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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE RUTH McCOLL AO
COMMISSIONER

PUBLIC HEARING

OPERATION KEPPEL

Reference: Operation E17/0144

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 30 SEPTEMBER, 2020

AT 10.00AM

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

Sensitive

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Commissioner, today there's a program of three witnesses. I'll first call Mr Howe and I'll ask him certain questions regarding some evidence that's already been given by Ms Wang and Mr Bell regarding what I might describe as the RSL club proposed placement. I'll then call Mr Ho Yuen Li. That will start in relation to a topic regarding parliamentary friendship groups and in particular an organisation called the Shenzhen Asia Pacific Commercial Development Association and I'll then call Mr Mark Coure MP regarding the parliamentary friendships group issue as well. I expect to be relatively brief with Mr Howe, I'll then be suggesting a short adjournment to allow a set-up for the interpreter for Mr Li, and my anticipation is that I won't get to Mr Coure until 2.00pm.

THE COMMISSIONER: Very well.

MR ROBERTSON: Can I just raise one other matter. Yesterday Ms Maggie Wang gave evidence to the effect that a large number of businesses were involved in what I described as the immigration scheme or the visa scheme. As I indicated in my opening statement, the focus of this investigation is on whether Daryl Maguire engaged in conduct that constitutes or involves corrupt conduct, and in order to investigate that matter it has been necessary and it will continue to be necessary to explore the conduct of other persons who are connected with Mr Maguire's conduct such as persons who agreed to be part of the immigration scheme. But despite that, I don't propose to call each and every one of the businesses who were alleged to have been involved in the scheme, including all of those who were identified by Ms Wang as potential participants in the scheme, because I don't consider that to be necessary or appropriate to assist the Commission in its investigative role. But I should just make clear that if any person considers that they will be disadvantaged by that approach – in particular whether they consider that it would be appropriate or to give context for them to give evidence in the public inquiry – that's a matter that they should draw to the attention of Commission officers and I'll consider my position in relation to that issue and whether it's appropriate or necessary to call some further witnesses.

THE COMMISSIONER: Very well, thank you Mr Robertson.

MR ROBERTSON: Those are the only housekeeping matters on my part. I call Timothy John Howe.

THE COMMISSIONER: Mr Howe, do you wish to take an oath or make an affirmation?

MR HOWE: Affirmation, please.

THE COMMISSIONER: Please stand.

Sensitive

THE COMMISSIONER: Please be seated.---Thank you.

Do you have legal representation?---No.

Very well. I'm going to explain your rights and liabilities in a particular respect under the Independent Commission Against Corruption Act, so will
10 you please listen to the explanation I'm about to give you very carefully.

As a witness you must answer all questions truthfully and produce any item described in your summons or required by me to be produced. You may object to answering a question or producing an item. The effect of any objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings. The first exception is that this protection does not prevent your evidence from being used against you in a prosecution for an
20 offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence for which the penalty can be imprisonment for up to five years. The second exception only applies to New South Wales public officials, and I don't understand you to fall into that category so I won't explain it to you.---Yeah.

I can make a declaration that all answers given by you and all items produced by you will be regarded as having been given or produced on objection. This means you don't have to object with respect to each answer or the production of each item. Do you wish me to make such a
30 declaration?---Yes.

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

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

Sensitive

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Could you state your full name, please, sir.---Timothy John Howe.

And you're a director of Adamshurst Pty Ltd. Is that right?---Adamshurst no longer exists in the real - - -

10

I think it might be informally in external administration in the process of being wound up. Is that right?---Yes, well, yes, wound up is done.

And during the period between 2012 and 2015 at least you were a director of that organisation.---Yes.

Is that right?---Yes.

And Adamshurst I think is A-d-a-m-s-h-u-r-s-t, one word.---Sure.

20

That organisation, Adamshurst, had the contract to provide catering services for the Wagga Wagga RSL during the period from about 2012 to 2015. Is that right?---We did, yes.

Do you know Mr Phillip Elliott?---I do.

How do you know Mr Phillip Elliott?---Well, he was a director of the club.

30

You might need just to get a little bit closer to the microphone just so you can get picked up.---Sure. He was a director, a director of the RSL club.

He was a director of Wagga Wagga RSL Limited I think.---Oh, sorry, or was he on the board of directors or - - -

Now, did Mr Elliott at any time attempt to assist you in relation to any staffing issues that you had as a caterer for the Wagga RSL?---Yes.

40

And how did he do that?---He told me that a Chinese company was going to build a big business park in Wagga and he thought it might be a good idea if we had somebody that could speak Chinese on the, on my, on our staff and - - -

And what happened then after Mr Elliott presented that as a possibility?---Oh, a few weeks later - I'm sorry?

What happened after Mr Elliott presented that as a possibility?---He said, he said he found somebody and would I like to meet them.

Sensitive

And so it was Mr Elliott who said that he had found someone. Is that right?
---I can only assume so because (not transcribable) contact with him.

When Mr Elliott was discussing this opportunity with you, was he just presenting it as an opportunity that he had come up with or was he communicating it to you on behalf of some other person, if he explained that to you?---A long time ago. No, I really can't remember that because as I say he just said he'd found somebody that was a chef and that would we like to meet him.

10

But he was suggesting that he had found someone perhaps through his networks who might be of assistance?---Yes, exactly. I have no idea who, who it came through.

But he wasn't suggesting for example that he would give you some selection of five people or 10 people that you might choose from? At least by the time of the first communication with Mr Elliott there was a particular person who you might want to meet as someone you might put on the payroll as it were?---Yes.

20

Have you heard of the organisation G8way International?---No.

And what happened after Mr Elliott suggested that there may be an employee who you might want to put on the books?---He arranged a meeting in a meeting room at Sydney Airport and - - -

Before we get to the detail of that meeting, by the time of that meeting what do you know about this idea? So by the sounds of it there's an individual who Mr Elliott is putting forward that you might want to put on the payroll.

30

---Yes.

That's one bit of information you knew.---Yes.

You knew that this person was a Chinese national. Is that right?---I don't think so.

By the sound of it you at least knew that this person was a Mandarin or Cantonese speaker.---Could speak Chinese, yes.

40

And that was part of what was being suggested to you by Mr Elliott.---Yes.

Because at that point in time there was a prospect of a trade centre in Wagga.---Yes, yes.

Lots of Chinese people coming to the Wagga area and you want to increase the number of Mandarin or Cantonese speakers within the, in, within the RSL if they're coming for meals and things of that sort. Is that right?---He's never said they were Chinese. Somebody could speak Chinese.

Sensitive

So he never said that they were necessarily Chinese people, but at least it was clear to you before the meeting was it was someone who would be able to speak one or other of the Chinese languages. Is that right?---Yes.

And does that complete what you knew about the idea before you attended the meeting at Sydney Airport that you were about to talk about?---That's about it, yeah.

10 And so you then ultimately travelled to Sydney Airport for the meeting. Is that right?---Yes.

Who do you travel with? Do you travel alone or travel with someone else?
---I can't remember whether I travelled with Andrew Bell or not but we definitely met at the airport.

So Mr Bell was at the meeting. Is that right?---Yes.

20 And Mr Bell at that time was the CEO of Wagga RSL. Is that right?
---General manager I believe.

And did Mr Elliott come with you to the meeting do you remember?---Yes.

Who paid for the flights to get to the meeting do you remember?---I paid for, for my own flights.

30 You paid for that out of your own pocket?---Yes. I believe Andrew Bell actually paid for them, and I paid Andrew Bell, I paid for it out of my own pockets.

In advance of the meeting was there any arrangement about expenses? Was it always going to be coming out of your pocket or was there some - - -?
---There was no, there was no, nothing at all.

40 No agreement that someone else would reimburse the expenses. As a practical matter, it may have first been paid and organised by Mr Bell and you paid it back.---Well, he was putting it through the club so I just said well, if you're booking yours you book mine. I've got a feeling Andrew Bell was already in Sydney.

But at least as you understood the position before you attended the meeting it was going to be you or at least your company who would have to meet the airfare expenses?---Ah hmm.

And so you get on the plane. You travel to Sydney Airport. What happens then?---I met with Andrew Bell and Phil Elliott turned up and we were taken to a small meeting room in the airport.

Sensitive

And you're taken to that meeting room. Who else is present at that meeting, so Mr Bell is there, Mr Elliott?---Yes. I, I only remembered one lady and a, a young gentleman.

Now, the young gentleman, was that the candidate or was that some other person?---No, I believe that was the candidate.

And the lady, do you happen to know the lady's name?---I couldn't remember, no.

10

Do you think you would recognise the lady if I showed you a photograph of - - -?---No, I really don't think so but we can try.

But in any event your recollection is present at the meeting were you, Mr Bell, Mr Elliott, the gentleman who was the candidate, and the lady you referred to?---Yes.

