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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 TUESDAY 18 SEPTEMBER, 2018

AT 10.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, Dr Chen.

MR CHEN: Commissioner, before I call the first witness, Mr Ramrakha will be seeking leave to appear on behalf of Sophie Anna and you'll have an application now, Commissioner.

THE COMMISSIONER: Mr Ramrakha.

10 MR RAMRAKHA: Yes, yes, Commissioner. Ms Anna is to give evidence on Wednesday. A witness today, Ms Towers, is going to be giving evidence and I anticipate that she will be giving, she may give evidence and she has already given evidence adverse to my client's interests. Accordingly I seek leave to appear today.

THE COMMISSIONER: Yes, I grant leave, Mr Ramrakha.

MR RAMRAKHA: Thank you.

20 THE COMMISSIONER: Thank you. Yes.

MR CHEN: Commissioner, I call, if it's suitable to you, Commissioner, Greg Vaughan, who as I understand it is not represented.

THE COMMISSIONER: Yes. Thank you, Mr Vaughan. Take a seat, or perhaps if you'd stand. Do you want to give evidence on oath or an affirmation. Do you know the difference?

MR VAUGHAN: Yes, an affirmation.

30 THE COMMISSIONER: An affirmation. Thank you.

THE COMMISSIONER: Just take a seat there, Mr Vaughan. Does Mr Vaughan want to invoke section 38?

MR CHEN: I don't know, Commissioner.

10 THE COMMISSIONER: You haven't, all right. Mr Vaughan, you'll
shortly be asked questions by Counsel Assisting. There is a provision in the
Independent Commission Against Corruption Act that entitles a witness to
give evidence on objection. The reason that provision is there is, it's
entirely a matter for the witness, but it's available to a witness to object to
giving evidence and if that occurs, then the answers and the evidence given
or documents produced by the witness can't be used in the future in any
other proceedings, criminal, civil or disciplinary proceedings. The
provision is designed, in other words, to offer some protection in that
regard. You don't have to object, but you're certainly entitled to object if
20 you wish in order to attract that provision which provides you with that
protection. Do you wish to object to giving evidence?---Yes, I do.

Yes?---Yes, I do.

Thank you. You must understand, Mr Vaughan, that you are of course still
required to answer all questions truthfully and to produce any document or
other item that you may be required to produce, so that what I propose to do,
instead of you objecting to each and every question that's asked, is to make
a general order or a blanket order which will cover all of the questions and
answers given or documents produced here today. Do you understand?
30 ---Yes.

Pursuant to section 38 of the Independent Commission Against Corruption
Act, I declare that all answers given by Mr Vaughan and any documents or
things that may be produced by him during the course of his evidence at this
public inquiry are to be regarded as having been given or produced under
objection. There is accordingly no need for Mr Vaughan to make objection
in respect of any particular answer given or document or thing produced.

40 **PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY MR VAUGHAN AND ANY
DOCUMENTS OR THINGS THAT MAY BE PRODUCED BY HIM
DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC
INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR
PRODUCED UNDER OBJECTION. THERE IS ACCORDINGLY
NO NEED FOR MR VAUGHAN TO MAKE OBJECTION IN**

RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

MR CHEN: Would you tell the Commission your full name, please.

---Gregory Steaven Vaughan.

Mr Vaughan, what is your current occupation?---Current occupation. I'm writing at the moment.

10

Are you currently in paid employment or not?---No.

Mr Vaughan, do you – I withdraw that. When was the last time you were in paid employment, Mr Vaughan?---Paid employment?

Yes.---Would that include contract work?

If you like.---Okay. Well, I had a contract in April this year.

20

And who was that with, Mr Vaughan?---Advantage Australia.

I'm sorry, Advantage?---Advantage Group.

Is that the group that as you understood it had some ultimate dealings with the Land Council, the Awabakal Local Aboriginal Land Council, in the middle of 2016?---Yes.

And how did you come to do that work, Mr Vaughan?---Which work? Are we talking about the one in April?

30

Yes.---Okay. I'm a programmer and a cryptographer so that was about cryptography.

Are your formal qualifications, Mr Vaughan, as follows. You've got a certificate in human health sciences. Is that right?---Correct.

And you've also done an online course in computer programming. Is that so?---An online course?

40

Yes.---Yes, at least one.

Is that the extent of your formal qualifications, Mr Vaughan?---Yes, it is.

You've known Mr Petroulias for some considerable time haven't you? ---Since about 2001.

And what was the first dealings you had with Mr Petroulias, Mr Vaughan? ---The first dealings?

Yes.---We were at a seminar together.

And did you ultimately enter into a business relationship with Mr Petroulias after that initial meeting?---I can't recall that at all. I mean I don't know. I don't even know what you mean by a business relationship.

10 Well, have you done any work with Mr Petroulias after - - -?---Over the years, yeah, a lot.

And what was the first work that you did with Mr Petroulias, Mr Vaughan?
---I would not be able – I don't know.

Well, are you able to give some examples of the type of work that you've done with Mr Petroulias over the years?---In the main, computer work.

Did you not do some work involving or attempting to establish a bank in Fiji?---Oh, yes.

20 When did that occur, Mr Vaughan?---I don't know. 2008. Something like that.

What was the nature of that project?---The nature of that project?

Yes.---We would establish a bank in Fiji.

30 What was your role in that, Mr Vaughan?---My role was to go over and to do some initial talks with the Reserve Bank and see if we could actually get a licence.

And did you go with Mr Petroulias?---No.

Did you go with anybody else?---No.

How did you make contact with the Reserve Bank to enable you to do this, Mr Vaughan?---Through a friend of a friend. I can't remember their name. they were Fijians. He was the, he was some position at the time.

40 You don't have any background in banking though do you?---No, I don't have any background in banking.

You don't have any qualifications at all in economics or finance do you?
---No.

So what were you speaking to the Reserve Bank of Fiji about?---Obtaining a licence and the requirements for it.

And what were the requirements that you were exploring at that stage?---
I'm sorry?

What were the requirements that you were exploring?---I was asking him
what the requirements were. I wasn't exploring any requirements. That
doesn't make sense.

10 So did you just go over to ask him what the licensing requirements were to
establish a bank, is that it?---Pretty much.

And how long did this meeting take?---I think there were two meetings.
They took about an hour each.

And what were the requirements that - - -?---I have no idea at this stage. It's
years ago. I can't remember that sort of stuff.

Is that the extent of your involvement in seeking to establish this bank in
Fiji?---Pretty much as far as I recall, yes.

20 So you flew to Fiji, I take it, to do this, did you?---Yes, I did.

And where did you go to?---Where did I go to?

Yes.---I don't know. I could find my itinerary if you like.

Mr Vaughan, you know the company – I withdraw that. You've maintained
regular contact with Mr Petroulias over many years, haven't you?---Yes.

30 You - - -?---Well, as regularly as friends do, yes.

You've had contact with him in social circumstances, I take it?---Yeah.

And you've had contact with him in business relationships or business
circumstances as well, have you not?---Yes.

You know the company Able Consulting Pty Ltd, don't you?---Yes.

40 You were a director of that company, weren't you?---For a brief time, that's
right.

And Mr Petroulias asked you to become a director of that company, did he
not?---That's correct.

And you agreed to do that, didn't you?---Yes.

And why did he ask you to become a director of that company, Mr
Vaughan?---You'd have to ask him.

Well, what did he tell you?---He needed a director.

And what did he tell you about Able Consulting?---Able Consulting was to put together projects for the Awabakal Land Council for the Aboriginals.

What was his connection to that company, Mr Vaughan, that he told you?
---I don't recall him telling me anything about it.

10 Well, he must have told you that he had an association with the company, mustn't he?---Well, that's an assumption.

Well, it's more than that, isn't it, Mr - - -?---No, it's not. It's an assumption.

All right. So he just tells you that a director is needed for this company. Is that the position?---This is two years ago in a conversation and you want me to recount it? Sorry, can't remember that.

20 Well, the substance of it.---The substance of it is what I just told you. He needed a director.

Right.---I don't know what you're fishing for.

I'm asking you questions, Mr Vaughan.

THE COMMISSIONER: Don't worry about what he's fishing for.---Well - - -

30 Your function here, as any witness, is just to listen to the question and answer questions.---I have.

That's all you're doing. Yes.

MR CHEN: But you'd known about that company or were aware of it, Mr Vaughan, prior to Mr Petroulias asking you to become a director, isn't that right?---I can't recall.

40 Well, you assisted Mr Petroulias, did you not, in creating the logo for this company Able Consulting, didn't you?---I would have done all of the web work. If there was a logo done, that would have been part of it.

And Mr Petroulias asked you to do that, didn't he?---Yes.

And he asked you to do that in late 2015.---If you say so.

THE COMMISSIONER: Just in this conversation you had with Mr Petroulias when he put to you he needed a director for Able Consulting, in other words he was putting, as it were, a proposition to you for you to come on as that director, is that right?---Yes.

And he said that was in the context of putting projects together for the Aboriginal land council?---That's correct.

Did he mention which land council or was it more than one or - - -?
---Definitely. Well, the plan was to, well, the plan was to be able to give projects to the Aboriginal people that would help them with employment and, you know - - -

10 And specifically what sort of plans, plans concerning what?---Oh, gee, I, well, well, building projects, look, I'm sorry, I can't remember with - - -

Building projects for Aboriginal communities, is that what you're talking about, on - - -?---Well, that would be an example of one, it's - - -

- - - their land? Is that what - - -?---Yes. Well, obviously, yeah, on their land.

MR CHEN: Is this the first time he'd asked you to become a director of a company, Mr Vaughan?---I have no idea.

Well, you must, because - - -?---No, I don't must. This is memory and I don't recall details of my life like I'm reading a book.

THE COMMISSIONER: Had you ever been a director of a company before this conversation?---Yes.

You had?---Yes.

30 Your own companies or some other - - -?---Yes. Both.

Right. And what other companies had you been directors of before this conversation?---If this conversation was in 2016 I'd been directors of companies since the 1990s.

Had you been a director of a company associated with Mr Petroulias in any company he had an interest in or involvement in?---I really can't recall that. I wouldn't know. Possibly.

40 MR CHEN: Well, what did he tell you - - -?---I mean if you give me something to see I can tell you yes or not but if you ask out of my memory, I'm sorry.

THE COMMISSIONER: No. Like every witness who comes here they're asked to use their memory. Do you understand?---Okay. Well, I - - -

And if there's a particular document that you're being asked about, it will be shown to you so that you in fairness will have it either on the screen or a hard copy will be provided to you.---Okay. No, I understand.

So we're dealing with two different things.---I understand. I'm just trying to give the best answers and unfortunately that's relying on memory that
- - -

10 All right. Well, you just, I think all I can say is, you do your very best because you've sworn to tell the truth - - -?---Yeah.

- - - and all you can do is do your best.---Yes.

Please do that.

MR CHEN: So what did you understand you were to be doing when you were appointed the director of Able Consulting?---I was to be, well, I wasn't going to be the director of Able Consulting for very long, but help the company form, attend some meetings while I was in Sydney and then hand
20 over to whoever took it up.

So it was always envisaged to be a short-term appointment, was it?---Well, it was from my viewpoint, yes.

Right. And were you paid to become the director?---No, it wasn't on for that long.

Were you given a wage or salary or money of any kind?---As a director?
30 Yes.---No.

So you did it as a favour. Is that the position?---That's correct.

Now, could I show you a document. Before I do that, Mr Vaughan, you are quite skilful and adept at using computers to create things such as logos.
---Yes.

Is that right?---Yes.

40 That's within your skillset?---Yes.

And you regard yourself as being highly skilful and proficient, I take it, at doing that. Is that right?---I do all right.

I'm sorry, I didn't hear that?---I do all right.

Well, I'll just show you these logos, if I can, Mr Vaughan.---Yep.

And what I'll do is, I'll tender a folder of material called Volume 68, Gregory Vaughan, if I can, Commissioner.

THE COMMISSIONER: Yes. Very well. That volume described as Gregory Vaughan, Public Inquiry Brief of Evidence, Volume 68, will be admitted and become Exhibit 113.

10 **#EXH-113 – PUBLIC INQUIRY BRIEF (VOLUME 68) GREGORY VAUGHAN**

MR CHEN: Now, Mr Vaughan, this folder is, as you can see if you just open it up, Mr Vaughan - - -?---Ah hmm.

- - - you can see that it's numbered down the bottom, can you?---Yep.

20 And you can see at page 1 that Mr Petroulias has sent you an email asking whether you could improve the logo for Able Consulting. Do you see that? ---Ah hmm.

You remember receiving that email, I take it?---Mmm, well, I remember the logo, I don't remember the email, but obviously I would have gotten it.

And I'll just ask you to look at page 7 and you can see there's another email from Mr Petroulias to you dated 7 December, 2015, with an attachment. Do you see that on page 7, and then onto page 8 which is the attachment? ---Mmm, yes, I remember that logo.

30 And if you have a look then, please, at page 13 you can see that Mr Petroulias is again sending you an email on 22 December, 2015. Do you see that?---On 13?

Yes.---Yeah.

And you can see that he's given you some suggestions in the body of the email about how or what might be an appropriate logo and phrase. Do you see that?---Yeah.

40 And if you turn to 14 you can see he's attached something that came from an entity called HQZ Argentum, or Argentum, Investment Bankers. Do you see that?---Yeah.

