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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO  
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 15 OCTOBER, 2020

AT 10.00AM

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, today I'll continue with Mr Maguire, although I'm unlikely to be finished with him today. At the moment at least I anticipate finishing with him during the course of tomorrow. Obviously some time will need to be allowed at some time in relation to any applications for leave to cross-examination and matters of that kind. So I still hope that the main segment of the public inquiry will be finished this week, but that will obviously depend on what occurs during the course of today and tomorrow morning.

THE COMMISSIONER: Yes.

MR ROBERTSON: Next, one correction to a matter I raised yesterday. At transcript page 1556, line 5, I referred to evidence that Mr Maguire obtained briefings regarding his obligations under the NSW Ministerial Code of Conduct. I wrongly said that the evidence emanated from the Department of Parliamentary Services and the Department of the Legislative Assembly. What I should have said was that that information emanated from the Department of Premier and Cabinet, and of course it's the Premier who is ultimately responsible for enforcing the NSW Ministerial Code of Conduct. And so plainly enough, information concerning that code comes from the Department of Premier and Cabinet, rather than from the parliamentary departments to which I drew attention. I thought I should correct that technical manner.

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: I'm ready for Mr Maguire then.

THE COMMISSIONER: Mr Maguire, you continue to be bound by the affirmation you made yesterday.

MR MAGUIRE: Yes, Commissioner.

<DARYL WILLIAM MAGUIRE, on former affirmation [10.05am]

THE COMMISSIONER: Very well. Yes, Mr Robertson.

MR ROBERTSON: Mr Maguire, yesterday we spoke about the meeting that you had with Mr Vellar towards the end of 2017.---Yes.

10 Have you now exhausted your recollection as to what you can recall during the course of that meeting?---All my recollection I stated yesterday, I, that's, that's my, that is my recollection, yes.

Now, once the meeting between the three of you – you, Mr Vellar, and Mr Alha – came to an end, what then happened? Who left first?---Yes, my recollection is Mr Vellar left first - - -

And so did you then continue on, maybe with another glass or two of red with Mr Alha?---Yes, I believe so, yes.

20 After you were finished having glasses of red with Mr Vellar in your - - -? ---No, not Mr Vellar, Mr Alha.

THE COMMISSIONER: Mr Alha.

MR ROBERTSON: I'm so sorry, with Mr Alha.---Yeah, yeah, yeah, yeah.

In your office.---Yes.

30 What then happens, so far as you can recall?---Joe wanted to meet the Premier. He said, "Can we go and see Gladys, can, can we go and see Gladys?" something like that, and yes, we'd had a couple of drinks, and we were on the 12<sup>th</sup> floor, I think, the 12<sup>th</sup> or sixth, if I recall rightly, and the Premier's floor is the eighth. So I said, "Well, we'll go and see, and we'll do a drop-in" - - -

Now just pausing there.---Yes.

40 You remember one of the calls that I played you yesterday was one where Mr Alha asked you specifically to set up a meeting with the Premier and the Minister for Planning.---Oh, mmm, yes, that - - -

Do you remember that reference?---Yes, but that meeting never happened.

THE COMMISSIONER: In a, you mean a formal meeting?---Any meeting. It, it didn't happen.

MR ROBERTSON: But you'd agree, wouldn't you, that the context of Mr Alha meeting with you on it looks like 15 November, 2017, was to attempt

to comply at least in part with Mr Alha's request to see the Premier, and potentially see the Minister for Planning, but you didn't get him before the Minister for Planning, you got him before his chief of staff. Is that right? ---Mr Alha, yes, did request to meet those two people in a formal fashion, and you are correct, I didn't make those arrangements. Mr Vellar, through some, through some conversation, volunteered to come to the office for an informal chat with Mr Alha. I didn't make any approach to the Premier formally or informally until we walked down from my office for what we call a drop-in, which is common.

10

But really what I'm suggesting is that this wasn't an idea that came out of the blue. When you invited Mr Alha over to your office, one of the things you were considering doing is taking him for a drop-in meeting with the Premier. Is that right?---He was insistent. He was insistent on saying hello to Glad.

20

Yes, but it wasn't an idea that just germinated during, after a couple of glasses of red in your office. It was an idea that was in your mind before Mr Alha attended upon you on 15 November.---No. It was a request from Mr Alha, right, and I thought that, to my best recollection, I thought that the meeting with Mr Vellar would give him sufficient advice that he could be satisfied. But as the night wore on a little, Joe became a little insistent that we just pop in and say hello to Glad.

Well, let me try and ask you this way. When you invited Mr Alha over to your office in November of 2017 - - -?---Yes.

30

- - - at least one of the things that you intended to do is put Mr Alha in front of Mr Vellar. Correct?---Yes.

But you also had in mind at least potentially seeking to do a drop-in with the Premier. Is that right?---No. No, that, that, that isn't correct in, in, to my recollection.

Well, the context, as I sought to draw attention to yesterday - - -?---Yes.

- - - was some number of months ago, Mr Alha asked to see the Premier and the Minister for Planning, correct?---In a formal meeting, yes.

40

Well, do you seriously suggest he said, "I need a formal meeting"?---That's as I interpreted it.

Well, what you indicated to Mr Alha is that although we want to talk about a site-specific issue, we've got to refer to it as a policy development meeting, because otherwise no-one at a ministerial level or indeed at the Premier's level would entertain such a meeting. Correct?---Yes.

And so what you were seeking to achieve for the benefit of Mr Alha was a meeting that would skirt around ordinary processes. Do you agree?---I wouldn't put it that way, but because of Mr Vellar's willingness to meet, I thought that would suffice.

Well, Mr Alha was quite insistent in the lead-up to the meeting with Mr Vellar and the drop-in with the Premier on setting up the meeting that he wanted, which was not just with the Minister for Planning, but with the Premier as well. Is that right?---Yes.

10

And when you were contemplating the meeting with Mr Alha, you were contemplating at least the possibility of doing a drop-in meeting, is that right?---It may have crossed my mind.

And a drop-in meeting with the Premier is what I mean, yes?---It may have crossed my mind.

You thought that opportunity might possibly present itself during the course of the meeting that you had arranged with Mr Alha on 115 November, 2017. Is that right?---I really can't be clear about that.

20

I'm just trying to underline the context here. The context was Mr Alha says, "I want a meeting with the Premier and Minister for Planning," correct? ---Yes.

He made contact with you on multiple occasions, seeking to procure those meetings. Correct?---Yes.

30

In fact, he was getting fairly desperate, because he was concerned about the status of his projects and wanted to speak to people at a very senior level, at the earliest opportunity. Correct?---I, I think he was frustrated, yes.

You'd deliberately set up the meeting with Mr Alha during a parliamentary sitting week, correct?---It was convenient.

No, but you deliberately set it up during a parliamentary sitting week because you were more likely to be in a position to introduce Mr Alha to people that Mr Alha might want to meet. Correct?---It, it was convenient.

40

Well, are you agreeing with me or not?---I'll agree with you, yes.

And part of the reason you wanted it to occur on a parliamentary sitting day was the possibility that you may be able to do a drop-in meeting with Mr Alha and the Premier, correct?---No, I wouldn't call it a drop-in meeting. We, we regularly, we regularly, on sitting nights and, yeah, sitting nights and sitting days, we regularly host visitors, drop-ins, we take all sorts of people, and sometimes we'll drop in to those people, just to say hello.

Whatever you call it, let's call it a drop-in rather than a meeting. Whatever you call it, one of the reasons you arranged the meeting with Mr Alha on the particular day and at the particular time - - -?---Mmm.

- - - and the particular place, was the possibility that you would be able to introduce him or allow him to see the Premier by way of a drop-in.---Yes.

Is that right?---Yes.

10 THE COMMISSIONER: But you knew Mr Alha didn't want to see the Premier just to meet her. He wanted to discuss his planning issue with her that was so frustrating.---That's what, that's, that's what his, his, his emails and texts said, correct, but - - -

And that was the whole purpose of him coming to Parliament House - - -?  
---But I - mmm.

- - - on 15 November with his models.---But I felt that he was satisfied after he'd had some advice from Mr Vellar that the, the, basically the need for  
20 further meetings or anything official had evaporated. I felt that he was sufficiently advised, so therefore we did drop in, and that was the extent of the contact, from my recollection.

But Mr Vellar didn't give Mr Alha any advice during the 10 or so minutes he was there, what, did he?---Oh, I think he was longer, longer there, Commissioner, than 10 minutes, Mr Vellar. I'm, I'm sure the conversation took longer than 10 minutes.

30 Did Mr Vellar give Mr Alha any advice during that meeting?---I can't recall the exact conversation, because I may have been partly distracted. Things happen when we're sitting. So I don't know that I was intently focused on it. But my recollection is, is that Joe was quite happy with whatever they determined. And so therefore it, it, it, it became that we continued to have a couple of drinks and then, you know, Joe was insistent on saying hello. And so down we went and, and I asked, "Can we pop in?" Would have taken less than two minutes, and we left.

40 MR ROBERTSON: But I'm asking you to focus on the plan in advance of the meeting itself, and what I'm suggesting to you is that the date, time, and place chosen for the meeting with Mr Alha, a factor that led to those, that date, that time, and that place being chosen, is the possibility that you would be able to comply with Mr Alha's request to be able to meet the Premier. Do you agree?---I can't say that was the driving purpose, but yes, I agree.

Well, whether or not it was the driving purpose - - -?---I agree, I agree.

- - - it was at least a factor that was taken into account, is that right?---Yeah, I agree, mmm.

And so you leave your office. You go into the general area of the building within Parliament House where the Premier has her offices, is that right?  
---Yes. Yes.

And, what, do you ask a personal assistant or receptionist, “Does the Premier have a minute or two for a drop-in?” something like that?---I don’t recall if there was a personal assistant there, a receptionist. There may have been. But I would have asked, and I wouldn’t just walk in.

10

So you would have asked someone, it might have been a receptionist, might have been a personal assistant, in effect, “Does the Premier have a couple of minutes,” something like that?---Something like that. If that’s – I just don’t have a recollection of exactly - - -

Did you identify to that particular individual that not only you wanted to see the Premier, but you wanted to introduce the Premier to someone else?---I, I can’t recall what I said.

20 THE COMMISSIONER: Wasn’t Mr Alha with you at the time, Mr Maguire?---Yes, yes, yes.

It would have been pretty obvious you wanted to go in together.---Of course, but I can’t recall exactly what was said, Commissioner.

MR ROBERTSON: Did he have his model with him at the time, do you remember?---No, I don’t believe so.

30 Did he have a glass of red with him at the time?---No. I wouldn’t let anyone walk around parliament with a glass of red. That wouldn’t happen.

Or a glass of white, I assume.---Oh, any glass, I, I, I would frown on that.

40 And so what then happens? Does someone, does the Premier give you admission to her office herself, or is there some call taken between a receptionist or a personal assistant to her to say, “Have you got a couple of minutes for Mr Maguire?---Oh, it, it, it depends. If, it depends whether, whether a receptionist is there. Sometimes there’s no-one there. Knock on the door, “Hello, can,” you know, “Can I come in? I’ve got so-and-so with me.” It just – every, every circumstance is different. Sometimes there are no receptionists. I, I shouldn’t say this out loud, but sometimes there aren’t.

So this is something you’ve done from time to time, had a drop-in of the kind that’s been identified?---Occasionally. All Premiers, occasionally.

And so one way or another, you get admission to the Premier’s office, is that right?---Yes.

Doing the best you can, what happens during the course of that drop-in?  
---Oh, my recollection is, we were there for probably less than two minutes.  
Niceties were spoken, you know, the Premier knew Mr Alha from various  
functions and things that occur.

THE COMMISSIONER: So she'd already met him?---I believe so.

10 So why did he want to – why did you take him down to meet her on this  
occasion?---He'd, he, he, he, he adores her, and, and wanted to say hello,  
and, you know, he was at that stage where he'd just insisted.

MR ROBERTSON: Did you first introduce Mr Alha to Ms Berejiklian?---I  
can't recall.

But you at least knew that they had met each other before, is that right?---I, I  
believe on a number of occasions, perhaps at functions and things, I, I, over  
the years, mmm.

20 THE COMMISSIONER: I think you, did you not hold a fundraiser dinner  
in about September of that year?---Oh, Commissioner, I couldn't tell you  
when it was. Which year?

September, 2017.---We held lots of fundraisers.

On about the 12<sup>th</sup>?---We, we had lots of fundraisers, Commissioner, for  
charity, for – but yeah.

30 Well, I understand that, but I'm asking you about this particular one, and  
whether Mr Alha and the Premier were both present at that dinner.---I can't  
recall.

MR ROBERTSON: Can I assist you this way in relation to the  
Commissioner's question, can we go to document 98, please? While you  
were a member of parliament, you had fundraising functions from time to  
time, is that right?---Yes, correct.

40 Do you recall whether you've ever had a fundraising function at which you  
invited Ms Berejiklian to attend and that she in fact attended?---I don't  
remember a particular one but - - -

Just to try and assist you with the Commissioner's question, I'll just go to  
the second page first. Do you see there a letter from you to the Premier, 28  
June, 2017? "I'm writing to see your availability to attend a dinner I'd like  
to hold at Parliament House later this year." Do you see that there?---Yes, I  
see that.

You say, "It would be appreciated if you could provide the dates which you would be able to attend, preferably on a sitting night of parliament." Do you see that there?---Yes.

