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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 MONDAY 12 OCTOBER, 2020

AT 9.30AM

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

THE COMMISSIONER: Before I commence the hearing today, I've been asked by Chief Commissioner Peter Hall to read a statement in relation to the Honourable David Ipp AO QC.

10 David Andrew Ipp AO QC, who held the office of Commissioner of the Independent Commission Against Corruption between 2009 and 2014, I am sad to say passed away on 8 October, 2020. His service to the law and to his community as a solicitor, barrister, law reformer, judge, including as a judge of appeal, and later as Independent Commission Against Corruption  
10 Commissioner, was both unique and remarkable. Following a distinguished career at the West Australian Bar, including as Queen's Counsel, in 1989 he was appointed to the Supreme Court of Western Australia, and he served as a judge of that court for approximately 13 years, from 1989 to 2002. David and his wife Erina and family subsequently moved to New South Wales, and in 2002, he was appointed to the New South Wales Supreme Court and Court of Appeal. He was a judge of that court until 2009.

20 As a barrister who appeared before him, and later followed in my appointment to the Supreme Court as a judicial colleague, I came to appreciate that David's work capacity and knowledge of the law were exceptional. Having served his community as a judge for a total period of approximately 20 years, it could well have been expected that he was entitled to enjoy a well-earned retirement. Instead, David Ipp decided that the call to serve had not run its course. He would take on a new role and a new career. This was to be as investigator taking up appointment as Commissioner of the Independent Commission Against Corruption.

30 David's many personal attributes, his immense capacity for hard work, his mastery of detail, his extensive judicial experience all prepared him well to the task. He quickly became deeply interested in anti-corruption law and the processes and principles that underpinned the jurisdiction of the Commission, its processes and methodologies. David Ipp's dedication to the service of the community in all the high offices he held, his prodigious work capacity, and his sharp intelligence were remarkable. In his position as Independent Commission Against Corruption Commissioner, he has been described as dauntless. The period of his tenure as Commissioner represented the culmination of a professional life, fully focused on maintaining the rule of law and advancing the public interest.

40 And if I may add a comment for myself, having served with David on the Court of Appeal for approximately seven or eight years, I endorse all of Chief Commissioner Hall's remarks.

MR ROBERTSON: Please the Commission.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, in terms of the program of witnesses for this week, I'll shortly call the Honourable Gladys Berejikian MP. I expect to be finished her by lunchtime. There's a fair bit of material to get through, but I'm hoping to get through her by lunchtime. That's the only planned witness for today. Tomorrow I'll call, as has been announced, Ms Maggie Wang, and then I'll call Mr Daryl Maguire, but I intend to call him on Wednesday, rather than Tuesday as previously announced. My best estimate at the moment is two days with Mr Maguire, and so I still anticipate that the public inquiry or at least the main segment of it will be able to be finished during the course of this week.

10

THE COMMISSIONER: Yes, thank you, Mr Robertson.

MR ROBERTSON: They're the only housekeeping matters. I call the Honourable Gladys Berejikian MP.

THE COMMISSIONER: Yes, please come forward, Ms Berejikian. Do you wish to take an oath?

20 MS BEREJIKLIAN: Yes, please.

THE COMMISSIONER: There's a Bible.

MS BEREJIKLIAN: Oh, lovely, thank you.

THE COMMISSIONER: Please be seated, Ms Berejiklian. There's a bottle of water, and a glass also in the witness box.---Thank you very much. Thank you.

Mr Moses, have you explained to Ms Berejiklian her rights and liabilities under the Independent Commission Against Corruption Act?

10

MR MOSES: Yes, I have, Commissioner.

THE COMMISSIONER: Does she seek a section 38 declaration?

MR MOSES: Yes, the Premier does, Commissioner. Thank you.

20

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

30

The first exception is that this protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence, for which the penalty can be imprisonment for up to five years. The second exception only applies to New South Wales public officials, of which you of course are one. Evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding that the public official engaged in or attempted to engage in corrupt conduct. I can make a declaration that all answers given by you and all items produced by you will be regarded as having been given on objection. This means you do not have to object with respect to each answer or the production of each item, and I gather from Mr Moses that you wish me to make such a declaration. Very well.

40

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

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can you state your full name, please?---I'm Gladys Berejiklian.

You are the Premier of the state of New South Wales?---Proudly so.

20 You've held that office since 23 January, 2017, is that right?---Yes.

You've been a Minister of the Crown since 3 April, 2011?---Ah hmm.

Prior to your appointment as Premier, you were Treasurer and Minister for Industrial Relations, is that right?---Ah hmm, ah hmm.

You also held office as the Minister for Transport and the Minister for the Hunter, is that right?---Ah hmm.

30 THE COMMISSIONER: Ms Berejiklian, you actually have to answer, rather than just nod.---Oh, yes, yes, yes, sorry.

Thank you.

MR ROBERTSON: And you were the Member, you have been the Member for Willoughby since 22 March, 2003, is that right?---Yes.

40 As Premier, you are closely familiar with the NSW Ministerial Code of Conduct, is that right?---I am. Commissioner, before we start, can I also express my condolences for the passing of the former Commissioner, if that's appropriate?

THE COMMISSIONER: Yes, thank you, Ms Berejiklian.---Thank you. I just wanted to express my personal condolences on behalf of myself and the people of this great state for his service to this state, on this very sad occasion of his passing.

Yes, thank you, Ms Berejiklian. Yes, Mr Robertson.

MR ROBERTSON: Ms Berejiklian, you're aware that aspects of the NSW Ministerial Code of Conduct apply to parliamentary secretaries?---Yes, I do.

Those aspects include the obligation to maintain the public trust that has been placed in the parliamentary secretaries by performing their duties with honesty and integrity, correct?---Yes.

10 The obligation not to take any action in relation to a matter in which the parliamentary secretary is aware that they have a conflict of interest. Is that right?---Yes, yes.

The obligation to provide you as Premier with their returns under the Constitution (Disclosures by Members) Regulation, correct?---Yes.

And to continuously update those returns, or continuously update you regarding events that are required to disclose under the Constitution (Disclosures by Members) Regulation, correct?---Yes.

20 But you're also aware that some aspects of the NSW Ministerial Code of Conduct do not apply to parliamentary secretaries?---Yes.

One aspect of that is the part dealing with prohibited interests, including secondary employment?---Ah hmm.

And another part is the provisions or the part regarding employment after leaving ministerial office.---Ah hmm.

30 You're aware of that distinction between - - -?---I am, yes.

- - - the way in which it applies between parliamentary secretaries on the one hand - - -?---And ministers.

- - - and ministers on the other, correct?---Yes, I am, thank you.

40 But I assume you accept that of course even in relation to secondary employment or attempts to obtain employment after ministerial office, the fundamental obligations of parliamentary secretaries, such as not misusing their office and not being in a position of conflict of interest, as you understand it, apply to parliamentary secretaries. Is that right?---Whilst they're in office.

Whilst they're in office, that's right.---Yes, yeah. Whilst they're in office, yeah.

In other words, merely because there is not a general prohibition on secondary employment or on seeking employment after ministerial office, as you understand it, that doesn't cut away some of the more fundamental

obligations such as acting with honesty and integrity. Correct?---Of course. Yes.

You're also familiar with the code of conduct for members of the Legislative Assembly?---Yes.

And I take it that as Premier you expect all members of your party and indeed all members of the Legislative Assembly to - - -?---Of course.

10 - - - comply with that code to the letter.---Of course.

Correct?---Of course.

You're aware that the code of conduct for members includes obligations regarding the declaration of gifts and benefits?---Of course.

And restrictions on the proper use of public resources?---Of course.

20 I take it you expect your ministers and members of parliament generally not to use their influence as a member to seek to affect a decision by a public official to further the private interests of that member or that of their associate?---Of course.

And you expect MPs to use their influence to promote what they regard as the public interest as opposed to either their own private interests or the private interests of others with whom they're associated. Do you agree? ---Yes, I do agree.

30 Throughout your time as a member of parliament until his resignation in 2018, Mr Daryl Maguire was also a member of parliament. Is that right? ---Yes.

Mr Maguire I think was appointed as Opposition Whip after the 2003 state election. Is that right?---Ah hmm.

He became Government Whip after the Coalition won government in 2011. ---Ah hmm.

40 And he was appointed as a parliamentary secretary in the first instance by Premier O'Farrell in 2014.---Ah hmm.

Sorry, you need to answer out aloud I'm sorry.---Oh, yes. I'm sorry. I know nodding is not enough. I'm sorry.

And you ultimately reappointed him as parliamentary secretary when you became Premier. Is that right?---You just missed Premier Baird in between. Yeah.

Premier Baird reappointed him first.---Yes.

And then once you became Premier you reappointed Mr Maguire as well.  
---That's correct.

Is that right?---Yes, that's correct.

10 You're aware that Mr Maguire resigned from parliament following an appearance before this Commission on 13 July, 2018.---I actually asked for his resignation. Yes, I remember.

You demanded his resignation in light of the evidence that came out on 13 August, 2018. Is that right?---13 July I believe.

13 July. I'm so sorry.---Yeah.

20 The reason for my reference to the date in August is you're aware, aren't you, that whilst he resigned from the parliamentary Liberal Party on 13 July, 2018 there was some delay before he resigned as a member of the Legislative Assembly. Is that right?---Right, right. Okay. I was going by that number, by that date, yeah.

But you at least recall there was - - -?---There was a gap in between the two, yes, yeah.

There was a gap between you insisting on his resignation from the parliamentary Liberal Party - - -?---Correct. Yeah.

30 - - - and his resignation from the parliament more generally. Is that right?  
---Yeah, that's correct.

And indeed there was some public controversy regarding that matter where Mr Maguire first indicated that he intended to stay around as a crossbencher, but ultimately he resigned from parliament. Is that right?---Yes, I recall that.

40 You know that his resignation and your demand for his resignation occurred following evidence that Mr Maguire was seeking to reach an agreement with then Canterbury City Councillor Mr Michael Hawatt pursuant to which he, by which I mean Mr Maguire, and Mr Hawatt would share a commission from one or more proposed property sales?---Yeah.

You're aware that was the general gist of the evidence?---I was aware that was the general gist of it. I don't, I don't know the conclusion of those processes but I'm aware of that position, yeah.

Well, I'm just trying to get your understanding of the evidence of 13 July, 2018 which led to you demanding Mr Maguire's resignation.---Yes, I'm aware of those issues.

Did I fairly summarise at least what you understood to be the nature of the evidence that was revealed on 13 July?---Yes, and also an assumption that he may have not been accurate in his dealings with the ICAC at that time, yeah.

10 And so to be clear, as you know that particular inquiry hasn't been the subject of a report by this Commission. Is that right?---That's right.

That's the position as you understand it?---That's exactly, yes.

But the general nature of the evidence that came out and which led you to taking some action, do you agree that I fairly summarised the position as you understood it?---Yes, I do.

20 THE COMMISSIONER: And when you asked for his resignation, Ms Berejikian, was that because you'd formed the view based on that evidence that Mr Maguire had misused his position as a parliamentarian? ---Well, it was based on primarily the fact that it was obvious that he was now the subject of an investigation by this body and have questions to answer, because at that stage there weren't any yet formal findings found against him.

30 Of course.---So for that reason it was pretty clear, obvious to everybody that he was the subject of an investigation and that there were questions to answer and also that there was also at the time if I'm not incorrect an assumption or perhaps a suggestion that he may not have been completely frank with ICAC at that time.

Thank you.

MR ROBERTSON: In terms of Mr Maguire's resignation from parliament, as opposed to the parliamentary Liberal Party, was that something that you demanded of him as well?---I attempted to with assistance from others, yes.

40 Was it a matter that you and he discussed between the time that he'd resigned from the parliamentary Liberal Party and his resignation - - -?---It was amongst other people, yes.

And was it you that came to the view that you should insist on him resigning from parliament, or did Mr Maguire ultimately suggest to you that, look, I've ultimately come to the view that I should come to that view?---I, I would suggest it was myself and others that convinced him of that, of that view.

Did Mr Maguire suggest to you in those conversations, look, maybe you should actually sack me or move me on because that might be in the best interests of the party to take place?---My recollection – not to my recollection, I don't know, I can't remember specifically, but I do know at the time that I was very forceful in recommending that he resign from parliament, as were others.

10 And that was a matter of some political controversy, and I think it may have even been suggested by some that, if he wasn't to resign, consideration should be given to expelling him from parliament, is that right?---That was the public discourse, yes.

Ms Berejiklian, have you ever been in a close personal relationship with Mr Maguire?---Yeah, I would like to state at the outset that Mr Maguire was a colleague of 15 years. He was someone that I trusted. He was a trusted colleague.

20 THE COMMISSIONER: Ms Berejiklian, you should answer the question. ---I am answering the question, Commissioner.

You should answer directly.---Certainly. And - - -

MR ROBERTSON: I'll give you an opportunity to give - - -

THE COMMISSIONER: It was capable of a yes-or-no answer.---Yes, sure. And that, and that, and that developed into a close personal relationship.

30 MR ROBERTSON: So is it right that, at least as at 13 July, 2018, you were in a close personal relationship with Mr Maguire?---That's correct.

Is it right to say that you were in a close personal relationship with Mr Maguire from at least about the time of the 2015 election?---Or slightly after, thereabouts, mmm.

Slightly after - - -?---Or thereabouts, thereabouts.

Is it right to say - - -?---To the best of my recollection, yeah.

40 Is it right to say that, at least before that period of time, you at least had a personal attachment to Mr Maguire, even if at that point in time you weren't in a close personal relationship?---Yes, we were close, yep.

Are you still in a close personal relationship with Mr Maguire?---No.

And I'm sorry to have to ask this, but approximately when did you cease to be in a close personal relationship with Mr Maguire?---Well, obviously, a few months ago, when I was asked to support this inquiry, it became apparent to me that I should have absolutely no contact anymore with that

individual, and I ceased all contact. But I also do want to state, Mr Robertson, that post me asking him to resign from the parliament, and he resigned from the parliament, he was someone who was in a, a very bad state. After having known him for 15 years, I, I felt that I should check on his welfare and, therefore, for that reason, I maintained that association for that time.

10 Commissioner, I think, in light of that answer, in fairness I should apply that the direction given on 16 August, 2020, in relation to the compulsory examination of Ms Berejiklian, be lifted insofar as it would otherwise prohibit publication of the fact that Ms Berejiklian gave evidence on that day and insofar as it would otherwise prevent the publication of any question asked or answer given in this public inquiry.

THE COMMISSIONER: Yes, I make that order.

20 **VARIATION OF SUPPRESSION ORDER: THE DIRECTION GIVEN ON 16 AUGUST, 2020, IN RELATION TO THE COMPULSORY EXAMINATION OF MS BEREJIKLIAN IS LIFTED INsofar AS IT WOULD OTHERWISE PROHIBIT PUBLICATION OF THE FACT THAT MS BEREJIKLIAN GAVE EVIDENCE ON THAT DAY AND INsofar AS IT WOULD OTHERWISE PREVENT THE PUBLICATION OF ANY QUESTION ASKED OR ANSWER GIVEN IN THIS PUBLIC INQUIRY.**

30 MR ROBERTSON: So, Ms Berejiklian, you're referring to some assistance that you previously gave to this inquiry, is that right?---Yeah – am I allowed to?

You are now because I've just asked for the prohibition to be lifted.---Oh, okay, okay. Sorry, yep. Apologies, apologies, yes.

And the particular assistance you are now referring to is that you participated in a private hearing, called a compulsory examination, on 16 August, 2020.---That's correct, yep.

40 And are you saying that, following that compulsory examination, you came to the view that you should end your close personal relationship with Mr Maguire?---Well, I should, I should – and more than that, all contact.

And are you saying that – I withdraw that. So when, then, was the last contact that you had with Mr Maguire?---Well, after I was in this place, at that time in August, I, I discussed with my lawyer the fact that I did not want Mr Maguire, in any shape or form, to know that I had been part of any proceedings, and that if he contacted me, I would respond so that he was not aware that I had been before this body.

But you communicated with Mr Maguire, at some point, I take it, to indicate that the relationship was now off, is that right?---I, I - - -

And at the moment I don't want the details about that, but I do want to get a sense of the date.---That was made evident at some time, yes.

THE COMMISSIONER: After you appeared here, at the private hearing, is that - - -?---I'm sorry?

10

After you appeared at the private hearing here?---I, I will, I will say that it was made clear to him that, that that had ended, yes.

MR ROBERTSON: By you or by someone else?---Um - - -

And again, at the moment I just want to get a sense of date. I'm not asking about the details of it at the moment.---Yeah, yeah, no, I will, I will say to you that it was evident, it was evident in August, but the last conversation I had with him was on 13 September.

20

I take it, from what you've said, it was you who decided to end the relationship?---I would say contact, yes. Yes.

You decided to end contact and - - -?---All contact, all contact.

- - - and therefore ending the relationship, is that right?---All contact, yes, yep.

30

And I think you're saying it was obviously affected by the allegations that were made as part of this investigation.---Correct.

The relationship with Mr Maguire, was that something that was generally known - - -?---No.

- - - within members of parliament or the Ministry?---No. No, it was not.

It was something that you and Mr Maguire sought to keep private, is that right?---Well, it was, yes.

40

Is part of the reason that at least you sought to keep it private, you thought it would be awkward for a minister or Premier to have a personal relationship with one of the members of parliament?---In part, but also more substantially I'm a very private person, and I didn't feel the relationship had sufficient substance for it to be made public.

But had Mr Maguire resigned from parliament, you would have at least considered making the relationship public, is that right?---Perhaps.

And is it right to say that one of the impediments, as you saw it, to making the relationship public – or at least more generally known than it was – was a concern, was a concern about it being known that the minister, that a minister or the Premier had a personal relationship with one of their members of parliament?---He was a parliamentary secretary. Potentially that, that was one of the considerations, yes.

It was at least one of the factors that was taken into account, is that right.  
---Yeah. Yeah.

10

Prior to his appearance before this Commission on 13 July, 2018, were you aware of any instance of Mr Maguire seeking or obtaining a commission or other payment in connection with a property sale or development?---Well, I was aware that he had business interests, and I assumed that he disclosed all of those at the appropriate time.

20

What's the answer to my question? Were you aware of any instance in which Mr Maguire sought or obtained a commission or other payment?---I wasn't aware of any specific details, but I was aware that he had those arrangements, and I assumed he disclosed them at the appropriate time.

