

AEROPUB00650
04/09/2019

AERO
pp 00650-00673

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 2.05PM

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

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

THE COMMISSIONER: Yes, Mr Robertson.

MR ROBERTSON: Mr Zhan, who is Fei Peng Wu?---*To my knowledge that's Bobby Wu.*

10 That's another name for, that's the Chinese name of Bobby Wu. Is that right?---*Yes, that should be the case.*

I asked you some questions before about when you were in the vehicle with Mr Tong travelling in the direction of Parliament House. Do you recall that?---*Yes. Can you ask the question again.*

And in answer to one of the Chief Commissioner's questions you said that one of the reasons that you speculated that Dr Liao may have taken his own life was that he had lots of stress and depression.---*That's right.*

20 Why did you think that Dr Liao had lots of stress and depression?---*In the last week I've noticed that he didn't speak very much. He didn't communicate with us much. There was very little interaction and that gave me the impression that he was feeling very tired or if there was something wrong, something wrong with his health.*

Did you have any discussions with Dr Liao where you raised the issue that he seemed to be stressed or depressed?---*No, I haven't asked about that, those things.*

30 Did Dr Liao say anything to you about why he may have been stressed or depressed?---*To my recollection he hasn't talked to us about those things. In our conversation, our conversation related to work only.*

Did anyone else say to you why they thought Dr Liao may have been stressed or depressed?---*We had a discussion to that effect after his death but we haven't noticed, noticed it before he died.*

40 When you say we, that's a discussion between you and who?---*Because he's the deputy manager of our company we had discussion, we had this discussion at the workplace.*

So are you saying you had a discussion with Dr Liao regarding his state of mind. Is that what you're saying?---*No. I mean with Alex Wu and Oliver and Mrs Liao.*

When was this discussion that you're referring to?---*That was after his death because we were all puzzled as to why he did that. We speculated

those were the reasons. We were all puzzled as to why he made such a choice.*

Did any of those people in that discussion identify any reasons why Dr Liao may have had lots of stress or depression?---*To my recollection, no.*

10 THE COMMISSIONER: What about Alex Wood, who worked very closely with Dr Liao? Has he told you why he believes he was depressed? ---*I can't remember but maybe, also maybe it was because he had a lot of stress from work and also someone suggest that someone, someone in his family has died the year before, Alex said that someone, a relative in Dr Liao's family was died in an fire.*

Did you receive information from anyone, including in particular Mr Tong, that he was very worried about his role in relation to donations made to the Labor Party?---*To my recollection, no, because I'm not sensitive to any political matters.*

20 MR ROBERTSON: Back to the journey to Parliament House. You pick up Mr Tong and you drive to World Square to park. Is that right?---*Yes.*

And do you agree that that happened on a workday, around about the middle of September 2018?---*That should be the case, yes, should have been the case.*

You park at World Square and take a taxi then to Parliament House. Correct?---*Yes.*

30 And you exit the taxi near Parliament House. Correct?---*Correct.*

What happens then?---*Because Steve wasn't feeling well I accompanied him and accompany him to the Parliament House.*

Do you recall whether you entered the entrance at the front of Parliament House or the back of Parliament House?---*I went in through the front, through the security gate I remember.*

40 And when you say the front, you mean the Macquarie Street side. Correct? ---*Yes, correct.*

You then go through security and then into the main building of Parliament House. Correct?---*Yes, that's possibly right.*

And at that point you are with Mr Tong but no one else. Is that right? ---*I took him into the Parliament House, there was no one else at that time.*

And what happens after that point?---*I remember Ernest Wong was waiting for us at the door.*

So is it right to say that in the entrance area near a security point, Mr Wong met you and Mr Tong. Is that right?---*I remember he was at the door past the security point.*

And does Mr Wong then sign you in with security?---*Yes, to my recollection.*

10

And then I take it you walk with Mr Wong and Mr Tong to Mr Wong's office. Is that right?---*Looks like that was the case.*

And once you arrive at Mr Wong's parliamentary office with Mr Tong and Mr Ernest Wong, what then happens?---*They appear to be chatting.*

Before that happens, while you're all walking to Ernest Wong's office, was there any discussion between Mr Wong, Mr Tong and you?---*I think so, but just a general conversation.*

20

So do you have any recollection of what was discussed between being signed in and getting to Mr Wong's office?---*I can't remember the details but I remember it was just a general greeting or chit-chat.*

You referred a moment ago to a discussion that happened once you arrived at Mr Tong's office – sorry, Mr Wong's office with Mr Tong. Doing the best you can, can you tell us what Mr Wong said, what Mr Tong said and if you said anything what you said?---*It's been more than a year ago. I can't recall the details. However, I remember, because it was a private conversation between them I was playing with my phone, focused on my phone because it was not a matter related to me so I wasn't paying attention to the conversation.*

30

THE COMMISSIONER: You were curious as to why Mr Tong was going to Parliament House that day, weren't you?---*Yes.*

And you were in the room and you could hear them talking.---*Yes, I heard some but it was a private conversation and I as a bystander I wasn't very interested.*