Do you recall the particular reason you were asking the Premier to attend that dinner? Was that a, was it a networking function, was it a fundraising function? What was it, do you remember?---I can't, I'm sorry.

10 And we'll just go then back to the first page. So you'll see from your electorate office to office@premier.nsw.gov.au. Do you see that there?  
---Yes.

That's the public-facing, or at least one of the public-facing email addresses of the Premier, is that right?---Ah hmm. Yes.

And then that seems to be forwarded from her office to the diary team. Do you see that towards the top of the page?---Yes. Uh-huh.

20 Now, do you remember whether that particular request led to an agreement to attend a function?---I don't know.

Well, let me try and help you this way. Can we go down a couple of pages now. See there a letter, a further letter to the Premier, this time to events@premier.nsw.gov.au. "I refer to your acceptance to attend a dinner at Parliament House at 6.30pm in the President's Dining Room, 12<sup>th</sup> of September, 2017." Do you see that there?---Yes.

30 And if we go back a little bit further, there's a series of invited guests who are there identified.---Yes.

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

Including William Luong, for example, you see there.---Yes.

GT Hu, CEO of Country Garden.---Yes.

Sarah Vasey from your office.---Yes.

40 Gerry McCormick from Cottontails Wines, et cetera.---Yes. Yes, I see that.

Now, Mr Alha's not identified on this particular letter. At least my recollection is that Mr Alha said in evidence that he may have attended a function around about this point in time. Does that ring any bells?---Not that, not that one. Not to my recollection.

But in any event, we'll go to the next page, which has got a later guest list. Do you recall this particular function that has attendees identified? And this seems to be related to the function that I was just showing you. Ms Louise

Waterhouse, for example, is identified as Country Garden. The Honourable Gladys Berejiklian, of course, is identified on the list, and a series of others. ---My recollection, my recollection is that was the list, but some of those people didn't attend. That's my strong recollection.

Well, do you remember whether the Premier in particular attended?---No, but I can remember that Ms Waterhouse didn't attend, I think, nor did Mr Luong.

10 Do you remember whether Mr Alha attended - - -?---No, I - - -

- - - albeit that he's not on the list?---I can't recall that he did.

What about the gentleman we saw on the previous page by the name of GT? Or by the acronym of GT.---No, I don't believe he did, no.

See GT Hu?---Yeah, I don't believe he did.

20 At that point in time he was the CEO of Country Garden Australia, is that right?---Yes. I don't believe he ever attended.

But this particular function, can you remember what the function was associated with? Was it a fundraising function? Was it something else?---It was, it was a dinner, fundraising function, yes. That's my recollection.

And when you say fundraising, you mean fundraising for, for your potential next election campaign, is that right?---Yes. Each, each candidate must raise a certain amount of money. These events are held on a regular basis.

30 And so the attendees, at least those who attended, would have paid a, paid a fee to attend by way of fundraising, is that right?---Yes, correct. Yes.

And do you remember how much that was?---No, I'm sorry.

Well, what would you ordinarily charge as a fundraiser for you but a function to which the Premier, and I think there were other - I'll put it back on the screen. There was another minister or two who attended as well.

40 THE COMMISSIONER: Mr Perrottet. Mr Perrottet.

MR ROBERTSON: Mr Perrottet as well. If you see the speakers in order. You first, the Treasurer next and the Premier after that. You see that there? ---Yes, I see that.

And so what, at that point in time, would have you ordinarily charged for a fundraising function at which that very senior line-up was in attendance? ---I'd only be guessing about what was charged.

Well, are we talking a \$100, \$1,000, \$5,000?---No, no. No.

Give us a general indication?---I, perhaps \$1,000. Perhaps.

But you don't specifically recall for this function?---No, I don't, sorry.

Commissioner, I tender the bundle of documents on the screen, being a series of documents relating to fundraising dinner 12 September, 2017.

10 THE COMMISSIONER: That will be Exhibit 355.

**#EXH-355 – BUNDLE OF DOCUMENTS REGARDING MAGUIRE  
FUNDRAISING DINNER HELD ON 12 SEPTEMBER 2017**

MR ROBERTSON: So back to the drop-in with the Premier.---Ah hmm.

20 You're present, Mr Alha's present, and the Premier's present. Correct?  
---Yes.

Anyone else present?---Not that I recall.

And what was discussed during the course of that drop-in?---Oh, it was greetings, niceties. My recollection, it was less than two minutes that we were there to say hello. The Premier was working at her desk, that's my recollection, and we were gone.

30 Was there any discussion of any matters relating to planning?---No.

Was there, whether that be in a general policy sense or - - -?---No.

- - - in a site-specific sense?---No, it, it was, it was general niceties. That is my best recollection.

40 But Mr Alha had been on at you for months to set up a meeting with the Premier and the Minister for Planning. He gets his meeting, not with the Minister for Planning but with the chief of staff to the Minister for Planning. And by the sounds of it, he's at you during the course of having a glass or two of red to say, "Let's see the Premier, let's see the Premier, let's see the Premier."---My recollection - - -

Are you saying he doesn't take the opportunity then to complain to her about something that he was complaining to you about for months - - -?  
---No. No.

- - - which was the problems that he was having in the planning area?  
---No. No. My recollection is, is that he was satisfied. Mr Vellar and him

had discussions. He was quite satisfied. But as the evening wore on, he became, "Let's go and see Glad," and, and the conversation was very short. It, I am sure, was probably less than two minutes. I don't even think a photo was taken, that, which is what you'd normally do in a drop-in. And that was it, we were gone.

Did you say to Mr Alha in advance, "Look, we'll try and do this drop-in, but whatever you do, don't talk about the project that you've been talking to me for weeks and months"?---I, well, I could have cautioned him.

10

You don't have any recollection of actually doing that though, do you?---I, I don't have any – no, I don't.

But you're saying, what, it was a short meeting of a few minutes.---Oh, yes.

And there was nothing to do with planning discussed at all, is that right?  
---Not that I recall. We, we, we stood. We, we stood, said hello – look, it would have been less than two minutes, that's my best recollection, and it was just general niceties, Commissioner. That's, you know, greetings and,  
20 that's it.

Is that the only occasion on which you have taken a developer for a drop-in with the Premier or with another member of the Ministry?---That's the only one I recall.

No other ones you can think of?---No.

Now, other than the matters that we've discussed before, do you agree that you also provided Mr Alha with assistance to get either him or his planning people meetings with relevant individuals who might be able to discuss the problems that he was having in what I'll call the planning area?---You mean people from Planning Departments, et cetera, through the minister's office?  
30

Things of that kind, yes.---Yes, I did assist, yes.

So just by way of an example, can we go, please, to volume 14, page 134, and I want to show you something that looks at least to me like an example of something of that kind. So here a letter to the Honourable Anthony Roberts MP, Minister for Planning and certain other portfolios.---Yes.  
40

"Dear Minister, please find enclosed correspondence received from Matt Daniel of Pacific Planning in relation to Beamish," B-e-a-m-i-s-h, "Street, Campsie." See that there?---Mmm. Yes.

That was one of Mr Alha's projects, correct?---Correct.

And Mr Daniel was Mr Alha's planner, is that right?---Yes.

And then you say, "It would be appreciated if an appointment could be made with one of your planning officers to speak with Matt Daniel at a mutually convenient time." Do you see that there?---Yes.

And you sign it towards the bottom, and add, perhaps ambitiously, "This week would be good." Do you see that there?---Yes.

10 And so is this an example of the kind of assistance you would provide to Mr Alha, in the sense, something in the nature of a shortcut which might allow the Minister for Planning or perhaps another minister to cause their offices to organise prompt meetings with relevant government officials?---Yes, it's a way of communicating that, yes.

Why did you provide this service or assistance to Mr Alha?---Because he was having difficulties, and he wanted to meet, and I suggested it would be far better for him to have his planners and others to meet, and meet with the minister's staff or whoever he nominated, to try and work through some of the issues, give them advice.

20 But what's that got to do with you? You're the Member for Wagga. You're parliamentary secretary for a series of portfolios not including Planning. Why are you getting involved in assisting in what appears to be an attempt to have something in the nature of a shortcut? "Get the minister's office involved so that we can get a prompt meeting. This week would be good." ---Yes. I'd been friends with Joe for a long time and I, I did it out of friendship.

30 Well, have you ever sent a letter like the one that we saw on the screen, not so much out of friendship but because you were hoping that, in the event that a property development got off the ground, you would end up with a fee yourself?---He never promised me anything. I had no agreements.

Well, let's put Mr Alha aside. What about other property developers? Have you ever assisted a property developer by sending a letter of the kind that we saw on the screen a moment ago with a view to assisting some other property developer getting relevant approvals to be able to allow a project to proceed?---I've assisted a number of developers, yes.

40 And when you assisted those other developers, you did it in the hope that ultimately there might be some profits flowing to you, do you agree?---Not entirely, but - - -

Is that at least a factor that weighed on your mind in relation to, if not Mr Alha, then the other developers whom you've just identified?---Could have been, yes. Could have been, yes.

Well, "could have been" or "was"?---Could have been, yes.

Well, not just “could have been”. It was. Do you agree?---Yes.

And so can we have a look at an example of that? Can we go, please, to volume - - -

THE COMMISSIONER: Do you want to tender that last - - -

MR ROBERTSON: I do. I’m grateful for the reminder, Commissioner. I  
10 tender the letter from Daryl Maguire to the Honourable Anthony Roberts  
MP, 17 September, 2017, pages 134 through to 137, volume 14, public  
inquiry brief.

THE COMMISSIONER: That’ll be Exhibit 356.

**#EXH-356 – LETTER FROM MAGUIRE TO THE HON ANTHONY  
ROBERTS MP DATED 17 FEBRUARY 2017**

20 MR ROBERTSON: And just before we go to that volume 15 document, I  
apologise to the operator, but we’ll just go to page 140 of volume 14 just to  
see how that particular matter played out. Now, is it right that that letter that  
we saw on the screen a moment ago actually resulted in a meeting taking  
place?---I can’t recall.

Well, this will help you.---Ah hmm.

You see there Minister Roberts - - -?---Oh.

30 - - - says to you, “Thank you for your representations on behalf of Matt  
Daniel and his development. Mr Daniel met with the Department of  
Planning and Environment representatives on 28 February, 2017,” et cetera,  
et cetera. And then the final paragraph says, “I have asked the Department’s  
Urban Renewal Team to ensure Mr Daniel is kept fully informed in the  
progress of its work.” See that there?---Yes, I see that.

And so is it right to say this provides an example of the kind of assistance  
that you’ve provided from time to time – not just to Mr Alha, but to other  
40 developers – with a view to, in effect, shortcutting what might otherwise be  
a bureaucratic process, to do things like setting up meetings and things of  
that kind?---Well, I wouldn’t say exactly shortcutting, but certainly, yes.

If you wouldn’t use the word “shortcut”, what word would you use?---Well,  
anyone can write to a minister and seek the same thing as I did.

Well, that’s true, but you weren’t a general member of the public. You were  
writing on your member of parliament letterhead, correct?---Correct.

And you'd agree, wouldn't you, that you were lending the weight of your office as a member of parliament by making representations to the minister, correct?---Yes.

And you'd agree, wouldn't you, that at least in the ordinary course, it will be easier for a member of parliament to procure a meeting for someone with a minister, or with the minister's staff or even with the Department, than someone just off the street, is that right?---Yes, I agree.

- 10 I tender letter from the Honourable Anthony Roberts MP to Mr Maguire MP, 7 April, 2017, page 140, volume 14, public inquiry brief.

THE COMMISSIONER: That will be Exhibit 357.

**#EXH-357 – LETTER FROM THE HON ANTHONY ROBERTS MP TO MAGUIRE DATED 7 APRIL 2017**

- 20 MR ROBERTSON: So can we now go to volume 15, page 48.

THE COMMISSIONER: While we're doing that, did Minister Roberts ever say or ask you the sort of questions Mr Robertson just asked you? I.e., why are you advocating for somebody in relation to a property in Campsie, which is a long way from Wagga?---No. No, Commissioner. No, Commissioner.

MR ROBERTSON: Did you ever tell him?---No.

- 30 Did you ever tell anyone within his office?---No.

Did you ever tell either him or anyone from his office something to the effect of "I'm making these representations in part because Mr Alha's a mate"?---I may have mentioned that. I may have.

Well, do you have a recollection of that or are you speculating as to whether you did or not?---I'm speculating.

- 40 Did you ever inform Minister Roberts or any other minister you wrote to with representations on behalf of developers, or any ministerial staff in respect of whom you made representations of behalf of developers, that you were hoping that you might make a commission or other fee in the event that the development was successful?---No

Go to volume 15, page 48. You agree you should have disclosed that though, don't you?---Well, in hindsight, yes.

Well, not just in hindsight. At that point in time you realised that you were lending the weight of your office as a member of parliament to particular development projects in areas other than the electorate of Wagga Wagga. Correct?---Yes.

10 And you realised that if you leant the weight of your office, including by writing letters on parliamentary letterhead, it would be more likely to get closer attention than if they were letters that were written to the people by the developers or perhaps their planners directly. Do you agree?---Yes.

And it didn't occur to you in the face of that that you should at least have told the proposed recipients of these letters, "I'm not just doing this in my capacity as a member of parliament for the electorate of Wagga Wagga, in part I'm writing you this letter because I'm hoping that I'll make some money out of it at the end of the day"?---Didn't occur to me.

You at least realise now that you ought to have at the very least disclosed that matter. Correct?---Yes, I do. Yes.

