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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 MONDAY 13 MAY, 2019

AT 10.15AM

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

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

THE COMMISSIONER: Yes, Dr Chen.

MR CHEN: Commissioner, Mr Petroulias remains unavailable as I understand it today, so we will be proceeding with Ms Bakis as the next witness, Commissioner.

THE COMMISSIONER: Very good. Very well. Thank you, Ms Bakis. Ms Bakis, you might remind me, do you take an oath or an affirmation?

10 MS BAKIS: An oath.

THE COMMISSIONER: Yes, take a seat and just state again your full name for the record.---Despina Bakis.

MR CHEN: Commissioner, I think on the last occasion Ms Bakis sought and was granted a declaration under section 38 and I assume she wishes that protection to continue.

10

MS GOODWIN: Yes, she does, thank you, Commissioner.

THE COMMISSIONER: All right, then. Very well. Ms Bakis, as you understand that you must answer all questions truthfully or produce any document or other item you may be required to produce, but you can do so by objecting to questions put to you or producing any item. Do you understand that?---Yes, I do.

20

And so I understand that you wish to avail yourself of the provisions of section 38 by way of a declaration on the basis that you wish to object to further questions or producing any items or documents.---Yes, that's right.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Ms Bakis and all documents or things that may be produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection. Accordingly there is no need for Ms Bakis to make objection in respect of any particular answer given or document or thing produced.

30

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MS BAKIS AND ALL DOCUMENTS OR THINGS THAT MAY BE PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. ACCORDINGLY THERE IS NO NEED FOR MS BAKIS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

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THE COMMISSIONER: Are there any other matters need to be dealt with before we proceed?

MR CHEN: Not for my part, Commissioner.

THE COMMISSIONER: Yes, thank you.

MR CHEN: Ms Bakis, I want to ask you some questions about a couple of the accounts that were held in the name of Daphne Diomedes. Now, before I ask you some questions, Ms Bakis, I'm going to just remind you of some of your evidence. So would you just listen, if you would, and I'll provide your counsel on the record with some transcript references as to what you said. Do you understand?---Yes, I do.

10 Now, the first account I want to draw your attention to is a Qudos Bank Visa card with account number 1-9-0-6 in the name of Daphne Diomedes. Now, you remember that's the name that was attached to the Tasmanian driver's licence?---Yes.

20 Now, I previously put a number of propositions to you and I just want you to listen, and this is just to assist you, Ms Bakis, in recapping your evidence on the last occasion. So I previously put that you were a participant in opening this account, which you denied, and you said it was Mr Petroulias, and the transcript pages are 2573 and 2574. Do you remember that evidence, Ms Bakis?---Yes.

All right. And I also put to you that even if you did not open or participate in opening that account, you knew of its existence, which you denied. And that's transcript page 2574. Do you remember giving that evidence?---I do.

And I also suggested to you that you'd used that account for a range of expenses, which you've denied.---Yeah.

30 Do you remember me asking you some questions about that, Ms Bakis? ---Yes.

And I also in that respect asked you about some of the expenses on that particular card, such as Kmart and Target at Burwood.---Yes, yes.

Coles at Five Dock, Sutcliffe Meats, et cetera. Do you remember me asking you some questions broadly about that?---Yes.

40 And that's at page 2572 of the transcript. And I put to you that you had used that card for at least 27 transactions in a period roughly between late November and early December 2016, and that's again at page 2572 of the transcript, which I understood you to deny. Is that right?---Yes.

Now, I take it you still maintain that denial, do you, Ms Bakis, that you used that account at all?---Yes.

And you wouldn't accept that any of the individual expenses attaching to that account were incurred by you using that card, is that the position?---If I've done it, I didn't know what card I was using.

Well - - -?---Sometimes – sorry, you continue.

No, could you explain what you mean by that, Ms Bakis?---If I was with Mr Petroulias, sometimes he'd give me a card to use.

Well, Ms Bakis, on the last occasion, I put to you – I withdraw that. Do you know of anybody else that might have the opportunity to use the Daphne Diomedes credit card other than Mr Petroulias?---I don't know but it could be possible.

10

You see, what I want to suggest to you, Ms Bakis, so it's clear, is that this card has been used at the same time that Mr Petroulias is in fact overseas. ---Yes.

And that the person using it was in fact you.---Well, that's not true.

I want to ask you some other questions about a different Daphne Diomedes card, Ms Bakis, if you would. Sorry, I withdraw that. I want to put to you that you've used that card, the Daphne Diomedes Qudos Bank Visa card, on  
20 at least 19 occasions in the period 28 November, 2016 to 8 December, 2016. Do you accept that?---What was the start date, sorry?

28 November, 2016 to 8 December, 2016.---I don't believe so.

Now, I want to take you to a different account, Ms Bakis, but also in the name of Daphne Diomedes and it relates to a Coles Mastercard. Now, you understand they're different?---Yes.

Now, I'm going to remind you of some of your evidence, Ms Bakis. Would  
30 you be good enough just to listen so you can understand what you said on the last occasion. You said you did not know of that account and did not use it and that's at page 2574 of the transcript. Do you remember giving that evidence?---Yes, yes.

And I suggested to you that you were in fact the joint user of that account over the course of 2015 and 2016, which you denied, and that's the same page reference. Do you remember giving that evidence?---Yes.

And I also suggested to you that the funding of that account – indeed all the  
40 accounts under Daphne Diomedes's name – was from Sunshine. This is 2575. And your evidence was to the effect you knew nothing about that. Do you remember giving that evidence to that effect, Ms Bakis?---I don't but I assume that's correct.

Now, just pardon me. You see, Ms Bakis, I want to suggest to you that you used this particular card, this Coles account Mastercard in the name of Daphne Diomedes, and that use included use in the period of May 2016. Do you accept that or not?---Not, no.

You don't accept that?---Not that I remember, no.

You know of a coffee shop, do you, called Espresso Ha, H-a?---No.

Is there a coffee shop that is close to where your office was in Castlereagh Street that you frequented from time to time in 2016?---There's, there's a few, yes.

10 And it was your practice, I take it, to use a credit card from time to time when you went to those coffee shops?---I don't remember.

Do you know of Wilson parking at Burwood?---Yes.

You've used that parking facility before, have you not?---Oh, yeah, a few times, yes.

And you've certainly used it in 2016, haven't you?---Yes.

20 What about McDonald's at Enfield? Are you familiar with that restaurant, are you?---Yes.

You've used that or been to that restaurant, have you not?---Yeah, yes.

And you'd certainly been there in 2016?---Yes.

And you're not denying you'd been there in May, 2016, are you?---No.

30 Ms Bakis, can I suggest that you've used this card, this Coles MasterCard in the name of Daphne Diomedes, and that use includes using it on 20 May, 2016 and 21 May, 2016 for purchases at a coffee shop, at Wilsons Parking and McDonald's. Do you agree with that?---I don't think so.

Well, Ms Bakis, are you able to tell the Commissioner, aside from Mr Petroulias, who else might have been using this card?---I don't know what he does with his cards, I, I don't know.

