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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 29 SEPTEMBER, 2020

AT 2.00PM

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

Sensitive

THE COMMISSIONER: You're bound by the affirmation you made this morning, Ms Wang.---Yes. Thanks, thanks.

Yes, Mr Robertson.

10 MR ROBERTSON: Can we have volume 23, page 103, back on the screen, please. Ms Wang, just before the luncheon adjournment, you and I were discussing item number 69, where you were explaining the elements of the immigration scheme to Mr Maguire. And if you have a look in the second-to-last sentence, see it says, "Employer would get 40,000," or 40 K, "and introduction fee is 10 K." Do you see that there?---Yes.

That introduction fee, whose money would that be, at least as you understood it in February of 2013?---G8way.

20 And so as at February of 2013 it was contemplated that a \$10,000 fee would go to G8way, is that right?---Yes.

But later on that fee ended up increasing such that G8way got \$20,000, is that right?---Yes.

And so when it did change, the employer would instead get \$30,000 and G8way would get \$20,000, correct?---Yes.

30 And that 10,000 or \$20,000 was an amount to be shared between you and Mr Maguire, is that right?---G8way and me, yes,

When you say between G8way and you, was your understanding that the other part of the money would find its way into G8way's accounts. Is that right?---Yes, yes.

THE COMMISSIONER: The money you gave Mr Maguire, did you understand he would hand that over to somebody to put into G8way's accounts?---I, I, yes. I gave to him, yes,

40 MR ROBERTSON: You gave it to Mr Maguire?---Yep.

You gave it to him in cash, correct?---Yes.

But are you saying it was your understanding that that money would ultimately find its way into a G8way account?---Possible, yeah.

THE COMMISSIONER: And where were you when you gave the money to Mr Maguire?---In the parliament.

Sensitive

Whereabouts in parliament?---His office.

MR ROBERTSON: So is it right that on every occasion you gave cash to Mr Maguire in relation to this immigration scheme, you did it in Parliament House and in Mr Maguire's office, is that right?---Sometimes outside in the coffee shop.

In the coffee shop in the Parliament House building?---No, outside.

10 Outside of parliament completely?---Yes.

So approximately how many visas were obtained through the scheme that you and I have been talking about today?---Dozen.

About a dozen. About 12 or so?---Yep.

You paid money to Mr Maguire in respect of each of those 12, is that right?--Yes.

20 It was always in cash, correct?---Yes.

Approximately how many of those 12 times was the money paid to Mr Maguire in Parliament House?---I, I can't, I can't recall because when get 20 grand in by bag and when I have to go through that security, you know, x-ray scan, x-ray scan, and I was, I was a bit uncomfortable and a bit nervous because I thought the security guy can see inside.

So you're referring to the security scanner in Parliament House just off Macquarie Street, is that right?---Yes.

30 Where you have to put your bag in and it's effectively x-rayed?---Yes.

But is it the case that on the majority of the occasions, on most of the occasions, you gave the money to Mr Maguire in Parliament House? ---Some occasions, yes. Half/half, maybe.

Maybe half/half?---Yep.

40 THE COMMISSIONER: Otherwise you would be handing it over to him in a public space, in a coffee shop, is that what you're saying?---Yes. I did, I did.

And how was this money handed over, in an envelope or - - -?---Yes.

MR ROBERTSON: And so how did the arrangements actually work in terms of this money? Did you, what, make contact with Mr Maguire and say, "I've got the next payment available for you," or something like that?

Sensitive

---I, I saw him quite often so I just say, "Oh, you know, can we catch up?"
This kind of thing.

So would you specifically arrange a catch-up in order to give them money
or would you just give it to him the next time you saw him?---Could happen
both.

10 So at least on some occasions you had to make a special meeting with Mr
Maguire in order to hand over the cash. Is that right?---Quite possible.

Well, is it right or is it quite possible?---Right.

Do you have a recollection of making arrangements with Mr Maguire on at
least one occasion in order to drop off cash?---Yes.

And to make those arrangements, was that by telephone, by text message,
by WeChat, how was that done?---I can't remember but that could be all
sorts of, yeah, ways. Yeah. Or a phone call, yep.

20 So on at least some occasions you made a special meeting with Mr Maguire
to drop off cash, correct?---Yes.

On some occasions you may have just given it to Mr Maguire the next time
you were going to see him. is that right?---Yes.

But you were in regular contact and communication with him, is that right?
---Yes.

30 Including to keep him informed as to what was going on within the
migration scheme, is that right?---Yes.

And your best recollection is that at least around half of the times you gave
Mr Maguire the cash in is Parliament House office, correct?---Yes.

On some occasions you gave him the cash not in the Parliament House
building but somewhere nearby, is that right?---Yes.

40 Was it always done on or around Sydney or were there any occasions - - -?
---It's Martin Place, those coffee shops.

So it was either in Parliament House in Mr Maguire's office or in a coffee
shop in or around Martin Place?---Yes.

Do you happen to recall which coffee shop it might have been?---Can't, I
can't recall. Some, like at Westpac building or something like that.

Does the Chrysler, the former Chrysler Café, does that ring any bells?---No,
I don't know this.

Sensitive

But you have a recollection of a coffee shop within what was the Westpac building. Is that right?---If that was Westpac building, I can't remember exactly that building.

THE COMMISSIONER: Opposite the Reserve Bank?---Yeah, yeah. Some, yeah.

10 MR ROBERTSON: Always in that coffee shop or possibly in some other coffee shops nearby?---Other shops as well, other coffee shops around those areas.

Ever in a coffee shop on Phillip Street, which is the one that's going perpendicular to Martin Place?---I, I been in that coffee shop. I can't remember if it's in that coffee shop or but I been in that coffee shop called Silks.

So you've been to the coffee shop called Silks?---Yes.

20 And, what, are you saying it's possible that you handed over money to Mr Maguire in that café?---No, no, I can't, I don't, I, I can't say exactly but just those coffee shops around those areas, yes.

Your best recollection was it was the one at the bottom of the Westpac building. Is that right?---I remember that one, yes.

It's possible that it was elsewhere - - -?---Other ones as well, yes.

30 But you have a specific recollection on at least one occasion handing over cash to Mr Maguire in the coffee shop at the bottom of the then Westpac building. Is that right?---Yes.

Go back to page 130, volume 23. And can you draw your attention to item number 71 towards the bottom, "Thanks, Daryl. Employer has no obligation to hire the person at all." Do you see that there?---Which one, sorry?

40 The very bottom of the page, item number 71.---Yes. So I thought of the question before lunch and, and that could be the time I told him about someone not coming out, those kind of thing. I'm not 100 per cent sure because I thought, I thought of that, you know, it could be around that time.

So you've got a clear recollection in your mind of saying to Mr Maguire at some point that it was quite possible that the visa applicant would not turn up to work. Correct?---Very possible, yeah.

Well, not very possible. Do you have a recollection of saying that to Mr Maguire?---Yes.

Sensitive

Now, but is it right to say you're not quite sure when you said that to Mr Maguire?---I, I'm not quite sure but I, you know, those kind of implications, you know, I don't know if that's me say or not so I'm not very good at those words so - - -

10 Well, is it fair to say you're confident that you said to Mr Maguire that there was a possibility that these visa applicants wouldn't turn up to work but you're not quite sure when you said that. Is that a fair summary of what you've been explaining?---Yes.

And I think you were saying you've looked at item number 71 that's on the screen, which is February 2013.---Yeah.

You may have communicated that to Mr Maguire around that time.
---Possible, yeah.

20 But you're just not a hundred per cent sure whether it was at that time - - -?
---That's right.

- - - or whether it was at some other time?---Yes.

Is that a fair summary of what you've been seeking to explain?---Yes.

Now, I then want to ask you about some of the specific businesses that were arranged in relation to this migration scheme and I think you and I briefly discussed Mr Shaun Duffy.---Yes.

30 He was D&M Electrical Communications.---Yeah.

And I take it you agree that you were introduced to Mr Duffy by Mr Maguire.---Yes.

And that was consistent with the arrangement you had with Mr Maguire.
---Yes.

He would introduce you to businesses and then you would go and speak to the individual businesses.---Yes.

40 You would then assist the businesses in terms of doing what they needed to do, filling out forms and things of that sort, in order to get the visa applicant. Is that right?---Yes.

So the first thing you'd do is you would make communications with the business and you would explain to them what would be involved in the visa scheme. Is that right?---Yes.

Sensitive

You would explain to them that if they agreed they would get an up-front payment in the tens of thousands of dollars. Correct?---No. No, not up-front. It's after visa granted.

So they'd get a lump-sum fee in the tens of thousands of dollars that they would be entitled to once the visa has been granted. Is that right?---Four months, four to five months after, yes.

10 So the payment that we've been talking about, the \$30,000, sometimes \$20,000, sometimes a little bit more, would only be received three or four months after the visa had been approved. Is that right?---Yes.

So that's one aspect of the scheme. Another aspect of the scheme is that they would have to put someone through their books. They would have to pay money out to the visa applicant, the person that gets the visa.---Yes.

And they'd have to do that for a period of at least three months. Is that right?---Yes.

20 But that you would reimburse them in relation to all of the expenses associated with that three months period.---Yes.

You of course were ultimately getting that money from the visa applicant or its family to then pay on to the individual business owners.---Yes.

But that's something that you discussed with each of the business owners in advance of them agreeing to be part of the scheme. Is that right?---Yes.

30 And then in terms of the necessary documentation, you assisted the business in getting together the documentation that was necessary to go to the Immigration Department?---Yes.

But in terms of the actual drafting of the documents, was that done by the business, was that done by you, or was that done by someone else, like Ms Hao?---Yeah, by the migrant agent.

So that was done by either Ms Hao or by her office?---Yes.

40 But you had at least some involvement in that exercise, I take it?---Yes.

You were at very least the person that ferried information from Ms Hao to the business?---That's right.

And from the business to Ms Hao, is that right?---Yes.