20 And indeed you ought not have written any of this kind of correspondence on parliamentary letterhead at all. Do you agree?---I agree.

Looking at the letter then on the screen, we there see, and this is on the same date as the other letter that I showed you on behalf of Mr Alha, "Please find enclosed correspondence received from Charlie Demian concerning 181 James Ruse Drive, Camellia." Do you see that there?---Yes.

30 "It would be appreciated if an appointment can be made with one of your planning officers to speak with Charlie Demian at a mutually convenient time." Do you see that there?---Yes.

And again you sign the document and add the words "This week would be good". Correct?---Yeah.

THE COMMISSIONER: It's almost the same as the letter about Mr Alha's planner.---Yes.

40 MR ROBERTSON: Mr Demian was the developer in relation to that project. Is that right?---Yes.

And you were hoping that in the event that that development was successful, some money would flow to you. Do you agree?---Yes.

And I take it that you didn't draw that to Minister Roberts' attention or to the attention of anyone in Minister Roberts' office.---No.

Is that right? I tender the letter from Mr Maguire going to Anthony Roberts, 17 February, 2017, page 48, volume 15 public inquiry brief.

THE COMMISSIONER: Exhibit 358.

**#EXH-358 – LETTER FROM MAGUIRE TO THE HON ANTHONY ROBERTS MP DATED 17 FEBRUARY 2017**

10 MR ROBERTSON: Mr Maguire, I'm going to come back to what I'll call the Demian topic but it was related to something I asked you about Mr Alha so I thought that I would show you that now.---Thank you.

I've referred you to the example of the drop-in with the Premier and some correspondence with Minister Roberts. Do you recall any other circumstances in which Mr Alha made contact with you to say I've got problem X in my development. I want to see Premier, Minister for Planning, Minister for Roads, minister for whatever?---I can't be clear. I, I can't recall exactly.

20 If he did I take it you would have taken up the cudgels, as it were, and sought to obtain a meeting of the kind that he'd requested?---I would have taken an interest, yes.

Not just taken an interest you would have taken action as well. Is that right?---It depended what it was.

30 Do you agree that you had some discussions with Mr Alha perhaps by about 2017 – or if not, if it was later, if it was earlier, then that's fine – to the effect that one possibility would be that if you retired from parliament, the two of you might work together in some shape or form, perhaps as an employee, perhaps as a consultant, perhaps in some other way?---I do recall that there was some mention be it briefly.

So one possibility in terms of your post-parliamentary career was to work alongside Mr Alha. Is that right?---I'm sure that at some point it was touched on but I, I don't believe that any continuing or in-depth discussions had about that.

40 It was at least a discussion as a possibility, but I'm not suggesting that there was anything signed up or anything along those lines but it was at least discussed as a possibility.---It was suggested.

Was that one of the matters that was exercising your mind when you decided to assist Mr Alha in relation to these projects, the possibility that you might ultimately go to work with him?---No. I would have to say no that wasn't, that wasn't the case.

And so do you say we effectively put Mr Alha in a different category to some of the other developers like Mr Demian? Mr Alha was about looking after your mate, if I can use that colloquial expression, whereas with people like Mr Demian it was with a view to making some money?---Well, with Mr Demian, he had major problems that he raised with me, and the, the problems were bureaucracy gone mad, and I attempted to help him.

10 But you wouldn't have got involved in the kind of depth that you got involved with Mr Demian, for example, unless you thought that there was a prospect of some money at the end of the day. Do you agree?---Mmm, I agree.

And similarly in relation to Mr Alha, you wouldn't have engaged in the kind of action that we've talked about today and yesterday in the kind of detail that you did if he wasn't a mate of yours. Correct?---True, yeah.

THE COMMISSIONER: Close friend.---He's a great friend. We are close friends, yes.

20 MR ROBERTSON: Just pardon me for a moment. And so is it right that other than what we've talked about in terms of attempting to set up meetings with ministers, do you recall any other examples of attempting to set up such a meeting or at least being requested to set up such a meeting on Mr Alha's request?---Not specifically, no. I, I can't recall. There may have been but I, I can't recall what it was.

30 Let me help you this way. 22 November, 2017, intercept 3999. So we're now a little bit later than what you and I have been discussing so far. The meeting with Mr Vellar for example looks like it happened on 15 November, 2017, and so we're now a week or so after that.

**AUDIO RECORDING PLAYED**

**[10.42am]**

MR ROBERTSON: So does that refresh your memory of another example, this time the Minister for Transport?---Yes.

40 Do you recall whether you did either set up a meeting or have a drop-in or anything like that in relation to the Minister for Transport?---No, I don't, I don't recall that I did.

But it's at least an example of the kind of relationship that you had with Mr Alha, at least in 2017, that you were something in the nature of Mr Alha's direct line to government if he wanted the assistance of a minister or someone in a minister's office?---Or advice, yes.

Perhaps someone in a Department.---Yes.

He would be your first port of call. Correct?---Yes.

And you would assist him in setting up meetings or obtaining advice in relation to his development projects. Is that right?---Yes, correct.

10 But you never informed the people who were being asked for that advice or asked to set up those meetings that the reason, or at least a substantial reason as to why you were asking for their assistance was not anything to do with your electorate or your public responsibilities, but rather because you were a mate of Mr Alha. Is that right?---Yes, correct.

THE COMMISSIONER: Do you think Mr Alha was pushing the envelope a bit with that request, Mr Maguire?---Yes, sometimes I did, yes.

And he said words to the effect of, “Where we were walking the other day.” ---Yes.

20 So which particular project was that letter about, or rather that request about, do you recall?---It’s somewhere, somewhere in Canterbury-Bankstown area, there’s an old shopping centre, I don’t recall the exact address, we went and had lunch I think and that’s what he was referring to, but I can’t recall that I ever made that inquiry because it was pushing the envelope, mmm.

So were you about to tender that, Mr Robertson?

30 MR ROBERTSON: I am. I tender telephone intercept 3999, 22 November, 2017 extract and accompanying transcript.

THE COMMISSIONER: Exhibit 359.

**#EXH-359 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 3999 DATED 22 NOVEMBER 2017 – EXTRACT**

40 MR ROBERTSON: Pardon me for a moment, Commissioner. And as well as the kind of direct communication of the kind that we’ve seen – you were writing directly to a minister on your parliamentary letterhead or procuring drop-ins, things of that kind – you’d also give Mr Alha advice from time to time as to how he would best advocate his position in relation to planning projects, is that right?---Yes. Sometimes to calm him down, but yes.

But you’d give him particular advice, “Write to this person, or do it in this way,” et cetera, et cetera.---Correct. Yes, I did.

Including in relation to the particular project that was agitating him at the time that you organised the meeting between him and Mr Vellar, is that right?---Perhaps, yes.

Can I assist your recollection this way? We'll play intercept 6554. Second extract from that call. And that's dated 28 February, 2018. So we're now into the next year.---Mmm.

It's Exhibit 289, Commissioner.

10

**AUDIO RECORDING PLAYED**

**[10.46am]**

MR ROBERTSON: So, Mr Maguire, does that provide another example of the kind of assistance you would provide - - -?---Yes.

- - - not just to Mr Alha but also to other property developers from time to time?---Yes.

20

In effect, advice as to the best way to get a particular point of view forward, is that right?---Yes.

And you referred again, "CC it to the Premier. I'll get it to her all right." You said something like that.---Yes.

Is that what you in fact did in relation to that letter, do you remember?---I don't recall if I did.

30 Is it right you don't have a recollection one way or the other?---No.

THE COMMISSIONER: Did you offer to personally deliver it to the Premier?---I said I'd get it to her.

You said, "I'll give it to her." You said, "Give it to me and I'll give it to her," words to that effect.---Oh, well, I offered, then. Yes.

MR ROBERTSON: I think it may have been "get it to her" rather than "give it to her".

40

THE COMMISSIONER: Oh, was it? I'm sorry, then. I didn't mean to mislead you, Mr Maguire.

MR ROBERTSON: I might just check that in fairness to the witness.

THE WITNESS: Yeah, I thought I said "get it to her". Yeah.

MR ROBERTSON: 6554. "I'll give it to her, all right" was the quote. I think you were right, Commissioner.

THE COMMISSIONER: That's what I thought, yes.

MR ROBERTSON: Do you recall whether you gave it to her?---No, I don't.

10 Do you recall whether anything came of this idea – in other words, sending a letter to the minister with a copy to the Premier – whether that actually led to anything at all?---No, I don't recall.

Similarly, in relation to the Minister for Transport point that we raised before.---Yeah.

There was a request to, as it were, set up a meeting or for you to raise it with the minister.---Yes.

20 To your knowledge and recollection, did anything actually happen in relation to that?---To my recollection, best recollection, no.

So is it fair to say that in relation to Mr Alha - - -

30 THE COMMISSIONER: Can I just ask one further question on that. Mr Maguire, you also said in that extract words to the effect that you "might even raise the matter at the planning meeting you were going to have with that Sydney Commission woman" I think, or words to that effect. Was that in relation to the meeting that had, by then I think, been lined up to take place in March with Dr Hill and others, which Ms Waterhouse was going to attend?---Perhaps, Commissioner. I, I, I think that's the only meeting I ever had with them.

MR ROBERTSON: And so when you refer to her as the Sydney Commission woman, you're referring to Dr Hill of the Greater Sydney Commission. Is that right?---I would think so.

40 And at least in relation to Mr Alha, we've seen a number of examples where you've written to ministers or you've provided assistance in setting up meetings or having drop-ins, things of that kind.---Yes.

Did any of them, to your knowledge, actually lead to any change in either policy generally or decisions in a particular site-specific case?---Not to my knowledge.

So, they're at least aimed to assist Mr Alha in his development projects, correct?---Yes, to get some direction and some advice, yes.

And therefore - - ?---Assist him.

Assist him but with a view to those development projects being able to proceed, correct?---Yes.

But at least so far as you know, none of those steps resulted in a change either in general matters of policy or in decisions in the particular case for Mr Alha or anyone associated with Mr Alha. Is that right?---Not to the best of my recollection, no.

10 Not so far as you know at least?---No, no.

I'm about to move onto another topic, the witness apparently has a bad back. Are you happy to continue onto the next topic or would you like a short break?---I'm going well, thank you.

If we get to the point where it's causing pain or difficulty just let us know - - -?---More Panadol thanks.

20 - - - and we'll proceed from there. Mr Maguire, do you agree that you provided assistance to Ms Louise Waterhouse in relation to proposed sales or development of land associated with her family in the Badgerys Creek area of Sydney, of Greater Sydney?---Yes, I agree.

How did you first come to meet Ms Waterhouse, do you remember?---My recollection is through the Tongan Consulate. Ms Waterhouse is the representative, or Mr Waterhouse, Mr Bill Waterhouse was the honorary consul and Ms Waterhouse often acted for him and then became the consul, so that's why I met her.

30 I think Mr Bill Waterhouse might have been the consul general, the Honorary Consul General of Tonga. Is that right?---Yes, yes.

And Ms Waterhouse, before he passed away, was a honorary consul rather than consul general. Is that right?---Yes, yes.

And she ultimately took over the consul general position when Bill Waterhouse passed away.---Yes, that's correct.

40 Is that consistent with your recollection?---Correct, yes.

But is it right that the first time you recall meeting Ms Waterhouse was in a consular-type role than in a, what I might call a business-type relationship? ---Yes.

And was that in connection with your role as chairman of the New South Wales Parliament Asia Pacific Friendship Group?---We regularly had round tables with the consular officials. They were invited about every quarter where members of parliament would sometimes have a light luncheon and

meet and talk about specific issues with the consular representatives and they would give reports. That was the practice.

But the reason that you were involved in those functions was in your capacity as chair of Asia Pacific Friendship Group. Is that right?---Yes, correct.

10 So, just so we can get the context around what I've just been asking you, can we go please to volume 16, page 1. This is Exhibit 254. Again, this is an email chain so we'll need to jump to page 2. In fact, if you have a look at the bottom of this page, we'll scan down just ever so slightly, Ms Lions to Louis Waterhouse. Ms Lions was a member of your staff at that point in time. Is that right?---Yes, yes.

Subject heading, Meeting Request. And then if we turn over to page 3, "Good afternoon, Mr Daryl Maguire MP, Member for Wagga Wagga and Chairman of New South Wales Asia Pacific Friendship Group representing Tonga from 11 to 13 April, 2017." Do you see that there?---Yes.

20 "He would sincerely appreciate the opportunity to speak to the Consulate General of the Kingdom of Tonga, brackets New South Wales, before he leaves." Do you see that there?---Yes.

Now that particular trip that you're referring to was one of the SAPCDA trips that you and I discussed yesterday. Is that right?---Yes.

30 And so you weren't attending Tonga principally in your capacity as chairman of the New South Wales Parliament Asia Pacific Friendship Group.---Yes.

Rather, you were principally attending Tonga and other countries in the South Pacific as a person associated with the Shenzhen group. Is that right? ---Yes.

40 Why, then, did you not draw to attention the fact that your meeting in Tonga, or in fact your visit to Tonga, was principally associated with the business activities of the Shenzhen group, as opposed to associated with the your role as chairman of the New South Wales Parliament Asia Pacific Friendship Group?---Can you ask that question, can you repeat that question, please?

Do you agree that the principal purpose for attending in Tonga in April of 2017 was to advance the interests of the Shenzhen group we spoke about yesterday, the SAPCDA organisation?---Yes. Yes.

