Mr Lonergan, if the position was that money was being transferred out of a third party's account that he had no association with whatsoever, that would be different.

MR LONERGAN: Yes.

20 THE COMMISSIONER: The two accounts are in his name, aren't they?

MR LONERGAN: The second, let's call it third account, whatever it might be, the non-Macquarie account, I don't know. That's the problem with the question, in my submission.

THE COMMISSIONER: Mr Chen what do you say about that?

30 MR CHEN: I must say I didn't follow it, Commissioner. With great respect, I've put that this is a separate account that, in fact, paid for the finance. The account is Best Industrial Sales. He is, or was at the relevant time, a director of it. His name is the account holder. The proposition I put is that he must have known the details of that account because he's the only person that would have provided it to the finance company. That's the simple proposition I put.

40 If my learned friend wishes me to show the witness the dishonoured payment, I can do that. But Commissioner, frankly, my question was fair, it was based on evidence, it was based on evidence this gentleman gave yesterday, and I took the witness to the very payments and the account that it came from yesterday. I, frankly, with great respect, don't understand the objection. As I said earlier, Commissioner, I don't accept that my questioning at any stage has to be limited to accepting any answer that Mr Green provides to

the Commission, which I think my learned friend was alluding to.

THE COMMISSIONER: I propose to allow it. Put the question again to Mr Green.

MR CHEN: Mr Green, do you know anything about the first payment for the excavator and the tipper truck payment being dishonoured?---I can't recall back that far.

10

Yes. You're not denying it, though, Mr Green; you just say you can't remember, is that the position?---No, I can't remember.

Mr Green, I'm just going to ask you if you wouldn't mind waiting until I finish the question. I'll let you answer it, but it's being recorded. I just don't want each other talking over each other. Do you understand?---Yes.

20

Thank you. Mr Green, what I'm going to suggest to you is, in fact, you did know that and you had to make contact with the finance company and you provided them with a different bank account number?---I'm not sure. I can't remember.

You are not denying it again, you're just saying you can't remember?---I can't remember.

30

Well the records show, Mr Green that, in fact the payments came out of a different account number. So if that proposition is right, as I showed you yesterday, that must follow, must it not, that a different bank account number was provided to the finance company?---I'm not sure.

Can I suggest, Mr Green, you're the one that provided them with that account number?---No, I'm not sure.

To enable the payments to come through?---I'm not sure. I can't remember.

40

You're not denying it, you just don't remember?---Yes, I don't remember.

Well you certainly know that from early on that money was coming to pay off these finance accounts not from your bank account, was it?---I'm not sure, again.

You weren't walking into the bank and paying for it, were

you?---Yes, I've walked into the bank and paid for it.
I've got receipts.

Mr Green, can I suggest to you at least until April of 2017
each and every finance payment for those two pieces of
equipment in fact came out of the account of Best
Industrial Sales?---Well, I don't know that.

10 Well, what I'm putting to you, Mr Green, so it's crystal
clear, is that you weren't walking into the bank and paying
for it at any stage before April of 2017?

THE COMMISSIONER: 2017?

MR CHEN: Yes, Commissioner.---Oh, that's not true.

20 THE COMMISSIONER: You say you were going into the bank
and making payments for the finance?---Yeah, I've been
making payments of that - - -

I beg your pardon?---I've been making payments.

Every month, you've been walking to the bank and making the
payments?---Yeah, and B-Pay and all that stuff, yeah.

But going to the bank and making the payments; is that what
you're saying?---Yes.

30 That's to Capital?---That's what I normally do, because I can't
B-Pay, I can't do all that stuff.

How much do you pay the bank each month, or pay
Capital?---I think it's about \$900 a month, I normally - -

\$900 a month?---Yes.

How do you pay, by cheque or cash?---In cash.

40 In cash, do you?---Yes.

What branch of the bank?---The NAB bank.

Whereabouts?---Tamworth, Narrabri, wherever I am. I've got
receipts there to prove that. I brought them with me.

MR CHEN: Mr Green, you also opened, did you not, in your
own name, another bank account with Macquarie Bank on

7 December 2015, didn't you?---I'm not really sure.

When you say that, Mr Green, you're not denying it, you just have no recollection; is that the position?---No, I don't remember.

When you say you don't remember, are you denying it or are you simply saying you've got no recollection at all one way or another?---No recollection. No recollection.

10

Now Mr Green, can I suggest to you that in fact you did open such an account and that you were the only authorised user of it. Do you agree with that or you simply have no recollection?---I have no recollection.

Just pardon me a moment, Mr Green, if you would. Would you have a look, please, at volume 37, page 301. In front of you is an opening account document called the "Macquarie Cash Management Account"; do you see that?---Yes.

20

It has got your name and details there. Do you see that?---Yes.

It is similar to the Macquarie form that I took you to yesterday, do you agree?---Yes.

It also has, obviously, your mother's maiden name incorrectly stated again, do you see that?---Yes.

30

If you look down, it has your residential address, does it not?---Yes.

If you look down a bit further, it's got your contact details. Do you see that?---I've never had a work number.

What about the mobile number? Was that your mobile number at the time?---Probably, yeah.

40

And that was your email address, I think you said yesterday?---I don't know if that was my mobile number, though.

THE COMMISSIONER: Could it have been?---I'm not saying yes.

You're not saying yes or no; is that right?---Yeah.

Is that right?---But if I could - if I could look in my wallet at that card and see if it did have that number on it - - -

MR CHEN: I'm sorry, what card are you looking for?---The one here with - this Uncle Rich, I didn't even - I can't even remember that Uncle Rich one.

10 Now Mr Green, I asked you yesterday about your driver's licence and, in particular, taking it to a JP. Do you remember I asked you some questions about that?--- Yes.

You remember, of course, taking your licence to a Justice of the Peace, don't you?---Not that I can recall.

You don't recall in December of 2015 taking your driver's licence and having a JP confirm that the copy of it was a true copy of it?---No, I can't remember that.

20 When you say you can't remember, Mr Green, are you saying you have no recollection one way or the other or are you denying it?---No recollection.

One way or the other?---One way or the other.

You see, this was the account, Mr Green, that you provided in your Capital Finance direct debit authorities that I took you to earlier today. So where did you get the number from?---The number of what?

30 This bank account to ensure that that was an accurate bank account to be provided to Capital Finance?---I've got no recollection where these bank accounts - about these.

Mr Green, can you turn over the page, please, and have a look at volume 37, page 309. You can see Mr Green in front of you, is a bank statement for this account 9841 for the period December 15 to 30 June 2016. Do you see that?---Yeah.

40 You can see in the top left-hand corner the statement date?---Yeah, yeah, yeah.

Do you see that?---Yeah.

You can see that it's addressed to you. Can you see that?---Yeah.

It has got your account name and number. Do you see that?---Yes.

What are all these credits going into the account, Mr Green?---I've never seen this before.

I'm just asking about what the credits are, Mr Green?---I wouldn't have any idea.

10

Can't help the Commission at all?---No way.

What about if you look down the bottom, "Transact funds", transfer to Richard Green, \$2,000?---That might have been when I was getting paid a bit of wages to run up and down all over the place.

You told the Commissioner yesterday, Mr Green, that was in 2015?---Well, like I said, I've never seen this before.

20

I'm not asking about whether you've seen it before. I'm asking about an explanation for what appears to be transfer of money to you?---Well, I don't know if I received that. You know, what account did it go to, that \$2,000? This is all bizarre, these bank accounts to me.

I've taken you to quite a few already, Mr Green, I think five or six so far, so what could be the possible explanation for having five or six bank accounts?---I haven't got five or six bank accounts.

30

Well I'm asking you what could be a possible explanation for the establishment of these five or six bank accounts that I've taken you to over the last day or so?---I would not have a clue.

You could do it just in one bank account, couldn't you?---Can I just say, in my wallet there - - -

40

THE COMMISSIONER: Just answer the question.---I've got three bank accounts in my wallet.

You just answered the question. You could have had one bank account, couldn't you? There has to be a reason as to why - - -?---I've got no idea where this bank is, who's using it and what's going on.

MR CHEN: I'm just asking you about something a little bit different, Mr Green. At the moment we've gone through five or so accounts, and I'm asking you what could be the possible explanation for having five accounts just on what I've shown you? Can you think of any?---Well, someone's frauding me, using my name. That's my explanation.

I'm sorry, Mr Green, please finish, sorry.---That's my explanation.

10

I mean, there's a lot of moneys going in and out of these accounts. One possible explanation could be that it's an attempt to disguise where money is it going, wouldn't you agree?---Well, exactly, like you've got \$40,000, I've never seen \$40,000 in my bank account in my life. \$15,000, never ever seen that. I've never had that much money in my life.

All right. Let's move on a bit, Mr Green. Now Mr Green, did you open another Macquarie Bank account on 5 December 2015 in your own name?---Not that I know of.

20

Have a look, if you would, at volume 37, page 274. You will see there what appears to be an online application form data. Do you see that?---Yes, I do.

Why are you laughing, Mr Green?---I don't even go online.

All right. If you scroll down a bit, you can see that the primary applicant has been identified as you?---Yeah, I can see that.

30

Do I take it from your laughter earlier, Mr Green, you know nothing of this?---No.

Never used the account?---No.

Never accessed the account?---No - well, I don't think so, no.

40

Never benefited from the account, is that your position?---Not that I know of.

Again, I take it, Mr Green, it would be the case that not knowing of this account, you wouldn't have been putting any money into it?---No.

You see, Mr Green, a card was issued in this account in

your name, did you know that?---No, I didn't.

You didn't know that at all?---No.

There were a number of transactions in this account as well and, what you say, you know nothing of that?---No.

10 You can't explain at all if a card has been used in your name how on earth that has happened?---Like I said, someone's frauding me.

When you say that, what do you mean?---I mean someone's done all this and - you know, without me knowing.

THE COMMISSIONER: Who do you suspect?---Pardon?

Who do you suspect did this?---Well, there's only one person.

20 Who's that?---Is Mr Petroulias.

Who?---Nick.

Nick Petroulias?---Yeah.

Why do you suspect him?---Because I - he's just done a lot of bad things to me.

