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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 2.00PM

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.

THE COMMISSIONER: Yes.

MR ROBERTSON: I apply for a private session within the public inquiry to be convened pursuant to section 31(9) of the Independent Commission Against Corruption Act. The reason I make that application is that the Commission needs to decide how to proceed in relation to certain evidence that was given in the private session immediately before lunch yesterday, in particular the present state of the public record in relation to Mr Maguire suggests a start date of his relationship with Ms Berejikian in or about 2015 or 2016, see in particular page 1714 – I withdraw that – see in particular page 1707 of the public transcript. I then asked a series of questions of Mr Maguire in the private session on page 1714 of the transcript, where I asked him to reflect on that answer and he indicated in response to this question, “Would it be fair to say that you were in a close personal relationship to Ms Berejikian in calendar year 2014?” Answer. “Yes.” “What about 2013?” Answer. “Yes.”

Now, again there’s a difficult question of balance of the kind that I sought to identify immediately before the private hearing or private session of the public inquiry yesterday, namely for sufficient evidence to be identified in public in relation to the matters that are relevant to the investigation but without conducting something in the nature of a public trial in relation to a private relationship. In my submission – and as I understand it, this proposal is support by my learned friend, Mr Moses – I propose to proceed in this way. In private hearing I propose to ask Mr Maguire one question regarding his evidence on page 1714 of the private segment of the transcript, the question intended to confirm what in one sense might be obvious, namely that when he identifies 2013 and 2014 as start dates of relationships, that’s from his perspective.

THE COMMISSIONER: Yes.

MR ROBERTSON: And of course it will be open – to the extent, if at all, it becomes relevant by way of submissions relevant to the report – for Ms Berejikian to say, “Well, that might have been Mr Maguire’s perspective, but I have a different perspective in relation to the matter.” To the extent that that is relevant, that’s the matter that - - -

THE COMMISSIONER: Well, if that was to occur she would have to be recalled to give that evidence.

MR ROBERTSON: Well, that may be so, but at the very least there would need to be submissions in relation to the matter, but that’s not something that needs to be dealt with in the main segment of the public inquiry is the short point. So in effect what I propose is to ask that single question of Mr Maguire in private session.

THE COMMISSIONER: That will be the whole purpose of the private hearing?

MR ROBERTSON: That will be the whole session of the evidence, the whole purpose of the evidence in the private session. I would then apply for the section 112 direction in relation to the private transcript from yesterday between line 1 through to line 26 to be lifted.

10 THE COMMISSIONER: On page 171?

MR ROBERTSON: On page 1714.

THE COMMISSIONER: Yes.

MR ROBERTSON: And then once it's ready I would tender, and a redacted version of that transcript's been prepared and now appears on the screen before you, and I would tender that page, along with the transcript of the single question that I propose to ask Mr Maguire in the private session.

20 THE COMMISSIONER: Very well.

MR ROBERTSON: I think that's a common ground position with me, my learned friend Mr Moses, and my friend Mr Harrowell.

THE COMMISSIONER: He's about to tell me I think. Yes, Mr Moses.

30 MR MOSES: Commissioner, what my learned friend has said is correct and in terms of the issue about – I can confirm this, Commissioner, that in relation to the proposition that my friend has put to the witness, Mr Maguire, in the private hearing transcript which my friend has taken you to at page 1714, and given the issues about perspectives and the like, that we're content for that material to go in in that form, with the qualifier that that's from Mr Maguire's perspective, and leave it at that, rather than engage in any further questioning, certainly from my part, of Mr Maguire in respect to that issue.

THE COMMISSIONER: Yes.

40 MR MOSES: Thank you, Commissioner.

THE COMMISSIONER: Did you want to say anything, Mr Harrowell?

MR HARROWELL: No, Commissioner.

THE COMMISSIONER: Very well.

MR ROBERTSON: Commissioner, can I just make clear, I think this is common ground but just let me at least make it clear. It may be necessary in

connection with producing the report for there to be something in the nature of submissions concerning the relationship. It's something I've deliberately sought not to deal with in any intimate detail in the public inquiry for the reasons of personal privacy and the like that I've sought to explain, but this is an agreed approach, as I apprehend it, with a view to avoiding having to have any debate of that kind in public, but rather to the extent that it's necessary to deal with that by way of the submissions process, or if necessary – and I hope that it would not be necessary – by way of private hearing. But I just wanted to be clear so there's no debate regarding that matter. It's at least conceivable, I'm not saying it will be, I'm not saying it won't be, it's at least conceivable the Commission might have to weigh in on the issue at least in part in making its findings. In my respectful submission the most appropriate way to deal with that matter is in the context of a submissions process where both Ms Berejiklian and Mr Harrowell have got notice of the precise findings that the Commission might consider making and are in a position to deal with that in a very concrete fashion, as opposed to in a broader fashion that might occur in a public inquiry of the personal investigation.

20 THE COMMISSIONER: Yes.

MR MOSES: I think my friend's referring to Mr Berejiklian and Mr Maguire, not Mr Harrowell.

THE COMMISSIONER: I'm sorry, Mr Moses, I missed the start of that.

MR MOSES: I think my friend was referring to Mr Maguire, not his solicitor, in terms of the different perspectives of the relationship.

30 MR ROBERTSON: I apologise. I'm so sorry. I've inadvertently added a relationship. I apologise.

MR MOSES: We need to have at least one joke today, Commissioner. It's been one of those days. But what my friend has put in terms of the basis of the tender of the private transcript is what has been agreed between me and him, Commissioner.

THE COMMISSIONER: Yes, I understood that. Thank you, Mr Moses.

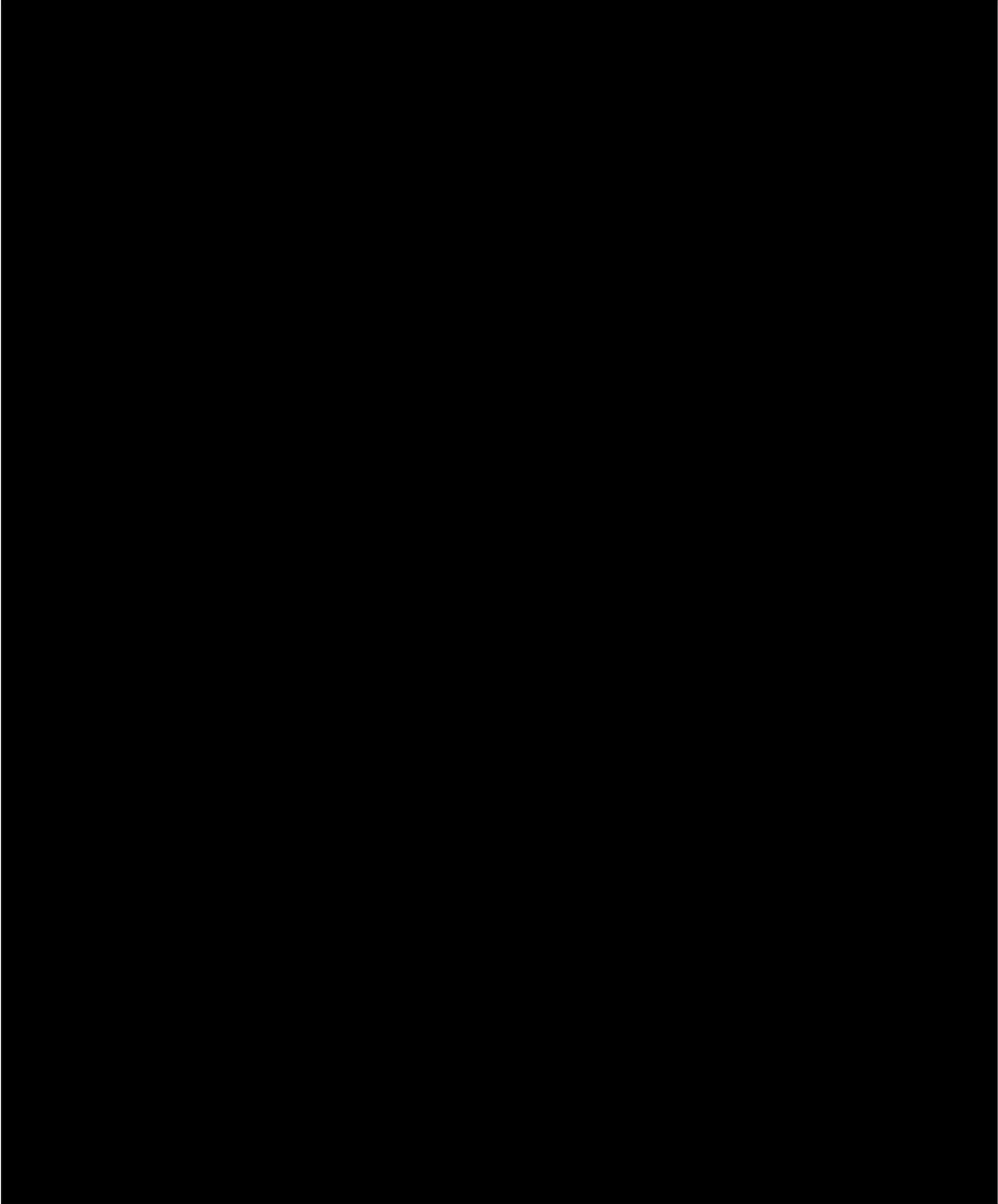
40 MR MOSES: Thank you, Commissioner. Thank you.

