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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 4 OCTOBER, 2019

AT 10.30AM

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: In terms of programming and housekeeping matters first, Chief Commissioner, I'll shortly call Mr Yueran Zhan. I'll then call Mr Kenrick Cheah, not before 12.00 noon. As I understand that the Commission intends to adjourn no later than 3.00pm today, I'll endeavour to finish at least the first segment of Mr Cheah either by lunch or at some time before 3.00pm, but it'll depend in part on the length of time I need with Mr Zhan this morning.

THE COMMISSIONER: Yes.

10

MR ROBERTSON: In terms of the program for next week, that's now been uploaded. I will continue with Mr Cheah on Tuesday, including any applications for leave to cross-examine him, then Mr Tim Xu, Mr Clements, and Mr Wong. In relation to Mr Cheah and Mr Wong, you'll recall, Chief Commissioner, that I've already called both of those individuals for examination in the public inquiry. The purpose of me recalling those individuals is to put propositions to them that have emerged from other evidence that's been received in the public inquiry. So it's not a redo, as it were. It's to put particular propositions to those particular individuals.

20

THE COMMISSIONER: Yes.

MR ROBERTSON: Then as you I think decided yesterday, Chief Commissioner, when we're finished next week, which I anticipate will either be on Thursday or Friday of next week, I've proposed that the hearing be adjourned rather than end, with a view to Commission officers reviewing the material available to them with a view to seeing whether there's additional tenders that ought be made or additional information that in light of what has emerged during the public inquiry should be disclosed to interested parties. It's proposed, at least on a tentative basis, that the Commission reconvene on 28 October. That's only a tentative indication at this point in time but, and I anticipate that the hearing on that day will be a relatively short one. In other words, it may be a day or two. It's unlikely to be in the many days or the many weeks. It may well be, and interested parties will be given notice in advance of 28 October, it may well be that 28 October is simply an exercise of tendering additional documents and setting directions in relation to submissions and the like, or it may be that there'll be a short program of witnesses. But that's a matter that interested parties will be given notice of as soon as the Commission officers are in a position to do so.

30

40

THE COMMISSIONER: Yes, well, thank you, Mr Robertson. I confirm that program subject to making some further enquiries about 28 October before we can confirm it, by reason of the fact that I just want to make sure that I don't have a competing commitment that might run into 28 October, but that can be clarified and probably determined early next week.

MR ROBERTSON: May it please the Commission.

THE COMMISSIONER: Thank you.

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

THE COMMISSIONER: Yes, thank you.

MR ROBERTSON: I call Yueran Zhan.

10

THE COMMISSIONER: Yes, Mr Zhan. Mr Zhan, just take a seat there for the moment. Would you swear the interpreter?

<GARMAN LUM, affirmed

[10.42am]

THE COMMISSIONER: Just put on the record your name if you wouldn't mind.

20

THE INTERPRETER: Garman Lum, G-a-r-m-a-n L-u-m. Mandarin interpreter.

THE COMMISSIONER: Thank you. Does Mr Zhan take an oath or an affirmation, do you know?

THE INTERPRETER: Affirmation.

THE COMMISSIONER: Yes, would you mind standing, please?

THE COMMISSIONER: Thank you. Just take a seat. Mr Watson, you appear – I think I’ve granted you leave before.

MR C. WATSON: You did, thank you, Chief Commissioner, and I’d ask that leave to continue, and also the 38 declaration for Mr Zhan to also continue, thank you.

10

THE COMMISSIONER: Yes, very well, thank you. I confirm the grant of leave to appear on behalf of Mr Zhan.

MR C. WATSON: Thank you.

THE COMMISSIONER: Mr Zhan, would you just state your full name, please?---Yueran Zhan, Y-u-e-r-a-n Z-h-a-n. *Y-u-e-r-a-n Z-h-a-n, Yueran Zhan.*

20

Mr Zhan, Mr Watson who appears on your behalf has asked that I make a declaration under section 38 of the Independent Commission Against Corruption Act, and I trust you understand what that means?---*Yes.*

Two points I just want to emphasise. Firstly, that you appreciate that you must answer all questions truthfully.---*Yes.*

30

The second is that the making of a declaration under section 38 of the Act does provide protection against the use of the evidence you give today in any future proceedings, so that your evidence can’t be used in future proceedings. But there is one exception and that is that the section 38 declaration does not prevent your evidence from being used against you in a prosecution under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence for which the penalty can be a term of imprisonment for up to five years. Do you understand what I’m saying?---*I understand.*

Yes, thank you.

40

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Zhan, and all documents and things that may be produced by him in the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for Mr Zhan to make objection to 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 THE WITNESS, MR ZHAN, AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM IN THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR MR ZHAN TO MAKE OBJECTION TO ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE WITNESS: *Understand.*

THE COMMISSIONER: Mr Zhan, do you speak and understand English?
---*Yes, but not 100 per cent.*

Would you be prepared to give evidence without an interpreter but use an interpreter only if you get into some difficulty or is your preference to have an interpreter throughout?---*My English is limited. I prefer to have the assistance of the interpreter.*

Very well. Yes, Mr Robertson.

MR ROBERTSON: Mr Zhan, did you give your barrister yesterday an email that Mr Tong had sent you on 18 September, 2018?---*Yes.*

And you told your barrister to give a copy of that email to me. Is that right?
---*Yes.*

Can we have the email on the screen, please. Mr Zhan, is this the email that you referred to a moment ago?---*Yes.*

And so this is an email that you received from Mr Tong on 18 September, 2018. Is that right?---*Indeed.*

And you read the email and attachment soon after you received it on 18 September, 2018. Is that right?---*Yes.*

Can we turn the page, please, so we can see the attachment. Do you see, Mr Zhan, a document called Record of the Meeting in Parliament House, Mr Ernest Wong Office?---*Yes.*

And do you agree that this note accurately sets out what happened at a meeting in Parliament House in Mr Ernest Wong's office on 17 September, 2018?---*I can't guarantee that is fully accurate but I tried my best to recall and I think it is mostly accurate.*

