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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 7 AUGUST, 2018

AT 2.00PM

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THE COMMISSIONER: Thank you, Ms Bakis. Yes, Mr Chen.

MR CHEN: Now, pardon me. Ms Bakis, despite the fact as I understand it you say that you didn't operate the Gows Heat Macquarie account, you certainly knew of its existence in 2015 though, did you not?---Yes.

10 Because you via the Knightsbridge North Trust account transferred moneys on several occasions at least from your trust account in to the Gows Trust account, isn't that right?---Yes, yes.

MS NOLAN: I object. I'm not sure that the – did my friend say the Gows Trust account?

MR CHEN: I'm sorry if I said Gows Trust account. I'm grateful for my friend. I'll put it again. So - - -

20 THE COMMISSIONER: Well, I thought you just said moneys from the trust account but anyway.

MR CHEN: If I did say - - -

THE COMMISSIONER: You said earlier via the KNL or the Knightsbridge Trust account and I think he got it right. Put it again anyway.

MR CHEN: I will. If my learned friend thinks it's erroneous, I'll put it again. In 2015, you via the KNL Trust account transferred money into the
30 Gows account, did you not?---Yes, I did.

And the Gows account being the Macquarie account that you opened?
---Yeah, yes.

Ms Bakis, before the adjournment I asked you some questions about a number of names – Piers, Peterson, Pearson, for example – and I think your evidence was that they were names and therefore accounts that Mr Petroulias was operating, is that right?---Yes.

40 And, Ms Bakis, it's reasonably apparent from the various bank statements that I've taken you through, and at least some of the names that we've gone through here, that money is going from this Gows account into a range of other accounts that appear to be controlled by Mr Petroulias, isn't that right?---Yes.

And in turn money is coming from those accounts that appear to be controlled by Mr Petroulias, albeit that they may not be in his actual name, back into the Gows account, isn't that right?--- Yes.

And, Ms Bakis, are you able to offer any explanation as to what purpose there would be for transferring money from one account controlled by an individual to another and back again?---I can't. It's, you can't conceal money like that. So, I, I just don't understand why he would do that.

10 One of the things that is apparent is that to enable a person to analyse and work out where the money has come from, where it goes to, you obviously need the corresponding account information, don't you? That is the Gows account and the corresponding account that receives or remits the money.
---Yes.

And it would only be through the process of reconciling the multitude of accounts would you be able to get a clear picture of what actually is happening to the various accounts, including this Gows account, do you agree?---Sorry, can you ask that again?

Of course.---I lost my train.

20 It would only be through reviewing the bank statements of, on the one hand, Gows and one of the other accounts that is either receiving or remitting the money that you could get a clear picture of what is actually happening between all these accounts?---Yeah.

And what it would make difficult to do is to really trace the money, would it not, by having these moneys going in and out of various accounts, would you agree?---It's not that hard to trace. Isn't it the same money going around and around two or three entities? It's not that hard.

30 Yes. Well, a lot of the entities are Mr Petroulias himself, aren't they?---Are they?

Well, I think you've agreed that these are, Piers, Pearson, for example, Peterson, are - - -?---Yeah, yes. Okay. Yes.

And so really he's remitting money to and from himself, is he not?---Yeah.

40 Yes. And that's what Gows is doing, it's paying Mr Petroulias through one of the various names that he's used and money then comes back. Isn't that right?---Yes.

And you're not able as an accountant or as a holder of this account or the operator of this account to provide any sensible explanation for that, is that the position?---That's right.

Now, you mentioned earlier, Ms Bakis, a gentleman called Mr Latervere?
---Yep.

And he was a friend as you understood it of Mr Petroulias.---Yes.

Is that right?---Yes.

And he spoke very fondly of him as I understood your evidence. Is that the case?---Yes.

10 And although he spoke fondly of him and suggested that you meet with him you never had that opportunity. Is that so?---That's right.

You've never met him?---No.

You would know, though, from looking at this bank statement that Mr Latervere appears to be paying money into the account and also receiving money, would you not?---Yes.

And did you know anything about that, Ms Bakis?---No. Is this the Gows account?

20 Yes.---Yes.

We're still on the Gows account just so it's clear.---No, no.

And did they have any business relationship so far as you were aware, Ms Bakis?---I don't know to be honest. I don't know.

30 Never spoke to you about Mr Latervere and Mr Petroulias having any business connection?---They spent a bit of time with each other. I'm not sure.

Well, just answer my question. Was there any discussion about it or not? ---There wasn't discussion with me, no.

And you're unable to offer or assist the Commission in any way about why money is going to and from Mr Latervere. Is that right?---That's right.

40 And if you assume for the moment that there appears to be at the very least three bank accounts for Mr Latervere, are you able to offer any explanation as to why Mr Latervere might have three explanations involving moneys being remitted to or from this Gows account?---I can't explain that.

Now, would you have a look, please, at volume 39, page 71 and you will see there that that's a page of the bank statement of the Gows account from 30 June to 31 December, 2016.---Yes.

And if you do down to the entry 12/10/16. Do you see that, Ms Bakis?---I do.

And you will see there's a reference there Provest Gows Investment.---Yes.

Do you know what that relates to?---No.

Do you know who the person or entity Provest is?---I have heard of it before.

Is it a company or is it an individual?---It's an individual.

10 What's the individual's name?---Oh, Peter, Peter Provest.

Provest, is it? All right. Have you met Peter Provest?---Not, no.

Do you know what Peter Provest does?---No. No.

Do you know why he's paying money into, it seems, the Gows account in October of 2016?---No.

20 How do you know of Peter Provest?---From discussions I've had with Mr Petroulias.

Is he a friend or acquaintance of Mr Petroulias is he?---I'm not sure. I, I just remember the name being bandied around,

Well, are you able to assist in saying in what context this has arisen?---No. I don't remember.

30 Do you understand it to be a person who Mr Petroulias is a business acquaintance with or a personal friend?---I don't know.

Do you know how many times he may have mentioned the name Peter Provest?---I don't know.

And you can't assist at all in saying when he may have mentioned it?---A few years ago is my recollection.

THE COMMISSIONER: What did you say?---A, a few years ago.

40 MR CHEN: Is it a name that Mr Petroulias has ever used as an alias?---I don't think so but then again I don't know a lot of these names, so - - -

[REDACTED]

[REDACTED]

That is one of the names that he has, as I understand your evidence yesterday, used by changing it by proper means, is that right?---Correct.

[REDACTED]

Yes.---Absolutely no idea.

[REDACTED]

[REDACTED]

But the transaction was, must have been on your evidence, initiated by Mr Petroulias to himself, must it not?---Yes.

20 Now, would you have a look, please, at volume 39, page 72, and you can see on 8 November there seems to be a lot of transactions occurring into this account. Do you see that, Ms Bakis?---I do. I do.

Quite substantial sums of money are coming back in from some unidentified, or unidentified on the statement, bank accounts but some identified. Do you see?---Yes.

And so, for example, N.J. Piers Investment is really Mr Petroulias sending money into this account himself?---Yes.

[REDACTED]

And again, if you look at the next couple, you'll see N.J. Peterson, Nicholas Peterson, again, he's remitting money from himself to himself, isn't he? ---That's right.

[REDACTED]

THE COMMISSIONER: Consistently employing names other than his actual name?---Well, Nicholas Peterson is his name.

Well - - -

MR CHEN: Was that his - - -?---Legal name.

THE COMMISSIONER: These names in the vast collection of names that he's gathered and used has been deployed in recording these credits to Gows, whether it's Peterson, Peterso or other names that he from time to time used?---Well, Peterso is or because you can't fit the full thing on the line.

10

But my point is - - -?---The thing.

- - - that he's not only transferring money from himself using various names, but he's doing it consistently in to Gows account.---Yes.

Why was he doing this, that he's using these various transactions as recorded against different names which he's assumed himself to record these transactions rather than use his own name of Nick Petroulias?---Well, that's not his name but I, I understand your point and the answer is I don't know.

20

You don't know. But you've lived with him for years and you must have discussed business matters frequently. You must have some idea as to what the stratagem was, why was he doing this. He must have imparted to you why, the rationale for it.---Not really.

When you say not really, that means - - -?---No. No.

- - - yes, he did but not, you know - - -?---No.

30 - - - not completely.---No.

You are saying on your oath absolutely he never disclosed to you why he was effecting these transactions in various names though he was the one who was actually making the transactions? On your oath you say you had no idea whatsoever over the years he was doing this?---I knew he was doing it but although this is Gows I didn't know he was doing anything. I don't know why he was doing it. I don't understand the point.

40

But he must have disclosed it to you?---No, he didn't. You'd be surprised.

Well, you must have asked him when you saw all these names he was using, why are you using these names?---Well, we have that discussion and, you know, it was "Everyone knows me as Nick Petroulias and I've got a bad reputation so I want to change my name." I don't know - - -

But that wouldn't explain why he was doing the transactions in all this collection of names, would it?---No. I don't understand it.

Because it's a transaction between himself and his company.---Yeah, so I don't know why he was, I don't, I don't know.

You say on your oath he never disclosed to you why he was adopting this practice?---That's right, yes.

MR CHEN: So could I ask you to have a look still on the same page, 8 November, 2016. Just beneath Diomedes Investment you will see Rockforth Investment.---Yes.

10

Do you know a person or an entity called Rockforth?---No.

Never heard of it?---No.

You know nothing about any business that Mr Petroulias might have been doing with Rockforth or any investments with that person or entity?---No.

THE COMMISSIONER: You've seen the name Rockforth Investment though in the accounts, I take it, in the past?---I have.

