APPENDIX

Tuesday, 6 February 2007

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

PRIVILEGE

The PRESIDENT (12.30 pm) A matter of privilege has been raised, under standing order 81, by Senators Forshaw and Murray in a letter to me dated 7 December 2006. The matter of privilege relates to evidence given before the then Senate Finance and Public Administration References Committee in 2005. A witness before the committee made statements which subsequent evidence threw into doubt and which were subsequently the subject of investigation by the Australian Electoral Commission. The commission was unable to conclude its investigation because of its inability to use the parliamentary evidence. The witness concerned has repeatedly failed to respond to requests by the committee—and its successor, the current Senate Standing Committee on Finance and Public Administration—to clarify his evidence, despite the committee drawing his attention to the rules of the Senate relating to misleading evidence and refusal to provide information to a Senate committee. The matter raises questions under the Senate's rules, contained in paragraph (12) of Privilege Resolution No. 1 of 1988, concerning the giving of false or misleading evidence to a committee and the refusal to answer questions put by a committee when required to do so.

Under standing order 81, I am required to determine whether a motion to refer the matter to the Privileges Committee should have precedence over other business, having regard to the following criteria: (a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and (b) the existence of any remedy other than that power for any act which may be held to be a contempt.

In past presidential determinations, the principle has been followed that a matter should be given precedence if it is capable of meeting criterion (a)—that is, if the matter raised is of sufficient seriousness potentially to warrant the invocation of the Senate's privilege jurisdiction. Criterion (b) has been regarded as having been met if there is no other reasonably available remedy for the act in issue. As the senators' letter points out, a possible available remedy in the form of action by the Australian Electoral Commission has proved to be impossible because of the factor already referred to. It is clear that only the processes of the Senate can offer any remedy.

Past cases of possible false or misleading evidence referred to the Privileges Committee, and the reports of the Privileges Committee on those cases, indicate that any suggestion that false or misleading evidence has been given has always been taken very seriously by the Senate and by the Privileges Committee. The matter meets the criteria I am required to consider, and I have therefore determined that a motion to refer the matter to the Privileges Committee may have precedence. I table the letter from Senators Forshaw and Murray.

Senator FORSHAW (New South Wales) (12.34 pm)—I give notice that on the next day of sitting I shall move:

That the following matter be referred to the Committee of Privileges:

Having regard to the material presented to the Senate by the President on 6 February 2007.

CHAMBER

Senator Michael Forshaw
Senator for New South Wales

Parliament of Australia
The Senate

7 December 2006

Senator the Hon. Paul Calvert
President of the Senate
Parliament House
CANBERRA ACT 2600

Dear President

Matter of privilege – possible offence by a witness

We write to raise a matter of privilege under standing order 81, and to ask that you give precedence to a motion to refer the matter to the Committee of Privileges in accordance with that standing order.

The matter involves possible offences by Mr Greg Maguire, a witness before the inquiry into the regional partnerships and sustainable regions programs, conducted by the Finance and Public Administration References Committee in 2005. These possible offences relate to:

- Knowingly giving false or misleading evidence to a committee; and
- Refusing without reasonable excuse to provide information to a committee when required to do so.

Before setting out the facts, we should record that we are not only members of the recently established standing committee on finance and public administration but were also members of the former references committee – of which Senator Forshaw was chair – who were actively involved in the inquiry before which Mr Maguire appeared. We have therefore been in a position to observe his pattern of conduct towards both the former committee and the current committee.

In its report on the inquiry the former references committee informed the Senate of its concerns that Mr Maguire may have committed offences as a witness. The committee report set out the case as follows:

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Possible offence by a witness

The Committee took evidence from Mr Greg Maguire, a central figure in the allegations of Mr Tony Windsor MP that he was offered an inducement not to stand for the seat of New England at the 2004 federal election. During his appearance before the Committee Mr Maguire claimed that his companies had made contributions to Mr Windsor's state and federal election campaigns. When asked to provide details to the Committee, he refused to answer but instead undertook to provide the information on notice. The information was important for corroborating some of Mr Maguire's evidence and was material to the Committee's examination of the matter.

Contrary to his undertaking at the hearing, Mr Maguire subsequently failed to provide the information to the Committee. The Committee wrote to Mr Maguire on three occasions to remind him of his undertaking. On the final occasion the Committee drew his attention to Senate procedural resolutions which make it an offence for a witness to fail to answer questions and provide information when required to do so. Mr Maguire informed the secretariat that he would not be making a response.

During this process the Committee received fresh evidence which raised serious doubts about the veracity of Mr Maguire's statements. The Committee provided this evidence to Mr Maguire and invited him to comment. Mr Maguire also refused to respond to this material.

The Committee is deeply concerned by Mr Maguire's evasiveness on this matter. His refusal to provide relevant information made it difficult to not only corroborate his evidence before the inquiry but also to verify whether Mr Maguire had disclosed these election contributions to the Australian Electoral Commission (AEC).

Given the obligation on both donors and recipients to disclose both cash and in-kind contributions to election campaigns, the Committee is concerned that Mr Maguire may be in breach of the Electoral Act. The Committee is particularly troubled by the conflicting evidence provided by Mr Maguire and Mr Windsor, as well as Mr Maguire's refusal to clarify the matter despite repeated requests by the Committee for him to do so. The Committee intends to write to the Australian Electoral Commissioner asking that the matter be investigated.[1]

The decision to refer this matter to the AEC for investigation was taken in accordance with privilege resolution 3 (b), that is, the committee was seeking to use a remedy other than the Senate's own powers to investigate and prosecute contempts to resolve this matter.

However, recent evidence from the AEC appears to indicate that this alternative remedy has not been effective. In evidence to the FPA committee estimates hearing of 31 October 2006, the AEC reported that its investigation into whether Mr Maguire made disclosable donations

1 FPA References Committee, *Inquiry into the regional partnerships and sustainable regions programs*, October 2005, pp 10-11.

to Mr Windsor had 'drawn a blank', that as a consequence it only had privileged parliamentary evidence to rely upon and that the AEC is reluctant to pursue the matter any further because of the constraints around using privileged parliamentary evidence.

In view of the apparent obstacles and dead-end facing the AEC investigation, the FPA committee again approached Mr Maguire asking him to provide the information the former references committee had requested. The committee also drew Mr Maguire's attention to the AEC's evidence and to the possible consequences of either misleading the committee and/or continuing to refuse a committee request when required to do so.

Mr Maguire informed the committee secretary that he would not provide the information, nor would he respond to the committee's latest approach to him.

On the basis of the above, we believe there is an unarguable case that Mr Maguire has committed an offence in refusing a committee request when required to do so. It should be pointed out that the committee's request came about because of statements Mr Maguire *volunteered* himself to the committee. As the following extract from his opening statement to the inquiry shows, Mr Maguire made claims to suggest he was a key backer of Mr Windsor in order to establish his own credibility and discredit Mr Windsor's evidence to the committee:

> Mr Windsor has given evidence to this inquiry to the effect that I gave him limited support in his election campaigns—that I gave some help in 2001, according to his evidence with, 'some advice to terms of advertising' and I 'approached a few people to help' raise money for his campaign—and he was 'not aware that I had made any personal contribution'. The reality, as Mr Windsor well knows, as would his campaign manager, Mr Stephen Hall, is that I was very influential in attracting financial support for him from the business community in the Tamworth region. I also organised a major part of his federal television marketing campaign strategy and placement for the 2001 federal election. In addition, for his successful campaigns in his 10-year term as an Independent member for Tamworth in the state parliament, I assisted him both in raising financial support and with advice as to his television campaign placements and strategies. Mr Windsor is also aware that my companies have made substantial financial contributions to his political campaigns over the years.[2]

We have cited the above to show that Mr Maguire himself raised the topic of his donations to Mr Windsor's campaigns. However, when the committee asked him for proof of this claim he refused to supply it at the hearing. He has also continuously refused to provide to the committee a list of his companies, despite agreeing on the Hansard record to do so. We should also add that Mr Maguire failed to reply to any of the three letters the committee sent him, requiring the committee secretary to attempt to make contact with him by telephone. This behaviour is further evidence of the contempt Mr Maguire has displayed to the proceedings of a parliamentary committee.

There is also a prima facie case that Mr Maguire knowingly gave false and misleading evidence to the inquiry. Mr Maguire has failed to provide corroborating material to support his claim to the committee that 'my companies have made substantial financial contributions' to Mr Tony Windsor's political campaigns; Mr Windsor and his former campaign manager

2 *Committee Hansard*, 10 March 2005, pp 3-4.

have disputed Mr Maguire's claims; and the AEC has not to date been able to find any disclosure (which was required by the electoral laws at the relevant time) by Mr Maguire which might verify his claim.

At a wider level, we have grave concerns that Mr Maguire's continued refusal to respond to repeated approaches from the committee has not only obstructed a committee in performing its work but also sets a potentially damaging precedent for witnesses appearing before parliamentary committees. This is not a matter of partisan politics but a matter of upholding the powers and privileges of the Senate and its committees. If allowed to go unchecked, Mr Maguire's conduct may set an example for witnesses who feel they can use and flout committee processes with impunity.

Accordingly, we ask you give this matter your urgent attention. In so doing we remind you of your exchange with Senator Murray during the supplementary estimates in 2005 in relation to considering ways to deal with privilege matters that might avoid contention or disputation in the chamber. We trust this matter can be addressed in such a fashion.

Yours sincerely

Senator Michael Forshaw

Senator Andrew Murray

Attachments:
FPA References Committee, *Committee Hansard*, 10 March 2005.
FPA Standing Committee, *Committee Hansard*, Supplementary Budget Estimates, 31 October 2006

COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE

Reference: Regional Partnerships Program

THURSDAY, 10 MARCH 2005

CANBERRA

BY AUTHORITY OF THE SENATE

Committee met at 4.02 p.m.

MAGUIRE, Mr Gregory Kevin, Chairman of Committee, Australian Equine and Livestock Centre

CHAIR—Welcome. I declare open this public hearing of the Senate Finance and Public Administration References Committee. Today's hearing is a continuation of the committee's inquiry into the administration of the Regional Partnerships program and the Sustainable Regions program. So far we have had four public hearings and published a number of submissions on the committee's web site. Mr Maguire, prior to this hearing the committee determined to receive and publish your submission. Evidence given to the committee is protected by parliamentary privilege. This means that witnesses are given broad protection from action arising from what they say and that the Senate has the power to protect them from any action which disadvantages them on account of the evidence given before the committee. I remind you that the giving of false or misleading evidence to the committee may constitute contempt of the Senate. We prefer to conduct our hearings in public. However, if there are any matters you wish to discuss with the committee in private, we will consider such a request. Mr Maguire, in what capacity do you appear today?

Mr Maguire—I am the Chairman of the Australian Equine and Livestock Centre in Tamworth, New South Wales. I am appearing today in a private capacity or as the chairman. It is up to you.

CHAIR—As we go through evidence and questions, issues may arise. As you are aware, of course, we wrote to you initially advising you of the inquiry and inviting a submission. We subsequently wrote to you as a result of evidence given by earlier witnesses to give you the opportunity to appear and to respond. Thank you for providing us with your written submission. I also note that you have provided us with an opening statement. I do not think it is necessary for you to read that in detail to us, but I invite you to make some opening comments.

Mr Maguire—I would like to read my opening address. I believe it is important.

CHAIR—I think the committee is happy to let you do that but we do want to get to questions from the committee.

Mr Maguire—Thank you. I appear before the Senate here today in my capacity as chairman of the body known as the Australian Equine and Livestock Centre. I appear before this committee voluntarily to give evidence about the matters in the terms of reference, which are attached to my formal written submission to this committee. Whilst always willing to give evidence to the Senate inquiry if required, I have formed a view that the terms of reference do not specifically address and are not concerned with the discredited allegations of bribery by the Independent member for New England, Mr Tony Windsor. Those allegations were made under parliamentary privilege in the House of Representatives in November 2004, against me and the Deputy Prime Minister, Mr John Anderson, and Senator Sandy Macdonald. I categorically rejected those allegations at the time and I again do so here today before this committee.

I do not consider that I have been given a fair go by Mr Windsor or that I or any other citizen is given a fair go by the parliamentary system. This is due to the ability of persons, such as Mr

Windsor, to improperly and unfairly attack members of the community under parliamentary privilege, whether in the House or before a committee such as this. Whilst I will be able to place some material on the public record today, I will never be able to adequately compensate for the harm done to me and my family by Mr Windsor's scurrilous allegations.

Mr Windsor has been associated with the Australian Equine and Livestock Centre proposed for Tamworth for some 12 years. This was both as a state parliamentary representative and as a federal parliamentary representative. Despite that long association, the reality is that Mr Windsor has been unable to deliver and get the project across the line. Mr Windsor has been ineffectual in that regard. In the same way I believe he is unfortunately becoming ineffectual in his wider electoral representation.

I became associated with the project some 18 months ago as a result of a direct request for my involvement by Mr Windsor. Prior to that approach I had been associated with Mr Windsor on a personal level and as a campaign supporter at both the state and federal levels. I had previously been a strong supporter of Mr Windsor and had done everything to further his political career and standing in the community, as I used to believe in and have faith in Mr Windsor. That is no longer the case. As a result of Mr Windsor's discredited and offensive allegations against me and the Deputy Prime Minister, and as a result of matters of record in parliament and before this Senate inquiry by Mr Windsor, which I believe to be untrue, I no longer regard Mr Windsor as a worthwhile individual warranting support or respect by me or other persons in the New England electorate.

I would like to comment on the AFP investigation. When I was interviewed by the Australian Federal Police about this matter, and as can be seen from my formal written submission to this inquiry, there was no suggestion put to me that funding for the Australian Equine and Livestock Centre was dependent upon Mr Windsor's resignation as a member of federal parliament. There was no suggestion put to me that the centre would not be funded under the Regional Partnerships program if Mr Windsor were associated with it. There was no suggestion put to me that I had told Mr Windsor or Mr Hall that I would be prepared to lie about these matters, and I reject those suggestions. There was no suggestion put to me that Mr Anderson had told me to get my 'mate' Mr Windsor to 'pull back'—my comment on Mr Windsor's evidence to parliament and the Senate.

Not only were none of these matters put to me by the AFP but I also deny them in any event, and I consider them to be part of a number of misleading statements and specific untruths by Mr Windsor to the House of Representatives and to this Senate inquiry. One of these specific matters is that Mr Windsor had resigned from the board of the Australian Equine and Livestock Centre because the Deputy Prime Minister had made it a condition of funding for the centre that he do so. This is untrue, as I personally was responsible for asking Mr Windsor to resign from the board. I discussed the matter with Mr Windsor, and he agreed to step down from the board.

I had a similar discussion with the other politician on the board, the Independent state member for Tamworth, Mr Peter Draper. He also agreed to stand down from the board. In neither case did I tell them, nor was it a requirement, that they must not be associated with the centre in order for it to receive funding at either the federal or state government level. My reason was that it seemed to me to be better not to have Independent members of state and federal parliament on the board

when we were seeking funding from a state Labor government on the one hand and a Liberal-National coalition on the other hand.

Accordingly, I did not remove Mr Windsor from the board, in circumstances as alleged by him or at all. In fact, I did not have the power to remove him from the board. He stood down from the board by agreement with me, as did Mr Draper. It was my personal view that it was better not to have any politicians on the board. I also told Mr Windsor and Mr Draper that, once we had the centre up and running, if they wanted to go back on the board then that would be fine as far as I was concerned. Their agreement to stand down was not a major issue at the time. In Mr Windsor's maiden speech in federal parliament on 14 February 2002 he told the House of Representatives:

> There are a couple of local electorate issues that I would urge the ministers involved to take up. One is in the city of Tamworth where we are embracing a national equine centre. Australia does not have a national equine centre where events of international significance can be put on. Currently the Tamworth community has raised $10.5 million to go towards the $14 million project and requires $3.5 million from the federal government. I am sure the Minister for Transport and Regional Services will look on that favourably.

That is in the *Hansard*. The truth is that $10.5 million had not been raised or committed from the Tamworth community at that time. There were no formal agreements. They were not even MOUs, memorandums of understanding, in existence either then or subsequently, by the time I was appointed chairman, for any such funding.

Mr Windsor has told this inquiry that the submission recently put by the reconstituted committee of which I am chairman was the same submission as he and the committee of which he had formed a part for the last 12 years had been unsuccessfully putting to the federal and state governments for support. That is patently untrue. The previous submission, which should be available from the local area consultative committee or elsewhere, was quite different in its presentation by and assessment on behalf of the committee. Unlike the current submission, the previous submission was not supported by commitments to the extent of $2 million from the equine industry and $3 million from the Tamworth Regional Council, as the current submission is. The previous submission was not self-sufficient even if the requested government funding was granted. Rather it was a submission which on its face showed a $5 million shortfall. There is no basis for Mr Windsor to assert that the submissions were the same. For Mr Windsor to now seek personal credit, effectively, for the current submission, which has received a favourable recommendation for approval, is also quite wrong and misleading.

Mr Windsor has given evidence to this inquiry to the effect that I gave him limited support in his election campaigns—that I gave some help in 2001, according to his evidence with, 'some advice to terms of advertising' and I 'approached a few people to help' raise money for his campaign—and he was 'not aware that I had made any personal contribution'. The reality, as Mr Windsor well knows, as would his campaign manager, Mr Stephen Hall, is that I was very influential in attracting financial support for him from the business community in the Tamworth region. I also organised a major part of his federal television marketing campaign strategy and placement for the 2001 federal election. In addition, for his successful campaigns in his 10-year term as an Independent member for Tamworth in the state parliament, I assisted him both in raising financial support and with advice as to his television campaign placements and strategies.

Mr Windsor is also aware that my companies have made substantial financial contributions to his political campaigns over the years.

Mr Windsor also told this committee that he worked hard with the local area consultative committee in connection with the proposal for the funding of the Australian Equine and Livestock Centre under the Regional Partnerships program. The local area consultative committee now has direct responsibility to receive and process such applications. Previously the local area consultative committee did not have such a direct role when they were responsible for the Regional Solutions Program, which was an initiative of the previous federal Labor government.

I do not know how Mr Windsor could give that evidence to this inquiry. I say that because of discussions I have had with Mr Kevin Humphries, the chairman of the local area consultative committee, the LACC. Mr Humphries said that Mr Windsor chose to ignore the LACC's advice and to bypass them. Mr Humphries assumed that this was because Mr Windsor thought that the committee somehow represented the government and therefore he would be beholden to the Deputy Prime Minister, Mr John Anderson. It is my view that Mr Windsor has had an abiding and unbalanced hatred of Mr Anderson ever since Mr Anderson was selected by the National Party for the federal seat of Gwydir instead of Mr Windsor. I understand from Mr Humphries that he went to see Mr Windsor about the centre after Professor Chudleigh's report rejecting the previous proposal from the committee of which Mr Windsor formed part. Mr Humphries told Mr Windsor that it was of critical importance that the project association, the P and A, which owns the Tamworth Showgrounds, be brought on side. The P and A had to support the creation of the new centre and to agree to move their activities to the new centre, despite the fact that they had been in existence on the showground site for over 100 years. It is in fact a requirement of the Regional Partnerships program that any proposal should have community support and should not be divisive. Accordingly, without that fundamental issue being addressed—and it was not addressed in the 12 years that Mr Windsor was associated with the matter—the project was doomed to failure and would not receive the required funding from the federal government. However, Mr Windsor was not prepared to work with Mr Humphries and the local area consultative committee. He wanted to run his own race.

Mr Windsor's latest attack on me in his evidence to this inquiry, aided and abetted by his campaign manager, Mr Hall, now adds insult to injury by stating that the bribery allegations—now discredited by the Australian Federal Police and the Commonwealth Director of Prosecutions—against me and the Deputy Prime Minister, Mr Anderson, are matters about which I was supposedly prepared to lie. I deny that allegation. This new allegation was never raised by Mr Windsor in May 2004, nor was it ever put to me by the Australian Federal Police in November 2004, nor was it raised by Mr Windsor in the House of Representatives when he dealt with his claims on a number of occasions in November 2004. Rather, it comes as some sensationalised further revelation when he gives evidence to this committee in February 2005.

To me, the timing of this aspect has remarkable similarities to the belated disclosure of what Mr Windsor now says was a grossly offensive offer allegedly put by me to Mr Windsor on behalf of the Deputy Prime Minister, Mr Anderson, in May 2004. The significance of such allegations would and should have been fully appreciated by Mr Windsor, if they were made, which I deny. This is because of Mr Windsor's knowledge of the Terry Metherill affair in state parliament, which this inquiry had already explored with him. Mr Windsor's original throwaway comment

has come back to haunt him. As well as seeking to justify that comment, he has now seen it as an opportunity to get even with his former National Party colleagues.

In particular, in my view, Mr Windsor is paranoid about the Deputy Prime Minister, Mr Anderson. I am now the meat in the sandwich in Mr Windsor's ongoing vendetta against the Deputy Prime Minister of Australia. Mr Windsor seems prepared to go to any length to blacken the Deputy Prime Minister's name and does not care what harm he does in seeking to achieve that outcome, in my view. I also believe that every time Mr Windsor sees the Deputy Prime Minister of Australia he believes that he, Mr Windsor, and not Mr Anderson, should be in that position. In the circumstances, I totally reject Mr Windsor's allegations against me. I also totally reject Mr Windsor's standing as a person of truth because of the matters referred to by me. For me, Mr Windsor no longer has any credibility.

