

KEPPELPUB00591
29/09/2020

KEPPEL
pp 00591-00652

PUBLIC
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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

Reference: Operation E17/0144

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 29 SEPTEMBER, 2020

AT 10.00AM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, I intend to call Ms Maggie Wang shortly. Before I do so, I intend to recall Mr McCormick. Mr McCormick has made contact with the Commission via solicitors to indicate that he has reflected on certain evidence that he has given overnight and wishes to say certain things about evidence that he gave yesterday. I propose to therefore call him. He is physically in the Wagga area and therefore will be attending by way of video link. I understand him to be physically situate in a solicitor's office, but I understand that he is alone in that particular office. I'll just ask him to confirm that before he is formally sworn or affirmed. Is that right, Mr McCormick?

MR McCORMICK: Yes. Good morning, Commissioner. I am on my own in Walsh & Blair solicitors' office in Wagga Wagga.

MR ROBERTSON: Are you alone in that room, sir?

MR McCORMICK: Yes, I'm on my, yeah, I'm on my own in the office is locked or the door is closed.

THE COMMISSIONER: I have given Mr Jones leave to represent you, Mr McCormick. Mr McCormick, you don't wish to have him in the room with you while you give your further testimony?

MR McCORMICK: Oh, what do you suggest, Commissioner? I'm sorry.

THE COMMISSIONER: Well, he has sought leave and been granted leave to represent you and you sought legal advice now. Is it possible - - -

MR McCORMICK: I'll go and get him Commissioner, if that's okay with you?

THE COMMISSIONER: I think you should. We'll just wait a moment, Mr McCormick. Maybe you could outline the rest of the day's program, Mr Robertson.

MR ROBERTSON: Yes. After I have finished with Mr McCormick, I will then call Ms Maggie Wang and I expect to be the whole of the day with her. I hope to finish her examination, at least on the key topics, during the course of the day but it's quite possible that I won't finish today but we will have to see how that goes. Can I indicate for the benefit of those who are watching on the live stream, unfortunately because there is an ineffectiveness of technologies to allow the video link to take place, they won't be able to physically see Mr McCormick.

THE COMMISSIONER: Will they be able to hear his evidence?

MR ROBERTSON: But, as I understand, they will be able to hear his evidence.

THE COMMISSIONER: Very well.

MR ROBERTSON: So they will see a screen in the usual way but unfortunately with an empty-looking witness box. But as I apprehend it, they should be able to hear the oral evidence as well and of course a transcript will be made available in the ordinary course.

10

THE COMMISSIONER: Very well. Mr McCormick, is Mr Jones coming?

MR McCORMICK: Mr Jones is in court but he's got a replacement Mr Timp, and he's just here now.

THE COMMISSIONER: Very well.

MR TIMP: May it please the court, Your Honour, my name is Mr Timp. I appear for - - -

20

MR McCORMICK: Mr McCormick.

MR TIMP: My apologies Your Honour.

THE COMMISSIONER: Yes, I think formally, Mr Timp, you need to seek leave but I grant you that leave to representative Mr McCormick.

MR TIMP: Thank you, Your Honour.

30 THE COMMISSIONER: You can call me Commissioner, Mr McCormick.

MR TIMP: Commissioner.

THE COMMISSIONER: Sorry, Mr Timp. Mr McCormick, we'll have to affirm you again, as you were affirmed yesterday. The court officer will do that.

THE COMMISSIONER: Very well. Mr Timp, you will be aware Mr McCormick was here yesterday, and yesterday I explained to him his rights under section 38 of the Independent Commission Against Corruption Act and I made a section 38 declaration. Mr McCormick, I take it you would like me to make that declaration again today?---Yes, please, Commissioner.

10 Do you wish me to re-read the explanation I gave you yesterday?---No, thanks, Commissioner it's sufficient. I've wasted enough valuable time as it is. Thank you.

Very well. I'll make a further section 38 order. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer
20 given or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON
30 MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr McCormick, can I first confirm that you can hear and see me clearly?---Yes, I can, Mr Robertson.

40 You gave evidence in this public inquiry during the course of yesterday, is that right?---That's correct.

Is there any matter that you wish to correct or clarify in relation to that evidence?---Yes, there is, Mr Robertson. I, I gave the best recollection of, in my evidence, of the events that occurred except, I did not tell the whole truth on the money received. As you suggested in my earlier statement in the morning, I did receive reimbursement of the wages and I did receive a lump sum of I assume to be 30,000. I cannot, I cannot verify that amount but everyone else received 30,000 and I must have received it. The other

Sensitive

money was reimbursed over a period of time and as you suggested, at various meetings, Canberra and Campbelltown. I don't recall them but I, it must have been correct because it's verified on the text messages. So I did, I don't dispute them and I humbly apologise for my misleading evidence.

10 So let me just unpack what you've said. As I understood your evidence yesterday, the only benefit that you got in relation to what I described as the immigration scheme was the potential of wine sales in China with the assistance of the visa applicant who was placed in your business. Was that a correct understanding of your evidence from yesterday?---Yes, that's correct.

And the substance of that evidence that you gave yesterday was false. Correct?---That evidence was correct in itself but I didn't tell the full picture. Like the other gentlemen that were at an interview disclosed that they'd received reimbursement of wages and an upfront sum and I received the same conditions under the same terms.

20 Yes, but yesterday you recall I gave you an opportunity to identify what benefits you received out of the immigration scheme, and as I recall your evidence, you received the possibility of wine sales into China, a payment of about \$5,000 in cash in Australian dollars, and various smaller amounts of cash in renminbi when you're in China. Is that a fair summary of your evidence from yesterday?---That's correct.

30 And that evidence was false in the sense that you didn't disclose certain further payments that you received in relation to the immigration scheme. Is that right?---That's correct. I received reimbursement of the wages that were paid. The money from Yantai was not received. I, I disclosed I'd received two lots of (not transcribable) RMB which is around \$2,000 in each case. I did not receive that. I was being creative and it was just absolutely false. I thought about it overnight and I don't want to live this for the rest of my life.

Well, it was more than being creative. You were giving knowingly false evidence yesterday. Do you agree?---Yes, I admit that and I'm sorry.

40 And so the truth is that as well as having the potential benefit of being able to open the door to wine sales into China, you received an incentive fee of some sort. Is that right?---That is correct.

And that was an amount in the tens of thousands of dollars. Is that right? ---That's correct.

And do I understand your evidence from this morning to be that you're not quite sure how much that figure was?---I, I'm not, but I, I'll accept that it was the same as the other guys which they said it's 30,000, so that sounds

Sensitive

familiar and I'm prepared to accept that because that was what everyone else got.

Well, it's at least clear in your mind, is it, that it was in the tens of thousands of dollars. Is that right?---Yes, that's correct Mr Robertson.

When did you receive that sum, the sum in the tens of thousands of dollars?
---I think it was when she was appointed yeah, my memory is not that great on the actual dates, but I did receive that money or a similar amount, and I
10 did receive reimbursements over a period of time, at different times.

We'll come back to the reimbursements. I just want to focus on the lump sum at the moment. In terms of the that lump sum, are you saying your best recollection is that you received it after the visa was granted?---Yeah. Look, it may have been before Mr Robertson, and if you've got evidence to say, suggest that that's happened, then I would agree with it but I can't remember. I think, I think it would've been, you know, when I, when it's all come together that then the money would have been paid.

20 I'm just asking for your best recollection. Don't worry about anticipating what some other evidence might be. But by the sounds of it you can't be quite sure, you're sure in your mind that you received a substantial lump-sum payment, but you're not able to be clear as to whether it was after the visa was granted or perhaps before the visa was granted. Is that a fair summary of what you've just explained?---Yes. I'm sorry I can't confirm the date.

From who did you receive that sum of money?---Maggie Wang.

30 In what form was it received, was it in cash, electronic funds transfer or what other form?---Cash.

Do you recall what denominations the cash was in, was it twenties, fifties?
---It would have been fifties and hundreds.

You don't have a specific recollection but you think it was probably larger notes. Is that fair?---That's correct.

40 Where did the delivery of that money take place?---I don't know, I'm sorry. I just don't know. I think I did say I was going through a very traumatic time period with my, my son, who was unwell, and, yeah, I just, I just can't remember, I'm sorry.

So it was possible that it was in around Wagga but it was possible that it was somewhere else. Is that fair?---Yeah, I think it would've been around Wagga. My best recollection is that it was around Wagga Wagga.

Sensitive

Now, I take it that the delivery of that sum of money didn't come out of the blue, it was something that you had previously discussed with Ms Wang or someone else?---Yes.

And so do we take it, then, that part of the arrangement that you discussed with Ms Wang, when you were discussing with her the set-up of your involvement in this immigration matter, was an agreement by her that she would pay some substantial amount of money in the event that the visa application was successful, is that right?---Yes. That's correct.

10

Is it also right to say that another element of the agreement, that you didn't refer to yesterday was reimbursement in relation to wages?---That's correct.

And what was the agreement in relation to that matter? Was it time limited to a particular period, or was it reimbursement for so long as you had this individual on the books, or what was the agreement, as you understood it? ---Reimburse for as long as I had the person on the books.

20 And so I think you said that you had this individual on the books for something like eight or nine months, have I got that right?---That's correct.

And so do we take it from that, that you received reimbursement in relation to the wages and on-costs and the like for this individual for that whole eight- or nine-month period?---Yeah, it would have been wages and superannuation.

30 But to be clear, you had this person on the books for eight or nine months or thereabouts, but you weren't out of pocket in that, although you were paying into an account wages and superannuation, an amount equal to that amount was coming back to you, is that right?---That's correct.

And in terms of the money coming back to you, was that paid in a single instalment or was it paid in a series of instalments, do you remember? ---Series of instalments.

And how was that provided to you?---In cash.

By who?---Maggie Wang.

40 So always by Ms Wang, in relation to that issue?---Yes.

Do you recall roughly on how many occasions you received an instalment in relation to reimbursement of wages and the like?---Oh, look, no, I don't say half a dozen times, that's my best guess, but I can't, I can't, yeah, think back that far. I'm sorry.

But it was at least - - ?---But I did receive the money.

Sensitive

But there was at least a series of instalments in order to pay off or to reimburse in relation to the wages and the like, is that right?---Yeah. Yeah. Yes, that's correct.

Are there any other matters that you wish to correct or clarify arising from your evidence yesterday?---No, that was the only matter that I, I, I needed to correct and set the record straight.

10 THE COMMISSIONER: Mr McCormick, may I ask you a question now about your evidence yesterday?---Yes.

Yesterday, Mr Robertson asked you how you first came to hear about the immigration scheme, and you said Ms Wang introduced you to it. And you said earlier in your evidence that, words to this effect, I'm not quoting you verbatim, understand I don't have a transcript in front of you, but my recollection of your evidence was early in the piece that you never associated Mr Maguire with the immigration scheme. Do you recall giving evidence to that effect?---Yes, that's, that's true, Commissioner and that's the same, I didn't, I didn't relate the immigration scheme in any way to Mr
20 Maguire. It was Mrs, Ms Wang that, that introduced me to the scheme and spoke about it and, yeah, I, I might have had conversations with Mr Maguire at some stage later on, but I was of the opinion that it was solely upon her instigation.

Well, that's correct. In the course of your evidence yesterday, Mr Robertson showed you at least two text messages from which it was apparent that you had spoken to Mr Maguire about the immigration scheme and expressed some concern about some aspects to him. Do you now recall those conversations?---Yeah, well, it, it's obvious that I did have
30 discussions, but I, I still, still stand by the thing that I didn't think that he was involved in it.

Well, why would you talk to him if you - - -?---Oh - - -

Why would you talk to him if you didn't think he had any involvement in it? ---Well, I mean, it was obvious that Mrs Wang was working with him as an interpreter and so forth and then I guess I, you know, there was that association but it wasn't as if Mrs Wang ever said, oh, Daryl supports this or whatever, you know? It was more um, I guess we're talking about it
40 because we mutually knew her and maybe I've expressed concern to him about the legitimacy of the whole thing. But I didn't, I didn't think he was the instigator or the boss Commissioner, and I still don't think that to this day.

Well, you say you expressed concerns to him about your concern about the legitimacy of the scheme. Do you recall what his response was?---No, I'm sorry, he may have said something like I'll talk to her about it or I think I did ask him at one stage to ensure that she was fully aware that the person

Sensitive

that I wanted had to be in the marketing side, I wasn't interested in any other thing, like you know, commercial cookery or anything like that. And I think she was pestering me about it, putting other people on and I just, you know, I may have said to him, look can you have a word to Maggie I'm not interested because after that first person left, left that, that, went off our books, that was it, I was not interested in doing anything at all even though Maggie suggested. I said, "Look, I'm not interested, don't even talk to me about it." So in that context, I may have spoken to Mr Maguire about it but I didn't see, I didn't see him as being the instigator of it, which is my, my interpretation.

But you saw him as somehow involved in it at least to the extent of his relationship with Ms Wang so that you could express any concerns you had about it to him?---Yeah, I think that's fair, Commissioner. I think that's fair assessment.

MR ROBERTSON: Doing the best you can, when do you think you had the discussion with Mr Maguire regarding your concerns as to the legitimacy of – was that towards the start of the process or was it towards the end of the process or somewhere in between?---Oh, look, I'd be guessing Mr Robertson. I assume it would be early in the process like trying to work out the legitimacy of it in my own mind.

