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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 8 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, there's a few changes to the witness list for this week with a view to getting through the evidence that's been scheduled for this week, some diary gymnastics have been necessary in order to achieve that objective. This morning I will continue with Mr Alha, I'll then call Mr Jimmy Yang, also known as Jimmy Liu. I'm then hoping to get to Charles Cull, who'll be called by video link towards the end of the day. The witness list for tomorrow is Ms Cruickshank and Mr Vellar – both of whom I expect to get through by lunchtime. So I suspect today will be a fairly fulsome day, I suspect tomorrow should finish by about lunchtime or thereabouts. I'm told that a witness list for next week has been uploaded and is therefore available on the public website. Consistent with that, we are still on track to finish the main segment of this public enquiry next week. I've deliberately just used the phrase main segment because it's conceivable that some other material will become available to the Commission which might require the Commission to take some further evidence either in public or in private, and what I particularly have in mind is the hard drive the subject of Ms Cartwright's evidence – it's conceivable that some evidence may emerge that might require some further witnesses to be called. I'm not saying that's necessarily going to happen one way or the other but, as I apprehend it at the moment, the public inquiry at least in the main respect should be able to be finished during the course of next week. Of course, that will depend on matters to arise from the evidence. I should also indicate in respect of the witness list for next week it's conceivable that I'll need to add some witnesses to that witness list because, depending on the evidence that emerges in coming days, it may be that I need to call some additional witnesses or recall witnesses we've already called. It's not my present intention to do that but that will depend in part on the evidence that emerges in coming days.

THE COMMISSIONER: Yes. Thank you.

MR ROBERTSON: The other housekeeping matter, yesterday there was some evidence regarding the copying of USBs or creating of data on USBs must by a firm called Engetech, E-n-g-e-t-e-c-h, Pty Ltd. I'll just have on the screen, please, some communications between the Commission and a Greg Atkinson of that particular firm. Mr Atkinson was required to produce certain documents relevant to the issue or one of the issues raised with Ms Vasey yesterday. If we can just go down a couple of pages to see the response to the requirement to produce, the Commission will note that Mr Atkinson identifies that he was asked to prepare backup data, three different Android mobile phones, 9 July, 2018 and asked to perform a similar task on an iPad on 25 July, 2018. At least as I apprehend it, Mr Atkinson's evidence is consistent with that given by Ms Vasey during the course of her evidence yesterday. In the face of that, I don't propose to call Mr Atkinson to give evidence, but in the event that anyone is disadvantaged by that

decision they should indicate that to the Commission so that I consider my position accordingly.

THE COMMISSIONER: Do you propose to tender this?

MR ROBERTSON: I do propose to tender the bundle. So I tender a bundle of documents constituted by a notice issued to, a notice under section 22 of the Independent Commission Against Corruption Act to Engetech Pty Ltd, including a response from Mr Atkinson 16 November, 2018, 3.09pm.

10

THE COMMISSIONER: Very well. That will be Exhibit 281.

#EXH-281 – ENGETECH BUNDLE RE SECTION 22 NOTICE TO ATKINSON DATED NOVEMBER 2018

MR ROBERTSON: Those are the housekeeping matters from my perspective.

20

THE COMMISSIONER: Thank you. Mr Alha, would you rise to take the oath again.

MR ALHA: Yes.

THE COMMISSIONER: Please be seated, Mr Alha. I'm going to continue the section 38 declaration I made on Tuesday in respect of the use of your evidence. Do you understand, do you recall the explanation I gave on - - -? ---Yes.

10 Well, I'm continuing that declaration.---Thank you.

Yes Mr Robertson.

MR ROBERTSON: Mr Alha, on Tuesday you gave some evidence about the fact that your development projects are managed through special purpose vehicles rather than through a single company. Do you remember giving that evidence?---That's correct.

20 So I take it from that you're then not an employee of the individual special purpose vehicles. Rather you in effect provide services to those special purpose vehicles in the hope that the project is successful and then in the end you make a profit. Is that right?---That's correct.

And so the individual special purpose vehicles don't have you or anyone else as employees but there may be people who provide services to those entities, things like accounting services, administrative services, planning services, things of that kind. Is that right?---That's correct.

30 Is there a general holding company that tends to own the shares in the special purpose vehicles, an organisation like J Group or perhaps some other company, or does it depend on the particular project?---It depends on the particular project and what investors are involved in that project.

But one way or another, the special purpose vehicle is essentially a vehicle through which the investment is made and it doesn't have its own set of employees. Is that right?---That's correct, yes.

40 You were also explaining earlier yesterday about the friendship relationship that you've built with Mr Maguire over a long period of time. Do you remember giving some evidence regarding that?

THE COMMISSIONER: Explained on Tuesday.

THE WITNESS: On Tuesday.

MR ROBERTSON: On Tuesday, I'm so sorry.---Yes - - -

The days are merging into one another, Mr Alha, I apologise. On Tuesday you gave evidence - - -?---I haven't had enough sleep myself. Sorry you were saying, my apologies.

You have a close personal friendship with Mr Maguire is that fair to say?
---Yes.

In fact, I think you might be an executor of his will. Is that right?---That's correct.

10

How did it become that you were appointed executor of his will, can you remember?--- Mr Maguire and I spoke a lot about, you know, personal stuff as well as business, and being a very close friend of his from what I describe for, since I was a young kid of 22 years old, when I first started off being as a builder, I've always seen Mr Maguire as more of a mentor to me, always going to him with personal, business, really everything. So I spoke to Mr Maguire a lot and he confided in me in a lot of stuff, personal, business, used to have a yarn – just give me a buzz and we'd just talk and talk and - -
-

20

Is it fair to say that you and him have really got a mutual relationship of trust in both directions, as you understand it?---As I understand it yeah, a big one.

And you would do things to help him out and he'd do things to help you out?---Yes.

30

It's not just a general friendship relationship of a kind you might have with a broader group of friends. This is actually quite a close, quite a close personal friendship.---I think it was very close.

Do you agree that in about September 2017, you asked Mr Maguire to set up a meeting for you with the Premier and with the Minister for Planning?
---Yes, I always requested those kind of meetings.

40

Well, not just those kinds of meetings, you made a specific request for a meeting not just with officials within any particular department but with the Premier herself and with the Minister for Planning himself. Is that right?
---Well, yes, if it's there.

No, no, not if it's there. Do you remember asking Mr Maguire to set up such a meeting for you?---I've asked him along the way, where, especially when sites were getting distressed or planning was becoming really, really bad. I said to him on several occasions, "Mate, you know, I need this sorted out. I need to speak to someone. Who do I speak to? I need to speak to someone."

But do you agree that you specifically sought out a meeting with the Premier and with the Minister for Planning?---Yes.

10 Do you agree that, at the time that you requested that meeting, you knew that, at least as a matter of policy, neither the Premier nor the minister would want to speak to you about any site-specific matters?---He could have mentioned that they're not allowed to talk to me. I can't recall. But I said, "Why?" You know, and I probably would have said, "It's bullshit." So, you know what I mean? I felt that as a business owner and as a developer taking risks and trying to meet the guidelines and the strategic forward position for the government and what they're looking at doing in areas, that it's important that developers like myself, or business owners, people that go put their whole business and all, all their financial capacities, and putting things together to create, you know, business opportunities for themselves and housing and meet targets, it was very important. And I think even till today this should be an important thing moving forward.

20 But do you accept that you knew, by at least September of 2017, that at least as a matter of policy, neither the Premier nor the Minister for Planning would want to speak to you about site-specific matters, do you agree?---Yes, I do.

And so do you agree that you agreed with Mr Maguire that you would seek to, together, to procure meetings with the Premier and the Minister for Planning, but you would call them something like "policy development meetings"?---That's correct. Because you couldn't, sorry, you couldn't mention site specific. So you could speak to it, about it in a broader form.

30 But what you actually wanted to speak to those individuals about were the problems that you were having with specific projects, correct?---That's correct.

And so you agreed with Mr Maguire to use that phrase, "policy development meeting", with a view to procuring a meeting of a kind that would be refused if you were upfront about the purpose of the meeting, which was to discuss the issues that you were having with particular projects, do you agree?---Yes.

40 I'm just going to play you a recording to give us the context. 28 September, 2017. It's number 2333.

AUDIO RECORDING PLAYED

[10.13am]

MR ROBERTSON: Mr Alha, there's a reference in that call to Mr Roberts. Mr Roberts was the Minister for Planning at that point in time. Is that right? ---That's correct.

And so what you were requesting in that call was for Mr Maguire to attempt to procure meetings with both the Premier and the Minister for Planning. Correct?---That's correct.

And in those meetings you wanted to discuss not just general matters of policy, but issues you were having on specific projects. Correct?---That's correct.

10 And consistent with that you'd spent a bit of money in preparing models and the like so that you could give a presentation to those two individuals. Correct?---It wasn't specifically for those individuals, it was also for presentations that we made with the, the Department of Planning and these models evolved from early stages where we had early design models and then these models evolved and evolved and evolved, then I done a whole district model and that was the model that we're probably talking about because that's the latest model I did. We done a whole area of conceptual analysis on what the future of Campsie and Canterbury would look like.

20 But at least your intention was to bring along some of those models so that you could discuss particular projects, your particular projects with the Premier and the Minister for Planning in the event that Mr Maguire could set up such a meeting. Is that right?---At a stage I was walking around half of Sydney with those models.

Yes, and you've indicated that you were using those models for more than one purpose, but at least one of the purposes or one of the intentions was to take those models along to any meeting that Mr Maguire could arrange with the Premier and/or with Minister Roberts. Is that right?---Well, yes.

30 And in terms of those models themselves, can you just give me an indication, how big are they, are they relatively small examples of buildings or are they a larger district-wide-type model?---Over, over the years there is, so when we had - - -

Let me just stop you there so I'm clear about what I'm asking about. The particular model that you had in mind bringing to a meeting with the Premier and/or Minister Roberts, I'd just like you to explain what that model was. Was that just a model of a couple of buildings or was that a
40 model of the district more generally?---There is, there is different models that I have for different, like, it's different models, talking about different heights and different FSRs.

And so I'm asking you to identify the particular model or models perhaps that you had in mind bringing to those meetings?---I, I can't identify the exact model that I was going to take.

And so you're saying you've got a few different models in relation to the projects that you wanted to discuss. Is that right?---I've got about 30 different models with 30 different, different concepts that could have been used moving forward for a positive outcome for these projects, so - - -

Can you just give me a general idea as to the size of those models? Is that something that you can just take in your hand or does it need to be in a large box that you carry around?---No, no.

10 Was it in a trailer, what does it look like?---From what I can recall, most of the models I used to take with me were either in a box or in a bag.

THE COMMISSIONER: So you could carry them yourself?---That's correct.

MR ROBERTSON: And so you might put it in a box and stick it under your arm and walk around the place. Is that the idea?---Yeah. I think one meeting we did have I brought along all my models, so that one there was a few boxes and I would have an assistant helping carry them along to the
20 meetings.

But if you weren't taking every single model, you were taking some of them, they would be small enough to be able to carry around, perhaps in a bag, perhaps in a box. Is that right?---That's correct.

THE COMMISSIONER: What particular site were you concerned about in September 2017, Mr Alha?---Both my sites. So I have two sites, Commissioner, one is in Campsie and one is in Canterbury.

30 So one could assume that it was a model for either each site or I think you said you had one which encompassed both areas?---That's correct. They were all conceptual models which gave a vision and demonstrated what you can draw on a plan is put in a model and to demonstrate to people and give them a clearer indication or a perspective on the compliance issues and how we meet those compliance issues, and why we have different models as well was some models were this is what we could get on it, or this is what we could get on it and what we were demonstrating it was going to be a better planning outcome. So we had models for example where we could go down a certain height and we could achieve this FSR, but if you want a better
40 planning outcome, why don't you give us more height, we'll achieve the same FSR but we'll get a - - -

And a smaller footprint?---Sorry?

Occupy less of the actual site.---Yeah, it just gives you more open space. It meets the strategic direction of the government. It gives them, it meets the ADG compliance, and there were a lot of criterias that we were looking into, and this was a, these models gave me the ability, and actually getting to

have a look and feel them and, and turn them around just showed you how quick the move, how quick the sunlight moves, the shadows move. And there was a lot of talk back then about taller, slender towers. So we opted for moving to the 14-storey scheme that we originally had back in 2000 and, early days, so first designs, and moved forward to getting a better planning outcome, and that's, this was done by award-winning architect firms, and they printed the models for me, so we could take them to meetings and demonstrate.

10 Thank you.---Thank - - -

MR ROBERTSON: And that's what you wanted to explain to the Premier and/or to Minister Roberts, is that right?---Yeah, we wanted to explain what the problem was with, if you want to call it planning or people not understanding, I don't remember at that stage what it was in 2017, but I think things were going pear-shaped, and that amalgamation happened, but I'm not 100 per cent.

20 You wanted to explain the problem, and you also wanted to put forward what you thought an appropriate solution was. Is that right?---Yeah, we wanted to talk about problems and, and, and how we're delivering proper planning outcomes and how our site demonstrates that this is the way to move forward, you know, with all the evidence that we've given, we've obviously prepared reports and everything. So, I don't know if this is relevant, but back in 2016, '15, 2015, the strategy came out, the draft strategy for the Sydney to Bankstown corridor and the metro, and they were talking about increasing heights, increasing population growth, and Campsie was going to become a planned precinct. We spent millions of dollars back then on preparing stuff and submissions to the Department. We worked
30 very closely with the Department, so my planners worked very closely with the Department. When the amalgamations happened, we were told, so my planner was told that – and I think this was a direction from State Government – that no planning proposal will be stalled, and it'll be business as usual. It was a big problem back then because we were worried about the project being delayed, and like I said, mentioned to you on Tuesday I think, I've got a lot of my friends, personal friends, a lot of business associates that invest with me, that trust in my abilities to deliver, and it's stressful times, and it became very problematic during the amalgamations. And then I think after the amalgamations happened, Canterbury/Bankstown Council, mmm,
40 then I think an administrator was appointed, and he mentioned specifically that there won't be any planning proposals moving forward.

And these were the kinds of problems that you wanted to explain to the Premier and/or to the Minister for Planning, is that right?---Well, in my, in my emails – from 2016 maybe, I'm not exactly sure – there are series of different emails that were sent to - - -

Don't worry about those other emails at the moment.---Okay.

Can you just confirm that the kinds of problems that you've sought to summarise this morning were the kinds of things that you wanted to address to the Premier and/or to the Minister for Planning, and that's why you asked Mr Maguire to set up the meeting?---That's correct.

10 And not only the problems, you were presenting a potential solution, which was why you're bringing the models along, to say, "Have a look at my solution to some of these problems. I think that in effect I should get development approval in relation to my projects." Is that right?---Better planning outcomes is what I'd call it.

Well, better planning outcomes - - -?---Yep.

- - - including an outcome that involves approval of your proposal, because you were putting forward that as having a better planning outcome. Is that right?---Well, yeah, I'm a major developer in the area.

20 You're a major developer, and if your proposals were approved in Concord and Campsie, that would lead in your view to better planning outcomes, correct?---Campsie and Canterbury.

Campsie and Canterbury.---Yeah.

Is that right?---Yes.

And that was one of the things you wanted to communicate to those two ministers, is that right?---Yeah, it was more the problems with planning.

30 I tender telephone intercept 2333, 28 September, 2017.

THE COMMISSIONER: Will be Exhibit 282.

**#EXH-282 – TRANSCRIPT AND AUDIO OF INTERCEPTED
TELECOMMUNICATION SESSION 2333 DATED 28 SEPTEMBER
2017**

40 THE COMMISSIONER: And the transcript, I take it?

MR ROBERTSON: And the accompanying transcript. Thank you, Commissioner. We're now going to move on a couple of weeks to 12 October, 2017. Intercept 2711. I'll play that just in a moment. There was a couple of terms you used in an answer that you gave to the Commissioner a little bit earlier. One was FSR. That's floor-to-space ratio, is that right? ---That's correct.

So that in effect tells you how much habitable space can be applied to a particular space, is that right?---If you want to call it habitable. There's different names for – yeah.

And there's some complex definitions as to exactly what counts and doesn't count within that particular definition, but the basic concept is, if you've got a higher permissible floor-to-space ratio, you're more likely to have more at least internal space.---No.

10 Is that right as a general proposition?---No.

Well, at least in terms of habitable space it's a general proposition?---No.
No.

