

The Commission has made findings of serious corrupt conduct against Gladys Berejiklian and Daryl Maguire.

The Commission found that Daryl Maguire engaged in serious corrupt conduct by, between 2012 and August 2018:

- improperly using his office and the resources to which he had access as a member of Parliament to benefit G8wayInternational Pty Ltd, a company of which he was in substance a director and in respect of whose profits he had an arrangement to share, by:
 - monetising his position as a member of Parliament in order to promote his own pecuniary interests and those of persons close to him, in breach of his duties and obligations as a member of Parliament to act only in accord with what he believed to be in the public interest and the interests of the electorate
 - misusing his position and taxpayer funded resources to which he had access as a member of Parliament to benefit G8wayInternational, a company of which he was in substance a director and in respect of whose profits he had an arrangement to share personally
 - deliberately choosing not to comply with his obligations under the Constitution (Disclosures by Members) Regulation 1983 (“the Disclosure Regulation”) in relation to his position in G8wayInternational, and pecuniary benefits received from or in connection with G8wayInternational’s activities.
 - misusing his office as a member of Parliament by seeking, and receiving, a fee for introducing the party secretary of Liaoning Province and the Liaoning delegation to then premier the Hon Barry O’Farrell at Parliament House on 30 November 2012 with a view to gaining benefits for G8wayInternational and thus, ultimately, for Mr Maguire himself (chapter 4)
- signing and lodging (or authorising the lodgement of) ordinary and supplementary ordinary returns under the Disclosure Regulation, in which he deliberately failed to disclose his interest and position in G8wayInternational and/or all the sources of his income (chapter 5)
- misusing his role as a member of Parliament to advance his own financial interests, as well as the commercial interests of his associates, in connection with an immigration scheme that he advanced to his constituents and others connected with his electoral district (chapter 6)
- misusing his role as a member of Parliament and chair of the NSW Parliament Asia Pacific Friendship Group to advance his own financial interests, as well as the commercial interests of his associates, including members of Shenzhen Asia Pacific Commercial Development Association (chapter 7)

- misusing his office as a member of Parliament with a view to advancing his own private financial interests and/or those of persons associated with him in connection with the sale and/or development of land in NSW by:
 - agreeing with Michael Hawatt that in exchange for Mr Hawatt introducing property developers who would pay a commission the men could share for being introduced to potential purchasers, or financiers, of their properties who were Mr Maguire's clients, Mr Maguire would make representations to government officials who could assist the property developers in relation to planning issues
 - agreeing with William Luong that in exchange for Mr Maguire introducing Mr Luong to property developers, such as Charbel Demian, who would pay a commission the men could share for being introduced to financiers of his property development such as Country Garden who were Mr Maguire's clients, Mr Maguire would make representations to government officials who could assist Mr Demian in relation to planning issues without disclosing to those government officials his hope and expectation of receiving a personal pecuniary benefit from Mr Demian's property development at Camellia
 - making representations to the minister for planning, Rob Stokes, and the minister for roads, Anthony Roberts MP, government officials and ministerial staff to secure meetings for Mr Demian with planning and roads departmental officials without disclosing to those ministers, government officials and ministerial staff his hope and expectation of receiving a personal pecuniary benefit from Mr Demian's property development at Camellia
 - making representations to ministerial staff and government officials on behalf of Louise Waterhouse in relation to the sale, or financing, of her SmartWest.Sydney property development at Badgerys Creek without disclosing his expectation of receiving a personal pecuniary benefit from the possibility of a commission or other payment to be paid to him by Mr Luong in the event that the sale of the land or investment in it was successful
 - attempting to thwart the potential appointment of persons to Independent Hearing and Assessment Panels (IHAPs) at Joe Alha's behest and for Mr Alha's commercial benefit gain without disclosing his personal relationship with Mr Alha
 - facilitating Mr Alha's access to senior figures within the NSW Government in circumstances in which there would be no formal records of such meetings to advance Mr Alha's commercial interests without disclosing his personal relationship with Mr Alha
 - obtaining information from another member of Parliament, regarding the proposed location of the M9 Outer Sydney Orbital and supplying it to Mr Luong, appreciating that it may be of commercial benefit to him in the hope and expectation of obtaining a commission or other payment from Mr Luong for having done so (chapter 8)
 - misusing his office as a member of Parliament to assist Jimmy Liu, United World Enterprises Pty Ltd (UWE) and UWE Hay, informed by his own private pecuniary interest in the possibility of being appointed to the board of UWE (chapter 9).

The Commission found that Gladys Berejiklian engaged in serious corrupt conduct by:

- in 2016 and 2017, breaching public trust by exercising her official functions in relation to funding promised and/or awarded to the Australian Clay Target Association (ACTA) without disclosing her close personal relationship with Mr Maguire when she was in a position of a conflict of interest between her public duty and her private interest which could

objectively have the potential to influence the performance of her public duty. Her conduct comprised:

- causing the ACTA proposal to be included on the agenda for the Expenditure Review Committee (ERC) meeting of 14 December 2016
- supporting the ACTA proposal in the ERC meeting of 14 December 2016
- communicating her support for and interest in the ACTA proposal to NSW Treasury staff, at least one ministerial colleague (John Barilaro) and staff within her office
- causing steps to be taken by staff from her office to follow up on the progress of the ACTA proposal following the ERC ACTA decision, including by communicating a request that the initial benefit cost ratio calculation of 0.88 by the Department of Premier and Cabinet Investment Appraisal Unit be revisited (chapter 11)
- in 2016 and 2017, partially exercising her official functions in connection with funding promised and awarded to ACTA by exercising her official functions influenced by the existence of her close personal relationship with Mr Maguire and by a desire on her part to maintain or advance that relationship (chapter 11)
- in 2018, breaching public trust by exercising her official functions in relation to decisions concerning the Riverina Conservatorium of Music (“the RCM”) proposal which she knew were advanced by Mr Maguire in:
 - participating in the 12 April 2018 ERC decision concerning RCM Stage 1 in relation to the transfer of land at 1 Simmons Street, Wagga Wagga, to provide a site for the RCM
 - participating in the 24 April 2018 ERC decision concerning RCM Stage 1 in relation to the funding granted to RCM Stage 1
 - determining to make a funding reservation of \$20 million in relation to RCM Stage 2
 - approving the letter arranging for that funding reservation to be made

without disclosing her close personal relationship with Mr Maguire, when she was in a position of a conflict of interest between her public duty and her private interest in maintaining or advancing her close personal relationship with Mr Maguire, which could objectively have the potential to influence the performance of her public duty (chapter 12)

- in 2018, in connection with funding promised and awarded to RCM Stage 2 engaging in conduct constituting or involving the partial exercise of her official functions influenced by the existence of her close personal relationship with Mr Maguire, or by a desire on her part to maintain or advance that relationship (chapter 12)
- by refusing to discharge her duty under s 11 of the ICAC Act to notify the Commission of her suspicion that Mr Maguire had engaged in activities which concerned, or might have concerned, corrupt conduct (chapter 13).