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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 TUESDAY 22 SEPTEMBER, 2020

AT 10.00AM

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

THE COMMISSIONER: Mr Elliott, please be seated. You are bound by the affirmation you made yesterday. Do you understand that?---Yes, thank you.

Yes, Mr Robertson.

10 MR ROBERTSON: Commissioner, can I deal with some issues of housekeeping first?

THE COMMISSIONER: Yes.

MR ROBERTSON: First of all, can I indicate for the benefit of those following along that both today and tomorrow are likely to be relatively short days. I expect to be finished with Mr Elliott by about morning tea this morning. I will then call Nicole Hatton and she won't take the rest of the day. I may be finished by lunch or it may spill over into the afternoon.
20 Tomorrow I will call Rebecca Cartwright. She won't take the whole day, she'll probably take a couple of hours or something like that. There is then some technical issues in calling Mr Gordon Tse. Mr Gordon Tse was identified as the witness for Wednesday afternoon, so tomorrow afternoon. At least as matters presently stand, I won't be in a position to call him then. Mr Tse is presently in the People's Republic of China, and for technical and other reasons the Commission is not in a position, or is unlikely to be in a position, to call him tomorrow afternoon. So I suspect tomorrow afternoon will be a relatively short day. I am not in a position to bring forward the witnesses for Thursday because they're from Wagga Wagga and
30 arrangements have been made for transport and the like. So I suspect today will be a relatively short day, Wednesday will be a relatively short day and Thursday and Friday will be relatively full days, and then the witnesses programmed for next week will be published when we're in a position to do so, which is likely to be Wednesday or Thursday this week.

THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: Can I then deal with some formal tenders arising from yesterday?
40

THE COMMISSIONER: Yes.

MR ROBERTSON: First I tender the email from Mr Elliott to Mr Maguire, 20 May, 2013, 6.21pm, regarding Maggie Wang "chasing her 2,000", page 165, volume 9, public inquiry brief.

THE COMMISSIONER: That will be exhibit 145.

#EXH-145 – EMAIL FROM PHILLIP ELLIOTT TO DARYL MAGUIRE ON 20/5/2013 AT 6:21PM RE: MAGGIE WANG “CHASING HER 2000” (PUBLIC INQUIRY BRIEF VOL 9, PAGE 156)

10 MR ROBERTSON: Next I tender the document described as a training agreement between Wagga Wagga RSL and Veron, V-e-r-o-n, Peng, P-e-n-g, with attached resume, pages 108 and 109 of volume 19, public inquiry brief.

THE COMMISSIONER: That will be Exhibit 146.

#EXH-146 – TRAINING AGREEMENT BETWEEN WAGGA WAGGA RSL AND VERON PENG W/ ATTACHED RESUME (PUBLIC INQUIRY BRIEF VOL 19, PAGES 108-109)

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MR ROBERTSON: Next I tender text messages between Mr Elliott and Mr Maguire, March 2014, regarding a possible immigration placement in Cootamundra, which is pages 36 and 38 of volume 23 of the public inquiry brief, items 158. 159 and 179.

THE COMMISSIONER: That will be Exhibit 147.

30 **#EXH-147 – TEXT MESSAGES BETWEEN PHILLIP ELLIOTT AND DARYL MAGUIRE IN MARCH 2014 REGARDING A POSSIBLE IMMIGRATION PLACEMENT IN COOTAMUNDRA (PUBLIC INQUIRY BRIEF VOL 23, PAGES 36 (ITEMS 158 AND 159) AND 38 (ITEM 179))**

MR ROBERTSON: Next, I played yesterday an intercepted telecommunication, session number 2392. I tender that audio extract and the corresponding transcripts.

40 THE COMMISSIONER: That will be Exhibit 148.

#EXH-148 – AUDIO RECORDING OF INTERCEPTED TELECOMMUNICATION SESSION 3292 AND CORRESPONDING TRANSCRIPT

MR ROBERTSON: And finally, I tender an email from Mr Elliott to Mr Maguire, 15 May, 2013, at 11.42am regarding RSL not proceeding with the immigration placements, page 122, public inquiry brief volume 9.

THE COMMISSIONER: That will be Exhibit 149.

10 **#EXH-149 – EMAIL FROM PHILLIP ELLIOTT TO DARYL
MAGUIRE ON 15/5/2013 AT 11:42 RE: RSL NOT PROCEEDING
WITH IMMIGRATION PLACEMENTS (PUBLIC INQUIRY BRIEF
VOL 9, PAGE 122)**

MR ROBERTSON: Now, Mr Elliott, yesterday one of the things that we discussed was you having a development project proposal on your laptop when you went to China. Do you recall giving that evidence?---Yes. Yes, I do.

20 And that was a project in respect of which the J Group was involved. Is that right?---No, that wasn't the J Group.

Which project was it, then?---That was the one that I referred to with Mr – I mispronounced it, I think Howatt or Hewitt.

Mr Hewitt? I'm sorry, Mr Hawatt.

THE COMMISSIONER: Hawatt.

30 MR ROBERTSON: H-a-w-a-t-t. Is that right?---Thank you.

THE COMMISSIONER: Can you remember to keep your voice up, please, Mr Elliott.---Sorry, thank you.

Thank you.

MR ROBERTSON: Did you ever go to China, though, armed with a potential development project or information regarding that in relation to the J Group?---I don't believe so, no.

40 Are you sure about that or just not sure one way or the other?---I'm not sure one way or the other.

Let me try and help you this way, then.---Thank you.

If we go to page 68 of volume 8 of the inquiry brief. Do you see there an email from Mr Maguire to you, 23 January, 2013?---Yes.

And do you see there it says, "I will have a package for you to deliver to Du Wei?"---Yes.

And Du Wei was the gentleman you discussed yesterday, being I think my phrase was, "Your man in Beijing."---Yes, yes.

What was Du Wei's background, by the way?---I - - -

10 As far as you knew.---As far as I know he had a diplomatic background.

And is that a diplomatic background only in China or did it have some connection with Australia?---No, I believe he was here as a diplomat in Australia and other places in the world, to my understanding.

And a diplomat on behalf of the People's Republic of China, is that what you're saying?---I believe so, yeah.

20 And how did you come in contact with Mr Du Wei?---Introduced to me by Mr Maguire in Beijing, I believe.

On one of the trips that you took with Mr Maguire. Is that right?---Yes, may have been the first one that I took, I think, back in, back in 2012.

And this was long before G8way International had been formally established. Is that right?---Yes, it would have.

Just have a look at the email on the screen.---Yes.

30 And just read that to yourself and then I'll ask you some questions about it. Yes, thank you.

Do you see in the first line there's a reference to Joe?---Yes.

And who's Joe as you understood it?---That would be J Group, Mr Alha.

A-l-h-a, Joe Alha. Is that right?---Thank you, yes.

40 So does that refresh your memory that you did in fact have an occasion where you had a package to deliver to China on behalf of the J Group? ---No, I don't recall that.

So even with the benefit of this email?---No, even with that, yeah.

But do you have any recollection at all as to a package for you to deliver to Du Wei in relation to a trip soon after 23 January, 2013?---Sorry, could you just repeat for me, please?

This email refers to a package for you to deliver to Du Wei.---Yeah.

Do you have any recollection of receiving a package to deliver to Du Wei on a trip soon after 23 January, 2013 or any recollection of in fact delivering a package to Du Wei soon after 23 January, 2013?---No, I don't, I don't, don't have any recollection of having done that.

THE COMMISSIONER: Was this a trip to China with the RSL as indicated in the first line of your email?---Yes.

10 To buy furniture?---Yes, that's correct.

MR ROBERTSON: If we just scroll down a little bit further on the email, just the email that the Commissioner's just drawn your attention to, and can you focus in particular on the second-to-last paragraph on the page that starts with the words, "G8way."---Ah hmm.

See there it says, "Gordon will charge his commission, I think G8way could go without a cost as RSL will be paying for me, plus this will be a bit of expedition for the future." Do you see that there?---Yes.

20

So what were you seeking to communicate to Mr Maguire by that paragraph?---That, just that the RSL club would be paying my expenses to go across there.

THE COMMISSIONER: But the first phrase I think is what Mr Robertson was drawing your attention to was, "Gordon will charge his commission." Is that reference to Gordon Tse?---Yes, it would be, yes, yes. I'm sorry, I'm confused now. So you want my understanding of that, that Gordon would charge his commission as he ordinarily would in relation to any sales purposes.

30

MR ROBERTSON: And is that a commission that he just got to keep or was that a commission that he shared with anyone as you understood it? ---He shared with us, with me, with G8way.

When you say us, do you mean you, Mr Elliott, or do you mean G8way International or some other organisation?---With G8way International.

And did you disclose that particular commission to the RSL?---No, I didn't.

40

So just to understand this particular trip, this particular trip you went accompanied by some representatives of the RSL. Is that right?---That's correct.

And which particular representatives were they?---The general manager, Mr Bell, and the then president, Mr Keyes.

And the man in China, so to speak, for that trip was Mr Gordon Tse. Is that right?---That's correct.

Tse is spelt T-s-e. Is that right?---T-s-e, yeah.

And Mr Tse was charging you commission for anything that the RSL club purchased. Is that right?---Yes.

10 And that was a commission that, to your knowledge, the RSL in fact paid. Is that right?---Yes, I believe so.

And it's a commission that was shared between Mr Tse and G8way International. Is that right?---Correct.

So did Mr Tse keep any of the commission himself or did all of the commission go to G8way International, at least in the first instance? ---Mr Tse would charge commission and then pass on a portion of that commission to G8way.

20 And what portion of that was it agreed with Mr Tse that G8way International would receive?---I don't recall the exact portion.

THE COMMISSIONER: I assume Mr Tse would just make it part of the overall price of the furniture?---It was ordinarily part of the process that was costed into his, so yes, that was, that was costed into the, the pricing of the furniture. So the scenario would be that the furniture would be sourced, Mr Tse would provide English-speaking people to accompany purchasers on the trip, and he would load his commission into the overall price as well as ensuring that it was packaged and, and contained it and sent.

30 Sorry, did you finish your answer?---Yes. Thank you.

Is it Mr Tse who I think had a restaurant in China? Is that the same gentleman connected which he identified with Wagga?---Yes, yes. He also had a restaurant in Wagga over a period of time.

And he also had a furniture business in China?---Yes, and manufacturing. A number of businesses.

40 Do you remember the name of the furniture business?---No, but his company, to my memory, was called Golden Sample.

I see. And did he sell the furniture under the name of that company?---No. He would take you or his representatives would take you to various manufacturers and providers.

So they were also a form of introduction agent, were they?---I, well, if you were looking to source a, a multitude of different sorts of furniture, and

there was also crockery and cutlery and other such items, you would go to different manufacturers and suppliers and his staff would accompany you there.

I see. And provide interpreting services and the like?---Correct.

I see. Thank you, Mr Elliott.

10 MR ROBERTSON: So just to understand those money flows, you take the trip with other representatives of the RSL. Correct?---Correct.

The RSL is paying your expense. Is that right?---Correct.

So far as other members of the RSL is concerned, that's all they're paying for you. Is that right?---Correct.

In point of fact, Mr Tse is charging you commission in relation to anything that's purchased by the RSL?---Yes.

20 In point of fact, the RSL purchased a number of things, I think it was cutlery and furniture and things of that kind. Is that right?---That's correct, yes.

And that commission is shared with G8way International. Is that right?---Correct.

30 Other than you, did any other members of the trip receive any commissions in relation to that trip?---Mr Bell received a commission, but I can't tell you whether it was in relation to that trip or some other introductions that were done through some of the clubs.

And that particular commission, was that, who paid that commission to your understanding?---To Mr Bell or to - - -

To Mr Bell. Who paid that to Mr Bell?---I did.

And you paid that out of what source of money?---Out of the funds that came to G8way.

40 Which is, as it were, out of the commission that Mr Tse charged in relation to the purchase. Is that right?---Yes, yeah. So there was a commission that was charged as a total fund, a total amount and from that G8way received a portion and from that Mr Bell received a portion.

And to your knowledge was there anyone else who received a commission payment or some other payment in connection with that matter?---Not that I'm aware of, unless there was something at the Chinese end.

And so does the RSL one just provide an example of the kinds of business opportunities that G8way was attempting to achieve where you have a Sydney end, you have contacts with the RSL, G8way International has contacts in China, in this case Gordon Tse, attempting to link between the two and to make a commission payment along the way?---Correct.

That essentially is the business model that G8way International tried to achieve in a whole range of different business matters?---That's correct.

10 So it had success in relation to RSL, furniture, cutlery, things of that kind, is that right?---Correct. Yes, that's correct.

It had success in relation to the wine sales, for example, is that right?---Yes, correct.

It didn't have success in a series of other business areas.---No, that's also correct.

20 One of those business areas was cotton, is that right?---I'm not familiar with cotton.

Steel?---I know it was discussed but I'm not familiar directly with steel.

Olive oil?---Much the same.

When you say much the same - - -

30 THE COMMISSIONER: Well, so which?---Oh, I'm sorry, to the best of my knowledge, not success. Yes.

MR ROBERTSON: So an attempt to be successful, but not successful, is that right?---I believe so. Yes.

