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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 TUESDAY 3 SEPTEMBER, 2019

AT 10.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: Chief Commissioner, can I first deal with some matters of housekeeping relating to exhibits. Yesterday I neglected to tender the Parliament House Visitor Pass Register of 17 September, 2018. Can I assist those behind me by indicating that you marked that as Exhibit 194 in chambers. That came from volume 7, page 21 of the public inquiry brief, so that's already been marked as Exhibit 194.

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**#EXH-194 – PARLIAMENT HOUSE VISITOR PASS REGISTER  
DATED 17 SEPTEMBER 2018**

MR ROBERTSON: Last week in transcript page 99 I referred to what was described as a rundown document for the Chinese Friends of Labor event that Mr Wong provided to various recipients on 4 March, 2015, which was volume 2 of the public inquiry brief, pages 131 and 132. I tender that document now.

20

THE COMMISSIONER: Yes. The document referred to at page 99 of the transcript, 4 March, 2015, volume 2, 131-2 will become Exhibit 195.

**#EXH-195 – EMAIL FROM ERNEST WONG TO WINNIE HUANG  
AND OTHERS TITLED 'RE: TONIGHT RUNDOWN' WITH  
ATTACHMENT DATED 12 MARCH 2015**

30 MR ROBERTSON: Next I'm told that the call charge records that I tendered late yesterday haven't found their way onto the public inquiry website yet. That will happen shortly and I'm arranging for hard copies to be available to those who may be granted leave to cross-examine Mr Wong during the course of the morning. That was Exhibit 193. Next at page 199 of the transcript, line 20, I referred Mr Tong to an envelope to appears in Exhibit 149, volume 1, page 84, which in the top left-hand corner referred to a firm of accountants referred to as The & Ng Pty Ltd. I tender the Australian Securities Investment Commission's historical search with respect of that entity.

40

THE COMMISSIONER: That will become Exhibit 196.

**#EXH-196 – ASIC COMPANY EXTRACT FOR TEH & NG PTY  
LIMITED**

MR ROBERTSON: And finally I should indicate that Exhibit 167, which I tendered on page 169 of the transcript, had an overlapping tender in the sense that page 190 of volume 2 was in that exhibit as tendered. That's now been removed from the formal tender because page 190 of volume 2 is already in evidence as part of Exhibit 165, so no further markings need to take place with respect to that, but I just thought it appropriate that I note that on the transcript.

THE COMMISSIONER: Yes, thank you for that.

10

MR ROBERTSON: Those are the only housekeeping matters from my perspective.

THE COMMISSIONER: Very well.

MR ROBERTSON: And I'm ready to proceed with Mr Wong.

THE COMMISSIONER: Thank you, Mr Wong. Affirmation, please.

THE COMMISSIONER: The declaration made under section 38 applies to the evidence, made the other day will continue to apply to Mr Wong's evidence. Yes.

10 MR ROBERTSON: Mr Wong, you told us yesterday about the end of the night on 12 March, 2015 when Mr Huang offered to deliver a bag of cash to the head office of NSW Labor. Correct?---Yes.

And you said to us that Mr Huang had already had arrangements to meet with Mr Clements and offered to deliver the bag to Mr Clements. Is that right?---Yes. The general secretary, that was what he said at the time.

And you saw Mr Huang take the bag of cash with him out of the restaurant, is that right?---He left earlier than I did.

20 But you saw Mr Huang - - -?---Yes.

- - - take possession of the bag of cash at least, correct?---I think so, yes.

And he - - -?---Or, or, or, or, or his interpreter, I can't remember. But, you know, I think that probably would be the case, yes.

Well, at the head table, there was you, Mr Huang, and his interpreter, correct?---Yes.

30 And I think you said your best recollection was that the interpreter was female, correct?---Yes.

And did you see Mr Huang actually take possession of the bag, do you recall that?---I didn't recall that, but I think that would be the case.

But you're aware that Mr Huang left the event before you did, correct? ---Yes.

40 Now, after that point in time, did you have any other dealings in relation to that bag of cash? For example, did you make contact with head office to say that you had given the bag of cash to Mr Huang and he did agree to deliver it?---I'm, I'm pretty sure I did the next day or the day after.

So you have a - - -?---Not, not the night.

So is it right to say that you have a recollection that within a few days of the event - - -?---Yes.

And the event happened on a Thursday night, is that right?---Yes. It's not to my recollection, yeah. But it would be, yeah.

Well, I'll assist you by saying 12 March, 2015 was a Thursday.---It's a Thursday, yes, then, yes.

Well, and is it your recollection that you had a discussion with someone at head office to advise them that the cash from the night - - -?---Yes.

10 - - - was being delivered by Mr Huang, is that right?---Yes

Who was that discussion with?---That would be Jamie, I think. That would be Jamie Clements.

THE COMMISSIONER: When you say it would be Jamie, was it with Jamie?---Jamie Clements, yeah. I - - -

You spoke to him and told him - - -?---Yes.

20 - - - about the arrangement for Mr Huang - - -?---Yes.

- - - to deliver the money?---Yes.

MR ROBERTSON: And that is a discussion that you had within a day or two of the event, is that right?---Yes, I believe that, yes.

So probably on the Friday, being 13 March, or if not, perhaps on the Monday the following week, would that be right?---I couldn't remember the exact date or time.

30 But it was within a few days.---Yes.

It wasn't a week or two after that happened, is that right?---Yes.

Did you make any other arrangements in relation to that matter, or was the end of your dealings with that particular bag of cash?---I'm not sure if I did actually call Kenrick at all, but I'm pretty sure I did call, or I did talk to Jamie, in regards to that, yes.

40 And so you have a recollection of telling Mr Clements that matter, but not a recollection of telling Mr Cheah, is that right?---Yes.

Now, the banking records of NSW Labor say that an amount of \$100,000 in cash was not banked until 9 April, 2015. Do you know why that amount of cash was not banked until 9 April, 2015?---I would not have any idea.

So to be clear about that, is it right to say that after allowing Mr Huang to take the bag of cash on the evening of 12 March, 2015, and after drawing to

Mr Clements' attention that that was the arrangement, is that the extent of the involvement you had in the bag of cash that Mr Huang took on 12 March, 2015?---Yes.

So you didn't make, you didn't speak to Mr Huang Xiangmo, for example, about the bag of cash after 12 March, 2015?---Not really. Not to my recollection.

10 Well, when you say not really, does that mean you have or you haven't?---I have not discussed in any details in regards to those money. So, but, you know, if I met him somehow, somewhere, in a function, I probably would have mentioned it. But there's no recollection of a conversation particularly in regards to that bag of money.

Do you recall whether you had any discussions with Mr Huang Xiangmo between him leaving the event on 12 March, and the 9 April, 2015?  
---Contact him?

20 Yes.---Oh, yes.

So in that period of time you were in regular contact with Mr Huang Xiangmo, is that right?---When you say in regular contact, contact, I'm always in regular contact with him either for any of those community events or personal calls. Yes.

And at that point in time, you were a close friend of Mr Huang, is that right?  
---Yes.

30 And you also were, you also had dealings with him in connection with community events of the kind that you've just summarised.---Community event, yes. A lot.

But are you saying that in the period between 12 March, 2015, when Mr Huang left the event, up until the 9 April, 2015, you didn't make any further arrangements about the delivery of the cash - - -?---No.

- - - other than speaking to Mr Clements to say that it was received.---Yes.

40 Is that right?---Yes.

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

When was it that you first found out that Mr Huang had delivered a large amount of cash to head office on 9 April, 2015?---I was never aware when or how he delivered it. I just know that, that it was delivered. And I believe that was delivered, that's all.

But you know now, don't you, that Mr Huang delivered a large amount of cash to head office on 9 April, 2015?---Now, that I know, yes. Only when I read here.

And when did you first find out about that?---I don't have any recollection that I really found about that until probably very later on or within this investigation when that, the date was being discussed.

10 So is your best recollection that you didn't find out about that during calendar year 2015?---I have no recollection of that.

But I'm trying to ask you to do the best you can as to when you found out about the fact that the money was not delivered until 9 April, 2015. Was that in connection with the investigations that the Electoral Commission or this Commission was performing or was it before you knew about any investigation?---I really have no recollection in regards to the exact date when I find out that was delivered on that date.

20 But to be clear about this, you didn't make any particular arrangements with Mr Clements or anyone else in head office to the effect that Mr Huang was to deliver the cash on say 7 to 8 April, 2015?---No.

That was a matter that you left to Mr Huang and Mr Clements to work out as between themselves, is that right?---Yes, yes.

But Mr Clements knew that was happening because you spoke to him perhaps on the Friday, perhaps on the Monday, maybe the Tuesday after the event, is that right?---Yes.

30 THE COMMISSIONER: Can I ask you this. Following the function on 12 March, in the next week commencing 16 March, did you not receive some query from head office to say, "The money hasn't arrive, what did you do with it and where is it? What do you know about it?"---I do recall I suppose that I have communicated with Jamie in regards to that, that money. That's a big, sort of like, bag of money to be delivered, yeah.

Well, you said you did that a day or two after the dinner to advise him that the money was going to be delivered by Mr Huang Xiangmo.---Yeah.

40 Yes. But I'm talking about the next week, after a week goes by and no money turns up, you must have, one would have thought, got a query from head office to say, "Where is the money? It hasn't arrived."

MR HALE: Could I raise a – I'm careful to object to your, Commissioner's question but it has premise in it that he knew when the money was delivered.

THE COMMISSIONER: Well, he said that he assumed, in accordance with practice, we've heard a lot of evidence about this that the money is delivered to head office within the next day or couple of days. So proceeding on that premise, which I think Mr Wong accepted yesterday, that was his understanding too of the practice. So based on his knowledge of the practice, he was operating on the basis, he had told us, that he told Mr Clements the money should be there in a day or so.

10 MR HALE: I was just a bit concerned about the premise of the question but I'll leave it.

THE COMMISSIONER: Just to be clear about it, Mr Wong, it is the case, isn't it, it was practice that after a fundraiser the money, the cash taking collected from the fundraiser normally would be received by head office the next day or couple of days. Is that - - -?---Yep. I cannot speak for or on behalf of the - - -

20 No, just, that was the practice, wasn't it? The money - - -?---Well that's the practice in, in a lot of time where usually a lot of those moneys or proceeds, probably will go into the head office a bit later but, you know, later, I did not have account of how many days, yeah.

So this was a very large amount of money to be raised at the fundraiser, wasn't it?---Yes.

And the expectation was it would be in the hands of head office within a day or two of Mr Huang having taken custody of the money?---Yeah.

30 All right. So just in order to examine your account, the question arises no money turns up the following week, that's the week of the 16<sup>th</sup>, one would have expected somebody would have made contact with you and said, "Ernest, Mr Huang Xiangmo hasn't delivered the cash." Did you ever get a query along those lines from anyone at head office?---I think I recall that I have, yes.

40 And the next week was the week commencing 23 March, did you get any query in that week, "Ernest, the money still hasn't arrived. What's happening?" Do you recall getting any queries?---No, I didn't recall. There may be or may not be, but I do not recall.

And then in the next week, three weeks, going into the third week later, again no cash. Do you recall getting any query from head office along the lines, "Ernest, what's Mr Huang Xiangmo doing? He hasn't turned up yet with the money." Did you get a query of that nature?---I do not recall that I had, but there may be or there may not be, I really do not recall.

But it is rather strange, isn't it, that you indicated to Mr Clements that you'd expect that Mr Huang Xiangmo would be delivering the money shortly?  
---Yeah.

In fact he didn't on your account.---Yeah.

I withdraw that. He didn't as we know until 9 April.---Now I cannot - - -

No.---Sorry.

10

That's true, isn't it, as you understand it? They were the facts.---Sorry?

