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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 WEDNESDAY 7 OCTOBER, 2020

AT 10.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, first in terms of the program of witnesses for today, I will first call Ms Sarah Vasey, I will then call Mr James Maguire. That second witness will be done by way of video link. I won't be in a position to continue my examination of Mr Alha in the public inquiry today and I won't be calling Mr Robert Vellar in the public inquiry today either, so therefore it will just be the two witnesses this morning and a fairly short day. In order to deal with those late changes to the witness list, there will need to be some changes on Thursday or Friday. Those changes, we're still in the process of finding the most convenient way to call all of the witnesses. At the moment I'm hoping to recall Mr Alha on Friday but I will need to make some further enquiries before I'm in a position to confirm that position. But at least in terms of today it'll be a relatively short day.

Can I indicate one other matter. Overnight the Commission has received correspondence from the Chief of Staff of the Premier in relation to evidence given by Dr Hill, and it also has some relevance to the evidence given by Ms Raedler Waterhouse yesterday. I just have on the screen a copy of the correspondence from the Chief of Staff to the Premier. You will see, Commissioner, that the Chief of Staff, Mr Harley, has indicated that he wrote to the Chief Commissioner of the Greater Sydney Commission asking for responses to certain questions that Mr Harley regarded arose from Dr Hill's evidence. Can I just bring up Mr Harley's letter to the Chief Commissioner of the Greater Sydney Commission. You will see, Commissioner, that two questions were asked. First towards bottom of the screen, "Was there any accommodation of Ms Waterhouse's request as described in Dr Hill's briefing note with respect to the Greater Sydney regional plan?" And the second question was, "Was the land designated in the Greater Sydney Regional Plan as metropolitan rural area amended in any way between the infrastructure committee and the Cabinet's consideration of the plan on 6 March, 2018, and Cabinet's final approval of the plan on 5 March, 2018." And the responses to both of those questions were, "No," with some further explanation in relation to that from Mr Roberts, the Chief Commissioner of the Greater Sydney Commission. So I thought it was appropriate that I tender that material immediately. So I tender, as a bundle, the letter from Mr Harley, 6 October, 2020, including the enclosures to that letter.

THE COMMISSIONER: Yes. That will be Exhibit 276.

**#EXH-276 – LETTER FROM PREMIER'S OFFICE TO ICAC RE WATERHOUSE LAND DATED 6 OCTOBER 2020**

MR ROBERTSON: Those are the only housekeeping matters from my perspective. I call Sarah Frances Vasey.

THE COMMISSIONER: Yes. Ms Vasey, do you wish to take an oath or make an affirmation?

MS VASEY: Affirmation, please.

THE COMMISSIONER: Please be seated.

MR RAMRAKHA: For the record, Ramrakha. I believe I have been granted leave to represent Ms Vasey.

10 THE COMMISSIONER: Yes, Mr Ramrakha. Have you explained her rights and liabilities under the Independent Commission Against Corruption Act to her?

MR RAMRAKHA: Indeed I have, and she will be seeking, she seeks a declaration pursuant to section 38 of the Act.

20 THE COMMISSIONER: Thank you, Mr Ramrakha. Ms Vasey, will you listen very carefully to what I am about to explain to you. As a witness you must answer all questions truthfully and produce any document 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. It seems to me there's a possibility you may have fallen into that category in your role in Mr Maguire's electorate office, so I will explain that to you as well.

40 Evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding that the public official engaged in or attempted to engage in corrupt conduct. I can make a declaration that all the answers given by you and all 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 your counsel that you wish me to make such a declaration.

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 her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection,

and there is no need for her 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 HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR HER TO MAKE 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?---Sarah Frances Vasey.

20

And I might just get you to move the microphone just in your general direction so that you picked up.---That way? Is that better?

That's perfect. You were employed in the office of Daryl Maguire MP from April of 2017 until his resignation from parliament in August of 2018. Is that right?---Yes.

And I think although Mr Maguire resigned from parliament with effect from early August of 2018, you stayed along and worked in his office for a little bit longer after his resignation. Is that right?---Yes.

30

In terms of that point in time after Mr Maguire had resigned, I take it you were no longer reporting to Mr Maguire anymore because he had resigned from parliament?---Yes.

Who were you then reporting to after he had resigned?---It was to, within the office, it was to my seniors, Brenda and Alex, and Parliament House.

And so you and the other people in the office continued to deal with what I might call constituent business?---We were in caretaker mode.

40

Prior to being employed Mr Maguire you were a reporter for WIN News, is that right?---Yes.

And when you were first employed by Mr Maguire you were employed as an additional temporary staff member, is that right?---Yes.

But ultimately you were put on as a full-time staff member?---Yes.

One of the titles that you held when you were working in Mr Maguire's office was media officer, is that right?---Yes.

And during the course of your employment in Mr Maguire's office, is it fair to say you became quite close with Mr Maguire?---Yes.

He sort of became part of your support network, that kind of thing?---(No Audible Reply)

10

Is that fair?---Yes.

THE COMMISSIONER: You have to answer one way or other.---Sorry.

MR ROBERTSON: And so did both help each other out on various things during the course of your professional relationship, is that right?---Yes.

20

In terms of your duties when you worked for Mr Maguire in his office, I take it that one aspect of it, as your title suggested, was to deal with media enquiries and things of that kind?---Yes.

Putting aside those kinds of matters, what were your other duties working in Mr Maguire's office?---So it was general office duties, which would be constituent enquiries, Justice of the Peace things, just general things like that.

So general electorate business, that kind of thing?---Yep.

30

And to your knowledge, is it common for members of parliament who aren't ministers to have a media officer or a media adviser? Or were you a fairly unusual feature of a member of parliament's office who was not a minister? ---No, it's not unusual. Everybody has their own. Whether they title them is up to the member.

So you're aware that all members of parliament have a particular quota of staff that they're entitled to employ, is that right?---Yes.

40

And as you understand it, it's up to the individual member exactly what they call their individual officers, whether they call them an electorate officer or, in your case, a media officer, something like that?---Yes.

You're saying, at least as you understood it, it wasn't unusual for members of parliament to have an electorate officer who they'd call a media officer? ---Yes.

When you first came to work for Mr Maguire, do you recall whether you were asked to sign a code of conduct?---Yes.

And you did sign such a code of conduct?---Yes.

Did you receive any training as to what the code of conduct required?---Yes, I came to Sydney.

You came to Sydney. You came to Parliament House for some training?  
---Yes.

10 And that happened over a couple of days, I think, after you became employed, is that right?---Yes.

Was there any ongoing training regarding the code of conduct? Or was it just, as it were, induction-type training and then it was left at that?---Exactly as you described.

As you understood it, if you came across any inappropriate conduct in the electorate office or otherwise in your duties as an employee of Mr Maguire, who would have you reported that sort of conduct to?---I would have reported it to my senior, which was either Brenda or Alex.  
20

THE COMMISSIONER: Mr Robertson, I don't think we, do we know when Ms Vasey joined Mr Maguire's services?

MR ROBERTSON: I think I asked whether it was in April of 2017.---April 2017.

THE COMMISSIONER: Thank you.

30 MR ROBERTSON: Does the 20<sup>th</sup> of April, 2017, does that ring a bell?  
---Yeah.

At least around about that point in time.---Yes.

I take it, though, that after the by-election for the electorate of Wagga Wagga, you no longer were working in the Wagga Wagga electorate office.  
---No.

40 Can you recall roughly when you ceased to work in the office? It wasn't immediately when Mr Maguire had resigned. It was a little bit later.---No. It was about, around about the 18<sup>th</sup>, 20<sup>th</sup> of September, 2018.

In terms of the code of conduct, did you have any understanding as to the extent to which it was permissible, if at all, to assist Mr Maguire with his private affairs, rather than his affairs as a member of parliament?---Do you mind repeating, sorry?

Do you have any understanding as to, under the code of conduct, whether it was appropriate to assist Mr Maguire with his private affairs – perhaps his

own business affairs or other private affairs – as distinct from his role as a member of parliament or any other public office he might hold?---I, I'm sorry, I'm still confused by, like - - -

Were there any rules, as you understood it, that in effect said to you, you can't assist Mr Maguire with his private affairs as opposed to his affairs associated with being a member of parliament?---When you describe private affairs, what is that?

10 For example, his own business activities or things that have nothing to do with him being a member of parliament.---Yeah. Um - - -

Did you understand that there was any rules regarding that?---Yeah, sorry, I understand what you mean by private affairs now. Can you repeat the question again, please?

Did you understand there to be any rules as to when it was permissible, if at all, to assist Mr Maguire in private affairs of the kind that I was identifying?---Yes.

20

And what were those rules, as you understood it?---Well, we operated under, I guess, that, the questions that he would, he'd come to us with a question, we'd answer it, or he'd ask us to do something and we would do it, all within the parameters that were, like, if anything was to be questioned, my senior would question it.

Well, was there an occasion in which Mr Maguire asked you to do anything which you thought, "Look, this doesn't seem to have anything to do with his role as a member of parliament or perhaps his role as the chair of the Asia Pacific Friendship Group. Should I really be doing this sort of work?"---I didn't have, really – there's probably one occasion, but that was towards the end, just prior to, prior to him coming here as a witness.

30

So there was an occasion, you remember that he came here as a witness on, I think, 13 July, 2018.---Yes.

And I think you attended with him - - -?---Yes.

- - - when he came to give that evidence. And you say there was an occasion where he asked you to do something that didn't seem to be connected with his public duties. What was that occasion?---He had asked me to assist copying things from his phones to, in regards to assisting with his case. Like, not necessarily his case, I don't, but to - - -

40

At least material that might be relevant to the questions that he might be asked before this Commission.---Yes.

Is that right?---Yes.

And so when you say getting things from his phone, are you saying you took arrangements to take a copy of certain data that was on at least one phone?---Yes.

Was it just one phone or was it more than one device?---It was a couple. I recall three-ish phones. Three. But I – it's two years ago.

10 And so were they all phones or is it possible that they were something like a tablet, like an iPad or a small tablet device?---There was an iPad, yeah.

So are you saying that in advance of Mr Maguire attending here in July of 2018, he asked you for assistance in obtaining a copy of data on a few devices, at least some of which were phones and one or more of which may have been tablet devices like an iPad or an Android equivalent, is that right?---Yep.

And did you take steps to take copies of such data?---Yes.

20 What steps did you take?---So he asked me and I tried on the parliament computer, but I didn't have any luck with it, and I told him. And so then I contacted a technician I found on Google.

So why did you contact a technician you found on Google rather than asking for the assistance of Parliamentary Services, for example?---I didn't think of doing that.

30 Well, you know that Parliamentary Services has got an IT Department who can assist with matters of information technology, is that right?---Yes. But I, I didn't think of doing that, and Daryl asked me to do it discreetly.

Did he explain why he wanted you to do it discreetly?---No.

Are you sure?---I, I don't recall if he did.

Was he concerned, as you understood it, as to the evidence or information that might come out when he attended before this Commission in August of 2018?---No, he didn't talk about it.

40 THE COMMISSIONER: When you say Mr Maguire asked you to do it discreetly, do you recall what he said or words to the effect of what he said that led you to that conclusion?---We were in the office and he said, "Can you do this?" and I said I would try. And because it was in the office, it was in front of other people, and he asked me to do it discreetly and I said I couldn't, after trying. And - - -

Did he use the actual, the word “discreetly”? Is that your recollection?  
---Yes. And then he asked if the technician – ‘cause I’d found somebody on Google – that they could, if they could also do it discreetly.

And what did you understand him to mean when he used that word?---I was under the impression he wanted it done discreetly because he was just preparing for whatever he was coming down here for. I did not know what he was coming down here for. And because of his position within the public, he wanted it done discreetly.

10

And were you doing this in Wagga or in Sydney?---In Wagga.

Thank you.

MR ROBERTSON: If you didn’t know what Mr Maguire was coming down here for, why did you attend with him before the Commission on the 13 July, 2018?---Because he asked me to.

Did he explain why he wanted you to come along?---No.

20

You said a little while ago, in response to one of the Commissioner’s questions, Mr Maguire said something like, “Can you do this?” What did he explain to you by “this” in terms of the devices?---This, like, “Can you get copies of the messages? Like, I want to give them to my lawyers so that we’ve got a copy, because I believe ICAC will ask for my phones.”

So as you understood it, Mr Maguire was concerned that he might attend the Commission with his phones or with his devices, but might not leave with them or might be required to produce them to the Commission, is that - - -?

30

---Yes.

And so Mr Maguire presents you with a series of devices. By the sounds of it, it’s perhaps three, maybe four, is that right?---Yes.

It was more than one phone, is that right?---Yes.

And it was at least one tablet-type device.---It may have been, yeah. I can’t recall.

40

Have you got a recollection of a tablet-style device or you’re not sure?

---Yeah, but he, he’s got a tablet, so I don’t know whether that was actually in the mix of what I was asked to - - -

But it’s at least clear in your mind that it was multiple devices that you were asked to - - -?---Yes.

- - - try and get the data off, is that right?---Yes.

And I think you're saying your best recollection is that it was probably three, it might have been four, is that right?---Yes.

And so you go to one of the computers in his Parliament House office in Sydney, is that right?---No. I was in the Wagga electorate office.

You were in the Wagga electorate offices.---So I was doing it on my computer.

10 I see. So at some point in time Mr Maguire presents you with the, say, three devices, perhaps four devices, and says, "Can you do this?"---Yes.

"This" being "I want a copy of the data from these particular devices." Is that right?---Yes.

And then you try and use your parliament computer within the Wagga Wagga electorate office to try and get a copy of the data from the devices onto the computer or perhaps onto a USB stick or external hard drive, something like that. Is that right?---It, yeah. Yeah.

20

You at least tried to get it on the internal hard drive to start with, perhaps with a view of taking a copy of it to give it to Mr Maguire in accordance with his request, is that right?---Yes. Yes.

And he made it clear to you that he wanted that done discreetly, correct?---Yes.

You weren't able to get that data off using the computer, is that right?---Yes.

30

You googled and found someone who could assist in relation to that issue, correct?---Yes.

One of the reasons you did that through Google rather than through IT Services within Parliamentary Services was to comply with Mr Maguire, Mr Maguire's request that it be done discreetly, correct?---Yes.

40 You were concerned that if you raised it with the IT Department, there might be some record of the fact that you had made that request of IT Services. Is that fair?---I did not think at the time to contact them because of Mr Maguire's request.

Well, do you at least agree that one of the reasons you went externally, rather than considering what services might be available within Parliamentary Services, was that you wanted to comply with Mr Maguire's request that it be kept discreet?---Yes.

And so you ultimately found this external company to provide assistance, is that right?---Yes.

You communicated Mr Maguire's request that the matter be dealt with discreetly, is that right?---Yes.

Did you ask for that organisation to sign any documents consistent with it being dealt with discreetly?---I do not recall.

10 Well, did you ask them, for example, or to your knowledge did Mr Maguire or anyone else ask them to sign something in the nature of a non-disclosure agreement or confidentiality agreement, something like that?---I do not recall.

You don't have any recollection of you asking for that or anyone else, to your knowledge, asking for that?---(No Audible Reply)

Sorry, you need to answer out aloud.---Sorry, no, I don't recall.

20 And so ultimately, I take it, do you provide the devices to this external company or do they - - -?---Yes.

And so they take them away, do they?---Yes.