Can I just seek to remind you of this text message that I showed you yesterday and I will read it out, because that will be easier for you to see than to put it on the screen.---Thank you.

Way back in March of 2015, Ms Wang appears to have sent you a message saying the following.

THE COMMISSIONER: 2013, Mr Robertson.

MR ROBERTSON: I'm so sorry, thank you, Commissioner. I will start again. A message appears to have been sent on 27 March, 2013, I'm sorry, Mr McCormick, 27 March, 2013. "Hi Gerry. I have spoken to Daryl this morning. I totally understand your position. Just wondering how you go with accountant. Thanks, Maggie." Do you remember me showing you that message yesterday?---Yes.

And I think you agreed yesterday that it looked like you had some communication with Mr Maguire at an early point in relation to this question of migration. Do you remember giving evidence to that effect? ---Yes, I do and, and that sounds like it's correct, but bear in mind, I didn't know Daryl that well at that period because I'd only met him the previous year and he helped me with that application for the health, the mental health support for my son. So, I wouldn't have been that familiar with him, you know? I'd only probably met him four or five times but, but I don't think I

Sensitive

would have had the, the courage to be very forceful and, you know, to ask him - - -

What I'm trying to understand is why, of all the people in the world, would you speak to Mr Maguire about this question of a migration scheme as opposed to simply raising any concerns that you might have or any information that you might seek from Ms Wang, if it was Ms Wang who was the only individual who was seeking to get you involved in this matter? ---Well, she was associated with Daryl. Like, they were obviously familiar.
10 So it would have been, I would have thought natural if I had any concerns I'd talk to, talk to him about it because she worked for him as far as I knew or worked for the government. As far as I was aware - - -

I'm sorry, are you saying you understood Ms Wang to work for Mr Maguire?---Yeah, well, she was his interpreter as far as I knew.

So you understood there to be some formal relationship of some sort between Mr Maguire and Ms Wang, is that a fair summary of what you've just said?---Yeah. Well, I, I was of the understanding that she was an
20 interpreter. That's how I first met her, not as an immigration person and then she was doing work with Daryl, I don't know whether she attended China on trips with him but certainly the impression was that she was regularly doing that type of work for him, interpreting. Whether it was in Sydney or - - -

So is it right to say that at - - -?--- or overseas.

So is it right to say that at the time that you agreed to be part of what we've called the immigration scheme, you understood that Mr Maguire and Ms
30 Wang had some form of relationship with each other, perhaps as employer and employee? Is that what you're saying?---Yes, that was my understanding.

And so that's why you were speaking to Mr Maguire because he had some involvement, as you understood it, in relation to what Ms Wang was offering. Is that right?---That's correct Mr Robertson.

Did the fact that Mr Maguire appeared to have some involvement in this question of immigration, was that a factor that you took into account in
40 deciding to be involved?---Yes.

And how did that weigh as a factor in deciding to be involved?---Well, I guess Maggie had been regularly attending Wagga Wagga for various reasons, not only coming to see me, and she was working through the office of Daryl Maguire office in Wagga Wagga so the natural association, I thought, oh, it's got to be legit as she's um, you know, working with Daryl who I respected. He was the local member and I thought, well, you know, it's got to be above board but it wasn't, it as um - - -

Sensitive

So are you saying that Mr, I'm so sorry, finish your answer, I'm sorry.
---Well, it wasn't a legitimate scheme you know, that became obvious and I
felt entrapped and I might have even spoken to Daryl about it but um, I
certainly felt that I'd been coerced into something that I wouldn't
legitimately normally get involved with.

10 So you've said you felt entrapped or coerced. Why did you feel entrapped
or coerced?---Well, it was just a series of I suppose steps where Maggie
gained my confidence, she was working through the local member's office,
she was bringing up things like, "This is all legit," I've got it, I've got the
immigration down pat. I just assumed that things were working through,
but it wasn't as if she came to me and said, "Oh, do you want to do this,"
like, she, like she worked through a bit of a process, you know.

20 And so are you saying that because there was some connection with the
local member or perhaps the local member's office, you thought at least
initially that this scheme was likely to be above board, to use your phrase.
Is that a fair summary of what you're seeking to explain?---Yes. Yes, Mr
Robertson.

But you now realise that what you were involved in was not, again to use
your phrase, a legitimate scheme?---Absolutely, and I've got to live with
that for the rest of my life.

But you got involved in it in the time that you did in part because of the
connection with the local member, then Mr Maguire. Is that right?---Yes.

30 Yesterday I asked you about a few meetings that appear to have happened
towards the end of 2013, one in Campbelltown and one in or near Canberra.
Do you remember me asking you some questions about that?---Yes.

And so the Campbelltown one I think was around 12 November, 2013, and
the Canberra meeting was around June of 2014. Do you remember me
showing you some text messages around those two possible meetings?
---Yes.

40 Is it possible that the purpose of one or both of those meetings was to permit
Ms Wang to provide cash to you by way of reimbursement in relation to
Daisy, the person who had been placed within your business?---Yes. And I
do recall that she helped me renew her visa, so or her passport so I accept
that those meetings may be to square the books with the cash, but I think it
was also she done some assistance helping me renew her passport also. But
I accept it was for the cash.

Well, let's be clear about it. Do you have a specific recollection of the cash
being handed over or some cash being handed over at one of both of those
meetings?---Yes.

Sensitive

And was that the Campbelltown meeting or the Canberra meeting or perhaps both of them?---Perhaps both.

Well, do you have a recollection of that or are you just speculating based - - -?---The Canberra one. The Canberra one definitely.

So you've got a specific recollection that in relation to the Canberra one there was handing over of cash. Is that right?---Yes.

10

But in relation to the Campbelltown one, it's possible that it happened or it's possible that it didn't happen. Is that a fair understanding?---Yes. I don't, I don't think - - -

And I think you've said there's more than just those - - -?---Sorry?

I'm sorry, Mr McCormick.---I don't recall a Campbellwell [sic] one. Well, I do remember the Canberra one, for sure.

20

And I think you said to us before that there was actually many occasions where there was a handing over of cash by way of reimbursement, perhaps five or six times. Is that right?---Yeah, that was in Wagga Wagga.

So on one occasion it was in Canberra.---Yep.

And on the other occasions or at least on some of the other occasions there in Wagga Wagga. Is that right?---That's correct.

30

And doing the best you can, that happened maybe five or six times, something like that?---Yes.

40

THE COMMISSIONER: Mr McCormick, you received upfront the first payment of some tens of thousands of dollars you said. What did you do with that?---Oh, it was cash I, I did put some through like filter some through the, through the business but, yeah, most of it was just kept cash. I had it for years. Like it's very hard to, to spend cash. In my position I was on business trips, I've got a company car, I've got a company telephone. My personal expenses are taken into account through our accountancy and I you know, you know that's in my tax return. So there was only like, you know like, all the, all the office equipment and anything that I purchased is virtually a legitimate business expense so it would've been, you know meals and drinks and, I'm not a high flyer. I have a few beers on a Friday night with a couple of my old football mates for a couple of hours and that's generally my entertainment, so it took me a long time to dispose of it.

What about the cash you received by way of reimbursement for I think Ms Li's wages?---Yeah, the same thing. The same thing. You know that was part of the reason that I was so against it, because it was just, it was

Sensitive

creating problems, you know. Having heaps of cash around, you know, it just it's not a good feeling. Well, it wasn't at the time anyhow.

MR ROBERTSON: Do you still have some of that - - -?---And I'm not a gambler, you know, I'm not a big gambler, Commissioner. I live a fairly simple life.

Do you still have some of that cash, Mr McCormick, or have you now spent it all?---No, no.

10

You said - - -?---I don't think so.

You said yesterday that - - -?---It's been sent over – sorry.

You said yesterday that in relation to the \$5,000 payment you put it through the books of the restaurant by treating it as restaurant sales. Was that true evidence or false evidence?---No, that was true but I, I think I might have put a lump sum in. I can check my NAB and confirm that, on my bank account for the work.

20

But it's at least clear in your mind that some of the cash that you've told this Commission about this morning didn't get processed through the books in any way at all?---That's correct.

It was kept in a safe or elsewhere for a period of time and spent over a period of time. Is that right?---That's correct. It, it would've been spent on personal things, personal expenses over many years. Like, if you've got that sort of cash it's pretty hard to get rid of it unless you're a high flyer or a gambler.

30

THE COMMISSIONER: And prior to giving this evidence this morning, had you told anybody else about receiving these large quantities of cash from Ms Wang in relation to this visa issue?---Not a word, not a word to anyone.

Is that part of why you thought you'd - - -?---Sorry?

Is that part of why you felt you'd been entrapped, the receipt of the cash? ---I'm sorry Commissioner.

40

You said earlier - - -?---I'm sorry Commissioner.

You said earlier that you felt entrapped and that you'd been coerced into something you wouldn't ordinarily do, and my question is, was it the receipt of the cash which at least was part of the reason you felt entrapped?---Yeah, I was ashamed of it. I didn't, I wasn't comfortable with, so I wasn't going to go and tell anyone. I haven't, I haven't expressed this to anyone at all, my closest friends, anyone.

Sensitive

MR ROBERTSON: Have you been telling the truth today, Mr McCormick?---Yes, I have.

But you accept that you weren't telling the truth on some critical matters yesterday, correct?---Yes and it really concerned - - -

Why did you decide to tell lies yesterday but tell the truth today?
---I was ashamed.

10

So after giving your evidence yesterday - - -?---Ashamed of my, I'm ashamed of that action, and I, it played on my mind all the way through and I thought well, if the other guys that were involved in the scheme had the, the guts to own up to their mistakes, then I've got to be man enough to do the same.

20

Was that it, or were you concerned that there may be other evidence deployed before this Commission that suggested that you were telling lies yesterday?---No. There's nothing, the other evidence that I gave was true to my recollection of events completely in every aspect, as far as I know. I guess I can't guarantee the sales, the later sales in China, but it was my understanding that they, they came through this association. But I guess the fact is that I received recompense by way of cash makes that immaterial anyhow, because I had, I was reimbursed for the money. But I did take it and the ongoing sales I took it as being as a result of my efforts and the efforts of these, these people in China that's the only thing I'm unsure of. Everything else is true to my recollection and you won't - - -

30

And so is it a fair summary of what you've just explained, that you gave false evidence yesterday, you felt ashamed about that overnight, and you've therefore sought to correct the record as soon as you can?---Yes. I, I rang my solicitor at 6.30 this morning, and he said that he's away on holidays at South West Rocks and he was so obliging to be able to get in touch with you, he said he couldn't get in touch with you till 8.30 and I was just waiting and waiting and waiting for that to occur and I'm sorry.

That's the further examination, Commissioner.

40

THE COMMISSIONER: Thank you, Mr Robertson.

Mr Harrowell, did you wish to ask any questions?

MR HARROWELL: No, Commissioner.

THE COMMISSIONER: Mr McInerney, you weren't here yesterday, but you're here today, do you wish to ask any questions?

MR McINERNEY: No, Commissioner.

Sensitive

THE COMMISSIONER: Very well. Mr Timp, did you wish to ask Mr McCormick any questions arising out of his examination today?

MR TIMP: No, Commissioner.

THE COMMISSIONER: Very well. Mr Robertson, should we release Mr McCormick from his summons or keep him.

10 MR ROBERTSON: I think not, I think not yet. I doubt that I'd need to recall him, but I think for abundant caution he would not be.

THE COMMISSIONER: Yes, very well. So Mr McCormick, I will not discharge you yet from your summons. There is a possibility you will be called again, and if that arises, the Commission officers will be in touch with you.---Yes.

20 But for today you may stand down. Thank you for attending. Thank you, Mr Timp.---And Ms Commissioner, I'd just like to say I'm sorry that I've taken up your valuable time I just apologise.

Thank you, Mr McCormick. Thank you.

MR TIMP: Thank you, Commissioner. May it please.

30 MR ROBERTSON: I'll ask for that feed to be disconnected. Can I indicate, Commissioner, I'm told that the audio aspect of the stream through to the live stream was faint and not very easy to hear? Can I indicate for those following along that of course a transcript will be made available in the ordinary way.

THE COMMISSIONER: Yes.

40 MR ROBERTSON: Can I just indicate a couple of aspects of Mr McCormick's evidence that he's just given, just so that those who are following along can understand the core aspects of the evidence. Mr McCormick asked for there to be a further hearing so that he could correct or clarify certain evidence that he gave yesterday, the most critical aspect of which is that, although he gave evidence yesterday to the effect that the only benefits he got out of the immigration scheme was the opportunity to, in effect, market his wine into China, a further payment of about \$5,000 in Australian dollars and certain amounts of money in China itself, he's now given evidence to the effect that he received two further bundles of payments. The first being a sum in the tens of thousands of dollars in relation to the placement of the visa applicant, and further reimbursement of expenses for a period of the eight or nine months or so while that particular individual was on the books. So that's, as it were, a key aspect of his evidence. There was obviously a number of other matters that I dealt with.

Sensitive

THE COMMISSIONER: Yes.

MR ROBERTSON: But I wanted to indicate that aspect of the evidence for the benefit of those following along and of course the transcript, where the more fulsome description will be made available in the ordinary course as soon as practicable.

THE COMMISSIONER: Thank you, Mr Robertson.

10

MR ROBERTSON: Can I respectfully suggest a very brief adjournment of a few minutes just to allow the video link to be disconnected and for the next witness to be in the witness box.

