

SKYLINEPUB03113
20/09/2018

SKYLINE
pp 03113-03159

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 20 SEPTEMBER, 2018

AT 2.00PM

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: Thank you, Commissioner. Now, Ms Dates, before the break, I started asking you some questions about a members' meeting on 20 July, 2016. Do you remember the broad subject matter that I was asking you questions about?---Yes.

10

Now, would you have a look, please, at Exhibit 101, page 72. Perhaps before that comes up I'll ask you these questions. You understood that prior to this meeting occurring it was necessary for notices to be prepared and sent out to members, did you not?---Yes.

And that you were the person who ultimately was responsible for signing off on them, that is to say as chairperson, correct?---Is that for the members' meeting?

20 Yes.---Yes.

And you understood that what was to be included in the notice that was to be issued to members was information about what was to occur at this meeting?---Yes.

And that included these proposed land dealings involving Advantage, isn't that right?---You just put – yes.

30

And that's what was to occur, namely – amongst other matters that might be raised – this proposed land dealing that had been before the board on 7 June, 2016 was to be put before the members for their consideration, isn't that right?---Yes.

And just so it's clear, Ms Dates, as at the date of this members' meeting, as I understand it, you have not seen any of the agreements which went to make up the proposed agreement between the Land Council and Advantage, is that right?---Yes.

40

And you were therefore not familiar with what the terms of those respective agreements were, is that the case?---Yes.

And you – as I understood your evidence before lunch, but please correct me if I am wrong – you didn't have any particular understanding at all about what these transactions were to involve except that what might have been told to you at a presentation on 7 June, 2016, by Advantage, is that right? ---Yes.

So, is this fair, Ms Dates, is that really you had extremely limited understanding about what was to occur with this proposed land dealing as at the time it was to be presented to members on 20 July, 2016?---Yeah, that's right.

But notwithstanding that, Ms Dates, you approved the issuing of notices, did you not, that were to be sent to members to advertise of this members' meeting?---Yes.

10 And you understood – sorry, I withdraw that. You knew, did you not, that ultimately the preparation of those notices was at least in part given over to Mr Petroulias and/or Ms Bakis. Isn't that right?---I don't know what you mean there.

I'm sorry?---I don't know, understand that question.

All right. Well, the preparation of the notices was not in fact undertaken by you, was it?---I can't recall.

20 Well, have you ever prepared the notices that were to be provided to members advising of a members' meeting? That is to say did you type up the documents?---No, I can't type.

Did you handwrite the documents and then hand it over to somebody for them to type it up?---No, I, I sit down with the CEO and she types it up 'cause I can't type.

All right. Well, just have a look if you would at Exhibit 106, page – I withdraw that. I'll start again. Would you please have a look at Exhibit 30 101, page 72. And what appears to be the case, if you look down the bottom of that email, is that Candy Towers, if you look at perhaps on to page 73, is sending a draft of that what appears to be notice to Mr Petroulias. Do you see that?---(No Audible Reply)

Well, I'll take you to the next page, page 74, and you can see what's attached. Do you see that, Ms Dates?---Yep.

Now, do you know who drafted or put together that initial draft of that document?---No.

40

It wasn't you, though, was it?---No, it wasn't me.

And there was no CEO at the time, was there, of the Land Council?---I can't recall the dates when the CEO come in.

Right.---Or an acting CEO.

Right. Well, let's just go back, please, to page 72. You can see that it's been sent, can you not, to Knightsbridge North Lawyers, in particular to Nick. Do you see that?---Yeah.

And if you look up, please, to about the middle of that page on page 72, Mr Petroulias is asking Ms Candy what properties are out or what has been sold. Do you see that?---Yep.

And were you aware that was happening?---No.

10

Who did you understand was to be in charge or responsible for the preparation of this document, Ms Dates?---Probably the staff. If there was no CEO in place, probably the staff.

And who were they to get guidance from as to the form and content of the notice?---I don't know. I don't know. That's what I'm saying, I don't know if there was an acting CEO in place at the time. There could have been.

20

Well, I'm suggesting there wasn't, that Ms Steadman had finished her role as the acting CEO at that point in time.---I don't know.

Well, you understand, sorry, you knew, didn't you, that there was a time where there was no CEO at all in 2016 after Ms Steadman left?

30

MS NOLAN: I object. That's actually not right. My friend's entitled to explore this certainly but there's actually a minute with respect to who was the CEO at this time and this questioning, until we sort of – I mean if it's a memory test, it's a memory test, but there was a CEO at the time. It's in the minutes. My friend knows the material, I assume.

MR CHEN: Well, my understanding is, was that - - -

THE COMMISSIONER: Your understanding is that there was no CEO at that time, at this time?

40

MR CHEN: Yes. My understanding from Ms Steadman's evidence was that she was not and that she had left at the beginning of July. Now, if there's a competing version of events I'm happy for my learned friend to identify what the competing body of evidence is.

THE COMMISSIONER: Is there not some other source we can check that against?

MR CHEN: Well, only the Land Council records themselves and Ms Steadman's evidence. But if my friend suggests that there's a precise date, I invite her to tell me what it is.

THE COMMISSIONER: Well, Ms Nolan, can you assist on that? Ms Nolan, I'm talking to you. Ms Nolan.

MS NOLAN: Sorry. Sorry, I didn't hear you. Sorry.

THE COMMISSIONER: Can you assist on this, as to whether there's any material as to the date?

10 MS NOLAN: In late June, I understand. There is a minute with respect to after Ms Steadman ceased there was an appointment, and I don't want to trammel – as an acting CEO. I don't want to traverse it too much because my friend's entitled to examine the witness, but he's bringing a number of propositions. I don't know how you want to deal with this, Commissioner.

MR CHEN: I'm just asking for a date. If there's a date and some evidence, I'm happy to accommodate my learned friend's concern.

20 MS NOLAN: I can't draw it up immediately but I could assist in a short period of time. I'd need to pull it out, but I know that it's there.

MR CHEN: Well, I don't know whether my learned friend's taking issue with the proposition that I've put from Ms Steadman's evidence, and if it is I'm very happy to accommodate her concerns. I don't believe that it's inaccurate, but if it is I'm inviting her to tell me.

MS NOLAN: I'm not cavilling with the fact that Ms Steadman was not the CEO at this time.

30 THE COMMISSIONER: All right.

MS NOLAN: I can approach my friend and tell him if that's amenable to you. I mean - - -

MR CHEN: Maybe if she just states it, Commissioner. I'll move on and accommodate.

THE COMMISSIONER: Yes.

40 MS NOLAN: I understand that - - -

THE COMMISSIONER: You can't do it now. Okay, well, let's press on.

MS NOLAN: I can do it but I don't have the minute, but I can say what I understand the minute to contain.

THE COMMISSIONER: Yes. Okay.

MS NOLAN: Do you want me to do that?

THE COMMISSIONER: No. Yes, well - - -

MS NOLAN: Do you wish for me to do that?

THE COMMISSIONER: What can you do?

MS NOLAN: I understand there to be a minute.

10 THE COMMISSIONER: Yes, you've said that.

MS NOLAN: Yes. I can't pull it up immediately.

THE COMMISSIONER: No.

MS NOLAN: Do you want me to do it by way of minute or do you want me to state my understanding?

20 THE COMMISSIONER: No, no, no.

MR CHEN: If there's a CEO, she can just tell me.

THE COMMISSIONER: We're looking for a minute or some other document which records the fact.

MS NOLAN: If that's the way you'd like to receive it, I can't do anything about it at this time, so, but I do - - -

30 THE COMMISSIONER: Well, I think you press on in the meantime.

MR CHEN: Was there a gap, Ms Dates, when Ms Steadman resigned from her position as CEO when there was in fact no CEO?---I can't recall. Can't remember.

Anyway, you're unable to assist the Commission as to who ultimately was in charge of putting together this notice for this meeting – that is to say who within the Land Council beneath you – is that the position?---What's that question again? I don't understand it.

40 Well, you don't know who within the Land Council office was in charge of preparing this notice.---Probably the acting CEO. I don't know.

You're not able to identify a name, is that the position?---Yeah.

Now, if you have a look, please, at – now you can see at Exhibit 101, page 77, that these notices come back. Do you see that?---Yeah.

And they come back specifically to you at your email address, do they not?

---Yeah.

Now, did you read the notices, Ms Dates?---Can't recall.

Well, would it be your practice to do so?---No, I can't, I can't recall.

Well, you know you signed the notice, though, don't you, Ms Dates?---I don't know what notice you're talking about.

10 Well, if you look at the next page you can see that there's a notice of community meetings and AGM dated 11 July.---Yeah.

And a notice in those terms ultimately issued, did it not, which was signed by you?---What's that word mean, "issued"? What's that?

Well, sent out.---Yeah, it was probably sent out. I can't recall, but yeah.

But it was signed by you, wasn't it?---I can't recall it.

20 Well, the draft document that comes back certainly required the document to be at least – well, I withdraw that. Was it ever presented to you for signing or not?---Was it what?

The notice, was it ever presented to you for signing or not?---I can't recall. I can't remember.

Did you ever approve the issue of this notice or not?---I think I did. I can't remember, recall that.

30 Did you read it before you approved it?---Probably would have.

Well, let's have a look at some of it if you would. If you have a look, please, at page 79, you can see there there's apparently a summary of what this proposal and the background to it was. Do you see that?---Yep.

Did you read that?---I can't remember.