I continue to fully support the concept of the Australian Equine and Livestock Centre and maintain that the proposal to establish it at Tamworth on the greenfield site acquired by the Tamworth Regional Council stands on its objective merits. The project justifies funding by both state and federal governments and, in particular, funding as proposed under the Regional Partnerships program. Whether this inquiry does or does not choose to do anything to protect my standing and reputation in the community, or whatever else it does, I consider that this inquiry should be able to reach the same conclusion and support the funding for the centre.

CHAIR—Thank you, Mr Maguire. Members of the committee, who would like to start the questioning?

Senator O'BRIEN—I am happy to start. Mr Maguire, thank you for coming and joining us today. Did you prepare the statement that you have just read to us?

Mr Maguire—I did.

Senator O'BRIEN—I take it that the sworn declaration that was tendered as your submission was prepared with the assistance of legal practitioners?

Mr Maguire—It was.

Senator O'BRIEN—But not the opening statement?

Mr Maguire—That is correct.

Senator O'BRIEN—In terms of your appearance today, did you have discussions with anyone about the content of the submission that you have just presented to us?

Mr Maguire—The only person I have had discussions with is my legal adviser.

Senator O'BRIEN—So you had discussions with your legal adviser about this document, but you prepared it yourself?

Mr Maguire—My opening statement is mine; for my affidavit I was assisted by my lawyers.

Senator BRANDIS—The sort of ego that might imagine that, had it been otherwise, he would be where Mr Anderson is now.

Mr Maguire—Correct.

Senator BRANDIS—The sort of ego that would breed deep resentment at that lost, imagined career.

Mr Maguire—It is very public that everybody knows of the hatred that Mr Windsor has for Mr Anderson. There is an ingrained hatred that has been there for a long time. That is very clear—and it is very clear to the electorate of New England.

Senator BRANDIS—And that hatred, from what I hear you say, is a hatred which includes deep resentment?

Mr Maguire—Yes.

Senator BRANDIS—That is what I thought.

Senator CARR—Mr Maguire, in your opening statement you said, 'My companies have made substantial financial donations' to Mr Windsor. What is the extent of those substantial financial donations?

Mr Maguire—I believe they are a private matter.

Senator CARR—Unfortunately, under the laws of this country they are not private.

Mr Maguire—No. You can find them. The Electoral Commission will have documentation on—

Senator CARR—I have had a look at the declarations and I do not see a name on them. I am wondering how that might be.

Mr Maguire—That is because it would be under a company name.

Senator CARR—Which companies?

Mr Maguire—I do not think it is necessary that I sit here before you telling you that I put money into Tony Windsor's campaign. I have said in my opening statement that I have done so.

Senator CARR—Mr Maguire, the reason I have asked you this question is that—

Mr Maguire—You have the statement. You have the New South Wales—

CHAIR—Excuse me, Mr Maguire. Let Senator Carr ask the question.

Senator CARR—You have raised the question. I am not trying to be difficult with you. You have raised this issue. You have stated bluntly in your evidence that you have made substantial financial donations to Mr Windsor. I cannot find them in the declarations. Any donation over $200 is required by law to be declared. Has there been an error somewhere or have you misled the committee?

Mr Maguire—I have not misled the committee. You do not have the documents there for the New South Wales government.

Senator CARR—I see. That helps me further.

Mr Maguire—Let me have a go. The documents would show that my companies have donated. I also have donated in terms of putting funds into Mr Windsor's campaign under my companies' names. That could be under one of several companies' names and I do not believe it is necessary for me to tell you the names of those companies.

Senator CARR—Are you are saying that you gave support to Mr Windsor while he was a member of the New South Wales parliament?

Mr Maguire—Yes. That is correct.

Senator CARR—So you have not done so while he has been a member of the federal parliament?

Mr Maguire—He has only been elected to the federal parliament once whilst I have been supporting him. I did not support him at the last election.

Senator CARR—That helps me. That accounts for the fact that it is not on the federal declaration. So you made no financial contributions to his campaign.

Mr Maguire—I made no contributions to his—

CHAIR—Order! I think we have been going along quite well. Mr Maguire, you should allow Senator Carr to finish the question and, Senator Carr, you should allow the witness to complete his answer. Sorry, Mr Maguire.

Mr Maguire—I did not make any contributions in 2004 because, if you remember, the election was called after Mr Windsor had decided to cut my head off.

Senator CARR—I see. At what point did the financial contributions you made to Mr Windsor cease? When was the last time you made a substantial financial contribution, as you have said in evidence today?

Mr Maguire—I believe we would have made contributions for the 2001 election.

Senator CARR—The trouble is, I have the returns for the 2001 election before me and I cannot find your name on them. Can you indicate to me how much you donated? Was it less than $200? That would account for the fact that it is not on the declarations.

Mr Maguire—My recollection is that in 2001 it would have been several thousand dollars.

Senator CARR—Can you recall the companies through which you donated that money?

Mr Maguire—I cannot. I own 37 companies.

Senator CARR—Thirty-seven? Do they all operate in Tamworth?

Mr Maguire—They do not.

Senator CARR—It may have been one of those companies that operated outside Tamworth?

Mr Maguire—Correct.

Senator CARR—And you believe it to be in excess of several thousand dollars?

Mr Maguire—It was not several thousand dollars. Normally I would have given Tony probably anywhere between $3,000 and $5,000. The benefit I gave to Tony was in the marketing of his TV campaigns. Before I came along, his strategy and his television campaigns were very amateurish.

Senator CARR—Okay. I am just struck by the evidence you gave to the committee about your companies providing substantial financial donations over and above the media guidance you have provided.

Mr Maguire—I have only had one opportunity in the federal field because Mr Windsor has only been in that parliament for just over one term. I am referring to this: I have made funds available to Mr Windsor's campaigns when he was also in the New South Wales parliament.

Senator CARR—I am not here to try to question you about the merits of donating to a federal campaign. I am just interested in the submission you have put to this inquiry because I am trying to establish, as you are aware now, the nature of 'truth' and 'credibility', which are the words you have used. I think it is appropriate that we establish what you mean by these terms. You say that Mr Windsor was paranoid. What evidence do you base that claim on?

Mr Maguire—It is very easy. When I was involved with Mr Windsor at meetings—strategy meetings and marketing meetings whenever there was an election being held or whatever—always Mr Windsor was totally concerned about Mr Anderson and was paranoid about Mr Anderson. It is a personal issue.

Senator CARR—How did he express that personal issue?

Mr Maguire—In comments.

Senator CARR—In your affidavit you say 'in general discussions with Mr Anderson prior to the meeting of the 19th'. I do not recall you actually acknowledging anywhere before that you had a meeting, so you are now acknowledging there was a meeting—

Senator BRANDIS—I have a point of order.

CHAIR—What is your point of order, Senator Brandis?

Senator BRANDIS—The point of order is badgering. Senator O'Brien has come at this about 10 or 12 times and the witness has given the same answer 10 or 12 times to questions which are essentially the same question, namely, do you remember now—

CHAIR—There is no point of order.

Senator BRANDIS—Two or three times is fine, but it is not fine to do it 10 or 12 times and then to run an editorial commentary on the answers when he has already given his answer. You should exercise a bit more control, Mr Chairman.

CHAIR—And you should control your propensity to interject when you think—

Senator BRANDIS—This is the only time that I have interjected all day.

CHAIR—I know, and we have been going very well because you have not interjected all day.

Senator BRANDIS—That is because the questions have not been badgering.

CHAIR—It is not badgering.

Senator O'BRIEN—I have simply offered Mr Maguire an opportunity to remove a serious doubt that is in my mind now.

Mr Maguire—That is your choice.

Senator O'BRIEN—So you have nothing further to say?

Mr Maguire—I have nothing further to say.

Senator O'BRIEN—I have questions on another matter that I want to pursue. Senator Carr asked about donations to Mr Windsor's 2001 campaign. You have effectively declined to nominate the companies that made those donations. Can you tell us whether those companies have complied with the law in declaring the donations?

Mr Maguire—Yes, they would have.

Senator O'BRIEN—You are inviting us to make the searches and identify them rather than you telling us? They are on the public record; searches can be made. I just want to find out why we need to hide behind this—

Mr Maguire—I do not know the company or the name. I do not know that.

CHAIR—Mr Maguire, would you be prepared to give the committee a list of the companies that you own?

Mr Maguire—Yes.

Senator O'BRIEN—That is fine.

Senator CARR—We can take it from there.

CHAIR—Mr Maguire, you can supply that to the secretary.

Senator CARR—You say that there was a critical point—and I asked questions before about this matter—where you felt that Mr Windsor was going to 'burn' you. I think that was the expression you used.

Mr Maguire—Yes.

Senator CARR—Can you recall the circumstances when you realised that?

Mr Maguire—I am reasonably brain dead after 2½ hours, but I will try. The sin was caused on 19 May. That is when I caused the sin. Why did Mr Windsor wait through May, June, July, August and September? Why did he wait for five or six months? If I had approached him with an offer from the Deputy Prime Minister of Australia, why did he wait? Because no such thing happened. What has happened is very clear. Mr Windsor had dug the hole by making the comment: 'I was approached a few months ago or whatever.' I think he used another chap's name; someone else had approached him earlier on. I think that was in his statement. Nothing happened. Then it was picked up again. It ran further and then I think the Prime Minister got involved and asked him to name names. It goes on from there. That is very easy to see.

Senator CARR—There was a discussion at one of these meetings—I have the date here—where it is alleged that you advised Mr Windsor that there would be no further call for names to be named? Do you recall that conversation? Or was there no such conversation?

Mr Maguire—I made what?

Senator CARR—It has been put to us in evidence that in a telephone conversation on 27 September—

CHAIR—You should advise the witness of whose evidence it is.

Senator CARR—Mr Stephen Hall advised us that on 27 September you rang at 7.30 a.m. and advised that you had spoken to Mr Anderson who had agreed to stop calling for the names.

Mr Maguire—That is totally incorrect.

Senator CARR—It did not happen?

COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

ESTIMATES

(Supplementary Budget Estimates)

TUESDAY, 31 OCTOBER 2006

CANBERRA

BY AUTHORITY OF THE SENATE

Mr Dacey—There is no government funding for it, no.

Senator ROBERT RAY—No; but there used to be?

Mr Dacey—Yes. We are still a member. We are a non-financial member.

Senator ROBERT RAY—That is right. We get all the benefits but we do not pay the fee. I am not drawing any other analogies! In the last financial year, have there been any prosecutions for electoral fraud and, if so, how many have there been?

Mr Campbell—By 'electoral fraud'—

Senator ROBERT RAY—You refer to it in your annual report, I think; I am using your terminology.

Mr Campbell—I think it is zero, but I do not want to mislead you; I will just confirm the zero.

Senator ROBERT RAY—It is not an ambush question. I am just—

Mr Campbell—No, I understand that, Senator, but I do not want to mislead either.

Mr Dacey—From memory, there could have been one or two cases that were referred but for whatever sorts of reasons there was no further action taken. So there have been no prosecutions.

Senator ROBERT RAY—Get back to me if that answer needs correction, if you could.

Senator FAULKNER—Could we just have our brief compliance status report? We normally get a—

Mr Dacey—Sure.

Mr Campbell—Do you want to do that now?

Senator FAULKNER—I thought it would be a useful time to do it. It is becoming a briefer report, which is good.

Mr Bodel—We have four special matters currently on the table. The first is the Tony Windsor Greg McGuire matter. During committee hearings by this committee into the Regional Partnerships and Sustainable Regions programs, it was revealed that Greg McGuire may have made disclosable donations to Tony Windsor. That matter is still under consideration, but it is my expectation that we may not end up with a result in that matter, mostly because the evidence we have to rely on is evidence protected by parliamentary privilege, which means that we cannot actually use our powers to demand the production of documents and that sort of thing.

The second matter is the Kelvin Thomson section 311A matter, which is about whether parliamentary departments have correctly reported against the Commonwealth Electoral Act in their annual reports. That matter is all but complete. I think we can wrap that one up fairly quickly.

The third matter is the Exclusive Brethren third-party return for the 2004 federal election. That matter is progressing considerably more rapidly than I had anticipated, and I expect that we will wrap that one up also in a very short time.

Senator FAULKNER—By 'very short time' what do you mean? Before the end of the calendar year, effectively?

Mr Bodel—Yes—before the end of the calendar year. We are just waiting on one matter in relation to that one. We have a new one that has not been notified at previous estimates hearings, and that is the Wielangta Fighting Fund. This was referred to us. It is a fund that is supported by Senator Brown, who, I understand, is taking some legal action to prevent logging in a forest in Tasmania.

Senator FAULKNER—Senator Bob Brown?

Senator ROBERT RAY—You need to be more specific about which Brown.

Mr Bodel—Senator Bob Brown.

Senator ROBERT RAY—Not Senator Carol Brown.

Mr Bodel—My apologies, Senator.

Senator FAULKNER—What is the fund called?

Mr Bodel—Wielangta. There is a question about whether that is an associated entity or not.

Senator FAULKNER—How did that one come to your attention?

Mr Bodel—That was referred to us as a complaint and it has been in the media since.

Senator FAULKNER—Yes. But it was formally referred?

Mr Bodel—Yes.

Senator FAULKNER—And so who referred it?

Mr Bodel—Senator Abetz referred that.

Senator FAULKNER—And was Senator Abetz the Special Minister of State when he referred that?

Mr Bodel—No, he was not.

Senator FAULKNER—Can you give me the date of referral of that matter? You can take it on notice.

Mr Bodel—Yes. I can get back to you with that.

Senator FAULKNER—Thank you.

Senator ROBERT RAY—While we are on that subject, I will ask about two other cases that you are apparently not investigating. I noticed in the Melbourne *Herald Sun* on Tuesday, 11 July 2006, that a journalist claimed that Mr John Pasquarelli has now revealed that a senior Liberal Party official paid him to run as an independent so he would direct preferences back to the Liberals. Is that more a matter of electoral fraud or is it a matter for you?

Mr Bodel—It is not a matter for funding and disclosure.

Senator ROBERT RAY—What does the commissioner say? Have you read the contents of this article and investigated it?

Mr Campbell—It was referred to the AFP and it is still with them.

Senator ROBERT RAY—If it is still with the AFP, I will not pursue it any further. Again, I am basing this next question on a newspaper report; the second qualification is that it is from the *Australian*. I am not sure how much credibility you want to give it. The *Australian* of 31 August, on page 2, says that a very prominent Queensland businessman and former member of the Liberal Party, Mr Russell Galt, 'claims the federal Liberal Party set up a secret account that paid $140,000 to end his court case against Dr Flegg'. Has there been any investigation about this account? Do we know whether it exists or whether it is just a rhetorical claim made by a disaffected party member?

Mr Bodel—We are not aware of the specifics of the case you are referring to, but I will look at it. As a general principle, we would not look into a claim about that until the correct disclosure period had come and gone, to see if it had been appropriately disclosed. It would largely depend on when the payment was claimed to have been made.

Senator ROBERT RAY—It was some time ago. The article goes on to claim that Senator Santoro and Mr Michael Johnson MP held functions to raise money for the account. If they raised—

Senator FAULKNER—The usual suspects.

Senator ROBERT RAY—They may have been flops. They would have to have exceeded, at that time, $1,500, I think, for it to be declarable.

Mr Bodel—Yes.

Senator ROBERT RAY—You did not pick up this issue out of the newspaper at the time?

Mr Bodel—No, we did not.

Senator ROBERT RAY—Would it have been more helpful if some anonymous pimp had referred it to the Electoral Commission or the minister's office? Would that have made a difference?

Mr Bodel—It is a fair point, Senator. We should have picked it up.

CHAIR—Mr Bodel, I have a question following up on something you said before. When you referred to the McGuire-Windsor matter, you said something along the lines of that could not be pursued because of issues of privilege. Could you just expand upon what you meant?

Mr Bodel—The AEC has powers to demand the production of documents and evidence in the pursuit of seeing whether someone has a disclosure obligation. All of the evidence that we have that a disclosure obligation exists came as a result of evidence to the committee. It is protected by parliamentary privilege, and we were a little concerned about exercising those powers in relation to evidence that is protected by parliamentary privilege.

CHAIR—To my understanding, though, you could not use the information which was in the parliamentary domain for the purposes of your investigation, but that would not preclude you from making your own independent inquiries.

Mr Bodel—That is correct. Those inquiries have been undertaken and we have not been able to draw any further evidence. So we have undertaken inquiries outside of the evidence that was given to the committee, but they have drawn a blank so we have fallen back on the evidence of the committee.

CHAIR—It is not privilege that is preventing the AEC from investigating?

Mr Bodel—No. It is just that we have followed all lines of inquiry and cannot go any further.

Senator ROBERT RAY—Has the Electoral Commission done population projections into the future, based on the Bureau of Statistics figures, and any calculations as to likely seat movements when the appropriate time comes—I think it is 13 months after the next election? Sometimes you do projections to see whether or not you think there will be movement.

Mr Campbell—Yes, Senator. You might be aware that there is a particular section in the act—section 63A—and you know that there is a projection time frame that is set up which is the norm. Section 63A enables the Electoral Commission to actually shorten that term if there is going to be a change in the state. So, when the process of setting up the redistribution was undertaken in Queensland, it was decided to use a shortened time there because all of the indications from the figures we have from the Bureau of Statistics say that, when we get to 12 months after the 2007 election, the quota will mean that Queensland will get another seat and will go from 29 to 30.

Senator ROBERT RAY—Is there any problem with supplying the committee with your projections?

Mr Campbell—No.

Senator ROBERT RAY—Yes, we can go to the Parliamentary Library and spend hours on it—

Mr Campbell—No; no problem. But to answer the second part of the question—or to go to the other side of the coin—if that occurs, the data tells us that it will either be an additional seat to go to 151 or it will be a loss of a seat in Victoria. South Australia, Western Australia and New South Wales, because of what has happened recently, will not lose, but Victoria is on the cusp.

Senator ROBERT RAY—On the cusp. Right. If you could supply us with those, that would be good.

Mr Campbell—Yes, sure.

Senator ROBERT RAY—Can you give us an update on the implementation of the Minter Ellison review on postal voting support services.

Mr Pickering—Senator, the recommendations of the Minter Ellison report were fed into the Joint Standing Committee on Electoral Matters as well—a copy of the report was provided to them—and a number of those recommendations came out as recommendations of the committee as well. All of those recommendations are being acted on and I would be happy to provide you with a status report, on notice, on those recommendations if that would help.

Senator ROBERT RAY—Yes, that would be good. Was there a separate early voting review?

Mr Pickering—Do you mean a pre-polling review?

Senator ROBERT RAY—Yes.

FOLIO
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Extract from *Journals of the Senate*

No. 128 – 7 February 2007 – page 3382

13 **PRIVILEGES—STANDING COMMITTEE—REFERENCE**
Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Committee of Privileges:
Having regard to the material presented to the Senate by the President on 6 February 2007, whether any false or misleading evidence was given to a Senate committee, whether there was any improper refusal to provide information to a committee, and whether any contempt was committed in that regard.
Question put and passed.

AUSTRALIAN SENATE
CANBERRA ACT

rn/pr/misc/6116

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
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EMAIL: Priv.sen@aph.gov.au

1 March 2007

PRIVATE AND CONFIDENTIAL

Senator Brett Mason
Chair
Senate Finance and Public Administration Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Mason

As you would be aware, the following matter was referred to the Committee of Privileges on 7 February 2007:

> Having regard to the material presented to the Senate by the President on 6 February 2007, whether any false or misleading evidence was given to a Senate committee, whether there was any improper refusal to provide information to a committee, and whether any contempt was committed in that regard.

A statement by the President of the Senate, Senator the Hon Paul Calvert, on the 6 February 2007, when giving precedence to the notice of motion, and associated documents are enclosed for the committee's information.

The Committee of Privileges would appreciate receiving from the Finance and Public Administration Committee copies of correspondence or records of communication between the committee and its predecessor, and Mr Greg Maguire, referred to in the enclosed documents.

The Committee of Privileges would also appreciate any written comments the Finance and Public Administration Committee may wish to make on the matter.

The Committee would appreciate the documents and any comment from the Finance Committee as soon as possible, but in any event no later than 4 May 2007. They should be sent to Rosemary Laing, the Secretary to the Committee. The committee would expect all documents and submissions to be made public at an appropriate stage of the inquiry in accordance with its usual practice.

Yours sincerely

Senator John Faulkner
Chair

FOLIO
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AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

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rn/pr/misc/6115

1 March 2007

PERSONAL AND CONFIDENTIAL

Mr Greg Maguire
Quality Hotel Powerhouse
Armidale Road
TAMWORTH NSW 2340

Dear Mr Maguire

As you may know, the following matter was referred to the Committee of Privileges on 7 February 2007.

> Having regard to the material presented to the Senate by the President on 6 February 2007, whether any false or misleading evidence was given to a Senate committee, whether there was any improper refusal to provide information to a committee, and whether any contempt was committed in that regard.

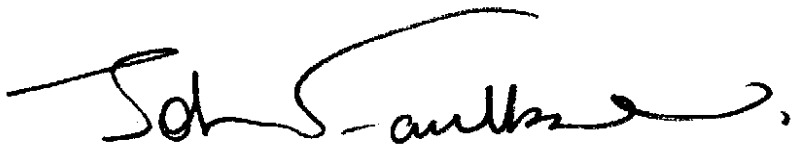
A statement by the President of the Senate, Senator the Hon. Paul Calvert, on 6 February 2007, when giving precedence to the notice of motion, and associated documents are enclosed for your information. These documents set out the particulars in which it is alleged that you may have given false or misleading evidence to the Senate Finance and Public Administration Committee, and its predecessor, and improperly refused to provide information to the committee.

