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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 7 MAY, 2019

AT 2.00PM

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

THE COMMISSIONER: Just before we resume with Ms Bakis, are there any matters you want to raise?

MR CHEN: No, Commissioner.

MR PETROULIAS: Commissioner, can I have a sort of questions in reply when Counsel Assisting is finished?

THE COMMISSIONER: I can't hear you.

10

MR PETROULIAS: Can I have some questions in reply to Ms Dates when Counsel Assisting is finished?

THE COMMISSIONER: Yes. Well - - -

MR PETROULIAS: There's a bit of unfairness in what's being raised without, without rounding it off.

THE COMMISSIONER: All right. Well, we'll deal with that in a moment.  
20 Before we resume with the hearing, I'll return to the application made by Mr Petroulias for the tender or the use in evidence of recorded interviews which he conducted with Mr Richard Green on 31 March, 2019 and with Debbie Dates on 26 March, 2019, transcript of the interviews, being MFI 54 and 55. I have considered the application in the light of submissions that have been made by all parties, including Mr Petroulias, and I have had regard of course to the contents of the interviews, such as may be gleaned from MFIs 51 and 55. I have formed the firm view that the transcripts of those two interviews should not be admitted into evidence in this public  
30 inquiry. I will publish reasons for that decision in the very near future. All right, now, Ms Dates, would you mind returning.

THE COMMISSIONER: Thank you, Ms Dates. You're still on the affirmation you took earlier.---Yep.

Yes, Dr Chen.

10 MR CHEN: Now, Ms Dates, do you still have in front of you a folder which was MFI 58?---That's this folder here?

Looks to be it, Ms Dates. So if you'd be good enough to turn up to page 26 or you might be at page 26 now.---Yep.

Now, Ms Dates, this is on the screen as well, but if you have a look at the hard copy, you can see on the right-hand side is a document that appears to bear your signature, does it not? I'm sorry, page 27.---Yep.

20 And it appears to have your handwriting underneath the signature, does it not?---Yes.

And did you sign this document, Ms Dates?---Yep.

You did. When did you sign it?---I can't recall but it's my signature and my writing.

If you have a look at the document now, Ms Dates – I withdraw that. What do you understand this document is?---I don't understand.

30 You don't understand the document?---I really haven't read it.

Pardon me?---I need to read it to understand it.

Right. Well, are you able to read it now and see whether you do understand it? I'm sorry, before you do that, Ms Dates, I want to just clear up a couple of matters to the extent, do you have any recollection of this document at all?---I think I can recall it being at a board meeting, at a board level.

40 Right. You took, and this is not intended in any way as a criticism of you, Ms Dates, but you took quite a long time to provide that answer. Do you not have a firm recollection at all or you do?---I was still reading it, I'm still reading it.

I'm just asking at the moment, I appreciate that I will, I can assure you I'll be asking you some questions about the content of it shortly, but I just wanted to understand from you, Ms Dates, whether in fact you do recall seeing this document before.---No, I can't recall it.

And you can see just by looking at it that it appears to be a document of a formal kind, can't you, that's requiring signatures by you, and indeed above it, that which appears to be Mr Green. Do you see that?---Yes.

And what, is it your evidence that if a document was signed by you, you would table it, would you, before the board?---Yep.

And would you disclose that you had done so to the board?---Probably, it's been, looks like it's been, I've seen at the board meeting, this letter.

10

You have, have you?---I'm positive, yeah.

All right. And should the Commissioner take it that's consistent with the evidence you've given earlier, Ms Dates, that you would have tabled this, would you?---Probably would have.

Well, when you say probably, was that your practice or not your practice to table important documents such as this at board meetings if you had signed them?---Yes.

20

And you would, I take it, as the chairperson, ensure that if a document was tabled, it would be noted in the minutes?---Yes.

So the Commissioner would be able to determine by looking at the minutes to work out whether in fact it was tabled. Is that so?---That's what, that's the, that's the role of it, of tabling something at the minutes, it's in the, at a board, board level, it's in the minutes.

30

And if it's not in the board minutes, Ms Dates, which I'm going to suggest to you it is not, how has it come that you've signed such a document?---I can't recall.

Well, do you not have any recollection independently of signing an application form for what appears to be the Asia Pacific Indigenous Consortium?---No. All I can remember, it was tabled at a board, at a board level.

40

THE COMMISSIONER: What is the Asia Pacific Indigenous Consortium as you understand it?---I think it was a, some sort of Indigenous, run by the, the big dark man, I think it was Cecil ah, Cyril.

Sorry, run by the?---Big, a big, I think he was Torres Strait Islander, come to the Land Council and done a presentation.

Yes, but well, what do you know about the Asia Pacific Indigenous Consortium?---I don't know.

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

Has anybody ever instructed you or told you what it is?---No, I think, I think the big Torres Strait Islander bloke just done a presentation to the board but I can't recall, can't remember.

No, but I'm just asking you whether anybody's filled you in, informed you, about what the Asia Pacific Indigenous Consortium is.---No.

10 MR CHEN: Well, Mr Gabey, your evidence was and the evidence is before the Commission that he was from IBU.---I can't recall what he come from.

Well, do you know what a limited power of attorney is, Ms Dates?---Can take control of something. I don't know.

Well, do you want to have a look at this document now, Ms Dates, to see whether you have any understanding about what it's attempting to do?---It's to take the power of attorney. But off who? It doesn't say. Does it say that? I don't reckon I, like, understand it, but - - -

20 Well, could I perhaps try and assist you a little bit, Ms Dates. If you look on page 27, under the heading Section B, the specifics, you can see that what's being described in this document is appointing that entity to be a true and lawful attorney of you and the Land Council. Do you see that?---Yeah.

You didn't have authority to sign a document providing a power of attorney in favour of the Asia Pacific Indigenous Consortium, did you?---I think it went to a board level. It went to the board meeting.

30 Just listen to my question, if you would, please, Ms Dates.---Yeah, I am.

You did not have the authority - - ?---No.

- - - to sign a document, did you?---No. But at the board, we had a board meeting - - -

Please, Ms Dates, please.

40 THE COMMISSIONER: Just take it one step at a time. We'll come to what you want to say in a moment.---Yeah, I'm trying to, I'm trying to understand him, that's all.

MR CHEN: All right. Well, I'll take it a step back, Ms Dates. I'm just talking about you in your capacity as chairperson. You did not have the authority to sign a document authorising the Asia Pacific Indigenous Consortium to be the attorney of the Land Council, did you?---No, not without a board, board approval.

And to be clear, Ms Dates, there was never a board approval for that to occur, was there?---Yes, there was.

There was, was there?---Yes.

You're sure of that?---I'm positive.

10 And where would we find the resolution of the board and the delegation of the board permitting this to occur, Ms Dates?---It'd be at the Land Council in the minutes.

I see. It'd be in the minutes, wouldn't it?---Of course it would.

It would have to be in the minutes, wouldn't it?---I think so.

And there'd have to be a resolution to that effect, would there not?---Yeah.

20 And what lies beneath this? Why would you be appointing them to be the attorney of the Land Council, Ms Dates?---I don't know.

Well, you were the chairperson at the time and you've signed this apparently with the authority of the board. What was the discussion that lay behind it that justified the execution of this document, apparently?---Can't remember.

Not at all?---Not at all.

Was it good signing this power of attorney or not?---I don't know.

30 Did it achieve anything?---No, didn't go anywhere.

Pardon me?---It didn't go anywhere.

So is this the case, Ms Dates, that on your evidence the Commissioner would be able to review the minutes of this board and find the resolution noting that you were given the authority to sign this document?---Should be.

40 Well, there's no doubt about it, is there? It must be.---Might be. Could be, yeah. Probably.

Well - - ?---It needs to. Check the minutes. The minutes, it's in the minutes.

And what sort of advice did you receive then, Ms Dates, to justify you committing the board to handing over an authority to the Asia Pacific Indigenous Consortium?---Don't know. Didn't go ahead. I don't think it went ahead.

Please just try and listen to my question if you would, Ms Dates.---Ah hmm.

I'll ask it again. What advice did you receive to justify the execution of this document?---I can't recall.

Well, surely there must have been some legal advice given.---Can't, I can't recall.

10 Is that a serious response, Ms Dates, that this document, which on its face appears to give this entity some power to do things and to bind the Land Council, you seriously say you can't recall whether legal advice was given?  
---Yeah, I can't recall it.

Well, surely to properly discharge your functions as a board member and chairperson, it would have been essential to get legal advice, would it not?  
---Yeah, it would have.

20 And do you know whether there was any legal advice at all requested by you on behalf of the board, prior to execution of this document?---I can't recall. I can't remember.

Ms Dates, I'll need to show you a copy of this – I withdraw that – of the same document again. It's in a plastic sleeve. Would you be good enough just to have a look at it? Do you recognise the handwriting and signature – I withdraw that. That's the application form which is otherwise appearing in MFI 58 at page 26 and 27, is it not?---It's the same one, yep.

30 And the document that I just handed to you then appears to have your handwritten – sorry, I withdraw that – appears to have your signature and handwriting in a pen, does it not? That is, it's an original?---Yes.

Could that be marked, Commissioner?

THE COMMISSIONER: Yes. Yes, thank you. You can return the document. I'll just have a look at it. Thank you. Yes, very well. The application form addressed to the Asia Pacific Indigenous Consortium and others will be marked as MFI 60.

