
TRANSCRIPT OF PROCEEDINGS (Closed Session)

COMMISSIONER: HON. RAY FINKELSTEIN AO QC

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

MELBOURNE, VICTORIA

10.43 AM, FRIDAY, 18 JUNE 2021

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10:43 1 **HEARING IN CAMERA**

10:43 2

10:43 3

10:43 4 **HOUSEKEEPING**

10:43 5

10:43 6

10:43 7 COMMISSIONER: Thank you, everyone. Please sit down. I'm
10:43 8 not going to blame anybody for the delay, other than complain on
10:43 9 behalf of the staff who came here nice and early for an early
10:43 10 beginning.

10:43 11

10:43 12 Can I raise a couple of matters before we start with the evidence.
10:43 13 This is mostly directed to Mr Gray and Mr Rozen, so pay
10:43 14 attention.

10:43 15

10:43 16 On 7 June the Commission received correspondence from Allens
10:43 17 to do with a tax question. And, under cover of that letter, the
10:44 18 Commission was provided with a file note of a meeting between
10:44 19 Allens lawyers and Crown representatives. The file note is dated
10:44 20 8 March. The question that has arisen, there are two potential
10:44 21 questions, one probably not much in dispute. The first question is
10:44 22 whether privilege in certain communications has been waived,
10:44 23 and I mean by that legal privilege. And the second question is
10:44 24 what is the extent of the waiver. Each question is important
10:45 25 because it will affect which parties, and perhaps the public, get to
10:45 26 read the communications, sorry, get to read the letter and/or the
10:45 27 file note. The extent of the waiver will also bear on whether
10:45 28 evidence during the course of hearings on the subject matter of
10:45 29 the letter and the subject matter of the file note will be made
10:45 30 public or will be kept at private hearings.

10:45 31

10:45 32 In addition to the letter of 17 June and the file note, there is
10:45 33 a question of whether it is a meeting on 18 or 19 March, we
10:46 34 received, or the Commission has received submissions from
10:46 35 Crown, written submissions, on 17 June, where it is accepted that
10:46 36 waiver has occurred and there is a discussion about the extent of
10:46 37 the waiver. I want to resolve both questions, waiver and the
10:46 38 extent of the waiver, on Monday morning. I'm concerned to
10:46 39 make sure that both the regulator and the State, if they have
10:46 40 a view on waiver and extent of a waiver, are heard on that
10:46 41 question. Therefore, I think it is appropriate for both the
10:47 42 regulator and the State to be provided with a copy of the letter of
10:47 43 7 June, and a copy of the file note redacted to exclude those
10:47 44 portions with Crown asserts don't fall within the subject matter of
10:47 45 the waiver so that you, Mr Borsky, protect what you say is still
10:47 46 privileged, and disclose that part that you will contend or accept
10:47 47 is not privileged in the file note, and then I think both the

10:47 1 regulator and the State will be in as good a position as everybody
10:47 2 else is to decide two things: (a) whether they want to disagree or
10:47 3 disagree with the submissions that have come in from Crown, if
10:47 4 they want to disagree and say the waiver is wider than what
10:48 5 Crown accepts is --- they accept there is a waiver and there is
10:48 6 a limit to its extent, or the ambit about the waiver. If you want to
10:48 7 argue about it, you will have to argue on Monday morning, which
10:48 8 means you will have to file, each of you, State and regulator, you
10:48 9 will have to give me submissions probably by midday Sunday so
10:48 10 you can have a look at them. I won't worry about reply
10:48 11 submissions, we don't have time and it won't happen.

10:48 12
10:48 13 I know it puts everybody on a short timeframe but this is an issue
10:48 14 that's come up very quickly. Crown submissions only came in
10:48 15 yesterday so you lose 24 hours or maybe less, something like that.
10:48 16 But we have to deal with it. So, really, from the State and
10:48 17 regulator's point of view, the question is whether you are content
10:48 18 to act on the extent of the waiver, which Crown accepts, or you
10:48 19 want to argue about it.

10:48 20
10:49 21 So that will require, Mr Borsky, would you get the redaction to
10:49 22 the file note done by, say, lunchtime so that you can give it to
10:49 23 State and regulator very early afternoon together with a copy of
10:49 24 the original letter, that is the 7 June letter, and a copy of your
10:49 25 submissions that we received?

10:49 26
10:49 27 MR BORSKY: Yes, Commissioner. We will immediately
10:49 28 provide a copy of the submissions and the 7 June letter and we
10:49 29 will as expeditiously as possible redact the file note.

10:49 30
10:49 31 COMMISSIONER: It's only a page and a bit.

10:49 32
10:49 33 MR BORSKY: We will do it as expeditiously as possible as we
10:49 34 can do it this morning. I can't give you a particular time promise.
10:49 35 It will be added to the list of things that they are prioritising today
10:50 36 and we'll do it this morning.

10:50 37
10:50 38 COMMISSIONER: Okay. As long as that is underway.

10:50 39
10:50 40 MR BORSKY: It will momentarily be underway.

10:50 41
10:50 42 COMMISSIONER: Even if the file note redaction might take till
10:50 43 2 o'clock so you can look over it over the lunch break, by which
10:50 44 time it must be ready, the letter and the submissions can be made
10:50 45 available to those instructing Mr Rozen ---

10:50 46
10:50 47 MR BORSKY: As I said, we will make the letter and the

10:50 1 submissions available immediately --
10:50 2
10:50 3 COMMISSIONER: Correct.
10:50 4
10:50 5 MR BORSKY: --- and the file note as expeditiously as we're able.
10:50 6
10:50 7 COMMISSIONER: Happy with that. That's the first of the
10:50 8 matters I want to deal with.
10:50 9
10:50 10 The second matter is compliance with Notices to Produce.
10:50 11 Thirteen, quite a number, a great overlap of documents were
10:50 12 served on 15 June --- sorry, they were due on 15. Compliance
10:51 13 was required by the 15th and at a request, I think all bar one,
10:51 14 there was a request for an extension for every one, and the
10:51 15 Commission extended it until 9 o'clock this morning.
10:51 16
10:51 17 These documents, as you know, are urgently required for
10:51 18 witnesses who are going to give evidence first up Monday and
10:51 19 Tuesday next week, and we still do not have the documents. That
10:51 20 is, if I might say so, thoroughly unsatisfactory. We don't even
10:51 21 have partial compliance. We don't hear saying "Here is half the
10:51 22 documents or most of the documents we can find to date, and we
10:51 23 will give you the rest as we can do", that is standard practice in
10:51 24 this Commission, that everybody waits for the documents by and
10:51 25 large to come in as a large bundle, 40,000 documents, go read
10:52 26 them. This is getting to the stage where it is quite unsatisfactory.
10:52 27 And everybody is busy, Mr Borsky. Everybody has a lot on their
10:52 28 plate, everyone has a lot to do and there is not a lot of time to do
10:52 29 it in. I get that. But some things are more important than others
10:52 30 and this is very important.
10:52 31
10:52 32 MR BORSKY: Yes, Commissioner. I'm not certain which
10:52 33 notices in particular you are referring to ---
10:52 34
10:52 35 COMMISSIONER: One relates to the tax issue.
10:52 36
10:52 37 MR BORSKY: Yes. Then I can inform the Commission that I
10:52 38 personally have been involved in recent days with discussions
10:52 39 with Counsel Assisting precisely for the purpose of enquiring as
10:52 40 to which documents are to be prioritised for production so as to
10:52 41 enable the evidence of Mark Mackay who has been recalled on
10:52 42 Monday morning to proceed.
10:52 43
10:52 44 COMMISSIONER: Monday morning, correct.
10:52 45
10:52 46 MR BORSKY: Documents were requested of me to be
10:52 47 prioritised, and I was asked to ensure that they were produced

10:53 1 same day. I had that conversation with Counsel Assisting on
10:53 2 Tuesday or Wednesday of this week, I forget which, and
10:53 3 production was made same day in respect of all those documents
10:53 4 which were relevant to Mr Mark Mackay. So it is not the
10:53 5 position, with the greatest of respect, that there is not even been
10:53 6 partial compliance. There has and that is confirmed to me by
10:53 7 Counsel Assisting. I'm not aware, and I certainly wouldn't
10:53 8 presume to contradict you, as to whether or not we've produced
10:53 9 perfect compliance by 9 o'clock this morning, I'm sure you'll
10:53 10 correct me ---
10:53 11
10:53 12 COMMISSIONER: I've made inquiries and the answer is "no",
10:53 13 unless they are in the ether somewhere ---
10:53 14
10:53 15 MR BORSKY: I'm sure you are quite right and I apologise for
10:53 16 that, but it's not correct that there hasn't even been partial
10:53 17 compliance. We complied in respect of the Mark Mackay
10:53 18 documents as we were asked to.
10:53 19
10:53 20 COMMISSIONER: If I delete the word "partial" and just use the
10:53 21 word "compliance" ---
10:53 22
10:53 23 MR BORSKY: I accept that and apologise.
10:53 24
10:54 25 COMMISSIONER: I don't want to have a debate about we got
10:54 26 one or two out of a hundred, we do not have the documents that
10:54 27 the Notices required to be produced.
10:54 28
10:54 29 MR BORSKY: Yes. As I'm instructed we've not produced all of
10:54 30 the documents yet.
10:54 31
10:54 32 COMMISSIONER: I have to add that the Commission has been
10:54 33 pretty generous, taking into account almost for all requests for
10:54 34 extensions of time, both for statements and documents, we've
10:54 35 gone along for it, if your solicitors have asked for a week or 10
10:54 36 days, whatever it might be, we've always said yes, but we're
10:54 37 getting to the stage of the game where that is no longer possible,
10:54 38 and if it means people have to work harder, then bad luck, they
10:55 39 just have to work harder. That's the world we are all living in, it's
10:55 40 your world and my world.
10:55 41
10:55 42 MR BORSKY: We understand, with respect, and we will
10:55 43 continue to work as hard as possible.
10:55 44
10:55 45 COMMISSIONER: One thing that the legislation doesn't provide
10:55 46 for, it says that you have a set period of time and it doesn't say
10:55 47 "use your best efforts". You have to comply. It doesn't say "as

10:55 1 good as we can", or "do the best we can in the circumstances".
10:55 2 There is nothing express or implicit in the statute which allows
10:55 3 you to do that. You get my meaning, don't you?

10:55 4

10:55 5 MR BORSKY: Yes.

10:55 6

10:55 7 COMMISSIONER: All right.

10:55 8

10:55 9 Mr Finanzio, you want to call your witness?

10:55 10

10:55 11 MR FINANZIO: Yes, I call Confidential

10:56 12

10:56 13 COMMISSIONER: There is a non-publication order for the
10:56 14 witness's name. Just call him by his job description rather than
10:57 15 name.

10:57 16

10:57 17

10:57 18 Confidential SWORN

10:57 19

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10:57 21 **EXAMINATION-IN-CHIEF BY MR FINANZIO**

10:57 22

10:57 23

10:57 24 MR FINANZIO: Confidential can you tell the
10:57 25 Commissioner your current position in Victoria Police?

10:57 26

10:57 27 A. Commissioner, I'm currently stationed at the Organised
10:57 28 Crime Intelligence Unit, which is a part of the State Intelligence
10:57 29 Division of Victoria Police.

10:57 30

10:57 31 Q. Perhaps what we can do is start with your experience.
10:57 32 Before you were a Confidential in OCIU, what did you do
10:57 33 before that?

10:57 34

10:57 35 A. I've been a police officer for 26 years. Before the
10:57 36 Organised Crime Investigation Unit, most of my experience
10:57 37 would be at divisional crime investigation units. So pre that,
10:57 38 I was the Confidential Crime Investigation Unit which is based in
10:57 39 Confidential. Previous to that I was at Confidential Investigation
10:58 40 Unit. I've been involved in a number of other investigation units
10:58 41 within Victoria Police and also with the Australian Federal
10:58 42 Police. Previous to that it would be normal uniform duties,
10:58 43 Commissioner, dating back to I think 1995.

10:58 44

10:58 45 Q. I wonder if you could give the Commissioner an outline of
10:58 46 the make-up and function of the OCIU from where you see it.

10:58 47

10:58 1 A. The OCIU is what I suggest is an intel gathering unit. So
10:58 2 what we do is explore organised crime syndicates. The main role
10:58 3 is to figure out what they are up to, what they are doing, what the
10:58 4 methodology is, how they are committing their crime, and then
10:58 5 make an evaluation of that intelligence to see how Victoria Police
10:58 6 can better target that crime. The office, at the moment it is made
10:59 7 up of **Conf** investigation crews which is run by Detective
10:59 8 Sergeant and **Conf** Detective Senior Constables beneath that. **Conf**
10:59 9 of those crews are managed by **Conf** Detective Senior Sergeant, so
10:59 10 we have **Confidential** managing **Conf** crews.
10:59 11 There is another crew embedded within Organised Crime
10:59 12 Investigation Unit which --- probably would be very reluctant to
10:59 13 talk about if I didn't have to, it is another way that we gather
10:59 14 intelligence.

10:59 15

10:59 16 Q. Okay.

10:59 17

10:59 18 A. So technically --- and then we also have what we call
10:59 19 a sporting integrity unit attached to that as well which looks at the
10:59 20 sporting intelligence and gambling and organised crime
10:59 21 affiliation or infiltration of that environment.

10:59 22

10:59 23 Q. Inside OCIU, how many are there of you?

10:59 24

10:59 25 A. There is **Confidential**

10:59 26

11:00 27 Q. Can you just speak to, or explain to the Commission, the
11:00 28 relationship between OCIU and other units and commands inside
11:00 29 Victoria Police? What is the relationship there and what is the
11:00 30 way in which the information is moved around?

11:00 31

11:00 32 A. What we would usually do after what we would call
11:00 33 an intelligence probe, we mix our terminologies in relations to
11:00 34 intelligence probes and investigations, for us they are very similar
11:00 35 things. Like I said, we look mainly in relation to the intelligence
11:00 36 space. So we are intelligence collectors. If that intelligence is
11:00 37 leading us towards more evidentiary information, then there is
11:00 38 a possibility we will engage with investigation units. Now that
11:00 39 would usually, our first port of call would be into crime
11:00 40 command. If it was an intelligence probe into a drug syndicate,
11:00 41 then that would probably be the drug task force. But we also ---

11:00 42

11:00 43 Q. Inside crime command?

11:01 44

11:01 45 A. --- inside crime command, yes. But we also engage with
11:01 46 our federal partners if the intelligence is leading to more
11:01 47 nationalised or federalised criminality.

11:01 1
11:01 2 Q. And are there divisions within OCIU that focus on
11:01 3 particular types of organised crime? So, gangs, bikie gangs, or
11:01 4 Asian organised crime?
11:01 5
11:01 6 A. When I first arrived at the OCIU in **Confidential**, there
11:01 7 were themes. We did have themes. They were quickly
11:01 8 disbanded as a way that we would target organised crime,
11:01 9 because we were very quickly seeing that organised crime was
11:01 10 quite fluid, that these ethnic organised crime syndicates were now
11:01 11 mixing a lot together. So really there's --- the investigation crews
11:01 12 will just be given investigations. There was no subject matter
11:01 13 experts that you would go to. So I'm not a subject matter expert
11:01 14 in specific organised crime syndicates. So, just what we get, it's
11:02 15 what we go with.
11:02 16
11:02 17 Q. I asked you that because some of the documents I might
11:02 18 take you to later come from that period, where there is reference
11:02 19 to Asian organised crime speciality. That's something of its time;
11:02 20 is that right?
11:02 21
11:02 22 A. Yes, that's correct.
11:02 23
11:02 24 MR FINANZIO: Now, we might just pause there for a moment,
11:02 25 Commissioner, because I just want to give Mr Gray
11:02 26 an opportunity to explain to you the documents that the document
11:02 27 folder you might have ---
11:02 28
11:02 29 COMMISSIONER: Okay.
11:02 30
11:02 31 MR FINANZIO: --- before we get underway. And what I would
11:02 32 do is indicate that after the last hearing where we had Assistant
11:02 33 Commissioner Gilbert and Acting Assistant Commissioner
11:02 34 Frewen give evidence, they produced witness statements in
11:02 35 response to a Request For Statement, and I intend to tender those
11:03 36 statements but we won't be calling them. We'll just tender them
11:03 37 at the outset.
11:03 38
11:03 39 But I will let Mr Gray explain to you the housekeeping matters in
11:03 40 relation to the documents and how they are to be dealt with.
11:03 41
11:03 42 COMMISSIONER: Okay.
11:03 43
11:03 44 MR GRAY: Thank you, Mr Finanzio. Thank you,
11:03 45 Commissioner.
11:03 46
11:03 47 I've had the benefit of some discussions with Mr Finanzio

11:03 1 recently about this. Can I just mention those two statements of
11:03 2 the Assistant Commissioners --- we understand them to be
11:03 3 confidential exhibits, they are subject to a non-publication order
11:03 4 that you made, Commissioner, on 26 May.