And if you look then at page 15, Mr Vaughan, you can see that you've provided a revised document and attached it by email. And if you turn, please, to page 16 and onto the next page, you can see that's what you've attached, is that so?---Yeah.

And again if you have a look, please, Mr Vaughan, at page 21, you can see that Mr Petroulias has sent you back the letterhead from Able Consulting – it’s not a particularly clear copy – on page 22. Do you see that?---Yeah.

But in any event, that course of communication between you and Mr Petroulias was the development of the logo for Able Consulting and its description as, or the catchphrase, “Turning vision to reality.” Do you see that?---Yeah.

10 Do you remember undertaking that with Mr Petroulias?---Yes.

And, Mr Vaughan, could I show you another document, please. So it’s volume 2, page 66.

THE COMMISSIONER: Sorry, where are we going to? Same volume?

MR CHEN: No, no, volume 2, page 66. It will come up on the screen. Have you ever seen that document before, Mr Vaughan?---It could be, I, that sort of looks like one of the documents that I got from Awabakal. But,
20 you know, I got thousands of pages so I couldn't guess (not transcribable) but the board meeting resolutions were part of that.

THE COMMISSIONER: Where were they coming from? When you said thousands were coming, who was sending them to you or how were you obtaining them?---Nobody was sending them to me. I went to the Awabakal Land Council. The primary reason that I was there, other than doing web work when I was down in Sydney, was to go to the Awabakal Land Council, talk to Richard, Debbie, and gather all of the documents for an answer to an action that was occurring at that stage brought about by the Registrar, Stephen Wright. And, I mean, board meeting resolutions were
30 obviously pertinent to that.

MR CHEN: Well, if you just look at the top for the moment, Mr Vaughan, I just want to ask you, were you ever asked to prepare that document, what appears at the top part, 31 October, 2014?---Prepare that?

Yes.---No.

40 Do you know anything about how it came to be prepared?---I don’t, sorry, I don’t understand that.

I'm just asking whether you know as to how it may have been created, know anything about it.---Well, I would assume it was created at – it’s an assumption, but I would assume it was created - - -

I don’t need an assumption. I'm just asking you whether you know at the moment.---Oh, I have no idea of that, no.

Now, you were in close contact, were you not, with Mr Vaughan through the latter part of 2015 and through 2016, were you not?---That's me.

I'm sorry, with Mr Petroulias.---Through, sorry, what dates were they? I got side-tracked.

I'll start again. You were in close contact with Mr Petroulias through the latter part of 2015 and into 2016, were you not?---Yeah, that would be correct.

10

And you and he were quite close, weren't you?---We still are.

And, Mr Vaughan, do you remember at around the time that you were creating some Able, or creating the Able logos Mr Petroulias sent you a number of bank statements, didn't he?---Like the – I don't know.

Well, would you have a look, please, at Exhibit 113, page 27.---Page 27?

20 Yes. Do you see there's an email, it'll come up on the screen as well, 9 December, 2015 from Mr Petroulias to you?---It's just a header, it's a header. There's nothing on it. Page 27.

It's just come up on the screen. Just make sure that that's the same page that's in your volume. Is it?---Yes.

All right. Well, that's an email. Do you see that?---Yeah.

30 And you can see what's attached to that email of 9 December, 2015 is described as a Peterson Woolworths Statement December.pdf. Do you see that?---Ah hmm.

If you turn the next page you can actually see that that's the document that was attached. Isn't that so?---Yeah.

40 Why was he sending you that, Mr Vaughan?---If I recall correctly this was part of the stuff that, we had to create some, we had to create some, like some similar sort of structures like as in the way that this was set out so that we could actually issue, like I'd been complaining about the invoicing, et cetera, et cetera, because again the logos and all that sort of stuff were not really, not really what I would call great.

THE COMMISSIONER: Is the name on the document in front of you at page 28 known to you?---Sorry, which page, 28?

The page you have just been asked questions about. If you go to 28. ---Yeah.

The name Nicholas J. Peterson.---Yes.

That's a name you're familiar with?---Yes, it is.

And who do you understand that to be?---That is Nick's professional name also. His real name attracts a lot of attention so - - -

10 MR CHEN: Mr Vaughan, what you said is he said it to you because there was some problems with invoicing or something to that effect, right. What are you talking about?---No. No, that was my thing. He sent it, he sent it to me to see if I could actually remove things and use this as a fresh template.

Why would he send you a bank statement for you to do that?---Is this a bank statement? This is – I'm sorry, I didn't recognise that as a bank statement, sir.

Well, it's a credit card statement. Have a look on the next page, 29.---Oh, it's got Woolworths on it. That's, I didn't think they were in banking.

20 Well, it's obviously, Mr Vaughan. If you look at page 27, sorry - - -?---29, yes.

- - - 28 and 29 - - -?---Yeah, yeah, yeah.

- - - that it's a credit card statement, isn't it?---Yeah, yeah.

So why is he sending you a credit card statement, Mr Vaughan?---Probably because of crypto.

30 What do you mean by that?---Well, as I said to you before, we're in, well, I am a cryptographic programmer and one of the things that was big at that stage, you know, well, very big at that stage, bigger later but of course still getting there was Bitcoin and we were looking at the opportunity to be able to, well, we're still looking at the opportunity to be able to do something along those lines.

So what has a bank statement got to do with that, Mr Vaughan?---You're kidding, right? Bitcoin is a currency.

40 THE COMMISSIONER: No, but we're dealing here with a document that's emanated from Woolworths, right, and - - -?---Well, that can be rebranded for - - -

- - - it states it's got a credit limit on it and the amount of available credit is stated on it, so we're dealing with a document that appears to have come from a well-known company Woolworths.---Ah hmm.

And it's a credit card statement, so the question is, why would a document of that kind be sent to you by Mr Petroulias?---So that I could use it as a template, redo it and use it for other purposes.

Redo somebody else's credit card statement?---Oh, it was a decent - - -

Explain that to me.---Well, it's a decent sort – I see things as - - -

10 When I say somebody else's, I'm talking about Woolworths' credit card statement.---Well, sure.

Why would you be asked to change a company's credit card statement issued in the name of a person?---Well, sorry, I wasn't changing a credit card statement, I was using this as a template - - -

A template.--- - - - as an idea for being able to produce our own.

20 But credit card statements are very common documents, aren't they, I mean - - -?---Yes. This could have been anybody, I - - -

This appears to have been a Visa credit card statement. What do you mean, using it as a template? Using it for what purpose?---Using it for the purpose of producing something very similar in look that we could use in our own operations. That's what most sort of, not web, but most designers will do, we take templates and take the logos off and, yeah, leave the basic, the basic sort of structure. This is how we receive briefs quite often.

In relation to what operation?---Whatever project is - - -

30 In relation to what operations were you seeking to establish a template? ---Well, this is actually, well, none that came about, but we're still trying to work on them.

No, but what was the intention at the time of trying to create a template based on this document?---Well, keeping in, well, one of the things that we were attempting to do, well, is to give details out to clients in a more what we call user experience, user-friendly manner, something they were used to. The Bitcoin protocols and all - - -

40 But which clients in relation to what operation?---Well, we didn't have any at that stage.

You didn't have any operation?---No, we didn't. This is - - -

Did you have any arrangement or did he to your knowledge have any arrangement with Visa Card?---With Visa Card?

Well, this is a credit card branded Visa.---This is just a template.

Do you see on the top right-hand corner, page 28?---Yes, that's right. And that's how Woolworths or whoever this is would use it, but to me it's just a template to base a design on.

But you know, it's a question of what comes first, the cart or the horse? You're saying there wasn't even a business established at this stage by Mr Petroulias, he was just - - -?---Well - - -

10 - - - talking about having one or establishing one.---I can answer that.

Yes?---The idea always comes before the business.

Yes.---And you always create things - - -

And the idea was?---To create at the same time an alternative to Bitcoin, which we're still doing. I did have the actual site up but I don't have it up
- - -

20 So you're using a Woolworths - - -?---No, no, no.

- - - credit card statement for that purpose?---I'm sorry. You're seeing it differently to the way I look at it. I'm using this as a template to save me having to design the whole thing myself.

MR CHEN: All right. Well, let's – you're not changing anything, you're just using it as a bit of a guide to enable you to produce, whenever the time arose, your own kind of statement. Is that the idea?---Well, it's the idea fundamentally, there's a little bit more to it than that. You have to
30 understand that actually creating these things does take time. The fields that are – anyway, without getting too technical, it saves a lot of work, yes.

Right. So this was just to give you an idea of how you may use or how you may create in this business that you conceptualised, statements or invoices. Is that right?---Ah hmm.

Is that a yes?---Yes, it is, yes.

Right. You weren't changing anything, you weren't altering anything. Is
40 that right?---Changing anything?

Yes.---Oh, taking out the information that was there obviously.

Right. Well, you weren't altering - - -?---Seeing what I could do with it, yes.

You weren't altering the document, you were creating your own new document to use in your business whenever it was to be established. Is that the position?---Yes, that's correct.

Now, because I take it to change a bank statement you'd accept would be wrong, wouldn't it?---To change a bank statement?

Yes.---Of course.

10 It would be dishonest, wouldn't it, to do that?---To change it for the purposes of using it for yourself or to change it for fraudulent purposes? One is different to the other.

THE COMMISSIONER: Well, no, just get this clear. He's asking the questions. You don't.---Well, I'm trying to clarify what he's asking because I simply don't understand.

Well, I thought it was a fairly straightforward proposition. But, anyway, put it again.
20

MR CHEN: Well, to change a bank statement would be wrong, wouldn't you agree? To alter it.---Alter it. I'm assuming that what you're meaning is to alter it for the purposes of gain.

Well, I'm not putting any limit on it. To actually get a bank statement such as this one and to change the content so it does not accurately record it would be wrong.---That would be wrong, yes.

30 It would be dishonest, wouldn't it?---In the changing of it or in the usage of it? In the usage of it, absolutely.

THE COMMISSIONER: It'd be falsifying the document, wouldn't it, if you changed the content – it's Woolworths in this case – as put in the document.---If I falsify, if I change a document, which I've done many times, and leave it on my computer and never use it, then what difference does it make?

We're not just talking about any document. We're talking about a credit card statement.---But it wouldn't matter what document it was. If I never use it, there's nothing done with it.
40

It wouldn't matter to you to go and change somebody else's documents if there's financial details in it? You don't see that as falsifying a document? ---The usage of it is the importance. Yes, absolutely see it a hundred per cent. Otherwise I, you know, it's done every day on online courses. You take documents, you change them. It's the usage of it that matters, not the changing of them.

Yes, I think we've heard enough on that one. Thank you.

MR CHEN: Well, you can see, if you just turn back, Mr Vaughan, if you'd be good enough, to page 27, you can see that what's been sent to you is a document which is marked as a PDF. Do you see that?---27. Yeah.

And you, if you turn to page 30, then, please, you return it as a document in a Word format, do you not?---Yes.

10 And in a Word format the document can be altered, can it not?---Oh, I suppose it could, yes.

Well, it can. You know that, don't you?---Well, yes, it could be altered, yes. That's how you would make – you can't change a PDF easily.

THE COMMISSIONER: Yes, thank you. You've answered the question. You don't have to give elaborate explanations.

MR CHEN: If you have a look, please, Mr Vaughan, at page 33, you'll see
20 then that in fact Mr Petroulias has sent you another email on the 9 December, 2015. Do you see that?---Ah hmm. Yeah.

And he's attached there, you can see, an NAB statement.---Yeah.

And you can see there that it's in the name of Ms D.R. Diomedes. Do you see that?---Yeah.

Who is that?---D.R. Diomedes. That would be Despina, I'd say.

30 And why do you say that, Mr Vaughan?---Well, it's D.R. The only person I know that, it would be Despina.

Well - - ?---I don't know the - - -

I'm sorry?---I don't know Despina's last name, so I don't know. I would say so.

Well, did you not ask Mr Petroulias why he's sending you this bank statement?---Not that I recall, no. But it would be in the same purposes as
40 before. I think I got them pretty much one after another.

What was the purpose that you're referring to?---I didn't refer to a purpose.

Well, you did in your last answer, Mr Vaughan.---Yes, the same, well, okay, sorry. Yes, if you're referring to that, yes, same as I said before.

Well, what is that?

THE COMMISSIONER: This is a slightly different one from the last - - -?
---It is a slightly different one, yes.

- - - previous one – just let me finish. The previous document you were asked questions about was a credit card issued by Woolworths.---Yes. That’s right.

This one purports to be - - -?---It’s a bank account.

10 - - - a bank account statement recording transactions in the name of Ms D.R. Diomedes.---Yeah.

So just bear in mind the distinction, the two different documents, types of documents, yes.---Yes. Yes.

MR CHEN: And you can see, Mr Vaughan, it says “Account details, Daphne Regina Diomedes.” That’s not Despina, is it?---Well, apparently not if you're saying that. I don't know. It doesn't matter to me whose account it is.

20

THE COMMISSIONER: Just answer the questions, please. Don’t make speeches.

MR CHEN: That’s not Despina, obviously, is it?---Well, it doesn't say Despina on it, no, you're right.

So when you get this, what are you intending to do with it, Mr Vaughan?
---Same as I said before. I change it into something that I can use as a template.

30

So really, as I understand it, what its purpose is, is for you to get some ideas for invoicing or creation of documents in your business. Is that right?---My business? No. The business that we would have done or still attempting to do.

But it’s creating documents - - -

THE COMMISSIONER: Mr Vaughan, would you not flip through documents while a question is being put to you.---Sure.