Can you remember what the name of that company was?---No, I, I've since tried but I don't recall at all.

30 Do you remember the name of the individual who may have assisted? First name or surname or both?---I can describe him, but that's about all I could do.

THE COMMISSIONER: Were these people in Wagga?---Yes.

MR ROBERTSON: Now, this particular individual, do they take the devices away or do they provide assistance in the electorate office, do you remember?---I believe they do.

40 THE COMMISSIONER: Which?---Sorry, from my memory I do not recall them sitting in the office with us doing the work. So, and, yeah, that, that's, I don't have a memory of them doing the work in the office, so - - -

MR ROBERTSON: So you have a recollection of giving them the devices and saying, "Please discreetly get us a copy of the data," something like that?---May have been, yes.

Or do you have a recollection of that or you're just not sure?---I, I don't have a full recollection.

But at very least, you don't recall them sitting in the electorate office doing the exercise?---Yes.

And I think, in effect, you've drawn the inference that what must have happened is that you must have given the devices to them in order to take a copy, is that right?---Yes.

And do they ultimately, to your knowledge, take a copy of the data.---Yes.

10 And what do they do with that copy, as you understood it?---They put it onto a USB and there was some printouts.

So in terms of the USB first, there was a single USB with the data from all of the devices, is that right?---Yes.

And what happened to that USB? Who was that given to in the first instance?---First instance, I don't recall who initially handled it first once the technician passed it over, but Daryl has said to me to put it in my handbag for safekeeping.

20

And so doing the best you can in terms of either the exact words or words to the effect of what Mr Maguire said, you're saying he said something like, "Keep the USB in your handbag for safekeeping"?---Yes.

Can you remember anything else that Mr Maguire said regarding that matter?---No.

And did you comply with Mr Maguire's request to keep it, at least for the time being, in your handbag for safekeeping?---Yes.

30

You said there was also some printouts of some documents as well, is that right?---Yes.

What happened to those printouts? Were they in the handbag for safekeeping as well or did something else happen with those?---No. I recall putting a bulldog clip on it, handing it to Mr Maguire, and then he gave it to his lawyers.

40 Now, do we take it from that that there was a request from you, or perhaps from Mr Maguire, that particular documents be printed out and given to Mr Maguire?---I don't recall how they were printed out.

Roughly speaking, how big was this bundle of documents?---(No Audible Reply)

So maybe a couple of centimetres thick, something like that?---Yeah.

THE COMMISSIONER: Did you understand these printouts to be a printout of all that had been transferred to the USB?---I didn't know if that was everything that was on the USB.

But had you instructed whoever came to collect the devices to make printouts?---I do not recall. I, I don't know how the printouts came to be. They were just handed over to his lawyers in relation to what we, Mr Maguire came here for in 2018.

10 MR ROBERTSON: But are the printouts coming from the external IT provider or were the printouts done by using the USB and some selection being made as to documents that were printed out, do you know?---I do not recall.

So how did the USB and the bundle of documents come to you? Was that directly from the IT provider or was that from someone else within the office?---I, the, USB was handed to me.

THE COMMISSIONER: By whom?

20

MR ROBERTSON: By whom?---Well, I don't, I don't, I don't recall who. Whether it was Daryl or whether it was the technician but I was told to put it into my handbag and I did that.

Did you tell anyone within the office that you were discreetly seeking for copies of these devices or copies of the data from these devices to be obtained?---It was happening in the office with everybody in there. I believe everybody - - -

30 But I understood you to be saying that you were discreetly making an approach to the external IT provider with a view to not, as it were, tell anyone in the office that this was taking place?---I wasn't concealing it.

But you were at least trying to do it discreetly, is that right?---Everything that happens in that office is done discreetly because constituent enquiries need to be dealt with discreetly. So - - -

40 So is what you're saying that other people might have seen what was going on but you weren't going out of your way to explain to anyone else in the office what was going on?---The, it was happening very openly.

THE COMMISSIONER: So you were sitting there with, what, three telephones, with - - -?---So I had, yeah, it was my desk, the three telephones there. I had my colleague, who is in the same desk row as - - -

And did Mr Maguire hand those three phones to you in the presence of other members of the office?---Yes.

And did he did give you the instructions to seek to recover the data discreetly in a voice that could be heard throughout the office?---I would have thought, yes.

MR ROBERTSON: And in relation to those two events, can you indicate the names of those individuals who were present at the time, either when you were instructed by Mr Maguire to discreetly obtain a copy of the data or when you were told by Mr Maguire to put the USB in your handbag for safe keeping?---Meagan Tuck and I don't know whether it was Alex Tierney or  
10 Brenda Tritton who were there in the office with me. They job-shared and Brenda was having hand surgery at the time. So - - -

THE COMMISSIONER: It hardly seems to be consistent with the direction to do something discreetly, to make that announcement so that it can be heard by everybody else in the office.---It was the way Daryl operated. It was, we were all – I don't know, I don't know how to describe it.

Well, did you understand the instruction to mean you should go home, for example, and share that day's work with your partner, perhaps, or members  
20 of your family?---Yes.

That sort of discretion?---Yes.

MR ROBERTSON: The individuals who you have just identified from the office, were they present both at the time that you were first given the request from Mr Maguire, "Get the data copied discreetly," and when you got the USB back, "Put the USB in your handbag for safekeeping," or were they only present during one of those two occasions, can you remember?  
---It all happen in, within the office. So I can't recall who was sitting where  
30 at what time, but it all happened within the office.

And so although there was a reference to it being discreetly, it wasn't being done discreetly, it wasn't being done discreetly within the office, as it were, but Mr Maguire made it clear to you that you shouldn't be advertising to people, at least more broadly, what he's asked you to do in relation to the data and these USBs, is that right?---Yes.

And just to be clear, this is all happening at a time after Mr Maguire has been asked to come to this Commission but before he have his evidence, is  
40 that right?---Yes.

I'm just going to show a document.---Ah hmm.

It's a draft of a confidentiality agreement document. It's just going to go up on the screen. Do you recognise, firstly, the company name on the bottom right-hand corner, Engotech, E-n-g-e-t-e-c-h. Do you recognise that name?  
---Yeah, it does seem familiar.

So does that ring a bell as potentially being the external IT provider who you arranged to do this copying?---Yes.

And when you see it says, “Dear Greg” - - -?---Yes.

- - - do you recall whether it was Greg who was the main person that you dealt with?---I do not recall a name.

10 If you just have a look in the bottom right-hand corner, there’s a date of 9 July, 2018. Do you see that there?---Yes, I do.

Is that around about the date where you were asking for the external IT provider’s assistance?---Yes.

20 Can we then just turn to the next page? Assuming there is one. In any event, if you look at the text of the document, “Just note that all information gathered from your exportation of data is the intellectual property of Mr Daryl Maguire and not be shared with any persons. I appreciate your confidentiality,” I withdraw that, “confidentially in this matter and thank you for your time.” Do you see that there?---Yes.

Do you recall whether you drafted this letter?---No, it wasn’t me.

Do you know who drafted this letter?---Alex.

How do you know that Alex drafted this letter?---The “A.T.” at the bottom. And that would coincide with my memory of it being Alex in the office.

30 And what recollection do you have – when you say Alex, you mean Alex Tierney, is that right?---Yes.

And what recollection do you have of Alex’s role in this exercise?---She was my senior.

She was what, sorry?---She was one of my seniors and she was going to be in the office all of that week because Brenda was having hand surgery.

40 But what role, to your recollection, did Alex have in the exercise of getting the data copied?---It would be doing this under the instruction of Mr Maguire.

Well, would have been or do you have a recollection of that?---It would have been that Mr Maguire had asked one of us – he wouldn’t have said who – to draft a letter like this for the tech guy to sign to ensure confidentiality.

But is this something you've got a recollection of or is it something that you're drawing an inference about because you've seen this letter, including the "A.T." at the bottom?---I now have a memory of it.

So you've got a recollection of Mr Maguire asking Alex to prepare a letter along the lines of what we can see on the page, is that right?---I don't know if it was Alex specifically. He would have said it out to the office in general.

10 So he might have said in general terms, "We need to make clear to Greg that the information is to be treated confidentially," is that right?---Yes.

And you've got a vague recollection of that, although the details you can't now specifically recall, is that right?---Yes.

But you do know that it wasn't you that drafted a letter to that effect, is that right?---Yes.

20 And so as best you can assess it, and noting that it happened some time ago, what you think probably happened was that Ms Tierney prepared the draft letter that you can see on the screen, is that right?---Yes.

And can you recall whether you did anything with the draft letter? Did you take possession of it and provide it to Greg? Or, to your knowledge, was it emailed to Greg? Do you have any recollection of any of that?---No, I don't.

30 You've referred to Alex a couple of times. You've got a fairly good relationship with Alex, is that right?---Yes.

You regard her as a friend, is that right?---Yes.

And you referred before to the USB being in your handbag for safekeeping. ---Yes.

And you kept it in your handbag for at least some time for safekeeping, is that right?---Yes.

40 Do you still have that USB?---No.

THE COMMISSIONER: Are you going to tender that before we move on?

MR ROBERTSON: I am. I tender the letter, which I'll just put back on the screen so I can describe it. I tender the letter dated 9 July, 2018, to a Greg of a firm spelled E-n-g-e-t-e-c-h Pty Ltd.

THE COMMISSIONER: That will be Exhibit 277.

**#EXH-277 – CONFIDENTIALITY UNDERTAKING FOR GREG  
(ENGETECH) DATED 9 JULY 2018**

THE COMMISSIONER: Do you know whether that document was ever signed by Greg?---I do not recall.

10 Or Mr Maguire, in fact?---No. I just, I can only recall the process we would have done.

To create it?---To create it, and then it would have been that we printed it onto letterhead, if anything, and then had Mr Maguire approve it and then took it to Greg. If that's what we did.

What, hand-delivered it do you think?---It would have been when he was within the office, if we would have done anything, but I don't recall.

20 MR ROBERTSON: But you're now just describing the general process that would apply in relation to letters. Is that right?---Yes.

And you're inferring from that, that that's probably what happened in this case although you don't have a specific recollection of that. Is that right? ---Yes.

But you at least agree, I think, that you made it clear at least orally to the IT provider that he should deal with the matter discreetly and confidentially. Is that right?---Yes.

30 And you did that because Mr Maguire had instructed you to treat it as a matter that should be dealt with discreetly. Is that right?---Yes.

The USB that we've been discussing, do you still have the USB?---No.

What happened to the USB?---I gave it back to Mr Maguire.

When did you do that?---I gave that back to him after I called him and said he needed to collect it.

40 When did you do that?---It, I don't have an exact date.

Was it before or after he attended this Commission - - -?---It was after.

- - - on 13 July, 2018?---It was after.

Was it before or after he indicated his intention to resign from parliament? ---I do not recall.

How soon after Mr Maguire attending this Commission on 13 July, 2018, did you make contact with Mr Maguire and say that he needed to get the USB drive?---I do not recall.

THE COMMISSIONER: Well, why did you decide to ask him that he, tell him he needed to collect it?---I was extremely uncomfortable having it. I didn't - - -

As a result of what, what happened here - - -?---Yes.

10

- - - in his evidence on 13 July?---Yes.

MR ROBERTSON: You were concerned that the USB drive might have information on it that might implicate Mr Maguire. Is that right?---No, I was concerned of it implicating me for doing something that I did not have any control over.

20

Implicating you that you might have information that might be relevant to investigations into Mr Maguire. Is that right?---No. I didn't like the position I had been put in by being instructed to hold onto it and I didn't want to have it on my person anymore.

You were concerned that Mr Maguire was effectively asking you to conceal information that might be relevant to inquiries into him. Is that right? ---Yes.

30

THE COMMISSIONER: Does it seem more probable than not that you would have had this conversation with him as soon as possible after 13 July?---May you please repeat that?

Yes. Having regard to the concerns you've just identified, is it more probable than not that you had the conversation about him having to take possession of the USB very soon after 13 July?---Yeah.

MR ROBERTSON: Is it actually possible that it was a little bit later than that, at a time when Mr Maguire was seeking to finalise his affairs having decided to resign from parliament?---I, I don't recall.

40

Did you provide Mr Maguire with any assistance in finalising his affairs between when he had announced that he was going to resign from parliament and from when he in fact finished up as a member of parliament? ---Can you please elaborate?

Well, did you assist Mr Maguire in any way in seeking to finalise his affairs as a member of parliament in the period of time from after he attended before this Commission? You might remember on that day he reside from the parliamentary Liberal Party but not from parliament.---No, yes.

But did you provide him with any assistance in finalising his affairs as a member of parliament between attending here before the Commission and when Mr Maguire officially finished as a member of parliament?---Yes.

And what assistance did you provide Mr Maguire with?---Well, at the time, just a couple of days after we were here, his son-in-law died, so we had to assist him with that and then there was putting things in place within the office to make sure, I contacted the parliament in terms of what we would do now that we were no longer part of a party.

10

THE COMMISSIONER: So which office, the office in Macquarie Street or the office in Wagga?---Wagga. I didn't operate out of Sydney.

MR ROBERTSON: So just to explain that, on 13 July, 2018 when Mr Maguire attended here, later that day he resigned from the Parliamentary Liberal Party. Is that right?---Yes.

And so therefore he was no longer a Liberal member of parliament, he was in effect an Independent member of parliament, is that right?---Yes.

20

And so you're saying there were some matters to deal with arising out of his change of status from being a Liberal member of parliament to, in effect, a crossbencher within parliament, is that right?---Yes.

But Mr Maguire later announced that he intended to resign from parliament generally, correct?---Yes.

That was a matter of some political controversy and he ultimately decided to resign, is that right?---Yes.

30

Did you provide Mr Maguire with any assistance in terms of finalising his affairs, such as dealing with documents, electronic or hard copy documents, on his way out of being a member of parliament as it were?---Yes.

And what assistance did you provide in relation to that issue?---I was corresponding with parliament's IT about getting copies of, like his work, our work, onto a hard drive.

40 So which work are you now talking about? Are you talking about specific electorate work?---Electorate work, specific electorate work. It was all about the electorate.

Not about anything broader in relation to Mr Maguire?---No.

Did Mr Maguire, in terms of electronic records, did Mr Maguire indicate anything to you as to what kinds of records he wanted kept and whether there was any particular records that he didn't want kept?---He just said, "Get rid of everything."

Is that your best recollection of the phrase that he used, "Get rid of everything"?---Yes.

So Mr Maguire made it clear to you that, at least in relation to electronic documents, he wanted you to get rid of everything, is that right?---Well, electronic, hard copy, everything.

10 Electronic, hard copy and anything else, he wanted your assistance to get rid of everything, is that right?---Yeah, but it wasn't just specifically me.

That was his instruction to the office more generally, is that right?---Yes.

And I think you attended his Parliament House office in Sydney in order to assist in that exercise of getting rid of everything, is that right?---Yes.

And in terms of the physical documents and the like in Mr Maguire's office, what did you do with those documents?

20 THE COMMISSIONER: Can we better identify which office, Mr Robertson? There are two of them.

MR ROBERTSON: I'm so sorry. So you attended Mr Maguire's Parliament House office to assist him in finalising his affairs as a member of parliament, is that right?---Yes.

And that occurred after Mr Maguire had indicated his intention to resign from parliament?---Yes.