40 You see, Ms Bakis, I'm suggesting that it's you because Mr Petroulias was in fact overseas on these days.---Right.

And that there is nobody other than yourself who had access to or did use this card. What do you say to that?---Well, perhaps he gave it to someone else.

THE COMMISSIONER: Sorry, say that again?---Sorry, well, perhaps he gave it to someone else.

MR CHEN: What, and coincidentally they used it at McDonald's Enfield, Wilsons Parking and at a coffee shop in Castlereagh Street in the city?  
---That's right.

You see, Ms Bakis, could I suggest to you that the funding of all the accounts in the Daphne Diomedes name was from the Sunshine transaction, and you knew that?---No.

10 Well, Ms Bakis, you told the Commission on the earlier occasions that the only money that Mr Petroulias had access to was money that Gows secured from the Sunshine transaction. Isn't that right?---Yes.

And he wasn't in employment at all at any stage up until – I withdraw that. He hadn't been in paid employment since he worked at Mills Oakley. Isn't that right?---That's right. Well, it's not strictly correct, but that's right, yes. He had an, yes.

And at this stage in early 2015, he was a bankrupt, was he not?---Yes.

20 And the only money that Mr Petroulias ever had access to in this period from 2015 onwards was money from the Gows transaction. Isn't that right?  
---Yes.

And you knew that Mr Petroulias was funding a range of accounts, including these Daphne Diomedes ones, from that money. Isn't that so?  
---I knew he was funding a range of accounts, yes.

With money from this Gows transaction?---Yes.

30 And you knew that in 2015 and 2016, did you not?---By 2016 I did, yes.

And you used this account, these Daphne Diomedes accounts, and others, knowing that's where the money came from. Isn't that so?---No.

And can I suggest to you, Ms Bakis, that you'd in fact agreed to receive money and did receive money for assisting Mr Petroulias in onselling and attempting to onsell these fraudulent Gows Heat heads of agreement. Isn't that right? Agreements. Isn't that right?---No.

40 And you were a willing participant in that scheme that Mr Petroulias had. Isn't that so?---No.

And your role included, Ms Bakis, didn't it, drafting documents to show that the transactions were seemingly legitimate when you knew that they were not. Isn't that right?---No.

And you were positioning yourself within the Land Council during 2014, 2015 and 2016 in order to facilitate that scheme. Isn't that so, Ms Bakis?  
---Not true.

And you were actively concealing the true position in connection with these various land transactions from the board of the Land Council and any third party. Isn't that right?---It's not true.

10 And you knew that Mr Green was also actively involved in onselling and attempting to onsell these fraudulent Gows Heat heads of agreements and the deception of Sunshine and the attempted deception of Solstice, isn't that right?---That's not true.

And you knew that he was to be rewarded for his role, Ms Bakis, and you facilitated this through, amongst other things, providing him with a car?  
---No.

20 And Ms Bakis, you used the various accounts and received money because that was your reward for you and your role in the deception of Mr Zong and Sunshine and the attempted deception of Solstice, isn't that right?---That's not true.

And you've acted, Ms Bakis, can I suggest, throughout the course of this transaction, dishonestly. What do you say to that?---Not true.

30 And can I suggest, Ms Bakis, that at all times you've deliberately concealed your involvement concerning Sunshine and Solstice and you've acted to further your own interests and Mr Petroulias's own interests rather than that of the Land Council?---That's not true.

And you deliberately failed to disclose your involvement in these transactions or attempted transactions when these matters were before the board on 8 April, 2016?---No.

And can I suggest, Ms Bakis, that your conduct was designed to deflect the board from a full and proper consideration of the material that was presented to it in relation to these proposed land transactions on 8 April, 2016?---That's completely untrue.

40 Now, Ms Bakis, you know, don't you – I withdraw that. You knew that Mr Petroulias had been charged with 15 counts of obtaining a financial advantage by deception covering conduct in the period of 22 April to 3 June, 2013?---What year, sorry?

2013 is the conduct.---Sorry, yes, I did.

And you knew that he had been charged with those offences, did you not?  
---Yes, I did.

And you knew that occurred at or around 12 February, 2015?---Yes.

And you never disclosed that Mr Petroulias was charged with those offences to the board at any time, did you?---No, I did not disclose those offences.

And nor, to your knowledge, did Mr Petroulias?---That's – I can't speak for him but I think that's right.

10 And you knew that those charges were before the court on 6 June, 2016?  
---Yes, I did.

And you knew that on that date he was convicted of those offences, isn't that right?---Yes.

In fact, you were a witness in the case, were you not, Ms Bakis?---Yes, yes.

And you never disclosed the fact that he had been convicted to the board at any time, did you, Ms Bakis?---Convicted of those offences?  
20 Yes.---No, I didn't.

No, to your knowledge, did Mr Petroulias?---I'm not sure about Mr Petroulias.

Well, you certainly are not in – I withdraw that. You know, don't you, Ms Bakis, that the board met on 7 June, 2016 – that is the day after he was convicted – to discuss the Advantage transaction, did you not?---Yes, I did.

30 And you would know that was an important meeting?---Yes, I did.

And you remember it, don't you?---I don't but - - -

You don't remember the detail of it?---I don't remember the actual meeting but, yeah.

Are you denying – I withdraw that. You're not suggesting, are you, Ms Bakis, that in fact Mr Petroulias may have disclosed this matter on 7 June, 2016, at that board meeting, are you?---That's not what I'm suggesting.  
40

Why is it, Ms Bakis, that you didn't disclose those matters to the board of the Land Council?---Well, an all grounds appeal had been lodged the day he'd been convicted and, as you mentioned, I was a witness in the matter and I, I didn't think – I thought that he would succeed on appeal.

You see, Ms Bakis, let's put it into its proper context, which is Mr Petroulias had in fact already been convicted and gaoled for the offences

committed whilst he was in the employ of the Australian Taxation Office. Isn't that right?---Yes.

And in addition he's now, which I think you've accepted, was an offence involving serious dishonesty?---Yes.

10 And now, Ms Bakis, you as the solicitor for the Land Council were aware that somebody that was involved in and had been involved in these various transactions had also been charged and convicted with other offences involving dishonesty.---Yes.

And you as the solicitor for the Land Council didn't think it appropriate to make any form of disclosure to your client. Is that the position?---Yes.

THE COMMISSIONER: How can you justify that non-disclosure?---The man appealed the conviction, and I appreciate he, it didn't occur to me, I just, people have appeal rights. It didn't occur to me, I'll be honest with you.

20 So even if Mr Petroulias continued on after conviction acting in relation to Land Council matters, why would you not at least disclose the fact that he'd been convicted but there was an appeal on?---Perhaps I should have.

Well, thinking about it, you had no option but to do it. Isn't that right? ---I'm not, I, yes.

Sorry, do you agree?---Yes.