20

Did you ever ask him about it?---No, because it's a Gows account.

Because what?---It's a Gows account but I'm not responsible for it so - - -

MR CHEN: If we just stay on the same page, Ms Bakis, you can see down the bottom the second-last entry 12 December, 2016. You can see that there's a transaction, a debit to Michael Rockforth. Do you see that?---Yes.

30

Is that Mr Petroulias?---It could be.

You've never heard the name Michael Rockforth before?---Isn't that what we just went through? Oh, that was just Rockforth.

No, it was Rockforth Investment I asked you some questions.---Oh, okay. Sorry. That's an entity. Oh, okay.

I don't know what it is, Ms Bakis.---Either do I.

40

THE COMMISSIONER: The second-last entry on the page your attention is being drawn to.---There you go. I just - - -

Michael Rockforth.---I don't know. I, I don't, I, I have seen that name before but I don't know.

MR CHEN: Where have you seen it before?---When, I've seen it in the course of gathering documents for that litigation.

I'm sorry, what litigation are you referring to?---The Awabakal litigation. I'm sure I've seen the name. It came up on a bank statement somewhere. I'm sure I've seen it before.

So that would be one of your own bank statements then wouldn't it?
---Gows?

10 No. The litigation you had was you suing the Land Council for its fees.
---No, there was separate litigation where Sunshine was suing Awabakal and myself.

And those proceedings commenced, what, in 2016?---2017, June, 2017 and there were a series of subpoenas during those proceedings.

And what documents did you have to dig out in the course of dealing with that piece of litigation?---Well, lots but my point is I, I think I've seen this before when they were, there was a subpoena issues and I saw the documents then.

20 So when you say documents, do you mean these bank statements?---Yes.

The Gows Heat bank statements?---Yes.

So why did you have access to the Gows Heat bank statement?---Because I was a party to the litigation.

Sorry, you yourself were, were you?---Knightsbridge North Lawyers was and myself. I was named in the cross-claim, yes.

30 And so if Knightsbridge North Lawyers are, why are they producing Gows Heat bank accounts?---No. No, Gows Heat were also a defendant in those proceedings and they were, they were, they were issued with a subpoena.

And, what, you got the documents out for them, did you?---No. I saw them when they were, when they were presented to court.

Well, who produced those documents?---The solicitor for Gows.

40 Who was that?---Rosita Luk.

Anyway, you don't know who Michael Rockforth is, is that - - -?---No, I don't.

Now, you do know Greg Vaughan, though, don't you?---I do.

And what's the business relationship, if any, that you know of between Mr Vaughan and Gows?---Isn't Greg the director at the moment?

Just attend to my question, if you would, Ms Bakis.---Oh, sorry. I thought that's what you're asking me.

No, I asked you a distinctly different question. What's the business relationship between Gows and Mr Vaughan?---I don't know.

Well, what does Mr Vaughan do?---He does lots of things. He's, he's a project manager. He's an IT specialist. He manages companies, businesses. He's, he's quite talented.

10

Well, he was a director of Able for a while, wasn't he?---He was.

And who asked him to become a director of Able?---Probably Mr Petroulias.

And is not Mr Vaughan now the director of Gows Heat?---I thought that's what I just said, yes.

20

No, it was about Able. I asked you a question about Able.---Sorry, what's your question now?

Mr Vaughan is also a director, is he not, of Gows Heat?---Yes.

And who asked him to become a director of Gows Heat, Ms Bakis? Was it you?---No.

Was it Mr Petroulias?---Probably.

30

And so far as you know, Ms Bakis, Gows Heat doesn't do anything other than, it seems, transact money through this bank account, isn't that right?---I think it does more than that. I think - - -

Well, I don't you assist the Commission in saying what it does do, to your knowledge.---Well, I'm not Gows.

I understand that, Ms Bakis.---You'll have to ask Mr Vaughan or Mr Petroulias or - - -

40

Well, I'm asking you, Ms Bakis.---Okay. I don't know.

Don't know at all what it does?---Not really, no.

When you say not really, what do you mean?---No, I don't know.

THE COMMISSIONER: But you do know Gows Heat took off financially once it, through Mr Petroulias, got involved in the Awabakal Land Council matters.---Did it?

You know it did. Financially it took off.---It took off?

That is, made lots of - - -?---Well, it made some money, yes.

Made lots of money.---It made some money, yes, yes.

And it didn't make money from any other source in the years 2015-16, did it?---I don't think so, no.

10 Its business with the Awabakal Land Council business in those years, wasn't it?---I think it was doing other things but it, I don't think it was involved with the Land Council.

But the moneys were associated – the moneys earned by Gows or received by Gows – were all associated with transactions connected with the Awabakal Land Council, correct?---Yes.

And in that period, by 30 June, it had been able to secure for itself something over a million dollars.---Yes.

20 That's principally through the activities of Mr Petroulias?---Principally.

And with you assisting him in that period of 2015-2016?---Providing legal services, yeah.

Well, not only legal services but also helping him in relation to the commercial side of the Land Council transactions?---No.

30 You were a beneficiary, weren't you, of the revenue that was generated through the activities at Gows in the years 2015 and '16?---No, I wasn't.

Did you benefit financially?---No.

Not at all?---No.

I want you to reflect upon that.---Okay.

40 In those years, 2015-16, did you or did you not benefit financially from the activities of Gows in relation to the Awabakal Land Council transactions? ---I did not benefit.

Well, we might examine that in due course.---Well, I can explain but I'm probably not going to be allowed to, so - - -

Yes.

MR CHEN: Well, just so it's clear, Mr Bakis, when the account opened, the Gows account in 2011 by the forms that you submitted, it opened with a zero balance, isn't that right?---I'm pretty sure that's correct.

Yes. And the only income that it received was in October of 2011, which was a payment made to that account by Mr Di Bella of \$5,000, isn't that right?---Well, I wouldn't know but I trust you're, you're reading it correctly.

10 Well, I'll show you, Ms Bakis, so there's no doubt in your mind. Volume 39, page 37. Do you see the entry on 21 October, 2011?---I do.

And you can see then the balance, just over \$5,000?---Yes.

And if you turn then to page 39, you can see that credits that it received from time to time were interest on the balance. Do you see that?---Yes.

If you look at page 41, again, the credits are simply from interest. Do you agree?---Yes.

20 And have a look then at page 43.---Yes.

There's some payments to cars, NAB and Westpac?---Yep.

The account slowly whittling down to \$100 as at June, 2012.---Yes.

Look at page 45.---Yes.

Still around \$100, isn't it?---Yes.

30 Have a look at page 47.---Yep.

Do you see that, it's just getting nominal amounts for interest of the \$100 it's got in the bank account, isn't that right?---Yes, that's right.

Page 49, the same thing.---Yep, yes.

Page 51, again the same thing.---Yep.

Page 53.---Yep.

40

Page 55.---Yep.

Do you agree?---Yes, I do.

Page 57, which I took you to at the beginning, there's a balance of \$111.13, just prior to the injection of moneys from this Gows Land Council transaction, isn't that right?---Yes.

So, the Commissioner's point – namely that it took off, so to speak – is plainly right, is it not?---Yes.

You'd had no source of income at all until the moneys were deposited in the account, at least the initial tranche on 26 October, 2015?

MS NOLAN: I object to that question. There's a fine distinction between there's no source of money or no earnings. I think this account had no money deposited in it is all that this evidence, can be gleaned from this
10 evidence. It can't determine - - -

THE COMMISSIONER: Do you have an affirmative case to prove the opposite?

MS NOLAN: Do I have an affirmative case - - -

THE COMMISSIONER: That it had a source of income other than the Awabakal land transactions prior to October, 2015?

20 MS NOLAN: No. I am here to make sure these questions are fair because it's calling upon this witness to speculate with respect to something and it's an unfair question.

THE COMMISSIONER: Thank you. I'll allow the question.

MR CHEN: Well, it's referable to this account, Ms Bakis.

THE COMMISSIONER: Put it again.

30 MR CHEN: Yes. The only income that this account received, other than this \$5,000 back in 2011, was from the Gows transaction, isn't that right? ---There's no doubt about that.

And the only other subtle variation to that is this constant exchange of money flowing between the various accounts that Mr Petroulias had established, isn't that so?---Yes. But there's a difference between making money and trying to make money.

40 I'm grateful for that, Ms Bakis. I'm not asking you questions about making money and trying to make money.---Yeah, but it's quite significant.

Why do you say that's significant, Ms Bakis?---Well, it could be that they were doing, trying to get things off the ground but they never did.

Well, Ms Bakis, I'm asking you about this account. Do you know of another account that Gows Heat has?---No.

Well, I'm just asking you to focus on this account.---Yes.

And what else you know about Gows. Do you understand?---Absolutely.

And what else do you know about Gows. I had understood you to say repeatedly, Ms Bakis, you knew very little about it.---Well, I don't. But that doesn't mean that - - -

10 So what's this idea about things getting off the ground that you're trying to introduce?---The Commissioner said it took off when the money came in from Gows.

Ms Bakis, that was a question a good five minutes ago.---Okay. All right. Well, move on.

Now, Ms Bakis, do you know of a – I withdraw that. Would you have a look, please, at volume 39, page 86. Now, you'll see on 7 September, 2017 that there are a number of transactions, starting with your account, Point Partners. Do you see that?---Yes.

20 Michael Rockforth. Do you see that?---Yes.

And if you go down a bit further you can see Techno Group E.---Yes.

Do you know who Techno Group E is?---It's a company associated with Vince Di Bella.

And Mr Di Bella's the accountant, is he, that you mentioned possibly yesterday, is that right?---Yes. That's right.