Why didn't you identify that in this email to Ms Waterhouse, or in fact to the consulate?---I don't recall why it wasn't said, but I, in my best recollection, I would have asked the staff to arrange a meeting for which I

would raise topics at that meeting. I don't know that I gave the detail to Ms Lions.

But is this right, the reason you wanted to meet with the Consul General of Tonga, was to assist in arrangements for the Shenzhen group - - -?---Yes.

- - - for its forthcoming trip to the South Pacific, is that right?---Yes, I'd, I wanted to have a discussion about the purpose of the trip, yes, that's correct.

10 And it's right to say that the main purpose of that trip and the subsequent trip that you took to PNG and the Solomon Islands - - -?---Yes. Mmm.

- - - was not in any official capacity of yours, but rather was in your capacity as a person associated with the Shenzhen group of businessmen?---As honorary chairman, yes.

As honorary chairman.---Mmm.

20 But not in the exercise of a public official function like New South Wales Parliament Asia Pacific Friendship Group. Do you agree?---Can you state that again?

Do you agree that the, at least the main purpose of you attending the South Pacific, first in April and then the subsequent trip that we spoke about yesterday, in the Solomon Islands and in PNG - - -?---Yes.

- - - was to promote the, or was in connection with the Shenzhen group of businesspeople, the SAPCDA organisation.---Yes.

30 As opposed to the exercise of any public official function, such as your role as chairman of the New South Wales Parliament Asia Pacific Friendship Group?---That, that role as chairman would have played a part in it, but yes, the majority are the Shenzhen group, that's correct.

It played a part in it in the sense that you used your office as chairman of the New South Wales Parliament Asia Pacific Friendship Group as something in the nature of a door opener in the South Pacific region.---Yes, yes.

40 Is that right? Would you agree with that?---Correct. Mmm.

But that was done, you did that for the benefit of the Shenzhen group, is that right?---Yes. Correct.

You agree, I take it, that that was a activity divorced from your public official functions - - -?---Yes.

- - - in the sense that it was something that you shouldn't have done, do you agree?--- Yes. Yes. I agree.

And I'll just show you one document just on that topic. We'll come back to the documents on the screen, but we'll go to volume 18, page 129. And while that's coming up, I've shown you an email from Ms Lions, but I take it that Ms Lions was sending that email with your authority.---Oh, yes.

10 Volume 18, page 129. Now, do you see here we're in April of 2017, and there's some correspondence with the federal department, Department of Foreign Affairs and Trade, and it's speaking about the process for an MP travelling overseas, do you see that there?---Mmm, yes, I see that.

Now you're aware, aren't you, that there's at least a practice that generally speaking, if a member of parliament goes overseas, that the Department of Foreign Affairs and Trade should at least be informed, is that right?---If it's, if it's an official government travel.

20 If you're just going on a general holiday, then they don't need to be informed. But if there's any possibility that the member of parliament will be acting in any public official function, then at least the policy or the practice is to inform the Department of Foreign Affairs and Trade. Do you agree?---My recollection is that, is that if they're representing the government on official government business, then DFAT would get involved. That's my recollection.

30 And then if we just scan up the page, so I can draw your attention to what I particularly want to draw your attention to, which seems consistent with what you've said before. Again from Ms Lions, "Mr Maguire's asked me to inform you that although he's a member of parliament, that is not the main capacity in which he is travelling to Samoa." Do you see that there?---Yes, correct, mmm.

And is it right to say at least the main capacity in which you were travelling to Samoa was to promote the interests of the Shenzhen group of businesspeople?---Yes. Yes.

I tender the email from Daryl Maguire, or email chain ending with the email from Daryl Maguire to Adriana Lions, 4 April, 2017, pages 128 through to 129, volume 18, public inquiry brief.

40 THE COMMISSIONER: That'll be Exhibit 360.

**#EXH-360 – EMAIL CHAIN BETWEEN MAGUIRE AND LIONS  
COMMENCING 4 APRIL 2017**

THE COMMISSIONER: Mr Maguire, having regard to Ms Lions' response, do you know how the fact of your trip came to DFAT's attention?---No, I don't.

MR ROBERTSON: And it was described in that email as, in effect, your public official function was not the main purpose for the trip. But do I take it that during the course of the trip you would still introduce yourself to people as member of parliament, chair of the parliamentary friendship group, et cetera?---Terribly hard to divorce yourself from the titles that you carry.

But a little bit more than that. You would also, for example, you would use your parliament business card, which includes New South Wales parliamentary friendship group, if there was an exchange of name cards or business cards during the course of the function, is that right?---Yes, I, I, I would think so. I would think so.

You didn't have some separate business card as honorary chair of the Shenzhen group of businesspeople, is that right?---I don't recall that I did.

But at least your best recollection was, to the extent that you needed a business card, you'd use your parliamentary one on a - - -?---Most likely, yes.

- - - on what I'll call a Shenzhen-related trip. Would you agree?---I would agree but I can't recall that I had a card.

You can't recall you had a Shenzhen card?---Yeah, no.

You do recall that you had a parliamentary card.---Always had them, yes.

And that parliamentary card included your offices, including chair of the parliamentary friendship group, correct?---Yes, I think so.

And that would be the particular card that you would use in the South Pacific region, including if you were there for what I would call Shenzhen business.---Yes.

If we can go back to the document you were on before, which was part of volume 16. Page 3, Exhibit 254. So I'm showing you this email from Ms Lions. We'll go up a page now, so we can follow the, follow the chain. ---Ah hmm.

Ms Louise Waterhouse came back to you and says that, "Mr Waterhouse is not available but Ms Waterhouse is happy to attend instead." See that there?---Yes, I see that.

And then if we go back up further to see the next email, you'll see arrangements are being made for a meeting that took place in Parliament House. Do you see that there?---Yes, I see that.

And such a meeting, in fact, took place, is that right?---Yes, it did.

And during the course of that meeting, you discussed, amongst other things, the upcoming what I'll call Shenzhen meeting with, with – sorry, I withdraw that. The upcoming Shenzhen trip to various countries in the South Pacific region, is that right?---I, to my best recollection, yes.

You were asking Ms Waterhouse for her assistance in setting up meetings and things of that kind, is that right?---Yes.

That was why you wanted to set up the meeting with someone from the Consulate of Tonga, is that right?---My recollection is I wanted to brief her about the, the group and the purpose. I don't recall if we asked for any specific meetings with people in Tonga. I can't recall that that was asked.

20 But is it right, then, at least perhaps not in relation to Tonga, but at least in relation to some of the countries, you would use the consular network available to you as chair of parliamentary friendship group - - -?---Yes.

- - - in order to set up meetings for the Shenzhen group, is that right?  
---That's correct.

Now, you then – I withdraw that. Just pardon me for a moment. Do you recall whether during that first meeting with Ms Waterhouse, the one in response to the email chain we've just seen, whether there was any discussion of business or whether it was only discussion of your upcoming trip to the South Pacific with the Shenzhen group?---I have a vague recollection of that meeting. Very vague recollection of what was discussed. I think if I have a recollection of it, it was basically about what the purpose was of the visit. I, I don't recall that Ms Waterhouse raised anything else.

Well, I'll help you this way. If we go to page 6 of volume 16, Exhibit 255. Now, on 7 April, 2017, two days after the meeting that appears to have happened on 5 April, 2017, Ms Waterhouse says, "Further to your mentioning the free trade zone at Shenzhen and our confidential project," sorry, "confidential discussions about our exciting project adjoining the new Western Sydney Airport, attached is a very brief summary and map." Do you see that there?---Yes.

Now, the free trade zone at Shenzhen, what were you telling Ms Waterhouse about that?---My recollection is that the Shenzhen group wanted to give access to the South Pacific countries into the free trade zone which they operate in major centres in China, where they've got bond stores

for alcohol, you have fish produce. They're major trading centres of tens, tens of acres, and that was part of the concept of linking those, those Pacific countries to the Shenzhen group.

And so those areas of free trade zones in the sense that you can import or export to that particular zone - - -?---Yes.

10 - - - without having to pay import duties or export duties and the like. Is that right?---There are special conditions in China and they exist in most of the major cities that free trade zones are encouraged by the Chinese Government.

And then what did that have to do with the South Pacific region and the Shenzhen business people? You were starting to explain that.---Well, that would open up for them a connection into the free trade zone. Shenzhen could organise that. That means the Pacific Islanders could export their product easier, quicker and directly into Shenzhen.

20 And does that mean that they'd be able to export into Shenzhen which product which might then be exported somewhere else but without having to be concerned about import and export duties. Is that the idea - - -?---Oh, no.

- - - or was it all about getting access to as it were Shenzhen purchases? ---It's all, it was all about getting access to a Shenzhen market, a huge market, richest city in China and was about getting produce there fresh, access, not about tax dodging or anything like that. It was special provisions, conditions that they operate under but everyone has to operate under those conditions.

30 And what did this have to do with Ms Waterhouse?---My recollection is that, that that information was given to her in discussion about what the Shenzhen group were trying to achieve in the South Pacific, the linking up of, of businesses. That's why the chambers of commerce were selected. That's my recollection.

40 But let's just have that document back on the screen, page 6 of volume 16, Exhibit 255. Do you see Ms Waterhouse is saying, "Further to your mentioning the free trade zone and our confidential discussions," et cetera, "attached is a very brief summary and map"?---Yes.

I'll then just take you to the next page so you can see at least the start of the very brief summary and map. It's a summary and map regarding SmartWest Sydney and then there's a map of the area. You can see it in blue with orange being what will become Western Sydney Airport at Badgerys Creek.---Yes.

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

So I'm just trying to understand why is Mr Waterhouse as you understood it linking her SmartWest Sydney project with the free trade zone at Shenzhen topic that by the looks of it you and her discussed on 5 April, 2017?---I can't recall why but obviously it was discussed but I, I can't recall the specifics of why.

But in any event, is it right to say that at least one topic of discussion perhaps briefly during the meeting of 5 April, 2017 was the SmartWest Sydney project of Ms Waterhouse. Correct?---Yes, fair to say that, yeah.

10

And that was followed up with the letter that we could see or the email that we could see before, Exhibit 255.---Yes.

You were then off on to your South Pacific trip over the next couple of weeks and you and I discussed that in some detail yesterday.---Mmm.

Do you remember whether you ultimately reported back to Ms Waterhouse as to what happened at the South Pacific trip, either generally or at least in relation to Tonga?---I can't recall. We may have had a discussion. I can't recall clearly.

20

Let me show you this then. Page 10 of volume 16. Now, we'll pick up this email chain, 17 April, 2017, which is the day after you're back from the South Pacific.---Ah hmm.

"G'day Louise. We had a fantastic visit to all four countries." Now, pausing there, that was Fiji, Samoa, Tonga and Vanuatu. Is that right? ---Yes.

30 "And they've all joined the group." What group were you there referring to, is that the Shenzhen group?---Yes, the Shenzhen group.

"The Chinese are over the moon and I'm moving very quickly on some low-hanging fruit." See that there?---Yes.

What was the "low-hanging fruit"?---Things that interested them. I wasn't entirely briefed about what Mr Li found interesting et cetera, but I know that in there there was a licence for a casino, so I can't be clear about what I'm referring to as "low-hanging fruit" but there were some things that, that he was interested in but I don't know that he divulged everything to me about what he was thinking.

40

So when you're referring to the Chinese, you really mean Mr Li and people associated with Mr Li?---Yes, yes.

Is that right?---Correct.

And at least as you understood the position on 17 April, 2017, he was over the moon or excited about the prospect of investing in one or more of those South Pacific countries. Is that right?---Yes. I think he found it interesting, yes.

And as I think you explained yesterday, one of the reasons you were involved in the Shenzhen group was that you were hopeful that some of these projects might come off and that might ultimately lead to some profits for you. Is that right?---And, and money for the trust, yes, that's right.

10

And money for the charitable trust that you referred to yesterday. Is that right?---Yes, yes.

But I think you said yesterday that that charitable trust never got off the ground. Is that right?---Neither did many of these projects. I don't think any got off the ground.

So neither the commercial projects nor what might be called the charitable projects or charitable fund ultimately got off the ground. Is that right?---No. But I recall that Mr Li fixed the, the problem with the fruit. It was raised in the visit, they'd lost their export because of an issue with the fruit they produced and it was raised and I understand that he took moves to fix that. That's my recollection.

20

THE COMMISSIONER: Is this this reference to squash?---Yes, Commissioner. It's an export product and, my recollection, it was brought to the meeting's attention and that Mr Li took steps to try and rectify the issue. It was an export market that they'd lost and they were very concerned about it and I, to the best of my recollection, he took steps and he fixed it.

30

Can you just remind me what CCIC is? Mr Li got CCIC to go the island. ---Yes. That's China Customs. They operate in Australia and they manage licensing and protocols with regards to exporting and importing of product, but in Australia it's exporting. You have to have CCIC approval before you can do anything, get products in, particularly fruit and vegetables et cetera.

It sounds like from what you're saying you need the same licences in Tonga at least to export the squash.---Yes. Everything has to be approved, and there was, to my recollection, a problem with either a bug or, or some protocol that needed to be rectified for what is a big export, and they were very concerned about it, similar to the beef problems that we have from time to time when, you know, China Customs is very strict on labelling and all those things. This was a similar problem with, with a bug of some description. I'm not clear on what the issue was there.

40

MR ROBERTSON: So the CCIC is essentially the organisation that assists with what might be broadly called regulatory matters, in other words, making sure the appropriate approvals and things of that kind - - ?---Yes.

