

**REPORT OF PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON THE SALE OF THE  
CURRAWONG PROPERTY AT PITTWATER**

**INQUIRY INTO THE SALE OF THE CURRAWONG PROPERTY AT PITTWATER**

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**At Sydney on Monday 5 May 2014**

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**The Committee met at 12.30 p.m.**

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**PRESENT**

The Hon. Robert Brown (Chair)

Dr John Kaye  
The Hon. Amanda Fazio  
The Hon. Trevor Khan  
Mr Scot MacDonald  
The Hon. Greg Pearce  
The Hon. Adam Searle

**MARK LENNON**, Secretary, Unions NSW, sworn and examined:

**CHAIR:** Welcome to the first hearing of the Select Committee on the Sale of the Currawong Property at Pittwater. I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders past and present of the Eora nation and extend that respect to the other Aboriginals present. Today the Committee will hear from Mr Mark Lennon, the secretary of Unions NSW, and Mr John Robertson, MP, the Leader of the Opposition and shadow Minister for Western Sydney. Before we commence I will make some brief comments about the procedures for today's hearing. The professional broadcasters should be well aware of the broadcast guidelines, which state that, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside this hearing. I remind witnesses of the need to be cautious about any comments they may make to the media or to others after they complete their evidence because such comments would not be protected by parliamentary privilege if another person decided to take an action, for example, for defamation. The guidelines for the broadcast of the proceedings are available from the secretariat.

There may be questions that the witnesses can answer only if they have more time or access to certain documents. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within a certain timeframe after the transcript has been provided. I will provide further advice about that timeframe. Committee members may also submit supplementary questions after the hearing. If they do, those questions will be provided to witnesses at the same as the transcript and must also be answered within the timeframe. Messages should be delivered to Committee members through the Committee staff or attendants only. There is nothing more irritating than mobile phones going off. I remind all Committee members, witnesses and people in the public gallery to turn off their mobile telephones. If a mobile phone rings the owner will be asked to leave. I welcome Mr Mark Lennon. Would you like to make a brief opening statement? If so, please restrict it to no more than a few minutes.

**Mr LENNON:** I have been at Unions NSW and its predecessor, the Labour Council of New South Wales, for some 26 years. We have dealt with many issues over that time, but Currawong has been the most problematic. In fact, it has been an albatross around the organisation's neck. This started in 1949 when we purchased the property from the Port Jackson and Manly Steamship Company. That purchase was made with good intentions. Jim Kenny was the assistant secretary at the time and was intimately involved in the purchase. It was his intention to develop the Currawong site as a holiday camp along the lines of the Butlin's holiday camps in the United Kingdom that were popular at that time. The motivation was the fact that in the late 1940s the unions achieved the 40 hour week and two weeks annual leave for workers. Jim Kenny was looking for opportunities for workers to utilise that time for a decent holiday. For a range of reasons that I will not go into now, his vision never quite materialised during the 1950s. Members can come to Trades Hall to see some of the plans, which are displayed on the walls. It was intended to have recreation halls, ovals and so on. That never eventuated and we ended up with the nine cabins, Midholme House and a few other things on the site.

The efforts of Unions NSW and its predecessor the Labour Council to dispose of the property go back as far as 1977. The then leadership of the Labour Council and the Wran Government negotiated with the Department of Lands to purchase the property, but that never eventuated. Other attempts to sell the property were made by Unions NSW in the early 1990s and in the late 1990s. It was also seeking to better utilise the site by building a training facility for Trade Union Training Australia. A combination of factors explains why we did not sell the property before 2011. They include timing, methodology, a well-resourced opposition and a set of archaic rules that limited our ability to dispose of the property. That meant that all our endeavours to do so failed until 2011. In the 26 years that I have been with Unions NSW, three of the secretaries under whom I have served and I have dealt with the matter. We have all done so with the best of intentions and well aware of our fiduciary duty to the affiliates of Unions NSW and their members. All have been driven by one thing. The original reasons for purchasing the property have long since gone and the site was costing Unions NSW money every year and resources could be better utilised elsewhere on behalf the members.

I will not say anything about the terms of reference of this inquiry except as they relate to the question at hand—that is, the alleged offer a bribe by Mr McGurk to Mr Robertson—and my knowledge of that. What I have said so far publicly—and it remains true—relates to my recollection of the conversation I had with John

Robertson about this matter. It goes back to the time when the sale or the negotiations with Eco-Villages had concluded in December 2006. I cannot be sure exactly when the conversation took place, but I assume it was in early 2007. It was February 2007 when Mr McGurk had gone public about the \$30 million offer and why Unions NSW did not accept it. John and I were in his office discussing Mr McGurk's response. He related a story to me about the meeting he had with Mr McGurk where they were discussing the McGurk proposal. Mr McGurk said to Mr Robertson words to the effect of "There is plenty of money for this deal. There is even some in it for you." John said that he replied, "Forget that, mate. If you have any extra money put in the bin." That was the extent of the conversation and that is my recollection of it. I cannot say that they were the exact words used between the two individuals, but that is my recollection to the best of my knowledge about what Mr Robertson related to me.

In my view, like the other secretaries of Unions NSW who have dealt with the sale of the Currawong property, Mr Robertson acted with utmost integrity and in the best interests of Unions NSW. I think his responses in his role as Minister have also been along those lines. I think the best outcome for the Currawong property has finally been achieved. That is that it is in the hands of the public. It is still being utilised by the public. As I understand it, its operation has not changed in any way, shape or form; just its ownership. You can still book. The managers we had in place are still there. My only concern is that the Friends of Currawong are not active enough to try to ensure that the heritage aspects of the site are maintained, but that is another issue. I will leave my remarks at that and I am happy to answer any questions.

**CHAIR:** I note that Opposition members have agreed that they will not be asking questions and I will not be asking questions. Dr Kaye will ask all of the questions on behalf of the crossbench.

**The Hon. TREVOR KHAN:** I take it from what you have said that you accept that you, and Mr Robertson prior to you, owed a fiduciary duty to Unions NSW in your actions. Is that what you are saying?

**Mr LENNON:** Absolutely.

**The Hon. TREVOR KHAN:** In exercising that fiduciary duty you have to ensure, for instance, that if there is anything that impacts upon the probity of a deal it should be reported to, if we could describe it, the board of Unions NSW.

**Mr LENNON:** Yes, I would say that is the case.

**The Hon. TREVOR KHAN:** In that role can you tell me whether you or Mr Robertson reported to the board of Unions NSW—that is, the managing group—that a bribe had been offered by one of the bidders?

**Mr LENNON:** I contend that a bribe had not been offered, from what was related to me. What was related to me or what was told to me was that there was a conversation between Mr McGurk and Mr Robertson and at that stage the words that I heard were there was some intimation of this question of whether it was a bribe or not but not that a bribe had been offered. Remember that this occurred—the discussion I had was after the sale had been completed and in my thinking we had come to the right outcome with the proposal, we had come to the best outcome for Unions NSW and I did not consider, in the way it was related to me, that the matter was of sufficient weight to be reported.

**The Hon. GREG PEARCE:** You said McGurk said, "There's something in it for you."

**Mr LENNON:** That is right.

**The Hon. GREG PEARCE:** How else could you interpret that?

**Mr LENNON:** I can interpret that that there was an intimation that there might be an offer of a bribe but it was not as a consequence that I saw it as some sort of formal offer of a bribe.

**The Hon. GREG PEARCE:** But Mr Robertson, according to your account, felt it necessary to decline that offer. It could not have been clearer, could it?

**Mr LENNON:** If you look at the nature of the conversation, and I am repeating what I have heard second-hand, and this is taking place—

**The Hon. GREG PEARCE:** "There's something in it for you."

**Mr LENNON:** This is taking place with hindsight after the event after we had concluded the sale. It appears to me that what happened here did not warrant it being reported or the matter being taken any further.

**The Hon. GREG PEARCE:** "Thirty million dollars. There's something in it for you."

**Mr LENNON:** No. Let me say this very clearly: There was never any mention in the discussions I had with Mr Robertson of a figure, in particular a figure of \$30 million or \$3 million. That was never any part of any conversation.

**The Hon. TREVOR KHAN:** Let us rewind just a fraction, because I suspect we are probably more interested in the actions of Mr Robertson. Do I take it that Mr Robertson never reported to the overall board of Unions NSW the conversation, whatever that may have been, that he had with Mr McGurk?

**Mr LENNON:** Not to my knowledge, no.

**The Hon. TREVOR KHAN:** You would agree with me that if the conversation were in the nature of an offer of a bribe it would have been appropriate in the exercise of his fiduciary duty for him to make that disclosure to Unions NSW?

**Mr LENNON:** Well, it depends on the context of the discussion he had. I do not know the actual nature of this discussion that allegedly gave rise to \$3 million being put on the table. I had no knowledge of that conversation.

**The Hon. TREVOR KHAN:** What we are talking about is one of the most valuable assets of Unions NSW and you have got a bidder which is attempting to corrupt to process, have you not?

**Mr LENNON:** Allegedly so if you look at—

**The Hon. TREVOR KHAN:** It would therefore be appropriate if a corrupt offer were made for that to be disclosed to the board of Unions NSW, surely?

**Mr LENNON:** As I keep saying, Mr Khan, it depends on the nature of the alleged bribe. From the recollection of what I was told—sorry, from what I was told, I did not think that would warrant it being reported to the finance committee of Unions NSW, which is the appropriate body.

**The Hon. GREG PEARCE:** What is the nature of an alleged bribe that does not require that it be disclosed? What nature of an alleged bribe can there be other than that it is an alleged bribe?

**Mr LENNON:** The way I read it, Mr Pearce, is that it simply was someone intimating—

**The Hon. GREG PEARCE:** That there is some money in it for you.

**The Hon. TREVOR KHAN:** That they would give you a sling of \$3 million.

**Mr LENNON:** No, there was no mention. Let me make it very clear. There was no mention of \$3 million—

**The Hon. GREG PEARCE:** To you.

**Mr LENNON:** —in the conversation I had.

**The Hon. TREVOR KHAN:** What about if it was a sling of 10 per cent of the purchase price; would that make it any better? A little bit less specific, but would a sling of 10 per cent warrant disclosure to the finance committee?

**Mr LENNON:** Again, there was no mention of a figure.

**The Hon. GREG PEARCE:** To you.

**The Hon. TREVOR KHAN:** To you.

**Mr LENNON:** To me, yes, that is right, including this figure of 10 per cent.

**Mr SCOT MacDONALD:** You were assistant general secretary at the time?

**Mr LENNON:** Assistant secretary, that is right.

**Mr SCOT MacDONALD:** Was the Unions NSW board consulted about the appointment of David Tanevski as agent at that time and his possible connections with the likely bidders?

**Mr LENNON:** The matters that you are relating to, Mr MacDonald, have all been subject to investigation by the Independent Commission Against Corruption [ICAC] and I would refer you to the ICAC report when it comes to those matters.

**The Hon. GREG PEARCE:** Perhaps you could answer the question instead of referring to a report.

**CHAIR:** Order!

**Mr LENNON:** As I say, the matters that you are referring to have been clearly investigated by ICAC and ICAC have given the answer.

**The Hon. GREG PEARCE:** Perhaps you could give the answer.

**Mr LENNON:** As far as I know the answer is yes, but I would like to check that on notice.

**Mr SCOT MacDONALD:** If you want to take that on notice that would be good.

**Mr LENNON:** That is fine.

**The Hon. TREVOR KHAN:** You get Mr Tanevski in. You do not get Ray White or Raine and Horne or LJ Hooker in to act as your agent on the sale. You give the job of selling the most valuable asset of Unions NSW to a bloke who was in business with Pat Sergi at one stage. Is that a normal way of proceeding?

**Mr LENNON:** Can I say this: At one stage there when negotiations between ourselves and Eco Villages—and this is my time, I was dealing with the negotiations. We were looking to put the property back on the market and I did actually think about using Raine and Horne and others. We interviewed actually Raine and Horne, who had to advise me he had a conflict of interest because he went to school with Mr Linz at the time. So there are all sorts of questions. The issue about the appointment—

**The Hon. GREG PEARCE:** You could not find another agent anywhere in Sydney?

**The Hon. AMANDA FAZIO:** Let the witness finish the answer.

**Mr LENNON:** The issue about Tanevski has been the subject of the Deloitte report, it has been the subject of the ICAC report and it is a matter that as far as we are concerned has been dealt with.

**The Hon. TREVOR KHAN:** Mr Tanevski had been in business with Mr Linz, so you had the agent in bed with one of the purchasers. How can you say that is an arm's length transaction?

**Mr LENNON:** Again, as I say, that is why we went to the trouble of getting Deloitte to do a report on our expression of interest [EOI] process. As a consequence of that they found that the subsequent outcome had nothing to do with the alleged relationship between Mr Linz and Mr Tanevski.

**The Hon. TREVOR KHAN:** You tell me how having an agent who had been in business with one of the purchasers does not smell to high hell. It does, does it not?

**Mr LENNON:** I think the question is this matter has been before ICAC. ICAC has looked at all this and it has made it very clear that there was nothing untoward in the way that we finally sold the property.

**The Hon. GREG PEARCE:** What about Mr Linz, Mr Tanevski, Mr Costa and Mr Robertson all being on the board of Getonboard together?

**The Hon. ADAM SEARLE:** Objection. That sounds like it is outside the terms of reference.

**The Hon. GREG PEARCE:** The terms of reference relate to conflicts of interest and I am dealing with a clear conflict of interest.

