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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 7 AUGUST, 2018

AT 10.00AM

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

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

THE COMMISSIONER: Yes, Dr Chen, ready to proceed?

MR CHEN: Yes, Commissioner, I am. Commissioner, before the witness returns to the witness box, could I raise one matter and that is the transcript. It's apparent that there was a technical difficulty with the transcript for approximately 30 seconds as I understand it from just after lunchtime. As a way forward, Commissioner, Ms Curtin and I will prepare what we believe is an accurate note of the evidence that perhaps had not been able to be recovered and therefore transcribed and we'll circulate that tomorrow some
10 time to the various legal representatives who are before the Commission, and if there's any competing version perhaps they could respond to us by 9.00am the next morning and we'll see where we go from there.

THE COMMISSIONER: Yes. I'm happy with that arrangement.

MR CHEN: Thank you, Commissioner.

THE COMMISSIONER: Thank you. Yes, thank you, Ms Bakis. I'll have the oath re-administered I think as well. Ms Bakis, I'll have the oath re-
20 administered, thank you.

THE COMMISSIONER: Just take a seat, Ms Bakis. Yesterday I made a declaration under section 38. It is requested that declaration continues to operate today.

10 MR CHEN: Ms Bakis, yesterday I was asking you some questions about the K&L Macquarie bank account number 8-8-4-9. Do you recall me asking you some questions about that account?---Yes, I do.

And as I understood your evidence, at least part of it, was that it was a kind of paymaster account. Is that part of what you gave evidence about yesterday as to what its function was?---Yes.

And during the course of the operation of that account, in particular 2016, there were a number of credits towards that account, were there not?---Yes.

20 And also there were a number of payments made out of that account, were there not?---Yes.

And you were the authorised user of that account, were you not?---Yes.

And in fact, when the account was opened with Bankwest, you were the only authorised user, were you not?---Macquarie.

I'm sorry, Macquarie.---Yes.

30 To the extent that anybody else operated that account, it was because you provided those other persons with the material that enabled them to access that account. Is that so?---Yes. The logins and passwords, yes.

Now, you know of course the company Able Consulting, don't you?---Yes.

Who was the director of Able Consulting in August of 2016, Ms Bakis?---I don't know.

40 Do you know who had been directors of that company at any time?---Yes. I know, I think Greg Griffiths is the current director and I think Greg Vaughan was a director at some point.

THE COMMISSIONER: Just to clarify, those two names again? Greg - - - ?---Greg Griffiths.

Griffiths, yes.--- And I think Greg Vaughan was a director. I could be wrong about that.

MR CHEN: Who is Greg Griffiths, Ms Bakis?---He is, he's a gentleman from Gunnedah. He is the, I think he's the court authorised representative for the Gomeroi Traditional Owners Group.

He's a friend, you would know, of Mr Richard Green, isn't that right?

---They're good friends, yes.

10 And Mr Green's given some evidence that his occupation is that of a bus driver at White Haven. Do you know anything about that or not?---I'm not, I thought he had a more important role than that but yeah, I, I thought he, he organised everything for that corporation in terms of staffing and sending people - - -

What corporation are you talking about? White Haven or Gomeroi?

---Gomeroi, Gomeroi. Gomeroi had contracts with White Haven and I think he, he organised the Aboriginal employment matters for that between the two entities.

20 And have you met Greg Griffiths?---I have.

How many times?---Oh, maybe three times.

And in what context have you met Mr Griffith?---I don't remember.

All right. Do you know when you met him?---No.

Can't say at all?---No.

30 THE COMMISSIONER: Where did you meet him?---I don't remember.

MR CHEN: Do you know how he came to be a director of Able Consulting?---I'm not sure. I, I'm pretty sure he agreed to it. He was very interested in the United Land Council's venture and he was I think, Able was going to be a management company for a few things so he was willing, willing to, to help.

All right. Is it - - -?---But in terms of his directorship, I don't recall how that happened, yeah,

40 Well, did you have any role in him being appointed a director of that company?---I may have.

All right. And when you say, "May have," what's the extent of your involvement?---I don't remember.

Nothing about it?---I honestly have no recollection of how he was appointed or when I did it, if I did it.

All right. Well, if it wasn't you, it was Mr Petroulias I take it. Is that right?

MS NOLAN: I object.

THE WITNESS: I just said I don't remember. So, you can't infer anything from that. It may well have been me.

MR CHEN: All right. Well, are you able to assist the Commission in identifying anybody else that may have facilitated his appointment as a director?---It would have been one of the two of us, I assume.

You or Mr Petroulias?

THE COMMISSIONER: Sorry, one of the, what do you - - -?---Me or, or Nick Petroulias perhaps, yeah.

MR CHEN: Would you have a look, please, at volume 38, page 324 and you will see there on the screen in front of you, Ms Bakis, that there is an entry on 24 August, 2016 on the third line for \$2,200 of credits. Do you see that?---Yes, yes.

Now, I want you to assume for me, Ms Bakis, that that is a credit from Able Consulting or a bank account in the name of Able Consulting. Would you just assume that for me, Ms Bakis?---Yes.

Why was that money received from Able Consulting, Ms Bakis?

MS NOLAN: I object. How can the witness speculate on the basis of an assumption? I mean she's been asked to assume something. She can't then hypothecate.

THE COMMISSIONER: Well - - -?---Well, I can answer that. I just don't remember. How the hell would I know?

You don't remember?---How the hell would I know? I don't even know what that is. I have to assume that you're correct, Mr Chen.

So you have no knowledge at all about the matter?---Well, I, my evidence was clear yesterday. I, I wasn't doing most of these transactions so - - -

MR CHEN: Were you doing this transaction, Ms Bakis?---I don't remember. I don't know.

Do you recall at all any transactions in this account that you're the authorised user of for your firm involving Able Consulting?---I wouldn't have done any Able Consulting transfers.

Why do you say that?---I just wouldn't have. There wouldn't have been any reason for me to do those transfers.

So are you able to say then who else it would have been?---It, well, the only other person with the log-in was Mr Petroulias.

THE COMMISSIONER: It appears to me that, you correct me if this is not right, that this account was being substantially operated by him for whatever business interests he had.---That's right.

10

MR CHEN: And you didn't provide the bank account details, I take it, to anybody at Able Consulting did you to enable this credit to come into this account?

MS NOLAN: I object. If someone wants to pay money into the account they don't need log-in details if that is what my friend's question is going to. If it's bank details - - -

20

MR CHEN: Well, if my friend would listen, the question was directed to providing information to Able Consulting to enable it to occur and I assume my friend would understand that was the purpose of the question.

MS NOLAN: If that's it, it's clarified. Thank you.

MR CHEN: Well, it didn't need clarification. That was the question.

THE COMMISSIONER: Just put the question again.

30

MR CHEN: I take it, Ms Bakis, that you didn't provide the details of this account to Able Consulting to enable that credit to occur?---That's right.

And so far as you know the only other person with those log-in details and knowledge of the bank account details to enable that to happen would be Mr Petroulias. Is that right?---That's right.

THE COMMISSIONER: Do you know what work, if any, Able Consulting was doing at this time, 24 August, 2016 - - -?---24 August.

40

- - - in relation to any interest of Mr Petroulias?---It was going to have a role in the Advantage venture but that hadn't, I mean we're in August, '16. That hadn't been approved so it didn't have that role as yet. I, I don't know. You'll have to ask him.

MR CHEN: Well, I asked you some questions yesterday, Ms Bakis, about Best Pay Custodial. Do you remember me asking you some questions about that?---I do.

And do you also know a company called Best Industrial Sales?---I know of it, yes.

What do you know of the company Best Industrial Sales, Ms Bakis?---It's an Australian company.

Well, who are the directors of the company do you know?---No idea.

Do you know what it does?---No idea.

10

Do you know whether it's ever done business involving or it's ever been a client of yours?---Never been a client of -- oh, I, if I ever had a role with that entity it, no, I'm pretty sure I haven't. If you're talking historically, no, I've never acted for that entity, no.

THE COMMISSIONER: Who was behind Best Industrial Sales, do you know?---Oh, I don't know.

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

20

MR CHEN: You don't know anything about it. Is that a fair summation of your evidence?---No, I've heard, I know, I know, I know Nick Petroulias has mentioned the company to me but I, I don't quite know what its role was or ---

My question is, you don't know anything about it. I'm not asking you what he's told you, whether he knows something about it. I'm asking you whether you know something about it or not.---No, I don't know anything about it. If I can't refer to what I've heard from other people, no, I don't.

30

Well, to the extent you have any knowledge, is it limited? Is that right? ---That's right.

And to the extent you have any knowledge, it's come from Mr Petroulias, is that right?---That's right.

But otherwise you have no other connection to it, is that correct?---Pretty sure that's right.

40

All right. So -- -?---Commissioner, I'm not sure if I manage his ASIC registration. That's the only thing I may do.

MR PETROULIAS: Commissioner - - -

MR CHEN: Sorry, just before this, could you repeat that? I'm sorry, I didn't - - -?---I'm not sure if I'm the ASIC registered agent for that entity, but that's really not an important role.

I think Mr Petroulias has an application.

THE COMMISSIONER: Yes?

MR PETROULIAS: Yes, [REDACTED]

THE COMMISSIONER: When you say a portion of it, what portion are you talking about? In general terms, what area are we talking about? Does it concern Best Industrial Sales?

20 MR PETROULIAS: Well, yes. It's what I call, if I can largely group them, let's call it the back end. Not, the back end of what happens with all these companies that don't relate to Awabakal, and they're financing the transactions that go round and round in circles, which I'm primarily responsible for. I'm happy, I mean, happy to - - -

THE COMMISSIONER: Sorry, but Best Industrial Sales, if it was in what you call the back end of transactions, which is what I understand you're saying, well, why should that be dealt with in a private hearing?

MR PETROULIAS: [REDACTED]

40

THE COMMISSIONER: In terms of what you refer to as personal safety, do you say that that's associated with the company Best Industrial Sales or people associated with it?

MR PETROULIAS: Yes.

THE COMMISSIONER: But it's your company.

MR PETROULIAS: Yes. And as you can see, Commissioner, I mean, and it's obvious from the Gows bank accounts, there are a lot of multiple names that are me and that sort of thing, and they were occasioned by the situation we found ourselves in. And all, all I'm saying is I'm not, all I'm suggesting is we, we, we have a dry run in a private hearing from which you can determine how much of it is relevant to your inquiry and how much of it can stay private and how much needs to be public.

10 THE COMMISSIONER: Well, Mr Petroulias, I think in the absence of some affidavit evidence or other evidence from you about this question you've raised [REDACTED] I think the preferred course would be to proceed with the evidence, and if there is evidence that suggests that it may give rise to you or others being in personal jeopardy, then it can always be suppressed under section 112 of the Act. I'm disinclined to - - -

MR PETROULIAS: Can that evidence - - -

20 THE COMMISSIONER: - - - transfer a public inquiry into a private hearing unless it's absolutely necessary, and at the moment I don't see it's absolutely necessary.

MR PETROULIAS: I'm saying - - -

THE COMMISSIONER: I might have a better idea of what you're referring to once we get the evidence out and then we can determine whether or not it should be suppressed or not.

