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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

Reference: Operation E17/0144

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 15 OCTOBER, 2020

AT 2.00PM

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

<DARYL WILLIAM MAGUIRE, on former affirmation [2.17pm]

THE WITNESS STOOD DOWN

[3.18pm]

SHORT ADJOURNMENT

[3.18pm]

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, for the benefit of those who have been following in terms of the public inquiry and, in particular, the live stream, can I seek to explain what's occurred in the last few hours. You'll recall, Commissioner, I submitted briefly before the luncheon adjournment that certain evidence should be taken in private, including, in light of the circumstances that I there identified, including matters that should be dealt with in private due to it being personal matters and matters of that kind, I completed my examination in private in relation to those particular matters by the time of the luncheon adjournment. An issue then arose immediately after the luncheon adjournment which was unrelated to the particular matter that I addressed in the private hearing that occurred immediately before lunch. In the face of that, in light of that issue arising, in my submission the Commission should adjourn the public inquiry until 10.00am tomorrow. We're now at about 20 minutes to 4.00pm. In my submission, that's the appropriate course to take. But I did want to make clear that the issue that has caused a number of hours of delay from after the luncheon adjournment was not the issue that I was addressing when I immediately made submissions to proceed in private the hearing. There was another matter, a separate issue, that I wished to address with the witness in private hearing, unrelated to the first of the matters. An issue has then arisen in connection with that matter, which has then caused me to make the application that I'm now making, which is to adjourn the hearing until 10.00am tomorrow.

THE COMMISSIONER: Yes. Was there anything you wish to tender before we adjourn?

MR ROBERTSON: There was. Can I deal with one other matter. During the course of the Commission's investigation, it has obtained evidence from a number of individuals, including by way of records of interview, each of which have been recorded and formed part of transcripts. The view that I've taken is that these individual witnesses need not be called in the public inquiry because their evidence is not of sufficient relevance to the public inquiry in order to be called in that fashion. What I intend to do or propose to do is to tender a bundle of those records of interview. In the event that anyone considers that they or their clients are disadvantaged by me proceeding in that fashion and instead consider that I should call one of those witnesses for the purposes of cross-examination or for any other reason, they should draw it to my attention. But as presently advised, I don't intend to call any of those witnesses the subject of that record of interview bundle.

THE COMMISSIONER: Very well.

MR ROBERTSON: So with that explanation given, I tender the bundle that I'll describe as the record of interview bundle.

THE COMMISSIONER: Very well. That bundle will be Exhibit 366.

#EXH-366 – RECORD OF INTERVIEW BUNDLE

MR ROBERTSON: May it please the Commission.

10 THE COMMISSIONER: And otherwise I adjourn the public hearing until
10.00am tomorrow morning.

MR ROBERTSON: Please the Commission.

AT 3.43PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.43pm]