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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 3 SEPTEMBER, 2019

AT 2.00PM

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<ERNEST KWOK CHUNG WONG, on former affirmation [2.03pm]

THE COMMISSIONER: Yes, Mr Moses.

MR MOSES: Thank you, Chief Commissioner. Mr Wong, just prior to the adjournment I was asking you some questions in relation to the dinner on 12 March, 2015.---Yes.

- 10 And in relation to Mr Huang's presence on that evening, you said that he did not pay to be seated at the head table that evening. Correct?---Yes.

And you say, do you, that the other guests at that head table did not pay either on that evening. Correct?---Yes.

That is the guests who had been allocated to sit at the head table?---Yes. Except Jonathan Yee, he actually paid for his own table and donation as well. And he's the president of that dinner.

- 20 Thank you. And in relation to the four other guests who you referred to in your evidence yesterday as being indicated would sit at the head table, these were four other guests of Mr Huang, who were these people?---No, they were not Mr Huang's guests. Those are the people where I invite myself. One is Hatton Kwok, he's the mentor of me in Labor Party, and there, there were, there was Mr Stanley Yee, father of Jonathan Yee, and also Mr EJ Ang, EJ and A-n-g. Mr Ang is actually the leader of the Western Sydney, Western Sydney in New South Wales, and also Mr Frank Chow, along with Bill Shorten and Luke and Jamie.

- 30 Those other guests that you've just referred to now that you say you invited, those guests did not pay to sit at the head table?---No.

Okay. Thank you. In relation to a list of people who attended the dinner that evening, you kept a list of people who paid to attend the dinner?---Yes.

And that list was maintained, you told Counsel Assisting, by your office. Is that correct?---Probably by myself, yeah, rather than the office, but that was kept in my office, yes.

- 40 And you did not provide that list to the Labor Party?---I'm pretty sure I sent it through to either Kenrick or the accountant later on.

When?---After, after I compiled the list.

When?---That would be after the dinner.

Okay. So your evidence was yesterday, sorry, your evidence was on 30 August that with the assistance of people in your office you kept track of

who said they were going to attend the event and whether or not they had paid.---Yep. And then I got that from, from Kenrick from head office as well.

So there is a list that contains all of the names of people who attended?
---Not the names of all, but the person who's responsible for either a table or a few of those people.

10 Well, I'm just trying to understand your evidence. You said with the assistance of people in your office you kept track of who said they were going to attend the event and whether or not they had paid. Was that evidence true?---Yes.

So is there a list somewhere that exists that details the list of people who said they were going to attend the event and whether or not they have paid?
---Can you say that again or - - -

20 Does a list exist that sets out the names of people who said they were going to attend the event and whether or not they have paid?---Yes.

Okay.---But that is not a comprehensive one in regards to exactly each single people that attend.

Okay. Now, in relation to this question of the payment registry, you were shown a document which was Exhibit 184. If I could ask, Commissioner, if that could be shown on the screen.

THE COMMISSIONER: Yes.

30 MR MOSES: This is an email that Counsel Assisting showed you that showed you sending an email from your parliamentary email to your personal email with an attachment called Payment Registry.---Yes.

And that payment registry, is that the document that is said to contain the details of the money that came in from 12 March dinner or something else?
---Most, yeah, most of the details, yes.

40 Now, in relation to the attachment to that email, if that could be shown to the witness. In relation to that attachment, can I ask you to explain just in relation to the creation of that attachment, was that created by you or somebody else?---By the look of it, probably myself.

Why do you say that?---Well, I usually will be the person who is actually compiling all of those, so that will be me. But I can't recall exactly if that's the table, we've got a lot of other sort of like spreadsheet done.

And the four VIPs, is that a reference to four individuals or four tables?
---Four tables.

And when did you create that document?---Oh, that will be something that I've done probably long time ago before the dinner. That is not a reconciling sort of like record of what happened.

Thank you.---Probably the budget or whatever it is, yeah.

10 Now, in relation to the proceeds of that evening of 12 March, 2015 dinner, you told the Chief Commissioner that there were a number of different ways in which the payments were received. Do you recall that?---Yes.

In cash?---Yes.

Credit card payments?---Yes.

And cheque?---Yes.

20 And in relation to the cash that was collected, did you collect the cash?
---No.

No. How did it come to be that Mr Huang was provided with the duty of taking the money that was raised that evening into his custody?---Do you want me to repeat what I have said or - - -

Well, did you tell him to do that?---Did I tell him to do that?

30 Yes.---It's very much like a conversation where I was trying to find someone who would be able to deliver the money and I'm not, I, I, I cannot recollect if I – no, I didn't ask him. He offered, said that he was actually going to, to head office to see the general secretary so he would be able to, to deliver that. So I said, "That's good. Please do. That will be fine."

40 Well, let's get this straight. You asked somebody who was a property developer, Mr Huang, who was not a member of the Labor Party, to take custody of money that was raised for the Labor Party to give to the general secretary of the Labor Party on 12 March, is that your evidence?---Yep. Well, no. Well, it depends on if you are saying that I, because I – he, he is a developer but I think you have to look two things. First of all he has always been a donor for Labor Party, doesn't matter if Liberal or, whether it's on, on, on a federal level but also that he was seen and invited as a community leader. Developers always have other roles and we cannot just says he's a developer, he's a developer.

Okay, focus on this question then. You gave money that was donated for the Labor Party to a person who not a member of the Labor Party, correct?
---Yes.

And that was so he could deliver that money to the head office, is that right?---Yes.

And the reason you did that, you've told us I think, is that you'd had something to drink that night, a bit to drink?---Not, that is not the main, the main reason of it. The main reason is that - - -

10 What was the reason?---There was no one there from head office who would be able to take the money back but I had, I had a few drinks, yes.

So why did you give it to somebody who was not a member of the Labor Party to deliver to head office?---I trust him. As much as the Labor Party trusted him as well, for money.

And did you check the next day with anybody from head office to ascertain if he had dropped it off?---No.

20 When did you first become aware that he had dropped the money off to head office on or about – let me finish the question – on or about 8 April, 2015?---I have no idea. I think that's a question I've answered before.

And in relation to Mr Huang, you say you have never asked him for a donation or his company for a donation for the Labor Party, correct?---Yes.

You personally, correct?---Yes.

So not for the State Labor Party or the Federal Labor Party?---Yes.

30 You've never asked him?---Yes.

Yes, you've never asked him or, yes, you have asked him?---When you say I never asked him as sort of like an appeal, say, "Would you be able to donate so much, so much money Labor Party," but in normal conversation, have we raised or have we discussed it, of course it has.

Well, prior to 12 March, 2015 dinner, did you ask him to provide money to the Labor Party?---No.

40 Never?---Ever.

So in what context did you raise with him or discuss with him his company or him providing money to the Labor Party?---So, what's the question?

You just told the Chief Commissioner that the issue of money being donated by Mr Huang had been raised with you in conversations, correct?---Been raised with me. Are we talking about those casual elections dinner or other event of Labor Party?

Anything, anything.---Yes. And?

So when is the first time you say you've had a discussion with him about that?---I would not have any recollection. I would not have any recollection.

You don't have a recollection?---No.

10 Can I just ask for Exhibit 184, I'm sorry, to be brought back on. I think it's page 41 of that document. This was a document that you were shown yesterday?---Yes.

Now, I'm going to put something to you, Mr Wong. This bank account that is referred to in your evidence yesterday, the FCC bank account where money went into, that was money that was raised for the Labor Party, correct, is that your evidence?---Yes.

20 But you decided with Mr Cheah to put it into a bank account in relation to the Friends of the Chinese Community bank account, correct?---Yes.

And where is that bank account held, sir?---(No Audible Reply)

What is the bank that holds this account?---I can't remember, oh, probably National Bank.

Who are the signatories to this account, Mr Wong?---Me.

Just you?---Yep.

30 And the money in that bank account, the Chinese Community Incorporated bank account, all the money that went into that bank account, did that come from money that was raised for the Labor Party?---No. There were other fundraising events before.

For who?---For Friends of Chinese Community.

So you deposited money that was raised, you say, for the Labor Party into this account, correct?---Yes.

40 And some of that money came from the 12 March dinner, correct?---Yes.

And you have a discussion with Mr Cheah - - -?---Yep.

- - - before that dinner - - -?---Yep.

- - - that some of the money would go into that bank account?---Yes.

And you never disclosed that, did you, to anybody other than Mr Cheah, that was your evidence, correct?---Yes.

Now, you're familiar with corporate governance issues?---Sort of.

Well, on your - - -?---I haven't practised that – yep.

10 Well, no, listen, on your website, where you currently practice, you say that you're a specialist in corporate governance issues.---No, the law firm, not me. My partner.

Okay, well, I think you should check your website.---Sure.

In relation to that, you're aware, aren't you, that in relation to corporate governance - - -?---Yes.

