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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 28 MARCH, 2018

AT 10.00AM

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THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: Commissioner, there's a number of housekeeping matters that I'd like to draw to your attention, Commissioner, before Mr Lawler is asked to give further evidence. Commissioner, we've received an outline of submissions from Ms Nolan on behalf of Ms Bakis and KNL. For technical reasons which I need not trouble you with, Commissioner, they didn't come to us until quite recently. I'm not suggesting in any way any criticism of anybody by that, but it just hasn't given us sufficient opportunity to absorb them, distil them and assist you, Commissioner, in dealing with that application. So my submission to you, Commissioner, would be that should be deferred. Once we've had an opportunity to absorb what my learned friend has put in writing, we can speak to her and perhaps accommodate an argument at a later time. Allied to that, Commissioner, are some logistical matters. There are a couple of witnesses today that have travel commitments beyond today – Mr Abdullah and Mr Slee – and I'm most anxious to ensure that the Commission's time, the hearing time today, is utilised to receive their evidence today. So that again, in my submission, supports dealing with Ms Nolan's application at a later time.

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THE COMMISSIONER: So does that mean the order of witnesses will be altered to accommodate Mr Abdullah?

MR CHEN: It will be so. I was proposing to call Mr Abdullah next. I expect he'll be shorter in terms of expected length of his evidence, and then it will be Mr Slee, with a view to certainly completing both their evidence today, Commissioner.

THE COMMISSIONER: Yes.

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MR CHEN: Commissioner, the next matter of housekeeping that I wish to raise is Mr Petroulias has prepared – consistent with the direction you gave yesterday, Commissioner – a document which articulates proposed topics of cross-examination for Mr Lawler, as well as his “quite positive case”, close quote. Commissioner, could I hand a copy of that document up to you?

THE COMMISSIONER: Yes, thank you. Yes, just pardon me a moment, Mr Chen. Just take a seat there. Yes, very well. The document produced by Mr Petroulias entitled Cross-Examination of Lawler I'll have marked for identification, MFI 3.

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**#MFI-003 – OUTLINE OF CROSS EXAMINATION OF LAWLER
PREPARED BY NICK PETROULIAS**

THE COMMISSIONER: Yes, Mr Chen.

MR CHEN: Commissioner, in my submission, picking up paragraph 13B of the standard directions identifying a contrary affirmative case by Mr Petroulias should be understood in this way, in my submission, Commissioner. His interest is presumably to establish the legitimacy or otherwise of the various transactions which are the subject of this inquiry. The way and manner in which presumably he would seek to undertake that task, Commissioner, would be through evidence which he would give, as well as evidence that the other three people who were the subject of my opening as relevant and interested parties, namely Ms Bakis, Mr Green and Ms Dates, their evidence as well may also assist Mr Petroulias in advancing his contrary affirmative case. There would also be, Commissioner, documents which are either in the public brief at the moment or will be tendered in due course, which would go to casting the various transactions in potentially different or other lights. In my submission that is the true parameters of Mr Petroulias's interest and hence should inform the topics of cross-examination and the manner in which in my submission the Commission ought let Mr Petroulias cross-examine not only this witness, to the extent he can assist on those topics, but other witnesses that would follow.

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Commissioner, I've got a more specific response to some of the other matters raised by Mr Petroulias in his outline argument. Would it be convenient to deal with those now?

THE COMMISSIONER: Well, perhaps we might deal with that after I've heard from Mr Petroulias and I'll deal with the other matters you've raised.

MR CHEN: Thank you, Commissioner.

30 THE COMMISSIONER: Ms Nolan, in relation to your application, it seems necessary to stand that over to a date and time that's suitable to both Counsel Assisting and yourself. I'm prepared to do that tomorrow if that's soon enough. I doubt that I could program it today, I don't think it's fair to Counsel Assisting to be required at lunchtime to read your document and formulate a response and then deal with it at 2 o'clock, so I have in mind dealing with it tomorrow. Does that suit you?

MS NOLAN: It does. Would the Commission be assisted if I were to provide each with a copy of the submissions as well?

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THE COMMISSIONER: Yes, thank you, yes.

MS NOLAN: I have a paper copy that's been brought down, I just left it in chambers.

THE COMMISSIONER: Yes.

MS NOLAN: And I also have the four key High Court authorities upon which I rely.

THE COMMISSIONER: Yes.

MS NOLAN: I pose no criticism of Counsel Assisting, it's a complicated question, it's not straightforward, it's not the one that's been the subject of any direct High Court reasoning. There is High Court reasoning in abundance, but it's a matter to construe how it fits together. So, and the technical difficulty was mine, I didn't attach the document as I sent it at 7 o'clock this morning, it was an oversight, just one of those - - -

THE COMMISSIONER: All right. Very well. Now, is 9.30 tomorrow suitable to you, 9.30 tomorrow?

MS NOLAN: May it please the Commission.

THE COMMISSIONER: Mr Chen, does that put you in a difficult position or - - -

MR CHEN: No, no, it doesn't, Commissioner.

THE COMMISSIONER: It just seems to me that I'd prefer not to lose too much hearing time, so I'll bring forward that application Ms Nolan is making, 9.30 tomorrow.

MR CHEN: That is convenient, Commissioner.

THE COMMISSIONER: Thank you. Ms Nolan, you need not wait, if you wish to get away at any point in time.

MS NOLAN: Thank you, Commissioner.

THE COMMISSIONER: Mr Petroulias, in relation to your cross-examination of Mr Lawler, and no doubt this will apply to other witnesses, but just confining it for the moment with the present witness, Mr Petroulias, the issues that are the subject of this investigation have been I think fairly clearly identified in the opening address by Counsel Assisting and many of those issues of course are matters about which you would have extensive knowledge because of your involvement in various matters concerning those issues. The central issue, or a central issue as Counsel Assisting has just mentioned, concerns the various transactions, including the transaction with Advantage; the circumstances in which those transactions came about that in turn would involve subjacent issues such as who was involved in the discussions concerning those transactions, such as yourself, Ms Bakis, Mr Green and any other third party that may have had some involvement; and who can shed light on how those transactions came to be. May include examining for example Ms Bakis on what legal advice the council or

somebody within the council was given about these transactions and all of that of course will unfold in due course of time and the role of Mr Green as well as to what his involvement was. All of those matters go to the issue concerning these various transactions. It is necessary that if you have formulated or wish to formulate what your interest is it would seem to me to be pretty much tied up with and concerned with those transactions and the matters surrounding them, how they came to be and so on.

MR PETROULIAS: I mean it's very clear - - -

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THE COMMISSIONER: The evidence – no, I haven't finished.

MR PETROULIAS: Sorry.

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THE COMMISSIONER: The evidence of Mr Lawler is evidence essentially as to his involvement at a later period of time from the time he was appointed administrator. He was not directly involved at all in the events leading up to the transactions but they were established at a time previous to him. He therefore doesn't have any first-hand knowledge as to the matters that led up to the transactions other than what he has gleaned from documents and the like. Mr Lawler may express views about what he inferred or found in terms of matters such as whether there was a dysfunction, whether there were factions on the board and matters of that kind including the position of CEO and how that impacted on the affairs of the Land Council but at the end of the day we have to keep in perspective Mr Lawler's role. As I say, he comes into it later in time appointed as administrator, to act as administrator and he is not here as a witness as to fact as to the matters I've earlier referred to in the making of these transactions and so on. He may have acquired knowledge about those matters from reading documents and talking to people and so on of course but that's not going to establish the primary facts. So it comes back as I say to you identifying what is your interest. Your interest as I would understand it in very general terms would be that you are here to explain, justify your actions, those you dealt with, how it all came about to meet any suggestion that anything that was undertaken by way of action concerning those transactions was other than proper. In other words, to defend any suggestion adverse perhaps to you or to others that there was some form of conduct that might be said to be improper, if I can use a neutral term. But Mr Lawler's evidence is not going to assist you as I see it in relation to many of those matters for the reasons I've articulated before. So I just want to ensure that you being aware of the standard directions particularly paragraph 13 to which Counsel Assisting referred to.

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MR PETROULIAS: Sure.

THE COMMISSIONER: You having had, I take it from your submissions document which I marked yesterday as an MFI, you put yourself forward as somebody who has had extensive legal experience. Whether or not you're

qualified, I know not, but you put yourself forward as a person who has had a great deal of legal experience, as you term it, and therefore one would on that basis assume that you are able to bring an analytical mind to bear upon issues such as lawyers have to do. So that I'm not speaking to somebody, apparently, who has no legal experience. I'm talking to you on the basis of your statement that you have had considerable experience in legal matters. So that what I have said by way of outline I hope is of assistance to you to understand the analytical process that has to be applied in cross-examination, having regard to whatever your interest is that you wish to
10 propose, propound or defend.

So, Mr Petroulias, it will be necessary for me at times to make rulings on questions you ask. It doesn't only apply to you, of course. It applies to counsel or anyone else asking questions. And that I will either allow the question to be put or won't, but I'm not obliged to provide reasons every time I make a ruling as to whether I permit or don't permit a question to be asked, otherwise proceedings like this – as in any court, for example – would be bogged down with mini-judgements scattered right through, which just delays the process and distracts. So, Mr Petroulias, having said all of
20 that, I hope that will be of some assistance.

MR PETROULIAS: I want to assure and put on the record, yourself and Mr Lawler as well, I'm not here to attack him personally. He wasn't involved. He could only find what he found.

THE COMMISSIONER: That's right.

MR PETROULIAS: He has formed a view about me personally and therefore flavoured everything. That view plus lack of alternative evidence
30 compounds – let's call it bias, for a better word – compounds that perspective. And then, but he also is a person of some expertise and he can bring an analytical mind to – you know, if he had seen this, he may have seen it, he may have looked differently. He may have taken a different approach. He may have considered something else. That's where I'm going. I am not here to attack him. I'm here simply to see what he, what he found and what he, what he concluded and what he could have concluded otherwise.

THE COMMISSIONER: Well, whatever he concluded is not going to be of
40 any use to me. I'm dependent upon the primary evidence as to what the facts were, not what his opinion about what the facts were. So that it would be a total waste of time to be challenging him about his opinion, which doesn't govern me at all, because the matters about which he has expressed an opinion is dependent upon what material he had to form an opinion, and the only material that will be relevant in that respect will be the evidence that is adduced in proper form in the course of these proceedings. So just bear that in mind, if you would. All right. Mr Lawler, is he here?

MR CHEN: There was - - -

THE COMMISSIONER: Yes. I'm sorry, Mr Lawler, just take a seat. I'm sorry. Yes, sorry, Mr Chen. You had matters you wanted to raise.

MR CHEN: I did, Commissioner. Commissioner, the practice note requires parties to provide documents or documents that counsel or those representing parties propose to take witnesses to in cross-examination. It requires those documents to be produced to us in hard copy form and in a timely way, consistent with what the directions state, Commissioner.
10 Commissioner, my learned friend Mr Kirk has provided me with a select bundle of documents, which I have reviewed, and in due course I will most certainly seek to tender those. But a number of other parties – I'll withdraw that. One other party, Ms Bakis, has emailed documents to the Commission this morning and I'm instructed that there are some 640 pages of documents that have been emailed through. Commissioner, I have not had a chance – nor have those sitting either side of me – to review those documents in any detail. But it is a problem, Commissioner, going forward with any proposed cross-examination of this witness.

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One of the ways that perhaps that process going forward may be assisted, Commissioner, would be for Ms Nolan to – consistent with paragraph 13 of the practice note, Commissioner – to identify the purpose of any cross-examination of Mr Lawler, set out the issues to be canvassed, and to state whether a contrary/affirmative case is to be made, and so the details of that case. That process will assist not only in determining what to do with these documents, Commissioner, and the orderly conduct of the hearing, but it will also assist I think, Commissioner – perhaps significantly so – that articulation of a contrary/affirmative case in the application which you'll be
30 called upon to decide tomorrow morning. So, Commissioner, my application is, in the first instance, for a direction to Ms Nolan that she articulate those matters set out in paragraph 13 of the practice note on behalf of Ms Bakis and KNL.

THE COMMISSIONER: Yes. Ms Nolan?

MS NOLAN: I'm happy to do that.

THE COMMISSIONER: All right.

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MS NOLAN: I'm content to do that. I actually don't know of the email, it may not have reached me.

THE COMMISSIONER: Sorry, I couldn't hear you?

