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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION SKYLINE

Reference: Operation E17/0549

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 29 APRIL, 2019

AT 1.55PM

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

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

THE COMMISSIONER: Yes.

MR CHEN: Commissioner, I'm told by Mr Broad that Mr Petroulias is obviously not in the hearing room at the moment and he's otherwise incapacitated. I don't know any further details of what that's so.

THE COMMISSIONER: All right. Okay. Ms Bakis, I note you're appearing here this afternoon.

10 MS BAKIS: Yes.

THE COMMISSIONER: Is your husband not available today?

MS BAKIS: He's not my husband, but he's - - -

THE COMMISSIONER: I'm sorry, Mr Petroulias, I apologise.

MS BAKIS: He's unwell. I understand he can't get out of bed. He just hasn't been well for a few days.

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THE COMMISSIONER: All right. Okay. Thank you. In relation to the proceedings for the taking of evidence in relation to Mr Petroulias, I make an order pursuant to section 31(9) of the Independent Commission Against Corruption Act that the evidence of Mr Petroulias be taken in private.

**COMMISSIONER'S ORDER PURSUANT TO SECTION 31(9) OF  
THE INDEPENDENT COMMISSION AGAINST CORRUPTION  
ACT THAT THE EVIDENCE OF MR PETROULIAS BE TAKEN IN  
PRIVATE.**

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THE COMMISSIONER: The persons entitled to be present at such hearings held in private are those to whom leave to appear has been granted and the legal representatives who have been authorised to appear and otherwise Commission officers. I note that a transcript of Mr Petroulias's evidence may be published on the Commission's public website following completion of his evidence. For the convenience of legal representatives who have been authorised to appear at the public inquiry, a transcript of Mr  
40 Petroulias's evidence may be published on the Commission's restricted website during the course of his evidence. I publish my reasons in relation to the order made under section 31(9) of the ICAC Act to which I've just referred. I make an order pursuant to section 119 of the Independent Commission Against Corruption Act.

MR CHEN: 112, Commissioner, sorry.

THE COMMISSIONER: Sorry, 112.

MR CHEN: Yes.

THE COMMISSIONER: Thank you, 112 of the Independent Commission Against Corruption Act suppressing the publication of those reasons, other than by council officers for statutory purposes unless and until any further order is made by me. Such order in relation to section 112 I make having considered that it is relevant in the public interest to do so.

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**SUPPRESSION ORDER: SUPPRESS THE REASONS FOR THE DECISION MADE BY THE COMMISSIONER REGARDING THE APPLICATION MADE BY MR PETROULIAS WITH RESPECT TO THE PUBLIC INQUIRY WITH THE EXCEPTION OF THE MATERIAL BEING MADE AVAILABLE TO MR PETROULIAS**

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THE COMMISSIONER: In relation to a separate matter I am satisfied that it is in the public interest to vary the directions made on 6 and 18 March, 2019 pursuant to section 112 of the Independent Commission Against Corruption Act 1988 concerning the evidence given to the Commission by Dr Jonathon Adams and Dr John Lamont respectively so as to permit a transcript of their evidence to be attached as addendums to the reasons for decision dated 29 April, 2009 [sic] which I have just delivered, relating to the application by Mr Petroulias in respect of the public inquiry. That variation order is dated today.

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**VARIATION OF A SUPPRESSION ORDER: THE COMMISSIONER VARIES THE SUPPRESSION ORDERS MADE ON 6 AND 18 MARCH 2019 CONCERNING THE EVIDENCE GIVEN BY DR JONATHON ADAMS AND DR JOHN LAMONT SO AS TO PERMIT THE EVIDENCE TO BE ATTACHED AS ADDENDUMS TO THE DECISION RELATING TO THE APPLICATION MADE BY PETROULIAS WITH RESPECT TO THE PUBLIC INQUIRY**

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THE COMMISSIONER: I note that the public enquiry will resume as hearings on Monday, 6 May, 2019, and that the persons participating in the enquiry have been previously notified by the Commission of that fact, and as to the order of witnesses, for the first week of the enquiry, which I note for the record is as follows, Mr Peter Townsend, Ms Hayley Keagan, Mr Andrew Kavanagh, Mr Richard Green, Ms Debbie Dates, and Mr Nicholas Petroulias, Miss Bakis will now be called sometime during the second week of the enquiry.

I note that this is the provisional witness list only, and may be subject to change, as may be deemed necessary. The list is also subject to change pending my final determination on Mr Petroulias's outstanding application to cross-examine certain witnesses. I remind those appearing – in particular, practitioners – that any application to cross-examine witnesses should be made in writing, and it should conform to standard direction 13. A copy of the standard directions for this public enquiry have previously been made available to those appearing in this enquiry, and have recently been a further copy sent by the Commission on Wednesday, 24 April, 2019. Unless there are any other matters - - -

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MR CHEN: There was one, Commissioner. In relation to the suppression order in relation to the reasons, that would – could there be an exception in relation to Mr Petroulias such that a copy of the reasons could be provided electronically to Mr Petroulias by Mr Broad?

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THE COMMISSIONER: Yes. In relation to the order I've made under section 112 restricting publication of the reasons for the decision I've given today, I vary that order to permit a copy of the reasons to be provided to Mr Petroulias. Are there any other matters?

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

THE COMMISSIONER: Nothing else anybody wants to raise? Very good. Then I'll adjourn.

**AT 2.02PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[2.02pm]**

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