40

But you were still curious, weren't you, curious as to why Mr Tong was coming all this way from his home into Parliament House that day?---*A bit, yes.*

Now, I am directing you to tell the Commission what Mr Wong said at this meeting and what Mr Tong said at this meeting. Even if you can't remember the actual words, I direct you to now give evidence as to what

Mr Wong said, what Mr Tong said. Do you understand me?---(No Audible Reply)

Do you understand? Do your very best now to tell us what was said.
---*Yes, I understand. I felt like they were not familiar with each other.
Steve then said that I have, that I have worked with the Water Board before,
Sydney Water, and then Steve talked about something about his past mainly
related to his work. Most of them I can't recall clearly, the memory is fake,
but most of them related to his own health, Steve's health. And then, and
10 there was something about Mr Liao, I can't recall clearly. I can't recall
everything now.*

What did Mr Wong say?---*He might have said something like Alex is still
young, that he's not mature enough and needs some guidance. I remember
he said that.*

Keep going. What else did he say?---*I can't recall too many things. It's
been too long.*

20 You stop and think about it. I reminded you before of your obligation to
give true and accurate evidence, not false or misleading evidence. Do you
remember me reminding you of that?---*I understand.*

What else did Mr Wong say at this meeting that was arranged for him to
speak to Mr Tong. What did he say?---*Their conversation lasted for about
10 to 20 minutes but most of the time I was playing with my phone, looking
out at the view outside, and I can't remember too many things about it.*

30 MR ROBERTSON: Have you had any discussions with Alex Wood
regarding your attendance before this Commission to give evidence today?

THE INTERPRETER: Regarding your - - -?

MR ROBERTSON: Attendance to give evidence before this Commission
today.---*I did because we, because I am still working in his company.*

What did Mr Alex Wood say to you about you giving evidence today?
---*We didn't talk about anything other than what has been announced in
the news.*

40 Did Mr Wood give you any suggestions as to what you should say or should
not say in response to questions in this public inquiry?---*To my
recollection, no.*

Was Mr Alex Wood in the hearing room this morning?---*I saw him outside
this morning. I'm not sure. I haven't paid attention whether, to see whether
he is inside our room this morning.*

Have you seen him on this floor of this building today? Is that right?
---*Correct.*

Did you travel to this Commission together or separately this morning?
---*Separately.*

10 Is it your honest evidence that Mr Wood made no suggestions to you as to what you should say concerning questions asked in this Commission public inquiry?---*I should say basically I haven't heard him saying words to that effect.*

Have you ever discussed with Alex Wood what happened at the meeting in Parliament House with Mr Wong and Mr Tong?---*Not to my recollection.*

20 Is that your honest evidence that after having the meeting in Parliament House with Mr Wong and Mr Tong you didn't say a word to Mr Alex Wood regarding that matter? Is that your honest evidence?---*Let me think about that. I remember I have mentioned that but it's been so long I can't remember clearly now.*

So you're at least accepting, are you, that you reported to Mr Alex Wood regarding the meeting at Parliament House that Mr Wong and Mr Tong attended. Correct?

MR C. WATSON: I object. The word "reported" it's - - -

THE COMMISSIONER: No, no, I allow it.

30 THE WITNESS: *I have mentioned the matter to him but because I didn't know what they have discussed about so I haven't told him what they discussed about.*

MR ROBERTSON: So to be clear, are you saying you haven't said to Mr Alex Wood what was discussed at the meeting in Parliament House with Mr Wong and Mr Tong. Is that your honest evidence?---*It's been too long but I have mentioned to Alex that I have sent Steve to Ernest Wong for a meeting, that's a fact, but I, I don't recall what they have talked about and therefore I haven't told Alex what they've talked about.*

40 Have you told anyone else about what Mr Wong and Mr Tong talked about in Parliament House?---*Not to my recollection.*

THE COMMISSIONER: You accept now, don't you, that it was Alex Wu who asked you to drive Mr Tong to Parliament House?---*I can't recall whether it was him or anyone else who told me to do so.*

Well, it was somebody within Wu International who asked you to pick up Mr Tong and drive him to Parliament House. Is that right?---*Possibly, but I only recall that they have met up.*

Sorry, say that again?

THE INTERPRETER: That's possibly but I only recall that they have met up.

10 THE COMMISSIONER: That they have?

THE INTERPRETER: Met up.

THE COMMISSIONER: You recall you were driving him to Parliament House on a workday, don't you?---*Correct.*

And you accept that it wasn't your idea during business hours to take Mr Tong on a trip to Parliament House. That's true, isn't it?---*Not mine, I was only working there.*

20

And you would not have taken him during business hours without the knowledge of your boss?---*I can't recall because - - -*

You would not have just taken it upon yourself, would you, to have left work and taken Mr Tong to Parliament House unless somebody in Wu International knew that you were going to do that and had permission to do that?---*That's possible, but I can't recall who that was.*

30

And the only rational conclusion is that the person likely to have given you permission and/or instruction to take Mr Tong to Parliament House was Alex Wu or Alex Wood. Correct?---*As a reasonable presumption, yes.*

