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PUBLIC
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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 FRIDAY 21 SEPTEMBER, 2018

AT 10.00AM

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

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

THE COMMISSIONER: Yes, Dr Chen.

MR CHEN: Commissioner, just before we commence, may I raise a couple of matters. The first is in relation to Exhibit 113, Commissioner, which was the folder of material that I tendered in connection with Mr Vaughan. I'd seek a suppression order in connection with three discrete parts of that exhibit, Commissioner. Could I identify for the record what those particular pages of that exhibit are?

10 THE COMMISSIONER: Yes.

MR CHEN: Pages 82 to 88 inclusive.

THE COMMISSIONER: 88?

MR CHEN: 82 to 88 inclusive. 90 to 96 inclusive and 98 to 104 inclusive. So I'd seek a suppression order in relation to those pages pursuant to section 112, Commissioner.

20 THE COMMISSIONER: Very well. Do we have Exhibit 113 to hand, the hard copy? Thank you. Yes. In relation to Exhibit 113 I make an order under section 112 of the Independent Commission Against Corruption Act prohibiting communication or publication of the following pages in Exhibit 113. Pages 82 to 88, 90 to 96, 98 to 104. I make that order subject to any further that may be made by the Commission.

30 **SUPPRESSION ORDER: IN RELATION TO EXHIBIT 113 I MAKE AN ORDER UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT PROHIBITING COMMUNICATION OR PUBLICATION OF THE FOLLOWING PAGES IN EXHIBIT 113. PAGES 82 TO 88, 90 TO 96, 98 TO 104. I MAKE THAT ORDER SUBJECT TO ANY FURTHER THAT MAY BE MADE BY THE COMMISSION.**

THE COMMISSIONER: Yes.

40 MR CHEN: Thank you, Commissioner. Commissioner, I also need to ask Ms Dates some questions on a very confined topic, which would be a matter of minutes and I thought it'd be, subject to your position, Commissioner, convenient if I deal with that first before there's any further cross-examination.

THE COMMISSIONER: Yes, very well. I think that should be done.

MR CHEN: Thank you.

THE COMMISSIONER: Thank you, Ms Dates. I'll administer the oath again. Good morning, Ms Dates.

MS DATES: Good morning.

THE COMMISSIONER: If you wouldn't mind standing, I'll have the oath administered.

THE COMMISSIONER: Thank you, Ms Dates. Just take a seat. Yes, Dr Chen.

MR CHEN: Thank you. Ms Dates, I just want to take you to a point in time around June or late May/June, 2016, which, to assist you, was approximately the time that Advantage did the presentation to the board.
10 Do you understand the time that I'm asking you to focus on at the moment, Ms Dates?---Is that when Advance [sic] Property - - -

Yes.---Yes.

Now, you have said that, I think in your evidence yesterday and certainly on the occasion before, to the effect that you didn't know much about the Solstice deal or the transaction itself. Is that a fair summation of your evidence?---I can't recall.

20 Well, I just want to ask you some questions around late May 2016, and whether you spoke to a gentleman called Sammy Say. Did you ever speak to Mr Sammy Say?---Yes.

At or around late May/early June 2016?---Yes.

And did you speak to him about him perhaps dealing with Solstice and a deal that he could perhaps put before the board at or around that time?---I can't recall what we spoke about.

30 There's some evidence, Ms Dates, which I just want to draw your attention to, which is to the effect that Mr Say is recorded as having spoken to you about a transaction involving Solstice and that perhaps you had agreed, upon the payment of money, to assist the progression of that transaction. Did you ever have a conversation with Mr Say to that effect?---I think I did, yes.

And did you agree that as part of that conversation you had with Mr Say that you would receive a sum of money, namely about \$450,000?---I can't recall.

40 Did you agree to be paid some money to assist progressing the Solstice transaction?---I can't recall.

What's the conversation that you had with Mr Say where, as I understood, you accept he raised the payment of money to you for you to assist the progress of that proposed dealing?---I can't recall.

Well, you - - -?---I know a conversation took place between me and Sammy Say but I can't recall what it was.

Well, you know it involves Solstice. Is that right?---I can't remember Solstice.

You know, well, you knew it related to him trying to promote a land deal between an entity and the Land Council?---No.

10 Did the conversation involve a discussion wherein you would be paid some money by somebody to help push the deal that Mr Say was behind?---I can't recall.

Well, Ms Dates, there is some material in the public brief which suggests that you had agreed to the payment of a substantial sum of money. Do you agree or disagree that you had such a conversation where you agreed to that matter?---You'd have to show me on, on the screen if you've got evidence.

20 I'll show it on the screen. I'm not suggesting that you're a - - -?---I can't recall.

All right. I'm not suggesting that you saw this document. I'll show you it on the screen. Volume 15, page 61. Now, this is an email between two people, Mr Strauss and Mr Kavanagh. Do you see that, Ms Dates?---Yep.

And you can see it's talking about a deal at point 3. Do you see that?---Yep.

30 And you can see at point 4 that there was a reference to \$450,000 to be paid to a person called Debbie. Do you see that?---Yes.

And did you have a conversation with Mr Say essentially to the effect that's shown in point 4 of that email?---I can remember him offering me money but I don't know how much, can't remember how much.

In any event, did you agree to assist Mr Say?---No, 'cause I said to him, "The Land Council's getting, under investigation and I'm under investigation by an investigator."

40 Right.--- I remember saying that to him.

Did you report that to anyone, that there had been this contact?---Despina.

Right.---I told the solicitor of the Land Council.

I see. And did you tell her to write a letter to somebody?---Yes, I think I did.

Right. Thank you, Commissioner. That's the further evidence.

THE COMMISSIONER: Dr Chen, just before you sit down, I notice Mr Petroulias is not present. What's his position, do you know?

MR CHEN: I understood that he was refused bail yesterday and that application though has been stood over until after, until late September, either 25 or 27 September. In terms of his attendance today, if that's what particularly you had in mind, Commissioner, there was no order as I understand it for him to be brought in today, but of course a transcript and
10 whatever else is put in evidence today will be made available to Mr - - -

THE COMMISSIONER: Yes. If steps are taken to ensure that he gets a copy of the transcript to date and - - -

MR CHEN: Absolutely, Commissioner.

MS NOLAN: Commissioner, I've been copied to an email - - -

THE COMMISSIONER: Yes.
20

MS NOLAN: - - - which maybe Mr Broad has not yet seen. It was sent quite late this morning at 8.57am, just so that the Commissioner is aware, that Ms Bakis requested of Mr Broad or conveyed a message that she had spoken to Mr Petroulias. She wanted, he wanted her to tell Mr Broad about the bail decision about which Counsel Assisting has informed you and has asked if he may attend today and has expressed his gratitude if it could be organised. I'll just convey that to you.