You would ask the business, for example, for a letterhead, correct?---Yes.

Sensitive

You would ask the business to provide a, to sign certain documents, is that right?---Yes.

Was it the case that you got the business to sign all of the documents that were necessary - - -?---Yes. Oh.

10 - - - or to your knowledge, was there any copying and pasting of signatures or using electronic signatures, something along those lines?---Because I'm passing over those, those forms, so, you know, documents and, and draft it, so the business would fill them and sign them. So it's quite a lot of documents. Sometimes, you know, like, 10 documents or five or six. And sometimes business missed out one or two documents, and it quite possible and with the consent of the business, I put, copy and paste or cut and paste or some signatures, it is possible.

So you're saying that, on at least one occasion, you copied and pasted signatures rather than getting the business to actually sign with a pen?---To, to speed it up. Yeah.

20 To speed up the exercise.---Yes. That's right.

But you're not suggesting that you got the permission of the business owner - - -?---I did.

- - - on each occasion?---I did. Because only a few missing. I think is not like a whole set of document without signature. Could be a, a (not transcribable) signature fill of the missing, and instead of going back to them to get them sign, I, with their consent, I did the copy/paste or something, yes. Quite possible.

30 You know that quite a number of documents that were submitted on behalf of these businesses were documents that these business owners had never seen, correct?---Oh, I don't recall that, but maybe. I really can't say. Maybe.

And it included documents where you affixed a signature on them in circumstances where the business owner never saw the document in respect of which you affixed the signature. Do you agree?---I, I don't recall that. I don't recall that.

40 Well, you at least agree that on one occasion you affixed a signature by copying and pasting, rather than getting the individual to sign it, correct? ---Yes. Yes.

Do you at least accept that on at least one occasion, you affixed a signature to a document that the business owner had never seen?---Because so many documents, and sometimes, you know, they, they just forgot, and then because they, the business don't understand the nature of those documents,

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even they said that maybe they forget. So sometime they say, "Oh, I don't see it," does not mean they really didn't, don't see it. But, you know, that, that possible, because I did pass on to, on those documents, that quite possible, yes.

So is the answer to my question yes, then?---Yes.

10 On at least one occasion you affixed a copy-and-pasted signature to a document that was submitted to the Immigration Department that the business owner never saw. Is that right?---That possible, yes.

No, not just possible. You know that that happened on at least one occasion. Do you agree?---I agree.

20 In terms of documents that came from the business, like financial reports and things of that kind, was it simply a case of you providing those documents to Monika, who then provided them to the Immigration Department, or did you ever have any involvement in changing the content of those financial reports or documents?---No.

So you deny ever making any changes to the information that was provided by the business?---No changes, no.

You never made a change?---Um - - -

30 Never saw some financial record, for example, that might have had some figure in it and decided, well, that's not going to look good for the Immigration Department, I'm going to make a change to that particular document or that particular figure?---I, I, I'm not a hundred per cent sure, but if, if the business make some, oh, some business said, "Oh, you know, we, we have something, you know, we haven't, you know, put it on," that could be possible change the figures. That's a possibility.

Do you agree that on at least one occasion you made up some financial figures without the knowledge of the underlying business?---Possible.

And by made up I mean either you just made them up completely or you changed the figures that were provided by the business.---Possible.

40 Well, more than possible, you knew that you did that on at least one occasion. Do you agree?---I agree.

And in relation to Mr Duffy, one of the individuals in respect of which a visa was organised was a Ms Song, Z-o-n-g. Is that right?---Yes.

And in relation to Ms Song, you entered into an agreement with Mr Duffy where you agreed to pay a \$50,000 fee that was described as a training fee in relation to Ms Song. Is that right?---Yes.

Sensitive

And just so we can have a look at that, can we go to volume 19, page 204, which is Exhibit 187, or at least forms part of Exhibit 187. Just so we can understand how this works, this is an agreement that you had signed between you personally and Mr Duffy. Is that right?---Yes.

And this particular one involved a fee being paid of \$50,000. Correct?
---Yes.

- 10 Later on with other businesses you proposed a lower fee than \$50,000.
---Because he wants more, yeah.

Mr Duffy wanted more money to be part of the immigration scheme.---Yes.

Is that right?---Yes.

But if you could get a business to agree for a lower figure, \$20,000 or \$30,000, you would do that. Correct?---Yes.

- 20 And that's because there would then be more money for you and Mr Maguire to share.---Yes.

Correct?---Yes.

You were saying before that you understood that the money that you were giving to Mr Maguire would ultimately be G8way International money. Is that right, did I get that right, or at least would have something to do with G8way International?---Because his email said, "Leave the rest to G8way."

- 30 So you're referring to an email and what you - - -?---No, no, not email, text message, yeah.

You're referring to a text message and you've inferred from that, have you, that that money or some of that money is going to find its way to G8way International. Is that what you're saying?---Yes.

- 40 But did you, as you understood it, did you ultimately stand to gain in relation to that G8way money, in other words, if G8way was making a lot of money did you have some understanding with Mr Maguire or perhaps Mr Elliott that if there was money being made by G8way you would receive some of that money by way of distribution?---Yes.

And so as we saw in one of the messages, "We all stand to gain if G8way International is successful."---Yes.

Is that how you understood it to work?---Yes.

Sensitive

Did you ever actually receive any distributions from G8way International?
---Yes.

On how many occasions did you receive distributions from G8way International?---One.

And how much was the distribution that you received?---\$1,000 and something.

10 THE COMMISSIONER: How much? I'm sorry, I missed that, Ms Wang.
---A thousand. Not exactly one thousand, you know, it's thousand and something.

MR ROBERTSON: So perhaps \$1,005.79?---Yeah, something like that, yeah.

And do you recall roughly when that occurred?---I don't know. I, I, I didn't, I didn't know, I didn't check my bank account at that time but I was showed by, by the Commission before, yeah.

20

But that was the one and only distribution that you received from G8way International. Is that right?---To, to my knowledge, yes.

Well, when you say to your knowledge, you're not suggesting that there were some other - - -?---No.

- - - amounts that found their way into your bank account - - -?---No.

- - - that said G8way International?---No, that's the only one.

30

Did you ever receive any other payments from G8way International that weren't distributions?---No.

Nothing paid into your bank account so far as you can - - -?---No.

- - - recall from G8way International?---No.

40 And I take it, as you understood it, the idea was for G8way International to be very successful, to make a lot of money and for you to be able to get some further distributions on top of the \$1,005.79 that you were getting?
---Yes, yes.

In terms of the money in terms of the immigration scheme, you've got \$20,000 being left over after, as an example, after paying the employer et cetera.---Yes.

And I think you explained that when there was \$20,000 the practice was for Mr Maguire to let you keep \$5,000 - - -?---Yes.

Sensitive

- - - and he kept the remaining \$15,000?---Yes.

Now, by the sounds of it, you're doing a lot of the running around to make this migration scheme work.---Yes, I do the - - -

Why are you only getting \$5,000 and Mr Maguire's getting \$15,000?
---Because the biggest part is to get the business agree, that, that, that's, that's the hardest part of the whole thing.

10

And so there's some paperwork and things to do, which is the relatively easy part of the exercise.---Exactly right, yes.

It requires a bit of work and documents to be signed and things?---Yes.

But your experience has been actually getting the business to agree is a more difficult exercise?---Absolutely.

20 And is part of the reason why that's a difficult part of the exercise that you've had experience that at least some businesses, when the scheme's being explained to them, it looks to them to be an illegitimate scheme and they don't agree to be involved in it?---Yes.

You had that situation, for example, with those associated with the Wagga RSL Club. Is that right?---Yes.

30 So with the Wagga RSL Club, you had a meeting with Mr Tim Howe, who was a caterer at the RSL Club, is that right?---I can't remember their names but I did have meeting with them in Qantas Club in, at the airport.

And there were representatives of the RSL Club or entities associated with it who attended, is that right?---That's right, yes.

And that was a meeting where you were attempting to convince them to be part of this migration scheme, correct?---Do the interview, yes.

When you say an interview - - -?---Yeah, that was interview, yep.

40 Does that mean the candidate was present as well?---Yes, that's right,

But at that point in time there wasn't an agreement by anyone within the RSL Club to actually be part of the scheme, is that right?---No.

But part of your attempt to get them to agree was putting the candidate in front of the potential employer, is that right?---Yes.

Did you agree to pay any money to anyone in exchange for them attending the meeting?---I don't recall that but I think, just to the best of my

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recollection, that must be a misunderstanding between them. So because I give Phil \$2,000, so that's like taking the \$2,000 back and those RSL people said they only received \$1,000. So looks like some misunderstanding happening there.

So you have Mr Elliott \$2,000 in relation to the meeting in the airport, is that right?---Yes. For \$2,000, that is to, to hire that person, yes.

To do what, I'm sorry?---To hire.

10

THE COMMISSIONER: Hire.

THE WITNESS: To, to hire, sorry, to hire that person.

MR ROBERTSON: So what was being provided in exchange for the \$2,000? Was that in effect an advance payment, is that the idea?---No. That, that was, the \$2,000 was to hire that person if they, if they, they want to hire that person. It's like, you know, the commission for the introduction.

20 That \$2,000 was to be paid to who?---I, I paid Phil so that I wanted that back, so there's quite some emails about that.

No, but did you want Mr Elliott to keep the \$2,000 or did you have in mind him paying it to someone?---I, I give him \$2,000 for the introduction if that person has been hired by the RSL but that person didn't get hired by RSL so he should return the money and he refused.

30 So that was fee that Mr Elliott would be entitled to keep in exchange for introducing the RSL Club to you, is that the idea?---Also that person need to be hired.

And he was only entitled to keep that money in the event that the person was hired?---Exactly right, yes.

But that was a fee, that was effectively an introduction fee of \$2,000 that Mr Elliot would be entitled to but only if there was ultimately a hiring?---That's exactly right.

40 And so you ultimately asked Mr Elliott for the money back?---Yes.

Because the RSL Club, or the caterer at the RSL Club decided not to proceed with the immigration scheme?---That's right, yep.

