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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

Reference: Operation E17/0144

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 6 OCTOBER, 2020

AT 2.00PM

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.

<LOUISE SUZANNE RAEDLER WATERHOUSE, on former oath
[2.03pm]

THE COMMISSIONER: You continue to be bound by your oath, Ms Waterhouse.---Thank you.

Yes, Mr Robertson.

10 MR ROBERTSON: Can we have volume 16, page 93. Immediately before lunch I think you were referring to the fact that you received a disappointing letter from the federal side in December of 2017.---Ah hmm.

Is that right?---Yes.

I'm just going to show you a document which I think may be the one that you're referring to. Is that the document?---Yes, that's it.

20 And if we just turn the page you'll see there it's 22 December, 2017.---Ah, yes, okay, ah hmm.

Now, does that refresh your memory that that advice from the Federal Department at least came after what you and I discussed immediately before lunchtime, which was communications a little bit earlier in December of 2017?---Yes. The interesting thing on this letter, as you'll see from that second bullet point, they say that they advise, this is the airport company, "They advise that your alternate proposal does not, does present some opportunities, the main consideration is the timing of the Northern Road stage 4." And then independently I was told that the reason that they, they
30 didn't do it was because they had a contractual obligation with our neighbour to the south, the Perich family, that they should have the intersection. So all of my efforts were, were really in vain because it was decided under a contract.

But I think you were suggesting before lunch that there was a possibility that it was the federal, the letter from the federal department which put in place the chain of events that led to Mr Maguire - - -?---Yes.

40 - - - taking steps to arrange for a meeting with RMS on a state level.---Yes.

But would you now agree that it looks like that's not quite the right timing? ---Well, you showed me the call where he rang me to say that he'd arranged for a meeting.

That's right, and that was on 14 December, 2017.---Yes, it's - - -

So it looks like that wasn't caused by the federal letter. Would you agree with me?---No, no, yes. It's just that it's three years ago so it's a bit hard for me to - - -

I'm not criticising that at all. In fairness to you, I thought I should draw that to your attention to see if it assisted with your recollection.---Yes, thank you.

10 I tender the letter from Mr Whalen, W-h-a-l-e-n, General Manager – Financial, Commercial and Operations Western Sydney Unit, to Ms Waterhouse dated 22 December, 2017, pages 93, 94, volume 16, public inquiry brief.

THE COMMISSIONER: Exhibit 265.

#EXH-265 – LETTER FROM WHALEN TO WATERHOUSE DATED 22 DECEMBER 2017

20

MR ROBERTSON: Before lunch you and I also discussed the position of Mr Luong, and as I understood your evidence, at least as you saw it, come mid-to-late September of 2017 the idea of selling the SmartWest land to Country Garden had pretty much fallen away, so far as you were concerned at least.---Yes, that's correct.

Is that a fair summary of your evidence on that topic?---Yes, yes.

30 But would you agree that Mr Luong was still attempting to keep the deal alive and would meet with you from time to time with a view to trying to keep it alive, even though you might have thought that the prospect of it actually being successful was fairly low?---I'm not, I'm not surprised that he might have been trying to reinvigorate it. I, I don't remember having multiple meetings with Luong after that but - - -

40 It may have been one or two, may have been some lesser communication. ---Well, he certainly met with me to say could he have a brief to sell the property to other people, he said, "I know other parties, I'm well-connected," and I said, "No." I was very clear I didn't want him touting the property.

But it's right, isn't it, that it's probably the case that say come the end of September 2017 that was the end of your dealings with Mr Luong?---It certainly wasn't at the level that we had for those couple of weeks or three weeks, four weeks maybe.

In the core September period it looked like you were getting close to a possible deal.---Until about mid-September.

It was at least going in the right direction.---Possible, I think we put that underlined, because it was, I know that he might have talked about it's going to happen, but there, there wasn't the backup for it.

But by mid-to-late September you thought that deal was dead?---Yes.

10 But Mr Luong was still in not regular contact with you, but in contact with you from time to time, including regarding the SydneyWest site. Would you agree?---Yeah.

Sorry, the SmartWest site I meant to say.---Yes. I mean if he rang me I would take the call and, you know, I had no problem with William Luong, he was just trying to do the best he could for himself.

You had a couple of meetings with him during the period from say October of 2017 through to say April of 2018. Would you agree?---Yes, I'd say that's right.

20 And those meetings included him attempting to get you involved in deals, both in relation to the SmartWest site but also in relation to other things as well?---Yes. Well, he, he wanted to, as I said before, he wanted to be given a brief to sell the property, which we didn't want anyway in the first place, and then he wanted, he was, you know, running out of time and he was looking desperately for investors for his other project.

But in relation to the SmartWest site, he still wanted to try and sell the land for you beyond September of 2017. Is that right?---Probably.

30 And he attempted to encourage you in that direction?---Yes.

But come mid-to-late September 2017, at least in your mind, that's dead, I now want to focus on development, joint ventures, things of that kind? ---Yes. I probably kept my focus all the way through on what I needed to do. It wasn't that I dropped the ball.

40 No, but you'd agree that it was different in nature in the sense that, at least in that core period in September, you were moving in the direction of a potential sale. Do you agree?---I was entertaining it, yes.

You were at least entertaining that.---Yes.

And in pretty regular communication with Mr Luong in relation to that matter?---Yes, yes.

Come mid-to-late September of 2017 - - -?---Yes, it changed.

- - - it changed in nature. Mr Luong, as you understood it, still has an idea of trying to keep the deal alive, but at least in your mind, you're not focussing on that at all, you're focussing on what was always your plan A, which was development rather than sale. Is that fair?---Yes. And I, at some point in late September or October I said to him, "It's over. I don't want, you know, you know, I don't, don't want to pursue that at all." Like so, for example, he was in no uncertain terms that the deal, a deal with Country Garden was not to be pursued, and also that I didn't want him touting the property.

10

But he was still trying to convince you along the way - - -?---Probably.

- - - to potentially sell.---Yes, but - - -

In part because you'd already agreed that, if he was successful, he'd be entitled to a substantial fee, so he was trying to keep the work that he's done alive in terms of a fee, as you understood it. Is that fair?---Yes. I don't think he got much encouragement from me though.

20

But you knew that that's the direction he was seeking to push it in, albeit you were pushing back at least beyond about late September of 2017. Is that fair?---Well, I, I was mindful of the fact that I didn't want him to think that no matter what happened on the property, if something did come up one day, that he would get a commission, so I was conscious of nipping it in the bud. I didn't want to have that as an open-ended situation.

30

You didn't want him going out around town, as it were, acting as or pretending to act as your agent in terms of a sale to anyone other than Country Garden, is that really what you're saying?---Even with Country Garden by that stage. I, I didn't want to proceed because I didn't believe it was a genuine thing anyway, so I, I was just, just trying to put a full stop to the - - -

So at least in your mind it's come to an end?---Yes.

As you understand it, Mr Luong was still trying to push it into that direction but you weren't - - -?---I can't say I understood that. I mean, he, he would have been keen to, yes, but I didn't have any reason to think that he was still activating.

40

But you at least had a few meetings with Mr Luong after the end of September of 2017, where issues including the SmartWest project were discussed?---Well, he came to see me to say he had other clients that he would put our way and then he came - - -

That was one topic but another topic was the SmartWest site, do you agree? ---Well, that was for the SmartWest site. Sorry, the, the, the first meeting was to say, "I've got other, I, I know lots of people," and blah, blah, blah.

And I put an end to that and then the next time was, that I recall, was when he came with this project in Cawdor.

When you say the meeting about potential other purchasers, do you recall approximately when that was? Was that in 2017 or was not until 2018?---I think it would have been in 2017.

10 So he was still attempting to be your vendor's agent, as it were, put you in touch with potential other purchasers, but at that point in time, you weren't really interested in going down that path at all. Is that - - -?---To his credit, he asked if he could have permission to do that and I said no. So I, I can't say that he was going around and touting without our knowledge.

And you were trying to encourage him not to do exactly that?---I told him not to. I told him that, "No, we don't want to, we don't want the property being touted around." Because I'd had experience before where agents come along and they say, "I've got this or that," and then suddenly they're, they're ringing the world and just causing trouble.

20 So post September 2017, as you understood it, Mr Luong still wanted to assist you in selling the property but you weren't participating in that idea at that point in time, is that right?---I just can't be sure of the date but certainly post September '17.

You entertained it in 2017, you were not entertaining it after September 2017?---Might have been October that I told him that.

Or around about that point in time?---Yes.

30 But Mr Luong was still attempting to entertain it but you weren't agreeing with him in relation to that. Is that fair?---He would have liked to have, yes.

And he made that clear to you in at least one of the meetings that you had with him?---Yes. But I, I wouldn't want it to be implied that he was going behind my back. Well, I didn't know that he was going behind my back.

Well, as I understand your evidence, you made it clear to him that he should not be going behind your back.---Yep.

40 And he didn't have authority to go any further that what he did in relation to the Country Garden proposed sale, is that right?---Well, I, I wouldn't have said, "Don't go behind my back," because he was specifically asking for my permission. So I wasn't making a pejorative statement about that. I was just saying, "No, I don't want to do anything."

Now, before lunch I played you a couple of recordings in relation to assistance that Mr Maguire appears to have given in obtaining a meeting with senior officials within RMS through Minister Pavey.---Yes.

Separate from, that meeting, did Mr Maguire give you any assistance in setting up meetings with anyone else?---At some point he arranged for Mr Li to go and have a look at the property. I can't tell you when that was, though.

10 So I take it that must be after September 2017, when discussions with Country Garden had, from your perspective, fallen over, is that right?---Yes. It could have been quite a bit later I think. It was a waste of time and I just rally did it to, you know, be polite.

And who suggested to you that Mr Li might be interested as a potential investor?---Daryl. Yeah, that was, yeah, Daryl.

And was that as a - - -?---Actually I think he said it was through Maggie.

Through Maggie Wang?---Yes, Maggie.

20 And was that as a potential purchaser or was that as potential, say, joint venture partner or other investor, do you remember?---I don't know. He wasn't really interested and it was just really a waste of time.

And so he went out to view the site, is that right?---Yes. He had someone else with him, I think.

Do you remember who that was?---Another Chinese person.

And did you go as well with Mr Li?---Yes, I met them out there.

30 And so presumably there was an interpreter so that you could speak to Mr Li?---I think that was Maggie, yes. That would have been Maggie.

So at least Mr Li was present and Ms Wang was present and you were present, is that right?---Yes. And another person.

And that was a person on Mr Li's side as it were?---Yes.

40 Any other meetings that Mr Maguire provided assistance in relation to the SmartWest site?---Meetings with potential investors or meetings with - - -

Either investors or public officials.---Well, I had already met with, with the land owner group with Tanya Davies, the local member, and I know that he'd been interacting with her. I'd met with the other local member, Chris Patterson. Prior to that I'd met with the Minister for Cities federally and, and their local federal member, and I'd met with the Minister for Western Sydney. So I'd met with a lot of different ministers. Now, it was probably prior to this but some of it might have overlapped.

What about the Sydney Planning Commission?---The Sydney Planning - - -

So the Greater Sydney Commission?---Yes, that's right. So in, in early 2018 Daryl contacted me and said I've arranged a meeting with the Greater, you know, the GSC we called it, Greater Sydney Commission. Greater Sydney Commission, yes. And he arranged for a meeting and he tried to - - -

10 Did you ask Mr Maguire – sorry to interrupt, but did you ask Mr Maguire to set that up or did Mr Maguire do that off his own bat?---No. He did it off his own initiative, but I was pleased that he'd done it. He did it off his own initiative and he was, I mean, he spoke in brief terms and I think his office just contacted me or something about "Would these dates suit you?" or whatever, and I came back with what dates would work for me and then the date was changed, and then I think it was in March, the meeting at Parliament House.

And you had previously put in a submission to the Greater Sydney Commission, I think you told us this morning.---Yes, a few.

20 You had meetings as well with a person associated with the commission. ---Yes.

Sarah Hill I think was the CEO of the commission at that time. Was that right?---Yes, that's right.

And I think you had met her from time to time. You would have seen her at public gatherings, things of that kind.---Yes. We had a friendly relationship.

30 She's someone you would know on sight at that particular period of time. ---Absolutely.

And so are you saying Mr Maguire took it upon himself to organise a meeting with the Sydney Planning Commission?---He did and I think he told me or wrote to me or something that he's setting up a meeting with the commissioner, and at the time I thought oh, okay, and I thought well, you know, it can only help so great.

