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DATE: 5th October 2004

TO: Philip Stilianos

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TOTAL NUMBER OF PAGES INCLUDING THIS SHEET: 30

M E S S A G E :

**RE appeal by DCADD-04-488 Philip STILIANOS (Protected Person: Erini STILIANO)
against an order of the Guardianship Board**

Please find the Transcript of Proceedings from the Guardianship Board in the above matter.

Regards,
Sarah.



TRANSCRIPT OF PROCEEDINGS GUARDIANSHIP BOARD

CLIENT NAME: STILIANO, Erini **G.B. NO:** 667/01

HEARING DATE: 26 August 2004

VENUE: Guardianship Board
85 North East Road
COLLINSWOOD

BOARD: Ms Lin Gilfillan (Deputy President)
Ms Candace Hyde (Board Member)
Ms Jan Harry (Board Member)

BEFORE THE BOARD CAME:

Attending at Guardianship Board, Collinswood:

Ms Lesley McPharlin (Applicant/Crown Solicitor's Office for Public Trustee)
Ms Anna Itsines (Daughter)
Mr Steve Itsines (Son-in-law)
Mr Gary Stiliano (Son)

Attending via speaker-phone:

Mr Philip Stilianos (Applicant/Son)
Ms Nicole Vlahos (Grand-daughter)

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GUARDIANSHIP BOARD PROCEEDINGS

Lin Gilfillan: Welcome to the Guardianship Board, everybody. My name is Lin Gilfillan one of the Deputy Presidents of the Board and I am sitting today with Candace Hyde and Jan Harry. We do tape and record the hearing so a record of what is said can be kept. So, for the record, can I ask you to introduce yourselves.

Anna Itsines: Anna Itsines, daughter of Erini Stiliano.

Steve Itsines: Steve Itsines, husband of Anna.

Lesley McPharlin: I'm Lesley McPharlin from Crown Solicitor's, for Public Trustee.

Gary Stiliano: Gary Stiliano.

Lin Gilfillan: And, your relationship?

Gary Stiliano: Son.

Lin Gilfillan: And, those joining us by speaker-phone?

Philip Stilianos: I'm Philip Stilianos.

Lin Gilfillan: Your relationship?

Philip Stilianos: Son.

Lin Gilfillan: I understand you are one of the applicants for the review today?

Philip Stilianos: That's right, yeah.

Lin Gilfillan: Thank you. And, the other person on the phone?

Nicole Vlahos: Nicole Vlahos.

Lin Gilfillan: Your relationship?

Nicole Vlahos: Grand-daughter.

Lin Gilfillan: Just looking back through the file, I note that on review of the Administration Order, which was originally made on 26 November 2001 appointing Public Trustee limited administrator, that order was reviewed on 1 April 2004 and it was recommended this order be reviewed in six months which is 26 November 2004. By way of letter, Philip, you wrote to the Board on 5 August 2004 requesting that you be appointed administrator of your mother's estate. We have also had a letter from Crown Solicitor's Office requesting a direction pursuant to Section 74 of the Guardianship and Administration Act.

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So, they are the two applications that we are going to consider today. The Board needs to be satisfied of ongoing mental incapacity. There is considerable medical evidence on the file, that Mrs Stiliano continues to suffer a mental incapacity. Is anyone disputing that?

Nicole Vlahos: No.

Anna Itsines: She is not mental. She's got Alzheimer's.

Philip Stilianos: No, no dispute.

Lin Gilfillan: It is not a mental illness, it is just that we use the term "mental incapacity". What that means is that she is unable to look after her finances or any legal affairs. Do you agree with that?

Anna Itsines: The person who is able to look after her finances, that is her pension whatever, is my sister, Stella Stiliano. Now, as for the properties in Greece -

Lin Gilfillan: No. The question was: Does anyone disagree -

Steve Itsines: No, no we don't disagree.

Nicole Vlahos: No.

Lin Gilfillan: - regarding whether your mum can look after it herself or not?

Anna Itsines: No, I don't disagree that my mum could look after it herself.

Lin Gilfillan: Thank you. There is a review report that has been completed by Dr Colombo dated 20 August 2004 indicating that he believes Mrs Stiliano still has mental incapacity and notes that she suffers from severe senile dementia and cannot manage her financial affairs. Notes that her dementia is severe and that she can't make decisions about her money. So, that's the medical evidence before the Board. And, the doctor has also indicated that:

"This condition is permanent and will not improve."

Philip Stilianos: That's right.

Lin Gilfillan: Just looking at the question of the existing Administration Order and we note it is a limited order and that it is limited to managing the estate of Mrs Stiliano, other than her pension entitlement. And, the administrator was to investigate property held by the protected person in Greece. As far as the management of her pension entitlement, and the sum of \$2,500, Anna, were you saying that your sister Stella looks after that side of things?

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- Anna Itsines: Yes, she does. She does. And, as for the properties in Greece why is there a need –
- Lin Gilfillan: No. We will come to that in a minute.
- Anna Itsines: Okay. All right. My sister is capable of looking after the two and a half thousand dollars and her mother's pension.
- Lin Gilfillan: She is paying the bills?
- Anna Itsines: Yes.
- Lin Gilfillan: Is everyone happy with Stella continuing informally to manage the finances other than the question of the properties in Greece? Is everyone happy with that ongoing informal arrangement?
- Anna Itsines: Yes.
- Nicole Vlahos: Yes.
- Philip Stilianos: Yes, I am.
- Lin Gilfillan: Are you happy, Gary?
- Gary Stiliano: Yes.
- Lin Gilfillan: Does anyone know, from talking to other family members, whether there is any concerns about Stella continuing to manage that proportion of Mrs Stiliano's finances?
- Philip Stilianos: No.
- Lin Gilfillan: Everyone's happy with that. Looking at the two issues that have been raised before the Board, perhaps if we can hear from you Ms McPharlin, just as far as the progress that has been made in terms of the investigation of the properties in Greece?
- Lesley McPharlin: I'm sorry, I didn't realise there was a review in April this year. I have taken over this file in July this year and that the order was made originally in November 2001 and we are coming up to three years. It has been really difficult to make progress with this matter. That is why I wrote in that report and wanted some direction from the Board as to whether it was appropriate to continue. The situation is we have engaged solicitors in Melbourne, who have contacts in Greece, in order to actually effect a sale of these properties, if that were approved by the Board. We would require to have lawyers in Greece to basically get an order of the Court recognising the Guardianship Board order to proceed with the sale.
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And, so we have found solicitors in Melbourne with contacts in Greece who have engaged a Greek firm. And, so far, as of January this year, we were provided with a list of properties under investigation, some of which a couple have been sold, a couple are not owned by Erini any more. And, that was annexed to my letter of report, just a summary of where we are at with all of those. And, the report from the agent at Melbourne at that time was it was winter then and to wait until summer when there might be some interest in the properties.