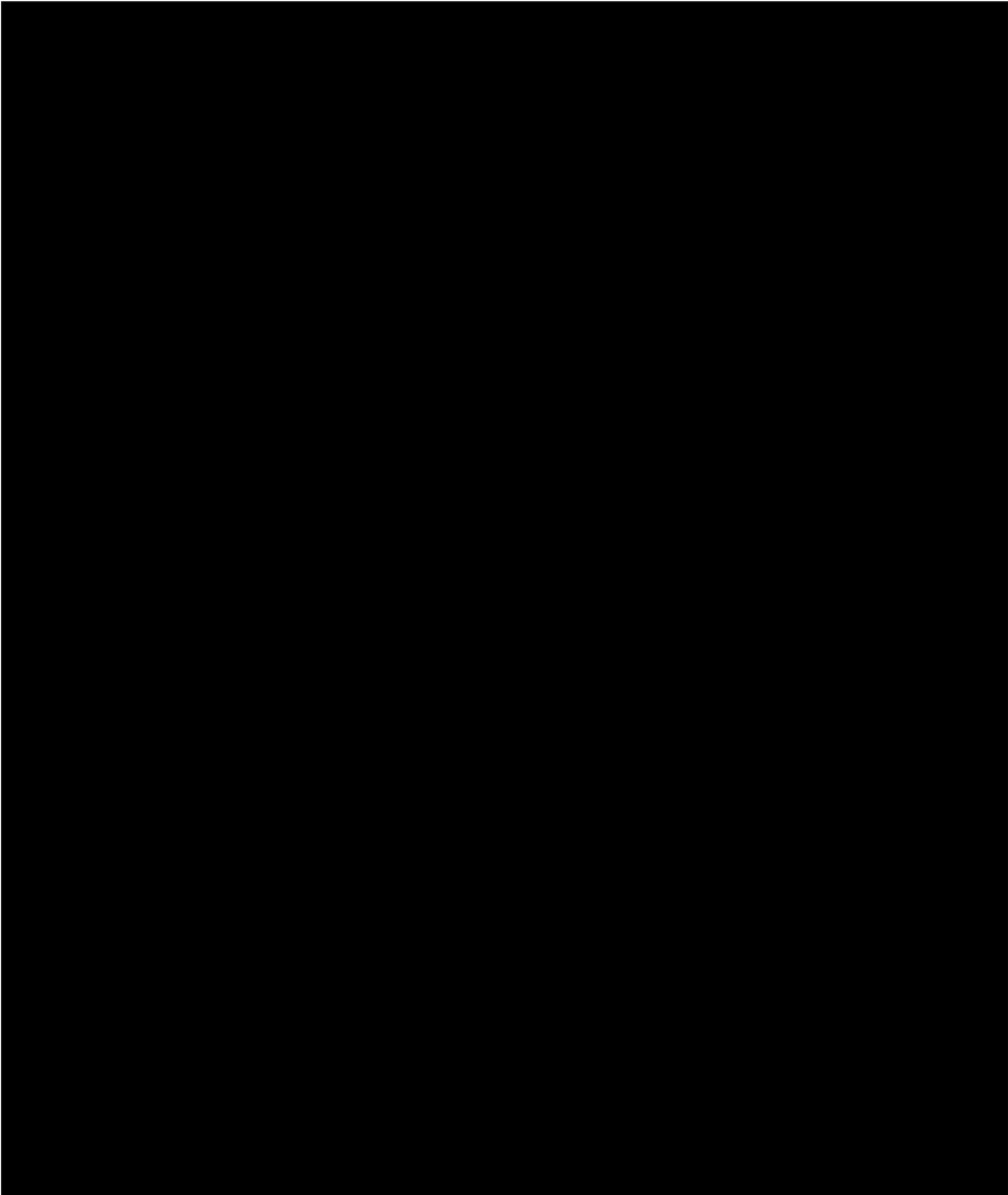
THE COMMISSIONER: Very well. On the basis of Mr Robertson's submissions, I'm satisfied it's in the public interest to hold a part of the public inquiry in Operation Keppel in private, pursuant to section 31(9) of the Independent Commission Against Corruption Act, concerning the evidence given by Mr Maguire. Accordingly, I direct that the evidence given by him in private, or the contents of any document or a description of

any thing, shall not be published in any manner except by Commission staff for Commission purposes, pursuant to section 112 of the Act.

COMMISSIONER'S DIRECTION: ON THE BASIS OF MR ROBERTSON'S SUBMISSIONS, I'M SATISFIED IT'S IN THE PUBLIC INTEREST TO HOLD A PART OF THE PUBLIC INQUIRY IN OPERATION KEPPEL IN PRIVATE, PURSUANT TO SECTION 31(9) OF THE INDEPENDENT COMMISSION AGAINST
10 **CORRUPTION ACT, CONCERNING THE EVIDENCE GIVEN BY MR MAGUIRE. ACCORDINGLY, I DIRECT THAT THE EVIDENCE GIVEN BY HIM IN PRIVATE, OR THE CONTENTS OF ANY DOCUMENT OR A DESCRIPTION OF ANY THING, SHALL NOT BE PUBLISHED IN ANY MANNER EXCEPT BY COMMISSION STAFF FOR COMMISSION PURPOSES, PURSUANT TO SECTION 112 OF THE ACT.**

<DARYL WILLIAM MAGUIRE, on former affirmation [2.22pm]





SHORT ADJOURNMENT

[2.26pm]

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, can I apologise for the delay in commencing the public session of the public inquiry? Can I just seek to explain for those following along what's occurred in the last 10 to 15 minutes or so. The Commission convened a brief private hearing with a view to deciding how to deal with certain evidence that was taken in private immediately before the luncheon adjournment yesterday. You'll recall, Commissioner, that I made a submission at about 12.45pm or thereabouts that I should be permitted to ask certain questions regarding the relationship between Mr Maguire and Ms Berejiklian, but that that should occur in private because I submitted that the public interest in favour of matters such as personal privacy outweighed the public interest in matters being dealt with in public in the context of the public inquiry. I've had some discussions with my learned friend Mr Moses and my friend Mr Harrowell as to how then to deal with the evidence that was taken in private, because at least in relation to the question of the period of time in which the relationship between Ms Berejiklian and Mr Maguire was on foot, it's a matter, as I sought to explain yesterday, that's at least connected to and at least relevant to this Commission's investigation into, and which is focused on, Mr Maguire's conduct.

20

As you'll recall, Commissioner, I indicated that one of the functions of the Commission, as I indicated yesterday and in opening, is to consider conduct that is connected to conduct that is alleged to be corrupt conduct. Now, what I propose – and which is agreed, as I apprehended, with Mr Moses and Mr Harrowell – is that I'll tender in due course an aspect of the private transcript from the evidence taken briefly before lunch yesterday, during the course of which I asked Mr Maguire certain questions regarding his perspective as to when the relationship with Ms Berejiklian commenced. In the last 10 or 15 minutes or so, I've asked Mr Maguire some further questions by way of clarification, in particular with the view to underlining that, as is in a sense obvious, it is his perspective when he identifies the dates or at least the rough dates on which the relationship may or may not have commenced. The proposal which, as I understand it, you, Commissioner, agree to proceed with is that once the transcript of the clarification question that I've asked of Mr Maguire in the private session today has been prepared, I'll apply, and there will be no opposition, to lifting the prohibition on publication of - - -

30

THE COMMISSIONER: Two prohibitions.

40

MR ROBERTSON: The two prohibitions, so firstly in relation to the part of the public, sorry, part of the private transcript from yesterday which deals with the question of the start date of the relationship from Mr Maguire's perspective, and then secondly in relation to the clarification questions that I have asked during the course of today.

THE COMMISSIONER: Yes.

MR ROBERTSON: Plainly enough, I can't tender that material right now because the transcript will need to be prepared, but I anticipate tendering that material during the course of the day, perhaps late during the course of the day.

THE COMMISSIONER: Very well. Yes.

MR ROBERTSON: That's all I propose to say on that topic.

10 THE COMMISSIONER: Yes. We're going to proceed with Mr Maguire?

MR ROBERTSON: Yes. Can I also indicate for the benefit of observers, I anticipate at the moment that I will be finished today in terms of Mr Maguire's examination.

THE COMMISSIONER: Very well.

MR ROBERTSON: That's not a promise or undertaking, but I will endeavour to meet what I've just identified.
20

THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: Mr Maguire, I've asked you a few questions about Mr Jimmy Liu and United World Enterprises.---Yes.

You've known Mr Liu for some time. Is that right?---Yes, a reasonable time.

I think you might have met him in something like 2013. Does that sound about right?---Perhaps a little earlier than that.
30

And I think you might have been introduced by a person by the name of Benjamin Chow.---Correct.

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

You struck up a friendship with Mr Liu over time. Is that fair?---Yes, a strong friendship I would say.

40 And in fact I think you may have attended the conference that UWE held in Shanghai in 2014. Is that right?---That's correct.

To your knowledge has UWE ever had any operations in Wagga Wagga?
---No. Wumbulgal.

Also some operations in Leeton I think. Is that right?---That's Wumbulgal, yes. It's a regional site.

And that's in the electorate of Murray I think rather than the electorate of Wagga Wagga. Is that right?---Yes, it is.

In relation to the UWE conference that was in Shanghai, I think that was in 2014. Is that right?---Somewhere there, that's my recollection.

That particular conference, who paid for your attendance at that conference?
---I paid initially and I recall that UWE made a contribution in the way of a refund for an airline ticket I think.

10

And was that particular contribution declared on your parliamentary returns?---To the best of my recollection.

To the best of your recollection it was?---Yes.

And can we go to Exhibit 293, volume 17, page 12. So your recollection is that you paid the initial expenses but they were refunded. Is that right?
---I think so.

20

Or reimbursed perhaps is the better term.---Reimbursed, I think that's what occurred.

I'm just going to show you a cheque which may well be the cheque the subject of reimbursement. I'll just get you to identify it. Do you remember receiving a cheque from - - -?---Yes.

- - - United World Enterprises for \$1,400?---Yes.

30

And is that the cheque that you said was by way of reimbursement in relation to that - - -?---I believe so.

- - - particular function?---Mmm, I believe so.

Do you agree that after you struck up a friendship or relationship with Mr Liu that you provided assistance to Mr Liu in connection with his business?
---Oh, yes, I agree.

And you did that at least semi-regularly. Is that fair to say?---Yes.

40

You permitted Mr Liu or assisted Mr Liu in holding functions for his business at Parliament House. Is that right?---Yes.

You would arrange things like signing ceremonies for UWE and potential investors or contributors to his business. Is that right?---I would have assisted, yes.

Is it right that on more than one occasion you made arrangement for Mr Liu to use facilities in Parliament House in order to pursue his business, for

example, to be able to introduce people who were travelling from overseas, perhaps from China or elsewhere, for him to, as it were, show off his connection with a member of parliament in New South Wales?---I would, I would suggest yes.

And I think you agreed a little bit earlier today that one thing you at least had in mind was the possibility of joining the board of UWE in due course. ---It, it was talked about, yes.

10 And it was a serious contemplation, at least in 2017, when you sought the advice of the parliamentary ethics adviser, is that right?---Yes.

Do you agree that in early 2017 it became known to you that the Shanghai Dairy Group indicated it wished to exit the UWE business that Mr Liu had in Leeton?---Somewhere around that time frame, yes.

And that particular business was an oaten hay facility, is that right? ---Correct.

20 The hay for the oaten hay was principally from the Griffith area, is that right?---No, no. The hay from the, for the Wumbulgal plant was brought in for, I understand, up to 250 kilometres from farmers in the region. It was a regional facility.