30 And what's the association as you understand it, Ms Bakis?---He's the accountant for Techno.

Well, I'm asking you who Techno is, not who the accountant is.---Well, you asked me the association.

Well, I asked you about Techno Group. Do you know who Techno Group is?---No.

40 So is it associated with Mr Petroulias?---I believe so, yes.

Well, what's the association that you know of between Mr Petroulias and that company?---I don't know.

Well, have any of the accounts that you've had, including your Macquarie account with Knightsbridge North Lawyers, ever received income from Techno Group?---Income?

Well, a credit, if that's easier.---I don't know. I don't know.

Have you ever done work for Techno Group?---No.

You've never had calls to issue an invoice for them to pay you?---No.

Well, are you able to assist any further in what Mr Petroulias's connection to this company is?---No, I can't.

10 When it started?---When the company was incorporated? I've got no idea.

What does it do?---I don't know. I don't know who does anything. I don't know.

But is it your evidence that you understand that is a company that Mr Petroulias controls at least? Is that the position?---I'm not sure if he controls it. I know he does something with it. I'm not sure that it's control.

20 THE COMMISSIONER: What do you mean he does something with it?
---I've heard him mention it, so, I, I, I don't quite know the extent of his involvement in that entity with Vince. I'm not sure what, what goes on with that.

Does he work closely with Mr Di Bella?---No. They're, they've known each other for a long time.

How do they know each other so far as you know?---Back when Mr Petroulias was working as a lawyer in mid-2000s, I think he provided advice to Mr Di Bella. Tax advice.

30 MR CHEN: I thought you said that Mr Petroulias stopped being a lawyer in about 1999.---No. He stopped being a lawyer in 2008 was my evidence.

Anyway, are you able to assist the Commission at all in what that transaction relates to, that is, the one with Techno Group on 7 September, 2015?---No.

'17 I'm sorry.---No, I can't. I can't.

40 Now, Ms Bakis, as at October, 2015 you had a number of credit cards, did you not, in your name?---Yes, I did.

You had one with 28 Degrees or GE Money did you not?---Yes.

Did you have a Myer Visa credit card through Latitude Finance?---I did.

You had a CBA credit card, did you not?---Yes, I did.

In fact you had two, didn't you?---I did.

When the Commissioner asked you whether you benefited financially from this Gows transaction and you said no, you didn't. Isn't that right?---On a net basis no, I didn't.

What does that mean?---Well, you're not letting me explain so you, you go ahead and try elicit what I'm going to say in an hour. That's fine.

10 Ms Bakis, I'm just asking you about what you said.---Okay. Can I explain now?

Ms Bakis - - -

THE COMMISSIONER: No, just wait for the questions, please.---That's what I mean. It's taken an hour. Okay.

20 MR CHEN: No, Ms Bakis, the Commissioner asked you clear questions about whether or not you had benefited financially from any of the Gows transactions and I thought your clear unambiguous answer was, no, you did not.---No, I did not.

But now it's on a net basis. Is that what you're trying to say?---Well, no, I did not.

30 So is there something you want to explain about net basis or not?---Okay. So that Knightsbridge North Lawyers account which I don't control, a lot of the Awabakal fees were paid into that account and I never benefited from those fees so I think where you're going is that my credit, my, and as a result is - - -

THE COMMISSIONER: Don't you worry about where - - -?---I'm trying to - - -

- - - Dr Chen is going. He's going to take you there very shortly and I think you should do it now, Mr Chen.

MS NOLAN: I object. This witness has been invited - - -?---I just got asked a question.

40 - - - to answer the question, Commissioner, and she is endeavouring to do so and the Commission has interrupted her and this is an important aspect of the evidence. It is fully within - - -

THE COMMISSIONER: She was going into the credit card - - -

MS NOLAN: Commissioner, may I please finish. This is an important aspect of the evidence and if the Commission would please allow this witness to answer a question which Counsel Assisting has fairly put to her,

given her an opportunity to answer and may the Commission please allow her to finish.

THE COMMISSIONER: Let me see, what else would you like to say on the question of net, the net question?---I earnt fees from the Awabakal transactions.

Sorry, say again.---I earnt legal - - -

10 Sorry, would you start again. I'm having sometimes trouble picking - - -?
---Yeah, it's - - -

You drop your voice sometimes.---It's this. It's this. It's not me.

All right. Well, just step back a little bit from the microphone.---Perhaps, okay. So I earnt legal fees from the Awabakal transaction I think in the order of 140,000. A lot of those fees did not come to me. They went to that Knightsbridge North Lawyers account. I didn't see that money. As, as a consequence I said to Mr Petroulias this isn't fair. I'm doing a lot of work.
20 Can you please pay my credit cards. And I can assure you that I'm pretty sure the benefit I got did not exceed the legal fees I should have earnt.

MR CHEN: Well, Ms Bakis, have you finished, sorry? Is there anything else you would like - - -?---Well, I have. Thank you, Mr Chan.

Now, let's be clear. You never rendered an invoice for your legal work that apparently you did for the Land Council until around March of 2016. Isn't that right?---That's, that's correct.

30 And the first payment that you received was in May of 2016. Isn't that right?---I'm not sure but it could be right.

And it's the case, is it not, that at all times, at least as I understand some of the material you've produced to the Commission or Mr Petroulias has, you've been saying that you did all the legal work for this Gows Heat agreement for free or Gows Heat paid you for it. Is that right nor not?---I never said that.

40 You never rendered an invoice for preparing these apparent Gows Heat Land Council agreements at all, did you?---In 2014?

Well, 2014 or '15, did you?---No, because I did the work for, Gows was going to pay for it and again I never got paid for it.

So let's focus then on what you received in 2015 which is at that stage you had no entitlement to any fees from the Land Council. Isn't that right?
---Well, I never issued an invoice, that's right.

Well, what do you say you were entitled to charge for in 2015 that you never did?---Well, I, yeah, that, that could be right, yeah.

Yes. Well, let's focus then on these - - -

THE COMMISSIONER: I think it was put to you, in 2015 you had no entitlement to fees. You accept that proposition, do you?---Oh - - -

10 Well, can you think of anything you did which would have entitled you to fees, put it that way?---Well, that's what I'm trying to think of, Commissioner. That's probably right, yes.

Yes, okay.

MR CHEN: Let's come back to these credit cards, Ms Bakis. So, you had a 28 Degrees credit card, did you not?---Yes.

20 And I'll just show you, Ms Bakis, so you can familiarise yourself with the document, volume 39, page 155.---Yes.

You accept that's your account, do you?---Yeah, it looks like it.

Well, it's got your name on it. It looks to be your account, doesn't it?
---Yes, Mr Chen.

So, have a look please, if you would, at volume 39, page 163 and 64.---Yes.

30 And you can see there that the balance of that account is just a bit under \$14,000, isn't that right?---Yes.

And is it the case that the limit of that account was about \$14,000?---Oh, probably, yeah. It says it there.

Yes. Well, if you look on the front page - - -?---Well, it says there, "Cash limit \$14,000." Yes.

Yes. And if you just return please to volume 163, sorry, page 163, you'll see that at that stage - I apologise, 164.---Yes.

40 You'll see that you made a payment of \$400 but on top of that, you had expenses of just over \$350 for that account, did you not?---Yes.

If you have a look, please, at - I'm sorry, these go in reverse order, Ms Bakis, but if you have a look, please, at page 161, you'll see that this is a statement for the period June, '15 to July, '15?---Yes.

And again, if you turn to 162, you'll see that your balance is therefore still hovering around the limit of that account?---Yes.

If you look, please, at July to August, 2015, so that's page 159?---Yes.

Again it's inching up to \$29 beneath the limit of that accounts, is it not?
---Yes.

And you were making, if not the minimum payment, very close to the minimum payment under that account, were you not?---It looks like it, yes.

- 10 If you have a look, please, at page 157, the statement of 7 August to 6 September, 2015, you can see that in fact at that stage you were over the limit of your account, are you not?---Yes, I am.

And again you had only made, if not the minimum, close to the minimum amount of payment required under that account, isn't that so?---Yes.

And if you turn, please, to the account statement of 7 September to 6 October, 2015, you'll see that - - -

- 20 THE COMMISSIONER: What page is that?

MR CHEN: I'm sorry, Commissioner. Volume 39, page 155. Again, you'll see that this account is hovering quite close to the limit, is it not?---Yes, it is, yes.

And if you turn to page 156 in particular, you can see that you were making pretty close to minimum amount payable but over three separate payments. Do you see that?---Yes, I do. It looks like I paid that one late, yep.

- 30 And you can see then, Ms Bakis, if you turn to the account statement for 7 October, 2015 to 6 November, 2015 that your account is at that stage zero. Do you see that?---Which page?

THE COMMISSIONER: What page?

MR CHEN: I'm sorry. 153.---Yes, because it was paid, yeah.

And where it was paid from was from the Gows Heat account, wasn't it?---I assume so.

40

So when you said to the Commissioner before you hadn't benefited financially, you certainly benefited because your credit card was paid off from the money from the Gows account, isn't that right?---Yeah, but I was owed that money.

What, you were owed it from Gows, were you?---Sorry, where are we?

October 2015.---Oh, I've got the wrong year. Yeah, that's right. So, so - - -

THE COMMISSIONER: Well, you took a long time to answer that.---No, no. I was, I was - - -

Is there a reason for that?---I was trying to remember the years. I was just trying to remember where this money came from and then I realised it's the Zong money and - - -

10 MR CHEN: That's exactly where it's from.---Of course it is.

Yes.---There's no doubt about that. But that doesn't mean, that, which is part of the reason why there my fees were applied. I didn't get all my fees because these, these, this money had gone here. Mr Petroulias isn't very generous with his money, trust me.