30 He has done a lot of bad things to you?---Yes.

Such as?---Well, he's the only guy that's taken photos of my licence.

Sorry, I'm not following you. What did he do to you?---Take photos of my licence.

Take - - -?---Photos.

40 Photos of your licence?---With his phone.

When did he do that?---Oh, it was ages ago when he asked me did I have a driver's licence.

Ages is a long time. Can you be a bit more specific? When did he do that?---Oh, maybe - oh, I'm not really sure. When he asked me did I have a driver's licence, I said yeah, and I showed him and he took a photograph of it.

So you let him do that?---Yes, not knowing, you know.

Why did you let him do that?---I've got no idea. Maybe he was running - he was running a business and wanted to do things. I've got no idea. A lot of people see your driver's licence.

10 Did he tell you why he wanted, of all people, your licence?---No, he didn't - didn't.

Did you ask him, "Nick, why do you want my licence?"?---No, I didn't ask him.

You didn't? You didn't ask any questions?---No.

You just got it out of your wallet and handed it to him and let him - - -?---No, it was sitting on the table.

20 So you picked it up and handed it to him?---No, no, no, he just took it while it was sitting on the table.

And you didn't protest?---No, I don't - I don't recall. No, I don't think.

You didn't ask any questions as to why he was doing this?---No, I didn't.

30 And he didn't tell you?---No.

Is this another example of you just letting somebody do anything when you don't even understand why they're doing it? You don't ask questions, you just sit there and let it happen; is that right?---Yeah.

40 I see. Why do you allow people just to do anything? You have no understanding as to why they're doing it, yet you don't raise any questions, you don't protest? Why do you adopt that method of operation?---I don't know.

It is not a method of operation, it is a do nothing operation.---I don't know.

Is this a pack of lies that you're telling?---No, it's not a pack of lies.

Were you working with Nick Petroulias in relation to any of

these bank accounts?---No.

Not one of them?---Not one of them.

And you say that without any hesitation? You say that's the truth, is it, that's the truth?---Yes, especially these Macquarie ones.

10 Well, any of these bank accounts you've been asked about now, do you know whether Nick Petroulias has been using the accounts?---Well I can see by online - - -

No, no. Do you know whether he has been using any of these accounts?---No, I don't know.

You don't know?---No, I don't know.

20 MR CHEN: Mr Green, would you have a look now at this statement, volume 37, page 287. This is the same account, Mr Green, that you know nothing of and have had nothing to do with. It's account 3180. This is a bank statement, Mr Green, can you see, for the period that commences from when it opened on or around 5 December 2015 to 31 December 2015? Do you see that?---Yeah.

You can see that money has come in as the initial deposit from Best Pay Custodial, or that's certainly the description of it, do you see that?---Yeah - 11,000, is it?

30 Yes, \$11,341, and there are a number of other transactions. I just want you to have a look, if you would, Mr Green, at the entries on 24 December 2015 onwards. Just have a look at that for a moment. Have you seen that?---Yeah, 24 December, yeah.

You can see that somebody - - -?---Dollars - - -

40 Just a moment. Somebody is making a number of inquiries, that is, they're putting the card into the machine and making an inquiry as to how much money is in that account. Do you see that?---Yeah.

It's called a balance inquiry and there's a fee that attaches to it of either \$2 or \$2.50. Do you see that?---Yeah.

At least in relation to the ones on 25 December,

28 December and 29 December, they all appear to be somebody in the Newcastle area, don't they?---Yeah.

Well, I'll be a bit more specific. It appears 25 December is a balance inquiry made in Newcastle?---Yeah.

And that's where you lived at that time; isn't that right?---Yes, it is right.

10 The next one may well be Belmont. Do you see it says L-M-O-N-T? It may not be, but - - -?---Yeah, Belmont, yeah.

You can see on 29 December, "Newcastle Wes", probably West. Do you see that?---Yeah, yeah, yeah.

You'd also expect that whoever has got the card to this account would be the person making those inquiries?---Yep.

20 That was you, wasn't it?---I'm not really sure. I'm not really sure.

Mr Green, let me give you some other details to help you with your recollection. Now this is December 2015, and on 3 December 2015, Knightsbridge North Lawyers releases \$400,000 from its trust account to the Gows account. So just accept that for the moment, Mr Green.---Okay.

30 So Gows Heat, the company that benefited from Mr Zong's payment, has now received \$400,000. In the next few days, Mr Green, you have participated in opening, it seems, about six bank accounts. One of them is this one, of course. So does that jog your memory about you possibly using this card, Mr Green?---Can you repeat that again about the six bank accounts?

Yes. In the period, either 5 or 7 December 2015, you have been involved in opening six bank accounts?---With who?

40 Well I'll tell you. You opened an account with Macquarie Bank, in fact, you opened two; you opened another Best Pay Custodial account with Macquarie; you opened a Best Industrial Sales account with Macquarie; you opened a prepaid Mastercard account; and you also opened some accounts with United Land Councils?---I can't recall that.

You're not denying it, you just don't remember; is that

right?---I don't remember that.

Come back, in any event, Mr Green, if you accept for the moment what I've put to you, namely, that Gows receives this \$400,000 on 3 December and suddenly a number of bank accounts are opened, is that just coincidence, Mr Green, or is it something else?---Well, it's a bit bizarre to me.

10 All right. Well is it a coincidence, or is there some other explanation for it?---There's got to be another explanation.

You see, what you were doing, Mr Green, can I suggest, in that period of December 24 to 29, is searching or inquiring of this bank account with a card to wait for money to come into it so you could spend it; isn't that right?---I can't recall.

20 Well, Mr Green, I want you to think about it.---Mmm.

Here we have a bank statement for an account in your name. Somebody is using a card to work out whether there's any money in it. That was you, wasn't it?---I'm not really sure. I'm not really sure.

Well Mr Green - - -?---Macquarie Bank stuff.

30 I'm sorry, Mr Green?---I said I'm not really sure about this Macquarie Bank and all that money going in there. I've never seen - - -

MR CHEN: Listen to my questions, Mr Green.

THE COMMISSIONER: You're not being asked about that.

MR CHEN: You see, you knew, Mr Green, that money would be coming into this account and that you would be able to access it; isn't that right?---No, I'd say it's not right.

40 It is right, isn't it, Mr Green?---Well, if you say it's right, and you keep saying it's right.

No. Think about it, Mr Green. It's right, isn't it, you knew from your discussions with Mr Petroulias that money would come into this account and you would be able to access it for your benefit. Isn't that so?---I won't agree with you.

I'm sorry?---I won't agree with you.

Well let's go through it, Mr Green.---Righto.

Let's have a look at page 289. Now on the screen, Mr Green, will be a statement of account for the period 1 January to 30 June 2016 for that account. Do you see that in front of you?---Yeah, I do.

10

And you can see, Mr Green, that somebody has been using that card, would you agree?---Yes.

That person is you, isn't that right?---\$12,000?

Mr Green, I'm asking you a question at the moment. That person who you used this account was you, wasn't it?---I remember this Tyrepower Newcastle.

20

THE COMMISSIONER: What do you remember about that?---Maybe this Tyrepower.

Yes. What about it?---It looks familiar to me.

I can't hear you?---It looks familiar to me.

Familiar in what sense?---I think I got tyres for a car.

30 Are you saying you purchased tyres from that entity, Tyrepower, is it?---Yeah, I don't know if that was the date or whatever.

No, but you did purchase tyres from Tyrepower, is that what you're saying?---Yes.

And what vehicle was that?---It was a Ford, I think it was.

40 MR CHEN: Let's go through this, Mr Green. I mean, what I want to put to you, Mr Green, so that you have it clear as we go through this, is that you were the direct beneficiary of approximately \$3,000 from this account?---From this account?

The very one you've been looking at, Mr Green, for the last few minutes.---There's \$12,000 in there and I've never seen \$12,000 in the account.

THE COMMISSIONER: Mr Green, you keep wanting to make statements but not answer questions.---Oh, look - - -

It was put to you, for your acceptance or otherwise, that you used this account to make drawings totalling the order of - how much was it?

MR CHEN: \$3,000, just under \$3,000.

10 THE COMMISSIONER: Just under \$3,000. What's your response? Does that accord with your recollection? You used this account up to about that amount?---I know I can see the Super Cheap tyres, under Tyrepower, I recognise that.

You're not asked to recognise individual items. In due course you may be taken through individual items, but in general it is being put to you that in the period from
20 January to June 2016 you made drawings on this account totalling just under \$3,000. Do you agree with that?---No, I'm not really sure, because I - - -

Well - - -?---Righto.

Let's take it a step at a time.---Okay.

30 Firstly, do you accept that you made drawings on this account in that period, January to June 2016?---I'll accept it, you know, so we can go forward.

Sorry? What? You keep dropping your voice at the end of your answers which makes it very hard to pick up on. Would you just mind repeating that?---You know, I'm not feeling very well again.

Would you repeat the last answer?---I'm starting to get agitated here again.

40 Mr Green, would you just clarify for me what your answer was?

MR CHEN: I think he said, Commissioner, "I think I'll say yes, just to move things ahead", or something to that effect.

MR CHEN: Mr Green, you don't have to do anything to move anything ahead.---I want some water.

You want some water, do you?---Yes, please.

THE COMMISSIONER: Yes, continue, meanwhile.

10 MR CHEN: Mr Green, I will take you through this line by line, and I'm asking you whether you'll accept that you used the account?---I don't think I did.

All right.

THE COMMISSIONER: I can't hear you. Again you're talking so low I can't hear you. Would you speak up?---I don't think I did use this account.

20 MR CHEN: Let's go through it, Mr Green. Have a look at 3 January. Do you see there's a purchase from Angourie Rainforest? Do you see that, for \$578.55. That was you or you authorised that payment on that card, didn't you?---Angourie Rainforest? Angourie rainforest? Where is that?

THE COMMISSIONER: Did you make that payment?---I'm trying to work out where is Angourie Rainforest.

MR CHEN: Near Yamba.---It was a motel. That's right.

30 THE COMMISSIONER: Just pause there for a moment. You wanted water, it has been poured for you. I just draw your attention to that. There is a whole jug full of water there if you need it.---Yes.

MR CHEN: In fact, that was for two night's accommodation for you and Tony Manton, wasn't it?---That's right.