Do you agree that you provided assistance to Mr Liu regarding the issue that arose because of Shanghai Dairy Group's proposed exit from the UWE business?---Yes, I agree.

30 Can we go, please, to volume 17, page 21, just to get a sense of that. I'll say to assist in terms of timing, Mr Liu is saying to you, "Dear Daryl, As Jimmy discussed with you on the phone, please see attached files," and identifies three attachments. One from Mr Liu to the Consular General of the People's Republic of China in Sydney.---Yes.

Next an email reply in response, and then third attachment, letter from the General Manager of UWE requesting your assistance. You see that there? ---Yes, I see that.

40 And we'll go immediately to the third attachment, which is on page 24. One of the attachments to this particular email. Do you see there a letter from Mr Foote, F-o-o-t-e, to you regarding UWE Hay?---Yes.

And does this at least summarise what you understood the particular concern of UWE to be as at August of 2017?---Can I have a moment just to read this, please?

Of course, of course. While you're reading that, Mr Maguire, you might focus, in particular, on the last paragraph, which includes a request.---Ah hmm. Yes, I'm clear.

And so as you understood it, Mr Foote, of UWE Hay, was asking the New South Wales Government to assist with contacting senior leadership in Shanghai Bright Food Group to progress their departure from the business. You see that there?---Yes.

10 That was your understanding of what the request was made of you in relation to UWE Hay, is that right?---Yes.

Now, what steps, if any, did you take in response to that request?---Well, I note firstly it was sent to Stuart Ayres as well, who was the relevant minister when the plant opened. So I expected that he would have seen a copy of that as well.

20 But it was copied to Mr Ayres, of course. Rather, it was sent to you and copied to Mr Ayres, is that right?---Yes. With regards to that, there was a serious problem with the mill, that UWE needed to get some direction from Shanghai Dairy Group, and there was very little interaction into what the future would hold and how Shanghai Dairy Group wanted to exit. There was a change of management in the Shanghai Dairy Group and a whole new raft of people new to the project, or new to the management, hadn't been involved in the structure and the involvement of the Wumbulgal plant. Subsequently, there was, there was, to my best recollection, arguments between, well, no, concerns from, from UWE about paying their suppliers, about the future of the plant, that, that they were producing and making profit, and of course the farmers were supplying the feed, but it had to be paid for. So there was an enormous amount of money outlaid, and Shanghai Dairy Group just would not respond. So I took a number of steps that I recall. I think this matter I raised with the minister and/or his staff.

30 So when you say the minister, which minister are you now referring to? ---Oh, it'd be the Minister for Agriculture Niall Blair, I think. And of course Stuart Ayres, the minister, would have had the copy of that correspondence as well. And - - -

40 So just pausing there, just explain why Minister Ayres, who I think at that time was the Minister for Western Sydney, WestConnex and Sport, why he was involved in this particular matter?---Mmm, he was the minister at the time that opened the plant on, on that day.

THE COMMISSIONER: Wearing what hat, what ministerial hat?---He was the Minister for, I think, Trade and – I, I think Trade, in New South Wales. So he attended, he cut the ribbon, along with the former Premier, Barry O'Farrell, and a number of other people including the mayors of, I think the

Mayor of Wagga was there, and mayors, general managers. It was a, a big show.

MR ROBERTSON: And so you sought to have Mr Ayres at least informed as to what was going on in this issue, because he had a stake in it in the sense that he was involved in the original launching of the plant in Leeton, is that right?---Yes, and I think the owners thought that he had an interest and an ongoing interest too. They, I think they had confidence that he'd turned up, that he'd, you know, shown an interest, and that, that's how that eventuated, I think.

And you said you made some contact with I think Minister Blair's office, is that right?---Yes. Yes.

And can you just explain that contact, please?---The, the contact was in the form of asking whether he could take up the cudgels for UWE, to try and at least get Shanghai Dairy Group in dialogue with UWE, because as the situation went along, funds became critical, and there were 16 or 20 jobs at risk, and of course then there was the debtors of all of the farmers that, that had sold product that was being produced and sent, and I guess they risked not getting paid as well. That's my recollection.

And did Minister Blair or someone in his office offer to take up the cudgels, as you put it?---There was some discussions if I recall correctly, and I don't know if they were a written form or just verbal discussions, about what they could and couldn't do. My recollection is that there was to be a, a trade mission or something in Shanghai, and I asked would they, you know, raise the issue, because it was quite serious. That's my recollection.

And what was the result of that request?---I, I think that, that they indicated that they would. That's my recollection.

Do you recall whether you proposed to fly to China to deal with it yourself? ---I did in some correspondence that I recall, and I was prepared to do that, because I really wanted UWE to succeed and build a plant in Wagga Wagga. That was slated for the expansion plan. It would have brought, you know, 20 to 30 jobs, and again, a large investment to the city. So I wanted them to succeed.

Did you ultimately end up flying to China for that purpose?---No. The, Shanghai Dairy Group would not engage with anyone. They, they would not engage with UWE. I don't know that they ever engaged with the minister and/or his staff. And they certainly didn't respond to any correspondence or any attempt to contact them that I know of.

Now, I think you referred to a letter a little while ago.---Yes.

We'll go to page 40 of volume 17, Exhibit 299. Volume 17, page 40, Exhibit 299. Volume 17, page 40, Exhibit 299. Volume 17, page 40, please. Is this the letter to which you referred a moment ago, Mr Maguire?
---Yes.

A letter from you to Mr Shi Ming Fang, Party Committee Secretary, Chairman of the Board of Bright Food. Is that right?---Correct.

10 29 August, 2017. And if you just have a look in the paragraph that says, "I seek an appointment with you in Shanghai on 7 September, 2017." Do you see that there?---Yes, I see that.

One of the things that you refer to is, "A potential loss of face by my political leaders." Do you see that there?---Yes.

20 Did you have the authorisation of anyone within government to explain a concern about loss of face by your political leaders?---Well, that's what, from my perspective, would have occurred. That's what I was trying to relay to, to Mr Feng.

But don't you agree that it wasn't appropriate for a member of parliament to complain about or raise concerns about loss of face by political leaders, without at least obtaining some approval within the executive government to make a statement of that kind?---Well, it's my expression and that was my view, that that's what would occur. I don't, I don't read that I'm saying, you know, this is the executive government saying that, but it was my perspective on the whole issue about what could occur.

30 Well, what about the next paragraph towards the third to last line, "And raise very serious questions by our government, both state and local, about future joint ventures with Chinese companies." See that there?---Yes, I see that, and again, that was from my perspective about what could happen, because, you know, if a, if a JV like that fell over, I think governments and state and federal would ask questions and be interested, and so would business as well. So that letter from my perspective was spelling out what could occur.

40 But you're writing this on parliamentary letterhead with a coat of arms on the top right-hand corner. You're not suggesting, are you, that it was appropriate to raise concerns like that with a party committee secretary from China, absent some consent or approval within the executive government, are you?---I thought it appropriate at the time.

In deciding to get involved with this UWE Hay issue, was a factor in your mind the possibility that you might ultimately accept a board position or otherwise have some involvement in United World Enterprises or some entity associated with United World Enterprises?---It wasn't the driving factor. The driving factor was those jobs and that plant that had been built,

the investment that was made, the, the money that was at risk to farmers and, and the, the, the suggestion that the next plant would be built in our new intermodal terminal or close by in Wagga Wagga, which our council had been working on. That was the driving force behind me trying to solve that problem.

Would you agree though it was at least a factor, if not the driving factor?
---Yes, I can agree with that.

10 Do you say that you would have engaged in this conduct, though, whether or not that other factor was in place?---Oh, yes, yes, I would have, because, you know, I've been to the plant, that opened when I was the Parliamentary Secretary for Regional and Rural Affairs. I had a strong attachment to it because it was the second or third anchor tenant in a new industrial area for the region, and I'd done a lot of work to solve their problems on behalf of the owners so that those two Chinese companies could secure ownership and title to the land.

That's so even though the site was not in your electorate. Is that right?
20 ---Well, I asked the local member to take an interest in the crisis that was emerging but he chose not to, and my view was that that plant serviced an area of some 250 kilometres, it had a number of workers, it had great potential for the region, great potential to expand right across New South Wales and I really wanted to them to succeed. They'd invested – from my recollection, Commissioner – \$7 million in that plant and there was a secondary company there exporting cotton to China as well. They'd invested money. It was a great thing for the region.

Was one of the things that you did in connection with what I might call the
30 Shanghai Dairy Group issue arrange for a meeting with Mr Charlie Cull from Minister Blair's office?---A meeting with myself and Charlie Cull or -
- -

A meeting at which you attended, yes.---I may have, I may have, yes, I probably did.

You don't have a specific recollection, is that what you're saying?---I don't have a specific recollection of the meeting but I would agree that I, I could have, yes.
40

But you were seeking to engage Minister Blair's office in the issue that you and I have been discussing. Is that right?---Yes, I, I definitely did seek to get them to help UWE solve their problem if they could.

Is it right that one of the things that you were seeking was for them to, to use your term, "take up the cudgels" in relation to this issue?---Yes.

When I say “them”, I mean the minister and the minister’s office.---Yes, I wanted them to assist.

Did they ultimately “take up the cudgels”, do you know?---Well, I don’t know how much they actually did. They certainly didn’t get, from my understanding, any contact with Shanghai Dairy Group. Nobody did, from what I understand. I don’t know what they did behind the scenes, I don’t know if I was informed about any correspondence of activities except I recall I was told that the minister would raise it or look into it when he went to Shanghai. I can’t remember the exact term that was given.

And that having been communicated to you, you ultimately decided not to go to Shanghai as was suggested in your letter. Is that right?---No, no, the Shanghai Dairy Group never responded to any correspondence or action by me to go and engage, they just wouldn’t respond, so the meeting didn’t happen, nothing happened because they just did not engage.

