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PUBLIC
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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 18 JULY 2018

AT 2.05PM

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

THE COMMISSIONER: Just before Mr Green resumes, Mr Green, I would ask you to wait outside, if you would, just for a couple of minutes. I need to speak to counsel assisting about a couple of matters. We'll get you in a couple of minute's time.

(The witness left the hearing room)

10 THE COMMISSIONER: There arose this morning some questions about which I said I would revisit after I looked at the transcript. Mr Lonergan, it arises out of your objection.

I do have the transcript, and perhaps I should have copies made available to you of the relevant pages. On page 1726 of the transcript he was being asked about the \$144,000. It was put to him that it was work done, in effect, in relation to the land transactions. He said:

20 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.

Then the question was:

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

30 Question:
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 - - -

And then I intervened and said he wasn't answering the question. You put to him:

40 What is the explanation, Mr Green? We know that you've used it? I just get a clear explanation.

He replied:

I just give a clear explanation what I can give.

The question:

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

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

And then I intervened:

10 You did say, as I understand 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?---Answer: Yeah.

20 And I said:

I take it's implicit in your answer is that it's also paying for some other work as well as the work associated with those transactions; is that right? Is that what you were saying?---Answer: 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

And then the question which drew the objection, in my question:

40 It was put to you the \$144,000 was, in effect, payment made by Mr Petroulias, or making moneys 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.

And then, Mr Lonergan, you objected to the question on the basis that the answer the witness gave was at least qualified in relation to the question of what was asked in relation to the various entities.

It does seem to me, looking at it, he initially rejected the proposition put to him. Well, there are various ways of looking at it. Initially, at page 1726 when counsel assisting put to him:

I'm asking you to explain to the Commissioner why, if this material bears out what I suggest it does, you received something in the order of \$144,000 ...

10

And then his answer was:

... for the work that I was already doing.

And then it was put the only work you did was, in effect, the land transaction work. That was withdrawn. Then it was rephrased:

20

The only explanation I can give, I can suggest, Mr Green, for you receiving this money, this \$144,000, was for the work that you did for Mr Petroulias...

Et cetera, and mentioning Sunshine, Solstice, Advantage. He said:

30

No, I didn't know - oh, yes, I've done work for Nick over the - over the time and it was probably involving a lot of that stuff.

I understood that to be referring to the land transactions when he says, "...and it was probably also, sorry is also, sorry again, And it was probably involving a lot of that stuff". Then what's counter to that is the next question:

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

40

See for one view, he sort've pulled back from making a partial admission. Then when I put it to him, he seems to have been prepared to adopt it. And when I put it again in terms of the Gows Heat, Solstice, Sunshine, Advantage, I said:

Did I understand you to be saying that?

That was the previous question. And he says, "Yeah". So it's

a bit all over the shop.

10 Look I think we should proceed on the basis, in fairness to
the witness, that though it's ambiguous, in a sense, and
it's arguable that he was making concessions, admissions,
that we treat it as if it's to be construed as him
rejecting the proposition being put to him, so that you can
revisit that and put it to him. I am not precluding
argument on this, but that seems to be my provisional view.
It seems, because it's ambiguous, it may be safer to not
hold him to what appears to be a partial admission, if he
is now maintaining that he didn't understand that the money
was being paid as a reward for his services in relation to
the land transactions. Do you want to be heard on that?

MR CHEN: No, I don't, Commissioner.

20 THE COMMISSIONER: All right. Well then Mr Lonergan, I think
what I'll do is I'll proceed on that basis, that the evidence
which I have quoted and referred to, because it's not clear
and it's ambiguous, I won't take it as an admission by him
that it was in part, the money was in part referable to his work
with Petroulias in relation to the land transactions.

MR LONERGAN: If it please the Commission.

THE COMMISSIONER: That's what you want, I gather?

30 MR LONERGAN: Thank you, Commissioner.

THE COMMISSIONER: So that the matter can be revisited at a time
of your choosing.

MR LONERGAN: Thank you, Commissioner.

THE COMMISSIONER: We can have Mr Green back, thank you.

(The witness returned to the hearing room)

40 THE COMMISSIONER: Yes, Mr Chen, thank you.

MR CHEN: Now Mr Green, during the luncheon adjournment you
and your counsel had access, did you not, to the folders
which were volumes 36 and 37 of the public brief?---Yes.

Or at least the folder that included volume 37, the two
Qudos Bank accounts that I asked you some questions about

before the luncheon break?---Yeah.

And you looked through those, did you?---Yes, I did.

You reviewed each of those accounts and the statements contained behind the various tabs within that folder, did you?---Yes, I did.

10 Now just in relation to 9708 - now, so it's clear, Mr Green, this is not the one that I was asking you questions about, and it's not the account where you were given the \$5,000 credit, do you understand, it's the second one?---Yeah.

Do you understand that?---Yeah, that's what I couldn't understand before, yeah.

20 But now you appreciate, don't you, that there were two accounts opened in your name at that bank; is that right?---Well, what I've seen, yes.

Right. And in relation to one of them, you know about it because Mr Petroulias gave you the card?---Yes.

And in relation to the other one, which is account 9708, have you ever seen any material relating to that account?---No.

30 Did you, did Mr Petroulias ever tell you that he'd opened an account for you, or a second account at that bank?---No.

Did you give him authority or anybody else authority to open such an account?---No.

You don't know anything about the transactions that are contained within it?---No, I don't.

40 Can you think of any other person who may have had reason to open a bank account in your name with the Qudos Bank on the same day?---No, I don't.

In relation to the credit account, the card that Mr Petroulias gave you, which was 3718, you've looked through the statements, haven't you?---Yeah, had a quick look, yeah.

All right. Well, you certainly had an opportunity to look, didn't you?---Yeah. Yeah.

And Mr Green, can I suggest to you that you were the only authorised user of that account. What do you say to that?---Well, as far as I knew, for the card that I had.

Yeah, And so far as you knew, there was only one card, wasn't there?---Yes. Yes.

And you never lost that card, did you?---No.

10

You had it on you in your possession ever since Mr Petroulias gave it to you in December of 2015; isn't that right?---Yeah, it's been sitting in the drawer at home for a while too, yeah.

And, it's never been the case has it, for example, that - I'll; withdraw that. All purchases, can I suggest, Mr Green, on the statements for that account are linked to your card, do you agree with that?---Most of them.

20

No, all of them?---Linked to the card that I had?

Yes?---Yeah. Yeah, but.

Well, when you say the word "but", what do you mean "but"?---Well, I only took the \$5,000 out of that card for the car and I never used it since.

30

You are saying, are you, that aside from spending the \$5,000 to put towards the part payment on the BMW, you never used it?---I haven't used it after that.

And you've never reported your card stolen or lost, have you, with that bank?---No.

Insofar as you know, it's either been in your possession or in the drawer at home, as you said; is that right?---That's right.

40

And what, you deny, do you, ever using that account for the various transactions that appear on the bank statements attached to it; is that the position?

MR LONERGAN: Objection, Commissioner. It is probably more a question of presumption. The witness gave the evidence that after he took the \$5,000 out, he hadn't used the card. He's not saying or I don't interpret his evidence to be saying that he didn't use the card

beforehand.

THE COMMISSIONER: What is the timing of these transactions?

10 MR CHEN: I will just check on that, Commissioner. My recollection was that the card was used to purchase, or the advance on the car was in January of 2016, of the 21st of January 2016. And what I took the witness to, Commissioner, you may recall before the break, was the account as an example for 1 May to 31 May, I think it was, to illustrate some of the expenditure that appeared on the statements.

THE COMMISSIONER: Yes.

MR CHEN: So I had taken it that Mr Green has used it once and now is saying, hence the question, he hasn't used it thereafter.

20 THE COMMISSIONER: He hasn't used it at all. And you wish to contradict him - - -

MR CHEN: I do.

THE COMMISSIONER: - - - on the evidence available, that he used the card, part of the evidence in support of that proposition being that nobody else had the card to use other than himself?

30 MR CHEN: Correct.

THE COMMISSIONER: Mr Lonergan, what's the difficulty here? I know what he has said, but contrary to his position, I am told, the card was used for more than the contribution which was the purchase of the vehicle.

40 MR LONERGAN: Yes Commissioner, I don't dispute that's the evidence given. It may be cured, in my submission, by one question of when does the witness think that he spent the \$5,000?

THE COMMISSIONER: When?

MR LONERGAN: Did he think he took the \$5,000 out. I mean -

THE COMMISSIONER: For the car?

MR LONERGAN: For the car, yes.

THE COMMISSIONER: I will ask him. When do you think you used the card to pay the car out, and used the full credit of \$5,000?---I think it was on the day.

When?---When I got the car.

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

10 MR CHEN: It's January, Commissioner.

THE COMMISSIONER: It is January.

MR CHEN: January '16. I asked the witness, I think I've asked him a couple of times, that the BMW was purchased on or about the 21st of January and I've asked him about when he registered the car on the 23rd of January, I may be a day or two out. I certainly have asked this. If the witness is confused, I'm prepared to put those dates again, if that would assist.