40 If you go down, Mr Green, you can see there's an operator balance inquiry fee, what I'm going to suggest to you, in Waratah, in the Newcastle area; do you see that?---Yes.

That was you, Mr Green, wasn't it?---Operator balance? What's "operator"? Oh, me?

You put a card into an ATM to find out how much money was in there.---Yes.

Yes.---Yes.

4 January, Tyrepower Newcastle, Wickham. Do you see that entry?---Yes.

That was you, wasn't it, Mr Green?---Yes.

4 January, purchase at Super Cheap Auto, Mayfield West. Do you see that?---Yeah.

10

That's you as well, isn't it, Mr Green?---Yes, now it's coming back to me, right.

Let's come back to where I started a few minutes ago, Mr Green. You accept, do you not, that you have used this account in this period 1 January 2016 to 30 June 2016?---Yes, I did. I did.

20

And you were the - - -?---Now it's coming back to me, yes.

And you were the cardholder, weren't you, Mr Green, for that account to use it?---Yeah, yeah.

Mr Petroulias, with your agreement, established that account, didn't he?---Yeah, I'd say, yeah, that's - - -

The funds, Mr Green, did not come from you, did it?---No, it didn't come from me.

30

And it was a benefit that Mr Petroulias gave to you; isn't that right?---Yeah.

It was a benefit for your assistance that you gave him in signing these agreements and participating in this scheme with him; isn't that so, Mr Green?---No, no, no.

Explain to the Commissioner then - - -?---No, no, no.

40

Explain to the Commissioner, Mr Green, what's going on here with all this money in this account that you're spending? What explains it?---This money - I recall is it all now, right? This money was put in this bank for me to run around - I've told you this before, to run around and do business and a car that had baldy tyres on it. That's what happened. But \$11,000, I don't know what's going on there.

What are you buying at K-mart, then, Mr Green, to run

around with?---K-mart? Maybe, I don't know, food or something, I'm not sure. I've got nine bloody kids - - -

Well that's got nothing to do - - -?- - - that I look after.

That's got nothing to do with a purchase at K-mart - with running around in 2015, as you told the Commissioner yesterday, that you were doing for Mr Petroulias?---I can't remember.

10

I'm sorry?---I can't remember what I bought at K-mart.

But it's got nothing to do with this thing you keep repeating, that you were running around doing things for Mr Petroulias? It's got nothing to do with it, does it?---Well, it was probably money that I kept in my pocket from not paying for motels, sleeping in the car.

20

Mr Green, this is a credit card being used or a debit card being used at K-mart; it's got nothing to do with cash in your pocket?---Well, I could have kept it in the card.

Really, Mr Green?---Yeah.

Are you saying that he gave you some cash in 2015 and it just happened to be in your pocket for six months? Do you have an answer for that, Mr Green?---No.

30

Mr Green, just so you know where this is going, I'm going to put to you that you have been the beneficiary through various accounts that you've established with Mr Petroulias in the order of \$145,000 over the course of 2015 to 2017?---I haven't got \$140,000.

You have spent it, Mr Green. I'll take you through it, what do you say to that?---Well, take me through it.

40

I will take you through it. You're denying it, are you?---Not that much money, no way in the world.

What do you say it is, Mr Green?---The only money that Nick Petroulias gave me is money in that Westpac Bankcard. I think now it brings back my memory to this card here.

What else is it, Mr Green? Is that it? You're now saying that there are some other expenses and benefits that Mr Petroulias has given to you other than the few thousand

dollars that you told the Commissioner about yesterday?---No, no, no, no, no.

What is the position, Mr Green? Are you now suggesting that this \$3,000-odd that has been spent across the Newcastle region somehow relates to what you were doing in 2015?---Oh, look, my memory is very vague in a lot of this stuff. I can't remember a lot of this stuff.

10 Mr Green, let me draw it back a bit for you and put this into some perspective. You told the Commissioner yesterday that you were doing some running around over a period of three to four months, not full-time, a matter of days here, days there, where you would get a few thousand dollars all up?---Yeah, probably more, more.

20 This was a couple of hundred dollars here, a couple of hundred dollars there, for food, fuel and expenses for you to go out and visit some of these land councils in New South Wales?---Yes.

That was your evidence yesterday?---Yes.

You also said that you got a car as well that Ms Bakis gave you?---Yes.

30 You told the Commissioner yesterday that this all happened over this confined period of time in 2015 or so?---It could have been more, more time. It could have been, you know - I'm not sure.

Well the problem, Mr Green, isn't it, is that notwithstanding I've asked you repeatedly about these matters is, now that I'm presenting this material to you, it shows a quite different picture, wouldn't you agree, about how you may have benefited from Mr Petroulias and your workings with him?---Yeah.

40 Yes. What it does show, Mr Green, if it's accepted, is that you were a beneficiary of significant sums of money?---Oh, probably.

Yes.---Yeah.

When you think about it, Mr Green, about this period of time that you had dealings with Mr Petroulias while you were a board member of the land council, how much did the land council make out of it all?---Nothing.

Yes. So the only beneficiary, the only person who really was a beneficiary from the land council that you were to represent was you, so far as you know, isn't that right?

10 MS NOLAN: I object to that question. It is just so unfair. It is so unfair, Commissioner, because the only beneficiary - there is so much foundation that needs to be laid for that question to be a fair question.

THE COMMISSIONER: I disagree, Ms Nolan. I allow the question.

MS NOLAN: I've made the objection.

MR CHEN: So far as you know, Mr Green, name another financial beneficiary from the land council?---There was none.

20 Yes. You see, Mr Green, you used this account for at least 10 transactions to benefit yourself in the order of \$3,000; isn't that right?---That would be right, yeah.

You received that money, Mr Green, didn't you, for signing documents and helping Mr Petroulias engage in this scheme involving Gows Heat; isn't that right?---That's incorrect.

30 What explanation can you give for it, then, Mr Green, for why you're getting this money as opposed to anybody else on the board of the land council or the land council?---Well, like I said, I've been doing a lot of running around here and there to do stuff with the business to create employment.

This is the United Land Council, is it?---United Land Councils, First Peoples - what was the other one? There was another one. I can't remember.

40 Well tell the Commissioner, Mr Green, how much has the United Land Councils made, as far as you're concerned, or you're aware?---Nothing.

What investments has it made to the Aboriginal communities throughout New South Wales?---Nothing.

Yes. Well let's go through some more accounts, Mr Green. I'll take you through them, but you understand the

proposition I've put to you, Mr Green, is that you have benefited from all of this in the order of \$144,000 in terms of monies that you have spent for your own benefit. Do you understand that?---Oh, I don't agree with the figure.

Well, it's certainly tens of thousands of dollars, isn't it, Mr Green?---Oh, I still don't agree with that.

10 Tell us what you think is the proper quantification of the benefits that you've received, Mr Green?---I have no idea because I'm not good with figures and all that stuff.

Mr Green, I'm going to take you to another account?---Yes.

Mr Green, I asked you yesterday about an account that you opened on or about 7 April 2015 with BankWest at Burwood?---Yes.

20 That was an account, Mr Green, that was in the name of Best Pay Custodial; do you remember?---Yes.

That's the occasion that you told the Commissioner you went along with Mr Petroulias to open these accounts?---Yes.

30 Now Mr Green, I'm going to tell you ultimately what I will suggest to the Commissioner is a proper analysis of these bank statements, and it is that you had transactions of over 290, probably 294 transactions, using this account giving you a benefit, Mr Green, of just over \$60,000?---Really?

That's right. What do you say to that?---If that's the little orange card that I've got, I've still got it.

That is the account.

40 THE COMMISSIONER: What do you say to the proposition?---Yes, I used to take money out of there for still - work running around stuff.

MR CHEN: Mr Green, this is a few thousand dollars that you agreed yesterday; it's not \$60,000, is it?---No.

No. Mr Green, if, say, you happened to purchase a quad bike, what's that got to do with running around New South Wales?---It's for one of my kids.

Right. It's got nothing to do with is the answer to my question?---No, nothing to do with it.

It is a benefit to you, isn't it?---Well, yes. No, to my child.

All right. From you?---Yeah.

10 And what about Prouds jewellery, going to buy some jewellery, a necklace?

MR LONERGAN: In fairness to the witness, if my friend is going to take him and ask specific questions, can he take him to a document?

THE COMMISSIONER: We'll go there, but he's being given an opportunity now to affirm or deny or dispute - - -

20 MR CHEN: I'll make it clearer. I'll make it a bit clearer.

Did you ever go to Prouds the jewellers to buy a nine caret gold necklace?---I probably did.

THE COMMISSIONER: Just pause there. Just think about it; did you or did you not?---Yes, I did.

THE COMMISSIONER: Thank you.

30 MR CHEN: You did that in December of 2015, didn't you?---Yes.

Again, this is all at the time when the money from Gows Heat has been disbursed, isn't that right?---I didn't know if it gave from Gows Heat.

40 You knew that this was ultimately to be sourced back to the payment that Mr Zong had made; isn't that right?---I didn't know where it was coming from.

It certainly wasn't your money, though, was it?---No, I didn't operate any bank account.

No, but you knew, didn't you, Mr Green, where Mr Petroulias got his money from, didn't you?---Yeah, I did.

Yes. From Gows Heat, isn't that right?---No, I didn't know it came from Gows Heat.

Where did you think it came from?---I have no idea where it came from.

What was Mr Petroulias's job?---He was an organiser of the paperwork and the office work.

10 Where?---At his house in Burwood.

That doesn't sound like a job, but what was his occupation, as you understood it?---Well, something like a manager.

For who?---For all the guys that was running around doing all the work for him.

20 THE COMMISSIONER: Which guys?---There were several people.

Yes. Who were they?---There was Derek Hardman, there was Greg Griffith, there was Huss, there were about five of Huss's guys organising offices, setting up offices out in Burwood and all that stuff.

They're running around doing exactly what?---Setting up offices and - - -

30 Setting up offices?---Yes, and the Aboriginal guys were going down the south coast, and up and down the south coast. I was going down the south coast, up the north coast, out west.

MR CHEN: Mr Green, you knew that Mr Petroulias was bankrupt at this time, didn't you?---No, I didn't.