40 And can you recall when it first came to your notice that Mr Maguire was setting up a meeting for you with the Greater Sydney Commission?---I would have thought maybe February 2018.

Is it possible that it was a little bit earlier than that?---Yeah.

Perhaps around the time of the last communications that I've shown you - - -?---Could be.

- - - in December of 2017?---Could be. Yes.

But it's at least clear in your mind that you didn't request Mr Maguire to set that up.---No, no.

Mr Maguire took it upon himself.---Yes.

How would Mr Maguire know that you would be interested in meeting with the Greater Sydney Commission?---Well, it was very much the case that they had carriage at that time for the whole of the planning for the airport and the Aerotropolis.

10

And so when you and I discussed issues of, I think I used the term master planning - - -?---Yes, they were the master planners.

- - - the Greater Sydney Commission was the key authority - - -?---It's changed now.

- - - in relation to that issue?---It's now another, another acronym, the, the WCAA.

20

But at that point in time you were concerned that – I withdraw that. At that point in time you knew that the Greater Sydney Commission was in the process of producing plans including plans that might be relevant to your land. Is that right?---Yes. They were doing big picture plans.

And you were concerned that the final version of that plan might not identify your land as being a key site for future development. Is that right?

---Yes. Well, we'd been, we were already told and by this stage the Badgerys Creek West Land Owner Group was very active and agitated because they felt they'd been treated very poorly. They've been in limbo for the last 20/30 years being told there's an airport, there's not an airport, there is an airport, and then they were told yes, there's an airport but, by the way, you're being left off, and at that stage there was no, no planning at all for the western part of the airport. And so this was in the context of that, and Daryl, when I told Daryl about it he was very agitated because he said to me, "This has the feeling of another WestConnex," and he was a bit sort of panicked about it and he tried, I could tell he was trying to get me to calm them down and, because he didn't want it to go out of control. And he, he raised those concerns with the local member and with, that's Tanya Davies, and with other parties.

40

So when was Mr Maguire raising that particular concern? Is that in a meeting in a broader group or are you saying he's raised that with you privately?---Well, I kept him informed about the Badgerys Creek West Land Owner Group and told him how upset they were, and one, one meeting we had, we had about 70 people coming up and there was yelling and screaming and they were just really, really upset, and so, and I told him about that and he said to me, "This has the same smell as the WestConnex. This is going to blow up in our faces and we have to get on top of this."

And then Mr Maguire ultimately took it upon himself, did he, to organise a meeting with the Sydney Planning Commission?---Yes.

And that would be a meeting with Sarah Hill and others, is that right?---Yes, yes.

10 And I think you're saying your best recollection is that that was organised in the new year, in 2018, but it may well have been organised at a previous point in time, is that fair?---Yes. It could have been in December. I, I always went away in January and so, you know, could have been just before I went away or it could have – it's a bit hard for me to be accurate.

Well, let me try and help you this way. Can we play telephone intercept 4602, this was on 15 December, 2017.---Thank you.

AUDIO RECORDING PLAYED

[2.21pm]

20

MR ROBERTSON: So there was a reference at the start of that call to the CEO of the Greater Sydney Commission. That was Ms Sarah Hill at that point in time, is that right?---That's right.

And I take it that you listened to this voicemail message before I just played to you now?---I would have, yes.

30 And so you knew, as of 15 December, 2017, Mr Maguire was setting up a meeting for you and Ms Hill and perhaps other people as well. Is that right?---Yes. Now, I remember the talk about housing because, for some reason, some people in the commission thought we were trying to put residential under the flight path and it got people wound up, which we had never intended to do, and then from my very early meeting with DIRD, back in 2015/16, they had been very clear that they did not want to have any problems with future residential under the flight path. So we abandoned that idea at that – and not even, we hadn't even started that idea. We followed their lead to say what it should be and I then took I upon myself to educate our neighbours to the north and to the, to the east to say, "Look, this is just not going to fly, it's not worthwhile to go pursue the idea of housing
40 because it's just, they can't do that, to create a problem in the future."

And are you saying that's one of the matters that you wanted to draw to the attention of the Greater Sydney Commission and in particular Dr Hill?

---Well, I, I'm disappointed that she thought that at the time because it was, certainly was not part of our thing. But I found out subsequent to that that one of our neighbours to the north had put in a submission that he would like to do housing. So I think we got tarred by the same brush.

So does that mean that is one of the matters that you wanted to discuss with Ms Hill, sorry, with Dr Hill, in her role as Greater Sydney Commissioner?
---Oh, I, I, I would have taken a chance to reassure her that it wasn't the case.

You had previously put in submissions to the Greater Sydney Commission, correct?---Yes, yes.

10 You'd had meetings with relevant people within the Greater Sydney Commission, correct?---Yes, we went with Geoff Roberts.

And so at least as at 15 December, 2017, you had done everything that you thought that you could do through the ordinary processes in order to get your views known by the Greater Sydney Commission, is that right?---Well, I don't think I thought I had done everything I could because, you know, the meetings were, were sort of short, and the meeting I had with Geoff Roberts was very early on in the stage. And so, no, I don't think that it was everything one could because there was a lot more to discuss, and as our vision and, and the, and the Sydney Commission's, everybody's vision was
20 developing. I think it was incumbent upon me to keep them informed of where we were, what we were looking to do. And, and I always saw it as part of us working in conjunction with helping to realise the vision of everybody, not trying to get some advantage. It was about, "Let's work on this together and see how we can work in what, delivering what you want." Because you've got to remember that the, the department, the government didn't have any land apart from a small part that the Federal Government was giving them in the Aerotropolis, which was about 100 hectares, I think. But they had no other land so they needed to liaise with landowners, and there were a series of meetings held every few months with landowners, to
30 talk with landowners about what their ideas were and to keep everybody in the same page, if you like. So I saw it as a collaborative thing and a way of, you know, saying, you know, "We're here to, we've here to help." You know, "We want to help make this happen," and obviously improve the economic viability of our land on a medium term about what we could do.

But you at least saw this as an opportunity to raise concerns directly with the Greater Sydney Commission in a way that you weren't able to do so far using ordinary processes, such as making submissions to the commission itself in accordance with its published procedures. Do you agree?---Well,
40 we, I didn't think of it in that way but I saw it as an opportunity to have the ear directly of the relevant players.

I'm going to play you another intercept from the same day. This is 4606, also 15 December, 2017.

While that's happening I tender telephone intercept 4602, 15 December, 2017, and accompanying transcript.

THE COMMISSIONER: That will be Exhibit 266.

#EXH-266 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION

AUDIO RECORDING PLAYED

[2.26pm]

10

MR ROBERTSON: Do you recall having that telephone communication with Mr Maguire?---I do now.

Now, at that point in time, 15 December, 2017, you knew that Greater Sydney Commission's procedures involved not having private meetings that discussed specific projects and which discussed anything other than publicly accessible information. Do you agree?---No, I don't.

20 Do you agree that in advance of a previous meeting that you had with individuals within the Greater Sydney Commission - - -?---Yes.

- - - you signed a document in advance about what was permissible to talk about and what was not permissible to talk about?---I may well have, I can't recall.

Can we have Exhibit 241, please. And while that's happening I tender telephone intercept 4606, 15 December, 2017, and accompanying transcript.

30 THE COMMISSIONER: That will be Exhibit 267.

#EXH-267 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 4606 DATED 15 DECEMBER 2017 - EXTRACT

40 MR ROBERTSON: And this is a record of meeting document for Greater Sydney Commission, and you'll note that your name and your brother's name is toward the bottom of the first page. Do you see that there?---Yep, yes.

And you see it says, "Date of contact – 11 November, 2016." Do you see that there?---Yes, I do.

So do you have a recollection of having such a meeting with people associated with the Greater Sydney Commission and others - - -?---Yes.

- - - in or about November of 2016?---Yes.

And if we then turn two further pages, do you see there you sign acknowledgements including, “The meeting will in no way influence the exercise of the commission’s decision-making functions or the exercise of the district commissioner’s decision-making functions as a member of a Sydney planning panel,” et cetera. Do you see that there?---Yes.

“And information in respect of the meeting will be made publicly available.” Do you see that there?---Yes.

10

Now, did you understand that similar rules or a similar approach would apply to the meeting that Mr Maguire had set up for you and Dr Hill and others for 2018?---Not really, because I’d had many meetings subsequent to this with various ministers and other parties, and, you know, that’s a document I signed a year prior.

Did you sign a document like this one in relation to the meeting that Mr Maguire set up?---I don’t recall doing so.

20

In the telephone intercept that I played you before, Mr Maguire said something like, “Oh, I’m going to bring you along to the meeting,” and then has a bit of a joke or a bit of a giggle about it. Did you take from that that Mr Maguire was essentially suggesting, well, I’m going to set up a meeting in my capacity as an MP, but I’ll sneak you into the meeting so that you can have your views heard?---No. I, I, I, from what I see there, and I don’t have a direct recollection, he was talking about a meeting with the minister, wasn’t he, Melinda Pavey? And he said, “She’s going to have a meeting with me and I’ll bring you along.” Is that what he said?

30

Well, but during the telephone message, you remember the telephone message?---Yes. Yes.

He was specifically talking about setting up a meeting with the CEO of the Sydney, of the Greater Sydney Commission. Remember that?---Was that prior to or before that call?

It’s on the same, on the same day.---Yes.

40

So the first call is the voicemail message left, and then there was a subsequent call that I played that you were both a party to.---And the subsequent call, he talked about meeting with the minister, didn’t he?

Yes, he spoke about the minister. I might just bring that up so that you can see exactly what we’re talking about.---Yes, thank you.

So it’s 4606. Would it help for me to play it again for you?---No, I can read it. I just need my glasses, perhaps, but – oh, that’s better.

See, I think you were referring to the fact that it says, “Melinda Pavey has been batting for you.”---Yes. So then go to the next page. She’s going to have a briefing for me. And then I’ve assumed she means with her because I’ve said you, she doesn’t know our issues because she’s too high level.

So you’re referring there - - -?---To Melinda Pavey.

10 As you can recall, are you referring there to the minister, rather than Dr Hill?---Yes. Yeah, definitely, I, I don’t specifically recall the conversation, but looking at this, I’m thinking he’s talking about a briefing with the minister.

So there’s two meetings in play, as it were, are there, as at 15 December, 2018? One with Dr Hill, Greater Sydney Commission, and one with the minister by way of a briefing?---Probably. Probably, yeah.

But you don’t have a specific recollection one way or the other, is that right?---No, I don’t. Sorry.

20 But a meeting with Dr Hill ultimately took place in the new year, is that right?---Yes.

And I think you were saying your best recollection is that it happened in about March or so of 2018, is that right?---Yes. Yes.

30 And who was present at that meeting, so far as you can recall?---Well, representative, planning representative from our side, Allison Smith from APP, then there was Brett Whitworth, from the Planning Department, Sarah Hill, another chap from RMS, maybe one other, and Daryl Maguire.

40 And what was discussed at the meeting? Were they general matters of principle or did you also discuss the specific concerns that you had in relation to your site?---The overall view was for the area west of the airport, and by this stage the landowner group were very agitated, so I was sharing those views with, with Dr Hill, and included – I mean, the idea was about the whole of the area, because I knew that it was important to consider everybody, not just ourselves. So whilst it might have been in line with what we wanted, of course, it was about the whole picture for west, the land west of the airport, and I had a mandate from the Badgerys Creek West landowner group to discuss those sorts of issues with, when I went to meetings.

So are you saying you were attending that meeting not just in your own capacity or on behalf of your family’s interests, but also on behalf of the landowners’ group more generally?---Yes.

Is that something you communicated to Dr Hill or to Mr Maguire or anyone else?---Yes, I, I said to Daryl about, I talked about the concerns and that I’d

be raising them, and certainly at the meeting I raised those concerns with Dr Hill, and I told her that we were having a meeting that evening, which just happened to be that evening, and that I'd be passing on what, you know, what they'd said to the owners.

So you said that to Mr Maguire in advance of the meeting, is that right?---I certainly told him about the landowner group. Whether it was right in advance to the meeting, I'm not sure, but I certainly raised it fair and square in the meeting.

