

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 4

**INQUIRY INTO THE APPROVAL OF THE DESIGNER OUTLETS
CENTRE, LIVERPOOL**

At Sydney on Monday 30 August 2004

The Committee met at 10.00 a.m.

PRESENT

The Hon. J. A. Gardiner (Chair)

The Hon. J. C. Burnswoods

The Hon. K. F. Griffin

Ms S. P. Hale

The Hon. D. E. Oldfield

The Hon. P. T. Primrose

The Hon. J. F. Ryan

CHAIR: Ladies and gentlemen, I declare this public hearing open, and I welcome everyone to the sixth public hearing of the General Purpose Standing Committee No. 4 inquiry into the approval process for the Designer Outlets Centre on Orange Grove Road, Liverpool. I would like to thank the witnesses today for appearing at short notice to assist the inquiry. At the first three hearings I made lengthy comments regarding aspects of evidence, including sub judice, adverse mention and the status of documents requested by the Committee. If I need to in the course of the hearing, I will refer back to those comments, but I do not intend to repeat them now. There are a few matters of which I need to inform the public.

Mr Michael Meagher, Chief of Staff to Assistant Planning Minister, the Hon. Diane Beamer, will appear today as a result of a summons issued under the Parliamentary Evidence Act. The Committee had previously invited him to attend. Several representatives of Westfield were invited to attend at today's hearing. The Committee has been advised that all six representatives are unavailable. The Committee will endeavour to hear from them at another hearing. Mr Joe D'Agostino, solicitor to Mr Gazal, was also invited to appear at today's hearing. The Committee will further deliberate on his appearance.

I refer to the new call for papers. The Committee has issued a call for papers for this inquiry to the Premier's Department regarding material relating to meetings held. Those papers are due to be returned to the Clerk this Thursday. I refer to the new reporting date. The Committee has extended its reporting date until 24 September 2004. I refer to media broadcasting. The Committee previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the broadcasting guidelines are available from the table by the door. In reporting Committee proceedings, the media must take responsibility for what they publish, including any interpretation placed on evidence before the Committee. In accordance with these guidelines, while a member of the Committee and witnesses may be filmed or recorded, people in the public gallery should not be the primary focus of footage or photographs. Under the standing orders of the Legislative Council, evidence and documents presented to the Committee that have not been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by a Committee member or by any other person.

I refer to messages. Witnesses, members and their staff are advised that any messages should be delivered through the attendant on duty or through the clerks. I ask that members of the audience refrain from making audible comments during the hearing, and I ask everyone to turn off any mobile phones during the hearing.

MICHAEL ANDREW MEAGHER, Chief of Staff, Minister Assisting the Minister for Infrastructure and Planning, sworn and examined:

CHAIR: Is it in the capacity of Chief of Staff to the Hon. Diane Beamer that you were summonsed to appear today?

Mr MEAGHER: Yes.

CHAIR: I should advise you that if you should consider at any stage during your evidence that certain evidence or documents you may wish to present should be heard or seen in private by the Committee, the Committee will consider your request. However, the Committee or the Legislative Council itself may subsequently publish the evidence if they decide it is in the public interest to do so. Mr Meagher, do you have an opening statement?

Mr MEAGHER: I do have a statement.

CHAIR: If you could proceed to make that statement.

Mr MEAGHER: First of all, Madam Chair, I would like to point out that when I was initially invited by the Committee to attend this inquiry and give evidence I declined on the grounds that there has been a longstanding convention that ministerial staff are not required to be called before and attend such an inquiry. I observed this convention. I have subsequently been summonsed to appear here, and I come here quite openly and obviously ready to tell the truth and to provide you with what answers I can. In compliance with your summons, I am now here to answer questions. I have a short statement that I would wish to provide the Committee with and place on the record. I respectfully request leave to read my statement now.

CHAIR: You may proceed.

Mr MEAGHER: On Thursday July 8 2004 Diane Beamer, Minister Assisting the Minister for Infrastructure and Planning, resolved not to approve Liverpool LEP 1997 Draft Amendment No. 92 that had been submitted to the Department of Infrastructure, Planning and Natural Resources by Liverpool City Council, Administrator appointed, on April 14 2004. In making this decision the Minister took into account a report to her under section 69 of the Environmental Planning and Assessment Act and advice from the most senior public servant in the department, the Director-General, Ms Jennifer Westacott. The director-general's advice came to the Minister in two memorandums dated 25 June 2004 and 8 July 2004. The Minister's decision was based upon sound planning principles and government policy.

On Saturday July 10 2004 Mr Joe Tripodi, MP, rang me in the late afternoon, Sydney time, while he was on his honeymoon in Spain. He said to me words to the effect that he had been told that four associates of Gazcorp Pty Ltd planned to sign statutory declarations to the effect that Mr Tripodi had told them that Minister Beamer had told him that Frank Lowy had told the Premier to instruct her not to approve the LEP. Mr Tripodi said that this was not true and that he had told them no such thing. He said that he had spoken to them but only said words to the effect that it wouldn't surprise him in this situation that Westfield, and other parties, had made representations of some kind to Government. Mr Tripodi said that Gazcorp was threatening to go to the Independent Commission Against Corruption. He asked me to pass this on to the Minister. My response was, and I clearly remember, "Let them bring it on, Joe. This is nonsense."

Approximately half an hour later Mr Tripodi rang me back. He said that he had since had another conversation with the Gazcorp associates and they had said they were talking of taking the matter to the Ombudsman rather than the ICAC. Again Mr Tripodi asked me to pass this information on to the Minister, which I agreed to do. The earliest I was able to contact the Minister was midday the next day, Sunday July 11 2004. Subsequent to these events, it has come to my attention through press reports that the principal of Gazcorp, Mr Nabil Gazal, and others, have alleged that the above allegation, about the Premier and Minister Beamer, was told to them by Mr Tripodi at a meeting with him at the Orange Grove shopping centre on May 22 2004.

The first time the shopping centre at Orange Grove Road, Liverpool, became known to me as an issue was in early April 2004 when I returned a call I had received from Mr Tripodi on Friday April 2 2004. To the

best of my recollection, he explained to me in that conversation that he was ringing about the Orange Grove factory outlet centre. Mr Tripodi said that unless the Government acted quickly the factory outlet, which employed 400, people would close. He said he had been told that the operator would sue Liverpool council for more than \$40 million. I said I was not familiar with the situation but would make inquiries with the department.

The Hon. JOHN RYAN: Mr Meagher, did you mention the date that that happened?

Mr MEAGHER: April 2. I then rang either Steve Driscoll or Gary Prattley from the department and discussed the issue. I was told that due to a court order the centre was slated for closure on April 28. I asked that the options open to the Minister be discussed at the next weekly meeting with the Department on Tuesday April 6. At that departmental meeting on Tuesday April 6 the proposed Crossroads/Orange Grove amendment to LEP 92 was on the agenda. I recall that the discussion centred around the need to expedite the process of bringing the amendment to the Minister for consideration as quickly as possible, given the court-imposed deadline.

The next regular weekly meeting with the department took place on April 14. It was attended by the director-general, but not the Minister. The Crossroads/Orange Grove LEP amendment was again on the agenda. It was noted again that with the court-imposed closing date of April 28 the LEP would need expediting if there was any chance of gazettal before that date. In the meantime the LEP would need to be assessed by the department and the Minister. I recall that Gary Prattley stated that the timetable would be very difficult to achieve.

On Friday April 16 I received a telephone call from Graeme Wedderburn, the Chief of Staff to the Premier, inquiring if I knew anything about the Orange Grove site. Mr Wedderburn was under the impression that the LEP was with the Minister for decision. I told him that this was not the case and that the LEP had only just come to the department. He said there were serious concerns about how the original consent had been given. He suggested a meeting the following week with the Minister to discuss the matter. Later that afternoon I rang the Minister, who told me she had received a call from Mr Wedderburn that day. The Minister said Mr Wedderburn told her he had heard of concerns about the process in council. That day I also asked the department to provide up-to-date briefing notes on the draft LEP and on the court cases between Westfield and Gazcorp. I received the briefing notes that afternoon.

On Tuesday April 20 the Minister, myself and Emilio Ferrer, Deputy Chief of Staff to Planning Minister Craig Knowles, met with Graeme Wedderburn in my office. As I recall, Mr Wedderburn explained that the LEP amendment involving the Orange Grove factory outlet centre had a seedy history and that the process through which the council allowed the factory outlet zoning in an industrial zone where bulky goods was permitted, was highly suspicious. There was a real stench about it. He talked about the fact that the courts had held that the development was unlawful. He talked of the sacked Liverpool council and the cloud over it from the Oasis development. He also said we should be aware of the network of figures who were supportive of or associated with the operator Gazcorp. He mentioned the names Frank Mosca, Sam Bargshoon and Nabil Gazal. He impressed on the Minister and myself that because of the background of possible corruption the Minister should be cautious in making her decision that she should avoid being inappropriately lobbied.

Minister Beamer and I informed Mr Wedderburn that approaches from a Mr Tony Beuk had already been made on behalf of Gazcorp, and that Mr Tripodi had also called our office but that the only path she intended to follow was to make a considered decision upon sound planning principles. Mr Wedderburn stated that she should take great care and make her decision only on proper planning principles. In the afternoon of April 20 the Minister and I attended the weekly meeting with the department, also attended by Gary Prattley. Again one of the planning issues was Orange Grove Road. The Minister emphasised that she was concerned that every action was taken to ensure that a considered decision was made on the draft LEP when it came up to her. She also said that she would need further legal advice on the implications of making a decision, either way.

Later that day, April 20, I sent an email to Gary Prattley confirming the outcome of the meeting, the Minister's desire to consider the plan on sound planning grounds and asking for the legal advice requested by the Minister. As far as I am aware normal departmental processes continued in relation to the assessment of the proposed amended LEP until the file came back to the Minister for her final assessment on Friday June 25. However during that period, in which the section 69 report was being prepared by departmental officers as part of the normal departmental processes, Mr Tony Beuk continued to ring me many times, often on my mobile phone, inquiring about the status of the LEP. My answers were always short and became shorter. I estimate he

initially called me every four or five days, in April and May, and then even more frequently in June and early July.

Mr Frank Mosca also rang me several times inquiring about the progress of the LEP, with a predominance of calls from the middle of June. My replies to him were also short and to the point: I was telling him where the LEP was at. At one stage, on June 22 or 23, I recall that I had to tell Mr Mosca that his calls were inappropriate. At the time I told him that we, the Minister's office, had not received the section 69 report. I understood that he was concerned that the centre was due for closure on June 30 but I repeated that I had not seen the section 69 report yet. He was agitated but I repeated that I could not do anything and that his call was inappropriate. Mr Mosca also rang my media adviser, Mr Steve Adams, on several occasions. Messages were also left with the receptionist in the Minister's office.

In the course of an LEP, it is not unusual to field two or three calls from interested parties. However, by the time the Minister made her decision on this LEP our office had received, to my estimate, more than 40 calls from those associated with Gazcorp, which was highly unusual, as Liverpool council, not Gazcorp, was the applicant for the LEP. Also at no time in any of these telephone calls to me, or to other members of the Minister's office to my knowledge, was any allegation passed on about undue influence by Westfield, or about any alleged directive having been given to the Minister by anyone. On April 19, 2004, my personal assistant received a phone call from a Kyley Bourke, the personal assistant to a Westfield director, Greg Miles. Ms Burke was requesting Mr Miles have a meeting with me on the Liverpool LEP amendment. Ms Burke confirmed her request in a fax on the same day. I believe the fax came to my attention the next day. I did not reply to it.

On Friday June 25, the director general sent over the final report with attached to it a memorandum from her which outlined her concerns about the proposed LEP including: the adequacy of public transport; inconsistency with the spirit of the Government's centres policy; adverse economic effect upon the existing nearby retail centres; inconsistency with the aims of SEPP 66; and the arguments for support based upon emerging trends in the USA. Upon reading the section 69 report, the Minister and I were concerned that there were inconsistencies in it. Both of us held similar concerns as those outlined by the director general in her memorandum. On Tuesday, June 30, in a meeting between Minister Beamer, Ms Westacott, Mr Prattley and myself, there was extensive discussion about the director general's memo. The Minister made it clear that she felt that the Orange Grove development did not accord with the Government's centres policy. She stated that if the Orange Grove amendment was allowed it would lead to the situation where outlets sought cheap rents on industrial zonings and endangered the viability of the CBD. The director general [DG] agreed with the Minister that if Orange Grove was a "greenfields site" it would be hard to justify any approval. It was not a suitable site.

The Minister said that she would send a written request to the DG seeking that she elaborate upon her concerns about the inconsistencies in the LEP, particularly addressing the effect of the development upon businesses in the Liverpool CBD and dealing with transport issues, the Government's centres policy and its metropolitan strategy. The Minister also said that if her decision was to not approve this amendment, she would like to assist an orderly close down of the site. The DG agreed that we should support any application for an extension to allow time for people to look for employment alternatives.

On Thursday 8 July 2004 the DG sent the file back to the Minister's office. The advice in her second memorandum was more detailed than that in her memorandum dated 25 June 2004. After consideration of it the Minister advised me that she had decided to not approve the amended LEP. She signed the documents to that effect on that day. Finally, I again draw to the attention of the Committee, the fact that Gazcorp has commenced proceedings in the Land and Environment Court against the Minister personally in respect of the decision of July 8 not to approve the amended LEP. Gazcorp seeks to have the Minister's decision set aside. There is a court timetable which will lead to a hearing date. I make the Committee aware of that fact.

Finally, Madam Chair, I ask that my statement be endorsed and returned to me, if possible.

The Hon. JOHN RYAN: You can table it.

CHAIR: Do you have copies of it?

Mr MEAGHER: Yes, I have a copy for myself and one I can supply to the Committee.

Document tabled.

The Hon. JOHN RYAN: Could you inform the Committee who told you not to come to this Committee when you were originally invited?

Mr MEAGHER: I spoke to my Minister and we talked about it. We talked about the fact that there was a convention and I subsequently talked to the Premier's Office too about the convention, because this is a convention across government. The advice was that it was not advisable for me to accept the invitation.

The Hon. JOHN RYAN: Who told you not to come?

Mr MEAGHER: No-one told me not to come, I had advice that it is a longstanding convention, and that is a fact.

The Hon. JOHN RYAN: Did your Minister instruct you not to come to this Committee?

Mr MEAGHER: Yes.

The Hon. JOHN RYAN: You are aware, and your Minister would have been aware, that the Premier had allowed his chief of staff, who occupies the same position as you, to attend the Committee?

Mr MEAGHER: I was aware of that, yes.

The Hon. JOHN RYAN: Why, then, was your Minister doing something different from the Premier's Office?

Mr MEAGHER: The Premier made a decision, and I respect the Premier's decision. My Minister made a different decision.

The Hon. JOHN RYAN: Who did you speak to in the Premier's Office when this matter was discussed?

Mr MEAGHER: Graeme Wedderburn.

The Hon. JOHN RYAN: Was this matter discussed with the Premier?

Mr MEAGHER: Absolutely not.

The Hon. JOHN RYAN: Was any instruction sought from the Premier?

Mr MEAGHER: Absolutely not.

The Hon. JOHN RYAN: How long have you worked for Minister Beamer?

Mr MEAGHER: A little over a year—since May 2003.

The Hon. JOHN RYAN: What did you do prior to working in her office?

Mr MEAGHER: I worked with John Aquilina, previously in the portfolios of Education and Training, and then Fair Trading and then Land and Water Conservation. I was chief of staff for John, and before that I was his media adviser.

The Hon. JOHN RYAN: What are your professional qualifications?

Mr MEAGHER: I have a Bachelor of Commerce and I have been a journalist for more than 25 years with a lot of experience and I can detail that to you if you like.

The Hon. JOHN RYAN: What training or experience do you have in planning?

Mr MEAGHER: I do not claim to be a planner.

The Hon. JOHN RYAN: Are you a member of the Australian Labor Party?

Mr MEAGHER: No, I am not.

The Hon. JOHN RYAN: Have you ever been a member of the Australian Labor Party?

Mr MEAGHER: No, I have not.

The Hon. JOHN RYAN: What is your salary?

Mr MEAGHER: I think that is my business. I would not really like to talk about my salary, to divulge my salary.

The Hon. JOHN RYAN: When did Graeme Wedderburn contact Minister Beamer and ask for a meeting with her?

Mr MEAGHER: Graeme Wedderburn contacted me initially on 16 April, which was a Friday.

The Hon. JOHN RYAN: Did he wish to meet with Minister Beamer?

Mr MEAGHER: Yes, that was one of the things that was mentioned in the conversation.

The Hon. JOHN RYAN: Are you saying that Graeme Wedderburn at no time met with the Minister, from your statement?

Mr MEAGHER: No, I cannot. I said that he said he would like to meet with the Minister. I thought I answered that question.

The Hon. JOHN RYAN: Did a meeting occur between Mr Wedderburn and Ms Beamer?

Mr MEAGHER: Yes, it did, as I have stated in my statement.

The Hon. JOHN RYAN: Did Graeme Wedderburn inform the Minister or direct the Minister to stick to the rules?

Mr MEAGHER: He did not direct the Minister at anytime during our meeting with him on April 20. He did not direct the Minister.

The Hon. JOHN RYAN: Are you aware that the Premier gave him an instruction? I quote Mr Wedderburn's evidence. He said that the Premier said, "The Minister ought to be appropriately advised to stick to the rules. On 20 April I met with Minister Beamer to issue an anti-corruption warning. Minister Beamer told me that a decision would be based on sound planning principles. She told me and her staff that she would take care to avoid being lobbied." Are you aware of the fact that the Premier did request Mr Wedderburn to issue her with a directive about sticking to the rules?

Mr MEAGHER: No, I was not aware of any directive. I was not aware that a directive was issued in the meeting or that the Premier had issued a directive. Graeme Wedderburn came to that meeting to advise me on information that I did not know about in regards to this LEP. He advised me about the history of this LEP, where it had come from in Liverpool council, that it had doubtful beginnings, that there was a stench or a smell about it. At that stage I did not know a lot about the background of the legal action, that this matter had been to the Land and Environment Court, and then the Court of Appeal. The decisions found that the consent given was illegal. He told me these facts and he also told me that we should take care that we were not lobbied and mentioned the names Frank Mosca, Nabil Gazal and Sam Bargshoon as people who we might come into contact, or who might try to contact us.

The Hon. JOHN RYAN: Did he tell the Minister during that meeting to stick to the rules?

Mr MEAGHER: Words to the effect, yes. But in delivering this message, in his words, anticorruption message, and in delivering his advice, this was advice and the Minister at the time in replying to that advised

said, "I hear what you are saying, Graeme", or words to that effect. She said "I hear what you are saying. There is only one path for me and that is to make a decision based on sound planning principles. That is my job, and that is what I will do." I repeat again, he gave us advice, he said, "Take care." He did not give a directive.

The Hon. JOHN RYAN: He said, and I quote his words, "What I said to the Minister and what she repeated back to me was that she should make the decision based on the rules." That sounds like a directive to me. And he says further, "I clearly said to her, and she repeated back to me—

Mr MEAGHER: Is playing by the rules a directive?

The Hon. JOHN RYAN: It is a directive.

Mr MEAGHER: I do not agree that it is a directive. It was not—I was in the room, it was not a directive.

The Hon. JOHN RYAN: Let me read to you what your Minister said, "I told Graeme—

Mr MEAGHER: Excuse me. I am sorry. At what time are you saying that my Minister said this?

The Hon. JOHN RYAN: This is in the transcript of her recent press conference—

Mr MEAGHER: That is right. Okay. Fine.

The Hon. JOHN RYAN: In which journalist "He", meaning Mr Carr, "said, 'I told Graeme Wedderburn to say, "Minister, stick by the rules." That is not a directive, is it? As Graeme Wedderburn explained in his testimony to the inquiry, he never gave that directive to me. So I was unaware it was made.'"

Mr MEAGHER: Yeah.

The Hon. JOHN RYAN: Now that appears to me that your Minister seems to have not been aware of those rules.

Mr MEAGHER: No. The Minister, in that press conference, took the question as referring to a directive because in the meeting we had on the 20th Graeme Wedderburn explained to us the situation that I have related to you and is in this statement. She then told Graeme that she understood what he was saying and that the only path for her was to make a sound—a decision based on sound planning merit applying the rules. There is no question about that.

The Hon. JOHN RYAN: I think the clear inference by the Minister in her press conference was that she was not aware that that directive had been made as Graeme—this is what she said, "As Graeme Wedderburn explained in his testimony to the inquiry, he never gave that directive to me. So I was unaware it was made."

Mr MEAGHER: Yeah.

The Hon. JOHN RYAN: Was the Minister aware of the words—?

Mr MEAGHER: I think you are taking the Minister's reply in that press conference out of context.

The Hon. JOHN RYAN: I do not. I read it to you verbatim.

Mr MEAGHER: I want to explain to you that when Graeme Wedderburn delivered his message of anticorruption to the Minister the reaction to that was to say, "Graeme, I understand what you're saying. For me there is only one path here, and that is for me to consider this matter on sound planning principles." This was a conversation that went on for 30 or 40 minutes. The point she was making at the press conference, she didn't need a directive to know that she would be observing the rules.

The Hon. JOHN RYAN: It didn't matter that she didn't need one. She, clearly, had one directed to her by Mr Wedderburn.

Mr MEAGHER: I honestly think you're going on about semantics.

CHAIR: Mr Meagher—

The Hon. JOHN RYAN: Not at all.

CHAIR: —if you could let Mr Ryan finish his question before you answer.

The Hon. JOHN RYAN: It would appear—

The Hon. PETER PRIMROSE: It would also be useful, given, Madam Chair, that the point of these inquiries is to obtain evidence from witnesses. Mr Ryan will have plenty of opportunity to speak, as I am sure he will, in the House ad nauseam. So I think it is appropriate to warn Mr Ryan as well not to interrupt the witness before he has had an opportunity to answer the question.

The Hon. JOHN RYAN: Did Mr Wedderburn indicate that he had been told by the Premier to deliver a message to the Minister that she stick to the rules?

Mr MEAGHER: I think that is the second time, maybe the third time, but I am sure it is the second time you have asked that question and I gave you the answer before. I had no contact from the Premier. My Minister had no contact from the Premier. She had no direction from the Premier, nor did we have any direction from Graeme Wedderburn. I make that clear. Graeme Wedderburn—as I've said in my statement, he gave us some salutary advice and he said, "Take care with this."

The Hon. JOHN RYAN: Did he tell you—

Mr MEAGHER: The Minister replied to her—I will just finish. The Minister replied that she would take care, she would observe sound planning principles.

The Hon. JOHN RYAN: Did—

Mr MEAGHER: She is a planning administrator. That is the job. She knows her job, and she was telling him, "I know my job." In the press conference she was telling—the statement she was making there was, "I know my job. I didn't need someone telling me how to do my job."

The Hon. JOHN RYAN: Mr Meagher, did Mr Wedderburn tell Ms Beamer at that meeting that he had been instructed by the Premier—

Mr MEAGHER: I repeat to you—

The Hon. JOHN RYAN: —to give you a directive?

Mr MEAGHER: Absolutely not!

The Hon. JOHN RYAN: So he did not say that?

Mr MEAGHER: No, he did not.

The Hon. JOHN RYAN: Well, that means that Mr Wedderburn's not telling us the truth.

Mr MEAGHER: I am sorry. He didn't—

The Hon. JOHN RYAN: Mr Wedderburn told this Committee—I am just simply saying to you—

Mr MEAGHER: I am just telling you.

The Hon. JOHN RYAN: Mr Wedderburn—

Mr MEAGHER: You are asking me a question.

The Hon. JOHN RYAN: Mr Wedderburn told this Committee that he was (a) told by the Premier to give your Minister a directive and that that directive was that he should—

The Hon. JAN BURNSWOODS: Point of order.

Mr MEAGHER: You are assuming—

CHAIR: Order!

The Hon. JOHN RYAN: I am putting to you his evidence—

The Hon. JAN BURNSWOODS: Point of order, Madam Chair.

The Hon. JOHN RYAN: —and you're telling me that he didn't tell you.

The Hon. JAN BURNSWOODS: As usual, of course, the de facto Chair there.

CHAIR: Order!

The Hon. JAN BURNSWOODS: Madam Chair, I believe that the member of the Committee, in referring, as he just did, to the use of the word "directive" is misleading the witness and, indeed, the Committee. If he can find in the transcript the reference that he is alleging to a directive then I would be very pleased to hear it. But I do not believe he can find the—

The Hon. JOHN RYAN: I read it earlier.

The Hon. JAN BURNSWOODS: —the part that he is referring to.

The Hon. JOHN RYAN: There is no point of order. That's just a debating point.

CHAIR: There is no point of order.

The Hon. JAN BURNSWOODS: If the Committee member is misleading the witness, Madam Chair, it's a matter of grave concern, surely, for the Committee.

CHAIR: There is no point of order.

The Hon. JOHN RYAN: I did mention that passage. I will go back to it at another time.

The Hon. DAVID OLDFIELD: You might also want to refer to Mr Wedderburn's statement.

The Hon. JAN BURNSWOODS: With quotation marks around it, next time, will you, John?

The Hon. JOHN RYAN: On page 32, "Did the Premier ask you"—this is a question from me—"Did the Premier ask you to do something?" Mr Wedderburn, "Yes. He told me words to the effect that the Minister should be appropriately advised to stick to the rules."

The Hon. JAN BURNSWOODS: And you have just informed our witness that Mr Wedderburn used the word "directive". As I said, Mr Ryan, you are not telling the truth.

The Hon. JOHN RYAN: I am telling the truth.

CHAIR: Order!

The Hon. JOHN RYAN: Well, if she wants to play games with the word "directive" and "advised" I think it is pretty obvious—

The Hon. JAN BURNSWOODS: You have just used the word "directive" about 50 times.

Mr MEAGHER: Excuse me, these are not games. These are not games when you are playing with words like "directive". Okay?

CHAIR: Mr Meagher!

Mr MEAGHER: They're very important to me and my Minister.

CHAIR: Mr Meagher! Order!

Mr MEAGHER: Yes? Thank you.

CHAIR: Mr Meagher, you answer questions, not make speeches.

Mr MEAGHER: Sorry.

CHAIR: Mr Ryan.

The Hon. JOHN RYAN: What did your Minister mean when she said, "I was unaware it was made." If you told us that—

Mr MEAGHER: Sorry, are you referring again to a press conference, or—

The Hon. JOHN RYAN: Yes

Mr MEAGHER: Thank you.

The Hon. JOHN RYAN: Your Minister said, "I was unaware it was made."

The Hon. JAN BURNSWOODS: He's a bit slow.

Mr MEAGHER: She was unaware that this was a directive, because it was not a directive. That's why—that's what the response was all about. She wanted to make quite clear that she didn't have a directive.

The Hon. JOHN RYAN: I put it to you that you did.

Mr MEAGHER: No. That is your prerogative.

The Hon. JOHN RYAN: A question I meant to ask you earlier, it's a bit out of context now but nevertheless it is important to ask you. Have you had legal advice in preparing your statement today?

Mr MEAGHER: Yes, I have.

The Hon. JOHN RYAN: Who gave you that advice?

Mr MEAGHER: John McCarthy.

The Hon. JOHN RYAN: Do you have a legal adviser present with you in the room at this moment?

Mr MEAGHER: I'm not sure. No, I don't, no.

The Hon. JOHN RYAN: The gentleman who just left, was he—

Mr MEAGHER: Excuse me. I didn't see anyone. I'm sorry. I don't have eyes in the back of my head. I honestly didn't see anyone leave.

The Hon. JOHN RYAN: I think the rest of the room saw him leave and I think you were here and saw him arrive.

Mr MEAGHER: I'm sorry. I just want to say that I've been summonsed here and I thought it was a good idea to take legal advice. Can you tell me what my crime is, if I have committed a crime in taking legal advice?

The Hon. JOHN RYAN: Nobody is saying you've committed any crime, but I think the Committee is entitled to know the full detail of your evidence, which, obviously, includes whether or not you have taken legal advice and who it comes from and whether you are being assisted at this moment—

Mr MEAGHER: No.

The Hon. JOHN RYAN: —by a legal adviser.

Mr MEAGHER: Everything that I've said is my work. This is my rendition of what happened. I come here, as I said from the start, to speak openly and truthfully, and this is what I said in my statement.

The Hon. JOHN RYAN: Did you ever inform your Minister that you had received a phone call from somebody representing Westfield?

Mr MEAGHER: No.

The Hon. JOHN RYAN: Why not?

Mr MEAGHER: I didn't think it was necessary to pass it on to her.

The Hon. JOHN RYAN: The person who was seeking to meet with you was quite senior. Why would you not have passed onward to her that you had received this request, even if you had declined to pursue it?

Mr MEAGHER: I believe I became—that message became known to me, just to explain this to the Committee, on 19 April. My PA had a call—she was working on the desk—had a call from Kylie Burke from Westfield, representing a Mr Miles, who is a director of the company. I don't know him. She said, "I would like a meeting with Mr Marr." I assumed it was me. It was Marr, but I assumed it was me. It often happens. She subsequently, Kylie Burke, sent a fax through to our office saying, "I've made this request." That fax went into my in tray and I got it, I think, the afternoon of the 20th, maybe even on the 21st. When I saw that I looked at it and said, "No, I don't need to reply to that. I won't be replying to that." Because I didn't think that we needed any representations at all, given the information that I'd had from Graeme and the conversation the Minister and myself had had with Mr Wedderburn that it would be inadvisable, it would be inappropriate to meet anyone from Westfield, Gazcorp or other.

The Hon. JOHN RYAN: You were told it was inappropriate to meet with them?

Mr MEAGHER: No, I'm saying I thought. I said I thought given the conversation we'd had. That was my decision as the chief of staff. I didn't do anything about it at all. I didn't return the call. So we're talking about not a half a toenail in the door. This person rang my PA and then sent a fax.

The Hon. JOHN RYAN: Why wouldn't you have at least responded? Courtesy would demand you'd at least respond—

Mr MEAGHER: Yeah.

The Hon. JOHN RYAN: —and say that you've declined the meeting.

Mr MEAGHER: Look, I'd probably agree with you. I probably should've, in that instance, shown more courtesy because I do return calls and I like people in the office to return calls all of the day, all the time. And I think we have a reputation in our office for an office that does that.

The Hon. JOHN RYAN: Did anybody from Westfield make contact with the Minister or the office other than that about this matter at all?

Mr MEAGHER: Absolutely not.

The Hon. JOHN RYAN: When did you receive the message from Westfield in relation to your conversation with Mr Wedderburn?

Mr MEAGHER: Sorry, could you repeat the question?

The Hon. JOHN RYAN: Had you spoken to Mr Wedderburn before or after you received this message from Westfield? I understand that took place on the same day.

Mr MEAGHER: I believe I'd spoken to Mr Wedderburn before that. As I say, it came in on the 19th, but I didn't see that until at least the afternoon of the next day.

The Hon. JOHN RYAN: Did you receive a phone call from somebody from Westfield informing you that if the Minister approved this LEP that embarrassing information would be revealed with regard to the relationship between Mr Gazal and other members of the Government? Did you report that to your head office?

Mr MEAGHER: No, absolutely not.

The Hon. JOHN RYAN: Who named Mr Tripodi during the meeting that you had with Mr Wedderburn?

Mr MEAGHER: I believe it was Mr Wedderburn.

The Hon. JOHN RYAN: And who named Mr Beuk?

Mr MEAGHER: I did.

The Hon. JOHN RYAN: You use words such as—you appear to be quoting Mr Wedderburn where you use words such as "stench"—

The Hon. DAVID OLDFIELD: "Smell".

The Hon. JOHN RYAN:—"smell" and so on. Did Mr Wedderburn use those words?

Mr MEAGHER: Yes, he did use that language. Yeah.

Ms SYLVIA HALE: May I pass to you a document? And I have copies here for other members of the Committee. I move that those be tabled.

CHAIR: This is a document from Sylvia Hale headed "Westfield donations to Labor Party".

Ms SYLVIA HALE: Are you aware of any of these sums of money that have been donated to the Labor Party?

Mr MEAGHER: I'm not really, no.

Ms SYLVIA HALE: But you would be aware the donations total, according to this document, they total to the New South Wales and the Federal ALP \$859,050 over a period of five years?

Mr MEAGHER: If these are accurate, and you say they're accurate, then I trust you that they're accurate.

Ms SYLVIA HALE: These are figures that have been compiled from publicly available sources, both Federal and State electoral offices.

Mr MEAGHER: Yes.

Ms SYLVIA HALE: As you may be aware, we have had evidence from Gazcorp that it donated to the Labor Party over a six- or seven-year period a total of \$10,000.

The Hon. JAN BURNSWOODS: And to the Liberal Party as well.

The Hon. DAVID OLDFIELD: No, that is not correct.

Mr MEAGHER: I do not understand what the point is.

Ms SYLVIA HALE: Evidence has been given to this Committee that Gazcorp over a period of six or seven years donated a total of \$10,000 to the Labor Party. Would you agree that the public perception is that a donation of \$10,000 when compared to a donation of \$859,050 pales into insignificance?

Mr MEAGHER: I honestly do not know where you are going here. Are you trying to establish a connection between donations and performances, the sort of hearing you will get in a Minister's office? Let's cut to the chase.

Ms SYLVIA HALE: There have been major assertions made before this Committee that there was a web of influences, a web of dishonest influences that were encircling the Minister. I am putting to you that the public perception would be that the influence exerted by \$859,050 would be far more extensive than the influence exerted by a donation of \$10,000.

Mr MEAGHER: I do not think so. I think you are making an assumption. You are making an assumption that if people make donations then they buy LEPs. That is not what happens.

Ms SYLVIA HALE: The evidence would seem to suggest that Mr Wedderburn was so perturbed by the allegations about the circle of dishonest influences that he spoke to the Premier and then he spoke to you and to the Minister. In fact, in your statement you say that he also said, "We should be aware of the network of figures who are supportive of or associated with the operator Gazcorp."

Mr MEAGHER: I said that he impressed on the Minister and myself because of the background of possible corruption that the Minister should be cautious in making her decision and she should avoid being inappropriately lobbied.

Ms SYLVIA HALE: Did anybody at any time suggest to the Minister that she should also be wary of the influence exerted by Westfield?

Mr MEAGHER: No, that did not come up at the meeting.

