

AEROPUB00461  
02/09/2019

AERO  
pp 00461-00508

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 2 SEPTEMBER, 2019

AT 2.15PM

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THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Chief Commissioner, just before lunch I was referring to public inquiry brief volume 2, pages 194 to 197 which was an email to Mr Cheah from Mr Wong. I tender that document

10 THE COMMISSIONER: So 194, was it? 194?

MR ROBERTSON: Sorry, page 194 to 197 of volume 2, being an email from Mr Wong to Mr Cheah.

THE COMMISSIONER: Yes. Those pages of the brief, volume 2, 194 to 197 will be admitted and become 191.

20 **#EXH-191 – EMAIL FROM ERNEST WONG TO KENRICK CHEAH  
TITLED ‘FW: FW: SCAN DATA FROM FX-AF807E’ DATED 17  
APRIL 2015 ATTACHING TWO RESERVATION FORMS TO THE  
CHINESE FRIENDS OF LABOR CHINESE LAUNCH SIGNED BY  
QUANBAO LIAO AND STEVE TONG**

MR ROBERTSON: May it please the Commission. Mr Wong, this morning we discussed the money that was to be brought to the event by Mr Jonathan Yee. Do you recall that?---Yes.

30 And I think you said that you expected Mr Yee to be bringing something between I think 60 and \$80,000 to the event, is that right?---Yes, yes.

But you didn't know exactly who that money was from, is that right? Who the donors were in relation to that money?---The exact, the exact names of the donors, no I don't.

He gave you the categories, which included family members, employees and I think business associates but not the individual names, is that right? ---Yes.

40

And presumably not also the individual amounts associated with each donor, is that right?---Not exact numbers or give me sort of like the numbers but he did mention that there was a few tables where they were donating money. So I probably would have a very rough idea of \$5,000 per donation, whatever it is.

Well, did he say specifically how much money each of the donors was giving?---No.

You're quite sure about that?---Yep.

And I think you told us that the money was both some table money but also some donations, is that right?---That's what I reckon, yeah, that's what I think.

10 Did Mr Yee later, after the dinner, did he tell you who that money was with respect to? In other words, did he identify the individual donors?---No.

And he didn't identify the individual amounts after the dinner either, is that right?---Not really, no.

Well, when you say, "Not really," do you mean no or do you mean something else?---There is not a conversation or, or formal official conversation that he tell me exactly that who donated how much.

20 And do we understand from what you said this morning to be that you didn't take possession of that money at any time?---Yes.

So you never received, Mr Yee didn't give you a bag of money with 60 or \$80,000, is that right?---No.

Did you have any other involvement in relation to that money other than Mr Yee telling you that he was intending to bring it in?---No.

30 For example, did you have any discussions with Mr Yee regarding forms that would be needed in relation to the money?---Oh, yes, I did. I told him, I said, "Make sure that you get those forms filled in, particularly the ones where it's about donations rather than tables."

And did you assist him with that exercise or did you leave it to him to ensure - - -?---I leave it with him.

So you're quite sure you left it to him to deal with matters of disclosure forms in relation to the money that Mr Yee brought across, is that right? ---Yes.

40 Are you quite sure that you never provided Mr Yee, Mr Jonathan Yee with any disclosure forms and asked him to fill them out?---I did, I left copies of those forms on the table in the night and I probably passed on some to him later on. I, I can't remember.

So just to be clear about that, are you saying you left forms specifically with Mr Yee on the evening?---No, not specifically with Mr Yee but those forms where they're supposed to be just donations because those forms, all the forms that we had were for tables. So nothing to say that that is for donations or for anything, like cash or whatever it is. So I actually left those

forms photocopied from the forms I had before that I sent to Dr Liao and I left a few of those on the reception table.

So are you saying that on the reception table at the event on 12 March, you left forms like the ones that you send to Dr Liao?---Yes, yes.

And does that mean it's forms that had \$5,000 already written in it with it being crossed out?---Yes, yes.

10 Are you quite sure about that?---Yeah.

Can we go back to the email to Dr Liao, which was volume 3A, page 144, I think Exhibit 189.

THE COMMISSIONER: Yes.

MR ROBERTSON: What I want to suggest to you, Mr Wong, is you couldn't have left the same form or a copy of the same form you sent to Dr Liao on the tables on 12 March, 2015, because you didn't prepare that form with the strikeout on the \$5,000 until 30 March, 2015. Do you agree with that?---No.

If you just have a look at what's on the screen, I think it's Exhibit 189, do you see that your Xerox machine, LC-Wong-Room-1107, is sending you an image on 30 March, 2015, do you see that there?---No, I just saw that, yeah, that - - -

Can you see about four-tenths of the way down the page it says, Sent 30 March, 2015, do you see it there?---Yes. Yes.

30 If we can then just turn the page, you can see there the \$5,000, which I think you accepted was in your handwriting, and - - -?---Yes.

- - - the strikeout, do you see that there?---Yes.

Now what I want to suggest to you is that you prepared that document in, after the dinner, on or about 30 March, 2015, do you accept that?---No.

40 So is it your evidence that you've prepared a document with \$5,000 pre-filled-out, in advance of the dinner, is that your evidence?---Yes.

And are you saying that you'd put a form that looks like what we can see on the screen on Mr Jonathan Yee's table, is that right?---Not on Mr Jonathan Yee's table. I left a few of those on the reception table for people to pick up.

But why would you - - -?---And I probably, yeah.

Sorry, keep going.---And I probably gave him some later on. I can't remember.

10 But why would you leave a form on there that crosses out the ability to pay by cheque and credit card, and that writes in the figure of \$5,000? Why didn't you leave that to the donor to do, so that they're identifying what they've in fact donated, as distinct – and the method that they're in fact donating – rather than your suggestion that it should be \$5,000 and not by credit card or cheque?---Because this is actually the forms that I, I know that there will be people donating \$5,000. Now (not transcribable) well, probably if you look at the forms, you know that there is no particular column saying that there will be \$5,000 cash. So that's why I prepared the particular documents to be left there with anyone, like Jonathan or whoever it is, where they've donated the \$5,000, would be able to pick it up from there.

20 But you told us a minute ago that you didn't know who was donating the money that Mr Yee was bringing - - -?---I don't know, but I know that there are people donating money.

- - - or the amount of the money.

THE COMMISSIONER: Just wait a minute, just keep your cool.---Sorry. Yeah.

Just, don't talk over Counsel - - -?---Sorry. Yep.

- - - when they're putting questions.---Yeah.

30 MR ROBERTSON: You told us a minute ago that you didn't know the source of the donations that Mr Yee was bringing in and how much they were bringing in. Correct?---Of course.

40 So why would you write \$5,000 on the form in circumstances where Mr Yee hadn't told you that he was bringing in lots of \$5,000?---Because he did tell me that there are few people who have booked, who actually booked the table for \$5,000, but now they're not coming, and now that's why, he, they, those people would be donating the \$5,000. So that's why I prepared the form for him.

I suggest to you again that that's false evidence, and you didn't prepare this document until after the dinner. Do you agree with that?---No.

Now, did you – sorry, I withdraw that. Is it your evidence that the way in which you provided Mr Yee with forms of the kind that we saw on the screen a moment ago was by putting it on Mr Yee's table at the dinner, is that your evidence?---No.

So how – so did you ever give Mr Yee a disclosure form in relation to the money that he said he was bringing to the event on 12 March, 2015?  
---Either he picked up from the reception table I said. It's not Jonathan's table.

I'm so sorry.---Reception table. Or I gave him some forms later on. Because if he hasn't actually got all of those forms being filled, he probably would have called me and asked for some more forms, so I just sort of like, took those forms for him to fill in.

10

So just to unpack that. You have a recollection of leaving forms at the reception table - - -?---Yes.

- - - that had the methods of payment crossed out - - -?---Yes.

- - - and \$5,000 written in your handwriting - - -?---Yes.

- - - at the reception table, correct?---Yes.

20 And you left a number of forms at that reception table, correct?---Yes.

And why was it that you wrote in \$5,000 on that form, as distinct from leaving it blank for the donor to fill out?---Well, because a lot of the Chinese people, because they don't know English, and they don't know what to do, and that's something that Jonathan asked me, say, what will be the forms better for them to fill in.

But people - - -?---So that's why I left those forms on the table.

30 THE COMMISSIONER: A bit presumptuous of you, wasn't it, to suggest that they should donate \$5,000?---No, no because I know that there will be certain people donating \$5,000. For other donations they can actually just do whatever they want to.

You know that some of the donors who came through Jonathan Yee were employees of his?---Yes.

Waiters?---Yes.

40 Said to have each contributed \$5,000.---Yeah, because they were supposed to take a table and that's what Jonathan told me, yes.

No, just listen. Listen to me. You know that forms that were filled out of the kind that you saw on the screen a moment ago with \$5,000 written in your handwriting on it - - -?---Yes.

- - - were given to employees of Jonathan Yee or his family's company, being waiters, waiting staff.---Yes.

Forms which had written on it \$5,000 in your handwriting.---Yes.

Expecting on the basis that these waiters would come up with \$5,000 and donate it at the Chinese Friends of Labor function.---Yes.

Waiters, on low incomes.

10 MR RAMRAKHA: Commissioner, Chief Commissioner, we haven't, that fact hasn't yet been established in this inquiry.

THE COMMISSIONER: No, well, it will be.

MR RAMRAKHA: It's an assertion which Counsel Assisting opened on.

THE COMMISSIONER: So what's your objection?

MR RAMRAKHA: That the factual foundation for that proposition hasn't -  
- -  
20

THE COMMISSIONER: All right. I'll put it on an assumptive basis, Mr Ramrakha.

MR RAMRAKHA: Yes, yes, thank you.

THE COMMISSIONER: It's your understanding, isn't it, that forms came in from staff members of Mr Jonathan Yee's family business, signed by staff members purporting to donate \$5,000 each. Is that right?---Yes.

30 And did you ever query with Mr Jonathan Yee if it be true that they paid \$5,000, how they could be expected to afford that amount - - -?---Now, first of all - - -

- - - by way of a donation to a political party?---Now, first of all I don't know where that we would be able to base the arguments where that waiters cannot be able to donate \$5,000 to support of a political party or support people where they would like to feel attached to in regard to a political party, but also on the other hand, as I think I've said many times before, Mr Jonathan, you have already told me that those people are committed to a  
40 table of \$5,000 but they will not be able to get people to sit on the table, so those people are happy to donate the money, to donate the money in cash or whatever it is.