- - - accountability and transparency are important?---Yes.

20 So how would the Electoral Commission know that you had put money that had been raised on behalf of the Labor Party into a bank account that you controlled, sir? How would they know that?---So that would be for the knowledge of the Labor Party. At the time when I discussed in regards to running another organisation, to run those events for the Chinese community for Labor Party, there was been, there was being sort of like, you know, agreed on, not agreed on, but very much like, tolerated. So that's how it, how that all happened.

30 Tolerated?---And before the dinner, I did mention to Mr Cheah, Kenrick, in regards to, is it possible for Labor Party to allocate certain money from this particular event so we'd be able to fund for, later on, volunteers. Every campaign election, all those 200 and 300 of those Chinese volunteers, we usually pay them about \$50 per head for travel expenses and food expenses. It never comes out from any account of the Labor Party.

And you - - -?---And with all those media conference as well. So there was something that, you know, probably we do understand.

Okay. Well, let's understand this.---Yep.

40 You told the Chief Commissioner on 30 August that the agreement to put that money into that account came from an unofficial agreement between yourself and Mr Cheah.---Yes.

That's page 375, line 6.---Yes. Yes.

Correct?---Yes.

Was that evidence true?---Yes.

And you accepted, when the Chief Commissioner put it expressly to you, that Mr Cheah would not have had the authority to bind the ALP to such an agreement. Do you recall that?---Yes. Of course I do.

But you went ahead and you put money into that bank account, correct?
---Yes.

10 And that money that went into that bank account was not disclosed to the Electoral Commission as being money which had been raised from that event, correct?---Yes.

And that was a breach of the electoral funding laws in this state, Mr Wong. Do you accept that?---That I'm not, that I don't accept, because some of those money was running out from that particular, from, from that particular fundraising dinner as money or funds for forums, media conference, and that is not in particular for the particular election. So is that, is that, is that a, a, a, a, a duty to disclose? I'm not too sure.

20 You are a solicitor of the Supreme Court, correct?---Yes.

You are familiar with the electoral funding laws, correct?---Yes.

And money was raised from an event for the Australian Labor Party that you, Mr Wong, diverted into an account that you were the sole signatory over. Correct?---Yes.

And that was not disclosed to the Electoral Commission. Correct?---Yes.

30 And you have difficulty in making an admission today to the Chief Commissioner that that was a breach of the electoral funding laws. Correct?
---Correct.

Is that because the truth is too awful for you to admit?---So what you be referring to?

40 Is that because you won't admit that you broke the law, no matter what evidence is put before you?---Not that, not that I have any knowledge that I'm breaking the law as such. So I suppose that that is what has been a nature in the Labor Party where then most of those events, forums, whatever it is, is never funded by the, by the, by the, by, by head office and that's why it's tolerable for some other organisations to run of those and they will have funding from there as well.

Well, let's get this straight. Are you suggesting here on your affirmation that the bank account that you put this money into was known to anybody within the Australian Labor Party apart from Mr Cheah and yourself? Are you suggesting that, sir?---I'm suggesting that, yes.

You are?---I am.

So who within the Labor Party knew?---I don't know. I don't know.

You don't know?---Because - - -

10 Well, give it your best go. Name a person who you say within the Labor Party, apart from you and Mr Cheah, was aware of the existence of this bank account where you diverted money into. Who else was aware? Name them now. Now is your chance to name them.---I would not be able to name it because all those discussions that I had with Mr Cheah, it's very much like has been conveyed to the officials in the Labor Party and I'm not too sure who they, he has talked to. I said that before, there's not a legal agreement or official agreement in between how we're going to establish the account.

20 Did Mr Cheah tell you that he conveyed this information to people within the Labor Party?---No, he did not show me, he did not tell me.

You assumed that - - -

THE COMMISSIONER: Mr Moses, I'll just - - -

MR MOSES: I apologise, Commissioner, I apologise for interrupting you.

THE COMMISSIONER: I just want to ensure that we get back on track on the main scope of this investigation.

30 MR MOSES: I'm coming back.

THE COMMISSIONER: I'm not saying it's irrelevant to it, but there's a limit to how much - - -

MR MOSES: No, I'm going to come back now to the issues. There's just one further question. You assume, do you, or you assume that Mr Cheah - - -?---I assume.

40 Okay. Thank you. Now, can I ask you another question if I can about the dinner on 12 March, 2015. Did you keep a record of how much was actually raised from that dinner?---Well, there was, that probably will be it but that may not be comprehensive.

Why wouldn't it be comprehensive?---Well, because some people probably did not pay or somebody where if we chase after that didn't pay either. So basically all of those needs to be accounted by the head office to make sure that was the final figure and how they reconcile with that table.

Now, can I ask you something else about that dinner. You've admitted to Counsel Assisting - - -

MR ROBERTSON: I'm sorry to interrupt my learned friend. Just before my learned friend changes topic - - -

MR MOSES: I apologise.

10 MR ROBERTSON: - - - I need to draw to his attention a document, and I should draw it to the witness's attention as well before he changes topic. May I please bring up on the screen, and I apologise to my learned friend for intervening, but I should draw this to attention. Volume 7. It's not relevant to my examination but it was relevant to my learned friend's examination or cross-examination and he should be aware of it before he changes topics.

MR MOSES: Thank you.

20 MR ROBERTSON: It'll come up on the screen shortly. Volume 7, page 130, you'll see is a document from, it appears to be from Mr Wong concerning the bank account that my learned friend has cross-examined on, I tender volume 7, pages 1 to 9. If we can just flip to that page, please, operator, 129, a page back from where we were before, 129, certificate of incorporation. I tender that document and I tender page 130 which appears to be a letter to the bank manager in connection with Friends of Chinese Community Incorporated.

MR MOSES: I'm grateful to my friend for that.

30 THE COMMISSIONER: 185 was it? Yes. Those to pages, 129, 130 of volume 7 will become Exhibit 198.

**#EXH-198 – FRIENDS OF CHINESE COMMUNITY
INCORPORATED CERTIFICATE OF INCORPORATION AS AN
ASSOCIATION AND LETTER TO BANK MANAGER FROM
ERNEST WONG DATED 19 OCTOBER 2013**

40 MR ROBERTSON: I apologise to my friend.

MR MOSES: No, I thank my learned friend for that. Chief Commissioner, can we go back to page 130 of volume 7. In relation to this document dated 19 October, 2013, this is a document signed by you. Correct?---Yes.

And the address, 100 Hay Street, Haymarket, what's that address?---That is Emperor's Garden's address.

That's the restaurant?---Yes.

Thank you. And in relation to Mr Yee, Jonathan Yee, he was a chairperson?---Yes.

And the signatories to that account were to be you, is that right?---Yes.

And who else, and Mr Yee?---I suppose so, I don't know.

10

Well, that's what the document says.---Yes.

Was a copy of that letter, do you know, provided to anybody within the Labor Party?---I can't remember, I can't recall.

Thank you. I thank my learned friend for that.

THE WITNESS: Probably. Yeah, I can't recall.

20

MR MOSES: Can I then move onto another topic relating to 12 March, which is the forms. You gave evidence that it was your handwriting on the forms with the notation \$5,000 on there?---Yes.

And you crossed out the wording on those documents, correct?---Yes.

And these forms, you said you wrote them out because you thought some people would be donating \$5,000?---Yes.

30

But you hadn't discussed that with anybody?---Discussed with anybody?

Did you discuss with anybody before the dinner or during the dinner that they would be donating \$5,000?---I may have alerted the head office, probably through Kenrick Cheah as well, again in regards to where we do not have any forms of cash donation. So that's why I just cross out, you know, whatever it is. That was actually the time what else, Mr, Dr Liao requested that he is not, he would not be able to attend the dinner but would like to donate cash and that's why, make it easy, I just write \$5,000 so I make sure that he knows that he's going to donate \$5,000 rather than buying the table.

40

Could the witness be shown page 159, volume 3A. That's one of the forms that bears your handwriting, being the \$5,000?---Yes.

And this is in respect of Dr Liao, correct?---Yes.

And Dr Liao, you were aware, were you not, was an employee of Wu International?---No. The time I, the time I went, I, I, I met him, he was actually a consultant, yes, been a consultant for many, many years.

For who?---I don't know, consultant, a proper consultant for any companies but he is related to Wu, that I do know.

Well, did you know that he worked for Wu International?---At the time when I met him, no. I know that he's associated with Wu as a consultant,

He was an associated person?---Yes.

10 And he did consultancy work for Wu International?---Probably for other companies as well.

But you were aware that he did consultancy work for Wu International in 2015, correct?---Yes.

And in relation to this form, which bears his name, when did you first become aware that Dr Liao had donated money in relation to the dinner on 12 March?---Oh, definitely before.

20 I'm sorry?---Before. Definitely before the dinner but I don't have an exact date.

Do you know where you spoke to him?---I wouldn't be able to have recollection of that.