40 **#MFI-060 – ORIGINAL APPLICATION FORM TO THE ASIA-PACIFIC INDIGENOUS CONSORTIUM – CYRIL PHILEMON GABEY AND NICK PETERSON RE: LIMITED POWER OF ATTORNEY**

THE COMMISSIONER: Ms Dates, if you were, as a member of the board of the Awabakal Land Council, asked to consider giving legal power for somebody to exercise on behalf of your Land Council, but that that person

was in a position whereby if they did take authority from your Council, they would be in a conflict of interest because they might have some other commercial venture, for example, that might not sit very comfortable with their duty to the Land Council, would you nonetheless go ahead and authorise that?---No, I wouldn't.

Is that because of the, in the situation of a conflict of interests, you could see it could be detrimental to the Land Council to have somebody with legal authority to represent the Land Council?---Yes.

10

Because they can't – you understand the importance of conflicts of interest and avoiding conflicts of interest?---Yes.

As a board member?---Yes.

And in this power of attorney we're looking at here on the application form – have you got it there? Have you got it in front of you?---Yep.

20 On the second page you'll see it says, “and it is declared that,” do you see those words in heavy print?---Yeah.

And then you go down to 3, it's saying “you,” that's the person as to whom this is directed, “You are authorised to exercise the power under this power of attorney, even if it involves a conflict of duty and interest, including in the establishment of such a business vehicle as may be desirable.” How do you explain signing up to that provision?---I can't explain.

Hmm?---I can't explain.

30 Did anybody give you any advice about that, about what it meant and its significance?---No.

Well, had it been drawn to your attention, do you think you would have gone ahead and signed this document?---Most probably not.

Who presented the document for your signature? When I say present, who put the document in front of you and said, “Please sign it”?---I can't recall.

40 Well, doing the best you can, who most likely was it that provided this document to you, do you think, bearing in mind it was witnessed by, you can see the witness names and your names and so on?---I can't, I can't remember. I just remember it going to a board level at a board meeting.

Well, Mr Peterson's signature is on the document as a witness you'll see, see that signature?---Yep.

Did he present, do you think, this document for your signature?---He might, he might, I can't recall, I can't recall who presented it.

MR CHEN: Well, that's the only person you can think of, though, surely, Ms Dates?---Yeah, I can't recall.

You see, Ms Dates, I'm going to suggest to you, and please listen carefully to this, that this was never put before the board at any stage. What do you say to that?---That's not true.

10 And if you signed this, Ms Dates, you signed it without the approval of the board and without disclosing that you had done so to the board.---No, it went to the board, it was at a, at a board, board meeting, it was tabled at a board meeting.

THE COMMISSIONER: Do you have a recollection of that or are you assuming that that was done?---No, I can't remember what, when or when, but I remember it at, at a board meeting.

MR CHEN: Now, Ms Dates, would you have a look, please, at page 36, and you'll see there is a document described as a Certificate of Guarantee.  
20 Do you see that, Ms Dates?---Yep.

Have you seen that document ever before?---Can't remember.

Well, are you saying that you may have but you've got no recollection or you don't believe you have?---I may have.

Do you know what it means or what it purports to do, having looked at it now?---What do you mean by that, what do I understand?

30 Yes, do you understand the document?---To invest, to invest Awabakal land. Is that what it means?

Well, I'm asking you what it means, not, you're not asking me the questions.---I'd say it means that they've offered \$10 million to invest in Awabakal land.

Now, you were the chairperson of course at this time, were you not, of the Land Council, of the board of the Land Council, I'm sorry?---Not 2014, yeah.  
40

You were the chairperson at that stage, Ms Dates, weren't you?---I was chairperson for two years but I can't recall the years, whether it was 2017, 16.

Well, this on the face of it appears to be a formal legal document, does it not?---Yep.

And you've got no recollection of it as a board member or as the chairperson. Is that the position?---Yeah, I can't, I can't remember the letter.

Would you have a look, please, Ms Dates, at MFI 58, page 37. Do you see there it's a letter addressed to the chairperson and deputy chairperson, yourself and Mr Green, dated 30 January, 2015?---Yep.

10 And do you see on the right-hand side is a signature, on page 37?

THE COMMISSIONER: Sorry, what page are you on?

MR CHEN: 37 of MFI 58, Commissioner. Do you recognise the signature, Ms Dates?---Yeah.

Is that your signature?---I think so.

20 And the handwriting beneath the signature, which is just beneath the date, is that your handwriting?---No.

Do you recall seeing or do you have any recollection of this letter, Ms Dates?---No, I don't.

If you turn over, it goes for a number of pages, four in fact. It doesn't assist you at all in whether or not you've ever received it, Ms Dates?---I just can't recognise it, that's all. I can't remember it.

30 Well, it seems to be, you would accept, would you not, that it's quite a detailed letter that's apparently under the banner of this Asia Pacific Indigenous Consortium and another consortium as well as Gows Heat, and that doesn't assist you at all?---No.

And what it appears to do, Ms Dates, is it appears to attach a copy of a document, which I took you through on a number of occasions when you last gave evidence, called the Gows Heat Heads of Agreement. If you just have a look, please, at page 38 and paragraph 7 in particular, you'll see that there's a reference there to an agreement. Do you see that?---Yeah.

40 Were you ever sent on or around 30 January, 2015, a copy of a Gows Heat heads of agreement of any kind, Ms Dates?---I can't recall.

Well, as I understood it from the last occasion, Ms Dates, you gave evidence that on no occasion had the Land Council ever approved a sale of land to Gows Heat or a transaction involving Gows Heat.---Can't, I can't remember.

Well, you can't remember giving the evidence or the fact? Which one?---I can't, I can remember Gows coming and doing a presentation to the board, but that's about it.

And that's what, may I say, Ms Dates, you gave evidence to the same effect on the last occasions. And your evidence also, Ms Dates, was to the effect that you'd never, there'd never been an approved or authorised sale of anything to Gows Heat.---No, I don't think so. Don't think so.

10 Are you agreeing with that proposition?---Yeah, I do believe.

Well, having regard to that fact, do you think it's likely you ever received a letter at or around this time suggesting that in fact you did have a copy of a Gows Heat heads of agreement involving the Land Council and Gows Heat?---No, I can't recall.

It also, if you turn, please, to page 4 of the letter, which is MFI 58, page 40, it also seems to be suggested that you were, and Mr Green, were invited to execute the Gows Heat heads of agreement. Do you see that in paragraph  
20 17?---On page 4?

Sorry, if you've got the hard copy in front of you, page 4, but otherwise 40 in MFI 58.---I can't see that. It's too blurry.

Are you talking about the screen?---Yeah.

So in the hard copy documents – that is, the folder – turn to page 40, please.---Yeah.

30 Now, do you see paragraph 17?---Yep.

It might be suggested to you, Ms Dates, I apprehend in light of this letter, that in fact you did put your signature on a Gows Heat heads of agreement. ---I can't recall.

Well, in light of your evidence, that would seem unlikely, would it not, because the board had never approved anything to do with Gows Heat. Isn't that so?---Probably could, I don't know, I can't recall.

40 Well, it's not about recollection, I'm just inviting you, Ms Dates, to think about it in light of your own evidence.---So what are you saying about - - -

I'll start again, Ms Dates. As I understand your evidence, the only thing that Gows did that you knew of was a presentation, and you dealt with that on the last occasion you came to give evidence. Isn't that right?---Yes.

But you've also said on the last occasion, and again today, that the board had never approved any deal with Gows Heat at all.---I don't think so.

Pardon me?---I don't think so.

Yes.---Can't recall.

And I'm saying in light of that, Ms Dates, isn't it improbable then that you would have signed any agreement with Gows Heat knowing that fact?

10 MR O'BRIEN: Sorry, Commissioner, can I ask that those sort of questions be, isn't it improbable that it's, there seem to be a couple of double negatives with that question itself.

THE COMMISSIONER: I don't think there was, but anyway.

MR O'BRIEN: I think there could be some misinterpretation of the question.

THE COMMISSIONER: I'm sure - - -

20 MR O'BRIEN: With respect of course.

MR CHEN: And I understand that. I've approached it two ways to try and assist the witness in sharpening her attention to the issue. Ms Dates, really I'm trying to put to you this proposition. In light of the way that the board had never agreed to do anything with Gows, according to your evidence, doesn't it seem to be the case that you would not have signed any Gows Heat agreement as the chairperson of the board?---No, I wouldn't have.

30 Now, Ms Dates, I'm going to show you that document now, if you could just have a look at this, please, which is the letter to you and Mr Green dated 30 January, 2015, from the Asia Pacific Indigenous Consortium, otherwise MFI 58, page 37. Now, do you see your signature on the right-hand side under the date?---Yes.

And that's an original signature, is it not?---Yep.

Commissioner, could that be marked for identification.

40 THE COMMISSIONER: Yes. The letter 30 January, 2015 from the Asia Pacific Indigenous Council, the Australian Asia Indigenous Consortium, that should read I'm sorry the Asia Pacific Indigenous Consortium, the Australian Asia Indigenous Consortium and Gows Heat Pty Limited, MFI 61.

**#MFI-061 – ORIGINAL LETTER TO DEBORAH DATES AND RICHARD GREEN FROM NICK PETERSON DATED 30 JANUARY 2015 RE: FINDING SOLUTIONS TO THE NEED FOR SENSIBLE**

**COMMERCIAL LAND MANAGEMENT OF HIGH RISK LAND,  
DEVELOPING A SECONDARY MARKET AND FLOOR PRICES**

THE COMMISSIONER: If I didn't say so for the record, the letter's dated 30 January, 2015.

10 MR CHEN: Now, Ms Dates, would you please have a look at MFI 58, page 66. And do you see there, there's an email dated 9 February, 2015, at 4.44pm that appears to be addressed, amongst others, to the email address which you've identified earlier?---(No Audible Reply)

I just want to check, Ms Dates, are you either reading that or are you waiting for something?---I'm waiting.

