

KEPPELPUB00925
02/10/2020

KEPPEL
pp 00925-00942

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

Reference: Operation E17/0144

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 2 OCTOBER, 2020

AT 1.30PM

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: Mr Sowter, you continue to be bound by your oath. Yes, Mr Robertson.

MR ROBERTSON: Mr Sowter, before lunch we got up to, I think the end of the meeting in the entrance area of the Premier's office in Parliament House, and have you now exhausted your memory as to what you recall occurred during that impromptu meeting between you, Ms Waterhouse and Mr Maguire?---Yes. So it was just a brief overview of the SmartWest project and their issue with the intersection and wanting it moved and I informed them that I would go away and talk to the Department and see what the situation was.

And do you recall roughly how long the meeting took place?---Oh, look, if I had to take a guess, 20/25 minutes.

And all of that happened in that foyer area that's, there's a reception area in the Premier's office?---Correct.

I think you said you took some documents away with you?---Yeah, I think I took the, the glossy brochure away with me.

And that was a pretty big glossy brochure, wasn't it?---Yeah. It was like A3.

Yes, it may have even been, well A3 is about that big. It may have been a little bigger.---It was, yes, it was probably, yeah, sort of that big and yeah.

THE COMMISSIONER: I don't think that will turn up on the transcript, Mr Robertson, if that was supposed to.

MR ROBERTSON: I think the witness has accepted that it was at least A3 size and that's it's bigger than A3 size, is that fair?

THE COMMISSIONER: And bigger than what you sought to demonstrate by putting to pieces of A4 together.

MR ROBERTSON: I'll stick to my day job as a barrister and not attempt to be a mime.

THE COMMISSIONER: I think so.

MR ROBERTSON: So the ultimate result of the meeting, by the sounds of it, was that you said that you would raise the matter with the Department. Is that the idea?---Correct.

And so what then happened in relation to the issue raised with you with Ms Waterhouse?---So in a very generalised sense, to the best of my recollection, I think I raised it directly with Steven Head, who was working, who was part of the Sydney Division at Roads and Maritime Services. I informed him that I would send him an email because I know that Ms, I knew that Ms Waterhouse was going to forward me the email with exactly the details and I informed him that I would be sending him an email to get further information on the situation.

10 And so probably then on the same day as the meeting in the Premier's reception area, or perhaps the next day or something, there was communication with Mr Head, is that right?---It was probably a couple of days after because I think that I knew I had a meeting coming up with Mr Head on another related matter and I think I just, in passing comment said, "Hey Steve, just letting you know I've got, I've got another thing coming in. Daryl Maguire brought me an issue and I'll send you some info on it and if you can come back to me with a response, that would be great," or something to that effect.

20 So that communication was an informal communication in effect saying, "I'm going to be sending you something on this issue. Have a look out for it."---Yeah.

And you knew at that point in time that Ms Waterhouse intended to send you some more information, is that right?---Correct.

And your intention, I take it, was to consider that and send as appropriate off to the Department?---Yeah, I was just going to forward the email onto the Department and get further information.

30 In terms of having this meeting with Ms Waterhouse, in light of what you said this morning, or at least before the lunch break, I take it that the only reason you're dealing with Ms Waterhouse in circumstances where you're a parliamentary liaison officer is the fact that there is a member of parliament involved. Is that right?---Yes, so to the best of my recollection at the end of the meeting Mr Maguire, Ms Waterhouse, we'd all met by that stage, Ms Waterhouse was going to email me directly the information about the situation and then I was going to look into it.

40 Perhaps, if I ask it this way, if Ms Waterhouse had just emailed you out of the blue because she got your details from someone and asked for your assistance, would you give her any assistance or would it only be if your minister or perhaps a member of parliament asked for that assistance?---I'd certainly wonder why someone was emailing me out of the blue and I'd probably investigate as to who that person was and how they got my details and who put them onto me.

And so it would be outside your ordinary area of responsibility just to deal with unrequested requests from members of the general public?---Correct, for members of the general public, if they want to raise something with the minister's office, generally they write directly to the minister and then it goes through a process.