And so is it right that as best you can now recall, what Mr Tong sets out in the numbered paragraphs 1, 2, 3, 4, accurately sets out what happened in Mr Wong's office on 17 September, 2018?---*I basically agree to it.*

And if you then just have a look at the first big paragraph that starts with the words, "This meeting request by Mr Kenny Zhan." Do you see that paragraph?---*Yes.*

10 And that's how the meeting was arranged, you made contact with Mr Tong to make the arrangements. Is that right?---*Yes, I did contact him.*

But it was Mr Wood who asked you to take Mr Tong to see Mr Wong. Is that right?---*I forgot the details already but there wouldn't have been anyone else except him.*

There wouldn't have been anyone else who would have asked you to do it, other than Mr Wood. Is that what you're saying?---*That's right.*

20 Now, can I help you by noting that Mr Wood told us yesterday that he arranged for you to take Mr Tong to see Mr Wong, and I'm saying, and you don't disagree with what Mr Wood said to us. Is that right?---*I do not disagree to that and I was working in his office and on his instruction I took the initiative to contact Steve.*

And when you say working in his office, you mean working in Mr Wood's office. Is that what you mean?---*Yes.*

30 Now, when you were last here in the public inquiry you told us about being in the office with Mr Ernest Wong and Mr Tong. Do you remember that? ---*Yes.*

And I think you said that you thought you were playing with your telephone during that meeting. Do you remember that?---*Yes.*

Now, I want to suggest to you that you were mistaken about that because Mr Wong actually asked for you to give him your telephone.---*Yes, that day I read the news about what Steve Tong has said and Steve was right.*

40 So having read the news, does that refresh your memory as to what happened during the meeting in Mr Wong's office?---*In relation to the mobile, yes.*

So is it right that you now recall that you gave your mobile phone to Mr Wong during the meeting in Parliament House?---*Yes.*

And what did Mr Wong do with the telephone when you gave it to him? ---*I think he took my phone from me and then he put it into a drawer at his desk.*

And did he give you back your telephone at some point?---*Yes, and then I now recall that he returned it to me at the end of the meeting.*

When we last spoke about the meeting you weren't sure whether you were there for the whole of the meeting or whether you may have gone to the bathroom during the meeting. Do you remember us discussing that?---*I have tried to think hard when I returned and I think I have not left the whole time.*

10

And so you now think that you were present throughout the whole of the meeting between Mr Wong, Mr Tong and you. Is that right?---*Indeed.*

And when you were in the meeting room, can you remember where you were sitting when you were in Mr Wong's office?---*I was next to the door and Steve Tong was somewhat in the middle and Mr Wong was sitting opposite Steve.*

20

Sitting opposite at a desk, was it, or - - -?---*I'm not too sure but I remember they were sort of facing each other, I was on the left side and Steve Tong was in the middle and I remember there was a couch in the room and Mr Wong could be sitting on a chair.*

And you could hear the conversation. Is that right?---*Yes.*

30

And is it right that you heard enough of the conversation that you were able to confirm that what Mr Tong wrote in the note that he sent to you looks close to right to you?---*I haven't been paying full attention the whole time, not 100 per cent listening because it was not related to me, something that is related to me. And then that day when I received the email I had a quick look at it and to my impression, that matches with my impression of what happened.*

Chief Commissioner, I tender the email from Steve Tong to Kenny Zhan, 18 September, 2018, 3.25pm, including the attachment thereto. Can I respectfully suggest it be marked Exhibit 234A, because Exhibit 234 is a copy of the, what I'll call the file note from Mr Tong.

40

THE COMMISSIONER: Yes. The email of 18 September, 2018, sent by Mr Tong to Mr Zhan, will be admitted and be marked as Exhibit 234A.

#EXH-234A – EMAIL FROM STEVE TONG TO KENNY ZHAN ON 18 SEPTEMBER 2018 AT 3:25PM ATTACHING NOTE OF MEETING WITH ERNEST WONG AT PARLIAMENT HOUSE ON 17 SEPTEMBER 2018

MR ROBERTSON: Mr Zhan, when is the last time you had contact with Mr Ernest Wong?---*My recollection is it was the beginning of this year, in January, and he came, he came to our office in March or around that month.*

So you had contact with Mr Wong in January of this year, is that right?
---*He contacted me.*

10 And Mr Wong came to the Wu International office in Chatswood in about March of this year, is that right?---*Approximately March, but I can't recall which month it was exactly.*

What about more recently than March? Have you had any contact with Mr Wong since March of this year?---*No.*

What about after you received the summons to attend in this public inquiry? Have you had any contact with Mr Wong?---*No.*

20 In January of 2019, when Mr Wong contacted you, how did he contact you? Was it by telephone? Did he come and see you? Was it WeChat? What form of communication?---*From memory, he, it was by WeChat.*

And as best you can now recall, what did Ernest Wong say to you when he contacted you by WeChat?---*I remember he send a holiday greetings on 1 January, and then he mentioned that he wanted to see my friend. He didn't mention who, which particular friend of mine he wanted to see, but I guess it was Steve Tong, because it wouldn't have been anyone else between us.*

30 And was this WeChat a text message chat, or was it an audio call?---*I cannot recal.*

And what was your response if any to Mr Wong, to his communications of January this year?---*So he asked me to arrange for it, so I telephoned Steve Tong, but Steve didn't pick up my call. And then I used my girlfriend's phone to call his home phone. His wife picked up the phone and said that Steve wasn't feeling well, and told me not to contact him during that time.*

40 So just to be clear, Mr Wong was asking you in January of 2019 to set up another meeting between him and Mr Tong. Do I have that right?---*Yes.*

And you attempted to make contact with Mr Tong to set up that meeting. Is that right?---*Yes, because he told me to and I felt like it would be impolite for me not to arrange for it. I don't know what they need to meet up for though.*

But why in January 2019 are you taking instructions from Mr Wong?---*He has, Mr Wong has done a lot in the Chinese community, I just felt like I needed to help him.*

So are you saying that as a senior member of the Chinese community in Australia you think it is polite to comply with requests that Mr Wong might give. Is that what you're saying?---*Yes.*

And then you ultimately sought to make contact with Mr Wong by calling him on his home telephone. Is that right?