THE COMMISSIONER: All right. Thank you.
30

MR CHEN: Mr Broad has just told me, and I think it's probably, the practicalities, because the evidence today, as I understand it, the course of events is Mr Ramrakha's going to ask some short questions, Ms Nolan will. My expectation on those estimates, accepting there might be some fluidity in them, that we'll be finished perhaps by 11 o'clock. I just don't think it's practical.

THE COMMISSIONER: Yes. Look, I take it from what you've said that Mr Petroulias is still in custody, his bail application having been adjourned,
40 as I understand what you said.

MR CHEN: I believe he is still in custody.

THE COMMISSIONER: And that there had been no arrangement as by custodial services to, or Corrective Services, to have him here today.

MR CHEN: That's so.

THE COMMISSIONER: Is that your understanding, for some reason?

MR CHEN: That's so.

THE COMMISSIONER: Because I made an order for his - - -

MR CHEN: I'm sorry, Commissioner. It only went until Wednesday in light of - - -

10 THE COMMISSIONER: Oh, I see. Yes.

MR CHEN: - - - he was not going to be here on Thursday and I think the expectation, not unreasonably, was that - - -

THE COMMISSIONER: He would get bail?

MR CHEN: Well, no, is that we had the delay on this Monday and he was going to be - - -

20 THE COMMISSIONER: We would finish the evidence by yesterday or Wednesday, I think.

MR CHEN: Correct. But also that he was never able to be here on Thursday because he had to participate in his application.

THE COMMISSIONER: That's right, yes.

MR CHEN: So, I think that's the explanation, Commissioner,

30 THE COMMISSIONER: I see. All right. Well, look, I think in the circumstances, the fact of the matter is that apparently the order I made only required his attendance up until and including Wednesday of this week, and he was then excused to attend his bail application at the Supreme Court yesterday. No further order had been made for his attendance here today and that's why Corrective Services hasn't brought him here. I think in all the circumstances Mr Petroulias's interest will be protected and he won't be disadvantaged, firstly by him being provided with today's evidence, the transcript and, secondly, his rights to apply to cross-examine all witnesses that I referred to the other day – including the present witness, Ms Dates –
40 has been reserved and will be determined on a future date.

MR CHEN: Yes, Commissioner.

THE COMMISSIONER: All right. Thank you. All right. Now, Mr Ramrakha, did you - - -

MR RAMRAKHA: Thank you, Commissioner. Ms Dates, I represent the interests of Ms Sophia Anna. I have some questions to ask you about some of the evidence you gave yesterday.---Yes.

You made some pretty serious allegations against Ms Anna, correct?---Yes.

Yesterday you said that there was a yellow bin present in the Land Council. Remember giving that evidence?---Yes.

10

And you said that Ms Anna placed a number of documents in that bin. ---Yes.

And you said that they were important documents.---Very important.

And all this happened on the day of the clean-up, correct?---Oh, the clean-up was going for at least a week.

Well, but it happened during the clean-up, you say?---Yes.

20

So, Ms Anna has started in her role as CEO on 8 August, correct? That's the Monday.---I don't know what, I can't recall the dates.

But she instituted the clean-up pretty soon after she commenced - - -?---I think the next day.

Yes, so it was in that same period, right?---Yep.

Just before I go any further, what's your relationship to Candy Towers?

30

---That's my daughter.

That's your daughter. And you know she's given some evidence in this inquiry about Ms Anna throwing away documents. You know that, don't you?---No.

Well, I suggest you do know that.---We might have had a couple of words about it.

THE COMMISSIONER: Were you in the hearing room when she gave evidence?---No. I never come down.

40

MR RAMRAKHA: Well, you just said you had a couple of words about it. ---No, I, I was just worried about her coming down here by herself. She didn't want no one to come with her.

Well, you just said you had a couple of words about it. So, you not only knew she's given the evidence, you've spoken to her about it, haven't you? ---Yep. I think so, yeah.

Now, you said that when you became aware that Ms Anna was throwing documents out, you took some steps. Do you remember saying that yesterday?---Yes.

And you said that you tried to open the bin but it was locked.---It had a lock on it, yep.

10 Yes. And you said you confronted Ms Anna about what she was doing.
---Yes.

And you said yesterday that, in your evidence, you said, oh, she shouldn't be throwing those documents out, correct?---Correct.

And you also said that you reported this matter to the board.---Yes, and the Register [sic].

20 That she was throwing documents out. That's the matter that you reported, correct?---Yeah, yeah.

And you also said that you went to Despina with this issue.---Yes, went to the solicitor and - - -

Now, you would say that you did all of that when it happened, correct?
---No, it was still happening when I done it.

Yes, so it was in that time. You didn't do it like months and months later, did you?---No.

30 Ms Dates, I just want to give you an opportunity to come clean. You know what that means, don't you, coming clean?---I think, yeah, yeah, I know what that means.

THE COMMISSIONER: So what does it mean?---Tell the truth.

MR RAMRAKHA: Are you prepared to do that and admit that the evidence that you've given about Ms Anna is false? I'm just going to give you that opportunity now.---No, it's not false.

40 All right. Now, yesterday you were asked some questions about what she was throwing out. Do you remember that?---Yep.

And you referred to a number of different documents. Do you remember your answers?---Yeah. There was Land Council emails.

And you referred to minutes, correct?---And minutes, yeah, minutes, very important documents.

Yes. And you referred to certain files belonging to a project officer?---Yep, and site, site work, Peter Townsend's work.

Now, is this something you got from your daughter?---No, I was there when she done it.

Now, you previously gave evidence in this inquiry on 17 August. Is that correct, in August, like, this year you gave some evidence, you were called in to give some evidence. Correct?---Oh, I haven't been well, yeah, yes.

10

Yes. Is that yes?---Yes.

And in the context of that giving evidence then, you also said that Ms Anna was throwing away, your words were, "A hell of a lot of paperwork." Do you remember saying that?---Yeah, loads of it, boxes of it.

And you said – the transcript reference is 2807, line 40 – this is what you said, "We don't know what she threw away." Do you remember giving that evidence?---No, I can't remember giving that evidence.

20

Well, if it's in the transcript do you accept that she said that?

THE COMMISSIONER: Perhaps you should put the question and answer on that matter so that she's got the full, the benefit of the evidence she gave.

MR RAMRAKHA: Yes, yes. I did have it.