Oh, okay, all right. Well, I'm glad I intervened. Now, Ms Dates, you've obviously had opportunity now to look at that email.---Yep.

20 And do you remember receiving such an email?---No. I can't recall.

It appears to be the case that it's attaching a number of documents to it. Can you see that, partway down of that email where it says, beside the word, "attach"?---Yep.

Do you know anything about documents, I've taken you to some of them or what I infer is some of them, that are described there at all?---No.

30 Do you recall ever being shown a copy of this email, Ms Dates?---No. No, I don't.

Can you explain how it came to be that it was sent to you, assuming it was? ---I can't recall.

If you read the email itself, does any of it assist you in recalling any particular event or events that might have occurred at this particular time or around this particular time, namely 9 February?---No.

40 You can see that on the face of it, it's talking about agreements and heads of agreements, which seem to have something to do with Gows. Do you see that?---Yep.

And it's clear, is it, that your evidence is that there has never been any agreements with Gows and the Land Council, is that right?---Yeah, I think it's right.

Would you have a look, please, at MFI 58, page 67, which is an email, on the face of it, to you and another, dated 18 December, 2015 at 1.29pm. Now, Ms Dates, have you had a look at that email now, which is MFI 67?

Just the top bit is what I'm asking you to draw your attention to.  
---Yeah, I read it.

Do you recall receiving this email at all, Ms Dates?---I probably did but I can't recall.

When you say you probably did, do you - - -?---Oh, it's got my email address there. That's all I mean. I might have received it. I can't recall it.

10 Well, do you know what Gows 2 Heads of Agreement is?---No.

Do you know what purports to be attached to the document, sorry, the email, apparently a valuation by RP Data? Do you know anything about that?---No.

Ms Dates, would you look at MFI 58, page 70, and you'll see there an email to a number of people, and it appears to include you, dated 31 May, 2016, at 9.23am. Do you see that, Ms Dates?---Yeah.

20 Have you been reading that?---Still reading.

All right.---Yeah.

Ms Dates, do you recall receiving this email?---Yeah, I think I did.

When you say you think you did - - -?---I think I did, yeah. Yeah, I do.

You do remember receiving that, do you?---I think so, yes.

30 What's the hesitation, if any, that you've got?---I can remember my daughter Candy reading this out to me.

I see. So that - - -?---'Cause I was all for Advance Property [sic]. I was all for them.

I see. Do you know what the subject matter of the email relates to at all?  
---Not really. Think it was just an email from Advance Property [sic]. I think he was going to update all our housing, like, repairs on our homes and so I was all for the project because of, a nursing home for our elders and  
40 houses need renovating and, but we had to take it to the next level, and that was the members.

Well, you've given some evidence about that last time, Ms Dates, about your understanding of what Advantage was proposing to do, have you not?  
---Yes.

Now, I want to show you some other documents, Ms Dates, and I'm going to only be able to show you these on the screen at this stage, but the first is

I'd like to show you a document which is – Commissioner, could I tender this electronically, this file at the moment? It's a bundle of material that Mr Petroulias has shown apparently Mr Green when he interviewed him. I'll have hard copies available tomorrow, I just don't at the present time, I'm sorry, Commissioner, but it's available electronically. Could that be marked for identification?

THE COMMISSIONER: How do you describe it?

10 MR CHEN: A bundle of material produced by Mr Petroulias for the purposes of the interview with Mr Green on 31 March, 2019.

THE COMMISSIONER: That bundle, being an electronic file will be admitted as so described. You're tendering this or marked?

MR CHEN: No, just marked at this stage, Commissioner.

THE COMMISSIONER: MFI 62.

20

**#MFI-062 – BUNDLE OF MATERIAL PRODUCED BY MR PETROULIAS FOR THE PURPOSE OF INTERVIEW CONDUCTED WITH MR GREEN ON 31 MARCH 2019**

MR CHEN: Now, would you have a look, please, at page 115, and do you recognise that as a document described as a memorandum of understanding?  
---Yes.

30 Do you see that in front of you now?---Yes.

And if you look at page 116, which will come up on the screen in a moment, do you recognise your signature down the bottom?---Yes.

Yes, just near the hand. Do you remember signing – I withdraw that. RPS appear to be an organisation that do valuations.---Yes.

Do you remember signing this document, Ms Dates?---Yes, I think I recall it.

40

You do?---Yeah.

Would you have look, please, now at MFI 62, at page 117, and you'll see there a document which is described as an application form Worimi Traditional Owners' Group Indigenous Corporation to be incorporated. Do you see that?---Yeah.

And you can see some handwriting on the first page with your name. Do you see that?---Yeah.

Is that your handwriting?---Yes.

And did you complete the word “chairperson” on the line after the word, “position?”---Yep.

10 And what about the handwriting beneath that, is that your handwriting or is that the handwriting of your daughter, Candy Towers?---I think that’s Candy’s handwriting.

If you turn to the next page you’ll see that that’s a document that appears to be signed by you, does it not?---Yep.

20 And what was the, or what was behind you applying and providing this limited power of attorney to the United Land Councils for and on behalf of the Worimi Traditional Owners’ Group Indigenous Corporation?---No, they just really helped us open up my Worimi Traditional Owners’ Corporation to represent the Land Council in dancing, culture - - -

Right. And is that what you thought this document was that you signed? ---Yes, that’s what it is to me, was.

Just so it’s clear, perhaps more for me, what do you say the effect of signing this document was on behalf of that Worimi entity you’ve described?---For culture, culture events, being connected to country and my involvement within the Land Council.

30 Who presented this document to you to sign?---Despina.

Despina. And what were you told if anything about the effect of the document that you were signing?---Just that it’s opening up my corporation for me, to get it going.

40 Well, would you look please now at page 119 of MFI 62. I’m sorry, Ms Dates, I’ve just got to backtrack ever so slightly. Would you have a look please at this document, which is the same, sorry, the application form for the Worimi Traditional Owners’ Group Indigenous Corporation. Would you have a look at that, please. Does your original signature and handwriting appear on that document, on the front and the back page of that document, Ms Dates?---Yes.

Yes. Could that be marked as well, Commissioner. That’s the application form to the United Land Council’s for the Worimi Traditional Owners’ Group.

THE COMMISSIONER: Yes. The application for so described will be marked MFI 63.

**#MFI-063 – ORIGINAL APPLICATION FORM TO UNITED LAND COUNCILS RE: LIMITED POWER OF ATTORNEY SIGNED BY DEBBIE DATES AND CANDY TOWERS**

10 THE COMMISSIONER: Ms Dates, can I ask you, in 2014-15, had you ever bought or sold land yourself?---No.

In those years, had you ever had land valued yourself?---No.

In those years, had you ever been party to or involved in making an development application to council?---No.

Had you ever been involved in making an application for subdivision of land?---No.

20

Had you ever been involved in property development?---No.

Well, we've got a series of documents here, all coming in to you by other people, this last one here from United Land Councils. Again, it contains a clause, the one I mentioned before, that you're authorising for them to act on behalf of the Council whether there's a conflict of duty and interest or not. Remember that one I drew you to?---Ah hmm.

30

Well, there's another similar clause in the document that's just been marked for identification and you said nobody explained to you that it involved them having authority even though there's a conflict of interest, is that right?---That's right.

40

Well, why, if you had no experience in dealing with land transactions, land development, land valuation, land subdivision, whoever's sending these documents through one after the other, it must have clogged up your email box from time to time, why were they all coming to you when you didn't hold any expertise? Sure, you were chairperson of the Land Council, but that in itself doesn't confer you with any experience or authority to know what you're doing about land transactions. Why is all this correspondence and these applications being targeted to you?---Don't know.

You don't know. Didn't somebody ever explain, look, we want you to deal with all these applications and no one else on the Land Council because you're smart or you're experienced or you've got some quality that they really want you to be the person to deal with? Did anybody indicate a reason why they were asking you to be the person to receive all these applications and be informed about their proposals for land development

and so on? Have they given a reason why they chose you?---Maybe because I was the chairperson.

Yes. But a chairperson doesn't confer magically some power to understand anything about land transactions, does it?---No.

Looking back on it, do you think you were being used by somebody, as the way through to manipulate your Land Council?---I didn't think so at the time.

10

Didn't think so at the time. Well, now you've had a lot of time to think about all these matters. What's your impression, why were they targeting you as the person to deal with all the time?---Because I was the chairperson.

Chairperson, yes. Even though you were a chairperson without any experience in land transactions?---Never sold anything in my life.

MR CHEN: Now, Ms Dates, would you have a look please at MFI 62, page 119. So that'll come up on the screen and you'll see there – well, do you see them on the screen now, Ms Dates?---Yep.

20

And you can recognise that it's a similar type form to the one that I've been asking you and the Commissioner's been asking you some questions about, that you signed in relation to the Worimi Traditional Owners' Group, do you see that?---Yep.

But this one's actually relating to the Land Council that you were the chairperson of, isn't that right?---Yep.

30 And it has your handwriting, I take it, on the front of it completing your name and the position as chairperson?---Yeah.

And is that the handwriting of your daughter, Candy Towers, beneath it? ---Probably. It's not my handwriting.

And if you look at the second page you'll see that your signature appears on it as well.---Yeah.

Do you see that?---Yeah.

40

Now, did you sign this document, Ms Dates?---Looks like my signature.

THE COMMISSIONER: Did you understand what the document was about when you signed it?---It was just to open up the Worimi Traditional Owners' Corporation.

MR CHEN: No, no, this is, if you turn back just to page 119 you'll see this is to do with the Awabakal Local Aboriginal Land Council, and although

it's headed Application Form, it in fact is perhaps a little bit more than simply an application form, it's conferring certain powers and authorities on the United Land Councils.---Does it say United Land Councils on there or just - - -

Yes, it does.

