

AEROPUB00606
04/09/2019

AERO
pp 00606-00649

PUBLIC
HEARING

COPYRIGHT

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 WEDNESDAY 4 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.

MR ROBERTSON: We might just pause. Chief Commissioner, can I just summarise the program for the remainder of the week for the benefit of those behind me and other interested observers. Today I intend to call three witnesses. First Jiayi Huang, also known as Winnie Huang, who was an assistant of Mr Ernest Wong, then Mr Kenny Zhan and then Mr Alex Wood. The last two witnesses will require interpreters. Tomorrow, as previously announced, I will recall Ms Murnain for some brief further examination by me and also to make her available for cross-examination in relation to anyone who has leave to so cross-examine. In relation to Friday, with the consent of my learned friend, Mr McInerney, I won't call Mr Ian Robertson on Friday as previously announced, rather I'll call him on Monday of next week. I instead intend to call Mr To Yip, and as I've previously indicated, as I understand the Commission will only sit for half a day in the public inquiry on Friday and I hope to complete the whole of the examination of Mr Yip and to make him available for cross-examination for anyone who has leave to so cross-examine. In terms of the witness list for next week, I anticipate making that available during the course of tomorrow, or if not, very early on Friday morning.

20 THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: That's the only housekeeping matters from my perspective. And so I call Jiayi Huang.

THE COMMISSIONER: Is Ms Huang represented legally?

MR ROBERTSON: She's not represented. She is however in the hearing room in response to the summons issued to her.

30 THE COMMISSIONER: Ms Huang. Do you want to give evidence on oath or an affirmation?

MS HUANG: On oath.

THE COMMISSIONER: Thank you. Do you mind standing.

THE COMMISSIONER: Thank you. Would you mind stating your full name.---Yes. My name's Jiayi Huang, J-i-a-y-i H-u-a-n-g.

Ms Huang, you attend here in answer to a summons to give evidence and I take it you don't need an interpreter.---No.

10 No. Thank you. Mr Robertson, has the witness had explained to her the provisions of section 38?

MR ROBERTSON: Not today, but on a previous occasion she has.

THE COMMISSIONER: Previous occasion. Very well. Ms Huang, as you may be aware, witnesses may give evidence to the Commission on objection and that means that although you must answer all questions truthfully or produce any document or thing, your answers or the documents or things that are produced can't by reason of them being given or produced be used
20 against the witness in the future in any other legal proceedings, whether they're criminal, civil, administrative, disciplinary proceedings of any kind. A witness doesn't have to object to giving evidence if he or she doesn't want to, but the Independent Commission Against Corruption Act provides the opportunity if a witness wishes to object to state that they do, and the effect of objecting is to offer that protection that it can't be used in the future in the way I've indicated. Do you understand what I'm saying?
---Yeah.

30 And I think this has been explained to you on a prior occasion. Is that right?
---Yeah.

So you have an understanding about what I'm talking about.---Yeah.

You do understand that even though if you do choose to object, you have to still answer questions faithfully truthfully. You understand?---Yeah.

40 It is open to me to make a declaration that if you wish to object, that all the answers you give to all questions, any documents or things you produce, are to be taken as under objection. You understand?---Yeah.

So with that explanation, do you wish to give evidence on objection or not? It's a matter for you entirely, but I'm just explaining your rights, that's all.
---Yeah.

It's quite open to you to object if you wish to gain the protection under the Act, but if you don't wish to do that, that's again your call.---Okay.

Okay.---Yeah.

So what's your position, do you want to give evidence on objection or not?
---Give the evidence to the objection.

You do?---Yeah.

10 Yes. Pursuant to section 38 of the Independent Commission Against
Corruption Act I declare that all answers given by this witness, Ms Huang,
and all documents and things that may be produced by her during the course
of her evidence at this public inquiry are to be regarded as having been
given or produced on objection. That being the case there is no need for her
to make objection to any particular answer given or document or thing
produced.

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

30 THE COMMISSIONER: Very good. We're now ready to proceed. Thank
you.

MR ROBERTSON: Ms Huang, you're also known as Winnie Huang. Is
that right?---Yes.

You worked part-time for Ernest Wong who was then a member of the
Legislative Council from about August of 2014. Is that right?---Yes.

And you started to work full-time for him from about early 2015. Is that
right?---Yes.

40 And you continued to work for him until he was no longer a member of the
Legislative Council. Is that right?---Yes, but during the period is kind of on
and off. Sometimes I work for Ernest but sometimes I did not.

I see. So when you first started working for him you were working for him
part-time. Is that right?---Yes, at that time, yes.

And for at least a period of time you worked for him on a full-time basis. Is
that right?---Yes, and then, yeah, and - - -

And is it right that for some of the time that you worked for Mr Wong you were paid in part by the parliament, by the Department of Parliamentary Services, but part from Mr Wong himself. Is that right?---Yes. So at the beginning I was totally paid by Ernest as a sole trader, then I did not employed by parliament until August of 2016 I think, yeah. So, so since that time I was employed as part-time one day, seven hours per week by the parliament.

10 And when you first started working for Mr Wong you didn't have a Parliament House email address. Is that right?---No.

And from time to time you used Claude Wan's email address. Is that right? ---Yes, because Claude is one of the other employee in Ernest office because Ernest had two PA, the personal assistant. One is Alison, the other one is Claude.

20 But sometimes you would use Claude's email address in order to send emails when you were doing work for Mr Wong. Is that right?---Yes, because Claude and I both have access to that email address.

And sometimes people would send emails to you through the claudewan [REDACTED] email address. Is that right?---Yes, that's right.

But you also used your personal email address to assist with Mr Wong's business. Is that right?---At that time, yes.

And that was a Gmail address. Is that right?---Yes.

30 I want to ask you about the Chinese Friends of Labor event in 2015. You helped Mr Wong organise that event. Is that right?---Yes, but for me my main duty was just to take the guests to the seat, that kind of thing.

THE COMMISSIONER: Sorry, your main duty was what?---Yeah, was to take the guest to the seat because I got the seating plan, that kind of thing. Then during that, during that night, on that night I was in the reception then I was able to assist the guest to their seat.

40 MR ROBERTSON: I'll come back to the detail of the night itself but you also assisted before the event in the organising of the event. Is that right? ---Yes, yes, for send out the invitations or register.

So you were the contact person on the invitation form for example?---Yes, that's right.

I think your email address was on that form. Is that right?---Yes.

And I think Mr Kenrick Cheah's name was on that form as well. Is that right?---I think so.

You helped Mr Wong maintain the guest list for that event. Is that right?
---Usually I did not update the guest list. Ernest, he would do it by himself. For me I just have the final versions or updated guest list.

10 So is it right to say that it was mainly Mr Wong that maintained the guest list as people made contact and said that they wanted to come to the event. Is that right?---Yes.

Would people sometimes contact you and say I'm interested in attending the event. Please put me down for a seat or a table?---Yes, sometimes. Occasionally.

And when that happened would you update the guest list or would you just tell Mr Wong?---I will tell Mr Wong.

20 And so it was mainly Mr Wong that updated the guest list. Is that right?
---Yeah.

Can we go, please, to volume 6 of the public inquiry brief. I'm just going to show you a document on the screen and I want to ask you a few questions regarding it. And we'll go to page 40 – sorry, I withdraw that. We'll go to page 11 of volume 6. So you remember that the event in 2015 happened on 12 March, 2015. Correct?---Sorry, can you say that again.

30 The Chinese Friends of Labor dinner that happened in 2015 was on 12 March, 2015.---Yeah, I think so, yeah.

And we'll just bring up volume 6, page 11, which is also Exhibit 187 for those using those numbers. Yes, zoom out ever so slightly. So do you see there an email that's being sent from Claude Wan's email address to Mr Wong at 4.08 on 12 March, 2015, about two-tenths of the way down the page?---Yep.

And then you also forward that or it's been forwarded from the Claude Wan email address to your Gmail address, is that right?---Yep.

40 Now, would it be right to say that given this is at about 4 o'clock on the night of the event, this is probably the most accurate guest list that you had and that Mr Wong had as to who you and Mr Wong were expecting to attend the event on 12 March, 2015, is that right?---Yeah, probably.

And that's why you were forwarding it to your Gmail account, that you were going to the event and helping out on that night and you wanted an accurate list of who had said that they were coming in terms of tables and seats, is that right?---Yes.

Can we then go, please, to page 2 of the same volume. Volume 6, page 2. And I should just note that on the screen the full email address appeared deliberately to show the particular email address, but of course, Chief Commissioner, you've made a direction at the start of the public inquiry in relation to matters of that kind.

10 THE COMMISSIONER: I'll just reaffirm that the email/Gmail addresses shown in the document – page 11 of volume 6, or any other pages in that volume – are suppressed and not to be reproduced, communicated or published.

MR ROBERTSON: Ms Huang, you now see on the screen an email from Claude Wan's email address to Mr Ernest Wong of 25 February, 2015. Do you see that there?---Yep.

And this was an email that you sent because you see it's signed off as "Regards, Winnie."---Yeah.