THE COMMISSIONER: It's all right, take your time

30 MR RAMRAKHA: Thank you very much, thank you, thank you. Now, you were being – I'll give you the context of the question and answer first. You were being asked some questions by Dr Chen about a document relating to three entities, Solstice, Land Council and a company Gows Heat. It was a heads of agreement document. And I'll read you the questions and your replies. So the question, "Did Mr Green ever raise with you that he was involved, say, with giving instructions to have this document prepared?" And you said, "No." "But certainly this document had never been put before the board of the Land Council, had it?" And your reply, "I don't know, you'd have to go through the, if Sultan," and I think you meant
40 Solstice, "went through the board. I don't, I can't remember." Then Dr Chen asked you this question. "Well, I'm going to suggest to you there's no record at all at this time or any time of Solstice presenting a proposal to the board, Ms Dates. So accepting that fact if you would for a moment, this agreement's never been before the board, has it?" Do you remember that question being asked of you?---No, I can't.

Well, your reply was, "I'm not going to answer that because acting CEO threw away a hell, a hell of a lot of paperwork out of that Land Council and we don't know what she threw away." Do you remember that answer now? ---Yep, but I seen, I seen what was on the table in front of her, I seen what she threw out.

10 THE COMMISSIONER: Was the evidence you gave in that last answer that's just been read to you that you gave in August a truthful answer? Was it a truthful answer?---I couldn't recall. I don't think so. I don't think it was truthful.

It wasn't truthful.---No, it wasn't.

You were giving false evidence, weren't you?---I had to think, that's all, and I can remember now. Because I remember one of the site workers, Peter Townsend, going off his head about her throwing his work away.

20 MR RAMRAKHA: So are you just making your evidence up as you go along?---No.

Because you didn't know what she threw away. You said you didn't know what she was throwing away when you gave evidence before.---I wasn't thinking.

Was that your answer?---I wasn't thinking right when I gave my first statement.

30 But you also said yesterday that you couldn't access the bin, isn't that right? ---Yeah, because it had a lock on it.

Well, how did you know what was put into the bin, then?---Because I was in the room when she was throwing it out.

Well, did you read anything before it went into the bin?---I seen it in her hands.

40 Well, did you read anything before it went into the bin?---No, I seen it in her hands and I told her, "They're very important documents, Sophie. You can't throw them away."

Well, I suggest you're making that up. That never happened.---It happened.

And you said you made a report to the board.---Yeah, I did.

You did?---Yeah.

And, now, if I suggest to you that you never raised it with the board because it never happened, what would you say to that?---Well, it happened.

Now, there were a number of meetings of the board in August after the clean-up, correct?---Yeah. I think in one of them board meetings, I can't remember which board of director it was, but they had a go at Sophie about throwing out documents and why is she cleaning the Land Council out.

10 Just so to orient you, there was a meeting, in that month there was a meeting on 5 August. That was at the start of the month. Do you remember that? That was the meeting where Ms Anna was appointed. Do you remember that?---No. Can't remember.

Well, do you remember that there was a meeting and that she started the following Monday?---No, I can't recall.

Can't recall that? Would you, you're not - - ?---I'm not good with dates. I know she started on the Monday but what Monday I don't know.

20 But, okay, if you're not good with dates, but before she started there was a meeting. There was a meeting of the board before she started, correct?---I, I don't know.

Well, would you accept from me that there was?---Probably, yes.

Now, later that month there were three meetings of the board held in sort of, held one after the other. There was a meeting on the Wednesday towards the end of the month, the 24th, 25th and the 29th, and there was a meeting on the Wednesday, the Thursday and then the following Monday. Do you remember that there was that sequence of meetings?---No.

30 Well, you don't remember those meetings? That there were three meetings in a row?---No.

Well, wouldn't that have been a bit unusual to have three meetings in a row?---No. Sometimes they had three meetings in a week, so - - -

All right.--- - - - couldn't remember.

40 But would you accept from me that the first meeting, on 24 August, was the first meeting to occur after Ms Anna was appointed? Would you accept that from me?---Yeah.

And this is after the clean-up.---Oh, I don't know.

Well, if she started, if you accept that she started on 8 August and you say that the clean-up went for a week – that's what your evidence is – by 24 August this clean-up would have well and truly been finished, correct? ---No, she gave - - -

Correct?---She gave the, the staff a week off work, so the Land Council was locked up.

Ms Dates, you gave evidence that this clean-up occurred over the course of a week, correct? That was your evidence?---Yeah.

And you said that you raised issues during this. You raised issues about Ms Anna throwing documents away in this period of time, correct? That's what you said?---Yeah.

10

And you agree that this occurred soon after she started, correct?---A day after.

So by the 24th, if you assume that the clean-up started, even if it started in the week of the 8th, by 24 August the clean-up would have been over, correct?---Yeah, it happened in a week. She done it in a week.

So you agree with me that it would have been over by then. Correct? ---Within a week, yeah.

20

So it would have been over by 24 August, correct? Yes or no?---Yes.

And you know that by this stage Ms Anna had started asking questions about Ms Bakis. Isn't that right? You know that?---(No Audible Reply)

MS NOLAN: Well, I mean that question is so devoid of any, any content. I mean - - -

30

MR RAMRAKHA: Well, I can, I can - - -

MS NOLAN: It's objectionable on the basis that it's just completely irrelevant.

MR RAMRAKHA: Well, you know that she started asking questions about Ms Bakis making certain payments to third parties?---Sophie started investigating everybody.

THE COMMISSIONER: No, but just deal with this question.

40

MR RAMRAKHA: You know by this stage that Ms Anna had started asking questions about Ms Bakis making certain payments to third parties. You know that, don't you?---I can't recall that.

MS NOLAN: Well, I object. Which third parties are we talking about? I mean third parties can include everybody.

THE COMMISSIONER: Oh, look, Ms Nolan, it's already the subject of evidence that Ms - who's the CEO again?

MR CHEN: Anna.

THE COMMISSIONER: Anna.

MR RAMRAKHA: Anna, yes.

10 THE COMMISSIONER: Anna, Sophie Anna, had been going through the accounts, raising queries about moneys. One of the matters she was looking at was Ms Bakis's remuneration payments that had been made.

MS NOLAN: No, that's - - -

THE COMMISSIONER: It's clear if you've been listening to the evidence as to what this question relates to.

MS NOLAN: No, with respect, Commissioner, I would, I would cavil with you've just said. It's not correct.

20 THE COMMISSIONER: But you're objecting on the grounds – I don't know why you're objecting, actually, because it doesn't affect your client's interests. But anyway, you claim it's not relevant. Of course it's relevant. It goes directly to credibility on the issue that Mr Ramrakha is exploring. It's centrally relevant to that issue. So your submission that it's not relevant just has no foundation whatsoever.

MS NOLAN: That was the, that was my, that was, that was my last objection, Commissioner. This objection - - -

30 THE COMMISSIONER: Yes, but this is within that same area.

MS NOLAN: No, it's not. I'm asking for some specificity. This question is unfair. That's the basis for this objection.