20

THE COMMISSIONER: No, I don't think so. It's common ground, Mr Green, that the car was purchased in January 2016. What's being put to you is that you, however, were in a position to use and did use the card for other expenses beyond that. You deny that, do you?---Well, I'm really confused with this - with this credit card.

No, no, it's quite simple. We are talking, firstly, about one purchase or use of the card towards the purchase of the car: that's in January 2016, \$5,000. The second proposition is that's not the end of the story and that the card was used for other purchases and for other purposes, perhaps cash advances and the like. So what you're being asked now is whether you accept that you in fact did use the card for other reasons than the car purchase in January, and I understand you to be saying no, you didn't; is that right?---There's a bit of - well, I may have. I may have. I can't remember.

30

40

Well, look, Mr Green, what's going to be put to you is some material now to see whether you did or you didn't?---Yes.

In fairness to you, you say "I may have". It may assist you if your attention is taken to some entries and some evidence and you can then make up your mind as to what the true position is, and give a true answer?---Okay.

THE COMMISSIONER: All right.

MR CHEN: Mr Green, I'm going to take you to volume 37, page 370. And you'll see that's a statement, Mr Green, for this account, being 3718. Do you see that?---No.

And it's for the statement period 1 to 31 January 2016.

10 THE COMMISSIONER: Do you see that, Mr Green, in the top right-hand corner?---Yes.

It says the statement begins on the 7th, I'm sorry the 1st of January and the statement ends on the 31st of January, so just bear those dates in mind. Yes.

MR CHEN: And if you would have a look, please, at volume 37, page 372, you can see that somebody with the card made a balance inquiry at Hamilton?---Yeah.

20 That's likely to be you, isn't it?---What is it, the Qantas - - -

No, this is the same statement, Mr Green. So this is an entry for the statement that I've drawn your attention to for the period January 2016. So somebody on the 19th of January made a balance inquiry, i.e., put the card in the machine to work out whether there was any money in there?---Is this the same card that we're talking about that I purchased the car?

30 Yes, because if you look down on the 23rd of January, you can see "Purchase, "Visa, Car Kingdom", "Homebush", "\$5,000"?---Yeah. Yeah. Yeah.

So let's come back to the question I asked you. On the 19th of January, that was you making that balance inquiry, wasn't it, at Hamilton?---Yes, it would have been.

40 And the 23rd of January is when you purchased the BMW from Car Kingdom in Homebush; isn't that right?---Yes.

And that's where you spent the \$5,000 towards the purchase of that car?---Yes.
On that card?---Yes.

And what I've put to you, Mr Green - or what I understand you

to say, and you need to tell the Commissioner if this is wrong - is that aside from that payment towards the car on the 23rd of January 2016, you haven't used the card?---Well, there's been a lot of transactions in Newcastle through it. I probably - I - yeah, I probably did. I can't remember much, but I probably did.

10 Well, you had a look through these statements during the luncheon break, as I understand it, didn't you?---Yeah, I did, and there was some - some stuff on there that I don't agree with, like there's been B-Pay payments put on there which - - -

Don't worry about the credits at the moment, Mr Green?---No.

20 I'm just more concerned about the debits, i.e., money that has been taken out?---Yeah, well, I must have did it, if it's there on the evidence.

Well you accept, don't you, that - - -?---I can't remember much.

Well, you accept, though, don't you, having reviewed the statements relating to this account, that the expenditure upon it was expenditure incurred by you; isn't that right?---I'd say yes.

30 Yes. And that went over a considerable period of time, didn't it, Mr Green?---I'm not sure how much time it went over.

Well it certainly wasn't confined, as you said, to simply paying out the moneys that were apparently owing on a ute, was it?---Money owing on a ute?

Well, that's what you said - - -?---My daughter's, yeah.

40 Well you told the Commissioner that the reason why Nick gave you that card and the money was because you owed money on a ute or another vehicle, and you needed that card to pay out the loan or to pay out moneys that were owed under it?---I did say that but I was wrong, yep.

So really what this was is simply another account opened for your benefit; isn't that right?---Oh, not just - not for my benefit, but, yeah, if you want to put it that way.

Well, Mr Green, so that it's clear, it was money made available in a bank account that you used?---Yeah.

Provided by Mr Petroulias?---Yep.

For your benefit and for your use?---Yep.

10 And you spent it on not only towards a car, but towards day-to-day living expenses; isn't that right?---Yep.

For cash that you withdrew out of the account; isn't that right?---Yep.

And can I suggest to you that the cash you took out of that account was just under \$10,000 - \$9,920?---The - - -

That was all you, wasn't it?---Yeah, it was all me.

20 You were paying for things such as furniture on this account?---Yeah, I - - -

You paid for some traffic infringement notices for your then partner, Toni Manton, didn't you?---Oh, I may have, yeah.

You were paying for car insurance for your Kluger car, weren't you?---I may have; I can't remember.

30 You see all up, Mr Green, what I'm putting to you is that there were, in addition to the cash payments and in addition to the money you put towards the car, there were personal transactions of the kind that I've just mentioned to you that you've seen in these accounts with expenditure of just under \$12,000?---Yeah.

That sounds right, doesn't it?---Yeah, about right.

40 Yeah. And they were all for your benefit, weren't they, Mr Green?---Well, it wasn't only for my benefit.

Well, it's for the benefit of people who you choose to share your, or to share these items with, or share the money with;isn't that right?---That's right.

And Mr Green, explain to the Commissioner why it is that Mr Petroulias is now giving you all of this money to use how you see fit?---Well, a lot of it had to do with cars

and insurances and keep me mobile, keep me going, not to do deals with Mr Tony Zong, if youse are going to go there again. Anyway, but yeah.

All right. I think from your answer you're saying that you were spending it and there doesn't seem to be any doubt in your mind you did spend it?---Yeah, I did spend it.

10 Yes, but, Mr Green, the question is why does suddenly Mr Petroulias extend the generosity to give you access to this account to spend money, seemingly without any form of restriction, on any item you want, totalling around \$26,000?---Well, to keep me mobile.

That's it, is it?---Yeah.

Just to keep you mobile?---Keep me mobile, yeah.

20 And that's your explanation as to why he decided to give you this wonderful opportunity to spend money just to keep you mobile?---Yeah.

And the reason, Mr Green, why would he be doing that, really? Just to keep you mobile? Is that the only reason Mr Petroulias had, so far as you knew, to make this money available to you?---Yeah, to keep me going around, do business.

30 That's not true at all, Mr Green, is it?---Well, it's true in my eyes.

Right. Well, let's look at it this way, Mr Green, if we can: you're spending this money on all sorts of things, such as furniture, food, clothing, online chat, things like that. Why is it that suddenly Mr Petroulias would want to make all that money available to you, seemingly without limit? What does he get out of all of this?---Online chat?

40 Yes. It's in the statements, Mr Green. I can take you to it, if you like. Tell the Commissioner, why is he doing this, Mr Green, not just for this account, all these accounts?--- Well, to keep me mobile and keep me working and doing - keeping me --

You're not working, Mr Green?--- Yes, I do.

You were working for Whitehaven, but you weren't working

for- - -?---No, no, I wasn't working for Whitehaven. I wasn't working for Whitehaven.

So this is really in the form of wages for you, is it?---Yeah.

Is that really the truth, is it?---A lot of wages, yeah.

A lot of wages, is it?---Yeah, that's what I --

10

THE COMMISSIONER: For doing what?---For doing what I did - travel. I done a lot of travelling, I done a lot of living away from home, from my family.

20

He wasn't getting any benefit out of this? You were doing your thing, you say, in relation to Aboriginal affairs, but the person giving you all this money, Mr Petroulias, he doesn't get the benefit of you doing that sort of work?---Well, we were trying to set up a company. I will say it again, we was trying to set up a company for employment for Aboriginal people, and I've done that and I'm proud of it.

But he - - -?---I've done it.

Whatever skills and interests that Mr Petroulias had, he was not interested and had no skills in relation to Aboriginal people, did he?---Well, not that I know of.

30

He didn't ever express any particular interest in helping Aboriginal people, did he?---Well, the way he read a lot of the forms up and the work up was pretty good.

MR CHEN: Well, you never read any - - -

40

THE COMMISSIONER: He didn't have any connection with Aboriginal affairs or Aboriginal people at all before he met you, did he?---Well, a lot of people don't know about Aboriginal --

Would you answer my question. Before he, Mr Petroulias, met you, he had no interest and no involvement in Aboriginal affairs?---Well, to tell you the truth, I don't really know.

You don't know?--- I don't really know.

Do you know whether he did have any interest in Aboriginal affairs before he met you?

MR LONERGAN: Objection. Commissioner, how can he answer that question? Is the question did he know before he met Nick Petroulias that Nick Petroulias had no interest in Aboriginal people?

10 THE COMMISSIONER: Did he know that, yes. He would have, he dealt with Petroulias on a regular basis in this period.

MR LONERGAN: So subsequent to meeting him, did he discover that fact?

THE COMMISSIONER: No, Mr Lonergan.

20 Mr Green, after you got to know Petroulias, did you come to know whether he had any interest at all or involvement in Aboriginal affairs? Did you ever discuss that with him?---Yeah, I discussed a lot of stuff with Nick about it.

And what did he reply? Did he say he had been involved in Aboriginal matters and was interested in Aboriginal matters, or not?---Not really.