30 But before the official date at which he ceased to be a member of parliament, is that right?---Yes.

And so you travelled down from Wagga and attended his Parliament House office for that purpose, is that right?---Yes.

Where was Mr Maguire at the time? Was he assisting as well or was he elsewhere?---No. I have no idea where specifically he was.

40 But he wasn't in his New South Wales Parliament office?---He never returned to the Wagga electorate office or the Sydney office.

THE COMMISSIONER: After - - -?---After. So the last day that he was ever in the Wagga electorate office was the Tuesday, Tuesday before 13 July.

So was that the day the USBs were created or the USB was created?---I think so.

9 July.

MR ROBERTSON: But although Mr Maguire was not in his Parliament House office or the Wagga office, you were in communications with him as to what should be done in order to wind up his affairs as a member of parliament, is that right?---Yes.

10 And I think you started referring to copies of records, particularly electorate related records. Can you just explain what your involvement was in relation to that issue?---Sorry, can you please explain?

I think you were explaining that you made some arrangements with the parliament to obtain a copy of some records, is that right?---Yeah. We, we were extremely optimistic that a Liberal member, person, somebody, a part of the Coalition, would get in so that we could retain our jobs and things. So we didn't want to lose everything that we had done, we didn't want the constituents of Wagga to be affected by this. Like, we wanted to continue doing all of our hard work.

20 So although Mr Maguire wanted to delete everything or get rid of everything, you were concerned to ensure some continuity in relation to electorate business at least, is that right?---Yes.

So at least you wanted to take steps to keep some of those electorate-type records but was not so concerned about any communications of Mr Maguire directly, is that right?---Yes.

30 And so did Mr Maguire agree that some records of that kind should be kept?---He said, I don't specifically recall what he said but he, once we had explained to him that, our concerns about just, like, getting rid of everything, he, he said that, that, yeah, it could go onto a hard drive that Parliament House had created.

So just to understand that, the instructions, to start with, were "Get rid of everything," is that right?---Yep.

40 There wouldn't be a scrap of paper, there wouldn't be an electronic record. Mr Maguire's, the records of Mr Maguire as a member of parliament get deleted or destroyed in a sort of scorched-earth-type fashion. That was the original direction, is that right?---Yes.

You need to answer out aloud, I'm sorry.---Sorry, yes.

But are you saying that there was ultimately a slight change to that direction in that Mr Maguire at least wanted to keep, or at least perhaps you convinced him to keep, what might be described as electorate records so as to assist the constituents in Wagga going forward.---Should we continue in office, yes.

And what about things like contacts and things of that kind? Did Mr Maguire want to keep records of, you know, people's telephone numbers, email addresses and things of that kind? Or was he happy, as you understood it, for that to be gotten rid of along with everything else?---I don't understand what you mean by contacts. Like - - -

10 Things like people's email addresses, telephone numbers, things like that, that Mr Maguire may have gathered in his time as a member of parliament. ---He didn't specifically go into any details like that.

And so I think you were explaining that there was ultimately arrangements to obtain a copy of at least some of the data associated with Mr Maguire's office, is that right?---Yes.

And who took responsibility within Mr Maguire's office to procure a copy of that data?---I did.

20 And can you just explain what steps you took in relation to that?---Well, I was in conversations with parliament's IT about getting it onto a hard drive, and then they said, like, they wanted to physically give it to somebody and we were all in Wagga, and I'd already been to Sydney at that point.

THE COMMISSIONER: So when you say "it", I mean - - -?---It, the hard drive.

I understand that.---Yeah.

30 But you'd had a conversation with Mr Maguire about preserving at least constituents' material so there could be the continuity in the event of a Liberal being elected and you all retaining your jobs, but was the request to the parliamentary computer people who were going to carry out this hard drive request a selective one or was it basically "Can you download everything from the computer in Parliament House onto a hard drive?"---I don't recall specifics.

Well, do you recall one way or the other whether you itemised?---I didn't itemise, no.

40 So it sounds, then, as if it was a general instruction or request, rather, to back up his computer to a hard drive.---Yeah.

MR ROBERTSON: And it wasn't just his computer in the sense of one computer. It was all of the data associated with Mr Maguire's office, which would be his Parliament House office and the electorate office as well, is that right?---Yep.

And so the request, in terms of getting a copy of the data, that was, what, a copy of all of the data that might be associated with any of the parliamentary computers, be they in Sydney or in Wagga, is that right?  
---Yes.

And you started to say that they had to give a copy of the data, I think you said a copy of the hard drive, to someone. Is that right?---They, they wouldn't send it in the post.

10 So you suggested or you asked Parliamentary Services whether they could send it in the post to Wagga, is that what you're saying?---Because I'd already been to Sydney.

And so at least some of these arrangements you're making at the time that you're back in the Wagga Wagga office, is that right?---Yes.

How many days did you spend in Sydney helping clean up the office?---Just the one day.

20 So there was just one day in the Sydney office cleaning out principally the physical things.---Ah hmm.

Getting rid of documents, things like that. Is that right?---Yep.

You disposed of quite a number of documents in the course of that exercise, is that right?---Yes, but I kept a lot too.

30 And how did you choose between what you would keep and what you would dispose of?---So the things that I disposed of was anything that was passed, I guess, the seven-year mark of what you're supposed to keep documents for. If it was a constituent matter that I happened to know was dealt with, couldn't do anything further on. There was things like budget papers from previous years. Didn't need to keep those. Yeah. And just scribbled notes from, like, whatever they were debating on in parliament, for whatever week that was.

40 So did Mr Maguire give any instructions as to what should be kept and what should be destroyed in terms of the hard copy documents?---He said, "Get rid of it all," but I was uneasy doing it.

Why were you uneasy doing it?---Well, it was a crap time, everything was changing, and as, yeah, if there was anything specific that I thought that he may want to keep I put it into a box.

But it was you that was deciding whether to keep it in a box or whether to destroy it. Is that right?---Yes.

And how physically did it happen in terms of destroying it? Was there some confidential destruction bin or a shredder or something that you were using?---Yeah, there was a, like a yellow recycling bin that was for shredding, and we had two of them.

And so other than the things that you kept, that all goes in there with a view to it being destroyed?---Yes.

10 Is it fair to say that at least one of the reasons you were uneasy about destroying everything was really the same reason you were uneasy about keeping the USB, which was you're playing some role in either concealing or keeping or perhaps even destroying documents that might be relevant to the investigation of Mr Maguire?---Yes.

And in terms of the documents that were kept, so we're now talking about physical documents at the moment, physical documents that were kept, you put them in a few boxes I think you were starting to say. Is that right? ---Yes.

20 And what happened with those documents?---I left, so once they were boxed I left them there because Daryl was arranging to collect them.

So you didn't take them say back with you or - - -?---No.

- - - make arrangements for them to go back to the Wagga office or anywhere else?---No, because Daryl had said that he wanted to, he would arrange collecting those. I was just to go in, do the physical work and then go home.

30 Do you recall roughly how many boxes of material you might have left for Mr Maguire to pick up?---There was six or seven boxes.

Was that all documents or would have there been other things like keepsakes and - - -?---He had a lot of trinkets.

- - - photographs and trinkets and things of that kind?---Yeah.

So do you recall roughly how many boxes of documents there may have been?---No.

40 And when we're referring to boxes, I take it you mean those sort of archive-type boxes?---Ah, bigger than that.

Larger than usual.---Probably like a moving box.

So maybe a metre and a half wide by, what, a couple of metres high or something like that?---Maybe not a metre and a half wide, like it wasn't, it wasn't the file boxes, it was, hang on, maybe something like that. They

were, they were bigger than your file box but probably not something that you'd probably call a moving box.

So not an ordinary archive-type box - - -?---No.

- - - but a larger sort of moving-type box - - -?---Yeah.

- - - that might be say maybe about three times the size of one of the ordinary archive boxes is the kind you're referring to. Is that about right?

10 ---Yeah, it might be, would have been about that off, like, that ground.

So maybe - - -?---Sorry.

THE COMMISSIONER: Can you try to measure that because it doesn't even matter if I can - - -?---It was from here, probably about there height-wise, and probably go from here to maybe about there.

So what is that, about – you try and estimate it, Mr Robertson.

20 MR BROWN: A metre long by sixty centimetres high.

THE WITNESS: Yeah, so - - -

MR ROBERTSON: Mr Brown suggests a metre long by about sixty centimetres high. Does that sound about right?---Yeah.

But one way or the other, larger than the ordinary archive-type boxes - - -? ---Yes.

30 - - - that you might keep ordinary files in, things of that kind.---Yes.

And do you know whether Mr Maguire ultimately came to pick up those boxes?---From my understanding, yes.

And then what's that understanding based on?---That he said that he had collected them.

And after packing those boxes up did you ever see them again or was - - -? ---No.

40

- - - that the end of your involvement in relation to that?---That was the end of my involvement with them.

In relation to electronic records, you were starting to explain how Parliamentary Services said, "We can't post it to you," it needs to be, what, given to someone or delivered to someone. Is that the idea?---Yeah.

And what happened then in terms of that conversation?---I think I would have relayed that back to Daryl and he would have suggested Rebecca Cartwright.

Well, do you have a recollection of Mr Maguire referring to Rebecca as the recipient of the hard drive?---Yeah. I, I, I, I have a very rough recollection of having a conversation with Rebecca about getting it for us.

10 And do you recall whose idea it was to give it to Rebecca rather than someone else? Was that your idea or Mr Maguire's idea or not sure?  
---I don't recall whose idea it was.

But one way or another as you understood it, IT Services wanted to deliver the hard drive physically rather than for example sending it in the post. Is that right?---Yes.

20 And you've got a recollection of speaking to Ms Cartwright and in effect saying, "Daryl's hard drive is going to be delivered to you." Is that right?  
---I have a very rough.

Did Mr Maguire give you any instructions as to anything that you should say to Ms Cartwright regarding the hard drive?---No.

Did you give any instructions or advice or suggestions to Ms Cartwright regarding the hard drive?---I don't recall.

Is it right, then, as best you can recall, you told Ms Cartwright that a hard drive was coming, is that right?---Yes.

30 But are you saying you can't recall whether you said anything more than, "There is a hard drive," something to the effect of, "There is a hard drive coming"?---"From parliament IT."

And it was made clear that it was Mr Maguire's data that was going to be in the hard drive, is that right?---Yep.

Do you remember whether Ms Cartwright said anything to you during the course of that discussion?---I don't recall.

40 And was that discussion by telephone or was there an email exchange between you and Ms Cartwright, can you remember?---I don't recall.

Do you know whether the hard drive was in fact delivered to Ms Cartwright?---Well, I would assume it was but, and given the evidence that came out the other week that she had received it.

Is that the only basis you have for thinking that the hard drive ultimately went to Ms Cartwright? Or did Ms Cartwright or Mr Maguire or someone let you know that the hard drive had been delivered?---I don't recall.

THE COMMISSIONER: Well, did you have any understanding about what Mr Maguire expected Ms Cartwright to do with the hard drive once she received it?---No, sorry.

10 MR ROBERTSON: Do you know whether Mr Maguire first gave an instruction to Parliamentary Services to delete all of the data as opposed to keeping some of the data or perhaps keeping all of the data?---I don't recall.

But as I understand your evidence, the first instruction, at least to you, was to get rid of everything, is that right?---Yes.

Ultimately that instruction changed because there was a concern about keeping electorate services going forward, is that right?---Yes.

20 Was that a concern that originated from Mr Maguire, as you understand it, or was that a concern that you and the others who were staying around in the office and hoping to continue to work had that concern and explained that to Mr Maguire?---It was the office.

It was the office who was raising that particular issue, is that right?---Yes.

But Mr Maguire ultimately agreed to give an instruction to keep at least a copy of the data, is that right?---Pardon?

30 Mr Maguire ultimately gave an instruction to Parliamentary Services that a copy of the data associated with his office should be kept, and that led to the hard drive that we have been discussing, is that right?---Yes.

And was there any instruction given, as you understood it, to what should happen with the original copy of the data? In other words, does the original copy of the data get destroyed or does the original copy of the data get kept by Parliamentary Services or perhaps by someone else?---Sorry?

40 The hard drive that Ms Cartwright ultimately obtained contained a copy of Mr Maguire's data, is that right?---Ah hmm. Yes.

To your understanding, was that going to be the only copy of the data or was there some other copy going to be kept by Parliamentary Services or someone else?---From what I understood was, when Mr Maguire left, everything was wiped. And it was. I don't know if IT keeps a copy for whatever reason. I have no knowledge of that but I know that once, after he resigned, it, everything was wiped from our computers, we started completely fresh.

So at least as you understood it, what was going to happen was that a copy of all the data was going to be obtained and put on a hard drive, correct?  
---Yes.

That was going to be provided to Ms Cartwright, correct?---Yes.

And as you understood it, that would then be the only copy of the data because everything else was going to be wiped, is that right?---Yes.

10 And that's what in fact happened, at least at the electoral office area, because Parliamentary Services ultimately wiped those computers and you started afresh, is that right?---Yes.

And did you ultimately get access to any of the electorate-type information and data, the electorate material that you wanted to maintain, or did you in the real world have to start completely afresh?---Afresh.

20 So the plan was to actually retain some of that data but that plan ultimately wasn't implemented. Is that right?---Yes.

Did you call up Ms Cartwright or anyone else in the office call up Ms Cartwright and say, "Well, hang on a sec. We gave you this hard drive, it's got material on it that might be relevant to our electorate business, can we have it please or can we at least have some of the data on it?"---I don't recall.

30 But surely when you're sitting there in the office, all your computers have been wiped, you're hoping to keep electorate business going, you're hoping that a Liberal member will be elected in the by-election, or perhaps a National member, and you'll keep your jobs, surely it would have assisted to have access to that data.---It would have, but we had a lot of other things happening at the time.

So do you say that once you had the communications with Ms Cartwright in relation to the hard drive, was that then the end of anything you had to do with the hard drive?---From my recollection.

40 THE COMMISSIONER: When was the by-election held?---It was September, a couple weeks later. I think it was about, around about 13 September.

So Mr Maguire resigned on 4 October, and so that's about, what, five or so weeks. And is it, I think you said earlier that you operated in caretaker mode during that period.---Yes.

So the electorate office was able to be maintained during that period because of the possibility of a new Liberal member at least wanting to continue to use it?---Regardless of whether a new Liberal member came in

or whether it was somebody else, they could have chosen to keep us on. But we operated in a fashion that if a constituent called up and had an inquiry, we could assist with whatever we could in that matter or we'd pass it on to another member of parliament.

I see. Thank you.

MR ROBERTSON: And, Commissioner, just to assist you with dates, the by-election was 8 September, 2018.

10

THE COMMISSIONER: So about a month after Mr Maguire resigned.

MR ROBERTSON: That's right. Mr Maguire's effective date of resignation was 3 August, 2018, but he'd indicated earlier that he was intending to resign from that date.

THE COMMISSIONER: Thank you.

MR ROBERTSON: Can we go, please, to the, what I'm going to call the IT bundle. So I'm just going to show you some documents that might assist in identifying some dates around what you and I have been discussing so far. And can we go, please, to page 16 of that bundle. See there an email from you, 27 July, 2018, 9.51am?---Yes.