I'm sorry, is or isn't?---Isn't. I can assure you.

20 THE COMMISSIONER: Well, he was generous at this time, wasn't he, with your - - -?---Felt sorry for me.

- - - with your credit card hovering just under the limit for some time.---Yes.

And then when you get to 7 October-6 November period, it's all gone. It's all paid for.---It's all paid for but I think I paid in the order of a hundred grand for that generosity, so - - -

Well, whatever you paid for it - - -?---Well, there's no benefit. There's no benefit.

30 - - - Mr Petroulias's efforts with the Land Council transactions having produced a stream of revenue, it was applied in this instance for your benefit.---It was. But as a net overall, I did not benefit from that transaction.

MR CHEN: So this is really, what you're doing is you're taking the money from Mr Zong and Gows in 1 October, 2015 when in fact you're not owed any money and have no entitlement to render any accounts. That's clear, is it not, Ms Bakis?---This is just ridiculous. Yes.

40 And what you were doing is, by giving your answers a moment ago to the Commissioner, really saying that, "Well, in due course, when I did render some fees, it all equals itself out." Is that really what the substance of your evidence is, Ms Bakis?---Yes.

So the work that - - -?---It was effectively a loan.

I'm sorry, it was a loan, was it?---Yes. It was effectively a loan. Look, okay, I'll pay off your credit cards, but - - -

THE COMMISSIONER: Did you say “effectively a loan”?---Effectively. We didn't document it.

You're a lawyer. You know what a loan is and what – it's either a loan or it's not a loan. You say it's effectively a loan. What, there's no transaction of a loan, was there, entered in?---I can assure you it was not a gift from Mr Petroulias. This money was going to have to go back to him somehow.

10 But you can't point to any evidence that it was a loan, can you?---Well, I don't need to because it's evident from the material that that's what it was.

But you're a lawyer.---Evident.

You're a lawyer.---So?

You know what a loan transaction is.---Yes.

It's a form of contract, isn't it?---Yes.

20 Which has got to be an offer, an offer and an acceptance, and consideration to support it as a binding loan agreement. We're going back to first-year law school now, but that's in essence what you'd need to establish that it was a loan, wouldn't you? To prove those elements.---Yes.

Is there any evidence that this money was loaned to you?---Yes.

There is?---Well, I paid it back, didn't I?

30 Where is the evidence?---The fees that I – oh, I can't, I, there's no point explaining anything here. It's complicated. So I, Mr Petroulias and I keep separate balance sheets, okay? We're not like normal families. He does his thing, I do my thing. That must be evident to everyone now, okay? He said to me, “I will pay these credit cards for you and somehow down the track you'll pay me back.” He never paid my mortgage, never paid my electricity or my rates or any of that, okay? You must, you must see that. So this was clearly just, it was (not transcribable) he got some cash and he thought he'll help me out until I could pay him back, and I did.

40 MR CHEN: Now – I'm sorry, Ms Bakis, did you finish?---I did.

So, Ms Bakis, in the same way, the money that came from Mr Zong came through Gows to pay off your Myer Visa card as well, did it not?---Yes.

It also came through that same mechanism to pay off your CBA business credit card, did it not?---I don't recall that but that could be right.

Well, I'll show it to you if you like, Ms Bakis, but - - -

THE COMMISSIONER: I think you should go to that, yes.

MR CHEN: I'll do that. So, Ms Bakis, would you just have a look, I'll take you back to your Myer credit card if I can.---I'm not disputing that. That's probably correct.

Well, I want to make sure that we're talking about the same thing, Ms Bakis, so I'll just take you to it if I can. So it's volume 39, page 250.

10 THE COMMISSIONER: 250?

MR CHEN: 250, Commissioner, yes. I'm sorry, it's actually 247. I'm sorry, that's my error. And you will see that's your Myer Visa credit card and you will see a statement date 12 November, '15 in the top right-hand corner.---Yes.

And if you turn, please, to page 248 you can see that there's a payment in there 3 November. Do you see that?---Yes.

20 And would you have a look, please, initially to identify this account, please, Ms Bakis, at the business credit card from the Commonwealth in your name, volume 39, page 277. You recognise that account, do you?---Yeah, I think it's the Knightsbridge North's account. Yes, yes, I do.

That's your account, is it?---Yeah.

And I take it that you didn't give Mr Petroulias the details to use that account, did you?---No.

30 And if you just have a look at a couple of these statements, Ms Bakis, you will see for example volume 39, page 363.---Yes.

Ms Bakis, I'm just going to pause there for the moment. I apologise. I'm taking you to a different account. I just have to readjust my numbering. ---You need to go to 366.

I'll just do it this way, Ms Bakis, if I can because there are two accounts there and I think you may find you're looking at a different account. This is account number ending 7-5-2-6.---Yes, that's the - - -

40

And page 277.---Yeah, that's the Knightsbridge one, yeah.

And if you see, please, the account at volume 39, page 295 you can see the balance of that account being slightly over \$5,000.---Yes.

With a credit limit of \$5,300. Do you see that?---I do.

And if you turn then, please, to page 297 you can see again with this account the statement as at the period 17 October to 13 November, 2015.
---Yes.

With a credit limit of 5,300 and available credit of \$5,017 or thereabouts.
Do you see that?---Yes, I do.

10 And if you go to 298 you can see that's because on 4 November \$5,080 was paid into that account.---Yes.

Again, that's come through the same way from Zong to Gows, Gows to this account, isn't that right?---Yes.

So, if you look then at your fourth statement – I withdraw that, your fourth account credit card at volume 39, page 359, you'll see there that that's a low-rate Mastercard in your name?---Yep.

20 And you'll see at that page is a statement, 17 July to 14 August, 2015?
---Yes.

And you'll see that there's an amount owing of just under \$28,000. Do you see that?---Yes, I do.

Again, with a credit limit of \$28,200. Do you see that?---Yes, I do.

And that account has, if you can look over the next page, been just over the limit during the course of that statement period?---Yes.

30 And if you have a look then, please, at volume 365, sorry, I apologise, volume 39, page 365, you can see then, this is a statement for the period, 16 October to 12 November, 2015?---Yes.

And you can see there that the credit available has returned to the maximum amount, can you not?---Yes, I do.

And if you turn to the next page, you'll see that's because there are two payments, a combined payment of – I withdraw that, two payments, \$14,900 on 4 November and \$15,000 on 9 November.---That's right.

40 And again this has come through from Mr Zong to Gows, Gows to pay off these accounts, isn't that right?---Correct.

And in total, what was paid off in this period of October-November, 2015 in that way was around 51-odd thousand dollars, isn't that so?---Yep.

Directly referable to this transaction, is it not?---Yes.

Now, you were at this time, Ms Bakis, can I respectfully suggest to you, under considerable financial pressure, were you not?---I wouldn't say that.

THE COMMISSIONER: Well, all these credit cards were maxed out, weren't they?---Yeah, well, that's what we do.

MR CHEN: When you say, "That's what we do," who are you referring to?---Well, I go through phases in my life where that's what I do.

10 THE COMMISSIONER: I think it was put to you at this time, October-November, 2015, you were under some financial stress. Do you agree with that? Is that a fair statement?---Yeah. I, I was probably living month to month at the time, yeah.

MR CHEN: And you were barely able, can I respectfully suggest, to even meet minimum monthly payments to a number of these credit cards in this period leading up to October and November, 2015, isn't that right?---I don't believe I missed a payment.

20 Well, you certainly were paying the minimum amount at the same time incurring other amounts, weren't you?---Well, I was, yeah.

And you weren't reducing the credit card - - -?---No.

- - - amounts, were you?---No.

30 Because you didn't have the financial means to do so, isn't that right?---It's partly right. I mean, I had two young children, I wasn't working anywhere near the capacity I, I was three years earlier, so I was earning a bare, bare minimum I could to get by.

Now - - -

THE COMMISSIONER: Well, the receipt of 51-odd thousand dollars or thereabouts being described to you as the Zong money that went through Gows, I dare say it came as a great relief financially for you?---Well - - -

40 Or some relief anyway, obviously.---Some, some relief but I had to pay it back. It was, I can assure you it wasn't worth it. I would have preferred to have done nothing to be honest and got my fees.

MR CHEN: Well, you mean in the hope that you would continue to do some work for the Land Council to incur some fees?---I did incur fees. June, 2016.

Well, you had no expectation one way or the other, Ms Bakis, at the end of 2015, whether you would be doing one day, one week, one month's work for this Land Council, isn't that right?---Oh, I think, I think it was quite evident

by the end of '15 that I'd be doing a lot of work for them. The investigator had been appointed and we just, on our feet getting started on that work.

Now - - -?---Significant. And the accounting engagement.

10 THE COMMISSIONER: Incidentally, we'll probably get to this at some stage, but before you secured a retainer from the Awabakal Land Council as a legal practitioner to do work for the Land Council, did you ever disclose to the Land Council that Gows had paid you a considerable amount of money in relation to the land transactions in question with Sunshine?---I'm sure I did at the time. I'm sure I did.

I'm asking you, did you?---Yes.

When and how?---Sorry, sorry, if I benefited? Did I tell them that my credit cards had been paid off? No.

No, that's not my question.---Sorry, can you ask me again?

20 That's not my question. Let me put my question, not yours, back to you. Before you set out and did obtain a retainer to act as the lawyers for the Awabakal Land Council, did you disclose to the Land Council that you had benefited financially through Gows from the land transactions involving Sunshine?---No.