They wouldn't write directly to you and you then immediately provide the assistance?---Well, no one would know who I was.

10 But even if they found out your details, that's not the kind of role that you play as parliamentary liaison officer?---No.

You're the liaison between minister, MP and Department. You're not a front-facing person who might assist with things?---Correct.

Not an electorate officer, for example, who might assist with constituents' concerns. Your job is to assist the minister in his or her liaison with, particularly, members of parliament and, as part of that exercise, with the relevant departments. Is that right?---Correct.

20

Can we go, please, to page 50 of volume 16. I'll show you an email from Ms Waterhouse to you and also to Mr Maguire of 18 October, 2017, it will come up on the screen in a moment. While it's coming up, do you remember what you did with the documents?---So I think later down the track my chief of staff had requested all the documents in relation to the matter after Minister Constance's office had reached out to us to ask what the situation was.

30

And your best recollection is that you provided them to your chief of staff once Minister Constance's office got involved?---Yes, so I went through and explained the entire situation and, you know, what had occurred and where it was all up to, and just handed it all to my chief of staff, essentially.

That's Ed Martin. Is that right?---Correct.

40

We'll get to the detail of that a little bit later. But is it right to say you had the documents, at least for a period of time, and once Minister Constance's office got involved they go to the chief of staff?---Yes, in relation to that one document, I can't remember whether I gave it directly to Mr Head or to Mr Martin, but it would have gone to one of those two for their information.

We'll just have a look at this email that's on the screen, 18 October, 2017 11.00am. This is Ms Waterhouse as honorary consul sending you information and saying thank you for taking the time to assist us with our concerns regarding final planning. Do you see that there?---Yep.

Do you recall roughly what the time period was between the meeting with Ms Waterhouse in the reception area and Ms Waterhouse sending you this email?---Approximately 10 days to a fortnight kind of thing.

It is possible that it was a little bit less than that? Is it possible that it was soon after the meeting, perhaps only a day or two?---It could have been, it could have been. Looking back on it, it certainly didn't seem like an extended period of time, it seemed like a short period of time, but to exactly how many days, I can't recall.

10

The meeting itself in the reception area of the Premier's office, I take it, took place on a parliamentary sitting day. Is that right?---Correct.

The Premier would ordinarily work out of 52 Martin Place during non-sitting weeks but would ordinarily work out of Parliament House for at least part of the day on sitting days. Is that right?---Correct, yes.

And do you have any recollection of whether you received this email on a sitting day or a non-sitting day?---Wednesdays are normally a sitting day but I'm not sure if 18 October, 2017 was a sitting day itself.

20

But it's at least clear in your mind that the meeting in the reception area of the Premier's Office was on a sitting day?---Correct, yes.

And so then Ms Waterhouse sends you this email, raises issues regarding the intersection et cetera. What steps, if any, did you take having received this email?---To the best of my recollection I think she sent a follow-up email a couple of days later and then I sent that information onto Steven Head and just said, "Hi Steven, is this something you could look into?" or something to that effect.

30

Just turn to the next page of that bundle, page 51. I'm now showing you a letter of 19 October, 2017, so that's the next day after the 18 October, 2017. Is this the subsequent communication you were just referring to? You referred to it as an email, now this is in the form of a letter. Is that the one that you're referring to?---I don't, I don't actually remember seeing this letter as such, but it could have come through something, but I don't remember seeing this letter as such, but in general terms it's got the information onto it that I would have provided to Mr Head for, for further information.

40

So I'll just flick through the pages of this letter, just in case that helps for your recollection. We'll go to the second page which has got a little diagram. Do you see that there?---I remember seeing this diagram but to the best of my recollection that was in the glossy brochure.

So are you saying that you don't have a specific recollection of the letter that we can now see - - -?---Yeah, I - - -

- - - being the one of 19 October, 2017, but it's quite possible that you did receive a letter to that effect?---It's quite possible I received it but I don't recall, remember seeing it.

I tender the email from Ms Waterhouse to Mr Sowter and Mr Maguire, 18 October, 2017, page 50, volume 16, public inquiry brief.