30 So coming back to why he was giving you all this money, it seems without restriction and no conditions being laid down, you just used the money however you saw fit, why would he give you such a beneficial financial benefit or facility? Why would he do it?---He never only give it to me.

Yeah, why. Why only you?---Like I said, to keep the ball rolling.

To keep the ball rolling?---Yeah.

40 Which ball?---I will say it again, such as set up employment for Aboriginal people, and I've done it.

You've done it?---Yeah, I've done it.

Is he involved in that, Mr Petroulias?---He was involved in that. He was involved in it.

Was he?---Yeah.

What was his involvement?---Well, he was the guy that originally helped me to get the excavator and the truck and now I employ 20 Aboriginal people because of that.

And did he do anything else to help the Aboriginal cause?--- Oh, he - he done a lot of paperwork. I've got all the paperwork there.

What sort of paperwork?---All the paperwork's there.

10

What sort of paperwork did Mr Petroulias do in relation to Aboriginal affairs?

A. Yeah, what we intended to do, like the port, like the railway lines, like the inland rail from Melbourne to Brisbane that I'm working on now too.

Do you maintain that that paperwork will show Mr Petroulias actually doing work for the Aboriginal cause?---Yeah, it's there in my bag.

20

And these are documents created by whom?---Nick.

And what sort of documents are they?---It describes what we intended to do.

And you say you've got them here?---Yeah, they're there.

THE COMMISSIONER: Okay. Step down and would you get those documents out, please.

30

(The witness left the witness box)

MR LONERGAN: Commissioner, some of the documents have been provided to the Commission this morning, so the originals --

THE COMMISSIONER: This is a particular class of documents which he says are in his bag. They are the documents I want produced.

40

MR LONERGAN: I think he's also referring to those documents.

THE COMMISSIONER: They are the documents I'm referring to, Mr Lonergan, and you should too. Do you have all the documents out of your bag?---Yes.

Before you hand them up here, would you show them to Mr Lonergan, please. Show them to your barrister?---(Witness does as requested)

THE COMMISSIONER: Mr Lonergan, would you have a look at these documents. Are you able to tell us whether or not copies have already been sent to the Commission? Mr Green, you may resume your seat now, thank you.

10 (The witness returned to the witness box)

THE COMMISSIONER: If you are not in a position, Mr Lonergan, just say so, if you need more time.

MR LONERGAN: Commissioner, in relation to these documents, they have not been handed to the Commission. However, there are some documents that have been handed to the Commission that are --

20 THE COMMISSIONER: Some of the ones he's just got out of his bag, do you mean?

MR LONERGAN: No, because the originals are in the possession of the Commission.

THE COMMISSIONER: I think the best idea is, then, if you just bundle them all up into one bundle. You seem to think some much these documents have been provided earlier on?

30 MR LONERGAN: Commissioner, some documents have been provided to the Commission.

THE COMMISSIONER: But you're not sure whether they are the same documents you are holding now?

MR LONERGAN: Yes.

40 THE COMMISSIONER: Would you hand those to the Commission's officer and hand them to counsel assisting. You may or may not want to question Mr Green on this on another occasion, but I --

MR CHEN: I should say for the record I think Mr Lonergan kindly provided some documents to the Commission this morning. I haven't looked at them yet, Commissioner. I haven't had an opportunity. I don't know what has been provided. We'll look at them and if there's something

that's important in it, we'll take it up with Mr Green or we'll tender it, Commissioner.

THE COMMISSIONER: If you could have those bundled up and secured so that they don't come apart and then we'll have them marked I think at this stage, and then you can overnight have a look at them.

10 The bundle of documents which Mr Green has taken from his bag just a few minutes ago will be together marked for identification. I will have them marked as MFI #13, it's a bundle of documents. Property returned and handed to Counsel Assisting

#MFI-030 - -BUNDLE OF DOCUMENTS PRODUCED BY RICHARD GREEN ON 18 JULY 2018

THE COMMISSIONER: We will deal with those on a later occasion. occasion.

20 MR CHEN: Now Mr Green, I want to show you some other documents, please: volume 37, page 130. Now you can see on the screen that this appears to be an application form to open a Macquarie Cash Management Account for United Land Councils Limited. Do you see that?---Yeah.

And you will there, down the bottom of the page, it has you as being the relevant company officer and the sole director. Do you see that?--- Yeah.

30 If you turn to the next page, you can see some of the information which is on the other Macquarie Bank opening forms has also been inserted there. Can you see that?---Yeah.

Identifying you as being the relevant party who is seeking to open the account. Do you see that?---Yes. Only one problem.

40 What's that?---My mother's maiden name.

I think you've said that before?---And I don't respect that, yeah.

I'm sorry, I didn't hear that?---I don't respect that for my mother.

I see, Mr Green, would you turn over, please, to page 134. So Mr Green, can you see on page 134 its got again your details completed there in handwriting? Do you see that?---Yes,

it's not my handwriting.

I was going to ask you that. So it's not your handwriting, is it?---No.

And if you then please turn over to page 136, you can see there's an account number that's provided, namely, 9874?---Yeah.

10 Mr Green, if you look to the next page, sorry 137, you can see that some further information is given to complete identification and your name is given, Richard John Green, as part of the United Land Councils. Do you see that?---Yes.

Do you know anything about the opening of this account, Mr Green?---No, I can't recall, but my signature's probably on it.

20 Well, do you know anything about this account being opened or not?---Not really sure.

Well, just have a look, Mr Green, if you would, at volume 37, page 175. And you can see that there's a resolution of directors by entry in the minute book dated 13 May 2015. Do you see that?---Yes, I do.

30 And you can see that a resolution has been passed on that day opening a bank account. Do you see that?---Yeah, I can see that.

And that's your signature that appears there, does it not, down the bottom?---Yes. Yes.

Do you remember signing this, Mr Green, after you had a meeting to resolve that a bank account be opened?---I don't remember the meeting and the minutes, whatever.

40 Well, do you deny that you assisted in opening this account, Mr Green?---No, and I'm - the signature looks the same as all the rest that I've seen, too.

You can see, Mr Green, that the JP who apparently has certified this to it be a true copy of the original, Lisa Cozis, also certified your driver's licence, you might recall?---I still can't recall her.

All right. Well did you take this document to a JP to have them attest that it was a true copy of the original of this resolution made?---I didn't. I can't remember, and - - -

Well, which of those answers is right? You didn't or you don't remember?---No, I don't remember going to a - to a JP.

10 THE COMMISSIONER: The document headed "United Land Councils Limited" is given an address in Old South Head Road, Rose Bay. Do you know that address?---No, I don't.

Do you know anybody who occupies premises at that address?---No, I don't.

Or used to at the time, that is, May 2015?---No, never did.

20 MR CHEN: You don't know anything about this account?---Well, I'd say no. My signature got put there somehow.

Did you ever deposit any money into this account?---I - no.

Did you know that United Land Councils actually even had a bank account?---No, I didn't.

30 No, what it didn't need one, on what you have said to the Commissioner, because it didn't actually derive any income, did it?---No.

40 Would you have a look, please, Mr Green, at volume 37, page 201. And you can see, I am sorry, just before we move to that Mr Green, can I suggest that that bank account that I just took you to was opened again with Macquarie on or around the 7th of December 2015 - that is, around the same time as these other accounts that I've taken you to earlier today. Does that assist you at all in whether you may have participated in the opening of that account?---Look, I really can't remember all this stuff. I - you know, my signatures are there but I'm not verifying that that's my signature. I'm bewildered. I'm - - -

Now, Mr Green, I was just taking you then to volume 37, page 201, and you can see, again, that this is another account opened with Macquarie, this time in the name of United Land Council Trustees Limited. Do you know anything about that account?---No. I knew we had United Land

Councils and that on a business card, but I didn't know anything about - or I don't think there was any bank accounts open.

THE COMMISSIONER: Did United Land Council Limited do anything? Did it earn money?---No.

It never engaged in any activity all?---Not that I know of.

10 Resulting in that company putting funds into these accounts?---Not that I know of.

It was just a company formed at some stage but it just sort of sat there and did nothing; is that right?---Yeah. I might have put money in there, but I don't know.

20 Is that your understanding, that it was a company really formed in about 2015, or purchased in 2015, but the company didn't actually get going?---No, that's right.

It wasn't doing anything; is that right?---That's right.

And if you look at page 201, Mr Green, of volume 37, you can see that this relates to United Land Council Trustees Limited and, again, you're identified as being the company officer and sole director of that company. Do you see that?---Yeah.

30 And Mr Green, this account has also been opened on or around the 7th of December 2015. Do you know anything about this account being opened?---Not sure. Not sure.

Well let's turn over to the next page, this might help. If you look at page 202, you can see, aside from your mother's maiden name, this is the same information that's been carried across all of these forms with Macquarie. Do you see that?---Yeah.

40 And if you look at page 203, you are nominated as the beneficial owner of the company?---Yeah.

If you turn to page 205, it's got, again, your name. Do you see that, on page 205, under the heading "Individual Identification Procedure"?---Yeah.

And that's not your handwriting, is it?---No, it's not.

Do you know whose it is?---No, I don't know whose it is.