40 Well, one of the things perhaps I'll just ask you about is it talks about that part of the proposal was that there would be new kitchens and bathrooms every three to five years, and with newly developed properties, the potential for members to purchase those properties. Do you see that?---Yes.

Where has that information come from, do you know?---That comes from Advance [sic] Property in their proposal.

When you say proposal, do you mean the oral presentation that they made to the board on 7 June, 2016?---Yes. That's, that's got to go to the members

next, that, that proposal that they had but they never had the opportunity of doing it.

No, I understand that, Ms Dates. Don't misunderstand what I'm asking you. I'm asking you about where, for example, does this come from that there's going to be new kitchens and bathrooms every three to five years?
---Advance [sic] Property.

10 Where in particular? Has it come from the proposal that they gave to the board on 7 June, 2016?---Yes.

Or another document?---No. It come from their proposal.

And if you have a look a bit further, Ms Dates, please, at page 82, you can see that there's a formal notice or a notice again that's giving details as to when and where this meeting is to take place.---Yep.

20 It's talking about that the discussion would include the collaboration venture with Advantage. Do you see that?---Yep.

And it would be proposed or that the meeting would decide whether or not to approve that land dealing. Do you see that?---Yep.

And if you look at the next page, which is page 83, you can see then as well, that there's all the properties which were contained in the call option document that I took you to earlier, were contained in that notice. Do you see that?---Yep.

30 So, you were aware, weren't you, that this deal potentially involved all of these properties, isn't that right?---No.

Did you not look at this notice before it issued, Ms Dates?---No because - - -

Not at all?---I haven't seen that one because you showed me the members' meeting. I seen that because we had our members' meeting but this, this proposal here didn't end up getting to the members' meeting.

Well, I'm just asking about - - -?---So, I've never seen that.

40 I'm sorry, I'm just asking about the notice at this stage. Are you saying you've never seen the notice before?---The members' meeting, yes.

Sorry, are you agreeing with me that you have not seen that document before?---Not the one in front of me.

So, that's page 82 and 83, is that right?---The one in front of me, I don't know what page it is.

All right. Well, it looks to be 83. If you go back to 82 - - -?---Yeah, I, I remember 82 but I don't remember 83.

So is this the position, Ms Dates, that as at the date of this members' meeting you had no understanding about what properties at all were the subject of this transaction?---To Advance [sic]?

Yes.---Yeah, I did, at a members', at a, at a board level I did.

10 Well, at a board level you were told about the proposal, as I understand it, but you didn't have any particular understanding about what lots or what - - -?---No.

- - - what Land Council property was to be included. Isn't that right?
---Some of the land I seen but there was none of the houses.

But, Ms Dates, as I understand it, what was proposed was that the members make a decision on 20 July as to what was to happen with this transaction with Advantage. Isn't that right?---Yep, but they didn't get through.
20

Just follow, just stay with me for the moment, Ms Dates. The aim was to see whether the members would agree to, would resolve to accept this deal. Isn't that right?---Yes.

And you as the chairperson are attending this meeting but you yourself have, with respect, very little insight or understanding into the deal itself. Is that fair?---Yes.

How is it, Ms Dates, that the members of the Land Council are expected to deal with a proposal such as this at a members' meeting if the chairperson has no understanding about what in truth this transaction is to involve?
30 ---That's why I took to the members' meeting because they already done their presentation to the board.

Ms Dates, I'm going to take it back and I'm going to ask the question again to you and I'm going to put it slightly differently. You'd accept, would you not, that as the chairperson and a board member of this Land Council that you are the gatekeeper, there to look after the members, would you agree?
---Yes.
40

THE COMMISSIONER: You'd agree you're in a position as a trustee?
---Yes.

You know what trustee means, don't you?---Yes.

Yes. Trustee is there to look after the assets on behalf of somebody else.
---Yes.

So just like a board member or a chairperson is looking after the interests of the members - - -?---Yes.

- - - you're looking after them on trust for the members. Is that right? That's how you see it?---Yes.

Yes. So any trustee in that position would have to act carefully, wouldn't they, to make sure that the interests that you're responsible for, the interests of the members, are looked after?---Yes.

10

Is that right?---Yes.

It's a very special position, isn't it, that of trustee?---Yes.

And here we're dealing with a very complicated land transaction, aren't we? You can see that?---Yes.

It involves lots and lots of property, questions of valuation. Is that right? ---Yes.

20

And it's a complicated land transaction that was being put before the members on 20 July, wasn't it?---Yes.

Okay.

MR CHEN: And you yourself, Ms Dates, were charged with the responsibility to guide with the other board members, this Land Council. Isn't that right?---Yes.

30

And you were charged with the responsibility in your own words to try and take them forward. Isn't that right?---Yes.

And you are asking the members of the community, your community, to vote on a proposal when you yourself, Ms Dates, have very little understanding about what this transaction involves. Isn't that right? ---I understood what it meant, I thought it was just going to move the Land Council forward with their, with their money, as they, as they told they had \$30 million to develop our land.

40

So is that really what you thought this transaction was about - - -?---It's in the minutes, yeah.

Please. Is that really what you thought this transaction was about, that \$30 million would be invested into the Land Council to develop the Land Council land? Is that what you say your understanding of the transaction involved?---Yes. At a board level, yes.

Well, no, I'm asking about at your level in your mind, is that what - - -?---
Well, I just answered that, yes.

Right. And it would be very difficult, would you not agree, Ms Dates, for any individual member of the community, your community, to turn up at one of these meetings and try and get a handle on this complex transaction, when you yourself, with respect, do not have any clear or accurate understanding about what it involves. Wouldn't you agree?---I don't get your, I don't get your, what you're saying.

10

The point is, Ms Dates, is that you have carried this transaction through the board of the Land Council from 2 June, on 7 June. You've prepared notices. It's gone to the members. But at the same time, Ms Dates, I think you'll accept you've got very little understanding about what truly this transaction was to involve, isn't that right?---Yes.

And my question to you, Ms Dates, is if you can't understand it in your position as a chairperson and board member, how can you possibly expect the ordinary member to understand it?---It didn't go to the, end up going to the members.

20

THE COMMISSIONER: No, but the point is it was scheduled to go before the board.---The members.

Before the members. And nobody's criticising you for not being able to fully understand the ins and outs of this complicated land transaction. It's clear that you didn't understand critical parts of it. I'm not making that as a criticism of you at the moment. I'm just simply saying it's a fact, isn't it? ---Yes.

30

Well, if you didn't know the nuts and bolts of what this deal was all about, how were the members going to understand it? It'd be mission impossible, wouldn't it?---We had a lot of strong people that was members of the Land Council. They would have picked it up.

Oh, you think so?---Yeah. Sean Gordon (not transcribable)

A \$30 million project involving multiple lots of land?---There was a lot of members that are high up in the community.

40

How were they going to work it out as to whether this was going to actually be a deal that would work and that, you know, the whole thing wouldn't go into thin air?---They were, they're, they're strong leaders as members.

Strong? What do you mean? Physically strong, they can pick things up? Or strong in terms of showing leadership? What are you talking about? ---Leadership. We have got one bloke there that runs another land council.

Yes, but they've got to have facts, haven't they?---Yes.

Well, if you didn't have the facts - - -?---No.

- - - and you didn't understand the facts, how are they going to get the facts and understand them?

MR O'BRIEN: Well, sorry - - -

10 THE COMMISSIONER: No, no, no. Sit down, Mr O'Brien. If you didn't have all the facts and you have difficulty understanding all the ins and outs of this complicated land transaction, how are the members who are asked to vote going to get the facts and be able to understand it?---Like I just said, we have strong leaders that are members of the Land Council.

Yes, but they've got to have facts, haven't they? They might be as strong as a horse but they've got to have the facts to work with, haven't they?---I don't know what sort of proposal they were putting. I thought the proposal they showed the board was taken to the members, so like I said - - -

20

Yes, but what information was being given to the members so that when they turned up at the meeting they could understand what they're talking about?---They don't do that. They just invite the developers to come in and show their proposal on a big projector.

MR CHEN: Ms Dates, but you would accept as well, would you not, that the members at this meeting would recognise that the board, of which you were the chairperson, had supported this proposal being put before the board, would you not?

30

MR O'BRIEN: The members?

THE WITNESS: I don't get that.

MR CHEN: I'm sorry, did that not make sense?---No.

MR O'BRIEN: No. No.

40 MR CHEN: I'm sorry. I'll withdraw that. I'm grateful for my friend. Ms Dates, you'd accept, would you not, that it would be reasonable for the members to think that the board had approved this transaction to the point where it thought it should be put before the members, wouldn't you agree? ---That's the next step.

Of course it's the next step. But before it gets to that next step, the board has to give its blessing to the transaction, isn't that right?---Yes.

And that's the way the ordinary member of your community would understand this transaction in that setting. Namely, that you as the chairperson and the other board members had given its blessing to this transaction such that it should go before the members, isn't that right?---I don't get what you're saying to me.

Well, your participation in approving the execution of these agreements and putting it before the members was effectively telling the members that you thought it was a good deal, isn't that right?---Yes.

10

But you were recommending it, in effect, weren't you?---Yes.

But at the same time you fully accept that you really didn't have much of an insight, if at all, into what this transaction was about.---That's right.

It's not a very - - -

THE COMMISSIONER: I think that's enough, isn't it?

20 MR CHEN: I'm sorry.

THE COMMISSIONER: The whole thing is becoming farcical.