MS NOLAN: I'm not aware of the email. I'll confer with my learned friend, Counsel Assisting, as to the email.

THE COMMISSIONER: All right. Well, perhaps you could take some instructions, but if you can certainly inform Counsel Assisting later today or during the course of the day as to what documents you rely upon in accordance with the matters he's just raised, that is taking into account the requirements of the standard directions.

MS NOLAN: I understand, and I'll endeavour to do that.

THE COMMISSIONER: Thank you.

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Yes. Are we ready to proceed?

MR CHEN: Yes, yes, we are, Commissioner.

THE COMMISSIONER: Yes. Mr Lawler?

MR CHEN: Mr Lawler can be re-called.

THE COMMISSIONER: Yes, Mr Lawler, do you mind standing, I'll just
20 have you re-sworn.

THE COMMISSIONER: Take a seat, Mr Lawler.

10 Yesterday I made a declaration under section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness, Mr Lawler, and any documents or things produced by him are to be regarded as having been given or produced on objection. Accordingly there is no need for him to make individual objection in respect of an particular question or answer given or thing produced.

20 **A DECLARATION UNDER SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT: I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS, MR LAWLER, AND ANY DOCUMENTS OR THINGS PRODUCED BY HIM ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE INDIVIDUAL OBJECTION IN RESPECT OF AN PARTICULAR QUESTION OR ANSWER GIVEN OR THING PRODUCED.**

THE COMMISSIONER: Yes. Now, Mr Petroulias.

MR PETROULIAS: Yes. Mr Lawler, just if you heard what I was trying to say, I'm not here to insult you in any way, in fact - - -

30 THE COMMISSIONER: Sorry, Mr Petroulias, you'll have to keep your voice up.

MR PETROULIAS: Oh, sorry.

THE COMMISSIONER: I'm not sure if this sound system needs adjustment but – that's much better, mmm.

40 MR PETROULIAS: Okay, short people. I'm not here to insult you in any way. You can only judge according to what you have in front of you.

THE COMMISSIONER: Mr Petroulias, please, don't make statements, just ask questions.

MR PETROULIAS: Oh, sorry, okay. I thought I was helping.

THE COMMISSIONER: That's all right.

MR PETROULIAS: Okay.

THE COMMISSIONER: No apologies required or anything of that kind.

MR PETROULIAS: Okay.

THE COMMISSIONER: Just simply - - -

MR PETROULIAS: Certainly.

10 THE COMMISSIONER: - - - put your questions.

MR PETROULIAS: Can I give Mr Lawler an example, just so that, with shortcut, one, one file not and take his view on it?

THE COMMISSIONER: Mr Petroulias, your function is to put questions.

MR PETROULIAS: Yes, I will.

20 THE COMMISSIONER: Formulate targeted questions with specificity - - -

MR PETROULIAS: Yes, yes, yes.

THE COMMISSIONER: - - - so the witness can understand the point of the question - - -

MR PETROULIAS: Yes.

30 THE COMMISSIONER: - - - and he's under an obligation then to provide answers to it. That's the question and answer format - - -

MR PETROULIAS: I understand.

THE COMMISSIONER: - - - that we're going to follow. I don't want examples given, I just want questions put.

MR PETROULIAS: Okay. Can I give the witness a document?

THE COMMISSIONER: Well, have you given this to Counsel Assisting?

40 MR PETROULIAS: These are amongst documents that - - -

THE COMMISSIONER: All right. Have you got a spare copy there?

MR PETROULIAS: Absolutely.

THE COMMISSIONER: So would you mind just getting the document from Mr Petroulias. Just give a copy to Counsel Assisting, a couple of

copies. Thank you. Just take that back from Mr Lawler. Mr Lawler, just we'll hold fire for a moment.---Sure.

Well, Mr Petroulias, it's not appropriate to put a document in the hands of a witness which is your document and ask him questions about your document.

MR PETROULIAS: I want a square - - -

10 THE COMMISSIONER: It may be that you want to use this document at some later point in time as a submission document if you like - - -

MR PETROULIAS: I was going to - - -

THE COMMISSIONER: - - - and I'm prepared to have it marked for the moment as an MFI, that's marked for identification, so that the question of whether you want to use it as a submission later on can be visited but it's not appropriate to construct a document of your own and then put it to a witness and then start asking questions about your document.

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MR PETROULIAS: I've been trying to, what I was trying to do is, is date the document by the events that were occurring at the time.

THE COMMISSIONER: Yes.

MR PETROULIAS: And whether it's consistent with little bits of fragments of information that he's found.

THE COMMISSIONER: No, I won't allow that.

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MR PETROULIAS: Okay.

THE COMMISSIONER: I'll have the document marked for identification. Document entitled File Note Memorandum 4 May, 2016 MP Role Clarification with Richard, Debbie and Nick marked MFI4 I think isn't it. Thank you.

40 **#MFI-004 – FILE NOTE MEMORANDUM: 4 MAY 2016 NP ROLE CLARIFICATION WITH RICHARD, DEBBIE AND NICK**

THE COMMISSIONER: Yes, Mr Petroulias.

MR PETROULIAS: Okay. Yesterday, Mr Lawler, we were discussing some correspondence that you may or may not have received, including Hub Advisory from Ms Bakis about documents. These were bundled up as by Ms Luk in the course of the litigation were sent to your solicitors. Can

we now refer to them, Your Honour, Commissioner? These are the documents you asked me yesterday to produce.

THE COMMISSIONER: You've got more documents you want to rely upon?

MR PETROULIAS: Yeah, you asked me to - - -

10 THE COMMISSIONER: All right. Well, hand those to the officer if you would.

MR PETROULIAS: Yes.

MR CHEN: Commissioner, what appears to have been produced by Mr Petroulias is in fact a bundle of numerous, they're contractual documents, emails and letters. It doesn't appear to be the letter of 20 October.

20 MR PETROULIAS: It's in there.

MR CHEN: I'm told it's in there by Mr Petroulias. The 20 October letter that was referred to yesterday in cross-examination is not in the bundle of material that has been provided. There's only one copy in any event, Commissioner.

MR PETROULIAS: Excuse me. Did you say it wasn't?

30 THE COMMISSIONER: Mr Petroulias, there's an established procedure that if there's any documents that anyone wants to have introduced into evidence either through cross-examination or otherwise they're to provide the documents in advance to Counsel Assisting so that the matter can be dealt with in an orderly fashion rather than producing them after 10 o'clock during the course of the evidence of a witness which requires us then to examine the documents whilst the hearing is in progress rather than being able to consider the matter before. I hand back the documents you've handed up. There was reference yesterday to the fact that you were going to produce - - -

40 MR PETROULIAS: One letter.

THE COMMISSIONER: Officer, just return those documents thank you to Mr Petroulias. You were going to produce a letter dated 20 October, 2016. I thought that was rather the letter you were referring to.

MR PETROULIAS: Yeah, it's in here. Sorry.

THE COMMISSIONER: Well, this letter is dated 17 October. The date I have a note of is 20 October, 2016 which you described as a Bakis letter which you styled as an ethical letter.

MR PETROULIAS: Yes.

THE COMMISSIONER: Well, this is a Knightsbridge letter dated the 17th, not the 20th of October.

10 MR PETROULIAS: Well, well, substitute that date. That is the letter that I was referring to. I'm working off memory.

THE COMMISSIONER: Do you have another copy of this letter? No, you don't.

MR CHEN: I think, Commissioner, we're able to put that on the screen, I'm told, so perhaps that might be the way we approach it.

20 THE COMMISSIONER: Thank you. Well, Mr Petroulias, how do you say this letter had anything to do with any interest that you have in these proceedings?

MR PETROULIAS: The last page. Last, the bottom line - - -

THE COMMISSIONER: So it's not the first page, it's the last page.

MR PETROULIAS: Yeah.

30 THE COMMISSIONER: What part of the last page?

MR PETROULIAS: "On the question of paperwork, could you please advise us on what day a courier will be available to pick up several boxes of documentation."

THE COMMISSIONER: Is that what you want to rely upon in this letter?

MR PETROULIAS: Yes. Because Mr Lawler's evidence was - - -

40 THE COMMISSIONER: Is there any other part of this document or is that the part that - you seek to use this letter?

MR PETROULIAS: Well, that all gives context, yes, that, that is what I'm trying to suggest. And - - -

THE COMMISSIONER: This is not addressed to the witness, of course.

MR PETROULIAS: No, but to the accountants appointed. These are the new accountants. Mr Lawler gave evidence that he had, he'd spoken to them for the financials. The financials were incomplete.

THE COMMISSIONER: Just pause there for a moment. I'll hand that to Counsel Assisting. We've only got one copy. You have a copy on the screen.

MR CHEN: I have a copy now, Commissioner, thank you.

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THE COMMISSIONER: Yes. Just a moment, Mr Petroulias. Yes, what do you want to use this document to establish?

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MR PETROULIAS: Okay. The evidence was led yesterday – this is taking a long time. The evidence yesterday was led that – Mr Lawler gave evidence yesterday that he, that he, the financial records were hopeless, and there were some vouchers and some specific examples given. And my answer, my question to him was that's because those documents weren't there. They were, they were with Knightsbridge Tax and no-one went and got them. So the financial mess that existed was because several boxes of documents still are not within the, before the Land Council.

THE COMMISSIONER: So how does that affect your interest, even if it be true?

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MR PETROULIAS: Mr Lawler has formed a view about, about, about Knightsbridge and how we would treat them, about myself. He held a – sorry, are we having this debate that somehow I'm not, I'm not relevant in this inquiry? Because it's not what the opening insists.

THE COMMISSIONER: Mr Petroulias, I have taken time this morning to try and assist you by outlining the way in which cross-examination should be approached, and the starting point is to define what is your interest in the investigation that you wish to protect or advance.

MR PETROULIAS: My interest is the documents were not - - -

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THE COMMISSIONER: Now, whatever view Mr Lawler has expressed about anyone matters not in terms of the interest you hold because, as we discussed earlier, Mr Lawler's involvement in this matter comes later in time to the facts that affect your interest.

MR PETROULIAS: Yes.

THE COMMISSIONER: So whether he's got an opinion, whether he's expressed an opinion about you, Ms Bakis or anybody else has got nothing to do with those facts.

MR PETROULIAS: Okay. So Mr Lawler has led evidence to say that the financial records are in disarray, and I'm saying, I'm giving evidence to, to say that that's only because the documents haven't been picked up.

THE COMMISSIONER: All right. Thank you. Mr Chen, do you want to say anything?

10 MR CHEN: No, Commissioner, the proposed line of cross-examination is irrelevant. What Mr Lawler's evidence was directed to is when he first attended on 17 October and in the short period of time thereafter, what did he discover in terms of the financial affairs of the council. The second part of his evidence, Commissioner, is related to what documentation was in the possession of the Land Council records during the time that he was the administrator. And perhaps the third strand of it is, when he came across documents, how did he do so and in what circumstances.

20 Commissioner, in my submission, the fact that financial records of a particular kind were held with a third party matters not to this inquiry and is not a relevant issue, and hence should not be the subject of any cross-examination by Mr Petroulias. Furthermore, this letter – as you pointed out to Mr Petroulias, Commissioner – is a letter directed by Ms Bakis to somebody else, Mr Larry Urdarov from Hub Advisory Group. I think my learned friend Mr Kirk made the point yesterday as well that there's no evidence, in any event, linking those factual matters which are contained in the last paragraph to him. So for those reasons, Commissioner, I oppose Mr Petroulias cross-examining further on this topic.

30 THE COMMISSIONER: Thank you. Mr Petroulias, I'm not going to allow you to cross-examine on this document. If you want this document to go into evidence so you can make a submission about who had documents at any given time and whether those documents were ever sought by Mr Lawler or anybody else, then it may be that this letter can be tendered through the Counsel Assisting, together with any other evidence, whereby you can make that submission. I emphasise – as Counsel Assisting has indicated – it's got precious little to do with your interest in this investigation. So what I'll do is I'll have this copy of the letter of 17 October, '16 marked for identification. MFI 5.

40 **#MFI-005 – LETTER FROM DESPINA BAKIS TO LARRY URDAROV DATED 17 OCTOBER 2016**

THE COMMISSIONER: It's on the record that you wish to rely upon this letter, and it's a matter for Counsel Assisting to consider it and tender it if it's relevant to the investigation. Mr Petroulias, in that way your interest is protected. Now, do you have any other questions for Mr Lawler?