30 MR CHEN: And it was inexcusable, can I suggest to you, Ms Bakis, for you not to do so. Isn't that right?---Yes.

You deliberately, can I suggest, Ms Bakis, concealed those matters from the board of the Land Council. Isn't that right?---No.

Now, Ms Bakis, you also – I withdraw that. Ms Bakis, you've been a lawyer for some time now, haven't you?---Yes.

THE COMMISSIONER: Where were you admitted, by the way?---1996.

40 MR CHEN: And, Ms Bakis, you would know that as a basic principle it's wrong for witnesses to discuss their evidence. Isn't that right?---Yes.

It's wrong for witnesses to be coached. Isn't that right?---Yes, yes.

And you've always known that, haven't you?---Yes.

It's basic and fundamental to any lawyer. Isn't that so?---Yes.

Now, Ms Bakis, you however agreed, did you not, in either April or, sorry, withdraw, March or April of this year to be interviewed by Mr Petroulias. Isn't that so?---That's - - -

And not only did you agree to do that, you in fact participated in an interview with Mr Petroulias, did you not?---That is completely untrue.

10 What's untrue about that, Ms Bakis?---Mr Petroulias has been hassling me for a while to do an interview and I refused on the basis that it was stupid, amongst other things, and I never did an interview with Mr Petroulias, ever.

Did you not have a, let's call it a conference, a meeting with Mr Petroulias to discuss your evidence?---We live together.

Come back to my question, please, Ms Bakis. Did you ever have a meeting with Mr Petroulias to discuss your evidence?---In April this year?

Or March?---No.

20 Did you ever meet at any stage with Mr Petroulias after the adjournment of the inquiry last year to discuss your evidence with Mr Petroulias?---No.

Have you ever discussed your evidence with Mr Petroulias at any point in time, Ms Bakis?---Yes.

And when was the last time you had a discussion about your evidence with Mr Petroulias?---I honestly don't recall. It might have been a month ago.

30 That sounds like April, doesn't it?---A discussion and an interview are very different things.

I see. Let's make it a discussion. Did you have a discussion then with Mr Petroulias in April of 2019 to go through your evidence?---No.

Well, Ms Bakis, let me just ask you this question if - - -

40 THE COMMISSIONER: I thought you said it was a discussion about your evidence before?---Look, it, there might be one or two lines exchanged in the morning while we're making coffee.

No, no.---There, there - - -

You said a moment ago in evidence, by my recollection, that you had discussed your evidence with Mr Petroulias.---Yes.

Right. And that was in April, was it?---I don't know. Yeah.

Have you discussed your evidence on more occasions than once?---Yes.

With Mr Petroulias I mean.---Yes.

Well, when was the most recent occasion when you had such a discussion?  
---Last week.

Last week. And before that?---I don't remember before that.

10 MR CHEN: The discussion extended to what Mr Petroulias considered was his version and the correct version of what happened in connection with these various land transactions. Isn't that right?---No.

Well, what were you discussing, Ms Bakis?---Probably auditors.

THE COMMISSIONER: Sorry?---Probably the auditors.

No, we don't want probablys, we want to know what it was that you discussed.---We may have – I don't actually remember.

20 MR CHEN: Well, Ms Bakis, I'm going to just move through this, because can I suggest to you you're not being forthright in telling the Commissioner the nature and extent of the discussions with Mr Petroulias. What do you say to that?---Over the last six months we lived together – sorry, Dr Chen, I just have to explain my answer fully because we live together and this case is all-consuming, so there are times when we do discuss the land transactions aspects of the case, not necessarily my evidence.

Have you finished?---Yes.

30 I put to you a question, which is you are not being forthright, that is full and frank to this Commissioner now, in explaining this, Ms Bakis. What do you say to that?---I disagree.

Did you provide a statement or agree to provide a statement to Mr Petroulias?---No.

Well, do you know that Mr Petroulias has made contact with the Commission advising, "I am currently working with Ms Bakis on her evidence?"---Yes, I am aware he did that, yes.

40 It kind of suggests, doesn't it, that there's been at least more than passing conversation in the kitchen in order for Mr Petroulias to put together something more substantial, wouldn't you agree?---The man started preparing a statement for me that I had no hand in.

Not at all?---Not at all.

So when Mr Petroulias, if I ask you to assume for a moment, has contacted the Commission to advise that he has, “A statement in draft form that’s over 130 pages,” that’s got nothing to do with you. Is that right?---Absolutely nothing to do with me.

10 So Mr Petroulias has, if it’s right what he has communicated to the Commission, prepared a statement purportedly to recount your evidence whereas it in fact is Mr Petroulias’s version of what your evidence could or might be?---I’m not sure because I never read it, so I don’t know if he was trying to do it from my perspective or his perspective.

It’s a work of fiction then, plainly, isn’t it, if it’s had nothing to do with you?

MS GOODWIN: Objection. Commissioner, how can the witness answer that, given her last answer that she had never read it? In my submission it’s calling for speculation. It won’t assist the Commission.

20 THE COMMISSIONER: I won’t allow it in that form.

MR CHEN: Now, Ms Bakis, you have spoken and Mr Petroulias has told you about what he says is the correct explanation for these various land transactions that occurred in the period 2014 to 2016, isn’t that right?---Yes, but that’s a factual issue.

What do you mean by that?---Well, the land transactions happened as they happened according to how we did them. So there’s no room for – there’s no different opinions on these transactions.

30 Well, the only way you could know that, Ms Bakis, presumably, is by speaking to Mr Petroulias to find out what his version was, surely?---And that’s what I said earlier.

You see, you’ve had, can I suggest, Ms Bakis, constant and regular dialogue with Mr Petroulias in order to help you and he align your stories, isn’t that right?---That is completely untrue.

40 And you did so, Ms Bakis, can I suggest, knowing that it was improper for you to do so?---No.

And that you were, in substance, colluding in order to explain your conduct and his?---There’s no collusion. These things happened as – there’s no version of events here. That, I, I can’t explain this better than that, it’s, we both see the events the same so there’s no version of events here.

Well, you must have spoken to Mr Petroulias in some detail to come to that conclusion surely, Ms Bakis.---Well, we have since 2014, yes.

And even of more recent time, after the announcement of this investigation and public inquiry, isn't that so?---Yes. It's a public inquiry, yes. He heard, he heard my version of events.

Well, you've also discussed it with him, can I suggest, Ms Bakis, if you're seeking to make a point of distinction there?---I've already said that, yes.

Now, you also knew that Mr Petroulias was proposing to interview Ms Dates, isn't that right?---He did mention that to me, yes.

10

And did you attend when he went to that interview with Ms Dates?---No.

You knew that Mr Green was interviewed by Mr Petroulias, did you not? ---Yes.

And that occurred at your house?---Yes.

On 31 March, 2019?---Yes.

20

And you knew that interview was to be recorded, isn't that so?---I knew it was being recorded, yes.

And in fact you were present during at least part of that interview, isn't that so?---That's completely untrue.

Completely untrue?---Completely untrue and you know that's untrue.

