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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 8 FEBRUARY, 2019

AT 10.00AM

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THE COMMISSIONER: Mr Chen.

MR CHEN: Commissioner, the investigation hearing is in for directions today to deal with a number of matters. One of the matters that the Commission will need to deal with, Commissioner, is an application by Mr Petroulias, which he has termed an application to examine witnesses.

THE COMMISSIONER: Just before you proceed, is Mr Petroulias here?

10 MR CHEN: Commissioner, I was told that he was anticipated to be here today or expected to be here today. I have not seen him.

THE COMMISSIONER: Well, the matters you're about to deal with do concern him, as I understand it.

MR CHEN: I do, Commissioner. Yes.

THE COMMISSIONER: So perhaps I should adjourn so that enquiries can be made as to where he is. He was notified of today's listing, of course?

20

MR CHEN: He was, Commissioner, yes.

THE COMMISSIONER: Yes. Just a minute. Mr Broad might have some news.

MR CHEN: I'm told he's here now, Commissioner. He's just coming in.

THE COMMISSIONER: Oh, okay. All right. I see Mr Petroulias and Ms Bakis are now here.

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MR CHEN: I'll start again, Commissioner. So one of the matters that Mr Petroulias has raised in communications with the Commission is consistent with the direction the Commission made last year, is his right to examine or cross-examine. Commissioner, Mr Petroulias has indicated in some of his material that he wishes to examine some of the witnesses. Of course, he has no right to examine the witnesses. That's the role of Counsel Assisting of course, Commissioner, as you well know. Commissioner, to the extent that Mr Petroulias is of the view that there are matters of fact that require some further evidence to be elicited from witnesses, he should, in our respectful submission, Commissioner, make contact with Mr Broad and give notice of those matters that he considers require a consideration to eliciting further evidence from witnesses who have already been called, and of course due consideration will be given to that.

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The second matter I wish to raise, Commissioner, again relates to Mr Petroulias's application to cross-examine some witnesses. Commissioner, in our submission, Mr Petroulias's application needs some further work or attention. In particular, Commissioner, in our submission, what Mr

Petroulias would need to do would be to give some close and careful consideration as to what matters of fact he seeks to challenge or cross-examine witnesses upon and also to identify more clearly the witnesses that he contends he will be required to cross-examine to elicit those matters. Commissioner, we're not disputing that Mr Petroulias would wish to cross-examine some witnesses or have a right to do so and we're certainly not denying that entitlement, of course, but Commissioner, we would respectfully submit that Mr Petroulias's application needs some further work in the way that I have identified.

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THE COMMISSIONER: Thank you, Dr Chen. The purpose of this morning's directions hearing is to determine what directions need to be given to complete the investigation in this public inquiry. Mr Petroulias has written to the Commission by letter of 18 January, 2019 and he's provided a document which sets out those witnesses he wishes to cross-examine and the matters upon which he is interested in cross examining those witnesses. I think it's important that I make plain that the proceedings of this Commission are quite different from proceedings in a court and that some of the matters Mr Petroulias has raised that he wants to examine witnesses on, potentially at least, raise matters about which the Commission officers would need to look into, and if they agree with Mr Petroulias that there are matters about which evidence should be given because the matters are relevant, then it's the responsibility of the Commission officers and the responsibility of Counsel Assisting to call that additional evidence that Mr Petroulias has identified if the judgement is that further evidence is needed to be called to deal with those matters.

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It is an important point of distinction between proceedings in this Commission and proceedings in a court, that additional evidence that needs to be called is the responsibility of Counsel Assisting ultimately, and that people who appear before the Commission and give evidence are not permitted to themselves call evidence unless, in exceptional circumstances, the Commission considers that should be done. The responsibility, as I say, is that Counsel Assisting is the channel through which additional evidence will be called if it's considered necessary, and the matters Mr Petroulias has raised will be examined with that in mind and he'll be advised.

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Mr Petroulias's application to cross-examine the witnesses has identified a number of matters, but in large measure the matters he's raised are more in the nature of contentions and submissions and not on specific factual matters. There will be need, as Senior Counsel assisting me has indicated, for Mr Petroulias to identify what those specific matters are that he wants to examine witnesses on so that Counsel Assisting can examine them and call the evidence on those particular factual matters.