The Committee of Privileges would appreciate any written comments you may wish to make on the matter. To help you in the preparation of any such comments, I enclose a copy of the Committee's 125th Report, which describes its operations and includes as appendices the *Parliamentary Privileges Act 1987* and Senate Privilege Resolutions of 25 February 1988. I draw your attention, in particular, to Privilege Resolutions 1 and 2 on pages 96 to 99 of the report.

The Committee would like to receive your comments as early as possible, but in any case no later than 4 May 2007. It would be of help to the Committee if you were to forward the comments to Rosemary Laing, Secretary to the Committee, Parliament House, Canberra, ACT 2600. While submissions are confidential until the Committee authorises their release, the

Committee normally assumes that they will be made public at an appropriate stage of an inquiry unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to get in touch with the Secretary on the above telephone or fax numbers.

Yours sincerely



Senator John Faulkner
Chair

AUSTRALIAN SENATE
CANBERRA ACT

FOLIO
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rm/pr/misc/6120

COMMITTEE OF PRIVILEGES

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1 March 2007

Mr Harry Evans
Clerk of the Senate
Parliament House
Canberra ACT 2000

Dear Mr Evans

At its meeting this morning, the Committee of Privileges resolved to seek your advice on two matters in relation to its current reference involving possible false or misleading evidence or improper refusal to provide information to a Senate committee.

The first is whether there is any difference between the following scenarios for the purpose of determining whether an action may constitute a contempt:

- A witness gives an undertaking to a committee to provide information to it after a hearing and fails to do so despite several requests from the committee;

- A witness fails to produce information to a committee after having been formally ordered to do so.

The second is what steps the committee would need to follow before making a finding of contempt.

The committee would appreciate receiving your advice in due course, but in any event no later than 4 May 2007.

Yours sincerely

Senator John Faulkner
Chair

AUSTRALIAN SENATE

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CLERK OF THE SENATE

hf.let.15346

12 March 2007

Senator John Faulkner
Chair
Committee of Privileges
Parliament House
CANBERRA ACT 2600

Dear Senator Faulkner

POSSIBLE CONTEMPTS – FALSE OR MISLEADING EVIDENCE, REFUSAL TO PROVIDE INFORMATION TO COMMITTEE

Thank you for your letter of 1 March 2007, in which the Committee of Privileges seeks advice on two matters in relation to the committee's current inquiry involving possible false or misleading evidence or improper refusal to provide information to a Senate committee.

The committee asks whether there is any difference between two situations for the purpose of determining whether an action may constitute a contempt:

- a witness gives an undertaking to a committee to provide information to it after a hearing and fails to do so despite several requests from the committee
- a witness fails to produce information to a committee after having been formally ordered to do so.

The contempt of refusing to provide evidence to a committee is referred to in paragraph (12) of Resolution 6 of the Senate's Privilege Resolutions of 1988 in the following terms:

> A witness before the Senate or a committee shall not:
>
> .....
>
> (b) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so;
>
> .....

This provision applies to questions put in writing as well as to questions put orally at a hearing.

It is clear from this formulation that the contempt of refusing to answer a question occurs when there has been a requirement for a witness to do so. In other words, a witness is not guilty of the contempt unless there has been a requirement to answer a question.

This necessity of a requirement to answer is also made clear by paragraph (10) of Privilege Resolution 1, which sets out the process to be followed by a committee when a witness objects to answering a question. Under that provision, a committee is not to report a witness to the Senate for refusal to answer a question until the committee has considered the objection and informed the witness that the committee requires an answer to the question.

It has always been thought that it would not be fair to a witness to require the witness to answer a question where the witness appears voluntarily, and that a requirement to answer should be imposed only on a witness who has been formally summoned to appear. In the past, therefore, committees have formally summoned witnesses to appear before requiring that they answer questions, and have made a break in their proceedings for that purpose where a witness initially appears voluntarily. In effect, that practice is preserved in paragraph (10) of Privilege Resolution 1, and a witness who, in accordance with that provision, is recalled and informed of a requirement to answer is effectively under summons.

There is no prescription in the rules of the Senate of any particular form of words which must be used by a committee in requiring a witness to answer a question. The only obligation imposed on a committee by the Senate's rules is that the committee must indicate that it requires an answer. Committees have used various terms to indicate that they require answers to be provided or information to be supplied.

In that context, and with reference to the first of the two situations postulated by the Privileges Committee, it may be that repeated requests from a committee to supply information which a witness, appearing voluntarily, has undertaken to supply, may be regarded as sufficiently indicating that the committee has required the witness to respond. This may be particularly so where the committee has informed a witness of the possible consequences of a failure to respond, as the Finance and Public Administration Committee apparently did, according to the letter of Senators Forshaw and Murray in which they raise the matter now before the Privileges Committee.

Whether the committee sufficiently indicated that it required the witness to respond is a matter for the Privileges Committee to assess in the course of its inquiry and in the light of all the facts of the case.

In relation to the second of the two situations postulated by the Privileges Committee, clearly where a witness has been formally ordered by a committee to produce information and fails to do so, the primary condition for the contempt, that is, a requirement by the committee to respond, has been met.

The Senate's formulation of this contempt, whereby a requirement or order to answer is a precondition of the failure to do so being held to be a contempt, concurs with the traditional understanding of this contempt in both parliamentary and judicial proceedings.

It is noted that the other contempt possibly involved in the committee's inquiry, that of giving false or misleading evidence, does not depend on the witness being summoned or required to answer a question. The Senate's formulation of that contempt in paragraph (12) of its Privilege Resolution 6 is:

> A witness before the Senate or a committee shall not:
>
> .....
>
> .....
>
> (c) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

Thus the offence hinges on the materiality of the evidence but not on whether the witness is under summons or has been required to answer a question. Again, this formulation concurs with the traditional understanding of this contempt in both the parliamentary and judicial contexts.

The Privileges Committee also asks what steps the committee would need to follow before making a finding of contempt.

In relation to the contempt of refusal to answer, the committee would need to examine the terms of the transactions between the Finance and Public Administration Committee and the witness concerned, to ascertain whether, in all the circumstances, that committee sufficiently indicated that it required an answer to its question.

The committee would then need to determine whether the witness knowingly failed to comply with the requirement. Again, that assessment would be based on the circumstances of the transactions with the witness.

The Senate's formulation of the contempt also in effect provides a witness who refuses to respond to a requirement by a committee with the defence of reasonable excuse.

The category of possible reasonable excuses is not, and cannot be, exhaustively specified, but obviously covers such things as the information not being available to the witness, possible unreasonable breach of the privacy of the witness or of another person, and so forth. In general the possibility that provision of certain information to a committee could lay a witness open to some kind of legal liability is not a reasonable excuse in the context of parliamentary proceedings, because parliamentary privilege absolutely protects a witness against any such liability. It may be, however, that the possibility of a witness indirectly incurring such a liability, for example, by alerting law enforcement agencies to

a possible offence and, as it were, setting such agencies on the trail of the witness, could be accepted by a committee as a reasonable excuse.

The Privileges Committee's assessment of whether the witness concerned had any reasonable excuse for refusing to provide information would obviously depend on the witness raising an excuse. Before considering whether the witness had any such excuse, therefore, the Privileges Committee would have to hear from the witness on that score.

The Senate's formulation of the contempt also raises the issue of whether a question which a witness has been required to answer was a relevant question. This is also in accordance with the traditional understanding of this contempt.

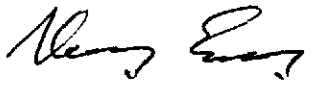
It appears from the letter of the senators raising the matter of privilege that the Finance and Public Administration Committee determined that the information it sought from the witness was relevant to the committee's inquiry. Considerable weight attaches to that committee's conclusion. It would be open to the Privileges Committee, however, to make its own assessment of the relevance of the information in determining whether a contempt was committed, as the commission of the contempt depends on the relevance of the information sought.

In relation to the possible contempt of giving false or misleading evidence, that contempt depends on the state of mind of the witness: the witness must know that the evidence given is false or misleading in a material particular or must believe that the evidence is not true or substantially true in every material particular. In order to assess whether that contempt has been committed, the Privileges Committee would have to make an assessment of that state of mind of the witness in all the facts and circumstances of the case.

As the matter before the committee involves a witness who is a private citizen, the additional considerations applying to a public service witness under the rules and precedents of the Senate have not been mentioned here.

If the committee requires any elucidation of these points or any additional information I would be pleased to respond accordingly.

Yours sincerely



(Harry Evans)

THE SENATE

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

29 March 2007

Dr Rosemary Laing
Secretary
Committee of Privileges
Australian Senate
Parliament House
Canberra ACT 2600

Dear Dr Laing

I refer to the letter of 1 March 2007 from Senator Faulkner, Chair of the Committee of Privileges, to Senator Mason, then Chair of the Standing Committee on Finance and Public Administration, regarding a matter referred to the Committee of Privileges on 7 February 2007.

The Standing Committee has authorised me to respond on its behalf and forward copies of correspondence and records of communication between the committee, and its predecessor, and Mr Greg Maguire. The relevant documents are enclosed at attachment 1 to this letter.

On reviewing the files I need to make a correction to the record. In my letter to Mr Maguire of 15 November 2006, I mistakenly refer to a conversation between him and me in September 2005. As the email file note of 21 September 2005 shows, that conversation occurred between Mr Maguire and another member of the secretariat, Ms Alex Hodgson, not me. The substance of the conversation – Mr Maguire's indication that he would not be replying to the letter of 21 September 2005 – remains unchanged.

The Standing Committee appreciates the invitation to provide written comments on this matter but at this stage has decided not to do so. It is, of course, happy to provide any further assistance that the Committee of Privileges may require in its investigation of this matter.

As you would know, since Senator Faulkner's letter Senator Fifield has assumed the chair of the Standing Committee and Senator Mason is no longer a member.

Yours sincerely

Alistair Sands
Secretary

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(1)

AUSTRALIAN SENATE

FINANCE AND PUBLIC ADMINISTRATION

REFERENCES COMMITTEE

PARLIAMENT HOUSE
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3 February 2005

Mr Greg Maguire
Killoran Park
DUNGOWAN NSW 2340

Dear Mr Maguire

Inquiry into the Regional Partnerships Program and Sustainable Regions Program

As you would be aware from earlier correspondence, the Senate has referred the above matters to the Finance and Public Administration References Committee for inquiry and report by 15 August 2005.

The Committee considers that evidence that has been given to the inquiry and published by the Committee may reflect adversely on you. In accordance with the Privilege Resolutions agreed to by the Senate on 25 February 1988, the Committee invites you to respond to that evidence.

The relevant sections of the Privilege Resolutions are as follows:

(11) Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.

(12) Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.

(13) Where evidence is given which reflects adversely on a person and action of the kind referred to in paragraph (12) is not taken in respect of the

evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.

I am also obliged to draw to your attention that witnesses before Parliament's committees, and the contents of their evidence, are protected by the powers of the Houses of Parliament and by certain provisions of the 1987 Parliamentary Privileges Act. It is an offence punishable by fine or imprisonment to interfere with a parliamentary witness. Specifically, witnesses may not be improperly influenced by fraud, intimidation, force or threat nor may they be offered any inducement or bribe in relation to their evidence. No penalty or injury may be inflicted on a witness on account of their evidence.

Any response to the evidence should be in writing in the first instance and should be received by the Committee not later than **18 February 2005.** Your response will be afforded the same protection under parliamentary privilege as outlined above. The Committee may invite you to give oral evidence at a later date.

Enclosed for your information is a copy of the relevant evidence and terms of reference for the inquiry.

Please contact me on 02 6277 3530 or 0414 484 734 should you wish to discuss this matter.

Yours sincerely

Alistair Sands
Secretary

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Stephen N. Hall
150 Carthage Street
TAMWORTH NSW 2340

Mobile: 0407 924486
Email: lumberah@northnet.com.au

28th January 2005

Mr. A. Sands,
Secretary,
Finance and Public Administration Committee,
PARLIAMENT HOUSE ACT 2600

Dear Sir,

I write in response to your advertisement for submissions related to the proposed **Senate Inquiry into the Regional Partnerships Programme.**

I advise as follows:

1. I reside at 150 Carthage Street, Tamworth NSW 2340;
2. I am a Chartered Accountant and currently practice as a partner of Forsyths Chartered Accountants, 127 Marius Street, Tamworth NSW 2340;
3. I was the Campaign Manager for Tony Windsor, Federal Member for New England in the Federal Election held on Saturday 9th October 2004.

My submission includes an account of various telephone conversations and meetings between Mr. Greg Maguire, Mr. Tony Windsor, Miss Helen Tickle and myself relating to the National Livestock and Equine Centre and other related matters, made up as follows:

WEDNESDAY 19TH MAY, 2004

Meeting between Greg Maguire, Tony Windsor, Helen Tickle and Stephen Hall

On the morning of the 19 May 2004, Greg Maguire telephoned me and asked me to coordinate a meeting with Tony Windsor, Helen Tickle, Greg Maguire and myself at the Powerhouse Hotel. I advised Greg Maguire that I would speak to Tony Windsor and Helen Tickle and advise him when we would be available.

As a result of this conversation I contacted Tony Windsor and Helen Tickle and arranged a meeting at the Powerhouse Hotel at 10.30am on that day and telephoned Greg Maguire back and confirmed the meeting.

Stephen N. Hall
150 Carthage Street
TAMWORTH NSW 2340

Tony Windsor collected me from my office and we drove to the Powerhouse Hotel and met with Helen Tickle and the three of us proceeded to Greg Maguire's office, which is located above the Powerhouse Motorcycle Museum.

Greg Maguire greeted us at his office and we sat at the board table.

Greg Maguire told us that he had a meeting the night before with Deputy Prime Minister – John Anderson, his personal assistant and Senator Sandy MacDonald.

Greg Maguire advised us that John Anderson's personal assistant had gone to bed and then there was a conversation between himself, John Anderson and Sandy MacDonald. John Anderson had said that he was greatly concerned about the demise of the National Party and that he had told Greg Maguire that if Rob Oakshott stood against Mark Vaile in the up coming Federal Election and if Mark Vaile lost the seat, it would probably be the end of the National Party. Greg Maguire told us that John Anderson was paranoid about Tony Windsor and that he blames Tony Windsor for the demise of the National Party.

Greg Maguire said to Tony Windsor that the independent movement has not worked and asked Tony Windsor would he consider rolling over to the party system or leaving politics altogether. Greg Maguire asked Tony Windsor what it would take for him to consider leaving politics and would he be interested in a Diplomatic or Trade Posting overseas. Greg Maguire said that either could be arranged as the Government makes 500 such appointments a year.

Tony Windsor said to Greg Maguire that he should know him fucking better than that – as he said that he looked at Helen Tickle and apologised for swearing. Tony Windsor said to Greg Maguire that he was offended by the suggestion and that John Anderson and Sandy MacDonald and the National Party should also know better then to have the proposition put to him. Tony Windsor advised Greg Maguire that over the years he had been made many offers including Ministerial appointments and that he was not interested in discussing the suggestion made to him by Greg Maguire.

The conversation then led onto the National Livestock and Equine Centre and Greg Maguire told Tony Windsor that the application for funding for the centre was proceeding but John Anderson had told him that he was concerned that if he approved the funding that Tony Windsor would take the credit and limelight for the funding. Tony Windsor advised Greg Maguire that he was more interested in the success of the project and getting the funding and that the credit and limelight should be given to those that have worked on the project to make it a success.

The meeting finished at approximately 11.15am to 11.30am. I left the meeting with Tony Windsor and Helen Tickle. Tony Windsor delivered me back to my office after going via Farrer Agricultural High School.

MONDAY 20TH SEPTEMBER, 2004

Approx 6.45pm I arrived home – as I am coming in the back door, my mobile phone rings and it is Greg Maguire

Greg Maguire	*I don't know why I ever trusted you, Windsor and Tickle – You are all a bunch of fucking amateurs*
Stephen Hall	*What are you talking about?*
Greg Maguire	*You know what it is – you as Campaign Manager would have put the strategy together for Windsor*
Stephen Hall	*I don't know what you are talking about*
Greg Maguire	*Fucking Windsor is going to tell the press about Anderson's offer. Watch the 7pm ABC news and you will see it all*
Stephen Hall	*I am not aware of it*
Greg Maguire	*It will be the end of me – I am resigning in the morning as Chairman of the Equine Centre and Anderson will probably pull the funding*
Stephen Hall	*I will ring you back with Tony Windsor's mobile number and also I will ring Tony Windsor and get him to phone you.*
Greg Maguire	*I never want to speak to you again and never step into my hotel again (Greg Maguire then hung up on me)*
Stephen Hall	*I then went to turn on the television to watch the 7pm ABC news. As the news and the Windsor story came on, Greg Maguire telephoned back on my mobile phone and said "are you fucking watching it on the ABC news" and hung up.*

Stephen Hall telephones Tony Windsor

I telephoned Tony Windsor to tell him what had happened and that Greg Maguire was threatening to resign as Chairman of the Equine Centre Board. I asked Tony Windsor to telephone Greg Maguire, which he agreed to do.

Stephen Hall telephones Greg Maguire

I telephoned Greg Maguire and gave him Tony Windsor's mobile number and advised him that Tony Windsor would also be calling him.

When I rang Greg Maguire at home, Twiggy Maguire (Greg Maguire's partner) answered the phone and told me that Greg Maguire was not there and when I said I had just spoken to him at home she went and got him.

Stephen N. Hall
150 Carthage Street
TAMWORTH NSW 2340

TUESDAY 21ST SEPTEMBER, 2004

Meeting between Stephen Hall and Greg Maguire

At approx 11.30am, Greg Maguire telephoned me and requested a meeting at the Powerhouse Hotel.

I drove straight to the Powerhouse Hotel and met with Greg Maguire in his office.

Greg Maguire apologised to me for his outburst the night before but said I must understand how pissed off he was. I told him that I could understand that he was upset.

Greg Maguire asked if I had sent Les Dowe to the Equine Centre funding announcement to which I replied yes.

Greg Maguire advised me that after the announcement of the Equine Centre funding earlier that day, he and John Anderson went quietly off for a walk – away from his minders - to talk. John Anderson told Greg Maguire to get a message to Tony Windsor to back off, as this was bigger then both of them. Greg Maguire asked me to convey the message to Tony Windsor and that I needed to work out a strategy with him and Tony Windsor to resolve the matter.

Greg Maguire then told me that he would not be the person who brings down the Deputy Prime Minister of Australia and that he would lie to protect the Deputy Prime Minister, himself and the funding for the Equine Centre.

The meeting concluded with me agreeing to co-ordinate a meeting between Greg Maguire, Tony Windsor and myself.

WEDNESDAY 22ND SEPTEMBER, 2004

Greg Maguire telephoned me approx 7.30am

Greg Maguire telephoned me on my mobile phone at approximately 7.30am

Greg Maguire asked me when the meeting with Tony Windsor was going to take place.

I advised him that I was trying to co-ordinate the meeting for later in the week. Tony Windsor was to check his diary and get back to me.

I agreed I would be back in touch with him.

Stephen N. Hall
150 Carthage Street
TAMWORTH NSW 2340

THURSDAY 23RD SEPTEMBER, 2004

Meeting with Greg Maguire, Tony Windsor and Stephen Hall

In the afternoon a meeting took place at the Powerhouse Hotel.

Tony Windsor outlined to Greg Maguire how the whole matter unfolded.

Greg Maguire said that we needed to work out a strategy to resolve what is going to be said to the Federal Police.

Greg Maguire advised Tony Windsor and myself that in his discussions with John Anderson that John Anderson had asked him to tell Tony Windsor to back off as the matter was bigger than both of them.

Greg Maguire also advised Tony Windsor and myself that if he was interviewed by the Federal Police, that he would lie to protect the Deputy Prime Minister as he would not bring him down and also he needed to protect the funding for the Equine Centre.

I advised that I would take legal advice.

Greg Maguire also said that he would speak to John Anderson about backing off on calling for the names and get Trevor Khan (Nationals Candidate for New England) and all National Party supporters to also stop calling for the names and Tony Windsor would agree not to pursue the matter further during the election.

FRIDAY 24TH SEPTEMBER, 2004

Telephone conference with solicitor

Tony Windsor and myself attend telephone conference with Mr Chris Zucker – Solicitor – seeking legal advice

MONDAY 27TH SEPTEMBER, 2004

Greg Maguire telephones me

At approximately 7.30am, Greg Maguire telephoned me on my mobile and advised me that he had spoken to John Anderson who had agreed to stop calling for the names.

I agreed to talk with Tony Windsor about not pursuing the matter for the rest of the election.

Stephen N. Hall
150 Carthage Street
TAMWORTH NSW 2340

FRIDAY 1ST OCTOBER, 2004

I am interviewed by Federal Police – initial interview lasted approximately half an hour – mainly to confirm with them that I had attended meeting with Greg Maguire in the company of Tony Windsor and Helen Tickle on the 19th May 2004 and what was discussed at that meeting.

THURSDAY 7TH OCTOBER, 2004

Greg Maguire telephones me

At approximately 9am Greg Maguire telephoned me at my office.

Greg Maguire advised me that the Federal Police had interviewed him on Saturday (2/10/04) and that he knew Helen Tickle had been interviewed on Friday (1/10/04) and that I was going to be interviewed today (7/10/04).

Greg Maguire advised me that 'Windsor dumped on me'.

Greg Maguire told me that the Federal Police had accused him of lying.

Greg Maguire told me that he had advised the Federal Police

- *it was a misunderstanding*
- *he had been a supporter of the independent movement, independents and Tony Windsor can't deliver*
- *Tony Windsor should look at an overseas appointment*

Greg Maguire then asked me to corroborate with his story. He said it was the only way out of it and the easy way out for Tony Windsor and John Anderson and it would protect the funding of the Equine Centre.

