
TRANSCRIPT OF PROCEEDINGS (Private Session)

COMMISSIONER: HON. RAY FINKELSTEIN AO QC

**IN THE MATTER OF A ROYAL COMMISSION
INTO THE CASINO OPERATOR AND LICENCE**

MELBOURNE, VICTORIA

10.02 AM, MONDAY, 10 MAY 2021

**Counsel Assisting the Commission
(instructed by Corrs Chambers
Westgarth as Solicitors Assisting the
Commission)**

**MR ADRIAN FINANZIO SC
MS PENNY NESKOVIC QC
MS MEG O'SULLIVAN
MR GEOFFREY KOZMINSKY**

09:25 1 COMMISSIONER: Thank you. Sit down, everyone, please.
10:02 2 Good morning.
10:02 3
10:02 4 Mr Finanzio?
10:02 5
10:02 6 MR FINANZIO: I call Assistant Commissioner Chris Gilbert.
10:03 7
10:03 8 MR GRAY: While Assistant Commissioner Gilbert is coming to
10:03 9 the witness box, I announce my appearance as on Friday with
10:03 10 Mr Ayres for the State of Victoria.
11
12 COMMISSIONER: Thanks, Mr Gray.
13
14
15 **ASSISTANT COMMISSIONER CHRISTOPHER**
10:03 16 **GILBERT, SWORN**
10:03 17
10:03 18
10:03 19 MR FINANZIO: Assistant Commissioner, what's your full
10:03 20 name?
10:03 21
10:03 22 A. My name is Christopher Gilbert.
10:03 23
10:03 24 Q. And your current occupation?
10:03 25
10:03 26 A. I'm an Assistant Commissioner with Victoria Police at the
10:03 27 Intelligence Covert Support Command.
10:03 28
10:03 29 MR FINANZIO: By agreement between us, Commissioner,
10:03 30 Mr Gray will lead the examination of the Assistant
10:03 31 Commissioner.
10:03 32
10:04 33 COMMISSIONER: Thank you.
10:04 34
10:04 35 MR GRAY: Thank you, Commissioner. Before I commence,
10:04 36 may I address a couple of housekeeping issues. On Friday you
10:04 37 mentioned that there would be a two-stage process in relation to
10:04 38 the transcript from Friday, 7 May; that there would be a process
10:04 39 by which named representatives of the casino operator would
10:04 40 have access to that transcript, and there would be, as a second
10:04 41 stage, further consideration given to wider dissemination of that
10:04 42 transcript.
10:04 43
10:04 44 COMMISSIONER: Correct.
10:04 45
10:04 46 MR GRAY: I sought an opportunity for the State to review the
10:04 47 transcript for PII issues, and you indicated that the State would

10:04 1 have that opportunity. Thank you. Can I seek clarification that
10:04 2 the right of the State to review the transcript for PII issues should
10:04 3 occur and will occur before even the first stage occurs; that is,
10:04 4 before the Crown representatives receive the transcript?
10:04 5
10:04 6 COMMISSIONER: Correct.
10:04 7
10:04 8 MR GRAY: Thank you very much. And we'd seek the same
10:04 9 conditions, if I can put it that way, in respect of any transcript of
10:04 10 today.
10:04 11
10:04 12 COMMISSIONER: There's no problem about that, but can I ask
10:05 13 a question. Has the State given you any indication what time it
10:05 14 might take (a) to review last Friday's transcript, and what time it's
10:05 15 likely to take to look at today's transcript? Bearing in mind you'll
10:05 16 get the transcript during the course of the day.
10:05 17
10:05 18 MR GRAY: Yes, thank you. That was going to be my next
10:05 19 question: Are we going to receive Friday's transcript today?
10:05 20
10:05 21 COMMISSIONER: You should --- I've got it, so you should have
10:05 22 it. Well, it's available, because I have it. So it's only a question
10:05 23 of arranging for it to come over to you. Presumably you can --- it
10:05 24 can presumably be emailed right now if you tell my associate to
10:05 25 whom it should go.
10:05 26
10:05 27 MR GRAY: Thank you very much. To answer your question,
10:05 28 Commissioner, we did have some tentative discussions about it
10:05 29 but I don't have an answer. I'll get those instructions now.
10:06 30
10:06 31 COMMISSIONER: I just want to know whether it's going to
10:06 32 take more than a day or so.
10:06 33
10:06 34 MR GRAY: I'll get those instructions.
10:06 35
10:06 36 COMMISSIONER: It's not a whole day's transcript for Friday,
10:06 37 so it shouldn't take too long.
10:06 38
10:06 39 MR GRAY: No, indeed. Thank you very much. There's one
10:06 40 other housekeeping issue which is that notice to produce number
10:06 41 76 required the State, and in particular Victoria Police, I believe,
10:06 42 to produce statements that it was anticipated were being prepared
10:06 43 in response to the request for statement of 26 April, and that those
10:06 44 documents or that document would be provided by 4 May, and
10:06 45 that date has now passed. As a formal matter, would you please
10:06 46 excuse the State from compliance with notice 26. No doubt there
10:06 47 will be some replacement process.

10:06 1 COMMISSIONER: Yes. And presumably --- I don't know
10:06 2 whether I can extend the time, but what normally happens is I'd
10:06 3 issue a further notice for an extended date if it's still required.
10:07 4
10:07 5 MR GRAY: As I understand it, the request for statement of
10:07 6 26 April is going to be revised and hosed down and refined.
10:07 7
10:07 8 COMMISSIONER: I see. So we'll effectively start the process
10:07 9 again?
10:07 10
10:07 11 MR GRAY: I believe so.
10:07 12
10:07 13 COMMISSIONER: All right. Well, non-compliance is excused,
10:07 14 waived, and we'll just see what happens with the next round.
10:07 15
10:07 16 MR GRAY: Thank you, Commissioner.
10:07 17
10:07 18 COMMISSIONER: Thanks, Mr Gray.
10:07 19
10:07 20
10:07 21 **EXAMINATION-IN-CHIEF BY MR GRAY**
10:07 22
10:07 23
10:07 24 MR GRAY: Assistant Commissioner Gilbert, what is your
10:07 25 current command position in Victoria Police?
10:07 26
10:07 27 A. I'm the Assistant Commissioner of the Intelligence and
10:07 28 Covert Support Command.
10:07 29
10:07 30 Q. What is your relevant professional background in relation
10:07 31 to matters that have prepared you to deal with your current
10:07 32 command role, and with a particular emphasis on any sorts of
10:07 33 activities that might be relevant in respect of the casino?
10:07 34
10:07 35 A. So, Commissioner, I have 31 years of experience with
10:08 36 Victoria Police in a range of investigative and intelligence roles,
10:08 37 and serious crime, organised crime, covert policing and covert
10:08 38 policing methodologies and intelligence collection and also as a
10:08 39 senior manager through Organised Crime Counter-Terrorism
10:08 40 Command and now since September as the Assistant
10:08 41 Commissioner at the Intelligence and Covert Support Command.
10:08 42
10:08 43 Q. Thank you. Can I ask you about Intelligence and Covert
10:08 44 Support Command, ICSC. What is the role of ICSC within
10:08 45 Victoria Police, and in particular what's its relationship with the
10:08 46 other commands, in particular Crime Command?
10:08 47

10:08 1 A. So the command, Commissioner, is primarily intelligence
10:08 2 collection. We are an inward-only facing organisation in terms of
10:08 3 the public. We have a very, very small public-facing element
10:08 4 within our command. So we have a responsibility to do
10:09 5 intelligence collection, largely covert, physical, electronic, other
10:09 6 types of collection. We effectively were in the investigation
10:09 7 building stage, so we provide services to investigators who are
10:09 8 running live investigations, but we also are looking at the
10:09 9 intelligence environment both at an operational and a strategic
10:09 10 level to inform the organisation around its tasking priorities, to
10:09 11 inform some specific, targeted investigations, to share
10:09 12 intelligence as broadly as we can, depending on its classification
10:09 13 and where it's from, to engage with agencies both external to
10:09 14 Victoria Police as well as our own internal customers, and some
10:09 15 other external Government agencies.

