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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 28 MARCH, 2018

AT 2.00PM

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

THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: Thank you, Commissioner.

Mr Slee, do you remember a property called or described as Olney Road, Adamstown?---Yes.

10 And do you remember when you came to the Land Council in 2014 that property had already been the subject of negotiation and sale, had it not?
---That's correct.

I just want to show you some minutes if I can. Volume 1, page 222, these being the minutes, the typed minutes of the Land Council board meeting dated 28 October, 2013.---Oh, sorry, wrong one. Okay. No worries. Thank you.

20 I appreciate you weren't employed then, Mr Slee, but I just want to draw your attention to page 2 of those minutes, if you would. So you recognise those as being copies of the minutes of the Land Council - - -?---Yes.

- - - of 28 October, 2013?---Yes.

If you turn, please, to page 223 you'll see motion number 7, quote, "Awabakal board made to let NSWALC know that we accept offer of David Sharpe to purchase the land known as 20 Olney Road, Adamstown."---Yes.

30 And the motion had been moved by Mr Green and seconded by Mr Quinlan?---Yes.

Now, if you just close that up now for the moment. Do you remember that the board had retained a solicitor, Ian Sheriff, to act on its behalf in connection with this transaction?---Yes.

And in early 2015 the position was that certain documents needed to be executed by or on behalf of the Land Council. Is that - - -?---Yes.

40 And Mr Sheriff had been retained to assist in the progress of this land transaction at that time, indeed before that?---That's correct.

Mr Slee, I'm just going to show you a couple of documents from Exhibit 49, and you might be able to just look at these on the screen, there's only a couple that I want to draw your attention to. Do you recognise at page 1 that as being a letter sent to you by Mr Sheriff dated 2 January, 2015, in connection with the Olney Road, Adamstown property?---Yes.

And you recall receiving that letter, do you?---I believe so.

And if you turn please to page 2, do you see there is another letter in relation to that property from Mr Sheriff dated 13 January, 2015?---Yes.

You recall receiving that, do you?---Vaguely, yes.

But your recollection was that these were steps that needed to be undertaken to finalise the ultimate sale of - - -?---That's correct.

10 - - - that property and transfer of it?---Yeah.

Right. Thank you. If you could just close that up now, please. Now, you mentioned earlier one of the developers that you recalled having contact or having made contact with the Land Council in the second part of 2014 was IBU?---Yes.

Now, I just want to ask you to turn up please the board minutes dated 24 October, 2014. Just bear with me, Mr Slee, if you would. So volume 2, page 50.---Yes.

20

Do you recognise those as being the typed minutes of the Land Council for the board meeting on 24 October, 2014?---Yes.

And would you turn, please, to page 51 of that volume and in particular point 5 at the top of the page.---Yes.

Developer's Proposal. Just read that to yourself if you would.---Yes.

30 Are you able to say now who the developers are that are referred to in that point?---The developers were IBU.

I see. Thank you very much. Just close that up, that page, for the moment Mr Slee. You recall, I think you described in your evidence before lunch as seeing Mr Green with a number of other individuals in the Land Council premises.---Yes.

40

And did they make contact with you?---Yes, they did. So the process after being introduced to those gentlemen, that was the last I'd heard from them. LB Group presented their presentation to the board, after that presentation there was a number of board members that voiced their opinion that we should look at other proposals as well and I think there was, that's as far as I'd left it. Approximately about a week ago I did actually receive a call from, I believe it was Omar.

A week later you mean?---Yes. Sorry, a week later, sorry.

And who were the board members that discussed looking at development proposals, do you recall?---The only one I can definitely recall was, was Richard.

Richard Green?---Green. But there was a, there was a number that supported that to proceed, because a final decision was not made on LB Group to accept, decline or negotiate any further.

10 So did you have further contact thereafter with somebody from IBU?---Yes, Omar.

All right. And did he speak to you about presenting or making arrangements to present to the board?---Yes.

20 What did he say?---That he, that he'd been advised by Richard to contact me as they'd like to put a proposal to the board. I can't recall specifically as to what information I supplied him as far as our land assets but then a proposal was put forward. I didn't receive the full proposal myself, just a meeting was arranged in the coming weeks for IBU to present to the board.

And they eventually did present to the board didn't they?---That's correct.

And you remember the meeting do you?---I do.

And do you remember them presenting some material to the board members?---Yes.

30 And I'll just draw your attention to that now. So it's volume 2, page 67. ---Was that volume 1 was it?

Volume 2.---Volume 2.

Page 67.---Yes.

Is that the promotional material that you received during that presentation? ---I believe it is. It looks, looks like it.

40 Now, if you go to the next page you will see that there are on that page and on following pages a number of properties that are described.---Yes.

They are Land Council properties or they were at that time were they not? ---I believe so. I can't confirm all but I definitely know the Hillsborough Road and the Warners Bay lots. I can't specifically remember Vermont Place. That address doesn't 100 per cent ring a bell but it looks like these are ones that are, Hillsborough Road, Warners Bay definitely are Land Council properties.

And were you in the hearing room when Mr Abdullah gave some evidence about making contact with you?---Today do you mean?

Yes.---Yes.

And he suggested that perhaps he got that information from you. Do you think that's likely to be right?---No.

10 Who do you think he would have got the information from it wasn't you?
---Well, the only person that he had contact with from my understanding was Richard.

Richard Green?---Yes.

In any event, I want to take you now to the presentation that IBU did. Do you remember the actual day that it was presented or by reference to the minutes that we just saw or you don't recall the - - -?---Vaguely, yes.

20 How long afterwards, was it days, weeks, months, what was the position?
---I believe it was in two to three weeks after.

Do you remember Mr Abdullah attending on that day?---Yes.

And do you remember the other fellow who he came with?---I believe it was Cyril.

And that's Cyril Gabey is it?---Yes.

30 The presentation was at the Land Council office in Islington was it?---Yes.

And did they present themselves as the people for IBU?---That's correct.

Did they do a presentation?---Yes.

Did they hand out the material that you just identified from volume 2, page 67?---Yes.

40 And who did the talking, was it Mr Gabey, Mr Abdullah or both of them?
---I believe it was both. The majority was from Mr Abdullah.

Did the board members ask some questions about it, the proposal?---I believe, yes, they did.

During the course of this presentation was there any mention at all by either Mr Gabey or Mr Abdullah that this was a proposal by any party other than IBU?---Not at all.

Was there any mention at any time during the course of Mr Gabey's attendance at the Land Council's offices on the day of the presentation that this was a proposal on behalf of an entity called Gows Heat?---No.

Was there any mention at any time by Mr Gabey that this was a presentation of a proposal on behalf of an entity just described as Gows?---Not at all.

10 Was there any mention at any time on the day of this presentation by Mr Abdullah that he was presenting the proposal on behalf of an entity called Gows Heat?---No. The only entity was IBU.

No mention by him of the word Gows?---Not at all.

You're certain of that?---100 per cent.

At any time after or indeed before this presentation had Mr Gabey ever mentioned Gows Heat to you?---Not that I can recall.

20 And what about Mr Abdullah, either before or after this meeting had they ever mentioned Gows Heat to you at all?---No.

When did you first become aware of the entity known as Gows Heat?
---Upon commencement of the investigation into what's occurring today.

Right. And can you put a date, approximate time when that was, just in terms of years if you like?---Oh, probably late 2017.

30 Now, after the presentation had occurred, was there some discussion without those, Mr Abdullah and Mr Gabey, about what the board if anything should do with their proposal?---Yes, there was. I believe the main discussion was around if we proceed, the land was zoned environmental not residential, and the proposal put forward was for a significant amount, so there were a number of comments made about essentially trying to call their bluff and, and see if they'd like to purchase the property for the price that they're stipulating.

All right. And that's the price that is referred to in the materials is it, the promotional material that they provided?---Yes.

40 I see. Do you recall now whether the board made a resolution about what should occur going forward in relation to what IBU had pitched before the board?---I believe there was.

And are you able to say now what that resolution was?---I couldn't tell you specifically word for word, but I believe it was to pursue to see if IBU would look at purchasing a number of those blocks of land for the value marked in the proposal.

Would you have a look, please, Mr Slee, at volume 2, page 64.---Yes.