10

And is it right that, amongst other things that were discussed at the meeting, it was the two issues that you and I have discussed a couple of times. One which we've described as the master-planning-type issue.---Yes.

And also the roads-access issue as well, is that right?---Yes.

And I take it Dr Hill was principally involved in the first of those issues, the master planning issue.---Yes.

20

But there were representatives from RMS who addressed, at least in part, what you and I have described as the roads access issue.---Yes. And there was a bit of tension between Dr Hill and Brett Whitworth because Dr Hill was saying, "Oh yes, that'll be fine, don't worry about it," and Brett Whitworth was saying, "No, no, this is not the plan." So they had a bit of tension there.

30

Did Mr Maguire say anything during the course of the meeting?---I think he would have been in there saying, "Listen to Louise" or "Louise has got genuine concerns for the land owners out there," et cetera, but he didn't, he wasn't across the issues in detail.

But he at least made it clear that he was supportive of the position that you were presenting to during the course of the meeting. Is that right?---Yes, he did. He did.

40

Can we go, please, to page 116 of volume 16. What I'm going to show you now is a note that Dr Hill prepared of the meeting. You may not have seen this document before, but as you might have read or otherwise heard, Dr Hill was concerned about the meeting. She's given evidence to that effect. ---She was surprised because, just by way of background we both arrived at Parliament House at the same time and we went through security clearance and we had a little chat, et cetera, et cetera, and she said, "What are you doing here?" And I said, "I'm here to see you." And she said, "Oh, really. Oh, okay." And so we went up to the security, you know, the desk where you register in. So she, she was, it was clear to me she wasn't aware that I was going to the meeting with her.

But you weren't surprised. You knew you were meeting with Dr Hill. Is that right?---Yes. I'd received a communication either from Daryl or his office saying these people are likely to be there, and it included Sarah Hill, I think it might have included Geoff Roberts, Brett Whitworth and a couple of other people.

10 In fact we heard on the original message that was left for you Mr Maguire said something like the CEO of the Greater Sydney Commission wants to meet with you. So you knew about Dr Hill's potential attendance at the very start. Is that right?---Well, I'd forgotten about that message, to be honest, but it was, I had an email from, I think it was an email anyway from his office saying, and it gave me a list of the people that were likely to be there.

But one way or the other it was clear to you that Dr Hill was surprised that you were going to be in attendance.---Definitely, yes.

20 You were not surprised that Dr Hill was going to be in attendance. You knew that - - -I wasn't surprised.

You knew that in advance.---But she was surprised. Yes.

Can we then just turn to the next page.---And the modern way of making a meeting is where you have a meeting request and you see who is going to be at the meeting. I didn't get any of that. It was just an email from Daryl's office.

30 So you did know who was going to be in attendance but it wasn't dealt with in the more now conventional way of the kind that you've just sort to summarise. Is that right?---But having said that, it was very seat of the pants because it was a list of names which couldn't confirm, but it was probably that the meeting had been postponed for a week or two because of the fact that the commission, which I think was Geoff Roberts at the time, I don't think it was Lucy Turnbull, wasn't able to, he was travelling or whatever so it's been postponed for a week so that he could attend but he didn't attend in the end anyway.

40 Can I just ask you to have a look at the document that is now on the screen and can you focus first on, there's a paragraph about halfway down the page, "On the day SH was advised Louise Waterhouse was attending", et cetera. Do you see that there? It's what you and I have just discussed. ---Yes.

And then if you can just focus on the next paragraph, "The meeting opened with". I'll just ask you to read that to yourself.---Yes, I see that. Yes. Okay.

Can I ask you to read the rest of Dr Hill's note and then I'm going to ask you whether you agree with Dr Hill's summary of what occurred during the course of the meeting.---Oh.

Let us know when you hit the bottom of the page.---I've hit the bottom of the page. I mean it's, I don't know that it's fulsome, but it's part of what was said.

10 Well, nothing that you've read so far jumps out at you as being an inaccurate identification of the matters that were discussed? There may be more than one could say, but you're not suggesting that Dr Hill has got anything wrong in what she's written at least, are you?---Well, I remember she was quite warm about saying, "Don't worry, there'll be, there'll be opportunities on the area west and we're going to do," you know, in general terms, and Brett Whitworth countermanded and said, "No, there's nothing planned for out that area," or something to that effect.

Could you just direct yourself to my question?---Yes.

20 Is there anything in what you've read so far that you're identifying as being an inaccurate identification of what occurred during the course of the meeting?---Well, she's focussed on the hatched area around St Marys as a significant issue, that was a side issue really. The meeting talked about the fact that the airport is going to be needed to be supported by the land to the west and that we needed to have future planning and even if it was not short-term it needed to be medium-term and also how the owners could be, from the other landowners around the area that they shouldn't be left out of the picture. So I guess trying to show the flavour of the meeting, it's probably a bit pared down here.

30 But you're not suggesting that anything that's said in this note is wrong?
---No.

You're just suggesting that there's more that could be said. Is that right?
---Yes. And, and, and certainly a central point of the meeting was the fact that the landowners, 70 landowners or whatever, were upset about what was not happening in their area.

40 And as you saw it, you were attending the meeting not just in your own capacity or in your own interests, but also for the broader land group. Is that right?---Absolutely, yeah.

Could you just turn to the next page of that document. I'll just get you to read that to yourself. Let me know when you have.---Yes, that's consistent. GSRP, what's that? The Greater Sydney or something Regional Plan. Yeah, okay. Yes.

So you agree that what is now on the screen accurately represents matters discussed during the course of the meeting. Is that right?---Included matters that were discussed at the meeting, yes. As I say, a major part of the meeting was the fact that there were a lot of landowners, all the landowners to the west of the airport, which was an important part, because you can't have development on the north, east and south of an airport without the west, and what was happening was the area west of the airport was being ignored, and so that was, I saw it as my mission, which of course assisted our own landholding, was to say, well, look, what can be done on this area.

10

And to your knowledge did anything come out of this meeting? In other words, did any changes of any kind occur having regard to the meeting? ---No. I received a letter from Dr Hill a few weeks later, a month later maybe, a Dear John letter.

And ultimately the plan was released but it was, but what the plan said was inconsistent with what you had hoped to achieve from the plan?---In part it was consistent because they'd actually extended an area that could be servicing the airport to be including up into the Outer Sydney Orbital, if I'm correct with my timing there. I think it did include at that stage.

20

But at least the plan didn't give you everything that you wanted or that the landowners group to whom you referred wanted. Is that right?---No, not everything, but it was a step in the right direction.

After that meeting, which appears to have occurred on 12 March, 2018, did Mr Maguire give you any other advice or assistance in relation to what we'll call the SmartWest site?---I can't recollect anything.

30

That was the end of the assistance, is that right, so far as you can recall, no other meetings arranged et cetera?---No, no.

Do you have any recollection of any further meetings at least you had with Mr Maguire, even if they were on other subjects?---Well, I had been talking with him all the way through about this concept that I had for Tonga, which was, I called the Greenway Program, which is where – because at the moment we deport anybody who's been gaol for more than a year, if they are a citizen of a foreign country, and most Tongans here don't have Australian passports because they have a right to have landownership in Tonga for free. So we have a, a very high, disproportionate amount of Tongans in gaol here, and then they get booted back to Tonga, and often they don't speak the language, they don't do anything that's, they don't belong to Tonga because they don't even have family there. So my idea was to say, "Well, we have a, a, a colony here based on criminals coming out or convicts coming out. Couldn't we use that concept to, to form a program of rehabilitating the people and giving them skills in gaol," which I called the Greenway Rehabilitation Program. So I had been working with him, and he was, because he was the Secretary for Prisons or Corrective

40

Services or something and so he had, he had been working with me to try and, you know, to encourage me and to pass it on to Minister Elliott at the time.

And what about in relation to matters of business? Were there any matters of business, including development sites or development projects or anything of that kind, that were discussed with Mr Maguire or that Mr Maguire provided any advice or assistance with after the meeting with Dr Hill on 12 March, 2018?---Well, I said before about Mr Li, Mr Li, I'm not
10 sure when he came out to look at the land.

What about with Mr Luong?---I can't recall but - - -

THE COMMISSIONER: Did Mr Luong bring Mr Li out?---Sorry?

Did Mr Luong bring Mr Li to see the - - -?---Oh, he could have. He could have. Yes, could be. He knew, he knew Mr Li, Luong.

MR ROBERTSON: You referred I think to your first meeting with Mr
20 Luong at the Marigold.---Yes.

Do you have a recollection of another lunch or dinner at the Marigold, perhaps in 2018?---No, I don't.

See if this jogs your memory, Exhibit 233.

THE WITNESS: I remember the dinner in 2017 because it was a wet and miserable night.

30 MR ROBERTSON: What I'm showing you here is a photograph taken on 30 April, 2018. I take it you agree the person on the right is Mr Maguire? ---Yes.

You're the next person to the left as you look on the screen, to Mr Maguire's right?---Yes, yes.

Who is the gentleman in the jacket near the bottle of sparkling mineral water?---That's William Luong.

40 And what about the gentleman to his right?---I don't know. Can you tell me?

I'm asking whether you know who that individual is.---No, I don't.

Do you recall having a diner or lunch meeting on or about 30 April, 2018, with the individuals we can see on the screen?---No, but, but, and that's not the year before?

No, this is 2018.---And you're sure of that?

The metadata for the photograph suggests 30 April, 2018.---Okay, well it must be true. Yes, I can't, I can't recall it but I, I don't deny it happened.

Was one of the matters that was discussed with Mr Luong sometime in 2018 the possibility of being in business for your and his mutual benefit?
---Luong?

10 Luong, yes.---Well, he brought this proposal to me about Cawdor prior but that's – and as, as it was pointed out, he, I think he was there with, although I don't know that he was actually, with, with Mr Li. I don't know that he was.

It was at least clear to you that Mr Luong wanted to be in business with you one way or another?---No, not really.

No?---Not that I – I wouldn't know what area, except for him trying to sell property, sell our property.
20

Well, at least to that extent, as at April of 2018, it was clear to you that Mr Luong wanted to have some sort of a business relationship with you. Do you agree?---I, no, I, I can't say I do because I just don't know what it would have been. Now, there must have been a reason, you know, that they would ask me for dinner. I just have no recollection.

Does Tonga Solar, does that ring any bells?---William approached, that's right, about he had some – I had forgotten all about that. He had some special contact with people to do with solar energy.
30

So was Mr Luong effectively trying to pitch a potential business arrangement in Tonga in relation to solar, is that right?---Not for me, but for himself in Tonga. Yes.

Something that you may be able to assist with in capacity as honorary consul, is that right?---Yes, yes, yes. I, I had totally forgotten about that.

But also something that you could conceivably make some money out of as well, is that right?---Oh, he might have said that to me, but I've, I've got a very firm policy that I stay right out of anything to do with – I propose ideas
40 for Tonga but I don't want to be involved because it just confused things.

Well, didn't you suggest to him that some involvement in relation to Tonga Solar might be able to be in your and his mutual benefit?---Oh, not that I recall.

Well, are you denying you suggested such a thing to Mr Luong?---I don't recall it, so I don't know how I can – I can't deny or confirm. I don't recall

it. But in principle I don't – people come to me with ideas and I tend to bat them away or say, "Yes, I can help you, but I don't want to be involved myself."

Are you saying it was very important to you to keep your role as honorary consul separate from any business interests that you had?---Yes. Yes.

Did you understand, did Mr Maguire have a similar concern, to keep any business interests and any public duties separate?---I assume he would have.

10

It sounds like you wanted to be very careful to ensure that no one could suggest that, in your honorary consul capacity, you were somehow using that for your own personal benefit. Is that right?---It wasn't because I was worried about someone suggesting it. I just didn't want to be involved in a conflict, if you like.

Because it would be quite wrong for it, even if you're not doing it, for it to be seen that you're taking the benefit of your honorary consul position in order to obtain some benefit for yourself, is that right?---Yeah, well, I, it was just not the way I think.

20

It's not the way you think and it's not the right thing to do to ensure that you're not in a position of conflict of interest and duty, is that right?---Well, there are other honorary consuls who do do business with their countries. In fact, often it's the reason they get the, you know, the roles, because they are businessmen in their country. So it would be, I think it's pushing it too far to say it would be wrong. I just personally chose not to do it.

