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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

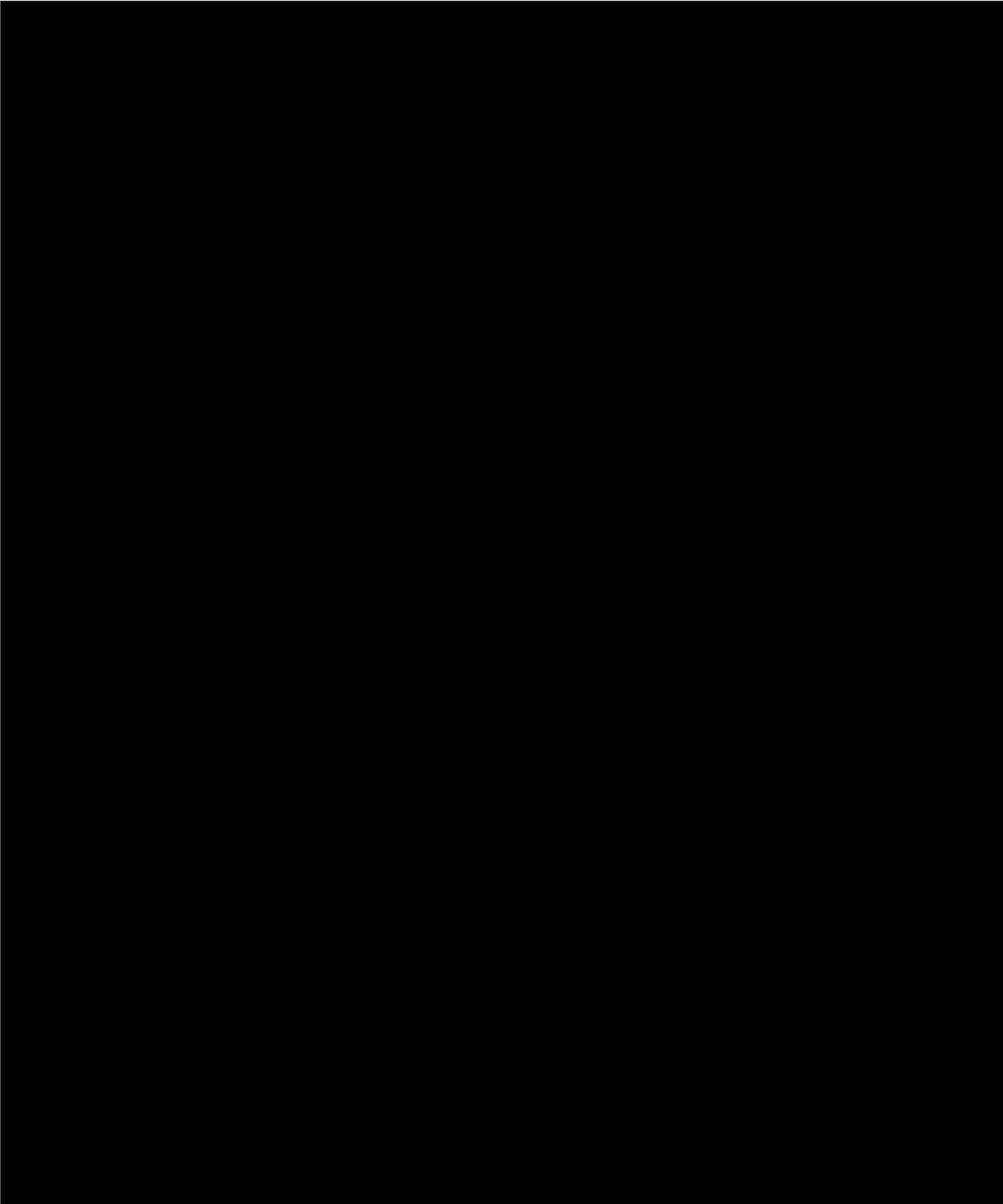
ON FRIDAY 16 OCTOBER, 2020

AT 9.30AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

<DARYL WILLIAM MAGUIRE, on former affirmation [9.34am]



SHORT ADJOURNMENT

[10.00am]

THE COMMISSIONER: Yesterday evening the transcript of a private hearing conducted immediately prior to the luncheon adjournment was inadvertently uploaded to the public transcript area of the Independent Commission Against Construction, Independent Commission Against - - -
10

MR MOSES: Against Corruption.

THE COMMISSIONER: - - - Corruption website. It touched on the relationship between Ms Berejiklian and Mr Maguire. On behalf of the Commission I would like to apologise both to Ms Berejiklian and Mr Maguire for that inadvertent uploading.

I should note that at the time that private transcript was uploaded, it was the subject of a section 112 order I had made at the outset of the hearing
20 directing that the evidence given by Mr Maguire during that private hearing not be published in any manner. Subsequent to the Commission learning that that private transcript had been inadvertently uploaded, a further section 112 order preventing the publication of the private evidence was made. It remains in force and will remain in force, and any publication of material in that private transcript will be in breach of the Independent Commission Against Corruption Act.

I should also state that the Chief Commissioner has instructed that there be an internal investigation of how the private transcript came to be uploaded
30 and also that the whole matter will be referred by the Commission to the Inspector of the Independent Commission Against Corruption.

Yes, Mr Robertson.

MR MOSES: Commissioner, can I be heard on that issue?

THE COMMISSIONER: On what, Mr Moses?

MR MOSES: On what you've just said, if I may, Commissioner.
40

THE COMMISSIONER: Do you cavil with what I've just said?

MR MOSES: I don't, but I also just wanted to be clear in respect of, because it related to my client.

THE COMMISSIONER: Yes.

MR MOSES: Sorry, Commissioner, can I be heard?

THE COMMISSIONER: Yes.

MR MOSES: Thank you. Because that was a matter of concern in relation to a violation of my client's privacy and her security, as a result of the error made by this Commission. I have proposed orders which I provided to the solicitor to the Commission, which I understand Counsel Assisting took a copy of it. I understood they were giving you a copy of it.

10 THE COMMISSIONER: Yes.

MR MOSES: So do you have a copy of that order, Commissioner?

THE COMMISSIONER: What is the basis of the Commission's power that you suggest could - - -

MR MOSES: Well, this is the issue, well, this is the issue.

20 THE COMMISSIONER: - - - have found those orders?

MR MOSES: That's right. Well, this is the issue that we would like to work with the Commission to consider, whether your lawyers can assist you in respect of the scope of your powers to make those orders, which in effect to ascertain whether, first of all, this Commission can exercise, through its technology processes, who downloaded the material.

THE COMMISSIONER: Well, at the moment I understand that it cannot. I've been informed it cannot.

30 MR MOSES: It cannot?

THE COMMISSIONER: No.

MR MOSES: Okay, well, the issue is that – do you have the orders with you?

THE COMMISSIONER: I do. I'm looking at them, Mr Moses.

40 MR MOSES: Yes, thank you. So what I ask - - -

THE COMMISSIONER: Mr Moses – yes?

MR MOSES: So what I'd ask, if I can be heard, Commissioner, that those matters be the subject of consideration by the Commission's lawyers during the course of this morning so that we can deal with the issue later today as to whether – I'm sorry, Commissioner?

THE COMMISSIONER: The Commission's lawyers are engaged in assisting with the conduct of the hearing, Mr Moses. What I don't wish to do is delay the hearing any further. At the moment - - -

MR MOSES: Well, we don't want this hearing being delayed either.

THE COMMISSIONER: At the moment - - -

MR MOSES: We don't want the hearing being delayed.

10

THE COMMISSIONER: As far as I'm aware the Commission doesn't have any jurisdiction to make the orders, including the destruction orders that are contemplated in these short minutes, but I'm not going to shut the matter down, Mr Moses. I am prepared to say that when the Commission has appropriate time to do so, these matters will be given further consideration, if possible today, and it may be that we might have to consider the matter for example during the luncheon adjournment and the witness can have a short break and we can take the matter further.

20 MR MOSES: Yes, no, thank you.

THE COMMISSIONER: But at this stage I would like to proceed with Mr Maguire's evidence with a view - - -

MR MOSES: No, thank you. Well, the - - -

THE COMMISSIONER: - - - we hope to finishing that evidence today.

30 MR MOSES: Well, thank you, Commissioner. There's just one issue I wanted to raise in respect of evidence yesterday, that is a question put by my learned friend, because we've gone back to check the record in respect to this. Can I ask that you go to the transcript at page 1709, line 13.

MR ROBERTSON: Is my friend referring to the public transcript or the private transcript, if he can just assist me?

MR MOSES: I think my learned friend would know that it's public. I would have told him if it's private.

40 THE COMMISSIONER: 1709.

MR MOSES: Yes, thank you.

THE COMMISSIONER: Just bear with me a moment. Do you have that, Mr Robertson?

MR ROBERTSON: I don't immediately, I'm just bringing it up, if you'll pardon me.

THE COMMISSIONER: Line 13.

MR MOSES: Yes. Do you have that, Commissioner?

THE COMMISSIONER: Yes.

MR MOSES: My learned friend put a proposition to the witness, “And can
10 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?’” And then he
puts this proposition. “I mean surely at least to the point of saying to Ms
Waterhouse or interests associated with her are interested in selling the
property, surely you communicated that?” He said, “I can’t recall what I
communicated with regards to Badgerys Creek.” And then my friend says
this. “Well, you’ve at least communicated something. Do you agree with
that?” “I would agree with that but I can’t recall what specifics, or it might
have been a broad discussion, I can’t recall.” And then he says,
“Presuming,” this is my learned friend, “You’d at least told her that Ms
20 Waterhouse had some relevance to what you described as the ‘Badgerys
Creek stuff.’” “Perhaps, yes.” And then he said, “Well, perhaps or yes, I’m
not sure, I’m just not sure.” Now, my learned friend had no basis to put the
question, “Presuming you at least told her that Ms Waterhouse had some
relevance to what you described as the ‘Badgerys Creek stuff.’” We’ve
been through the material.

THE COMMISSIONER: Mr Moses - - -

MR MOSES: May I be heard?

30 THE COMMISSIONER: - - - weren’t you in court during this?

MR MOSES: I’m sorry?

THE COMMISSIONER: Weren’t you in the hearing during this?

MR MOSES: I was. And we went back to check the materials that this
Commission has in respect of it. That’s what we did. We’ve been trying – I
think my learned friend made the quip that I’d been unusually quiet during
this inquiry. We’ve been trying to ensure, on our instructions, that this
40 inquiry was, the subject had been completed with minimum objection in
respect to matters, even if they traversed matters that could in one way be
unfair to our client, but we’ve gone back to check this and we can’t remain
silent on this. My learned friend had no basis to put that question, and all
we’re saying is a word of caution that in terms of the questions that he
wanted to craft today, that bearing in mind his obligations that if he’s going
to put a proposition there has to be a basis for it. This is not the way you do
it and there’s no - - -

MR ROBERTSON: I object.

MR MOSES: Let me finish.

MR ROBERTSON: No, I object, I object, I object.

MR MOSES: Commissioner, I'm entitled - - -

10 MR ROBERTSON: I object to this - - -

MR MOSES: Commissioner, I'm entitled to be heard. I'm on my feet.

THE COMMISSIONER: Well, you've been heard, you've made that point more than once, Mr Moses.

MR MOSES: Thank you. And, and I just want to be clear on this, if I can, Commissioner, that if my friend has a basis for it, then he should disclose it, because this is another concern, and I'm going to raise this right now, because we went back yesterday, we were told for the first time about Mr
20 Mr Maguire approaching the UWE issue that is with the parliamentary ethics advisor and approaching that ethics advisor before the issue was raised in a telephone call with Ms Berejikian and told him about the job offer, yet the way my friend put a question to the Premier last week, to Ms Berejikian last week, was if somehow that was something unusual whereas he had in his - - -

THE COMMISSIONER: Mr - - -

30 MR MOSES: Can I finish?

THE COMMISSIONER: Mr Moses, these - - -

MR MOSES: I'm entitled to be heard.

THE COMMISSIONER: Mr Moses, these appear to be matters appropriate either for objection at the time these questions were being asked or by way of submission.

40 MR MOSES: How could I object when that document was not in my possession at the time my friend examined Ms Berejikian? He, yesterday, let's be clear about this, this Commission disclosed for the first time it had in its possession Mr Maguire approaching the parliamentary ethics advisor and telling him about the UWE job offer. That was copybook correct. And he also told him about the assistance of work he'd been undertaking in respect of that entity. Now, my learned friend did not disclose that, or this Commission did not until yesterday. So what I'm saying is, if matters are going to be put, they need to be put carefully and properly based on fact. Because at the end of the day, this Commission is not a forum for a person's

reputation to be the subject of question marks if there is no basis for it. And that is all I'm saying, because that is a serious issue that arose yesterday. That's all I wish to say, Commissioner.

THE COMMISSIONER: Do you wish to say something, Mr Robertson?