- - - are obtained in the event or are possessed in the event that someone wants to export product from for example Australia or Tonga into somewhere within at least mainland China. Is that right?---Yeah, that's correct.

And if you have a look a little bit further up this email chain, Ms Waterhouse comes back and says, "Thanks for the update," et cetera. And then if we go up a little bit further, you say, "Hi, Louise. Thanks" – I  
10 withdraw that. Start again. "Hi, Louise. Thinking of doing lunch in the next sitting to allow extra time to get invitations out to the other consuls generals."---Yes.

And then you identify a date. You then say, "I would like to catch up re the other matter we discussed." Do you see that there?---Yes, I see that.

What was the other matter to which you're referring there?---Oh, it would be the South West project.

20 The SmartWest city - - -?---Yes, yes, yeah.

The SmartWest project that Ms Waterhouse had drawn to your attention - - - ?---That's what it would have been.

- - - on the 5<sup>th</sup> of April and 7<sup>th</sup> of April, is that right?---Yes.

I tender email chain ending with email from Mr Maguire to Ms Waterhouse, 18 April, 2017, 1.22pm, pages 10 to 11, volume 16, public inquiry brief.

30 THE COMMISSIONER: That will be Exhibit 361.

**#EXH-361 – EMAIL MAGUIRE TO WATERHOUSE DATED 18 APRIL 2017**

MR ROBERTSON: Did you catch up with Ms Waterhouse regarding the other matter?---I can't recall.

40 Well, that wasn't the end of any involvement you had in the SmartWest project, I take it?---No, no. I can't recall if it, that happened immediately, but I, I'd suggest that it did, yes.

Why did you want to catch up with her regarding that other matter?---I think, well, the email said that I couldn't access all of the documents to read it, and I wanted to read it in person.

But why did you care?---My recollection is there was some other issues that were raised around that SmartWest as well.

What were those issues?---To do with roads and the flight path of the airport, and the families that were trapped underneath the flight path, if my recollection is right.

10 When you say roads, by that do you mean access from the SmartWest site through to the new Northern Road?---Yes. Access for that, that area, including SmartWest, and my recollection is 30 or 40 families that lived out there.

Because there was concern as to those properties being able to properly access the, what I'll call The Northern Road on the eastern side of that area near Badgerys Creek, is that right?---Safely I think is the word you'd use. Safely.

Safely. Safely and directly.---Yes. Safely, yes.

20 Well, not just safely, but directly in the sense of having the most convenient access possible.---Yes.

Rather than having to have a circuitous route to get there, is that right?  
---Correct.

30 Was that the only issue of which you can now recall in relation to what I might call the SmartWest project?---Oh, that, that was the major issue that the families and that Louise was the spokesperson for. They formed a group, if my recollection is right, that were actively seeking to be included in the, the, the road access issue, and then of course there was the major project itself, which Ms Waterhouse had indicated to me – I can't recall when she indicated, but she wanted to find some partners and/or some businesses that might join with her to fulfil the dream of Mr Waterhouse. That's my recollection.

40 So we'll get to the detail of that in a moment, but was there also an issue in relation to what I'll call, in the broadest terms, planning? In particular what planning decisions might be made in relation to Ms Waterhouse's site and perhaps in relation to land in the vicinity of her site as well?---Yes, I think so, yes.

And what was that particular issue, as you understand or now recall it?---My recollection is that, that there was a line drawn on the map and that Ms Waterhouse's land and the land of the 30 or 40 landholders was excluded from the, the master plan, if that's the right word for it, and that, that caused a, a lot of issues with locals and, and with Ms Waterhouse, that's my recollection.

Was one of the reasons that you wanted to speak to Ms Waterhouse about the other matter – the SmartWest Sydney matter – the possibility that you might be able to introduce Ms Waterhouse to people who might invest and who might pay you a commission in relation to that investment?---Yes. Certainly, certainly people who might want to invest, yes.

10 But do you accept the second part of what I was putting to you? People who might invest but also people who might give you a commission or introduction fee or other amount of money in relation to such an investment?---Yes.

And just to put some context around this point in time, I'm asking about the moment about April of 2017, would you agree that around that point in time you were undecided as to whether you were going to stand at the next election in 2019?---Oh. I'd, I had made up my mind, but not said anything publicly, about my political future, but I was going.

20 Was that an absolute, you were going, or was it, you wanted to go but you wanted to put in place things for yourself after a time?---I definitely was going, I'd made up my mind. I hadn't told anyone at that point in time, from my best recollection, that I, that I'd have, that I would have to look to the future, yes.

And so is it right to say that during the course of 2017, and into the first half of 2018, one of the things that you were very keen to do was to put yourself in the best possible financial position, to be in a good financial position to retire at the next election?---Explore, I, I think, opportunities, would be more accurate.

30 I'm going to suggest to you that it was more than just exploring. You wanted to receive actual real money before you'd retired, so that when you did retire you were in a good financial position. Do you agree?---Not entirely, but I'll agree.

Well, what do you mean by not entirely? Do you agree with me or not?  
---(No Audible Reply)

40 No doubt there were many things that you were considering at that point in time in your life.---Yes, there was.

But one of them was to ensure that you were in, as you saw it, a good financial position in order to retire. Correct?---I would have retired regardless of my financial position.

No, but you were desirous to, at the earliest opportunity, put yourself in the best possible financial position. Do you agree?---I was desirous to put myself in the best opportunity to engage in work once I retired.

What I want to suggest to you that it was more immediate than that. You were seeking, whilst you were a member of parliament, to earn profits then and there – not for the future, not for post-2019, but then and there – with a view to being in the best possible financial position that you could be as at the time that you would have or might have retired. Do you agree?---Well, I'd have to agree.

10 Because what I'm suggesting to you, just to be clear about what I'm putting to you, I'm suggesting that you're not just putting some irons in the fire in hope that post-2019 there's something there for you. You were trying to, for example, get your debts paid off in 2017 and 2018, or at least pay down your debts. Do you agree?---Not entirely, no.

Why you don't entirely agree?---Oh, well, because I really wanted to look to the future and have something to do, and I don't think it's uncommon to look for places that you can make a contribution, be employed, be active. That, that was on my mind, yes.

20 That was certainly a factor.---Yes.

So one of the things you were seeking to do was to, as it were, have something to go to, correct?---Yes.

You were hopeful that someone would appoint you, for example, on a board of directors of a relevant company, correct?---Well, I certainly was looking, but I had nothing specific.

30 At least you were seeking to, as I put it, something to go to, having some position, be it on a board of directors of companies, or as a consultant, or something like that.---Explore. Mmm.

And so that the day after you retired from parliament, you're not, as it were, unemployed, you have got set up a new activity as it were.---I, I would suggest that I was exploring opportunities to consider after I left parliament.

Wasn't it a little bit more than that, you were exploring them, but you were also seeking to procure offers of potential positions before you ceased to be a member of parliament?---Oh, no, I, I, I would have to disagree with that.

40 You were offered a position on the board of directors of United World Enterprises in 2017, weren't you?---Oh, it, it was touched on briefly, in a conversation that was I don't think ever touched on again. It was just touched on, and left at that.

Does that mean you're agreeing that you were offered a position on the board of United World Enterprises in or about 2017?---It was mentioned. It was mentioned. There was no formal offer. It was mentioned.

And in fact, you sought the advice of the parliamentary ethics adviser in relation to that mentioning or offer. Do you agree?---I did seek the advice of the parliamentary ethics officer for some reason. I can't recall if that was it.

Well let me help you this way. We'll go to volume 1, page 237, Exhibit 105. What I'm going to show you is a note of a meeting with the parliamentary ethics adviser referring to a discussion with you 26 July, 2017, saying "China firm has approached him to join board. He is undecided" - - -?---Oh yes.

- - - "whether to contest next election, accept position with UWE, United World Exports, export to China of hay and oats." Do you see that there? ---Yes.

Do you agree that this note is an accurate discussion or an accurate representation or summary of the discussion that you had with the parliamentary ethics advisor - - -?---Yes.

20 - - - on or about 26 July, 2017?---Yes.

And so UWE had suggested a potential board position for you. Is that right? ---Yes, they had touched on it once, I recall that.

And notes there "undecided as to whether to contest the next election". Is that accurate as at 26 July, 2017?---No, I'd already decided.

30 So at least in your own mind you'd made the decision that, at least with your discussions with the parliamentary ethics adviser, you kept that as a more open proposition. Is that right?---Sorry, can you repeat that.

If you have a look at the note it says, "He is undecided whether to contest the next election." See that there?---Yes.

Which is obviously a reference to you. Are you saying you didn't tell the parliamentary ethics advisor that you actually made a firm decision? You effectively said this is one of the things that I'm considering.---Yes.

40 THE COMMISSIONER: Is that a convenient time Mr Robertson?

MR ROBERTSON: It is, thank you.

THE COMMISSIONER: We'll take a 15-minute adjournment.

**SHORT ADJOURNMENT**

**[11.27am]**

THE COMMISSIONER: Please be seated, Mr Maguire. You're bound by the affirmation you took.---Yes, Commissioner.

Yes, Mr Robertson.

MR ROBERTSON: So, Mr Maguire, 18 April, 2017. You say to Ms Waterhouse you want to catch up re the other matter. And do you recall whether you did catch up re the other matter, being the SmartWest matter? ---I'd suggest that we did at some point, yes.

10

And was at least an aspect of catching up with Ms Waterhouse the intention to put her in touch with people who might be potential investors, either by way of purchase or by way of assisting you in the development of the land? ---Yes, I'd agree.

And is that something that, so far as you can recall, you sought to do fairly shortly after you asked Ms Waterhouse to catch up with her in relation to the other matter?---Yes.

20

Can we go, please, to page 14 of volume 16. I'm going to show you an appointment that was in your electronic diary.---Ah hmm.

For 26 April, 2017. See there 26 April, 2017. So a short period of time, about eight days or so after the email to Ms Waterhouse regarding catching up regarding the other matter, we've got a meeting with L. Waterhouse, Jimmy Liu it says. That's Jimmy Liu, I take it?---Liu, yes.

From United World Enterprises.---Yes.

30

There's then a H. Young. Who's H. Young?---I can't recall who H. Young is.

And then what about William Luong? Who's that?---William Luong, yeah. A friend of mine, mmm.

But not just a – well, a friend, but also a business associate, is that a fair description?---An associate, yes, yes.

40

Why did you want Ms Waterhouse to meet with the individuals who are there identified? Why did you set up a meeting with, with that particular group?---Well, it would have been to discuss the SmartWest.

And so does that mean you were introducing those individuals as potential participants in the SmartWest project or - - -?---Or sources of advice, yes.

THE COMMISSIONER: So that's Mr Liu from United World Enterprises, is it?---Yes.

MR ROBERTSON: And in relation to Mr Luong in particular, he, at that point in time, to your knowledge, was involved in what might be called the property development industry generally?---Yes.

He would act as an agent for vendors or sometimes purchasers of land, correct?---I believe so, yes, correct.

10 And so was at least part of the idea of introducing Ms Waterhouse to Mr Luong the possibility that Mr Luong would assist Ms Waterhouse in finding a potential buyer or other investor for the SmartWest site?---Yes, part of the reason, yes.

Part of the reason?---Yes.

What was the other part of the reason?---He's very experienced in the property development, et cetera, and I thought his skills would be advantageous to Ms Waterhouse.

20 So he might be in a position to provide some advice in relation to what's a fairly major piece of land and a fairly major proposed project in the Badgerys Creek area, is that right?---Yes, that's correct, mmm.

But ultimately, I take it, what you'd hoped through this networking, if we can call it that, was that one of these individuals might be able to assist Ms Waterhouse in making some money and you sharing some of those profits with whoever might be assisting, do you agree?---Yes.

30 Now, did Mr Luong ultimately seek to assist Ms Waterhouse in selling or developing the SmartWest land, do you know?---To the best of my recollection, did some work but I can't be clear what he did exactly.

Well, did he assist Ms Waterhouse in attempting to find a purchaser for that land?---To the best of my recollection, yes.

Did you assist in attempting to find a purchaser for that land?---Yes. The best of my recollection, yes.

40 Did you have an agreement or understanding with Mr Luong that, in the event that a successful sale of the SmartWest land was procured, that you would share in the commission to which Mr Luong would be entitled?---I had no agreement.

Did you at least have an understanding with him?---I don't know that I even discussed an understanding with him. I, I don't recall that.

Never any understanding at all?---No, I don't think we'd even gotten to a stage of having a discussion about that outcome. It was all hypothetical at the time.

Well, did it ever cease to become broadly hypothetical and get to a point at which you thought you would receive a substantial commission or other payment in connection with the SmartWest site?---Can you repeat that, please?

10 Was there ever a point in time at which you thought you would receive a substantial commission or other payment arising from the sale of the SmartWest land or some part of that land?---At some point it was suggested to me.

Well, it was more than just - - -?---I think by Mr Luong. I think, if my recollection's right. Not Ms Waterhouse.

20 So is it right that, at a particular point in time, and we'll try and be more precise at the time in due course, but at a particular point in time, at least as you understood it, you would receive a commission or other payment in relation to a proposed sale of what I'm calling the SmartWest land?---If my recollection is right, at some long and later point in time, not when these discussions began. If my recollection is right.