MR PETROULIAS: Okay, Commissioner. That's fine.

30 THE COMMISSIONER: I think in that way I'm indicating to you that if there's a proper basis to protect you or others, that protection can be afforded to you and others, but it does depend very much upon what evidence comes out and Counsel Assisting would be familiar with the area that we're going down at the moment and I also rely on his judgement to indicate if he sees any problems arising of the kind you've referred to. In which case, I will have his assistance and forewarning.

40 MR PETROULIAS: Okay. Can I just let you know then, okay, that evidence that you require, I'm happy to give it by way of (not transcribable) or whatever we call it. So - - -

THE COMMISSIONER: All right - - -

MS NOLAN: [REDACTED]

[REDACTED]

THE COMMISSIONER: Well, at the moment, it's - - -

MS NOLAN: - - - at an appropriate time to deal with it.

10 THE COMMISSIONER: Yes. Well, certainly I'll give you the opportunity to deal with it in the appropriate time. At the moment, it's just unsupported assertion at the moment but - - -

MS NOLAN: I know but that's - - -

THE COMMISSIONER: - - - I am prepared to reserve the question as to whether any extraordinary steps should be taken to - - -

MS NOLAN: Is it open to - - -

20

THE COMMISSIONER: - - - ensure that this matter is not ventilated.

MS NOLAN: Is it open to the Commission to make a temporary suppression order because I know that there is huge media interest in this and there seems to be – anything of this calibre tends to be reported. If this is something that you're minded to do, I'd invite you to.

30

THE COMMISSIONER: Yes. It would be open to me to use the power to suppress evidence at any stage but there is a balance to be struck between the public interest in the public inquiry on the one hand and the confidentiality, if it's necessary on the other. I'm not prepared to go into private hearing just whenever there's an assertion of a matter of this kind which is serious in nature. It's got to be properly supported. But in the meantime, I can issue a suppression order. In my experience, the media does adhere to the suppression orders. They are obviously conscious of the fact that if they were to – they or anybody – were to contravene a suppression order, they would be in deep trouble. So, my experience has been suppression orders are effective.

40

MS NOLAN: Well, I've said what I need to say. Thank you, Commissioner.

THE COMMISSIONER: Yes. Thank you. Now, Dr Chen, do you want to make any observations about this or do you support the course I've suggested?

MR CHEN: Could I make some observations first?

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, and then perhaps express an opinion or a position. Commissioner, the company Best Industrial Sales was dealt with at length with Mr Green when the Commission last sat. The bank account details of that account are in evidence. The company details are in evidence and I asked questions of Mr Green at some length about what lay behind that and various transactions which lay behind it. Commissioner, it's never been suggested until Mr Petroulias rose, and thereafter perhaps defensively
10 Ms Nolan said something, that there's ever a question about this, so the timing is something that is significant in my respectful opinion. That is, no one has foreshadowed there is anything untoward about this account other than it fits somehow within the various accounts that perhaps we'll hear some evidence about today. Commissioner, the other matter is, this witness says she knows nothing about it and that's her evidence. I'm content to proceed further to ask some questions about why it appears in her account and I assume she'll give some answers perhaps consistent with what she's said already today, but in my respectful submission, in light of her evidence,
20 in light of the timing, there cannot be a proper basis to make an order supressing this. If indeed there is something lying behind it, Commissioner, the timing of that would be ultimately a question for you as to whether you want to hear an application by Mr Petroulias now, that there's somehow links to, well, I don't know, I don't want to paraphrase what he said.

THE COMMISSIONER: I think we'll continue and just see how we go at this stage, and we'll come back and review the course that should be followed, but I think we'll take a wait-and-see approach at the moment.

MR CHEN: As the Commissioner pleases. Now, Ms Bakis, again for Best Pay Custodial, I took you to that yesterday, that again is a company that you
30 know in practical terms very little about, is that right?---That's right.

To the extent you have any knowledge about it, it's come from either Mr Petroulias, is that right?---That's right.

Or possibly Mr Green, is that right?---That's right, yeah.

But you know nothing about what the business of Best Pay Custodial does, is that the position?---Yes.
40

And the various – sorry, I withdraw that. As with Best Industrial Sales, it's never been a client of yours, I take it, is that right?---That's right.

So I just want to ask you some questions about some of these entries in this account of Knightsbridge North Lawyers, the Macquarie account. Would you have a look, please, at volume 38, page 316. You can see down the bottom, Ms Bakis, that there's an entry on 4 April, 2016, involving Best Pay Custodial. Do you see that?---Yes.

And that involves paying out from this account \$150,000. Do you see that?
---Yes.

Did you perform that transaction online through this account, Ms Bakis?
---No.

You're certain of that?---Absolutely.

10 Did you provide Best Pay – sorry, I withdraw that. Did you acquire Best Pay Custodial's bank details to enable that transfer to occur?---I just answered that question. I said no.

No, I asked - - -

THE COMMISSIONER: It was a different question. Just listen to the point of the questions.

20 MR CHEN: Did you acquire the bank details of Best Pay Custodial to enable that transfer to occur?---Okay. I think what you're asking is did I, did I create Best Pay as a payee in the bank's system. The answer would be no.

Ms Bakis, just so you're answering my question, not the one you pose - - -?
---I don't understand your question. Can you rephrase it?

30 THE COMMISSIONER: Well, you just listen very carefully because the question I thought was very clear. But perhaps you may not have absorbed the details of the question, so if you wouldn't mind just attending to the question.

MR CHEN: Did you get the bank details from Best Pay Custodial to enable that transfer to occur?---No.

You hesitated there.---I don't understand what you're asking me. I said I didn't do the transaction, so I think a lot follows from that. I, I, I'm really unclear as to what, what – no.

40 Well, Ms Bakis, let me try and help you. You're obviously familiar with using online or internet banking, are you not?---Yes, I am.

And you know that when you pay money from account A to account B, you need account details of account B, don't you?---Yes, that's right.

And you need to put those account details when you transfer the money, otherwise it won't go anywhere, is that right?---That's what I had just said earlier, yes.

Please, Ms Bakis, I'm trying to assist you in understanding the question I put.---You're not listening to my answers. I did not enter the bank, those bank details into - - -

THE COMMISSIONER: No, that's not what you're being asked, madam. You don't seem to, you seem to have - - -?---I, okay, all right. Mr Chen can finish.

10 You seem to have trouble understanding the question.---I do.

Now, I think if you try really hard – and it's already been explained twice now – to listen to what's being put to you, you'll get the point.---Sure.

MR CHEN: And to enable that transfer to account B to occur, somebody has to get account B's details, would you agree?---Absolutely.

My question to you is, were you the person that got those details from Best Pay Custodial to enable that transaction of 4 April, 2016 to occur?---No.

20 THE COMMISSIONER: Do you know what this transaction relates to, this debit of \$150,000?---No.

It's a large amount of money. It's probably one of the largest amounts in this account so far. You don't recall it, \$150,000?---I didn't do it so I wouldn't recall it. I just, just - - -

MR CHEN: Well, Ms Bakis, you access this account electronically, don't you?---Occasionally, yes.

30 Well, you have used it to receive and to pay moneys out of it, haven't you? ---I have.

And that requires you to log in online, does it not?---Yes.

And you would also receive paper statements, wouldn't you?---No.

Didn't receive paper statements at all?---No.

40 Never printed out the statements at all, ever?---I did.

You did?---Yes.

And you would look at them, wouldn't you, to see, well, how much money have I got in my account and what transactions have happened surely? ---Okay. I didn't view this as my account.

Whose account did you view it as?---It was Mr Petroulias's account.

So when you printed out the statements or looked at the statements, what did you do with them?---Filed them away under stuff to look at later when I'm doing stuff. I don't know what you mean.

And when you're doing stuff, do you actually cast your eyes over these statements to see what's happening in this account?---Yes.

And you would see, wouldn't you, that, gee whiz, there's quite a few transactions going through here, wouldn't you?---Yes.

10

What's going on?---That's right.

And you would have seen a number of these transactions such as the one that I've just asked you about on 4 April, 2016?---Yes.

And did it not occur to you to wonder what's going on there?---Well, I knew it was money from this Gows transaction. That's what I thought.

20 THE COMMISSIONER: So you knew it was what?---Money from the Gows transaction.

From the Gows transaction.

MR CHEN: And that you assumed, I take it, that Mr Petroulias therefore is transferring it from this account into – I'm sorry, receiving that money from Gows and then transmitting it to Best Pay Custodial?---Yes.

And did you ask him why that was happening?---No.

30 Not at all?---No.

Didn't ask him any questions about why this was happening?---I expressed my displeasure at this happening but I didn't ask him why he was doing it.

THE COMMISSIONER: Why did you express your displeasure?
---Because I just didn't understand why money was going in and out.

40 MR CHEN: So when you said yesterday at least at one stage in your evidence that this was a paymaster account by you, really are you now saying that in fact this is a paymaster account of Mr Petroulias's?---No. Strictly speaking it was, it was, it is a paymaster account.

I think we've gathered that. My question has accepted that proposition for present purposes. I'm asking you whether in fact the characterisation at least on one part of your evidence yesterday that you were the paymaster but in fact really this is a paymaster account for Mr Petroulias?---Yes.

So really this is an account which he is using with your authority to transact the Gows money amongst various accounts. Isn't that right?---Yes.

Now, did you know that Best Pay Custodial had a number of bank accounts, Ms Bakis?---No.

You didn't know that at all?---When you say, it's just something I never thought about. It may have two accounts.

10 Did you know that it had two or more accounts or you don't know?---I never really thought about it, no.

Well, you would have known, would you not, that Best Industrial Sales apparently had a bank account from this, or the transactions that occurred in this Macquarie account, would you not?---I think it had a Westpac account. I think. I could be wrong.

You knew it had an account, didn't you, Ms Bakis?---Yeah.

20 And that money was coming or being transacted as credits and debits from this account involving Best Industrial Sales. Isn't that right?---Into the Knightsbridge account or into, which account are you talking about?

The two that I mentioned in my question.---Oh, Best Pay?

No. Best Industrial Sales, Ms Bakis.---Did I know that Best Pay was paying money to Best Industrial?

30 Ms Bakis, can I just respectfully ask you to listen to my question and not create new ones? I'm asking you, and the series of questions beforehand were directed to Best Industrial Sales. Do you understand that?---Yes.

Sorry, would you please speak into the microphone.---Yes.

You accept, do you not, the transactions were occurring from the Knightsbridge North Lawyers Macquarie account to Best Industrial Sales? ---Well, I assume so from what your question is, but yes.

40 Well, it's on the statements.---Is it?

Right. You don't accept that, is that your proposition?---I'm not saying I don't accept it. I don't have a statement in front of me. I don't know. I'm sure you're right.

Well, I'm asking you whether you knew about that, Ms Bakis.---I don't. Right now I didn't, but if I look at it I may go, oh, yeah, I remember seeing that transfer.

I'm asking you about whether you knew Best Industrial Sales had a bank account or not that was involved in transactions from this account.---Yeah, I probably did know that, yeah.