Did you speak to him about the dinner in the presence of Alex Wu?---I would not have any recollection.

30 Did you speak to him in the presence, about the dinner, of Bobby Wu, did you?---With Bobby Wu?

Yes.---I do not have any recollection. Probably in a dinner or such.

And of course you knew that it was illegal for Wu International to donate money to the Labor Party in respect of a state campaign, correct?---Yes.

You knew that in 2015?---Yes.

40 And did you turn your mind to whether any associated person, with that property developer, also could not donate to the Labor Party in respect of the state campaign?---No.

And in relation to this form, when did you fill it out, that is put the \$5,000 on there and cross it out?---That would definitely be before the dinner when Mr Liao or Dr Liao rang me up saying that he will not be able to take a table but he would like to donate money.

But do you know when you did it?---I could not remember.

You can't remember.---Couldn't remember.

And did you post it out to him or email it out to him?---I probably hand a copy to him, but looking at the exhibits that have been shown to me I probably have emailed another one to him as well.

10 And just before I move on from the forms, Mr Tong also has a document that was signed, this is at page 160, which is the next page, so it's just the next page, I think it's 160. When did you become aware that Mr Tong had donated money?---I'm aware that Dr Liao has organised two payments, but if you want to specifically saying that I'm aware of this Mr Tong, I don't think I have any of those recollection. Nothing even, you know, rang a bell when I was mentioned about the name.

MR ROBERTSON: Just for the benefit of the transcript, my learned friend's referring to Exhibit 190.

20 MR MOSES: Thank you.

THE COMMISSIONER: Thank you.

MR MOSES: Now, in relation to, if I can move then onto Mr Huang, you've known him for some time?---Yes.

And you have sat as a member of a board with him. Correct?---Yes.

30 That is of the Federation of Australian Guangdong Community Limited?
---Yes, yes.

You were a director and secretary of that organisation between 3 August, 2015 and 13 October, 2017.---Yes.

Mr Huang was the president?---Yes.

And you were honorary advisor?---Yes.

40 And you and Mr Huang became close, do you agree, between this period, at the last of 2015 through to and including 12 September, 2016 when you had a discussion with Ms Murnain. Correct?---When you – yes.

You were friends. Correct?---Yes.

And in relation to Mr Huang, he was somebody who you would telephone regularly?---Yes.

And he was somebody that you would spend time with. Correct?---Yes.

And in relation to Mr Huang, you are aware, are you not, that as you've told us, that he could not donate money to the State ALP. Correct?---Yes.

And were you aware at any time prior to 12 September, 2016, that there was a rumour, at the very least a rumour, that Mr Huang had donated money to the State ALP in contravention of electoral funding legislation?---No.

You weren't aware of that?---No.

10 When did you first become aware that there was an allegation that Mr Huang had in fact donated money to the ALP for the state function on 12 March, 2015?---Probably after the investigation.

Which investigation?---Probably the electoral investigation I suppose. It's very much like I was made alert of certain accusations, whatever it is, right after all these investigations started. I do not have actually an exact date of it.

That's your evidence?---Yes.

20

And when you became aware of this, did you tell Mr Huang about the allegation?---Did I tell?

Did you tell Mr Huang that there was an investigation going on that he had donated money to the Australian Labor Party for the state function when he was not supposed to? Did you tell him that?---I didn't have any recollection that I told him that at all. But then maybe, and sort of like a discussion among other people in regards to those rumour, but I did not, I did not purposely telling him that there was an investigation there.

30

When you say you did not purposely tell him, are you saying you may have told him but you can't recall now?---Probably this way. I'm, I'm, I do not recall that I have told him but would that be brought up in a conversation? Probably.

Now, in relation to filling out a form saying that you are the person who's donated the money when in fact you haven't, you are aware that that would constitute a criminal offence?---Yes.

40 And have you ever asked somebody to fill out such a form even though they have not donated money?---No.

Well, that's not true, is it?---No.

Okay.---Unless sort of like those two forms they pass it on to Dr Liao.

Well, can the witness just be shown Exhibit 188 again. You see, you agree that you were asking somebody, weren't you - - -?---Yep.

- - - to fill out a form to say they had donated money to the Labor Party when in fact they hadn't, correct?---Yes.

And do you accept you should not have done that?---Yes. But remember - - -

MR HALE: I do - - -

10 MR MOSES: Thank you. Thank you.

MR HALE: I do object to this line. It's outside, really, the particular period we're concerned with, and it has been, there had been questions and it's about this from Counsel Assisting. One wonders how it really advances the particular position of the ALP.

MR MOSES: I'm coming to that right now and then I'm moving on.

20 THE COMMISSIONER: Well, I think, it's a question of weight, I think, Mr Hale. I don't know that I wouldn't say it's irrelevant at all. I think it's a question of weight.

MR MOSES: You see, as a member of the ALP you have conceded, have you not, you've agreed that you were to act with honesty and integrity, correct?---Sure. But I'm not sure if - - -

And - let me finish.---Sorry, yeah.

30 Let me finish. And here you're asking somebody to fill out a donation form to say that they have donated money to the Labor Party when in fact they haven't, correct?---As a, as a solicitor of Labor Party, I'm not sure if you're aware of the culture of Labor Party. We've talked about raffle tickets. Raffle tickets sold in lots of those ethnic groups' functions, where lots of those people there would not like to sign for a form of \$10 or \$20. It becomes known in the Labor Party that usually the organiser will sign off that particular amount of money for raffle tickets, and just for raffle tickets.

40 Sir, you have told somebody to fill out a donation form to say that they've donated money when they shouldn't have, correct?---Yeah, we talk about that raffle tickets, yes.

Yes, okay. And do you agree that that's asking somebody to do something which is not honest? Do you agree with that?---Yes.

Thank you. Now - - -?---Probably I need to learn that from Labor Party, though.

I'm sorry?---Probably I need to learn that from Labor Party to make sure that that is what we called honesty, rather than making it easier.

Sorry, are you blaming the Labor Party for your dishonesty?---No, it's, it's, it's something that I learned throughout the whole process, yes.

Right. Something you learnt, yes. Okay, we'll come back to that in a minute. In relation to, if I can then deal with the 16th of September meeting with Ms Murnain.---Yes.

10

I'm going to come to that now. You knew before that meeting on 16 December that there was a problem in relation to funds that had been raised for the dinner on 12 March, 2015, correct?---Yes.

And prior to raising it with Ms Murnain, did you raise it with anybody else within the Labor Party about these rumours that you said you had heard? ---Who else should I mention to?

I'm asking you, had you raised it with anybody else?---No.

20

And the information that came your way in relation to the problem with the dinner on 12 March, was that because somebody from Wu International told you that Mr Tong was creating a problem in relation to his dealings with the Electoral Commission?---That was Dr Liao, so I'm not sure if you want to refer him as a representative of Wu International.

Well, I'm asking you. That was Dr Liao, was it?---Yes.

Thank you. Did you discuss that with Alex Wu?---No.

30

Boby Wu?---No.

Okay.---Oh, Boby Wu, yes.

You did?---Boby Wu, yes.

Why did you discuss it with Boby Wu?---Only because I know that Dr Liao was related to, well, not related but is always associated with him.

40

Yeah, he is associated with Wu International.---Yes.

Okay.---That was, yeah, that was something I find out, yeah.

So I'm going to put these propositions to you.---Yes.

The reason you were agitated on 16 September, 2016, was that if the truth came out in relation to where the money came from for the 12 March, 2015, dinner, it would implicate you in a scheme to subvert the operation of the

electoral funding legislation that prohibited property developers from donating. Correct?---Not at all. Not at all.

Okay. And you knew that individuals who were said to have donated money for that dinner in truth did not donate money from that dinner, but that money came from other people including Mr Huang.---No.

And you were more worried about yourself and Mr Huang than anything to do with the Labor Party, sir, weren't you?---No.

10

And you knew also that you had been putting money into an account that people had donated to the Labor Party without disclosing that money to the Electoral Commission, you knew that too. Correct?---I haven't actually, that hasn't come across my mind at all at the time when I was talking to Ms Murnain.

20

The only person - - -?---But one thing I need to point out to you, Labor Party is the, is, is probably the main issue at the time because I have overheard from the Chinese community that they are very unhappy with all these donations to Labor Party.

There was publicity in the media in September, 2016, that talked about your links to Mr Huang.---Yes.

Correct?---Yes.

And that occurred on 9 September, when The Australian disclosed a story about your deep links with Mr Huang. Correct?---Yes.

30

And you were worried, were you not, that when you heard that Mr Tong, in effect, was going to blow the whistle on this, that this would lead to you and Mr Huang being implicated in a scheme to break the law in New South Wales?---Not at all.