20 And this was an email that was sent regarding the Chinese Friends of Labor event in 2015, is that right?---Yes.

Now, you say – if you look at the second-to-last paragraph – you say to this particular individual, "You can bring the cheque on that day and the title for the cheque should be Friends of Chinese Community." Do you see that there?---Yes.

30 Why did you tell this individual that the title of the cheque should be Friends of Chinese Community rather than something like Chinese Friends of Labor or perhaps NSW Labor or some other title that has the word "Labor" in it?---I can't remember whether I send this email or not or whether I wrote this email or not, but if I did I was told by Ernest or follow the instruction from Ernest. If Ernest asked me to, to write that the cheque should be sent, writing, should be to Friends of Chinese Community, then I will able to tell the guest.

40 Do you recall whether you ever told someone to write a cheque in relation to the Chinese Friends of Labor event in some other name such as NSW Labor or some other name with the word "Labor" in it?---I can't remember but I think in that invitation, because it's the Labor Party event so I think that, I think the cheque should be titled to the New South Wales Country Labor or NSW Labor.

So do we take it from that that usually if someone was asking you in relation to the 2015 event, you would tell them to make a cheque out to NSW Labor or Country Labor, but for this particular individual Mr Wong told you that the cheque should be in the name of Friends of Chinese Community, is that right?---Yeah, because for the cheque and that kind of thing, usually I would

ask them to contact the Labor Party to clarify what name they need to put down on the cheque.

But for this particular event, people would have inquired with you, wouldn't they, as to who they should make the names of cheques out to. Is that right?---Yeah.

10 And on the occasion that we saw on the screen you told them to make it to Friends of Chinese Community. Correct?---Yes, in that email, yes.

And the reason you did that was that Mr Wong told you that that should happen. Is that right?---Yeah.

But I think you've said to us that you would expect that ordinarily if Mr Wong didn't tell you otherwise you would expect the cheques to be in the name of either NSW Labor or perhaps Country Labor. Is that right?---Yeah, because that's a Labor fundraising dinner.

20 Because the event was called Chinese Friends of Labor Presents NSW Labor Chinese Launch. Correct?---Yeah.

So is it right to say that unless you were instructed by Mr Wong to the contrary that there should be some other name, you would tell someone who asked that they should write the cheque in the name of NSW Labor. Is that right?---Or Labor-related.

Or some other title that had the word Labor in it. Is that right?---Yeah.

30 And do you recall whether you actually told anyone words to that effect when they made contact with you, in other words, unlike the person that we saw on the screen, you told them please write the cheque out to the Labor Party rather than to some other title. Do you recall whether you ever did that?---I can't remember.

Chief Commissioner, I tender the document that was on the screen which was from volume 6, page 2 of the public inquiry brief, being an email from the Claude Wan email address.

40 THE COMMISSIONER: Yes. That document, volume 6, page 2, will become Exhibit 200.

#EXH-200 – EMAIL FROM CLAUDE WAN TO ACETCA AND ERNEST WONG TITLED 'SOME INFORMATION ABOUT THE NSW LABOR CHINESE LAUNCH' TITLED 25 FEBRUARY 2015

MR ROBERTSON: Ms Huang, other than helping Mr Wong in liaising with potential guests for the Chinese Friends of Labor event in 2015, what other role if any did you play in the organisation of that event in advance? I'll come back to the event itself, but before the event, what other role did you play in relation to the organisation of the event, if any?---So usually all the invitation will send to the guest, if the guest cannot understand English they usually come to me and then I will explain the same thing to them in Chinese. Then if someone expressed their interest in registrating [sic] in the event, I will tell Ernest and then normally Ernest will put their name on.

10

And when you say put the name on, you mean put it on the guest list document - - -?---Guest list.

- - - that we talked about a little while ago. Is that right?---Yeah.

And is it right to say that ordinarily you wouldn't put it in that document, you would leave that to Mr Wong to do. Is that right?---Mmm, yeah.

20 But you might tell Mr Wong that a particular organisation or individual wants to buy a table for example and you would tell Mr Wong that you've had a discussion with someone to that effect. Is that right?---Yeah.

You said a moment ago that people might make contact with you and you would explain things to them. When you say explain, what would you explain to them?---So normally I will tell them when is function or where is the function and what time it start and then how to do the payment.

30 And when you say how to do the payment, what do you mean by that? ---So usually it's basically the same thing in the invitation letter. I think if I correct, right, if I remember right, they have the options of choosing either, either cheque or credit card, the options, then I will usually tell them they need to fill in a form and then send it back to Labor Party.

Can I just help you this way. Can we go please to Exhibit 192, the final page of Exhibit 192, just so we can understand tangibly how all of that works. I'm just going to put up on the screen an example of one of the forms. Do you see now, Invitation Chinese Friends of Labor Presents NSW Labor Chinese Launch, do you see that there?---Yeah.

40 And I think you were drawing attention to the fact that you could make payment by cheque or by credit card and by that you're referring to what's said in the right-hand column underneath Reservation Form. Is that right? ---Yes.

Now, if someone wanted to pay by cheque, what would you tell them in terms of where they should send the cheque to?---Usually I will ask Ernest first, then, then Ernest will ask Labor Party I think, yeah, but I did not tell

them in person that what title or what name they should write because I don't know.

10 But in terms of sending the cheque, if someone made contact with you either by the email address that we can see on the screen or made contact with you through Mr Wong's office and said that I want to buy a table at this event for, let's say, \$800 and I want to pay by cheque, what would you tell them in terms of where they should send the cheque to? Would they just send the cheque to you, to the Labor Party, to bring along on the night to
10 send it after the event, or what advice would you ordinarily give to an individual who would ask that?---Because for the cheque I did not remember because I recalled most of the people they filled in the form with their credit card and then send it back to our office or to the Labor Party directly.

So is it right to say you don't have much of a recollection about what happened with cheques, is that what you're saying?---Yeah.

20 But if we focus on credit cards, then, so someone calls up and says, "I want to attend the event and I'll pay by credit card," what advice would you give to them as to how to make that payment?---So just fill in a form, then send it back to the Labor Party.

And when you say fill in the form, you mean the form that we can see on the right-hand side of the screen, is that right?---Yes.

30 And are you clear that you would say to them to send it to the Labor Party rather than to send it to Mr Wong's office?---No, because we don't have the POS machine to process the credit card, that kind of thing. It has to be send it to the Labor Party office.

But do you remember whether any forms that were filled out for credit card payments were sent to either you or someone else within Mr Wong's office, rather than sending it to Labor Party head office? Do you recall whether that ever happened?---So usually I think I will tell them send all the forms to the Labor Party straight away. If they did not do that, they will send it to us, but for our part we just pass the message to the Labor Party. We don't do anything with the payment for the credit card options at this - - -

40 And those who wanted to pay by credit card, were they asked to fill out the form in advance of the event? Or were they told that they could do it at some later stage?---Usually they will pay by in advance. When they register the function, they will generally fill out, fill in a form.

Now, as well as maintaining the guest list that we talked about, I assume that Mr Wong also kept a record of any payments that he knew had been received, was that right?---I think so.

And so for forms like credit card forms that were sent to the Labor Party office, how would Mr Wong know whether a particular person had paid or not?---I did not know for this circumstance. I think he may, like, contact with the Labor Party to clarify whether the person paid it or not.

So is it at least fair to say that there were regular communications between Mr Wong's office and head office in Sussex Street regarding the organisation of the event? Is that fair?---Yes. They will generally communicate for the payment thing.

10

And that happened regularly, both before the event and after the event, is that right?---Yep, I think so.

In terms of communications with head office, between Mr Wong's office and the Sussex Street office, regarding this event, do you recall who the main contacts were within the Sussex Street office?---So I think the main contact are two. One is Kenrick, the other one is Maggie.

20

Kenrick Cheah is the first one, is that right?---Yeah, yeah.

And Maggie Wang I think is the second one.---The accountant at the time.

Yes.---Yeah.

No one else who were main contacts within the Sussex Street office regarding the event that you can now recall?---No. If for the payment thing, I think just two of them.

30

Now, what if someone made contact with you and said, "I want to come to the event but I want to pay in cash"? What advice would you give an individual who's suggested that option?---If I receive that inquiry, I usually go to Ernest, and then Ernest may contact them later.

I see. So if someone made contact with you and said, "I want to attend the event but I want to pay in cash," is it right to say that you wouldn't give any advice to that individual about what to do with the cash, you would forward the inquiry to Mr Wong?---Yeah, because I usually don't know what to do so I will usually, like, ask for Ernest.

40

Was that a common occurrence? Were there many people in that category who made contact with you and said I want to pay in cash?---No.

Why specifically would you draw matters of cash to Mr Wong's attention whereas it seems that for things like credit cards you were able to just direct them to Labor Party office? Was that something that Mr Wong told you to do?---No, for all the payment inquiries I will all go to Ernest no matter is credit card or cash or cheque. I usually ask Ernest first and then Ernest will give me, like, the verbally instruction. Say okay, this should go to the Labor

Party straight away. Yeah, it's not just the cash thing I go to Ernest. All the payment inquiry I went to Ernest first.