THE COMMISSIONER: It does.

10 MR CHEN: If you look at the top, if you look on the screen you can see where the cursor is near, you can see it's addressed to the United Land Councils.---Yeah, I think United Land Councils, because I, my Worimi Traditional Owners' Corporation, we were going to like, work together and try and get all land councils united as one, so I do recall, I remember that.

So who presented this document to you, Ms Dates?---No, that was presented at the board, at a board meeting.

And who produced it to the board?---I think Despina.

20

Right. And what were you, you agreed you signed it, did you read it before you signed it?---No. I don't recall.

Were you given any advice about what you were signing?---I probably was but I can't recall.

Do you know what you were signing, having looked at it now?---I thought it was just United Land, United Land Councils.

30 No, there's no doubt that it is on the face of it. Do you know what the effect of the document is, Ms Dates?---No.

Did you know the effect of the document at the time you signed it?---I can't recall. I could have been, someone could have explained it to me, I can't remember. I can't recall.

Just have a look at what appears to be the original of that document, MFI 62, page 119. Is that your original signature on the document?---Yeah, you already asked me that.

40

I'm sorry. Commissioner, could that be marked as well for identification.

THE COMMISSIONER: Yes. MFI 64.

**#MFI-064 – ORIGINAL APPLICATION FORM TO UNITED LAND COUNCILS RE: LIMITED POWER OF ATTORNEY SIGNED BY DEBBIE DATES AND CANDY TOWERS**

MR CHEN: And would you look, please, at page 120 and you'll see again this document has the same clause that the Commissioner drew your attention to in point 3 about authorising that entity to act even if there's a conflict of duty. Do you see that?---Yep.

And I take it in line with your earlier evidence, that wasn't drawn to your attention either, was it?---It was, but I can't recall.

10

It was, was it?---Yeah, I think so but I can't recall.

THE COMMISSIONER: Had it been drawn to your attention and you understood what it meant, I understand what you earlier said, you wouldn't have signed it had you known. Is that the case with this document also? ---I can't recall it, I can't remember.

No, it's not a question of what you can recall. Now that you can see in front of you - - -?---Ah hmm.

20

- - - see the clause number 3?---Yeah.

You're in effect being asked, your council's being asked to give authority to these other people to act on their behalf, even if they're in a conflict of interest situation. Do you see that?---Yeah.

Had that been pointed out to you and explained to you, do you think you would have signed this document?---No.

30 MR CHEN: Ms Dates, is this really, with respect, the position that if somebody such a Mr Petroulias were to put a document in front of you and ask you to sign it, you would do so?---No.

Can I suggest to you, Ms Dates, that that's in fact serially what, at best, you were doing during the course of your time as the chairperson of the Land Council, that is if a document was put in front of you by Mr Petroulias, you would sign it?---No.

40 So, do you now say that, for example, you would sign documents and seek advice in relation to them, or what's the position?---I don't know what you mean.

Well, I'm just trying to explore how you've come to sign so many documents seemingly without any firm understanding about what it is you're signing up to, and I'm offering you the opportunity to deal with a proposition that might be suggested, namely you're just signing these documents, Ms Dates, without knowing really their true legal effect.---Some I might have, some I didn't but I can't recall, but - - -

And could I suggest and ask you to respond, Ms Dates, that if in fact that is what you were doing, that that was a complete abdication of your role as the chairperson of this Land Council. What do you say to that?---Well, if I signed something, it was to move the Land Council forward. So that's what I was looking at, that's my aim.

10 THE COMMISSIONER: There's a question of how to move them forward, whether to move them forward safely or whether to move them forward unsafely, and if you're giving legal rights to somebody else who can act on behalf of the Council in a conflict of interest situation, that's bad for the Land Council, isn't it?---Yep.

You might be thinking you're moving it forward but once you look at the fine print and see what you're signing, you can see the problem, can't you?  
---Yes.

20 Well, if it were the case that you were signing documents whenever Mr Petroulias presented them and you didn't have an understanding of what the meaning of the document was, why would you have done such a thing?---To move the Land Council forward. That's what I thought I was doing.

Whether there were good terms or bad terms written in the documents you were signing?---Well, we had no one to help us, so yeah, I thought it was good.

30 You thought it was good to sign documents, even though you didn't know what the conditions were and whether the conditions were going to come back and bite the Council or support the Council?---Well, State Land Council wouldn't help, so I thought Despina and Nick was trying to help and that's what I thought.

Is that what you thought, that they were trying to help you or the Council?  
---We needed help, I don't know.

What out of the goodness of their hearts or for what reason do you think they were wanting to help?---I don't know, just we needed help.

40 Sorry?---We needed help.

What was their motivation in wanted to help you as you saw it?---Well, we had a lot of presentations. They were bringing them to the members and - - -

Yes, but why? Why were they doing it?---I don't know.

You don't even know their motives?---To help. To help the Land Council go forward.

Just to help?---Yeah.

Like, a charitable works, they were - - -?---Yep.

They were really operating in a charitable fashion, you thought?---That's what I thought.

10 And that's why you did anything that you were asked to do?---Yeah.

Sign anything?---Yeah.

Are you serious?---Yep.

Are you serious?---Yeah, I am. The Land Council needed the help.

And you were occupying the position of chairperson of this Council?---Yep.

20 In a position to guard and defend and act in the interests of the Land Council?---That's right.

That's what being chairperson meant, didn't it?---Yep.

And you were signing documents without even knowing what was in them, is that right?---Probably, yeah.

30 MR CHEN: Now, Ms Dates, I'm going to move to a new area. That folder can probably be closed up and it'll be collected by the Commissioner's associate. There are two separate stapled documents that I want to show you, Ms Dates, that are contained within this plastic sleeve. Now, Ms Dates, the first document within that sleeve, if you'd be good enough to take it out of the sleeve, you'll see that that is a letter from, it's a letter dated 11 January, 2016, is it not, from you to Knightsbridge North Lawyers. Do you see that?---Yep, you've already showed me that.

Well, on the last – just if you just accept that I've put that document in front of you for the moment.---The letter that I've already seen.

40 All right.---All right.

You may not have seen the original or what appears to be the original, but do you accept that that document appears to contain an original signature on the front page from you?---Yes.

And if you turn through that document, Ms Dates, there appears to be other original signatures of yours as well. Is that right?---In the corner, is that - - -

Well, it appears to be at various points down the bottom on the right-hand side of each page. Is that not so?---Not my signature.

Not your signature?---Doesn't look like my signature.

What about the handwriting that's there on it, on those pages, other than the first page. Is that your handwriting at all?---No, no.

10 Commissioner, even though they were in one sleeve I will separately ask for that to be marked, if I could, for identification. So it's the letter dated 11 January, 2016.

THE COMMISSIONER: That letter will become MFI 65.

20 **#MFI-065 – ORIGINAL LETTER TO DESPINA BAKIS FROM DEBBIE DATES DATED 11 JANUARY 2016 RE: ACQUISITION OF GOWS HEAT HEADS OF AGREEMENT BY SUNSHINE PROPERTY INVESTMENTS PTY LTD ATTACHING DEED OF ACKNOWLEDGMENT AND GUARANTEE**

MR CHEN: Are you having a look at the next document now, Ms Dates, something called Disbursement Instructions?---Yeah. Can I just say that I remember this - - -

Just pause for a moment. Could you just identify what you're referring to when you speak?---The first page.

30 Right.---That was, that was presented at a board, board meeting, 2015, I can remember because there was a few on the table.

All right.---So it could be my signature because I remember that there was few, few of these put on the table for the board to grab hold of to read.

Well, Ms Dates, in fairness to you I did ask you some questions, I think you were holding up what is called the Deed of Guarantee. Is that what you were referring to when you gave that evidence just a moment ago?---Yes.

40 Ms Dates, I did ask you some questions about this last time in some detail and as I understood it, what you said is there was essentially no discussion at all about the document and you didn't know what it was.

MALE SPEAKER: Is there a transcript reference?

MR CHEN: Yes, so it's 277 - - -

THE WITNESS: It might, it might look like some other, it might look like some other letter, like, this could be the wrong letter.

MR CHEN: So are you now accepting that what you recall and what you gave evidence a moment ago was in fact not the deed of guarantee - - -?  
---Yes.

- - - that may have been tabled?---Yeah.

10 All right. So, Ms Dates, would you be good enough to hand that over, if that's all you want to say about that document. That will be marked and I'll ask you about the disbursement instructions. 2771 and 2772.

MALE SPEAKER: Thank you.

THE WITNESS: What about that?

THE COMMISSIONER: Are you going to ask the witness about this trust account?

20

MR CHEN: I'm sorry, that should remain with the witness. Thank you.

THE COMMISSIONER: The letter of 11 January, 2016 addressed to Ms Bakis entitled Acquisition of Gows Heat Heads of Agreement by Sunshine Property Investments will be marked for identification MFI 65.

MR CHEN: Now, Ms Dates, what's in front of you now are what are described as, I think, Trust Account Disbursements, what's called a Trust Account Disbursement, would you agree?---Yep.

30

And there's a series of documents all stapled together. Do you see that?  
---Yep.

And there are a number of signatures on that document. Just turning to the first page if you would, does your signature or handwriting appear on the first page?---No.

What about the second or any of the following pages?---No.

40 Does your handwriting or signature appear on any of the pages within that bundle of documents that's before you now?---No.

Commissioner, could they be marked as well?

THE COMMISSIONER: MFI 66, Trust Account Disbursements.