THE COMMISSIONER: Just think about it. Were you present at any stage when Mr Petroulias was putting questions to Mr Green?---Yes.

30

Sorry?---Yes.

All right. Well, what stage was that? I withdraw that. In relation to the time when you do recall being present, you were present in the sense that you were in the same room, is that right or not?---Yes. While I was chasing a child down the corridor, yes.

40

I see. So as it were, just a passing presence in the sense that you walked past them but you didn't stop and listen or make any contribution, is that right?---That's correct. I didn't want any part of it.

MR CHEN: Did you ask any questions at all of Mr Green during the course of this interview or not?---No.

Are you sure of that?---No, I might have, I might have asked questions that were unrelated to the interview but I'm pretty sure we didn't speak while that was going on. I left the house after about 10 minutes, so I'm pretty sure that's, what I'm saying is correct.

Well, did you overhear any of the interview, Ms Bakis?---Yes.

And for how long did you overhear the interview?---Perhaps a minute.

And it was clear to you that they were discussing the various land transactions. Is that right?---Yes.

10 And also you knew, didn't you, that Mr Petroulias was putting his versions of various things. Isn't that right?---I know that now. I don't know if I knew it at the time.

Well, can I suggest that you knew he was to be interviewed by Mr Petroulias and that he came to your house for that purpose. Isn't that right? ---No.

20 Well, you didn't know that?---He came to my house to talk about his bookkeeping and Mr Petroulias took the opportunity to do this ridiculous interview.

Why do you call it ridiculous, Ms Bakis?---It's improper.

Did you try and intervene and tell Mr Green not to participate?---No.

Did you go and tell Mr Green to go and speak to his lawyer first?---No.

Did you advise ICAC that this was happening?---I didn't need to because I thought Mr Petroulias told ICAC immediately.

30 THE COMMISSIONER: Because what?---I, I thought Mr Petroulias had told ICAC immediately that the interview had happened. I could be wrong, but that's what I thought.

MR CHEN: So the answer to my question is, no, you didn't?---No, no, I didn't, no.

40 Now, Ms Bakis, were you involved in making contact with Macquarie Bank in the latter half of last year about some bank accounts that had been closed? ---Yes.

And did you participate in seeking the return of funds that were within accounts that Macquarie indicated they were proposing to close?---Yes, funds they had stolen, including my own, yes.

And were you involved in making a complaint to the Financial Services Ombudsman - - -?---Yes.

- - - about those matters?---Yes.

And Mr Green's given evidence to the Commission that he knew nothing about having any role in this or retaining your firm to represent him in relation to this. Do you know anything about those matters, Ms Bakis?  
---Well, Mr Green sat in my living room while we discussed it at length.

I see.---I wouldn't have done it otherwise, especially in the middle of an inquiry.

10 So did you ask for the funds to be paid into your trust account or an account run by Knightsbridge North Lawyers?---Yes.

Did you provide those account details?---Yes.

Is that an account held with the Commonwealth Bank?---Yes.

Do you remember the names of the accounts where the money was requested to be returned from Macquarie?---I think they were Richard's personal accounts, Richard Green, a United Land Councils, United, yeah,  
20 United Land Councils account, there may be a Nick Peterson account. I could be wrong.

Did it also involve Best Industrial Sales?---May have.

And what about Best Pay Custodial?---Yeah, may have.

Has that money been returned to your trust account?---Some money was returned.

30 For which accounts, Ms Bakis?---I really couldn't tell you.

Do you know when that money was returned?---Perhaps two months ago.

And you'll have some documents, will you, which show the return of that money into your account, will you?---Yes.

And will you assist the Commission in providing those documents that show what money was returned, Ms Bakis?---I don't know. I can provide a bank statement for – to this day I don't know which funds came from what  
40 account. Macquarie have not provided that detail. So I can provide a lump sum amount and I can provide you with the correspondence I had with the ombudsman requesting that detail, but I don't think that's been answered. I'll, I'll check if you like. I can check that today.

Anyway, I take it you're happy to provide that material, are you, to the Commission?---Yes.

And any material that may evidence the source or the accounts.

THE COMMISSIONER: Did you physically go to Macquarie Bank to get these moneys returned out of the accounts into your Knightsbridge account?---No.

How did you organise it?---Well, I complained to the ombudsman and then Macquarie just sent the money by EFT.

10 What was your complaint?---The complaint was that they were withholding the funds without any proper reasons.

So you didn't have any further interaction after that with Macquarie? You simply, firstly, endeavoured to get Macquarie to remit the funds and, what, Macquarie refused?---Yeah, Macquarie refused. It started in August last year with my bank account, my Macquarie Knightsbridge account, and that took a lot of screaming down the phone to get that money back, and this other money in these other accounts took a long time.

20 That is the accounts of United Land Councils?---Yes.

And Richard Green?---yes.

And you think it possibly also included Best Pay Custodial?---I think so, yes.

And the other Best company, Best whatever it is?---Yeah, yes. Yes.

30 Why were you seeking to have the moneys transferred from the Macquarie Bank in those accounts into your trust account?---Well, the conversation with Richard was, look, this money, we need to get this money out of Macquarie – and, look, I think we're only talking about \$8,000 here – and Mr Petroulias directed that it be paid to me because I was owed money.

Why did you say to Richard Green we've got to get these moneys out of these various accounts into the Knightsbridge account?---Because otherwise the bank would keep it.

Because otherwise - - -?---The bank would keep it.

40 But the moneys belonged to different entities, is that right?---Yes. I was following the instructions of Nick Petroulias.

I see.

MR CHEN: So he was the one that put you on to this issue that had emerged with these accounts with Macquarie, is that the position?---That's right.

And you were acting on his instructions and you also say Mr Green's instructions, is that the position?---Yes, I have, I'm sure I have written instructions from Richard.

Anyway, you'll be able to provide those to the Commission as well, will you, Ms Bakis?---I don't know if I'll be able to find the written instructions, but I'll do my best.

10 THE COMMISSIONER: But you did get written instructions from Richard Green?---Yes.

MR CHEN: And those accounts, Ms Bakis – United Land Councils, United Land Councils Trustee, Best Industrial Sales and Best Pay Custodial – were all accounts that had benefited from the moneys from this Gows transaction with Sunshine, isn't that right?---Yes.

Now, Ms Bakis, you were present, were you not, during the hearing room last week?---Yes.

20 Each of the days that the hearing proceeded?---Not at all times.

You knew that Mr Petroulias had produced a number of documents in connection with interviews that he had performed with Ms Dates and Mr Green?---Yes.

Have you seen those documents?---I've seen some of them.

30 THE COMMISSIONER: Which ones?---I don't know. I couldn't tell you now what he produced last week. I don't, I don't know.

MR CHEN: Well, so far as you're aware, the material that has been produced contains a number of documents, wouldn't you agree, that were not in your file?---I don't know.

Well, can I suggest that a good number of the documents that Mr Petroulias has produced – and I'll take you to them – were not produced by you in response to the summons issued by the Commission for you to produce your file?---Yes.