So you were at least aware that Mr Maguire had what I might call outside business interests, is that right?---Yes, I was aware of that.

And you at least had some knowledge of some information regarding those dealings, is that right?---Very scant information.

30

Were you at least aware of one occasion in which Mr Maguire told you that he was entitled to a commission or other payment in connection with a property sale or development?---That, that wasn't my independent recollection, but you brought that to my attention in recent times, yes.

40

So can I show you this document, and can we go to the bundle, page 3 and 4. We'll start at page 4. Now, I'm going to show you an exchange of messages on 11 February, 2014, at which point you're the Minister for Transport. Mr Maguire, at that point in time, is not yet a parliamentary secretary. He becomes a parliamentary secretary on 24 February, 2014, later that month. So if you have a look at the first message, is there a telephone number. As the Commission understands it, that's a telephone number that you used at the time, but you no longer use.---Yep.

11 February, 2014, 7.54am.---Yes.

It says, "Hawkrss good news," spelt h-a-w-k-r-s-s. Can you just explain what that term means?---Oh, it's a common term of endearment, yep.

It's an Armenian term, is that right?---Yeah, yeah, yeah, yeah.

Usually it's spelt, if it's spelt in English, usually it's spelt h-o-k-i-s, I think, is that right?---Oh, there is the equivalent, but, yeah, it's, yeah.

Obviously it's not an English word, and therefore some people might spell it differently.---Yeah, yeah. Correct, yeah.

But it's a term of endearment that Mr Maguire would regularly use with you and that you would regularly use with Mr Maguire, is that right?---That's correct.

10

And so if you have a look at that message, "Good news. One of my contacts sold a motel for 5.8 million. I have put her in contact, so I should make five K." See that there?---Ah hmm.

And you say, "Congrats!!! Great news!! Whoo-hoo." You see that there? ---Yes, I do.

20

And then there's an exchange of emails where you're inquiring about how that commission is worked out, et cetera, and you ask whether it's 0.1 per cent, et cetera, and ultimately say, "Great stuff!" See that there?---Yes, I do.

Do you recall receiving these messages and having this exchange that we can now see?---Not until you brought it to my attention, because it was such a long time ago. But obviously that – I accept that that's an exchange.

So you're drawing attention to the fact that I showed you the messages that are now on the screen during your compulsory examination on 16 August, 2020?---Correct. Correct. Correct.

30

And has that since jogged your memory as to communications of this kind of nature, where Mr Maguire is telling you about particular commissions - - -?---Yes, it did.

- - - that he has received in relation to particular positions.---It did, it did.

40

THE COMMISSIONER: It seems apparent, Ms Berejiklian, that he's confiding this with you as part of what I would suggest is a close personal relationship at this stage, at this date?---I think he was confiding it to me at that stage. I have no recollection, but I would assume at least as a close friend, yep, definitely.

MR ROBERTSON: Commissioner, I tender the series of messages from 11 February, 2014, between Ms Berejiklian and Mr Maguire, 11 February, 2014.

THE COMMISSIONER: That will be Exhibit 315.

**#EXH-315 – CELLEBRITE EXTRACT OF TEXT MESSAGES  
BETWEEN MAGUIRE AND BEREJIKLIAN DATED 11 FEBRUARY  
2014**

MR ROBERTSON: I'll also tender, I won't need to show it on the screen, but I'll also tender a document described as a subscriber certificate, which identifies the office of Ms Berejiklian as the subscriber in relation to the particular telephone number that I saw on the screen.

10

THE COMMISSIONER: Very well, that will be Exhibit 316.

**#EXH-316 – SUBSCRIBER CERTIFICATE FOR BEREJIKLIAN  
MOBILE SERVICE**

MR ROBERTSON: I'm happy to show you that document if you'd like. ---I'll trust you.

20

But do you agree that the exchanges of messages were with you?---Yep, yep. I trust you. Yep.

But you don't have a specific recollection of that exchange?---I don't have any recollection. It was six years ago, yeah.

But you do have recollection of exchanges of that general nature?---Yeah, I have recollection that he would, he would from time to time in, in thousands of phone calls, from time to time he would mention such matters, yes.

30

Sometimes you would engage with him in relation with the issues that he was discussing, you'd ask him questions and things like that, is that right? ---Yes, but perhaps not, not consciously in terms of not engaging specifically with the details, but I would engage with those messages, yes.

Well, at least sometimes you would engage with at least some of the details, is that right?---Yep, yep, yep. That's correct.

40 And sometimes you'd just say, "Mmm," or pretty much ignore it and not try and - - -?---Yep, yep, yep, yep, yep. But I have to say to the best of my recollection, because these were substantially quite a number of years ago.

Yes, but this isn't a one-off example.---I agree, I agree.

This was the kind of communication, whether it be by messages or by telephone, that you would have with Mr Maguire from time to time. Is that right?---Yeah. But Mr Robertson – exactly, from time to time – if I could

stress, this is amongst hundreds and thousands of conversations. So every single one wasn't of this nature. It was sometimes. Yep.

Prior to your appointment as Premier, by your recollection did Mr Maguire ever seek to encourage you to take steps that were favourable to any developer or vendor of real property?---Absolutely not to my recollection, no.

10 Can I just show you this document, page 9, please, of the bundle. Again, this is a document that you've seen before, because I showed it to you when you were here during the course of a private hearing.---Ah hmm.

We'll just go to the next page, of an email chain, so we'll have to go from the bottom up.---Ah hmm.

20 Here's an email from Mr Demian to Mr Maguire. You'll remember Mr Demian is an individual who was mentioned during the course of the public inquiry before this Commission that Mr Maguire attended on 13 August, 2018, correct?---Ah hmm, ah hmm, ah hmm.

Sorry, so 13 July, 2018.---I remember that name from that inquiry, yep.

Now, the details of this email don't matter, but if you have a look at the subject matter, it's regarding a site at Camellia.---Ah hmm.

Do you see that there?---Ah hmm.

30 If we then just scan up the page a little bit, sorry, just go up a little bit further, there's then a second email. And then Mr Maguire forwards it onto a Clementine, Julian, who I can tell you was an adviser to the Minister for Roads at that point in time, and says amongst other things, "Can you please try and get this important project moving ASAP? Call me or come up." And then if you have a look a little bit further up to 25 November, 2016, 8.28, sorry, 8.25am, this is an email to various people not including you, and do you see there it says, "Here is why Stokes is making dopey suggestions to get rid of NG"? Do you see that there?---Yes, I do see it.

Do you happen to know what "NG" would be referring to?---Have no idea.

40 If you have a look towards the end - - -?---Not to my recollection, I should say. Yep.

"Please forward to the Premier, I've taken the matter up with RMS to help this guy." Do you see that there?---I'm sorry, I can't.

Just the last sentence of 25 November, 2016.---Oh, yep, yep.

Now, that email was not forwarded to you, but if we just move up to the top of the page – now, in the witness box, there should be a piece of paper that has an email address on it.---Yes.

Do you see that there?---Yes, I do.

And can I tell you that the email address that's been partially redacted is the one that's on the piece of paper.---Ah hmm. Ah hmm.

10 Deliberately we've redacted that particular email address.---Ah hmm.

But that email address there was at that point in time what I might describe as your direct email address, is that right?---It was my direct work email address, yes, but it was my direct work email address, yes.

Now, that email address isn't an email address that's available to the general public, is that right?---No, it should, it shouldn't be. Mmm.

20 The principal purpose of it is for communications with people like your ministerial and parliamentary colleagues?---And public servants, yes.

That email address, unlike more public-facing email addresses, is connected to an email box that you monitor rather than your staff monitor, is that right? ---Correct. This particular one is mine, yes.

That particular email address, although at this point in time you were the Treasurer and the Minister for the Hunter, you've kept that email address as Premier, is that right?---Yes.

30 And that email address - - -?---They, they intersperse, but yes, the - - -

Sorry, say that again?---Both of them arrive in my inbox.

Both of which ones?---Either minister or Premier, both arrive into my inbox, yep.

But the particular email address that's on the piece of paper in the witness box, that's an email address the email box of which you monitor yourself, is that right?---Yes, it is, correct.

40

The more public-facing ones, like the Premier one and other ones, are monitored principally by people within your office, rather than by you, is that right?---There's a public Premier's one. There's also an internal Premier's one, yes.

THE COMMISSIONER: So you have two email addresses - - -?---If you did - - -

- - - do you now, one has minister and one has Premier?---Correct. Either would get to me, yeah. Most people tend to use the minister one but either get to me, yeah.

And both are monitored by you, both the minister one and the Premier?

---Correct. I just wanted to make that clarification.

Yes. Thank you.

10 MR ROBERTSON: And just in terms of the public-facing ones, the ones that I might use as a general citizen seeking to encourage you to take some course or to invite you to some event, they're not monitored by you - - -?  
---Not at all.

- - - they're monitored by your staff. Is that right?---Correct.

They'll consider the emails that have been received and work out what the appropriate action is to be taken with respect to the particular emails. Is that right?---Correct. That's right.

20

Those emails or correspondence will be logged in some fashion. Is that right?---There are various processes depending on the status of what's received, yeah.

And it'll depend entirely on what it is, if for example it's something asking you to attend a function in your electorate, it might be dealt with by your electorate office. Is that right?---It's, no. Normally my electorate office deals separately with electorate correspondence.

30 But what I'm saying is if one of your ministerial addresses received something that's electorate correspondence it might be forwarded on to the electorate office to deal with?---Yes, absolutely. A whole range of, essentially everything can come through that public-facing inbox, yeah.

There may be an example where this email is more appropriately dealt with by one of your ministers rather than by you?---Correct.

But that's all dealt with in an internal process that happens within your office?---Ordinarily, yes.

40

But in terms of the, what I'll call the direct email addresses of which I include the one that's written on the page that's in your email box, that doesn't go through that formal process. Is that right?---Colleagues may email me things from time to time so colleagues or public servants or staff might from time to time email me. It depends on the nature of the correspondence. But I would not expect members of the public to be emailing me directly on that, on that.

But in terms of what might be received in those direct email addresses including the one written on the piece of paper in the witness box, they don't go through the same formal process - - -?---Obviously not.

- - - as the public-facing emails?---Obviously not because this comes directly to me.

That comes directly to you.---Yeah.

10 And is it right that you're the only one that has access to that email box?---It is, yes.

Not a personal assistant or anyone like that?---Correct. Unless I instruct them to but in the main it's me.

20 And so I take it then that at least so far as you're aware if some email is received in that email box and you just deleted it there's no record so far as you're aware that says that that particular bit of correspondence had been received?---Correct, because if I haven't forwarded it on to anybody it's not logged. If that's the question.

That's the question, yes.---Yeah.

But plainly enough you might receive all sorts of communication to that email address. You might receive a media release for example by one of your ministers.---Oh, numerous and sometimes I do get the odd, unfortunately some people do give out that address and I do get random emails from members of the public from time to time as well.

30 Would you regard it as an invasion of your privacy and security for that particular email address to be provided to someone outside of government? ---Yes, I would.

40 I take it also that if you receive any emails to your, what I'll call your direct email addresses and it's something that you consider should be logged and dealt with in the usual fashion, you might then it on to your personal assistant or your chief of staff or someone else within your office to deal with?---It depends, it depends on the nature of the correspondence, or I might ignore it or delete it, yeah.

But that's something that you do, you make the decision.---Correct.

What do I keep, what do I delete, what do I forward on.---Yeah, that's right.

It's not like the more public-facing email addresses - - -?---Correct.

- - - where someone else makes that decision at least initially.---That's correct.

It might be brought to your attention, it might not be brought to your attention.---Correct.

It's their job to, amongst other things, ration your time because plainly enough you're not spending your time reading thousands or tens of thousands of emails a day.---It's about 46,000 a year I understand.

10 I would hope you don't sit there looking at 46,000 emails.---No. I would not have time to do that.

I showed you that email chain a moment ago and so that was then sent to what I'm calling your direct email address.---Yeah, which colleagues would use, colleagues use all the time, yeah.

Do you recall receiving that particular one?---Absolutely no recollection.

20 We'll just put it back on the screen. This is page 9 of the bundle. So Mr Maguire is forwarding on you an email chain and he's expressing a particular view about Minister Stokes. What did you understand Mr Maguire to be suggesting by forwarding that email to you?---I'm sorry, I have no recollection, honestly. It was so long ago and as I said, I get thousands of emails a year. I have zero recollection of that and I, and, and I can only speculate that I would have ignored it because it would have gone to 20 or 10 other people.

30 So as a matter of practice at least as at November of 2016 at which point you were Treasurer, what would you do in relation to an email like this where Mr Maguire, a member of parliament is forwarding you a chain of emails without any specific request but what would you ordinarily do with an email of that kind?---I can only speculate, Mr Robertson, but if I received something like that at that time I would have looked and seen that it had gone to the relevant people and I would have deleted that. That's, I can only speculate.

40 THE COMMISSIONER: Ms Berejiklian, this was sent to you by a person whom you were at the time in a close personal relationship. Is this the sort of information Mr Maguire shared with you from time to time to tell you what he was doing?---Can I please stress, Commissioner and Mr Robertson, I am very clear of my public responsibilities and the distinction between my private life and my public responsibilities, and if I'd received that in the workplace, I would have, I can only speculate because it was such a long time ago. I'm only speculating, but if I'd received something like that in the workplace and I did not think it was relevant to my job, if I did not think it was relevant to the public interest, I would have discarded it or ignored it.

That wasn't quite the question I asked you.---I'm sorry. I'm sorry.

I'm really asking you whether this was the sort of information Mr Maguire shared with you as part of telling you what you, his - - -?---No. Infrequently.

I don't know if you described yourself as his partner at the time.---No. No. Not at all.

But whether he was - - -?---No.

10 - - - it was the sort of information he shared with you, to in effect boast about what he was getting up to.---No. It was, it would have been – it would have been, an email like that would have been very infrequent.

Was there another email address that was of a personal nature that you had? ---No, no, no.

So this was the only email, these were the only two email addresses Mr Maguire could use?---Correct. Correct. Correct. Correct.

20 MR ROBERTSON: But Mr Maguire would at least keep you informed from time to time as to the kinds of things that he was doing, including that were relevant to the property development industry, is that right?---I, I think that's too strong a statement to make, Mr Robertson. From time to time, he would make me aware of his personal interests, but, but I had a very clear distinction between, a separation between what I did at work and my public responsibility and, and - - -

30 And so can I just ask you about that distinction, then. Is it fair to say that, in a sense, you sought to compartmentalise your personal relationship with Mr Maguire as compared to your public responsibilities?---Mr Robertson, can I say, the people of New South Wales always will and always have come first when it comes to me. I am very clear of my public responsibility, the high integrity with which I hold my office, and I would always make that distinction between what I do in my private or personal life.

So does that mean you agree with what I'm putting to you?---I'm sorry?

40 Does that mean you agree with what I'm putting to you? In other words, you sought to compartmentalise - - -?---Absolutely.

- - - your personal relationship with Mr Maguire on one hand, and your public responsibilities?---Absolutely, yep.

And as part of that, did you seek to limit the information that Mr Maguire was giving you regarding his outside business interests because you were concerned that, if you found out too much, you might be put in a position where you, in the exercise of your public duties, might have to do something about it?---No. I always had made the assumption that he was always doing

the right thing in terms of his disclosures and his interests. It didn't really interest me or, in terms of what he was doing in his private capacity outside of work, in terms of his personal interests. They were matters for him, and I was very well aware of my responsibility at all times.

But isn't it a little bit more than that? Didn't you, on more than one occasion, seek to discourage Mr Maguire from giving you details of his outside interests, with a view to you not being fixed with knowledge that might require you to do something in the exercise of your public duties?  
10 ---Never. Can I say, I would never, ever – never, ever – turn a blind eye from any responsibility I had to disclose any wrongdoing that I saw or any activity that I thought was not in keeping with what a member of parliament should be doing, and I want to make that very clear, Mr Robertson.

But do you at least agree that, to at least some extent, you encouraged Mr Maguire to not give you details of the matters that he was involved in?---I would suggest that I was either not interested or I thought what he was raising with me was fanciful. He was a big talker. A lot of the time I would have ignored or disregarded what he said as fanciful and information that I  
20 didn't care to be involved with or interested in. But I want to make very clear – very clear – that, at all times, first and foremost in my mind is my duty to the people of this state and my responsibility to the people of this state.

Do you at least agree that on at least one occasion you said something to Mr Maguire to the effect of “I don't need to know about that” or “I don't want to know about that”?---You brought that matter to my attention during the private hearing, and my recollection, I, I hadn't remembered that conversation. But I also put to you, Mr Robertson, that often when you're  
30 getting hundreds or thousands of calls or conversations, if someone is talking big or telling you something you think is farfetched and you're not interested, I did not feel that in any way impacted my public responsibilities.

Does that mean you're accepting that, on at least one occasion, you indicated to Mr Maguire something like “I don't want to know the detail about that” or “I don't want to know about that” or “I don't need to know about that,” something like that?---Well, not to my specific recollection, but you brought that to my recollection recently, during the private hearing. But  
40 I would not have done it with any other reason apart from either being not interested in what he was saying, thinking it was farfetched or that he was talking big, but I certainly would not have done it for any other purpose than I, I didn't feel it was anything I needed to, to know about or care about.

Is at least part of the explanation really what I was saying before, you attempting to compartmentalise the personal relationship with Mr Maguire on the one hand - - -?---Absolutely. Absolutely.

- - - and keep that separate from the exercise of your public duties?---Yep. Absolutely. Absolutely.

Is that a fair summary of what you were seeking to do in relation to those issues?---That is, that is, that is a fair explanation and I can't stress that strongly enough, in that, at all times, I have given my life to public service. I would never do anything to jeopardise my service to the people of this state. I was always very clear, am always very clear of my responsibilities to the public and have a very clear ability to separate my private life from what I do in the public interest.

But would you agree that, consistent with that compartmentalisation, you didn't want to know the intimate detail of what Mr Maguire was involved in by way of outside interests?---Well, I would suggest that I always assumed that he made the appropriate disclosures. I had no reason to believe, at that stage, that there was anything untoward. And, and it was his obligation to make sure, if he did have those interests, that he declared those at the appropriate time.

20 It's a little bit more than disclosures, isn't it? You must have at least have been concerned that Mr Maguire was attempting to use his influence as a member of parliament to support some of those outside business interests? ---I, I can't, at that time, I would not have come to that conclusion.