MR ROBERTSON: I do. Can I make two points. First, the document that my learned friend referred to, Exhibit 105, volume 1, page 237, which contains a note of the discussion with Mr Maguire with the parliamentary ethics advisor, I tendered on the first day of the hearing.

MR MOSES: He never put it - - -

MR ROBERTSON: Before my learned friend, before my learned friend makes what amounts to allegations of misconduct against me, he should, with great respect, be very careful in what he puts. That's the first point. The second point is it's not, in my respectful submission, for my learned friend to give, as it were, some sort of general warning or complaint of the kind that he's just given. In my respectful submission, if there's an objection to be taken to the question, it's quite appropriate that he makes the objection in the usual way by saying, "I object," or "We object." The idea that there's some general forthcoming in futuro objection or warning, in my respectful submission, is not the appropriate way to proceed at all, and I object to the way in which my learned friend sought to do it.

MR MOSES: Commissioner, can I just be heard on two points, if I can. The first issue is this. The reason I raise it is so I don't have to engage in objections during the course of the day, to bear that in mind, because this was an issue that we went back to check last night on the - - -

THE COMMISSIONER: Well, you obviously – I accept what Mr Robertson says. If this document was tendered on the first day, you don't appear to have checked your facts very well.

MR MOSES: Well, no, I'm addressing you now on the Waterhouse issue first, Commissioner. In respect of that issue.

THE COMMISSIONER: Yes.

MR MOSES: We went back and checked the issue in relation to that, and there is nothing that will contradict what I've just told you. In respect of the first issue, I accept what my learned friend says if the parliamentary ethics note was the subject of a tender on the first day. But the issue is, and this is the concern, that given the questioning of what occurred last Friday, where that issue was not the subject of being raised in respect of what was the questioning of Ms Berejikian, one would have thought that that would have been a matter adverted to in respect of when questions were being put about whether this person told her about the job offer. But that's all I wish to say.

THE COMMISSIONER: Mr Moses, that is an extremely elliptical submission. I don't think it requires a response at this stage.

MR MOSES: Thank you.

THE COMMISSIONER: I think we should proceed with Mr Maguire's evidence.

10 MR MOSES: Thank you, Commissioner. Thank you.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can I deal with some housekeeping matters first. First, I want to clarify some matters, in particular, in terms of timing as to what occurred yesterday. I identified them in summary towards the end of the public transcript yesterday, but I thought, for the benefit of interested observers, I should identify it so there's no misapprehension as to what occurred yesterday. Between about 10.05am, I was examining Mr Maguire in public. I continued to do so until about 12.45pm. At that point in time, I indicated there were certain matters that I wished to explore with Mr Maguire in private, and then, pursuant to a submission that I made, the public inquiry proceeded into private session. That private session continued until 1.13pm, I'm told, and an adjournment was then taken for lunch. I then submitted to you that the Commission should remain in private session to deal with a separate matter – in other words, nothing to do with the relationship between Mr Maguire and Ms Berejikian – in respect of which I indicated there was reasons as to why that matter should be dealt with in private, rather than in public. That occurred at about 12.17pm. We started a little bit late after lunch.

THE COMMISSIONER: 12.00? 2.00.

MR ROBERTSON: Sorry, 2.17, I'm so sorry. 2.17pm after lunch. An issue arose - - -

THE COMMISSIONER: Going backwards in time.

40 MR ROBERTSON: I'm so sorry?

THE COMMISSIONER: You were going backwards in time.

MR ROBERTSON: I was going backwards in time. I apologise, Commissioner. An issue arose in that private examination at about 2.25pm, which led to the hearing to be adjourned briefly, and some further brief evidence was taken, after which a further, longer adjournment took place at about 2.33pm, and then, as is on the public record, at 3.40pm the public inquiry reconvened in public and I submitted that the public session of the

public inquiry should be adjourned until 10.00am today. I thought it was appropriate that I underline that timing, given that there has at least been some public speculation that there was a lengthy private hearing in relation to what I might describe as the relationship matter. That's not so. The matter that the Commission was dealing with in the afternoon was a different matter, in respect of which some short evidence was taken, but there was an issue that then needed to be dealt with. I thought it appropriate to deal with, to address that matter. I should also indicate that there was some suggestion as I apprehended that there was some other what I might
10 call security breach or privacy breach in relation to a second document over and above the one that you referred to, Commissioner. That was in relation to a telephone number. I'm instructed that the particular telephone number is disconnected, and was not - - -

MR MOSES: I don't think this should be done on the record. I think the Commission - - -

MR ROBERTSON: In any event, as I – I'll indicate, I'll put it this way. There has been some speculation of some additional issue in addition to the
20 one that you've identified, Commissioner. I've had enquiries taken in relation to that matter. I don't understand that to be an issue at all. I won't take it any further in light of my learned friend seeking to intervene in relation to that.

THE COMMISSIONER: Very well.

MR ROBERTSON: In terms of the programming, I'll continue with Mr Maguire today. I'm going to do my best to finish with Mr Maguire today. That may mean that some shorter breaks will need to be taken and matters
30 of that kind.

THE COMMISSIONER: Yes.

MR ROBERTSON: Mr Maguire, yesterday in private session, we got up to about the – sorry, in public session, we got up to about 5 September, 2017. ---Ah hmm.

And you'll recall that I played you a telephone intercept, where you had a communication with Ms Berejiklian, which had a reference to the phrase
40 "Badgerys Creek stuff." Do you remember that?---Vaguely, yes.

And so I'm now going to show you from 6 September, 2017, if we can go to Exhibit 326, please, just to help you with the context. And I think you agreed yesterday that as that 5 September, 2017, you thought that the deal in relation to the SmartWest site was likely to get over the line, is that right? In other words, likely to be agreed?---It was indicated, yes.

And you'll remember that one of the things that you said on the telephone intercept was, "I'll be glad when that's done, because I'll make enough money to pay off my debts, which will be good." Do you remember that?
---Yes, I recall that, I recall.

10 And so I'm now going to show you 6 September, 2017, 4.43pm, a message from you to Ms Berejiklian, Exhibit 326. "Plus I have money in the bank as well so I'm almost at target and still got 25K for next election." Now, pausing there just in the reference to the next election, do we take it that it was still a possibility as at September of 2017, that you might stand at the next election?---The, the, the money that's being referred to there, and to answer your question, is a requirement to raise by each member of parliament an amount to fund the next election.

THE COMMISSIONER: Whether or not you're the candidate?---Whether or not you're the candidate. And I wanted to put in place the funds to meet the target. That's what that message is about, to the best of my recollection.

20 MR ROBERTSON: And this was something you sought to explain yesterday, that one of the requirements of members of parliament is to, as it were, try and reach a target of fundraising for the next election, is that right?
---All members are required to contribute to the election, some more than others. It's, it's, it's, it's set by the party, it's a internal thing.

And then when you say in this message "almost at target," that's the particular target you're referring to, is that right?---Yes.

30 And you then say, "Also good news, we clinched the land deal." Do you see that there?---Yes.

Was that a reference to the SmartWest land deal, noting that it's happening the day after the call that I played yesterday?---Oh, I don't know, I, I don't recall what that was referring to.

But you then say, "For my friends," and there's two emojis, "I should be back in the black soon." Do you see that there?---Yes.

40 And so do you recall whether that is associated with what we heard at the previous day, the call regarding the Badgerys Creek stuff, or you can't recall one way or the other here?---No, I, I, no, I don't recall one way or the other.

Now, I'm now going to play you Exhibit - - -

THE COMMISSIONER: Just before - - -

MR ROBERTSON: I'm so sorry.

THE COMMISSIONER: Mr Maguire, the only thing as I understand that would have put you back in the black was receiving an amount of one and a half million dollars.---Yes.

So at that stage, the only prospect of that I take it was the deal, the sale of the Badgerys Creek proceeding.---A success somewhere, I'd suggest, but that didn't happen.

10 Well, I understand that, but did you have any other potential sources of one and a half million dollars than this Badgerys Creek deal?---No. No, Commissioner, I, I wouldn't have.

MR ROBERTSON: So on the face of that, you'd have to agree, wouldn't you, that the reference to the land deal at least in your mind must have been a reference to the SmartWest deal?---I can't be sure that it was SmartWest. I can't be sure about that from that brief message. I really can't be sure.

THE COMMISSIONER: But it's an available inference, is it not?---Ah - - -

20 MR MOSES: I object.---Yes, it is.

I object.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: I'm now going to play you Exhibit 327, 7 September, 2017. So the next day after this message. Call number 1466. And I'll play you an excerpt of that call.

30

AUDIO RECORDING PLAYED

[10.25am]

MR ROBERTSON: Who's William?---Oh, it'd be William Luong.

Did you explain to Ms Berejiklian, before this call of 7 September, 2017, who William was?---I don't recall.

40 Is it possible that you did?---I couldn't be sure. I, I, I don't recall. I couldn't be sure.

Because you're not saying, you know, "William Luong, who happens to be this particular individual." You're just using the first name "William". Do you see that there?---Yes, I see that.

So are you able to assist on the question I asked? In other words, whether this was the first time, so far as you can recall, you're referring to William

or whether you had drawn that to Ms Berejiklian's attention at some prior stage?---I don't know. I don't know. I, I'm not clear. I can't recall.

But later in the call you have an exchange. You'll see towards the bottom of the page Ms Berejiklian says, "I don't need to know about that bit." Do you see that there?---Yes, I see that.

And you say in response, "No, you don't. You do not." Do you see that there?---Yes.

10

Why did you say, "No, you don't. You do not"?---Just a response. I, I don't know why I said that.

Well, it can't just be a random response. Wasn't it the case that there was particular information that you decided not to tell Ms Berejiklian?---Um - - -

Let me perhaps put it this way. What it seems, at least to my ears, is you're agreeing to Ms Berejiklian that there's a particular class of information – I'll take that off the screen – particular information that you don't propose to share with her. Is that right?---Yes.

20

And you gave some general answers yesterday regarding the kinds of information that you might share with Ms Berejiklian. At least as I hear that call – and I may have it wrong – there was a line at which you came to the view that you shouldn't share information concerning your business dealings, perhaps generally or perhaps with property developers more specifically. Is that a fair way of understanding the communications?---Yes, I think so.

30

Were you concerned that if you shared a little bit more information than what you did with her, that she might need to take action in the exercise of her public functions?---Well, yes, I would have been concerned that, that, that it would cause an issue for her, yes.

I mean, you were at least concerned at this point in time, weren't you, about questions that might be raised as to the propriety of your involvement in the Badgerys Creek matter, would you agree?---Well, yes.

40

And do you agree that, at least in part, you sought to shield some of that information from Ms Berejiklian?---Yes.

You shared some, at least in general terms, as to what you were up to and what you were doing, correct?---Yes.

She was, at least to some extent, a sounding board or someone with whom you might discuss the kinds of things that you were involved in, at least in general terms, is that right?---Yes.

But it looks like at least, and I'm raising this for your comment, that there was a line at which you wouldn't fix her with knowledge in relation to your activities. Is that right or is that going too far?---Yes, that's correct. No, I, I, I think that's a correct - - -

And is that how we understand a comment like the one that we heard a moment ago, "No, you don't. You do not"? Is that how we should understand that?---Yes. Mmm.

10 Was it also the case that, as you understood it, either from this call or from any other communication you had with Ms Berejikian, that there was particular bits of information that she didn't want to know about your activities?---Well, yes.

And where is the line drawn, at least in your mind, as to what you would share in relation to your what I'll call outside business activities and what you'd not share? It sounds like there's a line but I'm just wanting your assistance as to where that line is.---I think the line is just general discussion, general overview, and that was about it. I never disclosed - - -

20

Well, it was a little bit more than that, wasn't it? Because, for example, on the 5 September, 2017 call that I showed you or that I played you yesterday, there was some discussion of money in the sense that you said, "There is enough money to pay off my debts, which would be good." Do you remember that?---Yes, that's correct.

And I think you accepted yesterday that you had told Ms Berejikian that your debts were something like \$1.5 million, correct?---Yes, that's correct.

30 So the line's not drawn, I don't think, but obviously tell me if you disagree, between money matters and non-money matters. There must be some other line that you were drawing, at least in your mind, as to what to share and what not to share. Would you agree?---Can you ask that question again, please.

What I'm trying to understand is, at least as I understand your evidence so far, there was some information that you would share with Ms Berejikian regarding what I might describe as your outside business interests, but some information that you might decide not to. Have I got that right?---Yes, yes, you've got that right.

40

And in relation to the information that you decided not to, it was because you were concerned, or at least a factor was you were concerned, that that might cause her to take steps in the exercise of her public duties, correct? ---Yes.

What I'm trying to understand is the line between those two categories of information. It sounds like at least general matters – what I'm up to in

general terms, the kinds of business deals and the like I'm seeking to be involved in – was discussed, is that right?---Mmm. Yes. General discussion. Just general discussion.

At least some discussion of matters of money took place, is that right?
---Yes.

10 In fact, you were in regular communications, either talking about money or sometimes complaining about money, is that right?---Yes, that's correct.