Well, can you just explain where I've come a cropper on that explanation?
---Okay. So like I mentioned to you earlier on, our scheme, if you went lower, you could achieve that FSR. So if you want to call it, and just I could be wrong but I'm probably right, about 9.5, 9:1. But the building was dense. It was shit. Sorry. Terrible - - -

20

It was not a good building.---Terrible planning outcome. I probably referred to them as "lead jobs" because of what was being built in the area. I was, I'm passionate about actually delivering something with a positive outcome and leaving a legacy. So what we were demonstrating is that the same FSR in a 14-storey building can be reached with a 25-storey building and give you a better planning outcome. We were demonstrating that it doesn't matter if you increase the height, you're going to still have the same FSR. So why not increase the height and you get the same FSR? You're just going to get a better planning outcome. And I don't think anyone, at that stage, was getting their head around that. So they were more worried about height, height, height and not focused on planning outcome. Oh, so we'll bring the building down and we'll get a denser building. So these were the issues (not transcribable) - - -

30

Floor space ratio is about density, in a word, is that right?---That's correct, yeah.

Can we play 2711, please. 12 October, 2017.

40

AUDIO RECORDING PLAYED

[10.27am]

MR ROBERTSON: Commissioner, I'll just indicate that I asked to be muted a comment, an offensive comment that was made on page 2, so there was a short period of time where the audio was muted. There's a comment which was made which I don't think will assist the investigation so I asked for that to not be played over the audio. It was indicated on the transcript so

that those at least in this hearing room can see what it was, and in the event that they think that it's got some relevance they can draw that to attention. So, Mr Alha, what you were discussing during the course of that call was your request for a meeting with the Premier and the Minister for Planning. Correct?---Yes.

10 And although Mr Maguire was using the term, "Policy development meeting," and talking about, "Not saying things that were site-specific," what you intended to raise with the Premier and with the Minister for Planning in the event that meetings were arranged, included discussion of your particular projects. Is that right?---Well, ultimately, yes.

Well, not just ultimately. One of the things that you wanted to raise is not just general questions of policy but you wanted to talk about your particular projects. Correct?---Well, my, my project was along that whole strategy and the district and the planned precinct as I understand it.

20 I'm not suggesting to you that those two things are not connected. Plainly enough your projects have a connection with questions of policy.---Yes. Okay.

What I'm suggesting to you is that you weren't intending to discuss just general theoretical matters of policy, you wanted to discuss the particular issues that you had faced in relation to your sites. Do you agree?---Yes.

At the start of the call there was a reference to "Our friend." Mr Maguire was talking about, "Our friend."---Yes.

30 Do you remember hearing that?---Yes.

Who was the friend that Mr Maguire was referring to?---That I don't recall.

Well, he didn't say, "My friend," and you didn't say, "What are you talking about when you're saying 'our friend.'" You must have had some understanding as to who Mr Maguire was referring to.---Don't know.

40 Well, is your best recollecting of understanding that Mr Maguire was referring to the person that he was in communication with, whoever that might be, with a view to setting up a meeting with either or both of the Premier and/or the Minister for Planning?---Sorry, can you ask that question again? It's just - - -

Well, we might just go back to the transcript so that I can show you the context.---Yeah, yeah.

This is 2711. And so you'll see one of the first things that Mr Maguire says in the extract, "I spoke to our friend." Do you see that there?---Yeah.

And he says, "About, you know, policy development."---Yep.

Just going a bit further down, "We're very excited and said, 'Organise it. Make it happen.'" See that there?---Yeah.

THE COMMISSIONER: He's very excited.

MR ROBERTSON: "He's very, he's very excited." In other words, our friend seems to be very excited.---Yes.

10

THE COMMISSIONER: And seems to be a male.---That's correct.

MR ROBERTSON: So are you able to assist, who is "our friend"? A friend of apparently Mr Maguire and Mr Alha?---I can't tell you, but I could tell you this, that Mr Maguire used "our" and "we" a lot, so "our friend," these are our friends and this is how he referred to people all the time, and if it refers to the Planning Minister, I'd probably think even at that time I didn't even know him so I'm not his friend.

20

So are you saying you thought it might have been a reference to the Planning Minister or perhaps someone within the Planning Minister's office?---Well, I, I think it could have been the Planning Minister. I don't know who he spoke to and who "our friend" is.

But you're not able to assist as to the particular individual that Mr Maguire might be referring to in this recording?---No, I can't.

I tender telephone intercept 2711 extract, 12 October, 2017, and accompanying transcript.

30

THE COMMISSIONER: Exhibit 283.

#EXH-283 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 2711 DATED 12 OCTOBER 2017 – EXTRACT

40

MR ROBERTSON: I'm now going to move on another 10 days. 22 October, 2017, intercept 3020. And I'm not taking you through every communication that I think you've had with Mr Maguire, but you'd agree, wouldn't you, that you were in regular communication with Mr Maguire around this period, in about October of 2017?---When I had issues and I was stressed out and freaking out about, you know, what's happening, things were in limbo, and as I can recall in late '17, yes, I would ring him a lot and I would talk to him all the time.

Well, in October 2017, in particular, you were quite stressed out - - -?
---Yep.

- - - about potential projects falling over, is that right?---That's correct.

And that's why, that's the context in which you made a very serious request to Mr Maguire, which was "I want to see the people at the top. I want to see the Premier and I want to see the Minister for Planning," correct?---Yes, that's correct.

10

3020. 22 October, 2017.

AUDIO RECORDING PLAYED

[10.35am]

MR ROBERTSON: What did you understand Mr Maguire to mean when he said, "You just don't want to write things in diaries"?---I don't know.

20

The meeting that you requested with the Premier and/or the Minister for Planning, you wanted a meeting in respect of which no record would be kept, do you agree?---Not, not for myself. I, for me I wanted to have a meeting and it didn't matter.

You wanted to raise things with the Premier and the Minister for Planning regarding your specific projects, correct?---Yes.

30

But you knew that if the Premier and/or the minister was told that that's what you wanted to do, they would refuse to have the meeting, correct?
---For me, I didn't, it didn't bother me. If, I, I was in Parliament House all the time, so to me it was just normal. If I meet him, I meet him to talk, tell him about real problems and real issues that are out there. I don't see a problem with it.

40

But you and Mr Maguire decided to call the proposed meeting a "policy development meeting" because you knew that the Premier and the Minister for Planning would refuse to be involved in a meeting concerning specific projects, do you agree?---The way he puts it, and what he's going to do and call it, is not what, it's not something that I have any problem with. So if I'm going to go and meet with someone, I don't really care who I meet with. But if he's saying to me that it needs to be a policy meeting, you need to talk about the broader spectrum, I'm more than happy to talk about the broader spectrum.

You agreed with Mr Maguire to call the proposed meetings policy development meetings with a view to procuring a meeting, or meetings, that you couldn't otherwise procure, do you agree?---Did I agree specifically to say call it policy meeting? Really - - -

I'm not suggesting that you put it down in writing and you signed your name on it. You just at least had an understanding with Mr Maguire that you would seek to frame the proposed meetings in a particular way because you knew that the Premier and the Minister for Planning would not be prepared to have a meeting with you regarding specific projects, do you agree?---How he frames it and how they have to do things to get meetings is, my understanding, what they have to do for allowing people like us to come and speak to them, because developers are known as bad guys.

10

Well, you knew, at that point in time, there was very considerable concern in government – as there still is - - -?---Okay.

- - - as to potential corruption in the development industry, is that right?
---Yes, if you put it that way.

And you're aware that people within government – both politicians and officials – are very concerned to ensure that in their dealings with developers they act with utmost probity so there is no suggestion that they're acting improperly, correct?---Yes.

20

And you know that, as part of that, a minister like the Premier or a minister like the Minister for Planning is unlikely to agree to be involved in a meeting that is going to discuss specific projects, correct?---Yes.

And so you had at least an understanding with Mr Maguire that you would call the proposed meeting a “policy development meeting”, or something along those lines, with a view to getting a meeting that you wouldn't otherwise get, do you agree?---Yes, well, I, yeah, whatever he wants to call it and how he has to call it, you know, I'll leave it to him.

30

And you were happy to proceed in that fashion, is that right?---Yeah.

Another thing that Mr Maguire refers to is the possibility that someone might just drop in.---Yep.

Do you remember reference to that?---Yes.

And also the fact that “we don't write things in diaries”.---Yep.

40

Did you understand that to mean that Mr Maguire wanted to procure a meeting where you simply drop into the Premier or drop into the Minister for Planning, rather than having a formal meeting, because you knew that if a formal request for a meeting was made in the usual way, it was likely that a request would be refused?---For me, all I wanted was a meeting.

Well, I suggest to you you wanted - - -

THE COMMISSIONER: I think it was the other way around, Mr Robertson, actually.

THE WITNESS: Yeah.

THE COMMISSIONER: In the sense that the drinks would be in Mr Maguire's offices and somebody might drop by there.

10 MR ROBERTSON: Well, let me put it this way. You wanted to procure, in relation to the Premier and the Minister of Planning, something in the nature of an off-the-books meeting that wouldn't be recorded, for example, in publicly available ministerial diaries. Do you agree?---No.

You're aware that the Premier and the minister would be quite reluctant to have a meeting that's made publicly known with a developer, correct?---To talk about specific sites, yes.

20 Well, you were more likely to obtain any meeting – policy development meeting or otherwise – if it was in the nature of a drop-in, someone dropping in to see you or you dropping in to see the minister, as opposed to a formally scheduled meeting that appears in the diary. Do you agree?---I, I keep writing to the Planning Minister and to the Premier even as late as probably six weeks ago, four weeks ago.

And so you - - -?---I want a meeting with them. I don't see a problem with it, no.

30 You've sought meetings in the usual way of making a formal request and things of that kind.---Yeah.

And you're working with Mr Maguire to achieve a meeting in a different way, rather than through the usual processes, one that might avoid people writing things in diaries, do you agree?---I, really, to me, it didn't matter. That's the truth.

40 No, you wanted a meeting at the end of the day, is that right?---Yeah, that's all I wanted. I wanted to talk about a real problem. I had real issues with their policies and with the direction they're taking this project, and I saw it being very, very unfair in the way I've been treated, and all the hard work that we've done, all the positive directions that we got, and where we ended up.

And to procure such a meeting, you were prepared to call it a "policy development meeting", correct?---Well, sorry, the, I'm not being rude, okay, but I would call it whatever you want to call it, at the end of the day.

But that's really my point.---Yeah.

You were prepared to work with Mr Maguire to call it whatever it needs to be called and to set it up in whichever way it needs to be set up so that you get the meeting, is that right?---Yeah.

There was a reference in the call to the Conservatory of Music. Do you remember that reference?---Yes, I did see that.

What was that a reference to, as you understood it?---I, I don't know.

10 You don't know anything about Mr Maguire's involvement in the Conservatory of Music?---No.

There was also a reference – not in that call but the previous one, the one from 12 October, 2017 – where you had a discussion with Mr Maguire about Chinese investment and things like that. Mr Maguire said something like, and I'll paraphrase given the wording used, it makes sense to make some money out of Chinese investment. Do you remember reference to that concept?---Yeah, I saw that, yep, I did see that.

20 It's deliberately not the exact words, but that particular concept.---Yep. Yeah, I saw that.

So did you understand from that, that Mr Maguire was hoping to make some money from Chinese investment as well?---I don't know.

You don't know?---No. It - - -

Well, Mr - - -?---Back then, no. Now, different. So - - -

30 And why is it different now?---Because I've been watching the last three weeks of the ICAC and the last two weeks.

But before what you've been watching in this Commission, you must have appreciated that Mr Maguire was hoping to make some money out of the assistance that he was giving you in relation to your projects, correct?---In what phrase?

Well, you knew that Mr Maguire was considering his future in politics as at about 2017?---That's correct.

40 He was deciding whether or not he was going to stand for the next election, is that right?---That, that's correct.

You must have had a few discussions with Mr Maguire regarding that matter?---We spoke about everything, yep.

Was one of the things that you discussed the possibility of being in business together after he ceased to be a member of parliament?---Most, I could've

spoken about it. I'd spoke to him about a lot of things. I offered him to come work for me if he wanted to come work for me, and I told him about six months ago or eight months ago that he should get out of the house and come spend three days a week, four days a week in my office, and get him back out, you know, active.

10 So is it right to say that whilst Mr Maguire was a member of parliament and considering his future, you made it clear to him that he could come and work with you if he wanted to?---Yeah, but not as a member of parliament. So we were talking as mates, we're friends, so - - -

So are you saying that effectively what you were saying is, "In the event that you decide to give up your current job as a member of parliament, we may well go into business together"?---Oh, not business, because you're probably aware, oh, well, I was, what I was aware of that Daryl was doing it pretty tough, and he had no money. And he was refinancing stuff to do his settlement with his wife.

20 And so he may end up being an employee of yours, is that what you mean? ---No, not necessarily, it was - - -

Well, work together and get a fee of some sort.---Oh, it was very, you know, just chatting.

The specifics might not have been discussed.---Yeah.

30 But you at least made it clear to Mr Maguire that if he gives up his other job as a member of parliament and he wants to come and work with you, then you would be quite happy to have him.---Yep, I'm happy to help people if they need help or if they're, if it's a business opportunity for me with a good outcome and stuff like that, yeah, why not? We spoke about that.

But it's a bit more than that sort of general concept. You made it clear to Mr Maguire that if he wanted to give up his other job and work with you, after he was a member of parliament, then you would be quite keen for that to happen.---Yeah.

Is that right?---As a general, just chatting, yeah.

40 And chatting of that kind would have started to happen around 2017, is that right?---Well, maybe when I, or as I, you mentioned, yeah, most probably.

At least as at the time of the calls that I've been playing you so far, which is September and October of 2017.---Yeah, he was talking about leaving, and then I would have probably mentioned it to him as a gesture or, you know, if you want to come work with me, come and work with me. That's the kind of guy I am.

And so as you recall it, you'd at least given an indication to Mr Maguire as at about September or October of 2017 that if he decides to give up the other job and he wants to come and work with you, there'd be a job there.---I would have said it like, "You can come work for me," you know what I mean? That's how I speak.

And that's something that you would have said by, say, September of 2017, is that right?---Most probably, yes.

10 So we've got up to 22 October, 2017. Can you remember what then happened in the process - - -

THE COMMISSIONER: Do you want to tender that TI?

MR ROBERTSON: I will. I tender telephone intercept 3020 extract, 22 October, 2017, and accompanying transcript.

THE COMMISSIONER: Exhibit 284.

20

#EXH-284 - TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 3020 DATED 22 OCTOBER 2017 – EXTRACT

MR ROBERTSON: So what next happens in the exercise of seeking a policy development meeting with the Premier and/or the Minister for Planning?---What happens?

30 Yes, what happens next? Can you remember?---The meeting never happened.

So no meeting with the Premier and no meeting with the minister, is that what you're saying?---No. No.

None at all?---No.

Not a drop-in?---There was a drop-in - - -

40 A drop-in with who?---The Premier.

Okay, we'll come back to the details of that in a moment.---Yep.

But just to help in terms of timing, I'm going to play you now a recording, 3683.---Yep.

We're now on 14 November, 2017. So we're now about three weeks or so after the last call that I just played you.

AUDIO RECORDING PLAYED

[10.49am]

MR ROBERTSON: Now, there was a reference towards the start of that call to “the other problem”. Do you remember hearing that?---Yeah.

What was “the other problem”?---Don’t recall that one.

10

You’re ringing Mr Maguire, you seem to be pretty concerned and you’re referring to wanting a meeting urgently. Do you remember hearing yourself say that?---Yes.

Now, the meeting we’re referring to is the same meeting you and I have been talking about, the so-called policy development meeting with the Premier and/or the Minister for Planning. Is that right?---Yes.

20

And why was it so urgent at that point, was that because it looked like that some of your projects might be falling over imminently, or one of them might be at least?---What I can recall, they were falling over.

And so you were concerned that projects are on what I might call life-support and you wanted to urgently raise your concerns with the Premier and/or the Minister for Planning. Is that right?---That’s a hundred per cent.

30

Now, did Mr Maguire ultimately invite you to Parliament House with in short order of the call that we just heard? You’ll remember you had an exchange with him about, “We might have drinks or something on Wednesday,” and you said, “Wednesday’s tomorrow,” et cetera?---Yeah.