**CHAIR:** Order! The questions are within the terms of reference because the terms of reference cover the actual circumstances surrounding the sale. However, I caution all members that the witnesses must be given the chance to answer in the way they deem that they wish to answer. Please do not badger the witnesses.

**Mr SCOT MacDONALD:** As this sale proceeded obviously offers were changing and it was a bit of a moving feast. Were those offers from either Eco or McGurk routinely reported back to the board?

**Mr LENNON:** These matters always went to the finance committee of Unions NSW, who had to sign off. The final sale to Eco Villages had to be the subject of a vote by the full council of Unions NSW. Let me explain, Mr MacDonald, we had—and we still do with regard to these property sales—very archaic rules that I alluded to in my opening remarks. We had to have 75 per cent of our delegates present at a meeting, as I recall, and 75 per cent of those voting in favour of the proposal. We then had to repeat that exercise some six weeks later. Even if that occurred and those votes got up, if only seven unions of our 60 affiliated unions voted against the proposal, even though 75 per cent were in favour, if they vetoed that then that would be the end of it.

**Mr SCOT MacDONALD:** I think you are making a point about the rules but we are trying to—

**Mr LENNON:** But you asked the question.

**The Hon. GREG PEARCE:** Can I ask you one question on that process? I assume there were either reports to the finance committee on each of these negotiations or at least minutes of the finance committee. Is that right?

**Mr LENNON:** There were reports to the finance committee, yes.

**The Hon. GREG PEARCE:** And minutes?

**Mr LENNON:** There were minutes to the finance committee as well.

**The Hon. GREG PEARCE:** Would you be kind enough to produce those to the Committee so that we can see the sequence of reporting?

**Mr LENNON:** Again, I object to that because all of this has been subject and these documents have been—

**The Hon. GREG PEARCE:** Have these documents gone to ICAC?

**Mr LENNON:** We were asked to present all our documents to the Independent Commission Against Corruption.

**The Hon. GREG PEARCE:** I am asking you to present them to this Committee.

**Mr LENNON:** I just take exception to this Committee. I have nothing to hide—

**The Hon. GREG PEARCE:** So you have got something to hide?

**Mr LENNON:** That is ridiculous, Mr Pearce.

**The Hon. GREG PEARCE:** I am happy for you to redact them.

**Dr JOHN KAYE:** Point of order: Can the witness complete the answer?

**Mr LENNON:** Can I make this point: Is this Committee saying or are you saying, Mr Pearce—

**CHAIR:** Mr Lennon, there is a point of order.

**Dr JOHN KAYE:** The witness was saying something important. I wanted to hear the end of it. That was all.

**CHAIR:** Order! I uphold the point of order. The witness must be allowed to complete his answer. Mr Lennon, do you wish to say anything further?

**The Hon. GREG PEARCE:** My question was: Will you produce those documents to the Committee, redacted as you need to, so we can see the nature of the reporting?

**Mr LENNON:** I will take that question on notice, because I make this point, Mr Pearce: Are you saying that this Committee and you do not have faith in the Independent Commission Against Corruption? Is that what you are saying?

**The Hon. GREG PEARCE:** No, I am asking you to produce those documents to this Committee so that we can do our job.

**Mr LENNON:** That is the effect of your question. It seems to me with this, and this is why I find this hearing quite disturbing in that sense, that this matter has been considered—

**The Hon. GREG PEARCE:** If you have got nothing to hide, produce the documents.

**Mr LENNON:** This matter has been—

**Mr SCOT MacDONALD:** Mr Lennon, I think you alluded to then that Unions NSW held an independent inquiry into the sale. Were all office bearers at the time invited to make submissions to that inquiry either orally or in written submissions?

**Mr LENNON:** My understanding is the people who were involved in that inquiry were the ones who had been involved in the discussions and negotiations with the various people who brought forward expressions of interest at the time.

**The Hon. TREVOR KHAN:** Did you make the disclosure to Deloitte that something that could be characterised in the nature of a bribe had been made by McGurk to John Robertson?

**Mr LENNON:** No, because at the time the Deloitte report was done that was prior to the conversation that I had had with Mr Robertson.

**Mr SCOT MacDONALD:** But Mr Robertson had the opportunity then to disclose that bribe offer, which you would think would be material to the whole process?

**Mr LENNON:** That is a question for Mr Robertson. I am not sure of the timing of all that but I think you would have to check on that. But that is a question for Mr Robertson.

**Mr SCOT MacDONALD:** It did not come in a subsequent report; it was not discussed at the time of the inquiry?

**Mr LENNON:** I am sorry, I do not quite follow the question.

**Mr SCOT MacDONALD:** At the time of the inquiry this bribe offer was not talked about. It was not disclosed before Unions NSW or at the inquiry?

**Mr LENNON:** It was not in the final report from Deloitte, no.

**The Hon. GREG PEARCE:** What was the date of the final report?

**Mr LENNON:** I think it was around August 2007.

**The Hon. GREG PEARCE:** It was after the discussion you had with Mr Robertson in which you disclosed that there was something in it for him?

**Mr LENNON:** You are right. Absolutely. I take that back. My apologies, Mr Khan.

**The Hon. TREVOR KHAN:** That is all right. What we can conclude is that a report that says everything is hunky-dory with this transaction does not include one reasonably vital piece of information, and that was that a bribe had been offered by one of the tenderers. It makes the report a bit of a sham, does it not?

**Mr LENNON:** Again, the question of the report has been subject to, as I understand it, consideration by the Independent Commission Against Corruption, and I think its integrity stands.

**The Hon. TREVOR KHAN:** Excepting that, as with a computer, what is put in determines what comes out. This is an integrity report, perhaps similar to one of those that was done on Macca's mining leases where the integrity auditor has only half the information. You would agree with me that this is one that is done without the integrity auditor being told that a bribe had been offered to the head of Unions NSW?

**Mr LENNON:** I was not interviewed as part of the report.

**The Hon. GREG PEARCE:** But you had carriage of the matter from 2008-09, whenever it was, when Mr Robertson went into Parliament?

**Mr LENNON:** That is right.

**The Hon. GREG PEARCE:** And you were not even interviewed? No, because the report was done beforehand.

**Mr LENNON:** The report was done beforehand. The same problem, Mr Pearce, we are all tripping over our time lines here.

**The Hon. TREVOR KHAN:** Well we will not trip over this: it is an audit report that is done when Mr Robertson is still the head of Unions NSW. It is done at a time when Mr Robertson was aware that a bribe had been offered to him and he and you are relying upon an audit report without that information having been disclosed to the integrity auditor, is that not right?

**Mr LENNON:** Just one question: the audit report was focusing on the role of Mr Tanevski in this regard. That was the purpose of the Deloitte's report in August 2007. It had nothing to do, as I understand it, with the question of Mr McGurk and his office with regard to the sale of Currawong.

**The Hon. TREVOR KHAN:** Or the integrity of the whole deal?

**Mr LENNON:** It was the question, as had been raised, about the alleged relationship between Mr Tanevski and Mr Linz.

**Mr SCOT MacDONALD:** This was a probative report.

**The Hon. ADAM SEARLE:** Point of order. If questions are going to be asked of the witness, could only one person ask a question and please do not speak over the witness when he tries to answer.

**CHAIR:** I will uphold the point of order.

**The Hon. TREVOR KHAN:** That is fair. So it is an integrity report you have when you are not having an integrity report. Is that the general drift?

**Mr LENNON:** It goes to the question of the role of David Tanevski in the sale of the Currawong property and the question of his relationship with Mr Linz.

**The Hon. TREVOR KHAN:** And that is it.



**Mr SCOT MacDONALD:** Mr Lennon, David Tanevski was a close ally of McGurk, and all sorts of business associates, including Getonboard, and a range of matters. You would not think that that is material?

**Mr LENNON:** You are saying that David Tanevski was an associate of Mr McGurk's?

**Mr SCOT MacDONALD:** They had business dealings. I think it was Getonboard and—

**The Hon. AMANDA FAZIO:** No.

**Mr LENNON:** No.

**The Hon. AMANDA FAZIO:** Point of order, Mr Chair.

**The Hon. ADAM SEARLE:** No; misleading.

**The Hon. AMANDA FAZIO:** It is a misleading question. There has been no evidence ever given that that McGurk had any role at all.

**CHAIR:** I will uphold the point of order. If you have a question to ask, Mr MacDonald, ask the question, do not make statements.

**The Hon. GREG PEARCE:** Can I just clarify, your evidence was that Unions NSW had been trying to dispose of the property to the Department of Lands through the Wran Government as early as 1977?

**Mr LENNON:** That is right.

**The Hon. GREG PEARCE:** To be clear, what was the purchase price that Unions NSW received from Eco Villages? What was the total amount of money?

**Mr LENNON:** \$11 million.

**The Hon. GREG PEARCE:** Did you pay any commissions or fees or anything else out of that money?

**Mr LENNON:** We paid Mr Tanevski \$96,000.

**The Hon. GREG PEARCE:** And what happened to the balance?

**The Hon. TREVOR KHAN:** You are then offered \$11.3 million by—

**The Hon. AMANDA FAZIO:** Your time has expired.

**The Hon. ADAM SEARLE:** Point of order: Time for questions has elapsed.

**The Hon. GREG PEARCE:** To conclude that question, what happened to the balance of the \$11 million?

**Mr LENNON:** The \$11 million?

**The Hon. GREG PEARCE:** Where has it gone?

**Mr LENNON:** Well, the majority of it, some \$7.3 million, is on deposit and we use that, as we always intended, for our campaigning activities. Some of the other monies has gone to pay down some of our debt, particularly with regard to the refurbishment of the Trades Hall, which everyone acknowledges is one of the best heritage buildings in Sydney.

**The Hon. GREG PEARCE:** So the \$7.3 million—

**CHAIR:** Thank you.

**The Hon. GREG PEARCE:** —you can give back to the State straightaway to make up for the corrupt transaction—

**The Hon. ADAM SEARLE:** Objection.

**CHAIR:** Time has concluded.

**The Hon. GREG PEARCE:** —that Mr Kelly did to ensure that it was sold?

**CHAIR:** I will now pass over to Dr Kaye.

**Mr LENNON:** That is just outrageous, Mr Pearce.

**The Hon. GREG PEARCE:** That is \$7.3 million you can give to the State.

**CHAIR:** Order! Mr Lennon, just ignore the question. I now pass over to Dr Kaye.

**Dr JOHN KAYE:** Mr Lennon, did you want to make a statement in respect of Mr Pearce's last question or do you want me to move on with my questions?

**Mr LENNON:** Well there is some suggestion—why should we be giving back money to the State?

**The Hon. GREG PEARCE:** I will explain why.

**Dr JOHN KAYE:** Point of order: That is enough questioning time. I was giving Mr Lennon an opportunity to respond.

**Mr LENNON:** In all good faith, we had a transaction with Eco Villages. It was a knock down, bash them out commercial transaction as the Independent Commission Against Corruption reported. We ended up with the result of \$11 million. What transpired after that had nothing to do with us.

**The Hon. GREG PEARCE:** Oh, it was all a mystery, was it? What a surprise.

**Dr JOHN KAYE:** Point of order—

**Mr LENNON:** I take objection to Mr Pearce's—

**CHAIR:** Interjections.

**Mr LENNON:** Yes, interjections.

**CHAIR:** I remind members that interjections are disorderly at all times. Dr Kaye has the call.

**Dr JOHN KAYE:** Mr Lennon, thank you for appearing today. Did you have an exact date when Mr Robertson told you about the meeting with Mr McGurk, or an approximate date?

**Mr LENNON:** No, I do not. I honestly cannot recall but I assume it was around February 2007 because that is the time when Mr McGurk went public and went off his head about the \$30 million offer that he had made and we had accepted \$15 million from Eco Villages.

**Dr JOHN KAYE:** At that meeting with Mr Robertson, did you ask him or did he volunteer to you who else was at the meeting with Mr McGurk?

**Mr LENNON:** No, he had said it was just him and Mr McGurk.

**Dr JOHN KAYE:** Him, on his own, with Mr McGurk?

**Mr LENNON:** That is right.

**Dr JOHN KAYE:** Did he give you any information about how that meeting occurred, or do you have any information about how that meeting was set up or who arranged it?

**Mr LENNON:** I do not, but I think Mr McGurk had been seeking to catch up with him about the issue for some time.

**Dr JOHN KAYE:** Your understanding, and correct me if I am wrong, is that Mr McGurk initiated that meeting?

**Mr LENNON:** That is my understanding, yes.

**Dr JOHN KAYE:** Do you understand whether that was through a third party or a direct contact with Mr Robertson?

**Mr LENNON:** I honestly do not recall.

**Dr JOHN KAYE:** That is reasonable. This meeting between you and Mr Robertson and the revelation of the offer or the statement of Mr McGurk to Mr Robertson is sufficient to have stuck in your mind for seven years. Why is that?

**Mr LENNON:** As a result of the events that came to light about Mr McGurk, and subsequently what we all discovered about Mr McGurk, who he is, you would not forget quickly something like that.

**Dr JOHN KAYE:** Mr McGurk was only alive for two or two and a half years between that meeting and when he was murdered in September 2009. What did you know about Mr McGurk at the time that Mr Robertson made that revelation to you?

**Mr LENNON:** There had already been some—not from Mr Robertson, but from others and I cannot recall, that Mr McGurk was not considered to be an honest dealer, shall we say, when it comes to his business relationships.