Can you remember what complexion, was she of a Caucasian complexion, was she of a Chinese complexion?---I think she was, yes, probably Chinese.

20

And so you're in the meeting room in the Sydney Airport and what happens then?---Well, the first thing we discover is the young lad can't speak very much English. His only experience in hospitality is washing up in a pizza shop. And I looked at Andrew Bell and Andrew Bell looked at me and we both raised our eyebrows, and certain things were asked, told to us about Immigration and everything else, and I raised the question about what if they turn up and they told me, "Well, you know, tell he's not here or he's on holiday or he's off for the day or whatever else."

30 And so who's telling you that?---The young, the young lady.

But what led you to raise the question of what happens if – are you saying this was an explanation as to what should happen if Immigration turned up. Is that right?---Yes, sorry, I should have – it was explained to us that the family would pay money into our bank account every three months so we could actually pay out his wages.

40 So let's just get down to details of the arrangement. So I take it that during the course of the meeting there was discussion as to what incentives might be paid to your company, Adamshurst, in the event that you decide to employ the gentleman who you were meeting with?---Yeah, well, obviously - - -

So that's at least one aspect of what was discussed at the meeting?---Yeah, yeah, that, yeah. And that - - -

Was the meeting also in the nature of an interview, was there, were you - - - ?---Well, once, once we established or I established that he couldn't speak

Sensitive

English, he's not going to be good at translation and secondly he can't cook, so - - -

Not a promising start.---?- - - so he can't wash up, he can't, he can't cook, he can only wash up, so I'm thinking, well, this isn't going far, so - - -

Someone who can't cook is not going to be particularly good in the kitchen. ---Not really a great deal of use to us.

10 But at least one of the things that was discussed during the course of the meeting were the incentives that might be paid to your company in the event that you decide to employ this particular individual. Is that right?---That's right.

And what was explained to you as those incentives?---Well, quite simply, the father would or the family would pay money into our bank account and we'd pay him a weekly wage from that money. So effectively he was working for nothing.

20 And were you also offered anything in the nature of a lump sum payment on top of the reimbursement of wages?---No.

And so the arrangement, as it was explained to you and as you understood it, was that if you agree to employ this person it'll be at no cost to you because you'll ultimately be reimbursed for the wages. Is that right?---Ah hmm.

And was the idea that - - -

30 THE COMMISSIONER: You'll have to actually answer rather than just nodding, Mr Howe.---I'm sorry, yes.

Thank you.

MR ROBERTSON: And was the idea that the person would still be put through the books and you would be paid the money back or was it the case that you would just have the human there and you wouldn't have to pay them a cent at all through the books or otherwise?---I don't believe we had that conversation.

40

So you at least knew that you wouldn't be out of pocket.---Yes.

But what, it didn't go so far as to get into the mechanics as to how that arrangement would work?---No.

Is that right?---Now, you were starting to explain before that the lady indicated what to do if Immigration turned up.---Yes.

Sensitive

Is that right?---Yes.

How did that topic come about?---Well, obviously alarm bells start ringing in my mind and so I was hoping she might say to me, "Oh, well, don't worry, we've got a visa," or we've got this for it or we've got that for it. I wasn't expecting to be told, "Well, don't worry, just tell him he's not here."

10 But how did that discussion come up? Was there some suggestion that you were concerned that the person might not turn up or - - -?---No, just my concern that is this legal.

And so the idea that's been presented to you is that you get an employee in effect for free.---Ah hmm. Yes.

And that immediately came across to you as ringing alarm bells. Is that right?---Mmm, absolutely.

20 And are you saying that one of those alarm bells was whether or not the individual would turn up at all?---It never entered my mind because he wasn't going to work for me.

But there was at least a discussion about that issue by the sounds of it? ---Yes, absolutely.

Did the lady say to you that there was a possibility that you would sign up to this scheme and the person would not turn up at all?---I believe it was raised. Somebody said, "What if he disappears?" And we were, I was told, "Well, that's not your problem. Don't worry about him."

30 Told by who?---I believe the young lady. There was nobody else.

And so you're saying it's your recollection that someone raised the question, "What happens if this person disappears?"---Mmm.

Sorry, you need to answer out loud.---Yes, sorry.

Was that you or was it possible that it was someone else, perhaps Mr Bell? ---I think it might have been Andrew Bell, yes.

40 Your best recollection was Mr Bell raised that question.---Yes.

And the lady indicating in effect it's not your problem, don't worry about it.---Yeah, don't worry about it.

So it was at least clear to you that if you signed up to this scheme it was quite possible that you weren't going to get an employee for a full time period at all.---Once again it never crossed my mind because he wasn't going to, I'd already established he wasn't meant to work for me.

Sensitive

You already decided pretty early on - - -?---Oh, absolutely, oh, very early on.

- - - that you didn't want, you didn't want a pizza washer-upperer, you actually wanted someone who could cook. Is that right?---I did, yes.

And so the conversation, I take it, in light of that didn't go particularly far?
---Absolutely.

10

Do you remember whether you were given any documentation from the lady or from anyone else as to - - -?---I was given something. I cannot remember for the life of me what it was but I left it on the plane.

Do you remember whether you were given a CV for this individual?---I can't remember what it is.

I'm just going to show you a document, volume 19, page 109, which is the second page of Exhibit 146. You see there what looks like a resume - - -?

20

---Yes.

- - - for a Veron Peng, do you see that there?---I do.

And this individual has "a great passion for the capital markets and cooking", do you see that there?---Ah hmm.

Do you think this was one of the documents that you were provided with?
---I honestly can't remember, sorry.

30

Does the name Veron Peng ring a bell to you?---No, it doesn't ring any bells at all.

If we just go back to the preceding page, see there a document called Training Agreement?

THE COMMISSIONER: It's Training Arrangement actually, Mr Robertson.

40

MR ROBERTSON: Sorry, Training Arrangement, I'm so sorry. Do you see that there, Mr Howe?---I do.

Do you recall seeing that document?---No.

But one way or another you got a few pages - - -?---As I say, I made a management decision he wasn't coming to work for me, so.

You weren't particularly interested, you didn't bother reading them and you - - -?---I might, as I say, it was quite a while ago.

Sensitive

You took them away with you but you ultimately left them on the plane on the way back and didn't keep them. Is that right?---I doing, yes.

Did you receive any reimbursement of expenses or any other payments with connection with the meeting that you've just described?---As we left the meeting I was given an envelope by Phil Elliott. I said to him, "What's this for?" And he said, "That's for coming to the meeting." When I got on the plane, I opened it and there was \$1,000 in it.

10

So you counted the money in the envelope and you found there was \$1,000. Is that right?---Yes.

And did you ultimately keep that money or what did you do with that money?---I tried to return it and he told me that was your fee for coming to the meeting.

You tried to return it?---I did.

20

When and where?---At the RSL Club when I went and saw him.

So you had the money on the plane, you went back to Wagga.---Yes.

Had the money - - ?---Ah hmm.

Tried to return it?---Yes.

Why did you try to return it?---Dodgy deal.

30

You had alarm bells ringing in your ear from the meeting?---Absolutely.

This looked like a dodgy deal to you and you wanted no part of it. Is that right?---No part of it.

No part of it including accepting a single dollar in connection with the meeting. Is that right?---In hindsight maybe I should have taken my airfare out of it.

40

But ultimately the air fare came out of your pocket, you sought to give the \$1,000 back to Mr Elliott.---I did.

Did he ultimately take it back?---He wouldn't accept it.

And what happened then in terms of the money?---I spoke to Andrew Bell, Andrew Bell said, "I know a good home for it, give it to me." So I did.

So the last you saw of the money is that you passed it over to Mr Bell. Is that right?---Yes.

Sensitive

Did Mr Bell tell you what he ultimately did with the money?---No.

And do I take it that you just gave him the money in the envelope that was given to you by Mr Elliott. Is that right?---Yes.

Pardon me for a moment. That's the examination, Commissioner.

10 THE COMMISSIONER: Thank you, Mr Robertson. Mr Harrowell, do you wish to ask Mr Howe any questions?

MR HARROWELL: No, thank you.

THE COMMISSIONER: Very well. Mr Robertson, should I discharge?

MR ROBERTSON: I think he should be excused from his summons, yes.

20 THE COMMISSIONER: Thank you for attending, Mr Howe. Your evidence is completed and you're excused from your summons. You may step down.

THE WITNESS: Thank you so much.

THE WITNESS EXCUSED

[10.24am]

30 MR ROBERTSON: Can I respectfully suggest a very brief adjournment just to rearrange the furniture as it were for the next witness with an interpreter.

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

SHORT ADJOURNMENT

[10.24am]

THE COMMISSIONER: Yes, Mr Robertson.

40 MR ROBERTSON: I call Ho Yuen Li.

THE COMMISSIONER: You're Mr Li?

Sensitive

MR LI: Yeah.

THE COMMISSIONER: And I understand you require an interpreter. We will first swear the interpreter please. Madam Interpreter, please listen to Ms Read.