Did Mr Maguire ultimately invite you to drinks or to anything else? ---Yes, but I can’t give you the specific dates, but it would have been after that phone call.

So but was it within short order of that phone call of 14 November?---That’s correct.

40

So it might have been the next day, it might have been a couple of days? Is that right?---That’s correct.

Do you recall roughly what time of the day it was that you attended on Mr Maguire?---No, I can’t tell you.

So could you just explain how that drinks or whatever was set up? Did Mr Maguire make contact with you or how did it arise?---I don’t remember how it arose. You could hear from the phone call that he was going to organise drinks, “Come to my office.” That’s something that we used to do, you

know, last-minute things, come down for a drink, come down, and people pop into his office, you'd meet different people and, yeah.

So one way or another an arrangement was made for you to meet Mr Maguire in his office within short order of 14 November, 2017.---Yeah, but that was pretty standard for what used to happen in our relationship.

10 It might have been a text message or something saying, "Come around for drinks at 5 o'clock," something like that?---Well, yeah. You've got all the phone calls so there has to be, he would have messaged me or rang me, I don't know.

Just trying to exhaust your recollection before we go to any further details of that kind.---That's okay. Fine, yeah. No problem.

20 But is it consistent with your recollection that the meeting that was contemplated in the call that I just played you may well have happened on the next day, on the Wednesday, which was what you and he seemed to have in mind at that point in time?---Most probably.

And so Mr Maguire essentially says, "Why don't you come over for drinks in my Parliament House office." Is that right?---Yep.

Do you recall whether you brought anything with you to – sorry, I withdraw that. You went along to a drinks function with Mr Maguire I take it?---Yep.

30 Did you remember whether you brought anything with you, in particular did you bring the models that you and I discussed a little bit earlier?---I think I did bring the models, yes.

And did you go with anyone or did you just go on your own?---From what I can recall I think I went by myself.

And so you turn up to Parliament House on Macquarie Street. Is that right? ---Yep.

Go through security in the usual way and report yourself to the security desk. Is that right?---Yes.

40 Can you answer out aloud?---Sorry, yes.

And Mr Maguire comes down to meet you. Is that right? Or did - - -?
---No, I used to – so most of the police officers in Parliament House and the security guys over the years got to know me as well, so I'd go to the police and just tell them I'm going up to Mr Maguire's office and just walk up.

So you went to the security checkpoint that's inside the main parliament building.---That's correct.

And you told them that you were here to see Mr Maguire.---Yeah.

And they let you into the area, as it were, the secure area where members' offices are and things of that kind.---Yes.

You walked up to Mr Maguire's office?---Caught a lift up to Mr Maguire's office. That's okay, yeah, sorry, sorry.

10 Walked up, no, no, that's fine.---Yeah.

Walked down the corridor.---Yeah.

Caught up the lift.---Caught the lift, went up.

What level is Mr Maguire's office on, do you remember?---That's, that's, I don't know.

20 And so you then go into Mr Maguire's office. Is that right?---Yes.

What happens then?---I can't recall what happened then.

Well, you've been invited over for drinks with Mr Maguire.---Yeah.

Is just Mr Maguire present or does he have staffers - - -?---So do you want - - -

30 - - - there or are there other people, what happens?---Sorry. Do you – because of the last compulsory hearing that happened several months ago, do I talk about then or do I talk about - - -

All I want to ask you about is your detailed recollection of what happens from the moment you step into Mr Maguire's office area, which appears to have happened on Wednesday, 15 November, 2017.---Okay. So he had the chief of staff, Mr Robert Vellar there.

So just pausing there. Mr Vellar was already in attendance at the time that you attended on Mr Maguire?---I think so.

40 Or is it possible that Mr Vellar came at a later stage?---I think so. I can't remember exactly what happened. I remember we were having drinks and I met Mr Vellar that night or that day or that afternoon.

Now, Mr Vellar, at that point in time, was the chief of staff to the Minister for Planning, is that right?---He introduced himself and gave me his business card as the chief of staff for Minister of Planning.

And doing the best you can, was Mr Vellar there in the room at the time that you attended or is it possible that he came afterwards?---I can't remember.

It's possible that it was either way?---I can't remember. You've got to understand, sorry, Mr Robertson, that at that stage, you know, taking into consideration other things that you'll probably be aware of, my head's, you know, full of problems and stuff, and I just, you know, I don't remember every intricate thing.

10 It's a stressful time in your life.---That's correct.

There's urgent matters of business that need to be attended to.---That's correct. Yep, that's correct.

You're pretty worried about the state of play.---Yep. Yep.

And, in particular, the consequences to you and to your relationships with other people, your business relationships with other people, in the event that one or more of your projects fall over.---Yep.

20

Noting that, at that point in time, I think you agreed with me that at least one of the projects were close to falling over, perhaps on life support. Is that right?---Well, financially.

At least financially.---Yep.

30 Accepting what you've said about the difficulties of recollection, do your best to relay what happens when you're in the room, the chief of staff to the Minister for Planning is present and Mr Maguire is present. So, first, was there anyone else in the room, other than the three people you've identified, you, Mr Maguire, Mr Vellar (not transcribable)?---No, I don't think there was any, I don't think there's anyone else in the room.

And so do the best you can, what happened during the course of the meeting? Who said what?---I think Daryl would have told him to tell about my problem. I, I would have shown him the models. The models were there with me. We would have discussed it. He gave me his business card. We had a glass of wine together, one or two, I can't remember. And then he told me to send him an email after that, and that's all that happened.

40

So is it right to say that during the course of the meeting, over a glass of wine with Mr Maguire and Mr Vellar, you raised with Mr Vellar at least some of the problems that you were having?---Yes.

And you also showed him the models that you brought along with you. ---Yes, I explained to him the problems with the, the planning. Well, my planning in general.

Well, you were explaining both the problems that you had faced so far and what you were putting forward as a solution, as demonstrated by, amongst other things, the models.---Well, just on a high level, though. So after that, the whole idea was to actually send him the whole package that goes back to 2015.

But you at least gave him an overview of the problems that you faced.
---Yes.

10 And what you were proposing by way of your planning proposals and the like, is that right?---That's correct.

And what did Mr Vellar say during the course of that meeting, do you remember?---He was just listening and then gave me his business card and told me to send it over. I don't remember the exact what we spoke about.

Before you saw Mr Vellar in the room, whether he was already there or whether he came, did you know that Mr Vellar was going to be in attendance?---No.

20

You at least knew, didn't you, turning up to Parliament House, that Mr Maguire had made some kind of arrangements for you to meet with someone, is that right?---Yes. Yes.

Because the whole premise on which you were attending parliament on that day was to try and have the so-called policy development meeting, is that right?---That's correct.

30 But you didn't know specifically whether Mr Vellar would be in attendance, perhaps the Minister for Planning might be in attendance or, for that matter, someone else might be in attendance.---That's correct.

And then how did the meeting conclude? Did Mr Vellar offer to look at your problem or did you offer to send him some information?---He gave me his business card and he asked me to send him an email with the information, which we did.

And you ultimately did send him an email with some information, is that right?---That's correct.

40

What was Mr Maguire doing during the course of this meeting? Was he participating and saying things? Was he complaining about bureaucrats and other things that others have said he does from time to time?---I don't recall. All the time. I don't recall.

But at the very least, Mr Maguire was making clear that he was on your side, as it were, he had similar concerns to you in terms of the problems that you were facing, and he was in effect asking Mr Vellar to try and assist you

with the problems that you had been facing on your developments. Is that fair?---Yes. Mr Maguire was aware of my problems, probably, in two thousand, late 2016, when we wrote to him with concerns about the issues that arose from planning.

And so as you and I discussed on Tuesday, one of the areas in which Mr Maguire has provided you with assistance in your business is he's made representations to ministers and to public officials on your behalf, is that right?---Yes.

10

And that included, in the past, representations to the Minister for Planning, is that right?---Yes.

And including engaging in at least some communications with the Minister for Planning's office, including Mr Vellar, is that right?---Yes.

Commissioner, this witness has a medical condition which may be assisted by having a short adjournment - - -

20 THE COMMISSIONER: Very well.

MR ROBERTSON: - - - at 11 o'clock and maybe at midday, rather than having longer breaks.

THE COMMISSIONER: So should we have a short morning tea adjournment now? Maybe 10 minutes.

MR ROBERTSON: Perhaps a 10-minute adjournment, if that's convenient.

30 THE COMMISSIONER: Very well. We'll take a 10-minute adjournment.

SHORT ADJOURNMENT

[11.01am]

THE COMMISSIONER: You are bound by your oath that you took this morning, Mr Alha.---Yes, I do, yes, I do.

Thank you.

40

MR ROBERTSON: Now, Mr Alha, do I understand your evidence correctly to be that essentially where the meeting with Mr Vellar was left was that you were going to send some information to him regarding the projects that you raised with him during the course of your meeting with him in Mr Maguire's office?---Yes.

And can we go please to volume 14, page 235? Volume 14, page 235. If you have a look about three tenths of the way down the page, an email from

joseph@jgroup.com.au to Mr Vellar, copied to admin@jgroup. Do you see that there?---Yes.

And was this the email that you sent to Mr Vellar following your meeting with him in Mr Maguire's Parliament House office?---Yes.

If we just go a little bit further up the screen, you see you then forward that onto Mr Maguire at two email addresses, do you see that there?---Yes.

10 One's to his Parliament House email address, but one is to an iPrimus email address, can you see that there?---Yes.

Why were you sending to Mr Maguire's iPrimus address?---I don't know, maybe he, he wasn't sitting in parliament, I don't recall.

Well, are you aware of Mr Maguire having a practice of using different emails for different purposes?---No.

20 So you were just sending it to a couple of emails to make sure that he got it one way or another?---Yeah.

And as well as the brief email we see on the screen, if you just have a look at the second to last paragraph, it says, "Attached is a high level breakdown of significant sites." Do you see that there?---That's correct.

And if we can just then turn two pages along, do you agree that this is the first page of a document that you sent to Mr Vellar regarding your development projects at that point in time?---Yes.

30 I take it nothing in that document is commercially sensitive, just is explaining the particular projects that you had in mind at that point in time? ---I don't know. But it was prepared by my planners, so I don't think so.

Yes, you - - -?---But as long as there's no numbers, I'm happy with that. Sorry.

I'm just going to check before I tender it un-redacted.---Yep.

40 There are no dollar figure numbers on it.---Thank you.

And given that, there wouldn't be any matters of commercial sensitivity, is that right?---Sorry?

There's no dollar figures that I can see in the document.---Yep. Yep.

And you would agree that there's no issues of commercial sensitivity in the document that you sent to Mr Vellar, is that right?---That's correct, yes. That's correct.

Commissioner, I tender the email from Joseph to Mr Maguire, 21 November, 2017, 8.39pm, including the attachment, which is volume 14, page 235 through to 251.

THE COMMISSIONER: That'll be Exhibit 285.

10 **#EXH-285 – EMAIL ALHA TO MAGUIRE DATED 21 NOVEMBER 2017**

MR ROBERTSON: So have we now exhausted your recollection of what happened during the meeting in Mr Maguire's office in Parliament House with Mr Vellar and Mr Maguire?---That's correct. That's correct.

What then happens? Who leaves? Do you then leave or does Mr Vellar then leave?---From what I can recall, and from the last inquiry, I think Mr Vellar left.

20

So you're then in the office with Mr Maguire just you and him, is that right? ---That's correct.

Have another couple of drinks, I take it?---Yes.

And is that the end of your meetings on that particular day, or do you meet with or bump into anyone else on that day?---Yeah, we go bump into the Premier.

30 So take us through how that happens. So Mr Maguire's Parliament House office was on a different level of the accommodation building to the Premier, is that right?---That I'm not going to recall, because I can't recall that, and what happened after, and - - -

But one way or the other, the bump-in as I think you've just called it - - -? ---Yep.

- - - didn't happen in Mr Maguire's office, it happened elsewhere, is that right?---That's correct, in the Premier's office.

40

And so Mr Maguire took you up to the Premier's office, is that right? ---That's correct. Yeah.

Now, can you remember whether Mr Maguire made any arrangements for that bump-in first? Did he ask one of his staff to, say, "Can you call through to the Premier? We want to come and see her," or anything like that? Or was it a, what I might call a speculative bump-in, "Let's go up and see if she's around and hopefully bump into her"?---I can't recall, but I don't

think, in all fairness, I think it was more of a, Mr Maguire initiated, “Come and say hello to the Premier.” I think maybe I wanted to congratulate her on becoming Premier.

Well, the start of this was initiated by you, wasn't it, because in September of 2017, you asked Mr Maguire to set up a meeting with the Premier and/or the Minister for Planning, correct?---Well, yeah, we wanted to have a, a meeting, yes.

10 THE COMMISSIONER: This was in November, 2017, by which time, Ms Berejiklian had been Premier for almost a year.---Well, yeah, that's correct.

MR ROBERTSON: So the meeting wasn't just about trying to bump into her and say congratulations on becoming Premier. You wanted to raise the problems that you were having with your projects, correct?---Well, we wanted to have a meeting with the Premier in relations to talk about that project but – our, our projects in, in a, in formal manner. But I, I think the way this happened that night, we, I went down for a drinks with Mr Maguire. We met with Mr Vellar. We had a few more drinks after that, and
20 I don't know exactly how we got to the Premier's office. So I don't remember what was spoken and how we spoke about it to get to the Premier's office to say hello. But this was a normal thing that used to happen in Parliament House, from time to time we've been there, and this is not the first Premier I've met. I've met every single Premier from when Brogden was Opposition Leader. So this is something we all used to go from office to office, have a drink here and there. People used to come and we used to have drinks. And it wasn't only necessarily – so that trait, if you want to call it, wasn't just a specific trait. We did this quite often, so - - -

30 So this was something that, this is the kind of thing that you have done from time to time, not just with the current Premier, but at least some of her predecessors, is that right?---I think, I've probably done it with all the Premiers.

And when we say “it”, you mean you have some relationship with a particular member of parliament, such as Mr Maguire, and on a sitting day, you go to that member of parliament's parliamentary office. Is that right?
---Well, depending on what day, if he was sitting or not sitting, we would come in, we'll have some lunch, we'll have a few drinks. There are days
40 where I was there for hours, just drinking and - - -

But in terms of the drop-ins, there's not a lot of point attempting to drop in on the Premier for example on a non-sitting day, because she's not likely to be there.---I've got no idea about non-sitting or sitting, so - - -

But in any event, you have recollections of prior to that day that we've been talking about today, attending upon a member of parliament's office, getting

behind security and then trying to bump into ministers with a view to raising concerns and things of that kind?---No.

Is that right?---No.

No?---No.

10 So this particular one - - -?---There was a lot of casual times where there was nothing for me to talk about so before I even, before I was even a developer, this was, you know, something that every time I went down there to have lunch and hang out in Daryl's office or have a few drinks, everyone used to come in, people all the time.

And was that always through Mr Maguire or was it sometimes through other members of parliament?---I think it's only been Mr Maguire.

THE COMMISSIONER: Mr Alha, I don't think you've given this evidence. How did you and Mr Maguire actually meet?---So - - -

20 You said you met I think when you were about 22 or thereabouts.
---Yes.

How did you meet?---I met him at a Liberal function.

Are you a member of the Liberal Party?---No, I'm not. So just as a young business owner, businessperson, I was invited to donate, so you were invited to come and buy a table at a Liberal function and you get to meet people in politics and - - -

30 And this is a function in parliament?---No, this was a function, can't remember exactly where it was, it was out west, so it wasn't in parliament, and it was a fundraiser for the Liberal Party because they were in Opposition when I first met him, and then I became very active in every time they needed support for when they were doing, not fundraising, well, fundraising for campaigns I used to contribute a lot of resources such as people putting posters up over the years, donating money, getting friends to come in and donate money. So I've done a lot of that.

40 And this was in the early years of your business?---That's all I used to do for him back then.

In the early years of your business as a developer?---That's correct, Commissioner.

MR ROBERTSON: And so you're a member of the Liberal Party now?
---No, I'm not.

But you have been a donor to that party fairly extensively over a long period. Is that right?---Very active. From a young age obviously from supporting that party I became, you know, how you want to say probably attached to it, supporting, you know.

And is it right to say that you provided not just financial assistance in terms of paying money by way of donations, but other assistance such as man and womanpower for things like letterbox drops and things of that kind?---Very extensively.