10:09 16
10:09 17 So we largely have a collection, storage, analysis, dissemination.
10:09 18 That's in a range of fields. So it covers all crime types, and it also
10:10 19 covers the strategic crime overview. So we have a responsibility
10:10 20 to broadly understand the environment of policing full stop, how
10:10 21 does that look as against, you know, what's happening in the
10:10 22 community and around the world more broadly. So it's a very,
10:10 23 very broad range of functions that we have, specifically around
10:10 24 organised crime. We have a very broad overview of the
10:10 25 organisation, the organisation's approach to organised crime. It's
10:10 26 a very complex environment. It covers many, many crime types.
10:10 27 Certainly from our collection methodologies, we do seek to
10:10 28 understand what is it in this broad organised crime environment
10:10 29 that's impacting on harm within Victoria. So whether that's drug
10:11 30 harm, whether that's the harm from child abuse material, whether
10:11 31 that's the harm from fraud, cyber crime, et cetera, et cetera. So all
10:11 32 of the broad crime types, we have a responsibility to have an eye
10:11 33 on those, collect some intelligence, understand that environment
10:11 34 and then understand how we might prevent, disrupt, or go into
10:11 35 enforcement in terms of organised crime.

10:11 36
10:11 37 COMMISSIONER: Are there any particular areas of crime types
10:11 38 that take up more of your time than others?

10:11 39
10:11 40 A. I think all, all take up time, Commissioner, and that's
10:11 41 probably because many serious crimes go into some poly
10:11 42 offending as well. So there are a range of cross-impacts through
10:11 43 poly offending. But the environment is just so broad itself, that
10:11 44 there's many, many aspects that we collect upon. And that's the
10:11 45 traditional notion of crime, as to organised crime, there are no
10:12 46 boundaries. Organised crime is very much now not just national
10:12 47 but transnational. It's influenced by significant forces outside our

10:12 1 jurisdiction; in fact, outside Australia as well. So we try and
10:12 2 collect on all elements as best we can.
10:12 3
10:12 4 COMMISSIONER: Does that mean you have a great deal of
10:12 5 contact or a fair bit of contact with overseas agencies of your
10:12 6 equivalence?
10:12 7
10:12 8 A. There would be some relationships, but broadly we
10:12 9 would --- because of our relationship with Commonwealth
10:12 10 agencies, we do have some strong relationships there and they are
10:12 11 the ideal conduit to most agencies overseas.
10:12 12
10:12 13 MR GRAY: Assistant Commissioner, are you able to give at
10:12 14 a broad level to give an illustrative example or two about how the
10:12 15 dynamics between those responsible for investigation and ICSC
10:13 16 would work in an area which might raise casino activities?
10:13 17
10:13 18 A. So I could rely on one of those specific --
10:13 19
10:13 20 Q. If you wish, or you could give a broad-brush description of
10:13 21 how in practice the dynamic would work between ICSC and the
10:13 22 command responsible for running an investigation.
10:13 23
10:13 24 A. So, in a broad sense, we would rely heavily on the
10:13 25 intelligence collection process. So whether that's our own team
10:13 26 getting original intelligence and information, whether it's
10:13 27 information or intelligence that's come from another agency,
10:13 28 which is very, very common, or whether it's a blending or a
10:13 29 combination of that intelligence. When we are at a sufficient
10:13 30 level to consider whether enforcement is suitable, we would then
10:14 31 effectively package that information and provide it to an
10:14 32 investigative group. In Victoria Police, that's largely within the
10:14 33 Crime Command, to enable them to then take that information or
10:14 34 intelligence that little bit further, operationalising it, and then
10:14 35 going into either prevention, disruption or an enforcement
10:14 36 process.
10:14 37
10:14 38 Q. Thank you. Now, inside ICSC, there is an Organised
10:14 39 Crime Intelligence Unit, OCIU; is that right?
10:14 40
10:14 41 A. That's correct.
10:14 42
10:14 43 Q. And what's the role and function of OCIU?
10:14 44
10:14 45 A. So the Organised Crime Intelligence Unit contains a mix of
10:14 46 investigators and analysts. They are in that pre-investigation
10:14 47 mode where they will try and take some pieces of either received

10:14 1 or proactive information to build up, effectively build up a case,
10:14 2 build up a strong enough investigation, get the analysis around
10:14 3 that, share with partners, and then try and, as best we can, provide
10:15 4 that over to investigative units within the Crime Command
10:15 5 generally, or it may actually then go back to another
10:15 6 Commonwealth agency, which is not unusual as well. So they
10:15 7 very much operate with a cyclical intelligence environment where
10:15 8 there's a lot of blending, there's a lot of sharing.

10:15 9

10:15 10 COMMISSIONER: What kinds of skills would the people
10:15 11 within the investigative unit have or require?

10:15 12

10:15 13 A. So the members, the operational members are all detectives.

10:15 14

10:15 15 MR GRAY: I'm sorry, are we talking about the investigative --

10:15 16

10:15 17 COMMISSIONER: Investigative.

10:15 18

10:15 19 A. Investigative units? The investigative units for Crime
10:15 20 Command, they will largely be detectives.

10:15 21

10:15 22 COMMISSIONER: With what kind of background? I'm trying
10:15 23 to work out what kind of --

10:15 24

10:15 25 A. I'm sorry, sir. In the Crime Command, which is obviously
10:15 26 not my bailiwick, but they have investigators who are
10:16 27 multiskilled. There are some who work in sex crimes, in armed
10:16 28 robbery, in homicide, in anti-gangs, in illicit firearms, so they
10:16 29 cover pretty much all of those. They all go through some
10:16 30 generalist and some specialist training in the field.

10:16 31

10:16 32 COMMISSIONER: What about those who are directly under
10:16 33 you? Do they need specialist skills like accounting skills,
10:16 34 computer-type skills, that kind of thing, to carry out the purely
10:16 35 investigative work? Surveillance work, actually. Intelligence
10:16 36 work.

10:16 37

10:16 38 A. Well, it's intelligence collection. So they are detectives so
10:16 39 they're trained as a classical detective, if you like. A lot of the
10:16 40 material they will pick up will be garnered through their
10:16 41 on-the-job experience. Some of them may in fact come in with
10:16 42 significant experience from other crime areas, if they transfer into
10:16 43 our area, but they're classically trained detectives. They
10:17 44 understand the basics of investigation, and they understand, you
10:17 45 know, how to seek those bits of information or skills that they
10:17 46 don't have. We may have access to those in other areas of the
10:17 47 organisation.

10:17 1
10:17 2 MR GRAY: Commissioner, you already asked the Assistant
10:17 3 Commissioner about the relationship between ICSC and external
10:17 4 agencies outside VicPol to some extent, but I might just go back
10:17 5 to that.
10:17 6
10:17 7 Assistant Commissioner, building on the answer you gave to
10:17 8 Commissioner Finkelstein a short time ago in relation to contacts
10:17 9 with overseas agencies through the Commonwealth, can you give
10:17 10 the Commissioner, in broad outline, a description of ICSC's
10:17 11 relationships with external relationships, law enforcement,
10:17 12 intelligence and the like, without going into any protected public
10:17 13 interest immunity?
10:17 14
10:17 15 A. So, Commissioner, in a broad sense, at a number of
10:17 16 different levels, there is a lot of interaction with those agencies.
10:18 17 So, you know, particularly with our colleagues at the ACIC, the
10:18 18 Australian Criminal Intelligence Commission, the AFP, Border
10:18 19 Force, the tax office, AUSTRAC, et cetera. We have a number of
10:18 20 formal arrangements with those for information sharing at both
10:18 21 an operational and a strategic level. So that is managers, senior
10:18 22 managers directly responsible for the execution of
10:18 23 intelligence-gathering operations, right up to the higher-level
10:18 24 strategic, including myself at different times in different forums.
10:18 25 So there are really strong relationships, both operationally and
10:18 26 strategically, at those levels. That sees a lot of information
10:18 27 cycling through the multiple agencies, which is somewhat of
10:18 28 a complexity of itself. Just in terms of the willingness of
10:19 29 everyone to share is excellent, so that's not in doubt.
10:19 30
10:19 31 It's sometimes very complex, though, in terms of who's using that
10:19 32 information, in what particular ways. We don't want to impact on
10:19 33 other people's investigations, for example. Some information
10:19 34 may be classified at a higher level. We can't use some of it in
10:19 35 particular ways. But we do have sharing arrangements that we
10:19 36 can seek permission for the use of some of that intelligence from
10:19 37 those agencies. They may provide us information from offshore
10:19 38 that they've got access to. But, again, we work through formal
10:19 39 processes of --- I think **Confidential** is the commonly used
10:19 40 term, to ensure that we understand what it is we have and how we
10:19 41 might best be able to use that. Suffice to say that our
10:19 42 relationships are very, very strong, and the sharing, I think, is
10:19 43 quite open, as much as it can be before it gets to what is the
10:19 44 impact if we then take some activity against bits of information.
10:19 45 I hope that makes sense.
10:20 46
10:20 47 Q. Now, Assistant Commissioner, I understand when it comes

10:20 1 to the ACIC, there are particular constraints and considerations of
 10:20 2 a PII nature. Without going until the granular detail of illustrative
 10:20 3 examples, can you describe in broad-brush terms the function of
 10:20 4 ACIC, the dynamics between ACIC and ICSC when it comes to
 10:20 5 the kind of intel provision that might relate to activities in the
 10:20 6 casino.