20

And we'll just turn the page so you can see the document. Just pardon me for a moment. Yes, and we're now on page 15 of the bundle. Do you see there a Members Leaving Parliament – Electronic Data Management form, dated 26 July, 2018?---Yes.

30 Do you recognise the handwriting, where it says Daryl Maguire, et cetera? ---Yeah, that's mine.

And so is it right that you prepared, at least in draft, a copy of this document for Mr Maguire to sign?---Yes.

If you just have a look at option A, "I wish to be provided with a copy of the data in my personal directory, Outlook personal mailbox and the following: all data in shared directories, electorate mailbox, et cetera."---Yes.

40 And that's ticked. But also C is ticked, "Please delete all my data and do not transfer any of it to another member."---Yes.

This includes my personal directory, et cetera. Do you see that there? ---Yes.

Now, was it you that ticked the boxes and circled C?---I don't recall if I specifically did that.

But it was at least the instructions. In other words, doing both options A and C was consistent with your instructions from Mr Maguire, which was delete everything, but ultimately let's keep a copy, let's keep some data, because he was convinced by you – or perhaps others within the office – that at least some electorate office data might be kept and transferred to the office of, perhaps, the new member. Is that right?---Yes.

And I take it that you presented this draft form to Mr Maguire to sign?  
---Yes.

10

And so, what, I take it you must have emailed it to him, given that he wasn't in the Sydney office or elsewhere?---Yeah.

Do you have a recollection of doing that?---No, I don't.

But one way or the other, you forwarded on the form to the Parliamentary Services Department, is that right?---Yes.

20 And you were in contact with Parliamentary Services, the IT Department, regarding how the mechanics of all of this matter might work.---Yes.

And are you quite clear in your mind that you got Mr Maguire to sign this document or is it possible that someone signed it on his behalf?---(No Audible Reply)

And note we've put a little black box over – that's not the original document, put a black box over the signature so that no enterprising person tries to copy the signature.---I don't recall.

30 At the very least you didn't sign it - - -?---No.

- - - on behalf of Mr Maguire.---No, no.

It's possible, is it, that someone else did but it certainly wasn't you?---The only possibility would have been we would have been instructed to use what Daryl would refer to as "the chop," which was his signature on a stamp.

40 I see. So there was a practice within his office that from time to time at least on routine correspondence the chop would be used rather than him getting out a pen and actually signing it?---He would only ever do that if he was unable to do it physically in person or if it was an urgent matter.

But you didn't personally use the chop in relation to this form. Is that right?  
---I don't recall.

It's possible that you did but you're not sure one way or the other. Is that right?---Yes.

But one way or the other, this form reflects what you understood Mr Maguire's instructions to be, which is delete everything, that's option C, but let's have a copy of the data on a hard drive that ultimately found its way to Ms Cartwright. Is that right?---Yes.

Now, that email that I showed you was an email from 27 July, 2018. Do you recall whether you sent that while you were in the Parliament House office assisting clean-up of the office or do you think that it was sent at the time that you were back in the Wagga Wagga office?---I do not recall.

10

It's possible that it was either way. Is that right?---I, I don't recall.

Can I try and help you this way. Can we play intercept 11673.

THE COMMISSIONER: Are you going to tender the email and that form, Mr Robertson?

20

MR ROBERTSON: I'll in fact tender the bundle because I might be coming back to some of the documents. So I tender a bundle that I'll describe as the IT Services bundle, constituted by 19 pages, being a copy of a Notice to Attend and Produce Documents issued to the Clerk of the Legislative Assembly on 24 September, 2020, as well as accompanying documents produced in response to that notice.

THE COMMISSIONER: That will be Exhibit 278.

**#EXH-278 – IT SERVICES BUNDLE RE SECTION 22 NOTICE TO MINNICAN**

30

MR ROBERTSON: So what I'm going to play you is number 11673. This is a recording called a telephone intercept of a telephone call between you and Mr Maguire on 25 July, 2018, which is the same date as the email that I just showed you, and that might just help refresh your recollection as to things like dates and what was going on at that particular point in time. There will be a transcript that will come up on the screen as well when that is played.

40

**AUDIO RECORDING PLAYED**

**[11.08am]**

MR ROBERTSON: Now, that call was on 25 July, 2018. Do you recall where you were at the time of that call?---I was in the Sydney office.

You were in Mr Maguire's Parliament House office at that point in time, is that right?---Yes.

And you referred to a Helen. Who's Helen?---She was in IT.

Sorry, Helen from IT was the person who you were engaging with on the electronic data issues that you and I have been discussing this morning, is that right?---Yes.

THE COMMISSIONER: Parliament House IT.---Parliament House, yes.

10 MR ROBERTSON: And there was a reference to getting Meagan to chop or re-chop it. Is that a reference to the use of the stamp signature?---Yes.

So does that now refresh your memory that the form that I showed you a moment ago was probably chopped by Meagan on your request?---Yes.

But as we heard, on Mr Maguire's instructions. Is that right?---Yes.

20 And there was a reference towards the start of the call to Mr Maguire's Outlook contacts. Do we take it from that that there was actually one little piece of data that Mr Maguire was interested in keeping, which was his Outlook contacts?---Yes.

And so that's things like email addresses and telephones and things of that kind, is that right?---Yes.

And so one of the things that you were trying to do is find a way for Mr Maguire to be able to keep his Outlook contacts but whilst getting rid of what he described as "my crap", is that right?---Yes.

30 And so I think one of the things that might have been done was an attempt to download an app that would allow those contacts to be downloaded, without having to download all the more detailed data from Mr Maguire, is that right?---Yes.

And so one of the things that you were attempting to do, on Mr Maguire's instructions, was give Mr Maguire those contact details but not giving Mr Maguire things like the content of emails and documents and things of that kind, is that right?---Yes.

40 That's what you understood Mr Maguire was attempting to achieve, is that right?---Yes.

So in effect, at least by the time of this call, the position is, as a general rule, he wants to get rid of everything, correct?---Yes.

There's a couple of exceptions to that rule, though. He wants to keep his own Outlook contacts, correct?---Yes.

And he's quite happy, as you understood it, to keep what I might describe as the electorate matters, things like emails that you might have sent, for example, dealing with electorate-related business, is that right?---Yes.

But it was at least clear in your mind that Mr Maguire wanted destroyed, from the parliamentary system at least, what he described as "my crap".  
---Yes.

10 And by "my crap" it is everything other than the electorate kind of business that you and I have discussed, and also he wanted to keep the Outlook contacts, have I got that right?---Yes.

Now, Mr Maguire, soon after that day – in fact, withdraw that. By the time that you were in Parliament House it seems on 25 July, 2018, Mr Maguire had indicated that he had intended to resign, intended to resign from parliament, is that right?---Yes.

20 That was why you were there. You were, in effect, cleaning things up whilst he was still formally a member of parliament, but before the resignation became effective, is that right?---Yes.

And that was the only day that you were in the Parliament House office between Mr Maguire attending before this Commission on 13 July and when Mr Maguire's resignation became effective on 3 August, 2018. Is that right?---Yes.

And the remaining working days you worked out of the Wagga Wagga office. Is that right?---Yes.

30 And you continued to work in that office between Mr Maguire's resignation becoming effective and when the bi-election took place. Is that right?  
---Yes.

And that period of time included when it came to your knowledge that Mr Maguire's house was the subject to a search warrant being executed. Is that right?---Yes.

40 And just for your reference, that occurred on 12 September, 2018, so that was a few weeks after the fact, just more than a month after Mr Maguire's resignation became effective.

THE COMMISSIONER: I think you might have said 2017.

MR ROBERTSON: If I did it was a mistake, it was 2018. 12 September, 2018 was the search warrant, 3 August, 2018 was the effective date of Mr Maguire's resignation. I apologise if I had that wrong, Commissioner.

Ms Vasey, how did you become aware that a search warrant was being executed at Mr Maguire's house?---We received a phone call into the office and I answered it and it was James Maguire on the line.

Did you speak to Mr Maguire?---Yes.

10 Doing the best you can, what did Mr Maguire say to you during the course of that telephone call?---Roughly, "They're here." And I said, "Who's here?" He said, "They're here." And I said, "Who, the national media?" Like, thinking that that's what it was about. And he said, "No, they're here." Roughly along the lines, "They're in the house." And I was like, "Okay. Like, do you need us to do anything?" Like, I didn't, didn't know. And he gave instructions about if there was anything we needed to look after the office, along those lines, not in those exact words.

20 But what did Mr James Maguire say about looking after anything in the office?---We were still in the process of cleaning it out, so like, Daryl was in for 20 years, there was a lot of work there that we were having to still go through and destroy.

But why were you asking Mr Maguire's son, James Maguire, for instructions or comment or anything of that nature in circumstances where Mr Maguire was no longer an MP?---I don't know.

THE COMMISSIONER: Well, so far we haven't really, or certainly I haven't understood from your evidence who "they" are who were in the house.---From what I understood when he said that they're in the house, I got the impression that it was ICAC.

30 Why did you get that impression?---Because of the way James was talking.

Meaning?---He was talking very concise, but he had to really explain it out.

Did you understand he was communicating to you in a way that he didn't want those in the house to understand to whom he was speaking?---I would presume, yes.

40 MR ROBERTSON: So as you saw it, at least Mr James Maguire was being quite careful in the words that he was using in speaking to you during the course of that conversation. Is that right?---Yes.

But at least in the words that he used and the way that he delivered them, it led you to understand that something was going on that had something to do with ICAC or perhaps some investigative authorities at Mr James Maguire's house. Is that right?---Yes.

And at that point in time James lived with Daryl in the same house. Is that right?---Yes.

That was something that was the case and that you knew was the case as at 12 September, 2018. Is that right?---I don't recall a specific date, but - - -

No, but on the day that you were having this telephone call you knew that James Maguire and Daryl Maguire had the same residence. Is that right?  
---Yes.

10 And James Maguire made it sufficiently clear that that was where he physically was at the time that he was making the telephone call to you. Is that right?---Yes.

Do you know why he asked to speak to you as opposed to anyone else within the office?---From my recollection was that I happened to answer the call.

20 So your best recollection is you picked up the phone as opposed to it being transferred to you from someone else who might have picked up the phone. Is that right?---Yes.

And I think you were starting to explain that you said to James something like, "Is there anything that we need to do," or something like that. Do I have that right?---Yeah.

And what did Mr James Maguire say in response to that?---He said, I don't know, I cannot recall specifically what he said but along the lines of if there was anything in the office still to do something with it.

30 So this is Mr James Maguire speaking to you?---Yes.

And so he's saying something along the lines of, what, "If there's anything still in the office that has anything to do with Mr Maguire," his father, then what?---Attend to it. He didn't specifically say anything.

Well, what did you understand him to mean by saying something like, "Attend to it"?---Do whatever we were originally instructed with it.

40 THE COMMISSIONER: Well, what were you doing at that stage to clean out the offices. Were you boxing it up to send it off to Mr Maguire again or were you shredding material?---No, we were shredding it.

MR ROBERTSON: But to be clear, at least as you understood it, James Maguire was requesting you that if there was anything that still remained in the office that related to his father, Daryl, it should be gotten rid of. Is that right?---Yes.

Destroyed or at very least removed from the premises, is that right?---Yes.

And so in the words that he used or the way he delivered them, you understood him to be concerned that if there was a search warrant being executed at Mr Maguire's residential premises, it may well be that a search warrant would imminently be issued at Mr Maguire's former parliamentary office. Is that right?---Yes.

And you understand Mr James Maguire to be concerned that that might result in documents being found that might implicate or shed a bad light on his father, Mr Daryl Maguire, is that right?---Yes.

10

Why would you take an instruction or request from James Maguire, the son of someone who was no longer an MP?---I don't know.

You realise that, just at least with the benefit of hindsight, that at least at that point in time, Mr Maguire and even more his son, had no power of authority to give any directions at all, agree?---No. Agree.

20

What steps, if any, did you take after James Maguire suggested or had the telephone conversation with you that you have just relayed?---I informed the rest of the office.

How did you do that?---I swivelled on my chair and said to them that, the conversation I had just had.

And when you say "the rest of the office", who are you referring to now? ---Meagan and Alex.

30

Were they the only people in the office at that point in time?---I think they were, yes.

And so you tell whoever's in the office, probably Meagan and Alex, about the conversation that you've just had with Mr James Maguire, is that right? ---Yes.

And doing the best you can, what did you relay as being the gist of that conversation?---That his house was being raided by someone, the Federal Police or ICAC, like that they were being there, that they were being investigated.

40

And anything else?---That I had to go.

That you had to go?---Yep.

Did you communicate what you understood to be Mr James Maguire's instructions, which was if there was anything else relating to Mr Daryl Maguire, "We need to get rid of it"?---Sorry, I don't fully understand.

Well, as I understood your evidence before, you understood James Maguire to be saying to you, in effect, "A search warrant or a search party might be coming to Mr Maguire's former office imminently and you should therefore get rid of anything that has anything to do with Daryl." Is that right?---Yes.

10 Did you communicate that message to the others within the office?---I just said I had to go, like, "I, I've just got to go." I, I still had the USB that Daryl that instructed me to hold onto in my handbag, and I was afraid that I would look like I was concealing something within the office should they come there. I didn't know whether I would look like I was trying to un-  
conceal by putting it back. Like, I just, I didn't know. I was put in an awful position and, for doing an instruction, like I just, I didn't know what my options were. So I went home and I put the USB somewhere in my house and I called Daryl shortly afterwards.

So you had the call with Mr James Maguire, you tell the other people in the office about the search warrant.---Yep.

20 But not about James Maguire's instructions about destroying documents, is that right?---I, I don't recall. I was a bit panicked by my personal situation.

Was it possible that you did communicate that aspect of what James Maguire said?---I don't recall.

But one way or another you made it clear to the others that you had to disappear for a period, is that right?---I was going to go on lunch.

30 So you just said you were going on lunch. You didn't say the reason for lunch, et cetera?---I said, "I've got to go." Like, I've just, like, I was very panicked. I did say to them, like, "I've got USBs. Like, just, I've just got to go home."

Did you tell either Alex or Meagan any more details than what you've just explained?---No.

Did you explain to either of them the reason why you were going on lunch and had to go somewhere?---I don't recall.

40 Did you, whilst you were in the office, did you send a text to Alex to say that you wanted to have a private chat with her?---I must have. I, I don't recall.

When you say you must have, why do you say you must have?---Well, if you're suggesting it.

I'm just asking you a question. That might be true, it might not be true.---I don't recall.

Well, do you have any recollection of having a private chat with Alex outside the office before you went on, ostensibly, on lunch?---Yeah.

You can recall that now?---Yeah.

10 And how did that discussion come about? What gave Alex cause and you cause to be outside the office to have a private chat?---There had been issues between Meagan and myself in the lead-up to all of this, and Meagan and I weren't getting along, and I was very upset with the position I had just realised I was in.

You were concerned that you still had the USB, and if that was identified, for example, by people conducting, executing a search warrant, that might look very bad to you, about you, is that right?---Yeah, for doing something I was instructed to do.

And it wasn't something that you wanted to tell Meagan because you didn't necessarily trust her with that information, is that right?---Yes.

20 But it was something that you wanted to speak to Alex about because Alex was someone who you thought you could trust in relation to that issue. ---And she was my senior.

Was Meagan also a senior of yours as well?---No, we were equal.