MR CHEN: I'll move on.

THE COMMISSIONER: Absolutely farcical. You've got a multimillion-dollar land deal here and the witness says she didn't understand it. What more can she say about it? I mean, she's made the fundamental admission she didn't understand really what the transaction was and yet she was putting it to, endorsing it in effect.

30

MR CHEN: I'll just put a couple of propositions, Commissioner, and I'll move on. I'm sorry to labour the point.

THE COMMISSIONER: That's all right.

MR CHEN: Can I suggest to you, Ms Dates, that as the chairperson and a board member you were duty-bound to gather the facts, ask the questions of whoever you needed to ask, to give yourself a proper working understanding of this transaction before you voted on it and before it went to the members. Isn't that right?---No.

40

And can I suggest to you, Ms Dates, that your unwillingness to accept that fundamental proposition shows that you were not properly attending to your obligations as board member and chairperson of this Land Council at this time. What do you say to that?---I don't understand that question.

Well, you were not doing your job as you should have been doing it, Ms

Dates, that's what I'm suggesting to you. As the chairperson and as a board member.---I think I was. I thought I was.

And that you were seriously remiss or negligent in your apparent discharge of your obligations, Ms Dates, at this time and for this transaction.---I don't understand that question.

10 That you made a gross breach of your obligations as a board member by failing to understand the transaction and by voting on and agreeing to these resolutions that ultimately resulted in this transaction being put before the members.---I don't get that question.

Well, let me put it this way to you, Ms Dates, that you were, you understand what negligent means, don't you?---Yes.

That you were seriously negligent in failing to properly discharge your obligations as a board member and as the chairperson for this Advantage transaction.---I don't think so.

20 Now you, Ms Dates, simply handed over the important decision making to others, isn't that right, including Ms Bakis and Mr Petroulias?---No.

MR O'BRIEN: Well, Commissioner, that has been put a number of times now - - -

30 THE COMMISSIONER: No, Mr O'Brien, sit down. I'm going to allow it. Sit down. Yes, put it again. These interruptions, really Mr O'Brien, sometimes they just seem to have the appearance of just trying to break up the cross-examination of your client.

MR O'BRIEN: That is - - -

THE COMMISSIONER: Not all the time, but it has from time to time.

MR O'BRIEN: That is certainly not the case.

THE COMMISSIONER: No, it may not be the intention, but it's the effect.

40 MR O'BRIEN: I simply say that has been put and has been answered a number of times before.

MR CHEN: Well, Commissioner - - -

THE COMMISSIONER: No, no. Mr O'Brien, I've already made a ruling. Are you traversing my ruling?

MR O'BRIEN: No, I'm simply - - -

THE COMMISSIONER: Well, sit down, please. Yes, would you put it again?

MR CHEN: What I suggested to you, Ms Bakis, is that you simply handed over the decision making to others, including Ms Bakis and Mr Petroulias, for this entire transaction?---Are you talking to Mrs Bakis or - - -

I'm sorry?---Are you talking to me? You just called me Mrs Bakis.

10 I apologise. I think I said to Ms Bakis. I'll put it again.

THE COMMISSIONER: Just listen carefully, please. And when the question's being put, would you answer it directly?---Yes.

MR CHEN: What I've suggested to you, Ms Dates, is that you handed over all of your function and decision making to others, such as Ms Bakis and Mr Petroulias, for this entire Advantage transaction. What do you say to that? ---No.

20 Now, Ms Dates, you know as well, do you not, that as part of the audit that was undertaken at and around this time that you were required, I'm sorry, that the board was required to provide the auditors with what was called a representation letter, isn't that right?---Yes.

Do you know what a representation letter is?---No.

Do you know that the board resolved to sign them?---No.

30 Do you know that in fact you signed them?---I signed what, could you say it again, please? I don't understand what you're saying.

All right. I'll show you the letter, if you would. So would you have a look, please, at – I'll show you the minute first, Ms Dates. Volume 16, page 252. Now, do you see those on the screen as the minutes of 20 July, 2016? ---Yeah.

And if you scroll down, please, a bit further, just look at point 5 if you would, so that's page 253, you can see, "Board representation, letters to PKF Lawler"?---Yeah.

40

And do you see the board made a resolution that representation letters be signed as true and correct, and it was moved by you. Do you see that? ---Yeah.

Do you know what you were resolving to do?---That the board send letters to PK Lawler, is that what that means?

Well, let's move on and I'll just show you these letters if I can, Ms Dates. If you look, please, at Exhibit 83, page 95. Sorry, it's 81, I apologise, I'll start again. So it's Exhibit 83, page 81. Now, on the screen in front of you is a letter, can you see, directed to Mr Clayton Hickey, dated 19 June, 2016?
---Yeah.

And you can see in the subject matter it's called, "Director's Representation on Transactions Included in the Financial Report of the Land Council for the Year 30 June, 2015?"---Yeah.

10

And if you look at the second page you can see that that's been signed, it appears, by you. Is that so?---Yeah, looks like my signature.

And also by Mr Quinlan. Do you see that?---Yeah.

Now, do you know what this letter was representing to the auditors?
---Just our financials, wasn't it?

20

Well, do you know what else it was doing in terms of - - -?---I can't, I can't recall.

All right. Did you know that it was making positive representations about whether, for example, there were legal disputes and issues of non-compliance with regulatory bodies, et cetera? Did you know that?---No.

30

Did you know that it included representations that were required about whether or not any entities, for example, had been established outside of the Land Council which the Land Council may or may not have a direct interest in?---No.

What steps did you take to satisfy yourself about whether or not the content of this letter was capable of being signed accurately by you?---I don't mean, I don't get what you mean.

Did you make any inquiries of staff or other directors before you signed this document, Ms Dates?---I can't recall.

40

Would you have a look, please, at Exhibit 83, page 83, and do you see there in front of you, Ms Dates, is a letter to Mr Hickey dated 20 July, 2016?
---Yeah.

And it's described the letter as a management representation letter. Do you see that?---Yeah.

And if you have a look, please, at page 99, you can see that your signature appears on that – I apologise, 85, I'm sorry, wrong numbers. Your signature appears there, does it not?---Yeah.

Do you know what the effect of this letter was, Ms Dates?---Can't remember.

Well, have a look at it. If you have a look if you like at page 83, does that assist you by looking through that about what it was - - -?---No.

- - - attempting to do?---No.

10 Do you know whether you've made any inquiries of any of the other board members and staff members before you completed or signed off this letter?
---Can't recall.

Did you make any inquiries at all before you signed this letter?---Can't remember.

Now, you remember Mr Steven Slee, don't you?---Yeah.

And he was the CEO up until about February of 2015, was he not?
---Yes.

20

And he was suspended or stood down as the CEO, wasn't he, by you?
---Yep.

And you didn't discuss or consult with the board prior to suspending him, did you?---No.

The only person you spoke to was Mr Green possibly. Is that right?---And another board of director, John Hancock.

30 THE COMMISSIONER: Why didn't you take it to the board?---I don't know. I just tried to work it round with Steven first probably five times.

Yes. And when you couldn't work it out, why did you not take it to the board? It was a board responsibility, wasn't it?---I tried to help, I tried to really help Steven out. As the chairperson if I find something to be, someone doing something wrong, well, I thought I had the power to stand Steven down the way I did. I feel I did.

40 MR CHEN: Anyway, whether you thought you did or not, that's what you did. Isn't that right?---Yes.

And you never convened a board meeting at any time thereafter to determine whether or not that was a step that the other board members thought should be done. Isn't that right?---The board wouldn't, when the, when Steven was stood down five of the board went with Steven and they wouldn't return.

Well, even on that view of the events, you would know, wouldn't you, Ms Dates, that those other board members obviously didn't support your view. Isn't that right?---I don't know. They, they didn't come back so I can't say that.

Well, they were supporting Mr Steven Slee, that's what you just said.---No, I said they walked, when Steven walked away, they walked away with him and they never come back to another meeting until Steve Wright set a board meeting up.

10

In any event, you made some complaints against Mr Steven Slee, did you not, and they were the subject of an investigation. Isn't that so?---Yes, I think.

And a report was prepared and ultimately tabled at a board meeting on 6 August, 2015. Isn't that right?---Yes.

20

And the effect of that report was to find that there was no cause or justification for Mr Steven Slee's suspension. Isn't that so?---Yeah, that investigation wasn't done properly.

All right. Well, that's your opinion, is it?

THE COMMISSIONER: That's what you say.---Yeah, but I had the evidence on Steven. I pulled it out there and then. Nobody would listen to me.

30

MR CHEN: Anyway, the position was that the Registrar and the lawyer for the Land Council advised the board who met, including you, that there was no basis to legally continue the suspension and that he should be reinstated. Isn't that right?---Yeah.

And despite receiving that advice from the Registrar under the Aboriginal Land Rights Act and the lawyer for the Land Council, a motion was moved by Mr Richard Green for his dismissal. Isn't that so?---No, I think a board meeting took place.

It did. We're at the same board meeting, Ms Dates.---Oh, are we.

40

6 August, 2015. That's what happened, isn't it? The report was presented at that meeting?---No, we had a board, a board meeting and we had a vote on it.

Correct. On 6 August. Maybe you don't remember the date but - - -?---No, I can't remember dates.

All right. Well, there was certainly a meeting, and despite the fact that you had advice to the contrary, you supported the resolution that Steven Slee be dismissed. Isn't that right?---Yes.