MR PETROULIAS: Quite a few. Mr Lawler, you do recall that Knightsbridge asked the Registrar for a search warrant to preserve documents that were being destroyed?---I've seen documents that would evidence that.

In your experience is that an extraordinary step for someone to take?
---Certainly it's not a regular step.

10 Yeah. So, for example, there must have been genuine concern, you would think, that documents were being destroyed, were being thrown into a skip bin.

MR CHEN: I object. Commissioner, with respect, Mr Petroulias could never have this knowledge. I mean, I think what is being put, really, is that somebody else - - -

THE COMMISSIONER: Just speak into the microphone to make sure Mr Petroulias can hear.

20 MR CHEN: I apologise. Mr Petroulias cannot have a proper basis to put that question and it could not be in his direct and immediate interest to interrogate the witness further on this. He's putting a proposition, as I understand it, that somebody else sent a letter to the Registrar outlining certain matters or certain allegations, and therefore the view of that person who wrote that letter therefore had some proper basis or foundation. In my submission, that's not a matter that Mr Petroulias should be needing to ask this witness.

30 THE COMMISSIONER: Mr Petroulias, the question as to whether documents existed or were destroyed at any particular point in time will depend upon evidence from those who actually had control of the documents, as to what happened to them. This question is not going to get you anywhere near that point. I won't allow it.

MR PETROULIAS: And, okay. So the next question is, you do recall the cost agreements and the cost agreements you had with Knightsbridge and the reference to myself in the cost agreements, in clause 20?---Sorry, I'm not sure what you're asking.

40 Okay. The cost agreements with Knightsbridge North Lawyers and Awabakal, two of them. There's a reference in clause 20 to the instructions through agents, which refers to myself as being expected to provide instructions.---These documents were provided to my, to Chalk & Behrendt as part of the relay of documents back and forth. They, they weren't at the Land Council. And, yes, my recollection is that you and Mr Green on, on at least one of the documents are referred to as the agents of the Land Council. On what basis, I don't know.

And expected to compile drafts and type templates and work for Knightsbridge?

THE COMMISSIONER: Mr Petroulias, it didn't say that.

MR PETROULIAS: Well, okay, can we have, can we have the document?

THE COMMISSIONER: We had it on the screen yesterday.

10 MR PETROULIAS: Yeah, well, that's, that's – I'm trying to paraphrase that from memory.

THE COMMISSIONER: No, it's not accurate at all.

MR PETROULIAS: Okay. Can, can, can we see it then if that's important? Can we see it?

MR CHEN: Commissioner, we can have it brought up, but, Commissioner, with great respect, this is now evidence sought to be elicited through an
20 administrator of the Land Council about what the legal effect of the document is and what was permitted under it. In my submission the question should be rejected.

THE COMMISSIONER: I think you're right, Mr Chen, but I think we'll have this document brought up on the screen anyway so Mr Petroulias can refresh his memory about it, and then we'll see where we go from there.

MR PETROULIAS: Okay. The last sentence, it is - - -?---Sorry, I'm not, which cost agreement, what date is this cost agreement?
30

MR CHEN: This, Commissioner, is 28 November, 2014 cost agreement, and it's from Exhibit 43, page 8.

THE WITNESS: Thank you.

MR PETROULIAS: Okay. The last sentence. "It is contemplated the drafts of documents will be prepared and compiled to assist the workload of this firm."

40 THE COMMISSIONER: It doesn't say by whom. It's an appalling piece of drafting.

MR PETROULIAS: "These include Nicholas Pearson, the agents."

THE COMMISSIONER: The last sentence does not flow from what goes before it. I'm just observing, it is a very poor piece of drafting. So we don't know quite what it means.

MR PETROULIAS: Well, one available - - -

THE COMMISSIONER: I can only read it for what is stated on the page, but whatever the drafts person intended by it is speculative.

MR PETROULIAS: Okay. Would you agree that one interpretation of that clause that is consistent with my name being on the, on the files of, on the invoices of Jackson & Associates is that I'm involved in preparing material?

10 THE COMMISSIONER: I reject that. Mr Petroulias, you can't get somebody, whether it's Mr Lawler or anybody else, to interpret the document. The document stands on its own feet.

MR PETROULIAS: Yeah, well - - -

THE COMMISSIONER: And as you claim to have legal experience, that would be an elementary principle I'm sure you've come across, the document will speak for itself. It's not a question of what Mr Lawler thinks it means, so let's move on.

20

MR PETROULIAS: So you mentioned yesterday you got a call from Ms Bakis, 20 October, then on 7 November you sent an email requesting a legal and accounting brief, which you got. Now, almost I would say within an hour. Is that consistent with your memory?---No, I'm not sure what you're talking about.

Okay. You said on, you said on 7 November you sent a request to Ms Bakis, she wanted to meet you, you said no, then she sent you, then you sent her an email saying can I have a copy of the legal and accounting brief?

30 ---Yes.

As she responded within, within an hour or so?---Well, she responded, yes.

Quickly. Yeah. Okay. And then you had a community meeting and we're trying to pinpoint an issue, you then had a community meeting.---What date?

On about 25 November, that would have been one of your first.---Would have been late November, yes.

40

Yes. And I notice in the material that you supplied to ICAC, page 191 is a statutory declaration by Nicole Kidman about what was said at that meeting?---It, it is her version of what she claims was said.

Yeah, no, that's correct. I'm not saying, we're just looking at - - -

THE COMMISSIONER: You suggested it was Nicole Kidman. Is that what you meant?

MR PETROULIAS: No.---Nicole Steadman.

Nicole Steadman.---Steadman.

THE COMMISSIONER: Steadman.

MR PETROULIAS: And then Ms Bakis wrote you a letter taking offence at that comment.---That's correct.

10

Right. So I'm not asking you to confirm the truth of it. So, and then, then you hold another meeting where you say the Awabakal Advantage agreements were done without a quorum or that's what's been reported to Ms Bakis and she reports it back to you.---That's correct.

20

Yeah. And then there was one more sort of, of these sort of exchanges which was on 21 March which took issue with she reported to you that this is what she had heard that, that the, you know, the Advantage agreement was, was, was substituted for Solstice for no good commercial reason, that she stole the option fee and, and she participated in invalid in effect agreements.---That's all rubbish and - - -

30

No, no, but that's what she told you.---No, no, that, that is, that, well, those statements are rubbish and I understand and repeatedly get told that Ms Bakis via some, a member or some members of the Land Council have copies, recorded copies even though every, at each meeting it's been advised that to record the meeting which is a private meeting is illegal but, so I've just gone back to Ms Bakis and said well, you've got reported, you've got copies you say of recordings of the meetings. Provide us with the details as the evidence, which has never been received.

Well, let's - I mean I repeat I'm not here to attack you. I'm only saying she, she did on the basis - - -

40

THE COMMISSIONER: Mr Petroulias, I don't know how many times I have to say it. You're not here to make statements or speeches. You're to put specific targeted questions that advance your interest or protect your interest and for no other purpose. I won't and can't accept just rambling questions that are going into areas that are nothing to do with your interest. It may have something to do with Ms Bakis at some stage. She could answer for that. You're not here to represent her. Now, would you please stay focused. I want to make sure that the time we have this morning with this witness is properly used because we've got other witnesses waiting.

MR PETROULIAS: How, maybe this is not, you mentioned Nicole Steadman and that she was the acting CEO but was no good at, at the role.

---The evidence that I have seen and would suggest that she was not an appropriate person with appropriate experience to undertake the role. That's correct.

Yeah. Now, do you recall that in, or do you know that in about April, 2005 the Registrar, Stephen Wright at the time, told NSWALC to help her because of the problems that were arising with the split board?---I presume you meant 2015.

10 2015, sorry.---No, I'm not aware of that.

Okay. Do you know whether NSWALC did help her at all, in any way get involved in - - -?---No, I don't.

Okay. You do know and you agree don't you that Awabakal has an obligation under the State Records Act - - -?---Yes, it would.

- - - to keep State records?---Yeah.

20 Right. So it's an important thing to rectify. You looked at the accounting brief. We were in agreement that, that it was in, that Awabakal was in dire straits yesterday.---Yes.

Yes, yes.---And Knightsbridge Tax had been engaged for quite a period of time at that stage and it was still in a diabolical state, yes.

Well, let's have a look. It was about seven months?---That's correct.

30 Yeah. Financials were in fact presented in, in that joint brief.---Yeah, they were quite inaccurate.

Now, the rental arrears thing you mentioned yesterday was because it was dependent on the state of repairs. The, the Advantage proposal was supposed to renovate the housing. Was that, you were aware of that?
---Um - - -

40 That's what's being said.---It is one of the claims made as part and parcel of a complete package, or a much broader package that, yes, that, that would be included as part of the proposal.

And in that brief was, for example, the, all about United Land Councils, the evidence that was given before the Upper House Committee, Crown Lands Committee, the New South Wales Parliament.

MR CHEN: I object. I mean, we're giving Mr Petroulias as much latitude as can be allowed in the circumstances, Commissioner. We're now straying well off the path of what could possibly be relevant.

MR PETROULIAS: I'll explain the relevance.

THE COMMISSIONER: Mr Petroulias - - -

MR PETROULIAS: That evidence - - -

THE COMMISSIONER: Mr Petroulias, I asked you to outline in a document what your interest is in the areas of cross-examination. That's the document MFI 3.

10

MR PETROULIAS: Yes. You, you - - -

THE COMMISSIONER: Nothing to do with what you're now pursuing has even the remotest connection with anything in your own document. It certainly doesn't have anything to do with the interests as I perceive you have in these investigations. Now, would you please move on to something, if you have anything else - - -

MR PETROULIAS: Can I please state - - -

20

THE COMMISSIONER: - - - that directly affects your interest in any direct or substantial way.

MR PETROULIAS: I, I just, well, I, I just wanted to, to point out that my evidence to the Upper House is, is what's being referred to here. So my evidence about what's going on at the time.

THE COMMISSIONER: Yes. I'm not concerned what was said in the Upper House. Now move on.

30

MR PETROULIAS: Only in that Awabakal has them and all the board of directors have them.

THE COMMISSIONER: Mr Petroulias, I'm going to give you another 15 minutes, and if you haven't been focused on anything of relevance then I'll have to consider imposing time limits because we are losing valuable time.

MR PETROULIAS: I want to discuss the suggestion – it was put to you, Commissioner, and you agreed with MFI 3 about the - - -

40

THE COMMISSIONER: I've agreed with nothing about MFI 3.

MR PETROULIAS: Oh, isn't this the base upon which I'm - - -

THE COMMISSIONER: No. I don't believe MFI 3 of itself fulfils the requirements I specified yesterday. There's a lot of irrelevant matters in that document and nothing to do, as I see it, with your interest. There are some matters that do, but not all. In particular – again, I repeat myself – the

matters concerning the formation of the transactions which have been referred to in the opening; the dealings you had with various people in the making of those agreements or anything to do with those agreements; third parties who were involved in it. Those matters may have relevance. Certainly the issue of motivation – which you've raised – of yourself is a matter of relevance. That's paragraph 1E of your document. And the other two matters I've referred to, 1B and 2A, which refers to the partnership you had, as you call it, with Richard Green. Yes, I concede, those matters are within the compass of relevant matters. I don't see anything else in that document that really is directly or substantially related to the interests you want to protect or propound. Now, I hope that might be of assistance to you.

MR PETROULIAS: Okay. Could we focus, therefore, just on what - - -

THE COMMISSIONER: No, no, no. I've said enough. You ask a question if you have any other questions. Let's move on. It is now 11 o'clock. We are losing valuable time, I emphasise. But you focus on whatever it is that you want to put to this witness that is relevant to your interest, by all means. But bear in mind it doesn't give you a licence to stray into other areas that have got nothing to do with your interest.

MR PETROULIAS: Okay. My involvement in the Advantage property agreement. Mr Lawler, were you aware of the documents that were put in the initial community consultation phase?---No.

Have you ever seen the community disclosure documents?---I'm not sure what you mean.

Oh, it's a document that's described as a community disclosure document, which sets out the, what it is that is being disclosed about the process of the agreement.

THE COMMISSIONER: I think you need to identify the document specifically, otherwise you may be - - -

MR PETROULIAS: Now, not - - -

THE COMMISSIONER: - - - you may be confusing the witness or he may be thinking you're referring to some other document but you're not.

MR PETROULIAS: Commissioner, how can we have these documents available – the, the Knightsbridge files, for example, that was asked to be uploaded – so that we don't have these delays? Oh, here we go. Can I show the witness a document?