So - - -?---So that's why I wrote that \$5,000 (not transcribable) but \$5,000 where I know that that's going to be, to be donated from that group of people, so I just reserve a few forms if in case they need it.

So you understand from what you discussed with Mr Jonathan Yee that he had a number of employees in his family business who were happy to pay \$5,000 by way of a donation each. Is that right?---Yes, and his family as well.

And how were they going to pay, by credit card or cheque or cash, do you know?---Now, Jonathan Yee did mention - - -

10 No, just do you know, did he mention to you whether they had paid in cash or otherwise?---He mentioned that it would be cash, so that's why he did tell me that there will be 60 or \$80,000 in cash on the night.

And when you say he said I'd be happy to pay it, did he say that they were affiliated with the Labor Party or had any interest in politics at all?  
---Not really, I think that's what I - - -

20 What do you mean by not really? Is it – well, perhaps I won't press that question. I'll put this question to you. Did you know through discussions with Jonathan Yee that some of his staff were said to alleged to have contributed donations, even though they had no interest in politics?  
---Well, definitely they have no interest in politics but - - -

But were you told that by Mr – did you glean that, understand that from what Mr Yee had said and that - - -?---No, I didn't, but I know that they are - - -

30 Just pause, pause there. You say no, he didn't tell you?---No, he didn't tell me that they are, if they have any particular affiliations with Labor Party or any of those political ideology.

And it was Mr Jonathan Yee himself who dealt with these employees who are the alleged donors, is that right, that's your understanding?---Yes.

He himself took it up with them?---Yes.

And, what, did he suggest that they make a donation or did he demand that they make a donation, do you know?---I don't know.

40 You don't know.---(not transcribable)

MR ROBERTSON: Just for the benefit of my learned friend, Mr Ramrakha, Exhibit 149, volume 1, page 280 is a copy of his client's notice of assessment for the year ended 30 June, 2015, which is in evidence. I tendered it on Monday morning.

THE COMMISSIONER: Well, Mr Ramrakha, you heard that, but we'll come back to this area - - -

MR RAMRAKHA: Yes. I'm aware of that document, obviously.

THE COMMISSIONER: - - - in due course.

MR ROBERTSON: So, Mr Wong, the copies of the reservation form with the \$5,000 figure in your handwriting that you left at the reception desk, was that only for Mr Yee's benefit, Mr Jonathan Yee's benefit or were you doing, were you leaving it there for some other reason?---Probably for Mr Yee. I did not have a particular, particular intention of leaving for any  
10 particular purpose but I know that Jonathan, Jonathan told me that, you know, there were a few people where they were not able to attend the dinner but they would like to donate that as cash or money for us to, just he said he didn't have those forms to fill in for them, so I just left a few forms there.

And that was for Mr Yee to collect, is that right?---Yes, yes.

But the individual donors, by the sounds of it, weren't coming to the event, is that right?---There were a few of them, no.

20 And so your intention was – was your intention for Mr Yee to take those forms away and get them signed after the event, is that right?---I think so, yes.

Well, no, I'm asking what your intention was when you left the forms at the reception desk. Was that your intention?---That would be, that would be the intention, of course, yes.

That was your intention, correct? It was you that left the forms, Mr Wong. ---Probably. Probably. Look, Mr Robertson, I think, we are talking about a  
30 function that we have all been busy trying to organise it and apparently I know that there is, there is a thought that probably they haven't got the, the forms to fill in or they were not there so I think that's, very naturally, I just print out all those forms, leave it there so that he would be able to get it through. If they, if, if he was able to fill it in, because I know that there were a few people where they did attend so either he filled it in on the night or they, he took it over at a later on day for then to sign. Yeah.

No, but they couldn't be - - -?---But there's no intention for me to particularly ask him to take it out so that he would be able to get it filled in  
40 later on.

No, but, Mr Wong, they couldn't have been signed that night because you said to us that one of the reasons Mr Yee was bringing in money was people donating who wanted to come to the event but couldn't, correct?---Yes.

And so you must have had the intention that Mr Yee would take away at least some of those forms to get them signed by donors- - -?---Oh, yeah, sure, yep.

- - - for the money that he brought in, is that right?---Yes.

Now, do you recall whether after the dinner itself you provided any forms to Mr Yee to fill out?---I don't have a clear recollection of that, of that but I am pretty sure, not pretty sure but I think he probably asked me, "Oh, can I have the forms again?" or he, he lost it, whatever it is, I can't remember. But I probably, yes.

10 So is it right to say you don't know whether Mr Yee collected the forms that you left for him at the reception table on 12 March?---Yes.

And it's possible, is it, as best you can now recall, that you separately sent forms to Mr Yee, Mr Jonathan Yee?---I suppose so, yes.

Can we go please to volume 3A, page 152. Before we just bring that up, what I want to suggest to you, Mr Wong, is that after you sent the form with the strikeout and the \$5,000 on your handwriting to Dr Liao with a request that he complete two of them, that's Exhibit 189, you sent the same  
20 document that you scanned from your Parliament House Xerox machine to Mr Jonathan Yee, and you did that on the same day, that is to say 30 March, 2015. Do you accept that, does that ring any bells?---Not really.

So sitting there now you don't have any recollection of sending to Mr Yee, Mr Jonathan Yee, a form with \$5,000 with your handwriting, struck out in terms of the forms of payment, to Mr Yee, is that right?---No. I, I think I have indicated that I did send forms, either physically, hands-on or emailed to, to Jonathan Yee but the exact date, I can't remember. I've got no  
30 recollection.

Well, let me help you this way, volume 3A, page 152. And if you start from the bottom of the email because it's an email chain, do you see again an email that's coming from your Xerox machine on 30 March to your email address at 2.40pm on 30 March, 2015. Do you see that there? See that there, Mr Wong?---Yeah.

And that was the same time as the other one that we saw in Exhibit 189. ---Okay, yeah.

40 And so what I'm suggesting to you is that you got that scanned from the Xerox machine and then later on in that day at about 6.27 in the evening you forwarded it on to Mr Jonathan Yee. See that there?---And Wilson Ng as well?

And by the looks of it to a Mr Wilson Ng as well.---Yeah, yeah.

So having seen that, does that refresh your memory that on or about 30 March, 2015, you sent a form to Mr Yee, and if we just turn to the next page

so you can see that form?---If that's what's indicated there, that's what's indicated there, but I do not have that memory at all in regards to who at what time I've sent this email to.

So you do have a recollection that you sent a form – I withdraw that. You do have a recollection that you provided a form of the kind that you see on the screen to Mr Yee?---Yeah.

10 You're just not sure whether you did that by, whether he received that by way of getting it from the reception table or whether it was by way of an email. Is that your evidence?---Yes, yes.

Now, you know Mr Jonathan Yee quite well. Correct?---Yes.

You have quite a close relationship with him. Correct?---Yes.

You've discussed the progress of the NSW Electoral Commission's investigation and this Commission's investigation with him. Correct? ---Not really, but I'm pretty sure that he will be part of it all.

20

THE COMMISSIONER: Well, what does not really mean? Does it mean I may have, I did, or what does it mean?---I think I'm aware that he probably would be the one who will be investigated.

No, no, no, no, that's not the question.---Yeah, okay.

Have you discussed with Jonathan Yee events concerning the Electoral Commission investigation?---With the Electoral Commission, yes.

30 Have you discussed with Jonathan Yee the events concerning the investigation by this Commission?---No.

Never?

MR ROBERTSON: Are you quite sure about that?---Yes.

Both you and Mr Jonathan Yee are associated with the Federation of Australian Guangdong Communities. Correct?---Yes.

40 You and Mr Jonathan Yee travelled to Guangdong late last year. Correct? ---Yes.

And you engaged in a series of activities together on behalf of that federation. Correct?---Yes.

Now, I want to suggest to you that during the course of your time in Guangdong with Mr Yee, Mr Jonathan Yee, you discussed this Commission's investigation and you compared notes regarding the

Commission's investigation. Do you accept that?---Compared notes? What notes?

I'll put the question differently. Whilst you were in Guangdong with Mr Jonathan Yee, I suggest to you that you discussed the process of this Commission's investigation. Do you accept that?---Not really. When you say discussed, all depends on, have we mentioned about that there is something like that, probably, but I did not have any recollection of that.

10 Well - - ?---But we did not discussing anything like in details yeah.

Well, in answer to my question you said, "Not really."---Yeah.

I want to understand what you mean by that. What if anything did you discuss with Mr Jonathan Yee regarding this Commission's investigation? ---You mean this hearing now?

You're aware that the Electoral Commission conducted an investigation into donations associated with the Chinese Friends of Labor dinner in 2015.  
20 Correct?---Yes.

You're aware that the Electoral Commission referred the conduct the subject of its investigation to this Commission. Correct?---Yes.

And you're aware that this Commission has been investigating that matter for some time. Correct?---Yes.

And you knew that in November and December of last year when you were in Guangdong with Mr Jonathan Yee. Correct?---Yes.  
30

And I want to suggest to you that during the course of your time together you discussed with Mr Jonathan Yee what you each knew about this Commission's investigation.---No.

Do you agree with that?---No.

Are you quite sure about that?---Yeah.

What I want to suggest to you is that you each discussed the progress of the Commission's investigation and you took notes regarding that matter on your telephone. Do you accept that?---No.  
40

Are you quite sure about that?---Yeah.

Can we go, please, to volume 7, page 179.

THE COMMISSIONER: The previous document, Mr Robertson 3A, 152?

MR ROBERTSON: Yes, I'm sorry.

THE COMMISSIONER: Email to Jonathan Yee. You're tendering that?

MR ROBERTSON: Yes, I am. I neglected to do that before.

THE COMMISSIONER: 192.

10 MR ROBERTSON: The tender is volume 3A, pages 152 to 153, if it please the Commission.

THE COMMISSIONER: Yes, thank you. Those pages will become exhibit 193. Sorry, 192.

**#EXH-192 – EMAIL FROM ERNEST WONG TO JONATHAN YEE  
TITLED 'FWD: SCAN DATA FROM FX-AF807E' DATED 30  
MARCH 2015 ATTACHING A RESERVATION FORM TO  
CHINESE FRIENDS OF LABOR NSW LABOR CHINESE LAUNCH**

20

MR ROBERTSON: Can I just ask you to have a look at what's on the screen, Mr Wong, and can you see a photograph of a mobile telephone, the first heading Target Subject? Do you see that there?---Yep.

What I want to suggest to you is that this is notes as to a discussion, and that summarises a discussion that you and Mr Jonathan Yee had when you were in Guangdong. Do you agree with that?