You can see, if you turn over to 207, this relates to an account ending 9882?--- Yeah, I can see that.

And if you look, please, Mr Green, at volume 7, page 208, you can see that it's recorded that you were an existing client of the bank and you weren't required to provide any further identification. Do you see that?---Yeah.

10

You can see, if you turn over to the next page, Mr Green, that this is a company extract that was provided to the bank?---Yes.

Identifying you as being a director, or the director and shareholder of that company?---Yeah.

Do you know anything about you being a director and shareholder of that company?---I've seen this paperwork before.

20

Right. My question was do you know anything about you being a director and shareholder of that company?---I think Nick did say that I was a shareholder of companies that he set up.

Right. Well do you know why it's set up in New Zealand?---No.

What did he tell you why you were being appointed to such a position or why you were becoming a shareholder of this company?---Oh, he wanted to do business over there with the Maoris and with the traditional owners of Australia.

30

Well have a look, Mr Green, would you, at volume 37, page 220. And you'll see that you attended minutes of a meeting held in Westport, New Zealand, on the 20th of December 2015, you chaired a meeting and had a discussion about Australian banking. Do you see that?---Yes.

40

THE COMMISSIONER: Have you ever been to Westport, New Zealand?---I've been to New Zealand once and - no, I haven't been there.

You haven't been to Westport in New Zealand?---No.

Has this document got your signature on it, page 220? Yes, I think that's on the screen now. Scroll down a bit, yes.

Is that your signature?---Yeah, it looks like it.

You've signed a document which says that you were present at a meeting of the trustees company at 197 Palmerston Street, Westport, New Zealand, on the 20th of December 2015 at 5pm?--- That is - - -

I take it that that's not true?---Untrue.

10 Mmm?---That's not true.

It's a falsehood?---Yeah.

Why would you sign a document with a false statement in it like that?---Well, there's my signature there. It looks like my signature, but like I've been saying all along, you know, my signature could have been put there, I don't know, but I haven't been there.

20 Assume for the moment that a finding will be made that it's your signature. Why would you sign a document containing that false statement?---Well, I wouldn't --

When you never went to Westport on that day and never attended a meeting of the company that day, why would you sign a document containing such a false statement?---Well, I say I wouldn't sign it, if it was anything to do with New Zealand and all this kind of stuff.

30 I will put it once more. Why did you sign this statement, these minutes of meeting containing that false statement?---I'm not saying I did sign it.

It's got your signature on it, hasn't it?---Well, it looks like my signature, yes.

Assuming that it is indeed your signature, why would you have signed it when it contains a false statement?---Well, again, I probably didn't read it, if I signed it.

40 MS NOLAN: I object to this.

THE COMMISSIONER: I am sorry, did you say you probably didn't read it?---Yes.

Is that consistent with your past practice to sign documents without reading them?---If I signed it.

MS NOLAN: Commissioner --

THE COMMISSIONER: Is this another example --

MS NOLAN: Commissioner, I have risen to object.

10 THE COMMISSIONER: I will hear you in a moment. Is this another example of you doing anything in terms of signing documents that Mr Petroulias asks you to do? In other words, you will sign documents that Petroulias puts before you without reading them in order to assist him?

MR LONERGAN: Commissioner, I object also.

THE COMMISSIONER: Why?

20 MR LONERGAN: The witness has answered that he does not believe that he signed the document.

THE COMMISSIONER: He what?

MR LONERGAN: He does not believe that he signed the document.

THE COMMISSIONER: Do you anticipate there will be an affirmative case to prove that this is a forgery, or somebody else's signature?

30 MR LONERGAN: I'd certainly seek to call on his passport details in order to establish that he's --

THE COMMISSIONER: I just ask you - you should know by now - do you propose to put before the Commission, make available to the Commission, an affirmative case that the signature on this document was a forgery?

40 MR LONERGAN: I am not in a position to be able to answer that question.

THE COMMISSIONER: I am going to keep investigating a bit, Mr Lonergan.

MS NOLAN: Commissioner, can I please also join in that objection? I want to take you to something, please, Commissioner. Would you please look down the page. You will see Despina Bakis's, my client's signature. The

Commission has had ample opportunity to see Ms Bakis's signature and I can assure the Commission that is not her signature, so I enjoin with my friend with respect to the fact that --

THE COMMISSIONER: You say it is not her signature?

MS NOLAN: That is not her signature, if you look at it.

10 THE COMMISSIONER: It doesn't prove it's his signature, though, does it?

MS NOLAN: No, but it goes to the positive case that I think my learned friend is moving the Commission - this witness has repeatedly answered that he doesn't think he signed these documents. He acknowledges his signature. Then the Commission, or Mr Chen, as counsel assisting, will push it that further bit and say, "Assume that you did sign it, you did it for this purpose." And I have objected on
20 one occasion --

MR CHEN: I didn't ask that and my learned friend shouldn't say that.

MS NOLAN: Could I finish what I am saying?

MR CHEN: You should make sure that it's accurate before you say it.

30 MS NOLAN: Well, thank you, I will. The Commissioner has just embarked on this line of questioning asking the witness to assume that if this is his signature, he did it for this reason. That is such an internally inconsistent proposition, with respect, Commissioner. It cannot be maintained and I can positively say that this document has not been signed by my client, so that does lend itself to the proposition that this witness has been trying to
40 advance to this Commission now for nearly two days, that a lot of documents may bear his signature at least on sight, but he can't affirmatively say whether or not he signed it. And it's not in my submission, it is not appropriate to then go on and ask him to assume that he signed it as part of the design that this Commission is --

THE COMMISSIONER: You should be very careful of what you say. Do you say that there is an affirmative case that will establish that this man's signature on other

agreements are forged signatures?

MS NOLAN: I can't, but I might - - -

THE COMMISSIONER: If you don't have an affirmative basis for making that submission, you should not make it.

MS NOLAN: I am not making it in respect of every other document.

10

THE COMMISSIONER: You just made it a moment ago.

MS NOLAN: I have risen in respect of this document, Commissioner.

THE COMMISSIONER: Ms Nolan, would you step down. I have heard your submission, thank you.

20

Mr Green, in relation to this company, United Land Council Trustees Limited, did you ever have a discussion with Mr Petroulias about that company?---No, I never.

And was it your practice, whenever Mr Petroulias put a document forward for your signature, that you would sign it without reading the document?---Well, I'll say yes, to just end this.

Was that your practice?---Yes. Yes.

30

It was. And was that because you were prepared to do anything to assist Mr Petroulias that he asked of you?---No, untrue.

Well why would you, without reading the document, acquiesce in his request to sign documents? Was it to assist him?---I keep on saying no. No. No. For God's sake, youse are bringing me to - drive me into depression.

40

THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: Mr Green, anyway, you know nothing of this account, I take it?---I'm not sure. You're confusing me. My head is just --

MR LONERGAN: Perhaps if you can take him back to the accounts to be able to answer the question.

MR CHEN: I am sorry, I'm not sure what the objection is.
I am sorry, I didn't - - -

MR LONERGAN: I am just objecting on the basis that if he
is taken back to the accounts --

THE COMMISSIONER: Mr Lonergan, would you mind sitting
down, please, and let's get on with it.

10 MR CHEN: Mr Green, all I was asking you really is do you
know nothing of this account, which is account - if you
want to look back, page 201, United Land Council Trustee
Limited, with Macquarie Bank?---As far as I remember, no.

Therefore, you're not in a position to comment or explain
any of the transactions that have occurred in the
statements of this account, I take it?---No.

20 What is clear is that you never, I take it, made any
transactions in or out of this account; is that the
case?---I don't think so. I'm not sure.

Mr Green, you mentioned earlier that you did go to
New Zealand on one occasion?--- Yes, I did.

You mentioned that a few moments ago, that it wasn't to
Westport. But it was somewhere else, was it?---I think it was
Christchurch.

30 Did Mr Petroulias ask you to go there?---Yes, he did.

Did Mr Petroulias pay for you to go there?---Yes, they did.

When you say "they", is it more than Mr Petroulias?---No,
no, he did, yeah.

40 What was the purpose of you going to New Zealand,
Mr Green?---I told the Commission this before, to get a
driver's licence because we was going to do business with
the Maoris, the traditional owners of New Zealand, and the
Aboriginal people of Australia.

I see?--- I've said that before.

When did you go to New Zealand, Mr Green?---I'm not sure
what date.

Right. Was it in about April of 2016?---Probably.

Was the purpose of you going simply to get a driver's licence in New Zealand; is that right?---Yes, so I could drive around, yeah.

Did you sit the test to - - -?---Yeah, I did sit the test.

10 Just allow me to ask the question, if you would. Did you sit the test to acquire the driver's licence?---Yeah, I did. Oh, no, no, no, I didn't sit the test. I just told them that I'd be over there doing some work and whilst I'm over there I needed a driver's licence to drive around.

Really? What, they gave you a driver's licence, did they?---Yeah.

20 THE COMMISSIONER: Are you making this up?---Why would I make it up when I'm telling the truth here? You can get the records and find out if I sat for a test.

You're telling the truth when you said you went to New Zealand to get a driver's licence?---Yes.