But would you agree that there was a point at which you stopped giving the details because you were concerned that that might cause her to have to take steps in relation to that matter?---Well, I, I thought it would cause her difficulties, so I, I limited the information that I gave her, yes.

20 So putting it in a slightly different way, it's not necessarily a blow-by-blow account of your business activities, but it's at least some general discussions and sometimes some discussions of matters of finance, is that right?
---Mmm, yes.

THE COMMISSIONER: What difficulties do you think it would have caused her if you'd descended to specifics, Mr Maguire?---Well, I think it might put her in a really difficult position if I went into specifics of, of issues and all sorts of, you know, complexities that might be involved. I didn't think she needed to know, and the conversations I had, Commissioner, were, you know, of a broad nature and I regularly refrained from giving too much detail because a lot of it was hypothetical too.

30 I know. But I don't think you've answered my question. My question was, what difficulties did you see it causing Ms Berejiklian if you descended to specifics?---Oh, well, obviously there's, there's, there's conflict of interest and all of that kind of stuff that I considered might make things really difficult for her, so I - - -

Well, in relation to SmartWest, for example, I take it the New South Wales Government was making decisions almost constantly about how that project would be brought to fruition.---Yes, they would have been.

40 So that would be an obvious conflict of interest.---Yes.

MR ROBERTSON: You'd agree, though, wouldn't you, that there was at least some discussion as to the kinds of steps that you were taking to achieve benefits for people like Ms Waterhouse, such as letting her know things like, "I've taken her up to your office and I'm trying to get them to help with problems that Ms Louise might have," that kind of thing.---I don't know that I would have been that direct or giving that much information.

Well, do you agree that you at least gave information of that kind, in other words, identifying particular kinds of steps that you've taken or that you were going to take as between you and public officials during the course of discussions with Ms Berejikian?---No. I, I can't recall that I would have been that detailed in, in what was happening, no. To my best recollection, no.

Can I assist you this way. I'm going to jump a little bit further in the timeline, intercept 2909, Exhibit 328.

10

THE COMMISSIONER: These previous documents have all been tendered I assume?

MR ROBERTSON: They have. I've been at least intending to identify the exhibit number as I go. The 6 September, 2017 SMS was Exhibit 326 and the call 1466 was Exhibit 327.

THE COMMISSIONER: Thank you.

20 MR ROBERTSON: Was and is I should say. Now I'm going to play 18 October, 2017 intercept 2909, Exhibit 328.

AUDIO RECORDING PLAYED

[10.36am]

MR ROBERTSON: So, Mr Maguire, we'll come back to the detail of that in a little while, but does that at least refresh your recollection - - -?---Yes.

30 - - - that you didn't draw the line at explaining the kinds of steps that you were taking vis-à-vis public officials, in this case the Premier's office, you did that on at least one occasion as we heard from that. Do you agree?
---Yes, yes.

But it's at least the case that there was some level of detail that you decided not to share with Ms Berejikian with a view of not putting her in the difficult position that you sought to identify before. Is that right?---Yes, I believe so.

40 And the particular difficult position, as you saw it at least, was the risk of, I think this is your phrase, her being put in some sort of position of conflict in relation to matters that might for example be before government.---Yes.

Just in relation to the Waterhouse issue generally, to your knowledge did any of the steps that you took in relation to the Waterhouse matter actually lead to a change in government policy rules or anything of that kind?---I don't know.

THE COMMISSIONER: I'm sorry?---I don't know, sorry, Commissioner.

MR ROBERTSON: None of what you're aware. Is that right?---I'm not aware. I don't know.

Is it right to say that you sought to achieve changes in government policy for the assistance of Ms Waterhouse, but so far as you're aware it was not successful?---Ms Waterhouse and the 30 or 40 residents. Yes, that's correct.

10

But so far as you're aware, at least those attempts were not successful. Is that right?---I, I, I don't know what happened.

Now, I'm going to go back in time to September where we were before. I just went forward to that to assist with your recollection on a previous question that I asked.---Yes.

20

Do you recall whether there was a point in time at which you were concerned as to whether the proposed sale of the SmartWest site might fall over, by which I mean might not be successful, Country Garden might no longer be interested, but instead sought to identify other potential purchasers or investors for that site?---I have a recollection it was an issue, but not clear recollection.

Do you recall whether you took any particular steps in relation to that matter?---I, I recall I may have made some inquiries with some of the consulates about whether there was potential to take part in a partnership, I recall that.

30

Now, is it right to say that the only reason you had that sort of direct access to consulates was in your capacity as chair of the New South Wales Asia Pacific Friendship Group?---Well, yes.

And is it consistent with your recollection that you reached out to that network with a view to identifying potential purchasers or investors in relation to the SmartWest land?---Or, or partners in the project, yes.

40

Or potentially partners in the sense of investors who might work together with - - -?---Ms Waterhouse.

With either Ms Waterhouse or perhaps with some other investors as well, is that right?---Yes.

Did you inform these consular officials that at least one of the reasons you were making contact with them was the hope that you might receive a profit yourself in due course?---No.

Do you at least agree, though, that you had an expectation or at least a hope that in the event that the SmartWest land was sold or was the subject of an investment that you would receive a commission or other payment from someone, be that Mr Luong or from someone else?---Oh, a, a hope, yes.

And in fact, that was the principal reason that you were engaged in some of the activities that we've seen so far.---Mmm.

10 The hope that you would ultimately receive some profits in relation to that matter, is that right?---Yes.

Part of what you were seeking to do at that particular time in your life is set yourself up financially for your post-parliamentary life, is that right?---To have a future to go to, yes.

To have a future to go to.---Mmm.

Both in terms of a job going forward - - -?---Or something. Mmm.

20 - - - and in terms of having sufficient financial resources, is that right?
---Mmm, to, to have a future, yes.

But would you agree that in each of the steps that you took in relation to the SmartWest matter, you never disclosed to the people that you were dealing with – be they public officials in New South Wales, consular officials on behalf of other countries, or indeed anyone else – that one of the reasons you were doing this, I think you accepted the principal reason you were doing this, was with the hope of receiving a commission or other fee for yourself?---I agree.

30 Did you ever tell these individuals?---No.

Did Ms Waterhouse make it clear to you that in the event that you were successful in assisting in her obtaining investors for the site, or perhaps purchasers for the site other than Mr Luong, that she would look after you financially?---No. No, never.

So no - - -?---Never.

40 Certainly no written agreement, anything of that kind?---No agreement, no suggestion whatsoever. Never ever.

But it was still at least in your mind a hope or desire that that's what would happen in the event that you managed to assist in the sale or investment of the land, is that right?---A hope, yes.

A hope that you'd take some steps to assist in investment being made or a sale being made, and at the end of the day, Ms Waterhouse or perhaps

someone else would pay a commission or other fee to you, is that right?
---Mmm, at, at some point, yes.

And so you had the fairly clear understanding with Mr Luong that if Mr Luong was able to sell the Waterhouse land, the SmartWest land to Country Garden, that you would receive a commission or other fee from Mr Luong, correct?---He indicated that, yes.

10 And that would come out of Mr Luong's fee that Ms Waterhouse and her interests agreed to pay, is that right?---Yes. I agree, yes.

But are you saying that vis-à-vis Ms Waterhouse yourself, you had a hope and a desire, but not necessarily as clear an understanding of the kind that you had with Mr Luong?---I, I never had understanding with Ms Waterhouse. Never ever did we have an agreement, a discussion, never did she even suggest that that was an outcome. Never ever.

THE COMMISSIONER: Well, not to you.---Not to me, no.

20 But Mr Luong recounted a conversation he said he had had with her, that she asked him who would look after you.---Yes, that, that's, that's right, he did say that, and he, he told me that. But she never approached me and, and make that, those comments or proposition.

I understand that. But in relation to that conversation you'd had with Mr Luong, surely that gave you comfort that even if it wasn't a transaction Mr Luong affected, but with yet another third party not yet identified, that she would hope for the same outcome for you in that respect too.---Yes.

30 MR ROBERTSON: I'm going to play now a call of 14 September, 2017, which relates to the question I was asking you before about consular networks. It's 1765, not presently in evidence. I'll ask for that to be played. It's a call with Takawaka-san, who is a Japanese Consul, or was a Japanese Consul at that point in time, is that right?---Yes, a very nice man, yes.

AUDIO RECORDING PLAYED

[10.44am]

40 MR ROBERTSON: Mr Maguire, do you agree that the call you just heard provides an example of you using the consular network to which you had access as chair of the parliamentary friendship group with a view to pursuing your own private business interests?---Yes.

THE COMMISSIONER: Who was Mr Takawaka?---He was the Consul for Japan.

In Sydney?---In Sydney, yes.

MR ROBERTSON: Someone who you had met in your capacity as chair of the parliamentary friendship group. Is that right?---Yes.

In fact in that role it's very common to have meetings, lunches, dinners et cetera with consular officials. Is that right?---Yes, yes, there's a regular round of dinners and functions.

10 And so is it right that you took an opportunity in that connection, in other words, in connection with having dealings with the consular network, to raise this issue of potential Japanese investors in relation to - - -?---Yes.

- - - a particular piece of land. Correct?---Yes, correct.

There's a reference in the call to "A friend of mine." Who was the friend of yours?---That would be Ms Waterhouse or Mr Luong. I can't recall which one I was referring to.

20 And I take it you didn't inform Mr Takawaka-san that you had at least a hope that in the event that a Japanese investor might in the SmartWest site that you might end up with a fee?---No.

There was a reference in the call to Chinese interests having "too much influence". Do you remember hearing that?---Yes, mmm.

Did you have the authorisation of anyone within government to complain to a consular official, in this case from Japan, regarding China having or not having too much influence in Australia?---No.

30 At least notionally you were calling this consular official from Japan in your capacity as chair of the Asia Pacific Friendship Group. Correct?---Yes, and a friend.

40 Well, you'd at least agree, wouldn't you, that it was quite wrong for you, in circumstances where you didn't make it clear to Mr Takawaka that you were at least motivated at least in part by personal profit interests, to be saying something about the relationship between Australia or perhaps New South Wales and China, without disclosing that at least one of the reasons that you were identifying that point is with a view to making money for yourself?---Yes, I'd agree.

You'd agree, wouldn't you, that you wouldn't have engaged in a call of the kind that we've just heard with Mr Takawaka, or indeed any other consular official, but for your hope that you would successfully assist Ms Waterhouse in a sale or investment and then would receive a fee yourself. Correct?---Yes, correct.

Now, did you ultimately make any arrangements for Takawaka-san to meet with anyone in relation to the SmartWest site?---I don't recall.

Let me help this way.

THE COMMISSIONER: Do you want to tender that last – sorry, were you going to say something, Mr Maguire?

THE WITNESS: I don't recall what actually happened.

10

MR ROBERTSON: I'll assist you. I'll show you some documents that might assist you.---Thank you.

I'll next bring up intercept 2063, which is an SMS, and while that's coming up I tender intercept 1765, call between Mr Maguire and Mr Takawaka, T-a-k-a-w-a-k-a, 14 September, 2017.

THE COMMISSIONER: Exhibit 367.

20

#EXH-367 – TRANSCRIPT AND AUDIO OF INTERCEPTED TELECOMMUNICATION SESSION 1765 DATED 14 SEPTEMBER 2017 – EXTRACT

THE COMMISSIONER: It's just Mr Takawaka, isn't it?---Yes.

The 'san' – is that some sort of expression of an honorific, adding san? ---San, Mr.

30

Oh, san means mister, does it?---Yes.

Thank you.

MR ROBERTSON: Here is a message from Takawaka-san to you. See there?---Yes.

“Good morning. Mr Luong visited us yesterday. His briefing was very interesting.” Do you see that there?---Yes, I see that.

40

So does that refresh your memory that you brokered a meeting between - - -?---Yes.

- - - Mr Takawaka and Mr Luong to discuss the SmartWest site?---Yes.

Now, did that brokerage end up in any investment, so far as you know, so far as you recall?---I, I, I don't know. I, I, I have no idea.

Well, was this a genuine interest that you were raising with Mr Takawaka or was this an attempt to try and put pressure on, commercial pressure, on Country Garden to decide whether or not they wanted to be the purchaser of the site, can you remember?---No, I, in my mind it was a general attempt to get technology companies – as you know, Japanese and Koreans are some of the best – involved. That was the general idea of the, of that area, of the technology park. So it, it wasn't just the one specific country. The idea was to get technology from a number of them, and the Japanese was just one.

- 10 But around about that point in time, you were at least hopeful that the deal between Country Garden Australia and the Waterhouse interests would be successful, correct?---Yes.

And that you would receive a very substantial payment in the event that it was successful, correct?---Yes.

- 20 But are you saying you're in effect putting a few irons in the fire in the hope that, if that deal didn't come off, there might be some other form of investment that might take place?---My understanding is there were several compartments in the way that this plan or this dream of Mr Waterhouse's, Mr Bill Waterhouse, would, would develop. There were certain industries in space and aero technology that they want to create a hub. There was accommodation. There was industrial area to service the airport with technologies as well. So it was, it was compartments within a plan, from my recollection.