I mean, we saw, for example, with the email chain that I referred to there, Mr Maguire seems to be encouraging some public action by people within the Minister for Roads' office. You saw that there in the email chain. ---Yeah, but I, I would not have, I would not have given that a second thought. And that email chain went to, about 10 or 15 people, Mr Robertson. It didn't just go to me. So I would not have, I would not have assumed anything from that, and I would have assumed it's something that doesn't involve me and, therefore, would not have, not have given it any attention.

And so are you in effect saying that, at least before 13 July, 2018, when Mr Maguire was before this Commission, you weren't concerned, based on any information that Mr Maguire had told you, that he was doing anything other than engaged in secondary business activities of the kind that he was permitted to do as a parliamentary secretary?---That was my understanding. And if there was any, any inclination to the contrary, I would have taken action, and I want to make that very clear, Mr Robertson.

And so to be quite clear about that, nothing came to your notice in anything that Mr Maguire told you, by an email or be it even in a private conversation, that led you to sit back and reflect and go, hang on a sec, whilst I appreciate he's allowed to be engaged in secondary business activities, I'm concerned that he might be attempting to use the influence of his office in order to promote either his own business activities or those of

colleagues or associates of his?---That was my understanding. And I want to stress again, if that was, if there was any evidence to the contrary, I would have acted immediately.

When you say “acted immediately”, would have acted by doing what?  
---Well, it depends what role I had at the time, but I would have either notified this body or notified the secretary of the various – it would depend on what the concern was.

10 And if it was serious enough, at least in your capacity as Premier, you may have done what you ultimately did, on 13 July, 2018, which was require a resignation.---Correct. But I would have, in the first instance, either referred it to this body or else referred it to the head of my Department to investigate. But I would certainly, certainly never, ever have turned a, consciously, a blind eye to any activity which I felt, which I felt was demeaning the integrity of the position that he held.

I tender the email from Mr Maguire to what I’ve described as the direct email address of Ms Berejiklian. 25 November, 2016, 8.44am, pages 9 to  
20 11 of the bundle.

THE COMMISSIONER: That will be Exhibit 317.

**#EXH-317 – EMAIL MAGUIRE TO BEREJIKLIAN DATED 25 NOVEMBER 2016**

MR ROBERTSON: Do you agree that by at least 2017, as you understood  
30 it, Mr Maguire was considering retiring from parliament at the next election?---I, I knew that that was one of his considerations, yes. I, I don’t, I, I, I probably did not know whether it was definitive, but I knew that was a consideration, yes.

Well, do you agree that, during the period from about 2017 and into 2018, the first half of 2018, Mr Maguire was desirous of leaving parliament?---I think he was definitely contemplating it, but I don’t know, I don’t know what he said to different people. But to me he was intimating that that was a strong consideration.  
40

It’s something that he discussed with you on a number of occasions, is that right?---Not frequently, but on, on a few, from, from my recollection, he did discuss with me that he was considering retiring from parliament.

Do you agree that from at least the time of your appointment as Premier in 2017, to Mr Maguire’s appearance before this commission on 13 July, 2018, Mr Maguire’s decision as to whether or not to retire from parliament had the tendency to affect you in that, if he retired, you may have been more willing

for your relationship with him to be made public?---Look, the decision for him to retire was his and I would have dealt with the consequences, but in terms of - - -

My question as to whether it was his decision, do you at least accept that Mr Maguire's decision, I deliberately put it that way, Mr Maguire's decision as to whether or not to retire from parliament had the ability or the tendency to affect you?---It could have absolutely, yeah.

10 Would you agree that at that point in time Mr Maguire's financial position could also affect you in that, although you might not have intermingled your financial affairs, if Mr Maguire had a positive financial position it could at least affect you in that there might be more money available through which you might engage in joint activities after Mr Maguire's retirement from parliament?---Absolutely not and I, and I reject that assertion.

Well, do you reject the assertion that if Mr Maguire was in a better financial position it might have the ability to have at least some positive impact on you?---Well, his finances were his finances. I didn't feel the relationship  
20 had sufficient status to, for me to, to even consider any of that. That was his business.

Is it right to say you were at least giving consideration as to whether the relationship should be given a better or higher status in the event that Mr Maguire decided to retire from parliament?---Could you please repeat the question.

Do you at least agree that in around 2017 to 2018 you were considering whether to give your relationship with Mr Maguire a higher status in the  
30 sense of making it public rather than keeping it private?---If he'd retired, yes, yeah.

And so you'd have to accept, wouldn't you, that Mr Maguire's financial position would have a tendency to have at least some potential impact on you - - -?---No, no.

- - - in that if you've got a public relationship after 2019 and he has some money that might be something that you and he might be able to share?  
---No. I never ever considered that, never ever. From the perspective of  
40 that was his business. I'm an independent woman with my own finances. I would never ever, ever consider my position in relation to someone else's in that regard.

So it's not something that you reflected on but you must at least accept that it's something that may have had at least an incidental effect on you in that if one member of the partnership has a better financial position it might be of benefit to - - -?---But it wasn't a partnership.

It might not have been a partnership yet in 2017 or 2018 but there was at least some consideration to make it something more in the nature of a partnership after the next election if Mr Maguire retired. Is that right or am I being unfair?---Mr Robertson, I think you're being, I think, in fairness I think you're hypothesising about something that didn't eventuate so I don't want to, I don't want to hypothesise on what may or may not have occurred but I want to say from the outset that I reject any suggestion that I cared about his finances or anybody else's. I'm an independent woman who has, is proud of her independence and anybody else's finances would be completely immaterial to me.

And so there was certainly no discussion with Mr Maguire to the effect that there was an agreement there'd be some intermingling of financial affairs. Is that right?---Not to my recollection. There could have been but it was not, it was not my understanding that whilst we were members of parliament that we shared anything of that like.

But there was at least a possibility, wasn't there, that in the event that the relationship was ultimately made public and Mr Maguire resigned at the next election that that may have some impact on you in the event that you decided to make the relationship public post the 2019 election?---If you're suggesting that I cared about his financial position, I reject that completely. I did not care. That was his business. It had nothing to do with me. I've never relied on anybody else in my life and I, I wouldn't start then.

You didn't care about it?---No.

You must accept that it may have had a possible effect on you?---That's a hypothetical and, and I don't, and, and I don't want to hypothesise but I will not accept that I cared about his financial status. That was for him to worry about and I, I didn't worry about it.

You'd certainly agree that Mr Maguire cared about his financial status. Is that right?---Oh, absolutely. He was obsessed with it, yeah.

And would you agree that Mr Maguire advised you on a number of occasions that what he was seeking to do is put himself in a financial position that would permit him to retire from parliament?---He would from time to time reflect on that, yes.

And so one of the factors weighing on Mr Maguire's mind as you understood it in deciding whether or not to resign from parliament effective at the next election being 2019 was whether he was in a sufficient financial position to be able to do so?---But looking back I'm not sure whether he was truthful about that if I can be frank. I don't know if anything he said to me was truthful.

It was at least something that he raised with you from time to time?---He raised with me, but Mr Robertson, can I make clear, I can't confirm that that, what he told me was truthful, but I did not care about his financial position, that was his business. I always assumed he was in a comfortable financial position. That was a matter for him, it had nothing to do with me. And I think I've answered that particular question.

10 But it's something that he raised with you on many occasions, is that right? ---I wouldn't say many. We had thousands or hundreds of conversations. From time to time, he would raise it. But I would not take it seriously or disregard it, because I always regarded him as being in a financially comfortable position, yep.

He, for example, told you about the extent of his debts, is that right?---But that wouldn't have concerned me. Yeah.

20 THE COMMISSIONER: Well, how can you form a view he's financially comfortable if he's always talking to you about his financial position, and - - -?---Oh, because he had, because he's, he had a pecuniary interest register with a number of interests, in terms of - I always assumed that he was, he was comfortable in his position. I never had cause for concern in relation to that.

Had you looked at his pecuniary interest register?---No. But I knew, I knew, I knew that he had rental property and other things, so I never assumed he was in difficulty.

30 MR ROBERTSON: Can I just confirm, though, that you agree that Mr Maguire told you about the extent of his debts?---On reflection, yes, yep.

When you say "on reflection," what do you mean by that?---Well, I hadn't, I hadn't remembered until you brought it to my attention recently, yep.

So you're drawing attention to the fact that during the compulsory examination, I showed you - - -?---Correct, you, you did, yep.

- - - some evidence that suggested that Mr Maguire had told you about those things?---Yep, had, correct.

40 And is that something that you have an independent recollection of, or is that something that you only recall now because I showed you some evidence about that when you attended?---I think a combination of both. I wouldn't have remembered anything specifically. I would have remembered general conversations. But I think what you showed me was specific in terms of what he raised with me.

So is it right to say that you have a general recollection of discussions about what I might call money matters with Mr Maguire?---General, general, general recollections, but nothing specific. Yep.

It was something that Mr Maguire would at least complain about on pretty regular occasions, or at least talk to you about on many occasions, is that right?---Yep. He would raise with me. I, I don't know if I'd use the word "many" but yes, he would raise.

10 And what, sitting there, you can't remember so much of the detail of those conversations, albeit you do recall that there were conversations of that nature?---Correct. That's right.

Did Mr Maguire speak to you in 2017 about problems that were being faced by a firm called United World Enterprises and/or its managing director, who goes by the name of Jimmy?---I had no recollection of that until you brought it to my attention, and subsequent to that, it did jog my memory, yep.

20 And what do you now recall about communications in connection with United World Enterprises and/or a person by the name of Jimmy?---The only thing I recall was provided detail in the private examination or private hearing, when you disclosed Mr Maguire had a conversation about me about concern over job losses with that company. Yep. But I, but I remember asking you what the UWE was, because I didn't know what it was, and I didn't remember what it was, yep.

30 Do you now know or can you now recall why Mr Maguire was involved as you understood it in this United World Enterprises issue?---Well, only because of the additional information that's come out of the hearing and information also provided by other witnesses.

Does any of that jog your recollection as to what was happening in 2017 regarding that issue?---Vaguely, vaguely, vaguely. Not in relation to him, but in relation to my office's actions, yep.

40 So do you recall whether any issue concerning United World Enterprises was raised with you by your then chief of staff, Ms Cruickshank?---I do recall that either my office or Minister Blair himself told me that they had received a concern from Mr Maguire that he'd wanted to – obviously this is now on the public record – attend some delegation, and my office had rightly asked him not to do that.

And so what involvement did you have in that matter?---None, because - - -

By the sounds of it, you were informed that it was going on?---Oh, no, I, none, because this is a good example of my separation. This is a good example of me exercising my public office. By, by the evidence you

provided me in that hearing, it actually stated in that evidence that I said to Mr Maguire that matters of that nature have to go through my office, in which case he went through my office, and my office rejected the proposal.

So again, is this an example of what I've described as the compartmentalisation?---Yes.

10 When it's Mr Maguire raising an issue that has some impact on your in your public duty, for example, your chief of staff is speaking to you - - -?---I ask him to go through the proper process.

- - - you step back and say, "I don't want to have an involvement in it."  
---You've got to go through the proper process.

20 In the back of your mind, you don't say this out loud, but in the back of your mind, "I'm in a personal relationship with this particular individual, so I therefore don't want to get involved in this particular issue." Is that right?  
---No. No, it's not even that. It's not even that. It's about in my, in the execution of my responsibility as a public servant, what is the right thing to do, and what is the right process. And no matter who it is, whether it's Mr Maguire or anybody else, I will always direct them to the proper way, the front door not the back of door of doing something.

30 But there must be occasions in which things are brought to your attention – for example, by your ministers – where it's appropriate for you to get involved directly, rather than for you to, say, go through some other process, "Speak to my chief of staff or speak to the Department," et cetera.---Of course, and it depends on the matter. It depends on how important the matter is, it depends on the nature of the issue, and it also depends on whether it's a matter that the Premier of the state or, when I was a minister, a minister of the state should be involved or not.

40 Was there ever an example of that kind that arose when you were in a personal relationship with Mr Maguire? In other words, Mr Maguire raising with you some issue that was of sufficient significance that you personally would do something about as opposed to refer it to someone within, say, your office or in a Department to deal with?---No, I not to my recollection. I would always ask members of parliament, irrespective of who they were. I would always ensure that stakeholders went through the proper channels. Not to my recollection. I would always make sure things were done in the proper way, and that is something I feel extremely strongly about, Mr Robertson. Every public servant, every colleague who's ever worked with me knows the high standards which I apply to myself and to everybody around me, and I would never, ever compromise the high standards for anybody or anything. And I really want to stress this, because I would never, ever compromise my ability to put the people of this state first and to execute my responsibilities in the proper way.

So is it right, then, that you say there was no occasion in which Mr Maguire raised some issue with you that you dealt with personally with a view to encouraging a particular course of action or discouraging a particular course of action? The extent of your involvement in any matters that Mr Maguire raised with you, while you were in a relationship with him, was to point him in the direction, potentially, of what I think you described as the front door?  
---Correct. But there would also be electorate matters which members raised with me directly. So, more often than not, if members are seeking support for an electorate matter, if it's funding for a program or funding for a piece of infrastructure, members would often come to me directly, and I may intervene if it was something for their electorate, but I would apply the same thing across the board to all members of parliament.

But specifically in relation to Mr Maguire, there was no example, when you were in a personal relationship with him, where you would take charge, as it were to encourage - - -?---Never.

- - - a particular course of action or discourage a particular course of action (not transcribable)?---Never. I would only, I would only take action – and I say this clearly, Mr Robertson – I would only take action which was in the public interest. For example, if he wanted a road upgrade in his electorate which I thought was an important thing to do, well, then I would perhaps raise that with the relevant minister, as I would for any other member of parliament. But I would always do it in accordance with the issue, in accordance with my public responsibility, and never, ever, ever waver from that, and I want to make that very clear.

But I think you've just given effectively a hypothetical example, but in the real world you don't have a recollection of any example of that kind, where Mr Maguire has raised with you directly some issue and that you've got involved directly, as opposed to perhaps pointing him in the direction of what you described before as the front door?---Not to my recollection, but I'm pleased to consider anything you want to put to me, but not to my recollection.

Well, don't worry about anticipating the questions.---Oh, okay, yeah.

I just want to be quite clear that that's your position in relation to that question.---My position is that any matter which required the appropriate processes would go through those appropriate processes.

So back to the UWE issue, do you have any recollection as to why Mr Maguire was interested in this UWE issue back in 2017?---My, again, my recollection was jogged by the information you provided me at the private hearing. My vague recollection was concern over job losses in the Riverina. My vague recollection was – and I think, from memory, from what you put to me – it was around Leeton in the, in the Riverina. So my recollection

was that scores of jobs could be lost, and that was his concern, and that was my vague recollection.

Do you know whether Leeton was in Mr Maguire's electorate?---Well, it's obviously in the Riverina, yeah.

Do you know whether Leeton was in Mr Maguire's electorate of Wagga Wagga?---No, I, I, I believe it wasn't at that time, no.

10 Can we play, please, recording 796. This is one that you've heard before in the private hearing, but I want to play it to you now that I think you've refreshed some of your memory about the UWE issue. It's a call that happened on 24 August, 2017, and I'm just going to play you an extract of that particular call. And just before we play that, can I just be clear about a couple of things on the UWE issue. Did Mr Maguire tell you at any point in time that he was interested in being appointed to the board of United World Enterprises or some associated entity?---Not to my recollection.

20 Well, is it possible that he did?---I wouldn't, I don't remember.

If you did that would have been a significant matter to you, would it not? ---Absolutely. It would have been a significant matter but I, I, and if he did I would have presumably done something about it but I have no recollection of that whatsoever. I didn't even know what UWE was.

30 So no recollection that Mr Maguire told you that he was interested in being appointed to the board of UWE. Is that right?---I don't have a recollection, Mr Robertson, and, but can I also stress if he had I wouldn't have known what that meant. I didn't know what UWE was and I recall in the private hearing I asked you whether it was a university because I didn't, I didn't know what it was.

But at least at the time you knew something about UWE because it was raised with you by your chief of staff. Is that right?---Subsequent to that, subsequent to, well, I can't, I can't remember when but I don't even believe my staff mentioned UWE. I think my staff just mentioned the issue of the delegation.

40 But to be clear, you've got no recollection of Mr Maguire suggesting that he had some interest in UWE, be it appointment to the board or some financial interest, anything of that kind?---I don't have a recollection of that, no.

But if you had been told such a thing that would be a matter of some significance to you, I take it?---If I understood what UWE was. I didn't understand what it was and I didn't understand the situation, but if I, if I understood that anything wrong was going to take place, of course I would have taken action, but can I make clear I had no idea what UWE meant. All

I knew about the issue, this is my vague recollection, that it involved regional jobs.

So as you recall it now with some refreshing of memory based on what I've played to you so far and what's been the subject of evidence in this inquiry, you've got a vague recollection of some issue concerning jobs in the Riverina area. That's at least that aspect of it. Is that right?---That's correct.

10 And what as you can recall it was the concern of Minister Niall and Minister Niall's office in relation to that issue?---Well, that's also been on the public record which jogged my memory. The concern was, I assumed the concern at the time was job losses and Mr Maguire wanting to accompany Minister Blair on a trade mission but I, I can't be certain with you that I had that memory prior to the evidence being shown to me because it wasn't something that I remembered. But when you showed me that, it jogged my memory that either my office or minister himself, because often if a member of parliament's request was denied for any reason, I would be told in case that person raised it with me, and I was very comfortable with the decision made because that's a good example of, of, of him going through my office  
20 and my office and Minister Blair coming to that decision.

And you've got a recollection I think of Minister Niall, or at least his office, not being very happy about the idea of Mr Maguire going along to China - - -?---Correct.

- - - in connection with the trade delegation?---Minister Blair may have even, because I knew at the time that he, that, that Mr Maguire's request had been denied, but I can't remember if it was Minister Blair or my office that informed me of that.

30 When you say denied, denied by who?---Well, both Minister Blair and my office suggested he shouldn't attend.

So is there some procedure where a parliamentary secretary or perhaps backbencher needs the approval of someone before they go overseas?---Yes indeed, and I've often had parliamentary secretaries accompany me on trade missions and other ministers have as well. There is a process. It's normally managed through the Department of Premier and Cabinet or else the Department of Trade depending on who is conducting the mission and what  
40 the purpose is.