40 You didn't know? When did you find that out?---Oh, it would have been about four to six months into the - I never even knew he was a bankrupt.

What is the four to six months?

THE COMMISSIONER: Four to six months into what?---Into my meetings with Nick, since I first met Nick.

When did you first meet him?---When did I first meet him?

Where, when?---I first met him - I've said this before,
I first met him at a place called Wollombi, Cessnock.

When was that?---I'm not sure of the date.

MR CHEN: 2014, isn't it?---It would have been about that,
yeah.

10 You knew at that time, as well, didn't you, that he had
been convicted of offences and gaoled?---No, I didn't know
that.

When did you find that out, Mr Green?---Like I said, maybe
six months into it. I went up to a meeting in Gunnedah and
one of my Aboriginal mates up there, he told me who he was.

What did he tell you?---He told me that he was an
ex-Tax Commissioner and that he has done time in gaol.

20 For what?---Taxation fraud, I think it was.

That's something you never disclosed to any other board
member, isn't that right?---Oh, they found out, yeah.

Who is "they"?---I think Lenny, Debbie and all them guys
found out.

30 From you?---Yeah, I think I told them. I'm not sure, but
they did find out.

Let's come back to this account, Mr Green. I've given you
the rough outline of what I'm going to put to you, but I'll
take you to some of the detail, Mr Green. I just want you
to have a look at some statements first. Would you be good
enough to have a look at volume 36, page 75. You can see
there's a statement covering a period 7 October 2015 to
6 January 2016, in the top right-hand corner?---Yeah.

40 You can see the entries, can't you, Mr Green, starting
9 November 2015. Masters at Heatherbrae, that's a hardware
store at Heatherbrae on the main road there, isn't
it?---Heatherbrae? Heatherbrae is in Newcastle somewhere,
yeah.

Well that's an expense that you incurred on this card, isn't
that right?---900, is it?

I'm sorry?---Is it \$900?

It is \$900.---Righto.

That was you, wasn't it, Mr Green?---Yeah, if I had this card it was, yeah.

10 In fact, every one of these entries, can I suggest to you, that relate to debits are all, except on one occasion, debits on the very card that you have, Mr Green. What do you say to that?---6,000, 5,000, Newcastle, operator fee, . . . yeah.

You've looked through, haven't you, volume 36, page 75, and you accept, don't you, that these are all expenses that you incurred on this account using your card? ---What are the figures over here, the 6,000, the 5,000 and the 5,000? What are they?

20 You can see columns there - "Credit", so 5,000 and 8,000 are credits, and on the far right under the column "Balance" is what's in the account at a given time.---Righto.

I'm just asking to you focus on the expenses at the moment. We've got Foxtel on 16 November 2015. That's you, isn't it?---Well, yeah, if I had that card, that's it.

30 You accept that you've got that card, don't you?---Yes, if that's the card that I've given you guys.

I think I should ask the witness to produce that card, Commissioner, and - - -

THE COMMISSIONER: Yes. You have it on you, do you, Mr Green?---Yes, it's in - I give it to youse before.

40 Have you got it?---Yes, but I give it to you before. Excuse me. (The witness leaves the witness box). (The witness returns to the witness box). That's the one. Thank you.

(Handed to counsel).

MR CHEN: Commissioner, that has been produced by the witness. Perhaps, rather than keep his card, could it be copied and I'll tender it - - -

THE COMMISSIONER: My associate will go and copy it and return the card to Mr Green.

MR CHEN: Thank you.

THE COMMISSIONER: Yes. Are you happy with that, Mr Lonergan?

10 MR LONERGAN: Yes, Commissioner, thank you.

MR CHEN: So let's keep going, Mr Green. You can see 16 November, again, there's a purchase of - - -

THE COMMISSIONER: I'm sorry, would you pause there for a moment. Yes, Mr Chen.

20 MR CHEN: You can see on 16 November, Mr Green, after Foxtel there's Woolworths?---Yes.

That's you, isn't it?---Yeah, if that's the card, yeah.

A withdrawal of cash on 16 November?---Yeah.

30 I'll ask you to turn over the page and I'll take you to a couple of other entries, Mr Green. I'm just picking a few out because I've asked you about them before, but if you have a look at volume 36, page 76, you can see on the entries 9 and 10 December, that they're the amounts that you paid to purchase this quad bike? Do you see that?---Mmm.

THE COMMISSIONER: Are you suggesting that the two amounts on 9 December relate to that?

MR CHEN: Sorry, 9th and 10th, Commissioner. So the 9th is \$1,000 and on the 10th, \$450?---Yeah, okay.

40 THE COMMISSIONER: Do you accept that those entries reflect payments for the purchase made on the quad bike?---Yeah.

MR CHEN: I'll show you an invoice, Mr Green. If you turn to volume 36, page 245, you can see that's exactly what it is, can't you?---Yeah.

If you turn to the next page, you can see that's where you signed to receive the goods, didn't you?---Yep.

I asked you about this before, Mr Green, and I'll take you to it now, you can see on volume 36, page 257, you can see there that that appears to be, does it not, an invoice dated 14 December 2015?---Invoice for the bike?

No, this is an invoice for a nine caret gold 60 centimetre bevelled close curb chain from Prouds?---Yes, it is an invoice.

10

THE COMMISSIONER: Does that relate to a purchase you made?---Yeah, I'd say so.

MR CHEN: Have a look back, Mr Green, at volume 36, page 77. You can see that appears to be the case, does it not, in the entry of the bank statement on that day?---Yeah, \$1,000.

20

THE COMMISSIONER: Could I just ask you, why did you purchase that jewellery?---Probably for my wife.

You said "probably".---Mmm.

Was it?---Yeah.

MR CHEN: Are you prepared to accept, Mr Green, that each of these items recorded in this statement are undoubtedly items of expenses that you've incurred?---Yes, I accept that.

30

Yes. Would you accept, Mr Green, that each of those transactions were for your benefit, weren't they?---Yes. Yes.

They were for matters such as personal items that we've gone through of the kind - jewellery, quad bikes, Foxtel?---food, yes.

40

MR LONERGAN: Objection, Commissioner. That's a broad question in relation to a number of entries.

THE COMMISSIONER: Those items are being put specifically as personal items. Your objection is it doesn't apply to all of the items?

MR LONERGAN: Yes, Commissioner.

MR CHEN: Mr Green, I'm going to suggest to you that you made 90 withdrawals in the period commencing 7 April 2015 at least until the records ceased on 30 January 2018 - that you made 90 cash withdrawals; would you agree with that?---Yeah.

And that those cash withdrawals were \$27,630?---Well, if the figures are there, they're there, yes.

10 You certainly remember, don't you, Mr Green, in that period, using that card to take out cash amounts for your own use?---Yes.

You've also paid for, on that card, accommodation, including accommodation in Queensland, on 18 occasions; isn't that right?---Yeah, I've done a lot of business in Queensland.

20 When you say "business", it's got nothing to do with the land council, does it?---Yeah, native title stuff, yes.

And when you do business for the land - - -

THE COMMISSIONER: Just pausing there.

30 What did it have to do with the Awabakal Land Council, the work in Queensland you're talking about?---Oh, well us Aboriginal people, we've got people everywhere, and when you're talking about native title it involves a lot of stuff around Australia.

MR CHEN: Does your daughter live in Queensland?---Yes, she lives in Mackay.

You've travelled up to see her, haven't you, using this account?---Yeah, I've travelled up to see the Woorabinda elders.

40 THE COMMISSIONER: You misunderstood the question.

MR CHEN: You have travelled up to see her using money from this account, haven't you?---I think I've driven her up there. I'm not really sure.

You've flown up there, haven't you? You've flown to Brisbane before using this account?---Yes, I have.

You hired a car in Brisbane using this account?---I don't know about a hire car.

Well let's have a look at it, please, Mr Green. Would you turn up volume 36, page 258. Do you recognise what's on the screen as being an invoice that carries your signature on the right-hand side, in about the middle?---Yeah.

10 You would agree, wouldn't you, that that's an invoice or agreement relating to the hire of a car, would you not?---Brisbane airport. Brisbane airport.

20 THE COMMISSIONER: Go to the middle section. You'll see it says 12 December 2015 and then 13 December 2015 underneath that. That's the year 2015. Brisbane airport. Then you will see the other details about mileage, unlimited mileage, on the right column, fuel, et cetera. It is described on the left column as a Ford vehicle.---Yes, I would agree with that. It refreshes my memory now, yes.

MR CHEN: If you turn back, just to tie these dates together, Mr Green, and if you have a look, please, at volume 36, page 249, you can see that you've arranged to fly up from Newcastle, booking a flight with Flight Centre?---Yes.

30 THE COMMISSIONER: I'm sorry to interrupt. I'll have the card returned to Mr Green. It is now being photocopied.

THE WITNESS: You can have it. I don't need it.

THE COMMISSIONER: Just pause there. Would you hand the card to Mr Green, please.---Thank you.

There's your card, Mr Green. Would you hand copies of it to Counsel. Copies can be distributed.

40 MR CHEN: Commissioner, could I tender that, subject to a suppression order in relation to the details?

THE COMMISSIONER: The card?

MR CHEN: The card.

THE COMMISSIONER: A copy of the card.

MR CHEN: A copy of the card.

THE COMMISSIONER: Yes. Copy of Mastercard produced by Mr Green this morning bearing his name, bearing the name of Best Pay, is admitted. It will be marked as exhibit 94.

#EXH-094 - MASTERCARD MR RICHARD GREEN ENDING 078

10 MR CHEN: Commissioner, would you also make an order suppressing the details of that?

THE COMMISSIONER: Yes. I make an order under section 112 of the ICAA Act prohibiting publication of the card, a copy of the card and details concerning it, unless and until further order of the Commission.

MR CHEN: In fact Mr Green, in front of you is an invoice from Flight Centre. That's the flight that you took?---Yes.

20 You then collected the hire car?---Yes.

The day you arrived in Brisbane?---Yes.

These were all for your benefit, weren't they, Mr Green?---No, it wasn't.

30 Whose benefit was it?---It was - I went to Brisbane and drove back down to Yamba because it was shorter and better to fly up there and talk to the Yamba Aboriginals about building a port there for them.

