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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 WEDNESDAY 30 SEPTEMBER, 2020

AT 2.00PM

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

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

THE COMMISSIONER: Mr Li, you are bound by the affirmation you made this morning.---*Yes.*

Please be seated. Yes, Mr Robertson.

10 MR ROBERTSON: Mr Li, you said this morning before lunch that one aspect of your commercial activities involves real estate. Is that right?
---*Yes.*

Has Mr Maguire ever spoken to you about doing real estate business in Australia?---*He didn't talk about it.*

Are you sure about that?---*Yes.*

20 On no occasion did Mr Maguire speak to you about doing real estate business in Australia?---*Because we never had any direct communication.*

Well, whether directly or indirectly through an interpreter, have you ever spoken to Mr Maguire or communicated to Mr Maguire about doing real estate business in Australia?---*Not between him and me.*

But has Mr Maguire ever introduced you to any projects in the real estate business associated with you or people associated with you buying or investing in real estate in Australia?---*There is no discussions of such nature between him and me.*

30 Never any communications at all between you and Mr Maguire, whether directly or indirectly through an interpreter, regarding doing real estate business in Australia. Is that what you're saying?---*From a limited contact with him, no, except this once where we discussed fruit export business in Wagga.*

So you had an indirect discussion with Mr Maguire regarding fruit export businesses in Wagga. Is that what you're saying?---*Not only once, maybe several times because we were seeking his help at the beginning.*

40 You were seeking Mr Maguire's help in relation to a potential fruit export business in Australia. Is that right?---*Yes, in Wagga.*

What assistance did Mr Maguire provide you in relation to the proposed fruit export business in Wagga?---*Yes, he did.*

What assistance, what kind of things did he do to assist you?---*He took us to have a meeting with the people from a local orange processing factory.*

And what was the name of that orange processing factory do you remember?---*I don't know. There is two.*

But what's the name of the one where you had the meeting that Mr Maguire arranged?---*I don't know about the name but there is two of them.*

Did you have any other communications with Mr Maguire whether directly or indirectly through an interpreter regarding doing real estate business in Australia?---*No.*

10

Are you sure about that?---*Yes.*

Commissioner, I apply for the direction that was made under section 112 of the Independent Commission Against Corruption Act on 26 February, 2019 in relation to the compulsory examination of Mr Ho Yuen Li be lifted insofar as it would otherwise prevent publication of the fact that Mr Li gave evidence on that date and insofar as it would otherwise prevent the publication of any question asked or answer given in this public inquiry.

20 THE COMMISSIONER: Yes, I make that order.

VARIATION OF SUPPRESSION ORDER: THE DIRECTION THAT WAS MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT ON 26 FEBRUARY, 2019 IN RELATION TO THE COMPULSORY EXAMINATION OF MR HO YUEN LI IS LIFTED INsofar AS IT WOULD OTHERWISE PREVENT PUBLICATION OF THE FACT THAT MR LI GAVE EVIDENCE ON THAT DATE AND INsofar AS IT WOULD OTHERWISE PREVENT THE PUBLICATION OF ANY QUESTION ASKED OR ANSWER GIVEN IN THIS PUBLIC INQUIRY.

30

MR ROBERTSON: Mr Li, you participated in a compulsory examination, a private hearing before this Commission in February of 2019. Is that right? ---*Yes.*

40 And do you agree that during the course of that private hearing you told this Commission about inspecting land that belonged to a female whose family owns land near the new airport in Western Sydney?---*We didn't go.*

Do you agree that you told this Commission - - -?---No, sorry. *I attended with William.*

With William Luong. Is that right?---*Yes.*

That was associated with Mr Maguire. Correct?---*He introduced an honoured consul, a lady from Tonga, but we were not very interested in this so we didn't discuss further.*

Why didn't you tell me about that when I asked you before whether you had ever had contact with Mr Maguire regarding real estate business in Australia?---*Because he had, his only role was to introduce me to this lady over dinner or lunch so he, it has nothing to do with him. It's me having a discussion with the lady.*

10

Why didn't you tell me about it when I asked you about it about five minutes ago?---*Because he was not involved in discussing the project. His only role was to introduce this person to me.*