THE COMMISSIONER: Yes. Officer, would you mind? Yes, would you hand that to the witness. Thank you, Mr Lawler.

MR PETROULIAS: Thank you.

THE COMMISSIONER: Yes, Mr Petroulias.

MR PETROULIAS: Mr Lawler, yeah, that document purports to be something that's to be tabled to the community at the initial – and you do know that there were at least two information sessions by Mr Hussein?
---Yeah, I know that there were attempts at community information
10 sessions, but I gathered – from my recollection of what Mr Hussein said to me – that either some of them were interrupted or, but there were certainly attempts at community meetings, yes.

That document tries to disclose the interests of everyone involved in terms of meeting the test for transparency by - - -

MR CHEN: I object, Commissioner.

THE COMMISSIONER: Well, let's find out if he's ever read the
20 document.

THE WITNESS: I've never seen this document, Commissioner.

THE COMMISSIONER: No, I won't allow that question.

MR PETROULIAS: Okay. Can I ask, do you know any, have you ever been shown any documents about, that purports to disclose the interests of the various parties that may conflict and how they mean to manage those conflicts?---What parties? What agreements?
30

Myself in particular. Myself, Ms Bakis, Mr Green. With Awabakal.---In the minutes from time to time – the minutes of board meetings of the Land Council – from time to time there's sort of references to conflicts of interest and people acknowledging and whatever. But it certainly doesn't provide any clear statement of the, the total circumstances of the relevant parties to the agreements, who was involved and, and the particular responsibilities that they've got. And in fact I wrote to Knightsbridge when they requested the opportunity to attend the February members' meeting, where members were to be briefed by Chalk & Behrendt, by Mr Chalk, with regards to the
40 Advantage agreement. Said that it was inappropriate for Knightsbridge because they were clearly conflicted. They responded saying they weren't. And I suggested to Mr Faraj, who also requested to attend that meeting, that he might want to take some advice from another legal firm, from anybody else other than Knightsbridge, because again I pointed out that I considered Knightsbridge conflicted.

But isn't the process, wasn't the process to be that Knightsbridge was in fact going to hand everything over to an independent firm as well as an

accounting and forensic study to be done by an independent firm with no connection?---I, I don't - - -

THE COMMISSIONER: Do you know what the intention of Knightsbridge was?

10 MR PETROULIAS: No, the intention of the arrangements at the time of the community meeting.---I've got very little information about the community meetings other than I think they had limited attendance and clearly Mr Faraj didn't consider in the meeting that I had with him at the Land Council office didn't clearly consider that there had been to date up to that time sufficient opportunity for him to in his view sort of explain to members what the whole Advantage deal was about.

Are you familiar with the Awabakal Register of Interests which board members are supposed to declare their interest?---I'm aware. I have never found one and I'm aware that there's reference in the minutes during the '14 to '16 period of reference to, gee, we better start one.

20 Have you ever seen this document?

THE COMMISSIONER: How does he know?

MR PETROULIAS: (not transcribable)

MR CHEN: Commissioner, that appears to be a Land Council record and (not transcribable)

30 THE COMMISSIONER: Mr Petroulias, there's more than one document in this bundle. The only document that appears to constitute a register of interests is the first document.

MR PETROULIAS: Yes, and then they're supposed to be attachments. It says refer to attachments in square brackets.

MR CHEN: Commissioner, could I call on Mr Petroulias to identify how he came to be in the possession of the first document namely, the Awabakal Local Aboriginal Land Council Register of Interests.

40 THE COMMISSIONER: Mr Petroulias, where did you get this document from, that is the Awabakal Local Aboriginal Land Council Register of Interests. It's got a number 281 at the foot of it.

MR PETROULIAS: Certainly.

THE COMMISSIONER: Where did you get it from?

MR PETROULIAS: Gows had a copy. We sent it to the Commission on 2 February this year amongst eight, eight folders of documents.

THE COMMISSIONER: Well, how did Gows get it?

MR PETROULIAS: We got, we got one from Ms Bakis who, who has it in her legal files which were subpoenaed and summonsed and electronically copied. We have it from, where's the other, oh, it's in her accounting files as well that, that letter of 20, 17 October.

10

THE COMMISSIONER: So is the answer to my question you got it from Ms Bakis or her firm?

MR PETROULIAS: Yes. Yes.

THE COMMISSIONER: As to attachments, the attachments are described as Memorandum of Declaration Acknowledgement and Consent dated 5 May, it's got 2105, presumably it's 2015 intended but there's no such memorandum or declaration that I can see in this bundle of documents. All
20 you've got is a document entitled Pecuniary Interest Registrar Disclosure Attachment which seems to be a pro forma document that the Registrar has produced. And the other document is a document on the letterhead of United Land Councils Limited which states the chairman is Richard Green, is deputy chairman of Awabakal Land Council so I'm afraid you don't have the attachments at all here.

MR PETROULIAS: Oh.

THE COMMISSIONER: So what do you want to do with this bundle of
30 documents?

MR PETROULIAS: It could be out of order.

THE COMMISSIONER: Just stay there, what do you want, do you want the documents back?

MR PETROULIAS: Yeah, if I can just check them. No, that's correct, Commissioner, this, this, this - - -

40 THE COMMISSIONER: I'm correct or what's correct?

MR PETROULIAS: This is the bundle and it says, oh, sorry. Yeah, this is the bundle, it was a folder, all the various - - -

THE COMMISSIONER: Hand it back to the officer.

MR PETROULIAS: Yes.

THE COMMISSIONER: Mr Petroulias, I don't think you get it. You referred to the documents to which reference is made in the register of interests - - -

MR PETROULIAS: That's right.

THE COMMISSIONER: - - - which has in brackets, "attached." Those documents are described as a Memorandum of Declaration. There's no such document attached or accompanies - - -

10

MR PETROULIAS: Oh.

THE COMMISSIONER: - - - this one-page register of interests.

MR PETROULIAS: Yes, I have that separately, yes.

THE COMMISSIONER: Mr Petroulias, this is rather shambolic. It's taking up time of the Commission. I think you're going to have to do a lot better than this. You should have provided or put Counsel on notice, Counsel Assisting on notice as to the documents you wanted to be available for the purpose of this investigation. You haven't done so. At the moment you are in contravention of many of the procedural standard directions. It's getting close to the stage where I'm going to have to I'm afraid impose a time limit on you because this is, as I've said, I'm afraid, and I don't mean any offence by it, it is shambolic. I'll return the documents to you. Have them marked for identification, please. Yes. The document Community Disclosure Statement will be marked for identification MFI 6.

20

30 **#MFI-006 – ALALC COMMUNITY DISCLOSURE STATEMENT
DATED 20 JULY 2016**

THE COMMISSIONER: And the other document entitled, or documents, plural, Register of Interests, the second document is headed Pecuniary Interest Registrar, Disclosure Attachment, and the third document is documents page numbers 374 to 383 on the letterhead of United Land Councils Limited. Those three documents will be together marked for identification MFI 7.

40

**#MFI-007 – ALALC REGISTER OF INTERESTS & OTHER
DOCUMENTS**

THE COMMISSIONER: Now, where are we going to go, Mr Petroulias?

MR PETROULIAS: Okay, well, I'm nearly done. Mr Lawler, are you aware of litigation that occurred between United Land Council's Richard Green and New South Wales Aboriginal Land Council in 2006?---No, I'm not.

Were you aware – in defamation, does that help at all?---(No Audible Reply)

10 No. Yes.---Sir, I am aware from conversation that, so 2006, I thought it was later than that, but if it was 2006 it was 2006. Yes, I'm aware that there was action involving Richard Green and New South Wales Aboriginal Land Council, it could have been with regards to defamation. I understand that New South Wales Land Council was successful and had costs awarded, because I was contacted by New South Wales Land Council to ask if I knew Mr Green's address as they wanted to write to him with regards to recovery of those costs.

20 Okay. So there was litigation. You don't need to – do you, do you recall what it was about?---No, I've just said as much as I know.

Okay. Have you ever seen this, this brochure, this advertisement?

THE COMMISSIONER: Mr Petroulias, I won't allow it.

MR PETROULIAS: Can I, last question is the MFA, MF4A, which is about the declaration of my involvement, who I am, what role I play. Am I allowed to ask him now?

30 THE COMMISSIONER: Yes, all right.

MR PETROULIAS: Thank you. Had several copies of this document.

MR CHEN: It appears to be MFI 4, Commissioner.

MR PETROULIAS: Yes.

40 THE COMMISSIONER: What use do you want to put this to. We've been there before with this document. MFI 4 is a file note memorandum of the 4th of May, 2006, which has got a series of 14 paragraphs.

MR PETROULIAS: That's correct.

THE COMMISSIONER: As I say, you might want to use it at some later stage in these proceedings, but why do you want to show it to Mr Lawler?

MR PETROULIAS: Because of the timing and what would follow subsequent to those declarations. What you'd expect to happen.

THE COMMISSIONER: But how can this witness deal with that.

MR PETROULIAS: He is the - - -

THE COMMISSIONER: Timing as to what?

MR PETROULIAS: He is the person who has discovered our situation when he walked into the Land Council, and what I want to do is identify what you would expect to have occurred and whether that is consistent with what he's found. And because this relates directly to myself.

THE COMMISSIONER: But who created this memorandum? It's got signatures on the bottom of it.

MR PETROULIAS: Yeah.

THE COMMISSIONER: Whose document is it?

MR PETROULIAS: Well, it's a, it's a file note memorandum.

THE COMMISSIONER: Yes, but who created the document? Who is the author?

MR PETROULIAS: Well, Ms Bakis would have contributed to it.

THE COMMISSIONER: Pardon?

MR PETROULIAS: Both, I would have contributed.

THE COMMISSIONER: Are you the author?

MR PETROULIAS: I contributed at least some of it, yes.

THE COMMISSIONER: Sorry, I can't hear you.

MR PETROULIAS: Partially, yes.

THE COMMISSIONER: Partially?

MR PETROULIAS: Yes.

THE COMMISSIONER: What does that mean?

MR PETROULIAS: It means I would have drafted the first draft.

THE COMMISSIONER: What about the final draft?

MR PETROULIAS: Well, Ms Bakis would have then edited it.

THE COMMISSIONER: So the document is a composition of the work of you and Ms Bakis, is that your understanding?

MR PETROULIAS: Yes. That's correct.

THE COMMISSIONER: Yes. And what do you want to put to this witness about the document?

10 MR PETROULIAS: About the adequacy of disclosures and what he understands various terms to mean.

THE COMMISSIONER: No, I won't allow that.

MR PETROULIAS: That's all.

THE COMMISSIONER: Thank you. Now, is there anything else?

MR CHEN: Commissioner, before Mr Kirk asks - - -
20

THE COMMISSIONER: Nobody else wants to cross-examine Mr - - -

MS NOLAN: I have instructions to.

THE COMMISSIONER: I'm sorry?

MS NOLAN: I have instructions to cross-examine this witness, but Ms Bakis has not been given access to the portal as yet. I haven't looked at a single - - -
30

THE COMMISSIONER: She hasn't been given access to?

MS NOLAN: To the portal as yet. I don't know why. I'm not attributing blame at all. I'm just stating an objective fact. The other matter is, is the documents to which I have been directed to draw the outline earlier this morning, I haven't seen them. I understand an email was sent. I was copied to it. I didn't understand its relevance. It didn't seem - - -

THE COMMISSIONER: Sorry, which documents are you now referring to?
40

MS NOLAN: The 600 documents.

THE COMMISSIONER: This is the 600 that Ms Bakis has produced today? Is that the ones?

MS NOLAN: Yes, the Commission directed me this morning to provide a document with respect to these 600 documents that were sent in an email to I think the commission.

THE COMMISSIONER: Well, this was referred to earlier by Counsel Assisting, that Ms Bakis emailed 640 pages to the Commission this morning. They're the documents you're now referring to?

MS NOLAN: Yes.

10

THE COMMISSIONER: So what's your application?

MS NOLAN: Well, my instructions are – I'll start again. My instructions are to cross-examine. The difficulty I have is I'm not in a position to do it for two reasons. First is the portal access issue. The second one is, is I haven't seen the documents upon which I'm supposed to be cross-examining and preparing an outline so that I can identify the topics that are relevant to the interests of my client. So the application I'm making in those circumstances, Commissioner, is that there be a deferral so that I can attend to that. My energy and focus yesterday was directed to preparing the synopsis, and so I am now not in a position to commence the cross-examination.