**Dr JOHN KAYE:** Do you think in 2006 that you would have thought of Mr McGurk as an honest dealer?

**Mr LENNON:** I cannot honestly say, Mr Kaye. He was just another businessman, property developer that was coming forward to try and put forward a proposal for the sale of Currawong.

**Dr JOHN KAYE:** But by 2009 you tell us that you thought he was not a fit and proper person, to put it mildly?

**Mr LENNON:** It had become fairly evident after that that he was somewhat of a shady character.

**Dr JOHN KAYE:** In your view, what were the events or the occurrences that made you think he was a shady character?

**Mr LENNON:** Well, I had other people that I know who had dealt with him in the past and had put forward the issues or dealings they had had with him, which certainly went to questions of his character.

**Dr JOHN KAYE:** In the public record or personal statements?

**Mr LENNON:** Personal conversations I had from time to time.

**Dr JOHN KAYE:** Would they be by way of—I do not wish you to name the people, but would they be by way of you checking the guy out or was that just pub talk, as it were?

**Mr LENNON:** A bit of both.

**Dr JOHN KAYE:** You did check out Mr McGurk?

**Mr LENNON:** I am just trying to recall the time line of events. There is no doubt that I checked out Mr McGurk and subsequent to him going public about his \$30 million offer, et cetera, it started to become evident to us that this fellow had questionable motives just generally with his business dealings, and over that period of time in 2007 it was clear when talking to people that he was not a person of great repute.

**Dr JOHN KAYE:** Did you check out Mr McGurk before or after Mr Robertson revealed to you the offer?

**Mr LENNON:** When you say "check out" let me be honest. I did not start my own personal investigation into Mr Michael McGurk.

**Dr JOHN KAYE:** But you asked questions?

**Mr LENNON:** As you know, you have discussions with people. It turns out you have discussions with people about these issues when they are raised publicly, as Mr Robertson and I were at the time in the day that he made his statement to me about his meeting with Mr McGurk and, as a consequence, you start to form a view of people.

**Dr JOHN KAYE:** It was about that point that you began to form this view? It was not prior to that point that you had a view?

**Mr LENNON:** I do not think so. I do not think so prior to the conversations that I had had with Mr Robertson. Mr Kaye, I cannot be honestly clear on that.

**Dr JOHN KAYE:** I understand we are talking about seven years ago and the time would be confusing. Mr Robertson told the Hon. Matthew Mason-Cox in 2009 that he had two meetings with Mr McGurk. Were you aware that he had had two meetings?

**Mr LENNON:** Yes.

**Dr JOHN KAYE:** Can you tell us about the sequence of those two meetings and which one was the one at which the bribe offer was made?

**Mr LENNON:** My understanding is the first one. When the expressions of interest were put out and five or six tenderers were asked to come into what was known in the circles as a beauty parade, so on a particular day they were all asked to come and present. That was one meeting where Mr McGurk came to present his proposition or his proposal and then the second meeting was the one where it was just Mr Robertson and Mr McGurk, as I understand it, and the alleged offer was made.

**Dr JOHN KAYE:** You are saying at the first meeting there were many other people present. It was a meeting where there would have been a sequence of developers coming through talking about what they wanted to offer with respect to the Currawong property?

**Mr LENNON:** That is right.

**Dr JOHN KAYE:** Were you present at that?

**Mr LENNON:** No.

**Dr JOHN KAYE:** Do you know who else was present?

**Mr LENNON:** Yes, solicitors from TressCox and Maddocks and our financial controller, Mr Jeff Priestly.

**Dr JOHN KAYE:** The financial controller of Unions NSW?

**Mr LENNON:** That is right.

**Dr JOHN KAYE:** It was Mr Robertson as a secretary and—

**Mr LENNON:** The financial controller and our lawyers from TressCox and Maddocks at the time.

**Dr JOHN KAYE:** Was Mr Tanevski or anybody from KWC Capital Partners there?

**Mr LENNON:** No.

**Dr JOHN KAYE:** Why were they not present at that point?

**Mr LENNON:** Because once the expressions of interest [EOI] had been put out and a list of favoured tenderers had been finalised, my recollection and my notes say that David Tanevski was out of the process from September 2005, and the sale had finally concluded in December 2006.

**Dr JOHN KAYE:** When was the beauty parade?

**Mr LENNON:** I think it was just after that period.

**Dr JOHN KAYE:** Just after September 2005?

**Mr LENNON:** That is right.

**Dr JOHN KAYE:** Just after the EOI process had concluded?

**Mr LENNON:** That is right.

**Dr JOHN KAYE:** You removed them from the process at that point?

**Mr LENNON:** That is right.

**Dr JOHN KAYE:** You had no further dealings with them from that point on?

**Mr LENNON:** No.

**Dr JOHN KAYE:** I beg your pardon, Mr Lennon. I do not mean you personally. Unions NSW had no further dealings with them?

**Mr LENNON:** To the best of my recollection, that is the case.

**Dr JOHN KAYE:** When Mr Robertson said to you and you gave a version of the words which obviously we cannot take as verbatim because it is a long time ago, did you at that point have any concerns that the law might have been broken by Mr McGurk? To put it clearly, that Mr Robertson may have been a witness to a law having been broken?

**Mr LENNON:** Not in the way that the story was recounted to me. It was intimated that it was not an offer of a bribe, per se. It was intimated that that might be something that was on the table that Mr Robertson dismissed straightaway.

**Dr JOHN KAYE:** Can we dissect the words "might have been on the table". I appreciate this is seven years ago. I am not trying to put you in a difficult position, but I would like to know what your response was when Mr Robertson said it. Mr Robertson says, "This guy intimated to me that there might be something in it for me personally." At that point, was it a concern to you that a law might have been broken by Mr McGurk, not by Mr Robertson?

**Mr LENNON:** Sure, I understand what you are saying. Given the fact that we had finalised the sale with Eco Villages and that the matter had been completed and given this was something that was a discussion we had with hindsight and in passing, the answer is no.

**Dr JOHN KAYE:** To be clear, my question was: Do you think a law was broken by Mr McGurk at that meeting in 2006?

**Mr LENNON:** To my understanding, as section 249(b) of the Crimes Act is the relevant piece of legislation, as I understand, the answer is no.

**Dr JOHN KAYE:** At the time you thought no law had been broken?

**The Hon. GREG PEARCE:** That is a bit technical for me.

**Dr JOHN KAYE:** You are a commercial lawyer. Your response at that point was that no law had been broken. Did you think there was a public interest in Mr Robertson having been offered what may have been construed as a bribe?

**Mr LENNON:** No, I do not think so. Again, in the way the story was related to me, I do not think so, given that we had successfully completed the sale at the time.

**Dr JOHN KAYE:** Do you think that your members may have had an interest in that fact?

**Mr LENNON:** What they had an interest in was the fact that we had got the best possible outcome for the unions affiliated to Unions NSW, which we did.

**Dr JOHN KAYE:** You are aware that I was a member of an affiliated union and I was vociferously opposed to the sale at that time, but do you think that people such as myself—and you were aware of the debates that had been going on—would have been interested in that offer?

**Mr LENNON:** Only, I think, if Mr McGurk's offer had been the one that had been finally put to Unions NSW. Given that it had been dismissed—

**Dr JOHN KAYE:** Is it your position that, because the sale concluded not to Mr McGurk, the offer of that bribe was not materially relevant?

**Mr LENNON:** Again I come back to the question of whether there was an offer of a bribe, but let me say this: Our responsibility to Unions NSW is to make sure that we get the best possible outcome for the affiliates of Unions NSW, and Mr Robertson used his best endeavours to ensure that that was the case. In the way that the conversation took place between Mr Robertson and Mr McGurk, I do not see how it was relevant to the final outcome. It had no impact on the outcome and I do not see necessarily why it should have been reported to the affiliates of Unions NSW.

**Dr JOHN KAYE:** As a membership-based organisation you do not think that the members would have been interested in what clearly was a significant event in the process of a controversial sale of the second largest asset of Unions NSW? You do not think that at that point when you found out you would have thought members would have an interest in this because it was a controversial sale and it was a matter that was, by its nature, controversial?

**Mr LENNON:** Again, if we had proceeded with negotiations with Mr McGurk around his proposal, the answer would have been yes, clearly it should have been disclosed, but the McGurk proposal was off the table by August 2006, as I understand. We then went into our negotiations with Eco Villages, which ended in December 2006.

**Dr JOHN KAYE:** I accept fully what you are saying, that it was not relevant to the outcome, but do you think that some members might now be wondering, "Why were we not told, because this was relevant to the process and is relevant to the kinds of people who are putting in bids for a property that we—a minority of members possibly—felt should not have been sold?"

**Mr LENNON:** The question for us is how you react, and we did not finally go with the McGurk offer and, as a consequence, that is what is important and that is what is material to the affiliates of Unions NSW.

**Dr JOHN KAYE:** You would be aware of the McGurk tapes, the tapes that were held by the Parliament of New South Wales and for which there was legislation required to be passed through the Parliament—

**The Hon. TREVOR KHAN:** I do not think they were held by us; they ended up with the cops fairly quickly.

**Dr JOHN KAYE:** They were held by the police, but there was legislation that needed to go through the New South Wales Parliament.

**The Hon. GREG PEARCE:** I think they were McGurk's tapes.

**Dr JOHN KAYE:** Yes, the McGurk tapes. Legislation needed to go through the Parliament to have those tapes transmitted to the Independent Commission Against Corruption. Are you aware of that legislation?

**Mr LENNON:** Yes, but I am sorry, you will have to refresh my memory again.

**Dr JOHN KAYE:** Legislation was required—

**The Hon. TREVOR KHAN:** It was introduced on 12 November 2009.

**Dr JOHN KAYE:** On 12 November 2009 legislation was introduced into the Parliament of New South Wales and was passed in that year.

**The Hon. TREVOR KHAN:** It went through our House on 24 November 2009.

**Dr JOHN KAYE:** I am ably assisted here by someone who did their homework better than I did. You would be aware that legislation went through that enabled those tapes to be removed from the police and given to the Independent Commission Against Corruption?

**Mr LENNON:** I do recall, yes.

**Dr JOHN KAYE:** The matter at the time received some coverage in the media and you would have been aware of that because McGurk obviously was a character of interest to Unions NSW?

**Mr LENNON:** Yes.

**Dr JOHN KAYE:** Were you concerned at all when Mr Robertson voted on that legislation—and voted for, as I think all the House voted—that he should have made a declaration at that time?

**Mr LENNON:** To be honest, no, I had not given it any thought until you have raised the issue with me now.

**Dr JOHN KAYE:** But at that time you were aware that Mr Robertson was offered a bribe or, as you would put it, there was the intimation of an offer of a bribe to Mr Robertson some three years earlier than the voting on this legislation. You did not think there was possibly a reason why Mr Robertson should have made some kind of declaration at that point?

**Mr LENNON:** To be quite honest, thinking about the sequence of events, I would not have thought about it at the time because I probably was not conscious of the fact that there was legislation going through the Parliament.

**Dr JOHN KAYE:** I have 20 seconds left, but I do not think I have any more questions, so I will leave it at that. Thank you, Mr Lennon.

**The Hon. ADAM SEARLE:** Mr Lennon, I want you to cast your mind back to your conversation with Mr Robertson in February 2007, I think you said?

**Mr LENNON:** That is to the best of my knowledge.

**The Hon. ADAM SEARLE:** Yes, as far as you can recall. Just to be clear, it was not clear to you that a bribe had in fact been offered to Mr Robertson?

**Mr LENNON:** That is right.

**The Hon. ADAM SEARLE:** That is why you did not see fit to report that conversation with Mr Robertson to anyone else, be it the affiliates or your executive?

**Mr LENNON:** That is correct.

**CHAIR:** We will conclude this session of questioning. Mr Lennon, thank you for presenting yourself today. We appreciate your evidence. You decided to take a number of questions on notice. The Committee has resolved that answers to questions taken on notice and supplementary questions be returned within 14 calendar days of you receiving them. The secretariat will contact you in relation to the questions you have taken on notice, including any supplementary questions that the Committee may wish to ask.

**(The witness withdrew)**

**(Luncheon adjournment)**



**JOHN ROBERTSON**, Leader of the Opposition, Shadow Minister for Western Sydney, before the Committee:

**CHAIR:** Ladies and gentlemen I will now open the afternoon session of the Select Committee inquiry into the sale of Currawong. I welcome our second witness, Mr John Robertson, member of Parliament and Leader of the Opposition. You do not need to take the oath as you have already sworn an oath to your office as a member of Parliament. Would you like open with a short statement? Following that the Committee will proceed to Government questions and then the crossbench. I will not take any questions so it will be Dr Kaye who will ask the questions. At the end of that period of time the Opposition may elect to ask a couple of questions, they may not, that will be their prerogative.

**Mr JOHN ROBERTSON:** I will make a brief opening statement. The public rightly expects their elected representatives to meet higher standards. I have chosen to voluntarily come along today because I believe in transparency and accountability. It is worth noting at the outset that these matters, that is the sale of Currawong by Unions NSW, has been looked at and cleared by the Independent Commission Against Corruption. It is also worth noting for the record that I received nothing from Mr McGurk. The consortium that Mr McGurk was part of was unsuccessful in its attempt to purchase Currawong.

I also make the point that these are matters that occurred almost a decade ago, they were before I was a member of Parliament and these are on the record because I have been open and honest and spoken about them. I would like to point out that the sale of Currawong has been a matter of contention, particularly for the Coalition, since about 2007. They have sought to run a campaign of smear and innuendo. I will be surprised if the Coalition does not use the cover of this Committee to continue that campaign of smear and innuendo. I want to point out that I in no way suggest that other members of the Committee are motivated by that. I am happy to be here to answer the questions the Committee has for me.