Ms SYLVIA HALE: Despite the fact that Westfield was a major player in what was occurring, it had approached the Land and Environment Court and it obviously had a significant sum at stake should the Orange Grove outlet proceed?

Mr MEAGHER: I understood that Westfield and Gazcorp were the two conflicting players here. They had been in court together. I understood that, yes, but I understood that myself.

Ms SYLVIA HALE: May I provide you with another document? I have copies for members of the Committee. We have heard from your evidence and the evidence of Mr Wedderburn about the enormous concern of the web of influence that was being exerted by Gazcorp.

Mr MEAGHER: Sure.

Ms SYLVIA HALE: Would you not agree when you look at this diagram that there is an equally great or greater weight of influence exerted by the Westfield Corporation?

Mr MEAGHER: No. How do we get that? Are we adding up what is in black?

Ms SYLVIA HALE: With the diagram provided by Mark Ryan we had a series of names and links and arrows and the assumption behind it was that there were proved connections.

Mr MEAGHER: Yes.

Ms SYLVIA HALE: Here we have Westfield giving \$200,000 to the State ALP, Westfield giving \$643,000 to the Federal ALP, Premier Bob Carr speaking about the Lowy Institute, and Mark Ryan and Michael Fullilove, former staffers of Paul Keating, being heavily involved with the Lowy Institute.

Mr MEAGHER: Were any of these people though involved in the original consent? We are talking about an LEP, an individual situation.

The Hon. PETER PRIMROSE: Point of order: People can wave bits of paper around. I thought the point of a committee of inquiry such as this was to elicit information from witnesses. Members will have plenty of opportunity to make speeches at a later point. At the moment the Hon. Sylvia Hale keeps raising issues concerning a whole range of matters and will not let the witness answer. If she has a question she is perfectly entitled to raise it. But she keeps making speeches and interrupting the witness. When he is asked questions let him give information to the Committee.

CHAIR: He can when Ms Sylvia Hale has finished her question.

The Hon. PETER PRIMROSE: But she is making a speech.

CHAIR: Ms Sylvia Hale may ask her questions in the way she sees fit.

Ms SYLVIA HALE: Mr Meagher, you put the question to me: Did Westfield have anything to do you with the LEP?

The Hon. JAN BURNSWOODS: On Friday I was not permitted to ask a question because it did not have a question mark on it, but the rules are different for different members of the Committee.

CHAIR: Order!

The Hon. JAN BURNSWOODS: Next time I ask a question without a question mark on it that will be okay?

CHAIR: No. Ms Sylvia Hale has the call.

The Hon. JAN BURNSWOODS: It is okay for her.

Ms SYLVIA HALE: I hope none of that has been taken out of my time, Madam Chair.

The Hon. JAN BURNSWOODS: I am glad to get on the record, Madam Chair, your bias and inconsistency.

Ms SYLVIA HALE: You asked me the question whether Westfield had anything to do with the original LEP. May I put it to you, and I would like your comment, was not in fact the original LEP prepared and forwarded to the Minister by Ms Gabrielle Kibble, a former director of the Department of Planning?

Mr MEAGHER: Can I answer that in two parts? First of all, it is a matter of who had their fingerprints all over the original consent in Liverpool council because that is where the LEP comes from. This is a rescue LEP, it is a retrospective LEP which relies on the influences that happened and the influences from people including Frank Mosca, Gerard Turrisi and others originally. In terms of speaking about Gabrielle Kibble, the administrator, Gabrielle Kibble is the administrator of Liverpool council and she is acting in the best interests of Liverpool council. She is working for Liverpool council and she made her decision in the best interests of Liverpool council.

Ms SYLVIA HALE: Are you aware that in fact the original LEP that went to the council involved both the Crossroads site and the Orange Grove site and that Ms Kibble intervened and put her fingerprints all over it to the extent that she divided the two projects into two separate proposals so that the one that went to the Minister was very specifically connected to Orange Grove?

Mr MEAGHER: Yes. In fact, the LEP originated, the original LEP was designed for Crossroads. Orange Grove only made it on—if you look at the LEP in 2003 Orange Grove made it onto the bottom shelf. It

got dragged onto the bottom shelf. By the time that Kibble is in the chair in March she has a quick decision to make and she takes out Crossroads, who were supposed to be there from the beginning, in favour of Orange Grove Road.

Ms SYLVIA HALE: I think the evidence from Ms Kibble is not that it was a quick decision. In fact, it was a very studied decision and it was one backed up. I have here correspondence the Committee has received about the RTA having no objection in principle to the proposal to introduce a new definition for "outlet centre" and to permit the operation of an outlet centre at 12-16 Orange Grove, Liverpool. We have the RTA which has no objections to the proposal, Ms Gabriel Kibble whose planning qualifications are beyond dispute, and the officers of the department preparing a section 69 report which said that it is a supportable and reasonable proposal. Can I put it to you, Mr Meagher, and I would like your comments, it is only after the meeting between Mr Mark Ryan and Mr Wedderburn in fact a flurry occurred and the decision is made in effect to not to proceed with the LEP, despite every bit of expert advice, which have had detailed involvement with it, suggesting that the LEP should be made?

Mr MEAGHER: No, I disagree with your assertion. On 1 April 2004 Stephen Driscoll from the department sent an email to council telling them that both Crossroads and Orange Grove Road failed a net community benefits test and there was no way the department would be able to see their way to put this LEP through. In the same email Steve Driscoll asked for further advice. I saw that email for the first time I think May 4 or May 5 of this year asking for more information. I was just keeping a tab on what is going on with this LEP, as I would do for any LEP. What I am saying is that was April 1 he asked for more information. That information did not come through until the end of April, which meant that any haste in trying to push the LEP through in quick time was never going to be possible. Other considerations had to be made. Other information was being asked by DIPNR, by the department to basically prove up or to make this possible. In terms of a flurry of activity, we are talking about June 25 when it came to the Minister's office and the meeting with Graeme Wedderburn was on April 20. I do not see that as a flurry.

Ms SYLVIA HALE: Would you not agree, as Ms Kibble has testified, that she decided to proceed with the plan because of its social and economic benefits to the community and that that is perfectly in line with the objectives of the E P and A Act? It is difficult to conceive of a decision that means the loss of 450 jobs, it is difficult to see that that decision is in the net community benefit. I do not understand the reasoning as to how you get to that notion, particularly when the RTA said that the traffic problems are resolvable, Ms Kibble and the departmental officers say the plan should proceed and Ms Kibble making it in accord with the objectives of the Act. In what way was the retaining of 450 jobs not to the net community benefit?

Mr MEAGHER: It was not to the net community benefit. If you have a look at the file you will see various correspondence in the file which suggests that the officers giving advice to others in the department were saying that the advice was that it was sort of even. The net community benefit under the draft SEPP 66—and as I say I am not a planner but it is my job to make sure that the Minister is properly informed by the department and, most of all, by the Director-General—but a net community benefit has to be clearly established. In correspondence the department is saying that it is not clearly established. The matter of employment was a major factor for the Minister but it is not the only factor. I think Gabrielle Kibble has said—she said it several times in her evidence—that she made her decision for social and economic reasons, which basically is jobs. But there are many other considerations to be made other than employment. I am sorry, I might have lost you there. I am talking to you and you do not seem to be listening.

Ms SYLVIA HALE: I am sorry. I move:

That the list of donations and the Westfield "Web of Influence" that I tabled be tabled and made public.

The Hon. PETER PRIMROSE: Are you prepared to testify to assure us that they are accurate?

Ms SYLVIA HALE: Yes, I think I am.

The Hon. PETER PRIMROSE: Are you or are you not?

Ms SYLVIA HALE: Yes, I am prepared to testify to their accuracy.

CHAIR: The motion is agreed to.

The Hon. JAN BURNSWOODS: Mr Meagher, I think on page 4 of your statement—it is about the middle of your statement—you comment, "Also at no time in any of these telephone calls to me or to other members of the Minister's office to my knowledge was any allegation passed on about undue influence by Westfield or about any alleged directive having been given to the Minister by anyone." Can you give us some detail about the kind of lobbying or attempted influence that you or other members of the Minister's office were subject to, given that you have said that those people making the calls did not allege any undue influence by Westfield?

Mr MEAGHER: The first notification I had was when I received a call from Tony Beuk on 14 April. That was the first notice I had from him. He then rang four and five times a week and then more frequently as we closed on July. The calls themselves were very short. I never met Mr Beuk. I will be frank: When he first rang I did not know who he was; I assumed that he was working for another Minister's office. I did not know Mr Beuk. I gave him short answers.

The Hon. JAN BURNSWOODS: To interrupt, he was deputy mayor but he would have started ringing you after the council was sacked?

Mr MEAGHER: He first rang on 14 April, yes.

The Hon. JAN BURNSWOODS: So when he started ringing you he was without a formal position on Liverpool council?

Mr MEAGHER: Yes. I would not have known that.

The Hon. JAN BURNSWOODS: How many times would he have rung you in total?

Mr MEAGHER: Thirty-plus times. Mr Mosca rang several times, particularly in mid-June. At one stage I told Mr Mosca that we had not received the section 69 report and that it was still with the department. He did not want to take no for an answer; he wanted some sort of intervention by me or the Minister. I told Mr Mosca that it was inappropriate and that I could not help him. I recall that after that I did not have any calls from Mr Mosca.

The Hon. JAN BURNSWOODS: How many calls would you have had from Mr Mosca approximately?

Mr MEAGHER: Seven or eight calls and my media adviser, Steve Adams, had several calls. If we add those up, it had to be an orchestrated campaign. There were people who had been appointed into positions—"Just make sure you keep on his tail; keep the pressure up on him." I can attest that, in talking to people in my office, I would pick up the phone and say, "Yeah, Frank" or "Yeah, that's right, Tony." I would say, "The 69 is not with us yet, okay? You'll know when we have the 69 report." Unless they were at least very insensitive or stupid they would have gathered by call No. 40 that I had had enough of these phone calls. In my position, if we have three or four phone calls—maybe five phone calls—about an LEP then that is a lot of phone calls about an LEP. But 40 is highly unusual. In my experience, I have never had this happen at all. At the same time, I did not have any calls from Westfield. I did not have any calls from representatives of Westfield.

The Hon. JOHN RYAN: Well, you had one.

Mr MEAGHER: Excuse me, I did not have any calls.

The Hon. JOHN RYAN: Somebody did.

Mr MEAGHER: Excuse me, I did not.

The Hon. JAN BURNSWOODS: Mr Ryan, I think it is my time to ask questions.

Mr MEAGHER: Could you retract that because I did not have one?

The Hon. JOHN RYAN: No, I will not retract it. You were referring to calls to the office and then you said that there were no calls from Westfield.

The Hon. JAN BURNSWOODS: Mr Ryan, I have the call to ask questions.

The Hon. JOHN RYAN: That is fine. Keep the call.

The Hon. JAN BURNSWOODS: Mr Meagher, going to the content of these calls—whether from Mr Beuk or Mr Mosca—were they pleadings, threats or cries for help? How would you characterise them?

Mr MEAGHER: I think they were a combination. I was not threatened by individual calls. It was basically the number of calls in the end that became very, very frustrating. In the end, particularly with Mr Mosca, when we were talking about pleadings and some sort of intervention by me or the Minister I said that we could not help him—we did not have the 69 report; we had not seen it yet—so basically get off my back. This was inappropriate.

The Hon. JAN BURNSWOODS: Yet you say in your statement—I ask you to state it formally again, despite the questions from Mr Ryan and Ms Hale—that in none of these calls was any allegation made about undue influence by Westfield.

Mr MEAGHER: Exactly. Given that if the alleged conversations happened—the big-fix that happened out at Liverpool on 22 May—there were no protestations from the people who were making constant representations to me. None of that was included. There was no hint of that in any of those calls—any of those representations that were being made to me.

The Hon. JAN BURNSWOODS: Thank you. Can I take you back to what you said about the call you had on 10 July from Mr Tripodi, what he said to you and the comments that he made then about having been told that four associates of Gazcorp planned to sign statutory declarations et cetera? Can you tell us in a bit more detail about the call from Mr Tripodi?

Mr MEAGHER: I was in my backyard. I think I was digging a hole at the time. I had a call on my mobile phone. Mr Tripodi sounded anxious. He told me very quickly—he got to the point very quickly—that the four associates of Gazcorp planned to sign statutory declarations to the effect that Tripodi had told them that Beamer had told him that Frank Lowy had told the Premier to instruct her not to approve the LEP. He said that this was not true; this had not happened—no such thing had happened. He said that he said to them that you could expect people to make representations—or words to that effect. People in this situation could be expected to make representations to government but what they had said was untrue and he wanted me to pass that message on to the Minister.

He also said that they were threatening to take this matter to the ICAC. I remember my words. I said, "Joe, let them bring it on. This is nonsense." That conversation finished and I said that I would inform the Minister. Approximately half an hour later Mr Tripodi rang back and said that he had had another conversation with these people—I was not quite sure which of these people—and that they were now talking of taking the matter to the Ombudsman rather than to the ICAC. I said, "Okay", I accepted the information and I again told Mr Tripodi that I would pass it on to the Minister—which I agreed to do. I informed her about it the next day.

The Hon. JAN BURNSWOODS: Would you say that Mr Tripodi lobbied you in any way?

Mr MEAGHER: Do you mean in that context or earlier?

The Hon. JAN BURNSWOODS: In the two conversations on 10 July.

Mr MEAGHER: I do not think he was lobbying me. He was telling me some information I should know and that I should pass on to the Minister. He was basically warning me that these people would sign the statutory declarations, which would get into the media on the Monday. So basically he was telling me in advance, through conversations with them, that they will allege this—this is what they are saying—and it is not true.

The Hon. JAN BURNSWOODS: And then, as we know, it was given to the media and so on. So what Mr Tripodi told you did in fact happen.

Mr MEAGHER: Exactly.

The Hon. PETER PRIMROSE: Mr Meagher, were you involved in the appointment of Mr John Dermody as the Government's jobs and business co-ordinator following Minister Beamer's decision not to rezone the outlet centre?

Mr MEAGHER: Yes, I was involved in the appointment of Mr Dermody.

The Hon. PETER PRIMROSE: What reaction has Mr Dermody had from Gazcorp and the centre management at Orange Grove?

Mr MEAGHER: I have a piece of paper that will jog my memory of it. Without the notes, basically John Dermody was appointed to assist in whatever way he could in finding jobs and locating as many jobs as quickly as we could through communicating with people like the Shopping Centres Council of Australia and others to make jobs available for people. He then very quickly appointed Drake Australia to go out to the centre, and subsequently he appointed the Australian Retailers Association to talk to tenants and perhaps find ways of relocating them if that were possible.

To shortcut it, John wrote and faxed Mr Gazal and his son. He was advised that his father was busy and they would pass the message on. It started on 23 July. On 26 July Mr Nabil Gazal took a call and advised that he was not interested in a meeting and that the caller should go talk to Mr Knowles. On 26 July again there was a letter to Mr Gazal from the jobs co-ordinator, Mr Dermody, setting out attempts to organise a meeting and advising that the jobs co-ordinator would be visiting the centre and repeating the offer to meet. The letter was faxed to Mr Gazal at 2.30 that day. The jobs co-ordinator visited the centre to distribute a letter of introduction to the jobs co-ordinator and a small survey form to centre traders. The jobs co-ordinator was intercepted by the centre management and security and asked to leave the premises after only four letters were distributed.

On 28 July Orange Grove centre manager rings the jobs co-ordinator to check a rumour that the co-ordinator was to visit the centre that afternoon. The jobs co-ordinator was advised that he was not welcome. So this is what you call co-operation. I think this reflects on the character of Mr Nabil Gazal. Does he really care about the people at the centre? On 2 August Drake calls the centre manager to arrange a meeting to discuss access to employees. The meeting was arranged for 11 a.m. on the next day, 3 August. On the evening of 2 August the centre manager called a meeting for 11 a.m. the next day but agrees to call on 3 August to arrange a meeting later that day.

Basically, Drake then rings the centre manager to organise a meeting later that day, later on 3 August. The centre manager advises he will call back later that day, but does not. Drake then arrive at the centre on 4 August with envelopes containing pamphlets: 250 pamphlets were handed out and all but six outlets were visited. Shortly after Drake's arrival, centre management and security request Drake to leave the premises. Security went around, obviously under instruction, and asked employees to hand back these envelopes that had been handed to them. There was basically sabotage going on, and that is repeated right through. The centre manager is thrown out, Drake are thrown out, the pamphlets are taken away from them and there is absolutely no co-operation at all.

It is no surprise that you read in the papers earlier this week that very few people are being placed. It is because they have no opportunity and I have also been given the impression that the centre is safe and it will be open forever. The reality is it has been given a closure date by the courts, which was reinforced the other day, and these people need to be helped. They need to be offered positions in employment, and it is not happening. That is not to say that John Drake and Australian Retailers will not continue to do what they can to advertise in the newspapers to tell people what is going on, because they cannot get on the turf out there, because they will be turfed out.

The Hon. PETER PRIMROSE: Are you aware of any cases of traders at Orange Grove signing leases when they were not aware of the legal proceedings against Gazcorp?

Mr MEAGHER: Yes, I am aware of that. I understand the jobs co-ordinator and the Australian Retailers Association have interviewed six people who claim that they were given notice closure of legal action that was in train when they signed their leases late last year. Despite claims by Mr Gazal and, I think, his son, that everyone had been sent a letter and informed and given proper disclosure, I understand there are at least two

tenants who have retail disputes registered, who have lodged complaints with the retail disputes unit. That is the situation.

The Hon. PETER PRIMROSE: I do not know if we did this, but you are happy for your initial statement to be made public? I know you tabled it.

Mr MEAGHER: Absolutely.

Motion by the Hon. Peter Primrose agreed to:

That Mr Meagher's initial statement be made public.

The Hon. KAYEE GRIFFIN: Mr Meagher, Mr John Ryan seems to have an obsession with the use of the word "directive". According to your statement of Tuesday 20 April at a meeting between the Minister and you, Mr Wedderburn stated:

It was pressed on the Minister and myself that because of the background of possible corruption the Minister should be cautious of making her decision and that she should avoid being inappropriately lobbied.

Does this make it clear that Mr Wedderburn did speak to you and the Minister about safeguarding the process and, in his words, sticking to the rules?

Mr MEAGHER: He absolutely gave the Minister the message. He impressed on her the background, the doubtful, highly questionable, background, of the original consent. He talked about Liverpool council, the cloud over the Oasis development and, as I said, he talked about the people concerned, Frank Mosca, Bargshoon and Nabil Gazal, and that we should take care to avoid being lobbied and that we should take care with this decision. I repeat again, never at any stage did Mr Wedderburn give me or the Minister a directive on what sort of decision we should make in this matter. His advice was about process. His advice was words to the effect of, words to the effect of. It was about observing the rules, making sure we observed the correct process. As I said in my earlier evidence, the Minister responded in this meeting to Mr Wedderburn's advice—background, if you like—on this situation by saying: "I know my task here. My path here is to make a decision based on sound planning principles." Mr Wedderburn agreed with that. He said, "That is what you have got to do."

The Hon. JOHN RYAN: Mr Meagher, you were reading earlier from a document in answer to questions about the jobs co-ordinator. Would you care to table that material?

Mr MEAGHER: Yes, absolutely. (Document tabled)

The Hon. JOHN RYAN: Are you aware that your Minister met Mr Tripodi on another occasion in which Orange Grove Road was discussed?

Mr MEAGHER: Yes, I am.

The Hon. JOHN RYAN: Did she discuss that with you?

Mr MEAGHER: She discussed it after that time. At the time it happened, I was not in Parliament with my Minister.

The Hon. JOHN RYAN: Did you pass on to Mrs Beamer that Mr Tripodi had lobbied the office about the development and the LEP?

Mr MEAGHER: Yes, I did pass that on to her.

The Hon. JOHN RYAN: So, she was told of Tripodi's calls?

Mr MEAGHER: Yes.

The Hon. JOHN RYAN: Did she make any further contact with him?

Mr MEAGHER: I told her—if I could just explain—of the original contact we had from Mr Tripodi, which was early April. As I have mentioned in the statement, he wanted the Minister to be aware that there were a lot of jobs involved, that the operator was threatening to sue Liverpool council, and other issues. We took that on board and I passed that information on to the Minister in due course.

The Hon. JOHN RYAN: Did any other members of Parliament make any representations to the Minister regarding Orange Grove?

Mr MEAGHER: Not to my knowledge, no.

The Hon. JOHN RYAN: Do you recall Mr Anthony Roberts making any representations?

Mr MEAGHER: No, I do not recall Mr Anthony Roberts making any representations. Nor do we have in our office any record of any representations by Mr Anthony Roberts.

The Hon. JOHN RYAN: Were there any representations made to your office by other organisations with regard to the Orange Grove development?

Mr MEAGHER: No.

The Hon. JOHN RYAN: None?

Mr MEAGHER: No, no.

The Hon. JOHN RYAN: Do you recall receiving some correspondence, I think addressed to you, Orion Communications, somebody called Julian Brophy, on 23 April? He wrote to you and said:

Dear Michael,

I am writing following our discussions with respect to the proposed bulky goods expansion at Crossroads at Casula.

At that time, a possible means of resolving the current impasse was identified, and I provide a summary of that discussion for your consideration.

The key points are:

1. the 28 April date with respect to the Orange Grove Road development is not an appropriate deadline for decisions to be made on this serious issue and does not provide proper opportunity for all issues relating to the rezoning of both sites to be given due consideration. The two applications should be considered by DIPNR on their planning merits concurrently and this may not be achievable by 28 April

Do you not agree that this is a representation with regard to the decision—

Mr MEAGHER: Could you remind me of the date on the top of that?

The Hon. JOHN RYAN: Yes, 22 April.

Mr MEAGHER: What that communication was about, you recall we talked about it in earlier evidence, was that Ms Kibble and the council decided to push the Crossroads out of this LEP. So, at the time that he rang me, Crossroads was not part of this LEP, okay? It had been excluded. So, I am basically answering you truthfully. Mr Brophy rang me and said that the Crossroads people, as I explained earlier also, given that they had their name on this LEP first, back in December 2003, and had then been excluded, they basically were not, if I can use the vernacular, happy campers. They were not very happy with the decision that had been made in Liverpool council. Julian rang on behalf of those people to say can they have a meeting to talk to me about it? As I said to you before, I am open as a chief of staff to meeting people re different LEPs, but they were not involved in this LEP. They had been excluded from this LEP.

The Hon. JOHN RYAN: They were making representations to you about the Orange Grove matter. They did not want the Minister to approve the Orange Grove LEP and they made that pretty clear.

Mr MEAGHER: Excuse me, they were not parties to this LEP. Nor was Gazcorp.

The Hon. JOHN RYAN: Mr Meagher, I only asked you had you received other representations in relation to Orange Grove to which you distinctly, clearly and utterly said no, and I just read you one. This is not only a representation to you about Orange Grove but it refers to earlier discussions which would indicate there were at least two occasions on which someone made a representation to you with regard to the specific LEP dealing with Orange Grove. It is not hard to see that they were interested in this matter because they were worried that if this had been passed—

Mr MEAGHER: Excuse me, are you going to make a speech?

CHAIR: Mr Meagher, you will not interrupt the question.

The Hon. PETER PRIMROSE: It is not a question; it is a speech. Let him answer the question.

CHAIR: He has not finished the question.

Mr MEAGHER: I have nothing to hide on this, Mr Ryan. All right, I will not express myself.

CHAIR: Mr Meagher, you will not express yourself until the end of the question.

The Hon. PETER PRIMROSE: I will express myself. Let him answer the question.

The Hon. JOHN RYAN: Mr Meagher, this is a representation from a person who was interested in the LEP relating to Orange Grove, is it not?

Mr MEAGHER: It is a statement, that is right. But they are not a party to the LEP. I am quite prepared here to give you any information you want.

The Hon. JOHN RYAN: They are a party to the LEP.

Mr MEAGHER: Excuse me, they were not a party to the LEP. They were excluded. Are they a party to the LEP, can you answer me that question?

CHAIR: It is not for you to ask questions.

The Hon. JOHN RYAN: They are financially affected by whether the LEP is passed or not, are they not?

Mr MEAGHER: But they are not a party to the LEP, that is the question.

The Hon. JOHN RYAN: They do not need to be. I simply asked you whether you received representations from other groups in relation to the LEP.

Mr MEAGHER: They were not party to the LEP.

The Hon. JOHN RYAN: I do not see that to be relevant. I asked you, party or not, are there other groups, in addition to these, other people who made representations to your office with regard to the Orange Grove LEP?

Mr MEAGHER: Those people, Julian Brophy rang me on behalf of AMP Capital Investors and the company called Austex, which is related to DFO. That is the name of the business, I think. They were concerned that they missed out on this LEP, that they were not on the boat. They were seeking and had written letters to the department on any redress or inclusion or whatever. I met those people to say that Ms Kibble has made a decision. She has excluded you for whatever reason. We can only consider the LEP that is coming to us, which is what we eventually did. That is the sum of the conversation.

We had an earlier meeting with AMP Capital Investors and I think that was on February 20, 2004. At that meeting I was under the impression we talked about the Crossroads development and I was talking to them about the Crossroads development, and Orange Grove Road was not mentioned. We talked about the draft SEP and what they may or may not be able to sell in any outlet centre they might be able to develop. I had no

knowledge and no awareness of Orange Grove Road. As I said to you and as I said in the statement, the first time that Orange Grove Road came onto my radar, that I was aware of it, or that I was aware of it as an issue, was early April when I received that information from Joe Tripodi.

The Hon. JOHN RYAN: What did you do in regard to those two representations that you received—

The Hon. JAN BURNSWOODS: She said it was not a representation.

The Hon. JOHN RYAN: A letter is a representation.

Mr MEAGHER: I met these people.

The Hon. JAN BURNSWOODS: I do not know how many times we have to go through this.

The Hon. JOHN RYAN: What did you do as a result of those representations, which made reference to the Orange Grove Road development? What did you do about them?

Mr MEAGHER: I met these people.

The Hon. JOHN RYAN: Did you do anything else?

Mr MEAGHER: No I did not. I explained to them, "You are not part of the LEP and there is not much I can do about it. You are not part of this LEP now. You are not a partner to the LEP."

The Hon. JOHN RYAN: Did you not request a briefing from the department with regard to this and request that that briefing be made available to you on 4 May?

Mr MEAGHER: I do not recall. If I did ask for a briefing I do not see what—

The Hon. JOHN RYAN: I think this document is from you to Gary Prattley. It is dated 30 April and it is from Michael Meagher. It states, "For the preparation of an urgent brief please."

The Hon. JAN BURNSWOODS: The witness said that he does not recall. Perhaps he could take that question on notice.

Mr MEAGHER: On what date?

The Hon. JOHN RYAN: On 30 April.

Mr MEAGHER: I am not sure. If you could tell me what is the subject matter of the brief I will explain it to you.

The Hon. JOHN RYAN: It is a facsimile that appears to contain some directions. Attached to it is some correspondence that appears to indicate that you saw the brief in regard to that matter.

The Hon. PETER PRIMROSE: I presume the witness will be given time to read the document?

The Hon. JOHN RYAN: I am sure that he recognises it. I do not think he thought that we knew about it.

Mr MEAGHER: Could you repeat what you said then?

The Hon. JOHN RYAN: I said that I do not think you thought that we knew about it.

Mr MEAGHER: I did not come with any—

CHAIR: Order! Mr Meagher!

Mr MEAGHER: Excuse me, if he is going to cast aspersions about my character—

CHAIR: Order! Mr Meagher, you are here to answer questions.

Mr MEAGHER: Right.

The Hon. JAN BURNSWOODS: Point of order: I ask Mr Ryan to withdraw that aspersion.

CHAIR: Order! You can ask Mr Ryan.

The Hon. PETER PRIMROSE: I ask the Chair to direct Mr Ryan to withdraw.

CHAIR: Order! Mr Ryan, would you like to ask a question in relation to that matter?

Mr MEAGHER: I would like to say Mr Ryan: Yes, I did ask for a briefing on this, Mr Ryan. A lot of things happened over the last year, and a lot of things in this. As I said originally, I am totally transparent. I am not denying this at all. In fact, it is immaterial. These people had been excluded from the LEP, they were furious and they wanted to be included again. It had nothing to do with me. It had a lot to do with Liverpool council. So I got a brief from Gary Prattley.

The Hon. JOHN RYAN: Mr Meagher, that is not a representation asking to be included in the LEP. That is a representation that asks you not to approve the LEP by a certain date and it informs you that it would be inappropriate to do so. Obviously somewhere or other they got wind of the fact that that LEP was close to approval. The paperwork around the office seems to indicate that some attempt was made to approve an LEP.

Mr MEAGHER: What they were aware of was the 28 April date, which is what everyone was aware of.

The Hon. JOHN RYAN: Correct, and they were making a representation to you not to approve.

The Hon. JAN BURNSWOODS: Let the witness finish his answer.

The Hon. JOHN RYAN: They were making a representation.

Mr MEAGHER: They were making a representation to be included in the LEP.

The Hon. JOHN RYAN: That representation is not about being included; it is specifically about the Minister not approving the Orange Grove LEP. That is what it says.

Mr MEAGHER: Okay, I will take that question on notice. Can you please tell me what you are inferring?

The Hon. JOHN RYAN: I asked you a straightforward question. Were there any other representations from any other people to the office with regard to the Orange Grove matter? You said that there were none. I just read one out to you.

Mr MEAGHER: Mr Ryan, as I explained, the reason that I initially did not answer that question to your liking—and I apologise for that—is that I was thinking you were talking about parties to the LEP.

The Hon. JOHN RYAN: I did not mention parties. I referred to the development—

Mr MEAGHER: I am just telling you what I took your question to mean. I am willing to provide you any information you like on any conversations I have had with AMP Capital Investors and with Julian Brophy. I had two meetings with them on 22 and 27 April. I had a cup of coffee with them and I said, "I am listening to what you are saying, but you have to understand that Liverpool council has made this decision and there is nothing we can do about it." That was the extent of my involvement with them.

The Hon. JOHN RYAN: Did you do anything about their request to the Minister not to approve the LEP by a specific date?

Mr MEAGHER: No, absolutely not.

The Hon. JOHN RYAN: Are you aware that the organisation that sent you that communication, which is establishing the crossroads development, has a business relationship with Westfield and with Liverpool Westfield in particular?

Mr MEAGHER: I am aware that AMP Capital Investors has a 50 per cent ownership, or whatever else with Westfield in a shopping centre, yes.

The Hon. JOHN RYAN: At Liverpool?

Mr MEAGHER: Yes.

The Hon. JOHN RYAN: So, in a sense, it is making representations in the interests of Westfield, is it not?

Mr MEAGHER: No, I do not think so. They were making representations on their own behalf.

The Hon. JOHN RYAN: I think that was an organisation that also joined with Westfield in its action against Gazcorp.

Mr MEAGHER: I am sorry, what is your question?

The Hon. JOHN RYAN: I think the people from the crossroads were also joined in the action with Westfield against Gazcorp?

Mr MEAGHER: I do not know that they were, no.

The Hon. JOHN RYAN: You mentioned that Emilio Ferrer was present at the meeting that you had with Graham Wedderburn?

Mr MEAGHER: Yes.

The Hon. JOHN RYAN: And that he is from Mr Knowles' office. Why was he there? What correspondence had been sent to Mr Knowles' office to get him there?

Mr MEAGHER: Mr Knowles was not brought into it at all. Emilio came representing his office so that he was across what was happening in this matter.

The Hon. JOHN RYAN: What did he know about this LEP?

Mr MEAGHER: Very little or nothing. Our office was handling the matter.

The Hon. JOHN RYAN: Who asked him to come?

Mr MEAGHER: I do not recall.

The Hon. JOHN RYAN: How did he find out that the meeting was taking place?

Mr MEAGHER: I think I may have talked to his chief of staff, I do not know.

The Hon. JOHN RYAN: What was the purpose of having him up to speed on this?

Mr MEAGHER: You understand that Craig Knowles is the planning Minister. We are the Minister assisting the Minister. We make decisions on it. It was an important matter and it was something that he should be across.

The Hon. JOHN RYAN: So does that indicate that Mr Knowles had some idea about the progress of this matter whilst it was with Ms Beamer?

Mr MEAGHER: No. The conversations were not carried on between Ms Beamer and Mr Knowles.

The Hon. JOHN RYAN: Maybe not, but there certainly appears to have been an effort at least to keep Mr Knowles' office abreast of what Ms Beamer was doing in regard to this issue. Is that not the case?

Mr MEAGHER: I did not have any more conversations with Mr Ferrer, so he was not calling me to find out what was happening.

The Hon. JOHN RYAN: No, but you were obviously telling him?

Mr MEAGHER: No, I was not.

The Hon. JOHN RYAN: How did he know to come there?

Mr MEAGHER: I am saying that he came to the meeting, that is right, but you are talking about the progress of the LEP.

The Hon. JOHN RYAN: Why would someone from Mr Knowles' office turn up at a briefing to be conducted between Minister Beamer and the Premier's office with regard to an LEP that was described using the word "smelly" and other great adjectives? Why was he there and how did he get to be there?

Mr MEAGHER: As I said, it was a matter that we felt he should be across.

The Hon. JOHN RYAN: Why?

Mr MEAGHER: It was a matter that we felt he should be across.

The Hon. JOHN RYAN: To whom are you referring when you refer to "we"?

Mr MEAGHER: To the Minister and me.

The Hon. JOHN RYAN: So the Minister asked for someone from Mr Knowles' office to be represented?

Mr MEAGHER: Excuse me, I do not recall why. I am saying that I do not recall the conversation at the time. But we felt that it was an important matter that we felt he should be across.

The Hon. JOHN RYAN: What other conversations and what other briefings and information—

Mr MEAGHER: Let us just put this in the right context. Craig Knowles is a Minister in the western suburbs of Sydney and he is planning Minister.

The Hon. JOHN RYAN: And he opened the centre.

Mr MEAGHER: That is right. That is one thing that you have got right. It was reasonable that he should be—

The Hon. JOHN RYAN: And he is a friend of Mr Mosca.

The Hon. JAN BURNSWOODS: Let the witness finish his answer.

Mr MEAGHER: It was reasonable that he should be represented at the meeting. It was a reasonable thing and it is not suspicious. It is not suspicious, as you are suggesting.

The Hon. JOHN RYAN: I am not suggesting anything. I am trying to find out—

Mr MEAGHER: I think you are.