THE COMMISSIONER: Very well. We'll take a short adjournment.

SHORT ADJOURNMENT

[10.45am]

20

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: I call Maggie Wang,

THE COMMISSIONER: Yes. Ms Wang, do you wish to make an affirmation?

MS WANG: Yes.

Sensitive

THE COMMISSIONER: Please be seated, Ms Wang. Mr McInerney, have you explained Ms Wang's rights and liabilities under the Independent Commission Against Corruption Act to her?

10 MR McINERNEY: I have, Commissioner. I have explained the effect of section 37 to Ms Wang and I apply for a declaration under section 38 on her behalf.

THE COMMISSIONER: Very well. Thank you, Mr McInerney. Ms Wang, please listen to the explanation I am about to give you.---Thanks, Commissioner.

20 As a witness you must answer all questions truthfully and produce any item described in your summons or required by me to be produced. You may object to answering a question or producing an item. The effect of any objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings.

30 The first exception is that this protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence, for which the penalty can be imprisonment for up to five years. The second exception only applies to New South Wales public officials. I do understand that at the time of some of the events referred to, the subject of this investigation, you were employed by the New South Wales Police Department. Is that correct?
---Yes.

40 And because of that, I will give you this explanation also. Evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding that the public official engaged in or attempted to engage in corrupt conduct. I can make a declaration that all the answers given by you and all items produced by you will be regarded as having been given or produced on objection. This means you don't have to object with respect to each answer or the production of each item and your legal representative has indicated you wish me to make that declaration. Is that correct?---Yes. Yes, Commissioner.

Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on

Sensitive

objection, and there is no need for her to make objection in respect of any particular answer given or document or thing produced.

PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND THERE IS NO NEED FOR HER TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Can you state your full name, please?---Maggie Sining Wang.

20

You migrated to Australia in 2002, is that right?---That's correct.

Are you a citizen of Australia?---Yes.

Is it correct that you hold a Master of Finance from the Chinese Academy of Social Sciences?---Yes.

And a Master of Accounting from the Macquarie University in Sydney? ---Yes.

30

You obtained that later qualification in 2009. Correct?---Yes.

Before migrating to Australia in 2002, you worked as a senior business and investment consultant in Beijing. Is that right?---Yes.

You specialised in company restructures, mergers, acquisitions and initial public offerings. Is that right?---Yes.

40 You built up an extensive network and strong relationship with your corporate clients, financial industry and government agencies. Is that right?---That's right.

Do you agree that you were introduced by Mr Daryl Maguire in about August of 2012 by your friend, Mr Du Wei?---Yes.

Mr Du is a diplomat from the People's Republic of China. Is that right? ---He's a family friend of mine for 30 years now.

Sensitive

A family friend of, of your family?---Of my, of my family for 30 years now.

And he works as a diplomat. Is that right?---Yes.

In fact he had a posting in Australia as Deputy Consul General to Sydney. Is that right?---Yes, before I came to Sydney.

But he's now based in the People's Republic of China. Is that right?
---That's correct.

10

Can we go, please, to document number 3. I'm showing you, Ms Wang, an email from Mr Maguire to an email address that starts with perigee, p-e-r-i-g-e-e. Is that your email address?---Yes.

And as far as you can recall, is this the first communication you received from Mr Maguire introducing himself?---Yes.

And is that how you know that your friend Mr Du Wei had introduced you to Mr Maguire?---That's correct.

20

I tender the email on the screen email from Mr Maguire to Ms Wang, 7 September, 2012.

THE COMMISSIONER: Yes. We have a small exhibit crisis I fear, Mr Robertson. The exhibit list is not on the bench.

MR ROBERTSON: Someone will very shortly yell out the correct number. Can I suggest Exhibit X.

30 THE COMMISSIONER: There's no - - -

MR ROBERTSON: I'm told 205 is the next exhibit.

THE COMMISSIONER: Okay. We'll mark that Exhibit 205.

**#EXH-205 – EMAIL MAGUIRE TO MAGGIE WANG DATED 7
SEPTEMBER 2012**

40

MR ROBERTSON: Ms Wang, do you agree that after you were introduced to Mr Maguire you had communications with Mr Maguire during the course of which you discussed potential business opportunities?---Yes.

Did that include seeking Mr Maguire's assistance to find someone who could sell a friend of yours nickel?---Yes.

Sensitive

And I think you might have suggested that he raised the matter of finding a purchaser for nickel with the Turkish Consul General. Is that right?---Yes.

Why did you suggest that Mr Maguire could have access to the Turkish Consul General in relation to a potential sale of nickel?---I guess, I guess that's (not transcribable) from one of his conversations.

10 Sorry, could you just repeat that.---I, I, I can't recall exactly what happened. My, you know, logical, you know, would be think he must mention he knew Turkish general in some kind of occasions during one of the meetings with him.

Do you recall whether Mr Maguire explained to you that he was the chairman of the New South Wales Parliament Asia Pacific Friendship Group?---Yes.

20 So you're aware that Mr Maguire held that office as the chair of that group. Is that right?---Yes, but I didn't know what exactly that would mean, I don't know the function, I didn't know the function of the group.

But you at least knew that in that function he may have access to people like consuls and consuls general. Is that right?---I, I would think anyway in the parliament or in those, you know, those kind of roles would have access to large amount of network.

But not just a network generally, this was a network involving a consul general. Are you saying you understood that because of Mr Maguire's office he would be able to have access to the consul general?---Possible.

30 And that's why you suggested to him that he might wish to contact the Turkish Consul General in relation to a potential purchase of high quality nickel. Is that right?---Oh, fairly to say I have no idea how Australia legal or political system works, but I guess must he mentioned, so that's in my mind. I would, you know, I don't know how many consul or consul generals would be include in this friendship group, you know, and, you know, maybe it's possible I have to say.

40 Are you in effect saying that, as you understood it, Mr Maguire as part of his public duties could obtain access to, amongst other people, the Turkish Consul General?---I didn't really realise what public duty was or is because I'm not really familiar with the political systems but I knew he has a large group of network, so that could be possible.

But I'm trying to understand why you specifically put forward a suggestion about a consul general.---It must be he mention before.

So are you saying, as best you can recall, Mr Maguire said something about being able to access consular staff such as consuls general. Is that right?---I

Sensitive

would think more likely will be, you know, mention something have dinner with them or have function with someone or those kind of words.

Well, let me try and help you this this way. Can we go, please, to volume 23 and - - -

THE COMMISSIONER: Ms Wang, there's some water there if you wish some.---Oh, thank you.

10 And there should be a glass as well.---Thanks, Commissioner.

MR ROBERTSON: Can we go, please, to page 124 of volume 23. If you just have a look at the very top, Ms Wang, do you see, "Hi, Daryl. Thanks for calling. Just forgot to mention earlier a friend of mine in China wants to buy a lot of nickel." Do you see that there?---Yes.

And then in the last sentence you say, "Maybe you could mention that to Turkish Counsel General." Do you see that there?---Yes.

20 Which I assume you're referring to the consul general?---Yes.

Why was it that you were suggesting to Mr Maguire that he could mention it to the Turkish Consul General as opposed to some other person that might be in Mr Maguire's network?---I can't recall exactly.

THE COMMISSIONER: Is there a lot of nickel in Turkey?---Maybe that's the case, yeah, maybe. I, I, I can't recall exactly, yeah. Sorry.

30 MR ROBERTSON: But are you saying you understood Mr Maguire in some way to have some access to the Turkish Consul General?---Yes.

And you knew he had some access to the Turkish Consul General because he was a member of parliament, and as a member of parliament he might have some role associated with the consul general?---Yeah, large network, yes.

Well, not just a large network, a large network that might include consular officials like the Turkish Consul General. Is that right?---Yes.

40 Do you agree that by September of 2012 you and Mr Maguire were seeking to be in business together?---Yes.

And so does it follow from that, that by that point in time you were seeking to make profits in common with Mr Maguire where you would get some profits and Mr Maguire would get some profits?---In view of that.

That was at least the intention?---Intention, yes.

Sensitive

And you started towards September 2012 with a view of achieving that objective. Is that right?---I think at that time wasn't with Mr Maguire because he has, because one of the first meetings was with G8way International, so that was with G8way International, and also because Mr Maguire he's Liberal Party and he, he has the main focus on the local business so that's, you know, making profit for G8way which was local business in Wagga is quite reasonable to me too.

10 So are you saying you sought to be in business with G8way International from about September 2012 rather than with Mr Maguire personally?---And I, at that time I wasn't very, you know, very clear, you know, say what is himself, what is G8way. There's no such very clear line at that time.

At least a possibility that was in your mind by September of 2012 was for you to be in business with Mr Maguire personally. Is that right?---Yes.

20 And so we can just see that in context, can we have the same text messages up on the screen, volume 29, page 124 and just have a look at item 6 when it comes up on the screen, Ms Wang.---Yeah. I haven't got it.

It'll come up just in a moment. Look at item 6. See there it says, and this is after some communications about the Turkish Consul General, "Thanks, Daryl. Hopefully it's a good start of our business together." Do you see that there?---Yes.

So at least by that point in time you were seeking to cultivate some business relationship with Mr Maguire. Is that right?---Yes.

30 And if you can just have a look at item number 7 on the same page. See there is says, "G'day Maggie. Any chance you can come to a meeting this evening at Parliament House? I have the principal of G8way International here in Sydney. We are finalising the net launch." Do you see that there? ---Yes.

40 Now, was that the first time you had heard of this firm, G8way International, this is 17 October, 2012, or had you heard of G8way International before receiving this message in October 2012?---I can't, I, I can't recall, but looks like that, that could be the first one or could be something mentioned before. I can't exactly tell.

But you at least recall being invited to, and attending, a meeting with the principal of G8way International to discuss G8way International business? ---Yes.

Who did you understand Mr Maguire to be referring to when he said, "Come and meet the principal of G8way International"?---That was Phil Elliott.

Sensitive

And do you recall whether you ultimately attended a meeting in Parliament House with Mr Elliott regarding G8way International?---Yes.

And do you agree that during the course of that meeting, you agreed to assist G8way International with matters relating to immigration?---No, not at that stage.

10 So are you saying that you ultimately agreed to assist on matters of immigration but it just didn't happen during that meeting?---That's exactly right.

As best you can recall, what matters were discussed at that initial meeting in Parliament House?---I, I wasn't quite sure about what G8way was doing. Something like, you know, G8way International is some kind of networking thing. Basically that looks like to me at that time. So, so whoever joined, you know, like a club, you know, networking club.

20 And so networking in terms of who and who?---Anything. The business, government, everything, networking.

And so is what you're saying, the idea of G8way International as you understood it, at least at that point in time, was for G8way International to bring people together by way of networking?---Exactly right.

And to get a fee for, as it were, bringing people together through that networking process?---Get fee to join the club. Yes. Annual fee.

30 So just a club at that point in time that has an annual fee. Is that what you understood it to be?---Yes. My understood at that time, yes.

And so the idea is that you pay and you become a member of the G8way International club and that's an opportunity to network with other people and you might be able to do business with the other people within the club? ---Exactly right, yes.

Who explained to you that that was what G8way International was about? Was that explained to you during the course of that first meeting?---I can't remember exactly but that was the impression I got.

40 Who was present at that first meeting?---Phil must be there. I can't remember exactly. Other people but I, I did meet a lady later on. I can't recall exactly on that first meeting or some, one of those first meetings.

THE COMMISSIONER: Well, I take it Mr Maguire was also at that first meeting?---Yeah. Oh, yeah, yeah. Absolutely. That one meeting was, was in the chambers, you know, that's a big office, outside, I, I don't know how to call that. You know, those, those MPs doing the debate, what's the name of that?

Sensitive

MR ROBERTSON: Is that near the Legislative Assembly chamber, maybe? Where they have their debates?---Oh, yeah, yeah. Next to it because he was whip, he was the whip at that time.

And so are you saying this initial meeting looks like it happened in October of 2012, happened in the Parliament House building on Macquarie Street?
---That's right, yes.

10 And it happened in Mr Maguire's office?---The, when he was the, when he was the whip. That's a big office, yes.

It happened in the whip's office, which was Mr Maguire's office, is that right?---Yes.

And that office is near the chamber where the politicians debate, is that right?---Yes.

20 And you have a recollection of Mr Maguire and Mr Elliott being present at that meeting, is that right?---Yes.

Who was doing the talking at that meeting, who was explain what G8way International was about? Was that Mr Maguire or was it Mr Elliott or was it a bit of both?---I, I, I can't remember exactly. I can't remember because, because he was, Mr Maguire was there and people come in and out all the time and asking things about him. So it's not like always with closed door, it's a meeting, you know, those kind of things. Not, is, the, the, the door was open and the people coming and in and out, in and out all the time. So, I can't exactly, you know, recall, you know, what's exactly he talked but
30 that was, that, that but that was the impression I got from that meeting.

But in terms of the people who were there for the whole meeting, it was you, Mr Maguire, and Mr Elliott, at least those three?---Yes.

And are you saying it's possible that there were one or two more people, but you're just not sure one way or another?---Oh, no, no, there was one or two, no, there was people walking, walking in and out, those people are staff from - - -

40 But in terms of people actually sitting and staying for the whole meeting, was it just the three or is it possible that there was another person?---Oh, okay. They, it was possible they have other people, but I just can't remember.