You want to be beyond reproach in relation to that area - - -?---Well - - -

30

- - - by not mixing up your honorary consul role and any business activities. ---I don't think that Tonga or other people would be upset about me being involved, but I just felt, myself, I didn't want to have, I wanted to keep it that I'm doing the job I'm doing as an honorary capacity.

But part, so that you were acting entirely properly in an honorary capacity in that role, is that fair?---Well, I don't know that "proper" is the right word, because I don't think it would be improper to do something that was a business with that country, but I just took a personal view that I didn't want to mess it up, mix it up, that's all.

40

But in part because you wanted to be beyond reproach in relation to a matter of that kind, is that fair?---Well - - -

Sounds like you've been quite assiduous and entirely properly - - -?---Yes, but - - -

- - - to keep business and consular in separate files.---Yes, I do keep them separate, but I know plenty of people who are honorary consuls who do the business with the country they represent. So I wouldn't want to be casting aspersions against what they're doing to say that's improper.

Really, what I'm suggesting - - -

THE COMMISSIONER: Where are we going, Mr Robertson?

10 MR ROBERTSON: I'm sorry?

THE COMMISSIONER: This seems rather remote from our terms of reference, if I might say so.

MR ROBERTSON: I'll put it squarely. What I'm suggesting is it sounds like you've got a clear and entirely appropriate understanding about keeping your public duties on behalf of Tonga in a separate category to any business duties you might have. And really what I want to ask is, given that you understand that distinction, did it not occur to you that Mr Maguire might
20 not be keeping that same distinction between his public functions and any financial interest that he might have?---No, because, first of all, I didn't think he had a financial interest. But, secondly, I saw him as in his role as a member of parliament to see how he could help me or help people. And he told me that. So from that point of view, he, he was, I just saw him as a very good, decent member of parliament. I, I'm not saying now with what's come out, but that's how I saw it at the time.

It didn't occur to you that Mr Maguire's assistance may have gone a little bit further than that, and that he might be at least hoping that there'd be
30 some financial benefit from him - - -?---No - - -

- - - either from you or from someone else like Mr Luong?---It's, it's actually totally contrary to what he told me. Because when he first introduced me to William Luong, he said, "There's nothing in it for me," quite clearly, and I took him at his word on that, and, and I saw everything that he did was within the context of, you know, being conscious of not having another WestConnex or making sure that we didn't have a mess-up, that we were futureproofed. All the things that I was raising, he was supportive of that. So I didn't have anything at all to think that he was
40 doing something improper in regards to me.

So you've got a specific recollection in the first meeting of Mr Maguire making it clear that there's nothing in it for him.---After I'd met William Luong. The next time maybe it was at that lunch or something, I think I maybe met with him briefly before the lunch, and he said, "There's nothing in it for me."

THE COMMISSIONER: In what context did he say that?---When he talked about meeting with William Luong, that William wants to meet again or something, because I'd met him at dinner and then, but I hadn't met him since then, but he then said, "I want you to meet with William Luong, Luong, or however you say it, and he said, "There's nothing in it for me."

Had you raised the question - - -?---No.

- - - whether he should be getting - - -?---No. No, I hadn't.

10

- - - some sort of reward?---But he just said it like that and, and I suppose it was just a, he just said that and I took him on his word.

MR ROBERTSON: But you've got a specific - - -

THE COMMISSIONER: You didn't remember that - excuse me, Mr Robertson.

MR ROBERTSON: Sorry.

20

THE COMMISSIONER: You didn't remember that this morning when you were being asked about your first meeting with Mr Luong or your second meeting with him, how is that - - -?---That wasn't at the meeting with - - -

- - - coming to your mind this morning, now, this afternoon?---Well, it's, it's just that I wasn't asked, it wasn't in my meeting with Mr Luong, it was with, with Daryl. Luong wasn't at that meeting, it was just prior.

30

No, but you said, "When he introduced me to William Luong he made this statement."---No, sorry, I've probably spoken poorly. I met Luong at dinner and then I was in, went into town to meet the, the group, you know, the consuls general, and prior to that lunch, I think, this is my recollection, he said to me - - -

Daryl Maguire?---Daryl said to me, "William's got contacts," or got connections or whatever, "And, you know, I want, you know, you should meet with him again," or something like that. And then he just said as a throwaway comment, "There's nothing in it for me." I'm very clear on remembering that. I'm sorry I didn't raise it before but I wasn't actually asked so I just didn't - - -

40

Well, I think you volunteered it then.---I know, because it was talking about the context of him having a financial benefit, but I wasn't asked that before I don't believe, not in that way.

MR ROBERTSON: To be clear, you've got a specific recollection of Mr Maguire saying words to the effect of, "There is nothing in it for me."---Yeah exactly.

And the particular context that he was raising it is the context in which he had introduced you to Mr Luong - - -?---Exactly.

- - - as someone who might be able to assist in relation to the sale or perhaps development or investment of the SmartWest Sydney land. Is that right?

10 ---Yes, in terms of his, in the beginning it was about advice and then it became a possible sale, which may be the context of what then he meant when Daryl was saying he's got, William's got people who would be investors or - - -

But it's clear in your mind that something to that effect was said and it was said at an early stage.---Yes.

Not necessarily the first time Mr Luong was mentioned, but at least at an early stage.---Yes. And it was in the context of him talking about William and his contacts and it was in Parliament House.

20 Can we go to page 27 of the extraction report, please. I just want to show one thing about Tonga Solar to you as a matter of fairness to you. I'm going to show you some messages between you and Mr Luong of 30 April, 2018, which is the same date as the metadata of the photograph that I've shown you.---Ah hmm.

If you have a look at 282 is probably a good starting point, a bit earlier there are some messages exchanged about good dinners and things of that sort. From you, 282, from you, "That's very kind. Let's see if we can think of a way forward with Tonga Solar." Do you see that there?---Ah hmm.

30 And then if you go to 284, again coming from you, "For sure. Hope we can do something together," I'm so sorry, this is coming back to you in response to the message I've just identified. "For sure. I hope we can do something together for the benefits of Tonga as well as our mutual benefits." Do you see that there?---Ah hmm.

So is that consistent with your recollection that, at least so far as Mr Luong was concerned, he was seeking to achieve something not just for the benefit of Tonga but potentially for your, as in Ms Waterhouse's, potential benefit. ---Oh, well, not in a financial way.

40 So as you saw it, it was of potential benefit to the Kingdom of Tonga, but you kept separate any suggestion of - that was with your consul hat on, for want of a better description?---And if I were to deliver a project for Tonga then obviously it would be good for me to present that.

But not for your personal financial benefit.---No.

But for the fact that you've taken on a role in the interests of the people of Tonga. Is that right?---Yes, exactly.

When is the last time you've had any contact with Mr Maguire?---I'd think around this time, a bit later maybe, but not, not – this is April, is it?

It was April of 2018.---Hmm.

10 THE COMMISSIONER: You might want to look at 288, Mr Robertson. Mr Grainger, could you bring that back up, please?

THE WITNESS: What date is that now, 20 June?

THE COMMISSIONER: 21 June.

MR ROBERTSON: It's not a message to which this witness was a party though.

20 THE COMMISSIONER: Oh, isn't it. Oh, I'm sorry, I thought it was. I apologise, Ms Waterhouse. I thought these were all exchanges between – sorry.

MR ROBERTSON: We can take that off the screen. Your last contact with Mr Maguire as best you can now recall?---Certainly before everything blew up for him.

So you haven't had any communications - - -?---No communication.

30 - - - be it telephone messages, et cetera, et cetera, before it all blew up, by which I assume you mean when Mr Maguire came before this Commission in July of 2018?---Yes, that's right.

It may have been April, it may have been June or July – it may have been May or June but it was certainly before he was before this Commission in July of 2018. Is that right?---Yes. I was very shocked.

That's the examination.

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

MR HARROWELL: I have just one brief question if it please the Commissioner. Ms Waterhouse, this morning Counsel Assisting put to you that there was discussion between you and Mr Luong about doing something for, or looking after Daryl. Do you recall that evidence?---I recall it being put to me, yes.

Yes. And you indicated that you never had such a discussion.---Absolutely not.

And you're absolutely certain of that?---Absolutely.

And at no stage in any interaction with Mr Maguire did he ever suggest or infer that he was expecting some benefit?---None at all.

10 Thank you.

THE COMMISSIONER: Thank you, Mr Harrowell. Mr Pararajasingham, I notice you're still here. I presume you're here because Mr Li's name has just been mentioned today. Did you have any questions of Ms Waterhouse?

MR PARARAJASINGHAM: I have no questions, Commissioner.

THE COMMISSIONER: Very well. Mr Beazley?

20 MR BEAZLEY: I was wondering if I could show my client one of her emails.

THE COMMISSIONER: By all means, Mr Beazley. Could you, Ms Clifton. Do you have a copy for anybody else, Mr Beazley?

MR BEAZLEY: I'm sorry, I've only got one copy but - - -

MR ROBERTSON: I'll see if we can bring it up on the screen. If I can just have a look at it first.

30 THE COMMISSIONER: Yes.

MR ROBERTSON: I can bring this up on the screen. If the Commission will just pardon me for a moment. I'll give that to the witness and then I'll just find the reference in the meantime.

THE COMMISSIONER: Yes, thank you. I'm sorry. No, Mr Robertson is going to bring it up. Can you just pause a moment, Mr Beazley, while it's brought up. Ms Waterhouse has a copy of it now so she can read it too
40 while it's coming up. Can you assist by telling us the date.

MR BEAZLEY: 24 December at about 7 o'clock at night.

THE COMMISSIONER: What year?

MR BEAZLEY: Oh, 2017.

THE COMMISSIONER: 7, '17?

MR BEAZLEY: '17. Christmas Eve 2017.

MR ROBERTSON: If we can have volume 16, page 90. I'll just get my friend to confirm that I've got the right one but I think I do.

THE COMMISSIONER: Is it Christmas Eve?

MR ROBERTSON: It is Christmas Eve, 7.06pm.

10

THE COMMISSIONER: Is that it, Mr Beazley?

MR BEAZLEY: Yes, it is, Your Honour.

THE WITNESS: It's the same one I've got here, yes.

THE COMMISSIONER: Thank you, Ms Waterhouse.

MR BEAZLEY: Is that your understanding as to the basis upon which you and Mr Maguire dealt with each other?---Absolutely.

20

Nothing further, Commissioner.

MR ROBERTSON: I should tender that email.

THE COMMISSIONER: Yes. Thank you, Mr Robertson.

MR ROBERTSON: I tender the email from Ms Waterhouse to Mr Maguire, 24 December, 2017, 7.06pm, page 90, volume 16 public inquiry brief.

30

THE COMMISSIONER: That will be Exhibit 268.

#EXH-268 – EMAIL WATERHOUSE TO MAGUIRE DATED 24 DECEMBER 2017

THE COMMISSIONER: Do you have anything arising from the - - -

40 MR ROBERTSON: No, Commissioner.

THE COMMISSIONER: Very well. Can I discharge Ms Waterhouse?

MR ROBERTSON: Yes, please.

THE COMMISSIONER: Ms Waterhouse, thank you for attending today. You're free to go. You're discharged from your summons. I don't know

THE COMMISSIONER: Thank you, Mr Alha. Please be seated. There should be some water and a glass in the witness box with you.---Thank you very much.

Mr Whittaker?

10 MR WHITTAKER: Commissioner.

THE COMMISSIONER: Have you explained to Mr Alha his rights and liabilities under the Independent Commission Against Corruption Act?

MR WHITTAKER: Yes, I have.

THE COMMISSIONER: And does he wish me to make a section 38 declaration?

20 MR WHITTAKER: Yes, he does.

THE COMMISSIONER: Very well. Thank you. Mr Alha, please listen very carefully to what I'm about to explain to you. As a witness you must answer all questions truthfully and produce any item described in your summons or required by me to be produced. You may object to answering a question or producing an item. The effect of any objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings.

30

The first exception is that this protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence, for which the penalty can be imprisonment for up to five years. The second exception only applies to New South Wales public officials, which I don't understand you to be. I can make a declaration that all the answers given by you and all the items produced by you will be regarded as having been given or produced on objection. This means you do not have to object with respect to each answer or to the production of each item. And I gather from Mr Whittaker that you wish me to make such a declaration?---Yes.

40

Very well. 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 him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for him to make objection in respect of any particular answer given or document or thing produced.

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 HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR HIM TO MAKE
10 **OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can you state your full name, please, sir.---Joseph Alha.