Greg Maguire said to me that if I did not support him on this – 'I will finish you'.

I advised Greg Maguire that I will tell the Federal Police the way I saw the meeting and that I will tell the truth and not be a party to a story to fix a problem.

I also told Greg Maguire that he had to do what he had to do but he will have to live with himself.

Greg Maguire advised me that the Federal Police were to call into the Powerhouse Hotel later that day to collect documentation from the hotel.

Stephen N. Hall
150 Carthage Street
TAMWORTH NSW 2340

Australian Federal Police Announcement

MONDAY 22ND NOVEMBER, 2004

Greg Maguire telephoned me

At approximately 7pm on the night that the Australian Federal Police made their statement public, Greg Maguire telephoned from his mobile phone to my mobile phone. I recognised the number and did not answer and Greg Maguire did not leave any message.

Greg Maguire has not tried to make contact since.

Should you require any further information or clarification please contact me.

Yours faithfully,

Stephen Hall.

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PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

TONY WINDSOR MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

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Senate Inquiry Submission

28th January 2005

Committee Secretary
Senate Finance & Public Administrative Committee
Department of Senate
Parliament House
Canberra ACT 2600

Dear Sir,

RE: Submission to Senate Inquiry into the Regional Partnerships Program and Sustainable Regions Program

I Antony Harold Curties Windsor residing at "Cintra", Werris Creek NSW and currently the Federal Member for the Electorate of New England do present a submission to the Australian Senate Finance and Public Administration Reference Committees Inquiry into the Regional Partnerships Program.

I believe that the submission concurs with the Terms of Reference of the Inquiry and relates directly to:

(1) The administration of the Regional Partnerships program and the Sustainable Regions program, with particular reference to the process by which projects are proposed, considered and approved for funding, including:

(a) decisions to fund or not to fund particular projects;

(b) the recommendations of area consultative committees;

(c) the recommendations of departmental officers and recommendations from any other sources including from other agencies or other levels of government;

(d) the nature and extent of the respective roles of the administering department, minister and parliamentary secretary, other ministers and parliamentary secretaries, other senators or members and their advisers and staff in the process of selection of successful applications;

(e) the criteria used to take the decision to fund projects;

(f) the transparency and accountability of the process and outcomes;

(g) the mechanism for authorising the funding of projects;

(h) the constitutionality, legality and propriety of any practices whereby any members of either House of Parliament are excluded from committees, boards or other bodies involved in the consideration of proposed projects, or coerced or threatened in an effort to prevent them from freely communicating with their constituents; and

(i) whether the operation of the program is consistent with the Auditor-General's 'Better Practice Guide for the Administration of Grants', and is subject to sufficient independent audit.

(2) With respect to the future administration of similar programs, any safeguards or guidelines which might be put in place to ensure proper accountability for the expenditure of public money, particularly the appropriate arrangements for independent audit of the funding of projects.

(3) Any related matters.

My submission relates to 3 areas of interest within the Electorate of New England where the Commonwealth Government has been involved in the funding of projects.

Those projects are:

1. The Australian Equine and Livestock Centre (AELC) $6M

2. The University New England Maths and Science Centre $4.95M

3. The Grace Munro Aged Care Facility at Bundarra.

I stress however that all of these projects are very worthy recipients of Federal Government funding with many people working very hard over a very long period of time to achieve the result for their communities.

It is the politicisation of the process and political conditions placed on funding that I believe needs investigation by the Senate Inquiry.

This is admitted to by Senator Sandy Macdonald in his media statement on August 10 2004 in relation to the University of New England Maths & Science Centre, wherein he states "Advertising relating to the part the Nationals played in securing funding for the UNE's new Maths and Science centre is all part of the campaign to make New England matter. Mr Windsor's advertising complaint only serves to further illustrate that it is only when you have a representative in Government that you can achieve and deliver funding and better outcomes for the electorate of New England."

If this is indeed the case, why advertise a process to access funding? How many well intentioned, well researched and worthy projects have been rejected because of political interference in the process?

Australian Equine & Livestock Centre (AELC)

The Senate Committee would be well aware of the allegations that were made by me recorded on Parliamentary Hansard relating to the offer of an inducement to not stand as a candidate at the 2004 Election (Refer to Hansard and other information submitted for Committee's information).

The submission details

1 The political conditions placed on funding approval regarding my position on the Australian Equine & Livestock Centre Board
2 The inducement offer made to me to not stand for re-election

The submission also outlines events and conversations that occurred relating to those allegations and political preconditions that were applied to the funding application for the Equine Centre and the political conditions regarding membership of the Equine Centre Board.

The Equine Centre is a project that I had a close personal involvement with over many years and was instrumental in obtaining NSW Government funding of $3.35 million when the State Member for Tamworth.

It was common knowledge that whilst the then State Member was an Independent and more recently the Federal Member, that Federal funding would not flow for this project whilst I maintained a close involvement.

I would argue that the political conditions that were placed on the first application for funding under the Chairmanship of Mr Peter Botfield were put in place to find reasons to not proceed with the project (pre May 2002) whilst the second application, not being substantially different to the first, the political preconditions were about making the project happen with the appropriate political rewards by the removal of the local Member, either from active involvement in the process or preferably from politics altogether.

The Australian Equine and Livestock Centre is an excellent project and would withstand any scrutiny in terms of viability. The project has enormous potential for growth at local, national and international levels.

A hard copy has been mailed to the Committee which includes media reports and other documents to support my submission to the Inquiry.

UNE National Centre for Maths & Science

The funding of $4.95 million from the Regional Partnerships Program to the National Centre for Maths & Science at the University of New England is another example which was investigated by the University of New England Council and found to be at fault in the politicisation of the funding for the University by the National Party.

A hard copy of the evidence including copies of emails, media releases and newspaper stories has been sent for inclusion in my submission to the Inquiry.

The Grace Munro Aged Care Facility – Bundarra

Regional Partnerships funding was contributed to a unique aged care facility in the small town of Bundarra. It had eleven sources of funding with the community uniting behind the development over a long period of time to bring it to fruition.

Included in my hard copy submission is a Statutory Declaration from the Uralla Shire Council General Manager explaining the happenings in the lead up to the opening of the Centre, Inverell Times newspaper stories including their Freedom of Information discoveries and Hansard.

Concluding remarks

The political preconditions placed on myself in relation to the Equine Centre, on some of the University of New England staff relating to the Maths & Science Centre and the pressuring of a Local Government Authority in relation to the Grace Munro Centre at Bundarra I believe is evidence of a pattern of behaviour that when combined with other submissions from other electorates will clearly show that there has been undue political interference in the processes surrounding the Regional Partnerships Program.

Thank you for the opportunity of making this submission. I look forward to attending the hearings of the Committee and answering questions that the Committee may ask in clarification of my submission.

Yours sincerely

Tony Windsor MP
Member for New England

Political conditions placed on AELC Board Membership

The announcement of the inaugural Board of the National Equine and Livestock Centre was carried out by the Premier of NSW, the Hon Bob Carr MP on 20 April 2004.

The Board was made up of major horse industry representatives, business people, Tamworth Regional Council, community representatives and State and Federal Members of Parliament and was as follows:

Mr Greg Maguire, Chairman
Mrs Gail Ritchie, National Cutting Horse Association
Mr Hunter Jones, Australian Quarter Horse Association
Mrs Rosemary Harmer, Australian Bushman's Campdraft & Rodeo Association
Mr Scott Higginbotham, local businessman, horse enthusiast
Mr Terry Keating, local businessman
Mr Dick Cameron, Stock & Station Agents Association
Clr James Treloar, Mayor, Tamworth Regional Council
Mr Paul Anderson, Tamworth Regional Council
Mr Ray Tait, community representative
Mr Peter Draper MP, State Member for Tamworth
Mr Tony Windsor, Member for New England

Contrary to a view presented by some of the media, I did not resign from that Board.

The last Board meeting I attended was on July 30.

I was informed by Greg Maguire in a subsequent conversation that Mr Anderson went feral when he discovered I was still involved in the process having previously raised concerns at their May meeting.

According to Greg Maguire he informed John Anderson that I was no longer on the Board.

Greg Maguire then told me, "Mate, I had to remove you". My 'removal' was part of the political preconditions that were being applied to the funding submission.

STATUTORY DECLARATION
NSW OATHS ACT 1900

GRACE MUNRO CENTRE OPENING AND ASSOCIATED MATTERS

I, **ROBERT GEORGE FULCHER**
of ...**20 McCrossin Street, Uralla**.....
in the State of .....**New South Wales**.....
do hereby solemnly declare and affirm that:-

This Statutory Declaration concerns dealings I had regarding the opening of the Grace Munro Centre.

1. By letter of 30 June 2004 (attached), I wrote a letter, on behalf of Council, to Mr Tony Windsor, MP asking him to invite either or both Minister Julie Bishop and/or the Deputy Prime Minister, Mr John Anderson, to carry out an official opening of the Grace Munro Centre, Bundarra.
2. This process was interrupted by the calling of the federal election.
3. By letter of 26 October 2004 (attached), I wrote again to Mr Windsor, after the election, asking him to ask the relevant Ministers whether they would be able to attend an official opening on 4 December 2004. A copy of that letter was sent to Senator Sandy Macdonald.
4. I then had a call from Senator Macdonald on either 28 or 29 October 2004. He made a number of comments concerning Council's decision to ask Mr Windsor to contact the Ministers concerning the official opening. Those comments included the following:
   - That the government was disappointed with the election result in the New England.
   - If the New England electors chose to return Mr Windsor, they will need to live with the consequences.
   - That the government was not pleased by the fact that Mr Windsor openly criticized them.
   - That Ministers of the government will not respond favourably to requests made to them by Mr Windsor.

(continued)

.....
JUSTICE OF THE PEACE

.....Rob Fulcher.....

NOTE: THE BACK OF THIS PAGE MUST ALSO BE SIGNED IN FULL.

If he had no knowledge of the "inducement issue" prior to his name being raised in Parliament on November 17, why was he so "upset" on November 10?

2. Senator Macdonald's misrepresentation of the Government's position by stating that it was the Government's position that the Local Member should not be part of an official function within his own Electorate. This is another example of a political condition being placed on a public body for political advantage.

I believe the behaviour of Senator Macdonald deserves closer scrutiny. His conduct is in stark contrast to the professional courtesies and advice extended to myself as the local member and Uralla Shire Council by the current Minister for Ageing, The Hon Julie Bishop, the former Minister the Hon Kevin Andrews, the former Minister for Regional Services, The Hon Wilson Tuckey and their Departmental staff who had carriage of funding arrangements. To them I extend a thank you on behalf of the people of Bundarra and Uralla Shire Council.

Yours sincerely

Tony Windsor

Tony Windsor MP
Member for New England

- That if Council wished Ministers of the government to attend the official opening of the Centre, it will be necessary for Council to ask Senator Macdonald directly.
- In response to my comments that Mr Windsor had been democratically elected as our local member and the correct protocol was to approach the government through the local member, Senator Macdonald said that that may be correct but what we were dealing with here was hard ball politics and political reality.

5. Having discussed this matter with the Mayor, who had also spoken to Senator Macdonald, it was agreed that I should write directly to Senator Macdonald asking him to invite the Ministers to attend the official opening. I did so by letter which was faxed on 29 October 2004 (copy attached).
6. By letter dated 28 October 2004 (attached), Mr Windsor advised that he had written to the Minister for Ageing, the Minister for Transport and Regional Services and the Minister for Veteran Affairs inviting them to attend the official opening.
7. By letter dated 4 November 2004 (attached), the Executive Assistant to the Deputy Prime Minister wrote to Tony Windsor advising that the Deputy Prime Minister would not be available to take part in the opening due to another commitment and that it would be appropriate for Senator Sandy Macdonald to participate on Mr Anderson's behalf.
8. By email, sent on 9 November 2004 (attached), the office of the Hon. Julie Bishop, MP, Minister for Ageing, wrote to me advising her inability to attend and that she would like to invite Senator Sandy Macdonald to represent her at the opening of the facility.
9. As a result, Council then dealt directly with Senator Macdonald and his office.
10. Suggested wording for the official plaque for the opening was forwarded to Senator Macdonald's office on 10 November 2004. The wording suggested by Council included reference to Mr Tony Windsor (copy attached).

(continued)

And I make this solemn declaration, in accordance with the Oaths Act, 1900, and subject to the punishment by law provided for the making of any wilfully false statement in any such declaration.

Declared at ....Uralla.....)
this .....15th..... day of)
.....December.....2004.....)
before me:)

.....R J Tudor.....

.....
JUSTICE OF THE PEACE

MEGAN ELIZABETH CONE (9321604)
Print full name (and number) of JP

The offer of inducement to not stand for re-election

The following is an overview of events and conversations relating to the offer of an inducement for me not to stand for re-election for the seat of New England. A more detailed account is included in my hard copy submission.

19 May 2004

A meeting took place with Greg Maguire, Stephen Hall, Helen Tickle and myself, Tony Windsor, at the Boardroom of the Powerhouse Hotel in Tamworth. (See attached Hansard record in my hard copy submission)

16 September 2004

I had discussions by phone with journalist Tony Vermeer (Sunday Telegraph) regarding the possibility of a hung Parliament and any offers or demands that had been made. Eg. had I been offered the position of Speaker.

I mentioned a number of propositions that have been put to me over the years of my political involvement including the most recent of an intermediary offering an inducement to not stand for the 2004 Federal Election on behalf of two political players.

19 September 2004

Sunday Telegraph article and radio interviews relating to the truth of the article.

20 September 2004

- ALP announces that it will refer allegations of an inducement to Tony Windsor to the Australian Electoral Commission for possible investigation.
- My wife Lyn Windsor and I drive back from Dubbo to Werris Creek after Tony McGrane MP's funeral and field a number of media phone calls requesting the names of those who offered the inducement. I refused to name names and said I viewed it as an act of stupidity and desperation at the time and that I did not intend naming people.
- Subsequently when informed by journalists that such an offer could be a criminal offence under the Australian Electoral Act and could be investigated by the Australian Federal Police, I stated that if obliged under the law to name the names, that I would do so.
- Stephen Hall rang me that night to say that Greg Maguire had rung him and abused him. Greg Maguire said to Stephen Hall that I had told the media that I had been approached by an intermediary and he was upset that he thought I would be informing the press of who the people were that were involved in the inducement offer.
- Stephen Hall rang me and suggested that I ring Greg Maguire and speak with him about any statement that I had made to the press.
- Greg Maguire had left a message on my phone also. I rang Greg Maguire at his home. His partner Twiggy answered and said that Greg Maguire did not want to talk to me.

- I suggested that he should and he eventually came to the phone and was quite abusive and distressed and said he would be resigning as the Chairman of the Equine Centre Board.

- I explained the position of the interview with Tony Vermeer of the Sunday Telegraph and said that the "offer" was as part of various offers made to me over the years in politics and that I had no intention of naming the names as I saw the offer as an act of stupidity. The conversation did not last long.

- Greg Maguire informed me that if ever questioned on the issue he would lie to protect the Deputy Prime Minister and the Equine Centre funding.

21 September 2004

James Treloar, Mayor of Tamworth Regional Council rang me on my mobile phone and said he had been speaking to Greg Maguire who was very distressed and was threatening to resign as Chairman of the Equine Centre over the issue of an inducement being offered to me that had been aired in the media the day before. (No names were mentioned until November 17, 2004)

($6million funding announced for Equine Centre mid morning by Deputy Prime Minister, Senator Sandy Macdonald, Greg Maguire, James Treloar)

I understand that Stephen Hall and Greg Maguire met during the day and a message was relayed to me, apparently from the Deputy Prime Minister, John Anderson suggesting "Tell your mate Windsor to back off, this is bigger than both of us" (or words to that effect). Stephen Hall also said that Greg Maguire told him he would lie and not bring the Deputy Prime Minister down.

23 September 2004

Stephen Hall and I met with Greg Maguire at Greg's office in the Powerhouse Motorcycle Museum.

Greg Maguire repeated that if interviewed he would lie. "I will not bring down the Deputy Prime Minister of this country".

Greg Maguire also made the point that he would protect the Equine Centre funding.

Discussion took place about getting the National Party people in the Electorate to stop calling for the names. Greg Maguire said he would make the appropriate call to John Anderson.

September 27, 2004

Australian Federal Police interviewed me in my electorate office in Tamworth

October 1, 2004

Australian Federal Police interview me in Armidale

October 9, 2004

Election Day

November 17, 2004

Parliamentary speech naming the names

Submission
to

the Senate Inquiry into the Regional Partnerships Program

from

Tony Windsor MP
Member for New England

National Centre for Mathematics, Information Technology and Science Teaching at the University of New England Armidale NSW.

$4.95 Million

TONY WINDSOR B.Ec. MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

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26th January 2005

Committee Secretary
Senate Finance and Public Administration Committee
Department of the Senate
Parliament House
Canberra ACT 2600

Dear Sir/Madam

RE: Regional Partnerships Program funding for the National Centre for Mathematics, Information Technology and Science Teaching at the University of New England.

Please find attached my submission to the Senate Finance and Public Administration Committee for their Inquiry into the Regional Partnerships Program and Sustainable Regions Program regarding the above project funding.

The submission includes copies of media releases, newspaper articles, full page advertorial advertisements and website printouts dated 29th November 2004 and 24th January 2005 and emails to and from the University of New England.

I would like to state at the outset that I was and still am very much supportive of the UNE National Centre for Mathematics, Information Technology and Science Teaching. Support for the Centre was also gained from across the electorate of New England at the Vision New England Summit I convened in October 2003 with over 60 community groups endorsing its establishment, however I have real concerns about the politicisation of the funding process and the possible ramifications for other worthy projects in the future.

A media release dated 11th August 2004 from the University of New England, Chancellor, Mr John Cassidy states in point 2 that a breach of University protocol was committed 'unintentionally' and procedures have been reinforced to ensure that the University's integrity and reputation for political neutrality is never compromised.

Point 3 also indicates that the advertisement placed in those papers was meant to be a way of thanking the "Federal Government".

An issue associated with funding of another $3.5m for the University of New England at approximately the same time as the announcement of the Maths and Science Centre announced by the Minister for Education, the Hon Brendan Nelson was 'hushed' up for reasons I am unable to fathom. Surely such distribution of public funds to a University rightly deserved acknowledgement and thanks as I did in my media release on July 27, 2004 and drew an urgent email from the UNE Vice Chancellor saying "…. Special treatment by Government is not something we want to broadcast or discuss in public….."

The letter from the Minister does not indicate any 'special treatment' from the Minister that should not be recognised in the public domain and I was very grateful that the Minister had seen fit to recognise the UNE for the changes to budget management and recovering from serious financial difficulty and at the same time maintaining a broad disciplinary base.

This project was funded through the Regional Partnerships Program access to which is normally via a submission to the local Area Consultative Committee and progressed with a recommendation from the local Area Consultative Committee to in this case the Orange Office of Dotars and then onto the Minister's office.

In this instance, there does not appear to be any mention of the involvement of the New England North West Area Consultative Committee and yet it was mentioned on their website when viewed on November 29 2004, yet is not on the same website when viewed again on January 24, 2005.

I therefore draw the funding of the National Centre for Science, Information Technology and Mathematics Education for Rural and Regional Australia to the attention of the Senate Committee Inquiry under the terms of reference

(a) decisions to fund or not fund particular projects,

(b) the recommendations of area consultative committees,

(c) the recommendations of departmental officers and recommendations from any other sources including other agencies or other levels of government

(d) the nature and extent of the respective roles of the administering department, minister and parliamentary secretary, other ministers and parliamentary secretaries, other senators or members and their advisers and staff in the process of selection of successful applications;

(e) the criteria used to take the decision to fund projects;

(f) the transparency and accountability of the process and outcomes;

(g) the mechanism for authorising the funding of projects;

As a follow up to my submission I would also seek the opportunity of appearing before the Senate Inquiry Committee at a mutually convenient time to make a verbal statement to the Committee and answer any questions arising.

Yours sincerely

Tony Windsor MP
Member for New England

TONY WINDSOR B.Ec. MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

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28th January 2005

Committee Secretary
Senate Finance & Public Administrative Committee
Department of Senate
Parliament House
Canberra ACT 2600

Dear Sir,

RE: Submission to Senate Inquiry into the Regional Partnerships Program and Sustainable Regions Program

Summary

I Antony Harold Curties Windsor residing at "Cintra", Werris Creek NSW and currently the Federal Member for the Electorate of New England do present a submission to the Australian Senate Finance and Public Administration Reference Committees Inquiry into the Regional Partnerships Program.

I believe that the submission concurs with the Terms of Reference of the Inquiry and relates directly to:

(1) The administration of the Regional Partnerships program and the Sustainable Regions program, with particular reference to the process by which projects are proposed, considered and approved for funding, including:

(a) decisions to fund or not to fund particular projects;

(b) the recommendations of area consultative committees;

(c) the recommendations of departmental officers and recommendations from any other sources including from other agencies or other levels of government;

(d) the nature and extent of the respective roles of the administering department, minister and parliamentary secretary, other ministers and parliamentary secretaries, other senators or members and their advisers and staff in the process of selection of successful applications;

(e) the criteria used to take the decision to fund projects;

(f) the transparency and accountability of the process and outcomes;

(g) the mechanism for authorising the funding of projects;

(h) the constitutionality, legality and propriety of any practices whereby any members of either House of Parliament are excluded from committees, boards or other bodies involved in the consideration of proposed projects, or coerced or threatened in an effort to prevent them from freely communicating with their constituents; and

(i) whether the operation of the program is consistent with the Auditor-General's 'Better Practice Guide for the Administration of Grants', and is subject to sufficient independent audit.