Milk powder?---Milk powder, no.

No - - -?---Not success. Sorry.

An attempt to it without success?---Correct.

40 Property development, by which I include the Hawatt example?---Yes. And no.

Beef?---Beef was an ongoing, very time-consuming process without success.

Coal?---Not familiar with coal.

Any other examples you can think of?---Um - - -

I think I've seen at least one reference to children's clothing, for example. Does that - - -?---Oh, I'm sorry, no, I can't help you with that.

At least the ones that you were able to comment upon, I take it those are matters in respect of which both you and Mr Maguire were involved?---Yes.

So Mr Maguire, along with you, was attempting to achieve business activities in each of those areas?---Yes. Yes.

10

And there were a few other attempts as well, I think at the Coin Building for example.---Oh, yeah.

There was an attempt to put in something in the nature of an RSL club in that organisation.---Yes.

But again, that would be with a view to making some profits for G8way International as well.---That's correct.

20 Possibly some profits for the RSL club as well, but at least part of the exercise was to make some money for G8way International.---That's correct.

THE COMMISSIONER: Did you refer to the Coin Building?

MR ROBERTSON: I referred to the Coin Building.

THE COMMISSIONER: What's that, Mr Elliott?

30 MR ROBERTSON: I'll just ask Mr Elliott to explain what the Coin Building is.---Oh, I'm sorry. So the Coin Building is a building in Shenyang, in the north of China, that is built in the shape of a coin. It's a large, is, is that the best description I, I can give you, or was that...?

Indeed, it's built in the shape of a Chinese-looking coin that has a gap in the middle, is that right?---I think the Chinese, yeah, with, with the hole in the middle, yes.

40 So at least in relation to those main projects, it's fair to say that both you and Mr Maguire were intimately involved in attempting to get them off the ground, is that right?---Yes.

What about others, including the others who were part of what we saw you describing as the partnership in one of the previous emails? What were their respective roles?---So Mr McLaren was, financial planning, I don't know what involvement he had, as in, I'm, I'm - - -

You're referring now to Angus McLaren, is that right?---No, to Julian.

Oh, to Julian McLaren, I'm sorry.---Yes, yeah. So, so his background was financial planning, investments, so I, I have no idea what he was working with the, the Chinese about.

But as you understood it, what was Mr McLaren actually doing as a, to use your term, emperor of the partnership shared by G8way International?---I have no idea.

10 So is that a kind of matter that Mr Maguire would deal with rather than you, is that effectively what you're saying?---I would think so. That would be correct.

What about Ms Hatton? What was her role in G8way International, as you understood it?---Ms Hatton was providing us with some, with, with services as you discussed yesterday.

20 Well, what kinds of services?---If I said secretarial, that's probably being unfair, but so, she was able to, as I think you noted, she did some business cards. She organised some meetings, here in Australia. Ms Hatton, to my knowledge, has or had a, a, a travel licence, like a, a, a travel agency licence, and was responsible for booking some airfares and some accommodations.

30 When you say meetings in Australia, did any of those meetings take place in Parliament House?---No, I don't believe so. Mmm, this, the meeting specifically that I recall Ms Hatton organising was – and again, I apologise for my lack of knowledge of Sydney suburbs – but it was Leichhardt or Lidcombe, and there was a group of persons there, there was probably about 10 people there, including Mr Angus McLaren, who you noted earlier.

And so you're referring to a function that she organised as part of G8way International, as part of promoting its services?---Yes.

Can we go, please, to volume 11, page 175. Just so we can seek to fix what you've just said by reference to a particular time period and a particular event.---Thank you.

40 And do you see there on the screen a document entitled Bio's – with an apostrophe before the S – for Lunch?---Yes.

And were those bios organised for the particular event that you were just referring to?---Yes.

And if we then just turn the page there we see the bio for you, is that right? ---Yes.

And you prepared that text, is that right?---May I just read for a moment?

Of course.---Thank you.

While the witness is reading that, I should tender pages 68 and 69 of volume 8 of the public inquiry brief.

THE COMMISSIONER: That will be Exhibit 150.

#EXH-150 – EMAIL MAGUIRE TO ELLIOTT DATED 23 JAN 2013

10

MR ROBERTSON: And just for the benefit of the transcript that was the email from Mr Maguire to Mr Elliott, 23 January, 2013, 7.20pm. Have you read that now?---Sorry, yes. I don't recall actually preparing that one, but I do note that there's very, a number of similarities to what was on the website that I did do preparation for. So I'm sure that it was a, a compote, if you will.

20 So we'll come back to the website in a moment but in relation to the website, are you saying that you prepared the text that ultimately appeared on the website?---Yes. On the website.

And I think you're drawing attention to the fact that you may have copied some of the text from the website for the purposes of producing that bio?---I would think so, yes.

30 If you just have a look about halfway through the bio, it says, "G8way International's influence and experience brings us to high levels of government." Do you see that there?---Yes.

What's that a reference to?---That would obviously be a reference to the connection with Mr Maguire.

And so is it right to say that part of what you were seeking to sell as G8way International was the fact that Mr Maguire had influence and experience that reached to the high levels of government within Australia?---Yes.

And if we then conduct - - -

40 THE COMMISSIONER: Are you about to leave this, Mr Robertson?

MR ROBERTSON: I am, yes.

THE COMMISSIONER: Because I would like ask Mr Elliott - - -

MR ROBERTSON: Of course.

THE COMMISSIONER: Just look at the last three paragraphs please, Mr Elliott, starting, "It has long been the aim."---Yes.

Were those three paragraphs representative of your aims and what you had done or Mr Maguire's?---It was the aim, Commissioner, of, of the business to act as an introductory service.

10 Do you say, what is the network that's referred to in the second-last paragraph? Is that the network of connections with people in China and across the Pacific?---And, and in Australia. Well, in Australia and China.

And my understanding from your evidence yesterday was that those networks had been developed by Mr Maguire.---That's correct, so developed by the business but Mr Maguire obviously provided the, or, or had the network connections that I wouldn't have had.

And had it for long before G8way was incorporated, didn't it?---I would imagine, yes.

20 Well, you knew, didn't you?---Yes.

How long have you and Mr Maguire been friends?---Oh, 25 years.

Yes. Thank you, Mr Robertson.

MR ROBERTSON: Did Mr Maguire attend this lunch?---Yes, he did.

30 Can we just flick through the remaining pages of this document and you'll see there's a – don't worry about the details I'm just going to identify the names first. SKY Migration and Bruce Fan, Jaylin Mao. Now just pausing there, these bios are not necessarily people involved in G8way International itself in the sense of being partners of G8way, they include people who G8way might want to become associates with?---Yes.

So these are potential further contacts within Australia who might become members of the business club, for example, or might be people in respect of whom you can link the Australian people up with Chinese people?---Yes, correct.

40 We've got a Mr Holder, an Angus McLaren, a Maggie Wang. I'll come back to her in a moment. Mr Knight and then there's a reference to a further bio that needs to be typed out. Now, that's the end of the document. ---Yes.

Why is Mr Maguire not one of the bios for lunch?---I can't give you any reason why, I don't know why that wouldn't be the case.

Well, isn't the reason why that at least so far as outward-facing matter are concerned, you and Mr Maguire were seeking to conceal Mr Maguire's involvement in G8way International?---That would be consistent with the evidence to date, yes.

Well, not just consistent with the evidence, you accept that that's what you - - -?---I accept - - -

10 - - - were doing whilst Mr Maguire was an MP but still associated with G8way International. Correct?---Yes, and I accept that.

And Mr Maguire made it clear to you that at least as an outward-facing matter he was not to be identified as actually being one of the controllers of G8way International.---Yes.

I tender the document I've just taken the witness to, which is email from G8way Consultancy to Mr Elliott of 23 February, 2015, pages 175 to 179, volume 11 - - -

20 THE COMMISSIONER: That will be exhibit - - -

MR ROBERTSON: - - - public inquiry brief.

THE COMMISSIONER: I'm sorry, I interrupted you, Mr Robertson.

MR ROBERTSON: 175-179 volume 11, public inquiry brief.

THE COMMISSIONER: Thank you. Exhibit 151.

30

**#EXH-151 – EMAIL G8WAY CONSULTANCY TO ELLIOTT
DATED 23 FEB 2015 RE 'BIOS FOR LUNCH'**

MR ROBERTSON: I apologise, it was an exceedingly long description.

THE COMMISSIONER: Mr Robertson just pointed out that email was sent from G8way Consultancy. Would that have been something Ms Hatton did?---Yes, yes.

40

MR ROBERTSON: Other than Ms Hatton, did anyone else have access to the g8wayconsultancy@gmail.com email address?---I don't believe so.

And so when we see any emails from that email address, at least so far as you're concerned, we know that it's Ms Hatton who would have used that email address to send out emails?---I would think so. I would think so.

So in relation to Ms Hatton, is it fair to say she was essentially the main administrative officer of G8way International in the time period that we've been talking about?---That would be fair.

And as you said, mere administrator may be underselling her role, it wasn't simply typing out documents and things of that kind, but she did play an important role in the overall administration and operation of the organisation.---Yes.

10 We saw reference to Maggie Wang as one of the bios.---Yes.

What was Maggie Wang's role in G8way International as you understood is as the director of the company?---The immigration, as we touched on yesterday.

Only in relation to immigration or did she have involvement in any other activities?---To the best of my knowledge, only the immigration.

20 Well, was she involved in identifying opportunities outside of the migration context in either Australia or China?---I don't understand what that means.

I'm sorry, say again?---I don't understand what that means.

Well, as I understand it, part of G8way International's business model was to draw connections between people in China and people in Australia and make a profit along the way.---Yes.

30 It seems at least the immigration context she had some involvement in linkages of that kind - - -?---Yes.

- - - identifying Chinese nationals who wanted Australian visas. Correct?
---Yes, yes.

But did it go further than that, did she have any role in identifying other potential business opportunities in China outside the immigration context?
---She may have but not to my knowledge.

40 Well, if we just go back, please, to the Bios for Lunch document.---Sure, yeah.

Which is Exhibit 151. Can we go, please to Ms Wang's paragraph bio, that's page 178 of volume 11. Do you see there that Ms Wang is described as a "Senior business/investment consultant in Beijing, or at least formerly was before migrating to Australia, company restructures, mergers, acquisitions, extensive network and strong relationship with corporate clients," et cetera, et cetera, et cetera. Do you see that there?---Yes.

So do you agree that you're marketing Ms Wang by this paragraph as someone who might not only be able to assist on matters of immigration but also may have a, "extensive network," that might go further than issues of immigration?---Yes, I'd accept that.

Did Ms Wang in point of fact engage any of that network for G8way International's activities so far as you understood it?---Not that I'm aware of, no.

10 So back to Ms Hatton.---Sorry.

Have we now exhausted your recollection of Ms Hatton's involvement in G8way International?---I believe so.

What about Ms Cartwright?---Yes.

20 What was Ms Cartwright's role in G8way International?---Ms Cartwright worked in Mr Maguire's office and she was assisted from time to time with, with matters relating to G8way. In my understanding certainly a lot lesser role than, than Ms Hatton did.

So I think you agreed yesterday that you didn't see Ms Cartwright as part of the partnership that was referred to in the email that I showed you yesterday, Exhibit 120, that's right?---Mmm, that's correct, yeah.

But she did, I think, receive a distribution as a once-off?---A once-off, yes.

30 And so is that, was it a one-off for the reason that you've identified, in other words, Ms Cartwright was involved at a particular point in time, but you didn't see her as part of the partnership of G8way going forwards?---No. No, it, and it's, it's my understanding at the time that Ms Cartwright was a full-time employee and Ms Hatton was a part-time employee of, of the parliament. So one who obviously had more of a, availability at the time.

So does that effectively mean that more work was given to Ms Hatton to do than Ms Cartwright because of their respective availabilities and other workflows?---That's, yes, I believe so, yes.

40 Another member of the partnership that was identified was Mr McLaren. I think you've -- have you now exhausted what you're able to tell us about Mr McLaren's role?---Yes.

And post the email that I showed you yesterday regarding the members of the partnership, did any of those people cease to be members of the partnership going forward, as you would understand the position, or did any additional people get added as members of the partnership?---No, I'm not sure.

What about someone like Gordon Tse?---Oh - - -

And I appreciate here you're not using partnership in some legal term.
---Yeah, yes, yeah.

You're using it to identify - - -?---A, a group.

- - - essentially the key people within the organisation.---Sure. I, I don't
10 know whether Gordon was included in that or not, on the basis that he was
receiving his income at, at the other end, so I, I can't say with any certainty.

So he was, as it were, an associate of G8way International who would be
able to assist in business opportunities, but he would be making his own
money at the end of the day, rather than just being a part of G8way
International.---Yes. I believe so, yes. Mmm.

Was that also the case with respect to Du Wei? Was Du Wei making his
own commission along the way, or was he only able to get the amount of
20 money that might be paid by the distribution from G8way International?
---So Du Wei would have received from G8way International, he assisted
on two or three occasions, so when, when people were going to China, he
would, he would greet, host, if, if that's the right term.

But is he getting his own commission, or does he have to share the
commission that G8way International earns?---No, he would have shared
from the, from that platform's role and work.