Now, do you recall what the next step you took, if any, in relation to what we've been describing as the SmartWest land?---No, I don't recall.

- 30 Well, I played you, a bit out of order, a call from 18 October, 2017, between you and Ms Berejiklian, where you referred to the fact that you'd taken Ms Waterhouse to the Premier's office to ask them to help solve her problem. Do you remember hearing that on the - - -?---Yes, yes, I recall that.

Did you in fact do that? Did you in fact take Ms Waterhouse up to the Premier's office, do you remember?---I can't recall it, but if I've said it, I must have done it.

- 40 Well, do you have any recollection of specifically doing it?---No, I don't have a recollection of specifically doing it.

Well, let me try and help you this way. We'll go to Exhibit 258 and I'm going to show you some messages between you and Ms Waterhouse that appear to be setting up a time for Ms Waterhouse to be attending upon you in Parliament House, just to see if that assists in your recollection. And also in terms of timing it might assist as well. So we'll start there. Ms Waterhouse is requesting a meeting with you. "Do you have time for coffee sometime?" See that there?---Yes.

So this is 16 October, 2017.---Ah hmm.

Just turn the page. “G’day. This week I’m very flexible. Just give me a heads-up.” See that there?---Yes.

Next one, “Thank you, Daryl. I’m coming to town tomorrow. Subject to final confirmation, could meet early afternoon. Would that suit?” See that there?---Yes.

10

Next time, after – next page. “After QT, say 3.30.” See that there?---Yes.

I take it QT is a reference to Question Time.---Correct.

And so I take it we infer from this that you’re talking about a parliamentary sitting week.---Yes.

And then next page quickly. “Would 3.45 also work?” Next page. “Very good. See you then.”---Yes.

20

Et cetera. Does that assist your recollection as to whether there was a meeting between you and Ms Waterhouse in Parliament House on or perhaps about 17 October, 2017?---I can’t recall the meeting but, obviously the text is there, but I can’t recall the meeting where we had coffee or the detail to that.

There was a reference in the call that I played you a little bit earlier out of time, the one from 18 October, 2017, so two days after these messages. ---Yes.

30

Referring to someone by the name of Jock. Remember hearing that?---Yes.

Who’s Jock?---He worked as an adviser to the Minister for Roads.

And what did Jock have to do with what you explained to Ms Berejiklian was something that you were doing to try and help Ms Waterhouse to solve her problem?---That was the exit issue off the, the newly designed or proposed road. The one we referred to where there was an access issue for Ms Waterhouse’s land and also the 30 or 40 residents that lived there.

40

So the question of access between the SmartWest land, land around it, to The Northern Road, is that right?---And the landholders, yes.

And what did Jock have to do with that matter?---Um - - -

If you want me to replay that call, just to assist you - - -?---I, I, yes, but I, I can’t recall, I can’t recall what he, what he did directly with it, or how it eventuated from there.

Or did you set up any meetings with Jock, or what was Jock's role as you recall it?---I can't recall what actually happened with regard to that, but I know that there was a meeting or a number of meetings. But I can't remember exactly how the steps took place, but yes, there was definitely some kind of meeting.

And can you recall the circumstances in which that meeting came about?
---Mmm, not clearly, no, not clear in my mind.

10

Do you recall whether that meeting occurred on 17 October, 2017, which seems to be the date that Ms Waterhouse and you are seeking to set up a meeting in Parliament House?---I can't recall if, if Jock attended the meeting on that day, the one I had with Ms Waterhouse, I can't recall that.

Let me try and assist you this way. Can we go, please, to volume 16, starting at page 42, just to see whether this helps jog your memory? So I'm going to show you some photographs taken on 17 October, 2017.---Ah
hmm.

20

And note the time of 3.45, which seems to be the time that you arranged to meet Ms Waterhouse, according to the text messages that we saw as part of Exhibit 253.---Ah hmm.

Can we then just go to the next page? "Under her arms she's got a large folder." Do you see that there?---Yes, I see that.

30

And go to the next one, and we'll go to the next one. Now, what we see on the screen, that's the desk that you sign in at, in the event that you want to see, for example, a member of parliament, is that right?---Yes, one of the desks, yes.

So you go to that desk and say, "I'm here to see Mr Maguire," is that right?
---Yes.

And they'd call you up and say, "Someone's here to see you."---Correct.

40

But it's you as the member of parliament who decides whether to give them access or not to what I might call the secure area of Parliament House.
---Yes. Correct.

And if we then go to the next page, we see someone who appears to look like you.---Yes.

And then the next page, you and Ms Waterhouse together. Do you see that there?---Yes, I see.

Now, does that help your recollection as to your meeting with Ms Waterhouse on 17 October, 2017?---Well, the recollection of the meeting isn't clear, but it does remind me that I did meet her and, on that day, yes.

I take it you were meeting her to discuss the SmartWest matter, is that right?
---Yes.

10 What other steps can you recall taking on that day, noting that I've played you the call of 18 October, 2017, where you told Ms Berejiklian at least that you had taken Ms Waterhouse to the Premier's office and asked them to help her solve her problem with the Planning Department and RMS?---I honestly can't recall it. I, I just can't recall the steps that were taken.

Do you have a recollection of taking Ms Waterhouse to the Premier's office and asking them to help solve her problem with the Planning Department and RMS?---I don't have a recollection of it.

No recollection at all at any time?---I can't recall it.

20 It's not the kind of thing you would have made up, though, in communications with Ms Berejiklian, is that right or not?---Well, I, I wouldn't have made it up, but the, the question is, I can't recall whether we went to that office or whether someone came to my office, I just don't, I just don't recall it.

Do you at least recall having a meeting at some time that you set up between Ms Waterhouse and Mr Sowter?---Yes, I do recall a meeting occurring. I, I don't know when, but I do recall a meeting occurring.

30 Where did that meeting take place, do you remember?---Perhaps my office, I, I'd only be guessing.

How did that meeting come about, do you remember?---I can't for the life of me think how it came about, but I, if you want me to speculate, I, I would have organised it.

40 Well, in terms of, if you wanted to have access to a parliamentary liaison officer, as Mr Sowter was at that time, to a minister, would the ordinary course be for you to make direct contact with what I'll call the PLO, or would you do it through the minister, or is there general practice in relation to that matter?---No, no, each minister has a PLO, and they're all identified, and their job is to liaise with the member. If you raise an issue with them, they then take the management of it, control of it, and assist if possible.

But the particular meeting with Mr Sowter that you can recall, do you recall whether that was organised directly with Mr Sowter or whether it was organised through the minister or organised in some other fashion?---I can't

recall how I organised that particular meeting. Whether it was with Mr Sowter or through the minister, I can't for the life of me think.

In relation to the meeting itself, as best you can recall, what took place during the course of that meeting?---I don't know. It would have been a discussion about Ms Waterhouse's issue, I suspect, but I can't be clear on the detail of that meeting.

10 But you at least agree that, during the course of that meeting, you were making representations on behalf of Ms Waterhouse. In other words, you were supporting the position that she was seeking to identify.---I don't know that I took part in the detail of the meeting, but I certainly made the introduction and perhaps gave a brief of what the issue was.

Did you disclose that you hoped that, in the event that the SmartWest site was developed, that you might end up with a personal fee for yourself?
---No.

20 Why not?---Didn't cross my mind.

Well, it must have crossed your mind, mustn't it, to draw attention to the fact that someone like Mr Sowter might have thought that you were just doing it in the exercise of a public function, whereas, at least in part, you were seeking to make money for yourself?---Well, in hindsight I should have, but it just didn't cross my mind.

So you accept in hindsight that's something that you should have, at the very least, disclosed, correct?---Yes, I should have.

30 But you're saying you didn't appreciate that at the time?---No, I, it just didn't cross my mind at the time.

What else, if anything, can you recall about the meeting with Mr Sowter?
---The details of that are scant in my mind. I, I don't know.

Mr Sowter suggests that the meeting may have taken place in one of the foyer areas of the Premier's office in Parliament House. Do you have any comment to make regarding that?---I don't know.

40 You don't have a recollection one way or the other?---No.

Ms Waterhouse, I think I should indicate, in fairness to you, that she was in that foyer area or one of the foyer areas at some point, but the meeting may have taken place in a different room, perhaps somewhere near that foyer area. Does that, does that help you at all?---Still doesn't help me.

Have you used the foyer area of the Premier's office in Parliament House as a, as it were, impromptu meeting space before? Do you remember?---Gee, I

mean, people come and go all the time and you have a chat, you meet with groups that want to, or delegations, et cetera. I couldn't say that I had meetings there, but we certainly met people if they were coming to see the Premier or see someone about a particular issue.

10 You agree, I take it, that, but for the profit motive that you had, the hope that there'd be a fee for you in the event that investments were ultimately successful or developments were ultimately successful in the SmartWest land, you wouldn't have bothered or taken the time to set up a meeting with Mr Sowter, do you agree?---Well, I can't fully agree because there was also the issue that I raised with you about the landholders that Ms Waterhouse was also representing with regard – I think there was 30 or 40 of them that were landlocked under the flight path.

20 But as the Member for Wagga Wagga, why did you care about that? Why were you spending your time dealing with that matter?---Well, I, I regarded that as a political issue for the area, the local member, and Ms Waterhouse, Ms Waterhouse had spearheaded, along with a number of others, a committee that, that were concerned that they were going to be landlocked for 20 or 30 years underneath the flight path and no way to get out. So that was another issue that weighed heavily on my mind.

That might have been a factor, but you wouldn't have gone to the effort of setting up a meeting of the kind that you and I are just discussing but for the fact that you had that profit motive in your mind as well, would you agree? ---Not totally. You know, Ms Waterhouse asked for help. She was part of a group of people that had troubles. I would have taken steps. I just wouldn't have ignored it. And I did take steps.

30 But really what I'm suggesting is that you've taken so many steps in relation to the SmartWest issue that it can't be explained by a general concern about landowners and political issues and things like that. It can only be explained by the fact that you were hoping for some financial return at the end of the day, is that right?---Yes.

I tender a series of surveillance photographs, 17 October, 2017, pages 42 through to 49, volume 16, public inquiry brief.

40 THE COMMISSIONER: That will be Exhibit 368.

#EXH-368 – ICAC SURVEILLANCE PHOTOGRAPHS OF WATERHOUSE AND MAGUIRE DATED 17 OCTOBER 2017

THE COMMISSIONER: Is that a convenient time to take a short adjournment?

MR ROBERTSON: Yes, Commissioner.

THE COMMISSIONER: We'll just take a 15-minute adjournment, Mr Maguire.

SHORT ADJOURNMENT

[11.10am]

10 THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Maguire, I'm just going to play you another telephone intercept which I hope will assist you with your recollection on the issue that we were discussing just before the adjournment.---Yes.

20 Which includes steps that you took in relation to Mr Sowter and perhaps others in relation to Ms Waterhouse. Intercept 3434, Exhibit 229, and it's a telephone intercept between you and Mr Luong on 18 October, 2017. So just to help you with your bearings, the intercept – sorry, I withdraw that – the surveillance photographs that I showed you were of 17 October, 2017. ---Yes.

The next day was the telephone call that I played between you and Ms Berejiklian where you referred to taking Ms Waterhouse to the Premier's office and asking them to help with her, help serve her problem.---Ah hmm.

This is an intercept occurring on the same day as that call, 18 October, 2017, but this time with Mr Luong rather than with Ms Berejiklian.---Ah hmm.

30

AUDIO RECORDING PLAYED

[11.28am]

MR ROBERTSON: Just pause just for a moment.

THE COMMISSIONER: This says the call date time was 3 November, not 18 October. Is that the correct - - -

40 MR ROBERTSON: I'm grateful, Commissioner. I may have a mis-reference. Just pardon me for a moment. We might actually just come back to that one if we may, Commissioner.

THE COMMISSIONER: Yes.

MR ROBERTSON: I think I've got a wrong reference in my notes. I apologise for that, Mr Maguire. Do you recall whether you provided assistance or advice to Ms Waterhouse as to what she should do in light of the meeting with Mr Sowter, in other words, you seem to recall a meeting

with Mr Sowter where there were some discussions between Ms Waterhouse, Mr Sowter and you regarding the issues that she was having.
---Ah hmm.

Which we might describe in general terms, the roads issue.---Yes.

Do you recall whether you provided any further assistance to Ms Waterhouse in that area other than setting up the meeting of the kind that we have identified so far?---I can't recall directly what other assistance I gave.
10 I do recall seeing a letter somehow that Ms Waterhouse constructed about the issues and I do recall there was a meeting with, I'm trying to think of the lady's name, it was planning for Western Sydney or infrastructure.

Do you mean the Greater Sydney Commission, is that what you're referring to?---I think that's the name of it, yes.

And are you referring to Dr Hill?---That's the lady, yes.

So I'll come back to the detail of that. But you were referring before to a
20 letter. That was a letter between who and who?---I'd have to see the letter to recall it, but I know there was a detailed letter about the issues.