20

THE COMMISSIONER: Ms Bakis has been on notice for at least three weeks that this hearing would take place and she, on the second day of the hearing, sends to the Commission 640 pages. I find that extraordinary. Mr Chen?

30

MR CHEN: Commissioner, I'd oppose any deferral of any cross-examination. I should for the record point out that my instructions are that Ms Bakis only applied at 6.24pm last night for access to the portal that would permit her access to the documents that have been uploaded. But, Commissioner, as you pointed out, Ms Bakis has been on notice for at least three weeks of the inquiry and her involvement in it, she also has produced in addition voluminous amounts of material independently of the document she sent to us last night. Commissioner, I understand my learned friend's position but Ms Bakis really is the person who should be in a position in my submission to send counsel along, if that's what she decides to do, to be ready to proceed in an orderly way. Those are my submissions, Commissioner.

40

THE COMMISSIONER: Ms Nolan, I think in the circumstances I'm not going to make any deferral of the cross-examination of Mr Lawler, however I will give Ms Bakis the opportunity that if she prepares an affidavit to fully explain the circumstances which she may assert was some disadvantage in not having produced these documents to the Commission before this, then I will consider whether or not any application to have Mr Lawler recalled should be granted or not, but the onus is on her. Quite obviously from what

Counsel Assisting has said, it is just unacceptable on the second day of the Commission to send 640 pages of material expecting that that will then give rise to a right to have a witness deferred at her convenience. There would have to be a very substantive powerful explanation as to why she should be given a concession to have a witness recalled. I think I've made my position clear.

10 MS NOLAN: And I've heard and I understand and I'll attend to that. I do, I do appreciate my role and I'm not presently in a position to be able to fulfil it for a variety of reasons, but I will attend to these matters.

20 THE COMMISSIONER: Yes. Ms Nolan, nothing I've said is a criticism of you of course, I just take the view that Ms Bakis has been responsible for some of her own actions or inactions in this matter it seems on the face of it, however if that be wrong then she's now got an opportunity to put on record through a sworn affidavit what is the position concerning this late transmission of the 640 pages of documents. And as I've said, depending upon that affidavit and the material in it, I will consider whether or not Mr Lawler should be recalled or not. Anything else?

MR CHEN: Commissioner, could I raise one other matter in relation to Mr Lawler's possible need to re-attend the Commission if an application is made and granted. Mr Lawler I understand is going overseas this weekend.

THE WITNESS: 2 June. Next Monday.

MR CHEN: Next Monday until - - -?---Sorry, 2 June, 2 April, next Monday.

30 Next Monday.---Yes.

Until 28 April, as I understand it?---That's correct.

THE COMMISSIONER: Yes, well, those arrangements won't be disturbed, Mr Lawler.---Thank you. Ta.

All right. Thank you. You may step down. Oh, sorry, is there anything else?

40 MR CHEN: I do. I told Mr Kirk that I wished to ask just one further question for clarification of a matter which I'd asked Mr Lawler about yesterday. Could I do that now before Mr Kirk embarks upon his examination, Commissioner?

THE COMMISSIONER: Yes.

MR CHEN: Mr Lawler, yesterday I was asking you some questions about documents and in particular the Gows Heat heads of agreement dated 15 December, 2014.---Yes.

And I think you said that it came to you or came to your possession once the litigation had been commenced by Sunshine?---Yes, that's correct.

And it came via the solicitors Chalk & Behrendt?---Yes.

10

And they had been provided as you understood it a copy of that document in about March or April of 2017?---That's correct.

And that's when you first received a copy of it?---That's correct.

And I asked you a question about whether you had been aware of that heads of agreement before that time?---Yes.

And you replied you had not been so aware?---No.

20

And the question I wanted to ask you was so far as you're aware a copy of that document was not in the possession of the Land Council at any time prior to you receiving it from your solicitors Chalk & Behrendt?--- Definitely not.

Thank you. Thank you, Commissioner.

THE COMMISSIONER: Yes. Well - - -

30 MR KIRK: Commissioner I just have about five minutes of questions. I do note the time but if we could perhaps knock it off now if that suits the Commission.

THE COMMISSIONER: Yes, very well.

MR KIRK: If it please the Commission.

40 THE COMMISSIONER: Mr Lawler, we'll take a morning tea adjournment. From what has been said you won't be delayed too long by these further questions.---That's okay. Thank you.

So we'll resume in about 15, 15 minutes.

MR KIRK: Sorry, Commissioner, I was suggesting we might even knock it off now if that's convenient to you, Commissioner.

THE COMMISSIONER: Oh, I see. All right. Yes, certainly. If you can deal with it in five minutes that's fine.

MR KIRK: It will be no more than five minutes. I wonder if page 75 could be brought up on screen of the material produced by Mr Lawler which I think is Exhibit 1A, volume 1A of Exhibit 42. So, Mr Lawler, I hope you can read that on screen. That's a letter from KNL dated 10 January, 2017 addressed to yourself and also to Mr Faraj. Do you see that?---Yes, I do.

Do you recall receiving that letter?---Yes, I do.

10 Was that the first piece of correspondence you've received from KNL or was this one letter in time?---I would, I would think with the date it certainly is either the first or it's certainly very early in the correspondence from KNL. It could well be the first.

All right. Can I draw your attention please to the heading immediately under the addressees which is you're liable (not transcribable) unlawful interference in commercial relationships and misfeasance.---Yes.

20 And if we can go over to the bottom of the next page, page 76, paragraph 7(d). It's a reference if you can read it to other comments attributed to you are too incompetent to raise at this time.---Yeah.

And if we can go to paragraph 8 on page 77 there's a reference in the fifth line to bizarre and ongoing statements made by you to the community meeting. And then in the second-last paragraph there is a statement, "Should we not receive from you by close of business Friday, 13 January, 2017 an apology and a statement of retraction of your libel to this firm and myself we will commence litigation against you personally and precariously against Awabakal LALC not only in respect of the libel but seeking your removal and/or the appointment of a receiver." Do you see that?---Yes, I do.

Now first, is the tone of this correspondence typical in your view or not typical of the correspondence you've received from time to time from KNL?---It subsequently turned out to be typical of the correspondence I received from KNL, yes.

40 Did you provide an apology and statement of retraction as demanded in that second-last paragraph?---Certainly not.

Were proceedings commenced against you as threatened in that, in that second-last paragraph?---They have not been to my knowledge.

Can I ask the screen then to bring up please page 222 of the same exhibit. It's 222. Yes, thank you. This is a letter addressed to Mr Chalk from KNL. It's headed Incompetent Allegation Number 1, Failure to Disclose, or Disclosure Fee Agreement of Council and Solicitors. Do you see that, Mr Lawler?---Yes, I do.

Have you seen this letter before?---Yes, I have.

Could I ask you to look at the bottom of this page 222 where in paragraph 3 it says, “In respect of this newly invented allegation we note”, and then the last paragraph is, “that the council opinion fee agreement and cost disclosure statement and the Jackson & Associates’ fee agreement was also provided and filed in a folder created, placed and updated in the CEO’s office. Do you see that?---Yes, I do.

10

Have you ever found any of those documents in the Awabakal offices?
---There was no such folder.

Thank you. Can I now seek to provide to the Commission and I’ve already provided Counsel Assisting a short bundle of documents and I’ll provide copies of those behind me. And if I could hand one to the witness too, sorry.

THE COMMISSIONER: Yes.

20

MR KIRK: These are in chronological order. The first is a letter dated 25 June, 2017, sent by email, sending by yourself. That’s correct, is it? This is a letter sent by you to Ms Bakis?---That’s correct.

In the second paragraph on the first page it says, “I hereby require, pursuant to section 227 of the Aboriginal Land Rights Act, the following records and information in the possession and control of you personally or KNL Lawyers.” You see that?---Yes.

30 You’ve personally sent this letter to Ms Bakis on that date by email, correct?---That’s correct.

At the same time you also sent some similar letters to, I think, Mr Green and Ms Dates requiring production of documents under 227 of the Act, correct?
---That’s correct.

If I can ask you to turn to the next document. This should be a letter from KNL dated 30 June, 2017. Do you see that?---Yes.

40 I draw your attention to paragraph 3. Well, actually, first paragraph 1, referring to your letter dated 25 June, 2017. They were emailed today, 27 June. Paragraph 3 says, “We therefore act for Mr Green and Ms Dates in respect of these matters.” And then paragraph 4, “We hereby inform you that Mr Green, Ms Dates and this firm will not be complying with your threat of compulsion under pain of penalty as your request is invalid on its face and for many reasons identified below, including that it is in contempt of proceedings, subject to priority of lien over documents subject to joint legal professional privilege as discussed below.” There’s then a very

extensive set of arguments. Could I draw your attention to page 10, which is the last page of the letter but not the last page of the document. There's a heading "(27) Adoption of Legally Available Procedure for Seeking Better Particulars Before Responding". Do you see that?---Yes.

10 And can I draw your attention to the last paragraph, 27.5, "If you do not provide a satisfactory statement of reasons as requested, we will use the inadequacy as an error of law and ground for judicial review, and set aside your demand." Did you then instruct Chalk & Behrendt to provide a response to that document?---I would have.

We'll come to that shortly. Before we do, can I go to the next document in the chain, which is dated 10 July, 2017, from KNL. The heading is Contempt of Court by Terry Lawler. Do you see that?---Two secs. I've got all this, Requests for Reasons for - - -

Yes. Sorry, it should be - - -?---Okay, yeah.

20 THE COMMISSIONER: Has it got a page number?

MR KIRK: It's just a three-page document, Commissioner.

THE COMMISSIONER: Yes, I have it.

MR KIRK: It's dated 10 July, 2017. Do you see that, Mr Lawler?---Yes.

You're familiar with this document?---Yes.

30 I take it you recall this document being sent?---Yes.

Can I ask you to turn to the bottom of the second page. Towards the bottom it says, "As you would appreciate, these matters constitute contempt of court, perverting the course of justice, amongst other offences." Do you see that?---Yes.

40 And then in the next page, the second-last paragraph, it says, "Mr Lawler's misconduct also gives rise to separate grounds for challenge and remedies under the ALRA. However as his misconduct is made in the context of and impacts upon the current proceedings, the proper course is, where we have not received a satisfactory response, for us to charge Mr Lawler by bringing contempt charges within the current proceedings." Do you see that?---Yes.

Was any contempt charge ever brought against you in either of the Supreme Court proceedings?---No.

Can I ask you then to turn to the next letter in the chain, which is from Chalk & Behrendt, dated 14 July, 2017. Do you see that?---Yes.

That, in summary, is a response in relation to the contempt allegations. Was that letter sent on your instructions?---That's correct.

Finally I turn to the letter of Chalk & Behrendt dated 20 July, 2017, which goes back to the request for reasons, et cetera, that had been made in relation to your section 227 direction. Do you see that letter?---Yes.

Was that letter sent on your instructions?---Definitely.

- 10 Can I ask you to look to the second page. About halfway down there's a heading "(3) Validity of Section 227 Requests". And there's a statement, "We reject your various contentions that the 227 requests are invalid." Do you see that?---Yes.

And then underneath that there's a heading, "(4) Requests for Reasons in Relation to Section 227 Requests". And there is a couple of paragraphs there, including giving a brief statement of reasons in the last paragraph. Do you see that?---Yes. Yes.

- 20 Following this letter being sent, was the threatened action for judicial review to seek to set aside the section 227 request that had been identified in the letter of 30 June, 2017 of KNL ever actioned? That is to say, were such proceedings ever brought?---No.

I seek to tender or ask that Counsel Assisting tender those documents. I have no further questions.

THE COMMISSIONER: Do you have any other questions on these documents?

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

THE COMMISSIONER: All right. Yes.

MR CHEN: Commissioner, would it be convenient to tender them now, these documents?

THE COMMISSIONER: If it's convenient, well, yes.

- 40 MR CHEN: It is. I tender a letter from Terry Lawler, administrator of the Awabakal Local Aboriginal Land Council to Ms Despina Bakis, dated 25 June, 2017.

THE COMMISSIONER: That'll become Exhibit 44.

#EXH-044 – LETTER FROM TERRY LAWLER TO DESPINA BAKIS DATED 25 JUNE 2017

MR CHEN: I tender a letter from Knightsbridge North Lawyers to Mr Terry Lawler dated 30 June, 2017.