And so that was a matter of general practice, was it, you'd have someone at
30 the Chinese end who would get their own commission, and that commission
would be shared by G8way International?---Yes, I believe so.

And so people at the Chinese end would always, as it were, have their own
commission, rather than being part of the partnership or business of G8way
International in Australia.---Yeah. Yes, although Du Wei as you said was
part of that, that initial group, so he would have received a distribution from
it, from that, that.

So he gets it at both ends, as it were, he's got his own commission at the
40 Chinese end, and at least on one occasion, he's got a distribution?---Yeah,
although I'm not sure that he actually provided anything that was
commission-based at the Chinese end. It was a case of again meeting and -
- -

And did that influence your decision to pay a distribution to him that he may
have actually spent some time, which didn't end up in money directly for
him?---Oh, yeah, yes. Yes.

We spoke yesterday about the Wuai Trade Centre.---Yes.

And you'll recall we discussed about the signing ceremony and matters of that kind.---Yes.

Was the Wuai Trade Centre a project in respect of which G8way International was seeking to make profits?---Yes.

10 What was the intended business structure in relation to that matter?---So the Wuai Trade Centre, if successful, would have been built and developed on a vacant piece of land in Wagga, the City of Wagga. And part of the idea that was floated was, with my background with strata management, that those properties would be strata'd off, and that will be an income strand from, through that, and to - - -

THE COMMISSIONER: Through managing the strata?---Through managing the strata, yes.

20 MR ROBERTSON: Was that the extent of it, or does that go any further than that?---I, I, I don't recall, because the whole thing just didn't go ahead, I, I can't specifically recall.

Or presumably one aspect of what G8way International might want to do is try and identify some Chinese businesses - - -?---Oh, certainly.

- - - they might be able to come across?---Yes, certainly.

And G8way International might want to charge a fee or something like that?---Yeah, that's fair,

30 But is it fair to say at least the focus from your perspective was on that strata management-type matter? There would be a whole series of stores there, get a little bit in respect of each storefront and make some profits at that point?---Yes.

And to be clear, that was a G8way International project rather than a Riverina Strata project?---Yes.

40 And so that was something that Mr Maguire was involved in as well, is that right?---Yes.

If that was something that came off, it would be for the benefit of G8way International that you would share with Mr Maguire, is that right?---Yes.

So we can add that to the list of projects that we identified before of potential business streams and income streams for G8way International? ---Yes, that's fair.

Can we go, please, to Exhibit 121, PDF page 8, which is public inquiry brief volume 12, page 170. Now, you mentioned the website before.---Yes.

And so I just wanted to draw this to attention. If you have a look about halfway down the page, "G8way International's influence and experience reaches to high levels of government."---Yes.

10 And so does that refresh your memory that that was some of the text that you probably borrowed from the website to put into your bio?---Yes, that's fair.

But I think you'd agree that that particular reference is a reference not to you, it's a reference to Mr Maguire, is that right?---Yes.

In terms of the projects, was one of the projects also attempting to purchase furniture for the Clay Target Association, sometimes referred to as the gun club?---Yes. That's correct.

20 Now, did G8way International earn any commission in relation to that? ---Yes, a small commission.

And how did that commission work? Was that a similar arrangement to the one that you mentioned before with Mr Tse?---Yes, correct.

So was that one that Mr Tse was involved in as well?---Yes. Through his company, yes.

30 So was that, again, the same type of structure, you introduced the gun club as a potential purchaser of furniture, I think you might have gone over to China with the gun club?---I did.

With a view to identifying furniture and the like, is that right?---Yes, that's correct.

And Mr Tse was entitled to a commission over anything you sold, is that right?---Correct, yes.

And he shared that commission with you, is that right?---That's correct.

40 And in point of fact, I think the ultimate commission that flowed to G8way was a relatively small one, is that right?---Yes.

And that's because an issue arose in relation to that matter, is that right? ---Yes.

Can you just identify just very quickly the nature of that issue?---So the purchase required an additional container, and the container as to be purchased, not leased or, or rented and delivered.

THE COMMISSIONER: An additional shipping container?---A shipping container, yes. The cost of that was then removed from the commission.

MR ROBERTSON: So in other words there was an extra, probably unexpected, cost in relation to the matter and you decided to wear it?
---That's correct.

Now, in terms of the money itself, was that deposited in a G8way International bank account?---Sorry, could you just clarify, the money from Mr Tse to G8way or the money from the gun club to Mr Tse?

The money from Mr Tse to G8way.---Yes. I would have been, yes.

Just pardon me for a moment. Someone who is participating remotely may be waiting in the lobby.

THE COMMISSIONER: I think that's the virtual lobby, Mr Robertson.

20 MR ROBERTSON: The virtual lobby is what I meant. Just pardon me for a moment. I'll see what, if anything, is to be done. Can Ms Yenda just approach?

THE COMMISSIONER: Yes. I think she's leaving the room.

MR ROBERTSON: Mr Grainger might approach, I'm sorry, Commissioner. Sorry, Mr Elliott, the joys of conducting a public inquiry.
---Thanks, thank you.

30 THE COMMISSIONER: There now appear to be two people online.

MR ROBERTSON: One of which says, "ICAC hearing." I'll just ask Mr Harris, can you hear us? Just take yourself off mute and let me know whether you can hear us.

THE COMMISSIONER: The answer might be no.

MR ROBERTSON: He may have had second thoughts. I'm sorry, Mr Elliott.---That's fine. Thank you.

40

In relation to the commission payment to which G8way International was entitled how was that paid, was that paid by electronic funds transfer, cash, some other method?---No, it would have been electronic funds transfer.

When you say would have been - - -?---Yes, electronic.

- - - you're not sure one way or the other or you're confident that it was via electronic funds transfer?---No, electronic funds.

And I take it, then, that because it was received via electronic funds transfer, that was taken up in the books of G8way International?---Yes.

But I think you've accepted yesterday that there were some funds, particularly cash funds, that weren't necessarily taken up into the books. Is that right?---Yes.

10 And do you recall for that particular project, the gun club, was that the contact that you had or that Mr Maguire had or someone else had as you understand it?---It was a mutual contact, so it was a contact Mr Maguire recommended that, a Mr Turner, who was the CEO, contact me. But I've known Mr Turner for the best part of 40 years.

So it was Mr Maguire's idea but in respect of someone who you knew well. Is that right?---Yes.

20 And did Mr Turner receive any commission himself like in the RSL case or was this one just the commission going to Mr Tse and to G8way?---Just to Mr Tse and to G8way.

But again you'd agree, I take it, that that as an example – along with a couple of other examples we've give, like wine and RSL – was the business model that G8way International was trying to achieve you or Mr Maguire identifying people at the Sydney end, Mr Maguire or someone else identifying people at the China end, link them together and make a profit along the way?---Yes.

30 And to your knowledge did Mr Maguire assist that gun club with any other matters or was it, at least so far as you know, restricted to that issue of obtaining furniture for that?---To my knowledge Mr Maguire was a great advocate for the development of the, the project, the building.

The development of the gun club's building. Is that right?---Yeah. The gun club, as we refer to it, I think is the national body of that particular organisation, and they built a large function centre and facility in Wagga.

40 And as you understood it – I'm sorry.---Yeah, in Wagga. Sorry, yes, in Wagga, yes.

And as you understood it what was Mr Maguire's particular activities in that area, what did he do to assist the gun club?---I don't know exactly. That was something more on a parliamentary scale. He was a great advocate for the development of that for the city and for the gun club.

So he was lobbying, as it were, at least promoting through the use of his office - - -?---Sure.

- - - the development of that particular project?---Yes.

Other than in relation to the commission in relation to the furniture, to your knowledge did Mr Maguire have any financial interest associated with the gun club?---Not that I'm aware of, no.

So in relation to the commission, the tiny commission, at least at the level of theory, some of that commission could have ultimately flowed to Mr Maguire?---Yes.

10

In the real world it didn't because it was a small amount of commission and there was expenses going for G8way International?---Yes.

That was the only financial interest of which you're aware Mr Maguire had in relation to the gun club. Is that right?---Yes.

THE COMMISSIONER: Did this purchase by the gun club involve a trip to China?---Yes, it did.

20 Did you go on that trip?---Yes.

Did Mr Maguire?---No.

And so was Mr Turner one of the people who went on the trip?---Yes, Mr Turner and his wife and the president of the gun club and his wife.

And did Mr Turner occupy a senior position in the gun club?---He was the CEO or general manager.

30 Was he aware that G8way was going to receive a commission on the purchases that he made on behalf of the gun club?---Yes, I believe so, yes.

MR ROBERTSON: Why do you believe so? Did you tell him?---I don't know.

So what's the basis for the belief that you just indicated to the Commissioner?---Well, I think he would understand that obviously if we were doing that and hosting there would have to be something in it for, for G8way.

40

Did he, did the gun club pay your expenses like the RSL club did? ---Yes, they did, and they paid my travel and accommodation costs.

In terms of the mechanical arrangements for that, booking flights, getting visas and the like, who took care of that?---So Mr Turner, to my knowledge, booked his own flights, he and his wife stayed on for a further period of days, a holiday, if you will.

What about your flights?---No, I paid for those through the business.

But who organised them?---I think I did.

Was that always the case in relation to your trips to China? Did you always organise them yourself or did someone else organise them?---Not always, no, Ms Hatton assisted on at least a couple of occasions I can recall.

10 So is it right to say that that was an aspect of Ms Hatton's role, was organising flights, accommodation, visas and things of that kind?
---Yes, yes.

It was part of that overall administrative role that you mentioned before?
---And quite often, more often than not at the Chinese end they would organise the accommodation.

20 But it would usually be at your end or at the Australian end where flights would be organised. Is that right?---Yes, and in the case of the gun club one I think I organised it myself, just an online, Qantas and booked.

And certainly with visas, that's always organised at the Australian end of course.---Yes.

But Ms Hatton provided some assistance in relation to that matter for at least some trips. Is that right?---Yes.

Do your recall approximately how many trips you made to China on behalf or to pursue the interests of G8way International?---Oh, half a dozen.

30 And is it right that some of those trips were with Mr Maguire but not all of them were with Mr Maguire?---That's, yes, that's fair.

But the first trip that you took to China was with Mr Maguire back in 2012?
---Yes, that's correct.

THE COMMISSIONER: I take it that Mr Turner and representatives of the gun club were not acquainted with Mr Maguire's interests in G8way?
---I wouldn't have thought so, no.

40 But you didn't tell them?---I didn't tell them.

MR ROBERTSON: I'm now going to play you a further telephone intercept and I'm going to ask you some few questions about it.---Sure.

It's an excerpt from telephone intercept 5647.---Will you be bringing that up on the screen, Counsel?

Yes, the transcript will come up on the screen and the audio will I hope come through the speakers.---Thank you.

AUDIO RECORDING PLAYED

[10.53am]

MR ROBERTSON: Now, can we go back to the first page of the excerpt of the transcript, please.---Sure.

10

The second thing – or first, I take it you accept that the two voices - - -?
---Yes, that's - - -

- - - that you could hear, one was yours and one was Mr Maguire's?---Yes.

THE COMMISSIONER: Did you see the date of it, Mr Elliott?---No, I didn't.

29 January, 2018.---Thank you.

20

MR ROBERTSON: And do you see the second thing that you're quoted as saying is, "We're about 12 months out." Do you see that there?---Yes.

12 months out from what?---From re-election, or sorry, from the New South Wales election.

THE COMMISSIONER: From last year's state election.---Yes, yep.

MR ROBERTSON: And you then say, "Are you having any thoughts as to which way we might head?"---Yes.

30

What did you mean by that?---That was in reference to was he going to retire or to seek re-election.

So I take it, then, that as at January of 2018, you had had discussions with Mr Maguire during the course of which he made it clear to you that he was unsure as to whether or not he would stand for parliament at the next election due in March of 2019, is that right?---Yes.

40 And then you see Mr Maguire says, "This point in time I think I'm going to have to go again." Do you see that there?---Yes.

And he says, "Sadly, I think I'm going to have get Country Garden fallen over." Do you see that there?---Yes.

What's the reference to Country Garden as you understood it?---Country Garden, I'm not too sure of the actual details of it, but that was one of the businesses that Mr Maguire had been dealing with.

Or at least as at January of 2018, what did you understand were Mr Maguire's attempted dealings with Country Garden?---I don't know the exact details.

You might not know the exact details but at least in general terms, what is this issue concerning Country Garden?---My understanding was he was looking to do dealings with Country Garden. I can't give you more information.

10

What sort of dealings?---I don't know, I don't know more information.

What was Country Garden, as you understood it, in January of 2018?
---Country Garden is, I think, an Australian-based business. I, I don't know too much about it.

A business in what field?---Not sure.

20

Well, this particular recording it sounds like Mr Maguire thinks that you have some idea as to what Country Garden actually is.---Right, well, he referenced - - -

Do you agree with that?---Yes. Yeah.

So you must have had some idea as at January of 2018 at very least what field Country Garden was in?---Well, if it's the one that I'm thinking of, I thought they were involved in hay and chaff so I, I might be - - -

30

In what, I'm sorry?---Hay and chaff.