40

That's why you were running to Ms Murnain.---No. First of all, I didn't even know what Mr Tong was going to say, in regards to blowing whistle or whatever it is. And secondly, we're talking about a, a donation organised by Dr Liao and Tong. What's ever got to do with Huang? And secondly, the reason I raised that with Kaila Murnain, in regards to the misrepresentation or misinterpretation, that it's going to cause embarrassment to Labor Party, is because of all those news covered by the media.

Look, let's be clear in relation to the 16 September meeting. The reason that you were in such a rush to have this meeting with Ms Murnain, behind parliament, was that this - - -?---So I want to - - -

Let me finish. Was because you wanted to tell her about this problem concerning the money that been donated from Mr Huang. Correct?---No.

Okay. And you were aware, as of September, 2016, that the media were writing articles about your relationship with this person.---No, they have already written a lot.

Yes. Okay.---Nothing I do can - - -

10 And what, and you were proud of this relationship with Mr Huang?---I'm not proud of this relationship. You are talking about a relationship between friends. (not transcribable) have to be dragged into all of those, whatever you try to infer.

Well, you resigned as a director of this company, the Australian Guangdong - - -?---It's not a company.

Well, I'm not - - -?---It's a community, a community organisation.

20 Okay. Well, that's, let me correct myself. Of the Federation of the Australian Guangdong Community (not transcribable)?---Yes, it is.

As a result of an article that was published concerning that entity, you resigned as a director. Correct?---You can say that, yes.

Yes. Well, let's – can the witness be shown page 163, which is the article of the bundle that was provided to Counsel Assisting?

30 MR HALE: Can I again raise the relevance of this? We are straying a long way from the issue.

MR MOSES: No, we're not.

THE COMMISSIONER: Yes, Mr Moses, really, is this going to assist - - -

MR MOSES: Just on this point.

THE COMMISSIONER: - - - the Commission in its investigation?

40 MR MOSES: Yes, just on this point.

THE COMMISSIONER: What's its relevance?

MR MOSES: Chief Commissioner, it goes to the question of the motive and the content of the discussion that took place on 16 September, 2016, and that is, this person has said on affirmation that the whole purpose of that was in effect to protect the Labor Party's reputation.

THE WITNESS: No, to get legal advice from Labor Party for those people who are supposed to face the investigation.

MR MOSES: I'm addressing the Chief - - -?

THE WITNESS: I did not say that it's going to protect Labor Party.

MR MOSES: Sorry.

10 THE WITNESS: But Labor Party's reputation is one of the concern.

MR MOSES: Sorry, Chief Commissioner, I was addressing you, I apologise.

THE COMMISSIONER: Mr Moses, that's all right.

MR MOSES: But I can move on.

20 THE COMMISSIONER: I don't propose to allow it but - - -

MR MOSES: I can move on, Chief Commissioner. I can move on, thank you.

So in relation to the 16 September meeting, just to be clear about that meeting, do you deny that at that meeting you informed Ms Murnain about the source of the money coming from Mr Huang?---Yes.

30 You do. And in relation to this meeting you said that part of the meeting, or the purpose of it, was to get legal advice, correct?---Oh, to get lawyer's names so they will be able to help those people when they come to ask for help. I can't remember the exact wording of it.

But nobody had come to you for help.---Not really. But someone did mention about lawyers.

Nobody came to you for help prior to the 16 December [sic] meeting with Ms Murnain, correct?---Only Mr Tong through Dr, Dr, Dr Liao.

40 So are you saying Dr Liao told you that Mr Tong needed help?---Yes. He said that he want me to meet up with him to see if he needs any help and I, and I did mention that he need legal, legal, legal service.

Is the reason you're raising Dr Liao's name as an explanation here is because he is dead and cannot give evidence, sir?---Not at all. It has always been Dr Liao that has been communicating with me throughout the whole process of this dinner.

Now, can I just put some propositions to you if I can. I want to suggest to you these propositions. That you were involved in a scheme to subvert the electoral funding laws of this state by hiding the true source of donations. Do you agree with that?---No.

And that by doing so you betrayed your obligations to the Labor Party by not acting honestly, do you accept that?---No.

10 Do you accept that you attempted to put pressure on Mr Tong in your parliamentary office in 2018 to not tell the truth to the Electoral Commission about the fact that he was not the donor?---No.

You don't accept that?---No.

And that you did that sitting in your office as a member of the Upper House?---Did what? See, see Mr Tong?

That you told him to not tell the truth, didn't you?---No.

20 Just one final question. In relation to your role as a member of the Upper House, did you keep a record of all discussions in your parliamentary diary of any meetings or discussions with Mr Huang or Wu International?---No.

And when you were having discussions with these people while you were a member of parliament, in what capacity were you having discussions with them?---In parliament?

Yes.---I never discuss - - -

30 Whilst you were a member of parliament - - -?---For Mr Huang to come to parliament to see me, it's very much like a friends meeting. In particular, in 2015, both of us are involved, were involved very happily with a community event of 2,000 international people coming for, for, for a conference. Now, with Wu, the only person I think I mentioned before was Alex Wu, who actually came to my office to work as a volunteer, very much just helping him to learn the system of the Australian Parliament. Nothing else has been discussed in my office as a formal meeting, official meeting at all.

40 So which Mr Wu was working in your office?---Alex Wu.

And Alex Wu, did you record him somewhere as being an employee or an intern of yours during this period?---Yes.

You did.---Of course.

Thank you. I have no further questions. Thank you, Chief Commissioner. Thank you for the patience.

THE COMMISSIONER: Yes, thank you. Yes, Mr Lawrence, do you want to cross - - -

MR LAWRENCE: Oh, yes, Chief Commissioner, I do and I would seek to extend the grant of leave for cross-examination to include few quite quick questions on the issue that Mr Neil raised in cross-examination about the allegation of a fundraising target set by Mr Clements.

10

THE COMMISSIONER: Yes, all right. I'll grant you leave.

MR LAWRENCE: Mr Wong, sir, what years did you work as the community relations organiser in head office of the Labor Party?---I believe it's 2012 to 2013.

And, sir, an important part of that role was to raise money. Is that correct? ---That will be part of the function but the other part of the function will be trying to liaise with all these ethnic communities to run forums or to run different events for them.

20

And, sir, during the time that you worked in that position, is it true that Mr Clements was also working in head office?---Yes.

And, sir, do you remember if at any time during that period he set you targets in terms of fundraising?---Not really. I think one, one discussion we had is not only from, from, from Mr Clements but also very much like everybody in a sense where because I was paid about \$100,000 per year during that time and I think the suggestion would be like I need to raise at least that sort of amount of money to cover my, my fee.

30

Certainly. And, sir, part of your role was to fundraise in the Chinese community. You'd agree with that?---Yes, yes.

Sir, when you then became a member of the Upper House, you no longer had any expectation to fundraise. Is that correct?---Yes.

And it's the case, isn't it, that when you were a member of the Upper House, Mr Clements never set you any fundraising targets?---No. Yeah, you're right.

40

Sir, if I can take you back to a couple of questions that Mr Neil asked you. Do you recall that Mr Neil asked you if you were set any fundraising targets in respect of the 2015 election?---There is not a definite target as such, but we - - -

Yes, I'll just stop you there. Do you recall that he asked you that question?

---Mr Neil? Yes.

Yes. And you understand that he is the lawyer for Kaila Murnain?---Yes.

And you answered in response to that question, "No."---No.

And you gave that answer because that was the truth?---Yes.

10 Sir, do you recall that he then said words to the effect of, "I want to suggest that Mr Clements set you a fundraising target in respect of the Chris Minns campaign." Do you recall that he said that to you?---Very likely, yes.

And you were never set any target by Mr Clements in respect of the Minns campaign, were you?---No, definitely not, no.

20 THE COMMISSIONER: Could I just understand how this works. Whether there was a personal target put on a particular person, was there in relation to fundraising activities such as we're talking about in 2015, targets of some kind set as the desired outcome, not one individual necessarily, but - - -?
---No, no, no. It's sort of like the ultimate outcome, they want say \$10,000 for that particular campaign then we just do it, yeah. Something like that, yeah.

MR LAWRENCE: Sir, I want to put a proposition to you, and if I can take you back to your evidence that in the days after the dinner that you spoke to Mr Clements about the fact that Mr Huang had taken the bag of money. Do you recall that evidence?---Yes.

30 So I want to suggest to you that you never had any such conversation with Mr Clements. Do you agree or disagree?---Disagree.

That's the cross-examination, thank you.

THE COMMISSIONER: Yes, thank you, Mr Lawrence. Mr Hale?

MR HALE: Yes.

40 THE COMMISSIONER: Sorry, just before you get going, Mr Hale. Mr Robertson, have you got anything you want to put to this witness?

MR ROBERTSON: I do. There's a few points of clarification that arise out of some of the questions some of my learned friends have been asking.

THE COMMISSIONER: In fairness to Mr Hale it might be better if you do that now.

MR ROBERTSON: Mr Wong, in answer to one of the questions my learned friend, Mr Neil, asked you, you said the following, "But remember I did have, I did 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."
---Yes.