30 MR HALE: Yes, could we be a bit clearer about the notes made by whom?

THE COMMISSIONER: Sorry, Mr - - -

MR HALE: Notes made by whom? I don't think it's stated in the question.

40 MR ROBERTSON: I'll put the question again. I want to suggest to you, Mr Wong, that what you can see on the screen is a summary of topic areas that you and Mr Jonathan Yee discussed when you were together in Guangdong in November of last year. Do you agree with that?---Can you say the question again?

You can see on the screen, can't you, a heading that says Target Subject. Do you see that there?---(No Audible Reply)

And can you see there's another one that says Questions? Do you see that there?---Yeah.

Now, what I want to suggest to you is that what is on the screen is a summary of matters that you and Mr Jonathan Yee discussed when you were in Guangdong Province in November of last year. Do you agree with that?---I do not have any recollection of that at all. I didn't even know those questions or - - -

10 THE COMMISSIONER: What period were you in Guangdong Province?  
---I can't remember, unless you let me sort of like go through my diary to look for it. Look, I'm doing a lot, a lot of things every single day, and I just wouldn't have a clear recollection of when, what.

MR ROBERTSON: But you were with Mr Jonathan Yee in Guangdong Province late last year, correct?---Yes, I did, yeah.

And you were there for purposes including the Federation of Australian Guangdong Communities, correct?---Yes.

20 Presumably you had a number of discussions with Mr Jonathan Yee while you were there.---Yes.

You had a close relationship, a friendship with Jonathan Yee, correct?  
---Yes.

And do you recall whether you had any discussions with Mr Jonathan Yee regarding this Commission's investigation into the Chinese Friends of Labor dinner in 2015?---I did not recall, but we did, we did, we did touch base in regards to the electoral office because I've heard a lot of rumours - - -

30 THE COMMISSIONER: You weren't asked that.---Yeah. Sorry?

MR ROBERTSON: So I'll put the question again. Do you have any recollection that when you were in Guangdong Province with Mr Yee late last year whether you had any discussions with him regarding the progress of this Commission, the Independent Commission Against Corruption's investigation?---I can't recall it's of this Commission, but we did actually discuss a bit of, not details but a bit of those informations at the time with the electoral office.

40 I'm not asking - - -?---Or something, some questions about that, yeah.

Well, I'm not asking you about the NSW Electoral Commission at the moment.---Yeah.

I'm asking you about this Commission, the Independent Commission Against Corruption. Do you understand that?---Yes.

And what I want to suggest to you is that during your time in Guangdong with Mr Jonathan Yee, you discussed matters concerning this Commission's

investigation. Do you accept that or not?---We're talking about, look, sorry, yeah, I know you are saying that it's a yes or no, but at the end of the day we have discussed something about this investigation. But is the particular focus on this Commission, Commission's inquiry or the ones that we had before, I can't, I can't recall.

Well, can I help you this way. The referral that was made by the Electoral Commission to this Commission happened in January of 2018.---Yes.

10 Have you had any discussions with Mr Jonathan Yee regarding a matter of donations associated with the Chinese Friends of Labor dinner in 2015 during 2018 or 2019?---Yes.

And did you have discussions of that nature in Guangdong when you were there with Jonathan Yee late last year?---Yes.

And can we have the photograph back on the screen, please? And if we can zoom that up to the whole page, please. And I want to suggest to you that the discussions that you had in Guangdong with Mr Yee regarding this  
20 Commission's investigation included the matters that are summarised in the note that you can see on the screen. Do you agree with that?---Not really. I don't even, I don't even understand what's on (not transcribable) prohibited donors. I don't even recall whether he is, I don't even understand what that is.

THE COMMISSIONER: Well, you can understand the second point, can't you, number 2, what that relates to?---(No Audible Reply)

30 MR HALE: Perhaps I could - - -?---Mmm.

I know this question's been asked a few times. Perhaps I could object, I have no objection if he's asked whether specific subject matters were the subject of discussion, but to put forward that number of points and ask an omnibus question in that way, in the circumstances, perhaps is a little unfair.

THE COMMISSIONER: Well, there's one way of doing it, and can go through them, every point one by one, or we can - - -

40 MR HALE: Oh, I wasn't trying to cause that difficulty - - -

THE COMMISSIONER: No. But what - - -

MR HALE: - - - but Commissioner, you realise the problem.

MR ROBERTSON: I'll do it that way.

THE COMMISSIONER: All right, well, Mr Robertson will try and accommodate your point.

MR ROBERTSON: I'll do it that way. During your discussions with Mr Yee in Guangdong regarding this Commission's investigation, did you discuss the question of whether one of the targets of this Commission's investigation was when, was whether any of the donors are donating on behalf of prohibited donors, namely Huang or others, is that a matter that you discussed?---No.

Are you quite sure you didn't discuss that matter?---No.

10

So you are sure you didn't discuss that matter, is that right?---I didn't discuss that matter, no.

Did you have any discussions about whether any entity was donating more than the capped amount?---Look, I really did not recall if we had a discussion as such. We have a very broad discussion with regards to the whole situation, and whole issues, in particular, the Chinese community's response to it. Because we had been asked many times by the Chinese media, a lot of the Chinese community groups, in regards to how that this, you know, what, what, what, what situation. So we discussed that. But with all these particular questions, I do not recall any of those has been discussed in full details or, or whatever it is.

20

So is the effect of your evidence that you recall having a discussion with Mr Yee in Guangdong regarding this Commission's investigation, but you don't recall the specifics of that discussion, is that a fair summary of what you've said?---Yes. It is, yes.

Can I ask for that to be marked for identification for the time being, and this is a document that I'll come back to in due course.

30

THE COMMISSIONER: Yes. The document shown to the witness at volume 7, page 179, will be marked as MFI 11.

**#MFI-11 – 'PHOTOGRAPH FROM JONATHAN YEE'S MOBILE TELEPHONE TAKEN ON 1 DECEMBER 2018'**

MR ROBERTSON: Mr Wong, I was just asking you some questions about last year in 2018. I now want to go back in time a little bit to 2016. So we're after the event that happened in 2015. We're now moving into 2016. Now, by at least September, 2016, you knew that the Electoral Commission was conducting an investigation into the Chinese Friends of Labor dinner on 12 March, 2015, correct?---Yes. Yes.

40

And you were contacted by someone from Wu International towards the middle of September, 2016 - - ?---Yes.

- - - and told that Mr Steve Tong had been required to produce documents to the Electoral Commission, correct?---Yes. Yes.

Now who was the person who made that contact with you?---Dr Liao.

So Dr Liao, who I've been calling Liao, I'm, I apologise if I'm not pronouncing his name correctly - - -?---Yep.

10 - - - contacted you and told you that Mr Steve Tong had been required to produce documents, correct?---Yes.

And you told Mr Yee that that happened, did you?---No.

Who did you tell that that had happened, if anyone?---Kaila. Kaila Murnain.

THE COMMISSIONER: Sorry? Told who? Peter?---Sorry?

20 Who did you tell?---Ms Kaila Murnain. The next day.

And where did you hear this from?---From Dr Liao, in, I can't remember if it was a dinner or lunch. Sort of, you know, in a meal where he whispered that to me, yeah.

MR ROBERTSON: And so he told you that in person, is that right?---Yes.

And it was about 15 September, is that right?---(No Audible Reply)

30 In fact, I withdraw that.---Probably around either 15<sup>th</sup> or 16<sup>th</sup>, you know, I can't remember if it's the dinner or lunch.

Now, you then I think you said made contact with Ms Murnain, is that right?---Yes.

And was that on a Friday evening in September?---I can't remember the exact date. In the evening, yes.

40 But do you at least recall about what time during the day it was?---Late evening.

THE COMMISSIONER: Do you remember what day of the week it was? ---I can't remember.

MR ROBERTSON: Can we have please Exhibit 172 on the screen. Now, do you recall how you made contact with Ms Murnain around about that time?---I called her, see if I am able to meet up with her and she told me that, she told me that she was actually going to another function or see

another person but she would be driving up Hospital Road so she asked me to meet up with her in Hospital Road, so she would be driving up there.

I just want to attempt to get the timing on this as best we can. Is it right that you were, on this particular day in the evening, the first form of communication that you had with Ms Murnain was by telephone, is that your best recollection?---I think so, yes.

10 Do you recall whether you sought to make contact with her by text message or in some other way before you spoke to her on the telephone?---I couldn't remember. I couldn't remember.

Can I try and help you this way. Can we go please to Exhibit 172. See here what appears to be a text exchange between you, Ernest, and I can assist you by saying that Ms Murnain says that she is the other party to this conversation. Do you see that there?---Yep.

20 Now, does that refresh your memory as to the form of communication with Ms Murnain on the date that you're talking about?---Well, if that, that is a text, then that must be text, but I recalled that I did call her to organise a meeting with her.

And that was in the evening around about the middle of September, is that right?---I think so, yes.

And you recall, do you, having a telephone call with Ms Murnain before you met her in person on that evening?---Assume so but I really would not have any clear recollection.

30 So sitting there now, you had some contact with Ms Murnain with a view to set up a meeting, is that right?---Yes.

And you don't recall whether that contact was by text or by telephone, is that right?---Yes.

40 If you just have a look at the document on the screen or that will come back on the screen shortly. Can you see that it looks like, on the left-hand side, you are telling Ms Murnain to, "Please ring me," at 6.00pm. Do you see that there?---Yep.

Does that help you at all in recalling whether Ms Murnain in fact rang you? ---I didn't recall. I didn't recall. Either I called her and she told me that, you know, she was coming down. That is my, my, my, my recollection, that I called her and then she said that, you know, she will be able to meet up because she was in, she, she would be on the way to see other people, I remember. And then probably toward the time where she, I still haven't saw her, that I ask her to, probably then I text her, "Please ring me." Where she is, or type of stuff, you know.

So is it right to say that your best recollection is that you had some telephone communication with Ms Murnain on that evening and during that telephone call you, you made clear that you wanted to have a meeting with her, is that right?---Yes.

Did you indicate to her how urgent the matter was that you wanted to discuss?---I can't recall but – I really can't recall. Probably urgent, I can't recall, yeah.

10

And then your best recollection is that you had a telephone communication and I think you were telling us that an arrangement was made to meet to somewhere, is that right?---Yes.

And where was that?---To meet.

20

I thought you told us that during your telephone call with Ms Murnain you made arrangements to meet her somewhere, is that right?---No, I didn't make the arrangements but she was saying that she was going to meet up with someone because she was driving. So it's that she was driving up the road, I, I, I, I, my recollection will be that she did say she would be driving up Hospital Road, that would be easier. So then I just met her up there.