10:20 7
 10:20 8 A. So that probably goes back to that cycle of intelligence
 10:20 9 sharing. We have a strong relationship with them. We do share
 10:20 10 information quite freely. However, much of the information that
 10:20 11 we get from the ACIC, given their capabilities and their much
 10:20 12 broader scope than Victoria Police, Confidential
 10:20 13 Confidential It's not to say that we can't take
 10:21 14 portions of that, but we do step really cautiously through any use
 10:21 15 of that. There's a bit of mutual respect and understanding in
 10:21 16 relation to the use of that information, because if we were to use
 10:21 17 that without going Confidential and that
 10:21 18 permission process, it can have really significant impacts on
 10:21 19 investigations that may be much broader than what's happening in
 10:21 20 the Victorian context. It may impact the national, transnational
 10:21 21 investigation. So, you know, very happy to get the sharing, but
 10:21 22 we just have to work diligently through how bits and pieces of
 10:21 23 that can be used.

10:21 24
 10:21 25 What often happens, Commissioner, Confidential
 10:21 26 Confidential
 10:21 27
 10:21 28
 10:21 29
 10:22 30
 10:22 31 Confidential So that sounds
 10:22 32 complex, and it is, but it doesn't prevent us from working Conf
 10:22 33 Confidential
 10:22 34

10:22 35 COMMISSIONER: Does that mean you oftentimes have to get
 10:22 36 Confidential out certain kinds of enquiries or certain --- or
 10:22 37 Confidential Commonwealth agency about how you're
 10:22 38 going to Confidential
 10:22 39

10:22 40 A. Yes, it does, and that goes both ways. So when we share
 10:22 41 information or intelligence that originates from us, we have
 10:22 42 Confidential --- you know, we seek that dialogue
 10:22 43 Confidential Because what sits behind intelligence,
 10:22 44 we're talking about when we're doing work in a more covert
 10:23 45 nature, if you like, the sources of those information are many and
 10:23 46 varied, but we do seek Confidential So
 10:23 47 Confidential

10:23 1 world, particularly when we're dealing with different capabilities
10:23 2 at different jurisdictional levels.

10:23 3

10:23 4 COMMISSIONER: So, in a sense, to some information almost a
10:23 5 **Confidential** in relation to your
10:23 6 collected information and their collected information?

10:23 7

10:23 8 A. That's right, Commissioner, and that may extend for
10:23 9 a period of time. So it may very well be that at a particular point
10:23 10 in time, **Confidential**

10:23 11 **Confide**. And it may very well be that material which might not
10:23 12 seem to --- or might seem a bit more harmless to be used, might
10:23 13 actually be enlivened in the future. So it does take a lot of time
10:23 14 and effort to get it right, and I think largely we do that.

10:24 15

10:24 16 MR GRAY: What about Crown itself? Is Crown a useful source
10:24 17 of intelligence for Victoria Police and ICSC in particular, either
10:24 18 directly, through official channels, or through whistleblowers or
10:24 19 other human sources?

10:24 20

10:24 21 A. Well, certainly I wouldn't talk about methodologies of
10:24 22 collection, if that's okay, Commissioner, but we do have some
10:24 23 processes whereby we request information from Crown Casino,
10:24 24 and as I understand it, we don't really have any issues in receiving
10:24 25 the types of information we request.

10:24 26

10:24 27 Q. I want to ask you about the former Casino Crime Unit
10:24 28 which existed up to 2006. That's what the Commissioner has
10:24 29 already heard. Did it have surveillance and intelligence
10:24 30 functions?

10:24 31

10:24 32 A. Look, I'm not overly well-versed on that unit. There may
10:25 33 have been some intelligence, perhaps not surveillance, but
10:25 34 probably something I would take on notice, given that I think
10:25 35 almost 15 years has passed since they were disbanded,
10:25 36 Commissioner, if that --- I'd seek your leave to do that.

10:25 37

10:25 38 MR GRAY: Commissioner, that was a request over the
10:25 39 weekend. We'll work on that.

10:25 40

10:25 41 COMMISSIONER: Look at that, yes.

10:25 42

10:25 43 MR GRAY: I'm sure Assistant Commissioner Gilbert will
10:25 44 provide something in writing if an opportunity is provided.

10:25 45

10:25 46 I'll go now to the specific topics raised by the request for
10:25 47 a statement of 26 April, notwithstanding that that request for

10:25 1 statement is going to be refined. We understand these are still
10:25 2 live issues. One of the key topics in that request for statement is
10:25 3 about investigations concerning money laundering in request of
10:25 4 the casino, and although it's agreed there isn't going to be
10:26 5 an attempt to provide a comprehensive list of such investigations,
10:26 6 my understanding is the witness does have knowledge about
10:26 7 some

10:26 8
10:26 9 COMMISSIONER: Okay.

10:26 10
10:26 11 MR GRAY: Assistant Commissioner, can you please give
10:26 12 a high-level description of a case study involving
10:26 13 an investigation, illustrating what you referred to a little while
10:26 14 ago as poly offending and money laundering at the casino?

10:26 15
10:26 16 A. Sure. So bear with me, Commissioner, while I try and give
10:26 17 this as sensibly as I can, given, as I said, that the complexity of
10:26 18 the background to the information is such at times that we do
10:26 19 need to be careful that we don't over-expose the source of
10:26 20 intelligence, et cetera. But one example is one of my team's
10:26 21 investigations into someone I'll nominate as person H who had
10:26 22 prior convictions for firearms offences, drug possession, drug
10:27 23 trafficking, robbery, assault, and proceeds of crime offences.
10:27 24 Person H was identified to be involved in a likely illicit brothel
10:27 25 being run out of a premises in the Melbourne CBD with person I.
10:27 26 Person I was identified as an associate of person J. So we've got
10:27 27 the links from H with the priors, to I. I is now connected to J,
10:27 28 who is the owner of a brothel. Person J was identified in
10:27 29 partnership with Crown Casino by junkets. So it's that step
10:27 30 connection.

10:27 31
10:27 32 As a result of the investigation, person H, so the original person,
10:27 33 was arrested and charged with drug trafficking and possessing of
10:27 34 proceeds of crime, and this has occurred within the last couple of
10:27 35 years. A substantial amount of cash was located, as was
10:27 36 a commercial quantity of drugs, two hand guns and some other
10:28 37 proceeds of crime during the execution of those warrants at a
10:28 38 home address, and also at the address of a domestic partner of
10:28 39 that person, and the Criminal Proceeds Squad of Crime
10:28 40 Command also froze some other cash and assets during that
10:28 41 process. So person H's association with person I would likely
10:28 42 allow person H access to money laundering capabilities at the
10:28 43 casino via person J, if that makes sense.

10:28 44
10:28 45 COMMISSIONER: It does so far.

10:28 46
10:28 47 A. Thank you. And it just demonstrates that web of

10:28 1 criminality and network of associations in this type of offending,
10:28 2 where it raises the potential for that to occur through the other
10:28 3 range of offending that I have referred to earlier. And it's that
10:28 4 earlier offending, Commissioner, that is really a focus for my
10:28 5 team. It is what is the harm being caused in the community at
10:28 6 that first level through the drugs, through any person crimes,
10:29 7 assaults, robberies, those sorts of offences.

10:29 8

10:29 9 COMMISSIONER: When it comes to the potential tail end of
10:29 10 that kind of situation, where a felon or a person who you suspect
10:29 11 of committing criminal offences has got large sums of money
10:29 12 which that person might want to launder, either through a junket
10:29 13 operator or by some other means, is that an area which is of
10:29 14 particular concern to you in the sense of part of your
10:29 15 investigations or surveillance, that kind of thing? Or are you
10:29 16 more concerned with --- I describe it this way, the hard crime, the
10:29 17 drug dealing, the prostitution, that kind of thing?

10:29 18

10:29 19 A. So we capture all, which is why Criminal Proceeds Squad
10:29 20 would have been involved in this one towards the end. So whilst
10:29 21 we are definitely looking at those core harm offences that give
10:29 22 rise to the need to go into money laundering or potential money
10:30 23 laundering, noting money laundering occurs in many, many
10:30 24 different ways, not just through a casino, we try and get as best
10:30 25 we can the end to end, noting that the disruption of the movement
10:30 26 of money, as would have been the case in this example, can have,
10:30 27 hopefully, a longer-term disrupting effect on some offenders.