Do you recognise those as the minutes of the board meeting that was held on 31 October, 2014?---Yes.

And if you look down at point 3 just under the heading Development Proposal, just read that to yourself for the moment.---Yes.

10 The first paragraph largely accords with your recollection I take it of what happened on the day?---Yes.

And you said that they, IBU went through their proposal. Was it a proposal by way of sale, joint venture, what was it?---Initially it was joint venture.

I see. Would you turn please to page 65 of the brief, point 7, and you'll see there, Development Proposal.---Yes.

A motion, just read it to yourself if you would.---Yes.

20 Does that motion and the record of it accord with your recollection?---Yes.

Now, in that same volume, volume 2, page 12, would you look please at, actually I'll start at page 6 if I can, Mr Slee. Mr Slee, in front of you at page 6 should be a running list of resolutions commencing 28 February, 2014. Do you see that?---Yes.

And do you recognise on that page a running list of resolutions made first on 28 February but later on 21 March, 2014, by the board?---Yes.

30 And is that the way in which the resolutions of the board were kept, namely in a format such as this?---Yes.

And a running list such as this. You can see down the bottom it ends 28 March, '14.---Yes.

And if you turn the page again, the form of the resolutions follow.---Yeah.

40 And is the practice that when resolutions were passed by the board they're recorded in the minutes and also then put into these resolutions. Is that right?---That's correct.

Who's responsibility was it to put it into the resolutions?---At that time the resolutions book was held by Candy Towers, the administration officer.

And where would she pick the resolutions up from? The typed minutes? ---That's correct.

Now, would you turn, please, to page 12 now. And do you recognise that as the resolution of the board on the 31st of October, 2014 in relation to the development proposal by IBU?---Yes.

And that accords with your recollection of what was agreed?---Yes.

Now, Mr Slee, lying behind the typed minutes, of course, are the handwritten minutes, isn't that right?---Yes. As well as recorded.

10 And you've identified already the book which contains the handwritten minutes.---Yes.

Would you turn, please, in that volume to page 62. And on the right-hand side you'll see there a heading Friday, 31 October, 2014 at the top.---Yes.

And they appear to be, do they not, the handwritten minutes of a meeting of the board that occurred on that day?---Yes.

20 Now, just beneath the attendees and what appears to be the letters "APP" – which I assume means apologies – "nil", you can see there is "presentation Cecil".---Yes.

Does that refer to the presentation by IBU?---I believe so.

And you'll notice next to that it says, "Richard Green declared interest." ---Yes.

30 Do you recall what interest Mr Green declared?---That he knew Cyril and Omar.

I see. And that was the extent of what he declared, was it?---Yes.

Now, would you turn, please, to the next page, page 63. You'll see that there is underneath a paragraph that appears to have been scribbled or lines put through it.---Yes.

The words "propose, et cetera, a contract of sale".---Yes.

40 Do you see on the first line, near the end of it you can clearly see the initials IBU.---Yes.

But there seems to be something before and after that, do you see?---Yes.

Are you able to indicate what you think that is?---Not clearly. The G-o and, yeah, I can't, and someone. Starts with M. That's all I can - - -

It appears that perhaps, well, the first thing is it's at odds with the formal minutes and the resolutions, is it not?---Yes.

And it appears, if you accept the correctness of those two matters, that this has been potentially changed, would you agree?---Yes, definitely.

Did you change it?---Not at all.

You weren't asked to change it by anyone?---No.

Do you know who did?---No.

10

Thank you. If you could just close that up for the moment. Now, Mr Slee, whilst you were the CEO, was it the practice of the board to staple resolutions into the minute books?---No.

In your time as CEO, had you ever seen resolutions stapled into the minutes books?---No.

Now, would you have a look please, Mr Slee, at page 66 of volume 2.
---Yes.

20

Do you see there at the top of the page what appear to be board meeting resolutions for 31 October, 2014?---Yes.

And you will see under the heading 1 Development Proposal what purports to be a resolution passed by the board.---Yes.

And you appreciate there is a distinct difference between what is contained in that resolution and the resolution I took you to earlier and indeed the typed minutes?---Yes.

30

Are able to provide any explanation for the difference between the two?
---Look, the only reason I could see is it's been altered. There's no reference to IBU at all and somehow Gows has been put in there.

At the meeting on 31 October, 2014 were heads of agreement ever provided to the board?---Not at all.

At the meeting on 31 October, 2014 were any standard terms or conditions presented to the board?---No.

40

Have you ever seen that resolution before?---No.

You certainly weren't asked to change it were you?---No.

Or prepare it?---No, and I wouldn't do that anyway.

THE COMMISSIONER: Did you have access to the resolutions of the board from time to time for business reasons?---Yes.

So you were familiar with the records?---Yes.

- - - containing resolutions of the board?---Yes.

MR CHEN: Do you know who may have prepared that resolution?---No. It had full open access to all staff and board so it could have been any of those or whoever had been let access to.

10 Now, when you got the development – sorry, I withdraw that. At the meeting on 31 October, 2014 when the proposal was put to, sorry, the promotional material was distributed to board members did you read it?
---Not in full detail. I did have a glance over it, yes.

You in your role as a CEO had certainly been doing the day-to-day management of the, or dealing with developers in that time period. Isn't that right?---Yes.

20 And you saw it as an important part of your role to assist in exploring development opportunities for the benefit of the Land Council?---Yes.

And so you were probably well placed I take it to make various assessments of the proposals put forward by the various developers such as LB Group, IBU and others?---Yeah, look, I'd say a basic understanding. I'm not a developer or have any law degrees but yes, basic understanding of, you know, risk management for the organisation.

30 Would you just have a look, Mr Slee, at Exhibit 49 and page 6.---Was that volume, oh sorry.

It's up on the screen as well and what I want to draw your attention to in particular, Mr Slee, is what appears if you're happy to look at it on the screen just in the bottom left-hand corner and just - - -?---Yes.

You'll see there that in this iteration of the proposal there's a reference to not only Indigenous Business Union Pty Ltd but also Gows Heat Pty Ltd. Do you see that?---Yes.

40 But your clear evidence is that at no time was there any reference at all to Gows Heat - - -?---No.

- - - by anyone during the course of that meeting or indeed thereafter?---Not at all. Not at all.

And are you able to say whether that promotional material was ever provided to you and the other board members on 31 October, 2014?---No, it wasn't.

It wasn't?---No.

Thank you. Now, I'm just going to show you now, Mr Slee, volume 2, page 105. Now, you recognise these, do you, as the minutes of the board meeting of the Land Council on 1 December, 2014?---Yes.

10 Mr Slee, after the board had resolved to make an approach to IBU, what is your recollection about the next step that occurred, if any, in relation to pursuing that?---The board, as you see in the previous minutes, advised me to make contact with IBU regarding the possibility of sale at the, at the value offered.

Did you do that?---I did.

And how did you do that?---Via email to Omar Abdul [sic].

And did he reply to you or respond to you?---Yes.

20 And what was the broad thrust of the response that you got?---That they wanted to proceed in purchasing all five parcels with the final communication that he had his, I believe it was real estate at that time, looking at developing contracts.

Right. And did any contracts ever emerge from him?---No.

And are you able to put a time at the moment on when, when it was these communications took place between you and Mr Abdullah?---I believe that was around mid-November.

30 And after he said or after the communications were to the effect that contracts were being developed or words to that effect - - -?---Yes.

- - - did it simply go quiet, did it, and - - -?---That was the last I heard.

Did you attempt to follow him up at all?---Not at that point in time. Unfortunately some further attacks on me started to occur - - -

40 All right.--- - - - not long after and the Land Council started to go into dysfunction, a dysfunctional state.

I'm just going to show you a series of emails if I can. I'll just put on the record an identity number, Commissioner, it's E17/0549/AS-09-0151PR-0001.---Yes.

Now, Mr Slee, there's quite a few emails there, I'll just identify them first. You'll see that there is an email dated 7 November, sorry, this is on page 3 and 4, which refers to, sorry, from Mr Abdullah to you - - -?---Yes.

- - - dated 7 November, 2014, sent at 8.26am.---Yes.

And then if you turn to page 2, an email sent from you to IBU Australia amongst others on 10 November, 2014, at 10.23am?---Yes.