40

If there’s a document that your attention is required to, you will be taken to it. Now, would you mind just stopping flicking through the pages of that folder and tend to the question.---Sure.

MR CHEN: So you need, do you, a bank statement from the National Australia Bank to set up a template for your business. Is that right?---No. I already explained that.

Well, I don't believe you did, Mr Vaughan, so would you please attend to responding to my questions.---I would use these documents as templates for being able to create documents for cryptographic alternatives so that we could use them for clients when they wanted to have information given to them.

To produce your own bank statements. Is that a simple way of - - -?---Yeah, sure.

10 - - - summarising your answer?---Sure.

Is it accurate?---It would be pretty accurate, yes.

So you need Mr Petroulias to send you a credit card statement to enable you to do that and now a bank statement for somebody else to do that?---I don't need him to do that, no.

20 But that's what's happened, Mr Vaughan. That's what you're telling the Commissioner is going on in these email exchanges and in the work that you're doing.---That's not what I'm telling him. That's what you're telling him. You haven't asked me what, you know, what I would be saying. I would be saying that we were having a conversation. He sent some things to me. You know, it was easier than me finding them.

I take it in your ordinary life experience, Mr Vaughan, that you've seen a bank statement before?---Yes, I've seen it.

You've got a credit card?---Yes.

30 You had a credit card in 2015?---Yes, that's right.

You had a bank account in 2015, did you?---Yes, that's right.

So you don't need Daphne Regina Diomedes's bank statement, do you, to set up these templates?---If I want them to look the same way I would, and the underlying code that creates the PDF is in actual fact embedded in the document so it's an easier way of doing it, yeah.

40 Well, let's have a look at some of these other ones, Mr Vaughan.---Sure.

If you'd be good enough just to turn, please, to page 36.---Yeah.

You can see that there's another email and what is attached to that, as you can see, on 9 December, 2015 is a NAB credit card statement. Do you see that?---Is this - - -

Just look at the email first. Do you see that?---The email, yes.

And if you turn to the next page you can see there's another credit card statement.---Yeah.

Why do you now need a credit card statement from Daphne Diomedes?
---Just an alternate layout as far as I can see. A pretty crappy one but, still.

All right. Well, Mr Vaughan, would you have a look, please, at page 39.
---39. Yeah.

10 And you can see there's an email from Mr Petroulias there, can you not, to you dated 9 December, 2015?---Yeah.

And you can see there that he's asked you "it was these that needed converting". Do you see that?---Yeah, I do.

What's got to be converted, Mr Vaughan?---You can't alter them. You said it yourself. You can't alter anything or change them around unless you actually convert it from PDF back to Word.

20 THE COMMISSIONER: What he's saying in the next sentence is "the NAB credit card does not have the colours on it".---Yes, that's right. It was a crappy design.

Why was he wanting to have NAB's colours - - -?---What?

- - - on the document?---I'm sorry, I don't – that's not the way I read that at all.

30 MR CHEN: Well, it's talking about - - -?---We were talking about design so it makes sense to me.

THE COMMISSIONER: No, there's no reference to design there.---We were talking about - - -

What he's saying is he's sorry, he says he's sorry, "It was these that needed converting." These, he's talking about the documents to which this email relates.---Yes, that's right.

40 It says the NAB credit card doesn't have the colours on it.---That's right. The Woolworths one does.

So he wants the – what's that?---The Woolworths one does. It looked much better.

Well, why is he concerned to raise this issue by your understanding, that he wanted something that looked like a NAB document?---Not that I'm aware of. No. It's like, to me that, it's very simple. The NAB credit card does not

have the colours et cetera on it. That's right, it looked terrible, you know.
The, the first one - - -

Look, behind this was he wanting a document created that looked like a
NAB document but wasn't?---That looked like a NAB document?

Yes, that looked like NAB credit card but wasn't in fact in reality one at all.
He wanted to create one or he wanted you to help him create one. That's
- - -?---No.

10

No?---No.

No?---That was not, that was not what occurred at all.

Perish the thought, you say. Perish the thought. All right.

MR CHEN: Well, Mr Vaughan, can we just move ahead. So have a look if
you would at page 44.---44?

20

Yes, please. And you'll see there's another email to you from Mr Petroulias
- - -?---Yes.

- - - dated 9 December, 2015. Do you see that?---Yes, I do.

And if you turn to the next page you can see that the statement from Daphne
Regina Diomedes is coming back to you again.---Ah hmm.

30

Why, why does it need to come back to you if you're only really using these
credit card and bank statements to give you ideas as to how you will set up
your statements in the business that you had in mind?---Same reason I said
before, that's better.

I'm sorry?---That is a better look.

It's the same statement re-sent to you, Mr Vaughan. Please stop flicking
through it, Mr Vaughan.---Well - - -

40

The Commissioner has asked you to. Turn to page 45, please.---I'm not
flicking forward, I'm flicking back to see the difference.

THE COMMISSIONER: Have you got page 45? No, just, just stop there.
Stop there, would you, Mr Vaughan.---Really I'm trying to answer your
question.

What page have you got in front of you now? What number on the bottom
of the page have you got?---45.

Yes. Now, just stay there, please.---Ah hmm.

And do not flip through that folder or documents.---Ah hmm.

Do you understand?---Yep.

Right. Because I want you to concentrate on the questions so that you can give truthful answers.---I'm trying to understand the questions.

10 That's the point, that's my point in telling you - - -?---I, I understand.

- - - not to go flipping through the folder, distracting yourself while questions are being put. Do you now understand?---Ah hmm.

Right. Let's follow that process.

MR CHEN: Mr Vaughan, I've showed you the email on page 44?---Ah
hmm.

20 And I've showed you the bank statement again from Ms Diomedes at page
45 which covered the period 8 September to 6 November, 2015.---Ah hmm.

That had already been sent to you, Mr Vaughan. Why is it being re-sent
back to you by Mr Petroulias?---Clients send me things when I'm in - - -

THE COMMISSIONER: No, no, no, don't worry about clients.---Well, this
is the answer to the, this is the answer to the question.

You're being asked a factual question.---I'm answering the question.

30 You just listen to me. You're not being asked about clients. You're being
asked about Mr Petroulias sending one document at page 45.---And I'm
giving the answer in - - -

Now, you just focus on that and don't talk about other clients.---I'm giving
the answer in context.

40 I don't want to hear about other clients and I don't want your context. I
want you to answer these questions - - -?---Well, I can't answer the question
if I don't answer it - - -

Mr Vaughan, you're starting to border into a contemptuous area and I don't
want you to go there for your own sake.---I understand, but I'm not trying to
be contemptuous.

All right. Now, let's step back, just step back and see what we're doing
here.

MR CHEN: Now, Mr Vaughan - - -

THE COMMISSIONER: You are being asked questions on oath.---That's right.

Right. And it's important that you listen to the point of the question, each question, and answer it directly, not by providing context that you want to add around it. You answer questions directly like every other witness is required to answer questions in this Commissioner.---Tell me how you want to - - -

10

Now, let's start again.---Tell me what you want me to say.

MR CHEN: Well, Mr Vaughan, I want to start again and show you page 44.---Ah hmm.

And this is the email in fact that you sent to Mr Petroulias attaching the bank statement in Word form.---Yep.

Do you see that?---That's right.

20

And if you turn to the next page, this is Ms Diomedes's statement.---Yep.

And do I understand this to be right, you say to the Commissioner you don't know who this person is. Is that right?---I don't, well, obviously it says D.R. Diomedes, before it said Daphne Diomedes, I don't know Daphne Diomedes.

Right. And you didn't ask any questions of Mr Petroulias as to how he came to have these documents. Is that the truthful position, Mr Vaughan?
---I don't, well, I didn't ask the question obviously, I just did the work.

30

Did it cause you any concern whatsoever, Mr Vaughan, that Mr Petroulias has a bank statement for this person, Daphne Diomedes?---Did it cause me concern? No. Well, obviously not.

You think it's not even slightly unusual that Mr Petroulias would have a bank statement for somebody called Daphne Diomedes in his possession?
---Well, this says D.R. Diomedes, and as I said to you before when you first asked me the question did I know who that was, I assumed today that that was Despina.

40

THE COMMISSIONER: Now you might care to answer the last question, please.---I thought I was.

You were not.---How was I not?

Just put the question again.

MR CHEN: Did it not cause you any concern that Mr Petroulias had bank statements from the person known as Daphne Regina Diomedes in his possession?---This says D.R. Diomedes.

Well, if you look down, Mr - - -?---We're on page 45, are we not?

THE COMMISSIONER: Now, I'm going to ask counsel to put this question a third time to you.---I'm sorry. I, I don't understand.

10 No, no, just stop talking and listen.

MR CHEN: Mr Vaughan, you can see on page - - -

THE COMMISSIONER: Just a moment, please. Mr Vaughan, this is in your interests because if you prevaricate and avoid answering the point of questions, you're going to get yourself into trouble.---I see that.

20 And I don't want you or any witness to put themselves into trouble, and I do want you, like every other witness, to answer the questions directly.---I'm trying to answer the questions.

Now, I'm going to ask Counsel Assisting – don't talk over me. I'm going to ask Counsel Assisting, in your interests and in the interests of truth telling, to put this same question a third time to you. I want you to listen to it and answer it directly.---I'm sorry, what does that mean? I don't understand what that means.

You don't understand that?---No. Directly, I thought I was doing it directly.

30 No, no, no, you're not.---I'm not answering it directly? I don't understand what you're saying.

No, no, well, you just listen to it again and we'll see how we go from here. ---Well, could you get me - - -

In terms of your conduct.---Tell me how – I'm sorry, but I don't understand what you're saying.

40 Yes, well, just listen. Would you put the question again, Dr Chen.

MR CHEN: Did it cause you any concern at all, Mr Vaughan, that Mr Petroulias is sending you bank statements from a person Daphne Regina Diomedes?---Sorry, I feel like I'm in Groundhog Day. I'm sorry, but if I'm looking at page 45 I don't see Daphne Regina Diomedes there.

Well, it's in the middle of the page, Mr Vaughan.

THE COMMISSIONER: Under "Account Details".---Under "Account Details". Oh, sorry, you're right. I didn't see that.

Now would you answer the question.---Well, I didn't see that. So, no, I don't think so. I, I don't know. Like, 2016. Obviously I went and did the work so it must have been, you know, reasonable to assume.

10 MR CHEN: Well, I don't understand. Are you saying that somehow in this being sent to you, you didn't cast your eyes over the middle of the page and connect it up to the name or the address on the left-hand side, that D.R. Diomedes was Daphne Diomedes? Is that what you're saying?---No, I'm saying that, well, I'm saying that I wouldn't have looked at it in that – to me this is not a person's statement. This is a template, as I've said before. So again, I don't know, I'm sorry I'm answering you wrongly but I don't know what you're asking, what you want.

20 No, you're answering a question I'm not asking you, Mr Vaughan. But this is a bank statement on the face of it, is it not?---This is a bank statement on the face of it, absolutely, yes. There you go.

It's not a template, is it?---It's a template for me. I'm a designer. That's what I use, templates, things.

Let's focus, please, Mr Vaughan, on what I'm asking, not what you're thinking I'm asking. Just focus on what I'm asking if you'd be good enough. This is a bank statement from the National Australia Bank covering the period 8 September, 2015 to 6 November, 2015 for Daphne Regina Diomedes.---Yes.

30 Do you see that?---Yes.

It's clear and it's obvious to you, isn't it, looking at it?---Yes.

You can't not help know that, can you, from looking at the document and your own life experience, Mr Vaughan, can you?---Yes, that, that would be correct, yes.

40 And so it's not a template at all, is it, Mr Vaughan? It's a bank statement from somebody that's not Mr Petroulias, it seems, isn't that right?---Sure.

And does that not cause you and did it not cause you some inkling of concern that Mr Petroulias had such a document in his possession and was sending it to you?---No. No.

Not at all?---No, not at all. Is that a good answer?

Mr Vaughan, I want you to answer it honestly and if - - -?---Well - - -

You answer it as you see fit.---Oh, dear me. I tried to. As far as I'm aware, if I'm recalling correctly, this particular business was to make up some things that we would be using and it really doesn't matter what is on it because obviously we wouldn't be doing anything with this information. It is for a completely different purpose so it wouldn't matter if it had Harold Holt on it. So, no, I don't have any concerns over that.

10 Well, Mr Vaughan, let me be clear to you. What you in fact did is you did alter the details on this document, this bank statement, and you sent it back to Mr Petroulias. Isn't that right?---If so, if you say so.

No, no, I'm asking you.---I - - -

You know you did, didn't you?---I beg your pardon. What do you mean?

20 THE COMMISSIONER: He means you changed some information on this bank statement. That's what he's meaning by his question. What's your response?---Well, if there's information changed, yes, absolutely. It would show that we were able to do that.

MR CHEN: And let's have a look if you would, Mr Vaughan, at page 45 and you can see there's an entry 14 September, 2015 there. Do you see that?---15 of September.

14 September.---Oh, sorry, 14.

If you look on the screen, Mr Vaughan, it might be quicker. You'll see there's a hand next to it.---Oh, yes, yeah. I can look at that.

30 And you can see the next entry is then 30 September, 2015. Do you see that?---Ah hmm.

And if you look in the top right-hand corner of the page you can see the start and end date of the bank statement for Ms Diomedes, can you not?---Yeah.