What other assistance, if any, have you given to UWE United World Enterprises or related entities in the time that you were a member of parliament?---Well, I referred briefly to the issue of title. This might take a minute or two to explained Commissioner. The Wumbulgal site is on the main line from Leeton to Griffith. It’s a large holding of land that was owned by a consortium of Griffith people, basically Griffith people, who put into place infrastructure to service very large holdings of land on which industrial areas or industrial exports could be exported from, and they had an export terminal. So containers could be packed, lifted onto the trains and exported worldwide. Part of that required them to put forward development applications to the local city council, which in this case was Leeton, and for them, of course, to comply with the conditions that were placed on it. In, in the ensuing time, UWE and the Chinese cotton company – and I forget the name of it, I’m sorry – had agreed to purchase holdings of land and they, one company, the cotton company I think, had paid entirely for their block of land, UWE had placed a deposit on the land and were given permission to build, with conditions, and the final approval for the subdivision was subject to conditions. The Chinese become, those two tenants, become really aggravated with the process and with the owners because the certificates weren’t issued for them to show ownership of the land. I got involved because UWE in particular and the cotton company had lost faith in the manager of the site and they’d lost, they’d lost total faith in even having meetings with him or negotiating and UWE asked me if I could help. And I identified what the problems were, it was a personality issue as well, and I took steps to bring the other partnership in, other part of the partnership of the ownership of the land, I got them together at a round table, explained what the problems were. I’d done the research and there were a number of conditions for the Leeton Council that hadn’t been met by the primary owner of the land, I identified them, followed them up, gave them to the other partner of the development and he said, and, and the Chinese owners of course indicated to him what their issues were personality-wise with one

of the partners of, of the Wumbulgal. So in a matter of days the partner came back to me. He said, "These issues will be fixed." It still took six or nine months to get the problems fixed before certificates could be issued, and that was part of the problem that UWE were having with Shanghai Dairy Group because they couldn't show ownership of the land, and that was a big factor with the fallout I understand.

10 Now, that all sounds like a lot of work. Do you agree that a factor that informed you in performing that work was the possibility of having a business relationship of some kind with United World Enterprises?---The driving factor in all of this was to save that export plant and, and the possibility that the next one would be Wagga Wagga. The, the suggestion that there may be a position or whatever was ultimately minute compared to the seriousness of the problem that that regional terminal faced, that those farmers faced, that those people working in the plant faced, and also the other company that had lost total faith in, in the, the owners and the structure.

20 It was at least a factor, though?---A very small factor in this particular issue, yes.

30 And I take it then, in relation to the issue that you just sought to explain, even if that factor didn't exist, by the sounds of your evidence you still would have engaged in at least some of the activities that you've just sought to explain. Is that right?---Yes, because as I said, I was the parliamentary secretary, UWE had sought my view on where the best place in New South Wales was to establish plants. Wagga Wagga of course was priority number 1 to me, but they made that decision because the land was there and because there was irrigation, and that's an important factor for the bulk of the supply of feed, because the factory needs to provide feed all years round, it needs certain storage there to be able to put aside enough to keep the factory producing, and it needed the certainty of water to grow a crop in a drought.

And when you say your role as parliamentary secretary, you're referring to your previous role as having a parliamentary secretarial portfolio in relation to Regional Affairs. Is that right?---Yes, yes, that's correct.

Obviously not your more recent - - -?---No.

40 - - - parliamentary secretary portfolio of Centenary of Anzac, Counter-Terrorism, Corrections and Veterans. Is that right?---No.

Is another form of assistance provided to United World Enterprises attempts to introduce that organisation to new investors?---Yes. UWE, the situation became critical for them when Shanghai Dairy Group refused to engage, and UWE needed to find funds, from my recollection, to be able to extinguish the debt that they'd accrued with farmers and suppliers, and I did actively seek some people that may be able to invest in that plant or a

partnership or however Jimmy wanted to structure it to try and get it out of trouble. Yes, I did.

Well, was Dolly Fu one of those potential investors?---Ah, yes, possibly, yes, yes.

And do you recall having a meeting in Parliament House where you were broaching that as a possible pursuit?---Yes, yes.

10 Do you accept that in the things that you and I have discussed so far, the assistance you provided to United World Enterprises, at least a factor was the possibility of some ongoing business relationship with United World Enterprises or some entity?---In this particular issue it was a small factor, but the, the, the greater factor was the fact that, you know, this plant was going to fall over, along with all those jobs that everyone had worked very hard for, and that Jimmy and Freda were going to lose their properties, their house, everything was on the line for them, after working in this country, coming in with no English skills and working here for 20 or 30 years. They were going to lose everything. That was the driving factor.

20

A factor must have been your friendship with Mr Liu as well, I take it. ---Yeah, and the fact that he came here, Commissioner, couldn't speak English, and invested in the country, created a business. He had a very successful business before he went into grain and trade. He was the biggest sorghum exporter at the time. He created a very successful business exporting our products to, to Asia, and I admired him.

30 And are you saying that even if you put aside the potential business relationship, potential board position, et cetera, and put aside what I might call the friendship relationship, you still would have done all of what you did in relation to United World Enterprises?---Mmm, I would have given as much help as I possibly could to, to help him.

And so you draw a distinction, is this a fair statement of your evidence, between for example United World Enterprises, where you were providing assistance for the kinds of reasons you've identified, and in a different category, things like developers, where you were doing it for the benefit of your own personal profits?---Yes - - -

40 Is that fair?---Yeah, I, yes, I, I think that's fair.

I think you accepted in relation to developers other than Mr Alha that but for the potential profit motive, you would not have engaged in, or you would not have provided the level of assistance that you did.---Mmm. Yes.

Is that right?---Yes, correct.

But as I understand your evidence, you don't make the same concession in relation to United World Enterprises. You say you would have engaged in the same activities. Is that a fair summary of your evidence?---Yeah, that, that's, I think that's a fair summary. And again, I state, the, the, the, the primary aim, well, the primary aim was to try and keep that factory operating, to cover its debts, and to expand across the state, including Wagga Wagga, which UWE even went and looked at sites and, and, and considered when the factory was actually operating well, before the trouble started.

10

Can we go please to Exhibit 315? I'm going to ask you a couple of brief questions on another topic.---Yes.

And then you'll be happy to know that I'll be shortly going to the last topic or two.---Thank you.

So we'll just take that off the screen, please. Just pardon me, Commissioner. Commissioner, can I deal with one formal tender? I consider that I've now addressed in public what I might describe as the
20 developers issue sufficiently to expose the issues that should probably be exposed in public. I've asked a series of general questions in relation to Mr Demian, in particular during the course of today, and to a less extent yesterday. I'm not proposing to deal in chapter and verse, as it were, on a number of the individual items to which Mr Maguire has been involved in, in light of some of the more general concessions and answers he's given so far, but I do however want to put before the public inquiry a bundle of documents relevant to Mr Demian. And so I tender volume 15 of the public inquiry brief in relation to that issue.

30 THE COMMISSIONER: Very well. That will be Exhibit 371.

#EXH-371 – PUBLIC INQUIRY BRIEF VOLUME 15 - CHARLES DEMIAN

THE COMMISSIONER: Of volume 15, was it?

40 MR ROBERTSON: Volume 15, that's right. Go to Exhibit 315, please, and these are a series of text messages between your telephone and what the Commission understands to be Ms Berejiklian's phone. You've seen these messages before?---I, I, I believe so.

And you'll see there's a reference in that to you making \$5,000, see item number 1, \$5,000?---Yes.

Do you recall whether you in fact received that particular commission?
---No.

You're not sure one way or the other?---No. I don't recall.

So this is a suggested sale of a motel for \$5.8 million.---Yes.

And you communicate, "I've put her in contact, so I should make 5,000."
Do you see that there?---I see that.

10 And she responds, saying, "Congrats, great news, whoo-hoo."---Ah hmm.

Do you recall whether you actually received that commission?---I don't recall.

Do you recall whether you disclosed receiving such a commission in relation to the matter that's on the screen?---No, I don't recall.

THE COMMISSIONER: Well, it appears at least in this case, Mr Maguire, that the sale had gone through.---Yeah, I, I don't know where, but yes.

20 And I assume your entitlement to \$5,000 referred to in the first text depended on the sale.---Well, that's what it says, Commissioner, but I don't recall it.

MR ROBERTSON: But do you agree, though, that on at least one occasion in the period from 2012 to 2018, which is the period that we've been asking you questions about - - -?---Yes.

30 - - - there were occasions in which you didn't disclose income that was in fact received in relation to outside business activities.---I don't know.

Well, you at least accepted that in relation to what I described as the immigration scheme a couple of days ago.---Oh, yes, yes, yes.

And is it broader than that? Does it include outside involvement in, for example, the property development industry, in respect of which you may have received introduction fees along the lines of what we've seen on the screen.---I cannot for the life of me recall this, but yes.

40 THE COMMISSIONER: Well, the fifth one refers to a Chinese business partner. Do you recall what Chinese business partner you could have been involved with in February 2014?---No. No, Commissioner, I don't. I don't recall.

MR ROBERTSON: But you've accepted, have you, I may have misheard, but you've accepted, haven't you, that there was at least one occasion in which you received a commission or other fee in relation to a property matter, if I can call it that in the broadest terms, brokering a sale,

development, et cetera, which you didn't disclose on your parliamentary returns?---I cannot for the life of me recall this.

But whether it's this one, I'm asking you broader, whether it be this one or any other one, did that occur on at least one occasion?---I honestly don't know.

You at least accept that that was the position in relation to what I've described as the immigration scheme, is that right?---Yes.

10

Now, you gave evidence before this Commission in the operation called Operation Dasha on 13 July, 2018, is that right?---Yes.

In advance of that appearance, did you make arrangements for copies to be taken of data from certain of your devices, like telephones and tablets and the like?---I made arrangements to wipe a lot of machinery that had to go back to the parliament.

20

Well, at the moment I'm asking you to focus on what occurred prior to 13 July, 2018.---Right.

I'll ask you in a moment about what happened after that date.---Right.

But in advance of that, did you take any steps for data to be copied from any of your devices?---I don't recall that I did prior to that date.

30

Do you agree or have any recollection of asking Ms Vasey, of your electorate office, to take a copy of data from certain of your devices?
---I asked Ms Vasey to copy contacts but I don't know about data, I don't recall data. But certainly contacts from my devices.

Well, do you have any recollection of copies being taken of certain data from your devices that ended up on one or more USB sticks?---There was a USB stick. There was a USB stick, yes.

And how did that USB stick come about, do you recall?---Ms Vasey would have produced it.

40

You asked her to do that, is that right?---My recollection is I wanted the contacts. I can't be clear about it but - - -

Well, let me put it more precisely. Do you agree that in advance of your appearance before the Commission on 13 July, 2018, you asked Ms Vasey to discreetly obtain a copy of data from certain of your devices?---I can't be clear that it was prior to my appearance here. I truly can't be clear that that's when I asked her to do that.

Do you recall a firm called Engetech, E-n-g-e-t-e-c-h?---Not really.