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The other point of distinction that I should emphasise between proceedings in this Commission and in ordinary litigation is that the directions of the Commission make provision for those appearing before the Commission to

apply to cross-examine witnesses, not to examine witnesses, and hence the procedure that I've outlined and Senior Counsel Assisting this morning has outlined, is the appropriate course, that is the additional matters will be subject to further evidence called by Counsel Assisting if a judgement is made that it's necessary in the interests of the inquiry and the interests of those who might be affected by the findings of the inquiry be called.

10 So Mr Petroulias's application at the moment is deficient in that it puts forward a number of contentions, a number of submissions, but he needs to identify particular factual matters about which he wants to cross-examine the witnesses so that I can determine what the scope of cross-examination, as distinct from examination, should be Mr Petroulias should be allowed to engage in.

Notwithstanding the application made by Mr Petroulias is deficient in the respects I've mentioned, I have decided that by way of a provisional ruling, and I emphasise provisional, on Mr Petroulias's application so far as I can judge at the moment, that I'd be minded to permit him to cross-examine the following witnesses, but on conditions. They would be Mr Andrew
20 Kavanagh, Mr Richard Green, Ms Debbie Dates and Ms Bakis.

I emphasise however that provisional ruling is subject to conditions that I'll now identify.

Firstly that the particular factual matters he wishes to cross-examine any one of those witnesses is identified in the way I've indicated, because without him doing so it is impossible for me to finally conclude by way of ruling that he should be allowed to cross-examine any one of those witnesses I've mentioned. Mr Petroulias has raised in his application the question of the
30 need to provide the Commission with his affirmative case, if he has an affirmative case. I emphasise again that standard conditions of the Commission, standard direction 13 makes provision whereby in applications to cross-examine witnesses the person making the application should, amongst other things, state whether a contrary affirmative case is to be made, so it will be necessary for any factual matters relied upon which he seeks to cross-examine are judged in light of what is the affirmative case he wishes to present to the Commission.

40 Apart from identifying those factual matters, the second condition is that it will be necessary for Mr Petroulias to first give his account in respect in particular to the transactions the subject of this inquiry that have been referred to in evidence, namely the Sunshine, Solstice, the Advantage transactions, before I can grant the application to cross-examine those witnesses I've mentioned. Accordingly I will hear evidence from Mr Petroulias in the week commencing 18 March next in order to obtain and provide Mr Petroulias the opportunity of giving his version of events in relation to those transactions and any other relevant matters. Following the inclusion of his evidence, which will be adduced by Counsel Assisting, Mr

Loneragan – who appears for Mr Green – will be entitled to follow with any cross-examination. I note that Mr Lonergan has made application for cross-examination and provided the basis for doing so.

10 Following Mr Petroulias’s evidence I will then announce which witnesses I will allow him to cross-examine. Again I emphasise I need to have more information before I can finally rule in favour of Mr Petroulias on his application. Any cross-examination which I do allow Mr Petroulias to undertake in respect of witnesses will take place in the week of 25 March next. Accordingly the proceedings will be stood over to recommence on 18 March, 2019, in which week as I’ve indicated, I will arrange for Counsel Assisting to adduce the evidence of Mr Petroulias, cross-examination of Mr Petroulias by Mr Green, I will then make the ruling on his application to cross-examine, and if I uphold finally his application to cross-examine then that will occur in the following week, commencing 25 March, 2019.

Now, are there any matters anyone wants to raise? Dr Chen, do you?

20 MR CHEN: Not for my part, Commissioner, no.

THE COMMISSIONER: Mr Petroulias?

MR PETROULIAS: Yeah, I have serious problems with what you’ve just said, Commissioner.

THE COMMISSIONER: Mmm.

30 MR PETROULIAS: The issue, the issue is, Counsel Assisting has put forward a version of events that were completely in contradiction with the documentation that, that the Commission had before it when commenced his total address. He has left out any case that is exculpatory to myself, and now you’re saying that the only way is to have the same biased funnel examine the issues that were left out in the first place. Now, the biggest example is United Land Councils. It was completely from the get-go clear with Mr Green that he is in a conflict of interest but that we would document the conflict of interest, we would meticulously document every, every, every conversation, more in my interest because I knew the consequences better than he probably did, but it was always the case that we would document what we were doing, that he would, that, that his conflict
40 would be known, that no one would be misled, and that was, and, and, and that, but the Commission has, from, the Commission from the beginning has completely ignored United Land Councils and all the work that was done in it, so you’ve completely destroyed the defence and now you’re saying to me that I can’t have a defence? I can’t, all I’ve got are the same, the same biased source try to run, run my defence for me?