THE INTERPRETER: Mr Tong?

10

MR ROBERTSON: With Mr Tong, by contacting him on his home telephone. Is that right?---*I can't recall whether, if I called his mobile, personal mobile or, and then I remember at a later time I called him on his landline.*

And you spoke to his wife. Is that right?---*His wife picked up the call.*

20

And what did you say to his wife?---*I forgot the details, the particulars already, but I said words to the effect that we want to meet him up, about to meet up, but I forgot whether if I've mentioned that it was Ernest Wong, for Ernest Wong.*

So you made clear to Mr Tong's wife that you wanted to set up a meeting. Is that right?---*I tried hard to recall but I'm not sure if I can remember it clearly but I did indicate that we want, I want to see Steve.*

And did you ask to speak to Steve when you called him on his home telephone number?

30

THE INTERPRETER: I beg your pardon?

MR ROBERTSON: Did you ask to speak to Mr Tong when you called the home telephone number?---*No.*

You just spoke to his wife. Is that right?---*Yes.*

And then did you ultimately set up a meeting with Mr Tong?---*No. I told Mr Ernest Wong that Steve was ill and that his wife required us not to contact him during those times.*

40

And that was something that your wife – sorry – that was something that Mr Tong's wife told you during that telephone call, was that right?---*More or less, yes, that was just a brief conversation. It didn't last for very long.*

Now have you looked at your mobile telephone records to see if you can find a record of the call that you just mentioned?---*The, my solicitor asked me to go back and look for important evidence, and so I went through some information, and then I recall about this conversation.*

And I'm just going to hand you a document, and I'll put the redacted version of the document on the screen. Mr Zhan, is the document that I've just given you the document that you were, a document that you were just referring to as a telephone record?---*Yes.*

And is this a telephone record for one of your telephones?---*It wasn't my own phone, it was my girlfriend's phone, but we have, we share the same package and therefore my name is appearing on top.*

10

And so is it right that the number that appears just before your name is the number that your girlfriend uses?---*Yes.*

And then if you look towards the bottom of that page, can you see that one of the telephone numbers is highlighted?---*Yes.*

Do you recognise that telephone number?---*I know it's Steve Tong's home phone number, if I'm right.*

20

Chief Commissioner, I tender the document that's on the screen, being a page entitled Detailed Usage, in relation to a phone registered in the name of Yueran Zhan, and including call records for December and January of what appears to be 2019.

THE COMMISSIONER: Yes, the document described as Details Usage in relation to the phone of Mr Zhan ending with the numbers 3-2-9, for the period of December January 2019, '18 to January '19, will be admitted, will become – thank you – Exhibit 312.

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#EXH-312 – PAGE OF TELEPHONE RECORDS FOR PHONE ASSOCIATED WITH YUERAN ZHAN FOR PERIOD 21 DECEMBER 2018 TO 5 JANUARY 2019

MR ROBERTSON: Mr Zhan, in relation to the call that we just discussed and an attempt to arrange another meeting between Mr Tong and Mr Wong, was that something that you just dealt with, with Mr Wong and Mr Tong's wife, or was anyone else involved like Mr Wood?---*No, I haven't told this to Mr Wood. That's all.*

40

Mr Zhan, you'll recall last time you were here, we talked about when you drove to Mr Tong's house on 18 November, 2018. Do you remember that? ---*I can't recall about the date or time, but should be right.*

But you remember that you and I had a discussion about a meeting when you drove with Mr Wood to Mr Tong's house, sometime at night around, I think you said, 8.30, maybe 9 o'clock. Is that right?---*Yes, that's right.*

And I think you said that you recalled there being a discussion outside Mr Tong's house, between Mr Wood and Mr Tong. Do you remember telling us about that?---*Yes.*

Now, what I want to suggest to you is that you may have been mistaken and the conversation may have happened in the car rather than outside Mr Tong's house.---*I think we had the discussion outside of his house but I can't recall who it was that required me to drive, that I was required to drive a loop around his home.*

And Mr Tong was in the car when you were driving that loop. Is that right? ---*Yes.*

And whilst you were driving in that loop, Mr Tong and Mr Wong were talking to each other. Is that right?

THE INTERPRETER: Mr Tong and Mr - - -?

20 MR ROBERTSON: I'm sorry, I may have said that wrong. Mr Tong and Mr Wood were talking to each other?---*Yes.*

So you were driving the car. Is that right?---*Yes.*

And Mr Wood and Mr Tong were in the car talking to each other. Is that right?---*Yes.*

Now, during the course of that discussion, one of the things that Mr Wood said to Mr Tong was, "Just stick with what you have said earlier then it will be fine." Do you agree?---*It should be but I'm not 100 per cent sure.*

So does that mean you think you can recall words of that kind being said in the car?---*Because I was focussing on driving. This could have been said, it was possible.*

But it's at least right that what Mr Wood and Mr Tong were talking about was something to do with donations?---*I thought about it afterwards and I think, yes, that was what happened.*

40 So you're pretty sure that one of the things that Mr Wood and Mr Tong were talking about had something to do with donations. Is that right? ---*Yes, possibly.*

And Mr Wood may have said something like, "Just stick with the story that you've already told and then you'll be fine." Do you agree?---*I can't guarantee but I think it could have been the case, but like I said, I was focussed on my driving so I can't be very sure.*

Mr Zhan, you'll remember last time we talked about this you thought that maybe the reason you were driving to Mr Tong's house was for greetings for the Mid-Autumn Festival. Do you remember that?---*Yeah, that was truly one of, that was truly a reason, because - - -*

10 But now that you've thought about it, you must realise it wasn't about greetings, it wasn't about greetings for a festival that had happened two months before, it was to talk about donations. Do you agree?---*The reason why I mentioned greetings was because I recall that Alex has told me to prepare two bottles of wines, and I recalled this after reading what Steve has sent me, the note that Steve had sent me.*

Did you bring any mooncakes with you?---*There was no mooncake at that time.*

You know it's traditional to give mooncakes in connection with the Mid-Autumn festival, correct?---*Yeah, and, and other things as well.*

20 But now that you've thought more about this meeting, it couldn't have been about giving greetings for the Mid-Autumn Festival. Do you agree?