MR CHEN: But you just turned up, what, to the motor registry in New Zealand and asked for a driver's licence and they gave you one?---Yeah.

30 What address did you give them for the driver's licence to be made up?---Oh, I can't remember.

Was it an Australian address or a New Zealand address?---No, it was a New Zealand address.

You didn't live in New Zealand, did you?---No, but I was going over there to do business, apparently.

40 Right. Where did you get the address from?---Oh, Nick gave me the address.

Where did he get the address from?---I didn't ask him.

So he gave you an address, you provided it to, what, the motor registry and you got a driver's licence with that address?---Yeah.

Before this time that you went to get a driver's licence,

when was the last time you went out of Australia?---Never.

When did you apply for a passport to enable you to go to New Zealand, Mr Green?---Probably maybe three months before that, I think.

Mr Petroulias suggested you go and apply for a passport, did he?---No.

10 What, you just went off and did it yourself, did you, in the hope that you might go overseas one day?---No. I was going to take my wife over to Thailand to get a boob job, if you really want to know.

When did you apply for your passport?---Oh, not really sure. I don't know the date, but the passport was in my luggage this morning. It went in my port.

20 Did you ever give Mr Petroulias a copy of your passport?---I'm not really sure.

You may have done, mightn't you?---May have.

Did you ever use your passport to open any of these accounts, Mr Green?---Not really sure.

30 Anyway, you think you may well have given Mr Petroulias your passport or a copy of it; is that right?---Oh, I don't know; can't say I did, can't say I didn't. I always left things laying around on the table.

Now Mr Green, I'm sorry, what did you say?---I said I've always left things laying around on the table.

What, and he picks them up, does he?---Well, I'm not saying he does that at all.

40 Why were you saying that then?---Well, I do. I leave things laying around the table. The kids get hold of them, they take them away.

Now Mr Green, you, I think you agreed yesterday that you opened a Best Pay Custodial account on the 7th of April 2015 at BankWest at Burwood. Do you remember that?---Yes.

Do you remember being provided with a card for that account?---Not on that day. What, a keycard?

Yes?--- I don't think it happened on that day, I think it got sent to my address.

Anyway. You certainly got one, though, didn't you?---Yes.

And did you use that keycard at all?---Yeah, well, it was a keycard that I give you not long ago.

10 I'm sorry, I didn't hear what you said?--- It was the keycard that I give you not long ago.

I'm not sure what you mean by that, but Mr Green, you used that card, didn't you, when you were in New Zealand; isn't that right?---I could have.

Yes. Did you use that card to pay for this driver's licence that you needed?---I could have. I can't remember.

20 Anyway, the payment for this driver's licence that you secured was paid for in one of these accounts that you opened with Mr Petroulias; isn't that right?---Yeah. Yeah. I'm not really sure.

I asked you a little bit about this account yesterday, Mr Green. I'll just take you to some of these, Mr Green. Mr Green, I just want to show you some statements, if I can, and see whether you can assist the Commission with what this account was used for. If you have a look,
30 please, at volume 36, page 24, can you see on the screen, Mr Green, that this is for the statement period July to October 2015? So top right-hand corner?--- Yeah.

And if you look right down the bottom, Mr Green, you can see that the total debits on the left-hand side are just over \$400,000, total credits \$406,000? Do you see that?---Oh, I wish I had that.

40 This is your account, Mr Green and you're the director of this company. What's going on with these transactions? Can you assist the Commission?---I have no idea. I haven't seen this before.

All right. You know nothing about - - -?---Know nothing about it.

You don't know where this money is coming from or going

to?---No.

Would you have a look at page 26, Mr Green. You can see that there are a number of entries there relating to Gows collection, Gows collection loan. Do you see that?---Yeah.

Why is money going to Gows from this account, Mr Green?---I just told you, I've got no idea.

10

You know who Gows is, don't you?---Well, I do now.

Right. You knew back at least in 2014 who Gows were, didn't you?---I don't know anything about this account.

I'm just asking you about Gows, Mr Green. You knew who Gows was, at least in this time period - 7 October 2015 to 6 January 2016 - didn't you?---Yeah, probably. Yeah. Yeah.

20

So where is this money - why is it coming in from Gows, can you say?--- I just told you, I don't know anything about this account. I've never seen it before. I haven't seen a figure like that.

Mr Green, I asked you yesterday about another Best Pay Custodial account with BankWest that you opened, account number 9256. Mr Green, you were, can I suggest, with this account, an authorised signatory of it? I'll just bring it up for you. Page 364, volume 36. Do you remember I showed this to you yesterday, Mr Green?---Yeah.

30

You were identified, as you can see on the second page, as the customer service manager of Best Pay Custodial?---Yeah.

And through this account, sorry Mr Green, you were also issued with a card for this account, weren't you?---Well, is that the card that I give you?

40

No. You were issued with a debit Mastercard, weren't you, for this account?---A lot of this stuff, letters and that, came to my house in Mayfield and I put them in an Express Post and I sent them to Nick.

Right. Well, Mr Green, let's move along. You, can I suggest, knew of the existence of this account and used it, would you agree?---I used it?

Yes?--- I used one account.

Well Mr Green have a look, if you would, at volume 36, page 391. Do you see there there is a contract for the purchase of this Mercedes vehicle that I've asked you some questions about?---Yeah.

10 You can see the date, down the bottom right-hand corner?---Yeah.

And that's the car that you purchased, isn't that right, for \$10,000?---I purchased it?

Yes?--- In what sense?

Well, you bought it?--- With cash?

20 Well, using money from this account, didn't you?---No, I can't remember giving them any cash.

I'm just saying you used the money from this account, Mr Green?--- Well, I don't know whether it come from this account at all.

Well, I'll show you. Have a look at page 377, if you would. Can you see down the bottom, the second-last entry, \$10,000, "Car Expense"?---Yeah.

30 That's how much, in fact, you paid for this car on the 29th of October 2015; isn't that right?---Hang on, let's get something clear here. Was it B-Payed through or was the cash given?

Well, Mr Green, let me ask the questions. You went into a - - -?---Fine by me, yeah.

40 I'll ask it a different way, Mr Green, and we'll perhaps come to an understanding as to what the position is. You went into a car dealership to buy this car, didn't you?---I went in to have a look at cars.

All right. Well, there's no doubt you bought a car, a Mercedes, in October 2015, is there?---No, there's no doubt.

Right, okay. That was not money that you had in your own

personal bank account sitting ready to use, was it?---No, that's right.

It came from Mr Petroulias, the money, didn't it?---Well, it came from somewhere.

Right. And that somewhere is Mr Petroulias, isn't it, it's certainly not you?---Well, what account did you say it came out of?

10

That's what I'm - - -?---It was sent there to the car yard.

All right. So you know nothing of how that money made it to the car yard; is that right?---Well, I know it would have come from Nick in the long run.

All right. Did you speak to the sales person and say, "Well, someone's going to transfer the money into your account"? Is that the position?---Well, no, Nick had a relationship with them.

20

With who? What, the car dealer?---The guy at the car yard, yeah.

I see. Did he go with you, did he?---Yeah, he went with me on a couple of occasions. I don't know - I can't recall whether he was there on that day, but there was no cash changed hands that day.

30

You see, Mr Green, did you also spend some money at Tyrepower in Newcastle on the 4th of December from this account?---I said that before - - -

You did?---About it.

Let's have a look at page 408, volume 36. That's the invoice, is it, Mr Green, that you secured for the expenses at Tyrepower on 4 December 2015; is that right?---I've said that before.

40

You accept that's money you spent, do you?---Yes.

And again, where do you say that money came from, Mr Green?---Probably from Nick.

You can't say which account it's come from; is that the position?---No, I never operated any of those accounts,

only the one that I operated was the card that I give you.

Well, Mr Green, I don't want you to think that I'm accepting that proposition. You've certainly given evidence that you've used several cards, at least?---Yeah, yeah, yeah, yeah, but I'm talking about this one.

All right?---Yeah, from the WestBank.

10 Just have a look, Mr Green, at volume 36, page 379. I'll just suggest to you, Mr Green, you probably haven't seen this, but the expense on 4 December 2015 is the Tyrepower expense?---Which day?

4 December 2015?---Pretty expensive tyres.

20 Well, that's right. In fact, it didn't proceed, did it, Mr Green? They gave you a refund, didn't they?---I remember getting four tyres and four mags.

You do or you don't?---Yeah, I do. I had four new tyres and four mags. Which car are we talking about? I've had several.

Well, it appears to be that Ford. I understand that. It says on the invoice that it's the Ford XR6?---No. Well, the tyres and the mags got put on that car.

30 You didn't?---Yes.

You did?--- Yes.

Well it may well be that you're mistaken, Mr Green, and maybe what happened is it didn't proceed and they gave you a refund. Does that ring a bell at all, Mr Green?---Well, I wasn't driving around on rims.

40 Well, I'm not asking you - - -?---No, no, the tyres, as far as I can recall, the tyres got put on.

You have a account as well in your own name, do you not, with the Commonwealth Bank number 1587?---I used to have it a long time ago.

Well just have a look, if you would, at volume 37, page 242. Do you see that in front of you, Mr Green? There's a statement for this account for the period 1 July to

30 December 2015?---Yeah.

Mr Green, I've asked you some questions about this in general terms in the past, but you can see on 22nd of September there is a deposit of \$2,000? Do you see that?---Yeah. Yeah.