THE COMMISSIONER: Mr Petroulias - - -

MR PETROULIAS: It makes no sense.

THE COMMISSIONER: You don't have a defence here. We are not dealing with, as I've been at pains to emphasise, with proceedings that have any similarity to civil or criminal proceedings at all. There's no defence filed.

MR PETROULIAS: Which is why it's worse in this Commissioner, which is why it's worse.

10

THE COMMISSIONER: Well - - -

MR PETROULIAS: You've, you've got me on public, you've humiliated me on every way, you've taken the scattergun approach with my reputation, Ms Bakis's reputation has been absolutely tarred in the media from allegations that range from everything from selling litigation to all sorts of things, and, and now you're saying to me I can't defend the things that you, you, this Commission has humiliated me publicly, I can't defend those matters without your permission?

20

THE COMMISSIONER: Mr Petroulias, I've been at pains also this morning to emphasise that if there's any material, any evidence at all which has not yet been called which you think should be called, the correct procedure is to draw the attention to Commissioner officers, in particular Mr Broad, the solicitor who's been handling this matter, and Counsel Assisting, indeed myself are bound to look at those matters to determine whether or not the evidence is sufficient as it is or whether it's not, and if it's not, then it should be supplemented.

30 MR PETROULIAS: Simply, simply - - -

THE COMMISSIONER: I understand your concern that all relevant material be placed in public session before the Commission, and I've emphasised what I've already said, that I expect that Commission officers and Counsel Assisting will examine anything that you draw to their attention which you say should be called, as the subject of evidence called in this public inquiry. Any such matter will not be overlooked. The processes of this Commission, different from a court, ensure that it's through Counsel Assisting and myself that a determination is made as to whether evidence should, in fairness and in the interest of sound decision making, be called - - -

40

MR PETROULIAS: Okay, well let's give it - - -

THE COMMISSIONER: - - - and not shut out.

MR PETROULIAS: Well, this is the - - -

THE COMMISSIONER: So, in terms of you not having the right to put what you call a defence, the objective of a public inquiry is to ensure that all material that's considered to be relevant – in particular, evidence that might be said to be adverse to any one person who's appearing or participating in this inquiry – is called, is put before the Commission and there's no selectivity or bias at all in fact or by perception so that - - -

10 MR PETROULIAS: Commissioner, you can't be serious. I mean, we, we, we, we are, we have a modicum of, of common-sense here. The, the, the, the opening address began very clearly. We think it's that guy and that woman working together in conspiracy and all these two Aborigines have to do is say they didn't know, they didn't know anything about it and then, lo and behold, they come along and they don't know anything about anything. So, I'm bringing - - -

THE COMMISSIONER: That was not said in the opening address.

20 MR PETROULIAS: It was. I expect Mr Green and Ms Dates to say that they don't know anything about anything, no dramas, therefore it's that bloke. Well, of course that was the import, that was the import from the get-go.

THE COMMISSIONER: Mr Petroulias, you're not here to conduct your substantive case now.

MR PETROULIAS: But you, you're not letting me in any forum.

THE COMMISSIONER: I'm trying to keep on track.

30 MR PETROULIAS: Yes, but I've been - - -

THE COMMISSIONER: Your application to cross-examine witnesses, that's the essential matter that I'm trying to program at the moment. I've indicated the way in which it can be done. I have not shut you out as yet. I've indicated, provisionally, that I am favourably disposed - - -

MR PETROULIAS: Well, okay, let's look, well, you have shut me out - - -

40 THE COMMISSIONER: No, no. Please don't talk over me. That I am favourably disposed to considering on a final basis the calling of those witnesses I have mentioned so that you can cross-examine them, but until I know what it is that you want to cross-examine them on, I can't make a final decision. Everything I've said has been directed towards assisting your application to be heard and dealt with by the Commission, not shut you out.

MR PETROULIAS: Okay, you shut me out - - -

THE COMMISSIONER: Now, you either, you either take notice of what I've said or you don't but I've indicated what the procedure is, which if followed, will enable me to finally rule on your application.

MR PETROULIAS: You shut me out, for example, on Ms Keagan and Mr Faraj. Okay, Ms Keagan, for example - - -

THE COMMISSIONER: I haven't shut you out. I said I am favourably disposed to allow four of the seven witnesses you've put up.

10

MR PETROULIAS: Yep.

