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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

Reference: Operation E17/0144

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 14 OCTOBER, 2020

AT 2.00PM

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

<DARYL WILLIAM MAGUIRE, on former affirmation [2.03pm]

THE COMMISSIONER: You continue to be bound by your affirmation, Mr Maguire.---Yes, Commissioner.

MR ROBERTSON: Mr Maguire, in relation to the immigration scheme that you and I were discussing before lunch, I think you referred to Mr Wood expressing concerns to you about the fact that his supposed employee didn't
10 turn up to work. Is that right?---Yes.

Did any of the other business owners who you referred to Ms Wang for participation in the immigration scheme make any contact with you to, in effect, say, "Well, what's going on? I've got someone who hasn't turned up," or anything of that kind?---Not to my best recollection. Peter Wood was the only one that telephoned me directly.

Does that mean that there was someone who made some indirect contact in a sense - - -?---Can I correct that, sorry?
20

Yes.---I telephoned Peter Wood directly and I did make contact with one other, that was Angus McLaren.

And explain to us what happened in relation to Mr McLaren.---We had a conversation about, if I recall correctly, a property that was requiring farm management, which is one of the businesses that Mr McLaren runs, for an owner that lived in America, and I was asked to try and introduce someone to care for the farm. That's my recollection.

30 And are you saying you took the opportunity to speak to him about the immigration matter at that point in time?---Yes. I recall that I asked him how his workers were going. I recall that he had a project on where he was wanting to create a website and marketing into China for rural properties mostly, and that's why he needed bilingual and skilled-type workers.

And did he say anything about those employees, about whether they turned up or anything of that kind?---There was a conversation I recall about it. He generally was happy with the way things were progressing.

40 What do you mean by that? Is that at a time where visa applicants are being granted visas or was it before then when the paperwork was being done?
---No, I think the workers were working for him. That's my best recollection.

What, you think he actually had real live workers working for him?---Well, he told me he did, that's my recollection, and they were working on this internet project to market these rural properties. That's the conversation as I recall it.

THE COMMISSIONER: Did he tell you they were physically present on his property or somehow possibly working remotely?---No. I recall working remotely or something to that effect. I - - -

Like from China?---No. I don't know, Commissioner. I can't recall the exact detail of what he said but offsite, offsite I think would be an appropriate word to use.

10 And did you understand from that that, whoever this worker or workers were, they were not in Wagga?---Temora.

Or Temora?---No, I just took it as being offsite. That's my recollection of the conversation, meaning not in the, in the, the exact real estate office itself. That's my recollection.

MR ROBERTSON: Did Mr McLaren say anything else about the immigration scheme, the employees or anything of that kind?---No.

20 And so both your conversation with Mr Wood and with Mr McLaren, are you saying you initiated the contact or did one or other of them initiate the contact?---No. I, I, I'm very clear that I did ring Mr Wood and I'm clear that I rang Mr McLaren with that inquiry. I'm quite clear about that.

And what gave you cause to make contact with Mr Wood?---Mr Wood was working on a project to import furniture from China, and he and his brother had actually come to see me seeking advice to try and improve their business, which was having challenges. So they came to see me, and Peter always wanted to import chairs, this was the direction that he wanted to
30 take, and that's how it came about to the best of my recollection.

And I think in the end, whilst you might have tried to provide some assistance to Mr Wood, he didn't end up purchasing any chairs or other furniture from China.---No. I did, I did assist Mr Wood the best I could. We're friends of over 30 years, and whilst we visited China his dad passed away, and so I finished the, the job for Mr Wood. I selected the appropriate number of chairs as samples, arranged to send them back. I did all that for him but in the end, after some time, my recollection is that he chose not to go ahead with the project.

40 And so he was in China with you for a period of time to look at potential - - -?---A short - - -

- - - pieces of furniture. Is that right?---A short period of time.

But he left early because he had the issue that he needed to deal with in Australia. Is that right?---I recall him saying when he was leaving that, that

his dad Fred was very ill and he perhaps shouldn't have been going but the, the, the trip had already been booked I, I recall so - - -

And at the China end of that particular trip who was facilitating that, was that Mr Tse?---Gordon Tse, yes.

And I take it that if a deal was done with respect to that, it would be put through the Golden Sample company of Mr Tse. Is that right?---Golden Sample I would suggest, yes.

10

And G8way International would get some portion of that fee?---No.

No.---No. There was no discussion, to my best recollection, of anything happening with Mr Wood.

But at least in relation to the RSL purchasing of crockery and things of that kind, part of Mr Tse's fee found its way to G8way International. Is that right?---I understand, yes, that that was arranged by Mr Elliott. I had very little to do with it.

20

Why would it be any different in relation to Mr Wood? If a similar arrangement was made through Mr Tse, why wouldn't there be a partial commission back to G8way International?---I was just doing this as a personal favour to a friend to try and help him and his brother, who I've been friends with for over 30 years. They were facing a difficult period in their business and I tried to help him.

In relation to the businesses that you put forward to Ms Wang for the immigration scheme, how did you select the particular businesses?

30

Mr Wood by the sounds of it was a friend so - - -?---But, yes, but, but the issue in, with Peter Wood was to find someone that was bilingual that could improve his website and his marketing and also help facilitate the import of chairs if the, the project went ahead. So all of those things together made me think that someone with those skills could help Peter Wood and his brother.

But in terms of the businesses you selected as people you should introduce to Ms Wang - - -?---Yes.

40

- - - are these all people who were friends or colleagues or associates, how did you - presumably you just didn't pick up the phone book or equivalent and identify random businesses, there was some pre-existing - - -?---Yes.

- - - relationship that you had with each of them. Is that right?---Wagga's a very small city, so therefore you know a lot of people, but most of those people that were introduced were wanting to trade with Asia Pacific and, and they either had product they wanted to sell, such as olive oils, wines, products that we produce, and they wanted to make contact with markets in

Asia Pacific. So having someone to my way of thinking that was bilingual, that could read, write, communicate, would be of an assistance.

And that was part of the sell, as it were, when you were speaking to these businesses as potential businesses who might be interested in being involved in the immigration scheme. Is that right?---I thought it logical. I thought it logical, yes.

10 Albeit as you accepted before lunch, you realised from an early point in time that there was a very serious risk that this was a scam. Is that right?
---Yes.

But you spoke about Mr Wood and Mr McLaren. Did either of them, or any of the other businesses you put forward, ring you up and say something like, “Well, why am I getting this large amount of cash? If this is all above board, why am I getting Ms Wang turning up to me and saying, ‘Here’s a whole lot of cash to pay your fees’?” or something along those lines?---Not that I recall. The only two conversations that I initiated I’m quite sure were Peter Wood and Angus McLaren. I don’t recall someone saying to me that.
20

Well, did Mr McLaren say something to you like, “I’ve received this cash, what’s going on here?”---I don’t recall that.

Do you deny that during your conversation with Mr McLaren you said words to the following effect, “I don’t want to know about it,” and then sought to change the subject?---I don’t recall that part of the conversation.

30 It’s consistent, though, with the way you were dealing with the immigration scheme, wasn’t it, in that you knew, as you accepted this morning, that there was a serious risk that the immigration scheme was a scam, but you decided to proceed anyway. Correct?---Yes.

Did you provide some assurance to Mr McLaren or anyone else to say in effect, “No, no, don’t worry about it, it’s not a scam, please proceed”?
---No, I, I don’t think the conversation evolved in that, in that way.

40 Would you deny saying to any of these business owners in effect, “I don’t want to hear about it, don’t tell me about it, deal with it yourself,” as it were?---Well, I don’t recall having that particular conversation, that - - -

With Mr McLaren or with anyone else?---Mr McLaren was happy.

Was one of the businesses that you introduced to Ms Wang for immigration services, the business of Mr Joe Alha?---My recollection would be that she would have met Joe thorough some function or – so it would be an introduction by the fact that two people were in or 10 people were in a room, I think.

But did you suggest to Maggie that Joe is someone who she might want to speak to?---No, I don't recall that I did.

Did you say to Joe that Joe might want to speak to Maggie?---No, I don't recall that I did.

But you do recall having similar kinds of conversations, direct introductions in relation to at least some of the businesses. Is that right?---Yes, some.

10 Mr Wood for example?---Yes, correct.

Now, in 2016 you accepted a position as the honorary chairperson of an organisation called the Shenzhen Asia Pacific Commercial Development Association. Is that right?---Yes.

And I think that organisation had a few names in its life, including the Shenzhen Council for the Promotion of Asia Pacific Commerce and Trade? ---Yes.

20 And also Shenzhen Asia Pacific Commerce Council?---Yes. There was a lot of discussion about appropriate name for that organisation, yes.

And I think that particular position you declared on one of your parliamentary returns, is that right?---Yes, yes.

Do you agree that you used your role as the chair of the New South Wales Parliament Asia Pacific Friendship Group in order to assist that organisation, which I'll just call the Shenzhen organisation?---Yes. Yes.