No money was delivered by Mr Huang until 9 April?---I'm not too sure because no one told me that it has been or has not been.

20

Assume that that is the case. Let's assume. It is strange indeed, is it not, that almost 28 days or almost a month went by after the fundraiser, no money is delivered from, or representing the takings of the fundraiser on 12 March, no query is made from head office with you, is this right, as to where the money is?---To my best recollection I do not remember if any of those query has been put to me, but there may be probably conversation throughout the whole campaign because we'll be seeing each other nearly every day for the campaign so I, but I have really no recollection probably because I didn't pay attention to it at all.

30

But being a man of the world you know that if \$100,000 in cash was due to be delivered and it was not delivered, you would certainly remember it if head office rang and said to you the money hasn't come. You would remember that, wouldn't you?---Yeah. But probably because we - - -

I'm sorry, you agree you would remember such a query if it was made?  
---Not necessarily, though.

Not necessarily.---Not necessarily, though, because as I said before we know that that money is going to be delivered but I don't know exactly when or where. And will the head office be concerned about if they're going to get the money? I don't know. You have to ask them but - - -

40

Well, you would think as a man of the world the ALP would be very concerned, wouldn't you, if the money hadn't arrived - - -?---They will be.

Just please let me finish. If the money, 100,000, hadn't arrived within a week of your conversation with Mr Clements?---Yeah.

Wouldn't you? You would expect a query?---Yeah. I think - - -

Sorry, are you agreeing with me?---Yes, yes, yes.

Thank you. Well, especially so if another week goes by and another week goes by, still no money, you would definitely think a query would be raised with you about where the money was by that time, wouldn't you?---Yes. Probably, yes.

But you don't remember any query being raised with you by head office as to where the money was - - -?---As I said before, I don't recollect, yeah.

Is that right?---Yeah, that's right, yeah.

10

You have no recollection?---I've got no recollection, yeah.

Nobody from head office ringing and saying at any point before 9 April, "We're a bit worried about this money. It still hasn't arrived"? You don't recall anything along those lines?---I don't recall. I don't recall.

MR ROBERTSON: Mr Wong, the state election in 2015 was on 28 March, 2015. Correct?---Yes.

20

In the face of that is it your serious evidence that you think that the head office would not be concerned about a serious delay between 12 March, 2015 in banking money from an event on 12 March, 2015?---As a normal practice they will, they will have concern, but I think that's the concern when they really need money to pay off the account. I think that it is my understanding of the practice of the, of the head office.

Presumably head office wants the benefit of the money so they can spend it on the state election that's happening about two weeks after your event of 12 March. Correct?---Yeah, yeah.

30

In fact one of the purposes of the Chinese Friends of Labor event was as a launch, a Chinese launch in relation to the election campaign. Correct? ---Yes.

And part of the purpose of the event was to raise money for the election campaign. Correct?---Yes.

40

And despite that, is it your serious evidence that head office wasn't concerned or wouldn't be concerned with a delay of a number of weeks in the money from that event being banked. Is that your evidence, is it?---But if they're aware that the money is my responsibility to provide to them when they need money and they did not see the money, of course they will get on to me.

Head office did chase you up about the money, didn't they?---Oh, they will of course. In normal practice, yes.

Well, on this occasion they did chase you up in relation to the money. Correct?---As I said before, I have no recollection how serious they have chase after me, but probably when we, we would see each other along the way of all the campaign, we would see each other, they probably raised it, you know, at the time when we see each other or they rang me, I really have no recollection because I did not pay attention to any of those during the time.

10 Let me try and help you this way. Can we go to volume 2, page 134, please. Mr Wong, do you see there an email from Mr Cheah to you and some others of 16 March, 2015?---Yeah.

Do you see that there, Mr Wong?---Yes.

And do you see that that's Mr Cheah saying, "Well done," to amongst other people, or amongst other committees, the Chinese Labor Action Committees for coming through? Can you see that there in the first paragraph?---Yes.

20 And do you see in the penultimate paragraph, second to last paragraph, he's asking you guys, which include you, to let him know when you plan to bank the money proceeds with head office just so he's aware? Do you see that there?---Yeah.

What was your response to this email?---I can't remember.

So you have no recollection of giving any response to this email at all. Is that right?---Probably I did, probably I don't, I really have no recollection at all.

30 Well, did you ring up Mr Cheah and say, look, I've given them money to Mr Huang and he's made arrangements to deliver it to Mr Clements?  
---Probably that would be. I'm pretty sure that I have actually alerted them beforehand.

Well, you said to us before that you'd alerted Mr Clements. Is that right?  
---Yes.

40 But you couldn't recall whether you had alerted Mr Cheah. Is that right?---I couldn't, I couldn't remember, but I'm pretty sure that that would be, that would be, already be communicated within the party (not transcribable) not me, not mine.

Well, you see this is an email of Monday, 16 March, 2015, 10.04am. Do you see that there?---Yes.

And so on the face of that would you accept that at least by that point in time you hadn't told Mr Cheah that Mr Huang was going to deliver the money to Mr Clements. Correct?---I have no recollection.

And - - -?---He sent me as a general.

And sitting there now are you saying you have no recollection of giving any response to this email from Mr Cheah?---Yes.

I tender the document on the screen, volume 2, page 134.

10 THE COMMISSIONER: The email, volume 2, 134 will be admitted and become Exhibit 200. I'm sorry, my mistake there, 197, will become 197.

**#EXH-197 – EMAIL FROM KENRICK CHEAH TO ERNEST WONG AND OTHERS TITLED ‘WELL DONE AND BANKING’ DATED 16 MARCH 2015**

20 MR ROBERTSON: Chief Commissioner, I apply for you to lift such directions as may exist under section 112 in relation to any compulsory examinations of Mr Wong in connection with this inquiry.

THE COMMISSIONER: Yes. Have you got the dates of the transcript?

MR ROBERTSON: On 16 and 20 November, 2018.

30 THE COMMISSIONER: Yes. The order made pursuant to section 112 of the Independent Commission Against Corruption Act in respect of the compulsory examination of Mr Wong on 16 and 20 November, 2018 is removed. That is, the order is now revoked.

**VARIATION OF SUPPRESSION ORDER: THE ORDER MADE PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT IN RESPECT OF THE COMPULSORY EXAMINATION OF MR WONG ON 16 AND 20 NOVEMBER, 2018 IS REMOVED.**

40 MR ROBERTSON: May it please the Commission. And to be clear, the intent of my application was that what remains, that section 112 direction having been lifted, it will still be subject to the general direction that you gave at the start of the public inquiry in relation to personal information and the like.

THE COMMISSIONER: Yes. I confirm that any personal information such as addresses, phone numbers, email addresses that may be contained in the transcript of Mr Wong's examination, 16 and 20 November, 2018, is not to be published or communicated to any person. Yes.

MR ROBERTSON: May it please the Commission. Mr Wong, you participated in compulsory examinations before this Commission on 16 and 20 November, 2018. Correct?---Yes.

And do you agree that during those compulsory examinations you said nothing about the meeting that you had in Parliament House with Mr Tong that you told us about yesterday. Do you agree with that?---Yes.

10 In fact you said that you thought Mr Steve Tong was probably a waiter at Emperor's Garden Restaurant. Correct?---Yes.

And you said that even though I think you now accept that you had a meeting with Mr Tong in Parliament House about two months before your compulsory examination before this Commission. Correct?---Yes.

Do you agree that in your compulsory examination that you said nothing about the meeting that you said you had with Ms Murnain in September of 2016 that you told us about yesterday, correct?---Yes.  
20

And you said nothing about it, even though at the time of your compulsory examination you knew that this Commission was investigating whether there was a scheme to circumvent electoral laws, correct?---Yes.

So at the time that you participated in the compulsory examination, you knew that there was at least reason to suspect that there was what I will describe as fake donors, correct?---Correct. But - - -

But you didn't say anything at all - - -?---But - - -  
30

No, let me ask the question.---Yeah, sure.

But you didn't say anything at all to this Commission regarding that matter, correct?---Correct.

Do you also agree that during your compulsory examinations you didn't tell the Commission about the two bags that you spoke to us about yesterday? One bag containing cash and one bag containing forms, spreadsheets and perhaps other things, correct?---Well, I remember that I was questioned in regards to how then Mr Huang delivered the money and I said that I did not have a clear recollection of exactly what happened but I think the best practice probably will be then I have asked him to deliver that money because that was a night where I would not be able to find any other people to deliver it. In regards to the other bag, as I said before, I would, I did not have clear recollection until very later on that I come across that there is a, a bag as such. But as a normal practice, as I said before, it is always a practice that I will take that form back home and try to reconcile to see who had paid up or has not paid up.  
40

Let's take this in stages, Mr Wong. You accept, don't you, that during the compulsory examinations you said nothing about having two bags delivered to you at the end of the evening?---Yes, yes.

One with money and one with forms and perhaps other things, correct?  
---Yes.

10 The most you did is speculated in the most general of terms that Mr Huang may have had something to do with the event on that evening and may have had something to do with the cash, correct?---Yes.

But you didn't give the detailed story that you gave us yesterday about two bags, money in one bag, perhaps some money in the bag et cetera, et cetera, is that right?---Yes.

20 Now, what I want to suggest to you, that in your evidence before this public inquiry, what you've done is you've constructed a story that tries to match what you think is the evidence that this Commission has, but in doing so you've given false and misleading evidence to this Commission. Do you accept that?---No. Because we are talking about a whole year since last hearing where I have been able to sit down and try to refresh my memories. Remember that I have so many events, so many things happen that I would not be able to have recollection. Of course fundraising dinner for a lot of people will be a very serious, serious task but for most of the time, all these years that I have done, a lot of those community events or political events, sometimes I may not be paying full attention to what happened, as long as I fulfil my duties. So after all this long time, I would be able to refresh some of those memories but not that I am making it up.

30 As at the time of the event in 2015, you knew that Mr Huang Xiangmo was a prohibited donor, correct?---Yes.

40 And I want to suggest to you that if something as significant as a prohibited donor taking a bagful of tens of thousands of dollars in cash away from an event, a fundraising event, had happened, you would have known about that, not just now but at the time of your compulsory examination. Do you accept that?---Not really because I have taken Mr Huang as a friend rather than sort of like really looking at him as a prohibited donor or whatever he is.

So does that mean you're rejecting the proposition that I have put to you?  
---Sorry, what is your proposition?

The proposition is that if you were giving us true evidence and if in point of fact Mr Huang Xiangmo, a person who you knew was a prohibited donor in 2015, was taking with him at a fundraising event, a bag containing tens of thousands of dollars, that's something that you would have remembered and

it's not something that has simply been refreshed in your memory in the last few months and weeks. Do you accept that or not?---Yes, I accept that, yes.

And I suggest to you what you've done today and in the examination in response to my questions is simply constructed a story, constructed a false story, that seeks to match as much of the evidence that you're aware of that is before the Commission, do you accept or reject that?---I reject that. No, I reject that.

10 The true state of affairs is that you sold the head table for the Chinese Friends of Labor event in 2015 to Mr Huang Xiangmo. Correct?---No.

You sold that table for \$100,000.---No.

You sought to cover up that contribution with fake donors.---No.

And you were assisted in that cover-up by - - -?---No.

- - - amongst others, Mr Yee and Dr Liao.---No.

20

That's it for me for now, Chief Commissioner.

THE COMMISSIONER: Mr Robertson, the witness gave evidence in the compulsory examination, did he not, about the circumstances in which Mr Huang was said to have agreed to be the deliveryman for the \$100,000?

MR ROBERTSON: He did, I can - - -

THE COMMISSIONER: Can you help me - - -

30

MR ROBERTSON: I can.

THE COMMISSIONER: Where do I find that?