But do you recall whether in advance of the meeting you said to Mr Elliott that he might want to give some of that money to the caterer who was considering employing this particular individual?---I, I don't recall that.

Sensitive

Was it possible that you said something like that?---I, I don't recall that. No. If, if they don't hire the person, they, they can't get, you know, they can't just come over for a meeting for \$1,000. Who is going to pay that?

But your evidence is that the \$2,000 was for Phil, it was not for anyone else?---That's exactly right, yes.

In terms of the meeting itself, so the candidate was present at the meeting, is that right?---Yes.

10

That was a Mr Peng, I think, P-e-n-g?---Yep, yeah.

There were some representatives of the RSL Club or things associated with the RSL Club?---I can't remember. Yes, they have some person, RSL - - -

Well, there must have been at least one person because it was supposed to be an interview.---That's right. At RSL, yeah.

20

So there was a couple of representatives from the RSL end. Is that right? ---Yes.

And who else was present?---Phil.

Anyone else?---Can't remember.

What about Monika, was she present?---I can't remember.

30

In terms of discussions with businesses was Monika usually present or would you usually just take care of that yourself?---Just myself.

You'd let Monika and her staff deal with the paperwork.---Yes.

But you would take care of correspondence directly with the individual companies.---Yes.

Did you make clear to the RSL representatives during the course of the meeting that the visa applicant, Mr Peng, might not actually show up to work?---I can't recall but possible.

40

Do you deny that you did, do you deny that you said something like that? ---I, I really can't recall but I can't, possible because, can be possible.

Well, more than possible. You recall that on at least one occasion when you were speaking to businesses, you would tell the business that there was a possibility that the visa applicant would not turn up.---That's right.

You said that to at least most of the businesses you introduced to this scheme. Would you agree?---Yes.

Sensitive

There may have been one or two where you forgot, but at least in the majority of businesses you made it clear to them that it was quite possible that the visa applicant would not turn up. Correct?---Yes.

10 Did you give any advice to the RSL Club representatives as to what they should do in the event that immigration officials came looking to see where their visa applicant or visa grantee was in the event that the visa was granted?---I, I, I can't recall exactly what happened but in a hypothetical, you know, situation I could say that, yes.

Well, you agree, don't you, that for at least one of the businesses you gave advice to the business as to what they should do in the event that immigration officials turned up?---Yes.

And you told at least one business that if that happened they should say the person is on leave or on holidays or sick or something like that.---Yes.

20 So you told them to lie to immigration officials. Correct?---Yes.

Now, do you deny that you gave advice to that effect to the RSL representatives during the meeting in the Qantas terminal?---I don't deny.

You don't deny. Do you accept that you did it?---Accept it.

Can I go, please, to volume 19, page 107. Go to page 108 first. Do you see there a document entitled Training Agreement?---Yes.

30 And it says between Wagga Wagga RSL and Vernon, V-e-r-n-o-n, Peng. See that there?---Yes.

Now, was this a document that you produced to the RSL representatives during the course of the meeting in the Qantas terminal?---Yes.

But it ultimately wasn't signed because they didn't agree to engage Mr Peng. Correct?---Yes.

40 And if we then just go to the next page. Did you also provide this résumé or CV?---Yes.

Who drafted the CV, do you know? With the great passion for capital markets and cooking?---By himself.

Sorry?---Himself.

Mr Peng drafted that himself did he?---I think so, yeah.

Sensitive

But this is an example of a document that was on Ms Monika Hao's file. Is that right?---That's right, yes.

And so just to understand how this works, you were introduced to the RSL as a possible business to nominate someone under this visa scheme by Mr Elliott. Is that right?---Yes.

You agreed with Mr Elliott that if the placement was successful he would receive some money. I think you said \$2,000.---Yes.

10

You would speak to Ms Hao and say we look like we've got a possibility here in the RSL Club. This is how much money you need to get from the visa applicant or their family.---Yes.

Is that right?---Yes.

You would calculate how much it was and gave a global sum to Ms Hao. ---Yes.

20

And Ms Hao would then say, "Right. Mr Peng is a possibility for this particular placement. Is that right?---Yes.

And you would then present that to the business, in this case doing that - - -?---Yes.

- - - during the course of the Qantas terminal. Is that right?---Yes.

And that kind of approach is the approach that was adopted for each of the individuals that were put forward as visa applicants for a 186 or a 187 visa.

30

Is that right?---Pretty much so.

Pretty much. Sometimes a few little changes, most of the time Mr Maguire was identifying the business. Correct?---I don't know what you mean identifying. He, he would give the business my number and give me business number so - - -

Most of the time Mr Maguire put you in touch with the business to speak to? ---That's right, yes, that's correct, yes.

40

Mr Elliott did that in the case of the RSL Club.---Yes.

But Mr Maguire did it in respect of the remainder of them. Is that right? ---He made contacts, yes, for me, yeah.

And then you sought to convince the business to be part of the scheme. ---Yes.

Sensitive

You were sometimes successful and you were sometimes not successful. Is that right?---Yes.

And you weren't successful in relation to the RSL matter.---Yes.

Now, just in relation to the \$2,000 you referred to, are you quite sure that you didn't agree with Mr Elliott that some of that money could be paid to the caterer from the RSL Club which was considering nominating or sponsoring an employee?---Sorry, can you say again, repeat again?

10

The \$2,000 that you and I spoke about, are you quite sure that you intended for the whole of the \$2,000 to be kept by Mr Elliott in the event that the nomination was successful and a visa was granted, or is it possible that you agreed with Mr Elliott that some of that money could go to the caterer who was considering employing Mr Peng?---Oh, can I make it clear here?

20

Please.---Okay. So, so that \$2,000 is if the business wants to go ahead, so they have to get, you know, the document all put together, so there's effort there, so that's why, you know, pay the business to the effect basically because the business somehow may have to pay accountant extra to get, you know, to get things speed up, to get, you know, things done, it's big effort, so that is for the business.

But I thought you said before, and maybe I misunderstood, that you gave \$2,000 to Phil and Phil was going to, Phil could keep the \$2,000 as long as Mr Peng ended up with a visa.---I thought Phil is the, is the person in charge of RSL.

30

I'm just trying to understand, the \$2,000, if Mr Peng ended up with a visa, does Mr Elliott get to keep the \$2,000 - - -?---Don't think so.

- - - or does he have to pay some of it to someone else?---That is for the business, not for himself.

So the \$2,000, if Mr Peng ultimately got a visa, the \$2,000 would go to the employer. Is that right?---Yes.

40

And what, Mr Elliott wouldn't keep any money in relation to that?---He can get some from, you know, those on commission we made.

So what, he might end up with some of the money that is paid into G8way International?---That's right, yes.

So just to be clear about this, if the suggested placement within the RSL came off, there would be \$2,000 to go to the employer - - -?---Yes.

- - - from cash that you gave to Mr Elliott. Is that right?---Yes.

Sensitive

Presumably it was more than, well, after three or four months the RSL Club would get the incentive payment of, was it \$20,000 for the RSL?---Yes.

Is that right?---Yes.

So they would get \$20,000 plus the \$2,000. Is that right?---I would think it would get deducted.

10 So that would be, what, in effect an advance in relation to the - - -?
---That's right.

- - - \$20,000?---That's exactly right, that's advance, yes.

So, what, they get to keep the \$2,000 in the event that the visa is granted to Mr Peng?---Yeah, oh, yeah, for one month after, yes.

Well, they get the \$2,000 first.---Yes.

20 They get another \$18,000 some number of months later?---Yes, yes.

And the caterer gets wages and superannuation reimbursed - - -?---Yes, yes.

- - - for a three-month period or so.---Yes, yes.

So that's your best recollection about the \$2,000, is it?---Yes, that's right.

30 So Mr Elliott actually doesn't get any direct fee at all in relation to putting you in touch with the RSL.---Not for that \$2,000. So that's why I asked the money back, yes.

Well, he doesn't get any direct fee at all, but he hopes that he'll end up with a dividend out of G8way International, is that how it worked?---That's exactly right, yes.

So that's your best recollection, is it, as to what happened in relation to the \$2,000?---That's right, yes, yes, because he's not entitled to that 2,000, so that's why I wanted that money, that money back.

40 Well, putting aside getting the money back, I just want to be clear what the purpose of the \$2,000 was in the event that Mr Peng got the visa, and by the sounds of it, you're saying the caterer, the employer, would get to keep the full \$2,000, and Mr Elliott would not be able to keep a cent, is that right?
---Exactly, that is the advance payment. Yes.

And that's your best recollection as to that \$2,000 payment, is that right?
---That's right, that's all truth, yep.

Sensitive

Can I just show you this document, then, can we go to volume 9, page 126? And just before that comes up, I should just confirm this. When, as you saw it, was that \$2,000 to be handed over to the employer? Was that to be kept by Mr Elliott until the visa application was approved? Or - - -?---No, I gave it to the, Phil, yes, I, I gave to the Phil.

When did you give it to Phil?---I think in the, in that Qantas club.

10 What, during the course of the meeting in the Qantas terminal?---I, I can't remember exactly, but there, yeah.

It might have been, at least on the same day?---Yes, same day.

Possibly before the meeting, possibly after the meeting, possibly during the meeting, is that right?-----Yes. That's right. Yes.

And was it your intention that Mr Elliott then gives the money directly to the employer?---Yes. Yes, in the view of they're going to hire him.

20 As in effect an advance payment?---Yes.

And give the whole of the \$2,000?---Yes. Oh, I, I, I, sorry, because you keep asking me that, I'm not quite sure, because that's, that's, that's what I, I thought is should to get done in that way. Only can say that. I, I, I'm not quite sure about because so long ago, and I, I, you know, I'm not sure now.

Well, let's be clear about this, because we've spent some time on it.---Yeah, because I, I, and didn't go ahead, and I got the money back, so I just, I just, I just didn't in my, wasn't in my memory anymore.