Do you remember giving that answer?---Yes.

10

Now, when we're talking about donations here, we're talking about donations associated with the Chinese Friends of Labor event in 2015. Correct?---I assume so, that's my assumption, yes.

But that's the subject matter of the rumours that you're referring to in answer to Mr Neil's question, correct?---Yes. Yes. Yes. Yes. Yep.

And you're referring not to a single person. You're referring to a few people.---Yes.

20

Who are those few people.---Now, as I think I probably have said it in the question that you asked me. I've heard rumour that has been conveyed to me throughout in Chinatown (not transcribable) when I was having meals there, someone said that there were a few people donating to Labor Party has now got into trouble of being investigated or, you know – that's in Chinese. I, I find it very difficult to recollect the whole wordings of it and translate it into English. Get in trouble, getting into trouble being interviewed by the Electoral, Electoral Commission.

30 But the rumours are associated with the Chinese Friends of Labor dinner of 2015, correct?---They did not particularly say that, though. But it's very much like, you know, it's some dinner, you know, like, some donations, yeah.

So it was clear that the rumours were associated with a dinner, correct?---I suppose so, yeah, otherwise, you know, there will not be other donations.

And clear that the rumours were associated with donations, correct?---Yes.

40 Who communicated those rumours to you?---I will not be able to have recollection of that particular person, but that probably will be just from people who are talking about it. It's pretty much like we have lunch, we have dinner, someone just ask me, say, "Mr Wong, I heard that, you know, some people got into trouble with donating to Labor Party and do you know that or do you have any idea what was that all about?"

Was Jonathan Yee one of the people who communicated a rumour of that kind to you?---No.

THE COMMISSIONER: Can I put this to you. Was the rumour that some of the people who worked for Jonathan Yee's business were being interviewed?---No. No, it was actually from the community. I think it's - -
-

10 That may be so, but is it people who were allegedly being interviewed by the Electoral Commission that you heard in Chinatown, well, you heard the rumour in Chinatown, included people who were employed in the Jonathan Yee family business?---They have not directly approached me at all in regards to that.

No, no.---It was, it, it was a rumour by a few people that I met in Chinatown, and I would not be able to name them. It's pretty much like a normal conversation in a lunch or dinner – I can't remember – that someone said, "Look, Mr Wong, I heard that, you know, there are a few people getting into trouble donating to the Labor Party. So, you know, do you know about that, though?"

20 The rumour wasn't that one or two people were being interviewed but, rather, a few were being interviewed by the Electoral Commission.---Few, yes. Yes. Yes. Yes.

MR ROBERTSON: Prior to your meeting with Ms Murnain, did Mr Jonathan Yee or any other person associated with the Emperor's Garden Restaurant suggest to you that some person associated with the Emperor's Garden Restaurant was of interest to the Electoral Commission?---Not that I can recall.

30 As at the time of your meeting with Ms Murnain, you're aware of rumours that there were a few people donating money who would be interviewed by the commission, correct?---Probably because Dr Liao has mentioned about -
- -

No, no.---Let me, let me just finish. It's - - -

THE COMMISSIONER: No, no, no. No, no, no. No, no, no. Just listen to the question. It will be put to you again.---Sure.

40 MR ROBERTSON: As at the time of your meeting with Ms Murnain, you were aware that there was a rumour that a few people had donated money and that they would be interviewed by the commission, correct?---Yes, gotten into trouble with the commission, yes.

And was any part of that rumour that there were persons associated with the Emperor's Garden Restaurant who the commission may be interested in interviewing?---Not that I'm aware of.

So you're quite sure that before your meeting with Ms Murnain, Mr Jonathan Yee didn't say to you that some of his employees were of interest to the Electoral Commission, is that your evidence?---Yes.

And no one else associated with Emperor's Garden Restaurant, employees or otherwise, suggested to you directly or indirectly that they were of interest to the Electoral Commission?---No.

Is that your evidence?---Yes.

10

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

THE COMMISSIONER: Did you come to hear, sometime after the date of the meeting you had with Ms Murnain, that waiters who worked in the Jonathan Yee family business were going to be or had been interviewed by the Electoral Commission?---I would have, I would have a rough idea, yes.

You became aware of that fact, is that right?---Yes.

20

And what was your source of information?---Now, first of all, because I know that they have donated to the dinner. Secondly because the rumour that I have come across in regards to - - -

No, no, no, no. You were answering a question that I haven't put.---Sorry, sir.

The question I put is that sometime after 16 September, you came to understand - - ?---After the meeting with Kaila, yeah.

30

Yes. That you came to understand that the Electoral Commission had interviewed people who had been employed as waiters in the Jonathan Yee family business, is that right?---Yes.

And who told you that, what was your source?---I just put them all together, yeah.

No, no. Who told you?---Exactly that those waiters or employees were involved, was it?

40

Yes.---No. No one told me about that, though.

Well, Jonathan Yee would have been an obvious source. Was he the source?---Now, if you say that, has Jonathan Yee come to me and said, "Look, these, these, these people will be interviewed"? No. But because of that rumour that has come out, we had a very sort of like, you know, general discussion is regards to, "What about your donors? What about your people, your mum and dad? You mum, have they been interviewed?" He, he likely say, "Yes, they are."

That's Jonathan Yee you're talking - - -?---Yes.

Yes. And in those soft communications as you call them, he indicated that the Electoral Commission were interested in or already had interviewed people who were employed in Jonathan Yee's family business, is that right?---Yeah, he did not mention every single one of them, but then he did tell me that his mother, his brother will all be sort of like involved, yeah.

10 And what about the waiters?---I can't remember if he did mention that particular one, though, but he did mention that those group of people, where he has been getting their support for the tables or donations, probably will be, will, will be subject to that as well.

Jonathan Yee was he convenor of the fundraiser, wasn't he, in 2015?---Yes, yes.

And you worked very closely with him as one of the main organisers.
---Yes.

20

So you were in constant contact with him in the organisational aspects of the - - -?---Yeah.

I put it to you that it was he who informed you at some point in time that the Electoral Commission were, as it were, knocking on the door of waiters employed by the Jonathan Yee family business. Is that correct?---I'm not sure if that's the exact wording that he has said but he did mention to me that all his, like, family and those employees that has been engaged to help with donations will be subject to that interview, yeah.

30

Do you know when that was that he so advised you? Was it before they were interviewed or after?---Oh, definitely, definitely after the interview. I remember.

Are you sure about that? Is it - - -?---I remember that it was after the interview, yes.

40 What, soon after the interviews did he tell you that those interviews had been undertaken by the Electoral Commission?---First of all, I did not know exactly when was the interview. And secondly it's because of all those rumours where then we have a general discussion in regards to that and he mentioned that to me. But exactly, I really can't remember.

MR ROBERTSON: As well as telling you the fact of the interviews, did Mr Jonathan Yee also tell you about what he had learnt as to the subject matter of the interviews?---Not really, though. Oh, probably, probably. Look, probably did say that, you know, they have request on bank statements type of stuff, yes. But - - -

So you at least had a discussion with Mr Jonathan Yee as to the topics that were of interest to investigators, is that right?---When you say topics, probably he just asked that they will be provided, they, they need to, to provide statement or documents or whatever it is.

10 Does that mean the answer to my question is yes, you did have a discussion with Mr Jonathan Yee during the course of which the topics that were of interest to investigators were identified and discussed? Is that answer to my question yes?---So do you mean topics of all detailed or just - - -

We'll do it in parts, we'll do it in parts.---Or in general?

You've accepted, we'll do it in parts.---In general, yes.

So you've had a discussion, at least in general terms, about the topics of interest to investigators. Correct?---Yes, yes.

20 I think your answer to one of the Chief Commissioner's questions you identified or you answered that you knew that employees had donated in connection with the, employees of the Emperor's Garden Restaurant had donated in connection with the Chinese Friends of Labor event. Is that right?---I know that, yes, of course, yeah.

When did you become aware of that matter?---Of their donating?

30 Of the fact that employees of the Emperor's Garden Restaurant made donations in connection with the Chinese Friends of Labor event?---Oh, that has all along the process.

Well, what does that, when?---All along when, when, when Jonathan told me that a few of his friends or employees would take a table and then say he told me that they are going to give donations, throughout the whole process, yes.

40 But it's still your evidence, isn't it, that you didn't know the specific identities of those individuals or how much they were going to donate, at least as at the time of the event. Is that right?---There were, there were a few that I do know, there are a few I do know, like one of, one of the lady where he, she did actually give me the money and then there will be probably another two, but I can't remember how many of those, you know. And he - - -

And did you know how much each of those were intending to donate?
---Probably about \$10,000 for each person because that's what Jonathan told me, first of all they were supposed to take a table but they would not be able to take a table so then at the end of the day they're more than happy to

donate and because I was chasing after for some more tables and he said that yeah, some of them will be able to donate more.