Now, you obviously knew as well – because you operated it – Gows Heat had a Macquarie account, isn't that right?---I said yesterday I didn't operate that account, didn't I?

My question was it had an account, Ms Bakis, so - - -?---No.

10

You know, don't you, that Gows obviously had an account, don't you?
---Yes.

And that between your Knightsbridge North Lawyers account and Gows Heat there were a considerable number of transactions in the period 2016-2018, were there not?---I assume there were.

20

Well, you know that there were, don't you?---Well, if, if, if you're asking me to say I know whether there were direct transfers from Gows Heat to Knightsbridge, I couldn't categorically say, yes, there were. There probably were but I can't say yes or no.

Well, Ms Bakis, just have a look if you would at page – sorry, volume 38, page 317. And by way of example, Ms Bakis, on this page you can see quite obviously that there appears to be transactions on 4 April involving Gows Heat.---Well, there you go. That's the answer, then. Yes.

As well as 5 April, 2016. Do you see that?---Yes, I do.

30

12 April, 2016.---Yes.

You knew at this time, surely, Ms Bakis, that this account, the K&L account, was transacting between – I withdraw that. You knew at this stage that this K&L account was transacting with the Gows Heat account, don't you?---I probably did know it, yes.

And you knew that those transactions continued throughout 2016 all the way up to 2018, did you not?---Yeah.

40

And in fact there were 49 such transactions between these two accounts, weren't there?---I assume you're right.

Well, you know there were a substantial number, don't you, Ms Bakis?
---Well, there's three there so I assume there's another 46 somewhere.

That's consistent with what you knew about how this account was being operated at the time, Ms Bakis, didn't you?---I'm surprised by the number.

THE COMMISSIONER: Maybe so, but the fact that there were many transactions between the two accounts was consistent with what you had come to know over a period of time, that such transactions were occurring. ---Yes.

MR CHEN: And the credits into this account for Gows were over \$2 million, Ms Bakis, isn't that right?---Well, I assume you're right.

10 Well, you know that's the case, don't you, Ms Bakis?---No, I don't know. I don't know. I don't know.

What do you say, Ms Bakis, is your knowledge of the general amount of money that was received from Gows Heat into this account?---Well, it couldn't, I have no idea.

None at all?---No. I have no idea.

20 And what about moneys that have been paid out from the Macquarie cash management account into the Gows account? How many or how much money was paid out to Gows from this account, Ms Bakis?---I have no idea.

Well, Ms Bakis, you can - -?---I don't view this as my account, Mr Chen. It's not \$3 million I can go and spend so I don't really care.

Now, Ms Bakis, you know, don't you, that Mr Green has been paid out of this account. Isn't that right?---Has he? Yeah.

30 Well, you know that, don't you?---I'm not sure. I couldn't tell you when or what amounts.

I'm not asking you that. I'm asking you whether you know that Mr Green has received money from this account?---Yes.

And I think what you said yesterday is that it's possibly because it was a loan to you from him?---What? No, I didn't say that yesterday. I never said that yesterday. That's what Richard thinks.

40 THE COMMISSIONER: What were then the amounts paid to Green for? ---You'll have to show me what you're talking about. I have no idea what you're talking about, Commissioner.

Well, do you have any idea as to why Green was being paid out of this account?---No idea.

No idea at all?---It's all part of United Land Councils. They, they needed funding to do what they were doing. I assume Mr Green was being paid a consultancy for doing all the work he was doing.

MR CHEN: We'll have a look at volume 38, page 314 and you'll see on 8 February that Mr Green apparently was being paid \$11,340 with a description "settlement purch". Do you see that?---Isn't that money coming, it's coming in?

Yes, well, a credit.---Yeah.

Well, why is that money being paid into the account, Ms Bakis?---I don't know.

10

You can't offer any explanation - - -?---No.

- - - as to what it's for?---Absolutely can't remember. Don't know.

What about the description, does that not assist you in - - -?---"Settlement purch". No, it's very unhelpful.

Well, have a look, please, at volume 38, page 322 and you will see on 6 July, 2016 there's a transfer to Mr Green. Do you see that, Ms Bakis?

20

---Yeah.

What does that relate to?---I don't know.

Did you do that transaction, Ms Bakis?---No.

Are you sure of that?---Yes.

You can't offer any explanation for it other than it's obviously done by Mr Petroulias. Is that right?---That's right.

30

We'll just have a look at a couple of other ones, Ms Bakis. Look at, please, page 324 and you will see on 24 August \$11,300 is being paid into the account apparently by Mr Green for "legal arrangements". Do you see that entry there, Ms Bakis?---I do.

Do you know what that relates to?---The only thing I can, we were, I had done some work for him on a custody matter. I'm not sure if that relates to that. I'm not sure. I don't know.

40

What else could it relate to, Ms Bakis?---I have no idea.

Well, look further down on 9 September you will see the account is credited for \$11,350 apparently by Mr Green again for "investment" what I assume is "arrangement". Do you see that?---Yes.

What does that relate to, Ms Bakis?---I don't know.

Do you know how Mr Green got the account details for this account?---He probably asked for them.

Did he ask you for them?---No.

Did you ever provide him with them?---No.

Are you sure of that?---Yes.

10 Now, Ms Bakis, would you look please at volume 38, page 315 again and you'll see there's some entries on 1 March, 2016, a series of them?---Yes.

And you'll see the last one is again a payment to Richard Green?---Yes.

Of \$6,100.---Yes.

Did you transact that, Ms Bakis?---No.

Do you know what it's relating to?---No.

20

Can't assist in any way at all?---No.

And if you look above it, you'll see there's a transaction, again a payment to what appears to be Michael Pearson. Do you see that?---I do.

Did you transact that?---No.

Do you know what it relates to?---No idea.

30 And is Michael Pearson Mr Petroulias?---It could be. I, I don't know.

You don't know?---Why are you surprised?

THE COMMISSIONER: Mr Petroulias used to use the name or has used the name Michael Pearson, hasn't he?---No.

No. He's used the name Nick Pearson?---Nick Pearson, yes.

Has he ever used Michael Pearson?---I didn't think so.

40

MR CHEN: Are you looking at Mr Petroulias now while you're giving evidence?---No, no. I, when the, when the Nick Pearson, someone said Nick Pearson, that, that jogged my memory. Nick Pearson, not Michael Pearson.

Right. So what's your evidence?---So what's your question?

Do you know this – the question I asked you a moment ago, Ms Bakis, is -
-?---Do I know Michael Pearson?

Please. Is this Mr Petroulias?---It could be.

Well, what's the basis for you saying it could be?---I, I don't know.

Well, you're giving the evidence so you must have a basis to say, "Could
be." You either know or you don't know. What's the position?---I don't
10 know.

Never heard him use that name before?---Michael Pearson? No.

Never seen him use that name before?---What was the date on that
statement? '16. No.

THE COMMISSIONER: Well, there's another entry on 4 October, 2016,
page 324 again in the name of Michael Pearson, it says, presumably
Michael Pearson. Do you know if Mr Petroulias was using that name at
20 time for the purpose of this account?---I don't know.

Do you know a Michael Pearson?---No.

Never heard of anybody else by that name?---No.

MR CHEN: There are in fact 14 transactions to this chap Michael Pearson,
to Michael Pearson, and you know nothing about them, I take it?---No.

You're agreeing with me, you don't know anything about them?---I don't
30 know anything about them.

All right. Would you have a look, please, at volume 38, page 319 and you
can see on 9 June there are a series of transactions.---Sorry, just getting
there. Yep.

THE COMMISSIONER: There's 14 transactions all on 9 June. You see
them there?---Yes.

It occupies the first half of that page.---Yes.
40

MR CHEN: Now, do you know anything about what these loan
arrangements are referred to in the first two entries of that page?---No.

Do you know who, "Funds transfer to InfoTrack," is?---Yes.

Who is it?---They are – legal search company. They, yeah.

Right. And is that a transaction that you undertook?---I don't know if I undertook it or if I gave Mr Petroulias the invoice to pay. I don't remember.

Well, if you can look down again, you can see, "BPAY to LegalinX Pty Ltd"?---Yes.

Who's that?---LegalinX. LegalinX. I think, again, they're another search company, a legal search company for title searches, et cetera.

10 Have you got a folder of this in front of you? Is that what you're looking at? This is the hard copy. Just so it's clear, Ms Bakis, you're looking at volume 38, are you?---Yes.

THE COMMISSIONER: It may have been marked as Exhibit 97. It's one and the same. That's what you've got in front of you.---Yes.

Have you got any other documents there besides that or is that - - -?---No.

20 MR CHEN: So if you keep looking down, LegalinX is a search company, sorry, did you say?---Yeah, I, I think so, yeah. A search company.

Was that somebody that you retained or used in the course of your work as a lawyer?---I did.

And this is an account to be paid, is it?---Yes.

And did you pay that account?---I, I don't remember. Often I would give them to Mr Petroulias and he'd pay them.

30 You're not denying it that you did it, but you can't say whether it was him or you, is that the position?---I don't think I did do it.

You don't think you did it?---I don't think so.

And what about BPAY to Company Dynamics on 9 June. There are three. Do you know what that relates to?---They would have been company set-ups, I imagine.

40 THE COMMISSIONER: Sorry, company - - -?---Company incorporations.

MR CHEN: Who for?---I don't know. I have absolutely no idea, no recollection of what these three companies were.

Well, as I understood it from your evidence yesterday, you didn't have any clients of your legal practice in 2016 aside from the Land Council.---Yes.

So who were you setting up these companies for, if anyone?---Was I setting them up, was I?

Well, I thought that's what you said they were - - -

MS NOLAN: No, object.

THE WITNESS: No, no. Putting words in my mouth.

MS NOLAN: That's not the – that wasn't the answer.

10 MR CHEN: I'm sorry if that's not the answer. What was your evidence?
That - - -?---Well, you asked me what these were and I said Company
Dynamics I think are company incorporation payments, and then you asked
me who they were for and I said I don't know.

And you don't know what company – I'm sorry, when you say company
incorporation payments you mean fees associated with incorporating
companies?---Yes, yes.

20 And you were setting up companies, were you, at this time? Is that the
position?---May have been doing it for United Land Councils.

THE COMMISSIONER: Is Company Dynamics a company that provides
services of selling or setting up companies for clients?---I think so.

And this would appear to be fees in the amount of 596 paid to Company
Dynamics to set up or purchase three shelf companies, is that right?---Yes,
that's right.

30 MR CHEN: So was United Land Councils in fact a client of yours in 2016,
Ms Bakis?---Well, I was acting for them but I definitely wasn't generating
fees from them.

Well, it wasn't generating any fees itself, was it?---Well, no.

So if we go down a bit further you'll see there's a couple of other expenses
on 9 June. Rent a Space. What is that for, Ms Bakis?---That's storage.

40 And where's the storage? Is that associated with your practice or is it just
for private use?---It's associated with my practice.

I see. And the next one is Telstra. I assume that's for your
telecommunications, is that right?---Yeah, it could, it could be a mobile
phone account or internet, I'm not sure.

And if you go down a bit further, you can see Smartcorp. Who is that?
---Again they're, they incorporate companies.