And the only person that received an adverse finding from the investigation was you. Isn't that so?---I don't get what you're saying.

Well, the report concluded that you had been guilty of misconduct as that term is described under the Act and regulations. Isn't that so?---No.

10

Well, you were suspended, were you not?---I was investigated.

And you were suspended.---For, for three months, yes. Six months, yes.

And that was based on the conclusions of the report that I've just drawn your attention to, isn't that so?---Yes. But everything, everything was accountable for, so I ended up, yeah, everything was accountable for.

20

In any event, Ms Dates, this is the position, isn't it? Is that despite the fact that Mr Steven Slee was, in effect, exonerated by the report and despite the advice, he was dismissed and he then made a complaint that he had been unfairly dismissed, isn't that right?---Yes.

And that you agreed, did you not, to then pay him out, isn't that so?---Yes.

And it was a substantial sum of money that he was paid, isn't that the case, Ms Dates?---I can't remember how much.

30

And do you remember that you had to ask the solicitor, who was retained, to try and work out how to properly terminate Mr Slee, isn't that right?---I can't recall.

In any event the solicitor declined to assist in effecting a termination as he was requested to do, isn't that so?---I can't remember.

You know Mr Sheriff, though, don't you?---Yes.

40

And you know he was approached to assist in trying to give effect to a termination of Mr Slee at the request of the board of the Land Council?---I can't, can't remember that.

And are you aware that in fact he declined to do so?---I can't recall.

In any event, you were the person who decided – if not on your own, with Mr Richard Green – as to how much money Mr Slee would be compensated for for his termination, isn't that right?---I can't, can't remember that.

And you never consulted the board about that either, did you?---I think I did, yes.

Well, I'm suggesting to you, Ms Dates, that's exactly what you didn't do. But - - -?---Yes, I did. Only to the other five board of directors that I couldn't – no, sorry, Micky Walsh ended up coming back and there's minutes there that say how much Steven Slee got paid out and, and why and, yeah.

10 Well, there's no doubt about that, that there is a record of how much he was paid. But my question to you is that the person who decided how much to be paid on their own was you or at the very least it involved you and Mr Green.---No. That's a lie.

I'm sorry?---I said that's a lie.

Now, Ms Dates, I'm going to have to go back because some material was produced last night by Ms Bakis to some of the matters I asked you questions about in August. Now, I'm going to show you a document. It's in
20 a plastic sleeve. It's called an Offer Schedule and Exclusive Due Diligence Agreement. I'm just going to ask you to have a look at that if you would, please. Do you see that document in front of you?---Yeah. Yeah.

And if it assists you, you can take it out of the sleeve if you like. But do you agree that your signature appears on the bottom of that document?---Yeah.

And would you agree as well that, on the face of it, it looks to be an original signature of yours? Do you see that?---Is that down the bottom?

30 It is down the bottom.---Yeah, that's my signature.

And if you look to the left of it, there is a word that appears to be "ratified". Do you see that?---Yeah.

Is that your handwriting?---No.

But you don't doubt, do you, that's your signature and it's an original pen? ---That's my signature.

40 And it's an original signature. It's not a copy, it's an original.---Yeah, that's my signature.

No, no. Please, it's an original signature. There's a pen. It's not a copy of your signature. A pen has been applied to the paper.---Yes.

When did you sign that document, Ms Dates?---I can't recall I've seen this document.

I'm sorry?---I haven't seen this document before.

How would it be that your original signature appears on that document and you haven't seen it before?---I don't know.

Well, let's have a think about it. How can your signature appear on a document that you haven't seen before?---I don't know. I haven't seen that paperwork before. I can't recall.

- 10 Well, the only other thing that comes to my mind, Ms Dates, but perhaps you're more creative than I am, is that somebody has covered up the entire document down to the bottom and left, perhaps one centimetre or two centimetres from the bottom, and asked you to sign it. Has that ever occurred?---It occurred a couple of times, yes.

Really?---Yes.

Who's done that before?---But I've never, Nick.

- 20 What, he's presented documents in that way and asked you to sign them?
---Yes.

And when has that occurred?---I can't recall.

Well, is he asking you to sign something, in those examples or situations that have come to mind, in a private capacity or in your capacity as the chairperson of the Land Council?---I don't understand the question.

- 30 Well, I'm just trying to understand how it would be that Nick has asked you to sign something, only showed you the last centimetre or so of the document and you've agreed to sign it.---I don't know.

Well, I'm asking you to think about it.---I don't know.

Well, there's another explanation, isn't it, that potentially is available, is that at and around the time of the creation of this document, which can I suggest to you is about the middle of 2015, that in fact you did sign it.---I can't recall the document. My signature's on it but I can't recall seeing it.

- 40 You can see by looking at the top of it, can't you, that this document, on the face of it, relates to five properties, you can see in item 1, that are owned by the Land Council?---Yep, you can see that.

Commissioner, I'm just trying to think if I should tender these all together and I think I should. They've been produced that way. Perhaps that could be marked and I'll tender them all.

THE COMMISSIONER: Yes, very well. The document will be marked as MFI 43. Thank you,

#MFI-043 – SUNSHINE PROPERTY INVESTMENT GROUP PTY LTD OFFER SCHEDULE & EXCLUSIVE DUE DILIGENCE AGREEMENT (UNDATED)

10 MR CHEN: That's going to be collected from you in a second, Ms Dates, and perhaps I'll make sure that it is removed so it doesn't get mixed up with the next document. So, what's been placed in front of you is a document described as Sunshine Property Investment Group Offer Schedule and Exclusive Due Diligence Agreement. It's a two-page document, isn't it, Ms Dates?---Yep.

And if you look at the second page, you can see that your signature appears at the bottom, does it not?---Yep.

20 And your handwriting appears, "Debbie Dates, Chair", on that document? ---Yep, yep.

They are both in pen, are they not?---Yep.

That is, they are original signatures, isn't that so?---Yep.

And can I suggest this is a document, Ms Dates, that you signed at and around the beginning of July, 2015, isn't that right?---I can't recall.

30 Well, have a look at the date at the top of it or at the middle of that page. Do you see the date?---Yep.

Do you accept that you signed the document at and around that time?---I haven't seen this document before. It's the first time I've seen it.

Well, I've shown you this document or a copy of it before, so do you mean that you don't have any recollections of seeing this document at any time prior to when I have shown you it during the course of this hearing?---Yeah, that's right.

40

Are you able to provide any explanation as to how your signature might then appear on this document that you've never seen before?---No.

I mean one explanation, surely, Ms Dates, must be that it was presented to you by either Mr Petroulias or Ms Bakis and you signed it, surely.---I can't, I've got no connection to, I've never seen that paperwork before in my life.

THE COMMISSIONER: Well, is it possible that the document was just put in front of you and you were asked to - - -?---Well, it's my signature so I've been asked to sign it.

Is it possible that it was just put before you either by Ms Bakis or Mr Petroulias, you weren't shown what the whole document was, you were just asked to sign it?---Yes.

Hmm?---Yes.

10

That sort of thing did happen from time to time?---Yes.

I think you've already said that.---Yes, it did.

MR CHEN: Could that be marked as well, Commissioner, that document?

THE COMMISSIONER: Yes. MFI 44.

20 **#MFI-044 – SUNSHINE PROPERTY INVESTMENT GROUP PTY
LTD OFFER SCHEDULE & EXCLUSIVE DUE DILIGENCE
AGREEMENT DATED 8 JULY 2015**

MR CHEN: Now, Ms Dates, I'm going to show you another, in fact I'm going to show you, there's three documents in fact in what I've just provided to you, but they all bear the same – I apologise, Ms Dates, I'm going to have to ask you to return those to me. I have to do it separately, I apologise for that. I'm just going to show you a document called the Deed of Rescission dated 12 October, 2015, and it's a three-page document, Ms Dates. And you recognise or you can read the coversheet that I described, can you?---Yeah, yeah.

30

If you look at the second page, does your signature appear on that page?
---Yes.

And that's an original signature, is it not, in the sense that it's a pen?
---Yes.

40 No doubt signed by you?---Yes.

And if you look at the second, sorry, the third page, does your signature appear on there as well?---Yes.

And your handwriting with your name?---Yes.

And again that's an original, is it not?---Yes.

Another document that you've signed?---Yes.

And do you recall signing this document?---No.

Have you ever seen a document with that description before?---No.

Are you sure?---Yes.

10 Do you know who might have presented to you such a document for signing?---Nick. I remember the, signing a lot of paperwork with Nick.

When?---I can't remember when.

Well, I'm not asking you to give me a particular day, but are we talking, which year, 2015, '14, '16, when?---I can't recall.

20 You must have some idea, or is this a repeated occurrence in the sense that documents would be presented over the course of your chair, when you were chairperson?---Yeah. I don't know. Can't, I can't recall.

Could that be marked as well, Commissioner.

THE COMMISSIONER: MFI 45.

**#MFI-045 – DEED OF RESCISSION DATED 12 OCTOBER 2015
(VERSION 1)**

30 MR CHEN: Where were these documents presented to you for signing, Ms Dates? Was it always at the Land Council?---Yes.

Never anywhere else?---No. Can't recall.

Did you ever go to Sydney to sign documents?---No.

Are you sure of that?---Yeah.

40 I'm going to show you another document as well described as Deed of Rescission. It's a three-page document as well, like the other one. Would you just have a look, please, and identify that that's what I've shown to you. ---Yep.