And then a further email to you dated 15 November, 2014, at 6.52pm from Mr Abdullah?---Yes.

10 Is that the full extent of the communications you had with Mr Abdullah in relation to what the board had resolved on 31 October, 2014---That's correct.

Commissioner, I tender those chain of emails which commence 7 November, 2014 and end 15 November, 2014 between Mr Abdullah and Mr Steven Slee.

20 THE COMMISSIONER: The emails between Mr Abdullah and Mr Slee commencing 7 November up to 15 November, 2014 together admitted be marked Exhibit 52.

#EXH-052 – EMAIL CHAIN FROM OMAR ABDULLAH TO STEVEN SLEE RE: 2014 ASSET IMPROVEMENT AWABAKAL LAND – NEWCASTLE NSW DATED 15 NOVEMBER 2014

30 MR CHEN: Mr Slee, I just want to ask some questions about some of what is contained within that exhibit. Would you turn please to page 4 of that exhibit, in particular the second, probably the third and second-last paragraphs commencing, "We were sorry". Do you see that?---Yes.

Do you recall meeting with Mr Abdullah on 6 November, 2014?---No, I didn't.

Were you away from work that day were you?---Yes.

You will see there's a meeting they had on that day with Mr Green. Do you see that in the second-last paragraph?---Yes.

40 Did Mr Green tell you that he had met with them?---No.

Did you speak to Mr Green about what they had discussed if anything? ---No.

You don't know anything about that meeting or what's - - -?---Not at all, no.

I see.---As far as I'm aware we had not met with IBU after the board meeting.

THE COMMISSIONER: Is this the sort of matter you would have expected Mr Green to discuss with you or bring to your attention or not?---Yes, to my attention and the board.

MR CHEN: And so far as you're aware was this matter ever drawn to the attention of the board during its meetings that it held whilst you were there? ---No.

10 And just so it's clear, Mr Slee, that you see the final email is 15 November, 2014. You did not have any other contact or communication with Mr Abdullah about this proposal?---No.

You didn't have any contact with Mr Gabey at all about this proposal?---No.

Did you have any discussions at all with Mr Gabey independent – I withdraw that. Any other discussion with Mr Gabey by email or otherwise about the proposal?---No.

20 Is the last time that you spoke to Mr Gabey about it the discussions that you would have had at the meeting on 31 October, 2014?---As far as I can recall, yes.

Now, Mr Slee, I asked you some questions earlier about – sorry, I withdraw that. I think I took you to the meeting, the minutes of a board meeting on 1 December, 2014. I'm sorry to jump around. Volume 2, page 105.---Yes.

You recognise these as being the minutes of the board meeting on that day? --Yes.

30 And you will see down the bottom of that page on this left-hand side development proposal – IBU have accepted the proposal.---Yes.

Are you able to say who advised the board at that meeting that that was so? ---From my understanding the only thing that that would mean is that as per Omar's email that he'd accepted that they wanted to move forward in purchasing the five lots.

40 And does that mean the likely source of that information is you and the emails that we've just referred to?---Yes. That's correct.

There was no other discussion about it?---No, no.

Was there any discussion by the board about what had happened between 31 October, 2014 and 1 December, 2014 about that proposed transaction? ---No. The only, as I said the only discussion was around, with my email that the original proposal the board wanted me to put forward was accepted and we were waiting on, on contracts. Those contracts would obviously as

per my email had to be presented to the board, then members for approval and NSWALC as well.

Now, in the same folder, Mr Slee, would you look, please, at page 108. So volume 2, page 108. And if you turn over to the next couple of pages, you'll recognise those as the signed minutes of the board of the Land Council from the meeting on 1 December, 2014?---Yes.

10 And you'll see at page 109, point 6, development proposal.---Yes.

Do you know what property that relates to or what proposal that relates to?
---That's the IBU.

Now, at the same time there was discussion, was there not, about a property at Hillsborough Road involving Mr Cahill, or Greg, was there not?---Across a number of these meetings, there definitely was.

20 I'm just going to show you some minutes from a meeting on 28 January, 2015. So page 8. Do you have page 8 there, Mr Slee?---Yes.

Do you recognise those as the signed minutes of the meeting of the board of the Land Council on the 28th of January, 2015?---Yes.

And would you turn to volume 3, page 10.---Yes.

And you'll see item 14.---Yes.

30 I just want to really explore with you whether or not the resolution of the board meeting – which I just took you to on 1 December, the typed minutes – related necessarily to IBU or whether it may have related to the Hillsborough Road - - -?---Sorry, the previous minutes?

Yes.---They would have related to IBU.

All right. Thank you. Now, you've told the Commission that you've never heard of Gows Heat.---Yes.

40 Certainly during the time that you were the CEO of the Land Council.
---That's correct.

And I take it, consistent with that, you've never heard of an agreement between Gows Heat and the Land Council.---No.

You're agreeing with me? You'd never heard of it?---I've never heard of it.

I want to show you a document, please, at volume 2, page 127.---Yeah.

During the time that you were CEO of the Land Council, had you ever seen that document before?---No.

Is now the first time that you've seen it?---I believe I seen it the first time in the private hearing, but, yes.

I see. So this year is the first time you've seen it?---Yes, definitely.

10 During the time that you were CEO of the Land Council, had anybody ever raised with you that there was an agreement of that kind entered between the Land Council and an entity called Gows Heat Pty Limited?---No.

If you go to the last page of that you'll see that it appears to have been signed by Jason Latervere on the one hand, but also Richard Green on the other. Do you see that?---Yes.

Did Mr Green ever tell you that he'd signed such a document?---No.

20 Did Mr Green ever disclose to any board meeting that you attended that he'd signed such a document?---No. It also doesn't have the Land Council common seal on that.

Were you aware of any authority given to him by the board of the Land Council to permit him to sign that document?---No.

Were you aware of any delegation given to him by the board to permit him to sign it?---No.

30 Now, earlier you mentioned the dealings that you'd had with a solicitor, Mr Ian Sheriff.---Yes.

And during the course of your employment with the Land Council, were you aware of any other solicitor other than Mr Sheriff who provided advice to the Land Council?---No. Ian Sheriff was the solicitor up till I was terminated as far as I was aware.

Until August '15?---Yeah.

40 During the time that you were the CEO, sorry, I withdraw that. I take it you'd had cause to deal with Mr Sheriff regularly as the CEO. Is that right? ---Yes. Including the LB Group proposal.

You sent it to him, didn't you, to get some preliminary feedback from him about certain matters. Is that right?---That's correct.

What particular advice did you seek from Mr Sheriff in relation to the LB proposal?---I felt that further information was required within the proposal before it went to board, especially around the financials of the proposal.

And did Mr Sheriff give you some advice about that?---Yes.

I see. How have you found him and the services that he's provided you and the board during your dealings with him?---Oh, really good.

Had you had any adverse feedback from any of the board members about the service or quality of service that he provided to the board and the Land Council over many years?---No.

10

During your time that you were CEO had any of the board members ever raised with you the need or desire to appoint another lawyer rather than Mr Sheriff?---No. In fact when he changed law firms the board approved to follow him to his own practice.

He was originally with a firm called Emery Partners, was he not?---That's correct.

And in particular by 2015 he practised in his own name?---Yes.

20

And is what your, what your evidence was is that the board resolved, did they, or discussed and approved for him to continue on to provide the services, notwithstanding that he'd left that firm?---That's correct.

Now, during the time that you were CEO of the Land Council, had you ever heard of the firm of solicitors Knightsbridge North Lawyers?---No.

During the time that you were CEO of the Land Council, had you ever heard of a solicitor called Despina Bakis?---No.

30

Were you aware at any time when you were the CEO of the Land Council of there being a fee agreement entered between the Land Council and that firm, Knightsbridge North Lawyers, dated 28 November, 2014?---No.

I'll just bring up a document on the screen, Exhibit 43, page 4.---Yeah.

Now, I want to first ask you, if you turn to page 1, please, Mr Slee, have you ever seen that letter before?---No.

40

So far as you were aware – I'll withdraw that. Would you turn, please, to the balance of that document, which appears to end at page 3. I take it – I'm assuming they were stapled together – that you'd never seen that schedule either.---No.

And if you turn, then, please to page 4, you'll see what is described as Cost Disclosure Statement and Client Legal Service Agreement.---Yes.