30 Now, the Shenzhen organisation was an organisation associated with commerce, is that right?---Yes.

Its principal objective was to assist Shenzhen businesspeople in investing in the South Pacific region, is that right?---And, and the South Pacific region having opportunities with Shenzhen and China, yes, that's correct.

So going back to the networking-type situation you were talking about before, networking between Shenzhen businesspeople and the countries in the South Pacific region, is that right?---Yes. Yes.

40

Can we go, please, to Exhibit 122, volume 18, page 59. I'm going to show you some minutes of a meeting that appears to have set up this organisation.---Yes.

That's obviously the Chinese version. If we can go through to page 59, using the numbers in the bottom right-hand corner. And if you just have a look towards the bottom, underneath heading number 4, and I'll just read it

out for you and for the benefit of those following along, given that they can't see the document on the screen.---Ah hmm.

10 “New South Wales Parliament Asia Pacific Friendship Group SAPCDA,” which I interpolate to say the Shenzhen organisation, “will be able to connect with the South Pacific island countries and develop extensive business cooperation in areas such as tourism, marine resources, agricultural resources, mineral resources and real estate. As the chairman of the New South Wales Parliament Asia Pacific Friendship Group and honorary chairman of SAPCDA, I will help expedite the work of SAPCDA by reasonably using the long-term network I have, filled with government officials such as the consuls general and commercial councillors. However, I'd like to reiterate here that the government agency will not involve directly in non-business government events, so what the government can do is to introduce state-level trade associations or industrial associations to connect with SAPCDA and to share resources for providing data on economy, trade, resources and tourism.” See that there?---Yes, I see that.

20 Is that a fair summary of something that you said during the course of the meeting setting up the Shenzhen organisation?---Yes.

Did you have the authorisation of the New South Wales Parliament Asia Pacific Friendship Group to, as it were, offer the assistance of that friendship group to SAPCDA?---On reflection, no.

Well, when you say, “On reflection, no,” it just means “no”, doesn't it? ---Yes, no.

30 You didn't discuss it at any meeting of the executive of the Asia Pacific Friendship Group, correct?---My recollection is I discussed it with one or two members of the executive at some point, and I've been reflecting on that. I did discuss it, I'm sure, the prospect, along with the consul generals of all of those nations that you've talked about.

But this was an organisation, the Shenzhen organisation was an organisation principally concerned with commerce, correct?---Yes, correct.

40 And you accepted this morning that the policy for parliamentary friendship groups, of which you were aware as at the time that you were the chair, said that such an organisation, a friendship organisation, should not be involved in commercial activities.---Correct.

So by offering the assistance of the parliamentary friendship group, you would accept, I take it, that you were acting in breach of that policy.---Yes.

I take it there was no formal resolution, or anything of that kind, authorising you to say the kinds of things that you said to the SAPCDA organisation at the first meeting?---No, no.

And is it right that you didn't report back to the Asia Pacific Friendship Group to say, "These are all the things that I've been doing with my Asia Pacific Friendship Group hat on for the benefit of the Shenzhen organisation"?---Um - - -

You didn't put in a report or do anything like that that said, "Here are all the things I'm doing to benefit Shenzhen businesspeople"?---I can't be clear about that. I can't be clear whether I did or I didn't.

10

Well, didn't you deliberately not put forward a report of that kind because you wouldn't want in writing the fact that you were seeking to get the benefit of your role as chair of the parliamentary friendship group in an area that a friendship group is not able to participate in, namely in matters of commerce?---I can't recall if I reported that in a verbal form to an executive meeting. I, I don't recall that I reported it in writing.

Because there was an obligation under the friendship group policy to provide yearly reports to the presiding officers. Is that right?---Yes.

20

And as chair, it was your ultimate responsibility to make sure that such a report was prepared. Is that right?---Yes, along with the secretary, correct.

And the secretary at the relevant time was Mr Coure. Is that right?---Yes.

And would you agree that there was nothing put in the reports, those annual reports, suggesting that the assistance or benefit of the Parliamentary Friendship Group for the Asia Pacific Region was being provided to assist the Shenzhen organisation?---I can't recall the reports of those years.

30

But didn't you deliberately not report in relation to the Shenzhen business organisation because you knew that what you were doing in the context of that organisation was something that was not permitted under the policy? ---Can you repeat that again, please.

You're saying you don't recall whether the Shenzhen business organisation was referred to in the annual reports of the parliamentary friendship group. Is that right?---Correct. Yes.

40

And what I'm suggesting to you is that you would have decided not to report that matter because to report that matter would be to disclose that you were using your role as parliamentary friendship group chair in a way that was not permissible, in other words using it in order to assist matters of commerce?---Well, I can't be sure that I did report it or didn't. I - - -

And you're saying sitting there now you don't have a specific recollection for example of deciding not to report it - - -?---No.

- - - because it might suggest that you were using your role as chair of the Asia Pacific Friendship Group in a way that as not authorised. Is that right?---No. I can't recall that. No. No.

But you do agree that the way in which you offered the services of the friendship group as we saw in the minutes of meeting was contrary to the policy. Correct?---Yes.

10 And you knew it was contrary to the policy at the time. Is that right?---Yes.

Do you agree that at least one aspect of your relationship with the Shenzhen organisation was directed at you personally making some profits?---For charity, yes.

No, for you personally.---No, not necessarily so.

20 Well, you say not necessarily so. At least one of the things that you had hoped to achieve through your relationship with the Shenzhen organisation was the possibility of you or perhaps G8way International making some profits. Would you agree?---Can you please repeat that.

At least one reason that you were involved in the Shenzhen organisation, what I'll call SAPCDA because it's got many different words.---Yes. It's an awful name for a business, yeah.

It's an awful acronym. Was to attempt to be involved in projects in the South Pacific region, investments or development activities that might ultimately lead to profits for you or for G8way International?---Yes.

30 And do you agree that you wouldn't have done everything you did in relation to the Shenzhen organisation, we'll go through some of the detail later, but you wouldn't have done what you ultimately did but for that profit motivation? That as essential to why you were involved in that matter. ---No. The driving reason for being involved was to help create a philanthropic fund for the islands, particularly the Solomon Islands, which I'd visited before and I felt really strongly about. That was the, the driving reason for assisting.

40 You're accepting that at least one reason for assisting was with a view to making some personal profits. Is that right?---Possibly.

Well, that was one of the reasons, that profits might be possible, but one of the reasons was a view to obtaining profits of that nature. Is that right? ---Yes.

Now, on two occasions you attended what might be referred to as delegations to the South Pacific region with the Shenzhen organisation. Is that right?---Yes. Correct.

There was a trip in April of 2017 to Fiji, Samoa, Tonga and Vanuatu.
Correct?---Yes.

And there was a second one in February of 2018 to the Solomon Islands and
Papua New Guinea.---Yes.

10 You played an integral role in setting up the itinerary and meetings et cetera
in relation to those two trips. Is that right?---Yes. My recollection is that
the itinerary, I can't recall who actually put the itinerary together, perhaps
one of my staff assisted Ms Wang.

And so, so Ms Wang was the secretary of the Shenzhen organisation. Is that
right?---Yes.

And she did a lot of the running around in relation to the organisation.
---Yes.

20 She acted as an intermediary between you and Mr Ho Yuen Li. Is that
right?---Interpreter, yes.

Certainly interpreting at least in part when you're in the same physical
location. Correct?---Yes.

And she would ferry messages between you and Mr Ho Yuen Li and vice
versa?---Yes.

30 She might, for example, say, "Mr Li is interested in XYZ, can you take care
of a particular thing" or "Can we go and see a particular person in one of the
South Pacific countries." Is that right?---I don't think it was specific like
that, but oh, yes, yes, in, in, in some of the itinerary there was a, I think an
interest in meeting, in meeting some people, I can't recall who they were,
but there was some interest, yes, that's correct.

But you're at least agreeing that Ms Wang was the way in which you
communicated with Mr Li - - -?---Yes.

- - - because he doesn't speak very much English - - -?---Correct.

40 - - - and you speak a little, but not a lot of Mandarin.---Very poor Mandarin.
Enough to get me into trouble.

Now, in relation to, if we focussed on the first trip, the April, 2017, so 7
April, 2017 to 16 April, 2017 is my note, do you agree that the staff in your
office made a number of arrangements in relation to that particular trip?
---Yes.

Do you agree that in your capacity as chair of the Asia Pacific Friendship Group you used the networks available to you as chair of that friendship group in order to set up various meetings for the benefit of the - - -?---Yes.

- - - Shenzhen organisation?---Yes.

For example, you made use of the networks with consuls of the particular countries. Is that right?---Yes.

10 Set up meetings both with commercial people but also with government people as well?---Yes, correct.

Did you disclose to any of those people that you were hoping that in the event that some successful investments were made for the Shenzhen businesspeople that you might stand to make some money?---No, but I did disclose the thrust of what I was trying to achieve, which was creation of a philanthropic fund from investments, but no, I didn't disclose a personal interest.

20 Because that was not the whole of the thrust of what you were seeking to achieve, you might have been seeking to do that as well, but at least part of the thrust of what you were seeking to achieve was the potential for some profits for you or for G8way International. Is that right?---Well, certainly to have a look, but the overwhelming thrust was to create that fund.