And if you turn to the second page you can see, can you not, your signature appears?---Yeah.

It's an original signature, is it not?---Yeah.

And if you turn to the third page you can see as well it's been signed by you?---Yeah.

It's an original, is it not?---Yes.

And you've handwritten your name, haven't you, in the section above, "Chairperson?" Do you see that?---Yeah.

Could that be marked, Commissioner, as well.

10

THE COMMISSIONER: MFI 46.

**#MFI-046 – DEED OF RESCISSION DATED 12 OCTOBER 2015
(VERSION 2)**

MR CHEN: And do you know, it's described in the same way. Do you have any recollection of signing - - -?---No.

20

- - - a series of documents described as Deed of Rescission, that is, the same document on many occasions?---I can't recall the document but yeah, I signed it.

I'll just show you again the third one. You see that's described as well as a Deed of Rescission?---Yeah.

And if you turn to the second page you can see your signature, can you not?---Yes.

30

And can you see as well – you can see there's a signature on that page, can you not?---Yeah.

And you can also see that there's been a correction as well. Do you see that? And it's got initials there.---Yeah.

Did you write the initials "DD"?---No.

If you look at the second, sorry, the third page, you'll see your signature also appears there, does it not?---Yes.

40

And that's your handwriting as well, "Debbie Dates".---Yes.

And the signatures on this document and the handwriting that is yours is all original, is it not?---Yes.

You could see – could that be marked as well, Commissioner?

THE COMMISSIONER: MFI 47.

**#MFI-047 – DEED OF RESCISSION DATED 12 OCTOBER 2015
(VERSION 3)**

10 MR CHEN: And for all of these documents, Ms Dates, you were signing them, you would well know, in your capacity as a chairperson for the Land Council, isn't that right? Just by looking at it you can see.---I've never seen these before.

No, just follow me, if you would. Look at page 3.---Yeah.

Are you looking at page 3, Ms Dates?---Yes.

It's on the screens if it's easier for you.---Oh, yeah, yeah.

20 THE COMMISSIONER: You signed as chairperson.

MR CHEN: You signed each of them as chairperson, did you not?---Yes.

And you would have known that at the time that you put your name there and at the time you appended your signature to it, correct?---Yeah, but I didn't see that part.

What part?---I never seen parts like that, like Cow [sic] Heat, Awabakal Land Council. I was just asked to sign the bottom.

30 Ms Dates, can I suggest to you that it is next to impossible for you not to see "chairperson", "name of chairperson", "signature of chairperson".---Yes, I'm saying that but I, I only seen that part, "signature of chairperson" and "name of chairperson". I can't recommend that I've seen, like, that part.

Well, just hold that up so I can put on the record what you're covering over. ---It's like I was just asked to sign that.

40 Just could you hold it up a bit higher, Ms Dates? I'm sorry, I just can't see for the screen.---(not transcribable) Like that. It was hidden like that.

I see. So you're covering – what you're suggesting is that all that you have seen is the horizontal line above your signature down, is that right?---Yes.

All right. But at this stage – well, I'll withdraw that. The only time that you've been a chairperson of this Land Council, is that not right?---Yeah, I've been on the board for seven years and I was the chairperson for two.

But you weren't a chairperson of any other body or organisation, were you, at the same time?---No.

And the only person, sorry, the only times that you would deal with Mr Petroulias was for Land Council business, surely?---Yes.

And so you must have known when you were putting your signature on this that Mr Petroulias is asking you to do that in your capacity as chairperson for the Land Council?---That's what I thought.

10

Yes, and you're signing a document dealing with Land Council business. ---Yes.

Does it not occur to you or did it not occur to you not to ask Mr Petroulias, "What am I signing?"---No, I just had trust, a lot of trust in him.

Well, but surely even if you trust somebody you're entitled to know what you're signing and to see what you're signing.---Yes, that's right.

20 THE COMMISSIONER: And you're not only entitled as chairperson to see it, you're obliged to know what you're signing, isn't that right?---Yes.

MR CHEN: And despite that, you just accepted – I'll withdraw that. You just signed them because Mr Petroulias asked you to. Is that the position? ---Yes.

Blindly signing a document, really, is that what it is?---Well, I've never seen this document, so yes.

30 Could I have that marked, Commissioner, that third one. I'm not sure that I did.

THE COMMISSIONER: Yes. MFI 48. That becomes – I think that's right, isn't it? MFI 48. Yes.

#MFI-048 – DUPLICATE OF MFI-047

40 MR CHEN: Ms Dates, would you just have a look at a document called the Surrender Agreement and Release, if you would. Now, do you recognise that document that I've put in front of you as described, as a surrender agreement and release?---That's what it says, yes.

And you can see your signature appears on the left-hand side of that document, does it not?---Yes.

That's an original signature, isn't it?---Yes.

All the other signatures appear to be original as well, don't they?---I don't know anybody else's signatures, so I don't, I can't say that.

Turn on to, if you would, the second page and the third page and you can see your signature appears on those documents as well.---Yeah.

Sorry, those pages, do they not?---Yes.

10 They're original signatures?---Yes.

And if you turn, please, to page 5 you can see as well that your signature appears twice on that document, does it not?---Yes.

And your handwriting is there, "Debbie Dates".---Yes.

And again, that's an original, is it not?---Yes.

20 Or they are originals, are they not?---Yes.

And this was a document, Ms Dates, can I suggest, that you accept – I withdraw that. This is a document that you signed on 23 October, 2015?---I don't, I don't know what day or dates, but yeah.

This is the date that, can I suggest, that Mr Zong came to the Land Council with Mr Say and Mr Petroulias.---I can't recall.

Could that be marked, Commissioner, please.

30 THE COMMISSIONER: 49.

**#MFI-049 – SURRENDER AGREEMENT AND RELEASE
(UNDATED) (VERSION 1)**

MR CHEN: And I'll just show you a second version of that document. I've put before you another surrender agreement and release. Do you see that, Ms Dates?---Yes.

40 And your signature appears, does it not, on the first page twice?---Yep.

And if you turn to the second page, it appears there as well, does it not?---Yes.

And the third page?---Yes.

And if you keep going as well to the fifth page, again you've signed your name twice, have you not?---Yes.

And written your name twice, have you not?---Yes.

All in original pen?---Yes.

10 This is, again, Ms Dates, can I suggest, is the agreement that you signed on 23 October, 2015, when you met Mr Zong and others, do you agree?---No, I don't agree.

Commissioner, could that be marked, please.

THE COMMISSIONER: Yes. MFI 50.

**#MFI-050 – SURRENDER AGREEMENT AND RELEASE
(UNDATED) (VERSION 2)**

20

MR CHEN: Now, Ms Dates, would you have a look please at a variation agreement, dated 23 October, 2015, and do you see that document now, Ms Dates?---Yes.

And your signature appears at the bottom of that, does it not?---Yes.

It's original, isn't it?---Yes.

30 And if you look at the second page, you've signed that, have you not, and also completed your name?---Yep. That's right, yes.

Both the signature and the pen, with your name and your signature, are originals, aren't they?---Yes.

Could that be marked, Commissioner.

THE COMMISSIONER: MFI 51

40 **#MFI-051 – VARIATION AGREEMENT DATED 23 OCTOBER 2015
(VERSION 1)**

MR CHEN: I'll just show you the second variation agreement if I can, Ms Dates. Ms Dates, that's the variation agreement dated 23 October, 2015 that's in front of you now, is it not?---Yes.

And your signature appears, doesn't it, at the bottom of the first page and on the second page?---Yes.

You also wrote your name there, did you not?---Yes.

And they are, the signatures and the handwriting by you are originals, aren't they?---Yes.

Commissioner, could that be marked.

10

THE COMMISSIONER: Yes. MFI 52.

**#MFI-052 – VARIATION AGREEMENT DATED 23 OCTOBER 2015
(VERSION 2)**

MR CHEN: Could I state for the record, Commissioner, that they are the totality of documents that have been produced last night by Ms Bakis.

20

THE COMMISSIONER: Yes.

MR CHEN: There are two other documents which do not relate to this witness. They are letters apparently by Mr Richard Green which I have not taken the witness to, but I thought for completeness I'd just draw that to the attention of those in the hearing room. Now, Ms Dates, where did you sign the variation agreements?---I can't remember. Can't recall.

30

And is that the same, you can't remember and can't recall where you signed the surrender agreement and release?---Yes.

You see, what those documents collectively show, Ms Dates, is that you had appended your signature to document – I withdraw that. You appended your signature to a number of documents that showed that there was a transaction involving Mr Zong's company, Sunshine, that occurred during the course of 2015. Do you accept at least on the face of those documents that is what it shows?---That's what it shows.

40

And what it also shows, Ms Dates, does it not, is that those agreements deal with land, don't they?---I never read 'em, I don't know.

No, I'm asking you now, Ms Dates.---Yes, yes.

And they deal with Land Council land, don't they?---I don't know, I never read 'em.

Well, I showed you the first one and you can see that it relates to at the very least five lots of property, don't they?---I didn't, I didn't really have a look. I just looked at my signature.

Well, I asked you some questions about the acquisition proposal and I got you to identify under item 1 that there were five lots of properties. Would you like to see it again?---No.

10 All right. You see not only did those agreements involve land, but they involved a transaction of Land Council land on the one hand by Sunshine and on the other by the Land Council. Isn't that right, Ms Dates?---I never seen them papers before.