In any event we'll come back to that. But just before we leave it - - -?
---Assuming that's a benefit.

30 - - - in retrospect do you think as a registered legal practitioner in this state that you ought to have made that disclosure, in the benefit of hindsight at least?---No.

You say no?---Well, if, if, if a company is giving me money on the understanding that I'm going to pay it back, I don't consider that a benefit. That's just, well, yeah, perhaps I should have.

Yes, now, Mr Chen, I'm sorry. I've interrupted your flow.

40 MR CHEN: Ms Bakis, I want to suggest to you as well that this Gows Heat account in fact did pay for things such as a gas bill for you.---Did it?

Well, I'll show you, Ms Bakis, and we can take you through the material. So volume 39, page 58. You can see that when it comes onto the screen there's an entry on 3 November, 2015. Do you see that?---Yeah.

And you had an account with - - -?---It was in Mr Petroulias's name.

Yes. Well, it was for the property, though, just so it's clear. The gas account as for [REDACTED] property, was it not?---Yes.

And that was the property that you owned, wasn't it?---Yes.

And he did not?---Yeah.

10 And you accept that this amount here that's referred to on 3 November was a payment to settle that account, do you?---Yes, he used his money to pay his bill, yes.

It's his bill, is it?---It's his invoice.

But the gas was to your property.---It's his invoice.

The gas was to your property.---Yes, but it is his invoice.

20 Well, I think you've made that clear. I'm just working out where the connection is at the moment from the gas main to a house. Is it [REDACTED] [REDACTED] I already said yes to that.

Now, this account has also been used to pay some of your parking tickets and other things as well, hasn't it?---Oh, probably. They're probably not mine, but, yeah.

Well, what's your answer? Not your fines?---Well, help me out here. Give me dates.

30 Well, I was going to suggest on 26 October, 2016 and 14 November, 2016. Does that assist you at all? Page 70 and 71. I'm sorry, 71. You'll see 26 October, '16 there's an amount of \$189. Are you not able to say one way or the other?---Well, I don't know if that's mine or who was driving the car. I don't know.

All right.---I can work it out.

40 Now, I asked you some questions before lunch, Ms Bakis, about Point Partners consulting, and I think your evidence was to the effect that you opened the account but handed the information to use it over to Mr Petroulias and thereafter he was the person, and not you, that operated that account. Is that a fair summation of your evidence?---Yeah, I'm not sure how long I operated that account before I handed it to Mr Petroulias, but that's correct otherwise.

Did Point Partners have another account?---Yes.

Where was the account held?---It was a NAB account.

And what was the name of that account?---As the entity name or the name of the - - -

Well, what was the entity that held the account?---Point, Point Partners Consulting.

And when was that account opened, Ms Bakis?---Probably the same time I opened the Bankwest account. It would have been May, June, July, '14.

10 Sorry, just so it's clear, did you open it at around the same time as the Bankwest Point Partners account, did you?---I think so.

Can I ask you why you're opening two accounts?---Yes. So the previous entity was using ANZ and I didn't want to use them, I just didn't, and I went to two banks that I had no other associations with to try them out. That's all.

So what, you went to NAB and Bankwest, did you?---Yeah.

20 And did you give Mr Petroulias the account information and user information for the NAB account?---No.

Or was it only for the Bankwest account?---Just Bankwest.

So really the Bankwest account was set up solely for his use and the NAB was for Point Partners use. Is that the position?---What was the beginning of that question?

Was the Bankwest account set up for Mr Petroulias's use?---No.

30 And the NAB account set up for Point Partner's use?---No.

Well, as it turned out the Bankwest account was only used as I understood your evidence to be used by Mr Petroulias.---I didn't say that. I did not say that.

40 Isn't that right?---I just said, I said it five minutes ago, I don't, I'm sure there were transactions at the beginning that had nothing to do with him. I think I attempted to use that account for a while. I don't know how long it was. Without paper in front of me I'm speaking blind. But it was not set up for him.

THE COMMISSIONER: But after it was handed over by - - -?---It was a legitimate - - -

Sorry.---It's all right. It doesn't matter what I have to say.

Were you going to say something?---No, it's all right.

After it was handed over by you to him it was then available for his use. Is that right?---Yes, but it was not set up for him. That's right.

I understand the point.---All right.

MR CHEN: I'll just show you this account if I may. So this is volume 40, page 8. This will come up on your screen, Ms Bakis. And you can see there that that account has been opened by you. Do you see that?---I do, yes.

10

And you can see at the very top it's opened in June of 2013.---Oh. Well, I got that wrong. Yeah, okay.

And this account was set up wasn't it shortly after Point Partners was first registered. Is that about right according to your recollection, Ms Bakis?---I thought, okay. I thought that entity had opened a year later but I'm obviously wrong so, yes, that's right.

20

If you have a look then, Ms Bakis, at that – I withdraw that. Attached to that account was also a debit Mastercard was there not?---Yes.

And that was in your name wasn't it?---I don't know. I think so. They usually are.

Now, if you have a look, please, Ms Bakis, at volume 40, page 40 you can see that the balance of this account as at about October, 2015 was \$36,706. ---Yes.

30

And you can see then, on 28 October, 2015 – I'll withdraw that. You can also see that there's another transaction on 14 October and 28 October of what appears to be \$246 and \$150. Can you see that?---Yes.

And if you just go back, please, Ms Bakis, to page 39 and you can see that there seems to be a number of transactions in that account.---Yeah.

Some appear to be of a personal kind. I'll just draw your attention to the one on 14 September, 2015.---Kids' stuff. Yes.

40

And other supermarkets and other places around Burwood and Enfield and Auburn and Strathfield. Do you see that?---I do.

And these are likely to be expenses incurred by you in the ordinary day-to-day workings of either your business or your personal life, do you agree? ---Why, because they're shopping and kids' stuff? I didn't use this card.

You didn't use it?---No.

THE COMMISSIONER: But this account suggests that (not transcribable) that your attention was drawn to seem to relate to things like supermarkets. There's Coles, Woolworths. That sounds as though it'd be more personal expenditure, wouldn't it, than business expenses.---Yes. That's right.

Is that right?---Yeah.

10 MR CHEN: But did you say this, Ms Bakis? I didn't quite understand your evidence or hear it clearly, but are you saying this is not used by you?---No.

So who is using this account at this stage?---This is a Bankwest account, right?

THE COMMISSIONER: Sorry, I couldn't hear that.---Sorry. This is a Bankwest account, isn't it?

This is the Bankwest account. It'd be Bankwest.

20 MR CHEN: This is the Bankwest Point Partners Consulting Pty Ltd account.---Mr Petroulias was using this. This, these are his expenses.

I see.---I wouldn't spend \$300 on kids' stuff.

So as at this point in time, I'll just ask you to look at one more page of that account. If you look at page 38 of volume 40 you can see that there are a range of transactions on that page between 1 July and 25 August. Are these transactions that you have had any association with or not?---No.

30 You're confident of that, are you?---Well, they're petrol - - -

THE COMMISSIONER: What about the two payments there for 7,000 each in July and August, the debits.---Payments in? Well, debits sorry.

No, payments out. Well, yes, there's a payment in and a payment out. ---Cash withdrawal. Oh, sorry. Yeah, cash withdrawals. Yeah, I would have been with him and Mr Petroulias would have said, "I want to take some cash out of that account. Come to the bank." We'd be in Westfield Burwood and we'd go and get cash out. Yes, that happened a few times.

40 MR CHEN: But I'm just trying to understand whether, at this point in time are you saying the running of this account is completely out of your hands and in Mr Petroulias's hands or is it still operating at - - -?---That's right.

Ms Bakis, remember we spoke yesterday about just allow me to finish, if you'd be good enough.---I'm sorry, Mr Chen.

Are you saying, by looking at this statement now, that the running of this account is really Mr Petroulias and not yourself? Is that the case?---That's correct.

And none of these expenses that you can see on this page relate to matters that you've used the card or account for, is that right?---That's right.

10 I mean, I take it that from time to time you may go to – well, let's have a look at one – Big W at Chullora or Coles at Burwood, but you just say for this account it wasn't you, is that right?---That's right.

Well, if we can return then, please, to volume 40, page 40, you can see that Gows has then paid into this account, on 28 October, \$100,000 by two separate transactions. Do you see that?---I do.

And so far as you're aware, was there any loan agreement at all in place between Point Partners Consulting and Gows?---No.

20 Are you able to explain at all what that \$200,000 is for?---Well, this was another paymaster account. It was one of the two. So - - -

This is another paymaster account, is it, or what you describe as a paymaster account?---Yeah. In effect Mr Petroulias uses it to pay expenses, puts money.

So, why is it that Point Partners, again, your accounting firm's name getting paid \$200,000?---I don't know. I, I, I don't - - -

30 Well, if it operates as a legitimate paymaster account, then you must know, mustn't you, because you were Point Partners?---I was but the money's gone in there.

Well, we can see that, Ms Bakis, that it has gone in there.---I haven't finished.

We're working on the premise that everyone can see that and observe it. ---Jesus Christ.

40 The next question is, if it's a proper paymaster account, then you as Point Partners would know why you were getting \$200,000.---Yes, but I didn't.

When you say you didn't, you mean you didn't know - - -?---I don't know, I don't know, I have nothing to do with this. I didn't know he was using this account to do these things. I didn't know until later.

Well, it's not a genuine transaction because Point Partners had no agreement, as you say, between it and Gows.---It, it did. There was a paymaster agreement in place.

But as I understood your definition of paymaster, money comes in and then it's paid out at the direction of various entities. Is that right?---Yes.

Or not?---That's right.