Are you trying to limit what you say about your communications with Mr Maguire so that you are not criticised?---*Because his only role was to introduce me to this lady over dinner and this lady showed me a diagram for a blueprint. He was not directly involved in any discussion about this project and also it has nothing to do with the new airport project.*

20

You were introduced by Mr Maguire to a lady who wanted to sell or develop land near the new Sydney West Airport. Is that right?---*This lady intention was to cooperate with me, not to sell the land to me, and - - -*

To cooperate for the purposes of development of the site. Is that right? ---*Yes, she made a suggestion to me. Her idea was to build houses, residential houses on that block of land but I said it's so close to the airport, there's lots of noise. So, you could only build apartment buildings here but we didn't proceed from there.*

30

But Mr Maguire introduced you to this lady. Is that right?---*Yes.*

What was this lady's name?---*The Honoured Consul from Tonga, I don't know her name.*

Is her name Ms Raedler Waterhouse – Louise Raedler Waterhouse?---*I don't know her name but she was present during the lunch meeting.*

And she was the Honorary Consul of Tonga. Is that right?---*Yes.*

40

Mr Maguire introduces you to that honorary consul. Is that right?---*Yes, during lunch.*

Did you speak to her about the possibility of working together in developing her land. Is that right?---*Yes.*

And do you then go and visit the land to see what she's talking about? ---*Yes, I did.*

And what other steps did you take in relation to a potential involvement in that piece of land?---*What do you mean by other efforts?*

Other than meeting this lady and viewing the land, what other steps did you take in relation to the possibility that you would work together with her to develop the land?---*The meeting was over lunch among other people. She handed me her name card and a couple of months later she invited me and Maggie to go to see the land in her vehicle.*

10

And did you accept that invitation and go and see the land?---*Yes.*

And so what happened on the time that you went to see the land? Who was present? It was you, Ms Wang and who else was present when you went to view the land?---*A friend.*

Who was that?---*Surname Shen.*

20

And I think you referred a little while ago to Mr Luong. Did Mr Luong have anything to do with this particular real estate issue?---*It's a separate
- - -*

Not at all?---*Not the same block of land.*

It was just you and the consul from Tonga who was considering this issue. Is that right?---*Mr Luong and I went to visit another block of land near the new airport, not the same block of land belonging to the honoured consul.*

30

And how did you find out about that piece of land?

THE INTERPRETER: Which piece of land?

MR ROBERTSON: The other piece of land that you looked at with Mr Luong?---*Mr Luong told me.*

And was that a piece of land that Mr Luong was trying to sell or was it a piece of land that Mr Luong wanted assistance in developing?---*Sell.*

40

And did you ultimately purchase that land or be involved in any purchase? ---*No, because his plan was too far away.*

In relation to the piece of land you went to see with Ms Wang, what involvement did Mr Maguire have, other than introducing you to the consul from Tonga?---*He did not get involved because he couldn't even communicate with me.*

Even indirectly he didn't communicate with you via Ms Wang or someone else as an interpreter in relation to that site?---*The lady, the Honoured

Consul from Tonga, showed me a blueprint of that block of land which I don't think is plausible so I didn't proceed from there. And regarding the block of land William introduced to me, I'm not sure if he had any dealings with Mr Maguire, but I didn't have any further dealings with Mr Maguire regarding real estate development.*

Can we just have the photograph on the screen, please.---*Yes, this is it.*

10 So you're drawing attention to the lady standing next to you in this photograph. Is that right?---*Yes.*

And is she the Honorary Consul from Tonga to whom you referred a moment ago?---(Speaks Mandarin)

The lady on the handwritten statement I take it is Ms Wang. Is that right? ---*Yes.*

20 And what about the gentleman standing with Ms Wang, do you know who that is?---*I'm not sure what role he had.*

But to be clear, Mr Maguire introduced you to the Honorary Consul of Tonga who we can see on the screen. Is that right?---*Yes.*

But that's the only involvement that he had, so far as you know, directly or indirectly in relation to her land. Is that right?---*At the dinner table or lunch table we exchanged name cards between me and the lady. Later on, she contacted me through Maggie not through Mr Maguire.*

30 And then Ms Wang had some involvement and attended the viewing of the land a little later on. Is that right?---*Yes.*

So Ms Wang was acting as an interpreter and go-between between you and the honorary consul. Is that right?---*Yes.*

And you needed an interpreter because you can't speak English and the honorary consul can't speak Mandarin. Is that right?---*Yes.*

40 So you used Ms Wang as an intermediary and a go-between for the communications. Is that right?---*Yes.*

Commissioner, I tender the photograph that's on the screen, photograph of Mr Maguire, Mr Li, the Honorary Consul of Tonga and others.