So is that to go overseas generally or is that to just go overseas as part of some delegation or - - -?---No, on an official mission. If, if it's an official mission you have to seek permission. You can do an independent one on your own but it's not, it's not recommended but if it's an official New South Wales trade mission and you're accompanying a minister on an official mission of course you need that permission.

If Mr Maguire for example wanted to go to the South Pacific in his capacity as chair of the New South Wales Parliamentary Friendship Group for the Asia Pacific Region, is that something that requires approval in the way that you've just identified?---No. That, because that's an activity outside of the official role of government.

10 And is it right to say that at least part of the explanation for it being outside of the official role is that a person in that role isn't in a position to represent the executive government as opposed to being a parliamentarian with an interest in a particular area?---All those formal friendship groups have no status for government. They don't represent the government so anybody purporting to, to be on a delegation isn't representing my views or the views of the government.

So as Premier, if someone in that role was representing themselves as a representative of the executive government, that would be quite wrong. Is that right?---Absolutely it would be wrong.

20 I'll play call number 796 which might be able to help with your recollection on this UWE topic.

**AUDIO RECORDING PLAYED**

**[10.39am]**

MR ROBERTSON: Do you recall that particular conversation, 24 August, 2017?---I don't specifically recall it, but obviously it's, that's my voice and his voice, yeah.

30 But is it right to say that this recording that I played you on the last occasion, and some of the other information that's come to your attention, has at least jogged a partial memory, which at least concerned, a concern about jobs in the Riverina and the possibility that Mr Maguire might want to go to China in connection with Minister Niall's delegation.---Yeah, as I said  
- - -

40 Minister Blair. Minister Niall Blair. I'm so sorry.---Minister, I know, I know who you mean. Yeah, don't worry. I know who you mean. My, it's not something that stood out for me, but obviously you brought it to my attention. And again can I stress, Mr Robertson, I'm very pleased that this is a good example of where a member of parliament wanted to achieve something. In that instance, my impression was it was about job losses was the concern, and, and if you'd asked me, I would have, I would have suggested for him to contact my office if he had any concerns about that.

And to be quite clear, as you understood it, Mr Maguire's concern was wholly and solely on job losses.---That was my understanding.

As opposed to any personal interest in the matter.---That was my understanding. And, to be frank, I did not know what UWE was. I had no idea what that was, yep.

I tender telephone intercept session 796, 24 August, 2017, 8.07am and accompanying transcript.

THE COMMISSIONER: Exhibit 318.

10

**#EXH-318 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATIONS SESSION 796 DATED 24 AUGUST 2017  
– EXTRACT**

MR ROBERTSON: Can we have on the screen, please, volume 17, page 39, which is also Exhibit 299.

20 I'm just going to show you on the screen a letter that Mr Maguire wrote or at least signed in relation to this issue. That's the covering email, but I'll turn to the next page. This is a letter, 29 August, 2017, to the Party Committee Secretary and Chairman of the Board of Bright Food, Bright Foods China, concerning the particular issue that you and I have been discussing. This letter here, have you seen this letter before?---I don't believe I have, Mr Robertson. Unless - - -

So, so far as you can - - -?---Unless you've shown it to me before. I don't remember it.

30 If you've seen it, you didn't see it approximately around the time that it was sent?---No, no.

And it wasn't shown to you by, for example, your chief of staff or anyone else in connection with the UWE issue?---No. No. No. It's not something they'd raise with me necessarily, yep.

Can I just ask you to have a look at the paragraph that's got an underline. It says, "I seek an appointment with you." Do you see that there?---Ah hmm. Yes, I do.

40

And then it says, "The delay is causing issues for the operators, farmers, and loss of face by my political leaders." Do you see that there?---(No Audible Reply)

Sorry, you need to answer out aloud.---Oh, I do see it and, and - - -

When you saw it, I think I heard a groan.---I gasped because that, that is not right.

So did you authorise Mr Maguire - - -?---No.

- - - or, to your knowledge, anyone else in government authorise a complaint about a loss of face?---No. No.

And if you have a look at the next paragraph, towards the end - - -?---No, that's a shocking thing to write.

- 10 If you just look at the next paragraph, third-to-last line, "and raise very serious questions by our government, both state and local".---That's highly inappropriate at least. I could think of other words to describe it, but that is, that is a misuse of, or misrepresentation of that matter.

So is it right to say from your - - -?---Unless – I'm sorry.

So is it right to say, from your perspective as Premier, it was quite wrong for Mr Maguire to send a letter of this kind?---Absolutely.

- 20 To say something on behalf of the government, in particular the State Government - - -?---Correct.

- - - would require one to go through the kinds of processes that you sought to explain before, is that right?---Correct. You'd either have to go through the relevant minister or the relevant agency or relevant Department.

- 30 And is it right that, so far as you're concerned as Premier, merely because Mr Maguire was the chair of the Parliamentary Friendship Group for the Asia Pacific Region, it wouldn't give him authority or permission to make comments about what might raise serious questions by our government on a state or local level, or loss of face by political leaders?---I agree with that statement, yes. It was highly inappropriate.

I'm now going to play you another recording about the UWE issue. This is call 1096, 30 August, 2017, so shortly after the letter that I've just shown you. And I'll play an excerpt from that call and then ask you a few questions about it.---Sure.

- 40 **AUDIO RECORDING PLAYED** **[10.45am]**

THE WITNESS: Can you not please play that next bit? Please, that language, please. Please, please, can you please not play that language.

MR ROBERTSON: Can we just pause for a moment. Can we just pause for a moment. Just pause. Pause, please, pause. And can we just - - -

THE COMMISSIONER: I think it's a bit late, Mr Robertson.

MR ROBERTSON: Can we just cut, well there's a lay, we'll just cut the live feed for a moment if we can. Sorry, you were drawing attending to something that - - -?---I don't like offensive language, I'm sorry, I object to offensive language.

10 Commissioner, in my submission although it is offensive language and I agree with what the witness said about it being offensive, it's part of the context of the kinds of communications.

THE COMMISSIONER: I agree.

MR ROBERTSON: I propose to play it in full.

THE COMMISSIONER: It's demonstrative of the speaker's character not necessarily demonstrative of the listener's.

20 MR ROBERTSON: Quite so.

THE WITNESS: Thank you for that Commissioner, I appreciate it. Thank you.

MR ROBERTSON: I propose to play it in full unless you direct me otherwise or there's some other submission made Commissioner.

THE COMMISSIONER: No. Please continue.

30 THE WITNESS: I appreciate that distinction, thank you.

MR ROBERTSON: Can we restart the live feed, please. It will take a short period of time to do that. For those following along, can I just indicate that we stopped the live feed very briefly because, in a telephone intercept that I'm in the process of playing, there is some offensive language used. The witness indicated that it was offensive language, with which I don't disagree, but it's part of the context and so I made a submission to you, Commissioner, that it's appropriate, despite it being offensive language, it should be shown, it should be played, and I'm about to play the telephone intercept in full in light of that.

40 THE COMMISSIONER: In the event that the live stream was interrupted while I spoke, it should also be made clear that I made the observation that it was demonstrative of the character of the speaker, not that of the listener. ---Thank you again, Commissioner, I appreciate it.

MR ROBERTSON: And perhaps I should give a general parental advisory – regretfully there are some comments, both on this telephone intercept and

others that I'll play, that may include language that might be regarded to be offensive.

THE COMMISSIONER: Yes.

MR ROBERTSON: Just pardon me for a moment, Commissioner. I'm going to replay that telephone intercept from the beginning.

THE COMMISSIONER: I think that's necessary, Ms Berejikian.

10

THE WITNESS: No, I understand.

MR ROBERTSON: Just for a technical reason.

THE WITNESS: And can I please thank you again for your comment. I appreciate it deeply, thank you.

**AUDIO RECORDING PLAYED**

**[10.49am]**

20

MR ROBERTSON: One of the things that you appear to have said in that call was that "They seem to think it's in your electorate. I didn't say anything."---Mmm.

30

Why did you utter those words to Mr Maguire?---Oh, I, given the conversation was, what, three years ago, I can't exactly say why. But, Mr Robertson, please know that my, my reflection of this is that I still assumed it was about job losses, and that he was interacting with my office, and I would assume that my comment about saying "it's not your electorate" is, "If you want to correct that, you better tell them, because I'm not involving myself in this."

Well, maybe I've misheard it, but it seemed to be said with a little bit of a chuckle in the sense of, "You're getting involved in something that is not in your electorate. Perhaps you're pushing the envelope a little bit, but I haven't got involved in that particular issue."

40

MR MOSES: I object to that, Commissioner.

MR ROBERTSON: No, no, she can reject it.

MR MOSES: No, I object. My learned friend listened to the same conversation as we did. He's saying that he thought it was said with a bit of a chuckle.

THE COMMISSIONER: Mr Moses, we all listened to it, and Mr Robertson can put a characterisation, and the witness can respond, but - - -

MR MOSES: Well, I maintain the objection, because he's not entitled to put a proposition that is not based on fact. So I maintain the objection.

THE COMMISSIONER: Well, I share Mr Robertson's view. That's what I heard too, Mr Moses.

MR MOSES: Well, I maintain the objection. Thank you, Commissioner.

10 THE WITNESS: I'm sorry, I, I need the matter explained to me, because I don't understand the issue, yep.

MR ROBERTSON: I'm asking you about the phrase that is said, "They seem to think it's in your electorate. I didn't say anything." Do you remember hearing that on the recording?---I do remember hearing it just now.

I'm happy to play it again if that would help.---No, no, I just, I remember hearing it now, yep.

20

And I'm just trying to understand why you said that. And at least the way I heard it – and I'm just asking for your response. You may completely disagree. Mr Moses said in effect he didn't hear it that way. But as I heard it, it seemed to be being said in some sense of jest.---No.

"These people think they're in the electorate" - - -?---No.

- - - "and I didn't say anything."---No. Absolutely not.

30 So what's your best recollection, then, as to why you were saying, "They seem to think it's in your electorate. I didn't say anything"?---My best recollection of that would be, "You better tell them what this is about, because I'm not going to interfere in it."

40 When you say "them", you mean Minister - - -?---My office or Minister Blair's office, where I would have, I'm assuming again, my, my best recollection of that would be, my best assumption of that would be that I would be suggesting to him, "I'm not going to interfere. This is a matter you've raised." And my strong impression at that stage, given the sequence of conversation, was that Minister Blair had, intermittently, potentially agreed to raise issues because he thought it was about job losses. And obviously that was the context in which I said, or implied, that he would need to raise that directly with my office, not with me, because I'm not interfering myself in the issue. But in any event, the outcome was that my office said, "You cannot go." And that is a good outcome for the people of the state, and that is the right outcome that was achieved. It's because I allowed the normal process to take place, which was that a member of parliament approaches the proper channels, the proper channels determine

whether it's appropriate or not, and on this occasion, rightly, it was not appropriate. And now that I've seen that letter, it was, it would have been beyond completely inappropriate for that to have proceeded.

10 So just allied to that, there was a phrase where you said this is "none of my business" and there was another phrase saying "just letting you know". Is that consistent with what you and I have discussed a couple of times already, this compartmentalisation? You might be letting him know what's going on in your office, in the sense of general information, but it was none of your business in the sense that you're not going to get involved in the processes of making any decisions or anything like that in relation to the issue. That's a matter for Mr Maguire to deal with through what you've described as the front door.---Well, absolutely. If there was a matter that had to be dealt with through the proper processes of government, it's not a matter that I would involve myself with.

20 And so you might tell Mr Maguire what's going on. In this case "Has Sarah made contact with you," et cetera. "They're concerned about you going overseas," et cetera. But then - - -?---Not, not always. But I, but I would have, I would have made the same comment to any member of parliament.

Well - - -?---If any member of parliament had rung me to say they had a concern and they'd dealt with my office, I would have said, "Has my chief of staff rung you? Have you done X, Y, Z?" I would have done that to any other member of parliament.

30 But you'd have to agree that you were in a lot more regular contact with Mr Maguire at this point in time than (not transcribable)?---Of course I was. Of course I was. But I, but, of course I was in a lot more regular contact, but it doesn't change how I would act in the execution of my public duties, and I want to make that very clear. My consistency in acting in relation to my public duties is, is of the highest standard. And, Mr Robertson, I only wish that you could speak to all the public servants and colleagues that I deal with to know what a stickler I am to doing things the right way.

That's really what I was seeking to confirm with the last question.---Yeah.

40 You've then given that longer answer. "None of my business" in the sense that "I'm not going to get involved in the particular issue that your raising." Correct?---Because there was always, there was already a proper process which was taking care of that, and my assumption – as was the assumption of that stage, obviously, of Minister Blair and others – was this was about job losses.

So I think we're in passionate agreement in relation to this - - -?---Well, thank you. If we're in passionate agreement, I'm happy.

But I just want to be quite - - -

THE COMMISSIONER: Ms Berejiklian, if you thought it was inappropriate for Mr Maguire to go to China, why didn't you tell him while you were on the phone with him when he said, "I'm going to go over there"?---Because there was a proper process in place.

Well, why not just tell him, "Don't go"?---Because there was - - -

10 "You're being stupid."---Because there was a proper process in place. And to be honest, I did not know the full extent of the issue and the matter at that stage.

Well, you pretty much described it. You said that the minister wasn't going to go over and deal with a specific issue, wasn't going to just go to China and deal with a specific issue. So if he was going to go, I take it you would have regarded that as an inappropriate trip for him to take, to raise a specific issue in China which the minister thought it was inappropriate for him as a representative of the state to raise.---No. No.

20 So why didn't you tell him while he was on the phone?---Because I, I would have assumed perhaps I wasn't paying attention to it sufficiently, or perhaps I assumed my office would go through that process.

MR ROBERTSON: So I just want to be clear that we are in passionate agreement. Not necessarily agreement, but at least in my understanding what you've been seeking to explain. From time to time you would tell Mr Maguire what was going on, including what was going on in your office. For example, the call that we've heard, did Sarah call you, et cetera.---Yeah, I think that's a bit of a, a bit of a general statement to make. This is one out of thousands of conversations, so it was not a, I do not want to give the  
30 impression that was a frequent occurrence.

Not necessarily a regular thing, but it would at least happen on one occasion, perhaps more than one occasion, is that right?---Potentially out of thousands of interactions.

But in relation to - - -?---But it wouldn't have been any different to any other interaction I would have had with any other member of parliament on a similar issue.

40

THE COMMISSIONER: Ms Berejiklian, you were not in a close personal relationship with other members of parliament, were you?---That's true. That's true. No, I accept that. Not to that extent. I accept that.

MR ROBERTSON: And is it right, though, that in relation to issues like the UWE issue, you said things to Mr Maguire like "It was none of my business" because you were seeking to signal to him that if he's raising issues, they should be dealt with through what you've described as the front

door, rather than seeking to encourage you to cause for particular public functions to be exercised or not exercised? Is that a fair summary of what you've sought to explain a couple of times?---It would be a, yeah, it would be a fair summary to say that anybody who raised anything of that nature with me, I would say, go through the proper process. Absolutely.

10 But it's a little bit different with Mr Maguire, isn't it, because you're in more close contact with him because of the relationship, is that - - -?---Yes, that's true. That's true. But on this occasion, I, again, assumed that my office and the minister's office were dealing with the matter.

And I think what you're seeking to explain is that you at least attempted to treat Mr Maguire in the same way as anyone else who would raise issues of this kind, is that right?---Thank you. That's correct. And thank you for acknowledging that. I appreciate it.

To be clear, I'm not - - -?---I understand. I understand.

20 My job is to ask you questions with a view to - - -?---I understand. I understand.

- - - attempting to get to the truth - - -?---I understand.

- - - in relation to the investigation of Mr Maguire.---I understand. I understand.

And part of my role is to make sure I understand specifically the evidence that you give.---I understand.

30 And in a sense I shouldn't have said passionate agreement or disagreement. ---No, I understand. I understand.

I'm just trying to make sure I understand your evidence.---I understand. Thank you.

Because ultimately the Commissioner is going to need to make some findings regarding - - -?---Of course.

40 - - - the matters of the investigation.

THE COMMISSIONER: Is this a convenient time for a short adjournment, Mr Robertson?

MR ROBERTSON: Thank you, commissioner.

THE COMMISSIONER: Very well. We're going to take a 15-minute adjournment for some morning tea, Ms Berejiklian.---Certainly.

**SHORT ADJOURNMENT**

**[11.01am]**

THE COMMISSIONER: Ms Berejiklian, you continue to be bound by your oath.---Yes, thank you.

MR ROBERTSON: Ms Berejiklian, one of the things that was identified on the call that I played you a moment ago was what seemed to be a procedure  
10 where your then chief of staff, Ms Cruickshank would inform you before making contact with a member of parliament, do you remember hearing - - -  
?---Yes, ordinarily she would keep me updated with what members of parliament were up to if – just in case she had to make a decision or she had to peruse something and I wasn't aware, she'd make sure that I was aware.

And that was a matter of practice at that point in time, but at least generally speaking, before she spoke to a member of parliament she would let you know, one way or another?---Not always, no, often – she's a very smart,  
20 intelligent woman as you found – she would often make decisions based on her own assessment, but from time to time, if she felt she had to raise anything with me regarding what had occurred, especially in the case if there was a member of parliament who was displeased with information they were receiving from us, she would kind of let me know. That was based on her judgement and when she thought it was appropriate.

In part, because if someone then sees you in the corridor you know that something had been dealt with in your office. Is that right?---Yes, and it wasn't, and it wasn't, it wasn't, it was based on her judgment and what she  
30 felt I had to know.

So it happened sometimes but not always. Is that right?---Correct, yes.

There was also reference to Mr Maguire saying, I've met Xi Jinping – she hasn't. Do you remember hearing reference to that towards the end?  
---Well, I just saw it then, yes.

I think you might have chuckled when that came through the audio.---I didn't pay attention to the background noise, yes.

40 I think you might have been with Mr Maguire, as in physically in the receiving line with Mr Maguire when he met President Xi. Does that ring a bell?---There was about 15 of us from memory, there was about 15 ministers and members of parliament, yes.

I might just show you this photograph so we can try and get some timing.  
---I think it was when, I think it was when Premier Baird was Premier and we had about 10 or 15 of us were invited to attend.

Volume 11, page 129. This is a photo of 19 November, 2014. I think it's consistent with your recollection of Premier Baird being in office at that point in time. Does that ring a bell of you and Mr Maguire meeting the President?---Mr Robertson, it would be fair to say that there were many other colleagues in the same room – so it's not - - -

Oh, quite. We can see that from the photograph.---It's not fair just to say that it's the two of us. There was lots of other people.