The Hon. JOHN RYAN: I think your Minister said that there was no correspondence or discussion between her and Mr Knowles, which I find unusual. Yet at this very critical briefing someone from Mr Knowles' office is invited to attend. I am trying to work out whether—

Mr MEAGHER: It may seem like a mystery to you, but I do not think it is a mystery. I think there is an easy explanation.

The Hon. JOHN RYAN: Plenty of other briefings were given to your office about this matter. Why was Mr Knowles' office not invited to them? What made this one so different?

Mr MEAGHER: As I said, it involved a development in the western suburbs. In a way, Mr Knowles has made a statement about opening this thing, so there was a connection there. They had come across in some way in their office, so it was reasonable that someone from their office should be attending a meeting on the subject.

The Hon. JOHN RYAN: Is there any chance that he was there because Mr Knowles had made his views known to Ms Beamer as to what thoughts he might have had about this development?

Mr MEAGHER: No, absolutely not.

The Hon. JOHN RYAN: Are you aware that Mr Knowles is a friend of Frank Mosca, the person you said had been lobbying your office?

Mr MEAGHER: I am aware from the transcript, yes.

The Hon. JOHN RYAN: So why would you invite someone from Mr Knowles' office, a friend of the person who is going to be the subject of the discussion at this meeting? Why was someone from Mr Knowles' office invited to attend and to listen?

Mr MEAGHER: Minister Beamer is the Minister who was in charge of this LEP. She makes all decisions on LEPs. So there is no question that Mr Knowles would interfere with her job in determining this. You can shake your head, Mr Ryan.

The Hon. JOHN RYAN: I was not suggesting that they would interfere; I was suggesting Mr Knowles might have made representations on the matter, he might have indicated that he was interested, therefore, you would have invited someone from his office.

Mr MEAGHER: No, he did not for obvious reasons. Because he had been involved in the opening Craig did not want to be involved.

The Hon. JOHN RYAN: You said that Mr Knowles' office was invited to send a representative to this meeting because he is a Minister who represents a seat in the western suburbs?

Mr MEAGHER: That is right, yes.

The Hon. JOHN RYAN: That would seem to indicate that Mr Knowles had shown some interest in this development.

Mr MEAGHER: No. Do we know on the record that he opened the bulky goods centre, as you said?

The Hon. JOHN RYAN: Yes.

Mr MEAGHER: He was there for the opening?

The Hon. JOHN RYAN: There is a plaque out there with his name on it.

Mr MEAGHER: Do you agree that there had been involvement?

The Hon. JOHN RYAN: Without a doubt.

Mr MEAGHER: As a responsible Minister he would want someone at the meeting, I suppose, to be abridged of the situation.

The Hon. JOHN RYAN: So how did you know he would want someone to be there?

Mr MEAGHER: I do not know. I spoke to the Minister. The meeting was arranged and—

The Hon. JOHN RYAN: Did the Minister ask you to invite someone from Mr Knowles' office to be present?

Mr MEAGHER: She did, yes.

The Hon. JOHN RYAN: I recall you said in your statement that Mr Wedderburn called you on 16 April?

Mr MEAGHER: Yes.

The Hon. JOHN RYAN: You said at that time that he had discussed having a meeting with the Minister? How did he know what he wanted to meet the Minister about since at that stage he had not yet met—

Mr MEAGHER: I gather that he had had a call from Westfield.

The Hon. JOHN RYAN: He had had a call from Westfield but why did he say that he wanted to meet with the Minister? At this stage it was a preliminary investigation. It appears that Mr Wedderburn seems to believe every phone call he gets before he has a meeting. He said, "We are going to have a meeting with the Minister."

Mr MEAGHER: I am not privy to the conversation that he had with Westfield. In the conversation that I had with Mr Wedderburn, as I said in my statement—and I refer you to the statement—if anything, he wanted to know if I knew anything about the Orange Grove site. He was under the impression that the LEP was with the Minister for decision. I told him that this was not the case and that the LEP had only just come to the department.

The Hon. JOHN RYAN: You then go on to state that there were serious concerns about the original application.

Mr MEAGHER: That is exactly right, yes. He spoke briefly to me on the phone about that too.

The Hon. JOHN RYAN: It would appear to me that there might well have been advocating very strongly against the Minister—

The Hon. JAN BURNSWOODS: How many more questions are you going to get after your time has expired and when a break has been announced?

The Hon. JOHN RYAN: I will let the member's comment go, and I will come back to this when we get our next batch of 20 minutes.

(Short adjournment)

CHAIR: Mr Oldfield has the call.

The Hon. DAVID OLDFIELD: Mr Meagher, I refer to a 21 April facsimile to Harshane Kahagalle that came from Stephen Driscoll that says:

I refer to our telephone conversation this afternoon. I wish to advise the Department is working towards a time frame which would see a 69 report furnished for the Minister's consideration early in the week beginning 27 April 2004.

What was your understanding of what was occurring at that time with regard to the department and the section 69 report?

Mr MEAGHER: The courts had imposed a date of 28 April on the closure, and the department were intent on seeing that this came into the department and then on to the Minister as soon as possible. We had meetings with the department, and they informed us of the progress.

The Hon. DAVID OLDFIELD: Do you know a Tony Beuk?

Mr MEAGHER: I do now, but not personally, no.

The Hon. DAVID OLDFIELD: You had not previously known him?

Mr MEAGHER: No.

The Hon. DAVID OLDFIELD: Did Mr Beuk contact you at all?

Mr MEAGHER: He did. I think you may not have been here earlier.

The Hon. DAVID OLDFIELD: I am sorry. You have been through this, have you?

The Hon. JOHN RYAN: I think he has mentioned it.

Mr MEAGHER: He contacted me at least 30 times during the progress of this, through from April to the time after the Minister signed the—

The Hon. DAVID OLDFIELD: Can you tell me this? There is something I am not sure of with regard to the questioning that was occurring earlier with Mr Ryan. I am very unsure about these issues of what it is that Minister Beamer said and what it is that Mr Wedderburn said. There does seem to be some problem or conflict. I am just wondering if you could try and clarify for me—

Mr MEAGHER: There may be a conflict in your mind, but I do not believe there is a conflict.

The Hon. DAVID OLDFIELD: I usually have conflict with other people's minds, rather than in my own. But, as far as this is concerned, I understand from what you are saying that Wedderburn told Minister Beamer what she should be doing but did not at any stage direct her to do anything. Is that the thrust of it?

Mr MEAGHER: Mr Wedderburn provided us with advice on the background of the LEP, the people involved, that there were a lot of questions about the original consent granted by Liverpool council, about some of the people involved there, and I refer you again to the statement. He mentioned the names Frank Mosca, Sam Bargshoon and Nabil Gazal, and basically impressed on the Minister and myself that, because of the background of possible corruption, the Minister should be cautious in making her decision and that she should avoid being inappropriately lobbied.

The Hon. DAVID OLDFIELD: The question to Minister Beamer was: He (Carr) said, "I told Graeme Wedderburn to say, 'Minister, stick by the rules,'" and the journalist, I gather, said, "That's not a directive?" sort of asking in that fashion, and Minister Beamer said, "As Graeme Wedderburn explained in his testimony to the inquiry, he never gave that directive to me, so I was unaware it was made." And the journalist says, "So you were never told to stick by the rules?" And the Minister says, "No."

Mr MEAGHER: Yes. Again, I don't know if you were not here earlier—

The Hon. DAVID OLDFIELD: I was. I just did not understand what you were saying.

Mr MEAGHER: Well, that's fine. I reiterate again—and I have spoken to the Minister about that—that the Minister, in their press conference, took it that the question is that she was being directed to play by the rules. Certainly, that was exactly the sense of Graeme Wedderburn's conversation. After he gave her advice, it was the Minister who said, "Look, I know what I've got to do here. I've got to make a decision on sound planning grounds, on planning merit. That is the part I play here."

The Hon. DAVID OLDFIELD: So you are not denying that Graeme Wedderburn—let's take out the word "directed"—

Mr MEAGHER: Well, it is a pretty important word. I reiterate again that Graeme Wedderburn gave advice. He told the Minister to take care. That was his advice. But there was no directive on any outcome.

The Hon. DAVID OLDFIELD: So you are not denying that Graeme Wedderburn suggested, gave advice—

The Hon. KAYEE GRIFFIN: He has already said that.

The Hon. DAVID OLDFIELD: —that the Minister should stick to the rules?

The Hon. JAN BURNSWOODS: He does not bother being here when it is not his question time.

The Hon. DAVID OLDFIELD: Madam Chair—

CHAIR: Order!

The Hon. DAVID OLDFIELD: —I am cognisant that a journalist said to me the other day that whenever we are at a point where questions are getting interesting the Hon. Jan Burnswoods just interrupts to try and chop down the flow of things. I just thought I would make that comment.

The Hon. PETER PRIMROSE: Which journalist?

The Hon. JOHN RYAN: Who cares? It is not relevant.

The Hon. JAN BURNSWOODS: Where were you when we had the deliberative meeting?

CHAIR: Order! The Hon. David Oldfield has the call.

The Hon. PETER PRIMROSE: We have been through these questions already, and you were not here.

The Hon. DAVID OLDFIELD: I was here, actually.

The Hon. PETER PRIMROSE: You were not here, you just bowled in. Were you in the building or not?

The Hon. DAVID OLDFIELD: I was here right from the statement through to the beginning of the questioning by Mr Ryan.

The Hon. JAN BURNSWOODS: That is not true.

The Hon. DAVID OLDFIELD: It is entirely true.

CHAIR: Order! The Hon. David Oldfield has the call.

The Hon. DAVID OLDFIELD: I am aware that you are not cognisant of that which surrounds you, Peter. Let us not expose it further.

The Hon. PETER PRIMROSE: You were not here.

The Hon. JAN BURNSWOODS: You missed the whole of the deliberative meeting as well.

The Hon. DAVID OLDFIELD: I try to miss whatever I can, knowing where you are.

The Hon. JAN BURNSWOODS: I guess you were breaching the standing orders again.

The Hon. KAYEE GRIFFIN: We ought to have the same opportunity, David.

The Hon. DAVID OLDFIELD: You have. I will tell you where I am if you stay away.

The Hon. JOHN RYAN: Madam Chair, I recommend that whilst ever the Labor Party members want to delay, they will do so by interjecting. Perhaps the interjections could be added to members' times for asking questions.

The Hon. PETER PRIMROSE: And presumably when the Hon. John Ryan starts asking questions during our times the same rules will be applied to him.

The Hon. DAVID OLDFIELD: Mr Meagher, I am unsure about whether there was a directive or a suggestion. There does not seem to be any argument—

The Hon. JAN BURNSWOODS: If you had been here you would know.

The Hon. DAVID OLDFIELD: There does not seem to be any argument about the fact that it took place.

Mr MEAGHER: That what took place?

The Hon. DAVID OLDFIELD: That Mr Wedderburn came to your Minister and however you wish to describe how he put it, he did very specifically suggest, at least to her, that she should stick to the rules. Is that correct?

Mr MEAGHER: That was his intent when he came. I think what you are trying to do is go to the press conference where the Minister was asked that question. Her answer to that question, the Minister's interpretation, was that the reporter was suggesting that she was given a direction on rules. During this meeting, when Graeme Wedderburn delivered what was essentially a message of anti-corruption, the Minister said, without direction, "I am making this decision and I will make it on sound planning grounds."

The Hon. DAVID OLDFIELD: In Graeme Wedderburn's statement he said that the Minister, and this is the Premier telling him, that the Minister should be appropriately advised to stick to the rules. In the transcript of the interview your Minister was asked, "Why would you need Graeme Wedderburn to tell you to follow the rules?" and your Minister said, "I think that is why he didn't say so, because he knew I would." It certainly appears that the Premier thought that she needed to be told, whether it be a directive, or a suggestion, or something he might throw her way, it is very clear that the Premier said to Graeme Wedderburn, "The Minister should be appropriately advised to stick to the rules." I would have thought that when a Premier says to his chief of staff, "Go to the Minister and tell her that she should be advised to appropriately stick to the rules", that is pretty much a directive. But let us not use the word "directive"; why would the Premier have thought that the Minister needed to be told.

Mr MEAGHER: Can I answer that question?

The Hon. DAVID OLDFIELD: I have not finished the question. Why would the Premier think that the Minister needed to be told to stick to the rules?

Mr MEAGHER: Because of the information that had been imparted to Graeme Wedderburn and the information that Graeme Wedderburn was imparting to the Minister about the background in this case.

The Hon. DAVID OLDFIELD: You acknowledge that the Premier did think—

Mr MEAGHER: No, no.

The Hon. DAVID OLDFIELD: You just told us why he would do it.

Mr MEAGHER: Excuse me. I said earlier in evidence that my Minister did not receive any direction from either the Premier or Graeme Wedderburn.

The Hon. DAVID OLDFIELD: But why would the Premier think your Minister needed direction?

Mr MEAGHER: I am sorry, you have asked me that question but I have not spoken to the Premier about this nor has the Minister.

The Hon. DAVID OLDFIELD: Clearly the Premier thought needed direction and he told his chief of staff, "The Minister should be appropriately advised to stick to the rules." Then your Minister—

Mr MEAGHER: No, you are saying "direction". I am sorry, you find that funny? But you are saying "direction".

The Hon. DAVID OLDFIELD: Yes. If I stop in the street and ask somebody whether I go left or right and they direct me, are they forcing me to go there?

Mr MEAGHER: No, there is a difference.

The Hon. DAVID OLDFIELD: Are they forcing me to go there or making a suggestion in my interests? Because it certainly seems to me that at the very least the Premier felt that a suggestion in your Minister's interests must be made to her and made to her so strongly that he sends his chief of staff down to see her, to say that she should be appropriately advised to stick to the rules. Then—

Mr MEAGHER: You have changed that from "directed" to "advised".

The Hon. DAVID OLDFIELD: No, "directed" has never been my word. I have to point out to you and ask you your view on this: We have here that your Minister said, as Graeme Wedderburn explained in his testimony to the inquiry, "He never gave that directive to me so I was unaware it was made". However when we read Graeme Wedderburn's testimony—

Mr MEAGHER: Yes, she said "directive" and that is what she—

CHAIR: Mr Meagher, let the Hon. David Oldfield finish the question.

The Hon. PETER PRIMROSE: Yes, stop interrupting him with answers.

The Hon. DAVID OLDFIELD: When we read Mr Wedderburn's testimony, and he made this testimony four times, he repeated himself four times, he said, "In fact, this is exactly what I said to the Minister and she agreed and said back to me." Usually when you give someone an instruction that you really want them to understand, you try to get them to repeat it back to you.

Mr MEAGHER: It was mentioned several times in this meeting.

The Hon. DAVID OLDFIELD: Yes, it was mentioned several times by Mr Wedderburn. He said, again, "What I said to the Minister and what she repeated back to me was that she would make that decision based on the rules." She took that on board. She took the advice on board—

Mr MEAGHER: Mr Wedderburn—

The Hon. DAVID OLDFIELD: I have not finished. On a third occasion—

The Hon. JAN BURNSWOODS: Point of order: Madam Chair, could you give your definition of the word "question"?

The Hon. DAVID OLDFIELD: She is doing it again.

The Hon. JAN BURNSWOODS: Madam Chair, could you advise whether you believe Mr Oldfield is actually asking a question?

CHAIR: He has not been given the opportunity to get to the end of the sentence.

The Hon. PETER PRIMROSE: It is a hell of a long sentence.

CHAIR: He is entitled to ask long questions.

The Hon. JAN BURNSWOODS: You mean that he is entitled to whatever you want him to do.

CHAIR: Order! That is my ruling.

The Hon. JAN BURNSWOODS: It is Rafferty's rules, again.

The Hon. DAVID OLDFIELD: On a third occasion in the testimony your Minister said that he did not do any of this. "I clearly said to her, and she repeated back to me". On a fourth occasion he said, "I said to her that she had to ensure that there was no thought whatsoever that the shenanigans at Liverpool council ought to start reflecting on the decision that she may make". But the point clearly is here: on four occasions, three of which she notes that she repeated back to him. Maybe we can agree on the word "directive", maybe we can understand the words "suggestion being taken on board", maybe we can understand the word "instruction". Would it not be clear that your Minister was told, because the Premier told his chief of staff, to stick to the rules?

Mr MEAGHER: I repeat again that my Minister, Diane Beamer, was given no direction by Graeme Wedderburn. He came to the meeting to give her advice, some salutary advice, that she should be aware of in assessing the LEP. Beware, there are people involved. I did not know, my Minister did not know, this background. Keep this in mind—

The Hon. DAVID OLDFIELD: Does the Premier ever tell anybody what to do?

Mr MEAGHER: I am sorry, I am finishing my answer, if that is okay. Beware of these things. Be aware, which is far different from any direction.

The Hon. DAVID OLDFIELD: Does the Premier ever tell anyone what to do, or ask? Or does he just send along advice?

Mr MEAGHER: Excuse me. I am not answering any questions about the Premier, because I did not speak to the Premier on this, and you know that.

The Hon. DAVID OLDFIELD: Okay. Then answer this question: What was the reason that Minister Beamer advised you not to come to this Committee?

Mr MEAGHER: Because, as I said earlier. You have missed the boat a couple of times.

The Hon. DAVID OLDFIELD: No, I do not go by boat, I go by plane.

The Hon. PETER PRIMROSE: You are still up in the air then, David.

The Hon. DAVID OLDFIELD: So I can look down on you, as other people do.

Mr MEAGHER: I was here earlier and I said earlier, which is the truth, that it is a convention. Okay?

The Hon. DAVID OLDFIELD: Would you see that that convention—

Mr MEAGHER: It has been a convention. Are you aware of that convention?

The Hon. DAVID OLDFIELD: Oh, yes. But sticking to that convention, say for example, where Mr Wedderburn did not, gave an impression, at least publicly, that Minister Beamer and yourself had something to hide?

Mr MEAGHER: It may have to you. That's right.

The Hon. DAVID OLDFIELD: Not just to me. Can you tell me, who was the person in the Planning Department who mostly meets with the Minister?

Mr MEAGHER: Can I just say, I am here now, okay?

The Hon. DAVID OLDFIELD: Under summons.

Mr MEAGHER: Yes.

The Hon. DAVID OLDFIELD: Yes.

Mr MEAGHER: But I am here—

CHAIR: Order, Mr Meagher! Mr Oldfield has the question.

The Hon. PETER PRIMROSE: Point of order. You've got an allegation being made, a pejorative statement being made by a member and now you are saying a witness cannot respond to it.

The Hon. DAVID OLDFIELD: It wasn't a directive, it was just a suggestion.

The Hon. PETER PRIMROSE: Let him respond. If an assertion is being made by a member—

The Hon. DAVID OLDFIELD: It was just a suggestion.

The Hon. PETER PRIMROSE: —then, surely, it is in order for a witness to respond—

The Hon. DAVID OLDFIELD: It was just a suggestion.

The Hon. PETER PRIMROSE: —to an aside by a member.

CHAIR: Okay. Mr Meagher, do you want to respond to that, briefly?

Mr MEAGHER: I came here—

The Hon. DAVID OLDFIELD: I thought he did respond. He said only in my mind. It would only be me who had the perception they had something to hide because they didn't want to come before the inquiry.

Mr MEAGHER: I told you—

The Hon. DAVID OLDFIELD: Maybe we could take a straw poll around the room.

The Hon. PETER PRIMROSE: How about he answers?

The Hon. DAVID OLDFIELD: Excuse me?

The Hon. PETER PRIMROSE: Be given the opportunity?

CHAIR: Order!

The Hon. PETER PRIMROSE: You've breached the convention by having him here.

CHAIR: Order!

Mr MEAGHER: Do you acknowledge that there has been the convention, Mr Oldfield?

The Hon. DAVID OLDFIELD: I'm not really concerned by that.

The Hon. PETER PRIMROSE: Well, yeah.

Mr MEAGHER: I'm concerned about your remarks, okay?

CHAIR: Okay.

Mr MEAGHER: Because I came—I've come here in good faith to answer questions.

The Hon. DAVID OLDFIELD: After being summonsed.

Mr MEAGHER: And if that is not enough for you—

The Hon. DAVID OLDFIELD: After being summonsed.

Mr MEAGHER: That's right, which goes back to the explanation that there has been the convention.

The Hon. DAVID OLDFIELD: Your Minister advised you not to come. You didn't come. And then, ultimately, when you are summonsed you did come.

Mr MEAGHER: Yes.

The Hon. DAVID OLDFIELD: Is there something to be proud of in that because I can't see it?

Mr MEAGHER: I don't see that there's—that I have anything to worry about. I'm here to answer questions, and why don't you continue, Mr Oldfield?

The Hon. DAVID OLDFIELD: Thank you, I will.

CHAIR: Mr Oldfield.

The Hon. DAVID OLDFIELD: Now, can you tell me who it is that is the person that mostly in the department that meets with the Minister on planning matters?

Mr MEAGHER: Gary Prattley.

The Hon. DAVID OLDFIELD: Okay. I have an email here in front of me that says, and it is to you from Stephen Driscoll dated 20 April, "As requested attached is the briefing that was prepared last Friday for the Premier's meeting with Westfield. We look like we might be able to get the LEP into town tomorrow for ministerial consideration. However, the limiting factor on that will be the legal review that has been requested by Premier's. We will keep you appraised as things unfold." Where is your response to this email?

Mr MEAGHER: I don't think there was a response.

The Hon. DAVID OLDFIELD: There was no response?

Mr MEAGHER: Look, I'm not sure of that if you're trying to trick me. I remember receiving that email.

The Hon. DAVID OLDFIELD: No, I'm not trying to trick you. I'm just—

The Hon. PETER PRIMROSE: He's got your best interests at heart.

The Hon. DAVID OLDFIELD: Would you mind tabling with the Committee your response?

Mr MEAGHER: I received—no. Why should there be a response? I received a briefing—

The Hon. DAVID OLDFIELD: Yep.

Mr MEAGHER: —which is a request for a meeting that we are expected to be having with Graeme Wedderburn, okay?

The Hon. DAVID OLDFIELD: It says for the Premier's meeting with Westfield. Wouldn't you be concerned if you have a public servant, Stephen Driscoll, in the department who was under the impression that he is preparing a briefing for the Premier having a meeting with Westfield? Wouldn't you at least correct him on that?

Mr MEAGHER: No.

The Hon. DAVID OLDFIELD: No?

Mr MEAGHER: No.

The Hon. DAVID OLDFIELD: You'd just let him keep thinking that?

Mr MEAGHER: No—

The Hon. DAVID OLDFIELD: Right up to the point where we get their emails and have this inquiry and then we are told that it didn't happen; that they made the mistake?

Mr MEAGHER: No, I didn't ring him about it. I didn't ring him about it. No.

The Hon. DAVID OLDFIELD: And you didn't respond to his email?

Mr MEAGHER: No. I didn't think it was—

The Hon. DAVID OLDFIELD: Even when it talks about the limiting factor on that will be the legal review that has been requested by Premier's? We've got a legal review requested by Premier's. We've got a public servant putting out his email to you and we've got this guy also saying that it's the briefing that was prepared for the Premier's meeting with Westfield, but you didn't feel the need to correct him of any of those facts?

Mr MEAGHER: No. When he said "Premier's", and I've seen language like that in other emails in the past, I assumed that he was talking about the Premier's Office.

The Hon. DAVID OLDFIELD: Who are the councillors at Liverpool council that you are of the view were involved with this application, and dealt with it inappropriately?

Mr MEAGHER: I'm not sure that I should answer that question. I'll take advice on that question.

The Hon. DAVID OLDFIELD: So you are of the view there are councillors, then, that dealt with the application inappropriately?

Mr MEAGHER: I think that as—

The Hon. DAVID OLDFIELD: But if there weren't you would just say so.

Mr MEAGHER: Excuse me. Could I answer the question?

The Hon. JAN BURNSWOODS: Let him answer the question. Apart from the fact that your time has expired.

The Hon. DAVID OLDFIELD: I do not need your help, Jan. I doubt anyone needs your help. I know you need help, and we can get it for you.

The Hon. JAN BURNSWOODS: You certainly need help, and your time has expired as well.

CHAIR: Mr Meagher have you answered the question?

The Hon. DAVID OLDFIELD: Yes, Mr Meagher?

The Hon. JAN BURNSWOODS: If he could get a word in edgeways he would try to, wouldn't he?

The Hon. DAVID OLDFIELD: Are you saying you are taking on notice who are the councillors that—

Mr MEAGHER: No, I am not going, I am not mentioning councillors' names when—

The Hon. JAN BURNSWOODS: Mr Wedderburn did.

The Hon. DAVID OLDFIELD: You are acknowledging there are councillors that dealt with the application inappropriately?

Mr MEAGHER: I think, as Mr Wedderburn said to me in the meeting—and this is all that I'll say—there is a lot of doubt about the original decision that was made on this DA in Liverpool council, okay? I am not going to mention councillors' names, but there is a lot of doubt about the way that decision was made.

The Hon. DAVID OLDFIELD: Just one more question. I note that we have a document, which I am presuming is tabled from you, this history of attempts to engage Gazcorp.

Mr MEAGHER: Yes.

The Hon. DAVID OLDFIELD: Is that not yours?

Mr MEAGHER: Yep.

The Hon. DAVID OLDFIELD: I mean, it is quite extensive. There's like 14 telephone calls, in person sort of representations, faxes and all that sort of stuff. Can I just ask, you tried so hard to contact them after the centre was closing down, after it was all over. Why did you go, in comparison, to so much effort here, yet wouldn't meet with them about the LEP in the first place. Why did Gazcorp not get the meeting with Minister Beamer, yet Westfield can get one with the Premier's Department and then tell you not to meet with them?

Mr MEAGHER: By the time this came into our briefing, into our hands my Minister, that's exactly what has happened. We did not meet with Westfield. We were approached by Westfield and we did not meet with Gazcorp.

The Hon. DAVID OLDFIELD: Were you told not to meet with Gazcorp?

Mr MEAGHER: No, that was my decision.

The Hon. DAVID OLDFIELD: Or was it just a suggestion?

Mr MEAGHER: No, this is my, this was my understanding from the conversation that I'd had and my understanding of the LEP.

CHAIR: Government members?

The Hon. PETER PRIMROSE: Madam Chair, before I begin can I just ask what time you propose to break with this witness?

CHAIR: The Government has 20 minutes now and the Opposition has at least another 20 minutes of questions. I'm not sure about the crossbench. Do you have some more questions?

The Hon. DAVID OLDFIELD: Sorry? Have I got some more questions?

CHAIR: Yeah.

The Hon. DAVID OLDFIELD: Yeah, sure. Sure.

Ms SYLVIA HALE: Yes.

CHAIR: So another 20, 20, 20.

The Hon. PETER PRIMROSE: Okay, so our notice of public meeting was incorrect. Mr Meagher has anybody, including Mr Wedderburn, lobbied you or the Minister on behalf of Westfield in relation to Orange Grove?

Mr MEAGHER: Sorry. Could you repeat the question?

The Hon. PETER PRIMROSE: Has anybody, including Mr Wedderburn, lobbied you or the Minister on behalf of Westfield in relation to Orange Grove?

Mr MEAGHER: No.

The Hon. JAN BURNSWOODS: Are you aware that during the break a Committee member, Ms Hale, was rifling through your papers?

The Hon. JOHN RYAN: Give it a break!

Mr MEAGHER: Yeah, I was made—

Ms SYLVIA HALE: Point of order. May I point out that I was not rifling through Mr Meagher's papers; it was in fact papers that belonged to Mr Ryan.

The Hon. JOHN RYAN: Which I had left with Mr Meagher.

Ms SYLVIA HALE: And which Mr Meagher had failed to return to Mr Ryan.

CHAIR: Yeah.

Mr MEAGHER: I'm sorry. What papers have I failed to return to Mr Ryan?

Ms SYLVIA HALE: It was a facsimile.

CHAIR: It's not a question to you, Mr Meagher.

The Hon. PETER PRIMROSE: So this is a personal explanation.

The Hon. JAN BURNSWOODS: Point of order. My question—I did actually ask him a question, but do you want to rule on the point of order?

CHAIR: Well I know that the papers that you are referring to were Mr Ryan's papers.

The Hon. PETER PRIMROSE: Just happened to be over near Mr Meagher's papers.

The Hon. JOHN RYAN: I think you might have noticed I handed Mr Meagher some papers.

The Hon. PETER PRIMROSE: So she didn't ask you. She just went through and started to rifle through all the papers that just happened to be in front of the witness.

The Hon. JOHN RYAN: I wouldn't suggest it was wise to go and get the papers herself, but I think an explanation that suggests that she was looking for some material which I had given sounds not unreasonable.

The Hon. PETER PRIMROSE: So she is now apologising?

Ms SYLVIA HALE: I have apologised a number of occasions.

The Hon. JOHN RYAN: To suggest that someone was rifling through papers might be just a bit strong.

The Hon. PETER PRIMROSE: So she has apologised to the witness? Okay. Thank you.

The Hon. JAN BURNSWOODS: Have you ruled on the point of order, Madam Chair?

Ms SYLVIA HALE: I have apologised to the Committee.

CHAIR: Sorry, have you finished your question?

The Hon. JAN BURNSWOODS: Well, I am waiting for you to rule on the point of order that I thought Ms Hale took.

CHAIR: Well, there is no point of order.

The Hon. JAN BURNSWOODS: Well my question, Mr Meagher, the first half of it was: are you aware that during the break Ms Hale was rifling through your papers? And the second part is: are you concerned about that?

The Hon. JOHN RYAN: Point of order.

CHAIR: Mr Ryan on a point of order.

The Hon. JOHN RYAN: I think that is an imputation—

The Hon. JAN BURNSWOODS: I love the way you back up one another's disgraceful behaviour.

The Hon. JOHN RYAN: —and imputations are disorderly.

Mr MEAGHER: Excuse me. That's an imputation.

CHAIR: Mr Meagher.

The Hon. JOHN RYAN: The word "rifling"—

The Hon. PETER PRIMROSE: Like directed or suggested, yes.

CHAIR: On the point of order.

The Hon. JAN BURNSWOODS: Which point of order?

CHAIR: There is a point of order from Mr Ryan—

The Hon. PETER PRIMROSE: Do you mean you're finally going to have one?

CHAIR: —and he has asked that you—

The Hon. JOHN RYAN: The word "rifling" is an imputation.

CHAIR: —withdraw the imputation that a member was rifling through Mr Meagher's papers. I would ask that you do that.

The Hon. JAN BURNSWOODS: Given that Ms Hale says that she has already apologised, although, of course, Mr Meagher didn't hear her apology then it seems that she has actually admitted that she was unlawfully rifling through his papers.

CHAIR: Don't be ridiculous.

The Hon. JAN BURNSWOODS: So you're ruling on the point of order?

CHAIR: Yes, I'm asking you to withdraw the imputation that a member was rifling through Mr Meagher's papers when, in fact, they were somebody else's papers, a member of this committee.

Ms SYLVIA HALE: Grow up!

The Hon. PETER PRIMROSE: You don't know that.

CHAIR: I saw it.

The Hon. PETER PRIMROSE: You saw what, sorry?

CHAIR: I saw the incident myself.

The Hon. PETER PRIMROSE: What did you see?

The Hon. JAN BURNSWOODS: Mr Meagher—

CHAIR: Will you withdraw that imputation, Ms Jan Burnswoods?

The Hon. JAN BURNSWOODS: Because of the sensitivities of the member, I will replace the word "rifling" with the word "looking". Are you aware that Ms Hale was looking through your papers during the break and are you concerned about that action of the Committee member?

Mr MEAGHER: Yeah. Look, I was not aware of it and I am now and, yeah, I am concerned about it.

The Hon. JAN BURNSWOODS: Thank you. A point of order, Madam Chair. No member of this Committee has seen these papers that Mr Ryan claims are his. It would be appropriate that they be copied and members of the Committee—

The Hon. JOHN RYAN: The entire room saw me hand them to Mr Meagher.

The Hon. JAN BURNSWOODS: —have the chance to look at the content of these papers.

The Hon. DAVID OLDFIELD: Perhaps we could get a suggestion from the Premier to Sylvia Hale not to act in this way. Not a directive, just a suggestion.

The Hon. JOHN RYAN: I don't think Mr Meagher needs to answer that question. I think the entire room—I was probably filmed on television, me handing Mr Meagher some papers.

The Hon. JAN BURNSWOODS: Madam Chair, I did raise the question earlier about the fact that Committee members have not seen these papers.

The Hon. JOHN RYAN: They are papers which were tabled with all of the other papers upstairs. I know you guys don't read them, but they're upstairs with the clerk's office and they have been tabled by DIPNR.

The Hon. PETER PRIMROSE: Well, let's get a copy of them.

The Hon. JAN BURNSWOODS: Not having seen them, Madam Chair, it's impossible for us to know whether they are amongst papers that we have been provided with or not.

The Hon. JOHN RYAN: We'll have to ask Mr Meagher to provide them, and I am happy to have them photocopied for you. He's got them at the moment. They're mine, but I'll get them eventually.

The Hon. JAN BURNSWOODS: So that is the acting Chair upholding my point of order, is it?

The Hon. JOHN RYAN: I'm telling you what's happened to my property.

CHAIR: Mr Meagher are you happy to provide them back to the secretariat so that they can copy them if other members haven't seen them? Are you happy with that?

Mr MEAGHER: Yes.

CHAIR: The documents that were presented to you by Mr Ryan, okay?

Mr MEAGHER: Yes, if they're here.

The Hon. JAN BURNSWOODS: Given that the time for this witness and, according to the notice attached to the door, has expired the Government members have no further questions that this stage.

Ms SYLVIA HALE: Goodness me! They are pathetic.

The Hon. JOHN RYAN: I don't have the benefit of reading back *Hansard*, but I just wanted to make something clear. Did Mr Wedderburn use the expression to Ms Beamer "stick by the rules"? Did he say those words?

Mr MEAGHER: Those words or words to that effect.

The Hon. JOHN RYAN: Did he use those words or words to that effect?

Mr MEAGHER: Those words or words to that effect, yes.

The Hon. JOHN RYAN: Did he use the word "stick"?

Mr MEAGHER: Those words or words to that effect.

The Hon. JOHN RYAN: Would you accept that this advice was delivered to the Minister, and that this advice was coming from the Premier; being delivered from the Premier to the Minister?

Mr MEAGHER: I can't answer any questions about advice that came from the Premier. I was given this advice in a meeting with the Minister from Graeme Wedderburn.