MR ROBERTSON: If we can bring up on the screen, please, page 419 of the transcript of proceedings on 20 November, 2018.

THE COMMISSIONER: Yes, could we have that page brought up?

40 MR ROBERTSON: And the question starts at about line 37, and Mr Wong deals with that matter on page 420.

THE COMMISSIONER: Mr Wong, while that's coming up, you gave evidence in the public inquiry that the events surrounding the request for, or the offer by Mr Huang to deliver the 100,000 to head office, your evidence had been, your ability to recall has been refreshed by the fact that you were asked about these matters in the compulsory examination.---Yes.

Do you recall giving evidence to that effect?---Yes.

We're just now going to some of that evidence that you gave in the compulsory examination.

MR ROBERTSON: The passage, Chief Commissioner, starts on page 419, and in a moment I'll draw attention to a passage on page 420.

THE COMMISSIONER: Yes, thank you. If we go to 420.

10

MR ROBERTSON: Line 37 or thereabouts.

THE COMMISSIONER: Yes, thank you. We'll see at transcript 420, in the passage that Counsel Assisting's referred to, that you were asked who else was involved in the conversation. You said you really can't recall. And the question was, "And it's your understanding that Mr Huang took that money to Jamie Clements at head office?" You said, "I really can't remember if he was taking that money to, to Jamie, or to anybody, anybody in the head office," et cetera. And go over to the next page. You were  
20 asked about your recollection of a transaction in which Mr Huang agreed to take this money. I think it's the next page, 422. Yes. So Mr Robertson, I haven't got the right page here. I haven't got my hard copy of the transcript here. Can you direct me to the relevant passage where he's asked about this? I'll just call for my hard copy. It's on my desk, I think.

MR ROBERTSON: You may be referring to page 420, line 20 and 21 or thereabouts.

30

THE COMMISSIONER: Yes, so I'll come back to that I think when I have my marked-up copy. Mr Wong - - -?---Yes.

We'll get the transcript specifically in a moment, but the position was this, that at the time that you gave evidence in the compulsory examination, you were struggling to recall whether the conversation you said you had with Mr Huang about the delivery of the money, you weren't even certain that the conversation occurred on the night of 12 March. You recall that you had had a discussion along these lines but you're not even certain that it was the night of the fundraiser. Do you remember that?---Yes, I remember that,  
40 yeah.

And you said that in relation to the discussion and events around this request for, or this offer by Mr Huang to deliver the money, that your recollection was very faint. You said you only had a faint recollection of the discussion. ---Yes, yes.

Is that fair?---Yes.

And it was the case, wasn't it, that at the time of the compulsory examination you were unable to be certain as to what the content of the conversation was that you had with Mr Huang that night about the money being delivered.---Yes.

10 So the difficulty you had during the course of the examination, if we could bring up page 420 again, line 12 you were asked, "Well, as you sit here today, what do you recall happened?" You said, "No, as I said before, look, I usually, with all those events I'll be extremely exhausted at the end of, of that event where I will be, I have to speak, I have to run around and with the very sort of, like, faint recollection of what happened I think it's very much like money has been collected, all have been done and they probably, no one will be able to deliver the money because I try to avoid taking the money, taking possession of the money and deliver it to head office because I always try, I try not to do that." And again your reference to your faint recollection, "And very faintly I do recall there was a change, there was, there was a time, I can't remember if that was the exact night or whatever it is, to have Mr Huang to help to deliver that money to the head office because he, he, he, he probably mentioned that he'll be seeing, he will be going to head office for certain, certain, certain," it keeps repeating, 20 "certain meetings or whatever it is." Just pausing there, it's clear, isn't it, from that evidence that at the time you were giving it you couldn't even place in your mind's recollection whether the discussion about Mr Huang taking delivery of the money occurred on the night of this fundraiser or perhaps on some other occasion?---At that point, yeah – sorry, Commissioner.

30 Is that right firstly?---Yeah. At that point of time I suppose that we are asking a question where I will not be able to be 100 per cent sure because very much like a question asked at that point of time where I, we're talking about four years ago and among all those a lot of events that have run, I need to make sure that I can clearly, if that is the case, but I did have a faint recollection of what happened, so that's why I'm trying to make sure that I'm not 100 per cent that is exactly what happened because I know that 100 per cent. I remembered that so well.

40 But look at the words you use. You didn't say, I can't be 100 per cent certain, you were saying you had a faint recollection and you couldn't even locate it in terms a recollection of 12 March or some other occasion. That's what you were saying, wasn't it?---Yes.

Well, then when you went on and asked further questions about it, the question then, between lines 20 and 30, "When did that conversation occur?" Answer. "If that was, that was the case, that probably will be in the night, in the night, definitely not anything before the night or after night, that will be the night." So there you seem to be suggesting, well, probably it was the night in question.---Yes.

You were asked, “Who else was involved in the conversation?” And you give your response to that, you couldn’t really recollect, and a little later, question, “And is it your understanding that Mr Huang took that money to Jamie Clements at head office?” Answer. “I really can’t remember if he was taking that money to, to Jamie or to anybody in the head office, but if you really want me to, I’m trying to, I’m trying to search my memory. If,” you said, “If that was the case I’m pretty sure that he’ll be asked to take money to the head office. Doesn’t matter who is going to, he’s going to hand it in to.” Again, that account indicated you had very little recollection, you couldn’t remember the matter you refer to there, correct, you were struggling?---Struggling on who that he’s going to deliver the money to. Is that the case?

Yes.---Is it a question or - - -

It commences the question and – can we have it up on the screen. Is it on the screen?---I think the question is in regards to Mr Huang took the money to Jamie.

20 Just a moment. We’ll get it up on the screen.---Sorry. Yeah.

So we’re now on page 420 and I’m drawing your attention to about line 37, the question commencing “And it is your understanding that Mr Huang took that money to Jamie Clements at head office?” And you will see the answer there which I read to you a moment ago.---Yes.

And it indicates a very limited recollection, doesn’t it, as to what in fact did happen so far as the matter of Mr Huang taking the money to Jamie Clements?---Yeah. All that I remembered was that he was going to head office to meet up with the general secretary, or Jamie Clements as what I interpreted. Then if he attend there, if he’s going to hand the money to him I, I have no, I have no, I will not have any idea. So that will be probably an instruction by the head office, yeah.

And if you see the second sentence of your answer it indicates again that you weren’t certain as to this question of him being asked to take the money. “If that was the case I’m pretty sure that he will be asked to take the money to head office it doesn’t matter who he’s going to, he’s going to hand it in to.” And again that demonstrates, doesn’t it, there’s some doubt in your mind as to whether he was asked to take the money on that evening to the head office?---The reason that I put this in, probably I’m not using the right wording as I said before, that I was trying to make sure that you all understand at that point of time when that question was raised to me I really did not have 100 per cent recollection what happened. So I can only sort of like put it into kind of like a context to make sure that, you know, like, the question being asked by Mr Robertson where have I denied, have I not denied or is that only because of recollection. And one thing that I have to, I probably have to, to address to, to Commissioner I had, look, that was the

night where I had quite a fair bit of drink as, as usual in this sort of event that I may lost, I may have lost a lot of those memories in a sense where exactly what happened on the day. But for the framework of it or for the, the next, the normal practice of it I do have a bit of recollection but that's still very faint. So that was, that was what happened at the time but after all this long time when I have sort of like thought it over probably helped with a lot of those materials that I've read that now I form a clearer picture of what happened.

10 Anything else?

MR ROBERTSON: That's all I have for the time being.

THE COMMISSIONER: Yes. Now, any applications to cross-examine Mr Wong?

MR MOSES: Yes, Chief Commissioner, for the Australian Labor Party.

20 THE COMMISSIONER: Yes, I'll come back to you, Mr - - -

MR MOSES: Thank you.

MR ROBERTSON: Can I respectfully suggest that you ask counsel to identify, at least in rough terms, how long just so that I can deal with the program accordingly.

THE COMMISSIONER: Yes, certainly.

30 MR MOSES: Yes, I think in terms of my cross-examination is about an hour, Chief Commissioner. It might be a bit more, a bit less. We'll see how we go in terms of the questions but it should be about an hour.

THE COMMISSIONER: Mr Moses, you have I think put in a document outlining and - - -

MR MOSES: We have. We've provided a folder I think, Chief Commissioner.

40 THE COMMISSIONER: What are the central matters, though, that you want to raise? Can you just summarise them.

MR MOSES: Do you want me to that in the presence of the witness, Chief Commissioner?

THE COMMISSIONER: Well, if you don't want the witness to hear it then let me know if you're disadvantaged.

MR MOSES: Well, I don't think he should be present if I'm outlining to you what I'm going to be cross-examining him on.

THE COMMISSIONER: I'll come back to you, then.

MR MOSES: Thank you.

THE COMMISSIONER: I'm sorry, Mr Neil?

10 MR NEIL: We make such an application if it please.

THE COMMISSIONER: Yes.

MR NEIL: We think perhaps 30 to 45 minutes.

THE COMMISSIONER: Limited to the occasion of 16 September, is that right, or not?

20 MR NEIL: Yes, and circumstances that bear upon the witness's evidence about that occasion.

THE COMMISSIONER: Thank you. I'll come back to you. Mr Lawrence?

MR LAWRENCE: Chief Commissioner, the only thing that we may seek leave to cross-examine on is the evidence of the supposed conversation with Mr Clements about this arrangement in respect of the money.

30 THE COMMISSIONER: Yes.

MR LAWRENCE: However, I note that Counsel Assisting has, in effect, placed it in question or challenged it. So - - -

THE COMMISSIONER: Well, Mr Lawrence. If you want to put some, undertake some brief cross-examination on that area, I am minded to allow you to do so. I'll come back to you in a moment.

MR LAWRENCE: Certainly. Thank you.

40 THE COMMISSIONER: Anybody else?

MR HALE: I of course will seek leave to re-examine - - -

THE COMMISSIONER: Oh, Mr Hale. Yes, of course. You might have some questions. Thank you.

MR HALE: Yes.

THE COMMISSIONER: Very well. Well, I think it's probably appropriate then that, Mr Neil, we might start with you, followed by Mr Moses and then Mr Lawrence if he wishes to. Have you got any problem with that?

MR NEIL: No, not at all.

THE COMMISSIONER: All right, thank you.

10

MR NEIL: If, Chief Commissioner, you consider that is the appropriate course, that's the one we'll take. And is now a convenient time to begin?

THE COMMISSIONER: Yes, it is, yes.

MR NEIL: Mr Wong, I appear for Ms Kaila Murnain. Do you understand that?---Yes.

You are legally trained and qualified, is that right?---Yes.

20

You held a position on the Burwood Council, correct?---Yes.

You took up that position in about 2000, is that right?---Yes.

You rose to the position of deputy mayor, is that correct?---Yes.

You joined the Labor Party in about 2005, is that right?---Yeah, about right. 2005/2006 I think, yeah.

30 And you have been a member of the Labor Party ever since, is that correct? ---Yes.

You entered the New South Wales Parliament in the Legislative Council in May, 2013, is that right?---Yes.

And before that you had, immediately before that, you had worked in the party office, is that correct?---Yes.

40 And in that position, one of your responsibilities concerned fundraising, is that correct?---Yes.

Now all of the circumstances that I have been asking you about gave you, by September 2016, a good working knowledge and understanding of the electoral funding laws in New South Wales, do you agree?---Yes.

And in particular, those aspects of the laws that govern political donations. Do you accept that?---Yes.

You knew in 2016, September 2016, that it was against the electoral funding laws of NSW for someone to pretend to have made a donation, do you agree?---Yes.

And you knew in September 2016 that anyone who did that might have committed a serious offence against the NSW electoral funding laws, you agree?---Yes.

10

You also knew in 2016 that it was against the electoral funding laws for someone who had actually made a donation not to disclose that fact. Do you accept that?---Yes.