10 So is it right to say then that if anyone made contact with you, whether by email or by telephone, asking for advice regarding how to pay and where to pay, and in the case of a cheque who to make the cheque out to, you wouldn't respond to that individual without first checking with Mr Wong, Mr Ernest Wong, as to what to do in relation to that particular amount? Is that right?---Yes, or else I will ask them to check with the Labor Party straight away.

After raising these matters with Mr Wong did you ever tell anyone that they could bring the cash on the night?---I do not remember whether I give the instruction to the guest or not because usually Ernest will make contact with them by himself.

20 So where a person makes contact with you and says that they want to make a payment and they're happy to buy a table or a seat, are you saying that usually Mr Wong would then make separate contact with that individual to make the arrangements?---Yeah.

Have I got that right?---Yeah.

Now, you were telling us before about the event itself and I think you told us that you spent at least part of the evening at the reception desk. Is that right?---Yes.

30 And so what was your role at the reception desk?---So I check the guest name from the guest list and then usually they will also show which table they are going to sit, then I was able to take them to the seat.

40 Just pausing there in relation to the guest list. I just want to be clear what we're talking about. If we go back to Exhibit 187, volume 6, page 11, which is an email of 12 March, 4.08pm, that I took you to a moment ago. So I'll just show you the first page of this document first and then if we can skip over, please, to page 26 using the numbers in the bottom right-hand corner. Again we're in Exhibit 187, volume 6 of the public inquiry brief. Just go back 10 pages from that. Does this look like the guest list that you're referring to?---Yes.

So at the reception desk you had this identifying the table numbers and the names of the persons or organisations who had booked the table. Is that right?---Yeah, yeah.

And that would allow you to know where particular people were sitting. Is that right?---Yes.

And are you saying that you would leave the reception desk from time to time and you would help people find table 5 or table 8 and so on and so forth. Is that right?---Yes.

10 Would you maintain some sort of an attendance register? So, for example, if Mr Ken Auga who you can see at the top of the screen turns up and says where am I sitting, would you give that a tick to see that Mr Auga has attended or would you simply take Mr Auga to table 1 or tell him that he needs to go to table 1?---Yeah, so I just simply tell them they need to go to table 1.

So was there any sort of checking mechanism done at the reception table so that you knew who was attending, who had attended and who hadn't attended?---No.

To your recollection were any payments received at the reception table?
---From my part, no.

20 Well, not just from your part, was there more than one person working at the reception table?---So I can't remember right now, but I was definitely there, so all I know about this night, for my part I did not see any person paid cash in the reception.

But you must remember whether there was more than one person working at the reception table?---Yeah, so it's not just only me but I can't remember like who else was there.

30 THE COMMISSIONER: How many on the reception table during the night?---I think usually three or four.

Do you have any recollection of seeing cash on the reception table during the night?---I did not see it, to the best of my knowledge, at the night, yeah.

MR ROBERTSON: Who was in charge of the reception table on the night?
---I think it should be me at that time, yeah.

40 Well, can you remember who else was helping you, were they, do you know whether they were employees of the Labor Party or perhaps volunteers of the Labor Party, does that refresh your memory at all?---I think someone from Labor Party definitely came and help on that night, but I can't remember exactly who they are.

But within that group of people you recall that you were in charge of the reception desk. Is that right?---Yes, yes, that's right.

And then who was in charge of what you were doing on that night, was that Mr Ernest Wong or was that someone else?---You mean in the reception?

I mean on the night there was a reception desk, there was a few people there.---Yeah.

You were in charge of the reception desk, but if you had any questions as to what you should be doing on the night or any questions from a guest that you couldn't answer, who would you go and see?---I ask Ernest.

10 And did Ernest tell you in advance of you starting on the reception desk what he expected you to do that night?---Just asked me to take the guests to their seats.

And that's the extent of what he told you to do, your job is to sit at the reception desk, work with the other people and make sure that everyone can find their seats. Is that right?---Yes, yeah.

And sometimes you or someone else would physically take someone to the table to help them find it. Is that right?---Yeah.

20 And it was a big event, there was about 600 people attending or thereabouts?---Yeah.

But I assume sometimes, particularly if there's a large group of people, you might say, well, you're sitting on table number 8 which is over there and they might then find the table themselves. Is that right?---Yeah.

But are you quite clear in your mind that you didn't accept any payments on that night?---Yeah. For my part I did not.

30 And did you see anyone else accepting payments at the reception desk on that night?---I can't remember.

But you don't have any recollection, you can't see in your mind someone at the reception desk taking any cash at least?---Yeah, no.

And do you remember, did you take or did anyone else at the reception desk take any cheques from anyone?---I can't remember as well.

40 You don't have any recollection of receiving any cheques or seeing anyone else receiving any cheques?---Yeah, I can't remember right now.

And what about forms, did you ever, at the reception desk did anyone come with a form, like a credit card form or any other kind of form to give to you? ---If there are form they usually took the registration form and then I think usually they already fill in the form, then I think I may collect it but after I collect it I think I give it to either the people from Labor Party or give it to Ernest.

So does that mean you have a recollection that on the night there may have been some people who had forms that they had already filled out and they gave them to you. Is that what you're saying?---Yeah, but usually all the payments are done beforehand, so I can't remember clearly whether I did receive any of the payment or cash or credit card forms.

10 How many dinners were you associated with when you worked for Mr Wong? Was it just the dinner for Chinese Friends of Labor in 2015? Or was there more than one dinner that you had some involvement in organising?---There are more events, not just fundraising dinner for Labor Party.

But there was more than one fundraising dinner, is that right?---For Labor Party?

For Labor Party, yes.---I think it's the annual event, so, yeah, I think besides the 2015 one, I think we got 2016 or '17, but, yeah.

20 And were they all Chinese Friends of Labor events?---They are all Labor Party fundraising dinner but I don't, I can't remember whether they still use the name of the Chinese Friends of, Friends of Chinese, yeah.

So they were all Labor Party events and they all had something to do with the Chinese community, is that right?---Yes.

But some of them might not be Chinese Friends of Labor. They might be another Chinese-related event, is that fair?---Yeah, or maybe just New South Wales Labor Party fundraising dinner.

30 And in your experience on those events, would payments for the event usually happen mostly before the night or on the night or perhaps after the night?---From what I can remember, I think the payment usually done before the event.

So in your experience at least, usually most of the payments are done before the event, rather than on the night, is that right?---Yes.

40 And from your experience at the reception desk, there's not large amounts of people attending the reception desk saying, "Here's my cheque, here's my cash, here's my credit card forms," is that right?---Yeah, no, yeah.

There may have been a few forms, there may have been a few cheques, but it would be at least uncommon, is that fair?---Yeah, it's, it's not very common that people bring the cheques on that night or to pay on that night, yeah. Because we send out the invitation letter beforehand and then once they decide to come, they usually fill in the form automatically, then they will send, we will give them the instruction that they send the form to the Labor Party straight away, then they will process the payment.

Now, you mentioned that some people may have come to you at the reception desk and given you a form, and when we say a form I assume you mean the reservation form that I put up on the screen a little while ago, is that right?---Yeah, it's that one.

Did it ever happen the other way? Did anyone ever come to the reception desk and did you actually give them a form, can you remember?---No, I can't remember.

10

And I appreciate this was a long time ago, but I just want your help in understanding what the reception desk looked like. I think it had a red tablecloth on the top of it. Does that ring a bell?---Yes, yeah.

And there was probably a few seats behind the desk.---Yes.

And you would have had on the desk a series of guest lists, so you knew what the table numbers were and what the names of the tables were so you could direct people to the right place.---Yeah.

20

Can you recall whether there was anything else on the desk? Was there, for example, a cash box or spare forms or anything else, or was it just the guest list, as best you can now recall?---I think we would usually prepare the spare forms, the registration form you just show before on the screen. We usually, like, prepare some of the forms just in case that if the guests come but they fail to paid beforehand, they are going to fill the form on that night. And the other thing was the raffle tickets, I think they will also put the raffle ticket on the desk, and then most of the other documents were the guest list, yeah.

30

So there may have been some, what, blank reservation forms on the table that you could give to people if they asked for them, is that right?---Yeah, that is a possibility.

Now, at the reception desk, would you check to make sure that people have paid or was that something that was not done at the reception desk?---Yeah, no, I, I usually don't check, yeah.

40 All you would do is that if someone says, "I have a table for this particular organisation or in my name," you would look up the guest list and say, "Well, you're going to sit on table number 18," say, and you might direct them to the table, is that right?---Yeah, that's right.

But you wouldn't be ticking them off to say that they attended, is that right?---Yep, I did not tick.

And you didn't check against some register to say, yes, you're allowed to come in because you've paid?---No, I did not.

That was not your - - -?---Yeah.

That was not your job at the reception desk?---No, no.

Can we go, please, to Exhibit 193 again. So I've just put a copy of a form on the screen. Can you see that there?---Yeah.

10 And that's the kind of form that you're talking about that might be at the desk?---Yeah.

Now, can I just ask you to look very carefully at this particular one, and take your time if you need some time to think about this, but can you see how in the top right-hand corner there's some handwriting that says \$5,000? Do you see that there?---Yeah.