THE COMMISSIONER: Yes. Exhibit 45.

10 **#EXH-045 – LETTER FROM DESPINA BAKIS TO TERRY
LAWLER DATED 30 JUNE 2017**

MR CHEN: I tender a letter from Knightsbridge North Lawyers to Mr Jason Behrendt, Chalk & Behrendt, dated 10 July, 2017, headed Contempt of Court by Terry Lawler.

THE COMMISSIONER: Exhibit 46.

20 **#EXH-046 – LETTER FROM DESPINA BAKIS TO JASON
BEHRENDT DATED 10 JULY 2017**

MR CHEN: I tender a letter from Chalk & Behrendt lawyers and consultants to Ms Despina Bakis dated 14 July, 2017.

THE COMMISSIONER: That will be Exhibit 47.

30 **#EXH-047 – LETTER FROM JASON BEHRENDT TO DESPINA
BAKIS DATED 14 JULY 2017**

MR CHEN: I tender a letter from Chalk & Behrendt Lawyers and Consultants to Ms Despina Bakis, dated 20 July, 2017.

THE COMMISSIONER: That will be Exhibit 48.

40 **#EXH-048 – LETTER FROM JASON BEHRENDT TO DESPINA
BAKIS DATED 20 JULY 2017**

MR CHEN: That's it.

MR KIRK: Sorry, Commissioner. I realised I should have asked one more question, if I may.

THE COMMISSIONER: Yes.

MR KIRK: Mr Lawler, in relation to the section 227 production requirement issued to KNL, has KNL ever produced documents in response to that production notice?---No, they haven't.

Thank you.

10 THE COMMISSIONER: Very well. Mr Lawler, that completes your examination. You may step down. You're free to go.---Thank you very much.

THE WITNESS EXCUSED

[11.42am]

MR KIRK: Commissioner, could I just note. I, as you know, appear on the instructions of Awabakal Local Aboriginal Land Council. That is a Land Council which does not have exorbitant funds. Therefore, if you do not
20 mind, I will now seek to excuse myself. I or my junior or Mr Chalk may come back from time to time, as needs be.

THE COMMISSIONER: Yes, certainly.

MR KIRK: But my client doesn't have the funds to put me here day after day.

THE COMMISSIONER: Yes, I understand. Certainly, that's quite
30 satisfactory.

MR KIRK: Thank you, Commissioner.

THE COMMISSIONER: I'll take the morning tea adjournment. I'll take a 15-minute adjournment.

SHORT ADJOURNMENT

[11.43am]

40 THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I call Omar Abdullah.

THE COMMISSIONER: Yes, Mr Abdullah, do you take an oath or an affirmation to - - -

MR ABDULLAH: An affirmation, Commissioner.

THE COMMISSIONER: Thank you.

THE COMMISSIONER: Mr Abdullah, just take a seat there. Just state your full name.---Omar Bin Abdullah.

10 Mr Abdullah, you may be aware that in giving evidence it's open to you to give evidence on objection if you wish. Every witness is entitled to say they give evidence on objection if they wish to do that. The effect of that is that although you still have to answer the question or if it's a production of a document or thing you have to do that and produce it, but if an objection is taken then the evidence can't be used in any other proceedings in the future, criminal, civil or disciplinary. So that applies generally except for any offence under the ICAC Act such as giving false evidence. So you don't have to take an objection, I'm just drawing your attention to your right to do so if you wish, and if you do then I'll make a declaration to that effect, or alternatively you can wait and see what questions are being asked of you and then take an objection to any particular question. Do you have a – what's your wish about that?---I wish to object to that.

20

All right. Thank you.---Only out of respect of a tradition of - - -

That's all right. You don't have to explain it, you're entitled to do that and there's no adverse inference drawn.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness, Mr Abdullah, or any documents or things produced by him during the course of his evidence is given on objection and accordingly there is no need for him to make
30 objection in respect of any particular answer or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS, MR ABDULLAH, OR ANY DOCUMENTS OR THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE IS GIVEN ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER OR
40 DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes.

MR CHEN: Thank you, Commissioner.

Mr Abdullah, are you currently a building designer and new home specialist?---That's correct.

Have you been undertaking that work since about 1993?---That's correct.

Just keep your voice up if you would.---That's correct, yeah.

And do you hold qualifications in building design?---Ah, yes.

Have you held them, those qualifications in building design since about 1993 as well?---That's correct.

10

Do you currently work in your own name or do you trade under a business name?---Under my own name.

Have you ever traded under a name Alamco, A-l-a-m-c-o, Pty Limited?
---I do as a firm, yes.

Right. Are you the sole director and shareholder of that company?---That's correct.

20 And has that always been the case?---That's correct, yes.

Now, do you know a gentleman called Cyril Gabey?---I do, yes.

When did you first meet Mr Gabey?---Around 2014.

Right. Would you mind just keeping your voice up just a bit more?
---Around 2014.

30 Thank you very much. How did you become acquainted with Mr Gabey in 2014?---I was introduced to him by, by an associate.

Right. And who was that ?---Trevor Cross.

All right. And how did you become or how did Mr Cross introduce you to Mr Gabey?---I actually met them, from memory I actually met them the same time.

40 All right. In any event, did you come to a discussion with Mr Gabey about his background and the contacts that he had in the indigenous community?
---That's correct, yeah.

Did you have some discussions which ultimately turned to matters of business?---Potential work, yes.

All right. What was the discussion that you had with Mr Gabey about potential work?---I was introduced to him by Adam, can't recall his surname, but a gentleman that works for Mission Australia in Redfern.

Ah hmm?---And we were involved with, always wanted to get involved with humanitarian and community work and he did mention that there was an opportunity to gain some work from the Awabakal Land Council.

That's what Mr - - -

THE COMMISSIONER: Mr Abdullah, I'm sorry, could you just move a bit closer to the microphone just so that it picks up and transmits.---Sure.

10 And just keep your voice up a bit if you would. Yes.

MR CHEN: Thank you, Commissioner.

And this is what Mr Gabey told you?---Yes.

And did he go on and explain what the potential in terms of the Awabakal was?---No.

20 Did he explain to you what his contact was with the Awabakal people at all?
---No. Definitely, no.

All right. Well, what did he explain to you about it that - - -?---There was an opportunity for some land to be developed in Newcastle.

And did you not pursue with him how he came to know of that potential?
---Generally being in sales I guess we always seek the opportunity first, first, I guess, to be first to search for those opportunities.

30 Did he tell you he had a contact with somebody that was related to the
Awabakal land?---I asked him who the contact was, yeah.

Right. And did he tell you who that was?---He was, he did, yes.

All right. And who did he tell you was the contact that he had?---Uncle Richard, Richard, yeah.

And does Uncle Richard have a surname?---Green.

40 Green. I see. Did you look at developing this business proposal further?---I did. I called Uncle Richard, yes.

Did Mr Gabey give you Mr Green's telephone number?---He did, yes.

And did you ring him after this meeting you had with Mr Gabey?---I did, yes.

At that meeting with Mr Gabey there was only one where he gave you the contact details, is that right? And you had this discussion about land?

---Sorry?

You described meeting Mr Gabey and him telling you about the land proposal and Mr Green, is that right?---Yes.

And he told you this all at the one meeting, did he?---We met a few times over coffee.

10 I see. And eventually you got Mr Green's number?---Yes.

And you called him?---Yes.

And did you manage to speak to him?---After a few times, yes.

And you introduced yourself, I take it, to him?---Yes, I did.

And did you tell him the background, that you'd met with Mr Gabey and you were interested in this proposal?---I did, yes.

20 And what did he tell you, if anything?---To go and visit him in Newcastle.

All right. Visit what?---Just, just to, to get orientated on what's, what's possibly to be done or - - -

Did he tell you it was with the Land Council?---Not necessarily. No, not at that stage.

30 Well, did he give you an address where you were to go and to look at this property?---I, I actually went there the first instance with Mr Gabey, so he, I was guided by him.

So where did you go when you went with Mr Gabey?---To the Land Council.

I see. And that's the Awabakal Land Council?---That's correct, yes.

And is that at Islington in Newcastle?---That's correct, yes.

40 And did you meet somebody there?---On the first instance, yes, I believe we - - -

And who did you meet with?---The manager. It's the gentleman sitting - - -

Do you recognise him as being in the Commission hearing room today, do you?---That's all, yeah.

Is it Mr Steven Slee?---Yes, it is.

I see. And did you tell Mr Slee that you'd been given the contact – I'll withdraw that. Did you make contact with Mr Slee before you and Mr Gabey attended?---No.

From the conversations you had with Mr Gabey, did you understand that perhaps Mr Gabey had made contact with Mr Slee?---I don't believe so, no.

Anyway, you've turned up, have you, to introduce yourself to Mr Slee?
---Sure. Sure.

10

And you met with him?---Yeah.

With Mr Gabey?---Yeah.

Just make sure you give an audible answer, if you would, Mr - - -?---I did, yes.

20

And did you tell him you were interested with Mr Gabey to look at pursuing a proposal?---I think wasn't necessarily a proposal. It was more like an orientation to see what's possible to be done. It wasn't – there was no definitive sort of development or anything like that or, it was quite preliminary.

Did he give you the names of some properties that potentially could be looked at in terms of preliminary work?---He did, yeah.

30

Did you indicate to him that you'd like to put a preliminary proposal together and present it?---It was more a discussion to orientate myself, firstly, and my team to see whether the nature of the properties.

Anyway, he told you about some, did he not?---Yeah. Yeah.

40

And at this stage what was Mr Gabey asking you to do in this meeting you were having with the Land Council?---It was more instigated by me, if anything, as a standard procedure. We'd look at the property and what the potentials of a property is, and that's merely just to orientate everyone what the potentials are. So I, I did that as a, as a standard course of business, I guess. I, I'd look at the land, what the zoning is and what's possible to be done to it. So that's, Mr Gabey wasn't in, in the industry, so he didn't instruct me to do anything whatsoever.

Well, did Mr Gabey retain you to provide advice to him or what was the - - - ?---Absolutely not, no.

All right. What was the association that you had with him, going forward, to look at this preliminary proposal?---Merely an exploratory potential for business.

I see.---Yes.

I want to show you a document, please, Mr Abdullah. But in due course did you make arrangements to go to the Land Council to do a presentation to them?---Absolutely.

Did you go with Mr Gabey?---Absolutely.

10 Did Mr Gabey ask you to prepare something in anticipation of presenting to the board?---I prepared something.

I'll just show you this document now. It's volume 2, page 67. It's on the screen. Would you like to see a hard copy of this?---I have one, yes.

It's at page 67 if you'd prefer to look at it in hard copy.---It's okay.

Do you recognise that as the document you prepared?---I certainly did, yes.

20 I'm sorry?---I did, yes.

And were you the only person who had input into the information that's contained within that document?---100 per cent.

And at this stage you can see in the first paragraph the name IBU. Who is IBU?---That's a special purpose vehicle that would potentially be formed and to undertake this particular new venture.

Was that your company?---It's Mr Gabey's company, yeah

30 You had no interest in it?---Preliminary, we might, we might have set up by memory a preliminary template of a company, yes.

I see. But were you a director of IBU at this stage?---At this stage I wasn't sure whether we've actually formed it at that stage yet or not, yeah.

In any event this was the proposal that you took with you did you to the Land Council with Mr Gabey?---That's correct, yeah.

40 Did you email it to Mr Gabey - - -?---No.

- - - before it was finalised?---I don't think so.

Did you provide him with a hard copy once it was finalised?---I made copies for the people that will be present on the board meeting, yeah.

Now, do you remember going to – sorry, I withdraw that. Would you have a look please just at page 68 and you'll see under the heading Land Details

Asset 1 of 5 and you'll see there's an address 14 Vermont Place, Warners Bay.---That's correct.

That's information that you were given by Mr Slee was it not?---Yes.

And would you please go to the next page, page 69 and you'll see then asset 2 of 5, 291 Hillsborough Road, Warners Bay.---That's correct.

10 And turn to the next page please. Asset 3, 295 Hillsborough Road, Warners Bay. That's another property that Mr Slee told you about?---Yes.

Next page, asset 4 of 5, 110 Bayview Street, Warners Bay. Again that's information Mr Slee advised you about?---Yes.

And the next page please, asset 5 of 5, 3/79 Clarence Road, Warners Bay. That was another property that Mr Slee advised you about?---Yes.