11:03 5
11:03 6 In respect of the documents, which we understand Mr Finanzio
11:03 7 will go to with the current witness, we have prepared a bundle in
11:03 8 folder form, hard copy, for Crown's legal representatives present
11:03 9 in this session to be able to follow the examination. We propose
11:04 10 that the documents that Mr Finanzio takes the witness to can be
11:04 11 tendered as confidential exhibits. They are in quite heavily
11:04 12 redacted form, and they are in quite heavily redacted form in the
11:04 13 hard copy bundle which we propose making available to Crown's
11:04 14 legal representatives in this session.

11:04 15
11:04 16 However, I do ask for a further opportunity for Victoria Police to
11:04 17 review those documents, we understand there are to be five of
11:04 18 them, before Crown is allowed to retain permanent custody of
11:04 19 those copies or otherwise have access to those documents in
11:04 20 an abundance of caution.

11:04 21
11:04 22 COMMISSIONER: But I thought that Mr Borsky's actually got
11:04 23 the folder. Only you don't, sorry.

11:04 24
11:04 25 MR BORSKY: I don't.

11:04 26
11:04 27 COMMISSIONER: Sorry.

11:04 28
11:04 29 MR GRAY: If Mr Borsky is going to acquiesce in those
11:05 30 conditions and subject, of course, to your decision,
11:05 31 Commissioner, we propose that folder now be provided to
11:05 32 Mr Borsky, along with those ---

11:05 33
11:05 34 COMMISSIONER: Which means that you'll get it to follow the
11:05 35 evidence, and you might not get --- you might have to give it
11:05 36 back.

11:05 37
11:05 38 MR BORSKY: Sounds like I will have to give it back,
11:05 39 Commissioner.

11:05 40
11:05 41 COMMISSIONER: Sounds like it, yes, yes.

11:05 42
11:05 43 MR BORSKY: I'm not being given a better alternative as I
11:05 44 understand it, Commissioner.

11:05 45
11:05 46 COMMISSIONER: I was going to say I don't know what the
11:05 47 alternative is!

11:05 1
11:05 2 MR GRAY: No ---
11:05 3
11:05 4 COMMISSIONER: No.
11:05 5
11:05 6 MR GRAY: No, that's true, I haven't got any other alternative.
11:05 7 That's regrettable, but that's the best I can do.
11:05 8
11:05 9 COMMISSIONER: All right.
11:05 10
11:05 11 MR GRAY: Could we now provide that?
11:05 12
11:05 13 COMMISSIONER: And I have got a folder which I haven't
11:05 14 looked at yet, and does that contain --- that contains the
11:05 15 documents you are now speaking of ---
11:05 16
11:05 17 MR GRAY: Yes, it does.
11:05 18
11:05 19 COMMISSIONER: --- and my folder of documents, each of
11:06 20 them is as redacted as you want them to be.
11:06 21
11:06 22 MR GRAY: It is, subject to this indulgence that I have just ---
11:06 23
11:06 24 COMMISSIONER: No, I understand that. I will find out in due
11:06 25 course, but are the documents comprehensible with the
11:06 26 redactions?
11:06 27
11:06 28 MR GRAY: Some of them barely so. Some of them are. There
11:06 29 are one or two that are really virtually incomprehensible.
11:06 30
11:06 31 I think there is only one of them included in the bundle of the
11:06 32 five, that Mr Finanzio wants to go to. I don't know why he
11:06 33 particularly wants to go to that document because it is very ---
11:06 34
11:06 35 COMMISSIONER: Just to show how secretive you are!
11:06 36
11:06 37 MR GRAY: That's the point. Nevertheless, that's the state of
11:06 38 play, Commissioner, subject of course to any ruling you might
11:06 39 make on those topics. I can mention what those documents are,
11:06 40 or maybe just leave it to Mr Finanzio.
11:06 41
11:06 42 COMMISSIONER: I'll leave it to Mr Finanzio.
11:06 43
11:06 44 Do you know, or do you suspect, whether in due course there
11:07 45 may be an argument about whether public interest does attach to
11:07 46 the documents or some of them, or some of the contents?
11:07 47

11:07 1 MR GRAY: Well, I'm hoping not. Public interest immunity
11:07 2 does, in my submission, attach to aspects of the documents. It is
11:07 3 a question of how far that goes and there are questions of degree,
11:07 4 no doubt ---
11:07 5
11:07 6 COMMISSIONER: Yes.
11:07 7
11:07 8 MR GRAY: --- but, at any rate, they are made available for the
11:07 9 purposes of this, in effect, closed session and they are made
11:07 10 available to enable Mr Borsky to follow the examination, and I'm
11:07 11 hoping that there won't be additional redactions at all, or that they
11:07 12 won't be extensive, but I can't make any promises about that.
11:07 13 That's just a process that has to take its course as soon as may be.
11:07 14 We will get back to Mr Borsky and Mr Finanzio in the event that
11:07 15 there are any redactions, as a precursor to Crown being allowed
11:08 16 to retain custody.
11:08 17
11:08 18 We propose, Commissioner, that the five documents be tendered
11:08 19 as confidential exhibits and be subject to the same form of
11:08 20 non-publication order that you previously made in respect of
11:08 21 Victoria Police evidence given on 7 May ---
11:08 22
11:08 23 COMMISSIONER: Sure.
11:08 24
11:08 25 MR GRAY: If you please.
11:08 26
11:08 27 COMMISSIONER: And just before you sit down, Mr Gray, you
11:08 28 can't get away that easily, in relation to the witness statements, I
11:08 29 can't remember whether I asked each of the officers certain
11:08 30 questions about what might be best practice for the future. Do
11:08 31 the witness statements --- and they said they have to go away and
11:08 32 think about it ---
11:08 33
11:08 34 MR GRAY: Yes.
11:08 35
11:08 36 COMMISSIONER: --- do the witness statements deal with those
11:08 37 issues?
11:08 38
11:08 39 MR GRAY: No.
11:08 40
11:08 41 COMMISSIONER: I will have to think about what we do about
11:08 42 that.
11:09 43
11:09 44 MR GRAY: Very well.
11:09 45
11:09 46 COMMISSIONER: Okay, thank you.
11:09 47

11:09 1 Leaving aside the difference between the personal view of
11:09 2 a witness as a member and just by force of that person's
11:09 3 experience and general knowledge, I was asking, as was clear in
11:09 4 the questioning, their views rather than the views of Victoria
11:09 5 Police. And don't assume I might not want to come back to their
11:09 6 views. They both said they want to go away and think about it.
11:09 7 They've had a fair bit of time to think about it. So you might
11:09 8 want to think about whether you might want to supplement the
11:09 9 evidence that they have put up in the witness statement, or I
11:09 10 might just call them.
11:09 11
11:09 12 MR GRAY: Thanks, Commissioner.
11:09 13
11:09 14 COMMISSIONER: I won't take anything that they say in the
11:09 15 context of the discussions that I had with them as the views --- I
11:10 16 understand the problem for a serving member to talk about policy
11:10 17 matters when they might not be the policy of the seniors or the
11:10 18 organisation itself. But, from my perspective, it is still
11:10 19 an important question.
11:10 20
11:10 21 MR GRAY: I understand that, Commissioner. Can I just add
11:10 22 that those statements, the two statements that Mr Finanzio has
11:10 23 indicated he's tendering, and which I've noted as subject to
11:10 24 an NPO and should be treated as confidential exhibits ---
11:10 25
11:10 26 COMMISSIONER: Yes.
11:10 27
11:10 28 MR GRAY: --- those are responsive to revised Requests for
11:10 29 Statements that we received from Solicitors Assisting the Royal
11:10 30 Commission, and in my submission, they are responsive to the
11:10 31 entire scope of what was asked to the extent that ---
11:10 32
11:10 33 COMMISSIONER: Including what was asked by me?
11:10 34
11:10 35 MR GRAY: Well, asked in the revised request for a statement.
11:10 36
11:10 37 COMMISSIONER: I'm drawing distinction between the two.
11:10 38
11:11 39 MR GRAY: Absolutely. I've now heard you and will take that
11:11 40 on notice.
11:11 41
11:11 42 COMMISSIONER: Thank you.
11:11 43
11:11 44 MR GRAY: It may be that there should be some correspondence
11:11 45 between the Solicitors Assisting and my own instructors to clarify
11:11 46 the points on which you require further evidence, and we'll take
11:11 47 that up in correspondence. Thank you.

11:11 1
11:11 2 COMMISSIONER: Thank you.
11:11 3
11:11 4 Okay, Mr Finanzio.
11:11 5
11:11 6 MR FINANZIO: Thank you.
11:11 7
11:11 8 You've heard that exchange, Confidential I want to start
11:11 9 by just asking you some questions about the ---
11:11 10
11:11 11 COMMISSIONER: Sorry, Mr Finanzio.
11:11 12
11:11 13 MR GRAY: Mr Borsky doesn't yet have the folder. It is with the
11:11 14 Solicitors Assisting.
11:11 15
11:11 16 COMMISSIONER: Who has got the spare folder? Are they the
11:12 17 documents? Without a folder? Poor Mr Borsky!
11:12 18
11:12 19 MR GRAY: They have got the numbers on the top.
11:12 20
11:12 21 MR BORSKY: We'll manage.
11:12 22
11:12 23 MR FINANZIO: We might have a break before we get to the
11:12 24 actual documents anyway, so --- just in case. We had a break to
11:12 25 try and work out all these documents and it might be that we
11:12 26 haven't quite worked it out yet.
11:12 27
11:12 28 COMMISSIONER: No.
11:12 29
11:12 30 MR FINANZIO: All right, before we get to documents, I just
11:12 31 want to establish how you've come to prepare yourself for today.
11:12 32 You heard the exchange a moment ago about the evidence given
11:13 33 by Assistant Commissioner Gilbert and Acting Assistant
11:13 34 Commissioner Frewen on 7 and 10 May, and also the statements
11:13 35 that they prepared on 3 and 4 June. Have you had the chance to
11:13 36 look at those in preparing yourself for today?
11:13 37
11:13 38 MR BORSKY: The Assistant Commissioner's statements?
11:13 39
11:13 40 MR FINANZIO: Yes.
11:13 41
11:13 42 A. I've never seen them, no.
11:13 43
11:13 44 Q. In their evidence they each recounted examples of criminal
11:13 45 investigations which, in one way or another, led to investigations
11:13 46 at the casino, including descriptions using pseudonyms "person
11:13 47 H", "person I", "person J". Are you familiar with those

11:13 1 examples?

11:13 2

11:13 3 A. Yes.

11:13 4

11:13 5 Q. What I would like you to do is, there are two examples in
11:14 6 particular, maybe a third, but two in particular, that I would just
11:14 7 like to reprise in front of the Commissioner. The person H,
11:14 8 person I and person J examples, are you able to explain to the
11:14 9 Commissioner those examples?

11:14 10

11:14 11 A. Yes, I can.

11:14 12

11:14 13 Q. Please do that.

11:14 14

11:14 15 A. So that example is in relation to --- before Commission, I
11:14 16 talked about intelligence and evidence. The example for that was
11:14 17 an evidence-gathering exercise. So, during our intelligence probe
11:14 18 we were looking into money that was coming from what we
11:14 19 believed were criminal entities outside the casino environment
11:14 20 into the casino environment. So we were looking at a number of
11:14 21 different entities, one in particular, and we were trying to trace
11:14 22 money back from their casino accounts, back through individuals
11:14 23 that we believe were criminals and committing criminality.

11:14 24

11:15 25 Through one of those intelligence exercises, we were able to
11:15 26 identify an individual who I believe is person H. I had some
11:15 27 dealings with person H previously. I knew that the intelligence
11:15 28 around person H, that he was quite a prolific drug trafficker and
11:15 29 he was also affiliated with the illegal sex industry.

11:15 30

11:15 31 So, during that time, because we were trying to present a certain
11:15 32 pattern of behaviour and trying to put something up to our
11:15 33 command that if you look at the money, the money will be able to
11:15 34 identify the criminals. So we were trying to do that from a point
11:15 35 of source, which at that stage was the casino, and we were trying
11:15 36 to see where the money would go forward and sometimes we
11:15 37 were trying to track the money backwards. On this occasion, we
11:15 38 tracked it backwards to person H. That investigation to prove
11:16 39 that --- or could I say that --- that prove that theory we gave that
11:16 40 investigation to one of our other units in organised crime ---
11:16 41 investigation unit, and they ran the investigation purely into the
11:16 42 drug trafficking of person H, which was then culminated with
11:16 43 warrants being executed and person H's primary address and
11:16 44 another safe house that we had identified, where drugs and
11:16 45 money and firearms were located and seized.

11:16 46

11:16 47 Q. Was other intelligence gathered at that address?

11:16 1

11:16 2 A. Other intelligence in relation to the activities of person H,
11:16 3 yes.

11:16 4

11:16 5 Q. And in the context of person H, what was the involvement
11:16 6 of persons I and J?

11:16 7

11:16 8 A. Person I was an associate of person H that we had tracked
11:17 9 to alleged illegal massage shops in CBD and we believe that
11:17 10 person H was using some his criminal proceeds to buy into that
11:17 11 business structure, which is massage shops for the purpose of
11:17 12 running them as illegal brothels. Person I has a long history of
11:17 13 human trafficking in the illegal sex trade.

11:17 14

11:17 15 Person J --- person J was the individual that we had tracked the
11:17 16 money back from. So person J is an individual we were aware
11:17 17 was involved with the casino and the intelligence we had at the
11:17 18 time that he possibly was a junket tour representative or a junket
11:17 19 tour operator.

11:17 20

11:17 21 Q. I don't think there is any controversy about mentioning the
11:17 22 name of person J, as I understand it. Person J in that scenario is
11:17 23 Simon Pan?

11:18 24

11:18 25 A. That's correct.

11:18 26

11:18 27 Q. And insofar as you identified the casino as a point of
11:18 28 source, it was the --- am I right in saying that it was person J's or,
11:18 29 pardon me, Mr Pan's involvement with the casino, that was the
11:18 30 point of source for the flow of money back; is that correct?

11:18 31

11:18 32 A. That's correct.

11:18 33

11:18 34 Q. I just want to put some date ranges around this because this
11:18 35 wasn't done in the examination with Assistant Commissioner
11:18 36 Gilbert. When was this operation commenced?

11:18 37

11:18 38 A. The investigation into person H?

11:18 39

11:18 40 Q. Yes.