This project was funded through the Regional Partnerships Program access to which is normally via a submission to the local Area Consultative Committee and progressed with a recommendation from the local Area Consultative Committee to in this case the Orange Office of Dotars and then onto the Minister's office.

In this instance, there does not appear to be any mention of the involvement of the New England North West Area Consultative Committee and yet it was mentioned on their website when viewed on November 29 2004, yet is not on the same website when viewed again on January 24, 2005.

I therefore draw the funding of the National Centre for Science, Information Technology and Mathematics Education for Rural and Regional Australia to the attention of the Senate Committee Inquiry under the terms of reference

(a) decisions to fund or not fund particular projects,

(b) the recommendations of area consultative committees,

(c) the recommendations of departmental officers and recommendations from any other sources including other agencies or other levels of government

(d) the nature and extent of the respective roles of the administering department, minister and parliamentary secretary, other ministers and parliamentary secretaries, other senators or members and their advisers and staff in the process of selection of successful applications;

(e) the criteria used to take the decision to fund projects;

(f) the transparency and accountability of the process and outcomes;

(g) the mechanism for authorising the funding of projects;

As a follow up to my submission I would also seek the opportunity of appearing before the Senate Inquiry Committee at a mutually convenient time to make a verbal statement to the Committee and answer any questions arising.

Yours sincerely

Tony Windsor MP
Member for New England

TONY WINDSOR B.Ec. MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

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28 January 2005

Committee Secretary
Senate Finance & Public Administrative Committee
Department of Senate
Parliament House
Canberra ACT 2600

Dear Sir

RE Grace Munro Centre Bundarra – NSW

Background

The Grace Munro Centre at Bundarra is an aged care facility which has been funded through a number of sources but strongly led by the Uralla Shire Council and local community leaders.

Council Loan Funds	$500,000
Minister for Ageing Grant	140,000
Regional Solutions Grant	100,000
Dept of Ageing, Disability & Home Care	34.060
Dept of Veterans' Affairs	33,000
Inverell District Legacy	10,000
Lions Club International	55,000
Community Fundraising	39,164
	$911,224

I believe that the series of events leading to and following the Opening of the Grace Munro Aged Care Centre at Bundarra concur with the Senate Committee's Terms of Reference 1(L) and gets to the heart of our representational process and privileges of the Member.

- The documents enclosed particularly those presented in the form of a Statutory Declaration by the General Manager of Uralla Shire Council, Robert Fulcher, demonstrate the political pressure and bullying by Senator Sandy Macdonald to obtain political advantage.

- The press clippings surrounding the opening and subsequent events clearly shows the deliberate attempt by Senator Macdonald to coerce and threaten a Council into removing the right of the duly elected Member for communicate with his constituents.

- Senator Sandy Macdonald also misled the public and the press on a number of occasions.

1. **10 November 2005** Senator Macdonald's email asking that Mr Windsor's name be deleted from the plaque stating as a reason to the Inverell Times (December 17 2005) that he was under a lot of pressure at the time as Mr Windsor had named him in Parliament as part of an inducement offer not to stand at the next election.

   Senator Macdonald also cited the same reason in The Australian (December 16 2005).

   The question that needs to be asked is what was Senator Macdonald annoyed about on November 10 if he wasn't named until November 17?

(2) With respect to the future administration of similar programs, any safeguards or guidelines which might be put in place to ensure proper accountability for the expenditure of public money, particularly the appropriate arrangements for independent audit of the funding of projects.

(3) Any related matters.

My submission relates to 3 areas of interest within the Electorate of New England where the Commonwealth Government has been involved in the funding of projects.

Those projects are:

1. The National Equine and Livestock Centre (The Equine Centre) $6M

2. The UNE Maths and Science Centre $4.95M

3. The Grace Munro Aged Care Facility at Bundarra.

I stress however that all of these projects are very worthy recipients of Federal Government funding with many people working very hard over a very long period of time to achieve the result for their communities.

It is the politicisation of the process that I believe needs the investigation of the Senate Inquiry and I look forward to attending the hearings of the Committee and answering questions that the Committee may ask in clarification of my submission.

Thank you for the opportunity of making this submission.

Yours sincerely

Tony Windsor

Tony Windsor MP
Member for New England

AUSTRALIAN SENATE

FINANCE AND PUBLIC ADMINISTRATION

REFERENCES COMMITTEE

PARLIAMENT HOUSE
CANBERRA ACT 2600
Telephone: + 61 2 6277 3530
Facsimile: + 61 2 6277 5809
Email: fpa.sen@aph.gov.au

8 February 2005

Mr Greg Maguire
Killoran Park
DUNGOWAN NSW 2340

Dear Mr Maguire

Inquiry into the Regional Partnerships Program and Sustainable Regions Program

Further to my letter of 3 February 2005, I have enclosed a copy of the transcript of the Committee hearing of the same date.

As reference is made to you in several places in the transcript which might constitute adverse comment, the Committee is obliged to draw it to your attention and provide you with a copy. You may wish to refer to the transcript if you intend to exercise your right of reply, as per the Senate's privilege resolutions (set out in my letter of 3 February).

I remind you that any response to the evidence should be in writing in the first instance and should be received by the Committee not later than **18 February 2005.**

Please contact me on 02 6277 3530 or 0414 484 734 should you wish to discuss this matter.

Yours sincerely

Alistair Sands
Secretary

SENATE
FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE

SUBMISSION by GREGORY KEVIN MAGUIRE
Regarding the funding of the Australian Equine and Livestock Centre

Reference: **Regional Partnerships Program**

To inquire into and report on:

1. The administration for the Regional Partnerships program and the Sustainable Regions program, with particular reference to the process by which projects are proposed, considered and approved for funding, including:

   (a) decisions to fund or not to fund particular projects;

   (b) the recommendations of area consultative committees;

   (c) the recommendations of departmental officers and recommendations from any other sources including from other agencies or other levels of government;

   (d) the nature and extent of the respective roles of the administering department, minister and parliamentary secretary, other ministers and parliamentary secretaries, other senators or members and their advisers and staff in the process of selection of successful applications;

   (e) the criteria used to take the decision to fund projects;

   (f) the transparency and accountability of the process and outcomes;

   (g) the mechanism for authorising the funding of projects;

   (h) the constitutionality, legality and propriety of any practices whereby any members of either House of Parliament are excluded from committees, boards or other bodies involved in the consideration of proposed projects, or coerced or threatened in an effort to prevent them from freely communicating with their constituents; and

   (i) whether the operation of the program is consistent with the Auditor-General's 'Better Practice Guide for the Administration of Grants' and is subject to sufficient independent audit.

2. With respect to the future administration of similar programs, any safeguards or guidelines which might be put in place to ensure proper accountability for the expenditure of public money, particularly the appropriate arrangements for independent audit of the funding of projects.

3. Any related matters.

AFFIDAVIT

Gregory Kevin Maguire of Quality Hotel Powerhouse Hotel, Armidale Road, New England Highway, Tamworth, hotelier, states on oath:

Australian Equine and Livestock Centre

1. I am the Chairman of what is commonly referred to as the board of the Australian Equine and Livestock Centre at Tamworth. However, it is not really a board as it is not a private corporate

business. Rather it is a sub committee of the Tamworth Regional Council. My role as chairman is voluntary and not paid and I have no financial interest in the project.

2. In fact the Tamworth Regional Council will be the ultimate owner of the complex being sought to be developed on a green field site purchased by the Council for that purpose. The Council has made a formal submission to the Senate enquiry about the centre.

3. The project is of national significance and will have particular benefit for Tamworth and the New England region. Some 18 months ago I took over the chairmanship of the committee at the request of Mr Tony Windsor, MP. The committee was restructured at my request so that it now has sixty percent corporate and business representation and forty percent user representation.

4. The committee then resolved to engage and did engage independent professional consultants to review the project and assist in production of the ultimately successful business case for funding of the project. The financial viability of the project and the unanimous support of competing user interests in the community were identified as critical matters to be addressed. The previous submission had been reviewed by Professor Chudleigh and found wanting.

5. The objective merits and propriety of the current submission have been acknowledged in the public statement concerning the matter in November 2004 by chairman of the local area consultative committee, Mr Kevin Humphries. That committee now has responsibility in relation to the Regional Partnerships Program which has now replaced the previous Regional Solutions Program.

6. The proposal and independent assessment of it establishes, in my view, that the proposed allocation of funds from the Regional Partnerships Program for the establishment of the Australian Equine and Livestock Centre at Tamworth is justified on the merits in accordance with the business case now put forward by the current committee.

Federal Police Enquiry

7. On Saturday, 2 October 2004 I was interviewed by two officers from Australian Federal Police (AFP). I was advised that they were:

"making inquiries into an allegation that on or about the nineteenth of May 2004 at Tamworth that:

- *you offered a benefit, being the offer of a diplomatic posting or a trade appointment, to Tony Windsor, MP;*
- *in order to influence Tony Windsor not to stand as a candidate in the upcoming Federal election".*

8. On 22 November 2004 after the completion of the AFP inquiries, which included interviewing Mr Tony Windsor, MP, his campaign manager, Mr Stephen Hall, and his campaign secretary, Ms Helen Tickle, the Australian Federal Police released a media statement that the Commonwealth Director of Public Prosecutions had concluded that:

- *".....none of the versions of the conversations related by any of the witnesses can amount to an "offer to give or confer" a benefit.*
- *Further there is no evidence in this material of Mr Maguire having conspired with any other person to make an offer to Mr Windsor".*

Attached hereto marked GKM1 is a copy of the AFP media statement of 22 November 2004.

9. I co-operated fully with the Federal Police inquiries without the benefit of or the need for legal representation as I had done nothing wrong in my dealing with Mr Windsor nor in my chairmanship of the Australian Equine and Livestock Centre. I consider that my position has

been vindicated by the outcome of AFP investigations and that Mr Windsor' claims have been found to lack substance.

10. At no stage was it suggested to me by the Federal Police or any other person, at that or any other time, that funding for the Australian Equine and Livestock Centre required or would be facilitated by Mr Windsor's resignation from Parliament either prior to the Federal election in 2004 or otherwise.

11. Further, it was never suggested to me that the project would not be funded if Mr Windsor was associated with it. I have personally always acknowledged Mr Windsor's support for the project over the last 12 years.

12. Attached hereto as a bundle marked "GKM2" are copies of three media statements released by me in November 2004 in relation to the objectionable and unfounded allegations made about me and the Deputy Prime Minister, Mr John Anderson and National Party Senator, Mr Sandy McDonald, by Mr Windsor under Parliamentary privilege. The statements made on my behalf in attachments GKM2 are true and correct to the best of my knowledge and belief.

13. As set out in those statements, and as I told the Federal Police, neither Mr Anderson or Mr McDonald requested or instructed me to put any offer to Mr Windsor along the lines now alleged by him or in terms of the matter the subject of the Federal Police investigation. However, I believe that the allegations by Mr Windsor are based, at best, on an erroneous recollection and, at worst, on an intentional misrepresentation about some personal remarks which I made to him at a meeting which I had with him on 19 May 2004.

14. In general discussions by me with Mr Anderson prior to that meeting I told Mr Anderson that in my view:

- *some people in the town had maybe started to think that Tony was not effectual;*
- *that Tony was not doing the job we thought he could do; and*
- *that he had seemed to be more effective and did a great job in State Parliament.*
- *That he [Mr Anderson] had caused their own problem in not having a government representative here because they [the Nationals] did not run with Tony but ran with someone else.*

15. At the meeting with Mr Windsor on 19 May 2004 I said to him (in relation to my view that he was not being effectual) words to the following effect:

- *look, you know, I have been a supporter, I have been with you for a long time;*
- *I think it is time you rolled over and went and talked to the Liberal Party or the National Party;*
- *I think if you were to go and approach the Libs or the Nationals I reckon you could write your own deal.*
- *I reckon you could probably get a ministry, you could probably do whatever you wanted to, even an overseas posting;*
- *over the years, there have been deals done in politics that probably, you know, there would be jobs for the boys or whatever.*

16. In response Mr Windsor told me that he would not do what I suggested. I then said to him words to the effect of:

- *look what you should do is go and talk to them. At least go and talk to them, you know. Go and talk to the Liberals or go and talk to Anderson.*
- *go and talk to someone because at the end of the day, you know, we are not kicking the goals we should be kicking.*

17. At the meeting with Mr Windsor on 19 May 2004 at which Mr Hall and Ms Tickle were also present, I did not at any stage represent or suggest that I was acting for Mr Anderson or Mr McDonald. At this inquiry, Mr Hall and Ms Tickle (but not Mr Windsor) acknowledged that I did not even mention Mr Anderson's name at the meeting. In any event, my remarks at that meeting were my own personal views.

Mr Tony Windsor, MP

18. In the circumstances I consider that the subsequent uncalled for and unsubstantiated attacks on me personally in the House of Representatives (some six months later), in November 2004, by Mr Windsor and again, before this Senate Committee by Mr Windsor, Mr Hall and Ms Tickle, really have nothing to do with the propriety of the funding under the Regional Partnerships Program for the Australian Equine and Livestock Centre.

19. In fairness to Mr Windsor, as appears from the AFP media release attached, no complaint was originally made by Mr Windsor to the AFP or the Electoral Commission. Nevertheless, the matters since raised by Mr Windsor and his political campaign executives seem to be associated with some personal agenda concerning Mr Windsor's standing and profile in the community, particularly from the political view point.

20. Those issues, in my view, have nothing to do with the propriety for the funding of the Australian Equine and Livestock Centre under the Regional Partnerships Program. I consider they were all about Mr Windsor personally and his broader political agenda in harnessing a collective of independents in the Federal arena to the detriment of his former National Party colleagues. I also consider it to be part of the ongoing personal vendetta between Tony Windsor and John Anderson.

21. There is nothing in the evidence given by Mr Windsor and his associates, Mr Hall (and I reject their recent expanded recollections about my alleged willingness to lie) and Ms Tickle, that causes me to change my views about Mr Windsor only being interested in Mr Windsor's personal political position. I do not consider that Mr Windsor is genuinely concerned about the administration of the Regional Partnerships Program, nor is he any longer genuinely concerned about the funding for the Australian Equine and Livestock Centre. This is now all about Tony Windsor and his vendetta against John Anderson and his wish to be seen as the leader of the independents taking over from the National Party.

22. From my own perspective I consider that Mr Windsor's erroneous and offensive allegations about me are being used as a political football and a witch hunt against the Deputy Prime Minister. The inquiry's terms of reference, on their face, do not specifically contemplate or require a continued investigation by this committee or Mr Windsor into his erroneous and offensive bribery allegations. This is despite the independent investigation by the AFP and the clear determination reached as a result of those investigations.

Senate Enquiry

23. I have advised the secretariat to the committee at all stages that I am willing to assist the committee in its inquiry in accordance with its terms of reference. I have previously not provided a submission to the inquiry about Mr Windsor's allegations. This was because, apart from them being untrue, I did not consider them relevant to the funding of the Australian Equine and Livestock Centre.

24. Were it not for the advice given to me from the secretariat as to the possible ambit of the questioning at these inquiries and also because of the leeway already afforded Mr Windsor and his associates by the committee in terms of the content of submissions and evidence concerning Mr Windsor's repudiated and unsubstantiated allegations, I would not have sought to place any further submissions on the public record nor voluntarily made myself available to give evidence.

25. I would nevertheless seek the committee's support in focusing and directing any further oral evidence or questions to me to the nature and propriety of the funding of the Australian Equine and Livestock Centre in accordance with the Regional Partnerships Program and the committee's terms of reference. I became involved in the project originally because of my desire that this worthwhile community asset be put in place as a national centre with immediate benefit for the New England region and the city of Tamworth.

26. I would also seek the committee's support in providing for adequate means of redress for ordinary citizens in the community, such as myself, and now others drawn into the quagmire of political point scoring by the minute examination of every project under the Regional Partnerships Program. Unlike the whiteboard of former times where what is written can readily be erased, the damage done to me by my former mate, Mr Windsor, aided and abetted by the Parliamentary process in both Houses, is very unfair to me, very un-Australian and cannot be so readily erased or atoned for.

Conclusion

27. I personally have always had considerable reservations about party politics in this country and the limitations because of this on both sides of politics. In many ways, I thought Mr Windsor was above that and personal political agendas and that his paramount concern was the interests of the community and our area. This was why I supported him as an independent at both State and Federal level.

28. I now consider Mr Windsor unworthy of the previous trust and confidence I and others had placed in him. For my part this was as both a friend and supporter for the reasons set out in this submission. I now regard him as an individual who is only interested in protecting and promoting his own political career despite the cost to others. Parliamentary privilege has allowed him to attack me and others unfairly and at no risk to himself for the normal consequences of such action in the community.

29. For the reasons set out in this submission and for the further reasons as set out in my opening remarks to this enquiry I consider Mr Windsor to be a person whose credibility should no longer be accepted by Parliament and the New England electorate.

SWORN by **GREGORY KEVIN MAGUIRE** on this 9th day of March, 2005 at Sydney in the presence of:

A Justice of the Peace / Solicitor / Commissioner for Declarations

SENATE

FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE

Reference: **Regional Partnerships Program**

Exhibit GKM 1 to the affidavit of GREGORY KEVIN MAGUIRE

sworn : 9th March 2005

Deponent

A Justice of the Peace / Solicitor / Commissioner for Declarations

2284362.1 MDH KXH

Media Statement

Australian Federal Police
— To fight crime together and win —

22 November 2004

AFP concludes electoral bribery investigation

The AFP has finalised its investigation in relation to an allegation of electoral bribery regarding the Member for New England, Mr Tony Windsor MP.

As a result of advice from the Commonwealth Director of Public Prosecutions (CDPP) no charges will be laid in relation to this matter.

The AFP began its investigations after it received a referral from the Australian Electoral Commission (AEC) on 21 September 2004. This referral was based on an allegation initially raised during a radio interview by Mr Windsor.

Following investigations, the AFP sent evidentiary material to the CDPP on 7 October for advice in relation to whether a prima facie case could be substantiated in relation to allegations of an inducement being offered.

Having assessed this material the CDPP has advised that the evidence will not sustain a charge.

The CDPP concluded that "...none of the versions of the conversations related by any of the witnesses can amount to an "offer to give or confer" a benefit. Further there is no evidence in this material of Mr Maguire having conspired with any other person to make an offer to Mr Windsor."

The AFP has assessed the information provided by the CDPP and has finalised its investigations as a result of that assessment.

The AEC has been notified of this outcome. It would be inappropriate for the AFP to provide any further detail in relation to this matter.

Media enquiries:
AFP Media 02 6275 7100

PRESS RELEASE BY MR GREG MAGUIRE
TUESDAY, 23 NOVEMBER 2004

Mr Greg Maguire, the Tamworth businessman, unwillingly dragged into the centre of the political controversy between independent Federal MP for New England, Mr Tony Windsor and Deputy Prime Minister, Mr John Anderson, and National Party Senator, Mr Sandy MacDonald, has expressed ongoing disappointment, disgust and concern with the ongoing actions of Mr Windsor and other Federal politicians despite independent investigations and clear findings on the issue by Federal authorities.

- Mr Maguire's public comment on the matter last week has been fully vindicated by the somewhat unusual and categoric public statements released on behalf of the Australian Federal Police and the Commonwealth Director of Public Prosecutions yesterday. Specifically, those AFP investigations and their review by the Commonwealth DPP concluded that:

  (a) *"none of the versions of the conversations related by any of the witnesses can amount to an 'offer to give or confer' a benefit"*; and

  (b) *"further there is no evidence in this material of Mr Maguire having conspired with any other person to make an offer to Mr Windsor"*

- Regrettably those unambiguous conclusions cannot in any adequate or meaningful way reinstate the unfair and unwarranted attack on Mr Maguire under Parliamentary privilege whilst these investigations were still underway. This has left a permanent slur on Mr Maguire's personal reputation and standing in the community. At the same time it has also invaded the personal privacy of and caused considerable anguish and upset to Mr Maguire, his family and friends.

- Surprisingly, despite the result of those independent investigations into Mr Windsor's complaints and the conclusions which exonerate the parties named by Mr Windsor under Parliamentary privilege, neither Mr Windsor nor any other Parliamentarian who has jumped on the political band wagon, has shown any remorse or regret, less alone offered an apology, private or public to Mr Maguire or to Mr Anderson or Mr MacDonald.

- Mr Maguire rejects outright the latest suggestion put forward by Mr Windsor and the leader of the Greens, Senator Bob Brown, that there is need for some form of Parliamentary enquiry as to whether the multi-million dollar Federal and State funding for the Australian Equine and Livestock Centre was somehow dependant upon there being no reference to or acknowledgement of Mr Windsor's support for the project. Mr Maguire said this is complete red-herring and nothing more than a further specious attempt at an ongoing political beat-up of the whole issue.

- Specifically, Mr Maguire points out that the application in support of the project was put together by independent consultants engaged by the Centre. In turn the application had to go to the local independent Area Consultative Committee for assessment against the required nation-wide funding guidelines. The

political affiliations or need for acknowledgment or non acknowledgment of local State or Federal members of Parliament or members of the Board of the Australian Equine and Livestock Centre do not form part of that independent criteria and assessment process. Furthermore, no such suggestion or requirements along those lines as are now being sought to be alleged against Mr Anderson or Mr MacDonald was made to Mr Maguire in his capacity as chairman of the Board.

- Mr Maguire suggested that it would be of more benefit to the Australian public if pursuit of this red herring and continuing political witch hunt was not embarked upon. Rather, Mr Windsor, Senator Brown and the Opposition could more constructively promote and support a Parliamentary enquiry to provide a more level playing field for members of the public. Mr Maguire said that ordinary Australians who were unfairly attacked under Parliamentary privilege were not being given a "fair-go". They could not resort to the Courts (even if they could afford to) and there was no effective process in place for them to be able to adequately and cost effectively respond to and defend themselves on the floor of Parliament.