THE COMMISSIONER: Well, it's not unfair because it's directly supported by the evidence. It's in the context of the evidence that's given. It couldn't refer to anything else.

40 MS NOLAN: Well, the context of the evidence that the Commissioner has just placed upon it is not the context as I understand the evidence to present. But I've said what I've said, Commissioner. If you rule, you rule.

THE COMMISSIONER: Of course I will. Ms Nolan, really, your comments at times are bordering on the offensive.

MS NOLAN: Well, with respect - - -

THE COMMISSIONER: You appreciate that it's part of my function to make rulings on submissions made concerning relevance and such like matters. That's my function.

MS NOLAN: I accept that.

10 THE COMMISSIONER: Now, whether you agree with my ruling or not, it's been a tradition for hundreds of years that counsel respect the ruling of the umpire, be he a judge or the head of a tribunal. The comments that you persistently keep making I'm afraid are disturbing.

MS NOLAN: No, Commissioner, I said if you rule, you rule. I accept that. I've made my submission.

THE COMMISSIONER: Yes, but - - -

MS NOLAN: You rule. I'll sit down.

20 THE COMMISSIONER: Would you sit down, please.

MS NOLAN: Yes, I shall.

THE COMMISSIONER: Well, let's get on with it. Now, Mr Ramrakha, would you put the question again.

30 MR RAMRAKHA: Thank you. Yes. So by the end of the clean-up and by the end of August, you knew that Ms Anna had started asking questions about Ms Bakis making certain payments or authorising certain payments to third parties, correct? You knew that?---Yes.

And this idea that Ms Anna was throwing documents away, you accept that you never raised it at any of the board meetings in August?---Yes, I did. I think the board already knew because some, some of the board of directors went in there.

Well, can I suggest to you that if it was raised at any one of those meetings it would have been reflected in the minutes?---Yes.

40 You accept that, do you?---No, I don't, no, I'm not accepting that, no.

So are you saying that the minutes are wrong?---I don't know. I don't know what, the minutes you're talking about.

Well, I want to suggest to you that if it's not there in the minutes, it's not there because it was never raised. What do you say to that?---I don't know, I'd have to, I can't remember that, that far back.

Well, I wasn't going to take you to all the minutes, but would you accept for me that there's no reference at all to this issue in the minutes for the meeting of 24 August, that's that first meeting? Would you accept for me that there's just no reference to it at all?---Yes.

You'll accept that. If the witness could be shown the minutes of the meeting date 25 August, Exhibit 42, volume 2, page 272. Do you see that document in front of you?---Yep.

10 And you attended that meeting? You can see your name as among the first of the attendees?---Yep.

And if you can just go over the page to the next page and to item 5. Do you see that entry there?---Yep.

So, it starts, "Motion passed"?---Yep.

20 And then, "Sophia changes to building to clean it up, make it more appealing to the community." Do you see that?---Yep.

Now, that's a reference to the refurbishment that Ms Anna had initiated, correct? Correct?---Yes, but she had to do that to get new furniture.

Well, but that is in reference to the refurbishment and the clean-up that she had initiated, correct?---Yes.

And then you see the next bit is referring to her contract running out.---Yep.

30 And can you just read that to yourself, read the rest of that line to yourself, or line and a bit to yourself.---Yep.

You read that?---Yep.

Now, it sounds like she's been sounded out on whether or not she wants to, about whether or not she would consider a 12-month contract, doesn't it? She's been sounded out on that, hasn't she?---I don't know what you mean by sounded out.

40 Well, it's been sort of mentioned to her whether she's interested or not. ---Yes, it says it there.

So, somebody at that meeting has said, "Are you interested in sitting on for 12 months," haven't they?---That's what, that's what it says.

Now, no mention there at all of her throwing away any documents during this clean-up.---No.

Now, I put it to you that if this issue had been raised, you would expect to see it there in those minutes when they were talking about Ms Anna. What do you say to that?---I, I should have put it there. I don't know why I didn't.

So you should have put it there?---I should have raised it at that meeting and I didn't. I raised it with the solicitor.

10 You're saying now that you should have raised it and you didn't, or you did raise it and it's not there? Which one are you, what's your evidence? That you raised it?---I raised it through a solicitor, not in the minutes. So, yeah, I, which I should have.

So you didn't raise it at the board, is that what you're saying?---I, I remember having a board meeting but I don't know if it's this one. I remember having a board meeting and - - -

20 Well, isn't this the opportunity - - -?---No, I don't think I did have it, raised it at a meeting. I, I think I did a ring-around and I, that's when Lenny Wright went in to the Land Council, Theresa Towers, Jaye Quinlan, that was the following, two days later. So, I think I did a ring-around, I didn't raised [sic] it.

Ms Dates, you're just lying, aren't you?---No, I'm not.

Well, I suggest that you are.---Well, I'm not. I've had a lot of stress and - - -

30 If I could take you to the minutes of the meeting on 29 August, Exhibit 42, volume 2, page 277. Is that in front of you now? No, it's not, sorry. I hope I've given the right reference.

THE COMMISSIONER: 29 August, you say? That's 7 June.

MR RAMRAKHA: 29 August.

THE COMMISSIONER: So, the reference must be wrong.

MR RAMRAKHA: I'm sorry.

40 THE COMMISSIONER: That's all right. We'll find it.

MR RAMRAKHA: His annotation, Mr Broad's annotation here (not transcribable) perhaps I had difficulty reading it. My apologies, Commissioner.

THE COMMISSIONER: That's all right.

THE WITNESS: Yeah, it's on the screen. 29th of August.

MR RAMRAKHA: Thank you. So you attended that meeting as well. You can see your name there among the attendees.---Yes.

And just on that first page, just firstly I would like you to look at item 4. See there it says, “Emails Despina addressed to Theresa and Sophia. Refer to handout copy of email”?---Yeah.

Now, do you recall that that item there is a reference to a document that Ms Bakis had sent to the Council earlier that week? Do you see that there?
10 You might not recall it but do you, I'm just going to ask you if you do or not.---An email?

Yes. Ms Bakis sent a document to the Council earlier in the week and it was addressed to Theresa and Sophia. And that where it refers there to, at item 4, to a document, it's actually referring to the document that Ms Bakis had sent to the Council. Do you - - -?---I couldn't recall that email.

Well, I'll come back to it. I just wanted to see if you – I don't expect you to remember every single line of these minutes. But can I just – it was an 11-
20 page document. Does that jog your memory? And it was a document which was entitled Joint Legal and Financial Brief. Does that ring any bells?---No.

Look, I'll come back to it. But can I just ask you, so I don't have to come back to this item, can I just ask you to keep in your mind item 4 so when I refer to it later you know what I'm referring to. Do you understand what I'm saying?---Yeah.