The Company Dynamics are all separate payments for the incorporation, you would say, of separate companies, is that the position?---Yes.

And what's the role of Smartcorp in establishing companies resulting in a bill of \$30?---Oh, if it's \$30, I mean, would have been a fee to do something small. I'm not sure.

Well, you can see the next one is another payment to Gows Heat of \$30,000.---Yeah.

10

And I take it you know nothing about that at all.---Well, I, I didn't do that transfer.

And just to complete 9 June, you can see transfer to Golden Bliss.---Yes.

What does that relate to, Ms Bakis?---It's a lady called Glenda, Glenda Schmidt. She's a, she's a therapist for Mr Petroulias. She's - - -

That's all right.--- - - - spiritual adviser, something like that.

20

And the last one there talks about 9 June, a BPAY to Woolworths credit CA.---Yes.

What's that to do with?---I don't know.

Now, Ms Bakis, I want to ask you some other questions about the Gows Heat account.

THE COMMISSIONER: Just before you do, are you leaving that page?

30

MR CHEN: I was, Commissioner.

THE COMMISSIONER: There's just one matter. You might be coming back to it. Just while we were on it, it's page 319. There's an entry on 20 June, '16. You will see that it's entitled "legal arrangements", credit of \$175,000. What was that about, do you know?---I don't know. I couldn't even tell you where that came from.

MR CHEN: I can assist you, Ms Bakis.

40

THE COMMISSIONER: You can.

MR CHEN: It's from Gows Heat.---Well, there you go. So any transfers that are in Gows in this account I didn't, weren't, weren't me.

THE COMMISSIONER: I'm sorry, I couldn't hear you.---Sorry. I did not do this transfer. I don't know what it was about.

Well, I'm told it probably relates or it does relate to Gows Heat. Does that sound right to you?---Sounds right.

MR CHEN: It certainly is not payment for fees, is it?---I wish. It'd be nice.

Well, Ms Bakis, Gows Heat is a shelf company or it certainly was until it had this deal with the Land Council. Isn't that right?---Yes.

10 And - - -?---Well, I think it had a bit of history before that but, yeah, let's, let's say it was a shelf company before that.

THE COMMISSIONER: Well, did it have an operating history before?---I, I think it did. I think it did.

MR CHEN: And so let's just pick a couple of years prior to the dealings with the Land Council. What did it do so far as you know, Ms Bakis?---It was a company that was part of a business for one of my clients, Geoff Buckfield, and he had no use for it any longer.

20 THE COMMISSIONER: Who was that client?---Geoff Buckfield.

Geoff?---Buckfield.

Buckfield.

MR CHEN: And so it became dormant. Is that the position?---Became, yeah. Sorry, that's right.

30 And what income did it receive say in the few years prior to 2015, if any, do you know?---Probably none.

And how did you become involved with Gows Heat initially, Ms Bakis?---I don't remember. It's not my company. I'm not sure what you're asking me, sorry.

40 Well, I'll ask it again because you've taken a long time. How did you first become associated with it?---Oh, through Vince Di Bella. So Vince Di Bella was Geoff Buckfield's accountant and the shares were transferred from my recollection. Really my memory, I don't know. I can't, I can't answer this without being vague. I don't know.

THE COMMISSIONER: Well, what was the first matter of business engaged in by Gows Heat that you became aware of?---I just don't remember. I'm really trying. I mean we're going back eight years now aren't we? I'm not sure, seven.

I'm having trouble hearing you.---Sorry, it's not, I'm speaking into it.

If you just raise your voice a little bit and it'll get - - -?---Sorry.

- - - picked up by the microphone.---I don't remember.

You don't remember.

MR CHEN: Well, I think it's clear you operate an account for Gows Heat. That's right, Ms Bakis, isn't it?---Yes.

10 So how did you become involved in being the party who would be the operator of that account?---I don't remember, I don't remember, I just don't remember where the instructions came from to set up the bank account but I do remember going to Macquarie to open an account.

Well, presumably you had to have authority to do it?---I did have authority.

From who?---I don't remember.

20 Well - - -?---I honestly don't remember.

Let's work through who might have done it. Was it Mr Petroulias?---It may have been.

Well, who else do you think it could have been?---I don't know.

Well, Ms Bakis, it is the case that you have operated and been the signatory to that account for many years, isn't that right?---I have been the signatory for that account.

30 And the user of that account as well, isn't that right?---No.

What, you've never used it, is that the position? Or have you used it sometimes? What's your evidence on that, Ms Bakis?---My, I'm trying, I'm trying to recall what this company did historically and I'm having a complete mind blank.

Ms Bakis, I'm asking you about a bank account at the moment.---Yes and - - -

40 So, just focus on that, please.

THE COMMISSIONER: I think your earlier evidence was you became the operator of that Gows account. You said that, is that right?---Yes.

Now, I think we're just trying to understand what sort of transactions you operated on the Gows account.---I would have absolutely no idea. You'll have to jog my memory.

MR CHEN: All right. So, you're not able to assist the Commission at all in how it was that you came to be asked to operate this account?---It would have been 2010-11. I'm just trying to remember the time.

THE COMMISSIONER: We're not worried about the dates at the moment.---No, but that would help me understand what was going on. I just don't remember.

10 Well, this account was operated for some considerable time, was it not?---I believe so. I think it's the same account that was open then and that is still there now.

Yes. It was quite an active account certainly for a period of time, was it not?---Yes.

And do you recall any business matters that Gows Heat was connected with or used for?---I don't recall.

20 You don't recall any transactions whatsoever that was associated with the Gows account?---No, not going back that far.

In other words, you don't understand now or you don't have any knowledge as to what he Gows account was used for?---No.

MR CHEN: Well, come on, Ms Bakis. Yesterday we went through \$250,000 went in as a result of this Land Council.---Well, I don't think that's what we're talking - - -

30 No, we're asking you about what you know about it and you're denying, as I understood it, that you had any recollection at all of what this account was used for.---Okay. If you're talking about the last two years, sure, but I thought we were going back to ancient history and I just don't recall.

THE COMMISSIONER: We're talking about the period during which it was operated, which you agreed did involve a number of transactions in that period.---Well, okay.

40 Well, now, can you name the transaction or transactions for which the Gows Heat account was used?---No. Aside from the Awabakal transaction, I, I, I can't.

Right. Well, you do now recall it was used for the Awabakal transaction? ---Yes because they earned that money.

And how did that come about?---What, the transfer?

No, no. How the Gows Heat became the account to be used for Awabakal Land Council transactions or matters.

MS NOLAN: I object. That wasn't her evidence at all.

THE COMMISSIONER: I know it wasn't. It's a new question. How did you come to know – you're smiling. Is there something amusing?---No, sorry. I just, I'm just confused. Yeah.

I'm sorry? I couldn't hear you.---I'm confused, it's okay.

10 Oh, you're confused.---You can ask me a question.

Yes.

MR CHEN: Well, Ms Bakis, let's work through this. You were obviously asked by somebody to open this account, that's right, isn't it?---Well, yes.

Ms Bakis, I really must suggest to you you're being deliberately evasive in answering my questions, aren't you?---Mr Chen, I don't know what bank transfers I did last week, let alone eight years ago.

20

Ms Bakis, please. I'm asking you what I thought was established well and truly in the evidence yesterday, that you operated this account, and today you've agreed that you've opened it. And you are taking an inordinate amount of time to answer simple questions, isn't that right, Ms Bakis? ---Yes, that's right.

And it's deliberate by you, Ms Bakis, isn't it?---That is completely false.

30 THE COMMISSIONER: Ms Bakis, as you would appreciate as a lawyer, a witness who is frank and direct is usually regarded as a person who may well be a credible witness.---Yes.

A witness who stalls and gets evasive and tries to resist answering the point of questions, you would know from your experience as a legal practitioner, is often regarded as being evasive in order to avoid the truth. Is that right in general terms?---(No Audible Reply)

40 Well, you may or may not know that and you needn't answer it, but I'm raising these matters in your own interests - - -?---Yes, Commissioner.

- - - as to whether you are and will be a direct, honest witness and not seek to evade the point of questions. And I think it's in your own interests that you endeavour to be just that, but you chart your own course. Because if you are evasive and you do obstruct and you don't answer the point of questions, there is a very real risk that you might be regarded as an evasive witness and then the question arises, why is this witness being evasive? I think these are very basic principles. I don't need to tell you as a lawyer. But I just remind you, in your own interests, to cooperate with this

investigation. Yes.---I just don't remember, Commissioner. I honestly don't remember. Please. If, if you could provide me with some assistance. This is deeply unfair what you're doing here.

MR CHEN: Ms Bakis, I'm only asking you a question - - -

THE COMMISSIONER: Just listen to the questions and you answer them. ---I am.

10 MR CHEN: - - - about somebody asked you to open the account, didn't they?---Well, it was probably Mr Petroulias. Isn't that what I said?

THE COMMISSIONER: No. Would you just listen to the question again - - -?---If someone asked you to - - -

- - - and just say whether you are able to answer this question.---All right. Okay.

MR CHEN: Did Mr Petroulias ask you to open this account, Ms Bakis? Is
20 that your position?---Oh, Jesus. Maybe.

THE COMMISSIONER: Maybe?---I'm sorry, that's the best I can do.

Maybe? Is that a truthful answer?

MS NOLAN: Commissioner, can - - -

THE WITNESS: This is really unfair. I'm sorry.

30 THE COMMISSIONER: Ms Nolan, stop interrupting.

THE WITNESS: I'm sorry, this is really unfair.

MS NOLAN: On what date was it opened? It might assist because - - -

THE WITNESS: This is grossly unfair. It's grossly unfair.

THE COMMISSIONER: Is that a truthful answer, "maybe"?---Because
40 you're not, you have put documents to every other witness and I'm sitting here blind with nothing.

Can you nominate anyone – anyone at all – who could have given you instructions to open that account other than Mr Petroulias?---No. But I don't want to say he opened it if there's a chance it was someone else. So perhaps it was.

Don't make speeches, thank you. Just listen to the next question.---I'm not making speeches. I'm answering questions.

MR CHEN: Well, presumably – sorry, you went to the bank, didn't you, then, to open the account, is that right?---No. No.

Right. So how did you open this account?---The bank came to me. It was, they had a, Macquarie had an arrangement with accountants that we, they were done online, I think, from memory.

Well, what, sorry, what's the answer?---Oh, hang on.

10

They came to you or you did it online?---Probably online and over the phone.

Do you know who the directors were at this time of Gows Heat?

MS NOLAN: Can my friend please just give a date? Because this is an ancient company.

THE COMMISSIONER: No. No.

20

MS NOLAN: That's the evidence. The evidence is that it had an operating history and no date has been given.

THE COMMISSIONER: The answer to your question is no and I ask you to sit down.

THE WITNESS: I don't know.

30

MR CHEN: At the time that this account was opened, you don't know who the director was?---I don't know today who the director was. And I assume you're talking 2010? Or are you talking before that?

THE COMMISSIONER: Talking about the time the bank account was opened and you became a signatory to the bank account.---Okay. Okay. What was the question? Sorry.

MR CHEN: Do you know who the directors were?---I don't remember. I honestly do not know right now who the directors were.