Which goes for a number of pages, ending at page 12.---Yes.

Had you ever seen that document whilst you were the CEO of the Land Council?---This was never given to me in the mail, no.

I take it in the ordinary course of business you're the principal custodian of the document, being the CEO. So if mail comes in it comes to you?---Yeah, so the procedure was that the administration would gather the mail from the post office and place it on my desk for review.

10 THE COMMISSIONER: Did you have a position description for your role as CEO?---Yes, I believe there was.

Do we have that? Anyway, take it on notice.

MR CHEN: We'll look into that, Commissioner.

20 THE COMMISSIONER: In broad terms, what were the responsibilities referred to in your position description?---As we advised before, day-to-day management, including management of staff, financials, our Green Team contracts, so sort of any regular contracts coming into the Land Council, liaising with the chair and board regarding matters that are of urgent nature, and assisting with the governance, and managing the residential properties as well.

Just refresh my memory, what period were you CEO?---January - - -

MR CHEN: 14.---14, sorry, to, I was stood down - - -

30 THE COMMISSIONER: That's 2000 and - - -?---2015, February, I was stood down and officially terminated August 2015.

August. And when did you take up duties?---What was that, sorry?

When did you commence as CEO?---January 2014.

So it was only, yes, that period January to August.---Yes.

40 For that period did you have much to do with Debbie Dates?---Yes, as, as the board level.

And in general terms what was your relationship with her in terms of you as CEO and her role?---Initially over the first six to eight months it was pretty supportive. The board overall was pretty supportive of me. Come to later in the year, unfortunately I was aware of the agenda to try to get rid of me as the CEO.

And who did you believe was behind that agenda?---I was informed and was provided evidence that Debbie and Richard.

What was the source of that information, do you recall?---A fellow board member. The, the primary one was in December. Received a call from board member John Hancock advising me he'd just received a call from Debbie, stating she was in the Land Council trying to gather evidence on me to get rid of me and needed to find something to get rid of me.

10 What was your relationship with Green?---There was no personal relationship. It was the same, same as Debbie at that time. Coming up to prior to three-quarters of the year, the board was supportive of me, and then at that one point in time I was just bombarded, really.

In the board minutes, they record a number of occasions Richard Green moving resolutions of various kinds in relation to different matters or seconding them. Firstly, what was your assessment of his, as it were, intellectual capacity to be able to engage in the business of the board?
---Well, Richard's been on a number of boards, and from my understanding has been around land rights and Aboriginal advocacy for some time, so I felt that he had the capabilities to represent the board.

20

Did it appear to you that he had enough intellectual capacity to get his mind around the issues that were brought to the board for consideration?---Yes.

And what's your assessment of his ability to read documents to gain an understanding for example about a particular matter?---Yeah, I wouldn't think there'd be an issue. There was never, there was plenty of documents always presented to the board and nothing was ever raised as a concern of lack of understanding or reading.

30 Did he display an understanding as to the content of documentary material concerning board matters?---Yes, definitely.

Did you ever form the view that he had any lack of capacity to read and understand documents?---No, not at all.

What, to the contrary?---Yeah. Look, across the whole time, even the proposals I put forward Richard reviewed them as part of the board and had significant input so not at any time would his literacy and numeracy capacity or ability to do so cross my mind.

40

Yes. Thank you.

MR CHEN: Thank you, Commissioner. Just in relation to the fee agreements or the fee agreement dated 28 November, 2014, Mr Slee, you will see that that's been signed by Mr Green.---Yes.

Did Mr Green ever tell you that he'd signed that fee agreement?---No.

Did he ever disclose the fact that he had apparently done so at any board meeting you attended?---No.

Were you aware of any delegation given to him by the board to permit him to sign this?---No.

And were you aware of any authority given to him by the board to permit him to sign this?---No.

- 10 Would you turn please just while we're in Exhibit 43 to page 1, 28 November, 2014. If you look at the first paragraph has there ever been any discussion about sourcing investors, capital, equity and debt funders?---Not at all.

Not at any time you've been associated with the Land Council board?---No.

What about affecting the acquisition of or interest in Indigenous lands and maximising their realisable value?---No.

- 20 What about was there ever a request so far as you were aware by any of the directors to request the assistance of Knightsbridge North Lawyers?---No.

If you look at page 8 please of that - - -

THE COMMISSIONER: Just on that. This is theoretical question but had you been consulted at the time about switching legal firms from Sheriff & Co to another proposed firm, would you have made any inquiry as to the experience of the proposed firm into Aboriginal Land Council matters?

- 30 ---Yes. Initially I wouldn't foresee any reason to change from Ian as he was on top of the matters and provided great advice initially but definitely due diligence would have had to have been looked at with the potential new solicitors coming on board.

Why do you say that, what form of due diligence would operate in your mind to be retained to do Land Council work?---Yeah, well, obviously with the Land Council it's specific to the Land Rights Act, Indigenous people so you would be looking for experience along those lines as well as the, I guess the experience and capacity of those lawyers specifically.

- 40 Yes. Thank you.

MR CHEN: Would you also not want to ask why, to anybody that proposed a change of solicitors why they wanted to change?---Most definitely. As I said, there's no reason to change from Ian. He, he went through land dealings with us. He was really on top of the Land Rights Act so I think it'd be crazy to change from someone that can already do the job perfectly.

Up on the screen, Mr Slee, is clause 20 of this fee agreement and I want to ask you in relation to that particular paragraph as at the time you were CEO of the Land Council had you heard of Nicholas Peterson?---No.

Were you aware of any authority given by the board of the Land Council for him to be an agent of the Land Council?---No.

You're obviously aware of Mr Green?---Yes.

10 Were you aware of any authority given by the board to permit to be an agent of it?---No.

Do you know who, sorry I withdraw that. During the time you were CEO of the Land Council were you aware of any person called William Tafilau? ---No.

Do you know who that person is now?---No.

20 Were you aware of the board, of the Land Council giving authority for him to be its agent?---No.

When you were CEO of the Land Council had you ever heard of Andrew Margi?---No.

Have you heard of him now?---No.

You're not aware of the board giving or appointing him an agent of it? ---No.

30 I just want to go back to one issue, if you were proposing to engage a new solicitor is that something that would have been or required approval by the board?---A hundred per cent, yes.

Now you were, the Commissioner's asked you some questions about this, you were suspended from your role as CEO in early February, 2015, were you not?---Yes.

40 There's a little bit of background which you've touched on already in some of your evidence as to why or how that came about, isn't that right?---That's correct.

You began experiencing some difficulties with certain members of the board in the very late part of 2014?---Yes.

And were there any particular board members that were causing or you were having problems with?---As advised, the incident regarding Debbie, Richard just seemed to as well, just want to have a lot of say in day to day operations which started to impact because we, it was my role to manage the day to day

operations but when you have board members coming in and wanting to review and have input, whether it be minor or major, it's really difficult to run the day to day operations and make those decisions.

One of the other background issues at the time was that the Registrar under The Aboriginal Land Rights Act, had written to the board of the Land Council care of you advising that he was having to undertake an investigation, isn't that right?---That's correct.

10 And in fact, he received a letter from The Independent Commission against Corruption requesting that he undertake an investigation into certain matters of financial irregularities of board members or former board members, is that right?---Yes.

And that was raised before the board - I withdraw that. That was a letter that you received dated 20 October, 2014, is that right?---I can't recall the date but - - -

20 Just have a look at this is Volume 2 page 53, do you recognise that as the letter that you received as the CEO from Mr Wright the Registrar under The Aboriginal Land Rights Act?---Yes, I met with Mr Wright prior to that as he gave me a bit of a heads of up as to what was coming but it was definitely what I've received.

If you have a look at page 50 and 51, you'll see those are the board, the typed minutes of the board of the Land Council dated 24 October, 2014. ---Yes.

30 If you turn to the - do you recognise them as such?---Yes.

If you turn please to point seven on page 51 of Volume 2 you'll see investigation/ICAC.---Yes.

It refers to you having presented to the board a letter which is the one which I just drew your attention to?---Yes.

That was obviously a cause for some concern by members of the board? ---Definitely.

40 Part of the concern was that the Registrar had not been given any particulars or specifics about which individuals and which transactions would be looked at by him?---The Registrar was aware, I was aware but the board was not.