But to be clear about that, you're saying that during the telephone call, Ms Murnain indicated that she was going to see someone?---Going to see someone, someone on the way, yeah.

30

But what, that she could see you, what, on the way, is that what you're saying?---Yes, yes.

And then see you where?---I didn't recall exactly but I would assume that would be Hospital Road because that was easier for her to drive up, easier for her to park, I think.

And if we could have Exhibit 172 back on the screen, please. Do you see there on the right-hand side it appears as if Ms Murnain is saying, "Come down," on the right-hand side?---Yeah.

40

Does that message and those that follow it, does that raise your memory as to what may have happened on the evening, it seems, of 16 September, 2016?---I'm coming down, I'm going down to see her, and then I ask her, well, she asks me if I'm at the front of the hospital, I suppose. Yeah, I ask her if she was at front or Hospital Road, and she said come out the back so it's Hospital Road.

And so is that what in fact happened as far as you can recall?---Yes, yes.

And so - - -?---Then I do remember.

And so you have a recollection of meeting Ms Murnain during the evening -  
- -?---Yes.

- - - on Hospital Road, out the back of Parliament House, is that right?  
---Yes, yes.

10 And what happened then?---When I saw her, I think the first thing I ask her  
was that, I told her that I have overheard from someone that his friend was  
actually going to be interviewed by, or going to be interviewed – I, I could  
not remember the exact wording – interviewed by the electoral office, but he  
will not be able to produce documents to prove that. And then I told her that  
because that was what Dr Liao told me, that he actually loaned the money  
to, to this, to this Mr Tong, I can't remember the name, but Mr Tong. And  
then I will not be able to remember exactly what he told me later on, which  
he continued saying very likely that either this Mr Tong has returned the  
money or will return, will return the money. So I asked Kaila, I did tell her  
about all of this and I, I, I ask Ms Murnain if Labor Party will be able to  
provide legal service or legal advice to this person.

20

When you say “this person”, which person are you referring to?---Mr Tong.

Now, was this the first time that you'd heard Mr Steve Tong's name?---Yes.

And have you now explained the extent of what you said to Ms Murnain  
during that conversation?---Sorry, the - - -

You've explained some of the things that you said to Ms Murnain.---Yes.  
Yes.

30

Did you say anything else to her?---Oh, yeah, he was very sick. I was told  
he was very sick, and - - -

When you say “he”, you mean Mr Tong?---Mr Tong was very sick. That  
was, that was told by Dr Liao to me. So I think I did tell, I did tell Ms  
Murnain that we should actually provide him with some legal, legal advice  
because I think they are people supporting us. Labor should at least have a  
bit of a courtesy to provide this legal service because at the time I thought  
that Labor probably would have that kind of service.

40

But I just want to be clear about what you said to Ms Murnain about what  
Dr Liao told you about Mr Tong. Can you just explain that again for us,  
please?---Okay. Now, I will not be able to remember the exact wording.

Do the best you can.---Okay.

I appreciate it's a while ago.---Yeah.

But I want you to do as best you can to identify what words you uttered to Ms Murnain when you met her out the back of Parliament House.---Sure. Sure. I told her two things. First of all, someone told me that his friend, I can't remember if I did mention the name Mr Tong or not – Mr Tong, yeah, Mr Tong – at all, but I, I, I, I told Ms Murnain that he, this, this friend of mine told me that his friend, Mr Tong, was called in by the, by, by electoral office in regards to a donation he made to the Labor Party, and then he would not be able to produce documents to support his, his, his donation. And then Dr Liao – I didn't mention Dr Liao's name, though – that he, Dr Liao actually lent the money to this Mr Tong, but apparently he told me but I will not be able to remember well because then he was whispering in my ears that this Mr Tong has returned the money or would return the money to him later on. So I, would we be able to provide this person any legal, legal advice from the, from the head office or from Labor Party?

So just to be clear about this, are you saying that when you spoke to Dr Liao at a lunch or perhaps a dinner - - -?---Yeah

- - - what, did he say that he lent some money to Mr Tong?---Yes.

And that Mr Tong then did what with that money?---I can't remember exactly because it was very, like, he was whispering in my ear. Either Mr Tong had returned the money or would return the money later on. That I am not too sure.

Return the money to who? To Dr Liao as the person - - -?---Dr Liao I think, yeah. I suppose that was, that would be the case, but he did not mention, he would return the money to me, but he just saying that, I remember that he said that he either returned the money or would return the money, but I can't remember he say to who.

To Dr Liao, Mr Tong would return the money to Dr Liao?---Well, this what I assume, this what I assume, but I would not, Dr Liao did not say that he is going to return the money to him. That's, that, that's the best I can recall.

I'm sorry, Mr Wong, I'm having difficulty understanding this. Are you telling us that Dr Liao told you that he lent money to Mr Tong and that Mr Tong said he would pay the money back. Is that what you're saying? ---Yes.

What did that have to do with you, why were you being told that? ---How do I know?

Well, what did it have to do with the Australian Labor Party?---No, I, I, I think, I think what he, he trying to mention was that he was actually, he was actually being, being, being interviewed by the electoral office of a donation to Labor Party.

So are you saying that in substance Dr Liao said to you that Mr Tong was not the true donor in relation to a donation, but rather Dr Liao was. Is that what you're saying?---No. That was what I probably assumed as much as you are, you are assuming right now, right, because I wouldn't be able to put those words into a mouth of someone who told me this, but that's what my assumption would be so that's why I think I would actually talk to Kaila to see if I'm able to get some legal advice from the Labor Party to help this person, because Dr Liao want me to see him.

- 10 Let's go back to the meeting you had with Dr Liao, because I for one part am having difficulty in understanding what you're saying. Dr Liao leans over to you and whispers in your ear at a lunch or dinner in about the middle of September. Correct?---Yes.

- 20 Doing the best you can, what words did he whisper in your ear?---That he has got a friend that would like to meet up with me or would like me to meet up with him because he was very sick but then he was actually called in by the electoral office in regard to some Labor donations early on and then, and then he kept on saying that, you know, that he lent him some, he lent him the money but then he probably would have returned the money or will return sometime later. And I told him that he need, he need a legal advice, I remember that's what I said, so that's why I asked Kaila.

And the friend wanted to come and see, and speak to you. Is that right?  
---Yes.

And the friend was Mr Tong. Is that right?---I assume that would be, he did mention Mr Tong, yes.

- 30 Well, Dr Liao definitely mentioned the word Mr Tong. Is that right?---I think so, yes, Tony.

Why would Mr Tong want to come and see you regarding that matter?  
---How do I know? But I suppose, I, I, I actually met him later on, I can't remember which day, that because it's a Labor donation, so that's why, you know, he, I don't know, probably because Dr Liao was donating that, you know, to, you know, for me or whatever it is, so that's why he wanted to see me.

- 40 So you ultimately met Mr Tong. Is that right?---Yes.

Did you meet him in 2016 or was it at some subsequent time?---Subsequent time. I think it's after, after the, after the, his interview with the electoral office.

Well, does that mean it was sometime in 2016 or 2017 or could have it been later?---Probably, I, I, I, I can't remember the date, but we met, we met in parliament in my office.

You're saying that Dr Liao is indicating to you that Mr Tong wants to speak to you, presumably he's telling you that he wants you to see Mr Tong within relatively short order, within a relatively short period of time?---I assume so, yeah.

10 And did you see him within a relatively short period of time or was it sometime after?---Look, I would not be able to remember the exact date but I do remember that he mentioned that he, I'm pretty sure that would be after his interview with electoral office.

THE COMMISSIONER: Did you meet him, Mr Tong?---Yes.

Where?---In parliament, in my office.

In your office in Parliament House?---Yes.

20 Who else was there at this meeting?---There will be another person, probably assistant, I think another staff from, from Wu International.

Who was that?---I can't remember the name.

So anybody else?---Sorry?

Anybody else?---No, no.

So at this meeting there was you?---Yes.

30 Mr Tong?---Yeah. And the other person, yeah.

Somebody from Wu International.---I believe so, yes.

You know who that person was, don't you? You know very well who that person was, don't you?---That - - -

From Wu International.---That would not be someone that I am very familiar with.

40 Why are you hesitating?---Yeah, probably not. I, I can't remember the name, but I think his surname probably will be Chang or whatever it is. I, I, I didn't even know him in a sense before that meeting.

MR ROBERTSON: Do you recall that person's first name?---Would that be Kevin or - probably Kevin I think. I can't - - -

Can we go back to your meeting with Ms Murnain in about the middle of 2016.---Yeah, sure.

Is it your evidence that the only topic of discussion with Ms Murnain in the meeting on an evening in about the middle of September was that you were asking Ms Murnain to obtain legal advice for Mr Tong?---No. And I did mention to her that there is a lot of rumour in the Chinese community in regards to those Labor donations, and I think that was quite damaging for Labor Party, so I mentioned to her that there will, I heard, I overheard a lot of rumours from the, from the Chinese community in regards to that Labor, Labor, a donation to Labor.

10 THE COMMISSIONER: My earlier note indicates that what you said, told us a short while ago about this meeting with Ms Murnain - - -?---Yes.

- - - in Hospital Road – is that where the meeting took place, this conversation took place?---Yes.

Was it in Hospital Road or nearby?---There would be, in Hospital Road in front of the, the back entrance of Parliament House.

20 And how close to the back entrance of Parliament House do you say you spoke to Ms Murnain? Were you - - -?---Oh, oh - - -

No, no, no.---No, no. Sorry.

Just listen to me. Or were you both walking at the time this conversation took place?---Probably walking. Oh, it's actually across the road in the park. Yeah, sorry, yeah.

30 Towards the direction of the art gallery or somewhere else?---Probably just along that, the street, sort of like, you know, yeah, rather than going on to art gallery.

So - - -?---So where's the art gallery, like, you know, probably there on the right-hand side will be the Parliament House, and my best recollection was (not transcribable) probably we were just walking down the road or up the, yeah, down the road, yeah.

In any event, your recollection is you met Ms Murnain somewhere initially in Hospital Road.---Yes.

40 Then the two of you have started walking and talking.---Yeah. Yeah.

You commenced the talking. You said words to the effect that you overheard from someone that Mr Tong was going to be interviewed by the Electoral Commission but that he was not able to produce documents to support his donation. Right so far?---Yeah, no - - -

No, just, just - - -?---Yeah, sorry, Commissioner.