This was a most unusual event, wasn't it, for you to drive Mr Tong to Parliament House?---*Yes, a little bit, although I often drive.*

Yes, but you don't often drive Mr Tong around town, do you?---*Correct.*

You haven't driven Mr Tong anywhere before this trip to Parliament House, had you?---*I have driven him before when we worked together before.*

40

Yes, on work business, business or work. Is that right?---*Correct.*

Since he ceased work at Wu International you've never driven him on any trip other than this one trip to Parliament House. Is that right?---*That's right. That, that one occasion where I drove him to the Parliament House.*

And it's the case, isn't it, that you would not have taken Mr Tong to Parliament House that day unless somebody asked you to?---*Yes.*

And you can't think of anyone outside Wu International who would have been likely to have asked you to make that trip. Is that right?---*Outside of Wu International it could be Ernest Wong, it could be Steve Tong but I can't remember.*

10 Apart from those two people, logically it would have had to have been somebody within Wu International who asked you to take Mr Tong to Parliament House. Correct?---*No one else. Can you repeat your question.*

If it wasn't Mr Tong and it wasn't Mr Wong who asked for Mr Tong to be driven into Parliament House it would have to be somebody, logically, rationally had to be somebody within Wu International. Is that right? ---*You can say so.*

You agree?---*Yes.*

20 MR ROBERTSON: Mr Zhan, just before lunchtime the Chief Commissioner asked you this question, "You wouldn't be driving Mr Tong around on a workday in worktime unless your employer approved or asked you to do that. Isn't that right?" And you answered, "That's correct." When you gave that answer to the Chief Commissioner you were giving an honest response to the Chief Commissioner. Correct?---*That should be the case, yes.*

Not just it should be the case, that was your honest answer to the Chief Commissioner's question. Correct?---*Logically, yes.*

30 Although you were playing with your telephone during the meeting between Mr Wong and Tong at Parliament House, you were present throughout the time of that discussion. Correct?---*I can't recall whether or not I have excused myself and went to the toilet.*

You said in answer to one of the Chief Commissioner's question that the meeting went for about 10 or 20 minutes. Correct?---*I guess, I guess so. It wasn't too long.*

40 You did not excuse yourself to go to the toilet or for anything else during the course of those 10 or 20 minutes, did you?---*I can't recall.*

THE COMMISSIONER: When Mr Tong was talking with Mr Wong at Parliament House on the day in question, did Mr Tong, during the course of the discussion, appear to get upset or agitated?---*Yes.*

Or he could have even had an appearance of being angry when he was talking to Mr Wong. Would you agree or not?---*I recall since getting into the car he appeared to be quite angry, some of that related to the

management of the company and I remember he was also, he also appeared so at the meeting. I had that feeling because he was speaking quite loudly.*

So at this time Mr Wong had long since been a worker or employee at Wu International. Correct?

INTERPRETER: Mr, sorry?

10 THE COMMISSIONER: Sorry, Mr Tong had long since finished working at Wu International, that is as of the date of the parliamentary meeting at Parliament House?---*Over two years already I think.*

So you say he was upset about something for which management was responsible. Is that as you understood what he was saying?---*Yes.*

20 So there was something – I withdraw that. When we're talking about management of Wu International, who do you understand he would be referring to?---*He was referring to Dr Liao most of the time or he also mentioned Alex.*

Alex. And is this right. It appeared to you from what he said and his appearance that he was upset or agitated or angry and that was directed to people in management and it had something to do with Dr Liao. Is that right?---*Correct.*

30 Right. So from what he was saying and how he appeared, at or after or both this meeting at Parliament House, whatever had been said or passed between him and Mr Wong had concerned management or people in management, firstly at Wu International. Is that right?

INTERPRETER: Can I ask Your Honour to repeat the question?

THE COMMISSIONER: Yes. When you saw Mr Tong both inside Parliament House and after he had left, in an upset condition or agitated condition, you understood him to be at that time making reference to firstly people in management at Wu International. Correct?---*Yes, yes.*

40 And secondly, upset or agitated, as you understood what he was saying, about something that was connected with Dr Liao. Is that right?---*It's been too long, yeah, from my recollection, yes.*

But do you agree that it had, he was saying something, his agitation, his upset was directed both at management of Wu International and also had something to do with Dr Liao. Is that what you say?---*Yes.*

Now, having thought about it more, can you recall anything said on those matters or either one of them during the course of the discussion between Mr Tong and Mr Wong and/or when he had left the meeting and was in the

car with you going home?---*We then had general conversation. I reminded him to look after his health, I wasn't familiar with Ernest Wong so I hadn't mentioned about him. That was my recollection.*

MR ROBERTSON: Mr Zhan, you said a little while ago that you thought that Mr Wong and Mr Tong were not friendly with each other. Why did you think that they weren't friendly with each other?

10 INTERPRETER: Familiar was the word I used. They were not familiar with each other, that was my - - -

MR ROBERTSON: Family not friendly?

INTERPRETER: Familiar, no, familiar.

MR ROBERTSON: Familiar with each other?

INTERPRETER: That's right. That was the word I interpreted.