10 THE COMMISSIONER: That will be Exhibit 249.

#EXH-249 – EMAIL WATERHOUSE TO SOWTER AND MAGUIRE DATED 18 OCTOBER 2017

MR ROBERTSON: I tender letter from Ms Waterhouse to Mr Sowter 19 October, 2017, pages 51 through to 58 of volume 16, public inquiry brief.

20 THE COMMISSIONER: That will Exhibit 250.

#EXH-250 – LETTER FROM WATERHOUSE TO SOWTER DATED 19 OCTOBER 2017 RE SMARTWEST SYDNEY

30 MR ROBERTSON: Can we just have Exhibit 250 back on the screen, that was the last document that we went to, if we can go back to page 52. Just flick to the next page. There's Ms Waterhouse's signature. And I'll just go to the next page now. Do you recall Ms Waterhouse sending you a letter to the effect that you can now see on the screen, which was in the nature of a proposal as to what changes might be able to be made to roads in the area with which she was concerned?---This, this letter may have been attached to the email she sent me but I can't recall.

If we just go down to page 56, it's a couple of pages on. You'll see there's another diagram there. Does that look familiar?---The, the, I guess the drawing itself looks familiar but that exact page that's on the screen, I can't recall it.

40 But presumably from your perspective you don't really care about the detail, you're not the roads expert, you're the liaison officer - - -?---Correct, I wasn't the roads advisor.

- - - and you're providing information for the Department because you want the Department to give some advice back to you- - -?---Correct.

- - - as to what Ms Waterhouse and what Mr Maguire are on about and is there something that we can and should do in the circumstances.---Yes.

Is that a fair summary of the way - - -?---Yes.

- - - that you were seeking to deal with the matter? And so you've spoken to Mr Head and given him, so to speak a heads-up and going to give him some communications. You receive by the looks of it some further material. Is that then sent on to Mr Head or what happens next in the process?---Sorry, which further material are you referring to?

10 I'm referring in particular to this letter, if you received it.---I don't recall sending that. I just recall sending him the initial email from Ms Waterhouse. Now, whether that information was attached to that email and whether that was sent on to Mr Head, I can't recall.

20 So the details you don't recall but the key aspects of the chronology is, meeting in the Premier's entrance area, say to Mr Head, "I'm going to send you some material." Some material comes from Ms Waterhouse and you send that material on to Mr Head seeking some advice from the Department as to what to do in light of this particular issue that has been raised. Is that right?---Correct.

If we can go to page 59 of Exhibit, sorry, 59 of volume 16, just to show you another email. This one is going to be 23 October, 2017, which is Monday of the week following the email and letter I've just shown you. "Dear Jock. Hope all is well with you in your busy world," et cetera. So Ms Waterhouse is then chasing you up, saying, "It's been a couple of days, what's going on?"---Correct.

30 Now, do you recall whether you had already sent on material to Mr Head by this point?---From the best of my recollection, I hadn't sent on any material to her I've, until I received this follow-up email.

And so as best you can now assess it, sending the material on was probably maybe this day, 23 October, maybe a few days after that.---Yeah, I would assume, I, I would believe so.

40 I tender email from Ms Waterhouse to Mr Sowter and Mr Maguire, 23 October, 2017, 2.41pm, pages 59 and 60 of volume 16, the public inquiry brief.

THE COMMISSIONER: Will be Exhibit 251.

**#EXH-251 – EMAIL WATERHOUSE TO SOWTER AND MAGUIRE
DATED 23 OCTOBER 2017**

MR ROBERTSON: So what happens next in the process in relation to this issue?---So as best as I can recall, I emailed Mr Head and asked him for, for some advice. And then I think his assistant came back to me with about a page of information which essentially at the bottom of it said that RMS was not going to fulfil, if you want to use such a word, Mr Maguire's request, and Ms Waterhouse's request.