THE COMMISSIONER: Yes. At the moment, I don't see any basis upon which Mr Faraj, for example, can contribute to the issues that I am concerned with. If, however, Mr Faraj does want to say something, he should put it in a statement, it will be examined. If Counsel Assisting believes that what he wants to say is relevant, it will be Counsel Assisting who will call him to say it, but if it's not relevant then Counsel Assisting will indicate that.

20

MR PETROULIAS: Well, how can it not be relevant? We are spending 24 hours together - - -

THE COMMISSIONER: Well, I don't know what he's going to say.

MR PETROULIAS: - - - in the car with Mr - - -

THE COMMISSIONER: I don't know what he's going to say, you see.

30

MR PETROULIAS: Hold on, hold on, hold on.

THE COMMISSIONER: That's why, in answer to your rhetorical question.

MR PETROULIAS: Well, the, hold on - - -

THE COMMISSIONER: I can't rule on it because I don't know what Faraj wants to say.

40

MR PETROULIAS: We've had over a year of inquiry into a purported transaction with, with Sunshine, Solstice that went nowhere. We had a transaction with Advantage that was taken at least to the point of a members' meeting. Enormous amount of discussions took place. There a, what was, what was sought to be achieved, Mr Faraj was there, he was sitting in a car with me with Richard Green for 27 hours, driving straight all over Darwin and The Katherine. He could speak a lot about Mr Green's capacity.

THE COMMISSIONER: Very well. Let him speak. Provide a - - -

MR PETROULIAS: Well, you just said I can't cross-examine him.

THE COMMISSIONER: Provide a statement and then I - - -

MR PETROULIAS: You want a statement?

10 THE COMMISSIONER: He is to speak to the Commission officers and provide a statement. That will then be examined to determine your application to cross-examine Faraj. It's a simple procedure, Mr Petroulias.

MR PETROULIAS: Okay, well, okay. Talk about Ms Hayley Keagan.

THE COMMISSIONER: The same applies.

MR PETROULIAS: She's given evidence - - -

THE COMMISSIONER: Same applies. Let her give - - -

20 MR PETROULIAS: No, no, no. Hold one.

THE COMMISSIONER: Let us give her a statement, let her make a statement, we'll examine it.

30 MR PETROULIAS: On, on evidence now we have Ms Keagan saying that she talked to me during the course of her audit of Awabakal and I said, "We designed a system to get around the Aboriginal Land Rights Act." Right. Now, that sounds very sinister and you've got to think an auditor has just okayed someone saying we're going to get around the law, and that's just sitting there like a, that's just sitting there in public - - -

THE COMMISSIONER: Mr Petroulias, it's still open to you to press for her to be called.

MR PETROULIAS: I did.

THE COMMISSIONER: Please. I've not made any final ruling. I thought I'd indicate to you - - -

40 MR PETROULIAS: Yes, you've, you've - - -

THE COMMISSIONER: I have made a provisional ruling in favour of calling four of the seven.

MR PETROULIAS: Yeah.

THE COMMISSIONER: I have not made any ruling about the other three.

MR PETROULIAS: Well, how do I, how do I ask for that then, I mean do we want more paperwork?

THE COMMISSIONER: I've just indicated.

MR PETROULIAS: Greg, Greg Vaughan, okay, Gows is central to all this. We've had a whole series of evidence about mysterious accounts.

THE COMMISSIONER: Ah hmm.

10

MR PETROULIAS: Mr, Mr, Mr Vaughan is the only one who I can cross-examine about the knowledge of the accounts and the Gows and what it was supposed to do and what it wasn't supposed to do. How am I going to get Mr, that evidence?

THE COMMISSIONER: Well - - -

MR PETROULIAS: 'Cause this, this has been carefully tailor-made to make it look like I'm Gows.

20

THE COMMISSIONER: Well, I'm looking at your document in which you say you want to cross-examine Mr Vaughan and you haven't mentioned anything as to what you've just said.

MR PETROULIAS: Yeah, Gows, the role that Gows, how it was created, what it was and how it operated.