Well, that wasn't the overwhelming thrust, at least according to Mr Li. Would you agree? Mr Li was of the view that the organisation should be focussed on commercial profits rather than on philanthropic activities. Do you agree?---That is, that is correct. He had a strong view.

30 And that's in point of fact what the focus of the organisation was. Do you agree?---Yes.

And hopefully in the context of that, there might be some profits for you and perhaps Ms Wang along the way. Do you agree?---Well, yes.

Now, in relation to the first trip, the April 2017 trip, who paid for the expenses associated with that trip, so who paid for the flights and the like? ---Mr Li. Mr Li eventually I think through refund or something.

40 And what about accommodation and things of that kind?---Mr Li I think.

So is it right that Mr Li paid for all the expenses associated with that trip? ---Eventually through refunds I believe.

Well, is it right that at the airport on the way home from that particular trip, Mr Li provided you with an envelope containing something like three and a half thousand dollars?---My recollection is that it was going, not coming.

And that was in the nature of a, something in the nature of an allowance, in the nature of a - - -?---Expenses.

Expenses, something along those lines, is that right?---Mmm, yes.

And so that wasn't to pay for everything, that wasn't to pay for flights and accommodation, et cetera. That was basically to pay for daily living expenses, is that right?---Yes, I think so.

10

And so the total contribution in relation to that particular trip wasn't just \$3,500 from Mr Li, is that right?---Yes.

Because he was paying you the \$3,500 by way of, basically, a daily allowance.---Yes, yeah.

But on top of that he paid for flights and accommodation and things of that kind.---That's my recollection, yes.

20

Did you disclose, as part of your obligations to disclose for contributions to travel, those contributions that were made by Mr Li?---There was an issue about that because we chose to put the two trips together and make one disclosure. But in the meantime, the events had happened here, so I asked my staff to make inquiries with the parliament about how we should treat those allowances, et cetera, and travel on our return, what we should do.

And what was the advice that came back in relation to that?---I recall the advice was you can choose to declare or not to declare a number of members. Once they're not a member of parliament, haven't. They left the decision to me.

30

The first trip was in April of 2017, correct.---Yes.

So why didn't you disclose that at some earlier time, noting that you were here on 13 July, 2018, over a year later?---Yeah, I, I can't explain.

Well, you accept that you should have disclosed those matters.---Under the rules, yes, I accept that.

40

THE COMMISSIONER: And by then the second trip had happened. The second trip was the one to Papua New Guinea and the Solomon Islands, wasn't it?---The second was, I think, Commissioner, in February. And then the requirement for the pecuniary interest and returns is normally done six-monthly, and the next one would have been due for 30 June if my recollection is right. So twice a year we were required, under the parliamentary returns, declarations.

But even by 30 June you hadn't done it?---You've got time to actually put them in, Commissioner. It's not necessarily it has to be there on 30 June, because quite often you've got to reconcile. My staff would have kept records and that's how we came across it, because they asked the question, "What do you want to do with this?" I said, "Get advice." That's my recollection.

MR ROBERTSON: But you're not suggesting there was any justification for not disclosing the contributions to the April 2017 trip, are you?---No.

10

There was one aspect of the Shenzhen organisation's interest or association with that organisation, the Shenzhen organisation, a concern about the difficulty of Chinese businesses being able to invest in South Pacific countries without having appropriate diplomatic ties.---Yes, that was one concern, if I recall rightly.

20

And so is it fair to say that one of the things that you offered to the group, to the Shenzhen group, was the benefit of your diplomatic ties or consular ties that you had in your capacity as chair of the Asia Pacific Friendship Group, with a view to assist the Shenzhen businesspeople being able to invest in the Asia Pacific region?---Not initially. I, I, I don't think that was the thrust of the visit either.

Well, whether or not it was the thrust of it, it was at least an aspect of what you were able to offer to the Shenzhen organisation, is that right?---It could have been, yes.

30

And that was to advance, I take it, at least in part, the commercial business interests of the Shenzhen businesspeople, is that right?---And the islanders, yes.

So in effect, is it right to say that you were using the diplomatic and consular weight of your office, or at least the context of your office as chair of parliamentary friendship group, to assist commerce in relation to the Shenzhen businesspeople, is that right?---Possible commerce, yes.

40

So diplomatic ties or diplomatic facilities available to your office, in effect, to advance private business interests in China. Is that a fair characterisation of at least part of what you were doing?---Yes.

With the ultimate hope, if possible, to get some personal profits for you, is that right?---Wasn't the primary motive, but it's a possibility, yes.

You agree, don't you, at least with the benefit of hindsight that was quite wrong to do that?---Yes.

Because in effect you're using an office that you have as chair of the parliamentary friendship group to benefit yourself and to benefit private business interests of certain Chinese business people. Is that right?---Yes.

10 And you'd have to agree, wouldn't you, that at least the extent of the work that you did in relation to the Shenzhen businessmen and women, you wouldn't have done that work unless you thought that there was a possibility of some money at the end of the day? This idea that it's all coloured by general concerns about charitable works and things of that sort, that's just not right is it? You wouldn't have been engaging in the level of work that you did in connection with the Shenzhen organisation unless you thought that there was a realistic prospect of money for you or perhaps G8way International at the end of the day. Do you agree?---I couldn't, I couldn't agree that that was the entire thrust of, of - - -

I'm not suggesting it's the sole motivation.---No.

But what I'm suggesting to you - - -?---But I'll agree. Yes, I agree.

20 What I'm suggesting to you is that you wouldn't have done what you did in relation to the Shenzhen organisation unless you had that personal profit motive at the end of the day.---Um - - -

You might have also used it for the purpose of doing good works but you wouldn't have engaged in that level of effort without at least the possibility or without the hope of profits for you at the end of the day. Do you agree? ---Can you repeat that question.

30 What I'm suggesting to you is that you wouldn't have done what you did in relation to the Shenzhen group but for your personal profit motive.---I - - -

If the only possible benefit that could have come out of your work was charitable works and being good to people in the South Pacific region or whatever, you wouldn't have done what you did. It was the impetus or - - - ?---I would have to disagree. I would have to disagree.

40 So you accept that at least one of the reasons you engaged in what you did in relation to the Shenzhen organisation was the hope of personal profits. Correct?---Yes.

But, what, you say you would have done everything the same, you would have done everything that you did in relation to that organisation even if there was zero prospect at all of personal profits?---Yes.

I'm going to play you a recording on this topic, and before I do, just to give some context, one of the matters that Mr Li was potentially interested in was acquiring one of the casino licences in Samoa. Is that right?---Yes. I recall that.

And that would have been associated with a development including a resort and things of that kind. Is that right?---That was discussed, yes.

And you saw that as a possibility as a profit making venture for G8way International. Do you agree?---Yes, and for Mr Li, yes.

And certainly Mr Li as the investor.---Yes.

10 And so you took steps with Mr Li with a view to getting that project off the ground as it were, getting him to invest.---Exploring I think is the word.

Exploring it, setting up meetings, doing things of that kind.---Mmm, exploring it, yes.

And at least at one point you thought that there was a very realistic prospect that Mr Li would be investing in that casino licence. Do you agree?---Yes, that's correct.

20 And you were quite happy about that in part because you thought some profits might flow through to you and/or to G8way International. Do you agree?---If I recall rightly some management opportunities for Mr Elliott in particular. If I recall.

And that's money that would accrue to G8way International. Is that right?
---Um - - -

30 At least some of that money would accrue to G8way International.---Well, I, I thought it was more a personal thing because you needed someone that, that could operate a, you know, gaming licence. I think that was the issue, if I recall rightly, and my recollection is that I think Mr Elliott had one. I think that was the context of discussion.

But part of the context was that, if this deal got over the line, that there would be some money in the tin for G8way International. Is that right?---I, well, I don't know that G8way was ever considered by Mr Li or anyone else in that matter but I'm sure the driving concern was the licensing and the operation of such a venue if it did happen. That's my recollection.

40 And are you agreeing, though, that an aspect of that was that if it was successful, some profits might accrue to you?---Well, yes.

And so I'll just play you this recording to get some context around this. 4476, it's Exhibit number 124.

AUDIO RECORDING PLAYED

[2.40pm]

MR ROBERTSON: So during that call Mr Elliott is talking about "Getting a bit of cash flow into the tin." Did you hear that?---Yes, mmm.

And so at least Mr Elliott seems to think that in the event that the casino project comes off, there will be some cash flow at least into his tin.---Yes.

But at least as you understood it, was the idea that some profits would be shared by you and by Mr Elliott?---Yes.

10

Now, would that be through G8way International or would that be just something that you and Mr Maguire, sorry, you and Mr Elliott would share? ---I'm not clear about that.

Well, you at least were hoping that in the event that the Samoa casino project proceeded that there would be some profits for you and Mr Elliott. Is that right?---Mmm, yes.

20

But whether that was through G8way International or just dealt with separately was not, it didn't get so far as to come towards you in relation to that.---No, it was just conversation.