Well, you see - - -?---My signature's on it but I haven't seen 'em before.

Ms Dates, I'll just, I'll make this simpler and quicker I hope. What I'm going to put to you, Ms Dates, is that you knew at all times leading up to 23 October, 2015, that this was a land transaction involving Sunshine and the Land Council. Isn't that right?---No, it's not right.
20

And if you didn't know that, Ms Dates, it was because you were wilfully turning a blind eye to it. What do you say to that?---No, I wasn't.

And that you knew clearly that this transaction involved another party called Gows Heat. Isn't that right?---No, I didn't.

And that you thought that Gows Heat and Mr Petroulias were one and the same. Isn't that so?---I can't answer that. I don't know. I don't know what you're saying.
30

Well, that this transaction I'm putting to you, Ms Dates, is that you knew, can I suggest, that it involved the payment of money to Mr Petroulias and his company, Gows Heat.---No, I didn't.

And you knew that, Ms Dates, at the very least because you signed a document which acknowledged that very fact. What do you say to that? ---No, I never.

40 And you knew, Ms Dates, that at no stage during the course, when you were a board member or chairperson of this Land Council, had this Land Council ever agreed to enter into a transaction with Gows Heat. Isn't that right? ---Could you put that another way because - - -

I'll try.--- - - - because he come to the board and done a presentation so you'd have to put that another way.

Well, just try and listen to my question. You knew that the Land Council had never entered into an agreement or even resolved to enter into an agreement with Gows. Isn't that right?---Yes.

10 And this agreement, can I suggest, that has your signature on, this surrender and release agreement, was built upon a fraudulent agreement, namely a Gows Heat agreement, and that as a consequence of you putting your signature on these documents Mr Petroulias and his company Gows received very substantial sums of money.---No, I didn't know nothing about that.

And the only way, Ms Dates, that you could not possibly know that is because you wilfully turned a blind eye to it because you attended a meeting where all of this occurred and where you signed these documents.---With whom, what meeting did I attend to?

On 23 October, 2015.---Was that at the Land Council?

20 Yes, it was.---At a board meeting?

THE COMMISSIONER: No, no, not a board meeting.---Who was at this meeting you're talking about? You're saying I was at a meeting but who was present at the meeting?

MR CHEN: Mr Zong, Mr Say, Mr Petroulias, Mr Green and yourself. ---That was at a board meeting.

30 THE COMMISSIONER: No, it wasn't a board meeting.---Yeah, it was a board meeting.

Madam, it wasn't.

MR CHEN: I'm putting to you it's not, Ms Dates, so that you - - -

40 THE COMMISSIONER: It wasn't a formal meeting, just so that you understand what's being put. It was a meeting about, with these people who have just been nominated, it was all about a transaction involving Mr Zong's company, Sunshine, and you were there.---I remember them coming to a board meeting but that's all I can remember.

Well, let's call it, it doesn't matter what you call it. You were at a meeting with those people weren't you?---With the board, yes.

No, no.---There's minutes there to prove it.

Just listen to what's being said.---They done a presentation.

Listen to counsel. He's going to tell you who was there and this will include you but it will include others, and it's said it's a meeting that took place at the Land Council premises.

MR CHEN: On 23 October, 2015 involving yourself, Mr Green, Mr Say, Mr Petroulias.---All I can remember is at that, that was at a board level. We had a board meeting.

10 THE COMMISSIONER: Listen. Look, you just answer the question. It's been put to you - - -?---They, they were, they were, come to the Land Council but for a board meeting. Yeah, I can recall them there.

That wasn't a board meeting.

MR CHEN: Well, just so you're clear, Ms Dates, that additional fact I'm not suggesting occurred at all, that is, there was no board meeting at all on that day or at any time involving Sunshine, Mr Zong, Mr Say and Mr Petroulias.---Yes, there was.

20 And, Ms Dates, by you, can I suggest, signing these documents and attending this meeting that you were acting contrary to the interests of the Land Council. What do you say to that?---I don't understand that, what you're saying.

Well, you were not seeking to serve the interests of the members of the Land Council.---For attending a board meeting or - - -

Ms Dates, you just need to focus on what I'm putting to you here.

30 THE COMMISSIONER: We've got a photograph, haven't we, taken after this meeting? I don't know if that would help focus her mind on - - -? ---Yeah, I've seen the photograph.

Yes. Remember that meeting? That's the meeting, whatever you call it, that's the meeting your attention's being drawn to and that's - - -?---That's the board meeting I'm, that's the board meeting I'm talking about.

40 Well, you call it a board meeting, we're calling it something different but it was - Mr Zong was there, you remember Mr Zong being there at this meeting?---Oh, yes.

Yes. That's the same meeting. We're now on the same page. Now, what's being put to you is, you were there to help Mr Petroulias and/or Mr Green, but certainly, it's being put you were there to help Mr Petroulias over this deal with Mr Zong's company and you were there not to help the Land Council or its members, but to help Mr Petroulias get this deal over the line. What do you say?---No, I, I - - -

Hmm?---No, I would not help Mr Petroulias get a deal over the line because I can't.

And if it was put to you that on this day you were acting dishonestly, contrary to your obligation as a member of the board to assist Mr Petroulias in relation to this deal involving Mr Zong's company, Sunshine, what would you say?---I can't recall seeing the paperwork.

10 No, you'd better just concentrate on what I was - - -?---I can recall signing stuff but - - -

I think you're missing the point. What would you say if it was suggested to you, you at this meeting, where Mr Zong attended, and others, you were acting dishonestly, what would you say?---No, I wasn't.

And if it was put to you, you were there not to help the Land Council, not to help the Land Council members, but to just help Mr Petroulias, what would you say?---I was there to help the Land Council.

20 Do you reject that you were there to help Mr Petroulias?---Yes, I do.

MR CHEN: At the very least, Ms Dates, can I suggest to you that you were completely indifferent to your duties and obligations - - -

THE COMMISSIONER: I think that word might be a problem.

MR CHEN: I'm sorry, I'll try again. That you were deliberately blind to your obligations as a board member and the chairperson, Ms Dates. What do you say to that?---What do you mean?

30 Ignoring them, ignoring your obligations.---No, I wasn't.

Now, Ms Dates, you were here yesterday when Ms Sophie Anna gave some evidence, were you not?---Yes.

And you heard, I think your barrister asked some questions of Ms Sophie Anna yesterday?---Yes.

40 And as I understand it, you believe that there was a yellow document bin that was in the possession of the Land Council, is that the - - -?---Yes.

And that what your barrister put was that Ms Anna may have placed some documents within that skip bin, is that right?---Yes, she did.

And you understand, though, that she's rejected that suggestion entirely, don't you?---Yeah.

And did you seek to open the bin or stop it from being taken away?---I tried.

And what did you do when you say you tried? What did you do?---There was a lock on it, you can't open it.

But it gets taken away by presumably some private contractor, does it?
---Yes.

10 Right. And did you try and stop the bin from being taken away before you could check the contents of the bin?---No, she wouldn't let us back in the building. She locked the door.

I see.

THE COMMISSIONER: No, but on any other day? The next day, did you seek to have the container opened so that you could see what documents had been placed in it?---No, the bin was gone by that time.

20 Did you ever take steps to have the bin inspected to see what documents were in it after you say you saw Sophie Anna put documents in it?---No, all I tried is to get the solicitor - - -

The answer is?---No.

No.

MR CHEN: And what did you see her put in there? Just documents, that's it?---Just heaps of stuff that she shouldn't have. Like, paperwork that belonged to the Land Council, very important papers.

30 Such as what?---Minutes - - -

THE COMMISSIONER: How do you know they were minutes?---Because I seen them piled up, she had them all piled up and she was going through them and she just - - -

MR CHEN: And what else do you - - -?---I said to her, "You can't do that." I stopped her on two occasions about putting paperwork in there and then door was locked.

40 THE COMMISSIONER: Did you report this to the board?---I think I did. I think I reported it to the - - -

What do you mean, you think you did? Did you?---I think I - - -

Did you or didn't you?---Yes, I did.

You did?---I think I did, yes.

How did you do that? Did you send a letter or an email or what?---I just sent emails around to the Registrar and the board.

Did you?---Yes.

And if we get those emails, it'll show you reporting Sophie Anna about putting documents in this - - -?---No, I got, I went through the solicitor to do it. I went through Despina.

10 MR CHEN: Well, she wasn't the solicitor for the Land Council at that stage, though, was she, Ms Bakis?---I, I don't know.

Well, she wasn't.---I don't know.

THE COMMISSIONER: Are you making this up?---No.

MR CHEN: I'm sorry, I withdraw that. When do you say this occurred? What's the date?---I don't know. I'm not good with dates.

20 And do you say that you instructed Ms Bakis to send the letter which has been put on the screen which yesterday and, is that right? The one in 16 September, 2016.---What letter are you talking about?

Well, there was a letter that went from Ms Bakis to the Registrar. Is that what you're talking about, about where the complaint was made and when? ---I can't recall but I, I did tell Despina to send Steve Wright a letter about what Sophie was doing.

30 Well, if you accept for the moment that that letter is dated 16 September, 2016, Ms Bakis is not the solicitor for the Land Council at this stage.---I don't know what date - - -

Well, I'm telling you. Just accept it.---But I don't know what date.

Well, that's the date of the letter. I'm telling you that.---I don't know.

Well, you can accept from me that's the date of it. So why are you speaking to a solicitor who's no longer the solicitor for the Land Council?

