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COMPULSORY  
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

COMPULSORY EXAMINATION

OPERATION SPICER

Reference: Operation E12/0821

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 17 JULY, 2014

AT 2.12PM

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: This a compulsory examination arising out of an investigation of an allegation or complaint that between September 2010 and April 2012 certain members of Parliament and others corruptly solicited, received and concealed payments from various sources and in return certain members of Parliament favoured the interests of those responsible for the payments and that between September 2010 and July 2011, certain members of Parliament and others solicited and failed to disclose political donations from companies including prohibited donors contrary to the Election Funding Expenditure and Disclosures Act of 1981.

10 Being satisfied, sorry, I withdraw that. I direct that the following persons may be present at this compulsory examination, namely Commission officers including transcription staff, the witness, Mr Peter Doyle, and the witness's legal representative Mr De Mestre. Mr De Mestre, do you seek leave?

MR DE MESTRE: Yes, your Honour.

THE COMMISSIONER: Yes, that leave is granted.

20 MR DE MESTRE: Thank you.

THE COMMISSIONER: Being satisfied that it is necessary and desirable to do so in the public interest, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by this witness, the contents of any exhibits tendered, the contents of any documents shown to the witness, any information that might enable the witness to be identified and the fact that the witness has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order

30 of the Commission. It is a criminal offence for any person to contravene this direction. This direction may be varied or lifted by the Commission without previous notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest.

**BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE TO DO SO IN THE PUBLIC INTEREST, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THIS**

40 **WITNESS, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION. IT IS A CRIMINAL OFFENCE FOR ANY PERSON TO CONTRAVENE**

**THIS DIRECTION. THIS DIRECTION MAY BE VARIED OR LIFTED BY THE COMMISSION WITHOUT PREVIOUS NOTIFICATION IF THE COMMISSION IS SATISFIED THAT IT IS NECESSARY OR DESIRABLE TO DO SO IN THE PUBLIC INTEREST.**

10 THE COMMISSIONER: Mr De Mestre, have you explained to Mr Doyle the effect of the section 38 order?

MR DE MESTRE: Yes, your Honour, I have.

THE COMMISSIONER: He seeks an order?

MR DE MESTRE: Yes, he seeks an order, yes.

20 THE COMMISSIONER: Right, thank you. Mr Doyle, do you appreciate that the order protects you from the use of your answers against you in civil or criminal proceedings but it doesn't protect you if it should be found that you've given false or misleading evidence to the Commission?

MR DOYLE: Yes, I understand.

30 THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this compulsory examination are to be regarded as having been given or produced on objection and accordingly there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Mr Doyle, do you wish to be sworn or affirmed?

MR DOYLE: Affirmed.

THE COMMISSIONER: Thank you.

<PETER HENRY THOMAS DOYLE, affirmed

[2.15pm]

THE COMMISSIONER: Yes, Mr Watson.

MR WATSON: Could you tell us your full name?---Peter Henry Thomas Doyle.

10 And what's your occupation?---I'm not, not employed at the moment.

You're from the famous Doyles family?---Correct, yes, sir.

And when you say you're not employed at the moment what was your job before?---Oh, I was CEO of 308 Industries which ran the Watsons Bay Hotel, Peter Doyle at the Quay and the bottle-shop at the Sydney Fish Markets.

20 And what's happened to that business, has that been sold or - - -?---Ah, the hotel's been sold, the restaurant has been taken over by Sydney Ports and the bottle-shop's still operating but I haven't been working since November 2012.

Mr Doyle, at one stage you were the Vice President of the Restaurant and Catering Industry Association?---Correct.

Is that the highest position you held in that association?---No, I was President of both the state and the national body.

30 When were you president of the State body?---(No Audible Reply)

Just – it's not a memory test, it's not a trap?---No, no, I'm trying to – 2003/04, somewhere around that I - - -

And the Federal body after that?---Um, from about '06, 2006 to about 2008.

40 And when were you Vice President, I've got a feeling it may have been around about 2010, did you come back into the executive?---Ah, yes, I was always – Vice President of Restaurant Catering Australia or New South Wales, I don't mean to be difficult but there's a - - -

Well, you are being difficult because I don't know?---Sorry. Probably, it would have been New South Wales I'd say.

All right. Restaurant and Catering, it operates as a, as what, an industry group?---Industry representation for employers.

And so it does have a function as a lobby group?---Yes, it does.

And you yourself have been a member of the Liberal Party?---Yes, correct.

And I believe you had at least on one occasion sought pre-selection for a seat?---Unsuccessfully, yes.

And that was for the seat of Vacluse?---Correct.

That would have been, had you succeeded, pre-selection for the March 2011 Election was it?---Correct.

10

And are you close to Michael Gallacher?---I know him well, I, I – no, I don't talk to him on a daily basis or anything like that, no.

All right. But you know him through politics anyway?---I've known him through Restaurant and Catering to be honest, that's where we first met.

How was that?---Ah, he used to attend, we'd have dinners in regional areas and always up in the Central Coast area. Ah, Michael would more than not attend those events.