10 You just described it as Mr Maguire's request. In the communications with Mr Head, did you communicate that the request that was being made was not just by Mr Head, sorry, not just by Ms Waterhouse, it was by Mr Maguire as well, as you understood it?---I can't recall whether I, in that email to Mr Head but, you know, from a parliamentary liaison's point of view you, you know, when you're referring to an issue with the Department, you often refer to it as Mr Maguire's issue or Member X or Member Y's issue, because they're the ones that brought it to you in the first place. So that's how we, or that's how at least I went about my job in the way that I thought.

20 Completely consistently with what you've described before as the role of a parliamentary liaison officer.---Correct.

It's not your job to deal with constituent concerns directly, it's your job to be a liaison officer, as the title suggests, between the minister on the one hand and members of parliament on the other.---Correct.

30 And so, although this is ostensibly Ms Waterhouse's issue, and Ms Waterhouse wants to achieve a particular thing, what you're actually doing is your liaison role, because Mr Maguire has raised the issue. Is that right? ---Correct.

And absent some unusual circumstance, you wouldn't be raising this issue at all with the Department unless it had been raised by either a member of parliament or by your minister, correct?---Correct.

40 If Ms Waterhouse just came to you off the street, you wouldn't be dealing with this at all. You would have raised it with your chief of staff, perhaps with your minister, or perhaps said, "You're speaking to the wrong person, go and write to the minister, and the minister can decide what she wishes to do"?---I, yeah, correct.

Is that a fair summary of the way in which your role works?---Correct.

And so I think you said the next stage in the process was Mr Head gives some advice as to what might be said or what the position is, is that right? ---I think it was Mr Head's assistant, maybe, oh, Karen De Ridder or, on behalf of Mr Head, or - - -

So if we go to the email chain, please, and because it's an email chain, we're going to have to start from towards the bottom and go up. So we'll go to 23 October, if we can. So, if we just stop there, you'll see that's the email that I've already showed you, the 23 October, 2017 one, "Hope all is well with your busy world."---Yep.

And if we then just scroll up a little bit, do you see there, 27 October, 2017?
---Yep.

10 That's you saying to Mr Head, "Can you look into the below, please?"
---Correct.

And that's a kind of communication of the kind that you would have had many, many times, where some issue has been raised by a member of parliament or perhaps by the minister, and you're seeking advice from the Department as to a particular issue.---Correct.

20 So 27 October, completely standard email of a kind that you would have sent, if not hundreds, then at least scores of them. Is that fair?---That's fair.

And then if we go back a page, and now you see – and you get marks for memory – Karen De Ridder, D-e R-i-d-d-e-r, on behalf of Mr Head, providing a response from what's described as the project team. You see that there?---Yep.

30 But again, this is the kind of response that you would receive in the ordinary course when a member of parliament has asked a particular question, and you as parliamentary liaison officer has sought advice from the Department, is that right?---Correct.

And so in effect, they identify what they understand to be the issues, and then you see in italics towards the bottom of the page the response that's provided.---Correct.

We then go up again. You then send that to Ms Wells, on 3 November. Do you see that there?---Yes.

40 Who is Ms Wells?---So Lesley Wells, or Mr Wells, he was the, I believe his title was major projects and regional road adviser in our office. So he was essentially the policy adviser that would have had briefings with the Department on this matter.

And he was a – sorry, yes – he was a ministerial adviser as opposed to someone working in the Department, is that right?---Correct, correct.

And so you were keeping him involved because that's his particular policy area in respect of which he assists the minister. Is that right?---Correct.

In way completely standard for a parliamentary liaison officer. A member of parliament has raised an issue in the portfolio area of your minister, you want to keep informed, at the very least, the policy adviser in that particular area. Is that right?---Correct.

And then we go a little bit further up. Lesley says, "Did you respond with the advice?" You respond back and say, "How did you go with this?" Do you see that there?---Yes.

- 10 And so what are you seeking to communicate by that?---So I think I probably missed Mr Wells's email on 3 November and I probably was just sending a follow-up email on the 8th and didn't realise that he had already responded.