20 MR ROBERTSON: So just to be clear with that, Mr Zhan, you understood from what you saw in the interactions between Mr Wong and Mr Tong that they did not know each other well. Is that right?---*It was my personal guess that they were not familiar with each other because Steve introduced what he did before.*

In the car on the way to Parliament House did you discuss with Mr Tong whether he knew Mr Wong?---* I recall I haven't asked such a question or similar question.*

30 Do you recall whether Mr Tong said to you what he thought he was going to discuss with Mr Wong in Mr Wong's office?---*Because I was only responsible for driving the vehicle I wouldn't ask about those things.*

So there was no discussion on that subject at all in your car. Is that right? ---*No. To my recollection no and it has been so long ago.*

Other than Mr Wong and Mr Tong and you were there anyone else present during the discussions between Mr Wong and Mr Tong in Mr Wong's office?---*No.*

40

Are you quite sure that there was no personal assistant or secretary in the room at the same time?---*No, no one else.*

Do you recall whether on the day that you attended Parliament House Mr Wong had any staff with him in his office?---*I remember there was someone outside his office on the day but not inside.*

Do you know the name of that person?---*I definitely don't know the person's name. I actually just saw his or her back.*

Do you recall whether it was a male person or female person?---*Cannot recall.*

Do you recall whether the person was young or old?---*I didn't pay attention. I just have a vague recollection.*

10 Have you now told us everything that you can recall about the meeting between Mr Wong and Mr Tong in Parliament House last year that you drove Mr Tong to?---*I have said what, I have said basically everything I remember.*

THE COMMISSIONER: Can I just ask you one matter. Before the day you took Mr Tong into Parliament House to meet Mr Wong had you ever met Mr Wong yourself before that day?---*Not privately with him.*

20 Had you ever been introduced to him or met him or spoken to him before that day?---*No.*

So I just want to understand what your function was on the day that you took Mr Tong to Parliament House. Firstly you were his driver obviously. Is that right?---*Correct.*

Secondly you accompanied him into Mr Wong's room in Parliament House. Is that right?---*Yes.*

30 Thirdly, did you introduce yourself by name to Mr Wong?---*Yes, because we, from my recollection we have not met much before.*

So then what took place after he brought you into his office was not a private meeting at all, was it, between him and Mr Tong, because you were permitted to be present throughout the meeting. Correct?---*To me it was a private conversation. I was to drive Steve to Parliament House. I actually didn't though I would be told to go into the meeting room.*

40 Who told you to go into the meeting?---*After we were signed in I walked up with Steve. No one said no, you are not allowed in, neither did anyone say that I have to stay there. To me it was just a very ordinary meet-up.*

Yes, one in which Mr Wong welcomed you into the room to take a seat while he and Mr Tong spoke. Correct?---*I don't recall. I forgot those details already but I was inside at that time.*

Yes, but Mr Wong didn't say go away or wait outside, he welcomed you into the room and you sat down in his office. Correct?---*Yes, to my recollection.*

So you are sitting now in the office of a man you've never met before, present while a private conversation was about to start between Mr Wong and Mr Tong. Correct?---*I was present at, when the conversation happened, yes.*

Were you asked or told by somebody to be present at this meeting between Mr Wong and Mr Tong?---*No. No. I only helped Steve to get in because I was worried about his health.*

10

But sitting in the office of Mr Wong when the conversation took place for however long it took, 10 or 20 minutes, you were sitting there in fact as a witness, weren't you?---*To me it was just an ordinary meeting. I didn't think it would require to be witnessed.*

But the fact is you were there and you were a witness, correct?---*You can say so.*

20

You were not merely a driver that day. The likelihood is you were acting under instructions, or at least the request of somebody, to take Mr Tong to Parliament House, and that you would then walk with him to Mr Wong's office, a man you had never met before, a member of parliament, and then you would sit in the room while the two of them spoke, correct? That was the arrangement?---*No. I have never heard such words or instructions.*

30

Did you understand your role was to be not just driver but also to be there and present when the conversation between Mr Wong and Mr Tong took place?---*I was just driving that day. No one said that I had to be present. No one said that I had to be there. I just walked in and I just sat down.*

Why didn't you wait outside Mr Wong's office while the two of them had a discussion, as a driver might do?---*Because I was curious. I want to see what the office of a government official is like.*

MR ROBERTSON: When Mr Wong first saw you and Mr Tong in Parliament House, he was not surprised to see someone other than Mr Tong, was he?---*I don't know whether he was surprised or otherwise.*

40

But he gave you the impression that he expected to see someone from Wu International along with Mr Tong on that day. Correct?---*Yes, my feeling was like that.*

During the discussion between Mr Wong and Mr Tong that you were present for, did you hear the word "donation"? Take your time to consider that question. Did you hear the word "donation"?---*To my recollection I can't recall now.*

What language was the meeting conducted in?---*To my recollection, Cantonese.*

Not Mandarin but definitely Cantonese, is that your recollection?
---*I recall so, yes.*

Did you hear either Mr Wong or Mr Tong say the term, “Country Labor”?
---*I have no idea about those things, so to my recollection, no.*