Well, Mr Wong, the evidence that you gave me on this topic when I last asked you about it was that you didn't know the specific identities of any employees who were donating in connection with the Chinese Friends of Labor dinner or how much they were going to donate. Is that still your evidence or is it different now?---Yes. But, Mr Robertson, first of all, I did not identify all of them except that lady where that she did mention that she was going to give me the money, and secondly, in regards to the donation, I said before I know that they're going to donate, they're going to take a table, so at least they will be paying at least \$5,000 and when Jonathan say that he was able to get more donations and I assume that probably will be the, will be in the sort of like amount of that amount, but I'm not saying that I know exactly how many thousand dollars or whatever it is.

I want to be clear about this, and we spent some time on this a number of days ago.---Yes.

20 The position was that at least as at the time of the event, you didn't know of the specific individuals associated with Emperor's Garden Restaurant who would be donating or the amount that they would each be donating. Is that right or not?---Yes.

That's correct, you're agreeing with what I've just put to you?---That's correct. And I don't have the comprehensive list of all those people, knowing them one by one with the names and how much they're donating, no.

30 You knew that Mr Yee was intending to bring a bag of cash to the event but you didn't know the specific individuals on whose behalf that money related or how much was being donated by each individual. Is that right?---Yes.

In answer to a question my learned friend Mr Neil asked you regarding what you did after your meeting with Ms Murnain, I noticed that you indicated that you had a further meeting with Dr Liao after your meeting with Ms Murnain. Is that right?---When I say meeting, probably we get together for a dinner or meal.

40 The transcript records that you said, "I had actually met up with Dr Liao." ---Yeah, met up, yes.

And there's a bit that's not transcribable. "I was happy to see Mr Tong." ---Yes, I mentioned that to him, yes.

So do we take it from that, that after you met with Ms Murnain you reported in with Dr Liao as to what had occurred with your meeting with Ms Murnain? Is that right?---No, not really. It's not like I reported in to him,

but then that was in the next few days' time I had an opportunity to meet, to see him (not transcribable) and then I told him that I would not be able to get him any legal, legal advice but I'm happy to see Mr Tong if that is something that he need.

Where did that meeting take place?---In a restaurant I suppose. I can't remember where.

10 Who else was present at the time that you had that meeting?---Oh, there were a lot of other people, a lot of other people.

Well, who in particular can you recall amongst those lots of other people?
---They will be, once again, usually we will meet up with some business, some business friends of him or with, with Wu, Bobby Wu, or some of those Chinese delegations. I can't remember, there are so many dinners and such.

So Bobby Wu may well have been in attendance at that meeting, is that right?---Probably, but I, yeah, I - - -

20 Anyone else you can recall?---All of those are not the people that I know myself. They probably will be from China or their own business, or they're some of, they're engineers I think.

When you say a restaurant, was that the Emperor's Garden Restaurant or some other restaurant?---No. No. They never go to the Emperor's Garden.

30 So is it right to say the only person who you think might have been at that meeting that you can recall is Bobby Wu, is that right?---Probably that's, that's my best recollection.

Well, doing the best you can, is there anyone else you can think of amongst the many people at that meeting with Dr Liao?---You're talking about a meal or a gathering as such, and, what, three years ago? No, I wouldn't be able to have any recollection of that.

Can we go, please, to Exhibit 190. My learned friend Mr Moses asked you some questions about the forms that appear to have been signed by Mr Tong and Mr Liao.---Yes.

40 And I think you said to Mr Moses, if we just turn the page, that the form that has the \$5,000 handwriting and the strikeout, that was prepared by you in advance of the dinner, is that your evidence?---Yes.

Just turn back a page, please. I draw your attention to the email that goes from your Xerox machine to you.---Yes.

Do you see that, the 30th of March, 2015?---Yes.

Now, I want to suggest to you that the document that you prepared with the \$5,000 handwritten figure and the strikeout was not prepared prior to the Chinese Friends of Labor launch on 12 March, 2015, but was rather prepared on or about 30 March, 2015. Do you agree with that?---No. No. It was prepared before the dinner because when Dr Liao - - -

10 No, I've put a proposition to you. I don't need an explanation. If Mr Hale wishes to take it further, that's a matter for him. Before I forget to do it, Chief Commissioner, my learned friend Mr Moses I think referred to the 2018 Rules of the Australian Labor Party (NSW Branch). I tender those rules, which are at pages 11 through to 133 of the bundle that he prepared for document that has 123 pages in total.

THE COMMISSIONER: Yes. That will be admitted. It will become Exhibit 199.

20 **#EXH-199 – NSW LABOR RULES 2018**

THE COMMISSIONER: Yes, Mr Hale.

MR HALE: Mr Wong, could I firstly deal with who was present at the top table, the main table on 12 March, 2015, and if Exhibit 187 could be brought up, which is volume 6, page 11 and following. Now, if you go to page 13, Mr Wong, you will see a reference to payments, and at page 15, if we could go to that, you will see a reference to the head table.---Yes.

30 Now, firstly, what involvement did you have in the preparation of this document, which appears to be the final updated guest list at 4.08pm on the Thursday?---I compiled that.

You compiled that?---Yes.

Now, if I could ask you, staying with page 15, look at the head table and table 28. It refers to the fact the table is free.---Yes.

40 And that is compared with the amounts referred to at table 27, for example, and 29.---Yes.

And I think you've told this Commission that that table was in fact free. ---Yes.

Now, dealing with the head table, clearly enough there was Mr Shorten and Mr Foley.---Yes.

Ms Murnain, can you remember whether she was there?---I did not have a recollection of that if she was there, but usually that she would be invited, yeah.

And the second last name is Jamie Clements.---Yes.

10 Can you remember whether he was there?---I remember that he was. And we spoke as well, yes.

Now, immediately under Ms Murnain's name is that of Mr Huang.---Yes.

And he of course was there?---Yes.

And there is immediately below his name is a reference to Holly Huang. ---Yes.

20 Who's she?---She is the interpreter of Mr Huang, yes.

She's the, right. Then immediately under Holly Huang's name, there is a name in Chinese. Do you see that?---Yep. Yes.

Was that person there?---No, he wasn't. He was supposed to be the interpreter for Mr Huang as well. But I, I, apparently I think if Holly was there, then he did not turn up, no.

Then there is another name in Chinese, two below Mr Huang.---Yep.

30 Do you see that there?---Yep.

And was that person there?---No.

And who took that person's place?---Mr EJ Ang.

Mr EJ Ang, A-n-g?---Yep. A-n-g, yes.

And who invited him?---I did.

40 And what is your association with him?---I know Mr Ang for many, many years. He is also the president of the Hokkien Association, and he, he is the community leader of the Western Sydney in New South Wales.

And immediately below that last name is the name of Stanley Yee.---Yes.

And can you tell us who he is?---He is the father of Jonathan Yee. And - - -

And what is your association with him? I think you've told us you've known him a long period of time.---Oh, yes, he's, he's a, he's a Labor supporter, and his whole family has been involved with Labor many, many, many years. And then his restaurant has always served the unions for after every state, state conference. And he is also a good friend of Luke Foley.

And the next name is Hatton - - -?---Hatton Kwok?

10 Yes. Before that, did you invite Mr Yee?---Yes, I did.

And do you know whether Mr Yee had any association with Mr Huang?
---No. They don't know each other.

They didn't know each other?---No.

And then the next name is Hatton Kwok.---Yes.

Who invited him?---I invited him. He was my mentor in Labor Party.

20 Yes, and I think you've made some reference to him in your evidence.---He is also a lifetime, yeah, lifetime Labor member, yeah.

And then there's reference to yourself.---Yes.

And then Mr Clements, and then another name, being the last of the 12 names.---Yep. Yep.

And did - - -?---Oh, no, he did not - - -

30 He didn't - - -?---He didn't turn up.

And was his place taken by somebody else?---Yes, Frank Chow. Mr Frank Chow.

Yes, and who is Frank Chow?---He is also a community leader of the Western Sydney, Australia. Or the whole lot of Chinese community. Yep.

And who invited him?---I did. I did.

40 And I think you might have mentioned that Jonathan Yee came to the table from time to time.---Yes. Yes. Because he's, he was the president of the organisation at the time.

And now, had you met with Mr Huang and Mr Shorten together before?
---Yes. Yes. To my recollection, yes.

In what sort of circumstances?---Probably another function. Yep.

And what about Mr Huang and Mr Foley and yourself, had the three of you met together in the past?---No. Not all together, not three of us.

All right, thank you. And did you have any particular understanding at the time of the dinner as to Mr Huang's association with Mr Shorten, that is to say, the extent to which they saw each other from time to time?---Oh, yeah, they know each other I think quite well, in the sense where I think there have been a few federal campaign dinner or, or federal donations that has been appealed to, to, to Mr Huang by Bill himself, I think.