- 20 But why was it for Mr Wells to do something with this?---I, I, probably I didn't put it as clear as I probably could have in the email but I was seeking Mr Wells's advice as the relevant policy adviser to know what, where we should proceed on this matter, was the advice from the Department, what we needed to go back with, what was the context of it. I guess, essentially for me, he was the subject matter expert in our office and I wanted to get his feedback on it before proceeding back to Mr Maguire.

So you weren't going to take it upon yourself to immediately provide a response to Mr Maguire, you've got the advice from the Department but you're not responsible for the policy area more generally, you now want advice from the policy adviser as to what should be done in light of the fact that you've now got this advice from the Department in dealing with the query that's come Mr Maguire. Is that right?---Correct.

- 30 THE COMMISSIONER: So even though, in fact, the emails came from Ms Waterhouse, well, maybe not accompanied this but would you, in the ordinary course, because you regarded this as something brought to by Mr Maguire, have responded to him and expect that he in turn would communicate with her?---Yes, correct. As a general rule, I mean, we always were receiving, you know, on, on any given day, you could get three or four enquiries from different electorate offices and eventually they all start based upon a constituent within their electorate or a constituent that they know or someone that they know, and I like to try and just deal with that electorate office or that MP, you know, as, as the liaison point and then
- 40 it's up to them to go back to there. Because, you know they, for whatever reason, they may want to do something with that information before it gets straight back to the person or they may want to get the credit, so to speak, you know, if it's good news, if it's a situation where there's good news, local MPs want to deliver that information themselves, not, not us as ministerial staffers. So we like to go back directly to the MP with that information.

MR ROBERTSON: But as parliamentary liaison officer, you were dealing with this as a request from Mr Maguire, not a request from Ms Waterhouse, is that right?---Correct.

And similarly, at least as you understood it, Mr Head is dealing with it as a request from the parliamentary liaison officer of the relevant minister, who is only making the request because a member of parliament is interested in knowing something about something in the minister's portfolio responsibility. Is that right?---Correct.

10

So you're not, in effect, working as Ms Waterhouse's agent, you're acting to do your job on behalf of your minister, your job integrally involving dealing with liaison between members of parliament and ministers, as distinct from members of the general public and ministers, is that right?---Correct.

And so Mr Wells is then sending to you on 8 November, what looks like a copy and paste or perhaps a summary of the response section that we saw in the advice that's come from the Department. Is that right?---Yes.

20

And so why, as you understood it, why is Mr Wells sending you that?---My understanding was that was that was the response to go back to Mr Maguire with.

So in effect what's happened is you've sought Mr Well's advice as to what you should do in light of the advice that's been given by the Department so (not transcribable)?---Correct, correct. Sorry.

And Mr Wells is saying, "This is the material you should go back to Mr Maguire with?---Yes.

30

And so what did you do following that advice from Mr Wells?---I think I sent an email to Mr Maguire and I think I just said, "Hi Daryl," something along the lines of, you know, "Following discussion with our Department and our policy advisers in our office, please see the advice below." And I think I copied and pasted that word for word.

So can we go to that email, please.

THE COMMISSIONER: Are you going to - - -

40

MR ROBERTSON: And before I do that, I tender the email chain from Mr Wells to Mr Sowter, 8 November, 2017, 10.57am.

THE COMMISSIONER: That will be Exhibit 252.

#EXH-252 – EMAIL WALKER TO SOWTER DATED 10 AUGUST 2018

MR ROBERTSON: On page 46 of the bundle, if that helps the operator. Just pardon me for a moment. Is that the email that you provided to Mr Maguire?---Yes.

And I think you said effectively what you've done is copied and pasted from the previous email I've just shown you, but with the little introduction that we can see towards the top of the page.---Yes.

10

If we then just go back a page.

THE COMMISSIONER: I was just trying to look at the date, but you're probably going to do that as you go back up the page.

MR ROBERTSON: I'm going back to the page which shows 8 November, 2017 at 11.00am. So you've promptly forwarded that on to Mr Maguire, and then he comes back 42 minutes later, "That means the land is locked and undevelopable by the owner!!!! Go back again and please do not
20 accept their BS. Find a way to help." Do you see that there?---I do.