And in relation to that particular project, you provided assistance to Mr Li with a view to trying to progress that potential investment. Is that right? ---Oh, yes, yes.

That included setting up meetings through your consular contacts. Is that right?---Yes, correct.

30

And so I think there was a meeting with the consulate in New South Wales for example, the Samoan Consulate with New South Wales?---Correct.

I think there was discussion about meetings with Prime Ministers and things of that kind as well.---Yes.

Do you remember whether there was ultimately a meeting with the Prime Minister of Samoa?---I don't think so. I don't recall.

40

But in any event, at least in relation to this you would accept, wouldn't you, that you're taking steps with your New South Wales Parliament Asia Pacific Friendship Group hat on, with a view to you making some money for you and Mr Elliott.---Yes.

Would you agree?---Mmm.

And so this doesn't fall within the other category of what you said before where, look, I'm trying to help charity, and things like that. This is an example where it's a pure profit motive. Is that right?---Yes, mmm.

Otherwise why would you be doing these sort of activities associated with the particular commercial activity. You'd agree with that as an analysis, would you?---(No Audible Reply)

10 Well, at very least, you agree that it was a profit motive that led you to, for example, set up the meetings with Mr Li with the Consulate of Samoa to discuss the Samoa casino project?---I can't be clear whether that was the only discussion that was had with the Samoan Consul General. I can't be clear about if, if that was actually even discussed with the consul general.

Well, do you at least accept that you took steps with a view to assisting Mr Li in investing in a casino in Samoa for profit motives for yourself, and perhaps Mr Elliott as well?---Yes.

20 There's no secondary motive of charitable works or anything of that kind, the reason it was done was for an attempt to make a profit. Is that right? ---No, the meeting with the, to my best recollection, with the consul general was actually about the visit, if I recall. I don't think it was after the visit, I think it was pre the visit, to my best recollection.

You mean pre the visit in April of 2017?---Yes. My recollection is that Mr Li met with most of, well, all of the consul generals – if my recollection is right – all of the consul generals before we embarked on the, the visits to get a gauge of how the consul generals felt about it. That's, that's my recollection.

30 So are you referring to the fact that you made arrangements for Mr Li to meet the various consuls, or consuls general, of the South Pacific countries in advance of the particular trips?---Correct, yes.

And I think some minutes of meeting were taken in relation to those particular meetings, is that right?---Yes, correct.

40 In fact, I think they were set up as lunches, but there were still minutes of meeting formally taken, is that right?---I can't recall the minutes, but, but I know they were luncheons. And if my recollection is right, most of the consul generals over a period of time attended, except one. I can't recall which one it was.

I'll just take you to the minutes so that we can ensure that you and I are talking about the same thing. I think we are, but I'll just check. Go, please, in volume 18. Pardon me, Commissioner. I'm just getting the reference up.

THE COMMISSIONER: Are you okay?

THE WITNESS: Yes, I'm okay, thank you. Just my back. It's killing me.

MR ROBERTSON: Go to page 291, please, of volume 18. Now, is this consistent with your recollection, that you set up two meetings with consuls, or consuls general, of South Pacific regions, and that they occurred in May of 2017?---Yes.

And so that's between the two trips, isn't it? You had the April 2017 trip to Fiji, Samoa, Tonga and Vanuatu, and you had the subsequent trip in February of 2018, is that right?---Yes.

10 And is that the particular meeting or lunch that you were referring to a minute ago?---By my best recollection, yes.

But do you agree that following the meetings, the reference to which we can see on the page, which is also Exhibit 212, you made arrangements for Mr Li to meet the Samoan Consul?---Please repeat that.

20 Do you agree that after the South Pacific trip that happened in April of 2017, and indeed after the meetings that we saw on the screen – on 3 May, 2017 and 17 May, 2017 – you made arrangements for Mr Li to meet with the Samoan Consul?---I don't recall that.

I might try and help you this way.---Thank you.

If we can play intercept 4458, 7 December, 2017, and we'll play the extract.

AUDIO RECORDING PLAYED

[2.49pm]

30 MR ROBERTSON: So does that help refresh your memory about what was going on at that point in time, noting that was 7 December, 2017?---Yes, it refreshes my memory.

And so is it right that one of the things that you did was made arrangements for Mr Li to meet with the Samoan Consul?---Well, I can't recall it. I can't recall it. I see it written there but I just can't recall it happening, so.

40 And one of the other things that we heard on that call was arrangements that you were then making for the forthcoming trip in February of 2018.---Yes, correct.

Including you were offering, I think, to set up meetings with the Prime Minister and Deputy Prime Minister of Papua New Guinea.---Yes, with (not transcribable) yes.

And to do that you were using your networks as Asia Pacific Friendship Group chair. Is that right?---Yes. Correct.

But to benefit the commercial interests of Mr Li, correct?---Yes.

And potentially to benefit your commercial interests in the event that you share in any projects that Mr Li ultimately invests in in the South Pacific region, is that right.---Well, yes.

I mean, you're not suggesting that those activities, setting up meetings with the Prime Minister and Deputy Prime Minister of PNG, had any proper association with your role as chair of the New South Wales Parliament Asia Pacific Friendship Group, do you?---No.

In particular, it breaches the requirement or breaches the limitation on using friendship groups for commercial activities, correct?---Yes.

You weren't, for example, trying to set up meetings with PNG officials in relation to charitable objects or things of that kind? It was about the commercial interests of Mr Li and the Shenzhen businessmen, is that right? ---If my recollection is right, the original MOUs that were signed by the consul generals recorded the issue about a prospective philanthropic fund, if I recall rightly.

Was such a philanthropic fund ever established?---No, the whole project didn't go ahead, to the best of my recollection.

So in relation to any of the activities of what I've been calling the Shenzhen group, did that lead to any philanthropic fund being established?---No fund and no projects, as far as I'm aware.

And is part of the reason for that that Mr Li, as you understood it, wanted to get some projects over the line first before he was prepared to consider what we might call charitable works?---That was a consideration, yes.

Is another aspect of what you did as chair of the New South Wales Parliament Asia Pacific Friendship Group an attempt to leverage that position with a view to making profits between you and Ms Wang?---I can't think of anything specific that we talked about.

Well, what about in relation to the oil project that you and I discussed this morning?---Oh, yes.

Did you seek to leverage that position as chair of the friendship group with a view to obtaining profits for you and Ms Wang in relation to the oil project?---Yes.

I take it you didn't have the approval of the friendship group to take that course?---No.

And I take it you didn't report back to the friendship group in relation to that matter?---No.

I'm just going to play you a recording. It's 8490. It's Exhibit 214. I'm just going to play that and ask you a couple of questions about it.

AUDIO RECORDING PLAYED

[2.55pm]

10

MR ROBERTSON: Now, Mr Maguire, towards the start of that call you said the following word, "We're," which was a reference to the New South Wales Parliament Asia Pacific Friendship Group, "We're normally the first port of call for a lot of inquiries with regards to just about everything from the Asia Pacific countries."---Yes.

And that was false, wasn't it?---No.

20

Well, it's not the case, is it, that the Asia Pacific Friendship Group is some kind of hot desk as it were for business opportunities coming from Asia Pacific countries. Correct?---I would have to disagree with you. The, the number of delegations that the parliament receives, either from government to government or delegations that aren't received officially are still referred to a particular friendship group, the Asia Pacific was probably the biggest, and sometimes the busiest, with delegations, sometimes three and four a day. There are particular times of year that delegations tend to swamp the place and they all sit down and usually request some direction, some connection of some description.

30

But you're trying to create the impression to Mr Roberts, aren't you, that your friendship group is something in the nature of a hot desk or a referral scheme in relation to business inquiries in relation to Asia Pacific countries. Do you agree?---Well, I think I said, "First point of contact."

Well, do you agree that the quote that I read out was an overstatement of the role of the Asia Pacific Friendship Group within the parliament or within the government in the broader sense of the word?---Yes.

40

But one way or the other, would you agree that this was an example of you seeking to use your position as chair of the Asia Pacific Friendship Group in a way aimed at obtaining a personal profit for you?---Yes, yes.

And there was a reference in the call to someone who does the translation et cetera. Was that a reference to Ms Wang?---Yes, that would be.

You also referred towards the end to material being sent to your private email rather than to your electorate office. Why did you ask Mr Roberts to

send that material to your private email?---I can't recall why, but sometimes I do.

Well, wasn't it because you were really acting in your personal capacity rather than playing any public function and you wanted to keep it away from any of your parliamentary-related email addresses?---Yes.

Now, this particular project you had an understanding with Ms Wang that in the event that it came off you would share the profits with Ms Wang. Is that
10 right?---Yes, that's right.

And I think you might have agreed that, or at least had an understanding with her, that you would do that on a half-half basis?---Yes, we, we did discuss that.

And other than the oil project and the immigration scheme that you and I have already discussed, were there any other joint matters of business that you were engaged in with Ms Wang?---Actually I can't recall immediately.

20 Any in relation to attempted property deals?---There were some referred to Ms Wang over time I recall.

THE COMMISSIONER: Are you starting a new topic, Mr Robertson?