Is that all you understood Country Garden to have anything to do with in January of 2018?---I think so.

Hay and chaff?---I, I believe so. I'm, I'm really unsure.

Well, I'm response to this you don't say to Mr Maguire, "Well, what the hell is Country Garden? I don't know what you're talking about."---No, I don't.

40

The context, at least sounds to my ears, as being we might have chatted about Country Garden, perhaps over a glass of red or a barbecue.---It's a name that's familiar, it's a name that was mentioned on occasions but it's, but I didn't know the, I don't know the exact details of what they were doing or what they do.

Well, as you understood it, what was Mr Maguire attempting to achieve with Country Garden as at January of 2018?---I don't know, I'm not sure.

Well, at very least it must have been a way to make some money, correct?
---That would, that would be fair, yeah.

So is it fair understanding of what you understood Mr Maguire's position to be in January 2018 was that he was contemplating leaving parliament but he needed to make sure that he had sufficient money in order to do so?---Yes. You'll also note a reference on the second page to his now deceased son-in-law as well, and other expenses related.

10 THE COMMISSIONER: Can we bring that transcript back up please, Mr Grainger? Go to the second page.

MR ROBERTSON: So Mr Elliott, are you referring in particular to what's said at the top of that particular page?---Yes.

And so you understood the position to be, from Mr Maguire's perspective, that he needed money for a range of reasons?---For a number of reasons.

20 And that he was seeking to set up a – he was seeking to ensure that he had sufficient money so that he could retire from parliament?
---Yes.

And indeed that's part of the story of G8way International?---Yes.

One of the reasons, as you understood it, Mr Maguire, was seeking to set up and cultivate G8way International was so that there would be an income stream for him going forward?---Yes.

30 Hopefully it would make a lot of money so he could retire when he wanted to retire and there would be an income stream for the business going forward, is that?---That's fair, yeah.

That's the kind of thing that you would have discussed probably on a number of occasions after a few glasses of red, is that right?---Sure.

THE COMMISSIONER: Now, Mr Elliott, you introduced the next topic that Mr Maguire apparently also had a few commitments on the property front. Do you see that?---Yes.

40 What was that about?---That's in relation to his pending divorce.

Yes. And what did you know about the few commitments on the property front?---So I was aware, and I did note this yesterday, because I had done some mathematics for him, that there was a debt level that was going to be involved in order for him to pay out his now ex-wife.

And what was that?---In what terms?

What was the debt level which you identified after having done some work on it?---Oh, it could have been up around \$1 million.

Could have been or was?---It was up around that number, yeah.

10 And what was the relationship between that sum and property?---Property in reference to his own residential property and some investment properties. So he needed to, he would needed to have borrowed in order to have a marriage, or divorce settlement.

Either borrowed or made money on some deal he could undertake or execute?---That would be fair, mmm, yeah.

MR ROBERTSON: Can we go back a page, please.---Oh, sorry.

And I'll again draw your attention to a reference to Country Garden.---Yes.

20 Is it your serious evidence that in January of 2018, you thought Country Garden was to do with hay?---Yes.

Do you know now what Country Garden is associated with?---No. I - - -

You don't?---No.

You're aware that Mr Maguire attended before this Commission in a separate inquiry called Operation Dasha?---Yes.

30 And you're aware that that ultimately led to his resignation both from the parliamentary Liberal Party and from parliament?---Yeah, certainly. Yeah.

And you know that Country Garden had a role in that downfall, don't you? ---Mmm, no.

You're seriously saying you don't even know what Country Garden is sitting there in the witness box now?---No.

40 Have a look a couple lines down, Mr Maguire says, "Um, Jimmy's busy doing other stuff."---Yeah.

Do you see that there?---Yes.

Who's Jimmy?---So the Jimmy that I'm aware of was a gentleman from the far north of China, who I met in Wagga, when he brought a delegation, and hosted and took him around to various agricultural areas in that immediate Riverina area. And to my understanding, and that's why I said wheat and chaff, he was setting up a number of facilities in that Riverina Leeton area.

So are you saying that, as you understood it in January of 2018, you thought that the reference to Country Garden was associated with the Jimmy that's a couple of lines later, is that what you're saying?---I think so, yes.

And do you recall what Jimmy's other name was?---Oh, no, I'm, I'm sorry.

Do you recall what the name of his business was?---No, but I do remember doing an invoice to him for the cost of having picked himself and his delegation up. So I'm sure that'll be there.

10

And is that an invoice issued by G8way International?---Yes, it would have been, I would think.

And what was the particular project in or around the Riverina area in respect of which Jimmy was involved?---In relation to that, to that pickup, or - - -

The one that you were mentioning before, picking people up and having some involvement in what I understood you to be saying as a project of Jimmy's.---I'm sorry, oh, of Jimmy's? Of - - -

20

I thought you explained, but I may have got this wrong, that you had some involvement in a project of Jimmy's in or around the Riverina area.---Right.

Is that right, have I got that right?---Yes, no, that's not, that's not quite correct. So I received a call from Mr Maguire to pick up Jimmy and the group from Harbin, H-a-r-b-i-n, in the far north, which I did. I organised a small minibus, picked them up, took them to the local livestock selling centre. Took them to a local abattoir, took them to a grain and seed producer. Set up lunch. Then popped them back on the plane and then invoiced Jimmy for that.

30

A can you remember what entity that invoice was sent to?---No.

Does the name Liu ring a bell? Jimmy Liu?---Jimmy Liu, could be right, yeah.

Does the firm United World Enterprises ring a bell?---Oh, it, it doesn't, but - - -

40

Or UWE, if you use it as an acronym?---Yeah, yeah, perhaps, yeah.

Have a look at the particular context here. Mr Maguire, in the context of answering your question about whether or not he's going to stand for the next election or not - - -?---Yep.

- - - he's telling you "Jimmy's busy doing other stuff." Do you see that there?---Yep.

What did you understand Mr Maguire to be seeking to communicate when he's telling you that "Jimmy's busy doing other stuff"?---I'm not sure. I, I don't know.

Well, in this transcript you didn't seem to ask him.---No.

10 It doesn't seem to be coming as some surprise. It looks, at least to me, Mr Maguire thinks that you know something about Jimmy and something about the fact that it might be relevant to your question that "Jimmy's busy doing other stuff."---I don't know, I - - -

Well, what relationship if any did you understand Mr Maguire to have with Jimmy as at January of 2018?---It was my understanding that, that he had organised or facilitated or - - -

Sorry, keep going.---I'm sorry - - -

20 No, I'm listening.---He, that he had organised or facilitated a, an opportunity for Jimmy to purchase some land in that, that Leeton, Whitton area for this, this hay and chaff thing that I spoke of.

So are you saying, as best you can now recall, you thought that Mr Maguire saw Jimmy as a potential source of money, which may affect his decision as to whether or not he would stand for parliament on the next occasion?
---That would, that would be fair.

And is that the extent of it that you can now recall?---That's all I can recall.

30 Was there any suggestion by Mr Maguire that Mr Maguire would have some or might have some involvement with Jimmy's business, might act as a consultant or might - - -?---Yes, I think that would be right, yes.

And what can you recall regarding that particular matter?---Nothing specific. Just as you described it, that there'd be a, an involvement, a, I don't know, a consultancy, a directorship, I'm not sure.

40 And what's your basis for that understanding? Is there something that Mr Maguire discussed with you or was raising with you as a possibility?
---Look, possibly. We, we spoke of a lot of things.

No, but - - -?---I'm not - - -

I appreciate you're working from recollection, but it sounds like you've got some basis for agreeing with the proposition that Mr Maguire might have

been intending or seeking to play some role within Jimmy's company.
---That, that would be consistent with discussions over time. But I, I can't specifically remember anything related to that.

10 So do we take it from that that one of the things that you may have discussed around this period was not necessarily just income streams in terms of G8way International or other income streams, but potential positions for Mr Maguire, perhaps as a consultant to an entity, perhaps on a board of directors, something on those lines?---Possibly. It seems, it seems also that every retired pollie gets themselves a board position somewhere, so that may be the case.

But you're not just speculating about this. This is something that you think may have been discussed, perhaps again over a glass of red or a barbecue.
---It may have been, but I can't specifically recall.

You don't have a specific recollection, but you're not just speculating out of the blue.---No.

20 The kinds of things that you and I have just been talking about for the last couple of minutes - - -?---Yes.

- - - is consistent with the kinds of conversations that you're having with Mr Maguire around about the time of this call being in 2018?---That would, that would be consistent, yes.

I'm just going to play you another intercepted call.---Yep, sure.

30 I'm going to go back a little bit in time, to September of 2017.---Okay.

Near this period, but a few months before.---Yep, sure.

Session number 1364. And can we play the excerpt from that recording, thanks.

AUDIO RECORDING PLAYED

[11.08am]

40 MR ROBERTSON: Mr Elliott, there was a reference there to "my friend William".---Yes.

Who's "my friend William"?---So the William I know, sorry, the William I know is William, and I think the pronunciation is Luong, L-u-o - - -

Luong, but others might spell it differently.---Yeah. Yes.

And who's he?---So my understanding of William, he's a person who had supermarkets or, or food outlets, and I recall a number of years earlier, you made reference to meat, amongst other things, chasing prices on meat on his behalf or for him.

10 So what did you understand Mr Maguire to be talking about when he's saying, when he's referring to "my friend William" and that "He said to me last night they're nearly there." Nearly there with what?---Oh, crikey, I think they were, sorry, I think they were looking to set up some supermarket distribution stuff in China, but I'm not too sure.

Well, this is something that you wanted to talk about "away from prying ears and over refreshments". Remember hearing you say that?---I don't recall that but it's obviously there, so, yeah.

Well, why did you want to talk about it away from prying ears?---I, I don't know how to answer that.

20 Well, it's obvious that it's a subject matter that you don't want to be known by the public at large.---Okay, that's fair.

That must be what you are trying to communicate with that.---Yes, okay.

But what was the subject matter, as you understood it? Something to do with supermarkets?---Well, I can't recall. I just thought that, that William was doing the, was setting up supermarkets through China.

30 Well, was that something that G8way International had or was to have some involvement in?---I would have hoped so, yes.

And so what was your understanding? That, what, Mr Maguire was attempting to cultivate a relationship with Mr Luong - - -?---I think so.

- - - regarding supermarkets in China?---I, I believe so.

And so how would G8way International make money out of supermarkets in China?---Through the distribution or the supply of produce from Australia.

40 And so, what, the idea was to find some New South Wales or perhaps broader Australian producers to supply to Chinese supermarkets and make some money along the way? Is that the idea?---That's my understanding.

That's your best recollection as to - - -?---Yes, sir.

- - - what was going on in September of 2017?---That's my best recollection, yeah.

THE COMMISSIONER: What was the source of your information, Mr Elliott?---In what regard?

About this idea that Mr Luong was going to set up supermarkets in China and G8way was going to make money through - - -?---Oh, just would have, it just would have been with discussions with Mr Maguire.

10 Do you have a clear recollection of Mr Maguire telling you that was what was happening with Mr Luong?---No, not specifically. I just, it, it's just one of those things that I can recall in, in general discussion. I can't, I can't - - -

Are you being truthful with the Commission, Mr Elliott?---I'd like to think I am, Commissioner.

No other idea that what Mr Maguire was referring to with Mr Luong might involve something in Australia?---Not, not that I'm aware of, Commissioner.

20 What did you regard as "flash money"?---Oh, flash money is cash, isn't it? Some - - -

I'm asking you, Mr Elliott. Don't ask me questions.---I'm sorry. I apologise, Commissioner. Cash money.

It sounds like it means a large amount of money, not just walking-around money, which I think is an expression you used yesterday.---I, I, I don't, I don't know.

30 Well, it's occurring in a conversation in which Mr Maguire is asking you, as I understand the conversation, how much money there was in G8way. Do you agree?---Yes, correct.

And you both appear to be of the view that there isn't much there.---That's correct.

And you just kicked in \$1,000, what, to top up an amount of \$5,000?---Yes.

Or was the \$5,000 in share investment?---No, that's additional.

40 So you had \$6,000 in cash, which you topped up, which included \$1,000 and then some shares?---Yes.

And Mr Maguire appeared to think that wasn't a lot of money in the scheme of things.---Right. Yes.

So in that context, what sort of money were you talking about when you talked about flash money?---I have no idea.

MR ROBERTSON: As at September of 2017, you had a close friendship relationship with Mr Maguire, correct?---That's true, yes.

You had a business relationship through G8way International but also a personal relationship. Correct?---Yes.

You would be over at his house regularly for glasses of wine and barbecues, et cetera?---Not regularly but often.

10 At least from time to time?---Yes.

He'd be over at your house from time to time as well?---From time to time, yes.

You would discuss all sorts of things, everything from business to politics to sport and whatever else?---Yes.

20 You would exchange with him or you would have discussions with him as to both matters of business and matters of personal concern as well. Correct?---Yes.

For example, he would have discussed the problems he was going through in terms of divorces, sicknesses and various other things of a personal nature. Correct?---Yes.

Mr Maguire kept you intimately informed as to some of the financial difficulties that he was facing throughout this period. Correct?---Yes.