- Mr Maguire said that from his personal perspective he had no problems in placing on the public record, the pro-active support for the Australian Equine and Livestock Centre by Mr Windsor at both State and Federal level over the last 10 years. Indeed, it was through Mr Windsor's involvement with the Centre and his concurrent friendship with Mr Maguire over that period that Mr Maguire was prevailed upon, some 12 months ago, to take on the chairmanship of the Centre.

- In the result however, the reward to Mr Maguire for the success of his and other Tamworth community members in securing the promise of State and Federal funding to make the Centre financially viable, has been to receive a poisoned political chalice. This was delivered to him under Parliamentary privilege by a person whom he considered a friend and a mate.

- The resultant damage to Mr Maguire and to his family and friends who have stood by him is a price that no member of the community should have to pay. Mr Maguire said that it remains to be seen whether there is the political will on all sides of Parliament to try and address this imbalance and short-coming in our democracy at not only Federal, but also State level.

- Mr Maguire acknowledged that free and robust debate in Parliament should not be stifled. Equally, however, it should be conducted with some even handed and fair constraints to protect ordinary citizens. Mr Maguire said that when the Australian expectation of a "fair-go" is shown, as here, not to have occurred, then it behoves Parliament itself, and not the Courts, to provide an adequate means of redress.

Consistent with Mr Maguire's previous public statements and legal advice on this matter given that it is the subject of ongoing conjecture and likely debate in the Federal Parliament when it resumes, Mr Maguire does not wish to comment further on the matter at this stage.

Any enquiries concerning the matter should be directed to the Brisbane office of Mr Maguire's legal advisers, Gadens Lawyers, for the attention of Mr Ken Rose. Contact details phone (07) 23211505, fax (07) 32295850, email krose@qld.gadens.com.au.

- Tamworth businessman, Mr Greg Maguire, categorically rejects as untrue further statements made yesterday by independent New England MP, Mr Tony Windsor, under Parliamentary privilege in relation to an alleged phone call between Mr Maguire and Mr Windsor supposedly concerning the Deputy Prime Minister, Mr John Anderson.

- In Parliament, Mr Windsor alleged that Mr Maguire told him in a phone call a few days after 20 September 2004 that the Deputy Prime Minister, Mr John Anderson made a phone call to Mr Maguire. Mr Windsor alleged that the message conveyed in that call was:
"Get your mate to pull back' – 'This is bigger than all of us"

- Mr Maguire had no phone call with Mr Windsor in which he made any such statement as now alleged by Mr Windsor concerning the Deputy Prime Minister, Mr Anderson. Further, neither in September 2004, nor at any other time, did Mr Anderson convey any such message as now alleged by Mr Windsor to Mr Maguire.

- Mr Maguire also said that at no stage did Mr Anderson or any one else on behalf of the Government convey to Mr Maguire that funding for the Australian Equine and Livestock Centre was subject to or dependant upon "political strings" or other inappropriate conditions.

- On the contrary, Mr Anderson made it abundantly clear that funding for the Centre at the Federal level was dependant upon the project being supportable on the merits. The New South Wales State Government approach to the matter was the same.

- Mr Maguire said that against that background some 12 months ago when he took over the chairmanship of the board of the Australian Equine and Livestock Centre, at Mr Windsor's request, the Board was restructured so that it had sixty percent corporate and business representation and only forty percent user representation.

- Mr Maguire, also stated that the Board then resolved to engage and did engage independent professional consultants to review the project and assist in production of the ultimately successful business case for funding of the project. The objective merits and propriety of this submission are acknowledged in the public statement concerning the matter released last week by the local area chairman, Mr Kevin Humphries.

- Mr Maguire regrets the ongoing and unfair attacks on him by Mr Windsor under Parliamentary privilege in pursuit of what appears to be, not only an ongoing political beat-up but a continuation of the ill will and apparent personal vendetta by Mr Windsor against Mr Anderson which Mr Maguire has been unwillingly and unfairly dragged into

Consistent with Mr Maguire's previous public statements and legal advice on this matter given that it is the subject of debate in the Federal Parliament, Mr Maguire does not wish to comment further on the matter at this stage. Any enquiries concerning the matter should be directed to the Brisbane office of Mr Maguire's legal dvisers, Gadens Lawyers, for the attention of Mr Ken Rose. Contact details phone (07) 32311505, fax (07) 32295850, email krose@qld.gadens.com.au.

PRESS RELEASE

- Tamworth businessman, Mr Greg Maguire rejects outright the offensive and untrue allegations made against him and the Deputy Prime Minister, Mr John Anderson and National Party Senator, Mr Sandy MacDonald. These allegations were made under parliamentary privilege by independent New England MP, Mr Tony Windsor, on 17 and 18 November 2004. Unfortunately, Mr Windsor has chosen not to put these allegations to Mr Maguire "face to face" despite Mr Maguire's request to discuss the matter with him.

- Mr Maguire is not a member of any political party. His contact with Mr Anderson and Mr MacDonald came about solely through Mr Maguire's chairmanship of the Australian Equine and Livestock Centre. In turn, that position came about at the direct request of Mr Windsor as Mr Windsor accepted that he was being ineffectual in securing the necessary federal funding for the project. The Centre is important for the Tamworth and New England community and also has national significance attracting state and federal government regional partnership funding.

- Over the past several months, Mr Maguire and other local business people who support the establishment of the Australian Equine and Livestock Centre, have met Mr Anderson or Mr MacDonald on a number of occasions. However, Mr Windsor's claim of a meeting between those persons and Mr Maguire having occurred on 18 May 2004 is incorrect. A meeting of those parties did take place five days earlier but again, Mr Windsor's claims about that meeting (which he did not attend) are incorrect.

- More importantly, during a subsequent meeting between Mr Maguire and Mr Windsor, along with his campaign chairman, Mr Stephen Hall, and his campaign secretary, Ms Helen Tickle, no claims of impropriety as subsequently raised or as now alleged under parliamentary privilege, were made at any time during that supposedly critical meeting.

- Even though the disputed allegations go back to May 2004, they were only brought to light in September 2004. This occurred due to the media reporting a "throw away" comment by Mr Windsor prior to the recent federal election. Significantly, no formal complaint was made to the authorities by Mr Windsor then, nor in the past, in respect of similar alleged approaches by others to Mr Windsor during his time in parliament.

- The formal complaint was, in fact made by the Australian Labour Party to the Commonwealth Electoral Commission during the lead up to the recent federal election. Strangely, given the events this week, it was not thought necessary to by Mr Windsor to raise the issue, and no debate was initiated by him in the parliament during that critical lead up time to what was thought to be a finely balanced federal election. Rather, the complaint led to an investigation by the Australian Federal Police. This then resulted in Mr Windsor being interviewed by them and being forced to try to justify the unfortunate and invidious position he had placed himself in.

- Mr Windsor's description of events as an "act of political stupidity" is considered to highlight the improbability and perceived stupidity of the claims now supposedly made in the presence of not only Mr Windsor but two of his senior campaign directors. That scenario beggars belief and the claims made are considered to show Mr Windsor's concern in bolstering his own political credibility whilst opportunistically seeking to score points against his former National Party colleagues. However, the bitterness remains as this week's events show.

- Mr Maguire's response to the allegations stand in marked contrast to that evolving story. Upon first being approached by the Federal Police on 2 October 2004, Mr Maguire immediately participated on a voluntary basis in a detailed record of interview with two Federal Police officers. This was done without the benefit or perceived need for legal representation. Mr Maguire had nothing to hide or apologise for then or now.

- Furthermore, despite Mr Maguire's lack of any political affiliation, he had developed a close personal relationship with Mr Windsor and respect for him. This included Mr Maguire and his companies having supported and worked directly with Mr Windsor's election campaigns over several years prior to Mr Maguire assuming his recent role as chairman of the board of the Australian Equine and Stock Centre. That support having been withdrawn before the last election, it appears Mr Maguire became an expendable ally despite his long term association with and support of Mr Windsor.

- The reality of the meeting at the centre of the controversy, is that Mr Windsor has responded badly to personal comments and criticism by Mr Maguire about how Mr Windsor was becoming ineffectual in his representation of the New England area. Mr Maguire, on his own initiative, suggested to Mr Windsor that he ought to reconsider his future options regarding his political career and effectiveness. The resultant allegations now placed permanently on the parliamentary record to Mr Maguire's detriment, have no foundation in fact. Nor do or did those allegations or the actual discussions have any linkage as alleged to Mr Anderson or Mr MacDonald. The actual comments, which will no doubt emerge in time, were Mr Maguire's personal views expressed to a friend.

- Mr Maguire nevertheless understands that the unfair attacks on him by Mr Windsor under parliamentary privilege (where Mr Maguire cannot defend himself on the floor of the parliament) has most likely come about due to the political imbroglio from which he is now trying to extricate himself. Despite that, in time, Mr Maguire looks forward to receipt of an apology and frank explanation from Mr Windsor for his actions. However, he accepts that this may not occur while Mr Windsor remains in politics. In the meantime, the most regretful aspect from Mr Maguire's perspective will be the confirmation that politics has been put ahead of 10 years of mutual respect and mateship.

- In the circumstances, Mr Maguire does not wish to make any further comment about the matter. He is content for the authorities to complete their investigations in the normal course. Hopefully this will occur without any further distortion of the facts or attempts at political point scoring under the privilege of parliament or otherwise. Regardless of any action taken or not taken by the authorities, Mr Maguire is confident that in either the short or longer term, the allegations will be shown to lack substance and his position will be fully vindicated.

Mr Maguire appreciates that the media has a job to do but having provided this public statement, he and his family would appreciate if their future privacy could be respected.

Any further enquiries should be directed to his legal advisers, Gadens Lawyers, Brisbane, for the attention of Mr Ken Rose, whose contact details are phone (07) 3231 1505 and
email: krose@qld.gadens.com.au.

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AUSTRALIAN SENATE

FINANCE AND PUBLIC ADMINISTRATION

REFERENCE COMMITTEE

PARLIAMENT HOUSE
CANBERRA ACT 2600
Telephone: + 61 2 6277 3530
Facsimile: + 61 2 6277 5809
Email: fpa.sen@aph.gov.au

14 March 2005

Mr Greg Maguire
Killoran Park
DUNGOWAN NSW 2340

Dear Mr Maguire

Proof transcript of evidence
Inquiry into the Regional Partnerships Program

I enclose a copy of the proof transcript of evidence you gave to the Committee at the Public Hearing in Canberra on 10 March 2005.

I would appreciate it if you would proof read the transcript of evidence and note any corrections. Corrections should be restricted to typographical errors and errors of transcription or fact. New material cannot be introduced, the sense of the evidence cannot be altered and the evidence cannot be edited to improve expression or grammar.

Should you wish to provide additional information or to elucidate particular points, a separate supplementary submission should be provided to the Committee.

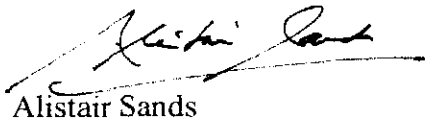
If you undertook to provide additional material in response to a question taken on notice, it would be appreciated if this material could be provided by 24 March 2005. Would you please return the corrected copy of evidence by 24 March 2005 otherwise I will assume that you do not have any corrections. If you have minimal changes to the transcript, you may wish to fax the relevant annotated pages to the Secretariat on 02 6277 5809.

When the official transcript of evidence is available you will be able to access it on our website at www.aph.gov.au/fapa_cttc/index.htm. If you require a hard copy of the

official transcript could you please email our office at fpa.sen@aph.gov.au or telephone 02 6277 3439.

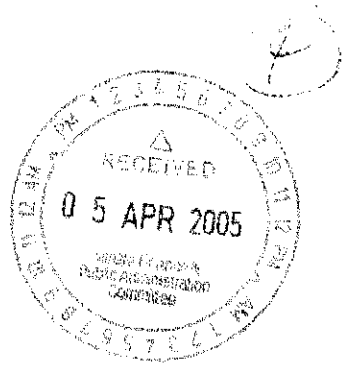
On behalf of the Committee, I thank you for appearing before the Committee and for the evidence you gave.

Yours sincerely



Alistair Sands
Secretary

QUALITY HOTEL
powerhouse



23 March 2005

Mr Alistair Sands
Secretary
Finance & Public Administration Reference Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Sands

Enquiry into the Regional Partnerships Program

In response to your letter of 14 March 2005, I advise:

1. It was apparent to me that I was the person Mr Windsor was going to name after I had been interviewed by the Australian Federal Police on 2 October 2004.

2. As to my evidence about financial support to Mr Windsor in his Federal election campaign in 2001, I say that Mr Windsor and his campaign manager Mr Stephen Hall are fully aware of any such contributions. I relied upon them to lodge any necessary paperwork concerning contributions by me or my companies towards Mr Windsor's campaigns. Attached is a copy of a television advertising invoice for the Powerhouse Hotel which relates to television advertising utilised by Mr Windsor as part of his campaign for the Federal seat of New England in 2004. This invoice was paid out of Mr Windsor's campaign funds. Contrary to Mr Windsor's claims I had minimal involvement in any of his campaigns. I was responsible for all his television placement campaigns for 2001 and 2004.

Yours faithfully

GREG MAGUIRE

Armidale Road (New England Highway), Tamworth 2340, NSW, Australia ACN 003 444 479 ABN 41 003 444 479
Tel: (02) 6766 7000 Fax: (02) 6766 7748 res@qualityhotelpowerhouse.com.au www.qualityhotelpowerhouse.com.au

ORDER CONFIRMATION

NBN LIMITED

22 SEP 2004

BY:

ABN 68 000 232 486
P O BOX 750L
NEWCASTLE NSW 2300
PHONE 02 4929 2933

T543 TONY WINDSOR ELECTION CAMPAIGN
C/- GREG MAGUIRE
POWERHOUSE BOUTIQUE HOTEL
NEW ENGLAND HWY, TAM NSW 2340

PAGE: 0

REP:
T3 MALCOLM ELLICOTT TAMWORTH

20th of SEPTEMBER 2004

W/C	OUR REF.	STN	CMP	NO	DUR	COST	PRI	PRODUCT	TIME-FRAME
	SUNDAY	MONDAY	TUESDAY		WEDNESDAY	THURSDAY		FRIDAY	SATURDAY
19/09/04	T001868	TA AT 95!		1	30	202.00	4	ELECTION CAN	1800 - 1930 1815 02
19/09/04	T001868	TA AT 95"		2	15	121.00	4	ELECTION CAN	1800 - 1930 1805 01 1825 01
19/09/04	T001868	TA AT 95#		2	30	147.00	4	ELECTION CAN	1930 - 2230 2255 02 2026 02
19/09/04	T001868	TA AT 95$		2	15	88.00	4	ELECTION CAN	1930 - 2230 2026 01 2026 01
19/09/04	T001868	TA AT 95%		4	30	34.00	4	ELECTION CAN	1100 - 1800 1635 02 1135 02 1325 02 1455 02
19/09/04	T001868	TA AT 95&		8	15	21.00	4	ELECTION CAN	1100 - 1800 1555 01 1655 01 1105 01 1225 01 1335 01 1435 01 1535 01 1555 01
19/09/04	T001868	TA AT 95'		2	15	46.00	4	ELECTION CAN	2230 - 2400 2305 01 2355 01
26/09/04	T001868 1835 02	TA AT 95!		1	30	411.00	4	ELECTION CAN	1800 - 1930
26/09/04	T001868	TA AT 95"		5	30	227.00	4	ELECTION CAN	1800 - 1930
		1855 02	1815 02		1835 02			1805 02 1920 02	
26/09/04	T001868	TA AT 95#		2	30	202.00	4	ELECTION CAN	1800 - 1930 1925 02 1835 02

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:543 TONY WINDSOR ELECTION CAMPAIGN PAGE: 1

20th of SEPTEMBER 2004

N/C	OUR REF.	STN	CMP	NO	DUR	COST	PRI	PRODUCT	TIME-FRAME
	SUNDAY	MONDAY	TUESDAY		WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	
26/09/04	T001868	TA AT 95$	2	15	247.00	4	ELECTION CAN		1800 - 1930
	1915 01								
	1845 01								
26/09/04	T001868	TA AT 95%	6	15	137.00	4	ELECTION CAN		1800 - 1930
	1835 01		1920 01		1825 01	1805 01	1825 01		
							1905 01		
26/09/04	T001868	TA AT 95&	2	15	121.00	4	ELECTION CAN		1800 - 1930
									1915 01
									1855 01
26/09/04	T001868	TA AT 95'	2	30	263.00	4	ELECTION CAN		1930 - 2200
	2135 02								
	2025 02								
26/09/04	T001868	TA AT 95(	2	30	302.00	4	ELECTION CAN		1930 - 2200
	2145 02								
	2015 02								
26/09/04	T001868	TA AT 95)	2	30	224.00	4	ELECTION CAN		1930 - 2200
			2025 02						
			1945 02						
26/09/04	T001868	TA AT 95*	2	30	251.00	4	ELECTION CAN		1930 - 2200
					1945 02				
					2025 02				
26/09/04	T001868	TA AT 95+	2	30	326.00	4	ELECTION CAN		1930 - 2200
						1955 02			
						2035 02			
26/09/04	T001868	TA AT 95,	2	30	255.00	4	ELECTION CAN		1930 - 2200
							1945 02		
							1955 02		
26/09/04	T001868	TA AT 95-	2	30	147.00	4	ELECTION CAN		1930 - 2200
									2125 02
									1945 02
6/09/04	T001868	TA AT 95.	2	15	158.00	4	ELECTION CAN		1930 - 2230
	2145 01								
	2115 01								
26/09/04	T001868	TA AT 95/	2	15	181.00	4	ELECTION CAN		1930 - 2230
	2025 01								
	2145 01								
26/09/04	T001868	TA AT 950	2	15	134.00	4	ELECTION CAN		1930 - 2230
			2055 01						
			2205 01						
26/09/04	T001868	TA AT 951	2	15	150.00	4	ELECTION CAN		1930 - 2230
					2225 01				
					1955 01				
26/09/04	T001868	TA AT 952	2	15	196.00	4	ELECTION CAN		1930 - 2230
						1945 01			
						2045 01			
26/09/04	T001868	TA AT 953	2	15	153.00	4	ELECTION CAN		1930 - 2230
							2145 01		
							2015 01		
26/09/04	T001868	TA AT 954	2	15	88.00	4	ELECTION CAN		1930 - 2230
									2225 01

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W/C	OUR REF.	STN	CMP	NO	DUR	COST	PRI	PRODUCT	TIME-FRAME	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26/09/04	T001868	TA AT 955	2	30	30.00	4	ELECTION CAN	0800 - 1100								2045 01
												0815 02				0915 02
26/09/04	T001868	TA AT 956	2	15	18.00	4	ELECTION CAN	0800 - 1100								1035 01
												0858 01				
26/09/04	T001868	TA AT 957	4	30	46.00	4	ELECTION CAN	1100 - 1800								
												1155 02				1355 02
												1115 02				1505 02
26/09/04	T001868	TA AT 958	4	30	34.00	4	ELECTION CAN	1100 - 1800								1215 02
																1355 02
																1535 02
																1725 02
26/09/04	T001868	TA AT 959	8	15	28.00	4	ELECTION CAN	1100 - 1800								
												1255 01				1325 01
												1305 01				1135 01
												1335 01				1525 01
												1425 01				1345 01
26/09/04	T001868	TA AT 95:	8	15	21.00	4	ELECTION CAN	1100 - 1800								1125 01
																1225 01
																1325 01
																1415 01
																1545 01
																1645 01
																1745 01
																1235 01
26/09/04	T001868	TA AT 95;	10	30	43.00	4	ELECTION CAN	0600 - 0900								
		0605 02	0735 02		0815 02		0615 02		0825 02							
		0725 02	0605 02		0635 02		0735 02		0645 02							
26/09/04	T001868	TA AT 95<	10	15	26.00	4	ELECTION CAN	0600 - 0900								
		0635 01	0725 01		0745 01		0855 01		0815 01							
		0745 01	0835 01		0645 01		0705 01		0635 01							
26/09/04	T001868	TA AT 95=	20	30	30.00	4	ELECTION CAN	1100 - 1800								
		1125 02	1525 02		1235 02		1645 02		1505 02							
		1335 02	1705 02		1215 02		1205 02		1645 02							
		1705 02	1305 02		1515 02		1355 02		1125 02							
		1205 02	1445 02		1205 02		1525 02		1325 02							
26/09/04	T001868	TA AT 95>	20	15	18.00	4	ELECTION CAN	1100 - 1800								
		1355 01	1725 01		1355 01		1655 01		1515 01							
		1645 01	1315 01		1525 01		1215 01		1655 01							
		1215 01	1505 01		1705 01		1405 01		1205 01							
		1415 01	1745 01		1215 01		1705 01		1355 01							
26/09/04	T001868	TA AT 95?	14	15	42.00	4	ELECTION CAN	2230 - 2300								
		2245 01	2245 01		2255 01		2255 01		2245 01							2255 01
		2255 01	2255 01		2255 01		2325 01		2245 01							2235 01

