

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, Zachariah Bentley, of [REDACTED], do solemnly and sincerely declare that:

1. During the period between Monday, 23 January 2017 to Monday, 25 March 2019 I was employed as a Strategy Advisor in the Office of the New South Wales Premier (“the Premier’s Office”) during the premiership of the Hon Gladys Berejiklian.
2. Prior to holding this position, I had been employed in various capacities as a ministerial staffer since May 2014, in the offices of Ms Berejiklian and Mr Mike Baird.
3. Previously, while studying a Bachelor of Arts at the University of New South Wales (UNSW) I interned and was later employed on a casual basis as an Additional Temporary Staffer (ATS) in the Office of the New South Wales Government Whip, then held by Mr Daryl Maguire.
4. I worked casually for Mr Maguire until shortly after the cessation of his role as Government Whip. During this period I also worked in an ATS capacity for other Members of Parliament (MPs), and briefly as an Electoral Officer for Mr Mark Coure.
5. Following the commencement of Operation Keppel’s Public Inquiry into Ms Berejiklian, beginning on Monday, 18 October 2021, I have read transcripts of evidence adduced in the course of the Public Inquiry regarding supposed interactions I am alleged to have had with Mr Maguire, following his resignation from the New South Wales Liberal Party Room.
6. The following accounts for the totality of my interactions with Mr Maguire, to the very best of my recollection, from Friday, 13 July 2018 – to the present day.
7. Following Mr Maguire’s testimony before the Independent Commission Against Corruption (“the ICAC”) in Operation Dasha on Friday, 13 July 2018, I was tasked by my then manager Mr Bradley Burden, then Strategy Director within the Premier’s Office, with meeting Mr Maguire and obtaining his resignation as Parliamentary Secretary in person.
8. That evening, of 13 July 2018, I met Mr Maguire in the Domain, on Hospital Road, at the rear of Sydney Hospital. We exchanged very short pleasantries.

Bentley

ZB

9. I provided Mr Maguire with a pro-forma resignation letter, that from my best recollection may have been provided to me by the Department of Premier & Cabinet (DPC) Office of General Counsel.
10. Mr Maguire signed the letter I provided him on the hood of his white Holden Commodore, before providing me with the document. The exchange was very short in duration, with Mr Maguire entering his car and departing soon after signing the letter.
11. I then returned, by foot, to the Martin Place precinct and provide the signed resignation letter to Mr Burden.
12. This interaction represents the second last time I physically interacted with Mr Maguire
13. Sometime in the days following Mr Maguire's resignation as a member of parliamentary Liberal Party, I received a telephone call from Mr Maguire, during the early evening, on my employer provided mobile telephone.
14. I was surprised to receive the call, as comparative to other Government MPs, Mr Maguire had not previously called me frequently, and because of the political controversy Mr Maguire was then the subject of.
15. At the commencement of the call I expressed my condolences to Mr Maguire for the loss of his son-in-law, whom I read in media reporting had recently passed away.
16. Mr Maguire appeared saddened and angry, responding by telling me to remember "there is no god," before reflecting rhetorically on why God would leave a young woman widowed, as was now the case for his daughter.
17. Mr Maguire then, from my best recollection, promptly changed topic, reflecting on the necessity for the Liberal Party to hold the seat of Wagga Wagga.
18. Mr Maguire proceeded to prescribe a series of announceables that he believed were critical for the government to make in a by-election to hold the electorate.
19. The announceables were delineated by Mr Maguire into four visits, colloquially known in government as a "key seat visit" ('KSV'). Annexed and marked 'A' is a copy of a contemporaneous note I made during that call.
20. Having worked as a staffer on numerous election campaigns, an outgoing member of parliament prescribing their view on critical announceables did not strike me as being either inappropriate nor unusual.

3HobuJP ZB

21. Nor did I have any reason at that time to believe Mr Maguire was putting forward the proposed announcables for any purposes other than the successful retention of the seat of Wagga Wagga, by the NSW Liberals & Nationals Government.
22. The following business day, I reported Mr Maguire's call and its contents in detail to Mr Burden, my manager then line-manager. At all material times, Mr Burden was the second most senior member of staff within the Premier's Office, behind then Chief of Staff, Ms Sarah Cruickshank.
23. I do not recall how I transcribed Mr Maguire's proposed itinerary to Mr Burden, whether by email, or by writing, or whether Mr Burden copied it from my contemporaneous note of the call – but nevertheless Mr Burden was in possession of all suggestions made by Mr Maguire
24. Shortly afterwards, Mr Burden convened a meeting in a room on the Eastern side of the Office of the Premier on level 20, 52 Martin Place, colloquially known as the 'small meeting room', with Mr Neil Harley, who at all material times was Head of the Parliamentary Liaison Office ("PLO").
25. Mr Cameron Dunger, who at all material times was an advisor within the PLO, was also present at this meeting.
26. Mr Burden informed Mr Harley and Mr Cameron that I had received information on politically salient potential announcements for the by-election.
27. I do not recall whether Mr Burden explicitly told Mr Harley or Mr Dunger that the source of information I had received was from Mr Maguire, or whether he strongly implied it, but I gained the impression that all participants in the meeting knew the information was provided by Mr Maguire.
28. Mr Harley stated he would task Mr Dunger with contacting other ministerial offices, and reviewing whether a wish-list existed for the Wagga electorate, to identify other potential announceables.
29. From my best recollection, I believe it was agreed between Mr Burden and Mr Harley that once a list of potential announcements was developed, the Policy Team would be tasked with investigating the viability of these projects for consideration by the Premier, the Liberal Leadership Team and/ or the NSW Liberal State Director, Mr Christopher Stone.
30. During the course of the 2018 Wagga Wagga by-election, Mr Burden, Mr Harley, Mr Dunger and I met regularly in the small meeting room to discuss the by-election; primarily logistics and coordination, as well as media coverage, and potential visits.