And you can see as well that there's an account number 5-2-7-3. Do you see that?---Yeah.

40 And if you go down, please – I withdraw that. Could you have a look, please, at page 48.---On the screen?

It's on the screen.

THE COMMISSIONER: It will come up on the screen.---Yeah.

MR CHEN: And you can see, Mr Vaughan, can you not, the same statement period 8 September to 6 November, 2015?---Ah hmm.

Is that a yes?---Yeah.

And you can see it's the same bank account number can't you 5-2-7-3?
---Yeah. I don't recall the other one but okay, sure.

And if you have a look down a bit further to the entries you can see that
somehow an entry has been put in "withdrawal Sandy Bay branch
\$10,000".---Yeah.

10 And that's what you put in, didn't you?---It looks different so I would
imagine so, yes. It's horrible actually.

And that is what Mr Petroulias had asked you to do, is it not?---I doubt it.

THE COMMISSIONER: Sorry, what was your answer?---I doubt it. That
to me just simply looks like a test of the font. Well, obviously it didn't
work. It's horrible.

20 MR CHEN: Could it be the case that in fact Mr Petroulias has sent you this
document for you to look at?---I'm sorry?

I withdraw that. Have a look at the email beforehand at page 47.---I'm on
44.

Just have a look at 47 at the moment, please.

THE COMMISSIONER: 47. It's on the screen.---On the screen?

30 It's on the screen.---Yeah, sure. Yeah.

MR CHEN: And you can see there that what has come back from
Mr Petroulias to you is the NAB document to be improved. Do you see
that?---Yeah.

And he's asked you to check over it.---Yeah.

And if you look to the next page.---44. Yeah.

40 You can see there's an entry on 15 September there, can you not?---Yeah.

Did you enter that?---Well, as I've said before, yes, I would say so.

And the information Sandy Bay branch where did you get that information
from?--- I have no idea. Maybe he said something about that but maybe I
just made it up.

Well, you would know that Mr Petroulias has got a Tasmanian driver's
licence with an address in Sandy Bay, don't you?---No, I didn't know that.

You don't know that?---No.

Did you know there's a Ms Diomedes has also got a driver's licence with an address in Sandy Bay?---No, I don't know that, Ms Diomedes.

And what else has been altered on this statement you can see, Mr Vaughan, you can see the top right-hand side, you can see the opening balance, \$10,022.41?---Yeah.

10

On page 48. And if you go back to page 45 you can see that the very same statement in fact has an opening balance of \$22.41.---Yep.

Did you alter that, Mr Vaughan?---Well, I would have had to have. Well, actually I could have unlocked it, but yes, I would say I would have altered it.

20

THE COMMISSIONER: Do I take it that that would have been based on some information supplied to you?---Sure, we were looking at these statements, that's right.

And would Mr Petroulias have been the source of that information to you? ---Well, he would have been the only person I was speaking to, yes.

MR CHEN: If you have a look, please, at page 50, you can see there an email from you to Mr Petroulias.---Yep.

30

And you've sent back a version of this statement, have you not?---(No Audible Reply)

If you look at page 51?

THE COMMISSIONER: That's the statement that's been altered?

MR CHEN: Yes, Commissioner. So it's the statement for Ms Diomedes for the period 8 September, 2015 to 6 November, 2015.---Yep.

40

You agree that's another version of this bank statement for Ms Diomedes? ---Yeah, that looks better, yeah, it's still not great but it looks better.

You can see there are some differences though, is that in the first instance the opening balance is resumed at \$22.41 in the top right-hand corner? ---Yep.

But you can see on 15 September, you can see that there is another, or that entry for the withdrawal of \$10,000 has been included.---Yep.

And is that revision – or as you describe, that version that was better – work done by you?---Ah, yes, it would have been.

So what you were doing, Mr Vaughan, was engaging in the alteration of this bank statement. Isn't that right?---That's right, yeah.

You're not using it for a template in any way at all, are you, Mr Vaughan?
---No, that's not correct. No, that's not correct.

10 And what you were engaging in is some preliminary attempt at creating a fraudulent bank statement for this individual. Isn't that right?---Ah, actually, no, that is not correct at all.

THE COMMISSIONER: Right. Well, why did you change the numbers?
---I just told you before. If you look at the design of that, that is in actual fact better.

We're not talking - - -?---Well, that's all I do, is design.

20 We're not talking about the design, we're talking about the amounts of money that are recorded on the document.---It wouldn't matter about the amounts of money. You can look at the fact that this can never be used as a document for anything. It's still bad, it's still wrong, right. It's like you can even see the withdrawal there in the internet, it doesn't look like the same document. So obviously it never worked because it was never used.

MR CHEN: So would you have a look, please, Mr Vaughan, at page 63, and you can see that Mr Petroulias has sent you some other statements from Macquarie. Do you see that?---Yep.

30 And you can see in the email it's talking about if it's too hard to fix the NAB statements, here's some Macquarie statements. Do you see that?
---Yeah.

And if you turn to page 54 you can see as well that these statements are for Ms D.R. Diomedes, Daphne Diomedes.---Ah hmm.

Do you agree?---Yes.

40 You remember receiving these, do you?---Yes, if it's in the same period.

And again you were, with Mr Petroulias, making alterations to these statements as well, weren't you?---Again, yes, for the same reasons as I've already stated.

So what you'd have the Commission believe is that you were going through these bank statements and making fine-tune alterations, all with the idea of

these being used somehow as templates for a business that you and Mr Petroulias were embarking upon. Is that it?---Yes, that's correct.

Mr Vaughan, can I suggest to you that that evidence is plainly false?
---That's not false at all.

And that you were - - -?---You don't know very much about programming, do you?

10 THE COMMISSIONER: Just wait for the next question. Just wait for the next question.---Yep.

MR CHEN: Well, Mr Vaughan, surely if you wanted to create some templates for your business you could simply take out the formatting and use and create your own document, could you not?---Take out the formatting?

20 Yes. Use the structure of what you say is a useful document and go from there, isn't that right?---No, it's not right.

So what you need to do is go through and alter deposits and credits, do you, to enable you to usefully use that in your business, is that it?---To be able to create a document that looks acceptable to clients, yes, that's correct.

You know, Mr Vaughan, that's simply not true what you're telling the Commission now.---Actually, you don't know anything about what you're talking about. You're making statements that you're not qualified for. So there is, in actual fact, quite a, quite an art in being able to do this.

30 THE COMMISSIONER: What's your response – stop speech-making. Stop speech-making. Mr Vaughan.---So, no, I reject what you're saying.

Mr Vaughan, if you keep that up, you will be charged with contempt. What's your response to the question? He's putting it to you that you were involved in the falsification of a bank statement, not creating a template.
---Well - - -

I take it you reject that suggestion.---I reject that suggestion.

40 Thank you. That's all you have to say.---Thank you.

MR CHEN: And it really Mr Vaughan is that this is the kind of thing that you are prepared to do for Mr Petroulias if he asks you to, isn't that right?
---No, not as a general rule, no.

Now, where was the Able Consulting office, Mr Vaughan?---Office?

Yes.---I was only down there at a certain period of time and I never attended an office.

Well, did it have one or not?---I never attended one. I have no idea.

Did it have one or not?---I have no idea.

And did it have any employees, Mr Vaughan?---I had a number of people that I worked with.

10

Please, did it have any employees or not?---Oh, paid employees? I'm not, I don't know.

I'm sorry, what was your answer?---I don't know. I don't know.

And what income did it receive during the three months that you were the director of it, Mr Vaughan?---I would have imagined it received, well, I'm not aware of it receiving, I'm not aware of it receiving any income. I didn't get any.

20

And what were the expenses of Able Consulting during the period of time that you were its sole director, Mr Vaughan?---I wasn't in charge of treasury.

What were its expenses, Mr Vaughan?---I didn't, I don't know. I have no idea.

And what bank accounts, if any, did it have?---I have no idea.

30 You didn't operate any?---I didn't operate any.

Who was the person that assumed the directorship after you - - -?---I have no idea.

- - - ceased to be the director?---Sorry, don't know.

And how did you communicate with Mr Petroulias that you had ceased to become the director of Able Consulting?---Yes, probably something like, "I'm quitting."

40

And - - -?---It would have been understood. I was only there as a temporary director.

To do as he asked you to do, isn't that right?---To set the, you know, to assist at the time, yes.

To do as he asked you to.---No, I refute that.

Well, what did you do independently, Mr Vaughan, to promote the business of Able Consulting?---We never got to a business model.

So as I understand it, it received no income, it had no employees, you don't know anything about its expenses, you don't know whether it had a bank account or not. You're asked to assume this role by Mr Petroulias, and, what, you say you had, irrespective of those matters, some independent function in this business, is that right?---I suppose, if you'd like to put it that way, yes.

10

No, I'm asking you, Mr Vaughan.---Well, I don't see it that way, no.

Well, how do you see it?---I see it as the fact that when we were down there what we had to do was get people together for meetings and see if we could get this thing off the ground.

20

Who's "we"? Do you mean you and Mr Petroulias?---No, I mean myself, Mr Petroulias, Mr Green – that would be Richard – Sam, Sam's offside. I can't remember. There were, there were about a dozen people that I had met at the time. I can't recall all of their names. Huss was another one. That's, Huss's, again I can't remember all their names.

Now, Mr Green – I'm sorry, I withdraw that. Mr Vaughan, you know that you prepared, whilst you were a director of Able, a report to the Awabakal Local Aboriginal Land Council.---Yes.

And Mr Petroulias asked you to do that, did he not?---Correct. That's the primary, well, secondary reason I was down there.

30

And what's the primary reason, Mr Vaughan? Was it to do these - - -?---The web work. Fixing up computers.

I'm sorry?---Fixing the computers.

And you were briefed, were you not, and only briefed by Mr Petroulias, to prepare that report, isn't that so?---I suppose so, in a way, yes.

40

Well, what material did you receive to enable you to prepare it?
---Documents from Awabakal. I don't, are you talking about the report, the end report that I sent him?

Have a look at volume 11, page 323. It will come up on the screen, Mr Vaughan.---Volume 11.

Do you recall that as the report that apparently you authored?---Oh, that's a different thing to what I was thinking.

Well, let me ask you, did you prepare this report or not, Mr Vaughan?---I don't think I did that one, no.

Well, just have a look at the last page. I'll show you your signature appears on it.---Yeah, I would have signed it. I was currently the director of the company, so I would have gone through there. I would have perused that and gone through it and signed it, yes.

10 Do you recognise that as your signature?---Yes.

Is that an electronic version of your signature that was - - -?---Yeah, it is.

Mr Vaughan, I'm just going to ask you just to wait until I ask the question. ---Oh, sorry.

Is that an electronic version of your signature that appears on that document?---Yes, it is.

20 And was that attached by you or by somebody else?---I don't know.

It's clear, isn't it, Mr Vaughan, that Mr Petroulias drafted this document, isn't that right?---From that? It's not clear at all. It could have been.

Well, that's the fact, isn't it, that he did prepare it?---Not to my knowledge.

Well, you didn't, did you?---Well, I don't know. I can't recall that time. Sorry.

30 THE COMMISSIONER: Just go back to page 1 and have a look at it.---Go back to page 1. Yes, please.

Just have a look at that. Firstly, did you know Debbie Dates at the date of this letter?---Around that time, yeah, well, I'd spoken to Debbie.

Had you met her?---Yes.

You had met her, had you?---I met her at that, this is the time that I was down at Awabakal.

40 In any event, have a look at the document. Did you prepare that or you believe you didn't?---I've seen the document. I'm not sure whether I prepared - - -

No, please, again, attend to my question.---Sure.

I'll put it again.---I don't - - -

Did you prepare the document or do you believe you didn't?---I don't think I did but - - -

All right. And logically, based on your knowledge at the time, April '16, if it wasn't you, who was it likely to have been prepared by?---Probably Sam, I think.

10 Why him?---Because he did most of the property work. He was actually in, he did all of the work. He had all of this stuff that he was doing with properties back then at - - -

Could it have been Mr Petroulias's work, this letter?---Could it have been? I suppose so. I mean, how would I know?

You don't know? You don't know? Are you rejecting the proposition that you prepared this letter or are you still in doubt.---I can't remember, sorry. I really don't recall what occurred at that stage. The only thing I'd say is it doesn't look like my style of writing. That's - - -

20 MR CHEN: Did you know at around this time, Mr Vaughan, about an attempted transaction between the Land Council and a company called Solstice?---Solstice rings a bell, yes.

Did you know anything about an attempted transaction at this time, Mr Vaughan, was my question.---Possibly.

30 Well, did you know that your company that you were a director of, Able, had some role in this attempted transaction? Did you know that?---Not that I, I can't remember, sorry.

Really? I mean, do you not know whether, at the time this report goes to the board, around 6 – I'll withdraw that. At around the date of this report, you don't know whether Able Consulting was supposed to be a party to an attempted transaction involving Solstice?---I would assume that it was to do it if that's part of the report, yes. It would be party of it, part of it.

40 No, I'm asking about what you know as the sole director of Able Consulting at this time.---I can't recall. Like you're asking me at a specific date. I'm sorry, my memory isn't that good.

Well, did you recall at all, Mr Vaughan, whether Solstice and Able were to enter into a transaction at any time that you were the director of Able Consulting?---I don't remember. I don't remember. The name Solstice rings a bell so it's quite possible.