11:18 41

11:18 42 A. I would have to refer back. I believe it was possibly late

11:18 43 **Confidential**

11:18 44

11:18 45 Q. So it is a little unfortunate you haven't seen the statement,
11:18 46 but Assistant Commissioner Gilbert mentioned in the statement
11:19 47 that is being tendered that it commenced on about **Confidential**

11:19 1 Confidential
11:19 2
11:19 3 A. That sounds correct, Commissioner, yes.
11:19 4
11:19 5 Q. And that the intelligence probe that was underpinning this
11:19 6 activity started as early as Confidential and ran through until
11:19 7 about Confidential Does that sound about right?
11:19 8
11:19 9 A. That's correct, yes.
11:19 10
11:19 11 Q. The other one that I just wanted you to reprise for the
11:19 12 Commissioner is the family A scenario that was described by
11:19 13 Assistant Commissioner Gilbert. Can you just explain that
11:19 14 scenario?
11:19 15
11:19 16 A. Family A really was probably the origins of the intelligence
11:20 17 probe that started back in the middle of or Confidential,
11:20 18 Commissioner. We had seen money come from Crown Perth that
11:20 19 had been transferred into an account of a known entity, known
11:20 20 criminal entity that we were aware of. And once we explored
11:20 21 that entity's accounts, we were able to trace that money into
11:20 22 a business that was run by family A.
11:20 23
11:20 24 Q. How did the transfer come from Crown Perth into the entity
11:20 25 that you just described?
11:20 26
11:20 27 A. On the direction of a Crown Melbourne employee.
11:20 28
11:20 29 Q. That was Veng Anh?
11:20 30
11:20 31 A. That's correct.
11:20 32
11:20 33 Q. I might come back to that one in a moment.
11:20 34
11:20 35 Of those two scenarios, which one did --- which --- it was all of
11:21 36 them --- did you have personal involvement in?
11:21 37
11:21 38 A. Of the two you just explained?
11:21 39
11:21 40 Q. Yes.
11:21 41
11:21 42 A. Both.
11:21 43
11:21 44 Q. And what was your role in relation to each of them?
11:21 45
11:21 46 A. For the first one my role was the overarching --- I was the
11:21 47 Confidential in charge of the overarching intelligence

11:21 1 probe, which the operation that targeted person H fell out of. So
11:21 2 the **Confidential** that was in charge of that criminal
11:21 3 investigation would liaise with me probably on a daily basis
11:21 4 because it was --- well, I'll put it this way, Commissioner, we
11:21 5 probably would have done that as well if we had the resources
11:21 6 with **Conf** detectives to run a large-scale intelligence probe plus a
11:21 7 criminal investigation. We would have been stretched too thin,
11:21 8 so that's why we engaged with one of our other units, or crews I
11:21 9 should say, to assist us. Technically they had carriage of the
11:21 10 investigation, but it was our investigation, if that makes sense. It
11:22 11 was all part of our investigation.

11:22 12

11:22 13 Q. There are other examples referred to by Assistant
11:22 14 Commissioner Gilbert and by, pardon me, Assistant
11:22 15 Commissioner Frewen and --- Acting Assistant Commissioner
11:22 16 Frewen and Assistant Commissioner Gilbert --- and they attribute
11:22 17 to you the role of investigation manager. So one of them is
11:22 18 family A, you were the manager of family A ---

11:22 19

11:22 20 A. Correct.

11:22 21

11:22 22 Q. --- but you weren't the manager of the person H example,
11:22 23 you are liaising with the person who was that manager; is that
11:22 24 right?

11:22 25

11:22 26 A. That's correct.

11:22 27

11:22 28 Q. And was that manager in your same unit?

11:22 29

11:22 30 A. That's correct.

11:22 31

11:22 32 Q. I take it that there are **Confidential** of you at your level?

11:22 33

11:23 34 A. That's correct.

11:23 35

11:23 36 Q. That you are all colleagues and that you share information
11:23 37 with one another on active investigations that are going on?

11:23 38

11:23 39 A. Yes, constantly.

11:23 40

11:23 41 Q. And am I also right in saying that you were personally
11:23 42 involved in another example involving, which I won't trouble you
11:23 43 to explain for the moment, person X?

11:23 44

11:23 45 A. That's correct, Commissioner, yes.

11:23 46

11:23 47 Q. Am I also right that over the course of the last three to four

11:23 1 years, you've been either directly involved managing
11:23 2 investigations that lead to the casino or involved with assisting
11:23 3 other colleagues, the **Confidential** that you mentioned, in their
11:23 4 investigations associated with the casino?

11:23 5
11:23 6 A. That's correct.

11:23 7
11:24 8 Q. Assistant Commissioner Gilbert came along to the
11:24 9 Commission and gave us an explanation of some of these
11:24 10 scenarios, but I think you clearly admitted (audio distorted) him
11:24 11 that they were explanations of what he had been told by
11:24 12 subordinate officers in the preparation of his evidence. Am I
11:24 13 right in saying that you've assisted in the preparation of evidence
11:24 14 for this Commission and the details that we've been hearing
11:24 15 about?

11:24 16
11:24 17 A. Yes, Commissioner.

11:24 18
11:24 19 Q. Is it fair to say that you have an intimate knowledge of the
11:24 20 investigations that you've managed?

11:24 21
11:24 22 A. That's correct, yes.

11:24 23
11:24 24 Q. And you have a thorough working knowledge of the other
11:24 25 investigations referred to by Assistant Commissioner Gilbert in
11:24 26 relation to the casino specifically?

11:24 27
11:24 28 A. That's correct.

11:24 29
11:25 30 Q. I suppose just coming back to the relationship between
11:25 31 OCIU and other commands at police, in terms of intelligence
11:25 32 gathering in relation to the casino, is it fair to say that you are one
11:25 33 of **Confidential** in Victoria Police who is at the centre of that
11:25 34 intelligence gathering?

11:25 35
11:25 36 A. I would say that the crew I run was probably the only
11:25 37 investigation unit in Victoria Police that was looking into this
11:25 38 issue.

11:25 39
11:25 40 Q. And of your colleagues, is your focus more the casino than
11:25 41 them or is it the group of you that together comprise the
11:25 42 collective knowledge?

11:25 43
11:25 44 A. We would discuss investigations within management
11:26 45 meetings so there would be other **Confidential** and
11:26 46 **Confidential** in those meetings. So they would be aware
11:26 47 of what we were doing and what we were trying to achieve.

11:26 1 I think I probably need to let the Commissioner know that the
11:26 2 casino wasn't our primary ---
11:26 3
11:26 4 Q. No.
11:26 5
11:26 6 A. --- yes.
11:26 7
11:26 8 Q. I was going to come to that.
11:26 9
11:26 10 A. Sorry.
11:26 11
11:26 12 Q. No, no, but you raise a good point. One of the points made
11:26 13 by Acting Assistant Commissioner Frewen was that often it is
11:26 14 illegal activity taking place outside the casino that either finds its
11:26 15 way to the casino or from the casino in relation to money
11:26 16 laundering activities?
11:26 17
11:26 18 A. That's correct, yes.
11:26 19
11:26 20 Q. And to your point before, you said that one of the things
11:26 21 that is useful to do in pursuing an investigation of substantive
11:26 22 crime outside the casino is to follow the money?
11:26 23
11:26 24 A. I have a very big passion of following the money,
11:27 25 Commissioner.
11:27 26
11:27 27 Q. All right. I want to just drop into a bit detail of what you
11:27 28 do as a Confidential [REDACTED] As a manager of an investigation, is
11:27 29 it fair to say that of the investigations you are managing, you have
11:27 30 the day-to-day operational management role for those
11:27 31 investigations?
11:27 32
11:27 33 A. That's correct.
11:27 34
11:27 35 Q. It's not my intention to lead you into territories where you
11:27 36 are describing in detail police methodology that might be the
11:27 37 subject of public interest immunity, but can you describe to the
11:27 38 Commissioner your role in that?
11:27 39
11:27 40 A. Well, my role, I suppose, Confidential [REDACTED] is just to keep the
11:27 41 investigation on track. We will have investigation meetings
11:27 42 constantly. One of my other roles is to task Confidential [REDACTED] to go
11:28 43 and collect intelligence or to look into certain issues or to do
11:28 44 certain tasks per se. My other role is obviously report up
11:28 45 constantly, doing investigation reports that are then submitted to
11:28 46 my Confidential [REDACTED] and Confidential [REDACTED] up the
11:28 47 management chain.

11:28 1
11:28 2 I will sit in investigation management meetings where we discuss
11:28 3 investigations and where they are going. Obviously, being my
11:28 4 investigations, I will be more robust about wanting the resources
11:28 5 and the time allocation for my investigations, the other **Confidenti**
11:28 6 **Confidenti** obviously want that for theirs, so it is more of
11:28 7 a management style. Yes, I will do things, obviously ---
11:28 8
11:28 9 Q. In the field?
11:28 10
11:28 11 A. --- yes, in the field, but, primarily, it is just making sure the
11:28 12 investigation which has been approved by management stays
11:29 13 within the scope of what we are trying to achieve and that we
11:29 14 don't get too far off track.
11:29 15
11:29 16 Q. Am I right in saying that part of that involves you being in
11:29 17 the field and making observations of your own?
11:29 18
11:29 19 A. Correct.
11:29 20
11:29 21 Q. And also rigorously ensuring that your **Confidenti** that
11:29 22 report to you are reporting to you the observations that they make
11:29 23 in the field to ensure that the investigation stays within the
11:29 24 parameters of the scope of the investigation?
11:29 25
11:29 26 A. That's correct, I nail down on that, that I wouldn't expect
11:29 27 **Confidential** to read every product we are finding, but I would.
11:29 28
11:29 29 Q. I want to build out a little bit further the relationship
11:29 30 between criminal activity and the casino generally. You
11:29 31 mentioned a minute ago that investigations by police often bring
11:29 32 them in some way or another to the casino. Can I just dwell on
11:30 33 investigations --- some investigations are drawn, if you like, to
11:30 34 the casino incidentally, aren't they? Like, you might have
11:30 35 a suspect or a Person of Interest in an investigation that visits the
11:30 36 casino, but doesn't necessarily do anything illegal there?
11:30 37
11:30 38 A. That's correct.
11:30 39
11:30 40 Q. The casino really just presents as a backdrop to what other
11:30 41 activities are being observed?
11:30 42
11:30 43 A. That's correct.
11:30 44
11:30 45 Q. But it is right, isn't it, that observations of behaviour of that
11:30 46 Person of Interest, or suspect, are made while at the casino?
11:30 47 What I'm getting at is who they meet, who they see, who they

11:30 1 interact with, if they are being surveilled?
11:30 2
11:30 3 A. Yes. Yes, but that is a difficult environment **Confidenti**
11:30 4 **Confidenti**
11:30 5
11:30 6 Q. Also, you might make observations of others that those
11:30 7 Persons of Interest interact with?
11:30 8
11:31 9 A. Yes.
11:31 10
11:31 11 Q. Are there investigations, like the ones you describe before,
11:31 12 the casino is the place where important transactions take place,
11:31 13 where money is exchanged or some such thing, a transaction of
11:31 14 some type that is directly relevant to your investigation?
11:31 15
11:31 16 A. Yes. We were aware of a number of transactions that were
11:31 17 relevant to the people we were looking at, yes.
11:31 18
11:31 19 Q. And sometimes that transaction might be as simple as
11:31 20 a drug trade that might occur in the car park?
11:31 21
11:31 22 A. That wouldn't fit into my remit, but, yes ---
11:31 23
11:31 24 Q. But that is something that might bring police there
11:31 25 generally---
11:31 26
11:31 27 A. Of course, yes.
11:31 28
11:31 29 Q. And of course, there might be money laundering activities
11:31 30 that are being followed from substantive activities, substantive
11:31 31 criminal activities that are happening offsite?
11:31 32
11:31 33 A. That's correct.
11:31 34
11:31 35 Q. And that is squarely within your remit?
11:31 36
11:31 37 A. That is squarely what we are looking at, yes.
11:31 38
11:32 39 Q. Some are short run investigations, and I'm here talking
11:32 40 about police generally, and other investigations are more complex
11:32 41 and long-running?
11:32 42
11:32 43 A. Correct.
11:32 44
11:32 45 Q. And those ones are the ones that are often concerned with
11:32 46 organised crime activity where you are constantly observing for
11:32 47 a long period of time to gather evidence?

11:32 1
11:32 2 A. That's correct.
11:32 3
11:32 4 Q. And that can involve extensive surveillance and
11:32 5 intelligence work?
11:32 6
11:32 7 A. Yes.
11:32 8
11:32 9 Q. It is true, isn't it, that sometimes the surveillance or
11:32 10 intelligence that you gather is not sufficient to form the basis of
11:32 11 a formal charge?
11:32 12
11:32 13 A. That's correct.
11:32 14
11:32 15 Q. But the intelligence is sufficient for experienced police like
11:32 16 you to know that a person is behaving suspiciously?
11:32 17
11:32 18 A. That's correct, yes.
11:32 19
11:33 20 Q. If I summarise it, not enough evidence to make the criminal
11:33 21 standard of beyond a reasonable doubt but enough evidence for
11:33 22 you to want to keep an eye on them?
11:33 23
11:33 24 A. Yes, Commissioner. We would look at intelligence a lot of
11:33 25 the time on what was actionable intelligence, and what was
11:33 26 intelligence we might park and get back to. So actionable
11:33 27 intelligence is that there is enough of a bearing or higher weight
11:33 28 on that intelligence for us to start looking at that further.
11:33 29 Evidence is a bit more derivative, you know it is going to be
11:33 30 tested. Intelligence, I suppose, is not always tested.
11:33 31
11:33 32 Q. When you say "tested", tested on the criminal standard in
11:33 33 a courtroom --
11:33 34
11:33 35 A. That's correct, yes.
11:33 36
11:33 37 Q. --- when balanced with a burden of proof is beyond a
11:33 38 reasonable doubt?
11:33 39
11:33 40 A. Yes.
11:33 41
11:33 42 Q. In the course of your intelligence gathering, when you are
11:33 43 looking at these sorts of things, you identify people who, let's put
11:33 44 it this way, may on your observations be involved in illegal
11:34 45 activity?
11:34 46
11:34 47 A. That's correct.

- 11:34 1
11:34 2 Q. May be behaving suspiciously?
11:34 3
11:34 4 A. Correct.
11:34 5
11:34 6 Q. And enough for you to want to keep a careful --- make
11:34 7 them either subject to a further investigation or at least keep
11:34 8 a record of their activities?
11:34 9
11:34 10 A. Correct.
11:34 11
11:34 12 Q. Over the many months of an investigation Confidential
11:34 13 Confidential
11:34 14
11:34 15 A. That's fair, yes.
11:34 16
11:34 17 Q. You might Confidential
11:34 18 who you might ultimately charge, and other people?
11:34 19
11:34 20 A. That's correct.
11:34 21
11:34 22 Q. And you will closely Confidential
11:34 23 Confidential either you personally or the people who are directly
11:34 24 reporting to you?
11:34 25
11:34 26 A. That's correct.
11:34 27
11:35 28 Q. Sometimes those others can become Persons of Interest in
11:35 29 their own right?
11:35 30
11:35 31 A. That's correct, yes.
11:35 32
11:35 33 Q. And when we use the term "Persons of Interest" in your
11:35 34 field, that is a nomenclature, a name that you would give to
11:35 35 someone who, in colloquial terms, you would want to keep
11:35 36 an eye on?
11:35 37
11:35 38 A. That's correct.
11:35 39
11:35 40 Q. Whether or not a person becomes a Person of Interest meets
11:35 41 the standard or threshold of Person of Interest, the people seen in
11:35 42 the company of Persons of Interest or subjects of an investigation
11:35 43 might be recorded for further reference anyway, might they?
11:35 44
11:35 45 A. Yes, we would record those people, yes.
11:35 46
11:35 47 Q. And experienced police --- here I'm asking you because you

11:35 1 are one and I'm not, but --- experienced police will often develop
11:35 2 a sense, won't they, of whether the people that they are observing
11:35 3 are suspicious in some way, that is part of your skill, isn't it? Call
11:36 4 it police intuition?

11:36 5

11:36 6 A. Yes.

11:36 7

11:36 8 Q. It's not something you could action in a courtroom with
11:36 9 charges, but it is something that people involved investigations at
11:36 10 your level develop a feel for?

11:36 11

11:36 12 A. I would answer it this way, Commissioner; of course we
11:36 13 have suspicions but we want to very quickly try to confirm those
11:36 14 suspicions by other means and corroborate that. I understand
11:36 15 where the questioning is going, but things --- we get a whole lot
11:36 16 of information when we are seeing, and that information may be
11:36 17 people meeting each other or doing --- all sorts of different
11:36 18 information comes in. We want to try to convert that into what
11:36 19 we would say is intelligence, and that is simply to be able to
11:36 20 corroborate it, not fully, but at least corroborate that the
11:37 21 information is based on a semblance of truth. So yes.