Is that the kind of communication that you commonly receive from members of parliament?---No.

What did you do in response to that advice or instruction?---I sent that email, I sent that email on to Mr Wells to just get his thoughts on the matter and then I actually walked up and went and saw Mr Wells face-to-face.

Because it was at least surprising for you to get an email of that kind from a
30 member of parliament, wasn't it?---Yes. I mean there's many times where an MP asks you for assistance on a matter and you can't always provide, provide it, but you never get a response like that. I've never seen one like that.

But he's trying to pressure you to pressure the Department to provide some different advice or response to the one that it initially provided. Is that a fair summary as you understood the position?---Yeah, he, he wanted us to do something that wasn't going to happen, was my understanding.

40 Do you agree you were a bit shocked to receive this particular email?---I think I was perplexed.

And you refer it promptly by the looks of it, within about a minute, to Mr Wells.---Correct.

And did you say you also went to see Mr Wells as well?---Yeah, I went and saw him face-to-face.

Did you raise it with your chief of staff as well?---No, I just raised it with Mr Wells.

In the ordinary course if some member of parliament was seeking to pressure you into taking a step with a Department that you were not comfortable with, who would you raise that matter with?---If I felt that I was genuinely being pressured I would go to my chief of staff and explain the situation. I guess with Mr Maguire I didn't feel pressured by that email. I was certainly surprised and perplexed but I didn't feel pressured, I just
10 thought, you know, my first reaction was, oh, yeah, rightio, and then I went and saw Mr Wells face-to-face and I said, "I've just flicked you an email." And he looked at it and he laughed and then he just said in his way, he just said, "Look, if he wants a meeting with the Department we can organise him one, otherwise, you know, that's that."

And so you at least thought you should report that and seek some advice from Mr Wells.---Correct.

But other than that you just thought, well, it's a pretty strange email but it is
20 what it is. Is that fair?---Correct.

And then if we go up a little bit further, this is in response to, "What are your thoughts?" And Mr Wells is explaining really from a policy perspective, "It's a federally-funded program, we build what they ask," et cetera. And then the second paragraph, "Tell him you can arrange a meeting with RMS/Transport NSW in the next sitting period." See that there?---Yes.

Do you recall whether you did arrange such a meeting?---No. Oh, sorry,
30 just to clarify, I, I recall that I did not arrange such a meeting.

And did you then provide, so from receiving this from Mr Wells, did you provide any further advice or communications to Mr Maguire?---No, I ignored his email.

So that was - - -

THE COMMISSIONER: Why, sorry, Mr Robertson, why when Mr Wells had said, "You could at least arrange a meeting for Mr Maguire with those
40 organisations," did you not take that step?---So from my understanding, or from the best of my recollection from my discussion with Mr Wells, he said that it was a very sensitive topic, because there was developments involved, and all sorts, and you know, such as. He didn't say who was doing the development or anything, he just said, "Look, it is quite a sensitive topic." My understanding was, from talking to Mr Wells, he knew very much about it, and he said, "Look, if they want to meet directly with the Department, they can do that, otherwise just forget it." And given how Mr Maguire

came back with his email, I just ignored it, and just thought, well, I've got, you know, other things that I can do with my time.

Because of the perplexing tone, as you've described it, of his email.
---Correct.

10 MR ROBERTSON: Arranging a meeting between a member of parliament and a government agency would be a relatively common thing to do as a parliamentary liaison officer, is that right?---Very correct, yeah, sorry, very common.

But to organise a meeting between a government agency and a person who's not a member of parliament would not be a common duty of a parliamentary liaison officer?---No, it's not common.

There might be examples in which there's both the MP and someone who's not an MP.---Correct.

20 But the only reason that you would be arranging a meeting with RMS or Transport for NSW in the next sitting period would be if it had some relevance to either your minister or to a member of parliament who has approached your minister either directly or through you. Is that fair?
---Correct.

I tender email from Lesley Wells to Mr Sowter, 8 November, 2017, 12.00 noon, pages 45 and 46 of the bundle.