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W/C	OUR REF.	STN	CMP	NO	DUR	COST	PRI	PRODUCT	TIME-FRAME
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY		
03/10/04	T001868	TA AT 95!	2	30	411.00	4	ELECTION CAN	1800	- 1930
	1815								
	1825								
03/10/04	T001868	TA AT 95"	2	15	247.00	4	ELECTION CAN	1800	- 1930
	1805								
	1815								
03/10/04	T001868	TA AT 95#	6	30	227.00	4	ELECTION CAN	1800	- 1930
	1855	1825	1855						
	1855	1915	1815						
03/10/04	T001868	TA AT 95$	2	30	30.00	4	ELECTION CAN	0800	- 1100
	1005								
	0825								
03/10/04	T001868	TA AT 95%	2	15	18.00	4	ELECTION CAN	0800	- 1100
	0935								
	0805								
03/10/04	T001868	TA AT 95&	4	30	46.00	4	ELECTION CAN	1100	- 1800
	1345								
	1115								
	1345								
	1125								
03/10/04	T001868	TA AT 95'	8	15	28.00	4	ELECTION CAN	1100	- 1800
	1125								
	1225								
	1335								
	1215								
	1355								
	1135								
	1245								
	1345								
03/10/04	T001868	TA AT 95(	6	30	43.00	4	ELECTION CAN	0600	- 0900
	0625	0705	0805						
	0735	0815	0625						
3/10/04	T001868	TA AT 95)	12	15	26.00	4	ELECTION CAN	0600	- 0900
	0825	0605	0715						
	0635	0715	0815						
	0725	0805	0605						
	0815	0855	0705						
03/10/04	T001868	TA AT 95*	12	30	30.00	4	ELECTION CAN	1100	- 1800
	1635	1525	1355						
	1125	1415	1525						
	1215	1215	1645						
	1115	1205	1215						
03/10/04	T001868	TA AT 95+	12	15	18.00	4	ELECTION CAN	1100	- 1800
	1645	1355	1405						
	1205	1525	1635						
	1355	1755	1115						
	1245	1215	1325						
03/10/04	T001868	TA AT 95,	8	15	46.00	4	ELECTION CAN	2230	- 2300
	2315	2245	2255		2255				
	2245	2255	2255		2245				
03/10/04	T001868	TA AT 95-	3	30	261.00	4	ELECTION CAN	1930	- 2230
	2145								
	2215								
	2225								

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I543 TONY WINDSOR ELECTION CAMPAIGN

20th of SEPTEMBER 2004

W/C	OUR REF.	STN	CMP	NO	DUR	COST	PRI	PRODUCT	TIME-FRAME
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY		
03/10/04	T001868	TA AT 95. 1945 2045 2155	3	30	302.00	4	ELECTION CAN	1930	- 2230
03/10/04	T001868	TA AT 95/	3 2005 2155 1955	30	224.00	4	ELECTION CAN	1930	- 2230
03/10/04	T001868	TA AT 950	3	30	251.00 2025 2005 2005	4	ELECTION CAN	1930	- 2230
03/10/04	T001868 2135 2125 2225	TA AT 951	3	15	158.00	4	ELECTION CAN	1930	- 2230
03/10/04	T001868	TA AT 952 2015 2115 2225	3	15	181.00	4	ELECTION CAN	1930	- 2230
03/10/04	T001868	TA AT 953	3 2115 2225 2025	15	134.00	4	ELECTION CAN	1930	- 2230
03/10/04	T001868	TA AT 954	3	15	151.00 1945 2005 2015	4	ELECTION CAN	1930	- 2230
03/10/04	T001868	TA AT 955 1805 1815	6 1905 1835 275	15	142.00 1815 1855	4	ELECTION CAN	1800	- 1930

TOTAL: 24054.00
GST: 2405.40
TOTAL INC GST: 26459.40

	15 TONY WINDS ELECTION	TWET493A15PC GJ87RPLA	SPOTS:	106
01	15 TONY WINDS ELECTION	TWET493A15PC GJ87RPLA	SPOTS:	100
02	30 TONY WINDS ELECTION	TWET49330PC GJ87RPLA	SPOTS:	69

The Prices shown above are exclusive of GST.
The times shown above are initial placement and subject to change.
Please read carefully. If any discrepancies exist your urgent advice would be appreciated. CANCELLATIONS MUST BE IN WRITING.

For N B N LIMITED

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(5)

AUSTRALIAN SENATE

FINANCE AND PUBLIC ADMINISTRATION

REFERENCE COMMITTEE

PARLIAMENT HOUSE
CANBERRA ACT 2600
Telephone: 02 6277 3530
Facsimile: 02 6277 5809

5 April 2005

Mr Greg Maguire
Killoran Park
DUNGOWAN NSW 2340

Dear Mr Maguire

Inquiry into the Regional Partnerships Program

Thank you for your correspondence dated 23 March 2005, in response to questions taken on notice during the Committee's public hearing of 10 March 2005. Your correspondence has been sent to the Committee.

You may have overlooked that, as recorded at page 49 of the proof transcript of evidence, you were also asked to provide the Committee with a list of the companies you own.

Should you require further information please contact me on (02) 6277 3530.

Yours sincerely

Terry Brown
Acting Secretary

CHAIR—Mr Maguire, would you be prepared to give the committee a list of the companies that you own?

Mr Maguire—Yes.

Senator O'BRIEN—That is fine.

Senator CARR—We can take it from there.

CHAIR—Mr Maguire, you can supply that to the secretary.

Senator CARR—You say that there was a critical point—and I asked questions before about this matter—where you felt that Mr Windsor was going to 'burn' you. I think that was the expression you used.

Mr Maguire—Yes.

Senator CARR—Can you recall the circumstances when you realised that?

Mr Maguire—I am reasonably brain dead after 2½ hours, but I will try. The sin was caused on 19 May. That is when I caused the sin. Why did Mr Windsor wait through May, June, July, August and September? Why did he wait for five or six months? If I had approached him with an offer from the Deputy Prime Minister of Australia, why did he wait? Because no such thing happened. What has happened is very clear. Mr Windsor had dug the hole by making the comment: 'I was approached a few months ago or whatever.' I think he used another chap's name; someone else had approached him earlier on. I think that was in his statement. Nothing happened. Then it was picked up again. It ran further and then I think the Prime Minister got involved and asked him to name names. It goes on from there. That is very easy to see.

Senator CARR—There was a discussion at one of these meetings—I have the date here—where it is alleged that you advised Mr Windsor that there would be no further call for names to be named? Do you recall that conversation? Or was there no such conversation?

Mr Maguire—I made what?

Senator CARR—It has been put to us in evidence that in a telephone conversation on 27 September—

CHAIR—You should advise the witness of whose evidence it is.

Senator CARR—Mr Stephen Hall advised us that on 27 September you rang at 7.30 a.m. and advised that you had spoken to Mr Anderson who had agreed to stop calling for the names.

Mr Maguire—That is totally incorrect.

Senator CARR—It did not happen?

Senator BRANDIS—I have a point of order.

CHAIR—What is your point of order, Senator Brandis?

Senator BRANDIS—The point of order is badgering. Senator O'Brien has come at this about 10 or 12 times and the witness has given the same answer 10 or 12 times to questions which are essentially the same question, namely, do you remember now—

CHAIR—There is no point of order.

Senator BRANDIS—Two or three times is fine, but it is not fine to do it 10 or 12 times and then to run an editorial commentary on the answers when he has already given his answer. You should exercise a bit more control, Mr Chairman.

CHAIR—And you should control your propensity to interject when you think—

Senator BRANDIS—This is the only time that I have interjected all day.

CHAIR—I know, and we have been going very well because you have not interjected all day.

Senator BRANDIS—That is because the questions have not been badgering.

CHAIR—It is not badgering.

Senator O'BRIEN—I have simply offered Mr Maguire an opportunity to remove a serious doubt that is in my mind now.

Mr Maguire—That is your choice.

Senator O'BRIEN—So you have nothing further to say?

Mr Maguire—I have nothing further to say.

Senator O'BRIEN—I have questions on another matter that I want to pursue. Senator Carr asked about donations to Mr Windsor's 2001 campaign. You have effectively declined to nominate the companies that made those donations. Can you tell us whether those companies have complied with the law in declaring the donations?

Mr Maguire—Yes, they would have.

Senator O'BRIEN—You are inviting us to make the searches and identify them rather than you telling us? They are on the public record; searches can be made. I just want to find out why we need to hide behind this—

Mr Maguire—I do not know the company or the name. I do not know that.

AUSTRALIAN SENATE

FINANCE AND PUBLIC ADMINISTRATION

REFERENCE COMMITTEE

PARLIAMENT HOUSE
CANBERRA ACT 2600
Telephone: 02 6277 3530
Facsimile: 02 6277 5809

6

12 August 2005

Mr Greg Maguire
Killoran Park
DUNGOWAN NSW 2340

Dear Mr Maguire

Inquiry into the Regional Partnerships Program

I am writing to remind you that you have not yet provided the Committee with the information you undertook to provide at the public hearing of 10 March 2005. I understand that Acting Committee Secretary Terry Brown raised this matter in his letter to you of 5 April 2005. The Committee requires you to provide this information by **Friday 26 August 2005**.

I also draw your attention to the attached evidence to the inquiry from Mr Stephen Hall. The Committee invites you to respond to this evidence. I remind you that evidence given to the Committee is protected by parliamentary privilege. Parliamentary privilege protects witnesses from detriment on account of evidence submitted to committees, with severe penalties available to the Senate and to the courts for any such detriment.

Should you require further information please contact me on (02) 6277 3530.

Yours sincerely

Alistair Sands
Secretary

61 2 67668538

Stephen N. Hall
150 Carthage Street.
TAMWORTH NSW 2340

Mobile: 0407 924486
Email: lumberah@northinet.com.au

23rd June, 2005

Mr. A. Sands,
Secretary,
Finance and Public Administration Committee,
PARLIAMENT HOUSE ACT 2600

Facsimile No. 6277 5809

Dear Sir,

INQUIRY INTO THE REGIONAL PARTNERSHIPS PROGRAMME

I am aware that Mr Greg Maguire has responded to a request made by the Senate Committee inquiring into the Regional Partnerships Programme to provide the Committee with details of his companies and his financial contributions allegedly made to the Tony Windsor Campaigns in respect of Federal and NSW Elections.

As the Chairman of the 2001 and 2004 Tony Windsor Federal Campaigns and the person to whom Mr Maguire refers in his response as to being 'fully aware of any such contributions', I advise the Senate Committee that no financial contributions have been made to the Tony Windsor Campaign Funds for the 2001 and 2004 Elections. If requested by you, I will make available audited election returns lodged with the Australian Electoral Commission for the 2001 and 2004 Federal elections as well as all receipt books for these two elections.

Further as Mr Maguire claims in his evidence to have made contributions to Mr Windsor's NSW State Election campaigns, I can also arrange for the audited returns made to the NSW Electoral Office to be made available to your Committee together with the receipt books for these state campaigns. These returns will confirm that Mr Maguire did not make any contributions to Mr Windsor's NSW State Election campaigns.

The Tony Windsor Election Campaign administration is handled with utmost integrity and follows all the requirements of the Australian Electoral Commission.

I reiterate that Mr Maguire has never contributed financially to any of Mr Windsor's election campaigns and ask that the Committee request Mr Maguire to comply with his undertaking to provide them with any evidence to the contrary.

Yours faithfully,

Stephen N. Hall.

(7)

THE SENATE
CANBERRA ACT

FINANCE AND PUBLIC ADMINISTRATION

LEGISLATION COMMITTEE
REFERENCES COMMITTEE

Department of the Senate
Parliament House
Canberra ACT 2600

Fax: 02 6277 5809
Tel: 02 6277 3530
Email: fpa.sen@aph.gov.au

FACSIMILE TRANSMISSION

To:	**Mr Greg Maguire**		
Organisation/ Department:			
Attention:			
Fax:	**02 6766 7748**	**Date**	**21 September 2005**
From:	**Alistair Sands**		
Phone:	**6277 3439**	**No. Pages (incl this page): 2**	

Message:

Inquiry into the Regional Partnerships Program

Please find the attached letter which requires your urgent attention.

The evidence referred to in paragraph five can be found on the inquiry home page below.

http://www.aph.gov.au/Senate/committee/fapa_ctte/reg_partner_prog/submissions/sub15a.pdf

I will also be sending the attached letter and evidence referred to above by email.

Alistair Sands
Secretary

Faxed + posted
Australian Air Express

AUSTRALIAN SENATE

FINANCE AND PUBLIC ADMINISTRATION

REFERENCE COMMITTEE

PARLIAMENT HOUSE
CANBERRA ACT 2600
Telephone: 02 6277 3530
Facsimile: 02 6277 5809

21 September 2005

Mr Greg Maguire
Quality Hotel Powerhouse
Armidale Road
TAMWORTH NSW 2340
Via fax: 02 6766 7748

Dear Mr Maguire

Inquiry into the Regional Partnerships Program

I refer to previous correspondence from the Committee reminding you of your undertaking at the public hearing of 10 March 2005 to provide a list of your companies. My last letter to you of 12 August 2005 stated that the Committee required you to provide that information by no later than 26 August 2005.

I am writing again to remind you of your undertaking made on the public record and the obligations you face to provide this information expeditiously to the Committee. Under the Senate's procedural resolutions it can be an offence for a witness to fail to answer questions and provide information when required to do so.

As this is the third occasion on which you have had to be reminded to provide this information, a failure to provide the requested information may constitute such an offence and be reported to the Senate. The Senate, in turn, has the power to refer the matter to the Committee of Privileges for investigation.

I strongly urge you to respond promptly to this request and provide the information by no later than close of business **Monday 26 September 2005.**

The Committee has also asked me to draw your attention to evidence recently received that relates to you and which is attached. Any comment you may wish to make on this evidence should also reach the secretariat by 26 September.

If you wish to discuss any of the matters in this letter please do not hesitate to contact me on (02) 6277 3530.

Yours sincerely

Alistair Sands
Secretary

PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

TONY WINDSOR MP
INDEPENDENT
FEDERAL MEMBER FOR NEW ENGLAND

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Submission to Inquiry

26th August 2005

Committee Secretary
Senate Finance and Public Administration Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

Dear Committee Secretary

RE Inquiry into the Regional Partnerships Program

I would like to draw to the attention of Committee Members a number of contradictions and anomalies in the evidence given to the Inquiry into the Regional Partnerships Program by Mr Greg Maguire.

I have gone through Mr Maguire's hansarded evidence and have set out on the following pages some of these contradictions.

Mr Maguire appears to be confused and vague over times, dates and content of conversations and meetings despite them relating directly to him and his involvement in the case.

I would hope that Mr Maguire's refusal to comply with the Committee's request to supply information even though he had agreed to do so will be viewed very dimly by the Committee and dealt with in an appropriate manner by the Committee under the powers that the Committee has to deal with such unco-operative witnesses.

Yours sincerely

Tony Windsor MP
Member for New England

(8)

Hodgson, Alex (SEN)

From: Hodgson, Alex (SEN)
Sent: Wednesday, 21 September 2005 2:48 PM
To: Sands, Alistair (SEN)
Subject: Mr Maguire

Alistair,

I've just spoken to Mr Greg Maguire to get his direct email address. He did give me the address and I will send today's correspondence and attachment, however Mr Maguire indicated that he had received the letter by fax and did not intend to reply at all.

Alex Hodgson
Executive Assistant
Senate Finance and Public Administration Committee
Ph: (02) 6277 3439 Fax: (02) 6277 5809

Department of the Senate
Parliament House Canberra ACT 2600

THE SENATE

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

15 November 2006

Mr Greg Maguire
Quality Hotel Powerhouse
Armidale Road
TAMWORTH NSW 2340
Via fax: 02 6766 6433

CONFIDENTIAL

Dear Mr Maguire

I am writing to further pursue evidence you undertook to provide the inquiry into the regional partnerships and sustainable regions programs, conducted by the Finance and Public Administration References Committee in 2005.

As you know, at your appearance before a committee hearing into that inquiry on 10 March 2005, you stated you had made donations to the state and federal election campaigns of Mr Tony Windsor, the Member for New England. You undertook to provide the committee with a list of the companies you own through which you said those donations were made. You made this undertaking after refusing to disclose the names of your companies at the hearing and after it was put to you there was no record of you disclosing personally any donations to Mr Windsor.

When that information was not forthcoming, the committee wrote to you on 5 April 2005 to remind you of your undertaking to provide it. The committee wrote again on 12 August 2005 and 21 September 2005 to remind you of your undertaking. On all three occasions you were required to provide the information by a certain time, something you failed to do. The letter of 21 September 2005 also drew your attention to the possibility that a failure to provide information at the request of a committee may constitute a contempt.

You are also aware the references committee received evidence which cast doubt on the veracity of your evidence you made donations to Mr Windsor's campaigns. The committee sent that evidence to you on 12 August 2005 for you to respond to, along with a further reminder to provide a list of your companies. To date you have not provided a response.

Subsequent to the letter of 21 September 2005 you told me during a telephone conversation that you would not be providing the committee with the information you had undertaken to provide and which the committee had requested.

You would also know the references committee referred your case to the Australian Electoral Commission to investigate whether you had disclosed donations to Mr Windsor in accordance with the law. The commission's evidence to a recent estimates hearing of the committee indicated its investigations have not been able to confirm whether you did or did not make disclosable donations to Mr Windsor. The commission's evidence is attached for your information.

The committee has resolved to pursue this matter further but before doing so has instructed me to inform you of the possible consequences of any further failure to comply with the committee's directions.

The Senate has determined that certain conduct may be treated as a contempt. In relation to witnesses, this includes a refusal without reasonable excuse to answer any relevant question when required to do so and to knowingly give false or misleading evidence.

The committee is concerned there may be a case to refer this matter to the Committee of Privileges for the following reasons:

- your refusal to date without reasonable excuse, and despite repeated reminders from the committee, to provide information when required to do so; and

- the absence of any corroborating material to support your evidence of donations to Mr Windsor may indicate you gave evidence which you knew to be false and misleading.

I am writing to you now to provide the opportunity for you to satisfy the committee's requirements to provide a list of your companies and any related material to support your evidence that you made donations to Mr Windsor. You may also advise the committee of any corrections to your evidence if required or circumstances related to your decision not to provide information when you were required to do so.

The committee requires you to respond to these matters by close of business **Friday 24 November 2006**.

If you wish to discuss any of the matters in this letter please do not hesitate to contact me on (02) 6277 3530 or 0414 484 734.

Yours sincerely

Alistair Sands
Secretary

PO Box 6100, Parliament House Canberra ACT 2600 Tel: (02) 6277 3530 Fax: (02) 6277 5809
Email: fpa.sen@aph.gov.au Internet: http://www.aph.gov.au/senate/committee/fapa_ctte/

Mr Dacey—There is no government funding for it, no.

Senator ROBERT RAY—No; but there used to be?

Mr Dacey—Yes. We are still a member. We are a non-financial member.

Senator ROBERT RAY—That is right. We get all the benefits but we do not pay the fee. I am not drawing any other analogies! In the last financial year, have there been any prosecutions for electoral fraud and, if so, how many have there been?

Mr Campbell—By 'electoral fraud'—

Senator ROBERT RAY—You refer to it in your annual report, I think; I am using your terminology.

Mr Campbell—I think it is zero, but I do not want to mislead you; I will just confirm the zero.

Senator ROBERT RAY—It is not an ambush question. I am just—

Mr Campbell—No, I understand that, Senator, but I do not want to mislead either.

Mr Dacey—From memory, there could have been one or two cases that were referred but for whatever sorts of reasons there was no further action taken. So there have been no prosecutions.

Senator ROBERT RAY—Get back to me if that answer needs correction, if you could.

Senator FAULKNER—Could we just have our brief compliance status report? We normally get a—

Mr Dacey—Sure.

Mr Campbell—Do you want to do that now?

Senator FAULKNER—I thought it would be a useful time to do it. It is becoming a briefer report, which is good.

Mr Bodel—We have four special matters currently on the table. The first is the Tony Windsor Greg McGuire matter. During committee hearings by this committee into the Regional Partnerships and Sustainable Regions programs, it was revealed that Greg McGuire may have made disclosable donations to Tony Windsor. That matter is still under consideration, but it is my expectation that we may not end up with a result in that matter, mostly because the evidence we have to rely on is evidence protected by parliamentary privilege, which means that we cannot actually use our powers to demand the production of documents and that sort of thing.

The second matter is the Kelvin Thomson section 311A matter, which is about whether parliamentary departments have correctly reported against the Commonwealth Electoral Act in their annual reports. That matter is all but complete. I think we can wrap that one up fairly quickly.

The third matter is the Exclusive Brethren third-party return for the 2004 federal election. That matter is progressing considerably more rapidly than I had anticipated, and I expect that we will wrap that one up also in a very short time.

Senator ROBERT RAY—If it is still with the AFP, I will not pursue it any further. Again, I am basing this next question on a newspaper report; the second qualification is that it is from the *Australian*. I am not sure how much credibility you want to give it. The *Australian* of 31 August, on page 2, says that a very prominent Queensland businessman and former member of the Liberal Party, Mr Russell Galt, 'claims the federal Liberal Party set up a secret account that paid $140,000 to end his court case against Dr Flegg'. Has there been any investigation about this account? Do we know whether it exists or whether it is just a rhetorical claim made by a disaffected party member?

Mr Bodel—We are not aware of the specifics of the case you are referring to, but I will look at it. As a general principle, we would not look into a claim about that until the correct disclosure period had come and gone, to see if it had been appropriately disclosed. It would largely depend on when the payment was claimed to have been made.

Senator ROBERT RAY—It was some time ago. The article goes on to claim that Senator Santoro and Mr Michael Johnson MP held functions to raise money for the account. If they raised—

Senator FAULKNER—The usual suspects.

Senator ROBERT RAY—They may have been flops. They would have to have exceeded, at that time, $1,500, I think, for it to be declarable.

Mr Bodel—Yes.