Is there anything else said at that time by you?---Yes. I overheard from the Chinese community that they have a lot of issues are being investigated in regards to donations to Labor Party. Then I told her that someone told me that there is a person – I can't remember if I say Mr Tong or whatever it is – that he was interviewed, he was supposed to be interviewed or called in to be interviewed by the electoral office, the Electoral Commission, but then he would not be able to produce the documents for it.

10 This is Mr Tong would not be able to produce?---Yes, I think so, yes.  
That's what I, yeah.

And then you also mentioned the first time of your recounting this conversation a few minutes ago, you said words to the effect that you indicated or said to Ms Murnain that the Labor Party should provide some legal services for Mr Tong, is that right?---Yes. Yes. Or at least refer solicitors for him, yeah.

20 So that was the message essentially that you wanted to meet and have a discussion with Ms Murnain this day, was it?---Yeah, but then, yeah, but then she, she said that no, no, no, no, we will not be able to because there's a conflict of interest, which I didn't understand why, but I wasn't quite happy because I think we owe those people a duty when they've sort of like supported us.

You said this meeting probably was an urgent meeting, is that right, with Ms Murnain?---Yeah. Yeah.

Right?---Yes.

30 Right. What was so urgent about this particular matter if all the conversation concerned was that Mr Tong is to be interviewed about the Electoral Commission and he wasn't able to produce documents to support his donation? What's the degree of urgency about it?---No, because Mr, Dr Liao did tell me that he lent the money. I think that would be the same guessing as, as Mr Robertson, that probably that would not be his money.

That Dr Liao had lent the money?---Yes, yes.

40 Now come back to the question. What's so urgent about this meeting that at the back of Parliament House on the night of 16 September or whenever it was, mid-September?---I did not choose the place at the back of the parliament but Ms Murnain said that she was driving up so that's why we met, we met there.

But you said it was a probably urgent meeting. Why was it urgent?---Well, if someone ask me that there would be, they're interviewed by the electoral office and then in regards to a donation, I suppose that is urgent to get, "Kaila, we need to know what's going on." They should be able to provide

me with certain help with the legal service before I see this person, if I am going to.

But you didn't even know Mr Tong existed, did you, at the time of this meeting with Ms Murnain?---When you say Mr Tong existing, I didn't know the person at all, I have not met him once.

That's not what I'm saying. You never met him at all?---Yeah.

10 He meant nothing to you.---No. But Dr Liao is.

No, no, yes. But - - -?---Dr Liao is someone that I know very well.

But this all was concerning Mr Tong, though, wasn't it? Because he was the one that was going to be interviewed by the Electoral Commission. ---Yeah.

20 What did it matter to you? You'd never met this man before.---But if this is a donor to Labor Party and I have heard all of these rumours in the Chinese community, I suppose that's very important because all of those donations that, you know, had been sort of like, probably showing the support of myself as a, as, as a representative of the Chinese community. So of course that is important, I think that's pretty urgent.

MR ROBERTSON: Mr Wong, as best you recall, what was your demeanour during the course of this meeting? Were you concerned or were you stressed out?---No, not at all and in that sort of like darkness in that late evening, I don't suppose that I would be able to recognise any of those facial expressions.

30 I'm talking about your own demeanour at the moment. Were you concerned about this matter?---No.

So you weren't - - -?---Well, when you say concerned, yes, I, I was because there is something that has come up without my expectation and of course I need to get a bit of, you know, I, I, I feel excited in a sense.

40 THE COMMISSIONER: Did you get excited? Were you excitable on this evening?---Excited, probably I used the word. Sorry about that, though, because English is not my master language, but at the end of the day, I just felt something that I need to spread out with other person, particularly someone in the head office who are able to know what's going on and what to do.

Well, could you, would agitated be a suitable word to describe how you felt?---Sorry?

Were you agitated about this news that you had heard about Mr Tong?---No, no.

MR ROBERTSON: But you were at least sufficiently concerned, weren't you, to insist on an urgent meeting with Ms Murnain, correct?---Yes, yes.

10 To be clear about this, did you say to Ms Murnain that there was a donor who had donated money – sorry, there was a donor who had not donated money that they said that they had? Did you utter words to that effect to Ms Murnain?---To that effect, probably, yes but not the exact wording. I think what I mentioned to her is that because, I can't remember the exact wording but Dr Liao, because he said that he lent the money so I did probably mention that that person probably is not the real donor.

So you probably said to Ms Murnain that Dr Liao had said that they donated money that they didn't donate, is that what you're saying?---Not Dr Liao said that but Mr Tong, I referred to Mr Tong.

20 I see. So you probably said to Ms Murnain that Mr Tong said that he donated money in connection with the Chinese Friends of Labor event in 2015 but he did not donate that money, is that right?---I did not say that working as I said before.

THE COMMISSIONER: No, but was that the - - -?---The only thing I just mentioned - - -

30 No, listen here, just wait a minute. Was that the essence of what was being said?---I suspect that, yes. I think I, I, I think the whole, the whole essence of that would be, "I suspect that that is not Mr Tong's money."

MR ROBERTSON: But what I want to be clear about, did you by your words make clear to Ms Murnain that there was someone in the nature of a fake donor or a straw donor, in other words someone who said that they had donated money but had - - -?---No, no. It's not the wording I put it. No, definitely not.

No, I - - -?---Because I am not sure.

40 I appreciate you don't recall the exact wording but I'm trying to understand the essence of what you said to Ms Murnain. What I want to understand is whether what you are seeking to communicate to Ms Murnain was that there was a person, Mr Tong, I think who said that they donated money but did not. Is that the essence of what you were trying to communicate to Ms Murnain?---You can say that, yes.

Well, no, it's not about what I say. I'm trying to understand the essence of what you were trying to communicate to Ms Murnain in your urgent

meeting with her in mid-September.---Thank you, Mr Robertson, would I be able to give you the exact expression that I had at the time - - -

Yes, please. That's what I want.--- - - - in the sense where, I suspected, I do not have a knowledge if, particularly that Dr Liao has donated that money instead of Tong, but I know that the way that Dr Liao put it to me was that this Mr Tong probably would have a bit of problem in regards to that. So that's why I tried to alert - - -

10 THE COMMISSIONER: Well, let's leave names out of it for the moment. ---Yeah, sure.

When we're talking about this discussion, all that you had on an urgent basis with Ms - - -?---Murnain, yes.

- - - Murnain in mid-September, 2016, let's leave the Tong name out.---Yep.

20 And Dr Liao's name out of it. We're just trying to get to the essence of what you had conveyed. Do you understand?---Yes, of course.

I'll put it again, just to confirm it. I think you've already answered the question, but I think it's (not transcribable)---Yeah, sure.

MR ROBERTSON: I just want to be quite clear about the essence of what you were seeking to communicate to Ms Murnain, and was it that there was a donor who had not donated the money that they said that they had? Is that the essence of what you were seeking to communicate to Ms Murnain? ---Yes. But my essence will be trying to get some legal service that will be provide to this person.

30 So I think the answer to my question is yes, isn't it, that at least one of the things - - -?---I said that, yes.

- - - that you were seeking to communicate was that there was a donor who had donated money – so had not donated money that they said that they had, correct?---That is not the exact wording I said (not transcribable). I suspected that probably would be the case. That's why. Look, I know, I know what you're trying to do, that I know exactly what's going on so that's why I'm, I'm talking to Ms Murnain. It's not the case. I suspected that, so  
40 that's why I want to seek advice from Ms Murnain.

Mr Wong, it's quite important for us to know, as best as you can, the words or at least the substance of what you communicated to Ms Murnain. Do you understand that?---Yes, of course.

And what I want to be clear about is I think you're telling us, but don't let me put words in your mouth, I think you're telling us that one of the things that you sought to communicate by the words that you used with Ms

Murnain was that there was a donor who had not donated the money that they said that they had. Have I got that right? Is that one of the things that you were seeking to communicate to Ms Murnain in the meeting at night in about the middle of September, is that right?---I heard you don't use the word "suspicion". I suspected that. But I did not use the word "suspected", because I told her, that's what Dr Liao told me, that he lent the money. So -  
--

10 THE COMMISSIONER: Look, you've been given every opportunity to say what you said this night. You, with great respect, you keep going off on tangents.---Okay, you - - -

Now - - -?---Sorry.

Lest there be any misunderstanding, do you want to once again address this issue, so that we've got your evidence clear?---Yes.

Well, let's try once more.

20 MR HALE: Can I just make a suggestion? I think - - -

THE COMMISSIONER: No, Mr Hale, not now. I want to get this cleared up.

MR HALE: Yes, I was just, I was perhaps conscious of the slight differences in languages.

THE COMMISSIONER: Okay. Well - - -

30 MR HALE: And the word "suspicion". That's all.

THE COMMISSIONER: Perhaps, Mr Wong, you understand when somebody is asking you what the essence of the conversation was?---Sure.

What was the message?---Sure. Yep.

Even if they can't remember the precise words that you or somebody else used on a particular occasion.---Sure.

40 You understand what we're dealing with?---Yes.

When we say the essence of the conversation.---Sure.

Just the substantive meaning of what you were saying.---Sure.

Even if you can't remember the actual words. If you can remember the actual words, that's fine. But if you can't - - -?---Sure.

It's just the message we're trying to clarify.---Thank you.

I think it has been clarified.---Yes.

But just, well, more about a precaution, we'll put it again.---Sure. Thank you, Commissioner.

10 MR ROBERTSON: So is the essence of at least one of the things you sought to communicate to Ms Murnain during the meeting in about the middle of September, in an evening, was that you suspected that a donor had not donated money that they said that they had?---Yes.

And the donor that you had in mind was Mr Tong, correct?---Yes.

And did you say, did you utter the words "Mr Tong" to Ms Murnain, do you recall that?---I can't remember the exact wording that I have said it, but I probably did, I think.

20 And you asked Ms Murnain to organise legal advice - - -?---Yes.  
- - - for Mr Tong, correct?---Yes.

And you were telling us before that another matter that you raised with Ms Murnain was rumours in the community, is that right?---Yes. Yes.

30 And what were those rumours that you discussed with Ms Murnain?---That a lot of those donations to the Labor Party by the Chinese community has now get into trouble. Yes, those donors got into trouble because of donating to Labor, yep.

Did you ever, in the conversation that we're discussing, did you utter the words "Mr Huang"?---Yes. I did mention to, to Kaila, or Ms Murnain, that, well, because after she said that, you know, she wouldn't be able to provide any legal assistance or help with those people, I was getting a bit cranky. I, I alerted her that Mr Huang was the one who pass on the money, I can't remember that's the wording, or taking the money to the office, or deliver, I can't remember the word, to the head office.