And so ultimately there's a discussion between you and Alex outside before you ostensibly go on lunch, is that right?---Yes.

30 And how did that come about, how did you, how did you both find yourself outside? What was the excuse to get Alex outside and away from speaking to Meagan, can you remember?---I don't recall.

Is it possible that you sent a text or something under the desk, as it were, to Alex and said, "Look, can we just have a quick chat outside?"---It could have been. I don't recall.

But in any event, you do have a recollection of having that chat outside the office, is that right?---Yeah.

40 During the course of that discussion, what did you say to Alex?---It would have been I was just very panicked and teary because of the position I realised I had been put in by still having that on me, and not giving it back to Daryl yet.

So you, basically you explained the predicament that you were now in. ---Yep.

And no doubt you were pretty stressed out and concerned about what was going on.---Yes.

It's not every day that a search warrant is executed in or around any office that you might be involved with.---No.

Did you indicate to Alex that what you were intending to do was go on lunch and take the USB with you?---Yes.

10 And you explained to her that what you were intending to do was take the USB back to your house and put it somewhere in your house, is that right? ---Yes. And I would be giving it back to Daryl.

But at least in the first instance the reason that you wanted the USB out of the parliamentary office, sorry, out of the electorate office, I should say, and over to your house was that you didn't want investigators from this Commission, or perhaps from some other authority, finding that USB drive, is that right?---I didn't want them finding it on my person, like, in the office, concealing – like, I made a very poor choice and - - -

20

You were concerned that it would reflect badly on you - - -?---Yes.

- - - having that USB stick, even though you only had it because Mr Maguire asked you to keep it. Is that a fair summary of what you're saying?---Yeah, I, and I panicked.

And so you take that USB stick with you and you bring it to your house. ---Yep.

30 And you put it somewhere in the house.---Yep.

And I think you were starting to explain that you ultimately speak to Mr Maguire about it, is that right?---Yes.

Do you remember when you did that? Was that on the same day or was that at some later stage?---I don't know whether it was that day but it was shortly afterwards.

40 So it was at least within a couple of days of the day that the search warrant happened that Mr James Maguire asked you about it, is that right?---Yes.

And you made what, a telephone call to Mr Maguire. Is that right?---Yes.

And doing the best you can, what did you say on that telephone call and what did Mr Maguire say on that telephone call?---I said to him that I had his USB and stuff and, but as I got through USB and he shooshed me quite harshly on it, which I was taken aback by and I just said that he needed to collect it.

And was that the extent of what you can recall about that conversation?  
---Yes.

So at least the message that you were communicating was that you were very concerned about continuing to be in possession of this USB stick and you wanted him to retrieve it at the earliest opportunity. Is that right?---Yes.

10 THE COMMISSIONER: Ms Vasey, I understood from your earlier evidence that your feeling of unease about having the USB arose almost immediately after he gave evidence here on 13 July, 2018.---Yes.

And I also understood from that that you had agreed, at least with a question from me, that it was probably soon after that that you asked him to take the USB back.---Yeah, and I don't have specific dates.

20 Well, when you had this conversation with Mr Maguire that you've just been giving evidence about, after Mr James Maguire had told you about the search warrant, was that the first time you'd asked Mr Daryl Maguire to collect the USB or had you asked him on an earlier occasion?---I don't recall.

Well, you've been carrying it around on this evidence since about 9 July, 2018.---I may have had an in-person conversation but I don't recall.

With Mr Daryl Maguire?---Yeah.

30 But whatever it was, he hadn't taken custody of it. Had he asked you to hang onto it despite a request from you to give it back to him?---He never asked about it.

MR ROBERTSON: You must have been getting increasingly concerned. You've got this USB stick before he appears before this Commission. Is that right?---Yes.

At that point you're feeling uncomfortable but you don't yet know what's going to happen in the very seat that you're now sitting in in this Commission. Correct?---Yes.

40 He ended up resigning from the Liberal Party on the same day that he gives evidence before this Commission. Correct?---Yes.

It's then a matter of considerable controversy as to whether he should resign from parliament and indeed there was some suggestion that he might even be expelled from parliament. Correct?---Yes.

Your sense of unease must have been getting worse while all of that was going on. Is that right?---Yes.

Didn't it at least cross your mind to ring him up and say look, you're putting me in a terrible situation. Take this USB stick back?---I wasn't thinking about that at that time. I was thinking about my role within his office, trying to do damage control, trying to manage I guess relations within the electorate office. It was strained between myself and Meagan. I did not for whatever reason. In hindsight I should have.

10 But you at least know, don't you, you at least accept that that USB stick may have had information on it that may have been relevant to this Commission's investigation, or at least one of them. Is that right?---From what I said I understood I was holding onto it as a copy of what was already handed to you guys, already handed to his lawyers.

Well, which one, already handed on to the Commission?---Both.

20 But these USB sticks were containing, is it right, all of the data in relation to the three or four telephones and other devices that you referred to before. Is that right?---Yes.

And at least after Mr Maguire indicated his intention to resign, you knew that Mr Maguire was intending to delete everything or get rid of everything. Correct?---From his parliament computer.

Well, did you understand him to also be getting rid of data that might be on things like telephones and other devices of a kind that you got copied?---No.

30 Well, it must have followed, from what Mr Maguire's instructions were to you, that he wanted to get rid of everything other than perhaps is Outlook contacts, that he was likely to also want to get rid of data on telephones. Correct?---I, I still don't, I don't understand.

Well, what I'm suggesting to you is that you must have realised at some point that the data that was on the USB stick may be the only copy of certain data that was on some of Mr Maguire's devices such as telephones? Do you agree?---Yes, being the only copy but I thought they were still all on the phones and - - -

40 Well, why did you still think they were all on the phones in circumstances where Mr Maguire had already made it clear to you, by at least about late of July 2018, that he wanted to get rid of everything, with the possible exception of Outlook contacts?---I still don't understand.

At least when you were in Parliament House on 25 July, 2018, it was clear to you that Mr Maguire's instructions to you, and to the office more generally, was to get rid of everything, correct?---Yes.

And by get rid of everything, that was documents and it was electronic data as well, correct?---Yes.

And that would necessarily include data of a kind that might be stored on telephones, is that right?---No, I didn't extend that to that.

So, what, did you think that it was at least possible that Mr Maguire had these other devices that might still contain, for example, some of his emails and things of that kind?---Yes.

10

Is it right to say that at least, that you had no involvement in doing anything with those devices, the phones and the tablets, other than getting a copy of the data taken through the external provider?---Yes.

You didn't have any involvement in attempting to delete any data from those particular devices, is that right?---No, I didn't.

You got the copy. You weren't involved in any deletion. Is that right? ---Yep.

20

You were involved in working with Parliamentary Services to delete the material that was on the computers in Parliament House office and in the Wagga Wagga office, is that right?---Yes.

And in getting rid of the documents that were in the Parliament House office, is that right?---Yes.

What about documents in the Wagga Wagga office? Did you - - -?---We were all getting rid of those.

30

So is it right that between the time that Mr Maguire announced his resignation and when the resignation was effective, there was an exercise that happened in the Wagga Wagga office where documents were being destroyed?---Sorry?

In terms of documents associated with Mr Maguire in his Parliament House office - - -?---Yes.

40

- - - is it right to say that you and others within the office undertook an exercise – this is the electorate office in Wagga – undertook an exercise of destroying documents?---Yes.

That was on Mr Maguire's introductions?---Yes.

And his instructions were to get rid of everything.---Yes.

Including material that might be in his Wagga Wagga office, is that right? ---Yes.

And in relation to that exercise, did you go through a similar exercise, like you did in the Parliament House office, of trying to keep some material that might be relevant to electorate business?---Yes.

Or was it an exercise of destroying everything?---We kept anything that was, we were currently working on, and anything that might be of interest to the electorate should a Liberal member be elected.

- 10 So was the idea we generally delete anything that's got to do with Mr Maguire personally, but things to do with electorate business we want to keep in the hope that the replacement for Mr Maguire will be a Liberal member and we'll be able to use that as part of assisting the electorate going forward?---Yes.

Is that right? And so was it a similar exercise to what was in Parliament House, where you're dumping a whole lot of documents into recycling bins and confidential destruction bins and things of that kind?---Yes.

- 20 And I take it that, at least in relation to the electorate documents, some of those were, in fact, kept for a period of time, rather than destroyed.---Yes. Yes.

Unlike the documents in Mr Maguire's office, the one in the six boxes or so.---Ah hmm.

Am I right in saying you never saw any of those documents ever again?  
---Yes.

- 30 And then in terms of the documents that were kept, were they permanently kept or, by the time of the by-election, or at least when the result of the by-election was known, were they then got rid of?---They were destroyed when we were made redundant from our roles.

- 40 So there were documents that might possibly be of assistance to an incoming Liberal member, if there was one, but when it became clear that the Liberal candidate was not going to be elected – or at least some time afterwards – they were gotten rid of, is that right?---When the incoming member, we found out who it potentially was, we remained hopeful that he would take us on as a, being Independent, hoping that with our extensive knowledge of the electorate he'd keep us on, but he didn't. So - - -

He decided to clean house, as it were.---He gave us a week notice. Yep.

Now, we've got up to the conversation that you had with Mr Maguire about the USB, where you made clear to Mr Maguire that he should come and collect it or otherwise obtain it. What steps were taken – so what happened after that point in relation to the USB?---He, I don't know how soon after

that phone call. It was the next day, if anything. He came to my house extremely early in the morning because I was not expecting him at all. I don't know if I was in my pyjamas or just out of the shower, but he was there by himself.

And what happened? What happened then?---I gave him his things back.

Which included the USB?---Yep.

- 10 You said "his things". What did you mean?---Sorry, things like I gave him his USB back.

Is there anything else you gave him back?---I think I had a charging cord of his.

Anything else?---Not that I recall.

Was that the last that you saw or heard of that particular USB stick?---Yeah.

- 20 Did you ever have any subsequent conversations with Mr Maguire regarding the USB stick?---I did. I asked if he, like, what he had done with it, I think, in a conversation in person, and he made the remarks that it had met an unfortunate accident in the paddock.

Is that your best recollection of the words that he used, "an unfortunate accident in a paddock"?---Yep.

And when did that conversation take place, roughly?---I don't know.

- 30 What was the occasion for you and - - -?---It was afterwards. Daryl and I had maintained a friendship after all of this, and, yeah, it might have been at a point where I was round at his house for dinner or something.

So it wasn't, he wasn't contacting you or you were contacting him specifically to talk about the USB, but in a time that you were in his physical presence, Mr Maguire said that the USB had an unfortunate turn of events with the tractor, something along those lines?---Something along that.

- 40 And you understood by that, him to mean that he had, one way or another, destroyed the USB stick, is that right?---I didn't question anything further than that.

THE COMMISSIONER: Was your understanding that the USB had been destroyed?---I presumed, yes.

MR ROBERTSON: Is that a convenient time for a brief morning tea adjournment? I've gone a little bit further than usual. I won't be a lot

longer with Ms Vasey, but I note that I've gone beyond the usual morning tea break.

THE COMMISSIONER: Yes. Shall we take the usual 15 minutes, Mr Robertson.

MR ROBERTSON: May it please the Commission.

10 THE COMMISSIONER: Very well. We're going to have a 15-minute morning tea break, Ms Vasey. We'll adjourn.

### SHORT ADJOURNMENT

[11.42am]

THE COMMISSIONER: Ms Vasey, you will continue to be bound by the affirmation you made this morning.---Yes.

Thank you.

20

MR ROBERTSON: Ms Vasey, I asked you this morning whether Mr Maguire ever asked you to do anything that at least on reflection you thought could only relate to his private interests rather than his public duties as a member of parliament, and I think you'd agree that one of the things that you were asked to do that falls within that category was to take possession of the USB and to keep it in your handbag. Would you agree with that?---In hindsight, yes, but at the time I did not think that.

30 So at least when you first took possession of the USB stick, what are you saying, you didn't think there was anything particularly wrong with - - -?  
---I thought it was for his defence or within for when he was coming here. I thought it was in regards to that.

But at least once he resigned from parliament you realised that you were put in an exceedingly difficult position because you had a USB stick that might have information that might be relevant to an investigation into Mr Maguire. Would you agree?---Yes, in hindsight.

40 So at least keeping possession of the USB stick beyond the point in time where Mr Maguire had resigned as an MP was something that you were doing that obviously had no connection with his public duties. Would you agree?---Can you please restate that?

Mr Maguire resigned with effect on 3 August, 2018. Is that consistent with your recollection?---Around then, yes.

But you still had possession of the USB at that point in time. Is that right?  
---Yes.

Is it fair to say that you continued to maintain possession of that USB at part by way of a loyalty that you felt to Mr Maguire?---In part, yes, but also in part I didn't see him in the office again after that, before I was coming, so I didn't have opportunity to return it to him.

10 But in the event that what you may have expected, namely a search warrant being executed in his former parliamentary office on 12 September, 2018 had happened, you obviously could have just given that USB stick to investigators, couldn't you?---In hindsight, yes, but - - -

In hindsight that's probably what you should have done.---Yes.

Drawn it to the attention of - - -?---But I - - -

20 - - - investigative authorities.---But I panicked for what it was personally putting me in. I already knew the extent of where you guys, like the fact that you had recordings of Daryl and who you were investigating at that point. I didn't know by James's conversation that you had something within the office that if I was to take it out of my handbag and put it into my drawer and if it was even in my drawer, I didn't, I just didn't know what I should do. I panicked.

So part of your concern is that it might look bad to you - - -?---Me personally.

- - - in the event that it became apparent that you were in possession of the USB stick. Is that right?---Yeah.

30 THE COMMISSIONER: Well, you were concerned, I take it, that it was worse than looking bad for you but you might become implicated in some sort of proceedings of this Commission.---That, that I had no control over. I was put in a position.

MR ROBERTSON: But was part of your decision-making at that point in time affected by the fact that you did have a close relationship with Mr Maguire?---I wasn't thinking about him then.

40 You were concerned about the way it might look if it became revealed that you were in possession of this USB stick, is that right?---And whether I put it, I didn't, I didn't know whether I keep it there and then I then - I did, I did not know what course of action was available to me. I was very frightened.

And you had been put in a difficult position because you were asked to look after a potential piece of evidence that you knew might be relevant to this Commission's investigation?---No. I, from what I had understood by me holding onto that, was that I was holding a copy of what was on the phones that he had brought to the Commission for, because he presumed you would

ask for them. He wanted to have access to those phones should you guys ask him anything in regards to it.

But if that's the case, what have you got to worry about? If all you've got is a copy of something that the Commission otherwise has, what have you got to worry about if you're giving investigators a copy of something they've already got?---I don't know. I panicked at the time because you guys were -- I, I say you guys -- like, his house was being raided, investigated. I just panicked because of the position I was in.

10

But at least one aspect of that position must have been a concern that there was relevant evidence sitting on that USB stick. Do you agree?---Yes. I agree in hindsight. I say that in -- I was put in a terrible position and I didn't know what to do. I didn't know who I could talk to. I didn't know where I could -- can I have a moment?

Of course. If you want a tissue box, just let me know if there's not one in the witness box.

20 THE COMMISSIONER: No, there's one there.---There's one there.

MR ROBERTSON: Oh, there is one.

THE COMMISSIONER: There is one just behind you, Ms Vasey.