THE COMMISSIONER: It will be Exhibit 213.

MR ROBERTSON: It appears to be from May 2017 from the data, from the metadata I should say.

**#EXH-213 – PHOTOGRAPH OF HO YUEN LI, DARYL MAGUIRE,
MAGGIE WANG, LOUISE WATERHOUSE AND OTHERS TAKEN
ON 3 MAY 2017**

MR ROBERTSON: That's the examination, Commissioner.

10 THE COMMISSIONER: Thank you, Mr Robertson. Mr Harrowell, do you
have any questions?

MR HARROWELL: No, Commissioner.

THE COMMISSIONER: Thank you. Mr Pararajasingham, do you have
any questions?

20 MR PARARAJASINGHAM: Commissioner, I'm asking for perhaps a
short five, 10-minute adjournment just to take some brief, short instructions
from Mr Li. I don't expect I'll have much, if anything, to ask him but I'm
just asking for that opportunity.

THE COMMISSIONER: Very well. Mr Li, we will take a short
adjournment during which you may speak to your barrister.---*Okay.*

We'll adjourn for five minutes.

SHORT ADJOURNMENT

[2.23pm]

30

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, so that Mr Coure's not further delayed,
can I respectfully suggest that he be interposed now. Mr Li is speaking with
his counsel at the moment and it's still an open question as to whether or not
it's sought to be re-examined, but in the meantime I propose to start with Mr
Coure, if that's convenient.

40 THE COMMISSIONER: Yes, by all means.

MR ROBERTSON: Can I indicate one other matter by way of
housekeeping and timing. There would be an addition to the witness list for
this week. On Friday I'll call Sarah Hill, who is a former CEO of the
Greater Sydney Commission. I originally intended to call her next week but
there's some availability issues so I'll call her on Friday this week instead.
And in terms of the program of witnesses for next week, I anticipate that
being uploaded in relatively short order, but Commission

officers are in the process of attempting to meet various issues of availability between various witnesses.

THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: I call Mark Joseph Coure MP.

THE COMMISSIONER: Thank you. Mr Coure, do you wish to take an oath or make an affirmation?

10

MR COURE: Take an oath.

THE COMMISSIONER: Very well.

THE COMMISSIONER: Thank you. Mr Coure, please be seated.---Thank you.

Mr Walsh, have you - - -

MR WALSH: Yes, Your Honour. I appear for Mr Coure.

10

THE COMMISSIONER: Have you explained his rights and liabilities under the Independent Commission Against Corruption Act to him?

MR WALSH: I have, Your Honour, and seek a declaration under section 38.

20

THE COMMISSIONER: Very well. Thank you, Mr Walsh. Mr Coure, could you please listen very carefully to what I'm about to explain to you. As a witness you must answer all questions truthfully and produce any item described in your summons or required by me to be produced. 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, in any criminal or disciplinary proceedings. The first exception is that this protection does not prevent your evidence from being used against you in a 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, a category into which you would fall. 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 the public official engaged in or attempted to engage in corrupt conduct.

30

40

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. This means you do not have to object with respect to each answer or the production of each item. And I gather from Mr Walsh that you wish me to make such a declaration?---That's correct.

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 him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for him to make objection in respect of any particular answer given or document or thing produced.

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 HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can you state your full name, please, sir.---Mark Joseph Coure.

And you're the Member for Oatley. Correct?---That's correct.

20 You've held office as Member for Oatley since 2011. Is that right?---That's correct.

You were elected as the secretary of the New South Wales Parliament Asia Pacific Friendship Group in 2011. Is that right?---That's correct.