<SERENA LU TANG, sworn

[10.28am]

10

THE COMMISSIONER: Thank you. Now, Mr Li, do you wish to take an oath or affirm?---*Not religious.*

He will then make an affirmation. Very well. Please listen to Ms Read. Thank you.

Sensitive

THE COMMISSIONER: Thank you. Please be seated, Mr Li.
Mr Pararajasingham, you've been given leave to appear for Mr Li?

MR PARARAJASINGHAM: Yes, Commissioner.

10 THE COMMISSIONER: Have you explained to him his rights and liabilities under the Independent Commission Against Corruption Act?

MR PARARAJASINGHAM: I have, Commissioner, and instructed to seek a section 38 declaration.

THE COMMISSIONER: Very well. Thank you. Madam Interpreter, please interpret what I am about to explain to Mr Li very carefully. Please remain seated. Please listen to the explanation I am about to give you.
---Okay.

20 As a witness you must answer all questions truthfully.---*Yes.*

You must produce any item described in your summons or required by me to be produced.---*Yes.*

30 You may object to answering a question or producing an item. The effect of any objection is that although you must still answer the question or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings. The first exception is that this protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence for which the penalty can be imprisonment for up to five years.

40 I can make a declaration that all answers given by you and all items produced by you will be regarded as having been given or produced on objection. This means you do not have to object with respect to each answer or the production of each item. And I understand from your counsel that you wish me to make that declaration?---*Yes.*

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

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

10

THE COMMISSIONER: Thank you. Please listen to Mr Robertson, Mr Li.

MR ROBERTSON: Can you state your full name, please, sir.---*Ho Yuen Li.*

You are a businessman. Is that right?---*Yes.*

20 You are the Chairman of the Shenzhen Asia Pacific Commercial Development Association Group. Is that right?---*I ceased being that position since three years ago.*

THE COMMISSIONER: Madam Interpreter, it is quite difficult to hear you with the mask. You are socially distanced from everybody else in the courtroom. Is it possible for you to remove your mask? Thank you very much. I think that will make it much clearer.

30 MR ROBERTSON: Is it correct, sir, that you used to be the Chairman of the Shenzhen Asia Pacific Commercial Development Association?---*Correct.*

But you are still a businessman with business interests in China and in Australia. Is that right?---*Correct.*

You are a citizen of the People's Republic of China. Is that right? ---*Does Hong Kong count as Chinese national? Yes.*

You're a Chinese national, is that right, based in Hong Kong?---*Correct.*

40 But you have a right to permanently reside in Australia. Is that right? ---*Correct.*

Sir, do you know Mr Daryl Maguire?---*Correct.*

When were you first introduced to Mr Daryl Maguire?---*2015.*

Who introduced you first to Mr Maguire?---*William Luong.*

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HO YUEN LI
(ROBERTSON)

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through interpreter

And in what circumstances were you introduced to William Luong?---*It was over meeting, it's a meeting over a dinner.*

And do you remember where that meeting took place?---*In a Chinese restaurant.*

Who arranged that meeting?---*William.*

10 What was discussed at that meeting?---*It was the first meeting because we, I don't speak English and he doesn't understand Mandarin. So we were just introducing ourselves.*

Who was doing the interpreting during that meeting?---*William.*

Mr Li, do you mind getting a little bit closer to the microphone just so that we can hear you better? Thank you, sir. So that first meeting was just having an introductory meeting with Mr Luong, is that right?---*Yes.*

20 What role did Mr Maguire have at the time of that meeting or that dinner as you understood it? What was his job?---*He was just eating his dinner.*

But what job, at that time, when you first met Mr Maguire, what job did Mr Maguire have as you understood it?---*He give me a card with Chinese written on it.*

And can you remember what titled was identified on the card that Mr Maguire gave you?---*To my memory it was quite a long title. One of them is Secretary of New South Wales.*

30 Can you remember any other titles?---*Yes. Chairman of the Asia Pacific Friendly Association.*

And did you know at that time that Mr Maguire was a member of the New South Wales Parliament?---*It is written on his card.*

40 So the card that he first gave you at the first meeting referred to him as a member of parliament and the chairman of the friendship group you referred to, is that right?---*Regarding the parliament member, I can't say exactly because it's been such a long time, but I remember clearly it states he is the chairman of the friendship association and also the Secretary of New South Wales.*

Could it be that it said parliamentary secretary?---*I don't have a very deep impression of that because I didn't quite study the card.*

And it was a long time ago as well, of course.---*What do you mean?*

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HO YUEN LI
(ROBERTSON)

716T
through interpreter

Was it Mr Luong or Mr Maguire who arranged that first dinner meeting?
---*Mr Luong.*

And do you know why Mr Luong wanted you to meet Mr Maguire?---*At that time I was just told that it is to introduce both of us at the dinner and also there were other people, so during the course he took his wine glass and went to people at other tables, so it's not just me.*

10 Do you remember the names of anyone else who was present at that dinner?---*I don't know any of them. It was the first time I attended such a function.*

And do you remember where that function was?---*It was in a Chinese restaurant in the city.*

20 THE INTERPRETER: I'm sorry, there is a particular translation for the name of the Chinese restaurant but I can't quite remember what that is, but the Chinese pronunciation is (Speaks Chinese language) but I believe there is a particular English name to it.

MR ROBERTSON: Can we have on the screen please a business card document. I'm going to show you a document on the screen that's in front of you, Mr Li.

THE COMMISSIONER: In front of you, Mr Li.

30 MR ROBERTSON: Do you see, Mr Li, what looks like a business card or name card?---*I think this should be it. It has two-sided, though, so English on the other side.*

So I'll just show you the other side now. We've got English on one side saying "Mr Daryl Maguire, MP" at the top. Do you see that there?---*Yes.*

And doing the best you can, does it look like this is the business card or name card you were given during the first meeting?---*I think this should be it but I can't say 100 per cent. I have been in contact with him for a few times but he didn't give me any other cards except on that occasion.*

40 I tender the document that's on the screen, a business card of Mr Daryl Maguire, MP.

THE COMMISSIONER: Yes. That will be Exhibit 208.

#EXH-208 – BUSINESS CARD FOR DARYL MAGUIRE

Sensitive

30/09/2020
E17/0144

HO YUEN LI
(ROBERTSON)

717T
through interpreter

MR ROBERTSON: After that first dinner, Mr Li, when did you next have contact with Mr Maguire?---*Should be August 2015.*

And what were the circumstances in which you had contact with Mr Maguire in August of 2015?---*It was in Shenzhen in China.*

So Mr Maguire met you in Shenzhen. Is that right?---*I'd like to make a correction here. Last year I said the second meeting occurred in April 2016 but actually there is another meeting in August 2015.*

10

So the first meeting was at the dinner with Mr Luong and the second one was in Shenzhen in August of 2015. Is that right?---*Correct.*

Do you know why Mr Maguire was in Shenzhen in August of 2015?---*He actually went to Guangzhou not Shenzhen and he, because he is the chairman of this friendship association so he had other friends in there. His purpose was not to meet me, it was to meet other people.*

20

But did he meet you in Shenzhen or Guangzhou?---*Shenzhen.*

So, he was on a trip to Guangzhou but he then came to visit you in Shenzhen, is that what you're saying?---*No.*

Where did you meet Mr Maguire? Was that in Shenzhen or in Guangzhou in August 2015?---*I was in Shenzhen but he didn't go to Shenzhen to meet me specifically, he had other people to meet in Shenzhen.*

30

And so, you saw Mr Maguire in Shenzhen but he wasn't just there to see you, he was there to see other people as well. Is that right?---*Yes.*

And you spoke to Mr Maguire in Shenzhen in August 2015. Is that right? ---*We couldn't communicate, but there were other people present so they were doing the interpreting.*

And did you have a conversation with Mr Maguire through an interpreter in Shenzhen in August 2015?---*We were having a meal together with a friend, some friends.*

40

And was there any discussion about business with Mr Maguire through an interpreter or was it only a social meeting in August 2015?---*To my memory because he had other friends in there, so a friend told me that he went there because the friend knew that we knew each other so I went to the dinner and there, it was mainly a just a social conversation over the course.*

Do you know who that friend was, the name of that friend?---*His surname is Peng.*

Would you be kind enough to spell that for us?---*P-e-n-g.*

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(ROBERTSON)

718T
through interpreter

THE COMMISSIONER: Madam Interpreter, could you explain to Mr Li there is some water there if he wishes it and hopefully a glass too.