THE COMMISSIONER: Will be Exhibit 253.

30

#EXH-253 – EMAIL WELLS TO SOWTER DATED 8 NOVEMBER 2017

MR ROBERTSON: Now, is that then the end of any dealings that you had in relation to, to the issue arising from the meeting with Ms Waterhouse and Mr Maguire in the reception area of the Premier's office?---No.

40 What happens next, then?---So after all that has occurred and, and I haven't gone back to Mr Maguire, I can't remember the timeframe exactly, but a, a short time later, my chief of staff Ed Martin came and saw me, and he said that he had received a communication from Minister Constance's office, asking what was going on with the situation. I explained to Mr Martin what had occurred, told him about all the emails, and I said that I was happy to provide him the emails and the documents that I had at that stage to him for background, for reference. I then printed out my emails. I then took them to Mr Martin and gave them to him.

So Mr Martin's in effect communicating to you that Minister Constance's office is raising the question of whether you had done your job right?---I, I assume that's one way to look at it.

THE COMMISSIONER: What was - - -

MR ROBERTSON: Well, one way of looking at it is – sorry.

10 THE COMMISSIONER: What was Minister Constance's portfolio in?---So he was Transport and Infrastructure, and he was also our senior cluster minister.

What's a senior cluster minister?---So each of the government agencies are sort of in clusters. So, because back then you had Minister Constance's as, as the senior cluster, with the head of sort of Transport. But because Roads fits in under that, Minister Pavey was also in that, as was Minister Ayres, because he had WestConnex.

20 I see. Thank you.

MR ROBERTSON: So as you understood it from what was communicated by Mr Martin, Mr Maguire had essentially doxed on you to Minister Constance's office. Is that right?---Yeah, effectively.

Did you take that as further pressuring you to do or not do anything in your parliamentary role?---No, I, I, look, I'd spoken to Mr Wells, and I thought that I'd done what I needed to do and I was comfortable with my position.

30 You at least mustn't have been happy about it.---He, look, yeah. I mean, I'm, I was, to me, a parliamentary liaison officer's a junior role, if someone wants to question what I've done, but I was comfortable with the actions that I took, so I was happy for them to check over my work, so to speak.

40 Is it common for members of parliament to go, as it were, above the head of the minister in respect of whom the parliamentary liaison officer works, to the senior cluster minister and so as to complain about someone who, in your words, was in a relatively junior role?---I certainly, I certainly had never had, that I can recall, another situation where a local MP or an MP had brought me an issue, and we hadn't been able to get the outcome that they had hoped for, and then for someone else to come in and step over the top and start asking questions about it. I, I can't recall another situation where that occurred.

And in this case you had done, as you understood it, everything you could sensibly do. You'd assisted Mr Maguire in his inquiry, you'd got advice from the Department, you'd communicated that advice back to Mr Maguire after speaking to the policy person.---Correct.

And that's a completely conventional thing to do on the request of a member of parliament. Correct?---Correct.

But any suggestion that one should go further and complain about an unacceptable response that is "BS," that would be out of an ordinary thing to be raised with you as a parliamentary liaison officer?---Sorry, you're referring about Mr Maguire's email?

10 I am, yes.---Yes. So as I said, I'd never received a similar email like that from any other MP.

Whether before or after receiving that particular email.---Correct.

And was that the end of your dealings in relation to the Waterhouse land and the Waterhouse issue?---No.

What was the next step?---So I can't remember the exact time, I think it might have been 2018. So - - -

20 And is this while Mr Maguire's still a member of parliament or is it after he's already resigned?---My recollection is it was after, because the Commission had already made contact with me through the Department of Premier and Cabinet requesting my emails.

THE COMMISSIONER: This Commission?---Yes, yes.

30 MR ROBERTSON: And what happened on the occasion you're now referring to?---So we were at a, I was at a function with my minister, Minister Pavey, and a few others from our office and I think it was Newgate Communications function, and I think I was walking towards the bathroom and I saw Minister Pavey talking to a gentleman. She called me over straightaway and then pretty much as soon as she called me over and I, and she introduced me to the gentleman, she left, and that gentleman I think was called Paul Walker, I think, and he was from a, I think it was a construction group, GTP or GPT or something, and he was starting to make reference to this SmartWest project.