At that point in time Mr Maguire was the chairman of that friendship group. Is that right?---He was elected that year as well I'm told.

30 In 2011 both you were elected and Mr Maguire was elected. Is that right? ---And the rest of the executive, that's correct.

And Mr Maguire continued to hold that office until he resigned from parliament. Is that right?---That is correct.

The current chairpersons of that friendship group are the speaker, Jonathan O'Dea, and Sonia Hornery. Is that right?---That is correct.

And she's the member for Wallsend I think.---That's right.

40 But they jointly hold office as chairpersons of that friendship group. Is that right?---That's correct.

Can I just ask you to explain in general terms what a New South Wales parliamentary friendship group is?---Well, the parliamentary friendship groups are set up to create obviously friendship with those communities, you know, here in New South Wales. In particular, with the Asia Pacific Friendship Group formed in the late 1980s/early 1990s it was created to

foster relationships with those community groups from the Asia Pacific area that reside here in New South Wales.

And is it just community groups or does it go broader in terms of representatives of those countries in New South Wales?---It, it does go broader. The consulate corps of, of those countries that, you know, live and reside here in New South Wales.

10 So is it right that a common feature of what the Asia Pacific Parliamentary Friendship Group has done, at least in the time that you've been involved in it, is to cultivate relationships with the New South Wales end of consular corps from the Asia Pacific region?---And those community groups. That's right.

And so it's about the Asia Pacific region more generally, includes both community groups but will also include consular officials and matters of that kind?---That's correct, yeah.

20 And so I think it's common for the parliamentary friendship group to organise functions and things of that kind in relation to the consular corps that are in New South Wales.---That is correct.

And that's a common thing that either the chairpersons or perhaps you as secretary will do is organise functions of that kind and contacts with individuals of that kind.---That is correct.

30 In terms of friendship groups more generally, I take it they're a cross-party structure?---Yeah, they, they certainly are. So we have a, a very detailed parliamentary friendship group policy and the last edition of that, and I believe the Commission has that, a copy of that, but the last edition of that is October of last year and it's a cross, the policy itself is obviously, it's a cross membership. Each parliamentary friendship group has an executive from members of the Lower House and the Upper House.

And so in terms of structure there's a broader membership group of people from various parties. Is that right?---That is correct.

40 And then there's an executive which, as it were, runs the parliamentary friendship group.---That is correct.

And you referred to the policy that applies. Is that a parliamentary policy that identifies what friendship groups should and should not do?---It sets in concrete exactly what friendship groups ought to be doing. Things like, if I can explain, you know, annual reporting for example. The inclusion of bank accounts and, and a summary of those bank accounts. Any, any events that the friendship group might hold along with some, some guidelines in terms of what friendship groups can't be doing. Things like, for example, you know, commercial activities, et cetera.

So is it quite clear from your understanding of the way parliamentary friendship groups work, both by the letter of the policy but also in practice, that commercial activities or activities of a commercial nature are something foreign to parliamentary friendship groups?---Is exactly right, yes.

10 And just so we can look at that tangibly in the context of one of the policies itself, can we go please to volume 4, page 8. I'm just going to put an excerpt of one of the policies up on the screen. I'm doing this by reference to the 2015 policy.

THE COMMISSIONER: Of the Asia Pacific?

MR ROBERTSON: Of parliamentary friendship groups more generally.

THE COMMISSIONER: I see. Thank you.

20 MR ROBERTSON: And so just so we can get the structure if we start actually on page 4. This is part of Exhibit 108. Mr Coure, I'm showing you the 2015 policy because, as you might appreciate, the Commission is looking into conduct occurring between 2012 and 2018, before the new policy has come into effect. So do you see there, Mr Coure, a parliamentary friendship's group policy?---Ah hmm.

See that on the screen?---I do.

Signed off by the two presiding officers.---Ah hmm.

30 And you were referring a moment ago to the position regarding activities of a commercial nature. If we can just go to page 8 of this bundle, four pages down. Is paragraph (f) what you were referring to before, "parliamentary friendship group must not undertake activities of a commercial nature"? ---That's, that's exactly right, Mr Robertson, other than of course obtaining sponsorship for, you know, charitable donations or events, et cetera.