Well, you've said that, Mr Vaughan. I'm not asking you about whether it rings a bell or not. I'm asking you about whether the company that you're

the sole director of had attempted to enter into a transaction with, amongst others, Solstice?---The best answer I can give you is I can't recall.

Did you give any instructions for anybody to prepare agreements or draft agreements, Mr Vaughan?---Did I? No.

Are you sure of that?---Well, I – no, I can't recall. I would have said I've spoken to Sam. If that's an instruction, then yes.

10 So who is Sam? Sam Sayed, is that who you're talking about?---Yes, Sam Sayed. Well, yeah, Sam Sayed is his name, yes.

Well, he's not a lawyer though, is he?---A lawyer? No. He's a property developer.

So why would you be speaking to him about this deal?---Because he's a property developer.

20 Well, did Able Consulting have any lawyers as at the time you were the sole director, Mr Vaughan, or not?---I'm not aware of a separate legal firm, no.

Now, Able - - -

THE COMMISSIONER: Just on your position as director. Was it the position your name is just put down as the director but in reality you didn't really operate as a director?---You mean on a – no, I wouldn't have.

30 Do you agree with that? All I'm saying is, was your name by arrangement with Mr Petroulias put down as director but you did not in fact act as director. Is that what you're saying?---Act as director. Well, see maybe I have a different – I'm trying to answer your question. Maybe I have a different understanding of what my role was as a director at that stage.

MR CHEN: Now, you know, don't you, that Able at least during the time that you were a director was the registered owner of a motor vehicle. Isn't that right?---I don't recall that.

40 What, you don't know whether Able became the owner of a car or not?---I don't, I didn't buy a car. I didn't order a car to be bought.

Is this the first time you've heard anything about it?---Yes.

Well, just have a look if you would, please, at Exhibit 113 at Page 155.---Is it coming up on the screen?

It will in a moment.---Okay.

And do you see there a letter from Able dated 18 February, 2016?---Mmm.

Is that a yes?---Yes, I do.

And you can see your signature appears there.---Ah hmm.

That appears to be attached electronically, does it not?---It does.

That is to say, have you ever seen this letter before?---I don't recall that letter.

10

THE COMMISSIONER: You will note who it's addressed to, Macarthur BMW/Pro Auto Narellan Pty Ltd?---Ah hmm.

And then it says "To the RMS and to whom it may concern".---Ah hmm.

And then I'll leave it for you to just read the rest of the letter. It's only short.---Oh.

Okay?---Yeah.

20

MR CHEN: You know nothing about this letter. Is that the position?---I don't recall this at all, no.

And did you give Mr Petroulias the authority to attach your electronic signature to documents, Mr Vaughan?---Occasionally, yes.

THE COMMISSIONER: Did you give your authority to have this letter signed by you?---As I say, I can't recall that one. It's possible that we had a conversation about it but I don't recall that.

30

MR CHEN: And who is Peter Provest?---No idea.

That's Mr Petroulias, isn't it?---Is it? I don't know.

Anyway, so far as you're concerned, Mr Vaughan, you never knew anything about Able owning a car?---Not to my memory. Not to my recall, no.

And did you ever drive a vehicle that was every owned by Able?---I don't think so. I don't know. How would I know?

40

Well, you could probably start with working out whether it's your car or not.---It's not my car.

And if you were given the keys to another car, you might ask whose car is it but - - ?---Well, I wouldn't. If I was going somewhere and I needed a car and I got a car I would have driven it but that's, you know, why would I bother asking? It doesn't make sense.

Well, I'm asking about ownership, Mr Vaughan.---Well, driving isn't ownership, so no, sorry, if I was just driving it somewhere I would have just driven it somewhere. I don't understand that at all.

I'm not asking about driving, Mr Vaughan.---You just did.

Mr Vaughan, would you have a look, please, as well at page 149 and you'll see on the screen at the moment there's a letter of 27 May, 2016 from Able directed to BMW Sydney. Do you see that?---Yep.

10

Now, you were not, Mr Vaughan, the director of Able at this time, were you?---No.

And you can see though that there's a direction given by or directed to BMW Sydney to register a BMW X5 in the name of Able Consulting Pty Limited. Do you see that?---Yeah.

And you can see despite the name Greg Griffith appearing as a director, that your signature appears on it?---Yep.

20

How did that happen?---I have no idea.

THE COMMISSIONER: Have you ever used the name Greg Griffith?
---No.

MR CHEN: Do you know who Greg Griffith is?---I've spoken to Greg, yeah.

That's an electronic signature of yours attached to that document, isn't it?

30

---Yes, it is.

Did you have it in the business plan of Able Consulting when you were a director to buy this BMW X5?---Not that I'm aware of, no.

Did you know anything about it?---I have no, I have no record or recollection of that at all.

THE COMMISSIONER: Had Mr Petroulias ever said to you that he proposed to buy a BMW vehicle on behalf of Able Consulting?---On behalf of Able? Not when I was a director, no.

40

Or by Able Consulting?---I can't - - -

You don't recall. You don't believe so.---I, I have no idea.

No idea.

MR CHEN: Now, you can see the date of that letter, can you not, at page 149 is 27 May, 2016?---Yep.

And, Mr Vaughan, I want to show you another document. It appears that this vehicle was the subject of a traffic infringement notice on 30 May, 2016. And I'm just going to show you a document at volume 60, page 50. Now, I'm just showing you this by way of background, Mr Vaughan. If you have a look down you can see there there's a penalty notice dated, or an issue date of 10 June, '16. Do you see that?---Yes.

10

And it's directed to BMW Sydney.---Yes.

And if you look down the bottom you can see the description of where the offence allegedly took place, when, sorry, when and where, 30 May, 2016. Do you see that?---Yeah.

Now, if you have a look, please, at volume 60, page 52, you can see that BMW Sydney have provided a nomination form saying it's not their vehicle anymore, it's Able Consulting Pty Limited's vehicle. Do you see that?

20

---Yeah.

And, Mr Vaughan, you would know from your own experience that when a camera records an offence, that individuals or companies can be invited to identify who the driver was at the particular point in time.---Yep.

You're familiar with that process?---Yep.

And would you have a look, please, at volume 60, page 55, and you can see there it appears to be a statutory declaration on the, if you look down right to the bottom it appears to be dated 24 October, do you see that, 2016?

30

---Yeah.

Now, if you go back to the top of that document you can see your name appears there.---Yeah.

Is that your handwriting?---No.

Is any of the handwriting on that document yours?---The handwriting? I don't know. I don't think so. Doesn't look like it.

40

Right. Have a look down the bottom. Do you see the signature on the top right-hand side which has the signature of the declarant - - -?---Ah hmm.

- - - being apparently, according to this statutory declaration, Greg Vaughan. Do you see that?---Yeah.

THE COMMISSIONER: Does it look like your signature?---No.

MR CHEN: Have you ever seen this document - - -

THE COMMISSIONER: Does your signature look anything like that, the one on the document?---Not really. It gets pretty scribbly at times, but no, I don't think so.

Not like that. Do you believe it's your signature?---No.

10 MR CHEN: Did you swear this statutory declaration?---I've never seen this.

All right. Commissioner, I notice the time.

THE COMMISSIONER: Yes. We'll take the morning tea adjournment. Mr Vaughan, we're going to take a morning tea adjournment, about 15 minutes, thereabouts.---Yeah.

Then we'll resume. Thank you. We'll adjourn.

20

SHORT ADJOURNMENT

[11.30am]

THE COMMISSIONER: Yes, Dr Chen.

MR CHEN: Mr Vaughan, you became a director of Gows Heat, did you not, in August of 2017?---Yes.

30 And you were asked to become a director of that company by Mr Petroulias, isn't that so?---Yeah.

That was a company that he controlled, isn't that right?---I have no idea.

Well, what did he tell you was the reason for why you needed to become a director?---The current director had died.

And what was his role in asking you to become a director of that company?
---Asking - - -

40 What was his connection to the company, Mr Vaughan?---I have no idea.

I'm sorry?---I don't know.

Did you not ask him?---Did I not ask him why he was asking me – no, I'm sorry, I don't recall asking him that, no.

Did you seek to find out some information about what you'd be required to do and for how long it would be and matters of that kind?---Yes.

And what did he tell you?---That it wouldn't be very long. That he would get another director.

You're still currently a director, though, of that company, are you?---Yes.

And you haven't taken steps to have another director appointed, have you?
---I haven't done that yet, no. That's right.

10 Well, what was your understanding of Mr Petroulias's connection to that company?---Counsel. I don't know. I didn't, I'm guessing, so I - - -

Well, you must have some. Why is Mr Petroulias suddenly saying you need to become a director of this company?---You would have to ask him why.

Well, I'm asking you. You're the director of the company and I'm asking you what your understanding of his connection to it is.---I have no idea.

20 Is that a serious response, Mr Vaughan?---Yes, it is. The company is not trading and not doing anything, so I - we had this dance before. Look - - -

THE COMMISSIONER: It's not a dance. This is serious business.---No, I was asked exactly the same questions prior.

Yes. And it's not up to you to comment on counsel's question as to whether it's good, bad or indifferent. You are here as a witness, as I've said before, like anybody else who comes here, with no privileges to be making statements and comments. You make answers and only answers.---I try - - -

30 Do I make myself clear?---Yes.

Thank you.

MR CHEN: So he's just asked you to become a director of this company? That's - - -?---Correct.

40 You haven't inquired as to what Mr Petroulias's connection to the company is, if anything?---I inquired whether the company was working, that's it, whether it was operating, and I would not have been a director if it was.

And you didn't ask any questions about what his connection to that company was, if any, is that right?---No. Correct.

And you just agreed then, did you, with Mr Petroulias to become a director of another company at his request. Is that the position?---I'm sorry? Another company?

Well, you'd agreed to do it for Able. I think we've - - -?---Oh, I see. Yes.

And does Gows Heat have an office?---Not to my knowledge.

Does it have any staff?---No, not to my knowledge.

Do you have any, are you paid by Gows Heat?---No.

Have you received any income or directors' fees for being the director of Gows Heat?---No.

10

During the time that you've been the director of it, has the company filed any tax returns?---Not to my knowledge.

Does Gows Heat have company returns so far as you've been able to ascertain, Mr Vaughan?---Not to my knowledge.

Does Gows Heat have a bank account?---No.

20

Have you operated a bank account on behalf of Gows Heat at any stage?
---No.

Now, I want you to have a look at some documents, Mr Vaughan, please. I'm sorry, before I do that, Commissioner, I tender volume 45 of the public brief described as Financial Brief.

THE COMMISSIONER: Described as what?

MR CHEN: Financial Brief, volume 45.

30

THE COMMISSIONER: Volume 45, is it?

MR CHEN: 45, Commissioner.

THE COMMISSIONER: All right. That will become, be admitted and be marked Exhibit 114.

#EXH-114 – FINANCIAL BRIEF (VOLUME 45)

40

MR CHEN: Now, Mr Vaughan, would you have a look on the screen at page 10, please, and you can see there that this is an application for a bank account to be opened with Macquarie. Do you see that?---Ah hmm.

Is that a yes?---Yep, yep.

And if you look down the bottom you can see that the company officer identified was you. Do you see that?---Ah hmm. Yes.

And if you look at the next page, Mr Vaughan, you can see that your details are provided as the company officer. Do you see that?---Yes.

And address information is provided of an address in Portland. Do you see that?---Yes.

And also a postal address in Strathfield. Do you see that?---Yes.

10 And down the bottom you can see that the beneficial owner was identified as you?---Yes.

Have you seen this document before?---No.

Did you complete it, Mr - - -?---No.

Did you permit or authorise Mr Petroulias to do it?---No.

20 Have a look at page 12 if you would, please. You can see again that this has got all your information put into the form, namely you're the beneficial owner with your address and your contact details. Do you see that?---Sure.

And if you look down a bit further it's got under the heading Macquarie Cash Management Account Details, it's got a nominated bank account as being Knightsbridge North Lawyers.---Sure.

This has got nothing to do with you. Is that the position, Mr Vaughan?
---Not Knightsbridge, no, not part of Knightsbridge.

30 But you didn't input any of this information into this form or open this account?---Never seen it.

Would you have a look, please, at page 14. That appears to be your driver's licence, does it not?---That is my driver's licence. Well, it's a copy of it.

I'm sorry, you're quite right, it's a copy of your driver's licence, isn't it?
---Yes.

40 Did you provide that to Mr Petroulias?---No, not at all.

Are you able to assist the Commission in how this account in Able Consulting came to be opened on or about 10 April, 2016?---No, I don't know.

Is this the position, that you never operated it?---I've never seen that.

Is this the position - - -?---Sorry.

- - - that you have never operated this account?---No, I don't, no, I've never had anything to do with that account, if that's what you're asking.

That is what I'm asking.---Yeah.

And you know nothing of its creation. Is that the position?---Correct, yeah.

Have a look, if you would, please, at page 15, and you can see here that the account appears to be opened on or around 10 April, 2016.---Ah hmm.

10

Do you see that?---Yep.

And that's the date prior to you ceasing to become a director of Able. Isn't that so?---Ah, it's about that time, I don't recall directly, but sure.

The address of Mosely Street, Strathfield - - -?---Yes.

- - - do you know whose address that is?---No. Ah, it rings a bell but I don't know who, I can't recall off the top of my head.

20

All right.---I've seen the address but I don't know where.

Well, Mr Vaughan, from what's in this brief, the statements for the period 10 April, '16 to 14 February, 2018, Able appear to have income of just over \$205,000. Do you know anything about that?---No.