I see. In any event, he was proposing to undertake an investigation in late 2014 and early 2015, was he not?---Yes.

And he told you that?---Yes.

And you began, I think you told the Commissioner, to have some problems with a number of board members.---Yes.

And in fact one particular board member drew to your attention that Ms Dates was looking through your office for some material.---That's correct.

Was that board member John Hancock?---Yes.

10 And did you also – or in consequence of some of the problems and conflicts that you were having with board members, including Ms Dates and Mr Green – draft a letter to the board outlining your concerns?---I did, yes.

Now, would you have a look, please, at volume 2, page 156. Do you recognise that as the letter that you drafted and sent to the board members outlining your concerns?---Yes, I believe so.

20 Did you ask for that letter to be tabled before the board?---I did. I supplied it to John due to the conflict with the chair, asking him to provide it to the deputy chair for it to be addressed at the meeting.

That is, to Mr Green?---Mr Green. Unfortunately after that meeting I received a call from another staff member saying why had they been put in that letter, because obviously the letter had been handed out amongst various people.

But that letter was not tabled, was it?---No. I believe instead an anonymous letter was tabled to attack me.

30 Who tabled that letter, that anonymous letter?---I believe it was either the chair or deputy chair.

You'd been in contact over the end of 2014 and to the early part of 2015 with the Registrar Mr Stephen Wright, had you not?---Yes.

And you'd been keeping him informed about the difficulties that you had experienced in attempting to discharge your duties as a CEO?---Yes.

40 And would you have a look, please, at volume 3, page 21. What occurred is that you attended your office one day, did you not, and were spoken to or met by Ms Dates and Mr Green?---Mr Green, Richard, initially.

And did they, one or both of them, say something about concerns they had or allegations they wished to level against you?---Yeah, so once, Mr Green arrived first. Once Debbie arrived they brought me into my office and then advised that they had, they wanted to stand me down pending investigation over concerns with financials. They wouldn't supply any information specifically as to why and just said that I was to leave the office.

THE COMMISSIONER: Sorry, who said that to you?---Debbie and Richard. Debbie Dates and Richard Green.

What authority would they have had to demand?---As board members they've got no authority to do so.

MR CHEN: And you made contact anyway, on the day that they stood you down, with Mr Wright, did you not?---That's correct.

10

Would you have a look, please, at page 21, volume 3. And if you scroll down onto page 22, you'll see that's from Mr Wright, the Registrar.---Yes.

And if you go back to page 21, please. Just have a read of it, if you would, and I'll ask you some questions about it.---Yes.

Now, I think consistent with what you've told the Commissioner, there were vague allegations concerning financial irregularities.---Yes.

20

And by that they were unable to be specific about what their particular concerns were.---That's correct.

And they stood you down based upon them.---Yes.

And you'd advised the Registrar of that.---Yes.

Now, the Registrar also suggested, as you'll see down the bottom of that letter, that they should acknowledge their error and ask you to return to work.---Yes.

30

Did you attempt to make contact with Mr Green and/or Mr Dates or anyone else to seek to return to work?---Other board members I did.

Yes.---Yes.

And were you ever asked to return to work at or shortly after this time? ---No, due to the fraction of the board there was no possibility.

40

It also suggested, sorry, the Registrar also suggested on the second page, which is page 22, to provide this email to the board and to the New South Wales Aboriginal Land Council.---Yes.

Did you do that?---I believe I did.

Did Mr Wright again, as he suggested he would, contact you again shortly after this?---I, I can't recall specifically if or what he did. My only thing is I felt there was a lack of action on his end to ensure those responsible were being held responsible for their actions.

You were suspended then, were you not, until 6 August, 2015?

---Unofficially, yes. I never received anything in writing to say I was suspended.

And during that time the Registrar conducted an investigation, did he not, into the matters that were the subject of the complaints by Ms Dates and/or Mr Green against you?---Yes.

10 And he also conducted an investigation into some issues concerning Ms Dates?---Yes.

And do you recall that he arranged, following him finalising that report, a meeting to be held involving members of the board, yourself and Mr Sheriff, the solicitor for the Land Council?---Yes.

And that occurred on 6 August, 2015.---Yes.

20 Do you remember Mr Wright advising, not making his report available, but advising generally what he had concluded?---He advised me prior to that meeting - - -

I see.--- - - - of the outcome of his report. I was not actually allowed in the meeting when the discussion was regarding me, which was interesting on my end but - - -

In effect his investigation exonerated you.---Definitely.

30 Or found no evidence of, to support the allegations made against you. ---Yes.

THE COMMISSIONER: What was the - - -

MR CHEN: And also he found allegations, sorry, he found Ms Dates had engaged in misconduct under the Aboriginal Land Rights Act, did he not? ---Yes, yes.

40 And she was subsequently suspended in her, from her role as chairperson for a period of time at the end of 2015 in consequence of the Registrar's findings.---Yes.

Did the Registrar also tell you that he had recommended your reinstatement?---Yes.

Did you know that Mr Sheriff, the solicitor, had also given advice to the, to the members of the board at that meeting on 6 August, 2015, to similar effect?---Yes.

Had you spoken to Mr Wright about that?---Yes.

And did he express his views to you that you should be reinstated?---Yes.

You're obviously aware that as it turned out, despite the advice of the Registrar and Mr Sheriff and the fact that the report had found no evidence of misconduct or financial irregularities on your part, that your position was terminated on that day, wasn't it?---That's correct.

10 And that was a motion moved by Mr Green, wasn't it?---Yes.

Now, after - - -

THE COMMISSIONER: What was your belief as to the motive behind Ms Dates and Mr Green in relation to standing you down?---I don't know. Look, it was hard to identify because it come on so quickly. We'd been meeting with developers and moving the Land Council forward as of October/November, and then in December, the only issue that we were discussing at a day-to-day operations and board level was allocation of
20 housing, that's the only issue we were discussing, other than that there's nothing been ever brought to my attention as to there was an issue with me or financial irregularities or anything of that nature, so it, it really come out of the blue.

Yes.

MR CHEN: Thank you.

30 Following your termination you brought a claim against the Land Council, didn't you?---Yes.

And you alleged that you had been wrongfully terminated and defamed in this entire process. Isn't that right?---That's correct.

And there was a settlement between you and the Land Council, wasn't there?---Yes.

And you were paid a substantial sum of money weren't you?---Yes.

40 During the course of your employment as the CEO through your dealings with individual board members and your observations at meetings did it appear that there were factions?---Definitely.

And how many factions were there on the board?---There was definitely two and there was a couple of people I just couldn't tell.

Who were in one side and who were in the others?---Towards the second half of the year you had - - -

What year are you talking about, '14?---'14, sorry. You had Debbie Dates, Richard, Jaye Quinlan, Lenny Quinlan, I think Ron Jordan was on the board then. The other half of the board was my father Larry Slee, Ellie Swan, Deborah Swan, John Hancock and Mick Walsh.

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

10 THE COMMISSIONER: Does anybody want to ask questions of Mr Slee?

MR TYSON: I do, Commissioner. My name is Tyson. I appear for Ms Dates. I just have a few questions for you, please. Mr Slee, to your observation was Ms Dates someone who was protective of her family?---In what way?

Was she concerned about the reputation and standing up for her family members?---I'd assume so, yeah.

20 Two of her daughters in fact were working at the council in 2014. Is that correct?---What two daughters do you refer to?

Do you know a Candy Towers?---Yes.

Was she working in 2014?---Yes. Yes.

And what was her role in 2014?---Reception.

Do you know a Tamara Towers?---I know, I do know of Tamara, yes.

30 Did she have a connection to the board in 2014?---Not that I'm aware of.

Did you make offensive comments to Candy Towers?---No. What comments do you refer to?

Did you make comments about her weight?---No.

Did you make comments about her backside?---No. When was this, sorry?

40 In 2014.---Do you have specific - - -

THE COMMISSIONER: Mr Tyson, if you're going to put any of these matters there should be some specificity around them. It's not good enough just to put a general proposition without context.

MR TYSON: I can't be more specific as to dates, Commissioner. Mr Larry Slee Junior.---Yeah.

Is he the elder brother of, is he your older brother?---He's my brother.

Did he work for the Green Team?---As a casual on call.