MR ROBERTSON: Yes.

THE COMMISSIONER: We might just take a five-minute adjournment.

MR ROBERTSON: May it please the Commission.
30

SHORT ADJOURNMENT

[3.05pm]

THE COMMISSIONER: You continue to be bound by your affirmation, Mr Maguire.---Yes, Commissioner.

MR ROBERTSON: Commissioner, during the course of the adjournment, my learned friend Mr Pararajasingham spoke to me about Mr Li, and in
40 particular whether Mr Li can be released from his summons. In my submission, I'm content for him to be released. That's subject to what I said this morning about the possibility of conflicts in terms of the factual matters. But as presently advised, I don't propose to recall him, and in the face of that and what my learned friend has said, I'm content for him to be released immediately from the summons.

THE COMMISSIONER: Yes, very well. Then I release Mr Ho Yuen Li from his obligation under his summons to attend the public inquiry, Mr Pararajasingham.

MR PARARAJASINGHAM: Thank you, Commissioner.

MR ROBERTSON: May it please the Commission. Mr Maguire, just before the adjournment, we started talking about other business interests in relation to you and Ms Wang, and I think you were trying to recall other
10 business interests in addition to what I've described as the oil project.---Ah
hmm.

And also other than the immigration scheme that you and I have discussed this morning - - -?---Yes.

- - - do you recall any other joint business activities with Ms Wang?---Not specifically. I don't recall anything specifically, but I'm sure there were things that we looked at.

20 Do you have a recollection of anything to do with a property in Gladesville -
- -?---Yes.

- - - back in 2014?---Yes.

And so was that a project that you and Ms Wang sought to broker a property deal with respect to?---It was one that was introduced to us, by my recollection, by Joandarc Realty, Joandarc. That's my recollection.

30 So are you saying your recollection is that it was introduced to you by
Joandarc rather than the other way around, as it were?---Yes, it wasn't introduced by Ms Wang, I think. I think it was Joandarc Realty, if my recollection is right.

And so Joandarc Realty was the agent of the Australian entity, is that right?
---Yes.

As in the one wanting either a purchaser or an investor in Australia. Is that right?---Yes. Or overseas, if my recollection is right.

40 But the particular, obviously the particular piece of land was in Gladesville.
---Yes.

And Joandarc was representing the owner of that land, is that right?---Yes. It was complicated, but that is right.

And is it right that you and Ms Wang looked to procure a potential investor in relation to that site?---Yes. Yes.

THE COMMISSIONER: How did it come about that Ms Darc identified you and/or Ms Wang?---Oh, I, I'd met Ms Darc at a function or somewhere. There were, there were two people in the business. Joandarc was one, I recall she was the principal, and another gentleman called Didier. I don't know, whether that was his first name or last, I can't recall, Commissioner. But perhaps at a function I met, I met them. You know, we network. Politicians network. That's our lifeblood.

10 Yes, but people don't normally contact politicians if they want a purchaser or an investor for a property overseas.---I think it was just raised in general discussion, Commissioner. I can't recall exactly how it was brought to me, but it – I can't recall exactly how it was brought to me but in, in discussion, those things are sometimes raised.

With politicians?---Well - - -

20 Acting as intermediaries in a purchase or investment of land in Australia?
---Commissioner, all I can say is that things were raised with me. I, I can't speak for other politicians. Perhaps they are. I don't know.

MR ROBERTSON: To help you on this topic, can we go, please, to page 28 of volume 23. Start with item number 60. This is from your telephone to Ms Wang. "Maggie, contact Joan. The Tennyson Road deal is now available. Hurry and call her." Do you see that there?---Yes.

Now, does that assist in your recollection as to how this came about. We're at 18 November, 2013.---Mmm.

30 And you are then asking Maggie to contact the person you describe as Joan.---Yes.

That's a reference to Joandarc, is that right?---Yes, that's right. It still doesn't jog my memory about how it came about.

And if we just go a little bit further to see what you have in mind, Ms Wang says, "That's excellent. Spoke to Joan." And then if you go a little bit further, "Maggie, we can say 'consultancy fee', not 'acquisition fee', on contract." Do you see that there?---Yes, I see it there.

40 And so is it right, then, that your idea, at least as at the time of that message, was that you would charge, you and Ms Wang would charge a consultancy fee with a view to brokering a property deal in relation to the Gladesville site, is that right?---Yes, mmm, correct.

And then if you go a little bit further, there's some discussion between you and Ms Wang. In suggesting consultancy fee, not acquisition fee, were you concerned about what it was called and, in particular, whether you could get

that over the line with potential Chinese investors? Is that the idea?---Well, there was some discussion, I recall that.

But you see Ms Wang comes back, item 74, saying, “Don’t think Chinese like to pay consultancy either.” Do you see that there?---Correct, yes.

10 And so does that mean your item 63 message, you’re seeking to say, “Well, let’s not call it an acquisition fee because the proposed Chinese investor might not like that, let’s call it a consultancy fee instead.” Is that the idea?
---Yes.

And Ms Wang is saying, “Well, the Chinese don’t like to pay a consultancy fee either.” Is that right?---Mmm, that’s right.

20 And so you then have an exchange in relation to that issue. If we can go a little bit further down. And you go in both directions. “Maybe that will be better if workable,” et cetera, et cetera. But ultimately is the long and short of this you’ve agreed to work with Ms Wang with a view to brokering this particular deal?---Yes.

THE COMMISSIONER: I think after the suggestion that the Chinese may not like to pay a consultancy, your next suggestion was, “Well, commission share or bump up DA costs only way to go.”---Yes.

So somewhere or other, extract some money from this deal.---Yes.

30 MR ROBERTSON: And so in relation to this deal, what was Ms Wang’s role going to be and what was your role going to be?---Gee, it’s a long time ago.

Well, you’ve asked Ms Wang to contact Joandarc.---Yes.

Why are you asking Ms Wang to do it as opposed to, for example, just doing it yourself?---I don’t recall. I, I - - -

THE COMMISSIONER: Well, what’s – there is a strange message here from you to Ms Darc.---Yes.

40 “It appears from what you told me this is from Maggie pushing her hard,” which is almost, I suggest, incomprehensible, Mr Maguire.---“It appears from what you told me” - - -

Can you make sense of it?---No, I can’t make sense of it, Commissioner.

That makes two of us.---No, I can’t.

But at least you were there communicating something to her, although I gather she was asked to deal in the main with Ms Wang.---Yes. Yeah, I can't make sense of that either, Commissioner.

MR ROBERTSON: Was the position, though, that Ms Wang was seeking to identify some Chinese potential investor, is that the idea?---Yes.

And so you and Ms Wang would work together with a view to her identifying the potential investor. Is that right?---Yes.

10

But then what would your role be?---After that, nothing.

But I take it that you would at least receive a share of the commission or a share of the fee, whatever it's going to be called, in the event that the property deal was successful. Correct?---Well, hypothetically, yes.

20

Well, that was why you were engaged in these communications. It wasn't just out of the goodness of your heart, it was in the hope that you would obtain a fee at the end of the day that you would share with Ms Wang. Is that right?---Yes, correct, mmm.

Now, can you remember whether that particular deal came off?---I don't believe so.

And do you recall what the impediment or impediments were in relation to that deal?---No, I don't.

30

Do you recall whether there was any issue with a development application - - ?---No.

- - - or with some kind of planning approval?---No, I don't.

Do you recall whether the deal actually got close at one point?---No, I, I can't tell you because I don't recall if it got close. That was with Joandarc and, and Ms Wang. I can't recall what happened to it.

Well, accept, if we go to page 40, just hopefully this will assist your recollection.---Mmm.

40

Page 40 of volume 23, and I'll show you item 193. Commissioner, this forms part of Exhibit 353. Item 193, this is from Joandarc to your phone. "Hello, hope you're well. We've just closed the deal with Mr Li on Tennyson Road." So pausing there, is this Ho Yuen Li or is this a different Li?---No, I think it's a different Li.

And then it says, "We sold at \$42.5 million, however unfortunately the DA fell back on us and I gave in to 1 per cent of my commission." Do you see that there?---Yes.

So does that refresh your memory at all as to what happened with this particular deal?---No, no, it doesn't.

She goes on to say, "So let's meet when we return, so when we discuss we know Maggie will be cared for by Mr Li." See that there?---Yes.

And by "cared for", that means ensuring that Maggie receives an appropriate fee, is that right?---Yes, it appears that way.

10

That's how you understood that message, correct? Is that right?---Yes.

And you had an understanding with Ms Wang that if she was cared for, at least financially, you would share that fee with Ms Wang, is that right?
---Yes, mmm, yes.

20

THE COMMISSIONER: Is it also open to the interpretation that Ms Darc is saying that, in effect, you would not receive the commission to the extent it had somehow been reflected in the agreement in the earlier terms discussed in the November 2013 messages?---This is message number 193?