The Hon. JOHN RYAN: The Minister would be unlikely to ignore advice she received from the Premier, wouldn't she?

Mr MEAGHER: She got the advice from Graeme Wedderburn.

The Hon. JOHN RYAN: Who was his delegate.

Mr MEAGHER: She got the advice from Graeme Wedderburn.

The Hon. JOHN RYAN: Under delegation from the Premier?

Mr MEAGHER: Look, I will repeat again—

The Hon. JOHN RYAN: That did happen?

Mr MEAGHER: She got the advice—

The Hon. JOHN RYAN: Was she unaware that Mr Wedderburn had been sent to her office by the Premier, or did she think Mr Wedderburn was doing it of his own accord?

Mr MEAGHER: No, she thought that Mr Wedderburn had come to the office to talk about an LEP and to give her some advice on that LEP.

The Hon. JOHN RYAN: Did she know that he had been sent there by the Premier specifically?

Mr MEAGHER: No, she did not.

The Hon. JOHN RYAN: Didn't Mr Wedderburn inform her that he had been instructed to do this by the Premier?

Mr MEAGHER: He didn't, to my knowledge, to my memory at the meeting inform us that this was a message from the Premier.

The Hon. JOHN RYAN: Just earlier when we finished speaking I gave you some correspondence from Mr Brophy. Are you aware that Mr Brophy was once the chief of staff to Dr Andrew Refshauge?

Mr MEAGHER: I am aware of that, yeah.

The Hon. JOHN RYAN: Were you aware of that when he approached you?

Mr MEAGHER: Yes.

The Hon. JOHN RYAN: Did you know Mr Brophy prior to that?

Mr MEAGHER: I knew Mr Brophy privately. His parents are good friends with my parents, okay?

The Hon. JOHN RYAN: Is that the reason he might have sought to contact you specifically?

Mr MEAGHER: I know Mr Brophy. As I said, I know Mr Brophy. I thought his was a reasonable request.

The Hon. JOHN RYAN: As a result of that request from Mr Brophy did Minister Beamer do anything or receive any advice about what to do with regard to Crossroads?

Mr MEAGHER: Absolutely not, no.

The Hon. JOHN RYAN: In your statement—and I need to be careful about this—you said that Mr Wedderburn said to you that the factory outlet centre had a "seedy history". Did he use the words "seedy history"? Were they his words or yours?

Mr MEAGHER: They are my words.

The Hon. JOHN RYAN: Did he use them?

Mr MEAGHER: Words to the effect, but they are my words. I wrote the statement so they are my words.

The Hon. JOHN RYAN: I realise that. Are you in a sense quoting reported speech or making up something new yourself?

Mr MEAGHER: They are my words. He did not use those words. They are my words. I made the statement, which reflected my feeling about what happened at the meeting.

The Hon. JOHN RYAN: Did Mr Wedderburn use the words "highly suspicious"?

Mr MEAGHER: Words or words to the effect.

The Hon. JOHN RYAN: What words did he use?

Mr MEAGHER: I am sorry, I cannot remember on April 20 every word that Graeme Wedderburn—I know exactly the message that he portrayed to me in that meeting. I know the subject matter that he covered but I cannot tell you the exact words.

The Hon. JOHN RYAN: They appear to be pretty strong words, Mr Meagher. Was Mr Wedderburn's language as effectively as strong as those words? Did he use words like "seedy", "highly suspicious" and a "real stench"?

Mr MEAGHER: Words or words to that effect. Where it says "stench" he may have used the expression "smelly".

The Hon. JOHN RYAN: What impact did that have on your view of Mr Gazal when Mr Wedderburn used that language?

Mr MEAGHER: As I said before and as I have said in the statement, he made us aware where the DA had come from, where the consent had birthed in Liverpool council, and he made us aware that there were doubts about how that DA was come across and the people involved, obviously the people connected with this LEP—Bill Gazal, Frank Mosca and Sam Bargshoon.

The Hon. JOHN RYAN: Did that make you suspicious of these people by his use of that language about their conduct?

Mr MEAGHER: It made me think that I should and the Minister should take care with this LEP.

The Hon. JOHN RYAN: If he used language like "seedy history", "highly suspicious" and "real stench", I would hardly call those cautious words. They appear to be pretty strong representations about the character of someone who had been contacting your office. How did you feel about this person once you had had those representations to you?

Mr MEAGHER: I knew that as Chief of Staff I had to be careful in my approach to this LEP and to all that it involved. I am talking about both sides of the fence because there has been talk of Westfield and Gazcorp. That was very important to me that I should make sure that the Minister—and that is what Graeme Wedderburn was telling me in that meeting—was aware that she could be lobbied by these people.

The Hon. JOHN RYAN: I put it to you that you had just had what would sound to be not a very attractive description of some people who had been in contact with your office. Whilst it might not fall within the legal definition of defamation, it would certainly lead you to have a pretty disparaging view about this application and those people, would it not? You could not come to any other conclusion. If someone came to me and said that something a person was doing was seedy, suspicious and stunk, I think I would come to the conclusion that they were not desirable people. That is not the sort of language you would use to describe normal citizens, is it?

Mr MEAGHER: If you look at the statement, my statement, I am talking about the centre having a seedy history.

The Hon. JOHN RYAN: Centres do not have a seedy history without people causing them to be seedy. The clear inference is those supporting the centre are doing corrupt or illicit things.

Mr MEAGHER: I repeat again, Mr Wedderburn said in his statement "On April 20 2004 I met with Minister Beamer to issue an anticorruption warning. Minister Beamer told me that her decision would be based on sound planning principles. She told me she and her staff would take care to avoid being lobbied." That is what I have been telling you.

The Hon. JOHN RYAN: Some people might take the view that this very statement alone was lobbying you not to take any attention of these individuals and to be highly suspicious of this development. The language used appears to be so inflammatory that you could not possibly have come away from this conversation with any sort of positive view about the Orange Grove development, particularly given the person who is saying it.

Mr MEAGHER: I knew I had to be very careful. You would be aware too that I took 40 calls on this.

The Hon. JOHN RYAN: Yes but—

Mr MEAGHER: Hang on, I maintain courtesy to the people involved, as I do and as I encourage my staff to, on either side of politics. We talk to people, we make representations where appropriate and we take phone calls. I took phone calls from these people.

The Hon. JOHN RYAN: I suspect if you had a positive view of them in taking those phone calls, this representation would cause you to immediately have a very dim view of them.

Mr MEAGHER: No, I was very careful. To repeat again—

The Hon. JOHN RYAN: I accept you might have been careful. I am saying to you that the representation made to you does not appear from your description of it to have been very careful.

Mr MEAGHER: I am sorry, what are you saying?

The Hon. JOHN RYAN: Mr Wedderburn does not appear to have said anything to you that would suggest that this development had any merit at all. For example, it had been referred to you by Gabrielle Kibble. That would have been a factor that should have been considered on its merit.

Mr MEAGHER: He is actually not talking in the meeting, Mr Wedderburn is not talking about merit. When an LEP comes to the Minister, comes to the department, they assess the LEP.

The Hon. JOHN RYAN: Why would anyone pass an LEP that has been described by the Premier's Office as being seedy, highly suspicious, stinking and has a cloud over it? No-one would pass an LEP after getting a description like that, would they?

Mr MEAGHER: Perhaps you would not.

The Hon. DAVID OLDFIELD: The department did.

Mr MEAGHER: Graeme was giving us background in this meeting.

The Hon. JOHN RYAN: I would not disagree with that.

Mr MEAGHER: That is right, important—

The Hon. JOHN RYAN: And pretty disparaging.

Mr MEAGHER: Disparaging, yes, but as I have said previously he gave us no direction at all.

The Hon. JOHN RYAN: I would suggest to you that it almost gives you a direction, does it not?

Mr MEAGHER: Absolutely not. As I said—

The Hon. JOHN RYAN: It would to me. If someone came to me and said, "The people you have been dealing with, who have put this submission to you through the council are seedy, stink, have a cloud over them and a seedy history", I would take by inference that I am getting a very strong message to be even more than suspicious about them.

Mr MEAGHER: I will say for the last time, and I will say it for the last time, the message I got out of this was to take care, take care, and to make sure, to be aware of these things so that the Minister would be aware that there may be lobbying, there may be inappropriate lobbying from this circle of people.

The Hon. JOHN RYAN: Did Mr Wedderburn even entertain the idea that there might have been merit in this application at all?

Mr MEAGHER: We did not talk about the merits of the situation. The Minister said, the Minister, and I will repeat to you—

The Hon. JOHN RYAN: You do not need to reread your statement; I have it in front of me.

Mr MEAGHER: You say that but you do not seem to be willing to listen to my answers.

The Hon. JOHN RYAN: Would you describe this as an even-handed representation of the situation? These are not the only facts that Mr Wedderburn could have chosen about the development.

Mr MEAGHER: I will repeat: Graeme came to us with the specific purpose of alerting us to a situation that we did not know about to make sure we knew about this background, we knew where it had come from, we knew about the court cases—the Land and Environment Court case and then the appeal—and to be aware that when we assess this that these people exist and we should be aware that there may be attempts at inappropriate lobbying. That is the message we were clearly getting from Graeme. He said, "Take care".

The Hon. JOHN RYAN: Did you test any of this information when you were given it by Mr Wedderburn?

Mr MEAGHER: When you say "test"?

The Hon. JOHN RYAN: Did you ask him where he got his information from, why does he believe this to have a stench about it, why is it highly suspicious?

Mr MEAGHER: No.

The Hon. JOHN RYAN: Did you just take it all at face value?

Mr MEAGHER: Yes, I believed Mr Wedderburn. I have great respect for him.

The Hon. JOHN RYAN: You did not ask him where he got his information?

Mr MEAGHER: No, I did not.

The Hon. JOHN RYAN: Did you have any idea this information, all of this information had been collated and prepared by representatives of Westfield?

Mr MEAGHER: No.

The Hon. JOHN RYAN: By the way, do you know Mr Mark Ryan?

Mr MEAGHER: No, I do not.

The Hon. JOHN RYAN: Have you met him socially?

Mr MEAGHER: No, I have not met Mark Ryan.

The Hon. JOHN RYAN: Mr Wedderburn came to you and just mentioned this seedy, highly suspicious, stinking development application, and you were left with the impression, "I have just got to be careful". I would have thought a reasonable person would take the view, "I have to be a bit more than careful".

Mr MEAGHER: No, careful, that is it. I would just repeat again, it has probably gone over your head—

The Hon. JOHN RYAN: No, it has not gone over my head.

Mr MEAGHER: In my statement I said—

The Hon. JOHN RYAN: There is not a thing in your statement that indicates this development has any merit at all.

Mr MEAGHER: At this stage, April 20, we are not assessing this development on merit.

The Hon. JOHN RYAN: I suggest you are slamming it; it is being slammed. You are assessing it on sleaze.

Mr MEAGHER: But you acknowledge—this came to the department on April 14, this came to the department. So it is in the early days of assessment.

The Hon. JOHN RYAN: Before it kicks off you are given this description of it. Who in their right mind would have a view that this ought to be entertained after having been given that description?

Mr MEAGHER: I think it was important that we knew these things, that we were abridged of the history.

The Hon. JOHN RYAN: What things?

Mr MEAGHER: I did not know these things.

The Hon. JOHN RYAN: I have yet to hear a proven allegation of corruption about this matter. What proven allegations of corruption allow anyone to describe Mr Gazal as being highly suspicious or having a stench about what he does?

Mr MEAGHER: We are talking about, to repeat again, where the LEP was birthed, where it came from.

Ms SYLVIA HALE: It came from Gabrielle Kibble.

Mr MEAGHER: I am talking about the original consent. It came from Liverpool council, and Graeme Wedderburn—

The Hon. JOHN RYAN: So everything Liverpool council does has a stench about it, does it?

Mr MEAGHER: The advice that he had, the advice that he gave me was that this has a real smell about it, it has a seedy history, my words, that we should be very careful here and words to the effect "You should observe the rules here", that we have to make a sound planning decision, which the Minister clearly understood.

The Hon. JOHN RYAN: That appears to be the Minister's view. Mr Tripodi lobbied you. Did Mr Tripodi lobby you after or prior to the warning from Mr Wedderburn?

Mr MEAGHER: I am sorry, what was the question again?

The Hon. JOHN RYAN: Did Mr Tripodi lobby the office, the Minister or yourself before or after you had received this warning from Mr Wedderburn?

Mr MEAGHER: I received the call from Mr Tripodi in early April. If you say that constitutes lobbying, as I say in the statement he rang to say—basically it was the first time that the LEP had come in my radar—that there were 400-plus jobs involved and that the applicant was threatening to sue Liverpool council. He may have mentioned the deadline, i.e. that the courts were closing by April 28. I think I might have found that out in the next couple of days.

The Hon. JOHN RYAN: Did the fact that this development have a profile with regard to its potential to make people unemployed at a quick rate rank in your discussion with Mr Wedderburn?

Mr MEAGHER: It did and it particularly ranked in discussion with Minister Beamer.

The Hon. JOHN RYAN: It might have, but was that discussed on 20 April?

Mr MEAGHER: It was. That is what I am saying. It was discussed. Minister Beamer recognised it as a major factor.

The Hon. JOHN RYAN: Did she raise that?

Mr MEAGHER: Yes, she did.

The Hon. JOHN RYAN: With Mr Wedderburn?

Mr MEAGHER: Yes, she did.

The Hon. JOHN RYAN: How did she do that? What did she say?

Mr MEAGHER: She said, you know, "Remember there are 400 jobs involved, 400 people here already, which is one of the factors that we should consider in our assessment."

The Hon. JOHN RYAN: What did Mr Wedderburn say in response to that?

Mr MEAGHER: He acknowledged that. I do not remember his exact words, but he acknowledged it.

The Hon. JOHN RYAN: Can you make clear to us how many meetings you had with representatives of the Cross Roads development and AMP?

Mr MEAGHER: I recall that I had two meetings in April. They were on 22 April and 27 April. They were basically with Mr Brophy and the principals.

The Hon. JOHN RYAN: Did you say that you had earlier ones?

Mr MEAGHER: I had a meeting on 20 February with the Cross Roads people but during that meeting, as I said previously in evidence, it was a meeting about how Cross Roads fitted into draft SEPP 66. We talked about the sorts of goods that may or may not be allowed to be sold—whether they were seconds, discards or whatever. That was the import of that. But Orange Grove was not on the agenda and was not mentioned. I was not aware of it at that stage.

The Hon. JOHN RYAN: Were you given a presentation about the Cross Roads centre being a factory outlet?

Mr MEAGHER: At that meeting we talked about that sort of thing, yes. But, as I say, I was not aware that it was part of the same LEP with Orange Grove.

The Hon. JOHN RYAN: Who attended the meetings that occurred in April with AMP? Was it just yourself?

Mr MEAGHER: Just myself. Basically, it was a cup of coffee.

The Hon. JOHN RYAN: In whose office? Did they come to you or did you go to them?

Mr MEAGHER: No, I went to a coffee shop with them.

The Hon. JOHN RYAN: The Minister then decided after this meeting on 20 April to get some legal advice on the implications of making a decision either way. What prompted the Minister in the meeting to do that because it does not strike me as being something that obviously arises?

Mr MEAGHER: I think it obviously arose. She wanted to be sure of the implications of the decision either way; we had to understand it. As I said from the initial conversation with Mr Tripodi, there were threats that the council would be sued. So there were legal issues. We thought that the prudent thing to do was to find out if you do this or if you do that what are the implications either way? After the meeting on 20 April with the Minister and Mr Prattley I sent Mr Prattley an email—

The Hon. JOHN RYAN: I have seen the email but it is held with the privileged papers for some reason.

Mr MEAGHER: I would be quite willing to release that to you now if you would like.

CHAIR: Can you table that?

Mr MEAGHER: Yes, if it is here and has not been taken with any other papers.

The Hon. JOHN RYAN: I am having a similar problem. I do not really understand something. You might remember earlier that Mr Oldfield referred to some correspondence from Mr Driscoll, which said that the Premier's Office had asked for legal advice. It appears the same email to you says, "As requested, attached is the

briefing we prepared last Friday for the Premier's meeting with Westfield." By the way, when you read that did you understand it to mean—

Mr MEAGHER: Not really. I suspect that other people had asked for a briefing because I ended up getting the briefing—or part of the briefing—that I think went to the Premier's department. But that situation was not known to me, no.

The Hon. JOHN RYAN: It continues, "We might like to be able to get the LEP in town tomorrow late for ministerial consideration. However, the limiting factor would be the legal review that has been requested by Premier's." Who asked for the legal advice? This correspondence would suggest that the legal advice had been asked for by Premier's as opposed to a request from the Minister? Was it possible that the Premier's Office had raised this issue and that the Minister—

Mr MEAGHER: I think the Premier's Office may have raised the issue, and it was also an issue that I was cognisant of. So I may have mentioned it also to Gary Prattley.

The Hon. JOHN RYAN: Were you made aware that the meeting—

The Hon. JAN BURNSWOODS: Madam Chair, I draw your attention to the fact that the Opposition's time for questions has expired and the bell has rung.

The Hon. JOHN RYAN: I still have a few questions.

The Hon. JAN BURNSWOODS: I was just drawing the Chair's attention to the fact that the bell had rung.

CHAIR: I want to clarify the status of the document that you have tabled. Is it your document?

Mr MEAGHER: I assume that it would be with the Committee. If it is not, it is with you now.

The Hon. JOHN RYAN: Is it yours, though?

Mr MEAGHER: It is my document. It is a copy of correspondence from myself to Mr Prattley.

CHAIR: Are you happy for it to be tabled? You have just tabled it.

Mr MEAGHER: Yes, I am happy for it to be tabled. In fact, could I read that statement to the Committee if possible?

CHAIR: Just a moment. Are you aware that this document is with the Committee but has a claim of privilege upon it? We believe it does.

Mr MEAGHER: Okay. I am happy that it is with the Committee.

The Hon. PETER PRIMROSE: Are you happy that it be made public?

The Hon. JOHN RYAN: Are you happy to remove the privilege?

The Hon. PETER PRIMROSE: No, it continues to have privilege but are you happy for it to be published?

Mr MEAGHER: I will take some advice on that if you like.

CHAIR: Okay. We will keep it as an unpublished and privileged document until we clarify its status. Can you get back to us about that?

Mr MEAGHER: Yes.

Ms SYLVIA HALE: Mr Meagher, you were reluctant earlier to name the councillors whose names were mentioned at the meeting between yourself, Mr Wedderburn, Mr Ferrer and the Minister.

Mr MEAGHER: At the time I never said that individual names of councillors were mentioned.

Ms SYLVIA HALE: Can I assure you that Mr Wedderburn in his evidence named two councillors?

Mr MEAGHER: Okay.

Ms SYLVIA HALE: Can you recall for the Committee what was said about those councillors?

Mr MEAGHER: I remember from the conversation in general terms about Liverpool council that, as I have said before in evidence, there was a lot of doubt about how that original consent originated.

Ms SYLVIA HALE: Are you saying that you cannot remember the name of former Labor Minister Mr George Paciullo being mentioned?

Mr MEAGHER: I do remember Mr Paciullo, yes.

Ms SYLVIA HALE: And you cannot remember Mr Tony Beuk's name being mentioned?

Mr MEAGHER: No, Mr Tony Beuk's name was not mentioned.

Ms SYLVIA HALE: According to Mr Wedderburn it was.

Mr MEAGHER: I mentioned that name towards the end of the meeting because Mr Wedderburn had mentioned Mr Bargshoon, Mr Gazal and Mr Mosca and then I said that we had already had an approach from Mr Tony Beuk in early April.

Ms SYLVIA HALE: Were there any specific allegations made during the course of the conversation?

Mr MEAGHER: Specific allegations?

Ms SYLVIA HALE: Yes, of corruption or inappropriate behaviour.

Mr MEAGHER: There were not specific allegations made but there was, as I have said before—if you read the statement, which Mr Ryan asked about—a seedy history—

Ms SYLVIA HALE: But that is an allegation. It is not a statement of fact, is it?

Mr MEAGHER: No, there was not a statement of fact that that is what this message was. It was an anti-corruption message, which was intended for the Minister to say, "Just take care with this."

Ms SYLVIA HALE: But you have on numerous occasions today bandied around the names of Mr Bargshoon, Mr Mosca and Mr Gazal.

Mr MEAGHER: Yes, three or four times.

Ms SYLVIA HALE: Yes, three or four times. Yet you have done so in the context of there being no specific allegations and you, prior to this meeting, were unaware of this so-called "seedy history". Did you have any perception at the time of the meeting that this was an inherently unfair approach to the problem and that a reasonable onlooker might consider that the information you had been given was designed to bias and to prejudge the outcome?

Mr MEAGHER: Not at all, particularly with the background as Mr Wedderburn—

Ms SYLVIA HALE: But you had no awareness yourself of that background, did you?

Mr MEAGHER: Hang on, particularly with the background of the court cases and the fact that this was found by the courts to be an illegal zoning.

The Hon. JOHN RYAN: That does not mean that people are corrupt.

Mr MEAGHER: No, hang on. If you look at that situation as described by Mr Wedderburn—this happened and there is a lot of doubt about how the situation was produced—in that context be very careful of being lobbied by these people. These are the people who are associated with that situation.

Ms SYLVIA HALE: So you believe it was improper of Gabrielle Kibble to put forward a rezoning that might legitimise a use that prior to that was not legitimate?

The Hon. JOHN RYAN: Seedy, smelly.

Mr MEAGHER: As I have said previously, Gabrielle Kibble is the administrator of Liverpool council and she—

Ms SYLVIA HALE: Do you think it is improper?

Mr MEAGHER: She made a decision in the best interests of Liverpool council.

Ms SYLVIA HALE: But presumably this is not without precedent—or, to your knowledge, is it without precedent—for a council to try retrospectively to rectify a zoning?

Mr MEAGHER: It is a highly unusual situation.

Ms SYLVIA HALE: A highly unusual situation?

Mr MEAGHER: It is a highly unusual situation.

Ms SYLVIA HALE: How many proposals for new LEPs, spot rezonings or whatever would you say, in your experience, have passed through the Minister's hands while you have been her adviser?

Mr MEAGHER: None of them have been to the Land and Environment Court and been knocked back twice like this —

Ms SYLVIA HALE: How many? How many zonings or LEPs have come to the Minister?

Mr MEAGHER: I am telling you that—

Ms SYLVIA HALE: I am asking you a question: How many zonings and applications for a new local environment plan have come to the Minister and been dealt with by the Minister during your period of employment with her?

Mr MEAGHER: How long is a piece of string?

Ms SYLVIA HALE: Hundreds? Thousands?

Mr MEAGHER: I am sorry, I do not understand where the question is going.

Ms SYLVIA HALE: I think it is a simple question. We all get the *Government Gazette* and see LEP after LEP after LEP come to the Minister for approval. I am asking: In your estimate, how many have come to the Minister?

Mr MEAGHER: Hundreds.

Ms SYLVIA HALE: How many of them to your knowledge has the Premier's Chief of Staff intervened in?

Mr MEAGHER: When you say "intervened in" I do not understand—

Ms SYLVIA HALE: Obviously given you some sort of prior briefing or knowledge about it.

The Hon. JOHN RYAN: Made a representation like this.

Ms SYLVIA HALE: Yes, made a representation. How many?

Mr MEAGHER: We talk—

Ms SYLVIA HALE: How many?

Mr MEAGHER: Can I answer the question?

Ms SYLVIA HALE: I am asking you one question: On how many occasions—

Mr MEAGHER: I cannot tell you how many but Mr Wedderburn and I would talk about various issues—various planning issues—on different occasions.

Ms SYLVIA HALE: Mr Meagher, we have here your own statement that says, "On Tuesday the 20th the Minister, myself and Emilio Ferrer, Deputy Chief of Staff to the Planning Minister, met with Graeme Wedderburn." By anyone's estimation that is a pretty high-powered crew to discuss an LEP. I am asking you: On how many other occasions has Mr Wedderburn—

Mr MEAGHER: I cannot put a number on it.

Ms SYLVIA HALE: Has Mr Wedderburn ever intervened to discuss a specific LEP with you?

Mr MEAGHER: I object to the word "intervened".

Ms SYLVIA HALE: Has he ever discussed in a formal meeting with the Minister another LEP with you?

Mr MEAGHER: I will take that question on notice, but say—

Ms SYLVIA HALE: Can you give—

Mr MEAGHER: Can I finish? The Minister has been assistant Minister for planning and administration for a little over a year so it would not surprise me if this was the only occasion—there might have been one or maybe two others. But I can take that question on notice.

Ms SYLVIA HALE: Have you known of any other prior occasion when it has been necessary to advise or suggest to the Minister that she stick to the rules in the making of an LEP?

Mr MEAGHER: As I said, the Minister has been in the position—

Ms SYLVIA HALE: For 12 months.

Mr MEAGHER: For 12 months.

Ms SYLVIA HALE: At any time during that 12 months to your knowledge has she ever received any advice from the Premier's Office that she stick to the rules in making an LEP?

Mr MEAGHER: I will take that question on notice.

Ms SYLVIA HALE: Mr Meagher, to your notice, if there is an LEP, can you give me any examples of where an LEP has come to the Minister which has been recommended by the council, by the local officers of the department and right up to and including Mr Prattley, where they have recommended approval for an LEP and that has subsequently been refused?

Mr MEAGHER: There are situations like that. I can think of a couple on the South Coast of New South Wales. Again, I can take that question on notice. The Minister makes decisions like that. If she looks at an LEP and it is all—if I can use the expression—tickety-boo, she goes through and she has actually said what about this, can we refer this back to the department or back to the council? I will take that question on notice.

Ms SYLVIA HALE: I think you said you make political decisions within the department or within the Minister's office. You are obviously a highly competent and seasoned—

Mr MEAGHER: I did not ever say that.

Ms SYLVIA HALE: I thought I heard that phrase?

Mr MEAGHER: I am not nitpicking. I just did not say I make political decisions.

CHAIR: I draw your attention to the fact that it is almost one o'clock. I am mindful of the remit of the summons, if I can put it that way. I know Mr Oldfield has a 10-minute batch of questions and the Opposition also has one more 10-minute batch. Are you happy to voluntarily answer questions on that understanding?

Mr MEAGHER: Yes, absolutely.

The Hon. DAVID OLDFIELD: Mr Meagher, in response to a question from John Ryan earlier about the smelly, sleazy, seedy scenario being described to you by Mr Wedderburn during this meeting when his corruption alarm bells were giving you a signal, you described Mr Wedderburn's words in this manner, as disparaging. Why was it that—

Mr MEAGHER: Sorry, can you repeat that?

The Hon. DAVID OLDFIELD: You described Mr Wedderburn's description of what he was saying about this application and the people surrounding it, and he used smelly, sleazy, seedy, and you described those words as disparaging, obviously of the applicants and those involved with the application?

Mr MEAGHER: I would say in some way disparaging, yes, in the sense of—

The Hon. DAVID OLDFIELD: Is there anything in smelly, sleazy, seedy that is not disparaging? Are these words somehow not disparaging? I would have thought they are nothing but disparaging?

Mr MEAGHER: Pardon me? The point is?

The Hon. DAVID OLDFIELD: A moment ago you said they are somewhat disparaging or in some ways disparaging.

Mr MEAGHER: That is right. As I said before, Mr Wedderburn was painting a picture of anticorruption.

The Hon. DAVID OLDFIELD: A disparaging picture of the applicants?

Mr MEAGHER: If that had that effect.

The Hon. DAVID OLDFIELD: This is the question, did it have that effect? My question for you now is why did you or anyone in the Minister's office not meet with the applicants?

Mr MEAGHER: No. 1, we had no written application from them, and because of the knowledge that we had, because of the knowledge that we had been provided in that meeting, that background, that advice, the decision was made in our office, i.e., by me and by the Minister, to make sure that we put ourselves in a bit of cotton wool, that we were able to make a decision on sound planning grounds.

The Hon. DAVID OLDFIELD: You did not really want to meet with them after what you had been told.

Mr MEAGHER: As I say, the purpose of the meeting was to say take care, that there is some doubt about this situation, how this consent went through in the beginning, about the people surrounding this situation, so take care. I explained to you I have taken more than 40 calls from these people over the time that it took to assess.

The Hon. DAVID OLDFIELD: The way it looks, and I suggested to a number of witnesses that the way it looks is that Westfield get a meeting with Wedderburn, presuming that it happened and presuming it was not the Premier and Frank Lowy, presuming it was Wedderburn and Westfield representatives, Mark Ryan in particular. They had a meeting. Westfield makes a whole series of allegations that you have noted were disparaging. Those allegations are then passed on to you in a meeting with Wedderburn and there is no consultation of any kind with the applicants and nothing that could be seen in any way as positive acceptance of lobbying on their behalf. So it looks to people that Westfield come in over the top and it all trickles down to nobody else gets to lobby?

Mr MEAGHER: It may look that way to you. Basically, as I say, after I received that information it put the LEP into context. I knew where this is that in context. I knew about the history.

The Hon. DAVID OLDFIELD: What context was that?

Mr MEAGHER: I knew about the doubt that surrounded the original consent that was granted.

The Hon. DAVID OLDFIELD: What doubt?

Mr MEAGHER: There was doubt about how it was arrived at.

The Hon. DAVID OLDFIELD: Whose doubt?

Mr MEAGHER: The doubt expressed to me by Mr Wedderburn. That was the purpose—

The Hon. DAVID OLDFIELD: Where did he get that from?

Mr MEAGHER: He got it the people at Westfield.

The Hon. DAVID OLDFIELD: Westfield come in and say there is doubt, and you take that as a fact?

Mr MEAGHER: I take what Mr Wedderburn told me as fact.

The Hon. DAVID OLDFIELD: Westfield gives the facts to Wedderburn and Wedderburn gives the facts to you and from then on there is all this doubt about the application.

Mr MEAGHER: As I said many times, Mr Wedderburn gave me pertinent advice that was to be considered by me and my Minister. I am glad that he gave me that advice. I had already received a phone call by 14 April and, as I have already told this inquiry, generally if you are considering an LEP, by the time it gets to the department you might have three or four or five calls at the most, but not 40.

The Hon. DAVID OLDFIELD: But Gabrielle Kibble had put forward this LEP. So, was it still smelly, sleazy and seedy where she was concerned?

Mr MEAGHER: Gabrielle Kibble was the administrator of Liverpool council.

The Hon. DAVID OLDFIELD: Appointed by the Government

Mr MEAGHER: Yes, but she had a very good reason for doing what she did in deferring Crossroads and—

The Hon. DAVID OLDFIELD: She said she agreed with it.

Mr MEAGHER: She agreed with it on social and economic grounds. She was careful, I think, not to say anything that her decision was made on planning grounds.

The Hon. DAVID OLDFIELD: She said she supported the decision, and if you look, the policy for planning specifically notes economic and social reasons being of the highest priority.

Mr MEAGHER: I have great respect for Ms Kibble and I am not going to be brought into an argument, but I think in her position in council, particularly for reasons that this council had the threat of legal action against it, she had to do exactly what she had to do.

The Hon. DAVID OLDFIELD: When were these threats of legal action made?

Mr MEAGHER: I was made aware of those, as I told you.

The Hon. DAVID OLDFIELD: Who made you aware of those?

Mr MEAGHER: Joe Tripodi.

The Hon. DAVID OLDFIELD: So, Joe Tripodi told you there was a threat of legal action?

Mr MEAGHER: This was early April.

The Hon. DAVID OLDFIELD: Because there was nothing—

Mr MEAGHER: I understand that was conveyed to him by the applicant. Pardon me, not by the applicant, Gazcorp, because it is not the applicant in the LEP, it is Liverpool council.

The Hon. DAVID OLDFIELD: No-one at Liverpool council was ultimately found to be corrupt, were they, in this matter?

Mr MEAGHER: There were a lot of questions asked and, I think, there are a lot of questions to be answered. But I understand that is in the hands of the ICAC.

The Hon. DAVID OLDFIELD: Are you aware that this matter is in the hands of the ICAC because it was put to ICAC by the Gazals, by Gazcorp?

Mr MEAGHER: I understand, as you probably understand, it has been in the ICAC for a number of months.

The Hon. DAVID OLDFIELD: As a result of them putting it to ICAC?

Mr MEAGHER: I understood it was before ICAC before they put it to ICAC.

The Hon. DAVID OLDFIELD: We heard from Graeme Wedderburn that he did not put it to ICAC. He did not think it was important enough to go to ICAC. He only thought it was important enough to tell you.

Mr MEAGHER: I am sorry, I did not say that Graeme Wedderburn did or did not refer the matter to ICAC. You said it was referred to ICAC by—

The Hon. DAVID OLDFIELD: By Gazcorp?

Mr MEAGHER: You are much closer to them than I am.

The Hon. DAVID OLDFIELD: I met with them, yes. I did not get 40 phone calls but I met with them.

Mr MEAGHER: You meet with them often.

The Hon. DAVID OLDFIELD: No, I have actually met with them once or twice.

Mr MEAGHER: You parade them through Parliament and you parade around when John Dermody has been trying to do work out there. You paraded before them out there.

The Hon. DAVID OLDFIELD: Yes, I did. I am glad you raised Mr Dermody again. I did speak with Mr Dermody. I still find it amazing that you made all these efforts to contact Gazcorp about finding jobs for people who already had jobs and that you were putting out of work and you did not meet with Gazcorp at all. From what you have said this morning it is pretty clear you did not meet with Gazcorp because of the disparaging story, which was hot gossip from Westfield through Wedderburn to you. Does this Government run its planning principles on gossip? Does it make decisions on allegations spuriously raised by various people in meetings with the Premier's Department?

Mr MEAGHER: If my Minister, if Diane Beamer, was to have any chance of making a sound planning decision here, she had to do so without any undue influences. There were possible undue influences out there that we were being told of. That is why, when we assess this, when it comes before us, we say no.

The Hon. DAVID OLDFIELD: I put it to you that undue influence is Bob Carr through Wedderburn to you as a consequence of contacts from Westfield, and that is what this inquiry is about from day one?

Mr MEAGHER: I repeat again what Diane Beamer told Graeme Wedderburn and during that conversation they discussed it several times. She said I have a position to make on sound planning grounds. That is the only way I can make this decision, and that is what I will do. Graeme Wedderburn agreed with that.