Well, let me help you this way. If we go to Exhibit 277, please. I'm going to show you a draft letter from 9 July, 2018. Exhibit 277. Just while that's coming up, you've got a recollection of a USB containing data being arranged through your electorate office, is that right?---Yes, correct.

Do you recall what happened with that particular USB?---Yes.

10 What happened to it?---I dropped it at the farm gate and it got run over several times.

By you?---By, by the people that come in from the horse agistment.

And how did the USB get to that particular place?---I lost it.

Deliberately?---No, no. I lost it. It, I must have dropped it when I got out of the car at the farm gate to open the gates, and I found it a couple of days later.

20 You deliberately lost it, didn't you?---No, I didn't. I don't believe I did. I don't recall that I - - -

After your appearance before this Commission on 13 July, 2018, did you take any steps to cause for documents, whether in hard copy or electronic version, to be destroyed?---Yes, I did. We had been in the process of moving office. We were contacted by the parliament some months before. We'd begun to remove files from the office. 20 years of stuff, taking up a lot of space. I told the girls, staff, "Get rid of everything that's not relevant. I want to be moving over there with the least amount of equipment possible." And the clean-up had already begun months before, almost as soon as we were told that we were moving.

30

THE COMMISSIONER: Sorry, moving - - -?---Office. The, the parliamentary offices are leased in the electorates, and my office was probably one of the smallest in the state. The parliament determined that for occupational work safety and leasing-wise, they would relocate our office. I can't recall - - -

40 This is your electorate office?---Electorate office, yes, Commissioner. I can't recall when that was issued, but as soon as we knew, we started to clean up the filing cabinets. The work began, and it would be a number of months before 13 July that that work started, if my recollection is right.

MR ROBERTSON: Well, we might start with your parliamentary office first, then. Do you agree that in relation to your parliamentary office, your initial instruction was to wipe all data that was on your computers in your Sydney office?---When it became evident that I could no longer retain the

position of Member for Wagga Wagga, that, that I would have to resign, yes, I told them to wipe everything.

Now, you're aware that there may have been information on those hard drives that may have implicated you, correct?---I was aware that there was information on most of the machinery and files that had years and years of correspondence and all sorts of things, and my policy was that we clear the files, that we clear the equipment that's to be returned, that we clear phones to be sent back to parliament. That's what I told the staff to do.

10

Well, let me ask it this way. Do you accept that after your appearance here on 13 July, 2018, you took steps to destroy material - - -?---Yes.

- - - and not just destroy it, but destroy it with a view to keeping that material away from this Commission or anyone else who might investigate your affairs?---Or who might inherit the office, yes.

20

At least part of the reason you sought for your records to be destroyed was to keep them away from either this Commission or any investigative authority who might wish to investigate your affairs, do you agree?---Part of. Part of.

That was at least a factor that led to the decisions that you made, do you agree?---It wasn't the overriding factor, but a factor.

Well, it was a significant factor - - -?---No, the significant - - -

30

- - - that weighed on your mind. You wanted records that might implicate you to be deleted. Do you agree?---I wanted records deleted of, of the electorate office, of paper files, of electronic equipment that would have to go back, and I was determined not to leave anything for the next incoming member that, that would, including, including the, what the, what the staff argued we should leave. My policy was to destroy the equipment? The answer is yes.

But you wanted to destroy the material with a view to keeping it away from either this Commission or anyone else who might investigate your affairs, do you agree?---Partly, yes.

40

And you sought destruction not only of your own records. You sought to encourage others to delete their records as well, do you agree?---Yes.

You made contact with Mr Elliott, for example, and you asked him, or suggested to him, that he should delete records related to the G8way International business, do you agree?---I don't think I used the word "delete". I think I recollect that I would have said something along the lines that "You should make sure your records are in meticulous order." I think that's the term that I used.

Well, did you say those words in such a way as to indicate to Mr Elliott that what you're really asking for is for him to get rid of records?---He could have interpreted it that way, yes.

Well, that was your intention. That was what you were seeking to communicate, albeit using elliptical language, do you agree?---I was seeking for him to ensure that his records and files were in meticulous order. I didn't tell him how to do it. That's what I, that's what I communicated.

10

No, what you were seeking to achieve is for Mr Elliott to delete records that might implicate you, do you agree?---Yes.

THE COMMISSIONER: Which might demonstrate that, for the past six years, you'd been the director, in fact, of G8way.---I don't believe there was any record that ever stated that, but you could interpret it as that.

MR ROBERTSON: And so therefore you wanted to destroy any records that might allow one to interpret it in that way, is that right?---Yes.

20

Similarly you made contact with Ms Wang through Du Wei to encourage her to delete records, correct?---To the best of my recollection, yes.

And after that you met with Ms Wang in Sydney to further emphasise the point, do you agree?---The best of my recollection, yes.

Again, the purpose of that was to encourage Ms Wang to destroy material that might implicate you, do you agree?---Yes.

30

As well, to keep it away from organisations like this Commission, which might wish to investigate you, do you agree?---Yes.

Similarly, you made contact with Mr Luong with a similar request, do you agree?---I don't recall that.

That may have been a little bit later, but do you have a recollection of speaking to Mr Luong with a view to getting him to destroy records, in particular messages as between telephones?---I don't recall that. It's not clear in my mind.

40

But you're not saying that you're sure in your mind that you didn't take steps of that kind, is that right?---I, I, I, I don't, I don't know. I'm not clear about that. I, I don't have a recollection of it.

Did you seek to encourage anyone else, in addition to Mr Elliott and Ms Wang, to delete or destroy any particular records?---Not that I can recall.

The USB you referred to before, it wasn't an accident, was it? You were wanting that USB to go missing, do you agree?---I didn't care if I kept it or not, but I did genuinely drop the thing at the gate accidentally.

Did you try and pick it up?---No, well, I didn't realise I'd dropped it.

10 Were you intending to dispose of that USB deliberately, whether or not you happened to drop it?---I don't know that I had a plan to dispose of that. My recollection is I asked for contacts. That's what I wanted, it was contacts, because I felt, I thought that my electronic equipment would go back to the parliament, and I wanted a contact list and that data.

THE COMMISSIONER: Mr Robertson, I think you were about to take Mr Maguire to that Engetech document, and we seem to have kind of diverted from it somehow.

MR ROBERTSON: I was. I will come back to that document.

20 THE COMMISSIONER: You're going back to that, very well.

MR ROBERTSON: Can we go, please, to Exhibit 278. I'm going to show you, Mr Maguire, some communications between you and your staff and the Department of Parliamentary Services.---Ah hmm.

Just in the hope that this will refresh your memory as to what's going on at this point in time. Can we start with page 9. You see there an email from you to Ms Johnston, 24 July, 2018, 9.51am.---Yes, I see that.

30 You see you inform Ms Johnston it's your intention to resign from parliament in coming days before the House resumes. "Please wipe my one computer in Wagga and two in Sydney office today. I do not wish to retain any data." Do you see that there?---Yes.

40 At least one of the factors that was weighing on your mind in making that request, and in particular to ask for that be done immediately, was your concern that those three computers may contain data that might implicate you. Do you agree?---Not entirely. Once a decision was made that I had to retire, resign, a number of things occurred. If I recall rightly there's a form that you have to fill out, there's a process, and it may have been part of a factor but you only got a certain time to go once you resign. A number of days and you have to be out.

Do you agree it was at least a factor in making the request that we can see on the screen - - -?---Yes.

- - - your desire to keep data that might implicate you - - -?---Yes.

- - - away from this Commission. Correct?---I agree, I agree.

Or for that matter, anyone else who might chose to investigate you, correct?---Yes, I agree.

Now, you referred to a form. I'll just show you an example of that, if we go to page six. In fairness to you, I should identify that, at least as a matter of policy, according to the relevant policy there's a series of options available to you at that point in time - - -?---Yes.

10 - - - one of which, "(c) please delete all my data and do not transfer it to another member." Do you see that there?---That's right, mmm.

But do you recall that you ultimately changed the instructions and instead asked for a copy of the data to be prepared and put on a hard drive? Does that ring a bell?---No, I never issued an order for that. Commissioner, I can explain what happened. I was actually with my daughter, who obviously was widowed, and my recollection is that the parliament, I believe they telephoned me and said that they had made a copy and, of a disc or something that they make and they wanted me to collect it in person. I was
20 in Queensland. So I said, "Well, post it." I didn't really want it, I really didn't care. They said that, no, we have to have someone sign for it in person, that's my recollection. And I said, "Well, put it in the post." They sad, "No, we can't, it might get lost, we need someone to physically do it. Can you do it?" I said, "No, I'm in Queensland." My recollection is that they wanted a staff member or someone like that to collect it, and there was no one there so I nominated Ms Cartwright to collect it.

And Ms Cartwright at that point in time was a former member of yours in the electorate office. Is that right?---Yes. Yes.

30 And so as you recall it, you nominated her to be the one to whom - - -?
---Yes.

- - - the data would be delivered?---Yes, I believe I had to write an email about it. They wanted that in writing I think, Commissioner.

I'll show you that, I'll show you that document. If we go to the same exhibit, if we go to page 14 to an Exhibit 278. You'll see there an email from a Mr Johnston.---Yes.

40 "Can you please confirm your approval for Rebecca Cartwright to receive the hard drive with the electronic data on your behalf." Do you see that there?---Yes, I see that.

And so at least, as at that time, the position, as you understood it, would be that all of your parliament computers would be wiped?---Yes.

But a single copy of the data would be obtained and provided to Ms Cartwright. Is that right?---Yes.

And that was provided, and you gave the approval for that hard drive to be received by Ms Cartwright. Is that right?—Correct.

10 Did you give Ms Cartwright any advice as to what she should do with the hard drive?---What, my recollection is that the disc, or whatever it was that it was on, was given to Ms Cartwright, that there was some correspondence, email or phone call about the disc, where I relayed the conversation that was had with Parliamentary Services about them posting it and they wouldn't
20 post it because it could get lost in the mail. My response was, well, I didn't give a rat's, sorry, I didn't - - -

No, use the terms that you used. That's okay.---Yeah, well, I, I think it was something like, "I didn't give a rat's arse what happened to it." I was over it. And we, I think we sort of got onto some other subjects of by-elections and whatever but, and she said, "What do you want to do?" I said, "Well, I don't give a, what you do with it." And I think the conversation was left
20 there. I didn't tell her to destroy anything. I didn't give any direction, from the best of my recollection, the conversation ended there.

THE COMMISSIONER: Mr Maguire, hadn't the instruction which appeared on Exhibit 278, which Mr Robertson has shown you - - -?---Yes.