This is a bank account that you operate, isn't it, Mr Green?---Used to operate.

10 All right. What you told the Commission on the last occasion is that you spent a bit of money buying a lounge and some furniture, do you remember?---Yes.

That was money, Mr Green, that came into your account from a cheque from Knightsbridge North Lawyers; isn't that right?---Yes.

20 That required you, the receipt of that cheque, to go to the bank, which you did, and fill in a deposit slip, didn't it?---Yes.

You completed the deposit slip identifying that the person who wrote the cheque was Knightsbridge North Lawyers; isn't that right?---I'm not really sure, but - - -

Well, look, Mr Green, at page 264. Do you see the cheque or a copy of the cheque there?---YeAH.

30 That was the cheque that you deposited in the bank account 1587, isn't that right, on the 22nd of September 2015?---That's right.

That was money that you had requested that Mr Zong provide to you; isn't that right?---In what way I requested it?

Well, you certainly made a request - - -?---I asked for sponsorship for a rugby league football team.

40 That's right?---Yeah.

And Mr Zong, as you knew at this time, had actually entered into an acquisition proposal with the land council; isn't that right?---I've explained - can - I always get cut off.

No, you don't, Mr Green?--- I've explained about this before. I always ask people for sponsorship. I'm a bludger because my people haven't got anything to

participate in sports programs, so I ask people with money can they sponsor it. I do it all the time to a lot of people, and that's what I asked for. Not because Mr Zong was doing a deal, so you say, with Awabakal; I asked all people.

Why, Mr Green, is the cheque from Knightsbridge North Lawyers as opposed to Mr Zong?---Well, I don't know.

10 Well, you must know, Mr Green? There's a cheque from lawyers who, at least on one view of the evidence, had been retained by you to represent the land council in relation to property deals. So explain to the Commissioner why it is that when you're walking up to the bank on the 22nd of September, it's a cheque from Knightsbridge North Lawyers' trust account as opposed to a cheque from Mr Zong or Sunshine?---Well, Knightsbridge might have sponsored us; I've got no idea.

20 Well, you're the one that asked for it, Mr Green. You've now made that statement about asking for sponsorship. You asked for the sponsorship from Mr Zong or his company, not Knightsbridge North Lawyers; isn't that right?---Well, yes, that's right.

So why is it that you are depositing a cheque from Knightsbridge North Lawyers into your bank account?---Oh, what do you want me to say? I got it and I went and deposited it.

30 Why is it from Knightsbridge North Lawyers and not Mr Zong?---I've got no idea.

You do have an idea, Mr Green, you know that it's because Mr Zong and his company had entered into an agreement that you had signed in June of 2015?---No, that's not true.

And that's why you were asking him for the money?---No, that's not true.

40 You know it's true, Mr Green, don't you?---No, it's not true. No, it's not true.

In fact, all of these accounts that we've gone through, Mr Green, is part of your reward for helping Mr Petroulias; isn't that right?---That's not true.

And what it is is, this idea that you're travelling around the countryside visiting people is simply made up, isn't it?---No. If I had the people here they'd tell you where I went to and all the travel I did - all over the country.

10 Mr Green, yesterday we have it that for a couple of days here and there over a period of three or four months, you're travelling around the countryside getting a couple of thousand dollars at most; that was your evidence yesterday, Mr Green, wasn't it?---Yeah.

20 And then when I've taken you to, in fact, that you've received quite substantial sums of money, your evidence has changed, hasn't it?---Well, no, because - you know, the thing is I do a lot of travelling around this country for work. I've stopped since I have started working with Whitehaven because I'm getting too old to do it now, and it costs a lot of money. When you go away somewhere, you know, for a week, what is it, \$1,500 to go away? You know, stay in a big flash motel. (Speaks in the Aboriginal language). Just because I'm a blackfella don't mean to say I don't get the money.

Please, Mr Green, I haven't raised that?--- Well, you know.

You see, Mr Green, when I was asking you as well some questions about the discussions that you had with Mr Petroulias about the summons you received - - -?---Yeah.

30 -- the reason why you were telling him and, in doing so, breaching the Act, of what the summons stated and what the offence was for not complying with the direction was because you and he and others were working in this scheme; isn't that right?---I will repeat myself again, that's not true.

40 And you were prepared to breach the law to let Mr Petroulias know about what was going on; isn't that right?---No, I didn't really understand at that time.

Well, you did try and say that yesterday?--- Yeah, but anyway.

I'm sorry, on Monday, but you did manage to read out not only that it was an offence to do it, but the specific provision of the ICAC Act that created the offence, didn't you?---I don't understand that.

You read out to Mr Petroulias the specific provision in the summons that stated it was an offence to disclose what you disclosed on the telephone, didn't you?---Well, you heard the conversation, yes.

10 Yes. And you did that, you were prepared to breach the law to help Mr Petroulias because you and he and others were in on this idea of extracting money from peoples such as Mr Zong and attempts to extract money from others; isn't that right?---That's not true.

MR CHEN: Commissioner, that's the examination of this witness.

THE COMMISSIONER: Yes, thank you. All right. Who is next? No questions from the Bar?

20 MS NOLAN: If the Commissioner pleases.

THE COMMISSIONER: Now Ms Nolan, I understand that there have been some discussion following your advice yesterday that you are unavailable tomorrow; is that right?

MS NOLAN: That's correct.

30 THE COMMISSIONER: I do note that, as a matter of courtesy, notice should have been given before yesterday that you are otherwise occupied tomorrow. This week had been set down for this hearing for some time. I understand the first time you've drawn anybody's attention to your unavailability because of another professional engagement, I gather, was yesterday.

40 MS NOLAN: Yes. If there is some blame to be attributed to anyone it should be me, because I didn't understand that that's what I was required to do; that is the first point. Secondly, what I thought was the appropriate thing to do was to see what witnesses were to be called this week.

THE COMMISSIONER: I am sorry, I am having trouble again hearing you. Are you able to move closer to the microphone or lift it up towards you?

MS NOLAN: I can't lift it up but I've moved closer. My client's interests are not necessarily affected by every witness that the Commission may wish to make inquiries of.

When I saw Mr Green was to be resumed until today and then the two Mr Mohammads were to be called, I assumed that my commitment would not trammel upon any of that. It was only when things looked like they may be straying into the next day that I thought it prudent to raise it with my learned friends. To the extent to which I've inconvenienced the Commission, I do apologise, that is just my blunder.

10 THE COMMISSIONER: It does cause inconvenience because it means that witnesses had been arranged for Friday which now we have to try and rejig the program for. That's why I'm raising it. It is inconvenient. Inquiries are being made, I think now, to reshuffle witnesses, if they can, from Friday and either bring them forward to tomorrow.

20 Ms Nolan, it is just common courtesy and other members of the legal professional have been in contact with Commission officers earlier inquiring about when witnesses are being called and so on so that they can be accommodated, and so on, and other arrangements made. That's why I'm saying leaving it until yesterday to advise that you are unavailable is just not good enough.

That being the case, the question is how to deal with this situation. Firstly, do I take it that you have certain issues you want to raise with this witness?

MS NOLAN: Yes.

30 THE COMMISSIONER: That somehow are said to affect your interests; is that right? You appear for Ms Bakis.

MS NOLAN: Yes. Yes.

THE COMMISSIONER: Have you formulated, as it were, what those issues are?

MS NOLAN: Yes.

40 THE COMMISSIONER: All right. Is that in a document, or --

MS NOLAN: It's a document that I'm not going to disclose to you, but yes.

THE COMMISSIONER: Not disclose to the witness, but are you saying you will not disclose it to me?

MS NOLAN: The document is my personal notebook. I am not going to --

THE COMMISSIONER: All I want is we either sit here while you go through the various issues that you want to deal with in cross-examination, or you hand up a document so that I can read what those are. I am not asking for your notes.

10

MS NOLAN: I will need to do the former because I'm not going to hand you my notes.

THE COMMISSIONER: I am sorry you need to?

MS NOLAN: I am not handing the Commission my notes. These are my --

20

THE COMMISSIONER: Did you not hear what I said?

MS NOLAN: No. No, I will --

THE COMMISSIONER: I am not asking for your brief. I am not asking for your notes. I am asking for you to identify, ideally in a document, what are the areas that you wish to raise questions about.

30

MS NOLAN: I can do that. I can transcribe it to a document. Would you like me to do that?

THE COMMISSIONER: The question is when are you going to be able to provide that? When are you asking for leave, as it were, to return to cross-examine this witness?

40

MS NOLAN: I am sorry, I have probably been at cross-purposes in answering the Commission's questions. I spoke with Mr Broad and Mr Broad said that I would be the first examiner today and I understood that I would not need to make that application for leave, that I would be making the examination today.

THE COMMISSIONER: Well there's not much of today left, that's why I'm wondering whether, if I knew what the issues were, we could put some sort of an estimate around it as to how long you might be.