30 Your best recollection is you gave \$2,000 to Mr Elliott, with a view to it being provided to the potential employer, correct?---Yes. Yes.

And what was your understanding as to what would happen in the event that the RSL Club didn't proceed with the suggested application? That, what, the whole \$2,000 has to be paid back to you, is that the idea?---That's exactly right, yes. Yes, that's my memory.

40 So Mr Elliott would never keep any money for himself. It would either be kept by the employer or it would be completely refunded in the event that Mr Peng didn't ultimately get a visa, is that right?---That's right. Yes.

Can I just show you this document, please? Volume 9, page 126. I'm just showing you an email from Mr Elliott to you, 5 May, 2013, "Confirming a meeting for next Thursday at 1.00pm," and then he says, second paragraph, "It is my understanding you'll give me \$2,000 and I will in turn hand that to Tim." Can you see that there, the second paragraph?---Ah hmm, yep.

Sensitive

A little later, "I further understand that I am to return \$1,000 if the placement does not occur." Do you see that there?---Oh, I don't know, oh, maybe I did, oh, maybe misunderstanding there.

But have a look at your email back. We'll just scroll up a little bit.---Okay.

You say, "Yes, that sounds right."---All right. Must be misunderstanding there, so that's why I have to chase \$2,000 back.

10 Or is it possible that your memory before was mistaken, and actually the arrangement was that the caterer would be able to keep \$1,000 in any event, and only have to refund \$1,000 in the event that the placement doesn't occur?---That could happen, that could have happened, but you know, there must be misunderstanding, because that's why I have to get \$2,000 back.

So you ultimately got the \$2,000 back, correct?---I did. Yes.

20 But I think you're agreeing with me that it's at least possible that the arrangement between you and Mr Elliott would be that the potential employer from the RSL would get to keep \$1,000, even if Mr Peng's proposed placement didn't proceed, is that right?---I agree with you. Yep.

Now, is that the only – were there any other occasions in which some amount of money was paid, effectively by way of an advance to try and encourage the business to get involved in this immigration scheme?---Yes.

30 And so whilst you and I have talked about getting, say, \$20,000 or \$30,000 that might happen three or four months after the visa has been approved, there was at least some occasions where you paid an amount of money by way of an advance before it actually happened?---\$1,000 paid in advance to cover all the cost to associated prepare for the document and that \$1,000 will be deducted from at the end.

Now, was that a standard approach that was taken for all the businesses? So do all the businesses get \$1,000 up-front?---Pretty much but some business doesn't care, so I didn't pay it in that way.

40 So at least some businesses, rather than just getting the 20 or \$30,000 after the visa has been approved, actually got \$1,000 or so up-front, is that right? ---Advance, yes, as a pocket money to pay the small expenses.

And that was deducted from the ultimate amount that they were entitled to receive, is that right?---That's exactly right, yes. Yes.

Commissioner, I tender the email that I showed the witness, which appears in a chain starting with an email from Phil Elliott, 15 May, 2013, 1.47pm, pages 125 to 126 of the public inquiry brief.

Sensitive

THE COMMISSIONER: That will be Exhibit 207.

#EXH-207 – EMAIL ELLIOTT TO WANG DATED 15 MAY 2013 RE 'THE DEPOSIT'

MR ROBERTSON: Let's just go back to Mr Duffy and we'll go back to page 204 of volume 19, which forms part of Exhibit 187. This is a document I was showing you before, Ms Wang. So Mr Duffy ends up with a bit more money because he wanted a bit more money, is that right?---Yes.

And then if you just have a look at the fee payment schedule, you see that it seems that it's paid in three components.---Yes.

There's \$1,000 on the signing of agreement and that's the \$1,000 that you were explaining a moment ago. Is that right?---Yep.

And it says, "Where nomination is successful, there is another \$1,000." ---Yes.

So that's when the Immigration Department approves the nomination or the sponsorship of a particular individual, is that right?---Yes, yes.

And then the remainder is received after the visa is granted, is that right? ---Yes.

But see this doesn't say, "Three or four months after the visa is granted," it says, "When the visa is granted."---Yes. Because I did, because that just simple to write, that's it, but didn't say when, but it's in practical, you know, in practice, it is normally three to four, four months.

Now, was that the case for all of the businesses or were there - - -?---Almost because, because it's a pay, because it's a large amount money, need time to prepare.

But was it the case that there was a delay of a number of months for all of the businesses in relation to the large payment, in this case the \$48,000, or did some of the businesses actually get paid - - -?---They all delay because, because I want separate to the visa stage and the training stage.

Sorry, can you just explain that?---So because I want, because during visa stage, they should not have any money, you know, involved and after, after the person get visa and the business can start the training. So before the training starts and the business get training. So that, that deliberately designed. Deliberately designed that way.

Sensitive

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(ROBERTSON)

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Because what you wanted to ensure was that the businesses continued to pay wages into the visa applicant's account rather than stopping to do that- -
-?---No.

No?---No. That is, that's the other things. So that, that is when the training starts, when the person actually, you know, on their book and this is the training fee. It's, that is extra on the top of what you're talking about, about the wages.

10 But you deliberately deferred the - - -?---I deliberately deferred, yes.

- - - payment of the large amount of money because you wanted to make sure that the business did what they were supposed to do under the scheme, which was pay the employee through the books for a few months.---I deliberately delayed because for the purpose of there shouldn't be any money, exchange the money or business get benefit from visa, from the process of visa. I deliberately delayed because during the process of visa there's no money involved and then after that and, and the business get paid. So the business feel comfortable with that, feel more comfortable by doing this.
20

So you wanted to make it look like this wasn't a cash-for-visa scheme.
---That's exactly right, yes.

Even though for all practical purposes it was a cash-for-visa scheme.
Correct?---That's right, yes.

And whilst the document I showed you a moment ago was described as an Agreement for Training there was no actual agreement, there was no real agreement that these individuals or these companies would in fact provide any training was there?---That's right because I, I got the idea from that the government provide apprenticeship agreement, training agreement to the business, business got benefit. So, you know, so, you know, I thought, you know, business should get benefit from training so they just look good. This designed for looking good, yes.
30

So the agreement for training was just a contrivance, it was just made up, it was pretend to make an illegitimate scheme look legitimate. Is that right?
---Yeah, looking good, yes.
40

That particular aspect of the scheme, is that an aspect that you discussed with Mr Maguire?---I am not 100 per cent sure about that. I, I, I can't - - -

Well, did Mr Maguire know that you would be paying these businesses tens of thousands of dollars in a fee that was called a training fee?---He, he knew I pay business but I'm not sure he knew about this, this fee, is training fee or whatever. I, I didn't explain details to them but he knew the money, yes.

Sensitive

So at least knew that a substantial payment would be made to the business.
Correct?---Yes.

And how did he know that? Did you tell him that or how do you know that
Mr Maguire knew of that aspect?---Because sometimes he arrange that.

When you say sometimes he arranged that, what do you mean by that?
---Because one of the text message he said I go to see (not transcribable)
and that person pay that business how much.

10

But is that something that you know or are you just guessing based on text
messages that you've seen?---It's a text message to me.

But I'm trying to understand how does Mr Maguire know, if he does know,
about the elements of this scheme. Is this something that you've discussed
with him or has Mr Maguire said, "All right, I'm just going to nominate the
businesses or I'm going to put you in touch with some potential businesses
but I don't want to know anything more about it. You take care of it,
Ms Wang"?---In the text message he said, you know, for, for that total
amount how much you give to business, how much, you know, keep for
G8way.

20

So are you saying, as you understood it, Mr Maguire at least knew about the
essential elements of the scheme, which included the business receiving a
substantial payment of tens of thousands of dollars?---Yes.

And are you saying that, as you understood it, Mr Maguire was also aware
about the reimbursement of wages and superannuation for a three-month
period or so? Is that an aspect of the scheme that - - -?---I'm not quite sure
about that part.

30

Can we go to volume 23, page 130, just because I want to identify or seek to
identify the particular text message that you're now referring to. If it comes
up we'll be going to item number 69 which is one I've shown you before.
---Ah hmm.

See where it says towards the end, "Employer would get 40K and
instruction fee of 10K?---Yeah.

40 Is that the text message that you were referring to a moment ago?---Yeah,
oh, no.

No?---No. They got other ones.

But of the same nature, do you mean, referring to an amount that the
employer would be entitled to?---The one being shown before, so - - -

All right. We'll come back to that.---Okay, sure.

Sensitive

But just to be clear, it's clear in your mind that Mr Maguire was at least aware of the large tens of thousands of dollar payment. Is that right?---Yes.

But how did he become aware of that? Did you tell him that or did he become aware of that in some other way, as you understood it?---Oh, I, I
- - -

10 Well, let me ask it this way. Whose idea was the structure of this immigration scheme, by which I mean - - -?---So I think - - -

- - - the large fee that's being paid that you call a training fee, plus reimbursement of wages for three months? Was that your idea, was that Mr Maguire's idea, Ms Hao's idea or someone else's idea?---And he, I think one of the emails, one of the text message he said, you know, "Give business 30 and G8way keep 20." I've been showed that text message before.

20 We'll come back to that, but just focus on my question first.---Yeah.

In terms of the structure of the scheme, by which I mean employer gets tens of thousands of dollars that you call a training fee for the reasons that you've explained, plus reimbursement of wages and superannuation for three months or more.---Yeah.

Who came up with that as an idea, as a product to sell to potential businesses?---I talk with Daryl.

30 So that was, are you saying that was something that you discussed with Mr Maguire and together came up with that as a potential scheme?---Yeah.

Was that you having the idea and then going to speak to Mr Maguire about it or was it something that you discussed and came to - - -?---I think when I brought up this idea to Mr Maguire and, and then came up like this. I can't remember exactly how it came up with, but some of those text message just showing, you know, how much and how much give to business and how much - - -

40 Don't worry about the text messages for the moment, I'm just focussed on what you can recall. Is it right to say, as best you can recall the structure, don't worry about the dollars at the moment, the figures, but the structure of the scheme, the idea, that came from you and you presented it to Mr Maguire?---Yes, that's right, yes.