THE INTERPRETER: Couldn't?

MR ROBERTSON: Could not, could not.

THE WITNESS: *Now, I recall there could be more, there could be, that could be related to more other things.*

30 MR ROBERTSON: So now having thought about it more, the meeting was not just about festival greetings, is that right?---*Yes, in the case of Alex, yes, but for me, it was to deliver a festive greeting as well to drive as instructed.*

But festive greetings for which festival?---*Possibly Mid-Autumn Festival, possibly Christmas.*

When's the last time this year you gave someone a Mid-Autumn Festival greeting?

40 THE INTERPRETER: Pardon me?

MR ROBERTSON: When is the last time this year that you gave someone a Mid-Autumn Festival greeting?---*Two weeks ago.*

And that's because the festival was about three weeks ago. Do you agree? ---*Around that mark, yes.*

So the purpose of the meeting was at least to talk about or – I withdraw that. You would agree that one of the purposes of the meetings was to discuss issues associated with donations, is that right?---*Yes, when I recall, when I recall afterwards, I think from, in terms of Alex, yes.*

And Alex might also want to have given Mr Tong a gift, is that right?
---*Yes.*

10 And you organised that gift, is that right?---*I took it from the office. We had wine in the office.*

And Mr Wood asked you to do that, is that right?---*Yes, yes.*

Now, whose idea was it to have this meeting in November of 2018?---*I can't recall clearly.*

Was it your idea to have the meeting?---*How could it be mine?*

20 So it was, what, either Mr Wood's idea or someone else's idea, is that right?
---*Oh, possibly Steve Tong but and, oh, and Alex anyway, one of the two.*

But who told you to drive to Mr Tong's house?---*Alex did.*

And did you tell Mr Tong in advance that you were driving to his house?
---*Principally yes, because I would have done so beforehand.*

30 But did you make that contact on Mr Wood's request or was it your idea to call Mr Tong?---*I couldn't have called him out of my own initiative, I think it was Alex.*

So is your best recollection that Alex said to you, we're going to go and see Mr Tong, please let him know that we're going to come and see him, something like that?---*Possibly, most likely, but I can't guarantee.*

When you had the meeting with Mr Tong in November, the one with the bottles of wine, did you know that Mr Tong had received a summons to attend before this Commission in a private inquiry?---*I can't recall. I truly do not recall.*

40 Do you remember whether Mr Tong called you up and said, I've got this summons, what should I do?---*I do not recall such details.*

So is it your best recollection that it was all Mr Wood's idea to set up this meeting on I think 19 November, 2018?---*It was possible that it was Steve Tong's idea as well.*

But you're not suggesting that Steve Tong called you up and said I want you to come around to my house with Mr Wood?---*Can you repeat the question?*

You don't remember Mr Tong calling you up and saying, can you please drive around to my house because I want to speak with you and Mr Wood? ---*Yeah, it was possible that he had called so.*

10 So is it possible that he picked up the phone to you and said something like, I've got this summons and I now have to go and see ICAC?---*I truly have forgotten about those details.*

If Mr Tong had called you up and said, I've got this summons, I need the company's help, what would have you done, would have you drawn that to Mr Wood's attention?---*Definitely, because I'm working in his company.*

20 And other than that – sorry, I withdraw that. Other than on that occasion, do you recall Mr Tong calling you up and asking you for help in relation to the investigation of the donations matter, either by this Commission or the Electoral Commission?---*Yeah, he, looks like he had asked to, asked for an arrangement to meet with a solicitor, head office solicitor, a lawyer.*

Do you remember when that was?---*I think it was also among the conversation in November, but I can't recall clearly.*

It is possible that it was a little bit earlier than that, perhaps in a previous year?---*I do not recall.*

30 Do you know whether Mr Tong was ever given a notice to produce documents by the Electoral Commission?---*I beg your pardon?*

Do you know whether Mr Tong was ever asked by the Electoral Commission to give the Electoral Commission some papers, some documents?---*Yes. Looks like, like it was likely to be, yes.*

40 But you remember, do you, Mr Tong telling you that he was asked to give some documents to the Electoral Commission?---*He didn't say those words to me directly, but I think that he could have mentioned that in the car.*

I'm talking about before the car, maybe all the way back to 2016, maybe Mr Tong gave you a call and said, "I've been asked to produce documents, and I need the company's help."---*No, I can assure you nothing in 2016, not until the death of Dr Liao, and only then did I came to know about it.*

So is it right that you became aware that when Mr Tong, that Mr Tong was having some issues regarding donations, and that he made contact with Dr Liao when he was alive?---*Yes, yes, but I have one detail to add.

Yesterday when my solicitor required to go through the information, I found an email about a donation which I cannot recall at all, which was really strange.*

I'll ask for that email. I don't think that email has as yet been produced. I'm not sure if my learned friend knows what it is.

MR C. WATSON: It's in his bag.

10 MR ROBERTSON: I might have a discussion with him during the adjournment. But just to be – so you're saying you had a look at your emails and you found another email about donations, is that right?---*Yes, it was long time ago in 2016.* Yeah.