Burden JP

ZB

31. However, from my best recollection, decisions as to what recommendations should be made to the Premier, the Liberal Leadership group, and/ or the State Director, regarding announceables, was overwhelmingly decided by a small team of senior advisors within the Premier's Office, known as 'Senior Staff', that met daily.
32. Neither Mr Dunger or I were members of senior staff at all material times.
33. At some time during this period, I recall informing Ms Berejiklian, in her car, that Mr Maguire had called me with a list of potential announcements that would be politically beneficial in the by-election.
34. Ms Berejiklian said words to the effect of: "good, have you given them to Brad", in reference to Mr Burden.
35. I recall informing Ms Berejiklian that I had conveyed the contents of my call with Mr Maguire to Mr Burden, and said words to the effect of: "Brad (Burden) is working with (Matthew) Crocker's team and the PLO to work up announcements for your consideration", a reference to the Policy team and Parliamentary Liaison Office, respectfully.
36. I recall Ms Berejiklian positively acknowledged this information, but do not recall any broader conversation on that occasion.
37. Sometime during this period, which I believe to be Friday, 3 August 2018, Ms Berejiklian asked to see me in her private office, which was not an unusual occurrence.
38. In her private office at level 20, 52 Martin Place, Ms Berejiklian informed me that Mr Maguire still had not, at that time, resigned as a member of parliament.
39. Ms Berejiklian requested that I call Mr Maguire and encourage him to effectuate his resignation from the Parliament, by urgently tendering his resignation to the Speaker of the Legislative Assembly.
40. It was known to me at the time, likely from either media reports or internal discussions within the Premier's Office, that Mr Maguire had agreed to resign from the Legislative Assembly, following a conversation with former premier, the Hon. Barry O'Farrell.
41. I complied with Ms Berejiklian's request, excusing myself from her private office; before proceeding immediately to a nearby office, which I believe was vacant at the time.
42. I called Mr Maguire and encouraged him to tender his resignation with the Speaker with haste.

BNolger JP

ZB

43. Mr Maguire informed me that he would be resigning imminently.
44. The telephone call was very short in duration – approximately 2 minutes.
45. At the conclusion of the call, I returned to Ms Berejiklian’s private office and informed her that Mr Maguire had stated his intention to furnish the Speaker with a letter of resignation that day.
46. Ms Berejiklian thanked me for my assistance, before I excused myself from her private office.
47. I recall having one other telephone discussion with Mr Maguire during the initial weeks of the by-election, in which he outlined additional announceables, but I do not have any firm recollection as to what these were nor the contents of the call.
48. During the initial weeks of the 2018 Wagga Wagga by-election, I was accompanying Ms Berejiklian in her car in Tumut, when I incidentally noticed from my vantage point that Ms Berejiklian was communicating with Mr Maguire via short messaging service (“SMS”).
49. Over many years I regularly accompanied Ms Berejiklian, in my respective roles, on regional visits across New South Wales. When travelling by car, it was my regular practice to sit behind the drive, while Mr Berejiklian sat in the front passenger seat.
50. This facilitated easier conversation with Ms Berejiklian, and allowed me to convey information to her from the office that would regularly be emailed or texted to me via SMS while travelling.
51. From my seat in the rear of the car, I saw Mr Maguire’s name on Ms Berejiklian’s iPhone screen, in the Messages app, but did not observe the contents of the messages, nor made any attempt to do so.
52. Upon returning to Sydney from this visit, I conveyed to Mr Burden that I had incidentally observed Ms Berejiklian communicating with Mr Maguire.
53. Mr Burden and I discussed our concern regarding the optics of such communication, should it become publicly known.
54. Mr Burden and I assumed Mr Maguire was providing similar political advice to Ms Berejiklian to what I had received from him.
55. The knowledge of this communication became known to multiple staff within the Premier’s Office and was regularly a topic of concern among some staff, including media advisors, during the 2018 Wagga by-election.
56. On multiple occasions the topic was discussed among other Premier’s Office staffers in my company.