10 Do you have any recollection of either Mr Wong or Mr Tong referring to the sum of \$5,000?---*I do not recall.*

Do you recall Mr Wong saying to Mr Tong that he should keep his mouth shut and not say anything about the matter that they were discussing?
---*Not to my recollection, no.*

Well, are you sure that no words of that kind were uttered?---*Not to my recollection.*

20 It could have happened but you don't recall because you weren't paying attention. Is that right?---*That's possible.*

After the meeting was finished, what happened then?---*I sent Steve home.*

You sent Steve home or you drive Steve home?---*I drove him home.*

In the same car that was parked at World Square?---*Yes.*

30 How did you get from Parliament House to World Square?---(No Audible Reply)

THE COMMISSIONER: Was the car you drove that day your own car or a business car?---*It was a company car.*

Wu International car?---*I recall it was a company car so it was Wu Group's car.*

40 MR ROBERTSON: What did you discuss on the way home from Parliament House to Mr Tong's house?---*Conversations relating to the company management, his health, some of my personal issues. All in all, they were just general conversations.*

Did you discuss what had then just happened in Parliament House, namely the meeting with Mr Wong and Mr Tong?---*To my recollection, no, because I felt that this was something private to them and I wasn't interested in.*

Is it your serious and honest evidence that despite driving Mr Tong in to Parliament House and driving him back from Parliament House, you didn't speak a word about what happened at Parliament House? Is that your honest evidence?---*Like I said before, it has been too long. I don't recall whether or not it has been discussed.*

So is it your evidence that you may have discussed that matter but you now cannot recall?---*In my recollection there was no such conversation.*

10 Did you go straight from World Square to Mr Tong's house or did you go somewhere else on the way?---*From World Square I send him straight home.*

After dropping Mr Tong home, when was the next time that you spoke to Mr Tong, either in person or by telephone?---*I can't recall, but we exchanged greetings, we expressed festive greetings at times.*

20 Just festive greetings or other forms of communication?---*Not to my recollection.*

I just want to understand what you said about festive greetings. Is it your evidence that after the meeting with Parliament House, the only communications that you had with Mr Tong was to give festive greetings, is that your evidence?---*I recall seeing him once at around mid-autumn festival, that we have met up and I have talked to him about his health and sent my festive greetings.*

30 Approximately when was that?---*I can't recall where that was, when that was, but it was around the Mid-Autumn Festival last year.*

Do you recall around about what month that was?---*Possibly October. I forgot.*

After the meeting in Parliament House did you attempt to make contact with Mr Tong by telephone?---*Looks like I did, I might have. I might have.*

40 Approximately how many times did you attempt to make contact with Mr Tong by telephone last calendar year after the meeting with Mr Wong in Parliament House?---*To my recollection about two to three times.*

No more than that?---*I haven't had a record of it.*

Why did you attempt to make contact with Mr Tong on those three or so occasions?---*We were colleagues before. We do keep in touch from time to time.*

Is that the only reason that you sought to make contact with Mr Tong toward the end of last calendar year?---*That was most of the reasons.*

What are the other reasons? If that was most of the reasons, what are the other reasons you sought to make contact with Mr Tong?---*I remember we visited him.*

When you say we, who visited him?---*I can't recall, could be Alex.*

Whenabouts did that occur?---*Sometime last year but I can't recall when that was.*

10

Was it towards the end of last year?---*I only recall it as the second half of the year.*

What was the purpose of that meeting?---*I recall that was because of the Mid-Autumn Festival. Alex told me to drive to get there.*

Is that the only reason for the meeting with Mr Tong in the second half of last year?---*That's right. That's my recollection. I can't recall anything else.*

20

Has Mr Alex Wu, Mr Bobby Wu or anyone else from Wu International asked you to make contact with Mr Tong last year after the meeting in Parliament House?---*No, not to my recollection.*

Well, do you know – I withdraw that. Are you saying that Mr Wood, Mr Alex Wood, Mr Bobby Wu and no other person within Wu International has asked you to make contact with Mr Tong last year after the Parliament House meeting? Or are you simply saying you can't recall one way or the other?---*Not in my recollection.*

30

Can we please have on the screen the call charge records for period 19 November, 2018 to 5 December, 2018. Mr Zhan, I'm going to show you a document that will appear on the screen in front of you shortly. Can I explain this document to you, please. You'll see the first two columns are called Date and Time. That indicates when a telephone call is made to another telephone. The next two columns show the telephone number and user of a person making a telephone call. The next two columns show the telephone number and user of the receiving telephone. The next column, called Duration, identifies the duration of the telephone call. The next two columns, called Phone Service A, First Location and Last Location, identify the approximate location of where the telephone that made the telephone call was at the start and at the end of the call. And the next two columns identify the approximate location of the receiving telephone at the start and at the end of the call. Mr Zhan, what I want to suggest to you is that you made many, many attempts to make contact with Mr Tong on the 19th, 20th and 21st of November, 2018. Do you accept that?---*I did make phone calls but I can't recall because I call every day, I mean, I make phone calls every day, but it appears so.*