MR ROBERTSON: And do you remember who was doing the interpreting when you saw Mr Maguire in August 2015 in Shenzhen?---*There were some people who can speak English.*

10 But you can't remember the names of the particular person who was doing the interpreter. Is that right?---*It's been quite a while and at the dinner table there were people he brought with him as well.*

Was Mr Luong present at that dinner?---*No.*

What about Gordon Tse?---*To my memory Gordon Tse was present. I think he went from Guangzhou.*

20 So he was present in Shenzhen but he may have come from Guangzhou. Is that right?---*Sorry.*

Is Gordon Tse someone you knew before that dinner or is he someone who was only introduced to you at the dinner?---*I didn't know him prior to that.*

THE COMMISSIONER: Who was Mr Peng?---*Mr Peng used to visit Australia because he is someone working for agricultural products, wholesale company and he came here to visit some business in Australia.*

30 Thank you.

MR ROBERTSON: Other than at the dinner in about August of 2015 in Shenzhen, did you have any other meetings with Mr Maguire during that trip?---*Yes, there was.*

And what was that meeting or those meetings?---*At the end of January 2016.*

40 But during the August 2015 trip to Shenzhen, did you just meet Mr Maguire once at the dinner or did you have a private meeting with Mr Maguire or anyone else outside of the dinner, separate from the dinner?---*No.*

I'm just going to show you a photograph on the screen. It will come up in a minute. This is a photograph that looks like it was taken in late of 2015. Sorry, late – I withdraw what I said. I'll start again. The photograph on the screen appears to have been taken in late July of 2015. Do you recognise where this photo was taken?---*It was in my office.*

Sensitive

And does that remind you that you may have had a meeting in your office with Mr Maguire when he came to Shenzhen around July or August of 2015?---*This picture was taken for sure at my office. Regarding the time, it was either the late July or August. It's been such a long time I'm not exactly sure.*

10 But you do remember having a meeting with Mr Maguire in your office in Shenzhen. Is that right?---*Here's the thing. They drove from Guangzhou to Shenzhen and my office building was on the way, next to the road that he had to pass. So this, either he went to my office before or after the dinner because he had to pass that office building, it's on his way back or on his way to the dinner.*

Did you discuss any business with Mr Maguire in your office on this occasion or was this just a social visit?---*No.*

20 It was just a social visit. Is that right?---*It was just a social courtesy because he was considered a guest there and also there was no occasion to discuss any business with him.*

I tender the photograph that was on the screen, photograph of Mr Li and Mr Maguire that appears to have been taken on 26 July, 2015 in or around Shenzhen.

THE COMMISSIONER: That will be Exhibit 209.

30 **#EXH-209 – PHOTOGRAPH OF HO YUEN LI AND DARYL MAGUIRE**

MR ROBERTSON: Now, after the Shenzhen visit, when did you next have contact with Mr Maguire?---*The end of January 2016.*

And what were the circumstances of that contact?---*In Wagga.*

So you were in Wagga when you met Mr Maguire. Is that right?
---*Correct.*

40 Why were you in Wagga?---*I was there on three purposes. The first one is to discuss some business with an orange farm, the second purpose is to discuss business with a water factory and the third purpose is to visit some real estate property business opportunities because Gordon has a project there.*

And what was the project that Gordon had there?---*Gordon had a business project there. He had some real estate properties which he wished to divide into some commercial units so he could sell them, but he didn't have

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(ROBERTSON)

720T
through interpreter

enough resources so he was hoping that me and my friends could get involved.*

And you saw Mr Maguire during that trip to Wagga in January 2016. Is that right?---*Yes, I did.*

Was Mr Maguire providing you with any assistance on the three things you spoke about, the orange, the water and the real estate property?---*Not with the real estate project because it was Gordon's project.*

10

What about the other projects?---*Yes.*

What assistance was Mr Maguire giving you in relation to those other projects?---*Yes, he took me to two orange factories where I remember we had sat down at a table and had a discussion. We expressed that we'd like to purchase oranges and they were discussing something like the amounts.*

20

And what was Mr Maguire's involvement in that conversation, if any? ---*Because we didn't know anyone there and he took us there so we, while we were having a discussion he was just listening.*

And so Mr Maguire was introducing you to people who you might be able to do business deals with. Is that right?---*I think so.*

And did you ultimately do any business deals regarding the orange or the water or the real estate property?---*Regarding the water factory because the price was too high so it was cancelled.*

30

What about in relation to oranges?---*At that time during that season they went out of stock already.*

And so for that trip then in January of 2016 you didn't do any business deals. Is that right?---*Correct.*

Do you remember who did the translation so that you could speak to the people from Wagga?---*A business partner called Simon Wang. Simon Wang. He and his wife were present.*

40

And he is one of your business partners. Is that right?---*And also my daughter.*

But Mr Simon Wang he is one of your business partners. Is that right? ---*Correct.*

And he's associated with the Shenzhen Norfo Best Trading Company. Is that right?

THE INTERPRETER: Sorry, what's the name again?

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(ROBERTSON)

721T
through interpreter

MR ROBERTSON: Shenzhen Norfo, N-o-r-f-o, Best Trading Company Ltd.---*Norfo Best Trading, yes.*

That's his company. Is that right?---*Yes.*

Did you agree to pay Mr Maguire any fee for him to assist you with the introductions for the January trip, January 2016 trip?---*No.*

10 So why was Mr Maguire helping you on that occasion do you know?---*My impression was that because he was a parliament member of the local council so he'd like to advertise his local agricultural products.*

When was the next time you had any contact with Mr Maguire?---*April 2016.*

And what were the circumstances of that contact?---*He flew from Shanghai to Shenzhen with William and another unknown person.*

20 When you say William you mean William Luong. Is that right?
---*Correct.*

And you don't know who the other person was?---*I don't know about that person but it seems he was in seafood industry.*

And what was the purpose of that visit to Shenzhen as you understood it?
---*He went to, he meant to go to Guangzhou and they went to Shenzhen to meet me and some other friends in (not transcribable), and after the meeting with me they went to other place, the second day afternoon.*

30 During the meeting with you in Shenzhen, was there any discussion of business or was it just a social visit?---*Yes, there was business discussions but not with him, it was mainly with Gordon.*

With Gordon Tse, is that who you are referring to now?---*Yes.*

40 And what business discussions were there with Mr Gordon Tse?---*On the night when they arrived there was no time for discussion because their flight was late. The second day in the morning there were many people present, including my friends, Mr Maguire's friends, Gordon's friends.*

So, what discussion of business was there with either Mr Maguire or Mr Tse?---*At that time I did not communicate with Mr Maguire because I, my conversation with my business partners were not able to be understood by him.*

Was there any discussion on that trip about setting up a trade association?
---*Yes.*

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HO YUEN LI
(ROBERTSON)

722T
through interpreter

And was Mr Maguire part of those discussions about setting up a trade association?---*Can I briefly tell you what this was about?*

Please.---*One of my business partners, whose surname is Chiu, he was doing logistics. He was discussing business with Gordon because Gordon was also – part of his business was also in logistics, and when I came back from the bathroom they were, they happen to be discussing this business and so me and some other friends join in. We all thought it was interesting.*

10

And was the end of the discussion about a trade association was there? ---*One of my friends asked Gordon what business he was doing. He said he had a factory in Australia. And also, he's been to South Pacific region a few times, but I didn't have any idea what that is because I've never been there.*

So, there was some discussion about potential business opportunities in the South Pacific region. Is that right?---*Yes.*

20 Was Mr Maguire involved in any of those discussions?---*Because we were discussing in Chinese, he was not able to understand, but Gordon sometimes interpreted a few sentences for him.*

Was there an agreement amongst the Chinese speakers that a trade association could be set up?---*Gordon mentioned that South Pacific region had many opportunities because there were resources and the area, the scenery was beautiful.*

30 But we spoke before about a trade association, was there discussions about setting up a trade association?---*So we asked him, "In what name would you do business there?" And he said, and he said he's the vice president of the Australia South China Business Association, so he said, "Through this platform it is better to do business through this platform instead of as an individual."*

Who are you now talking about, who was saying this to you, was that Mr Tse?---*Gordon.*

40 You mentioned a little while ago about a trade association, what was the trade association that you're referring to?---*Because we asked him, "What position or in what name would you go to South Pacific region to do business? And he said he'll use the platform of the South China Commerce or Business Association.*

And was Mr Maguire going to have any involvement in that association, as you understood it?---*At that time we were not – at that point we did not talk about setting up an association and we also consulted his opinion and he

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agreed that South Pacific region is like Australia which has many resources and opportunities.*

Who are you referring to now, is this Mr Tse or Mr Maguire or someone else?---*Both of them, because one is doing interpreting for the other.*

But what, Mr Tse is interpreting what Mr Maguire had to say. Is that right? ---*There were many people present so sometimes he interpreted what we said to him, sometimes vice versa.*

10

Are you familiar with an organisation called the Shenzhen Asia Pacific Commercial Development Association?---*No.*

What about the Shenzhen Asia Pacific Commerce Council?---(Speaks Mandarin)

Do you agree that you had a meeting with Mr Maguire and others in July of 2016 where you were discussing about a trade association?---*Yes.*