We have repeatedly asked: What would actually be involved? Are there squatters on the properties? Would that be a legal impediment? And, we have not got a clear answer to that. The answer tends to be: Oh well, I'll contact our agents in Greece and we'll get back to you. And, I'm concerned that every time I write or phone, we get a bill for that. So, we are up to about \$2000 with the Melbourne agents for their end. I have asked for a bill for the Greek contingent and not received one. So, I don't know how much it has cost and I don't know how much more work is to be done, if it was to proceed to a sale.

And, the very last report just before this hearing was arranged was that there was some interest in some of the plots. And, that's as definite as it gets. I was aware that Mr Philip Stilianos was not happy with the progress of the matter and wanted to expedite things and he has recommended a relative in Greece, who I understand is not a lawyer and not a real estate, he is somehow authorised to organise the sales at that end. And, that was something, I guess, I wanted to bring to the attention of the Board as to whether that was an appropriate course of action, or whether it was really something that was in Mrs Stiliano's interest to proceed with.

Lin Gilfillan: Have you formed an opinion on that?

Lesley McPharlin: I have put a summary, I think, of the finances in there. It seems she has got about \$70,000 from proceeds of the sale of a home. I would have thought that is probably, from her point of view, enough to take care of her needs. So, from her point of view, I wonder whether she really does need to sell these properties and call in that money.

Anna Itsines: No, she doesn't.

Lesley McPharlin: But, it does appear that they are of some value. And, if there are squatters there I'd be reluctant to be sitting her doing nothing while she is losing money. But, I can't get a firm answer as to what is involved at the Greek end, so I can't really tell you one way or another whether we need to proceed quickly or it doesn't matter.

Lin Gilfillan: As far as the second question you have asked is whether you think Phillip Limberis should be engaged to undertake the sale of properties

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held in Greece, as recommended by Mr Philip Stilianos. Do you know anything about this other person?

Lesley McPharlin: I sent him an e-mail just asking him what he knew. I understand he is a hotel proprietor or property developer, he has access to Rhodes, so he is where the properties are, I guess, which is an advantage. But, I asked him whether he knew there were squatters on the land, how long they had been there and that sort of thing. But, apparently with the Olympics at the moment, it is not a good time and I haven't had a response.

Lin Gilfillan: Is this a process that has been used by or employed by Public Trustee in the past to sell properties that are overseas? To instruct someone that is not a lawyer, or not a real estate agent?

Lesley McPharlin: Not that I'm aware of. I was a bit concerned about that aspect of it and that's why I came back, I guess, for direction.

Lin Gilfillan: Just as far as the direction you are seeking from the Board, you are not putting a recommendation to the Board as far as the first query as to whether Public Trustee should continue to instruct the current solicitors in Greece and Melbourne to pursue sales of the properties. That is why you are here, but you don't have a recommended position, is that right?

Lesley McPharlin: Yes, because I haven't really been able to get enough information to make a decision one way or another, I suppose, so I thought I would put a report in. We had previously just put in a written report and got a written response and I was just concerned about running up more costs without really getting a result. And, given it was a limited administration, just for this sole purpose. And, I thought there hadn't been any report for some time, so I thought it was time to come back.

Lin Gilfillan: I suppose, from the Board's point of view, if you haven't got the information and you have been investigating it –

Lesley McPharlin: Then how do you know.

Lin Gilfillan: Yes. Perhaps, if we can hear from you Philip because you have also written to the Board by way of a letter dated 5 August 2004. And, I understand Gary you have requested some documentation when you first arrived at the hearing today. We were just about to start the hearing so there wasn't time to photocopy that documentation. But, the documentation that is before the Board is a letter from Philip dated 5 August 2004. Have you seen that at all?

Gary Stiliano: No.

Lin Gilfillan: Okay. Perhaps, just to try and summarise it for you. Anna have you seen the letter?

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- Anna Itsines: No.
- Lin Gilfillan: Okay.
- Anna Itsines: This is the first I have heard of it and I would like to see the letter, thank you.
- Lin Gilfillan: I don't know if we have any spare copies. Otherwise, I can read it out to you. It says:
- "I would like the Guardianship Board to consider my application for administrator of my mother Mrs Stiliano's Administration Order."*
- So, what you are basically saying Philip is that you want to take over as administrator, which is currently being handled by Public Trustee.
- "I believe the current administrator is agreeable to my assuming that role."*
- Is that your position?
- Lesley McPharlin: I wasn't aware of this application until – I haven't seen the letter either.
- Lin Gilfillan: Were you handling the matter on instructions from Public Trustee?
- Lesley McPharlin: Yes.
- Lin Gilfillan: Can I ask you, Philip, who have you spoken to at Public Trustee that would give you the impression they were agreeable to you taking on that role?
- Philip Stilianos: I think it was Liz - Colleen Braddick, the predecessor.
- Lin Gilfillan: Liz? Do you know who?
- Lesley McPharlin: Liz Watson?
- Philip Stilianos: Ms McPharlin's supervisor. What is her name?
- Lesley McPharlin: Liz Watson.
- Philip Stilianos: Liz Watson, yes. She didn't see any problem with it.
- Lin Gilfillan: You go on to say:
- "Three Public Trustee officers I have spoken to recently would rather I be the administrator."*

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Philip Stilianos: Yes.