THE WITNESS: Can you put it to me again, please?

MR ROBERTSON: Really what I am suggesting is that one of the things that must have weighed on your mind, when you were in possession of this  
30 USB stick, is the possibility that it contained information that might implicate Mr Maguire. That must have been part of what was exercising your mind and why you were concerned about being in possession of the USB stick. Do you agree?---All I know is how I felt in that moment was to panic and fear for myself. I wasn't thinking exactly about the, the USB and what was on it, it was just more the fact that I had it and it was in, on my person and that's what I was terrified of.

And you were terrified that if that became revealed, for example, through a search warrant, that might reflect very badly on you, is that right?---Yeah,  
40 that I was intentionally concealing it but I wasn't. I was, I, I made a very bad choice.

But that choice was influenced by the fact that Mr Maguire had asked you to proceed in that fashion, is that right?---Yes. I, I was doing exactly what I was instructed to do.

Someone in respect of whom you had a pretty close relationship as employer and employee?---Yeah. He, he was my boss. He instructed me to

put into my handbag and I did that and I, in my mind, I thought it was all for the purposes of his lawyers, for his lawyers for his defence.

And are you saying that was still your understanding of the position as at 12 September, 2018, when Mr James Maguire called you?---That opinion then changed because I obviously panicked afterwards, going like, if they're raiding there and if they potentially come here, and it's on my person, it's in my handbag.

10 So at least at the time that James called you up, you've realised it wasn't just about containing an extra copy potentially for lawyers, it was a USB stick that may well have some information that may be of interest to investigators, is that right?

THE COMMISSIONER: And did you understand, from what Mr James Maguire - - -

MR ROBERTSON: I'm sorry to interrupt, Commissioner.

20 THE COMMISSIONER: Sorry.

MR ROBERTSON: Were you agreeing with the last question that I put to you?---Ah - - -

I saw you nodding but I didn't hear your answer.

THE COMMISSIONER: I'm sorry, Mr Robertson.

MR ROBERTSON: Yes, I'm so sorry, Commissioner.

30 THE WITNESS: I was nodding, but I'd like you to repeat what you said.

MR ROBERTSON: What I'm suggesting is that at least once Mr James Maguire called you on 12 September, 2018, it became apparent to you that the USB was not just about containing your record, an extra copy of documents already provided to solicitors, it was potentially something of interest to investigators. When I put that to you, I thought I saw you nodding, but there's a transcript and the transcript won't record you nodding or shaking.---Sorry, it's a habit that I have when somebody's asking a  
40 question. I nod to - - -

No, no, you don't need to apologise at all.---Yep. Sorry, again.

Mr Maguire, Mr James Maguire, called you on 12 September, 2018. He leads you to believe that there is at least a risk of a search warrant being executed in Mr Maguire's former office.---Yes.

Have I got it right so far? And once you hear about that, you realise that the USB stick may be more than simply a copy of documents contained, prepared for the benefit of lawyers. It might actually be something that the investigators might be interested in, is that right?---Yes.

And you were obviously concerned that if that became apparent during the course of a search warrant being executed and it was sitting in your handbag or on your person or in your drawer, for example, that that might reflect badly on you.---Yes.

10

I apologise, Commissioner.

THE COMMISSIONER: Did you also understand, from what Mr James Maguire was saying – which, as I understand, was to destroy everything in the office – that that instruction extended to the USB stick?---I never interpreted it that way. I would never do anything like that.

20

As in destroy the USB? Why would you not have done that?---That is not my responsibility to do that. I would never take ownership on anything like that. That, that, it was, I was just asked to hold onto it, and when I, the opportunity to give it back came about, I gave it back. That is not my responsibility. I would never do anything like that.

Well, I understand you may not have done anything like that, but did you understand Mr James Maguire’s instruction, in effect, to destroy everything in the office extended to the USB?---I did not.

30

You didn’t turn your mind to that at all or - - -?---No, I didn’t turn my mind to destroying the USB at all.

Well, now, that’s not really what I’m asking. I’m asking whether you understood Mr James Maguire, in effect, to have been saying, “Destroy everything,” including an instruction which may have extended to the USB, whether or not you were going to destroy it?---I didn’t take that interpretation of what he was saying.

MR ROBERTSON: Do you know whether James Maguire knew about the existence of that USB?---No, I didn’t.

40

You’re not sure one way or the other?---I don’t know.

Now, back to a question that I asked you earlier this morning. And let’s put aside the USB issue for now. Was there anything else that, on reflection, looking back at it, you go, well, that was assistance that I provided to Mr Maguire that I can’t see it was, had anything to do with his public office as an MP. It was, rather, something that might have had something to do with personal business interests or something that was not to do with his office as an MP.---I don’t recall anything.

Or did he ever ask, or have you heard, for example, of an organisation called G8way International?---Not until a couple of weeks ago.

And so you were never asked to assist with anything that was relating to G8way International, is that right?---No.

10 What about any attempts by Mr Maguire to cultivate business relationships with people in or associated with China?---Not that I recall.

You weren't involved in matters of that kind?---No.

Is it fair to say that your role was principally directed to media-type matters and what might be called general constituency-type matters?---Yes.

You would engage with the community on a local level, but you'd also assist Mr Maguire with media matters and matters of that kind.---Yes.

20 What about in terms of fundraising? Did you ever assist Mr Maguire in terms of fundraising efforts?---Yes.

And what did you do in that area?---So I would assist, there was a dinner that I assisted with, not long after, it was like September 2017 roughly, that I assisted with because we needed to, we, Mr Maguire needed to raise a certain amount of money ahead of the state election.

30 Were you aware of any rules or procedures or guidelines that applied as to whether you were able as a publicly-funded employee to engage in political fundraising or activities associated with political fundraising?---Yes.

And what were those rules as you understood it?---The office is to remain as apolitical as possible.

And why, in the face of that understanding of the rules, did you assist in relation to political fundraising matters which by their nature are not apolitical in nature?---No. Because it had been done in the office by, prior to me arriving, is was, some arrangements were made there.

40 You mean some arrangements had already been made in respect of that particular function. Is that what you're saying?---No, in, in all fundraising or - - -

So there had been a practice within the office as you understood it where the office would get involved in political fundraising for Mr Maguire. Is that right?---To an extent, yes.

And so you were in effect continuing existing practice, even though, as you understood it, it was contrary to the rules. Is that right?---And I did object at times to that.

Do you remember who you objected to?---Brenda.

Did you object to Mr Maguire directly?---Not directly because I didn't know how that would go down in terms of like, with my employment and things.

10

And do you recall what if anything Brenda said in response?---I do not recall.

Did you object to anyone else, did you report that to anyone within the parliament for example?---No.

20

But this was, as you understood it, something that had been done in Mr Maguire's office from time to time, even though you knew, because it was either in the code of conduct or part of your training, that it was inconsistent with the rules. Is that right?---What we were doing with that was trying to relay or correspond with the Premier's Office and with the Treasurer's Office dates that we could have the dinner on.

But was there more than that, was there organisation of actually the room for the dinner and arrangements within Parliament House, things of that kind?---Yes.

30

So you were involved in some of the logistical arrangements in setting up that particular fundraising function. Is that right?---Yes.

And you referred to the Premier and the Treasurer, but were those individuals who attended that particular fundraising function?---Yes.

And can you recall where the fundraising function took place?---Within Parliament House.

40

And who made those arrangements, was that you or was that someone else? ---Myself and Meagan Tuck were organising it together because I was also going away to America.

In terms of the guest list for that function, who came up with the guest list for the function, can you remember?---Mr Maguire.

So he identified that he wanted Treasurer in attendance and another senior minister, your recollection being the Treasurer - - -?---Yeah.

- - - but also identified the other individuals who should attend that particular function. Is that right?---Yes.

And did that function in fact take place?---Yes.

And were you present at the function, can you remember?---Yes.

Just pardon me for a moment. Can you recall how you travelled to Parliament House for that function?---Yeah. I flew back from America early. I was already in Sydney.

10 And what about getting from Sydney back to Wagga?---I flew back.

And did you pay for that yourself or was that paid for in some other way, do you remember?---I can't recall who paid for it. I can't recall who paid for it, whether it was myself or in turn it was Daryl because parliament refused to cover the flight back home.

Do you mean refused in the sense that a claim was put in a parliament said no?---Yeah.

20 So you've got a recollection of Mr Maguire attempting to put in a claim, what, in relation to your air fares?---Yes.

And parliament said no because it was associated with a political fundraising function as opposed to ordinary duties as an electorate officer. Was that right?---I understood it was because I had already had intentions coming back home because I was on leave.

Do you know who paid for Mr Maguire's transport to and from that function?---No, I don't recall.

30

And then what about the expenses for the function more generally, things like paying for the food and things of that kind. Do you recall who paid for that?---Initially the guests had to pay a certain amount to attend and then it would have been from my, the best of my recollection was that it would have then been put on to Daryl, back on to Daryl like as part of his tab and then he would have paid it.

40 So it's a fundraising function, obviously enough. The idea is to make money after expenses, and so your recollection was that people were charged a fee to attend, get to meet Mr Maguire, get to meet the Premier, get to meet the Treasurer, and then the expenses are taken off and the rest is in effect a donation to Mr Maguire's next campaign. Is that right?---Yes.

Do you happen to recall what the fee was to come to that particular function?---I feel like it was about the \$1,000 mark.

And do you recall roughly how many people were in attendance?---A minimum of, around 10 at the minimum.

And is it right that everyone actually sat on the same table? I was a largish sort of table that everyone sat on the same table?---Yes.

But I think people moved after courses or something like that so that everyone could get a seat for at least a short period near the Premier and perhaps the other minister who was in attendance.---The Treasurer, yes.

10 You said that you attended that particular function when you were coming back from an overseas trip. Is that right?---Yes.

And so were you still on leave at the time of the function or were you back off leave at the date of the function?---I worked that day but then I was, it was out of hours so it was - - -

So the day of the function was a workday rather than a weekday. Is that right?---Yes.

20 I take it there was organisation to do during the course of the day.---Yes.

So during the course of the workday, so perhaps in the afternoon, 2 o'clock/3 o'clock, something like that. Is that right?---Yes.

But that was what, your first workday having come back from overseas. Is that right?---Yeah, I came back that morning.

When is the last time you had any contact with Mr James Maguire?---A couple of weeks ago.

30 And what was the circumstances of that contact?---I was at Daryl's house for dinner.

And when is the last time you had contact with Mr Daryl Maguire, is that two weeks ago as well?---Yes.

40 Following the discussion that you had with Mr Maguire regarding the USB of being run over by a tractor or whatever words that you used, have you had any other discussions with Mr Maguire that has anything to do with this Commission's investigation, either in this matter or in the previous operation Dasha matter?---I had and it was more along the lines of how burnt a lot of us got from the last time he, he appeared, so in 2018 and his general I guess anger towards it all and just that, yeah.

Did Mr Daryl Maguire give you any advice as to what you should say to the Commission or what you should do in relation to any documents that you might have that might be of interest to the Commission?---No. He has always just said just tell the truth.

Did he give you any advice for example in relation to any documents, he's already told you that the USB stick has been in effect destroyed. Did he give you any advice as to anything that you should do in relation to any documents such as emails that you might have or might have access to?  
---No. I don't recall.

10 THE COMMISSIONER: When Mr Maguire in effect told you that the USB stick has met a fate under a tractor, did it occur to you to ask him what had happened to the hard drive you understood Ms Cartwright had received?  
---No.

And this dinner party to which you referred, what was the date of that?---It was middle of September 2017. I can't - - -

No, the dinner party a fortnight or so ago, when you last spoke to Mr Daryl Maguire and Mr James Maguire, as I understand it.---It was just before this started.

20 Was there any discussion at the dinner party about the coming hearing?  
---Not, not overly. He just talked about how this will go on for a bit and then he'll have a say at the end.

And did he know that you had been summonsed to appear before this hearing?---No.

Did you mention it at all?---My partner had received a call from a contact in Ivanhoe and I, it just happened that he was next to Daryl and, when we were discussing the fact that I had been called and summoned. So - - -

30 Sorry, who was next to Daryl?---His name's Peter, that's all I know.

So Mr Maguire was, what, in Ivanhoe?---Yes.

And somebody from Ivanhoe called your partner?---Yes. To discuss work. He's a builder and he's been working in Ivanhoe and so he was discussing that and he was with Daryl and I said, "Can you, can I just speak to Daryl and tell him that I have been summoned?"

40 And did you speak to Mr Maguire then?---Yes. I said that I had been summoned. I just wanted him to know that so it was – I wanted him to know so that he knew what position he had put me in.

And was this before the dinner party or - - -?---This is after the dinner party.

The dinner party was shortly before this hearing commenced, as I understand it.---Yes. Not specifically my hearing, the whole operation, if that makes – like so we're week three, it was like before. He had just come back from giving his private, I don't know what you call that.

I see.

MR ROBERTSON: So are you saying that you're aware that Mr Maguire participated in a private hearing before this Commission before he participated in – sorry – before the commencement of this public inquiry?  
---Yes.

10 And how did you know that, who told you?---He told me.

And did he tell you that before or after he participated in the private hearing, do you remember?---Before.

So he told you, "I've been summoned to appear in a private hearing," is that right?---Yes.

And what else did he tell you about that matter?---That was it.

20 What were the circumstances in which he raised that matter with you?  
---What do you mean?

Well, what was the context in which Mr Maguire was drawing your attention to the fact that he'd been summoned to participate in a private hearing? Did he call you up because he thought you might be interested in it or was it a discussion over a barbecue at his house or what was it?---He said it like a passing comment at a barbecue at my house.

30 How long ago was that?---Probably the weekend before he came and had he private interview or hearing.

So what that this year or was last year?---This year.

I want to try and drill down on the dates. I apply for the direction that was given under section 112 of the Independent Commission Against Corruption Act in relation to the compulsory examination of Mr Daryl William Maguire on 15 September, 2020, be lifted insofar as it would otherwise prevent publication of the fact that Mr Maguire gave evidence on that date.

40 THE COMMISSIONER: Yes, I make that order.

**VARIATION OF SUPPRESSION ORDER: THE DIRECTION THAT WAS GIVEN UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT IN RELATION TO THE COMPULSORY EXAMINATION OF MR DARYL WILLIAM MAGUIRE ON 15 SEPTEMBER, 2020 IS LIFTED INSOFAR AS IT WOULD OTHERWISE PREVENT PUBLICATION OF THE FACT THAT MR MAGUIRE GAVE EVIDENCE ON THAT DATE.**

MR ROBERTSON: Are you saying that earlier this year, Mr Maguire drew your attention to the fact that he had been summoned to appear in a private hearing before this Commission, is that right?---Yes.

And we're now in October. Is it consistent with your recollection that that happened sometime in September?---Yes.

10 And so Mr Maguire in effect said, "I have to go to a private hearing sometime soon." Is that right?---Yes.

Now, at that point in time were you aware of whether this Commission was intending to conduct a public inquiry?---No.

Are you aware whether there had been any announcements in relation to that matter?---I was made aware by some friends who had said that there would be.

20 And did that happen before or after Mr Maguire was telling you about the private hearing?---That happened before.

THE COMMISSIONER: So this friend's told you there would be a public hearing?---Yes.

MR ROBERTSON: And do you know whether that was before or after the public inquiry hearing had been announced?---Sorry?