And so what was being discussed during the course of the meeting? By the sounds of it, someone was explaining to you what G8way International was all about, or at least the G8way International club that you referred to?---Oh,

Sensitive

I, I think they were talking about the net, in that, in that text message, there must be a website I referred to.

So do you have a recollection of that, or are you just inferring from the fact that Mr Maguire sent you a message referring to the website that there may have been a discussion about that?---Yes.

10 So you don't have the specific recollection of that being discussed I take it?
---That, that, that could be, that is maybe discussed, but I don't think that,
oh, I didn't think, oh, I don't think that they have a website at that time.

So as you understood it, why was Mr Maguire and Mr Elliott talking to you during that first meeting that appears to have happened in October of 2012?
---I think because of the introduction was because my, my friend already in Beijing and he needs someone who can speak Chinese.

THE COMMISSIONER: I'm sorry, could you just repeat that answer, Ms Wang?---Sorry. I, I - - -

20 What was happening in relation to Beijing?---Oh, because my friend Du Wei already been back to Beijing, so maybe Mr Maguire just, you know, I'm thinking Mr Maguire needs someone who can speak Chinese language to help with G8way.

I see.

MR ROBERTSON: So is it right to say your best recollection of what was being discussed with you during the course of that meeting was that you were someone who'd been introduced by Du Wei.---Yeah.

30 Someone who plainly can speak Mandarin.---Yep.

And may therefore be able to assist G8way International in terms of translation services.---Yes. Yes.

And was that the extent of the discussions during the course of that meeting as to what you might get involved in?---Oh, me, me - - -

40 Or were there other topic areas as well?---I can't remember exactly the other topic because, oh, maybe because of, and my connection back to China will help them as well. But the, we, I don't think we did talk about that at that meeting.

So your best recollection is that what was discussed at the meeting was, this is what the G8way International club is all about, and maybe you could assist us in terms of translation services and things of that kind.---Yes.

Sensitive

Was there any discussion so far as you can recall about questions of immigration, and any assistance that you might give in that area?---No, not the first meeting, maybe one of the very first meetings, when I was invited to the Parliament House, and might, sorry, met, sorry, my English is not that good. So met a, a Chinese, oh, not, there was Chinese lady already there, and she was there to help a, a project, well, which is like trade centre or exhibition centre, it's going to built in Wagga.

10 Can you recall roughly when that meeting happened?---I can't remember - -

So I was asking you first about a meeting that looks like it happened in October. The meeting that you're now referring to, was that soon after the October meeting, or was that some later distance away? What's your best recollection?---I, I wouldn't think too long distance away, and I, I can't remember exactly the time.

Did the meeting that you're now referring to have anything to do with a milk powder factory?---No, not that one. It - - -

20 But you have had a meeting before in Parliament House where the idea of a milk powder factory was discussed, is that right?---I, I, I can't, I don't recall exactly, but possible.

So we'll come back to the milk powder factory. But if we go back in time, October, 2012, it looks like that first meeting happened on about 17 October, 2012. Do you recall whether you had any further meetings with Mr Maguire within a few weeks or perhaps a few months of that first meeting of 17 October, 2012?---I, I can't recall exactly about milk powder factory.

30 I'm not asking about the milk powder at the moment.---Oh. Sorry.

I'm asking about meetings generally. So there was a meeting, by the looks of it, on 17 October, 2012. When did you next meet with Mr Maguire, so far as you can recall?---I, I can't recall exactly how, the dates, because I've been there so many times.

40 So is it right that you'd been to Parliament House to see Mr Maguire on many occasions?---Yes.

And on many of those occasions, you've discussed matters of business with him, is that right?---Yes.

Including business associated with G8way International. Is that right? ---Yes.

Does that also apply to Mr Maguire's Wagga Wagga electorate office? Have you been there before?---Not after, not, not in that stage, no.

Sensitive

But at any time have you been to - - -?---Yes.

- - - Mr Maguire's electorate office?---Yes, I did.

And has that sometimes been for the purposes of discussing matters of business?---Yes.

10 Including G8way International business. Is that right?---I, I can't recall exactly. It's quite possible.

But is it right to say that in terms of meeting Mr Maguire, you've done that much more often in Parliament House in Sydney than in Mr Maguire's office in Wagga Wagga?---Exactly.

20 And in relation to the meeting that you mentioned regarding the trade centre, do you remember whether that happened, was that soon after the first meeting, the 17 October, 2012 meeting, or was it some number of months away, do you have any recollection of that?---I, I don't, I can't recall exactly but I wouldn't think too far away from the first meeting because that was a memory of one of those first meetings.

Who invited you to that particular meeting?---Mr Maguire.

Where did that meeting take place?---The same office in Parliament House.

So in Mr Maguire's office, which at that stage was the whip's office. Is that right?---Yes.

30 Who was present at that meeting?---I, I can't remember if Phil Elliott is there or not, I can't remember that, and but, yeah, so there was Chinese lady already there before I arrived.

Do you remember what the name of that Chinese lady was?---I, I can't remember the name of her name.

40 Do you recall what her role was?---I can't recall her role at all as well, but she was the one is going to bring Chinese investors or Chinese shop owners or, or you know, those people who will be put into those exhibition centre.

Did you invite that person to attend or did someone else invite that person to attend?---When I was, when I arrived she already there.

But you didn't invite her to the meeting, she was invited by someone else? ---No, I didn't know her, I didn't know her.

As you understood, it was Mr Maguire who invited that person to the meeting. Is that right?---I didn't know. I didn't ask, but quite possible.

Sensitive

But it certainly wasn't you who invited her to attend the meeting.---Exactly.

And so is it right to say that one of the matters that was discussed was the trade centre that was then proposed to be built in Wagga Wagga. Is that right?---Yes.

10 And are you saying this particular individual had some involvement in that trade centre, as you understood it?---I think she was there to talk about this project.

20 And what in particular was she talking about in terms of the project?---She was talking about the basically the plan of this project and how the, this centre will be look like and how to set up those vendors or shops and how to get those people in, in Wagga and how they have to, you know, you know, with the exhibition centre, they need warehouse as well and also for those families, about where, talking about 100, around 100 of them, and how to accommodate them and how to, and to build 100 houses for them as well, and so basically exhibition centre plus warehouse and plus the houses, you know, to accommodate them and all of those as a big project and also the, she asked how could get visas for these 100 families.

So I'll just try and unpack this. In terms of the trade centre, you understood the proposal to be that vendors from China would come to a trade centre in Wagga Wagga and would be able to sell their product from Wagga Wagga. Does that sound right?---Exactly right, yes.

30 And this particular individual who you've referred to as the Chinese lady, was she involved in the Chinese end of the proposal, as you understood it, or was she involved in the Australian side of the proposal but had a Chinese complexion, looked like a Chinese person?---She's Chinese.

So she was involved in the Chinese side. Is that what you mean?---Maybe, yeah, I can't tell exactly. Maybe both sides, maybe Chinese, Chinese sides cultural, yeah.

40 But was she an Australian with a Chinese background is really what I'm asking, or as you understood was she someone from China who had come over to talk about this particular project?---Ah, I don't know, sorry, this question, honestly, I don't know.

You're not sure - - -?---I wasn't sure.

You're not sure of what her precise role was?---That's right, yes.

- - - in relation to this particular project?---Exactly.

Sensitive

But you did mention the idea that if the project was successful there would need to be something like 100 families from China coming to live in the Wagga Wagga area. Is that right?---Yes.

And in the context of that discussion there was a discussion regarding visas and immigration, matters of that kind?---Exactly, because that's, you know, essential, you know, condition for them to do their business in Australia.

10 Because for the whole project to work, for Chinese people to come to Australia to sell their wares, they need an appropriate Chinese visa so that they can stay in Australia?---That's exactly right.

Not just for them, of course, but for their family as well?---Whole family, yes.

20 And so just explain what the discussion was around that question of immigration during that meeting.---So they just need, need the visas for, for those families to be able to come to Australia, stay in Australia and to sell their goods.

And did you offer to provide any assistance in relation to those visas?---I, I don't think I volunteered because I didn't have background of immigration but I probably, it is quite possible I said I can be, I can assist for that. It's possible.

It's possible that during the course of that meeting you said you might be able to provide some assistance in relation to immigration. Is that right? ---Possible.

30 And that's something you'd already told Mr Maguire when you've been discussing with him matters about G8way International, that you might be able to assist Mr Maguire or perhaps G8way International with matters to do with immigration. Is that right?---I don't think that would be the case at that time because I would think immigration part was, had to be added on to their website at later stage.

THE COMMISSIONER: Why do you think you were invited to this meeting, Ms Wang?---Because I think that Chinese lady English is pretty bad, very poor English.

40 So were you interpreting on that occasion?---I did, yes.

MR ROBERTSON: And so what was the result of this meeting, what was agreed, if anything, that was going to come out of this meeting?---And I was tasked to, to ask around how could this visa thing work.

And so the problem that was discussed during the course of the meeting, do I have this right, was that for the trade centre to work you need something

Sensitive

like 100 families coming to Wagga Wagga. They're all going to need visas and so the others in the meeting, Mr Maguire and the Chinese lady, wanted some input and assistance as to how those individuals might get visas. Is that a fair summary of what the meeting was all about?---I think this meeting is more than that because they, they more talk about how to build warehouses, how much the, the cost to build warehouses and how much to cost to build those houses and how much in total for those Chinese, that each Chinese family to come to Australia at that cost to see if it is possible. So the visa thing came at the very end of it.

10

But at least in relation to the visa matter, where it was left was that you were going to conduct some inquiries, some investigations as to what could be done by way of visas for the 100 families who might have to come over. Is that right?---Yes.

20

And so after that meeting happened what did you do in relation to that question of the visas?---So after that meeting I ask one of my friend, Monica. I explained to her the exhibition centre and I, I told her it's a good idea to, you know, help the local blah blah blah, and is that, you know, is, is it possible to get a visa for 100 family to come to Australia and for, you know, the reason to do business because I know some kind of business visa available and Monica said no such visa. That business visa wasn't for that purpose. Even it's, even, I even said to her, you know, Wagga government or something, you know, the government can assist with application with that visa and Monica she just said no, no such visa, you know, available for that purpose. It's not, it cannot be done. It's impossible.

Now, you referred to Monica. Is that Monica Hao?---Yes.

30

And she was a friend of yours at that point in time?---Yes.

Prior to you contacting Monica regarding this visa enquiry, had you worked with Monica before?---No. We are friends.

You're just friends?---Yes.

Had you ever assisted her with matters of immigration, visas, things like that before?---No. We are friends.

40

So ultimately, you did assist Monica in relation to immigration associated with G8way International, do you agree?---Yes.

But are you saying that until you did that for G8way International, you hadn't in the past done any work for or with Ms Hao on questions of immigration and visas and things like that?---No.

You had a friendship relationship but you didn't have any business relationship at all until you started one in connection with G8way

Sensitive

International and Mr Maguire et cetera, is that right?---Even after I started with, you know, this, all of this, she still friend of mine in nature.

Yes, but what I just want to be clear on was, at the time that you spoke to Ms Hao regarding the trade centre issue, “How can we get visas for 100 families from China coming to Wagga Wagga?” was that the first time you ever spoke to Ms Hao regarding visa and immigration and matters of that kind?---In terms of business, yes. Before we are friends.

10 So before you had a friendship relationship and that was it, no business relationship at all?---Exactly right.

After that point in time, you continued to be a friend?---Yes.

But you also had a business relationship with her, is that right?---Oh, I, I wouldn't call this business relationship.

Well, you were business partners with each other by 2013, do you agree?
---That was because Daryl Maguire ask me to bring, to bring Monica. I, and
20 so that kind of formal meeting, I, I want to look good in front of him instead of saying, “This is my friend,” I said business partner but actually she is not in nature.

So at the time that you spoke to Ms Hao regarding the trade centre and the need for visas, you weren't business partners with her, is that right?---No.

And are you saying that in, for example, January of 2013, you were not business partners with Ms Hao?---I don't think we are business partner in any, I don't think – we are friends.

30 So you've never been a business partner with Ms Hao?---No.

You've at least worked with her on questions of immigration, is that right?
---Yes.

And she has paid you amounts of money to assist in matters of immigration, is that right?---As commission, yes.

40 She has paid you commission when you have assisted in relation to matters of immigration, visa and like?---Yes.

You referred a little while ago to a reference to a business visa when you were speaking to Ms Hao regarding needing the 100 visas for the trade centre. What particular visa was being referred to by that reference to a business visa, do you remember?---I have no idea but she said just, “No such visa. No such visa for that purpose. It's not possible.”

Sensitive

So the ultimate result of your discussion with Ms Hao regarding the requirement for visas for the trade centre was there is no visa that's going to work for this exercise, is that right?---That's exactly right.

Now, did you report that back to Mr Maguire?---Yes, I did.

And what did Mr Maguire say to that?---He – I can't recall exactly what he said but he must be disappointed.

10 THE COMMISSIONER: Is that a convenient time for a morning tea adjournment, Mr Robertson?

MR ROBERTSON: Thank you, Commissioner.

THE COMMISSIONER: Very well. We're going to take a 15-minute break for morning tea now, Ms Wang.---Oh, okay. Thanks, Commissioner,

We will now adjourn.

20

SHORT ADJOURNMENT

[11.29am]

THE COMMISSIONER: Ms Wang, please be seated. You are bound by your affirmation.---Thanks.

Yes, Mr Robertson.