11:37 22

11:37 23 Q. Yes. So the idea is if something that you see looks
11:37 24 suspicious, it might generate curiosity, which you will run to
11:37 25 ground to work out whether there is anything in it or not, but it is
11:37 26 the initial feeling of suspicion that you observe that might
11:37 27 provoke that?

11:37 28

11:37 29 A. We are certainly very suspicious people, yes.

11:37 30

11:37 31 Q. And sometimes, as you've said, the inquiry leads nowhere
11:37 32 but other times the inquiry might lead to further investigation;
11:37 33 first of all, is that fair enough?

11:37 34

11:37 35 A. Yes.

11:37 36

11:37 37 Q. Some of the examples that you've given are reflective of
11:37 38 that; aren't they?

11:37 39

11:37 40 A. Yes.

11:37 41

11:37 42 Q. So, if I put it this way, you might follow --- part of your
11:37 43 work is **Confident** suspects; correct?

11:37 44

11:38 45 A. Correct, yes.

11:38 46

11:38 47 Q. Identify Persons of Interest, people who have sufficient

11:38 1 about --- about which you have gathered sufficient intelligence to
11:38 2 give them that label?
11:38 3
11:38 4 A. Correct.
11:38 5
11:38 6 Q. But you might note who else is around, who Persons of
11:38 7 Interests or subjects interact with as part of understanding the
11:38 8 context of what you are investigating?
11:38 9
11:38 10 A. Correct.
11:38 11
11:38 12 Q. And there might be intelligence for use later?
11:38 13
11:38 14 A. That's correct.
11:38 15
11:38 16 Q. That might be a potential source of evidence, even if that
11:38 17 person is not a Person of Interest?
11:38 18
11:38 19 A. That's correct.
11:38 20
11:38 21 Q. It might be a witness?
11:38 22
11:38 23 A. Yes.
11:38 24
11:38 25 Q. I want to ask you about --- bear with me for one moment. I
11:39 26 want to ask you some questions about Crown Casino generally
11:39 27 from your experience and observations, and then we will drop
11:39 28 into some examples.
11:39 29
11:39 30 The heads of security at Crown, I think from the outset, have
11:39 31 been ex-police; is that your understanding?
11:39 32
11:39 33 A. I can't really --- I do know ex-police that work at security at
11:39 34 Crown, but I'm not sure of Crown's recruiting policy.
11:39 35
11:39 36 Q. Okay. No doubt --- perhaps I can put it this way. In the
11:39 37 course of your investigations, have you had reason to engage with
11:39 38 Crown and its security team to gather intelligence?
11:40 39
11:40 40 A. No.
11:40 41
11:40 42 Q. Confidential intelligence from Crown's
11:40 43 Confidential You've done it independently of them,
11:40 44 have you?
11:40 45
11:40 46 A. Confidential I believe, Commissioner, we probably
11:40 47 Confidential Crown staff in certain times,

11:40 1 but **Confid** in relation to junkets. So it would have been minimal
11:40 2 engagement.
11:40 3
11:40 4 Q. What about in relation to other investigations, not junkets?
11:40 5
11:40 6 A. Over my time, not necessarily at OCIU, but over time
11:40 7 I have engaged with them, yes.
11:40 8
11:40 9 Q. You know their surveillance capacity to be state-of-the-art?
11:41 10
11:41 11 A. Yes.
11:41 12
11:41 13 Q. And to be operated in a way that is intended to keep a close
11:41 14 eye on all the things that are going on at Crown?
11:41 15
11:41 16 A. What I've seen of their operations, it is elite, yes.
11:41 17
11:41 18 Q. It is?
11:41 19
11:41 20 A. Elite.
11:41 21
11:41 22 Q. First of all, it is a big entertainment venue as a start?
11:41 23
11:41 24 A. That's correct, yes.
11:41 25
11:41 26 Q. That serves alcohol to a lot of people. And in terms of
11:41 27 public order, in the observations that you might have made about
11:41 28 Crown, it is pretty clear, isn't it, that it is a pretty tightly run ship?
11:41 29
11:41 30 A. To be perfectly honest, I've had very limited exposure to
11:41 31 Crown in an investigation sense, either in uniform or in
11:41 32 investigations, yes.
11:41 33
11:41 34 Q. In relation to ---
11:41 35
11:42 36 A. Engaging with them directly, yes.
11:42 37
11:42 38 Q. I want to ask you some questions about the presence of
11:42 39 general, not necessarily the subject of your kinds of
11:42 40 investigations, organised crime investigations, but general
11:42 41 criminal activity. The Commission has had reports in relation ---
11:42 42 reports of loan sharking activities occurring at Crown, drug
11:42 43 dealing occurring at Crown but at a kind of interpersonal level
11:42 44 and illegal prostitution occurring. They are not reports that I
11:42 45 would describe as highly sophisticated organised crime. In the
11:42 46 course of your investigations in observing others, I'm assuming if
11:43 47 you are watching something going on at Crown, that kind of

11:43 1 criminal activity might not necessarily be of interest to you?
11:43 2
11:43 3 A. No, it wasn't really part of our scoping investigation plan to
11:43 4 look at basic criminality within Crown, no.
11:43 5
11:43 6 Q. But it's not to say that while you were Confidential
11:43 7 people at Crown that you didn't notice other criminal activity
11:43 8 occurring? You wouldn't want to necessarily expose yourself
11:43 9 Confidential who was the subject of a more
11:43 10 important investigation?
11:43 11
11:43 12 A. Are you asking me Confidential
11:43 13 Confidential
11:43 14
11:43 15 Q. Yes.
11:43 16
11:43 17 A. Confidential
11:43 18
11:43 19 Q. Confidential
11:43 20
11:43 21 A. I have Confidential in relation to this Confidential
11:43 22 criminality Confidential
11:43 23
11:44 24 Q. Is it right to say --- are you able to assist the Commission
11:44 25 with any intelligence as to whether or not those kinds of lower
11:44 26 level activities occur at Crown?
11:44 27
11:44 28 A. We certainly had information that we were reasonably able
11:44 29 to corroborate that criminality was occurring at Crown, yes.
11:44 30
11:44 31 Q. So low-level drug dealing and prostitution and the like?
11:44 32
11:44 33 A. That's correct.
11:44 34
11:44 35 Q. Without disclosing any public interest immunity
11:44 36 methodologies that might be covered by public interest immunity,
11:44 37 are you able to explain the nature of that intelligence or how you
11:44 38 come to know it? I withdraw that. What makes you say what
11:44 39 you've just said?
11:44 40
11:44 41 A. Because I'm aware of intelligence and information that was
11:44 42 corroborated that would highly likely indicate that that was
11:45 43 occurring at Crown, yes.
11:45 44
11:45 45 COMMISSIONER: Can I ask you two questions about that. One
11:45 46 is, how widespread is this kind of conduct? And the second is,
11:45 47 over what period of time? But can I start with the first question.

11:45 1
11:45 2 From the data or the information you get from Confidential
11:45 3 Confidential can you give me some indication about how
11:45 4 serious a problem lower level crime, drug taking, drug deals,
11:45 5 prostitution and so on are prevalent at the casino?
11:45 6
11:45 7 A. Commissioner, to be honest, I wouldn't have that data and it
11:45 8 would probably be unfair for me to answer that question in
11:45 9 relation to that. I wouldn't be looking at that or looking through
11:45 10 the systems to quantify how many drug dealers have been caught
11:46 11 on Crown premises ---
11:46 12
11:46 13 COMMISSIONER: I'm not talking about a number, I don't want
11:46 14 you to be as precise as that, but it is enough for me to ask a
11:46 15 question like, regularly happens, rarely happens but happens ---
11:46 16
11:46 17 A. Yes.
11:46 18
11:46 19 COMMISSIONER: --- it's a constant presence, I don't care
11:46 20 whether it is 1,000, 979 or 921, just to get a feel for whether you
11:46 21 could describe Crown as a place where this kind of illegal activity
11:46 22 happens not infrequently.
11:46 23
11:46 24 A. I can answer that in relation to the illegal prostitution or
11:46 25 prostitution, regularly, from what we've seen.
11:46 26
11:46 27 COMMISSIONER: (Nods head).
11:46 28
11:46 29 A. In relation to the drug dealing and other --- I'm not saying
11:46 30 drug dealing is a petty crime, but lower level drug dealing or other
11:46 31 petty crime we really had no observations over that crime base. I
11:47 32 could speculate but I'm not really sure I should be in the
11:47 33 Commission. It is a big venue, big entertainment venue, so there
11:47 34 would be. But to be fair from the casino, from what I've seen is
11:47 35 they would hit that sort of behaviour pretty hard I would have
11:47 36 thought.
11:47 37
11:47 38 COMMISSIONER: What about money laundering? Again,
11:47 39 leaving aside any specific investigation or looking at particular
11:47 40 people, but as a matter of the information you've gathered over
11:47 41 years of your work, is money laundering something that you think
11:47 42 is an endemic problem at the casino?
11:47 43
11:47 44 A. I would say there would be money laundering at the casino
11:47 45 on a daily basis, yes. I would say in the junkets it is rife.
11:47 46
11:47 47 COMMISSIONER: And if I ask you that question, is that true 10

11:48 1 years ago as it is true today --- in other words, I'm looking at time
11:48 2 spans --- this is an old problem, it's not a new problem, and the
11:48 3 question is, is it a constant problem?

11:48 4

11:48 5 A. I suppose I can only answer that from the time I've had
11:48 6 observations of the problem, Commissioner, but since 2007, and
11:48 7 we've been exploring this issue, within the junket operations, I
11:48 8 would say it was happening constantly. We were seeing money
11:48 9 that we highly suspected was illicit was flooding into junket
11:48 10 accounts on a daily basis. Outside the junket programs, yes, we
11:48 11 observed a lot of lower level money laundering, or suspected
11:48 12 money laundering, I have to be very careful here because I'm not
11:48 13 saying this is all factual because it is intelligence I've been privy
11:48 14 to that that would happen, but I would think that that would
11:48 15 happen at every casino worldwide. I mean, it is fairly easy to
11:49 16 launder money through casinos.

11:49 17

11:49 18 COMMISSIONER: When you talk about lower level money
11:49 19 laundering, you are talking about local criminals getting rid of
11:49 20 stolen money or proceeds of the sale of stolen goods, that kind of
11:49 21 thing, as well as shopkeepers who do cash businesses, like the
11:49 22 local grocery shop people coming in every Friday with the week's
11:49 23 takings and trying to fix it up for tax purposes, that kind of thing?

11:49 24

11:49 25 A. Exactly. The casino is the biggest cash business in this
11:49 26 state, and the criminals that want to launder money love cash
11:49 27 businesses. So to walk into the casino as an individual that wants
11:49 28 to turn illicit cash into legal cash, the simplest way of doing that
11:49 29 is putting it into your account, or running dirty money in there,
11:49 30 getting chips, playing for a very small period of time and then
11:50 31 cashing that in for a Crown check. You go to the bank and you
11:50 32 tell the bank "I won it at the casino." That is the most basic kind
11:50 33 of money laundering and I would suggest that would nearly
11:50 34 happen on a daily basis, yes.

11:50 35

11:50 36 COMMISSIONER: I will come to a harder question now. If it
11:50 37 was my casino and I came to you and told you I want to stop it,
11:50 38 what would you tell me to do, apart from closing the casino
11:50 39 down?

11:50 40

11:50 41 A. It employs a lot of people so it's probably --- I would say
11:50 42 you need to be tighter around your betting accounts. I'm not sure
11:50 43 whether the casino is a bank, but the observations I've observed is
11:50 44 they certainly operate like one. So I would first off make sure
11:50 45 anybody who had an account, a betting account, or an offset
11:50 46 account or a safety deposit box had to provide 100 points of ID to
11:51 47 open that. If you wanted to have people that could access that

11:51 1 account, being deposit or withdrawal, they also have to show 100
11:51 2 points of ID. So if I walk in with \$10,000 to put it into your
11:51 3 account, sir, then I'm either you, and I must prove that, or I'm one
11:51 4 of the designated people, and I would keep that fairly to
11:51 5 a minimum that has the right to either deposit or withdraw.

11:51 6

11:51 7 The other thing I would stop is the casino should have an account
11:51 8 which is in the name of the patron of that account, so any
11:51 9 withdrawal, apart from a cheque, any withdrawal could only go
11:51 10 into that patron's bank account that they own. It cannot go into
11:51 11 yours, can't be directed to mine, has to be that. If that person
11:51 12 wants to direct the money to you, then he does it out of his own
11:51 13 account.

11:51 14

11:51 15 COMMISSIONER: That means you have a straight line of
11:51 16 investigation of the source of the money coming in and the source
11:51 17 of the money going out?

11:51 18

11:51 19 A. That's correct, the chain is not broken. It makes it easier for
11:52 20 us to track.

11:52 21

11:52 22 COMMISSIONER: What about, you started off this part of the
11:52 23 conversation by saying if you got a lot of cash, the casino is the
11:52 24 place to go. I take it you mean that is really probably in
11:52 25 Melbourne, gambling institutions are really the places where
11:52 26 people take their cash money to clean up because there's not
11:52 27 many other venues to do that. There might be some, but not a lot.

11:52 28

11:52 29 A. That's correct. When you are talking about cash, it is a very
11:52 30 ripe environment for that reason. If I walked in with \$50,000 to
11:52 31 the bank, the bank will probably ask me a few questions around
11:52 32 that. And it is a bit suspicious, especially if it comes out of
11:52 33 a backpack or something. \$50,000 to a casino is nothing. So it is
11:52 34 not as suspicious to have that sort of cash walking into the casino,
11:52 35 especially if you are walking into some of the private gaming
11:52 36 rooms, I wouldn't have thought. So that gives them a little bit of
11:53 37 comfort --- and that's not having a pop at the casino, I mean, the
11:53 38 casino is a profit-making business and the more cash the better,
11:53 39 but it opens up a bit of an environment for money launderers to
11:53 40 be able to launder higher levels of money more quickly, if that
11:53 41 makes sense.

11:53 42

11:53 43 COMMISSIONER: Yes, it sure does. Thanks.

11:53 44

11:53 45 MR FINANZIO: Can I ask you --- I want to come back to the
11:53 46 money laundering but I don't want to miss the opportunity to ask
11:53 47 you about another type of illegal activity that you mentioned.

11:53 1 You mentioned illegal prostitution as one that had been the basis
11:53 2 of observations you made. Can you just explain what form that
11:53 3 takes and why it is something that you've observed?

11:53 4
11:53 5 A. Part of our investigation was obviously looking at the
11:53 6 junket programs. Obviously --- junkets don't exist unless you
11:54 7 have the high level gamblers attached to the junkets. The high
11:54 8 level gamblers that we were looking at mostly were coming out
11:54 9 of Asia and were very rich. And they are used to a certain
11:54 10 lifestyle. The casino has a lot of love for those people obviously
11:54 11 because they will turn over a lot of money. The more you turn
11:54 12 over, the more you will lose. The junkets have a lot of love for
11:54 13 these people because the more they turn over, the more
11:54 14 commission they get. Therefore, they are taken care of very well.
11:54 15 Part of that will be that what they want, they usually will get. I'm
11:54 16 not saying that all of our intelligence suggested that that would
11:54 17 happen on casino property --- a lot of it would happen off casino
11:54 18 property --- but if that meant prostitution or drugs or anything
11:54 19 else that these high level premium players wanted, they would
11:54 20 usually be given.

11:54 21
11:55 22 Q. By whom?

11:55 23
11:55 24 A. The primary intelligence we had, that would probably be
11:55 25 the junket tour reps and the junket tour operators. But we had
11:55 26 intelligence that individuals working for Crown would also attend
11:55 27 to their needs.

11:55 28
11:55 29 COMMISSIONER: These are the hosts?

11:55 30
11:55 31 A. Yes.

11:55 32
11:55 33 MR FINANZIO: Is one of those Veng Anh?

11:55 34
11:55 35 A. Yes.

11:55 36
11:55 37 Q. You are not excluding the possibility of prostitution, illegal
11:55 38 prostitution occurring on Crown grounds?