40

But you don't make calls to Mr Tong every day, do you?---*Yes. No, the answer is no.*

Why were you attempting to make contact with Mr Tong on 19, 20 and 21 November, 2018?---*I recall Alex wanted to talk him or meet up with him.*

10 So is it right to say that you were seeking to get into contact with Mr Tong on 19, 20 or 21 November to arrange a meeting between him and Mr Tong, is that right? I'm sorry, I may not have said that right. I'll withdraw the question and start again. Is it right to say that the reason that you were seeking to make contact with Mr Tong on 19, 20 and 21 November is to set up a meeting between Mr Tong and Mr Alex Wood?---*That was a possibility, yes but I am not 100 per cent sure.*

20 THE COMMISSIONER: Well, you think about it. You made there about 10 calls over three days to try and get in touch with Mr Tong. You must know why you were making all those calls. Why were you making those calls?

MR ROBERTSON: It's 11, if it pleases the Commission.

THE COMMISSIONER: Say it again?

MR ROBERTSON: It's 11, if it pleases the Commission. There's one on the next page, number 12 is on the next page.

30 THE COMMISSIONER: Yes, oh, I see. 12. 12 times trying to reach Mr Tong over three days. Why?---*That was because he is, he was having ill health at that time and we haven't met up for so long. I was worried about his health. So firstly I wanted to see if he was well and the other possibility is maybe want to meet up.*

THE INTERPRETER He hasn't mentioned who wanted to meet up but - - -

THE COMMISSIONER: Yes. To meet up between whom? Mr Tong and who else?---*It should be Alex Wu.*

40 Well you now know it was an attempt by you to make contact with Steve Tong to arrange a meeting, correct?---*This is likely to be the case but I can't recall clearly now.*

So just so we're clear about it, having now had the benefit of looking at the screen with all the phone calls you made to Mr Tong's phone, it is likely that you were endeavouring to make contact with Mr Tong to arrange a meeting between Mr Tong and Alex Wood at the request of Alex Wood, correct?---*I can't recall. Some of it could be made as a general contact, but

from the calls in those three days, there could be, it could, some of them could be done in order to arrange for them to meet up.*

MR ROBERTSON: Did Mr Wood tell you why he wanted to meet with Mr Tong?---*No, I never ask about personal matters of my boss.*

Do you know whether a meeting was ultimately arranged between Mr Tong and Mr Wood around 20 or 21 November?---*I do not have such a recollection.*

10

Did you meet with Mr Tong on or about 19 or 20 November?---*I can't recall which day it was, but I do recall seeing him at the end of the year.*

Can I just ask you to have a look at row 4 that's on the screen. 19 November, 2018. I want to suggest to you that you and Mr Tong met each other on 19 November, 2018 in Pennant Hills. Do you agree?---*That could be the case.*

20

So do you agree, do you, that you had a meeting around about 19 November, 2018 with Mr Tong, is that right?---*I can't recall which day it was, but I recall seeing him at the end of the year for once.*

What was the purpose of the meeting that you recall occurred with Mr Tong towards the end of last year?---*I can't recall.*

Is that your honest evidence, that you can't recall the purpose of a meeting with Mr Tong towards the end of last year?---*I can't recall.*

30

Did Mr Tong tell you that on 19 November, 2018, he was served with a summons requiring him to give evidence before this Commission?---*I was not aware of that.*

The purpose of your meeting with Mr Tong towards the end of last year was to talk about the fact that he had been given a summons to appear to give evidence before this Commission. Correct?---*My recollection is that I have not discussed about this sort of thing. My recollection is most of the conversation surrounds about his health.*

40

Is it your serious evidence that you called Mr Tong on I think 11 occasions on 19, 20 or 21 November to talk about Mr Tong's health and nothing else? Is that your serious evidence, is it?---*It was possible that we had conversation about Liao's death or something that related to Alex. Those are possible conversations, but my recollection is we have not had conversation about any inquiry or investigation.*

At the meeting that you've mentioned with Mr Tong towards the end of last year, who was present? Was it just you and Mr Tong or was someone else present?---*My recollection was that maybe Alex was there too.*

And I want to suggest to you that during that meeting you discussed this investigation by this Commission. Do you agree?---*No, I haven't talked about that to my recollection, no.*

Well, are you denying that that was discussed during the course of the meeting between you, Mr Tong and Mr Wood or are you simply saying you don't recall one way or the other?---*I can't recall.*

- 10 Doing the best you can, where did the meeting that you've been mentioning occur?---*Somewhere near Steve's home at the door.*

So does that mean in front of Steve's house, is that what you mean?
---*Yes, that's my recollection.*

So your best recollection is that you and Mr Wood had discussions with Mr Tong at the front of Mr Tong's house. Is that right?---*Yes, that's my recollection.*

- 20 How did you get there, did you drive?---*Yes, I did drive.*

And did you drive Mr Wood?---*Yes.*

And was that in a Wu International company car?---*Yes, that's my recollection.*

Was that the same car that you drove in Parliament House with Mr Tong?
---*I can't remember, but maybe yes.*

- 30 Are you related in any way to Alex Wood as a family relationship or is it only that of boss and employee?---*He is my cousin as well as my boss.*

Chief Commissioner, I tender the document that was on the screen, namely call charge records for period 19 November, 2018 to 5 December, 2018, between Zhan, Tong and a number ending in 44.