Let me try and help you this way. Volume 16, page 51. Exhibit 250 also, volume 16, page 51. Do you see there a letter to Mr Sowter, "Thank you for taking your time to meet briefly yesterday," and then providing information regarding the SmartWest Sydney proposal. Do you see that there?---Yes.

Is that the letter that you were referring to a moment ago?---No.

30 So it was a letter, as best you can recall it was a letter from who to who?
---From Ms Waterhouse. It may be the letter.

I'll just flick a few pages just so you can see the content. See there's a map identifying the site, identifying at least in part the problem, and if you just have a look on the previous page, see the two dot points?---Yes.

40 "What SmartWest Sydney seeks is twofold." First dot point, "Recognition in infrastructure planning of the SmartWest Site with the strategic location will sooner or later be zoned for urban development."---Yes.

And the second dot point, "Road planning to recognise the western airport precinct and accommodate access to The Northern Road alignment." Do you see that there?---Yes. That could be the letter then, yes.

And is it consistent with your recollection that that was the two road or planning-related issues that Ms Waterhouse had as you understood it - - -?
---Yes.

- - - and that you sought to assist her with?---Yes.

And so you're saying that this letter that's on the screen is possibly the letter that you were referring to before?---Yes.

But I take it from your answers you're not a hundred per cent sure, there may be some other letter.---I'm not a hundred per cent clear, but - - -

10 But is it right to say that you provided assistance to Ms Waterhouse as to the approach that she should take in relation to lobbying for what she sought to achieve, which is the two dot points, or at least principally the two dot points that we can see on the screen?---My recollection would be that, that she would be advised to write that letter to Mr Sowter or to the person that it was addressed to after having advice from the meeting that we referred to before.

And so Mr Sowter may have said, "Well, send me a letter so that I can put it through the process."---Correct, yes, I would assume that's the case.

20 But you at least agree that on one or perhaps more than one occasion you gave Ms Waterhouse some advice as to for example who she should write to, who she should chase up, who she should speak to, who she should not speak to?---Yes, yes, I agree.

And I'll just give you an example of that for your comment. We'll move to 23 October, 2017. Intercept 3049, Exhibit 259. This is a few days after the letter that we just saw.

30 **AUDIO RECORDING PLAYED** **[11.34am]**

MR ROBERTSON: So Mr Maguire, do you agree that that call provides an example of the kind of advice that you were giving to Ms Waterhouse from time to time as to how to seek to achieve her objectives?---Yes. Yes.

Principally, those objectives that we saw in the two dot points of the letter. Is that right?---Yes.

40 And would you agree that around about this point in time, your efforts shift to some degree in that as at September, it looked like you were quite confident that the Country Garden sale of the land might take place, whereas a little bit later – we're now in October – you're concerned that the prospects of Country Garden Australia purchasing the SmartWest land may well be less than what you thought they were in September?---Can you repeat that, please?

In September of 2017, which is really where we started this morning, the 5th and 6th of September, 2017, you seemed to be quite confident of a sale of the SmartWest land occurring and you receiving a substantial payment, correct?
---Yes, correct.

Now, that sale didn't ultimately occur, is that right?---No, that's correct.

10 Do you agree that you were assisting Ms Waterhouse in attempting to fix some of her issues, including in relation to roads and including in relation to planning, with the possibility that instead of there being a sale to Country Garden, there might for example be an investment by another investor.
---Yes.

And that was part of why you were assisting Ms Waterhouse in relation to roads issues and planning issues, you were hoping that they would assist in improving the position for Ms Waterhouse to be able to either sell or if not, develop the land. Is that right?---And, and, and put a safer access for the 30 or 40 residents, that's correct.

20 But those two things are connected, aren't they?---Yes.

In the sense that with a better, more convenient, and safer access to the Northern Road, it's more likely that one can obtain an investor to assist in the development of the site. Do you agree?---At some point in the future, yes.

30 And that was one of the things that was weighing on your mind, or one of the factors that led you to be involved in the activities that you were engaged in, in relation to that site, is that right?---Yes.

And the call that we heard, that wasn't a one-off, was it? You were involved in giving Ms Waterhouse advice directly.---Yes.

And to assist her in her negotiations or her lobbying efforts with public officials, is that right?---Yes.

40 I'm just going to play you another example. We're now going to move forward to 14 November, 2017. I'm not going to play all of the intercepts relevant to this question. I'm focusing on what I think are the key ones. This is 3961. I'm going to play you two extracts from this intercept. It's Exhibit 260. 3691. I may have got the figures the wrong way round. 3691, 14 November, 2017.

AUDIO RECORDING PLAYED

[11.41am]

MR ROBERTSON: We'll just pause that recording there. We'll just pause that recording there because I don't need the remainder of that segment at least. Is it consistent with your recollection that you suggested to Ms Waterhouse during the course of that telephone call that she might want to write a letter to the Premier?---Yes. Yes.

And do you recall that, during the course of that telephone intercept, you gave Ms Waterhouse the, what you described, I think, as the personal email address of Premier Berejiklian, is that right?---Yes. Yes.

10

And when we say personal email address, that's an email address that members of parliament and ministers are able to use in order to have direct access to that particular individual, is that right?---Yes, it's an internal system, mmm.

The practice, is this right, the practice is that each minister has what I'll call a direct email address, is that right?---Yes.

20

And is it right that those email addresses, at least as a matter of practice, are supposed to be kept between members of parliament and ministers, rather than being more broadly provided?---Yes. They're occasionally given out but, yes, basically, yes.

Would you agree that it was a breach of Ms Berejiklian's privacy, and perhaps security, to provide that email address to Ms Waterhouse?---Yes. Yes.

30

Just pardon me for a moment. Just pardon me for a moment, Commissioner. I just want to check something. I'm going to play the second excerpt. This is of 3691, Exhibit 260. There'll be a part of the recording that won't be broadcast. There'll be a pause, as it were, during the course of which Mr Maguire explains what I've described as the direct email address. Just need to pause for a moment while Mr Grainger finds the right button to press. So we'll play extract number 2 of 3691, Exhibit 260, noting that there'll be a gap in the audio at one point.

AUDIO RECORDING PLAYED

[11.45am]

40

MR ROBERTSON: Mr Maguire, why were you concerned that "this stuff is, um, ICAC-able"?--- Oh, I didn't want her to pass on the, the email address, to my best recollection.

Wasn't it a little bit more than that? You were concerned that if you were identified in communications associated with what I might describe as the SmartWest issue that it might be called into question your involvement in that matter?---I don't know whether that really crossed my mind.

Well, you were at least concerned, weren't you, that the kind of extensive activity that you were involved in in relation to the SmartWest site, if known, might have led to questions being asked as to the appropriateness of the Member for Wagga Wagga being closely involved in assisting someone achieving their development interests or sale interests in Western Sydney, do you agree?---Oh, I agree.

10 THE COMMISSIONER: And would Ms Waterhouse have been regarded as a property developer, Mr Maguire?---Well, I never regarded it as a property developer. I mean, she wanted to develop the property, but at that point it was grazing land. It was a farm. And we even talked about agisting some cattle on that land.

But she wanted to develop it as an adjunct to the airport, did she not?---Yes, she did. That was Mr Waterhouse's, Mr Bill Waterhouse's vision, when he bought that land 30 or 40 years ago, and - - -

20 Well, were you concerned that it would be seen as improper for you to be assisting Ms Waterhouse in particular in making direct contact with the Premier, who would have been, as we've already discussed today, engaged on behalf of the government in making decisions in relation to the land at Badgerys Creek?---No, I don't think, I, I wasn't concerned, I, perhaps I should have been, but I, I can't say that I was, Commissioner.

You both seem to have shared a concern about this communication being disclosed, because you refer to ICAC and GIPA Act, and Ms Waterhouse referred to the freedom of information legislation.---Yes.

30 You both seem to have shared a concern that it was not the appropriate conduct to be engaged in.---Yes. Yes, Commissioner. But I can't recall what was actually driving that in my mind.

MR ROBERTSON: But you at least accept, don't you, that you shouldn't have used your knowledge of what you described as the private email address - - -?---Yes.

- - - in order to assist Ms Waterhouse, correct?---I agree. Yes, correct.

40 And you also shouldn't have done it to assist yourself in the sense of you were seeking to help Ms Waterhouse in at least the hope that some personal profits might flow to you, correct?---Yes.

There was a reference during that particular intercept, I'm not sure whether it was played out aloud, but there was a phrase that was used to the effect that Ms Berejiklian would give it a "tickle from the top".---Yes.

What did you mean by that, “tickle from the top”?---Oh, I think my, my, my thinking at that time was that the bureaucrats weren’t taking seriously the issues that Ms Waterhouse was raising, and if it was brought to the attention of the Premier, she might take an interest or encourage people to take an interest in the real problems that were there. That’s the inference, “tickle from the top”, meaning she’s at the top of the tree.

10 To your knowledge, did Ms Berejikian give that letter or any other communications what you’d call a tickle from the top?---I don’t know.

Or nothing to your knowledge that she did in response to that letter?---I don’t, I don’t know what occurred. No. I don’t, I don’t believe I no.

Do you recall whether you told her about the letter, told her something like “Have a look out for this letter. A letter’s coming or a letter’s been. Have a look out for it”?---I don’t have a recollection of saying that. I may have. I don’t recall.

20 Do you at least have a recollection of assisting Ms Waterhouse in drafting the letter or at least proofing it for any comment that you might have?---I recall I’ve seen the letter somewhere. I think it was, yes, I did see the letter. I can’t recall when and I don’t know whether any notations were made or anything. No, I, I did see the letter but I just can’t recall when.

But is it right that your best recollection is that you saw the letter and you gave Ms Waterhouse some advice on it, either to say, “This is fine” or to make some suggestions on it?---Yes. Yes, yes.

30 And that happened before, at least as you understood it, the letter was sent, is that right?---Yes.

But do you have any recollection of raising the particular letter with Ms Berejikian, either in advance of it being received or afterwards?---Oh, gee. I can’t recall that I did or I didn’t. I, I don’t know.

40 THE COMMISSIONER: Well, you said in the conversation with Ms Waterhouse that you’d walk down and tell Ms Berejikian it was coming. ---Yes. But I don’t know whether I actually did that, Commissioner. I can’t recall if I actually did it. I can’t recall.

MR ROBERTSON: Let me try and assist this way. 3767. Exhibit 329.

AUDIO RECORDING PLAYED

[11.53am]

MR ROBERTSON: Does that refresh your memory that you did tell Ms Berejiklian that at least an email was either coming or it was just about to come?---Yes, it does.

And for your benefit, at that point in time the email had not yet been sent, but there's evidence before the Commission suggesting that it had been sent on the following day, being 16 November, 2017.---Yes.

10 You agree, don't you, that it was a misuse of your office, including your knowledge of the Premier's private email address, to provide that to Ms Waterhouse for her use, do you agree with that?---Yes. Yes.

But you did it because you had hoped that that would be part of a step in the process that would ultimately lead to some personal profits for you. Do you agree?---Yes.

20 THE COMMISSIONER: Mr Robertson, I just think I should remind you, the first letter was in fact sent on the 15th and the 16th was a follow-up email which also attached a letter.

MR ROBERTSON: Quite so. I think Mr Brown was about to tell me exactly that. I apologise for that. At least my recollection, and someone will tell me if I'm wrong, that both of those two were sent after the call.

MR BROWN: Yes.

MR ROBERTSON: Mr Brown confirms that that's right.

30 THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: Now, to your knowledge, did Ms Berejiklian do anything in response to those letters?---Not, not to my knowledge.

Did you chase her up about it and say, "Look, what's going on with those emails"?---No, I don't recall.

40 So is it right that, so far as you're aware at least, whilst you were seeking to assist Ms Waterhouse in getting her issues the subject of a "tickle from the top", there was no such tickle at least in relation to the letters that we've just identified. Is that right?---I don't know what occurred after that. I don't recall knowing anything that occurred.

But you're agreeing with me I think in saying that, at least so far as you're aware, no steps were taken as a result of the letter that you suggested Ms Waterhouse sends to the direct email address of Ms Berejiklian. Is that right?---To the best of my recollection, yes.

Now, you referred a little bit of time ago to the meeting with I think the Greater Sydney Commission.---Yes.

And could you just explain how that meeting came about?---Well, I can't recall how, how it was actually organised, whether Mr Sowter organised it or whether I did. I just can't recall how the meeting came about.

Well, I'll try and help you this way. Volume 16, page 86. This we're moving to 5 December, 2017. And we're here showing some messages
10 between your phone and Ms Waterhouse's phone. See there, "G'day. I spoke to Melinda Pavey. She will discuss with Jock and come back to you. I will send her your contacts." Do you see that there?---Yes, I see that.

Melinda Pavey was the Minister for Road - - -?---Yes.

- - - as at 5 December, 2017?---I believe so.