But is it clear in your mind that you discussed the key elements of the structure with Mr Maguire, specifically that there would be a fee to the business of tens of thousands of dollars?---Yeah.

Sensitive

And secondly that the business would get reimbursement of wages and superannuation for three months?---Yeah.

Or perhaps more.---Yeah.

Are you quite clear in your mind - - -?---I quite clear in the mind and the first part. The second part could just me, I didn't, the second part actually only technical part, so I could just, I spoke with the business.

10 So is it possible, then, that whilst Mr Maguire knew because you told him that there would be a substantial payment, tens of thousands of dollars, and as you've explained, sometimes it was 40, sometimes it was 30, et cetera, you might not have told him about the reimbursement of wages and superannuation?---Quite possible because that's only technical part of it.

Well, when you say it's only a technical part of it, it's the inherent important aspect of the scheme, isn't it?---No, no, yeah, yes. No, that part is because that part business need to pay them on the book which that part business doesn't get that part of the money.

20

No, but that's an important part of you selling this scheme to businesses because it's risk-free for them for a period of three months. Even if the employee turns up, they can get rid of them after three months and they ultimately get tens of thousands of dollars by way of a fee that you call a training fee.---Yeah.

So it's not just a technical issue.---Okay, sure.

30 It's an important aspect of what you're selling to the business. Do you agree with that?---Yes, I agree.

And I think what you were explaining before was Mr Maguire had some involvement in setting the ultimate fee that the business would receive. Is that right?---Yes.

And so in fact I think Mr Maguire was suggesting that \$40,000 for example for the business might be too much, we can drop it down to 30 - - -?

---That's right, yes.

40 - - - and that means it's going to be more money for you and him to share. ---That's right, yes.

That's what you were referring to before when you were talking about figures.---Yes, yes, because so long ago so just, you know, it's just so long ago.

But that was the particular thing you were explaining before.---Yes, that's right.

Sensitive

Mr Maguire's involvement in the amount of money that was to be dealt with.---That's exactly right, yes.

Let's go back to volume 19, page 204, Exhibit 187. 204 of volume 19, Exhibit 187. This is back to the agreement for training. Do we take it that there was a similar agreement in relation to each of the placements that you facilitated and which resulted in visas?---Yes.

10 Each and every one?---Almost yes.

There might have been a case or two where there wasn't, but at least your general practice was to sign up something like this?---That's right, yes, yes.

And this document was to try and put some legitimacy - - -?---Yes.

- - - into a scheme that at the time you were involved in it - - -?---That's right. Yes.

20 - - - you knew was illegitimate.---Yes.

But are you able to assist us as to whether Mr Maguire was aware of this aspect of the scheme, the one involving an agreement-for-training-type document? I mean, he knows, as we've seen from the text messages, that a substantial payment has been made for the businesses.---Yes.

But did you discuss with him your intention to provide or to have signed up an agreement-for-training document of the kind that we can see on the screen?---I, I have no recollection of showing any, any of this to him, no.

30

We'll then go to the next page of this bundle. Do you see there a document called Application for Employer Nomination for Permanent Employment? ---Yes. Yes.

You've seen documents like this before?---It's, that's a document prepared by Monika's office, yes.

40 But part of what you did as part of this immigration scheme was arrange for the businesses to sign a document that said that Monika could act as their immigration agent, correct?---That's, yep. 9-5, oh, 958 form, oh, I can't remember the form number, yep.

So that was an important part of each of the dealings that you had with the businesses, they needed to sign that form in order to allow the scheme to take place, is that right?---Yes. At the time they sign that form, I give them \$1,000, yes.

Sensitive

So that's that initial \$1,000 payment, one of the things that they have to do -
- -?---That's right.

They're agreeing to be part of the scheme, but importantly, they're authorising Monika to be their migration agent, is that right?---Yes.

And then in terms of the paperwork, sending off the paperwork is done at Monika's end, is that right?---Yes.

10 But in relation to a document like the one we can see on the screen, did you make sure that the businesses saw a copy of what was going to be sent to the Immigration Department before it was? Or was that just simply left to Monika to take care of?---So I, I don't recall those kind, those kind of forms, I think is done by electronically. And all the supporting document, like the documents are prepared on behalf of business, they've all been sent to the business.

Are you saying each and every one of these documents was sent to the business?---Yes.

20

Are you sure about that?---I'm not that sure, because so many documents, and sometimes is caused delay by myself. I'm not 100 per cent sure about that.

Let's go to page 211. Do you see there that underneath where it says ENS/RSMS Declarations, one of the declarations that is being made on behalf of the business is "Will provide full-time employment for the visa applicant for at least two years." Do you see that there?---Yes.

30 Now, the business was not going to provide full-time employment for at least two years, correct?---Yes.

Before this form was submitted, did you draw to Mr Duffy's attention that Ms Hao was going to tell the Immigration Department that he was going to provide full-time employment for the visa applicant for at least two years? ---No.

40 Now, given that answer, do you think it's likely the case that you and, to your knowledge, Ms Hao didn't draw to Mr Duffy's attention or to the attention of any of the other business owners the fact that certain declarations were going to be said to the Immigration Department on behalf of those businesses?---So, what happened regarding that, well, was I tell the business it's actually three months, but for the paperwork purpose, need to be ongoing for two years. I say that to business, I did.

So does that mean that there was two sets of paperwork?---No two sets. Only one set of paperwork. I just let business know two years ongoing for business only for the paper purpose, actually only three months.

Sensitive

So in other words, lie to the Immigration Department and say that there would be a two-year employment but make clear to the business that it's three months and no more, is that right?---Yes. I tell business in view of two years ongoing employment. Yes.

Sorry, just explain that last answer?---I said I told the business is in view of two years ongoing, continuing employment.

10 You didn't tell the businesses that, you told the businesses that they had an obligation - - -?---Three months.

- - - of three months and three months only.---Yes. But for the, for the paper purpose, it's two years ongoing, yes, I did.

You told the Immigration Department that it would be at least two years, correct?---Yes.

20 You told the business that all they had to agree to do is to put someone on the books for three months and no longer, correct?---Yes. Yes.

Go to page 214 of volume 19, exhibit 187. Page 214, volume 19, exhibit 187. See there a document a document called Statement of Remuneration? ---Yes.

Do you know who drafted the text of this document?---It's from Monika's office.

30 What about the content of the document? Did you provide any input to the content?---I didn't read. No, no.

Well, how, for example, as you understood it, did Ms Hao know that D&M Electrical Communications was established in 1976, et cetera?---It's on their website. Oh, no. Business give me profile. I ask the profile from business.

So in terms of the material you asked for from the business, I take it the most important thing was the form authorising Monika to act as the migration agent, correct?---Yes.

40 They provided you with a letterhead, correct?---I have a list of document. Letterhead is one of them, yes.

And so you would ask for all of the documents on the list and you would forward them to Ms Hao, is that right?---Yes.

And then Ms Hao would conduct the exercise of turning that material into the documents that were necessary for the Immigration Department? ---Exactly right, yes.

Sensitive

Now, those documents that were prepared, would they then come back through you to the business?---Yes, come back to me, yep.

And so you acted at the person in the middle?---Yes.

You would get information from the business, give it to Ms Hao?---Yes.

10 Ms Hao would prepare documents, give it to you and you would give it to the business?---Yes, yes.

But there was at least some cases, weren't there, where Ms Hao prepared some documents for the Immigration Department that you didn't provide onto the business, is that right?---Because so many, so many pages, that could be possible, yes.

20 Because it might hold up the process, amongst other things, to send it onto the business. And so, to your knowledge, Ms Hao would just take care of it at her end, is that right?---I, I, I did some delay, you know, before by me. So and some of them, so I said, "Just send to Monika's office directly," yes.

But sometimes material wasn't sent to the business at all, is that right?---I, I, I don't know. I, I can't recall that, that but that could be possible.

Well, I think you admitted a little bit earlier that on at least one occasion you copied and pasted a signature rather than sending it to the business to sign, is that right?---It's possible, yes.

30 No, not just possible, you accept that you did that on at least one occasion, correct?---I accept it, yes.

So back to page 215, which is the next page. Now, if you just have a look at the salary rate. So this particular one it says Ms Song. It's about two-tenths of the way down the page. Ms Song with annual salary rate of \$190,000. Do you see that there?---Yes.

Who came up with the salary rate?---Me.

40 And that was the case for each of the immigration placements that you were involved in?---Yes. Because they need to meet the requirement, yes.

And so for this particular one this was a 186 visa rather than a 187 visa. Is that right?---Yes.

And for a 186 visa one needs a fairly high income.---Yes.

And so that's why you nominated a higher rate in relation to this particular visa.---Yes.

Sensitive

For the 187 visas you nominated a somewhat lower figure. Is that right?
---Yes.

And can we just jump to page 258. You referred a moment ago to a list of documents.---That's right, yes.

Is this the list of documents that you referred to?---Yes.

- 10 So you would ask the organisation for certain financial information. That's the first dot point. An organisation structure/chart, company profile, employment contract template. Do you see that there?---That's right, yes.

But did you or Ms Hao to your knowledge sometimes prepare the text of the employment contract itself?---Yes.

So is that saying, what, sometimes the business would have an employment contract template, in which case you would use that?---Yes.

- 20 And you or Ms Hao would then amend the text of that employment contract.---That's right, yes.

Did you sometimes do that or was it always done by Ms Hao?---By Ms Hao's office.

And, but on other occasions the business didn't have an employment contract template at all and it would be prepared by Ms Hao. Is that right?--
-Yes. It was on the company's template could be, yeah.