40 So to be clear, during the course of the discussion in the evening in about the middle of September, you told Ms Murnain that it was Mr Huang Xiangmo who delivered cash to the Sussex Street office?---Yeah, I, I cannot remember the exact wording, either delivered or whatever, it's like took the, took the money, but, yeah, that's as it, but I probably used the word "money" rather than "cash".

But why were you telling that to Ms Murnain?---Because I think, look, that will be misrepresented or misinterpreted throughout the whole issue, so I just wanted to alert her.

So to be clear about that, are you saying you were alerting to, alerting Ms Murnain to the fact that there was rumours concerning Mr Huang Xiangmo, is that right?---No, no. I just want to let her know the fact that Mr Wong delivered the money or pass on the money or took the money to the head office. That's something that she should be alert of in regards to if there was any embarrassment or any risk interpretation.

10 But why was that something that you thought she needed to know promptly?---As, as, as assistant general secretary, particularly she's, she was a general secretary at the time. She's got to understand that, though. If someone somewhere that, you know, there was misinterpretation, then she should be aware of.

But I'm just trying to understand the context in which you brought that matter up. As I understand what you're saying, the purpose of the meeting really had nothing to do with Mr Huang Xiangmo.---Yes.

20 It was all about Dr Liao and Mr Tong, is that right?---Yes. Yes.

But you brought up Mr Huang. Can you just explain why it was that you brought up Mr Huang's name in connection with a discussion that was all about Dr Liao and Mr Tong?---I think, I think it's all because that when Ms Murnain's saying that they've got nothing to do with Labor Party type of stuff, I just wanted to alert her that there will be misrepresentation or misinterpretation around the investigation if in case we don't give a legal advice to those people. So that's why I just brought it up. And I think, you know, he probably, she probably would have already known it, so that's why I just wanted to, to, to bring it up to her.

30 After you told Ms Murnain that you suspected that there was a donor who had not donated the money that they said that they had, doing the best you can, what did Ms Murnain say in response?---I think that will be after the conversation where I ask for any legal support from the Labor Party, and she said that, that we will not be able to, that will be conflict of interest.

Did Ms Murnain ask you who the true donor of the money was?---No.

40 Did you indicate to Ms Murnain that the true source of the money was Mr Huang Xiangmo?---No.

Are you quite sure about that?---Yes. And after I told her about Mr Huang passed on the money or whatever it is, and her response is (not transcribable) she raised her hands and, and said, "Look, I will not listen to it," and then she walked away, so I would not be able to have time to continue the conversation.

What was Ms Murnain, as best you could ascertain, what was Ms Murnain's demeanour during the course of this discussion?---Quite frankly, that's very dark in late evening. I would not be able to see if she was upset or if she was (not transcribable). No way that I'm going to see. It's too dark in the late evening.

So you don't have any particular observations as to that matter, is that right?---No. No.

10 In the words that she used, did she seem surprised, angry, any emotion of that kind?---Yeah, probably angry, I think. Not angry but probably that she didn't want to listen to it. She didn't want to know about it.

THE COMMISSIONER: I think you're being asked about her demeanour. Call it angry, call it whatever you want, what's the right word to describe her reaction to what you had told her?---I don't know. Nervous.

MR ROBERTSON: Did she say the words, "What the shit?" or something similar to that?---I didn't recall. I didn't recall.

20 But she may have said something like that?---Probably. I don't recall at all.

But are you quite - - -?---But I remember one thing, that she just raised her hands and said, "Look, I don't want to listen to it," and that's something that I do remember quite well. Or, or she didn't want to know about it.

But are you quite clear that you didn't suggest to her that Mr Huang Xiangmo was the true source - - -?---No.

30 - - - of money connected with the - - -?---No.

- - - 2015 event? You're quite sure about that on your affirmation?---Yes, yes.

THE COMMISSIONER: Do you recall whether she asked you who the person was who said that he had made a donation but hadn't, did she ask you to name the person?---No.

40 Are you sure about that?---Yeah.

Well, you having made the statement, she was obviously interested in what you were saying, wasn't she interested enough to say, well, who is this person?---I reckon so, I'm not sure if I did remember the name that I have, I have, I have give her, I have given her the name of Mr Tong, I can't remember. Probably I did, so that's why.

And would that have been because she was pressing you to say who is this person, she wanted to know?---No, no.

Well, did she indicate that she was interested to find out who you were talking about and did she indicate, well, who is this person?---Look, this is, that was actually a very short and quick conversation and not very - - -

I appreciate that, but - - -?---Yeah.

10 - - - just attend to my question. You've given your account of having told her what might be said to be significant, that is to say that somebody through your information source had identified someone who had claimed to be a donor but wasn't. Did that produce some reaction from her to say, well, who is the person?---That's what I should explain, but no, I didn't see much response.

20 Was it possible she said something along those lines and you may have forgotten about it since then?---Probably, but I, yeah, look, I did not remember she asked me, said who that person, but she, she did not ask me who was that person but after the whole conversation when I tried to continue where then she just walked away. She said that she will not, she, she didn't want to know about it or she didn't want to hear about it.

Did she ask you, well, if that person wasn't the true donor, who was?  
---No.

Well, with this piece of news you would expect, wouldn't you, that she might be wanting to know?---Probably.

30 You knew, didn't you, who the real donor, you knew who the real donor was, didn't you?---No, but I, I suspected that would be Dr Liao.

Who was your - - -?---But I didn't want to - - -

Who was your - - -?---I can't accuse of a certain person without really knowing that he or she would be the real donor.

You told us that you told her that, "I had overheard from someone."---Yes.

Who was the someone who told you?---Dr Liao.

40 No one else, just him?---No one else. And also rumours from the Chinese community where there will be either from, you know, some people.

MR ROBERTSON: Did Ms Murnain say to you that the true donor needed to come forward?---I didn't recall that.

It's possible that she said it but you just don't recall. Is that fair?---I didn't recall that. I can't, I can't be 100 per cent sure.

You're not rejecting the proposition but you can't recall her saying it. Is that right?---I can't, if I can't recall it, how can I reject that then?

All right. This particular - - -?---Because the, the conversation, as I said before, was very, very short, it's very much like, it just comes up with a quick response in regards to that.

10 There's particular matters that you've said you recall you certainly didn't say, for example I think you told us that you didn't say that Mr Huang was the true source of the money. Correct?---No.

But you don't have the same recollection with respect to the come forward discussion I mentioned, you don't recall it.---I didn't recall it.

But it's possible that it happened, you're not in a position to reject that. Is that fair?---If I cannot recall it, how can I reject a conversation as such?

20 But you to reject the proposition that you said that Mr Huang was the true source of the money. Correct?---Because I remember what I said but I can't remember what Kaila has said, right.

Around about how long was this meeting with Ms Murnain?---I do not, I do not count for the time, but probably just a few minutes I think.

So less than five minutes. Is that your evidence?---I reckon it is, yes.

30 Have you now exhausted everything you can recall that you said during your meeting with Ms Murnain and everything that Ms Murnain said to you?---Yes.

THE COMMISSIONER: As at mid-September 2016, you would regard Mr Huang Xiangmo as a friend of yours, wouldn't you?---Yes.

You had met him on, well, many occasions before that time?---Yes.

Both in the political context of donations which he had made in past years - - -?---Not really though, as a - - -

40 But you knew he had made donations?---Oh, of course I knew, yeah.

And you discussed that with him and thanked him for it, for his support? ---Sorry?

You would have thanked him for his support back in those days?---No, I didn't particularly thank him for their support because most of those donations was not approached by me, was approached by the other people, so I don't need to say thank you to him.

But apart from the political environment, you also knew him socially?  
---Yes.

It wasn't just political meetings that you associated with him but on social occasions?---Yes. With a lot of party event, yeah.

You went to dinner with him?---Yes.

At his home?---Yes.

10

And lunch with him?---Yes, a few times, yes.

In other words you, in the period up until mid-September 2016 you would regard him as a good friend?---Yep.

And is it possible that you reject the proposition that Ms Murnain, at this meeting behind Parliament House, when she asked you who was the real donor, that you were seeking to protect Mr - - -?---Yeah, I reject that, yeah.

20

- - - Huang?---No. I reject that, yeah.

You've spoken to Mr Huang about the subject matter of this inquiry, haven't you?---Sorry?

Have you discussed the specific matter of this inquiry with Mr Huang?  
---No, no.

Have you discussed the Electoral Commission's inquiry with Mr Huang?  
---No.

30

Are you serious?---Yes.

Your good friend, you've never discussed this, anything to do with this investigation with him, is that your truthful answer?---Yeah. Look, if you ask that question, something very much like have I discussed that with him, my definite answer is that we have no discussed in any details in regards to that. But has definitely been mentioned because of those rumours in Chinese community, probably we did.

40

MR ROBERTSON: When was the last time you've had any communications with Mr Huang Xiangmo?---A half year ago or a year ago.

In relation to your conversation with Ms Murnain, just to be clear, the subject matter was Dr Liao and Mr Tong, correct?---Yes.

You mentioned Mr Huang's name but that wasn't the core reason for the conversation, correct?---No.

And so the discussion was really about the two individuals, Dr Liao and Mr Tong?---Yes.

And not about Huang Xiangmo?---Yep.

Nothing to do with Jonathan Yee?---No.

Nothing to do with Kenrick Cheah?---No. None whatsoever.

10 It was focused on what Dr Liao told you about Mr Tong, correct?---Yes, yep.

I want to suggest to you that within an hour of completing your meeting with Ms Murnain you called Mr Kenrick Cheah, Mr Jonathan Yee and Mr Huang Xiangmo. Do you accept that?---I can't remember. I've got no recollection.

20 I suggest to you that you called each of those individuals because you wanted to report to them about the conversation that you had with Ms Murnain. Do you accept that?---No, I didn't recall that at all.

And the reason that you wanted to make contact with those three individuals is that your meeting with Ms Murnain was not about Dr Liao and Mr Tong at all, it was to tell Ms Murnain that the true source of some of the funds in the 2015 event was Mr Huang Xiangmo, do you accept that?---No, no. It's not true.

You're rejecting that proposition, correct?---Yes.

30 Can we have please the, what I'll describe as the Wong call records document on the screen please. Mr Wong, I've put up on the screen a document called Communications (Including CCRs). I'll just explain this document to you so you can understand it. CCRs stands for call charge records, those are records the telecommunications companies keep in order to identify what calls have been made from particular individuals to other and as the name suggests, to charge people for telephone calls. You will see in the first two columns, a date column and a time column. That's the time that a call originates from a particular phone. We've redacted out your mobile telephone phone so everyone in the room can't see it but you'll see  
40 the blue rows are ones where you make a call to either Mr Cheah, Mr Jonathan Yee, Ms Murnain or Mr Huang and the green one is a call from Ms Murnain to you, Mr Wong. If you just focus on row 11 to start with, do you see there the green row, there's a call from Ms Murnain to you of 83 seconds. Do you see that there?---Yeah.