10:30 28

10:30 29 COMMISSIONER: And the end result of that kind of
10:30 30 investigative process, does that mean that you would pass on
10:30 31 relevant information, say, to AUSTRAC or somebody like that to
10:30 32 follow through on a money laundering side of things, as
10:30 33 an example?

10:30 34

10:30 35 A. So our intelligence products would be readily shared with
10:30 36 all of those joint agencies. We would be confident, based on this
10:30 37 example, we would be quite confident to share what we had quite
10:30 38 freely with those other agencies.

10:30 39

10:30 40 MR GRAY: Thank you. Turning now to organised crime.
10:31 41 That's not to say I'm not also going to be asking about money
10:31 42 laundering, but turning now with specific attention to organised
10:31 43 crime, high-level organised crime, have you got an illustrative
10:31 44 case study in regards to laundering through, amongst other things,
10:31 45 multiple casinos that you can outline for the Commissioner?

10:31 46

10:31 47 A. Yes, Commissioner, in referring to another investigation,

10:31 1 this will involve someone I'll call person X. Person X, it was
10:31 2 reported that they were trafficking in drugs and had access to
10:31 3 large amounts of cash. Some intelligence holdings indicated
10:31 4 person X had previously been involved in trafficking different
10:31 5 types of powder drugs and laundering, with an extensive
10:31 6 gambling history, at a number of casinos across Australia. There
10:32 7 were some suspicious matter reports linked to that particular
10:32 8 person, person X, for large deposits into casino accounts. Some
10:32 9 examples specifically included some holdings which indicated
10:32 10 person X facilitated cash transactions at one particular casino
10:32 11 through an associate and the associate's partner. So, again, giving
10:32 12 timeframes within the last few years, there is a specific example
10:32 13 there of the associate of person X having attended at another
10:32 14 casino within Australia with a bag of --- containing a significant
10:32 15 amount of cash, a second bag which indicated links to another
10:32 16 Australian casino, with another amount of cash.

10:32 17
10:32 18 COMMISSIONER: Presumably large sums?

10:32 19
10:32 20 A. Large sums, sir, yes. There was then a request that
10:33 21 a significant portion of that money be deposited into that person's
10:33 22 account, the associate's account, but requesting that the remainder
10:33 23 was given to person X's account. Person X is a person who
10:33 24 wouldn't otherwise be within that environment at the casino. The
10:33 25 same associate had later presented another significant amount of
10:33 26 cash in bundled notes to another national casino, in exchange for
10:33 27 chips which were later handed to person X in the lobby area of
10:33 28 that casino. On the same day, the associate presented another
10:33 29 substantial amount of cash, which was bundled in notes, in
10:33 30 exchange for chips at that same casino and again handed over to
10:33 31 person X. And then thirdly, a domestic partner of person X had
10:33 32 also gambled at Crown Casino with a significant amount of chips
10:34 33 that had been cashed out over an extended period of months,
10:34 34 almost a five-month period.

10:34 35
10:34 36 So my investigative team assessed it's likely that person X was
10:34 37 laundering money, both here and elsewhere, and then using
10:34 38 multiple casinos to try and hide that activity as best they could.

10:34 39
10:34 40 COMMISSIONER: Do you know whether the relevant casinos
10:34 41 or the several casinos, whether they reported under their reporting
10:34 42 obligations to AUSTRAC these transactions were suspicious
10:34 43 transactions?

10:34 44
10:34 45 A. I'm not sure with these specific examples, Commissioner.

10:34 46
10:34 47 MR GRAY: Thank you. What are the factors specific to casinos

10:34 1 generally, Assistant Commissioner, or Crown Melbourne in
10:34 2 particular, that in your opinion might increase the risk of
10:35 3 organised crime utilising those casinos for money laundering?

10:35 4
10:35 5 A. So I think the volumes of money specifically that the
10:35 6 casinos deal in make them attractive for that purpose, noting
10:35 7 organised crime can use very much any level of laundering
10:35 8 activity outside the casino as well. Laundering activity for
10:35 9 organised crime, small-scale, large-scale, it's again as complex as
10:35 10 the environment itself. But I could potentially use a reasonably
10:35 11 high-level example of that, should it assist.

10:35 12
10:35 13 Q. Certainly.

10:35 14
10:35 15 Would that assist you, Commissioner?

10:35 16
10:35 17 COMMISSIONER: Yes.

10:35 18
10:35 19 A. So I'll talk about an example which is --- and I'll try and
10:36 20 work through it slowly because it's a little convoluted, but that
10:36 21 goes to reflect the environment. This is an example around
10:36 22 a family group I'll call family A. Person A is within the structure
10:36 23 of family A. That person was investigated by my team a number
10:36 24 of years ago, given some sense that there were a number of
10:36 25 legitimate businesses that were being used to launder money for
10:36 26 other offending, and also some large amounts of money that
10:36 27 seemed to be going offshore. Person A had associations to
10:36 28 persons we deemed to be serious organised crime groups, and
10:36 29 person A also had prior convictions for trafficking in a drug of
10:36 30 dependence at a Commonwealth level, so significant quantities.
10:37 31 That person was also excluded from the majority of Australian
10:37 32 casinos, inclusive of Crown Melbourne.

10:37 33
10:37 34 A number of years ago, search warrants were executed on
10:37 35 a property linked to a familial member of person A, which was
10:37 36 an unrelated investigation. During the execution of that search
10:37 37 warrant, a number of items were located which were linked back
10:37 38 to person A and members of person A's family and associates,
10:37 39 and it was highly likely from that material gathered that that there
10:37 40 was anti-money laundering activity and obligations of casinos by
10:37 41 obfuscating the origin and recipient of funds transferring via
10:37 42 some gaming accounts. So across numerous venues.

10:37 43
10:37 44 So in terms of that, person A was using a number of associates to
10:38 45 help facilitate the transfer of funds. So another search warrant
10:38 46 executed at a Melbourne property linked to person A identified
10:38 47 that person A maintained both a residence and somewhat of

10:38 1 an office at that premises. And the following other items of
10:38 2 interest were located. So there was a Crown Signature Club card
10:38 3 in the name of an associate of person A, but that was found in
10:38 4 a bedroom of person B. Person B is a sibling of person A. So
10:38 5 they're sharing that --- or certainly at that time sharing the
10:38 6 residence. And person B resided there with person C. So person
10:38 7 C is the domestic partner of person B.

10:38 8
10:38 9 A Crown Rewards card in the name of another person of interest
10:39 10 we'll call person D was located in person A's office. Person D is
10:39 11 recorded with historical charges of trafficking drugs of
10:39 12 dependence, concealing prohibited weapons, and trafficking in
10:39 13 cannabis and possession cannabis. In the bedroom used by
10:39 14 person A, also located was a receipt for a telegraphic transfer of
10:39 15 a significant volume of Hong Kong dollars. That transfer was
10:39 16 authorised by another person called person E and made payable to
10:39 17 person A's partner. Person E was suspected to be a member of
10:39 18 an ethnic organised crime group in Victoria. Person E was also
10:39 19 suspected to facilitate money laundering via casino junkets and
10:40 20 being linked to several brothels in Melbourne which were also
10:40 21 suspected of using illegal sex workers.

10:40 22
10:40 23 A further Crown Perth patron receipt was located in the name of
10:40 24 person B, who was the sibling of person A, for the withdrawal of
10:40 25 a threshold amount of money, which was put towards a chip
10:40 26 purchase voucher for the same amount. A further Crown Perth
10:40 27 payment receipt was located, made payable to person A's partner,
10:40 28 for withdrawal of a substantial amount of money at the same
10:40 29 time, and also a Crown Perth Premium Player settlement sheet
10:40 30 was located in the name of person A's partner, and again, there
10:40 31 was a significant amount of money payable to person A's partner
10:40 32 on that document.

10:40 33
10:40 34 A search warrant was also executed on a vehicle registered to
10:40 35 person A's business, and in that vehicle was found a Crown
10:41 36 Rewards card in the name of person A's partner, and a Crown
10:41 37 Rewards card in the name of person D, who was identified at the
10:41 38 earlier Melbourne address as an associate of person A. Person D
10:41 39 was suspected of facilitating person A's activities at Crown
10:41 40 Resorts, despite being an excluded person, and there is some
10:41 41 intelligence to indicate person A and person D were identified
10:41 42 together in a car park within Crown's precinct and had provided
10:41 43 conflicting stories for their purpose of being there. Further,
10:41 44 person A or person D --- or sorry, I should say person D and
10:41 45 person A's partner, are recorded in a number of suspicious
10:41 46 transfers totalling a fairly substantial amount of money between
10:41 47 their casino betting accounts during that period of police interest.