- 30 To your knowledge was there ever an occasion where the business signed one version of an employment contract but the Immigration Department provided a different version of an employment contract?---I, yeah, I'm aware of because my, my, I had misunderstanding about those employment contract. I thought to is probationary, you know, area to be okay and apparently you can't do that, so I get to the person in Monika's office was new, so wrote that down and then, and then I later found out that can't be have probationary period, so that then delayed it and, and I, I think I with the knowledge of the business knows.

- 40 So for at least some of these employees there were two versions of an employment contract, one with a three-month probationary period and one without a three-month probationary period. Correct?---That's right, yes. That was my mistake. It was my misunderstanding.

Well, it was a little bit more than that because you had explained to all of these businesses that their obligation would be for three months and no more. Correct?---Yes.

Sensitive

So an important part of what you were selling to these businesses is that their obligation at absolute most would be three months and no more than three months. Correct?---That's right, yes.

Now, you realised at some point that if that appeared in a document that went to the Immigration Department, there was a real risk that the Immigration Department would say that that's not satisfactory because under this visa or under these visas there has to be a guarantee of full-time employment for two years. Correct?---That's right, yes.

10

And when you found that out, you asked people within Ms Hao's office to prepare an alternative version of the same document that deleted the probationary three-month period. Correct?---Yes.

But when you did that, you did not provide a copy of that document to the business, did you?---I did. I did and also I explain them those only for, for the paper purpose for two years.

20

Are you telling the truth about that?---Yes. I'm telling the truth about that, yes.

But an essential part of what you were selling to these businesses - - -? ---Because business has no rejection of that to sign that. Why I have to, you know, to fake it.

An essential part of what you were selling to these businesses was that they would have no obligation beyond the three-month period. Correct?---Yes. So just if , just because - - -

30

And so you hid – let me finish the question.---Uh-huh.

You hid from those businesses the fact that you had deleted that clause because you wanted the businesses to think that they were up for three months and no more, but you wanted the Immigration Department to think that these businesses had agreed to employ people for two years or more. Do you agree?---I agree with that and - - -

40

And so do you agree then that where the probation period clause was deleted, the one with the three months, you didn't communicate that or provide a copy of that to the businesses involved?---I didn't communicate back to the business because business doesn't give a fuck. They happy with two years there because that's for the paper purpose. Sorry. Sorry.

THE COMMISSIONER: If there was two years there, Ms Wang, wasn't the - - -?---Just for paper purpose.

Ms Wang, please listen to me. If there was two years there, wouldn't the employer be required to repay, have the employee on the books for two

Sensitive

years and pay the employee for two years and the employee in turn would be liable to reimburse the business for two years?---That's right, yes, yes, Commissioner.

Well, I take it the employees wouldn't be happy with that because presumably they also went into these agreements on the basis that they were only going to be in effect paying the employer the incentive fee?---Yes.

10 The original \$30,000.---Yes but in reality, they don't need to do it. So, so no, nobody care what's actually there on paper because, because business, you know, is okay with that. When I communicate with business, I just for, "Just for application purpose," business happy with that and I didn't, you know, hear anything from you know, that people say, "Oh, I have to work for two years." I never got response. The business really, really didn't care.

Mr Robertson, we might just take a five-minute break, I think. Just step down for about five minutes, Ms Wang.---Sorry. They, they, they didn't care.

20 Just - - ?---You know what I mean?

We're just going to take a break, Ms Wang, just to give you a bit of an opportunity, you've been in the witness box, well, all day, effectively, but it's a long time since lunch. We'll just take a five-minute adjournment.

SHORT ADJOURNMENT

[3.16pm]

30 THE COMMISSIONER: Ms Wang, you're bound by your affirmation. ---Yes.

Are you able to continue?---Yes.

Very well.---Thanks.

Yes, Mr Robertson.

40 MR ROBERTSON: Can we have on the screen page 216 of volume 19. And, Ms Wang, I'm just going to quickly show you some of the other documents that were associated with one of Mr Duffy's applications and which this Commission has obtained from the relevant department. So here's a document called Appropriate References to the Australian Government's Job Outlook. Do you see that there?---Yes.

Is that another example of a document that Ms Hao or her office would take care of?---Yes.

Sensitive

Again this wasn't a document that you drafted?---No.

And if we then just turn the page there's a signature there. Do you recall whether you had Mr Duffy sign this particular document?---I would send a pack of series of document, get him to sign. This will be one of them.

And so what often happened for the businesses, there would be a pack of documents to sign and you'd say, "You need to sign in various places." Is that right?---Yes.

10

And at least on some occasions the business owner got out the pen and signed in the right places?---Yes, yes.

But on some occasions you copied and pasted a signature?---If one of those missing or something, that could happen, yes.

Not just it could happen, it did happen on at least one occasion. Is that right?---Yes.

20

Go to the next document, next page, I'm sorry, 218. Appropriate References to Industrial Award, again a document prepared out of Ms Hao's office?---Yes.

And then two further pages. Contract of Employment.---Yes.

So is it right that in relation to the contract of employment, if the business had their own template then you would start with that?---Yes.

30

But if the business didn't have its own template, then Ms Hao would provide it. Is that right?---Yes.

And then page 223, please. Appropriate References to the ABS Employee Earnings and Hours Survey. Again prepared out of Ms Hao's office. Is that right?---Yes.

But you may have arranged it to be signed. Correct?---Yes.

40

And then next page, Organisational Chart. That was one of the documents you asked the business owners for?---Yes.

THE COMMISSIONER: Can we turn it so that Ms Wang can see it?
---Yes.

MR ROBERTSON: We'll just get that flipped around so that you don't have to move your head 90 degrees.---Sorry, yeah, yeah.

That was one of the documents on your list of documents?---That's right, yes.

Sensitive

But was it the case that sometimes Ms Hao had to make an organisational chart when the business didn't have an organisational chart?---Yes, if business doesn't have one, yes.

THE COMMISSIONER: So now that it's the right way, Ms Wang, this is the sort of document which was prepared for each business, an organisational chart?---Exactly right, yes.

10 MR ROBERTSON: But is it right that sometimes it would be a document provided by the business?---Yes.

But sometimes Ms Hao would create the document from her office. Is that right?---Yes, yes.

And is it right that sometimes where there was no one provided by the business, her office would just make an organisational chart up - - -?
---Yes.

20 - - - whether or not it truthfully represented the set-up of the business?
---It will get reviewed by the business.

Well, you'd at least send it to the business. Is that right?---Yes.

Was there ever an occasion where there was an organisational chart that was prepared by Ms Hao or her office but not actually shown to the business?
---That, because so many, so many occasions, that could be possible.

30 Do you have any recollection of it happening?---I don't have a recollection but possible.

It's possible.---Yes.

Is it fair to say that in a large part at least a number of these businesses, at least as you saw it, would just sign the documents and wouldn't necessarily pay attention to what was in it?---That's right, yes, because so many, so many documents.

40 So for at least some of the businesses, as you saw it, what they were really interested in is the money that you were offering - - -?---That's right.

- - - and they didn't really care what the documents had to say.---That's exactly right.

That was your impression from the individual businesses?---Yes.

Sensitive

It's probably not fair to say that about every one of the business owners thought is it, some of the business owners might have genuinely thought that they were getting an employee. Is that right?---Yes.

But at least for the bulk of the business owners, at least as you understood it
- - -?---Yes.

- - - they were in it for the cash.---Yes.

10 And if it was a cash-for-visa scheme, then so be it?---Yes.

Page 225, and we'll just quickly go through these, Ms Wang. That's the application from the person who is seeking the visa.---Yep. Yes.

Now, I take it that document, or at least the input for that document wasn't shown to the business? That was just shown to the visa applicant, is that right?---That's right. This, I think this is the electronic version of the application.

20 As you'll see in the top right-hand corner, this is just the record of the material that's sent off to the Immigration Department.---Yes, that's right. Yes.

But you wouldn't show the data that's going to be sent to the Immigration Department to the business.---That's right.

That wouldn't be shown to the business, would it? Because this was about the visa applicant rather than the business, is that right?---That's right, yes. Yes.

30

And is it right that for at least some of these visa positions, a visa was granted not just for the person who was pretending to be the employee, but sometimes also for their spouse or for dependents, children, things like that? ---This visa is for the whole family, yes.

And so for a number of these placements, not all of them, but for a number of these placements, it wasn't just one visa they ended up getting, it was multiple visas, for the individual and for their family members as well. ---The family members all attached to this original visa.

40

And for a number of these placements, it wasn't just the one person, it was all of their family as well.---Exactly right.

That wasn't the case for all of the visa applicants, I think.---Yes.

But at least for most of them.---Yes.

They get not just one visa out of this scheme.---Yes.

Sensitive

They might get two, they might get three, they might get more.---Yes.
Depends how many kids they got, yes.

And in terms of when you were identifying the amount of money that needed to be paid by the visa applicant or their family, did you seek to charge a higher fee when they were getting more than one visa?---Yes, because the visa is, and they all the other visa attached to this visa. Those visa not independent visa.

10

And so it was the same fee structure.---Yes.

You tried to get as much money as you could.---Yes.

But it was the same fee structure, whether it would end up then being one visa or multiple visas.---Exactly. Yes.

20

You and I talked about advertisements a little bit earlier today, I think this morning, about how advertisements would be published in the case of the regional visa - - -?---Yes.

- - - as part of trying to demonstrate to the Immigration Department that an Australian citizen or resident couldn't be found for the particular position. ---Yes. Yes.

Who was responsible for putting those advertisements in place? Did you play a role in that, or was that done by Ms Hao or her office?---Ms Hao's office.

30

And so that was just part of the paperwork, as it were, that Ms Hao would do as part of that exercise.---Exactly. Exactly. Yes.

And I think you agreed, though, that you indicated to the business owners, "If you get any direct responses to these advertisements, don't respond to them, just send them to me or to Monika and we'll take of them."---Yes. As part of paperwork. That process is deliberately designed for that purpose, yes.

40

And as part of that deliberate design, there was never any intention to even consider any of the applications that would be made in response to those visas.---Yes.

Because the whole idea was to get a Chinese national to have the visa. ---Yes. Yes.