10 Oh no, I'm not suggesting that at all. We can see from the photograph that there was quite a number of individuals.---You seem to be suggesting that so I just wanted to make sure that you weren't. There were a number of MPs in that room at the time.

And it looks like there's something in the nature of preceding line in respect of which Mr Maguire is present as are you and perhaps other people.---Well definitely other MPs and ministers, yes.

20 Why is Mr Maguire going first rather than you as a minister, any idea? Seemed a little bit strange that one would be presented in some sort of order or precedent or something along those lines?---I have no recollection but ordinarily in those matters – and I can tell you now that I'm the Premier – you are given advice as to where to stand and which order to do things so we would have been following the advice we were given.

I tender - - -?---I'm not sure what the question's trying to ascertain.

30 I'm just paving the way.---I had nothing to do with organising this event, this would have been organized by the Premier's office at the time.

I'm just puzzled why Mr Maguire might have been presented first and I was wondering whether you can assist with that but perhaps not?---Well, you know as much as I do on that, how would I know?

I tender the photograph 19 November, 2014 Volume 11 page 129.

THE COMMISSIONER: That will be Exhibit 319.

40 **#EXH-319 – PHOTOGRAPH OF MAGUIRE AND BEREJIKLIAN  
GREETING CHINESE PRESIDENT XI JINPING**

MR ROBERTSON: I'm now going to play you a call number 1161 – this is not one that you've heard before, once I've played it I'll ask you a few questions.

MR ROBERTSON: That's 1 September, 2017, 8.34am. One of the things that you say during that call is, "I don't care. To be honest I don't care," and that seems to be in the context of a discussion about people being scared of Mr Maguire in your office. Can you recall why you said, "I don't care. To be honest I don't care"?---I cannot recall, Mr Robertson, but clearly though my impression is that this issue is around jobs and regional jobs.  
10 That's my impression but I don't, I don't, I couldn't tell you what I was thinking when I said what I did then.

Does this help your recollection on the UWE issue more generally?---Not really.

Because it looks like there's at least a number of calls with Mr Maguire regarding the issue. I appreciate it's a number of years ago.---Yeah. All it does is reconfirm my perception that it was around job losses, and that just reinforces that was my perception and I believe that was the perception  
20 given also to my office and Minister Blair's office.

But you say you weren't involved in encouraging anyone to do or not do anything based on what Mr Maguire was raising with you. Is that right?  
---That's my recollection.

You left it to your office and others to take care of matters (not transcribable) - - -?---That's my recollection, yeah, but I, but my recollection was it seems to me a concern about job losses and future job losses.  
30

Can I catch up on some tenders, Commissioner. I tender telephone intercept 1096 which was 30 August, 2017 and accompanying transcript.

THE COMMISSIONER: That will be Exhibit 320.

**#EXH-320 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION SESSION 1096 DATED 30 AUGUST 2017  
– EXTRACT**  
40

MR ROBERTSON: And I tender the last one played, 1161, 1 September, 2017, 8.34am.

THE COMMISSIONER: That will be Exhibit 321.

**#EXH-321 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION SESSION 1161 DATED 1 SEPTEMBER  
2017 – EXTRACT**

10 MR ROBERTSON: I'm now going to play you another call from later that day, 6.12pm, 1 September, 2017. I won't play you the whole call. I'll play you two calls from that particular day. That's 1194, excerpt 1 and we'll play excerpt 2 immediately after that.---Have I heard these ones before?

**AUDIO RECORDING PLAYED [11.28am]**

MR ROBERTSON: We'll now just play - - -?---I apologise for the language.

I'm so sorry?---I apologise for the language.

20 We'll play the second extract now.

**AUDIO RECORDING PLAYED [11.29am]**

MR ROBERTSON: So do you agree that as at 1 September, 2017, you had at least some idea as to Mr Maguire's debt position?---Well, clearly, but I, I wasn't concerned by it, or it didn't interest me. Mmm.

30 It was something that he raised with you from time to time, is that right?  
---Not frequently, but from time to time.

Money problems were something that he complained about on a, or at least discussed with you or raised with you on multiple occasions, is that right?  
---Yeah, but, but can I state, Mr Robertson, even though that's what he said, I never had the impression that he had any challenges in that regard.

40 No, but you knew that he thought that he had debts of something like \$1.5 million, which was the figure there.---Well, that was his, yeah, that was his business, yep.

Yes, that might have been his business, but you understood that particular aspect of his business, is that right?---But I wouldn't have given it any thought, to be honest.

Whether or not you were giving it any thought, you at least understood about that aspect of his personal affairs. Is that right?---But whether I absorbed it and thought about it, oh, I, I doubt I did. Yep.

THE COMMISSIONER: Well, at least in that conversation, you were clearly discussing it and he was telling you what he was planning to do and you were agreeing or disagreeing or commenting.---Yep, yeah, yeah.

Do you accept that?---I do, but I also, I, I also want to state that it, it wasn't something I dwelled on. I don't want to give anyone the impression that I dwelled on that, yep.

10 MR ROBERTSON: Well, you might not have dwelled on it.---Yeah.

But you were at least aware, as at 1 September, 2017, of Mr Maguire's debt position. Would you agree?---Well, according to him, yep.

According to him?---Well, that's what he told me. I don't know if it's true or not.

But you're not suggesting you weren't listening or weren't engaging or whatever, you were aware - - -?---I may not have been engaging. I can't  
20 promise you that I was. It was three years ago. I can't promise you that I was engaging, because often in my line of work you're very busy, and if I can be frank, I'm not always engaging in, in every conversation I have, if it's something that I don't feel I'm particularly interested in.

Let me try and help you this way. I'm going to play recording 1199, an excerpt from that, which is one that you have not heard before.---Ah hmm.

And while that's happening, I tender excerpts 1 and 2 as a bundle of  
30 telephone intercept 1194, 1 September, 2017, 6.12pm.

THE COMMISSIONER: That will be Exhibit 322.

**#EXH-322 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION SESSION 1194 DATED 1 SEPTEMBER -  
EXTRACT 1 AND 2**

40 **AUDIO RECORDING PLAYED** **[11.33am]**

MR ROBERTSON: So this was another telephone call on the same day. We're now at about 10.04pm. In the face of at least the last two calls I've played to you, I take it you accept that you were aware as at September of 2017 of, at least in general terms, Mr Maguire's debt position.---No, absolutely. But you can also tell from my tone that I am chiding him for always obsessing about, obsessing about this, yep.

But isn't part of the context of these calls the fact that Mr Maguire is giving consideration to retiring from parliament in 2019?---That would be a matter for him. I can't surmise that.

It's not just a matter for him, it's something that you and he discussed from time to time, is that right?---Discussed what specifically?

Well, discussed the question of whether Mr Maguire would retire from parliament in 2019.---Certainly but, but that was, his decision-making  
10 around that was for, was for him, yep.

His decision-making might have been for him.---Yep.

But it certainly affected you.---Not the finances, no, it did not. I think I made that point before, and I'll make it again.

Whether or not he resigned certainly affected you, is that right?---Of course, but it also affected me because I would need to find a candidate and, and make sure politically that we held onto the seat. So there was a number of  
20 factors to consider.

But not just professionally, it would affect you personally as well because that may have affected whether or not your relationship with him - - -?  
---Potentially.

- - - was going to be made public.---Potentially. That's on the basis that he was being truthful to me at the time. Mmm.

Are you trying to downplay your relationship with Mr Maguire?---No, I'm  
30 just saying that I, I don't like to hypothesise on what may or may not have happened, because I don't know, because - given what I know now - he may not have been truthful to me at the time.

But as at 2017, you agree that you had a close personal relationship with Mr Maguire, is that right?---That's correct.

And you had hoped, at least at that point in time, that that relationship might be able to develop in something, into something that might be a publicly known relationship, is that right?---Potentially.  
40

And that's something you discussed with him from time to time, is that right?---Yes, but I also want to say, Mr Robertson, given what's transpired, I can't assume that he was truthful with me at that time.

But relevant to the question of whether Mr Maguire would resign in 2019 was his financial position, as you understood it, is that right? In other words - - -?  
---As far as he was, as far as he was concerned, potentially. But that's

what he told me. I don't know if that was the case. That's what he, that's what he implied, but I can't, I can't surmise what he was thinking.

Commissioner, in relation to the issue the subject of some questions that I've just been asking, I propose to play a further telephone intercept. It's a matter that involves some degree of balance, and I might just ask for section 31 of the Independent Commission Against Corruption Act to be put on the screen so I can make a submission about it. My learned friend Mr Moses can indicate whether he agrees or disagrees with the decision that I'm about to make.

THE COMMISSIONER: Yes.

MR ROBERTSON: I don't think I need to make it in the absence of the witness, but I'll bring that up on the screen.

THE WITNESS: Have I seen this before, Mr Robertson?

MR ROBERTSON: You have not.

THE COMMISSIONER: It's a section of the Independent Commission Against Corruption Act, Ms Berejikian.---Oh, I'm sorry. I'm sorry. I'm sorry.

You may have read it. I don't know.---I'm sorry. I've definitely read that Act. I thought he was referring to a, a telephone conversation.

Not yet.

MR ROBERTSON: Commissioner, there's a balance to be drawn in relation to the line of questioning that I've been pursuing with Ms Berejikian.

THE COMMISSIONER: Yes.

MR ROBERTSON: If we can go back to the previous page, plainly enough the Commission has been satisfied that it's in the public interest to conduct a public inquiry, and that's what's been occurring recently. Subsection 2 identifies certain factors relevant to whether a public inquiry is to take place. And, if we just move to the next page, including the benefit of exposing to the public and making it aware of corrupt conduct and the like. But one factor that's to be taken into account, at least on the question of whether there should be a public inquiry, is matters – see little (d) - - -

THE COMMISSIONER: Yes.

MR ROBERTSON: - - - concerning the privacy of the person involved.

THE COMMISSIONER: Yes.

MR ROBERTSON: Now, regretfully, I've been duty-bound to raise a number of questions with this witness which are matters affecting the personal, but I've deliberately done so because they affect not just the personal but the particular matters that the Commission is investigating in relation to, in particular, Mr Maguire.

THE COMMISSIONER: Yes.

10

MR ROBERTSON: The call that I propose to play is one which, at least on one view, will raise questions as to the privacy of the two people involved in the conversation. In my respectful submission, the appropriate course, at least if it's supported by Mr Moses, is for me to first play the call – which the witness hasn't heard yet, and I assume Mr Moses hasn't heard yet – in private.

THE COMMISSIONER: Yes.

20

MR ROBERTSON: In a private session in the public inquiry. That then will allow Mr Moses, if he wishes to do so, to make any submissions that he wishes to make in relation to the confidentiality of that matter. As I say, it's a matter of, it's a matter of balance.

THE COMMISSIONER: Yes.

30

MR ROBERTSON: But in my submission, that's the safest course, at least if Mr Moses embraces it. I note subsection 8 says that a public inquiry should be held in public, but subsection 9 says the Commission may decide to hold part of the inquiry in private if it considers that that is in the public interest. And considerations of public interest, plainly enough, include the public interest in preserving the privacy of persons concerned.

THE COMMISSIONER: Yes.

40

MR ROBERTSON: So whilst it's a delicate matter and a matter of balance, in my submission the appropriate course is for me to play that intercept in private first, and then for the Commission to hear submissions as to whether it should be replayed in public or any questions that I ask in relation to the matter be dealt with in public or private.

THE COMMISSIONER: Yes. Mr Moses, you've heard what Mr Robertson has said. Do you have any objection to the course he - - -

MR MOSES: I've got no difficulty with that approach, Commissioner, thank you.

THE COMMISSIONER: Yes. Very well.















30 MR ROBERTSON: Commissioner, can I just explain for the benefit of  
those following the livestream what's just occurred. During the course of  
the private session in the public inquiry I played a telephone intercept of 1  
August, 2017 and I asked Ms Berejikian a number of questions in relation  
to that matter. After I proceeded with that I made a submission that the  
appropriate way forward was for me to ask, asking public questions along  
the lines of what I asked Ms Berejikian in private but without playing the  
particular telephone intercept. Some short submissions were heard in  
relation to that matter and that course was supported by Ms Berejikian's  
counsel, Mr Moses of Senior Counsel and Mr Harrowell, who appears for  
Mr Maguire. That's the procedure that I propose to adopt, and at the  
40 moment I won't be playing the telephone intercept in public but I will  
reflect on that position after I ask some further questions in public, both in  
the context of this particular call but also in the context of other topics to  
which I intend to take Ms Berejikian.

THE COMMISSIONER: Yes. Thank you, Mr Robertson. I'll remind you  
there's a glass in the witness box.---Oh, no. That's okay. Thank you. I  
appreciate it.

MR ROBERTSON: Ms Berejikian, in the private session I played you a telephone intercept of a call between you and Mr Maguire of 1 August, 2017. Do you remember listening to that?---You did. Thank you.

And during the course of that you and he were discussing potential future plans together. Is that right?---Yes.

And one aspect of it was the possibility that Mr Maguire might resign at the 2019 election. Is that right?---That's correct.

10

Would you agree that as at 1 August, 2017 it was your desire that Mr Maguire would retire from parliament as at the 2019 election with a view to having a public relationship with him thereafter?---Look, that was a matter for him but clearly, clearly that was something that I would not have been upset if that occurred. I would have been pleased if that occurred but it did not in any way detract from my commitment to my role and the fact that my public office is my priority but obviously on reflection I did consider what my private life might look like were that to occur.

20

But do you agree that it was at least your preference or your desire, as at 1 August, 2017, that Mr Maguire would retire from parliament and thereafter you would have a publicly known relationship with him?---That was absolutely a potential path that I saw and, Mr Robertson, I daresay I, I cannot account for his position on the matter and given what I know now I can't account for his truthfulness on the matter.

At least at that point in time you understood Mr Maguire to have a common desire with you to have a public relationship with one another. Is that right?---That's, that's what I understood but I don't know, I don't know given now what's occurred if that was truthful. I'm sorry.

30

THE COMMISSIONER: Ms Berejikian, you aren't being asked about the time of what you've just heard, it's not about the benefit of hindsight so I would ask you - - -?---I'm sorry. Okay. Sorry. I'll try and answer the question directly. Sorry. Would you mind putting it to me again. Thank you.

MR ROBERTSON: So do you agree that as at 1 August, 2017 you had a desire, and as you understood it Mr Maguire had a desire, that Mr Maguire would retire from parliament as at the 2019 election and you would thereafter have a public relationship?---That would have been my understanding at the time.

40

That was your own desire or preference. Correct?---That's correct.

That was your understanding of Mr Maguire's position. Correct?---Well, at the time.

At the time.---At the time.

You now - - -?---I can't account for that now given what's occurred because I can't vouch for his truthfulness but at the time that would, I assumed that he perhaps had the same sentiment but I can't, I can't confirm that but that was my - - -

That was your belief at the time?---That was my assumption at the time, yeah.

10

You have second thoughts now in light of more recent information.---Well, beyond second, beyond second thoughts because clearly, clearly matters have come to my attention I didn't know then.

Do you agree that one of the things that Mr Maguire referred to in the telephone intercept was that he was attempting to pull business deals off? ---Yes, but he was a big talker and he'd often say that so that wasn't anything new to me.

20

But Mr Maguire indicated to you that one of the factors that he would take into account in whether or not to resign from parliament in 2019 was his financial position, is that right?---Yes, but I don't know if that's what, that was the truth, yeah.

Don't worry about it, don't worry about the benefit of hindsight.---Okay, sorry, I'll try and answer as in I reflect, yep, yep.

I'm trying to get your understanding of the position - - -?---Yep.

30

- - - what your beliefs were as at the time of the call, which was 1 August, 2017. And is it fair to say that, at least as you understood it, a factor that was leading to Mr Maguire's consideration as to his position was whether he was able to pull off some business deals.---I, I don't know whether I would have gone that far in my thinking. I, I, I don't know if I am giving it that much, that I gave it that much emphasis that, that you are. I can't vouch for the fact that that's exactly what I would have thought at the time.

40

So at least a consideration of his financial position.---Yeah, I think, I think that's a fair comment. But it wasn't something that I was overly thinking about in terms of his financial position, yeah.

So just to be clear, as you understood it, a factor that Mr Maguire was taking into account - - -?---On his part, definitely would have been, yeah, yeah.

- - - in relation to a potential resignation in 2019 was his financial position, correct?---Yeah. Yeah. Yeah. Yep.

And that was something that he raised, not just in the call of 1 August that I played to you, but from time to time.---Yeah. But it was not something that I, it was not something that I cared about or something that I had particular interest in, but no doubt, as you've suggested, he, he, he was obviously saying that that was a factor for him, yeah.

10 During the course of the call, you gave a description of Mr Maguire, and I'll just pause there in case there's any objection. I think my learned friend Mr Moses knows what I'm about to ask. If there's any objection to it, I'll let him make it before I ask the question.---He doesn't seem too worried.

I don't think there will be, in light of what was said. He's unusually quiet. ---Yeah, he doesn't seem too worried.

THE COMMISSIONER: Please continue.

MR MOSES: I think my learned friend shouldn't make those statements. He should just proceed to ask his question.

20 THE COMMISSIONER: Yes, please continue, Mr Robertson.

MR ROBERTSON: You described Mr Maguire, you said words to the following effect, "You will always be my numero uno."---Mmm.

Remember hearing that on the call that I played you in the private session? ---I do remember, yep.

30 What did you mean by him always being your numero uno?---I think he, I, I, I think what I would have meant that there, is that in my personal life I placed importance on, on how I felt about him.

I'm about to move to another topic, Commissioner.

THE COMMISSIONER: Very well.

THE WITNESS: Is that it on that one?

MR ROBERTSON: On that particular call, yes.---Yes, okay, thank you.

40 Did Mr Maguire ever tell you that he was attempting to assist in procuring the sale or development of any land in or around Badgerys Creek?---Mr Robertson, I had no recollection of that until you raised it with me at the recent public hearing – sorry, private hearing – in which case, you, you brought to my attention that he mentioned that to me some time ago.

So are you saying, at the time of the private hearing, you had no recollection at all about Mr Maguire telling you about attempting to assist in procuring the sale or development of land in or around Badgerys Creek?---Yeah, I

didn't, I did not remember that. Because I think from what you, I think from what you mentioned, it was about three years ago or more than three years, or roughly three years ago.