All right. Thanks. Now, if you look at item 5 on that page, Ms Anna is discussed there, correct?---Yeah.
30

Now, firstly there appears to be an issue with her name, correct? Is it Wotherspoon or Anna, correct?---Yeah.

And then there's this question about whether or not she has qualifications to perform the job, correct?---Yeah.

And then there is a reference to a review of her appointment, correct?
---Yeah.

40 But there's no reference there at all to her throwing out any documents, correct? Correct?---Correct.

And that last line, “Hand out this morning from Despina,” that refers back to item 4, correct? Correct?---I think so, yeah.

You accept that?---That's what it says, doesn't? I don't - - -

Yes. All right. Thank you. Now, I want to take you to that document hopefully. If the witness could be shown volume 17, page 26. You see that email?---Yeah.

And that's an email from Ms Bakis. Actually, if you look at the email line it's addressed to the reception of the Awabakal Land Council. See how it's addressed to the – the email address is reception@awabakallandcouncil, correct?---Yes.

10 But it's also addressed to Sophia and Theresa, correct?---Yeah.

Correct?---Yes.

So that, you accept, is a reference to, you know, that item 4, correct, that we were talking about before?---I think so. I can't remember, recall it.

Yes. All right. And there's an attachment associated with that email. If you could just go over the page, please. And you'll see that first page, see that title, Joint Legal and Financial Brief?---That's what it says, yes.

20

Now, that was a meeting that was handed out, that was – sorry, I withdraw that. That was a document that was handed out at that meeting on 29 August, correct?---I can't recall.

Well, if you just go to page – you accept that you've seen this document before?---Can't remember seeing it.

Could you have seen it and you just don't remember it?---Can't recall seeing it.

30

You're not denying that you've seen it?---No, I've never seen it.

But you accept, you accept that item 4 refers to this document, correct?
---(No Audible Reply)

Item 4 of those minutes is referring to this document. You accepted that before.---I can't say that because I haven't seen that before.

40 Well, just reading the minutes and reading this email would you accept that to be the case, that it was, that where in item 4 it referred to an email sent to Sophie and Theresa, it was referring to this email and this document? You accept that?---I can't because I never seen it, I haven't seen that, that before.

All right.---I haven't seen that before.

But the only concerns that were being raised at this meeting – I'll withdraw that. You understood that it was Ms Bakis who was raising this issue about

Ms Anna at the meeting on 29 August. Isn't that right? You knew that it was all coming from Ms Bakis?

MS NOLAN: I'm sorry, what issue is my friend referring to, this issue about Ms Anna? Which issue? Because as I understand the evidence there's a number of issues.

10 MR RAMRAKHA: Sorry, well, I'll put it clearer. This issue that was discussed at the meeting on 29 August regarding her qualifications and her review, right, you understood that that was emanating from Ms Bakis. Correct?---I can't say that. It could have been the chairperson. I don't know. I can't recall.

Well, you were at that meeting, weren't you?---I can't recall. I can't remember.

Well, do you recall that a review was in fact conducted in relation to Ms Anna?---What do you mean by that? Can you repeat that?

20 Well, that in accordance with that meeting of 29 August there was a review of her role or her appointment. Do you agree that that occurred?---Well, it's in the minutes, yeah, it probably did. If it's in the minutes it would have.

And that no one expressed any concerns about her appointment or her performance. Isn't that correct?---I can't recall the meeting. I can't recall what people said.

30 All right. If you go to the minutes of 9 September, volume 17, page 155. Now, this is the very next meeting, correct?---Yeah.

Now, you attended that meeting?---Yes.

If you could just go to item 7, please. See there there's a motion?---Yeah.

And that's a motion to accept the previous minutes from the meeting dated 29 August, 2016?---Yeah.

And you moved that motion, correct?---Yeah.

40 So that means you must have satisfied yourself that the record of the, that the minutes from the previous meeting were an accurate record of what occurred. Correct?---That's what it says, yeah.

So you would have checked those minutes, correct?---Yeah.

And you would have only moved a motion to, that they be accepted if you had satisfied yourself that they contained a complete record of all relevant matters. Correct?---Yeah.

And just to be clear, those minutes didn't refer to this allegation at all, that she was throwing out papers, correct?---No, because I didn't put it, take it to the board. I did a ring around.

So, did you lie before when you gave evidence to the Commission - - -?
---No, I didn't.

10 - - - that you took it to the board?---I just didn't, I just didn't think about it at the time. I was under a lot of stress.

Well, are you just tailoring your evidence every time I ask you a question, if it's difficult for you to resolve, that you're just making the evidence up as you go along?---No.

Just in that entry there, see that, "Business arising"? Can you see, "Business arising"?---Yep.

20 And that is in reference to what happened at the meeting on the 29th, isn't it? "Misconception, Wotherspoon contract." See that?---It says it there, yeah.

Yes. So, and then if you go to the end of that line, what does it say? Can you read it out to me? What does it say? What are the last three words?
---"No concerns arise."

So, no mention of her throwing out any documents there, correct?---It doesn't say it in the minutes.

30 Well, no mention of her throwing out documents, correct?---No, it doesn't say it there.

There's actually no concerns about her whatsoever, correct?---No. There was a lot of concerns about Sophie.

40 Well, if there were a lot of concerns about Sophie, why do the minutes here record, "No concerns arise"?---It was arised [sic] with the Register [sic] about what she was doing. It should be there, something, somewhere should be something about it in the minutes. Where we got the solicitor, to inform the solicitor about what Sophie was doing. I can recall that.

Ms Dates, if she had thrown stuff out, as you allege, that would have been a pretty serious matter, right?---It was.

And it would have been a concerning matter, correct?---Very concerning.

And it would have been a matter that would have been aired at a meeting of the board, correct? Someone at the board would have spoken up about it, correct?---They should have, yep.

THE COMMISSIONER: Well, you should have. You were there.---I did a ring-around but - - -

No, no, but - - -?---I should have put it in a meeting, board meeting, yeah, to prove it, but we're, I, I'm sure we did have a board meeting to discuss it, what Sophie was doing and it should have been, it should, should have the minutes on that because there was meeting taken place, a board meeting did take place. I think it was on the day that she was throwing stuff out. If I can recall, we did.

MR RAMRAKHA: Well, I suggest you're just still making up your evidence as you go along.---No, I'm not.

Well, you are. All right. If you could just go the minutes of 21 September, 2016, volume 17, page 219, and if you can just go to item 4. Do you see item 4 there?---Yep.

That's another motion, "Approval of minutes from the previous meeting," correct?---What's meeting, what meeting's this?

Well, we'll go back to the first page. This is a meeting dated 21 September, 2016. Do you see that?---Why ain't my name on it?