You are the Managing Director of J Group Pty Ltd, is that right?---Yes.
20

J Group is a property developer, is that right?---Construction company.

But at least part of its exercise involves property development, is that right?
---Yes. Separate companies, but J Group's predominantly just a construction company.

And the property development company, which company is that?---Every, every project has an SPV which is set up, a company specific for that project.
30

So in the usual way, when one is property developing, one sets up a special purpose vehicle for that particular project, is that right?---That's correct.

Often that special purpose vehicle is the trustee of a trust, is that right?---No, not necessarily.

Sometimes it is.---Yeah, sometimes, yeah.

Sometimes it is, but not always.---That's correct.
40

But those special purpose vehicles are vehicles that you ultimately control, is that right?---Yes, wholly control.

Sometimes they involve others providing investment into the particular entity, is that right?---That's correct.

And so there may be particular projects where you're the developer in the sense that you're in charge of and control the special purpose vehicle, but in

the event that the project is successful, there's a series of investors who will make money out of the investment project, is that right?---Every project's like that.

And so part of your property development exercise involves attempting to encourage investors to invest in particular projects, is that right?---Yes.

And you've been involved in some fairly significant projects, is that right? ---Yes.

10

Which require a lot of funding in order to proceed, is that right?---That's correct.

And so that necessarily involves people investing into the special purpose vehicle, or at least a trust associated with it, with the investors hoping that the project's successful and they end up making profits at the end of the line, is that right?---Yes.

20

But as well as being involved in that property development exercise, finding investors and things of that kind, you also have an involvement in construction itself, is that right?---I'm, I'm a builder.

Fundamentally you're a builder.---Yep.

And you started your professional career, at least the core part of your professional career was as a builder, rather than as a developer, is that right?---That's, yeah, that's correct.

30

But you've moved from that, building and construction-type side, to also be involved in property development, is that right?---That's correct, yep.

And when you're doing it by way of property development, that's through the special purpose vehicles of the kind that you've just summarised, is that right?---That's correct, yeah.

You're a close friend of Mr Daryl Maguire, is that right?---Yes.

40

Where did you first meet Mr Maguire?---I was 22 years old, it was around 2002.

And you've continued to be in close contact with Mr Maguire since that time?---Yes.

He's still a close friend of yours, I take it?---Yeah, yes.

Do you agree that while Mr Maguire was a member of parliament, he provided you with advice and assistance in relation to your businesses? ---Yes.

And when I say your businesses I mean in the broadest possible sense, both J Group itself but also the special purpose vehicles and other entities with which you were concerned with?---He never got involved in the SPVs because there was no involvement for him in there.

But he would at least assist, wouldn't he, in doing things like making representations on your behalf to ministers or other public officials when you were trying to get a project off the ground?---That's correct.

10

So, for example, there was a project, I think you had in Campsie for example, where you asked for Mr Maguire's assistance to make representations on your behalf, is that right?---Yes.

And he in fact made representations to planning officials, is that right? ---Yes.

And made representations to the Premier's Office as well, is that right? ---Yes.

20

Another one I think in Concord, where Mr Maguire played a similar type role, is that right?---That's correct.

Mr Maguire would also, from time to time, forward to you information that he had received as an MP that he thought might be of assistance or relevance to you in your business, is that right?---Media releases, yep,

30

Things like media releases but also other material that may have been provided to him to perform his role as a member of parliament. Is that right?---I don't know exactly what you're saying there, sorry.

Well, let me give you an example. Let's go to volume 14, page 68. So if you just have a look a little bit further down the screen, this is going from an email address called members@premier.nsw.gov.au and it is described as a, "Complete pack/project projections for 2036." Do you see that there? ---Yes.

40

So here is some correspondence that is been provided to members of parliament and officers of members of parliament, providing information about population projections and things of that kind. Do you see that there?---Yes.

And if you just look a little bit further up the page, you will see that Mr Maguire forwards that onto you, joe@jgroup.com.au?---That's correct.

That's your email address, I take it?---That's correct.

And so this is an example of the kind of thing that Mr Maguire would forward to you from time to time, is that right?---Yep.

So it's not necessarily just media releases, it might be other information that he might think might be useful to you in your business, is that right?---Yes.

I tender the email from Mr Maguire to joe@jgrup.com.au, 22 September, 2016, 8.33pm, pages 68 and 69, volume 14, public inquiry brief.

10 THE COMMISSIONER: Exhibit 269.

#EXH-269 – EMAIL MAGUIRE TO JGROUP DATED 22 SEPTEMBER 2016

MR ROBERTSON: Commissioner, I just indicate I have deliberately not tendered the attachments, there are some lengthy attachments that, amongst other things, have a Shell media release, which is not relevant to the particular proposition that I was putting to the witness. I have just tendered the covering email rather than the attachments.

THE COMMISSIONER: Certainly.

MR ROBERTSON: Is another thing that Mr Maguire assisted you with, Mr Alha, potential purchasers of product from China?---Yes.

In fact, I think you both went on a trip to China together during the course which you considered whether there was product that you can buy from China?---That's correct.

And that's something that may have assisted you in your business, in that if you're building a large project, you're going to need lots of things like taps and sanitary ware and things of that kind, is that right?---That's correct, yes.

Do you recall how many trips to China you have taken with Mr Maguire? ---Two.

And were both of those trips that you took with a view of sourcing potential product?---Not the second one.

But the first one was?---Yes, correct.

Did you ultimately purchase any product arising out of the first one?---No. Sorry, no.

Was there any arrangements between you and Mr Maguire as to how the mechanics of that would work? In other words, if you decided to buy the

product, who were you going purchase it through or how was that going to work, do you know?---No.

Did you have any agreement with Mr Maguire as to whether he, or whether any other entity would receive a commission in the event that you purchased any product?---No.

Have you heard of the firm G8way International?---Yes.

10 In what context have you heard of that organisation?---I remember attending a function about, maybe, I can't remember, it was a very long time ago in Parliament House, where they had a Chinese delegation come over from China and I was invited and went to dinner and they were talking about businesses and introducing me to a lot of Chinese people.

So is this right, there was a G8way International function at Parliament House where you were introduced to the concept of G8way International?
---That's, well, yeah. Well, I went there more for introduction of people. So Daryl told me, "Come along, meet some people." That's what - - -

20

And you thought they might be potentially contacts that could be potentially assist you in your business, is that right?---Yeah, I've always been looking for investors, that's - - -

And G8way International was a potential source, as you understood it, of contacts who might potentially be investors, is that right?---To be honest with you, G8way came up back then and that was it for me, I never thought about G8way or what G8way did, or never knew, like, the full extent of what it was set up for, so - - -

30

But when you say "back then", do you know approximately when you're now referring to?---It's that, that function, back in the early, early days. Maybe two thousand, 2009, 2010, maybe? Can't recall - - -

THE COMMISSIONER: Which function are you referring to?---I went to a function in - - -

Well, I understand that, but can you be more specific in terms of defining what it was which might - - -?---Well, it was just set up in a back room.

40

The, a lot of Chinese people with name tags. I had a name tag for myself. Walked in - - -

Was this in relation to the trade centre from Wuai?---I can't tell you.

2012, by any chance?---I can't, I, I'm, no, I can't guess the date, please, sorry.

MR ROBERTSON: What was Mr Maguire's role or connection with G8way International as you understood it as at the time of that first function?---I didn't know his role, his exact role, no.

But it was at least clear to you that this function was a G8way International function, is that right?---That's the first time I heard about G8way, so, I - - -

But it was a function associated with G8way International?---Yeah, associated, yes.

10

But taking place at Parliament House, with Mr Maguire amongst others present?---That's correct.

Others present included some Chinese nationals, is that right?---Yes.

And you saw them as potential, possibly potential investors in relation to development projects, is that right?---Well, that's what I was there for.

Do you know a Mr Phil Elliott?---Yes.

20

How do you know Mr Phil Elliott?---He's another one of Daryl's very good friends.

Does Mr Elliott have any association with G8way International as you understood it?---Mmm, no, back then, no.

Was Mr Elliott present at the function that you were just identifying?---I can't recall.

30

Do you recall whether you've ever had a dinner or function or lunch or meeting at which you were introduced to Mr Elliott as someone associated with G8way International?---Sorry, can you ask that again?

Do you ever recall having a lunch or a dinner or a meeting with Mr Elliott, where Mr Elliott was identified to you as having some involvement with G8way International?---No.

Let me try and help you this way.---Yep.

40

Page 84, volume 7, and this might also help you try to get some timing in relation to the question that the Commissioner was asking you. Do you see there an email from a Ms Hatton to an email address at jgroup.com.au? ---Yep.

Who's Ms Hatton?---That's Daryl's assistant.

And this is dated 16 October, 2012.---Okay.

Ms Hatton is saying, "Are you available for dinner tomorrow night to meet with Mr Elliott, Director of G8way International?" Do you see that there?
---Yes.

Do you have a recollection of attending such a dinner to meet with Phil Elliott, Director of G8way International?---I'm not sure.

So you may have, you're just not sure one way or the other?---I'm not sure I even met that day. That was my birthday.

10

So you certainly knew who Mr Elliott was.---Yes.

But did you know Mr Elliott as being associated with G8way International?
---No.

But you went to at least one G8way International related function, is that right?---I went to a lot of functions.

20

But at least one of those functions, the one you've explained so far, seemed to be a function associated with G8way International, is that right?---Yes. That was the first time I, I, I remember hearing the G8way thing.

And have you attended one or more than one G8way International related function, so far as you can recall?---I'm not, I'm not sure if they were G8way or not G8way. I didn't really bother – to me, it made - - -

So at least one of them was.---Yes.

30

There may have been more than one.---That's correct.

But you didn't take notice whether it was a G8way International function or just some other function where you might be able to be introduced to, say, investors or might otherwise want to attend, is that fair?---That's the only reason I was called, to meet people.

40

THE COMMISSIONER: But what made you identify that function as one associated with G8way?---Because of the, I think the private hearing brought it to my attention, G8way, and then I remember going to a delegation back in those days, and it was a big thing about Daryl talking about bringing all the stuff in from China, doing trade in Wagga and building that mega centre that they were looking at doing. Yep.

MR ROBERTSON: You referred a little while ago to two trips to China of which one was associated with potentially procuring products for the benefit of your businesses. Is that right?---Yes, that's correct.

Who organised that trip? Was that trip organised by you or was it organised by someone else?---The first trip?

The first trip.---By Daryl.

So Mr Maguire, what, did he organise the itinerary and things of that kind?
---He called me a few times telling me, “You’ve got to come over here. Can you come over?” Like, when he was there. And I never had the time, you know, running a business solely, solely, sorry, and he called me, he called me, and then that time there we, I decided to go over, he invited my wife to come over with me, he goes, “Why don’t youse leave the kids and come over for a break.” Anyway, that never happened. I went over myself with him.

Who paid for the trip?---Daryl paid for it and then I reimbursed Daryl.

And was that a reimbursement in relation to all of the expenses, including airfares, visa costs, accommodation, et cetera?---From what I can recall, I think it was the payment just for the aeroplane ticket, yeah.

20 What about visas, for example?---I don’t know nothing about the visas.

In terms of arranging visas, was that arranged by you or by people in your company or was it arranged by someone else?---No, either Rebecca or Nicole arranged all that stuff, he had it all organised for me. He said, “You don’t have to worry about nothing, send over your passport.” Got it all stamped, got it all ready for me. I just showed up and went to China for two days.

30 Do you recall who paid for the visas? Was that paid for by you or paid for by someone else?---I don’t, I can’t remember.

What about the arrangements at the other end? By the sounds of it the itinerary, who to go and see when, that sort of thing, was organised by Mr Maguire’s office. Is that right?---That’s correct.

40 And what about expenses in terms of accommodation and transfers and things of that kind, did you pay for that or did someone else pay for that?
---We had no transfers. So I think Gordon, his mate, Gordon, was there. He had an office set up, he had, sorry, all the staff in the office and they’d take us around to different places and show us different material suppliers, different building products, furniture, all that kind of stuff.

And when you’re saying Gordon, are you referring to Gordon Tse?---That’s correct.

Do you know what organisation he was associated with?---No. He owned the restaurant in Wagga, I mean in China, Wagga Wagga, he had a restaurant as I know here and they’re very good mates, him and Daryl.