Lin Gilfillan: *"Protection of property against Squatters. If I am not urgently appointed as administrator then my mother will almost certainly lose her \$250K (thousand) minimum of land in Greece to squatters."*

Is that about the approximate value of the properties you consider to be in Greece?

Philip Stilianos: That's the valuation the Public Trustee obtained.

Lin Gilfillan: *"I have familiarised myself with the Guardianship and Administration Act and feel that I am in the best position to protect my mother's overseas assets from squatters. The squatters are now legally able to claim the land."*

Is that, Philip, because of the time they have spent on the land?

Philip Stilianos: Yes, 15 years.

Lin Gilfillan: So, they have been squatting for some 15 years?

Philip Stilianos: Yes, at least.

Steve Itsines: This is wrong.

Anna Itsines: This is wrong. Can I say something?

Steve Itsines: There are no squatters.

Anna Itsines: If Mr Philip Stilianos was not the sole beneficiary of my mother's will, this would not be taking place at this moment. It is only because he knows he is the sole beneficiary that this is taking place. What he wants to do is sell all the properties, put them in her bank account, so that they are ready when my mother dies.

Steve Itsines: There weren't squatters, have to withdraw from there.

Anna Itsines: My father left these properties to each of his children.

Steve Itsines: Please, quiet.

Anna Itsines: But, what he wants to do is to acquire them all for himself.

Lin Gilfillan: This is not to do with your father's estate.

Steve Itsines: There weren't squatters, he should be withdraw from that.

Anna Itsines: There is no other motive, but that.

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Steve Itsines: There was never, never squatters. Never squatters in these properties.

Lin Gilfillan: How do you know that?

Anna Itsines: If he wants to sell his properties he can sell them, not mine.

Lin Gilfillan: Anna, you need to be quiet.

Steve Itsines: The person – the man he talks there, the disease of my father-in-law, they all make him Power of Attorney few years back through the Greek -

Lin Gilfillan: As far as the squatters are concerned?

Steve Itsines: The squatters. There is not squatters.

Lin Gilfillan: How do you know that?

Steve Itsines: Because I ask questions of my father and he told me.

Lin Gilfillan: Has your father visited the property?

Anna Itsines: Father-in-law.

Steve Itsines: Of course. My father was visit three times and he get a person to listen to them. There is a person looks after those properties. So, as far as I know, is 100% guarantee, nothing will happen.

Lin Gilfillan: Do you know the name of that person?

Steve Itsines: I don't want to say any names. Why I should say names? I don't get paid. Do I get paid for this.

Lin Gilfillan: It might help the Public Trustee.

Steve Itsines: Let's go from the start on this issue. Remember years ago when I say to you this –

Lin Gilfillan: No. We must work through this letter. And, the question was: How do you know that there are no squatters on the property? You have told me –

Steve Itsines: Because his father has leased the properties to a person in Greece and looks after them. First it was his cousin.

Lin Gilfillan: I asked you if you knew the name of that person because that person could then be contacted by Public Trustee and could confirm if there is a problem with squatters or not. And, if there isn't, then there is no urgency to deal with the property.

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- Steve Itsines: It is "Athinagouras".
- Lin Gilfillan: You can provide this information –
- Steve Itsines: I just provide one name. I'm sorry, dear. I'm not here to provide anything which I know.
- Lin Gilfillan: You don't have to provide it to the Board.
- Steve Itsines: I'm saying, Athinagouras was his nephew. Yes. He was his cousin. He was Philip's cousin.
- Anna Itsines: First cousin.
- Steve Itsines: First cousin.
- Lesley McPharlin: That is the surname?
- Steve Itsines: Yes. And, he was looking after those properties and nothing happened to them.
- Lin Gilfillan: Do you know if he is still looking after those properties?
- Steve Itsines: No, his father-in-law of that person looks after them. I don't know the name of the father-in-law.
- Lin Gilfillan: Do you know his name?
- Steve Itsines: But, the father-in-law of Athinagouras looks after the property.
- Lin Gilfillan: Philip, have you heard of this arrangement before?
- Philip Stilianos: I haven't. I would like to see it in writing with the names of the people to explain the property is secure.
- Steve Itsines: "Sikofilasis" is the surname.
- Lin Gilfillan: He is providing some information to Ms McPharlin who is acting on behalf of Public Trustee. Just going through your letter Philip, regarding:
- "Leasing documents essential to counter squatters. I have established contacts with relatives in Greece who are able to assist me voluntarily in securing the land against squatters and disposing of land as necessary to assist in my mother's care."*
- Would these be the relatives as mentioned by Steven?
- Anna Itsines: No.
-

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Lin Gilfillan: Philip?

Philip Stilianos: Beg your pardon?

Lin Gilfillan: Would these be the same relatives that Steven was referring to?

Philip Stilianos: I don't think so.

Lin Gilfillan: You go on to say:

"The current administrator (Public Trustee) is unable to do this or proceed any further than it has without incurring huge legal costs."

Have you provided, Philip, the details of these relatives to Public Trustee so they could pursue this option?

Philip Stilianos: Yes, many times.

Lesley McPharlin: Is that Philip Limberis?

Philip Stilianos: Yes.

Lesley McPharlin: Yes, that is the one I have sent the e-mail to.

Lin Gilfillan: Is he a relative?

Steve Itsines: He's a cousin.

Philip Stilianos: He is a second cousin.

Lin Gilfillan: Is there any other? Because you talk about "relatives" plural?

Philip Stilianos: Well, he's the only one at the moment.

Lin Gilfillan: You say:

"Public Trustee is unable to do this or proceed any further than it has without incurring huge legal costs and long delays as it does not have the special contacts necessary to obtain at; minimal cost and efficiency the essential leasing documentation and file held by Rhodes solicitor D. Salamastrakis. Mr Salamastrakis will not release this information to the Public Trustee for reasons yet to be determined but his actions are definitely not in mother's interests and wishes."

Do you have any idea why the solicitor won't release this documentation, Philip?