Well, a lot of people's names aren't there, but if you turn over the page, if you turn over the page to item 4, it's got you down as approving the minutes. You moved the motion.---How can I move a motion when I'm not at the meeting?

Well, isn't that just an error, that you're not there listed as among the attendees, and in fact that you were there at that meeting?---It doesn't say I was there. I can't accept that. I, I've never see this minutes, minutes. Like, everyone, our minutes are always done properly, so that's, I don't know where that minutes, minute thing comes from.

So are you saying that this is a – you're saying that you weren't at that meeting?---I can't recall.

Well, I suggest you - - -?---I'm just saying that my name, weren't my name there.

Well, I suggest your name is there on, next to item 4 because you moved that motion, correct?---I'm not accepting that minute.

All right. Well, I suggest that you were there and you moved the motion to accept the minutes from the previous meeting. Do you accept that or not? ---No, I don't.

And that you did that because you were satisfied that the minutes for that meeting were an accurate record of what was said in that meeting, correct?
---No.

And, well, so you're saying that this is, you're saying that this is inaccurate, are you?---This, I'm not on there so I'm not accepting these minutes. I won't accept them.

10 You won't accept them?---No. My name should be there.

Well, if you look, we can explore this. If you look, there are a number of people's names which aren't there among the attendees. If you just look through, if you just look through, the attendees are listed at, the attendees are only listed as Richard Green via telephone. See that?---Yeah.

Now, there can't have just been one person attending that meeting, can there?---Yeah, but I'm not accepting these minutes because my name's not there, and I won't accept them.

20 Isn't your name in the body of the minutes?---It shouldn't be. I don't know why it's there. It's never been done like that before. I don't know who done these minutes.

Well, isn't it there because you were there?---No.

Well, I suggest to you that there's just an error on page 1. What do you say about that?---No, I don't accept it.

30 I just want to remind you, there were no concerns at that earlier meeting, correct?---What meeting is that?

Well, the meeting of 9 September. There were no concerns raised about Ms Anna, correct?---That's what it said in the minutes. On the 9th, I don't know.

Well - - -?---It said it in the minutes that there was no concerns about her. Yeah, it did.

Can you say that again?---It said it in the minutes on the 9th.

40 There were no concerns. So that means that there was no issue that was brought to the attention of the board that she'd been throwing papers out, correct?---I'm not going to answer that because I'm, I'm, I'm sure it was raised at a board meeting. I'm positive.

Well, you say it was raised at a board meeting and there's no reflection of it in any of the minutes, correct? Correct?---There's no reflection, but there's minutes missing because she, we did have a minute, we did have a meeting two days after she threw things out.

Well - - -?---We had a board meeting.

Well, I suggest you're just making stuff up as you go along.---No, I'm not.

And you said you did a ring-around, correct?---A ring-around to meet everybody to come in just to see what Sophie was doing. All the board.

10 So you rang other members of the, you rang other members of the board, correct?---Yes, yes.

That's what you're alleging, correct?---Yes, to come in and see what Sophie was doing.

So all these other members of the board were also present at these various meetings in August, correct? Correct?---I don't know, I don't know what you mean by that?

20 Well, you said you did a ring-around, right?---Yeah.

And that means you telephoned some people, correct?---Yes.

And you told them, this is your evidence, you told them that she'd been throwing documents out. Is that your evidence?---Yeah.

That's your evidence?---She's throwing documents out, yeah.

30 Now, the people you called were other members of the board, correct? ---Yes.

And those people that you called were present at those meetings, correct?

THE COMMISSIONER: Which meetings?

MR RAMRAKHA: Sorry, the meetings on the 25th, 29 August, 9 September. They were there. At least one or two of them must have been there.---Does it say it in the minutes they were there?

40 All right. Who do you say you called?---I called Lenny Wright, Warren Shillings, Jaye Quinlan.

Well, okay. If you go to, just take, if I just, if I just read out the names of the attendees just as an example for 29 August, it's got you, it's got Jaye Quinlan, Leonard Wright, Kellie Forest, so you've already mentioned Jaye Quinlan, haven't you, as somebody who you called around?---I rang her, she's a board of director.

And none of these people raised this issue that - - -?---No, because we had a meeting, Kellie - - -

THE COMMISSIONER: Just let him finish his question first.---Yeah, go on. Sorry.

MR RAMRAKHA: So none of these people raised an issue that she'd been throwing out documents, had they?---No, because we had a meeting. We had a meeting. We just – I can even name the people that were at that, attended that meeting.

So you say that, so there was – just – unfortunately I don't have the reference but if I may be assisted, it's the meeting, it's the, it's the minutes of 24 August, 2016.

MR CHEN: Volume 17, 130.

MR RAMRAKHA: Volume, volume 17, 130, thank you, Dr Chen. You see that? You said there was, you said that there was, you said that there was a meeting of the board after the clean-up. Correct?---(No Audible Reply)

That's what you just said, isn't it, you said there was a meeting of the board?---No. I said there was a meeting two days after Sophie got her job, we had a board meeting to discuss what Sophie was doing with paperwork out of the Land Council.

All right. Okay. Now, I suggest to you that Ms Anna was appointed on 5 August. There was a meeting of 5 August. Do you, can you, are you prepared to just accept that from me?---Yeah, I accept that.

And that was on a Friday, and then she started on the Monday, which was the 8th. Can you just accept that from me?---Yep.

All right. And just looking at this document before you, 24 August, if you could just go to item 3, just read that to yourself and if you just – oh, sorry, I take that, I withdraw that. Just if you go to item 4, sorry. Do you see there the second, do you see copies, minutes?---Yeah.

Amended minutes from 5 August?---Yeah.

Do you see that? Isn't that referring to the last meeting what happened, isn't that, like, isn't that what happened, that they're amending the minutes from the last meeting, so this is 24 August and you're looking at the meetings from the previous, looking at the minutes from the previous meeting, isn't that correct, isn't that how these things work?---Sometimes works like that.

So doesn't that suggest that there wasn't a meeting between those two dates, there was no further meeting?---Yeah, there was.

Well, why isn't there any reference to it in minutes from that meeting?
---I can't, I can't answer that.

Well, doesn't that mean that there wasn't a meeting?---There was a meeting.

10 Well, it's a matter for the Commission, but I submit that there wasn't a meeting.

MR O'BRIEN: That has been asked and answered now and that - - -

THE COMMISSIONER: Sorry, Mr O'Brien?

MR O'BRIEN: That has been asked and answered now.

THE COMMISSIONER: Sorry, I still couldn't hear you.

20 MR O'BRIEN: That question has been asked and answered and I think it was put as a submission and perhaps it should be left as a submission.

THE COMMISSIONER: Right.

MR RAMRAKHA: Ms Dates, I'm not going to mince words with you. I suggest that you lied to the Commission about Ms Anna throwing documents away. What do you say to that?---Well, I didn't.