And you knew in September 2016, that anyone who had done that might have committed a serious offence against the electoral funding laws. Is that right?---Yes.

20

And you also knew, in September 2016, that property developers were prohibited donors, prohibited under the electoral funding laws of New South Wales, is that right?---Yes.

As at September 2016, Dr Liao was someone who you knew very well, is that correct?---Not very well but I have acquaintance with him a few times, yeah. But not very well, no. We didn't meet each other regularly or whatever it is.

30

You certainly knew him well enough to know, as at September 2016, that he was a person who at that time and for some time before then had supported the Labor Party, is that right?---Not to my best knowledge that he did. He, we never talked about that, though, but he did mention about that, he thinks Labor Party will be a very good party because of the multiculturalism and Gough Whitlam, you know, along those lines. But I am not sure and I have never asked or never bothered to find out if he is a Labor supporter.

As at September 2016, you regarded Mr Huang as a good friend of yours, is that right?---Yes.

40

You attended his daughter's wedding in October or November of 2016, is that correct?---Yes.

Mr Clements was another guest at that wedding, is that right?---I have no recollection but I, if you, you mention it, probably he is, yes. A lot of people are guests but I would not be able to remember each one of them.

Your capacity to raise money for the Labor Party was important to your political career. Do you agree with that?---Not really to the political career, but I agree that I would be able to help the party to be able to put in a lot

more policy-wise to help with those other groups. And that's what I would like the Labor Party to do for us.

In 2015, Mr Clements, then the general secretary, was encouraging you to raise money for the Labor Party, is that right?---The same with everyone in the head office.

10 Specifically, he set fundraising targets for you at that time. Is that correct?  
---No, I don't recollect if there is a specific term as such, but to ask us to raise money has become a major job from the head office, from all of those officials.

I'm not asking about "us", I'm asking about you. The proposition I'm putting to you is that in 2015, Mr Clements, as the general secretary of the party, set fundraising targets for you, Mr Ernest Wong. Do you agree?  
---Oh, yeah, I recall that, yes. Yes, yes. For me to be, to be kept in the office. Yep.

20 And specifically, he told you that he - - -?---I do recall, yeah.  
- - - he wanted you to raise money in order to help finance the - - -

MR LAWRENCE: I object. I infer from the previous answer, Chief Commissioner, and I don't want to - - -

THE COMMISSIONER: Well, I think it's a question of the form in which the question's put, yes, so - - -

30 MR LAWRENCE: There's a confusion, there's a confusion as to timing I think the answer to the previous question might reveal.

THE COMMISSIONER: All right. Well, perhaps if you could make clear the time that the question's directed, and as to what he understood Mr Clements to have wanted, perhaps you could put it in a form which doesn't suggest he's, might be speculating about it, but that he actually knows what he wanted.

40 MR NEIL: I understand. The proposition that I'm putting to you, Mr Wong, is that in 2015, Mr Clements, the general secretary of the party, set fundraising targets for you, specifically for you. Do you agree?---2015?

Yes.---That I don't recall. I do not recall.

The proposition I want to suggest to you is that he set those targets for you to raise money to help finance the campaign of Mr Chris Minns.---Yes.

You knew that Mr Huang had been a donor to the Labor Party since about 2013. Is that right?---Yes.

From that time you cultivated Mr Huang as a donor to the Labor Party. Do you agree?---No. I never cultivated Mr Huang. Because I said before, it's always either the party officials or the members themselves approach Mr Huang for funding, not me.

The proposition I want to suggest to you is that in his capacity as a donor to the Labor Party, Mr Huang was a significant political asset for you. Do you agree?---No. For the party.

10

And that your cultivation of him was one way in which you could secure your political career. Do you agree?---No, not at all. If you want to use the cultivation, I suppose that is being performed by a lot of people in the Labor Party. Not only Ernest Wong.

And one of those people was you, Ernest Wong.---Oh, yes. You can say that, yes.

20

Returning to the subject of fundraising targets, there was a specific target for the Chinese Friends of Labor dinner in 2015, wasn't there?---Not that I'm aware of.

There was a - - -?---I remember that I was asked how much I would be able to raise. I think as usual it would be 60, \$80,000. I think that is, that is the raw profit I, that I usually would be able to raise for all the other events.

The target was \$100,000. Do you agree?---As I said before, I do not recall that particular amount of money, or if that particular amount of request.

30

If it was 60, 80, or \$100,000, you knew before the Chinese Friends of Labor dinner in 2015, that you needed Mr Huang to contribute in order to achieve whatever figure it was.---Definitely not. Definitely not. In all my previous fundraising or the afterwards fundraising, \$60,000 to me is pretty easy to raise from the community. I don't need to ask Mr Huang to donate, and I know that he will not be able to donate.

How did you know that he wouldn't be able to donate?---He's a developer.

40

And you had that knowledge prior to the Chinese Friends of Labor dinner in 2015.---Yes, I did, yes.

Is that right?---Yes.

You had lunch or dinner with Dr Liao on 15 or 16 September, 2016. Is that right?---Yeah, either one, yeah.

Where did that occur?---I would not recall. Probably, I can't remember. Any, some Chinese restaurant in Chinatown for sure. So there will be one

in the middle of the Chinatown, I can't remember the name of it, because it's not, it's not there anymore, it changed to another management, probably I cannot have any recollection of it.

Was that the first occasion that you had dined with Dr Liao?---What, have what? No.

Is that the first occasion you had dined with Dr Liao?---No, no, no, no. We had a few dinners before, yeah, and a few - - -

10

What was the purpose of the few dinners you had had with Dr Liao before the one that you had or the few meals you had had with Dr Liao before the one you had on 15 or 16 September, 2016?---Usually it would be delegations from China or he's got some business occasions where he would invite me to attend.

20

Was anyone else present on the occasion when you had shared a meal with Dr Liao on 15 or 16 September, 2016?---With all those meals that I had with Dr Liao there are always a lot of people, usually with a big table of 12 or 14 people, but I did not recall exactly who were there on the day.

And at this big table of many people, there was general conversation on that occasion, was there?---Yes.

You and Dr Liao sat next to one another. Is that right?---Yes.

And at some time during the course of the meal, Dr Liao leant over and whispered something to you. Is that right?---Yes.

30

He whispered in your ear?---Yes. In the ear, yeah, that's what I, yeah, recollect.

In a way that indicated to you at the time that he did not want anyone else at the table to hear what he was saying?---Yes, I assume so, yes.

Did you say anything back to him at that point in the conversation, in the meal?---I would not be able to recall any particular conversation, but one thing I do remember, I said he needs a legal advice, he needs some lawyers.

40

You gave him advice to get lawyers, did you?---Yes.

When was the first time that you remembered saying that to him?---When you say remember, what do you mean by remember, like afterwards?

When is the first time that you have remembered saying to Dr Liao on this occasion, the meal that you shared with him on 15 or 16 September, 2016, that you advised him that he needed legal advice?---When you say

remembered, I'm pretty sure I remember all the time because that's the purpose that I was trying to see Ms Murnain.

THE COMMISSIONER: I understand, just to be clear about it, on 15 or 16 September dinner do you recall saying something to Mr Liao about legal advice?---Yes.

And what exactly did you say?---When, after he mentioned all these things, I said, look, he needs legal advice.

10

Sorry, well, he made some introductory statement, did he?---Yes.

Before you responded?---Yes.

What did he say?---Oh, do you want say it again? I mentioned that in the, in, in the earlier question. So he mentioned, he mentioned that he has got a friend who donate to Labor Party, is now being, being, being summoned to interviewed with the electoral office, with the Electoral Commission, and then he mentioned that he will not be able to produce some documents and then he very likely say that he actually lend the money to him and then I said before, I would not be able to remember clearly because it was very, very like that he said that either he, this Mr Tong has returned the money or will return the money. So my response to is that he need legal advice, he needs, he needs a lawyer.

20

MR NEIL: But when you say he needs a lawyer, now, it's I who want to be clear about this, are you saying that you recall saying to Mr Liao - - -?---Liao, Dr Liao, yeah.

30

- - - during the meal that you shared with him and many other people on 15 or 16 September that he, Dr Liao, should get legal advice?---No. I mean, I meant his friend at the time.

I see. And when you said that to Dr Liao, did you whisper that to him or did you say it aloud?---No, I didn't say aloud.

Why did you - - -?---I know that it's soft, like a quiet conversation, why do I have to say that loud?

40

He was whispering to you, did you whisper back to him?---Okay. He is whispering to me and I say, "Oh, you need some legal advice." I don't know you, how do you interpret that. Is that whispering or is that loud, I don't know but that's how I, I said that to him.

Now, until that conversation, I think you've said, you had never heard of anyone by the name of Steve tong, is that right?---Yes. Even afterwards, I can't even remember his first name.

That is even after the conversation with Dr Liao which you've given evidence about, is that right?---Yes.

Dr Liao, I think you said, told you a number of things about Steve, this Steve Tong. One was that Mr Tong was going to be interviewed by the Australian Electoral Commission, correct?---Yep. Also one thing he did say that he was very sick. Yeah, I remember now.

10 Yes, yes. Just listen to the questions I ask and answer those and we'll get there one by one. Another thing that Dr Liao whispered to you about this Mr Tong was that Mr Tong had been required to produce documents to the Australian Electoral Commission. Do you agree?---Yes.

And a third thing that Dr Liao whispered to you, you say, is that Mr Tong would not be able to produce documents to prove that?---Yes.

20 Is this your evidence, that what you took from what Dr Liao whispered to you was that the Australian Electoral Commission was going to ask this Mr Tong to produce proof that he had actually made a donation that it was investigating and that he was not in a position to do so?---No. My understanding was that probably he needs to provide bank statement or, you know, all sorts of documents to prove that he has somehow, somewhere transferred the amount of money to, to Labor account or whatever it is. I didn't actually bother to go through the details because that is not the right place or the right occasion to discuss that.

30 So he understood from what you have described as Dr Liao's whispered conversation that the AEC was going to ask Mr Tong to produce some documents, correct?---Yes.

You also understood from Dr Liao's whispered conversation that the reason why the AEC was going to ask Mr Tong to produce those documents was so that it could investigate a donation. Do you agree?---Yes, yes.

40 You also understood from Dr Liao's -- I'm sorry, the New South Wales Electoral Commission. You also understood from Dr Liao's whispered conversation that what the Electoral Commission was interested in was whether Mr Tong could produce proof that he had actually made the donation. Do you agree?---Yes.

And you also took from Dr Liao's whispered conversation that Mr Tong was not going to be in a position to produce documents to the Electoral Commission that would prove that he had actually made the donation that it was investigating. Do you agree?---Not necessarily because I did not go into a deep thought or consideration of the whole situation, but I did, I was aware that that's probably something that needs to be, to be provided with advice from a legal perspective.

I wonder if you could, for a moment, have a look at transcript page 480, please. In a moment it will come up on the screen, Mr Wong. Page 480. I just can't see the page numbers. 480, please, could you scroll down to that one.---No, scroll up.

Up, rather. I'm not very good at that. Now, on the right-hand side of the screen, Mr Wong, you'll see page 480, and I wanted you to look at the passage from about lines 8 to lines 19. In that passage you are giving an account of the conversation that you say you had with Kaila Murnain on  
10 what we now know is 16 September, 2016. Do you see that?---Yes.

And if you look at line 11 you'll see that you said something about somebody being interviewed by the electoral office. Do you see that?  
---Ah hmm.

And the person who was to be interviewed by the electoral office was the person who you described a little higher in your, earlier in your evidence as the friend of Dr Liao. Do you see that?---Yes.

20 And that as you would have it is Mr Tong. Correct?---Yes.

And then still back to line 11, these words appear. "He will not be able to produce documents to prove that." Do you see that?---Yes.