**#MFI-066 – TRUST ACCOUNT DISBURSEMENT INSTRUCTIONS  
TO KNIGHTSBRIDGE NORTH LAWYERS DATED 22 DECEMBER  
2015 SIGNED BY TONY ZONG**

MR CHEN: Commissioner, can I just put on the record that any document that I refer to the witness to outside of the documents that were formally within the agreed bundle of material produced by Mr Petroulias in relation to Ms Dates's interview and Mr Green's interview are all documents that  
10 were produced just before the luncheon adjournment by Mr Petroulias. So they're the additional documents that I've taken Ms Dates to. I thought it would be important to identify for the record, and for those behind me, the origins of those documents. Pardon me, Commissioner, for a moment. I think that's the examination.

MR LONERGAN: Sorry, Commissioner, can I just enquire whilst my friend is looking for his next bit of evidence, MFI 65 was 11 January, 2016, original signature document?

20 THE COMMISSIONER: Sorry, your question is?

MR LONERGAN: MFI 65 is identified as which document?

MR CHEN: The 11 January letter, I think, Commissioner.

THE COMMISSIONER: Could I have it back. Yes, it's the letter addressed to – in the name of Debbie Dates, chairperson, with her signature, or it looks like her signature, addressed to Ms Despina Bakis, 11 January, 2016, Acquisition of Gows Heat Heads of Agreement by Sunshine.  
30

MR LONERGAN: Please the Commission.

MR CHEN: And for my learned friend's benefit, attached to that was the deed of guarantee that Ms Dates did give some specific evidence about, which I asked her some questions about, if that assists. Commissioner, that's the examination, the further examination by me. Commissioner, could I raise one matter, if I could, in relation to your ruling that, to be clear, Commissioner, you ruled that the transcripts would not be able to be used by Mr Petroulias, and similarly, I take it, that would extend to the recordings  
40 as well?

THE COMMISSIONER: Yes.

MR CHEN: Thank you.

THE COMMISSIONER: That's correct. Both the transcript and the original recordings.

MR CHEN: Thank you, Commissioner. That's the further examination by me.

THE COMMISSIONER: All right. Now, Mr Petroulias, do you want to ask any questions of Ms Dates?

MR PETROULIAS: Quite a few, Commissioner.

10 THE COMMISSIONER: Now, Mr Petroulias, in a letter on 3 May, 2019, you listed a whole range of matters purportedly in compliance with the standard directions. Now, the matters you've identified and the way you've identified do not comply with the standard directions. You must have been reminded about the standard directions now close on a dozen times. Have you ever read the standard directions?

MR PETROULIAS: Well there's, I mean, they're here in front of us, they're not particularly - - -

20 THE COMMISSIONER: No, no, no. Don't worry now, but have you ever read them?

MR PETROULIAS: Yeah. It, it's not - - -

THE COMMISSIONER: And have you read the standard direction about cross-examination?

MR PETROULIAS: All we have to do is identify what - - -

30 THE COMMISSIONER: Sorry, is the answer yes or no?

MR PETROULIAS: Yes.

THE COMMISSIONER: Right. Just bear in mind, please, the terms of standard direction 13, what it requires of you. In other words, cross-examinations – this doesn't apply just to you, it applies to anyone – is by leave. It's not unlimited cross-examination by anyone of any witness and the standard direction requires you to identify, if you want to cross-examine a witness on a particular topic, to identify whether you have an affirmative  
40 case to present against the witness, of what the witness is saying.

MR PETROULIAS: Yes.

THE COMMISSIONER: Because unless you do, or not just you but anyone, the cross-examination can go on and on and on but lead to nowhere, unless you're going to be able to prove the affirmative of what the witness is denying.

MR PETROULIAS: Right.

THE COMMISSIONER: Right. So if the witness admits in answer to one of your questions something, then you don't have to go on and prove it, because the affirmative case is not required. Secondly, it's got to be an issue that's relevant to this public inquiry. Now, some of these transactions are what might be described as commercial in nature, commercial land transactions in nature, all the ins and outs between the right of a purchaser, for example Sunshine of Solstice or Advantage, might be all very interesting to a commercial lawyer but have nothing to do with the issues before this Commission in this public inquiry. So whether or not somebody misrepresented something in the land transaction about a point might be very real if you're in the Supreme Court litigating it, but has nothing to do whatever with what this Commission is dealing with. So I just raise that because I know I've endeavoured on a number of occasions to remind you of what standard condition 13 requires of a cross-examiner. You're being given, and any other cross-examiner will be given permission to cross-examine, not a right to cross-examine, and you'll only be granted permission so far as the issues are material to what is the issue or issues in this Commission of inquiry.

So I just remind you once again, and perhaps overnight if you wouldn't mind having another read of standard condition 13, about cross-examination, because your letter of 3 May doesn't convey to me that you've read it at all, because it doesn't comply. How many more times do we have to tell you? I don't know. But I think it might be desirable, it's not my function to give advice, but I give you just perhaps a friendly reminder that the standard conditions have been printed there on the website of the Commission, you can access them day or night, and I suggest with respect if you could have another refresh of the conditions for cross-examination it might enable you to follow and apply those standard direction. Otherwise I'm drawn into pulling you up and saying, Mr Petroulias, how does this satisfy standard condition 13, and I don't want to interrupt more than I have to.

I'll say no more. Bear in mind what I've said, please, bear in mind what the standard conditions require of a cross-examiner and if you apply the approach required, then we should proceed quite smoothly.

MR PETROULIAS: Yes. Commissioner, the example you gave was very helpful in terms of the representation. I was never, I mean I'm not going to use this witness to try to disprove someone else's (not transcribable). The only relevance of the representation would be of what she understood of it.

THE COMMISSIONER: No, no, no, not necessarily what she understood stands of things or what her beliefs are, what her understandings are. We are concerned with the facts ascertaining what were the events, what facts happened, who said what or who did what.

MR PETROULIAS: Right.

THE COMMISSIONER: Who signed this document, who gave a person that document.

MR PETROULIAS: Yeah.

10 THE COMMISSIONER: We are concerned with events, not what is in the mind of somebody else.

MR PETROULIAS: Oh, okay, but in the context of something that's happened long ago is - - -

THE COMMISSIONER: You see because in your letter which purportedly deals with standard conditions it says that, "our understanding at all times was," and then you've footnoted "our" as meaning Debbie Dates, Richard Green, Ms Bakis, yourself.

20 MR PETROULIAS: Yes.

THE COMMISSIONER: What's in the mind of somebody is not what we're interested in here, we're interested in the facts, what happened.

MR PETROULIAS: What we discussed is facts, isn't it?

THE COMMISSIONER: Yes, well, they can be in certain circumstances, yes, conversations can be.

30 MR PETROULIAS: Yeah. Okay.

THE COMMISSIONER: All right. Away you go.

MR PETROULIAS: Right. Debbie, just, just some points that were raised this afternoon that I wanted to clear up with you, if you don't mind. When I came up to speak to you at some stage recently, you gave me a different lawyer that you were going to use, that you said you were going to use, a man called Mohamed (not transcribable) and you gave me their details. Is that correct?---Yes.

40

From Bankstown?---Yes.

Right, so at that point it wasn't Mr O'Brien that I was going to use?

MR O'BRIEN: Well, you know, I don't know what's in that document that's gone between Mr Petroulias and you, Commissioner, but I really suspect that it doesn't relate to who's representing him at what time and about which matter.

MR PETROULIAS: Just some clarification points, Commissioner - - -

THE COMMISSIONER: No. Don't worry about clarification points, can we just get on with the facts. Away you go.

MR PETROULIAS: Okay. Just to be very clear, I have never asked you to sign anything outside after the Land Council?---No.

10 At any time ever?---No, never.

When I came and saw you in 2017, do you remember that it was – is this correct, I took down notes of, some notes from you about litigation with Mr Lawler?---Yes.

Right. And then Despina came and talked to you about it later?---Yes.

20 All right, okay, good. Now, can I ask you just a little bit about, during the course of the inquiry, this is a public inquiry, we've been chatting in the foyer around because you've been following it since the beginning, haven't you?---Yes.

Yeah. Do you remember that you came and raised some concerns with me about your barristers?

MR CHEN: I object, Commissioner.

30 THE COMMISSIONER: Yes. I reject the question. I reject the question. Stay on track, please, Mr Petroulias.

MR PETROULIAS: Well, the integrity of the evidence is on track. All right. Let's, let's move on from that. Can I approach it chronologically, do you know - - -

THE COMMISSIONER: I can't hear you.

MR PETROULIAS: Do you remember when you first met me?

40 THE COMMISSIONER: Stop. Just pause there, Mr Petroulias. We've got some sort of a technical problem, I think, with the sound system. Okay, okay.

MR PETROULIAS: Ms Dates, yes, thank you. Do you remember in your evidence you said that Gows had made a presentation and it was after the presentation made by Cyril, is that correct?

MR CHEN: I'm not sure she said that.

MR PETROULIAS: Is that what, am I correct to say that the Gows presentation was after Cyril's presentation, am I correct?

MR CHEN: Commissioner, I think Mr Petroulias should distinguish between is that her evidence or is that a proposition put.

THE COMMISSIONER: Yes. Are you putting - - -

10 MR PETROULIAS: Do you remember - - -

THE COMMISSIONER: No. Are you putting that to her, not as something she said but - - -

MR PETROULIAS: Yes.

THE COMMISSIONER: Well, just make that - - -

20 MR PETROULIAS: Do you understand, sorry, am I correct to say that my presentation or Gows' presentation came subsequently, subsequent to Cyril's presentation?---I can't recall.

When, when – you mentioned the Gows' presentation, do you mean, to you, do you mean me making a presentation to you?---I remember you doing a presentation to the board but I can't remember, recall.