40

Did you know a person called Glynnes Taylor?---Oh, yes. I've met her once, yes.

How did you meet her?---Through Mr Petroulias.

Where did you meet her?---No idea.

When did you meet her?---No idea.

What was the circumstance you came to meet Ms Taylor?---I think they were friends. I don't know.

So you met them or met her socially. Is that your evidence?---Yeah.

Are you sure of that or you're not?---No. She may have come to my office or it might have been social. I don't remember.

10 Why would she come to your office? Was she a client of yours?---No.
People came to my office when they weren't clients.

Well, would you have a look just, Ms Bakis, at volume 39, page 14 and you will see that this is the Macquarie cash management account. Sorry, there'll be a hard copy as well for you, Ms Bakis, if you prefer that.---That's okay.

Are you happy to look at it on the screen, Ms Bakis?---Yeah, happy with that, yeah.

20 So you will see – I'll tender a hard copy of that as well, Commissioner. It's electronically available but, thanks very much.

THE COMMISSIONER: Yes, the volume entitled Public Inquiry Brief of Evidence volume 39 will be admitted. It will become Exhibit 98.

#EXH-098 – FINANCIAL BRIEF VOLUME 39

30 MR CHEN: Now, you will see in front of you, Ms Bakis, don't flick through that, please.---It helps, it helps me answer the questions.

Ms Bakis, I'm just showing you a document at the moment and - - -?---My apologies.

I'm sorry?---My apologies.

So have a look on the screen if you would, Ms Bakis, and you'll see that that's at least the first page of this account opening form - - -?---Yes.

40 - - - for this account.---Yes.

And if you look at then the next page, so that's the second page and then over to the third page which is page 16 of volume 39. Do you see that? ---Yes.

And you can see that the director is Glynnes Taylor, sole director.---Yes.

Now, this is the form that you submitted, did you not, as part of this application to open the account?---Yeah.

And you also, did you not, provided other documents to attest to the fact that Gows Heat was for example incorporated. Isn't that right?---A certificate of registration, yes, would have been necessary.

10 And you also completed, did you not, an application to enable you to operate the account? I'll just show you that. Volume 39, page 21. Do you see that, Ms Bakis?---Yes, I do.

And that's your handwriting, is it not?---Yes.

And your signature then appears at the bottom. Do you see that?---Yeah. I don't know why that line is through it but, yeah.

And if you turn to the next page you will see that again your signature appears on this document.---Yeah.

20 And apparently the signature of Ms Taylor appears on that as well.---Yes.

And I take it you were given the original of this document were you to submit?---I don't recall.

Well, you would have to have the document from Ms Taylor, wouldn't you? She would have had to have given it to you.---May have given it to Petroulias to give to me.

30 Right. You've got no recollection at all?---I don't. I don't. I'm not, I'm not sure if I gave this to him to get her to sign. I, I don't recall.

But you don't remember meeting Glynnes Taylor for the purpose of completing this application, is that the position?---I, I think I did.

You did?---I think I did.

All right.---I just don't remember it.

40 Well, let's try and reconcile those answers. Do you believe you did?---I believe I did, yeah.

I'm sorry, your voice didn't - - -?---Yes, yes. I, yeah.

You did. And if you turn to the next page, you can see that you signed the original of her driver's licence. Do you see that? That's page 23.---Yes.

And she would have had to have presented that to you presumably for you to do that?---Well, yeah. That's right.

And you then attested that you'd seen it and submitted these forms to Macquarie to enable that account to be opened?---Yes.

Your voice just dipped then. I think you said yes?---I said yes. There's something wrong with this. Yes.

And you accept, don't you, that on the basis of these forms, the account was opened?---Yes.

10

And operated, wasn't it?---Yes.

At least by you, isn't that right?---Well, it was opened, yes.

And operated by you?---No.

Never? Is that your evidence?---Never.

20

You see, Ms Taylor never consented to being a director of that company, did she?---She would have.

She didn't, Ms Bakis, and you knew that, didn't you?---No. No, she would have signed a consent form.

And she never signed or authorised her to the appointment in Gows at any stage, Ms Bakis, isn't that right?---No, that's, that's not true.

30

What, you had a conversation with her, did you, about it?---I recall meeting this person.

And she never signed that form that you have looked at, giving the consent as a director of that company that she was never involved in to open this account that you opened, isn't that right?---I'm pretty sure that's not right.

Yes. When you say, "Pretty sure," what's the hesitation, Ms Bakis?---It's not something I would do.

40

Yes. And she never gave you her driver's licence for you to sign and certify?---No, that is not true. If, if I've certified it, I would have seen it.

Yes. Are you able to say why it is that then they've come to you when you're, as I understand it, not the accountant of Gows Heat, to open the account to be the operator of it? Why have they come to you of all people, Ms Bakis?---Who's they?

Well, let's assume they is the sole director apparently of this company, Gows Heat.---I, I, I, God, I don't remember. I don't know if she was doing some business venture with Mr Petroulias. I, I just don't recall.

Well, you're not the accountant for Gows Heat, are you?---No.

You weren't the accountant for Gows Heat at the time this account was opened, were you?---What does -- No.

Well, Mr Di Bella was, that's your evidence and that's what this form says. Is that true or false so far as you know?---That, that's not what that form says.

10

Well, let's approach it a different way, Ms Bakis. You weren't the accountant, were you, at any stage for Gows Heat.---No, I was.

You were? Is that what you said?---I think, I think I was a tax agent for a little bit, yeah.

Right. And when do you say that happened, Ms Bakis?---Here we go. God. 2012 at a guess.

20

So why is it that you're being approached to open this account, Ms Bakis, in 2011?---Because I knew Mr Petroulias, who knew Ms Taylor, and presumably there was something going on that those two were doing.

But didn't you ask, "Why don't you just open the bank account? Why do I need to be involved in this?"---Well, I should have, yeah.

30

I'm sorry, my question was, didn't you ask that question?---I, I may have said, "Why are you wasting my time? Why don't you go down to the branch and do this?" Yeah, I may have said that. That's the sort of thing I would say.

Right. But as it happens you did open the account.---Yeah, I, yeah.

Well, that's what's in front of you and that's the case, isn't it?---Yeah. Yes.

So doesn't that seem to suggest that you didn't say that, "Why are you wasting my time?"---That doesn't, that doesn't suggest that at all. I can say a lot of things that get ignored.

40

So you just go along with it, do you, and open the account up and become the authorised signatory of it?---It, it, it might have just been done for convenience.

For whose convenience?---For Mr Petroulias.

And what's the convenience you're referring to?---Well, I don't know. I just, I'm, I'm just really sorry. I really want to assist but I'm just, I'm struggling to remember this whole thing. All I remember is that the account was

opened and I never used the account. Even though I had online access I didn't use it.

Now, Ms Bakis, would you have a look please at volume 39, page 57. Now, you'll see on 26 October, 2015 there's a deposit of \$200,000 and then a deposit of \$50,000. Do you see that?---Yes.

10 And that is the money that was paid into this account by Mr Zong through this Sunshine transaction, isn't that right?---Yeah, the timing looks right, yeah.

And you can see by looking at the line above it that in fact the account balance before then was \$111.---Right.

Do you see that?---I do.

20 And did you hand over to Mr Petroulias the bank details for this account as soon as this account was opened?---I handed over the bank details when I opened the account. That was my evidence earlier.

You handed it over to Mr Petroulias, did you?---So in 2015 I, he'd had the account access for four or five years.

THE COMMISSIONER: You might care to answer the question.---Sorry.

MR CHEN: When you opened this account, did you hand over the account details to Mr Petroulias?---Yes.

30 Did you hand it over to Ms Glynnes Taylor?---I assume he'd given it to her. My question was, did you?---No.

And you'll see the address PO Box 1537, North Sydney. Do you know who was running that PO Box at that time?---Yeah, yeah, I was.

So you were receiving the mail from Gows Heat, were you?---These would have been online accounts, online statements. I don't recall seeing these in the mail.

40 So let's go through this, Ms Bakis, if we can. Page 57. You will see that 26 October there's a payment to Mr J. Latervere. Do you see that?---Yes.

Who is that?---He was one of Mr Petroulias's friend's.

And why was this account paying him \$10, do you know?---I wasn't operating the account, Mr Chen.

I'm just asking whether you know why - - ?---I don't know. I don't know.

You know nothing at all about - - -?---I don't.

Had you ever met Mr Latervere?---No.

And how do you know he was a friend of Mr Petroulias's?---Because he used to talk about him very fondly.

10 And in what circumstances had Mr Petroulias apparently met Mr Latervere?---I don't know. It was at some sort of, they bumped into each other socially I think.

THE COMMISSIONER: What was the nature of the relationship between Mr Petroulias and Mr Latervere by his account?---They were friends. Friends. They were friends.

Friends. In what circumstances, golf club or somewhere else or what? ---They just used to hang out at, at his house.

20 At his house?---At Mr Latervere's house.

Do you know how they got to know each other and what - - -?---No.

- - - what sort of friendship they had?---No, I don't.

He spoke very fondly of Mr Latervere you said. In what sort of way?---I don't know. Just he, he used to talk about Mr Latervere and his, and his wife or partner and he used to say they were really good company. You should meet them one day. I never did.

30 MR CHEN: Well, Ms Bakis, before I take you through some of these transactions I just want you to have a look at a statement, if you would, and see whether you can assist the Commission. If you look at volume 39, page 61. You can see that that's an account statement for Gows Heat as at 30 June, 2016. Do you see that?---Yes, I do.

And you can see from just looking down to the first line that it commences from 31 December, 2015?---Yes.

40 And if you are permitted to scroll down to page 66 you can see that it talks about the closing balances for this account as at 30 June, 2016. Do you see those figures?---I do.

Debits \$995,871 and credits of just over \$1 million. Do you see that?---I do.

Are you able to assist the Commission in understanding what all those transactions relate to in that six-month period? Do you know anything about what's gone on in this account for this six-month period that can

generate these transactions, credits and debits?---Lots of credits and debits. Lots of deposits in and out. I don't know why that was being done. I don't know.

What was Gows doing at the time?---It's, it's a trust. I don't know. I don't think it was doing much.

10 If you just assume for me for the moment that in this six month or so period there are 77 credits and 37 debits, what on earth is it doing if it's not running a business? What would it be doing?---I don't know.

You can't offer any assistance at all?---No. No more than I could yesterday, no.

Would you have a look, please, at volume 39, page 83 and you can see that there's a transaction on 5 July for \$6,650. Do you see that?---5 July or - - -

Yes. \$6,650 of credit?---Yes, yes.

20 I want you to assume for the moment, Ms Bakis, that this is a transaction from Able Consulting Pty Ltd in to this account. Are you able to assist at all in explaining how money has come from Able to Gows?---Mr Petroulias would have transferred the money.

All right. So, he's transferred the money from Gows, sorry, from Able to Gows, has he?---Yes.

30 All right. And if you look at another page for me, volume 39, page 62. You'll see that on 2 March, 2016, there's a transaction, \$6,500 credit?---Yes.

And you can see a bank account number there. Can you assume for me this is an entry from a bank account of a person called Nicholas Berkley? Do you know a person called Nicholas Berkley?---No.