MS NOLAN: I don't imagine I am going to take up the rest

of the day. It is 20 to 4, I am sorry. I have just noticed the time. Last time I looked at my clock, it was just before 3. I apologise. I see what you are saying now. Well how would you wish best to proceed, Commissioner? I have already apologised. The basis for me not informing the Commission was that I didn't think that I needed to examine any of the witnesses set down for Thursday, so that my non-appearance would not be problematic, as it has turned out to be. I have informed the Commission as early as I realised --

10

THE COMMISSIONER: I think what I will do, Ms Nolan, just to interrupt you for the moment so you don't have to go over it all again, I'll let you proceed this afternoon and go as far as you can in the time available, but overnight, sorry not overnight but tomorrow some time we would need to have adocument setting out the other areas you would want to cross-examine on so that I can rule upon whether that's, that you'll have leave to cross-examine on those areas. I think in the moment we'll try to utilise what time is left this afternoon for you to commence your cross-examination and then we'll have to determine whether or not you continue on Friday or on some other day.

MS NOLAN: If the Commission pleases.

THE COMMISSIONER: Mr Green?---I want to go to the toilet, please, if you don't mind.

We will take a break in a moment?---Yes, thank you.

30

THE COMMISSIONER: Mr Lonergan, do you want to raise something? Mr Green, you should wait, I think. I'll only be a couple of minutes. If you could just wait for a couple of minutes.

MR LONERGAN: On Friday I do have the first half of the day that I did certainly not intend to be here, but I can certainly be in attendance after lunch on Friday. Again, it was not expected that Mr Green would be - - -

40

THE COMMISSIONER: You are otherwise engaged, in other words, on Friday?

MR LONERGAN: On Friday morning, yes.

THE COMMISSIONER: All right. We will try and meet your convenience. I will adjourn for a few minutes.

SHORT ADJOURNMENT

THE COMMISSIONER: Some housekeeping matters: we'll adjourn at 4.15 this afternoon. There is a need to, for these premises to be secured at 4.30, as I understand it, so we'll adjourn at 4.15.

10 As to the future course of the hearing, it would seem, subject to anything counsel assisting wants to raise, that it would be preferable to commence the cross-examination of Mr Green this afternoon by Ms Nolan and that that continue on Friday.

Mr Chen, in relation to the organising of witnesses, can other witnesses be, as it were, brought forward to be taken tomorrow?

20 MR CHEN: I think that's quite unlikely.

THE COMMISSIONER: Unlikely?

MR CHEN: Unlikely, because one is from the far north coast of New South Wales, and we'd have to try to make those arrangements now. And I understand Mr Strauss who - Mr White kindly got in touch with the Commission last week - he is available I think on Friday, but I'm not sure whether he is available tomorrow.

30 MR WHITE: He is available Friday, Commissioner, but not tomorrow.

THE COMMISSIONER: Then Mr Lonergan has commitments on Friday morning, which may mean we only have two or two and a half hours on Friday afternoon to finish Mr Green's cross-examination by Ms Nolan. So it's regrettable that we may lose time tomorrow and we'll need to finish the cross-examination on Friday, if we, in effect, abandon tomorrow.

40 Are there any issues that you want to raise in terms of timetabling and programming?

MR CHEN: There are a couple of witnesses tomorrow that are coming, but I expect they will be very short, Commissioner. I expect that evidence for those two witnesses to be Ms Curtin is taking those witnesses, but my expectation is that they

will collectively be finished by morning tea quite comfortably.

The second thing is I don't know whether my learned friend Mr Tyson is proposing to ask Mr Green any questions. It seems to me that the possibility remains that he could ask whatever questions he has and that time could be used.

THE COMMISSIONER: What's the position in that regard?

10 MR TYSON: Commissioner, at this stage I'm not proposing to cross-examine this witness. Right thank you. Is anybody else proposing to cross-examine this witness?

MR WHITE: I was, very briefly, probably no more than five minutes.

THE COMMISSIONER: Can that be done tomorrow?

20 MR WHITE: Yes.

THE COMMISSIONER: Very well. Thank you, we'll do that tomorrow.

MR CHEN: I think, Commissioner, that Mr Lonergan would quite rightly want to wait before asking any further questions of Mr Green. So it seems to me that, in the way things have unfortunately transpired, that tomorrow will be a short day.

30 THE COMMISSIONER: Well it would mean that Mr Green would return on Friday, and then return in the next week that we have set down for this matter, which will be the week after next. And, is that right? In that --

MR CHEN: I think it's two weeks away.

40 THE COMMISSIONER: Two weeks away. That's the week commencing 6th of August. It seems to me that Mr Green be recalled on that day and Mr Lonergan can, as it were, re-examine him on that day.

MR CHEN: Sorry, I hadn't - - -

THE COMMISSIONER: Plainly we won't have time on Friday, I wouldn't think. If Mr Lonergan wishes to re-examine him on any details, it may not be possible to do that within the limited time now only available on Friday. Mr Lonergan?

MR LONERGAN: Commissioner, Mr Green has just instructed me that he has family commitments on Friday. He was not expecting to be here on Friday.

THE COMMISSIONER: Well what is the family commitment?

MR LONERGAN: I can find out.

10 THE COMMISSIONER: I appreciate that sometimes these things happen. Unfortunately, as I foreshadowed before, the rescheduling of the timetable is regrettable. Insofar as people have to make themselves available, I'm afraid everything should be done to make that possible. Whatever Mr Green's commitment is on Friday, that might have to be changed, I'm afraid.

20 I'm not resorting to my powers to force Mr Green here on Friday, but I am pointing out the difficulties that the Commission faces. If he can change his arrangements to be here Friday, then that's what I would prefer.

MR LONERGAN: Can I take instructions on that?

THE COMMISSIONER: Yes, I will let you talk to him about that.

MR LONERGAN: Can I just step away from the Bar table?

30 THE COMMISSIONER: Yes, certainly. Ms Nolan, just while that's being dealt with, what is your position tomorrow? Are you likely to be, I'm talking to you Ms Nolan. What's your position tomorrow are you likely to be free by lunchtime, by any chance?

MS NOLAN: I'm sorry. No, not at all. I'll be unavailable from 9am until 5.30.

THE COMMISSIONER: That's another professional commitment, is it?

40 MS NOLAN: Yes, it is.

MR LONERGAN: Mr Green has instructed me that he's expected to be in Brisbane on Friday.

MR CHEN: I think what I might do, Commissioner, I don't think Mr Green's bail has been varied. I'm not quite sure what the position is in relation to him being in Brisbane on Friday. At the moment there's been a variation to it that permits him to come to

the Commission, certainly until today. It's in the process of being extended, at least, until tomorrow. I didn't understand, and I'm not suggesting what Mr Lonergan has been told - I don't know - I didn't understand there to be any other variation to his bail to permit him to travel to Brisbane.

10 THE COMMISSIONER: Sorry to interrupt, I think I'll adjourn for a short moment. I'll see counsel assisting in chambers just to see what arrangements can be made. It now created a difficult situation, plainly. I will adjourn.

SHORT ADJOURNMENT

20 THE COMMISSIONER: The revised program, in light of what's happened, will be that we will commence the cross-examination of Mr Green this afternoon, I will then adjourn to tomorrow and take what witnesses we can tomorrow, Thursday.

On Friday, Mr Green is required to attend under his summons to be here at 2 o'clock and, if necessary, he may be required in the week commencing the 6th of August, and he should be available in that week commencing the 6th of August.

30 Mr Lonergan, Mr Green said he had a commitment in Brisbane. I understand he's on bail. There's no suggestion that his bail conditions have been varied to enable him to travel interstate. I'm assuming that to be the case. If it is the case, I think it is unlikely that there would be any consent to him having his bail conditions varied to permit him to travel interstate. But whether that be so or not, it seems to me that, as I understand it, his bail would prohibit him from travelling to Brisbane on Friday.

MR LONERGAN: Commissioner, I've not gone into detail on his bail conditions.

40 THE COMMISSIONER: In any event, what is now a difficult timetabling arrangement, I will be requiring him to be here for further cross-examination at 2 o'clock. That is to meet your convenience.

MR LONERGAN: If it please the Commission.

THE COMMISSIONER: We'll call other witnesses on Friday

morning. Anything else?

MR CHEN: No, Commissioner.

THE COMMISSIONER: Well then Mr Green, would you mind coming back, please, in the box.

10 While he is coming, there is a card that was produced before by Mr Green. It should be returned to him. Copies have been taken of that card. There is to be no publication of the card or any details contained in it unless and until further order of the Commission.

Mr Green, firstly, returning your card. Thank you for that?--- Thank you.

MR CHEN: There were actually two cards returned, just for the record, Commissioner.

20 THE COMMISSIONER: That is right, and both have been returned. Ms Nolan, just before you start, I will require from you a detailed statement - not a long narrative statement, but a point-by-point statement - as to what issues you wish to raise with Mr Green in cross-examination. He will be returning on Friday, so we would need to have that by 9.30 on Friday morning. Thank you. You may commence now.

30 MS NOLAN: Commissioner, I'm mindful that you said we would finish in five minutes. Is that right?

THE COMMISSIONER: Ten minutes.

MS NOLAN: Ten minutes.

40 Mr Green, you've been a representative of Aboriginal councils in the past, haven't you? Which councils have you been a representative of?---Of the Wee Waa, Awabakal - yeah, that's about - Brewarrina, that's about the three.