30 And you lied when you said you confronted her.---Well, I did, I confronted her.

And you never saw her throw any documents away.---Yes, I did.

And you lied when you said in your evidence you reported it to the board.
---We had a board meeting and I reported it to the solicitor as well.

You lied when you said in your evidence that you reported it to the board.
Can you answer that question? Yes or no?---Say that question again. I didn't - - -

40 You lied in your evidence when you said you reported this issue to the board. It's in the transcript.---No.

You said, "I reported it to the board".---Yeah, I did.

You did report it to the board?---We had a board meeting.

Well, I suggest you're lying about that.---Well, I'm not.

And you didn't even mention this to Ms Bakis, did you, initially?---Our solicitor would be - - -

MR O'BRIEN: I object. That needs - - -

THE COMMISSIONER: That's it.

MR O'BRIEN: The needs to be put in a time frame.

10

THE COMMISSIONER: I'm sorry?

MR RAMRAKHA: Well, back in August 2016, you didn't say anything to Ms Bakis about her throwing documents out, did you?---Yes, I did. I told the solicitor and she sent the Register [sic] a letter.

Isn't it the case that Ms Bakis initially raised this issue just about her appointment?---No.

20 About her qualifications, isn't that the case?---No.

And that this idea that she was throwing papers out came up later?---No.

And came up after Ms Bakis's initial attempt to get rid of Sophie Anna failed?---No.

THE COMMISSIONER: Just in fairness, the letter Ms Bakis wrote to the Registrar, do we have the reference to that letter?

30 MR CHEN: Yes, we'll dig that up, Commissioner, but the date is 16 – volume 17, page 185 and it's dated 16 September, 2016.

THE COMMISSIONER: 16 September. Well, perhaps I think you should go to that. I don't recall its content but just in case there's something in there that she should have her attention to drawn to.

MR RAMRAKHA: Can I please have that reference again?

THE COMMISSIONER: It's on the screen now.

40

MR RAMRAKHA: Oh, thank you very much. Have you seen this document before? Have you see this document before? Are you just looking at it?---I've seen a lot of documents, like, I, give me some time to have a look at it.

Well, if you could just scroll down, there's three dot points there. Can you read that to yourself. Have you seen this document before?---Is that the one I got Despina to send to the - - -

I don't know what it is. You tell me what it is.---It's an email.

An email? It's a letter, isn't it?---It is, it is a – no, it just says, "Urgent by email", and an email to Steve Wright, is it?

Yes. It's a letter from Ms Bakis to Stephen Wright and it makes certain allegations. And go to point 1, she is there saying that Ms Anna was throwing files away. See that?---Yep.

10

And if you just go to the date of the document, just on the top of the, see 16 September?---Yep.

See, that's well after this clean-up occurred, isn't it?---Sophie, I think Sophie just kept throwing documents away.

Well, now you're saying she's throwing them away all the time, now, are you?---Yes, she has. She just kept doing it.

20

Well, your evidence was that she was throwing during the clean-up, now you're saying she's throwing it out all the time.---Yeah, she was.

Well, you're just lying about that.---No, I'm not.

If the witness just could be shown - - -?---Sophie had to be pulled up a few times by the board.

30

She had to be pulled up a few times, you say?---Yeah, by the board because of what she was doing, throwing away, just cleaning out stuff, she continued on just cleaning in the Land Council area.

Well, if there's all these issues, at some point, Ms Anna's term was extended, wasn't it, by the board, wasn't it?---I can't recall.

Well, wasn't she only there for, as I understand it, four to six weeks? Isn't that correct? I think it was extended by the board, wasn't it?---I can't recall.

40

THE COMMISSIONER: Just on that, it should be accurate. Do you recall what is the evidence on the contract term, Dr Chen? And if you don't - - -

MR CHEN: In terms of the duration, Commissioner, or - - -

THE COMMISSIONER: The duration. Whether it was extended and if so - - -

MR CHEN: Her evidence was it was extended.

THE COMMISSIONER: Yes, that's what I thought.

MR CHEN: And it extended up to at least the appointment of the administrator in October of 2016. So there was - - -

THE COMMISSIONER: 2016?

MR CHEN: That's right.

THE COMMISSIONER: Yes. All right.

10

MR RAMRAKHA: So do you accept that her appointment was extended? ---If it says that, yes.

Well, why would it have been extended if there was all these concerns being raised about her, about Ms Anna, about what she was doing as the acting CEO?---I don't know. Can't answer that.

MR CHEN: I should say, Commissioner, just to more fully respond. It's in the minutes as well, the extension that's referred to.

20

THE COMMISSIONER: Yes, yes, yes.

MR RAMRAKHA: So having heard that, that it's in the minutes, that the extension was referred to, you accept that she was extended by the board, correct?---Yes.

And I put it to you that they wouldn't have extended her appointment if there was any concerns about her at all. Do you agree with that?---I agree.

30 You agree?---Yes.

So are you saying you're just mistaken in your evidence about her throwing documents away?---No. She was throwing documents away. She threw a lot of documents away.

Are you mistaken in your evidence about members of the board being, raising concerns about her?---Yeah, there was a couple of them.

40 Well, why is she being extended?---I don't know. She, she probably have favouritism on the board. I don't know. I don't know. I wouldn't have a clue. I didn't mind Sophie.

And why didn't you say anything at any of these meetings? If you had a concern, why didn't you say anything at any of these meetings I've taken you to, the minutes of which I have taken you to?---I don't know.

Because you didn't raise any concerns at those meetings, did you?---Because we already had a board meeting about her.

No further questions.

THE COMMISSIONER: Yes. Ms Nolan?

MS NOLAN: Thank you, Commissioner. Ms Dates, I represent Ms Bakis. Just wanted to ask you a few questions. I intend no disrespect by this question, but to what level of education did you – what level did you attend school?---I wasn't allowed to go to school because I had dark skin. So I, I
10 didn't attend high school because I had a baby at the age of 15. So I'm not very educated, yeah.

Did you actually go to school at all?---Probably started year 4. Probably in the whole year I could only go probably a month, not even that. Year 5 I probably spent, out of the whole year, probably two weeks. Year 6 I probably spent about a month and that was it.

Did you go to high school?---No. I had a baby at the age of 15.

20 High school starts at 13 or 12.---Yeah, but I wasn't allowed to go to high school. I, I think I done three days at high school. Year 7 at Merewether High.

Why did you decide to become a member of the Awabakal Aboriginal Land Council?---Because it's my community. I'm the traditional owners of Newcastle, my family. We go back to the early 1800s in Newcastle and I'm very passionate about that Land Council and my, and my town.