THE COMMISSIONER: Building a?---A port.

A port?---Yes.

At where?---At Yamba.

40 At Yamba?---Yes.

MR CHEN: All right. So this was part of your ULC work, was it?---It's part of the Aboriginal work that I've been doing all my life, yep.

This is money that you're spending to promote, principally, an interest that you have in developing Aboriginal interests, is it?---No, a lot of the Aboriginal work that

I do involves everybody. I have meetings with Aboriginal people all over the country.

10 Well let's move on from this travel to Brisbane and driving to Yamba in the car and let's return to some of the other matters, Mr Green. The accommodation, can I suggest to you, Mr Green, that you've racked up on this account was 18 transactions and involved \$2,560, or thereabouts. Would you agree that that's what you've expended on this card for accommodation?--- yeah, yeah.

You've also said, Mr Green, that one of the benefits that you received was a car that was given to you by Ms Bakis; is that right?---Yes.

And eventually you traded that in for a Toyota Kluger; is that the position?---Yes.

20 You haven't told the Commissioner about any other vehicle that you've managed to purchase at all, though, have you?---No, I haven't.

But you have purchased a couple of other cars, haven't you?---Yeah, there was a Ford - - -

There was a Ford, was there?---A Ford, yes.

30 THE COMMISSIONER: What sort of vehicle was it, a Ford sedan or what was it?---It was a Ford XR6.

When was that purchased?---I'm not really sure on the dates.

What year?---It would have been about 2015 or - no, maybe 2016.

Where was it purchased from?---Oh, some dealership out in - out near Strathfield.

40 THE COMMISSIONER: Yes.

MR CHEN: Is that it, the only other car you've purchased in this time period?---Oh - - -

MR LONERGAN: Could my friend clarify the time period he's talking about.

THE COMMISSIONER: Yes, perhaps you should.

MR CHEN: Perhaps you can tell the Commissioner when you bought this Ford, this Ford XR6?---No, I can't remember the dates.

Or was it last year, or the year before?---Probably the year before.

10 Where did you get the money to buy that car, Mr Green?---Nick paid for it.

THE COMMISSIONER: How much did he pay for it?---Oh, I'm not sure. Maybe 8,000. I'm not really sure. I'm not sure.

THE COMMISSIONER: Just pause there. I see the time. Is that a convenient time?

20 MR CHEN: Yes, Commissioner, yes.

THE COMMISSIONER: Mr Green, we're going to take a morning tea break and then we'll resume. Then we'll continue with your evidence. I will adjourn.

SHORT ADJOURNMENT

THE COMMISSIONER: Mr Chen.

30 MR CHEN: Mr Green, I was still dealing with account 9248, your BankWest card account. Mr Green, you told the Commissioner earlier that you were also given a Ford XR with a value of, I think you said, about \$8,000; is that right?---Maybe. About that, yeah.

When you say "maybe", you've got no doubt you got the car, you're just not certain of the actual figure, is that the position?---Mmm.

40 When was it, Mr Green, that you said you got this car from Mr Petroulias?---I'm not sure on the dates. I'm not sure.

Well was it before or after you traded in the car Ms Bakis gave to you and you - - -?---No, it was before.

All right. Why was he giving you this car, Mr Green?---To drive around and do work in.

You've already said the work that you were undertaking for him was with United Land Councils which was in 2015.---Yeah.

10 You were getting fuel money, you said, and you mentioned you were given only one car yesterday, as I understood it, which was the Mercedes that Ms Bakis gave you?---No, I was given about - I was given the Ford at the beginning of the business. I shouldn't say "business", it was - I was a worker.

Mr Green, just going back to this account, 9248, your BankWest account, you also used that account, didn't you, to pay out a sum of money for your daughter's car, didn't you?---Maybe, yeah. Yeah, I think I did.

You did?---About \$5,000 I think.

20 It was just under \$5,000; it was \$4,457, wasn't it?---That's true.

It was on 12 January 2016?---Yes.

I'm sorry, 12 April 2016; is that right, Mr Green?---That's - well, I'm not sure of the dates, but yeah.

30 Mr Green, you've also, haven't you, used this account to partly purchase a BMW?---Yeah, I did.

So there's another car, is there, now involved?---Yeah. Yeah.

Right. You haven't mentioned that before, have you?---Well, I didn't get asked.

40 I see. I did ask you, didn't I, yesterday about what benefits you received and you were telling the Commissioner yesterday that aside from a car Ms Bakis gave you and the few thousand dollars for running around the country from Mr Petroulias, that was about it?---I didn't think a car was a benefit.

I see. What is it, Mr Green?---It's a work tool.

I see. Right. You bought a BMW, didn't you, in January of

2016, isn't that right?---No, I didn't buy it.

You part purchased it and did you use part of it for finance; is that the position?---No, no, I traded the Ford in on the BMW.

10 Mr Green, I'm going to have to go back a bit to deal with this. It is the case, isn't it, that in fact the first car that you bought was in October of 2015 which was a Mercedes Benz C180 compressor, isn't that right?---Yes, that's true, yes. You refreshed my memory.

That's another car now that the Commission is hearing about?---Yes.

Are there any other cars?---No, no, no, they all played up on me. That's about it. Yeah, that's about it.

20 This money to buy this car came from Best Pay Custodial, didn't it?---I don't know where it came from.

It didn't come from you, did it?---No, it didn't come from me.

The only source of the money in all of these transactions has always been Mr Petroulias; isn't that right?---That's right.

30 Mr Green, what is the explanation, say, for Mr Petroulias funding the payment for you to have Foxtel, for example?---Well, I've got no idea. I just - - -

You must have an idea, surely, Mr Green, because you're receiving the money and he's paying it?

MR LONERGAN: Objection.

THE WITNESS: Well - - -

40 MR LONERGAN: Receiving the money?

MR CHEN: I'm sorry.

You're using these accounts for your benefit, one of which was to have Foxtel. What is the explanation for why somebody else is funding this for you?---Well, if I've got money in my account and my children want Foxtel, I put it

on.

Mr Green, I'll put it clearly to you: you are getting this money as a benefit from Mr Petroulias; isn't that right?---Not as a benefit. I don't - I don't look at it that way.

10 THE COMMISSIONER: How do you explain that it is not a benefit?---Well, a lot of the money that was going into my account was work related.

I'm just talking about this Foxtel outlay. Why was that not a benefit to you and your family?---Well, I suppose people were saying Foxtel is a benefit.

20 You would see it, wouldn't you, as a benefit if somebody was supplying the financial means for you having Foxtel supplied to your home? You getting the financial benefit of the Foxtel connection is a benefit, isn't it - for you, I mean?---To me, yeah, it probably is, and my children, mmm, it probably is.

MR CHEN: Why is Mr Petroulias giving you this money, Mr Green? Tell the Commissioner why?---Well, it was probably in me account, so I just spent it on the Foxtel.

30 THE COMMISSIONER: That doesn't answer the question. Why would Mr Petroulias making this money sitting in the account, or the credit - the money to which is credited to the account, if he's putting the money into that account, why would he be making it available to you to use?---Well, he probably didn't know I was going to put the Foxtel on.

No, but - - -?---I can't understand it.

40 MR CHEN: Mr Green, one explanation, would you accept, could well be that he was paying you for you helping him out through these various land deals that went on in the land council through 2014, 2015 and 2016; isn't that right?---I won't agree with you.

It's one explanation that's available, surely?---I won't agree with it.

What else could it be, Mr Green? Here is your opportunity to tell the Commissioner?---What is it?

What is the explanation for all this money coming into accounts that you have used and you benefiting from it?---Well, the explanation is - and I will continue saying this - I thought that I had a job to do and I thought that I was getting paid to do a job with the Aboriginal communities all around Australia, which I have done all my life and I will continue doing it. I will never give up until the day I die. That's the - I've fought and fought for Aboriginal people all my life. I'm not preaching, but I'm trying to explain something to you guys that I've done all my life.

Mr - - -?---I've slept in cars, I've slept in gutters, I ate Camp Pie and bread.

Mr Green, don't misunderstand what I'm putting to you. I'm not asking about what you've done over your lifetime, which may well be commendable, Mr Green, I'm not asking you questions about that. I'm asking you to explain to the Commissioner why, if this material bears out what I suggest it does, that you received something in the order of \$144,000, how do you explain why you are getting that?---Well, I always thought it was a payment for the work that I was already doing.

The only work that you were doing, can I suggest to you, that entitled you to this money, Mr Green, was these transactions, these land deals that were before the land council; isn't that right?---Before the land council?

Yes. I'm sorry, I'll withdraw that. They weren't, were they. The only explanation, can I suggest, Mr Green, for you receiving this money, this \$144,000, was for the work that you did for Mr Petroulias relating to Gows Heat, Sunshine, Solstice and Advantage; isn't that right?---No, I didn't know - oh, yes, I'd done work for Nick over the - over the time and it was probably involving a lot of that stuff.

And that's what you were being rewarded for, Mr Green, isn't that right?---No, I don't agree with you.

What is the explanation, then, taking the next step of why this money is then made available to you for your own personal use?---Well, I just spent it myself, that was my own - - -

THE COMMISSIONER: That's not answering the question.

MR CHEN: What is the explanation, Mr Green? We know that you've used it.---I just give a clear explanation what I can give.

You don't have one, is that really the answer?---Well, I just give one.

10 What you said is that you spent it?---Yeah, on my family.

THE COMMISSIONER: You did say, as I understood what you said a couple of answers back, your understanding is that Petroulias was making available this money for you to spend through the accounts that we're talking about for the work you did, which work included helping him in relation to the projects that were mentioned a moment ago - that is Gows Heat, Solstice, Sunshine and Advantage. Did I understand you to be saying that?---Yeah.

20 I take it implicit in your answer is that he's also paying you for some other work as well as the work associated with those transactions; is that right? Is that what you were saying?---Yes, I've done a lot of work up in Yamba with the Aboriginal people, I've done work up in Woorabinda with all the tribal elders, a lot of other work I've done.

30 It was put to you the \$144,000 was, in effect, payment made by Mr Petroulias, or making monies available to you to spend as you saw fit, in compensation for, if you like, the work you did, in part at least, in relation to those transactions I put to you a moment ago - that is, the Gows Heat and Sunshine, Solstice and Advantage? Just pause there.