10:41 1
10:41 2 So that probably goes to show somewhat of those links, and
10:42 3 there's a little bit more, if you can bear with me, Commissioner.
10:42 4
10:42 5 COMMISSIONER: I'm writing this down, little charts for
10:42 6 myself.
10:42 7
10:42 8 A. Thank you, sir. So, in terms of person A, during the earlier,
10:42 9 the first warrant we were talking about, linked to person A were
10:42 10 several Crown Melbourne currency exchange receipts in the
10:42 11 names of two other persons of interest linked to person A, one of
10:42 12 those being a relative. Over a two-day period, those transactions
10:42 13 accounted for a significant amount of Hong Kong dollars and
10:42 14 Australian dollars, probably relatively even amounts of both, but
10:42 15 substantial amounts nonetheless, and of note there was --- in
10:42 16 relation to that, we're not aware of any Crown suspicious matter
10:42 17 reports linked to those.
10:42 18
10:42 19 MR GRAY: What were those reports typically? You mean
10:42 20 they're coming from the casino, typically?
10:43 21
10:43 22 A. Notable possible suspicious reports, yeah.
10:43 23
10:43 24 Q. By Crown Casino police?
10:43 25
10:43 26 A. Yes. So analysis of the receipts revealed a likely
10:43 27 methodology, and we say likely based on our estimate of
10:43 28 approach to the analysis, that person A was circumventing the
10:43 29 legislated obligations of casinos and exclusion orders currently in
10:43 30 place against person A. A telegraphic transfer is sent from
10:43 31 an offshore casino to accounts owned and controlled by person
10:43 32 A's family members or associates. Cash is subsequently
10:43 33 withdrawn from those accounts and deposited into Australian
10:43 34 bank accounts. The funds are then likely transferred into
10:43 35 business accounts registered to family members. So that then
10:43 36 comes back to those legitimate businesses, Commissioner.
10:43 37 There's obviously been a lot of activity around the country and
10:43 38 offshore, starting and ending with what are believed to be
10:44 39 legitimate businesses.
10:44 40
10:44 41 COMMISSIONER: Can I just ask --- I'll probably ask a lot more
10:44 42 detail, but tell me what you make of the Hong Kong dollar
10:44 43 transfers? What does that tell you about what was going on, at
10:44 44 least what suspicion does that raise? That money coming in from
10:44 45 Hong Kong casinos, for example, to be transacted through
10:44 46 Australian casinos or is it taking money out so it can be spent
10:44 47 overseas? Or it could be both, I guess?

10:44 1
10:44 2 A. It's difficult to say. Hong Kong doesn't have its own,
10:44 3 although there are nearby casinos, you'd be aware of, in Macau
10:44 4 and elsewhere. I think it's difficult to say in terms of this. The
10:44 5 likelihood is it's just simply been used to try and obfuscate a clear
10:44 6 understanding of where money is going. I suppose it just
10:44 7 highlights the ease of transnational movement of monies and then
10:45 8 the ability for jurisdictions to track that money with some
10:45 9 confidence. That's a difficult process. And as I said, it changes
10:45 10 hands a number of times, Commissioner, which makes that end
10:45 11 result, you know, to get that clarity more and more difficult.
10:45 12 That's, again, offshore and organised crime is really common.
10:45 13 Offshore activity and organised crime.
10:45 14
10:45 15 COMMISSIONER: Thanks.
10:45 16
10:45 17 MR GRAY: Commissioner, going to another, albeit related,
10:45 18 topic. The request for a statement contained at point 10 a request
10:45 19 for an explanation of the types of persons, for example, but not
10:45 20 limited to, casino patrons or employees who may be susceptible
10:45 21 to criminal influence or exploitation, and then a question about
10:45 22 factors that might increase vulnerability to influence or
10:45 23 expectation.
10:45 24
10:46 25 Assistant Commissioner, are you able to provide a high-level
10:46 26 illustrative example within the scope of this question, and are you
10:46 27 able to provide an opinion on factors?
10:46 28
10:46 29 A. So, I can, again, and again I apologise, Commissioner,
10:46 30 because this material does come from relatively sensitive sources.
10:46 31 But I can give an example in terms of an employee, specifically,
10:46 32 who was identified by police to be suspected of trafficking drugs
10:46 33 sourced from organised crime entities. We'll call that person,
10:46 34 person M, employed by Crown as a host for a number of years,
10:46 35 and had been dismissed by the casino, I understand, by accepting
10:46 36 a gratuity from a patron. That former employee's role entailed
10:46 37 looking after some Crown VIP customers, providing meals and
10:47 38 accommodation and other goods and services requested by the
10:47 39 patrons.
10:47 40
10:47 41 Following person M's dismissal, an examination of their --- just
10:47 42 bear with me, Commissioner. I'll need to phrase that. So
10:47 43 following their dismissal, an examination of some material linked
10:47 44 to person M located some indicators that person M had been
10:47 45 trafficking illicit drugs whilst also being a VIP host. Person M's
10:47 46 mobile number was identified to be a contact of several
10:47 47 individuals which we would say are linked to organised criminal

10:47 1 activity, including some other targets of our investigation teams.
10:47 2 Off the back of what was located, it's likely that person M was
10:47 3 not necessarily trafficking drugs for personal financial gain, but
10:48 4 potentially it was at the behest of VIP clients, rather than
10:48 5 an individual motivation to profit, as part of, for whatever reason,
10:48 6 the service person M deemed to be worthy of supplying them.
10:48 7 We also understand person M had received some drugs from
10:48 8 some of person M's criminal contacts in exchange for money or
10:48 9 some other gratuities.

10:48 10

10:48 11 Q. Assistant Commissioner, to the extent you feel able, if
10:48 12 you're able to give a firm opinion with a proper foundation on
10:48 13 this, can you outline factors that might make either employees, or
10:48 14 patrons, for that matter, susceptible to exploitation?

10:48 15

10:48 16 A. Look, in general terms, for exploitation, those lists of
10:49 17 vulnerabilities are as long as your arm, Commissioner. They're
10:49 18 the societal vulnerabilities, they're mental health, they're
10:49 19 gambling addiction, they're alcoholism, they're loneliness, they're
10:49 20 status-based, they are every known motivator for exploitation. In
10:49 21 terms of employees, I would probably put it as simply the ability
10:49 22 to flatter or offer gratuities to employees would make them
10:49 23 vulnerable targets, given their direct links back into the casino
10:49 24 environment.

10:49 25

10:49 26 MR GRAY: I have no further questions.

10:49 27

10:49 28 COMMISSIONER: I've just got a couple before Mr Finanzio
10:49 29 asks.

10:49 30

10:49 31

10:49 32 **QUESTIONS BY THE COMMISSIONER**

10:49 33

10:49 34

10:49 35 COMMISSIONER: Are you able to give me some indication in
10:49 36 terms of number, I guess, of the numbers of people who are not
10:50 37 only susceptible to being involved, for one reason or another, in
10:50 38 [indistinct] but how often that in fact happens?

10:50 39

10:50 40 A. I wouldn't be able to do that without some deeper analysis,
10:50 41 Commissioner. I think it would be really speculative of me to do
10:50 42 that. Suffice to say that those vulnerabilities themselves exist and
10:50 43 are created daily, you know, in a range of ways around organised
10:50 44 crime outside casino, as much as with links to the casino.

10:50 45

10:50 46 COMMISSIONER: On a slightly but not completely different
10:50 47 topic, is part of the investigative work that's done by your unit

10:50 1 look into loan sharking at the casino, where people might have
10:50 2 lost a lot of money and desperate to get some, either to keep
10:50 3 gambling or for some other purpose, are taken advantage of by
10:51 4 third parties who offer them --- well, they might offer them a lot
10:51 5 more, but offer them money at exorbitant interest rates, that kind
10:51 6 of thing?

10:51 7
10:51 8 A. That would be a vulnerability, yes. I think you've clearly
10:51 9 articulated one of the many.

10:51 10
10:51 11 COMMISSIONER: Is that an area that your unit looks at or is
10:51 12 that --

10:51 13
10:51 14 A. We would certainly have that in the mix of our collection,
10:51 15 yes.

10:51 16
10:51 17 COMMISSIONER: Thanks.

10:51 18
10:51 19 MR GRAY: Nothing further, thank you.

10:51 20
10:51 21

10:51 22 **EXAMINATION-IN-CHIEF BY MR FINANZIO**

10:51 23
10:51 24

10:51 25 MR FINANZIO: Assistant Commissioner, I want to ask you
10:51 26 some questions about what you can tell us about the involvement
10:51 27 of Crown employees, based on the last example you gave us. Has
10:52 28 your division or your command gathered information about VIP
10:52 29 hosting staff at the casino more broadly than the example that
10:52 30 you've given?