The Hon. DAVID OLDFIELD: Why did the Minister, given this situation, request information as to how the LEP could be knocked back after she had a section 69 report? The Minister got a section 69 report—

Mr MEAGHER: She did not request any advice on the LEP being knocked back.

The Hon. DAVID OLDFIELD: She requested from Westacott.

Mr MEAGHER: Westacott provided advice to the Minister, a memorandum, on the same day.

The Hon. DAVID OLDFIELD: Are you saying the Minister did not ask for it?

Mr MEAGHER: No, she did not. That came as advice from Westacott.

The Hon. DAVID OLDFIELD: So, Westacott, of her own volition, turned in advice to the Minister as to what she could use as reasons to knock back the LEP, despite the fact that the section 69 report from her department was signed off by the most senior planner?

Mr MEAGHER: Exactly. I believe we have been through that and you have been through that with Jennifer Westacott.

The Hon. DAVID OLDFIELD: I did not say I believed any of it. We may have been through it.

Mr MEAGHER: That is your problem. Just to tidy one thing, after the first memorandum, the Minister met with the director-general, which is in the statement, and with Gary Prattley and others, and there was extensive discussion about the first memorandum and about all the issues in the first memorandum, after which time I as chief of staff wrote a letter back to Westacott. It had been agreed in the meeting that we would ask her for further information, that we would ask her to elaborate. She did that in a second memorandum. On the basis of that, the Minister made a decision.

The Hon. JOHN RYAN: Mr Meagher, just going back to the meeting you conducted with Mr Wedderburn—we have already noted that Mr Emilio Ferrer was present—did they say anything at the meeting?

Mr MEAGHER: Sorry, could I have the question again?

The Hon. JOHN RYAN: Did Emilio Ferrer say anything at the Wedderburn meeting?

Mr MEAGHER: Sorry, I was distracted by the note.

The Hon. JOHN RYAN: I understand. Did Emilio Ferrer say anything at the meeting with Mr Wedderburn?

Mr MEAGHER: To my knowledge Emilio said nothing at the meeting.

The Hon. JOHN RYAN: Was anything said?

Mr MEAGHER: I do not have any memory of him saying anything. Basically, the conversation was conducted mainly by Graeme Wedderburn, who had obviously come to give us this advice, and the conversation came from the Minister.

The Hon. JOHN RYAN: I might have asked this question before but, as I do not have the *Hansard* transcript available to me, I want to make this clear. Were there any other representations to the Minister's office with regard to the amendment to the Liverpool LEP and the Orange Grove matter?

Mr MEAGHER: In our office?

The Hon. JOHN RYAN: Yes, that we have not discussed?

Mr MEAGHER: I rang Graeme Wedderburn at some stage to tell him that there had been an extension of the closure date. From memory the closure date was 30 June, so it would have been close to or around that time. I rang him just to tell him that.

The Hon. JAN BURNSWOODS: This is the Court of Appeal?

Mr MEAGHER: Yes. The Court of Appeal granted a further stay around that time. I recall that Mr Wedderburn dropped into our office on 1 July because he was going on holidays and he wanted to see what the situation was at that time.

The Hon. JOHN RYAN: And what did you tell him the situation was?

Mr MEAGHER: You recall that the day before we had the meeting with Jennifer Westacott and Mr Prattley and I had written a letter. I told him that the Minister had written the letter calling for further advice. I told him that a decision had not been made but that the Minister, like the director-general, had quite a few concerns about the LEP.

The Hon. JOHN RYAN: I want to read to you a couple of sentences from a briefing that was prepared by Gary Prattley. I understand that you might have seen this briefing at one stage. I suspect that he added these two sentences to a departmental briefing as a result of attending one of the regular meetings with the Minister.

Mr MEAGHER: Which date is that?

The Hon. JOHN RYAN: This is a briefing that was prepared on or about 16 April.

Mr MEAGHER: Okay.

The Hon. JOHN RYAN: He said:

The Minister would need to approve the plan by Wednesday—

The Hon. JAN BURNSWOODS: Can I ask whether this is one of the privileged documents?

The Hon. JOHN RYAN: No, it is not. He said:

The Minister would need to approve the plan by Wednesday 21 April if it is to be gazetted in time to avoid closure of the centre and the associated loss of jobs. The Minister has indicated that this is her preferred position subject to reviewing an independent assessment.

When we asked Mr Prattley he said that at that stage that reflected the Minister's view that she was reasonably positive towards the idea of approving the LEP. There is other correspondence to the department that indicates that some effort was made by your office to request that this matter be finalised. For example, an email from Mrs Cheetham was read to you earlier, which states, " We are sending it in urgently."

Mr MEAGHER: There was great haste. There was an impetus within the department, which I think had probably been talking to the council before we had. They had a lot of contact. They were aware of what was overhanging the whole thing that was producing the haste, which was the 28 April deadline. Everyone was working to that deadline.

The Hon. JOHN RYAN: And you were concerned about jobs?

Mr MEAGHER: Yes, sure, there is no question. I had a meeting on 6 April and then on 14 April, which I think is the one you are talking about there. There was little to no chance of this getting through by the end of April anyway because it still had to be assessed properly. Those might have been the intentions. Referring to the email that you are talking about, what we are talking about there is getting it to the Minister as soon as possible. Whether or not that implies gazettal, it was getting it to the Minister as soon as possible. Additional information had to be sought from Hill PDA. They were asked by Stephen Driscoll I think on 1 April in the letter I spoke to you about. Stephen Driscoll said, "Considered that the information submitted does not adequately demonstrate that a clear net community benefit would result from either the crossroads or the Orange Grove Road proposals." So that was when crossroads was still in this LEP and had not been deferred. Additional information was required of Liverpool council after that, which did not arrive I understand until 27 April, or close to that date. So meeting that date was always going to be an impossibility.

The Hon. JOHN RYAN: It appears to anyone who reads the correspondence that there is goodwill and good feeling towards the LEP and a desire on the part of the Minister essentially to save jobs.

Mr MEAGHER: Exactly, yes. But as yet, Mr Ryan it had not been assessed.

The Hon. JOHN RYAN: I understand that. But the Minister clearly had a positive feeling about it?

Mr MEAGHER: There were jobs involved and she had concerns, yes.

The Hon. JOHN RYAN: The concern that I have relates to what occurred immediately after the meeting with Mr Wedderburn. Is it just coincidence that after the meeting with Mr Wedderburn the Minister requested legal advice that had the effect of slowing up the matter so that it would not meet its deadline? There is a view that everybody associated with this development is seedy and possibly corrupt or suspicious, and suddenly the thing falls flat on its head.

The Hon. JAN BURNSWOODS: And suddenly the Court of Appeal grants the extension.

The Hon. JOHN RYAN: Do you not see that some people would interpret that as meaning—

The Hon. JAN BURNSWOODS: Do not leave anything out.

The Hon. JOHN RYAN: Would some people not say that what changed the Minister's mind was those representations from the Premier's office, even though they may not have been intended to have that effect?

Mr MEAGHER: Not at all. The Minister was not really cognisant of the court decisions. She was not aware of the first and second court decisions and the fact that this originally had been declared illegal. Those were relevant facts for her to understand. They were important facts that she should know in her preparation. Basically, as reflected in the email to Mr Prattley on the 20th, after the meeting, one of the last things she said is, "Let us slow down. Let us assess this properly." I think we had been proceeding with too much haste. The jobs are very important, but jobs are not the only consideration. It still had to be assessed and it had to be assessed properly.

The Hon. JOHN RYAN: Did anybody inform Mr Wedderburn that the Minister had a view at this time that the matter should be completed by the 21 April deadline? When the meeting was conducted did anybody

say to Mr Wedderburn, "We have instructed the department to make haste, if at all possible. An effort is being made to get this thing to the Minister's office in a couple of days"?

Mr MEAGHER: I told Mr Wedderburn in our initial conversations basically that it was not with us yet.

The Hon. JOHN RYAN: But you would have known.

Mr MEAGHER: I am telling you that there was very little chance of that happening anyway. I think those might have been noble intentions by the department, but there was no chance of that happening.

The Hon. JOHN RYAN: It appears that there was a request by the Minister's office.

Mr MEAGHER: It may have been their objective to do that.

The Hon. JOHN RYAN: Did you not tell Mr Wedderburn, "Yes, we are trying to get the department to finalise this matter quickly"?

Mr MEAGHER: No, we did not talk about that. What we talked about was the 28 April deadline that was hanging over it. We may have talked about the fact that there would be an application for an extension.

The Hon. JOHN RYAN: I would like to ask you about the meeting on 30 June. Is it fair to say—

The Hon. JAN BURNSWOODS: The member's time for questions has expired.

CHAIR: Order! Do not interrupt Mr Ryan.

The Hon. JAN BURNSWOODS: We are an hour and 20 minutes over time, but I would never interrupt him.

CHAIR: Order! If you want to wrap up this session let Mr Ryan conclude his questions.

The Hon. JAN BURNSWOODS: You have already told us on several occasions that we were finishing.

The Hon. JOHN RYAN: I refer to the meeting on 30 June, the day before you sent the note to the department to document the Minister's request for more information. That was the meeting with Westacott, you and others.

Mr MEAGHER: Certainly.

The Hon. JOHN RYAN: Would it be fair to say that the decision had pretty much been made but not finalised at that meeting? This thing did not appear to have a hope of flying from 30 June, did it?

Mr MEAGHER: I think the Minister had concerns, but until she signs off on anything she has not signed off on it. I do not think she had made up her mind.

The Hon. JOHN RYAN: But she had not requested any information that might have alleviated those concerns?

Mr MEAGHER: No, I am sorry. When you say, "alleviated", the memorandum had come from the director-general, which you are aware of. It arrived on 25 June. The note that I wrote back as chief of staff reflecting her thoughts and her concerns was about that memorandum and asking for an elaboration following the meeting.

The Hon. JOHN RYAN: But an elaboration did not mean to check information or to provide new information, which might have countered any of that?

Mr MEAGHER: No, because the director-general had not made the Minister aware of her concerns in that direction. The director-general's concerns were not in that direction. They were about planning issues, which concerned the eligibility of the LEP.

The Hon. JOHN RYAN: But the meeting on 30 June—

The Hon. JAN BURNSWOODS: Mr Ryan cannot count.

CHAIR: Order! Do not interrupt.

The Hon. JAN BURNSWOODS: Which question would you like me not to interrupt him on—the first, second or third? You assured us that Mr Ryan had only 10 minutes for questions and that we would then break for lunch. The witness has been here since 10 o'clock this morning and he was told that he would be here for two hours.

The Hon. JOHN RYAN: What do you have to cover up?

The Hon. PETER PRIMROSE: We are supposed to be following rules.

Mr MEAGHER: I am willing to take a couple of questions from each member. Let us just take those questions and then call it stumps. Let us go with it.

The Hon. JOHN RYAN: Let me characterise the documentation that appears after 30 June. It appears to be documenting a decision that had already been taken rather than finding anything new. I put it to you that what happened on 30 June is that the Minister's concerns were discussed. Various verbal elaborations were given. All that was necessary to happen was for you to document that that had occurred. You sent a letter to the department indicating that the Minister had asked for more information, even though she already received that information verbally. The department needed to put that information in writing and by the time the matter arrived on the Minister's desk there was nothing further to consider. It had already been considered. It was now available in writing and the Minister was in a position to make a decision, which she had probably been intending to do for a week. Is that not true?

Mr MEAGHER: There is no question that the Minister, upon receiving the first memorandum, had looked through it and had concerns about transport issues and things that were admitted and that are quite open in the section 69 report. So when she saw the memorandum she had concerns. Her concerns were mirrored by what the director-general was saying; they were not concocted together. In the meeting they talked extensively about these issues. She said, "I need to know more about these different things." So she has not made up her mind. She definitely has not made up her mind, but she basically has concerns, as I said.

The Hon. JOHN RYAN: What you said, if I may read back a little bit of your statement, is, "The Minister made it clear that she felt the Orange Grove development did not accord with the Government's centres policy."

Mr MEAGHER: Yes. That is a concern.

The Hon. JOHN RYAN: I would have thought a fatal concern. "She stated that if the Orange Grove amendment was allowed it would lead to a situation where outlets sought cheap rents on industrial zonings and endanger the viability of the CBD" and so on. That would almost suggest to me that the Minister had made up her mind on the 30th. She said absolutely nothing to its merit.

Mr MEAGHER: Are you challenging the process in that meeting?

The Hon. JOHN RYAN: No, I am not.

Mr MEAGHER: Are you challenging Westacott, et cetera? I do not understand.

The Hon. JOHN RYAN: I am not challenging anything. I am simply trying to work out why the decision appears to be finalised in all but the paper work on the 30th.

Mr MEAGHER: I am telling you that she had not made up her mind.

The Hon. JOHN RYAN: So there was still a remote chance she could have approved it, having said all of that?

Mr MEAGHER: Well, she still had to wait for the memorandum to make a final decision.

The Hon. JOHN RYAN: Are you aware that the memorandum she received on the 8th was nothing more than an elaboration of the original document?

Mr MEAGHER: It was an elaboration, yes.

The Hon. JOHN RYAN: And no extra information had been added to it?

Mr MEAGHER: There were a couple of extra points in there, and I am not going to argue about them right here. But there was extra information imparted in that memorandum—

The Hon. JOHN RYAN: What was that?

Mr MEAGHER:—and she made her decision on that.

The Hon. JOHN RYAN: You might need to take it on notice, but can you tell the Committee what the extra information was provided on the 8th that had not been discussed on the 30th of August?

Mr MEAGHER: Yes, I will take that on notice. That's fine.

CHAIR: Mr Oldfield, one question.

The Hon. DAVID OLDFIELD: Mr Meagher, I want to put an observation to you and get a view from you. You did not want to come here today. You—

Mr MEAGHER: Excuse me. That is incorrect. I made a decision based on convention, and I was not dodging bullets, least of all your bullets.

The Hon. DAVID OLDFIELD: Oh!

Mr MEAGHER: I am just saying that it is not true that I did not want to come here today. I have come here quite willingly today.

The Hon. DAVID OLDFIELD: Let me put this observation to you. You were not in a position where you were apparently willing to come without having been put in the position of being summonsed. You certainly had rejected the offer made on a couple of occasions to address the Committee. It was suggested to you by your Minister that perhaps it was not a good idea to come.

Mr MEAGHER: Yes, because of the history of the Parliament and the history of the upper House and what happens at these inquiries.

The Hon. DAVID OLDFIELD: The history of these things merely goes to potentially protect people from having to come, because it was not expected perhaps that you would be summonsed. So, given that, you were not really expecting to have to be here; you were summonsed, which was not really going to be expected.

Mr MEAGHER: Can I just ask one question? What precedent is there for someone like me being called?

CHAIR: Order! You cannot ask a question.

The Hon. JAN BURNSWOODS: There is a question, is there?

CHAIR: Mr Oldfield's question.

The Hon. JAN BURNSWOODS: Oh, it's a question!

The Hon. PETER PRIMROSE: I thought it was an adjournment speech!

The Hon. JAN BURNSWOODS: You are absolutely certain it is a question?

The Hon. DAVID OLDFIELD: I will try to shorten it. I think that you did not want to be here today because I think that you are probably not a bad bloke, you are not a member of the Australian Labor Party, and you are just doing your job, and you did not want to be put before this Committee and have to lie or cover up, and you have now found yourself, by virtue of the breach of the convention—

Mr MEAGHER: That is an absolute untruth, and you know that.

CHAIR: Order.

The Hon. DAVID OLDFIELD: Are you saying you are a bad bloke?

Mr MEAGHER: No. I am saying that I wouldn't come here and tell lies.

The Hon. DAVID OLDFIELD: No, I do not think you wanted to be here and tell lies.

Mr MEAGHER: No. And I can tell you, I haven't told any either.

CHAIR: Order!

The Hon. DAVID OLDFIELD: I just think that there is a view that your being here today was because you had to be put in this position to cover up.

Mr MEAGHER: Madam Chair—

The Hon. PETER PRIMROSE: This is outrageous!

Mr MEAGHER: This is someone—

CHAIR: Order!

Mr MEAGHER: No, excuse me, I want to say something. I'm not going to have this man—

CHAIR: Order! Order!

Mr MEAGHER:—drag my reputation through the gutter like that.

The Hon. PETER PRIMROSE: On a point of order: It is outrageous that you are allowing someone to put a statement against a witness and then not allowing him to respond. It is absolutely unparliamentary what you are allowing to happen here. Under privilege, someone's character is being attacked. He should be allowed to respond, or this member should be asked to withdraw. If you do not do that, then you are not chairing this Committee properly.

CHAIR: Mr Meagher, you do not have to respond, but—

Mr MEAGHER: I would like to respond. I want to ask Mr Oldfield to withdraw his comments.

The Hon. DAVID OLDFIELD: I just put to you a suggestion.

Mr MEAGHER: No, you made an accusation.

The Hon. PETER PRIMROSE: No tricks like that. You made an assertion.

The Hon. DAVID OLDFIELD: Hang on a second.

Mr MEAGHER: I'm asking you to withdraw your comments right now.

The Hon. DAVID OLDFIELD: I won't withdraw my comments right now, tomorrow or the next day.

Mr MEAGHER: Well, you called me a liar.

The Hon. DAVID OLDFIELD: I didn't, actually.

Mr MEAGHER: Well, inasmuch, you did, sir.

CHAIR: Order!

Mr MEAGHER: And I don't appreciate that. Okay?

CHAIR: Order!

The Hon. DAVID OLDFIELD: Well, perhaps you don't. But I didn't call you a liar. I am simply suggesting that you did not want to be here because you did not want to have to lie, and now you have found yourself engaged in covering up. I am not suggesting you lied.

Mr MEAGHER: You are saying the same thing again, Mr Oldfield.

The Hon. DAVID OLDFIELD: I won't withdraw what I said. I asked you for an observation.

The Hon. JAN BURNSWOODS: The Chair gave you permission to ask one question. This is not a question. This is a total outrage. The Chair will not control this stuff. You are allowed to put the greatest collections of dirt on the record without a single question. And you are worse than he is!

CHAIR: Order! Mr Meagher has got the call.

The Hon. JAN BURNSWOODS: You will not control anything. You just allowed that grub, that absolute filthy grub to come here and abuse witnesses, and you do nothing except abuse the witness.

CHAIR: Order!

The Hon. JAN BURNSWOODS: It is an absolute outrage. And that is after you had finished with him half an hour ago. He has told us again that he has got one question, which he still has not asked. You are a disgrace.

Mr MEAGHER: Excuse me. Can I have the call?

CHAIR: Yes. You have got the call. The Labor Party is stopping you from speaking, Mr Meagher. This is the final answer.

Mr MEAGHER: Okay. First of all, I want to say I came here quite willingly. My decision originally not to come here was because of convention. I am not scared of any question you may want to ask me. I am not scared of the truth, and I am not scared of telling the truth. I think it has been abominable, Mr Oldfield, the way you have behaved today when you suggest that I would come here and tell a lie. I challenge you outside to repeat the comments you have made inside this room.

CHAIR: Thank you, Mr Meagher.

Mr MEAGHER: Tell me: Are you going to make those comments?

CHAIR: Thank you, Mr Meagher. That is it.

Mr MEAGHER: Are you willing to make those comments?

CHAIR: Order! That is it. Thank you very much.

Mr MEAGHER: Because if you are not, you're a gutless wonder.

CHAIR: Thank you very much, Mr Meagher. Thank you for being here today. I declare this public hearing adjourned until 2.00 p.m.

(Luncheon adjournment)

GEORGE PACIULLO, former Mayor, Liverpool City Council, on former oath:

CHAIR: Mr Paciullo is appearing this afternoon because the Committee has agreed to his request to respond to adverse mention made of him during this inquiry, particularly by Mr Mark Ryan of Westfield. Generally, responses to adverse mentions made at hearings are made in writing. As the Chair of this Committee I agreed to Mr Paciullo's appearing here today, and no member of the Committee objected to that. We have extended this courtesy to Mr Paciullo because of very wide publicity given to Mr Ryan's remarks. I understand you would like to make an opening statement, if so you may now proceed.

Mr PACIULLO: Might I express my appreciation to every member of the Committee, regardless of political backgrounds and allegiances. I hope and obviously the members do appreciate that on the second occasion I felt compelled to defend my good name which I have, I believe, maintained at the very highest standards of public service throughout my 45 years as a representative of Liverpool in this State. As Madam Chair indicated, last week Westfield's Mark Ryan displayed at this inquiry a very widely publicised chart headed "Gazcorp's Liverpool Links", which showed a chain of purported relationships giving rise to suggested possible corruption in Liverpool council's approval of the development application for the Orange Grove Road designer outlet centre.

He also stated that he had concerns, amongst others, of me as well. I never heard what those concerns were, but he made that statement. Mr Ryan's chart of alleged relationships as it relates to me and Liverpool City Council, I want to make absolutely clear and am declaring, is nothing more than a concoction of calculated smears and lies and a despicable attempt to paint a spurious picture of guilt by association. As I said, I thank the Committee for giving me the opportunity of responding. It is important for the Committee to note that these alleged sinister associations and influences led directly to planning Minister Beamer's refusal to rezone the Orange Grove Road site, after being advised by the chief of staff of the Premier that Mr Carr wanted her to stick to the rules—whatever that may mean. I display that chart, which I have reproduced so that hopefully it can be seen by all members.

CHAIR: That is a copy of Mr Ryan's chart?

Mr PACIULLO: Yes, exactly the same.

CHAIR: All members of the Committee have a copy.

Mr PACIULLO: I will go through it. There are arrows everywhere going in all kinds of directions. The ones I am most obviously interested in are the ones which either directly or indirectly come back to me or the council, in which box I am in at the very top. Let us get some facts about the links as they really apply. The main one, Gazcorp and Nabil Gazal. I want to let the Committee know, and I might have made reference to this the first time I appeared, that until I returned from holidays last month I have had no contact in any form with Mr Gazal for some 10 years. I think we have been in the same room only once, and that was a function at Liverpool about 10 years ago. The only development application that I am aware of that came before the council was for a cinema complex on the Megacentre site, which is alongside the designer outlet site, which I opposed. My opposition was crucial, I make that clear. So, I will cross him out, in terms of accuracy.

Phuong Ngo: of all the most offensive arrows this one has to be at the very top. Let us get to some facts about my relationship with Phuong Ngo, you see the arrows points directly to me. I met him only once, about six or seven years ago, when he introduced himself to me at a public function. He said, "I am Phuong Ngo. I have heard a lot about you. I just want to say hello." That was the end of that conversation and the only contact I have ever had with him, ever. I want to make that clear. He was, of course, a neighbouring Fairfield councillor, and I suppose he may have had—I am not sure what was in his mind—he may have had other reasons, but they were never the subject of any discussion. I had never had any kind of contact with him before the event or since. So I cross out Phuong Ngo, it is totally false in terms of Mr Ryan's evidence to this Committee.

Mosca Pserras, that is Frank Mosca. Last week I told the Committee that I had a sandwich lunch with him at his West Hoxton home, approximately five years ago, when I was in the neighbourhood. Up until my being drawn into this issue by the Premier when he lied about my involvement and that of the council's—the sacked and disgraced council you might remember being at fault for the approval of the design centre—the only occasion I had spoken to him was when I opened the Liverpool Krispy Kreme centre. It was on the same day

that there was a Federal Opposition leadership ballot in which Mr Mark Latham was involved with Mr Kim Beazley, you would recollect. I was in a group of people and he came over to me and said, "Latham by two". That has been the only time, apart from the lunch, that I have had any real discussion—it was not really a discussion—with Mr Mosca. Can I also add that he has never, ever, raised a development application issue with me or any matter with me that went before the council while I was the mayor, and that was for 10 years. I will blacken him out as well. False, again.

We then go to the Austral Bringelly ALP branch, which is known to some Committee members here, the Labor members. But they probably do not know, I assume, that I very rarely attended its meetings. No official of this branch, or any member, including former councillor Tony Beuk, who is a member of the branch and its secretary, ever lobbied me on a development application before the council. Let me add that Tony Beuk is a very good friend of mine, my strongest ally and someone I regard as a friend as well as an ex-fellow councillor.

I just want to say in his defence, because his name appears here, despite that relationship he never, never lobbied me about a matter that was going before the council in terms of a development application. I mean there might have been other general matters, but never about a development application. Let's cross that branch out. That's false as well, in terms of the arrow pointing to me. Bargshoon Cleaning, Sam Bargshoon—well, as with the Nabil Gazal, I have had virtually no contact with him until this month. There may have been once or twice when he come up to me and he introduced himself to me, so that's how close we are, or have been and that's about it. Never again ever discussed the matter going before Liverpool City Council. So he's out. It's just making this graph look a little bit shaky at the moment.

Liverpool South branch of the ALP that's the branch I belong to in the Labor Party and I attended regularly as mayor, of course, and as a member. Again, I cannot recollect any discussions within that branch, any development application issue being raised with me before, and I doubt whether development applications were ever on the agenda. And, really, it has had no influence whatsoever in this matter before the Committee. So that's out. We come to Joe Tripodi and Julia Irwin, two parliamentarians—one, of course, in the New South Wales Parliament, the other one in the Federal Parliament. Again—I thought about this before I came here—again I cannot recollect either, either ever raising issues about Liverpool City Council matters with me, certainly without any question ever raising a development application issue with me. So what they're doing on here in terms of this graph only Mr Ryan knows.

Craig Knowles, that's someone you all know very well. He's also a member of the Liverpool South branch. When, sometimes, I open my mail there may be a letter from Craig Knowles—the normal representations that any of you would make when you receive representations from a constituent. He has never raised again directly with me or sought to influence me in the decision of the council in a development application. And he's made a point of believing and of saying to me and others, I understand, that he believes he has a conflict of interest as a planning Minister and he does not want to get involved. Craig Knowles, as far as this is concerned, is not involved. Cross him out. That only leaves DIPNR, the Department of Planning, and Gerard Turrisi, I think. Yes, there's DIPNR and Gerard Turrisi are the only two I haven't blacked out. What DIPNR's doing there, you'd have to ask Mr Ryan.

I mean, obviously, the council deals with officers of DIPNR. I don't—I can't remember the last time I went to the department. There may have been an application once or twice over my 10 years as the mayor. It would not have been about the Orange Grove complex, that's for sure. I have to put a big question mark. What is that actually doing there? That just shows you what a ridiculous chart this is. In terms of Gerard Turrisi, the former chief planner, let me state that I have never had one single complaint from any source about his integrity. He, like me, has been a victim of innuendo by the Premier and Mark Ryan, despite the fact he was not the planning officer who managed and approved the development application for the designer outfit centre. I am extremely confident that when he gives evidence later today, I understand, his integrity will not be called into question again by any fair-minded person.

So this is a shambles. This is a total fabrication. It's been drawn up by a person who has no idea of the facts and didn't care about them and is a disgrace. So the Westfield alleged sinister wave of influence in fact comes down to nothing because it fails to deliver where it counts most, and that's with me. It's a concoction. Let me explain why it's with me that you would need to have these kinds of influences to get away with shoddy deals or shaky deals or corruption. Well my influence as mayor with a large majority of the councillors, my extra vote in case of a deadlock in council, my awareness, which I've got from experience, years and years of experience, much longer than most of you sitting around, if not all of you, my awareness of any shonky, shady

deals, any DA decision following the recommendation of our independent hearing and assessment panel would mean, whatever relationships they had would be near meaningless.

I can't vouch for what those other relationships are between others. I have some idea, but they wouldn't matter anyway because as far as the consideration by Liverpool council DAs it wouldn't matter. As I said, I'd be aware of it. I have been acutely keen as Liverpool's mayor to make sure that we trod the right path in terms of our integrity. Does he, does Mr Ryan really think that any of that, if it was true, if it was true, would make any difference in terms of getting the council to bend inappropriately or corruptly? Of course it wouldn't. The real question that needs answering is why the Premier and Mark Ryan keep talking up the non-existent corruption at Liverpool council. Why? Let me just explain that Westfield, having established the current major asset in Liverpool in the sixties when I was mayor, Westfield, from Frank Lowy down, have known me on good terms as a mayor, as an MP and Minister since the 1960s. I mean it's not as if they do not know me.

Likewise, the Premier since the seventies. We've worked together in the same government. We worked together. I remember him interviewing me as a journalist. He knows me very, very well. Why, then, did not either of them pick up the phone and convey their alleged concerns to me? It's not as if I come from a background of some dubious standing in the community in terms of my public responsibilities, the way in which I deal with my public responsibilities. And can I add again, that if you're shady there's nowhere like a council where it becomes so obvious. You can't do it on your own. You need to have others you do it with and it would be pretty well known as to who was straight and he was not. If they did not have the ability or care about these matters by bringing them to my notice, they really didn't have a care. It's concocted as well.

Let me ask also the question: Why didn't either of them convey their concerns to ICAC as is their legal duty to do so? Let me just quote from a 1999 letter I received from the commissioner then, which is very relevant to the question I have just raised. It is dated 18 August that year. Let me just quote these two paragraphs. This is two paragraphs, "Real harm can occur in two main ways from publicising allegations of corruption before, during or immediately after referral to ICAC." We know it didn't even happen. "The first—" we know they spoke about them "—is that people's reputations may be damaged unfairly. The second is that if any basis for the complaint exists, publicity may lead to the disappearance, destruction or alteration of important information. The reporting of spurious matters wastes the time and resources of the commission, which should be expended on soundly based complaints." It's a pity the Premier and Mr Ryan didn't take some notice of that.

Now the same message, that very same message, was reinforced by the present Commissioner of ICAC, Irene Moss. It's a *Daily Telegraph* article in which I read it in, which was of 19 July 2000. Now let me add that on the issue of this imaginary corruption of Liverpool council, let me remind you today that I and the council have gone through the agonising process of two inquiries about those very issues and other issues, as you would know, which involve the Oasis development. Two, not one. Both very recent. The first one, of course, was ICAC, which is completely independent and which I very strongly respect and support. It found in relation to the Oasis project—let me remind you of what their findings were about Liverpool council, "Prior to entering into the commercial agreement and the early construction agreement Liverpool City Council obtained legal, commercial and probity advice. This advice, together with reports from its General Manager, Mr Brian Carr, was properly placed before Liverpool City councillors for consideration and decision whether to enter into the agreements."

This is the part I want you to take particular notice of, part of the finding, "There is no evidence to suggest any Liverpool City Council officer—" that includes myself "—acted corruptly or improperly." I don't know what we have to do at Liverpool to convince our Premier and others that, in fact, even if our decisions, as is customary in public life, are debatable I just cannot understand how this Premier, as I said, and others can possibly suggest that we weren't acting in good faith and in what we believed to be the best interest of the people we serve. Let me add also, as far as the second inquiry, even that politically appointed head of the inquiry, Mr Daley, came to the same conclusion: There was no corruption in Liverpool council. Let me ask the question again, why does our Premier keep talking up corruption in Liverpool council and why doesn't he refer the evidence, or whatever it is that causes him to say that, to ICAC?

Let me answer the question for you, if I might. There isn't any corruption, that's why. And I can state that without the slightest doubt that I am right. There might be perception by others. There may be others who wish there was, but there's not. So when earlier discussing the already discredited Westfield web of influence chart I should have mentioned that there is one, and one only body connected with that chart that did try to influence me with the development application for a huge project. They sought, and I granted them, meetings in October

2001 and May 2003. The purpose of the meetings, and I have the documentation to back it up, the purpose of the meetings was to advance and quicken the council processes for their proposed expansion in Liverpool CBD. There was nothing improper, I want to stress that, nothing improper in their request or approach. But they did seek to influence me.

It is worth recording today that the organisation I am referring to is none other than Westfield. So it is okay for them to try to influence but if a competitor tries the same they call foul. That is double standards if I have ever seen it throughout my life. I have never seen such obvious examples of hypocrisy and double standards than this particular case. In conclusion, I will leave the Committee with a graph I have prepared. I hope you find it useful. I am pretty sure you will but I cannot be completely sure, of course. The graph I have prepared is of Liverpool council's DA system. There are copies there for all the Committee members, if I could table that.

CHAIR: Yes. This Committee has more graphs than Krispy Kreme has doughnuts.

Mr PACIULLO: On that graph I have highlighted the path of the Orange Grove Road application in orange. That is the normal processes that we have put in place with any development application.

CHAIR: The document is entitled "Liverpool council's DA system."

Mr PACIULLO: I have had this prepared so that I could present the Committee with further evidence that at Liverpool we are keenly aware of our obligations to ensure that applications are transparent, development applications are transparent and dealt with fairly and consistently by the council. That is the system we have put in place. I am very proud, and I know the council is, that we pioneered this particular process because of its transparency, which has won awards. I might have touched on that before. It has been now copied and put in place by many other councils who saw the merit of that, and it has won praise by a Land and Environment working party group established by the Attorney General. I am happy to table that praise. I will not read it to you will see they compliment Liverpool council as a basis upon which to deal with development applications, which as you know in our case—I am not sure about every other case—we only deal with them if they are contested and if they are contentious, otherwise they go through a system which is shown there.

CHAIR: You table the document from the working group.

Mr PACIULLO: Yes. It is hardly what you would expect a council to do which is supposedly corrupt. The purpose of putting that in place, and I am on public record as saying so, was to minimise corruption. I am happy to table that document as well—here is myself. Hardly, let me repeat, the actions of a corrupt council.

CHAIR: You table newspaper articles.

Mr PACIULLO: Yes. One of those stories following what we did and the success of it is headed "Panel Beats Corruption". That was pioneered within the council and championed by myself and former councillor Alex Sanchez. We had opposition because the basis of that was we were taking away the authority of the councillors. But I and councillor Sanchez implemented that for the very reason I have spoken about: to minimise corruption. And here am I today again having to defend myself and Liverpool council of the allegations that you know about. You wonder why I am mad, not mad in the sense some might like to think but you wonder why I am getting mad about people from my own side of politics.

Let me conclude with these observations. Mr Ryan's employment at Westfield is no doubt certainly primarily because he has the right political connections to reach right into the corridors of power and the decision-makers at the very top so that they get their way. Would anyone really dispute that? In this case, however, in this case at Liverpool causing so much pain and hurt to innocent people, people who have seen their local jobs disappear, people who have mortgaged their homes to start up a small business, others in business and public officials like me who have had the horror to see a chart held up by Mr Ryan for everyone to see in New South Wales, the horror to see a convicted murderer with an arrow pointing directly to me. I wonder if he explained that to you.