30 He also kept you intimately informed as to the kind of things that he was trying to do in order to get out of those financial difficulties. Correct?---Yes.

You're aware that Mr Maguire gave evidence before this Commission in Operation Dasha in July of 2018. Correct?---Yes.

You know that there was significant criticism of Mr Maguire in relation to his relationships with property developers. Correct?---Yes.

40 You're aware, for example, that there were telephone intercepts that were played in July of 2018 before this Commission regarding Mr Maguire seeking to obtain commissions for brokering property deals. Correct?---I'm not sure of the date but, yes, I'm aware of that.

Mr Maguire kept you intimately informed at the time that he was attempting to broker property deals that he was attempting to make those property deals take place. Correct?---No.

In September of 2017, when Mr Maguire is talking about William, he's not talking about anything to do with supermarkets in China at all, is he?---I don't understand.

He was talking about a property deal he was attempting to procure through Mr William Luong. Do you agree?---No. I don't understand.

10 Mr Maguire, to your knowledge, was attempting to get himself out of his financial difficulties by doing a very significant property deal through Mr William Luong. Do you agree?---I'm not aware of the specific deal you're talking of.

Well, do you agree that Mr Maguire at least kept you informed of attempted property deals, property developments, possible property sales, matters of that kind that he was seeking to procure in or around September of 2017?---I can't recall the date, but we spoke of a lot of matters and, yes, certainly property would have been one of those.

20 So you're accepting that one of the things that you discussed in or around September of 2017 was Mr Maguire's attempt to get property deals across the line. Is that right?---I'm unsure of the date but I'm accepting that would be the case.

Well, what particular property deals do you have in mind?---I, I don't know. I'm not aware of a particular or specific property.

Well, you've accepted that you had a close friendship relationship where you've discussed all manner of matters, business and personal.---Mmm.

30 You're not seriously suggesting that Mr Maguire didn't share matters of this kind with you, are you?---We spoke of a lot of things.

Spoke of a lot of things including Mr Maguire's attempts to get property deals over the line. Correct?---Well, he, he may have, yes.

Did Mr Maguire ever speak to you about a property deal that he was attempting to facilitate in or around the area of what's to become the Sydney West Airport?---No.

40 Are you quite sure about that?---I'm unsure about anything at the moment but I don't recall specifically that.

Wasn't that Mr Maguire's ticket out of the financial difficulties, including those that he was discussing with you, that he might be able to broker a property deal between William Luong?---I, I don't recall that.

You don't have any recollection of matters of that kind?---No. You'll have something I'm sure but I don't recall it.

Are you giving truthful evidence, Mr Elliott?---I'd like to think I am.

Are you trying to distance yourself from the particular problems that Mr Maguire faced in particular in the previous inquiry Operation Dasha?
---No, not in the least.

10 So it's your honest evidence, is it, that you didn't discuss issues of property development, in particular didn't discuss any issue concerning a property development or potential sale of property in or around what's to become the Sydney West Airport in 2017 or 2018?---We may have. I don't have a specific recollection of that.

And are you still saying that your best recollection as to the context in which William Luong was discussed on 6 September 2017 in the intercept that I played you a moment ago was something to do with supermarkets - - - ?---That was - - -

20 - - - and nothing to do with property developments? Is that your best recollection sitting here now?---You're making it so difficult because I just don't know. Yes, that's my best recollection. We spoke, as I said to you earlier, of a lot of matters but I can't specifically remember, no.

I tender the excerpt from the first intercept I played, which is telephone intercept 5647 and the accompanying transcript.

THE COMMISSIONER: That will be Exhibit 152.

30 **#EXH-152 – AUDIO RECORDING OF INTERCEPTED TELECOMMUNICATION SESSION AND CORRESPONDING TRANSCRIPT FOR SESSION 5647**

MR ROBERTSON: And then I tender the excerpt played from telephone intercept session 1364 and the accompanying transcript.

THE COMMISSIONER: That will be Exhibit 153.

40 **#EXH-153 – AUDIO RECORDING OF INTERCEPTED TELECOMMUNICATION SESSION AND CORRESPONDING TRANSCRIPT FOR SESSION 1364**

THE COMMISSIONER: Mr Elliott, did you and Mr Maguire keep your telephone conversations, such as the one we've just heard, deliberately vague because of a concern about what you've described in that

conversation, either you or he I think as “prying ears?”---I don’t know, Commissioner, that we did at the time, but looking back at that we obviously did.

Were you concerned that somebody might be listening to your telephone conversations?---I hadn’t considered at the time but I’m imagining, yes, that must have been the case.

10 Well, somebody, one of you considered it because the reference to “prying ears” is clearly a concern that somebody’s listening to your telephone conversation, isn’t it?---Yes, it is, yeah.

And was that a concern you and Mr Maguire had because of the lengths you had gone to over the period of six years or so, five or six years prior to this conversation to conceal his involvement in G8way?---Yes.

MR ROBERTSON: Did Mr Maguire ever suggest to you that he was concerned that someone might be listening in to telephone conversations? ---Not that I can recall specifically, no.

20

Commissioner, I’m about to move onto another topic. It will take a little more than 10 minutes, it might be a convenient time for an early morning tea.

THE COMMISSIONER: Yes. So we’ll take a morning tea adjournment now, Mr Elliott, for 15 minutes. Please return after that time.

30 **SHORT ADJOURNMENT** **[11.22am]**

THE COMMISSIONER: Please be seated, Mr Elliott. You are bound your affirmation, as you understand.

MR ROBERTSON: Now, Mr Elliott, just to assist you with your recollection on the matter that we were discussing just before morning tea, I’m going to play you a further telephone intercept. This one’s numbered 1201. Just to help you get your bearings, this is a few days before the last telephone call that I played. So we’re still in September, a couple of days before the last one that I played to you.---Okay, thank you.

40

AUDIO RECORDING PLAYED **[11.45am]**

MR ROBERTSON: So Mr Elliott, the one that played to you before the morning tea break, 6 September, 2017, I’ve now played you one, 7 September, 2017, only a few days apart. On both of those telephone calls

there is a reference to Jimmy, a reference to William and a reference to Country Garden. Surely you knew what was being referred to by Mr Maguire when he's referring to William and Country Garden.---I, I didn't. I acknowledge that it's connected there, William to Country Garden, but I, as I said to you before the break, I don't know the exact details of that.

10 THE COMMISSIONER: You said, "Beautiful," in response to what Mr Maguire told you. That is not the response of somebody who knows nothing about what he'd just been told.---It was just an acknowledgement, Commissioner. May I just read? So my understanding would be that obviously an arrangement's been made between Mr Maguire and William and I've responded saying, "Beautiful."

And something called Country Garden.---And Country Garden. So William is Country Garden, okay.

20 And so you would ask this Commission to believe that your response is one made within total ignorance of what Mr Maguire has just told you about? Total ignorance of the substance of what Mr Maguire is telling you about? ---No, not, not total ignorance but I, I don't know, and I didn't know, the exact details.

30 Well, to the extent that you knew anything, what was your understanding of what Mr Maguire was referring to when he said, "William is still toiling away with Country Garden. We'll get it over the line"?---Well, my initial reaction was what I said to you earlier, sorry, I should be directing to you, as I said to you earlier that I thought it was supermarkets. I, I didn't understand that there was other areas involved. I, I don't know the exact details of what Mr Maguire was dealing with the Country Garden gentleman about.

MR ROBERTSON: Well, don't worry about the exact details. Are you saying it's still your best recollection, sitting there now, that when Mr Maguire's talking about toiling away with Country Garden it's about supermarkets, is that what you mean?---That was what I believed, but you've also introduced before the break a, a property arrangement which I don't know specific details of.

40 You knew as at September of 2017 that Mr Maguire was attempting to make money out of property developments, didn't you?---Yes.

And you knew that he was attempting to make money out of property developments associated with William Luong, correct?---I didn't know it was specifically with that but - - -

You knew William Luong was a potential source or conduit to money out of China, correct?---Could you be more specific?

Well, Mr William Luong was someone that Mr Maguire had contact with and who might be able to procure money for projects?---Investments.

For investments including property developments, correct?---Okay, yes.

Both property developments perhaps, or perhaps sale of properties, correct?---Yes.

10 Mr Luong had access to significant amounts of money. In other words he would be in a position, as you understood it, to broker deals associated with property in the many millions or perhaps tens of millions of dollars, correct?---I'm, I'm saying yes without knowing any of the details.

I'm not worried about the details at the moment. You at least accept, don't you, that in general terms, you knew as at September of 2017 that William Luong was a potential conduit through which money could be obtained for business projects, correct?---Yes.

20 And business projects might include property sales or property developments, correct?---Yes.

You knew as at September of 2017 that Mr Luong had some association with Country Garden. Correct?---Yes, obviously, yes.

What business line was Country Garden in as you understood it as at September of 2017?---I don't know. I thought I explained that earlier. I thought it was a supermarket-related activity.

30 Are you denying that you knew as at September of 2017 that Country Garden had something to do with potential property development?---I have no recollection of that.

You at least know now, don't know, that Country Garden was an organisation that was referred to in the Operation Dasha inquiry. Correct?---Sorry, could you just repeat for me?

40 You know that Country Garden was an entity referred to in the course of the evidence that Mr Maguire gave in July of 2018 before this Commission. Correct?---I know that now, yes.

And so you at least knew by that date, that was 13 July, 2018, that Country Garden was associated with property development. Correct?---By association, yes, but - - -

What do you mean, by association?---Well, after your last couple of questions and, and statements, yes.

Well, I want to suggest to you that you knew that not just when it was revealed before this Commission, you knew that beforehand. Do you agree?
---Yes.

You knew it beforehand because Mr Maguire - - -

10 THE COMMISSIONER: Mr Elliott, I want to make sure that you are answering questions based on your knowledge. You should listen to the questions very carefully and make sure that when you respond, as I say, you're responding from your own knowledge of the situation.---My own knowledge, Commissioner, is I don't have any recollection but the, the evidence before me suggests that it's yes.

At the time of the transcripts which have been played to you?---Yes.

So has your memory faded since that time, is that what you're telling the Commission?---I'm sorry?

20 You're saying you don't presently have a recollection, as I understand your evidence, of knowing in 2018, or 2017, I'm sorry, about Country Garden, but once you were played this tape, the telephone intercepts which show Country Garden being referred to, that that - - -?---That would seem to be the case.

- - - would indicate you knew about it at the time?---Yes.

Thank you.

30 MR ROBERTSON: So don't let me put words in your - - -?---Sorry, I - - -

Don't let me put words in your mouth, Mr Elliott, but is a fair summary of your evidence what you've just explained in response to the Commissioner's question?---Yes.

And so sitting there now, having listened to these telephone communications, is it right to say you realise that you must have known as at September 2017 that Country Garden was associated with property development?---I must have. I had no recollection of that, but yes, I guess.

40 And having listened to those, you accept that that's the thing that Mr Maguire is speaking to you about in the September telephone communications that we've played. Is that right?---I accept that.

Can we just have that transcript back on the screen. Just have a look towards the top. "Oh, well, I'm just gunna, I'm just gunna get this deal done for Jimmy." Do you see that there?---Yes, yes.

It's another reference to Jimmy.---Yeah.

And I take it that, as you understood, it's the same Jimmy, the subject of the other telephone call that I played you before the morning tea break?---Yes, that would, yeah.

What was the deal that Mr Maguire was speaking about, as you understood it in September of 2017?---Look, I'm not sure but my, my recollection of anything with Jimmy was to do with the, the, the wheat and the chaff and the manufacture over in that Riverina area.

10

And then if you just have a look, the second thing Mr Maguire says is he's got the building contract that he wants to let out. Do you see that there?
---Oh, okay, yes.

Now, does that help with your recollection as to what the deal associated with Jimmy might be, noting that it appears that Mr Maguire's saying at least that a building contract might be involved?---Well, my understanding with that would be in relation to the building and the property in that area.

20

And so do you agree that as best you can understand it now, there's two things that Mr Maguire's talking about, one is the deal for Jimmy, which your best recollection is it's got something to do with wheat?---Yes.

And there's a separate issue to do with Mr William Luong associated with Country Garden. Correct?---Yes.

30

And do you accept, having had the benefit of the telecommunications played back to you, that what Mr Maguire was probably talking about in September of 2017 regarding Country Garden was something to do with property development, perhaps sale of property. Is that right?---Again I have no recollection of it but I accept that that's the case.

THE COMMISSIONER: When you refer to that area in relation to Jimmy, is that the area around Leeton you referred to earlier?---Yes, Commissioner, yes. I think – oh, sorry, excuse me, I think, I think the actual area was Whitton, which is an area very close to Leeton.

How do we spell that, please?---W-h-i-t-t-o-n.

40

Thank you.---Whitton.

MR ROBERTSON: Commissioner, I tender the excerpt of intercepted telecommunication 1201 and the associated transcript.

THE COMMISSIONER: Thank you, that will be Exhibit 154.

**#EXH-154 – AUDIO RECORDING OF INTERCEPTED
TELECOMMUNICATION SESSION AND CORRESPONDING
TRANSCRIPT FOR SESSION 1201**

MR ROBERTSON: Now, Mr Elliott, soon after Mr Maguire appeared before this Commission in Operation Dasha on 13 July, 2018, it came to your notice that Mr Maguire had so appeared, and that his evidence was the subject of significant public criticism, correct?---Yes.