30 MR ROBERTSON: Ms Wang, where we got to before the morning adjournment was the inquiries that you made with Ms Hao regarding potential visas for the 100 or so families who might come across from China in relation to the trade centre project in Wagga Wagga, and as I understood your evidence, Ms Hao's communication was to the effect that there isn't a visa that would be able to assist in relation to that area. Do I have that right?---That's correct.

Did you later become aware of some other form of visa that may be able to provide assistance in relation to the 100 families that you've referred to? ---No, not for the 100 families, no.

40

Did you later become aware of some other visa that may be of assistance to any activities of G8way International?---Yes. The other visa just came out at that time which is called significant investment visa, which person can invest A\$5 million into, into Australia, has to go through a managed fund and, and the, the person can get like permanent visa in Australia.

Sensitive

Now, that wouldn't have been an appropriate visa, I take it, for the 100 families because they're less likely to be in a position to invest \$5 million in Australia. Is that right?---Exactly right, yes.

But is it right that you had some discussions with Mr Maguire regarding that significant investment visa?---I don't recall any discussion about that visa but that visa was quite hot in the market, in the whole Sydney. All the financial sectors got excited and quite a big thing at that moment.

10 So that was a relatively new visa, people were getting excited as that being a potential opportunity. Is that right?---That's exactly right.

But do you recall whether you ever discussed any business opportunities connected with the significant investment visa with Mr Maguire?---I can't recall that, but there was meeting set up by him invited me to regarding this visa.

20 And that was a meeting with who?---In my memory, the best recollection, that was the meeting, there was a male person from New South Wales Government.

And who else was present?---And I – Mr Maguire invited me to go to and I sent, sent a message said, "Sorry, I'm not a migrant agent, I can't give migrant advice, and so I can get my friend Monica come along."

Do you recall approximately when that meeting was?---I can't remember exactly.

30 Or where that meeting was?---Oh, the meeting is in the parliament, is one of the room, you know, so when you first get in the door on the right-hand side and one of those rooms.

So present at that meeting was Mr Maguire, you, an individual who you thought was from government. Is that right?---Yes.

Anyone else you can recall?---Monica.

And you invited Monica to attend. Is that right?---Yes.

40 And one of the subject matters for discussion was the significant investment visa that you referred to. Is that right?---I think that's only topic discussed.

And we'll come back to the details of that meeting, but just to close off the last thing we were talking about, did you have any involvement in visas for the benefit of 100 families after you communicated back to Mr Maguire that you'd spoken to Ms Hao and Ms Hao doesn't think that there's an appropriate visa available. Was that the end of your involvement in that

Sensitive

matter or did you have some other involvement in relation to the trade centre?---That, that's all, because that idea basically hundred per cent killed.

A hundred per cent killed because there was no visa that could easily fit for the trade centre project, is that right?---That's exactly right. Not possible.

10 Now, have we now dealt with all of the meetings you can recall with Mr Maguire between the first meeting, which looks like it happened on 17 October, 2012, and the meeting that you just started to explain to us regarding the significant investment visa? Have we now addressed all of those meetings, or were there some further meetings that we haven't talked about yet?---I can't recall any significant meetings, I can't recall any of those.

So there was the initial meeting where you were introduced to Mr Elliott, correct?---Yes.

20 At that point in time you thought you were just there for translation services, is that right?---Yes.

There was a subsequent meeting - - -?---Oh, oh, also could be other opportunities, I have to say.

When you say other opportunities, what kind of opportunities do you mean?---Could be investment opportunities, like I, I mentioned the friend who could, can do nickel, nickel or something, yeah.

30 So you might have contacts in China, for example, that you may be able to link up with Australians that Mr Elliott or Mr Maguire have contacts with, is that right?---Yes.

There's a further meeting a little bit later when there's a discussion about the 100 visas for the trade centre, is that right?---Yes.

Is it right you can't remember any other significant meetings between that meeting and the meeting where there was discussion about the \$5 million investment visa?---Oh, I can't recall any significant meetings, but it's possible some meetings in between.

40 Because you had lots of meetings with Mr Maguire in the time that you knew him, is that right?---Yes. Yes.

And a lot of those meetings took place in Parliament House, is that right? ---Most of them, yes.

The meeting regarding the significant investment visa, did that have anything to do with a milk powder factory?---Not to my knowledge.

Sensitive

I'll try and help you this way. Can we go, please, to volume 23, page 128? And I'm going to show you some text messages that may assist us just in identifying the date on which this significant investor visa meeting took place, and it's volume 23, page 128. Have a look at item number 44 first, so this is a message going from Mr Maguire to your telephone, "We're having a meeting at 10.30 about a milk powder factory, migration will be part of it, perhaps you should come along." Do you see that there?---Yes.

10 Does that refresh your memory that you had a meeting that had something to do with a milk powder factory?---I, I don't have, I, I don't recall that.

So it's possible that there was a meeting about that, but you just don't recall one way or the other?---That's exactly right, yes.

And then if you have a look at - - -?---Because there is, I have no, oh, any further after that, that's probably I don't remember.

20 Sorry, just say that again, please?---Sorry. Just because there's no further, like, you know, you know - - -

You don't remember any further references to milk powder factories, is that what - - -?---Oh, yeah, yeah, that's exactly right, so that's why I can't remember, yes.

So you can see this on the page, and it seems like someone said something about milk powder factories, but you don't recall in your mind any discussion about milk powder factories?---Yes.

30 But it's possible, isn't it - - -?---It's possible.

- - - that the meeting that you had about the significant investment visa was about investment that had something to do with a milk powder factory? ---Yes. That's correct.

So if you have a look a little bit further down, the next one, item 45, Mr Maguire says, "Parliament House." And then at 46, he says, "You need to ensure you're on top of regulations for immigration under the new rules. You will be responsible for immigration." Do you see that there?---Yes.

40 So, do you agree that at least by that point in time, January 2013, as you understood it, Mr Maguire thought that you had some expertise or at least knowledge in the immigration area?---I don't draw that conclusion, because he said, you know, "Make sure you're on the top of it," mean, mean, which means I'm not on the top of it.

But you'd already provided some assistance in the area of immigration, because you had communicated back to Mr Maguire that there wasn't an

Sensitive

appropriate visa in relation to the trade centre, correct?---Yes, by asking around, yes.

So you'd provided some assistance in that area, but you provided that assistance by obtaining some advice or some information from your friend Ms Hao, is that right?---Yes, that's right.

10 And then you say, item 47, "Sure, I'll do my best!" And then the next message, "Is the factory located in a rural area?" Do you see that there?
---Yes.

Why were you asking whether the factory was located in a rural area?---I can't recall the reason.

Well, why was it relevant to Mr Maguire's enquiries of you whether the factory was located in a rural area or not?---I, I can't remember exactly what the reason why I ask. I can't remember. Sorry.

20 Well, what was the relevance to you that it was or was not in a rural area?
Did that have something to do with visas or - - -?---that could be possible.

But are you saying you don't have a recollection one way or the other?---I, that, not at the moment. I, if, if I read the whole thing again, I could maybe got better, you know - - -

30 Well, I'll show you some more messages to give you the context. If you have a look towards line 49, Mr Maguire says, "Where?" "Near Port Macquarie." And then he says, "I want to build one in Wagga in Tamworth as well." In item 50 you say, "That's exciting. SIV can certainly be part of it." Do you see that?---Oh, yeah, yeah, yeah. Sorry, I got my memory back. Sorry. I just, I think with the New South, because significant investment visa need some kind of sponsor from New South Wales Government and rural is one of the, you know, the, where they preferred. So you can get, easier get government, you know, like, sponsored or endorsed or, for that.

So was the idea that one would be more likely to obtain a significant investment visa for an investment in a rural area than in a city area?---That looks like it, yes.

40 And when you say SIV - - -?---That's a significant investment visa.

That's a significant investment visa, which is the \$5 million investment visa that you were referring a moment ago?---That's exactly right. Exactly right, yes.

And if we can then just turn the page, please. Item 51, Mr Maguire says, "Be on your game. You are our representative and they will be measuring you up to see if you can do the job." Do you see that there?---Yes.

Sensitive

What, as you understood it, was Mr Maguire referring to as, “Our representative,” a representative of who?---G8way, I assume.

So you assume that Mr Maguire, when he is saying “our”, was referring to you being G8way International’s representative, is that right?---Yes.

10 Because by that point in time you had agreed with Mr Elliott, and perhaps with Mr Maguire, that you could be a person who might be able to assist in matters associated with immigration, is that right?---That would be my pleasure at that time, yes.

So by that point in time here, in January in 2013, you had indicated to G8way International, either Mr Elliott or Mr Maguire, that you would be able to provide some assistance in the immigration area. Is that right? ---Yes. I think that would be my pleasure to give assistance, yes, because he is such a respectable of a person to me, you know, in the parliament, fancy place. That will be my pleasure.

20 But it was going to be – part of your role within G8way International was going to be to assist in relation to matters of immigration. Is that right? ---Yes. I said I would do my best, yes, I did.

And that was the position as at January of 2013, is that right?---Yes.

30 And then if you can have a look a little bit further down, and particularly focus on item number 55, and I think you drew attention to this message a little while ago. “Hi Daryl. Just realised I can’t give immigration advice in public as I don’t hold a migration licence while my business partner does.” Do you see that there?---Yes.

Now, who are you referring to by “my business partner”?---I mean it’s Monica because I, I, I don’t – because I feel like, oh, I just said it’s my pleasure to work with G8way and I don’t want they left me out of this whole thing. I said, “My business partner.”

But Monica was not your business partner at that point?---No, she is my friend for long time.

40 And so you were lying to Mr Maguire when you were describing Monica as your business partner, is that right?---I just want look good. Yes, I just want look good.

So does that mean you’re agreeing with my question, that you were lying to Mr Maguire in saying that Monica was your business partner at that point in time, correct?---Yes, because I want to look good.

Sensitive

You wanted to look good and you didn't want to be left out of the potential opportunities that might arise through this relationship with G8way International, is that right?---Exactly. I don't want to they left me out of, you know, the thing. Yeah.

And so you then say, "She is in charge of processing paperwork et cetera and I bring business to her i.e. clients, students, investors or employers, et cetera." Do you see that there?---Yes.

10 So do we take it from that that prior to 11 January, 2013 you have brought to Monica clients, students, investors or employers, et cetera?---That was a lie.

That was also a lie, was it?---Yes.

Now, you then see item 56 Mr Maguire says okay and then item 57, "Good. See you Monday then." Do you see that there?---Yes.

20 And so did you ultimately go to a meeting at Parliament House with Mr Maguire after this exchange of text messages?---Yes.

And did you bring Ms Hao along to that meeting as well?---For that 5 million visa, yes, I did.

And so that particular meeting that was in Parliament House. Is that right? ---Yes.

30 And who was present? It was you, Ms Hao, Mr Maguire. Anyone else? ---And government official.

And a government official?---Yeah, New South Wales Government.

Are you fairly sure it was the New South Wales Government and not the Federal Government?---I'm sure because they were talking about how New South Wales is going to promote this visa because every state were very, you know, eager or excited about promote this visa. So every, you know, every state want to get some.

40 And that particular government official from New South Wales Government, do you know what department or area of responsibility that person had?---That person give me the impression as more like a technical person.

A technical person in what area, do you remember?---In, you know, in terms of how to get this works in New South Wales.

So what do you mean by that?---Because they have some kind of requirement for the New South Wales Government to do with this visa.

Sensitive

Like, you know, what kind of area they investing, like rural area they prefer to invest in and what area it cannot be invest in and, you know, and, oh, and also because the New South Wales Government had fund called Waratah, Waratah Fund something for, for this visa and, you know, all of this was, you know, government designed. You know, please don't if I get this wrong. So those person is like a technical person doing this. That is my, my impression.

10 And explaining the kinds of investments that could possibly qualify as investments for the significant investment visa. Is that right?---Yeah, something like that from government, from New South Wales Government department.

And who else was present at the meeting, if anyone?---I can't remember. That's the impression I got.

20 Was there not some other business person who was either thinking of investing or was the representative of someone investing?---No, no clients. No clients at all.

The New South Wales Government official, did you organise for them to attend or did someone else organise for them to attend?---No. I only got Monica come along, that's it.

30 And so did this take place in, was it in Mr Maguire's office or was it in some other place within Parliament House?---Not in Maguire's office. It's one of the rooms, you know, when you walk in the government parliament, it's on the right-hand side. There's a corridor and so one of those empty rooms and the door was open. There's no door. You know, the door was open and any, during the meeting was in the morning any, any public can walk in basically.

40 Now, what was the result, what happened by reason of the meeting? What was agreed to happen or where did the discussions end up?---I, I can't remember any meeting, any results after that but I, I remember after that Daryl said oh look, show your friend around in the parliament because it's first time that she came in. So, and she spoke, sorry, Daryl spoke with one of the security guys to, to let me and Monica into the, the room when they debate, that room.

Can we have on the screen please volume 23, page - - -?---And so, so we went there.

Just pause for a moment.

THE COMMISSIONER: Just wait for the question.---All right.

Sensitive

MR ROBERTSON: Can we have on the screen volume 23, page 270. I'm going to ask you whether this is the room that you were just referring to.
---That, that, that's exactly the room, yes.

And so that's a photo of the Legislative Assembly chamber with the green benches.---Yes.

And you're the person we can see on the left-hand side where the Premier would usually stand. Is that right?---Yeah, yes.

10

And who's the lady on the right-hand side - - -?---That's Monica.