And do you recognise that as Mr Ernest Wong's handwriting?---I don't know.

20 Does it look a bit like his handwriting based on your experience with working for him?---Yeah, it is possible but I'm not quite sure about it.

Now, is it right to say that the forms that would have been on the reception desk would not be forms that look like this that already had things written on them, they'd be blank forms. Is that right?---Yeah

30 And take your time if you need time to answer this question. Are you quite sure that there wasn't any forms sitting on the reception desk that were already pre-filled like the one that you can see on the screen?---From my memory, no.

Can I then ask you about what happened after the event. In fact before I get there, did you spend the whole night on the reception desk and taking people to their tables or did you have any other roles on the night of the Chinese Friends of Labor event in 2015?---No. For my part after I finish in taking peoples to their seats I usually have a seat as well. Then I sit and eat, then after the event sometimes we had supper but sometimes we did not. Then I went back home straight away, yeah.

40 THE COMMISSIONER: Was there some procedure whereby you were told to look after VIP guests when they arrived? For example, were you given the list of who the VIPs were?---So I usually know who are the VIP guests.

You already knew that?---Yeah, yeah, beforehand because they registered, yeah, but usually Ernest will taking care of the VIP guest by himself so I don't need to, like, look very into each one.

I see.---Yeah.

Thank you.

MR ROBERTSON: Is it right to say that if you saw one of the important guests and Mr Wong was not around you would prioritise showing that particular person to their seat?---Yes, yes. If Ernest, yeah.

10 And you knew, because you had the guest list you knew who was expected at the VVIP tables and at the head table and at the VIP table. Is that right?
---Yes.

And you could look, and if you weren't sure you could look it up as against that list. Is that right?---Mmm, from the seating plan.

Do you know a gentleman by the name of Huang Xiangmo?---Yes.

20 And who is that individual?---So I know he owns a company called Yuhu Group and he is very high portfolio.

THE COMMISSIONER: Sorry, he's?---He's very high portfolio in Chinese community, yeah.

MR ROBERTSON: And do you recall whether you saw him that evening?
---I think he attended on that night.

THE COMMISSIONER: You had seen him before that night, had you?
---In other functions, yes.

30 And had you been introduced to him at some stage before that night?
---Because if I went to function I usually go with Ernest so if I'm, if I was with Ernest and that time if Mr Huang saw me and then Ernest will introduce me saying that it's my assistant.

40 And apart from dinners or functions, had Ernest Wong and Mr Huang Xiangmo met at a meeting or just a one-to-one meeting or in other circumstances?---Most of the time I saw them in the functions, yeah, or in meetings, but the meetings is with a group of people, not just two of them, yeah. But I don't know whether they meet together.

What sort of meetings are you talking about now?---Like, we have an organisation called Guangdong Federation of, yeah, Guangdong Federation. So then Mr Huang will come, then have a meeting, then Ernest will be there as well, I will be there as well.

And were those meetings usually held in a particular place?---Yes.

If so, where was that?---It's the 267 Pier Street. Yeah.

What was at that address?---So it is just an office.

An office.---It's, yeah, it's an office, yeah.

Do you know whose office?---I don't know. I think the association rented the place.

10 Had Mr Huang Xiangmo attended at Parliament House to meet with Ernest Wong to your knowledge?---Yes, a couple of times.

A couple of times. And was that before the dinner or after the dinner or both that we're talking about? That is, the dinner in March 2015?---I can't remember whether it's before the dinner or after the dinner, but Mr Huang did come to Parliament House several times.

Several times, you say?---Yeah, several times, yeah.

20 And on each of those occasions, who did he attend on at Parliament House? Who did he visit, to your knowledge?---I, I can't remember but I think Mr Huang usually visit Ernest but I don't know what's the other people he's going to visit at that time.

Were you present during their meetings?---I usually don't. I, yeah.

Do you know whether they were social meetings or business meetings of some kind or political meetings or what? If you don't know, just say so. ---Yeah, I don't know.

30 MR ROBERTSON: Doing the best you can, and I appreciate it's a long time ago, do you recall whether any of those meetings you've just told the Chief Commissioner about happened within a few weeks of the Chinese Friends of Labor event which was on 12 March, 2015?---Sorry, I can't remember.

But is it right to say that at least around that period, around 2015, to your knowledge Mr Wong, Mr Ernest Wong, and Mr Huang Xiangmo were in regular contact?---Sorry, I don't know.

40 It was at least common for them to see each other, is that right?---Yes.

Going back to the evening of the event, you started working at the reception table. When that was finished, you participated in the event and you had a meal. Can you just finish explaining, what did you do after that? Did you have any other involvement in the event?---No, after the event finished, I went back home straight away.

Did you have any involvement in collating any forms that may have been received on that night?---So I don't remember I, whether I collect the forms or not, but if I collect the forms, I usually give all the forms to the staff from the Labor Party or to the Ernest straight away.

10 So in relation to events of this kind, appreciating you don't remember this particular event, if there's forms that have been received during the night, who would they go to? Would they go to Mr Ernest Wong or would they go to someone based at the Sussex Street office? Whose job would that ordinarily be? Would it be Mr Ernest Wong's job or would it be someone else's job?---I can't remember.

Were you at the event towards the end of the event or did you leave a little bit earlier?---I think I did not wait until the, like, the lucky draw thing. I left a bit earlier.

Do you remember whether Mr Huang Xiangmo was still there when you left?---I don't know.

20 Was there still quite a few people there at the time that you left?---Yes.

Did you have any involvement in handling money on the night, for example raffle money?---No, for the raffle ticket one, no.

And I take it though you saw people buying tickets in the raffle?---Yes, I did know that someone buy, someone bought the tickets on that night.

30 Can you remember who was responsible for running the raffle, who organised it, who sold tickets?---So it must be the staff from Labor Party or the volunteer on that night.

But you didn't have any involvement in that. Is that right?---No.

Did you see anyone towards the end of the night collecting money or organising money, counting money, anything like that?---I did not see it.

40 Is it usual, though, at the end of an event of the kind that we're talking about for there to be, say, a room or a section of the event where things of that kind are being organised?---Yes.

Can we please bring up the seating plan document, which is – I just need to find the exhibit number – I'm told it may be 186, in the public inquiry brief it's volume 3, page 281. Just to hopefully help jog your memory, if we just have a look on the left-hand side of the screen, just to get our bearings, the top left-hand corner is the fish tank. Is that right?---Yep.

Then immediately underneath it is the cashier area.---Yeah.

And that's the cashier for the restaurant.---Yes.

It's not a cashier for the event that's being run. Is that right?---No.

And then immediately below that is the reception desk. Is that right?
---Yeah.

So that's where you were based on the evening?---Yeah.

10

But you would go between the reception desk to tables to show people where to go. Is that right?---Yeah.

I think you were starting to tell us that it was common that at the end of the night there might be a room or a section where things are being organised. Is that, did I get that right?---Yeah, they usually have a room to like, collect, after the function they usually have a room like to debrief or to like, talk what can be improved or if there are some money issue maybe.

20

But in your experience, what's being done in that room at the end of the night, it's what, putting any forms together that people have filled out, is that right?---Yep, I think so.

Maybe collating the raffle money that might have been received on the night?---Yeah.

30

Anything else, other than a debrief that you referred to, anything else that would usually happen at the end of the night on a Chinese Friends of Labor dinner or a Chinese-related Australian Labor Party dinner?---No, because I think in that room, so after the events people usually, like, the, the helpers or the volunteers on that night, they will have the meal together again, yeah.

And when you referred to a room before, are you able to identify, and again appreciating this is some time ago, are you able to identify by reference to this seating plan where that room probably was? Was it for example one of the VIP rooms or was it a room that we don't see on the screen or do you just not recall?---I think it should be either VIP 2, 3 or 4, but I'm not quite sure.

40

Do you recall whether you brought anything home with you on the night of the event? I'm not talking about your own personal bag or anything like that, but did you take anything home with you that was related to the event, things like forms or anything of that kind?---For forms I did not, but the stationery for set-up, yes, I did.

So you had some stationery that you had available at the reception desk that you brought to the event?---Yeah. Yeah.

And you brought that back with you?---Yeah, and then I brought it back to office.

But you didn't bring any forms back with you?---For the forms, no.

You didn't bring any cash back with you?---No.

You didn't bring any cheques back with you?---No.

10 To your knowledge, and if you don't know that's fine, just say so, but do you know who brought the forms back from the event?---I don't know.

How about cash or cheques? Do you know who brought cash or cheques away from the event?---I don't know as well.

For events of that kind, who would usually be responsible for taking forms, cheques or cash from the event that evening? Is that Mr Ernest Wong's job usually or is it someone from head office or is it someone else whose job it usually is, even if you can't remember what happened on this particular night?---Yeah, I think usually either be Ernest or the staff from the Labor Party.

And when you say the staff from the Labor Party, who in particular do you have in mind?---Because for my memory I just remember Kenrick at this stage, yeah. Because, really, for all fundraising dinner I, our, our office liaise with him the most, yeah. But if you ask me on that night, I, I don't remember.