So, why is Point Partners Consulting getting \$200,000?---To pay money out.

10 To pay it to who? Do you know?---Well, not for me, so - - -

Well, why are you saying it's a paymaster account if really you say you don't know anything about it? Is it or isn't it?---It was supposed to be. So there was an agreement - - -

So, you spoke, sorry.---An agreement – you finish, Mr Chen.

No, you continue, Ms Bakis.---There was an agreement put in place. The idea was that I would authorise expenses but that's not how it panned out.
20 So, the money went in and went out and I just - - -

THE COMMISSIONER: Was this a written agreement?---Yes.

Between who?---Between Point Partners Consulting and Gows.

Do you have that agreement on file?---I'm sure you guys have it on file.

Do you have a copy of it?---I probably do somewhere.

30 Well, I'd ask you to bring along your copy of it with you tomorrow.---We've got it, don't we?

MR CHEN: So, that - - -

THE WITNESS: I'm sure it's been produced.

THE COMMISSIONER: Would you just – my request to you is for you to bring a copy of the agreement that you've just identified.---Okay.

40 MR CHEN: So, what was the agreement telling you to do?---Receive moneys and pay them out as per direction.

And what were you to get for doing that?---I don't recall what it said. Probably doing it pro bono as per usual.

And why did there need to be an agreement in place?---Well, I wanted an agreement in place because I didn't want this to look as if it was money that I was receiving and spending, which it wasn't.

So who drafted this agreement?---Mt Petroulias drafted it.

And what, he presented it to you for signing, did he?---Yes, he did.

And for you as a lawyer to agree to do that, you'd want to be satisfied that there was a proper or legitimate basis for you receiving money and then remitting it at his direction, would you not?---Yes.

10 And what steps did you take to satisfy yourself that as at this stage, when Mr Petroulias was I think an undischarged bankrupt, doing to conduct business, Ms Bakis?---Well, you can see from those transactions that he wasn't conducting business through that account. They, they were just expenses, weren't they?

Well, money's come into the account.---From Gows and we know where it's from.

20 THE COMMISSIONER: Well - - -?---And I knew where it was from.

You assume it was initiated by Mr Petroulias, the \$200,000?---Yes.

MR CHEN: Well, Ms Bakis, anyway, you – pursuant to this agreement that had been entered into between you and Mr Petroulias – ultimately were never called upon to comply with it, is that right? You weren't asked to do anything?---No. Well, we, we never formally did the steps of, of, you know, documenting each transaction and, yeah, that's right.

30 Well, what do you mean by that? What do you mean, Ms Bakis? I'm a bit lost here. What do you mean, "Formally documenting each transaction"? ---What was your question, sorry? Sorry, what was your question?

No, I'm asking you about your answer. What do you mean, "Formally documenting each transaction"?---Well, if you're going to do this properly, a proper paymaster, you would, you would get instructions from someone and then, you know, pay whatever they wanted, you know, there'd be documents for every time money came in or came out.

40 THE COMMISSIONER: Well, you said that you went to the trouble of having this agreement drawn up, is that right?---I did. Well, that's how I wanted it to operate.

Well, if you went to the trouble of drawing it up, the loan agreement, it wouldn't take much in the way of paperwork to document the transactions, would it?---You've seen the transactions. There was thousands of them.

No, but to properly document them under the loan agreement.---What loan agreement?

I think it was your evidence, you said that you would have or should have done it, taken time to document these transactions.---Yes.

Why didn't you?

MS NOLAN: Commissioner, I think you might be at cross purposes. She's talking about the paymaster agreement as opposed to a loan agreement.

10 THE WITNESS: Yeah, I'm confused.

MS NOLAN: It's a different - - -

THE COMMISSIONER: Yes, all right.

MS NOLAN: It's a different agreement, Commissioner.

THE COMMISSIONER: Just to be clear about it, then, we are talking about the paymaster agreement?---Yes.

20

Right. Why did you not document those transactions?---Because Mr Petroulias didn't tell me what was going on in the account, so it wasn't - - -

Sorry, I couldn't hear you again.---Mr Petroulias didn't tell me what was going on in the account. So he, he started to use the account quite heavily without my knowledge, so that paymaster thing fell over because he didn't say, oh, look, I'll just transfer 200,000 in today and I've just spent that. If he's not doing that, then, you know, I can't do that part of the role.

30 MR CHEN: Sorry, Commissioner. Now, Ms Bakis, I took you to some statements a moment ago which suggested that, on your evidence, you didn't have anything more to do with this account and it was really Mr Petroulias. Certainly from a period around August of 2015 or thereabouts, is that right? ---Oh, yeah, well, I'm not sure about the date but, yes.

Well, I'll put it in general terms.---Okay.

I'm not trying to commit you precisely.---Sure.

40 But I took you to some statements where you were I think clear in your evidence – if you're not, I'll go back to it – that you looked at the transactions and they were not you, they were Mr Petroulias. That's right? ---Bankwest.

THE COMMISSIONER: Bankwest.---Yes, that's right.

MR CHEN: Just so it's clear, the Point Partners account we've been looking at.---Yes, yes. Okay, yes.

Although you're familiar with some of the places, the transactions themselves you say are not you, are him.---That's right.

10 And are you, Ms Bakis, if you just accept from me for the moment that between October '15 and December '17 there were 108 transactions in this account, you're not able to assist the Commission at all in relation to them? Is that the position on your evidence?---Assist the Commission in terms of identifying them or whether I, they were me or in what way? What assistance?

Any of those ways, Ms Bakis.---No, I can't. I mean, if I had a look at the statements I can tell you what they are, but - - -

20 Well, we may need to do that, Ms Bakis, but I'll just put these propositions to you, that there were deposits into this account in that period – this is October '15 to December '17 – of just under \$2 million, \$1.948 million, Ms Bakis. Are you able to assist the Commission in explaining why there would be that kind of money put into this account?---No.

And there were withdrawals of \$1.984 million from this account. Are you able to assist the Commission in saying how or why that's happened?---No. I - - -

Do you know where this money is coming from, Ms Bakis, that is being transacted around these? Which, I want you to assume for me, 108 transactions in this period. Where's it coming from?---What are we talking about? August '15 to - - -

30 October '15 to December '17. Where is this \$1.98 million or \$1.9 million coming from?---Well, I assume it's the Gows money going in and coming out. I assume.

So we're really talking, are we, of the same money being put in, taken out and just being exchanged between a whole series of accounts under the control of Mr Petroulias? Is that the position?---Yes.

40 Some accounts have some association directly with you. Others you've just handed over to Mr Petroulias, is that right?---Some accounts? Some bank accounts?

Yes.---Oh, yeah, he doesn't touch any accounts that I don't let him touch, yeah. I can't keep up with that sort of activity.

So, Ms Bakis, this account had a debit or a credit card attached to it. I took you to that in the opening documents. Do you remember that or would you like to see it again?---No, I understand that.

And although you gave Mr Petroulias the electronic authorisations, I take it you didn't give him the credit card as well, did you?---So on top of the debit card there was a credit card. I don't recall that.

Well, there's one card, Ms Bakis. Whether it's a credit or a debit card - - -?
---Oh, the debit card, yes. Okay. Yes, yes.

10 That was a card issued, I thought you said earlier, in your name?---I don't, I can't remember if it was my name or in the name of the company but, yes, one of the two.

Well, there was a card for your use.---Yeah.

Was it not attached to that account?---Yes.

And you used it didn't you, Ms Bakis?---No.

Not at all?---No. I haven't seen that card for years.

20 So you opened this account and you say that there's some legitimate transactions at some point in time - - -?---I think.

- - - but you hand over the online information for the benefit of Mr Petroulias. That's right is it?---Yes.

And you also then hand him the card as well, do you, for him to use?---At the same time, yeah.

30 Why do you hand him the card as well?---I don't know.

I thought this was a paymaster account as you described it?---Well, it was. Well, it was.

So why does he need then the credit card or debit card attached to this account?---It saves me the administration I suppose.

Well, you've got nothing to do with it, Ms Bakis. There's no administration.---What, in running a - - -

40 So why are you handing him the card over?---So he can use his own money.

And when you say use his own money, having looked at these statements you mean the Gows money. Is that right?---Yes.

And that's the only money that he was accessing in this whole period, Ms Bakis, isn't that right?---Yes.

He wasn't deriving income from any other source at all, was he?---No.

And yesterday I asked you some questions about what he was doing in terms of work and I asked you about his tax returns as well, didn't I?---You did.

And he didn't disclose did he any assessable income I take it in 2014, did he?---No.

10 2015?---No.

2016?---No.

2017?---No. Oh, no. Well, apart from minor things, yeah.

When you say minor things, what do you mean?---I honestly can't remember but I don't recall those returns being nil returns.

You don't recall them being nil returns?---No, I don't. I - - -

20 And what's the amount - - -?---Oh, I know. Sorry, I know. Oh, there was some, I don't know. I don't know. Sorry, I don't know.

Anyway, there's no - - -?---It doesn't matter.

Well, when you say it doesn't matter, there's no significant income disclosed in those tax returns, is there?---That's right.

30 And the only source of money that he had in this entire period was Gows. Isn't that right, Ms Bakis?---That's right.

And you as well were using this account weren't you, Ms Bakis, for your benefit, weren't you?---The Bankwest one?

Yes.---You haven't heard a thing I've said in the last 10 minutes. No, I wasn't using it.

Well, you need to understand that I need to sometimes suggest things to you, Ms Bakis.---Oh, okay.

40 Which is precisely what I'm doing.---Well, no, I didn't. I never used that account.

THE COMMISSIONER: You say you have never used that account?
---Here we go again. I may have used it when it was first opened but I never used that account afterwards. I wouldn't even know what's in it now. I have no idea.