11:55 39
11:55 40 A. I have no intelligence to suggest that the prostitutes that
11:55 41 might have been working in Crown, and I would suggest
11:55 42 probably without the knowledge of Crown, whether they were, if
11:55 43 I can put it, ticketed prostitutes or illegal prostitutes ---
11:55 44 (overspeaking) ---

11:55 45
11:56 46 Q. Under the Sex Work Act?

11:56 47

11:56 1 A. That's right, yes.
11:56 2
11:56 3 Q. And it's right, isn't it --- I might be testing your knowledge
11:56 4 of the Sex Work Act, but prostitutes visiting a client in their hotel
11:56 5 room is not illegal work?
11:56 6
11:56 7 A. No.
11:56 8
11:56 9 Q. But prostitutes setting up in or being set up in rooms inside
11:56 10 Crown to service clients coming intermittently is illegal?
11:56 11
11:56 12 A. Yes.
11:56 13
11:56 14 Q. That is a distinction between legal and illegal sex work, but
11:56 15 we might come back to the trafficking question in a moment. I
11:56 16 wanted to ask you some questions about some photos which
11:56 17 I will ask to be brought up on to the screen. Some of the
11:57 18 questions that the Commissioner has asked already has meant I've
11:57 19 been able to put a line through some of the questions I was going
11:57 20 to ask you. I will take you to the photos directly. They are
11:57 21 VPL.0001.0002.0002, and I think they will come up on the screen
11:57 22 in front of you?
11:57 23
11:57 24 COMMISSIONER: Are they in the bundle of documents?
11:57 25
11:57 26 MR FINANZIO: They are not in the bundle. They are in the
11:57 27 virtual hearing book and will come up on the screen in a moment.
11:57 28
11:57 29 COMMISSIONER: Okay.
11:57 30
11:57 31 MR FINANZIO: There is a collection of photographs here, but I
11:57 32 just want to draw your attention to them. These images were
11:57 33 provided in response to a Notice to Produce from Victoria Police,
11:58 34 and we'll go through the photos in a moment, but they span
11:58 35 a period, November **Confi** to May **Confi**, which is consistent with
11:58 36 the period that you might have been involved in some
11:58 37 investigations in relation to money laundering in the casino.
11:58 38 Have you seen --- perhaps if we just scroll through the photos, are
11:58 39 you aware of these photos, have you seen these before?
11:58 40
11:58 41 A. No.
11:58 42
11:58 43 Q. They weren't part of any investigation that you undertook?
11:58 44
11:58 45 A. No, I don't think that is a Victorian police investigation.
11:58 46
11:58 47 Q. I want to ask you some pictures about the photographs

11:58 1 themselves though because I want to ask you some questions
11:58 2 about methodology of bringing money into the casino. So can we
11:58 3 just focus our attention on VPL.0001.0002.0002, 3, 4 and 5. We
11:59 4 will just go through those images. 2 depicts cash being taken out
11:59 5 of translucent shopping bags there.

11:59 6

11:59 7 A. Yes.

11:59 8

11:59 9 Q. At the counter. I think the date is between **Confidential**
11:59 10 **Confidential** Bear with me for one minute. I might have got my
12:00 11 numbers confused. Can you see on page one they are carrying
12:00 12 a bag. I've already shown you number two. Can we go to 0004.
12:00 13 You see those patrons walking through with a plastic bag and
12:00 14 then in the next image, so the image at the bottom of the
12:00 15 screen ---

12:00 16

12:00 17 A. Yes.

12:00 18

12:00 19 Q. --- and then in the next image the plastic bag is on the
12:00 20 counter; you see that?

12:00 21

12:00 22 A. Yes.

12:00 23

12:00 24 Q. And could I ask you to go to image number 8? That's
12:01 25 an image of someone walking through the casino with a plastic
12:01 26 bag which is then the subject of a deposit at the desk.

12:01 27

12:01 28 Now, I just wanted to ask you, is it consistent with your
12:01 29 observations to see money laundering activity undertaken by,
12:01 30 firstly, young Asian males like the ones depicted here?

12:01 31

12:01 32 A. Oh, every day we were seeing it.

12:01 33

12:01 34 Q. At the counter, unloading cash from translucent other
12:02 35 otherwise nondescript shopping bags?

12:02 36

12:02 37 A. I would need some context around the photos. Is that into
12:02 38 a junket cage or a casino staff cage?

12:02 39

12:02 40 Q. I think that's the Mahogany Room. And then there is
12:02 41 another image in there of a junket cage. But explain to me the
12:02 42 point of the distinction you just made?

12:02 43

12:02 44 A. Well, the intelligence we had that the money that was being
12:02 45 walked off the street, now, I can quantify this in saying we
12:02 46 observed money movement on the street. So we were aware of
12:02 47 certain exchanges.

12:02 1
12:02 2 Q. Yes.
12:02 3
12:02 4 A. We were that individuals had a certain amount of cash with
12:02 5 them, now that could be in a shoebox, it could be in plastic bags,
12:03 6 and we were aware that they were then going to the casino.
12:03 7 That's where our observations stopped. So when I say we were
12:03 8 observing it every day ---
12:03 9
12:03 10 Q. Yes.
12:03 11
12:03 12 A. --- I'm not suggesting we were observing every day in this
12:03 13 capacity, like on casino grounds, but the movement of money,
12:03 14 especially with young Asian males, most of them on visas, so not
12:03 15 citizens, we were viewing that on a daily basis. But that ---
12:03 16 I have to be careful here, I suppose, Commissioner, but that
12:03 17 doesn't surprise me, no.
12:03 18
12:03 19 COMMISSIONER: Is it common to carry this sort of cash
12:03 20 around in plastic shopping bags rather than a backpack or
12:03 21 a suitcase or something that looked like it was a bit more secure?
12:03 22
12:03 23 A. No, it's not abnormal. Would you believe the choice of
12:03 24 most East Asian males is a Nike shoebox? We constantly saw the
12:03 25 Nike shoebox. I'm not sure why, but that seemed to be their
12:04 26 compartment of choice.
12:04 27
12:04 28 MR FINANZIO: When you say that you constantly saw it, so it
12:04 29 became a sign?
12:04 30
12:04 31 A. It was a very big indicator for us, yes.
12:04 32
12:04 33 Q. Let me ask you this. In approaching the casino, which you
12:04 34 observably observed, did you see signs of security or guards
12:04 35 looking after these people?
12:04 36
12:04 37 A. No.
12:04 38
12:04 39 Q. I want to show you pictures that depict volumes of money.
12:04 40 So in that bundle if I take you to 0003, that is one example.
12:05 41 0004, do you regard that kind of activity or volume of money as
12:05 42 obviously suspicious?
12:05 43
12:05 44 A. Outside the casino environment, definitely. Inside the
12:05 45 casino environment, in relation to junkets, from the intelligence
12:05 46 we worked on over a number of years, every single cash walk off
12:05 47 on the street into a junket for us was suspicious, but that was

12:05 1 because we had built up a lot of intelligence around that. But
12:05 2 technically for someone to walk in with cash like that into
12:05 3 a casino on its own isn't suspicious.
12:05 4
12:05 5 Q. Walking through a casino with that amount of money
12:05 6 unguarded suggests, doesn't it, that they don't feel under threat?
12:06 7 They feel safe.
12:06 8
12:06 9 A. Yeah, I can't answer for the people that are carrying the
12:06 10 money.
12:06 11
12:06 12 Q. Do it at that volume suggests that it is normal, that it's not
12:06 13 an unusual thing?
12:06 14
12:06 15 A. Wouldn't be unusual for the casino, no.
12:06 16
12:06 17 Q. But there is --- I want to explore this from the criminal
12:06 18 perspective, from the methodology perspective. To walk in with
12:06 19 that much money, a criminal is taking a risk, a money launderer
12:06 20 is taking a risk that they might be robbed?
12:06 21
12:06 22 A. Yes.
12:06 23
12:07 24 Q. They are also taking a risk that someone might ask
12:07 25 questions about where they got the money from?
12:07 26
12:07 27 A. That is the biggest risk, yes.
12:07 28
12:07 29 Q. And, in substance, the risk that a large sum might be lost or
12:07 30 stolen or forfeited in the context of a law enforcement agency
12:07 31 inquiry?
12:07 32
12:07 33 A. That they would be worried about losing the money?
12:07 34
12:07 35 Q. Yes.
12:07 36
12:07 37 A. The money runners would be very worried about losing it.
12:07 38 The money laundering syndicates. They wouldn't be happy but it
12:07 39 wouldn't probably deter them that much.
12:07 40
12:07 41 Q. But one might expect that doing it at the kind of volumes
12:07 42 depicted in that picture isn't the first time its happened, that you
12:07 43 would test the system to know that you would likely get away
12:07 44 with it?
12:07 45
12:07 46 A. From our intelligence, and I'm not sure if this answers your
12:07 47 question, but from our intelligence, I don't know who these

12:07 1 individuals are, but from our intelligence, those individuals
12:08 2 would have known exactly who they were to see at the casino,
12:08 3 probably who that money was going to, and that would have been
12:08 4 their role.
12:08 5
12:08 6 COMMISSIONER: These are probably just carrying the money.
12:08 7 It's not their money to spend, they are moving it for somebody
12:08 8 else?
12:08 9
12:08 10 A. I would say that there is a high level of probability these are
12:08 11 just money runners, Commissioner, yes. So they would be
12:08 12 working for a money laundering syndicate, I would suggest.
12:08 13
12:08 14 COMMISSIONER: Okay. On a commission basis, I suppose.
12:08 15
12:08 16 A. They would get --- on a 400 to 500,000 run, they would
12:08 17 probably get \$5,000.
12:08 18
12:08 19 COMMISSIONER: Small rates.
12:08 20
12:08 21 A. Mmm.
12:08 22
12:08 23 MR FINANZIO: Is it right that a criminal enterprise, the money
12:09 24 launderer, rather than the money runner, is unlikely to risk \$400
12:09 25 or \$500,000 unless they have a reasonable confidence that they
12:09 26 are going to be able to get that money across the line?
12:09 27
12:09 28 A. Every business has a risk/reward element of it. So there is
12:09 29 always a risk when you are moving money and trying to move it
12:09 30 by stealth, but again I don't know who the individuals are
12:09 31 affiliated with, but the intelligence that we have in relation to
12:09 32 money runners of this ilk ---
12:09 33
12:09 34 Q. Yes.
12:09 35
12:09 36 A. --- they are very clever. They are very sophisticated, very
12:09 37 entrenched, they don't take risks.
12:09 38
12:09 39 Q. Okay.
12:09 40
12:10 41 COMMISSIONER: Can I ask you, is the sort of thing we are
12:10 42 seeing here, and the cash that's coming in being brought in in
12:10 43 plastic bags, is that likely to be money from the local crime
12:10 44 syndicates rather than people who are coming in from overseas,
12:10 45 the Asian junkets players, that kind of thing you wouldn't be able
12:10 46 to tell?
12:10 47

12:10 1 A. I wouldn't be able to tell, but the Asian gamblers or
12:10 2 premium players don't bring in their own money. So the method
12:10 3 we were seeing here constantly especially within the junkets was
12:10 4 offsetting.
12:10 5
12:10 6 COMMISSIONER: Somebody deposits money in Macau from A
12:10 7 to B, and you get it --
12:10 8
12:10 9 A. That's correct.
12:10 10
12:10 11 COMMISSIONER: --- it is transferred from C to D here?
12:10 12
12:10 13 A. That's correct. That's because, especially when you are
12:10 14 talking about Chinese premium players, they can't move more
12:10 15 than I think US\$50,000 a year ---
12:11 16
12:11 17 COMMISSIONER: Because of Chinese currency laws?
12:11 18
12:11 19 A. Yes, correct. So they don't need to move gambling money.
12:11 20 It is more money they want to come here and spend. It might be
12:11 21 put into property, businesses, buying expensive things. So they
12:11 22 are going to need Australian dollars here. That could very well
12:11 23 be the Australian dollars that are coming into that gambler, which
12:11 24 has been offset by him transferring the equivalent amount in
12:11 25 China --
12:11 26
12:11 27 COMMISSIONER: Outside of the country, yes.
12:11 28
12:11 29 A. --- which is then transferred into an Asian organised crime
12:11 30 syndicate, which the organised crime syndicate domestically
12:11 31 needed to get that money, which is the money here, to them. So
12:11 32 you are moving money without moving it. But primarily, and I
12:11 33 can't talk to this case because I don't know it, but primarily the
12:11 34 money that we believe was coming into the junkets which was
12:11 35 being given to the players, not always, but mostly, was being
12:12 36 funded by organised crime syndicates domestically.
12:12 37
12:12 38 COMMISSIONER: Have you got any take at all or assessment
12:12 39 or estimate of the amount of Australian dollars that are laundered
12:12 40 per year, per couple of years?
12:12 41
12:12 42 A. I can only give a qualification to that question,
12:12 43 Commissioner, by saying that at stages, I'm reluctant to detail
12:12 44 what stages they were, but during certain stages when we were
12:12 45 observing these sort of individuals, which I would say are money
12:12 46 runners, we would see them moving millions a week. That's just
12:12 47 one or two money runners. So you might have ---

12:12 1
12:12 2 COMMISSIONER: You would multiply that several times so
12:12 3 you get, many, many millions per week?
12:12 4
12:12 5 A. Yes. Yes.
12:12 6
12:12 7 COMMISSIONER: And you mean year in, year out?
12:12 8
12:12 9 A. Yes. There is a massive, and not just casino ---
12:13 10
12:13 11 COMMISSIONER: Sure.
12:13 12
12:13 13 A. --- but there is a massive underground banking in every
12:13 14 state in Australia, I would say. A lot of that underground banking
12:13 15 funds international gamblers but also funds ---
12:13 16
12:13 17 COMMISSIONER: Local crime syndicates?
12:13 18
12:13 19 A. Yes, and international people trying to move money out of
12:13 20 their country. They will move --- they can't move it, so they will
12:13 21 need money here to then go and purchase property or businesses,
12:13 22 and they are not interested in making a profit, they just want to
12:13 23 park the money, if that makes sense. So there is a massive money
12:13 24 laundering industry that runs and facilitates that, that is
12:13 25 subcontracted to deal with all this for the organised crime
12:13 26 syndicates, even to the point that people may not want to pay tax
12:13 27 and so forth.
12:13 28
12:13 29 COMMISSIONER: If you couldn't do it at a casino, where else
12:13 30 could you go?
12:13 31
12:13 32 A. There is all different types of ways to offset. So you can
12:14 33 talk trade-based money laundering, there is money laundering
12:14 34 through real estate agents, solicitors. Solicitors accounts' and real
12:14 35 estate agents' accounts don't have to abide by the same regulation
12:14 36 as others.
12:14 37
12:14 38 COMMISSIONER: No reporting regulation.
12:14 39
12:14 40 A. Yes, so they are rife. So from the front end, being that say
12:14 41 the rich Asian person, they might not be a criminal, but they ---
12:14 42 well, in China they might be considered to be a criminal, but here
12:14 43 they are not a criminal. But because they want to move money
12:14 44 out of that environment into a safer environment, being Australia,
12:14 45 that is where the criminal element gets involved and does that for
12:14 46 them and then allows the criminal element here to use that system
12:14 47 as well. It is clipping the ticket at both ends because the criminal

12:14 1 money laundering syndicate will take a commission from the
12:15 2 punter and the syndicate here, for just doing one transaction for
12:15 3 them. So they make anywhere between 2 to 5 per cent on some
12:15 4 of those, and you double that, so there is \$10 million. That's a lot
12:15 5 of money these syndicates are making on a daily basis.

12:15 6
12:15 7 COMMISSIONER: Just carrying money?

12:15 8
12:15 9 A. Just carrying money and using every money laundering
12:15 10 methodology they can. Sometimes they will wash money once,
12:15 11 sometimes 20 times before it moves. And it is nearly impossible
12:15 12 for us to keep at in some stages.

12:15 13
12:15 14 COMMISSIONER: If you had a cooperative casino with
12:15 15 sophisticated surveillance and top rate security officers in charge
12:15 16 of security, what would they do to stop this happening? What
12:15 17 could they do to stop this happening? People walking in with
12:15 18 suitcases or shopping bags of what looks like hundreds of
12:16 19 thousands of dollars in cash?