Do you know what you asked Minister Pavey to do? Was that connected
20 with this question of Greater Sydney Commission or was it some broader issue or perhaps some different issue?---I don't know. I don't recall.

You don't recall whether it was her who acted as your intermediary, as it were, to set up the meeting with the Greater Sydney Commission on your request?---It may have been, or it could have been Jock. It may have been.

As at December of 2017 would have you had any reason to speak to Ms Pavey about an issue which pertains to Ms Waterhouse, other than the SmartWest Sydney site?---No, no, no.

30 And so it has to have something to do with either the roads issue or the planning issue that we discussed before. Is that right?---The road issue, the road issue, that's what it would have been.

But is it right that you can't now recall whether you were looking for assistance that might be described as the departmental level or the ministerial level or perhaps the Greater Sydney Commission level?
---No.

40 Do you agree that in requesting Minister Pavey's assistance you didn't advise her or her office that you had hoped to make a personal profit in relation to the SmartWest Sydney matter?--- Yes, I agree, I agree.

And do you agree that you only made that contact because of that – I withdraw that, I'll put it differently. Do you agree that but for that profit motive you wouldn't have engaged in the kind of communication that we can see evidence of on this SMS?---Yes, I agree.

THE COMMISSIONER: So do you recall why you contacted Ms Pavey?
---Well, the issue was specifically about the road access for that land and
- - -

You and Ms Waterhouse or at least Ms Waterhouse had been introduced by
you to Mr Sowter, the minister's PLO, and you'd discussed it with him.
---Yes.

10 On this occasion you appear to have gone directly to the minister.---It may
have been the case that Mr Sowter said to me, "You need to talk to the
minister." I don't know why that occurred.

Or that Mr Sowter hadn't yet responded to the letter Ms Waterhouse sent
him.---Or perhaps, or, yeah, perhaps that's right. I'm very scant on the, on
the detail of how it came about. That's what I said before.

MR ROBERTSON: I tender the document on the screen, volume 16, page
86, text messages between Mr Maguire and Ms Waterhouse.

20 THE COMMISSIONER: That will be Exhibit 369.

**#EXH-369 – CELLEBRITE EXTRACT FROM MAGUIRE'S
TELEPHONE DATED 5 DECEMBER 2017**

MR ROBERTSON: I want to try and help your recollection around that
time. I'll play intercept 4309, which is Exhibit 331. This is a recording
from the day before the first messages that we saw.---Mmm.

30 Which might just assist you with some context around - - -

THE COMMISSIONER: So 4 December?

MR ROBERTSON: 4 December, 2017. I apologise if I misspoke.

AUDIO RECORDING PLAYED [12.01pm]

40 MR ROBERTSON: So again there was a reference to William in that call.
---William Luong.

William Luong.---Mmm.

And so we now know, at least from the calls that I've played you so far, that
you've mentioned William on at least a couple of occasions to Ms
Berejiklian, is that right?---Yes.

Does that help your recollection as to whether you had introduced her to Mr Luong or described who he was, for example?---I can't ever recall introducing William Luong, but I may have introduced him through name recognition at some point.

When you say "through name recognition", what do you mean by that?
---Well, talking about William Luong on a number of occasions. She may have understood who I meant.

10

Well, you must have at least understood that she understood who you meant.---Yes, yes, correct.

Given that you said "William", not "William Luong, who happens to be this particular individual in a particular area," is that right?---Correct. Correct.

And there was a reference to the Sydney Planning Commission. Do we take that to be a reference to the Greater Sydney Commission?---Yes, I would think so.

20

And does that assist your recollection in relation to what we saw on 5 December, 2017, the next day, as to whether that had something to do with a meeting with the Greater Sydney Commission?---I thought it said that I'd actually taken them there.

There was a reference to -- you're talking about 5 September, 2017.---The, the intercept, listening to it, said that I'd actually taken them to a meeting.

30

Yes. But at that point in time at least the Greater Sydney Commission meeting hadn't yet occurred, is that right?---I suspect so.

And so is it consistent with your recollection that, around that point in time, you were taking a number of steps with a view to assisting Ms Waterhouse - - -?---Yes.

- - - with what I'll call the roads issue, correct?---Yes.

40

And you were also seeking to assist her with what you might call the planning issue, is that right?---Yes.

THE COMMISSIONER: Well, the proposal that her land be turned into a greenfield site and locked up for I think it was decades would have been even worse than the road issue, no doubt.---It was very serious then because, again, that affected the whole area. And I think recollection, Commissioner, the other landholders as well. So, yes, it was pretty serious.

That might have been when you started talking about putting cows on the land.---Well, if it's locked up as a, as a greenfield or a SINC or something, I

don't know that you'd even be allowed to do that if they want to hold it as a nature reserve or something like that. It just depended, I think. It was a rather large issue, and you've just reminded me of it. I, the significance of it.

It was almost a game changer, wasn't it?---Oh, well, yes, because all of those landholders, including Ms Waterhouse and others, basically their land would be worth nothing after holding it on for 30 or 40 years. So, yes, it was a game changer, yes.

10

MR ROBERTSON: But the reason you just didn't refer these concerns to, for example, the local member, was in the hope of some personal profits for you in due course, do you agree?---I, I, I, I did refer it to the local member. The local member was introduced at some point, and briefed I think by Ms Waterhouse.

20

Didn't you tell Ms Waterhouse specifically not to get the local member involved at one point, but rather to work through the kinds of mechanisms that you had in mind? Through, for example, the Minister for Roads and the Greater Sydney Commission?---I don't recall that I said that. I can't be clear about that, but I, I can be clear that at some point, the local member was introduced to Ms Waterhouse, and Ms Waterhouse then had the issue taken up by the local member. But I can't be clear about when, but I do know it happened.

Let me try and assist you this way. Intercept 4584, Exhibit 264. This is now 14 December, 2017, so about nine days after the last message that I showed you.---Ah hmm. Ah hmm.

30

AUDIO RECORDING PLAYED

[12.06pm]

MR ROBERTSON: So does that refresh your memory that, at least as at 14 December, 2017, your advice to Ms Waterhouse was not to tell the local member?---Yes.

40

You wanted to be closely involved in the process of attempting to fix Ms Waterhouse's issues, in part so you could get the credit in the event that that was successful, correct?---Yes.

And that would increase the prospect that Ms Waterhouse, or someone else, might look after you in the event of a successful development, is that right? ---Yes.

And when I say look after you, I mean financially. Correct?---Yes.

I'm now going to play you one from the next day. 15 December, 2017, 4606, Exhibit 267.

AUDIO RECORDING PLAYED

[12.09pm]

10 MR ROBERTSON: There was there some reference to what I think was there described as the Planning Commission. Did you hear that?---Yes.

And that was a reference to the Greater Sydney Commission. Is that right? ---Yes.

And so your idea was to take Ms Waterhouse along to that particular meeting. Is that right?---Yes.

20 Now, at that point in time you knew that the Greater Sydney Commission would be disinclined to have a meeting that would discuss site-specific issues rather than perhaps general matters of policy. Is that right?---No, not in, not in my mind. I'm having trouble recalling in detail the arrangement made for the meeting and what actually occurred at that meeting.

When you say the meeting, you mean - - -?---And who actually arranged the meeting.

Well, it was at least procured by you. Is that right?---Well, I can't recall that I actually made arrangements with the Commission to have that meeting.

30 But it was at least procured in the sense that you asked for it, perhaps through the Minister for Roads' office - - -?---Oh, yes, yes.

- - - or perhaps through someone else's office. Is that right?---Yes, that's, yes, correct.

And you decided to bring Ms Waterhouse along to that particular meeting. Is that right?---Yes.

40 The meeting that was arranged was a meeting that you likely only would have been able to obtain because you were a member of parliament. Correct?---Perhaps.

It was a meeting of a kind that involved a briefing of members of parliament of the kind that members of parliament have access to but not necessarily members of the general public. Is that right?---I don't know what briefings were provided to the general public by the, the Planning Commission.

Well, did you tell the Greater Sydney Commission that one of the reasons that you were interested in having a meeting is your hope that Ms Waterhouse's problems would be fixed and that you might be looked after financially?---I can't recall having conversations with the commission about the arrangements for that meeting or any detail. I, my recollection would be that the, the minister's office arranged it. I can't recall having conversations with them about the specifics of it.

10 But you didn't advise the minister's office or the Greater Sydney Commission, either in advance or during the meeting itself, that you had hoped to make some profits out of the SmartWest proposal.---No.

Is that right?---No.

And in fact do you agree that but for that potential profit motive you wouldn't have gone to the effort of seeking to set up that meeting?
---Yes.

20 I'm now going to play you – we're going to move a little bit forward in time and move to the next year, and we're going to move to February of 2018, 14 February, 2018. I'm going to play an excerpt of that call, which has already been played in public Exhibit 3336348, starting at 24 minutes and 45 seconds.

AUDIO RECORDING PLAYED

[12.14pm]

30 MR ROBERTSON: I'm just playing this now as part of the chronology. We're February of 2018.---Yes.

One of the things you refer to is "Country Garden has fucking fallen through."---Yes.

Do you remember hearing that?---Mmm.

Now, is that a reference to Country Garden not becoming a purchaser of the SmartWest site?---Perhaps, yes.

40 Well, there was no other big deal at that point in time that might have fallen through, or deal of any sort that might have fallen through related to Country Garden, is that right?---Not to the best of my recollection.

At least as at September of 2017, you thought there might be a deal between Country Garden and interests associated with the Waterhouses that might pay off all your debts, correct?---Yes, yes, yes.

And that was the thing that had fallen through that you referred to in that conversation, is that right?---Yes, yes.

And then you said, “I’ve got a meeting tomorrow morning with Joe.” I take it that that’s Joe Alha?---Yes.

“And those guys, and try that up, I’m working bloody hard,” et cetera. Do you recall what you were dealing with, with Mr Alha at that point in time?
---No, I don’t.

10

And you said, “And Jimmy’s, we’ve got his over the line.” Who’s Jimmy?
---That’d be Jimmy Liu.

And what did you get over the line with Jimmy as at February of 2018, can you remember?---Oh, I’d be, I’d be guessing, but I’d suggest it’s to solve his problems with, with UWE. But I can’t recall specifically what that referred to, but I, I would, I’d say that it has to do with UWE.

20

Is it right that at this point in time you were getting a bit concerned about making sure you’ve got something to go to in the event that you retire at the 2019 election, which by that point is only a year or so away?---I, I wouldn’t say it was my ultimate concern. It certainly was a consideration. But it wasn’t my ultimate concern.

Well, one of the things you said, “We’ve, Jimmy’s, we’ve got his over the line, that’s good, I, I can’t, I can’t go to nothing.” Do you remember hearing that?---Yes, I heard it.

30

And that’s your concern about making sure that there’s post-parliamentary employment as it were, is that right?---Well, opportunities, yeah, yes.

When you say opportunities, you mean opportunities in the sense of perhaps being on a board, perhaps being a consultant, something along those lines?
---Or something. Or something, yes.

Something to go to?---Yes.

40

But is it right that as at February of 2018, you were concerned regarding that matter, and that was one of the reasons why you were “working bloody hard”?---Yes.

In part you were “working bloody hard” in relation to the SmartWest matter, is that right?---Oh, yes.

Again, as part of setting you up in terms of a financial position going forward, is that right?---Mmm, yeah, and post-parliament, yes.

THE COMMISSIONER: Did you see opportunities working with Ms Waterhouse in connection with the SmartWest development once you retired?---I had thought about it, but I, I really, yeah, I had thought about, there might be some opportunities. But we never discussed that.

10 What sort of role did you see yourself possibility taking?---Well, I, well, I can't be clear on what kind of role I was thinking about, but I thought there would be some kind of opportunity to, to engage with potential people to invest and to be tenants, et cetera. I, I considered it, but I can't say that I considered it deeply.

MR ROBERTSON: What about with Jimmy, Jimmy Liu? We saw or discussed yesterday that at least at one point you contemplated potentially working with him.---Yes. Yes, I did, I did consider that, and I took those steps that are recorded now, where I sought advice. But nothing was concrete, and I thought, well, you know, there may be something into the future. We had only had a brief discussion on the interest that Jimmy was suggesting, which was to join a board, but that's as far as it had really gotten.

20

Well, did Jimmy make you an offer, either a board position or some other offer in advance of your retirement from parliament?---He suggested that, when I retire, that I might consider or he might consider appointing me to his board. I didn't quite understand what that all meant because it was fairly – what's the word – lightly touched on. There was no specific detail. It was just, you know, "We'd like, we'd like you to think about joining us," that, that kind of suggestion.

30 And did that happen only at the time that I showed you yesterday when you sought the advice of the parliamentary ethics adviser? Or was there some other offer that was made a little bit closer to the time at which you were hoping to retire from parliament?---No, my recollection is about the time that, that I wrote to the ethics adviser and, and asked for advice on, on positions on boards. But there wasn't any in-depth conversation. I merely sought some guidance. And Jimmy didn't come back with any offers that I can recollect of any detail.