Does the firm Golden Sample ring any bells?---No.

Did you have any arrangements with Mr Tse as to what would be paid by way of commission or anything of that kind in the event that you bought any of the products?---No.

But presumably you assumed that he wasn't just doing all this out of the goodness of his heart.---Yeah.

10 In the event that you were purchasing product, someone would be entitled to a commission along the way?---Yes.

As you understood it, in the event that you bought product during the course of that trip, would Mr Maguire or Mr Elliott or G8way International or anyone else associated with those individuals or companies be entitled to any commission?---No.

20 You don't know one way or the other or you knew that they were not going to get a commission?---Well, I don't, I didn't know.

So you assume that someone would get a commission and you assume that Mr Tse or his company would probably get a commission, but you weren't aware of whether that commission would be shared with anyone else. Is that right?---Yeah, we never, I never got into the, that detail. I was there just to have a look at products, see if I can make it work and - - -

And you didn't end up wanting to purchase anything so it didn't get past the first base, as it were. Is that right?---That's correct.

30 And in terms of the second trip, what was the second China trip you referred to before?---There was a guy by the name – oh, here we go – a Chinese guy that was here that couldn't speak English.

Are you referring to Mr Ho Yuen Li?---Mr Li, yeah, that's correct, Mr Li. So I met Mr Li a while, about probably eight years ago through William Luong, he introduced him to me, and that then, there was a connection between him and Daryl and when Daryl was going over there he invited me to come over and see Mr Li. I saw Mr Li as a potential investor in my company as well.

40 How did you know Mr Luong?---He was introduced to me by William in 2009 I think or 2010, he bought a unit off me in Strathfield for his daughter and that's when I met him.

THE COMMISSIONER: Sorry, who introduced Mr Luong to you?
---William, yeah, William Luong.

But who introduced him to you?---William.

Who introduced William Luong to you?---Oh, that I can't recall, but yeah, it was a long time ago.

MR ROBERTSON: So just to be clear, Mr Luong, Mr William Luong introduced you to Mr Ho Yuen Li. Is that right?---That's correct.

And you don't recall who introduced you to Mr Luong.---No, because I knew Mr Luong before that.

10

Is it possible that Mr Maguire introduced you to Mr Luong?---Maybe there's a possibility or maybe I knew him from around the area. So he was a real estate agent kind of a guy.

You're not too sure one way or the other.---Sorry?

But you're not sure one way or the other.---That's correct.

And so in terms of the second trip - - -?---Yep.

20

- - - just explain to us that trip. So that was associated with Mr Ho Yuen Li, is that right?---Yes. Daryl said to me to come along, it'll be great to meet this guy. He's got a lot of money and he's very interested in property investment in Sydney. And I went along with Daryl.

And whereabouts in China did you go, do you remember?---On the border of Hong Kong and China. Shenzhen maybe. I don't know.

Your recollection is you went to Shenzhen?---Maybe.

30

And did Mr Li ultimately become an investor in relation to any of your projects?---No.

Was there any arrangements as to what would happen in the event that Mr Li was an investor and, in particular, whether anyone would be entitled to something in the nature of an introduction fee?---No.

Is it right to say that the negotiations just simply didn't get anywhere near the point at which matters of that kind might be discussed.---I don't think he was interested in property.

40

So, at most, it was an opportunity for you to attempt to get to know someone who might possibly be interested in investment.---That's correct.

But it didn't go much further than that.---That's correct.

It's right, though, isn't it, that Mr Maguire, whilst he was a member of parliament, did introduce you to a number of potential investors in one or more of your projects?---That's correct.

A Mr Sinito, for example, was one example of a potential investor, is that right?---That's correct.

10 Mr Maguire promoted some of your developments to associates of his who might be interested in investing in your projects, is that right?---Yes, that's correct.

That included, for example, Country Garden Australia as a potential investor in your projects, is that right?---That's correct.

And did any of those introductions actually result in any investments or were they all putting you in a direction but not ultimately leading to investments?---Yes.

20 As in they did?---No. Like, yeah, they were into the direction and nothing came of it.

So Mr Maguire introduced you to a number of people who could be potential investors, but none of them ultimately decided to be investors, is that right?---That's correct.

Mr Maguire also, from time to time, set up meetings for you or for your consultants with government officials regarding one or more of your construction projects, is that right?---That's correct.

30 For example, I think he made arrangements for one of your planning people to meet with a planning officer regarding the Campsie project, is that right? ---That's correct.

He made arrangements for a meeting with the then chief of staff to the Minister of Planning, Mr Robert Vellar, is that right?---That was with me, not my, not my planners.

40 Yes. With you, Mr Vellar and Mr Maguire, you had a meeting, is that right?---Yeah. In all fairness to that, that question, that wasn't a meeting where it was "Come meet the chief of staff." It was "Come down, bring your stuff with you." So I had a box of all my gadgets and plans and all that stuff, and I went to his office.

When you say "his office", you mean Mr Maguire's office in Parliament House, is that right?---That's correct.

So you attended on that particular day to Mr Maguire's office?---That's correct.

And Mr Maguire invited Mr Vellar down to his office in Parliament House, is that right?---Best of my recollection, okay, I think he was already there when I walked in, and he introduced him as the chief of staff, I introduced myself as Joe, and that was it.

But when you attended, did you think you were going to see Mr Vellar or some other similar official, or, as you understood it, were you just simply meeting Mr Maguire personally - - -?---No.

10

- - - and someone happens to be there or someone happens to drop in?---No, he just told me to come down.

Mr Maguire made it sufficiently clear, didn't he, that someone would likely either drop in or already be there - - -?---Yes. That's correct.

- - - who you might actually want to speak to?---That's correct.

20 I'll come back to some of the detail with respect to that later. But before we get to that, can I ask you this. Do you agree that Mr Maguire, to your knowledge, sought to discourage the appointment of people that you identified to Independent Hearing and Assessment Panels, which individuals you thought should not sit on Independent Hearing and Assessment Panels? ---Sorry?

Did Mr Maguire, to your knowledge, seek to discourage the appointment of certain individuals to Independent Hearing and Assessment Panels?---I'm not getting the question.

30 We'll deal with it in parts. You're aware, aren't you, that towards the end of 2017 and into 2018 some changes were made to the Environment Planning and Assessment Act which involved the appointment of Independent Hearing and Assessment Panels?---Yes.

Those panels were set up to deal with sensitive, complex and high-value development applications, is that right?---Okay.

Would you agree?---Is that, which, which panel is it but?

40 No, well I'm referring to the panels in general terms first and then I will deal with the specific panels.---Okay, okay, yep, sorry.

But I just want to make sure you and I agree what an Independent Hearing and Assessment Panel is.---Yep, yep.

That's something that you were aware of as a developer, as one of the changes that was made to what developers often call the EP&A Act in 2017, is that right?---Yes, yes.

That's because there was a concern within government, as you understood it, that there was a risk of corruption at the local council level and the view was taken that for particular kinds of development applications they should be dealt with by an Independent Hearing and Assessment Panel, sometimes referred to as an IHAP, rather than being dealt with by local councils, is that right?---That's correct. Now I remember - - -

10 You remember that being a legislative change that was brought into effect towards the end of 2017?---Yeah. As I understood it, the government were taking major projects away from local government and putting them into a different kettle.

And that different category, at least at the time, was referred to as IHAP, at least colloquially?---Yes.

The Independent Hearing and Assessment Panel.---That's right. So there's an IHAP and then there's the local panel now.

20 Yes, I think they're now called, instead of being called Independent Hearing and Assessment Panel, they're now called Local Planning Panels.---That's correct, sir.

You're familiar with that in your role as a property developer?---Yes, that's correct.

30 But do you agree that towards the end of 2017, there was an application process that was on foot in relation to membership of Independent Hearing and Assessment Panels?---No.

You're not aware of that?---No,

Isn't that something that you would have kept your ear to the ground on as a developer who might be finding that their development applications are now going to be dealt with by these independent panels rather than by local councils? ---Sorry, do you want to ask that question again, sorry?

40 Well, were you aware that in late of 2017, there was an application process in which people were applying to become members of Independent Hearing and Assessment Panels?---Not that I can recall, to, you know, exactly what was happening.

Didn't you discuss the pendency of such applications with Mr Maguire?---I don't recall that one.

Do you agree that you identified to Mr Maguire some names of individuals who you thought should not be appointed to an Independent Hearing and

Assessment Panel?---I can't recall that. If you bring something up I talked about.

Well, let me just be clear in your recollection.---Okay.

Do you have any recollection of communicating with Mr Maguire where you said to Mr Maguire, in effect, that you thought various people might be appointed to an Independent Hearing and Assessment Panel and you thought that would be bad for your business?---No.

10

And you deny that you ever had a communication of that kind with Mr Maguire or you just can't recall one way or the other?---I don't recall. I, I don't recall it.

You do recall, though, don't you, when the legislation was changed in order to provide for Independent Hearing and Assessment Panels, do you agree? ---Yeah.

20

That was something that would be of considerable interest to you as a property developer, correct?---Well, I was actually very positive about that change.

Yes, but you were aware of it at the time?---Yeah, that's correct.

And perhaps you were even positive about it because it was taking the decision-making function, at least for some projects, away from local councils and instead putting it into the hands of an Independent Hearing and Assessment Panel of four individuals?---That's correct.

30

And by the sounds of it, you were quite supportive of that legislative change, correct?---Well, there was a lot of talk about it that it was going to go in the right direction and you can get people that knew that they were doing actually looking at the system and, and, and following the procedures that needed to be followed.

But do you agree that the identity of who might sit on an IHAP, at least in any area that you might want to invest in, was a matter of considerable concern to you as at 2017, after the legislation had been changed?---No.

40

It wasn't a matter of concern to you?---I never really got involved in that side of things.

But if someone's appointed to a panel that might have a decision-making function in relation to one of your projects, it might mean the difference between your project being approved or being not approved, correct?---No, that's not right.

It's not right?---No.

These people are the decision-makers. Surely you cared who was going to be sitting on these panels.---Yeah. Mr, there's, there's a system that we follow and there's procedures and you have to stick to them and it didn't matter who sat on the panel, really.

Are you saying you didn't care who sat on these panels?---Not, not really.

10 Are you sure about that?---Yeah, hundred per cent. Why would you?

Why would you? Because it might be the difference between getting a project approved and making lots of money and a project not being approved.---But for us it was about getting the procedure and system in a better, like, forward direction.

No, no. But you'd want individuals who were more likely to approve your projects, correct?---No.

20 You don't want people sitting on these panels who might be described generally speaking as anti-development, for example.---No, not really.

You don't care?---No.

You don't think it makes any difference to your business?---Well, you don't want anti-development.

No.---No.

30 So surely you cared about who was going to be sitting on these panels, do you agree?---Well, not really, to be honest with you.

Do you deny that whilst the application process was on foot in relation to Independent Hearing and Assessment Panels, you discussed potential applicants with Mr Maguire and expressed concerns about them being appointed to an IHAP?---No.

You deny - - -?---Yes.

40 - - - having such a conversation?---Yes.

Are you sure about that?---Yes.

Do you deny ever identifying particular individuals who may have been applicants to an IHAP as being "baddies"?---Mr Maguire once called me and we had a discussion about who I'd had problems with at Canterbury Council and who was the guy at Concord Council, if this is what you're referring to now that I'm thinking about it, and I told him the two people that we, I had a difficult time with.

So do you agree then that you identified at least two individuals to Mr Maguire who you didn't want to be appointed to an IHAP?---At the time, I didn't know if they were, they were being appointed to the IHAP. He, I think he rang me and told me, oh, just in what I can recollect it now, that "Who were these people that you had this problem with?" And I identified two people, I think it was, or three.

10 And they were people you had problems with because those individuals you thought would be less likely to approve your potential projects, correct?
---No, they, I, I had problems with these people from previous projects. So Concord was one, and Canterbury Council was the other.

You wanted Mr Maguire to take steps with a view to those individuals not being appointed to an IHAP. Do you agree?---Not necessarily, no.

Well, what does "not necessarily" mean?---Well - - -

20 You wanted Mr Maguire to take steps with a view to these individuals not being appointed to an IHAP. Do you agree?---No. Mr Maguire asked me those questions about those two people or three people.

Was it you that first raised concerns regarding potential membership of IHAPs, or was it Mr Maguire?---Sorry?

I think you've agreed that there was at least some communications between you and Mr Maguire - - -?---Yeah.