10

And also could I ask the same question with respect to Mr Foley, what was your understanding at the time as to Mr Foley's association with Mr Huang? ---Well, Mr Foley did not have much association with Mr Huang, no.

All right, thank you. Now, if we can move onto another topic, and if I could ask you to go, ask Exhibit 182 to be brought up, which is volume 3, page 43. Now, I think you have been take to that document before.---Yes.

20

Which appears to have been prepared on 16 February, 2015. Do you see that?---Yes.

And if you look at page 43, you will see that there was a reference to head table, "\$10,000 per person, Ernest Wong is responsible." I think initially you told the Commission that you could not remember such a document but now can you remember the circumstances in which it was suggested that you might arrange persons to be on the head table at \$2,000 per person?

30

---Sure. But first of all I'm pretty sure that is actually a record of a meeting that's been organised by the committee but one thing that I still do not have a, a true, a clear recollection is that if I was actually in the meeting, but I know that that has been suggested that \$10,000 can be, can be something that we would try to pursue for the head table, but that was actually declined later on because I don't think that going to work. So that's never table of, you know, the, the target that we want to go for.

And if we, and I think your evidence is those persons to be invited to the head table would be invited free of charge?---Yes. Because I always have, that's for a lot of my functions where the head table usually is free for those people who are very recognised in the community or someone that, you know, the people will be looking up to.

40

And I know you've been asked this before but why did you consider it appropriate that Mr Huang be placed at the top table near Mr Shorten and Mr Foley?---He knows, he knows, he knows Mr Shorten. Of course he is friend of, you know, Labor Party and, secondly, he is a community leader. He is a leader that everyone respected him. So with his appearance, it will be easy for us to drive a lot of votes, for people to see how much, you know, Labor Party is recognised by the whole community.

Now if I could ask that Exhibit 181 be brought up, which is volume 1, page 31. You will, and I think you've been asked questions about this before, but you will see that this particular document, which was last printed 12 March, 2015, shows under income, "Head table, \$100,000." Why was that still the budget for the head table despite what you say is the decision to make the table free?---Because that has been discussed in regards to how we are going to get, I mean, how they are trying to pursue the \$10,000 per head for that table. So that's why that has been budgeted in at the very first day but along the line, budget usually has not been updated, you know, sort of like, you know, accordingly or, or (not transcribable) it's always sort of like just sitting there until the time when we have got the function all done, then we will have to reconcile of all those that we get out of the dinner. So it just not been updated at all. But that is not a reference that we used for that particular dinner.

Now if I could turn to another topic and this was, if I could ask you to go to transcript on Friday at page 370, where I think you wanted to clarify something, a question. If you can go to page 370 of the transcript where I think the Commissioner said that you would have an opportunity to clear this matter up and this is your opportunity. Can you go to page 370 once it comes up. If you go to the second question and answer, "And he," being Mr Huang, "was one of those known to be a generous donor?" And you give an answer.---Yeah.

And again, "He has been a generous donor in the past?" "Yes." "Before 2015?" "Yes." "To the Labor Party. Is that right?" "Yes." "Thank you." And you said, "Mr Commissioner, can I be able to give a bit more information?" And that's when the Commissioner said that you would have an opportunity to clarify that or explain at a later point. So what was it that you were wishing to say?---Oh, that would be where I would like to, probably to, to give information to, to the Commissioner that it's not me that's always approached Mr Huang to get those donations for any federal election, it's always the Labor Party officials or the other members where they would like to appeal to Mr Huang to get those, to get those donations, even without me knowing or without me attending.

Thank you. Now, we move to another topic. And it was put to you I think today that the reason for the alleged securing of illegal donations from Mr Huang was to, for the purpose of advancing your political career. Now, against that background, in 2015 were you running for election in the state election?---No.

I think your term ended in March 2019?---Yes.

And you at that stage had another four years to run?---Yes.

Thank you. Now, again going to another topic. In explaining the difficulties of remembering precisely what occurred back in 2015, you made

reference to the fact that it was a particularly busy time for you and you were doing a lot of things. Can you remember that?---Yes.

Now, during the course of 2015 you had an involvement in the state election?---Yes, heavily.

10 And without going to too much detail and putting to one side the Chinese Friends, what were your duties as an MLC in the 2015 election?---I'll be organising all those volunteers that will have a Chinese background heritage to cover many of those electorates where they will be able to get in the volunteers to give out either pamphlets or how to vote type of things, and then I have to run all these forums and in particular the media conference to, to, to convey the policy of Labor Party to the Chinese community, and also then I was also involved in council because I was still in, in Burwood Council, I was a councillor in Burwood Council.

Well, I was going to come back to that.---Oh, okay.

20 That's the next point.---As MLC, right, yeah.

You were also, also had your parliamentary duties?---Yes.

And you were at the time also on Burwood Council?---Yes.

And you also touched on this. You were also involved in organising an international conference?---Yes.

30 And was that a conference which was held in October 2015?---Yes, yes, it was, yes.

And that was a conference for how many people?---For 2,000 from 37 countries. They were all coming to Sydney, yes.

And that was known as the International Cantonese Conference?---Yes.

And I think that was held both at the Opera House and the Technology Park at Redfern.---Yes, it is, yes. It was.

40 And that occupied - - -?---Most of my time along with all my other duties in the parliament and in the council.

Now, could I now turn to another issue, which I think you might have touched on a number of times, which is about the culture from the community - - -?---Sure.

- - - of which you are a member compared with other cultures. Now, could you explain the culture within the Chinese community so far as it related to affiliations with the Australian Labor Party?---Yeah, sure. Now, first of all I

know everyone would be saying that Chinese community they are not very much into politics, but one thing that we do aware, we, we, we should be aware that the, most of those Chinese people, they were like Labor Party because Labor is most of like sympathetic to the ethnic people and also to a lot of those people with different backgrounds. And also probably we will remember there was in the '80s when the then Labor Prime Minister Bob Hawke actually opened the door for immigrations from China. So that's a lot of those older generations of Chinese community feeling sort of like, you know, owed to the Labor Party. But for Chinese people, particularly when they say their affiliations or with, with, with parties, usually that's not the ideology of the political party that they find attached to, rather a person. They usually find someone that is in the party that represent them that they look up to or they want to feel attached to. So in this, in this, in this scenario I'm pretty sure that will be me, myself, and Jonathan Yee as well. And, yeah, that is mostly when Chinese people come to if they support a particular political party or any of those event, they would actually choose the person that they know, the person that they can recognise in the party.

All right. Now another question relating to culture, and that is the use of cash. I think there's been reference to the amount of cash that was paid over. Is there something about the cultural issue concerning cash in the Chinese community?---Yes. I think cultural difference always plays a very important role in how people are interpreting or understanding the particular community. So when it comes to cash, Chinese people always like to use cash rather than – a lot of them probably they don't, they don't know how to write cheques or they don't like to use credit card, so they always have a lot of cash saving at home for emergency, and that's basically a normal practice for a lot of people. And also one thing, for a lot of the Chinese culture or, they always want to give money, doesn't matter if it's in red packet or as a, as a, as a gift for all different event or incidents like birthdays, wedding, festival celebrations, new year, they usually give money. And a lot of the children, they will always give a lot of cash to their parents in different times, and the same with when parents would like to give cash to their, their, their children as well. So there was always a lot of cash being saved at home (not transcribable) people will be able to, to, to work with.

Also I think it was suggested to you that it would be a matter of some surprise that workers in the restaurant would be prepared to donate sizeable amounts of money towards the Labor Party.---Yeah.

From a cultural point of view, what is your response to that?---First of all, even though they're working as waiters or waitress in a restaurant, Chinese people they're all very hardworking. So most of the time, besides their particular work, they will always work other business or work with other kind of jobs to make sure that they were able to get enough incomes in. And with hospitality particularly in Chinese, in Chinese culture, they, they always get a lot of tips. Tips like, you know, every day serving they would get tips out of it, and then because there was Chinese New Year where they

would get a lot of those red packets. So basically, and according to what I've just said in regards to cash is always something that they always use in different events or different day-to-day living, so that's why they always have that kind of money ready for them to use in certain incidents, and they always look up to the people that they like. When it comes to if there is a political party, if there was someone that they know, particularly those ones that know me in person, they are more than happy to, to, to donate, very much like they want to show, they want to donate bigger money because that is sincerity that they are showing themselves.

10

Now, can we just – the final issue on this topic, just concerning the Chinese Friends of Labor. We've heard of course about its role in fundraising for Labor. What other functions does it perform?---Now, first of all of course, Chinese Friends of Labor will run a lot of forums. Forums in the sense where, either it's business forum with the business sector of the Chinese community or community forum where, like, sometimes Luke Foley or, or Bill Shorten, they will like to convey some policies to the Chinese community, that sort of thing. Secondly, that we do, we do a lot of media conference. I think that was actually one of the major function for a lot of those action groups where we were able to convey that message or to do media conference to the, at the media. So that's another thing they do. And then they do a lot of celebrations for different festivals so those members, Labor members will be able to attend to know the culture of that, of that particular group.