And what you were there saying was that Dr Liao in his whispered conversation with you had given you to understand that if this Mr Tong was called upon to produce documents that he had, to show that he had actually made the donation, he would not be able to do that. Do you agree?---Not  
30 really. I don't know how you interpret this but in my mind at the time, if I want, if I do be able to refresh my memory, I did not think that way. When you say document, I suppose you meant invoice from Labor Party or any of those forms, but my recollection was that because he wouldn't be able to show any of those things, statement or anything at all to prove that he has transferred the money.

Thank you. I wonder if we could roll down to page 481, please. This is the page on the left-hand side of the screen now, Mr Wong. And if you look at lines 7 and 8, just above the point 10, you'll see these words. "He will not  
40 be able to produce documents to support his, his, his donation." Do you see that?---Yeah.

And the person to whom you were referring in that passage of your evidence was this Mr Tong. Do you agree?---Yes.

And what you there gave evidence about was your understanding, was it not, an understanding that you derived from Dr Liao's whispered conversation, that if this Mr Tong was called upon to produce documents to prove that he had made the donation, he would not be able to do so. Do you

accept that?---Yeah, I suppose so, yeah, if that's what you're trying to get, yeah.

And the reason why - - -?---And that's always the case, yeah.

And now I want to go back to what you took from Dr Liao's conversation again. The reason why – I withdraw that. What you took from that conversation was that the reason why this Mr Tong would not be able to produce the documents was that he had not used his own money to make the  
10 donation. Do you agree---Yes.

But in fact the money had come from, as you say, Dr Liao reported to you it had come from Dr Liao. Is that right?---Well, he, well, I did not say that though, but he said that he lent him the money and then he also whispered that that money probably was returned or would be returned later on, that I will not be able to have a true recollection of exactly what he said.

You can't now remember - - -?---No, I can't, yeah.

20 - - - to who Dr Liao said this Mr Wong was to return the money. Is that correct?---Yes.

And you can't now remember whether Dr Liao had told you that the return of the money had already happened or it might happen in the future. Is that correct?---Yes.

What you can remember is this, is this right, you made the assumption, based on what Dr Liao whispered to you, that this Mr Tong was probably not the true donor in relation to the donation, but that Dr Liao was. Is that  
30 right?---I may have that kind of assumption at the time, I suppose.

You may have, you suppose? Or you did? Which one?---Because I will not be able to clearly identify if that was the case, so I would have a suspicion that that would be the case.

More than a suspicion, an assumption. Do you agree?---Suspicion more than assumption. I'm probably using the, the wrong word.

40 If you go to transcript page 482 – it'll come up in a moment. If you look at the passage that appears at the top of that page, 482. It's on the right-hand side of the screen as you see that now. A question you were asked is this, "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 are saying?" Answer, "No, that was what I probably assumed as much as you are." And so on. You see that?---Yes.

And "assumption" means "suspicion", is that right, is that what you say?  
---Yes.

And then over on transcript page 487 – 487 is now on the left-hand side of the screen.---Yes.

Look at the passage that appears between lines 7 and 13. Read that passage to yourself, and let me - - -?---Which one? 13, did you say?

Look at point 10, go to - - -?---Point 10, yes.

10 Then go, travel up to line 7, then read all the way down to line 13. Let me know when you are ready to proceed.---So all those lines above 10, is that - - -

Just read that passage to yourself, from the words, “To be clear about this,” all the way down to, “Probably is not the real donor.” When you’ve read it to yourself, let me know when you’re ready.---Yes.

20 When you used the words, “That person probably is not the real donor,” as you are recorded as having said in the last line of that passage, the person to whom you were referring was Mr Tong, is Mr Tong, is that right?---Yes.

And that accurately reflects your state of mind as a result of the whispered conversation that you say you had with Dr Liao, is that correct?---Yes.

And the “real donor” that you refer to in that passage, your state of mind after your whispered conversation with Dr Liao is that the real donor was Dr Liao. Is that correct? Is that what you say?---You could say that, yes.

30 Well, I could say that.---Yep.

But I’m interested in what you say.---Yeah.

Is that what you say, that your - - -?---That is, that is the suspicion I had - - -

Wait one moment, please. Wait one moment, please.---Yes.

Do you say that your state of mind as a result of your whispered conversation with Dr Liao was that the real donor was Dr Liao?---Yes.

40 And is that a state of mind that you retained up to and during your conversation with Ms Murnain on 16 September, 2016?---Yes.

Now, what Dr Liao, what – I withdraw that. What you say Dr Liao told you in his whispered conversation must have led you, with your working knowledge of the electoral funding laws in New South Wales, to be concerned that this Mr Tong was involved in an investigation into the possibility that he had committed an offence against those laws. Do you agree with that?---Yes.

And you say that that's why you felt that the Labor Party had a duty to provide him with legal advice. Is that correct?---Yes. Not a duty but kind of like as a courtesy.

Another thing that Dr Liao had said to you in this whispered conversation you say is that Mr Tong wanted to speak with you. Is that right?---Yes.

10 And one idea in your mind after the whispered conversation is that you needed to prepare yourself to have something to say to this Mr Tong. Is that correct?---Probably but I did not actually have a particular mindset as such at the time when I was raising that particular proposition of getting legal advice, yeah.

20 Such mindset as you had as a result of your whispered conversation with Dr Liao included the concern that Dr Liao might also become involved in an investigation into whether he had committed an offence under the electoral funding laws. Is that right?---No. I never sort of like, you know, really consider about the situation of Dr Liao particularly when he mentioned about this lending money type of things. Look, I think it's just getting very complicated, that I will not be able to comprehend.

So let me see if I can capture your evidence at this point. At a meal on 15 or 16 September Dr Liao had a whispered conversation with you. Correct?---Yes.

A conversation conducted in a way that indicated to you that he did not want anyone else at the table to hear what was being said. Correct?---Yes.

30 You were concerned that as a result of what you say he told you that this Mr Tong was or might be what has been called a straw donor . Do you agree?---Yes.

And you understand the expression straw donor to mean somebody who says they donated money but who did not in fact do so. Do you agree?---Not at the time. Excuse me my English ability where I really did not know the term straw donors at the time, yes.

40 Very well. Well, let's not then - - -?---But he may not be the, the, the one who is paying for the donation.

All right. Let's not use that expression then. In this conversation, this exclusive secluded conversation, Dr Liao told you that there was a person, a Mr Tong - - -?---Yes.

- - - who had said he had made a donation but who had not in fact done so. Do you agree with that?---Or the money has been lent by Dr Liao to him.

No, no, no, no. We've already agreed with the proposition I put to you a moment ago many times.---Before I say so, yes.

Do you agree?---Yes.

And you knew at that time that to do so, that to say that you had made a donation when you had not in fact done so was an offence under the electoral funding laws in New South Wales. Agree?---Yes.

10 And you also knew or assumed rather – I withdraw that. I'll start again. You also assumed as a result of what Dr Liao told you in this whispered conversation that the real donor was Dr Liao. Do you agree?---Suspicion, yes.

Yes. And at that time you knew as a result of your good working knowledge of the electoral funding laws in New South Wales that to do so, to be a real donor but not to disclose that fact was an offence under the electoral funding laws. Do you agree?---Yes.

20 And so let's revisit this question. At that time or soon thereafter did it occur to you that if what you say Dr Liao had told you was true then there was at least a real possibility that he, Dr Liao, might also become involved in an investigation into whether he, Dr Liao, had committed an offence under the electoral funding laws?---So the question put to me is in the context that I know exactly what happen but at the time I did not know and I did not actually have the true picture of what really happened.

You certainly knew, didn't you, as a result of what you say Dr Liao told you that the Electoral Commission was conducting an investigation into the possibility that Mr Tong - - -?---Yes.

- - - had committed an offence under the electoral funding - - -?---No, that's not Wong that's Tong.

Mr Tong had committed an offence under the electoral finding laws, do you agree?---Yes.

40 Yes. Whatever might be the result of that investigation, you understood from Dr Liao that there was an investigation underway, do you agree? ---Yes.

And you knew that the Tong donation was in some connected with Dr Liao. Do you accept that?---Yes.

And so it must follow, must it not, that as a result of Dr Liao's whispered conversation with you, you thought there was at least a real possibility that Dr Liao might also become involved in that investigation?---A possibility, not real possibility.

What's the difference in your mind as you answered that question?---Well, you tell me. In my mind it's real possibility that I know exactly that's what happened. A possibility is something that I do guess or assume that may be the case, that I need someone to discover it.

And did this also occur to you as a result of your whispered conversation with Dr Liao, that was he was telling you about was a very serious matter?  
---It was, yes.

10

It was a very serious matter with widespread implications, not just for Mr Tong but also for the party whose interests you then represented in the Legislative Council, do you agree?---Yes.

There were rumours you said?---Yes.

Of which you were aware that concerned donations to the Labor Party, is that right?---Yes.

20 Rumours in the Chinese community?---Yes.

You describe them as rumours in regards to these Labor donations?---Yes.

What were the Labor donations that you had in mind as being the subject matter of the rumours?---I don't know. The rumour that I heard, there were people asking me, look, they, they're aware of that donations to Labor Party has been investigated. So the, the concern that I had was very much like a damage of the name of the Labor Party for those donations.

30 One aspect of the rumours, I think you said yesterday, was that people who had made those donations to the Labor Party would now get into trouble, is that right?---Yes.

And those rumours, to your knowledge, were current as at September 2016, is that correct?---Yes.

40 And did you know about those rumours before Dr Liao's whispered conversation with you?---I think it's before. It was sort of like, you know, in, in that particular period of time there were a few people approaching me, telling me that they've heard that, you know, there are some problems with these donations to Labor Party.

I want to turn from your whispered conversation with Dr Liao to your meeting with Kaila Murnain on 16 September, 2016. Do you understand?  
---Yes.

Now, you are not sure now whether your first mode of communication with Ms Murnain on 16 September, 2016, was by text or telephone, is that correct?---Yes.

Now, regardless of whether that is so, this thing at least is clear in your memory, that it was you who first communicated with her on that day. Do you agree?---Yes.

10 And this thing also is clear in your memory, I want to suggest to you, that it was you who on that day asked for and initiated the meeting that took place later that evening, do you agree?---Yes.

Now, you accept, don't you, that there was a degree of urgency in your conduct in that regard?---Yes.

20 Now, you gave evidence yesterday that when you communicated with Ms Murnain and asked for the meeting, she told you that she was going to a function with another person.---Oh, probably meeting other person, I can't remember exact wording.

So function or meeting, you can't remember?---I can't remember. She was going to meet someone else, yeah.

And the identity of that person, you can't remember?---I'm not sure.

Correct?---No.

30 And I think you also said that she had said to you that she was planning to drive up Hospital Road and so would meet you there?---I can't remember the exact wording but I do recall that she was saying that she was driving up to the parliament, that we can just meet, you know, whenever she drive up on probably Hospital Road because (not transcribable) as Hospital Road, so  
- - -

Now, Hospital Road is a narrow and winding road that - - -?---That's easy to park there.

40 - - - travels from Art Gallery Road to Macquarie Street, correct?---Yeah. Not to Macquarie Street, I think that it's sort of like parallel to Macquarie Street. No way would be able pick up at Macquarie Street if she was driving. There's no parking there.

And in your experience, Hospital Road is a destination and not a thoroughfare. Do you agree with that?---Yes.

Your purpose in making the arrangements that you made with Kaila Murnain on 16 September, 2016, was to meet urgently with her. Do you agree?---Yes.

And so far as you were aware from your dealings with her prior to that meeting she travelled to Parliament House, to the vicinity of Parliament House specifically to meet with you at your request. Do you accept that?  
---I accept that she taken my call to meet up with me, but whether before other occasions I cannot be sure. If she was actually there to see other people, I don't know, but for that particular meeting I initiated and asked her to come up to, to meet up with me.

