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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 WEDNESDAY 17 JULY, 2019

AT 10.30AM

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, Mr Chen.

MR CHEN: Commissioner, before the proceedings commence or resume today there's an application by Mr Tighe who will seek your leave, Commissioner, to appear in lieu of Mr O'Brien for Ms Dates and he'll make that application now.

THE COMMISSIONER: Yes. Thank you. Yes.

10 MR TIGHE: Commissioner, if it pleases, seeking leave to - - -

THE COMMISSIONER: Sorry, could you just speak up. I can't hear. You need to speak into the microphone.

MR TIGHE: Certainly.

THE COMMISSIONER: Thank you.

20 MR TIGHE: Commissioner, if it pleases, seeking leave to appear instead of Mr O'Brien today. My name is Tighe, T-i-g-h-e.

THE COMMISSIONER: Yes. Yes, I grant leave.

MS NOLAN: Commissioner, Nolan. I appear again for Ms Bakis and I would also seek leave to appear with my junior, Renae Kumar, who sits beside me. If that pleases the Commissioner.

THE COMMISSIONER: Yes, I grant leave.

30 MR VOROS: Commissioner, my name is Voros, V-o-r-o-s. I do seek leave to appear for Mr Petroulias.

THE COMMISSIONER: Yes, I grant leave, Mr Voros.

MR LONERGAN: Commissioner - - -

THE COMMISSIONER: Mr Lonergan, you appear as before for Mr Green I note.

40 MR LONERGAN: Yes, Commissioner.

THE COMMISSIONER: Thank you. Yes.

MR CHEN: Commissioner, I understand Mr Voros will make an application shortly on behalf of Mr Petroulias, and in anticipation of that application could I tender, Commissioner, a report from a Dr Pathan, P-a-t-h-a-n, dated 16 July, 2019 and I'd seek a suppression order in relation to that report, Commissioner.

THE COMMISSIONER: Yes. What's the exhibit number? Yes, the report of Dr Sana, S-a-n-a, Pathan, P-a-t-h-a-n, dated 16 July, 2019 be admitted. Be marked as Exhibit 166.

**#EXH-166 – LETTER FROM DR SANA PATHAN OF CROYDON COMMUNITY MENTAL HEALTH SERVICE DATED 16 JULY 2019**

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THE COMMISSIONER: I make an order pursuant to section 112 of the Act prohibiting publication of the report until any further order of the Commission.

**SUPPRESSION ORDER: I MAKE AN ORDER PURSUANT TO SECTION 112 OF THE ACT PROHIBITING PUBLICATION OF THE REPORT UNTIL ANY FURTHER ORDER OF THE COMMISSION.**

20

MR CHEN: Commissioner, I should point out that that report was provided to the Commission by Mr Voros at around 4 o'clock or so yesterday afternoon. Shortly prior to that time Mr Voros did by way of further communication with the Commission indicate that he would be making the application that he proposes to do so now.

THE COMMISSIONER: Thank you. Yes. I think Mr Voros has written to the Commission, has he not? I think it was dated yesterday.

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MR CHEN: He did, Commissioner.

THE COMMISSIONER: Do you have a copy of the letter?

MR CHEN: I do, Commissioner.

THE COMMISSIONER: Would you tender that.

40 MR CHEN: I will, Commissioner. It's a letter to the Commission by Mr Voros dated 16 July, 2019.

THE COMMISSIONER: Yes, thank you. Thank you. Yes, the letter from Mr Voros, 16 July, 2019 addressed to Mr Broad, principal solicitor to the Commission, will be admitted. Be marked Exhibit 167.

**#EXH-167 – LETTER FROM THEO VOROS TO PATRICK BROAD TITLED 'RE: OPERATION SKYLINE: PETROULIAS CAPACITY**

**TO GIVE EVIDENCE AND PROCEDURAL FAIRNESS' DATED 16 JULY 2019**

THE COMMISSIONER: I make an order pursuant to section 112 of the Act prohibiting publication or communication of the contents of that letter unless and until further order of the Commission.

10 **SUPPRESSION ORDER: I MAKE AN ORDER PURSUANT TO SECTION 112 OF THE ACT PROHIBITING PUBLICATION OR COMMUNICATION OF THE CONTENTS OF THAT LETTER UNLESS AND UNTIL FURTHER ORDER OF THE COMMISSION.**

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I don't have anything further to add to the application. Mr Voros presumably will make that now, Commissioner.

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THE COMMISSIONER: Yes, very good, thank you. Yes, Mr Voros.

MR VOROS: Commissioner, I am making an application to adjourn the proceedings on behalf of Mr Petroulias.

[REDACTED]

[REDACTED]

[REDACTED]

THE COMMISSIONER: Sorry, I can't hear you.

[REDACTED]

THE COMMISSIONER: Well, Mr Voros, I've read the report. There's no need for you to, there's no obligation on you to detail now in this application what's in the report, which has been suppressed. So, Mr Voros, I have to say that it is regrettable indeed that this application for an adjournment has been left to be made so late in the piece. I set these dates in May when I adjourned the proceedings, again by reason, on application made by or on behalf of Mr Petroulias for an adjournment. The additional dates set, 17 and 19 July and then 29, 31 July have been allocated and it was not until 16 July that we received formal notification that there would be an adjournment application, although, as Senior Counsel Assisting has said, you did provide some forewarning I think shortly before that. Mr Voros, I make it perfectly plain that I am not in any way criticising you in the circumstances of this matter. I am mindful that an adjournment of these proceedings is, at a late stage is regrettable, in particular for members of the legal professional and their clients who are here today, or at least their legal representatives are here today and many I think others are here today and this matter should have been dealt with at a much earlier point in time than now. It seems to me that based on the material in Exhibit 166 and 167 I have no alternative but to adjourn the proceedings, and as I say, it is highly regrettable that the inconvenience and cost and disadvantage it's occasioned to others who are here today, I refer in particular to the legal representatives of the parties, is something that could have been dealt with at a much earlier date than today, and with the prospect that that might minimise or reduce inconvenience and other disadvantages.

Mr Voros, is there anything else you wanted to add?

MR VOROS: No, Commissioner, [REDACTED]

THE COMMISSIONER: All right. Thank you, Mr Voros. Does anybody else want to be heard on this application? I note for the record that Mr Petroulias is not present today in the hearing room, although I see Ms Bakis is here, and Mr Lonergan, I think Mr Green is not here in Sydney today. Is that right?

MR LONERGAN: Commissioner, Mr Green is in Sydney.

THE COMMISSIONER: I'm sorry?

MR LONERGAN: Mr Green is in Sydney, however he was in hospital briefly yesterday and my understanding is, was going back to a hospital today for reasons of illness.

10 THE COMMISSIONER: All right. Thank you. Very well. In circumstances, in particular those dealt with in the exhibits to which I've referred, Exhibits 166 and 167, I consider that the proper course is to adjourn the public inquiry. Accordingly the hearing dates of today, 18, 19, 29 to 31 July are vacated. It is my intention to have this matter relisted on a directions hearing basis at a suitable and proper time in the future and the parties will be given due notice of that. On that date the directions that need to be given in order to ensure that this public inquiry can be dealt with and concluded will be considered and appropriate directions made to that end.

Before I adjourn is there anything else anybody wants to say, if not - - -

MR CHEN: No, Commissioner, not for my part.

THE COMMISSIONER: Yes, very well, thank you. Then I'll adjourn.

20 **AT 10.52AM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[10.52am]**