And then just to take a step back, is it right that when Mr Tong wanted some help regarding this donations issue, he would speak to Dr Liao when Dr Liao was alive, but after Dr Liao had passed away he would call you up first. Is that right?---*I don't know what sort of contact he has made beforehand and in fact I was a bit confused afterwards as well because I was
20 simply just working in the office.*

But he's at least made contact with you a couple of times regarding the donations matter after Dr Liao passed away. Is that right?---*That's right, though I do not understand why he would contact me, though. I was caught in the middle.*

But when he contacted you he asked for the company's help. Is that right? ---*Yes.*

30 But you then referred that request on to Mr Alex Wood. Is that right? ---*Yes.*

Because you're not in a position to help yourself, but maybe Alex may be able to help Mr Tong. Is that right?---*I don't know what happened in the matter. I'm just a person who relayed the message.*

You relayed the messages from Mr Tong to Mr Alex Wood. Is that right? ---*Indeed.*

40 Dr Liao passed away in June of last year. Is that right?---*Yes.*

And you found his body. Is that right?---*The police was the one who first found it and I followed them after.*

But you were concerned when you couldn't see him on that night. Is that right?---*I called but he never picked up the phone so I was worried about him.*

Earlier that day you were at a meeting. Is that right?---*You mean on that particular day?*

On that particular day, earlier that day.---*I didn't attend a meeting. I remember picking Alex up from the casino.*

And do you know who Alex's meeting was with?---*They had an event that took place at the casino.*

10 Do you know what that event was?---*I went back to have a look and I think it was a community activity called Australian Chinese Economic and Trade Promotion meeting. Something like that.*

And so you drove Mr Wong to the casino for that event. Is that right?

INTERPRETER: Wong?

MR ROBERTSON: I'm so sorry. You drove Mr Wood to that meeting on that day. Is that right?---*I recall picking him up and sending him back but
20 I don't know if I have sent him there as well, because I was kept waiting outside for a long time and that's why I recall about that part.*

Now, 24 June, 2018 I think was a – sorry, 23 June, 2018 was I think a Sunday. Is that right?---*Yeah, it was like, it was a weekend, I came to know afterwards.*

So you picked up, on this occasion you picked up Mr Wood on the weekend. Is that right?---*Yes.*

30 And where did you take him back to?---*Either his home or office.*

You can't remember which one?---*I can't recall.*

You said a little while ago that you were concerned because you had tried to contact Dr Liao on that day. Do I have that right?---*Yes. I called him for certain things and I have called many times, he hadn't picked up. He was a responsible person. He normally would not ignore calls.*

40 But why were you trying to contact Dr Liao on a Sunday?---*In fact he was supposed to attend that function but he didn't turn up and I forgot what the matter was that I needed to contact him for, possibly relating to the business and something, it was something that I need to report him, report to him.*

How do you know that he was supposed to attend that meeting or event?
---*To my recollection he required everyone in the office to attend and so he himself should be attending as well.*

Does that mean everyone including you, were you supposed to attend as well?---*Yes.*

And did you attend?---Yes, yes.

How long were you there for at this meeting, do you remember?---It's like three hours, it's very long time for me. *It's like three hours and it was a really long time for me.*

10 It sounds like it was not enjoyable.---I don't want to come on weekend. *I didn't, I don't want to come on the weekend.*

How many people were at that event?---*To my recollection, hundreds.*

Do you remember whether Ernest Wong was at that event?---*Well, at least I haven't seen him.*

20 Could the reason why you called Dr Liao on that day be that you were not sure where he was because you expected him to attend the event?---*Yes, he should have attended and I think I heard from Alex that he had asked for leave and would not attend.*

Asked to have a holiday, is that right?---*I think he said he was unwell. That was approximately what I recall.*

Do you remember whether Dr Liao was unwell around that time?---*Yes. I felt that he was really tired.*

30 Did he seem to be stressed or concerned?---*Yes. He did, and my impression was he was truly unwell.*

Did you speak to him about why he looked tired or stressed or unwell?---*I, I haven't asked him, but I remember he, him telling me that he will retire next year, and that, and I replied that he, you can well continue to work.*

But did you at least know that he was concerned about an issue concerning donations?

40 THE INTERPRETER: I beg your pardon?

MR ROBERTSON: But did you at least know that Dr Liao was concerned about an issue concerning donations?---*No. I didn't know.*

You didn't have a discussion like that with Dr Liao, is that right?---*I had, was not aware of the, the donation matter at all before, before that.*

Is it possible that the reason you were trying to make contact with Dr Liao on 23 June, 2018, was because Mr Wood asked you to try and contact him?

Mr Wood might have said to you, "I was expecting Dr Liao to be here, can you try and find him for me?"---*No, I haven't seen him much at all. We were sitting, sitting separately that night.*

The organisation you mentioned a moment ago for the event, was that the Australia China Economics, Trade & Culture Association? Did I have that right?

THE INTERPRETER: Australian China - - -

10

MR ROBERTSON: Australia China Economics, Trade & Culture Association.

THE WITNESS: *Yeah, should have been.*

MR ROBERTSON: After the Parliament House meeting that we talked about this morning, the one where Mr Tong gave you the note that we saw on the email on the screen, did you report back to Mr Wood as to what had happened with Mr Tong and Wong at the Parliament House meeting?---*I have mentioned it to Alex after the email. He came to my computer and read it. And then he didn't say anything afterwards, so I just, there was no more discussion, I just left it there.*

20

And so to be clear, you received the email from Mr Tong on I think the - - -

THE COMMISSIONER: 18 September.

MR ROBERTSON: - - - 18th of September, 2018, is my note. Is that right? ---*Yes.*

30

And you drew that note to Mr Wood's attention, is that right?---*I told him that I'd received a strange email from Mr Tong.*

And Mr Wood came over and looked at the strange email on your computer, is that right?---*Yep, he just scanned through it. He didn't read it closely.*

Did you forward the email onto Mr Wood?---*No, I haven't.*

Do you know whether Mr Wood spoke to Ernest Wong about the email? ---*How would I have known?*

40

Do you know whether Mr Wood spoke to anyone else about the email?

THE COMMISSIONER: Mr Zhan – sorry, go on.

THE WITNESS: *How could, how would I have known?*

THE COMMISSIONER: Mr Zhan, Mr Wood is your cousin.--- Yeah.