- - - where the Leader of the Opposition would stand?---Yeah, that's Monica. So and the security guard took the photo for us.

Now, you weren't on some public tour, this was something that Mr Maguire arranged. Is that right?---After the meeting, yes.

20 After the meeting had finished with the government official, Mr Maguire said, "Well, you're here, why don't you come and have a look around, including the Legislative Assembly chamber." Is that right?---Yes. He wasn't there, he got, he spoke with the security guard because there was - what do you call when they have a rest during the thing? I don't know that one.

A recess or an adjournment?---Yeah, yeah, those period, yes, because nobody there, yes.

30 And in the chamber at that point in time it was just you, Monica and the security guard. Is that right?---That's exactly right, yes.

And it was the security guard who took the photograph that we can see on the screen - - -?---That's exactly right.

- - - using your telephone. Is that right?---Yes.

40 And if we just go to the next page, just flip that one around. And that's a photo of you in the speaker's chair in the Legislative Assembly chamber. Is that right?---That's right.

Again the security guard took that photograph on your telephone. Correct? ---Yes.

And then we'll just go to the next page, the last photo, which might need to be flipped around as well. And now it seems you've been deposed and in opposition rather than in government, but it's the same two individuals on this photo. Is that right?---We have no idea which side is government which one is opposition, sorry.

Sensitive

I tender the three photographs taken on Ms Wang's telephone, pages 270 to 272, volume 23, public inquiry brief.

THE COMMISSIONER: They will be Exhibit 206.

#EXH-206 – PHOTOGRAPHS TAKEN ON MAGGIE WANG'S TELEPHONE AT PARLIAMENT HOUSE

10

MR ROBERTSON: Now, is it right to say that, following the meeting in Parliament House where those photographs were taken and there was discussions about the significant investment visa, Mr Maguire had discussions with you with a view to making some money out of significant investment visas?---Yes.

20 And it was agreed between you, wasn't it, that if you could make some money out of those visas, that would be shared between you and Mr Maguire. Is that right?---There's no clear words but indicated or, you know, with view doing that, yes.

But you made clear to Mr Maguire that if there was some money to be made, it would be shared with him. Is that right?---I, I can't recall that but possible.

30 Well, let's go to page 129, volume 23. Just have a look at item number 58. Just to get your bearings, that's of 16 January, 2013, and the meeting in Parliament House seemed to have occurred on 14 January, a couple of days before. And you say, "Thanks Daryl for helping out. Any savings we will be sharing." Do you see that there?---Yes.

And that's a reference to in the event that any profits are made out of visas, you would share them with Mr Maguire. Do you agree?---I, I agree possible, yeah.

40 Well, not just possible, that was at least the understanding. It hadn't happened yet and you didn't have the details in place yet, but at least the understanding that you had with Mr Maguire and what you were seeking to communicate with Mr Maguire was if there was profit to be made out of visas, you would share those with Mr Maguire. Is that right?---Yes.

Now, what was the idea in terms of significant investment visas, what was the proposal either from your side or the G8way International side or Mr Maguire's side as to how money might be able to be made out of significant investment visas?---I, at that stage I, because it's quite a hot topic in, you know, in everywhere and especially with some financial sectors, so we, I went, I went to lots of seminars about this visa because almost every night

Sensitive

that have seminars run by financial companies because this significant investment visa, the fund they need to be invest in through managed fund, so the financial company want, all wants get this business. So from my understanding the financial business, you know, in those seminars, they just say, you know, openly they said, you know, "If, if anyone bring us with these clients we pay them commission, you know, around \$50,000 each client."

10 So this was whose idea to charge such a commission?---That's the financial companies gave the commission to who bring their clients to them for them to manage their fund.

So is this right. After you had the meeting regarding the significant investment visa, you went to some seminars regarding the significant investment visa. Is that right?---Yes.

20 And you found out through those seminars that there were people within Australia who would say, in effect, if you bring an investor to my particular project I will give you a commission, perhaps a commission of \$50,000. Is that right?---Exactly right.

And was that something that you then communicated to Mr Maguire or anyone else, that idea?---I did.

And what did Mr Maguire say in response to that communication?---I can't remember exactly.

30 Well, was there any attempt by you and Mr Maguire to try and make money out of significant investment visas and, in particular, to try and get your hands on some or all of the commission, like the \$50,000 one that you referred to?---I, I, I can't remember exactly, you know, what happened before or what I told him about this after, but in between and he introduced a person called Julian, he's managing a financial company, and his company can do this fund, managed fund, and this company is going to charge each client, so you know, like applicant for visa, for \$50,000 as, you know, cost.

So you're referring to Julian. Is that a reference to Julian McLaren?---Yes.

40 And so are you saying Mr Maguire said that Mr McLaren might be someone through which money might be able to be made out of the significant investment visa?---Yes.

And so you had some discussions with Mr Maguire then, I take it, with a view to trying to progress that as a potential idea. Is that right?---Can you say it again, sorry?

You had some discussions with Mr Maguire as to how the two of you might be able to work with Mr Julian McLaren to make some money out of

Sensitive

significant investment visas. Is that right?---No. So what's his name again? Oh, Julian. He was introduced by Mr Maguire to me and this is the idea of Julian how he going to do it, and, and then, and then I, I think I said to Mr Maguire, "This not the way to do it because, look, those, you know, those company, you know, actually because Julian is doing financial company, that right, financial company should give who refer their business 5 million, yeah, \$50,000 as commission, how could he run a financial company charge that \$50,000 money? By doing that way how could you get a client?"

10 So are you saying that Mr Maguire basically had an idea about how to make money out of significant investment visas but you didn't think it was a particularly good idea. Is that what you're saying?---I don't think that idea could be possible, could be, not possible, could be practical.

So let's try and fix this discussion by reference to a particular time period. Can we go to volume 23, page 134, and I'm going to show you again some text messages between your phone and Mr Maguire's phone, just to try and understand at least in terms of timing what you've just sought to explain regarding the significant investment visas. I take it, though, that your
20 understanding with Mr Maguire was that in the event that some money could be made out of, under the significant investment visas, you'd share that money between you and Mr Maguire. Is that right?---Yes.

Volume 23, page 134 we'll start with as a context, and we'll get to page 135 and 136. If we start at the very bottom of this page, just so I can give you the context. You're then sending a message to Mr Maguire, saying, "Is this about accounting role or similar?" You can see the context is some communication between you and Mr Maguire. And if we then just turn the page, to item 113, "It's about immigration 5M visa." Do you see that
30 there?---Yes.

And you understood that to be a reference to the significant investment visa that you've referred to before?---Yes.

THE COMMISSIONER: Who was Dolly Fu?---Dolly Fu is a businesswoman in Shanghai.

Who appeared to be in Sydney at this time?---Oh, yes. She was in Sydney. Yep.
40

MR ROBERTSON: Did Ms Fu have anything to do with the visas?---No.

You didn't seek or you didn't assist Ms Fu in obtaining or attempting to obtain some visa to Australia?---Daryl, possibly Daryl mentioned Dolly Fu to me, and I had conversation with her. I don't think she need someone for visa purpose.

Sensitive

THE COMMISSIONER: Mr Robertson, if you go back to the bottom of the previous page.

MR ROBERTSON: Yes, please.

THE COMMISSIONER: This message at 111, in fact which started at 110, was from Mr Maguire apparently both to you and Dolly, who we later see at 111 appears to be Dolly Fu, first asking if you can meet him at 5.00pm in his office, and then it seems to proceed from there. So this meeting that Mr
10 Maguire appears to be setting up, we will go over to the page, that Mr Robertson was just taking to you, seemed to be about a client of hers looking for an SIV visa.---Oh, okay. Yeah.

Was that - - -?---I - - -

Was she in the business of arranging visas for people to Australia?---Yeah, quite possible. I, I just don't, I, I - - -

I apologise, it actually says, "Her client can meet you when you go to China
20 to do the other applications." Anyway, Mr Robertson, I've interrupted you, but I think it's clear that Ms Fu was engaged in this from, it would appear, early in the piece from Mr Maguire's point of view.

MR ROBERTSON: Just on that topic, if we go back to the preceding page, if you just focus on item 110, Ms Wang, which the Commissioner drew your attention to. So you see there's a meeting that's proposed with you and Ms Fu for the Thursday, do you see that there?---Yes.

Now, that meeting was connected with Ms Fu seeking her own visa, is that
30 right?---Mmm, I think she, she's Australian or – no, not for herself. She, she's Australian or, you know, or got permanent visa, I, I, I don't know. But it's not for herself, no.

She was at least a potential client in relation to migration services, is that right?---Possible.

A possible client of G8way International, is that right?---Could be possible, yep.

40 If we then go to the next page, 113, so Mr Maguire wants to speak to you about the immigration 5M visa, and then you see Mr Maguire's suggesting, "\$2,500 deposit, \$35,000 for complete application, less deposit, and it'll cost \$50,000 to invest the money on their behalf." Do you see that there? ---Yes.

So was that Mr Maguire's proposal that you were explaining earlier, that in effect he or perhaps G8way International would assist people in investing

Sensitive

their money, perhaps Chinese nationals investing their money into Australia, and take a commission of \$50,000 in the event that it was successful?---Yes.

That was Mr Maguire's idea as to how to make some money off the significant investor visas, is that right?---Looks like.

Well, not just looks like. That was what you explained to us before as what you understood Mr Maguire's idea to be.---Yes.

10 But you didn't think it was a particularly good idea, I think you explained. ---Yes.

And then if you have a look down to 115, you see there, "Also received emails from Julian." You understand that to be a reference to Julian McLaren, I take it?---Yes.

Did Mr McLaren have any role in G8way International, as you understood it?---No. I have no idea.

20 He might have, but you have no idea one way or the other?---He might, he might, I, I don't know.

And then perhaps if we go down a bit further to 120, toing and froing about email addresses and telephone numbers and things like that. Do you see here, this seems to be a message from you to Mr Maguire saying, "Got the email from Julian. He misunderstood what I meant," et cetera. And amongst other things you say, "I only meant to make claim more attractive. We should not charge clients \$50,000 up-front fee." Do you see that there? ---Yes.

30 So is that you explaining that the fee structure that Mr Maguire had in mind was not a good idea and might mean that you won't get any potential clients and takers?---Exactly.

And then if just turn the page again, 122. "Thanks Daryl. A bit late now. Will call tomorrow. Hopefully he will understand what I mean. I am genuinely hoping to make your plan work as it's an absolutely brilliant plan to me. However, over change could kill it." Do you see that there?---Yes.

40 And so did you think Mr Maguire's plan was an absolutely brilliant plan? ---No.

So you were lying to him by saying that, is that right?---I just want him feel good.

Well, didn't want him to just feel good, you wanted to be in business with Mr Maguire because you thought you might be able to make some profits out of it, is that right?---Yes.

Sensitive

And so whilst you didn't think it was a brilliant idea, you were at least leading Mr Maguire on with the potential that you might make some profits in due course. Is that right?---Because I don't want say, "You are wrong," basically. I, I don't want, no, no, not you, sorry, sir. I just don't want say to the people, "These are my ideas," and, "Oh, you are wrong," because it's rude. So that's why I said, "It's brilliant idea." But I, actually I didn't think so.

10 But it wasn't just about protecting his feelings, you still wanted to continue to have a relationship with Mr Maguire?---That's exactly right.

Even if you couldn't make money out of significant investment visas, you still wanted a possibility to make money out of some other business activities that Mr Maguire might be involved in, is that right?---Exactly right. I want to keep a good relationship with him.

20 THE COMMISSIONER: But you were also saying to Mr Maguire that, "We don't need to charge \$50,000 because the managed fund will give us \$50,000 by way of commission."---Exactly right.

MR ROBERTSON: And so is it right that at least at this point in time you thought that there might be some money to be made through the significant investment visas, although not through the structure that Mr Maguire was suggesting?---That's right.

30 And if we can then just have the same page back up on the screen, 136 of volume 23. Just have a look at item 124. This is from Mr Maguire. "I agree if you guys sort it out and come back with a plan, remembering we all share with G8way International." Do you see that there?---Yes.

And so was it your understanding as at February of 2013 that at least you and Mr Maguire would share the profits associated with G8way International?---Yes.

And he says, "We all share with G8way International." Who else, as you understood it, is involved in the "all" other than you and Mr Maguire? ---Maybe Julian. I, I can't be sure.

40 And what about Mr Elliott as well?---Oh, yeah, yeah.

So at least at this point in time you understood G8way International to be a vehicle through which Mr Elliott, Mr Maguire and you, at least, might make some money. Is that right?---Yes.

Possibly some others as well, such as Mr McLaren, is that right?---Yes.

Sensitive

Now, did you or, to your knowledge, Mr Maguire or G8way International ultimately make any money regarding significant investment visas?---No.

Did you or Mr Maguire or G8way International make any money out of any other kinds of visas?---Yes.

What kinds of visas were they?---We do the regional 187 visa.

10 So you're referring to the Regional Sponsored Migration Scheme visa, is that right?---Yes.

How did you first become aware of the Regional Sponsored Migration Scheme visa?---That was, first came out when I have a, a group of Chinese friend visiting and we had dinner at Chinatown, and during that meeting one person mentioned about this regional visa and, and then I thought, you know, regional area, you know, needs person to recruit them and Daryl is from regional area, that, that could work. So we have a demand and we have, you know, basically have a market there.

20 So whenabouts did that particular dinner happen where you found out about this kind of visa, the Regional Sponsored Migration Scheme visa?---It's around that period or later. I can't remember exactly.