40 You accept that, don't you?---I can't answer that. I can answer that - - -

THE COMMISSIONER: Sorry, you said yes and then you contradicted yourself. What's the position?---No, no.

No. So we've got, yes, can't answer that question, and no. What's the position?---I can't answer that question right now.

MR CHEN: Why is that?---I, I haven't looked at those documents in detail. I don't know what, what was in Richard's bundle, I don't know what was in Debbie's bundle. I, I know they're up there on the restricted portal but I haven't, I haven't been through them one by one and Mr Petroulias didn't walk me through them.

Well, Ms Bakis, would you have a look, please, at MFI 58, page 23, and you'll see that's a letter from Advantage to the chair of the Land Council. Do you see that?---Yes.

10

And you would have seen that on the screen last week when I asked Ms Dates some questions about it?---Yes.

Have you see this before it coming up on the screen last week in the hearing room?---I think I had.

That's not on your file, is it, this letter?---No, it wouldn't be.

20

Where had you seen this before, Ms Bakis?---I, I might have had a discussion with Mr Faraj about this document. I don't know when it was.

So it was in the context of a discussion you had with him that you may have seen this letter, is that the position?---Yes.

Is that the extent of your knowledge of this letter that discussion you've just identified?---I think that's right, I think that's right.

30

Would you have a look at MFI 62, page 83, and you'll see there's an application form. Now, you would have seen this up on the screen last week as well, would you not, Ms Bakis?---I did, I did.

Prior to seeing it on the screen in the hearing room last week, have you seen this document before?---No.

I'll show you just for the sake of completeness, Ms Bakis, page 84 of MFI 62, and you can see the signatures of Mr Green and Ms Dates on it?---Yes.

40

Do you know anything about how it came to be they signed this document if they did?---No, I don't know.

You'd accept, I take it, to be clear, that this document certainly would not be in your file, you not having seen it before?---That's right.

And you know nothing of its content at all, do you, Ms Bakis?---No.

You weren't asked to give any advice in relation in to entering in to a document such as this, described as a limited power of attorney?---That's right.

Would you have a look please, Ms Bakis, at MFI 62, page 119, and I'll show you the second page in a moment but do you see that's an application form by the Land Council to subscribe to what is known as the United Land Councils Limited?---Yes.

And if you have a look at the second page, 120, you can see there's a signature of Ms Dates?---Yes.

10 Have you seen this document before?---Not before last week.

You know nothing of it or how it came to be signed?---No.

Would you have a look, please, at MFI 62, page 156. And you can see on the screen, can you not, Ms Bakis, that that is a document described as a Certificate of Guarantee between the Land Council, amongst others, and Gows Heat?---Yes.

20 You would have seen this on the screen last week in the hearing room.  
---Yes.

Aside from that occasion, Ms Bakis, have you seen this document before?  
---I don't think I have.

THE COMMISSIONER: Sorry?---I don't think I have.

MR CHEN: Do you know anything about a guarantee being given by Gows Heat to the Awabakal Local Aboriginal Land Council at any time?---No.

30 You were the solicitor for Gows Heat at or around December 2014 through 2015, were you not?---Yes.

And if you had anything to do with it, surely you'd have a recollection of it.  
---Yes.

But you don't?---I don't.

40 Would you have a look, please, Ms Bakis, at MFI 62, page 476. And do you see on the screen now it's a document described as a Performance Underwriting Deed?---Yes, I do.

And we'll just scroll through it, and have a look on the screen if you would, Ms Bakis. You can see it goes for four or five pages and you can see where it's been executed by Ms Dates on the one hand and by Mr Petroulias, I want you to assume – or you can recognise his signature, can't you?---Yes.

Have you seen that – I withdraw that. That was shown on the screen last week.---Yes.

And you saw it then, did you not?---Yes.

Have you ever seen this document prior to that time?---No.

You know nothing of its creation?---No.

10 And so far as you're – I withdraw that. Were you aware of any deed being made between Gows Heat and the Land Council described as a Performance Underwriting Deed at any time?---No.

And this time, if you assume that this is when it was created, namely 15 December, 2014, you were both the solicitor for the Land Council and Gows Heat.---Yes, but Gows – yes.

And so it's a bit of surprise for you to see this document, I take it.---No.

It's not a surprise?---No.

20 Why is that?---Well, Mr Petroulias liked to draft his own documents occasionally so I'm not surprised.

Would you have a look, please, Ms Bakis, at MFI 62, page 196.---Yes.

And you'll recognise that as a letter, or a copy of a letter, from Knightsbridge North Lawyers to the directors of the Land Council.---Yes.

30 And you've seen this in other contents. It's included in, amongst other things, MFI 33.---Yes.

Do you recognise the handwriting on that document, Ms Bakis?---I think it's Mr Petroulias's.

If you have a look at the next page, please, as well, you can see there's also handwriting on that document. Put to one side the initials R.G. on the bottom, on the left-hand side of the margin, and also at and around paragraph 3, do you see that?---Yes, I do.

40 Do you recognise that handwriting?---I think it's Mr Petroulias's.

If you have a look at the next page, do you see there – that's page 198 – there's handwriting on the left-hand side and near paragraph 9?---Yes.

Do you recognise that handwriting?---Yeah.

And whose is it?---It's the same person. I think it's, I think it's Mr Petroulias.

Have you seen this document with that handwriting on it before, Ms Bakis?  
---No.

Did you know of its existence?---No.

We'll just move on if we can, Ms Bakis, to page 199 of MFI 62, and you can see that's a cover sheet and a copy of the cost disclosure statement and client service agreement.---Yes.

10 And you've seen that in other contexts as well no doubt, haven't you?  
---Yes.

Now, you can see down the bottom it's got Mr Green's initials down the bottom?---Yes.

And if you turn to the next page, there's no changes to that page at 200 or 201 or 202, but if you have a look at 203 you can see that there's some handwriting across that document. Do you see that?---I do.

20 Is that Mr Petroulias's handwriting?---Yes.

Is all of it Mr Petroulias's handwriting, so far as you can see?---I, I think so, yes.

Obviously aside from Mr Green's initials.---Yes.

If you have a look, please, at page 204 you'll see there are no changes. If you have a look at 205 you can see there's some handwriting up the middle of the document.---Yes.

30 Is that Mr Petroulias's handwriting?---I think so. It looks different but I think that's his.

Well, it's certainly not yours?---No.

And I'll just show you for completeness the balance of this document, Mr Bakis. So 206 and 207, you'll see that there are no other changes on that. Had you seen that client services agreement at any point in time prior to it being shown on the screen in the hearing room?---No.

40 Did you know if its existence, that is with these handwritten amendments or notations on it?---No.

Just pardon me, Ms Bakis. Would you have a look, please, Ms Bakis, at MFI 62, page 348, and you'll see there that's a letter from the Asia-Pacific Indigenous Consortium et cetera, dated 30 January, 2015?---Yes.

To the chairperson and deputy chairperson of the Land Council. Do you see that?---I do.