It also had outgoings apparently of nearly the same amount, \$205,000. Do you know anything about that?---No.

30 Do you know anything about where it may have got its funding from?
---Not off the top of my head, no, not that I can recall.

THE COMMISSIONER: Did Mr Petroulias ever discuss with you the financial operation of this company?---Of Able?

Mmm.---No.

40 MR CHEN: There also appears to be a transaction, Mr Vaughan, on 5 July, 2017 between Gows Heat and Able. I'll just draw that to your attention.
Volume 45, page 22. Now, do you know anything about that transaction on 5 July, 2017, a payment from this company Able to Gows?---I would not. I wasn't a director of either of those.

I understand that. I haven't asked - - -?---So - - -

I've asked you whether you know anything - - -?---No.

- - - about the transaction?---No idea.

You can see on that bank statement there's a number of transfers to an entity called Best Pay, and I want you to assume it's called Custodial. Do you see that?---Sure.

On 4 October, 2017 and again on 22 December, 2017. Do you see those?
---Yeah.

10 Do you know anything about these transactions to that entity?---No.

Do you know anything about that entity, Best Pay Custodial?---No.

Mr Vaughan, I want you to assume that there are at least 12 transactions in the records of Able Consulting to a bank account in the name of Pearson. Do you know anything about those transactions, Mr Vaughan?---No.

Now, Mr Vaughan, you also opened an account with Macquarie, didn't you, at around this time?---I've never had a Macquarie account.

20 Really?---Yes.

Well, have a look if you would at volume 45, page 99 and you can see there a Macquarie cash management account application form in what appears to be your name. Do you see that?---Yes.

And that's your date of birth, isn't it?---Yes.

30 And if you scroll down under residential address that is certainly a residential address that you use, is it not?---That's my home address.

And you can see then the postal address is put as Mosely Street, Strathfield.
---Mmm.

PO Box 101/58 Mosely Street, Strathfield.---Ah hmm.

That's never been your postal address, has it?---No.

40 If you turn to page 100, Mr Vaughan, you can see as well that there's a linked account that's been nominated here namely, Gows Heat Pty Ltd.
---Yeah.

Did you give instructions for this account to be opened?---Was this when I, this was earlier?

No, no. I want you to assume this is April, 2016, Mr Vaughan. So I understood your evidence to be that you've never opened a - - -?---No.

- - - Macquarie account?---No.

And you know nothing of this?---No.

You didn't provide authority to Mr Petroulias to open this account, did you?
---No.

Are you certain of that?---Well, as best I recall, yes.

10 And if you have a look, please, volume 45, page 102 you can see there's a
photocopy of your driver's licence.---Yes.

Do you see that?---Yes.

And did you give Mr Petroulias a copy of your driver's licence?---No.

Are you sure of that?---I'm pretty sure.

20 THE COMMISSIONER: Can you imagine how he would have had access
to or been able to obtain a copy of your own licence?---I can imagine, I can
actually, I can imagine. I got hacked in about 2013. Unfortunately at that
stage I had all of my, my – no, actually it was later than that. It was, yeah,
got – it did happen a couple of times so unfortunately I've had a number of
people misrepresenting themselves as me over the years.

Just pausing there for a moment. I'm not talking about others who might
have accessed your personal - - -?---Well, that's - - -

30 - - - personal data and used it. I'm trying to ascertain how Mr Petroulias, if
he did use it, how he would have obtained your licence?---Sorry, I didn't
understand that as the question but probably if he'd have used it he could
have gotten it from anywhere.

MR CHEN: Well, that's not literally true. He couldn't have got it from
anywhere.---Well, it is literally true because it's online. If you want I can
show you how to find it and it's not mine, it's not my accounts.
Unfortunately that's the way of the web.

40 I'm sorry, the Commissioner's question was directed to a photocopy of your
driver's licence.---Oh, the photocopy?

THE COMMISSIONER: That's what I'm talking about. How Mr
Petroulias, if he did, would have obtained your licence to be able to copy it
like that.---I have no idea.

MR CHEN: Well, Mr Vaughan, just have a look at some of these
transactions if you would. Volume 45, page 103. You can see that this is a
bank account statement for, apparently, you, Gregory Steaven Vaughan,
with Macquarie for the period 7 April to 30 June, 2016.---Mmm. Yeah.

And you can see there are a number of transactions just on this page, to Best Pay Custodial, for example, Richard Green, Techno Group E. Do you see all those, for example?---Yeah, yeah.

Peter Provest.---Yeah.

You know nothing of this, is that the case?---I've never seen this.

10 If you look to the next page, Mr Vaughan, you can see there are a number of credit card payments that apparently have been made or at least two of them. Do you know anything about those?---No.

THE COMMISSIONER: You say you know nothing about these transactions in an account attributed to you in your name?---Yeah, I've never seen this.

20 MR CHEN: And if you just go back to volume 45, page 103, you can see a couple of these transactions at 3 May, 2016. I want you to assume these are – that is, one for \$9,456, and 3 May, \$4,000. Do you see those?---No.

Just near where the hand is showing you on the screen. One is described as “pay”.---Oh, sorry, yes, yes, yes.

The other is described as “fees and bonus”. Do you see those?---Yes.

They've come, Mr Vaughan, can I ask you to assume, from Able Consulting Pty Ltd.---Yes.

30 Are you able to explain how that has occurred?---No.

It's a mystery, is it?---Well, I certainly never got it. I've got money, yay.

So is this the case, that if there are throughout these accounts, sorry, throughout this account, the one in the name of Gregory Steaven Vaughan, eight transactions from Able to that account, you're unable to say how that's occurred, is that the position?---That's the position, yes.

40 And again in relation to this account, Gregory Steaven Vaughan, a payment to Gows Heat Pty Ltd on 9 September, 2016, you can't explain that transaction either, is that the case?---Yes, that's correct.

Now, you are currently, are you not, a director of Techno Group?---Am I? I'm not aware of that.

Well, I'll - - -?---Oh, no - - -

It's a company called Techno Group Enterprises Pty Ltd.---Techno Group. Possibly. I, I don't recall, actually.

Well, you were appointed – coincidentally, it seems – on 20 January, 2016, which is the same day you were appointed director of Able.---Okay.

Do you not know anything about that?---I can't recall anything about it. I mean, I know – no, I can't recall. Sorry.

10 Well, Mr Vaughan, would it surprise you to know that as well a bank account has been opened for Techno whilst you've been its sole director? ---Yes, it would.

Did you arrange for a bank account to be opened for Techno Group Enterprises with Macquarie?---I, no, not to my – I can't recall that.

Well, you said a moment ago you've never had a bank account with Macquarie.---That's right.

20 If you accept from me for the moment this account is also with Macquarie, you would accept, would you not, that you've never opened one?---That's correct. I've never opened an account with Macquarie.

Well, just have a look, if you would, please, Mr Vaughan at volume 45, page 72, and you can see there a Macquarie cash management account. Is that on the screen now in front of you?---Yes.

All right. You can see there's a cash management account opening form? ---Yeah.

30 And if you scroll down you can see that down the bottom the company officer is identified as you?---Yep.

And if you look at page 73 you can see the financial details, sorry, the residential details again are the same as those used for Able and the account in your name, can you not?---Yeah.

40 And if you look at page 74 you can see in about the middle, Mr Vaughan, that the nominated bank account for this account was Point Partners Consulting Pty Limited. Do you see that?---Mmm.

Do you know who they are?---The name again rings a bell but I can't remember.

So is this the position. You didn't open this account, did you?---No, I didn't.

Did you authorise Mr Petroulias to open this account?---Directly, I wouldn't think so.

THE COMMISSIONER: Did you ever come to know of its existence and it was being operated with your name associated with it?---Not the second part, with my name associated with it, I don't know what we're talking about there, but no, I don't really.

10 MR CHEN: Well, you'd be unable to comment then, would you, on any of these transactions that appear in its, in the bank statements?---Correct.

Is that the position?---That's correct.

THE COMMISSIONER: Well, you're shown as a director I think, is that right, on this form?

MR CHEN: That's so.

20 THE WITNESS: Yeah.

THE COMMISSIONER: Does it give you any cause for concern to be informed that bank accounts opened with Macquarie Bank with your name attached without your knowledge or authority and that those accounts have been used, does that cause you any concern?---Yes.

But you say today's the first time you're aware of this, these accounts? ---That I can recall, yes. I don't recall thinking or discussing this at all. I certainly never did this.

30 MR CHEN: And in relation to Gows, you've never operated a bank account, that's your position, is that the case?---My understanding is that Gows doesn't trade so it doesn't have a bank account. It has a trust account but doesn't have an account of its own.

And where is that trust account held, with what institution?---I don't operate the trust account.

40 I'm sorry?---I don't operate the trust account and I don't believe that it's in operation. Well, I don't know, sorry.

Well, you mentioned that you thought it had a trust account, I thought that's what you said?---Yes.

Right. And which organisation holds that trust account so far as you understand?---I don't know. Look, as far as I'm aware the trust account, I don't, sorry, I don't actually understand what you're asking.

Well, I'm asking you to explain your answer. You said it doesn't have a bank account, and then you mentioned a trust account. I'm asking you who holds the trust account, what organisation?---Gows. Oh, I – sorry?

THE COMMISSIONER: What bank account? Where, where is the trust account?---I - - -

Is it with a bank or is it with some other organisation?---I don't know.

10 How do you know there is a trust account?---Because my understanding of Gows was that it was, like, when I was asked to be appointed director or asked to be a director, sorry, the two things that I wanted clarified were whether it was trading and with any liability and the other thing was whether it had anything else and at that stage it was operating as a trustee for some organisation which I can't remember. I just didn't, as a trustee it would have its own, as it was acting as a trustee I didn't consider that it was going to cause me a problem in my temporary role as a director.

20 Did you discuss these matters with Mr Petroulias?---I, no, I didn't discuss them.

Well, how did you satisfy - - -?---I, I, I asked - - -

Where did you get your information from about these accounts?---The last time that I was down here, I asked Despina if there was anything occurring with the trust account.

30 And what did she say?---She said it was in existence and that it wouldn't affect, you know, it was not an operational account that we were operating.

When did you have that conversation with her? When you say recently - - - ?---The last time I was down. The last time I was down. April.

April. And did you see her in her office or somewhere else?---Yes.

How did that meeting come about? How was it arranged?---It wasn't arranged. I just went across to sort of ask if there was anything I needed to know about Gows.

40 And what happened?---Exactly what I just said, sorry. Just there was no - - -

You had a conversation?---Yeah, had a conversation and the conversation was, allayed any fears that the company was actually trading and I was doing, you know, something that I might actually get in, you know, or need to get involved in. The company operated a trust account.

MR CHEN: Well, Mr Vaughan, you became a director in 2017.---Correct.

Why were you suddenly trying to satisfy yourself in 2018 of these matters?
---Because when I was down here in April, you raised points that I didn't have answers to and I thought I'd better get them.

Well, I understood what you said to the Commissioner earlier is you had a conversation with somebody who you couldn't identify to satisfy yourself that when you became the director of this company there weren't any liabilities that you perhaps could become personally responsible for. Isn't that what you said?---Correct.

So what's 2018 got to do with satisfying yourself before you assume the role of the director in 2017?---I'm sorry, I didn't follow you. Could you say that again? That, that confused me.

THE COMMISSIONER: Think of the time sequence.---Yes.

2017 and 2018. You're being asked to address your mind to that.---Yes.

20 Why would you in 2018 be asking these questions of Ms Bakis?---Oh, well, because – no, I got it – because in 2017 I asked the questions that I believed were all that were necessary for me to adopt, to, to basically agree to be a director for the short term. After I was here in April, right, it gave me pause to say to see if I'd asked a sufficient question, so I asked again. I asked Despina, you know, are there any bank accounts? It appeared from my previous examination that there was something that I was missing.

MR CHEN: So is the conversation that you had to satisfy yourself to be a short-term director with Ms Bakis, is that the position?---It is the position. I ---

And you had that conversation in 2017, presumably, before you became a director. Is that right?---No, I had a conversation, right, with Nick before in 2017.

So he was - - -?---In 2018 I asked about the bank, whether there were any bank accounts I was not aware of.

40 So he was the person who you sought assurances from about how the company was performing before you agreed to become a director. Is that the case?---Close. Whether the company was actually operating is what I asked.

Well, I thought what you said is you wanted to be satisfied that there wasn't any liabilities that you could assume some responsibility for.---Correct. That's correct.

And that's the conversation you had with Mr Petroulias, surely.---That's correct.

Now, at the moment you are not undertaking any particular functional role as a director of Gows, are you?---No.

You signed a letter, though, did you not, directed to the Commission on behalf of Gows, isn't that right, earlier this year?---Correct. Yes. That's correct.

10

Did you draft that letter, Mr Vaughan?---I had it drafted for me.

Who drafted it?---Knightsbridge.

And who is Knightsbridge, Mr Vaughan?---Oh, that would be Nick and Despina as far as I'm aware.

And you, as the director, simply appended your signature to it, is that the case?---After I'd read it, asked questions about it, yes.

20

Well, many of the matters contained in that letter, Mr Vaughan, were matters that you could have absolutely no direct or indirect knowledge about, isn't that right?---Okay, yes.

So really all you're doing is appending your signature to a document that had been prepared by others not knowing whether what is asserted within it was true or false. Isn't that right?---Am I able to see the document to see if that's the case because it doesn't sound like, it doesn't sound correct but, you know.