20

Was that just in his capacity as a meet and greeter, typical politician, I'm not being critical there?---Well, no he was a – I'm sorry, he was a member of the Upper House at the time I believe and it was just, that was his area of concern I suppose and he always came along.

Well, we have information that there was a function held at Doyles at Circular Quay on New Year's Eve 2010. Do you have a recollection of that?---Yes.

30 Now - - -?---Is this in, sorry, pertaining to Michael Gallacher?

Yes?---Yes, yes.

Well, I was going to ask you we have information which would characterise that evening, that event, as being a fundraiser for Michael Gallacher. Is the way you would describe it?---It was a fundraiser for the Liberal Party with Michael Gallacher being there as the main, the main attraction if you like.

40 I don't want to disappoint you but I'm not one of your loyal customers and I don't really know the layout of the Doyles at Circular Quay, how many people would the room have held had it been a fully subscribed function? ---Oh, 10 to 12 people. It was a small room.

Right. So are there different rooms down there at that time at Doyles at Circular Quay?---Yes, sir, yes, sir, there was but if I, if I may um, this was part of a – we had other people in the restaurant as well, it wasn't exclusively just for these 12 people, yeah.

That's what I was coming to. It was – the restaurant wasn't set aside entirely just for a Liberal Party fundraiser?---No.

It was one room set aside?---Correct.

All right. Well, that's very helpful. And the room may have taken you think 10 to 12 people. We had some information that suggested it may have been as many as 20?---No.

10 No. In any event it was, you would say, a fundraiser for the Liberal Party?  
---Correct.

Apart from any – I withdraw that. Apart from Gallacher were there any other Liberal Party bigwigs there?---No.

And did Michael Gallacher speak?---Not that I was aware.

Whose idea was it to hold such a fundraiser at Doyles on that night in that room?---It was my idea.  
20

And you suggested it to Mr Gallacher?---Correct.

And, why?---I wanted to support the Liberal Party and I wasn't happy with the Labor Party, and I was a member of the Liberal Party. It was also – not a thank you to him personally, but a thank you for what he'd done to me, helped me out on the pre-selection, so, what we were doing was – it was a fundraiser for the Liberal Party with him as the main attraction and that raised some money to go to the Liberal Party for their election.

30 We've got some information that seems to suggest that the function was organised through the Restaurant and Catering Industry Association?  
---Correct.

Why?---We needed a body to put the – send out the invitations, take the money in and be able to donate the money, that's why it was used for that.

And the Association was willing to do that?---Yes.

40 Have the Association had a connection with donating to political parties before that?---Yes.

And were they loyal to a party in the sense they only donated to one or the other, or did they go across the spectrum?---Went across the spectrum, yes.

And, so, was there a particular person at the association with whom you were dealing?---Yes. John Hart, the CEO.

Right. And so nominally the event was hosted, was it, was that the right way of putting it, by the Restaurant and Catering Industry Association?---In broad terms, yes. It was a, it was a Restaurant and Catering Association function but it was a very loose arrangement, the whole thing.

Was it the sort of thing where there was a formal invitation issued?---Not that I was aware of, no.

10 And when you spoke to Michael Gallacher about putting it together, did you make it plain that what you were doing was fundraising on behalf of the Liberal Party?---A hundred per cent.

And he was eager, I guess, for that to occur?---Yes.

Did he have a role in selecting the invitees?---I, I have thought about this for some time. No, not directly, and I could not tell you who did have that role.

20 Right. And it wasn't you, was it, who selected those who would be invited to attend?---Not at all.

And you can't now – and I'm not blaming you or criticising you for this – but you can't now tell us who may have been the person who selected the invitees?---I have racked my brain trying to remember and I cannot remember.

Do you remember now how much it was per head as a subscription?---It was \$1,000 per head.

30 And can you remember now the names of some of the people who came to it?---No.

Did you go yourself?---I was at the restaurant, I went into the room, I said hello to Mike, I shook hands with the people in the room and left the room.

Look, as I recall, I mean, I've been past the restaurant – it would've been in a spectacular, well, a very, very good position to look at the fireworks that go off at New Year's Eve. Is that right?---Fantastic position, yes.

40 And so the people that were there, they were adults, but we also believe there were some children?---Correct.

Do you have any idea how many children or whose children they were? ---Two of Mike Gallacher's children were there, there were some other children but I honestly don't know how many children were there.

Was there \$1,000 a head placed on the children?---No.

They just came along with their parents?---Correct.

And so the thousand dollars, how was it paid? I mean, some may have paid by card, some may have paid by cheque, or - - -?---I don't know. It was paid to Restaurant and Catering Association, I don't know.

And so for that we would go back to Mr Hart and ask him?---Correct. Yes.

And so the money was paid to the Restaurant and Catering Association. Did Doyles take from it a proportion or a profit?---No.

10

That was donated, in effect, by Doyles to the Liberal Party?---It was donated to Restaurant and Catering Australia.

Right. O.K. And so by those means eventually back to the Liberal Party. I'm not being critical about that, by the way?---No, no, no, some monies were kept by Restaurant and Catering Australia and some were sent to the Liberal Party.