Philip Stilianos: I believe he is under instructions from Anna not to release them.

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- Anna Itsines: Oh, that is a load of rubbish, Philip, and you know it. I am appalled. I am appalled.
- Steve Itsines: Can I say something on that, please about Mr Salamastrakis? The only way –
- Anna Itsines: Lies. The lies in this family is incredible.
- Steve Itsines: - when her father died, I said to them –
- Lin Gilfillan: Excuse me, Anna, you will have to leave -
- Anna Itsines: I just want to say. The lies in this family is incredible. This isn't a family. From him.
- Lin Gilfillan: Anna, if this is too upsetting, you will have to leave. Anna.
- Steve Itsines: When their father died, I said to them: Mr Salamastrakis is not probably the best lawyer in Greece, but because he knows a lot of details, don't try to change him because you might have problems. Now, what they did, they send him e-mails demanding to release information. But, the only properties which Mr Salamastrakis knows exactly who belongs is, is our properties.
- Lin Gilfillan: Have you instructed him not to release information?
- Anna Itsines: Never.
- Steve Itsines: I didn't instruct him.
- Lin Gilfillan: Okay, thank you.
- Steve Itsines: I didn't even say to the persons in South Australia that Salamastrakis is a thief. But, he send him an e-mail telling him – go around spread rumours.
- Lin Gilfillan: Thank you.

"The special contact I refer to is a high profile owner of a large hotel complex in Rhodes Greece. He also develops/builds large hotels and has good business relationships with Mr Salamastrakis and other solicitors in Rhodes. He has also a very good knowledge of the people and land values in Lahania (the village where the properties are), and will obtain maximum market value by selling to the right people. We were best mates at high school and university in Adelaide where we studied engineering. I possess the skills that would be required in undertaking the role of administrator, and look forward to working with the Guardianship Board to provide the support that my mother needs. She would be very happy that she is being looked after by me and my relatives."

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You go on to talk about your skills resume.

"I have managed my own superannuation fund since 1994. I maintain all the financial records and investments and prepare my myself as trustee the financial statements and tax returns for the fund each year, in addition to all the other compliance documentation. In addition, I maintained the financial records and prepared the financial statements and tax returns for my sole director company. I have now deregistered the company as I am no longer working as a computer programming contractor. In addition, I managed the body corporate of the property of 10 units where I reside."

So, you go on to detail what experience you have. You are used to electronic accounting, internet banking etcetera. Just going back then to the issue of this person that you think would be able to deal with these properties. This special contact you have and I assume that is Mr Phillip Limberis?

Philip Stilianos: That's correct.

Lin Gilfillan: You say that he is "a high profile owner of a large hotel complex in Rhodes."

Philip Stilianos: Yes. And, he has gone through this exercise before.

Lin Gilfillan: This land is that on the island of Rhodes?

Philip Stilianos: Yes.

Lin Gilfillan: It is, okay. And, he is a developer. Do you think that he potentially would have a conflict of interest in dealing with this property seeing that he is a developer in Rhodes and that this land was for sale? Do you think he might have a conflict of interest in perhaps wanting to either purchase it himself, or sell it to his own business contacts?

Philip Stilianos: I don't believe so. I trust him.

Lin Gilfillan: Can you see though from an outsider, that someone in that position might potentially be perceived to have a conflict of interest?

Philip Stilianos: He might be perceived and anybody, anybody, would be perceived to have that interest. Even if engaged by the Public Trustee. Any valuer, any agent you employ would have potentially –

Lin Gilfillan: But, the person you are talking about is a property developer on the island where this land is for sale. Now, property developers –

Philip Stilianos: He is a hotel developer. Much of this land is not large enough, by law, to build anything on.

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- Lin Gilfillan: I suppose, we take that on trust from you. But, he is a developer and developers need land to develop into hotels, shops, whatever.
- Philip Stilianos: Not at Lahania, that's a remote village.
- Lin Gilfillan: Does anyone else, other family members have any concerns at firstly this particular person, Phillip Limberis, being involved in the sale of this property?
- Steve Itsines: Yes, because already he has interest in the village. His mother is from that village. And, he has some properties there.
- Anna Itsines: And, they had arguments with other relatives about the acquisition of land in Lahania.
- Lin Gilfillan: Gary, do you have any concerns?
- Gary Stiliano: In relation to the involvement of Phil Limberis, I have no concerns.
- Anna Itsines: I do know a relative that has –
- Lin Gilfillan: As far as the proposal that Philip be appointed administrator – and I think we need to clarify here, Philip – this is Philip Stilianos. Are you proposing that you be appointed full administrator of all of the estate of your mother? Or, are you proposing that you just be appointed to deal with the properties in Greece?
- Philip Stilianos: I prefer just the properties in Greece. I'm not sure how it works, whether you can be part administrator. Who would do the rest?
- Lin Gilfillan: Yes, that is what the order has been to date. The order has been a limited order appointing Public Trustee with informal arrangements continuing as far as the pension and a sum of \$2,500 is concerned.
- Philip Stilianos: Yeah, I'd like to leave that in place.
- Lin Gilfillan: So, it is just the properties in Greece that you are looking to administer.
- Anna Itsines: Excuse me, can I say something?
- Lin Gilfillan: I just need to hear from Gary as to your attitude to Philip being appointed administrator.
- Gary Stiliano: He can't be trusted. He can't be trusted. He doesn't have any commercial nous whatsoever.
- Philip Stilianos: What was that?

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Gary Stiliano: He doesn't have any commercial nouse.

Philip Stilianos: Commercial what?

Gary Stiliano: Nouse.

Philip Stilianos: Mouse?

Gary Stiliano: Nouse.

Philip Stilianos: I didn't get that word.

Lin Gilfillan: Nouse - Intuition.

Philip Stilianos: How does he know that?

Lin Gilfillan: Well, I think just to answer the question. You are opposed to Philip taking on the role?

Gary Stiliano: I'm opposed to it, absolutely.

Philip Stilianos: I'd like to say that Phillip Limberis did exactly the same exercise for our relatives, the Prosenakis' some years ago, who was in exactly the same position.