And you get on well with him?---*Yeah, pretty good. It's all right.*

And you have been to his house many times and him at your house many times?---*I don't go to his home very often. He has been to mine once, but it was a long time ago.*

But you are on good, friendly terms with your cousin, Mr Wood?---*Yes.*

10 And you talk together, not only about business matters, but other topics of interest to both of you?---*I actually don't speak to him a lot if not for work.*

You know that since you drove Mr Tong to Parliament House, and since the time you drove Mr Wood up to see Mr Tong at his house, that there's been a lot of trouble since then about this question of donations, including indeed this very investigation. You agree?---*I knew about something, yes.*

20 And you know there's been a lot of fallout, a lot of problems now arisen out of the donations question.---*I did read the news, it, I, I didn't thought there would be so much trouble.*

And at some point or points, it would be the situation, I take it, that you have sat down and you had chats or talks with your cousin, Mr Wood, as to what actually happened about the donations, so far as he understood. ---*I have asked about what I saw on the news.*

30 But talking generally, you have discussed with him, understandably, the events concerning the donation question that involved Mr Tong?---*Yes, I have asked him what indeed had happened.*

Yes. I can understand that. And what in effect has he said to you about what he believes happened with the donations question, particularly that involving Mr Tong?---*He said that Steve Tong donated it himself and that he has signed himself, how could he have not donated himself otherwise?*

40 And has he discussed Dr Liao's death as connected to the donations question?---*I have asked him about that because the death of Dr Liao had such a huge impact on us.*

And what did he say in response?---*I don't recall very clearly. I think he said that he didn't know the very details either.*

What was the effect of what he said to you on that topic?

THE INTERPRETER: What was the effect?

THE COMMISSIONER: The effect. What's the essence of what he said to you on that topic of the connection between Dr Liao's death and the donations scheme?---*That he was really sad about the incident and that Dr Liao shouldn't have died.*

Now, I want you to answer this question truthfully. What has Mr Wood said to you about how Steve Tong and Dr Liao got caught up in this donations matter? I want the truth.---*I think he said the death of Dr Liao was such a blow to him and he didn't know too much about the donation. I
10 did ask him about the, about the matter but he didn't say a lot to me.*

What did he say about how Steve Tong and Dr Liao got caught up in this donations matter?---*Basically what I said already, that's - - -*

You haven't answered my question and I want an answer. What did he say their role was in the donations matter?---*He hadn't told me.*

You know this is a - - -?---*My apologies.*

20 Sorry?---*My apologies.*

You know this is a very serious matter, don't you?---*I knew afterwards that it was a serious matter.*

You know now it's a serious matter, isn't it?---*Yes.*

Steve Tong and Dr Liao were both very fine men, weren't they, so far as you knew?---*Yes.*

30 How did these two fine men get caught up in this donations scheme, to your knowledge, from what you've been told?---*I do not want to guess. I did ask but he hasn't told me much about the situation. What he has told me was what I have told you already.*

MR ROBERTSON: Because, Mr Zhan, you know, don't you, that in recent weeks people have come and they've sat in the same seat that you're sitting and they've said, "Although I signed a form that said that I made a donation, I did not in fact make a donation." You know that, don't you?---*Yes, I
40 learned that from the news.*

And you told us a little while ago that you asked Mr Wood about what you saw on the news. Is that right?---*Yes, I have.*

And so is it right that you asked, you said to Mr Wood something like, all of these people have come to the Commission and they said that they lied in the past but they've now admitted that they signed forms, even though they weren't donors. Did Mr Tong and Dr Liao do the same thing? Did you ask something like that of Mr Wood?---*More or less, but since my attendance

last time I haven't gone back to work much because I have an exam and I had to study at home.*

But have you at least spoken to Mr Wong – I withdraw that. Have you at least spoken to Mr Wood about the fact that Mr Tong has come and sat in the same seat you're sitting in and said that he did not make a donation? ---*I did ask but he hasn't told me a lot and I felt like the matter is so confusing.*

10 You referred a little while ago to an email that had something to do with donations, do you remember that?---*Yes.*

Other than the email that we've just referred to, the email that I showed you on the screen at the start, and the telephone records that you and I discussed before, have you come across any other documents that you think may be relevant to this investigation?---*I spent the whole night looking for something, but I didn't find anything else.*

20 THE COMMISSIONER: Mr Watson, sorry, Mr Robertson, do you want to speak to Mr Watson in the - - -

MR ROBERTSON: I do, I was going to suggest - - -

THE COMMISSIONER: Do you want to take an adjournment?

MR ROBERTSON: Yes, I was going to suggest a somewhat late morning break, and I indicate I won't call Mr Cheah until after lunch now.

30 THE COMMISSIONER: Yes, all right. Very good.

MR ROBERTSON: And I anticipate say an hour or so of Mr Cheah and then continue on Tuesday. It might be sensible to see whether there will be any applications for leave to cross-examine Mr Zhan, so that we can timetable accordingly.

THE COMMISSIONER: Yes, very well. Well, before I adjourn, are there any applications for cross-examination of this witness, Mr Zhan?

40 MS ALDERSON: Yes, Chief Commissioner, there might be a potential application, if I can confirm with senior counsel this afternoon, and I'll confer with my learned friend about that.

THE COMMISSIONER: Yes, well, Mr Zhan may be gone by lunchtime. So you better, when we resume after the morning tea break, and perhaps in the meantime if you could speak to Mr Robertson.

MS ALDERSON: Yes.

THE COMMISSIONER: Anybody else? Nothing, no-one else? All right. Then I'll take the morning tea adjournment. Adjourned.

SHORT ADJOURNMENT

[12.07pm]

10 MR ROBERTSON: Can we have the email of 19 September, 2016 on the screen, please. Mr Zhan, is this the email that you referred to a moment ago?---*Yes.*

And so by this email, Dr Liao is requesting a meeting with Leon regarding seeking advice on donations matters. Is that right?---*Yes.*

Who is Leon?---*He's our tax accountant, the tax accountant of our company.*

Tax accountant for Wu International Investments. Is that right?---*Yes.*

20 Why are you copied in on the email that we can see towards the top of the screen?---*I tried to recall last night. I think Dr Liao want us to learn more in relation to matters relating to accounting. And this wasn't the first meeting, we would go to Leo [sic] in relation to any tax matter.*

Are you an accountant by trade?---*I do, an accounting officer but not an accountant.*

30 So you do, you're responsible for keeping the books of Wu International. Is that right?---*Yes, some of them would be related to that.*