In particular 2017.---Yeah, I didn't remember. Yep. Until you brought it to my attention, yeah.

10 And having brought that to your attention, and perhaps by reference to other material that's come out during the course of the public inquiry, do you now recall some communications with Mr Maguire regarding the development or sale of land in or around Badgerys Creek?---When you say communications, the only recollection is what you played to me during the private hearing about that conversation.

And so that hasn't jogged your memory of any other further communications or anything of that kind, is that right?---No. It has not. No.

20 Just so we can – sorry, I withdraw that. Did Mr Maguire ever tell you that if he was successful in procuring the sale or development of land in or around Badgerys Creek, that he would stand to make a substantial fee for himself? ---Well, in that private hearing, when you played the tape, that, he made those comments there, but I had no recollection of that. And can I also stress, Mr Robertson, that he, as I said, was a big talker, quite fanciful in, in what he described, so I don't think I would have given it much attention or notice at the time.

30 Did he ever tell you that he was attempting to assist Louise Waterhouse with any problems that she was having in relation to land associated with her family? Sorry, with her or with her family.---Not to my recollection, although as has been evident during the course of these hearings, he did tell me that he was sending a letter from her, but I didn't make the connection between the two.

40 So is it right to say you have got a recollection now of Mr Maguire telling you that you would receive a letter regarding what I might call a Badgerys Creek issue?---I had no, I had no independent recollection, it was when you raised it with me. And my other recollection from the private hearing was that there was a distance of at least two and a half months between the two events. So there's no way that I would have joined the dots between those two conversations.

So do you recall now being told about being sent the email, or are you just saying, "Look, I've now seen it, and it looks like it was sent, and I have no recollection"?---I, yeah, I didn't recall it at the time. It's only based on what you showed me.

No, but really what I'm asking is - - -?---Yeah.

Has that jogged your recollection about the issue - - -?---No, it has not.

- - - or are you simply noting that there's an email or a telephone conversation that looks like it's happened, and - - -?---Correct. Correct. Correct. It didn't jog my recollection.

And you've got no reason to deny that it happened - - -?---No. No, no, no.

10 - - - the way in which it seems to have happened.---But it didn't jog my recollection, only because I get thousands of pieces of correspondence, and have lots of conversations. So it certainly – I know you put it to me, and I know that that's what occurred. But it certainly didn't, didn't cause me to remember anything.

Now, is it right to say then that the extent of your recollection, in relation to what I might call the Badgerys Creek issue or the Waterhouse issue, hasn't improved on what you were able to tell the Commission during the private hearing?---Correct. And Mr Robertson, I also want to stress, I did not and  
20 have not ever made a connection between the two. So, because - - -

When you say “the two”, what are the two things you mean?---Because you, you, in the private hearing you, you played me a tape regarding a conversation about Badgerys Creek. And then I think it was some two and a half months later, you played me another tape about me getting a letter from Ms Waterhouse, and I did not make the connection between the two.

I'll play you the first recording now so that we can understand what you're now saying.---Yep. If, was my memory correct in relation to those two - - -  
30

We'll go through the detail, but - - -

THE COMMISSIONER: Yes, just let Mr Robertson ask the questions, Ms Berejikian.---Oh, I'm sorry, I'm sorry. Yep. Okay, thank you.

MR ROBERTSON: 1355. This was 5 September, 2017.

40 **AUDIO RECORDING PLAYED** **[12.07pm]**

MR ROBERTSON: So do you agree that as 5 September, 2017, you knew that Mr Maguire had something to do with “Badgerys Creek stuff” and that in the event that it was successful, he would be debt free?---Mr Robertson, I would have, I, I don't think I would have paid much attention to this, because I would have assumed it's quite fanciful, in terms of what he was suggesting and as you note, the details are very scant. So I, I wouldn't have paid much attention to, to what was there. Mmm.

Well, you don't say it was fanciful, you say, "I can believe it," or something at least with the word "believe" in it.---Yeah, but I can't, yeah, but I can't, I can't even assure you that I was listening properly or, or, or just being polite. Yep.

I mean, as at about August and September of 2017, the forthcoming Western Sydney Airport must have been something that was foremost in your thoughts at least as a matter of public policy at about that point in time.  
10 ---Oh, that was actually foremost in our thoughts a, a decade before that. I mean, that's, that was on the public record as a, as a major issue.

But particularly in about August or September of 2017, the Western Sydney Airport was a matter that which with you were concerned about and involved as Premier. Is that right?---But I, but I wouldn't say there was anything especial about any development of that issue at that time. This was a big issue, a national issue on the public record that had been a national issue on the public record for some time. So I, I'm not, I'm not  
20 sure why you would think there was anything significant on that issue publicly at that time.

Well, we might just go to the article of 31 August, 2017, just to help you get some context around this point in time, and hopefully that'll refresh your recollection or assist your recollection on this issue.---Ah hmm.

So this is an article 31 August, 2017. This particular one is from the Parramatta Advertiser.---Ah hmm.

Noting the third paragraph, "Western Sydney Airport, due 2026, was  
30 foremost in your thoughts." Do you see that there?---Ah hmm.

And then there's a number of quotes and things of that kind. Do you agree that in, at least towards the end of August 2017, the Western Sydney Airport would be foremost in your thoughts?---But it would also be foremost in my thoughts in 2011, when I was the Transport Minister, and in 2014, when I was the Treasurer. This was a big issue and a big deal. It was an issue that was always foremost in my thoughts. I wouldn't, I wouldn't say it's accurate to suggest that it suddenly was foremost in my thoughts at that particular month.  
40

But it was a particular point in time in which you had some direct involvement and concern in relation to the Badgerys Creek area and the airport.---I would have direct involvement from 2011 in my role as the Transport Minister. When you're planning the Transport Master Plan or when you're the Treasurer of the state, I don't, I don't understand why you would think that I would only have an interest in this big national issue only for that month. It was something that was top of mind for a long period.

Don't worry about what I think.---Oh, right.

I'm putting a series of things to you - - -?---Oh, no, that's okay.

- - - which you're welcome to agree with or you're welcome to disagree with.---Okay. I'm just trying to provide you context to say that this was an issue that preoccupied all levels of government for a prolonged period of time and was not specific to that month or that year.

10 THE COMMISSIONER: But it did become specific, did it not, in or about 2017 or 2016, when the decision was finally made to proceed with the airport.---Well, there were a number of different decisions made, but the decision to proceed with the airport would have made, been made by the Federal Government, yeah.

I appreciate that. But it was relevant to New South Wales and to the economy of New South Wales.---Absolutely. Absolutely. But it was relevant to us in terms of planning for that for a number of years. It wasn't a new, it wasn't a new interest. It was actually something that was ongoing.

20

MR ROBERTSON: But do you at least agree that as at 5 September, 2017, which was the date of the call that I showed you, you're aware that Mr Maguire was involved in Badgerys Creek stuff and that, if it was successful, he'd make enough money to pay off his debts?---Well, yeah, as I said to you, as I said to you, it was a very general conversation. I wouldn't have given it much thought, to be honest.

Does that mean the answer to my question is yes?---Can you repeat the question? I'm sorry.

30

Do you agree that as at 5 September, 2017, you were aware that Mr Maguire was involved in Badgerys Creek stuff which, if successful, would involve him being paid enough money to pay off his debts?---Well, obviously that's what the conversation said, but I just want to assure you that, to the best of my recollection, I'm not certain that it registered with me. So whilst I know and I've read it and I've seen it, I just want to say that, at the time, it may not have been something that I particularly took a lot of notice of.

40 THE COMMISSIONER: Ms Berejiklian, your response was "I can believe that," and that was made in the context where, two days earlier, on the 2<sup>nd</sup>, on the 1<sup>st</sup> – four days earlier, rather, on 1 September, in a conversation Mr Robertson has already explained to you, Mr Maguire told you his debts included \$1.55 million.---Yeah. But I, I can't be certain that I, I took, I took it seriously. Because it's quite fanciful to think that you're going to pull something off like that.

MR ROBERTSON: But you're not suggesting you weren't listening to what Mr Maguire was saying?---Potentially.

Well - - -?---There are often, often times when I wouldn't be listening. I'd be focused on something else, and, and that's the truth.

But you didn't say, "Ah hmm" or whatever, "I've got to go." You said something like "I can believe it."---Yeah, but I, I don't know if I mean it literally. I can't surmise because it was three years ago. I can't, I can't surmise but I can't necessarily say I meant it literally. It would have been quite fanciful to think that you could pull something off like that.

10

But you were at least aware, weren't you, that Mr Maguire thought that if the Badgerys Creek stuff was successful, he'd make enough money to pay off his debts.---But whether or not I regarded it as fanciful or realistic is another matter.

Don't worry about the next question. Just focus on that question.---Oh, well, well, obviously at face value that's what he said.

20 THE COMMISSIONER: And you could believe it. That's what you said at the time.---Yeah, but I don't know if I meant it literally, yeah.

MR ROBERTSON: Well, I just want to be clear as to what your answer is. Do you agree that, on 5 September, 2017, you were aware that Mr Maguire was involved in Badgerys Creek stuff, and that he thought that, if it was successful, he would make enough money to pay off his debts?---That's what he said, but I, I just want to stress, Mr Robertson, that I can't assure you that I took it seriously or else registered.

30 I'm not asking, I'm not asking if you took it seriously.---Oh, okay. Oh, but obviously that's what he said. That's, mmm.

Yes, and you're not suggesting you weren't listening to him or anything like that. You've responded to it. You've said something like "I believe it."---Well, to the best, to the best of my, I may not have, I may not have, I can't assure you that I was paying sufficient attention or that I regarded it as serious. I can't give you that assurance.

40 I'm not asking you at the moment whether you regarded it as serious or not.---Oh. Right.

I'm asking you whether you understood as at 5 September, 2017 Mr Maguire was involved in Badgerys Creek stuff, which – if successful – would make enough money to pay off his debts?---Well, that's clearly what he said but I can't, I guess at the risk of repeating myself I can't assure you what I thought about it at the time.

No, I'm not asking what you thought about it at the moment - - -?---Yes, yes.

You might have thought that it was complete pie in the sky.---Correct.

But I want to be clear that you understood as at 5 September, 2017 that Mr Maguire was involved in Badgerys Creek stuff which he thought, which he thought and told you, that if they were successful it would be, it would make enough money to pay off debts?---Yes, yes.

10 You're agreeing with that proposition. Is that right?---I'm agreeing with that proposition but having said that, I acknowledge your acknowledgement that I may have regarded it as pie-in-the-sky stuff, yes.

Well, I'm not asking you about whether it's pie in the sky or anything at the moment.---All right, okay.

I just want to get your understanding. I think you've now agreed with the proposition that I was putting to you. Is that fair?---Just to be clear – can you repeat the proposition, please.

20 As at 5 September, 2017 you understood that Mr Maguire was involved in Badgerys Creek stuff which Mr Maguire thought, if that was successful, he would earn enough money to pay off his debt.---Right, he said that to me and that was his understanding. Is that the proposition?

And you had that understanding too – in other words, you understood that Mr Maguire was involved in Badgerys Creek stuff which Mr Maguire thought would be enough money to pay off his debts in the event that it was successful.

30 MR MOSES: I object. I think the proposition should be that's what Mr Maguire told the witness rather than the rolled up question my friend is putting. I mean, he's asked a series of propositions, but shouldn't the question be from the recording, that's what you see Mr Maguire told you, because the witness has said, Commissioner, she has no independent recollection of this conversation. So if my learned friend, if he's going to put the question fairly, he needs to say that's what Mr Maguire told you on that date.

40 THE COMMISSIONER: Well, I think that's apparent from the recording Mr Moses.

MR MOSES: Well, that's not what my learned friend had said, Commissioner.

MR ROBERTSON: I'm sorry, I'm seeking to get the witness's understanding. I've deliberately framed it that way, her understanding of the matter of potential relevance investigation, and that's why I put it that way and my submission is completely appropriate.

THE WITNESS: Mr Robertson - - -

THE COMMISSIONER: Ms Berejiklian, could you please let us resolve this issue.

MR MOSES: Commissioner, the problem with that proposition that my friend just put, it ignores the fact that the witness has told him that she has no independent recollection - - -

10

THE COMMISSIONER: I don't understand why that is an objection Mr Moses - - -

MR MOSES: It's relevant to saying - - -

THE COMMISSIONER: - - - Mr Moses in circumstances where she's been played the recording and asked to ask questions about what she said at the time.

20

MR MOSES: Well, that's correct, but all the examiner is doing now is asking the witness to speculate as to an understanding – she can say what she sees in the conversation.

THE COMMISSIONER: She's been given the opportunity to explain, otherwise the recording speaks for itself, Mr Moses.

MR MOSES: Well, that's what I've said, Commissioner. That's why I've made the objection.

30

THE COMMISSIONER: If she, Mr Robertson, you've heard the exchange, do you wish to pursue that line?

MR ROBERTSON: I do.

THE COMMISSIONER: I propose to reject the objection, Mr Moses.

MR MOSES: Thank you, Commissioner.

40

MR ROBERTSON: As at 5 September, 2017 was it your understanding that Mr Maguire was involved in Badgerys Creek stuff which Mr Maguire thought, if that stuff was successful, he would make enough money to pay off his debts?---Yes, I wouldn't have known what involved mentioned and what – it was very vague so I don't want to give you the impression that I had any idea what he was specifically talking about.

Don't worry about the impression - - -?---But it does matter, the impression matters to me because I'm very conscious of the fact that I did not know or understand what he was exactly talking about.

I'll be asking you a number of questions - - -?---Right.

- - - so as to try and put things in context.---Thank you.

And Mr Moses is of the view that there isn't sufficient context he'll get an opportunity to assist with further questions.---Thank you, okay, thank you.

10 But do I need to put the proposition to you again or is it sufficient or have you agreed with the proposition?---I think I've made my point clear in terms of where accepting what Mr Maguire said, but my impression isn't necessarily that what he said is what I believe or understood at the time because I may have regarded it as completely fanciful because I don't have a direct recollection.

I just want to be clear on this proposition. I'm sorry I keep having to put it. ---No, that's okay.

20 I want to know your evidence. Was it your understanding as at 5 September, 2017 that Mr Maguire, first, was involved in Badgerys Creek stuff and, secondly, that Mr Maguire thought that if the Badgerys Creek stuff was successful he would earn enough money to pay off his debts. Was that your understanding as at 5 September, 2017?---All I can confirm is that's what he said to me, I can't confirm what my understanding was because I can't recollect the conversation and I don't want to try and convey to you what I thought at the time because I can't remember exactly but I do accept that is what he said but I can't give you, I can't give you an accurate – I would only be guessing if I gave you an accurate assessment of how I interpreted that conversation.

30 And do you agree that you knew as at 5 September, 2017, that according to Mr Maguire his debts were something like \$1.5 million?---Well, that's what he said, yes.

I'm now going to play you a further recording.

THE COMMISSIONER: Did you want to tender that newspaper article, Mr Robertson?

40 MR ROBERTSON: I do. The next recording is 1367 but I'll tender the newspaper article of 31 August, 2017.

THE COMMISSIONER: That will be Exhibit 323.

**#EXH-323 – THE DAILY TELEGRAPH ARTICLE BADGERYS CREEK DATED 31 AUGUST 2017**

MR ROBERTSON: I'm not sure whether I tendered call 1355. I'm told not, so I tender telephone intercept 1355, 5 September, 2017 and accompanying transcript.

THE COMMISSIONER: That will be Exhibit 324.

10 **#EXH-324 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION SESSION 1355 DATED 5 SEPTEMBER  
2017 – EXTRACT**

MR ROBERTSON: And we'll now play call 1367, an excerpt of that call.

**AUDIO RECORDING PLAYED [12.20pm]**

20 MR ROBERTSON: There was a reference in that call to William. Who is William?---As I explained to you in the private hearing, I had no idea who that was.

What about Phil? Who's Phil?---I assume from that that was the gentleman who gave evidence in the public hearing already, Mr Elliott.

30 And what was Mr Elliott's relationship with Mr Maguire as you understood it as at 6 September, 2017?---I knew that they were friends. I knew that Mr Elliott ran Mr Maguire's campaigns. I knew him through the Liberal Party and, and I also assumed they had mutual interests together but I didn't know what they were.

Was that a purely personal relationship as you understood it or was there some element of business involved?---With Mr Elliott and Mr Maguire?

Yes.---I assumed, I assumed they had some business relationship but I didn't know what it was.

40 Did you know anything about that business relationship at all?---Not much. Not to my recollection.

Did you know what firm name or business name was associated with any business relationship between Mr Maguire and Mr Elliott?---Well, that's now the subject of this inquiry and on the public record.

Yes, but as at September of 2017 did you have any understanding?---I, as I said in the private hearing, I had a vague understanding of that but not, not to any extent.

And so just explain what that vague understanding was as to the nature of the business relationship between Mr Maguire and Mr Elliott.---Again it was a very vague understanding. I assumed Mr Elliott looked after rental property and I also assumed that - - -

10 THE COMMISSIONER: For Mr Maguire?---Yeah. That was an assumption. I don't know if it was correct or not. That was my assumption and as I said, he was the campaign director so I knew they knew each other from Liberal Party fora, and I also had a vague recollection or understanding, a very vague one in relation to supporting farmers selling products overseas.

MR ROBERTSON: Overseas to any particular region in the world?---To China. To China, yeah, but I, but I didn't have any, that was just my vague recollection. I don't know if it was accurate or not but that was my vague recollection.

20 So there was a vague recollection of some business relationship between Mr Maguire and Mr Elliott involving attempting to facilitate what, exports from - - -?---Sell, to allow farmers to sell their wares to China.

So to assist farmers to sell their wares to China?---Yeah, that was my understanding. I don't know if it's accurate or not, but that was my impression.

30 Did you ever check to see whether any involvement that Mr Maguire had in that area had been disclosed either to you, in your capacity as Premier, or in accordance with the obligations of the members under the Members' Code of Conduct?---Mr Robertson, the terms of this inquiry are from 2012, and I would have assumed that Mr Maguire had made all of his disclosures at the appropriate time, in the appropriate way, and that was always my understanding.

40 So you dealt with that by way of assumption, rather than taking any steps to make sure that it had been complied with, is that right?---Well, the Ministerial Code of Conduct is very clear. The Ministerial Code of Conduct is very clear that members of parliament or officeholders or parliamentary secretaries or ministers have an obligation to proactively register all their interests at the right time, and depending on what that interest is, either to the parliament, to the Department of Premier and Cabinet or to myself or to all three, depending on their role, their status and what their obligations are.