And we can see that exception in the parentheses there in (f)?---Yeah.

40 And so at least in your experience as a long serving secretary of the Asia Pacific Friendship Group, as you understood, both the policy but also as a matter of practice, the friendship group was not permitted to engage in activities of a commercial nature other than the exception for charitable donations to which you've just drawn.---That is correct.

In terms of actually creating a parliamentary friendship group, who is it that authorises or approves the creation of a parliamentary friendship group in New South Wales Parliament?---It's, it's, at the end of the day, both the President of the Upper House and the Speaker of the Lower House, in consultation with the clerks of both parliament and the Serjeant-of-Arms.

And I think the rule is that they actually need to be approved for each parliament, as after each election - - -?---That's right.

- - - rather than it just being approved and being continued going forward. ---That's right. From memory, it's about 90 days after which an election has been held that a parliamentary friendship group, if it is ought to re-establish itself, is to hold an AGM and to elect officer bearers for the incoming four years.

10

And is it right that parliamentary friendship groups are not just related to countries or areas of the world, like Asia Pacific region, they can be in relation to really any group of general interest to members of parliament. ---Look, they certainly can, I am in particular chair of the Parliamentary Friends of AFL.

And that's an organisation or that's a friendship group that you, that I think you might have set up relatively recently. Is that right?---A couple of months ago, that's correct.

20

THE COMMISSIONER: Is that because every sport needs a friend at the moment?---I believe it does, Commissioner.

MR ROBERTSON: In terms of the relationship with consular corps, and you've referred to this briefly before, but just to be clear about it, would you agree that one of the aspects of the activities of the Asia Pacific Parliamentary Friendship Group, is an opportunity for interaction between members of parliament and the consular corps with a particular focus in the nations surrounding Australia?---In this case, yes, that is correct.

30

In the case of the Asia Pacific Parliamentary Friendship Group - - -?---Yes.

- - - that's a core mission or a core aspect of the parliamentary friendship group for the Asia Pacific region.---It certainly is, it certainly is, countries big and small.

40

And so I take it, that then as a matter of practice, the office bearers within the Asia Pacific Friendship Group organisation have a closer access to consular officials than what one, than one might have just simply as being a back bencher that doesn't have a role of that kind. Is that true?---Well, generally, yes, I'd say yes that would be the case. I mean, members of the Asia Pacific Friendship Group would, from time to time, get, you know, invitations to national days and independence days, and members of the executive and the friendship group would attend from time to time. So the answer is yes.

You referred a little while ago to the requirement for an annual report for friendship groups. Do you remember giving that evidence?---Yes.

And in terms of the Asia Pacific Friendship Group, who was the person who would take responsibility of collating that report? Was that done by the chair or by the secretary?---Well, we have a special projects officer called Patricia Broderick, and she would send, in most cases, three or four reminders to me as secretary to get that annual report in, but also would do the bulk of the events that would occur throughout the year, and in most cases I would, obviously, cut and paste and put it into the annual report, top and tail it, and maybe add in an event or two that may not have been included.

But at least one of the requirements of the policy, as you understood it, was to have an annual report - - -?---Correct.

- - - identifying at least in general terms as to what the friendship group has done in the calendar year. Is that right?---That is correct.

Have you heard of an organisation called the Shenzhen Asia Pacific Commercial Development Association?---Only last week.

What about the Shenzhen Council for the Promotion of Asia Pacific Commerce and Trade?---Only last week.

And the Shenzhen Asia Pacific Commerce Council?---I don't know if that was raised last week, but - - -

Before hearing about them last week, did you understand any of those organisations to have any connection with the New South Wales Parliament Asia Pacific Friendship Group?---My understanding is no connection whatsoever.

To your knowledge, did Mr Maguire have the permission of the New South Wales Parliament Asia Pacific Friendship Group to lend that group's assistance to the Shenzhen Council that I referred to a moment ago?---No, no assistance whatsoever.

There was no time in which Mr Maguire attended either a meeting in the executive, or perhaps a broader meeting of members, to say "I want to use the Asia Pacific Friendship Group so as to provide assistance to the Shenzhen Asia Pacific Commercial Development Association"?---I can never recall, in almost 11 years, sorry, almost nine and a half years as secretary of the Asia Pacific Friendship Group, any one of those organisations being raised.