Yes. So she says, "Let's meet when we return so we can discuss." Then the next topic seems to be, "You know Maggie will be cared for by Mr Li." So is one interpretation of it that Ms Darc wants to discuss with you whether you will, how you will be recompensed, in effect, when she had given in to 1 per cent of her commissions?---No, I, I can't recall that I ever had discussions with Ms Darc about commissions, et cetera. I just can't recall that.

30

So did you and Maggie, as I think you've just agreed, split whatever accommodation Mr Li gave her by reason of her involvement in the whole deal?---I'm sorry, Commissioner?

So Ms Darc then says, "We know Maggie will be cared for by Mr Li." So was Mr Li the purchaser or the vendor?---Must have been the purchaser.

So "Maggie's going to be cared for by Mr Li," and I think you just agreed with Mr Robertson that you share part of that.---Yes. That's, that would be my assumption.

40

MR ROBERTSON: Now, do those further messages assist in your recollection as to what happened with this particular deal?---No, it doesn't.

Well, let me try and help this way, then. Can we move to page 53 of the same document? Part of Exhibit 353. Now if we start with number 347, actually. You ask Ms Wang for the electronic file of Tennyson Road. That's just to give you the context.---Yes.

If we then just turn the page. She says, “No, I don’t have it. Has it got approved?” See that there?---Yes.

And then your response is, “G’day. If I get Tennyson Road approved, will Mr Li be interested?” Do you see that there?---Yes.

And then you clarify, it seems, a little bit later, saying, “That’s DA approved.” See that there?---Yes, I see that.

10 So do we take it from that that you’re, as it were, offering to Ms Wang to take steps to arrange for the Tennyson Road site to be DA approved?---You could, yes.

So do you recall what you had in mind in what steps you would take to cause it to be DA approved?---No, I don’t. I don’t recall.

You at least agree, don’t you, that you’ve provided assistance over the years to a number of developers with a view to obtaining development approvals or other forms of planning approvals, is that right?---Yes.

20

An example of that is your friend Mr Joe Alha.---Yes.

You’ve known Mr Alha for a long period of time, is that right?---Yes.

How did you first meet him, by the way?---18, 20 years ago at a networking function, something like that.

30 And would it be fair to say that, at least to some degree, you’ve sort of taken him under your wing and been a bit of a mentor to Mr Alha?---Yes, and him to me. Him to me.

You’ve got quite a close friendship with Mr Alha, is that right?---Yes, I do, yes. Can I just trouble you?

Yes.---You made a statement about four sentences ago. Can you just reflect on that statement, please? I was considering that issue of the DA and I don’t think I was listening clearly.

40 You or someone will have to remind me what the statement was four sentences ago, because I don’t immediately recall.

THE COMMISSIONER: It was a general proposition about you providing assistance over the years with property developers getting DAs. Is that the one?---That’s it. And, and you mentioned - - -

MR ROBERTSON: I mentioned Mr Alha as an example.---But no specific assistance.

Well, let me go back, as it were. You agree, don't you, that over the years – and in particular in the period from 2012 to 2018 – you've provided assistance to a number of developers in relation to development projects?
---Assistance and guidance, yes.

Assistance and guidance, including doing things like seeking to set up meetings with people in respect of whom you might be able to discuss - - -?
---Yes, correct.

10 - - - what I'll describe in the broadest possible terms as planning applications?---Planning advice, yes.

Well, planning advice, well, planning advice in the general sense but also attempts to obtain relevant planning approvals. Do you agree?---I have to clarify and say to gain planning approval advice, because there is a set process with planning approvals, there's no hoops to jump, there's no short way around it.

20 Well, let's try and be a bit more specific. Let's talk about Mr Alha in particular. You agree that while you were a member of parliament you have provided assistance to Mr Alha in relation to a number of his development projects. Is that right?---Yes.

That has included making representations on his behalf to ministers. Do you agree?---Or, or his minister's staff, yes.

Both to ministers and to ministers' staff. Correct?---Yes, seeking advice, correct.

30 Well, seeking advice but with the ultimate view to planning applications, by which I mean that in the broadest sense, becoming approved. Is that right?
---Yes.

An example was in relation to a project of Mr Alha in Campsie for example.
---Yes.

A site at Concord for example?---Yes.

40 Do you agree you've also provided Mr Alha assistance by forwarding to him information that's come to you in your capacity as a member of parliament, such information you're thinking may be of assistance to Mr Alha in his business?---Yes.

You also provided some assistance to Mr Alha with a view to him purchasing products from China. Correct?---Ah, yes.

And I think that didn't ultimately come off. Is that right?---No, no.

But I think you both went to China together with a view to him potentially purchasing some products. Is that right?---Correct.

Again that was through Mr Tse. Is that right?---Yes.

And do I take it that if that was successful, Mr Tse was, to your understanding, going to share a commission with either you personally, or if not, G8way International?---No, no.

10 No?---No. Never discussed.

Well, perhaps never discussed but - - -?---Nor expected.

- - - that was at least the understanding you had with Mr Tse, wasn't it - - -?
---No, I don't believe so.

- - - that in the event that you put business his way, he would share his commission with you. Correct?---No, I don't believe we ever had that agreement. That's my best recollection.

20

Well, at least in relation to the Wagga RSL trip, I think you've agreed that a portion of Mr Tse's fee ended up in G8way International coffers. Was that right?---Well, it did, I understand, yes.

And wasn't that the general understanding that you had with Mr Tse? Again you might not have had it written down, but that as you being an introducer of potential sales, Mr Tse, at least as you understood it, would share the fee with you. Do you agree?---No, no, I never, never had that agreement with, with Mr Tse, nor did I have that expectation, nor had we
30 discussed it, from my best recollection.

Another aspect of assistance you gave to Mr Alha was to introduce him to potential investors. Is that right?---Yes, correct.

A Mr Sunito for example, Nisin Sunito - - -?---That's correct.

- - - was someone that you introduced Mr Alha to. Is that right?---Correct.

40 From time to time you would promote Mr Alha's development opportunities to people you thought might be interested in it?---Yes.

And in fact I think you might have introduced Mr Alha to Country Garden as a potential investor in his projects. Would you agree?---Yes. They had a discussion, that's correct.

They had a discussion but it was your introduction that caused that discussion. Is that right?---I don't know whether it was actually my introduction. My recollection is they had a discussion, but whether Mr Alha

had actually met Country Garden elsewhere or at another function, my recollection is that, that that actually occurred. I can't be sure, but that's my recollection.

10 But it must have been you that in effect brokered that discussion, mustn't it have been, given that you had the relationship with Country Garden rather than Mr Alha?---I had the relationship but I can't recall that I actually brokered a meeting. My recollection is that, that, that Mr Alha had met Country Garden at some other function and that had been arranged between themselves, if I'm clear in my recollection.

Do you agree that another aspect of assistance that you've given to Mr Alha is to set up meetings for him with, between his consultants or perhaps with him and with government officials?---Yes.

Including for the purposes of discussing his particular projects and any particular issues he was having with his projects?---Yes. Seeking advice.

20 Well, why are you seeking to underline the concept of seeking advice?
---Well, the issue was, what's the word, complicated because of government policy and changes that, that were, were made, I understand, as well as the, perhaps, the Canterbury-Bankstown issue. And the government had released, my recollection, the policy on the Canterbury-Bankstown Corridor. My recollection is that Joe had actually purchased property years before and amalgamated sites, and then the government walked away from its policy of building in hubs. And my understanding is that the Campsie hub was identified in the strategic plan, but the government never acted on it, so it put a lot of people – not only Mr Alha – in difficulties, a whole raft of people that had anticipated, I suppose, or had invested in that corridor.

30 But you were seeking, in relation to that particular issue, you were seeking to set up meetings to discuss the particular project, is that right?---Yes, correct.

And I think, in fact, at one point in time, Mr Alha asked you to set up meetings with both the Premier and the Minister for Planning, is that right?
---It's, it's possible. I can't recall but it is possible.

40 Well, let me assist you this way.---Thank you.

If we go, please, to – go to intercept number 2711 of 12 May, 2017. In fact, what we might do, and I apologise to do this to the operator, we'll actually go a little bit earlier than that. We'll go to 2333 of 28 September, 2017.

AUDIO RECORDING PLAYED

[3.38pm]

MR ROBERTSON: So, Mr Maguire, does that refresh your memory as to a request that Mr Alha made - - -?---Yes.

- - - to set up a meeting with, between him and the Premier and Minister for Planning?---Yes.

At the time of that request you knew that both of those individuals would refuse to have any meetings with the developer that concerned any site specific issues. Do you agree?---Yes, correct.

10

That, as a matter of probity, was a position that was held within government at that point in time, correct?---Yes, correct.

At least so far as you understand it now, it continues to be the position of the current State Government, correct?---Yes, correct.

Now do you agree that you ultimately agreed with Mr Alha to attempt to set up some meetings to address the concerns that he had in relation to his site? ---Yes, yes.

20

But you agreed with him or at least you proposed to him that those meetings should be described as “policy development meetings”, with a view to avoiding the concern about discussions on site specific issues?---Correct.

Now do you agree that – I withdraw that. Did you ultimately set up any meeting for Mr Alha and the Minister for Planning?---Not that I recall.