12:16 20
12:16 21 A. The simplest thing is I would say in this environment the
12:16 22 casino is the frontline of prevention. They are the first line of
12:16 23 prevention. So, simple questions. We've seen individuals like
12:16 24 this walk into a bank where the bank teller will ask two
12:16 25 questions, "Who are you" and "Where does that money come
12:16 26 from?" And they will turn out and walk out the door. They will
12:16 27 walk down the road to another bank who doesn't ask the
12:16 28 questions and the money goes into an account and disappears.
12:16 29 Sometimes it is simplicity, Know Your Customer. Who are you?
12:16 30 It's not normal for people to bring in that money in a plastic bag.
12:16 31 So, who are you, who is the money for, show me some
12:16 32 identification. That would probably scare off 80 or 90 per cent of
12:16 33 these runners because they don't want to be identified. And you
12:16 34 know what? They won't know who the money belongs to. They
12:16 35 wouldn't be able to answer that question. I suppose then the
12:16 36 casino has to decide how much risk are they going to take. Do
12:17 37 they take it with the risk involved that it may be illicit or do they
12:17 38 say, no, we're not prepared to take that money?

12:17 39
12:17 40 Once the word gets out the casino is asking more questions than
12:17 41 they previously did, and I'm not suggesting they did or they
12:17 42 didn't, then the criminal entities will move on.

12:17 43
12:17 44 COMMISSIONER: Find somewhere else.

12:17 45
12:17 46 A. They will find somewhere else.
12:17 47

12:17 1 COMMISSIONER: Thanks.
12:17 2
12:17 3 MR FINANZIO: I want to ask you now ---
12:17 4
12:17 5 COMMISSIONER: I think Mr Gray wants to complain about
12:17 6 something.
12:17 7
12:17 8 MR GRAY: Thank you, Commissioner, just before Mr Finanzio
12:17 9 goes on to a different topic, can I make submissions about the
12:17 10 treatment of the document that was displayed on the screen?
12:17 11
12:17 12 COMMISSIONER: The photo?
12:17 13
12:17 14 MR GRAY: Yes, the document containing the photos. It was
12:17 15 a document produced by Victoria Police pursuant to Notice to
12:17 16 Produce 92. You might not have noticed, Commissioner, I'm not
12:18 17 sure if the operator cursed through the top of the document and
12:18 18 he need not do so now, but it says it is subject to legislative
12:18 19 secrecy and it refers to the ACIC and has some other identifying
12:18 20 information, including names of Persons of Interest and operating
12:18 21 name.
12:18 22
12:18 23 COMMISSIONER: I hadn't seen the names on --- on the screen,
12:18 24 there is nothing on my screen now.
12:18 25
12:18 26 MR GRAY: It is available on the Lexel folder in relation to the
12:18 27 witness described as "Member, Victoria Police". I don't believe
12:18 28 we were told of this precise coded document was going to be
12:18 29 referred to, so I'm not very well prepared to deal with the issue
12:18 30 now --
12:18 31
12:18 32 COMMISSIONER: Yes.
12:18 33
12:18 34 MR GRAY: --- but what we would ask is that the Commission
12:18 35 should, in my submission, take steps to limit the dissemination of
12:18 36 this document any further than it has been until we're able to
12:19 37 check whether the names of the Person of Interest ---
12:19 38
12:19 39 COMMISSIONER: As far as I know it hasn't been disseminated
12:19 40 outside this room.
12:19 41
12:19 42 MR GRAY: It's in a Lexel folder related to a person described as
12:19 43 Victorian police member, so presumably available to people who
12:19 44 can access that folder and that may include the other parties with
12:19 45 leave to appear.
12:19 46
12:19 47 COMMISSIONER: I understand that the people who do have

12:19 1 access in the way you have described is everybody has had leave
12:19 2 to appear.
12:19 3
12:19 4 MR GRAY: I don't know how long it has been in there, but if
12:19 5 some step could be taken, perhaps through correspondence on
12:20 6 an urgent basis from Solicitors Assisting, indicating that the State
12:20 7 has made this request foreshadowing an application for
12:20 8 a non-publication order which will involve redaction of certain of
12:20 9 the details at the top of the document and perhaps in other places
12:20 10 in the document so that the operation name and the names of the
12:20 11 Persons of Interest ---
12:20 12
12:20 13 COMMISSIONER: Should be removed. We will work out some
12:20 14 way to do that.
12:20 15
12:20 16 MR GRAY: Can I add to that that the ACIC did consent to the
12:20 17 production of this document, and evidence of that was provided
12:20 18 at the time of production by Victoria Police to (inaudible)
12:20 19 However, to the best of my knowledge, there hasn't been
12:20 20 consultation with them about the sensitivity or otherwise of the
12:20 21 identifying details I have mentioned because I didn't appreciate
12:20 22 personally that this particular document was the one that
12:20 23 Mr Finanzio was going to take the witness to. There was
12:20 24 a reference to photos, but I didn't appreciate it was this photo.
12:21 25
12:21 26 COMMISSIONER: They were marked.
12:21 27
12:21 28 MR GRAY: That is regrettable, but that is the situation. Thank
12:21 29 you.
12:21 30
12:21 31 COMMISSIONER: Okay. We will have to do something about
12:21 32 that.
12:21 33
12:21 34 MR FINANZIO: We will. There has been a misunderstanding
12:21 35 more than anything else. But I will take that offline and talk
12:21 36 about it with Mr Gray. I'm about to move to another topic.
12:21 37
12:21 38 COMMISSIONER: We'll go to 12.45 and break for lunch then.
12:21 39 I think that will suit everybody.
12:21 40
12:21 41 MR FINANZIO: Yes.
12:21 42
12:21 43 Are you familiar with a person who went by or goes by the name
12:21 44 Tom Zhou?
12:21 45
12:21 46 A. Yes.
12:21 47

12:21 1 Q. Who is Tom Zhou?

12:21 2

12:21 3 A. Tom Zhou is a large-scale junket tour operator who
12:22 4 colloquially was referred to as Mr Chinatown. My understanding
12:22 5 is that he ran the Chinatown junket within Crown and other
12:22 6 casinos around Australia.

12:22 7

12:22 8 Q. I understand he was arrested in Fiji in late 2019 and
12:22 9 extradited to China?

12:22 10

12:22 11 A. Yes.

12:22 12

12:22 13 Q. There were news reports of him and his association with
12:22 14 the casino in 2016. Are you familiar with those reports?

12:22 15

12:22 16 A. Yes.

12:22 17

12:22 18 Q. And then a subsequent reference I think in a 2017 Four
12:22 19 Corners report?

12:22 20

12:22 21 A. Yes.

12:22 22

12:23 23 Q. Who was Mr Zhou associated with? I withdraw that. I will
12:23 24 take you to a document.

12:23 25

12:23 26 Did any of your investigations come across Mr Zhou while your
12:23 27 investigations were ongoing?

12:23 28

12:23 29 A. Mr Zhou was a primary target of our investigation.

12:23 30

12:23 31 Q. How did he come to be a primary target of your
12:23 32 investigation?

12:23 33

12:23 34 A. Following the money, again.

12:23 35

12:23 36 Q. Following the money?

12:23 37

12:23 38 A. Yes.

12:23 39

12:23 40 Q. I mentioned a moment ago the newspaper reports and the
12:23 41 other media in 2016 and 2017, when did he become a target of
12:24 42 your investigations?

12:24 43

12:24 44 A. From the start of the investigation. So, August 2017 he was
12:24 45 a Person of Interest, very much so.

12:24 46

12:24 47 Q. Right. Was that interest inspired by newspaper reports

12:24 1 about him? When I say "inspired by", is it sometimes the case
12:24 2 that police read the newspapers like everybody else and think
12:24 3 there might be something they have to pursue?

12:24 4
12:24 5 A. No, I wouldn't have read those articles until after he
12:24 6 became a Person of Interest for us to obviously explore who he
12:24 7 was and what there was on open source.

12:24 8
12:24 9 Q. Can I take you to a document VPL.0001.0005.0229, and
12:25 10 I don't think these need to come up on the screen. They are in the
12:25 11 bundle. Behind tab 6 in the materials you have.

12:25 12
12:25 13 A. Yes.

12:25 14
12:25 15 Q. That document is an OCIU post-investigation review, isn't
12:25 16 it?

12:25 17
12:25 18 A. That's correct.

12:25 19
12:25 20 Q. It says on the top there that, well, first of all, can you tell
12:25 21 the Commission what a post-investigation review document is?

12:25 22
12:25 23 A. Commissioner, at the end of any investigation or most
12:25 24 investigations, I should say, the investigation manager usually
12:25 25 writes what we call a post-investigation review. So it is
12:25 26 basically --- it's not an intelligence product, more of what did we
12:26 27 see during the investigation, what did we confront, who the main
12:26 28 players were, what worked in relation to police activity to try to
12:26 29 uncover that intelligence, what didn't. Are there any other
12:26 30 intelligence gaps that haven't been filled and possibly how we
12:26 31 would go about filling those, and making an evaluation of what
12:26 32 might have been put in play that made it difficult for you to do
12:26 33 certain things within the investigation. That then gets attached
12:26 34 into the investigation, and that will usually be available to
12:26 35 anybody else that could do a search through that system. For
12:26 36 example, on this one, if they searched for that individual's name,
12:26 37 it will come up and they could then read through this and have
12:26 38 an understanding of what sort of investigations had been done pre
12:26 39 on that individual.

12:26 40
12:26 41 Q. So it is a summary of substance of what has taken place
12:27 42 with all of the different component bits you've just described?

12:27 43
12:27 44 A. That's correct, yes.

12:27 45
12:27 46 Q. This investigation commenced in October 2017 and was
12:27 47 identified to or approved or endorsed to run for a certain period,

12:27 1 but it was progressively extended over time?
12:27 2
12:27 3 A. That's correct.
12:27 4
12:27 5 Q. Am I right to say it was progressively extended over time as
12:27 6 the investigation yielded more and more product of interest?
12:27 7
12:27 8 A. Yes, it was closed down a couple of times but then it was
12:27 9 re-engaged when further intelligence would come in warranting
12:27 10 that.
12:27 11
12:27 12 Q. Further engagement?
12:27 13
12:27 14 A. Yes. So it sounds like it is a 3-year ongoing investigation,
12:27 15 but it was ---
12:27 16
12:27 17 Q. More sporadic?
12:27 18
12:28 19 A. Yes, that's correct.
12:28 20
12:28 21 Q. You said a minute ago you were following the money, and
12:28 22 that's how he became a target.
12:28 23
12:28 24 A. Yes.
12:28 25
12:28 26 Q. Can you elaborate on that a little, please?
12:28 27
12:28 28 A. Going back to the original example that started this
12:28 29 investigation off was the money that had come out of Crown
12:28 30 Perth into a known entity who was affiliated with the illegal sex
12:28 31 industry and the karaoke bar industry in the Melbourne CBD.
12:28 32 We engaged with the regulating body over in Perth to obtain
12:28 33 emails and so forth in relation to who had transferred the money,
12:28 34 whose account that money belonged to. A bit more investigation
12:28 35 warranted us to believe that possibly Tom Zhou, through Veng Anh
12:29 36 had directed that money to be transferred to another associate of
12:29 37 theirs, which was then transferred into accounts of family A?
12:29 38
12:29 39 Q. So this folds into the family A scenario that was described
12:29 40 earlier?
12:29 41
12:29 42 A. Obviously at that time we weren't aware of the associations.
12:29 43 That's how this investigation started. We wanted to understand
12:29 44 how money for a casino had ended up in a business account of
12:29 45 individuals that had prior history for drug importations.
12:29 46
12:29 47 Q. You mentioned, a minute ago, association with a karaoke

12:29 1 bar. Without mentioning anybody's name other than Mr Zhou,
12:29 2 can you explain what the nature of the association was with the
12:29 3 karaoke bar?
12:29 4
12:29 5 A. The individual that had the money transferred into his
12:30 6 account was a manager at that time of a karaoke bar in
12:30 7 Melbourne.
12:30 8
12:30 9 Q. You say karaoke bar. Is that all it did?
12:30 10
12:30 11 A. Our intelligence after we looked at that --- again this sort of
12:30 12 started as an examination of Asian organised crime. Previous to
12:30 13 this investigation we had done an investigation into the illegal sex
12:30 14 industry. During that investigation, not so much this
12:30 15 investigation, Commissioner, we were seeing what we --- we had
12:30 16 good intelligence that there was a lot of illegal prostitution
12:30 17 running through the karaoke bars in the Melbourne CBD. So we
12:30 18 ---
12:30 19
12:30 20 Q. When you say "illegal prostitution", do you mean
12:30 21 unlicensed prostitution?
12:30 22
12:30 23 A. That's correct. The information we had at that time was
12:30 24 girls were being brought into the country, some not being aware,
12:31 25 some being aware, that they were going to be funnelled into the
12:31 26 sex trade and they would be pooled and the ---
12:31 27
12:31 28 Q. Pardon me, "pooled"?
12:31 29
12:31 30 A. What we call "pooled", it's like a --- I hate talking about
12:31 31 this subject in such basic terms, but it's like a taxi rank. So they
12:31 32 would not work out of the karaoke bars, but if there were
12:31 33 individuals there in some of the private rooms that wanted girls,
12:31 34 then the manager of the karaoke bars would ring individuals,
12:31 35 individuals like person I, if we go back to that ---
12:31 36
12:31 37 Q. Person I being?
12:31 38
12:31 39 A. Who is related to the drug dealer investigation.
12:31 40
12:31 41 Q. I'd better check. Yes.
12:31 42
12:31 43 A. Yes. They would be called and then they would group
12:31 44 whatever girls these individuals want. The simplistic way is that
12:31 45 they would bring the girls in, they would have a minder and if we,
12:32 46 being the police, raided that place, then the karaoke management
12:32 47 could clearly say, "They are not our staff, they have nothing to do

12:32 1 with us, we didn't know what was happening there, that's
12:32 2 a private room." So that was what we believed was a serious
12:32 3 ongoing problem within the karaoke bars and other venues in the
12:32 4 CBD who were affiliated with Asian organised crime syndicates.
12:32 5
12:32 6 Q. What was Zhou's relationship in relation to that activity?
12:32 7
12:32 8 A. Tom Zhou, we didn't have any intelligence in relation to
12:32 9 that. Tom Zhou's intelligence was entirely directed towards the
12:32 10 junkets.
12:32 11
12:32 12 Q. If I just ask you to turn the page, there is a list, there is Tom
12:32 13 Zhou as our primary target, which is what you described, but then
12:32 14 there are a list of secondary targets and associates of targets. Am
12:33 15 I right that Simon Pan was one of them? Or have I read that
12:33 16 wrong?
12:33 17
12:33 18 A. There is some redacted information. It's not on the list. It's
12:33 19 clear, unless I'm missing something.
12:33 20
12:33 21 Q. Sorry.
12:33 22
12:33 23 COMMISSIONER: Under the "Associates of targets" half of the
12:33 24 second page of the document, about halfway down on the
12:33 25 right-hand side of the redaction I've got in brackets "Pan Zhao".
12:33 26
12:33 27 A. It probably shouldn't have been left there, but ---
12:33 28
12:33 29 COMMISSIONER: No or yes.
12:33 30
12:33 31 A. I'm more than happy to answer the question because I don't
12:34 32 think it is that much of an issue.
12:34 33
12:34 34 COMMISSIONER: Answer it.
12:34 35
12:34 36 A. During the investigation we had links between Tom Zhou
12:34 37 and Simon Pan, yes.
12:34 38
12:34 39 MR FINANZIO: And we might come to Pan in a minute, and
12:34 40 I will ask you some questions about him. I want to be careful that
12:34 41 my working document and your working document ---
12:34 42
12:34 43 COMMISSIONER: Are not the same?
12:34 44
12:34 45 MR FINANZIO: Well, they couldn't be, given the disruption, but
12:34 46 your working documents, Commissioner, and the witness's
12:34 47 working documents are the same. Well, they should be too. I'm

12:34 1 the only one in the room that doesn't have what everybody else
12:34 2 has. But I didn't understand that that was (inaudible). I was
12:35 3 going to ask more questions about this document, and before I do
12:35 4 so, I might double-check whether or not my version is the same
12:35 5 as everybody else's.
12:35 6
12:35 7 COMMISSIONER: Do you want me to hand down mine?
12:35 8
12:35 9 MR FINANZIO: Yes, if you could, that would be great.
12:35 10
12:35 11 COMMISSIONER: You should ask as many questions as you
12:35 12 can while Mr Gray is paying attention somewhere else.
12:35 13
12:35 14 MR FINANZIO: That's okay. In that same line in your version
12:35 15 there is a reference to Ming Chai; who is that?
12:35 16
12:35 17 A. Ming Chai is a very close associate to Tom Zhou and
12:35 18 Simon Pan and other individuals associated with or running
12:35 19 junkets.
12:35 20
12:35 21 Q. And it is right that Ming Chai is a person with connections
12:35 22 back to China and China's political ---
12:36 23
12:36 24 MR GRAY: I object. (Inaudible) Commissioner, I'm not trying
12:36 25 to prove it by speaking out ---
12:36 26
12:36 27 COMMISSIONER: Can you take your mask off.
12:36 28
12:36 29 MR GRAY: This question will raise the potential for POI in the
12:36 30 category of foreign relations and it just is the sort of question that
12:36 31 just shouldn't be asked --
12:36 32
12:36 33 COMMISSIONER: Okay.
12:36 34
12:36 35 MR GRAY: --- at all, even under NPO. Thank you.
12:36 36
12:36 37 MR FINANZIO: Sufficient to say he's an associate of Simon
12:36 38 Pan?
12:36 39
12:36 40 A. Yes.
12:36 41
12:36 42 Q. What that concluded --- the investigation assessment at the
12:36 43 bottom was all the targets were involved in laundering money for
12:36 44 the SOC groups. What does SOC groups mean?
12:36 45
12:36 46 A. Serious organised crime.
12:36 47

12:37 1 Q. On page 3 there is a reference to, and this is at the top of
12:37 2 the page, there is a reference to illegal --- there is a reference to
12:37 3 convicted human traffickers and illegal workers of brothels and
12:37 4 that that indicated that the woman --- I think that should be
12:37 5 "women", but I will leave it to you --- are transported to offsite
12:37 6 locations to service high rollers from Crown when required. You
12:37 7 were explaining that before. Is that the karaoke bar? That is
12:37 8 one scenario?