20 Now, you went to the Land Council's offices with Mr Gabey. That's right? ---That's correct.

And who did the presentation, you or Mr Gabey?---I did.

Do you remember presenting to the board members?---That's correct.

Did you know any of the board members at all when you went there?---Only Uncle Richard, yeah.

30 Was Mr Green present during the course of the presentation undertaken by you?---He was.

Did you do all the speaking or did Mr Gabey do some of it as well?---I did most of it.

Did you hand out a copy of the promotional material that we just saw?---It was discussion material as a, as an agenda I guess. It wasn't promotional material or anything like that.

I'm sorry. I'll call it a discussion paper.---That's, that's what it is, yeah.

40 A discussion paper?---Yeah.

How long did the presentation go for?---About an hour, an hour and a half.

Did the board members interact and ask questions from time to time? ---They did ask questions.

Do you know whether Mr Green asked any questions?---He didn't.

He didn't?---He didn't, no.

After the presentation ended what then happened?---We made our way back to, to Sydney.

Did you speak to Mr Gabey after that time to see how the presentation had gone or what the board had - - -?---We drove back together, yeah.

10 I see. Did you discuss with him the prospect of anything coming of the proposal?---On the last page of that document I've, generally we, we request the stakeholders to give comments or opinions. At this stage unless, particularly because it's quite a formal board and a formal organisation of Elders sort of thing it's probably not safe to assume unless we get a formal comment in writing but I wasn't under expectations of anything until I get anything formally obviously.

20 Well, did you follow up after the presentation of the meeting with Mr Gabey to see what if anything had happened?---I think it was too early but we were driving back so we, we thought it went well as a, as a positive thing I guess.

Do you remember the date of this meeting?---I don't actually, no.

Anyway you've driven back together to Sydney I take it?---Yes, correct.

Did you follow up with Mr Gabey after that time to see what, if anything, had happened in terms of the promotional material and the pitch that you'd made to the board - - -?---The discussion.

30 Or the discussion.---Yes.

Did you hear back from Mr Gabey at all?---I can reiterate that in this circumstance and it's pretty clear on the last page of that document unless anything formal is given to me in writing we, I guess, as a sales jargon that generally stays the status quo as nothing until there is something in writing particularly with a large organisation or a board being involved.

Well, did you get anything, I'm sorry. Did you get anything formal in writing back from the board?---Nothing, no, nothing.

40 Nothing formal back from The Land Council?---Nothing.

Did Mr Gabey tell you that it had been unsuccessful or successful?---I think we had a positive reaction from the board when we were talking but that's pretty much it, yes.

I just want to understand Mr Abdullah that you've presented and provided the promotional material - - -?---As a - - -

Just allow me to finish the question if you would. You've driven back together, I understand that. What I want to know is, after that day when you've driven back together did Mr Gabey speak to you at any stage about any feedback he had from the board about its position as to whether they wanted to take the matter further or not?---Absolutely not.

So far as you were concerned, the proposed proposal - - -?---The discussion.

10 Or the discussion went no further than what it did on the day and that's the end of it?---Discussion ended, yes.

Now, during the time, on the day that you presented with Mr Gabey, was there any other developer or builder present that did a presentation?---Not to my knowledge no.

Have you ever heard of a company called Gows Heat Pty Limited?
---Absolutely not.

20 In and during the course of the presentation, I take it there was no mention at all of Gows Heat?----No.

Now mention at all of Gows or anything like that?---I've never heard the company, no.

This discussion piece was never a joint proposal by either you, you and Gows Heat was it?---Absolutely not.

30 Now, Commissioner I tender a folder of material described as Sundry Documents shown to Steven Slee, I'm just going to put a document in front of you in a moment Mr Abdullah. Now, I'm sorry, I tender that folder Commissioner.

THE COMMISSIONER: Yes, what's the Exhibit number. Thank you. The folder of documents Sundry Documents shown to Steven Slee will be marked Exhibit 49.

#EXH-049 – SUNDRY DOCUMENTS SHOWN TO STEVEN SLEE

40 MR CHEN: Mr Abdullah, would you please turn up to page six. Do you have that in front of you now?---I do.

Now Mr Abdullah, you'll notice that that bears some similarity to the proposal that you identified earlier as the one that you prepared and provided to the board?---Very similar, yes.

Very similar. You'll notice though that the formatting at least of the first page is a little different to yours, is it not?--- Yes.

And if you look down on the left hand margin you'll see under the heading, Introduction, there's in fact a reference to Indigenous Business Union Pty Limited and Gows Heat Pty Limited. Have you ever seen this document before?---I have never seen this document.

Are you aware of how those words may have been introduced to this material that you prepared?---Sorry, I don't understand.

- 10 Can you explain how in a copy of a document that you've prepared Gows Heat has somehow appeared? I mean, are you able to offer any explanation as to how that may have happened?---None whatsoever.

You weren't asked to do it by somebody?---Absolutely not.

And you don't know of anybody who has done that?---This is the first time I've seen this document.

- 20 I just want to show you some other differences. Would you please turn to page 41. I apologise, 42. Putting to one side the formatting changes that are different between the document in volume 2, page 67 and this document, do you see as well that there are some – tell me when you're ready, Mr Abdullah, I'm sorry. Page 42.---Yeah.

Do you see about two-thirds of the way down the page, after the post office box, you'll see an email address has been put in, admin@gowsheat.---I can see that.

- 30 Yes. You know nothing about that?---Absolutely not.

And you certainly didn't do it?---Absolutely not.

Now, Mr Abdullah, I need to ask you some other questions about some matters. You've told the Commissioner that this was a promotional material.---It was a discussion material.

A discussion paper, I'm sorry. And this was an idea that was very embryonic, is that fair?---It was the first discussion, yes.

- 40 It was certainly not, to be clear, a concrete proposal at all, is that right?---It actually states that in the first page.

You weren't proposing yourself to fund any kind of deal going forward, were you?---Absolutely not.

And if it's suggested that in fact you were going to fund this proposal because of associations you had with South American gold mines, would

that be true or false?---We have associations with substantial investors but that would be false.

Commissioner, would you just pardon me for one moment.

THE COMMISSIONER: Yes.

MR CHEN: Thanks very much, Mr Abdullah. That's the evidence. Thank you, Commissioner.

10

THE COMMISSIONER: Yes, thank you.

MR CHEN: I'm sorry, you just have to wait there just for the Commissioner.

THE COMMISSIONER: Yes. Anybody want to ask Mr Abdullah any questions?

MR PETROULIAS: Yes. Just two.

20

THE COMMISSIONER: Yes.

MR PETROULIAS: Omar?---Yes.

How are you doing? You remember me? We met about this time in October 2014?---By face I do now, yes.

Yeah. And it was Cyril, me and you.---Pardon me?

30

You, me and Cyril.---No.

Who was it?---It was you, me and Trevor.

Trevor Close?---Cross or Close.

Yeah, yeah. Okay.

THE COMMISSIONER: When are you putting to the witness this meeting occurred?

40

MR PETROULIAS: Sorry. About October 2014.---I can't confirm or deny that.

Okay. Do you remember we discussed about the idea of financing using some sort of gold and creating some financing structure?

THE COMMISSIONER: Sorry, I can't hear you.

MR PETROULIAS: Oh, sorry.

THE COMMISSIONER: Just put it clearly so the witness can hear too.

MR PETROULIAS: Do you remember discussing Argentina? You had some investors, were getting some financing.---Not, not Argentina, no.

10 Well, South America somewhere.---We always have that but it's no relation to what we're discussing today.

We weren't discussing a financing structure?---No. I was having a coffee with you, that's all.

But weren't you telling me how you were going to finance this project?
---This project?

20 Yeah, this, this, this Awabakal project.---I don't believe it was, this project was relevant at that stage.

So it was financing some other investment, you think?---No, we were constantly searching for viable prospectuses in Australia for overseas investors that have requested us to look for good projects, yes.

Right. So you've got other investors talking about financing generally for projects in Australia?---Generally, generally, yes.

30 Yeah, okay. That's fine. That's, thank you.---No worries.

THE COMMISSIONER: Yes. Nothing else?

MR CHEN: No, there's nothing else, Commissioner.

THE COMMISSIONER: Nothing else. No other questions? Mr Abdullah, thank you for your attendance.---Thank you, Commissioner.

You are excused, thank you.

40

THE WITNESS EXCUSED

[12.35pm]

THE COMMISSIONER: Yes.

MR CHEN: I call Steven Slee.

THE COMMISSIONER: Mr Slee, would you state your full name?

MR SLEE: Steven Mark Slee.

THE COMMISSIONER: And do you give evidence on oath or an affirmation?

MR SLEE: Affirmation.

THE COMMISSIONER: Right. I'll have my associate administer that.

THE COMMISSIONER: Yes.

MR OATES: Commissioner, before the examination commences I seek a section 38 declaration, please.

10 THE COMMISSIONER: You've explained that to Mr Slee, have you, and

MR OATES: Yes, I have.

20 THE COMMISSIONER: Yes. In relation to the evidence to be given by
Mr Slee, I make a declaration under section 38 of the Independent
Commission Against Corruption Act. I declare that all answers given by Mr
Slee, all documents or things that may be produced by him during the
course of his evidence at this hearing or this public inquiry are to be
regarded as having been given or produced on objection. Accordingly there
is no need for Mr Slee to make objection in respect of any particular answer
given or document or thing produced.

30 **IN RELATION TO THE EVIDENCE TO BE GIVEN BY MR SLEE, I
MAKE A DECLARATION UNDER SECTION 38 OF THE
INDEPENDENT COMMISSION AGAINST CORRUPTION ACT. I
DECLARE THAT ALL ANSWERS GIVEN BY MR SLEE, ALL
DOCUMENTS OR THINGS THAT MAY BE PRODUCED BY HIM
DURING THE COURSE OF HIS EVIDENCE AT THIS HEARING
OR THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING
BEEN GIVEN OR PRODUCED ON OBJECTION. ACCORDINGLY
THERE IS NO NEED FOR MR SLEE TO MAKE OBJECTION IN
RESPECT OF ANY PARTICULAR ANSWER GIVEN OR
DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes.

40 MR CHEN: Thank you, Commissioner.

Mr Slee, are you currently a manager in education and training?---Yes.

As at 2014 did your qualifications include a Diploma of Management?
---Yes.

An Advanced Diploma of Management?---Yes.

A Certificate IV in Training?---Yes.

Could you just tell the Commissioner very briefly what a Certificate IV in Training is?---It's a qualification held to provide nationally-accredited training and then there's individual units that are skillsets across support as well.

I see. It assists in persons running a business or managing a business. Is that the intent of it?---To a degree. Initially the qualification is focussed around delivery and assessment of nationally-accredited training.

10

I see. Now, in addition to those qualifications, as at 2014 you'd also worked in business, had you not?---That's correct.

And as at 2014 were you, had you held a number of management and senior management roles in two different companies?---Yes, management and director.

I see. And were you also a director of two local Aboriginal organisations? ---That's correct.

20

What were they?---Awabakal Cooperative and Yarnteen College.

I see. In and around early 2014 did you come to apply for the position of the chief executive officer of the Land Council?---Yes.

And was that position advertised?---Yes, it was.

So far as you were aware, were there a number of applicants?---As far as I was aware, yes.

30

And did you attend an interview for that job?---Yes.

Who interviewed you?---I do know that Debbie Dates, Richard Green, there was two other panel members, one was an independent, and I can't hundred per cent recall the third or fourth person, sorry.

In any event, you secured the role, did you not?---Yes.

And did you commence that position on 12 January, 2014?---I believe so.

40

And did you hold that role until 6 August, 2015?---Yes.

There was a period though that you were suspended. Is that right?---That's correct.

And that was on 6 February, or sorry, early February, 2015?---Yes.

Now, during the time that you were the chief executive officer of the Awabakal Local Aboriginal Land Council, was Ms Debbie Dates the chairperson at all times?---Yes.

And was Mr Richard Green the deputy chairperson at all times?---Yes.

In brief terms, did the CEO duties that you undertook involve the day-to-day management of the land council's affairs?---That's correct.

10 Including managing its assets and its land?---Yeah.

It also involved managing the affairs or the commercial operations such as the Green Team.---Yes.

Is that the lawn-mowing team - - -?---Yeah, landscaping, land maintenance team.

I see. Did the position of the CEO also require you to prepare financial reports to the board?---Yes.