Gary Stiliano: I have no qualms about Phil Limberis.

Philip Stilianos: Where the relatives dismissed Mr Salamastrakis and Phillip Limberis sold all their land.

Lin Gilfillan: Okay. I think we need to clarify what Gary's position is. Gary opposes you, Philip, being appointed as limited administrator.

Philip Stilianos: Oh, you're talking about me, not Phillip Limberis.

Lin Gilfillan: Yes. He is not opposing Phillip Limberis being appointed or taking on the role of assisting to sell these properties.

Philip Stilianos: And, what does he base his statement on?

Gary Stiliano: Do you want examples?

Lin Gilfillan: I think you said that he is not to be trusted. I don't think we need to go any further than that.

Gary Stiliano: That's fine.

Nicole Vlahos: I would disagree with that. You are talking a bout my father there, Gary. And, my father can be very well trusted. Okay? This goes a lot deeper than the conversation that is going on now. I have

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absolutely no doubt that you would disagree with my father being the administrator of the estate. He has enough nous. He has enough knowledge of what is going on here and what needs to be done. And, it's actually just a personal – that's just a personal comment you just made there, Gary.

Gary Stiliano: Nothing personal.

Lin Gilfillan: Well, I was asking for his opinion, so he is entitled to it.

Nicole Vlahos: I have given my opinion. Thank you.

Lin Gilfillan: I also do need to read out a review report that has been received from Stella Stiliano. She has said that she wants the orders to continue. She says the new continued order should be for 12 months instead of three years with a review at the end of 12 months.

"I propose two variations to the new order.

- 1. I am not in favour of any more solicitors working on my mother's case unless absolutely necessary.*
- 2. Phillip Limberis, a contact suggested in Greece should be given a chance to secure my mother's properties from squatters instead of through a solicitor."*

She also goes on to say in the review report, she does believe the Administration Order should continue.

"It should continue under the same strategy, a limited financial Administration Order."

She does express some concerns about liaising with the administrator. She says:

"The staff turnover from the Public Trustee's administrative role is such a frequent one that when someone is appointed and acquainted with my mother's file, they move on and then explanations start all over again which disrupts results."

Is that is what has actually been happening?

Philip Stilianos: That's what's happened, yes. About three or four times it has been changed.

Lesley McPharlin: Yes. This file has been through a number of hands. But, I understand my appointment is on the basis that I am to stay.

Lin Gilfillan: You are a permanent employee of Crown Solicitor's Office?

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- Lesley McPharlin: Well, I'm only on a contract, but the idea was that, subject to anything not going horribly wrong, that I will stay there and I won't be rotated out for three years.
- Lin Gilfillan: As far as you can provide the information to us, you are the person to stick with this file from now on?
- Lesley McPharlin: Yes.
- Lin Gilfillan: As far as whether there are any problems about the administrator, she says:

"Yes. The investigation of the Greek properties is outside the Public Trustee's direct jurisdiction. With various solicitors appointed throughout the term to oversee that situation, we are none the wiser, other than knowing which properties my mother has claim to."

I would have thought that that is considerable progress though?
- Philip Stilianos: No, not at all.
- Steve Itsines: Before you go too far, why don't you start clear? We start with white page before we go to there? Make it easier for you.
- Lin Gilfillan: Because we are not re-visiting the question of the father's will and his direction as to which properties go to which child because that was raised when the application for the appointment of an administrator first came before the Board back in 2001. And, I know that that is a pressing issue for you, but we are not re-visiting that today.
- Anna Itsines: Well, excuse me –
- Steve Itsines: Do you know these properties –
- Anna Itsines: - if Philip Stiliano wants to be administrator, can I make an application to be administrator of my mother's estate?
- Steve Itsines: Yes, you can.
- Lin Gilfillan: You could have, but you haven't.
- Anna Itsines: Well, I will. I will now.
- Lin Gilfillan: So, we are not considering that today.
- Anna Itsines: Why?
- Lin Gilfillan: Because you haven't put –
- Anna Itsines: Well, can I write a letter?

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Lin Gilfillan: You can if you want to.

Anna Itsines: Okay, I will. I will. Thank you.

Lin Gilfillan: Has anyone had any other discussions with family members about their attitude –

Steve Itsines: The discussions we have about this to stop the money spent –

Lin Gilfillan: Please. You will need to leave this hearing.

Anna Itsines: Have you asked me if I wish for Philip Stilianos to become administrator? Have you asked me?

Lin Gilfillan: I'm sorry if I haven't formally asked you that. What is your attitude?

Anna Itsines: No, I don't want him to be administrator of my mother's estate.

Lin Gilfillan: Thank you. Have you spoken to any other family members of their attitude either –

Anna Itsines: No, I haven't.

Lin Gilfillan: So, you don't know what other family's views are?

Anna Itsines: No.

Lin Gilfillan: Have you, Gary?

Gary Stiliano: None of us speak to each other.

Philip Stilianos: I would like proof that the land is not in danger of squatters. We have not got that proof.

Steve Itsines: We have that proof three years ago, you kick it in the bucket.

Lin Gilfillan: Excuse me.

Philip Stilianos: You have not got that proof and I believe Stan –

Lin Gilfillan: Philip, you will speak when it is your turn. Okay? It is not your turn.

Philip Stilianos: Okay, just ask me when you want me to speak.

Lin Gilfillan: I will. Just getting back to Public Trustee, what they have done, what they can do in the future. Do you have any concerns that there may be a potential conflict of interest with the appointment of Phillip – or the involvement of Phillip Limberis in trying to organise the sale of these properties, seeing that he is a hotel developer.