And you would have – we’ll scroll over to pages 349, 350 and 351, you can see that’s Mr Petroulias’s signature at page 351?---Yes.

You saw this on the screen, did you not, during the hearing last week?  
---Yes.

10 Had you ever seen this before, Ms Bakis?---I don’t think so.

Did you know of its existence, this letter?---No.

Do you know anything about – I’ll withdraw that. Have you had occasion to review the content of this letter, Ms Bakis?---No.

Do you know anything about this Asia-Pacific Indigenous Consortium and the Australia Asia Indigenous Consortium, Ms Bakis?---No.

20 Do you know how it is that this letter apparently has been sent to the Land Council at all, Ms Bakis?---No.

You know nothing of it or its content. Is that the position?---Yes.

Just pardon me again, Ms Bakis, if you would. Ms Bakis, would you have a look, please, at MFI 58, page 70.---Yes.

30 And do you see there that that, I want you to assume, is an email that’s been sent dated 31 May, 2016?---Yes.

And you can see that it is to Mr Green on the one hand, amongst others, and Ms Dates. Do you see that?---Yes, I do.

At it appears, again I want you to assume, to attach a number of documents so described. Do you see there beneath the word, “attached?”---Yes.

40 Do you know why these contracts on 31 May, 2016, are being sent to apparently Mr Green and Ms Dates when the board has not even resolved to substitute Advantage for Solstice in to this transaction?---I don’t know.

Well, you’ve never seen this email before, I take it?---I, I don’t think it was on my file.

I’m not suggesting that it was sent to you but I’m asking whether you’ve seen this email before.---I haven’t.

THE COMMISSIONER: Well, it is extraordinary in its terms, isn’t it, in that it’s talking about a final version, sorry, the final version of the

Advantage purchase of the Awabakal lands, Warners Bay, post office and others, but that it's established the fact that, as I think has just been pointed out to you, there in fact did not exist such an agreement with that entity, Advantage, at that date of the email, 31 May, 2016. That's why it's an extraordinary email, isn't it?---I honestly can't remember the time, timeline of the Advantage deal.

10 MR CHEN: Well, I'll assist you, Ms Bakis, is that on 20 April, 2016, the board resolved to pursue an arrangement with Solstice. On 2 June, the minutes record, and it's been suggested to you, that you sought to have a resolution passed that the board substitute Advantage for Solstice. So the board, according to its minutes, had no understanding, knowledge or insight into Advantage until 2 June, 2016, and the questions that I have been asking you and the Commission has been asking of you have been directed to how it could be that there's an email dated 31 May dealing with final versions of proposals at that time. Do you understand?---I mean, I don't know anything about why this email was drafted but it could be that they were working on draft, working documents, final working documents.

20 THE COMMISSIONER: But the board hadn't even had any proposal put to it as at the date of this.---Well, this could be - - -

At the date of this email. In other words, they wouldn't have even heard of Advantage by that time. Well, sorry, I withdraw that. They never went to the board but there had been no discussion of Advantage, that we know of, before your resolution was put to the board on 2 June so it makes no sense at all now, does it, in this email dates 31 May, to be talking about final version of an Advantage purchase of the Awabakal lands which embraced Warners Bay, post office and others? It makes no sense, does it?---Well, the only way I can explain it is - - -

30 I'm not asking you to explain it, I'm just asking you, given the known chronology of events, this doesn't make sense, does it?---I think it does but - - -

It does? How can there be final agreements being drawn up when it hasn't even gone through a resolution by you to get rid of Solstice and substitute Advantage?---I think you'll note on that last line there, it says they are working docs, so merely to start discussions, they're not final documents. I think these are working documents.

40 Please stay with me, if you would, on this. We're dealing with concepts which are fairly simple for a solicitor to understand, I would have thought, and that is you're dealing with people in this email, talking about preparing final versions of agreements for selling off or purchasing Awabakal Land as detailed. We know that at that date you hadn't even brought your resolution to now no longer deal with Solstice, but to deal with another entity by the name of Advantage. That's correct, isn't it?---Yes.

So dealing with the chronology of known events, the resolution post-dated this email, it makes no sense to be talking about final version of agreement with a new entity, Advantage, does it?---Perhaps. I can't answer that. I, I don't know what happened to Solstice between, of Solstice - - -

Madam - - -?---Sorry, I'm not, I'm not - - -

10 - - - I want you to just apply your mind directly and don't be evasive. Just deal with the point. I think the facts speak for themselves but I'm putting it to you that the known chronology – which I've now put two or three times to you – is that - - -?---Sorry.

- - - Solstice was still in the frame as at 31 May because there'd been no resolution to deal with anyone else.

MR CHEN: No, Commissioner, 6 May - - -

20 THE COMMISSIONER: Is that what you're saying?

MR CHEN: 6 May they had dropped out. There had been a resolution of the board. If it's not the 6<sup>th</sup>, it's 8 May, 2016. They had dropped out. The point of my question was nobody had mentioned Advantage at this time.

THE COMMISSIONER: No.

MR CHEN: Yes.

30 THE COMMISSIONER: Perhaps I put it wrong. We're dealing with this, dealing with Advantage. When I say, one, that it does not make sense, one can't make sense out of the known facts as they stand. That is to say that there had been no proposal to deal with somebody other than Solstice until a date that post-dates this email. That's what I'm putting to you.---Well, that's correct, then.

40 MR CHEN: If you have a look as well – again assuming this email had been sent and assuming what is recorded to be attached was in fact attached – it had a fair degree of foresight because it's dated the agreements, at least two of them, 7 June, 2016. Do you see that?---I do.

And that's in fact when the board met with Advantage and Advantage presented, isn't that right?---Yes.

Do you know how it's come about that prior to the board even knowing of Advantage and resolving to substitute Advantage into this transaction, these agreements somehow managed to predict the date when in fact they would meet with the board of the Land Council?---Well, Advantage would have arranged a time to meet the board. You don't just turn up there. So they,

I'm, I'm, I'm offering an explanation. I actually don't know myself, okay?  
I'll put that - - -

Well, I think that's all. If you can't explain it, you don't know why and how?---I don't, I don't know why.

Were you not involved in the preparation and settling of these documents at all, Ms Bakis, being the solicitor for the Land Council?---I was.

10 So how has it come to be, then, that these documents, if they've been circulated, and they're either a final form but working documents, can come to bear or can come to that stage and even bear a date of 7 June, 2016 when it actually hadn't even come to the attention of the board, this party?---I know how I would explain this but if, if, this is, we're talking seven days, we're talking a week. So if next Monday Advantage is to meet the board of Awabakal to talk about working documents for the next proposal, perhaps they'd been drafted with that date in mind.

20 But I gave you another date and I want you to factor this into your response if you'd be good enough, Ms Bakis.---Yes.

Is that it was only on 2 June, 2016 did you attend this board and the meeting they held on that day and asked for a resolution to put Advantage into the picture. So my question is, if you haven't requested the board to resolve to put Advantage into this transaction, how is it that they are drafting all of these documents two or three days prior?---Hope.