20

How frequently were you required to prepare those reports?---The, the Act stipulates, I believe, every two months. So we were, at the, at that period I was supplying a, an audit, a financial statement from our bookkeeping company.

I see. Did you also assist in the preparation of the Community, Land and Business Plan of the Land Council?---The, when I commenced there was an established Community, Land and Business Plan. At the AGM I prepared a report for the members as to the progress of that. At that stage I had also prepared a draft for the board for a new business plan, as that was, the current one was about to be ceased.

30

So was your role, in addition, to see or oversee the implementation of the former plan that was in existence and also to develop or assist in the development of the new one?---Correct.

Did you also attend meetings of the board of the Land Council?---Yes.

40 And in the period of your employment, with what frequency, generally speaking, did the Land Council or the board of the Land Council meet?---It was extremely regular. There was, our general meetings were held every two months but there was a significant amount of extraordinary meetings that occurred as well.

Now, at these meetings, minutes are kept of them, are they not?---Yes.

And initially they're handwritten.---Yes.

And they're handwritten in a book.---Correct.

And is the process that after the meeting is held the minutes or the handwritten minutes are then typed up?---That's correct.

And are they then signed by the chairperson as being accurate?---At the following meeting, yes.

I see.---When being passed.

10

During the time that you were the CEO, was it normally the task of one individual board member to take the minutes?---The majority of the time, yes. There was, there was one individual. But I believe in a period of time there may have been a second board member.

If a matter was resolved, that would be in the minutes, wouldn't it?
---Correct.

20

And after the meeting had finished, what happens in terms of those resolutions? Are they typed up as well?---The resolutions are typed up, and there was a book at reception with the typed resolutions.

The typed minutes, where are they kept?---The typed minutes, once signed off by the chairperson, there was a small room next to the board room where not only the signed minutes but the financials of that meeting and any other relevant documentation is kept.

And who has access to the typed minutes?---All staff.

30

Board members and staff or just staff?---Well, the, yeah, the board members could access.

And the resolutions, you said they're kept in a book at reception.---That's correct.

Who has access to those resolutions?---The same again. Staff and board could frequently come into the office, so board as well.

40

I'm just going to show to you, Mr Slee, two red minute folders. The first is board members' meetings, 20 March, '13 to 8 March, '16. Perhaps I'll show you that one first.---Yeah. Thank you.

Do you recognise that, Mr Slee, as the book of the board members' meetings, or the minute book, for that period?---It does look like it.

I tender that, Commissioner.

THE COMMISSIONER: What's the period again? 2016?

MR CHEN: I'll just have to retrieve it.

THE COMMISSIONER: Yes. Mr Slee, I might just retrieve that from you for the moment. Thank you. Yes, the red book in respect of Board Members Meeting Minutes 20 March, 2013 to 8 March, 2016 will be admitted and become Exhibit 50.

10 **#EXH-050 – RED BOOK OF BOARD MEETING MINUTES FROM
20 MARCH 2013 TO 8 MARCH 2016**

MR CHEN: Mr Slee, I want to show you another document, sorry book, Board Members Meetings 17 March, 2016. Would you just have a look at this book please. Do you recognise that Mr Slee as the minute book, I appreciate you weren't then employed, do you recognise that as being the book that records the minutes of the Land Council for that period?---As I said, I wasn't employed then so I couldn't confirm if that is the exact book it
20 looks pretty identical to the way in which the previous book was being operated by - - -

I tender that as well Commissioner.

THE COMMISSIONER: Yes. Thank you. Yes the red book containing Minutes of Board Meetings from 17 March, 2016 be admitted and become Exhibit 51.

30 **#EXH-051 – RED BOOK OF BOARD MEETING MINUTES FROM
17 MARCH 2016 TO UNDATED**

MR CHEN: Commissioner, I've been advised that it may be necessary in due course for those exhibits to be uplifted because they're property.

THE COMMISSIONER: Yes, all right perhaps if any of those need to be returned to The Council, copies might be taken of relevant extracts and arrangements made for the original to be returned.

40

MR CHEN: Commissioner we'll do that and the book itself and the evidence itself of the various pages has been reproduced and is in the public brief but there's a particular reason why I obviously need to show the witnesses this. Now, Mr Slee, in that period 2014 The Land Council was a substantial holder of land, was it not?---That's correct.

And some of it was undeveloped?---Yes.

Some of it was developed?---Yes.

Some was residential?---Yes.

Some was commercial?---Correct.

Part of the operation of The Land Council and part of your function was managing the various land holdings that The Land Council had?---That's correct.

10

In The Community Land and Business Plan that was current when you were the CEO, part of The Land Council was proposing to fund its operation was by the sale or disposal or potential sale or disposal of some of the land holdings, isn't that right?---Yes.

And from time to time that involved you as the CEO dealing with developers who wished to potentially develop the land?---To a degree, yes.

20

And also, from time to time, people who were looking to purchase the land as well?---Yes.

In the second half of 2014, do you recall that there were a number of proposals that came across your desk as the CEO of The Land Council dealing with or seeking to deal with land of The Land Council?---Yes, two proposals.

30

What were the two proposals that came across your desk that you can recall?---The first proposal was from a company called LB Group, specifically I dealt with a Mr James Braddock. That was then presented to the board, by the company. At the completion of that meeting the board decided to put that on hold as they wanted to see further proposals.

All right. I'll just get you to pause there for a moment. What was the second one?---By Cyril and Omar from IBU.

40

I'll come back and just explore a bit of a detail if I can now but I just want to show you Volume 1 Page 305 of the Public Brief. Now this will be on the screen, these are the Board Minutes of 10 September, 2014. That should be up on the screen now Mr Slee, will you have a look at those?---Yes.

Do you recognise those as the typed minutes of the Land Council from that date?---Well, there's only one page there so - - -

Sorry.---Sorry, do you mind just scrolling back up.

MR CHEN: Yes, we'll have the folder put in front of you as well, Mr Slee. It might be - - -?---That would be great, yeah.

It might be easier.---Yes, I believe so.

Now, I just want to ask you just, if you just leave them open for the moment. I just want to ask you some questions about them, Mr Slee.---Yes.

You'll see on the first page that you're recorded as the CEO Stephen Slee.
---That's correct.

And the minute taker was John Hancock.---Yes.

10

And if you turn please to page 2 you will see point 6 Hillsborough Road update.---Yes.

Now, you will also see a reference beneath that, "Stephen will invite developer to next meeting to present both proposals." What's the property that Hillsborough Road refers to in that minute?---The property I believe that would be about is, there's a small parcel of land next to where a, a, I believe they were a retirement home business. They had been trying to purchase that parcel of land off the Land Council for a number of years.

20

Is the person that was interested to purchase that land, the owner of the retirement village, a fellow called Greg Cahill?---I believe, I can't recall his name 100 per cent. I believe it was a Greg.

I see. In any event it refers – I withdraw that. Is the property address 291 Hillsborough Road, Warners Bay?---I couldn't tell you. I could, I could tell you off a map but I couldn't tell you the actual physical - - -

30

Do you have a recollection now of who you were inviting to the meeting, was it that gentleman or somebody else?---I believe it was Greg.

What was the proposal so far as you understood it that Greg was seeking to present to the board?---Initially Greg was wanting to purchase the land as he required, from my understanding he required it to proceed with his development of that nursing home. The other opportunity I believe the board discussed was whether direct sale or sale and possible allocation of a number of those units that he would develop.

40

I see. Now, would you have a look please in the same volume, page 312, and these are the handwritten minutes of the board members' meeting on 18 September, 2014. Now, do you recognise those as a copy of the minutes?---I can't specifically recall the meeting myself.

I'm just asking you whether you recognise the minutes, though, as being those of the board meeting on that day, in the first instance.---The writing is different to what I believe it is usually. But - - -

That's all right. We'll move on.---Yeah, sorry.

But would you look at page 313, then, please, Mr Slee. And just assume, if you would, for me that these are the handwritten minutes.---Yeah. Yes.

Just accept that for the moment, if you would. You'll notice on page 313 it says, "Greg – Hillsborough Road".---Yes, I can see that.

"Presentation to board". Having read that now, does that assist you in recalling some of the detail of what happened?---Yes. Yes.

10

Could you tell the Commissioner who Greg was and Hillsborough Road and what the presentation was?---As, as I said before, it was regarding a small parcel of land across from the golf course, and I believe ADW Johnson had done some previous works on the, the land itself and the possible usage and whether it was viable for the Land Council. And, yeah, the discussion initially from Greg was to purchase the land. When I arrived there in the CEO role, Greg had already been putting proposals forward to the Land Council for purchase. And as I said, other than purchase, I believe in that meeting there was discussions around possible, possibly the Land Council being allocated a number of the units if, for sale as well.

20

I see. Does the company Hillsborough Retirement Living Pty Ltd assist you in any way as to whether they may have had a role behind Mr Cahill, or you're not sure?---I'm not, I can't recall the name specifically sorry.

In any event, so far as you were aware from the dealings you had with Mr Cahill and your role as the CEO, he'd held a long-term interest in purchasing or acquiring the land that you've referred to?---Most definitely.

30

Thanks. If you could just close that volume up now. I'm just going to take you to volume 2, page 27. Do you have that folder in front of you? Oh, no sorry, it'll come up on the screen but the folder will be put in front of you as well, Mr Slee.---Yeah. Yes.

Do you recognise those as being a copy of the handwritten minutes of the board meeting of the Land Council on 16 October, 2014?---Yes.

And you'll see under the heading Business Arising 18 September, it says, quote, "Steve has scheduled meeting with Hillsborough Road developer." ---Yes.

40

"ADW Johnson are looking at proposal." Do you see that?---That's correct.

And that's what you were just telling the Commissioner about a moment ago?---Yes. ADW had done some previous scope works on the land.

For the Land Council?---Yes.

Now, if you just go down a little bit towards the bottom of the page you'll see then there's a reference to that other entity you referred to a moment ago, LB Group.---Yes.

Do you remember that presentation?---Yes.

And what did it involve?---The presentation involved possible, a possible joint venture for development of the post office and residential properties at Warners Bay and next to the Charlestown Golf Course.

10

Right. Would you just turn over – I withdraw that. You see in the minutes it refers to, “Doc provided to all board members?”---Yes.

And also it says, “Peter Zhu, Z-h-u.”---Yes.

Who is Peter Zhu?---I believe Peter is one of the gentlemen that presented.

I see. Do you recall receiving a document from LB Group?---There was.

20

Do you remember was it one or more than one?---I believe it was just a small book.

Would you turn please in the same volume to page 31 and also to 32. Do you recognise that as being some of the material that was provided by the LB Group?---Some of the initial material.

Well, just I've specifically asked you about - - -?---Yes.

- - - pages 31 and 32.---Yes.

30

And that was part of the material that was handed out to board members?---I believe so.

And if you turn then please to page 33 all the way to page 38. Do you recognise that as being another document that was provided by LB Group for the purposes of the presentation on that day?---I believe so.

This presentation was a proposal that was being pitched by LB Group was it not?---That's correct.

40

There wasn't a contract proposed or an agreement to be signed at these meetings was there?---Definitely not.

How did it come about that LB Group came to be in contact with you?
---Prior to this I had a meeting with Marise Stewart from the Registrar's office just regarding the, initially regarding the membership role of the Land Council. During that meeting we discussed the sustainability of the Land Council and that we're at a situation where we could start moving forward

economically and look at long-term sustainability. During that time Marise advised me that there, that they had worked with a developer previously with Land Council that had been good at developments. That's pretty much where it ended. Approximately a week or so later I then received a call from LB Group.

And eventually the proposal was pitched to the board on the days we've just seen?---That's correct.

10 And at the time that you were the CEO did anything else happen in relation to LB Group?---No.

After the LB Group presentation did you have some discussions with any of the board members of the Land Council about developers that they knew?
---After, sorry?

After the LB presentation - - -?---Yeah.

20 - - - did you have any discussions with any of the individual board members about some potential developers that they knew?---There was, as Omar referenced there was a time there where I was in the office. Richard Green, Omar and Cyril turned up. It was not a scheduled meeting. Richard and I believe Omar and Cyril were in the kitchen. When I've walked out Cyril introduced me to both gentlemen. I didn't specifically know what company they were from. Richard then advised that they, I believe he advised they were developers. The only discussion at that point in time I had was just advising that the Land Council does own significant land, that we could consider potential development. There was no further discussion.

30 THE COMMISSIONER: We might take the luncheon adjournment.
Resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.03pm]