And I take it that if that was drawn to your attention one of the matters that you would have wanted to raise in light of what you've said about commercial activities, is, is this for a commercial activity or is this for some other activity?---That is correct.

In terms of the status as the chair, as the secretary or some other office bearer of a parliamentary friendship group, is there some policy or practice or procedure as to the circumstances when it is appropriate for someone to use that title as the chair of the Asia Pacific Friendship Group or the secretary of the Asia Pacific Friendship Group?---Well, usually – I mean it’s a good question. Usually with the consultation of the executive and of course the friendship group, but if someone is to go overseas for example under the auspice of the friendship group, they are to obviously, you know, write to the Clerk of the Parliament within 14 days so that, you know permission is sought, DFAT is told and informed.

And so the procedure, as you understood it, is that if a member of parliament who happens to have a role as a chair or other office bearer of the Asia Pacific Parliamentary Friendship Group, it was incumbent on them to make clear in advance, perhaps 14 days in advance, that they are going over in that capacity to some other country?---Absolutely.

And that’s part, I take it, of keeping track of when the parliament is presenting itself overseas as representing a particular cause or being connected with some other particular cause.---And that, if I can just add, that would then be added into our annual report as well.

THE COMMISSIONER: And why does DFAT get notified as well? ---Well, I understand it’s a longstanding tradition for safety and security when members of New South Wales Parliament are overseas.

MR ROBERTSON: Can we go please to volume 18, page 56, which forms part of Exhibit 122. And what I’m going to show you, Mr Coure, is an English version of certain minutes of what I’ll call, compendiously, the Shenzhen Association that records certain things that Mr Maguire is said to have said in the course of the meeting. If we can just scan towards the bottom of the page, page 59 I’m sorry, just have a look next to “DM” which seems to stand for Daryl Maguire. There’s a paragraph starting, “Through the New South Wales Parliament.” Can I just ask you to read that to yourself. Let us know when you get to the bottom of the page and we’ll then flick it over so you can read the end of the sentence.---Next page.

Can we just flick to the next page, and just read to the end of the sentence, it finishes on the first line.---Ah hmm.

So you can see there Mr Maguire seems to be saying that the New South Wales Parliament Asia Pacific Friendship Group would provide some assistance to an organisation there referred to as SAPCDA. Did you see that there?---I saw that.

To your knowledge did the New South Wales Parliament Asia Pacific Friendship Group provide any agreement to Mr Maguire that he could offer that assistance to SAPCDA?---No agreement whatsoever.

And I take it from that firm response you've just given that if you were asked for your views as to that matter, you would forthrightly say no, at least if it had anything to do with commercial activities. Is that right?
---Well, just not no, but it's a clear breach of the parliamentary friendship group policy.

10

Now, if a breach of that kind came to your notice, what steps would you then take in relation to that breach?---Well, I'd inform both the speaker, the president, the Clerk of the Parliament immediately.

And you would inform them as it were that it looks like there's a breach of the parliamentary friendship group policy going on?---Absolutely.

And I think you've explained that ultimately it's the presiding officers who are responsible for this policy?---That is correct.

20

And it's within their power I think to revoke permission to have a parliamentary friendship group?---Yep, that is correct.

THE COMMISSIONER: Mr Coure, you said the members of the APFG are elected. Do they in turn elect the Chair of the APFG?---Yes, yes, we do, yep.

30

MR ROBERTSON: You were explaining before about the use of the title of being chair or secretary or whatever of a parliamentary friendship group in dealings with others, and did I understand you to say that, at least ordinarily, that wouldn't be done without some understanding in the executive as to when that title was going to be used. Is that a fair a summary of what you were saying?---Sorry, just repeat that again.

Well, I'm particularly focused on when a member of parliament might go overseas - - -?---Sure.

- - - and whether they describe themselves simply as the Member for Oatley for example - - -?---Sure.