Did Debbie Dates raise issues with you about his timesheets for the Green Team?---No.

I suggest to you that she did. That she complained that there was overcharging in some of the invoices he submitted.---Invoices? Sorry, he wasn't a contractor.

10

For his timesheets, his timesheets.---No. There was an issue raised at some point in my time but that was not brought to me by Debbie's attention.

Was there also an issue about him not returning equipment used by that business when he stopped working for that business?---It's never been brought to my attention. There was an issue with a number of the Green Team's hours of work not just one so there was issues with the whole team knocking off early and I guess if you're going along those lines also in 2015 there was records present of staff being paid full-time and not working full-time hours not just specifically one person.

20

One of your roles, one of your day-to-day roles was oversight and supervision of the Green Team.---That's correct. As well as there was a Green Team supervisor.

I want to suggest to you that prior to you being stood down by the board in late 2014 you and Ms Dates were in a bitter personal dispute.

30

MR CHEN: I object to, I don't object to the subject matter generally but the dates are plainly wrong and he was not stood down by the board.

THE COMMISSIONER: Again I think, Mr Tyson, perhaps for this to be helpful we need to have some specificity. When are we talking about and when you're talking about a dispute, dispute as to what?

MR TYSON: I'm putting it in a, I'm describing it in, I've raised specific topics but in terms of time November/December, 2014.

40

THE COMMISSIONER: '14. When you're referring to a dispute, what are you talking about?

MR TYSON: Well, can I take it generally? Would you agree that in November and December 2014 you and Ms Dates were in a dispute? ---November?

2014.---Not that I'm aware of. In December I was definitely, I felt bullied.

How do you describe your relationship between yourself and Ms Dates - - -
?---I don't have a relationship.

- - - in December 2014?---At arm's length.

But are you saying that it was an effective relationship at that time?---Well,
not when I'm being targeted to be fired, no. How could it be?

10 The dispute between you and Ms Dates was about personal issues. Do you
agree with that?---Oh, you'd have to ask her that because I had no attack
against Ms Dates.

She was defending her daughter, Candy Towers, against comments that you
made to her. Do you agree with that?---No.

She was also very concerned, and raised with you her concerns, about the
Green Team. Do you agree with that?---What concerns, sorry?

20 Her concerns about Larry Slee Jr putting in timesheets that were false.---As
I said previously, that was brought to my attention and there was no
falsification of documents.

Let's not get into who was right or wrong about that, but just the fact of a
dispute between the two of you about that issue. Do you agree with that?
---No.

30 You talked about board factions that had developed in 2014. You gave
learned Senior Counsel for the Commission some evidence about that just a
moment ago. Do you remember that?---Yeah.

And you said that on one side of the faction was a person called Larry Slee.
---Yeah.

Is that your father?---Yes, that's what I advised.

So there's a Larry Slee and then there's a Larry Slee Jr who was working for
the Green Team.---Yes.

40 And you also named John Hancock as being part of that faction.---Yeah.

And what was the factional dispute about, do you know?---Not at all. There
was obviously differences between the parties. They didn't agree upon a lot
of things.

A whole range of issues?---Yeah.

A political dispute between political factions.---I believe so.

That was affecting the board in late 2014.---It had affected the board of the Land Council for years as far as numbers wise, but, yes, it was affecting the board.

And do you remember that one of the things that Stephen Wright wrote to you about was that he put the dispute down to a stupid political matter or possibly a stupid political matter. Do you remember that?---Oh, I can't recall it specifically.

10

Learned Senior Counsel showed you a document regarding a board minute in – I think it might have been November 2014. It was volume 2, page 108. It had a reference to this. It had “Ellie doesn't want Dates family to get a house.” That was in the board minutes. What was that about, please?---Oh, I couldn't recall. There was, I guess at the end of 2014 there was, I believe, a property vacant. But you'd have to ask Ellie what her opinion is about that.

20

Who's the Ellie that's referred to in that minute?---Ellie Swan, the board member.

And the Dates family, can I take it, is a reference to Debbie Dates and/or her daughters?---Your assumption is as good as mine because I didn't write the minutes and I didn't make the statement.

Well, I want to suggest to you that prior to you being stood down, sorry, prior to you – I'll withdraw that. November or December 2014, you were in a bitter personal dispute with Ms Dates. Do you agree with that?

30

MR OATES: Objection, Commissioner. That's been put, I think, twice so far.

THE COMMISSIONER: Mr Tyson, I think if you're going to put these matters they're of not much weight unless we know the nature of the dispute you're asserting. Just to leave it high and dry without any detail really doesn't help me.

MR TYSON: Thank you, Your Honour. No further questions.

40

THE COMMISSIONER: All right. Thank you. Thanks, Mr Tyson. Anybody else? All right.

MR OATES: If you please Commissioner.

THE COMMISSIONER: Yes.

MR OATES: When Mr Wright wrote to you about the investigation he was going to conduct and that was notified to the board.---Yes.

Was Mr Wright expecting him to assist him by providing documents at his request or - - -?---Yes, that's correct.

- - - facilitate whatever he needed to have facilitated to conduct this investigation?---Yes, I believe he appointed two investigators and he requested that I assist them with providing documentation.

10 That was known to the board was it, that you will be fulfilling that role on behalf of Mr Wright?---Yes.

Are you able to - I'll withdraw. Was any comment ever made to you by any board member about that role of yours in facilitating information or material on behalf of Mr Wright?---No, not at all.

Nothing further Commissioner.

20 THE COMMISSIONER: You may have dealt with this, just so I'm clear about it, after the Registrar had indicated that he thought the complaint against you was baseless and that you should be reinstated. Firstly, where did, what was the occasion of which the Registrar said that, where were you?---I would have been at home.

I see. But was there, at any stage a meeting after the Registrar had dealt with the dispute which involved you and Ms Dates or Mr Green?---No, from my knowledge I think the Registrar may have met with Debbie and Richard and then proceeded the investigation although the board wasn't agreeing with that.

30 All right. Thank you. Nothing else?

MR CHEN: Not from my point Commissioner.

THE COMMISSIONER: Yes, all right. Thank you Mr Slee you may step down, you are free to go.

THE WITNESS EXCUSED

[3.32PM]

40

MR CHEN: Commissioner, I call Cyril Gabey.

THE COMMISSIONER: Yes. Mr Gabey will you state your full name.

MR GABEY: Cyril Gabey.

THE COMMISSIONER: Do you want to give evidence on oath or affirmation?

MR GABEY: Affirmation.

THE COMMISSIONER: Affirmation, if you just stand and my associate will administer that.

THE COMMISSIONER: Yes.

MR CHEN: I'm not sure, Commissioner, whether the witness wants the protection of a declaration or the Section 38.

10 THE COMMISSIONER: Mr Gabey, in giving evidence you can either give evidence on objection or not just as you please. Probably heard me say before that there's an entitlement to witnesses to object if they wish. The effect of that is, that any evidence you give can't be used against you in the future of other proceedings, civil or criminal, disciplinary but of course, it could be used in the event of an offence under this Act, such as deliberately giving false evidence but apart from that, that's the protection that if you want to object you can have or you may not wish to object, it's entirely a matter for you but you entitled to object if you wish.---Yes.

20 What would you wish to - - -?---Objection.

All right. Very good. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Gabey as a witness and all documents and things produced by him during the course of his evidence shall be taken as given under objection and accordingly there is no need for Mr Gabey to make individual objection in particular answers or tender of documents or reference to documents or objects or items.

30 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR GABEY AS A WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE SHALL BE TAKEN AS GIVEN UNDER OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR MR GABEY TO MAKE INDIVIDUAL OBJECTION IN PARTICULAR ANSWERS OR TENDER OF DOCUMENTS OR REFERENCE TO DOCUMENTS OR OBJECTS OR ITEMS.**

40 MR CHEN: Thank you Commissioner. Mr Gabey, are you currently a business owner?---Yes.

In about July 2014 did you incorporate a company known as The Indigenous Business Union?---That's correct.

And were you at that time of its incorporation a director of it?---Yes.

And was there another director of the Indigenous Business Union called John Tagliano?---Yes.

Were you the only two directors of that company?---And, yeah, with David Walsh.

With David Walsh?---Yeah.