Senator ROBERT RAY—You did not pick up this issue out of the newspaper at the time?

Mr Bodel—No, we did not.

Senator ROBERT RAY—Would it have been more helpful if some anonymous pimp had referred it to the Electoral Commission or the minister's office? Would that have made a difference?

Mr Bodel—It is a fair point, Senator. We should have picked it up.

CHAIR—Mr Bodel, I have a question following up on something you said before. When you referred to the McGuire-Windsor matter, you said something along the lines of that could not be pursued because of issues of privilege. Could you just expand upon what you meant?

Mr Bodel—The AEC has powers to demand the production of documents and evidence in the pursuit of seeing whether someone has a disclosure obligation. All of the evidence that we have that a disclosure obligation exists came as a result of evidence to the committee. It is protected by parliamentary privilege, and we were a little concerned about exercising those powers in relation to evidence that is protected by parliamentary privilege.

CHAIR—To my understanding, though, you could not use the information which was in the parliamentary domain for the purposes of your investigation, but that would not preclude you from making your own independent inquiries.

Mr Bodel—That is correct. Those inquiries have been undertaken and we have not been able to draw any further evidence. So we have undertaken inquiries outside of the evidence that was given to the committee, but they have drawn a blank so we have fallen back on the evidence of the committee.

CHAIR—It is not privilege that is preventing the AEC from investigating?

Mr Bodel—No. It is just that we have followed all lines of inquiry and cannot go any further.

Senator ROBERT RAY—Has the Electoral Commission done population projections into the future, based on the Bureau of Statistics figures, and any calculations as to likely seat movements when the appropriate time comes—I think it is 13 months after the next election? Sometimes you do projections to see whether or not you think there will be movement.

Mr Campbell—Yes, Senator. You might be aware that there is a particular section in the act—section 63A—and you know that there is a projection time frame that is set up which is the norm. Section 63A enables the Electoral Commission to actually shorten that term if there is going to be a change in the state. So, when the process of setting up the redistribution was undertaken in Queensland, it was decided to use a shortened time there because all of the indications from the figures we have from the Bureau of Statistics say that, when we get to 12 months after the 2007 election, the quota will mean that Queensland will get another seat and will go from 29 to 30.

Senator ROBERT RAY—Is there any problem with supplying the committee with your projections?

Mr Campbell—No.

Senator ROBERT RAY—Yes, we can go to the Parliamentary Library and spend hours on it—

Mr Campbell—No; no problem. But to answer the second part of the question—or to go to the other side of the coin—if that occurs, the data tells us that it will either be an additional seat to go to 151 or it will be a loss of a seat in Victoria. South Australia, Western Australia and New South Wales, because of what has happened recently, will not lose, but Victoria is on the cusp.

Senator ROBERT RAY—On the cusp. Right. If you could supply us with those, that would be good.

Mr Campbell—Yes, sure.

Senator ROBERT RAY—Can you give us an update on the implementation of the Minter Ellison review on postal voting support services.

Mr Pickering—Senator, the recommendations of the Minter Ellison report were fed into the Joint Standing Committee on Electoral Matters as well—a copy of the report was provided to them—and a number of those recommendations came out as recommendations of the committee as well. All of those recommendations are being acted on and I would be happy to provide you with a status report, on notice, on those recommendations if that would help.

Senator ROBERT RAY—Yes, that would be good. Was there a separate early voting review?

Mr Pickering—Do you mean a pre-polling review?

Senator ROBERT RAY—Yes.

10

FILE NOTE

PRIVILEGE MATTER – Mr Greg Maguire

On Wednesday 15 November, I telephoned Mr Maguire to obtain a mailing address for sending the committee's letter by registered post as the committee instructed.

I also wanted to alert him that I was faxing the letter to him at his premises, the PowerHouse Hotel, to respect his privacy. (During the regional programs inquiry we relied on the PowerHouse fax to communicate with Mr Maguire as it was the only way we could verify his staff at least had received committee correspondence.)

He was polite but adamant he would respond neither to the original request for a list of his companies nor to the letter I was sending.

He said his legal advice was that he could not be compelled to provide the information.

I suggested his legal advice was mistaken.

He said to tell the committee he had "no comment" on the matter.

I suggested that if he were to seek advice on the latest letter he get it from the Clerk of the Senate rather than lawyers.

He responded by saying his legal advice said neither the AEC nor the Senate can go back beyond three years to request records.

I again told him insofar as the Senate and its committees are concerned his legal advice was wrong.

He said "they [presumably the Opposition] didn't have the numbers to compel him".

Alistair Sands
Secretary
15/11/05

AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
PHONE: (02) 6277 3360
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EMAIL: Priv.sen@aph.gov.au

10 May 2007

PERSONAL AND CONFIDENTIAL

Mr Greg Maguire
Quality Hotel Powerhouse
Armidale Road
TAMWORTH NSW 2340

Dear Mr Maguire

The committee has received a briefing from its secretary about her conversation with you yesterday and is prepared to grant you an extension of time until 12 June 2007 in which to respond to its earlier correspondence of 1 March 2007.

Should you have difficulty in meeting this new deadline, the committee would appreciate it if you would contact the secretary at the earliest opportunity. The committee will consider on its merits any written submission you may wish to make for further time to respond.

Yours sincerely

Senator John Faulkner
Chair

The Law Company.

RECEIVED
7 JUN 2007
Committee of Privileges

04 June 2007

Our Ref: TY:1022
Your Ref:

The Chair
Committee of Privileges
Australian Senate
Parliament House
CANBERRA ACT 2600

Dear Senator

RE: GREG MAGUIRE

Our client thanks you for the opportunity to reply to your letter of 1 March 2007 regarding the referral of an issue to the Committee of Privileges on 7 February 2007.

Our client wishes to make a number of submissions to the Committee of Privileges and will deal with these in point form as follows:

1. A finding of contempt must necessarily be conduct that constitutes an interference with the free exercise of the Senate's, or a Committee's, authority and functions.

   It is submitted that our client has not so improperly interfered with those functions.

   Our client firstly wishes to point out that he attended before the Finance and Public Administration Committee (hereinafter referred to as "the Committee") of his own free will. Our instructions are that when before that Committee he sought to give honest and accurate evidence relating to matters before the Committee.

   It might be noted that the issue that came before the Committee was pursuant to a reference relating to the administration of the Regional Partnerships Program (RPP). The Terms of Reference are set out in para. 1.1 of the Report.

Tamworth

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Mark Davidson LLB
Accredited Specialist Advocacy

Liability limited by a scheme approved under Professional Standards Legislation

Simon Crowther BCom LLB FTIA

Leonie Hansen LLB Acc.M.LEADR

LEADR ACCREDITED MEDIATOR

We raise this matter at this time because it is our respectful submission that the matters relating to our client that are raised in the report are peripheral at best to the overall enquiry. Specifically in that respect, we note that the conclusions relating to the RPP, that are relevant to Mr. Maguire and to the Member for New England, Tony Windsor, are dealt with at pp. 152 and 153 of the report of the Committee.

In that respect, we refer you to para. 8.61 to 8.65 of the report.

The conclusions drawn by the Committee are, to that extent, not dependent upon the evidence of Mr. Maguire. Further in that respect we note that even amongst the witnesses called, some of whom could be said to be "favourably disposed" to Mr. Tony Windsor MP, these witnesses contradicted each other in various significant respects about the conversations that are alleged to have taken place.

The issue taken up in the reference to the Privileges Committee (that of our client's contributions to past Tony Windsor election campaigns) therefore relates to a matter quite peripheral to the Committee's overall inquiry into the RPP.

It is submitted therefore that the resolution (or not) of this peripheral issue, did not prevent the Committee coming to its own conclusions on the substantive matters before it.

Put another way, our client has not interfered in the proper exercise of the functions of the Committee.

2. In the light of point one it is submitted therefore that this is not a matter that properly should be dealt with pursuant to the contempt power in that it is not a matter of sufficient seriousness potentially to warrant the invocation of the Senate's privileges jurisdiction.

3. It is also submitted that what the Committee sought to inquire into with respect to our client, that is whether there had been a breach of the electoral laws, was not properly a matter for the Committee in the context of the inquiry that it was undertaking.

   This point is demonstrated by the letter forwarded to our client dated 15 November 2006.

   The letter observes that the references committee had referred our client's case to the Electoral Commission. Having taken the step of referring the matter to the Electoral Commission to investigate a possible breach of the law, it is submitted that it was entirely appropriate for our client to consider that the matter was now to be investigated by that body and not be required to expose himself, if one likes, to the "double jeopardy" of further investigations by the Committee.

   Put another way, our client's actions were not "improper" within the meaning of section 4. of the Parliamentary Privileges Act 1987.

4. It is submitted that having determined to refer the matter to the Electoral Commission for investigation, that should properly have been the end of the matter. For the Committee to continue with it's investigations, even post the delivery up of it's report into the RPP, was, once again, beyond the powers of the Committee, or alternatively, if it is considered to be within the powers of the Committee, beyond the proper and efficacious use of those powers.

5. It is noted in the Executive Summary to the Report at page X that there are specific findings made of possible false and misleading evidence given in respect of Cr Brenton Pavier. **No such finding was made by the Committee in respect of our client.**

   It is submitted that it reasonable for the Committee of Privileges to conclude that the failure by the Committee to have included such a finding in its report must lead to the conclusion that the members of the Committee were not persuaded that our client had given anything other than honest and credible evidence.

   It is submitted that, taking into account the finding of the Committee with respect to the RPP, it is inappropriate for the Committee of Privileges to seek to re-examine the evidence and reaching findings as to the credit of witnesses, witnesses whom the Committee of Privileges has not had the opportunity to examine themselves.

   It is submitted that if there were a positive finding by the Committee that Mr. Maguire had mislead the Committee, then that may form the basis for the Committee of Privileges to then consider the appropriateness of taking action for contempt, but as that did not occur the use of the contempt power is entirely inappropriate.

6. The principal assertion relating to our client therefore appears to be that he failed to provide evidence that he had undertaken to provide. We refer the Committee of Privileges to pp. x and xi of the Executive Summary and to paras. 1.46 to 1.50 of the Report.

   It will be seen that the decision of the Committee with respect to the failure to provide this information relate to possible breaches of the Electoral Act and that the decision of the Committee was to refer the matter for consideration by the Electoral Commission.

7. Under the heading "Possible matters of Privilege", at para 1.51 to 1.60, the Committee in its Report deals with matters that it considered warranted reference to the Committee of Privileges. The issue of the evidence or actions of our client was not raised in this section of the report.

   It is submitted therefore, once again, that if it were considered appropriate or efficacious for our client to be referred to the Committee of Privileges in respect of any matter arising from the Inquiry into the RPP, then it would be reasonable to assume that the Committee would have contained such a recommendation in its Report.

   In those circumstances we would contend that it is not appropriate for the Committee of Privileges to take this matter further at this time.

8. Our client notes that since giving evidence he has been the subject of media comment and speculation on a number of occasions, such reports often relying upon comment provided by the Member for New England.

ty:W:\Work\1022\#5.DOC

In a relatively small community such as Tamworth this adverse comment and speculation has been damaging to our client and his family and, in consequence, our client has been reluctant to further expose himself or others to what could best be described as "trial by media".

It has particularly been this factor which has impacted upon our client's actions since he gave evidence in March 2005.

In all the circumstances it is submitted that our client is not in breach of the Parliamentary Privileges Act and that, therefore this reference to the Committee of Privileges should be disposed of favourably to our client.

Nevertheless, if it be that the Committee of Privileges is of a different view, then our client would seek the opportunity of appearing before the Committee, giving further evidence and, if need be, adducing other evidence.

Yours faithfully
THE LAW COMPANY PTY LTD

Per:

TONY YOUNG BA LLB
Direct Line: 6767 2015
E-mail: tony.young@thelawcompany.com.au

ty:W:\Work\1022\#5.DOC

AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
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rk/pc 6133

14 June 2007

Senator A Murray
Suite SI.36
Parliament House
CANBERRA ACT 2600

PRIVATE AND CONFIDENTIAL

Dear Senator Murray

As you know, the Committee of Privileges is inquiring into a matter of possible false or misleading evidence and possible improper refusal to provide information to the Senate Finance and Public Administration Committee and its predecessors, which you and Senator Forshaw raised as a matter of privilege.

At its meeting this morning, the committee resolved to provide both you and Senator Forshaw with a copy of a response to the committee's terms of reference received from a firm of Tamworth solicitors on behalf of Mr Greg Maguire. A copy of the committee's initial correspondence is also enclosed for your information.

This material has been authorised by the committee for confidential publication to you and Senator Forshaw only. No further publication has been authorised.

The committee invites you and Senator Forshaw, separately or jointly, to provide any response to the letter from The Law Company Pty Ltd that you consider appropriate. Your response should be provided to the Committee Secretary, Rosemary Laing, Suite SG. 39, Parliament House, if possible, in time for the committee's next scheduled meeting on Thursday morning, 21 June 2007.

Yours sincerely

John Faulkner
Chair

AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

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CANBERRA ACT 2600
PHONE: (02) 6277 3360
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EMAIL: Priv.sen@aph.gov.au

rk/pc 6134

14 June 2007

Senator M Forshaw
Suite SG.23
Parliament House
CANBERRA ACT 2600

PRIVATE AND CONFIDENTIAL

Dear Senator Forshaw

As you know, the Committee of Privileges is inquiring into a matter of possible false or misleading evidence and possible improper refusal to provide information to the Senate Finance and Public Administration Committee and its predecessors, which you and Senator Murray raised as a matter of privilege.

At its meeting this morning, the committee resolved to provide both you and Senator Murray with a copy of a response to the committee's terms of reference received from a firm of Tamworth solicitors on behalf of Mr Greg Maguire. A copy of the committee's initial correspondence is also enclosed for your information.

This material has been authorised by the committee for confidential publication to you and Senator Murray only. No further publication has been authorised.

The committee invites you and Senator Murray, separately or jointly, to provide any response to the letter from The Law Company Pty Ltd that you consider appropriate. Your response should be provided to the Committee Secretary, Rosemary Laing, Suite SG 39, Parliament House, if possible, in time for the committee's next scheduled meeting on Thursday morning, 21 June 2007.

Yours sincerely

John Faulkner
Chair

AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

rk/pi6135

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14 June 2007

Mr Greg Maguire
Quality Hotel Powerhouse
Armidale Road
TAMWORTH NSW 2340

PRIVATE AND CONFIDENTIAL

Dear Mr Maguire

POSSIBLE FALSE OR MISLEADING EVIDENCE AND IMPROPER REFUSAL TO PROVIDE INFORMATION TO A COMMITTEE

The Committee of Privileges, at its meeting this morning, received as a submission to its inquiry the letter from your solicitors, The Law Company Pty Ltd, dated 4 June 2007. The committee has not authorised the submission for general publication at this stage and you and your solicitor should not give a copy to any person without the committee's permission.

Yours sincerely

Rosemary Laing
Secretary

cc The Law Company Pty Ltd
P O Box 1023
Tamworth NSW 2340
Attention: Tony Young (Ref: TY:1022)

Parliament of Australia
The Senate

Senator Michael Forshaw
Senator for New South Wales

21 June 2007

Senator the Hon John Faulkner
Chair
Committee of Privileges
Parliament House
CANBERRA ACT 2600

Dear Senator Faulkner

We refer to your letter dated 14 June 2007 in which the Committee invites us to respond to the letter from the Law Company Pty Ltd, Solicitors for Mr Greg McGuire.

We submit the following comments in response to the points detailed in the letter from Mr McGuire's solicitors.

In response to Points 1 & 2, Mr McGuire was a necessary witness and his appearance before the Committee was directly relevant to the circumstances surrounding the grant for the proposed Australian Equine and Livestock Centre in Tamworth.

In his detailed opening statement and during his evidence Mr McGuire vigorously claimed that statements made and evidence given by the Member for New England, Mr Windsor MP, were misleading and untrue. Mr McGuire directly challenged Mr Windsor's honesty and his credibility as a witness. Mr McGuire also specifically stated that he and his companies had *"...made substantial financial contributions to his* [i.e. Mr Windsor's] *political campaigns over the years."*

It was therefore very relevant to the Committee's inquiry into this particular project, where political interference had been alleged and the honesty of Mr Windsor's evidence questioned, for the Committee to seek documentary evidence of Mr McGuire's claims of financial support to Mr Windsor. It was relevant to test the truth of Mr McGuire's claim given that no record of such donations had been identified on the AEC register of declarations.

In response to Points 3 & 4, the primary concern of the Committee was whether or not Mr McGuire had given false or misleading evidence. This is the matter that has been referred to the Privileges Committee. The issue of compliance with the Electoral Act arose out of the failure of Mr McGuire to comply with his undertaking and verify his evidence and that was appropriately referred to the AEC. The proposition that Mr McGuire could have been exposed to "double jeopardy" is therefore incorrect.

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It should be noted that when Mr McGuire was first requested to provide details of his financial donations he invited the Committee to make such inquiries through the AEC. He subsequently agreed to provide the Committee with a list of the companies he owned.

In response to Points 5, 6 & 7, the fact that no specific finding was made in the Report against Mr McGuire was because the Committee had not received the documentary evidence that Mr McGuire undertook to provide. The Report does note the Committee's concern over the veracity of his evidence particularly at paragraphs 1.48 & 1.49. The Committee continued to pursue the matter of the veracity of Mr McGuire's evidence after publication of the Report. We submit that this was appropriate as the Committee has an ongoing obligation to ensure that any possible deliberately false or misleading evidence is investigated.

The situation is different to that regarding evidence given by Clr Brenton Pavier and the subsequent finding by the Committee. In the case of Clr Pavier all the relevant evidence was available to the Committee prior to finalising the Report.

In summary, the relevance of a line of questioning in a committee's inquiry is a matter for the committee to determine. The fact that the Committee included a line of questioning in its inquiry and subsequently repeatedly asked the witness to provide information which he had undertaken to provide, is sufficient indication that the committee considered that the questions were relevant to its inquiry.

Where a witness makes a statement to a committee, and when questioned about the statement gives an undertaking to provide information in support of the statement, and then repeatedly fails to provide the information in response to repeated requests from the committee, the committee is entitled to doubt the truthfulness of the statement in evidence. Mr McGuire has still not produced the information he undertook to produce in support of his statement in evidence. The Privileges Committee would be entitled to conclude that the statement was probably false or misleading.

Where a witness undertakes to provide information in support of a statement made in evidence and fails to do so in response to repeated requests by the committee, the Privileges Committee is entitled to conclude that the witness has unreasonably refused information to the committee.

Yours sincerely

Senator Michael Forshaw

Senator Andrew Murray

AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

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rk/6141

21 June 2007

Private and Confidential

Mr Greg Maguire
Quality Hotel Powerhouse
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TAMWORTH NSW 2340

Dear Mr Maguire

The Committee of Privileges has considered a submission made on your behalf by your solicitors, The Law Company Pty Ltd.

In accordance with its usual practice, the committee provided a copy of that submission in confidence to Senators Forshaw and Murray who initially proposed this inquiry to the Senate. The committee has received a joint response from both senators and, again in accordance with its usual practice, is providing a copy to you, also on a confidential basis.

The committee proposes to report to the Senate on this matter but has resolved to provide you with a final opportunity to honour your previous undertaking to the Finance and Public Administration Committee to provide the list of the companies that you own (or owned at the relevant time). That information, together with any submission you may wish to make about whether it should remain confidential, or in relation to any other aspect of this matter, should be provided to the committee secretary as soon as possible and, in any event, no later than 13 July 2007.

I remind you that this correspondence remains confidential to the committee until the committee decides otherwise and that you should not disclose it or discuss its contents with any person other than your legal advisers.

Yours sincerely

Senator John Faulkner
Chair

The Law Company.

10 July 2007

Our Ref: TY:1022
Your Ref:

The Chair
Committee of Privileges
Australian Senate
Parliament House
CANBERRA ACT 2600

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Leonie Hansen LLB Acc.M.LEADR

Dear Senator

RE: GREG MAGUIRE

Your letter of 21 June 2007 has been referred to us for response.

Our client wishes to point out that his involvement before the Senate Committee arose out of his desire to assist in the construction of a world class equine and livestock centre at Tamworth. Our client has given freely of his time energies and expertise to see this project slowly come to fruition.

Our client remains a private citizen who seeks to see the interest of his community advanced.

Despite these intentions he has been the subject of repeated media comment and indeed as late as June of this year has been the subject of an article in the electorate newsletter of the member for New England, Mr Tony Windsor. This newsletter we understand was distributed to all private letter boxes throughout the New England electorate.

In that newsletter Mr Windsor MP amongst other things quotes from a previous letter written by Senators Forshaw and Murray.

Our client wishes to emphasise that whilst he wishes no disrespect to the Senate, or indeed any of its Committees, it appears that anything he now does, or any information he supplies, will lead to further attacks upon him by the Member for New England, Mr. Tony Windsor. Our client believes he has no appropriate avenues to seek redress to these attacks, which are potentially damaging to his business and personal reputation. Of equal concern is the impact that this continued publicity has upon his wife and children.

Our client feels therefore he is constrained to stand by the position outlined to you in our previous correspondence.

We further note in your letter you seek that our client provide a list of his companies.

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Our client can only conclude that the request for this information relates to the previous referral of matters to the Electoral Commission for investigation. Our client has, through us, addressed this issue in previous correspondence. Our client remains of the view that any further enquiry by the Senate Finance and Administration Committee, or by an individual Senator, is no longer warranted, particularly as the report to the Senate on the Regional Partnerships Programme has been made in accordance with the Committee's terms of reference.

We trust this is of assistance to you.

Yours faithfully
THE LAW COMPANY PTY LTD

Per:

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