- - - about destroying it, it changed because Ms Vasey suggested that some of the information on the Parliamentary House, and no doubt on the Wagga Wagga computer, computer 1 and 2, might be necessary to continue to attend to constituents' matters?---But I didn't know that. I, I - - -
30

What I'm putting to you is that that is what Ms Vasey said to you, and that is why the instruction to destroy all the data was changed.---I can't recall that being communicated to me, Commissioner. I was away. I don't ever recall me issuing the instruction to change it. I just don't remember that. But it, it may have, it may have occurred, but I can't recall that I gave that instruction, number 1 - - -

40 Well, from the appearance of these documents, the Parliament House authorities responsible for cleansing this data would not act other than on your instructions.---Mmm, yes.

So it would appear that this disc was brought into existence on your instructions.---Well, yes, but - - -

And what I'm suggesting to you is that it was because Ms Vasey pointed out to you that this data should not be lost because it might be necessary to continue to service constituents in Wagga, particularly in the event that your

successor was a member of the Liberal Party.---I can't clearly recall that, but I, I would agree that's a possibility, I - - -

If that was a possibility, then surely rather than forgetting about the disc and leaving it with Ms Cartwright in the terms to which you've just referred, it should have been sent to Wagga to enable the staff in Wagga to have the information available to them so that they could, in the circumstances, I've described, continue to serve constituents.---But, but I can't recall the staff in Wagga raising this with me that they hadn't received a disc that they would have known about. I, I can't ever recall that happening. The, I - - -

That's not what I'm putting to you, Mr Maguire.---I, I, I know what you're putting to me, Commissioner. But, but I'm having trouble connecting, connecting the fact that if the staff in Wagga had wanted a copy of these constituent files, et cetera, and even if I'd agreed to it, and they hadn't received it, I can't recall it being raised with me that they actually didn't receive it.

Well, that may or may not be the case.---Well - - -

What I'm putting to you is that earlier events, that the preparation of the disc was pursuant to Ms Vasey's observation that in the circumstances I've described, that information on the computers may be relevant for the continuance of the Wagga electorate office.---Yes. I, I can't recall that, but that, that is possible.

MR ROBERTSON: Can I try and help your recollection this way? I'll play 11673, on 25 July, 2018. It's a call between you and Ms Vasey, where you have some discussions about what's going to happen with records and things of that kind, and that might, I hope, assist your recollection in relation to the questions the Commissioner's just been asking.

AUDIO RECORDING PLAYED

[3.29pm]

MR ROBERTSON: Mr Maguire, is this right, that so far as your files were concerned as at the time of this call, which is Exhibit 279, 25 July, 2018, the only thing that you wanted to keep were your contacts and nothing more. Is that right?---Yes, that's right.

And at least a factor in coming to that view was that you wanted deleted or destroyed any material that might implicate you. Correct?---Yes.

THE COMMISSIONER: Referred to as, "My crap."---That's it, yeah, yeah.

MR ROBERTSON: You were content, by the sounds of the telephone call, for what might be described as electoral correspondence and electoral files to be maintained. Correct?---It appears so, yes.

But what you wanted to achieve at least was your crap, your files, to be deleted permanently. Do you agree?---Yes, and whatever else was in that office, I didn't want it, I was over it.

10 But part of it was the circumstances in which your appearance before this Commission arose in July. Is that right? You've had enough of it, you want to get rid of everything?---Oh, yeah, just see you later.

But also you wanted to delete or destroy any material that might implicate you. Do you agree?---Yes.

10 In relation to the hard drive that found its way to Ms Cartwright, do you agree that in the words that you used or at least the way you delivered them, you made clear to Ms Cartwright that that hard drive should "Go missing?"
20 ---I, I can't agree to that because my recollection is that I relayed the story of what happened, why they wouldn't send it in the post, my comments that I didn't give two hoots what happened to it.

But didn't you give - - -?---I can't recall that I ever said to her to do any particular thing. I think my recollection of that is, "Do what you like with it, I don't care." I think that's what I might have said, something along that line.

30 But didn't you care in the sense that you didn't want an organisation like this Commission or some other investigative authority looking at your data?
---I don't know that I actually communicated that to Ms Cartwright. I, I just don't know that I was even clear about what should happen. We - - -

You might not had done it in so many words, but wasn't that at least what you were seeking to communicate when you made contact with Ms Cartwright?---I, I think in the end I just told her, "Do what you bloody like with it." I, I didn't care. And I don't know that I ever issued an instruction that she should do one thing or the other, but I did relay the conversation that I had with the parliamentary staff to Ms Cartwright.

40 THE COMMISSIONER: Did you relay the conversation that you had with Ms Vasey when she said we want this constituent material - - -?---No, I, I - - -

- - - and that's why, on the basis of that conversation at least - - -?---No, I - - -

- - - you've just heard played, the hard drive was brought into existence.
---I'd, I'd forgotten about it, Commissioner. I, by that date I think I was in,

up north. I, I think I forgot about it. And it wasn't raised with me. If the staff had said to me and reminded me that they needed this, I can't recall that they actually ever reminded me that they didn't get it, and then I would have put two and two together, but I can't, I can't remember that they actually said, hey, we're missing a disc that we had made, do you remember – it never happened.

Well, I think once, when was the by-election held?---I forget the date now, Commissioner.

10

Was it early September?---But that's, but that's a number of weeks. There's, there's always a period of time. So once you resign, I think 4th or, 3rd or 4th of August.

3rd of August, I think it was.---3rd of August. You've got a few days to get out of the office.

Well, this was a week or so before, well, 10 or so days before your resignation became effective.---Yes.

20

What I'm trying to suggest is that the by-election I think was held in early, 8th of September, 2018, and an Independent was elected.---Yes.

By then your staff, Wagga staff's desire to get hold of this disc might have evaporated.---Well, if the disc was so important to them, I, I would have thought that they'd raise it with me to jog my memory. But I can't recall that it was raised with me to say, hey, we didn't get that disc. I don't ever remember that. I'm just, I do not remember it.

30 MR ROBERTSON: But what I'm trying to understand is why would you take it upon yourself to make contact with people like Ms Wang to encourage them to delete material, but not take it upon yourself to make contact with someone like Ms Cartwright to encourage her to cause for data to be lost or destroyed or to go missing?---I can't recall. I, I don't know.

In relation to hard copy records in your Parliament House office or your electorate office, do you agree that you gave a general instruction that that material should be thrown out?---Oh, yes, yes.

40 Some exceptions to that. If it's keepsakes and photo frames and things of that kind, they might be put aside, is that right?---There wasn't much kept.

But generally speaking, you wanted something in the nature of a scorched-earth policy, get rid of everything, is that right?---I think that's the terminology I used, and, and I can confirm that very little, I've kept very little of anything. I, I wiped it from the history pages of my house and my head.

And was at least one factor in adopting that scorched earth policy that you wanted to destroy material that might be considered as relevant by this Commission or another investigative authority?---Part of. The problem that I had is that local members deal with all sorts of ugly events and things that happen in the community, and that's all on file. We deal with constituents that have suffered all sorts of terrible things in the community, and they're on the files, they're on the paper files, and I didn't want them to fall in the hands of anyone. You know, sexual assault, children, all sorts of things over those years. And I did not want to leave them. I didn't want people
10 other than myself and my staff, who had dealt with those issues over the years, having access to them, and that's why I gave the direction that they should be destroyed. There were personal things in those files that should never see the light of day.

But wasn't it more than that? At least in relation to some files, you realised, having come unstuck, as it were, before this Commission on 13 July, 2018, you didn't want to see at least some files see the light of day because they might implicate you.---I don't know that there were too many files that did that, but I didn't want any files to exist, and I just told them, "Get rid of it.
20 I'm over it."

Well, for example, any communications concerning property developers. You wanted those destroyed, correct?---I don't know that there was material in there, but there could have been. I, I admit that.

Well, not just there could have been, but you wanted that material destroyed so that it couldn't later be used in any investigations against you. Is that right?---I wanted, I wanted all material destroyed.

30 But including material that might implicate you. Is that right?---Including all material, yes.

Did you take it upon yourself to either delete telephone records, either generally or in particular respects with a view to those not seeing the light of day?---I could have.

Do you have a recollection of that?---There was so much going on at that time, I could have.

40 Well, for example, did you seek to delete WeChat messages with individuals such as Mr Luong?---Possible.

You don't have a recollection one way or the other?---Oh, I can't be sure of what I actually did. It was, it was a very difficult time in my life, as you know. There are other issues that I was dealing with and, you know, I really faced some challenges and I can't be clear of what I didn't, did and didn't do, but I accept that I may have done that, yes.

Do you recall whether you asked for your son's assistance in deleting records in particular emails?---Well, my recollection is that once the parliamentary career was gone, I only had limited technology, one of those things was my personal site to get emails and things, I couldn't get the damn thing going, it's all witchcraft to me, and it was blocked up, it kept getting spam email, it kept getting, filling up, and it, it wouldn't function, nor would the iPad, and I asked my son, "How the hell do I fix it?" And the, the thing was loaded. It kept bouncing emails back and people wanting to send me emails, I couldn't work it, I'm, I'm not good at technology and I did seek advice, yes, I did.

But as part of seeking that advice you wanted to delete previous emails so that they never saw the light of day. Is that right?---No, but I needed to delete them to make the damn thing work. It, it, it was an iPad, it's the only communication I had. I don't have a home computer, I didn't have access to equipment because that had all gone from the parliament, if my recollection is right.

But isn't it right that you sought to delete them not just from the device itself, but from the server so that they couldn't be retrieved. Is that right? ---Well, they have to go from the server if you delete them. My understanding is that then allows the, the email process to work on the, the site that I've got. That's how it was explained to me.

Are you agreeing or disagreeing with the proposition that you sought to delete certain emails with a view to keeping them away from this Commission or some other investigative authority?---Well, I can't not agree.

Well, what does that mean, does that mean you agree?---Well, in part, in part.

There may have been some other things that affected that decision, but at least one of the factors was with a view to keeping material away from this Commission. Is that right?---The major factor was that damn computer wouldn't work and for the life of me I couldn't get it to function and I sought advice on what the hell I had to do and that's what I was told I needed to do to be able to receive emails and et cetera.

At least one factor was with a view to keeping evidence that might implicate you away from this Commission - - -?---Yes.

- - - or another investigative authority. Do you agree?---I, I can agree to that.

And that's the case not just with emails, but with things like telephone messages. Is that right?---Yes.