And is it consistent with your recollection that that's around about how long you would have spoken to Ms Murnain after you asked her to ring you?---Probably, yeah. I, I don't have any recollection.

And as best you can do, that's the call during the course of which you made arrangements to meet Ms Murnain, correct?---Yes, yes.

And then in the white rows there's a series, there's the text messages that we saw a moment ago on the screen, which was Exhibit 172.---Yeah.

And you can see they finish at about 6.42. That's row 17. Do you see that there?---Yeah.

10

And I want to suggest to you that immediately after your meeting with Ms Murnain you called Mr Cheah.---Ah hmm.

You accept that?---Yeah.

And five minutes afterwards you called Mr Yee. Do you see that?---Yeah.

Do you accept that you called Mr Yee around about that time?---I did not recall.

20

So you're not rejecting the proposition. You just don't recall, correct? ---Well, you've shown there. It must be. How can I reject it?

Well, I'm putting to you the question of whether you accept or whether you reject or can't recall.---Well, I accept it, yeah.

And then another 50 minutes later you call Mr Huang Xiangmo, also known as Changran Huang.---Yeah.

30

I want to suggest to you that the reason that you called those three people is that the meeting that you had with Ms Murnain wasn't about Dr Liao at all, but rather it was because you were telling Ms Murnain that the true source of at least some of the funds associated with the event in 2015 was Mr Huang Xiangmo. Do you accept that or not?---No.

You told us a little while ago that ultimately you did have a meeting with Mr Tong, correct?---Yes.

40

And you had that meeting in your Parliament House office, correct?---Yes.

Now, I want to suggest to you that that meeting didn't happen in 2016, do you agree with that? It happened after 2016.---I probably did not have any recollection in regards to that.

Well - - ?---As I said before, it would be after that, after his interview with, with electoral office.

But Dr Liao, on your evidence, said to you, whispering in your ear, that someone wanted to meet with you, correct?---Yes.

And that someone was Mr Tong, correct?---Yes.

Now, I want to suggest to you that you had a meeting with Mr Tong.---Yes.

But it wasn't weeks or months afterwards. In fact, it didn't happen until 2018, correct?---I can't remember the date of it.

10

But you're not suggesting that the meeting that you had in Parliament House was within a few weeks or perhaps a few months of the lunch or dinner with Dr Liao?---Probably, I can't remember the date. I can't remember the date.

No.---But definitely not (not transcribable) that will be definitely after the interview with electoral office, with the Electoral Commission. But I can't remember the exact date of it or year or, you know.

20

Well, I want to suggest to you that it was even later than that, and indeed it didn't happen until after this Commission was investigating. Do you agree with that?---After this Commission – no, definitely not. I have met him once. That would definitely be before this one.

THE COMMISSIONER: You only met him once in Parliament House?  
---Only once, yes.

You've only met him once anywhere?---Yes. In parliament, yes.

30

MR ROBERTSON: Can I suggest it to you this way?---Yes.

It's the case, isn't it, that if one wishes to meet a member of parliament in Parliament House, they need to either have an existing pass or be signed in by a person with authority to sign them in, correct?---Yes.

And as a member of the Legislative Council, plainly enough you can sign people in, correct?---Yes.

Can we go, please, to - - -?---Well, yeah.

40

I'm sorry, you were going to clarify?---Sure, sure, you're right, you're right, yeah.

Can we go, please, to volume 7, to page 21. You recognise this as a visitor pass register document?---Yeah.

You've seen documents that look like this before, correct?---Yes.

If you just have a look towards the bottom of the page, you see there's a date of 17 September, 2018?---Yes.

And do you see there we have a Steve Tong going to see Ernest Wong? Do we see that there?---Yeah.

And that's your handwriting, the Ernest Wong handwriting, correct?---Yes.

10 And you see underneath that there's a Kenny, looks like Kenny Zhan the way it's written. Do you see that?---Oh, it's Kenny, okay, yeah.

Now, before you had a vague recollection of someone that sounded a bit like Kenny.---Yes.

Is that the person that you were referring to before, Kenny - - -?---I suppose that would be, yes. I thought it was Kevin, yeah.

20 Kenny Zhan? I understand it to be Kenny Zhan but it looks a bit like Kenny Zham.---Yeah.

And so does that refresh your recollection that you had a meeting with Mr Tong and Mr Zhan in about September of 2018?---Yes.

Now, to get your bearings, the referral to this Commission didn't happen until January of 2018, so now having seen this document, does that confirm in your mind that the meeting didn't happen until last year, September of 2018?---Look, if that's the case, that probably is the case, yes.

30 But you're clear that you've only had one meeting with Mr Tong in Parliament House. Correct?---Yes, yes.

And at that meeting, both Mr Tong and Mr Zhan were present. Correct? ---Yes.

The three of you were in your Legislative Council office at the time. Is that right?---Yes.

Was there anyone else in the meeting at that time?---No.

40 What language was that meeting conducted in?---In Chinese. Cantonese I think.

In Cantonese or - - -?---Cantonese or Mandarin, I can't remember.

So one form of Chinese.---Yes.

It may have been Cantonese, it may have been Mandarin.---Yes, yes, yes.

You'll see there that there's an arrival time for the previous record of about 9.15am. Do you see that there?---Yeah.

And the last record we can see after Mr Zhan is 4.55pm. Would it be consistent with your recollection that the meeting happened around about, around about 3.00pm or 4.00pm on that afternoon? Do you have any recollection of - - -?---No, I don't.

- - - when during the day it was?---Definitely not.

10

Can we just understand how this meeting was arranged. So if it happened in 2018 it's two years after you had the whisper in your ear from Dr Liao. Correct?---Yeah.

20

Who arranged for this meeting to take place, was it you, was it, or was it someone else?---I remember that I called Dr Liao later on saying that look, I don't think Labor Party will be able to provide any legal service, but if this person would like to see me, I'm happy to sit down with him, because I've been told by Dr Liao that he was very sick, yeah. So I really can't remember. I suppose that probably will be, will be like Kenny or someone who rang me up.

Well, let me try and take this in stages. So you have the discussion with Dr Liao, he whispers in your ear in about the middle of 2016.---Yes.

And that's the first time you've heard anything of Mr Steve Tong. Correct? ---Yes.

30

You meet Ms Murnain within short order of that happening.---Yes.

That was the next day or perhaps the same day. Is that right?---Yes.

Within a couple of days.---Yeah.

Have I got that right?---Yeah.

But it wasn't until two years later that a meeting was arranged with Mr Tong. Correct?---Yeah.

40

Now, can you recall who initiated that meeting two years later, was that you or was that someone else?---Probably someone else, yeah, because I think I did, I did, I did tell them that, I did tell Dr Liao that I'm happy to see him, but then apparently if he came or if he didn't come in, I don't know, but somehow somewhere someone actually called me, probably, probably Kenny or whoever it is, saying that you know, like, you know, if you want to meet up, Mr Tong would like to meet you up, I said, "Fine, come to my parliament office."

Well, again let's take this in stages. So did you, after Dr Liao whispered in your ear in 2016, did you indicate to Dr Liao then that you were happy to have a meeting with Mr Tong?---Yes.

And do you know why that meeting wasn't arranged until 2018?---I've got no idea.

Was it you who arranged the meeting or was it someone else who arranged it?---Someone else. Someone initiated it.

10

So you're quite sure it wasn't from your end, it wasn't you or someone from your office that set up the meeting in 2018. Is that right?---Look, when you say someone set up from my office, probably will be, if I got a request saying, oh, this Mr Tong would like to see you, of course I will get my office to, to pencil it down or to, to initiate it, to make sure that, you know, these people know where to come to, to see me.

THE COMMISSIONER: Just a point of clarification. The other person there was Kenny Zhan, is it?---Yeah, probably Kenny Zhan or, yeah, or - - -

20

Who is Kenny, Kenny Zhan?---I think he's a staff of Wu International.

I see.---But sort of like not a personal friend of him, I don't even remember, I probably see him twice or, you know.

MR ROBERTSON: But presuming Mr Tong had an appointment, he didn't just arrive randomly at Parliament House. Correct?---Very random, yes.

30

No, no, but he didn't just turn up in Parliament House, he had an appointment scheduled with you?---I suppose it would be, yes.

And in terms of initiating that appointment, are you saying it was someone at the Wu International side who arranged the appointment and not someone at your side?---Asked me if I be able to see him, yeah, if I would be able to see him. I'm happy to, yeah.

So is it right to say you have a recollection of someone in 2018 making contact with your office to say that they want to set up a meeting for Mr Tong, is that right?---Yes.

40

And that was someone within Wu International, was it?---Yes, I think so, yes.

Do you have any recollection as to who that person was?---I really can't remember. Probably Kenny. I, I, I really can't remember. It's very much like, you know, there were many, many people trying to organise meetings, to ring me up every day, as in constituents. I won't able, I won't be able to recollect all different names of different people.

But are you quite sure it wasn't you who initiated the meeting in 2018?  
---No.

You're quite sure about that?---Yep.

Is it the case that there was first arrangements to meet with you in Chatswood on the Saturday before you ultimately had the meeting that we saw on the screen. Does that ring any bells?---No. No.

10

So you have no recollection of anyone suggesting, be it you or anyone else, that you should meet Mr Tong on a Saturday in Chatswood?---Oh, probably. Probably when they tried to make appointment with me, they probably have suggested in Chatswood type of thing, you know, but I just said, you know, "Just come to my office."

When you say they, you mean someone at the Wu International end, is that right?---Yes. I'm not sure if it's Kenny or, I can't tell you, I really can't remember.

20

And when you met with Mr Tong and Mr Zhan on the day in question at Parliament House, did you know what the order of business was, why he was coming to see you?---I think so, probably regards to being - - -

No, no, no. Don't guess. Did you know why he was coming?---Yes.

Why was he coming?---That would be in regards to the, in regard to the interview that he had with electoral office and seeing, and yeah, probably that's along the line, yeah.

30

So how did that come about? Did you speak to Mr Tong on the phone or speak to somebody else on the phone or did you get - - -?---No, someone told, someone told me that he was, because he was very sick and then he just need someone to be able to talk to him and I think I, I refused of any help to him legally from the Labor Party. So I don't know, probably that would be, that would be the, the reason that he thought that he would be able to get some advice from me.