Did you try to?---I can’t recall if I did or I didn’t.

30 Did you ultimately arrange any meeting between Mr Alha and any member of the staff of the Minister for Planning?---Yes, I recall one particular meeting, yes.

And that was a meeting with who?---Mr Vellar.

Can you just explain how did that meeting come about?---I think there’d been – if my recollection is right there was correspondence moving about from J Group, and I’d had a discussion with Mr Vellar, a number of discussions, and a meeting was arranged is my vague recollection.

40

When you said you had a number of discussions with Mr Vellar, was that about Mr Alha or his projects or was that about some other issue?---No, it was about arranging an appointment for Mr Alha to meet with Mr Vellar to discuss his problems.

And are you saying that some formal appointment was arranged between Mr Vellar and Mr Alha?---That’s what I was seeking, if my recollection’s right.

And was that ultimately achieved?---I understand not a formal appointment and I'm – if my recollection is right, that was at the request of Mr Vellar, so a meeting at some point did occur, I can't remember when, but a meeting at some point did occur and I can't remember the date that it happened.

Can you remember where that meeting was?---Oh, it was parliament for sure.

10 Whereabouts in parliament?---I think my office – yes, my office.

And you say that was a pre-scheduled meeting with Mr Vellar?---Yes.

Or are you saying it was a meeting that was just done, as it were, on the fly, perhaps on a parliamentary sitting day?---It wasn't on the fly. My recollection is there were a number of conversations had with Mr Vellar about appropriate timing, et cetera, and it may have been a sitting day, it's possible it was a sitting day, well, it would have been because if Mr Vellar was in the building, staff aren't normally there for ministers on non-sitting days unless they're MLCs.

20

Can I try and help you this way. Can we go, please, to volume 14, page 283. If you have a look at 15 November, 2017, these are emails or these are messages between you and Mr Vellar.---Ah ha.

“Mate, having a drink in my office. Want to join me for a red? 1246.” Do you see that there?---Yes, I see that.

Was 1246 your office number - - -?---Yes, correct.

30 - - - in Parliament House? Does that assist you in identifying any timing or circumstances with the meeting with Mr Vellar?---Yes, yes. After Question Time it would have been, or after urgency.

Well, maybe a little bit further, because it's about 5.00pm.---Yes, correct.

THE COMMISSIONER: Still after Question Time.

40 MR ROBERTSON: Still after Question Time and after certain other things that happen after Question Time. But was that an out-of-the-blue suggestion for Mr Vellar to come and meet you, or are you saying there was some previous arrangement to meet Mr Vellar?---There was previous arrangements. I'd discussed with Mr Vellar at least on three or four occasions, and the code was, “We're having a glass of red.” And that was - - -

THE COMMISSIONER: What do you mean, the code?---The code, the message, “Come down to the office.” That's my recollection.

MR ROBERTSON: But a code suggesting what, what's it a code for?
---Well, to tell him that Mr Alha had arrived and, and come down and have a red and a chat.

So are you saying that, as you understood it, Mr Vellar was aware that if he came to join you in his office for a chat, that would be including Mr Alha?
---To the best of my recollection, yes.

10 Well, how did the meeting come about? Are you saying you had some communications with Mr Vellar - - -?---Yes.

- - - in advance - - -?---Yes.

- - - to arrange, what, to arrange a meeting but on the basis that it would be at an indeterminate period of time, or it would be an unscheduled particular time but in Parliament House, something like that?---My understanding was that it was to be later in the afternoon and Mr Vellar would come down or come up to the office, and that's the reason for the text, "Come and have a glass of red."

20

THE COMMISSIONER: And it would be apparently an informal meeting?
---Informal.

And you said you didn't end up having a formal meeting because of Mr Vella's request.---Yes.

30 What was his request? Why did he not want there to be a formal meeting?
---My recollection is, Commissioner, that he was quite happy to come down and have a talk with Mr Alha, informally, and I think Mr Alha was happy with that, so that's the way I recall, to the best of my recollection, that it happened.

Was there a concern that if it was a formal meeting it would have to be recorded?---Perhaps.

40 Would it have had to have been, if Mr Vellar had met a property developer such as Mr Alha?---No, I don't believe so, I don't believe so, Commissioner. It's only if ministers meet people, they usually record them, but I, I don't know that chiefs of staff and/or staff formally record meetings. I can't be sure of that but I - - -

So could you understand why Mr Vellar did not want to have a formal meeting?---I, I, I think that Mr Vellar wanted to avoid any contact or interaction with the office, with the office on the 8th floor.

What, the minister's office?---Yes, I think so.

And a property developer.---Correct. I, I think that was the reason. That would be my best guess.

MR ROBERTSON: But why do you make that guess, what led you to think that Mr Vellar would want to meet with a property developer but in particular wouldn't want some kind of record taken in relation to it?
---Oh, I can't say, but that's the feeling that I got, on my best recollection.

10 Did you tell Mr Alha in advance that you had set up a meeting with Mr Vellar?---I, I believe so. I think so.

Do you have a recollection of that or are you speculating now?---No, I think it would be my best recollection that I did.

So just tell us how this meeting plays out as best you recall. So it's a meeting that takes place in your Parliament House office. Is that right?
---Yes.

20 And so who attends first, is it Mr Alha or is it Mr - - -?---I think Mr Alha, I think he attended first.

So you're there with Mr Alha, is that right?---Ah yes.

You're presumably having a glass of red?---Correct.

And so, what, during the course of that, having a glass of red, you send a message to Mr Vellar, the one that we saw on the screen saying, "Come down for a glass of red."---Correct.

30 And that, I think you said, was the code to come down and meet Mr Alha?
---Correct.

Why did you need a code?---Oh, it's just my term of phrase.

40 But it sounds like you're suggesting you didn't want to say in a text message, "Mr Vellar come down and meet Mr Alha," because that might create some kind of a record that there's going to be a meeting with a developer and a member of staff?---No, I don't think there was any attempt to deceive in that regard. It, it was brought up in the discussions that I had three or four times with Mr Vellar before, and it was mentioned we were having a red so that was what I sent. He understood, he understood that Mr Alha would be there.

THE COMMISSIONER: How often had you invited Mr Vellar to your room for a causal drink before this, Mr Maguire?---Never, Commissioner. We, he wouldn't have been to my office for a drink at all. He may have come to visit or something perhaps once in a parliamentary life time, but I can't recall that ever happening other than with Mr Alha.

So it was highly unusual for you to invite him for a drink?---Oh yes, Commissioner, highly unusual.

MR ROBERTSON: So why, as you understood it, was Mr Vellar willing to and prepared to have a meeting with a property developer that was going to be, as it were, off the record?---Well, I don't know why he chose that particular approach. I just don't know why he chose that.

10 THE COMMISSIONER: It must have occurred to you because you wanted him to meet with a property developer and he was the chief of staff to the Minister for Planning?---But my understanding is the chiefs of staff can meet and discuss problems or issues. I think chiefs of staff would deal with those things and so would other ministerial staff, policy staff and others would meet from time to time on particular issues for people, planning would be no different, Commissioner.

MR ROBERTSON: So what was discussed during the course of this meeting?---Oh gee, I think Mr Alha discussed Campsie and some of the
20 issues to the background of the fact that the – my recollection is the building had already been approved, the DA was approved under the I think the local council and he wanted to make some amendments or adjustments, and he had a different plan and a model and he wanted to get some advice on what to do and how to go about it – to my best recollection.

But what was Mr Vellar going to be able to do, as you saw it, in relation to that issue – Mr Vellar's not a planner, for example, is he?---No, but Mr Vellar could seek advice on what Mr Alha should do – I think Mr Alha was very frustrated with the fact that he had an approved development and there
30 were issues with changes that he wanted to make if I recall correctly.

And you were there supporting Mr Alha's position to Mr Vellar, is that right?---I don't know that I made much of a contribution at all except for the bottle of red perhaps.

THE COMMISSIONER: And supporting him to the extent of arranging a meeting?---Oh yes, yes, so, yes.

MR ROBERTSON: And why did you arrange a meeting with Mr Vellar, the chief of staff, as opposed to the minister, which is what Mr Alha had
40 asked for in the telephone messages that I showed you before?---My recollection is that I did talk to Mr Vellar and Mr Vellar chose to go down that path - - -

Well, just pausing there, so you mean that you spoke to Mr Vellar about setting up a meeting with the minister, is that right?---Well, I spoke to Mr Vellar about the request and the way forward. I can't recall whether I actually made a request for Mr Alha to meet the minister. In Planning, in, in

Planning, that's a pretty big call so I can't remember if I actually officially did that.

These conversations with Mr Vellar, how long before the meeting that appears to have happened on 15 November, 2017 did those conversations take place?---With Mr Vellar?

Yes.---Oh, to my best recollection over one or two days.

10 A couple of days before, something like that. Is that what you mean?---Yes, on a number of occasions, to the best of my recollection.

But you'd had a run-in with Mr Vellar only a couple of weeks before this meeting. Is that right?---I don't recall.