THE COMMISSIONER: Put it down on paper and we'll look at it. I've asked you to - - -

30

MR PETROULIAS: I - - -

THE COMMISSIONER: - - - identify the factual matters, not the submissions you want to make, the factual matters concerning Mr Faraj, concerning Mr Vaughan, that you want to cross-examine him on. You haven't done it yet, Mr Petroulias, but I'm trying to assist you if you like to get to a stage where I can consider your application to cross-examine these witnesses on a final basis. You seem to be taking issue with my attempts to try and assist you get to where you want to go. And I'm not being critical, because often people don't understand the difference between the proceedings in the Commission from proceedings in civil or criminal proceedings, but that is the way in which I've sought to try and assist you that the matter should be handled, but I can't deal with these applications unless you put forward factual matters that you want to cross-examine on, not submissions, not contentions. At the moment you just rely on contentions and submissions without identifying the factual matters that support them.

40

MR PETROULIAS: How do I, how, how do I put the factual matters out there if they're not my submissions?

MR CHEN: Commissioner, could I just assist. The point that Mr Petroulias raised for example about Mr Vaughan and Gows perhaps best illustrates why Mr Petroulias does need to give further consideration to the specific issues. Mr Vaughan, as you would know, Commissioner, became the director of Gows well after the transactions which are the subject of this inquiry occurred. Mr Vaughan was asked questions by me about what he
10 knew about the various accounts and matters of that kind, and his evidence is what it is, Commissioner, so these matters have been traversed, hence Mr Petroulias needs to focus more, with respect, particularly upon it so that the Commission can consider in due course whether indeed to grant him an opportunity to cross-examine a witness such as Mr Vaughan.

THE COMMISSIONER: Well, Mr Petroulias, you've heard that. The other matter that I should draw your attention to is that you will have your opportunity in the week commencing 18 March - - -

20 MR PETROULIAS: Yes, in the week - - -

THE COMMISSIONER: - - - to put forward, to put forward what you say and contend are the facts. You'll be examined in relation to the three transactions, you can say whatever's relevant in answering the questions put to you, you want about those transactions. Now, once - - -

MR PETROULIAS: It's in answering the questions, what if they don't ask the questions that need to be asked?

30 THE COMMISSIONER: Once I have that evidence from you I'll be better able to judge your application to cross-examine these seven witnesses.

MR PETROULIAS: Commissioner, you made me write, you made me write my affirmative case. I don't know how much clearer it can be as to what I'm saying happened. What more do I need to do? I've already put the affirmative case, that's what I believe happened.

40 THE COMMISSIONER: Mr Petroulias, I'm not going to sit here all day just arguing the toss with you. I've tried to indicate the procedure that will get you into a position of having your applications finally determined quite possibly in your favour, perhaps not the whole seven witnesses that you want to cross-examine, but at least as many as I can determine should be called, but until we get to that point I can't help you on your application. Your application is deficient. I'm not being critical about you when I say that, you need to do what I've said this morning. So you can get the transcript of this morning's hearing and just closely examine what I've said and what Counsel Assisting has said. If you're in any doubt about it you could always speak to the solicitor for the Commission if you are unclear as

to what I've been saying, but it's all directed towards assisting me determine your applications, and I will give a final ruling on your applications, but it would be wrong of me to do so until I've given you the opportunity – which I'm now affording you – to consider what I've said so that you can be in a position to have a final ruling possibly favourable to you. I'm not saying in whole, it might be in part, but I just can't determine it at all at the moment. Is there anything else, Mr Petroulias, you want to raise?

10 MR PETROULIAS: If you don't let me make my case, then I can't really make - - -

THE COMMISSIONER: I'm sorry. I can't hear you.

MR PETROULIAS: If I'm not allowed to make my case, I can't really make it, can I? (not transcribable)

20 THE COMMISSIONER: Well, today's not the time to be making your case. Today's a directions hearing to try and ensure that you will be able to make your case, and that's why in that week that I've mentioned, 18 March, 2019, you will have every opportunity to put before the Commission evidence that's relevant to the inquiry in terms of the questions put to you, the examination that's conducted by Counsel Assisting.

MR PETROULIAS: Okay. Well, can you please tell me what that is? 'Cause I don't understand it. How do I, how do I, how do I put my case forward? Just in a few sentences.

30 THE COMMISSIONER: You'll have the opportunity to respond to all questions that are put to you in relation to all transactions.

MR PETROULIAS: No, I get, I get the opportunity to be humiliated. But other than that, what, how do I get my case? I know that I'm going to get up there and be, you know, have what done to me what was done to Ms Bakis. I get that bit. What I want to know is how do we get to defend ourselves, not how I get to humiliate myself. I've got that, that (not transcribable)

40 MR CHEN: Commissioner, I'll ask, I'll accept Mr Petroulias, I'll ask him questions about the relevant transactions, I will be asking him about his role in it and the role of others, and he will in those situations be able to answer what he did, why he did it. Commissioner, he'll be given the opportunity fully by me in the examination on the 18th or commencing on 18 March.