**CHAIR:** Is that the conclusion of your statement?

**Mr JOHN ROBERTSON:** Yes, it is.

**CHAIR:** All statements of the Committee for the public record are made by the chairperson. I assure you there will be no smear or innuendo from the chair of this Committee. Committee members are aware of the rules governing the conduct of the inquiry. I will now invite the Government to open questioning, they have 30 minutes.

**The Hon. GREG PEARCE:** Mr Robertson, as the person responsible for managing the sale process Michael McGurk must have been your greatest nightmare, because he was in on the sting. He knew that all he had to do was to get to be the middle man and that ultimately the property would be on-sold to the Government, that Labor would get its \$11 million, that the middleman—

**The Hon. AMANDA FAZIO:** Point of order.

**The Hon. GREG PEARCE:** —would get their money and their feedback and the—

**CHAIR:** —point of order has been taken, Mr Pearce.

**The Hon. AMANDA FAZIO:** Mr Chair, under the standing orders members are allowed to ask witnesses questions, not make statements to witnesses. I would ask you to direct Mr Pearce to refrain from making statements and simply to ask questions of the witness.

**CHAIR:** I do not uphold the point of order but I do point out to all members that they should keep their preliminary remarks to a minimum and get to the question to allow the witness the maximum amount of time to answer the question.

**The Hon. GREG PEARCE:** Michael McGurk was a nightmare to you, wasn't he, because he was in on the scam?

**Mr JOHN ROBERTSON:** I have no idea what you are talking about when you refer to "scam". If you want to elaborate I am happy to answer questions. I am completely unaware what you are saying when you make those statements.

**The Hon. GREG PEARCE:** Your problem is that is what happened: The property was supposedly sold to middlemen, there were long delays while the Government sorted out how it was going to buy the property but ultimately the property was purchased by the Government so the Labor Party got its \$11 million, the middlemen got their money back plus their fee—

**The Hon. ADAM SEARLE:** Point of order.

**The Hon. AMANDA FAZIO:** Point of order.

**The Hon. GREG PEARCE:** —the only people out of pocket were the Government.

**The Hon. AMANDA FAZIO:** The Labor Party had nothing to do with it. Mr Pearce, in his enthusiasm, is confusing the Labor Party and Labor Council and is misleading in his question.

**The Hon. GREG PEARCE:** To the point of order.

**CHAIR:** What I will say is that if there is a question in there then Mr Robertson is quite capable of answering the question.

**The Hon. GREG PEARCE:** That is what happened, isn't it, Mr Robertson?

**Mr JOHN ROBERTSON:** Not at all.

**The Hon. GREG PEARCE:** Not at all?

**Mr JOHN ROBERTSON:** This was a sale process conducted in an orderly fashion by Unions NSW through the finance committee. The processes are well documented. I think it is probably worth making the point at the outset, as I said earlier, that these matters have been looked at and cleared by the Independent Commission Against Corruption. I am happy to actually read on—

**The Hon. GREG PEARCE:** —no. I am happy to pick you up on that very point. They were not cleared by the Independent Commission Against Corruption [ICAC]. What the ICAC found was that one of your colleagues corruptly arranged this purchase and corruptly paid the money that filtered back into the Labor Party—or it had already filtered into the Labor Party. One of your colleagues was prepared, without authority, to proceed with this purchase and to doctor documents and he was found to be corrupt because he did it at the last minute in your Government

**The Hon. AMANDA FAZIO:** Point of order. The line of questioning being pursued by the Hon. Greg Pearce is outside the terms of reference of this inquiry. The terms of reference state:

- (a) the purchase by the Land and Property Management Authority of the property Currawong from Ecovillages Australia Pty Ltd.

That is not what Mr Pearce is asking. I believe he is going to matters outside that narrow remit in paragraph 1 (a) of the terms of reference and I would therefore ask you to rule the question out of order.

**CHAIR:** I do not uphold the point of order. The question is in line with paragraph 1 (a) of the terms of reference. I would caution all members to keep their questions succinct so the member has the opportunity to answer. Mr Robertson, if there is documentation you wish to table, you may do that when you are asked to do so in another question.

**Mr JOHN ROBERTSON:** I will read on to the record what the Independent Commission Against Corruption did find. The Independent Commission Against Corruption states:

The evidence in relation to the dealings between Unions NSW —

**The Hon. GREG PEARCE:** —do not try and take up the time of the Committee.

**The Hon. ADAM SEARLE:** Point of order: Mr Pearce can ask questions but he cannot direct a witness as to how to answer, it is a matter for the witness to answer in their own way.

**CHAIR:** I uphold the point of order. I remind the witness there is a limited amount of time.

**The Hon. GREG PEARCE:** Let us move on to some other questions.

**CHAIR:** I have not finished my ruling. I uphold the point of order. I remind the witness that time is of the essence. Anything you may wish to use in support of your statements can be tabled at the appropriate time.

**Mr JOHN ROBERTSON:** Fine.

**The Hon. GREG PEARCE:** You have form with Mr Linz and Mr Tanevski, don't you?

**Mr JOHN ROBERTSON:** No, I completely reject the imputations of the question.

**The Hon. GREG PEARCE:** I see, you do not recall you were a director of Getonboard from May 2001 to August 2005?

**Mr JOHN ROBERTSON:** Yes, I do.

**The Hon. GREG PEARCE:** Mr Linz and Mr Tanevski were directors?

**Mr JOHN ROBERTSON:** Yes, I do.

**The Hon. GREG PEARCE:** Do you know who the shareholders of that company were?

**Mr JOHN ROBERTSON:** Yes, I do.

**The Hon. GREG PEARCE:** Who were they?

**Mr JOHN ROBERTSON:** They were a number of people listed on the Australian Securities and Investments Commission [ASIC] records and I am sure you have done your research—

**The Hon. GREG PEARCE:** I have.

**Mr JOHN ROBERTSON:** —and made your inquiries.

**The Hon. GREG PEARCE:** Can I tell you—we do not want to waste time—that the principal investor, in the sense they put in \$2 million, was an anonymous British Virgin Islands tax haven company called Good Century Assets Limited. Who was behind that?

**Mr JOHN ROBERTSON:** I am not sure how this is in any way relevant to the sale process of Currawong.

**The Hon. GREG PEARCE:** I am trying to establish your relationships and your conflicts of interest.

**Mr JOHN ROBERTSON:** Let me be very clear, I had no conflicts of interest.

**The Hon. GREG PEARCE:** Was it Mr Linz or Mr Tanevski behind it?

**Mr JOHN ROBERTSON:** Let me also be very—

**The Hon. GREG PEARCE:** —who was behind the main shareholder of the company you were a director of?

**The Hon. ADAM SEARLE:** Point of order: The witness is being spoken over by Mr Pearce. Mr Pearce has asked a question, he should allow Mr Robertson, who has come here voluntarily, to give his answer and not speak over him.

**Mr JOHN ROBERTSON:** Well, I feel like—

**CHAIR:** —I uphold the point of order. A similar point of order was raised during questioning of the previous witness. Once members have asked the question they must allow the witness to answer the question.

**Mr JOHN ROBERTSON:** First of all there was no conflict of interest. Secondly, the matters that you allude to were looked at by the Independent Commission Against Corruption [ICAC] and those matters were cleared. They are on the public record. I cannot help that you do not like the findings that the ICAC made. I support the ICAC and the work they do. You, on the other hand, may not because of what we are seeing play out for the Coalition before the Independent Commission Against Corruption.

**The Hon. GREG PEARCE:** Tell us this Mr—

**Mr JOHN ROBERTSON:** This Committee should not be second guessing or revisiting matters—

**The Hon. GREG PEARCE:** Tell us this—

**Mr JOHN ROBERTSON:** —that were the subject of the Independent Commission Against Corruption proceedings.

**The Hon. GREG PEARCE:** Tell us this, Mr Robertson—

**Mr JOHN ROBERTSON:** The matters that you allude to—

**The Hon. GREG PEARCE:** Do not lecture me about the Independent Commission Against Corruption. You are here to answer questions.

**The Hon. ADAM SEARLE:** Point of order: Mr Pearce is unable to control himself. He is talking over the witness, he is a repeat offender, and I ask you call him to order.

**CHAIR:** I made a previous ruling on this point of order: Members will allow the witness to answer the question and I ask the witness to be succinct.

**Mr JOHN ROBERTSON:** I am trying to be, chair, and I am trying to conclude my answers as best I can. These matters were the subject of an ICAC investigation. The ICAC investigation findings are very clear about relationships between various parties such as Unions NSW and Ecovillages and what occurred after I became a member of Parliament between Ecovillages and the Government. To imply that there was something else that was going on is to revisit the investigations and the findings of the Independent Commission Against Corruption.

I do not think it is appropriate for this Committee to be doing an investigation or questioning the matters that were determined by the Independent Commission Against Corruption despite those in the Coalition not being happy with the outcome because it did not meet predetermined views or support the baseless campaign of smear and innuendo that they have sought to peddle since 2007. Your own Prime Minister in 2007 stood in the Commonwealth Parliament and attacked me for not selling Currawong to the McGurk consortium. He accused and alleged a fraud but did not have the courage to repeat that outside the Parliament where he did not have privilege.

**The Hon. GREG PEARCE:** Can I ask you some questions?

**Mr JOHN ROBERTSON:** He did not have the courage to go outside the Parliament and make those same allegations without the protection of privilege. That speaks volumes about the motivation of the Coalition when it comes to Currawong and the sale process. I know you do not like the fact that we sold Currawong and that the proceeds were used to campaign against WorkChoices legislation. That was the whole reason for selling Currawong. The fact you do not like it does not give you the right to go around running a campaign of smear and innuendo with no basis and you having nothing to back up the smear and innuendo that you peddled from 2007 and continue to peddle.

**The Hon. GREG PEARCE:** Can you explain, Mr Robertson, where the \$2 million from the British Virgin Islands tax haven went in the company that you were a director of with Mr Linz and Mr Tanevski? Where did that \$2 million go, other than the \$58,000 that was given back to the Labor Party in 2005 when it was wound up for its \$10 investment.

**The Hon. ADAM SEARLE:** Point of order.

**The Hon. GREG PEARCE:** Where did that \$2 million go, Mr Robertson?

**The Hon. ADAM SEARLE:** Point of order: This is outside the purview of this Committee.

**The Hon. GREG PEARCE:** To the point of order.

**CHAIR:** Let him finish his point of order.

**The Hon. ADAM SEARLE:** The issue of Getonboard or who might be shareholders is not within our terms of reference. The terms of reference for this Select Committee are about the Currawong sale and an alleged bribe offer. That is clearly what the terms of reference are.

**The Hon. GREG PEARCE:** To the point of order. Paragraph 1 (b) (v) states:

(v) any conflicts of interests that Mr Robertson may have had

Clearly, being a director, together with Mr Tanevski and Mr Linz, of a company that received money from a tax haven is a potential conflict of interest?

**CHAIR:** I do not uphold the point of order. Again I remind all members that there is limited time. Please ask your questions and the witness should answer succinctly.

**Mr JOHN ROBERTSON:** There was no conflict of interest.

**The Hon. GREG PEARCE:** Where did the money go?

**Mr JOHN ROBERTSON:** There is no conflict of interest.

**The Hon. GREG PEARCE:** Where did the money go, Mr Robertson? You were a director.

**Mr JOHN ROBERTSON:** There is no conflict of interest.

**The Hon. GREG PEARCE:** What about the \$58,000, will you give that back? It was money from a British Virgin Islands tax haven.

**The Hon. ADAM SEARLE:** Point of order.

**Mr JOHN ROBERTSON:** The basis upon which—

**The Hon. ADAM SEARLE:** Point of order: Mr Pearce has again talked over the witness and has asked another question without allowing the witness to finish the first one.

**CHAIR:** I uphold the point of order. Members will allow the witness to answer a question before they proceed with another question.

**The Hon. GREG PEARCE:** It is pretty clear he is not going to answer the question.

**Mr JOHN ROBERTSON:** I have answered the question, the fact you do not like the answer is not a basis for you to say there is no answer.

**The Hon. GREG PEARCE:** Where is the \$2 million?

**Mr JOHN ROBERTSON:** There was no conflict of interest.

**The Hon. GREG PEARCE:** Where is the \$2 million?

**Mr JOHN ROBERTSON:** Those matters of conflicts of interest were investigated by the Independent Commission Against Corruption and you do not like the proceedings.

**The Hon. GREG PEARCE:** Which pages of the Independent Commission Against Corruption report talk about the \$2 million?

**Mr JOHN ROBERTSON:** You do not like the proceedings.

**The Hon. GREG PEARCE:** Which pages? Point me to the page.

**Dr JOHN KAYE:** Point of order. I am concerned for Hansard in these two conversations. Can we possibly have one person speak at a time?

**CHAIR:** I remind all members once again that a witness should be allowed to answer a question. If questions are asked over the top of a witness's answer Hansard cannot properly record the proceedings.

**Mr JOHN ROBERTSON:** You do not like the findings of the Independent Commission Against Corruption.

**The Hon. GREG PEARCE:** What page?

**Mr JOHN ROBERTSON:** You continue to peddle innuendo—

**The Hon. GREG PEARCE:** What page is the \$2 million referred to on?

**Mr JOHN ROBERTSON:** —as I alluded to in my opening statement and you have confirmed it. The one thing I am not going to be is lectured by you of all people about how to behave as a member of Parliament.