10 And specifically in response to your request she came to meet you. Do you accept that?---Yes.

Now, I want to ask you about three particular aspects of your evidence about the conversation you had with Ms Murnain on the evening of 16 September, 2016. The first is to ask you to confirm that your evidence was that your core purpose in that conversation was to obtain legal advice for this Mr Tong. Is that what you say?---Yes.

20 Now, you say that you felt so strongly – I withdraw that. You say that you felt strongly that any person who had supported the Labor Party deserved assistance of that kind. Is that right?---Yes.

And by supported the Labor Party, by supporting the Labor Party you meant in that regard somebody who had participated in the making of a donation. Do you agree?---Yes, among many things, yes.

30 You say that you felt so strongly that somebody who had supported the Labor Party deserved assistance of this kind that you sought out Kaila Murnain for the specific purpose of asking that Mr Tong be provided with legal advice of that kind. Is that right?---Yes.

Is that what you say?---Yes.

And you say that you became cranky when she told you that the party would not do so. Is that your evidence?---Yes.

40 Now, whatever happened in that conversation, this you would agree with, would you not, you failed in what you say was your core purpose, you failed in the purpose of obtaining legal advice for Mr Tong.---Why do you say that? Oh, you mean failed in getting the advice. Yeah, yeah, right, sorry.

Correct. Do you agree with that?---Yes.

That you say was the very thing, the one thing that you had set out to achieve in that conversation and you did not succeed. Agreed?---Yes.

Did not succeed in obtaining that which you felt strongly should be given. Do you agree?---Yes.

After this conversation you did nothing to further the purpose of obtaining legal advice for this Mr Tong. Do you accept that?---Yes.

You did not remonstrate with Ms Murnain in the conversation you had with her on 16 September, 2016. Do you agree?---Yes.

10 You did not remonstrate with her afterwards or ask her to reconsider her position so far as it touched upon legal advice for Mr Tong. Do you agree?  
---You mean after this meeting?

Yes.---Oh. I don't have any recollection of we did re-mention that particular issue but I did not have any recollection that I did raise it again with Ms Murnain.

Yes. You did not take up the question of legal assistance for this Mr Tong with anyone else in the party. Do you agree, after the conversation with Ms Murnain?---Yes.

20 You didn't take it up through party channels of any kind, do you accept that, after the conversation with Ms Murnain?---Yes.

You didn't pursue any other avenues to obtain legal advice for Mr Tong. Would you agree with that?---Yes.

30 You did not meet or speak with Mr Tong or take any steps to initiate a meeting with him for another two years after your conversation with Ms Murnain. Is that right?---I did, I recall that I did tell Dr Liao that I did not mind to meet up with Dr Tong ah, with Dr Tong, but apparently that did not eventuate until probably very late in, you know, in the time.

What do you mean apparently did not eventuate? It did not eventuate, did it?---It did not eventuate, no.

Not until almost two years had passed?---Yes.

40 And so was that the sum total of the steps that you took after your conversation with Ms Murnain to achieve what you have identified as the core purpose of that conversation? The only thing you did after that conversation was to say to Dr Liao, "I wouldn't mind meeting with Mr Tong," that was it?---Yeah.

A second aspect of your conversation, your evidence rather, about your conversation with Ms Murnain on 16 September is that in that conversation you did not mention Dr Liao's name in any way or in any connection. Do you accept that?---Yes. Not to my recollection.

Now, of course, as you had that conversation, on your version of events, you must have appreciated that Dr Liao might be in as much trouble as Mr Tong, or even more if he was in fact the real donor?---Yes. You're asking me if I do have that? No.

As at 16 September, when you spoke to Ms Murnain, you must have had in your mind, on your version of events, that Dr Liao might be in just as much trouble as this Mr Tong?---No, not really.

10 Or even more, if he was in fact the real donor, as you suspected he might be. Do you agree?---Not really. Because I did not know exactly what happened for that incident and he said that he lend money too. I don't know the arrangement at all.

Because if - - -

THE COMMISSIONER: Mr Wong, if the whole - - -?---Sorry?

MR NEIL: I withdraw that.

20

THE COMMISSIONER: If the whole concern was that Mr Tong had not been a true donor, that is one donor had not in fact been a donor and the person in question was Mr Tong, why would you not have just simply picked up the telephone, speak to Ms Murnain and say, "Look, there's one donor who's a bit suspect here. He may need some legal advice." Why all this meeting being Parliament House urgently, in the dark or semi-dark, to talk about one man who may have put in a donation or said he put in a donation and didn't?---Look - - -

30 No, no, just explain to me why didn't you just pick up the phone and say, "Look, there may be a problem with this guy. Maybe he needs some advice." Why all this elaborate meeting, texting, urgent meeting, back of Parliament House, walking down The Domain, having this conversation. What's the drama? This is one man that said he may not be a true donor. I can't understand why all this fuss occurred. Can you explain?---Yeah. I just trying to call Ms Murnain to see if able to discuss that issue with her.

40 Yes. Well, why did - - -?---Apparently when you talk over the phone, it sometimes very difficult to make yourself understood and then Ms Murnain suggested that, you know, she's coming to parliament, she, she be able to drive through, we will be able to meet up so I, we just meet up.

But look, if it was with one donor, it's no big deal, is it? If somebody said he, "Look, I gave a donation," and he didn't, that's not going to bring the house down on the ALP, is it?---But I suppose that it's not - - -

No, no, please.---Yeah, sorry.

It's not going to bring the house down on the ALP in the sense of this is going to create enormous problems for the Alp?---Sure, sure.

Are you agreeing with me?---I agree with you, yes.

Well, why wouldn't you just pick up the phone and say, "Look, there's a bit of a problem here with a donor, you'd better look into it"?---I suppose just, just the form that we want to discuss in regards to we would be able to get legal advice for that person. It may not be as dramatic as what the  
10 Commission has mentioned in regards to dragging the whole Labor Party down but still there was something that I haven't come across before that I need to have good advice to see if we were able to provide and support those people who have been supporting Labor Party, I don't see any problems with it myself.

But not those people. One man, Mr Tong.---Oh, one man, yeah. One man.

Who you really didn't even know.---But, but remember I did have, I did  
20 have, I heard rumours in regards to there will be a few people donating money that will be interviewed by the, the Commission as well. So I just try to see if it's anything that's possible that we would get legal advice if someone approached me.

Okay. What was the urgency of this? Why call an urgent meeting? What was the urgency?---Well, if someone had put that proposition to me, I just want to seek advice.

No. Answer my question. What was the urgency for you to meet with Ms Murnain on a Friday evening at 6 o'clock or thereabouts to talk about one  
30 man may not be a true donor? What was the urgency?---What is the urgency?

What was the urgency?---Well, if there's a case there that I need to deal with, there's always urgency in regards to how we're going to treat these things.

And you'll agree - - -?---So, so, Commissioner, are you suggesting that I should actually stay after the weekend or the next week?

40 No, no. I'm suggesting you just pick up the telephone or dial your mobile and say, "Kaila, you might have a problem here. I'm just giving you a heads-up." Why wouldn't you do that?---Yeah, the problem there, so we just discuss - - -

So why wouldn't you do that?---So that's why I ask her that we were able to meet up and, and discuss the issue.

No, but do you agree you could have easily done that, pick up the phone, dial the mobile, whatever, say, “Kaila, you might have a problem here with a donor,” you could have done that, couldn’t you?---I don’t know why that there’s a difference between dialling up or meeting with her.

No, please answer my question.---Yep.

You could have done it, couldn’t you?---Yeah, well, I could, yes.

10 All right. We’ll take the morning tea adjournment, I think. Before we do, Mr Moses, your document, your cross-examination request, as far as I understand it, all you’ve given is a list of exhibit numbers of documents that you may want to cross-examine on, but you haven’t identified the topics or the purpose of the cross-examination.

MR MOSES: No, that’s right, no, that’s correct. I didn’t suggest otherwise.

20 THE COMMISSIONER: So could you perhaps in the adjournment just jot down what it is – I’m referring to the standard direction, you know, 13, I think it is.

MR MOSES: Yes, sure. But we’ve been doing - - -

THE COMMISSIONER: The purpose, the scope.

MR MOSES: Yes, but Commissioner, we’ve been doing what everybody else is doing, so if you want us to do it in writing, we’ll do it in writing, put it in writing.

30 THE COMMISSIONER: No, no, yes, well, I think, you don’t want it, I understand, discussed in the public hearing with the witness, that’s fair enough.

MR MOSES: Yes. But we’ve always (not transcribable)

40 THE COMMISSIONER: I think the plainest and easiest way is just to jot down on a piece of paper what are the topics areas, the scope, purpose of the cross-examination. It just gives me a better insight into what your application’s about.

MR MOSES: Sure. Well, I’ll give the topics to Counsel Assisting, in writing. Sure.

THE COMMISSIONER: Yes, all right. Thank you. Very well, Mr Wong, we’re going to take the morning tea adjournment. I’ll adjourn.

**SHORT ADJOURNMENT**

**[11.42am]**

THE COMMISSIONER: Mr Neil.

MR NEIL: Thank you, Chief Commissioner. We had agreed, or I withdraw that. You had agreed, Mr Wong, that you had not mentioned Dr Liao's name in any way during your conversation with Ms Murnain on 16 September, 2016. Correct?---Yes, to my best recollection, yes.

10 And that was even though on your version of events, you must have appreciated that Dr Liao was just as much in need of legal advice as was Mr Tong. Do you agree?---Not in my mind at that time.

And just as deserving of legal advice, because he too was a supporter of the Labor Party as you have defined that expression. Do you accept that?---In a broad sense, yes.

Now, a third aspect of your evidence about your conversation with Ms Murnain that I wanted to ask you about was the circumstance that during  
20 that conversation you did mention Mr Huang's name. Correct?---Yes.

You say that you did so only to say that because he had delivered or taken money to Sussex Street, his actions might be misrepresented and misinterpreted. Correct?---Yes.

I wonder if we could just for a moment look at page 490 of the transcript, please. Now, I wonder if you'd be, when that comes up, would you be good enough to look at, 490 is on the right-hand side?---Yes.

30 Just read to yourself the last three questions and answers on page 490, from line 31 down to the end of the page. I want to ask you some questions about that, and let me know when you're ready to proceed.---Yes. Yep.

Very well. Now, in your evidence at at least four points you refer to Mr Huang as being the person who had passed on, "the money" delivered or taken "the money." You do that at about line 35, line 36, line 42, line 43. ---Yes.

40 Do you see that?---Yeah.

And if you could help me understand what you were referring to, "the money," "the money," that you were there talking about was money that was connected with the Chinese Friends of Labor dinner in 2015. Correct? ---Yes.

The \$100,000?---Yes.

And does it follow from the fact that you thought that Mr Huang's actions in that regard might be misrepresented or misinterpreted, that you understood that the circumstances pertaining to Mr Tong's donation or purported donation had something to do with donations generated by the Chinese Friends of Labor dinner in 2015, they were related, do you agree, in your mind?---Can you say that again? So the question is?

It's a very long question, I'm so sorry.---Yeah.

- 10 You had no doubt when you gave the evidence that you've just read that the money that you were talking about Mr Huang having passed on or taken or delivered was money that was connected with the Chinese Friends of Labor dinner in 2015. Correct?---Yes.

And so does it follow that you had this understanding as at 16 September, 2016 when you spoke to Ms Murnain, that the concerns you were raising with her had something to do with the Chinese Friends of Labor dinner in 2015?---Yes.

- 20 That if there was a problem with donations, whatever that problem might be, the problem was focussed on donations associated with the Chinese Friends of Labor dinner in 2015. Correct?---Yes.