Have you sat as a director or as a board member on those three Aboriginal land council boards?---Oh, the Brewarrina one, no, I was too young. The Wee Waa one I used to be the chairperson and I was the chairperson of the north west region, which covered 18 towns.

How long were you the chairperson of - I think it was the

Wee Waa one you said? For how long were you a chairperson?---I was the chairperson for about five years, and I was the office manager for a little while, too. My wife used to help me do a lot of that stuff, the paperwork.

10 What qualifications did you require in order to be the chairperson with the Wee Waa Local Aboriginal Land Council?---You don't require any skills, any qualifications. They can just grab you off the street and put you in as a board member.

May I inquire what education you possess?---I never finished school.

To what year at school did you go?---I left when I was about 13.

Have you had any other training at TAFE?---No, I haven't.

20 So is leaving school at 13 the end of any formal education you've received?---That's right.

What training have you received in order to be a board member of the Wee Waa Local Aboriginal Land Council or the Awabakal Local Aboriginal Land Council?---The State Land Council normally comes up and does a day telling you how to be a board member - one day.

30 Have you been a participant in that one-day training?---Oh, yes, yes.

And when was that?---In about '14, '15, or something like that. I'm not sure.

2014, is that the year to which you refer?---Yeah, something like that - - -

40 Sorry, I interrupted you.---I'm not really sure on the dates.

Was that in respect of your directorship or board membership of the Awabakal Land Council that you received that training; is that right?---Yes, that's right.

Can you tell the Commissioner what you learnt in broad terms in that training? Can you set out for him the things that you were taught?---Well, they teach a little bit about

the Land Rights Act. It's not very good training. That's what I've been complaining to the State Land Council about for a lot and lot of years. At least they should do a week training with us.

Leave aside what you think about the training.---Okay.

10 I'm not asking you that question. My question is tell the Commission what you learnt? Did you learn about minute-taking? Just tell the Commissioner, if you would, please, what you were taught in that one day?--- Oh, they don't teach about minute-taking. They teach a little bit about the Land Rights Act.

What did you learn about the land rights Act in that training?---How to conduct meetings, how to - there was nothing about land dealings, never. Just normal procedure of a land council, really.

20 Was that by taking you through the Land Rights Act and explaining to you what each of the sections of the Land Rights Act meant?---Of course, no, no way. No.

Well, what was it, then? Was it a PowerPoint presentation?---Just a PowerPoint presentation, yeah, that's all it was.

30 Was someone speaking to that PowerPoint presentation or were you required to read the PowerPoint slides in order to be able to understand the content?---No, we weren't - none of us read them, because hardly any of them can read.

40 Just pause there. If I could ask you about that. When you say "none of us could hardly read", to whom specifically are you referring by that reference?---Well, nearly all of the board members on the Awabakal Land Council, they are not very good readers and writers. The best person there would take the minutes, and then they would read the minutes back to us, because a lot of us can't read them all properly.

Right. So the minutes were read back to you?---Yes.

Is that what you're saying?---Yeah.

Anyway, I've interrupted you. Do I understand, from what you've said, correctly - correct me if I am wrong - that

pretty much everybody except for the minute-taker had very poor literacy on the board; is that correct?

MR CHEN: I object, Commissioner.

THE WITNESS: True.

10 MR CHEN: Just a moment. Each of the witnesses have come along, the board members so far, and I've asked them questions about it and there has been no suggestion that they are illiterate. My learned friend hasn't put any propositions. I appreciate this might be Mr Green's view about it, but that is not, with respect, fair for my friend to start adducing evidence about the literacy skills or otherwise of the board members, all of whom have given evidence.

MS NOLAN: Well Commissioner, it can only rise as high as this witness's opinion. I wouldn't ask you to take it any further than that. I can move on. It's not of much gravity.

THE COMMISSIONER: I think you should, yes. Just move on, I think, to another topic.

MS NOLAN: I shall.

30 I'm going to take you back. We were talking about the training that you received in that one-day block and you've talked about the conduct of meetings. I have taken you to a PowerPoint presentation and you said you didn't read the PowerPoint presentation. How was the content of this one-day training relayed to you mostly?---Well, there's a representative from the State Land Council who comes up, sits in the meeting - board meeting and writes a lot of stuff on the board and starts talking about it, policies and procedures. But, like I say, no-one can read a lot of this stuff. I know a lot of the people, and I know that they haven't got education.

40 Well you've heard what the Commissioner and counsel assisting have said. To be fair to those other people, we haven't really explored with them their literacy.--- Yes, okay.

So if you wouldn't mind just confining it to your experience because that's really what I'm asking you about. So you couldn't read it; is that correct?---I could read yeah bits of it, but I'm not a very good reader.

So how do you feel, then, based on your literacy? Do you feel that you took in everything that was explained to you on that day?---Yeah, I listened. I listened.

Do you feel that you understood everything that was said to you on that day?---Not really, because it was so quick.

10 You've been making reference throughout your evidence, as I understand it - and please correct me if I am wrong - to the procedure with respect to land deals under the Aboriginal Land Rights Act; is that right?---Yeah.

What do you understand that procedure to be?---The procedure is that someone writes a letter to the board for a - I think it is a proposal. Then the proposal gets approved by the board for the person to come in and speak on behalf of the proposal.

20 Can I pause there and say is that in the Act, or is that the procedure that you understand? I'm asking you about your understanding of the Act?--- Well, apparently that's in the Act.

Please continue.---And then after the guy presents his proposal, or another guy presents another proposal, the board sits down and makes a decision which proposal they are going to go with, and big tribal fights break out.

30 When you say "big tribal fights break out", can you assist the Commissioner by telling him what you mean by "big tribal fights break out"?---Well, a lot of people on the board of the land councils all around New South Wales, they have got differences and they all have arguments and big brawls break out in the meeting room, calling you this, calling you that. That's the reason why we can't get proper minutes and we can't concentrate. When you're talking about tribal fights, we still have them out bush, but that's what people don't understand about the tribal
40 fights and the boundaries, and native title, and - - -

Just stop there, because we are straying into another issue.---Yes.

Are you telling the Commissioner that in board meetings this tribal division that exists within Aboriginal culture manifests itself into a lot of arguments; is that what

you're telling the Commissioner?---Absolutely.

And that there are factions which argue with each other such that it's difficult to do board business? Is that what you're telling the Commissioner?---Exactly right.

10 And that that sometimes means that the minutes probably don't properly reflect exactly what goes on in board meetings; is that what you're saying?---I've tried to stress that.

MR CHEN: I object.

THE COMMISSIONER: I reject that question, Ms Nolan. Ms Nolan, I think we will draw stumps at that.

MS NOLAN: If the Commission pleases.

20 THE COMMISSIONER: Ms Nolan, until I see your document, it is not possible for me to determine exactly how much time that I'm going to allow you or anyone else in terms of cross-examination of witnesses. At the moment, by reason of the events that we have been discussing this afternoon, there will be something of the order of two to two and a quarter hours on Friday available to cross-examine this witness. I suggest you therefore concentrate on the particular issues that you see as of importance in determining your cross-examination. Whether or not you're permitted to cross-examine beyond two and a quarter hours, 30 as I say, I'll make a decision about once I've seen your document and made up my mind as to the scope of the leave that you should have to cross-examine. Do you understand what I'm saying? You may be limited to two and a quarter hours.

MS NOLAN: Most certainly. I understand, and I will provide you the document that you've requested me by 9.30 on Friday.

40 THE COMMISSIONER: All right. Just bear, as I say, in mind, there is necessarily in these hearings a restriction on the amount of time that's granted for cross-examination and, therefore, counsel should work within the possible limitation, be it two hours or two and a quarter hours, or whatever.

Now Mr Green, I'm going to release you for the day. The

hearing resumes tomorrow, but it won't involve you. You are required to return under your summons on Friday, but not in the morning, but to be available here so we can start no later than 2pm on Friday.

10 My understanding is, but you need to have the matter checked, that your bail conditions have been varied to permit you to be here for the hearing this week and I'm assuming, but you should check it, that the varied conditions permit you to be here at that time on Friday. Mr Lonergan, I just raise that so that you no doubt will speak to him about that. The position as to his bail is, well given my understanding as to what those conditions are and what he is permitted by those conditions.

My understanding is, as I've said, that these conditions will vary to permit him to attend this hearing, which would include, on that basis, if it be correct, Friday.

20 MR LONERGAN: Commissioner, I can assist him in finding out but I myself cannot find out.

THE COMMISSIONER: I'm sorry?

MR LONERGAN: I can assist him in finding out what the understanding is.

THE COMMISSIONER: Thank you. Is there anything else?

30 MR CHEN: Commissioner, sorry I've just been given the copies of the St George visa card ending 428, and also the Qudos bankcard which has a number ending 6249, both in the name of Richard Green. Commissioner, could they marked simply at this stage Commission, we'll work out ---.

THE COMMISSIONER: Yes.

40 #MFI-031 - ST GEORGE CARD MR RICHARD GREEN ENDING IN 428

#MFI-032 - QUDOS CARD MR RICHARD GREEN ENDING IN 249

AT 4.25PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.25PM]