10

It became known to you soon after that he'd resigned from the parliamentary Liberal Party, correct?---Yes.

And that there was calls for him to resign from the parliament more generally, correct?---Yes.

During that period of time, between his appearance here on 13 July, 2018, and when Mr Maguire retired from parliament or resigned from parliament, did you have any communications with Mr Maguire?---Yep. Yes. Yes.

20

On one occasion or more than one occasion?---Oh, I think it would have been more than one.

During the course of that or those communications, did Mr Maguire give you any advice as to anything that you should do in light of what had happened during the course of his appearance before this Commission?---To remove any records that I may have had.

30

Now, I appreciate it's a couple of years ago.---Yeah.

But I want you to pause and do the best you can to identify what words Mr Maguire said to you, or at least words to that effect that Mr Maguire said in connection with documents and things of that kind that you've just identified.---Oh - - -

40

I appreciate that's difficult, and I appreciate you won't necessarily be able to get it word-for-word, but "Mr Maguire said these words or words to the following effect" is what I'd like you to do the best you can to tell us.---So I understand and appreciate what you're saying, yeah, words to the effect of, "Delete any records of," and I don't know whether a reference to G8way or, or "our records" or something along those lines.

So doing the best you can, something like, "Delete any records" was communicated to you by Mr Maguire?---Yes.

Now, he was before this Commission on 13 July, 2018.---Okay.

Do you recall whether that communication happened, was it on the same day, was it some later period?---The dates I'm really not sure of.

Well, really what I'm asking was it - - -?---It was after.

It was after his appearance. Was it on the same day or within a couple of days, or was there some distance of time between?---No, it would have, it, it would have been days, rather than weeks, I would have thought.

10 And the gist of what he was saying to you, as you understood it, was "Delete things associated with G8way International," is that right?---That would be right, yeah.

What steps did you take in response to that suggestion?---I deleted or tried to delete any emails and, and, and spreadsheets and so forth.

Why?---That was what I was asked to do, so I tried.

20 For want of a better description, if Mr Maguire says, "Walk off a cliff," you wouldn't do so. Why did you agree to comply with that particular instruction from Mr Maguire?---He requested that I do so, so I did so.

You knew that there were documents associated with G8way International that might implicate Mr Maguire in relation to this Commission's investigations into him, correct?---Yes, I, yes.

30 And you deleted those documents with a view to assisting Mr Maguire, preventing those documents coming to the notice of this Commission, do you agree?---Yes.

You also knew that those documents, or some of them, might implicate you. Correct?---No, I didn't, but obviously with hindsight and with your presentation, yes.

Well, I suggest even without the benefit of hindsight, you knew that what Mr Maguire was asking you to do was a very serious matter, do you agree? ---I agree now. I didn't consider it at the time.

40 Are you seriously suggesting that you didn't realise at the time that deleting records, immediately after Mr Maguire came unstuck before this Commission, would not be a serious matter? That's not your serious evidence, is it?---It's serious, oh, sorry, it's, yes.

You knew at the time that it was a very serious matter to destroy records in the face of an inquiry of this Commission. Correct?---Yes.

You didn't just know that with the benefit of hindsight, you knew that at the time that you did it. Correct?---Yes.

You did it with the view of deflecting this Commission from evidence that might implicate Mr Maguire. Correct?---Yes.

And from deflecting the Commission from any evidence that might implicate you. Do you agree?---Yes.

10 THE COMMISSIONER: And to deflect this Commission from finding out the truth?---Yes.

MR ROBERTSON: And further, to deflect any other organisation that might investigate into the matter, be it this Commission or court or somewhere else, into finding out the truth in connection with G8way International. Do you agree?---Yes.

That's the examination, Commissioner.

20 THE COMMISSIONER: Very well. Mr Harrowell, did you have any questions you wish to ask Mr Elliott?

MR HARROWELL: Yes, very briefly thank you, Commissioner.

THE COMMISSIONER: Mr Harrowell, I think your attention has been drawn to the standard directions of this Commission that before you commence cross-examination you're required to identify its purpose, identify the issues you want to canvass and state whether you're proposing to make any contrary affirmative case.

30 MR ROBERTSON: And can I indicate, Commissioner, I've had a brief discussion with my learned friend on a particular topic.

THE COMMISSIONER: Oh, I see. Yes.

MR ROBERTSON: If that's the topic then I support the application.

THE COMMISSIONER: Very well.

40 MR ROBERTSON: But it may all have got broader or narrower in the time that I've spoken to my friend.

THE COMMISSIONER: Hasn't been enough sharing up here, Mr Harrowell. I apologise. Please continue.

MR HARROWELL: Thank you, Commissioner. No, I will be sticking to what I've discussed with my friend.

THE COMMISSIONER: Thank you.

MR HARROWELL: Mr Elliott, you remember yesterday you were asked a number of questions by my learned friend regarding distributions by G8way.---Yes.

And you were asked how many distributions were made by G8way.---Yes.

10 And you indicated that there was only one distribution that you could remember.---Yes.

Are you sure that there was only one distribution?---No, I'm not sure but that's my memory or recollection.

And at any given time how much cash did G8way have in your safe where you were keeping the cash?---Oh, a few thousand dollars.

But to the best of your recollection only one distribution - - -?---Yes.

20 - - - of cash was made from that safe to Mr Maguire?---No, I don't recall that.

Well, when - - -?---I thought we were referring to just, we're referring to distributions through the, the four or five people who were on that list.

Yes, and I thought you gave evidence yesterday to the effect that the distribution to Mr Maguire was done in cash rather than bank transfer.---Is that, am I able to see if that's right? I don't recall. Did I?

30 Well, if I could take, if the witness could be shown - - -?---Yes, I'm happy for you to do that, yes.

- - - page 80T of the transcript from yesterday.---Yeah. I'm not denying it, it's just all a bit overwhelming. I'm just trying to work out what's what.

THE COMMISSIONER: Are we able to bring that up, Mr Grainger?
---Thank you.

40 You just have to wait a minute please, Mr Harrowell.

MR HARROWELL: Apologies.

MR ROBERTSON: Thank you, Commissioner.

MR HARROWELL: If you could do this for me please, Mr Elliott. If you could just read the paragraph starting next to 10 down to the end of 30 on that page.---Yes, thank you. I accept that.

So the distribution of – there was a distribution of cash to Mr Maguire?
---Can I just leave that up on the screen for moment? Is that okay?

I have no control over that but I'm sure the Commission's - - -

THE COMMISSIONER: It's still there, Mr Elliott.---Thank you.

MR HARROWELL: And I think the reason it was done in cash is because
that cash that was distributed hadn't been recorded, according to your
10 evidence, in the books of G8way?---Yes, that's the case.

And I think you've already given evidence - - -?---To that effect.

- - - to this Commission to the effect that that was to conceal Mr Maguire's
involvement with G8way?---Yes.

So just to be clear, I know that people have tried to exhaust your
recollection today, are you aware of any other distributions?---No, I'm not.

20 And G8way wasn't a great success, was it, Mr Elliott?---No, it wasn't.

And the vast majority, if not nearly every business venture, was a failure?
---Yes. That's fair.

And generated little cash or almost no cash?---Yes.

I have nothing further, Commissioner.

THE COMMISSIONER: Thank you, Mr Harrowell. Mr Robertson, have
30 you had a similar conversation with Mr Hutchings?

MR HUTCHINGS: Commissioner, we haven't had such a conversation, if I
might pre-empt Mr Robertson.

THE COMMISSIONER: Thank you. Can you - - -

MR HUTCHINGS: Might I have the opportunity to have a brief conference
with my client before seeking, and I'm not sure that I will, but before
40 making an application to re-examine?

THE COMMISSIONER: Yes, by all means. How long do you think you
will be, Mr Hutchings?

MR HUTCHINGS: 10 minutes, Commissioner.

THE COMMISSIONER: Very well. So Mr Elliott, Mr Hutchings is going
to have a talk with you before he decides whether he wants to ask you any
further questions.---Okay.

So we'll adjourn for 10 minutes.

MR HUTCHINGS: Thank you, Commissioner.

SHORT ADJOURNMENT

[12.07pm]

10

MR HUTCHINGS: Commissioner, can I thank you for the time.

THE COMMISSIONER: Please be seated, Mr Elliott. Yes, Mr Hutchings.

MR HUTCHINGS: Thank you, Commissioner.

MR ROBERTSON: Sorry, my friend might need to move the microphone a little bit closer to him because it's difficult to hear anyone be picked up.

20

MR HUTCHINGS: I thank my learned friend and I hope that's better. Commissioner, thank you for the time. I don't propose to re-examine Mr Elliott.

THE COMMISSIONER: Very well. Thank you, Mr Hutchings. Mr Robertson, did you want to ask any questions arising out of Mr Harrowell's questions?

30

MR ROBERTSON: I don't, Commissioner, but in my submission you wouldn't release the witness from the summons at the moment because it may be that other evidence emerges in respect of which it may be necessary to call Mr Elliott again.

THE COMMISSIONER: Yes. Mr Elliott, do you understand you can leave the Commission now but you're not released from your summons, so it is possible that we will recall you during the course of this public inquiry. ---Okay.

Very well.---Thank you.

40

You may leave.---Thank you. Do I just stand and leave?

Yes, you may leave.---Sorry, I - - -

THE WITNESS WITHDREW

[12.21pm]

MR ROBERTSON: I'll call the next witness now if that's convenient.

THE COMMISSIONER: Yes.

MR ROBERTSON: I call Nicole Hatton.

THE COMMISSIONER: Yes. Is your name Nicole Hatton?

MS HATTON: Yes.

10 THE COMMISSIONER: Do you wish to take an oath or make an affirmation?

MS HATTON: Ah - - -

THE COMMISSIONER: Do you wish to evoke your, the evidence you're going to give today?

MS HATTON: Yes.

20 THE COMMISSIONER: Do you want to take an oath or make an affirmation?

MS HATTON: I'm not quite sure I understand what that means.

THE COMMISSIONER: So one is you swear on a Bible to tell the truth and one is you affirm that you will tell the truth.

MS HATTON: The Bible's fine.

30 THE COMMISSIONER: Very well.

MS HATTON: Sorry.

THE COMMISSIONER: Could you please stand, Ms Hatton.

MS HATTON: Yeah.

THE COMMISSIONER: And I think you're represented today by Mr Jones?---Yes.

Is Mr Jones here?---Yes.

MR JONES: Yes.

10

THE COMMISSIONER: Very well. Mr Jones, have you explained Ms Hatton's rights under the Independent Commission Against Corruption Act?

MR JONES: Yes, I have.

THE COMMISSIONER: And do you seek a section 38 declaration?

MR JONES: Yes, I do.

20

THE COMMISSIONER: Very well. Could you just listen to what I'm about to say very carefully, please, Ms Hatton. As a witness you must answer all questions truthfully and produce any documents, any items described in your summons or any items which I require you to produce. You may object to answering a question or producing an item. The effect of any objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to two exceptions, any criminal or disciplinary proceedings. The first exemption, the first exception is that this protection does not prevent your evidence being used against you in a
30 prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence for which the penalty can be imprisonment for up to five years. The second exception only applies to New South Wales public officials. Mr Robertson, do you understand Ms Hatton to have been a public official at the time of the events the subject of the inquiry?

MR ROBERTSON: Yes. For at least part of the period and perhaps for all of it.

40

THE COMMISSIONER: I don't understand you're working in Parliament House any longer. Is that correct?---No, I haven't for quite a few years.

Very well. So although you're no longer what might be described as a New South Wales public official, you were at the time of the events, so I'll explain the second exception to you, and that is that evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding that that public official engaged in or attempted to engage in corrupt conduct.

I can make a declaration that all answers given by you and all items produced by you will be regarded as having been given or produced on objection. What this means is that you don't have to object to every question or to any production of each item. I understand from Mr Jones you'd like me to make that declaration?---Yes.

10 Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness, and all documents and things produced by her during the course of her evidence at this public inquiry, are to be regarded as having been given or produced on objection, and there is no need for her to make objection in respect of any particular answer given or document or thing produced.

20 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS, AND ALL DOCUMENTS AND THINGS PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY, ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR HER TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes, Mr Robertson.

30 MR ROBERTSON: Can you state your full name, please?---Nicole Hatton.

And you were employed as an additional temporary staff member in Daryl Maguire's office in 2010, is that right?---No.

When did you first become employed by either Daryl Maguire or by the parliament?---It was either - - -

So you might need to get a little bit closer to the microphone, just so you can be picked up.---Sorry. It was either 2011 or 2012.

40 So at least as at 2011 or 2012, you were employed as an additional temporary staff member through the parliament, is that right?---Yes.

And the first job through the parliament was with Mr Maguire's office, is that right?---Yes.

Mr Maguire, when you first were employed through the parliament, was the Opposition Whip, is that right?---No, he was the whip.

He was the Government Whip at that point in time?---Yes.

So we can follow from that, I take it, that you were first employed after the 2011 election, is that right?---Yes.