20

And can you just explain what that trade association was, what the idea of that association was?---*After the meeting in April because we couldn't communicate so he was hoping that someone could contact him. So this person was called Simon.*

And what happened then in terms of the meeting?---*In June he sent an email to Simon but I didn't meet him in between.*

Mr Maguire sent an email to Simon. Is that what you mean?---*Yes. He actually meant to send to me. So he sent to Simon and Simon told me.*

30

And are you saying that led to having a meeting in July of 2016. Is that what you're saying?---*Yes.*

And what was the meeting in July of 2016, what was that about?---*To set up this association. Prior to that we had done some preparation work.*

The meeting to set up the association, where did that take place, do you remember?---*In a meeting room in New South Wales Parliament.*

40

Who organised that meeting and meeting room do you know?---*Gordon contacted me. I had already arrived in Australia by that point because I had a property under renovation.*

Who was present at the meeting?---*I only knew Gordon and Mr Maguire.*

But were there other people at the meeting as well?---*I think there might be seven people in total.*

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HO YUEN LI
(ROBERTSON)

724T
through interpreter

But this was a meeting to set up the association that you're referring to. Is that right?---*Yes, to discuss how to proceed from there.*

So what was the purpose of that association?---*What we were discussing and also what we were discussing before was to establish an investment platform.*

And so the association was to provide a platform for investment. Is that right?---*Correct.*

10

It was to help people from Shenzhen get access to the South Pacific region to do business. Is that right?---*Correct.*

It was not about charity, it was about business. Is that right?---*In April through the interpretation of Gordon because he had a position as the chairman of the friendship association, so we were asking what that was about.*

20

But the association that you're referring to, that you had a meeting in New South Wales Parliament House about, was about business not about charity. Is that right?---*There were six aspects of that association. One of them is regarding medical and charity.*

But the main purpose of the organisation was about business rather than about charity. Do you agree?---*Yes.*

30

What role did you have in this charity? Did you have a title – I'll withdraw that, I'll start again. What role did you have in this association the subject of the meeting in July 2016?---*I was the president.*

What role did Mr Maguire have in that association, if any?---*He is the reputational president.*

Perhaps the honorary president, is that another way of putting it?---*Yes.*

What assistance did Mr Maguire offer to this association?---*We were able to meet at his conference room and Gordon contacting me saying we should proceed from there.*

40

The conference room in Parliament House. Is that right?---*It was on the same level as his office.*

In the Parliament House building. Is that right?---*Is his office located inside the parliament building?*

Yes, his office at that time was in the Parliament House building.---*Yes.*

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(ROBERTSON)

725T
through interpreter

What assistance did Mr Maguire offer to the association? What did he agree to do to help the association?---*From what Gordon told me, because I couldn't communicate with him because of his position of the President of the Friendship Association, he was hoping that we could successfully do some business in this regions and to do some charity work on behalf of them.*

10 And so, as you understood it, Mr Maguire would use his role in the friendship group to help the association do business and perhaps some charity in the South Pacific area. Is that right?---*Yes.*

During the meeting in Parliament House in July 2016, was there an interpreter, do you remember?---*Yes. Gordon's secretary.*

Is that a person by the name of Zoe Wang?---*Zoe Wang.*

So, you were able to communicate with Mr Maguire in the meeting but through an interpreter. Is that right?---*Yes.*

20 Can we go, please, to Exhibit 122, which is volume 18, page 50, I'm going to show you another document on the screen in a moment, sir. So, can we have page 50 and if we can just scroll down a little bit. Now do you see, sir, there's a heading towards the bottom of the page that says something like, Meeting Minutes. Do you see that there?---*Yes.*

Could I just ask you to read to yourself the first paragraph that you can see underneath that heading that says Meeting Minutes. Let me know when you've done that.---*Which paragraph?*

30 The one underneath the blue box. You'll see a little hand, the section just near the little hand that's come up on the screen.---Okay.

So do you agree that that records that there was some preparatory work that was done to set up this association in about March 2016?---*That was incorrectly recorded.*

But I think you explained that there was some preparatory work that was done before the meeting in July 2020. Is that right?

40 THE COMMISSIONER: July 2020 – wrong year, Mr - - -

MR ROBERTSON: Sorry, I'll start again. I think you explained that there was some preparatory work done before the meeting in July 2016? ---*Between April and June, through his emails, between him and Simon, I think those were a part of the preparation work.*

And then there was the meeting in July 2016 in Parliament House that progressed the association. Is that right?---*Yes.*

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And during that meeting, Mr Maguire offered to assist the Shenzhen business interests in finding business opportunities in the South Pacific area. Is that right?---*Yes.*

10 And do you agree that one of the things that Mr Maguire did to assist the association was to assist the association obtain access to consular officials within South Pacific countries?---*Not only the consular, we were mainly interested in contacting some representatives from local council, business councils.*

But also government officials on those countries as well. Is that right? ---*From that minutes, I think he had contacted some government officials but I don't know exactly how.*

So you recall Mr Maguire explained during the meeting that was in July, that he had already contacted some government officials. Is that right? ---*Yes.*

20 And one of the things you asked Mr Maguire to do to assist you was to set up a meeting with the Samoan Prime Minister. Is that right?

THE INTERPRETER: Sorry, what Prime Minister?

MR ROBERTSON: Samoan. Samoa.---*I don't have that impression.*

30 Is one of the things that you asked Mr Maguire to do to make contact with government officials in the South Pacific area so that you could try and discuss business with those officials?---*No.*

You never asked Mr Maguire to assist in making contacts with government officials in the South Pacific area?---*No.*

Mr Maguire actually assisted in arranging delegations from the association to visit South Pacific countries. Is that right?---*Yes.*

40 And so he helped arrange meetings with government officials in the South Pacific area. Is that right?---*In July I think he contacted the Consular General of Papua New Guinea, so that is a government official.*

And it was not just Papua New Guinea, there were other countries as well where Mr Maguire arranged meetings with government officials from the South Pacific area. Is that right?---*I visited six --* No, no, no. *I met with the business council representatives from those countries and there was another country, which name I cannot remember, which I met the Minister of Tourism.*

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HO YUEN LI
(ROBERTSON)

727T
through interpreter

And you also met with some consuls general. Is that right?---*There was a Fijian Consulate General who introduced a businessman to us.*

So do you agree that Mr Maguire assisted in setting up meetings with government officials and with businesspeople with a view to having investments in the South Pacific region?---*Yes.*

Is that a convenient time?

10 THE COMMISSIONER: Yes. Did you wish to tender that last document before we adjourn, Mr Robertson?

MR ROBERTSON: The minutes document?

THE COMMISSIONER: Yes.

MR ROBERTSON: That's already in evidence.

THE COMMISSIONER: I see.

20

MR ROBERTSON: It is Exhibit number - - -

THE COMMISSIONER: You can give it if necessary after the adjournment. Mr Li, we're going to have an adjournment now for 15 minutes where you can have a cup of tea or coffee if you wish. We'll now adjourn.

30 **SHORT ADJOURNMENT**

[11.33am]

THE COMMISSIONER: Mr Li, you continue to be bound by the affirmation you've made.---*Yes.*

Thank you. Please be seated.

MR ROBERTSON: Mr Li, the association that we were discussing before the break, was a person by the name of Maggie Wang involved in that association?---*Yes.*

40

What was her role in that association?---*She was a replacement for Ms Huang, the secretary of Gordon.*

So Maggie Wang acted as the secretary to the association. Is that right?---*Yes.*

Was she also involved in providing translation services?---*Translation and also she was responsible for some communication work.*

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(ROBERTSON)

728T
through interpreter

She would send emails or other communications on behalf of the association. Is that right?---*I think so.*

When did you first meet Maggie Wang?---*In July, I'm not exactly sure, but in July it was still Gordon's secretary and I left Australia. I was outside of Australia before September and January, so when I came back in January it was Ms Huang who contacted me.*

10 Had you met Ms Wang before the July 2016 meeting in Parliament House?
---*I didn't meet her.*

Did you know who Maggie Wang was way back in 2013?---*You mean 2013?*

2013. Way back in 2013 did you know who Maggie Wang was?---*No.*

20 Who introduced you to Maggie Wang?---*Gordon. Gordon or Maguire. I didn't contact, I didn't contact them in between.*

After the meeting in Parliament House in July of 2016, when was your next contact with Mr Maguire?---*Should be in March 2017 because I was back in China during that time.*

And what was the circumstances of that meeting with Mr Maguire or contact with Mr Maguire in March of 2017?---*It was a discussion with Maggie Wang and Maguire in regard to the time for the business investigation.*

30 What do you mean by "the business investigation"?---*It means to travel to those countries not for holiday purpose but for business, seeking business opportunities.*

And so there was a trip organised, was there, to the South Pacific countries to pursue business opportunities?---*Yes.*