The "Gazcorp Liverpool Links" chart, in my mind, is a classic case of McCarthyism, not in America during the 1940s but right here in Sydney in 2004. For those of you and especially the younger members who might be listening to me, he was a US Senator in the 1940s, Joe McCarthy. He practised the art of smearing

people's names and reputations for political gain without a skerrick of evidence and sometimes by the fact of an association that is entirely innocent, entirely innocent. That is what happened with that chart. What scumbag tactics that is. You might understand why I am speaking the way I am with a great deal of emotion. Scumbag tactics: nothing more, nothing less. What is even more deplorable for me is that he has been joined in this despicable behaviour by the Premier of this State. I am not prepared to accept it and to let it go without fighting back to protect my name and that of my council. Thank you.

The Hon. JOHN RYAN: Mr Paciullo, I will put to you a couple of things that was said to the Committee and you might like to comment on them. Are you aware of the fact that Mr Graeme Wedderburn, the Premier's Chief of Staff, gave evidence to this Committee recently?

Mr PACIULLO: Yes.

The Hon. JOHN RYAN: In his evidence he made reference to Liverpool council. Speaking about representations that had been made to him by Westfield he said:

There was good reason for him seeking the meeting so urgently.

That is a meeting between the Premier and representatives of Westfield. He continued:

He was concerned—Westfield was concerned, and he was expressing Westfield's views—having seen DIPNR's position late last year and the Government's position, he said, that this would be left to the court. He then saw the council seek to amend the LEP as a cure to a court case that had not yet been heard and a judgment not yet delivered.

He went on to say:

Westfield presumably then thought the matter had ended. The council had, I think, prior to that been sacked. They may have had good reason to believe that for all intents and purposes the elected council's decision to seek to amend the LEP in December that when the council was terminated for culpable negligence in March and Daly confirmed that all the elected representatives and a good deal of the other officers ought to have their jobs terminated they probably thought that was the end of the matter.

Mr Wedderburn has made some comments about Liverpool council. Do you wish to respond to the allegations Mr Wedderburn made to this Committee that the council and all its elected officials were terminated for culpable negligence?

Mr PACIULLO: That was a Daly finding. I intend to go public about that particular inquiry and again point out how that outcome was manipulated by the Government. I am in possession of many documents, many documents which will demonstrate without any doubt whatsoever that I and the council were working hand in hand with the Government and we were not acting in any way without their knowledge, support and advice. Why were we sacked? I just want to make this point: Between the ICAC inquiry and the calling of the Daly inquiry we had not committed any act, committed any further expenditure or done anything the Department of Local Government did not know about. I was meeting with them regularly. As I said, I have documents to show that. What I am saying is that as far as I am concerned that will be the subject of further public discussion in terms of who really caused the losses by the stopping of the project. I reject those findings, as I have said, I think, the in another place. It was a 382-page report, or was it 283. I have got through the first 100 pages. I would have finished by now except for these matters arising publicly. I certainly intend to address that in due course.

The Hon. JOHN RYAN: I will read another segment of Mr Wedderburn's evidence:

They (referring to the council) were sacked in March for culpable negligence. When Mark Ryan came to see me I had that in the back of my mind when he mentioned Liverpool council. I did not hold very high views of the council, having seen what Daly had reported in three volumes. Sacking a council from Mayor Paciullo and others back, I had a very, very serious concern about what he was saying because I had already seen this. I had seen that the council was sacked for very similar things: incompetence, negligence, poor risk management. This is a commentary on all of this, surely, of the council.

He went on to say:

He believed that they were grubby. He believed that they had been infiltrated and he believed they had been infiltrated by people behind this project.

Do you believe that Liverpool council was infiltrated by people behind this project and that the people involved—and I am not sure whether Mr Wedderburn meant the council or people representing this project—might be reasonably described as grubby?

Mr PACIULLO: Absolutely not, and I think even Mr Daly reported that we were not corrupt. If there was one positive finding it was that. What is the basis of Mr Ryan's concerns? Why did his company continue to approach me? Why did I continue to have good relations on other matters, major matters, if we were not to be approached? Let me repeat again: If Mr Ryan or anyone else has any evidence, and I certainly would, of corruption by any person, there is a proper place to take it. Not to have particular views because it might suit them to take a different course to get their way. I thought I made that very clear in my address.

The Hon. JOHN RYAN: I will refer to one further quote from Mr Wedderburn. He said:

You (referring to me) asked me before about the people they had mentioned specifically and their view about the process.

"Their view of the process" refers to Westfield. He continued:

It was not just the dishonest influences they suggested were represented by Mr Gazal, Mr Bargshoon and Mr Mosca. They certainly mentioned that they believed there were perhaps former members of council staff and others who were either leant on or perhaps inappropriately influenced—perhaps overlobbied. They had grave concerns about the council that was sacked. There is no doubt about it.

Do you have any knowledge of anybody who was overlobbied or had been leant on inappropriately, whether it be council staff or councillors, in regard to either the application to vary the LEP or the Gazcorp matter?

Mr PACIULLO: Absolutely not, and if there was it would have shown up in the process. As I have said, we have got a very strict process in place. I am not aware of any of those allegations or anyone complaining to me that that was the case. Let me just qualify, we all know people lobby to put their case. That happens every day in this place; I am sure it happens to every one of you. But I have pointed out that when Westfield lobby it is okay, and I have given you a direct example of my own experience. When someone else does it it is grubby, is it?

The Hon. JOHN RYAN: I refer now to the cinema application, which you referred to. Were you aware that people from Westfield had made a proposition to Mr Gazal to withdraw his application from the council and renege on a contract he had with a company called Reading on the provision that all of his expenses would be met and he would be given a further half a million dollars?

Mr PACIULLO: The first I knew of that, Mr Ryan, was when I saw it in the newspapers as part of apparently evidence given here. No, I was not aware of that.

The Hon. JOHN RYAN: So they could not have influenced your decision with regard to the cinema?

Mr PACIULLO: No way.

The Hon. JOHN RYAN: Do you think there is any planning merit in the factory outlets being allowed to operate where they currently do?

Mr PACIULLO: In coming to that conclusion—I have said this on any number of occasions in recent months—I rely on people who have the qualifications and in whom I have confidence because of those qualifications to advise me or the body I represent, in this case Liverpool City Council. I emphasise again that had this matter come before the council—it did not, as you know—with the recommendation of my local planners, considering that before they made the recommendation if it had come to the council there were three economic impact statements on the application's effect on the CBD, given that there were no objections and given that there were three senior planners—some of the most senior planners at the State level—in support of the rezoning, what other decision could you possibly properly take?

The Hon. JOHN RYAN: I want to ask you about one further matter relating to Liverpool council. Do you recall an offer being made around the time when the most recent general council elections were imminent to

members of the then council to step down so that the council elections could go ahead on the condition that they not seek preselection to continue in the roles? Could you explain?

Mr PACIULLO: Yes, I am quite happy to. I always believed the moment the Government called for the inquiry we were doomed. I could not understand the logic of the inquiry being called because we had passed the test of corruption and we were working with the department. I felt the Government had an agenda—in fact, I am sure they had an agenda—to stop the project. I felt—and I was very much involved—as a means by which the moneys already spent on the election, which were eventually wasted, might satisfy Mr Daly and the Government it was a reasonable proposition to replace myself and all the other councillors with other candidates so that none of the ruling group would stand for the council. In fact, with the support of the head office of my party, that was arranged. But it fell on deaf ears.

The Hon. JOHN RYAN: Arranged for who?

Mr PACIULLO: It was arranged for new candidates from the ALP to stand. Remember, Mr Ryan, we controlled the council.

The Hon. JOHN RYAN: I am well aware of that. I have attended many meetings of the Liverpool council and that is quite obvious. I think they say that they do not count the Labor vote in Liverpool, they weigh it. There was support from the head office and council for this arrangement. How did it come to fail?

Mr PACIULLO: You would have to ask Mr Kelly and Mr Carr?

The Hon. JOHN RYAN: The Carr Government refused it. Was there any discussion about who might have replaced the councillors?

Mr PACIULLO: Yes, the ALP head office endorsed a number of new candidates.

The Hon. JOHN RYAN: Do you know who those candidates were?

Mr PACIULLO: Not off the top of my head but I could give you those names if you gave me a few minutes to think about it.

The Hon. JOHN RYAN: Were they endorsed by head office?

Mr PACIULLO: Yes.

CHAIR: We might get back to that question if you would like to think about it, Mr Paciullo.

Ms SYLVIA HALE: Mr Paciullo, what do you think motivated the Premier—given that you were members of the same party and aspersions seem to have been cast upon the Federal member, Julia Irwin, and the State member, Joe Tripodi?

Mr PACIULLO: I cannot work it out. I really cannot. I have been in this business all of my adult life and I cannot work out how the Premier's mind works at this moment.

Ms SYLVIA HALE: Do you think there is a public perception that Mr Carr was doing favours for Westfield?

Mr PACIULLO: Absolutely.

Ms SYLVIA HALE: Do you think there is a public perception that therefore the whole planning process has been contaminated and corrupted by that?

Mr PACIULLO: Absolutely. Can I say for the reasons that I have given—I do not have the proof and I have said that publicly—but I am certain in my mind that this whole exercise was about Westfield prevailing in terms of shutting down a competitor. Business is like that; we all know that. But what I think the Premier and Westfield failed to recognise on this occasion is the fact that in going down that path they completely ignored the tragedy that they were causing for so many innocent people who were caught between a council decision

that was made in good faith—the approval by the officers of the Orange Grove development application—under circumstances that I have explained. I can understand the officers' saying, "tick this off". Three economic impact statements all said, "It virtually makes no difference to the CBD". There was not a single objection. They were caught between the validity, as the court saw it, of that approval and the Government.

I will repeat it again—because I have said quite a few things publicly only because I have been drawn in as one of the villains at Liverpool council by the Premier; only because of that. I am sure you understand that it hurts when you have to say things of the strength and nature that I just have about one of your own. But he has shown absolutely no justification for his remarks about me and the other councillors and Liverpool council. For those reasons I have to say, in answer to your question, I do not know how his mind works these days and why he is doing these stupid and ridiculous things.

Ms SYLVIA HALE: There has been talk—in fact, Mr Wedderburn referred to it—about the unusual lobbying in connection with this rezoning process. There have been lots of references to 40 phone calls—in fact, I think Mr Meagher talked about that this morning. In the context of having a major centre that faced the prospect of closing, with the loss of anything up to 400 jobs—and I have seen no other evidence of any unusual lobbying—do you think 40 phone calls was an unusual number of phone calls to make?

Mr PACIULLO: When I was a Minister if there was something contentious 40 phone calls was no big deal, I can tell you—not only phone calls but every other form of communication. In these circumstances what is the big deal about 40 phone calls? Let me add that I believe from what I have been told—I was not part of the phone calls; I did not make any on anyone's behalf; as I said, I did not come in contact with the protagonists for the centre until I was drawn into it—given that they knew that there were recommendations to Minister Beamer of approval or to approve the rezoning application to let the centre stay there, given that they knew the State planning authorities, the planners, were in favour and given that they would have expected the Minister to sign off—I know statements are being made of what Minister Beamer is supposed to have said to this or to that person; I do not know—but given that background, why would they not make phone calls to say, "Hey, what's happening to the rezoning approval that we've sought"? Why would they not make them? After all, the livelihoods of so many were caught up in this.

Ms SYLVIA HALE: Calling on your experience as a councillor, given that the court had ruled that the development approval was invalid, do you think it would have been negligent on the part of Liverpool council if it had not attempted to regularise the situation by seeking a rezoning? Do you think if it had failed to do that Liverpool council would have been vulnerable?

Mr PACIULLO: Is it not so ironic—it really is ironic, is it not—that the person who decided that it would be negligent and it should be rezoned, for the reasons that she gave to this Committee and that have been publicised, was none other than one of the most qualified planners in the State, a former chief of planning and now the administrator of Liverpool City Council? That is another reason why I do not know how the Premier's mind works these days—it is certainly not working politically in favour of the party that I am a member of. It is certainly inexplicable in terms of the kind of advice that his Minister received, and I believe he would have had a direct role in the Minister's ultimate decision. I know how government works.

Ministers do not work in isolation. If I had worked in isolation over the long number of years that I was a Minister I would not have been a Minister for long. We try to work in government—for those of you who might not be there—seamlessly, which is quite normal and natural. Each of us must understand what impact our decisions have on the local constituency or throughout the State. Each of us must check to make sure that we do not run foul of another Minister's administration or another Minister. You do not make decisions, especially ones of this nature—I am not there; I cannot give any evidence about the circumstances of how Minister Beamer made that decision—but all I can say is that if she made that decision on her own without any consultation with anyone else, without getting a phone call saying, "Don't approve the rezoning", it would be one in a million.

The Hon. DAVID OLDFIELD: Mr Paciullo, a moment ago you said that you could not understand how the Premier—and Westfield, but particularly the Premier—seems to have ignored the loss of jobs as a consequence of this situation. Given that we have heard testimony that the Premier was said to have said that he did not give a "S-H-I-T about the people in Liverpool because we own Liverpool", perhaps it is a matter not of ignoring but of not caring?

Mr PACIULLO: I do not know whether he said that; it is alleged that he said it. If it was said—I want to emphasise that—he does not deserve to be the Premier of this State. Political considerations are always important in your decision making. You have to consider them but they come secondary to the public interest—very much secondary to the public interest.

The Hon. DAVID OLDFIELD: I asked Mr Meagher earlier which councillors on Liverpool council were corrupt in regard to this matter and he indicated that there were some but that he was not willing to name them. Let me put it to you this way: by not saying that there were not any and taking the question on notice, he implied that, at least in his mind, there were councillors who were directly corrupt in this application process. There were no councillors involved in this application, were there?

Mr PACIULLO: Absolutely not.

The Hon. DAVID OLDFIELD: Is it correct that the only people who have tried to influence you about this application are Westfield?

Mr PACIULLO: No. It should be made clear. I said that of all the people involved in that chart the only people who have ever tried to influence me with a development application—of all of them—was Westfield. But it was not about this application; it was about the extension to their huge centre—and very successful and very good centre—in Liverpool CBD. They wanted to quicken the process; they were impatient. They saw me on two occasions. My office is open to anyone who wants to see me about matters that they are concerned about. Might I add that I have always been open to anyone who wants to talk to me about any matter, be it a DA or anything else, while making myself available once a week to the general public. So they all have access to me. I emphasise that there was nothing improper then. There is nothing improper about people putting their case forward. It is the manner in which you deal, as the person to say yea or nay or to influence a decision, that really counts.

The Hon. DAVID OLDFIELD: Is it fair to say that you are essentially saying that it was a case of the pot calling the kettle black and that Westfield was hypocritical because it alleged that everyone else was trying to influence you on this matter but, of all the people on the chart at any time, the only people who tried to influence you on any matter were Westfield.

Mr PACIULLO: With a DA application, yes. Absolutely

The Hon. DAVID OLDFIELD: Given all your experience in government, particularly as a Minister, if the Premier's Chief of Staff came to you with a suggestion from the Premier that you do something particular and during the course of that disclosed to you a whole series of allegations about the people involved who were seeking something from you to be smelly, sleazy, grubby, seedy and so on, what sort of position would that place applicants in—

The Hon. JOHN RYAN: Seedy, stench and suspicious.

The Hon. DAVID OLDFIELD: Yes. In what sort of position would that place applicants given that you were being visited, on the instruction of the Premier, by the Premier's Chief of Staff to give all these allegations to you?

Mr PACIULLO: I did not quite understand the question, Mr Oldfield.

The Hon. DAVID OLDFIELD: I am suggesting to you that when you were Minister and before you there was application of any kind—it would not have been a DA in your circumstances—but somebody was seeking something from you and you were approached by the Premier's chief of staff who, about the people seeking something from you, said they were seedy, smelly, grubby and made a whole series of allegations with regard to corruption, webs of influence, et cetera, such as you have seen from the chart, what position would that place those applicants in, given that was given to you by the Premier's chief of staff under instruction from the Premier?

Mr PACIULLO: My first reaction would be, as a Minister, to test the allegations being made by that officer. That would instinctively be the way I would immediately react, and the consideration of that particular matter would be put on hold. That would automatically be what I would do. I make the point as well that if you

get instructions from the Premier—it does not really matter much who the Premier is—and you are a Minister, if you dare disobey them, you are not going to be around for very long. I saw one or two Ministers during my time. In our system of government, the Labor system of government, the Premier does not appoint the Ministers but he certainly appoints the portfolios. I saw one or two Ministers have the equivalent, in the next ministry, of virtually being the Minister for picking up garbage tins, if you know what I mean. They were very much demoted and their political future was pretty well history. So, you do not ignore the Premier's wishes or, if those wishes came through his chief of staff, which is one and the same thing under normal circumstances, and to my knowledge in these circumstances they are one and the same thing.

The Hon. DAVID OLDFIELD: It was put to us this morning that this was not an instruction or a directive of the Premier but merely a suggestion?

Mr PACIULLO: That is a joke.

The Hon. KAYEE GRIFFIN: Mr Paciullo, on this flowchart you have given the Committee this afternoon, you have registration of application, one arrow goes to town houses and major applications, the other goes to dwelling houses, dual occupancy and change of use. I would have thought although it just mentions town houses and major applications, that this application also related to a change of use?

Mr PACIULLO: It went to the major applications anyway on your left hand side. This is when the application was originally made.

The Hon. KAYEE GRIFFIN: You are talking about the original application not the application for the factory outlet, the warehouse clearance outlet?

Mr PACIULLO: Not the decision of Gabrielle Kibble.

The Hon. KAYEE GRIFFIN: No, I am not referring to that. I am referring to the application that came in for a warehouse clearance outlet. Surely that is a change of use from bulk goods, and how do you define town houses and major applications? I would have thought there are other things that would fit in there, given that on the other side you only have dwelling houses, dual occupancy and change of use?

Mr PACIULLO: I have provided a graph of how the system works and I have also tried to provide to you how the Orange Grove Road application went through the system. Can I suggest to you, because I know that Mr Turrisi, our former planner, is giving evidence, you might like to ask him those more detailed questions.

The Hon. KAYEE GRIFFIN: I would like to ask you first, Mr Paciullo. The other question I would like to ask you is about the delegation system in council. When was the determination made that a single planner would have delegated authority in this process, regardless of being the senior planner?

Mr PACIULLO: I cannot answer that question. I can provide you with the answer if you give me time to get the details for you. I do not carry that information in my head.

The Hon. KAYEE GRIFFIN: I certainly ask that you take on notice a request that you have the delegations process of council given to this Committee so there is a clear understanding of how the delegations process within planning operates?

Mr PACIULLO: What I suggest you do is that you seek that from the current council. I am no longer a member of it.

The Hon. KAYEE GRIFFIN: Have you ever had a discussion with anyone about the possible threat by either Mr Mosca or Mr Gazal of a \$40 million damages claim against council?

Mr PACIULLO: Just repeat that question again?

The Hon. KAYEE GRIFFIN: Have you ever had a discussion with anyone about a possible threat by either Mr Mosca or Mr Gazal of a \$40 million damages claim against council?

Mr PACIULLO: Yes. Mr Gazal informed me. As I said, I had not met him up until this matter became public. I have had a number of discussions with him since. Obviously, he was very grateful, as it turned out, although one of the reasons I was supportive of the centre remaining open, he advised me that he was intending to do that, but I think before he did that there was also a story in our local press accordingly.

The Hon. KAYEE GRIFFIN: You said out at Liverpool the day the Committee held hearings out there that you were unaware of this development application and at that point in time, when you first gave evidence, you said you did not know there was any legal challenge to the application. Were you aware at any stage in the process that council should not have given approval to this application because it did not conform with council's LEP?

Mr PACIULLO: No.

The Hon. KAYEE GRIFFIN: So, you were never told that even though there was a court issue?

Mr PACIULLO: I think at the last hearing when I was present I indicated on recollection I then remembered that the present general manager made reference to the fact that there was a challenge, and it was just a passing comment. There was no action for me to take and it did not mean a great deal to me then anyway, it was not a big issue.

The Hon. KAYEE GRIFFIN: You were the mayor at the time this approval was given and it was contrary to your own LEP.

Mr PACIULLO: That is news to me. It was found legally deficient in the courts.

The Hon. KAYEE GRIFFIN: The approval given to the warehouse clearance outlet is contrary to the LEP that your council, when you were mayor, had.

Mr PACIULLO: That is a decision of the court, is that correct?

The Hon. KAYEE GRIFFIN: No, I am saying it was against your LEP when this original development application was approved.

Mr PACIULLO: I am not sure what you are driving at. I said I was not aware. It was not an application I had any involvement in in terms of the consideration of it whatsoever. It went through a process. It only became an issue for me, as I said, very recently upon my return from holidays in Queensland and I became aware that the Premier was blaming me and the other councillors.

The Hon. KAYEE GRIFFIN: Given your 10 years as mayor, would you not have had to accept responsibility for a number of council decisions that may or may not have been the most appropriate ones to make?

Mr PACIULLO: Do you accept responsibility for every government decision that is made because you are a member of the Government?

The Hon. KAYEE GRIFFIN: When are you going to take responsibility for the fact that council unlawfully approved this LEP and, as you were mayor at the time, you are to blame for it?

Mr PACIULLO: Maybe you should read the words of the court and the advice of the senior planners to the Minister, which indicated that the refusal by the court was not on planning grounds, it was on the a legal technicality.

The Hon. KAYEE GRIFFIN: I am not talking about the court, I am talking about the original approval process that went on at Liverpool council.

Mr PACIULLO: As I told you, I had no role in it whatsoever, the consideration of the approval.

The Hon. KAYEE GRIFFIN: What role did the mayor and the elected members have in relation to development approvals or development practices?

Mr PACIULLO: Have another look at the chart. It explains it all.

The Hon. KAYEE GRIFFIN: So, a major application of any kind could go to delegated authority; the councillors and the mayor did not know about it?

Mr PACIULLO: If there were no objections, under the policy of the council, and under the consideration of the planners that it was a permissible use, there would be no need for it to come to council, would there? It would not matter unless there was a dispute and it was being contested. Otherwise, as I said before, you should know with your local government background, although you do not live in an area like Liverpool with record numbers of development applications, we would be doing nothing else but dealing with development applications at our council meetings instead of policy, which is really the important function of the council meetings.

The Hon. KAYEE GRIFFIN: Regardless of that, surely around the traps you possibly would hear things about approvals that council has given or things that are happening in council that may go through a delegated process, but surely you cannot say to me or this Committee that you as the mayor of Liverpool council and other councillors would not know of some of the issues, whether they were approved under delegation or not?

Mr PACIULLO: I have already answered that. I do not see I can add any more.

The Hon. JAN BURNSWOODS: Mr Paciullo, is it true that in the Daly inquiry, the first volume in March, that it was scathing in his criticism of you as mayor?

Mr PACIULLO: There was some criticism of me as mayor, yes.

The Hon. JAN BURNSWOODS: How did you feel about that?

Mr PACIULLO: Not very happy about that at all, and I reject it.

The Hon. JAN BURNSWOODS: Did Mr Daly say of council under your administration that he had no confidence in the capacity of council to resolve outstanding issues and establish a sound foundation for future prosperity of the council and that the elected representatives currently serving on council—you were the mayor, Mr Paciullo—do not have the experience and skills to resolve the problems facing them?

Mr PACIULLO: Yes. That was his opinion and one that I reject utterly and completely. At a later stage I will demonstrate why. It is not the subject of this inquiry, otherwise I would be happy to. In fact, I hope there is another inquiry into the inquiry. It will make very interesting reading.

The Hon. JAN BURNSWOODS: Why are you waiting so long to defend yourself?

Mr PACIULLO: What do you mean, why am I waiting so long to defend myself?

The Hon. JAN BURNSWOODS: Two or three times now in this hearing this afternoon you said there was this inquiry and it was pretty awful and we got sacked, but I am going to defend myself.

Mr PACIULLO: I did not say that. They are your words, not mine. Let me just make it clear that the Daly report has some 300 to 400 pages. I read the first hundred pages. I am not going to make any public comment until I read the whole of the report and know that whatever I say publicly—

The Hon. JAN BURNSWOODS: Have you read page 25?

Mr PACIULLO: Can I answer your question or not?

The Hon. JAN BURNSWOODS: No.

Mr PACIULLO: The progress of my reading that report is being fully contested with every one of his findings and how we came to the conclusions. Let me add that none of the evidence was contested for

truthfulness. There was no cross-examination, if you want to get into the nub of a few other matters. As I have explained, I have not finished reading this report because this matter has taken up my time completely over the past month or so.

The Hon. JAN BURNSWOODS: Have you read page 25?

Mr PACIULLO: What a ridiculous question. How could I answer that I have read page 25 when I do not even know what is on page 25?

The Hon. PETER PRIMROSE: Have you read beyond page 25?

Mr PACIULLO: I would have, yes.

The Hon. JAN BURNSWOODS: Perhaps I could read you what is on page 25:

Liverpool City Council suffered very substantial losses—

The figures are given, \$15 million in section 94 and \$7.25 million in borrowings. That is the council you were mayor of, Mr Paciullo.

Liverpool City Council suffered very substantial losses when the totality of actions related to various commercial agreements is reviewed. There are numerous breaches of the Act. These provide very good grounds to suggest culpable negligence on behalf of the former mayor and general manager and to a lesser extent some councillors

Mr Paciullo, I would have thought you might have noticed that paragraph?

Mr PACIULLO: You must be pretty desperate to be talking about another issue which has absolutely nothing to do with this. We are talking about the circumstances and the allegations of corruption by people I have mentioned already. There is no need to repeat it. In terms of the losses, to give you a quick—

The Hon. JAN BURNSWOODS: I did not ask you about those. I just mentioned them to give substance to Mr Daly's definition of "very substantial". Do you agree with Mr Daly—and again he laid it at your feet—that there was a fundamental abrogation of council's duty to exercise appropriate standards of governance?

Mr PACIULLO: No, I do not.

The Hon. JAN BURNSWOODS: So you are saying three volumes, 600 pages, the whole report on the sacking of the council, is all wrong?

Mr PACIULLO: Yes.

The Hon. JAN BURNSWOODS: That you are as pure as the driven snow and you have not had time yet to defend yourself?

Mr PACIULLO: I am not saying anything else except that it was a politically appointed inquiry, the head of that inquiry. The Government had a political agenda. It will come out at a later time the detail of that. The findings were not tested in terms of the truth of the evidence given and there was a complete and close working relationship between me and the government at the time the inquiry was called.

The Hon. JAN BURNSWOODS: So, you think \$22.5 million of ratepayers money being squandered is the work of a really impressive and competent council?

Mr PACIULLO: I am glad you came to the question of the losses, because the losses in any project only become losses when the project is stopped. They would not have been losses had the project gone ahead. Who stopped the Oasis? What stopped it? The inquiry, that came to the conclusion that I was aware—you can laugh if you want to be a smarty.

The Hon. JAN BURNSWOODS: You have not thought of getting a job as a comic in your retirement?

Mr PACIULLO: You would be in front of me.

The Hon. KAYEE GRIFFIN: Some of the comments that were made in the Land and Environment Court case are as follows. The development of the site as a warehouse clearance outlet is a prohibited use. The development consent that council granted is unlawful. The first respondent used the land as a warehouse clearance outlet, which is unlawful. I accept the submission of the applicants that a breach of the application in the present case is merely a technicality. Given the fact that there was council approval under an LEP that did not allow this sort of use, would you agree that it is not just a technicality? There is something more serious in relation to the approvals process.

Mr PACIULLO: I would be happy to provide you with the advice that has been made available to me from Minister Beamer's three senior planners about that matter, which clearly contradicts what you have said.

The Hon. KAYEE GRIFFIN: I am talking about the judgment of the Land and Environment Court.

Mr PACIULLO: I am talking about the judgment of a superior court.

The Hon. PETER PRIMROSE: Did you have confidence in Mr Turrisi's advice?

Mr PACIULLO: Yes.

The Hon. PETER PRIMROSE: Do you believe that other people should accept that advice?

Mr PACIULLO: Do you mean his advice to council?

The Hon. PETER PRIMROSE: Yes, his advice.

Mr PACIULLO: Yes.

The Hon. PETER PRIMROSE: Can you explain to the Committee why your relationship with Mr Mosca became the subject of the Daly inquiry?

Mr PACIULLO: He asked me a number of questions about my associations with a number of people, including Mr Mosca. I answered them honestly. I would have answered in exactly the way in which I have informed this Committee today. Out of it all, I get back to the smear by association intention, which you apparently have as well. But out of it all Mr Daly, despite what has been read about his negative findings, found that there was no corruption at Liverpool City Council. Is that not what we are talking about in relation to this application? Are we talking about the Daly report? As I said, that should be the subject for another day.

The Hon. PETER PRIMROSE: Would you like to answer the question?

Mr PACIULLO: I have answered it.

The Hon. PETER PRIMROSE: Not satisfactorily.

Mr PACIULLO: Not to you, but I have answered it.

The Hon. PETER PRIMROSE: Not satisfactorily to me. If you do not want to pursue it—

Mr PACIULLO: You can ask me the question again. I will try to answer it to your satisfaction.

The Hon. JOHN RYAN: I have some difficulty understanding just what the Hon. Peter Primrose is asking the witness. I am not aware of any allegations that Mr Daly made about the relationship between Mr Mosca and Mr Paciullo. As a result, the conversation that the Hon. Peter Primrose is currently having is a mystery to me. I do not mean that as a criticism. Would you explain to the Committee what Mr Daly said about Mr Mosca and Mr Paciullo?

The Hon. PETER PRIMROSE: I would be happy to do that during the deliberative meeting. At this stage I am talking to Mr Paciullo and I am asking him whether he can explain why his relationship with Mr Mosca became the subject of the Daly inquiry.

Mr PACIULLO: You would have to ask him. As I just mentioned in trying to answer your question, he asked me about my association with a number of people. You know I do have them. You have them as well and so does everyone around here. The issue is not the association; it is whether or not the association was improper. His findings were that there was nothing improper. I cannot help what any head of an inquiry asks in terms of wanting information. It is the outcome of the answers and his deliberations in this matter that count.

The Hon. PETER PRIMROSE: The Daly inquiry thought there was a pattern of "preferential treatment" of Mr Mosca by council. Is that not so?

Mr PACIULLO: If that is his outcome why did he not find in the negative in relation to the corruption issue?

The Hon. PETER PRIMROSE: The Daly inquiry thought there was a pattern of preferential treatment of Mr Mosca by council. Is that not so?

Mr PACIULLO: I just answered your question.

The Hon. PETER PRIMROSE: Is that yes or no?

Mr PACIULLO: No. So far as I am concerned we went through a system that was dealt with on its merits. We have an independent hearing assessment panel that recommends. I saw nothing during that time that suggested improper behaviour by council.

The Hon. PETER PRIMROSE: I apologise. I forgot that you had not finished reading this report, have you?

Mr PACIULLO: No, I have not.

The Hon. PETER PRIMROSE: Mr Paciullo, do you know that Mr Mosca is the business partner of Mr Nabil Gazal?

Mr PACIULLO: No, I do not.

The Hon. PETER PRIMROSE: Was the amendment of the LEP suggested by Mr Mosca and by Mr Gazal, or by a councillor or member of council staff?

Mr PACIULLO: I do not know.

The Hon. PETER PRIMROSE: There is not a lot that you do seem to know.

Mr PACIULLO: That is your opinion. I do know what is going on here.

The Hon. PETER PRIMROSE: So far there is a report that led to your council being accused of culpable negligence—a report that you have not finished reading. There were major projects going through council, of which you were unaware. You are not even aware of the allegations made against council that led to its dismissal.

Mr PACIULLO: May I ask you what that has to do with the Orange Grove Road designer outlet consideration by this Committee?

The Hon. PETER PRIMROSE: I suspect that it has a lot to do with why it led to this inquiry in the first place. You are asleep at the wheel.

Mr PACIULLO: That is your opinion.

The Hon. JOHN RYAN: I have a few questions that have arisen as a result of Mr Paciullo's earlier answers. Mr Paciullo, you referred earlier to the fact that Westfield requested a quickening of the expansion

approval process. Had that matter been lodged before representations were made to you and before the process was sped up? What did Westfield ask council to do to speed up the process?

Mr PACIULLO: They wanted to see me about submitting their development application. At a later stage they were unhappy about the time it was taking to process their application. There were two meetings of which I have records. There may have been phone calls—I cannot recollect if there were, but there probably were—about those matters.

The Hon. JOHN RYAN: What did they want you to do to speed up the timing?

Mr PACIULLO: They were concerned about delays through the process and they wanted me to speak to officers to quicken those delays. I think they organised meetings between them and the officers.

The Hon. JOHN RYAN: What was the value of this project?

Mr PACIULLO: Of the expansion?

The Hon. JOHN RYAN: Yes.

Mr PACIULLO: I think it is around \$140 million.

The Hon. JOHN RYAN: So it was considerably bigger than the factory outlets?

Mr PACIULLO: Yes.

The Hon. JOHN RYAN: How long had it been with council before it started making requests to speed up the process?

Mr PACIULLO: It had been there for some time. I would suggest it was probably a year or 18 months. It is a very large application. Many issues need to be resolved and thought about in terms of traffic and all the other issues that were involved. I understand that. I understand why Westfield would want to try to get an outcome one way or another. As I said—and I emphasise this—there was nothing improper in its approach.

The Hon. JOHN RYAN: Did any of those representations have anything to do with allowing Westfield to buy some property that was in the possession of council?

Mr PACIULLO: I am not sure whether that was the subject of my discussions with them. I do have correspondence about the reasons they wanted to see me. I am happy to table that if it would help you.

The Hon. JOHN RYAN: Yes, fine. Are they letters or briefings?

Mr PACIULLO: They are letters and advice from my office to me about meetings. There are two documents.

The Hon. JOHN RYAN: To whom was the letter addressed and what is the date of the letter?

Mr PACIULLO: The first letter, which is from Westfield, is dated 2 October 2001. The second document is advice from my office confirming a meeting between Westfield and me on 28 May 2003. It does not contain the reasons, but I recollect the reasons clearly.

CHAIR: Those documents will be tabled.

The Hon. JOHN RYAN: You gave the Committee an interesting insight into your previous experience as a Minister. I refer to the decision about the factory outlets at Orange Grove. Given that that involved putting at risk the jobs of up to 400-odd workers and potentially expensive future litigation, do you think that should have been a decision that was handled by a reasonably junior Minister, entirely on her own, without any consultation with any other Minister?