When you said that period, do you mean towards the start of 2013 do you? ---I can't remember exactly.

Well, you said around that period. It was around the period - - -?---Around that period we're talking about.

30 - - - where there was discussion about significant investment visas?---Yes.

Are you seriously saying you found out about the visa through some dinner with friends - - -?---Yes.

- - - rather than someone who might actually know or be involved in migration on a day-to-day basis like Ms Monica Hao?---I don't think Monica Hao say that, no.

40 You didn't ask Ms Hao when you were asking her about how do we get visas for the 100 families coming from China to Wagga Wagga - - -?---Yes, I did.

- - - whether there was some other visa that might be appropriate?---And no, no, because this regional sponsored visa they need, the person, the qualified person need skill assessment, need English test, need at least bachelor degrees so, and those 100 shop owners they wouldn't have them all. So that's a quite high, the bar was quite high so that's not suitable for those 100 shop owners at all.

Sensitive

Is that something that Ms Hao explained to you or did you come to that knowledge through some other way?---I, maybe the conclusion I draw myself.

Conclusion drawn yourself based on what?---Why it's not suitable for that 100 shop owners.

10 But how did you find out about what the requirements were of the Regional Sponsored Migration Scheme visa?---I didn't know at that time and then I slowly, I found out myself.

Well, let's go back, then. In relation to the 100 families coming from China to Wagga Wagga, Ms Hao said to you that there was no possible visa that was available. Is that right?---That's right.

20 Didn't you say to her, well, it's in a regional area. Is there some other visa category that might be relevant to these particular individuals?---No, because those people they are just farmers in China, you know what I mean. They don't have qualifications. They can't pass English, they can't pass skill assessment.

Is that what Ms Hao explained to you?---No. She just say no such visas.

30 So do I take it it was a fairly brief discussion with Ms Hao when you said, "Is there a potential visa for these people?" and she said, "No, there's just no visa that would be appropriate"?---That's exactly right. She said there's no such visa designed for that purpose. If have such kind of visa that would not, you know, the Federal Government wouldn't issue one type that visa, 100 of them to one particular area. Just no such visa there.

So do you agree that by early 2013 you reached an agreement with Mr Maguire to promote a scheme where you and Mr Maguire would assist Chinese nationals obtain one of those Regional Sponsored Migration Scheme visas?---Sorry, what is that?

40 Do you agree that by early 2013, you said a little while ago that you found out about the Regional Sponsored Migration Scheme visas around the time of the significant investment visa, and that was in early 2013. Do you agree you reached an agreement with Mr Maguire where you would work with Mr Maguire to try and get Chinese nationals Regional Sponsored Migration Scheme visas, the 187 visas?---Yes. Oh, can I get this right. I mention to him and he, he, he think it will work and, yeah.

THE COMMISSIONER: He what?---Sorry?

You mentioned it to him and - - -?---I, I mention this to him and he, he think it's a good idea and he think this will work, and he's worried about if I tell

Sensitive

Monica, and Monica, because Monica was laughed about his idea before, and maybe Monica is going to discourage me and said, oh, no such visa kind of thing, and she said, he said, Daryl said not to mention to Monica.

MR ROBERTSON: Let's deal with that in stages. So you find out about the 187 visa from friends around the dining table. Is that right?---Yeah.

10 And you present that to Mr Maguire saying look, here's a potential visa that we might be able to make some money out of. Is that right?---In the view of that, yes.

Because around that same time you're trying to make money out of significant investment visas, but Mr Maguire's idea you don't think is a good one that's actually going to earn any money. Is that right?---That's right.

20 So you're presenting to Mr Maguire another possible visa, the 186 visa, sorry, the 187 visa, where you and Mr Maguire might be able to make some money out of it. Is that right?---Yes.

And is it right, then, that you and Mr Maguire ultimately agree that you'll both work together and try and get some Chinese nationals 187 visas to Australia?---Yes.

You agreed to minimise the amount that you told Ms Hao regarding that proposed scheme. Is that right?---Yes. I tried not to tell her but at the end, you know, mmm.

30 And part of the reason was the last idea, bring the 100 Chinese people to Wagga Wagga Monica thought was a silly idea. Correct?---Yes.

40 But part of the reason was that you and Mr Maguire wanted to keep maximum profits for yourselves. Is that right?---Yes, because with the significant visa Mr Maguire was going to set a meeting to get his connection in China to set a meeting to get those Chinese for significant investment visa and he, he, he mentioned about set a meeting and me and Monica can go there and so to get those Chinese nationals, Chinese people to pay \$1,000 come to see us to, you know, just to talk about that \$5 million visa and, and Monica just laughed, she said, "Does he think we are superstar, movie star or something that people have to pay \$1,000 come to see us?"

But focussing on the 187 visas, one of the reasons you didn't give, one of the reasons you were trying to minimise the amount of information that Ms Hao obtained regarding your arrangement with Mr Maguire was that you and Mr Maguire wanted to keep as much of the money as possible and not share all of the money with Ms Hao. Is that right?---Possible, yes.

Sensitive

Well, not just possible, that was one of the reasons why you decided to deal with Ms Hao in that fashion. Is that right?---I think the most about to those, he doesn't like her, Mr Maguire doesn't like, because that's - - -

Well, that might have been one of the reasons, but - - -?---Because that's, that, that's, that's, that's to, you know, because two occasions because of her his idea didn't go ahead.

10 Are you agreeing with me that one of the reasons that you and Mr Maguire sought to give limited information to Ms Hao was so that you and Mr Maguire could retain a larger share of the profits?---Possible.

Not just possible, you agree with me, don't you?---Yes.

You still needed Ms Hao to have some involvement though in this scheme, didn't you, because she was the migration agent. Correct?---That's exactly right.

20 You're not and never were a migration agent. Correct?---I tried a few migrant agent on Sussex Street and I spoke with quite a few of them and they, you know, after a period of time, a month or so, they didn't get anyone, you know, these things didn't work.

But for the scheme to work that you'd agreed with Mr Maguire for the 18 visas, there needed to be a migration agent involved. Correct?---Correct.

30 Because the migration agents is the one who has to submit the paperwork through to the relevant government department. Is that right?---Exactly right, yes.

Is it right that your arrangement with Mr Maguire didn't ultimately relate just to the 187 visa, but also a separate visa called the 186 visa?---Yes.

Was it also the case that the arrangement was that a fee would be charged to the visa applicant and that fee would be split between you, Mr Maguire and the employer?---Yes.

40 So that was part of the arrangement, part of your agreement with Mr Maguire as to how this scheme for 186 and 187 visas would be set up. Is that right?---Yes.

And then what was offered to the employer, the one who's going to nominate or sponsor a particular Chinese national, is that they would get reimbursement of wages and costs like superannuation for a period of at least three months. Is that right?---Yes.

That they would receive a lump-sum incentive fee that was sometimes called a training fee. Correct?---Correct.

Sensitive

That fee was sometimes \$30,000. Correct?---Correct.

Sometimes it was more, sometimes it was less. Correct?---Correct.

But that there would be some left over money after the money was paid to the employer, that would be split between you and Mr Maguire, is that right?---Right, correct.

10 Now, is it right that in terms of payment of that fee, that was always paid by you to the employer in cash?---Yes.

Do you agree that it was deliberately paid in cash so as to avoid there being a paper trail showing that money had been passed over?---Agree.

Do you also agree that in terms of the fee for you and Mr Maguire, you delivered that fee to Mr Maguire in cash?---Yes. Agree.

20 Do you agree that on a number of occasions you delivered it to Mr Maguire in Parliament House?---I agree.

Including on at least some occasions in Mr Maguire's Parliament House office, is that right?---That's correct.

That particular fee, the money left over after the employer had been paid its amounts of money, was a fee that was shared between you and Mr Maguire, correct?---Correct.

30 Is it right that on at least a number of occasions that fee was in the sum of \$20,000?---Correct.

Sometimes the fee was a little bit – sometimes that fee was a little bit more, is that right?---No, 20 the most.

Sometimes it was a little bit less?---Yes, correct.

But that amount of money was shared between you and Mr Maguire, correct?---Yes.

40 When it was \$20,000, Mr Maguire would usually give you \$5,000 of the \$20,000, is that right?---Correct.

And when it was less than \$20,000 it was still shared with you but he would share less than \$5,000?---Correct.

Who decided how much you got to keep, whether it was \$5,000 or some other figure? Was that an agreement you reached with Mr Maguire or - - -?
---He give to me.

Sensitive

- - - how did that come about? He gave that amount of money to you?
---Yes.

Did you have an agreement with him in advance as to how much it would be, whether it be 5,000 or 4,000 or 6,000, whatever?---No.

10 Were you, in effect, trusting him to give you a fair proportion in relation to the fee that was left over?---Exactly.

And so just to be clear, this money is money that is ultimately coming from the visa applicant themselves, correct?---Yes.

And the visa applicant, or perhaps their family, have to pay a fee that's high enough to cover that additional lump-sum payment of say \$30,000, correct?
---Yes.

20 Enough money to pay the visa applicant's own wages for a period of at least three months, correct?---Yes.

And then in terms of payment of that money, did that money get paid directly to you into your bank account or did that get paid in some other fashion?---I give the total amount. I worked out how much need to be charged as commission. I told Monica, I said, "To get this business, take on this, to get this business, take the applicants, that is how much needed."

So does that mean you would calculate how much the employer should be paying the particular employee?---Yes. Because some of them ask more.

30 Some of the employers?---Employers.

The people who are going to be nominating or sponsoring asked for a particular sum of money, is that right?---More than, yeah.

And so is it right that often it was \$30,000 for the employer?---Yeah.

But some people actually asked for more, is that right?---Yes.

40 Some people accepted a little bit less, is that right?---Some, some people accept less but that, but that's when wasn't successful.

So there was an occasion in which the fee was less than \$30,000 but it didn't ultimately have to be paid because the visa application was not successful, is that right?---Because the, the, the business didn't go ahead.

The visa didn't go ahead, is that what you mean?---No, no. The business.

Sensitive

Oh, the business didn't ultimately go ahead and agree to be part of the scheme?---Yes, that's right.

Can you remember which business that was?---I can't remember.

And so you calculate then a lump sum amount of money that the visa applicant has to pay in order to be part of this scheme, is that right?---Yes.

10 And so that needs to be an amount of money that covers your and Mr Maguire's fee, the lump-sum fee for the employer, plus reimbursement of wages for at least three months. Is that right?---Yes.

And you calculate that as a lump-sum fee and then what do you do in relation to that fee? Do you speak to the visa applicant directly?---No, no. I say to Monica, "I need this much to get this business." So if we get this business on board, I need that much.

20 And so how does Monica get paid as part of that arrangement? Does she get any of the lump-sum payment that you calculate?---No. That, that's, that's her side. I don't ask her business.

But that lump-sum payment is basically for you to deal with, is that right? ---Exactly.

And so how does that money ultimately find its way to you?---Sorry?

30 How does that money, the money that the visa applicant is being asked for, how does that money come through to you? Does that get paid directly into a bank account of yours?---No.

Or does it go by Ms Hao, or how does that work?---No, no, I, I, I get, I get cash from Ms Hao.

So you say to Ms Hao, for a particular visa applicant the fee is going to have to be, say, \$150,000, is that right?---Yeah, like, you know, 65, or 70. Yeah.

So as an example, say \$70,000?---Yep.

40 Who then says to the visa applicant, "You need to pay \$70,000 if you want a visa into Australia," is that you or is that Ms Hao?---Ms Hao.

And so the particular individuals who would get involved in this scheme, do we take it that it was Ms Hao who identified the particular individuals? ---Yes. In her database, yes.

So she has a database of people who want visas in Australia, and she picks someone out of the database who might be able to be part of the scheme that

Sensitive

you and Mr Maguire have?---Has, has to be suitable. Has to be, meet those requirement. Like English assessment, yeah, or all of this, yes.

So it has to be someone who there's a good prospect of being able to get a 186 or 187 visa for?---Exactly. Yes.

So there might - - ?---Has to be highly qualified and also happy to pay that much of money, yes.

10 So lots of the individuals involved were actually students, for example, getting towards the end of their degree?---Because students have got those qualifications. If they're not students, they don't have those qualifications, that's why.

Because you know that one of the requirements of at least the 187 visa was for them to be in a particular profession, profession area?---That's exactly right, yes.

20 For example, being an accountant or something like that.---Yes, exactly right, yes.

So the 187 visa couldn't be used for someone to do grape picking, for example.---Exactly.

It had to be someone who fits within a particular category.---Exactly.

30 And so the only people you were looking for from Monica were people who might fit within a particular category, who could then be presented to the Department of Immigration.---Yes.

Is that right?---Yes.

And I take it then that Monica would identify a particular individual, and it's the one individual who would be presented to the business as a potential person that they could sponsor or nominate. It wasn't like you would get 10 options and give them to the employer for their consideration. Is that right? ---Most of the time don't have option, yes.

40 Most of the time or all of the time?---Almost all, all of the time, yes.

So almost all of the time, the arrangement was that Ms Hao would get someone out of the database and the business would be presented and saying, "Why don't you employ this particular person? If you do, you'll get the lump-sum payment. You'll be reimbursed for wages and superannuation for three months, and then you would get the employee," as it was.---Yes. Yes.

Sensitive

You did though make it clear to these businesses that the employees might not actually turn up, is that right?---I don't recall that, but quite possible.