**The Hon. GREG PEARCE:** On what page is the \$2 million referred to?

**Mr JOHN ROBERTSON:** You will be the last person that lectures me about integrity, honesty and behaviour.

**The Hon. GREG PEARCE:** On what page, Mr Robertson?

**The Hon. TREVOR KHAN:** Mr Robertson, it is the case that you met with Mr McGurk after receiving a telephone call from Moses Obeid asking you to meet with him, is it not?

**Mr JOHN ROBERTSON:** I met with a number of the bidders in the sale of Currawong. My role as secretary was to make sure I got the best possible outcome—

**The Hon. TREVOR KHAN:** Mr Robertson, I do not wish to talk over the top of you but I asked you a clear and precise question—that is, you met with Mr McGurk after you received a telephone call from Moses Obeid requesting that you meet with him, isn't that the case?

**Mr JOHN ROBERTSON:** I met with a number of the proponents over the sale of Currawong. I have already stated, and I will state again for the record, that Mr McGurk was one of those proponents. My role as the secretary of Unions New South Wales was to achieve the best possible price that I could for Unions New South Wales, its affiliates and its members. I did that strictly in accordance with the rules of Unions New South Wales at all times. I did have a phone call from Moses Obeid. That is hardly a gotcha moment. It is on the record. It has been reported in the media that that is exactly what has occurred. Mr Khan, if you will have read the media then you will know that I said, "Tell him to go through the formal process. I'm meeting with all of the bidders." And that is what I did, including Mr McGurk.

**The Hon. TREVOR KHAN:** So it is the case that, having been spoken to by Moses Obeid, you then met with Mr McGurk, isn't that right?

**Mr JOHN ROBERTSON:** No, I have just answered the question about what I told Moses Obeid. What I did was to meet with any of the bidders who were on the shortlist and who were interested in having a discussion around the sale of Currawong.

**The Hon. TREVOR KHAN:** And you met with Mr McGurk, didn't you?

**Mr JOHN ROBERTSON:** I have answered that. You know that I did.

**The Hon. TREVOR KHAN:** You met with Mr McGurk, didn't you?

**Mr JOHN ROBERTSON:** I have answered that question.

**The Hon. TREVOR KHAN:** And what was the bribe offer that he made to you?

**Mr JOHN ROBERTSON:** I reject the description that you have given it. What I had was a meeting with Mr McGurk on two occasions. On the second occasion, towards the end of the meeting, he made what I considered to be an inappropriate offer. At that point, I made it—

**The Hon. TREVOR KHAN:** Tell us what the inappropriate offer was.

**Mr JOHN ROBERTSON:** It is on the record. At the conclusion of the meeting he said that a percentage of the sale price could be put into a bank account of my choosing. At that point—

**The Hon. TREVOR KHAN:** And that is not a bribe?

**Mr JOHN ROBERTSON:** Let me conclude, if I may, Mr Chair, the answer to my question. At that point I made it clear that anything that was going to be offered for the purchase of Currawong had to go through the formal tender process. I concluded the meeting at that point. There was no further discussion with Mr McGurk. The reason I concluded the meeting was that I was not going to entertain it. I do not know how serious he was about it. I was not going to allow the conversation to continue to see whether he was serious or not because as far as I was concerned—

**The Hon. TREVOR KHAN:** Mr Robertson, he was making a bribe offer to you, wasn't he?

**The Hon. ADAM SEARLE:** Point of order: Mr Khan is speaking over the witness. He should allow the witness time to finish his answer.

**CHAIR:** I remind all members that they should allow witnesses to answer the question before they ask another question.

**The Hon. TREVOR KHAN:** He was making a bribe offer, wasn't he?

**Mr JOHN ROBERTSON:** Mr Khan, I am not a lawyer. I know that you are the top guy in the transport courts in the traffic offenders area. What I know is that it was an inappropriate conversation which I terminated. People will draw their own conclusions as to what it was. What I did was to deal with it in a manner that I thought at the time was appropriate. If I had my time over again then I would have erred on the side of caution and I would have reported the matter to the authorities. Let me be clear: I received nothing from Mr McGurk. Mr McGurk was unsuccessful, as part of the consortium he was associated with, in purchasing Currawong. It is quite interesting the line of questioning that is being pursued by both Mr Khan and Mr Pearce because their side has attacked Unions New South Wales and attacked me for not selling—

**The Hon. TREVOR KHAN:** Point of order: the Committee is quite right that Mr Robertson is entitled to answer the question but if what he wants to do is to now embark upon an attack of me then that is not a response to the question. I am asking him questions specifically with regards to the terms of reference and he should limit his remarks to those as well.

**CHAIR:** I will uphold the sense of the point of order. I caution members and witnesses not to cast personal aspersions upon members of the Committee or witnesses.

**Mr JOHN ROBERTSON:** I was in no way seeking to cast an assertion upon Mr Khan or Mr Pearce; I was making a point about the whole of the coalition pursuing this campaign of—

**The Hon. TREVOR KHAN:** Mr Robertson, can I ask you a further question. Mr Robertson, can I take you to 3 September 2009.

**Mr JOHN ROBERTSON:** Mr Chair, I have not concluded my previous answer.

**The Hon. TREVOR KHAN:** You are making a statement now.

**The Hon. ADAM SEARLE:** Point of order: two of the three coalition members have repeatedly spoken over the Opposition leader when he has been providing a clear answer to the Committee. He should be given time to answer.

**The Hon. GREG PEARCE:** On the point of order: he has not provided any answers.

**CHAIR:** That is not relevant to the point of order. I have upheld this point of order before and I will do so again. I ask all members to be cautious that they do not appear to be flouting my ruling. The ruling is that when a member asks a witness a question the witness should be allowed to answer the question as succinctly as the witness is able, without embellishment, before another question is asked or another member asks a question or interjects. Interjections are disorderly at all times.

**The Hon. TREVOR KHAN:** Mr Robertson, I take you to 3 September 2009. That was evening on which Mr McGurk was killed in his driveway. Do you remember that time?

**Mr JOHN ROBERTSON:** I remember the media reports, yes.

**The Hon. TREVOR KHAN:** Yes, and the media reports over that week or so were some inches thick in terms of the various reports of what was going on at the time. Do you remember that?

**Mr JOHN ROBERTSON:** I have just answered your question; I remember the media reports.

**The Hon. TREVOR KHAN:** Various allegations were being made with regards to Mr McGurk at that stage, isn't that right?

**Mr JOHN ROBERTSON:** I think so, yes.

**The Hon. TREVOR KHAN:** You knew, for instance, that he had made an offer, an inducement, to you some time before, isn't that right?

**Mr JOHN ROBERTSON:** No, I have told you my description of it—that it was what I considered to be an inappropriate conversation and I terminated it. As far as I was concerned, that was the end of the matter. I do not know how serious he was. I do not know what you would describe it as. I am not going to get into a debate about what others will describe it as. It has really been given a name. What I will say is that I dealt with it at the time in a manner that I thought was appropriate. I have said it before and I will say it again: if I had my time over again then I would have erred on the side of caution and reported it to the authorities. But let me be very clear—

**The Hon. TREVOR KHAN:** In light of that, why on 4, 5 or 6 September did you not report it to the police?

**The Hon. ADAM SEARLE:** Point of order: Mr Khan is again speaking over Mr Robertson.

**CHAIR:** In this case I will uphold the point of order. Mr Robertson, please conclude your answer.

**Mr JOHN ROBERTSON:** What I was trying to say was that I had dealt with the matter in a way that I considered to be appropriate. I would have reported it to the authorities to err on the side of caution if I had my time again. But I do not know what you are seeking to imply.

**The Hon. TREVOR KHAN:** Why on 5, 6, 7, 8 or 9 September did you not report it to the police?



**Mr JOHN ROBERTSON:** Because I considered that the matter upon which I had been meeting with Mr McGurk had concluded. I did not believe it was anything other than an inappropriate conversation that I had terminated and dealt with in a manner that I considered to be appropriate at that time.

**The Hon. TREVOR KHAN:** On 7 September that year your Premier was saying that if people had any information then they should report it to be police. Why did you not go to the police and report what had occurred?

**Mr JOHN ROBERTSON:** Are you suggesting that somehow I was involved in the murder of Mr McGurk?

**The Hon. TREVOR KHAN:** I am suggesting that you had information about the background of Mr McGurk that may have been useful to the police, you know that.

**Mr JOHN ROBERTSON:** I think the subsequent of outcomes of court proceedings have proved that that is completely wrong, Mr Khan.

**The Hon. TREVOR KHAN:** Who was involved in the dealings with Mr McGurk? Wasn't Mr Medich part of the Currawong offer?

**Mr JOHN ROBERTSON:** But somehow you are implying that I had some involvement in those activities. I completely reject that proposition.

**The Hon. TREVOR KHAN:** I am not, and you know that.

**Mr JOHN ROBERTSON:** If that is not the case, I do not quite understand your line of questioning and why you are asking me these questions.

**The Hon. TREVOR KHAN:** So it never occurred to you that you were dealing with a shonky character who was making bribes and who was involved with a gentleman by the name of Medich and that, he having been shot, your information may have been useful to the police?

**Mr JOHN ROBERTSON:** I did not consider that anything that had occurred at that point in time bore any relevance at all to the murder of Mr McGurk, and as it has turned out that is in fact the case.

**The Hon. TREVOR KHAN:** During that week following his death talk turned to the tapes that Mr McGurk had, do you remember that?

**Mr JOHN ROBERTSON:** Yes, I do.

**The Hon. TREVOR KHAN:** Did you think that, in light of the tapes, maybe you should go to the police and tell them that you had been offered a bribe?

**Mr JOHN ROBERTSON:** As I said to you, I thought it was an inappropriate conversation. I terminated that conversation. As far as I was concerned, that was the end of the matter. I do not know how serious he was. I did not entertain it for a moment. I terminated the conversation and that, as far as I was concerned, with the end of the matter.

**The Hon. TREVOR KHAN:** You became a minister in January 2009, is that right?

**Mr JOHN ROBERTSON:** Yes, that is correct.

**The Hon. TREVOR KHAN:** And as part of the terms of becoming a Minister you became alive to the terms of the code of conduct for ministers of the Crown, is that right?

**Mr JOHN ROBERTSON:** Yes, and that is something that you will never get to.

**The Hon. TREVOR KHAN:** Amongst the terms of that were that Ministers will perform their duties honestly.

**Dr JOHN KAYE:** Although the way the Government is going that might not be true.

**Mr JOHN ROBERTSON:** Should I withdraw, Dr Kaye.

**CHAIR:** Order! we will allow the member to finish his question despite the frivolity.

**The Hon. TREVOR KHAN:** Amongst the principles that guide ministerial conduct are that, firstly, ministers will perform their duties honestly and in the best interests of the people of New South Wales, is that right?

**Mr JOHN ROBERTSON:** I think it goes further than that, Mr Khan.

**The Hon. TREVOR KHAN:** It does indeed. And, secondly, it says that Ministers will be frank and honest in official dealings with their colleagues. Is that right?

**Mr JOHN ROBERTSON:** Yes.

**The Hon. TREVOR KHAN:** And that frankness and honesty in official dealings with their colleagues in turn includes making disclosures about matters that may be relevant—for instance, in Cabinet deliberations. Is that right?

**Mr JOHN ROBERTSON:** Yes.

**The Hon. TREVOR KHAN:** Good. You dealt on at least one occasion with a bill called the Independent Commission Against Corruption and Ombudsman Amendment Bill, didn't you?

**Mr JOHN ROBERTSON:** If you have read the code of conduct, and I do not know how much of it you have read, then you will also know that there is a requirement on ministers to maintain Cabinet confidentiality.

**The Hon. TREVOR KHAN:** I am fully alive to that, Mr Robertson.

**Mr JOHN ROBERTSON:** I also adhered to that. Let me make this point—

**The Hon. TREVOR KHAN:** Cabinet dealt with the issue of the Independent Commission Against Corruption and Ombudsman Amendment Bill, did it not?

**Mr JOHN ROBERTSON:** Can I just cut to the chase, Mr Khan. I have always—and when the vote was taken in Parliament you were in the chamber as well so you would have been there making the same noises as I was—been in support of those laws that were being considered and were passed by this Parliament. I have always supported, at every stage of consideration, the Independent Commission Against Corruption getting the necessary powers to deal with those matters and any other matter where the Independent Commission Against Corruption requires additional powers to root out corruption in this State. At no point have I sought to stand in the way of the Independent Commission Against Corruption getting any of the authorities and powers that it requires to deal with matters before it—in that particular area at any stage or anywhere else.

**The Hon. TREVOR KHAN:** At no stage did you tell the then Premier Nathan Rees that you could well have been on the McGurk tapes, did you?

**Mr JOHN ROBERTSON:** I had no conflict of interest in these proceedings, and at every step of the way I have always voted in favour of those laws.

**The Hon. TREVOR KHAN:** At no stage did you tell the then Premier Nathan Rees that you could have been on the McGurk tapes, did you?