And indeed, there's an obligation of continuous disclosure, as you understand it, is that right?---Correct. Correct.

But you accepted before, of course, as it says in the code of conduct itself, is that you are responsible for enforcement of that code as Premier, is that

right?---I am absolutely responsible for enforcement. However, the obligation is very clear throughout the document that the obligation is on every member of parliament, every officeholder, ever parliamentary secretary and every minister to proactively ensure that all of their disclosures are made at the appropriate time, in the appropriate way, and that is for the record.

10 Prior to 13 July, 2018, did it ever occur to you that you should either check yourself, or get someone else to check, whether Mr Maguire had complied with his obligations under the Ministerial Code of Conduct, and/or the Code of Conduct for Members, in relation to the kinds of business activities that you and I have been discussing this morning?---Mr Robertson, at the time I had, I had no reason to think that Mr Maguire wasn't making any appropriate disclosures at the right time – whether it was to my predecessors or, or to me or to the parliament – at any stage during his time in parliament. And that is a clear obligation. The onus is on members, on parliamentary secretaries and on ministers at the appropriate time to do that, and I had no reason to believe, at that stage, that that, that, that wasn't occurring where he was concerned.

20

And so are you, in effect, saying that you proceeded by way of assumption, that Mr Maguire and, indeed, your other ministers and parliamentary secretaries would comply with their obligations under the Ministerial Code of Conduct?---Absolutely. And every member, every officeholder, every parliamentary secretary, every minister is made abundantly clear of their obligations and of the continuous reporting requirements, whether it's to the parliament or, depending on their position, to the Department of Premier and Cabinet or, through them, to me.

30 And you say that nothing came, to your knowledge, before 13 July, 2018 that led you to sit back and reflect and go, hang on, there might be an issue here, perhaps in terms of disclosure or perhaps in terms of more general obligations such as not seeking to use one's office as a member of parliament by way of influencing public officials?---And, Mr Robertson, can I please let you know that if anything like that did come to my attention, depending on what it was – and I wouldn't have cared who it was, frankly – depending on what the issue was, I would have either referred it to the head of my Department or else to this body if I felt, at any stage, there was any wrongdoing or potential wrongdoing, whether it was Mr Maguire or  
40 whether it was any of my colleagues.

We were talking a little while ago about the business relationship between Mr Elliott and Mr Maguire. I think you were explaining that at least an aspect of it was attempting to assist people in selling product into China, is that right?---Yeah, but I don't know whether there was any, I don't know what, whether there was any specific business interests or what that interest was, but I do know there was an interest there, yep.

Are you aware of any other aspects of the business relationship, if any, between Mr Maguire and Mr Elliott?---Only what's been revealed on the, during the public hearings.

Well, before anything being revealed in the public hearings, were you aware that Mr Elliott and Mr Maguire had some interest or involvement in what I might call immigration, speaking generally?---Oh, my gosh. Absolutely not. And I'm shocked and disturbed, can I say, by what's been revealed.

10 So are you saying that before that was revealed in public, before the evidence was revealed in public, there was nothing that came to your attention to suggest that Mr Maguire or Mr Elliott had anything to do with immigration and matters of that kind?---No. And, Mr Robertson, can I tell you how absolutely shocking and disturbing those revelations are. And I can't tell you, I can't tell you what I felt when I learned of those on the public record.

And "shocked" might be an appropriate word?---Beyond shocked. Disgusted. Shocked, disgusted, let down. All of, all of the above.

20

Was there a particular firm name or company name that was associated with Mr Elliott and Mr Maguire in the kinds of activities you've referred to so far, assisting people in selling things to China, can you remember?---Well, I, I, I told you that during the private hearing because it was a subject of the, this inquiry, it was actually in the scope of what you showed me during the, the, the proceedings.

30 So you're referring to the statement of general scope and purpose that includes a reference to a name of G8way International, is that right?---Yes, but I also had heard that name beforehand. It wasn't the first time that I'd heard that name.

And in what context had you heard the name G8way International before? ---I had heard it in, it was during the, during the private hearing you brought to my attention that sometime ago Mr Maguire had mentioned it to me.

But in what particular context, do you remember?---I don't recall, I'm sorry.

40 Do you remember whether Mr Maguire ever introduced you to someone he described as his business partner in relation to G8way?---I wouldn't have known who that was. I'm not sure who that -- I have no recollection. I may have been introduced to someone, but I don't know who, what, I don't know who that person was.

But you at least have a recollection of G8way - - -?---Yeah.

- - - G and a number 8, being referred to in some sort of communication with Mr Maguire. Is that right?---Well, only when you brought it to my attention. Otherwise I wouldn't have - - -

No, but am I right in saying that triggered your memory as to some reference that happened in the past?---Yes, it did. Yeah, yeah, it did. Yep.

That was connected with the selling produce or selling product to China?  
---That was my understanding. That was my understanding, yep.

10

But the first time you heard of G8way International was not when the Commission raised it with you?---No, it was prior to that.

It was prior to that.---Yeah, but I can't pinpoint where that was, yep. Yep.

And as best as you can recall, it had something to do with assisting people in selling material - - -?---That was my understanding.

20

Selling produce and things like that through to China.---That was my understanding, yep. But I wasn't sure what arrangements were part of that.

Can we go please to intercept 1391, which is an SMS now. And while that's happening, I tender intercept 1367, 6 September, 2017, excerpt and accompanying transcript.

THE COMMISSIONER: That will be Exhibit 325.

30

**#EXH-325 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 1367 DATED 6 SEPTEMBER 2017 - EXTRACT**

MR ROBERTSON: So here's an SMS on the same day, 6 September, 2017. "Money in the bank, et cetera, but also good news, we clinched the land deal." Do you see that there?---Ah hmm.

40

Do you recall receiving this message?---Oh, I don't, I'm sorry, I don't have recollection of it.

It just seems like there's a number of communications around this time of September that seem to be associated with land deals, Badgerys Creek, and matters of that kind. Are you saying that despite me showing a number of these things to your attention it doesn't trigger recollection?---I never joined – no, and I'll tell you why, Mr Robertson, only because as you can appreciate in my, in my role, I have numerous conversations with people, get numerous messages, and I wouldn't have made any connection here.

But these communications are a little bit special, aren't they, in the sense that this is someone with whom you have a close personal relationship who has at least told you that a factor in deciding whether he's going to resign from parliament in 2019 was his financial position?---But I, I wouldn't have, I wouldn't have regarded that as significant in terms of my recollection.

10 But isn't that to downplay a little bit these kinds of communications, in that -- really what I'm suggesting to you is that your conversations with Mr Maguire must form part of a, as it were, special category. It's not the kind of thing that you're communicating with other members of parliament every day.---No, but I, but also my normal communication with Mr Maguire would have gone way beyond these type of matters. I, I appreciate you're bringing these to my attention and I completely understand and appreciate why, but it wasn't the only thing we spoke about. I want to make that clear. There were a number of other matters that were raised.

20 THE COMMISSIONER: But I think you already said Mr Maguire's debt level was one with which he was obsessed.---Yes.

And the day before, he'd told you that his debt level was about, that if the Badgerys Creek stuff was done, was he would have enough money to pay off his debts.---Mmm.

So he told you that on 5 September.---Mmm.

This is the 6<sup>th</sup>.---Yeah.

30 And a few days earlier, he'd said his debts were about one and a half million dollars.---But it doesn't mean I necessarily took that, like, sorry, as in - - -

Well, whether or not you took it seriously, that's what he's telling you, Mr Berejiklian.---Yeah. Yeah. Yeah, no, I understand that. I accept that.

That's the context of this text.---I understand. Thank you. I understand.

MR ROBERTSON: I tender telephone intercept 1391, SMS of 6 September, 2017.

40 THE COMMISSIONER: That's Exhibit 326.

**#EXH-326 – TRANSCRIPT OF INTERCEPTED  
TELECOMMUNICATION SESSION 1391 - SMS DATED 6  
SEPTEMBER 2017**

MR ROBERTSON: I'll just play you one further one around this time.  
1446, 7 September, 2017.

**AUDIO RECORDING PLAYED**

**[12.35pm]**

MR ROBERTSON: Does this assist in your recollection in relation to this  
issue?---Only in relation to being it brought to my attention. If you'd asked  
10 me before I'd read this or before you brought it to my attention, it wouldn't  
have twigged.

I think one of the things you said on that call was something like "I don't  
need to know about that bit". Do you see that towards the bottom?---Yeah.

Why were you saying to Mr Maguire "I don't need to know about that bit"?  
---Because I would have assumed, again I have no direct recollection, I can  
only surmise, but I, I probably would have firstly not regarded it as, as  
interesting to me. It was not something I pay particular attention to, and I  
20 would have also potentially regarded it as more pie in the sky and, and  
speculation.

Weren't you trying to limit the amount of information you had regarding  
this proposed deal so as to avoid you having to do anything about it in the  
exercise of your public duties?---Mr Robertson, can I make it very clear to  
you, please, if at any time I felt there was wrongdoing on the part of  
Mr Maguire, if I felt at that time there was anything that I needed to report I  
would not have hesitated. However, this is so general and generic I would  
have assumed that if anything had transpired, and I would suspect at the  
30 time that I would have had vague assumptions that nothing may have  
transpired, that he would have disclosed them or already had disclosed  
interests, so there was nothing for me at that time to consider a concern, and  
if I did regard anything as a concern, I would have reported it or dealt with it  
and I want to make that very clear.

But this is a bit more than that, isn't it? You're telling him specifically that  
there's a bit of information that he might have that you don't need to know.  
Do you see that there?---No, I think it's, I think it's equally a reflection of  
my lack of interest, and when I say lack of interest, insofar as I wouldn't  
40 have taken this conversation necessarily seriously, it was very vague, and  
perhaps I was bored and busy and wanted to move on and suggested to him  
that that was his matter, his interest, he could deal with it and I had no cause  
to believe anything otherwise. That if there was anything for him to  
disclose, that if there's any interest he hadn't registered that he should have  
registered that that would have occurred.

So do you deny that you ever said to Mr Maguire or intimated to  
Mr Maguire that he shouldn't give you details of various deals of his with a

view to avoiding you being fixed with information that requires you to do something in the exercise of your public duties?---Mr Robertson, I would have had no compunction whatsoever to exercise my public duties if I needed to but I always assumed, I always assumed rightly or wrongly that he was at the time making full disclosures when he needed to and given the vagueness of that conversation I wouldn't know to this day whether anything transpired.

Can you just focus on my question though.---Certainly.

10

Do you deny that on the date of the call that I played you or on any other date you intimated to Mr Maguire that he shouldn't give you details of deals that he was involved in with a view to avoiding you being fixed with information that you might then have to act upon in exercise of your public duties?---I would have had no compunction to act upon anything.

20

Don't worry about compunction about it.---All right. Okay. No, I, I have no, my, my best recollection is I had nothing to note that was of concern. I did not feel that I had to in any way be concerned about any of that activity because as far as I understood at the time, notwithstanding what has since transpired I trusted him at the time. I assumed that he was making the appropriate disclosures. I would have probably been busy and not interested and perhaps regarded what he was telling me as fanciful and if, and I want to stress again, Mr Robertson, I would have had no compunction whatsoever if I felt that there was anything untoward, if I felt that in any way there was anything which would breach the public trust on his part I would have had no compunction to report it or to take action.

30

So you deny the proposition that I put to you? That's what I want you to confirm.---I deny the proposition that I turned a blind eye, as I think what you're saying, yeah.

No, I didn't use the word "turned a blind eye".---I'm sorry.

What I was suggesting is that, what I was asking you to comment upon – I'm not suggesting it, I'm asking you to comment upon it.---Right.

40

Whether at any point you intimated to Mr Maguire that he shouldn't give you details of deals that he was involved in because you were concerned that, if you were given those details, you might have to act. Do you deny that?---No, my, my, my assumption would have been that's his business, he needs to disclose, and, and it was something that didn't concern me and I didn't need to know. And, Mr Robertson, with all due respect, holding the position I do, I'm extremely busy and I would not have wanted to be bored or be given information I didn't need, because my assumption was that he was doing everything properly.

THE COMMISSIONER: Ms Berejiklian, you made an express request to Mr Maguire not to tell you about that bit.---Mmm.

On 7 September, 2017, in relation to him telling you William tells him he's done the deal, so hopefully that's about half of it all gone. And I keep reminding you of the context, which is that the previous day Mr Maguire had told you about if William gets this deal done at Badgerys Creek, he won't have to worry about his financial position. And I want to reiterate the other context, about you knowing the level of his financial position. And  
10 for some reason, on that day, you effectively asked Mr Maguire not to continue telling you about whatever this deal was.---Because I, I, again, I can only, I can only speculate because I can't remember the exact conversation, but I would have assumed that that was his business. He was taking care of it. If anything materialised, he would have disclosed it at the appropriate time or, in fact, if there was already an interest that he'd already disclosed it, maybe years ago or, or whenever, I had no reason to believe that I had to take any interest in what was his interest and his matter, and I also would have also assumed that any disclosures were made at the  
20 appropriate time, and that is perhaps the context with which I responded in that way. It was for no other reason. And I stress again, if I had any inkling or any reason or cause to be concerned about wrongful doing or wrongful action, I would have, I would not have hesitated.

Were you becoming concerned, by this stage, that Mr Maguire was about to make a profit out of some deal in relation to Badgerys Creek, which was a very large-scale investment in relation to New South Wales Government?  
---Well, I, I - - -

MR MOSES: I object, Commissioner. I mean, I don't understand the basis  
30 of that question in relation - - -

THE COMMISSIONER: Well, the context is the various conversations. And Mr Maguire told Ms Berejiklian that he was about to make a lot of money – possibly around \$1.5 million – out of a deal William was doing at Badgerys Creek, in the context, as we've seen, where Badgerys Creek is the site of the second airport, and where it's already been put to Ms Berejiklian – at the very least a recent communication to the public about seven days earlier – about the importance of Badgerys Creek to the New South Wales economy.  
40

MR MOSES: What you put to Ms Berejiklian, Commissioner, though, was in the context of connecting that to what is said to have been an investment by the New South Wales Government in that area.

THE COMMISSIONER: Yes.

MR MOSES: And the basis of that proposition being put to Ms Berejiklian is unclear, Commissioner, from the material that the witness has been taken to in order to put that proposition to the witness.

THE COMMISSIONER: I'll repeat it, then. I'll try and rephrase it, then, Mr Moses.

MR MOSES: Yes, Commissioner. Thank you.

10 THE COMMISSIONER: Ms Berejiklian, you heard what I said, but I'll remind you that, on 31 August or thereabouts, there was an article in the Parramatta Advertiser in which you were talking about the importance of Badgerys Creek to the New South Wales Government.---(No Audible Reply)

Could you say yes or no, Ms Berejiklian?---I'm sorry?

I'm just trying to remind you of these things.---Oh, I'm sorry. Well, you showed me the article, but, but, but again my interest was beyond just that, that time frame.

Yes, of course.---Yeah, yeah, yeah.

But it was, Badgerys Creek was a critical economic development that the New South Wales Government - - -?---It still is. It still is.

Of course. But it was at the time of these events in 2017.---Of course it was.

Yes.---It's been an ongoing, yeah.

30 And in the week following that speech, which you'd apparently just given in Parramatta – and no doubt on many other occasions – but in that week you had a number of conversations with Mr Maguire in which he explained to you that somebody called William was doing a deal, and if the deal, at Badgerys Creek, that if that deal was effected, you wouldn't have to worry about his financial position. You knew his financial position was that he was in debt to the tune of about \$1.5 million, and on 7 September he tells you that William tells him the deal is done and so hopefully that's about half of it gone. At that stage, 7 September, you said, "I don't need to know about that bit." My question to you is, were you by this stage starting to be concerned that Mr Maguire was talking to you about a deal in which he would make a profit out of a large-scale investment in which the New South Wales, that he would make a profit as a member of parliament out of a large-scale investment in which the New South Wales Government was concerned?--- Commissioner I wouldn't have expressed a concern or registered a concern at that stage, and again I don't have a specific recollection, was because he was always talking big about deals and they always seemed to fall through, so I didn't take it seriously. And I always

assumed that if anything did materialise he was always – ask my colleagues – he was always big talking about deals, they always seemed to fall through. They always seemed quite fanciful to me, and I always assumed that if any of them did happen to materialise that he would have disclosed them at the appropriate time. But I did not have any reason to believe that all this pie-in-the-sky fanciful stuff would actually come to fruition, because it wasn't just to me but to a lot of people he would often talk about these mega deals and whatever else, but they never seemed to come to fruition. So therefore it didn't spark my concern because it was, it was known amongst colleagues and others that he talked big, and whether or not it came to fruition is a matter for this body, but my understanding was he'd always talk about deals and they never seemed to eventuate. So it didn't prick my interest and I also genuinely would have believed that had he had anything materialise and had he owned land or had he done anything, that it was already either registered or would be disclosed at the appropriate time.

MR ROBERTSON: I still don't understand then why you would use a phrase like, "I don't need to know about that bit," are you saying that just because you were busy and you didn't want to know the details. Is that what you're saying?---Potentially, it was, I could have been busy or it could have been a fact that that was his interest, I could have actually thought, here's another, here we go again another pie-in-the-sky fanciful proposition.

And to you be clear, you deny that it was any concern that if you were given more information that might fix you with knowledge that you didn't want to have – you deny it?---No, because if I - - -

Can I just, I just ask you that question.---I'm sorry, yes.

Do you deny that proposition, is that right?---Yes, because if there was anything of concern I would have reported it. If there was anything, if I thought there was any wrongdoing, I would have reported it. But to me, it just seemed like repeated fanciful speculation that may or may not have accounted to anything, and if it did, I would have expected that he would have either or he made or make the appropriate disclosures.

And you weren't seeking to blind yourself from information of the kind that you sought to identify now?---Absolutely not because I had no fear, I've never had any fear to execute my responsibilities in the public interest and can I make that very clear Mr Robertson. I don't care who it is, I don't care what the circumstances are, the public comes first as far as I'm concerned. I don't care if it was Mr Maguire or any other member of parliament, if they were doing the wrong thing and I felt they were doing the wrong thing, I would have made damn sure that I reported it and I want to make that very clear.

I tender Telephone Intercept 1446 and accompanying transcript.

THE COMMISSIONER: It will be Exhibit 327.