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- Philip Stilianos: Are you asking me?
- Lin Gilfillan: No, I am asking – sorry, I didn't identify, I was asking Lesley McPharlin from the Crown Solicitor's office.
- Lesley McPharlin: Well, I think it is a concern for the reasons that you raise, but I would be prepared to communicate with him with a view to ascertaining whether there are squatters on the land or anyone else, anyone in the family can put forward, to assist us because we have not been able to elicit that response from our agents in Melbourne.
- Lin Gilfillan: Can you just respond to the concerns raised by Stella that it is outside your jurisdiction and that you can't deal with – what does she say: "... is outside the Public Trustee's direct jurisdiction." I mean, it is technically outside your jurisdiction, but you can appoint solicitors as the administrator, can't you?
- Lesley McPharlin: Yes, and we apparently have done that. IKRP Rokas & Co. are solicitors in Rhodes who have undertaken the searches and provided that information for us. I assume we have jurisdiction by order of the Guardianship Board to investigate this issue.
- Lin Gilfillan: You don't consider that to be of concern. I just raise that with you because it has been raised by Stella. Just back to the other request you made as far as the Section 74 direction, can you see any other way that Public Trustee could investigate or pursue the sale of the property other than by instructing solicitors in Greece and Melbourne?
- Lesley McPharlin: Well, I guess the one that could be cut out of the loop is the Melbourne one, if we can communicate direct with the solicitors in Greece. Or, a relative in Greece who is bilingual could liaise for us.
- Lin Gilfillan: Philip, is there anyone that you are aware of in Greece that is bilingual that would be able to communicate direct with Public Trustee?
- Philip Stilianos: Yes, that's Phillip Limberis.
- Lin Gilfillan: He is a relative?
- Philip Stilianos: Yes.
- Lin Gilfillan: So, there would be someone there that could communicate. Is there anyone else that is bilingual, that speaks English and Greek, that's on Rhodes that the family would be happy to nominate or provide details of to Ms McPharlin so that she could contact them?
- Philip Stilianos: I don't know anyone else.
- Lin Gilfillan: I'm just asking Anna and Gary now. Do you know of anyone else?
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- Anna Itsines: I don't agree with Phillip Limberis because he has got a conflict of interest.
- Lin Gilfillan: And, that is clear, you don't want him engaged –
- Anna Itsines: What I'd like to say is –
- Lin Gilfillan: Anna, let me finish. It is clear you don't want him engaged to undertake the sale of the property.
- Anna Itsines: But, I don't want to sell my properties. If he wants to sell his properties, he can. But, I don't want to sell my properties that my father had for me. I want to stay as they are. Haven't I got that right?
- Lin Gilfillan: Well, my understanding is that they haven't been transferred to you.
- Anna Itsines: They haven't been transferred, but I'm going to tell you something. I have told you before.
- Lin Gilfillan: They are, technically, your mother's.
- Anna Itsines: The only reason this is taking place is because he knows he is the sole beneficiary of his mother's will.
- Lin Gilfillan: You have said that before, Anna.
- Anna Itsines: If anything happens to my mother, I will be contesting the will. I will be contesting the will. Okay?
- Lin Gilfillan: Anna, that is your right. But, we are not here to discuss either your mother or your father's will.
- Anna Itsines: But, how does he know that that is what my mother would have wanted. My mother had assigned my father to be Power of Attorney, to place properties to his children's names. How does he know that that is what my mother would have wanted? This is what he wants. It's not – how does he know that it's what my mother would have wanted?
- Lin Gilfillan: Anna.
- Anna Itsines: Please, please do not be unfair. Think of our side as well. Not only his side.
- Lin Gilfillan: I am here to think about what it is in the best interests of your mother. All right?
- Anna Itsines: In the best interest – how do you know what is in the best interests of my mother?
-

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Lin Gilfillan: Anna, I will have to ask you to leave if –

Anna Itsines: I will not leave. How do you know 100% that that is in the best interests of my mother?

Lin Gilfillan: If you are not quiet Anna –

Anna Itsines: In an e-mail sent to Mr Gary Stiliano, he said: I want to secure funds for my daughters in an e-mail. I should have brought that e-mail and I will bring that e-mail.

Lin Gilfillan: Excuse me. Can you calm your wife or otherwise she will have to be escorted from this hearing.

Steve Itsines: The whole problem on this –

Lin Gilfillan: Will you assist to conduct this hearing, or will you –

Steve Itsines: - will you tell me speak? Is this a democracy?

Lin Gilfillan: No, no.

Steve Itsines: This is dictatorship then? And, I don't want to be dictated.

Lin Gilfillan: We need to conclude this hearing.

Steve Itsines: Will you please let me speak to you about this?

Lin Gilfillan: No.

Steve Itsines: Because these properties not worth more than \$80,000 the whole lot. Because one property here, next one - and people they are not going to be interested to have the whole lot. That's what I try to tell to people.

Lin Gilfillan: The Board is going to leave for a couple of minutes.

Steve Itsines: Let me talk about to help the lady here. Aren't we here for this?

Lin Gilfillan: You can talk –

Steve Itsines: Some of those properties, it belongs to –

Lin Gilfillan: We will adjourn. Phillip, we are going to leave for a couple of minutes.

Philip Stilianos: You can call me back?

Steve Itsines: This is what happened last time. This is why you're never going to finish this problem.

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Lin Gilfillan: You can stay on line.

Steve Itsines: Let's go, Anna. Let's go. My lawyer – I have five properties and I need these properties.

Anna Itsines: I'm making an application to become an administrator. I will put in a complaint against you.

MS ANNA ITSINES AND MR STEVE ITSINES LEAVE HEARING ROOM

HEARING ADJOURNED

HEARING RESUMED

Telephone contact re-established with Mr Philip Stilianos

Lin Gilfillan: It is Lin Gilfillan here again, we are just going to put you back on speaker-phone. It is a bit complicated to re-connect with your daughter, Nicole. If it is okay with you – what has happened is that Anna and her husband have left the hearing.

Philip Stilianos: Right.

Lin Gilfillan: We are just going to pull together the threads of the review we are conducting.

Philip Stilianos: Can you call me on my normal phone? Landline phone?

Lin Gilfillan: Yes. Would this be the 03 956 92342 number?

Philip Stilianos: Yes.

Lin Gilfillan: I will put you on speaker-phone. Can you hear me?

Philip Stilianos: Yes, I can.