Do you remember whether I told or, or anyone told you that, what kind of relationship there was between me and Cyril?---No.

30 Did I tell you that we were partners and part of the same group?

THE COMMISSIONER: Mr Petroulias, what does it matter, even if she agrees to the proposition?

MR PETROULIAS: Well - - -

40 THE COMMISSIONER: I mean, if you were a partner on this date at this time, you can prove it and the fact that she might remember you said it doesn't prove the fact of the relationship between you and Cyril. Are you going to - - -

MR PETROULIAS: Okay.

THE COMMISSIONER: Again it comes back, are you going to prove affirmatively a case that you and Cyril were partners?

MR PETROULIAS: Oh, yes, I mean Cyril's already given that evidence.

THE COMMISSIONER: All right. Well, why are you asking her, then?

MR PETROULIAS: When, because I want - - -

THE COMMISSIONER: If you've proved it through your partner, who you say was a partner - - -

MR PETROULIAS: Yeah.

10 THE COMMISSIONER: - - - how does it enrich or increase the probative value of that evidence by asking this witness, who wouldn't know whether you were a partner, you're asking her whether you heard her or him?

MR PETROULIAS: From my discussions then, from your discussions with me did you understand that, that Gows, or my company, was related to Cyril's company?---I can't recall.

20 But I could have said – when Cyril made his presentation didn't, didn't he, to the board, did he speak collectively about being part of a group?---I really can't recall because I can just, I can remember seeing the just big Torres Strait Islander bloke but coming doing a presentation but I can't remember.

You remember him being associated with a consortium though?---Yes.

Do you remember me being associated with a consortium?

THE COMMISSIONER: Just stop there. How can she say whether he was a member of the consortium?

30 MR PETROULIAS: I thought she just did.

THE COMMISSIONER: But how would she know?

MR PETROULIAS: Well, she just gave - - -

THE COMMISSIONER: No. I'm just saying the answer derived from a question of that kind is worthless because you haven't qualified her to say as to whether she was party to the knowledge necessary to be able to draw the conclusion that you were working - - -

40 MR PETROULIAS: Yeah. Okay. Did you understand from what Cyril had spoken to you - - -

THE COMMISSIONER: - - - in the consortium.

MR PETROULIAS: - - - that he was part of the consortium?---We're going back a while. Yeah, I've had, I've had a lot of sorry days so I really can't recall, but I remember Cyril doing a presentation.

Yes, but did he, when he, when he spoke did he represent that he was part of a group, part of a consortium?---Yes, he did.

And did that, did you understand from what he said that I was part of the consortium?---Yeah, I think so.

Did, when I came up to you - - -

10 THE COMMISSIONER: Do you remember what he said which gave you such an understanding?---I think he said something like, "I'm doing a bit of presentation now but I'm going to come back with my other partner," I remember him saying, "I'm coming back with another partner," and that I think might have been Nick, I'm not sure.

MR PETROULIAS: Right.---I can't - - -

Did I tell you that I was his partner or that I was part of the same consortium with him?---Yes.

20 Did, and you believed that?---Yes, I think I did.

Right. So you remember the power of attorney application for the consortium that you were shown earlier today?

THE COMMISSIONER: Which consortium?

MR PETROULIAS: Well - - -

30 THE COMMISSIONER: Which MFI?

MR PETROULIAS: Well, which one did you want. Okay, the MFI 60.

THE COMMISSIONER: MFI 50?

MR PETROULIAS: 60. Isn't 60 the consortium, power of attorney?

THE COMMISSIONER: Yes, MFI 60, yes.

40 MR PETROULIAS: Yeah. Have you got that in front of you, can you have a look?

THE COMMISSIONER: Just hand the witness the MFI 60. There we are, Ms Dates. Now, what's the question?

MR PETROULIAS: Now, you see at the top Cyril's name and my name together?---Yeah.

Did I point out that to you at the time?

MR CHEN: Well, we should establish a time, I mean none of this has been established.

MR PETROULIAS: Okay, sorry. The time, Debbie, I'm suggesting is November and December 2015. Do you agree with that?---I agree with it but - - -

10 THE COMMISSIONER: But what?---I just can't, I remember the presentation of this but at the board meeting but that's all what I can remember.

Presentation by whom?---The big Torres Strait Islander man.

MR PETROULIAS: Okay. Do you remember being told that, or seeing or reading that me and Cyril were in the same consortium, as it says on the second line?

20 THE COMMISSIONER: Does it say that?

MR PETROULIAS: Well, responsible officers of the consortium, Cyril, Nick Peterson.---That's what it says.

Do you remember that being said by me at least?---Can't recall. Probably what, I can't recall.

And the letter, which is MFI 61, if you can see that, can you see it there?  
---Yeah.

30 Gows Heat. Is that, that's the company you associate with me, isn't it?  
---Yeah.

So from that, does that, does that remind you at all that, what I, what I, what I discussed when, when I discussed this letter to you or represented this letter to you, that I'm part of, that Gows is part of this consortium?

MR O'BRIEN: I object to that. It's double, it's two questions in one. There's one about whether there was a discussion about this letter.

40 MR PETROULIAS: Yeah.

MR O'BRIEN: And secondly whether there was a discussion about its contents and whether there was further, that's a third part of the question, that is whether there'd been a discussion as to him being part – him, Petroulias, being Mr Petroulias – being part of Gows Heat.

THE COMMISSIONER: Yes, I think you have to break - - -

MR PETROULIAS: Yeah, let's break them up.

THE COMMISSIONER: - - - break the question up. Just a minute. Would you just get the document from the witness for a moment, please? MFI 61. Thank you. Just pause there, Mr Petroulias, for a moment. Mr Petroulias, the date of this letter, which is signed by you - - -

MR PETROULIAS: Yes.

10 THE COMMISSIONER: - - - on behalf of Gows Heat Pty Ltd - - -

MR PETROULIAS: Yes.

THE COMMISSIONER: - - - you were not a director of Gows Heat at that time or at any time, were you?

MR PETROULIAS: That's right.

20 THE COMMISSIONER: And there are only two directors. One was dead or in fact he'd been dead before he was appointed. That's Mr - - -

MR CHEN: Latervere. Latervere.

THE COMMISSIONER: Latervere, yes.

MR PETROULIAS: Yeah.

30 THE COMMISSIONER: How he became appointed after he died is an interesting issue. And then there was one other director. Who was that?

MR PETROULIAS: There were many – oh, Fondas, you mean?

THE COMMISSIONER: Sorry?

MR PETROULIAS: Fondas Douloumis after that. Is that the other one?

THE COMMISSIONER: Do you know who the other director was?

MR PETROULIAS: Yes.

40

THE COMMISSIONER: The one who was alive, I mean.

MR PETROULIAS: Yeah, yeah, yeah. He's a friend, yeah, I know him very well.

THE COMMISSIONER: What's his name?

MR PETROULIAS: Fondas Douloumis.

THE COMMISSIONER: Right. Did he take an active role in Gows Heat?

MR PETROULIAS: Yeah. Spoke to him on the phone regularly.

THE COMMISSIONER: No, but did he actually perform directors' duties?

MR PETROULIAS: I don't know how much this is relevant to this witness.

10 THE COMMISSIONER: No, nothing to do with her.

MR PETROULIAS: But, but - - -

THE COMMISSIONER: It's everything to do with me at the moment.

MR PETROULIAS: That's fine, as long as - - -

THE COMMISSIONER: Did he perform directors' duties?

20 MR PETROULIAS: Yes, the, but, but, but you see, you've, this is a company (not transcribable). It is part of a consortium, part of a joint venture.

THE COMMISSIONER: Just looking at the company first before we get to the consortium.

MR PETROULIAS: Okay. So really - - -

30 THE COMMISSIONER: So it appears that you were the one who was acting on behalf of Gows Heat, signing for Gows Heat.

MR PETROULIAS: That's right.

THE COMMISSIONER: But at that time you were not a director of the company.

MR PETROULIAS: No.

40 THE COMMISSIONER: You were bankrupt at that time, weren't you?

MR PETROULIAS: Yeah, probably.

THE COMMISSIONER: How did you get involved in running Gows Heat if you were not a director and, as a bankrupt, you're in fact orchestrating the operations of the company at this time?

MR PETROULIAS: I'd been running agency, what I call agency companies, and if you want to check it out, professional administration

centres, professional administration service centres, for 30 years. I do representative - - -

THE COMMISSIONER: No, but - - -

MR PETROULIAS: - - - services for companies.

THE COMMISSIONER: I think you're missing the point, with respect. From the correspondence I've seen thus far - - -

10

MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - you're acting as if you were director.

MR PETROULIAS: Well - - -

THE COMMISSIONER: But you were not a director, nor could you have been, because you were bankrupt at the time.

20

MR PETROULIAS: Well, with respect, I was actually very careful, there's usually a certificate of non-revocation of power of attorney, I, I, it was attached to the back of each document, that says I am acting under a power of attorney that hasn't been revoked and certify that and usually there's a ratification. So I then send the documents over to be ratified, so I'm usually quite careful to make sure I've, well, that, that - - -

THE COMMISSIONER: Well, we might look - - -

30

MR PETROULIAS: I've made it a business of mine for 30 years.

THE COMMISSIONER: Yes, we might look into that at a later time, but now is not the time. All right. Now, you'd better break up that three-pronged question so that Mr O'Brien will be happy and Ms Dates will have a chance of answering it.

MR PETROULIAS: Okay. So from what I've told you, Gows was part of the consortium?

40

MR CHEN: Well, I think you should - - -

MR PETROULIAS: Well, just looking at, sorry, this consortium.

MR CHEN: He should identify when and where. This is all - - -

MR PETROULIAS: I thought we, I thought we did that.