**Mr JOHN ROBERTSON:** I had no expectation of being on them. I do not know whether I was or I was not. But what I did do was to make sure that, at every step of the way, I supported the Independent Commission Against Corruption getting the powers it needed. In those circumstances—

**The Hon. TREVOR KHAN:** At no stage did you make the disclosure, did you?

**Mr JOHN ROBERTSON:** Because there was no complex conflict.

**The Hon. ADAM SEARLE:** Point of order: Mr Khan has relapsed and is talking over the witness again.

**CHAIR:** I would remind member to allow witnesses to conclude their answers.

**Mr JOHN ROBERTSON:** But, more importantly, I had no conflict of interest.

**Mr SCOT MacDONALD:** Can you understand why this does not pass the pub test? Does your judgement about not making disclosures at the right time pass the pub test to you?

**Mr JOHN ROBERTSON:** I am not sure that my opinion matters here. What matters here is that I answer questions I am asked about matters associated with the sale of Currawong. It will be up to others, in the pub or elsewhere, to make their own judgements about these proceedings. I have come along to answer the questions of the Committee about the sale process for Currawong.

**Mr SCOT MacDONALD:** You have just made a judgement about the Independent Commission Against Corruption and you made some comments—

**The Hon. ADAM SEARLE:** Point of order: Mr MacDonald has caught the same disease as his colleagues; he has just spoken over the witness. He should be more restrained.

**CHAIR:** There is no point of order, please continue, Mr MacDonald.

**Mr SCOT MacDONALD:** You have made some comments before about the Independent Commission Against Corruption and where that is leading. You would be aware of the evidence given yesterday about the former member Ms Jodi McKay. When she was offered a bribe she reported it to the Independent Commission Against Corruption. She made notes. She reported it to her head office, I believe, and followed the proper procedures. Do you not think that is the standard that we should be aspiring to?

**Mr JOHN ROBERTSON:** I should make a couple of points again for your benefit. First of all, I do not know how serious Mr McGurk was; and I was not entertaining or engaging in a conversation to determine that matter. I considered the conversation inappropriate. I terminated the conversation at that point. At no stage during that conversation was I asked to do anything inconsistent with the rules of Unions New South Wales as the secretary of Unions New South Wales.

**Mr SCOT MacDONALD:** Did you record it? Did you diarise it? Did you mention it to your finance committee? Did you make any effort to treat it seriously?

**Mr JOHN ROBERTSON:** I did not think it was serious.

**Mr SCOT MacDONALD:** A \$3 million bribe offer is not serious to you?

**Mr JOHN ROBERTSON:** That is a figure that you used. I talked about it here as a percentage.

**Mr SCOT MacDONALD:** I think the pub test would say \$3 million is a serious bribe.

**Mr JOHN ROBERTSON:** The fact remains I received nothing from Mr McGurk. I was at no stage during that meeting asked to do anything that was inconsistent with the rules of Unions NSW as secretary. I terminated the conversation when I considered it was headed in an inappropriate direction. As far as I was concerned, that was the end of the matter.

**Mr SCOT MacDONALD:** In your judgement?

**Mr JOHN ROBERTSON:** Any dealings that were had between Mr McGurk's consortium and Unions NSW were dealt with through the channels that everyone else was dealing with the matter. As far as I was concerned, that was the end of it. But, again, I will make the point—

**Mr SCOT MacDONALD:** I think you have made the point.

**Mr JOHN ROBERTSON:** I am going to make it again because it seems it is lost on you that if I had my time over again I would err on the side of caution and report it.

**Mr SCOT MacDONALD:** There was an independent inquiry into this held by Unions NSW. Did you take that opportunity to mention this not so serious offer of \$3 million, this trivial matter?

**Mr JOHN ROBERTSON:** I did not firstly because the terms of reference were very clear in that particular inquiry but, more importantly, so were the Independent Commission Against Corruption proceedings that conveniently you choose to ignore. The ICAC, as far as I am concerned, carries far more weight when it comes to dealing with the matters of the sale of Currawong and what they did and the way they conducted their investigation.

**Mr SCOT MacDONALD:** At that stage did you take the opportunity to talk to your assistant secretary, Mr Lennon, about this?

**Mr JOHN ROBERTSON:** No, I have spoken to Mark Lennon in passing about this.

**Mr SCOT MacDONALD:** About your evidence?

**Mr JOHN ROBERTSON:** Pardon?

**Mr SCOT MacDONALD:** Please.

**Mr JOHN ROBERTSON:** What did you just say?

**Mr SCOT MacDONALD:** About your evidence to this inquiry?

**Mr JOHN ROBERTSON:** Chair, I reject that.

**Mr SCOT MacDONALD:** It is a question.

**Mr JOHN ROBERTSON:** I take these proceedings very seriously. I at no stage sought to speak with Mark Lennon about these proceedings or the evidence that I might give or that he might give. I reject the proposition that I would conduct myself in such a fashion. I would ask for the member to withdraw that comment.

**CHAIR:** I do not have a point of order.

**The Hon. AMANDA FAZIO:** Point of order: The scurrilous allegations made by Mr MacDonald should be withdrawn.

**CHAIR:** I will uphold the point of order. I ask the member to withdraw.

**Mr SCOT MacDONALD:** I withdraw.

**Dr JOHN KAYE:** Thank you, Mr Robertson, for coming today. I have got a couple of questions. The first one is that you have said on a number of occasions that you did not know how serious he was. That is referring to Mr McGurk and the offer he made to you. Are you saying to us "serious" in a sense that he would not have delivered if you had said yes or "serious" in a sense that he was joking? Can you elaborate on not knowing how serious he was?

**Mr JOHN ROBERTSON:** Serious in the sense that I do not know if he was putting out the feelers to see whether I might be susceptible to something like that. The way I dealt with it, Dr Kaye, was in a manner that was to end the meeting at that point and make it clear that any offers that were being made must go through the formal process. One of the things I was very conscious of—I think by the time I concluded my time as secretary at Unions NSW I had been there for 19 years. I had seen, I think, at least two previous secretaries try to sell

Currawong and the difficulties that they had confronted from a whole range of different groupings. I was very conscious of making sure that this process was squeaky clean in regard to how it was dealt with and progressed.

**Dr JOHN KAYE:** Just to go back to the issue of seriousness, you say that you do not know whether he was putting out the feelers or not. In the counterfactual that he was not putting out the feelers, what do you think he was doing?

**Mr JOHN ROBERTSON:** I do not know because I did not entertain it. I felt it was an inappropriate conversation to be having with that individual. On the basis of that, I ended the meeting and made it abundantly clear that there was no way that was going to happen by saying to him, "Anything that you are offering must go through the formal process." That was the end of the matter as far as I was concerned.

**Dr JOHN KAYE:** I do not think many people question that, but it is more your response to that statement. It is not your response as to whether you had any intention of accepting an offer that was untoward, but how you responded to that statement. You said you did not know how serious he was, which means you entertained the possibility that he was serious. Did you at the time entertain the possibility that he was seriously offering you a bribe?

**Mr JOHN ROBERTSON:** No, I did not because I terminated the conversation before I could really get to the point where I knew what he was doing and how serious he was.

**Dr JOHN KAYE:** But at the point at which you terminated it did you terminate it because you thought he might be offering you a bribe?

**Mr JOHN ROBERTSON:** No, I terminated it because I thought the conversation was headed in an inappropriate direction by the noises that he was making.

**Dr JOHN KAYE:** I am confused now, because you said before you did not know how serious he was. You are now saying, "I just terminated the conversation before I could find out whether he was serious or not." In both answers is it not clear that you accepted the possibility that this might be headed towards him offering you a bribe?

**Mr JOHN ROBERTSON:** I was not prepared to allow that to occur and that is why I ended the meeting.

**Dr JOHN KAYE:** How well do you recall the words that he actually said to you?

**Mr JOHN ROBERTSON:** These are matters I think that occurred in March 2006, if my memory serves me correctly.

**Dr JOHN KAYE:** I appreciate it is a long time ago. I am just asking you how well you recall those words now.

**Mr JOHN ROBERTSON:** I think they were recorded in the paper. I think Mr Khan is about to provide you with the words.

**The Hon. TREVOR KHAN:** I am.

**Dr JOHN KAYE:** I am not interested in what is reported in the paper. I just want to know now—

**Mr JOHN ROBERTSON:** My recollection is it was the second meeting. It was towards the end that he said a percentage of whatever the sale price is could be put into a bank account. It was at that point that I ended the meeting. I terminated the meeting.

**The Hon. TREVOR KHAN:** You said, "You are not f...ing buying me." That is what you said, is it not?

**Mr JOHN ROBERTSON:** No. That was the essence of the end of the conversation. They are not the words that I used. It was the essence of the message that was being made abundantly clear that I am not entertaining an inappropriate conversation.

**Dr JOHN KAYE:** I am sorry to dwell on this, but you saw it as an inappropriate conversation that was potentially heading towards a formal offer of a bribe?

**Mr JOHN ROBERTSON:** I do not know if it was going to head that way or not.

**Dr JOHN KAYE:** It was potentially headed in that direction?

**Mr JOHN ROBERTSON:** I was not going to allow it to get to that point.

**Dr JOHN KAYE:** Because it was potentially headed in that direction?

**Mr JOHN ROBERTSON:** I did not know where it was going and, frankly, it was a conversation that I did not want to be having and that is why I terminated the conversation. I just think I should make it clear that I have never found myself in a situation like that before or since. The way I dealt with it at the time was in a manner that I thought was appropriate. That was that I ended the conversation, I thought nothing more of it, it never came up again.

**Mr SCOT MacDONALD:** No diary entry.

**Mr JOHN ROBERTSON:** As I say, if I had my time over again, Dr Kaye, I would err on the side of caution. I think I have acknowledged that now on six or seven occasions.

**Dr JOHN KAYE:** I appreciate that.

**CHAIR:** Before you move on, Dr Kaye, I remind members that this is a parliamentary Committee and we are to uphold the decorum of the Parliament at all times. I would urge members even when they are quoting to refrain from language that may be seen to be unseemly. Certainly, any obscenities will be excluded from *Hansard*.

**Dr JOHN KAYE:** Mr Robertson, you have said three times now that that was the second meeting you had with Mr McGurk. The first meeting was when?

**Mr JOHN ROBERTSON:** I would be guessing, saying a few weeks, maybe a month before. I could not give you a particular date.

**Dr JOHN KAYE:** Can you tell us about the context of that meeting?

**Mr JOHN ROBERTSON:** Again, it was around the sale of Currawong.

**Dr JOHN KAYE:** Can you tell us the context, who was with you?

**Mr JOHN ROBERTSON:** I saw Mr Lennon confirm to the Committee who that was. It was the financial controller, one of the lawyers from TressCox, who were doing the legal—

**Dr JOHN KAYE:** That was your recollection of it as well, was it?

**Mr JOHN ROBERTSON:** My recollection was that, counting myself, there were five people there.

**Dr JOHN KAYE:** You told us before that you met with all the other bidders or you were open to meeting with all the other bidders. How did you communicate with the bidders or the people who had made it through the expression of interest [EOI] process? How did you communicate with them that you were open to meeting with them?

**Mr JOHN ROBERTSON:** It was made clear, because we had been through one set of processes, that if there was a necessity for further meetings that we would—

**Dr JOHN KAYE:** Did you write to them? Did you email them? Did you call them?

**Mr JOHN ROBERTSON:** No, it was merely at that point when we were talking to them. My recollection is that they were told, "Look, if you need more information or if you want to have further discussions we are open to that." I considered that to be appropriate on the basis of ensuring that we got the best possible price.

**Dr JOHN KAYE:** You did that at the time of the first meeting with Mr McGurk verbally in front of Mr Lennon—well, perhaps not Mr Lennon but in front of the others?

**Mr JOHN ROBERTSON:** To the best of my recollection, that is right.

**Dr JOHN KAYE:** There was no other communication with Mr McGurk between that first meeting and the second meeting?

**Mr JOHN ROBERTSON:** I do not believe so, no.

**Dr JOHN KAYE:** Was there any indirect communication?

**Mr JOHN ROBERTSON:** I am not sure.

**Dr JOHN KAYE:** Mr Moses Obeid, I believe, was involved in a communication with you in respect to a meeting with Mr McGurk.

**Mr JOHN ROBERTSON:** I think I have answered that question when I responded to—

**Dr JOHN KAYE:** Were there any other communications in respect to that meeting?

**Mr JOHN ROBERTSON:** Not that I recollect, no.

**Dr JOHN KAYE:** So Mr McGurk called your secretary and sought a meeting with you?

**Mr JOHN ROBERTSON:** I think that is right, yes. And I would have met with anyone else, for that matter, who was on that list around the sale of Currawong.

**Dr JOHN KAYE:** That is my next question. Did you meet with any others?

**Mr JOHN ROBERTSON:** I met with a whole number of the bidders.

**Dr JOHN KAYE:** So you met with others?

**Mr JOHN ROBERTSON:** I met with other potential bidders that were on that shortlist.

**Dr JOHN KAYE:** In each case did you meet on your own with them?

**Mr JOHN ROBERTSON:** I may have. I am not trying to be cute here. I might have. I do not recollect whether I did or I did not.

**Dr JOHN KAYE:** But you do recollect that you met with Mr McGurk on his own?

**Mr JOHN ROBERTSON:** I recollect that I met with Mr McGurk and I may well have met with others.

**Dr JOHN KAYE:** On their own?

**Mr JOHN ROBERTSON:** On their own.

**Dr JOHN KAYE:** Given Mr McGurk's reputation at that time were you concerned about meeting with Mr McGurk on his own?

**Mr JOHN ROBERTSON:** I did not really know that Mr McGurk had a reputation at that time.

**Dr JOHN KAYE:** Did you do any background checking of Mr McGurk, or did you ask around about Mr McGurk or any of the others bidders who came to see you?