30 - - - regarding the potential membership of IHAPs, is that right or not?---I never knew there was a membership for IHAP.

So, so far as you can recall, you didn't have any communications with Mr Maguire about IHAPs, is that right?---No, not about, not about that particular membership sort of thing. I don't get involved in that stuff.

Well, I just want to be clear about this.---Yeah.

40 Are you agreeing or disagreeing with the proposition that you encouraged Mr Maguire to seek to prevent certain individuals from becoming a member of an IHAP?---I didn't encourage him, if that's what you're saying. So, he was asked the question about who I've had problems with. So the guy was at Concord Council and the guy at Canterbury Council. And he asked me for the names.

So are you saying this is a matter that Mr Maguire raised, and that you simply responded to, is that what you're saying?---With me, yes.

I'm sorry, say it again?---He raised it with me. He, he, he, I can recall him calling me and then speaking about the problems that I had with them, and what they were, and they were both on the opposite side, so they were Labor guys.

So it was Mr Maguire who was raising this issue and you were commenting on it, rather than the other way around, is that what you're saying?---That's when he asked me the question.

10 And just to be clear, are you saying this was an issue that Mr Maguire raised and you commented upon?---That's correct.

Or is this an issue that you were raising with Mr Maguire?---I never got involved in that membership or whatever it was for a panel. He raised the, the thing, and I told him who the people were.

Do you at least agree that you identified at least two individuals who you thought should not be sitting on an IHAP?---Not that should be sitting on, that are people that I've had problems with.

20

Well, so you've at least identified two individuals who you had a negative opinion of, correct?---That's correct.

And part of your negative opinion is that these are people who are less likely to support your development projects, is that right?---Not quite.

Well, what's the position?---So these people Daryl knew that I had massive issues with and massive problems along the way there. So Concord was one project, and Canterbury was another project.

30

But are you in effect saying it was Mr Maguire who was raising this topic, and you were providing the information to Mr Maguire?---That's correct.

It wasn't you that was seeking a particular objective in relation to these individuals that we're now referring to - - -?---No.

- - - is that what you're saying?---Yes.

It was Mr Maguire taking the initiative, as it were?---Well, he asked me.

40

But what was the relevance of that to Mr Maguire? Why did Mr Maguire care about members of IHAPs or potential members of IHAPs?---That, I don't know.

But you say you were just contributing to or answering Mr Maguire's concern in the area, is that right?---Well, yeah, because, yeah.

And, what, you didn't put that forward in your own interests? You were just answering Mr Maguire's questions, is that what you're saying?---That's correct. It was more a political thing than anything else.

Well, it was more than just a political thing. You didn't want these particular individuals having anything to do with your potential development projects, correct?---I don't even think they were on my projects.

10 Well, you wanted these people as well away from any decision-making role that might have anything to do with planning, correct?---Well, they were identified as people that have caused problems in planning.

And therefore you wanted them away from any decision-making role in relation to planning, do you agree?---No.

And do you deny that you encouraged Mr Maguire to prevent these individuals from having a role in an IHAP?---No, I never encouraged them.

20 Let me help you this way. Can we go, please, to intercept number 3194, 27 October, 2017. What I'm going to play for you, Mr Alha, is a telephone call that appears to have been between you and Mr Maguire, 27 October, 2017. ---Yep.

And the transcript will come up on the screen as well.---No problem.

AUDIO RECORDING PLAYED

[3.46pm]

30

MR ROBERTSON: Mr Alha, do you want to revise any of the evidence that you gave before I played that telephone intercept?---No.

If we can go to the first page of that transcript. It will come up in a moment, but you're identified as saying, "Do you know who's handling the IHAP committee, um, applications?" Do you see that there?---Yep.

40 Now, does that refresh your memory that it was actually you who raised the question of IHAP committees with Mr Maguire, rather than the other way around?---Yep.

So I think you said, before I played this to you, that you thought it was Mr Maguire that was raising the issue. Do you agree that, on reflection, it was actually you who was raising the issue?---Yes.

And you say a little bit later in the call you want to discuss it, you want to do it on a face-to-face basis. Why did you want to do it face-to-face rather than doing it on the telephone?---I don't recall.

Well, were you concerned that someone might be listening in to the telephone call and that you might be saying something that might tend to lead to questions or perhaps even incriminate you?---Maybe. But I'm just trying to think about the IHAP committee. I was, I don't know if I was asked by someone about it, don't know, because that's something that I'm not in, familiar with.

10 So - - -?---I don't know why I've raised it with him. So I would have called him and just asked him. I don't know why I did it. So back in 2017 - - -

But you must accept that the identity of individuals on IHAPs would have been a matter of considerable concern to you as a developer. Surely you accept that.---Not necessarily, no.

These people are the potential difference between the approval and rejection of development applications, and therefore the difference, potentially, between making lots of money and not making lots of money.---No, not - - -

20 Surely you accept that.---No, not necessarily.

No, not necessarily, but these guys are going to be the decision-makers, guys and girls are going to be the decision-makers. Correct?---But there's, there's procedures that they need to follow to be the decision-makers.

30 Yes, but you know that the identity of the individuals, in particular how pro or anti-development they might be, might affect their willingness to agree to a particular project.---They weren't pro, anti-development, they were just giving me a hard time and I had a bad experience with these two individuals.

But you're not seriously suggesting that you didn't care who the identity of the people were on the Independent Hearing and Assessment Panels, are you?---Not really, no.

Are you seriously suggesting you didn't care?---Yeah.

40 Even though these are the people that are going to make the decision on your development applications?---Well, you've got, you've got planners, you've got laws, you've got, you know, height and facade controls that you've got to abide by and these things go up to the meetings and they get assessed.

I tender telephone intercept 3194, 27 October, 2017, 4.09pm.

THE COMMISSIONER: Exhibit 270.

**#EXH-270 – TRANSCRIPT AND AUDIO OF INTERCEPTED
TELECOMMUNICATION SESSION 3194 DATED 27 OCTOBER
2017**

MR ROBERTSON: Now, do you agree that you ultimately identified some individuals to Mr Maguire as individuals who you thought should not be appointed to an IHAP?---Yes.

10 So we can get some context I'll play you 3196. So this is a call a few minutes after the one that I last played you.---Yep.

Still on 27 October, 2017.---Yep.

This one is starting at 4.13pm.---Yeah.

AUDIO RECORDING PLAYED

[3.51pm]

20

MR ROBERTSON: So do you agree that as at 27 October, 2017, you were concerned about ensuring that there was the right people appointed to IHAPs?---Yes.

And you identified at least a couple of individuals to Mr Maguire who you thought would be the wrong people. Correct?---Yes.

And can we now go to intercept 3385.

30 THE COMMISSIONER: Do you want to tender that last one?

MR ROBERTSON: I do, Commissioner, while that's coming up. Telephone intercept 3196, 27 October, 2017, 4.13pm, and corresponding transcript.

THE COMMISSIONER: Exhibit 271.

40 **#EXH-271 – TRANSCRIPT AND AUDIO OF INTERCEPTED
TELECOMMUNICATION SESSION 3196 DATED 27 OCTOBER
2017 - EXTRACT**

MR ROBERTSON: So I'm now going to show you some short message service messages.

THE WITNESS: Just quickly, yeah, so I'm starting to remember this, the tone of this conversation.

MR ROBERTSON: So what can you now recall, me having refreshed your memory, as to what happened at least on 27 October?---I don't remember me asking him that question about the IHAP thing, the voting thing and that, I don't know where that came from, must have been on, might have been for my planner, I'm not sure, asking me if I could ask Daryl and then Daryl asked me to identify the people that were anti-development, not anti – sorry, not anti-development where they don't want development but they were Labor Party people, so the only way you could access those guys, if you were in the Labor Party. So it was different. It was like, oh, the Liberal people that, like, where I used to, when I used to have issues I'd go see Liberal people and these guys were Labor people that I couldn't get access to.

So is this a fair summary, that it was in your interests as a developer for Liberal people rather than Labor people to be on IHAPs?---That's correct.

And you sought to work with Mr Maguire with a view of promoting Liberal people rather than Labor people being on IHAPs?---That's, yes.

And the reason that that was in your interests is that you had more connections on the Liberal side of politics than the Labor side of politics. Correct?---That's correct, yes.

And so therefore you were more likely to be in a position to influence Liberal associated members of IHAPs rather than Labor side.---I wouldn't say influence.

Well, at least get meetings with for example?---That's correct.

So at least have an opportunity to put your case directly to these individuals through the contacts that you have in the Liberal Party. Is that right? ---That's correct, yes.

Such as for example Mr Maguire. Correct?---That's correct.

Mr Maguire is more likely to be in a position to pick up the phone to a Liberal member of an IHAP than a Labor member of an IHAP. Correct? ---That's correct.

And that was part of why you sought to work with Mr Maguire in ensuring a particular makeup or at least promoting a particular makeup of the IHAPs. Is that right?---Yes, if you want to put it that way.

And do you agree that Mr Maguire, after the telephone call that I've played, requested you to produce "a list of baddies" that should not be on the IHAP or should not be on a IHAP?---Yes. People that I had bad experience with in development.

And you provided at least two names in relation to that matter, is that right?
---To the best that I can recall, yeah.

So just so we can get that context, intercept 3385, please. Do you recall receiving this email, “And I need a list of baddies that have applies to be on IHAP”?---Sorry.

10 Do you recall receiving this SMS that we can see on the screen?---Yep.
Yeah, yeah.

But you recall receiving an SMS to that effect, Mr Maguire asking you to identify the baddies?---Yep, well, to that effect, yep.

And you ultimately provided the names of a couple of baddies, is that right?---Yep.

20 And can we go, please, to 3386. Commissioner, in this next line of questioning, some names are going to be identified. The names are relevant because one needs to understand the connection between the particular individuals that Mr Alha identifies and some certain other things that occur during the course of the – certain other names that are identified in the evidence. Can I make clear that, plainly enough, this investigation of this Commission is not investigating whether these particular individuals are goodies, baddies or anything in between.

THE COMMISSIONER: Yes.

30 MR ROBERTSON: I don't intend to apply for a suppression order with respect to the particular individuals' names, because one's not going to be able to understand the evidence without understanding the particular names involved, but it shouldn't be thought at all that, by me identifying those names, I'm seeking to say anything good, bad or indifferent about the individuals we identified.

THE COMMISSIONER: Or that they necessarily qualify in the manner described in the last text message.

40 MR ROBERTSON: Quite so. Quite so. Goodies, baddies or anything in between.

THE COMMISSIONER: Quite.

MR ROBERTSON: 3386. Mr Alha, does that SMS identify one of the “baddies” in your term – or, sorry, one of the persons who you're identifying as a baddie to Mr Maguire?---That's correct.

THE COMMISSIONER: Well, I think the first sentence is a large class, Mr Robertson.

MR ROBERTSON: Well, I'm referring in particular to the second sentence, a particular individual. But you're going broader than that to Mr Maguire. "Any former Labor mayors or former council staff." Do you see that there?---Yes, that's correct.

10 And is that consistent with what you identified before, namely it was certainly your strong preference, in your own business interests, that the members of IHAPs would be predominantly what I'll call Liberal people rather than Labor people.---Yes, that's correct.

And that's because your access to Liberal people is more likely to be available, a greater level of access to Liberal people than Labor people, is that right?---Yes, that's correct.

20 And so therefore it was in your business interests to have Liberal people rather than Labor people, is that right?---We wanted Liberal people everywhere, really, because that's the party that supports you.

That's the party that supports you, but also the party in respect of whom you have contacts, is that right?---That's correct, yep.

And the mechanism through which you might be able to obtain access to be able to make a direct approach to members of these IHAPs, is that right? ---That's absolutely correct.

30 Can we go, then, to 3390.

THE COMMISSIONER: Are you going to tender all of these as one?

MR ROBERTSON: I'll tender them as a bundle if that's convenient, Commissioner. Commissioner, I propose to finish this topic today, if that's convenient, which I'll need another five or 10 minutes to do.

THE COMMISSIONER: Certainly.

40 MR ROBERTSON: You there see Mr Maguire responds, saying, "Name names. We have a window of opportunity." Do you see that there?---That's correct.

What do you understand Mr Maguire to be saying by "We have a window of opportunity"?---To give him the names of the people that we didn't want on the IHAP panel.