40

- - - or they describe themselves as the Member for Oatley, Secretary, New South Wales Parliament Friendship Group. As you understood it, what were the procedures or practices, at least while Mr Maguire was the chairperson, of this organisation or of this friendship group as to when it was appropriate or when it was inappropriate to use that particular title?
---Well, I think if one is to go overseas representing the New South Wales Parliament as, let's say, chair of the Asia Pacific Friendship Group, the Asia Pacific Friendship Group would be informed and told that that is occurring.

And then what about in terms of things like invitations to delegations that might come to visit Australia and in particular to New South Wales? Is there some procedure as to the circumstances in which that would be appropriate under the hand of someone calling themselves the chair or the secretary of the parliamentary friendship group?---Well, with, with delegations, you know, the, the procedure usually is the chair of the friendship group would email to the executive and/or members that a particular delegation is coming to the parliament.

10

So is it right to say that, at least as a matter of practice, before an invitation was offered on behalf of the parliamentary friendship group for a delegation to, for example, come and have a meal at Parliament House or something along those lines, it would first be a matter drawn to the attention of the executive before that occurred? And that's at least been a matter of practice in your time as secretary of that organisation?---Absolutely. Absolutely.

20

What about in terms of invitations that are described as not just being on behalf of the friendship group but on behalf of the government generally? Is that something that, as you understood the procedures, it was open for the friendship group to simply do off its own bat, perhaps with the consent of the executive? Or by saying it's on behalf of the government, does that require some other procedure involving, for example, the Department of Premier and Cabinet or some other department?---There, there would be a whole procedure in place, and it's happened many times where, you know, I think it's protocol, the Protocol Unit in the Department of Premier and Cabinet would be having the lead on that and, and the running of that.

30

So is it right to say that, at least as you understood as a matter of practice, it would not be right for the Asia Pacific Friendship Group or any officer of it to extend an invitation on behalf of the government without there being at least some information to and the consent of the appropriate office, which I think you're explaining is the Protocol Office within the Department of Premier and Cabinet?---And not just, not just that particular office. Obviously the parliament itself, the Clerks of the Parliament, the President's Office, the Speaker's Office, usually everyone, those that have just been mentioned, usually those that I've just mentioned would, would be informed of an official visit such as that.

40

And so in other words, in order to have an official visit of that kind where the hospitality of the parliament is being offered as an institution as distinct from a single member, there are procedures in place and practices in place where it's not just a single person signing a piece of paper, it will need to be informed of the appropriate persons, often the presiding officers if it's within Parliament House?---That is correct.

But if it's on behalf of government, at least the Department of Premier and Cabinet needs to have some involvement. Is that right?---That is correct.

Is that a fair summary as a general proposition as to the practice and procedures in those areas?---Yes, it is. That's generally what happens, yes.

10 It'll depend on the particular event of course and depend on the particular circumstances, but I think you're at least making clear that it's not simply for the chair of the Asia Pacific Friendship Group to sign a piece of paper without asking anyone else to offer the hospitality of the friendship group or the parliament or the government. Rather, if it's offered by someone more
10 than simply the member of parliament, there are other people who need to be informed and who need to approve?---That is correct.

I'm now going to play you a telephone call. It's a telephone intercept. It's not one to which you're a party. It's one that the Commission thinks is between Mr Maguire and a person by the name of Malcolm Roberts, who is the Chief Executive of the Australian Petroleum Production & Exploration Association. I'm just going to play that recording through. It goes for a few minutes. Just bear with us, but I'm then going to ask you a few questions about, in particular, what Mr Maguire says during the course of that
20 telephone intercept. This is telephone intercept 8490.

AUDIO RECORDING PLAYED

[3.00pm]

MR ROBERTSON: Mr Coure, one of the things Mr Maguire said on that telephone call was to this effect, "The Asia Pacific Friendship Group is normally the first port of call for just about everything from the Asia Pacific countries." Do you remember hearing him say words to that effect?
30 ---I did, yes, early on.

Is that accurate as you understand it as a long-term secretary of the Asia Pacific Parliamentary Friendship Group?---That, Mr Robertson, is not accurate at all.

40 Did, to your knowledge, Mr Maguire have the consent of the executive or anyone else within the Asia Pacific Friendship group to have the conversation of the kind that you just heard with Mr Roberts?---Absolutely not.