I'm not suggesting that this was the case in April, but I'm suggesting that later in 2017, as you understood the position, you were in line to receive a very significant commission or other payment in relation to the proposed sale of the SmartWest land. Do you agree?---I can't be, I can't be clear on whether it was later in 2017.

30 Well, let's put aside the timing, then. Do you at least agree that at some point in time after April 2017, at least as you understood it, you were in line to a significant commission or other payment arising from the sale of the SmartWest land or some part of it?---Yes.

And that was a commission that Mr Luong would pay to you. Correct? ---We never had discussions about that, but yes.

Well, was it made sufficiently clear to you by Mr Luong that you would be looked after - - -?---Yes.

40 - - - financially in relation to the work that you were doing? Correct?---Yes, he made a comment, yes.

And that was part of the reason you were so closely involved in this SmartWest matter, that you were seeking to obtain a commission or other payment in relation to the sale, or if not the sale, the development of the land. Do you agree?---Partly, yes.

Whilst there may have been other factors, you wouldn't have done what you did in relation to the SmartWest land, the various steps that you took, the

detail of which we'll go through, unless there was a possible profit to you being paid in relation to the sale or development of the land. Do you agree? ---No. There was a major issue with regard to that property as well with regards to the residents being caught underneath the flight path which - - -

10 You're not seriously suggesting, are you, that everything you did in relation to the SmartWest land, you would have done, you would have taken every step that you took even if there was no potential profit to you at the end of the day?---I can't recall every step that was taken, but I certainly would have taken an interest with regards to the issue that the landholders had that Ms Waterhouse had raised to me. I can't recall what every step was but I certainly would have taken an interest in the issue of the landholders that were stuck underneath the flight path.

THE COMMISSIONER: Well, why, Mr Maguire? You're the Member for Wagga.---Yes.

20 No doubt there were numerous state electoral seats out in and around the area. Why didn't you just refer Ms Waterhouse to one of the politicians, members of parliament out there and ask them to assist her?---I did.

Well, why didn't you then step back and let them deal with it?---I then did.

And when was that?---I introduced Ms Waterhouse at some point, I can't recall when, to the local member and basically she took charge of the issue.

30 Was that in 2017 or some later time?---I can't remember the exact date, Commissioner, but I did do that. An introduction was made, the problem explained, and the local member then took over the issue with Ms Waterhouse and I, I don't know what the outcome was because I didn't have any more contact after that introduction to the local member.

MR ROBERTSON: Are you saying that every step you took in relation to the SmartWest land would have been taken anyway, whether or not there was a profit or potential profit for you at the end of the day?---If I could recall every step, if I could recall every step that was taken.

40 All right. We'll come to the detail of it, but I think you're at least accepting that one of the reasons you engaged in the steps that you engaged in in relation to the SmartWest land was the possibility of a commission or other payment to you in the event that the sale or investment was successful. ---Yes.

Do you agree?---Yes.

And you're not suggesting that any of the steps that you took in relation to the SmartWest land had anything to do with your role as Parliamentary

Secretary for the Centenary of Anzac, Counter-Terrorism, Corrections and Veterans?---No, no, not at all.

And it didn't really have anything to do, or it didn't have anything to do with your electorate responsibilities as the Member for Wagga Wagga. Correct?---No.

10 So you weren't really doing it in any public official role at all. Would you agree?---(No Audible Reply)

Public official function I mean.---Yes.

Do you agree?---I agree.

Now, in relation to Mr Luong, was there a particular purchaser who Mr Luong was seeking to procure a deal between Ms Waterhouse and that purchaser?---From my recollection, Country Garden. He, I think he spoke to them about it.

20 Now, Country Garden is an organisation that you have had a relationship with over time. Is that right?---Yes, yes, correct.

We saw a reference in one of the documents before to a GT Hu. Do you remember that?---Yes.

That was a CEO of Country Garden Australia. Correct?---That's correct.

30 Country Garden Australia is a subsidiary of the very large Country Garden in China. Is that right?---Correct.

So is it right that as you understood it Mr Luong was seeking to procure a purchase of the SmartWest land, Ms Waterhouse and family's land by Country Garden Australia. Correct?---Yes.

And that if that was procured successfully, Mr Luong would be entitled to a substantial fee from Ms Waterhouse or from the vendors. Correct?---I don't know how that arrangement was made. Mr Luong didn't discuss that with me, to the best of my recollection.

40 It was at least clear to you that Mr Luong would receive a fee from someone in the event that the sale was put through. Correct?---Yes, correct.

And he'd share that fee with you. Correct?---Yes.

Now, if we can go – before I do, can I tender the appointment 26 April, 2017 referring to meeting with L. Waterhouse, Jimmy Liu, H. Young and William Luong, L-u-o-n-g.

THE COMMISSIONER: That will be Exhibit 362.

**#EXH-362 – CALENDAR APPOINTMENT MAGUIRE - MEETING  
WITH WATERHOUSE, LIU, YOUNG AND LUONG DATED 26  
APRIL 2017**

10 MR ROBERTSON: It's page 14 of volume 16 public inquiry brief. Can we go, please, to page 19 of volume 16, please. So that diary note or diary meeting was 26 April, 2017. I'm not showing you another one the next day. See it says, "Dinner Country Garden" on the top of the screen?---Yes.

And it says "where" but presumably means "who". William Luong but with Luong spelt wrongly, L-y-o-n-g. See that there?---Yes.

20 Do you recall what that dinner was associated with? Did that have anything to do with the meeting that appears to have occurred the previous day with Ms Waterhouse and others?---I can't recall. I, I don't know.

But do you at least agree that there was some communications between you and Country Garden concerning the proposed purchase of the SmartWest site to Country Garden?---I can't recall who was at the dinner. It may have been just Mr Luong and I. I, I, I can't recall the dinner.

30 So while you can't recall that particular dinner, is it right, though, that you had at least some communications with representatives of Country Garden in relation to the proposed sale of the SmartWest site to Country Garden? ---I can't, I can't recall that I did.

Well, you were in fairly regular contact with Mr Tim Lakos around this time. Is that right?---Yes, yes. We, we, we'd get together and have a drink and a chat, yes.

He was - - -?---Correct.

He was the investment manager I think or some similar title within Country Garden. Correct?---Yes, that's right.

40 And do you agree that you at least had a few communications with Mr Lakos regarding this proposed sale and purchase of land?---I can't remember the communications but I, I can confirm that we would meet occasionally socially for a drink and a chat. I can confirm that but I can't recall exactly the specifics of what was spoken about.

But you're not saying that this particular sale was not a subject of conversation with Mr Lakos, are you?---I don't know. I, I don't, I thought

that Mr Luong was managing that and I had very little to do with any detail with regard to that.

Well, is it right to say that Mr Luong was the main point person, for want of a better word, with Country Garden. Is that right?---Yes. I'm not familiar with whatever details were discussed or that I even discussed it with, with Tim. I, I couldn't be clear.

Well, you at least discussed it with Mr Luong. Correct?---Briefly.  
10 Mr Luong basically took charge and did his own thing.

But he kept you up to date as to what was going on in relation to that proposed sale. Do you agree?---I can't be clear that he kept me up to date on that. I can't really be clear about that.

And I think you're saying you don't have a specific recollection of the purpose of the 27 April, 2017 meeting that appears to have happened that I showed you on the screen. Is that right?---Not that I can recall.

20 I tender the calendar appointment 27 April, 2017 entitled Dinner Country Garden, page 19, volume 16 public inquiry brief.

THE COMMISSIONER: That will be Exhibit 363.

**#EXH-363 – CALENDAR APPOINTMENT MAGUIRE - DINNER AT COUNTRY GARDEN WITH LUONG DATED 27 APRIL 2017**

30 MR ROBERTSON: We'll go to the next page of that bundle, page 20. So that dinner appointment said 6.00pm to 6.30pm, it now says 6.33pm. "Hi Louise, can you please call me." Do you see that there?---Yes, I see that.

Does that ring a bell that you may have wanted to speak to Ms Waterhouse during the course of the dinner?---I can't recall it. It's there, I can't recall it.

Let me try and help you further this way. If we go to the next page, page 21, volume 16, which is already Exhibit 218. This is on the same night, it seems. If we just have a look at the very top of the page, you forward to Mr  
40 Luong then, 7.21pm, an email chain. But that email chain includes the email that I showed of 7 April, 2017. Do you see that there, Mr Maguire?  
---Yes.

So it looks like at least that during the course of the so-called Country Garden dinner, or perhaps a little bit after it if it's a short dinner, you're forwarding material regarding the SmartWest project to Mr Luong. Do you see that there?---Ah yes, ah yes.

You recognise the email address towards the top of the page of Mr Luong's email address. Is that right?---Yes, I do, yes.

Now does that help you in recalling the purpose of the dinner which looks at least to be for the purposes of discussing Ms Waterhouse's proposed sale. Does that - - -?---I don't recall the detail but I would have to agree with you, yes.

10 THE COMMISSIONER: Who is Ms Tritton?---One of my staff.

Thank you.

MR ROBERTSON: Commissioner, I tender the email from Mr Maguire to Ms Waterhouse, 27 April, 2017, 6.33pm, page 20, volume 16, public inquiry brief.

THE COMMISSIONER: It will be Exhibit 364.

20 **#EXH-364 – EMAIL MAGUIRE TO WATERHOUSE DATED 27 APRIL 2017**

MR ROBERTSON: Can we then go to page 26 of the same bundle, volume 16, Exhibit 257.

THE COMMISSIONER: Volume 19.

30 MR ROBERTSON: Volume 16.

THE COMMISSIONER: Oh, I thought we were in volume 19.

MR ROBERTSON: If I said that, misspoke the last document was in volume 16.

THE COMMISSIONER: So what page is this of volume 16?

MR ROBERTSON: Volume 16, page 26, Exhibit 257.

40 THE COMMISSIONER: Thank you.

MR ROBERTSON: Now if we can, again, we've got another email chain, if I can draw your attention towards the middle there's a 12 May, 2017 email from you to Ms Waterhouse. "G'day Louise, welcome home, we're having lunch with Samoa and PNG Wednesday at 12.30. You're very welcome to join us and chat to Mr Li about the opportunities for Fiji." Do you see that there?---Yes.

That was a reference to one of the Shenzhen group meetings that you and I discussed yesterday. Is that right?---Yes, that's correct.

I think Ms Waterhouse may have actually come along to that particular lunch.---Yes.

Do you remember we spoke about that yesterday?---Yes.

10 But the particular part I want to draw your attention to is the next paragraph, "With regard to Badgerys's Creek, I would really like to have William manage that and meet you separately in your office. He has been in contact with the relevant people who have shown a serious interest and they have plenty of funds." Do you see that there?---Yes, yes.

Now who were the people, as you understood it, who had shown a serious interest and have plenty of funds?---My recollection would be Country Garden.

20 And so you act, as it were, as an introducer between Ms Waterhouse, who you meet through your role as the chair Asia Pacific Friendship Group, and Mr Luong, who'd you'd already known. Is that right?---Yes.

And then you reach an understanding or agreement or arrangement where Mr Luong would share his commission with you, correct?---Well, we had no agreement but yes.

At least an understanding, if not something that was writing on the page. Is that right?---Yes.

30 Understanding he would look after you financially for your hard work in relation to this issue.---That's what he said on the phone.

That's what he said and that was your understanding of the position as well. ---Yes.

Now what was the next step that you took in relation to the SmartWest site, do you remember?---No I can't recall.

40 Is it right that it was mainly Mr Luong who was doing the work with a view to getting this deal across the line?---My recollection is yes.

He would speak to you from time to time to give you an update as to what was going on, correct?---I don't recall that I got a lot of updates about what he was doing, but he, he certainly did brief me at some point but I can't recall the details.

He at least told you as to potential problems or impediments in relation to the proposed sale, is that right?---I can't be clear about that.

In relation to Country Garden, that was an organisation that you had had some relationship with over time, is that right?---Yes, that's correct.

And you sought to get them involved in a number of projects, including the SmartWest project, is that right?---I, I don't know whether it was me or Mr Luong that actually sought to get Country Garden involved, but there were a number of projects that were suggested to Country Garden if my recollection is right.

10

Did you provide any assistance to Country Garden in obtaining relationships, or trying to build relationships, with any public officials? ---I, my recollection says that there was a lunch held at some point with the new Managing Director of Country Garden, at their request.

When you say the new individual, you're referring to GT, is that right? ---GT, yes. When he took control after the former general manager, they requested they have a lunch and a, a drop-by. And I can't remember the details but that, that sort of comes to mind.

20

And that was a lunch or another meeting with who in attendance?---GT, Tim, myself, and I can't recall if there was a fourth person. It was just a casual, you know, meet-and-greet, from my recollection.

Do you recall ever introducing Country Garden or anyone within Country Garden to any other public officials?---I think that lunch was part of a, just a drop-in meet-and-greet, and I can't recall who we met.

30

Can I help you this way. Can I have on the screen the ministerial diary document. I'm going to move forward in time, Mr Maguire, to August of 2017. Now, this is a disclosure summary document from the Minister for Planning at that point in time. You've seen disclosure summaries like this before, I take it, Mr Maguire.---Yes.

You know there was a policy within government, at the time that you were a parliamentary secretary, of making public disclosures of scheduled meetings that ministers are engaged in, is that right?---Well, ministers make those public disclosures.

40

That's right. Just ministers.---Just ministers.

I'm not suggesting parliamentary secretaries do.---No.

But you understood that ministers have disclosures in relation to scheduled meetings, correct?---Correct.

Not bump-ins, for example.---Correct.