40 Well, was there any offers of any kind, so far as you can recall?---Perhaps some consulting of some description, if my recollection is right, towards sourcing product from the Riverina for export or something like that. That's my best recollection.

So does that mean there were two, two examples? One was the possibility of joining the board, in respect of which you spoke to the ethics adviser. ---Yes.

And there was another one that might have had something to do with products or something along those lines?---Yeah, it was just a discussion

about what's possible, what's not. It, it, it was scant on detail but it was something that I think I could have considered on retirement.

THE COMMISSIONER: If all these possible engagements with Mr Liu were post retirement, why would you get advice from the ethics adviser?
---Oh, well, it's a suggestion at some point was about joining them now but, so I sought advice and I chose not to do anything, and we didn't have any further discussions about that particular board position because UWE, of course, were in trouble by then. So it didn't progress.

10

I think the note we saw from the ethics adviser was that he provided you with a policy on secondary employment.---Yes, he did.

Which would have demonstrated that you could in fact have taken up that board position while you were a member of parliament.---Yes, I could have.

Why did you draw back from it, nevertheless?---Jimmy and I never had those discussions. It never progressed past the information I was given. We never progressed the, you know, the in-depth discussion about what being
20 on a board for UWE meant. We, we just didn't have that discussion.

It's not very hard to understand what being on a board means.---Well, it is when you're dealing with a Chinese company that – they seem to structure them differently, and I didn't fully understand how UWE's board actually was constructed. It's not like a normal board.

Is it not a company incorporated in Australia?---Yes, it is.

Well, why would it be incorporated in any way other than other Australian
30 companies?---Well, because of, I suggest, and I think about shareholders that owned the company and I don't know that, I don't know how it was actually structured with the appointment of advisors and/or directors. I truly didn't, and we never ever sat down to talk about what meaning being appointed to his board actually meant.

So we're talking about February 2018.---Yes.

And what was the timing of the crisis which had the 51 per cent shareholder,
40 Shanghai Dairy Group, pulling out?---I think it was before then.

Yes. And had that been resolved by February 2018?---Well, no, I, I, I think it – I can't be clear on, on the activities that actually occurred with regards to Shanghai Dairy being resolved and there was an issue that the board of or the directors of the Shanghai Dairy Group had changed. I know that it had been ongoing for quite some time, but I can't recall that it was fully resolved.

But the UWE business, which was oaten hay, was that still viable and going ahead?---In 2018?

Mmm.---Oh, I can't be clear. I can't be clear that it was still operating or it had been mothballed by then. I mean when it was going it was, it was producing and exporting fantastically, but I can't recall when the troubles got so bad that it basically had to be shut down and mothballed, because of the disagreement between UWE and Shanghai Dairy Group.

10 And was that Shanghai Dairy Group a private company in China or was it something controlled by the government?---No. It was a government company and very large, massive company, as most Chinese government-owned companies are, and they're structured so that they're, you know, a legitimate company but they're owned and financed by the government, and initially what caused the problem was that the directors of Shanghai Dairy Group were changed, which can happen in an instant in China, and that's when the troubles with UWE really erupted.

20 And so were you concerned about the possibility of going onto a board with Chinese Government representatives either directly or controlling some of the members of the board?---I was more concerned about the fact that if UWE failed, the plan was that they would expand their plants across New South Wales and Northern Victoria to source product, and the next one slated would have been for Wagga Wagga, and we actively talked about that with Jimmy, that was the vision, and I pursued that for our industrial area, it would have meant 30 jobs for the factory and exports, it would have meant a new business for the export area and I thought it was exciting, so I actively worked hard to, to try and get an outcome for them so they could build more factories and locate one in my electorate.

30 And did anything ever come of it?---Well, UWE, well, we actually went, Commissioner, we spent some time, I went to my local councils, I went to Lockhart Council, I went to Wagga City Council, and I took Jimmy, Mr Liu. We looked at some sites, I introduced him to landowners that already had some buildings that may have been suitable. I showed him the new intermodal terminal that was slated to be built for Wagga Wagga, which is well and truly underway now, and I wanted him to, to establish a business for our city. So that's why I really took an interest in, in UWE. I didn't want them to fail.

40 MR ROBERTSON: Is it right to say though that in 2018 you were hoping at least in your post-parliamentary career to have some business relationship with Mr Liu?---Some, some kind of a relationship, yes.

And do you recall whether he gave you any particular offer in that area? ---No, I don't recall that there was a particular offer. We, we'd had brief conversations about joining a board, some consultancy, I, it wasn't deep in detail, it was merely talk. That's my recollection.

I just want to try and help your recollection this way.---Mmm.

8502, 3 May, 2018, a very short excerpt.---Ah hmm.

AUDIO RECORDING PLAYED

[12.30pm]

10 MR ROBERTSON: So I've just jumped forward to May, just to see if this helps your recollection.---Mmm, ah hmm.

"Jimmy's made me an offer," you say.---Yes.

Do you recall what that offer was in May of 2018?---No.

Do you recall, is it the same as the offer or at least suggestion back in 2017 of a possible board position?---I can't recall what it was.

20 Or it possibly some other offer?--- I can't recall what it is.

But at least at this point in time in 2018, you're looking for something to go to, is that right?---Yes, we were having discussions, yes.

And in the call that I played to you of February of 2018, you talked about not wanting to be "backed in a corner." Do you remember hearing that?
---Yes, yes.

30 What did you mean by not wanting to be "backed in a corner"?---Mmm, I can't recall. I, I can't recall what I meant.

Well, do you want to just reflect on that? Why would you be concerned about being "backed into a corner"? You're saying that in the context of the various hard work you were doing to get things over the line and things of that kind.---I can't recall why I used that term and phrase. I have a recollection of the, of the term and phrase, but I, I, I just can't recall that.

40 Is it right to say that in your communications with Ms Berejikian around that point in time – by which I mean February, 2018, and going forward for the next couple of months – you were at least keeping her informed as to the kinds of things that you were thinking about, is that right?---Mmm, yes.

From the call, at least as I heard it, she's in effect saying to you, "Look, this is a matter for you to work out what you're going to do," is that right?
---Yes, yes.

There was never any suggestion of any financial intermingling of your financial affairs between you and Ms Berejikian?---No. No.

Is that right?---That's right.

But at that point in time, had you made clear to her that you were intending to resign at the next election, or was that still up in the air at least as between you and her, can you remember?---I can't remember clearly when I told her it was happening. I can't be clear about that.

10 In relation to those, to communications with Ms Berejiklian around that time, by which I mean in 2018, when you're trying to set yourself up to make sure you're not going to nothing - - -?---Mmm, mmm, mmm.

- - - did you take a similar approach to what you and I have already discussed, namely, you gave her some information at least in a general way, but there was a line at which you would not give her too much by way of details, is that true?---My best recollection would be yes.

20 And is that for the same reason you explained before, namely, you didn't want to put her in a position or you were trying to avoid her being put in a difficult position where she might be aware of matters that might be the subject of some criticism of her, or some requirement that she should take some action?---I, I'd call it, I'd call it burden her with detail. Yeah.

Was it just about burdening with detail, or was it a concern that you might be doing things that might result in some criticism, and you wanted to limit the way and the extent to which you were fixing her with knowledge?---No, not, not with UWE. Not with UWE.

30 What about with anything around that point in time?---I think the, the, the, the biggest issue on my mind was the UWE problem at around that time. I can't be sure of the dates but, I mean, that, that was, that was just huge. That, that, I think it was the issue that was revolving, and was the priority at the time.

But when you're referring to the UWE issue, do you mean the circumstances in which you were suggesting you might go to China to deal with the concern about Bright Food Group and, as it were, pulling out?
---That, that's, that's what I'm referring to, and I can't recall the dates and things that that was.

40

Well, can I help you this way? That's in 2017 rather than in 2018.---Yes.

That you're principally engaged in that activity. Does that help you at all?
---And, and from then on, UWE had challenges, I'm quite sure, relating to the non-payment, accounting. There was a whole raft of things. I, I still think that was the priority.

UWE was the priority, at least in your mind, is that what you're saying?
---Well, saving them, keeping them operating, that was my priority, yes.

But you were looking at a series of possible options in terms of what to go to in your future career, is that right?---I was thinking about that, yes.

And to the extent that you held things back from Ms Berejiklian, are you saying that's because you didn't want to burden her with the detail, is that right?---And, and because there was nothing, nothing that I can recall of any
10 substance. It was merely hypothetical and talk.

And so can I assist you here. 15 February, 2018. 6356. Exhibit 332.

THE COMMISSIONER: Is that 3 May, '18?

MR ROBERTSON: I'm so sorry?

THE COMMISSIONER: Is that 3 May, '18 one an exhibit?

20 MR ROBERTSON: Yes, it is. It's exhibit number 334.

THE COMMISSIONER: Thank you.

MR ROBERTSON: We're going back to February. I'm sorry to jump around, but - - -?---That's okay.

- - - they're connected topics. 15 February, 2018. 6356, which is Exhibit 332.

30

AUDIO RECORDING PLAYED

[12.36pm]

MR ROBERTSON: Who is the friend with the polished head?---Oh, it would have been Joe.

You'd introduced Joe to Ms Berejiklian before, is that right?---She already knew Joe, from my recollection.

40 Why were you using code in that call in the sense of not referring to Joe or Mr Alha, referring to your little friend with the polished head?---Oh, I don't know. I don't recall why.

Well, why did you say that you were meeting with your friend with the polished head but "you don't need to know what for"?---To keep information from her.

Why?---On a need-to-know basis.

But why would you only do it on a need-to-know basis?---Well, I didn't want to burden her with, with any details. She didn't need to know.

Is that the reason? You didn't want to burden her with additional details? Or were you concerned that you didn't want to fix her with information that might require her to take some action or might lead her to some criticism?
---No, I just, I, I just didn't feel that she needed to know.

10 But I'm trying to understand why, I'm sorry.---Well, I, I, my best recollection, or my answer to you is that there were things happening, as you know, around the place. I just didn't think she needed to know whatever it was we were talking about. It, it, it didn't need to be said.

So are you saying that the reason you used words of that kind was that you didn't want to burden her with detail, as opposed to didn't want to burden her with information that might not reflect well on you or perhaps her?---I'd suggest her. That it wouldn't reflect well on her.

20 That was at least one aspect of why you drew the line at the amount of information that you would tell her, is that right?---Yes, that's right.

You were concerned that some of what you were doing might reflect badly on her, is that right?---It could. Possible.

Not just in this area, but in the other things that you and I have discussed over the last couple of days, do you agree?---Yes.

30 Can we go, please, to Exhibit 265, which is volume 16, page 116. We've had a little bit of a diversion, but I'm going to come back to the SmartWest later. And we're going to go – I'm going to show you a file note taken by Dr Hill, then the CEO of the Greater Sydney Commission, 12th of March, 2018.---Ah hmm.

And then just before that comes up, I take it you've got a recollection of that meeting?---Very vague. I, I don't even know where it occurred, that meeting.

40 You at least recall that you were present and Ms Waterhouse was present. Correct?---I have a vague recollection of that meeting, terribly vague.

Under that vague recollection do you recall Ms Waterhouse being present at the meeting as well?---I really can't recall where that meeting was held, which office, and, but I'd agree that Ms Waterhouse may have been there, yes, I agree.

And Dr Hill was present. Do you remember that?---I guess, yes. I don't, yes, she would have been present of course.

And some other government officials were present as well. Is that right?
---Yes.

Do you agree that you made it clear during the course of that meeting that you were making representations on behalf of and were supporting the position of Ms Waterhouse?---I can't remember the, how the meeting actually developed and evolved. I can't even remember who chaired the meeting. The, the, the details are really scant in my mind.

10

Do you at least recall that it was a meeting that you wanted to be convened for the purposes of promoting Ms Waterhouse's position in relation to the SmartWest site?---Yes, that I'd approached the minister about and Mr Sowter, that's correct.

And you made it clear during the course of the meeting that you were being supportive of Ms Waterhouse's position. Is that right?---I can't recall what I, what I made clear at that meeting.

20

Did you tell anyone at the meeting or perhaps in advance of it or perhaps afterwards that you would have hoped that in the event that Ms Waterhouse was able to obtain appropriate investment in relation to her site that you would obtain some profit in relation to that matter?---No, no.

Can we go please to volume 16, page 116, Exhibit 265. What I'm showing you here is a note that was taken by Dr Hill in relation to the meeting.---Ah hmm.

30

And do you see there, there's a series of participants who were there identified, including you?---Yes.

And if we then just turn the page, just have a look at the subject matter summary document. "Initially advised purpose was to brief Daryl Maguire on Western Sydney City deal." Do you see that there?---Yes.

40

"The purpose on arrival was to provide Louise Waterhouse with an opportunity to seek her family's landholding changed from metropolitan rural lands to investigation area in the Greater Sydney Region Plan and Western City District Plan. Do you see that there?---Yes.