MR CHEN: I'm sorry, okay, well it's November and December, 2015.

THE COMMISSIONER: All right. Start again, yes, as at that time.

MR PETROULIAS: So I represented to you that Gows was part of this consortium?

THE COMMISSIONER: Do you remember whether he did? This is 2014-15 period.

MR CHEN: No, it's November/December, 2015.

10

MR PETROULIAS: Oh, '14, sorry, sorry, sorry, I meant '14. When I first – sorry, I thought we were clear on that. Just to make, just in case there's any doubt here, in, this is 2014 at the end, November/December and this letter was written in January of '15, so end of 2014. I met you, I said to you that I am part of this, Gows Heat is part of this consortium, do you agree? ---I remember meeting you, yes.

And that I was part of this consortium, Gows Heat?---Yes.

20

Gows Heat was part of this consortium?---Yes.

Now, these, now basically do you remember me telling you that I understand the problems that we had discussed – I'm sorry. I understand the problems from what I've discussed with you and Richard with your Aboriginal land and you needed substantial investment?---What year was that?

This is '14, end of '14.---There was a discussion made but I can't, can't recall.

30

And that, well, did I say that I would bring you investment capital, I would bring you investors to develop the economy, to develop the Aboriginal economy?---Yes, I can recall that, that was passed at a board level.

And do you remember that basically, well, do you remember you telling me that that's exactly what you wanted to achieve, your brother's ambitions? ---Yes.

40

And your brother Kelvin Dates was quite interested in developing the Aboriginal economy?---Yes, he was.

And so what I was trying – and do you remember you were shown this certificate of guarantee, MFI 66, I showed you this guarantee and I said that I would get you substantial investment or people that would come and buy land?

MR O'BRIEN: Can I ask that that be broken up, if the guarantee was shown, when and then - - -

MR PETROULIAS: Okay, we're still back in the same period, December 2014, the period hasn't changed. That at that same meeting I said to you I would guarantee you that I would get you some investors?---Was that at a board meeting?

It's a meeting that I'm saying that I'm having with you in December 2014. It was in the boardroom, if that helps you.---I can remember meeting with you but I can't recall.

10

And do you remember that one of, do you remember the conversation that a lot of the land you had was unclaimed, I think you said there were 230 land claims, 260, is that right?---Yes.

You agree we had that conversation?---Yes.

And that you wanted those land claims hurried up?---Yes.

20

And that I was going to design some idea by which I could get money from investors to then use to hurry up the land claims?---Yes.

And now essentially in this letter that you see, January, MFI 61, January 2015, you might not remember the letter you said?---I haven't got the letter, which letter?

MFI 61?---(No Audible Reply)

30

MR CHEN: Commissioner, Mr Petroulias may be able to move through this more efficiently if he does this by reference to MFI 58.

MR PETROULIAS: Yeah, okay. I don't have the same page numbers as you guys, though. Is there a hard copy available by any chance so that we're on the same page? Oh, thank you so much. Yeah, page 37 in hard, hard, in the volume. So let's, do you recognise signing a Gows agreement at all?---Yes, it was that one.

When you signed that Gows agreement - - -

40

MR CHEN: Commissioner, the witness should be shown, with respect, precisely what it is to be asserted she has signed. There is enough controversy about that, that Mr Petroulias should know, and he should sign it, sorry, he should identify it and not do it by reference to a separate document which may cause confusion with the witness.

THE COMMISSIONER: Which agreement are you now referring to in terms of the date? Where do we find it so that it can be put before the witness?

MR PETROULIAS: Can I, can I put it this way.

THE COMMISSIONER: No, no. If you're going to pursue this question about the agreement you just asked her, asked her a moment ago, you've got to identify the agreement.

MR PETROULIAS: I'm talking about the second Gows Heat agreement, I don't know what reference, what exhibit it is now off the top of my head, but I can find out. It might take a few seconds.

10

THE COMMISSIONER: Perhaps if you come back to that, if you can move on to something else.

MR PETROULIAS: Okay. Right. So remember the, the overall strategy that I discussed with you was to - - -

THE COMMISSIONER: When, when?

MR PETROULIAS: Again same period, December 2015.

20

THE COMMISSIONER: Well, yes.

MR PETROULIAS: Was to bring investors to make offers on, on, on land and to push unclaimed land. Is that correct?---Can recall something was like that, yes.

30

Okay. Now, do you remember, do you remember that when the, when the, you were shown some letters about calling, calling some meetings, and you had difficulty with the, with Stephen Wright in allowing the, in allowing the community meeting and an election?---Yes.

And you were shown – don't even know what number it is now – onscreen, a, a page where someone had drafted a letter for you to the registrar.---Yes.

Now, that was, if I suggest to you that that was written by Stephen Wright, would you – sorry, Stephen Wright – Ian Sheriff, would you agree with that?

40

THE COMMISSIONER: Well, how would she know?

THE WITNESS: Is that this here, that in the first folder?

MR PETROULIAS: Yes.

THE COMMISSIONER: Well, could you give her a page reference?

MR PETROULIAS: It's page number 1.

MR CHEN: I don't know how Mr Petroulias can affirmatively put that in any event, Commissioner, that Mr Sheriff wrote it. It's not evidence from the document.

MR PETROULIAS: Okay. Debbie, can you remember that all your dealings in relation to this question of, of elections and meetings were with Mr Ian Sheriff and not with Despina?---Yes.

Right.---Yes, it was.

10

Now, during – MFI 33 (not transcribable)

MR CHEN: Commissioner, the second Gows Heat heads of agreement is at volume 8, page 59. That was the context in which Mr Petroulias, as I understood it, was asking questions of Ms Dates.

THE COMMISSIONER: Thank you.

MR PETROULIAS: Yes, can you have a look at that? Could you look at the signature page? Now, if you, when you signed this agreement, do you remember signing this agreement?

20

THE COMMISSIONER: Sorry to interrupt.

THE WITNESS: It's my signature.

MR PETROULIAS: Yeah, do you remember signing it?---Can't recall but that's my signature.

Now, it's with Gows Heat. Is that because you understood Gows Heat to be associated with Cyril?

30

MR CHEN: I object, Commissioner.

THE COMMISSIONER: Yes, I reject that question. Mr - - -

MR PETROULIAS: When, when you signed that - - -

THE COMMISSIONER: Mr Petroulias, you might be able to help me as we've got the page up. The person who signed as director, what's the name there, the signature?

40

MR PETROULIAS: It says "per Jason Latervere".

THE COMMISSIONER: He's the man who, at the time - - -

MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - of this agreement was dead?

MR PETROULIAS: Yes, that's right. That's why it's, yeah.

THE COMMISSIONER: Well, how can anybody sign for a dead man?

MR PETROULIAS: It's "per" and then I've got a certificate of non-revocation that goes to the back of that.

10 THE COMMISSIONER: No, no. "Per" Mr Latervere.

MR PETROULIAS: Yeah.

THE COMMISSIONER: But he's dead. How can you be signing for a dead person?

MR PETROULIAS: I didn't know he was dead. I found out about a month  
- - -

20 THE COMMISSIONER: No, you may not. We know now, though, that he's dead.

MR PETROULIAS: Yeah.

THE COMMISSIONER: When this company was set up, two directors nominated. One of them was already deceased. We know that as a fact now.

30 MR PETROULIAS: Yes.

THE COMMISSIONER: So how, if this is a valid agreement, or said to be a valid agreement, how could it be if it was being signed on behalf of a dead person as purportedly once a director of the company? I don't get it.

MR PETROULIAS: I didn't know the guy was dead. I had a power of - - -

THE COMMISSIONER: I know you say you didn't, but we now know as a fact that the gentleman had pre-deceased.

40 MR PETROULIAS: Yes.

THE COMMISSIONER: Pre-deceased him even being nominated as a director.

MR PETROULIAS: Right.

THE COMMISSIONER: Right. So how can Gows Heat have validly been executing this agreement in this way? I don't think it could have, could it?

MR PETROULIAS: Oh, if you want to talk about the corporate, yes, no, that's, that's why I had it ratified.

THE COMMISSIONER: You agree with me?

MR PETROULIAS: I agree that it needed regularisation. That's why I had it ratified. There's whole stacks of material about - - -

10 THE COMMISSIONER: So this agreement - - -

MR PETROULIAS: Yeah.

THE COMMISSIONER: - - - never got off the ground in the first place, did it?

MR PETROULIAS: It never did, no. But with respect, Commissioner, there's a lot of evidence we've got in place about our resolution, ratification and fixing it up. No, that's in evidence. That's, sorry, in the, in the Gows material. Anyway - - -  
20

THE COMMISSIONER: You mean an ex post facto ratification - - -

MR PETROULIAS: Yes.

THE COMMISSIONER: - - - of something that a deceased person did? No.

MR PETROULIAS: No, that I did.  
30

THE COMMISSIONER: Or somebody acting on behalf of the deceased person?

MR PETROULIAS: No, something that I signed.

THE COMMISSIONER: Doesn't make sense, Mr Petroulias.

MR PETROULIAS: Well, it's - - -

40 THE COMMISSIONER: It doesn't make legal sense, I mean.

MR PETROULIAS: Oh, well, we'll get to that.

THE COMMISSIONER: Well, I hope we will because all of this is premised on the basis that this Gows Heat agreement was entered into as a valid agreement.

MR PETROULIAS: Well, this one never went anywhere, so, okay.

THE COMMISSIONER: All right. Now, what do you want to ask this witness about this? Anything else about this agreement, alleged agreement?

MR PETROULIAS: Other than – alleged agreement. If you had signed it, did you, when you had done so on the representation by me and from your understanding of what Cyril had represented that we're part of the same group?