10 It's no longer registered, that company, is it?---That's correct.

And when was it deregistered?---I'm not sure. Just I never pay, normally, I don't know how many years they – when that registration runs out, it just runs out.

I see.---Yeah.

It didn't transact any business, did it?---No.

20 Now, was the purpose behind incorporating the Indigenous Business Union to help Indigenous people develop Indigenous land?---Correct.

Now, you know, do you not, Mr Richard Green?---Yeah, I met Mr, yeah, I met Uncle Richard.

And did you come to meet him through an elder in Redfern?---Yeah, Uncle Ray Walsh.

And - - ?---Yes.

30 Sorry, you finish.---Yeah, yeah.

Have you finished?---Yeah.

All right. And did you come to meet Mr Green through elder Ray?
---Correct.

And when you met Mr Green, did you have a discussion with him about the Awabakal people?---Yeah, well, yes.

40 And did that eventually turn into a conversation about land that they held?
---Yes.

And what did he tell you, if anything, about the land that the Awabakal Local Aboriginal Land Council held?---He just told me that there's land there available to be developed if you're interested in.

Sorry, could you put a time on when you met Mr Green?---No. No.

Well, you did go and do a presentation to the Land Council, didn't you?
---Yeah.

And was it in the same year?---Would have been, yeah, would have been.

All right. Are you able to say, was it weeks or months before that meeting that you first met Richard Green?---Would be probably weeks or months. Yeah (not transcribable) probably a month.

10 THE COMMISSIONER: Who invited you to give the presentation?---We, when we did the - - -

Yes, I'm asking you. Who invited you to come to the Land Council to make this presentation?---Richard.

Yes.

MR CHEN: And at that stage when you met Mr Green, you didn't have any
20 experience in building, I take it, or development?---No, nil.

You didn't have any experience in putting together land or development proposals in connection with land?---No.

Your business background was in a completely different area, is that right?
---That's correct.

So this was all new to you, was it?---Yeah, yes.

30 Now, did you come to meet a gentleman called Omar Abdullah?---Yes.

How did you meet Mr Abdullah?---I met him through – I thought it was (not transcribable) mentioned the name. There was the same, similar name. But I met him through him, through Trevor Close.

Trever Cross you met him through, did you?---Yeah.

Did he have some connection with or was doing work for Mission Australia at that time?---I don't know.

40 I see. Anyway, Mr Cross introduced you to Mr Abdullah, did he?---Yes.

And did you meet Mr Abdullah?---Yeah, we met, we met him.

And how did your conversation with Mr Abdullah go in terms of coming together to do something for you?---He, he told me he had experience in developing, in developing. And then I, and I asked him if he wants to be part of the IBU.

I see. And did he agree to do that?---Yeah.

Now, sir, are you able to read English?---Not, yeah, I'm, I'm, yeah, a little bit. I'm not that good at it, my English. That's why I, I, I didn't, I'm not good, yeah. My English - - -

I understand. I'm sorry. I'm not seeking to embarrass you.---Yeah.

10 Are you able to write in English?---Not, not, not, no.

No. I see. In your conversation initially with Mr Cross, did you indicate that you were seeking out to find somebody with some background in building to help you?---Yes.

And that's how he introduced you to Mr Abdullah?---That's correct, yeah.

20 Now, did you tell Mr Abdullah what you were hoping to do in terms of putting together a proposal?---Yeah. Well, not that way, but the conversation was if he's had the experience in, to do a development (not transcribable) said will he explain to, help me go through the steps, you know. And I didn't know what was steps, and (not transcribable) steps when he did the proposal.

So was he really somebody who you brought in to tell you and to help you put together a proposal?---Yes, yes.

And he agreed to do that I take it?---Yes.

30 Did you ask him to put together some material to assist you in what you were going to propose?---Yes, yes.

What was at your stage, prior to meeting with the Land Council, what did you have in mind as to what you wanted to do?---I wanted well, I really wanted to develop the land for the community to benefit from it.

THE COMMISSIONER: You hadn't been involved in land development before?---No.

40 Who gave you the idea or how did the idea arise in your mind to want to get involved in a field that you hadn't been involved in before?---I'm a traditional owner in our land, we own the majority of the land in Australia and we can't develop it then we have a problem and we are trying to find a way how to develop the land. I started here, I should have went back up north where I come from you know.

Had you been associated with the Awabakal Land Council before this presentation?---No, no.

How did you, as it were, gravitate or move towards this Land Council about a property development then?---Only because of the proposal that was put to me by Uncle Richard, he said if you him to do a development then we'll move ahead, yes, I didn't - - -

Do you remember where you were having that conversation in the early days with Uncle Richard?---Yes, it was at a Gamilaroi Land Council meeting with I met Richard there with Uncle Ray.

- 10 Did you approach him about this sort of proposal or did he approach you about it? He's asking you at this particular meeting, Uncle Richard, was it your idea to him to do this or was it his idea to you to get involved?---It was we were both talking about in general.

MR CHEN: Thanks Commissioner. Anyway, you then, because you wanted to take it further, spoke to Mr Cross, he put in you touch with Mr Abdullah and Mr Abdullah agreed to help you put together a proposal?
---Yes.

- 20 You understand that Mr Abdallah put together some material?---Yes.

Prior to that time, did you go with Mr Abdullah to the Land Council offices with him?---No, we went to the Land Council, yes, we did once.

Only once?---Yes.

You remember going there to do the presentation though with Mr Abdullah don't you?---That's after the, yes.

- 30 Before that time, did you go with Mr Abdullah to meet with the manager or CEO of the Land Council?---Yes.

You did?---Yes.

At that stage, you and Mr Abdullah get some information about the land that potentially could be available for development?---Yes.

- 40 Did you understand thereafter that that material was to find its way into some of the material that was to be prepared to be present to the board?---I think so.

I want to show you the document if I can, it's Volume 2 page 67 it will come up on the screen if you like.

THE COMMISSIONER: It's okay.

MR CHEN: I appreciate that there might be some limit as to what you can read.---Yes, that's all right.

Does that appear to be the document that was prepared by Mr Abdullah?
---Yes, it was issued on the day.

Did you have input in the preparation of that document?---No.

Are you able to say what is actually in it or you don't know?---No.

10 Is the level of detail in there a little bit beyond what you are able to read in terms of your capacity to read English?---Yes.

In any event, you went , did you, with Mr Abdullah to present a proposal to the board?---Yes.

And do you remember that was in October, 2014?---I'm not sure of the date but I think it's the day.

20 Who did the talking, was it you or Mr Abdullah or both of you?---I did my introduction as a traditional owner of Queensland and that's about it and welcome, welcome to the Awabakal Land Council and then Mr Abdullah did the rest.

THE COMMISSIONER: You were from Queensland were you at that time?---Yeah, I'm, yeah.

What was your community up there?---I'm from the (not transcribable) People in North Queensland, yeah, and also my father's, my mum from Murray Island.

30 Thank you.---Which is the Torres Strait.

Yes.

MR CHEN: What was the proposal though that was being presented to the Land Council when you went there, what were you proposing?---Well, my understanding was a development with the, a joint venture development with the Land Council.

40 That you were going to be involved in?---Yeah, well, the company as set up, yeah.

And what, you were going to source out investors were you or builders, what was the position?---Well, Mr Abdullah was because we discussed that and he had potential investors to come in.

THE COMMISSIONER: Were you being involved because you were an Indigenous representative - - -?---Yeah.

- - - rather than because of any particular technical skills that you could bring to bear?---Yeah, no skills just an Indigenous involvement because I know the Indigenous, majority of the Indigenous land owners in New South Wales and Queensland.

MR CHEN: You didn't have any contact with investors though did you?
---No.

10 And you hadn't sourced out any finance for this deal?---No.

It was fairly early stages of what you were proposing I take it was it?---Yes.

And it was going to be left if possible for Mr Abdullah to see whether he could get some people to come in. Is that the idea?---I think so.

Well, you hadn't really thought that far ahead had you?---No, no.

20 Now, when you were there with Mr Abdullah doing the presentation before the board of the Land Council was there any other developers or builders presenting on that day so far as you're aware?---No.

And when you were presenting were you presenting it only on behalf of IBU?---Correct.

You weren't presenting on behalf of Gows Heat?---Oh, never heard of it.