THE COMMISSIONER: Yes. That will be marked as Exhibit 202.

- 40 **#EXH-202 – CALL CHARGE RECORDS 19 NOVEMBER 2018 TO 5 DECEMBER 2018 BETWEEN ZHAN AND TONG**

THE COMMISSIONER: Can I just ask you one matter. The day late last year that you and Alex Wood went to the home of Mr Tong, where had you and Mr Wood come from, where did you drive from and where did you meet Mr Tong?---*From Chatswood.*

Chatswood to Pennant Hills, is it?---*Seems to be so.*

What time of day or night was this meeting?---*At night.*

So you and Mr Wood that night drove all the way from Chatswood to Pennant Hills for the sole purpose of meeting up and talking to Mr Tong. Is that right?---*For me I wanted to send my regards to Steve and Alex told me to drive and I'm not bothered with the other things.*

10 But you and Mr Wood made this trip from Chatswood to Pennant Hills, the only purpose of that trip was to go and see Mr Tong. Is that correct?---*I don't know what other thoughts Alex had but he told me to drive him to see Steve.*

And then after the meeting did you drive back to Chatswood or did you go somewhere else with Mr Wood?---*My recollection was then we went back to Chatswood.*

20 Now, I take it that Mr Wood explained why he wanted to drive all the way from Chatswood to Castle Hill to speak with Mr Tong, is that right?

THE INTERPRETER: Pennant Hills?

THE COMMISSIONER: Yes. I'll withdraw that. I'll put it another way. In discussions with Alex Wood, he explained to you why he wanted to travel up to see Steve Tong at his house in Pennant Hills, is that right? ---*No, I was only driving for him, and to my recollection we only talked about general conversations of life.*

30 Well, it was quite a long trip, wasn't it, to drive from Chatswood to Pennant Hills at night and then back again. Do you agree?---*In between those times we have met up and talked, but I was just driving on the day so I, I thought, I thought - - -*

I can't understand what you're saying, sorry. Do the best you can. What did he say? If you're unclear, then get him to repeat it.

THE INTERPRETER: Okay. Shall I get him to repeat?

40 THE COMMISSIONER: Well, only if you feel you must.

THE WITNESS: *So your question was if I have driven directly back from Pennant Hills to Chatswood?*

THE COMMISSIONER: Perhaps I'll put another question. After driving all the way that night from Chatswood and arriving at Mr Tong's house, there then was a discussion in the front of Mr Tong's house. The only

person being present at that time of the discussion was Mr Tong, Mr Wood and yourself, is that right?---*Yes.*

There was a discussion then, was there, with Mr Tong and Mr Wood?
---*Yes.*

And you then found out the reason for having driven that night from Chatswood to Pennant Hills, because you heard the discussion between the two men, is that right?---*I basically don't recall.*

10

You were there. Mr Wood was talking to Mr Tong, correct?---*I was but I remember I was mostly most of the time looking at my phone.*

Yes. And having heard what Alex Wu said to Mr Tong, it then became obvious why he wanted you to drive him all that way to Pennant Hills, correct?---*I didn't pay attention to what they were talking about because it was a private conversation of the boss. Basically I played with my phone or I kept a suitable distance.*

20

You came to know the reason why Mr Wood made that trip that night, didn't you?---*I only recall that it was possibly the Mid-Autumn Festival. He went there to say, you know, to send his Christmas greetings.*

You're making this up, aren't you? You are making this up. In other words, you are lying, aren't you?---*That was my recollection because it has been a long time.*

30

He could easily just pick up the phone and give him his greetings, couldn't he?---*But it was on Alex request that I send him there. It was nothing to do with me and therefore I didn't pay attention. I wasn't concerned.*

You are trying to protect Alex Wood, aren't you? And you are therefore giving untruthful evidence in order to make sure he is protected, correct? ---*Well, I'm recalling what is true to my recollection. The rest I have forgotten already. That's why I wasn't sure.*

40

MR ROBERTSON: Mr Zhan, the Mid-Autumn Festival occurs in September or October of each calendar year, correct?---*Approximately, yes.*

And last year the core date of the Mid-Autumn Festival was 24 September, correct?---*My recollection could be confused. I do not recall clearly now.*

Well, I suggest to you that if you met Mr Tong in November of 2018, it could have had nothing to do with the Mid-Autumn Festival because that festival had already come and gone, correct?---*It might have come and gone but it was possibly a late festive greetings.*

Are you seriously suggesting that you would be giving Mid-Winter – I withdraw that – Mid-Autumn Festival greetings almost two months after the core date of that festival? Is that your serious evidence on your affirmation?---*I did say that it was, it could be Alex, on Alex request that I drove him there to meet up my job as a drive and I don't recall any other details.*

10 The reason for the meeting that you had toward the end of last year at Mr Tong's house was to discuss the investigation before this Commission. Wasn't it?---*The conversation was between the two of them. I was only a driver then. What they have talked about I do not have any recollection of.*