40 MR LONERGAN: I object to the Commissioner's question on the basis that the answer that the witness gave was at least qualified in relation to the question that was asked in relation to the various entities.

THE COMMISSIONER: I may be wrong, but I understood him to be saying, when it was put to him, that he understood this money was available to him for the combination that I put to him. Did he not say that?

MR LONERGAN: I don't have the benefit of the transcript in front of me.

THE COMMISSIONER: No. All right. Perhaps I won't press it any further. That was my understanding of what he said. I was trying to clarify with him what he was saying and he seemed to adopt it when I put it to him. We might see if we can get that segment of transcript over the lunch period.

10 MR CHEN: I must say, I don't have a perfect recollection of it, Commissioner, and I'd prefer not to put my - - -

THE COMMISSIONER: Can we quarantine this in some way and come back to it?

MR CHEN: Yes, of course, Commissioner.

20 THE COMMISSIONER: We'll check the transcripts about that aspect, thank you. Are we able to extract that segment of the transcript? Yes, that can be done.

MR CHEN: Mr Green, I want to take you to some other accounts now, if I can. Mr Green, you opened, did you not, a prepaid Mastercard account in December of 2015, didn't you?---With which bank?

It is actually not attached to a bank, Mr Green, it is simply a Mastercard.---A Mastercard?

30 Yes.---It's not attached to a bank?

Well I'll show you the document, Mr Green, and it will come up on the screen in front of you. It is volume 37, page 327. Now do you see in front of you is what appears to be a Mastercard statement in the name of Richard J Green?---Yes.

Do you know anything about this account, Mr Green?---I can't say that I do, but if you could refresh my memory.

40 Let's scroll down a little bit. You can see that the statement at the top commences on 5 October 2016?---Yeah.

You can see a number of transactions, can't you, in that account on that page commencing 23 January 2016?---They've got a lot of Newcastle transactions in it.

What I want to suggest to you, Mr Green - I'll just put it

to you this way - you opened this account, can I suggest to you, in December of 2015?---Can I ask a question? How was it opened by me?

I'll put an alternative proposition if you don't want to agree to that one, and that is, even if you didn't open the account, physically open it, that you agreed to it being opened in your name, can I suggest, Mr Green?---I don't think I've seen this account before. I'm not - - -

10

Mr Green, I am going to just tell you up front what I want to put to you, and I'll take you through the detail if I need to, but I'm going to suggest to you that you used the account for your benefit involving 15 transactions between 31 December 2015 and 7 March 2016, and the total benefit from that account was \$2,985?

20

MR LONERGAN: Commissioner, I object to the question on the basis that it is a Mastercard account, or it is a Mastercard card; is it in reference to an account that has already been taken to the witness or is this a new account?

THE COMMISSIONER: As I understand it, it is a separate credit facility.

MR LONERGAN: In fairness to the witness, he needs to know what the account underlying it is in order to answer the questions about the card.

30

THE COMMISSIONER: What is the problem? He has a copy in front of him which shows the account in his name for the period. It is being put to him that he had this available for his use and he did use it, to something just short of \$3,000. What is the basis of your objection?

MR LONERGAN: Commissioner, without knowing the details of who the bank is, what the account is, it is just open to speculation on the part of the witness as to what it is.

40

MR CHEN: I think I made it clear and, if I didn't, I regret that I didn't, but I did say it is just a Mastercard, an account opened.

THE COMMISSIONER: You did say that.

MR CHEN: I put telegraphed to the witness what propositions I intend to withdraw. If the concern is the last series of

propositions - namely, transactions and amounts - I will withdraw it and I'll just take him through it.

THE COMMISSIONER: I think for some reason it is being suggested that the witness may be in the dark, to some extent, because he doesn't know what bank it relates to, but you say this is a facility which is not necessarily attached to a bank, although they usually are, from my experience.

10

MR CHEN: That's so.

MR LONERGAN: That's exactly the point, Commissioner. A credit card is usually attached to a bank, whether it be prepaid or one that is debited monthly, or whatever it may be.

20

THE COMMISSIONER: I don't think there's any risk of double-counting involved, I must say, Mr Lonergan. The fact of the matter is however the Mastercard is linked, it is obviously a credit facility available to be used and this account suggests that it was used in the name of Mr Green. The question is was it his use of it or not?

MR LONERGAN: And the account that is underneath it, did he set it up or not?

THE COMMISSIONER: Sorry?

30

MR LONERGAN: The account that was set up that the credit card was attached to, was it his, was it someone else's, and which bank was it?

40

MR CHEN: I don't think there is a bank. I've said that. I can't say it any more times. I don't believe there was a bank, Commissioner. If there was a bank, I would say it. I don't think what my learned friend is saying is necessarily right. This is an account. I'll take the witness through it. It is a card. If he denies it, he denies it.

THE COMMISSIONER: Mr Lonergan, I'll reserve your right to challenge the use of this evidence if it does turn out that in some way it could be said not to have been authored or authorised by Mr Green, or if he was totally unaware of it, or somebody else was working this facility. At the moment I'm assured by counsel assisting that it is put forward as

being a credit facility in his name used by him and there is no risk that in fact somebody else is the owner and user of this account. If that is proved to be wrong then, of course, we'll revisit the whole of this evidence.

10 I don't think I should stop counsel assisting probing this particular matter at this stage because, on the face of it, there's sufficient evidence to suggest that, from what counsel assisting has said, this was a facility used by the witness. If it turns out not to be case and it was really somebody else pulling the strings and using it then, of course, all of this evidence will be of no utility whatsoever, but I am not going to hold up the investigation of it on the possibility, however remote, that it might not be Mr Green's usage that we're dealing with. I'll protect you in that way and grant you leave to reapply at any stage to have the evidence removed. We'll deal with that at that time.

20 MR LONERGAN: Yeah, Commissioner.

MR CHEN: I can assure my learned friend that I have the material that underlies, principally, the document, and I will take the witness to it. I can assure my learned friend that there is an entirely proper basis for me to ask the witness about this account, and no doubt it will become clearer shortly.

30 THE COMMISSIONER: I'm satisfied that there is a proper basis.

MR CHEN: Thank you, Commissioner.

Mr Green, I'll approach it a different way. Would you turn, please, to volume 37 page 327. Can you accept from me for the moment, Mr Green, this is an account, a prepaid Mastercard account in the name of Richard Green. If you would just accept that for the moment, Mr Green?---Yes.

40 All right. I'm not saying it is you, Richard Green, it is just a Richard Green, at the moment. If you turn to the next page, 328, Mr Green, you can see that the monies that are entry number 19 have come into this account of \$3,000. Do you know anything about that, Mr Green?

THE COMMISSIONER: Are you following this, Mr Green? Each of the transactions has a number. There are

19 transactions on the two pages.

MR CHEN: Number 19 is what I was drawing your attention to, Mr Green?---Yes, the \$3,000?

Yes.---Oh, I can't remember.

10 All right. Mr Green, I'm going to suggest to you that in fact they are funds that came from Best Pay Custodial. You don't know anything about that?---I'm not sure. Maybe.

Let's have a look at entry number 18. Do you see that, Mr Green? You can see that's Clarence River Fishermen at Maclean, do you see that?---Yes.

Do you recall ever spending your money at - - -?---Clarence River?

20 - - - that location?---\$2,094, is that right?

No, \$50.04.---Oh. Clarence River, I think it's up the north coast.

Mr Green, let's leave that entry for the moment. I'm going to invite you to look up the page and go to entry 11. You will see there is there, on 20 January 2016, a reference "purchase - Lite n' Easy", do you see that, for \$146?---Lite n' Easy?

30 I'm just asking you whether you see it at the moment.---Yes.

Do you recall ever, at around this time, 20 January, purchasing anything from an entity called Lite n' Easy?---Oh, I can't - Lite n' Easy. No, no.

40 I'm going to ask you to have a look at a couple of Invoices please Mr Green. If you look first at volume 37, page 329.---Ingall Street.

You'll see there there's a tax invoice which bears a date which doesn't relate to the transaction, but you can see it is addressed to you, this invoice?---Yes.

If you look down it has your address, does it not?---Yes.

It has your email address, does it not?---Yeah.

And it's got your mobile number?---Yes.

And it's got your customer name and ordering method, et cetera. Do you see that?---Yes, yes, yes.

It is the case, isn't it, that an order had been placed for meals to be delivered from that company, Lite n' Easy isn't it not?---It looks like it.

10

That's something that you either arranged or approved somebody to arrange, didn't you, if this invoice is made in your name?---I'm just trying to think who Lite n' Easy is.

Look at another one, Mr Green. Obviously you have no recollection of it, is that what - - -?---Yeah, it's got me - yeah.

20

Have a look at volume 37, page 339. There's an invoice as well relating to an online order placed on 7 January 2016. Do you see that?---Yeah.

Do you know anything about that, Mr Green?---It was an online order? I don't know anything about it.

You don't know anything at all about it?---Yeah, because I don't do anything online.

30

What about delivery of food to your house, Mr Green, in January of 2016? Were you getting food delivered to your house?---In Mayfield, yeah, I was, yeah.

Was your partner ordering food, Mr Green, for delivery to your house?---Oh, yeah, yeah, now - yeah, Lite n' Easy, yeah, yeah, yeah.

40

Mr Green, if we go back to the bank statement then, or the prepaid Mastercard statement, and you look at entries number 11 and number 14, would you agree that those accounts from Lite n' Easy relate to - I'm sorry, 328. I'll start again. Would you agree, Mr Green, that in fact what has happened is this credit card has been used, or its use has been approved by you to order those meals?---Yeah, Lite n' Easy. I was on a diet, yes, yeah, that's right.

You accept, do you, that this account was used to order those meals?---Yes. Yeah, yeah.

This is your account, isn't it?---Yes, it is.

All right.---Yes.

There's also a range of other matters, Mr Green, that have been spent on this account. If you have a look, please, at volume 37, page 332, you'll see that Tony Manton has paid for some accommodation. Do you see that?---Yeah.