30 Well, I withdraw that and ask in a different way. Who were the friends who told you that there would be a public inquiry in relation to Mr Maguire?  
---One of my friends who worked for WIN News sent me a tweet from an ABC journalist announcing that there would be an investigation.

And so does that happen before or after Mr Maguire tells you about the private hearing that he'd been summoned to?---Before.

So you find out about the public hearing first, the public inquiry first.---Yep.

40 Then Mr Maguire says, "By the way, I've got to turn up to a private hearing in coming weeks." Is that right?---Yep.

And what else did Mr Maguire tell you about that private hearing?---That was it.

Did he tell you, did he say anything to you about – sorry, start again. Did he ultimately say to you, "I have participated in a private hearing"?---Yes. After once I was at dinner at his house.

So just to help you with your bearings, Mr Maguire was asked on 1 September, 2020, to attend a private hearing, which he did on 15 September, 2020, which is less than a month ago. Are you saying you spoke to Mr Maguire after he attended the private hearing last month?---Yes.

Regarding that private hearing?---Not specifics, but yes.

Well, Mr Maguire at least informed you of the fact that he had participated in a private hearing, is that right?---Yes.

10

Did he give you any indication of the topics that were addressed during the private hearing?---No.

Did he give you any indication as to the nature of the answers that he gave during the course of the private hearing?---No.

What was the context in which Mr Maguire was telling you about?---He just said that, you know, "They're asking me stuff and I went 'I can't recall.' Like, they're asking for information from years ago." Like, just I was  
20 distracted because I had my daughter with me and she was running around the house.

But he was at least saying something about the content of the hearing. It may have been as simple as saying, "Well, I was asked millions of questions and I couldn't quite recall certain things and it was all an unpleasant experience," something like that.---Along those lines, but I was very  
30 distracted because I had my daughter with me and she's, at the time she's 15 months, so she's running around like a maniac, like, pulling things off and - -

But whilst you might not remember the details, there was at least some discussion of what actually happened in the hearing room during the course of the private hearing, is that right?---Just that what I said. "They were asking me to recall things from years ago," and, you know, I, it was just a very general discussion.

Did he tell you that he had been directed under the Independent Commission Against Corruption Act to not disclose the fact that he had participated in a compulsory examination?---No.

40

And this subsequent dinner or function, the one after the private hearing, did you say that happened at your place? Or was this one that happened at Mr Maguire's place?---Sorry, can you repeat.

It sounds like that after Mr Maguire participated in a private hearing, in about mid of September, mid of last month, Mr Maguire told you that he participated in such a private hearing, is that right?---Sorry, I'm getting a bit lost with everything.

So after he was in the private hearing - - -?---Yes.

- - - Mr Maguire said, "I've been to a private hearing recently. They asked me lots of questions. I couldn't remember some things." Something like that.---He just, he talked generally. He didn't say that he couldn't remember things. Like, he just said, like, you know, "I can't recall. Like, it was years ago that they're asking." Like, he just, he was very, very general and I was very distracted during those conversations.

10

THE COMMISSIONER: Was that at the barbecue at your house or the function at his house?---No, it was at his house, the dinner at his house.

So the dinner just before this public hearing commenced?---Yes.

MR ROBERTSON: So when Mr Maguire said in advance, "I'm going to the private hearing sometime soon," that was at your house, is that right?---Yes.

20 When he told you, "I've been to the private hearing and they asked me lots of questions," et cetera, that was at your house, is that right?---Yeah.

And that was - - -?---No.

THE COMMISSIONER: No, the other way around.

THE WITNESS: The other way around. So - - -

30 MR ROBERTSON: I'm sorry, the other way around. That was at Mr Maguire's house, I'm so sorry.---Barbecue, he came round at, to my house, and said that he's got to go up and see you guys, and we didn't say, talk much more into it. And then after he came back, I had dinner at his house.

THE COMMISSIONER: In Wagga or - - -?---In Wagga.

MR ROBERTSON: And was that the last time you've had any communications with Mr Maguire or have there been more recent communications?---Not besides that one where I indirectly talked to him through the phone.

40

THE COMMISSIONER: Well, that was I thought when you received your summons to appear here.---Yes.

And he was somehow next to the builder who'd rung your partner and then you asked to speak to him because you knew Mr Maguire was in Ivanhoe.---Yes.

So that was after the dinner party.---Yes.

MR ROBERTSON: And, Commissioner, can I assist by reminding that the summons for this particular witness was not issued at the same time - - -

THE COMMISSIONER: As the others.

MR ROBERTSON: - - - or was not issued in advance of the public inquiry summonses.

10 THE COMMISSIONER: Oh, I see. Thank you.

MR ROBERTSON: The event at Mr Maguire's house after the private hearing, so the one that - - -?---Yes.

- - - looks like it happened towards the end of September, who else was present other than you, Mr Maguire and your I think you said daughter, I apologise if I - - -?---Daughter. My father was.

20 Anyone else?---That was it. And James. That was, he came towards the end.

THE COMMISSIONER: And your partner?---No, he wasn't.

MR ROBERTSON: Pardon me for a moment, Commissioner. That's the examination, Commissioner.

30 THE COMMISSIONER: Thank you, Mr Robertson. So despite the position Mr Maguire put you in with keeping custody of this USB for some time, you maintained a close friendship with him, yes?---I did.

MR EURELL: Commissioner, can I start by seeking leave to appear on behalf of Mr James Maguire? My name's Eurell, E-u-r-e-l-l.

THE COMMISSIONER: Yes, thank you, Mr Eurell. I'm in the course of asking counsel whether they wish to ask this witness any questions.

MR EURELL: I just wanted to indicate I might have two questions.

40 THE COMMISSIONER: Very well.

MR EURELL: Thank you.

THE COMMISSIONER: Well, then I'll come to Mr Ramrakha last in this event. Yes, Mr Eurell.

MR EURELL: Thank you. Is it correct to say that you don't recall the exact words that Mr James Maguire used in the phone call between you and he on 18 September, 2018?---Yes, and I thought I'd stipulated that.

10 And is it correct to say that you did not understand him to be suggesting in that call that you should destroy evidence?---He never directly said anything like that. He, he was extremely careful in the words that he used, but he was calling and letting us know what was happening.

That is he was calling to let you know that there was a search warrant occurring at the residential premises.---Yes.

That's as much as you can remember.---To the best of my abilities.

20 Thank you. Thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Eurell.

Mr Ramrakha?

MR RAMRAKHA: Thank you, Commissioner. Just a few questions. Ms Vasey, you've been doing your best today to give truthful evidence before the Commissioner. Is that correct?---Everything has been truthful.

30 Now, you were asked some questions about messages being placed on a USB device.---Yes.

And you gave evidence about having arranged a local technician in Wagga to come and do that?---Yes.

Now, we know that the person's name is Greg now.---Yes.

And do you recall Greg coming into the office at Wagga?---Yes.

40 And when he came into the office did he have dealings with you or did he have dealings with Mr Maguire, Mr Daryl Maguire?---He mostly had them with Daryl.

And where did those dealings take place?---It was in his office. I didn't get up from my chair when he was there.

And at some later stage you were provided with the USB device. Correct? ---Yes. At a later stage, yeah.

Yes. Now, at that stage it was your understanding that all that was being done by Mr Maguire was that he was copying messages from his phones and other devices and placing them onto a USB device. Is that correct?  
---Yes.

10 And did you obtain that understanding from something that Mr Maguire said to you, did he say he wanted to keep a copy for his own records or something like that?---He wanted to keep a copy so that if ICAC took possession of his phones his lawyer would have reference to it.

Now, did you ever think at a later stage that the USB device might have contained items that may have been deleted from the phones?---No. I always thought it was a copy.

So you talked about a time when you were in a state of panic in relation to this device that you had in your possession.---Yes.

20 Now, was that panic really something that was born of, you didn't really understand the implications of having this item in your possession?---No. I didn't, the position I was put in it didn't become, like it didn't dawn on me until that phone conversation where James alerted us or informed us to their house being raided, like it did not dawn on me until then that I had been put in a horrible position and I panicked.

You were asked some questions about certain steps that were taken when Mr Maguire was resigning from parliament in relation to the destruction or disposal of his records. Remember being asked those questions?---Yes.

30 Now, was it your understanding that there was nothing unusual about an outgoing member of parliament giving those types of instructions to dispose of information?---There was nothing unusual about it and that's what parliament had informed us of, was that any outgoing member can choose to do what they will with the paperwork with the, like, the data because it's their property, and so we, it didn't seem unusual like, and if there was, say, an election called and the member lost we, the outgoing member would probably go in and destroy everything that's in there anyways because it's seen as giving the incoming member an advantage.

40 All right. No further questions, Commissioner.

THE COMMISSIONER: Thank you, Mr Ramrakha. Anything arising from that, Mr Robertson?

MR ROBERTSON: I just want to be clear about one aspect of your evidence. In relation to the call that you had with Mr James Maguire that appears to have happened on 12 September, 2018, did you understand Mr James Maguire to be communicating to you a message as to what the

office might do in relation to any documents of Mr Maguire or is it your understanding that he was simply informing you of the existence of the search warrant and not going anything further? And I'm deliberately using the word "understanding" here because you've given evidence, as I understand it, to say that he was quite careful in the words that he chose, but I just want to be clear about what you understood the message was from Mr James Maguire, both in the words that he used but also the way in which he delivered those words.---I've recalled it to the best of my ability. I, he had to really spell it out to me who was there at the house. I remember that  
10 taking probably way longer than it should have because he wasn't using specifics. I thought he was talking about media being there, given everything, and I remember asking along the lines of "What do you want us to do?" like insinuating like not just thank you for the heads-up that that's currently happening, but what's the purpose. And him saying along the lines of "If you need to look after anything," like I, I don't fully recall exactly what he said but I got the impression that we needed to finish doing whatever we needed to finish doing which was most like the, yeah.

20 THE COMMISSIONER: What you were in the course of doing, as I understood your earlier evidence, was shredding everything in the office. ---Yes.

MR ROBERTSON: And that's what you're referring to when you're saying finishing doing whatever you've as it were started doing?---Yes.

Thank you.

30 THE COMMISSIONER: Thank you, Mr Robertson. Shall I discharge Ms Vasey?

MR ROBERTSON: Can I suggest just not immediately, but I would apprehend we would be in a position to discharge her fairly promptly, but I'm just mindful that there seems to be at least a suggestion of a conflict of evidence between this witness and the next witness. So on the face of that, in my submission you wouldn't formally discharge her yet.

THE COMMISSIONER: May she leave for today?

40 MR ROBERTSON: Of course.

THE COMMISSIONER: So Ms Vasey, you're not discharged from your summons to attend the public inquiry but you may leave for today but there's a possibility we may recall you in the course of the public inquiry. You may step down now.---Thank you.

**THE WITNESS WITHDREW**

**[12.45pm]**

MR ROBERTSON: Can I deal with a formal tender that I neglected to do before. I tender telephone intercept 11673, 25 July 2018, and accompanying transcript.

THE COMMISSIONER: Very well. That will be Exhibit 279.

10 **#EXH-279 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION SESSION 11673 DATED 25 JULY 2018**

MR ROBERTSON: The next witness is Mr James Maguire, who I will call by way of video link. Can I suggest a brief adjournment to allow that to take place?

THE COMMISSIONER: Yes.

20 MR ROBERTSON: It may be that we will need to sit into the luncheon adjournment for a short period, for which I apologise.

THE COMMISSIONER: Very well. We'll take a short adjournment.

**SHORT ADJOURNMENT**

**[12.46pm]**

THE COMMISSIONER: Yes, Mr Robertson.

30 MR ROBERTSON: I call James Maguire.

THE COMMISSIONER: Mr Maguire, do you wish to take an oath or make an affirmation?

MR MAGUIRE: Affirmation, please.

THE COMMISSIONER: Mr Eurell, have you explained to Mr Maguire his rights and liabilities under the Independent Commission Against Corruption Act?"

MR EURELL: I have, Commissioner, and he would seek a declaration under section 38, if it please.

10

THE COMMISSIONER: Very well. Thank you. Mr Maguire will you listen very carefully to what I am about to explain to you.---Yes.

As a witness you must answer all questions truthfully and produce any document 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.

20

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, and I don't understand you to have fallen into that category.---No.

30

Very well. 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 don't have to object with respect to each answer or to the production of each item. And I gather from your counsel that you wish me to make that declaration.---Yes.

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.

40

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY 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.**

THE COMMISSIONER: Yes, Mr Robertson.

10 MR ROBERTSON: Can you state your full name, please?---James Braddon Maguire.

And can I confirm that you can hear and see me clearly?---I can. I just can heavily hear the typist.

Let's proceed. If you get to a point where you can't hear me clearly and you can't understand the questions, let us know and we'll see if there's something we can do about that.---No problem.

20 You are the son of Daryl Maguire, is that right?---That's correct.

You live in Wagga Wagga with your father, is that right?---Correct.

And you lived with him in 2018, is that right?---Correct.

You're aware that your father resigned from parliament in July of 2018 with effect in August of 2018?---Yeah. Around there, yep. Not exact dates but yes.

30 After your father resigned from parliament, did you provide him with any assistance in relation to disposing of either physical documents or destruction of electronic records?---No.

Not at all?---No. He may have asked for assistance but I, I am not particularly (not transcribable) advanced to that extent.

40 So let's be quite clear about this. Do you deny that you provided any assistance to Mr Maguire in deleting or otherwise disposing of electronic records after he had indicated his intention to resign from parliament?---Not that I recall.

Well, are you reserving to yourself the possibility that you did give such advice and you just don't recall one way or the other, or are you positively denying that you provided any assistance to your father in disposing of or destroying, whether hard copy or electronic records, on Mr Maguire's, on your father's request?---Not that I can recall.

Well, are you in the practice of regularly destroying electronic records?  
---No.

It's something that would be out of the ordinary for you to do. It's not something you do on a day-to-day basis or week-to-week basis, is that right?---That's right.

And I'm suggesting to you that if you had provided assistance to Mr Maguire in destroying electronic records, or deleting electronic records, in 2018, at a very difficult time of your father's life, you would remember it. Do you agree with that?---I, I I would remember it, yeah.

10

I mean, you remember quite clearly in your mind the period of time between when Mr Maguire, your father, attended before this Commission on 13 July 2018 and when he ultimately finished up as a member of parliament, correct?---It was a hectic time, yeah.

It was a very difficult time for your father, correct?---The, the whole situation, the family situations and so on, it was, yeah. Yeah, although I - - -

20

Both politically-wise and family-wise it was a terrible, to your knowledge, in your father's life, correct?---Yeah, yeah.

Your father was the subject of considerable political controversy and criticism during that period. Correct?---Correct.

You were trying to provide support as best you could as son for your father. Correct?

30

And I suggest to you that if you'd assisted Mr Maguire, your father, in relation to records, deleting of records or destruction of records, you would remember doing that. Do you agree?---I would agree, yes.

And having accepted that, do you accept or deny that you assisted your father in disposing of or destroying electronic records in the aftermath of him indicating his resignation from parliament. Do you accept that or do you reject that?---Can I just get you to repeat the wording (not transcribable)

40

Of course. What I want to know is whether you assisted your father in deleting or otherwise disposing of any electronic records after he had indicated that he was resigning from parliament.---No.