**Mr JOHN ROBERTSON:** Mr McGurk was part of a consortium that involved people who at that time were property developers of some standing. It was on the basis of that that we proceeded in discussions with them and a number of others.

**Dr JOHN KAYE:** Before you met with Mr McGurk on your own did you do any background check on him? Did you ask others what they thought of this guy, was he on the up and up? Was there any such conversation?

**Mr JOHN ROBERTSON:** I did not do any of those things at all. He was part of a consortium that was successful through the EOI process and that was the reason that I met with him.

**Dr JOHN KAYE:** You met with Mr McGurk on your own. Did you take any notes at the meeting or afterwards did you record anything about the meeting?

**Mr JOHN ROBERTSON:** No.

**Dr JOHN KAYE:** Given the nature of what Mr McGurk said to you at the end of the meeting—and I appreciate you terminated it and I appreciate we are talking about the fact that you did not take a bribe. But given that fact and given the seriousness or the potential seriousness and the questions in your own mind about how serious it was did it occur to you to at least make a minute about it or a note or a diary entry?

**Mr JOHN ROBERTSON:** No, because as far as I was concerned the way I had dealt with it was the end of the matter. It never came up again. It was never the subject of any further interactions with that consortium and I never gave it much thought after that point. It came up in conversation with Mark Lennon as my assistant secretary after the process when we were talking about the sale of Currawong process, but I frankly thought that that was the end of the matter.

**Dr JOHN KAYE:** In what context did you raise with it Mr Lennon?

**Mr JOHN ROBERTSON:** We were just discussing the sale process of Currawong and it came up in the conversation. I do not recall precisely how it came up.

**Dr JOHN KAYE:** You casually dropped it into the conversation?

**Mr JOHN ROBERTSON:** I would not describe it as that, no.

**Dr JOHN KAYE:** Well, not casually but it was not like Mr Lennon asked you if you were offered a bribe or if anything inappropriate happened?

**Mr JOHN ROBERTSON:** It was nothing like that, no. It came up in the context of the Currawong process. I recollect we were talking about the whole process and what had been involved and it came up in the conversation.

**Dr JOHN KAYE:** Was that a normal meeting with Mr Lennon?

**Mr JOHN ROBERTSON:** No.

**Dr JOHN KAYE:** It was just a corridor chat?

**Mr JOHN ROBERTSON:** Mark was my deputy. Mark's office was next to mine. We talked regularly about a whole range of things. My recollection is that it came up in a conversation as I described.

**Dr JOHN KAYE:** How long after your conversation with Mr McGurk did you have your conversation with Mr Lennon about this?



**Mr JOHN ROBERTSON:** The meeting with Michael McGurk would have taken place in March 2006, I think. The sale process was finalised, I think from memory—and I will stand corrected on these dates, Dr Kaye, because it was so long ago—after the sale was concluded, so I imagine probably 12 months later.

**Dr JOHN KAYE:** In the period between March 2006 and when you mentioned it to Mr Lennon did you tell anybody else about what had happened?

**Mr JOHN ROBERTSON:** I do not believe so. I did not give it much of a thought after I had dealt with it in the manner that I described earlier.

**Dr JOHN KAYE:** You raised it again with Mr Andrew Clennell from the *Daily Telegraph* in October of last year.

**Mr JOHN ROBERTSON:** Yes.

**Dr JOHN KAYE:** Out of interest, why did it suddenly surface again after what was then a six-year period between when you told Mr Lennon and when you told Mr Clennell?

**Mr JOHN ROBERTSON:** It came up in a conversation with Mr Clennell. I was standing at his doorway and I think he describes it in that article—

**Dr JOHN KAYE:** It is an easy thing to do, I think we all agree.

**Mr JOHN ROBERTSON:** It came up in a conversation with Mr Clennell downstairs on level 6. I think it reinforces the fact that I have been open and honest about this. I have not sought to hide it in any way. I think the fact that it was raised in the manner it was is confirmation of that.

**CHAIR:** I am sure the honourable member was speaking in gest when he impugned a member of the gallery.

**Dr JOHN KAYE:** I was speaking entirely in gest; I was not impugning Mr Clennell. I apologise for doing so. Between then and telling Mr Lennon and Mr Clennell, you did not tell anybody else to the best of your knowledge?

**Mr JOHN ROBERTSON:** To the best of my knowledge. It may have come up in conversation with people, but to the best of my knowledge, no.

**Dr JOHN KAYE:** On Tuesday, 24 November 2009 you voted on the Independent Commission Against Corruption and Ombudsman Legislation Amendment Bill, which allowed what is now known as the McGurk tapes to be given to the Independent Commission Against Corruption, despite issues surrounding the legislative bans on doing so.

**Mr JOHN ROBERTSON:** I do not accept that I had a conflict of interest and I voted—

**Dr JOHN KAYE:** You voted for the bill.

**Mr JOHN ROBERTSON:** As the record will show, I voted for the bill. I make the point that I have always supported the Independent Commission Against Corruption getting any of the powers that it needs to do the job that it needs to do in this State.

**Dr JOHN KAYE:** Quite so.

**Mr JOHN ROBERTSON:** It is something that I feel very strongly about. At no stage did I seek to in any way speak or vote against those laws being granted to give the Independent Commission Against Corruption the powers that it needed to listen to those tapes.

**Dr JOHN KAYE:** You felt no need to reveal to the Parliament at that point that this was a matter which may involve you and that you might actually indeed be on the McGurk tapes?

**Mr JOHN ROBERTSON:** I voted for them.

**Dr JOHN KAYE:** That is a different question. My question to you is straightforward. You did not feel at that point in time the need to reveal the fact that you might somehow or other be on the McGurk tapes?

**Mr JOHN ROBERTSON:** I felt I had nothing to fear about those tapes. As far as I was concerned I wanted the Independent Commission Against Corruption to be able to listen to all of those tapes.

**Dr JOHN KAYE:** Did you think at that stage it was possible, given what was then known about the McGurk tapes, that you might have been on the McGurk tapes?

**Mr JOHN ROBERTSON:** No.

**Dr JOHN KAYE:** You did not think you could be?

**Mr JOHN ROBERTSON:** No.

**Dr JOHN KAYE:** You thought it was impossible that you were on the McGurk tapes?

**Mr JOHN ROBERTSON:** I did not believe I was on those tapes.

**Dr JOHN KAYE:** Or that he might have subsequently referred to his conversation with you on the McGurk tapes?

**Mr JOHN ROBERTSON:** I think I have answered the question, Dr Kaye.

**Dr JOHN KAYE:** No, you have not. I am asking you, did you think at the time it was possible for Mr McGurk to have mentioned in some taped conversation that you might have been on those tapes?

**Mr JOHN ROBERTSON:** Dr Kaye, I felt I had nothing to fear from the Independent Commission Against Corruption being given the authority to listen to those tapes. I voted for the Independent Commission Against Corruption to get those powers at every step of the process.

**Dr JOHN KAYE:** I appreciate that, Mr Robertson.

**Mr JOHN ROBERTSON:** Well, can I—

**Dr JOHN KAYE:** I congratulate you on doing so. I will bring you back to the question, if you do not mind. The issue of conflict of interest, can we explore—

**Mr JOHN ROBERTSON:** I had no conflict of interest.

**Dr JOHN KAYE:** Let us step back a bit. Can we explore what we mean by "conflict of interest"? You are suggesting that an individual—and correct me if I am wrong—does not have a conflict of interest if they vote in a way that is not influenced by the conflict of interest that they might hold? Is that correct?

**Mr JOHN ROBERTSON:** You are implying that I should have been worried that I was on these tapes. If I had been worried and I had a conflict, I would have voted completely the opposite way to the way I did. I voted—let us be very clear on this—for the Independent Commission Against Corruption to be granted the powers that it needed to listen to those tapes and I did that for two reasons: one, because there was no conflict of interest and; two, because I wanted the Independent Commission Against Corruption to be able to listen to those tapes because of what had been reported in the media.

**Dr JOHN KAYE:** At the time you voted on that legislation, you voted the same way that I did and everybody in this room who was in Parliament at that time voted for identical reasons. You acknowledge that you might have been on those tapes?

**Mr JOHN ROBERTSON:** I have no idea whether I was or I was not.

**Dr JOHN KAYE:** But it was possible you were?

**Mr JOHN ROBERTSON:** It was not a consideration for me in the way I voted.

**Dr JOHN KAYE:** I agree it was not a consideration for you, I totally accept that, but do you accept that it is possible you might have been on those tapes?

**The Hon. ADAM SEARLE:** Point of order: The witness has answered this question four or five times. Perhaps unintentionally Dr Kaye is badgering the witness. The witness has answered this question a number of times.

**Dr JOHN KAYE:** To the point of order: If I am badgering the witness, I do not intend to do so. I apologise to the witness. The issue I am trying to get to, Mr Chair, is quite straightforward. My view of a conflict of interest, and I want to explore Mr Robertson's view, exists regardless of how you vote, a conflict of interest exists because you might be the subject of the matter that you are voting about, either positively or negatively. No matter whether that influences you or not, a conflict of interest is not moderated by the fact that you voted appropriately, morally and correctly. I have declared conflicts of interest and then gone on and voted.

**CHAIR:** Thank you, Dr Kaye. I get the gist of your comment on the point of order. Given that Dr Kaye has now extensively laid out where he is going with his one question, I will allow you to ask the question one more time as simply as you can and see if the witness can answer it.

**Dr JOHN KAYE:** Mr Robertson, do you think that a conflict of interest exists irrespective of how you voted? In the general generic sense of the word, do you think a conflict of interest can exist regardless of how someone votes?

**Mr JOHN ROBERTSON:** Dr Kaye, I do not believe—

**The Hon. Amanda Fazio:** Point of order: Theoretical questions about matters that are not covered by the terms of reference are clearly out of order. If Dr Kaye wants to ask Mr Robertson a question about how he has acted or his response to a particular issue, that is fine. Asking Mr Robertson for his opinion on a definition is clearly outside—

**Dr JOHN KAYE:** To the point of order: Part of the issue here is Mr Robertson's behaviour as a Parliamentarian, as a Minister of the Crown. I am trying to understand why Mr Robertson did not declare a conflict of interest or a potential involvement in the matter that was being voted in Parliament. I do not understand his answer. I am trying to evince an explanation.

**CHAIR:** Thank you for your contribution to the point of order. I will uphold the point of order. It is clear that Mr Robertson is being asked to answer a hypothetical. We have a long list of rulings by chairs of committees regarding hypothetical questions. If you wish to ask him directly whether he believed he had a conflict of interest, do so, and the witness may answer.

**Mr JOHN ROBERTSON:** Can I perhaps—

**CHAIR:** Mr Robertson, it was not my question. I simply ruled the point of order upheld.

**Dr JOHN KAYE:** Do you have anything to add, Mr Robertson?

**Mr JOHN ROBERTSON:** I was simply going to say I had no conflict of interest in those matters.

**CHAIR:** Thank you.

**Dr JOHN KAYE:** Can we now go to the issue of the meetings with the other potential bidders. Did any of those provide you with an equivalent reason to be concerned about those meetings? You said to us you thought you met with a number of other bidders?

**Mr JOHN ROBERTSON:** I think what I have said earlier, and I will say it again, I had never found myself in a meeting like that or in that situation prior or since that meeting.

**Dr JOHN KAYE:** This was a singular event in your life?

**Mr JOHN ROBERTSON:** Yes.

**Dr JOHN KAYE:** At the time it happened, were you shocked by it?

**Mr JOHN ROBERTSON:** No, I do not think I was. It was a meeting that I was in control of and I controlled it in a manner that I considered at the time to be appropriate by terminating the meeting, making it clear that any offers that were being made to purchase Currawong needed to be dealt with through the formal process.

**Dr JOHN KAYE:** I do not think anybody is critical of the fact that you terminated the meeting. Everybody accepts that given what happened at that meeting—I certainly accept that what happened at that meeting it was appropriate for you to terminate the meeting. What I am trying to get to is if it was sufficient for you to terminate the meeting with a bidder, I do not understand and perhaps you can help us, why (a) you did not at least make a diary note of it; (b) report it to your deputy; (c) report it to your committee of management; or (d) report it to the police.

**Mr JOHN ROBERTSON:** As I said, and I will say it again, I considered I had dealt with the matter appropriately at that point in time by ending the conversation and the meeting. I have also said if I had my time over again I would have erred on the side of caution. I want to be clear here. I received nothing from Mr McGurk. It was an inappropriate conversation headed somewhere that I did not feel was appropriate and that is why I concluded the meeting. At no stage did I entertain or look to test out where it was going or how serious it was. I do not know and I was not going to allow myself to find out by allowing that meeting to continue beyond that point.

**The Hon. GREG PEARCE:** Were there witnesses at the meeting?

**Dr JOHN KAYE:** To continue my line of questioning, you believe you behaved absolutely correctly. I have said that I believe you did too. Do you think that Mr McGurk behaved in an outrageous, or dangerous, or potentially illegal fashion?

**Mr JOHN ROBERTSON:** I think that what Mr McGurk was saying was inappropriate and that is why I dealt with it in that manner.

**Dr JOHN KAYE:** You think it was inappropriate. Do you think it was potentially illegal?

**Mr JOHN ROBERTSON:** I will let the lawyers argue that. I said earlier, Dr Kaye, I am not a lawyer. I think there are three here.