Is it an ordinary part of the Asia Pacific Friendship Group to promote potential products to oil companies?---No, no, it's not.

Was there any reporting back at all to you as the secretary or to the executive of the parliamentary friendship group to the effect that Mr Maguire was attempting to assist someone in bringing a potential product to oil companies within Australia?---Not at all.

That's the examination, Commissioner.

I tender the telephone intercept 8490 and the accompanying transcript.

THE COMMISSIONER: That will be Exhibit 214.

**#EXH-214 – INTERCEPTED TELEPHONE AUDIO AND
CORRESPONDING TRANSCRIPT FOR SESSION 8490**

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THE COMMISSIONER: Mr Harrowell, did you have any questions?

MR HARROWELL: No, Commissioner.

THE COMMISSIONER: Thank you. Shall I excuse Mr Coure?

MR ROBERTSON: He should be released from his summons, yes. Thank
you, Mr Coure.

20

THE COMMISSIONER: Mr Coure, thank you for attending.---Thank you.

You are released from your summons and you may now step down.
---It's a pleasure. Thank you very much.

MR ROBERTSON: And I apologise to Mr - - -

THE COMMISSIONER: I'm sorry, I should have asked Mr Walsh.

30 MR WALSH: No, Your Honour, I have nothing in re-examination.

THE COMMISSIONER: You're so quiet down there.

MR WALSH: Yes.

THE COMMISSIONER: I apologise for overlooking you.

MR WALSH: That's all right.

40 THE COMMISSIONER: You may leave, Mr Coure.---Thank you very
much.

MR ROBERTSON: And I apologise to Mr Coure for keeping him, he was a
little bit delayed in light of the other evidence.

THE COMMISSIONER: Thank you.---Thank you very much.

THE WITNESS EXCUSED

[3.08pm]

THE COMMISSIONER: Mr Pararajasingham, I see you've returned. Do you wish to ask Mr Li any questions?

MR PARARAJASINGHAM: Commissioner, I do not. I ask that he be formally released from his summons.

THE COMMISSIONER: Well, I think he should be in court when I do that.

MR PARARAJASINGHAM: Yes, yes, he's just outside.

10

THE COMMISSIONER: Thank you.

MR ROBERTSON: And while that's happening, in my submission you wouldn't release the witness yet. There's some other evidence that may be relevant to some of the evidence that he gave today.

THE COMMISSIONER: Very well.

20

MR ROBERTSON: I'm not suggesting that that necessarily means that he will need to be recalled but in my submission he shouldn't be released, given that's at least a possibility.

THE COMMISSIONER: Mr Li, could you please come forward. Is the interpreter here?

THE INTERPRETER: Yes.

30

THE COMMISSIONER: Please come forward, Madam Interpreter. Please have a seat, Mr Li. Please be seated. Mr Li, your evidence for today is completed, however there is a possibility we may call you again during the public inquiry so I am not releasing you from your summons today, but you may step down now, your evidence for today is concluded. Thank you.

MR ROBERTSON: Can I deal with another housekeeping matter before the Commission adjourns.

THE COMMISSIONER: Yes. Please, please step down, Mr Li.

40

THE WITNESS WITHDREW

[3.09pm]

MR ROBERTSON: Mr Coure referred to the fact that there is now a new parliamentary friendship groups policy current as at October of 2019. That policy is plainly not relevant to the conduct that is being investigated by the Commission, but it's conceivably relevant to any recommendations the Commission might make in light of any findings that the Commission might

make. I tender the parliamentary friendships group policy current as at October 2019, constituted by eight pages.

THE COMMISSIONER: Very well. That will be Exhibit 215.

**#EXH-215 – NSW PARLIAMENTARY FRIENDSHIP GROUPS
POLICY AS AT OCTOBER 2019**

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MR ROBERTSON: And that's all I have from my perspective.

THE COMMISSIONER: Very well.

MR ROBERTSON: I propose that the Commission adjourns until tomorrow morning at 10.00am.

THE COMMISSIONER: Very well. The Commission is adjourned until 10.00am tomorrow morning.

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**AT 3.10PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.10pm]**