10

At the Abbotsleigh Motor Inn. Do you remember that, Mr Green?---Abbotsleigh - Abbotsleigh Motor Inn - Tony Manton. Abbotsleigh - - -

It may be near Armidale, Mr Green.---Abbotsleigh, I'd say that's the name of the motel, Abbotsleigh.

Yes, it is, Mr Green.---Yes, yes, yes, I recall that, yes.

20

If we have a look at some other items that appear to have been incurred on this account, Mr Green, have a look at volume 37, page 337. You'll see there's a Foxtel invoice?---Yes.

If you turn back, Mr Green, to page 328, you can see that at item 13, on 17 January 2016, there's a payment to Foxtel?---Yeah.

30

In the next entry down you can see there's another payment to Foxtel?---Yeah.

Mr Green, this is a card that you had; isn't that right?---Yeah.

And this is a card that you used to incur all these expenses that are referred to; isn't that so?---It looks like it.

40

There's no other explanation for it, is there, Mr Green?---No.

This account was never funded by you, was it, Mr Green?---No.

The money has come from Mr Petroulias, hasn't it, Mr Green?---I'm not sure where the money came from.

How did the card somehow come to be in your possession, Mr Green?---I'm not sure.

Mr Green, it seems extraordinary that somehow you're the beneficiary of somebody opening an account in your name, that somehow you managed to receive the card, incur expenses on it and you can't explain that?---I'm just trying to think.

10 What possible explanation could there be, Mr Green? I don't know. Do you receive or have you in the past received credit cards or debit cards randomly for you to use?---I could have received it off Nick. I'm not sure.

THE COMMISSIONER: Is there anyone else you could think of who would be making available to you prepaid Mastercards for your use generally?---No, there's no-one else.

20 There's no-one?---No.

MR CHEN: This is this another instance of another account set up specifically for you to access monies for your own benefit; isn't that right?---Similar, yeah, yeah, for own benefits.

It was a reward, Mr Green, wasn't it, for helping Mr Petroulias out with Gows Heat, Sunshine, Solstice and Advantage; isn't that right?---I won't agree with you.

30 What other explanation is there for it, Mr Green?---It wasn't for that reason.

What other explanation is there?---Probably just to do stuff.

That doesn't sound like much of an explanation, Mr Green. ---Well, it's not to do with helping.

40 Your best response is "to do stuff" is it?---Yes, there's Oxley Motor Inn and all that sort of stuff in there too, not just Foxtel.

Mr Green, this is an account that, when I asked you some questions about it before, it took a very long period of time for you to even appreciate that you had been using it?---Yeah, because I couldn't remember, I told you that.

THE COMMISSIONER: Do you accept that in all likelihood this card has been made available, and the credit goes with it, by Mr Petroulias?---I didn't even know it was a credit card.

No.---Yeah.

But you understand, do you - - -?---Pardon?

10 - - - more than likely this benefit that comes with the Mastercard was provided by Mr Petroulias for your use?---Yeah.

20 In the period in which these various land transactions went forward concerning the Awabakal Local Aboriginal Land Council, you were doing quite a number of things which was in response to requests by Mr Petroulias - that is, requests to sign agreements, for example, relating to the land council's properties? In other words, you assisted him, is what I'm saying, on a number of occasions in relation to those various transactions, didn't you, by cooperating, signing agreements when he asked you to sign them? Is that right?---Yeah, I did sign agreements, but it had nothing to - yeah.

30 And it appears, it might be thought, to the objective observer looking at this that the reason for him making available these sort of benefits that come with the Mastercard was in return for the assistance you gave him in relation to the land transactions concerning the Awabakal Land Council? I'm putting to you that in fact you understood that's why he made these facilities, in particular the Mastercard facility we're discussing, available for your use?---No, your Honour, I don't agree with that.

40 Why wouldn't that not be the explanation? He is trying to get investors involved. He obviously was very keen to make all of this happen. He is turning to you all the time to put your signature on multiple agreements. Why wouldn't one interpret these financial facilities he made available to you as being a reward for the work you did in relation to the land council matters? Why wouldn't - - -?---It was work that I did. It wasn't anything to do with pushing things through and causing any corruption, whatever. I can't understand it, but there's a lot of stuff in here where I travelled.

But you say that every time he came to you with an agreement to sign, you complied without bothering to read the agreements. He made the request, you cooperated, you put your signature on these various agreements. Surely the monies and the credit facilities he was making available to you had some connection with all the good work you did at his request in signing off on these agreements?---
I still don't - - -

10

Is that not right?---I still don't agree with you.

Right. You've said you understand that he was making available these credit facilities because of stuff you did.---I didn't mean stuff like that.

No. What "stuff" did you mean?---Work, running up and down the coast. I'll say it again, going around to all the land councils.

20

You've told us about that yesterday and that was within a fairly confined period that you say you did it?---No, look, when you think about it, it was - it was more than that.
I - - -

That's contrary to your evidence, you said - - -?---The problem is I wasn't thinking and I wasn't - - -

30

You say your evidence given about the amount of work you did in that respect was not correct; it underestimated the amount of work you in fact did, is that what you're saying now?---Yeah, yeah, I'd done a lot, I wasn't about dates.

MR CHEN: That's not true at all, is it, Mr Green? It is only now that you've been confronted with this, you've decided to change your evidence?---No, it's not that at all. It's that I can't remember the time period that I done all this work. I haven't got a diary.

40

What actually became of any of this work, Mr Green? Did anything come of it?---Oh, not really. The State Land Council put a stop to a lot of it.

It never made any money, you've said that, whatever the arrangement was.---Yes.

It involved you driving around the countryside to speak to

land councils. That's more or less it, isn't it?---Yeah. I didn't only do that. I did a lot of native title stuff.

THE COMMISSIONER: What do you mean native title? What did you do in relation to native title? Give us an example.---Well, we talk about - us Aboriginal people, we talk about native title wherever we go, we talk about our rights, how can we get our land back.

10 Yes. Now, what did you do in that respect in the period we're talking about, 2014, 2015, 2016, by way of work - - -?---Like, I've been - - -

- - - in relation to native title?---I've been to Woorabinda for a start, where the Downey mine is going up. I've talked to the tribal people up there.

So you had a communication with them?---Yes, I always have.

20 MR CHEN: Mr Green, you get paid separately for that. It's got nothing to do with Mr Petroulias.---No, I don't.

It's got nothing to do with Mr Petroulias?---No, I don't get paid separately.

Mr Petroulias has nothing to do with these native title claims, does he?---No, he hasn't, but - - -

30 So let's get back to - - -?- - - in my travels I do it.

Right. Let's get back to reality. What is it that you were doing aside from this stuff? Doing native title claims has nothing to do with Mr Petroulias. What else are you doing?---How many times do I have to say it? I drive up and down the coast to all the land councils. In my bag there, I've got all the land council phone numbers. I ring them up, make appointments with the board, with the CEOs.

40 Mr Green, let's go back to this account, if you would, 9418, page 327, volume 37. You will see there the entry number 8, "Purchase", "SNSW Newcastle", \$643. Do you see that Mr Green?

THE COMMISSIONER: At the foot of page 1.---"Purchase" - "POS", is it, "Newcastle Wes"?

MR CHEN: Mr Green, that amount, \$643, was an amount that was incurred on this card by you to pay for the registration of the BMW that you bought on 21 January 2016, isn't that right?---Yes, that would be right. That would be right.

THE COMMISSIONER: What was the price of that BMW, by the way?---I think it would have been 16,000.

10 16,000?---I think, yeah, just a thought.

Do you remember again when you took delivery of it?---No, I don't remember the date.

I'm just raising a few details about this. Was this a 2014 model BMW?---Was it?

Was it, do you know?---Yeah, I'd say so.

20 And who was the dealer? What was the company?---It was some company at Parramatta.

Was it a - - -?---Parramatta Road, sorry.

It wasn't at Narellan?

THE COMMISSIONER: Mr Chen, maybe you can assist me. Volume 36, page 46, deals with a BMW vehicle. I don't know if it is the same one.

30

MR CHEN: Commissioner, the car, that money was spent on this account to register it, was purchased by him on 21 January 2016, for what I understand to be the amount of \$10,000.

THE COMMISSIONER: I see.

MR CHEN: I'll come to that.

40 THE COMMISSIONER: You'll come to the other one.

MR CHEN: That's partly paid for by another account that Mr Green has that I'll deal with.

THE COMMISSIONER: All right.

MR CHEN: Just on this running around the countryside,

Mr Green, you told the Commissioner yesterday that in fact you had a job with Whitehaven; isn't that right?---Yeah, I have got a job with Whitehaven now.

10 You told the Commissioner yesterday that you had that role for about four years?---Well, I looked at the - I looked at the date on the excavator and the truck last night, my wife and I, and I would have started work with Whitehaven maybe a couple of weeks after the excavator and the truck - I got the excavator and the truck.

So you've been working full-time for Whitehaven since at least September of 2016, or thereabouts; is that right?---Yes.

So all of this running around the countryside that apparently you did was well before then; is that so?---Yes. Yes. Yes.

20 With these expenses there, Mr Green, that relate, for example, after that period of time, how can you explain those as being your job running around the countryside?---After the period that I started work in Whitehaven?

Yes.---Well, that was - I think it was 2016.

30 It was 2016.---When I started there. I think I done a lot of that work before that, before that.

You see, Mr Green, what I'm going to suggest to you is that the actual amount of money that you used for your own benefit from this account - that is, account 9418 - were 15 transactions with a benefit to you of \$2,985. Do you agree with that?---Yeah.

40 There were a number of other accounts, weren't there, Mr Green, that were opened in December of 2015 by you, weren't there?---I'm not sure.

Do you remember ever opening an account with the Qudos Bank in December of 2015?---Oh, Nick got the credit card for me.

So you remember that, do you?---Yes, I remember the Qudos, because I remember the name.

So he gave you the credit card, did he?---Yes.

You recognised, of course, that was in your name, didn't you?---Yeah, it was a credit of \$5,000.

Yes. He gave you that card, did he?---Yeah.

It had \$5,000 credit for you to use; is that so?---Yes, that's right.

10 And you did use it, didn't you?---Yes.

Are you sure that's that account?---Yeah, I'd say so. I'm paying it back, the \$5,000.