10

THE COMMISSIONER: Did you donate to Mr Maguire's fund campaigns?---Not that I can recall, no.

So did you donate mainly to campaigns in and around the areas of your development?---Most, no, no, no, mostly for the Premiers when they were raising funds and just events that they had, so for example, can you get a few tables, so I'd get, you know, 20, 30 people together and we'll buy a few tables, federally we did a lot there, so every time there was a federal election they'd send me emails or someone will call me and say to me, "Can you buy a table here and there?" And we'd always support and, you know, just as recent as probably a year ago, the last one, so yeah, I was - - -

20

2018?---Most probably, yeah, I did the, I was - - -

Sorry, 2019.---Yeah, I was, I took a booth, so I took the actual whole booth itself and I was responsible for all my staff there, family assisted, and I was the, whatever you call them, the ballot reader at the end of it. So I've always been active in that sense.

30 MR ROBERTSON: But when you do something like that and bring the staff along, do they get paid in the ordinary way through your business - - -?---No.

- - - or are they just people that you're trying to bring along as volunteers?
---Everybody helps.

In terms of the donations, are you saying that's both on a federal level and on a state level?---That's correct.

40 Do you know whether you're a property developer within the meaning of the Electoral Funding Act?---So I knew that, I don't know how many years ago, that you weren't allowed to donate to state anymore so there was, I've never, from the best of my recollection I don't think I've donated not one cent towards the state because you weren't allowed.

So just pausing there, you're aware that there was amendments made to the relevant funding legislation that provided that property developers were

prohibited donors and therefore could not donate on a state level. Is that right?---That's correct, yeah.

So are you saying since those amendments were made you've continued to donate to the Liberal Party but not on a state level or a local council level, you've instead done it on a federal level. Is that right?---That's correct.

And in terms of the donations, have they been Joe Alha donations personally or have they been through your companies or does it depend?
10 ---It could be through, don't know exactly but it could be either Joe Alha or it could be my companies.

And that kind of assistance, do we take it that that's only ever been on the Liberal side and not on the Labor side, or has there been donations or other assistance on the Labor side as well?---I've been invited to a lot of Labor events that I've probably declined over the years. I can't recall any Labor donations, no. There was a few events where you had the Mayor's Charity Balls, that was to raise money for charities, so I've been to a few of those.

20 THE COMMISSIONER: When the mayor was a member of the Labor Party?---That's correct, yeah. So Canterbury Council, the mayor, Canterbury-Bankstown Council raised another one for some sicknesses and we went there and did that, yeah.

MR ROBERTSON: And I suppose there's a possibility that you might have gone to one or two functions organised by Labor people that might have had a fee for a dinner or something along those lines. Is that what you're saying?---Yeah, yeah, that's correct.

30 But you've never written out a cheque to Australian Labor Party, being federal level or state level, saying here's a donation of a couple of thousand dollars or - - -?---Not that I can recall. I don't think so. I don't think so.

The focus of your donation support has been on the Liberal side rather than the Labor side.---Well, I supported the party that I believe in and that, you know, I was, you know, my perception of them were very outcome-focussed with businesses and supporting businesses.

40 So therefore the focus of your support, political support has been on the Liberal side rather than on the Labor side. Is that right?---That's correct, yes.

So back to the day when you were in Parliament House after meeting with Mr Vellar. Mr Maguire takes you up to the Premier's office. Is that right? ---Yep.

And by the sounds of it you can't assist as to whether there was a call ahead, as it were, to say look, we're coming up, or whether it was more in the

nature of an informal attempt at drop-in. Is that right?---Yeah, I don't recall that.

There may have been and there may not have been.---Yeah.

And so you go into the Premier's suite of offices. Is that right?---I can't recall exactly. I remember it was a big room and she was sitting on her desk, there was a police officer right next to her or security guard and we had our drinks in our hand as well.

10

So you've been having a couple of drinks with Mr Maguire in his Parliament House office.---Yeah.

A couple of drinks with Mr Vellar, a couple of drinks with Mr Maguire. ---Yeah.

Mr Vellar leaves. You've still got your drinks in your hand. You go into the Premier's office.---Yeah.

20

And doing the best you can, what then happened? How does it come that you've gone off the corridor and you're in the Premier's office in the presence of the Premier. Does Mr Maguire speak to an assistant and say - - -?---I, I can't remember exactly.

- - - "Is the Premier available, can we have a quick chat?" Anything like that?---I can't remember.

THE COMMISSIONER: What time of day was it by now?---I can't remember.

30

Well, was it the evening or day?---I don't remember. Sorry, Commissioner, but again - - -

MR ROBERTSON: Well, do you recall whether it was light or dark outside?---Well, we were inside the building so - - -

No, but when you were in the Premier's office you were in an office that had windows. Is that right or not?---I can't recall. I can't remember.

40

But is it at least consistent with your recollection that this is likely to be happening in the afternoon or perhaps evening - - -?---Can't remember.

- - - of the particular day? Can't remember one way or the other?---I honestly can't remember the time of day, sir.

But one way or another you end up in the Premier's own office where there's a desk at one end of the room which is her desk. Is that right? ---I'm not going to remember the exact layout or plus - - -

But is it quite clear in your mind that it is her personal office as opposed to some general meeting room within Parliament House?---There was no meeting room. I think it was her office.

It's quite a large office, correct?---That's correct. That's what I remember.

10 And so who's present during the course of this bump-in? You're present, the Premier's present, Mr Maguire's present I take it?---Yeah. It was, it was a general, it was a general very quick visit I think.

Anyone else present other than the three that you've just identified?---Can't recall.

When you went from Mr Maguire's office to the Premier's office was it just you and him walking down the corridor or was there anyone else in tow?
---No, I think it was just us. I'm - - -

20 Mr Vellar certainly didn't come?---No, no.

He's already left by that point?---He was gone at that stage.

But there was no one else in tow. Is that right?---Not that I can recall, no.

So you ultimately end up in the Premier's office.---Yeah.

30 Or what you understand to be the Premier's office. What happens then, what's discussed? Do you take this as an opportunity to have what Mr Maguire called the "Policy development meeting"?---Maybe I did. I can't recall.

THE COMMISSIONER: Had you taken your models with you?---Well, yeah, because I was – I don't know. I just can't recall. Maybe I did but - - -

MR ROBERTSON: Do you remember whether you took the models home with you that day or whether you might have left them with someone?
---To be honest with you I don't remember.

40 Is it your best recollection that you did take the models with you to the Premier's office?---There was, well, there was probably no need to leave them there so why would I?

No, is it at least your recollection that you took them up to the Premier's office, whether or not you left them there?---I don't, I don't remember exactly, sir.

But surely you must have taken the opportunity to bring the models with you because you since September of 2017 had been wanting a meeting with

the Premier and Mr Maguire was giving you exactly that opportunity.---I don't know. I can't answer that.

10 So during the course of this bump-in meeting, what's discussed?---I can't recall. I remember congratulating her and that was, I think that was the whole specific thing. We went there, I don't know if I did present it to her, I don't know, but I remember it was a quick visit, it didn't last too long. The Premier knew me because I met her at a fundraiser about a, not a fundraiser, a charity fundraiser, that organisation that Mr Maguire has an orphanage that he looks after.

Now, that particular fundraiser, approximately when did that take place? ---Probably a year before that. I don't think she was Premier back then, she was Transport Minister. We were invited to, the company, our company was invited to come out and donate money towards this (not transcribable) it's an orphanage that Mr Maguire looks after sick kids and he does these kind of events on here, there, collects money and sends it to them, and I - - -

20 When you say "them," that's an orphanage that's somewhere in the South Pacific I think. Is that right?---I think so, yeah.

And someone will shortly tell me which country in the South Pacific, I suspect. But in 2017 had you been to any fundraising events that Mr Maguire organised?---Not that I can recall, no.

Back to the bump-in meeting with the Premier.---Yeah.

30 I mean surely you must have some recollection of what was discussed, noting that this was a meeting of a kind that you had wanted since September of 2017. On 14 November, 2017, you rang Mr Maguire essentially in a panic saying, "It is urgent that I have the meeting." Surely you took an opportunity to say something to the Premier regarding the problems that you were facing on your projects. Do you agree?---No. I don't know. I can't answer that because like I said to you, we met with Robert, I don't know how long that lasted for, we had a few drinks, it was a very casual thing, "Let's go up," I don't know if he invited, I don't know if he rang, I don't know what happened, but I remember meeting the Premier on that night and I remember congratulating her. I don't know if I spoke to her even about my projects.

40 Well, what I'm trying to understand is, why wouldn't you take this golden opportunity to say at least something about your projects in circumstances when you'd been onto Mr Maguire for months about setting up such a meeting and where you called him in a panic, probably the previous day, saying that you urgently wanted a meeting?---I don't know. I don't know.

This meeting was fairly out of the ordinary for you, wasn't it? You don't meet the Premier in her office every day.---No, it wasn't out of the ordinary.

You may have met this Premier or other Premiers in the past, but this must be a meeting that sticks out in your mind. Do you agree?---Not necessarily. I'm saying to you that we went there, I met the Premier, I can't remember if I did or didn't speak to her about my projects but I remember congratulating her and I think I think Gladys is a very lovely lady, so - - -

10 Is it fair to say that you were at least a little bit tipsy at the time of this meeting, given that you'd had a couple of drinks with Mr Vellar and a couple of drinks with Mr Maguire?---Yes.

Might that be affecting your recollection, at least in part?---I'm not going to say, use that as an excuse, I'm just telling you the truth, I don't know.

20 But I'm suggesting to you, you must have some recollection of that meeting in light of the pretty stark circumstances of it or surprising circumstances of it. Correct?---You're asking me to answer the truth, I'm telling you, I don't really remember if we did or we didn't speak. I remember going up to her office, we were, we had been drinking for about probably two hours, I don't know, three hours, we were walking around Parliament House with drinks in our hands, we were still drinking, I don't remember. I spoke, maybe we spoke to Mr Vellar and that was probably it for that night. I don't know, so, you know what I mean. Like, I got to speak to the chief of staff, I've met with chiefs of staff before Mr Vellar.

THE COMMISSIONER: Whose chief of staff? Oh, you mean Mr Vellar?
---Yeah. I think before that we met with Mr Stokes's chief of staff on several occasions.

30 MR ROBERTSON: Approximately how long was the bump-in meeting with the Premier?---Don't know. It was quick. It wasn't long.

Was it five minutes, half an hour, an hour, what was it?---I can't remember.

I'm not asking for the minute and the seconds, but was it a - - -?---I can't remember.

Was it a short meeting?---It was a short meeting, that's what I remember.

40 Five minutes or so, or was it something a little bit more extensive?---I can't remember. I don't, I don't think it was long at all.

And do you have any recollection of how the meeting ended? Was there any suggestion that you were going to send some further information to anyone else like you had with Mr Vellar - - -?---No.

- - - or anything of that kind?---Don't recall that. No, I don't think so, no. I'm not sure.

So you've got a recollection of at least congratulating her on become Premier. Is that right?---Yeah, and we could have spoken about plan but I just don't remember what we even spoke about.

And you could have spoken about planning?---Yes.

But you don't now recall the details.---That's correct. That's correct.

10 So then, then what happens? You then leave the Premier's office, I take it?
---Yeah. Don't - - -

Do you then have any further meetings?---No. I can't recall.

Did you go back to Mr Maguire's office for another drink or two or is that the end of things?---Maybe. I don't know.

20 Do you recall whether you took your models with you or whether you left them with Mr Maguire or anyone else?---I don't remember, but I – there's a high chance that I would have taken them with me because they weren't relevant to anybody but myself to use for presentations.

Do you recall whether anyone gave you anything during the course of the events that we're talking about in Parliament House, anything in the nature of a gift or anything along those lines?---No. Can't remember.

A bottle of wine, anything like that?---Maybe. Don't know.

30 No recollection one way or the other?---No.

Pardon me for a moment. I'm just going to try and help your recollection, Mr Alha, with some photographs which will hopefully assist in some timings.---Yeah.

And might assist in you answering some of the questions that you weren't quite sure about so far.---Yeah.

40 Can we go please to page - - -?---Can we – sorry, can we just have a quick break for two seconds, please? Sorry.

THE COMMISSIONER: Let's take a very short adjournment.---I'm sorry.

Can you inform me when Mr Alha returns, please?

MR ROBERTSON: Of course, Commissioner.

SHORT ADJOURNMENT

[11.36am]

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can we go, please, to page 192 of volume 14? Mr Alha, I'm going to show you some photographs which will hopefully assist us in identifying some timing in relation to the issues that you and I have been discussing this morning. Now, the call that I last played you was 14 November, 2017, and there was reference in that call, you'll remember, to
10 Wednesday, which you noted was tomorrow. And do you see there a photograph, and there's a box underneath a right arm, do you see that there?
---Yes. Yes, yeah.

Do you recognise that box as being a box in which you may have had a model of the kind that you and I have been discussing?---Yes.

And I'll go to the next page before I ask you to confirm that the gentleman is you, and we'll go to the next page. I take it you accept that that gentleman is you?---Yeah.
20

And we'll just go another page, and then another page, and another page. And do you recognise the gentleman at the top of the stairs as being Mr Maguire?---Yes.

And so if you have a look at the date of this, this was 15 November, 2017, 6.40pm. Do you see that there?---Yes. Yes.

Now, does that jog your memory that you were actually coming in for the drinks towards the evening of Wednesday, 15 September, 2017?---Dates
30 I'm not going to be good with, but that could have been.

No, but at least time of the day?---Yeah, yeah. Four, 6.40.

It's consistent with your recollection that it's late in the day, 6.40pm?
---Yep, it's late, yep. Yeah, yeah, yep.

And by the looks of it, it looks like you got access to the secure area of Parliament House by Mr Maguire taking you through on this occasion, rather than you speaking to the security people.---Yep, okay, yep, yep.
40 Okay, yes.

Is that consistent with your recollection now seeing this?---Well, yep, it's - -

Sorry, I may have led you astray there. This particular photo's 6.40pm. We'll just go back a previous one, as you're coming in, see how it's lighter? And it's 4.28pm. Do you see that there?---I see, I missed that as well, yeah. So that's me walking in, and that's, that was me leaving, I think.

Yes, so it looks like at least that this one is you walking in with a box?
---Yeah, yeah.

And then if we go to the next one, it looks like Mr Maguire's seeing you off.
---And walking me out, yeah.

10 You see that there. So it may well be that you did speak to security and they let you through in the way that you suggested before.---Most of the times, and so just so you know as well, I had parking organised for me when I used to drive into Parliament House, most of the times. There were occasions where I drank too much, and I've left my car overnight, and I'd go back and pick it the next day.

THE COMMISSIONER: But on this occasion, you look like you're walking in through Macquarie Street.---That's, yeah, because I came through Macquarie Street, yeah, I must have parked in the hospital entrance.

20 MR ROBERTSON: But do you recall whether on this occasion you left your car and took a taxi?---(No Audible Reply)

Can't remember one way or the other?---Can't remember.

And if we just keep flicking through these photographs, and go again, and go again. Now, if we just pause on that one - - -

THE COMMISSIONER: So by now it's 6.44pm.

30 MR ROBERTSON: So we're now 6.44pm. The person that took this thinks that you were in or around Martin Place Railway Station at about this point in time. Do you recall whether you took anything with you from outside of, sorry, from Parliament House, and you took it away with you?
---Don't remember.

Because if you look very closely at the top of the box it looks like, it may be not, but it looks like the top of a bottle of wine, at least to me.---I can't tell you.

40 You've got no recollection one way or the other?---No way. And I, I'm not saying that I didn't or I did, but I think that looked like the top of the model, because the model was grey. So they were, they were, my models were grey, and they were tall and slender towers, like I explained before.

So it's possible that that's the model sticking out the top. You're not sure one way or the other, but it's possible that that's what we can see in this particular photograph.---Yeah. Yeah.

But in any event, is it consistent with your recollection that the meeting with Mr Vellar and the bump-in meeting with the Premier was likely to have

been on 15 of November, 2017, noting that when I played you the audio call from before, that was the day before 14 November, 2017?---Yeah.

And it's consistent with your recollection, is it, that you were in Parliament House for something like a couple of hours?---Yep, so what time did it, the picture show I went in for?