Did you become concerned by 16 September, 2016 that Mr Tong might reveal to the Electoral Commission that serious contraventions of the electoral funding laws might have occurred?---Not to my recollection, I did not think that deeply in regards to what will be the consequence. I did not consider that either.

- 30 Didn't enter your mind. Is that what you say, when you went to speak with Ms Murnain on 16 September, 2016?---Yes.

Were you concerned as at 16 September, 2016, that there might be serious contraventions of the electoral funding laws connected with the Chinese Friends of Labor dinner in 2015?---That probably will be the case in regards to Tong and, and, and Dr Liao.

That - - -?---That does ring a bell, yeah.

- 40 That was a - - -?---(not transcribable)

Have you finished?---Yeah.

That was an event, the Chinese Friends of Labor dinner in 2015.---Yes.

That was a fundraising event with which you had been intimately concerned. Do you accept that?---Yes.

As a patron, correct?---Yes.

As an organiser, correct?---Yes.

And as a person who had solicited donations in connection with the event, correct?---When you say solicited, I don't think so, but I rather sort of like, you know, helping to get support, sales of tables, and donations, yes.

10 Did your concerns about the Chinese Friends of Labor dinner in 2015, and the possibility that there might be contraventions of the electoral funding laws in connection with that event, did those concerns cause you to seek out Kaila Murnain on 16 September, 2016?---Well, probably that would be the, the purpose of it.

And did you do so in order to ask for her help?---For her help, or for the help of Labor Party to provide legal services?

20 Legal services, you say, to Mr Tong, correct?---I say, I did not say to Mr Tong. The legal – oh. The legal services that I refer to would be for Mr Tong, yeah.

Did you go to Ms Murnain on 16 September, 2016, asking for her help in relation to your concerns about the Chinese Friends of Labor dinner in 2015 more generally, that is, more generally than Mr Tong, and legal advice for him?---So, it all depends on what you mean by generally. Like help for what?

Well, I'm asking about your recollection of that conversation.---Yes.

30 And your purpose in undertaking it.---Yep.

Did you seek out Kaila Murnain on 16 September, 2016, initiate a meeting with her, attend that meeting, and speak with her at that meeting, for the purpose of asking for her help - - -?---For her help?

- - - more generally that in connection with - - -?---No. It's actually - - -

40 - - - Mr Tong and legal advice for him?---The help that I'm asking her if that she would be able to, either to provide legal service from the, from the Labor Party or to refer to solicitors.

When you spoke with Ms Murnain on 16 September, 2016, she insisted, did she not, that if someone had said they had made a donation but had not in fact done so, then that person should come forward.---I do not recall that conversation.

That that person should identify themselves to the party.---I do not recall that.

And that that person should talk to the party office.---I do not recall that.

Was – when you spoke with Ms Murnain on 16 September, 2016, did you not want Mr Tong to come forward?---I never thought that along. I never, as said before, I never had any deep consideration of how we need to do it.

10 When you spoke with Ms Murnain on 16 September, 2016, did you not want Mr Tong to reveal what you knew or suspected?---I never had that kind of thoughts. Like, either to advise him to do it or not to do it.

Did you want what you knew, either knew or suspected was the true position in relation to at least Mr Tong's donation, did you not want that position to be revealed?---Not at all. I suppose that Tong's duty would be just to go to interview and tell the truth of whatever the situation is. But for us, we feel we be able to provide legal advice, a solicitor to help him along. That's my, that's my, the whole purpose of it.

20 When you spoke with Ms Murnain on 16 September did you want what you knew or suspected might be the true position in relation to the donations connected with the Chinese Friends of Labor dinner in 2015 to continue to be concealed?---It never come across my mind at all.

THE COMMISSIONER: Mr Wong, I think you said you didn't know Mr Tong.---No, I didn't know Mr Tong.

But you had no reason to believe that he was in fact a paid-up member of the ALP?---No.

30 So he could have been anybody off the street who for whatever reason decided to give a donation to the ALP?---Yeah.

Well, if there was a potential problem with the donation from such a person, it wouldn't be for the ALP to come to the rescue, would it, and provide legal services for him? If he had done anything wrong, be it upon his head. Isn't that right?---Yes.

40 So what's this talk about legal services for some stranger who wasn't an ALP member so far as we are aware and all this discussion with Kaila Murnain about the Labor Party providing legal services when he had no affiliation or connection with the ALP so far as you knew. Correct?---Yeah.

Well, what are you talking about providing services to a stranger for at the expense of the ALP and for all you know he could have been a Liberal Party member who for some reason had a change of heart and decided to vote for the Labor Party?---Because he is a good friend of Liao, Dr Liao. I know Dr Liao. And also I think it's among the rumour that there are a few more Chinese people where they have been investigated that I do feel like because

I am being seen as a representative of the Chinese community at least I will be able to provide them, say look, we will get some solicitor if I am approached in regards to that. Now, secondly, there may be a Chinese culture where that we will try to help each other in a sense where they come to talk to me but I myself at the time I think because the whole thing is being investigated s I just leave it for the investigator to come up with whatever it is. The best we can do is to provide support to those people and that's, that's my whole main purpose.

10 The primary question was if there was a question mark over this donation was for the truth to be ascertained by the Electoral Commission. Correct? ---Yes.

There's no responsibility and no role for the ALP to come to the rescue of some person who just happened to be a donor to help that person in Electoral Commission investigations. Correct?---Yes.

20 So your primary function as a member of the ALP at the time, parliamentarian, was to ensure that the law had not been broken. Is that right?---Yes.

So you would encourage this man to go off to the Electoral Commission and tell all, and if he wants legal advice that's a matter for him not for the ALP. Correct?---I did not think that way at the time.

No, but now looking at it?---That's correct, yes. Agree with you.

30 So what I'm putting to you is, because it might be put in submissions at some stage, that this story, this evidence you're giving, your prime concern was to get Kaila Murnain to arrange for legal services to this man is just a sham. It didn't happen at all. What would you say?---No, it did.

40 Well, what's the logical explanation for this alleged conversation about legal services to this man so that the ALP would bear the expense if he had done something wrong?---Look, first of all, I would not be in the position to judge if something is wrong or not and secondly, what I'm asking Ms Murnain is to try to get not only legal service but refer to some solicitors. Because I know a lot of, you know, Mr Tong, or if there will be other people being involved, most of the time they probably would not be able to know any good solicitors that if someone approach me and say, "Mr Wong, will you be able to provide me a name of a solicitor," then I would be able to refer to them to their solicitor. At the time I may be wrong in thinking that, as a Labor Party, because these people has been supporting us, Chinese community supporting us for such a long time that we, at least we be able to provide certain advice to them. And that's my whole of it.

Well, why were you so concerned the ALP provide legal services to this donor or alleged donor?---Well, just, it's a matter of, because Labor Party

probably would know solicitors that would know better of the electoral, the electoral law than any solicitors that you could find in Chinatown.

But what if it turned out that Mr Tong wasn't a member of the Labor Party at all?---Sorry?

What if it turned out that he wasn't a member of the Labor Party, he had no affiliation with the Labor Party? Why would the Labor Party be shelling out dollars to get him legal advice?---So when I ask for - - -

10

No, just answer that question. Why, in those circumstances, would the ALP be putting its hand in the pocket to pay legal expenses for somebody they didn't really know existed?---The, the question I put to, to Ms Murnain, I did not include in regards to any payments for that particular service. I assume that they're going to pay themselves, yes.

Now you answer my question.---Sorry?

20

Now you answer my question. Why would the ALP pay the legal expenses of a stranger?---That's what I'm saying, because I didn't actually even think of any of those costs of it.

Mr Wong, that's nonsense, with great respect to you. Will you just answer the question? What would motivate you to be putting to Ms Murnain that the ALP should pay for a stranger's legal costs?---Commissioner, I agree with you but as I said before, I did not ask them to pay, I just asked them, I ask Ms Murnain if she will be able to either provide a legal advice to them or refer a solicitor and I never thought of that they were going to pay for that particular person in regards to that because - - -

30

Why would the ALP be concerned about the welfare of s stranger? If he's done something wrong, then that's a matter for him to sort out and get legal representation, isn't it?---Yeah. That is what, whatever it is, whatever that is going, that, that, that, the whole situation that we all understand but at the time, as Dr Liao told me, that there is a person, there is a friend there, they have got, you know, problems there. They just ask, I just, very straightforward, asking Ms Murnain if there is something that we will able to help them, to provide legal advice or to get a solicitor for them. So I haven't thought very deeply in regards to the cost of it or if, you know, there's anything wrong doing with it. Because I wasn't actually in that position to charge. Even though, yes, I think the (not transcribable) in regards to yeah, that was wrong, I agree with that thought. But at the time I did not think that.

40

This time you were talking to Kaila Murnain on 16 September, of course the Electoral Commission were on the investigation of the donation in question.---That's what four out, yes.

Were you worried that Mr Tong was, as it were, to use the colloquialism, going to spill the beans about the donations? That he - - -?---No. That's not, that's not in my mind at all.

On your oath, do you say that there was no other concern that you had, such as Mr Tong may reveal some truth about illegality associated with the donations that were given on 12 March, 2015?---That was not in my mind either.

- 10 Pardon?---That was not in my mind either. But remember, because I actually overheard there were a few more people that has been investigated or they were actually in trouble. So I just wanted to see if I'm able to get some advice that I would be able to help these people.

Well, so far as you knew, the Electoral Commission was not specifically investigating Mr Tong but they were looking at a wider, broader picture as to donations generally received from the fundraiser in 2015, correct?---I'm aware of it but Mr Tong was the subject - - -

- 20 You were aware of that at the time, you were aware of that at the time of 16 - - -?---I, I was aware, yeah.

- - - September, 2016?---Yes.

Did you think Mr Tong might have some evidence to give that might aid the Electoral Commission into the general issue that they were looking at?  
---No.

- 30 Never crossed your mind?---No.

Yes.

MR NEIL: Yesterday, Mr Wong, you gave evidence that one of the things that you sought to communicate by the words that you used with Ms Murnain when you met with her on 16 September, 2016, was that there was a donor who had not donated the money that they said they had. Do you agree?---To, to, to the effect of that, of that saying, but not the exact wording.

- 40 But that was what you sought to communicate to her by the words that you used. Do you agree?---Yes.

You did not identify Mr Tong as the donor in question during your conversation with Ms Murnain on 16 September, 2016. Do you agree?  
---That is something is not to my best recollection if I have mentioned the name Mr Tong at all. I cannot remember.

You did not mention Mr Tong's name at all. Do you accept that?---As I said before, to my best recollection I did not remember if I have mentioned Mr Tong at all or if I have or if I haven't.

Your core purpose in initiating and participating in the meeting with Ms Murnain on 16 September, 2016, was not to ask her that Mr Tong be provided with legal advice. Do you agree?---No.

10 In fact you said nothing about that subject during any part of the conversation that you had with Ms Murnain on 16 September, 2016.  
---No.

Is that correct?---No.

During that meeting Ms Murnain insisted that the donor who had not donated the money but said they had should come forward. Do you agree?  
---I do not recollect the conversation.

20 That they should identify themselves to the party. Do you accept that?  
---I do not recollect that conversation.

That they should talk to the part and the party office. Do you agree?  
---I do not recollect that conversation.

In effect that they should reveal to Ms Murnain and the party what they knew. Do you accept that?---I do not recollect the conversation. Because I remember the conversation that I had with Ms Murnain was very short, it's not that long.

30 In fact I want to suggest to you that she insisted upon that, said that on more than one occasion during that conversation. Do you accept that?---No. Not that I, I don't accept that but I do not have any recollection of it.

And that you, and this is a suggestion I make to you, that in response to her insistence in that regard you were agitated. Do you agree with that?---No.