Lin Gilfillan: I think it is clear the attitude of family members to the formal involvement of your friend, Phillip Limberis, and also to your involvement as administrator. I think Gary, you just made a point then that you thought there was too much family conflict for any family member to be appointed as administrator?

Gary Stiliano: Yes.

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- Lin Gilfillan: So, we will need to adjourn to consider the application by Public Trustee for direction under Section 74 and also to consider your application Philip in relation to the appointment of you as limited administrator.
- Philip Stilianos: Well, my main objective is not to be administrator but to secure the land. That is the prime objective.
- Lin Gilfillan: It would appear by way of application, you have applied to be limited administrator as a way of doing that. Is that correct?
- Philip Stilianos: Any means, but the Public Trustee then sent an e-mail to Phillip Limberis where they asked, Phillip Limberis, if he could take on that role.
- Lin Gilfillan: Do you know anything about that e-mail?
- Lesley McPharlin: I sent an e-mail just asking as to what role he could play and what knowledge he had as to occupation of the land. I thought that would be helpful.
- Lin Gilfillan: So, it was an enquiry?
- Lesley McPharlin: An enquiry, yes. And, I'm happy to make enquiries of anybody else the family puts forward. I have not had a response though.
- Philip Stilianos: Enquired whether, Phillip Limberis, could undertake the work virtually.
- Lesley McPharlin: Well, lawyers will need to be engaged in Greece to actually perform the legal requirements involved in selling the property, given that your mother isn't able to do that. I would have thought.
- Philip Stilianos: The bulk of it -- the location and selling of properties can be handled by Phillip Limberis and establishing whether -- the main task is to obtain the file from Salamastrakis and to check if there are valid leases on the property.
- Lin Gilfillan: Well, that is one of the matters that needs to be investigated. But, no sale of property can go through without approval of the Board.
- Philip Stilianos: Right. The sole task that I see is to establish whether the property is secure against squatters.
- Lin Gilfillan: Well, that is certainly one of the necessary investigations that needs to be conducted. I suppose I need to hear from you Ms McPharlin about the terms of the Administration Order. The terms of the limited order that is currently in place because the order refers to managing the estate other than the pension entitlement. It talks about a prompt

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investigation of property. Well, that would include any sale of any property.

Lesley McPharlin: I haven't got a copy of that order from April. I have got the 26 November and then a letter 4 September 2003 from the Acting President:

"Public Trustee to have discretion to achieve the best possible price and then return to the Board for approval."

Lin Gilfillan: The order from November '01 is the same. It has just been printed out. Just looking at the terms of that order, do you think that gives you enough authority to continue to do what you need to do?

Lesley McPharlin: Yes, and then if we actually have a purchaser we would come back, obviously, with a price.

Lin Gilfillan: The reason you have sought this direction under Section 74 to continue to instruct the current solicitors in Greece and Melbourne, is that because of family pressure? I am just wondering why you would need that direction?

Lesley McPharlin: I was concerned that there was considerable family conflict about this issue and as to whether that was really in Mrs Stiliano's best interest to use up what funds she had with Public Trustee in chasing potential properties that may have squatters on them and may spend a lot of money to find that there is nothing there. I knew that there was dissatisfaction from Mr Philip Stilianos in Melbourne, so I didn't realise it had been reviewed in April and thought it was appropriate to come back for further direction as to whether this was really a course of action you wanted us to continue with.

I thought there hadn't been a report earlier. Given that we can't get an answer as to how much further we have got to go and how much it is going to cost.

Lin Gilfillan: Although what you have heard from the family is that there is a difference of opinion about the squatters. I mean, Anna and her husband seem to think there are no squatters, whereas there seems to be concerns from Philip that there are squatters and that may lead to them having a legal entitlement to that land.

Lesley McPharlin: Although Philip said they had already been there 16 years. I would have thought then it is probably too late and if we tried to sell, then we will be just wasting money.

Candace Hyde: Do you have any information, Gary?

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Gary Stiliano: While my father was alive, which is three years ago, he never mentioned the fact that there were squatters there. He said it was quite safe.

Philip Stilianos: Can I speak?

Lin Gilfillan: Yes.

Philip Stilianos: If what Lesley McPharlin says about that if the squatters are there, the land is gone –

Lesley McPharlin: No, the squatters have been there for 16 years you said.

Philip Stilianos: Is Gary or Anna concerned about that?

Lin Gilfillan: I thought you were, Philip?

Philip Stilianos: I am, but is Gary or Anna concerned? They should be concerned too.

Gary Stiliano: Well, I'm not a beneficiary of the will.

Lin Gilfillan: Anna's husband says there are no squatters. He has left the hearing.

Philip Stilianos: Well, if there are no squatters, we want that proof. You would want that proof as my mother's protector, you would want to see that proof.

Lin Gilfillan: The reason I am just making these enquiries is whether you need any direction to continue to instruct solicitors, because you have heard further information raised about the squatters and concerns that Philip has about that, and whether that satisfies you in terms of weighing up your responsibilities to the protected person. Whether you are still seeking a specific direction from the Board?

Lesley McPharlin: I guess we really need to carry on with the investigation, confirm whether there are squatters or not, and then I can make a recommendation to proceed to sale or not. That would seem to resolve it, really, wouldn't it?

Lin Gilfillan: Yes, I would have thought so.

Lesley McPharlin: Yes.

Lin Gilfillan: I am just wondering whether in terms of the length of time of any order, whether we could perhaps direct that the limited administrator provide a report in, say, six months to the Board and that it be reviewed in another 12 months.

Philip Stilianos: Sorry to interrupt?

Lin Gilfillan: Yes?