The picture on the way in was at - - -

10 THE COMMISSIONER: 4.28.

MR ROBERTSON: 4.28pm.---Yeah, so - - -

And we're now at 6.44pm at a time that you've walked out.---Two and a half hours, yep.

That's consistent with your recollection as to what occurred, is that right? ---Well, yeah, well, yeah.

20 Now, do you recall having any discussions with Mr Maguire about the meeting - - -

THE COMMISSIONER: Are you going to tender the photos?

MR ROBERTSON: I will tender that, but I just want to pause on the pages separately, so I might do that after the next adjournment if that's convenient, Commissioner.

30 THE COMMISSIONER: Yes.

MR ROBERTSON: After you leave Parliament House on that day, which appears to be 15 November, 2017, do you recall speaking to Mr Maguire or perhaps messaging Mr Maguire to talk to him about the meeting that you had with the Premier?---Don't recall. I could've.

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

40 Telephone intercept 3810, on the evening of 15 November, 2017.---Sorry, was that on the same night?

On the same night, that's right.---So we've had a few drinks as well, yeah? Maybe drank more.

I'll play the recording first, and then you can comment on that.

AUDIO RECORDING PLAYED

[11.44am]

MR ROBERTSON: So there's a reference there to sending him an email and a reference to site specifics. Is that a reference to Mr Vellar?---It could have been, yes.

Or is it your best recollection that it was a reference to Mr Vellar? I presume it's not a reference to the Premier because you're saying "him"?
---No, that's right.

10 And having listened to that recording, does that assist at all in your recollection as to what occurred in your bump-in meeting with the Premier?
---No.

There's a reference to her having a very big office.---Yeah, that's right.

I take it, it's consistent with your recollection that you're in her actual office, as in the office where she has her own desk. Is that right?---Well, she was in a desk in a big room.

20 A desk in a big room which you understood to be her office as opposed to her boardroom or something along those lines?---We weren't in a meeting room, I remember that, yeah.

But that doesn't help you remember anything else about the bump-in meeting with the Premier. Is that right?---No, I was pretty tipsy, I don't know what time we walked into the Premier's office and how many drinks we had after that, and you could see I actually caught a train, thank God, so.

I tender telephone intercept 3810 15 November, 2017, 7.03pm and
30 accompanying transcript.

THE COMMISSIONER: It will be Exhibit 286.

**#EXH-286 – TRANSCRIPT AND AUDIO OF INTERCEPTED
TELECOMMUNICATION SESSION 3810 DATED 15 NOVEMBER
2017**

40 MR ROBERTSON: I'm told I also neglected to tender telephone intercept 3683. I tender that telephone intercept which was 14 November, 2017 and accompanying transcript.

THE COMMISSIONER: It will be Exhibit 287.

**#EXH-287 - TRANSCRIPT AND AUDIO OF INTERCEPTED
TELECOMMUNICATION SESSION 3683 DATED 14 NOVEMBER
2017 – EXTRACT**

MR ROBERTSON: Now, Mr Alha, now in relation to the meeting with Mr Vellar, I've shown you that there was an email that you then forwarded onto Mr Vellar including details of your projects, things of that kind. Do you remember seeing that?---Yes.

10

Did the meeting with Mr Vellar in Mr Maguire's office, to your knowledge, lead to any change in any decisions made by any public official?---No.

So at least the meeting with Mr Vellar didn't achieve the objective that you seemed to have had by about late September of 2017, which is to try and get some change or some solution to the problems that you were having in relation to your projects. Is that right?---Speak, I want to be careful about how you say "change" and "problems". I don't know what you mean.

20

What I'm trying to understand is, what did the meeting with Mr Vellar lead to, if anything, in terms of any decision-making that was done that was relevant to your projects?---No, I can recall after that that Mr Vellar made no contact with me on it, didn't even reply to my email.

And so you sent the email that we saw - - -?---Yeah.

- - - to Mr Vellar with some additional material. Is that right?---That's correct, yes.

30

That was essentially where the meeting was left with Mr Vellar in Mr Maguire's office, it seems, on 15 November, 2017.---That's correct.

But Mr Vellar didn't respond to that email. Is that right?---No.

Did you receive any other response to that email from, for example, someone else in the Minister's office or perhaps someone within the Department?---I don't recall. We were, in that time, just like you saw when asked me to have a meeting with him, that we were having meetings with the Department and councils at the same time, so that was irrelevant to Mr Vellar's meeting. So, no, I can't recall that, no.

40

So is it fair to say that what you were seeking to achieve when you made contact with Mr Maguire in late September and into October, including through the calls that I've played you so far, was to get some assistance from either the Premier or the Minister for Planning, or perhaps their offices, with the problems that you were having in relation to your projects. Is that fair?---Yes.

And is it fair to say that that objective failed in relation to Mr Vellar? In other words, although you got to speak to the chief of staff of the Minister for Planning, that didn't result in any favourable treatment of you as you understand the position, is that right?---Yes.

10 And is a similar answer given in respect of the Premier? You ended up achieving the objective of meeting with the Premier, albeit a bump-in-meeting of the kind that we've discussed, but so far as you're aware, there was nothing that the Premier did arising out of that meeting that's led to any favourable treatment to you?---No.

So again, insofar as that was an objective that you were seeking to achieve with Mr Maguire, that objective failed, would you agree?---Yes.

20 Did Mr Maguire ever arrange any other meetings for you with public officials in relation to your development projects?---Earlier in the piece, when we had the problems when the amalgamations and we hit a roadblock, we, I spoke to Mr Maguire and this was his first involvement, I think, from that side of, that side of things, so political side of things. It was, I, I, I can't remember the date but it was around, probably, late '16, early '17 when I wrote to him, and he arranged a meeting with the chief of staff back then.

30 Sorry, the chief of staff to which minister?---It could have been Mr Stokes, I'm not sure. And my planner contacted Mr Maguire. So I asked the planner if it's a good idea for us to have Mr Maguire's involvement in a problem like the problem we were faced with, because my planners couldn't deal with it anymore. It was beyond their capabilities. So there were real problems that they couldn't understand why there were that many problems, and we'd done everything, we'd got specific mention in the strategies, we've done a lot of legwork with the Department of Planning, everything was on track, and we hit a roadblock. Then I asked Mr Matt Daniels if it was a good idea to get Mr Maguire's intervention, and I sent him an email. We've got that email, and then he said, yep, a politician's intervention is always a good thing. So I, I spoke to Mr Maguire and then I wrote a letter to Mr Maguire. Mr Maguire then organised a meeting I think with Matt and the chief of staff the Premier's office. We were hoping to meet with the – no, sorry, the minister's office. We were hoping to meet with the minister himself, but he wouldn't meet with us, so - - -

40 THE COMMISSIONER: What portfolio did Mr Stokes hold at the time?
---I think it was the Planning. So the - - -

So that was before Minister Roberts held the portfolio?---I could be wrong but I think it was Mr Stokes. I'm not sure.

MR ROBERTSON: As you understood it, why would Minister Stokes not meet with you?---Because they weren't, they, because they looked at

developers differently or there was policies that you couldn't (not transcribable)

Including, at that point in time, there was concern within government to have the highest level of propriety in relation to developers because of concerns about corruption in the development industry. That's as you understood the position, is that right?---Yeah.

10 In relation to the meeting with the chief of staff to Minister Stokes, did that, to your knowledge, lead to any particular favourable treatment for you or your business?---I wouldn't call it favourable treatment. I'd call it we have the meeting with them, they understood the problem, they, they, from what I gathered, I, I thought they understood the problem. It was really good, it was a very good meeting, very excited about it, and then we got referred to have a meeting with the people in the Department.

20 So it may have moved the process along, but it wasn't like there was an intervention in the sense of the minister or the minister's office saying, "I want you to approve this particular project," something like that?---We were a long way from talking about approvals with these projects. It was, it was a real problem and there were real concerns. We, we did all appropriate things, so we had planners onto it. Planners were guiding me. I was paying the planners to do their job. They hit a roadblock. I asked Mr Maguire for his intervention, besides me being his friend and talking about other things and that. And a meeting was organised with the minister's office. We attended the minister's office. After that, we actually had a good response from the Planning Department.

30 But you're not suggesting that the minister's office, on that occasion, did anything more than facilitate ordinary processes? They weren't doing anything out of the ordinary, they were facilitating ordinary planning processes, is that right?---That's correct.

So it's fair to say isn't it, that Mr Maguire has been of considerable assistance to you and your business, including in getting you, and sometimes your planners, before public officials in relation to your planning projects, is that right?---Yes.

40 Why was Mr Maguire so helpful, as you understood it, in relation to these things? You seem to be spending a lot of time and a lot of effort in lending, as it were, the weight of his office as a member of parliament to assist you, Mr Alha. Why is he going out of his way? It seems like a pretty extraordinary thing for a friend – albeit a close friend – to do, at least unless they thought there might be something in it for them at the end of the day, perhaps during politics, perhaps after politics?---Mr Maguire, no matter what I went through, always went to the full length of helping me out.

But this is more than just being a shoulder to cry on and a someone to confess your sins. This is someone who is going out of their way and is using things available to their office – such as getting access to ministers, getting access to public officials and the like – to assist a friend of theirs. Surely there's something in that more than just being a general friend?---No, there isn't. Mr Maguire's gone to extensive, from what I can see, he's gone to extensive lengths of helping me out, so.

10 Surely you said to him at some point, look, if one of these projects comes off, I'm going to make a lot of money and I'll make sure you're looked after. Surely you said something like that?---I don't recall.

Well, do you deny - - -?---Maybe I've spoken to him over the years, I don't recall, but was there any agreement or did I look at it as any arrangement like that – I had real problems, there was no money being made and, really, for me, he always used to help me out, so. That's – I saw him as helping out as a friend. I'll do anything for Mr Maguire.

20 But I'm not talking about some sort of general, you know, some agreement that people sign on the page.---Yeah, yeah, yeah.

But you'd agree, wouldn't you, that if one or more of these projects came off, in other words you get the relevant approvals and it's successful and the building costs are kept within reasonable limits, you could have stood to make a very large amount of money. Correct?---Yes.

Development involves high risk/high reward. Correct?---Yes.

30 Surely in one of the communications you had with Mr Maguire you suggested to him, well, look, if this all comes up, I'm going to make a lot of money. I know you've got financial difficulties. It's something you explained a bit earlier today. I'll flick you a bit of the cash.---No.

Surely you said something like that. Surely.---No, no, I remember last year, I think it was last year, he was refinancing his property to settle with his wife and he was short a hundred grand, and I asked him if he wanted to borrow some money. I've got some money, some spare money, because I just refinanced myself, and he wouldn't take it. So, no.

40 So do you deny ever suggesting to Mr Maguire whether in so many words, or even in some indirect way, that in the event that one or more of your projects came off with his assistance, you would look after him in some way financially, put something in his direction?---I can't recall. Just like the offer of that job, we had conversations like that, if you want to call it, just general chatting, I don't know.

So you're saying it's possible that you've had a discussion at that time?
---No, mate, I don't, we had hundreds and, you know, hours of phone calls,

like you can see, and spoke about stuff, but was it – so in '17 I bought the site back in 2009 and already, he never got involved till I had problems with them. The problems weren't something that somebody can fix, they were already broken in the sense of planning it was – it's different.

But if they were fixed and you got through it, you stood to earn a very large amount of money. Is that right?---That's what we do, yeah.

10 But that's the whole purpose of development. You get a site, you develop it.---A hundred per cent, yes.

And if all goes to plan, you make a lot of money.---That's correct.

Doesn't go to plan, you don't make a lot of money.---You lose a lot of money.

You lose a lot of money. High risk/high reward.---That's correct.

20 And so surely, as you understood it, Mr Maguire was at least holding out hope that in the event that one of these projects come off that may well be his ticket to retirement - - -?---No.

- - - because you might be putting some money in his direction?---No, I don't think so.

30 Are you saying he did all of this work, all of this effort, in an area that had nothing to do with the electorate of Wagga Wagga all just because he was a good mate?---He was a good mate Mr Maguire. Back in '13, flew all the way to China with me to help me out to buy tiles. Why did he do that – do you know what I mean? So, he's always helped me.

So that's your evidence. He was doing it, in effect, to help a mate. Is that right?---Yeah, good mate.

Now, is it right to say that even after these meetings with the Premier and with Mr Vellar, Mr Maguire was still trying to assist you with the projects that were in at least danger of falling over?---He assisted me and he keeps assisting me all the way till about probably four or five weeks ago.

40 And what led him to stop, as you understood it, helping four or five weeks ago?---I think the communications when we knew about what was coming up and when I knew that I'd been summonsed, because I was very cautious about speaking to him and I wasn't worried but I kept speaking to him and then when stuff started coming out I was, you know, something wrong here.

So when is the last time you've had any communication with Mr Maguire?
---Probably about four to three weeks ago.

And so that was after this public inquiry had been announced but before it had been commenced. Is that right?---Could have been.

At that point in time you knew that you'd been summoned to give evidence as a witness in the public inquiry. Is that right?---That's correct, yes.

Have you ever discussed this inquiry with Mr Maguire?---Yes, I have.

10 And what are the nature of those discussions?---I can't remember if it was after what happened with Canterbury-Bankstown Council or what happened with him when he resigned, it was at, obviously at his daughter's wedding and then his son-in-law dying and all that, Mr Maguire was in a very, very dark place and I think he still is, and I never turned my back on him and kept ringing him, despite everything and I did ask Mr Maguire if he did anything wrong. Everything he'd done was all above board, you know, "What have you done wrong?" This you know, "Aren't we, aren't you allowed or are we allowed to be in communication with each other?" Why am I under scrutiny with him, and yeah, he replied to those answers.

20 So what did he say in response to that sort of thing---"No, I'm allowed." And then he started going a little bit, you know, from frustration I think he got very upset.

And are you saying this happened soon after he appeared or attended to give evidence in the public inquiry in Operation Dasha, the other one about Canterbury Council?---I can't remember the exact time, but it - - -

30 It sounds like around about the time.---Yeah, but for the last year when I talked to him he, he says, "We're not allowed to talk," so he acknowledges that, but it was more a comforting call, you know, till, from three weeks ago I really just took his view on things and agreed with him so, you know.

Has Mr Maguire told you whether he's participated in any compulsory examinations, private hearings, before this Commission?---Oh, he said that he's been down to town, he didn't say specifically he's been down to ICAC, we both knew I think because I've been in there and he's been in there, our names have all been in the paper. I think we both knew that what was going on.

40 In a private hearing, is that what you mean?---I can't specifically tell you exactly what was said, just like other things we've had conversations about you know. Some nights, you know, you'd ring up, we'd be both had a few drinks and you'd talk and you, you know, he'd show a lot of frustration and anger and at one stage I reprimanded him on the phone telling him, "Just watch how you speak on the phone, Daryl, you're angry and you're saying, you know, things that shouldn't be said, you know." And he's just very - - -

Why were you concerned about things being said on the phone?---Because of the way he was screaming and “Fuck this,” and you know, whatever he said, which is not appropriate.

Is it because you were concerned that someone might be listening in or was it concerned with the - - -?---Yeah, of course. There are always concerns. This is something - - -

10 In relation to the conversation where Mr Maguire said that he was coming down to Sydney, that was said in such a way to lead you to understand him to be referring to coming down to see this Commission. Is that right?
---Yeah, was the way I saw it, yeah.

And was that something that was recent, four or five weeks ago, or is that something that happened some time ago?---Can't recall, can't recall. We've spoken like, so much about - - -

20 Well, you must have an idea of whether it was say five or six weeks ago or whether it was say last year or the year before.---I, I think it was recent as well, and then when he went there, he rang me when his house got raided and they took the gun, his gun off him and he was going crazy about this and, “This is lunacy,” he'd call it, “Bureaucrats.” You guys are whatever you are, and, you know, yeah, so he was very angry.