Well, part of your role at Wu International is to do bookkeeping in relation to finances. Is that right?---*Yes. They have other companies too and I am predominantly involved with the other companies.*

And you mean companies other than Wu International. Is that right? ---*Yes. From time to time I would be involved with something that related to Wu International.*

40 But are you saying that your role is not just restricted to Wu International, there's other companies you do work for as well. Is that right?---*Yes, and they are under the name of Alex parents.*

So one of those is Tongda International Tobacco for example. Is that right? ---*Yeah.*

But for those companies you are involved in keeping books for finances. Is that right?---*Yes.*

And you liaise with Leon in relation to matters of accounting. Is that right?
---*Yes, sometimes.*

Did you go to the meeting with Leon that seems to have been arranged by these emails?---*I can't tell you clearly yes or no. I have tried really hard to think about it last night and I have searched records to that effect but I can't find any.*

10 Do you remember why Dr Liao was asking for the meeting on 19 September, 2016? I'll withdraw that. I'll put it in a slightly different way. Do you remember what caused Dr Liao to ask for a meeting in September of 2016?---*I didn't ask.*

Did something happen that meant that Dr Liao wanted some advice from Leon?---*I guess so.*

Do you remember what that was?---*That wouldn't be part of my knowledge. My role was only relating to accounting.*

20 But is it possible that Mr Tong contacted you in the lead-up to 19 September, perhaps on the Friday beforehand, to say, "I need some help regarding Electoral Commission inquiries"?---*No. Impossible.*

Well, isn't it possible that Mr Tong made contact with you around this time and said, "I need some help from the company regarding the issue of donations"?---*I was not aware of the matter at all at that time.*

30 And is it right that calls of that kind would be made to Dr Liao rather than to you, when Dr Liao was alive?

THE INTERPRETER: Calls?

MR ROBERTSON: Calls, or contacts.---*You mean it's calls from Steve Tong?*

I mean calls from Steve Tong, yes.---*He wouldn't have called me for matters like that.*

40 But Steve Tong did call you regarding those, matters of that kind after Dr Liao had passed away. Is that right?---*Possibly relating to the November incident, in relation to that matter.*

When did you first find out that Mr Tong had signed a form that said that he had donated \$5,000?---*Possibly in the conversation with, his conversation with Mr Wu, with Alex, when I overheard such conversation.*

When was that?---*In November.* Yeah.

November of what year?---No, last year. *Last year.*

But you at least knew about a question of donations concerning Mr Tong when you received this email in September of 2016. Would you agree?
---*I, I did not know whether he was concerned, I did not know what actually had happened. I didn't even attend this meeting there.*

10 But what I'm asking is, was it, was this the first time you found out about Steve Tong and a donation of \$5,000 to the Labor Party, or did you know about it before you received this email of 19 September?---*I, I only knew on receiving this email.*

You weren't told about it before receiving this email, is that right?---No, no, absolutely not. *No, absolutely not.*

Chief Commissioner, I tender the chain of emails on the screen, being a chain of emails of 19 September, 2016, between Leo Liao and Leon, L-e-o-n Teh, T-e-h, and others.

20 THE COMMISSIONER: Could I ask you why the redaction of names?

MR ROBERTSON: There was not an intention to redact any names, only email addresses.

THE COMMISSIONER: Oh, I see. It's the email addresses.

MR ROBERTSON: All that at least was intended to be redacted was the material after the @ symbols of the particular email addresses.

30 THE COMMISSIONER: Yes, very well. Well, then the email chain of 19 September, 2016, commencing with an email from Leo Liao, 7.13am, will be admitted, and will become Exhibit 313.

**#EXH-313 – EMAIL EXCHANGE ON 19 SEPTEMBER 2016
BETWEEN LEO LIAO TO LEON TEH AND OTHERS REGARDING
DONATION MATTERS CONCERNING STEVE TONG**

40 MR ROBERTSON: Mr Zhan, I think you told us this morning that the last time you had contact with Mr Wong was about March of this year, is that right?---*Yeah, he came to our office, but I didn't contact him on my own initiative.*

So in January Mr Wong made contact with you, I think you said by WeChat. Is that right?---*Yes.*

And that was to try and make another meeting with Mr Tong. Is that right?
---*He didn't mention Mr Tong but it was my guess that it was for Mr
Tong.*

He at least wanted to set up a meeting. Is that right?---*Yes, yes.*

And then you saw Mr Ernest Wong in about March of this year. Is that
right?---*Yes.*

10 And you saw him because he came to Wu International's offices at
Chatswood. Is that right? ---*Yes, yes.*

And is that the last time you've seen or had any other contact with Mr
Ernest Wong? ---*Yes.*

Do you know why he came to the Wu International office in March of this
year?---*I have no idea.*

20 Did you speak to Mr Wong when he came to the Wu International office in
March of this year?---*Yes, I did speak to him.*

And do you remember what Mr Wong said to you?---*He asked if my friend
was okay and I replied that he wasn't feeling well.*

When you say the friend, who was he referring to?---*He didn't specify who
he was referring to but my guess was he was referring to Steve Tong.*

30 Do you remember whether Mr Ernest Wong said anything else to you in
March of this year?---*No.*

And what did you say to Mr Wong on that occasion?---*Just general,
general conversation. I asked him he was busy at that time.*

And is it right that there were no other discussions with Mr Wong regarding
Mr Tong or Dr Liao, other than what you've already said to us during the
meeting in March of this year?---*No more.*

40 You were given a summons to appear in this public inquiry towards the end
of July of this year. Is that right?---*Yes.*

Has anyone given you any advice or directions as to what you should say to
this Commission?---*I contacted a solicitor.*

Putting aside any solicitors or other lawyers, has anyone else given you any
advice or direction as to what you should say to this Commission?---*I
spoke to Alex about it and he said, he said that I should only say what I
knew about. I should only tell what I knew about.*

Did he say anything else to you?---*Not to my recollection.*

Now doing the best you can, what words did Alex say to you when he was giving you advice as to what you might say to this Commission?---*He didn't say much. Basically he said, "You tell what you knew. If you don't know, you don't have to say anything."*

Did he tell you that you should feel free to say that I have no recollection of certain matters?---*No, not to my recollection.*

10

Do you agree, Mr Zhan, that you have been much more forthcoming on the occasion today, you've given us more information and more documents than when you were last here before this Commission giving evidence?---*Yes, I have thought a lot, I have thought about it hard when I went, went back, as to the questions, as to what I have learned from the news. I have also listened to my solicitor and I have tried to give as much possible, as much information possible, as possible.*

20

Are there any other reasons why you've been more forthcoming today than last time?---*I have listened to the advice of the lawyer, and also, I have wondered whether I have been used as a middleman to do something. I feel like otherwise, I feel like I could be wasting my time and it could have a negative impact on me.