30 Now, focusing then on what happened after the event, I take it that after the event had happened you still needed to liaise with Labor Party head office for any difficulties with payments and credit cards and things of that kind, is that right?---Yeah, because sometimes the guests would like to get the receipt from the Labor Party. If - - -

And so sometimes people might make contact with you and say, "I donated some money but I don't have a receipt yet. Can I please have a receipt," things like that. Is that right?---Yes. And then usually I will pass that inquiry to Ernest or, yeah, I usually pass the inquiry to Ernest and Ernest may liaise with the Labor Party to gather receipt.

40 But sometimes you would have direct contact with people, maybe Mr Cheah or maybe people in the Finance Department, in relation to those kinds of issues, is that fair?---Yeah, to check with the receipt thing, yes.

So it wasn't always through Mr Wong. Sometimes it was directly with people at Labor Party head office, is that right?---Sorry, can you say that again?

Some time after the event, sometimes you would make direct contact with someone from, say, the Finance Department at ALP head office regarding the event, regarding matters such as payments associated with the event, is that right?---Mmm, but I contact Kenrick the most, and then if, if there's other parts that I need to, or I need to help the guest to inquiry about the, to inquire about the receipt, I will go to Maggie or the accountant in the ALP office.

10 Do you recall whether after the event anyone from Labor Party head office made contact with either you or with Mr Ernest Wong to say, "There's still some money to come in. Please make sure that the money comes in," something like that?---From my part, no.

THE COMMISSIONER: Can I just ask you that 12 March, which is the evening of the dinner, was a Thursday.---Mmm.

20 It was a Thursday. I can tell you that from looking at the calendar. So the next day Friday, presumably, was a working day. Do you remember the next day speaking to Mr Wong and asking him whether he thought it had been a success or anything like that, talking about the next day's discussions about the dinner?---Mmm, not really.

No. Okay.---Yeah.

So do you recall being in touch with head office that next day or whether he had been in touch with the office that day by phone or email?---I can't remember.

30 Do you remember being told that it had turned out to be a success or not? Or don't you remember?---Yeah, we really don't talk about whether the function is success or not, yeah.

Do you recall the next thing that occurred, after 12 March, about the finance or accounting side of things?---No, I do not recall, yeah.

You were working full-time at this stage with Mr Wong, were you, or not? ---At that time, in the time, I think yes, yeah, I work from Monday to Friday, yes.

40 Thank you.

MR ROBERTSON: After the dinner were you asked by Mr Wong to make contact with anyone to say, you came to the dinner but you haven't paid, you now need to pay for your seat? Do you have any recollection of anything like that?---No.

So you're fairly sure that you weren't asked to do something like that? ---Yeah, I weren't asked to do that kind of thing.

And is that consistent with what you told us before, namely most of the time payments are made in advance of the event, rather than at the event or after the event?---Yeah. And even though people come, people came but they did not paid on the, on that night, I think Ernest will like contact with them straightaway. I don't need to like follow up or chase this issue.

10 Now, you're aware that the Electoral Commission, the NSW Electoral Commission conducted an investigation in relation to the Chinese Friends of Labor dinner in 2015?---Yep, I think I heard it.

Well, and I think the Electoral Commission actually asked you for an interview. Is that right?---I can't remember whether they asked me for interview or not, but I do remember they send me the email, but during that time I think I was not in Australia then I told them that after I come back I will contact them.

20 Did you ask for any advice from Mr Wong or anyone else as to what you should do in response to the Electoral Commission's request for an interview?---I think I told Ernest about that interview thing at that time.

And what did Mr Wong say in response to that?---I can't remember, but if there's an interview, if I'm available I will definitely go and attend.

THE COMMISSIONER: Do you remember when it was that the Electoral Commission made contact with you for the first time? You might be able to relate that to the time you were overseas?---I think it's several years ago, like, two or three years ago, yeah.

30 MR ROBERTSON: Let me try and help you this way. Can we go please to volume 3A of the public inquiry brief, page 292. It'll come up on the screen in a moment, Ms Huang. While that's happening, I take it you're no relation to Mr Huang Xiangmo. Is that right?---No.

So you have the same family name but you don't have a relationship. Is that right?---No.

A family relationship.---No, yeah, no.

40 Just have a look on the screen. Do you see there's an email from Mr Baragry? It says, subject, Chinese Friends of Labor Dinner, and that's sent to your Gmail address. Do you see that there?---Yeah.

And note there that it's an email of August of 2017. Do you see that there?---Yeah.

And that's the way in which Mr Baragry contacted you and wrote to you seeking information. Is that right?---Yeah.

And if you have a look further up the screen, you then forwarded that on to Mr Wong.---Mmm.

You forwarded it on to your Parliament House email address and also to Alison Kelly.---Yeah, yeah.

And you say, "Please advise what I should do." Do you see that there?
---Yeah.

10

Now, Alison was Mr Wong's personal assistant. Is that right?---Yes.

And having sent this asking for advice, what advice were you given by either Mr Wong or Ms Kelly or anyone else?---From what I can remember I think just if they want anything then I'm able to provide, I will provide, yeah, but nothing particular, nothing special, yeah.

But if you have a look at towards the bottom of page 292 at the end of the email it says, "Please contact Peter Baragry to discuss the matter."---Yeah.

20

Did you contact Mr Baragry to discuss the matter?---No, at that time I did not because during that time I was, I think I was not in Australia, yeah.

Well, did you contact Mr Baragry and say I would like to help but I'm not in Australia so I can't do it right now?---I think I replied it, yeah, to saying that I'm not, I was not in Australia at that time.

Do you recall what email address you used to provide that response?---I think it's my Gmail personal one.

30

Let me try and help you further this way. If we go to page 295 of this bundle. Do you see there this seems to be a response to the email from Ms Kelly and she says, "Thanks for letting us know. I'm sure this is something for head office to deal with but Ernest will be best placed to advise you on that." Do you see that there?---Yeah.

Now, does that refresh your memory as to whether you had any conversations with anyone from head office or with Mr Wong as to what advice they had as to what you should do in response to the Electoral Commission's inquiries?---From head office no, no one contact me in regards to this matter but Ernest told me that I remember it's just if they want anything then if you can provide you can provide.

40

But what was Mr Wong's advice as to what you should do? Did he suggest that you should make contact with Mr Baragry and offer to provide assistance? Is that what you're saying?---Yes.

And you have a specific recollection of Mr Wong saying this around about August of 2017 after you got the email from Ms Kelly. Is that right?
---Yeah.

And having got that advice you didn't contact Mr Baragry, is that right, or are you saying you did?---No, I think I tell him that I was not in Australia during that time but I will make contact with him after I come back. But after I come back I did not make contact with him.

10 And why not?---I think I forgot about it.

Chief Commissioner, I tender the document that was on the screen which is from volume 3A, pages 292 to 296.

THE COMMISSIONER: Those documents then will be admitted and become Exhibit 201.

20 **#EXH-201 – EMAIL CHAIN FROM WINNIE HUANG TO ALISON KELLY, ERNEST WONG AND JIAYI HUANG TITLED ‘CHINESE FRIENDS OF LABOR DINNER’ DATED 2 AUGUST 2017**

MR ROBERTSON: I just want to go back to one other thing, Ms Huang. I think you accept it but I just want to be clear about this, that you had at least some involvement after the event in making sure that payments were processed at the head office end. Is that right?---Not to make sure the payment is processed but to make sure that if the guest come to ask me in regarding to the receipt then I was able to pass the message to the head
30 office and they are able to provide the receipt as such.

Can I just help you this way. Can we go, please, to Exhibit 178 and if we go to the second page of Exhibit 178, second PDF page which was marked as page 40 of volume 6. Just have a look at the email that starts about three-tenths of the way down the page.---Yeah.

This is you emailing from Claude Wan's email address to Maggie Wang and a copy to Ernest Wong. Do you see that there?---Yeah.

40 And it's 17 March so this is happening after the dinner.---Yeah.

And you're then asking Maggie Wang. Now, she's in the Finance Department within the ALP, is that right, at that time?---Yeah, yeah.

And you're chasing up and making sure that she processes the credit card forms to the next step. Is that right?---Yes.

And you're doing that after the event, but by the sounds of the last paragraph you had already sent those credit card forms to Mr Kenrick Cheah. Is that right?---Yes. I think I receive some of the forms beforehand but during that time I did not quite sure whether I already send it to either Ernest or the Labor Party but after the event then if I saw there are some forms in the office then probably I just need to send it again to make sure they have the record or make sure they process the payment.

10 But is it right to say that whilst you may have had some involvement in credit card payments after the event, like we've seen on the screen, you didn't have any involvement in cash payments after the event, is that right?
---Yeah, for the cash payment, no, but for the credit card maybe if I saw some forms in Ernest office, then I will pass this.

So is it right that Mr Wong took responsibility for cash payments and you really didn't have anything to do with that particular area, is that fair?---I don't know whether Ernest deal with the cash payment thing. Yeah, but for my part, no, for the cash payment I did not involve in that.