From the time you said you handed it over to - - -?---Yes, I - - -

- - - Mr Petroulias to use - - -?---To this day, yes.

Let me just finish.---If you ask me today - - -

Just to be clear about it.---Yeah. I don't know where that card is. I don't know what's in that account right now. I wouldn't have a clue.

10 From the time you handed the use of the account over to Mr Petroulias you have never benefited from this account personally. Is that right?---That's right. I mean he may have bought me flowers once which is, which never happened so, yeah, no, I didn't benefit.

MR CHEN: Well, Ms Bakis, you – I think from Mr Green's evidence – gave him a Mercedes car, didn't you?---Oh, I gave Mr Green a car?

Yes.---No. I, I sold it to a company.

20 Who did you sell it to?---Sorry, I transferred it to a company. It was, oh, I don't know the name of the damn thing. It was a company.

Well - - -?---It was a company related to United Land Councils. The idea was that the car would be used for their running around. I'd had that car for a few years. It was a piece of rubbish and I kept telling Richard it was a piece of rubbish and that I wanted to get rid of it and I didn't know what to do with it, and him and Mr Petroulias thought it would be great to go into an entity that it could be used by people to run around the countryside, which I thought was silly because it was a piece of rubbish.

30 Well, anyway, the recipient of the car was Mr Green. I mean, there's no doubt about that, is there?---Well, he drove it. Yes, he drove it.

And after you gave it to whoever you gave it to, you didn't drive it, I take it, did you?---No.

And that car was purchased, was it not, in December of 2012?---That's, that's right.

40 And where did the money come from, Ms Bakis, for the purchase of that car?---It was a lease.

Well, do you mean by that that moneys were paid to finance the loan? Or do you mean you never paid any outlay for it, you simply made payments? What's the position?---I wouldn't have a clue. I must have put a deposit down and I was paying I think it was \$1,000 a month for a long time.

THE COMMISSIONER: Where did that money come from?---The \$1,000 a month? Straight out of my earnings.

Straight out of?---My earnings. That was, that was my money.

Out of what account?---Oh, I don't know. Probably my Westpac account.

Probably out of your trust account?---No, my Westpac account. My, my everyday account that I use to do things.

10 Which account are we talking about?---I don't know. It hasn't come up here yet. Do you want to know about that too? I, it's, I - - -

MR CHEN: Well, did you - - -?---Does it matter?

I think you said you paid a deposit, Ms Bakis, for the car, did you?---Oh, I don't know. Is there a contract there. I might have.

Well, where did the money come, assuming you did have to pay a deposit - - -?---December '12.

20 Where did it come from?---Oh, I really can't remember. I really don't know.

And do you know who the loan contract was with?---ANZ. Esanda Finance.

And when the car was given to this entity, Ms Bakis, was there still money owing on the contract or not?---There was.

30 And how much was that, Ms Bakis?---I have no idea.

Where did you get the money to pay out that contract?---Mr Petroulias paid that.

And do you know where he got it from?---Well, you've got to give me a date.

Well, I think Mr Green suggested he got it some time around 2015, late 2015.---So it would have probably come from the Gows money.

40 Well, if it came from Mr Petroulias, on your evidence it has to be the Gows money, doesn't it?---Yes.

He's not sitting on some other money that hasn't been taken by the trustee and bankruptcy.---No, that's right.

So the money that Mr Petroulias used to pay out this account was a request by you to him to pay out that loan amount, was it?---He volunteered to pay it out.

And your received that, didn't you?---Yes.

And was the amount that was paid out something in the order of \$40,000?
---It seems high. '15. That seems a bit high but it could have been. Could have been.

10 But you can't say, what, is this the position, which account this money may have come from at all? You don't know? Just Mr Petroulias has paid out the money?---It would have come from some account somewhere. Yeah, I -
- -

Well, my question was you don't know which account. I appreciate it's come from somewhere, Ms Bakis.---No, I don't, I just can't remember. I can't remember.

Well, did you buy another car after you got rid of that Mercedes - - -?---No.

20 I withdraw that. The registration number of the car, was it C-J-D-something?---Yes.

And that was the Mercedes that Mr Green gave some evidence about before the Commission.---Yes.

They're one and the same car, so it's clear.---Yes.

Now, did you buy another car?---No. I was done with cars after that.

30 Have you had a car since that time?---No.

Have you driven a car since that time?---I have.

What car do you drive?---I drive a white BMW X1.

THE COMMISSIONER: When did you acquire that?---I didn't. That's the car I drive.

You got it from somewhere?---I think it was, I bought it in Able Consulting.

40 Sorry?---It was purchased in Able Consulting.

Purchased what, in the name of?---I think so. I didn't organise it. It was done through Mr Petroulias. I just, I'm allowed to drive the car.

MR CHEN: Does anybody else drive the car?---He drives it.

Aside from - - -

THE COMMISSIONER: How long have you been driving it?

MR CHEN: I'm sorry.

THE WITNESS: Two years maybe.

THE COMMISSIONER: Two years?---Two years, I think.

10 Was it purchased new?---Yes. Oh, yes.

Where from?---I don't know. I didn't but it.

MR CHEN: Do you know approximately when it is this BMW was purchased, sorry?---I'm guessing March, April, May, '16.

And Mr Petroulias, so far as you understood it, purchased the car for at least your use, is that right?---Well, it wasn't for me. It was for, for us to use, yeah.

20 Well, does he have a car?---Yeah, he's got a car.

What car does he have?---He's got a BMW X5.

And when did he acquire that car?---I have no idea. It was after this one. It was after this one.

30 THE COMMISSIONER: So, let's get this right. The sequence is the white BMW you drive or have driven the last two years was purchased by Mr Petroulias in the name of Able Consulting, is that right?---I think so. I think that's right.

And after that car was purchased new, he purchased a car, being I think you said a BMW, is that right?---That's right.

Where did he buy that from, do you know?---Yeah. Sydney City BMW was the sticker on the back of the car, yep.

Was that purchased new, was it?---Yes.

40 All right.

MR CHEN: And what type of car is the car that Mr Petroulias purchased from Sydney City BMW?---X5, BMW X5, black.

And what sort of car is that? Is that a sports car of some description, is it? ---X5, it's a, what do you call it? Who knows cars - - -

THE COMMISSIONER: Sorry, I'm having trouble hearing you.

THE WITNESS: I, I don't know. Just an X5, just google it. It's, you know, like a four-wheel drive type thing.

MR CHEN: I see. And is your car a four-wheel drive as well, is it? I'm sorry, the X1 or whatever you described?---No, it's a small car.

And sorry, was – did I understand this correctly that the X1 is purchased in the name of Able Consulting?---I think so. I could be wrong about that.

10

Well, is it in your name?---It's not in my name.

Is it in Mr Petroulias' name?---No.

Is it in any of the names that he may have used that we've gone through during the course of this inquiry?---No. I, I say that because I think I saw a green slip invoice a few months back and it was in the name of Able.

20

I see.---Which is why I think it's in that name.

And what about the X5 that Mr Petroulias bought? When do you think he purchased that car?---When?

Yes.---I think it would have been around the middle of, around July, '16.

And did he purchase that in his name?---No. I think that's in the same name. I think it's in Able.

30

Why are these car in Able's name if that's really what they are, as opposed to in your name and his name?---Well, they're not in my name because I didn't buy them.

Well, you use it, don't you, as I understood it, or he does?---Well, I am, sorry, I'm given permission to use it, yes. I, I don't know.

Well, sorry, you've had your car – sorry I withdraw that. You've had this X1 – and my note might be wrong here, Ms Bakis – but from about 2016 or the last two years, that's right?---Yes.

40

And what you said was that Mr Petroulias' black X5 four wheel drive, he purchased that in mid-2016.---I think so, yeah.

So, at least from that period of time, you've each got a car, I take it?---Yeah.

And where is Able Consulting's office?---Level 4, 44 Miller Street.

THE COMMISSIONER: What street?---Sorry, it's in North Sydney.

MR CHEN: And did you speak to Greg Griffith or whoever the director was at this point in time of this company to say, by the way, I'm about to purchase some cars, can we put it in the name of Able Consulting?
---Mr Chen, I've said five times now I did not buy those cars. I did not organise the contracts for those cars. They just appeared literally. I had no, I didn't even pick the cars. So if Mr Griffiths was consulted I wasn't involved in that.

10 Well, who else drives, I mean, Mr Petroulias presumably drives exclusively the X5, does he, or does he drive the X1 as well?---We both drive both of them.

And who else drives them? Does Mr Griffith drive them?---No.

Does anybody else drive them?---No.

20 And have you ever had any discussion with Mr Petroulias as to why these cars are in the name of Able Consulting?---I remember having a discussion early on saying you should put it in my name so I can at least claim the lease payments but it didn't go further than that. I just don't understand why he put them there.

And so is there money that's paid for the lease payment on, what, the X1 is it?---Yes.

And who's the contract with?---Jesus, I don't know.

30 Do you make any contribution towards the running costs of that car?
---Petrol.

THE COMMISSIONER: Is the other vehicle leased or was it purchased outright?---I think it's a lease. I think it's a lease.

Both on leases?---I think so, yeah.

MR CHEN: And do you know who the lease is for that car?---No idea.

And you don't know who is paying the finance for these cars?---No.

40 Who pays for the registration? Do you pay for it?---No.

Aside from the petrol expenses do you pay for any of the ongoing costs of either car?---No.

And you can't say where the money comes from either to finance the car – I withdraw that – to make a down payment or a part payment for the car, the X1. Is that right?---No, I don't know.