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- Philip Stilianos: Could you establish from Phillip Limberis whether the land is secure or not? There is no conflict of interest because he is not selling anything or developing anything. All he will be reporting to you is whether the land is secure or not.
- Lin Gilfillan: That is something that Public Trustee can investigate. I would have been concerned if someone gave me that undertaking and they are not, I suppose, a solicitor or a judicial person or whatever may have more weight than someone that is an individual. But, again, that is something that Public Trustee – I think what we would request is that the administrator report to the Board in six months time on its recommendations as to the ongoing investigation and potential sale of properties, something to that effect. And, that the order be further reviewed in 12 months time. Would that seem to address any of the issues that you have, Ms McPharlin?
- Lesley McPharlin: Yes, it addresses my issues.
- Lin Gilfillan: The Board will need to adjourn to consider the applications. Philip, what I have been raising with, Ms McPharlin, is that they have a responsibility to your mother and that there is a need for ongoing reporting. And, that if we directed – the Board directed that a report be provided and that the order be further reviewed in 12 months time, that would make sure that information is being provided to the Board.
- Philip Stilianos: We're at an impasse. We have gone as far as we can with Public Trustee.
- Lin Gilfillan: Would you agree with that, Ms McPharlin?
- Lesley McPharlin: No.
- Lin Gilfillan: Philip, I think there is a dispute about that.
- Philip Stilianos: There isn't. The Public Trustee itself –
- Lin Gilfillan: Well, we have got a representative of Public Trustee here and she is disagreeing with that.
- Philip Stilianos: Disagreeing about what?
- Lesley McPharlin: Well, we are happy to go on investigating, it was just we had reached a cap on our funds.
- Philip Stilianos: What is the investigation at the moment? It is the leasing document?
- Lin Gilfillan: There are other issues as well.
- Lesley McPharlin: Occupation of the land.
-

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- Philip Stilianos: That's the squatting issue and the leasing document are tied together.
- Lin Gilfillan: Well, they're separate issues though. I think the issues of the tenure of the land, the value of the land, the value of selling the land –
- Philip Stilianos: I know all that.
- Lin Gilfillan: Well, the Board doesn't know all that.
- Philip Stilianos: You have all those details. The Public Trustee has it all.
- Lin Gilfillan: Well, it hasn't been provided to the Board. What has been provided is a report that Ms McPharlin has provided and it doesn't set out all that information.
- Philip Stilianos: Copies from the Public Trustee of all the title searches for the land.
- Candace Hyde: That's right, it doesn't give a value.
- Lin Gilfillan: It doesn't talk about squatters though.
- Candace Hyde: Doesn't say whether they are vacant.
- Philip Stilianos: That is the issue that the solicitor brought up and said: what are you going to do about the squatters?
- Lin Gilfillan: Well, there is a difference of opinion Philip and that is for the Board to decide, so we are going to adjourn to consider our decision.
- Philip Stilianos: Lesley McPharlin just moved into the job. It used to be Todd Golding and –
- Lin Gilfillan: There has been a recognition that there have been a number of people dealing with this matter, but my understanding that Ms McPharlin is in for the long haul.
- Philip Stilianos: Yes, but the title searches have been done. We need to consider what the decision of the Board will be. So, we are going to put you off speaker-phone now, Philip. Okay? We are going to adjourn to consider our decision. Gary, is there anything more you want to say to the Board?
- Gary Stiliano: If there is any chance of a decision favourable to Philip being administrator, if there is any chance of that, then I would like to present evidence to you to show that it shouldn't happen.
- Lin Gilfillan: I think you have been quite clear to the Board in your views about that.

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Gary Stiliano: So that is sufficient?

Lin Gilfillan: We will take that into account.

Philip Stilianos: I couldn't hear that.

Lin Gilfillan: Gary was just reiterating his opposition to you being appointed administrator. We will be back shortly. I'll ring you back.

Telephone connection with Mr Philip Stilianos terminated:

HEARING ADJOURNED

HEARING RESUMED

Telephone connection re-established with Mr Philip Stilianos:

Lin Gilfillan: Can you hear me, Philip?

Philip Stilianos: Yes. I just rang my daughter Nicky. She says she was never called back.

Lin Gilfillan: No, we called you back but to get the conference line for two phones is quite a complex time-consuming matter, and so we contacted you as the applicant and we only had a little bit more to do, so that is why we contacted you. We had some time restraints because of the difficulty with Anna and her husband. Okay? So, you were involved in the hearing for the last little bit and we made a decision in the interests of time to include you in the hearing, but we couldn't contact your daughter.

So, the Board has decided on reviewing the Administration Order, last reviewed on 1 April 2004, to again appoint Public Trustee limited administrator of the estate of the protected person. That the Administration Order be limited to managing the estate of the protected person other than her pension entitlement and the sum of \$2,500. The administrators role should include the further investigation of property held by the protected person in Greece and we direct the Public Trustee to provide six-monthly reports to the Board and to the following parties.

This is: Philip Stilianos, Anna Itsines, Gary Stiliano and Stella Stiliano. And, to the protected person on its administration of the estate of the protected person. The reports should also include the

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progress of investigations regarding property owned by the protected person in Greece.

Philip Stilianos: Right. How do I appeal against this?

Lin Gilfillan: Philip, I haven't finished.

She can't make a will after this date except in the presence of a and with the consent of Public Trustee. The Administration Order remains in full force and effect until revoked or varied by the Board. The applicant, protected person and any other person entitled can apply to the Board for review at any time. The Board recommends that this order be reviewed on or before 26 August 2005. So, we have made it for a 12 month period.

As far as the application for Section 74 Direction, the Board has chosen not to give any directions.

Philip, if you want to appeal the decision, you can contact the Board for a copy of your appeal rights. You also can apply for an explanation of decision. If you want details of your appeal rights, I suggest you ring into the Board and ask for a copy of your appeal rights to be sent out to you. A copy of this order will be sent out to Mrs Stiliano. A copy will go – do I need to send one to Public Trustee and also to you, Lesley?

Lesley McPharlin: Yes, if you wouldn't mind.

Philip Stilianos: The thing is the Public Trustee is mistaken –

Lin Gilfillan: Philip, we have concluded the hearing. You are entitled to a copy of the order, as you are receiving a report, as is Gary and Anna and Stella. Thank you for attending. If you have valuable information that could be supplied to Public Trustee or to Lesley McPharlin, please contact her direct and provide her with that information.

Thanks for joining us by speaker-phone, Philip.

Philip Stilianos: Okay, thank you.

HEARING CONCLUDED