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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 31 JULY, 2018

AT 9.30AM

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

THE COMMISSIONER: Yes.

MR PARARAJASINGHAM: Commissioner, a matter if I may. Commissioner, overnight and this morning it's the case that Mr Stavis is unwell. I have seen him this morning and I've spoken to him and it is clear he's unwell.

MR DREWETT: Commissioner, I'm sorry, I can't quite hear at the back. I wonder if my friend could - - -

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MR PARARAJASINGHAM: Sorry. Is that better?

MR DREWETT: Yes, yes. Thank you.

MR PARARAJASINGHAM: I'll start again. Commissioner, it's the case that Mr Stavis is unwell last night and this morning. I have seen him this morning and he certainly appears to me to be unwell. In my submission, Commissioner, he is not really in a state to do justice to himself and nor to be of any assistance to the Commission. In the circumstances, I am asking that we not sit today. Mr Stavis has advised that he'll see a doctor and will go straight home after and I am confident that we'll be able to pick up from where we left tomorrow.

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THE COMMISSIONER: Mr Stavis has come to the Commission?

MR PARARAJASINGHAM: He is. He's just outside.

THE COMMISSIONER: But clearly is unwell?

MR PARARAJASINGHAM: Yes, yes. He's done his best to be here and certainly without getting into the details of things - - -

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THE COMMISSIONER: No, we won't.

MR PARARAJASINGHAM: - - - he is, to me, clearly unwell.

THE COMMISSIONER: Mr Buchanan?

MR BUCHANAN: Your Honour, Mr Pararajasingham's given me the details. I am satisfied that there is a sound basis for an application to adjourn and I, with respect, agree that it would not be correct for him to be required to give evidence when he is not in a position to do justice to himself, not in a condition, sorry, I should say, to do justice to himself, and so on that basis, with respect, I would support my friend's application.

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THE COMMISSIONER: All right. Look, I'll grant your application. We won't sit today. We will resume tomorrow at 9.30. I'm sorry.

MR BUCHANAN: Subject to an administrative matter.

THE COMMISSIONER: Subject to an administrative matter. May I suggest, I think it would be advisable for Mr Stavis to see a doctor, and if there is any issue about him being able to resume evidence tomorrow, if you could let Ms Ellis know as soon as possible so we can let the other parties know.

MR PARARAJASINGHAM: Certainly, Commissioner. Certainly.

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MR BUCHANAN: The other matter does also involve Mr Pararajasingham. The question of the transcript which was raised yesterday. I understand that's been listened to.

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MR PARARAJASINGHAM: It has, Commissioner. Firstly, I accept it's not entirely clear but it seems to me that what Mr Stavis says at that relevant portion is the word "didn't". I think I said yesterday that he said "did not", but listening to it a couple of times, it sounds like to me that Mr Stavis said "didn't". So, that's my position and, Commissioner, if you agree with that, I'm asking that that be reflected in the transcript.

THE COMMISSIONER: I'm sorry, I'm just refreshing my – my note was 3345, line 35.

MR PARARAJASINGHAM: Just one moment, Commissioner. 3443.

THE COMMISSIONER: Sorry. 33 - - -

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MR PARARAJASINGHAM: Sorry, 3343. 3343, line 35.

THE COMMISSIONER: And Mr Buchanan?

MR BUCHANAN: Commissioner, whilst I haven't listened to the tape, those who instruct me who have and Ms Mitchelmore indicate that the transcript would appear to be accurate inasmuch as, when spoken, the words were elided. However, it not only is entirely possible that Mr Stavis was saying and intended to say "didn't" but more importantly my understanding at the time was that that was - - -

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THE COMMISSIONER: His response.

MR BUCHANAN: - - - his intended response, and the note Ms Mitchelmore informs me that she made of his evidence is "didn't".

THE COMMISSIONER: All right.

MR BUCHANAN: And so I can indicate that although perhaps the transcript should not be changed because it does accurately reflect what was

to be heard on the transcript, I can inform the Commission that we would not rely upon an affirmative agreement that might be apparent from the answer recorded in the transcript with the proposition that I had put, and that instead we would take the evidence of Mr Stavis to have been that he didn't agree with the proposition.

MR PARARAJASINGHAM: That's of comfort to me, Commissioner, and I thank Counsel Assisting.

10 THE COMMISSIONER: All right. Why don't we proceed on that basis.

MR PARARAJASINGHAM: Thank you.

THE COMMISSIONER: All right, then. Has anybody got anything else to raise at the moment? Well, look, I apologise that you've all come done here and we're not sitting today, but in the circumstances it's understandable and we will adjourn until tomorrow morning at 9.30.

20 **AT 9.43AM THE MATTER WAS ADJOURNED ACCORDINGLY**
[9.43am]