30 But just to be clear, Mr Maguire has informed you, if not in so many words, at least in the way that he delivered them, that he had been required to attend before this Commission in a private hearing. Is that right?---I think he was very cautious and very careful on how he said what he said, so even though, so if you want to know about the phone, we kept talking on the phone, you know, I kept talking to Mr Maguire. If there was anything that you really wanted not to talk about, you wouldn't talk. There was times where you'd use a WhatsApp and then I'd use normal phone calls. So we did talk, and it wasn't like I saw Mr Maguire, and I believe Mr Maguire, till 40 three weeks ago, that everything he did was on the straight and narrow and he was an honest man. He did a lot of business, and I asked him if there was anything wrong with what he was doing, and he said to me, “No, this is lunacy,” and that you guys are crazy and it's bureaucrats and you're just trying to justify your existence. This is what I was led to believe. So as, so, sorry, as a person that I've always looked up to and always taken guidance from, and a mate of mine that I know that's straight in reference to other 40 stuff that's happened which you're aware of, I've always, you know, you look at him, you know, he's telling me who are the baddies or who's this and who's that, you look at that stuff and you think, “This guy is a straight guy.” All my life, 22, from the age of 22 till yesterday, he's been a mentor, he's been a great friend, and I don't know about moving forward with my friendship with him, but he's always going to be a friend for everything he's done for me and moved out of his way. Was he, was he ever speaking about me giving him something? No, never was.

In that answer you said something like Mr Maguire has been involved in a lot of business, did I get that right?---Yes, yes.

What do you mean by that?---Well, if you, so no disrespect to you guys, but you've got tape recordings. Every time he'd ring me over the last six, seven years, you know, he'd talk to me about what he was doing.

10 So do we take it from that that, as you understood it, Mr Maguire was himself in business, he was a member of parliament, but he was himself in business with a view to making profits for himself, is that right?---Very active.

Very active in a range of industries, is that right?---Yeah, very active. So I was invited to Samoa, for example. The last meeting we left, you, you told me about Mr Li. He took me to Mr Li. I knew that he was doing business with them. And he, he, I was under the assumption, and I still am under the assumption, I don't know if it's the case, that he is allowed to do business outside being an MP.

20

So what business did you understand Mr Maguire did with Mr Li?---Export and import produce.

And so what does that mean in the real world? That means Mr Maguire is assisting, what, assisting Mr Li with exports - - -?---In finding, yeah - - -

- - - into China?---Finding products and selling it off to China, sending beef, wine, all that kind of stuff. So, you know, this is something he spoke to me very regularly about.

30

Are you familiar with the firm G8way International?---Well, from the last inquiry and the first time I met with him, that's the first time I heard about it. Did I know he was involved in the G8way and he was using G8way? I didn't.

But you at least knew that Mr Maguire was attempting to cultivate business between Australia and China, is that right?---Very actively. Very actively.

40 And for his own benefit in the sense of making money out of that exercise. ---Well, yes, that's why he was - - -

And one of the individuals with whom you're familiar that he was attempting to do business with was Mr Li, is that right?---Yes.

In fact, Ho Yuen Li is the name. Does that ring a bell?---That's correct, yes.

Any other main names of individuals that he was seeking to do business, as you understood it?---With China?

Well, we'll start with China, yes.---Mr Li was the only person that I went to on a trip, and Mr Gordon Tse, is it?

Tse, T-s-e.---That's correct.

10 Do you know a William Luong?---Yes, William. I said it last time that I met William. I don't know if I met William through Daryl, but I knew William years ago, and Mr, Mr William Luong introduced me to Mr Li before, I think, the connection was made between Daryl and I and William and Mr Li, and Mr Li bought a unit off me in one of my developments I think in '09.

So it's gone back some time, your knowledge of Mr Li in particular and Mr Luong?---Yeah, yeah. William is a, is a well-known, yeah, William's a well-known wheeler and dealer around in property and that, so - - -

20 Do you know whether Mr Maguire had any business interests in Samoa? ---There was talks about him going to Samoa. He rang me up and spoke to me about going to Samoa, and the PNG, I remember PNG.

What was your understanding of Mr Maguire's business interests in PNG and/or Samoa?---Don't, don't, listen, from the last things that we came up with, he always used to speak to me about it, this is what we're doing and this is what I'm looking at doing and this is what I'm doing and, yeah, stuff like that. So the casino, the, the hotels. He invited me over to have a look at a, an old building that he reckoned was dilapidated and he wants some construction advice and have a look if I wanted to get involved in it.

30 Over to where, sorry? Over to Samoa?---Listen, countries, I'm not - - -

Over to somewhere in the South Pacific area?---Somewhere in the South Pacific. Very active in the South Pacific, so. He was there, so, you know, when you, when you look at it from parliamentary time, if he is off and he's over there and he's doing this, flying in and out, you know about it. Like, it just all looked like he was doing business and it's all legit.

40 So as you understood it, Mr Maguire was attempting to cultivate various business ideas in various countries in the South Pacific, is that right? ---Yeah, he, Mr, Mr Maguire, to me, he was a very active busybody that just always got involved in things and always out there looking at innovations, and I, I think at one time he even imported some mopeds from China. And I thought it was a crazy idea. What the fuck, oh, what, you know, what are you doing bringing in bikes? And he, he'd, he'd brought in the container and sold one by one, and stuff like that. So he was very active.

So lots of business ideas, South Pacific, China.---Yep. Yep.

Import export, et cetera.---Yep.

Is that right?---Yep.

And to your knowledge, he had many relationships with developers in Sydney, not just you, is that right?---Well, that one there, that question there is up in the air. I never knew or thought that he had other relationships with other developers. We've never spoken about him and relationship and he, I was very close with him, well, I see that I knew most of the stuff, he'd
10 always talk to me about stuff that he was doing.

At least relationships with potential investors into development projects, would you agree?---Chinese or Sydney developers?

Well, Chinese perhaps amongst others, but at least Chinese.---Well, yeah, if, if you want to talk about, for example, Tim Lakos.

Tim Lakos of Country Garden. Is that right?---Yeah. Yeah, that's correct, yeah.
20

Mr Sinito, for example, I think was introduced to you as a potential investor in one of your development projects?---100 per cent, yep.

Introduced to you by Mr Maguire, is that right?---Yes. Mr Maguire introduced over, honestly, over 50, 50 major property developers from overseas. At one stage, back in 2013, when I had my own site and I, I was only building 22 units and the, the building, the development building game was booming in Sydney, and there was a lot of activity happening in China, Mr Maguire was flooding me with people. At some stages, they were
30 coming in busloads. I'm not joking. I'm talking 15 people, 20 people. There were times when we couldn't even fit them in the office. And they'd come in, and they'd give me presentations on how big they are, and who they are, and I'd put on a presentation to the best of my abilities, hoping to get investment from them, so that I could grow my business. And he always assisted with that, and that was something that I regarded as, you know, helping a mate, and he used to get out of his way all the time to help me.

And did any of those referrals ultimately end up in an investment?---No, nothing that Mr Maguire's referred to me over the last 15, 20 years of my
40 relationship with him in relations to property development has ever succeeded.

But if it did, surely you would have flicked him a little bit of the profits?
---That, that wasn't, that - - -

Noting that Mr Maguire, as I understand your evidence - - -?---Yeah.

- - - was someone who was heavily involved in business, but he's doing it, in effect, outside, at least in part he's doing it outside his official role.

--- That, that wasn't - - -

Is that your evidence?---Sorry. That wasn't the understanding, no. There was no, like, "Oh, if you get me this investor," it was, "Joe, meet this guy," you know, do this, do that, you know? "Meet this guy, he's, he's going to be very good for you." That's the understanding I - - -

10 But ordinarily if someone refers an investor to you, you'll pay them an introduction fee. Is that right?---No.

No?---It depends on the agreement you have with people, and it depends who you're dealing it with. So like for example, if you came to me and said to me, "Joe, I'm going to introduce you to this investor, and if anything came out of it, I want five per cent or two per cent or three per cent or one per cent," depending on the deal, depending what they pay for the joint venture, and depending what the end result's going to be, is what you negotiate with people. Did Daryl and I ever have that conversation, and did
20 we ever look down that (not transcribable)? I don't think Daryl was that kind of person.

I'm not necessarily suggesting a formal agreement that's in writing or anything like that. But you must have at least appreciated that Mr Maguire, as between friends, would expect some assistance in the event that one of these referrals came off?---He's never put his hand out to me ever.

Well, he might not have put his hand out. But that must have at least been an unspoken understanding between you. Do you agree?---No, I don't, I
30 didn't see it that way at all.

You referred a little while ago to some assistance Mr Maguire gave in connection with a "job", I think was the word that you used. Do you remember giving that evidence?---A job for what?

Well, did Mr Maguire ever refer you to anyone who might assist in matters of immigration or - - -?---Yes.

And who did Mr Maguire introduce you to in relation to - - -?---Mrs
40 Maggie, Maggie - - -

Maggie who?---Maggie Wang.

Maggie Wang. And what did Ms Wang suggest to you in relation to immigration matters?---She came out to see me. We had a discussion about that she knew about this scheme that if you sponsor people you're allowed to and your company gets qualified for it, that you could get these investors

in from China. And we sponsored the worker. You've got an upfront payment and then you got a final payment.

How much was that upfront payment?---\$1,000.

And how much was the final payment?---\$49,000 or I don't know if both cases were the same but I assume they were.

10 Now did you sign some agreement with Ms Wang in relation to the fees that you've just identified?---Yes I did.

And this was an arrangement pursuant to which some individual would get an Australian visa. Is that right?---For me it wasn't about just the person getting the visa. For me it was about having, so the first time – I don't know if it was the first or second or third probably – it was early stages when I first met Ms Maggie Wang, and she came across to be honest as that she was going to introduce me to property investors from China. I was told that this person, this in particular person or whatever person it was, they come from a very rich family – I thought before the revelations of this enquiry
20 that I was privileged to this and this was a business attempt to bring investors into the country and this was the way to do it and you get paid for it.

And so this wasn't really about immigration from your perspective at all, it was about you assisting someone getting a visa for Australia, and in exchange you'll get access to a rich family in China. Is that right?---That's correct.

30 That's how Ms Wang sold this proposal to you. Is that right?---That's correct.

And she made it clear to you that the particular individual isn't actually going to come out to work for you but that you had to treat them as an employee and put them through the books. Is that right?---That's correct.

40 Other than the referral from Mr Maguire, did you discuss this scheme with Mr Maguire after you heard about the details of it from Ms Wang?---I don't recall a hundred per cent but I think I asked Mr Maguire is this legit, does she know what she's doing, is it, is this above board. Yes, I probably could have yes. It's something I would have spoken to him about.

So, doing the best you can, you asked Mr Maguire whether what Ms Wang was putting forward was legit. Is that right?---That's correct.

And I take it that in order to explain that, you needed to get some details as to what Ms Wang was talking about. Is that right?---That's correct, yes.

And so you told Mr Maguire, I take it that what Ms Wang is suggesting is – will assist someone get a visa - - -?---Yes.

- - - the worker is not going to turn up as a proper employee but I'm going to get a fee at the end of the day, did that all look legit to me or something like that.---That's correct.

That was part of the conversation you had with Mr Maguire.---Yeah, I don't recall exactly because it was long ago, but that's roughly the Maggie saga.

10

But as you understood it Mr Maguire was aware that Ms Wang wasn't proposing a legitimate employment relationship. There wasn't actually going to be a human that was going to be working for you for a couple of years or whatever. This was an arrangement where a Chinese national would be able to get a visa and the interest for you was really twofold. One, you'd get a fee but, secondly, you'd potentially open the door to a rich family in China, which rich family in China might be willing to invest in one of your projects.---Yes, but also I think there was an arrangement where he did come in for two/three days.

20

Two or three days for how many weeks?---For work, I think it was only two or three days.

Two or three days in total?---Yeah, I'm not sure if we gave him the information that he required for investment, they take that package but - - -

So who are you referring to now, who took the package?---Maggie and the employee.

30 So you provided certain information to Maggie - - -?---About projects.

- - - and to the visa applicant?---Yeah, about projects.

About your projects, about things that they might want to invest in?---About projects yeah, ways they could invest and things, I think it was probably two, three, I'm not a hundred per cent. They spoke Mandarin or Cantonese or and my staff dealt with them directly.

40 So this particular individual didn't actually come and work for you on a - - - ?---No.

- - - legitimate basis for an ongoing period. They turned up for two or three days?---From what I can recall in the application that we gave Ms Wang, there was a special condition that we put in there that it was to source special funding. I've got that document if you like, it's a bit, it's passed onto me.

I seek a direction under section 35(2) requiring production of that document. Before I finish that application, I'll just try and be clear on exactly what the document is. So there was, there's a document that you signed with Ms Wang, is that right? You negotiated with Ms Wang. That, amongst other things, involved her agreeing to pay a fee to you, is that right?---Yeah (not transcribable)

10 And are you saying that there was a special condition in that document that required Ms Wang to assist in relation to what I might call investment issues?---Yeah, so from what's come out with this and how, you know, many people were involved and stuff like that, we done some more digging in our office and, to be honest, and, and looked at more documents and we found the, the application, the way we put the application in together for her, and, and it was given to her or sent to her as well. We don't, I don't know. There is an email trail that it was given to her and we were specifically mentioned, that it was specific funding, special whatever funding.

20 So are you saying that after this public inquiry has commenced, you've had a further look for documents that might be relevant to this investigation?
---Yes.

And you haven't provided those documents to the Commission thus far, is that right?---No, not as of yet.

30 Other than the document you're just referring to, the agreement with Ms Wang, what other documents have you identified that you now consider might be of assistance to this Commission's investigation?---To be honest with you, there's a lot of information that could be very assisting to the Commission.

Including what?---All the planning stuff and other stuff.

40 Well, when you say "all the planning stuff", what do you mean? Communications associated with the planning matter?---Well, all the, it's so you were telling me about when, what, 2017. So I've got references back to when the real problems started, back in 2015. Emails that were sent between the Planning Department and my planners, which is very relevant, that also outlines some of the emails that were sent from Mr Maguire in relation to media releases and stuff like that. And, and you could see that most of that information that came out, media releases, we already had in our proposals.

And what else, what else have you identified that you now think might be of assistance to the Commission but have not yet provided?---Oh, there's emails.

Well, but emails concerning what subject? The development issues that you and I have been discussing today or some broader set of issues?---Some broader set of issues, yeah, you want to call it.

Including what? Including what?---Other sites that are relevant to it.

By which you mean other sites where Mr Maguire has provided some assistance to you?---Yeah. It was other sites reflecting to the problems that we've had with other parties in relation to planning matters.

10

So in terms of broad categories, you have a series of documents that might be relevant to what I might call the immigration issue, is that right?---Yes, yes, yes.

And you have a series of documents that might be relevant to what I might call the developers issue, is that right?---That's correct.

20

Any other categories of documents that you have and that you've identified as may be of assistance to the Commission but have not yet provided them? Or are they the two categories?---They're the two categories.

You said a little while ago that one of the methods of communication between you and Mr Maguire was with WhatsApp messages, is that right? ---Yeah, towards the last, the last few months it's been through WhatsApp.

And you similarly indicated that, in some cases, you – is this right – you deliberately didn't speak to Mr Maguire on the phone about matters because you were concerned that someone might be listening in, is that right? ---Yeah.

30

And so on those occasions you would sometimes meet in person to speak, is that right?---We've only met twice in the last two years, or three times, face-to-face. So I don't know if it was my fortieth birthday, I don't know if he was in trouble back then, so I can't remember that date. So remember the email he said, said have a happy birthday, in 12th of October, and I said to him I hope I have a happy birthday and that. So my birthday was on that, no, my birthday was a month after that.

40

So - - -?---No, no, no, see, that was the time he came to my house and my yard one time, I went to his birthday party, and I don't know if his daughter's wedding was part of it, yep.

And so you're saying that when it became clear that Mr Maguire might be in trouble - - -?---Yeah.

- - - you and he took a different approach to communicating with each other because of concerns that someone might be listening in or - - -?---That's correct.

- - - someone might be getting the communication. Is that right?---That's correct.

And on occasion, you've deliberately used WhatsApp as a form of communication, is that right?---That's correct, yes.

10 And you've used that form of communication because you know that to be end-to-end encrypted and harder to be intercepted and listened in to, is that right?---That's correct.

Any other forms of communications you've had with Mr Maguire?---No.

The particular messages that you're now referring to using the WhatsApp device, are they still available to you on an existing telephone?---No, they aren't.

Why not?---Because I deleted them.

20 When did you delete them?---I delete my messages regularly, like most of the time. I deleted my phone about probably two or three weeks ago.

Why did you do that?---Because I just didn't want to have anything to do with Mr Maguire at that stage when I knew what was happening with this scam.

You knew that your telephone might have information on it that might implicate you. Correct?---No.

30 Well, why else would have you deleted it? There's nothing - - -?---I just, listen - - -

Just pause for a moment.---Yep.