20

Do you know how much money we're talking about, how much money was raised?---I believe it was – no, no, I don't know exactly, to be honest.

If I put in a thousand dollars to go along and it was just me, no wife, no children, just that thousand dollars, of that thousand dollars how much was going via the Association back to the Liberal Party?---\$700 of that.

Right. So, \$70 in the hundred?---Yes.

30

And the rest was kept as, as what, as some sort of loyalty for the Association?---Originally, originally I said to John Hart, I'd like to get \$300 out of that to cover my costs for the night per person, but I then said to John at a later date, I don't want that money, could you use that money towards – we were having a – presenting against Fair Work Australia and could you put that money – it was fundraising effort towards that, could you put that money towards that Fair Work Australia or whatever Restaurant and Catering Association needed to do with the money at that time.

40

All right. So, that was another, in effect, ultimately political donation made this time by Doyles?---Wasn't to the Liberal Party, it was to Restaurant and Catering Australia, yes.

No. But I didn't really understand the purpose of it. What did it have to do with Fair Work Australia?---We were running a case against Fair Work Australia and we had to pay lawyers.

Do you run a case against Fair Work Australia or against the relevant union?---Well, it was presenting in – not, not, yes.

Yes?---Yes.

It was in, it was in the tribunal?---In the Fair Work Australia tribunal, and it was to cover a legal cost, administration cost, that sort of thing.

And that was an industry case?---Correct.

And, so, you allowed the money to go back that way?---Or, or, I said to John, you could use it for that or whatever the association needs it for at that time.

10

All right. So, of the thousand dollars, Doyles didn't get back a zak?  
---Correct.

And the Restaurant and Catering Association the lot?---All the money, yes.

And could divvy it up 70 is to 30 to those two causes?---Correct.

And so, I'm sorry if I asked you this before but if I did, it's just slipped my mind, do you know roughly how much was raised?---No. But I do know  
20 that from conversations with John Hart, \$5,000 was paid to the Millennium Foundation for the event on behalf of Restaurant and Catering Australia.

So, \$5,000 representing 70 per cent of the lot, would you think?---I would say so, yes.

All right. Does that seem like a disappointing result given the numbers who you would've expected to be there?---It was a lot of money, a thousand dollars, I – no, I thought 10 people would've been a good number.

30 So, there was a formal accounting, was there, between Doyles and Restaurant and Catering?---No, all, all billing for the event went through Restaurant and Catering Australia.

And - - ?---We had nothing to do with any billing.

And did you, did you see or have any say in looking at the way in which Restaurant and Catering Association accounted for the Liberal Party?---None whatsoever.

40 In terms of the people who were there that night, do you remember some people that you may have been introduced to from a company from Newcastle called Buildev?---No.

Or a Mr Calabro?---No. I, I, I went in there to the room when they were all there. I said hello to Mike and his wife, Judy, and shook hands with the people around the room. They were telling me their names, I smiled - - -

And going in one ear and out the other?---Correct. I smiled and walked straight out the door and I had no more contact with them at all.

Did Doyles, I speak there loosely, but - - -?---Yes, I understand.

- - - whichever appropriate entity, clear their involvement in this as part of an electoral donation? Do you know?---Well, it was a – I viewed it as a, as a - - -

10 I'm not having a shot at you and don't worry, you're not going to be put through the ringer over it?---No, no, no, no, I viewed it as giving, giving the room to the Restaurant and Catering Association from that point on, they were in charge of what to do with the money and how they declared it, I don't know.

All right. So, Doyles just supplied the space?---Yes.

And the food?---Yes.

20 And, I suppose, the service?---Yes.

Just excuse me. Have you spoken to Mr Gallacher about coming here to give evidence?---No.

Or have you spoken to him at all about these events?---I sent him a text message when he was first named and I said, I just said, I hope you're okay, if there's anything I can do to help, give me a call. I had no other communication with him at all.

30 And could I ask you just to draw on your recollection on the night, was there one big table or were there several smaller tables?---One big table. It was a small room and one big table.

And I think there may have been a separate for the kiddies?---There was a separate table outside, um, we don't normally seat people outside, we sat the kids outside um, and they were just, it was just – they were coming and going the children from that table.

40 Do you remember a man named David Sharpe, do you remember him at all?---No.

Darren Williams?---No.

Did Doyles have any role in receiving the bookings or receiving anything from the invitees?---No, um, I read in the newspaper there was an email that I'd sent to someone about saying the restaurant and catering, involvement restaurant and catering but no, it was all done through restaurant and catering and we just held the table for them in the restaurant.

All right. Just excuse me. That's all there is, Mr Doyle?---All right, thank you.

It wasn't as terrifying as you probably thought?---Thank you.

10 THE COMMISSIONER: We're not that terrifying, Mr Doyle. Mr Doyle, the suppression order that I made at the beginning applies to you personally so that you can't tell anyone that you've been here to give evidence today and you can't disclose the nature of that evidence. You understand that don't you?---Yes, yeah.

All right. Mr Doyle, you're excused from the summons and I'll adjourn, thank you.

**THE WITNESS EXCUSED** [2.31pm]

20 **AT 2.31PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[2.31pm]