**#EXH-327 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION 1446 DATED 7 SEPTEMBER 2017 –  
EXTRACT**

10 MR ROBERTSON: Ms Berejiklian, you're aware – I take it – that there was evidence suggesting that Mr Maguire convened a meeting in the reception area of your office in Parliament House with a parliamentary liaison officer for The Minister for Roads. Are you aware that there was some evidence to the effect in this public inquiry?--I am aware of that, yes.

Do you know whether such a meeting took place?--No, I don't.

20 Are you aware of any attempts taken by Mr Maguire to use either your physical office reception area or anywhere else in your office suites in Parliament House or elsewhere, or the staff in your office, to assist Ms Waterhouse in relation to her land?--Not to my knowledge or my recollection and, Mr Robertson, given there's been some public commentary about this, can I please just provide some context without getting bogged down into too much detail. I don't have line of sight as to who is in one of the three foyers that are part of my office. I don't have line of sight – often there's members of parliament, staff, stakeholders engaging. That is a general meeting place and I wouldn't have line of sight as to who is occupying those spaces at any particular time.

30 Your former chief of staff, Ms Cruickshank, explained to the Commission a few days ago you have something in the nature of an open-door policy with your members of parliament. Is that right?--Yeah, within reason. If members of parliament want to – well, only in relation to sitting days, because all the members of parliament are in Parliament House together. I don't want to give the impression that I have an open-door policy when I'm running the state at other times. But when parliament is sitting, I, I generally have an open-door policy if, if colleagues want to come and discuss anything.

40 And so if there's a particular gap in the diary, it's quite possible that someone can attend on your office in Parliament House, then have an opportunity for something in the nature of a drop-in meeting for a short period of time?--Only if it's a specific drop-in, but if it was a, a, if it was a subject matter which required that to be registered, or for a staff member to be present, that would not have occurred. If it was a general drop-in, sometimes colleagues would introduce friends or members of, or constituents or, or whatever as a general pop-in, or schoolchildren, depending on what it was. But can I stress that it would never, it would not have satisfied that process for someone to come in and try and have a

meeting of any description. It would only be a pop-in that I would, I would not object to.

Now, your government has a policy of making disclosures of scheduled meetings on, I think, a quarterly basis, is that right?---Absolutely.

10 But that process won't cover a kind of general pop-in-type meeting of the kind that you've identified, is that right?---No, it won't. It won't, no. And, and sometimes the pop-ins can be between, you know, a minute and two minutes, yep.

20 And so that document won't allow us to confirm or deny whether a particular member of parliament on a sitting day introduced themselves and said, "I want to speak to you about X, Y, Z, and, by the way, do you want to meet my friend/colleague/school group," et cetera, is that right?---Yeah, but I would have assumed that, if that were the case, I would have called my staff. I would never have, I would never conduct a meeting without the presence of my staff and without a formal schedule, and, and – however, I did allow pop-ins. Sometimes members wanted to introduce me to things or  
20 else matters came up urgently. And I had a general policy, especially given parliament is the one time when all the colleagues are together, and my leadership style is very collegiate, and I was very comfortable with having members. So long as I was not busy doing other things, if a member presented themselves, I would, I would normally accede to their request.

And when you say you would normally, you wouldn't allow a meeting without a member of staff, et cetera, present - - -?---Correct.

30 - - - that doesn't include the kind of general pop-ins of the kind that you're referring to?---No, if it was a general pop-in which was informal and no specific matter of interest was discussed. And under the disclosure requirements, that's not required to be disclosed.

40 To be clear, is it right to say you're not aware of any attempts by Mr Maguire – or at least you weren't before the public inquiry – aware of any attempts by Mr Maguire to use your physical office or the staff in your office to assist Ms Waterhouse in relation to her land in or around Badgerys Creek?---Not to my recollection. But I also, in accordance with the evidence provided by my former chief of staff, it was a meeting place for many colleagues and it would not have been unusual to see members of parliament and staff and others gathering in those places.

When you say "those places", that includes what I might describe as the foyer area or reception area of your offices?---Yeah, there's actually three foyers. There's three foyers, a number of meeting rooms, a large office space, which is separate from where I (not transcribable)

And so that's not unusual, I think you're saying, for people to - - -?  
---There'd be interactions.

- - - speak to each other and have interactions of that kind.---That's correct.

In fact, it's probably not unusual, is it, for people to, as it were, camp out in one of those spaces in the hope of saying hello to you as you were leaving or perhaps coming back?---Potentially.

10 And perhaps an opportunity to do one of the general pop-ins of the kind you've explained.---Potentially. Yeah. Yeah.

But to be clear, you're not aware of the occurrence of the meeting that's been the subject of some evidence before this inquiry?---Not to, not to my recollection, Mr Robertson.

Between Mr Sowter, a parliamentary liaison officer, and Ms Waterhouse. Is that right?---Not to my recollection, apart from what's been on the public record.

20

And is it right to say you don't recall any other steps being taken by Mr Maguire to attempt to encourage your office to take an interest in Ms Waterhouse's concerns?---Not apart from what you've already put to me in the private hearing.

Can we play, please telephone intercept 2909. This is one you haven't heard before.---Ah hmm.

30 **AUDIO RECORDING PLAYED**

**[12.54pm]**

MR ROBERTSON: So does this refresh your recollection that you were aware that Mr Maguire was at least telling you that he was attempting to get your office involved in Ms Waterhouse's issue?---Clearly that's what he says. I didn't have recollection of that but, but clearly that's what he says but, Mr Robertson, I, I'll just remind you that obviously subsequent evidence has demonstrated that the government did not acquiesce to whatever Ms Waterhouse wanted to achieve.

40

Well, we'll come to the detail of that separately.---Yeah.

But does this now at least refresh your memory that Mr Maguire had told you that he was seeking to engage your office to assist Ms Waterhouse with fixing what he described as a big problem?---I have, I have no recollection of that but I, I don't deny that it may not have occurred but I, I don't remember that conversation, no.

Did Mr Maguire ever encourage you to take action in relation to what we might describe as the Waterhouse site?---Not to my recollection but, but as you said in the private hearing, he did tell me that Ms Waterhouse was sending me a letter.

Let's have a look at that letter though. Let's go, please, to Exhibit - - -

THE COMMISSIONER: Do you want to tender that?

10 MR ROBERTSON: I do. Thank you, Commissioner. I tender intercept 2909, 17 – I withdraw that – 18 October, 2017.

THE COMMISSIONER: Exhibit 328.

**#EXH-328 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION 2909 DATED 18 OCTOBER 2018 – EXTRACT**

20

MR ROBERTSON: So we'll go to Exhibit 262, which is volume 16, page 66. And so I think you're referring to the fact that your memory has been refreshed that Mr Maguire indicated that there was an email that would be coming from Ms Waterhouse. Is that right?---You, you brought that to my attention.

30 You remember hearing a telephone intercept where Mr Maguire identified an email as potentially coming from Ms Waterhouse. Is that right?---I remembered when you put it to me, yeah, as in, sorry, it was brought to my attention when you put it to me. I don't recollect it from three years ago (not transcribable) remembered when you put it to me, yeah.

Before I played that recording in the private hearing, you couldn't recall that taking place.---I had no recollection. Correct.

I have now played it.---Correct.

40 And do you now recall that taking place or - - -?---No, only because you brought it to my attention.

I'm now showing you an email from Ms Waterhouse. The "To:" field is redacted but the actual email address that sent is the one that's on the piece of paper that's in the witness box, what I've been describing as one of your direct email addresses.---Yeah.

Do you recall receiving this email?---I don't recall receiving it, no.

And do you know what, if anything, you did with that email?---I actually asked, given it's been the subject of public interest, I actually asked my office to check the IT records and the records of our correspondence team and my office advised me that they could not find any record that I had forwarded any of these emails on or that my office had in any way responded.

10 Now, you said any of these emails. There were two emails, weren't there, that you've now discovered, one was on 15 November, 2017 and another one was an addendum type email of 16 November, 2017. Is that right?  
---Ah hmm.

And I'll just show you that second one. It's page 76 of volume 16, Exhibit 263. Is that the second of the two emails that you were referring to a moment ago with an addendum?---That's what you've, that's what, yeah, you brought that to my attention.

20 But again you don't have a specific recollection of receiving those emails?  
--No, just that you brought it to my attention.

Or indeed taking any action with respect to those?---Ah hmm.

Now, you were asked by the Commission to investigate what might have happened in relation to those two emails. Is that right?---That's correct, yeah.

30 And can we just have the response that was prepared by your chief of staff on the screen. And we'll just go down a couple of pages. So just up a little bit further, there's a response from the chief of staff. And then we'll just go to the next page. And so you asked your chief of staff, Mr Harley, to investigate and provide a response in relation to these emails?  
---Ah hmm. Ah hmm. I did.

And have you seen this response before?---I have, yes.

And so the gravamen of it is that it appears that the first of the emails, 15 November, 2017, appears to have been deleted, is that right?---Ah hmm. That's correct.

40 But the second of the emails appears not to have been deleted and was able to find in your records, is that right?---Ah hmm, ah hmm.

And it's right, isn't it, that of the direct email address that you and I have been discussing, the only one who has access to that email address to delete or forward or anything like that is you, rather than any of your staff, is that right?---Correct.

And I'll just draw your attention to paragraph number 6. Is it right that your government did not make the change that was proposed by Ms Waterhouse in her correspondence in relation to The Northern Road?---That's my understanding, and I believe that was confirmed by the relevant agency as well.

Do you know, do you have a recollection as to whether or not you even read the correspondence from Ms Waterhouse?---My recollection is that I don't think I would have read it.

10

THE COMMISSIONER: Why not?---Oh, because if it was something I didn't feel that I had to be involved with, I wouldn't have read the correspondence.

Mr Maguire told you about Ms Waterhouse's problem, and told you she was going to send you an email, you didn't discourage him from doing so. ---Respectfully so, but I wouldn't have known what the content of the email was. And then when I received it, I can't account, I, I can honestly not account for the fact that I even read the letter, because if I felt it was something another agency was looking after, or something that was already being taken care of, I wouldn't have registered it.

20

But it was plain, I suggest, from what Mr Maguire had told you that it wasn't being dealt with and that's why - - -?---But just because - - -

- - - Ms Waterhouse was going to try and communicate with you.---But just because he said that doesn't mean I act on it.

Well, I'm just trying to understand. You said if you thought it was being dealt with, and what I'm suggesting is it was apparent to you from Mr Maguire's conversation with you that it wasn't being dealt with, and that was why he'd suggested that Ms Waterhouse could communicate with you. ---I, I wouldn't have actually made that, I wouldn't have made that connection, Commissioner.

30

Would you not at the very least have read it to see, again in relation to this important project out of Badgerys Creeks, what it was about?---I, I can't, I can't, I can't guarantee that it, I can't guarantee that, that I would have read it. I had no recollection that I read it. It was very long, and if I didn't feel it was something that I should be involved with, I can't guarantee that I read the letter.

40

But would you not at least have considered whether it should be forwarded to some other of government to see if that area of government could assist? ---Perhaps or perhaps not. If I felt that another area of government was already looking after it, I wouldn't have felt the Premier of the day should drop everything and, and pursue it. I don't know if I did forward it to anybody, but I certainly can't assure you that I read the letter.

MR ROBERTSON: But an email of those kinds, why wouldn't you at least forward it to someone within your office or perhaps within your department to make sure that it's been logged and has been dealt with in the ordinary fashion, as you explained this morning?---Not every email – because it was, it was an irregular way of receiving an email. It was not the regular way that people communicate with the Premier.

10 And that might be all the reason to forward it so that it can be dealt with in the regular way. Would you agree?---Well, if I, or perhaps I'm, I, I, I'm only speculating, but perhaps I thought it shouldn't go any further.

Is it right to say that so far as you're aware, including based on the investigations you've asked your office to undertake, there's actually no record of receipt of the first of the emails in any official records within your office or within your department?---Yeah, although – yes, although, Mr Robertson, I, I have been given the impression that the second email incorporated the first one.

20 Well, the second email incorporates the first one, but I'm - - -?---Yeah, and I, and I suspect that's why. Yeah.

But I'm really asking you a question about proper processes and records and things of that kind.---Right, right, yeah, a proper - - -

I think you would agree that in light of what's happened in relation to the first letter - - -?---Yep. Yeah.

30 - - - that particular email doesn't form any part of the records of the government, at least as you understand it, based on the enquiries that you've asked your chief of staff to engage in.

MR MOSES: I object. I mean, in terms of that email, it's factually not correct, because it's embedded in the one of the 16<sup>th</sup>. So, the Commission knows that.

40 THE COMMISSIONER: I thought Mr Robertson was making a point in relation to it having been logged in the usual channels. But maybe you should clear that up, Mr Robertson.---Oh, Mr - - -

MR ROBERTSON: I should withdraw the question and make it clear. ---Yeah.

So you've drawn attention, as has Mr Moses to the fact that the first email was embedded in the second email, correct?---Yes. That's my understanding. Mmm.

But looking at it really in the abstract in respect of the particular email, true it is that the content of the first email is incorporated in the second one. But it's a matter of record-keeping, it's right, isn't it, that, at least so far as you understand it, based on what you've been told on the investigations that you've asked your chief of staff to do, there's no separate record of the first email being received within government, other than to the extent that it's incorporated into the second email, is that right?---That's my understanding. But can I also add, Mr Robertson, that receiving an email in that way is irregular. So if, for items to be registered and logged and pursued, they would have to come through the proper processes.

But what I'm trying to understand is why wouldn't an email like the first one at least be forwarded so it can be dealt with in accordance with the proper processes that you've just identified?---Well, I'm assuming, I'm assuming that because it may not have been an issue which required the Premier's involvement, that it may not have been forwarded or dealt with.

But you must receive many emails every day in relation to matters that don't require the Premier's involvement.---And - - -

Hence the process that you explained this morning, where there's at least a triage-type process - - -?---Yeah.

- - - where the appropriate person, be it another minister - - -?---Correct.

- - - be it someone in your office, deals with it.---Yep. But unfortunately not just in this instance, but unfortunately, given this email is available to hundreds of people, on occasion people try to use this email to send met things which I don't need to deal with.

And when you receive emails of that kind, do I take it it's not your practice, as a course, to forward it to, say, your personal assistant or anything of that kind?---It actually depends on the nature of the correspondence. Depending on the nature of the correspondence, if I feel that it needs to be forwarded, I will, or otherwise I might ignore it.

Or you might delete it.---Or I might delete it, yep.

THE COMMISSIONER: Mr Robertson, I note the time.

MR ROBERTSON: I do. I still have some way to go, I'm sorry to say.

THE COMMISSIONER: Very well.

MR ROBERTSON: I've been endeavouring to finish promptly. The witness – note, and to be very clear, I'm not saying this by way of any criticism at all, but the witness has wanted to give some detailed explanations in relation to certain questions.

THE COMMISSIONER: Very well.

MR ROBERTSON: To be clear, I'm not criticising that for a second.

THE COMMISSIONER: No, no, I understand.

10 MR ROBERTSON: But I am going to need another hour or so, I think.  
Now, I was hoping to get this witness away by lunchtime so that she can  
deal with her other public duties.

THE COMMISSIONER: I'm afraid we haven't succeeded.

THE WITNESS: I'll try and be more succinct in my responses.

THE COMMISSIONER: We're going to take the luncheon adjournment  
now, Ms Berejiklian.

20 THE WITNESS: Oh, no. Can we keep going?

THE COMMISSIONER: We have staff who - - -

THE WITNESS: Can we keep going? Because I've got matters of state.

THE COMMISSIONER: I'm sorry, Ms Berejiklian. We need to take a  
luncheon break.

THE WITNESS: Oh, okay. Ah hmm.

30 THE COMMISSIONER: We have, at the very least, occupational health  
and safety issues to - - -

THE WITNESS: Right.

THE COMMISSIONER: - - - deal with with staff, who should take a break.

40 MR ROBERTSON: Commissioner, would you be prepared to sit for  
another, say, five minutes or so, just so I can try and finish the particular  
topic that I was on?

THE COMMISSIONER: Yes.

MR ROBERTSON: I appreciate I might be pushing my luck in relation to  
that. I'm in the Commission's hands, but that might at least allow a natural  
break.

THE COMMISSIONER: Yes, Mr Moses?

MR MOSES: In your hands, Commissioner. I was going to suggest whether we have a shorter break, but it's your decision, Commissioner.

THE COMMISSIONER: Well, we'll consider that.

MR MOSES: Thank you. Thank you, Commissioner.

THE COMMISSIONER: We'll just let Mr Robertson finish this point.

10 MR ROBERTSON: I just want to play one recording that has been the subject of some questions and some answers, but which hasn't been played in public yet.---Have I heard this before, Mr Robertson?

You have heard this one before. It's the one that you were drawing attention to a little while ago but that hasn't been played in public yet. I'll do that now. 3767.

**AUDIO RECORDING PLAYED**

**[1.08pm]**

20

MR ROBERTSON: Now, this was the telephone intercept you were referring to before, is that right?---Yes, you, you raised that, you raised it with me previously.

And that's the one that, in effect led to the inquiry and your consideration about the emails that I've shown you earlier today, is that right?---That's correct.

30 Mr Maguire referred to a suggestion of sending the email – in fact, it wasn't on that particular recording, but on a different recording you referred to giving the issue raised “a tickle from the top”.---Yes, I read about that.

Did you give any of those emails a tickle from the top?---Absolutely not. Not to my recollection, I should say. Yep.

I tender telephone intercept 3767, 15 November, 2017.

THE COMMISSIONER: Very well.

40

MR ROBERTSON: Sorry, I tender that telephone intercept.

THE COMMISSIONER: Yes, sorry, Exhibit 329.

**#EXH-329 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 3767 DATED 15 NOVEMBER 2017 - EXTRACT**

MR ROBERTSON: And I've neglected to tender 1199, 1 September, 2017.

THE COMMISSIONER: It will be Exhibit 330.

10 **#EXH-330 – TRANSCRIPT AND AUDIO OF INTERCEPTED  
TELECOMMUNICATION SESSION 1199 DATED 1 SEPTEMBER  
2017 - EXTRACT**

MR ROBERTSON: Is that a convenient time?

THE COMMISSIONER: Yes, well, 30 minutes. We'll just take a 30-minute luncheon break, Ms Berejiklian.---Okay, lovely. Thank you.

20 **LUNCHEON ADJOURNMENT** **[1.11pm]**