Who organised that trip?---*Maggie notified me for the meeting.*

40 And do you know who decided which countries to go to and who to meet for that trip?---*Prior to that meeting there were some communications. I didn't contact Maguire but I had contact with Maggie and Gordon, so prior to that meeting there was already discussions through the communications regarding the countries.*

Who paid for the costs of that trip?---*The association.*

And where did the association get its money to pay for the trip, was that from its members, was it?---*Some money funding from the members and

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some from the, some big business because they wanted to promote some of their projects through us, so we got the advance commission.*

The members, are they businesspeople in Shenzhen?---*Yes.*

Around about how many members were there of the association in April of 2017?---*Less than 30.*

10 But they contributed to the trip that we were talking about. Is that right?
---*Not all of them. Some of them paid contribution, some of them just made a credit, but then they paid eventually progressively.*

Did Mr Maguire attend on the trip that you mentioned?---*Not for a holiday, yes, he attended.*

He attended for business, not for holiday. Is that right?---*Yes.*

And Ms Wang attended as well?---*Yes.*

20 And she attended for business and not for holiday as well. Is that right?
---*She was the secretary so she was responsible for communications.*

And when Mr Maguire was attending for business, you understood that he hoped that there would be business opportunities and that he might be able to be part of those business opportunities. Is that right?---*I don't understand that.*

30 Well, if the business opportunities were successful, Mr Maguire might get to make some money. Is that right?---*I can't understand it that way.*

But he was helping you and the other members of the Shenzhen organisation to do business in the South Pacific. Is that right?---*Our understanding is, because of his role as the chairman of the friendship association, it is his responsibility to promote business, so we thought it was within his work scope.*

40 But why was it in his work scope to promote business between people from Shenzhen and people in the South Pacific region?---*Because our understanding is South Pacific is part of Asia Pacific.*

So you thought part of his job was to help South Pacific countries. Is that right?---*Yes.*

And it could be a good thing for South Pacific countries to do business with people from Shenzhen. Is that right?---*Yes.*

That's why you thought Mr Maguire was coming over to that trip. Is that right?---*Yes.*

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HO YUEN LI
(ROBERTSON)

730T
through interpreter

Have you heard of a person by the name of Phil Elliott?---*No.*

Have you heard of the company G8way International?---*No.*

You said that the association paid the expenses for the trip. Does that mean the association paid for Mr Maguire's expenses as well?---*Yes.*

10 On that trip the people from the association went to a number of different countries in the South Pacific. Is that right?---*Four countries.*

And was one of those countries Samoa?---*Yes.*

And in Samoa was there discussion about a casino licence?---*Not a casino itself. It was a resort, holiday resort was discussed and the casino licence was part of it.*

20 And so as part of a resort there might be a casino within the resort. Is that right?---*All holiday resorts should have casinos, otherwise there is no point having the resort.*

And there was some discussion as to whether either you or other business people from Shenzhen could invest in that resort and casino. Is that right? ---*Correct.*

30 Was there ultimately an agreement or a deal regarding the casino and resort?---*At first we were very keen because they had two casino licence and one was reserved. The present name was Hobart. He was hoping that, he was very much hoping that we could have set up a resort there so we could boost the local tourism.*

You referred to Hobart, H-o-b-a-r-t. He was the Chief Executive Officer of the Samoa Chamber of Commerce and Industry. Is that right?---*Yes.*

And he was interested in the idea of either you or other Shenzhen business people investing into the resort and casino. Is that right?---*We were very interested and we were hoping that he could provide resources.*

40 And Mr Maguire was present at the meetings when the casino and resort was being discussed. Is that right?---*We were discussing this while we were travelling in a vehicle, because Hobart was the driver and he was showing us around at a night market and seeing the lights there, so because I had some friends in Macau who is involved in the casino business, so we mentioned this while we were still travelling in the vehicle.*

And Mr Maguire was in the vehicle at that time. Is that right?---*Yes.*

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HO YUEN LI
(ROBERTSON)

731T
through interpreter

If the investment in the resort and casino ultimately occurred, would have you paid some money to Mr Maguire to thank him for his role in the association?---*I don't think that's reasonable because it was still during discussion stage, and also if it eventuated, it's not eventuated by him, it was not even brought up by him.*

10 But he did provide some help to the association trying to do business in the South Pacific area. Is that right?---*The assistance had nothing to do with this casino project because it was not brought up by him, it was brought up by me.*

But in at least some of the things that the association sought to do in the South Pacific region you were assisted by Mr Maguire. Is that right?
---*Yes.*

At least helped act as a bit of a shortcut to give you access to government officials and commercial people in the South Pacific area. Is that right?
---*Yes.*

20 For example, you asked Mr Maguire to try and set up a meeting with the Samoan Prime Minister. Is that right?---*That didn't happen.*

That didn't happen.---*I mean I did not ask him to arrange for this meeting with the Prime Minister. I'm a businessperson, what's the point to meet up with the Prime Minister?*

30 Because having access to government officials in the South Pacific region will make it easier for Chinese people and Shenzhen people to invest in the South Pacific region. Would you agree?---*Business is defer because our, the principle of the association was to get into contact with local business councils instead of government officials because having, doing business with government officials could be a lot of trouble.*

There are rules in China about the kinds of things that people are allowed to invest in overseas. Is that right?---*There are some national policies, yes.*

40 And it's easier to invest in another country from China if it's done with the approval of the government officials from the other country. Is that right?
---*I don't understand it that way.*

Do you agree that, although you weren't trying to do business with government officials, you at least wanted the government officials to agree that investing in their country was a good idea?---*During the conference in July 2016 there was a clear requirement of the association to do business activities with local business councils.*

But one of the things that the association did was sign memorandums of understanding with countries in the South Pacific region. Is that right?

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HO YUEN LI
(ROBERTSON)

732T
through interpreter

---*We sought to communicate with local business councils, but some countries do not have business councils available because I am not assuming the role of communications so I don't, whatever is arranged to sign with me, I sign. So, I, it doesn't even matter to me who the other party, what position they are.*

But do you agree that one of the things the association did was sign memorandums of understanding with South Pacific counties?---*Yes.*

10 Now I'll just show you one as an example. Volume 18, please, page 187. This is one that's regarding Papua New Guinea. Do you see there a document regarding the Shenzhen Asia Pacific Commerce Council? That's the association that we've been discussing today. Is that right, Mr Li?
---*Yes.*

And this is an example of one of the documents that the association signed with a government where there would be an understanding between the association and the government of the South Pacific country. Is that right?
---*This is a standard agreement which applies to all South Pacific
20 countries.*

And one of the things the association sought to do was sign documents like this one with as many South Pacific countries as possible. Is that right?
---*Yes.*

And that's because it might be good for business between the Shenzhen businessmen and the South Pacific countries. Is that right?---*Yes.*

30 If we just go to page 194 of volume 18, I take it that's your signature in the top right-hand corner, Mr Li. Is that right?---(No Audible Reply)

Who made arrangements for documents like this one to be signed by people associated with the South Pacific country?---*It would be Maggie and Maguire.*

So Mr Maguire at least took some steps to arrange for documents of this kind to be signed. Is that right?---*Yes.*

40 I should say, I think I may have said Papua New Guinea which there's - - -

THE COMMISSIONER: Yes, I was about to say it looks like Vanuatu, Mr Robertson.

MR ROBERTSON: There's a separate Papua New Guinea one. The particular one I put up is the Vanuatu one. I apologise to any Vanuatians watching. I tender the document on the screen being Shenzhen Asia Pacific Commerce Council Memorandum of Understanding dated 8 April, 2017, pages 187 to 194, volume 18, public inquiry brief.

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HO YUEN LI
(ROBERTSON)

733T
through interpreter

THE WITNESS: *I have a question.*

THE COMMISSIONER: Just excuse me. You said pages 187?

MR ROBERTSON: Page 187 to page 194.

THE COMMISSIONER: 194, is it? Oh, I see. Thank you.

10 MR ROBERTSON: The Chinese version appears first and then there's an English translation.

THE COMMISSIONER: Thank you. That will be Exhibit 210.