20 That's the examination, Chief Commissioner.

THE COMMISSIONER: Have you had occasion to discuss this investigation with anyone?---For the public hearing?

Mmm.---Public hearing, yes. Some of my friends.

Yes. Apart from friends, have you had any discussion with Mr Wong?
---For the public hearing? He already knew I was on the witness list, yeah.

30 How did he know that? You don't know.---Yeah, so I, yeah, so I - - -

Did you tell him or did he ask you or - - -?---Because this sort of information on the website, so, yeah.

MR ROBERTSON: Just on that topic, when is the last time you spoke to Mr Ernest Wong?---The last time, you mean in person or - - -

40 No, in any way. When is the last time you had contact with Mr Ernest Wong?---I think it's last week.

And what was the form of that contact? Was it by telephone, by message or - - -?---Oh, no, it's because I usually go to Ernest house and then to teach both his kids, so his sons and daughters are Chinese, yeah, and I was able to see Ernest.

So you still work for Mr Wong or at least for his family, is that right?---I wouldn't say it's work. It's just like a volunteering job, yeah.

But you see Mr Wong fairly regularly, is that right?---I wouldn't say it's regularly, but it's often. Like, once or twice a month, a month.

And you help tutor his children, is that right? Is that what you're saying?
---Yes.

And tutor them in languages, is that right? In Chinese.---Yes, language, Chinese one.

10 Have you discussed the Commission's investigation with Mr Ernest Wong?
---No, usually I just have the two hours tutorial with his kids, then after we finish the tutorial I just left, and it's not that every time I came Ernest was there, no, but Ernest wife Rita was there but we did not talk in regards to this matter.

But you've at least each noted that you have been summonsed to attend this public inquiry, is that right?---I think he knew about it and some of the others also knew about it.

20 And Mr Wong told you that he knew that you had been summonsed to attend and give evidence before this public inquiry, is that right?---For this public hearing, yes, for this one.

So at some point in time, Mr Wong said to you words to the effect of "I know that you have to give evidence in the inquiry as well," is that right?
---Yes, he noticed this situation.

30 Did Mr Wong give you any advice or suggestions as to how you should deal with your appearance before this inquiry?---No.

Have you ever discussed with Mr Wong the detail of what this Commission has been investigating?---No.

And does that answer also apply to the Electoral Commission's investigation? In other words, have you ever discussed with Mr Wong what the Electoral Commission was investigating before this Commission was conducting an investigation?---No. Because for that one I don't have much knowledge of it, and even though for this one I just read the transcript or look in the information from the website.

40 But you at least sought Mr Wong's advice as to what to do in relation to Mr Baragry's request?---Yes, for that one, yes.

And is that the extent of any communications you had with Mr Ernest Wong regarding the Electoral Commission's investigation?---No, because after I came back, I did not contact with Peter, contact with Peter, then I never heard any other things from that point, since then.

And from that point you never discussed the matter further with Mr Wong, is that right?---No.

THE COMMISSIONER: Yes, very well. Has anybody else got any questions for Ms Wong? Very well, Ms Wong, thank you for your attendance. You may step down. You're excused.---Thank you.

10

THE WITNESS EXCUSED

[11.25am]

THE COMMISSIONER: Very well. I'll take the morning tea adjournment.

SHORT ADJOURNMENT

[11.25am]

20 THE COMMISSIONER: Mr Robertson.

MR ROBERTSON: I call Yueran Zhan.

THE COMMISSIONER: Yes, thank you. Just do you take an affirmation or an oath?

MS LUM: Affirmation.

30 THE COMMISSIONER: Thank you. I'll deal with that first up. If you just take a seat for a moment, Mr Zhan.

<JOANNA LUM, affirmed

[11.51am]

THE COMMISSIONER: Thank you. Will you just state your full name on the record.

40 THE INTEPRETER: Joanna Lum, L-u-m, Mandarin interpreter.

THE COMMISSIONER: Thank you. Yes, I'll have the witness sworn, thanks. Will he take an oath or an affirmation?

MR ZHAN: *Affirmation.*

<YUERAN (KENNY) ZHAN, affirmed

[11.52am]

THE COMMISSIONER: Yes, thank you. Just take a seat there. Yes.

MR C. WATSON: Chief Commissioner, my name is Watson.

THE COMMISSIONER: Yes, Mr Watson.

10 MR C. WATSON: I seek leave to appear on behalf of Mr Zhan.

THE COMMISSIONER: Yes, I grant you leave to appear.

MR C. WATSON: I can inform you, Chief Commissioner, that Mr Zhan will be seeking a declaration pursuant to section 38.

THE COMMISSIONER: The provisions of the Act have been explained to him?

20 MR C. WATSON: They have, thank you.

THE COMMISSIONER: Mr Zhan, Mr Watson who appears for you indicates that you wish to have a declaration under section 38 of the Independent Commission Against Corruption Act made and I understand you understand what that involves. Is that right?---*Yes.*

You are entitled to make objection to answering questions or producing documents or other things but you are still of course obliged to give truthful answers. You understand that?---*I understand, yes.*

30

The effect of making a declaration under section 38 means that the evidence you give here today or documents or things that you produce can't be used against you in proceedings in the future. You understand that?---*Yes.*

There is one exception to that, and that is that if you were to commit an offence under the Independent Commission Against Corruption Act, such as giving misleading or false evidence, then the evidence could be used against you if prosecuted for such an offence. Do you understand what I'm saying?---*Understand.*

40

I note that the penalty for giving false or misleading evidence is a term of imprisonment of five years. Having given you that explanation I will make an order under section 38.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness, Mr Kenny Zhan, and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on

objection. There is accordingly no need for him to make objection in respect of any particular answer given or document or thing produced.

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

THE COMMISSIONER: Thank you, Mr Robertson.

MR ROBERTSON: Mr Zhan, your Chinese name is Yueran Zhan. Is that right?---Yes, correct.

And you're also known as Kenny?---Yueran Zhan, Y-u-e-r-a-n, my surname is Z-h-a-n. *Sometimes, my full name is Yueran Zhan, my last name is Z-h-a-n, Zhan.*

And are you also known by the English name, Kenny?---Yes. *Correct.*

How well do you speak English?---*Basic.*

THE COMMISSIONER: Sorry, very?

THE INTERPRETER: Basic.

THE COMMISSIONER: Basic. What's your occupation?---*Accountant or accounting officer.*

MR ROBERTSON: Are you happy to continue in English except where you needs interpretation or would you prefer to do the whole examination in translated from Mandarin?---*I like it done through the interpreter.*

Are you one of the company secretaries of Wu International Investments Pty Ltd?---*Correct.*

Can you just explain what business Wu International Investments Pty Ltd is in, in general terms?---*Main predominantly in investment, before it was involved in project development and other investments, at the moment it's mainly rentals.*

Is it right to say that Wu International was involved in project development in 2015 and 2016?---*I remember in 2015 the project have completed already at certain time in 2015.*

But you can't remember exactly when, is that right?---*I can't recall exactly. I think it would be from the middle of the year to the end of the year.*

10 What is your role in Wu International?---*I am mainly responsible for accounting roles like bookkeeping.*

How long have you worked at Wu International?---*I started as a part-time staff in the middle of 2014, and from the end of 2015 till now I'm still a full-time worker there.*

20 Other than bookkeeping and other things concerned with accounting, do you have any other roles within Wu International?---*Mainly in finance and financial analysis, and then sometimes I'm involved in being a driver since I have my own licence.*

When you act as a driver, you are driving for who?---*For the daily activities of the company like project study.*

But when you are driving, who is the person you are driving around?---*Mainly staff from the company.*

Does that include Mr Alex Wood?---*Yes.*

30 Is Alex Wood the Managing Director of Wu International Investments Pty Ltd?---*Correct.*

And does Mr Alex Wood, to your knowledge, live in Australia?---*He does.*

Is Alex Wood's father Mr Bobby Wu?---*Correct.*

40 And is that why it's called Wu Investments? It's named after either Bobby Wu or Alex Wood, whose surname used to be Wu?---*I'm not sure, but this is my guess too.*

What involvement does Mr Bobby Wu, to your knowledge, have in Wu International Investments in Australia?---*To my knowledge, he seldom comes, came back, and every time he came back he would go and have discussion with Dr Liao and Alex Wu, but I don't know what they'd talk about.*

Was Dr Liao the Deputy General Manager of Wu International Investments in Australia?---*Correct.*

You are aware that Dr Liao has passed away?---*Yes.*

Is it correct that when Dr Liao was alive and worked at Wu International, he was involved in the day-to-day management of Wu International?

---*Correct.*

And as deputy manager, he worked very closely with Mr Alex Wood, correct?---*To my knowledge, yes.*

10

And he would have discussions and take directions from Mr Bobby Wu when Mr Bobby Wu was in Australia, correct?