And you have been giving incomplete and false evidence to this Commission to try and protect your boss, Alex Wood. Correct?---*I only recall what is in my recollection, which can be mistaken, and I do not have those intentions.*

20 So are you saying it's quite possible that at least one of the purposes of the meeting that you and Mr Wood had with Mr Tong towards the end of last year was to discuss this Commission's investigation. Are you accepting that?---*I don't recall this happening.*

You've referred a number of times to travelling from Chatswood. Is that a reference to Wu International's offices at Albert Street in Chatswood? ---*Yes.*

When you left Chatswood to have the meeting that we've been discussing, was it dark outside?---*Yes, like it was likely the case.*

30 So do you agree that the meeting may have happened at about 8 o'clock or 9 o'clock at night?---*Agree.*

Other than the meeting that you've been discussing and the time that you picked Mr Tong up to take him to Parliament House, have you had any other meetings with Mr Tong at his house in the second half of last year? ---*Maybe yes, maybe no, but I clearly recall we have met up.*

40 You recall meeting up at least once but it may have been more than once, correct?---*Yes, likely so.*

Can we have Exhibit 202 back on the screen, please, the call charge records document.

THE COMMISSIONER: Just while that's coming, you accept, Mr Zhan, that this trip that you made from Chatswood to Pennant Hills to see Mr Tong with Alex Wu, or Alex Wood, that we've been discussing probably occurred in late November 2018?---*I recall it to be end of year but I can't recall which, exactly which day it was.*

MR ROBERTSON: Exhibit 202, please. Second page. Mr Zhan, could I just ask you to look at the bottom, the last arrow on the screen, row 14. Can you see there that there's a record suggesting a telephone call from your telephone at a time that you're in or near Pennant Hills? Do you see that there?---*Yes.*

10 Having seen that, does that refresh your memory that you may have had another meeting with Mr Tong either at his house or somewhere nearby in Pennant Hills towards the end of November 2018?---*I remember being there but I can't remember when.*

Just quickly on another topic. After Dr Liao passed away, do you recall what happened to his computer, his Wu International computer?---*I recall that Oliver, Oliver, Oliver had reinstalled it because when someone leave, leaves their role, leaves their job, we would reinstall the computer, and Oliver was very interested in doing so, so he did so.*

20 So is it right to say that it's standard practice within Wu International that if someone leaves, then their computer will be reinstalled, is that right?
---*There was no clear guideline as to what the procedure was, but Oliver was very keen and he even reinstalled my own computer.*

Why do you think Mr Oliver Xu was keen to reinstall Dr Liao's and your computer?---*He often does that, even to his own computer, he would reinstall the computer each week. I just felt like he's very interested in IT stuff.*

30 Do you know whether Mr Tong's computer was re-installed as well after he retired?---*His system was reinstalled when Oliver came onboard.*

And do you recall approximately when Oliver came on board?---*Sometime in the second half of 2017.*

That's the examination, Chief Commissioner.

THE COMMISSIONER: Yes, thank you. Now, Mr Chiu, you're here for Mr Tong. Do you have any questions of this witness?

40 MR CHIU: Not at this stage, Commissioner, thank you.

THE COMMISSIONER: Does anybody else have any application to cross-examine the witness? There's not. Well, Mr Watson, is there anything you want to - - -

MR C. WATSON: I have no questions, Chief Commissioner.

THE COMMISSIONER: Thank you. Yes. All right. Well then you may step down. You are presently under summons. You're not excused from the summons as there is a possibility that you might be needed again, but you are free to go today.

THE WITNESS WITHDREW

[4.17pm]

10 THE COMMISSIONER: You may step down. Thank you, Madam Interpreter.

MR ROBERTSON: There's one other housekeeping matter, Chief Commissioner. I tender the summons to appear and give evidence dated 2 November, 2018, issued to Mr Steve Tong and bearing a note indicating personal service of the same at 9.00am on 19 November, 2018.

THE COMMISSIONER: 9.00am on the?

20 MR ROBERTSON: 19 November, 2018.

THE COMMISSIONER: 19th. Okay.

MR ROBERTSON: Being the first date referred to in Exhibit 202.

THE COMMISSIONER: Yes indeed. Yes, the copy of the summons to Mr Tong dated 2 November, 2018, noted as served at 9.00am is it?

30 MR ROBERTSON: 9.00am on the 19th.

THE COMMISSIONER: 9.00am, thank you, on 19 November, 2018 will be admitted and become Exhibit 203.

#EXH-203 – ICAC SUMMONS TO GIVE EVIDENCE ADDRESSED TO STEVE TONG DATED 19 NOVEMBER 2018 AT 9.00AM

40 MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Very good. Nothing else?

MR ROBERTSON: I should indicate I originally attended to call Mr Wood today. Obviously that can't now occur. I intend to call him instead next week and a witness list will be circulated as soon as I'm in a position to do that.

THE COMMISSIONER: Thank you, Mr Robertson. I'll adjourn.

AT 4.19PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.19pm]