And so we've gone through in a little bit of detail the paperwork in relation to Mr Duffy, and the visa applicant, Ms Song, but I take it that for all of the

Sensitive

other applicants that you assisted with, it basically followed the same kind of arrangement.---Exactly right.

Sometimes the amount of money was a little bit different, the amount going to the business owner may have been a little bit different.---Yes.

In just about all of the cases, you - - -?---Structure same, yes.

10 The structure was the same, in just about all of the cases, in fact, in all of the cases, it was Mr Maguire who was putting you in contact with the business owner, and in terms of the split up of the work between Mr Maguire, you, and Ms Hao and her office, it was the same split up of work.---Yes. True.

Mr Maguire would put you in touch with the business, correct?---Yes.

You would deal with the business, correct?---Yes.

Ms Hao would do the paperwork.---Yes.

20 But you would act as the person who ferries the information between Ms Hao and the business owner.---Yes. Yes. Yes.

And so that approach applied to more than one appointment in relation to Mr Duffy, is that right?---Yes.

Just pardon me. And so I think in the case of Mr Duffy, there were two appointments. One through his D&M Electrical communications, and one through Great Southern Electrical Pty Ltd, is that right?---That's right.

30 There was also an attempt of a further one through D&M Electrical but the nomination application was refused, is that right?---Yes.

There was one, you assisted Mr Peter Wood of Creative Business Furniture with?---Yes.

One that you assisted Mr Gerry McCormick with in relation to Cottontail Wines?---Yes.

40 There was three in relation to businesses associated with Angus McLaren, correct?---Yes.

There were two in relation to companies associated with the Eldridge Group?---Yes.

One of those companies was called Australian Rural Accounting Solutions Pty Ltd?---Yes.

Another one was Australia Indigenous Business Services Pty Ltd?---Yes.

Sensitive

And I think you might have said before that the amount that was paid to those Eldridge Group companies was a little but higher than those applying to other appointments. Is that right?---Yes.

And so I think you might have said that Mr Eldridge, perhaps Alan Eldridge, insisted on a higher amount of money than the say \$30,000 that was applicable to others?---Yes, yes.

10 Can you remember how much money was asked for in relation to the Eldridge Group companies?---\$80,000 or maybe 70. Maybe 80, I can't remember exactly.

So the thing referred to as the training fee for the Eldridge companies was not \$30,000, it was a higher figure, something like 70 or \$80,000, is that right?---Yes.

THE COMMISSIONER: For each applicant?---For one person, yes.

20 But you said that this group, whether that be an appropriate expression of the Eldridge's, took two applicants?---Yes.

So they were paid 70 to \$80,000 for each?---No, no. It's 30,000 for each. Just one, and the other one particular one didn't go through, that one is he asked too high.

I see.

30 MR ROBERTSON: So there was request for a higher than the usual say \$30,000 figure, is that right?---Ah hmm, yes.

And you tried to fill that request?---Yes.

But of course that means that the visa applicant or their family had to pay more money.---Didn't fill. Yeah, didn't succeed, yeah. Didn't go.

And so does that mean you weren't able to find an applicant or does it mean that you - - -?---The applicant didn't want to go ahead for that fee.

40 Because in order for that to work you have to charge more money through to the applicant or the applicant's family?---Yeah.

And they might have been prepared to pay an amount that would allow for a \$30,000 training fee but not enough money to pay for an \$80,000 training fee?---Yeah.

Sensitive

THE COMMISSIONER: So were there then two successful placements with the Eldridge family for which the training fee was \$30,000 on each occasion?---That's right.

And then an attempt to place a third that was unsuccessful because of the high training fee, which was sought?---Yes, yeah.

10 MR ROBERTSON: And then in terms of the ones that were successful, was that the same kinds of arrangements of three months reimbursement of expenses?---Yes, yes.

For those two placements?---Yes.

And I think you suggested, I think you said this morning, that another placement was with a group called the J Group, is that right?---Yes.

That's Mr Alha, is that right?---Yes.

20 Any more that you can think of that I haven't dealt with so far?---Sorry, I, I need - - -

Richard Allsopp, was that another one, of Rundles Auctions?---Oh, yeah but he, he, he sold his business, yeah.

But did you assist in a placement for Mr Allsopp?---Yes, yes, yes.

And that was a successful placement and it was the same sort of structure as what you've been describing?---Yes.

30 Any more you can think of? What about Windowrie Estate, does that ring a bell?---Windowrie Estate.

W-i-n-d-o-w-r-i-e.---Oh, I can't remember. Is a, is a winery, is it? Yeah, could be. Yeah. I can't remember exactly.

Could be but you're not quite sure one way or the other?---Yeah, I wasn't quite sure.

40 But the long and short of it was that it was more than just the ones that I've been through so far?---Yeah.

There were a few other successful ones?---Yeah, yeah,

What about one called Active Design & Print? Do you remember that one? ---Active Design & Print. I can't remember exactly. I can't remember.

An applicant by the name of Ren, R-e-n, Xinwei, X-i-n-w-e-i, Ren? Does that - - -?---Oh, so long ago. I need to go back.

Sensitive

What about Ray White Griffith?---Ray White Griffith.

With an applicant by the name of Nan, N-a-n, Ye, Y-e?---Yeah, could be. Yeah. I, I need, I need have a look, yeah.

Smartline Home Loans, an applicant Cayan Lin, do you remember - - -?---
Oh, yeah. Oh, yeah, yeah, yeah. I remember him, yes.

10 So there was a successful placement, same sort of - - -?---Yeah.

- - - structure as what you and I have discussed?---No, no, no. Kevin, yeah, I remember this one, 'cause this is in Sydney, it's not regional, this one is in Sydney.

But how did you – so this is one you assisted in Sydney rather than in Wagga?---Yeah.

20 Who introduced you to that particular company.---Daryl.

Was that Mr Maguire?---Yeah, Mr Maguire, yeah.

So most of the businesses that Mr Maguire put you in touch with were Wagga businesses, but not all of them. Is that right?---Ah - - -

Well for example, Joe Alha's group, that's not a Wagga group?---Yes, that's right, yes, yes.

30 And Smartline Home Loans, that's Sydney not Wagga?---Yes, that's right.

Now, what about Total Electrical Solutions in Wagga, does that - - -?---I don't know. No, this wasn't. Wasn't.

An applicant by the name of Yu, Y-u, Xia, X-i-a.---No, it wasn't.

But in any event, your best recollection was there was something like 12, maybe a few more - - -?---Yeah.

40 - - - were Mr Maguire introduced you to the businesses that ultimately ended up in visas being granted to the individuals, and the structure of it was the structure that you and I have been discussing during the course of the day.---Kevin Lee is different because Kevin Lee is not the regional and Smart Home Loans not regional, so, so - - -

And did that have a training fee and reimbursement of expenses or was that a different - - -?---No. The person, the person actually worked there for three years, yeah.

Sensitive

So that was actually a legitimate placement, was it?---Yes, that's right, yes.

Was there any training fees - - -?---Yes.

- - - or anything like that that were charged?---No, no, it was - - -

So that was a legitimate placement in respect of a legitimate employee that got - - -?---Yeah, I think he got some small amount of introduction kind of thing, yeah.

10

What, the business may have received - - -?---Business.

- - - and introduction fee of some sort?---Yeah, yeah.

Was that a Chinese national as well?---Yes.

But that Chinese national wasn't being charged the larger fee - - -?---No, yeah.

20

- - - you charged in respect of the others.---Because she's been working there for three years.

So there may have been an introduction fee or something like that that went to the business.---Yeah, yeah.

Did you end up with a fee in relation to that?---Not much.

So a fee but not very much.---Yeah.

30

Do you remember roughly how much it was?---About 3,000.

And did Mr Maguire end up with any fee in relation to that one?---No, I don't think that, no, not that - - -

So that one for Smartline Home Loans fits in a different category?---Yeah, yeah, yeah, exactly.

It was either wholly or mostly legitimate.---Yeah.

40

The other ones you would agree - - -?---Yes.

- - - were illegitimate ones - - -?---Yes.

- - - being involved in the kind of structure that you and I have been discussing during the course of the day. Is that right?---Yeah.

Sensitive

And have we now exhausted your memory as to the examples of the placements, you can't think of any other ones sitting there now in the witness box, other businesses you may have assisted?---J Group mentioned?

I'm sorry?---Yeah, J Group.

Yes, I mentioned J Group.---Yeah, yeah.

10 I just want to move on to another topic very quickly. Are you familiar with an organisation that's sometimes referred to as SAPCDA?---Yes.

And what is that organisation?---That organisation was, was in – sorry, I just be tired. Is Asian Pacific, so they want to do the business in Asia Pacific and in my understanding is not in Australia, just those Pacific countries.

And so that organisation was the Shenzhen Asia Pacific Commercial Development Association. Is that right?---Yes.

20 And you were involved in that organisation when it was first set up. Is that right?---No, I was involved a year later after is set up.

You know Mr Maguire to have had some involvement in that organisation? ---Yes, he's honorary chairman of that organisation.

Mr Ho Yuen Li - - -?---Is president.

30 - - - was also involved in that organisation as president. Is that right?---Yes, yes.

And Mr Gordon Tse I think had some involvement as well.---Vice-president, yes.

So that was a commercial organisation that was looking for business opportunities in the South Pacific region. Is that right?---Yes.

40 And in particular looking at finding Chinese business interests that may be able to find projects to invest in in the South Pacific area. Is that right? ---That's right.

Mr Maguire to your knowledge provided assistance to that organisation. Is that right?---Yes.

And you provided some assistance to that organisation as well?---I was introduced by Mr Maguire to that organisation.

And you were involved in that organisation with a view to making some profits by being associated with that organisation, is that right?---I was

Sensitive

introduced to help them with interpreting, because Mr Li can't speak English. And of course, in the view of making profit.

And as you understood it, Mr Maguire was also seeking to use that organisation to make some profits for him as well, do you agree?---Yes, because he's talking about charity, and the charity, you know, had to make money first, yes.