10:52 31
10:52 32 A. I'd need to go back to broader intelligence holdings to
10:52 33 determine any quantity around that.

10:52 34
10:52 35 Q. Have you been able to --- has your command been
10:52 36 investigating or have holdings in relation to the use by Crown
10:52 37 employees and junket holders, junket operators, of the jet
10:52 38 facilities that exist at Crown?

10:52 39
10:52 40 A. Which facilities?

10:52 41
10:52 42 Q. Crown has a jet.

10:52 43
10:52 44 A. Right. I would estimate there would be some,
10:52 45 Commissioner, and I'm not sure whether they're our holdings, but
10:52 46 I am aware of holdings, but I'm not sure whose they are in terms
10:53 47 of the origin.

10:53 1
10:53 2 Q. It's right, isn't it, that in giving your evidence today about
10:53 3 some of these examples that you've been briefed by others
10:53 4 beneath you with the details of them; is that right?
10:53 5
10:53 6 A. That's correct.
10:53 7
10:53 8 Q. And that the examples that you've given to us are examples
10:53 9 that don't come within your own actual knowledge; you've
10:53 10 worked them up over the course of the last week or so?
10:53 11
10:53 12 A. Well, some of those would be thematically known, and
10:53 13 they're actually pieced from a large number of sources.
10:53 14
10:53 15 Q. You mentioned in the course of your evidence the structure
10:53 16 of OCIU --- I think I've got this right, but you'll tell me if it's
10:53 17 wrong --- that OCIU has a mixture of investigators and analysts; is
10:53 18 that right?
10:53 19
10:53 20 A. That's correct.
10:53 21
10:53 22 Q. And the investigators are classically police-trained
10:54 23 investigators; is that correct?
10:54 24
10:54 25 A. That's correct, yes.
10:54 26
10:54 27 Q. And the analysts draw together the threads of information
10:54 28 that comes from those investigations; is that correct?
10:54 29
10:54 30 A. That's --
10:54 31
10:54 32 Q. Broadly right?
10:54 33
10:54 34 A. Yes, that's right.
10:54 35
10:54 36 Q. And is it right that OCIU isn't necessarily engaged in any
10:54 37 particular criminal investigation at any one time; it's assisting
10:54 38 other commands in their investigations?
10:54 39
10:54 40 A. Well, it's a combination of both. They may have some what
10:54 41 I'd call own motion, or they might be specifically tasked to assist.
10:54 42 So it will be a combination of those approaches, depending on
10:54 43 what prioritisation occurs.
10:54 44
10:54 45 Q. So there might be a lead investigator in Crime Command or
10:55 46 in Organised Crime Command, but there might also be
10:55 47 an investigator at OCIU?

- 10:55 1
10:55 2 A. There may be.
10:55 3
10:55 4 Q. And the leaders of those investigations sit a fair way below
10:55 5 you in the structure and hierarchy of the police force, don't they?
10:55 6
10:55 7 A. Well, only to some extent. So those relationships and those
10:55 8 investigative --- the authorisation process really does sit a little bit
10:55 9 higher than it. So we have processes, what I'll call tasking
10:55 10 coordination, between ourselves and the Crime Command, and
10:55 11 then I also spoke earlier about external agency relationships
10:55 12 where there is a reasonably significant knowledge for senior level
10:55 13 managers to direct activity in respect of specific investigations.
10:55 14
10:55 15 Q. But it's right, isn't it, that the day-to-day management of the
10:55 16 investigations sits at around the detective sergeant level?
10:55 17
10:55 18 A. Day-to-day would sit there with oversight from a number of
10:56 19 supervisors who have access to broader pieces of information as
10:56 20 part of that puzzle.
10:56 21
10:56 22 Q. Now, you described in the course of your evidence that --
10:56 23 I think I got this right --- the objective is to prevent, disrupt, or
10:56 24 ultimately to enforce the law. Do you remember saying that?
10:56 25
10:56 26 A. Yes.
10:56 27
10:56 28 Q. And that often the approach that's taken is to facilitate or
10:56 29 develop a case that runs end to end from the commencement of
10:56 30 investigation all the way through to prosecution; correct?
10:56 31
10:56 32 A. That's an ideal way to work.
10:56 33
10:56 34 Q. But that there are often examples of intelligence gathered
10:56 35 that doesn't end up in a prosecution?
10:56 36
10:56 37 A. That's correct.
10:56 38
10:56 39 Q. And that intelligence is useful in understanding the context
10:56 40 in which the investigation is undertaken?
10:56 41
10:56 42 A. That's correct.
10:56 43
10:56 44 Q. And insofar as having a day-to-day understanding of that
10:56 45 investigation and what it yields in terms of the context of, in this
10:57 46 instance, the casino, the people best placed are the people on the
10:57 47 ground in the day-to-day management of that investigation, aren't

10:57 1 they?

10:57 2

10:57 3 A. Well, that's probably a little bit --- it's probably a little bit
10:57 4 binary in terms of that, Commissioner, because again, the
10:57 5 investigations really make up a number of parties, and those
10:57 6 knowledge pieces can sometimes --- have to be connected, and
10:57 7 that's where the managers I referred to have a pretty important
10:57 8 role.

10:57 9

10:57 10 Q. But the managers aren't in the field or first hand on
10:57 11 a day-to-day basis, are they?

10:57 12

10:57 13 A. No, that's correct. That's not the case.

10:57 14

10:57 15 Q. And there can be a lot garnered or gathered in the mind of
10:57 16 the day-to-day operative conducting the investigation that might
10:57 17 not be relevant to the end-to-end investigation and ultimate
10:57 18 prosecution, but still might give insights into the way that the
10:58 19 casino operates; is that true?

10:58 20

10:58 21 A. That's correct, Commissioner. The advantage there is we
10:58 22 have access. So the team that's set up around those
10:58 23 investigations, because the information gathered, or intelligence
10:58 24 that is in fact more information and intelligence is then collated
10:58 25 and assessed as part of that holistic investigation.

10:58 26

10:58 27 Q. Yes, but it's collated and assessed as part of the
10:58 28 investigation for the purposes of the end-to-end prosecution, not
10:58 29 necessarily for the understanding of the incidental activities that
10:58 30 occur round that end-to-end investigation; correct?

10:58 31

10:58 32 A. That's not necessarily correct. We still would take
10:58 33 information that is of relevance or may be of relevance at a future
10:58 34 time. It may not be gathered --- there may be an attempt to gather
10:58 35 for one specific investigation, but it may actually relate to
10:58 36 something completely different. So we record that if it's
10:58 37 something we think is of intelligence value, and again, it goes
10:59 38 into that broader environment of the material we collect.

10:59 39

10:59 40 Q. So you record it if it's important for your purposes, that is,
10:59 41 it's intelligence value for the purpose of understanding or
10:59 42 augmenting ongoing investigations, correct?

10:59 43

10:59 44 MR GRAY: Objection. There seems to be a little bit of
10:59 45 uncertainty about the use of the plural pronouns "you" and "we".
10:59 46 I think my friend is trying to get to something that really requires
10:59 47 a little bit more precision, so I'd ask him to rephrase these

10:59 1 questions.
10:59 2
10:59 3 MR FINANZIO: Intelligence gathered for the purpose of your
10:59 4 end-to-end investigation, that is, the police's end-to-end
10:59 5 investigation, whether it's Crime Command or Organised Crime
10:59 6 Intelligence Unit, is intelligence directed to the prosecution.
10:59 7 There might be other incidental facts observed which are not
10:59 8 relevant to that purpose?
11:00 9
11:00 10 A. That's correct, but they're still recorded. If they're notable,
11:00 11 they'll be recorded and accessible, whether they go to
11:00 12 a prosecution or not.
11:00 13
11:00 14 Q. If they're notable?
11:00 15
11:00 16 A. Well, without hinging on the word "notable", detectives are
11:00 17 trained to make notes and record them, and our expectation is that
11:00 18 they then go into products which are shareable, as is the
11:00 19 instruction.
11:00 20
11:00 21 Q. Who are the day-to-day Confidential that are in your
11:00 22 command?
11:00 23
11:00 24 A. I've got a number of Confidential right across the
11:00 25 command.
11:00 26
11:00 27 Q. Is there a Confidential in your command who has had
11:00 28 control of an investigation or responsibility for an investigation in
11:00 29 relation to Crown over the last five years?
11:00 30
11:00 31 A. There may be still within my command. I'd need to check
11:00 32 that, Commissioner. Noting that members transfer in and out.
11:01 33
11:01 34 Q. You obviously have the name of someone in mind?
11:01 35
11:01 36 A. No, I don't.
11:01 37
11:01 38 Q. All right. Well, I think the other day I was given a name
11:01 39 through various sources of Confidential. Is that a Confidential
11:01 40 Confidential that you know? I was told that --- I'll rephrase that. Is
11:01 41 there a Confidential who was a Confidential?
11:01 42
11:01 43 A. I can't answer that, Commissioner. I'm not sure, sorry.
11:01 44
11:01 45 MR GRAY: Sorry to interrupt. I don't think my friend is
11:01 46 suggesting that this has come from me or anybody on our side.
11:01 47