Well, do you agree that to a number of the businesses when you spoke to them, you made it clear to them that there was at least a possibility that these individuals would not turn up at all?---Yes. Oh. Yes.

10 What Monica's database was relevantly full of were people who wanted an Australian visa as a step along the way to getting permanent residency in Australia, correct?---Yes.

The people that you were interested in were people who had rich families in China who might be able to pay a fee, potentially a large fee, to obtain a 186 or 187 visa. Correct?---I don't know the background of their family, I, but I would assume so, yes.

20 Well, inherent to the scheme is a visa applicant or the family of a visa applicant having enough money to pay their own wages for at least three months, and to pay a fee in the tens of thousands of dollars to you. Correct?---Yes.

Which fee you then share with Mr Maguire and share with the employer, is that right?---Yes.

And so what you were looking for through Monica were people who were in effect prepared to buy their own visas by paying a large amount of money and in exchange getting a 186 or 187 visa. Correct?---Correct.

30 Essential to the scheme was lying to the Immigration Department about whether there would be a genuine relationship of employment. Correct? ---Correct.

You expected that, if not all of these individuals, then at least most of them wouldn't actually turn up to work on a full-time basis, correct?---Correct.

40 Now, you were aware, before being involved in this scheme, that one of the requirements of the 187 visa was a genuine need – I withdraw that. Was a position that could not be filled by an Australian citizen or permanent resident, correct?---Yes, correct.

And you knew that to seek to demonstrate that, the usual course would be to advertise for a particular position, correct?---Yes, correct.

But you made it clear to the individual businesses that if they received any responses to advertisements, that they themselves shouldn't respond to those advertisements, correct?---Correct.

Sensitive

And that's because there was never any intention, as part of the scheme, to consider employing anyone in response to an ad. Rather, it was inherent to the scheme that the business would nominate or sponsor the particular individual who comes from Ms Hao's database, correct?---Correct.

Now, in terms of the respective roles between you and Mr Maguire, is it right that Mr Maguire's role in this scheme was to identify the businesses who might sponsor or nominate a Chinese national for a 186 or 187 visa?
---We didn't say whose role, whose is, but he did make the contact with the business, and then I, and so I can contact business because I didn't know those business before.

So what happened, at least in the real world, was that Mr Maguire would identify businesses who might be prepared to sponsor or nominate a Chinese national for a 186 or 187 visa, and make sure that you were put in contact with that particular individual, is that right?---Yes, I think he knows lots of people, that's why.

He's got, as you said before, a large network of people that he knows.
---Exactly.

And he was using that network in order to facilitate the scheme that you and he had agreed, is that right?---Yes.

And ordinarily, Mr Maguire would identify people in the Wagga Wagga area as potential businesses, is that right?---Yes.

But I think, from time to time, he identified other people who were not Wagga Wagga businesses, is that right?---Yes.

I think, for example, the J Group was one of the businesses he identified as someone who might be able to nominate or sponsor someone. Remember that?---Yes.

And so Mr Maguire would, as it were, link you up with this particular business. Was it Mr Maguire who would then explain how the scheme worked or would that be your role? Or would you both play a role in that exercise?---I, I did explain to the business, so I, when I, when I went there, when I first met them, I explain to them, yes, I did. But I don't, I didn't know how he say to the business. That wasn't my knowledge.

When you spoke to these businesses, did you understand, by speaking to these individuals, that they knew something about how the scheme was going to work? Or was it as simple as "Daryl has said make contact with me," or you saying, "Daryl has suggested I should contact you," and then you had to start from the beginning and explain the scheme? Do you recall?---I, I can't, I can't, look, I can't remember exactly what happened,

Sensitive

but I did explain to them how these things, how this scheme works, yes, I did.

But what I'm first trying to understand is whether Mr Maguire played any role in the explanation process or whether that was all just left to you to explain how the scheme might work.---I can't recall exactly, but I did explain. He could explain from his side, I don't know.

10 I mean, you weren't necessarily there at the time that he introduced the businesses and spoke to them about you.---Oh.

I'm just trying to understand - - -?---Okay, I just give you more accurate. He never been there when I spoke with business.

Can you say that again, I'm sorry.---So when I explain that to the business he wasn't there.

20 So you knew that Mr Maguire was linking you up with potential businesses - - -?---That's exactly right, yes.

- - - but during the course of those meetings, Mr Maguire was not present during the meetings.---That's right.

30 But did you get a sense, in those meetings, did you get a sense of whether these individuals knew anything about the scheme – so knew, for example about the incentive payment and reimbursement of wages – or did you have to start from the beginning and say, “Look, here's the scheme. Here's the idea”?---So, so what, what happened was, he, he will ring the business and then come back to me and say, “Contact this business,” and also give me the number, so and I rang the business, sometimes I let him know, okay, I have this business to meet which day, and then, and then I went to, went to the business and I told them the scheme and then after meeting and I'm not quite sure, sometimes I did tell him back, I have meeting with that person.

Is it at least the case, though, that you kept Mr Maguire informed on a pretty regular basis as to what was going on through the visa process?---That's correct.

40 And the fact that you've spoken to businesses, and application might have gone in, you're waiting to hear back, things of that kind. Is that right? ---That's correct.

So you were reporting back generally so that Mr Maguire knew what was going on and in particular knew when there might be some money coming that you and him might be able to share.---Because it's long process so haven't gone that far yet, and because it's long process and slow process, sometimes if I, if I didn't report, you know, that, you know, or, you know, if

Sensitive

I didn't speak with him for a while or I didn't tell him for that he will get Phil to chase me up.

So there was times when Mr Elliott made contact with you and said, "Look, what's going on with this particular visa applicant?"---He asked Phil to do it.

10 How do you know that he asked Phil to do it?---Because that was the email he sent to Phil said, "Ask Maggie why this placement not - - -"

Is that an email that was sent to you or - - -?---No, sent to, to Phil. I was showed that email.

So you're inferring from having seen some other email - - -?---Yeah.

- - - that it was Mr Maguire who was behind - - -?---Yes.

- - - being chased up?---Yes.

20 But did you directly keep Mr Maguire informed as to what was going on in the visa process?---I did as much as I could.

So from time to time you would let Mr Maguire know we've put in these visa applications, we're still waiting to hear, we've got Mr Wood on board, that kind of thing. Is that right?---Yes.

And you kept Mr Elliott informed as to progress as well. Is that right?---I can't remember that.

30 You agreed earlier that you told the businesses that it was at least quite possible that the employee wouldn't turn up. I take it you told that to Mr Maguire as well that that was a possibility?---Yes, yes.

So it was essential to the scheme, wasn't it, or part of the scheme was the real possibility that he employees would get a 186 or a 187 visa but wouldn't ultimately work in the business on a full-time basis. Is that right? ---The intention was after three months' training the business happy with them, they take them on, and every parties will be happy, but if it didn't happen I don't care, that wasn't part of the scheme.

40 You don't care because as long as the visa applicant gets the visa and you get the money, that's your job done so far as you're concerned in the scheme. Is that right?---Yes. That wasn't my concern, that's right, yes.

But further it was clear to you, in advance of any of the visa applications being made, that it was quite possible that these visa applicants wouldn't turn up at all to work on a full-time basis. Is that right?---I wasn't aware the

Sensitive

first time because I thought, you know, the people need work, and so if they turned up or not turned up it's not, you know, it wasn't my concern at all.

These individuals didn't need work, they needed visas. Correct?---They do need visa and some of them they do need work. Not all of them from each families.

10 These are visa applicants that have to be coming from either rich families or being rich themselves because they need to have enough money to pay the fees to be associated with this scheme. Correct?---Yes.

These individuals, to your knowledge, are not individuals who need to be making something like \$57,000 a year. Correct?---Yes.

Because they have access to further funds and you know that because that was part of the fee that was charged to these individuals or to these families. Correct?---Yes.

20 And so it was essential to this scheme that you knew that there was a real possibility that these visa applicants would treat this as a cash for visas scheme rather than a genuine opportunity to work in a regional area or in another area. Correct?---I, it's possible but I can't, I can't hundred per cent sure because all, all of those applicants told me they want to work.

But you told the businesses or at least some of them that there was a real possibility that they might do all this paperwork but that they might not ultimately see an employee at the end of the day. Is that right?---That's correct.

30 And the reason you said that is that you knew that at least some of these applicants were interested in visas rather than in jobs. Correct?---Maybe.

Visas as a step along the way to getting permanent residency in this country. Correct?---Yes, correct.

40 As well as saying that matter to the businesses I think you accepted earlier you said that to Mr Maguire as well, in other words that there was a real possibility that these individuals would not turn up to work. Is that right? ---Yes.

When did you tell Mr Maguire that?---I can't remember but I did, possible.

Well, when in the process, noting that I started to talk to you about August 2012 when you were introduced by Du Wei. We then got into January and February and the like. Was it early in the process, was it late in the process, was it somewhere in between?---I can't remember exactly. It could be in the middle of the process.

Sensitive

Well, was it before or after the first visa applicant was approved?---I think it must be after, maybe after. I can't remember exactly.

Well, are - - -?---If you can refresh my memory, sorry.

No, no.---But I did, I did tell him that. Yes, I did.

Well, are you quite clear in your mind that you did say this to Mr Maguire?
---Yes.

10

And doing the best you can, was that before or after the first visa application was made?---Oh, do, do you have something refresh my memory?

Well, in terms of the dates is that what you mean?---Yeah.

I can tell you that one of the early ones was in June of 2013.---Oh, maybe before, maybe after. I can't remember exactly. Possibly after. I, I can't remember so sorry. I just, just, you know, but I did tell him, yes.

20

Well, are you quite clear in your mind that you did tell him?---Yes.

Doing the best you can, what words, I know it was some time ago, but what words did you use to Mr Maguire when you told him about the possibility or perhaps probability that some of these visa applicants would not turn up?
---I, I, sorry, I just, I, I do my best because I did send him message something like "Business has no obligations" and I was wondering is, at the time I told him they won't show up I just, you know, I just my best effort.

30

Well, you're referring to a message. I'll show that message to you to see if that's around the time. So can we go please to volume 23 and we'll go to page 128 to start with. Sorry, we might actually go to page 130 might be the better reference. So we're going to go to February of 2013. Now, just to give you some context if you have a look at, we'll just scroll up to item 63 just so you've got some context. Mr Maguire says to you, "Maggie, I met with Shaun Duffy of D&M Electrical." Do you see that there?---Yes.

And D&M Electrical is one of the organisations that you assisted obtain 186 and 187 visas. Is that right?---Yes.

40

And I think you may have assisted with three visas for D&M Electrical or an associated company called Great Southern Electrical Pty Ltd of which two were successful and one was unsuccessful.---Yes.

Does that ring a bell?---Yes.

But both of those were companies associated with Mr Shaun Duffy as we can see on the screen there.---That's correct.

Sensitive

And none of those three individuals in fact turned up to work on a full-time basis for Mr Duffy. Is that right?---That's correct.

And so it looks like from item 63 Mr Maguire introduces you to Mr Duffy.
---Yes.

And he understands what you want. Do you see that there in item 63?
---Yes.

10 With an exclamation mark. What did you understand Mr Maguire to be saying when he says he understands what you want?---He want staff, sorry, no, no. Want someone placed on this scheme is my reading, yeah. My understanding from this text message.

But does that mean a legitimate employee or does that mean a way to make money out of something in the nature of a cash-for-visa scheme?---Later one, yeah.

20 Something in the nature of a cash-for-visa scheme?---Yeah.

I mean, you knew with Mr Duffy, at least, that he was just in it for the money, he didn't want an employee, correct? That was clear to you in relation to Mr Duffy?---At that time, Mr Duffy made it quite, he looked quite genuine.

Are you saying Mr Duffy looked quite genuine at the time you spoke to him?---Yes.

30 You later found out though that he wasn't quite genuine and he just wanted the money, is that right?---He always looked quite genuine to me, sorry.
And - - -

What, even after you found out that none of these employees actually turned up?---Maybe they just good actors. Sorry. Yes. Sorry.

You're agreeing with me?---Yeah, I agree with you, yes.

40 And if you look at item number 65, "I told him," that seems to be a reference to Mr Duffy, "you were in the G8way organisation." Do you see that there?---Yes.

And so this migration scheme was at least associated with G8way International, is that right?---Yes.

That was the vehicle through which this scheme was being adopted?---Yes.

And you knew that at the time that you were involved in the migration scheme, is that right?---Yes.

Sensitive

And if you then go a little bit further down and have a look at item 69. See it says, "In principle, the person does not require to work in Wagga at all." Do you see that there?---Yes.

"But preferably three months or less. He would pay salary and super out of his own pocket." Do you see that there?---Yes.

10 So that's you explaining the scheme to Mr Maguire at least at that point in time. Is that right?---Yes.

And so do you agree that what you're suggesting to Mr Maguire is that it needs to look like a genuine employment relationship?---Exactly.

Preferably for a period of three months or so?---Exactly.

But you knew that in that point in time it was not going to be a genuine employment relationship with respect to these visa applicants, correct? ---Correct.

20

THE COMMISSIONER: Is that a convenient time, Mr Robertson?

MR ROBERTSON: Thank you, Commissioner,

THE COMMISSIONER: Ms Wang, we'll take an hour's break for luncheon now.---Okay, thanks Commissioner.

30

LUNCHEON ADJOURNMENT

[1.02pm]

Sensitive