Not fundraising functions, for example.---Correct.

And not other general functions if one goes to a school or an electorate or something like that.---This is, this is official.

But this is official. And if you just have a look at the notes, see number 1, for example, “Scheduled meetings, including telephone conference or telephone call, held by the minister with external persons who seek to influence government policy or decisions.” You see that there?---Yes.

10

If we just go, if you just have a look at 9 August. Do you see that the organisation/individual is Country Garden Australia and then Daryl Maguire MP. Do you see that there?---I see that.

And then it says “introductory meeting”, see that there?---Yes, that’s right.

So do we take it that you organised the meeting with the Minister for Planning to meet people from Country Garden?---Yes, I did.

20

And why did you do that?---GT was new to the role. I recall that Tim, I, I think it was Tim wanted to make the introduction. It was a general meet-and-greet. Nothing specific was spoken about, but Country Garden were wanting to make an impression. They had planned to develop and to expand in Australia, and they wanted to pay their respects to the, to the, to the minister.

Did you ever have in mind, in 2017 or at any other time, potentially acting as a consultant or having some other formal relationship with Country Garden Australia, either during or perhaps post your parliamentary career?

30

---It was touched on at some point. I can’t recall when.

And was that a factor that you took into account in doing things like setting up the meeting that we could see on the screen?---Mmm, yes.

So we’re now up to 9 August, 2017. Do you recall what steps you took after that point in time in relation to the SmartWest site?

THE COMMISSIONER: Sorry, did you want to tender that ministerial diary, Mr Robertson?

40

MR ROBERTSON: I do, thank you Commissioner. I tender the ministerial diary that I showed on the screen in relation to the quarter between 1 July, 2017, and 30 September, 2017, for the Minister for Planning.

THE COMMISSIONER: Exhibit 365.

**#EXH-365 – DISCLOSURE SUMMARY FOR MINISTER FOR  
PLANNING FROM 1 JULY 2017 TO 30 SEPTEMBER 2017**

MR ROBERTSON: Can we play, please – so we'll move to 18 August, 2017, just to try and help your recollection around this point in time.  
---Thank you.

10 Can we play telephone intercept 623, which is Exhibit 221.

**AUDIO RECORDING PLAYED [12.16pm]**

MR ROBERTSON: So, Mr Maguire, does that first help your recollection in confirming that at least from time to time Mr Luong was seeking to update you as to the progress of the proposed sale of the SmartWest site?  
---Yes.

20 And by the sounds of it, you had a meeting with Mr Luong in your Parliament House office or at least in Parliament House on the afternoon of that call, is that right?---Or the public area of Parliament House, yes.

But at least somewhere within Parliament House, correct?---I, I can't recall the meeting, but you would assume it would be in one of the places that we can meet, as in the confines of Parliament House, yes.

30 You accept, don't you, that you had a number of meetings in Parliament House, whether it be your office or some other place - - -?---Mmm.

- - - to which you only have access because you're a member of parliament, with a view to progressing this particular proposed deal.---There are public areas that you can use as well.

I appreciate that.---Mmm.

But I'm asking you to accept or reject the proposition that you had more than one meeting in relation to the SmartWest project - - -?---Mmm.

40 - - - either in your office, your parliamentary office, or in some other place of the meeting that is available - - -?---Yes.

- - - only to members of parliament, rather to the public at large.---I would have to disagree and add that those meetings could have occurred in the public bar, in the public dining area, and/or the other areas that you mentioned.

Do you accept that at least one meeting concerning this issue was either in your office or was in what I might call a private area?---Yes, yes.

By which I mean areas that only members of parliament have access to.  
---Yes, I'd accept that.

Rather than public areas.---Mmm.

10 Now, we'll move to 5 September, 2017. And can I just ask what your role was in relation to this proposed transaction. So Mr Luong is obviously keeping you up to date from time to time.---Mmm.

But what steps, if any, are you taking? In other words, you've done the introduction, but what else are you doing that might earn you the fee that you and I have discussed?---I don't recall that I had a specific role. My recollection is that William had interacted with Ms Waterhouse and they had their agreement in place on a direction they were taking. That's my recollection.

20 You were at least a door-opener in relation to public officials. Is that right?  
---Yes.

So to the extent that there were issues associated with planning or roads or anything like that, that was your role within this transaction, to try and grease the wheels, so to speak.---I didn't have a formalised role but - - -

No, I'm not suggesting it was formalised, but at least in practice, at least in the real world - - -?---It was possible.

30 - - - you performed that role.---It was possible, yes.

Well, not just it was possible, that's what you did. Do you agree?---Yes, yes.

And can we just have a look at an example. Page 86, volume 16. I'm going to show you some extraction reports from one of your telephones.---Ah  
hmm.

40 And if you have a look at the first message, that's to Ms Waterhouse, and we've jumped a little bit further in time. "G'day. I spoke to Melinda Pavey. She will discuss with Jock and come back to you. I'll send her your contact." Do you see that there?---Yes, I see that.

Do you have a recollection, and I'm sorry I've jumped forward in time, but do you have a recollection as to why you spoke to Melinda Pavey in or about December of 2017?---Yeah, my recollection is it was the road issue that was to give access to the residents and Ms Waterhouse. That's my recollection.

So when you say the roads issue, you mean the issue that you and I discussed before?---Yes.

Access to The Northern Road. Is that right?---Correct.

Safe and convenient access was essentially what we were referring to. ---Correct, yes.

10 And to procure that it may have been necessary to move the planned location of one of the intersections. Is that right?---There was an argument about that, yes.

And you provided assistance to Ms Waterhouse with a view to, as it were, lobbying in relation to that issue. Do you agree?---I provided assistance, correct.

20 Assistance with a view to her getting a change in the then proposed approach to The Northern Road. That's right---Yes.

THE COMMISSIONER: So at that stage you were still acting to advance her issue, even though it was in another member's electorate.---Yes.

MR ROBERTSON: Now, we'll take that document off the screen. I'll come back to it a little bit later, and I'm going to jump back to September of 2017. I'm sorry, I sort of jumped forward and jumped back.

THE COMMISSIONER: Is that an Exhibit, Mr - - -

30 MR ROBERTSON: It's not yet, but I'm going to come back to it and I propose to tender it then.

THE COMMISSIONER: It wasn't part of those SMS bundles?

40 MR ROBERTSON: It was not part of the SMSs that I tendered yesterday. Would you agree that at least as at September of 2017 you had an understanding with Mr Luong that you would receive a significant payment, call it a commission or other fee, but a significant payment in the event that the then proposed sale of the SmartWest land was successful?---I had no idea what the significance of the payment was, but I would agree that he informed me, yes.

Well, I suggest to you, you did have an idea as to the extent of the payment at least at some point during the course of September 2017 and that you knew that the payment would be in the hundreds of thousands of dollars, if not more.---Well, perhaps, yes.

In fact you thought that there was a real prospect that in the event that the sale was successful you would be able to pay off all your debts. Correct?  
---Yes, I had considered that, yes.

Well, not just you'd considered that, that's what you understood the position would be, that in one sale, if it came off, you would potentially be able to pay off all of your debts. Do you agree?---Yes, yes.

10 And at that point in time your debts were something like 1.5 million, 1.6 million, something like that. Is that right?---That's correct, mmm.

And so is it right then that at least as you apprehended it, in the event that the proposed sale of the SmartWest land was successful, you stood to potentially get a fee of something like \$1.5 million.---Up to, yes, I, I, yes.

You say "up to" because it might be affected by the total sale price, correct?---I had no idea. I had no idea. But - - -

20 Well, no, you didn't have no idea. You had an idea that you might be able to pay off all your debts through the sale, do you agree?---Yes.

And so you at least contemplated the possibility of a successful transaction resulting in a payment to you of something like \$1.5 million, do you agree?  
---Mmm, yes.

And that was through the understanding that you had with Mr Luong, is that right?---Yes.

30 I'm just going to play you a recording to put some context around those questions. 1344, Exhibit 224. This is 5 September, 2017, 8.41pm.

**AUDIO RECORDING PLAYED**

**[12.25pm]**

MR ROBERTSON: So, Mr Maguire, would you agree that following this telephone call as you understood it there was a good prospect of the sale of the SmartWest land taking place?---Now, it's reminded me, yes.

40 THE COMMISSIONER: Mr Maguire, there were a few references in the transcript to Judy. Should that be to GT or is there somebody called Judy?  
---I don't know who Judy is, Commissioner.

It's more likely to have been a mishearing of GT?---Maybe or it could be someone that he's, I don't know. It could be a mispronunciation or a mistranscribe on the - - -

Yes, that's what I'm suggesting.---Yes, yes. It could be.

You don't recall anybody called Judy being involved in this?---No, Commissioner.

Sorry, Mr Robertson.

MR ROBERTSON: And one aspect of what you understood from this call was that a good price, one that you described as "good going", may well be the price for the proposed sale. Is that right?---Yes, that's correct.

10

It was also clear to you from this call that in the event that the sale was successful you would be looked after financially. Do you agree?---Yes, that's the call I referred to.

And is it right that, although it wasn't said in terms in this call, your understanding would be that you would be looked after so well that you'd be in a position to pay off your debts?---Yes.

20 There was a reference towards the end of the call to what was described by Mr Luong as your dinner with the Premier.---Oh, yes.

Was that a reference to the fundraising dinner that you and I discussed a little bit earlier today?---I would think so.

Does that assist your recollection that Mr Luong actually attended the function? I think you might have said before that you thought Mr Luong did not attend the function.---I, I don't recall that he did nor GT. I don't recall that they actually attended.

30 Is it possible that you're wrong about that and Mr Luong in fact attended? ---Oh, I could be but I can't be clear.

And you asked there, you asked, "GT is technically not a property developer is he?" Remember that?---I think there was some concern over who could attend and who couldn't.

And is that because you were concerned that there was prohibitions on donations being made on a state level - - -?---Yes.

40 - - - to people who are technically a property developer?---Correct.

And you were concerned to ensure that you didn't come a cropper in relation to that particular issue. Is that right?---Yes. There, there was some concern about that, mmm.

So following this call you've got some understanding that maybe you'll be able to pay off your debts. Do you remember whether you shared that news

with anyone some period of time after this call of 8.41pm?---Oh, I can't recall.

Let me play you this recording. Intercept 1355, an excerpt. Exhibit 324.

**AUDIO RECORDING PLAYED**

**[12.35pm]**

10 MR ROBERTSON: Do you agree that the male voice on the telephone call was yours?---Yes.

And the female voice was Ms Berejiklian's?---Yes.

At the time of this call, were you in a close personal relationship with Ms Berejiklian?---Yes. Yes.

Are you still in a close personal relationship with Ms Berejiklian?---Oh, not after the events of this I wouldn't be, no.

20

When you say "the events of this", do you mean the events before this Commission?---Yes.

Approximately when, and at the moment I don't want the details, I just want a sense of dates, approximately when, from your perspective, did your close personal relationship with Ms Berejiklian come to an end?  
---August/September some time. I can't be clear.

30

You're referring to this year, is that right?---This year, yes.

Approximately when did you start being in a close personal relationship with Ms Berejiklian?---Oh, some time in, perhaps, '15 or '16, somewhere there.

Was it around that period or is it possible that it was a little bit earlier?  
---Around then, I think. We were always good friends but, it was on again/off again from, so, yeah, about then.

40

So when you say on again/off again, do you mean that there was a period of time before 2015/2016 when it was on again in the sense of a close personal relationship?---Between '15 and the date now, it was a bit on again/off again.

Are you talking about the period from about 2015, not before 2015?---Yes, somewhere there, mmm, mmm.

There's a reference in this call to getting the Badgerys Creek stuff done.  
---Mmm.

Do you see that there on the screen?---Yes.

Do we take it from that that you would explain to Ms Berejiklian in advance of this call of 5 September, 2017 what the Badgerys Creek stuff was?---I can't recall doing it, but according to the email you could assume that.

Well, doing the best you can, what did you tell her about the - - -

10 THE COMMISSIONER: It's not an email, Mr Maguire, it's a transcript of a conversation.---Oh, sorry, the transcript, yes.

MR ROBERTSON: Doing the best you can, what did you tell her about the Badgerys Creek stuff?---Oh, I don't recall. I just don't recall what I would have said.

Well, do the best you can. You at least kept her informed from time to time about the kinds of things that you were involved in in the what I might call the business area, is that right?---Yeah, in general conversation, yes, yes.

20

So at least in general terms, is that right?---Yes.

But to what level of specifics did you go, as you can recall?---I don't know that I ever went into specifics. It was just broad discussion stuff.

Well, you at least referred, didn't you, to a number of people that you were engaged with in relation to business deals or including property development.---I may have from time to time, but I can't recall specifically the persons.

30

Did you introduce her to Mr Luong, for example?---I don't know. I don't recall.

Did you tell her who Mr Luong was?---I don't recall ever introducing him.

What about Jimmy. There was a reference there to Jimmy. "Now I'm trying to fix Jimmy's problem." We'll come back to the detail of that, but did you - - -?---But I don't know that she ever met Jimmy Liu in person. I don't know that I could guarantee that. I couldn't tell you.

40

THE COMMISSIONER: I don't think you answered Mr Robertson's previous question, Mr Maguire - - -?---Sorry, Commissioner.

- - - about did you at least tell Ms Berejiklian who Mr Luong was, even if they didn't meet.---I don't recall that I did, Commissioner. I don't recall that I did. I, it's vague.