You're paying it back, are you?---Yes.

THE COMMISSIONER: How much have you repaid?---Oh, maybe a couple of hundred. I'm not sure. They're after me.

20 Who's after you?---The bank, Qudos. My wife read a text to me this morning about the money that I owe, and I got a St George credit card, too, which I just blew straight away.

Who gave you that credit card?---Nick gave me that.

The St George credit card?---Yes.

30 When did he give you that?---I'm not sure on the dates, but they're after me too.

MR CHEN: I'll just show you these documents, Mr Green, so you can recognise them, if you can. Volume 37, page 481. Do you recognise that document at all, Mr Green? Have you seen it before?---No, I haven't seen it before.

Would you have a look, please, at volume 37, page 482. Do you see there that's a statement of account addressed to you for this account ending 9708?---Yeah.

40 Is that the account that Mr Petroulias set up for you, is it?---Yeah.

Are you sure of that?---It's the only, what is it, Qudos card that I've had.

Anyway - - -?---I've got it in my wallet.

You do have it in your wallet, do you?---Yeah.

Would you mind producing that to the Commission?---Like I said, I'm paying it off as a credit card. There it is.

10 THE COMMISSIONER: Yes, very well. Just hand that to the court officer, thank you, and arrangements will be made for that to be copied over the lunch period and returned to you.

MR CHEN: You see, Mr Green, I'm going to show you a different set of documents now because you may well be confused. If you have a look, please, at volume 37, page 351, you can see that there's a different account which ends in 3718, apparently in your name. Do you see that?---Yes, I can see it.

20 That's a different account, Mr Green, to the other account that I showed you a moment ago?---Oh, well, that's the only account that I've got in Qudos.

Anyway, what you told the Commissioner is that Mr Petroulias told you he'd open this account for you; is that right?---Oh, he got the credit card for me. I don't know how he - how he opened the account.

30 Both of the accounts that I've shown you are in the name of Mr R J Green, aren't they?---Yeah.

And both of them have your address, don't they?---Yeah.

And you allowed Mr Petroulias to establish an account with that bank, didn't you?---No, that's not true.

I thought you told the Commissioner a moment ago that he gave you a card which you have in your hand?---Yeah, did he give me - no that's the St George one, if you want it.

40 I thought you did say, in any event, that Mr Petroulias did open an account in this institution with a \$5,000 limit?---I rang up Nick and I said, "Look, mate, I'm in a bit of debt". I said, can you get me a credit card because they've re repossessed my work ute and can you get me some money?" So he got that credit card for me.

And you used it?---Yeah.

Yes.---I didn't apply for it. I didn't - - -

Well, you used it knowing that Mr Petroulias had used your information to create an account?---Yes, that's true.

You didn't ring up the bank and say, "Hang on a second, that's gone through without any approval from me", did you?---That's true.

10

You didn't say to Mr Petroulias, "You shouldn't have done that. Why didn't you just give me the money rather than give me a credit card"?---Well, if I'd took his money you'd have said it would have been a benefit.

I will take you through this account, so it maybe I'll suggest that to you later. My question was "why didn't you just take some money from him rather than have him set up a bank account?---Because I wanted to get a credit rating going for myself.

20

You have your own bank accounts and had your own bank accounts at this time, didn't you?---Yes, but I was in debt at that time, too, and I am still in debt.

It would be quite an easy thing, Mr Green, would it not, for Mr Petroulias to help you out just to give you a bit of money and put it into your account, or hand you a bit of cash, like apparently like he'd been doing over the years, wouldn't?---Probably would have been.

30

Instead another account is opened in your name?---Yeah.

What did you do with this account, Mr Green?---I think I - I think I paid for the - I think I paid for the repossession of my work ute.

Is that all you did with it?---I think so. I'm not really sure.

40

Why don't you reflect on it, Mr Green - - -?---If I can't remember, I can't reflect on it.

It is obviously a tough time for you if your ute is being repossessed and you're under financial pressure?---Yes.

Having this credit card come along would be a pretty

important moment for you, because it may be able to assist you in financing some of the problems or paying off some of the problems that have arisen, wouldn't you agree?---Yes.

10 What, you say you can't remember at all what, if anything, has been transacted on this account?---Yes, I think - I think I paid for - I think, I'm not really sure, but I think I took the money out of there to pay for the repossession - some of the money, I'm not absolutely one hundred per cent sure.

THE COMMISSIONER: Did you also use it for ordinary living expenses?---I might have. I'm not sure.

MR CHEN: You did, didn't you, Mr Green? Let's get to the point. You did, didn't you?---I might have, yeah.

20 In fact, you used this card actually to buy a car, didn't you?---No, I'm not really sure.

You did buy a car, Mr Green, didn't you, a BMW, in January of 2016?---Yeah, I did.

And that was after you'd bought the Mercedes in October of 2015?---Yeah.

As I understand it, somewhere at or around this time you also got given a Ford?---Yeah.

30 After that time, you were then given another Mercedes?---Another Mercedes?

By Ms Bakis.---Yeah, yeah, yeah, yeah, yeah.

And then you traded that in for a Kluger?---Yeah.

So why, Mr Green, were you buying another car then in January of 2016? Why were you doing that?---Another car?

40 Yes. On this account you used money to buy the BMW from Car Kingdom, didn't you?---Car Kingdom, is that the one on Parramatta Road?

I'm not sure, Mr Green. Maybe at Homebush?---Yeah, maybe, yeah.

You actually bought a car, didn't you?---No, I don't think

I bought a BMW - what happened I - the Ford was playing up on me so I went and traded it in on the BMW. .

Right but, Mr Green, I thought the Mercedes was playing up and you traded that in?---They all played up.

Right. Anyway - - -?---I ended up with a \$40,000 bill in the end.

10 A \$40,000 bill?---Yes, with my Kluger.

That's a few years after this, Mr Green?---Yeah, they kept going, going, going.

Let's just focus on this account at the moment, if you would. You then used \$5,000 from this account to buy a car, didn't you, the BMW?---Oh, to put it towards the BMW, with the trade-in of the Ford.

20 All right.---And the \$5,000 was towards the BMW.

So you're agreeing what I put to you, namely, you used \$5,000 towards the purchase of that car?---Yes, I did, yes.

You also used it, did you not, on at least 16 occasions to withdraw nearly \$10,000 in cash; isn't that right?---On that card?

30 On that card, Mr Green?---I only had a \$5,000 limit on it.

I'm not putting to you that you took it out on the one occasion. I'm suggesting to you that in the course of you having that account open, you have withdrawn just under \$10,000 in cash over 16 transactions?---No, I don't think I'll agree with you on that one.

40 Let's go through some of these expenses, Mr Green. Do you accept the proposition that you've used this account for food, taking the car to the car wash, going to McDonald's, petrol, dinners, matters of that kind?---Refresh my memory. Where?

Mr Green, have a look, if you would, please, at volume 37, page 355. You will see at the top there that this is an account for the period 1 May to 31 May 2016. This Mr Green, just to give you some context, is about the time the board was meeting to deal with Solstice and Advantage, all

right?---Mmm.

So this statement, if you then turn to page 357, you can see that money has been spent at K-mart, 7/11 at Turrumurra, Classic Hand Car Wash at Islington, Woolworths at Mayfield, a Thai restaurant at Mayfield, and McDonald's at Broadmeadow. Do you see all that Mr Green?---Yes, I do.

10 This is all you spending money given to you by Mr Petroulias, isn't that right?---Hang on. Now, that credit card had a \$5,000 limit on it, the Qudos one.

THE COMMISSIONER: Would you just focus on the question.---I'm trying to, your Honour, I just - - -

THE COMMISSIONER: Put the question again.

20 MR CHEN: I've put to you, Mr Green, some examples of the many transactions which you have used this card for in this time period. For example, K-mart, 7/11, Classic Hand Car Wash at Islington, Woolworths, a Thai restaurant, McDonald's at Broadmeadow.

THE COMMISSIONER: Is that right?---I'm just - I'm just trying to think if there was a \$5,000 credit and I spent the \$5,000 on the car. What's going on here? Help.

30 MR CHEN: Mr Green, I'm just putting to you if you used the card for those and similar styled transactions in this period - namely, in May 2016, four months after the car was purchased?---Well, no, I didn't use that card after I'd spent the \$5,000 on it, as far as I know, as far as I know.

Well, you lived around Mayfield or in Mayfield, didn't you?---Yes, I did.

40 Did you know of these Thai restaurants, the Ruam Kao Thai Restaurant at Mayfield?---Not really.

You weren't paying any money into this account, of course, were you, Mr Green?---No. That's why I'm trouble now.

Can I suggest to you, Mr Green, that this entire account, this Qudos bank account, 3718, has been used by you for personal transactions such as dinners, car wash, petrol, matters of that kind, on 79 occasions. Do you agree with

that or not, Mr Green?

MR LONERGAN: Commissioner, I object on the basis that whilst my friend has gone through a number of transactions and pointed the witness to them, there are a number of transactions here that have geographical proximity elsewhere. If the witness is going to answer the question regarding the 79, I submit, in fairness, he should be taken to those.

10

MR CHEN: Commissioner this is an account which he has accepted was opened for him. He has the card, he has used it. Now if he can accept the propositions that it has been used 79 occasions unrestricted by any geographical location or not - - -

THE COMMISSIONER: I think what we'll do is give him the opportunity to go through these pages containing the entries 357 through to 359 over the luncheon period, so he can have plenty of time to consider them, and then you can put the question to him.

20

MR CHEN: Thank you, Commissioner.

THE COMMISSIONER: All right. We will deal with it in that way, I think, Mr Lonergan.

30

THE COMMISSIONER: So we will take the luncheon adjournment.

Mr Green, you're going to be given the opportunity over the lunch period to look at the transaction details on this Qudos bank account for the period 1 May to 31 May, so that when we resume you will know exactly what transactions are being referred to in the question and then we'll go from there. You will be provided with a copy of those transactions. You should go through them and that might bring some recollection back to you so that you can deal with the questions, all right?---Thank you, that's a better explanation, yeah.

40

THE COMMISSIONER: I will resume at five past 2.

LUNCHEON ADJOURNMENT

[1.02PM]

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