11:01 1 COMMISSIONER: He hasn't suggested that at all.
11:01 2
11:01 3 MR GRAY: Thank you.
11:01 4
11:01 5 MR FINANZIO: Is there a Confidential in your command?
11:01 6
11:01 7 A. I'm not sure, Commissioner, I'm sorry.
11:01 8
11:01 9 Q. Is that because --- okay. Well, you're not sure.
11:01 10
11:01 11 A. I have 800-odd staff, sorry, Commissioner, and I'm slowly
11:02 12 getting to each of them.
11:02 13
11:02 14 Q. So is it the case that you're not able to say, sitting where
11:02 15 you are, who the Confidential are, say in the last five years,
11:02 16 under your command who have had command of or responsibility
11:02 17 for investigations at the casino?
11:02 18
11:02 19 A. I've been leading the command since September,
11:02 20 Commissioner, so I'd need to take that on notice to try and
11:02 21 identify that.
11:02 22
11:02 23 Q. How long would it take you to find out?
11:02 24
11:02 25 A. It would just be an examination of some records,
11:02 26 Commissioner.
11:02 27
11:02 28 Q. Would it be a phone call?
11:02 29
11:02 30 A. Probably not, Commissioner. I think there's --- checking
11:02 31 establishment records, no, probably a bit more than that.
11:02 32
11:02 33 Q. All right. Well, how long would it take?
11:02 34
11:02 35 COMMISSIONER: End of the day?
11:02 36
11:02 37 A. It's possible, Commissioner. It's possible. It could take
11:03 38 a little longer.
11:03 39
11:03 40 MR FINANZIO: Do you have any intelligence holdings or have
11:03 41 you conducted any investigations in relation to existing police
11:03 42 and their involvement with Crown and any illicit activities?
11:03 43
11:03 44 A. There will be some intelligence, I would think, around that,
11:03 45 Commissioner, yes.
11:03 46
11:03 47 Q. Are you able to say who?

11:03 1
11:03 2 A. I'm not sure at what level that is. I'd need to check that
11:03 3 before I gave that answer.
11:03 4
11:04 5 Q. Check?
11:04 6
11:04 7 A. The classification of that information, Commissioner. But
11:04 8 certainly willing to take that on notice to understand that.
11:04 9
11:04 10 Q. Are you able to say whether the police have conducted any
11:04 11 investigations or have any holdings in relation to former police
11:04 12 and their involvement with Crown?
11:04 13
11:04 14 A. Former police, I'm not sure, Commissioner. I'd have to take
11:04 15 that one on notice.
11:04 16
11:04 17 Q. All right. To be clear, you say that you need till the end of
11:04 18 today or tomorrow morning?
11:04 19
11:04 20 COMMISSIONER: I put --
11:04 21
11:04 22 MR FINANZIO: I thought it was the end of the day.
11:04 23
11:04 24 COMMISSIONER: I put the end of the day, and --- yes, but it
11:04 25 might take a bit longer. In relation to the question, how long
11:04 26 would it take to get the information.
11:04 27
11:04 28 MR FINANZIO: Can the Commissioner confirm, and I don't
11:05 29 mind if it's through the solicitors, he doesn't have to attend,
11:05 30 whether Confidential has been involved in conducting any
11:05 31 investigations in relation to matters that have dealt with Crown
11:05 32 Casino or the names of any other Confidential who have
11:05 33 done that work in the last five years.
11:05 34
11:05 35 COMMISSIONER: You said something, Mr Gray, that you
11:05 36 could find out about during the course of the day or tomorrow,
11:05 37 and pass the information on?
11:05 38
11:05 39 MR GRAY: Well, I think --- I'm acting on the Assistant
11:05 40 Commissioner's indication of how long it should take us, but
11:05 41 subject to that, yes, and we'll certainly get straight on to it.
11:05 42
11:05 43 COMMISSIONER: Yes.
11:05 44
11:05 45 MR GRAY: Do we have a spelling for that last surname that was
11:06 46 mentioned? That's a new surname.
11:06 47

11:06 1 MR FINANZIO: Confidential
11:06 2
11:06 3 Last question. The case studies that you've referred to, are they
11:06 4 case studies that continue to be ongoing investigations?
11:06 5
11:06 6 A. So the answer to that will be largely yes, given not all of
11:06 7 those would necessarily have resulted in enforcement, and
11:06 8 therefore potentially enlivened at later dates. If not, still subject
11:06 9 to enquiries by other agencies. So that's as far as I could take
11:06 10 that, Commissioner.
11:06 11
11:06 12 Q. So one of the case studies you made a reference to was --
11:06 13 I might get the letters wrong here, but persons H, I and J. You
11:07 14 mentioned that person H was charged in relation to the matter,
11:07 15 but you didn't say what the outcome was for the illicit brothel
11:07 16 owner or in particular the junket operator or the junket agent in
11:07 17 relation to that transaction. Are you able to tell us what the
11:07 18 outcomes were there?
11:07 19
11:07 20 A. No, I'm not, Commissioner. I'd have to take that on notice
11:07 21 and determine whether there were outcomes.
11:07 22
11:07 23 Q. Because you're not sure if there were?
11:07 24
11:07 25 A. At this stage, I'm not sure if there were.
11:07 26
11:07 27 Q. Yes. And are you able to tell us, in broad terms, the date
11:07 28 range?
11:07 29
11:07 30 A. In broad terms, for that particular example?
11:07 31
11:07 32 Q. Yes.
11:07 33
11:07 34 A. I would say that's probably within the last --- within the last
11:07 35 18 months.
11:07 36 Q. Within the last 18 months. And in relation to the second
11:08 37 example, which was the family A scenario, when was that?
11:08 38
11:08 39 A. That activity would have occurred over potentially
11:08 40 a four-plus-year period.
11:08 41
11:08 42 Q. And concluding when?
11:08 43
11:08 44 A. Concluding when? It may not be fully concluded in terms
11:08 45 of some of those activities.
11:08 46
11:08 47 Q. So --

11:08 1
11:08 2 A. I'm --
11:08 3
11:08 4 Q. So starting about four years ago?
11:08 5
11:08 6 A. Or possibly longer, Commissioner.
11:08 7
11:08 8 Q. Okay. But your note doesn't tell you how long?
11:08 9
11:08 10 A. No, no. I can put it at least in a four-year time range.
11:08 11
11:08 12 Q. And --
11:08 13
11:08 14 A. I might add, Commissioner, if I can, the reason I've been
11:08 15 fairly broad is because of the sensitive nature of some of the
11:09 16 information and the ability to put those timeframes together with
11:09 17 the activities to try and --- you know, it may be identifiable as to
11:09 18 who those persons are, which we've tried to not identify for
11:09 19 obvious reasons.
11:09 20
11:09 21 Q. Are you familiar with the Roy Moo case?
11:09 22
11:09 23 A. The name is familiar, but I'm not across the material.
11:09 24
11:09 25 Q. Very publicly, there was a lot of media about the Roy Moo
11:09 26 case. It was the bags of cash in about 2012 resulting in a
11:09 27 prosecution of Mr Moo. Are you familiar with that?
11:09 28
11:09 29 A. I'm only familiar with the name, not the detail,
11:09 30 Commissioner.
11:09 31
11:09 32 Q. You've been in this role since September last year?
11:10 33
11:10 34 A. That's correct.
11:10 35
11:10 36 Q. What was your role before that?
11:10 37
11:10 38 A. Counter-Terrorism Command.
11:10 39
11:10 40 Q. Confidential
11:10 41 Confidential
11:10 42
11:10 43
11:10 44
11:10 45 A. Confidential
11:10 46 Confidential
11:10 47