30 And upon becoming a member of the board of the Awabakal Aboriginal Land Council, did you receive any training from the New South Wales Aboriginal Land Council?---Well, I've been on the board for seven years and they trained us once.

And what comprised that training?---Just governance training. How a land council works. How you work, the land council works for the community. Yeah, just governance training.

And how long did it take, this training?---One day.

40 Now, throughout the course of your giving evidence you've expressed on a number of occasions that you can't recall things. Is there any matter that you can identify that might be affecting your memory?---Could you say that again, please?

Throughout the course of you giving evidence you've said on a number of occasions, "I can't recall." I'm asking you is there something going on that might affect your memory that you can tell the Commission about?---Well,

in this last year I've had two of my great-nieces and nephews pass away, my mum's dying of cancer and I'm not well myself, I'm very sick.

I'm sorry, Ms Dates, I don't wish to cause you distress.---No, you're right. Go on.

Your sister is Jaye Quinlan.---Yes.

10 Are you able to tell the Commission what level of education she had?
---She's just lost a leg too.

No, but I'm talking about her schooling.---Yeah, not, she's not very educated at all. All of us, the whole nine of us, there's nine of us.

When you say the nine of us, are you talking about your sisters and brothers?---Yes.

20 And do you know at what age she partnered Lenny?---She had her first child at the age of 14.

With Lenny?---No, with another, Tracey, her first child.

But who's Tracey's father?---We don't know.

Well, when did, when did Jaye meet Lenny? Sorry, I withdraw that. Lenny is her son.---Her son.

I'm sorry, I've made a mistake.---Yeah.

30 That's my fault. Please excuse me.---She was around about - - -

You don't need to ask that.---Young, very young.

I've incorrectly, I've made the mistake of thinking Lenny and your sister - - -?---Yeah.

- - - were together but they're actually mother and son.---Mum and - - -

40 And that's my mistake, pardon me.---Yeah.

I'll move on. You've given – I withdraw that. Now, with respect to Ms Bakis's role in assisting the Land Council, it's the case, isn't it, that on occasions when she attended the Land Council to attend meetings that you and she would sit in the CEO's room around a little round table and discuss the matters to be discussed in meetings. Is that right?---Yes.

And could you, could I please ask the Commission to show you MFI 16 and just let you, let it be scrolled through. Are you going to show a hard copy or

put it on the screen? So this is a Legal Issues in the Selection of Property Proposals briefing paper. I'm just wondering whether or not you recall this document. Just have a look at it. I'll ask the Commission, please, if it would scroll through it for your benefit.---Can't recall paperwork.

Pardon me?---I can't recall it.

All right. Now that you've had a -- see it talks about Sunshine Group, see that there?---Yeah.

10

It's talking about various property proposals. This is a document that was prepared I suggest and put before the board in that meeting on 8 April, 2016 when you discussed all of the property proposals. Does that refresh your memory?---Yes.

So do you recall that being available to the board members to have a look at, at this meeting on 8 April, 2016?---Yes.

Thank you, Commissioner.

20

THE COMMISSIONER: Yes, thank you. Yes, Mr White, do you have any questions?

MR WHITE: Yes, I do, thank you, Commissioner. Ms Dates, sorry, Ms Dates, you're aware who I am? I appear on behalf of Mr Strauss, Mr Ryan Strauss. I think you might have said yesterday or the day before that you didn't know who he was.---Strauss.

30

But I'm just letting you know that out of courtesy. That is the situation, you don't know who he is, is that correct?---I can't recall the name.

You've certainly never met him?---Can't recall the name.

You gave evidence today about some discussions you had with Mr Sayed about the Solstice agreements. Do you remember being asked those questions earlier today?---Yes.

And you recall being asked a question about being offered a payment?
---Yes.

40

And I think your answer to that was when that happened you didn't take any part of that discussion and you said that you reported the matter to Ms Bakis, is that right?---Yeah, the Land Council solicitor, yes.

So you certainly had no involvement in terms of any discussion about any such payment with anybody, did you?---No.

And you certainly didn't authorise Mr Sayed to have any discussions about you agreeing to accept any payment, did you?---I don't get the question.

Well, you understand that you've said that Mr Sayed had a discussion with you about this payment. You've said that.---Yes. Yes.

10 Consistent with the answer you've already given that you then reported it to Ms Bakis, you certainly didn't give Mr Sayed any authority to talk with anybody about that payment, did you?---I don't get what you mean.

Yes, I'm sorry if I'm not making the question clear. You didn't say to Mr Sayed, you didn't enter into any discussions with Mr Sayed about you receiving any such payment?---Can't recall, no.

I don't have anything further. Thank you.

THE COMMISSIONER: Thank you, Mr White. Dr Chen?

20 MR CHEN: Mr O'Brien, I think, Commissioner, in fairness, like Mr Lonergan, would be entitled to wait for any application that Mr Petroulias might make and any leave that's given to cross-examine his client, and in due course I may seek to re-examine after that if that would suit the Commission.

THE COMMISSIONER: Mr O'Brien, that suits your position, doesn't it?

MR O'BRIEN: Yes.

30 THE COMMISSIONER: You want to reserve your position in terms of asking your client any questions until we've determined whether or not there's going to be any further cross-examination?

MR O'BRIEN: Yes, thank you.

40 THE COMMISSIONER: Yes, all right. Ms Dates, we're going to release you today. There is a possibility that you may be required to again attend, but we won't know whether you are required to attend for some time but you'll be informed if you are. Doing the best that I can, that if you were required to return here to the Commission to give any further evidence, it won't be this month or October, but if it's on a date after October, then the Commission officers will give you plenty of notice as to what date it would be.---Okay.

Do you understand?---Yep.

All right.---Thank you.

Thank you. You may step down.---Thank you.

THE WITNESS WITHDREW

[11.24am]

THE COMMISSIONER: I take it then there's nothing further, Dr Chen?
You have nothing further?

10 MR CHEN: Nothing further, Commissioner, no.

THE COMMISSIONER: Then I'll formally adjourn the proceedings to 19
November.

MR CHEN: That's so, Commissioner.

THE COMMISSIONER: Yes. Well, I'll stand the proceedings over to
10.00am on 19 November. The proceedings will be listed, as I indicated the
other day, for up to two weeks, commencing 19 November next, and it's
20 anticipated that the hearing of the proceedings in the public inquiry will
complete within that period of two weeks.

MR CHEN: Yes, Commissioner.

THE COMMISSIONER: Yes. That is to say, the taking of evidence.
Submissions are normally done in writing.

MR CHEN: That's so.

30 THE COMMISSIONER: And that'll be the course followed in this
investigation. All right. Very well, I'll adjourn.

AT 11.25AM THE MATTER WAS ADJOURNED ACCORDINGLY

[11.25am]