I'm sorry?---Hope.

30 Well, you're the solicitor for the Land Council, Ms Bakis. I'm rather thinking that there may be something more than aspiration that can explain this.---Good organisation. I don't know. I can't explain it. I don't remember.

Well, maybe they knew that something would happen.---I don't think, I don't think that's correct.

Thanks, Commissioner, that's the further examination.

40 THE COMMISSIONER: Now, Mr Lonergan, I think you've previously cross-examined Ms Bakis, are there any other matters that have arisen in today's evidence that you want to ask any questions of the witness?

MR LONERGAN: If I may, Commissioner, just very briefly.

THE COMMISSIONER: Yes, all right.

MR LONERGAN: Ms Bakis, you were asked a question by Counsel Assisting about the car that you gave to Mr Green. Do you recall that?  
---Yes, I do.

Now, what sort of car was it?---It was a Mercedes ML300 I think.

And what was the state of the car when you gave it to him?---It wasn't working very well.

10

And why did you give the car to Mr Green?---I didn't give it to Mr Green, I gave it to a company, but I gave it to Mr Green because he needed a car to run around with and, yeah, he - - -

What was the company that you gave the car to?---I honestly don't remember right now.

20

And when you say Mr Green needed it for running around, for what purpose did you understand he needed it to run around?---For United Land Councils work because they were visiting a lot of land councils up and down the coast and out west. Sorry.

Sorry. Did you understand Mr Green to be employed by Mr Petroulias's company for that purpose?---Employed, contracted, working together, yeah.

Well, which of those - - -?---I used - - -

30

Which of those three do you understand the situation to have been?---I thought it was more of a contractual-type arrangement.

THE COMMISSIONER: What made you think that?---Well, if you're employing someone it would be, you'd have a payroll and you'd be doing it properly. This was more ad hoc.

If it was contractual, contractual imports terms and conditions. What sort of a contractual arrangement are you talking about?---I really don't know. That was just my understanding of the way - - -

40

Based on what?---Discussions with Mr Petroulias. It was, it was, I think it was time-based, the way Richard was paid.

Do you think any records were kept of the time-based issue?---I'm not sure. I'm not sure.

If it was suggested that there was no record, no documentation maintained to record times spent by Mr Green, what would you say?---I wouldn't be surprised.

MR LONERGAN: Why wouldn't you be surprised?---This is an organisation run by a bunch of people that aren't strong on administration, so it was, it was more about a gut, I don't know how to explain it, it was more a gut feel, yeah, Richard, you've been working a lot last week, here's X amount, or, well, you haven't done anything, so no.

So the person that was deciding this payment et cetera to your understanding was Mr Petroulias?---Oh, I do recall them having some heated discussions between each other about what the payment should be.

10

Right. But Mr Petroulias paying Mr Green for Mr Green's work. Is that the import of the discussions?---Mr Petroulias organising payments out of their entity, yeah.

THE COMMISSIONER: What sort of argument?---Well, Richard always wanted more than perhaps he was getting paid for the work. He felt that he should be rewarded more for the work he was doing and perhaps Mr Petroulias wasn't recognising the effort.

20

MR LONERGAN: And the work you're talking about here is running up and down the country meeting with land councils?---Organising lots of meetings and meeting a lot of people, yeah, there was probably more to it than that but I don't remember.

Now, just turning to the return of the moneys from the Macquarie Bank account. You said there was, you received instructions from Richard in relation to the moneys, is that right?---That's correct.

30

And you were provided written instructions from Richard in relation to this?---Yes.

But you don't know where the document is that has this written instruction?---I might be able to find it tonight.

Now, who drew up this written instruction that you might be able to find? ---Mr Petroulias.

40

And so it was Mr Petroulias's idea to get the return of the moneys that were sitting in these bank accounts with Macquarie Bank?---Yes.

And there were four separate legal entities that had bank accounts with Macquarie Bank, is that right?---Yes.

And who had – sorry. To your understanding, did Mr Petroulias know that the money was in these accounts?---Yes.

Mr Green didn't know about the money in these accounts until it was brought to his attention by Mr Petroulias, is that correct?--- Yes.

So without Mr Green being told, he wouldn't have known that there was any money sitting in Macquarie Bank accounts?---Yes.

So it was only when it was brought to Mr Green's attention by Mr Petroulias and written instructions were provided for him to sign that he became aware of anything to do with these four bank accounts and the money, to your understanding?

10 MS GOODWIN: Objection. How can she speculate as to whether he had any awareness at all about the accounts and money sitting in the accounts, Commissioner? In my submission it's not a question she can properly answer.

THE COMMISSIONER: I don't think so, Mr Lonergan. Perhaps you can approach it from a different angle.

MR LONERGAN: Please the Commissioner. I withdraw that question. Ms Bakis, when did you become aware of these four bank accounts?---2016, 20 I think.

THE COMMISSIONER: And what or who brought it to your attention? ---Mr Petroulias, I think.

MR LONERGAN: No further questions, Commissioner.

THE COMMISSIONER: Yes. Thank you, Mr Lonergan. All right. No other questions. Now, we'll take the morning tea adjournment and then we'll resume if there's any questions, you have. Do you wish to ask any 30 questions?

MS GOODWIN: Not at this stage but would the Commission mind if I have a conference with my client during the morning tea break about her evidence to ascertain whether there's anything to clarify?

THE COMMISSIONER: Yes. There's no objection to that. No objection?

MS GOODWIN: Thank you, Commissioner.

40 MR CHEN: No, Commissioner.

THE COMMISSIONER: Very well. Well, what I'll do is, I'll adjourn for a little longer to give you an opportunity to speak to your client.

MS GOODWIN: Yes, thank you, Commissioner.

THE COMMISSIONER: So we'll resume at midday, thank you.

**SHORT ADJOURNMENT**

**[11.33am]**

THE COMMISSIONER: Yes.

MS GOODWIN: Commissioner, I seek leave to briefly ask some questions arising from the evidence Ms Bakis has given this morning.

10

THE COMMISSIONER: Yes. Very well. Thank you, Ms Bakis, if you would. Yes, Ms Goodwin.

MS GOODWIN: This morning, you were asked about your possible use of credit cards, one Qudos credit card and one Coles or Wesfarmers credit card. Do you recall being asked about that by Counsel Assisting this morning?---Yes.

20

In respect of the evidence you gave as to your potential use of those cards, is there anything you would like to add to the evidence you gave this morning?---I, I've been reflecting on it. Given what Dr Chen said this morning, it is possible that I did use those cards or a card over that time. Mr Petroulias did give me cards to use here and there. I assumed they were his cards, I think he had card in his own name with those institutions and I may not have been vigilant enough as to what I was using, if that's the case.