Burden JP 28

57. The next occasion I recall communicating with Mr Maguire was at the home of his neighbouring farm, owned by [REDACTED], close friends of my parents, sometime shortly after the 2018 Wagga Wagga by-election.
58. While Mr Maguire was not a friend of my parents, they shared mutual friends in the form of [REDACTED].
59. I was visiting [REDACTED] with my mother, when to my surprise, Mr Maguire arrived, to have a drink with [REDACTED].
60. Uncomfortable with being in Mr Maguire's company at that time, I exchanged pleasantries, before shortly afterwards excusing myself and leaving the property.
61. I have not seen Mr Maguire again to this date.
62. Sometime in late 2018 I received a call on a Saturday afternoon from an unknown number while I was at Gallon, a bar in Pyrmont, in the company of Mr Beau Mitchem, who at material times was a Media Advisor within the Premier's Office.
63. I excused myself from the table and took the call out the front of the bar. To my surprise, I immediately recognised the voice of the caller as that of Mr Maguire's.
64. After exchanging formalities, Mr Maguire asked me to speak with the relevant policy advisors regarding some small grants – the names or subjects of which I do not recall – that he said were due to be delivered in the Wagga electorate.
65. I recall Mr Maguire expressed his concern that following the 2018 by-election, the newly elected local member, Dr Joe McGirr, may neglect to advocate for the grants.
66. From what Mr Maguire was saying, I understood the two grants he was referring to pre-dated the by-election and had been in train for some time.
67. I do not recall what I said Mr Maguire during this unsolicited interaction, but I recall being concerned and brushing Mr Maguire off.
68. The only other aspect of the call I recall, apart from thinking it was inappropriate that Mr Maguire had called at all, given a new member had been elected to represent the Wagga Wagga electorate, was that Mr Maguire enquired about how I was dealing [REDACTED] – a subject I had never previously discussed with him.

69. [REDACTED]

BNelawJP 2B

70. I proceeded to return to my table inside the bar, and inform Mr Mitchem of the call and its contents. I took a brief note on the 'Notes' app on my government supplied mobile phone call, so that I could report its contents to my manager.
71. I returned this device to DPC IT upon resigning from the Office of the Premier, and do not possess a copy of the note recorded on that device.
72. The following Monday morning, I promptly informed my manager, Mr Burden, of the call and its contents.
73. Mr Burden reacted with surprise and instructed me to ignore Mr Maguire's request and under no circumstance inquire on the status of the grants.
74. I followed Mr Burden's directive.
75. This marks the final instance I have any recollection of interacting with Mr Maguire.
76. I have read media reports and transcripts that during Operation Keppel's 2021 Public Inquiry Ms Sarah Cruickshank stated, during her examination-in-chief, that she had informed other ministerial chiefs-of-staff of the necessity to report any suspicious interactions with Mr Maguire to DPC and/ or the ICAC.
77. I have no recollection of Ms Cruickshank informing Premier's Office staff of this arrangement.
78. While it is possible Ms Cruickshank emailed all Premier's Office staff outlining this arrangement, I have no recollection of reading such an email, nor any recollection of the matter being a subject of discussion within the Premier's Office.
79. Ms Cruickshank would occasionally reiterate topics she'd conveyed to chiefs-of-staff in her respective weekly meeting with that group, to Premier's Office staff at their weekly staff meeting.
80. However, as is the nature of the Premier's Office, staff would frequently be absent from the weekly staff meeting if they were accompanying the premier or attending to other business.

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: Deception on 3 December
[place] (date)

[signature of declarant]

in the presence of an authorised witness, who states:
 I, Bernadette Nolan, a Justice of the Peace No 156139
[name of authorised witness] (qualification of authorised witness)

BERNADETTE NOLAN
 JUSTICE OF THE PEACE
 REG.NO. 156139

B

certify the following matters concerning the making of this statutory declaration by the person who made it: [** please cross out any text that does not apply*]

1. ~~*I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification¹ for not removing the covering, and~~
2. ~~*I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document I relied on was~~ Australian Passport [redacted]

[redacted]

[signature of authorised witness]

[describe identification document relied on]

3/12/2021
[date]

BERNADETTE NOLAN
JUSTICE OF THE PEACE
REG.NO. 156139

¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018)

Annexure "A"

This page comprises the annexure marked "A" referred to in the Statutory Declaration of Zachariah Bentley, declared before me on this day of.....3ra December, 2021.

Bernadette Nolan....., a JUSTICE OF THE PEACE.....
[name of authorised witness] *[qualification of authorised witness]*

BERNADETTE NOLAN
JUSTICE OF THE PEACE
REG.NO. 156139