**#EXH-210 – SHENZHEN ASIA PACIFIC COMMERCE COUNCIL
MEMORANDUM OF UNDERSTANDING DATED 8-9 APRIL 2017**

20 THE WITNESS: *I have a question.*

MR ROBERTSON: What's your question, Mr Li?---*Regarding the signing of the agreement from Vanuatu, why the signing party from this country was the Minister for Tourism. There is a reason. At that time there seems to be a disruption to the administration there so they don't seem to have a council, business council representative. That's why they had this minister sign off.*

30 But at least some documents of the kind we saw on the screen were signed by people like consuls general or other government officials. Is that right?
---*Correct.*

And Mr Maguire made the arrangements to have the government official attend to sign the document. Is that right?---*On the face of it, I think so, because Gordon, Maggie, me, neither of us, none of us knew any officials there.*

40 And similarly, at least some of the meetings that you had on the trip to the South Pacific region were organised by Mr Maguire or his staff. Is that right?---*I have to be very honest with you that in deciding the visiting countries of the trip, not only Maguire. Me and Gordon were involved as well because we have to take into consideration the cost of the trip.*

So Mr Maguire had some role in arranging the itinerary, the countries to go to and the meetings to have, but you also had some role in that as well. Is that what you're saying?---*Yes.*

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HO YUEN LI
(ROBERTSON)

734T
through interpreter

Now, can I just show you a photo that appears to have been taken from this particular trip. It appears to have been taken on 16 April, 2017. It will come up the screen in a moment, Mr Li. So you recognised yourself as the gentleman on the right-hand side of the screen. Is that right?---*Yes.*

Who is the gentleman on the left-hand side of the screen that you're shaking hands with?---*I don't even, I don't even know who that is. I think he's someone responsible from business council.*

10 In what country do you remember?---*Maybe Samoa.*

And so you'll see you've both got a document in your hand and you're shaking hands. Do you remember what the document was that you were exchanging?---*It's the agreement we signed before.*

It's a document like a memorandum of understanding like the one I showed you on the screen before. Is that what you mean?---*Yes.*

20 And so it was about cooperation between Samoa and the Shenzhen organisation. Is that right?---*Yes.*

Can you just help us with the other individuals. So we start on the left-hand side we have the Samoan gentleman. The next person to the right where there's a little hand - - -

THE COMMISSIONER: Left, left.

THE WITNESS: *Gordon.*

30 MR ROBERTSON: That's Mr Tse there in the - - -

THE COMMISSIONER: You mean the man standing - - -

MR ROBERTSON: - - - tan-type shirt?

THE COMMISSIONER: Yes, next to Mr Maguire.---*Gordon Tse.*

MR ROBERTSON: And then the next gentleman I think you'll agree is Mr Maguire.---*Yes.*

40

What about the next gentleman, do you know who that is?---*I think this is Hobart.*

So Hobart was the - - -?---*I don't have a very deep impression of these people, I don't know their names either, but I think he might be Hobart.*

Hobart was the person associated with the Chamber of Commerce and Industry in Samoa. Is that right?

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HO YUEN LI
(ROBERTSON)

735T
through interpreter

THE INTERPRETER: Sorry, can you - - -

MR ROBERTSON: Mr Hobart was, or Hobart was the person associated with the Chamber of Commerce and Industry in Samoa. Is that right?
---*There was some, happened to be some changes when we arrived. I think Hobart was the previous president but he ceased that role when we arrived, so that role was assumed by the chubby person.*

10 THE COMMISSIONER: At the front?---*Yes.*

MR ROBERTSON: And then the next person to the right, the lady that's in the photo, who's that?---Maggie Wang.

And then do you know the next gentleman just on the right with the darker blue shirt?---*That should be the previous president.*

Of the Chamber of Commerce?---*Yes.*

20 I tender the photograph on the screen, photograph of various individuals including Mr Li and Mr Maguire, appears to have been taken in Samoa on 16 April, 2017.

THE COMMISSIONER: That will be Exhibit 211.

#EXH-211 – PHOTOGRAPH OF HO YUEN LI, DARYL MAGUIRE, MAGGIE WANG AND OTHERS TAKEN IN SAMOA ON 16 APRIL 2017

30

MR ROBERTSON: And I think you've agreed that for that trip Mr Maguire's expenses were paid for by the Shenzhen Association. Is that right?---*Yes.*

Did you give any money to Mr Maguire by way of spending money or allowance or anything like that for that trip?---*Yes.*

40 How much did you give Mr Maguire?---*Three and a half thousand.*

Where did you give that money to Mr Maguire?---*My impression was it happened at Sydney Airport.*

And Mr Maguire accepted and kept that money. Is that right?---*The money was put inside a white sealed envelope so I handed over the envelope to him.*

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HO YUEN LI
(ROBERTSON)

736T
through interpreter

And then Mr Maguire took it away with him. Is that right?---*I give it to him and he took it, yes.*

After the South Pacific trip in April of 2017, when was your next contact with Mr Maguire?---*Should be in January 2018.*

10 And what was the occasion of that meeting in January 2018?---*To discuss the remaining visit, the visit to discuss the visits to the remaining two countries because six countries were on the schedule and on the first visit only four were completed.*

And so there was then a second trip for the Shenzhen Association to the South Pacific going to another two countries. Is that right?---*Yes.*

Did Mr Maguire attend that trip?---*Yes.*

Did Ms Wang attend that trip?---*Yes.*

20 Who paid for the expenses for that trip?---*Same, the association.*

And did you give Mr Maguire any spending money for that trip like you did for the first trip?---*No, because something happened.*

What happened?---*We had a very clear goal for that visit which is to have some, to visit some ocean farm.*

On the second trip?---*Yes.*

30 And what happened regarding the ocean farms?---*There was something called the Red Forest and there are some floating creatures underneath that, so these creatures, they do not need to be fed so they are naturally existing. So if this could be a good business opportunity which we were very keen about, so we had a clear goal of visiting this.*

And was that goal achieved?---*That's the reason why we didn't give him any allowance because we got upset.*

40 So Mr Maguire was supposed to have some role in relation to this clear goal. Is that what you're saying?---*Yes.*

It was his job to organise the arrangements in relation to that. Is that right? ---*Can I explain to you what happened?*

Please.---*He was there to discuss some medical charity matters and he meant to organise for us to visit this Red Forest site, but because the flight was not very frequent to that area so we only stayed two days, which happened to be no flight, so we didn't end up going.*

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HO YUEN LI
(ROBERTSON)

737T
through interpreter

And so was it Mr Maguire or his office that were making the arrangements in relation to this ocean farm issue. Is that what you're saying?---*Yes.*

But he did a bad job and you weren't very happy with that. Is that right? ---*Not so much as a bad job but we only stayed in Solomon for two days, there was only like, one flight per week so we couldn't make it, so it basically means we went there for nothing.*

10 So, you were not happy with the arrangements that Mr Maguire's office had made regarding things like flights. Is that right?---*Not because of that, it's because of the schedule he planned was too tight. There was only two days and we had to miss the flights it means that we wasted the opportunity to go to Solomon.*

So Mr Maguire organised the scheduled but it was not a very good schedule. Is that right?---*It was not only his job, Maggie also got involved because Maggie told me it could work, but when we arrived, it didn't.*

20 But you were not happy with the arrangements and that's why you didn't give Mr Maguire an allowance for the second trip like you did for the first trip. Is that right?---*No, the main issue occurred at Papua New Guinea.*

And what was that issue?---*There was supposed to be a reception party to meet up at the airport and to arrange for the itinerary activities there, but that person didn't show up, so like the whole schedule was there without a host. So we just went our separate ways after we arrived.*

30 So the trip, the second trip was a waste of time. Is that right?---*I went to visit the sites myself.*

You were unhappy with Mr Maguire's involvement in organising the plans for the trip. Is that right?---*You could say that.*

And that's why you didn't give Mr Maguire the allowance for the second trip, like you did for the first trip. Is that what you're explaining?---*I called, I communicated with the director-general in Shenzhen. He was also not happy about this experience so he didn't agree for me to give him an allowance.*

40 The director-general of the association, is that what you mean?---*Yes.*

He was not happy with the trip and therefore did not agree that you should give an allowance to Mr Maguire. Is that what you're saying?---*He and me, we were both unhappy.*

You were both unhappy and you both agreed to not give an allowance to Mr Maguire for the second trip. Is that right?---*Yes.*

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HO YUEN LI
(ROBERTSON)

738T
through interpreter

Just to be clear for the second trip, the two countries were Papua New Guinea (PNG) and the Solomon Islands. Is that right?---*Yes.*

Can we have on the screen, please, page 291 of volume 18. Mr Li, I want to show you a document that might remind you that you had some meeting with Mr Maguire in about May 2017. You remember, the first trip was April 2017 and can you see here on the screen - - -?---*Yes.*

- - - some minutes about meetings in May?---*Yes.*

10

Do you remember having those meetings?---*I can't be sure regarding that time April or May, 2017.*

Well, if you just have a look at these minutes that are on the screen and they're both in English and in Chinese. Do you see it looks like a meeting happened with the Honorary Consul of Tonga, Ms Raedler Waterhouse, and the Honorary Consul of the Solomon Islands, Sir Trevor Garland, and another meeting with consular officials associated with Samoa, PNG and Tonga. Do you see that there on the screen, Mr Li?---*It was not a meeting. We treated them for dinner, lunch.*

20

Or it may have been lunch if you have a look at the time.---*Yes, lunch.*

And why were you treating these people for lunch?---*Because Maggie told me that they were interested in knowing that after signing the agreement why would we actually invest in there.*

And so you were having discussions over lunch with these consular officials about whether the Shenzhen businessmen would be investing in the South Pacific area. Is that right?---*I didn't give them a concrete answer because we, I didn't give them the real impression of those countries and I said it is not a decision solely made by me. It's going to be made by all the members of the association.*

30

You didn't give them a concrete answer but you were discussing the question of investment into the South Pacific region. Is that right?---*We also urged them to communicate with the local business council people to contact us as soon as possible because they seemed to be very slow in response since the meeting.*

40

That lunch took place in Parliament House in Sydney. Is that right?---*In the restaurant there.*

Who organised that lunch?---*Mr Maguire.*

Mr Maguire organised the lunch. Is that right?---*Yes.*

Who paid for the lunch do you know?---*I did.*

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HO YUEN LI
(ROBERTSON)

739T
through interpreter

You paid for it personally or you paid for it from the Shenzhen association?
---*Any costs incurred in relation to the association would get reimbursed.*

Reimbursed back to you?---*Yes.*

Commissioner, I tender minutes Shenzhen Asia Pacific Commerce Council meetings 3 and 17 May, 2017, pages 291 through to 295, volume 18 public inquiry brief.