40 And what did you do, if anything, on the issue?---Because I had known that the Commission had requested my emails on this, I wanted to get out of the situation as quickly as I could. I remember exchanging my business card with the gentleman and then said I had to go to the bathroom urgently and then tried to end the conversation as quickly as I could and left.

You were concerned about, as it were, having any involvement in this particular issue because you thought it was a matter of some risk. Is that right?---Correct.

Presumably a matter of some risk for your minister as well.---Correct.

Did you try and extract her from the situation as well?---So as soon as she called me over she was gone.

And does that complete the involvement you had in this particular area?
---No. So the next day, if I can remember correctly, Mr Walker sent me an email and then, about it, and again the same, the same problem with this, this intersection. I went back to Mr Walker with the exact same advice, I think I copied and pasted it word-for-word, that I had given Mr Maguire previously and said, you know, this was the situation. He came back with an email saying, "Look, you know, things have changed. Can we catch up," or something like that and I just didn't respond again because the Commission was looking into the matter and I just didn't want anything to do with it.

Do you happen to know whether Minister Pavey provided any further assistance to Mr Maguire or perhaps to Ms Waterhouse after you were involved in the exercise of getting advice from the Department and coming back?---I, I don't know.

Do you know whether she provided any assistance in, for example, setting up a meeting with the Greater Sydney Commission?---No, I've got - - -

Who within Minister Pavey's office would have responsible for dealing with matters of that kind, does that fall within your role as parliamentary liaison officer, setting up meetings of that kind?---No.

Whose responsibility, not necessarily name, but at least title would take responsibility for matters of that kind?---I would dare say chief of staff. At the very least it would have been the policy adviser but I would dare say it would have been more likely chief of staff.

Is that because that's a meeting of a kind that's a more senior thing to arrange and so a more senior person would be involved in it?---Correct.

It's not uncommon, though, for the parliamentary liaison officers to set up meetings between members of parliament and officials within agencies, is it?---No, I, I did that all the time.

You did that all the time. But are you saying for an organisation like the Greater Sydney Commission, it's more likely to be dealt with at some higher level?---Yeah. And, you know, apart from what I have already detailed, I had no other knowledge of anything about the Waterhouse land that I knew of so I don't know what happened outside of that. Even though it might have happened in the office I was in, I don't recall any meetings about Greater Sydney or setting any meetings up. None of that rings a bell to me.

Even anyone else discussing that matter with you in the office over a cup of tea or whatever?---Not that I can recall, no. No, not that I can recall.

And so then other than the individual events that you have now identified, starting with the meeting in the reception area of the Premier and going through to the function, it seems after Mr Maguire has already resigned from parliament?---I think he had.

10 That's the extent of your dealings in relation to what we will call the SmartWest Sydney issue that you can now recall?---To the best of my recollection, yes.

That's the examination.

THE COMMISSIONER: Thank you, Mr Robertson. Mr Harrowell, did you have any questions?

MR HARROWELL: No, Commissioner. Thank you.

20 THE COMMISSIONER: Mr Korbel, did you have any questions?

MR KORBEL: No, thank you, Commissioner.

THE COMMISSIONER: Shall I excuse Mr Sowter?

MR ROBERTSON: Yes, please.

30 THE COMMISSIONER: Thank you for attending, Mr Sowter. You are discharged from your summons to attend the public inquiry. You may step down and leave the hearing room.---Thank you.

THE WITNESS EXCUSED

[2.10pm]

MR ROBERTSON: That's the program of evidence for today. There has been an uploaded witness list that's available. The first witness on Tuesday, noting that Monday is a public holiday, is Ms Raedler Waterhouse.

40 THE COMMISSIONER: Very well. The Commission will adjourn until 10.00am on Tuesday the 6th of October.

AT 2.11PM THE MATTER WAS ADJOURNED ACCORDINGLY

[2.11pm]