10 But that association was not just about charity. It was also about business. Is that right?---The, the, the organisation is for business.

The purpose of the organisation, as you understood it, was to assist Chinese commercial interests in obtaining or being involved in investments in the South Pacific region, is that right?---That's right.

You went on some trips with SAPCDA, is that right?---Yes.

20 You also, were in attendance on certain trips where Mr Maguire was a member of a delegation from SAPCDA, correct?---Yes.

One of the locations that you and Mr Maguire went to as a delegation from SAPCDA was Samoa, is that right?---Yes.

One of the things that was discussed during the course of that meeting was the potential of Chinese business interests being able to obtain one of the casino licences in Samoa, is that right?---That was talked about, yes.

30 And what was at least investigated was Mr Ho Yuen Li being able to have some involvement in an investment in a casino in Samoa, is that right?
---So what that topic came out was, so was we had lunch somewhere, and it was a waterfront resort kind of environment. And someone, I can't remember the name, came in and, and that I can't recall what or how this topic brought up, but I knew there was, someone mentioned like a licence for gambling in the country, only one is being used and one is spare one in there. And I did all of those, I did the minutes for all meetings, and because my computer was confiscated by, by the Commission, so I, I don't have my minutes, so I don't know if it's been talked at meeting. And I had a look of my emails, and so when we came back after the trip, and I, I receive, I receive an email from the president of the chamber of commerce there, and
40 it said, "Oh, thank you for visiting." And the, the other email was from the CEO of the Chamber of Commerce Samoa, and he said, "As requested, please find attached our tax chart and casino licence." And so I, and I replied to them, I said, thanks for your, your information, and I will pass onto Mr Li, because, you know, I'm like a secretary doing the paperwork for Mr Li. And then, and a, a few days later, and I receive the other message, oh, no, no, no, email, said, "Please find the a following link, and that's the website for the gambling authority, you can find all the information there." And so I click the link, and I reply to, to the CEO, I

Sensitive

said, "The link is empty." Oh, no, no, no, he said, "Oh, please, if you don't get access, please email the CEO of the gambling authority to get access." And I, when I click, that was empty. And when I, I, but I email back to them, I said, "I will, I will get, I will email the CEO of that authority, gambling, gambling authority, to get access." And I check my email and I, that email never been sent. And I check all of the other communications, I can't find, find any other information about gambling. And I, you know, I, I can't recall what happened after that. And I just, you know, because each email I received, I told Mr Li, oh, you know, it's possible he said, you
10 know, "Don't, don't worry about it." So that's why I didn't pursue it, so that's, I can't find any email regarding gambling in my email.

And is it right that Mr Li doesn't speak particularly good English?---That's right, yes.

And so did you therefore act as a translator as between Mr Maguire and Mr Li?---Yes, I did. Yes, I did.

So sometimes Mr Maguire might want to make to contact with Mr Li, and
20 you would need to translate, say, an email or document, so that Mr Li could understand it, is that right?---If, if Gordon's not there. Gordon can speak Mandarin and, Chinese and English as well. So if, if Gordon's not there.

So if Mr Tse was not available, you would assist Mr Maguire in communication to Mr Li and you would assist Mr Li in communicating with Mr Maguire, is that right?---I did on that trip, yes.

And during the course of that trip, I think you've agreed there was a meeting that Mr Maguire and Mr Li attended where there was discussion about a
30 potential casino in Samoa, is that right?---I, I can't recall this meeting because I, I don't have the minutes. If, if it's a meeting, everything would be recorded in the minutes.

So you at least recall going to Samoa and being part of a SAPCDA delegation, is that right?---I, I, I remember that was lunch and someone came over and they talk about this casino licence and they said two licence, one is spare.

Do you at least agree that, as you understood it, as someone involved in
40 SAPCDA, and someone who was assisting Mr Maguire speak to Mr Li, and Mr Li speak to Mr Maguire, as you saw it, Mr Maguire was attempting to use SAPCDA as a way of trying to do business deals, that might ultimately go to his financial benefit?---Possible.

Possible or yes?---Yes.

Sensitive

And similarly, you were mainly there as the translator but you were hoping that some business deals might be successful and you might be able to share in the profits in relation to that matter as well, is that fair?---Yes.

Do you also agree that you attempted to be in business with Mr Maguire in relation to some oil technology that a contact of yours in China wanted to bring to Australia?---Yes.

10 And so you attempted to work Mr Maguire to bring that technology to Australia, is that right?---Yes.

And you agreed with Mr Maguire that in the event that that was successful, that you would share the profits associated with it on a half/half basis? ---Yes.

20 And that wasn't the only business opportunity that you sought to achieve with Mr Maguire, there was a number of other business opportunities where you sought to be in business with Mr Maguire and would share the profits, is that - - -?---Yes.

Immigration was one example, correct?---Yes.

But there are other examples, including the oil one?---Yes.

Where you sought to be in business with Mr Maguire?---Yes.

And that was happening during the point in time where Mr Maguire was a member of parliament, is that right?---Yes.

30 I note the time. I haven't yet finished with the witness but I will be relatively brief. I have had a discussion with my learned friend, Mr McInerney, with a view of finding an additional day that suits his availability. I won't indicate formally now what that date is because I just want to check that that fits within the timetable but I will be relatively short by way of further examination. It may be of assistance, though, Commissioner, for you to enquire as to whether anyone proposes to cross-examine or re-examine just so I've got a – and I don't suggest that I or the Commission would seek to hold them to it – but it might just assist in timetabling as to when Ms Wang can come back.

40

THE COMMISSIONER: Do you want me to make those enquiries now?

MR ROBERTSON: That's my respectful suggestion.

THE COMMISSIONER: Very well. Well, Mr Harrowell, to the extent that you can say at this stage, will you be seeking to ask Ms Wang any questions?

Sensitive

MR HARROWELL: I think so, Commissioner. Not, not lengthy but on a couple of issues.

THE COMMISSIONER: Very well.

MR HARROWELL: I would need to get some instructions given the evidence today.

THE COMMISSIONER: Yes, of course.

10

MR HARROWELL: But I wouldn't expect to be very long.

THE COMMISSIONER: Very well. If you, at some stage, can form a view about how long you think you might be, could you please let Ms Clifton know?

MR HARROWELL: I will.

20

THE COMMISSIONER: Very well. And, Mr McInerney, again the same understandable caveat as to whether you're able to form a view at this stage, but do you have any idea whether first you'll wish to re-examine Ms Wang and if so any idea how long that might take?

MR McINERNEY: No view as to either at this stage, Commissioner.

THE COMMISSIONER: Very well. Look, if you form a view as to that matter, again, could you please communicate that to Ms Clifton?

MR McINERNEY: Certainly, Commissioner.

30

THE COMMISSIONER: Sorry, I think you're over here rather than over there.

MR McINERNEY: Yes, Commissioner.

THE COMMISSIONER: Thank you, Mr McInerney.

MR McINERNEY: Commissioner, if I may - - -

40

THE COMMISSIONER: Yes.

MR McINERNEY: I just would note that if Ms Wang's further examination is respectfully being adjourned to a future date, and party that's due to my convenience but also to permit cross-examination if there is - - -

THE COMMISSIONER: Mr McInerney, you'll have to raise your voice, please.

Sensitive

MR McINERNEY: Yes, Your Honour. Commissioner, I do apologise. The examination is now as I understand it to be adjourned to a future date.

THE COMMISSIONER: Yes.

MR McINERNEY: It's partly to meet my convenience but also Mr Harrowell may have some questions and Mr Robertson will have some further questions. I will, as you would appreciate, may need to take instructions about various matters in the interim.

10

THE COMMISSIONER: Of course.

MR McINERNEY: And so I just wanted to raise the usual issue which arises in this situation that my instructing solicitor and I have permission of the Commission to speak with Ms Wang as and when we need to.

THE COMMISSIONER: Yes, I understand that, and you do have that permission, Mr McInerney, as does your solicitor. Thank you.

20 Ms Wang, do you understand that we haven't been able to finish your examination today, and I appreciate it's been a long day for you too. ---Thanks.

So you'll have to return on another occasion during the public inquiry. We're not sure what that day will be. You've heard the exchanges with Mr Harrowell and with your counsel, Mr McInerney, so no doubt Mr McInerney and your solicitor will keep you informed as to the arrangements we wish to make.---Thanks, Commissioner.

30 For now you may step down.---Thanks, Commissioner.

Please step down.

THE WITNESS STOOD DOWN

[4.01pm]

THE COMMISSIONER: Do you wish to outline what's happening tomorrow, Mr Robertson, at this stage?

40

MR ROBERTSON: I will. There will be three witnesses tomorrow.

THE COMMISSIONER: Ms Wang, you may go down.

MR ROBERTSON: Firstly Mr Howe, who will be relatively brief, who will be a further witness on the immigration issue, in particular in relation to the RSL, Ho Yuen Li will be the second witness in respect to whom - - -

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THE COMMISSIONER: I take it we're going to need an interpreter from what we've just heard.

MR ROBERTSON: We will need an interpreter for that. Mr Mark Coure MP will be the last witness, not before midday but probably more likely in the afternoon.

THE COMMISSIONER: Very well. Thank you, Mr Robertson.

10 MR ROBERTSON: And otherwise I anticipate the remainder of the program for this week will be as announced, and I would hope to have a program for the following week to be available if not tomorrow then early on Thursday morning.

THE COMMISSIONER: Thank you, Mr Robertson.

We'll now adjourn.

20 MR PARARAJASINGHAM: Commissioner, sorry, Commissioner. I will appear for Mr Li tomorrow, Pararajasingham is my name. Commissioner, just confirming that Mr Li will require an interpreter.

THE COMMISSIONER: Yes, well, I presume we've got that in hand.

MR ROBERTSON: That's already been in hand.

THE COMMISSIONER: Yes, thank you. We'll now adjourn.

30 **AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY**
[4.02pm]

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