Is that consistent with your recollection as to how the meeting played out, in other words, the initial purpose was a more general briefing of yours, whereas you took the opportunity to seek to provide Ms Waterhouse with an opportunity of the kind that's there identified?---I can't recall how that meeting was arranged or who arranged that meeting. I can't be clear that I arranged that meeting.

Well, you at least procured it to occur, didn't you, in the sense that you made a request which ultimately led to the meeting. Is that right?---I made a request, but normally when you make a request, the Greater Sydney Commission or the person or the department would ask who's attending the meeting and basically call for a brief from the minister or one of their staff about, so they could prepare.

10 But do you at least agree that what you were seeking to achieve by way of a meeting with the Greater Sydney Commission was an opportunity for Ms Waterhouse to make representations that might assist at least the planning issue that you and I have discussed so far?---I agree. But, but the issue for me is I don't understand or I can't be clear about who arranged the meeting and provided the details to the Sydney Planning Commission about who would actually be there. I, I would suggest that it would be Mr Sowter and/or the minister's office in some way, shape or form. I can't recall that, that, that I asked the commission to come and meet individually.

20 And so are you in effect saying that the issue that's been raised there under the Summary heading, the idea that the initial purpose might have changed as compared with the final purpose, that might not have been you that caused that confusion. Is that really what you're seeking to explain? ---I'm suggesting that because, because a meeting such as that would have needed the initiative I'd suggest of the minister or a PLO or a policy officer, not, not from my office. And, and the Departments always ask who's going to be there, what's the purpose. They always bring a brief. They're always well prepared. They're very professional about what they do. I, I can't for the life of me think that they would have come unprepared or that the purpose for the meeting had changed.

30 Well, is it at least fair to say that, at least so far as you were concerned, the purpose of the meeting was the one summarised in the second sentence, under Subject Matter (Summary)?---Yes.

And that's why you were involved in procuring the meeting at which Ms Waterhouse would be able to attend, is that right?---Yes.

At least one of the reasons you procured that meeting was the hope that, in due course, some profits might flow to you, do you agree?---Yes.

40 And you wouldn't have, but for that profit motive, you wouldn't have taken the steps that you took to cause this meeting to take place, do you agree? ---And the 30 or 40 residents, yes, that's right.

That was a factor. But if that was the only factor, you wouldn't have bothered to engage in this level of involvement in procuring this meeting, do you agree?---I'd say I may have.

You may have. At least in relation to this meeting, is that right?---Yes.

But in relation to SmartWest generally, and we've now gone through it in some detail, you're not suggesting, are you, that you would have taken every, but for that profit motive, you would have taken every step that you, in fact, took by way of assistance - - -?---No, no.

- - - Ms Waterhouse and to Mr Luong, is that right?---No, that's right.

10 THE COMMISSIONER: Mr Maguire, if you look at the note under the heading Matters Discussed, read the first sentence Dr Hill has recorded, that the meeting has requested, following a note from Minister Pavey, a CIC. What's CIC?---(No Audible Reply)

Anyway, in any event, to call Mr Maguire. Do you recall Dr Hill calling you to seek to arrange the meeting?---No, I don't.

20 That's what Dr Hill has written in the next paragraph. Do you take issue with any part of what she has set out in that second paragraph?---I can see that but I'm confused about who the discussion was held with, Commissioner.

Well, the, that paragraph appears to make it clear that Dr Hill is recounting a conversation with you in December 2017, following the note she had received from Minister Pavey to call you.---But, Commissioner, I just wouldn't have asked her to come along and give me a brief on that. She would have been advised that Ms Waterhouse would have been attending, either by me or the minister's staff. I, I can't understand that that note doesn't indicate that, at some stage, they were told that Ms Waterhouse would be there.

30 Well, if that is a possibility, nevertheless does it appear that, at this stage, in conversation with Dr Hill you did not refer to the fact that you intended to bring Ms Waterhouse to a meeting?---I can't recall that conversation, Commissioner. That's the first point. And, secondly, I can't recall arranging the detail of that meeting, and I can't, I can't agree with the fact that they weren't told. They always need to be told. They request who's going to be at the meeting. They get a brief together so that they can present it. I, I'm just, I'm confused by that.

40 MR ROBERTSON: I can assist you in indicating there seems to be some evidence that Ms Waterhouse's proposed attendance was communicated to the Greater Sydney Commission, albeit not being informed to Dr Hill. So that's not necessarily – so that's potentially consistent with what you've said in terms of the attendees of the meeting. But in terms of the purpose, you'll remember that in the call that I played you on 15 December, 2017, when you're discussing, discussing the Planning Commission with Ms Waterhouse, you said something like, "I'm going to take you along to the

meeting.” Do you remember hearing that?---I’d take that in the context as “I’m going to arrange to take you along to the meeting,” yes.

So are you saying that’s what you meant when you said that to Ms Waterhouse?---That would be my recollection of what I meant.

10 Not that you were trying to, as it were, sneak her into a meeting about more general briefings as to the Western Sydney City Deal?---No, I, I don’t recall that that was the, the intent. I, I’m really challenged as to how the, the, the, the bureaucrats weren’t advised or understood somehow that Ms Waterhouse would be there. I just don’t understand it.

THE COMMISSIONER: But I think what Mr Robertson has just suggested is that at some, that her attendance was notified at some stage to some person responsible for organising the meeting, but not communicated, not through your devices ultimately, to Dr Hill before she attended.---Well, I could accept that as, as a reason why she didn’t know.

20 MR ROBERTSON: Really what I’m asking is in terms of the purpose, do you say the purpose, at least in your mind, was always clear, namely to provide Ms Waterhouse with the opportunity of the kind that’s identified in the second paragraph?---Yes.

And I take it that during the course of the meeting you were providing, as it were, representations on behalf of Ms Waterhouse, you were supporting Ms Waterhouse’s position during the course of that meeting?---Well, I, I can’t, I can’t for the life of me recollect that meeting, the detail of it. I just can’t for the life of me recollect it.

30 But at least you procuring the meeting was as part of you seeking to support Ms Waterhouse’s position. Would you agree?---Yes, yes, through the minister’s office, you’re right.

THE COMMISSIONER: So was that, you referred earlier this morning to the possible classification as greenfield site. Would that be what metropolitan rural lands was?---Yes, yes.

40 MR ROBERTSON: Now that meeting appears to have occurred on 12 March, 2018. Do you recall whether you had any further involvement with the SmartWest site after that point in time?---I don’t know, I, I don’t have recollections of what happened after that.

I’ll just show you this email, 19 March, 2018, not in the existing bundles I don’t think. So 19 March, 2018, a little bit after the meeting of 12 March, 2018.---Ah, yes, yep.

Starting at the bottom, “Hi, Daryl. I’m writing formally to Minister Roberts regarding our landowner group after a brief discussion last week. Who is the best person to include as a contact person,” et cetera.---Yes.

Now, that’s an email coming from Tanya Davies, is that right?---Yes, that’s right.

Who was Tanya Davies at the relevant time?---She was the local member that I referred to before.

10

And then if you see a little bit further up, “Please forward her contact details, I don’t have them.” This is after you’ve referred to Louise Waterhouse as the relevant contact. Do you see that there?---Yes, that’s correct.

And so is it consistent with your recollection, then, that at least so far as you were concerned with Ms Waterhouse, you didn’t get the local member involved at least until something like March of 2018?---Yes.

20

You’ll remember there was a previous call that I played you earlier today when you said to Ms Waterhouse, “No, no, don’t get the local member involved at the moment.” Remember that?---Yes.

That for your reference was December 2017. Is it right then that at least so far as you’re aware, the local member was only involved in the particular matters with which you were concerned by about March of 2018?---Yes, because my recollection is that the formation of that landholder group had happened after the decision was made by the Planning Commission with regards to that greenfield et cetera. That’s my recollection.

30

But not someone that you sought to get involved in the process at an earlier stage. Is that right?---Well, it wasn’t as serious at that stage because I thought that some discussion would have, would have been able to resolve it, but the fact of the matter is, well, my recollection is that, that when the commission then made decisions about the greenfield and the, you know, the SINC, et cetera, there was a landholder group formed of those residents, it became more serious politically for the local member, and so I encouraged her to take an interest in it. I didn’t want it to blow up for the local member.

40

I tender the email from Ms Davies to Mr Maguire, 19 March, 2018, 8.07am.

THE COMMISSIONER: That will be Exhibit 370.

#EXH-370 – EMAIL DAVIES TO MAGUIRE DATED 19 MARCH 2018

MR ROBERTSON: After that point do you recall any further involvement in the SmartWest matter?---Oh, goodness, I don't recall.

I'll just show you one further, this is actually a photograph, 30 April, 2013, Exhibit 233, taken at the Marigold Restaurant.---Ah hmm, ah hmm.

Somewhere you've been on many occasion?---Yes, they serve great food.

10 Now, that's you on the right-hand side, I take it?---Yes.

Ms Waterhouse next to you?---Yes.

Mr Luong next to her?---Yes.

Who's the gentleman on the left, do you know?---I think that's one of Mr Luong's sons.

20 Now, 30 April, 2018, do you recall what you'd be discussing with Ms Waterhouse and Mr Luong at that point in time?---No. I don't recall.

Was that still with a view to pursuing the SmartWest site? Or was it potentially to do with other matters?---I, I don't know.

At very least, as at April of 2018, you were continuing to seek to pursue things that might set you up for your post-parliamentary career, is that right? ---Oh, yes.

30 And do you agree that in doing so, so for example with the SmartWest site, you were using your office as a member of parliament in order to assist matters of that kind?---Yes. I agree.

And do you agree that that was the case, not just in relation to the SmartWest matter that we've discussed in some detail, it was also the case with respect to other developers as well.---Yes, I agree.

So for example, Mr Demian, you used your office to assist Mr Demian, is that right?---Yes.

40 You did that because you hoped that some profits would ultimately flow to you, is that right?---Yes.

The things that you did to assist people like Mr Demian and Ms Waterhouse and other developers, you wouldn't have done – at least in the level of detail that you did – but for that profit motive.---Yes.

Is that right?---Yes, I agree.

And does that answer also apply to Mr Alha, or is an Mr Alha in a special category as it were, because you were helping him out as a close friend?
---Yeah, special category.

And so is it right to say then that in relation to Mr Alha, you wouldn't have done what you did, not because of a profit motive, but rather because you're helping out a mate, is that right?---Yes. A long, a, a, a mate of a lot of years, yes.

10 Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes.

MR MOSES: Commissioner, there's just one issue. My learned friend this morning referred to an exhibit concerning a mobile phone. The information he conveyed was wrong. That is an active phone number. I ask the Commission consider over lunch making an order pursuant to section 112 in relation to that going to privacy and security issues. So I think Mr Grainger has confirmed that issue, and I understand, I hope that the exhibit's been
20 taken down. If it was up - - -

THE COMMISSIONER: I understand it has been and is being redacted, Mr Moses.

MR MOSES: Thank you. Thank you, but we would like an order being considered as to what should happen in respect of who has had access to that document in the interim.

MR ROBERTSON: Well, can I respectfully suggest that a 112 direction be
30 made immediately, because if there's some issue with that, that can be undone, as it were. So I apply for that order.

THE COMMISSIONER: Yes. So was that phone number shown – not this morning, though, was it? It was shown yesterday, was it?

MR ROBERTSON: No, not this morning. It's something that I, the detail of what my learned friend has just said I want to reflect upon over lunch. But I think there's force in a suppression order being made immediately, just for abundant caution.
40

THE COMMISSIONER: Well, I should be able to - - -

MR MOSES: I'm not sure if the detail is – Mr Grainger's confirmed the position. So, I don't know what my friend is talking about. I want the order made.

THE COMMISSIONER: Well, I understand that.

MR MOSES: Thank you.

MR ROBERTSON: I'm applying for the order.

THE COMMISSIONER: I'm just trying to work out the framing of the order, Mr Moses.

MR MOSES: Thank you, Commissioner, thank you.

10 MR ROBERTSON: I'm agreeing with my learned friend that an order should be made, and it should be made now, not after lunch. I'm just seeking to frame the order - - -

THE COMMISSIONER: And I'm just asking that somebody identify, if they can, with some specificity, the subject of the order. Not, obviously, in terms of the number, but when the evidence was exhibited.

20 MR ROBERTSON: I seek an order under section 112 of the Independent Commission Against Corruption Act prohibiting the publication of the version of the document described as Exhibit 316 that was uploaded to the Commission's website on or about 12 October, 2020. And I'm told that that particular version is not on the website at the moment, but I think there's force with respect in making that suppression order immediately.

THE COMMISSIONER: Yes, I make that order, Mr Robertson and Mr Moses.

30 **COMMISSIONER'S DIRECTION PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT PROHIBITING THE PUBLICATION OF THE VERSION OF THE DOCUMENT DESCRIBED AS EXHIBIT 316 THAT WAS UPLOADED TO THE COMMISSION'S WEBSITE ON OR ABOUT 12 OCTOBER, 2020.**

MR MOSES: Thank you, Commissioner.

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

LUNCHEON ADJOURNMENT

[1.00pm]