Mr PACIULLO: I have already indicated that it would be extremely unusual for a Minister to make that call on her own. Government does not more normally work like that.

The Hon. JOHN RYAN: How would the matter be discussed? How would that consultation take place?

Mr PACIULLO: For a start she is an assistant planning Minister, as I understand it.

The Hon. JAN BURNSWOODS: Point of order: Madam Chair, how would you rule on hypothetical questions, particularly to someone who ceased being a Minister 16 years ago?

CHAIR: I do not think it was hypothetical question.

The Hon. JOHN RYAN: I was asking Mr Paciullo to elucidate an answer that he gave earlier, which is hardly hypothetical. He was a Minister.

The Hon. JAN BURNSWOODS: About what someone may or may not have done?

CHAIR: About normal practices. As Mr Paciullo said earlier, it relates to the way in which the Labor Party operates.

The Hon. JAN BURNSWOODS: Thank you for that gloss, Madam Chair. We will bear that in mind.

The Hon. JOHN RYAN: In response to the member's point of order, notwithstanding the fact that the Committee invited other Ministers to come before this inquiry, none of them has attended.

The Hon. JAN BURNSWOODS: Mr Ryan, my point of order was—

The Hon. JOHN RYAN: The Hon. Jan Burnswoods took a point of order. She is going to get my response to her point of order.

The Hon. JAN BURNSWOODS: My point of order relates to hypothetical questions being addressed to any witness.

CHAIR: Order! There is no point of order.

The Hon. JOHN RYAN: The only Minister who has ever come before this Committee is Mr Paciullo.

The Hon. JAN BURNSWOODS: There is no point in the Hon. John Ryan speaking to a point of order on which the Chair has already ruled.

CHAIR: Order! I have ruled on the point of order.

The Hon. JOHN RYAN: Mr Paciullo, how would this consultation normally place?

Mr PACIULLO: I emphasise that I do not know what happened in this case. I do not want to be unfair to Minister Beamer or to anyone else. I can only tell you what normally happens. As a Minister you do not make decisions in isolation. You would not last long if you did. Your staff is in regular communication with other staff who are affected and, therefore, with the Minister. That is what your chief of staff is there for. In any decision which would mean the closing down of an existing outlet, especially one of this size that involves so many people, if the Minister made that decision on her own, as I said to you before and I repeat it, it would be on one occasion in a million that such a decision would normally have been taken in isolation.

The Hon. JOHN RYAN: If she made such a decision on her own who would she have to inform before she made that decision public, given that the issue involved the dismissal of 400 people?

Mr PACIULLO: I imagine that she would inform the applicant.

The Hon. JOHN RYAN: I mean within the Government.

Mr PACIULLO: I can only advise the Committee that, if that was me, I would not have signed it off without checking it with the Premier.

The Hon. JOHN RYAN: Why is that?

Mr PACIULLO: Because it could land you in hot water. You could be in the poo with the Premier very quickly. As I said, you would have to make sure—I would and I think it would be normal ministerial behaviour—that you had the Premier's support, otherwise you would go in the public and hang.

The Hon. JOHN RYAN: I agree with you; I think that would be prudent. I do not think any Minister would have made that decision without checking, at least before it was announced, that a major and sensitive issue was about to break in the public domain.

The Hon. KAYEE GRIFFIN: I have one last question relating to the flow chart. Mr Paciullo, the flow chart that you gave us earlier refers to identifying internal and external referrals, et cetera. There is an unbroken line running to advertising-notification and then there is a broken line running from advertising-notification to detailed assessment. In between those two issues there is preliminary assessment. Could you explain the broken line?

Mr PACIULLO: I again suggest to you that you ask the planners. There are two planners that you would have to ask these questions. I provided this chart not with any other motivation other than to ensure that the Committee was informed of the normal processes. I have not made a study of it. I made sure that this chart is correct but I have not made a study of every step. In the past it only really became a matter for me or for other councillors when it came before council because of the reasons I have already given.

The Hon. KAYEE GRIFFIN: I would have thought that it would have been important to you as a former mayor of Liverpool council. As part of that advertising-notification process, if a matter goes for detailed assessment and certain issues have to be dealt with, it comes back to council. I would have thought that that would have been important to you, as a former mayor. I would have thought that you would have been aware of a substantial major development, which is what Orange Grove was, which would have meant millions of dollars for your local area.

Mr PACIULLO: What was important to me, as the mayor, was to balance my time as mayor between all of the competing interests—which you should know about, but you do not know about obviously—in Liverpool, and be concerned about being versed in, and reading the advice and reports and everything else, on matters that came before the council, in other words, were in dispute. They were of no concern to me if applications conformed with the policy, objections had been resolved and there were virtually no issues for me to be aware of.

As I said, I became available once a week to anybody who wanted to see me. If it was the subject of a complaint, then, yes, I would take an interest in the matter. Otherwise, do you think that is the only thing a mayor has to deal with in the conduct of their duties, which are far more onerous than being the local State member; and, in Liverpool's case, just as onerous, if not more onerous, in terms of time that it takes, than many of the ministries in this current Government or in any government?

The Hon. KAYEE GRIFFIN: Mr Paciullo, I would have thought that, as mayor, you would need to know some of these things, because ultimately as mayor you would have to take responsibility when things like this go wrong.

The Hon. JAN BURNSWOODS: Mr Paciullo, do you know someone called Murray Douglas?

Mr PACIULLO: Yes.

The Hon. JAN BURNSWOODS: Can you tell me who he is?

Mr PACIULLO: Murray Douglas was appointed by the then general manager—I am not exactly sure of the actual date, or the year, but I would think some three or four years ago—specifically, as the GM told me, to endeavour to help him with the Oasis project. He became the corporate manager for major projects.

The Hon. JAN BURNSWOODS: Was he on the staff of the council?

Mr PACIULLO: I think originally he was contracted then became a member of the staff.

The Hon. JAN BURNSWOODS: When would that have been?

Mr PACIULLO: I am not sure again, but I suppose a year or two ago.

The Hon. JAN BURNSWOODS: What do you know about his meetings with Mr Mosca and Mr Gazal?

Mr PACIULLO: I do not know anything about them.

The Hon. JAN BURNSWOODS: We had evidence on Friday about these meetings.

Mr PACIULLO: I do not know anything about these meetings.

The Hon. JAN BURNSWOODS: You don't read much, do you? You don't read the daily reports, and you don't read the transcript either. See no evil, hear no evil.

Mr PACIULLO: Can I tell you that, whatever I did at Liverpool, the public was satisfied. I know I will never satisfy you under these circumstances. They were very satisfied.

The Hon. JAN BURNSWOODS: Would you be concerned to hear that this man had meetings through Mr Mosca with Mr Gazal?

Mr PACIULLO: That depends what the meetings were for. He is an officer and the other one is a person who has a practice in Liverpool, and I imagine Mr Douglas meets with many people.

The Hon. JAN BURNSWOODS: Would you be concerned to hear that these meetings were about swapping council sites and moving the council, and so on?

Mr PACIULLO: I do not know the background or details of them. I would have to be fully versed before I would indicate yes or no to your question. I may be. It all depends.

The Hon. JAN BURNSWOODS: You are aware, I assume, that when Westfield launched its action against the change of use for Orange Grove that council sought legal advice on the legality of the council's original approval.

Mr PACIULLO: I cannot say that I recollect that particular matter. Would you repeat the question?

The Hon. JAN BURNSWOODS: So the council was before the Land and Environment Court and the council sought legal advice about the legality of the original DA approval, but you did not know about it?

Mr PACIULLO: No, I can't say I recollect that.

Ms SYLVIA HALE: Mr Paciullo, this email from Kylie Burke, who is the personal assistant to Greg Miles, the Director of Development and Asset Management, Westfield, and also Justin Lynch, the Development Executive, arranging for a meeting with you on 22 May 2003, that was after the allegations about Oasis had become public knowledge, was it not?

Mr PACIULLO: 22 May 2003, yes, very much so.

Ms SYLVIA HALE: I find it interesting that these two gentlemen, Greg Miles and Justin Lynch, have figured quite heavily in the Orange Grove Road matter and informed Mark Ryan of their concerns about the development process. Did they at any stage in their discussions with you raise their concerns about the procedures at Liverpool council?

Mr PACIULLO: I repeat, no-one ever raised any concerns to me about that—not from Westfield, not from government, not from any quarter.

Ms SYLVIA HALE: Do you know Mark Ryan?

Mr PACIULLO: No, I can't say that I do. I saw his face on television and I saw his photo in the newspapers. I cannot say that it is a familiar face to me.

Ms SYLVIA HALE: But certainly, even after the Oasis allegations had been raised, Westfield was more than happy to continue to meet with you to try to hasten the approval of its expansions within the Liverpool CBD?

Mr PACIULLO: Absolutely. And I just want to add that I have always had good relations with Westfield, as I have with almost everyone in Liverpool, in the conduct of my duties. I can only repeat again that I even have evidence where they are very pleased about the support I have given them. They are a very important facility for Liverpool, and I support their existence there. The comparison I made today about Westfield was for the purpose of showing that in this particular case they talk about influence but they don't hesitate to use it—I am not saying improperly—themselves in getting their way.

The Hon. JAN BURNSWOODS: Just an observation, Madam Chair. I notice that Murray Douglas was actually present with you when you met with Westfield.

Mr PACIULLO: That's correct.

The Hon. JAN BURNSWOODS: So you do know him.

Mr PACIULLO: I said I knew him.

CHAIR: Mr Oldfield, I think you have got one question, and then I propose to move to the next witnesses.

The Hon. DAVID OLDFIELD: Mr Paciullo, obviously during the course of your appearances here and at Liverpool you have given a great deal of detail of the way things occurred with regard to Liverpool council, and you have obviously been active in wanting to deny the various allegations that have been made. Has anyone from within the Labor Party, during the course of these last couple of weeks where this is concerned, contacted you about what you are saying?

Mr PACIULLO: No.

The Hon. DAVID OLDFIELD: No-one at all?

Mr PACIULLO: No.

The Hon. DAVID OLDFIELD: You have not been approached at all by anybody?

Mr PACIULLO: No. You mean with a suggestion that I should not speak any further?

The Hon. DAVID OLDFIELD: Yes. Has anyone raised any concerns with you about what you were saying?

Mr PACIULLO: No. As I said, it hurts me to make the statements I have, but I am doing so in defence of my own name, and I would think that any fair-minded person, anyone that has even a remotely fair mind, would understand that I am entitled, even if it brings into disrepute others in my own party, to defend my good name, absolutely.

The Hon. DAVID OLDFIELD: I would certainly agree with that.

CHAIR: Thank you very much, Mr Paciullo, for your attendance here today and for answering our questions.

(The witness withdrew)

CHAIR: If I could advise the Committee that the next two witnesses have some time constraints.

The Hon. JAN BURNSWOODS: We can bring one of them back on Friday.

CHAIR: We have not resolved to have a hearing on Friday.

The Hon. JAN BURNSWOODS: We have an awful lot of witnesses held over, Madam Chair, and we discussed Friday. I think some of us said to the clerk when these times were set that they were quite inadequate.

CHAIR: If the clerks could clarify the time constraints for Mr Turrisi. Mr Hunt, I am advised, has to leave by 4.30. Mr Turrisi, would you mind indicating what time you would have to leave by to meet your commitment?

Mr TURRISI: By approximately 5.30.

CHAIR: I ask members to bear those times in mind.

GEOFFREY ROBERT HUNT, former Senior Development Planner, Liverpool City Council, on former oath:

CHAIR: Mr Hunt, I presume you do not have a statement.

Mr HUNT: That is correct.

CHAIR: Although both of the next two witnesses, Mr Hunt and Mr Turrisi, were referred to in a Westfield chart, Mr Ryan's chart, I want to make it clear that both are appearing at the request of the Committee to provide further evidence, which is different from the situation that applies to Mr Paciullo, who requested that he appear to respond to adverse mentions. If members of the Committee would bear that in mind, that would be appreciated. Are there any questions?

The Hon. KAYEE GRIFFIN: Mr Hunt, when the original development application came in for the change to a warehouse clearance outlet, on 30 June 2002 you sent a letter a letter to Mr Mosca regarding the proposal, and some of the wording in this proposal needed to strictly comply with Liverpool local environmental plan 1997, and you gave definitions of bulky goods sales rooms or show rooms or warehouse or distribution centres. I note, in terms of the detail in that letter, that "bulky goods sale room or show room" means "a building or place used for the sale or retail or auction or the hire or display of any of the following", and that listed in that were furniture, electrical goods, toy and sporting equipment, office furniture, hardware, outdoor products, floor coverings, automotive parts and accessories, lightning, antiques or second-hand goods, kitchen or bathroom show rooms or tiles, floor, ceiling or wall; and the meaning of "warehousing or distribution centre" was "a building or place used for storing, handling or displaying items, whether goods or materials, which are being produced or manufactured for sale, other than retail sale, to the public from the building or place." When you assessed that development application, the fact that Orange Grove is a retail outlet, what influenced your decision in terms of giving approval for that, given that in the original application this did not fall under either goods or warehousing or distribution centre?

Mr HUNT: When I was allocated the development application approximately in May or June of 2002 I firstly conducted a preliminary assessment of the development proposal, and I believe that that was the letter that I forwarded to the applicant, Mr Mosca, with regard to the preliminary considerations of the assessment. Sometime after that I believe—I have not had access to the file over the last 18 months since finalising my assessment about the application—however, I believe there must have been additional information that was submitted by the applicant in response to that letter, and maybe other additional information that came to me through the file system.

The Hon. KAYEE GRIFFIN: Given that there may have been additional information that, from your point of view—and I do not want to put words in your mouth—would have justified this application—is that what you are saying—to have a retail outlet?

Mr HUNT: There was ongoing assessment for the application through those months after I received the development proposal, and, from my recollection, there was some ambiguity in the LEPs definitions where, first of all, it was first deemed that it could fit well and truly into those two definitions, or roughly into those definitions. Then maybe, at some time after that, there were other definitions that it did not quite fall into, and that may have helped form my view on the development that was proposed.

The Hon. KAYEE GRIFFIN: It was standard at Liverpool council, was it, for even a major development like this, with what is really an approval outside the Liverpool LEP, and also, if you wanted to take it as a comment, basically a change of use for that particular site, was it normal, with a development as large as this, even after it was advertised and that advertising was late, that it would just automatically be done under delegated authority, that there were no concerns from anyone within your section of council, whether it was this development or any other development, that the brunt of the approval process fell on one person's shoulders and that person was not the most senior person in that section of council?

Mr HUNT: The delegations went through to me as the senior development officer to assess development applications. As previously explained to the Committee if there were a certain number of submissions that require the application to be forwarded to the independent hearing panel, which would then go to council, but when they were no submissions received from the advertising period they could have been handled under delegated authority.

The Hon. KAYEE GRIFFIN: Once approval is given, for instance for the Orange Grove area, what was your responsibility? What was your responsibility after approval was given in terms of how that approval process was put into effect? What sort of responsibilities did you have after approval was given?

Mr HUNT: Do you mean the date that it was issued?

The Hon. KAYEE GRIFFIN: No, after it was issued. After the issue of the approval to Gazcorp for the Orange Grove Road warehouse clearance outlet, what were your responsibilities? Did you have responsibilities to look at how that DA approval was put into place, that everything was adhered to in that DA approval process?

Mr HUNT: Not to my knowledge, because once the application was approved then if required any additional certification, whether a CT or other, would have gone through a private certifier or council. It depends on who is nominated as a certifier.

The Hon. KAYEE GRIFFIN: The reason I am asking you this is because of correspondence sent to Liverpool council this year, on Tuesday 2 March, that relates to the exhibition of the draft LEP and that letter was from the Roads and Traffic Authority. Part four, which deals with Orange Grove, in that letter states that consistent with RTA advice on a previous development application for the site, a package of traffic infrastructure measures was identified to support the traffic impact development on surrounding road network. To date the RTA understands that little of this package has commenced or been completed commensurate with the development of the site. The RTA recommends the insertion of a clause in the draft LEP that requires the developer to construct the identified package of traffic measures. Was someone from council responsible even for that part of the approval process?

Mr HUNT: I am not aware of that information. The only documentation that I remember from the RTA was during the referral process and the requirements were included as part of the development consent. Also, I believe, there was a copy of the RTA letter attached to the consent when it was issued. My employment with Liverpool council ceased when I resigned in April 2003. I have since been employed elsewhere, at Wollongong City Council. So I have not had any contact with the follow-up certification work that was required on that development proposal, nor on any other application.

The Hon. KAYEE GRIFFIN: Why did you leave Liverpool council?

Mr HUNT: It was a career path. I wanted to pursue new opportunities in Wollongong council. Originally I was employed at Wollongong council for about 10 years and I left there to seek a senior position with Liverpool. Another position was made available in the time I was away at Liverpool council and I decided to seek employment with Wollongong council. Also I live very close by, and it was a lifestyle and commuter decision, because I was commuting for a couple of hours a day.

The Hon. KAYEE GRIFFIN: Were you involved in any pre-lodgement meetings with the applicants in relation to Orange Grove Road?

Mr HUNT: No, I was not.

The Hon. KAYEE GRIFFIN: Do you have any knowledge of Mr Poole in terms of this DA?

Mr HUNT: Not with this DA, but I do know Mr Poole.

The Hon. KAYEE GRIFFIN: Did you have any discussion with Mr Poole in relation to this?

Mr HUNT: Not that I can recall. I had many discussions with Mr Poole on other issues because I was a development planner, employed to handle development applications within a geographical area of the CBD and Gary Poole was—

The Hon. KAYEE GRIFFIN: What was Mr Poole's job?

Mr HUNT: He was a manager of major projects later on, probably in my employment, at Liverpool, probably towards the end of that year. I do not recall him in the early phase, the first six months or during this assessment that I had on this development.

The Hon. KAYEE GRIFFIN: So you did not have any pre-lodgement meeting at all in relation to this application?

Mr HUNT: I do not recall any. There may have been discussions, but I cannot recall off the top of my head. Again, it was some time ago.

The Hon. KAYEE GRIFFIN: As a senior planner, how many years experience have you had in planning?

Mr HUNT: This is my thirteenth or fourteenth year.

The Hon. KAYEE GRIFFIN: Were you surprised to receive an application for non-visible use for such a big project?

Mr HUNT: No, I was employed by Liverpool council to undertake the senior role in that geographical area, which is the CBD and surrounding areas. That took in the Orange Grove facility and I was allocated major developments in that area.

The Hon. KAYEE GRIFFIN: During the time that the application was being processed and the original letter you sent on 13 June, which was a cursory acknowledgement of the application and some of the issues, did you receive information such as this, which Mr Paciullo presented to the Committee relating to how the development application system was done in Liverpool council? When you got into the detailed assessment, did you receive information on matters such as hours of operation, numbers of employees, types of goods to be sold, et cetera?

Mr HUNT: I cannot recall. It would all be on the file, all that information.

The Hon. KAYEE GRIFFIN: When the application is lodged, notification or advertising takes place and then the document shows a broken line down to "detailed assessment". Were you aware of that flow chart when you were at Liverpool council?

Mr HUNT: I was aware of the processes at Liverpool. I am not quite sure I understand this flow chart. However, my recollection of the proposal is that I received the application to do a preliminary assessment. First of all that required a referral to an independent economic assessment consultant, which was first up because we wanted to see if there was some sort of consistency with the information provided by the applicant and the independent assessment.

The Hon. KAYEE GRIFFIN: If you are not totally familiar with that flow chart, what in your opinion does that broken line mean from "advertising" down to "detailed assessment"?

Mr HUNT: I am not quite sure. I would say the advertising is done through an internal process and while it is being advertised it is also going through its preliminary assessment and detailed assessment.

The Hon. KAYEE GRIFFIN: Presumably that is what the broken line means?

Mr HUNT: Presumably, that is my understanding. This is not my diagram, it is not something I am fully a way of.

The Hon. KAYEE GRIFFIN: Previously you answered this question, and I ask you to answer it again. Why was the application not advertised until November?

Mr HUNT: There was some outstanding information discussed about the first letter that went to the applicant. Also I took the opportunity to refer it to the external bodies, the RTA and the economic consultants and internal units of the council to get some internal advice. Given that information that was outlined in the letter sent to Mr Mosca in June I also had to take on board the information that he was to provide in response to that. Also, I had to form my own professional view on how the application sat in line with the legislation and also to take on board other comments from other relevant bodies.

The Hon. KAYEE GRIFFIN: Given that the advertising took place from 1 November to 14 November and the approval was given on 15 November, as the planner who had carriage of the development application and also delegated authority to approve or reject the application, could you explain to the Committee exactly how the process worked? Also, the advertising finished on 14 November and you were very clearly able to produce a letter of approval on 15 November.

Mr HUNT: I had done much of my assessment leading up to the time that it was exhibited. I had prepared a report that was on file. I discussed the matter with my director, and it was deemed that it needed to go on exhibition very soon if this application was to be supported internally. The advertising was arranged and then it was exhibited for two weeks in line with council's policy.

The Hon. KAYEE GRIFFIN: How could you be sure that there would not be objections that were dated 14 November coming to you later than 15 November?

Mr HUNT: There is always the closing date on the exhibition of development applications, in this instance it was 14 November. Also in that whole exhibition period I did not take one verbal inquiry or telephone inquiry regarding the development application. After the exhibition periods are finished I check with our administration to see if there are any letters that have been received in that day's mail or the previous day's mail to ensure that there is nothing to further consider.

The Hon. KAYEE GRIFFIN: At that stage when you were working with council and this development application was being Delaware, what is contained in the advertising for a DA in the local paper? How much detail? How big is the ad?

Mr HUNT: The actual ad that appears?

The Hon. KAYEE GRIFFIN: Yes.

Mr HUNT: It is advertised in the local paper, the *Liverpool Champion*, in which council advertises all its DAs. It would have description of the land, the application and the proposal.

The Hon. KAYEE GRIFFIN: How much information would be in the ad?

Mr HUNT: As much as council requires as part of the advertising policy.

The Hon. KAYEE GRIFFIN: Whose responsibility is it to give that detail to the person responsible for lodging the ad?

Mr HUNT: When the application was prepared to be advertised, I took that information with a package of documentation that had to go on the public access file, the advertising folder at the front counter. I took that to the notification clerk who arranged for the notification to be arranged in line with policy.

The Hon. KAYEE GRIFFIN: After the advertising period finished and you advised Mr Mosca, I presume it was him, that approval had been given under delegated authority, in the approvals process and the correspondence that went to Mr Mosca, did it detail the times of operation of the centre?

Mr HUNT: I don't recall. I don't recall. It may not have. I don't believe so.

The Hon. KAYEE GRIFFIN: Isn't that part of council's responsibility in relation to that?

Mr HUNT: It could—it would normally be included as part of a proposal, part of the consent. But as part of the development approval it's also, it also relates back to documents that were admitted as part of the application and that also forms part of the development consent because if council was to condition everything it would be extremely, an extremely thick document of conditions. It generally refers to just the specific details that were addressed by relevant internal bodies and external parties, and then the documents are also related back to the statement of effects or plans that were lodged with the DA. So in that documentation I would say there must have been hours of operation, or—

The Hon. KAYEE GRIFFIN: And so you would have sent that documentation out?

Mr HUNT: It was stamp approved. Yes, it would have a stamp on it.

The Hon. KAYEE GRIFFIN: That would have been with the level of approval?

Mr HUNT: Yes. There may be documents that it refers to on the front page of that consent. I'm not sure of the document. On the front page of the consent it may have the plans that were approved or statements or otherwise.

The Hon. KAYEE GRIFFIN: With approvals under delegation, DAs that are approved under delegation, what process is undertaken after an approval is given about then notifying the general public or notifying the council that something has been approved under delegation? Is there a process, or was there a process that council had where councillors and the general public were advised about what approvals had been given and, if so, how long did it take from the time that the approval was given until the public notification occurred?

Mr HUNT: I am not aware. I, personally, don't—am not that involved in that process. It's an administrative matter whereby all development applications that have been approved through the system go into the local paper under the—

The Hon. KAYEE GRIFFIN: Whose responsibility is that?

Mr HUNT: That would be an instruction. I was never involved in notifying the public or putting a notice in the paper of development approval.

The Hon. KAYEE GRIFFIN: What part of administration? You do not have a name or a section that did it?

Mr HUNT: No, it would come up as part of the statistics of the approvals that have been issued by council and then they're published in the local paper in accordance with the Environmental Planning and Assessment Act.

The Hon. KAYEE GRIFFIN: Can you just explain the process in relation to, as I understand it from previous evidence, each councillor at Liverpool had a certain responsibility and, I think it is, councillor Buek was the councillor responsible in relation to planning, is that correct?

Mr HUNT: I don't really know what his—I think it was major projects. But I had very little contact with councillors in my whole time with Liverpool council. I have never even met the mayor. I know of Mr Paciullo, but I have never met the mayor. I have met—

The Hon. JAN BURNSWOODS: You've never met the mayor?

Mr HUNT: Never met the mayor. I can't recall ever meeting the mayor because there was a clear, I guess, separation between, I guess, staff and, well, day to day—we were always in contact through our director or our manager if need be through the councillors and the mayor. But I've only had very little contact with councillor Buek on some of the projects throughout the Liverpool CBD.

The Hon. KAYEE GRIFFIN: What sort of contact would that have been?

Mr HUNT: The setting up—there was a panel involved for the SEPP 65, which is State Environmental Planning Policy No. 65, to have an urban design team give design critiques on proposals that came to council. I remember having one working party with representatives of architects, council officers. I think councillor Buek was there on that occasion, and that is probably one occasion. Another time was with Mr Poole. I had to, and Mr Mosca had to, go and view some developments that these architects from our assessment panel had requested us to go and get some design ideas from on a recommendation that we look at those so that we can get some good design outcomes with Liverpool City Council.

CHAIR: I think other members have got some questions.

The Hon. JOHN RYAN: Only one. Mr Hunt, can I just read you something? It is a comment made by Mr Wedderburn, the chief of staff of the Premier, to this Committee the other day. He was referring to the council and other people who, he said, were dishonestly influencing the council and he said this, "You have asked me before", he is there referring to me as the "you", "You have asked me before about the people they", meaning the council, "mentioned specifically and the view about the process. It was not just the dishonest influences they suggested were represented by Mr Gazal, Mr Bargshoon and Mr Mosca. They certainly mentioned, and they believed, that there were perhaps former members of council staff and others who were either leant on or perhaps inappropriately influenced or perhaps lobbied. They had grave concerns", meaning Westfield, "about the council that was sacked. There is no doubt about it", meaning that there was no doubt that he had that Westfield had these concerns. Could you be described as a former member of council staff?

Mr HUNT: Yes, I am a former member of council staff.

The Hon. JOHN RYAN: Do you think Mr Wedderburn was trying to suggest, or would you like to make a response in case Mr Wedderburn was suggesting, that you had been either over lobbied or inappropriately leant on or influenced? Do you believe that occurred in your case?

Mr HUNT: That didn't occur ever. My whole involvement with this proposal is to just assess a development application that had been allocated to me. All my contact with the applicant was regarding additional information that was requested or discussions about the development application. Towards the end of the development application the applicant knew that the advertising hadn't been done and he would've liked it to have been done earlier a bit earlier, but, and expressed his concern and I said, "Well, it's going to be advertised." And then it was. But there was nothing that I can ever recall in any of the applications that I've handled with Liverpool City Council that I felt undue pressure or was lobbied or was pressured to determine.

The Hon. JOHN RYAN: Did you have anything to do with the application by Westfield to expand their shopping centre, their shopping complex?

Mr HUNT: No, I wasn't really the assessing officer. There was another officer that was allocated that proposal, and I had no involvement in it at all right from the start other than knowing that it was in the system. But can I just add to that? That was probably determined after the period that I resigned from the council.

The Hon. JAN BURNSWOODS: I have just a couple of follow-up questions just arising out of some of your answers before, Mr Hunt. I think you said that Gary Poole, whose name appears on the file, was the manager, major projects. I assume that meant that he worked with councillor Buek, who was director, or whatever the title was, of major projects.

Mr HUNT: I then may have been—there may have been discussions or they may have worked together. I'm not sure. All I know is that I reported to Gary on certain projects that he was installed as the manager of major projects or on other matters I would go to Mr Turrisi, who was my director.

The Hon. JAN BURNSWOODS: We are still trying to get to the bottom of this situation where the phrase you just used, major projects, and the fact that the council had a manager, major projects and a councillor with specific responsibility for major projects, and yet even given all of that we heard from Mr Paciullo before that he knew nothing about this proposal. No-one seems to have known anything about it except you, Mr Turrisi and, we now know, Mr Poole. It just seems very strange.

The Hon. DAVID OLDFIELD: Not to me.

Mr HUNT: Like I said, I was employed as a senior development planner and that role would generally mean that I would encounter reasonably large-scale development proposals.

The Hon. JAN BURNSWOODS: This is not criticism of you. I am trying to work at the council processes.

Mr HUNT: My involvement with that proposal was very early in my employment with Liverpool council. I would say—

The Hon. JAN BURNSWOODS: When did you start there?

Mr HUNT: In May of 2002 and I was allocated the application, best of my knowledge, not long after that, probably in June, I think. The letter that was referred to was dated 13th so it would have been pretty close to that time, and there would be also a letter on the file about my referral to Peter Leyshon, who was an external consultant for the council with regard to an economic assessment. That letter would have been around about the same time forwarded to Peter Leyshon, so that would give you an indication of when I accepted the file or—and also tracking through the file system.

The Hon. JAN BURNSWOODS: As I said, I am not asking this question as a criticism of you. Indeed it was me, I think, who pointed out when you appeared before us last time that, in fact, that letter that you wrote in June 2002 was totally correct and was later, indeed, found correct by the decisions of the Land and Environment Court and the Court of Appeal. The issues are more what happened after that. You said before in answer to Ms Griffin's question about why it wasn't advertised that you are waiting for outstanding information and things from the RTA, et cetera. I think you said information from internal units of the council. Then later on you said that at some stage in your conversations with the applicant, the applicant expressed concern and that the advertising had not been done.

Mr HUNT: That was when I had already determined that the application—I had formed a view towards the end of the assessment. Part of not going to public exhibition until that time was that until I was sure that all the reports were satisfactory and my—I had a good understanding of what the proposal was requested on, I wanted to do that before I went to public exhibition because if I needed to answer any questions regarding this whole proposal I would have been able to be in a good position to be able to answer those inquiries.

The Hon. JAN BURNSWOODS: So when you say the applicant, do you mean Mr Mosca?

Mr HUNT: Mr Mosca, yes.

The Hon. JAN BURNSWOODS: So it was Mr Mosca that you had these conversations with about the advertising?

Mr HUNT: I—no. This was after the decision was made to advertise and I just told Mr Mosca that the development application was already on exhibition, or it was prepared. It was in that phase. It was very close to it. Either it had already started or was about to go on public exhibition and I notified my director at the time that I had a discussion with Mr Mosca and just made the application go through the process, through the advertising process until the two-week period was up.

The Hon. JAN BURNSWOODS: Given the care you took to go through all these details that's required, how do you explain the letter from Mr Turrisi to Mr Mosca in which he said that the failure to advertise was an oversight by a member of staff?

Mr HUNT: It was my responsibility in the end to advertise it at a time where—before the termination of the application. I indicated that I needed to make sure that before it went on exhibition that I had all these issues at least addressed.

The Hon. JAN BURNSWOODS: But that doesn't fit with the word "oversight". That doesn't justify Mr Turrisi's description of you, surely?

Mr HUNT: It may have been in line with this flowchart or a flowchart that notification may have been done earlier in the process. But I knew that it had to be advertised and it was notified.

The Hon. JAN BURNSWOODS: And then after it was advertised and approval was given on 15 November, I think in answer to Ms Griffin's question, you said it was a matter for some administrative section of the council to notify people that approval had been given. Approval was actually given on 15 November. Can you explain why nobody was notified of the approval until 9 April, five months later?

Mr HUNT: I'm not sure of how the—the notification of DAs, development approvals, that go into the paper is done administratively. I've never been involved with any of those notifications.

The Hon. JAN BURNSWOODS: I was not suggesting you were. I know your answer to Ms Griffin earlier, but five months does seem a long time. It was advertised once on page 33 of the *Liverpool Champion* and approval was granted the day after submissions closed. It was five months later before anyone was told it had been granted. I assume the mayor did not even know then, from what he said to us earlier. It sounds as though the information flow at Liverpool council was not very good.

Mr HUNT: Again that would be a process I am not involved in, how the public is notified after the consent is issued.

The Hon. JAN BURNSWOODS: Did you have an opinion of Liverpool council? Were you surprised when the Daly report came out and the dreadful things it said about the council?

Mr HUNT: I had no involvement with anything other than the day-to-day development assessment of the applications. You are referring to the Bulldogs and the Oasis development?

The Hon. JAN BURNSWOODS: Liverpool council processes in general. Given that you worked there for 11 months, I would have thought you may have come to an opinion about the way the place was run.

Mr HUNT: My opinion of the organisation was that they took me as a senior development officer and it was a great opportunity at the time to do the next step in my career. Since then my reasons for leaving the organisation were not for anything else other than my own career advancement and perhaps lifestyle, being closer to where I work and live.

The Hon. JAN BURNSWOODS: You did not have any criticisms of Liverpool council processes?

Mr HUNT: No, no criticisms of the council process.

The Hon. DAVID OLDFIELD: Mr Hunt, this was an ordinary application, was it not?

Mr HUNT: To my knowledge it was just an application that came to me as the senior planner and I assessed it appropriately.

The Hon. DAVID OLDFIELD: There was nothing extraordinary about it?

Mr HUNT: Not to my knowledge.

The Hon. DAVID OLDFIELD: It did not come to council with any great fanfare, press releases, benefits for Liverpool, Mr Gazal doing a favour for the neighbourhood?

Mr HUNT: No.

The Hon. DAVID OLDFIELD: The biggest project that Mr Mosca has ever done—this did not come into it?

Mr HUNT: No, not to my knowledge. I was requested to do the referrals to the consultants straight away. The development application was the same as I would have probably assessed any other application to process.

The Hon. DAVID OLDFIELD: I imagine community groups and people in general often object to developments which they find to be a problem for the area and make themselves known to council be it verbally, by letter or by submission?