Are you sure about that?---Yes.

I'm about to play you a recording, intercept 12612. This is a recording of a telephone conversation that we believe to be between you and your father on 13 August, 2018, which was about 10 days after the effective date of his resignation from parliament. If you can just listen carefully to it - - -?  
---Ah hmm.

- - - and then I'll ask you some questions about it. I'm so sorry, I gave you the wrong date there, sir, I better clarify that. The date was 27 August, 2018, which was after the date that Mr Maguire indicated that he was intending to resign from parliament but before that date was effective.  
---Okay.

And when this is played, what's also going to come up on your screen, which you should now see, is a transcript that's been taken of the particular communication.---Yes.

10

Can you see that now on the screen?---Yes.

I'll now have the audio played which matches the transcript.

**AUDIO RECORDING PLAYED**

**[1.03pm]**

MR ROBERTSON: I'm now going to play a second extract from the same call. I'm not going to play you the whole telephone call, it will take some time, but it's just part of the same recording, 12612, 27 August, 2018.

20

**AUDIO RECORDING PLAYED**

**[1.04pm]**

MR ROBERTSON: Now, we'll stop the recording there.---Yeah.

Do you agree that one of the voices on that call was yours and one of them was your father's?---Yes.

30

Do you wish to revise any of the evidence that you gave before I played that recording to you?---I know that appears to be like, technical advice for his email, email, like, it was filling up or something.

Well, wasn't it more than that? You were seeking to ensure and seeking to assist your father ensure that certain emails were deleted, including deleted off servers?---(No Audible Reply)

Do you agree?---Hmm, I, guess so.

40

Now, what about hard copy documents, did you provide your father with any assistance in destroying any hard copy documents after - - -?---No.

- - -he had indicated his intention to resign from parliament?---Not that, not that I recall, no.

And so in terms of destruction of documents, deleting, et cetera, there may have been some assistance of the kind that we just heard of in the telephone intercept. Is that right?---Sorry?

In terms of any destruction of hard copy or electronic documents, you agree that you provided some assistance to Mr Maguire in relation to electronic documents. Is that right?---Yes.

10 And other than on the telephone call that we just heard, was there any other assistance that you provided in relation to destroying of electronic or hard copy documents?---Not to my knowledge, no.

It was just that telephone call and nothing else. Is that right?---I don't recall that telephone till today so - - -

Sorry, you will need to repeat that. You just broke up a little bit.---Oh, I didn't recall that telephone call (not transcribable)

20 But sitting there now, so far as you can recall, that telephone call was the only occasion on which you provided any assistance to Mr Maguire regarding deleting or disposing of hard copy or electronic records. Is that right?---To the best of my knowledge, yes.

You were at home when a search warrant was executed at your house on – just pardon me for a moment.---No, I wasn't.

But you became aware of the fact that such a search warrant was being executed. Is that right?---There was a vehicle tailgating me to work.

30 And was that what drew to your attention the fact that a search warrant was being executed at your premises?---No. I thought it may have been media just because it was an unusual vehicle, and I rang dad to say lock the gate cos I'd come out of the gate and he said that (not transcribable) a police officer had turned up or something on the phone, yes.

So just to get that order of events in place. You thought that there was something suspicious about a vehicle near you when you were driving on the road. Is that right?---Well, yes, I did, yes.

40 And you contacted your father. Is that right?---Yes, I rang him not long after, yes.

And what did your father say on that conversation?---He said that an officer had just turned up from memory.

When you say just turned up, just turned up to the house. Is that right?---At the house, yes.

And did Mr Maguire, as in your father, call you or did you call your father?  
---I rang him I believe because I said, "Look, lock the gates."

Sorry, you just broke up a little bit. I think what you said is that you had a conversation with your father during the course of which you said lock the gates. Is that right?---Because, because, yeah, I thought it was media, yeah.

Was there anything else discussed during that telephone call that you can now recall?---Not that I can recall.

10

Then what step did you take after that in relation to the search warrant, if anything?---It's about 20 minutes to work. I may have rang other people just, and miss, and it's one of those from what I've been watching. I'm not sure who else. I don't, really don't recall. It was quite unusual, you know, having someone follow you, you know, quite significantly to the point where the girls at the coffee shop, even they noticed that a vehicle was following me (not transcribable) yeah.

So you were driving on your way to work. Is that right?---That's correct.

20

You call your father when you're in the car driving to work. Is that right?  
---Yeah, from my memory, yes.

And after that - - -?---until that day.

And after that call do you continue on your way to work or do you change your plans?---I always go through town and I went as usual to the coffee shop, the drive-through pick-up, and then on and continued to work.

30

And then you referred a little moment ago to the fact that you might have called someone. You just broke up when you were starting to explain that. So after speaking with your father did you contact anyone else, do you remember?---I may have, yes.

Well, do you have a recollection of doing that or not?---Only from what I've seen earlier today.

So you were watching, were you, the evidence that was given by Ms Vasey this morning?---Yes.

40

And you know, you heard that Ms Vasey said that you made contact with her on the day that the search warrant was executed. Correct?---Yes, correct.

Now, do you accept that Ms Vasey is giving correct evidence about that, in other words that you made contact with Ms Vasey after you found out that a search warrant was being executed at your house?---I don't recall the specifics. I think I may have phoned her while I was driving to work.

Obviously it was before 7.00am in the morning, if I was driving to work, and that would lead me to mean that maybe I've rang her directly on her mobile or, or on her mobile or however. I really don't recall the conversation.

But what would have given you cause to call Ms Vasey, at that point a former employee of your father?---Just to call, like, just to expect a surprise visit or, you know, just a heads-up.

10 Did you take it - - -?---I really don't know why I rang.

Did you take it upon yourself to give Ms Vasey a heads-up or was it your father's suggestion to do that?---I don't recall, I don't recall doing that, no.

So you don't recall whether it was your idea to contact Ms Vasey or whether it was your father's idea to contact Ms Vasey. Is that what you're just trying to explain?---No, I, I, I don't know if it was just Ms Vasey or other people. I may have rang mum, I am not sure if like there was instructions, I really don't recall.

20

Well, do you accept that after you found out about the search warrant you made contact with Ms Vasey. Do you accept that?---I accept that, yeah.

What was your relationship with Ms Vasey, were you friends of hers or - - - ?---I had known her firstly through, through dad's work but also through race, race committees and stuff here in town.

At the time that the search warrant was executed your father was no longer a member of parliament. Correct?---I'm not sure of the exact date but maybe.

30

Well, what I'm trying to understand is, why would you take it upon yourself to contact someone who was then a former employee of your father, given that your father was no longer a member of parliament?---I don't recall, just a heads-up.

Well, why did you think that Ms Vasey would be assisted by a heads-up in relation to the fact that a search warrant had been executed at your premises?---From, from what I understood the girls were all quite stressed from the office with the whole ordeal and, you know, another experience like this, having people maybe turn up at their workplace, it was just something that, you know, a heads-up this could happen.

40

So do you agree that you were giving Ms Vasey a heads-up that a search warrant might possibly be executed at Mr Maguire's, at your father's former electorate office?---Correct.

So that was at least an aspect of the message that you communicated to Ms Vasey, is that right?---That I can recall.

Is there anything else that you communicated to Ms Vasey during the course of that telephone call?---Not to my knowledge.

Well, did you give any indication, either expressly in the words that you used or the way that you delivered them, with a view to suggesting to Ms Vasey that people at the electorate office might want to get rid of documents that might be relevant to your father?---I don't recall.

10 Well, it is possible that you gave some advice to Ms Vasey to that effect or to some similar effect?---I, I don't recall. I really don't (not transcribable)

Well, this is quite a serious matter, Mr Maguire. On your evidence you're giving a heads-up to a former employee of your father in relation to the matter of considerable controversy and a matter involving an investigation and a search warrant. Agree?---Correct.

20 This was a significant morning in your life in the sense that it's not usual for you to think that you're being followed, correct?---Correct.

There's never been a search warrant executed on your house before, is that right?---No.

Never happened since, correct?---No.

30 Well, you must have a recollection of what you did in light of those startling things happening on the morning of 12 September, 2018.---I don't have a clear recollection. All I remember is a vehicle following me, I don't know if it was just Ms Vasey that rang, or anyone else. I really don't recall. But I remember calling, calling my father, saying, "Lock the gate," and, and, and, and from today, calling, whether Ms Vasey, the electorate office to give a heads-up.

Why did you think Ms Vasey would need or want or want a heads-up?  
---Just because the girls in the office were, you know, when you're getting all this media about the whole situation and, and so on, you know, the girls were all upset from, from what I understood.

40 Did you say anything to Ms Vasey about what she should do, or anyone else in the office should do in light of the fact, as you understood it, that there was a possibility of a search warrant being executed at Mr Maguire's former parliamentary office?---Not that I can recall. Maybe just to, you know, try and keep a low profile, take the back entrance, you know just so they weren't in the papers or whatever, if they were to turn up, you know. I really don't, I really don't recall the specifics.

Do you deny that you said something along the following line to Ms Vasey, "If you need to look after anything, you should do so promptly"?---I don't recall the specifics of the conversation.

Well, is it possible that you said something along those lines?---I don't know. It could be possible, in the heat of the moment it could be.

10 Is it possible that you did more than simply give Ms Vasey a heads-up of the possibility of a search warrant being executed at the electorate office and instead give advice as to what Ms Vasey should do in light of that possibility?---I, I don't believe so. No.

I'm sorry, you have to repeat that answer, you broke up, please.---I don't believe so.

Well, is it possible that you did give advice of that kind?---No. I don't, I don't believe so, no. I don't recall the conversation.

20 Well, you at least have a sufficient recollection that you spoke to Ms Vasey on that day, is that right?---On, from this morning's hearing, yes.

Well, let's be clear about that. Are you saying that this morning's hearing had jogged your memory to confirm that you had a conversation with Ms Vasey on the same day as the search warrant was executed at your house? ---It has, yeah.

So you at least accept that there was a telephone conversation, correct? ---Yes.

30 And you also accept that one of the messages that you gave during the call with Ms Vasey was to give a heads-up that a search warrant might be executed at the electorate office, is that right?---Yeah. Yes.

Do you deny that one of the messages that you also delivered was a message regarding what Ms Vasey should do in light of the possibility that a search warrant was going to be executed at the electorate office?---I don't recall sorry, I don't recall..

40 I'm sorry, Mr Maguire, you'll have to repeat that. You've broken up again. I'm so sorry.---I really don't recall.

So does that mean there is a possibility that you gave some suggestion in relation to the matter I've just identified, but you just don't recall one way or the other. Is that a fair summary of your evidence?---I really don't.

Just pardon me for a moment. Pardon me for a moment, Mr Maguire. And do you have any recollection, Mr Maguire, as to when the call with Ms Vasey took place? So by the sounds of it, you first became aware of the

search warrant in the early morning of 12 September, 2018, when you were driving to work, is that right?---Yes.

And can you assist as to approximately when in the day you had the conversation with Ms Vasey? Was it around the time that you found out about the search warrant? Or is it possible that it was later in the day?---I'm not certain.

10 So you drive to work in the early morning. You stop off for a coffee, is that right?---On the way, yes.

By that point in time, you've already spoken to your father, correct?  
---Correct.

And after finishing coffee, do you go back home in light of the fact that there's people executing a search warrant, or do you continue on to work?  
---Went to work.

20 Sometime during the course of the day you spoke to Ms Vasey, correct?  
---Yes.

Did you take any other steps regarding the search warrant? For example, did you have further communications with your father, or did you go home to see what was going on?---Not that I can recall, no.

So you're saying that other than speaking to your father and to Ms Vasey, you just carried on your business in the way you ordinarily would be on that day of the week?---I did, yes.

30 You didn't leave work early or do anything like that, or change your ordinary course of events, in light of a pretty unusual thing happening? Namely investigators attending your house and having a look at things.  
---What day did it fall on? Was it – it would be unusual. I, I wouldn't really, it's very rare that I would be able to just go from work.

If it assists, it was a Wednesday, 12 September.---Yeah, so I wouldn't, wouldn't have left work from my knowledge, no.

40 And so are you saying that other than speaking to your father about the concern about being followed, and speaking to Ms Vasey to give her the heads-up in the conversation that you and I have discussed, are you saying you can't recall having any other, anything else to do with the search warrant that was executed at your house on that day?---I, I don't, don't believe so. I don't recall. I don't recall.

That's the examination.

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

MR HARROWELL: No, no questions.

THE COMMISSIONER: Mr Ramrakha?

MR RAMRAKHA: No, no, Your Honour.

10 THE COMMISSIONER: Mr Eurell?

MR EURELL: No, thank you, Commissioner.

THE COMMISSIONER: Very well. Mr Robertson, shall I excuse Mr Maguire?

MR ROBERTSON: Yes, Commissioner.

20 THE COMMISSIONER: Thank you, Mr Maguire. You are discharged from your summons to appear before the public inquiry. Thank you for your attendance.---Thanks, Commissioner.

**THE WITNESS EXCUSED**

**[1.29pm]**

MR ROBERTSON: Can I deal with a formal tender. I tender telephone intercept 12612 and the accompanying transcript.

30 THE COMMISSIONER: Well, the parts of it, the extracts which were played I take it?

MR ROBERTSON: The extracts that were played, yes.

THE COMMISSIONER: Yes. Very well. That will be Exhibit 280.

40 **#EXH-280 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 12612 DATED 27 AUGUST 2018 – EXTRACT 1 AND 2**

MR ROBERTSON: May it please the Commission. Can I apologise to all concern that we've ended up sitting into lunch significantly.

THE COMMISSIONER: Mr Ramrakha, did you wish to say something?

MR RAMRAKHA: Yes, Commissioner. Just an order that Ms Vasey be discharged from her summons.

THE COMMISSIONER: No, I indicated earlier to her that I was not discharging her from her summons at this stage and that she might be required to reappear at some stage during the further course of the public inquiry.

10 MR RAMRAKHA: Of course. I understood Counsel Assisting to indicate that the reason for that was that it might be some conflict of the evidence with this witness and just in light of the evidence that has been given, shouldn't it, it would be appropriate that she be discharged now?

THE COMMISSIONER: Mr Robertson, do you wish to - - -

MR ROBERTSON: Can I just reflect on that this afternoon with a view to indicating a position during the course of the day.

20 MR RAMRAKHA: As the Commission pleases.

THE COMMISSIONER: Yes, Mr Eurell?

MR EURELL: Commissioner, is Mr James Maguire discharged or will he be further required?

THE COMMISSIONER: Yes, I've discharged Mr James Maguire.

MR EURELL: Thank you.

30

THE COMMISSIONER: And you may also be excused, Mr Eurell.

MR EURELL: Much obliged. Thank you, Commissioner.

MR ROBERTSON: And can I just indicate that on that telephone intercept there was a reference to various email addresses and the like.

THE COMMISSIONER: Yes, I noted that.

40 MR ROBERTSON: They will be covered, as I understand it, by the section 112 direction that you made on the first day of the hearing.

THE COMMISSIONER: Yes. What's the course of - are we allowed to have lunch now, Mr Robertson?

MR ROBERTSON: I propose that the Commission be adjourned until 10.00am tomorrow.

THE COMMISSIONER: Very well. We'll now adjourn.

**AT 1.31PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[1.13pm]**