10 MR CHEN: I object, Commissioner.

THE COMMISSIONER: I reject it. You can't have it in that form, Mr Petroulias.

MR PETROULIAS: Okay. You understood when you signed it that, that Gows was associated with the consortium?

MR CHEN: I object again. It's the same question.

20 MR PETROULIAS: Well, I thought she already said all that.

THE COMMISSIONER: Well, what's it matter what her understanding was? It doesn't make it the fact.

MR PETROULIAS: That I represented it to her that it was.

THE COMMISSIONER: Whatever her understanding was can't have any legal consequence, can it? It can't create a consortium just because you believe she believed there was a consortium there based on what you said.

30 MR PETROULIAS: Well, if I told her and she agreed and Cyril told and she agreed, then - - -

THE COMMISSIONER: But it doesn't make it so. It doesn't matter if a hundred people said it, it doesn't prove the fact that there was such a consortium in operation at the time.

MR PETROULIAS: Well, it's an oral agreement, that's all you need for a consortium, isn't it?

40 THE COMMISSIONER: Anyway, you've heard what I've said.

MR PETROULIAS: Okay. Let's move on. During the time that, that the board could not meet because they would not attend meetings, do you remember that I approached you with the idea that I wanted to bring in another party which eventually became Mr Zong, but I wanted to bring in other parties to take over the land development?

MR CHEN: I think, in fairness to the witness, really Mr Petroulias needs to be quite exact about what he is asking her about.

MR PETROULIAS: Yeah, I was going to take her to - - -

MR CHEN: The question – please Mr Petroulias, I’ll just finish – it contains a number of matters. It’s an important matter for this witness to know fully what she is being asked to agree to and I just ask Mr Petroulias to take that in to account, Commissioner.

10

THE COMMISSIONER: Well, Mr Petroulias, in fairness to the witness, who may not, and she doesn’t profess to say she does have a clear understanding about these matters, that’s no criticism of her, I think you’d better take it very carefully, one piece at a time. So you’re talking about you approaching her. We don’t know when.

MR PETROULIAS: Well, MFI - - -

20

THE COMMISSIONER: And you’re talking about wanting to take, to have another entity take over. This is all very general discussion. Let’s get down to some specifics. What do you want to put to her?

MR PETROULIAS: Well, her memory, what, she’s, she’s professed limited recollection and I’m trying to, from that limited recollection, what, what she can recollect, it’s the best I can do, isn’t it?

30

THE COMMISSIONER: Sure, I understand. Yes. But be precise. Take her to documents or agreements and that sort of thing if you are going to be specific about it.

MR PETROULIAS: I’m trying, can we have MFI 33, and I’m trying to get an early date in May. All my pages seem to be – can we have 5 May, MFI 33. Thank you. Debbie, do you remember that when the board didn’t meet, I came to you with various ideas to have, with various discussions, and that because there was no board we decided to record our discussions in this memorandum?

40

MR CHEN: Well, I think again, Commissioner, it’s extraordinarily broad, it’s covering a huge amount of - - -

THE COMMISSIONER: Well, I think you’re right. Let’s see if the witness understands what he’s referring to. Do you remember anything along the lines he’s now addressing, Ms Dates?---Yes, when I couldn’t get a board, board in, yeah, I remember that.

Do you remember any particular discussion you had with Mr Petroulias at that time or not?---We had a few.

Did you?---Yeah.

MR PETROULIAS: Do you remember us, me keeping, well, me and Despina and all of us keeping a record and then finally producing them in, in that form and then signing it each?---Yes.

10 MR O'BRIEN: Well, I'm sorry, that answer doesn't have any assistance, it doesn't provide any assistance because whether Mr Petroulias kept a record is something that the witness may or may not know about and she needs to be asked about that, then she needs to be asked the following question as to whether she saw it and whether she recognises it and whether she recognises this document.

THE COMMISSIONER: I entirely agree.

MR PETROULIAS: Okay. If you look at, it will be at page 8 or 9, and there's a signature at the back. There you go. Do you see your signature on that?---Yes.

20 Is that because at the end of each meeting or series of meetings I would present and say, "This is like minutes and this is our record of what we discussed," and you would read it and you would sign it if you agreed?

MR CHEN: I think, Commissioner, again it's extraordinary, it carries far too much. This is quite an important presumably document. She's been invited to assent to a series of propositions in the one question.

30 THE COMMISSIONER: Mr Petroulias, just take a step at a time. Let's concentrate on this agreement.

MR PETROULIAS: Yeah.

THE COMMISSIONER: Not in agreements generally.

MR PETROULIAS: Okay. We would record - - -

THE COMMISSIONER: No, no, no, you're talking about the general now.

40 MR PETROULIAS: Yeah. This is a record - - -

THE COMMISSIONER: You want to ask her about this agreement on the screen, don't you?

MR PETROULIAS: Yes.

THE COMMISSIONER: Let's ask her if she happens to remember this agreement or anything about this agreement.

MR PETROULIAS: Okay. Do you remember this agreement of, no, this record of, this record of our discussions in, in, in or around May 2015?  
---I can recall it, yes.

And before you signed it you would have it explained, you would read what you needed. Is that right?

THE COMMISSIONER: No, no, I reject the question in that form.

10 MR PETROULIAS: Okay. When you signed it, was it explained to you by me at least?---Yes, it was.

When you signed it did you - - -

THE COMMISSIONER: What explanation was given?---Because I couldn't get a board it was explained to me as that State Land Council can't help us or refused to help us and this was more like a minute taken at, at a meeting between probably Nick, Despina, our solicitor, Nick, our solicitor and about four or five board of directors because we couldn't get the rest of  
20 the board to meet because we tried to put this down before we got in contact with the registrar himself.

And when you said our solicitor, which solicitor are you talking about?  
---That's Knightsbridge, Despina.

Right. So there's a meeting. Who organised the meeting?---Me and the acting CEO at the time.

30 Steven Slee, was it?---No, I think it was Nicky Steadman.

Steadman.---Yeah. I think one was done with Steven Slee, I'm not sure.

So do you say this memorandum was organised - - -?---Yes.

- - - by Steadman?---Nicky Steadman or this was done by the solicitor with the CEO and then we called for a meeting.

That's Ms Bakis talking to the CEO?---Yeah, before.

40 And then a meeting takes place?---Yes.

You, Mr Petroulias, is that right?---A couple of board of directors.

Which ones?---I think it was Jaye Quinlan, Lenny, no, not Lenny, Richard Green, myself and two others or one other, I can't recall.

Look, Mr Petroulias, I see the time.

MR PETROULIAS: Yeah.

THE COMMISSIONER: We'll have to take this up tomorrow I think. Ms Dates, we'll have to ask you to return tomorrow. Now, Mr Petroulias, how long are you going to be with Ms Dates so that she can have some idea of - -

-

MR PETROULIAS: I understand what you've said a little better this time round. I'm going to put it in that form but it's still, there's quite a few  
10 documents to go through. It's just - - -

THE COMMISSIONER: Yes. Doesn't answer my question. How much - -

-

MR PETROULIAS: Well - - -

THE COMMISSIONER: Because I have to consider putting time limits around everyone in cross-examination, including yourself. I won't now specify a time limit but I need to have and give you the opportunity of  
20 telling me what's your reasonable assessment as you see it at the moment?

MR PETROULIAS: Tomorrow.

THE COMMISSIONER: Tomorrow, yes.

MR PETROULIAS: Yeah.

THE COMMISSIONER: How long tomorrow?

MR PETROULIAS: All of it.  
30

THE COMMISSIONER: You're not going to get all of it.

MR PETROULIAS: I mean, how else do I get - - -

THE COMMISSIONER: Okay, well, Mr Petroulias, I've warned you about studying the standard conditions.

MR PETROULIAS: Yes.  
40

THE COMMISSIONER: I'm going to apply those to you tomorrow and I want you to provide a document setting out clearly, in conformity with those standard directions, what it is that you, what remains that you wish to cross-examine this witness on. You most certainly will not have all day tomorrow, I can assure of that.

MR PETROULIAS: Well, at the very least everything that she signed.

THE COMMISSIONER: No, I'm not going to let you take her through everything she signed at all. I mean, you and Ms Bakis had her sign so many documents, but that would take a very long time if you're going to take her through every document, unless there's a specific purpose that conforms with the standard directions. I'm not going to tell you any more. You read them, I suggest, overnight and you give some thought as to how you're going to structure your cross-examination because you'll be put on a time limit. All right. Anybody else want to raise anything? Yes, Mr Goodwin.

10

MS GOODWIN: Commissioner, during this afternoon's session this witness was asked about documents produced by Mr Petroulias during his interview of Mr Green. I wonder if a copy of that bundle might be also made available.

THE COMMISSIONER: All right.

MS GOODWIN: Either in hard or soft copy so that I can consider whether to seek leave to cross-examine.

20

THE COMMISSIONER: Yes, all right.

MR CHEN: But it's been on the website, Commissioner, so it's - - -

THE COMMISSIONER: It is on the website?

MR CHEN: It is on the restricted website.

MS GOODWIN: I'm grateful. I hadn't realised. Thank you.

30

THE COMMISSIONER: Is it? All right, okay, fine. Very well. I'll adjourn. Now, Ms Dates, you may step down and we'll see you back here tomorrow at 10 o'clock. Ms Dates, just before you leave the hearing room, you're not to talk about your evidence with anyone. That includes Mr Petroulias. You understand? It includes anyone else in this hearing room apart from (not transcribable) but I just don't want you discussing the evidence before you return tomorrow. Do you understand?--Understand.

40

**THE WITNESS STOOD DOWN**

**[4.07pm]**

**AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY**

**[4.07pm]**