THE INTERPRETER: He referred to Liao or - - -

MR ROBERTSON: I'll put the question again. When Dr Liao was alive and working at Wu International, he would have discussions from time to time with Mr Bobby Wu when he was in Australia?---*I actually don't know what the relationship between them was, and, but I know that they would have meetings together.*

20

But when Mr Bobby Wu is in Australia, he gives instructions as to what should happen at Wu International Investments in Australia, is that correct? ---*That I don't know. I take the instructions from Dr Liao.*

When Dr Liao was alive and working at Wu International, you worked closely with him, is that correct?---*Basically he was my boss, so that would, the matters between us would be, would have to do, like, would be in relation to our work, and other than that there was nothing else.*

30

Would you consider Dr Liao a friend?---*He's a very easy-going person. To a certain extent I would regard him as a friend.*

How many people currently work at Wu International Investments in Australia?---*Under the company there is me, another accounting person, the front desk, front desk person and a part-time person.*

40

In 2016 was there around about the same number of employees at Wu International or were there more or less?---*We have less now compared to 2016.*

Were there many more or just a few more back in 2016?---*A few, just a few more, to my recollection at that time.*

So is it correct to say that when Wu International had more projects in property development that it was involved in, it had more employees and over time there has been less employees. Is that correct?---*Before there were, yeah, you can say so.*

Are the present offices of Wu International in Chatswood?---*Correct.*

How long has the Wu International office been in Chatswood for?
---*To my recollection we moved in there in 2017.*

And before then was the offices Level 6, 650 George Street, Sydney?

10 THE INTERPRETER: Level 6, did you say?

MR ROBERTSON: Level 6, 650 George Street.---*Correct.*

In the present location in Chatswood do staff have their own separate offices or is there an open plan where everyone sits?---*Basically two person sits together. We do have open plan sort of set-up and we also have rooms and most of the people are seated inside a room.*

20 Does each employee have their own computer or do they share computers?
---*Each staff would have his or her own computer.*

Who is responsible for maintaining the computers and software on the computers? Is it someone within Wu International or someone outside of Wu International?---*We don't have a specific, we don't have a person specifically responsible for this role. *

30 Then if a computer needed some new software or new operating system, would that be performed by someone within Wu International or someone outside of Wu International?---*To my recollection each of us are responsible for doing so ourselves.*

But what about in relation to people who have left the company, such as Dr Liao, who would be responsible for dealing with his computer?---*We have someone called Oliver who has, Oliver who have, has left and he was responsible for that.*

So Oliver worked at Wu International in 2018 when Dr Liao passed away. Is that right?---*Correct.*

40 And was he responsible for dealing with Dr Liao's computer after he had passed away. Is that right?---*He was responsible for the computer at a later stage. He had to do some update, but I wouldn't say that he was specifically responsible for Dr Liao's computer.*

But was Oliver working at Wu International in the middle of 2018?---*Yes. He has the same office as we did.*

Does he work for Wu International or does he work for a different company?---*It could be staff from another company.*

Do you happen to know the name of that other company?---It's Tongda International. *Tongda International.*

And Tongda International is a company that is related to Wu International Investments. Is that right?---*We share the same work location.*

THE COMMISSIONER: Does Oliver still work there?---*He has resigned already.*

10

When did he resign?---*Middle of this year.*

And what was his surname?---*Xu, X-u.*

MR ROBERTSON: Was Mr Xu, X-u, employed by Tongda International in 2017?---*I can't remember clearly. Maybe, yes.*

Alex Wu is one of the owners of Tongda International. Is that correct? ---*To my knowledge, no.*

20

You're aware that Dr Liao died in about the middle of 2018?---*Correct.*

In fact you found, you were the first person to find his body. Is that right? ---*To my recollection the police found, found it.*

But you noticed that Dr Liao was missing on the day that he was found. Is that right?---*Can you repeat your question.*

30

You assisted the police on the evening that Dr Liao was found because you noticed that Dr Liao was missing. Is that right?---*I couldn't contact Dr Liao so that night we reported it to the police.*

Before Dr Liao died, in the days and weeks leading up to that, did Dr Liao seem depressed or upset, more than he might otherwise be?---*To my recollection, he appeared a bit tired to me.*

Did you have any discussions with Dr Liao as to why he might appear tired or how he might be presenting in that way?---*No.*

40

THE COMMISSIONER: Can I ask you, did Dr Liao, who you regarded as both work colleague and friend to some extent, confide in you as to any problems that he had in the days or weeks before he died?---*No.*

MR ROBERTSON: To your knowledge, was Dr Liao a supporter of the Australian Labor Party?---*We never had any conversation about that.*

And do I take it, to your knowledge, he wasn't a supporter of the Country Labor Party either?---*Can you say that again?*

To your knowledge, was Dr Liao a supporter of the Country Labor Party?
---*I do not know.*

THE COMMISSIONER: In any discussions you had with Dr Liao, did he ever indicate that he had an interest in politics or not?---*I personally am not interested in politics, so to my recollection he hasn't had any conversation with me about that.*

10 MR ROBERTSON: At the time of Dr Liao's death, did you know that Dr Liao was a person that this Commission – the Independent Commission Against Corruption – was interested in talking to?---*I saw something after his death and came to be aware of that only.*

But did you know about that before his death?---*No.*

Before his death, did you have any discussions with Dr Liao concerning political donations?---*No.*

20 The night that you found Dr Liao's body was a Sunday night, is that correct?---*It's been too long ago. I can't remember.*

But do you at least recall that it was not a business working day, it was a weekend?---*Possibly.*

Earlier that day you were attending a business conference in the City of Sydney, is that correct?---*Correct.*

30 What was the nature of that business conference?---*I don't know, I didn't know the details but it was arranged by Dr Liao for me to attend so I just complied to his arrangements.*

Who else was in attendance at that business conference?---*There were hundreds of participants in that meeting. I don't know who else was there, but there were a few of us from my company.*

Where did that business conference take place?---*To my recollection at Star City Casino.*

40 You mentioned that there was others from your company at that business conference, do you recall who they were?---*To my recollection I think Alex was there, Oliver Xu was there. I can't recall who else was there.*

You said that Dr Liao asked you to attend the conference. Is that correct?
---*Possibly, to my recollection, yes.*

Can you remember why Dr Liao wanted you to attend that conference?
---*To my recollection it was a group activity where all the staff, each of the staff was required to attend and so I did.*

Do you know who Mr Huang Xiangmo is?---*I knew, I do from the news.*

Is that the only way you know who Mr Huang Xiangmo is?---*To my recollection, yes.*

10 Did you know who he was at the time that you attended the conference in about the middle of June 2018?---*I knew he was the, the boss of his company called Yuhu.*

To your recollection was Mr Huang Xiangmo at the business conference that you referred to that you attended on the day that you found Dr Liao's body?---*To my recollection I haven't seen him there.*

20 Do you know Mr Ernest Wong?---*I know him and at the beginning I know him from the TV, like on the TV.*

THE COMMISSIONER: Sorry, I didn't hear that, you know him?

THE INTERPRETER: On the TV. I saw him on the TV

WITNESS: At the beginning.

MR ROBERTSON: When you say at the beginning, when do you mean?
---*I came to be aware of this person a few years ago.*

30 Did you know who he was as at 2016?---*I remember he was a government official.*

Have you ever met Mr Ernest Wong?---*To my recollection, yes, I have seen him, although he might not remember me, and then there was another contact afterwards as well.*

40 Do you recall how many times you have met Mr Ernest Wong?---*I haven't met him privately, but I have met, met him a few times in a public sort of set-up, but I can't recall how many times already.*

Have you ever met Mr Ernest Wong either at the offices of Wu International or at a Wu International project?---*Not to my recollection.*

To your knowledge, has Mr Ernest Wong had any contacts or dealings with either Mr Alex Wood or Mr Bobby Wu?---*That I don't know. It's something private for themselves.*

You have not seen Mr Ernest Wong having a meeting with either Bobby Wu or Alex Wu, is that correct?---*To my recollection, I haven't seen them having a meeting.*

Do you know a Mr Steve Tong?---*Yes, an ex-colleague of mine.*

When you say ex-colleague, was he someone who also worked at Wu International?---*Correct.*

10 Do you know what role he performed when he worked at Wu International?---*To my recollection, he was a project manager.*

Do you recall about when Mr Tong stopped working for Wu International? ---*Around 2016.*

To your knowledge does Wu International or Bobby Wu or Alex Wood have any business activities in the People's Republic of China?---*I'm not, I do not know what they do in China.*

20 But they do have some activities in China, you just don't know the details of that, is that correct?

MR C. WATSON: Can I just object on that. Is it collectively or individually? If my friend can clarify that aspect, just in fairness to the witness.