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Does it include - - -?---But I also want to - - -

Sorry to interrupt. Does that include the Chinese festivals about which you made some mention?---Yes, yes. All of them. And also then in every election, the Chinese Friends of Labor will organise over 200/300, hundreds of, of volunteers throughout the while campaign for giving out pamphlets in the station, in the shopping centre, pre-poll, pre-poll booth and also the day to give out how to vote. So there will be a lot of events that, you know, is, will be the function of all those for Chinese Friends of Labor.

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Now, if we can turn to another topic and that of Jonathan Yee. I think you have already explained your relationship with him.---Yes.

Perhaps I can ask you myself. What is your association with Mr Jonathan Yee?---Oh, I know him for many, many years, since he was a young boy and we do have a lot of associations in the community but to me, he had been – even though he was born in, in Australia, but he was very active in the Chinese community for a lot of associations and organisations.

40

And what have you observed about his involvement in the Australian Labor Party?---Oh, he, his family has been sort of like a long-time supporter of Labor. I they joined even a lot earlier than I did, than, that I did and he has

Can you recall what it was that led you to the meeting with Mr Tong in 2018?---Now I remember because that was after the death of Dr Liao where I have, I have made alert of the death of Dr Liao by someone in the Wu International where was had a function.

So just pausing there, you were at a function involving Wu International or at Wu International?---No, no, no, that is involving, well, they have attended in that particular function. Yeah, that will be an organisation's function.

10

Right.---And I have been told that Dr Liao actually passed away, whatever reason it was, but I was quite concerned because Dr Liao did mention to me that Mr Tong was very sick at the time when he talked to me, so my question to that particular person was that, so how was, how was, how was, how was Mr Tong, I remember I did say that, how was Mr Tong, because I know that he was very sick and I do think, you know, I don't really want to see another, another, another sad story happen. They said that he, he, he was, he was okay but then he's still sort of like very agitated. So I said, "Look, if that's the case, if he still wants to see me, I'm more than happy to see him."

20

And do you know who it was you were speaking to at that particular time or can't you recall?---I do not, I do not recall, I do not recall.

THE COMMISSIONER: Can I just ask you on that, you knew Dr Liao for many years, didn't you?---Yes.

And you regarded him as a good man?---Yes, oh, very good, very good, yes.

30 Very able in his field?---Yes.

And he seemed to be a sensible, balanced man?---Yes, yes.

Business, family?---Yes, yes, yes.

And you knew Alex Wu and his family pretty well too?---Yes, yes.

And Dr Liao was associated with Alex Wu and his father for many years?
---Yes.

40

Both in business and - - -?---Yes.

- - - perhaps personal life. When did you first come to learn that Dr Liao took his own life?---Probably in that function.

At that function?---At that function, yeah.

We now know that in some way his personal crisis that led him to take his life was associated with the fundraiser conducted by the Chinese Friends of Labor in March of 2015.---So are you asking me if I know that?

No, no, no. I'm saying we now know from the notes he left that his personal crisis which drove him to that extreme act was associated in some way, connected in some way to his involvement in events concerning the fundraiser by the Chinese Friends of Labor in 2015. We know that from his note.---By reading those notes, yes.

10

No, just listen to me.---Yes.

We know that from his note.---Yes.

When you heard he had taken his life, you were shocked no doubt.---Yes.

20

And did you then seek to inquire with those who had been close to him, namely Bobby and Alex Wu, as to what they understood was the reason that he took his life?---That person who actually mentioned to me about the death of Dr Liao, he did mention that he left some notes saying a lot of those where there has already been, been, been exhibited. So I did have a bit of knowledge. Probably that would be one of the element of that as well. So that's why, that's why that brings, brought up the conversation I had with them in regards to Mr Tong, yes.

30

Well, let's take a step at a time. Understandably you would have expressed your concern about the news about the late Dr Liao to the Wu family members, Alex, his father - - -?---Oh, I did mention that to probably Bobby, not, not Alex. I usually talk a lot with, with Alex, yeah. He's sort of like (not transcribable)

To Bobby, alright. And you would have been concerned to understand what they understood had driven him to such an extreme act. You would have asked him, "Do you know what caused him to do this?" Did you ask him? ---I did mention that.

Yes.---And - - -

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And just a step at a time. Did they say to you that they knew or had an understanding as to why or that he told them about his personal crisis at that time?---I think Mr Wu told me that's depression. He was actually, he, he actually suffered from depression from the work.

From the work. Did he tell him what else had caused, by his own account, him to be depressed?---No, not from Mr Wu. But from the person that told me in regards to death of Dr Liao, he did mention about the, the interview, sort of like, you know, because there is sort of like an investigation, that he probably would be - - -

But didn't you want to get to the bottom of why he would take this extreme act? Your friend, Dr Liao, who you knew and valued as a person, you must have pressed for information as to what made him do it. And what did Bobby Wu say to you about that?---Well, that's what, that's what Mr Wu told me, that he has depression. When it comes to depression, how can I get into the bottom of it?

10 Well, did Bobby Wu give you any insight into what had been going through the mind of Dr Liao at or about or after the time of this fundraising dinner?
---No. No. We never sort of like go on discussing about Dr Liao. No.

MR HALE: And I think a meeting was organised for you to meet Dr Tong. Was it by Kenny Zhan, is that right?---Yes.

And you understood Kenny Zhan to be an employee of Wu International?
---Oh, yes.

20 Was there any particular reason why you chose your office in Parliament House as the place at which the meeting should take place?---Yeah, I think that is probably the most appropriate place, like, I usually see my constituents.

And thinking back on it, was Kenny Zhan in the room during the whole of the time of your discussion with Mr Tong?---No, my recollection was that he actually left the room for certain things.

Right, the final - - -

30 THE COMMISSIONER: Just before you move on, just to be clear about it, Kenny - - -

MR HALE: Zhan I think.

THE COMMISSIONER: - - - Zhan - - -?---Kenny Zhan, yeah.

- - - was associated with Wu International people, wasn't he?---Yes.

40 In what way? What was his - - -?---I don't know. I think he probably is an employee. I don't know him that well. I probably met him once, a few times I think, but I am not associated with him at all.

Did you know why an employee of Wu International was accompanying Mr Tong to Parliament House that day?---I did not even give a thought why.

That's what I'm asking.---But because there was, because there was, there was being, probably there was being asked, I did ask the person from Wu International probably, I can't remember who that was, and I said that, look,

because I was, I was told that Dr Liao died and I said, look, he did mention that there was a death of Mr Tong. I said how was he. He was very sick at the time. I was told by Dr Liao. And he said, oh, he's okay but, you know, he's not very, well, he's not very healthy. I think that's - I can't remember exactly what he - - -

Yes, just stop there, pause there. I'm more interested to know what the Wu International interest was in Mr Tong coming to Parliament House and accompanying Mr Tong to see you?---Because there was - - -

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What was the apparent connection between Wu International, Mr Tong and you at this meeting?---Well, because I think the time I talked to a person from, from Wu International and I don't know of Mr Tong or any other people except Dr Liao and that probably will be the only contact I have. And I mentioned it, if they want to organise it, they want to organise it, if they don't want to, I don't mind. And that's how they, they, they organise it and they, they let me know that we're going to meet, I said, "Fine." Yeah.

20

MR HALE: The final topic. In giving your evidence over the past few days, you were aware that ICAC had obtained documents from head office at the Australian Labor Party?---Oh, yes.

And you were aware that ICAC had probably obtained all emails and documents sent and received by you in relation to the donations the subject of this inquiry?---Yes.

Yes, they were questions in re-examination.

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THE COMMISSIONER: Yes. Anything else?

MR ROBERTSON: No, Chief Commissioner.

THE COMMISSIONER: Thank you, Mr Wong. You may step down.
---Thank you.

THE WITNESS STOOD DOWN

[3.51pm]

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THE COMMISSIONER: So I take it, Mr Robertson, that the summons to Mr Wong will remain outstanding?

MR ROBERTSON: Yes, if it pleases the Commission.

THE COMMISSIONER: For the time being, all right. Perhaps, Mr Hale, if you just explain that to Mr Wong.

MR HALE: Yes, I will.

THE COMMISSIONER: Just in case something comes up and we need to get him back.

MR HALE: Yes, yes.

THE COMMISSIONER: Thank you.

10 MR HALE: I think you can make contact through Mr Jayne, my instructing solicitor.

THE COMMISSIONER: Very good. Thank you. Well, now just before I adjourn, there's nothing else today?

MR ROBERTSON: Nothing else on my part. I will call the next witness at 10 o'clock tomorrow if it pleases the Commission.

THE COMMISSIONER: Very good, very well. Thank you. I'll adjourn.

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AT 3.52PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.52pm]