11:10 1 Q. While you were there or not?
11:10 2
11:10 3 A. Whilst I was there, yes, an awareness session of the
11:10 4 comings and goings of the casino for police response purposes.
11:10 5
11:10 6 Q. Was it the case that SOG was able to use Crown Casino for
11:11 7 operations on a public holiday?
11:11 8
11:11 9 A. I don't know the answer to that, Commissioner.
11:11 10
11:11 11 Q. All right. So your OCIU --- your current role commenced in
11:11 12 September?
11:11 13
11:11 14 A. That's correct. I was in the command for a period of
11:11 15 months prior to that, from around February or March, just in
11:11 16 an acting capacity.
11:11 17
11:11 18 MR FINANZIO: Well, again, we look forward to those names.
11:11 19 Thank you.
11:11 20
11:11 21 COMMISSIONER: I've got a couple of questions, quite
11:11 22 unrelated to the ones you've been asked. Assume that I want to
11:11 23 set up a taskforce of members of the police force, maybe with
11:12 24 some expertise, outside assistance, like auditors and people like
11:12 25 that, and I wanted to check to see to what extent money
11:12 26 laundering takes place at a casino, doesn't have to be Crown, any
11:12 27 casino. Could I do that job best by stationing permanently
11:12 28 a group of people at the casino, watching goings on, and to be
11:12 29 able to have immediate access to all the records that I --- I'm the
11:12 30 leader of the team --- all the records that I wanted to have access
11:12 31 to that I thought my team should have access to? In other words,
11:12 32 is on-the-spot surveillance with the appropriately-skilled people
11:12 33 a good way or the best way or one way only to get around --- no,
11:13 34 not to get around, to go about looking for [indistinct] events
11:13 35 taking place and what I can do to stop it?
11:13 36
11:13 37 A. There is some complexity in the question that you ask,
11:13 38 Commissioner, and I'm not sure, and given the numbers of
11:13 39 different parties involved in that work, noting it's national
11:13 40 legislation responsibilities as well, I think there's a bit of
11:13 41 complexity in there that I'd be happy to take on notice a more
11:13 42 considered response to that, given the complex dynamics between
11:13 43 people with roles in that sort of activity.
11:13 44
11:13 45 COMMISSIONER: Assume I had a free rein, like I didn't worry
11:13 46 about State or Federal relations, I didn't worry about what the
11:13 47 powers of the police force was or whether I could allocate

11:13 1 resources somewhere else, I'm just looking at a standalone
11:13 2 problem. My problem is I'm charged with trying to reduce money
11:14 3 laundering at a particular institution, a casino, Melbourne casino,
11:14 4 Sydney casino, doesn't really matter where it is for the purposes
11:14 5 of my question. I'm just trying to work out, from a personal
11:14 6 perspective, from your personal perspective, how would I best go
11:14 7 about doing that? Would I start off with people on the ground?

11:14 8
11:14 9 A. Look, I think, Commissioner, in response to that, it's best
11:14 10 that I refer back to the organised crime environment is so
11:14 11 complex that its breadth is well beyond the scope of a casino, and
11:14 12 on that basis, you know, where they would be best placed needs
11:14 13 a little bit of consideration in terms of what's the best public value
11:14 14 out of the placement of those. It probably takes a fair bit of
11:14 15 considered thought in terms of where is that best impact going to
11:14 16 be had.

11:15 17
11:15 18 COMMISSIONER: Can I ask you to think about it?

11:15 19
11:15 20 A. You can, Commissioner. Certainly --- and if that's
11:15 21 something that's required, I would seek your

11:15 22
11:15 23 COMMISSIONER: And a question not only from a personal
11:15 24 perspective, by just getting the task done perspective, I'd be
11:15 25 interested to know what you thought was the best way to go about
11:15 26 it. I'm not suggesting that wouldn't involve outside resources or
11:15 27 outside sources as well. It might be that I have to liaise with
11:15 28 members of VicPol. In other words, I'm not suggesting this is
11:15 29 a standalone operation in the purest sense, my problem, I'm just
11:15 30 wondering if that's as good a place as any to begin, or even if not
11:15 31 to begin, as good a place as any to have something in place in
11:15 32 order to go about eliminating --- cut down money laundering as
11:15 33 much as possible?

11:16 34
11:16 35 A. I think I'm seeking your indulgence for an opportunity to
11:16 36 put some more thought around that and really to try and narrate
11:16 37 through some of those complexities and ensuring that I don't
11:16 38 speak on behalf of others at the same time.

11:16 39
11:16 40 COMMISSIONER: Well, I don't care what the other people's
11:16 41 views are. I'm interested in your views.

11:16 42
11:16 43 A. Thank you.

11:16 44
11:16 45 COMMISSIONER: I know you won't give them to me, but have
11:16 46 a go. I'm really quite interested in what you think about it. That
11:16 47 means you have to come back. In writing will do.

11:16 1
11:16 2 A. I'm happy to do that, Commissioner, because I think it's
11:16 3 fairer to yourself that I give you a fairly robust view rather than
11:16 4 something which is not really necessarily well evidenced, so I'd
11:16 5 much prefer to give you very, very well-anchored guidance, if
11:16 6 that's okay?
11:16 7
11:16 8 COMMISSIONER: I'd be very assisted by it as well.
11:17 9
11:17 10 A. Thank you.
11:17 11
11:17 12 COMMISSIONER: You have any questions, Mr Gray?
11:17 13
11:17 14 MR GRAY: Nothing arising, thank you.
11:17 15
11:17 16 COMMISSIONER: I'll make sure, if you haven't got Friday's
11:17 17 transcript --
11:17 18
11:17 19 MR GRAY: We now have it.
11:17 20
11:17 21 COMMISSIONER: You now have it? Good. And you will get
11:17 22 today's as soon as it is available, which should be pretty quick,
11:17 23 I think it's a running transcript, so you should have it quickly.
11:17 24
11:17 25 MR GRAY: Thank you. I understand. We're probably going to
11:17 26 need two days from getting that transcript to get back to you on
11:17 27 any PII incidents.
11:17 28
11:17 29 COMMISSIONER: Can you do your best to get it by
11:17 30 Wednesday, close of business Wednesday afternoon? Because
11:17 31 whatever's not going to be subject to a claim for privilege, I'd like
11:17 32 to make it available privately --
11:18 33
11:18 34 MR GRAY: To the named representatives of Crown?
11:18 35
11:18 36 COMMISSIONER: Yes, correct. I don't want to leave it much
11:18 37 beyond Wednesday afternoon.
11:18 38
11:18 39 MR GRAY: We understand how important this is, and all I can
11:18 40 say is all practical efforts will be made.
11:18 41
11:18 42 COMMISSIONER: Do your best. Okay. Thank you.
11:18 43
11:18 44 MR GRAY: The current non-publication direction or order that
11:18 45 you have made or going on previous --- yes, that you have made in
11:18 46 respect of the evidence today, and I think this goes for --
11:18 47

11:18 1 COMMISSIONER: Will be the same for Friday.
11:18 2
11:18 3 MR GRAY: Yes. That puts some boundaries on our ability to
11:18 4 consult up the line on PII questions.
11:19 5
11:19 6 COMMISSIONER: I'll vary the order, and include the names of
11:19 7 those people who you want to be able to have access to the
11:19 8 transcript.
11:19 9
11:19 10 MR GRAY: Thank you. We don't have the names to hand.
11:19 11 There's a process involved that will involve some consultation
11:19 12 higher up the chain. Could we ask for either a generic --- no?
11:19 13
11:19 14 COMMISSIONER: That's too complicated.
11:19 15
11:19 16 MR GRAY: We have to give you the name?
11:19 17
11:19 18 COMMISSIONER: Name or position held.
11:19 19
11:19 20 MR GRAY: Thank you. We will get right on to that.
11:19 21
11:19 22 COMMISSIONER: Yes, as long as only one person holds the
11:19 23 office. Otherwise there's potential --- it can't be sort of
11:19 24 under-secretary or deputy secretary where there might be four.
11:19 25 As long as it's an office held by one individual, then I can vary
11:20 26 the order and nominate the office-holder without naming the
11:20 27 office-holder.
11:20 28
11:20 29 MR GRAY: Thank you very much. We will provide that.
11:20 30
11:20 31 COMMISSIONER: All you need to do is get in touch via email
11:20 32 or telephone or something like that and we can sort that out pretty
11:20 33 quickly.
11:20 34
11:20 35 MR GRAY: Thank you.
11:20 36
11:20 37 COMMISSIONER: All right. Well, I'll adjourn now.
11:20 38
39
40 **THE WITNESS WITHDREW**
41
42
43 **HEARING ADJOURNED AT 11.20 AM UNTIL FRIDAY, 14**
44 **MAY 2021 AT 10.00 AM**
45
46
47

Index of Witness Events

ASSISTANT COMMISSIONER CHRISTOPHER GILBERT, SWORN	P-2
EXAMINATION-IN-CHIEF BY MR GRAY	P-4
QUESTIONS BY THE COMMISSIONER	P-18
EXAMINATION-IN-CHIEF BY MR FINANZIO	P-19
THE WITNESS WITHDREW	P-31

Index of Exhibits and MFIs