MR ROBERTSON: And what about Jimmy? There was a reference there to Jimmy.---Oh, I, I may have, I may have indicated who Jimmy was. I can't be clear, I'm sorry.

Really what I'm trying to understand, at least in this call, there's a reference to "Jimmy" and a reference to "Badgerys Creek stuff".---Mmm.

10 And she doesn't respond by saying, "I know what you're talking about," or "Who's Jimmy?" or "What is the Badgerys Creek stuff?" Do you agree that there was at least some communications in advance of the call that I've just identified that raised the Badgerys Creek stuff?---Yes.

And can you assist in what you've explained in advance of the 5 September call that I've shown you as to what was the Badgerys Creek stuff? I mean surely at least to the point of saying Ms Waterhouse or interests associated with her are interested in selling the property. Surely you communicated that.---I can't recall what I communicated with regards to Badgerys Creek.

20 Well, you at least communicated something. Do you agree with that?---I, I, I, I would agree with that, but I can't recall what specifics or – it might have been a broad discussion. I can't recall.

Presuming you'd at least told her that Ms Waterhouse had some relevance to what you describe as the Badgerys Creek stuff.---Perhaps, yes.

Well, perhaps or yes?---Oh, I'm not sure. I, I'm just not sure.

30 You accept, don't you, that you had at least some discussions regarding Jimmy, and regarding Badgerys Creek stuff. Do you agree with that?---Yes.

And then one of the things you say is, "I'll be glad when that's done, because I'll make enough money to pay off my debts." Can you remember hearing that?---Yes. Yes.

In advance of the call on 5 September, 2017, did you tell Ms Berejiklian, at least in general terms, what your debts were?---I believe so.

40 And so are you saying that you informed her that your debts were something like the \$1.5 million figure that I identified before?---I, I, I think, I think in a general discussion, I may have raised it, seeking some guidance about, oh, reassurance about, you know, what I was doing. She's, but that's my recollection, is I, I would have raised it to her. I only have a few friends that you can raise these things with, and I would have run it past her, perhaps, to get some, get a view, mmm.

And when you say run it past her, you mean run what past her?---Oh, just what I was thinking in terms of, you know, doing with property or trying to solve some issues.

So a general discussion of the kind of problems that you were attempting to fix. Is that a fair summary?---Mmm, general problems I was having in life, yes.

THE COMMISSIONER: And were these also about dealing with issues in relation to your future?---Sorry?

10 Were these discussions also in relation to your future? Clearing your debts for example would be important in relation to your future.---Yes, Commissioner, yes, that, that had a, a bearing. Mmm.

So she was one of those people you could discuss your future with?---Yes.

MR ROBERTSON: And not just your future personally, but a potential future for both of you going forward, is that right?---Yes. In a relationship, yes, that's right.

20 And is it right that one of the things that you were considering, and to your understanding she was considering, was whether to make your relationship more publicly known?---Yes.

Which would only be done, is this right, in the event that you retired from parliament from the 2019 election?---Yeah, yes, my recollection is that's correct. The, yes, that's my recollection.

Now, at this point in time, September of 2017 - - -?---Mmm.

30 - - - had you already decided at least in your mind to retire at the next election, or was that still a potentially open question?---I think I'd made up my mind. I hadn't told anyone. I, I may have, I may have spoken about it with the, Ms Berejiklian. But I, I can't be sure that I was 150 per cent, but my feeling was that I wanted to go, and - - -

THE COMMISSIONER: I thought you said this morning that you'd made up your mind by July.---No, I did, yes. You've reminded me, thank you. I did make up my mind in July, sorry, yes. I was firm. I was wanting to go.

40 MR ROBERTSON: Well, you were wanting to go, but was being able to go contingent or at least affected by your ability to put yourself in a financial position to leave and to have something to go to?---No. Now that you've reminded me of what I've said, I wanted to go and I was going regardless in my mind. I didn't tell anyone that that was the case, but in my mind I, I wanted to get out. I just needed to get out.

And when you say you didn't tell anyone, does that mean you didn't tell Ms Berejiklian either?---I hadn't informed her I think that it was a hundred per cent, but I, I certainly did broach, broach the subject.

You at least made it clear to her that you were considering retiring. Is that right?---Yes, yes.

You also made it clear to her that one of the matters that you were concerned about in 2017 was having something to go to.---Yes.

By which you meant having some new role in terms of a post-parliamentary career. Correct?---Yes, something to do, yes.

10

And another matter was also ensuring that you were in a financial position that made you content to retire. Is that right?---Yes.

Now, you're a longstanding member of parliament, you had your parliamentary super to fall back on. Is that right?---Yes.

And I think you're under one of the older regimes. Do you recall just roughly speaking what parliamentary super you are presently entitled to? ---In dollar form?

20

Yes.---Less, less than was the pension because there was a settlement made.

THE COMMISSIONER: A lump sum settlement?---Yes. I think the figure is around \$80,000.

MR ROBERTSON: \$80,000 a year?---Yes.

THE COMMISSIONER: But is that because you took a part of your pension in a lump sum and - - -?---There was a settlement, Commissioner.

30

With the supervisors of the parliamentary pension scheme?---No, there was a settlement, property settlement.

Oh, in relation to your private affairs.---Yes, yes.

So your previous partner - - -?---Yes.

- - - received part of your parliamentary pension?---Correct.

40

MR ROBERTSON: And that was a factor that was relevant to some of the financial matters you and I have discussed so far - - -?---Yes.

- - - in that that resulted in your being in a somewhat worse financial position that you might otherwise be. Correct?---Correct.

And so part of what was informing you about this at this point in time is to attempt to bring some money in to improve your overall financial position. Is that right?---And, and opportunity post-parliament, yes.

I'm suggesting there's two real factors here.---Yes.

One, you want to put yourself in the best possible financial position to retire from parliament. Correct?---Yes, correct.

But you also want something to go to, you want a board position or a consultancy or something like that to be involved in after your retirement from parliament in 2019.---I certainly explored that, yeah.

10

That's something you explored and then we saw.---I did, yes.

It looked at least like you got fairly close in relation to United World Enterprises, at least close enough to speak to the parliamentary ethics advisor about that.---Yes.

THE COMMISSIONER: And am I right, Mr Maguire, that that \$80,000 is clear of tax?---Ah, yes, Commissioner. Once you reach a certain age it's, yes, that's, that's correct.

20

MR ROBERTSON: Commissioner, I wish to explore some of the matters that I've just addressed with the witness, but can I make this submission regarding that. My application is for the Commission to convene a private session of the public inquiry pursuant to subsection 9 of section 31 of the Independent Commission Against Corruption Act. There's a difficult matter of balance that the Commission must undertake in relation to this public inquiry, in my respectful submission. Regretfully it's been necessary for this inquiry to trespass on matters that ordinarily would be entirely private, but as part of this Commission's responsibility of investigating not just alleged corrupt conduct, but conduct that is connected with alleged corrupt conduct, it was necessary in my judgement, and as apprehended in the Commission's judgement generally, to trespass at least in part on matters that would ordinarily be private. To take an example, the telephone intercept call that I played, Exhibit 324, couldn't properly be understood without having some understanding of the nature of the relationship between Mr Maguire and Ms Berejiklian.

30

That having been said, in my respectful submission, this Commission should not conduct something in the nature of a public trial as to the nature and extent of the relationship between these two individuals. The nature and the extent of the relationship between the individuals is relevant to the Commission's exercise in that to assess the evidence that's presently before the Commission and such further evidence that might be before the Commission, that's a factor that that affects the proper assessment of that material, in my submission.

40

However, given that it trespasses on matters of considerable personal privacy, in my respectful submission, the public interest in dealing with

10 matters in public that are recognised by section 31 – in the case of the particular matters that I now want to put to Mr Maguire – is outweighed and, indeed, in my respectful submission, significantly outweighed by the public interest in ensuring the privacy of Mr Maguire and Ms Berejiklian in relation to a subject matter that I consider myself bound to ask about but which trespasses on matters of privacy of the kind that I have now identified. So my application is for the Commission to proceed in a private session pursuant to section 31(9) that should exclude everyone other than Counsel Assisting, Commission officers, those who appear for Mr Maguire and those who appear for Ms Berejiklian. It shouldn't otherwise be in the public domain in my respectful submission.

20 THE COMMISSIONER: Yes, very well. Thank you, Mr Robertson. Having regard to the matters Mr Robertson has just identified, I am satisfied that it's in the public interest to hold a part of the public inquiry in Operation Keppel in private pursuant to section 31(9) of the Independent Commission Against Corruption Act concerning the evidence now to be given by Mr Maguire. Accordingly I direct that the evidence given by him in private or the contents of any document or a description of anything shall not be published in any manner except by Commission staff for Commission purposes pursuant to section 112 of the Act.

30 **HAVING REGARD TO THE MATTERS MR ROBERTSON HAS JUST IDENTIFIED, I AM SATISFIED THAT IT'S IN THE PUBLIC INTEREST TO HOLD A PART OF THE PUBLIC INQUIRY IN OPERATION KEPPEL IN PRIVATE PURSUANT TO SECTION 31(9) OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT CONCERNING THE EVIDENCE NOW TO BE GIVEN BY MR MAGUIRE. ACCORDINGLY I DIRECT THAT THE EVIDENCE GIVEN BY HIM IN PRIVATE OR THE CONTENTS OF ANY DOCUMENT OR A DESCRIPTION OF ANYTHING SHALL NOT BE PUBLISHED IN ANY MANNER EXCEPT BY COMMISSION STAFF FOR COMMISSION PURPOSES PURSUANT TO SECTION 112 OF THE ACT.**







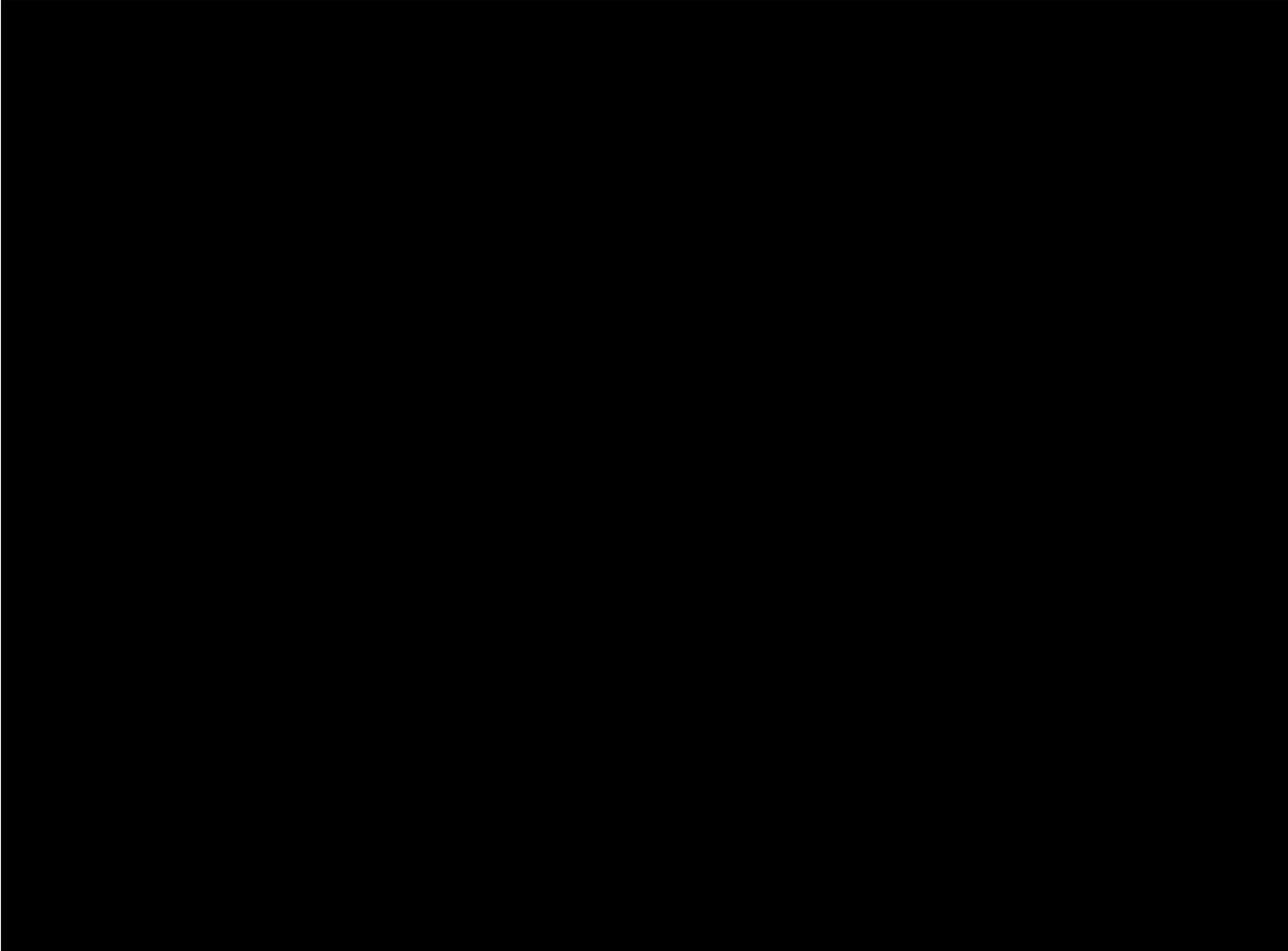












**LUNCHEON ADJOURNMENT**

**[1.13pm]**