30

When you gave your evidence this morning, why did you not recall that to be the case this morning or why was that not part of your evidence this morning?---I, I'm just really nervous so, I know that's not an excuse but, but it was, when Dr Chen mentioned the transactions in May '16 and I, I thought about it and I was talking to you over coffee just then, I thought maybe, maybe it was me. That's, it's, when I thought about it longer, I'm thinking maybe I shouldn't be so, shouldn't categorically say no because it is possible that I did use those cards.

Yes, thank you, Commissioner. That is the only evidence arising from (not transcribable).

40

THE COMMISSIONER: All right. Thank you. Just on that clarification, you referred to the fact that he sometimes gave you credit cards to use, is that right?---Yes.

And are you suggesting that they were credit cards that he had obtained in his name but nonetheless gave to you to use?---Yes.

Do you put it as a possibility that that's the circumstances in which you may have used those cards over that period of time?---Yes.

But you're unable to put it any higher than that?---I don't think I can. I, I certainly don't think I've used them 127 times. I'm certain of that.

Well, do I understand from your answer you don't preclude the possibility that you were aware from time to time that these were not credit cards, that is the ones you were asked about this morning, you used, when you made the various purchases, which Senior Counsel Assisting took you through this morning?---Yes.

10

So just to be clear about it, in case I've confused you, just seeking to ascertain is it because you can only put it as a possibility that you used the cards thinking they were his, do I understand that could not exclude the possibility that you in fact did use the cards, knowing that they were not his, on some occasions at least?---That's right.

All right. Is there anything else?

MR CHEN: No, Commissioner.

20

THE COMMISSIONER: Thank you, Ms Bakis, you may step down. Ms Bakis, just before you do go, I'm sorry, there's one matter. You did say that you were able to produce any records in relation to the instructions you obtained in writing from Mr Green about obtaining the remittal of moneys from the Macquarie Bank accounts. Would you seek to find those written instructions and bring them tomorrow?---Yes.

Thank you.

30 MR CHEN: And also, Commissioner, just for Ms Bakis's assistance also, the Knightsbridge North Lawyers material in relation to the CBA account that I asked her questions about.

THE COMMISSIONER: Yes. All right.

MR CHEN: She has also I think agreed that she's produce any material in relation to that account.

40 THE COMMISSIONER: You understand what's being referred to?---Yes, I do, yes.

Very well. Well, I direct you to produce those two lots of documents, the written instructions and the documents that Senior Counsel Assisting has just referred to.

Thank you, Ms Bakis, you may step down.---Thank you.

MR CHEN: So, Commissioner, she would not be discharged from her summons at the present time.

THE COMMISSIONER: No, no.

10 MR CHEN: Yes, thank you. Commissioner, that's the oral evidence today. The expectation is, Commissioner, there will not be oral evidence tomorrow, but there would be some additional matters of a documentary kind to deal with in the morning, so, Commissioner, that's as far as I think I can take the matter today.

THE COMMISSIONER: Very well. Well, counsel have heard that. Does that occasion any difficulty for anyone, otherwise it sounds like the tender of documents will take place during the course of the morning and that we should be finished by lunchtime. Is that the - - -

20 MR CHEN: Oh, comfortably, comfortably, Commissioner.

THE COMMISSIONER: All right.

MR CHEN: I'm expecting it would be short.

THE COMMISSIONER: Thank you. All right.

MS GOODWIN: It doesn't present me with any difficulties, Commissioner.

30 THE COMMISSIONER: Thank you, Ms Goodwin.

MR LONERGAN: Commissioner, I might be getting a little bit ahead of the curve, however Mr Petroulias is yet to give evidence and if there's no evidence tomorrow and I'm not sure what's happening Wednesday, but it would be highly unlikely that the Commission would finish this week.

40 THE COMMISSIONER: Well, Mr Lonergan, as you've observed, as I understand it, and I haven't seen any documents yet, but I understand Mr Petroulias is said to be receiving some medical treatment at the moment and so as to any program for taking his evidence or completing the cross-examination he was engaged in, it's indeterminate at the moment, but we will advise you as soon as we're in a position to advise you as to what the future might hold in that regard. Does that deal with your query? I know it's not a very satisfactory answer. I am concerned of course that this public inquiry has been interrupted now on several occasions, it is not in the public interest for public inquiries of this Commission to be drawn out any longer than should be allowed or permitted, that's the overriding principle I act upon in terms of procedural conduct of the Commission in its public

inquiries, but at the moment we're in a position where I'll need to determine the future course for this public inquiry when I have more information available and you'll be informed as soon as we can. In due course I anticipate that you'll be receiving in writing Counsel Assisting's submissions and that will then be in accordance with the program which we'll fix a date for submissions of the parties. Beyond that at the moment I don't think I can take it any further I'm afraid.

10 MR LONERGAN: Please the Commission. I only raise it simply because whilst it's a difficult position for all concerned, timetabling issues do arise over the next few - - -

THE COMMISSIONER: Well, Mr Lonergan, so far as counsel is concerned, all I can indicate is at the moment that we will be sitting in this public inquiry tomorrow, as we've just discussed, but I think the position is that we'll be in a better position tomorrow to know whether or not any other time set aside this week for the public inquiry can be usefully used and I know Counsel Assisting that Mr Broad instructing will certainly advise  
20 counsel as soon as he's in a position to provide some forecast to everyone concerned, both the parties but also counsel and solicitors so that they can organise their affairs.

MR LONERGAN: Thank you, Commissioner.

THE COMMISSIONER: Thank you.

MS GOODWIN: Commissioner, just a more specific question in relation to that if it can be answered. Sir, is the possibility of these proceedings being  
30 heard next week able to be excluded at all?

THE COMMISSIONER: Yes, I think that can be safely excluded. Is that right.

MR CHEN: I think so, Commissioner, yes.

THE COMMISSIONER: Is that a definite or does that depend a bit? Ms Goodwin, do you need to know today or can that - - -

40 MS GOODWIN: Just as soon as possible, only I'm getting inquiries about other work next week.

THE COMMISSIONER: Yes, yes.

MR CHEN: We could find out now. I'm wondering, Commissioner, I'm not even sure the hearing room is available next week, I don't know the answer to that. Mr Broad is just going to find out now. The scheduled hearing was for two weeks.

THE COMMISSIONER: This being the second.

MR CHEN: This being the second week, Commissioner, and I didn't have any expectation it would proceed beyond next week and - - -

10 THE COMMISSIONER: All right. I think, Ms Goodwin, in fairness to you and to others I should indicate that, as I'm reminded, the program was set for last week and this week and I don't think it would be fair to anyone to put it in again next week. If there were some exceptional circumstance that arose which would require a special sitting next week, then I'd certainly take into account any of your competing commitments in working around fixing a time, but I think it's unlikely.

MS GOODWIN: Thank you, sir.

MR CHEN: Only that Mr Board has told me the hearing room is actually occupied next week.

20 THE COMMISSIONER: It is?

MR CHEN: It is, Commissioner. But in any event, I think what you've said so far covers the position.

THE COMMISSIONER: Thank you. Very well. I'll adjourn till 10.00am tomorrow.

**AT 12.16PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[12.16pm]**