Never heard of it. Never heard of Gows?---No.

30 You weren't doing a joint venture with Gows Heat or Gows were you?
---No.

Are you sure of that?---Yeah.

Had you ever heard of a gentleman called Nick Petroulias?---No.

What about a gentleman called Nick Peterson, had you ever heard of him?
---Nick, I don't know Nick. If you refer to Nick as Nick, the gentleman sitting there I met him once, a couple of times.

40 THE COMMISSIONER: When was that?---I met him a few times, a couple of times - - -

When did you first meet him?---I can't recall. Oh, it'd be Trevor. Yeah, sorry, with Trevor, Trevor Cross introduced me.

Was this before or after the presentation that you're being asked questions about?---It would have been probably after I think.

MR CHEN: Did you tell him about the presentation that you'd done?---We would discuss numerous things about development because he come up as (not transcribable) Trevor because of his brother involvement in bringing houses and materials from China.

But did you discuss with Mr Petroulias when you met him this proposal that you and Omar Abdullah had presented to the board or not?---No.

Not at all?---No, no.

10

And so it's clear you had no business or personal connection with Mr Petroulias at all?---No, no.

You're agreeing with me you didn't?---Yeah.

Now, after the meeting had concluded did you have some discussions with Omar Abdullah about what was likely to become if anything of the presentation you'd made to the board?---Can you say it again.

20

I'll put it a different way.---Sorry.

Did you discuss with Mr Abdullah what was to happen afterwards in terms of the proposal?---No.

Did you have any contact from the board at all or any individuals representing the board telling you whether the proposal had been warmly received and accepted or - - -?---This is before or after?

30

After.---After. It was only Omar told me that.

What did he tell you?---He just said we, about the board, I think we did a good job, that's all, the presentation.

When did he tell you this, on the day or after the day of the presentation?---It would have been on the day when we left.

And after the day did you have any other contact with the CEO from the - - - ?---No.

40

- - - Land Council?---No.

Did you have any contact with any board member from the Land Council?---No.

Did Omar speak to you at all?---Oh, with, once (not transcribable) probably would have been a month later, after I rang up for Richard and just see what, if any progress on ah, what we did on the proposal and he said no, and that's it, that's about it.

Right. When he said no, what was he meaning, the proposal was going nowhere?---Yeah.

That's what he told you, is it?---Yeah, there's no answer, no nothing, yeah. I said, "All right."

You mean no answer by the board?---Yeah, well, could be, yeah.

10 Well, could you try and use the words that Mr Green – I'll take a step back. You made contact, did you, with Mr Green - - -?---Yeah.

- - - about a month after - - -?---Yeah.

- - - the proposal?---Yeah.

Is that right?---Yeah. I rang him, yeah.

20 All right. And what did you say to him?---I just asked if he had any progress on our proposal and he said no.

Right. Did you quiz him about anything further about when you might be, or whether that was no, it wasn't going ahead or whether it meant they hadn't made a decision?---No.

Did you have any other discussions with Mr Green after that time about the proposal?---No.

30 And so far as you're aware then, it ended at that conversation.---Yeah, everything went to sour.

Ah hmm. Okay. The proposal or the document that Mr Abdullah prepared, did he send that to you by email or did he give it to you as a hard copy?
---He, he sent it hard copy and email after.

Right. Did you distribute that copy to anyone else?---I distribute to, I can't remember, I can't remember if I forwarded it to anybody.

40 Well, would you have any reason to forward it to anyone else?---No.

You didn't send it to Mr Petroulias at all, give it to Mr Petroulias?---Which, which, which is Mr Petroulias?

The gentleman that's sitting in the - - -?---Nick.

THE COMMISSIONER: Yes.---Nick.

MR CHEN: The fellow that you said you met once.---Oh, yeah, yeah, yeah, I did, yeah.

You did give it to him, did you?---Yeah, 'cause he asked for the, that was after that then I sent it to him, that's after the proposal.

So how did you send it to him?---Well, I forwarded it.

Right. You forwarded it by email, did you?---Yeah.

10

Right. So you had an electronic copy of the document. Is that right?
---Yeah. Well, in me, in, in the email from Omar.

And he asked you did he, just he asked you did he, to send him a copy of that proposal?---Yeah, he, he asked for, he asked for the, the paper copy. I said I haven't got it and that's when I asked Omar.

When, when was this, when did this occur?---I can't, I can't - - -

20

Well, you know, I just want you to assume that the meeting you had with the board was 31 October, 2014.---Yeah.

When was it in relation to that meeting that you gave Mr Petroulias or sent him or forwarded to him a copy of - - -?---I can't remember.

- - - the IBU proposal?---I can't remember.

30

THE COMMISSIONER: Did you ever say to Mr Petroulias or indicate to him that he could use the presentation documents that Mr Abdullah had sent to you for his own purposes?---No. I don't know, I don't know.

Well - - -?---He was looking, he wanted to have a look at it.

Right.---My knowledge was he wanted to have a look at the presentation.

Did you ever, did you ever give permission to Mr Petroulias or anyone else to go and use that document for their own individual purposes?---No.

40

MR CHEN: Do you have the email that you sent that to Mr Petroulias? Do you still have a copy of that email and that report?---No.

You don't?---No. Because that, that email was set up by Abdullah or Omar and when that got cancelled he set up the IBU internet email, the cancel that already.

Now, were you ever part of a consortium with Mr Petroulias or Mr Peterson as he may have been known to you then?---Who Nick?

Yes.---When I met him he wanted to, when I met him he wanted to do business, he wanted me to be as a representative, an Indigenous representative.

Did you agree to do that?---Yes, we did sign an agreement with him, I signed an agreement with him.

10 To do what?---To be like I did with the Land Council to talk to the, talk to any Aboriginal Land Council to deal with them because my part was to that but his part was to do all the paperwork.

What was the name of this arrangement called?---His name and my name, that's it, there was no, an agreement but after a few months I found out he's, you know, criminal record and I, we I asked him, we cancelled the agreement.

You didn't do any business with him?---No.

20 None at all?---No.

You were never part of a consortium called ULC or United Land Councils? ---No.

Are you sure of that?---Yes.

Just excuse me Commissioner. You weren't in any joint venture at all with Mr Petroulias were you?---Joint venture in - - -

30 Yes, in business?---No, only that letter we signed that he was going to be a partner with me to do land development with the other Land Council you know - - -

But as his, I'm sorry, you finish.---Yes, go on.

But you didn't do any business with him notwithstanding you signed that document?---Oh no, no.

Thanks Commissioner, that's the evidence of this witness.

40 THE COMMISSIONER: Yes. Anybody got any questions for Mr Gabey, no?

MR PETROULIAS: Yes.

THE COMMISSIONER: Yes, Mr Petroulias.

MR PETROULIAS: Yes, just Cyril, just to catch up on this. So, the whole idea in your, is to bring Aboriginal people together businesses to develop them?---To develop the Indigenous land, yes.

Do you remember Trevor came from (not transcribable)?---Yes the (not transcribable) - - -

Which is in Lismore?---Yes, (not transcribable) Land Council.

10

Remember your cousin Alex Ramara he had the Cape York claim coming? ---Yes the (not transcribable) people, yeah.

That was huge though wasn't it?---Yes.

The infrastructure?---Yes.

Shipping.---Yes.

20

Right. Then, a later time William told you about my tax office issues, William, big William?---Who's William, the one that you introduced me.

The Samoan, yes.---Yes.

So he told you and you thought let's just stay away from this.---Yes.

Right. Well, by the way, did Richard ever have shares in your company? ---No.

30

Okay, thanks.

THE COMMISSIONER: Thank you, nothing else. Thank you.

THE WITNESS: Can I go?

THE COMMISSIONER: Yes, you are free to go.

THE WITNESS EXCUSED

[3.59pm]

40

THE COMMISSIONER: Now, Mr Chen, we might as well adjourn shortly but before we do, are there any matters to attend to?

MR CHEN: No, there's no housekeeping matters. There will be, if there's not already a revised list of witnesses for tomorrow that will be uploaded to the website for the information of those in attendance. I expect tomorrow there will be a list for at least part of next week as well.

THE COMMISSIONER: Very good. Thank you very much and I'll adjourn.

**AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.00pm]**