40 MS NOLAN: I object. I mean, the question that was put was "Did you do anything about it?" This is what this witness said she did. She may have misidentified the correct role of the person whom she asked to do something at the relevant time. But is not the position that is being explored is whether or not you did anything about it?

THE COMMISSIONER: I allow the question. Would you put it again, please.

MR CHEN: But she was not the solicitor for the Land Council, Ms Dates.
---I can't recall.

Well, what else other than minutes were being put into the bin?---Just personal documents. Like the project officer, she has stuff on her table.

10 Sophie was carrying them past me and put them in the boardroom and I said, "Sophie, you can't touch stuff. There's emails there. There's things that the Land Council needs. You can't throw things out like that. They're very important documents."

But name them, other than minutes.---There was events coming up. There was, I think there was a lot of emails. One file was a housing file that had to be given to a real estate, and I'd explained it to Sophie but she wouldn't listen.

Is that the nature of the documents you say were put in this bin, is that it?
---Yeah.

20

Is there anything else?---I can't recall. There was that many papers. It was that high. And then we were locked out of the Land Council then.

Thank you, Commissioner. That's the evidence.

THE COMMISSIONER: Mr Lonergan, do you have any questions of this witness.

30 MR LONERGAN: Yes, I do, Commissioner.

THE COMMISSIONER: Are you happy to go first?

MR LONERGAN: If it suits the Commissioner, yes.

THE COMMISSIONER: Away you go.

40 MR LONERGAN: Ms Dates, I represent the interests of Mr Green. Can you explain to the Commission, your evidence was that Mr Green introduced you to Mr Petroulias. Do you recall giving that evidence?---Yes.

And then subsequently you were introduced by Mr Green to Ms Bakis. Do you recall that as well?---Yes.

Now, can you remember when that was?---No, I can't remember when.

Now, you remember giving evidence that you attended a meeting at the Land Council with Ms Bakis and Mr Petroulias and Mr Green in December, 2014?---Can't recall.

Well, that was your evidence the other day that you gave to the Commission. Do you remember giving that evidence?---No.

Well, if you accept from me that that is your evidence, and for the benefit of the Commission I'll just point to the transcript reference for that. That was around transcript 2725-26. So if that was your evidence, is it correct that around that time you were, well, you were introduced and you certainly knew Mr Petroulias and Ms Bakis?---I truly knew them.

10

Well, you knew them, you were introduced to them?---Yeah, they were brought to the Land Council, yes.

Now, why were they brought to the Land Council to your understanding at that time?---We had a board meeting where the board gave Richard Green, instructed Richard Green to go and find people to move the Land Council on and help the Land Council, so that's what Richard done.

I'll just pause you there because I do want to ask you some questions about that, so I'll come back to the meeting, but while we're on the subject of the approval of Mr Green, can you remember when that was?---No, I can't recall.

20

All right. But you're certain that the board approved Mr Green to what, find investors or, or what to help move the Land Council forward?---Yes, it's in the minutes.

And what was the mandate or the instructions or powers that the board gave to Mr Green in this regard, to your understanding?---I just think the board instructed Richard to, he was instructed to, to, to move the Land Council forward and something else, but I can't recall.

30

Was it to find people to buy the land, to help do joint ventures with the land, build houses on the land? I mean it's a pretty important, well, grant of power to Mr Green, is it not?---Yeah, but instructed by the board.

Right.---Because Richard, Richard was, I think he was working with the United Land Councils to unite land councils all together and the board knew that that's what Richard had up and running so maybe that's why he was instructed to do it.

40

And these instructions pre-dated or were granted to Mr Green before you'd met Mr Petroulias. That's right, isn't it?---Yes.

Okay. So, Ms Dates, MFI 33, if that could be provided to Ms Dates or page 3 of that to be brought up onto the screen, which was Exhibit 84.

THE COMMISSIONER: What page?

MR LONERGAN: Well, it's page 3 of MFI 33, but page 3 itself is Exhibit 84, Commissioner. And just to the, well, start at the top there, Ms Dates. If you just have a look at that document, I want to draw your attention to, well, both your signature and the last line of that document, but do familiarise yourself with it. Now, Ms Dates, do you see your signature at the bottom of that document?---Yes.

Is this a document that you've seen before?---Can't recall.

10

Now, really if you just, you see "All agreed" at the bottom there?---Yes.

And then there's the last sentence above that, which I'll read it to you. It says, "DD," I'm presuming that means Debbie Dates, "Will ratify/confirm RG acting as her delegate." And you'll see at the top that the file note is dated 12 December, 2014. Now, do you ever recall making that type of comment to anyone in relation to ratifying or confirming Mr Green as your delegate?---I can't recall. I can't remember.

20

Well, have you ever - - -?---Yes, I have, I have. Richard's rang me up when somebody wanted to look at land and I was too busy or I was out of town and I'd said, "Well, you're being, it's already been approved by the board, so you can take them out and show them." Then Richard would take them out and show the people and it'd come back to the board because the board already gave Richard that delegation to do that.

Yes, that's the board giving Mr Green the delegation of authority, but I'm talking about you as chairperson delegating your authority as chairperson to Mr Green. Have you ever done that?

30

MR CHEN: I think my friend should be – is he being general or is he being specific? I mean, there's a legal significance. What's the point? I think my friend should be precise because there are delegations and forms of delegations under the Act and regulations. I just ask my friend to be specific.

THE COMMISSIONER: Yes, perhaps if you could make it a bit clearer, I think, Mr Lonergan.

40

MR LONERGAN: Well, I was starting in the general, Commissioner, but more than happy to take it to the specific. Do you recall around the time, being here 12 December, 2014?---No, I can't, I can't recall that.

Do you recall the content or do you remember the discussions that were had at the meeting with Mr Green, Mr Petroulias, Ms Bakis at the Land Council in December, 2014?---No. A meeting took place but I can't recall what was said.

So, coming back to where I was before in relation Mr Petroulias. So, when do you say that Ms Bakis's company Knightsbridge Lawyers started working for the Land Council?---I can't recall. I've already answered that, I can't recall that.

Can you remember the year?---No, no.

10 Can you remember in relation to this meeting that you've identified in December, 2014? Was it before that, after that?---No. I don't, I can't recall.

All right. Can you remember what the first event was or the first thing that Ms Bakis's law firm did for the Land Council as the solicitor?---No.

So, you have no idea - - -?---No.

20 Is it your understanding that Mr Petroulias worked for Knightsbridge North Lawyers?---I didn't, I didn't know. I didn't think he worked for them. I just thought he was there to help but I didn't know that he was, he worked for Knightsbridge Lawyers.

Right. Well, you've just been taken by Counsel Assisting and the Commissioner to a large number of documents that bear your signature and you have given evidence that Nick Petroulias put those documents in front of you. Do you recall that?---Yes.

30 Yes. So when Nick Petroulias put these documents in front of you, in what capacity, or who - I withdraw that. Who was he working for, to your understanding, when you signed those documents?---I can't recall. I think it was probably Knightsbridge.

Well, you wouldn't sign a document - - -?---I don't know, I can't say.

Ms Dates, you wouldn't sign a document from someone off the street, would you?---No.

All right. And you certainly wouldn't sign a document without looking at it, with someone off the street giving it to you?---No.

40 And you've given evidence that you trusted Mr Petroulias. You recall giving that evidence?---Yes.

So why did you trust Mr Petroulias?---Because the Land Council needed to move forward and there was a lot of opportunity there for land to be sold and, and we needed to move forward. Like we just needed a nursing home for our elders and, yeah, and Advance Property's deal sounded great to me and - - -

I'll come to the Advance Property deals, Ms Bakis, but my, I'm just really dealing here with just trying to understand why you trusted Mr Petroulias to the extent that you would sign documents that he put in front of you without reading them.---He's a good talker. A good talker.

Undoubtedly but there are plenty of good talkers in the world.---Well, that's probably the first one I met.

10 So that's the extent of it? He's a good talker therefore you'd sign anything that he put in front of you?---I thought he was a very smart man.

Yes. But why, you kept referencing bring the Land, or taking the Land Council forward and if I understand your evidence was that he was telling you that's what was going on.---Yeah.

20 I mean what was your understanding of taking the Land Council forward by signing these deals, or sorry, signing the documents that he put in front of you?---I don't get that question. You need to say it another way. I don't get that one.

So you were signing these documents, if I understand your evidence, because you thought that would be taking the Land Council forward. Is that correct?---Yes.

And was Mr Petroulias telling you that around when you were signing these documents?---I can't recall.

30 And your evidence is that you were never explained the content of the documents by Mr Petroulias. Is that correct?---Yes.

So let's go to the Advance or Advantage deal as you, as it's referred. You talked about the \$30 million. Do you recall that amount?---Yes.

And in your evidence you raised nursing homes and, or you certainly mentioned nursing homes and I think there were one or two other things that you mentioned that you thought that the Land Council was getting from these deals. Is that correct?---Yes. They, it was, they were using their own money.

40 Yes. So that's the bit I wish to understand. So you've given evidence you didn't read the documents.---No.

And I think it's fair that you didn't understand, certainly based on what the documents are, what the deal was. That's correct?---Yes.

But what did you understand, so a presentation was given to the board. Do you recall that?---Yes.

When you left that presentation what did you understand that the deal was? So let me break that down for you. Did you think that the Aboriginal Awabakal lands were being sold?---No. It was a deal where they were giving us \$30 million to repair our homes, to build a housing estate, to build a nursing home, to build a child care centre. It was a benefit for the community.