Were you employed on a full-time, part-time, or casual basis when you were an additional temporary staff member first employed to assist Mr Maguire?
---It's, it would be classified as a casual, because it's only, additional temporary staff, it's only for a small amount of hours within a week.

10

And so I take it from that that you would need to fill out something in the nature of a time sheet?---Yes.

And when you filled out those time sheets, who would be responsible for authorising or approving them?---Daryl Maguire.

So as a matter of practice, you were required for a particular number of hours in a week, you'd put that on a time sheet and present it to Mr Maguire for approval, is that right?---Yes, that's how we - - -

20

And that - - ?---And then it turned electronic.

And that time sheet, in hard copy in the first instance, later electronically, would then go into the parliamentary system through which you would then be paid, is that right?---Yes.

30

And do we take it from that status as a casual or additional temporary staff member, your requirements on a week-to-week basis would change? You might do a large number of hours one week, you might do a small number of hours in a subsequent week, is that right?---It would usually depend on when parliament was sitting.

And so is it fair to say that during a parliamentary sitting week you would be required, as a matter of practice, for more hours than you would in a non-parliamentary sitting week?---Yes.

You ultimately went to work for the member for Vacluse, Gabrielle Upton, is that right?---Yes.

40

And around about when did you go to work for her?---I think it was, it was maybe November or December, it was, it must have been the end of 2012.

So you start working for Mr Maguire in 2011, is that right?---Yeah, it was the end of – oh, I'm trying to remember, sorry – the, the latter half of the year of 2011, and then I went to Gabrielle Upton's office in - - -

So you were, in the first instance - - ?---I think November.

So in the first instance you were with Mr Maguire for sort of just over a year, between a year and a half, is that right?---Probably about 14, 13 months, 14 months.

And then you went to work for Ms Upton, is that right?---Yes.

You kept in contact though with Mr Maguire in the time that you were working for Ms Upton, is that right?---Yes, we kept in contact, because I was in parliament, so I...

10

Then you ultimately returned to work for Mr Maguire in about early of 2015, do I have that right?---Yeah, yep, it would have been around, I think so, yes.

And again, was that on a full-time, part-time, or casual basis?---Again, ATS.

And so similar procedure, but probably by that point in time it was electronic rather than in hard copy.---Yes.

20 THE COMMISSIONER: So is ATS a - - -?---Additional temporary staff.

Thank you.---Sorry.

MR ROBERTSON: And again, Mr Maguire would have to approve the hours on a week-to-week basis?---Yes. Or when you submitted them.

And so in effect, as you understand the position, members of parliament – particularly those who have an office like the office of whip – have, as it were, an allowance that they can use on additional staff, and you formed part of that particular allowance, is that right?---That’s correct.

30

When you were first employed as an additional temporary staff member, what training, if any, did you receive regarding your roles and responsibilities in that office, or in that role?---There was no training.

No training at all?---No. There was on-the-job training.

Were you, for example, given a copy of the Code of Conduct for Members of Staff?---Not that I recall.

40

Did anyone explain to you what obligations you had as an additional temporary staff member under that code of conduct?---Not that I recall.

Did anyone sit you down and say, “These are going to be your responsibilities generally and here are a series of particular duties that you need to make sure you comply with”?---I was told what role I would fulfil within the office.

And did it go any further than that in terms of induction, training, anything of that kind?---No. There was no induction.

So you had an idea as to the particular tasks that you might perform but not necessarily particular responsibilities that you might have as an employee formally employed through the parliament?---Not that I can recall.

10 Did Mr Maguire, for example, sit you down and say, “Well, these are responsibilities that you have as a staff member who’s going to be paid by the taxpayer and employed through the Department of Parliamentary Services”?---Not that I recall.

Can we go please to Exhibit 105, at page 244, which is volume 1, public inquiry brief, also page 244.

THE COMMISSIONER: So, Ms Hatton, if you look at the screen in front of you, it’s the document that Mr - - -?---I know, it’s – yeah, I know. It’s just very, sorry, I have to lean back because otherwise I can’t see it properly.

20 MR ROBERTSON: That’s no difficulty at all. That screen can actually move as well and so if there’s an easier position for it, you’re more than welcome to - - -

THE COMMISSIONER: Well, it can’t go further than it is, I think.---Oh, okay.

I think the problem is the distance between - - -

30 MR ROBERTSON: You may be able to – if it goes up.---That’s fine. It’s better now. It’s not so large.

I’ve put up on the screen a document called Code Of Conduct for Members of Staff. Do you see that there?---Yes, I do.

Have you seen that document before today?---Probably. I may have. I may, when I started, I probably signed a bunch of documents.

40 But is it right to say you don’t have a recollection one way or another whether you received it, were given it, read it, signed it at the time that you were first employed as parliamentary staff?---I don’t have the recollection of it, but it may have been in a pack with all of the details that you need to provide.

But you don’t have a specific recollection one way or the other?---No, I don’t.

And I think you're saying no one, be it Mr Maguire or anyone else, sat you down and said, "These are the kinds of obligations that you have as a member of staff"?---No.

And that was the case, was it, both when you commenced with Mr Maguire in 2011 and when you recommenced with him in 2015?---No.

There was no induction of the kind that we've been talking in either of those two roles?---Not that I'm aware, not that I can recall at all.

10

And do we take it that was also the position when you went to work for Ms Upton in the latter part of 2012?---That's correct.

For Ms Upton, is it right that you were an electoral officer for her?--- Yes.

And so you were principally based at her electoral office, is that right?
---That's correct.

20

But you would come to her during parliamentary sitting weeks, is that right?---We would, there would be different people in the office and we would share it out.

And during that period, you might pop and see Mr Maguire, for example, given that you, at that point in time, would both be in Parliament House?
---Yes.

30

Can we turn in the documents on the screen to page 247, please? And just before you put that up on the page, do I take it that no one explained to you, when you first went to work for Mr Maguire, what outside or secondary employment you were allowed to have or that you were not allowed to have, is that right?---No. Not, no.

Did you have any understanding as to the rule or procedures or policies in relation to that matter?---Not really, no.

40

While you were working for Mr Maguire between November 2012 – sorry, I withdraw that – while you were working for Mr Maguire between 2011 and going to work for Ms Upton, did you have approval through the parliament to undertake outside or secondary employment?---No.

And I take it you didn't seek that approval because you didn't know you needed it, is that right?---Correct.

But you at least agree, don't you, that during that period you did perform some outside or secondary employment?---Correct.

And that included providing assistance to an organisation called G8way International Pty Ltd, is that right?---Correct.

You did that with the permission of Mr Maguire?---Correct.

In fact you did that on the instructions of Mr Maguire, is that right?
---Correct.

10 Can we have page 247 of volume 1 on the screen, please, Exhibit 105, and I draw your attention – and if you want us to either zoom in or zoom out, simply say the word.---No, that’s okay. I can, I can see it if I set here.

Can have a particular look at clause 4.2. “You should inform your member of outside employment you wish to undertake,” et cetera, “and you are required to obtain prior approval from the Clerk of Legislative Assembly to the Clerk of Parliaments before engaging in any paid outside employment.” Do you see that there?---Yes, I do.

20 And I take it that you didn’t have the prior approval from the Clerk of the Legislative Assembly in relation to outside employment with G8way International Pty Ltd?---No, I did not.

Did you ever receive any payments from G8way International Pty Ltd in relation to work done for the benefit of that organisation?---There was one payment that I think was from Phil. I think it was about \$300.

And so it was one and only one?---As far as I recall, yes.

30 From time to time did you receive reimbursement in relation to expenses?
---When I would drop off passports for visas, that I would just pay for it and then I would be get reimbursed for it. Because with the Chinese Embassy, you had to pay it right there.

Was that the only kinds of reimbursements you received in connection with G8way International activities?---Yes, as far as I’m aware.

40 Did you ever undertake any travel either with Mr Maguire or not with Mr Maguire in relation to G8way International activities?---We went to China but it wasn’t in relation to G8way International. It was, from my recollection it was for, Mr Maguire was wanting to set up a, like a distribution centre in Wagga Wagga as the Member for Wagga Wagga.

When did that trip take place?---Let me see, July 2012.

Do you recall the name of that centre that you just referred to or what it was going to be called if it got off the ground?---I don't know what the centre was called. It was - - -

Does the name or the city name Wuai ring any bells?---Yes.

And that was the particular centre that you're now referring to?---No. The centre was a distribution centre they were going to set up in Wagga.

In connection with - - -?---Oh, with - - -

- - - organisations in Wuai. Is that right?---Yes, and from my memory it was from Australian companies as well, where they could have their goods and Chinese companies could have their goods and it was on-sold.

10 Mr Maguire had been working on that with Wagga Wagga Council and numerous other things for quite a while.

But are you saying that, at least as you understood the position, that trade centre, which we're trying to call the Wuai Trade Centre - - -?---Okay.

- - - accepting, though, that it was to be in Wagga had nothing to do with G8way International at all?---No, I'm saying that particular trip that's what I believed we went for, but there were some other people who came, like people from Wagga who did join the trip for a couple of days.

20 And who were those people?---I couldn't tell you their names.

In relation to that trip, who paid in relation to your travel expenses?
---Myself.

You paid that out of your own pocket?---Yes, I did.

What about things like accommodation and the like?---Some of the accommodation was provided for us.

30 Provided by who, do you know?---No. Daryl had organised that.

Around about when did that trip take place?---July. I'm going to say July. It was July.

July of 2012. Is that what you're referring to?---July of 2012.

40 And you said a little while ago I think that that trip was in Mr Maguire's capacity as a member of parliament and not to do with G8way International. Is that what you said?---No. I said that the reason why I believed that we were going was with the, the parliamentary role but there were also others who joined for a couple of days who were people from Wagga Wagga and I think they may have had a connection with G8way.

So at least an aspect of the trip was potential things for the benefit of G8way International. Is that right?---Yes.

Mr Maguire during the course of that trip as you understood it was wearing a member of parliament hat?---Absolutely.

He was introduced to people as Daryl Maguire MP, for example?---Yes.

You saw by attending that trip that he had access to more senior people in China because he wasn't just anyone from Sydney he was a member of parliament. Correct?---Correct.

He was the chair of the New South Wales Asia Pacific Friendship Group. Correct?---Correct.

10

And he was whip as well. Correct?---Yes.

And so those roles, as you saw it as an attendee on the trip, acted as something like a door opener that made it easier for Mr Maguire to access people at the Chinese end. Is that right?---Yes, absolutely.

And so, at least as you saw it, at least one aspect of what Mr Maguire was doing was in the interests of setting up something in his electorate in Wagga. Correct?---Yes.

20

But one aspect of it as well confirmed at least in part by who else is on the trip was potential business for G8way International. Correct?---Yes.

Now, you knew at the time you were working for Mr Maguire that Mr Maguire was associated with the G8way International business. Correct?---Yes.

In a practical sense, he was calling many of the shots to do with the G8way International business. Correct?---Yes.

30

As you understood it and as you saw it, he was effectively acting as a director of that company, along with Mr Phil Elliott. Is that right?---Yes.

Mr Maguire made it clear to you that you could do work on parliamentary time for the benefit of G8way International. Correct?---He asked me to do things, to send emails or to do some administration work.

He would ask you to send emails, he would - - -?---Yes.

40

- - - ask you to organise travel arrangements, for example.---Yes.

He would ask you to assist with visas?---Yes.

And he made it clear that that could be done on what I'll describe as parliamentary time, by which I mean stuff that's going into the time sheet that you and I referred to before that Mr Maguire's then going on to approve.---Yes.

The time sheet we referred to before, did that distinguish in any way between G8way International-type work and work that was not associated with G8way International?---No.

And so for all the other end of the process, the people that do the payroll knew, those activities, although they were for the benefit of G8way International, they wouldn't have known whether that's any different to doing work purely for the benefit of Mr Maguire's electorate. Is that right?
---Correct.

10

When you were working as the additional temporary staff member, were you just working on G8way International tasks or were you doing a range of tasks which included G8way International tasks?---The majority of tasks were all to do with parliament sitting.

So the ordinary things that one does in order to keep things up and running.
---Keep, to keep the chamber moving.

20

Keep the chamber moving, and in particular in the context of the whip, who has a series of obligations in particular in relation to backbenchers.---Yes.

Making sure there's enough people there for quorums, turning up to divisions, speaking at the right time, et cetera, et cetera.---Writing private member statements.

Writing statements, keeping the parliament running in the aspect that the whip is responsible for.---That was the majority of it.

30

But at least some of the time was spent not doing what I might describe as parliamentary activities, it was spent doing activities for the benefit of G8way International.---Yes.

But you're quite clear in your mind that you had direct approval from Mr Maguire to engage in those activities. Is that right?---Absolutely.

It wasn't something you were doing off on a frolic of your own.---Not at all.

40

Why did you decide to be involved in those G8way International activities?
---Because I worked for Daryl and Daryl asked me to.

So you were just acting, as it were, on his instructions as an employee effectively of Mr Maguire.---I worked for, I worked for Mr Maguire.

Were you concerned about the propriety of you receiving taxpayers' money as an additional temporary staff member for work for the benefit of a company, G8way International Pty Ltd?---I think Mr Maguire was thinning the boundaries of what was appropriate.