30

Well, Mr Vaughan - - ?---I don't tend to sign things if I am, you know, concerned with the contents, no.

Mr Vaughan, I think we've established have we not that this document was prepared as you described it by Knightsbridge, Ms Bakis and Mr Petroulias. Isn't that right?---Yes.

And you were not a director of Gows before 2017.---Correct.

40

August in particular. Isn't that right?---That's correct.

So the events that are the subject of this Commission's inquiry all occurred well before you had any association with Gows at all. Isn't that right?---I suppose so. I mean I don't know what events you're referring to.

What the Commission is looking into, these land transactions.---Yes, they all occurred well before.

And you don't profess to have any particular understanding about those events do you, Mr Vaughan?---In context?

At all.---Apart from attending meetings, asking, you know, the various people that were there about what was occurring, no.

Well, just have a look if you would at this. This is the letter, Mr Vaughan, that you signed isn't it?---Ah hmm.

10 Do you agree that's the letter that you signed?---I'm reading it.

Well, I'm not asking you to read the content of it. You can familiarise yourself with it and you can identify your signature is on the last page. ---Mmm.

Is that the document you signed or was your electronic signature attached to that, Mr Vaughan?---Yeah, that's, that's my electronic signature.

20 And did you attach your electronic signature to it or did somebody else?
---Well, I didn't attach my electronic signature to this particular thing I don't think but - - -

So who did?---I have no idea.

Commissioner, could that be marked?

THE COMMISSIONER: Yes.

30 THE WITNESS: But I can, I have seen this document, yes.

THE COMMISSIONER: Yes, that document will be marked for identification 39.

**#MFI-039 – SIGNED LETTER FROM GOWS HEAT PTY LTD TO
MICHAEL KANE DATED 1 FEBRUARY 2018 SIGNED BY GREG
VAUGHAN**

40 MR CHEN: Now, Mr Vaughan, a considerable number of documents were produced by Gows this year as well to the Commission, weren't they?
---Mmm.

And there was no summons directed to Gows, was there?---I have no idea. Not that I'm aware of.

And so the person who collated the documents and produced them to the Commission was Mr Petroulias. Isn't that right?---It could have been.

Well, it wasn't you, was it?---It wasn't me.

And there are no other employees of Gows that were going around compiling documents to produce to the Commission, was there?---No.

It was Mr Petroulias, wasn't it, to your knowledge?---Well, obviously. I told him to do it.

10 Why did you tell him to do that, Mr Vaughan?---Because I had – well, because it came to my attention that I was going to need to come to the Commission to give evidence right and it's like I assumed that it was about the transactions to do with the Land Council and I said well, pop all of the evidence together and send it off.

And why did you come to the understanding that you'd need to come before the Commission?---Because there was a message left at my address saying that, you know, could I contact somebody from the Commission so it was a fair bet.

20

Commissioner, that's the examination of this witness.

THE COMMISSIONER: Yes, thank you.

MR CHEN: I'm sorry, there is one more topic, sorry, Commissioner.

THE COMMISSIONER: Yes, thank you.

30 MR CHEN: Mr Vaughan, there's some reference in some of the material that you've provided the Commission to you attending a number of Local Aboriginal Land Councils throughout New South Wales.---Yes.

And is it the case that you attended to make, with others, presentations under the banner of United Land Councils?---Yes.

And did you go to a land council called the Illawarra Local Aboriginal Land Council?---Yes.

40 Did you go to others called Deerubbin?---Deerubbin, Deerubbin?

Spelt D-e-e-r-u-b-b-i-n?---You'd have to give me the location. I don't recall all the names of the land councils.

What about Tharawal?---Tharawal, I'm not sure. I went to two or three, pretty much no more than that.

Right. Well, where were these presentations or attendances that you made, were they at the land council offices or were they elsewhere?---One of them

was in an RSL, there were others at land council offices, one was, I can't remember which was which, but yeah.

Do you know the people that you met or the names of any of the people that you met from those land councils at these meetings?---If I was reminded, yeah, probably, but not off the top of my head, I'm sorry, I can't remember them.

10 Well, are you able to say at these couple of presentations that you attended or meetings you attended, whether you got a favourable response from any of these land councils?---I'm sorry, a favourable response in terms of, you know, wanting to go ahead? Absolutely. Everybody seemed fantastic. We had dinner together afterwards.

I'm sorry, right, and but did any business become concluded with any of these land councils or not?---Concluded, no. It's a long process so I don't think any made it over the wire.

20 Did any of those land councils pay to you or to your knowledge, United Land Council, any fees or other costs?---Not to me.

Did you know of any money being exchanged by any of those land councils that you attended to anybody else associated with United Land Councils? ---I'd have to refer, I don't know the details of anything like that. I mean there were property transactions so I would assume yes.

Where were these property transactions?---Newcastle.

30 Do you mean the Awabakal Local Aboriginal Land Council?---That was, yes, there was there, there was also, again my memory is spotty, so unfortunately I could be confusing things there, but - - -

Thank you, Commissioner, that's the examination of this witness.

THE COMMISSIONER: In the period that you were involved concerning the Awabakal Land Council and Mr Petroulias, do I take it that you would have met from time to time or had meetings with both Mr Petroulias and/or Mr Green?---Yes.

40 And what did you understand Mr Green's role was?---Richard, he was the, the deputy I believe. I can't remember the title.

What was his involvement though in the land transactions, Gows Heat and the like, Solstice?---Oh, he would go around and basically find the land councils to, who maybe want, maybe wanted to be a part of the United Land Councils.

I'm talking specifically about one land council, the Awabakal Land Council.

---Oh, sorry.

And there was a - - -?---What was his - - -

- - - Solstice transaction you'll recall. What was Mr Green's role?---I don't recall the details, sorry. I really don't. I don't recall the Solstice transaction, the details of it, I don't even know, at this stage I can't remember what it was all about.

10 Yes, all right. Now, has anybody got any questions for Mr Vaughan? Yes, Mr Lonergan.

MR LONERGAN: I don't have many but I do have a couple.

THE COMMISSIONER: You proceed.

MR LONERGAN: If you can just bring up Exhibit 114, page 103. Sorry, Mr Vaughan, I should say I represent the interests of Mr Green just so you're aware of why my questions are coming. Sorry, that's Exhibit 114,
20 which I believe that was previously – volume 45, which is the bank account details. We're not seeing anything on the screens.

THE COMMISSIONER: You're wanting Exhibit 114. That's the volume 45, public financial brief.

MR LONERGAN: Yes. But I'm just not seeing it on my screen.

THE COMMISSIONER: No, it's not on mine either. Yes, okay.

30 MR LONERGAN: Yes. Now, can you see that, Mr Vaughan?---Ah hmm.

And on 3 May, 2016 there was a transaction of funds to Mr Green, to Richard Green.---Yeah.

Now, am I to take it that you never at any point in time had the bank account details of Mr Green, did you?---Me personally?

Yes.---No.

40 And you've never transferred any money to Mr Green?---Personally, no.

No. Are you aware of Gows Heat, or any other entity that you're a director of, transferring money to Mr Green?---I'm not aware of any of the financial things that went with Richard at all.

So you've never authorised a transfer of money to Mr Green?---Not that I'm aware of, no.

Now, I'm finished with that page. Now, Mr Vaughan, you were asked a number of questions in relation to Gows Heat and your understanding of Mr Petroulias. Was it your understanding that Mr Petroulias was counsel or the solicitor/lawyer for Gows Heat?---The lawyer for Gows Heat? No, it was my understanding that he would give counsel.

10 Right. In what capacity did you understand him giving them counsel?--- Well, he wasn't practising, so he could only give opinion or give illumination, I suppose. Discuss matters.

And in relation to, well, there's a document that you were referred to that was prepared for the Commission that you signed.---Yes.

And you made reference to Nick and Despina as Knightsbridge North Lawyers. Do you recall giving that evidence?---Yes.

20 So was it your understanding that Mr Petroulias was part of Knightsbridge North Lawyers?---No. I didn't say that.

Well, when you said Nick and Despina are Knightsbridge North Lawyers, or words to that effect, what did you mean in relation to Mr Petroulias's involvement with Knightsbridge North Lawyers?---Well, I'm referring to the fact that back in the day Nick was Knightsbridge North Lawyers, so I suppose it was a misstep of the tongue. I don't know who is currently operating as Knightsbridge, no, if that's what you're asking.

No further questions, Commissioner.

30 THE COMMISSIONER: Yes. Nothing further? Mr Vaughan, I'll release you for the day. There is the possibility that you'll be required on some other day, which would probably be in November sometime, if you are required.---Okay.

But there's no certainty about that at the moment, but you'll be given proper notice if you are required to return. Thank you.---Okay. Thank you.

Step down. You're free to go.

40

THE WITNESS STOOD DOWN

[12.34pm]

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I call Candy Towers. Commissioner, you may recall she's given evidence before.

THE COMMISSIONER: Yes, I do recall. Ms Towers, do you want to give evidence on oath or affirmation?

MS TOWERS: Affirmation.

THE COMMISSIONER: Will you stand, thank you.

<CANDY LEE TOWERS, affirmed

[12.35pm]

THE COMMISSIONER: Yes.

MR MENDOZA-JONES: Commissioner, my name is Mendoza-Jones, M-e-n-d-o-z-a - J-o-n-e-s, and I seek leave to appear on behalf of Ms Candy Towers in respect of her evidence before the Commission today.

10 THE COMMISSIONER: Yes, I grant leave.

MR MENDOZA-JONES: And, Commissioner, may I also request on behalf of my client that the section 38 declaration made on her last appearance either be continued today or re-declared for her?

20 THE COMMISSIONER: Yes, very well. I'll have it noted on the record. Ms Towers gave evidence on a prior occasion, on which occasion she gave evidence with the benefit of section 38. It has been requested that that declaration continue to apply to her evidence today and accordingly I confirm that it does operate in relation to evidence that Ms Towers gives today.

COMMISSIONER'S PREVIOUS DECLARATION PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT IS REAFFIRMED

30 THE COMMISSIONER: Yes.

MR CHEN: Mr Lonergan wanted to cross-examine this witness on behalf of Mr Green so perhaps I could just ask the witness to identify her - - -

THE COMMISSIONER: Yes.

MR CHEN: Would you tell the Commission your name, please, Ms Towers.---Candy Towers.

40 I have some questions that will follow Mr Lonergan, Commissioner.

THE COMMISSIONER: Yes, very well. Yes, Mr Lonergan.

MR LONERGAN: Ms Towers I represent the interests of Mr Green. Now, you recall you have previously given evidence before the Commission. ---Yes.

So I'm going to talk to you or ask you some questions about that but first if I can bring up Exhibit 42, volume 3 and specifically page 15 and 16 of that. Start at page 15.

THE COMMISSIONER: You wanted 15 first, did you?

MR LONERGAN: Yes, 15. Just, Ms Towers, can you just identify for your own benefit that document?---Yes.

10 You're familiar with that?---Yeah.

So this is a letter that you sent to the board of the Awabakal Land Council on 15 December, 2014?---Yeah.

If we just go over to page 16. Now, I want to take you to the fourth bullet point from the point. If you just go down four bullet points there. It starts with "Board member John Hancock". Just read for your own benefit that paragraph under that bullet point.---Yeah.

20 Now, you've said there that it's your responsibility to take care of the minutes. That's right?---Yeah.

And you do not add or correct any words in the typing of the minutes. Is that correct?---Yeah.

So am I to take it that that means that you write or type exactly what is written in the handwriting of the person who takes the minutes. Is that correct?---Yeah.

30 And there's no alteration of that?---There can be.

Well, so what do you mean then, please explain, by your statement "I do not add or correct any words in the typing of the minutes"?---But there can be, you can edit the minutes.

You personally edit the minutes?---Like if you're instructed by somebody, yeah. By one of the board members or the CEO or someone.

40 But, Ms Towers, this is your letter, right?---Yeah.

And this is your words.---So, yeah, if I, if I, they do a board meeting, then I get the minutes and then I type, I type exactly what I see until I'm instructed.

Until you're instructed?---Yeah. If, if I need to, if there needs to be changes.

And why would there need to be changes?---Oh, could be anything.

Please give me an example.---Well, the person who wrote the minutes could have forgotten something or made a spelling mistake or anything, yeah. So it could be heaps of reasons.

So your evidence then is, if I understand, that you write out whatever is in the handwritten minutes, and then if someone wants to change those, that they contact you and ask you to change them? Is that your evidence?
---Yeah.

10 But otherwise if you're not asked by someone, then they are as written, to your understanding, in the minute book?---That's right, yeah.

Now, also you say there that, in the inverted commas, you say, "I have not been responsible for the last few minute typing as the CEO wanted to type up due to him making the minutes," sorry, "due to him taking the minutes and also John Hancock taking minutes from building."---Yeah.

20 So was this, the bit in the inverted commas that I've just read to you, was this in your original letter that you sent on the 15th or that you created on the 15th of December, 2014?---Not sure.

So here where you're saying that you "have not been responsible for the last few minute typing", right, who was responsible?---That would have been Steven Slee.

In "the last few", you mean two, three, four meetings?---Don't know. Can't remember.

30 So you'd accept that "few" is more than one?---Yes.

So, Ms Towers, there was a board meeting on 31 October and then there was a subsequent one in December. Am I to take it from all this letter that you did not type up the minutes for the meeting in December or the meeting in 31 October?---I'm not sure.