10 Now, why did you think that these investors, builders would give the Land Council \$30 million?---Because in their presentation they showed where they built overseas, Melbourne, Sydney and what they done for other communities so, yeah, it looked good.

Right. But it would be a pretty extraordinary proposition of someone just to give \$30 million to the Land Council, you'd accept that, right?---Oh, yeah, you'd jump on it, wouldn't you?

Well, yes, but you'd certainly ask questions as to, you know, why - - -?
---A lot of the board did ask them questions.

20 Okay. So - - -?---They just didn't, didn't get a chance to go to the members' meeting so I don't, I can't, I don't know.

Right. But at the board meeting were questions asked of why someone would invest this \$30 million?---Yes.

Right. Can you recall what the questions were?---No, no, I can't, I can't recall.

30 So when you left that meeting your understanding was that this is going to be taken to the members and it was up to them whether they accept the deal or not?---Yes.

Now, I just want to go to the process of the preparation and attendance at the board meetings if I may. So you gave evidence to the Commission that an agenda would be prepared for a board meeting anywhere between three and one day prior to the board meeting. Is that right?---Yes.

40 And who – I withdraw that. Your evidence was that the chairperson, being yourself for most of the time, and the CEO would prepare the agenda. Is that correct?---Yes.

So is it that you would sit down with the CEO and go through what needed to be put in front of the board of directors at any particular meeting?---Yes, 'cause I don't do computers or type, type or, I'm not a very good reader, but yeah. The CEO done everything for me.

Right. So but the two people, being the CEO and the chairperson, prepare the agenda for the meetings.---Yes.

All right. Now, if someone wanted to put an item on the agenda or raise it at the board meeting, they would bring it to the attention of the CEO and/or the chairperson?---Yes.

Right. Now, were there instances when you were chairperson where agenda items or where items were raised at board meetings without following that process?---No, I can't recall.

10 But to your understanding it would be a rare exception that something would be raised at the board meeting that hasn't been raised to the CEO or to the chairperson and put on as an agenda item?---Could you say, could you say that again?

So it would be unusual for an event or for a resolution or a discussion point for a board meeting to be raised at the board meeting without it being presented to the chairperson and the CEO to put on as an agenda item?
---Yes.

20 So it would be rare?---Yeah.

Because the CEO and the chairperson are in control of what is tabled in front of the board. Is that correct?---Yes.

Now, you referenced that – sorry, I withdraw that. I'll come back to that point. But 23 October, 2015, this is you'll recall when there was a photo taken of yourself with Mr Green and Mr Zong, or Wong as you referred to him as, and that was taken by Sammy Say. Do you recall that day?---Yeah.

30 Right. Now, on that date you do recall or you don't recall signing the documents that - - -?---I don't recall.

But do you recall signing documents on that date or not?---No.

You recall the photo being taken, obviously?---Yeah, after a board meeting, I do.

40 Now, if you accept for the moment that there are not any meeting minutes from that date for a board meeting, why are you so adamant, Ms Dates, that there was a board meeting on that date?---Because I remember the photo after the, after, after the board meeting.

And was it that date that you are saying that Mr Zong did a presentation to the board of directors or was it another day?---I think, I think, I think Sammy Say done the presentation.

Sammy Say did a presentation to the board on that date?---Yes.

And when Mr Say did the presentation, are you certain that Mr Zong was with him?---Yes.

And can you say why you were certain that Mr Zong was with him?---No, I can't.

But you've seen the photo of Mr Zong and to your understanding that was the person that was there?---Yes.

10 Now, you've heard the name Gows Heat. Can you recall what year Gows Heat did a presentation to the board?---No, I can't. I can't remember.

Can you recall who from Gows Heat did a presentation to the board?---I think that was Nick Peterson or something.

Well, Nick Peterson, Nick Petroulias, it's the same person, right?---Yeah.

20 Did Mr Petroulias or Mr Peterson do this presentation shortly after you first met him or a year later, two years later?---I can't recall, recall.

So, you have no idea when he did a presentation to the board?---No, I can't remember.

And you're adamant that if Mr Peterson/Petroulias did a presentation to the board that that would be in the minutes?---Yes.

And if it's not in the minutes, then would you accept that it didn't happen? ---No, because it happened.

30 And if it's not in the minutes, can you offer an explanation as to how that could have occurred? It occurred, i.e. it not being in any minutes.---I, I don't know. Should have it, should have it here. The minutes, you should have them here because he did do a presentation.

And Mr Petroulias, I presume, did numbers of presentations to the board of directors, is that right?---I can't recall. He did a presentation, yeah, he did one but I can't recall.

40 So, you can't recall him doing more than one presentation?---I think it was only the one.

And the only presentation he did was as Gows Heat, is that what you're saying?---Yes.

So, he didn't do a presentation to the board or have discussions with the board at any other time?---He come to the boardroom and speak but I can't recall how many times.

Sorry, I should have limited my question to presentations to the board.
Your evidence is that he's only ever done one presentation to the board?
---Yes.

You also said that Mr Green was doing, I believe your terminology was
United Tribes.---Yeah.

10 You recall that. And you also, I believe, gave evidence that Mr Petroulias
was involved in United Tribes, is that right?---I don't know if he was
involved in it but I, I know Richard had a United Tribes to unite all
Aboriginal land councils together.

And how do you know that?---Because he, he brought it to the board and
told the board about it. I think he done a presentation down in Sydney as
well on another land council.

20 And to your understanding, what was the idea of this United Tribes?---It
was just to unite all tribes as land councils all together. Because there's too
many, there's seven land councils in Newcastle. There only should be one,
not seven. So that's what Richard was aiming at.

For what purpose, to your understanding?---I don't know. I, I don't know.

THE COMMISSIONER: Mr Lonergan, as it is a pause here, can you give
me some estimate of how long you might be with this witness?

MR LONERGAN: I'll be done by 4 o'clock, Commissioner.

30 THE COMMISSIONER: Oh, will you? All right.

MR LONERGAN: Yes, I have no intention to take it much longer. Now,
you recall the documents, the original documents, that Counsel Assisting
put in front of you today, Ms Dates?---There was a lot. There was a lot of
paperwork put in front of me today.

Yes, there was. But I'm just talking about the ones that had original
signatures on them. Do you recall those?---Yes.

40 And they were, some of them, dated and signed, or signed on 23 October,
2015?---I don't know. I'm not good with dates. Can't recall.

So you cannot recall signing those documents on 23 October, 2015?---No.

Did you ever recall signing a document and seeing Richard Green sign it
before you or after you?

MR CHEN: I just wonder whether my friend could be a bit more specific,
Commissioner.

MR LONERGAN: Yes, I'm happy to, Commissioner. I was trying to just avoid going to - - -

THE COMMISSIONER: You're focusing on those agreements on 23 October?

MR LONERGAN: Yes, Commissioner.

10 MR CHEN: I'm sorry. I didn't understand that. Sorry.

THE COMMISSIONER: There's a surrender agreement and release on that date.

MR LONERGAN: Yes, so - - -

THE COMMISSIONER: There's two versions of that. Yes, and the variation agreement on 23 October as well.

20 MR LONERGAN: There's MFI 44, MFI 47, 48, and there was also 51 and 52. So the variation agreements, I'm more than happy to have them brought out in front of Ms Dates, but I don't really see much utility because my question is just limited simply to - sorry, Ms Dates, I'll ask the question so you understand where I'm coming. In relation to these documents that Counsel Assisting has put in front of you which have your original signature on them, did you see Richard Green also sign any of those documents? ---No, I didn't. I don't know the documents.

30 And you've given evidence that Mr Petroulias would ask you to sign documents, but am I correct in saying you would sign the documents without actually seeing much more than the signature line that you were required to sign?---Yes. Yes. Yes.

Now, were you ever provided copies of the documents that you signed? ---No.

Were you ever provided an explanation as to what was in the documents that you signed?---No.

40 Commissioner, that's the extent of my questions.

THE COMMISSIONER: Thank you, Mr Lonergan. Ms Nolan, do you want to cross-examine this witness?

MS NOLAN: Yes.

THE COMMISSIONER: I'm just inquiring as to whether you want to cross-examine her.

MS NOLAN: Sorry, you didn't hear me. I said yes.

THE COMMISSIONER: Yes. And how long do you think? What's your best estimate?

MS NOLAN: Not long. Not long. Probably about 20 minutes, maybe half an hour at the most.

10 THE COMMISSIONER: All right. Well, Ms Dates, we're going to have to get you back tomorrow morning at 10 o'clock. You've heard what's been said. Can't give you an estimate, but sounds like you'll probably be finished some time during the course of tomorrow morning.

MR RAMRAKHA: Commissioner, I would like to make an application to make some - - -

THE COMMISSIONER: I'm sorry?

20 MR RAMRAKHA: I'll be making an application to cross-examine the witness too tomorrow.

THE COMMISSIONER: Sorry, Mr Ramrakha. Yes, I'd intended - - -

MR RAMRAKHA: Yes. Thank you.

30 THE COMMISSIONER: Well, then, it's a bit difficult to estimate exactly how long it'll be but we'll just have to take a step at a time tomorrow. So if you'd be back here at 10 o'clock. Thank you. I'll adjourn.

THE WITNESS STOOD DOWN **[4.00pm]**

AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.00pm]