We'll come to the detail of the meeting in a moment but I just want to be clear about the last answer you gave to the Chief Commissioner. It was the Wu International side that organised the meeting, correct?---Yes, yes.

40

And it was the Wu International side that identified the purpose of the meeting, is that right?---Probably, yes.

Well, it wasn't you that suggested the reason for the meeting, is that right?  
---Yeah.

It wasn't - - -?---So when you say suggested, I'm pretty sure that the whole thing was all because of the issue that they brought up beforehand.

Well, let me ask you this way, did you communicate with Wu International around September of 2018 and say that you wanted to speak to Mr Tong?  
---Probably because someone suggested that I should see him or he wanted to see me. I say, "Look, I'm more than happy to see him. I am happy to see him and want to see him."

10 I just want to be clear about who wanted this meeting. Was it you that made contact with someone from Wu International saying, "I want to see Mr Tong or was it someone from Wu International saying to you or your office, "Mr Tong wants to come and see you"?---There must be someone from Wu International saying that Mr Tong wanted to see me. So I said, "Yes, I would like to see him."

THE COMMISSIONER: You craft your answers, "Must have been."  
We're not interested in what must have been, might have been, probably was, what we're interested in is the facts. What actually did happen? So  
20 you're not being asked as to what might have happened et cetera. So how did this meeting come about, was the instigation at the Wu International end or for whatever reason did you instigate then meeting to get Mr Tong in?  
---It was suggested by Wu International to then I organised the meeting.

And again, do you recall why they were suggesting this meeting take place?---Yeah. Because they said that he, he went through the whole investigation and then he wasn't quite, you know, he wasn't quite comfortable with it or he was very sick, you know, he has been sick, you know, throughout the day. So - - -  
30

And did you understand what the purpose then of the meeting was?---From my – probably to give me, to give me a bit of comfort or advice.

Yes, but what sort of advice from your end?---I didn't, I didn't think that much in regards to how I'm going to advise, but just want to probably meet up with this person and see what I would be able to advise him to make sure that he will be more comfortable with the whole process. I think the process of it, yeah.

40 MR ROBERTSON: Now, do you have any recollection of the meeting first being arranged for a Saturday in Chatswood?---I do not.

And do I take it from that that you have no recollection of it being scheduled for Saturday in Chatswood and then you changing the meeting to happen in Parliament House instead?---(No Audible Reply)

You have no recollection of anything to that effect?---If you raise it, probably I did. But I do not have a clear, a clear sort of like a, a recollection of it.

But you do now have a recollection of having a meeting in Parliament House - - -?---Yes.

- - - in about September of 2018 with Mr Tong and one other person?---Yes.

10 And you think that one other person is probably Mr Kenny Zhan, correct?  
---Yes.

Now when Mr Tong arrived at Parliament House, you were waiting for him in the entrance hall, correct?---I would not have any recollection.

You have no recollection of that?---No.

But you at least have a recollection of signing him in - - -?---Oh, for sure.

20 - - - on the form that we saw on the page, correct?---Yes, for sure, yes.

Now, that sign-in sheet presumably is in a public area, not in a private area, that's - - -?---Yes, right in front of the gates, yeah.

So that's how you get from the public area to the private area, correct?  
---Yes.

30 And you have a recollection of coming down to that location and signing in Mr Tong and Mr Zhan, correct?---Yes.

You had a discussion with Mr Tong in which you said that you had heard about his health problems, correct?---Yes.

You told him that he should take care of that, correct?---Yes.

And he said that, he thanked you for your concern, correct?---Yes.

40 You asked him whether anyone from the Electoral Commission had asked to meet him, correct?---I suppose so. Yeah, probably the conversation, that's what the conversation would be like.

And he said no, the Electoral Commission, he hasn't had a meeting with the Electoral Commission, hasn't had an interview with the Electoral Commission, correct?---Yep.

And you said, "That's good, the thing's maybe over," correct?---Yeah.

Mr Tong said words to the effect of, "Maybe."---Sorry?

Mr Tong said - - -?---Yep.

- - - said words to the effect of, "Maybe it's over," correct?---I didn't recall that then.

Mr Tong told you that he never donated any money and he didn't know about it until he was sent a tax invoice from the Labor Party, correct?  
---Probably.

10

He made clear to you that he had never made a donation in connection with the Chinese Friends of Labor event that the Electoral Commission was investigating, correct?---I didn't recall that that is what exactly what he said.

But that was the gist of at least one of the things he said to you during the meeting, correct?---I, I did not recall.

Mr Tong made clear to you that he was very upset that Wu International had used his name to donate money without telling him and without getting his agreement, correct?---I think he did mention about a lot of things that he wasn't happy with Wu International for forcing him to do a lot of things. That probably would be one of them.

20

THE COMMISSIONER: Was that one of them?---I, I suppose that would be, yes.

Well, based on your recollection - - -?---No, okay - - -

Based on your recollection, are you - - -?---I didn't recall. But he did say that he, he was not the actual one who paid for that particular donation. I think he mentioned that.

30

MR ROBERTSON: So he made clear that although he had signed a form that indicated that he was a donor in connection with the 2015 event, he was not in fact a donor, correct?---I don't remember the exact wording of it, but he did not say - - -

I'm not asking about the exact words.---Look, I would not be able to recall if he did say that he signed the form, whatever it is. He just say that Dr Liao and the, and, and, and, and, and, and, and, and Alex Wu actually ask him to fill in the form.

40

THE COMMISSIONER: Mr Wong, you've been asked and answered questions for long enough to know - - -?---Sure.

- - - that you're not expected, if you can't recall the exact words, but you agree or disagree with the essence of what's being put. That's, this is another example of the same.---Sure.

So what, perhaps just - - -?---(not transcribable) yeah.

Well, listen to the question again.

MR ROBERTSON: The gist of at least one matter that Mr Tong said to you in your Parliament House office in September of 2018 was that Wu International had used his name to donate money without telling him and without his agreement, correct?---Yes.

10

The gist of something else he said to you was that he had signed a document saying that he was the true donor in relation to money when in point of fact he was not, correct?---That I do not recall.

You don't recall him saying words to that effect, is that right?

THE COMMISSIONER: Is that the essence of what he was conveying or expressing?---Yes.

20

MR ROBERTSON: He told you that at the time of the signing of the form he was keeping his mouth shut because he was still working for Wu International, correct?---No.

He did say - - -?---I did not recall that. I did not recall that.

You don't recall him saying either words to that effect or that being the gist of what he said to you, correct?---No. No, yeah.

30

And you said to him he shouldn't say anything.---No.

You said to him - - -?---I just ask him, I just ask him, "If you are sure it's not your money, then tell them. But if it's your money, then you have to make sure that you, that's something that you would tell them as well." I just want him to insist on whatever that he himself thinks is the truth of it.

During the course of the meeting in Parliament House with Mr Tong, you made clear to Mr Tong that Mr Tong should keep his mouth shut - - -?---No.

40

- - - about the matters that were discussed at the meeting, is that right?---No, not at all. Definitely not. I would not.

You deny, you deny that on your affirmation, correct?---I deny that, yes.

THE COMMISSIONER: Did you keep a note of this conversation, the meeting with Mr Tong?---No. No.

Do you know whether anybody else has in fact kept a note of this conversation with you?---I'm not aware of.

Not aware. So what's being put to you is that words were said by you to the effect that Mr Tong, in relation to the question of he not being the true donor, somebody else was, that he should not say anything about that. Now, just think about it. Did you say words to that effect?---No, not my recollection.

Were you surprised to hear what this man was actually saying to you in your office in Parliament House?---Yes, I was.

10

That he was saying, "I signed a declaration which was untrue, I did not make a donation, and I have been used," in effect. This must have startled you.---Yes. But because I think I probably have already come across that a while ago by Dr Liao, so - - -

But you're getting it straight from the horse's mouth. Here's a man in your office in Parliament House telling you that he signed a false declaration, that he'd been manipulated into doing so, that he was not the true donor at all. Correct?---Yes.

20

That must have startled you to be hearing this news in your office in Parliament House.---Yes. But I did - - -

Did it startle you?---Not as much as described by the Commissioner because my - - -

Were you a little bit startled to hear - - -?---I'd say I was, yeah. But then - - -

30 Well, were you – I haven't finished. Were you concerned by what this man was telling you?---I was concerned, but then I also had another feeling that he may be retaliating to what he, what he mentioned about, you know, how he's been enforced by his boss into a lot of things.

You were concerned at what this man was saying to you?---Yes.

And what he was in effect admitting to was an offence concerning the electoral laws to you, a parliamentarian, correct?---Yes.

40 Well, that put you in a position, didn't it, where you would have to take this extremely seriously. Correct?---Commissioner - - -

No.---Yes, yes, yes, you're right, you're right.

Indeed now you had been made party to this admission by the man, you were under a duty, as a citizen if not a parliamentarian, to report this matter to the electoral authority or perhaps to some other law enforcement agency. Correct?---Correct.

Did you?---No, I didn't, because I, at the time, I had another feeling that probably that's what Mr Liao told me, that he wasn't quite happy with the whole operation in the company and he was fired, so I would have a bit of, of thoughts that there probably will be a bit of a retaliation rather than the true fact. So I just want to know exactly what it was before I be able to report it to, and then I recall that I actually mentioned that to Kaila Murnain and I suppose that Labor Party should be taking that duty rather than I do.

10 Why didn't you have a duty?---(No Audible Reply)

You did have a duty, didn't you?---Well - - -

Once you heard - - -?---There was a donation to the Labor Party though.

You had a duty, you would understand as a parliamentarian, if somebody confesses in your office in parliament to committing an offence against the election laws, you have no choice but to report it to the Electoral Commission. Isn't that right?---Yes, you're right.

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Well, why did you not perform your duty?---Because I wasn't quite sure 100 per cent if that is the true case.

MR ROBERTSON: I note the time.

THE COMMISSIONER: Yes, sorry. We'll adjourn now and we'll resume tomorrow.

30 MR ROBERTSON: Can I formally tender the document entitled Communications (including CCRs) 16 September, 2016, between Mr Wong and others.

THE COMMISSIONER: Yes. That document will become Exhibit 193.

**#EXH-193 – CALL CHARGE RECORD BETWEEN ERNEST WONG AND KAILA MURNAIN DATED 16 SEPTEMBER 2016**

40 THE COMMISSIONER: Yes, thank you. I'll adjourn.

**THE WITNESS STOOD DOWN [4.01pm]**

**AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.01pm]**