40 If there was nothing for you to hide in relation to those messages why would you take it upon yourself three weeks ago, which incidentally happens to be around about the time that this public inquiry commenced, to delete those messages concerning Mr Maguire?---Because I just didn't want you to see what me and him spoke about.

Because it might implicate Mr Maguire. Correct?---No. Because there's nothing about implicating Mr Maguire. I've told you everything.

Well, then why would you not want - - -?---Because I just didn't want nothing - - -

- - - the Commission to have a look at it?---I didn't want nothing to do with it. I didn't want any, I thought you guys - to be honest with you, I'm not

going to lie, you said to me that you guys are, what is it called, it's crazy, it's lunacy, you twist things, you turn things, blah, blah, blah, blah so, you know.

The particular device that had access to the WhatsApp messages do you still use that device?---Yeah, it's here.

10 I'll do it immediately. I apply for a direction under section 35(2) of the Independent Commission Against Corruption Act requiring Mr Alha to forthwith surrender – sorry, produce to the Commission his telephone.
---Yep.

THE COMMISSIONER: Was that a telephone, Mr Alha?---Yes. It's a wallet, telephone in a wallet.

MR ROBERTSON: A mobile telephone.

20 THE COMMISSIONER: I see. Yes, well, I require you, Mr Alha, to produce to the Commission pursuant to section 35(2) of the Independent Commission Against Corruption Act the telephone and wallet which is sitting on the - - -?---Oh, the wallet's here. The wallet's mine.

They're separate. That's good. The telephone which is sitting on the bench there.

30 **COMMISSIONER'S DIRECTION PURSUANT TO SECTION 35(2)
OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION
ACT REQUIRING MR ALHA TO PRODUCE TO THE
COMMISSION HIS TELEPHONE**

THE WITNESS: I didn't, so his private messages aren't, so the messages that are on the phone are still there as well so they haven't been deleted.

MR ROBERTSON: Which messages are you now referring to?---His normal number, so his normal number so they're still there.

40 I'm just going to give you a piece of paper and a pen.---Yeah, give you the code.

I want you to write the PIN for that telephone and I also want you to write down the iTunes backup password if you have one.---I'd have to get that for you.

In relation to the WhatsApp app do you have a separate PIN number or can you access the WhatsApp app in the event that you use your normal PIN code?---Just, just press it. Normal PIN code.

You were referring to a set of messages a moment ago with Mr Maguire so there are some messages that remain on the telephone. Is that what you're saying?---Yeah, but with WhatsApp there was a lot of personal stuff on there as well. There was stuff that probably is not relevant to you. It's personal stuff.

10 Well, I want to understand first what you've deleted and what you've not deleted so - - -?---Well, I never, I, I delete, so if you, I don't know how technology works. You'll see that there's a pattern over the last two, three years, four years. You know, you go to the bathroom, don't need this, don't need that. You clear your messages. I've got 1,000 messages. Sometimes I get 100 messages a day.

20 But this is a little bit more than that. By the sounds of it you took it upon yourself about three weeks ago to seek to delete messages concerning Mr Maguire because you knew that there was going to be a public inquiry focusing on Mr Maguire's activities. Is that right?---You can say that but I was actually going to delete my whole phone, my phone number and everything. I just, I don't want nothing to do with anyone.

But it wasn't an accident.---No, no.

You decided to do it three weeks ago. Correct?---You asked me when was the last time. It was three weeks ago when I spoke to him and the last message he sent me was about a car.

30 Yes, but aren't you agreeing that you were informed in your decision to delete messages by the fact that there was a public inquiry that was either on foot or about to be on foot in relation to Mr Maguire?---Yeah, you can say that. Maybe.

I'm saying that. Do you agree?---I don't know if I did it because of the inquiry or I did it for other reasons. I was just - - -

Well, what other - - -?--- - - - angry, pissed off.

40 What other reasons could there be? It can't be a coincidence, Mr Alha. ---Well, it's not a coincidence.

You've decided to deliberately delete messages concerning you and Mr Maguire at or about the very time a public inquiry of ICAC is commencing into his conduct.---Yes, but I - - -

It's not just a coincidence, is it?---Yes, but other hand I don't think there was anything to worry about or anything that we were discretely talking about except for personal stuff which I don't think is relevant.

Let's deal with it in parts.---Yes.

Do you agree that you were informed in your decision to delete messages between you and Mr Maguire by the fact that there was a public inquiry on foot or about to be on foot into Mr Maguire's conduct, do you agree with that?---Can you probably rephrase that question so I just get it right.

10 Do you agree that a factor weighing on your mind in deciding to delete the messages between you and Mr Maguire was the fact that a public inquiry into Mr Maguire's conduct had either commenced or was about to commence?---Yes. Most probably.

You were concerned that information within those messages might implicate Mr Maguire. Do you agree?---No.

You were concerned that information on that telephone might implicate you. Do you agree?---No.

20 And in terms of what you deleted and what you didn't delete, did I understand you to say that you specifically sought to delete any WhatsApp messages between you and Mr Maguire?---Like I said, the last year there's been a lot of personal messages and heart on hand [sic] and I hope you get them, there's nothing about the ICAC, there's nothing about any of the stuff, there was a lot of stuff that was personal that I don't think is appropriate here, that's all.

30 We'll deal with the detail, but I just want to understand what you did. Am I right in understanding that you went into your phone, you looked for messages between you and Mr Maguire and you wanted to get rid of messages in that category. Is that right?---Well, I thought whatever's not appropriate doesn't need to be there, yes.

So it wasn't everything, it was just what you had deemed to not be appropriate. Is that right?---That's correct, yes.

And so does it follow from that, that there's at least some messages that you didn't delete between you and Mr Maguire?---Yes.

40 You take it upon your - - -?---On the, on the, on the normal phone, because they could always be retrieved anyway.

When you say on the normal phone, you mean - - -?---The normal number, not WhatsApp.

So you mean and iMessage or an SMS. Is that right?---Well, yes. That's correct.

So is it right that you were careful that when you were communicating with Mr Maguire, after it looked like he was in trouble, on matters that you didn't want anyone else to know about, you'd use WhatsApp rather than an SMS or iMessage?---Which matters do you mean by that, personal matters or - - -

Any matters. By the sounds of it, tell me if I've got this wrong, but by the sounds of it you made a decision in your mind, this is something that's sensitive and I don't want anyone to see, so let's use WhatsApp?---Yeah.

10 This is something that doesn't really matter, it's about let's meet up this afternoon - - -?---No, no, not really.

- - - going to do it as an SMS.---No. And again, so with me it's, it was more, so I'd pick up the phone, Daryl, just write it, sometimes you didn't even know if it was on WhatsApp or normal phone, but - - -

I know. But you're agreeing with me, aren't you, that at least in relation to what I'll call sensitive messages, messages that you didn't want anyone else to see, recently you've been using WhatsApp rather than other forms of
20 messaging. Is that right?---That's correct.

And the reason you've done that is to try and make it more difficult for other people to eavesdrop, as it were, on those communications. Is that right?---On a personal level, yes.

And that process of using WhatsApp or making a decision to use WhatsApp for sensitive messages, started after it became clear that Mr Maguire might be in some trouble. Is that right?---I can't tell you exactly when it started but it was very recent. So before he, so when he got in trouble the first time,
30 even when we went into the compulsory or the private examination I think I still communicated with him normal phone. You've got the phone there.

And so it was a more recent thing, perhaps in the last say few months, something like that?---Six months.

Six months.---Yeah. So there's some, you know, just (not transcribable)

And in terms of messages of that kind using WhatsApp, was it always using, in the last six months or so, was it always the same physical device that
40 you've now produced to the Commission?---Probably less than six months. Sorry, yeah, yeah, yeah, I've never changed, I haven't changed devices.

And so how long have you had that particular physical device?---That one there, probably about two years.

And other than using WhatsApp or iMessage or SMSs or emails, have you ever used any other form of communication, of electronic communication with Mr Maguire?---No, no.

Not WeChat for example?---No, not that I can recall, no.

Or any of the other - - -?---No. There was one time I remember probably about a year ago or two years ago he sent me a message to type in this code to see if your phone was tapped or something, so you put in a code, I remember that, that's what I remember.

10 By the way, that doesn't work, but anyway - - -?---I know. I know that.

THE COMMISSIONER: Mr Maguire sent you that, did he?---Yeah. And listen, with all fairness, you know, I think he was going through a very difficult time so, yeah, I mean it was after his son-in-law died and he's lost his job and - - -

MR ROBERTSON: You referred to private hearings a little while ago. Did Mr Maguire ever ask whether you had been required to attend a private hearing or compulsory examination?---No. I can't recall. No. I think my name was everywhere with the newspaper articles and we have to help our
20 friends and him lobbying on my behalf, so I think we both had an understanding that, you know, that - - -

Did you ever tell Mr Maguire that you had been required to attend a compulsory examination?---No. Not that I can recall.

Or perhaps told him that you had not been required to attend a compulsory examination?---Not that I can recall. And, and again, I don't know if we had a lot of communication since then on the phones, there was on and off periods, just depending on where he was and what he was doing.
30

And I think you said before that Mr Maguire effectively implied to you that he had been required to attend a compulsory examination – although he didn't use so many words - - -?---That's correct.

- - - he said something like I was coming down to Sydney something like that?---Yeah, well, yes.

Has Mr Maguire ever given you any advice or suggestion or hints as to what you should do in relation to any hard copy documents or electronic records?
40 ---No.

So the idea to delete WhatsApp messages, for example, was that your idea and your idea alone - - -?---That's correct.

- - - or did Mr Maguire make a suggestion?---No, my idea.

So do you deny that Mr Maguire ever made any suggestion to you that you

should seek to delete any documents that are relevant to him in any way?
---He had a phone call with me and I can't remember if it was now or earlier
or when he was doing. I said to him, "How you're going, what are you
doing?" I think it was the time the police, he goes burn, burn everything
I'm burning, and I knew he was in a state. This is not Mr Maguire that I
know. When he was saying to me burn and I'm burning – I was like.

10 I think one of the things you said – tell me if I've got this right – is that Mr
Maguire was suggesting to burn everything. Is that - - -?---Yeah, he was
burning, he was having a spring fire, or like he was having a fire.

Maybe a bonfire or something like that?---Burning everything, yes.

20 THE COMMISSIONER: You said something along the lines of, it was at
the time of the police?---Yes, when I think it was around the time that he
got, so I think I spoke to him on that day, I'm not sure, may be two days,
maybe I can't remember. Police came around to his house and they
summons him and I was like, "What the hell have you done, what's
wrong?" And that's when you know, I hope you got those recordings as
you will see what I was saying in them.

30 MR ROBERTSON: So let's try and be precise as to the particular event.
Are you talking about when there was a search warrant executed at his
house, which means investigators come in and they look to see if there's
relevant material and take them away? Or are you referring to some other,
some other time?---I can't recall a time. You ask me about that, I
specifically remember that. So you've got to understand that all my
problems with planning, business, everything, I'm a solo man with
assistants and staff, I've got a lot going in my head, and this is the last thing
I needed, my friend getting in trouble.

And how long ago was this? Was this recent or was this some time ago?---I
think it was early in the piece, I think it had something to do with
Canterbury Council as well, because back then I was concerned about
myself as well, to be honest with you, that I was going to be called in
between, before the ICAC for that stuff as well, because I was mentioned
and that, so yeah.

40 So to try and assist you with your bearings, July 2018 was when Mr
Maguire was sitting in the seat that you're sitting in now in the investigation
into Canterbury Council which was called Operation Dasha, D-a-s-h-a.
---Yeah.

Was it around about that time when Mr Maguire is referring to, "burn
everything" or is it a bit more recent than that do you think?---I can't tell
you, maybe it was around that time, but again, like, I want to answer the
question properly, I'll answer it properly. If I'm not going to answer it, I
will not answer it.

By the sounds of it, it's not recent it may have been - - -?---No, no, no - - -

Maybe six months a year ago, maybe two years.---The burn thing wasn't recent, no, it was early in the piece before all these troubles.

And to be clear, he was suggesting to you, was he, that you should burn everything as you understood what Mr Maguire was attempting to communicate?---Not, not - - -

10

And I appreciate this is a call where he's - - -?---I'm not trying to clear myself out or say that I, I, you know, like, I'm putting it back on Mr Maguire, but I was like, what's, like what is there to burn, why would you burn, what have you done wrong? What's not right – you know. And then obviously what's come out is - - -

So let's try and be as precise as we can, and I appreciate it's some time ago and you've got other things in your life and you're not going to remember the exact words.---Yeah.

20

But at least part of the message that Mr Maguire was communicating to you, as you understood it, was that you should burn everything, in other words you should get rid of documents that might be relevant. Is that right or - - - ?---I don't, I don't think so, I don't think so. He was having a fire and I don't recall – I was – to be honest with you taken back, but then when a friend of yours, you know, you look up to turns around and says you guys are saying, you know, just like everything else, you know, I believe that you guys are crazy. So in one way, and no disrespect, this is lunacy, they're after me, they're just digging around, this is bullshit, this is this, this is that. Whatever he said he said, and you know.

30

So maybe I've misunderstood the message. Are you saying that Mr Maguire was indicating to you that Mr Maguire was burning everything? He's going to have a bonfire or something.

THE COMMISSIONER: Yes, he's having a spring fire.

MR ROBERTSON: He's having a spring fire or a bonfire.---That's probably the answer.

40

THE COMMISSIONER: I think that's what you said about five minutes ago.---It was around those lines. Did he, did he say to me to burn anything? You, you could come to our office, you could check everything. Nothing's ever been deleted or emails or correspondence, except for personal WhatsApp stuff that is not relevant to anything.

MR ROBERTSON: So to be clear, the message, as you can recall as best you can, was that Mr Maguire is telling you that he's having the spring fire

or the bonfire, and that he is burning everything, is that right?
---Yes.

And you have some communication with him where you're effectively saying, well, what's this all about, et cetera, et cetera?---Well, I've spoken to him and asked him a lot about what things are about and, and what have you done wrong and stuff like that, yeah. And, you know, the word "lunacy" coming from him, that you guys are, you know - - -

10 And is that the extent of any communications that you've had with Mr Maguire when there's been a suggestion of burning, tearing, otherwise destroying, et cetera, documents?---Yes. Yes.

In relation to the immigration matter that we started on a little while ago, it was clear to you, wasn't it, when you reached your agreement with Ms Wang, that the employee, or supposed employee, the visa applicant, was not going to turn up and work for you on an ongoing basis, is that right?
---That's correct. I want to talk about ongoing basis. I think that if they like the projects and they wanted to invest – did you want to tender the
20 document? Is it relevant, I don't know, James.e)

What document are you now referring to?---The one I told you about, what we had in the application that just outlined - - -

Is that presently in the hearing room?---It is, yeah, I brought it today. Can we - - -

I seek a direction under section 35(2) requiring the production of any or all documents that Mr Maguire has identified as potentially relevant to this
30 investigation and provided to - - -

THE COMMISSIONER: Mr Alha.

MR ROBERTSON: Mr Alha, I'm so sorry. And provided to his solicitor. I frame it that way because it seems to be apparent that there's been some sorting process gone on and that hasn't been informed to us.

THE COMMISSIONER: I make that direction.

40

**COMMISSIONER'S DIRECTION PURSUANT TO SECTION 35(2)
REQUIRING THE PRODUCTION OF ANY OR ALL DOCUMENTS
THAT MR ALHA HAS IDENTIFIED AS POTENTIALLY
RELEVANT TO THIS INVESTIGATION AND PROVIDED TO HIS
SOLICITOR.**

THE WITNESS: Can we please have a break?

MR ROBERTSON: Can I suggest a comfort break for the witness while I see what's just been produced.

THE COMMISSIONER: We'll take a short break.

SHORT ADJOURNMENT

[12.42pm]

10

THE COMMISSIONER: Mr Alha, you continue to be bound by your oath. ---Yes.

MR ROBERTSON: Commissioner, in light of the evidence to date, I'll be making application for a direction under section 35(2) in relation to documents.

THE COMMISSIONER: Yes.

20

MR ROBERTSON: But as a matter of procedure, the most convenient course in my submission is that I'll have those assisting you to prepare a draft form of order, and I'll make that application formally after the luncheon adjournment, if that's convenient.

THE COMMISSIONER: Very well.