Used as a middleman by who?---*Maybe Wu International, maybe Ernest Wong, maybe Steve Tong, I don't know.*

30

You said a minute ago you were concerned of the effect that giving evidence might have on you. What did you mean by that?---*I have learnt, the news, they, they talked about me, and my friend have asked me why I was upset, and I think it has impacted me.*

And why were you upset?---*Because I learnt from the news, they are saying that I was lying.*

On the last occasion, were you concerned that if you told this Commission too much information, Mr Wood might be angry with you?---*I do not want to guess about that.*

40

But were you concerned about that matter last time you were giving evidence before this Commission?---*Concerned about what?*

Were you concerned last time you were here that Mr Wood may be angry if you gave this Commission more information?---*I didn't think about that and I have explained why I was able to provide more information this time.*

That's the examination, Chief Commissioner.

THE COMMISSIONER: Can we just have Exhibit 313 back on the screen. That's the email chain, September 2016. Mr Zhan, you'll recall this email chain is between five people, Dr Liao, Leon Teh, Alex Wu or Alex Wood, Steve Tong and yourself. The email chain commenced at 7.13am with Dr Liao writing to the rest of the group, both addressed to the accountant, Leo Teh, and to the others, all of whom either worked at Wu International and Mr Tong. Do you see that?---*Yes.*

10 And the email chain up the top as you'll see is in the name of or on the letterhead of Wu International Investments Pty Ltd. Do you see that?
---*Yes, yes.*

And you'll see the question raised by Dr Liao in the first of the emails, addressed to Mr Leon or Leon Teh. "We would like to have your advice on donation of \$5,000 to Labor Party made by Steve Tong. How about 2.30pm Wednesday 21st?" Do you see that there?---*Yes.*

20 So although it appears to be an email chain that has something to do with Wu International Investments Pty Ltd, in fact it had nothing apparently connected or of relevance to that company, because what Dr Liao was raising was a personal matter or a private matter concerning a donation that Steve Tong had made. Do you see that?---*Yes.*

So, this is unusual, isn't it, because it doesn't seem to have anything to do with business, or the business of Wu International Investments at all, but what it's all concerned about is a donation – that is, a personal donation, not a corporate one – said to have been made by Steve Tong to the Labor Party, so had nothing to do with business matters, did it?---Yes.

30 All right. Well, now, the people who were in the loop, if you know that expression, the five people including yourself - - -?---Yep. Yep.

- - - are all here being addressed and dealing with a non-business matter, but a personal matter concerning Steve Tong.---Yes.

All right. Now, does that help you recall why these five people, at this time in September 2016, were all addressing or had their attention drawn to a personal matter concerning Steve Tong, including yourself?---Yep.

40 How did that come about? And - - -?---*I understand.*

How did that come about, and why was the accountant, Mr Leon Teh, being asked this question?---*I have thought about that last night. Every time Dr Liao ask us, or every time we contact Leon, Dr Liao required myself and Benjamin to go as well, because we both work in accounting area. As to why we were required to go, even for a personal matter, I'm guessing that he wanted us to know more about accounting matters.*

I want you assist the Commission on this question. You understand?---Yes.

Now that you've had attention drawn to this email, why was it that the company personnel were examining or dealing with what was a personal donation made by Mr Tong to the Labor Party, and why involve the company's accountant in that personal matter? Can you explain that please?
---*I think when I thought about I last night I was, I found it strange too, as to why I was sent this email. I was, I guessed that they might have conversation behind as well, between them, which I, to which I have no
10 knowledge as to what they were, they have talked about.*

So, are you saying that when you received this, the copy of the email, that you didn't know anything about it, and why you were being copied in on it?
---*That's right, and I do not recall ever in fact I have attended this meeting. I sometimes just don't want to ask too many things.*

So you don't know why Dr Liao was seeking advice from the company accountant on this matter?---*I do not know.*

20 But you agree that Dr Liao's email is strange and does appear to be out of the ordinary?---*Now I do find it strange. At that time though I thought it was only relating to a personal donation. I didn't find anything out of the ordinary.*

All right. Yes, very well, yes.

MR ROBERTSON: I'll just ask one question arising.

30 THE COMMISSIONER: Yes.

MR ROBERTSON: Mr Zhan, do you see that one of the people this email is sent to is Benjamin Pan? Who is Benjamin Pan?---*He's the main accounting person for Wu International. He's someone superior to me.*

How long has Mr Pan worked at Wu International?---*So he's superior to me in position, in hierarchy.*

40 How long has Mr Pan worked at Wu International?---*10, nine or 10 years in, in, to my knowledge.*

Does he still work at Wu International?---*Yes.*

So is it right that he has been there during the whole of the time that you have been at Wu International?---*Indeed.*

And that includes throughout 2015 he was working at Wu International. Is that right?---*Indeed.*

THE COMMISSIONER: Yes, thank you. Is there any application for cross-examination or not?

MR C. WATSON: Not from me, Chief Commissioner.

THE COMMISSIONER: No. Thank you. Very well. Thank you, Mr Zhan, for your attendance. You're excused for today. You will be advised in due course if there's any further requirement for you to attend again. At the moment it doesn't appear likely, but we will let you know.

10

All right. I'll adjourn till 2 o'clock.

THE WITNESS STOOD DOWN [1.03pm]

LUNCHEON ADJOURNMENT [1.03pm]