Never heard of the name before?---I have.

How have you heard of the name?---It came up – Mr Petroulias had a credit card in that name in his wallet when he was arrested on 20 June.

40 All right. So, that's the context in which you've heard of that name, is it? ---Yes.

What was the credit card he had?---Sorry, I'm just trying to remember. Sorry. HSBC I think. I think there were a few.

What, a few credit cards in that name?---I think so.

What other ones did he have?---I don't know. That's, that's the only one I can remember from reading the police facts.

I see. Do you know anything about any transactions between this account and an account for Nicholas Berkley?---No. As in did I do the transfers?

Well, I'm just asking do you know anything about them?---No.

10 And has Mr Petroulias told you anything about this, why he has these card in that name?---Well, he has.

All right. Is that a convenient time?

THE COMMISSIONER: Yes, it is. Yes. We'll take a morning tea adjournment and we'll resume in 15 minutes. I'll adjourn.

SHORT ADJOURNMENT

[11.33am]

20

THE COMMISSIONER: Yes, where is Ms Bakis?

MS NOLAN: Commissioner, I've had a discussion with my learned friend, Dr Chen, with respect to the last question that remained unanswered prior to the morning tea adjournment.

THE COMMISSIONER: Please, if you could just use the microphone again.

30 MS NOLAN: Sorry. Do you want me to repeat that?

THE COMMISSIONER: Yes, please.

40 MS NOLAN: I had a conversation with my learned friend, Dr Chen, with respect to the question that he asked, the line of inquiry that I understand him to be embarking upon just prior to the morning tea adjournment. It has come to my attention through the answer that my client gave that questions about Mr Berkley, and I anticipate other questions that might follow, relate directly to the proceedings for which Mr Petroulias is awaiting to stand trial I understand. I've spoken to his criminal lawyer trying to ascertain whether or not the DPP has made an election these are indictable offences and I have asked my learned friend to tread carefully because it may be that this line of questioning may take this Commission directly into contempt. Now, I don't have the fact sheet. I can't assist you beyond that. But we could, if my learned friend chooses to abandon that line of questioning for now and then come back to it, I may be able to assist him because I, this is directly in the territory of X7 that we discussed in the last application that was made except this time Mr Petroulias is waiting to stand trial for two indictable

offences I'm instructed, and I understand that my client has a direct interest because she will be a relevant witness in those proceedings and these proceedings remain public.

10 THE COMMISSIONER: Yes, very well. Well, thank you for drawing my attention to that. I have the provisions of section 18(2) well in mind that provides me with the capacity to deal with any issue that may impinge on any current proceedings. I think at the moment nothing that's been elicited is dealing with any matters that are likely to cause any difficulty to
Mr Petroulias. However, if at the end of the day there's any matter which
does give rise to concern, then I would consider invoking the provisions of
section 112 to suppress any evidence about or concerning Mr Berkley that
may be related in some way to the proceedings brought against
Mr Petroulias.

20 MS NOLAN: There is an additional name. I'm not going to read it onto the record but what I will, what I've asked my client to do is provide me with a fact sheet. She informs me that it's in the possession of the Commission but I'm going to send it in any event to Mr Broad and ask that the details of the facts that are dealt with in that and those charges - - -

THE COMMISSIONER: All right. So, I think I'll leave it on the basis that, having raised the matter, I'll just monitor proceedings today with that in mind and if there's any matter you wish to raise about it later in the day then you've got liberty to do so.

30 MS NOLAN: We needed to, Ms Bakis needs to email me or maybe should just email directly Mr Broad this fact sheet. We couldn't do it over the morning tea adjournment because we were outside and the computers are inside.

THE COMMISSIONER: All right. Well, that can be attended to at some stage.

MS NOLAN: I think - - -

THE COMMISSIONER: I just want to get on with proceedings.

40 MS NOLAN: All right. Well, I've identified I think two names to my learned friend.

THE COMMISSIONER: Mr Broad's got the names, has he?

MS NOLAN: No, my learned friend, Mr Chen, and I haven't been - - -

THE COMMISSIONER: Oh, all right. Okay.

MS NOLAN: - - - particularly helpful because I haven't seen the fact sheet myself but I am instructed that two names appear on it that may be relevant to his line of enquiry that he's undertaking at the moment.

THE COMMISSIONER: Yes. Anything you want to raise at this moment?

10 MR CHEN: Well, I do. I did say to my learned friend, the forensic context of which I was asking the questions, and I've made it clear to her I hope that it has as its foundation connecting up what is in the statements from this account to the recipients. I have no design, purpose or need to go beyond that and that's the - but she has mentioned two names to me, Commissioner, and I've heard what you say. I think at an appropriate time I'll just reflect on whether an order should be, I would invite you, Commissioner, to make an order at that time.

THE COMMISSIONER: Yes. I'm satisfied with that course. Very well.

20 MR CHEN: But I do encourage my friend, if she's seen the statement and if there's a name, then she can rise and so too Mr Petroulias.

MS NOLAN: I don't have the statement but we're going to get to over lunch, so - - -

MR CHEN: No, no. The bank statement is, it's the bank statement that identifies respective parties that I need to ask who they are. I don't - - -

THE COMMISSIONER: Yes. You would establish their identity and then you link - - -

30 MR CHEN: Well, to the extent - - -

THE COMMISSIONER: - - - to the investigation or matter the subject of the investigation.

MR CHEN: That's so. Precisely.

THE COMMISSIONER: All right. Yes, Ms Bakis, back in the witness box, please. You're still on the oath you took earlier, you understand? ---Yes, I do.

40 Thank you. Yes.

MR CHEN: I'm sorry, just pardon me, Commissioner. I'll just pick up at my cross-referencing.

THE COMMISSIONER: That's all right.

MR CHEN: Would you have a look, please, at volume 39, page 63 and you'll see an entry on 5 April, 2016. Well, there's a series of them.---Yes.

And partway down, you'll see there are four that describe Invest?---Yes.

And then there's a name, Berkley Investment?---Yes.

Do you know who Berkley Investment is?---No.

10 Never heard the name before?---I have heard the name before.

All right. Were you involved in this transaction at all, Ms Bakis?---No.

What's the context in which you've heard the name Berkley Investment? Is it from reading the statement or was it some other way?---I've only heard the name Berkley. Berkley Investment as an entity I've never heard of.

This is the first time you've heard of it, is it, when I've put it to you now?
---Yes. I've never heard of it before.

20

Now, there are within this account a number of other transactions involving Best Pay Custodial. I'll just draw your attention to a couple of those at the moment, Ms Bakis.---Yes.

So it's volume 39, page 59. And you'll see that there is an entry on the top of the page, "Transfer to Best Pay Custodial, \$120,000."---Yes.

Are you able to assist the Commission in what that transaction relates to?
---No, I can't.

30

You know nothing of it?---No.

You didn't obviously transact it, is that your evidence?---That's right.

And the only other person, I take it, that would have done it is Mr Petroulias, is that the position?---Yes.

40 Ms Bakis, if you just assume for me that there are 11 transactions between that Best Pay Custodial account and Gows Heat. Did you transact – assuming for the moment there are 11 of them – did you transact any of those yourself?---No.

You don't know anything about any of them, Ms Bakis?---No. I don't know anything about them and I didn't transact any of those.

Again is it the case that the only other person that you know would have undertaken those transactions is Mr Petroulias?---That's right.

Now, would you have a look, please, Ms Bakis, as volume 39, page 64. And you'll see there's a transaction on 12 April, 2016. The second one, it says, "Transact transfer to William Regina." Do you see that?---Yes, I do.

I want you to assume for me that apparently is a transaction to an account in the name of William Campbell.---Right.

Do you know William Campbell?---I do.

10 How do you know William Campbell?---He was helping out the land councils with some of their work and making introductions at land councils up and down the coast.

And do you know anything about this transfer or of why that amount was being paid, \$9,456?---I'm not sure. I don't know.

You didn't do it?---I didn't do it.

20 If you look as well at that same page on 4 May, 2016, you can see the first entry talks about transfer from CMH, and you'll see the account number 4-5-0-4. It ends in that account number. Do you see that?---Yes, I do.

And that's a credit from that account to Gows Heat. Do you see 15,950?---I do.

That's the same account, Ms Bakis, if you cast your eyes back to the top of the page, that is referred to in Mr Campbell's, or what I've asked you to assume is Mr Campbell's, transfer on 12 April, 2016.---Okay.

30 Well, you can see that it's got the same account details, can't you?---Yes, I can.

What's the explanation, if any, that you might have for why that money is then being paid back or paid into the account for Mr Campbell?---I don't know.

40 Can you think of any reason at all why Mr Campbell, if he apparently is doing this work for United Land Councils, is paying in the amount of 15 or 16 thousand dollars?---I have no explanation for that.

Now, you can see on page 64 still that there is a reference to transactions on 5 May, 2016. Do you see they start with "to investment". Do you see that?---I do.

And if you go down you can see there are a number of names. "Peterson Invest". Do you see that?---Yes.

Do you know who that is?---That's Nick Petroulias.

Did you have anything to do with that transfer, Ms Bakis?---No.

Do you know what it relates to?---No idea.

If you look at the next entry on 5 May, 2016 you can see as well there's another one Nicholas Peterson which I ask you to infer is Nicholas Peterson and investment. Do you see there's another payment?---Yes.

10 Is that Mr Petroulias as well?---I believe so, yes.

And do you know anything about that transaction?---No.

Why it's been paid?---No.

What it relates to?---No.

Did you transfer it?---No.

20 And if you go to the next one you will see, it's called Diomedes Investment. Do you see that?---Yes.

Do you know who that entity is or that person is?

MS NOLAN: I'm going to have to object to that question on the basis that it's now traversing ground that is potentially caught by the issues. It's not really an objection so far as I'm alerting the Commission. How you wish to deal with it based on what's fallen from me and how you responded to it, Commissioner, is a matter for the Commission obviously.

30

THE COMMISSIONER: All right. Well, I'll just see where it goes.

MR CHEN: I think I should just draw this to my learned friend and your attention, Commissioner, is that subsection 2 of section 18 is subject to subsection 2A and that is to say subsection 2 does not apply before the commencement of the committal hearing and I'm advised by Mr Broad that that has not occurred in this case. But be that as it may.

40 MS NOLAN: Well, that's because I'm not sure the DPP has made an election, that's why, so if there's no committal then it's going to be dealt with as an indictable offence without a committal hearing, perhaps summarily. It's a question as to how section 18 then works. I'm not sure.

THE COMMISSIONER: Well, as I understand it the charges are pending in the Local Court, is that right, and - - -

MR CHEN: I'm sorry, Commissioner?

THE COMMISSIONER: The charges involving Mr Petroulias are in the Local Court?

FEMALE SPEAKER: Yes.

MR CHEN: I'm told that's correct.

THE COMMISSIONER: And they are pending and there's been no committal yet?

10

MR CHEN: I'm told - - -

THE COMMISSIONER: No committal proceedings arranged yet?

MR CHEN: I'm told that's correct as well, Commissioner.