MR ROBERTSON: I'll withdraw the question. Is it the case that you know that – I withdraw that. To your knowledge, does Bobby Wu have any business activities in the People's Republic of China?---*I do not know.*

30 When is the last time you had any communications with Mr Steve Tong? ---*It should have been last year.*

Do you recall when last year?---*To my recollection it was end of last year.*

Did you contact him or did he contact you?---*I can't remember who contacted who, but we did meet up.*

40 Why did you meet up?---*We do catch up sometimes with old colleagues for yum cha and I think we caught up last year because he said he wasn't feeling very well, he wasn't healthy.*

So would you regard Mr Tong as a friend?---It depends. *It depends. To a certain extent, yes.*

How many times did you meet Mr Tong last year?---*I can't remember but I clearly remember that I have met him up last year.*

Was that on one occasion or more than one occasion?---*Once or twice to my recollection.*

Was the only topic of discussion when you met with Mr Tong last year matters of his health or were there other topics?---*We have talked about the death of Dr Liao.*

10 When did you first speak to Mr Tong about the death of Dr Liao?---*Can't remember.*

Well, was it soon after Dr Liao's death or was it some months after that had occurred?---*To my recollection a few months since.*

Other than the two topics you've identified, the health and the death of Dr Liao, what other topics have you discussed with Mr Tong last year? ---*We discussed also about the management of the company.*

20 Is the only location that you met Mr Tong last year a yum cha restaurant or have you met him at another location?---*I remember I went to his home. Let me clarify. It's just at the entrance of his home.*

So you've met Mr Tong at the entrance of his home and at a yum cha restaurant, but is that the only locations that you have met Mr Tong last year?---*Not at a yum cha place but just at the, at the door we met.*

30 THE INTERPRETER: I got him to clarify whether it was the door of a yum cha place or of his home and he furthered that it was at the entrance of his home.

MR ROBERTSON: But to be clear, the only locations that you have met Dr Tong last year is at the entrance of a home and perhaps an entrance of a yum cha restaurant. Do I have that right?

THE INTERPRETER: Dr Tong? Mr Tong.

MR ROBERTSON: Mr Tong.---*I met him, I met him at the, at the entrance of his home.*

40 But is that the only place you have met Mr Tong last year?---*I remember coming to the city with him.*

Does that mean you've picked him up and you drove him to the city? ---*Correct.*

When you drove to the city, where did you go?---*I remember he told me to go to Parliament House. No, we first went to World Square and then we went to Parliament House in a taxi.*

You first went to where, sorry, World Square, was it?---*Correct, yes, World Square.*

Why did you go to World Square?---*We got a car park there.*

And you then went from World Square to Parliament House by taxi?
---*Correct.*

10 Who made arrangements for you to go with Mr Tong to Parliament House, was that you or Mr Tong?---*I can't recall.*

But when you picked Mr Tong up, you knew the destination was to go to Parliament House. Is that right?---*Yes.*

Whose idea was it to go to Parliament House, was it Mr Tong's, yours or someone else's?---*I can't recall. It could be Steve's idea or Ernest Wong or Alex. I can't recall.*

20 When you drove to Mr Tong's house to pick him up, I take it you knew that you were picking him up to take him to Parliament House. Is that right?
---*Yes, to my recollection.*

And was it Alex Wood who told you to pick up Mr Tong and take him to Parliament House?---*I can't remember who that was.*

Did you make arrangements with Mr Tong before you picked him up as to what time you were going to pick him up to go to Parliament House?
---*Possibly, to my recollection, yes.*

30 When you drove towards Mr Tong's house to pick him up to go to Parliament House, what was the purpose of going to Parliament House as you understood it?---*I, I don't know. I was just driving to help him.*

So is it right to say that before you picked up Mr Tong, you knew you were going to Parliament House, is that right?---*Possibly, yes.*

At that point in time, who did you think that you or Mr Tong were going to see in Parliament House?---*To my recollection, Mr Wong.*

40 When you say Mr Wong, you mean Mr Ernest Wong, is that right?
---*Correct.*

And you knew that at that point in time Mr Ernest Wong was an official, he was a member of the Legislative Council, correct?---*I know he worked for the government. I don't know what role he held at that time.*

Who told you that the purpose of going to Parliament House was to see Mr Ernest Wong? Was it Mr Alex Wood?---*I can't recall who asked me to go and, like, meet with them, but I know the purpose was to see Ernest Wong.*

Did you call Mr Ernest Wong in relation to arrangements for the meeting with you and Mr Tong?---*I remember speaking to him on the phone but I can't recall whether I called him or he called me.*

10 And you spoke to Mr Ernest Wong on the phone around about the time that you picked up Mr Tong, is that right?---*I think that was a gap of two, one or two days between the two.*

Was it always the case that the meeting was arranged to take place in Parliament House or may have it been arranged for some other location and then changed to Parliament House?---*I remember it was first agreed to be in Chatswood, but then Ernest Wong asked to change to Parliament House.*

20 Do you recall where in Chatswood it had been first arranged to take place? ---*I don't recall specific location.*

But you do recall that after it had been arranged to take place in Chatswood there had been a change and it would instead take place at Parliament House. Is that right?---*I can't be 100 per cent sure but to my recollection that was what happened.*

Who decided to change the venue from Chatswood to Parliament House? ---*To my recollection it was possibly Ernest Wong's.*

30 And do you have a recollection of Mr Ernest Wong making contact with you to change those arrangements?---*He might have, he might not have. I can't remember.*

When you were driving to Mr Tong to pick him up did you know what the meeting was intended to be about with Mr Ernest Wong?---*I just know I was only helping Steve driving him to the Parliament House.*

40 Did Mr Tong say to you while you were travelling to Parliament House what he thought the meeting was about?---*No. We talked extensively about Dr Liao's death.*

Could that be the first time that Mr Tong knew about Dr Liao's death? ---*That I don't know but I remember there was, this was the first time I, I spoke to him about that.*

Is that the only topic of your discussion as you were driving from Mr Tong's house into the city of Sydney?---*And other, and other matters relating to the management of the company and I can't recall what else we talked about.*

THE COMMISSIONER: You said Mr Tong talked extensively about Dr Liao's death. Is that right?---*I was doing most of the talking.*

And was the discussion around Dr Liao's death concerned with why he took his life?---*That was mentioned and I said he would, he was probably under a lot of stress or that he might have depression but we don't know the details.*

10 And what did Mr Tong say on that subject?---*I can't remember clearly.*

This trip to Parliament House was a most unusual one, wasn't it? That is to say, you'd never been to Parliament House before I take it?---*I have been there as a tourist myself before.*

Have you been there otherwise, other than being a tourist once?---*I have been there once with Steve?*

Once?

20

THE INTERPRETER: Once with Steve.

THE COMMISSIONER: With?

THE INTERPRETER: Steve.

THE COMMISSIONER: Steve. I see. So was this the second trip that you'd made to Parliament House in the company of Steve Tong?---*I can't, I can't remember clearly. I could have been there before but I can't
30 remember clearly now.*

Well, on the day you've already given evidence about when you drove Mr Tong to, so he could go to Parliament House, you must have been curious as to why he, Mr Tong, was going to Parliament House and asked him. Is that right?---*I don't recall those details.*

Did you ask him why are we going to Parliament House or why are you going to Parliament House?---*I really don't recall.*

40 MR ROBERTSON: But you must have at least been curious, you are driving to Parliament House to see an official of the government.---*I was.*

Is it fair to say that Mr Wood or someone from Wu International must have given you instructions to drive Mr Tong to Parliament House?---*That is possible but I can't recall.*

This driving was happening on a business day. Correct?---*Yes, to my recollection, yes.*

And you at that time, you were working full-time for Wu International.
Correct?---*Yes.*

And so in a business day you wouldn't be driving Mr Tong around as a
favour to him, you would be doing the business of Wu International.
Correct?---*I can't recall clearly but I remember it was a workday when I
drove him there.*

10 THE COMMISSIONER: Mr Zhan, I'll just remind you what I said before
about the importance of telling the truth about the matters you're being
asked questions. I emphasise to you that evidence that's not true, that is
evidence that's false or it's misleading is a criminal offence which attracts a
gaol sentence of up to five years. Do you recall me saying that?---*I do.*

I want you to listen to these questions now and very carefully answer them
truthfully. Do you understand what I'm saying?---*Understand.*

20 MR ROBERTSON: Mr Zhan, it was Mr Alex Wu who asked you to drive
Mr Tong to Parliament House, wasn't it?---*It's possible. I remember it
was a workday but I really can't say for 100 per cent sure that it was him
who asked me to send him.*

Mr Tong was not working at Wu International last year in 2018. Correct?
---*That's right.*

30 Then can you offer any explanation as to why you would be driving around
Mr Tong who is not working at Wu International in 2018 on a workday?
---*So that's why it would be possible that Alex will have told me to do so.*

So is the answer to my question no, you can't offer any explanation as to
why you would be driving Mr Tong around on a workday?---*I only recall
receiving a phone call to ask me to make arrangements and I can't remember
whether it was a call from Alex Wu, Steve or Ernest Wong.*

Well, I'm suggesting there's no reason why you would driving Mr Tong
around on Mr Tong's request. Do you agree with that?---*You can say so,
yes.*

40 And therefore the request must have come from someone other than
Mr Tong. Do you agree with that?---*Possibly. Possibly right.*

THE COMMISSIONER: You wouldn't be driving Mr Tong around on a
workday in worktime unless your employer approved of what, approved or
asked you to do it. Isn't that right?---*That's correct.*

MR ROBERTSON: Is that a convenient time, Chief Commissioner.

THE COMMISSIONER: Thank you, yes. We'll take the adjournment for lunch and we'll resume at 2.05.

LUNCHEON ADJOURNMENT

[1.04pm]