And you don't know who the lease is with or how much the lease payments are?---I think the X1 lease payments are about 600 a month but I - - -

Is that what - sorry, you go.---That's what Mr Petroulias has told me because he manages all this. He manages the cars.

THE COMMISSIONER: Did you say 100 a month?---No, no, 600.

MR CHEN: 600.

10

THE COMMISSIONER: 600.---Sorry, Commissioner.

So 600.---That would be a great deal.

MR CHEN: And has he not told you where he's funding that lease payment for that car from?---No.

And what about the X5?---Yeah, I wouldn't have a clue. I know less about that car.

20

Well, you drive it still, don't you, as I understand it?---Occasionally. I drive it more now that he's not there, yeah.

THE COMMISSIONER: Sorry, I couldn't hear again.---Sorry. I drive it occasionally, yes.

[REDACTED]

[REDACTED]

[REDACTED]

40

And are you able to assist at all in more precisely the date of this licence that you got in the name of Diomedes, such as when it was secured by you, other than I think you said 2012-13?---It was either December '13 or December '14. Sorry, I can't be more accurate. I just honestly don't remember.

And aside from that passport that Mr Petroulias secured for you from a European country and the receipt of this driver's licence, be it on the day or later in the post, that's the end of your involvement with this name D.R. Diomedes, or Daphne Regina Diomedes, is that right?---Yes.

[REDACTED]

Do you have a post office box other than the one at Enfield, Ms Bakis?

---Well, I've got one in the city, I've got one at Enfield, and that's it.

What's the post office box that you have at Enfield? Is that 311 Enfield?

---Yes, yes.

10

And Enfield's close to Burwood, isn't it?---Close to home, yeah.

And the professional post office box you have is, what, for Knightsbridge North Lawyers, is it, or - - -?---Well, yeah - - -

- - - or the tax accounting firm that you have?---Yes. Yes.

Do you know any of the businesses that Mr Vaughan might run, Ms Bakis?

---I know he runs a business called WebNext.

20

And what other businesses does Mr Vaughan run?---He's been involved in an association called AFTA.

And that's an acronym for what?---It's Asia-Pacific Free Trade Association, something like that. Something that was started maybe six years ago, from memory.

And that's something that he's been involved in with Mr Petroulias, is that right?---Yes.

30

And they have a long association, do they not?---Yeah, I think they've known each other for a long time.

About how long, Ms Bakis?---Oh, maybe 15 years, I think.

And aside from the work that they've done – I withdraw that. They worked together, did they, on this Asia-Pacific deal that you've just mentioned?

---Yes.

40

And have they worked recently on that, Ms Bakis, or not?---I'm not sure. I know they're doing something together but I'm not sure if they're using that entity.

And when you say doing something together, do you mean at the present time?---Not right now. A few months ago.

What were they doing a few months ago?---Oh, they were building cryptocurrency exchange things. I don't know what they were doing. It was very early stage.

Do you know what that involves, cryptocurrency?---Oh, in terms of the work they were doing, I don't know.

And how long did that work go on for, Ms Bakis, do you know?---About six months, I think. I think it's still ongoing.

10

It is, is it?---I think it is.

And beside the cryptocurrency and the Asia-Pacific deal you talked about, what other business ventures have they been involved in together, Ms Bakis, so far as you know?---Sorry, I'm just trying to think. I just can't recall right now.

And are you able to say more exactly when this Asia-Pacific deal or work ended?---It's an association so it's an entity that's still around from what I understand.

20

And what does it do?---Well, it's just an entity so if they're running, if they're running a cryptocurrency-type business then it would operate through this entity. I could be wrong.

Well, I think you said that they'd worked on that some period of time ago, this Asia-Pacific deal, is that right?---No, I said association. I didn't say deal.

30

Sorry, association.---Yeah. I'm not sure when they set it up. I'm not, they, they were doing work in Fiji and there was all sorts of things going on.

And are you able to pinpoint more exactly when that time was they were doing that work?---Yes, it, it would have been early 2012.

And when did it end, Ms Bakis?---Probably that year, I think.

40

And between 2012 and building this cryptocurrency business, what else have they been doing, Ms Bakis, so far as you know?---They're always doing things. I, I just can't recall right now. They're always doing stuff.

Commissioner, that's as far as I want to take it, with your permission, today.

THE COMMISSIONER: Yes, very well.

[REDACTED]

[REDACTED]

[REDACTED]

INTERIM SUPPRESSION ORDER MADE UNDER SECTION 112(1)(a)

20

THE COMMISSIONER: Now, Ms Nolan, is there anything else you want to raise?

MS NOLAN: I can't assist you with respect to what aspects of the evidence are going to it or fall within or traverse the elements of the charges because I don't have the transcript.

THE COMMISSIONER: No, that's understandable.

30

MS NOLAN: And my fear is that because I am unable to assist you the damage will already be done based on the ambit of the order that you've been prepared to make and - - -

THE COMMISSIONER: Sorry, the damage being?

MS NOLAN: The damage in the sense that, by reason of the fact that a suppression order is not made then the media is not prohibited from interpreting it and publishing it and broadcasting it on the various different Fairfax sites that it's doing.

40

THE COMMISSIONER: But that's part and parcel of a public hearing. I've quarantined those two narrow areas for the reasons I've stated but there's no basis that I can see as I've indicated to make any further suppression order in favour of Ms Bakis.

MS NOLAN: If you're prepared to make it in Mr Petroulias's interest, it still is properly made in my respectful submission and the reason why Ms Bakis is relevant is because as a witness in those proceedings her credit

is relevant to Mr Petroulias's case. But the element of the offence as I understand it is possessing the identification information with the intention of committing fraud, right. One can't commit fraud in circumstances where they're not doing something by deception and the circumstances in which the identity of Diomedes came to be are relevant to the disposition of the question that the court would be seized with and - - -

THE COMMISSIONER: I think I understand the point.

10 MS NOLAN: - - - therefore Ms Bakis's evidence is directly relevant, and because this is a tribunal not at all trammelled by any of the rules of evidence and the usual protections, I say that the public interest is better served by a suppression order being related to the other aspects that you're declining to make it to in the interim, so that then I have the opportunity to review the situation and assist you better with the transcript, provide you with a copy of the charge so that you can look at it again on Thursday.

20 THE COMMISSIONER: So your application is in effect for all of the evidence given by Ms Bakis today in relation to the matters concerning the false identity, the licence and the receipt of the licence and any other matter be suppressed?

MS NOLAN: Be suppressed and then I can assist you better on Thursday, qualify my application so that the status quo as you've recognised is preserved and it may be that I'll say that none of it is relevant having taken proper instructions over the course of tomorrow, but that's my application.

30 THE COMMISSIONER: Thank you. Dr Chen, is there any matters you want to raise either in relation to the orders I have made or in relation to Ms Nolan's application?

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

40 THE COMMISSIONER: All right. Thank you. Application has been made by Ms Nolan of counsel on behalf of Ms Bakis for the whole of the evidence given today by Ms Bakis in relation to the matters she's given evidence about be suppressed. Ms Nolan has submitted that the public interest, which is a matter referred to in the provisions of section 112, would be better served to suppress the evidence at least until Thursday at which time matters can be more closely examined. The basis upon which, apart from that, upon which the application is made was said to be that Ms Bakis will be or – as I understood it, it was put that strongly – would be a witness in the proceedings that have been brought against Mr Petroulias.

Whether a person is called as a witness in criminal proceedings of course is entirely a matter for the Crown to determine in any prosecution. Section 18 does not provide or set out to provide any protection for witnesses other than in the sense that it's necessary to protect a person who is otherwise

entitled to some consideration of a suppression order under section 18. Whether or not Ms Bakis is called as a witness in the proceedings against Mr Petroulias, I do not consider forms a relevant consideration either under section 18 or under section 112 of the Act. Ms Bakis is a legal practitioner, she is a central witness and indeed a participant in many of the events with which this investigation is concerned with.

10 A determination was made plainly under the relevant provision of the ICAC Act that this investigation should be conducted as a public inquiry and the relevant considerations which led to that decision are set out in the Act and a decision, it's evident, was made under the Act in accordance with the Act that there be a public inquiry. The making of a suppression order is an exceptional order or direction. It would only be made if a court, in my view, is satisfied that the requirement of section 18 require it and that the interests of justice require it. Section 112 has got a more discretionary basis for its use and, as I have indicated, I have determined to use it in a limited form on Mr Petroulias' application. I do not, however, with respect, see any relevant matters that would either justify or require an order to be made
20 suppressing Ms Bakis' evidence other than in relation of the two narrow matters I have earlier referred to. Accordingly, the application on behalf of Ms Bakis to suppress the evidence given by her today is refused. Are there any other matters?

MS NOLAN: Commissioner, there's just one. You made reference in that to the prosecution calling Ms Bakis. That's not at all what I was suggesting. It's actually the defence and that it's relevant to Mr Petroulias' defence. Does that – perhaps I led you into error.

30 THE COMMISSIONER: No, no. Ms Nolan, yes, perhaps I shouldn't have limited it to the prosecution. Whoever's called as a witness is a matter that will be determined in due course both by the prosecution and the defence. It would not in any way at all alter my evaluation of the matter. I do not consider it would be a matter sufficient to warrant a suppression order.

MS NOLAN: If the Commission pleases.

THE COMMISSIONER: Thank you. Yes, I'll adjourn.

40 **THE WITNESS STOOD DOWN** **[5.13pm]**

AT 5.13PM THE MATTER WAS ADJOURNED ACCORDINGLY
[5.13pm]