THE COMMISSIONER: Well, you've heard what Counsel Assisting, Senior Counsel Assisting just said, Mr Petroulias. I can only add you'll also have every opportunity in submissions to address the Commission on all the evidence and make your submissions concerning your own personal interest in the inquiry.

MR PETROULIAS: Okay. Let's, a case in point. Counsel has put a deed of, a deed of acknowledgement receipt to Mr Zong about the money, which is the central part in this case. He read to Mr Zong about the element of the guarantee. Did not read the clause that says that, where Mr Zong identifies the actual payments that were made. Why are the actual payments that were actually made that included no money to Awabakal not put into evidence, but everything else about the document was? Because it's selective, it's biased, and that's why my defence has been deliberately omitted.

10

MR CHEN: Commissioner, can I just say this, that if – again, and I'm sorry that I have to repeat it - - -

THE COMMISSIONER: Yes.

MR CHEN: - - - the practice note makes provision that if there is material – perhaps I'll start again. I've indicated to Mr Petroulias if there are matters that he considers should be the subject of evidence, then that should be dealt with by him liaising with Commission staff. Alternatively, I commend Mr
20 Petroulias to read the practice directions that provide the procedures to be adopted by parties if they consider that evidence should be given in a particular way, and I'd encourage him to read that and to take those steps if he feels that evidence has not been adduced by the Commission or by me, and it will be considered and dealt with in that way.

THE COMMISSIONER: Those directions, I believe, are available on the Commission's website.

MR CHEN: They are, Commissioner. And the directions are made
30 available to every party in the hearing room. They're on the bar table and have been every single day during the public inquiry both here and at the Law Enforcement Commission, Commissioner.

THE COMMISSIONER: Are there any other matters, Dr Chen, that you want to raise?

MR CHEN: No. No, there's not, Commissioner.

THE COMMISSIONER: Are there any matters anybody else wants to
40 raise? If not, then the proceedings will be stood over until 18 March, and the week commencing - - -

MR CHEN: 25th.

THE COMMISSIONER: What is it? Two weeks commencing 18 March, 2019. I'll adjourn.

MS BAKIS: Can I, can I ask a question?

THE COMMISSIONER: Yes. Yes, Ms Bakis.

MS BAKIS: I know Mr Lonergan's been given leave to ask questions to Mr Petroulias on that week of the 18th. How do I go about asking questions? Is that another application? Or am I just not allowed? Sorry, I just missed that bit.

10 THE COMMISSIONER: What, to ask questions of?

MS BAKIS: Mr Petroulias. After he's - - -

THE COMMISSIONER: Again, you want to cross-examine - - -

MS BAKIS: Yes. I'm trying not to - - -

THE COMMISSIONER: I've drawn the distinction between examination and cross-examine.

20 MS BAKIS: I'm trying not to use legal terms because we're all getting confused.

THE COMMISSIONER: Well, no, I think you do because everyone will otherwise get confused.

MS BAKIS: Right.

THE COMMISSIONER: It's a right to cross-examine or not.

30 MS BAKIS: Yes.

THE COMMISSIONER: The examination of witnesses is wholly the function of Counsel Assisting, and as I've indicated before, if there are certain matters that you or anyone else wanted to put to Counsel Assisting should be the subject of evidence, then that's the appropriate course to follow. If there are specific matters, factual matters, which you want to cross-examine Mr Petroulias on, then you make the application in the same way as he has done, by written application setting out what the matters are. But from the exchange we've had today you'll understand that it's not an
40 opportunity to put forward submissions. That comes later.

MS BAKIS: Yes.

THE COMMISSIONER: It's simply identifying what are the particular matters that you would want to cross-examine – not examine, cross-examine – Mr Petroulias on.

MS BAKIS: I understand.

THE COMMISSIONER: And that's open to you to make application, and it'll be duly considered.

MS BAKIS: Yes.

THE COMMISSIONER: All right.

MS BAKIS: So I need to make an application. Thanks.

10

THE COMMISSIONER: Yes. Very well. Nothing else. I'll adjourn.

**AT 10.36AM THE MATTER WAS ADJOURNED ACCORDINGLY
[10.36am]**