THE COMMISSIONER: You press on with this particular entry or - - -

20

MR CHEN: Thank you. If you just pardon me for a moment, Commissioner, I'll just - - -

THE COMMISSIONER: It's page 64. You got to 5 May.

MR CHEN: Yes. I'm sorry, I just need to make a note of something. Just pardon me. So I was asking you about 5 May, Diomedes Investment, Ms Bakis. Do you know who that is?---Yes.

Who is it?---It's an identity.

30

THE COMMISSIONER: I couldn't hear you, I'm sorry.---It's, it's an identity.

I'm sorry, I still can't hear you.---It's, it's a person, it's an identity. It's, it's - - -

Yes. Well, it's an identity. I presume it is.---Yes.

40

But who, I think you were asked, is the person, who is the identity in other words, to use your word?---I don't know where this money has gone and what bank account it is.

No, I don't think you need worry yourself about that. The question simply was for you to identify the entity or person associated with Diomedes Investment.---Well, I, I don't know. I, I don't know if it's the same person that's, I don't know which bank account this is.

[REDACTED]

You took a long time to - - -?---I'm trying to be careful.

- - - answer that question.---No, no, I'm trying to be careful how I say it that's all. I'm not, I didn't take a long time.

Is there any other person who bears that name?---No, not that I know of.

Known to you I mean.---No.

10

MR CHEN: Sorry, just so I understand it. The entry says Diomedes Investment. That's not an entity, that's a, as you understand it, a person, is it? So it's Diomedes and the description is Investment. Is that the way you're - - -?---I don't know. I don't know. That's why I was asking what account it was. I don't know.

Well, I'm just going through it at the moment and - - -

20

THE COMMISSIONER: If you look at the other entries on that page, that's the way it seems to be, the name of the person and the nature of the payment is an investment. You see the word, "Investment," here and there on that page in relation to other entries. Yes.

MR CHEN: And I can see just a couple more down that there's Diomedes Investment. Do you see that?---Yes.

And, sorry, as I understood your evidence, is this name D.R. Diomedes, is a name of what, a person in Tasmania? What was your evidence?---Yes.

30

Right. And who's the - so there's somebody called D.R. Diomedes in Tasmania, is there?---No.

I'm sorry, I'm - - -?---I said it's an identity.

I'm a bit, I'm sorry, I'll just have to ask you to explain that. What's the position here?---It's - I'm trying to be very careful - - -

MR PETROULIAS: Commissioner, this is - - -

40

THE COMMISSIONER: Just sit down, please.

THE WITNESS: It's not a real person. It was created out of thin air and it's just the name of someone.

THE COMMISSIONER: Not a real person?---It's not, it's not a person, it's not - - -

How do you know?---I know.

Well, what's the story? How do you know? Why do you say it's not a person? The reference to Diomedes - - -

MR CHEN: Sorry, who were you referring to then, who were you moving your head - - -?---Ms Nolan. I'm just concerned whether I was, I was doing something wrong, that's all.

10 Ms Bakis, please. Your role is to answer the questions unless it's objected to or the Commissioner directs you not answer them. You shouldn't be looking at your barrister and making any motion.---Okay.

So, what we got to is - - -

20 THE COMMISSIONER: I think what was being said is, there should be no form of communication between you in the witness box as a witness and somebody else in the courtroom in terms of it being a communication as to whether they approve or they indicate by nodding or anything of that kind. Do you understand?---I understand that. It just came up in relation to that, that, the previous application that was made, that's all.

Now, would you listen for the next question.---And, I'm sorry. Okay.

MR CHEN: Now, I'm not quite following this Ms Bakis. What I understood you to say is that this D.R. Diomedes is not a real person and you know that?---Yes, because it's, it's a driver's licence in Tasmania with my face on it.

30 Well, how does that come about?---(No Audible Reply)

I'm sorry, you're shaking your head?---Oh, I'm sorry. I'm going to answer your question.

Please do.---I went to a, well, I went to Tasmania and, and I got a driver's licence in that name.

40 THE COMMISSIONER: I'm sorry, you're being extremely Delphic, if I might use that. I don't mean to be offensive. I'm not following that answer. Could you just elaborate? What is your meaning, what are you trying to convey? You went to Tasmania and what happened?---And got a driver's licence.

Sorry?---And got a driver's licence.

You got a driver's licence?---Yes.

MR CHEN: What, in that name?---Yes.

Sorry, you've always been known, have you not, as Despina Bakis?---Yes, I have.

And you've never changed your name, have you?---No.

And so this not a real person is in fact, you mean, not a real identity because you're the real person that went to get the driver's licence. Is that what you're saying?---Yeah. Yes.

10 And why did you go to Tasmania to get a driver's licence? Did you not have one in New South Wales?---I did. It, it was just easier to do that. I was, at the time, I, I was worried about my safety and I was considering changing my name. There's been a lot of death threats, bikies and things. I mean, it was stupid to do but, yes, I, I felt like that was the first step in, in creating some anonymity behind me.

Sorry, so when did you go to Tasmania, Ms Bakis, and become somebody else?---It was either December '13 or December '14. I don't know which one.

20 THE COMMISSIONER: What year?---2013 or 2014. I don't remember which year in particular.

So you went to, where, Hobart?---Yes.

Were you travelling alone or with somebody else?---I was with Mr Petroulias.

Sorry?---I was with Mr Petroulias.

30 All right. And just explain in relation to this matter, what did you do?
---Jesus, I don't remember.

MR CHEN: Well, you remember a bit so far.---I do. I do.

THE COMMISSIONER: Well, did you go somewhere and do something?
---We went to the Transport, whatever the Service NSW is called down there. It actually is called, I think it is called Service Tasmania.

40 You went there in relation to the question of this licence, did you?---That's right.

And what did you do about that question? Did you fill out a form or speak to somebody? Both?---Might have spoken to someone.

And just continue. I don't want to have to keep asking you questions.
---Sorry.

Just tell us what happened, please.---I'm just trying to remember. I don't even remember the year. Spoke to someone and, yeah, they issued a licence.

MR CHEN: Well, Ms Bakis, come on. Let's be sensible here. Most people in this room probably have applied for a driver's licence, so you don't just turn up and say, "I'd like a driver's licence, do you?"---No. No, that's right.

10 There's a bit more involved, isn't there, to getting it.---Yeah, okay.

Please, Ms Bakis, please.---All right, sorry. Yeah, yeah, sorry, sorry. I'm just - - -

Please allow me to ask my question before you respond.---Yes, sorry.

There's a bit more to it, obviously, than just turning up and being presented with a driver's licence, and that's what you're being asked to explain.

20 THE COMMISSIONER: So tell us the full story, please. You went into the office and what did you do?---Jesus, I don't, I don't know what I had with me because Mr Petroulias was with me. I, I don't know what. I, I - - -

Did you obtain a driver's licence on that occasion?---I think so.

Right.---Or I'm not, no - - -

How did you - - -?---Did it turn up in the mail? I don't remember.

30 How was that transacted? Presumably you had to fill out a form or forms?
---Maybe.

Well, maybe? I don't think you can get a licence unless you provide particulars.---Well, then, yes.

So you supplied particulars, your personal details, is that right?---My personal details?

To get the licence.---No.

40 What identification, evidence or material did you present to the office in Hobart?---Gosh, I don't, I don't, I don't remember. I honestly don't remember. I don't know, because Mr Petroulias was, was, was behind this. I, I just don't remember what - - -

Do you say you got a licence in the name of D.R. Diomedes?---Yes.

And do you still have that licence?---I don't have it. I don't know if it's been destroyed. I'm not sure.

You don't have it and you don't know whether it's been destroyed, is that right?---I, yeah, I, it's not, I, I don't know where it is.

As you received the licence, you say, in due course from the Tasmanian Department - - -?---Sorry, I did receive it, definitely, yes. I did have it, yes.

Yes. As you received this licence in the name of D.R. Diomedes, is that right?---Yes, yes.

10

You must have supplied the department with some information.---Yes.

In particular information as to identity in order to get a licence issued in that name.---I imagine I did, yes. I just - - -

And what information did you supply?---I honestly don't remember what it, what it was at the time.

MR CHEN: Well, it wasn't Despina Bakis, then, on your evidence, was it?
20 ---No. No, Mr Chen.

So it's something else.---No, it was something else.

THE COMMISSIONER: Well, how did you devise the name D.R. Diomedes?---I didn't. I didn't come up with that name.

MR CHEN: I'm sorry. A licence issued, didn't it?---Yes.

Is that right?---That's right.

30

From Tasmania?---Yes.

When you went down there with Mr Petroulias. That's what you've said so far.---Yes.

So you presumably filled in a form, did you?---Presumably.

Provided some identification, didn't you?---Presumably, yes.

40 Well, you're not going to get any licence just by turning up, are you?---No.

And so the licence to be issued in the name of, what is it, D.R. Diomedes - - -?---Yes.

- - - required you to present some identification, did it not?---That's right, yes.

And what identification did you present with the name D.R. Diomedes on it?---I don't remember if it was a passport or, or a, it must have been a passport to get a driver's licence.

So Despina Bakis has a passport. Is that what you turned up with?---No, that's not what I'm saying.

Well, just explain to the Commissioner if you would be good enough. You turned up with a passport D.R. Diomedes, did you, to get this licence?
10 ---Yes.

Where did you get that passport from?---I don't recall. I think it was a European.

Where did you get it from?---Mr Petroulias.

Why did he give it to you?---I don't know.

Why did you take it from him?---I shouldn't have, yes.
20

Why?---Like I said to you earlier, I was really concerned at the time and I thought this was one, one way towards setting up another identity and it was probably the wrong thing to do at the time. I was under a lot of pressure.

Well, there's no doubt it's probably the wrong thing to do, Ms Bakis.
---Sorry.

But you've still kept your own identity, haven't you, as Despina Bakis?
---Yes, I have.
30

You've still presumably carried a driver's licence with Despina Bakis's name on it, haven't you?---Yes.

And you've presumably operated bank accounts and made yourself known as a lawyer Despina Bakis, haven't you?---Yes.

So you've never tried to conceal in your day-to-day life, professional or otherwise, the name Despina Bakis at any stage, have you?---That's right.

40 So what's this idea that somehow bikies are involved and you want to conceal your identity?

MS NOLAN: I object. She didn't say anything about bikies.

THE COMMISSIONER: I don't think there's reference to bikies is there?

MS NOLAN: There was no reference to bikies.

MR CHEN: No, there was.

THE COMMISSIONER: No. All right. I think it was death threats or something she mentioned.

THE WITNESS: There was. I think I did say it.

10 MR CHEN: Well, my recollection is, that of my junior's and Mr Broad's is, but I'll withdraw it, Commissioner. Let's move on. Whether it's bikies or not.

THE COMMISSIONER: She may have but I don't recall it but she did refer to threats or death threats.

MR CHEN: Well, my junior's note is, but let's not - - -

THE COMMISSIONER: All right. Well, you proceed on that basis if you've got - - -

20 MR CHEN: No, no, Commissioner, I don't want anybody - - -

THE WITNESS: I did, I did say it to be clear.

THE COMMISSIONER: Let's not worry about it.

MR CHEN: There we go, the witness has accepted she did say it so there we go.---I did. I think I did, yeah.