That suggests that there's some window - - -?---Or that they were baddies or - - -

But that suggests, at least to me, that there's some window of opportunity now, which window might close.---That's correct, yeah.

Is that how you understood that message to be?---Yep, that's what it looks like.

10 And is that because there was an application process on foot but that, as you understood it, there would be appointments made and it would be easier to try and get involved in the appointments now than when appointments had been formally made a little bit later?---No Daryl's behalf, yep.

Sorry, when you say on Daryl's behalf - - -?---So he's saying that one of the names, there's a window of opportunity.

20 And I'm really asking you, what did you understand Mr Maguire to be referring to when he says it's a window of opportunity? That reads to me at least, and you might have read this differently, but that reads to me at least as suggesting there's a window of opportunity now, but that window might close some time in the future. Is that how you understood it?---Well, yeah. You could say that.

And was that because as you understood it there was an application process on foot for the IHAPs as at November of 2017, but that application process would come to an end at some point?---Well, yeah, that's what it looks like there.

30 Commissioner, I tender telephone intercepts 3385, 3386, and 3390 as a bundle of short message service messages between Mr Maguire and Mr Alha, 2 November, 2017.

THE COMMISSIONER: Will be Exhibit 272.

**#EXH-272 – TRANSCRIPT OF INTERCEPTED
TELECOMMUNICATION SESSION 3385, 3386, 3390 DATED 2
NOVEMBER 2017**

40 MR ROBERTSON: Now, other than identifying one individual "baddie" and the broad class of "baddies", in relation to former Labor mayors and the like, do you recall whether you identified any other individuals or class of individuals to Mr Maguire who you thought should be, should fall within his class as "baddies"?---Not that I can recall.

Do you recall whether you had any further communications with Mr Maguire on this question of IHAPs, or as best you can recall it was limited to what I've shown you so far?---I'm not sure.

So it's possible there was some further communications on - - -?---Maybe.

Let me help you this way. Can we play, please, intercept 3398? This is also on 2 November, 2017. So it's the same date as the SMSs that I've just shown you.---Yep.

And can we play that extract, please?

10

AUDIO RECORDING PLAYED

[4.01pm]

MR ROBERTSON: Again, can I emphasise, Commissioner, that the allegations that Mr Alha makes during the course of that telephone intercept is not part of what this Commission is investigating. The names are obviously relevant in light of the evidence that is to apply, but whether those allegations are true, false, or likewise is not a matter for the investigation.

20

THE COMMISSIONER: Yes, thank you, Mr Robertson.

MR ROBERTSON: So Mr Alha, do you agree then that in relation to the two individuals whose names you uttered on that call, those were two individuals who you knew or at least suspected had applied to become members of an IHAP?---Yes.

And you were of the view that those individuals should not become members of an IHAP, is that right?---Yes. But - - -

30

You were further of the view that it would be contrary to your business interests for those individuals to become members of an IHAP, is that right? ---Just from the bad experiences, like in that message you heard what happened with Canada Bay Council, for example. We spent X money on the site, we spent X money on planning, and this guy just dragged it out, dragged it out, dragged it out. And then - - -

Well, these are individuals who you thought might not give favourable and prompt consideration to the development applications that you were putting forward, is that right?---Yes.

40

You thought therefore it'd be contrary to your business interests for these individuals, or either of them, to be a member of an IHAP, do you agree? ---Yes.

Now, did Mr Maguire ever report back to you and say, "Look," something like, "I have put these names into the mix, I have suggested to the people who are making the decisions on appointments that these people would be baddies who shouldn't be appointed, do you remember?---I can't recall.

Well, this is a matter that you would have been very concerned about, surely, given that you just complained, as it were, that a particular individual held up one of your development applications and you must have been concerned that that might happen again, which might prevent a particular development from getting off the ground, or at least cost you more money because of delays.---I would put it more about delays. I wouldn't talk, talk about getting it off the ground. It's, this, these people, I had no access to them and they were shut, shut off. Like, so you couldn't get to them no matter what. So if you weren't party of the Labor Party, there was no access to these people and they just made life difficult for anyone that wasn't part of their crew or gang, if you want to put it that way.

But did you say to Mr Maguire in the days after 2 November, which was the date of the recording I just played, "Well, have you put those names into the mix? Have we made sure that these individuals are not going to be appointed or what have you done with this information that I have given regarding baddies." Surely you were in contact with Mr Maguire to say, "What have you done with this information I've given you?"---I, I can't tell you. So he rang me, pushing me on the, like I said to you earlier in the piece, he rang me pushing me on these names, on these names, on these names because as I said the discussion that I had with him from, if you want to call it baddies, as they, we put it in there - - -

I'm using Mr Maguire's term there, that's not my term. I'm using Mr Maguire's term, he referred to baddies.---Sorry, my apologies. Okay, sorry, yeah, yeah. Okay, so if you want to put it in how we spoke, our language, that these people, you know, caused us a lot of grief and a lot of problems in planning.

But really what I'm asking is after the last communication I played, on 2 November, 2017, surely you made contact with Mr Maguire and said, "Well, look, what's going on? I've given you an identification of some baddies, have you been able to do anything about making sure that these people don't get appointed?"---I could have, I just don't recall.

You don't recall one way or the other?---No. So like if you, now we've brought all this up, I couldn't, I couldn't even recall when you were asking me about it. Now that you're playing it and I'm getting to understand it, and I remember it now.

So is it right to say that you just don't recall one way or the other whether there was any communications between you and Mr Maguire regarding this issue over IHAPs?---Yeah, that's correct. Yes. That's correct.

Let me help you this way. 3519.

THE COMMISSIONER: Were you going to tender that last TI, Mr Robertson?

MR ROBERTSON: I am, Commissioner. I tender, well, 3519 is coming up. I tender telephone intercept 3398, 2 November, 2017 and accompanying transcript.

THE COMMISSIONER: Exhibit 273.

10

**#EXH-273 – TRANSCRIPT OF INTERCEPTED
TELECOMMUNICATION SESSION 3398 DATED 2 NOVEMBER
2017**

AUDIO RECORDING PLAYED

[4.08pm]

MR ROBERTSON: And if we can play the next extract as well, please.
20 Just pardon me for a moment. Now, Mr Alha, you will recall that one of the things that was said on that call, there was a phrase something like, “Those names have gone into the mix?” Do you remember hearing that?---Yes. That, was that from Daryl?

That was, yes, Mr Maguire I think said that.---Yes, that’s correct.

And so does that refresh your memory that Mr Maguire reported back to you to tell you that the names that had been identified in response to his request to identify baddies had been put into the mix?---Yes.
30

And what did you understand him to mean by it going into the mix?---That he’s probably identified those people.

And by which you mean raised it with the appointing authority as people that Mr Maguire said should be looked at very carefully before appointing to IHAPs?---That’s correct.

Can we go please to volume 14, page 187. I’m going to show you an email chain which you may or may not have seen before. You’re not a party to
40 the email chain but I want to draw it to your attention and ask some questions of you. And just go back to the preceding page. This is an email chain so we’re going to have to go from the bottom up. You’ll see there 1 November, “Applications roll in for experts to join IHAPs.” Do you see that there?---Yep.

Now, do you recall seeing that media release before?---Not that I can recall.

You're at least aware that there were applications being made for IHAPS, we've seen that by reference to the previous calls.---Well, now that you say, yeah. So I would have been made aware of something happening.

And then we'll just scan up a little bit. Mr Maguire 1 November says, "I'm told there's a lot of shifty characters applying. Beware, Will Robinson." I thought the phrase was "Danger, Will Robinson," but anyway, we'll go back a previous page. There's a response from the Minister for Planning's office, "I hope you're joking." And Mr Maguire goes back, "No, not
10 joking. My friends are chatting about some of the nominations because they know stuff about them and they nominated." Up a little bit further, Mr Vellar, V-e-l-l-a-r, says, "This is bloody ridiculous." Previous page.

THE COMMISSIONER: "And stay out of it."

MR ROBERTSON: "And stay out of it." Then Mr Vellar seems to come back again. "Actually, Daryl, if you're aware of shifty people who have made application please provide their names." Do you see that there?
---(No Audible Reply)

20

And just to help you with your bearings, that's 1 November, 2017, and there's another email back from the minister's office, "Rob, it's incumbent for the Department to be informed of anyone with a shifty character who is applying for a position. They really should know who possesses a risk so he or she is eliminated from contention." Do you see that there?---Yeah.

And just to help you with your bearings, all that's happening on 1 November, 2017 and the SMSs and the SMSs that I showed you before where Mr Maguire was asking for baddies was 2 November, 2017. Now,
30 did Mr Maguire inform you that he was in contact with the minister's office and seeking to or putting forward the suggesting that there may well be people who are shifty people?---I can't recall that.

We then have 2 November, 2017, 4.06pm. You'll see there there's two names identified. See that there?---Yeah.

And would you agree that those are the same two names as the two names that you identified on one of the calls that I played for you a little while ago?---Norm Lipson?

40

No, no, the names just near the little hand.---Oh, yes, yes.

There's two names there.---That's correct.

They were the names that you identified - - -?---That's correct. That's correct.

- - - to Mr Maguire - - -?---People that I had problems with.

- - - in response to Mr Maguire's request for you to identify baddies.
Correct?---Yeah.

And then, "We now have to be very aware, Will Robinson, danger, danger."
There's then a further forwarding of emails and then if you go up a little bit
further, Mr Vellar is sending it on to a person by the name of Steve Murray
regarding, "The name may not be suitable. Could you please call to
discuss." Do you see that there?---(No Audible Reply)

10

Just towards the top?---Daryl Maguire had advised that - - -

This is from Mr Vellar to Mr Murray, Mr Vellar informing Mr Murray on
14 November, 2017 - - -?---Okay, yep, yep, yep.

- - - that a particular person may not be suitable. See that there?---Yep, yep.

Now, did Mr Maguire report back to you that he was having these
exchanges with both the minister's office, well, sorry, with the minister's
office?---He could have, I just don't recall that. I never got any of these
emails.

20

You haven't seen these emails before I've shown them to you today. Is that
right?---No.

But Mr Maguire at least reported back in part to say that the names that you
identified had gone into the mix. Correct?---We could have had a
discussion, I don't recall it so - - -

30 Well, you recall I played you a - - -?---Yes, yes.

- - - tape a moment ago where the phrase was used, "Those names have
gone into the mix?"---Yeah, yeah.

And you understood that by "Going into the mix," Mr Maguire had raised it
with the nominating authority or people associated with government as
people who should not be appointed to IHAPs. Is that right?---That's
correct.

40 Commissioner, I tender the email from Mr Vellar to Mr Murray, 14
November, 2017, 8.22pm.

THE COMMISSIONER: That will be Exhibit 274.

**#EXH-274 - EMAIL VELLAR TO MURRAY DATED 14
NOVEMBER 2017**

THE COMMISSIONER: And I don't think you've tendered the previous TI, Mr Robertson, 3519, 6 November.

MR ROBERTSON: I tender telephone intercept 3519, 6 November, 2017.

THE COMMISSIONER: That will be Exhibit 275.

10 **#EXH-275 - TRANSCRIPT OF INTERCEPTED
TELECOMMUNICATION SESSION 3519 DATED 6 NOVEMBER
2017 - EXTRACT**

MR ROBERTSON: Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes.

20 MR ROBERTSON: Now, can I indicate in terms of the program of
witnesses for tomorrow, obviously enough I haven't finished with Mr Alha
yet. I'm not able to continue with him at 10.00am tomorrow because there
are witnesses or there is a witness who is flying from Wagga Wagga. What
I propose is to continue with Mr Alha about 12.00 noon tomorrow. I
understand that he originally had a difficulty tomorrow but that has now
fallen away, so I hope to be able to recall him at about 12.00 noon or maybe
a little bit later and I would hope and expect to finish with Mr Alha during
the course of tomorrow.

30 THE COMMISSIONER: Very well. Mr Alha?---Yep.

Can you please return just before noon tomorrow?---Yeah, no problem.

You may step down now.---Thank you very much. Thank you.

Thank you, Mr Alha.

MR ROBERTSON: Just pardon me for a moment. No, that's the only housekeeping, 10.00am tomorrow is my suggestion.

40 THE COMMISSIONER: Very well. We'll adjourn until 10.00am tomorrow.

THE WITNESS STOOD DOWN **]4.15pm]**

AT 4.15PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.15pm]