Mr HUNT: If the community groups knew about development proposals they might very well go through our community services division and then onto our director, which would pass them through I would say.

The Hon. DAVID OLDFIELD: What percentage of applications did you receive would have no objection?

Mr HUNT: Quite a few. I noted there was quite a difference at Liverpool. There was not so much objection to developments as to some developments I had in my previous employment at Wollongong council where there was a significant amount of development objection.

The Hon. DAVID OLDFIELD: At Liverpool, for example did the cost or size of the project particularly dictate that everyone would know or that there would be a huge number of objections?

Mr HUNT: No, not from my experience. It struck me that some proposals were quite extensive—whether they be residential, mixed residential, commercial or development—and did not attract any submissions or very, very few.

The Hon. DAVID OLDFIELD: Even though they were residential, whereas this development was not really affecting anybody from a residential point of view.

Mr HUNT: It was for a change of use, as you know. I do not recall ever being asked about it having an impact upon the residential community.

The Hon. DAVID OLDFIELD: Because apparently there was not one.

Mr HUNT: I am not aware of any.

The Hon. DAVID OLDFIELD: Certainly it was your assessment ultimately they should be passed under delegated authority?

Mr HUNT: Yes.

The Hon. DAVID OLDFIELD: Regardless of its size or anything-else about it, there was no reason that it was different in any way from any other application? There was no reason it would have been deal with outside the normal processes or for any other reason known by any councillors, the mayor or anybody else at the time it was going through?

Mr HUNT: It was just follow the process. I was unaware of any concerns of any councillors or residents or any other officers of the development proposal.

CHAIR: There are no further questions. Thank you, Mr Hunt, for appearing again before the Committee.
(The witness withdrew)

GERARD ANTHONY TURRISI, Director, GAT and Associates, P.O. Box 96, Haberfield, on former oath:

CHAIR: Mr Turrisi, because you have been recalled I presume you do not have an opening statement. You are here to answer questions?

Mr TURRISI: That is correct.

CHAIR: Are there any questions from Government members?

The Hon. JAN BURNSWOODS: Do you want the Government members to go first again?

CHAIR: You called Mr Turrisi.

The Hon. JAN BURNSWOODS: No, the Committee called him.

CHAIR: On your motion.

The Hon. PETER PRIMROSE: We do not have to specify that each time.

The Hon. JAN BURNSWOODS: Mr Turrisi, I believe that you were here when we Mr Hunt gave evidence.

Mr TURRISI: That is right.

The Hon. JAN BURNSWOODS: We referred to his letter of June 2002 that spelt out the various matters that were wrong with the development application. We also went into some considerable detail about the various pieces of information he asked for, such as hours of operation and so on. Given all of that, why do you think this development application was approved?

Mr HUNT: I think Mr Hunt gave evidence to say that he came to the conclusion that the development was acceptable and accordingly he approved it.

The Hon. JAN BURNSWOODS: You mean that exactly as you say it: it was Mr Hunt's decision as an individual acting solely? It was his approval and that was it? With all the resources of the council, in the end it came down to Mr Hunt?

Mr TURRISI: No, it was council's approval but it was Mr Hunt who made the assessment and the determination.

The Hon. JAN BURNSWOODS: What does that say about the letter you sent to Mr Mosca in which you blamed Mr Hunt for the oversight in relation to the advertising?

Mr TURRISI: I would not say I blamed Mr Hunt. I make the comment there was an oversight in the process, and the fact was it should have been advertised and it was not. Therefore, it was appropriate in my view to use that word at that time.

The Hon. JAN BURNSWOODS: You heard his evidence in which he said it was not an oversight?

Mr TURRISI: I understood he said he got all the information and then proceeded to assess it and realised at the end of his assessment it had not been advertised.

The Hon. JAN BURNSWOODS: When did you leave the council?

Mr TURRISI: It was February 2003.

The Hon. JAN BURNSWOODS: Why did you leave?

Mr TURRISI: To set up my own consultancy business.

The Hon. JAN BURNSWOODS: How would you say it is going?

Mr TURRISI: I am quite happy with it. It is going well.

The Hon. JAN BURNSWOODS: Are you working mostly in the Liverpool area?

Mr TURRISI: As I said last Tuesday, probably 30 per cent of my work is in Liverpool. The rest of it is basically all over Sydney.

The Hon. JAN BURNSWOODS: With any particular councils?

Mr TURRISI: I do a lot of work around Hunters Hill, Drummoyne, Leichhardt.

The Hon. JAN BURNSWOODS: I think you said your business is based in Five Dock.

Mr TURRISI: That is correct.

The Hon. JAN BURNSWOODS: You have done work for Mr Mosca and Mr Gazal?

Mr TURRISI: As I said last time, I did one matter for Mr Gazal and I have done three or four energy reports for Mr Mosca's clients.

The Hon. JAN BURNSWOODS: I think you advised Mr Gazal that in your opinion each tenant would need to lodge a request for approval for their activities at Orange Grove?

Mr TURRISI: Whether individually or as one application. But yes, it needed approval for the actual tenancies, that is correct.

The Hon. JAN BURNSWOODS: The whole 62 or 63?

Mr TURRISI: Whatever it would be.

The Hon. JAN BURNSWOODS: On what basis did you form that view?

Mr TURRISI: From what I recall going through the local environmental plan, the plan was set up where certain types of users did not require the consent of council. I was of the opinion because the nature of this operation did not fall under those exemptions that it required the consent.

The Hon. JAN BURNSWOODS: What do you mean by "the nature of this operation"?

Mr TURRISI: Because it was not defined as a shop, it was not defined as business premises, it was not defined as light industry. Therefore because of that it required approval for the actual tenancies.

The Hon. JAN BURNSWOODS: What did Gazcorp do when you provided that advice?

Mr TURRISI: I provided the advice, I got paid for the advice I gave and that was the end of it. I have no idea what they did with it.

The Hon. JAN BURNSWOODS: How long would you have been working on this?

Mr TURRISI: I think I got engaged early August and I think I provided the advice by the end of August.

The Hon. JAN BURNSWOODS: August when?

Mr TURRISI: 2003.

The Hon. JAN BURNSWOODS: Should not your advice have been raised with the tenants?

Mr TURRISI: I was engaged by the company, so my advice was to the company.

The Hon. JAN BURNSWOODS: Having given that advice you thought your ethical responsibility was at an end?

Mr TURRISI: As I said, my advice was to the clients.

The Hon. JAN BURNSWOODS: Did you expect them to raise it with the tenants?

Mr TURRISI: That is not a matter for me; that is a matter for them.

The Hon. JAN BURNSWOODS: You also did some work for Mr Mosca or through Mr Mosca for other clients in relation to energy?

Mr TURRISI: That is correct.

The Hon. JAN BURNSWOODS: You may not have had a chance to read the transcript. Are you aware that last Friday Mr Mosca told us he had advised those clients not to employ you?

Mr TURRISI: I have seen parts of the transcripts and I have seen that, yes.

The Hon. JAN BURNSWOODS: What is your comment on that?

Mr TURRISI: I do not particularly have a comment on it. If that is Mr Mosca's position, then so be it.

The Hon. JAN BURNSWOODS: Do you think that Mr Mosca might have owed you a little bit more than dumping you?

Mr TURRISI: That is his decision, like anyone else whether they want to engage me. It is their decision; I cannot control that.

The Hon. JAN BURNSWOODS: Were you surprised to hear what he said?

Mr TURRISI: Probably to a little degree, yes.

The Hon. JAN BURNSWOODS: You worked for the council and dealt with Mr Mosca, as did other council officers, frequently. Whether it was 80 per cent or not, we have heard how much business he brought before the council. You left the council and very soon after you were doing work through him and for Mr Gazal.

Mr TURRISI: No, as I said, I did work for Mr Gazal in August and probably it would only be in the last six months I may have done any work through Mr Mosca.

The Hon. JAN BURNSWOODS: That would be totally in 2004?

Mr TURRISI: I think it was probably around Christmas 2003-04 that I started to do any work for Mr Mosca, being those three or four energy reports, that is correct.

The Hon. JAN BURNSWOODS: What do you think happened between August 2003 where Mr Gazal was happy to employ you and around Christmas when Mr Mosca advised people not to employ you?

Mr TURRISI: I have no idea.

The Hon. JAN BURNSWOODS: Does it worry you?

Mr TURRISI: No, I cannot control what other people think. So I am not going to lose any sleep over it.

The Hon. JAN BURNSWOODS: Do you have any explanation for why Mr Mosca should make that decision about you?

Mr TURRISI: No.

The Hon. JAN BURNSWOODS: You are not curious?

Mr TURRISI: Not particularly.

The Hon. JAN BURNSWOODS: You are very phlegmatic.

The Hon. KAYEE GRIFFIN: When you were with Liverpool council was there a direct reporting process between Mr Hunt and yourself or were there other people in between in that process?

Mr TURRISI: No, there was a middle manager who was there, but, as I said, we had a pretty open-door policy. So staff at any time would catch any of the managers depending on their availability. We were at meetings a lot of the time, so sometimes they would either bail me up in the corridor or maybe the managers and just talk to them about issues.

The Hon. KAYEE GRIFFIN: Who was the middle manager?

Mr TURRISI: In our department we had for middle managers: Gary Poole, Owen Sergeant, Chris Weston and Paul Pathenow.

The Hon. KAYEE GRIFFIN: What was Mr Weston's title?

Mr TURRISI: He was manager of planning.

The Hon. KAYEE GRIFFIN: Could you go through the four titles, please?

Mr TURRISI: At the time Chris Weston was manager of planning, Gary Poole was manager of advisory services—his job was changing at the time, just before I was leaving, and he was getting more involved in major applications in terms of helping them through the system and being the point of contact for applicants—Paul Pathenow was the manager of engineering and Owen Sergeant was the manager of building.

The Hon. KAYEE GRIFFIN: Did they all come under your control?

Mr TURRISI: That is correct.

The Hon. KAYEE GRIFFIN: I asked Mr Hunt this question and I will ask you as well. After a development application is approved what sort of responsibilities does the council have with regard to the subsequent process? I refer particularly to things like traffic management and so on.

Mr TURRISI: Usually if council is to be the authority that issues the construction certificate obviously the officers assessing that construction certificate would ensure that part of those works are done and form part of the occupation certificate prior to leaving. If it is done by a private certifier, basically the responsibility is that of the private certifier so council would not necessarily follow it through. If it went to a private certifier the file would be generally filed. If it then became apparent that there was an issue, we would investigate it.

The Hon. KAYEE GRIFFIN: What was the case with Orange Grove Road?

Mr TURRISI: I do not know whether it was done by a private certifier or by council. I could not tell you.

The Hon. KAYEE GRIFFIN: Have you seen this flow chart? It has townhouses and major applications on one side and on the other side dwelling houses, dual occupancy and change of use.

Mr TURRISI: No.

The Hon. KAYEE GRIFFIN: I will show you the flow chart. You have not seen it?

Mr TURRISI: I have not seen this, no.

The Hon. JAN BURNSWOODS: How come nobody who worked at the council has seen Mr Paciullo's wonderful flow chart?

Ms SYLVIA HALE: He just put it together over the weekend, I assume.

The Hon. JAN BURNSWOODS: He referred all the way back to 1998 and the praise that Liverpool council received. It is amazing.

The Hon. PETER PRIMROSE: No wonder he did not have time to read any of the Daly report!

Ms SYLVIA HALE: Any councillor could put together a schema as to how they understood the council processes. You could do it at any time.

The Hon. KAYEE GRIFFIN: If it was an official document it would have to be adopted by council.

Ms SYLVIA HALE: He did not suggest that it was official.

The Hon. JAN BURNSWOODS: He told us about all the praise that it got in 1998.

Ms SYLVIA HALE: I think he was talking about the independent assessment panel.

The Hon. KAYEE GRIFFIN: Mr Paciullo asked us to check with Mr Turrisi and Mr Hunt because they would have been more aware of this process than he was.

The Hon. JOHN RYAN: I love it when people without sin cast stones!

The Hon. KAYEE GRIFFIN: What is your opinion of the section that identifies internal and external referrals that has an arrow across to advertising? There is then a broken line down to detailed assessment. What is your interpretation of that?

Mr TURRISI: Basically, we had a system whereby there was an internal referrals section when applications came in to which they were subsequently referred. At that stage it was normally sent off to advertising and notification. At different stages the file would then catch up with the actual assessment officer. I am sorry, there was also an allocation meeting—I remember the terminology now. At an allocation meeting it was allocated to an officer, referrals were done and then at that same time, as part of the referral process, it went to the administration arm to do the actual advertising.

The Hon. KAYEE GRIFFIN: But the advertising with regard to Orange Grove Road did not occur at that point, where the unbroken line is.

Mr TURRISI: That is correct.

The Hon. KAYEE GRIFFIN: Was it standard that that not occur, particularly given that Orange Grove Road was, according to this flow chart—or probably any interpretation—a major application that the council was dealing with?

Mr TURRISI: As to the volume of applications that the council was getting and the amount of applications that were allocations, the whole idea of the allocation was to try to do a preliminary, quick look to see that all the documentation was there and to adopt a general position as to who it should go to and so forth. At times because of the volume these things did miss—referrals that should have been sent were not sent. That is why there was always an effort, once it was allocated to the officer, to try to do a preliminary assessment to make sure. Once again there was a bit of a checking system to try to ensure that everything was done. That is why that preliminary assessment was there.

The Hon. KAYEE GRIFFIN: Were you concerned about this application at any stage that it was an application for a warehouse clearance outlet and yet it did not comply with the LEP?

Mr TURRISI: As far as I understand it, in his assessment Mr Hunt formed the view—in terms of the way in which the land-use table was set up—that it was not prohibited. The way the LEP was structured, it said that if it was not prohibited by the "tick in the box"—so to speak—basically it was permissible. My understanding is that that is how Mr Hunt came to that conclusion.

The Hon. KAYEE GRIFFIN: Did you have any discussions with Mr Chris Weston or were there any memos between you in relation to this particular application?

Mr TURRISI: Not that I recall, no.

The Hon. KAYEE GRIFFIN: So there was nothing along the lines of the application being very specific and the proposal being a change from existing bulky goods warehousing to a warehouse clearance outlet? Do you recall Mr Weston incorrectly describing the current approved use not as existing bulky goods warehousing but as a vacant under-construction facility?

Mr TURRISI: No, I am not aware of that.

The Hon. KAYEE GRIFFIN: So you do not recall that at all?

Mr TURRISI: No.

The Hon. KAYEE GRIFFIN: Do you recall having any discussions in relation to how long the application would take to be assessed?

Mr TURRISI: No, I do not recall.

The Hon. KAYEE GRIFFIN: Do you recall any discussions that may have occurred with Mr Weston, who would have been one of Mr Hunt's superiors, in relation to this particular application?

Mr TURRISI: No, I do not recall.

The Hon. KAYEE GRIFFIN: Did you find it unusual that something could come up for advertising on 14 November, as this did, and the approval could be issued the next day?

Mr TURRISI: It is not something that would happen every day but it has happened. It is not unusual but it is not a frequent occurrence, no.

The Hon. KAYEE GRIFFIN: Could you explain the approvals process under delegated authority or by the internal panel of the council or by the independent hearing or assessment panel? How long would it take to publicly notify in the local newspapers an approval given under any of those delegated processes?

Mr TURRISI: The council tried to get notification through as quickly as it possibly could. I could not really tell you because once again it was not something that I was personally involved in. Usually we tried to aim at within the first 21 or 28 days of an application being in. We did try to get it out in terms of advertising.

The Hon. KAYEE GRIFFIN: But as a director with responsibility for this particular part of council processes did it not concern you that notification of an approval given on 15 November was not given until 9 April?

Mr TURRISI: Are you talking about the subsequent approval—in other words, the notification of the approval?

The Hon. KAYEE GRIFFIN: That is right—public notification that an approval had been given.

Mr TURRISI: That was done administratively. I recall that from a cost point of view we tried to group all the approvals together because it was more cost-effective for the council to place the ads. Once again, that was done administratively. I cannot tell you the timing in terms of how often it occurred.

The Hon. KAYEE GRIFFIN: Did any of these administrative processes occur within your area of responsibility?

Mr TURRISI: Yes, but I had 140 staff and I had appropriate managers there. I was the director of the department: I was more responsible for corporate outcomes rather than the day-to-day running of the organisation. I am familiar with the process in general but not in terms of every specific nut and bolt.

The Hon. KAYEE GRIFFIN: Who would have been responsible for the day-to-day running to ensure that things like notifications of approvals were dealt with expeditiously and publicly notified as quickly as possible?

Mr TURRISI: That responsibility was at middle management level. But obviously we worked closely as a group and at times we always looked at ways to improve our systems. There were times when things went wrong, and we looked at that and at how we could improve it. We were always trying to deliver quality improvement outcomes at the council.

The Hon. KAYEE GRIFFIN: With respect, if an approval can be notified to the applicant the day after advertising closes it seems a little strange that notifying the general public about the council decision—whether it is through a council meeting or through the delegated process—should take such a substantial amount of time. Would that not be a matter of concern to you as a director and for the others who were involved in your division?

Mr TURRISI: If it was occurring on a regular basis, probably, yes.

The Hon. KAYEE GRIFFIN: Did it concern you that there was an issue with how the processes of council were publicly notified? In this case it was a major application but there would have been a substantial number of approvals that needed public notification. It took a long time to get into the public arena for someone who was interested or wanted to know about the approval.

Mr TURRISI: Once again, I cannot answer that because it was something that I did not know about or was involved in. At the end of the day it was done administratively. From what I recall, it was not done in the sense of it being done in a certain period of time; it was just done when there was a significant volume of applications that could fit within a certain amount of space. It then got advertised.

The Hon. KAYEE GRIFFIN: Which section within council took responsibility for the public notification process?

Mr TURRISI: That was done within our department administratively.

The Hon. JOHN RYAN: Mr Turrisi, I will read something that was given in evidence that probably elegantly sums up the criticisms that are frequently made to this Committee about Liverpool council and its officers. They were the words of Mr Wedderburn, the Premier's Chief of Staff. He referred to concerns held by the company Westfield in regard to the council. He said, "They"—meaning Westfield—"certainly mentioned that they believed there were perhaps former members of council staff and others who were either leant on or perhaps inappropriately influenced or perhaps over lobbied. They"—meaning Westfield—"had grave concerns about the council that was sacked." Could you be described as a "former member of council staff"?

Mr TURRISI: I think so.

The Hon. JOHN RYAN: Do you think they were trying to speak about you?

Mr TURRISI: I can only assume that would be the case, yes.

The Hon. JOHN RYAN: At any time were you leant on or inappropriately influenced in regard to this development application?

Mr TURRISI: Never.

The Hon. JOHN RYAN: If I may join the dots from some of the questions that you have been asked about this matter, some would say that there seem to be a number of coincidental accidents concerning the application in this development process that had, at their culmination, the fact that this matter had been approved by council under delegated authority with no reference to the elected members of the council and had escaped any sort of public announcement. Consequently, potential competitors such as Westfield and the developers at Liverpool Cross Roads never got proper notification of this matter so that they could respond to it efficiently. One outcome of that was the development was nearly complete by the time the matter came to the court. Was all of that a conspiracy or was it just a series of accidents? Is it fair that linking those incidents suggests that this matter was inappropriately handled by Liverpool council?

Mr TURRISI: I do not believe the application was improperly handled by council. In hindsight, probably some part of the process ultimately, from a sequencing point of view, could have been managed better. But ultimately, prior to that approval being issued, I am confident that the officer dotted his i's, crossed his t's and made sure that what he was issuing at that time was, in his opinion, a valid approval.

The Hon. JOHN RYAN: If anybody was going to be leaned on in order to inappropriately carry this, who would that person be?

Mr TURRISI: I would have no idea. The reality is also the director level. I would have many applicants, even objectors, ringing up and putting their position across to me. You always have the dialogue in local government with applicants and objectors about putting their position through. So that was just a common practice and we just dealt with it. Whether you were influenced, that is pretty broad.

The Hon. JOHN RYAN: Was anybody in a position to have ensured that this matter was not properly advertised either at the time it needed to go on exhibition or at its notification stage and ensured that it did not come to the attention of councillors? Could any one person in Liverpool council have achieved that effect?

Mr TURRISI: No.

The Hon. JOHN RYAN: For a corrupt purpose?

Mr TURRISI: No.

The Hon. JOHN RYAN: How many people, realistically, did this file have to pass through before it completed its passage through Liverpool council?

Mr TURRISI: Obviously, without looking at the file, if I had to estimate I would say you are probably looking at least at a dozen plus.

The Hon. JOHN RYAN: First of all, does anyone have a responsibility for seeing this file through from beginning to end in council?

Mr TURRISI: No, not from beginning to end. Everyone has their role to play as the file moves across depending on what stage it is at.

The Hon. JOHN RYAN: Other than you, given your supervisory position, could anyone have directed, for example, the people in charge of advertising the exhibition or advertising the development approval for the notification, could anyone have directed those people not to carry out that task in such a way that it is covered up?

Mr TURRISI: No. Obviously any of the line managers or any of the technical staff could give a directive to the clerical staff. There is no reason why that could not happen.

The Hon. JOHN RYAN: So, the allegations that this has not been handled properly by council and might have been the subject of corruption, was that ever investigated by Liverpool council?

Mr TURRISI: Not that I know of, no.

The Hon. JOHN RYAN: So no-one ever raised corruption concerns about this?

Mr TURRISI: No.

The Hon. JOHN RYAN: Is it not a fact, though, that the current general manager, Mr McCully, did conduct some inquiries into the handling of the file because he had some concerns about aspects of it?

Mr TURRISI: If he did, it was after my time.

The Hon. JOHN RYAN: Is there any significance at all in the fact that you worked for a period of time, albeit somewhat briefly and not a great deal of money was involved, for Mr Gazal sometime after you left council?

Mr TURRISI: Sorry, what was the question again?

The Hon. JOHN RYAN: It would be fair to say, if I may again connect the dots that I think people have been drawing, did any work that you did for Mr Gazal, was that considered payment in return for your efficiently passing of this file through council?

Mr TURRISI: No.

The Hon. JOHN RYAN: You did do one job for Mr Gazal, did you not?

Mr TURRISI: Six months after I left the council, yes.

The Hon. JOHN RYAN: Did Mr Gazal say something to you about the fact that you were working for a competitor?

Mr TURRISI: No, he did not.

The Hon. JOHN RYAN: Were you aware of the fact that Mr Gazal had decided not to continue employing you because you were working for people associated with the Crossroads?

Mr TURRISI: I became aware of that, yes.

The Hon. JOHN RYAN: When did you become aware of that?

Mr TURRISI: With the transcripts just recently.

The Hon. JOHN RYAN: So, it is only recent?

Mr TURRISI: That is right.

The Hon. JOHN RYAN: You are aware that the fact that you worked for Mr Mosca has been raised before the Committee, is that correct?

Mr TURRISI: I worked for Mr Mosca's clients.

The Hon. JOHN RYAN: Was any of that work given to you as a result of your giving favourable consideration to Mr Mosca while you were at Liverpool council?

Mr TURRISI: Never.

The Hon. JOHN RYAN: Did you ever give Mr Mosca favourable consideration while you were working at Liverpool council?

Mr TURRISI: Never.

The Hon. JOHN RYAN: Have you ever been accused of giving Mr Mosca favourable treatment whilst employed at Liverpool council?

Mr TURRISI: Not that I am aware of.

The Hon. JOHN RYAN: How would you describe your relationship with Mr Mosca?

Mr TURRISI: We had a professional relationship. At times Mr Mosca would get extremely annoyed with me when things in the system would go wrong. As I said, we just had a professional relationship.

The Hon. JOHN RYAN: You were not personal friends?

Mr TURRISI: No.

The Hon. JOHN RYAN: Did you meet with him socially?

Mr TURRISI: Not socially.

The Hon. JOHN RYAN: Have you met with him socially since leaving the council?

Mr TURRISI: I have not met with him socially, no, since I left the council.

The Hon. JOHN RYAN: Is there anything about your relationship with Mr Mosca that you need to tell the Committee that I have not covered in my questions?

Mr TURRISI: No.

Ms SYLVIA HALE: Would it be accurate to say, as has been suggested in the hearings, that you were ever at any stage on the payroll of either Mr Gazal or Mr Mosca?

Mr TURRISI: I have never been on their payroll.

Ms SYLVIA HALE: The approvals process at Liverpool, the decision is made under delegated authority. As I understand it, in relation to the Orange Grove DA the applicant is informed the next day. The process after that, for decisions made under delegated authority, they are publicly advertised?

Mr TURRISI: As I said, what happens as far as I recall, it went to the administration officer who then basically correlated—

Ms SYLVIA HALE: So, Liverpool council would have had a policy of publicly advertising decisions made by delegated authority?

Mr TURRISI: We had a procedure in place for that, yes.

Ms SYLVIA HALE: It is just that in my experience in Marrickville Council if a decision was made the applicant would be informed, council would get a report on decisions made under delegated authority but there would be no other form of public advertising of that decision.

Mr TURRISI: Right.

Ms SYLVIA HALE: But you say that is not the case in Liverpool?

Mr TURRISI: No. The Act enables the ability for councils to advertise determinations.

Ms SYLVIA HALE: But the fact that a decision fails to be publicly notified for sometime, no matter how regrettable, would have no material impact on the validity of that decision?

Mr TURRISI: I am getting somewhat confused here. Are we talking about the notification once it has been approved?

Ms SYLVIA HALE: Notification once it has been approved.

Mr TURRISI: The legislation does not require a council, it is not compulsory to advertise a decision in the local paper. It is at the discretion of the council.

Ms SYLVIA HALE: But Liverpool council exercises the discretion?

Mr TURRISI: At the time I was there it was something I asked the officers to do, yes.

Ms SYLVIA HALE: But what I am asking you is, regardless of whether it was council's policy to advertise decisions made under delegated authority or not, the failure to advertise would have absolutely no effect on the validity of that?

Mr TURRISI: No.

Ms SYLVIA HALE: It would merely serve to keep the public in ignorance of that decision but would not affect that decision in any way?

Mr TURRISI: That is correct.

The Hon. DAVID OLDFIELD: There is no secret here, is there? There was no secret about this application?

Mr TURRISI: Not that I am aware of.

The Hon. DAVID OLDFIELD: I am sorry to ask you this question, but what would be the value in cost of the work you did for Mr Gazal?

Mr TURRISI: Mr Gazal would have been something in the order, I think, of \$400 to \$500.

The Hon. DAVID OLDFIELD: And that was just once off?

Mr TURRISI: Once.

The Hon. DAVID OLDFIELD: What about the value of the work for the three clients of Mr Mosca?

Mr TURRISI: It would be something in the order of between \$5,000 and \$6,000.

The Hon. DAVID OLDFIELD: For all three combined?

Mr TURRISI: All three.

The Hon. DAVID OLDFIELD: So somebody who was wanting to accuse you of somehow being involved in receiving this work after the fact for these favours, would have to suggest you did it very cheaply, would they not? As far as the applications are concerned where objectors are concerned, of which there were none, is that correct?

Mr TURRISI: Not that I am aware of, no.

The Hon. DAVID OLDFIELD: Given that there were no objectors, who was the person who would be most interested in knowing as quickly as possible that the matter had been approved?

Mr TURRISI: Who would be?

The Hon. DAVID OLDFIELD: Yes.

Mr TURRISI: I guess anyone in the CBD who felt that they—

The Hon. DAVID OLDFIELD: Would not the applicant?

Mr TURRISI: Yes, sure.

The Hon. DAVID OLDFIELD: And this matter had been in council for how long before it was ultimately approved?

Mr TURRISI: From my understanding, something in the order of 10 months.

The Hon. DAVID OLDFIELD: So there would not be anything unusual about the applicant finding out quickly as they finally got their approval after 10 months?

Mr TURRISI: No.

CHAIR: Mr Oldfield, when you asked a question about whether or not the work was done cheaply, Mr Turrisi just threw up his hands. Hansard obviously cannot record that.

The Hon. DAVID OLDFIELD: Obviously I am not suggesting that you in any way did anything corrupt. I am really just making the point that if someone were to suggest that they would be suggesting you were bribed very cheaply?

Mr TURRISI: If that was their view, then that was their view.

The Hon. PETER PRIMROSE: I have a memo here, file number DA2919/2002, to you from Mr Chris Weston, manager of planning, dated 6 June 2002. Do you recall that memo at all?

Mr TURRISI: No, I do not.

The Hon. PETER PRIMROSE: Let me refresh your memory, if I can. In that memo reference is made—

CHAIR: Mr Primrose, can you put that in front of the witness when you are finished reading it?

The Hon. PETER PRIMROSE: It has my notes on it, but I am happy to do that at the appropriate time. On page 2 Mr Weston refers to determination will not be issued in two weeks. Council is subject to the SRDC meeting dates. Can you recall any conversations you had with Mr Weston as to why he would specify that the determination will not be issued in two weeks?

Mr TURRISI: No, I cannot.

The Hon. PETER PRIMROSE: You cannot recall any discussions or conversations with any other person about that matter?

Mr TURRISI: No, other than Mr Hunt. I do not recall having a conversation with Mr Weston.

The Hon. PETER PRIMROSE: Can you tell us then about your conversation with Mr Hunt about why the determination will not be issued in two weeks, as referred to in this memo?

Mr TURRISI: I am not sure. Can I see the memo?

The Hon. PETER PRIMROSE: It has my notes all over it but I am happy to tear my notes off. That is the relevant part. (Shown to witness)

Mr TURRISI: Is it possible to see the first page so I can get the context? (Shown to witness)

The Hon. PETER PRIMROSE: Do you recall that memo now?

Mr TURRISI: No, I do not recall.

The Hon. PETER PRIMROSE: Can you recall who may have wanted a two-week turnaround for the application?

Mr TURRISI: No, I could not tell you.

The Hon. PETER PRIMROSE: So, it is a total blank as far as you are concerned, that memo?

Mr TURRISI: Yes, I just do not recall. I do not recall seeing the memo or having a conversation with Mr Weston.

The Hon. PETER PRIMROSE: You will note on the first page there is a reference to a vacant under construction facility. Can you recall why Mr Weston may have made the mistake of referring to the proposed development in that way?

Mr TURRISI: I think the building which the application involved was currently under construction just as a general industrial building. So, it might be in reference to that.

The Hon. JOHN RYAN: Could I ask if Mr Primrose would be prepared to make a copy of the memo he has to shown to the witness available to the other members of the Committee?

The Hon. PETER PRIMROSE: I am happy to. The answer to public submissions closed at 5.00 p.m. on 14 November 2000 and, as we have heard, approval was given on 15 November 2002 and, as we discussed, they were not publicly notified in local newspapers until 9 April 2003. Can you tell me again what you think may have been the reason for the delay?

Mr TURRISI: I thought I did.

The Hon. PETER PRIMROSE: I know that you said it is handled administratively.

Mr TURRISI: I said that there was a cost saving in grouping all the approvals in one big slot. Then what occurred was that we did one full spread of the page and we advertised accordingly. Sometimes we would run three or four pages in the one go. So it was just a cost issue. It was not a compulsory requirement for council to do it; it was just a procedural thing that we decided to do. Given that it was more cost-effective to do it that way it was considered appropriate.

The Hon. PETER PRIMROSE: Which section of council would have paid for the advertising?

Mr TURRISI: It would have come out of our budget.

The Hon. PETER PRIMROSE: Out of the budget of your department?

Mr TURRISI: Yes.

The Hon. PETER PRIMROSE: There was no legal requirement for you to advise people sooner?

Mr TURRISI: No. As I said, the advertisement going into the paper after an approval is issued is not a requirement under the Act; it is voluntary.

The Hon. PETER PRIMROSE: Is it not fair to say that on 13 June, one week after the development application was lodged, Mr Hunt wrote to the applicant telling the applicant four things. First, that the details provided with the application were insufficient and, second, that there were no details about hours of operation, numbers of employees the types of uses and the types of articles and goods proposed to be sold and that the proposed use as a "warehouse clearance outlet" was not clear. Third, that the proposed use must "strictly comply with the definitions of bulky goods salesrooms or showrooms or warehouse or distribution centre" and, finally, that there was no need to advertise the application but, given the scale and impact of the proposal, council was investigating whether or not advertising would be necessary. Can you recall that happening?

Mr TURRISI: No. As I said to you, Mr Hunt was the gentleman who assessed the application. I do not know what more I can say to you than that.

The Hon. PETER PRIMROSE: So we have Chris Weston saying in his earlier memorandum to you that the application needed to be advertised, yet we have Geoff Hunt saying, first, that it does not need to be advertised and then, second, that maybe it does?

Mr TURRISI: As I said to you, the only time I became aware that it was not advertised was when Mr Hunt came to me at the end of the process and drew it to my attention. I gave him the advice that it had to be advertised under the policy. It was as simple as that.

The Hon. PETER PRIMROSE: Obviously you cannot recall the memorandum and you were not aware of these matters. So there is probably not a lot of point in pursuing these issues, although I think it is clear that these are matters we will have to take up with Mr Chris Weston.

The Hon. KAYEE GRIFFIN: You said that you do not have to advertise the approvals process in the paper. As I understand it, you do not advise councillors about the delegated approvals either, via a council business paper. Has there ever been any discussion amongst councillors about the fact that they were not given very timely advice about what sorts of approvals had occurred?

Mr TURRISI: No. I think I recall what I said last time. In any development applications that are required to be advertised councillors are notified of applications being advertised. That was the only process that we had in place where councillors were specifically advised.

The Hon. KAYEE GRIFFIN: How were councillors advised that applications were being advertised, given that they were not advised when approvals were given? How did you advise them that you were advertising?

Mr TURRISI: Once again, once the advertisements were prepared to go advertising it was a separate issue. The advertising of the development application occurs during that process. The other component is after it has been approved. So during the advertising of the development application the advertisement was prepared administratively and then a memo was prepared for that week, if any were advertised, and councillors were formally advised of the advertised development application.

The Hon. KAYEE GRIFFIN: So they were formally advised about the advertising of the Orange Grove development?

Mr TURRISI: I cannot tell you that. I am highlighting to you what is the process.

The Hon. KAYEE GRIFFIN: Whose responsibility was it to advise councillors that something was being advertised?

Mr TURRISI: Basically it was done administratively, as far as I recall.

The Hon. KAYEE GRIFFIN: Through your division?

Mr TURRISI: Through our department, yes.

(The witness withdrew)

The Committee adjourned at 5.05 p.m.