30 MS NOLAN: My apologies. I didn't hear that.

THE COMMISSIONER: That's all right. Well, now, it's clear then, is it not, that you used somebody else's passport to get this licence issued in the name of D.R. Diomedes?---I don't, it wasn't someone else's passport.

You said that it was a European's I thought you said.---Yeah, but I don't think it was stolen from someone.

Well, it may not - - -

40 MR CHEN: Where did you get this passport from? So Mr Petroulias has given it to you?---Yeah, he has.

And so what, it's got a name D.R. Diomedes on it, does it?---I believe so, yes.

And this person as I understood your evidence is not a real person so what's the photograph in the passport?---It was mine.

Well, how on earth does that happen, Ms Bakis?---Mr Petroulias goes overseas with a photo of me and gets an passport. It's not terribly hard, Mr Chen.

I see. So he's come back with effectively a fraudulent passport. Isn't that right?---Yes.

10 And you have as a lawyer accepted that have you and gone to Tasmania to go and secure yourself a driver's licence. Is that the position?---Yes.

THE COMMISSIONER: Why would you deliberately falsify material and provide it to a government department to act on?---I was scared. I was - - -

It is an absolute - - -?---I was scared and it was stupid.

It's an act of dishonesty isn't it?---It probably is, yes.

20 Probably. Don't you think it is?---Well, you're asking the question and I don't know the technical term but, yeah, it probably is.

MR CHEN: Well, it's a fraudulent document, Ms Bakis, isn't it?---Yes.

In fact your own evidence was it's not a real person.---Well, it's not a real person.

So it must be fraudulent and therefore dishonest. Isn't that right?---Yes.

30 So what have you used this D.R. – does D. have a full name, what's the name you used?---Daphne.

Daphne. And what's the R?---Regina.

And you've been issued with this driver's licence. What have you used it for?---Myself, nothing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

30 Well, why would you do that if, as I understood, one of the explanations for this conduct is you perhaps needed to reinvent yourself for personal safety reasons, hand the card over to him?---Because I quickly came to my senses and I was - - -

Then what?---Hmm?

So, what were you coming to your senses to?---That it was a silly thing to do.

[REDACTED]

■ [REDACTED]

[REDACTED]

All right. Why didn't you destroy it as a start?---Yes, I should have.

Why- -?---Why?

- - - didn't you?---I don't know.

THE COMMISSIONER: Is it your evidence that - - -

MR CHEN: You see, because - - -

■ [REDACTED]

[REDACTED]

I thought you plainly said in evidence before that you received the card in the mail?---Did I? Okay. Okay.

20 Well, is that the truth?---I don't remember. I thought I said I wasn't sure whether it was issued on the day or whether it came in the mail. I, I don't remember.

[REDACTED]

[REDACTED]

[REDACTED]

30 [REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 Did you notify the authorities in Tasmania about the fraudulent basis upon which the licence had been issued and ask them to cancel it?---No.

[REDACTED]

MR CHEN: So when you went on this trip down to Tasmania to get a driver's licence, Ms Bakis, did Mr Petroulias get one as well?---Oh, he might have. Might be why he was with me. He might have.

20 Well, I take it you went the whole way together, including going into the motor registry to apply for this licence, did you?---Yes.

And did he apply for one when you were there or not?---I don't think he did. I don't think so.

And I take it as well that you need to identify an address or something like that when you go and apply for a driver's licence in Tasmania, do you?
---You must, yes.

Well, that's what presumably you did then, is that so?---Yes.

30 So you weren't living in Tasmania then, were you?---No.

So how is it that you've then provided some details of an address in Tasmania?---I, I don't know where Mr Petroulias found the address. I - - -

You're responsible for submitting the form, Ms Bakis, aren't you?
---Absolutely.

40 And you're responsible for signing it and lodging it with the motor registry in Tasmania, isn't that right?---Yes.

And what address did you give them?---I don't know. I, it was some, some address in Hobart.

You've got no idea what it is?---Right now I don't.

Well, where did you get the address from? Did you open the phone book up and pick an address or did somebody tell you what to use?---Mr Petroulias told me what to use.

And what else do you need to provide when you apply for a driver's licence, aside from a fake passport and an address in Tasmania? Do you need to provide any other information?---I don't know.

Well, you must have some idea because you did it?---Yeah, I, I was just, I don't remember.

10 Anyway, so this is your evidence, is it, that Mr Petroulias, at least on that occasion, didn't apply for a driver's licence, is that the case?---I don't remember is what I said. I don't know.

Have you ever seen a driver's licence from Tasmania with Mr Petroulias? ---I'm sure I have.

And what's the name that that licence is issued in?---I don't know if it's his last name.

20 Is that Piers?---Piers. Yeah, I'm not sure. It could be that one.

And so far as you know, has Mr Petroulias ever lived in Tasmania?---No.

So let's come back to these accounts, then, if you would. Volume 39, page 64. There seems to be a number of entries relating to Diomedes. Do you see that?---Yeah.

30 And this is this not real person you described that has these accounts apparently, is that right?---Sorry. Presumably, yes. I don't operate these accounts.

Just so it's clear for the record, Ms Bakis, Diomedes Investments or Investment is the entry at 5 May, 2016, and there's another entry at D.R. Diomedes Investment on 6 May, 2016. You can see that, can't you?---Yes.

And is it your evidence that you never received that money?---No, I never received that money.

40 So despite the fact that you created the identity, you're – on the face of this document – not the beneficiary of this money being transacted into an account that apparently bears this name, is that right?---Yes.

And are you aware of any other accounts that have been opened by Daphne Diomedes, Daphne Regina Diomedes or D.R. Diomedes, Ms Bakis?---No.

So far as you know – well, I'll withdraw that. You don't have any, you did not go and open any accounts in that name?---No.

And you know nothing of any accounts in those names, is that your evidence?---I knew there were accounts but I didn't open them.

When did you know there were accounts, Ms Bakis?---Probably scrolling through these statements at some point.

So when you said to the Commissioner earlier today that you didn't look at these statements, in fact you have looked at these statements, is that right?
---No, I don't, I actually don't think I've seen these statements.

10

Well - - -?---It was probably in discussions with Mr Petroulias that I knew that there were accounts.

Well, what you said a moment ago, Ms Bakis, was that you did become aware that there were accounts opened in the name Diomedes of some description. Is that not what you said?---Yes.

And did you not say that that was a matter that you observed from your review of these statements, including the one that is open in front of you?
---That's incorrect. I probably said that because it's just sitting there. But it, I don't think that's correct because I honestly never, I never used to see these statements.

20

[REDACTED]

[REDACTED]

30

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And you know nothing further about and had no involvement with any of these accounts, is that your evidence?---Yes.

This is all a bit of a surprise to you, being taken through this to see all these names, Diomedes, I take it, Ms Bakis, is it?---I'm not surprised because I knew there were bank accounts.

Well, you'd be surprised at some of the transactions that are going in and out of accounts related to that person.---I'm not surprised by anything anymore.

10 Ms Bakis, to the extent that these statements of Gows Heat refer to N.J. Peterson, Nicholas Peterson, they are Mr Petroulias, are they not?---Yes.

And when it refers to Michael Pearson, again, that's Mr Petroulias, is it not?---I think so.

And if it refers to N.J. Piers, that's Mr Petroulias, is it?---Yes.

And if it just refers to Piers, P-i-e-r-s, that also relates to Mr Petroulias, does it?---Yes.

20 Now, Ms Bakis, you will see as well, or may have seen on the way through, that there are a number of transactions involving moneys paid from this Gows account in to the Point Partners account?---Yes.

Point Partners, as we I think established yesterday, was the original business name for your tax accounting business, was it not?---That's right.

And you established an account, didn't you, in that name?---Yes.

30 And despite the fact that your business went through various iterations of names, ultimately ending in Knightsbridge Tax, the account that was used for your tax accounting business was always the Point Partners account that you had originally opened?---Sorry? Sorry, so just, I just - - -

I'll put the question again.---I'm just a bit confused.

Despite the fact that your tax accounting business changed its name over the course of a number of years to become ultimately Knightsbridge Tax - - -?
---All different entities, yes.

40 You still operated the same account for that business, namely the Point Partners account, did you not?---Which account?

Well, there was an account with Bankwest, was there not?---Yes.

And that's the account that Point Partners opened when it commenced business, isn't that right?---Oh, okay, yes, yes, yes.

And that's the account that you ran your accounting business through.---No.

All right. Well, that's the account - - -?---Absolutely not.

10 All right. That's the account that you had opened throughout the course of you running an accounting practice, be it under the name Point Partners Consulting, Knightsbridge Accounting or Knightsbridge Tax, isn't that right?---When, when I set up that company I went to Bankwest and opened an account, which is the account you're referring to. Bankwest is a terrible bank. They were, it was just really hard to use. And I then opened an account with NAB, I think. This account, I gave the log-ins to Mr Petroulias. He has operated since.

Sorry, which account are you talking about?---Point Partners Consulting Bankwest account.

So, hang on, this account for Point Partners, you open it and then just hand it over to Mr Petroulias, do you?---Well, I, I, I told him he could use it.

20 Well, did you not use it at all for any business purpose?---No.

Have you ever thought to say to him, "Why don't you open a bank account in your name?"---I've thought that many times and I've said that many times to him.

30 But why do you agree then to hand it over, Ms Bakis? That's what's intriguing me at the moment. Why do you hand this over to him?---Because I thought he was going to run a few transactions through it, as in let money in and lend money out, which is how it was explained to me. But it then went further than that. I wasn't happy with it.

If we just pause there for a moment and go back to Gows Heat, which is really the entry point to be asking you about this account, there are something in the order, Ms Bakis – and I will take you to the detail of this after the break – transactions, money that is being paid in to Point Partners from Gows Heat of just under \$890,000.---Yes.

And payments out of just over a million dollars.---Yes.

40 So you described yesterday to the Commissioner that this is a kind of washing machine or as you use it a kind of a paymaster account. We seem to have a lot of paymaster accounts, don't we?---Two.

Well, why is Point Partners receiving that kind of money from Gows Heat? ---I don't know. I don't know.

So when did you hand these bank details over to Mr Petroulias in relation to when you opened the account?---It would have been, it would have been two months afterwards. I despised the whole thing and - - -

I'm sorry, you?---I didn't like it. I didn't like the bank and really, really bad interface online and - - -

Like Westpac?---Yeah, yeah. And - - -

And rather than close it you just give it to Mr Petroulias to us?---Well, yeah, but he wasn't supposed to use it indefinitely.

10 Well, what limitations did you put on him when you handed over your log in details to enable him to use it, as I understand it, as he saw fit?---There were none.

Just do whatever you want with it?---Well, no, that's not what I said. I only wanted him to use it for one or two transactions. I didn't want him to use it forever.

Is that what you said to him?---Yeah.

20 Only use it for a few transactions. You're not to use it forever?---Mmm.

Is that a yes?---I don't know what I said to him. I'm guessing the conversation I had. I don't know what I said to him.

Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes, very well. We'll adjourn and we'll resume at 2.00pm.

30

LUNCHEON ADJOURNMENT

[1.00pm]