12:37 9
12:37 10 A. That is one scenario, yes.

12:37 11
12:37 12 Q. But is another scenario also to Crown in the way that we
12:38 13 were talking about earlier?

12:38 14
12:38 15 A. No, not in reference to that. But we were aware of
12:38 16 intelligence where apartments were stood up around Crown that
12:38 17 were being utilised for prostitution. So, again, to --- primarily
12:38 18 around the premium players, the junket players.

12:38 19
12:38 20 Q. There is a reference in the document to money laundering
12:38 21 activities occurring in New Zealand. Are you able to elaborate
12:38 22 for us on what the nature of those activities were?

12:38 23
12:38 24 A. It is just again money laundering methodologies, so there
12:39 25 were a number of times we would see the SkyCity in Auckland,
12:39 26 it's an affiliate of the SkyCity casino in Adelaide, so we were
12:39 27 seeing money being moved from Melbourne to Adelaide, and
12:39 28 then moved through SkyCity in Adelaide to Auckland. There is
12:39 29 also money that was gambled in Crown that was then moved
12:39 30 through Crown accounts, to my understanding, to accounts in
12:39 31 New Zealand, money that was flown from Crown accounts, as in
12:39 32 taken out of Crown accounts, and then flown to New Zealand.

12:39 33
12:39 34 Q. Cash money?

12:39 35
12:39 36 A. Cash money. Then dealt with at Sky in New Zealand and
12:39 37 then funnelled through multiple bogus business accounts and then
12:40 38 would end up back where it started, basically, but now as
12:40 39 legitimate money, not illegitimate money. A lot of that was out
12:40 40 of the illegal sex industry.

12:40 41
12:40 42 Q. Was Zhou a junket tour operator taking junkets or groups or
12:40 43 premium players to New Zealand in that ---

12:40 44
12:40 45 A. I'm not aware of Tom Zhou running any junket operations
12:40 46 in New Zealand. I'm aware of him going to New Zealand with
12:40 47 Persons of Interest, and money being moved into accounts by

12:40 1 those Persons of Interest that refer to Tom Zhou as boss, but I'm
12:40 2 not aware that he was running any junket programs in New
12:40 3 Zealand, no.
12:40 4
12:40 5 Q. Are any of the Persons of Interest Simon Pan?
12:40 6
12:40 7 A. Not in relation to the New Zealand casinos, no.
12:40 8
12:41 9 MR FINANZIO: All right, Commissioner, I'm about to go to
12:41 10 another topic.
12:41 11
12:41 12 COMMISSIONER: Break time. If we come back at 1.30 ---
12:41 13 Mr Rozen?
12:41 14
12:41 15 MR ROZEN: If I could raise a matter. I wasn't sure how long
12:41 16 the examination would take this morning and whether it would be
12:41 17 of any relevance to my client or not, but we don't have these
12:41 18 documents. We are quite content to receive them on the basis ---
12:41 19
12:41 20 COMMISSIONER: Same basis Mr Gray said they are available.
12:41 21
12:41 22 MR ROZEN: If we are available to be here, then it would
12:41 23 seem ---
12:41 24
12:41 25 COMMISSIONER: You should get the documents. Yes, yes,
12:41 26 follow the documents.
12:41 27
12:41 28 MR GRAY: Extra sets have just arrived and we will provide
12:42 29 them to Mr Rozen.
12:42 30
12:42 31 UNKNOWN SPEAKER: (Inaudible).
12:42 32
12:42 33 COMMISSIONER: I will make sure there are enough copies.
12:42 34
12:42 35 MR ROZEN: Thank you, Mr Gray, thank you, Commissioner.
12:42 36
12:42 37 COMMISSIONER: All right. 1.30.
12:42 38
12:42 39
12:42 40 **ADJOURNED** **[12.42PM]**
13:33 41
13:33 42
13:33 43 **RESUMED** **[1.33PM]**
13:33 44
13:33 45
13:33 46 COMMISSIONER: Thank you.
13:33 47

1 MS BRAZENOR: Commissioner, I appear for CPH ---

2

3 COMMISSIONER: I remember.

4

5 MS BRAZENOR: Thank you, Commissioner. In the
6 circumstances I'm instructed to seek leave for inclusion of my
7 clients in the regime you described this morning, Commissioner,
13:33 8 provision of the Crown waiver documents --- (inaudible -
13:33 9 speaking without microphone) --- to my client as well so that they
13:33 10 may follow along --- (inaudible - speaking without microphone)
13:34 11 ---

13:34 12

13:34 13 COMMISSIONER: Just let me think about that. If the
13:34 14 documents are and remain privileged, then the practice has been,
13:34 15 including for your client, that the hearing would be closed to the
13:34 16 public so that privileged information remains privileged but that
13:35 17 the parties who have leave to appear would be able to see it and
13:35 18 read it and follow the evidence. If the privilege is lost, there will
13:35 19 be public hearings and not only the parties with leave to appear,
13:35 20 but the rest of the world will be able to see and hear all of it. So
13:35 21 I'm not sure what you need and why you need it unless you are
13:35 22 missing something.

13:35 23

13:35 24 MS BRAZENOR: Commissioner, the request is simply to be
13:35 25 included within the group that I understand comprises the
13:35 26 regulator and the State.

13:35 27

13:35 28 COMMISSIONER: They have been given the documents so that
13:35 29 if they want to, they can have an argument about whether the
13:35 30 privilege is wholly lost, for example. Why does that affect you?
13:35 31 In other words, the Government might want to say, and the
13:35 32 regulator might want to say, "We are entitled to view these
13:36 33 documents" because they will have reasons why they would like
13:36 34 access, which is for obvious reasons. But I'm not sure what your
13:36 35 interest is as a separate interest for the purposes of, for example,
13:36 36 arguing whether privilege does or doesn't exist. In other words, I
13:36 37 am not going to let you argue the same thing that Mr Borsky is
13:36 38 going to argue if you want to maintain the privilege, which I
13:36 39 assume is inherently likely, because one person arguing the point
13:36 40 is more than enough for me. And I don't know you have
13:36 41 an interest arguing that privilege is lost, I doubt very much you
13:36 42 would argue that. And if anybody is going to argue that, I've got
13:36 43 the Government and the regulator who want to argue that. So I
13:36 44 still don't get what you want it for between now and Monday.

13:36 45

13:36 46 MS BRAZENOR: Commissioner, I think without having seen
13:36 47 the documents, I acknowledge that it is unlikely that my client

13:36 1 would have an independent or a unique position to put in respect
13:37 2 of the submissions on waiver. I completely accept that.
13:37 3
13:37 4 COMMISSIONER: Yes.
13:37 5
13:37 6 MS BRAZENOR: The nature of the request, or perhaps as high
13:37 7 as I can put it before you, Commissioner, is, having been granted
13:37 8 leave to appear at the closed hearing at which these things will be
13:37 9 discussed, my clients would like to see the documents which are
13:37 10 the subject of the discussion. That is it in a nutshell.
13:37 11
13:37 12 COMMISSIONER: Okay, you want to read it in advance.
13:37 13
13:37 14 MS BRAZENOR: Correct, Commissioner.
13:37 15
13:37 16 COMMISSIONER: Any problem, Mr Borsky, on the basis they
13:37 17 might read them --- there might even be common interest
13:37 18 privilege, for all I know, in fact --- reasonable to think there
13:37 19 might be. I don't know.
13:37 20
13:37 21 MR BORSKY: It is reasonable to think there might be ---
13:37 22
13:37 23 COMMISSIONER: In other words, do you care?
13:37 24
13:37 25 MR BORSKY: We don't care, with respect, save that we don't
13:37 26 and ought not to be taken to be acquiescing or voluntarily
13:37 27 providing this. This is all as compelled by the Commission.
13:37 28
13:37 29 COMMISSIONER: I get that, I'm not going ---
13:37 30
13:37 31 MR BORSKY: I've got nothing further to say about it.
13:38 32
13:38 33 COMMISSIONER: Somebody will send you by email the
13:38 34 documents, but you will only get the file note redacted, you won't
13:38 35 get a clean copy of the file note. I don't know if the Commission
13:38 36 has a redacted copy yet of the document, the file note, I don't
13:38 37 want to give Ms Brazenor's client an unredacted version.
13:38 38
13:38 39 MR BORSKY: No, no, certainly not.
13:38 40
13:38 41 COMMISSIONER: Yes.
13:38 42
13:38 43 MR BORSKY: May I update the Commission on the progress of
13:38 44 those documents and the distribution. Very shortly after I said to
13:38 45 you this morning that we will immediately circulate the letter and
13:38 46 our submissions, we did so.
13:38 47

13:38 1 COMMISSIONER: Yep.
13:38 2
13:38 3 MR BORSKY: And we have just moments ago obtained
13:38 4 instructions as to the redactions to be applied to the file note. If
13:38 5 that hasn't already made its way to the Commission and our
13:38 6 friends, it's en route.
13:38 7
13:38 8 COMMISSIONER: That's okay. Would your solicitors pass it
13:38 9 on to Ms Brazenor's lawyers as well ---
13:38 10
13:38 11 MR BORSKY: As compelled or required by the Commission.
13:38 12
13:38 13 COMMISSIONER: Yes, not as a voluntary disclosure.
13:38 14
13:38 15 MR BORSKY: Yes. I'm sorry ---
13:38 16
13:38 17 COMMISSIONER: Unless you want me ---
13:38 18
13:38 19 MR BORSKY: In the circumstances --- we understand the
13:39 20 practicalities, we just want the record to be clear that it is not
13:39 21 being disclosed voluntarily to anyone.
13:39 22
13:39 23 COMMISSIONER: All right.
13:39 24
13:39 25 MR BORSKY: In response to something that fell from you,
13:39 26 Commissioner, a few moments ago as to the practice that has
13:39 27 been adopted with documents the subject of a privilege claim
13:39 28 which it is accepted has not wholly been waived or lost, as I
13:39 29 recall and understood it, the practice has not been to display --
13:39 30
13:39 31 COMMISSIONER: We don't display it on the screen.
13:39 32
13:39 33 MR BORSKY: No, even within the room, not just on the live
13:39 34 webcast, I think that was a subject of exchange between you and
13:39 35 Mr Rozen earlier in the proceedings. So if the Commission
13:39 36 ultimately ---
13:39 37
13:39 38 COMMISSIONER: Put in a way so you don't lose privilege if
13:39 39 you've still got it.
13:39 40
13:39 41 MR BORSKY: Yes.
13:39 42
13:39 43 COMMISSIONER: We'll do it that way. Ms Brazenor still
13:39 44 hadn't quite finished. Unless you wanted to say thank you.
13:39 45
13:39 46 MS BRAZENOR: I just wanted to confirm, Commissioner, there
13:39 47 is nothing I require further other than thanks.

13:40 1
13:40 2 COMMISSIONER: Thank you.
13:40 3
13:40 4 MR GRAY: Just to seek clarification about something
13:40 5 Mr Borsky just said. I understand his client may be producing
13:40 6 these documents, including this redacted file note, under some
13:40 7 form of compulsion, but I don't understand him to be claiming
13:40 8 legal professional privilege in any of the contents of the file note
13:40 9 that will be revealed to the State?
13:40 10
13:40 11 COMMISSIONER: Correct.
13:40 12
13:40 13 MR GRAY: Is that correct?
13:40 14
13:40 15 COMMISSIONER: Correct. He is going to redact those portions
13:40 16 of the file note in respect of which privilege is still being claimed.
13:40 17
13:40 18 MR GRAY: So the State is not being exposed to any information
13:40 19 over which Mr Borsky's clients claim privilege?
13:40 20
13:40 21 COMMISSIONER: It is the exact opposite. You will not get it
13:40 22 and then the argument will be based on what you do get if there
13:40 23 will be an argument about whether you are entitled to more.
13:41 24
13:41 25 Thank you.
13:41 26
13:41 27 MR FINANZIO: Before lunch, **Confidential** we spoke
13:41 28 about Simon Pan. I would like you now to just tell the
13:41 29 Commissioner who he is or was.
13:41 30
13:41 31 A. Simon Pan is a suspected member of an international triad
13:41 32 group. I say "suspected" loosely, the intelligence is reasonable
13:41 33 but I will still err on the side of caution there. Simon Pan is
13:41 34 an individual that we have been able to associate with junket
13:41 35 operators and junket tour reps that we've been able to associate
13:42 36 with Crown Casino and other casinos. He is also the proprietor
13:42 37 of legal brothels, and obviously a very serious Person of Interest
13:42 38 for us in our investigation.
13:42 39
13:42 40 Q. So he featured specifically in the family A example and the
13:42 41 person H example that you outlined earlier today?
13:42 42
13:42 43 A. Yes.
13:42 44
13:42 45 Q. As I understand it, police intelligence has it that he's been
13:42 46 a player at Crown Casino for about 20 years?
13:42 47