10

THE COMMISSIONER: That will be Exhibit 212.

**#EXH-212 – SHENZHEN ASIA PACIFIC COMMERCE COUNCIL
MINUTES FROM MEETING AT NSW PARLIAMENT HOUSE ON 3
AND 17 MAY 2017**

MR ROBERTSON: And before you attended the second meeting – sorry,
20 I’ll start again. Before you had the second trip to the South Pacific to Papua
New Guinea and Solomon Islands, do you agree that you had a meeting
with the Samoan council, Samoan Consul I meant to say?---*You mean
business council?*

I mean the consul, as in the consular official, the government official who
acts for Samoa in New South Wales.---*I don’t have that impression.*

Do you remember going out to a person’s office in Liverpool to have a
meeting towards the end of 2017?---*That’s Samoa, not Solomon.*
30

I did mean Samoa, I’m so sorry if I said it wrong.

THE COMMISSIONER: That’s what he said. You did say Samoa, Mr
Robertson.

MR ROBERTSON: Mr Li, I got that wrong. I’ll start again. My apologies.
Do you agree that you had a meeting in about December of 2017 with the
Samoan Consul?---*Yes, yes.*

40 And what was the purpose of that meeting?---*Because Maggie told me that
they said we could proceed regarding the casino licence because it was
already half a year since the discussion and we were losing interest, and also
because of an incident locally, over 700 people lost their jobs because there
is a foreign company withdrawing funding, something like that, and they
were hoping that we could push up with the investment.*

And so Maggie told you that but he was communicating a message, she was
communicating a message from Mr Maguire. Is that right?---*Maggie

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HO YUEN LI
(ROBERTSON)

740T
through interpreter

received an email so I don't, I can't say things that I am not aware of, but Maggie received an email and saying that they were happy to discuss further in regards to the casino licence and we had to find a location to discuss this, so that's why we went there.*

But do you agree that Mr Maguire made the arrangements for you to meet with the Samoan Consul?---*I don't think so.*

10 Because you never communicated directly with Mr Maguire because you speak Mandarin and Mr Maguire speaks English. Is that right?---*Yes.*

And so if you wanted to communicate to Mr Maguire or Mr Maguire wanted to communicate to you, it would be done through either Ms Wang or through some other person who understands both languages. Is that right?
---(Speaks Mandarin)

20 And so sometimes Ms Wang would pass on messages from Mr Maguire to you. Is that right?---*For this particular thing, I don't know about other matters, but for this particular thing I don't think so because Maggie advised me directly that she received this email and I said to Maggie, "I can't fly again to Samoa," so I have to speak to maybe someone like their consulate general.*

But you don't know whether that message first came from Mr Maguire. Is that right?---*I'm not aware of that.*

30 But at that point you were still interested in maybe investing in the resort and casino project in Samoa. Is that right?---*I still had that wish at that time, yes.*

40 But it was taking a long time for there to be discussions and you wanted to have some meetings to see whether the investment might be able to be agreed. Is that right?---*I didn't communicate with Maguire directly. The other reason was because in May over lunch, Maggie and the consulate were present and the consulate mentioned that he used to work in the construction industry and he thought it's locally there are good resources for such a project. Part of my business is associated with real estate industry so I, I had his number, Maggie had his number so, but I didn't contact him directly so this time we just arranged to meet up directly.*

Do you agree that before you could make an investment in a resort or casino in Samoa you would have needed approval from the regional government in Shenzhen?---*In theory we don't need government approval because we were acting as a private business, not a government business, so we don't utilise government resources.*

But at least in practice you would need approval from the regional government in Shenzhen. Is that right?---*The funding, our funding is in

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HO YUEN LI
(ROBERTSON)

741T
through interpreter

Hong Kong and Shenzhen. In theory we don't need government approval for such a project investment because the amount was not big enough to trigger a government approval.*

In theory you didn't need government approval but in practice you would have wanted government approval from the regional government in Shenzhen. Is that right?---*No. No.*

10 You at least would have wanted some indication from the Samoan government, a letter for example, confirming that Samoa was supportive of the proposed investment. Do you agree?

THE INTERPRETER: Sorry, sorry. For your previous question did you say Shenzhen Government approval or - - -

MR ROBERTSON: I'll start again. You at least would have wanted some indication from Samoa, from the Samoan Government that it supported your proposed investment in the resort and casino. Is that right?---*Because the resort needs to be approved by the local government to be able to proceed so
20 it would be best to get government approval. If not, I have to get involved with the local business which may incur a much higher cost.*

The investment needed to be approved by local government in Samoa. Is that right?---*Yes.*

And that's why you were meeting with the Samoan Consul in December of 2017, to try and get a letter or other document from the Samoan Government saying that it supported the proposed investment. Do you
30 agree?---*Which year?*

December 2017.---*What letter? I don't understand.*

You met with the consul from Samoa when you went out to Liverpool because you wanted to try and convince him to provide you with a document saying that Samoa supports the proposed investment in the resort and casino. Do you agree?---*From a legal perspective it's not the case. We met up with him, the purpose, with a purpose for him to proceed, help us proceed from there, because he is not in a position to issue such a letter.*

40 But you wanted at least help from the consul to allow the proposed investment to take place. Is that right?---*Yes.*

And in fact you wanted to meet not just with the consul but with the Samoan Prime Minister, and you asked Maggie Wang to ask Mr Maguire to make arrangements for such a meeting. Do you agree?---*I didn't have that intention. What's the point of meeting up with them?*

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HO YUEN LI
(ROBERTSON)

742T
through interpreter

Well, to get government support, Samoan Government support in relation to the investment. That's why you wanted to have a meeting with the Samoan Prime Minister. Do you agree?---*I never raised that request.*

You never requested Ms Wang to ask Mr Maguire to arrange a meeting with the Samoan Prime Minister. Is that what you're saying?---*What's the point of arranging a meeting with me with the Prime Minister? It was just a business visit on that trip.*

- 10 Because I think you explained before that you wanted Samoan Government approval in relation to the investment into the resort and casino. Is that right?---*No, we're not talking about the same thing here.*

Well, what were you talking about then when you were talking about approval from the Samoan Government?---*You have to get a government approval for setting up a resort there, for any country you need to get government approval if you use their land resource.*

- 20 So you wanted government approval from Samoa in relation to the resort. Is that right?---*That's one of the purposes why we met up with the consul.*

That's why you met up with the consul. Is that right?---*We were hoping that he could help us proceed from there.*

And in relation to the resort in Samoa, did you ultimately actually seek the approval of the Shenzhen Regional Government in relation to that proposed investment?

- 30 THE INTERPRETER: Sorry, which local government?

MR ROBERTSON: We are now going back to Shenzhen. Did you seek the approval from the Shenzhen Regional Government, in relation to that project?---*No, it's not for this particular matter that we went to communicate with Shenzhen Local Government because there was some policy changes in China that, to prevent private business to invest overseas, because we have already established this association so we can't go backwards. That's why we were hoping that the government, local government officials could facilitate that.*

- 40 And those policy changes happened in late 2017. Is that right?---*No, there was quite a few changes during that period and it has to do with real estate industry. When it's booming, the policy is loose. When it's deteriorating, the policy was tightened. So private business could no longer invest overseas.*

But you're at least saying that you sought approval from the Shenzhen Regional Government for at least some of the projects that you were considering in the South Pacific region?---*Yes.*

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HO YUEN LI
(ROBERTSON)

743T
through interpreter

Is that a convenient time? I've got another topic to go to which I hope I'd get done within half an hour or so. I was hoping to be done by lunch but regretfully I haven't been able to be.

THE COMMISSIONER: Mr Li, we'll take an hour's adjournment for lunch now so please return at 2 o'clock.

10 **LUNCHEON ADJOURNMENT**

[1.02pm]

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HO YUEN LI
(ROBERTSON)

744T
through interpreter