Didn't you have a run-in with him in relation to what's called IHAPs, independent panels to determine development applications?---No, I can't recall that I had a run-in. I had a particular view, but I can't recall that I had a run-in.

20

Well, you'd put forward a series of names who you said to the minister's office were "Shifty characters," - - -?---Yes, yes.

- - - who therefore should not be appointed to IHAPS.---Yes.

Do you agree?---I recall that, but I don't believe there were terse words or any kind of disagreement with Mr Vellar.

30 Well, Mr Vellar told you to stay out of it, didn't he?---Politely.

Well, he was quite firm about that matter, wasn't he?---But not in an aggressive sense or I wasn't offended by his response, if I recall rightly, so I couldn't agree that we had terse words or an argument or anything like that.

Well, let's have a look at the emails themselves. Volume 14, and we'll start at page 180. So you'll see there towards the bottom there's an email from Mr Lipson, media advisor of Minister Roberts. "Applications roll in for experts to join IHAPs." Do you see that there?---Yes, yes.

40 And you're aware that around about this point in time, as the media release suggests, there were applications being made for IHAPS. Is that right? ---Yes, correct.

And you're aware that IHAPs were a signature policy of Minister Roberts. Correct?---Yes.

And those panels were all about introducing a measure against corruption in relation to high-profile and important matters of development application

assessments. Is that right?---Yes, correct.

And do you agree that you put forward, if you have a look at your email back to Mr Lipson, “I am told there are a lot of shifty characters applying. Beware, Will Robinson.”---Yes, mmm, mmm.

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

10 And so you were putting in to the minister’s office concerns about particular characters - - -?---Yes.

- - - who you suggested should not be on the IHAPs. Correct?---Yes.

But the reason that you were suggesting that was to benefit the commercial position of Mr Alha. Do you agree?---Um - - -

20 Mr Alha was of the view that if particular named individuals became part of IHAPs, that would be contrary to his interests as a developer. Do you agree?---I don’t know that he actually explained that to me as clearly as you have.

He might not have put it in those terms.---No.

But that was the gist of Mr Alha’s communications with you regarding the IHAP issue.---Yeah, that would be the gist, yes.

That if particular individuals who he identified were appointed on IHAP panels, that would be contrary to his commercial interests. Correct?
---Yeah, and, and the, the Campsie Centre, yes.

30 Yes, and therefore contrary to his commercial interests. Correct?---Yeah, correct, yes.

And if you see Mr Vellar then gets involved. “Given that we don’t know who the applicants are I hope you’re joking.” Do you see that there?---Yes.

And then we go to the previous page, and you say, “No, not joking, friend was chatting about some of the nominations.” See that there?---Yes, yes.

40 Now, the friend that you’re referring to there is Mr Alha. Is that right?
---Yes, correct.

And then he says, in what at least to my mind is fairly terse language, “That’s bloody ridiculous. Stay out of it.”---Yes.

See that there?---Yes.

And ultimately he comes back and says, "Well, if there are particular shifty people who have made an application, please provide their names."
Correct?---Yes.

And you ultimately provide a couple of names. Correct?---Yes, mmm.

10 But the reason that you're providing those names was to assist the commercial interests of Mr Alha. Do you agree?---I think the major concern for me was that, that some things had been said to me that raised some concerns and I passed the information on.

I suggest to you it was more than that. You were attempting to assist Mr Alha's commercial interests by seeking for two particular individuals to not be appointed to an IHAP. Do you agree?---Well, on reflection I have to agree.

20 And you put that forward not because of any particular concern about the public interest, you put it forward to help your mate, Mr Alha. Do you agree?---I think there was a public in it as well.

Well, I'm suggesting to you the reason that you did it, the reason that you got involved at the minister's office level while an application process was pending, was to help your mate rather than general considerations of the public interest. Do you agree?---Partly, yes.

Well, do you agree that you wouldn't have engaged in the communications that you did with Minister Robert's office but for the fact that you had this friendship/relationship with Mr Alha?---Yes.

30 On the face of that exchange with Mr Vellar on 2 November, 2017, I'm trying to understand why, as you understood it, Mr Vellar would be offering to come and meet you and a developer in Parliament House on an, effectively, off-the-record conversation. Can you assist us with that?---He suggested it, he was happy after three or four conversations to attend that meeting.

40 Well, as you might know, Mr Vellar has sat in the witness box in this enquiry and said that he was ambushed by the meeting that you and I have just discussed.---That is not true, that is not true.

What he suggested is that he had no idea that when he was coming down for a glass of red - - -?---No.

- - - that Mr Alha would be in attendance?---Never.

So you're quite clear in your mind - - -?---I'm very clear.

- - - that you made arrangements in advance with Mr Vellar - - -?---Yes.

And to be clear, is this directly through Mr Vellar or is this through someone else in Minister Robert's office?---No, my recollection is with Mr Vellar and on a number of occasions I spoke with him.

Did Minister Roberts have any involvement in setting up this meeting or was it all through Mr Vellar?---Just Mr Vellar.

10 THE COMMISSIONER: Why did it take three or four conversations to persuade Mr Vellar to come to this meeting?---Getting hold of, getting hold of staff can be difficult, and getting an appropriate time, that's why it was back and forth to - - -

So it wasn't debating the pros and cons of him attending - - -?---No, no.

20 But at least at some stage he must have suggested that rather than communicate with him by saying, "Oh Joe's here now," or "Joe Alha's here now, come down for a drink," you should use what you've described as this code?---Well, my recollection, Commissioner, is that the last we spoke before the meeting was, you know, I'll flick you a message. You know, he knew the purpose, he knew the purpose, I'm very clear on that, to, to come and have a discussion, an informal discussion with Mr Alha and give him some advice on what he should do.

So it didn't need a code. So it didn't need a code because he knew that if you had asked him down for a glass of wine, that was the reason for the request or the invitation?---He knew. I'm quite clear of that, quite clear of that, Commissioner.

30 MR ROBERTSON: You at least made it clear during the course of the meeting with Mr Vellar that you were supporting Mr Alha's position. In other words, you had similar concerns to Mr Alha about the matters that he was raising concerning his project. Is that right?---I don't know that I had much input into that particular meeting.

40 But you're not suggesting you just sort of sat back and said nothing. You were supporting Mr Alha both in setting up the meeting and in seeking to support Mr Alha's position to Mr Vellar. Do you agree?---Mr Robertson, I cannot remember clearly the events that were, the meeting that occurred and the detail that happened. I can remember that I was there, and it's not unusual in those offices when parliament is sitting to take phone calls, it's not unusual that you're called away. The house is still sitting at that time. There are reasons why members need to come in and out. I can't be sure of what happened, I'm sorry.

And you might have said this, but did you tell Mr Alha in advance that if he was to attend on you in Parliament House on that day, that Mr Vellar was

going to be in attendance?---Oh, yeah, I'm sure, I'm sure he was told, I'm, I'm, my recollection is that he was informed.

In advance of the meeting taking place. Is that right?---So that he knew what time to arrive, et cetera. That's, I'm - - -

No, not just the time and the place, but I mean the person as well. Did you tell Mr Alha that you'd arranged a meeting with Mr Vellar?---I don't know. I can't recall if I used Mr Vellar's name or the chief of staff. I can't recall.

10

Well, do you agree that you said something like this to Mr Alha. "Come along to a meeting, or sorry, come along to my office, you never know who will drop in"?---Yes, possible, yes.

Isn't the position you didn't actually tell Mr Alha who he was going to meet, but you did make it sufficiently clear that it was a good idea for him to turn up and have a glass of red in your office?---Sorry, repeat that again.

20

Isn't the position that you didn't tell Mr Alha that he was going to be meeting with Mr Vellar or the chief of staff or anyone in particular, but rather you communicated to Mr Alha he should attend on you, have a glass of red, and you never know who'll drop in?---Yes.

But you reject the proposition, I take it, that it was an ambush in relation to Mr Vellar?---Yes, yes, I'm quite clear about that.

30

THE COMMISSIONER: But you must have made it sufficiently clear to Mr Alha that it was something to do with his earlier request at least for a meeting with Minister Roberts - - -?---Yes.

- - - and possibly the Premier, because he brought his models with him, which I presume he doesn't cart around normally.---No, but my recollection is, is that, my recollection is that he, he was aware at some point who he was going to meet. It's so long ago, but I, I'm clear, I'm clear that there were a number of discussions to arrange the meeting. I'm not clear how that was communicated to Joe but I am clear that I spoke personally to Mr Vellar on three or four occasions and that was the arrangement that was made. I'm very clear about that, Commissioner.

40

MR ROBERTSON: When you say you spoke to Mr Vellar, do you mean in person or by telephone?---Yes, in person.

In person.---Yes. I'm, I'm - - -

Not by telephone?---No, I don't believe so. When the House is sitting, tracking down staff and others, so my recollection is that it was in person.

Is that convenient time, Commissioner?

THE COMMISSIONER: Yes, Mr Robertson. We'll adjourn till 10.00am tomorrow.

THE WITNESS STOOD DOWN [4.08pm]

10 **AT 4.08PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.08pm]**