You sought to delete telephone messages with a view to keeping them away from this Commission or another investigative authority. Is that right?

---Yes, I agree.

And was that done in a scorched earth manner or did you seek to delete particular categories of emails?---Oh, I don't know. I don't recall that.

Or did you specifically focus for example on your emails with Ms Berejiklian?---No, I, I don't know that I focussed on anything in particular.

10

Do you agree, then, there was a broader attempt to delete telephone messages from your devices?---I really can't be clear and I can't be sure of what action I took with regards to that.

Did you ever deliberately destroy or seek to destroy any device with a view to keeping material away from this Commission?---I, I sent devices to the recycler, old devices, et cetera. Heaven knows what was on them, in, in the cleanout.

20

Well, you referred to a USB stick a little while ago.---Mmm.

You say that USB stick was lost, do you, rather than - - -?---At the gate.

Accidentally lost rather than deliberately lost?---That's my recollection.

Did any of your devices have an unfortunate incident in a paddock?---No.

30

Did you ever tell anyone that any of your devices had an unfortunate incident in a paddock?---Yes. There was an iPad I think I referred to. Mr Grainger seized that iPad, if my recollection is right, when he visited me on whatever day the police raided my house.

So do you deny that you ever deliberately lost or destroyed any devices with a view to keeping material away from an investigative authority?---No, I can't deny that.

40

So what particular devices did you deliberately destroy or lose?---I, I sent them to the recycler, I think. Old phones and old junk that I had laying around the place. But I clearly recall the iPad because Mr Grainger seized that iPad, a couple of phones, and returned the iPad, if I recall rightly, about two or three days later. Yeah, I think that's correct.

What did you tell Ms Wang, for example? That certain, well, one or more phones and/or one or more tablets were the subject of an unfortunate incident in a paddock?---Yes, I did but - - -

And what were you there referring to, then?---I don't know that I was referring to an iPad, because Mr Grainger had the iPad, or it depends what date I said that, but Mr Grainger had the iPad.

But you're at least referring to some electronic device that had some data on it, is that right?---I would have been, yes.

And what was the unfortunate incident in the paddock that you're referring to?---Oh, I recall I said a tractor ran over it.

10

And is that right? Is that what happened?---No, I, no, I, I don't think the tractor ran over it.

Why did you say, why did you use that phrase, then?---Oh, just being stupid. I don't know why I said it.

Well, what happened to the particular device or devices you're referring to in that phrase, unfortunate incident with the paddock?---Mr Grainger, Mr Grainger seized that iPad I was referring to, that's my best recollection, and two phones.

20

Well, what was the unfortunate incident you're referring to?---I don't know. I don't recall. I don't recall.

It's just a bit of a strange thing to say.---Yes, it is. It's a weird thing to say. But I said it.

THE COMMISSIONER: Weren't you trying to fortify your request to Ms Wang to destroy material by telling her in effect that you'd done the same?

30

---That could be the reason, Commissioner. I, yes. Yes, I could agree with that.

MR ROBERTSON: Can we go back to the USB stick.---Mmm.

And can we go to Exhibit 277, which was the document we started on but then became, then we were diverted. Do you recall ever asking Ms Vasey or anyone else from your electorate office to obtain a copy of data from your devices in advance of you appearing before this Commission on 13 July, 2018?---No, I, I don't clearly recall that. 2018.

40

Do you recall asking Ms Vasey, or anyone else, to ensure that the person who was taking the data signed a confidentiality undertaking, or at least it was made clear to them that they should produce such a document?---Yes, yes, I recall that.

So I'll put Exhibit 277 on the screen. See there a letter for you to sign. "Dear Greg, thank you for your assistance with IT support this morning. Just a note that all information gathered from your exportation of data is

intellectual property of Daryl Maguire MP and not to be shared with any persons.” Do you see that there?---Yes, I recall that.

And so you requested that a letter of this kind be prepared, is that right?
---Yes.

If you have a look at the date, 9 July, 2018, do you see that there? Bottom right-hand corner?---Yes.

10 Does that refresh your recollection that the request to obtain an exportation of data was done in advance of your attendance before this Commission on 13 July, 2018?---Yes.

And so is that what procured the existence of the USB stick that you referred to before? In other words, the USB stick contained an exportation of data, at least as you understood it, from your devices in advance of your attendance here in July 2018.---From the best, from my recollection, yes.

20 And that particular USB, what instructions did you give as to who should retain it?---I think Ms Vasey retained it.

THE COMMISSIONER: And was the object of exporting the data from your, I think your telephone or more than one telephone, was it more than one telephone?---I, I don't know.

The object was, was it not, to delete all data from that device in case the device was seized when you appeared before this Commission - - -?---Yes.

30 - - - on 13 July?---Yes. I'd agree, Commissioner.

MR ROBERTSON: Do you agree that you told Ms Vasey that she should attend to this matter of the exportation of your data discreetly?---Yes, I'd agree to that.

And did you make it clear to her that she should, at least until further instruction, maintain physical possession of that USB stick?---Yeah, I, I think I asked her to do that, yes, I'd agree.

40 Now, and was that with a view to you keeping that material, that data, away from investigative authorities like this Commission?---I'd agree.

Ms Vasey ultimately gave you that USB stick back. Is that right?---Yes.

And what were the circumstances in which she gave that back to you, do you remember?---I don't recall.

But that particular USB stick, the one that we're talking about, that's the one that you say you dropped - - -?---At the gate.

- - - in the paddock. At the gate.---At the gate.

THE COMMISSIONER: Wasn't it the case, Mr Maguire, that your premises in Wagga were raided by this Commission in - - -

MR ROBERTSON: On 12 September, 2018.

THE COMMISSIONER: Were you about to turn to that? Sorry.

10

THE WITNESS: My home, yes.

THE COMMISSIONER: Mr Robertson's about to address that.

MR ROBERTSON: Where were you at the time that that search warrant was executed on 12 September, 2018?---I was home.

Did you speak to your son about the fact that that search warrant was being executed?---No, because what happened from my best recollection is that
20 my son had left for work, he starts reasonably early, I was sitting at the kitchen table having some toast, Vegemite and coffee. There was a doorbell or a knock at the door. I walked out and Mr Grainger was there, dressed in his fatigues, along with a number of other people and a police officer who was armed, and they sought to execute the search warrant. They were invited inside, they were offered tea or coffee or whatever, and Mr Grainger explained the circumstance. My phone, phones and iPad were sitting on the kitchen table if I recall correctly, and they were seized after a process that you go through to visit the house and be explained, you know, the rooms
30 and those things, and those phones were taking immediately along with the iPad. I had no way of communicating with my son. He did ring on the mobile phone whilst Mr Grainger and your other staff were in my kitchen/dining area, but the phone was unanswered.

Did you either directly or indirectly make any communications with your former electorate office on the day that the search warrant was executed, 12 September, 2018?---No, because my communications equipment were, were taken, if my recollection is right. I didn't have a phone. And I asked Mr Grainger that I needed the card because I run a horse agistment business and equine animal health is a priority, along with needing a phone for the
40 clients, and Mr Grainger complied and gave me the SIM card for I think one phone, if I recall rightly, but I had no device to put it on and so I, I don't think I even contacted my office that day. I can't recall.

Your former office at that point in time. Well, yes. I, I don't believe that I did.

How, if you know, how did your son become aware of the execution of the search warrant that day?---Oh, because as he left for work, I gather that he

passed the vehicles on their way and there were other vehicles that were on exit roads et cetera, parked I understand from his explanation, and I understand one vehicle followed him to where he buys his coffee and so a vehicle had tailed him, so I suggest that's how he knew.

The understanding you've just explained is based on what, is that what he told you?---What he told me, yes, because I was with Mr Grainger at my house whilst he explained how the warrant operated and, you know, the details.

10

And that communication with your son, does that occur on the day or is that occurring at some later stage?---No, I think that occurred perhaps later in that evening when he explained to me what happened to him. And I understand he was followed by a vehicle for, into town, and I, I think that he pulled up, he told me he pulled up for coffee, and somewhere in between, he went to his work and I don't know what happened to the vehicle, I've got no idea.

20

So do you deny that you caused for any message to be provided to your former electorate office on the day of the execution of the search warrant? ---Yeah, oh, I don't recall that I gave a message, because I had no form of communication. I had nothing. And I had nothing for a number of days, if I recall rightly. I, and I don't know that I rang everyone. I, I think I was in shock. I was in shock that, that, that, you know, a, a, a, a visit by ICAC would be accompanied by an armed police officer. I was, I was just taken back by the, the, the approach that was taken. I, I just, I think I was in shock. I actually sat outside and had a cigarette, which is, is terribly unusual for me. I hadn't smoked for 30 years. But I sat outside and had a coffee and a cigarette, whilst the, the warrant was executed. So, and it wasn't a priority for me to tell the staff. So, so I, I didn't issue, that I recall, in conversation, because I, I, I didn't have any form of communication, and that's, that's my recollection.

30

Do you deny that you ever told anyone that you ran over one of your telephones with a tractor?---No. I don't deny that.

You don't deny that you've told someone that?---No, I don't deny.

40

And do you deny that you did that?---Yeah, I didn't do it.

So why would you tell someone you've run over a phone with a tractor, if you didn't do it?---As Commissioner said, I think to reinforce the words you used, Commissioner, to, you, you, you, you – sorry.

Well, I think the Commissioner was suggesting to you that you may been seeking to reinforce to Ms Wang - - -?---Yes, and, and I agreed, I agreed with the Commissioner's view, to reinforce to Ms Wang.

Did you say that to anyone other than Ms Wang?---I don't have a recollection of, of that.

Commissioner, can I seek a brief adjournment? There's a couple of things I want to check, but I am fairly close to finishing.

THE COMMISSIONER: Yes, we'll just take a short adjournment.---Okay.

10 **SHORT ADJOURNMENT**

[3.58pm]

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Maguire, I just want to be absolutely clear about your evidence in relation to the USB stick that you and I discussed.---Yes.

I think you've agreed that that came into existence by way of a request dealt with by your then electorate office that Ms Vasey then arranged. Is that right?---That's my recollection.
20

Ms Vasey stayed in possession of that USB stick, as you understood it, until sometime after you ceased to be a member of parliament. Is that right?---I can't be clear on, on the length of possession, I, it's not clear in my mind.

Is it at least clear in your mind that she didn't give it back to you before you were before this Commission in July of 2018?---Certainly not before.