You did identify during that conversation Mr Huang as the real donor.---No.

40 Is that right?---No.

And confirmed in answer to a question asked of you by Ms Murnain that you were talking about Mr Huang, the property developer.---No.

Do you agree?---No.

Ms Murnain said in that conversation that she wanted to talk with the party's lawyer or governance director about where to go from that conversation, the conversation that you'd had with her. Do you remember

that?---No. I don't have a recollection. What I remembered, after mention Mr Huang she raised her hand and said, "Look, I don't want to know about it, I don't want to listen to it." Sort of like, you know, I don't want to, I can't remember the exact wording.

That evidence is false.---No, it's true.

Do you accept that?---No, it's true.

10 Just as false as your evidence about having asked for legal assistance for Mr Tong. Do you agree?---No.

When the meeting with Ms Murnain had concluded, you telephoned three people.---Yeah. That was what's shown, yes.

You telephoned Kenrick Cheah at 55 minutes past 6.00. Do you remember that?---I did not remember it but I was, I was actually alerted in regards to that phone call, yes.

20 When – okay. And having been alerted to that, do you now have a memory of having telephoned Kenrick Cheah?---No.

After your conversation with Ms Murnain?---No.

THE COMMISSIONER: Why were you ringing him?---I wouldn't be able to have a clue. Like, I will not be able, because I do not have any recollection of it.

30 Well, just bear in mind the context. This is very shortly after you have this conversation with Ms Murnain behind Parliament House.---Yes.

Why were you ringing Cheah?---We're talking about a phone call, what, three years ago?

No, we're talking about, yes, that's true - - -?---But I, I – look - - -

40 - - - but we're talking about a phone call that has a temporal, at least a temporal relationship between the, or it may have a temporal relationship between the conversation you had with Ms Murnain on 16 September. That is to say, a very short time later, you're on the phone trying to get in touch with Cheah. Was there a connection?---I have not, I've got no recollection at all, quite frankly.

MR NEIL: Is it - - -?---If, if I'm going to tell you anything at all, that would be speculation, because I really do not remember. I really do not remember that phone call at all.

You have no recollection that you spoke on the telephone with Kenrick Cheah, while you were in the company of Ms Murnain. Do you agree?  
---Say that again?

You have no recollection that you spoke with Kenrick Cheah on the evening of 16 September, 2016, while you were together with Ms Murnain. Do you agree?---I have no recollection of that at all. I remember that the conversation with Ms Murnain actually concluded when she walked away. I was all alone.

10

All alone?---All alone, yeah.

And then all alone, according to the call records, at 7.00pm, you made a second telephone call, this time to Jonathan Yee.---Yep.

Having, you were reminded of that yesterday, do you remember?---No, I do.

And having been reminded of it, do you have any present recollection - - -?  
---No.

20

- - - of having made that telephone call?---No.

What was your purpose in making that call?---If I can't recall that particular phone call, how would I be able to tell you what's that phone call for?

And then at 51 minutes past 7.00, you made a third telephone call, according to the call records, the third of three telephone calls that you made after your meeting with Ms Murnain, this time to Mr Huang.---Yeah.

30

Do you remember being reminded of that yesterday?---No.

You don't remember being reminded of that, shown the call records yesterday?---No, I was reminded, of course.

And that having occurred, do you have any present recollection of having made that call or your purpose in doing so?---No.

40

Did you telephone Mr Cheah, Mr Yee, and Mr Huang after your meeting with Ms Murnain because you knew that each of them would be interested in the outcome of that meeting?---If I do not have any recollection of calling, of calling them, how would I be able to answer you this question?

The call records do not indicate that you telephoned Dr Liao.---(not transcribable)

Do you have any recollection of having communicated, of having telephoned Dr Liao after your meeting with Ms Murnain?---No. I do not have any recollection.

Even though on your - - -?---But I'm going to meet him up some days after, I, I do not remember.

I'm sorry? You're going to meet him, meet with him?---Yes.

And did you have that in mind - - -?---I do not have any recollection.

- - - on 16 September?---I do not have any recollection.

10

And is this the case, that you thought that the meeting that you had conducted with Ms Murnain as a result of your whispered conversation with Dr Liao was of so little moment to him, to Dr Liao, that he could wait for days to hear about the outcome?---Is there something wrong with it, or – the whole, the whole issue is because we were not able to provide any of those legal advice, and I'm just thinking of if I should, I should actually promise to see him, oh, to see Dr, to see Mr Tong. So I have to leave myself to think for a while before I decide what I'm going to do.

20

You didn't require the same degree of thought before deciding to telephone Mr Cheah, Mr Yee, and Mr Huang.---Well, I, I, I, I called them very, very frequently or regularly. So if I did call them, which is shown, that may be for other issues.

And following the meeting with Ms Murnain you took no step to cause the outcome of that meeting to be communicated to Mr Tong either directly by you or indirectly through Dr Liao or somebody else. Do you agree?---No, it's not that I didn't but I really need to sit down and try to work out what I need to do or should I actually be seeing Mr Tong which finally I did agree to see him but that's not be eventuated.

30

It took you two years to come to that decision?---No, no, no, no. Two years that would be another incident. There'd be another incident that I recall.

When did you come, following your meeting with Ms Murnain when did you come to a decision about whether you should or should not meet with him about the outcome of that meeting, when did that happen?---I do not have any recollection but probably that will be a day or so.

40

And what do you recall, if anything, you did as a consequence of coming to a decision about that?---I do recall that I have, I had actually met up with Dr Liao (not transcribable) I was happy to see Mr Tong. That's about it.

Yesterday you gave evidence at the top of page 508 of the transcript when you were being asked about whether at the time you saw – I withdraw that – whether you felt that you had a duty to report the matter to the electoral authority or to some other law enforcement agency you gave this evidence at about lines 7 and 8, “I recall” – I'm sorry, I'll start again. “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.” That evidence does not accurately describe a state of mind that you have held at any time. Do you accept that?---No.

It was not the purpose of your meeting with Kaila Murnain that you furnish her or the Labor Party with information for that purpose. Do you agree?  
---Can you, can you say the question again.

10 It was not your purpose in meeting and speaking with Kaila Murnain on 16 September, 2016 that she or the Labor Party be furnished by you with information for that purpose, for the purpose of reporting it to a law enforcement agency for the electoral authority. Do you agree?---Yes, I agree.

If it please, that’s the cross-examination.

20 THE COMMISSIONER: Yes, thank you. Now, Mr Moses. Mr Moses, I received your list of topics for cross-examination. As to point 12 on the second page I think there’s a requirement that you should if you want to deal with that matter put forward an outline at least as to what the - - -

MR MOSES: I’ve spoken to my learned friend about that. We will be - - -

THE COMMISSIONER: Sorry, just a moment. About what reforms, if any, have been put in place. Subject to that you may proceed.

30 MR MOSES: Yes, thank you, Chief Commissioner. Mr Wong, you became a member of the Australian Labor Party on 7 October, 2005?---Yes.

And as a member of the Australian Labor Party you familiarised yourself with the rules of that party?---Yes.

And you had an obligation pursuant to those rules to act honestly and with integrity?---Yes.

40 Chief Commissioner, could we have up on the screen Exhibit 156. It’s volume 7, pages 31 to 126. I want to show the witness in particular what appears - - -

THE COMMISSIONER: Volume 7, page?

MR MOSES: Page 31 to page 126. It’s in particular the page commencing at page 34.

THE COMMISSIONER: They are the rules, are they?

MR MOSES: That is correct, Chief Commissioner. Under the heading B, Objectives, at page 34, so I think it's further back, you'll see there the first item as part of the objectives of the party is, "The use of public power at all times with integrity and honesty and always in the best interests of the community."---Yeah.

10 And at page 35 under C, Principles, one of the obligations there as you'll see is, "Party members, candidates, elected representatives and party officials to act all times with integrity and honesty."---Yes.

And do you agree that acting honestly and with integrity means that you should not have been involved or initiating a scheme to subvert the operation of the Election Funding, Expenditure and Disclosures Act of 1981. Do you agree with that?---Yes.

20 Now, you nominated for the NSW Legislative Council in 2013. Correct? ---Yes.

You were a member of the Legislative Council from 23 May, 2013. Correct?---Yes.

And when you took office as a member of the Legislative Council you were required to make a pledge of loyalty to Australia and to the people of New South Wales?---Yes.

30 And in that pledge of loyalty to the people of New South Wales do you agree that that included the fact that you would not take steps to undermine or subvert the laws passed by the Parliament of NSW for your own benefit or that of others?---Yes.

That included not being involved or initiating a scheme to subvert the operation of the Election Funding, Expenditure and Disclosures Act? ---Yes.

40 Now, Mr Neil has established that by the time you entered parliament you were somebody who had been admitted as a solicitor of the Supreme Court of New South Wales?---Yes.

You had a law degree and a commerce degree?---Yes.

And you were aware by 2013 that the New South Wales Parliament had passed laws in 2009 to make it illegal for a political party in New South Wales to accept political donations from a property developer. Correct? ---Yes.

And you were aware pursuant to that Act that it was illegal to disguise a donation from a property developer in order to subvert the prohibition on property developers. Correct?---Yes.

And you were aware that the breach of that law carried with it a heavy gaol term of 10 years. Correct?---Yes.

And you knew that was the case prior to March 2015. Correct?---Yes.

10 Now, to be clear about this, in March 2015 you were aware that you should not be inviting property developers to fundraisers of the ALP and asking them for money. Correct?---Yes.

In relation to the New South Wales elections. Correct?---Yes.

So can I ask you this. The March 2015 dinner, the purpose of that was to raise funds for what election, sir?---The state election.

20 Thank you. And Mr Huang, who was a good friend of yours - - -?---Yes.

- - - was invited to that dinner. Correct?---Yes.

Did you invite him to that dinner?---Yes.

You knew that his company was a property developer?---Yes.

30 So why did you invite him to a fundraiser for 12 March to raise funds for the Australian Labor Party election in 2015 when you knew that he was a property developer?---He is also community leader. He's well known in the community.

Did he pay money to attend that dinner?---No.

Are you suggesting to the Chief Commissioner that you invited a property developer, a billionaire, to an ALP dinner on 12 March, 2015, and did not seek a cent from him for his seat at the head table?---Yes.

40 You told the Chief Commissioner that when you responded to an email for a request as to how much it would cost to sit at the head table that when you replied to the individual making that request, your figure of \$100,000 was said as a lie. Do you remember saying that?---Yes.

And in relation to the person sitting at the head table, was there any person at that head table who paid any money to attend that dinner?---No.

No. And you are lying on oath, aren't you, Mr Wong?---No.

No. You are a solicitor of the Supreme Court of New South Wales?---Yes.

And you are suggesting to the Chief Commissioner that nobody at the head table paid one cent to attend that dinner?---Yep.

So why did you have Mr Huang sitting at the head table that night?---He is a community leader. He knows Labor Party very well. Labor Party, every single person in Labor Party knows him well as well.

Whose idea was it to invite him to the dinner?---I did.

10

Your idea, was it?---It was my idea, yeah.

And it was your idea to put him on the head table, correct?---Yes.

And you put the person being Mr Huang at the head table with the Leader of the Opposition in New South Wales, correct?---Yes.

And the Federal Leader of the Opposition?---Yes.

20

And you did that because you say he's a community leader?---Yes.

THE COMMISSIONER: Mr Moses, I see the time. Is that a convenient time?

MR MOSES: Oh, sorry, Commissioner. I apologise, thank you.

THE COMMISSIONER: Yes, that's all right. We're going to take the luncheon adjournment. Mr Wong, so if you'd be back here for a 2 o'clock start.---Sure, thank you.

30

Thank you. I'll adjourn.

**LUNCHEON ADJOURNMENT**

**[1.02pm]**