MR ROBERTSON: Mr Alha, in relation to the question of immigration that you and I discussed, I just want to be clear on the arrangement as you understood it from Ms Wang. So an aspect of the arrangement was an up-
30 front fee of \$1,000. Is that right?---Yep.

Plus a further fee in the event that the visa applicant received a visa. Is that right?---That's correct, yep.

And this was a visa under the 1-8, sorry, the 167 visa system, is that - - -?
---Well, for me, I - - -

Sorry, 187 visa system.---Yep. For me, I didn't look at the intricacy.

40

And you didn't care about the intricacy, because what you were in it for was, you'd get the fee.---Yep.

And you'd potentially get a door opening to potential investors in China. Is that right?---That's right, yeah.

Because Ms Wang made it clear to you that the notional applicant was someone from a rich family, correct?---Yep, that's correct.

A rich Chinese family, correct?---That's right.

And therefore might be someone who might be prepared to invest into one of your projects, is that right?---Yes.

Did Ms Wang explain to you that one of the requirements of a 187 visa was to agree to put someone on, on a genuine employment relationship for a full-time basis for two years?---No.

10 What, if anything, did she explain to you about what your obligations would be as a notional employer?---No.

Nothing at all?---I didn't really deal with it. I only dealt with the initial, initial talking about the deal, about the money, and about what the potential might come out of this sponsor, and that the sponsorship was aboveboard and you're allowed to do this, bringing people into the country for this kind of reason. For me, I don't understand 186s, 187s, and all whatever you want to call it. And then she was referred to my CFO back then, and, and my assisting staff, which spoke her language, and so why we, I couldn't find
20 any communication between mine and hers back then about that, because it was all done between my staff and herself, and most of the dealings and applications were handled by her and my staff.

But you at least would have signed some documents relating to the matter, is that right ?---Yes, when, so when they'd come, when I'd come to the office, if there was something to sign I'd get it signed.

But was any explanation given to you by Ms Wang about what your obligations as a notional employer would be in relation to this individual?
30 ---No. No.

Was there any discussion about whether you had to put this person through the books, in other words, to pretend or actually pay them a wage of some sort?---Yes. Yes.

And what was explained to you relating to that matter?---That they'll give you the money, you've got to put them on your books, and it was a minimum of three or months or whatever it was. So that, that there I can recall because that, well, had to do with money, so - - -
40

And is that what you in fact did?---Yes.

Put this person on the books?---Yes.

And put them on the books for how long?---I can't recall. I've got the agreements in place and their names, so when you want, yeah, the information, I've got all the payslips and that.

Was the particular individual a person by the name of He, H-e?---I'm not going to remember the names.

But in any event, as you understood the arrangement, you had to put these people on the books?---Yes.

For a period of time?---That's correct.

10 And actually pay them wages and PAYG and do things of that kind?---Yep.
Yeah. Yeah. Yep, that's correct.

Was there an agreement that that money be reimbursed in some fashion?
---Yes. Yes. In cash.

And that in fact happened, did it?---Yes.

You received it in cash.---Yes.

20 From who?---From Maggie.

So Maggie would attend on you and give you cash by way of that reimbursement, is that right?---Well, I, I, I remember receiving one time, yep, not to say that it wasn't, but she dropped it off to our office, yes. The arrangements was she came and dropped it off to our office.

30 Did she attend on one occasion or more than one occasion to give you money in relation to this scheme?---I can't recall, but I think it was a multiple times that she came. I can't remember exactly how many times she came out to the office.

Did you sign some document to indicate that Ms Wang, or perhaps someone else, could act as your migration agent in relation to this migration scheme, can you remember?---I don't recall exactly what I signed, so it's put that she was the expert in this area, she was facilitating it. It was all above board. She put it in front of me and I just signed it. Or if I walked into the office and my staff, their job was to review things, get things ready for me, I'd walk in and get things signed.

40 And so in terms of the person who had the day-to-day responsibility for this immigration matter on your side - - -?---Yeah.

- - - who was that? It sounds like it wasn't you. It was someone in your - - - ?---One of my, yeah, well, he had my day-to-day activities, so I, I concentrate on property development and applications and, and investors, and all the office staff will run the office and that.

But the particular individual within your organisation who was responsible for this was - - -?---Mr Ming Su. And he was an accountant as well, so he

knew exactly how to put all the numbers that she required, all the information that she required was passed on to her.

And so by that do you mean Ms Wang was asking for information from your business that could then be put forward to the Immigration Department?---Yes, there was, there was different criterias from even looking at Ming's emails from the last week or two. There were different numbers, there was presentation on the company, what the company needed, all that kind of stuff. So we sent all that over to her and she - - -

10

THE COMMISSIONER: Was this gentleman your Chief Financial Officer?---That's correct, yes. And he was – sorry. He came with me to China with Mr Li as well, so he was involved in all.

MR ROBERTSON: So it sounds like you've gone through a bit of an exercise in recent days, or maybe recent weeks, in identifying documents that might be relevant to the Commission, is that right?---That's correct, yes.

20 Why haven't you offered those to the Commission without me having to ask for them?---Because no one asked me to offer them.

So is the idea "There's some material that might be relevant. Hopefully Mr Robertson doesn't ask me about it, but if he does, I'll proffer the documents"?---No. No, no, no. They're all there, and I've actually, I, I, I'm more than happy for you to come and take it. I think I even mentioned that the other day. I'm more than happy to give you everything, take the server and, you know, all the information, any communication. There's nothing to worry about, and, and most likely with computers you can't delete things anyway, so all the records are going to be in there.

30

So have you been doing your best to assist the Commission today?---I've been doing my best to assist the Commission today in telling the truth, yes.

Other than what you've referred to so far, is there any other material – be it documents that you've come across or other information that you know – that you think may be of assistance to the Commission in its investigation, but which you have not yet told the Commission or not yet provided to the Commission?---No, what, what I'm offering the Commission is that they come in and they can have every email, including my phones if you like, from whatever date, any email sent to Mr Maguire or in relation to Mr Maguire or relations to any of the topics that we've spoken about. I'm more than happy to give.

40

When you say your phones, is there some other phone that you've used recently other than the phone that's now in the Commission's possession? ---Well, they're broken phone, so I don't, so if I've changed my phone two years ago, that phone would have been gone, so - - -

So the phone the Commission now has, you've had for what period, roughly?---Can't tell you exactly. Maybe a year, maybe two, I don't know.

And the previous phone that you used, you still have, you haven't disposed of.---No, I - - -

You haven't used in a year or two.---Most likely I won't have it. I don't keep old things like that, sorry.

10

Can we have the immigration bundle on the screen, please. If I could ask for an indulgence to sit a little bit into lunch, Commissioner. I'm concerned about getting through everything today. You see there a contract of employment, Bury Holdings, B-u-r-y Holdings, Pty Ltd as trustee for the Canterbury Unit Trust. See that there?---That's correct, yes.

That organisation is a company that you control, is that right?---That's correct.

20

And the Canterbury Unit Trust is a unit trust associated with one of your developments, is that right?---That's correct.

If we then turn two pages, please. See there's a signature on the screen? ---Yep.

Is that your signature?---Yep.

30

Do you know whether you actually signed the document that we can see on the screen? Or is it possible that your signature has been affixed? Noting that, at least to me, it looks a little bit pixelated.---I don't know.

Do you have any recollection of signing this particular document?---I don't know, no.

Do you have an electronic signature that you've authorised anyone within your organisation to use on documents?---Most of my stuff has my signature, yes.

40

And they have your authority to affix it electronically to an appropriate document, is that right?---Well, as long as they ring me and tell me what the document's about, then they can have authorisation.

And so is it right that if you didn't sign it yourself with a PIN, you at least authorised someone to sign the contract of employment that we can see on the screen?---That's correct.

Can we turn to the next page, please. I'll ultimately tender this material as a bundle, Commissioner, in fact I might do that now so I don't forget. I

tender the bundle of documents that I'll describe as the Alha Immigration Bundle, constituted by 30 pages.

THE COMMISSIONER: That bundle will be Exhibit 288.

#EXH-288 – IMMIGRATION BUNDLE ALHA

10 MR ROBERTSON: Would you agree that the org chart that we can see on the screen is not an accurate representation of the organisational structure of Bury Holdings Pty Ltd, whether now or at any other time?---Okay, I can see that, yes.

Do you agree?---Yes, I can see that. That isn't the - - -

It's false in the sense that that is not the current structure nor is it consistent with any structure that Bury Holdings Pty Ltd ever had.---Absolutely correct.

20

Similarly do you agree that Bury Holdings Pty Ltd, as trustee for the Canterbury Unit Trust, does not presently have and never had a need for a senior financial investment manger [sic] or for that matter, manager?
---Yes, that's correct.

Have you seen this document before that I've put on the screen?---Not that I can recall, no.

30

Turn to the next page, please. A statement of remuneration document. See that there?---Yep.

Do you recall seeing this document before?---Not that I can recall. If I signed it I would have seen it but I would have not read the specifics, but anyway - - -

40

And so you didn't prepare this document I take it?---Don't know. I don't, I didn't, I don't recall preparing anything got to do with Maggie. I know she asked for information from the office and the information was sent to the office. And just, sorry, just from recent stuff that we got on this immigration stuff, it wasn't Bury Holdings that was the, the employee, I mean the employer.

Employer.---Yeah.

So I'm showing you documents - - -?---So I don't know - - -

I'm showing you documents in relation to Bury Holdings. Are you saying that there were other companies that were involved in the immigration

scheme with Ms Wang?---Yes. The only, the only one we've got or the only two that we've got, agreements, and the people that were sponsored was J Group Constructions. So I don't know where this is Bury Holdings.

You're just pointing in the direction of the solicitor. Were you referring to the one-page document that you've produced to the Commission today?
---Yes. What is -- can I just ask what that is, what's the title?

10 It refers to J Group Constructions Pty Ltd.---Yeah. And is that Mr He?
Sorry, can I have a copy? Because I don't know. I'm sorry.

It doesn't refer to Mr He. We might come back to that particular issue after lunch. But is it clear in your mind that you were only involved in this, what I'm calling the immigration scheme, once?---No.

Or is it possible that it was more than once?---There was, there was two applications.

20 So two successful applications?---Yes, I think so. I could give you what they were, yes, I think they're two, they're two applications.

And were they both J Group Constructions Pty Ltd?---To the best of my knowledge, yes, they were.

And do I take it then that for both of those two you received a cash fee from Ms Wang?---That's correct.

30 Do I take it from both of those two you signed an agreement with Ms Wang that identified that cash fee?---Yes, and the only time I got involved was when the signing of the agreement originally. I don't know, we did pick up some paperwork there when Mr Ming Su signed some of the applications in relations to the immigration side of it.

And so is it right then that for both of those two examples you had an employee that you put through the books?---Yes, I think so.

And got the reimbursement back from Ms Wang?---Yes, that's correct. All our costs were reimbursed.

40 And got that upfront fee which I think you might have said - - -?---Of a thousand bucks.

An upfront fee of \$1,000, but effectively a success fee of a little bit more money.---When they're granted the, the visa.

And I think you did say this, but can you recall how much that fee was?
---I remember one of them being 49 thousand bucks. I don't remember the

second one or how much money she brought to the office or what ended up happening at that stage, but yeah.

THE COMMISSIONER: So she brought cash back to you?---Yes, it was all cash.

What did you do with that?---Would have used it in the business most probably.

10 MR ROBERTSON: And was that cash put through the books at your end? ---I can't recall, so that's something that, you know, like I'm saying with development and speaking over stuff, yeah, all we were doing was paying out money so all the time in our business, so any, all my money, even my personal money is always put into the business, hold costs, planning costs, all that kind of stuff.

20 But this particular cash wasn't put through the books, was it?---Listen, Mr Robertson, I really don't know. So like I'm saying to you, my, my business demands a lot of injections at all times in different areas and aspects of the business, so I could have done something with the money, I'm not denying that I never used some of it, cash for personal, family reasons, I'm not saying no, but to tell you what I done with the money, I can't, but I could tell you what I do with generally most of my money, ninety-five per cent of it goes into my company, so option fees, holding costs, all that kind of stuff. So there are more losses anyway than actual - - -

But whether or not, whether or not the cash from Ms Wang is recorded in some account as being income as the company - - -?---No.

30 - - - you're not able to assist us one way or the other. Is that right?---No, not.

And it's quite possible it wasn't put through the books at all.---That's probably, yes.

That's probably the case I think you just said.---I can't tell you yes or no, a hundred percent.

40 You're not the accountant so you don't necessarily see it, but it's quite possible it wasn't put through the books.---Yeah, well yeah, maybe.

I asked you a little bit earlier about steps taken in relation to your projects after the bump-in meeting with the Premier. Mr Maguire still continued to give you advice after that time as to how you could deal with the problems that you were having with your developments. Is that right?---Yes.

And did that advice include writing any communications to either the Minister for Planning and/or the Premier?---I don't know if he did it or if I started doing it myself.

Let me help you this way – I'm now going to the 28 February, 2018, intercept 6554, and this will be the last thing that I will deal with before lunch, if that's convenient, Commissioner.

THE COMMISSIONER: Yes, Mr Robertson.

10

MR ROBERTSON: 6554, excerpt number 2, please. I won't play you the whole call Mr Alha, but I'll play you an excerpt of it 28 February, 2018.

AUDIO RECORDING PLAYED

[1.06pm]

MR ROBERTSON: One of the things that you asked during that call, Mr Alha, was whether you were allowed to mention that you had met with the chief of staff, do you remember hearing reference to that?---Yes.

20

And that was a reference to Mr Vellar. Is that right?---Don't know.

Well, what other chief of staff could you be referring to that you had met with that you were asking Mr Maguire that you could mention?---Well, was it, was it around that time.

30

The call that I've just played you was in February of 2018 and the meeting that you had in Parliament House with Mr Vellar, and the bump-in the Premier seems to have been 15 November of the previous year, so a couple of months afterwards.---So it could have been that, yes.

Why were you concerned about whether or not you were allowed to mention that you had met with the chief of staff?---I can't recall exactly.

Well, was it because you and Mr Maguire, to your knowledge, was trying to keep that meeting secret in a sense, because it wasn't being done through the ordinary channels.---That's correct, because it was just a bump-in.

40

The meeting with Mr Vellar was a little bit more than bump-in wasn't it? ---Yes.

It was something that - - -?---Orchestrated.

It must have been orchestrated at the least by Mr Maguire?---You could say that yes, you could say that yes.

There's also reference to the Sydney Commission woman.---Yes.

Who did you understand Mr Maguire to be referring to as the Sydney Commission woman?---Don't know.

Well, you must have some discussion with Mr Maguire at some point that led him to suggest that he might speak to someone who he referred to as the Sydney Commission woman, because he seems to be saying it in a way that suggests that you might know who he was talking about.---That's correct but I didn't know who he was talking about.

10

So at that time you didn't know who he was talking about. Is that right? ---That's correct.

I've probably overstretched my welcome.---No, that's all right.

To the Commissioner at least.

THE COMMISSIONER: I don't think he was talking to you, Mr Alha. ---Sorry.

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MR ROBERTSON: I tender telephone intercept 6554, extract number 2, 28 February, 2018.

THE COMMISSIONER: That's Exhibit 289.

#EXH-289 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 6554 DATED 28 FEBRUARY 2018 - EXTRACT 2

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THE COMMISSIONER: What about those photos from earlier, Mr Robertson?

MR ROBERTSON: That is my next note. Volume 14, page 193 to 201, a series of photos of surveillance of Mr Alha, 15 November, 2017.

THE COMMISSIONER: That'll be Exhibit 290.

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#EXH-290 – SURVEILLANCE PHOTOGRAPHS OF JOSEPH ALHA DATED 15 NOVEMBER 2017

MR ROBERTSON: Is that a convenient time for lunch?

THE COMMISSIONER: Yes.

MR ROBERTSON: Can I indicate that I'm not yet finished with Mr Alha although shortly will be.

THE COMMISSIONER: We'll adjourn till 2.00. Is that - - -

MR ROBERTSON: That's fine. The matter I'm simply raising is I think I'm going to struggle to get to Mr Cull today because I suspect Mr Liu will take some time so I'll ask that those who assist you make some inquiries about whether Mr Cull can be called tomorrow.

10

THE COMMISSIONER: Yes. Very well. We'll adjourn until 2.00pm.

LUNCHEON ADJOURNMENT

[1.11pm]