- 13:42 1 A. Yeah, he's had an affiliation with a number of casinos over
13:42 2 that period of time. My understanding is he has self-excluded
13:42 3 from Crown Melbourne.
13:42 4
- 13:43 5 Q. He is a junket rep or junket operator as far as you
13:43 6 understand?
13:43 7
- 13:43 8 A. It's a bit of murky waters, to be perfectly honest,
13:43 9 Commissioner. At some stages we believe he was specifically
13:43 10 running a junket operation. Other times we believe he was acting
13:43 11 as a junket tour representative for other junkets.
13:43 12
- 13:43 13 Q. Are you able to say when he first became a Person of
13:43 14 Interest for police?
13:43 15
- 13:43 16 A. For our office specifically?
13:43 17
- 13:43 18 Q. Yes.
13:43 19
- 13:43 20 A. He would have certainly been a Person of Interest out of the
13:43 21 original investigation, the investigation I spoke in relation to the
13:43 22 illegal brothel industry.
13:43 23
- 13:43 24 Q. So that's person H, or is it a person H example or ---
13:43 25
- 13:43 26 A. No, this was ---
13:43 27
- 13:43 28 COMMISSIONER: From the karaoke bar?
13:43 29
- 13:43 30 A. Yes, so there was a previous intelligence probe into illegal
13:43 31 sex industry. That intelligence probe obviously identified that
13:44 32 that was completely infiltrated by Asian organised crime, and
13:44 33 then through that we identified Simon Pan, and then his name
13:44 34 raised again when we started looking at the money laundering
13:44 35 side of Asian organised crime specifically.
13:44 36
- 13:44 37 Q. Are you able to explain to the Commission any relationship
13:44 38 between Pan and Zhou?
13:44 39
- 13:44 40 A. Well, all I can say when I talk about relationships is what
13:44 41 we were seeing in relation to the money flow and some sort of
13:44 42 communication, so I'm not talking direct, as in observations of
13:44 43 association, but certainly intelligence was coming to us from
13:44 44 a number of different avenues that he was an associate of Tom
13:45 45 Zhou, yes.
13:45 46
- 13:45 47 Q. Are you able to say, prior to the investigation that you

13:45 1 described, whether or not he was known to police as a Person of
13:45 2 Interest for other reasons?
13:45 3
13:45 4 A. Yes, he was.
13:45 5
13:45 6 Q. Why?
13:45 7
13:45 8 A. In relation to his brothels I would hazard a guess. I'm not
13:45 9 really sure. I'm just trying to think, Commissioner, back.
13:45 10 Obviously we would have done our due diligence on Mr Pan, but
13:45 11 my recollection is primarily Victoria Police had an interest in him
13:45 12 previous to our investigation in relation to human trafficking in
13:45 13 the brothel.
13:45 14
13:45 15 Q. Are you aware of any law enforcement agency inquiries
13:45 16 made in relation to Mr Pan of Crown? In other words have you
13:45 17 responsible for inquiries of Crown in relation to Mr Pan or do you
13:46 18 know of any?
13:46 19
13:46 20 A. Yes.
13:46 21
13:46 22 MR GRAY: Objection. Could you please clarify whether you
13:46 23 are just talking about Victoria Police? A minute ago you referred
13:46 24 to law enforcement agencies.
13:46 25
13:46 26 MR FINANZIO: Sorry, sorry, sorry. Yes, of course.
13:46 27
13:46 28 Are you aware of any Victoria Police inquiries made of Crown in
13:46 29 relation to Mr Pan?
13:46 30
13:46 31 A. Yes.
13:46 32
13:46 33 Q. Are you aware of any law enforcement agencies other than
13:46 34 Victoria Police making inquiries of Crown in relation to Mr Pan?
13:46 35
13:46 36 MR GRAY: And it is to that I object.
13:46 37
13:46 38 COMMISSIONER: Object.
13:46 39
13:46 40 MR FINANZIO: Okay, I withdraw that.
13:46 41
13:46 42 COMMISSIONER: Timing. How far back are the inquiries?
13:46 43 Just roughly.
13:46 44
13:46 45 A. Our personal inquiries?
13:46 46
13:46 47 COMMISSIONER: Yes.

13:46 1
13:46 2 A. Three years. Sorry, Commissioner, probably taking into
13:46 3 the original investigation, probably more like four years.
13:46 4
13:46 5 COMMISSIONER: (Nods head).
13:46 6
13:46 7 MR FINANZIO: All right.
13:47 8
13:47 9 Are you able to inform the Commission about any relationship
13:47 10 between Mr Pan and a Suncity junket?
13:47 11
13:47 12 A. Yes.
13:47 13
13:47 14 Q. Can you explain what that relationship is or was?
13:47 15
13:47 16 A. Intelligence we had suggested that Simon Pan was
13:47 17 operating at stages as a sub-junket for the Suncity junket.
13:47 18
13:47 19 Q. What does that mean?
13:47 20
13:47 21 A. I have to admit I'm speculating a little bit here, but from
13:47 22 what we were looking at it's like Westpac owns St George.
13:47 23 Westpac is the bigger bank and St George is a branch of that, but
13:47 24 Westpac would obviously be the money behind St George. So
13:48 25 Suncity would have been the money and the reputation to back
13:48 26 Simon Pan's junket.
13:48 27
13:48 28 Q. Right.
13:48 29
13:48 30 A. So it is basically Suncity but they are branching out into
13:48 31 sub --- smaller junkets.
13:48 32
13:48 33 Q. If I were to ask you what the facts or circumstances are that
13:48 34 led you to that conclusion, one would be the money trail, which
13:48 35 you've described before ---
13:48 36
13:48 37 A. (Nods head).
13:48 38
13:48 39 Q. --- are there any other factors?
13:48 40
13:48 41 A. Yes.
13:48 42
13:48 43 Q. What are they?
13:48 44
13:48 45 A. The money factor in my opinion is irrefutable. The other
13:48 46 intelligence and factors, I would be a bit reluctant to talk about in
13:48 47 any detail because of sensitive nature of those, if that's an issue.

13:48 1
13:49 2 Q. We might leave that. Can we return now to the second last
13:49 3 topic, you will be happy to know, to the subject of Veng Anh.
13:49 4
13:49 5 A. Yes.
13:49 6
13:49 7 Q. Would you describe Veng Anh as a Person of Interest to
13:49 8 Victoria Police, using that term?
13:49 9
13:49 10 A. Veng Anh was of interest to our investigation, but an overall
13:49 11 interest to Victoria police, I would say no.
13:49 12
13:49 13 Q. Are you able to explain when he first came to your
13:49 14 attention? I think you mentioned before --- we have talked about
13:49 15 the 2017 transaction with Perth. Is that the first time that he came
13:50 16 to your attention?
13:50 17
13:50 18 A. That's correct, Commissioner, yes.
13:50 19
13:50 20 Q. Are there any other, apart from those transactions ---
13:50 21 perhaps I will withdraw that and put it a different way.
13:50 22
13:50 23 You did mention the karaoke bar; is it the case that Victoria
13:50 24 Police's intelligence suggested that Veng Anh might have had
13:50 25 an interest in that karaoke bar?
13:50 26
13:50 27 A. Yes.
13:50 28
13:50 29 Q. A financial interest?
13:50 30
13:50 31 A. Yes.
13:50 32
13:50 33 Q. Is it the case that the intelligence suggests that Veng Anh
13:50 34 might have been involved in bringing Crown patrons to the
13:50 35 karaoke bar?
13:50 36
13:50 37 A. Yes.
13:50 38
13:50 39 Q. Is it the case that he, that is Veng Anh, was also an associate
13:50 40 of Simon Pan?
13:50 41
13:51 42 A. Yes.
13:51 43
13:51 44 Q. In relation to the provision of sexual services, whether
13:51 45 illegal or otherwise, is it the position that Victoria Police has
13:51 46 intelligence to suggest that Veng Anh was involved in the
13:51 47 provision of those services? Procuring them, for example.

13:51 1
13:51 2 A. No.
13:51 3
13:51 4 Q. Could be?
13:51 5
13:51 6 A. Could be, yes.
13:51 7
13:51 8 Q. We danced around a term "Person of Interest" as though, as
13:51 9 I understand it, and tell me if I'm wrong about this, police use the
13:51 10 term "Person of Interest" as a term of art, it means something, the
13:51 11 person is at a level of interest to police that other persons who
13:51 12 aren't called Person of Interest are not?
13:51 13
13:51 14 A. Yes. The terminology is basically used before a charge is
13:52 15 probably laid. We sometimes mix the "Person of Interest" with
13:52 16 "target" and then obviously after charges we may refer to that
13:52 17 individual as "the accused".
13:52 18
13:52 19 Q. You've made reference to --- you said that Veng Anh would
13:52 20 not have that designation of Person of Interest to Victoria Police;
13:52 21 did I get that correct?
13:52 22
13:52 23 A. I'm not aware, Commissioner, of any other Victorian police
13:52 24 unit looking at Veng Anh in any sense, no.
13:52 25
13:52 26 Q. Okay. But is it right to say that from your review of all of
13:52 27 the material, his behaviour over the period that you've been
13:52 28 looking at him is suspicious?
13:52 29
13:52 30 A. Yes.
13:52 31
13:52 32 Q. Using that characterisation, rather than the Person of
13:52 33 Interest characterisation, have your investigations revealed
13:52 34 whether any other Crown employee might have conducted
13:52 35 themselves in a suspicious way?
13:53 36
13:53 37 A. Yes.
13:53 38
13:53 39 Q. Who?
13:53 40
13:53 41 MR GRAY: Can I ---
13:53 42
13:53 43 MR FINANZIO: If there is an issue.
13:53 44
13:53 45 MR GRAY: I rise not to prevent the witness answering the
13:53 46 question altogether but to remind the witness that he has the
13:53 47 ability to decline to answer the question if it would reveal the

13:53 1 details of an ongoing investigation.
13:53 2
13:53 3 MR FINANZIO: Yes, I should have made clear that it's not my
13:53 4 intention to get the witness to do that. So if the witness can do
13:53 5 that without traversing the forbidden territory.
13:53 6
13:53 7 A. I would be a bit reluctant to answer that question,
13:53 8 Commissioner, because of the very reasons that have just been
13:53 9 spoken about.
13:53 10
13:53 11 MR FINANZIO: But there are some?
13:53 12
13:53 13 A. Yes.
13:53 14
13:53 15 Q. And is it the case that that activity, without revealing
13:54 16 names, are we able to enquire of you the nature of the activity?
13:54 17 So put it into a broad category, money laundering, illegal sex
13:54 18 work, are we able to do that or is that getting too difficult as well?
13:54 19
13:54 20 A. I could generalise, but --- around these entities, apart from
13:54 21 Veng Anh, they were very, very close to our Persons of Interest
13:54 22 both inside the casino and outside the casino. Their activities
13:54 23 outside the casino were more of interest to us in being suspicious,
13:54 24 than their activities inside.
13:54 25
13:54 26 Q. I have probably taken that as far as I can. I have just a few
13:54 27 more questions for you, in fact maybe even just one. You
13:54 28 mentioned something in the course of your evidence before
13:55 29 lunch. Confidential
13:55 30
13:55 31 COMMISSIONER: Confidential
13:55 32 Confidential
13:55 33
13:55 34 MR FINANZIO: Well, I just want to explore that.
13:55 35
13:55 36 Confidential
13:55 37
13:55 38 A. Confidential
13:55 39
13:55 40 Q. Confidential
13:55 41
13:55 42 A. Confidential
13:55 43
13:55 44 Q. Confidential
13:55 45 Confidential
13:55 46
13:55 47

13:55 1 A. There would be a number of reasons. Probably one is
13:55 2 Confidential
13:55 3
13:55 4 Q. By whom?
13:55 5
13:56 6 A. Security.
13:56 7
13:56 8 Q. Why is that a problem?
13:56 9
13:56 10 A. Confidential
13:56 11 Confidential
13:56 12
13:56 13 Q. Confidential
13:56 14 Confidential
13:56 15
13:56 16 A. Correct. I suppose the easiest way of answering this is we
13:56 17 have a system of when we are investigating things,
13:56 18 Commissioner, we weigh up tasking Confidential
13:56 19 Confidential
13:56 20
13:56 21 Confidential
13:56 22
13:56 23 COMMISSIONER: (Nods head).
13:56 24
13:56 25 A. In no way, shape or form am I suggesting that if we had
13:56 26 Confidential that the risk that we might have
13:56 27 thought we were entering into would have occurred. So, for
13:57 28 example, sometimes when we want to engage with Confidential
13:57 29 Confidential
13:57 30
13:57 31 Confidential
13:57 32 Confidential So we decided reasonably early,
13:57 33 because we were looking at very high level junket operators that
13:57 34 had very good relationships I'm assuming with Crown, that to go
13:57 35 in and deal and take Crown on as a partner to assist us with our
13:57 36 investigation, the risk was too high. Again, I stress that I'm not
13:57 37 suggesting Confidential but the risk ---
13:57 38
13:57 39 COMMISSIONER: Not a risk you were prepared to run.
13:57 40
13:57 41 A. That's exactly right, yes.
13:57 42
13:57 43 MR FINANZIO: Commissioner, that ends --- they are the
13:57 44 questions I wanted to ask of the witness.
13:58 45
13:58 46 COMMISSIONER: Right.
13:58 47

13:58 1 MR FINANZIO: Reflection over lunchtime meant that I could
13:58 2 cut out some things, but I did want to say I've taken the witness to
13:58 3 a couple of documents, far fewer than I thought I would take the
13:58 4 witness to because the oral answers to the questions that I've
13:58 5 asked made it unnecessary to go to documents. I'm going to
13:58 6 reflect on whether or not it is necessary to tender any of them.
13:58 7

13:58 8 COMMISSIONER: I think you should wait until after Mr Gray
13:58 9 has had a look at them, in any event.
13:58 10

13:58 11 MR FINANZIO: Yes. It might be that it's not necessary to
13:58 12 trouble him. But I just want to reserve that.
13:58 13

13:58 14 COMMISSIONER: Okay. You will go through your processes
13:58 15 as soon as possible?
13:58 16

13:58 17 MR GRAY: Yes, indeed. We've only got two documents that we
13:58 18 need to review for that purpose.
13:58 19

13:58 20 COMMISSIONER: Just check. I'm not sure. Is it only the two
13:58 21 that the witness looked at?
13:58 22

13:58 23 MR FINANZIO: Only the two that the witness looked at.
13:59 24

13:59 25 COMMISSIONER: All right. That makes it easier.
13:59 26

13:59 27 MR FINANZIO: And I just wanted to clarify, I do want to tender
13:59 28 the two statements of the Assistant Commissioner and the Acting
13:59 29 Assistant Commissioner, I don't think you gave them an exhibit
13:59 30 number or anything.
13:59 31

13:59 32 COMMISSIONER: No, I haven't.
13:59 33

13:59 34 MR GRAY: Commissioner, might I repeat what I said earlier on.
13:59 35 These are the subject of a prospective NPO dated 26 May and, in
13:59 36 my submission, should be confidential exhibits.
13:59 37

13:59 38 COMMISSIONER: Yes. The statement of Assistant
13:59 39 Commissioner Christopher Gilbert dated 3 June 2021 will be
14:00 40 Exhibit 198 and be marked confidential. The statement of
14:00 41 Commander Frewen, also 3 June 2021 will be Exhibit 199, also
14:00 42 confidential.
14:00 43
14:00 44

45 **EXHIBIT #RCPH0198 - STATEMENT OF ASSISTANT**
46 **COMMISSIONER CHRISTOPHER GILBERT DATED 3**
47 **JUNE 2021 (CONFIDENTIAL)**

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**EXHIBIT #RCPH0199 - STATEMENT OF COMMANDER
MICHAEL FREWEN DATED 3 JUNE 2021
(CONFIDENTIAL)**

14:00 8 MR BORSKY: As the Commission pleases. Those two
14:00 9 statements which you have just received as confidential exhibits,
14:00 10 though they were in my special folder which I promised to return,
14:00 11 may we take it that those two statements --- to be kept
14:00 12 confidential in accordance with your NPO ---
14:00 13
14:00 14 COMMISSIONER: I didn't think they were covered by PII No,
14:00 15 you can --- you take those statements ---
14:00 16
14:00 17 MR BORSKY: They can reside with us and those instructing us
14:01 18 in the usual way?
14:01 19
14:01 20 COMMISSIONER: Correct.
14:01 21
14:01 22 MR BORSKY: Thank you.
14:01 23
14:01 24 COMMISSIONER: Did you want to ask any questions?
14:01 25
14:01 26 MR BORSKY: No, thank you, Commissioner.
14:01 27
14:01 28 COMMISSIONER: I take it there is nothing?
14:01 29
14:01 30 MR GRAY: No questions in re-examination.
14:01 31
14:01 32 COMMISSIONER: All right. I think that is it for the day. We'll
14:01 33 adjourn until 9.30 Monday morning.
14:01 34
14:01 35
14:01 36 **THE WITNESS WITHDREW**
14:01 37
38
39 **HEARING ADJOURNED AT 2.01 PM UNTIL MONDAY,**
40 **21 JUNE 2021 AT 9.30 AM**

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