**The Hon. TREVOR KHAN:** No, I am just a traffic court thingy.

**Mr JOHN ROBERTSON:** You are still a lawyer, Mr Khan. No doubt with three of them here there are probably six opinions.

**Mr SCOT MacDONALD:** It goes to your judgement.

**Dr JOHN KAYE:** I am not asking about legal—

**Mr JOHN ROBERTSON:** I think it was inappropriate. Others have already given it a label and others will continue to give it the label that so fits their judgement of the matter. What I have said is I think it was inappropriate. You have said you think I dealt with it in an appropriate fashion.

**Dr JOHN KAYE:** You dealt the meeting in an appropriate manner. What happened afterwards is what I am trying to get to. You sought no advice on the matter and you spoke to nobody on the matter for another nine months?

**Mr JOHN ROBERTSON:** That is right.

**Dr JOHN KAYE:** Did you think that many people would find it hard to understand that you had to terminate a conversation with a bidder and that that termination occurred because you were concerned that it

might lead, at least at the very minimum, to a bribe offer, that you did not turn around and at least seek legal advice or Mr Lennon's advice or seek the advice of your Executive Committee?

**Mr JOHN ROBERTSON:** Dr Kaye, I dealt with it and ended the conversation. I do not know what was going to happen and I did not entertain it. I dealt with it in a manner that I considered to be appropriate by ending the conversation. As a public figure, I have come to accept for a long time that people draw their own conclusions about your motivations and what motivated you. I make it clear to you that I received nothing from Mr McGurk. There was no personal advantage in this process at all. What I did was deal with it in a manner at the time that I thought was appropriate. I cannot change the manner in which I dealt with it by terminating it, but what I have conceded here and previously is that I would have erred on the side of caution if I had my time over again.

**The Hon. GREG PEARCE:** Would you have met with him alone again?

**Dr JOHN KAYE:** That was my next question.

**The Hon. GREG PEARCE:** Where was the rest of the consortium?

**CHAIR:** Interjections are disorderly at all times.

**Dr JOHN KAYE:** The first question I have for you is you say you would deal with it differently. What would you have done that was different?

**Mr JOHN ROBERTSON:** I would have reported it to the authorities.

**Dr JOHN KAYE:** Would you have dealt with those bidders on your own?

**Mr JOHN ROBERTSON:** I would have reported that particular matter to the authorities.

**Dr JOHN KAYE:** Would you have met with those bidders?

**Mr JOHN ROBERTSON:** Clearly not.

**Dr JOHN KAYE:** You would not have?

**Mr JOHN ROBERTSON:** Of course not.

**The Hon. GREG PEARCE:** Why did you?

**Mr JOHN ROBERTSON:** I have said to you that I have never found myself in a situation like that. I was not entertaining what I considered to be an inappropriate conversation and that is why I terminated the meeting.

**Dr JOHN KAYE:** As secretary of Unions NSW, did you have any training in issues such as fiduciary duty and legal responsibilities, or were you given such training on the job, or did you seek such advice?

**Mr JOHN ROBERTSON:** I do not think I was given such training, no, but I think I have always behaved in an appropriate manner in the way I have dealt with everything that I did at Unions NSW and also as a member of Parliament.

**Dr JOHN KAYE:** You were dealing with an \$11 million sale—

**Mr SCOT MacDONALD:** Potentially 30.

**Dr JOHN KAYE:** Whatever. You were dealing with a multimillion-dollar sale which you knew was controversial and I declare again before this Committee that I was totally on the opposite side to you and argued vociferously against what you were doing, but were you at that point concerned that this was an issue that occurred that might have been of relevance to your members?

**Mr JOHN ROBERTSON:** No, because the processes that were in place were sufficient to ensure that I was required to go through the finance committee, the executive and the full meeting of Unions NSW. I think Mr Lennon detailed the processes that are required to ensure that secretaries and other officers of Unions NSW comply with the letter of those rules. At every stage—every single stage—not only in this matter but in every other matter that I dealt with at Unions NSW, I complied with the rules.

I took my job very seriously, Dr Kaye, because there are plenty of people out there in the community, as you well know, who like to besmirch the character of union officials, peddle their conspiracy theories and innuendos and, as leader, I felt it was my responsibility to behave with the utmost integrity and comply with the rules at all times, particularly in light of the fact of where we were at that time with the Howard Government looking to introduce its WorkChoices legislation, looking to effectively neuter the role of unions in this country to the extent that workers would be unable to be represented, unable to stand up for themselves and have a voice in a collective fashion or any other way. I took that role very seriously to make sure that there was at no stage any question about my motivation or the role that I played and how I did what I did as secretary of Unions NSW.

**Dr JOHN KAYE:** I appreciate and accept that. Did you have a meeting with any member of the Obeid family after you met with Mr McGurk in which any issue relating to Currawong was raised?

**Mr JOHN ROBERTSON:** To the best of my recollection, no.

**Dr JOHN KAYE:** No meeting with Moses; no meeting with Eddie senior?

**Mr JOHN ROBERTSON:** To the best of my recollection, with no-one of that name.

**Dr JOHN KAYE:** So you never talked about the Currawong sale with any of the Obeid family?

**Mr JOHN ROBERTSON:** To the best of my recollection, no.

**Dr JOHN KAYE:** What about Mr Joe Tripodi?

**Mr JOHN ROBERTSON:** No, I do not see why I would have had any reason to.

**Dr JOHN KAYE:** So you never spoke to anybody, although it was the largest transaction that Unions NSW had been involved in probably in its history?

**Mr JOHN ROBERTSON:** I am not sure that is right, Dr Kaye. I think the sale of radio station 2KY to the New South Wales TAB was a much larger transaction.

**Dr JOHN KAYE:** It was one of the largest transactions.

**Mr JOHN ROBERTSON:** Yes, but I want to correct the record that that was a much larger transaction than the sale of 2KY.

**Dr JOHN KAYE:** So you did not speak to Mr Tripodi or Mr Obeid, Mr Obeid senior or any of the Messrs Obeid junior, about this?

**Mr JOHN ROBERTSON:** I have answered the question: to the best of my recollection, no.

**Dr JOHN KAYE:** Mr Eric Roozendaal?

**Mr JOHN ROBERTSON:** I do not think so. Dr Kaye, I would have had no reason to talk to any of those individuals about the sale process—

**Dr JOHN KAYE:** What about Mr Kelly?

**Mr JOHN ROBERTSON:** I have had no conversations with Mr Kelly at all about the sale of Currawong, at any stage whatsoever. My involvement—

**Dr JOHN KAYE:** Was that specifically because you were concerned about a perceived conflict of interest?

**Mr JOHN ROBERTSON:** May I conclude my answer?

**Dr JOHN KAYE:** Yes.

**Mr JOHN ROBERTSON:** I had no conversations with Mr Kelly about the sale of Currawong at any point whatsoever.

**Dr JOHN KAYE:** You can conclude because we have run out of time.

**The Hon. ADAM SEARLE:** Mr Robertson, earlier in these proceedings you were going to take the Committee to the Independent Commission Against Corruption report and read some excerpts. Are there any documents you wish to table or anything else you want to add to your evidence?

**Dr JOHN KAYE:** I did not bring the actual report with me; I was merely going to read onto the *Hansard* the quotes that I thought were relevant from the report.

**The Hon. TREVOR KHAN:** I am happy to table the relevant section from the Independent Commission Against Corruption—

**The Hon. ADAM SEARLE:** I did not ask you, Mr Khan.

**Mr JOHN ROBERTSON:** If I may, Chair, I will take the opportunity to read it onto the record:

The evidence in relation to the dealings between Unions NSW and Eco Villages, including the changes in the price to be paid by Eco Villages and the length of time taken to complete the transaction, demonstrates that decisions between vendor and purchaser were based on rational commercial and legal considerations. There is no evidence that Unions NSW or its officers or any person associated with Eco Villages acted corruptly in the sale of the Currawong site to the NSW Government. The Commission is satisfied that there was nothing untoward in the dealings between Unions NSW and Eco Villages.

I conclude the quote there. I think it is important for the Committee to appreciate the role that the Independent Commission Against Corruption has played in this matter and the fact that these matters have been investigated at great length by the Independent Commission Against Corruption. For the Coalition to come along here today and somehow seek to undermine those findings is pretty much consistent with what we have heard from the Coalition recently about its attitude towards the Independent Commission Against Corruption. I think if you look at what we have seen play out—

**The Hon. TREVOR KHAN:** Why did you not knock the McGurk syndicate out of the tender process?

**The Hon. ADAM SEARLE:** Point of order: It is an interjection; it is disorderly.

**CHAIR:** I uphold the point of order. Interjections are disorderly at all times.

**Mr JOHN ROBERTSON:** I think what we have seen in the last week is a good indication about the motivations of the Coalition when it comes to their attitude towards the Independent Commission Against Corruption and why they seek to undermine its authority and the findings that it has made. I think it is a pretty good indication of what we might expect from this Government looking north to Queensland and what the Premier there has done to the CMC by effectively neutering it in its role. I support and have always supported the Independent Commission Against Corruption, regardless of the decisions it has made and the findings it has made. It is a bit rich for those in government to come to this Committee and use it as a vehicle to try to somehow undermine those findings.

**The Hon. TREVOR KHAN:** With leave, I would like to ask a question.

**The Hon. ADAM SEARLE:** You do not have the time.

**The Hon. AMANDA FAZIO:** I have a question: Earlier when you were giving evidence you made reference to attacks made in the Federal Parliament on the decision of Unions NSW to not sell the Currawong

property to the consortium with which Mr McGurk was involved. I was not aware of that. Can you elaborate on it?

**The Hon. GREG PEARCE:** Point of order: What has been said in Federal Parliament cannot possibly have any relevance to the terms of reference and, if the member can point to the relevant part of the terms of reference that could in any way encompass a discussion of Federal Parliament, she should do so.

**The Hon. ADAM SEARLE:** To the point of order: It is a matter that emerged in Mr Robertson's evidence and any committee member is entitled to explore evidence and ask a witness to elaborate on it, which is what Ms Fazio is doing.

**The Hon. AMANDA FAZIO:** Further to the point of order: I draw the attention of Mr Pearce to part 1 (c) of our terms of reference, which states that:

... the actions and statements of Ministers and Members of the Parliament of New South Wales and the Commonwealth Parliament relating to the sale of the property Currawong, owned by Unions NSW ...

That clearly indicates that my question is inside the terms of reference.

**CHAIR:** I do not uphold the point of order. Please proceed.

**Mr JOHN ROBERTSON:** Thank you, Chair. We have had the Coalition running a smear campaign since 2007, raising questions about the sale of Currawong. Those smears have gone to attacks on me as then Secretary of Unions NSW for not proceeding with the sale to the McGurk consortium, despite—

**Dr JOHN KAYE:** Not from me.

**Mr JOHN ROBERTSON:** Dr Kaye, I made the point that it was from the Coalition. They have attacked me and attacked Unions NSW. We have even had some of the right-wing shock jocks attacking me for not proceeding to sell Currawong to the McGurk consortium. We saw extraordinary events in February 2007 when the now Prime Minister, while in opposition in the Commonwealth Parliament, said:

Unions NSW have just sold Currawong—to a developer, no less. But they did not sell it for \$30 million as one bidder offered ...

They ended up selling it for \$15 million in one of the most mysterious deals of recent times ...

Why did Unions NSW sell this property for \$15 million less than they could have had? This deal has "scam" written all over it. I call on the New South Wales Police Fraud Squad to investigate the links between Mr Linz and senior Unions NSW figures ...

Not only has Mr Abbott sought to use the privilege of the Parliament to make these allegations and not had the courage to step outside and say them, we have recently had—as recently as last year—the member for Pittwater, the now environment Minister, raise these very same questions about why it was that the sale did not go to Mr McGurk. The fact is that the Coalition has never been able to accept the fact that the proceeds of Currawong were used to fight the Work Choices legislation—legislation that was introduced by John Howard; legislation that was targeted at demolishing the rights of working people in this country; and legislation of the likes we had not seen before in this country. It was legislation introduced by a government that at that point was very popular—

**Mr SCOT MacDONALD:** Point of order: Could the witness bring himself back to the terms of reference just so that he does not completely waste our time?

**The Hon. ADAM SEARLE:** To the point of order: The witness was asked a question. He can answer it as he sees fit.

**CHAIR:** Yes, and the terms of reference do relate to the actions and statements of Ministers and members of both parliaments. I will not uphold the point of order but I do ask the witness to be as succinct as he can in answering.

**Mr JOHN ROBERTSON:** I will, Chair, and I make the point that the proceeds were used to run a very successful campaign that saw the ousting of a government—a government that sought to rip away the rights of working people in this country and saw the Prime Minister that introduced the legislation also lose his seat—so I can understand why those opposite might be motivated to peddle their smear and innuendo, but the



fact is that it is all baseless. They are unable and have been unable ever since they started this smear to back it up with any evidence at all. We have not seen a shred of evidence to back up their smear and innuendo and, sadly, they have used the cover of this committee again today to continue to peddle that smear and innuendo.

**CHAIR:** Thank you, Mr Robertson. Do you have any further questions?

**The Hon. AMANDA FAZIO:** No, thank you.

**CHAIR:** There being no further questions, I will draw this second session to a close. I do not think there are any questions on notice, but there may be supplementary questions from members and the Committee previously resolved that answers to those questions should be returned to us within 14 days of you receiving them. Thank you very much for agreeing to come and see us, Mr Robertson, and thank you for your evidence.

**(The witness withdrew)**

**(The Committee adjourned at 4.11 p.m.)**