
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

Counsel Assisting the Commission (instructed by Corrs Chambers Westgarth as Solicitors Assisting the Commission)	MR ADRIAN FINANZIO SC
Counsel for Crown Resorts Limited	MR MICHAEL BORSKY QC MS CATHERINE BUTTON QC
Counsel for Victorian Commission for Gambling and Liquor Regulation	MR PETER ROZEN QC MR JUSTIN BRERETON MS SARALA FITZGERALD
Counsel for Consolidated Press Holdings	MR OREN BIGOS QC MR NOEL HUTLEY SC MS KATHERINE BRAZENOR MR TOM O'BRIEN MS FIONA CAMERON
Counsel for the State of Victoria	MR PETER GRAY QC MR GLYN AYRES MS GEORGIE COLEMAN MS HELEN TIPLADY
Counsel for Deloitte (Gilbert + Tobin)	MR RICHARD HARRIS

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 **Confidential** to May **Confidential**, 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 to 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
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)**

6

7

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

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**HEARING ADJOURNED AT 2.01 PM UNTIL MONDAY,
21 JUNE 2021 AT 9.30 AM**

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