And do you agree that she still had it, at least so far as you recall, until after you had resigned from parliament?---I can't be clear how long Ms Vasey had that. I really can't be clear.
30

But do you agree that Ms Vasey made contact with you, to in fact urgently say to you, "I don't want this USB stick anymore, please take it back"?---I don't recall that.

Do you agree you attended upon her premises in response to that request and obtained the USB stick back?---I, I did at some point, but I, I don't recollect when.
40

And do you agree that you later told her that the USB stick had had an unfortunate accident in the paddock involving a tractor?---I don't know that it involved a tractor, I, I can't be clear about that.

Well, do you at least accept that you told Ms Vasey that there had been an unfortunate accident - - -?---Yes.

- - - in a paddock involving a tractor - - -?---Yeah, oh - - -

- - - in relation to the USB stick?---Oh, I don't know that a tractor was included in that - - -

Well, did you at least say that there was an unfortunate accident - - -?---I, I think, that's, that - - -

- - - in the paddock, well, in a paddock?---That's clearer to my recollection, yeah.

10

But you at least said it in such a way to suggest to Ms Vasey that the USB stick had come to a unfortunate and permanent end?---Yes. Yes, I agree.

But do you say you just accidentally lost it, do you?---At the gate. You've got to go in and out of the gate to get to my place.

Are you serious?---I'm serious. Was in a million pieces.

20

Didn't you deliberately seek to lose that USB stick?---Well, from my recollection, it had all the contacts on it that I wanted.

Do you agree that you told Ms Vasey that you had been summoned to appear before this Commission in advance of you doing so?---Inadvertently. Yeah, inadvertently, I, I let it slip, before I knew what I said, Commissioner, I, I did do that. And I can explain, if I may.

THE COMMISSIONER: Do you mean in respect of this Operation Keppel, not - - -

30

MR ROBERTSON: I do mean in relation to Operational Keppel, yes. ---Yeah. I'll explain, Commissioner, if I may.

THE COMMISSIONER: Yes.---I think it, I think what you're referring to is perhaps the private hearings, perhaps?

40

MR ROBERTSON: Yes.---Yes. Ms Vasey contacted me in recent times, after I think the inquiry was announced, but after the private hearings were held, and wanted to gather with staff, former staff, et cetera, for drinks, et cetera, to wish me well, et cetera, to which I inadvertently, in response to the staff getting together at my place, or the suggestion along with Ms Vasey, she said, "We want to do that before you go to ICAC or before it all starts in some way," and I said, "I've been, you can't come." I, I, it slipped out. And the reason I gave for that was that ICAC may feel that, that we were colluding or something, and I said to her, "You don't know if one of you have been called, I, I just think you can't do it." And I did do that, inadvertently. I apologise. But that's the, the conversation as I recall it, Commissioner, and I am sorry.

Do you agree that you told Ms Vasey after you participated in a private hearing that you had in fact participated in a private hearing?---Well, because that's the conversation that I'm referring to.

10 So was this after the fact or before the fact, or both?---No, this is, this is in between the official start of the inquiry and the private hearings that I had. Ms Vasey made contact and wanted to have a small function with former staff et cetera with me, and I'd said, before I thought about it, I just blurted out, "I've been, you can't come. That could look really bad." I didn't want the girls, the former staff, exposed to any suggestion that they might have colluded or done something and that was the, the warning that I gave, so we didn't get together. And for that I am sincerely apologising, but I said it before I even thought.

Did you communicate anything about the substance of - - -?---No.

- - - what occurred at the private hearing?---No, no, I did not.

20 For abundant caution, Commissioner, I apply for a section 112 direction made under – sorry, the direction made under section 112 of the Independent Commission Against Corruption Act on 1 September, 2020, in relation to – in fact I withdraw that – 15 September, 2020, in relation to the compulsory examination of Mr Maguire be lifted insofar as it would otherwise prevent publication of the fact that Mr Maguire gave evidence on that day and insofar as it would otherwise prevent publication of any question asked or answer given in this public inquiry.

THE COMMISSIONER: Yes. I make that order.

30

VARIATION OF SUPPRESSION ORDER: THE DIRECTION MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT ON 15 SEPTEMBER, 2020 IN RELATION TO THE COMPULSORY EXAMINATION OF MR MAGUIRE IS LIFTED INsofar AS IT WOULD OTHERWISE PREVENT PUBLICATION OF THE FACT THAT MR MAGUIRE GAVE EVIDENCE ON THAT DAY AND INsofar AS IT WOULD OTHERWISE PREVENT PUBLICATION OF ANY QUESTION ASKED OR ANSWER GIVEN IN THIS PUBLIC INQUIRY.

40

MR ROBERTSON: I may have already made that application, I've immediately forgotten, but for abundant caution I've made that application.

THE COMMISSIONER: I don't think so.

MR ROBERTSON: Mr Maguire, over the last few days I've taken you through a number of aspects of your conduct during the period between 2012 and 2018.---Yes.

Would you agree that on more than one occasion you improperly used your parliamentary resources and your position as a member of parliament to gain a benefit for yourself and persons closed to you?---I would agree.

10 Do you also agree that during that period between 2012 and 2018 you breached the public trust that was placed in you as a member of parliament, parliamentary secretary and chair of the New South Wales Parliament Asia Pacific Friendship Group?---I agree.

That's the examination, Commissioner.

THE COMMISSIONER: Yes, thank you, Mr Robertson. Mr Pararajasingham, I see you up the back there. Do you wish to ask any questions?

20 MR PARARAJASINGHAM: Commissioner, I have no questions for this witness.

THE COMMISSIONER: Thank you. And I thought I saw Mr Whittaker but I don't see Mr Whittaker anymore. Sorry, can you just identify yourself?

MR PINTOS-LOPEZ: Mr Pintos-Lopez, Commissioner. I have no questions for the witness.

30 THE COMMISSIONER: Very well, thank you. Mr Moses?

MR MOSES: I have no questions for the witness, Commissioner.

THE COMMISSIONER: Thank you, Mr Moses. Mr Harrowell?

MR HARROWELL: No questions.

40 THE COMMISSIONER: Thank you, Mr Harrowell. Very well. What shall I do in relation to Mr Maguire's summons? It's better not to discharge, is it not?

MR ROBERTSON: As I indicated before, I've deliberately described today or otherwise Monday as the end of the main part of the public inquiry, given that there's additional material that is still in the process of being reviewed. There's probably sense in the face of that to not have Mr Maguire formally discharged in case some further assistance is required.

THE COMMISSIONER: Very well. Mr Maguire, you can leave today. It's possible, we're not sure, that there may be some further evidence to be taken in relation to the public inquiry and obviously you'll be given notice of that in due course.---Thank you, Commissioner, thank you.

Thank you, Mr Maguire.

MR ROBERTSON: In fact, Commissioner, on reflection in my submission it would be appropriate that he is discharged from the existing summons.
10 He may be required for some further assistance, either in public or in private, in which case I suggest that a further summons be issued. In circumstances where Mr Maguire has had the misfortune of being questioned by me for a number of days, I think there's force in him being formally discharged, but of course that doesn't mean that there won't be another summons in the event that the Commission comes to the view that he should answer some further questions.

THE COMMISSIONER: Very well.

20 THE WITNESS: Thank you, Commissioner.

THE COMMISSIONER: I formally discharge you, Mr Maguire.---Thank you, Commissioner.

You may leave, and you may leave Sydney, which you may wish to do. ---Thank you.

30 **THE WITNESS EXCUSED** **[4.34pm]**

MR ROBERTSON: And, Commissioner, I think you can then formally discharge the other public inquiry summons. There's some that remain outstanding.

THE COMMISSIONER: That are outstanding.

40 MR ROBERTSON: As matters presently stand, I don't propose to call any further evidence, at least in the main part of the public inquiry, but as I've already indicated, there may be material that emerges in the ongoing analysis of material that would require some further investigation, but if so that can be dealt with by further summonses.

THE COMMISSIONER: Very well. Then I discharge any further summonses to appear before the public inquiry which have not to this date been discharged.

Is that the conclusion of today's business?

MR ROBERTSON: Can I then deal with one other matter that arises in respect of what I said immediately after lunch.

THE COMMISSIONER: Yes.

MR ROBERTSON: A three-page document has been prepared containing part of the evidence given in private during the course of yesterday, as well as the questions by way of clarification that I asked briefly after lunchtime in private today. It's constituted by part of page 1714 of the transcript, as well as pages 1805 through to 1806. It's in a form that, as I apprehend it, my learned friend Mr Moses does not object to it being tendered, and I understand that my friend Mr Harrowell similarly does take no objection to it being tendered. And relatedly – well, I'll deal it with it this way. I'll formally tender the document first, and then I'll ask for a section 112 direction in relation to the exhibit once it's marked. So I tender a three-page document containing lines 1 through to 26 of page 1714, as well as the whole of pages 1805 and 1806 of the transcript.

THE COMMISSIONER: Very well. That will be Exhibit 372.

**#EXH-372 – MAGUIRE PRIVATE TRANSCRIPT EXCERPTS
DATED 15 AND 16 OCTOBER 2020**

MR ROBERTSON: I apply for a direction under section 112 of the – I withdraw that. I apply for previous directions given under section 112 of the Independent Commission Against Corruption Act to be lifted insofar as it would otherwise prohibit the publication of the exhibit that you've just marked, Commissioner.

THE COMMISSIONER: Yes, I make that order.

**VARIATION OF SUPPRESSION ORDER: PREVIOUS
DIRECTIONS GIVEN UNDER SECTION 112 OF THE
INDEPENDENT COMMISSION AGAINST CORRUPTION ACT TO
ARE LIFTED INsofar AS IT WOULD OTHERWISE PROHIBIT
THE PUBLICATION OF THE MAGUIRE PRIVATE TRANSCRIPT
EXCERPTS DATED 15 AND 16 OCTOBER 2020.**

MR ROBERTSON: May it please the Commission. The only then remaining matter, at least from my perspective, is there'll need to be some formal directions in relation to submissions and the like. In my respectful submission, the convenient course would be for those directions to be made in chambers, and identified to the relevant parties.

THE COMMISSIONER: Yes.

MR ROBERTSON: As I've indicated, there may be some further aspects of the investigation that need to take place in light of the evidence that's emerged over the course of the last four weeks. That may well affect the timetable in terms of submissions. But in my respectful submission, the most convenient course is to deal with matters of that kind in chambers.

10 THE COMMISSIONER: Very well. Then otherwise I will adjourn today's hearing.

MR ROBERTSON: Please the Commission.

AT 4.37PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.37pm]