So your evidence is that you can't remember whether you typed up the meetings for those minutes or not?---Yeah.

40 Sorry, you - - ?---I'd have to look at the minutes and I'll know if I did it because Steven Slee, the way he did the minutes was shit.

Right. Sorry. Define "shit" for me in terms of Steven Slee's taking the minutes.---Stupidity. He just typed what he wanted and not what was written or, yeah.

THE COMMISSIONER: Did you get on well with Mr Slee or not well?
---50 per cent of the time, yeah.

MR LONERGAN: So let's go to the minutes. So if I take you over to volume 2, Exhibit 42, volume 2, page 12. Now, you see those on the screen there?---Yeah.

Is this your typing?---Yeah.

So these are the words that – please take your time and please read under, you'll see there Friday, 31 October, 2014.---Yeah.

10 And there's one development proposal. Do you see that typing there underneath that, "Propose a contract of sale to" - - -?---Yeah, this is mine, yeah.

All right. And why do you say that that's your typing?---Because it's resolution. I was responsible to, there's a different minute book to resolution book.

Right.---And only I updated that.

20 Right. So the resolution book was exclusively yours to update?---Yeah, no one else bothered to do it, only I did.

Right. So the minutes may have been done by someone else?---Yeah.

You're not sure?---Yes. So you could get like five meetings before I'll update the resolution book.

30 Sorry, explain that to me?---So the resolution book's updated, like, you can update it after, straight after the board meeting or, you know, a week later or something, and they could have had a board meeting within that time.

Right. So what prompts you to update the resolutions?---I just know it's my job.

Right. And where do you get the resolutions from to update?---From the minutes.

40 Right. So you go back to the minutes that Mr Hancock or whoever was taking the minutes and then you take it upon yourself to, to put in the resolutions extracted from those minutes. Is that - - -?---Yeah.

That's your evidence, that someone else may have typed up the minutes themselves?---Yeah.

Now, so this minute, or sorry, this resolution that you see here on page 12, number 1 - - -?---Yeah.

- - - does that accurately reflect what was in the minute book - - -?---Yeah.

- - - that you took it from?---Yeah.

And you're certain of that?---Yes.

Now, has anyone asked you to change that?---I can't remember. I don't know.

10 Well, it's an important question, Ms Towers.---Like, what do you mean, like?

Well, you've said that this was, and you're certain I take it that this was what was in the, what was in the minute book - - -?---Yeah.

- - - that you took and wrote as a resolution.---Yeah. So once the minutes are passed then that gets updated resolution.

20 Right. So if we go down to, I'll just check my page number, if we go down to page 62 of the same volume 2, so perhaps if we go down to page 64, 65, sorry. Now, Ms Towers, if you just look at point 7 there - - -?---Mmm.

- - - you'll see, and if you need to go back and have a look at page 12 then please let us know and we'll take you there, but you'll see that is a development proposal?---Yeah.

Yeah. Now, and you accept, well, you see that it says, "Propose a contract of sale to IBU?"---Ah hmm.

30 Yes. Now, did you type these up?---(No Audible Reply)

If you want to go back to the previous page just to look at page 64 so we can identify for the document - - -?---Yes, it looks like I did them, yeah.

Right. So you've typed up these minutes and your evidence was that you typed up the resolution that followed from those minutes.---Yeah.

40 Yes. And you'll see, if we go back to page 65, down the bottom there signed as approved. Now, do you know whose signature that is on that document?---Debbie Dates'.

So do you understand what the process is once you type up the minutes for those to be checked and ratified?---Yeah.

Sorry, I withdraw "ratified". Checked. Can you explain to the Commission what that process is?---Like, when I put the, update the resolution, do you mean?

Well, these minutes, right, so, well, let me ask the question a different way. Before you make the resolution or type up the resolutions, do you ensure that the minutes have been signed off by - - -?---Yeah, been passed, yeah.

Been passed, yes, and signed off by the chairman.---Yeah.

Chairperson.---And if, one of them, the deputy or the chair.

10 So your recollection, what occurred in relation to the minutes of 31 October, 2014, was that you typed them up, which is what we see here on page 64 and 65, that's correct?---Yeah.

And then they've been signed, to your understanding, by Ms Debbie Dates as the chairperson.---Yeah.

And then you have typed up the resolutions from these minutes.---Yes.

20 And your understanding is that the minutes, as set out there at number 7 and as I showed you before at page 12 being the resolution, are the true and accurate representations of what you typed up?---Yes, they are.

If we turn over to page 66. Now, Ms Towers, I'll ask you to look at that page and particularly number one that you'll see up the top there, "Development Proposal." Do you see that?---Yeah.

Now, can you just read what it says under number one to yourself.---Yeah.

You've read that?---Yeah.

30 Now, do you accept that's different to what was contained in the documents I just showed you before?---Is it the same date?

Same date. Well, sorry, it, the documents reference the same date. You can accept that.---Yeah.

But you see there that there are – there's a proposal that is different to the one that was shown in the minutes and the resolution that you've just been taken to.---Where did you get this?

40 Well, that was my next question to you, Ms Towers.

THE COMMISSIONER: Just follow. You can't ask questions.---No, but, I don't know - - -

You just listen to the questions.---Ask it again.

MR LONERGAN: Well, I was just asking you to look at it. And you, you see that this is different to the other resolution, to the resolution in the minutes that I just showed you.---It's shorter, yeah.

So my question to you is, where did this come from? Do you know?---You would have to tell me. I don't know.

I mean, did you type this up?---It looks like I did.

10 THE COMMISSIONER: How can you tell it's your typing, though, as distinct from somebody else's? Is there any distinguishing features?---It looks exactly like how I would do it. That's, that's, yeah.

MR LONERGAN: It might look like how you did it, but did you do it? ---Oh, I don't know. I can't answer that. If you, if, it looks like I did it, so I would have to say yes.

But you cannot recall doing it?---I can't recall doing any of them, but I know that that was my responsibility.

20

So it's your responsibility to type up the minutes, yes, and it's your - - -? ---The resolution was solely mine.

And the resolution was solely yours.---Yeah.

And I've shown you the resolution at page 12. Perhaps if we bring page 12 back up.

30

THE COMMISSIONER: Mr Lonergan.

MR LONERGAN: Sorry, Commissioner.

THE COMMISSIONER: I'm just wondering whether you've squeezed the lemon dry. The witness has in effect said what you've said.

MR LONERGAN: Yes.

THE COMMISSIONER: However, if you want to - - -

40

MR LONERGAN: I have one or two more questions. So do you recall, Ms Towers – sorry, if we go back to page 66. Do you recall anyone asking you to change the resolution from the one that you have seen before at page 12 - - -?---I can't remember.

- - - to this?---I can't remember.

Well, Ms Towers, can you remember anything about this resolution being the one that is shown at page 66?---How do I, how do I know, like this is

real and that other one's real, like which one, where did you get them from that's what I wanted to ask, did you get them from Awabakal office?

Ms Towers, with all due respect I'm the one asking the questions.---No, like how can I answer when I don't know where this come from?

10 Well, to the best of your recollection.---I don't know. That's, that's all I'm going to say because I don't know where you got it from. If you're showing me the same date with the two different things and they look like I did it so I will say I did it but where did you get it? That's, that's, but I can't answer that so - - -

And you can't recall who would have asked you to change?---It could have been the CEO. It could have been, yeah.

But you specifically - - -?---The board.

20 - - - cannot remember anyone asking you to change the resolution from what it was before to what you see there in front of you now at page 66?---No. 2014. No.

I have no further questions, Commissioner.

THE COMMISSIONER: All right. Thank you. Now, Dr Chen, do you want to – I'm sorry, Mr - - -

MR RAMRAKHA: Yes, Commissioner, I did have some questions for this witness arising from the evidence she gave on 13 April.

30 THE COMMISSIONER: Yes, you go ahead.

MR RAMRAKHA: I can proceed now. I'm not sure what time you'll be taking lunch but - - -

THE COMMISSIONER: We'll adjourn in five minutes' time.

40 MR RAMRAKHA: I can start. Ms Towers, I represent the interests of Ms Sophia Anna so I'll be asking you some questions about the evidence you gave here on the previous occasion.---Yeah.

And by previous occasion I mean 13 April. Do you remember giving evidence in the inquiry on that date?---Yeah.

And when you gave that evidence, you made certain allegations regarding the disposal of documents at the Land Council during what you termed a "clean-up" of the premises. Do you remember using that word, that phrase "clean-up"?---Yeah.

You do?---I would have, yeah.

And the clean-up, that was associated with a refurbishment of the physical premises of the Land Council, is that correct? So they were refitting, changing the furniture, improving the interior, correct?---Yeah.

And that refurbishment, that was initiated by Ms Anna, correct?---Yeah.

10 And it was initiated by her soon after she started in her role as the acting CEO, is that correct?---Yeah.

Now, as part of that refurbishment, a skip bin was arranged to be brought to the premises.---Yeah.

And you arranged for that to happen, correct?---I may have.

If you said that you did on the previous occasion, do you think that would be correct to say that you did?---Either myself or the receptionist.

20

And that skip bin was left outside the premises, correct? It was a skip bin. It was a metal skip bin, correct.---Outside, do you mean outside the building or - - -

Well, it wasn't, yes, it wasn't brought inside the building, obviously. It was left outside. It's a skip bin, correct?---But on the premises?

Yes. But it was a skip bin, correct?---Yeah.

30 And that clean-up, do you recall that it occurred on a Friday?---No, I don't know.

You don't remember - - -?---I don't know what date.

So it could have been a Friday?---Could have been any day, yeah.

Now, you previously said you saw some papers go into the bin.---Yeah.

40 Did you see them go into the bin or did you see them in the bin?---Um - - -

Did you see them actually being put into the bin or did you see them in the bin after?---I think I - I can't recall.

You can't recall?---No.

And was it in fact papers that you saw?---Yeah.

Or was it folders that you saw?---Both.

So you saw the physical folders?---Yeah.

You didn't retrieve any of those folders from the bin, correct?---No.

And you didn't read any of the contents of those folders, correct?---No, I didn't. I don't think I opened, opened a folder up but I knew, I could see what they were.

10 But, with respect, you couldn't see what they were because you didn't open them up, correct?---Yeah.

Now, could you be wrong in your evidence about having seen those folders in the skip bin?---No.

Now, you didn't see Ms Anna throw any, any of the folders or papers into the skip bin, did you, you didn't see her, her throw anything into the, into the bin. Correct?---Yeah, I think I did, yeah.

20 Well, I suggest that you didn't see that.---I didn't see that?

Yes, you didn't, she didn't throw any folders or papers into the bin. ---Yeah, she'll, she'll admit that she did.

Well, I suggest to you that she didn't throw anything in the bin in the form of papers or folders, that you were mistaken about that.---No, I'm not mistaken, no.

30 Now, you also said that you raised with Ms Anna the, that you raised with Ms Anna that the folders contained important information.---Yeah.

Now, I suggest to you that you never raised that with her.---I might have got, I might have got a couple back out after I spoke to her about it. Maybe one or something or maybe she got them out. I can't really remember. But I told her that they were important.

Ms Towers, are you making up your evidence as you go along?---No.

40 You didn't mention removing - - -?---There's other witnesses, not just me.

You didn't mention removing the folders from the bin on the last occasion you gave evidence?---I can't remember. I didn't read it so - - -

But now you're suggesting that you took some folders out of the bin, correct?---No, I'm saying maybe. I'm not suggesting nothing.

Well, you suggested or you said that you had raised with Ms Anna that the folders contained important information.---Yeah.

Are you sticking to that evidence?---Yeah.

Well, I suggest you're wrong about that and it was Ms Anna herself who attended the Land Council that morning on the Friday and gave instructions to you not to throw any papers out. Do you recall her giving you those instructions?---No.

10 You don't recall those instructions?---No. She instructed not um, she instructed the whole staff to have the whole week off with pay and she was, Sophie was instructed by Mr Ray Kelly, the board member.

Well, she didn't, she didn't give any instructions to throw out, she gave instructions not to throw out any papers. Correct?---No.

And she told you to put the papers - - -

THE COMMISSIONER: Sorry, did you agree with that?---No.

20 MR RAMRAKHA: And she said that she gave instructions that all the papers were to be placed in the boardroom. Do you agree with that, that she gave those instructions?---That folders, yeah, certain documents be placed in the boardroom, yeah.

And so she, so she gave those instructions?---Yeah.

And she gave instructions and do you recall her giving you the instructions not to throw any papers out?---No.

30 Well, if she had given you instructions - - -?---She threw them out herself.

Well - - -?---You can ask the cultural and heritage officer that. He's another employee.

THE COMMISSIONER: Just a moment.

MR RAMRAKHA: Well, I suggest to you that she never threw out any of those folders that you're, that you're alleging and, and, and you're wrong. ---Well, you wasn't there so - - -

40

MR MENDOZA-JONES: Excuse me, Commissioner. The same or similar proposition has been put to Ms Towers now a number of times and she's asked the question, answered the question to the best of her ability on each of those occasions and I just, with respect, request that perhaps with the assistance of the Commission those answers be taken for what they are.

THE COMMISSIONER: Well, Mr Ramrakha, what I think I might do is adjourn anyway at this stage. Is that convenient to you?

MR RAMRAKHA: Yes, yes.

THE COMMISSIONER: All right. Well, we'll resume at about 5 past 2.00 if you'd return by that time. Thank you. I'll adjourn.

LUNCHEON ADJOURNMENT

[1.05pm]