And you realised it was skimming the boundaries at the time. Is that fair?
---Yes.

It was at least a bit suspect, what you were being asked to do on
parliamentary time. Do you agree?---Correct.

Did you consider reporting that concern of skimming the boundaries to
anyone?---No.

10 Did you have any idea who you would report it to in the event that you did
want to report it?---No.

I take it, consistent with what you said before, there was no training to say
that if something was going awry within a member of parliament's office,
these are the people that you might be able to speak to for at least some
advice, if not to make a report?---Correct.

20 There was nothing of that kind?---I, there was, I had no formal induction,
training, anything like that.

And so as a formal matter you were employed by the Department of
Parliamentary Services.---Correct.

That's where the money came from.---Correct.

But as a practical matter, Daryl's the boss and he's the person that you liaise
with and you act in accordance with his instructions.---Correct.

30 That's how you understood that it worked at the time. Is that right?
---Correct, yeah.

In terms of tasks done for G8way International, we talked about booking
travel and things of that kind, I think another thing that you did was help
design the business cards for G8way International?---No, I didn't.

We'll go to Exhibit 117.---I, I - - -

THE COMMISSIONER: Ms Hatton - - -?---Oh, sorry.

40 - - - just listen to Mr Robertson's questions, please.---Oh, sorry.

MR ROBERTSON: I'm just going to show you a document and then I'll let
you give the explanation that you were about to give.---Yeah, yeah, yeah.

Exhibit 117, please. And while that's - which is volume 5, page 99.

THE COMMISSIONER: Was that code of conduct tendered in your
opening, Mr Robertson?

MR ROBERTSON: Yes, it is. It forms part of Exhibit 105, and starts on page 244 of that exhibit.

THE COMMISSIONER: Thank you.

MR ROBERTSON: Now, do you see towards the bottom of the screen, 1
May, 2012, 2.37pm, "Hi Phil, I'm putting together the business card for
G8way International," do you see that there?---They, what they – I
10 understand what this is. They provided me with the business card, and they
just wanted me to put in their, the telephone number and the mobile
numbers. So yes, if you're classifying that as designing it, but no, I didn't
create a template and the colours and – I didn't create the card. I populated
some information into it and sent it off.

So you didn't design the card, but you added some content to finish it off?
---I, I, I, I populated the information they wanted added into there.

20 So if we can just go to page 3 of this exhibit, so two pages down, just so we
can understand what you're saying there. So I take it from what you're
saying, the general design of what we can see on the screen wasn't prepared
by you, but you added some of the content to it, is that right?---Not that I,
yeah, not that I can recall, and this is a different card to what I've seen
before.

The other card you're referring to that you've seen before might be one
that's got a bit of gold and black on it, is that right?---Yes. That's what I'm
thinking of.

30 But at least, does this particular card ring any bells?---This would make
sense to me that I populated that information in there and, and sent that off
to Phil and, and, and Daryl, absolutely.

And doing the best you can, what it looks like you're able to say is that if
you look at the card towards the bottom, you see it's got a structure, it's got
things at the top and things at the bottom.---Yes.

40 If you look at the card at the top, it says "Phil Elliott, Consultant," et cetera,
and some contact details.---Yes.

Is what you're saying your best recollection is you were provided with the
template on the bottom, and you filled in the details?---Yeah, no, I could
have, I, as I said, I thought we were talking about the goldy-coloured one. I
may have just put this together based on Daryl requesting that I put it
together. I'm trying to recall if back eight years ago, sorry.

Oh, no, I understand, I'm asking you about some number of years ago. The
detail in a sense doesn't matter. This is one of the kinds of things that you

provided some assistance with, the exact details of which you can't immediately recall.---No.

Is that a fair summary of your evidence?---Correct.

Another thing I think we discussed before is booking travel, that was something that you did by way of assistance to G8way International?---Yep, I booked, I booked some flights for them.

10 And not just for G8way International itself, sometimes for business associates of Mr Maguire, is that right?---See, I really don't recall, I think I organised some hotel accommodation for a friend of Daryl's. I, to be honest with you, I really don't recall. There wasn't a great deal of it.

Let me try and - - -?---It would have been for Mr Elliott, and Daryl Maguire.

And sometimes others as well, perhaps?---Maybe a few others. But it wasn't - - -

20 But again, is this all on the specific instructions of Mr Maguire?
---Absolutely.

And this was all on parliamentary time, is that right?---Some of it may have been when I was at home. The, the travel aspect, I couldn't tell you 100 per cent.

Well, in those - so at least some of it was on parliamentary time?---Correct.

30 Not necessarily all of it?---Correct.

When it was not on parliamentary time - in the sense of not being in Parliament House, but done at home, perhaps - did that ultimately find its way onto a parliament time sheet, or not?---No. No, if I wasn't in parliament, I wouldn't - - -

40 So does that mean that, at least on some occasions, you were doing work for the benefit of G8way International, but not in Parliament House, and on your own time?---No, what I'm, no, what I'm saying is that I booked some flights, I may have finalised a few things when I was at home, just to, for more convenience, but - - -

So is it fair to say that most of the work that you did for the benefit of G8way International was in Parliament House, on parliamentary time, correct?---Correct.

There may have been little bits and pieces that were done for convenience outside of Parliament House, not on parliamentary time, for example at home, correct?---Correct.

That category of work, the smaller category of work, did that ultimately find its way onto a parliamentary time sheet?---No.

Or was that work that was just being done in your own time?---That, no, it wouldn't have found onto a parliamentary time sheet.

10 So why were you doing that kind of work if it wasn't ultimately going to find its way onto a time sheet and get you paid?---If it was only five, 10 minutes to send off an email for an airline ticket or, it's, it's five or 10 minutes, it's not - - -

And is it right that you have some experience in what I might call travel agent activities more generally?---Yes, yes.

And I think you are associated with a freelance travel agency called itravel, is that right?---itravel. Mobile travel agency.

20 And so you're in a position to access the kinds of computer services that travel agents have access to in a way that members of the general public don't necessarily have access to?---The back-of-house systems, yes.

And I take it that if you're booking something through that system, you are entitled to a commission of some sort?---Yes. Very, yes, very small.

30 So some of that outside work that was associated with travel might give you some commission but, I think you're explaining, a relatively small commission in the scheme of things?---Maybe over everything \$100 if I was pushing it.

You mentioned before that you received, I think you called it, a distribution out of G8way International on one occasion?---One occasion.

And is part of the explanation as to why you assisted Mr Maguire with G8way International work, you hoped that G8way International would be a successful organisation and there would not be just one distribution, there would be further distributions going further?---Not necessarily, no.

40 When you say not necessarily, what do you mean by that?---I worked for Daryl and Daryl asked me to do that and I did it, and they provided that one-off, and then I left Daryl in 2013 and went to Ms Upton. So it wasn't – no, I don't feel that I was connected with the company to be, you know, as a long-term plan, no.

At any point in time would have you regarded yourself as a partner within G8way International?---I wouldn't have regarded myself as a partner, not by any means.

Would you at least regard yourself as a person who might have stood to gain in the event that G8way International was a company of significant success?---I don't believe I would have because I didn't stay working for Mr Maguire.

It must have at least crossed your mind as a possibility, given that you got a distribution, albeit a pretty small one, that there might be more distributions coming in the event that it's a successful business?---No. No because I left, I left Mr Maguire and I left parliament.

10

Well, what was that distribution for, then, as you understood it?---I don't, I don't recall. I could not tell you what it was – I don't know what they had worked on. I can't remember.

Did Mr Maguire explain to you or anyone else explain to you what that distribution was for?---For the assistance that I rendered to, to them.

But you'd been paid for most of that assistance because you had been working in Parliament House at parliamentary times, is that right?---Correct.

20

But, what, it was described to you, as it were, an additional incentive or thank you for the work that you had done in the past?---I think so.

Can we go, please, to volume 5, page 210. I just want to show you an example of what we might describe as the booking travel issue. So you said you booked travel in relation to Mr Maguire and Mr Elliott, is that right? ---And Mr Elliott, and there would have been – so who else was there? And this is the trip, this is the trip that we all did in July.

30

That's why I'm drawing it to your attention. So the trip you referred to in July, is it consistent with your recollection that it involved the steps in the itinerary that we can see in your email of 13 June, 2012?---Yes.

And if you just have a look at 8 July, you see Daryl, I take it that's a reference to Mr Maguire?---Correct.

Phil is a reference to Phil Elliott, correct?---Yes.

Julian, who is Julian?---I'm going to say Julian McLaren.

40

And what was his role in the enterprise as you understood it?---He, I believe he was involved in finance but I can't be, I don't honestly know.

But why was he coming on this trip, as you understood it?---I don't know. Because of the markets.

Because of what I've called the Wuai markets?---The, the, you know, the, the terminology you're using, Wuhan markets, Wuai markets.

So he might stand to be involved in those markets, is that the idea?---I think so.

10 And is it right to say that, as you understood it, G8way International was hoping to have some role in those markets?---From this trip, from my recollection, that when you've got on here Humphrey and Lydia, they were connected, they were Chinese and they were connected. They were signing the agreement with Wagga Wagga Council and this was in regards to the markets in Wagga Wagga set up as Daryl was setting up as the member of Wagga Wagga.

As the Member for Wagga Wagga but I think you also accepted before, as you understood it, it also had something to do with G8way International as well.---There, no doubt there would have been other things that Daryl had meetings for or did other things that we weren't privy to.

20 But as you understood it the Wuai project would be for the benefit of the electorate of Wagga Wagga - - -?---Correct.

- - - but would also potentially be to the benefit of Mr Maguire himself. Is that right?---That may be correct. I'm, I'm trying to remember the complete context here. That when this, the, I'm going, the majority of this trip was all about the market for Wagga Wagga because one of the people who came on the trip, and I'm sure it was Sarah, she's a journalist and she was doing for WIN TV or - - -

30 Pardon me, Prime.---Sorry, Prime TV for, like a, a piece to, you know, was marketing it to Wagga Wagga and - - -

She may have been doing stories during the course of the visit which might then have found their way onto TV that might have been displayed in - - -? ---For - - -

- - - the regions that Prime (not transcribable) - - -?---Yes, and for the, for the Wuai market, as you're referring to it, in Wagga Wagga. This was what this trip was about and the reason to go was because it was an amazing experience to go to China and actually see it.

40 But what I just want to be clear on, is it right to say that, at least as you understood it, Mr Maguire was doing this work not just for the benefit of his electorate, only if the electorate would stand to gain by having a very large centre in or around Wagga, but also for the potential benefit of G8way International?---My, my memory and my understanding for this trip was about the Wagga Wagga markets and - - -

That's certainly one aspect of it. What I'm really asking about - - -?---There may have been, for others there may have been a smaller, there may have

been the other aspect to it. From my understanding from Mr Maguire, it was largely about the markets for Wagga Wagga.

Do you know who invited Mr Elliott and Mr McLaren to attend the trip?
---That would have been Daryl Maguire.

10 And they weren't attending, at least as you understood it, in the general interest of the electorate of Wagga Wagga. They were attending, as you understood it, at least as being people who might stand to gain perhaps financially in the event that the Wuai market project comes off. Is that fair?---That, that may be the case. I can't answer that question - - -

You don't know?--- - - - for them I'm sorry but - - -

You can't answer it for them.---No.

20 I'm trying to get what your understanding was as someone who assisted to organise the trip and who was present at the trip as well.---They were present at the trip and I think they were trying to get this whole market over the line.

But not for the benefit, as you understood it, of the Wagga Wagga electorate generally. They're not the member of parliament. They're seeking to do it in the hope that they might make some profits out of it?---For Mr Elliott and, and Mr McLaren, most likely.

30 You refer to Humphrey and Lydia a little bit further down the page. Who is Humphrey?---Humphrey is a Chinese, is, is, he's a Chinese man. I couldn't tell you what his last name was or is.

Could it be Xu, X-u?---It could be.

And what about Lydia?---Oh, sorry, I couldn't tell you that either.

But at least as you - - -?---I don't recall.

40 But at least as you understood it, both of those two individuals were associated with what I might describe as the Wuai end of the exercise. Is that right?---Yes.

And then on the first line 8 July there's a reference there to a Graham.---I don't recall, I couldn't tell you who Graham's last name is and I don't really recall who he is.

What about on the next line after Nicole it says Rebecca?---Rebecca Cartwright.

And who is she?---She works in the whip's office.

And she was working in the whip's office at this point in time?---Correct.

She also had some role in G8way International activities. Was that right?
---I couldn't tell you what role she had in G8way activities.

But sometimes you would engage in communications with her in relation to G8way International activities. Is that fair?---Yes, we did discuss it.

- 10 And so as you understood it, she was a second person within Mr Maguire's office in respect of which someone was authorised to do G8way International-type work on parliamentary time. Is that fair?---Yes.

Is that a convenient time, Commissioner?

THE COMMISSIONER: Yes. Ms Hatton, we're going to take an hour's adjournment for lunch now, so if you can return at 2.00pm, please.
---Okay.

- 20 I'll adjourn.

LUNCHEON ADJOURNMENT

[1.00pm]